

JOHORE BAR COMMITTEE



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(PRACTICE AND ETIQUETTE
RULES) 1978

PUPILAGE HANDBOOK

This handbook is meant as general guideline on the formal requirement and process leading up to be admitted as an advocate and solicitor of High Court of Malaya. Pupils or graduates contemplating pupillage are advised to get the latest update with Malaysian Bar/ Johor Bar.

We invite feedback and comments to enable us to improve the contents for future editions.

Young Lawyers and Chambering Pupils Committee 2014/2015

CHAPTER 2: JOHORE BAR

Johore Bar is a creature of statute, a body representing legal practitioners in the state of Johor. It is currently fused with a membership of approximately 1796 members as at 31/12/2014.

The Johore Bar is led by a Committee comprising the Chairman and 10 other members who are elected annually. The Committee is also empowered to co-opt 2 additional members and appoint 1 Honorary Secretary into the Committee. The Johore Bar takes office at the conclusion of the Annual General Meeting (AGM) and concludes at the AGM of the following year. Johore Bar currently has 10 sub-committees to undertake a host of events and activities. Pupils are encouraged to participate.

- a) Courts Liaison and Public Relations Committee
- b) Conveyancing Committee
- c) Building, House, Library & Members' Welfare Committee
- d) Continuing Professional Development Committee
- e) Sports Committee
- f) Social, Charity & Welfare Committee
- g) North Johore Affairs Committee
- h) Legal Aid Committee
- i) Shariah Committee
- j) Human Rights Committee
- k) Publication & Information Technology Committee
- l) Young Lawyers and Chambering Pupils Committee

* More information relating to Johore Bar can be found on the Johore Bar official website - <http://www.johorebar.org.my/>

CHAPTER 3: PUPILAGE

Pupilage is the final stage on the route to qualification as a practising advocate & solicitor, in which a 9 months' practical training is undertaken supervised by an experienced member of the Bar.

Pupilage ends on the same day 9 months after the Petition for Admission is filed. i.e. if the Petition filed on 1/1/2014, pupilage should end on 1/10/2014.



CHECKLIST

- 1) Borang 1
(Petition for Admission and Affidavit Verifying Petition)
- 2) Borang 2
(Notice of Petition)
- 3) Borang 3
(Originating Summons)
- 4) Borang 4
(Pupil Master's Affidavit)
- 5) Borang 5
(Pupil's Affidavit)
- 6) Borang 6
(Affidavit)
- 7) Borang 7
(Certificate of Good Character)
- 8) Borang 8
(Certificate of Dilligence)

* You can purchase all the Borang from Johore Bar at RM5-00.

**TRUST ME
I'M A LAWYER
^
ALMOST**

Borang 1 & 2

1.	When	Immediately upon commencing pupillage	
2.	Filing	<ul style="list-style-type: none"> - Before filing, make sure your affidavit is duly affirmed before a Commissioner of Oath; - Through e-filing system into Kuala Lumpur High Court, regardless the State where you serve your pupillage; - Certified true copies* of Birth Certificate, Identity Card, LL.B Degree Certificate, Bar/ CLP Certificate together with Borang 1; - Your Petition will be registered with Petition no. "18-xxxx-mm/yyyy" <p>* Copies must be certified by an Advocate and Solicitor who is not your master</p>	
3.	Service	<ul style="list-style-type: none"> - 1 copy of Borang 1 & 2 on Bar Council, Johore Bar Committee and Attorney General's Chamber ("Three Bodies") respectively; - 32 copies of Borang 2 on:- Mahkamah Tinggi Kuala Lumpur Bahagian Rayuan dan Kuasa-kuasa Khas (RKK) Kompleks Mahkamah Kuala Lumpur Jalan Duta, 50592 Kuala Lumpur. (for purpose of posting to the various High Courts as stated in Borang 2) <p>After service, prepare an Affidavit of Service, exhibiting Borang 1 & 2 and proof of service.</p>	
4.	Filing Fees	Borang 1	RM160-00
		Affidavit Verifying Petition	RM16-00
		Borang 2	RM16-00
		Affidavit of Service	RM16-00

5.	Remarks	<p>Upon commencement of pupillage,:-</p> <p>(a) Sign up for Professional Standards Course (Ethics Lecture Programme)*. RM200-00 is payable to the "JOHORE BAR HOUSE & LIBRARY FUND" and RM50-00 (e-learning**) is payable to Bar Council;</p> <p><i>"Majlis Peguam No. 15, Leboh Pasar Besar, 50050 Kuala Lumpur. Tel: 03-2050 2050 Fax: 03-2026 1313/ 2034 2825/ 2072 5818"</i></p> <p><i>"Johore Bar Committee No. 5, Jalan Tun Abdul Razak, Susur 1/1, 80000 Johor Bahru, Johor Tel: 07-2763888 Fax: 07-2761188"</i></p> <p>(b) Register for compulsory 14 days legal aid duty (including Yayasan Bantuan Guaman Kebangsaan (YBGK) training) at the Legal Aid Centre;</p> <p><i>"Legal Aid Centre Tingkat 5, Mahkamah Sesyen & Majistret, Jalan Ayer Molek, 80000 Johor Bahru, Johor. Tel: 07- 2235698 Fax: 07-2269024"</i></p> <p>(c) Apply for Bahasa Malaysia exemption certificate, if you have obtained at least a Credit in Bahasa Malaysia in SPM or 'O' Level Examination or any equivalent examination (RM110-00):-</p> <p><i>"Lembaga Kelayakan Profesion Undang-undang Malaysia Unit 3-01, Tingkat 3, Wisma Straits Trading, No. 2, Jalan Leboh Pasar Besar, 500500 Kuala Lumpur. Tel: 03-2691 0054/ 0080 Fax: 03-2691 0142"</i></p>
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		<p>* You are required to pass a written test evaluation at the end of the Professional Standards Course. In conjunction with the course, a dinner will be extended to the all the Judges and Judicial Commissioners sitting at the High Court in Johor Bahru. The main objective of the dinner is to provide