



SUB-COMMITTEE REPORT

TOWN REPRESENTATIVE



**Kokila Vaani
Vadiveloo**

Co-Chairpersons : Kokila Vaani Vadiveloo
Gabriel Susayan



Gabriel Susayan

The Town Representatives Committee's function

To receive complaints, issues, and feedback from Selangor Bar members practising in the respective districts within the State.

The complaints, issues, and feedbacks are pertaining to the Selangor Courts. The sub-committee would then channel all the information obtained to the main Selangor Bar Committee and the Sub – Committees in charge of the respective portfolios for their prompt further action.

However as we are all aware this term we were hit with the Covid – 19 pandemic which none of us are ready for. In view of coping, adapting and standing together, the Town Rep Sub Committee did not just focus on its own sub – committee portfolio but also helped in all the other sub committees wherever and whenever needed.



1. 48 HOURS RESPONSE TIME

- 1.1. We are very proud to announce that we practice a 48 hour turnaround time with our members concerns.
- 1.2. We have so far complied and replied to all our members within 48 hours on all their complaints and or queries within a week. We hope the momentum is further maintained and enhanced by the new office bearers for the coming term. The Town Reps challenged themselves to forward their complaint within 48 hours over upon receiving the feedback through phone-calls, whatsapp messages and e-mails of any problems that has arose in their respective districts.

Highlights of term 2020/2021

2. List of Operating and Rotation Schedule in all Courts in Selangor.

- 2.1. On or around 18.03.2020, we were issued with a Movement Control Order order affecting the whole Country. We worked day and night together with the Courts Registrars to put our members at ease by obtaining and sharing the list of the Court operations and rotation schedules of the Court officers on duty in respect of all Courts in Selangor.
- 2.2. We also attended to all members queries as much as possible throughout the lockdown period via phone, whatsapps and emails.

3. Basement Parking in the Shah Alam High Courts Complex.

- 3.1. On or around 08.12.2020, we were issued a circular that lawyers will no longer be allowed to park in the basement carpark with effect from 14.12.2020 onwards.
- 3.2. Following numerous complaints from members on this, the Committee immediately arranged a meeting with the Pengarah Mahkamah Negeri Selangor and the respective Managing Deputy Registrar on 10.12.2020 to address the issue.
- 3.3. At the said meeting, we submitted the reasons why the parking bays are important especially more so during this pandemic. The Pengarah agreed with our submission and resolved that the parking bays at the moment will still be reserved for lawyers and revoked the decision disallowing lawyers to park.
- 3.4. A circular informing the decision to revoke the internal memo was issued on 10.12.2020 to inform the members of the same.



4. The CIVIL LAW CONFERENCE 2020

Post Conference Report

At time of reporting the last AGM the event has not taken place therefore the incoming committee herein will submit a postmorterm report.

Selangor Bar Committee
Presents

CIVIL LAW CONFERENCE 2020
#CLC2020

KEEPING IT CIVIL

14th & 15th February 2020 (Friday & Saturday)
9.00AM - 6.00PM
Grand Ballroom
Concorde Hotel, Shah Alam

<i>Pupils in Chambers : RM 200</i>	<i>Young Lawyers (3 Years & Below) : RM 350</i>
<i>Members : RM 450</i>	<i>Non- Members : RM 550</i>



Selangor Bar Committee
CIVIL LAW CONFERENCE 2020
#CLC2020
KEEPING IT CIVIL

14th & 15th February 2020 Concorde Hotel, Shah Alam

OPENING ADDRESS
YAA Tan Sri Dato' Sri Azahar Bin Mohamed
Chief Judge of Malaya

LEAVE APPLICATIONS AT THE FEDERAL COURT
YAA Tan Sri Datuk Seri Panglima David Wong Dak Wah
Chief Judge of Sabah & Sarawak

Pleadings & Written Submissions **Pre-Trial Case Management** **Interlocutory Reliefs** **Injunctions**

Dato' Mah Weng Kwai Dato' Seri Mohd Hishamuddin Yunus YA Datuk Hasnah Binti Dato' Mohammed Hashim YA Datuk Wong Kian Kheong YA Datuk Lim Chong Fong

Appellate Advocacy **Companies Act 2016: Recent Developments** **Judicial Review** **Evidence**

YA Dato' Mary Lim Thiam Suan Mr. Lee Shih Mr. Shanmuga Kanesalingam Mr. Andrew Chiew Ean Vooi Mr. Gan Khong Aik

Please click here

(https://gizwizstudio.sgp1.digitaloceanspaces.com/sgorbar/clc_2020_promo.mp4)

to view the promo video and here

(http://selangorbar.org/event_register.php?event_id=827)

to register.

The Civil Law Practice & Court Liaison subcommittee term 2019/2020 had organized the inaugural Civil Law Conference on the 14th & 15th February 2020 with the theme “Keeping it Civil #CLC2020”. The objective to provide a platform for all members to the developments of Civil law in practice perspective. The co – chairperson Kokila Vaani Vadiveloo of this sub committee was the then organiser of the CLC 2020 and the accounts was passed in April 2020 with profits of RM 11,000.00. The event recorded a huge success with 200 participants including participants from High Court Judges of Sabah and Sarawak.



5. **E-REVIEW**

- 5.1 Most of the members were subjected to handle matters by e-review and e-mails on the upgraded E- Review system during the pandemic. The complaints were mainly on the fact that the lawyers were not given consulted prior to dates being fixed. We have forwarded the complaint to the Civil and Criminal Courts Liaison Committee to look into.

6. **MEET US & TELL US**

- 6.1. Introduced in 2015 by the Civil Law Practice and Court Liaison to create an avenue for members to meet us and tell us any grievances, complaints or concerns regarding the practice of civil and criminal in all the Selangor Courts.
- 6.2. We received an overwhelming response on the members from the ground as we were stationed in the Courts itself for approximately 3 hours meeting the members and speaking to them.
- 6.3. It also helped us to meet our members face to face in order to assist them better.
- 6.4. In view of the Covid – 19 pandemic, this Sub Committee decided to conduct the Meet Us & Tell Us online this term via zoom. Unfortunately the Chairman raised some concerns over the viability of the sessions over Zoom, we regret to note we could not proceed with the sessions.
7. Practice Direction was issued on handling and conducting civil cases during the Movement Control Order 2.0 from 13.1.2021 to 26.1.2021 by the YAA Chief Justice of Malaysia.
- 8.1 Herein below a summary prepared by a law firm Messrs Jamie Wong of a recent Practice Direction issued by the Chief Justice of Malaysia on conducting civil proceedings online.



PRACTICE DIRECTION DURING THE MOVEMENT CONTROL ORDER 2.0 (MCO)

C I V I L C A S E S

Certificate of Urgency



- **Federal Court:**
The Senior Deputy Registrar/ Deputy Registrar will process the documents filed on a Certificate of Urgency (further instructions from YAA Chief Justice).
- **Court of Appeal:**
The Registrar of the Court of Appeal/ Senior Deputy Registrar will process the documents filed on a Certificate of Urgency (further instructions from YAA President of the Court of Appeal).
- **High Court:**
The Deputy Registrar (Administration/ Manager) or Senior Assistant Registrar (Administration/ Manager) will process the documents filed on a Certificate of Urgency (further instructions from YAA Judge/ Judicial Commissioner on duty).
- **Sessions Court:**
The Senior Assistant Registrar of the Subordinate Court will process the documents filed on a Certificate of Urgency (further instructions from the State Court's Director).

Filing and Case Management



- For Courts that use the e-Kehakiman system, the filing of new cases/ notices of appeal and documents is through the e-Kehakiman system. For Courts that do not have an e-Kehakiman system, the filing of new cases and documents shall be done physically.
- For cases that require urgency, filing can be made in a nearby Court that has an e-Kehakiman system in the state.
- Case management will be carried out through remote communication technology.

Trial or Hearing of Cases



- The Practice Directions of the Chief Justice of Malaysia No. 1 of 2021 on the Handling of Civil Case Proceedings Through Remote Communication Technology for Courts Across Malaysia shall be applicable (refer to next page).
- For the High Court, Sessions Court and Magistrate Court, the Practice Direction through remote communication technology shall be carried out from their respective residences.

All Practice Directions relating to the conducting of cases in Courts throughout Malaysia during the MCO period issued from 19 March 2020 to 3 May 2020 are void.

ISSUED BY YAA CHIEF JUSTICE OF MALAYSIA PURSUANT TO SECTION 16A OF COURTS OF JUDICATURE ACT 1964 [ACT 91] AND SECTION 3A OF THE SUBORDINATE COURTS ACT 1948 [ACT 92] WHICH HAS BEEN MODIFIED THROUGH THE TEMPORARY MEASURES ACT TO REDUCE THE IMPACT OF CORONAVIRUS DISEASE 2019 (COVID-19) 2020 [ACT 829].




JW JAMIE WONG
SOLICITORS & BARRISTERS

13 JAN - 26 JAN 2021


**PRACTICE DIRECTION DURING THE
MOVEMENT CONTROL ORDER 2.0
(MCO)**

C I V I L C A S E S


Trial or Hearing of Cases

 Use of the **email platform:**

- Courts shall send a notice that contains the date and time of the proceedings and the relevant Practice Directions to the parties to conduct the proceedings.
- The notice shall be submitted at least (1) week before the date of proceedings. Parties shall acknowledge the receipt of the notice within (3) days from the date of receipt, and state the correct email address and telephone number.
- Parties shall reply to the email using the first email thread which contains the notice that has been sent to the parties by the Court. Each email must be copied to all parties.
- If one of the parties begins the proceedings earlier or later than the appointed time, this cannot be used as grounds for the Courts to quash the proceedings.
- All communications through email must be kept by the Court in a digital file and uploaded into the Court application system. For manually filed cases, all communication through email should be stored in the relevant case file.

 Use of the **e-review platform:**

- The Practice Direction for conducting proceedings through the e-review platform for the Federal Court, Court of Appeal, High Court, Sessions Court and Magistrate Court is provided in any Practice Directions, or guidelines issued from time to time.

 Use of the **video-conference platform:**

- Before conducting each proceeding, all parties must provide digital copies of all documents, materials and written submissions. They must be filled and submitted in accordance with the directions of the Court. All applicable documents must be downloaded from the Court filing system for "share screen" purposes.
- Microphone must always be muted except when arguing, submitting objections or when answering question from the Chairman of the Panel Conference ("Chairman"), or the Judge.
- Lawyers are not allowed to share any document that were not downloaded from the Court filing system, through the "share screen" function.
- Parties are not allowed to record the proceedings, but may obtain the recording by making an application to the Chairman or Judge before the proceedings begin or by writing to the Court after the proceedings have ended.

All Practice Directions relating to the conducting of cases in Courts throughout Malaysia during the MCO period issued from 18 March 2020 to 3 May 2020 are void.

ISSUED BY YAA CHIEF JUSTICE OF MALAYSIA PURSUANT TO SECTION 124 OF COURTS OF JUDICATURE ACT 1948 [ACT 91] AND SECTION 3A OF THE SUBORDINATE COURTS ACT 1948 [ACT 92] WHICH HAS BEEN MODIFIED THROUGH THE TEMPORARY MEASURES ACT TO REDUCE THE IMPACT OF CORONAVIRUS DISEASE 2019 (COVID-19) 2020 [ACT 894].

9. Scanning e-filing documents assistance to Selangor Bar Members

- 9.1 The SBC aware that the members are finding some difficulties to scan the documents for e-filing purposes and the Court e-filing scanning bureau can be a long wait. To ease our members, the SBC have installed 2 scanners in the Bar Room (Shah Alam Court Complex) & 1 in the SBC library. We already have 1 scanner at the secretariat (ground floor).
- 9.2 The SBC charges RM0.20 for scanning (per page) and RM2.00 for CDR (per pc)- inclusive of 6% GST.



9.3 Members can also utilize the desktop computers provided at the said Bar Room and SBC's the secretariat at the rate of RM5.00 for 30 minutes for the purpose of E-filing using their own e-filing tokens. We genuinely believe this act will help our members to cope with the e-filing and the transition of e-filing to Phase 2.

10. Assistance to conduct online hearings at the Selangor Bar.

On 12.10.2020 the Selangor Bar has set up a Video Conferencing Facility at the Selangor Bar secretariat for the benefit of members who are facing difficulty with online hearings.

Members whom do not have the IT infrastructure or required internet connectivity to take part in an online hearing from their home or office are encouraged to utilise the facility provided by the Selangor Bar.

Kindly contact the Selangor Bar Secretariat at 03-5519 6219 or email to secretariat@sgorbar.org to make the necessary arrangements.

11. COMPLAINTS/ISSUES

In no particular order, some of the complaints received by this Sub-Committee from members of the Bar.

Lifts in Shah Alam Court Building.

May 2020

Immediately looked into the complaints that there were lawyers stuck in the Shah Alam Courts lifts. Spoke to the Pengarah and the maintenance and it was resolved within an hour.

Drain Cover missing in the Klang Courts

August 14 2020

Received complaint on drain cover missing at the entrance of the Klang Courts. Brought this up with the Puan Pengarah and the drain was covered on 1.9.2020.

Broken Tables in Kajang Courts Bar Room.

August 14 2020



It is not safe for members to be working amongst broken furnitures. There was a complaint of broken tables at Kajang Court bar room. We immediately sent our SBC Staff to remove them on 16/8/2020 after informing the Pendaftar.

Proposal for a Cash Deposit Machine in Telok Datok Courts.

October 2020

There were numerous complaints that for the purposes of bail, a Cash Deposit Machine is required inside the premises of Telok Datok Courts as the nearest Banks are too far for the family of the accused to attend to the payment of bail monies within the stipulated time.

Spoke to Puan Pengarah, she agreed to look into it and requested us to write in to the respective Court. SBC had wrote in on 20.10.2020 and it is pending reply.

Installation of a water vending machine in the Kuala Selangor Courts

October 2020

A proposal to install a water vending machine for the ease of members and public attending the Kuala Selangor court complex.

Court to set up 5 units of vending machines for hot and cold food and drinks at various locations in the Court complex.

We have wrote to Puan Pengarah and the Pendaftar of the Kuala Selangor Courts on 20.10.2020 and awaiting reply.

Manual filing in Bangi Courts

June 2020

Situations have arose where after filing, lawyers complained that the Writ of Summons were not sealed more than 2 weeks. Lawyers were asked to wait as the Curt was working on an rotation basis and the Court staff only works once a week.

SBC managed to speak to the Court staff and resolve thne issue and the Writ was processed and ready for extraction.



12. MENTION AND THANKS

- 12.2.1 We acknowledge receiving full co-operation from the Courts Administration Registrars, Judges in accommodating when receiving the complaints. It is hope that this spirit of co-operation between the Bar and the Judiciary can be maintained, if not enhanced in the coming term.
- 12.2.2 We wish to express our utmost appreciation to all members of this Sub-Committee who have given their time, which indeed is a precious commodity for lawyers in this day and age of KPIs, and throughout the MCO period to devote to the Sub-Committee meetings and the work of this Sub-Committee.
- 12.2.3 In closing, we wish to thank our fellow members of the Selangor Bar Committee, the Executive Secretary, the Secretariat staff and Ms. Sree Kumari at the Bar Room. This Sub-Committee also extend our appreciation to the Administration of the Selangor Courts for their co-operation and speedy response in resolving issues and concerns raised by the Selangor Bar Committee.

Report submitted by:

Kokila Vani Vadiveloo
Gabriel Susayan
Co-Chairpersons,
Town Representative Sub-Committee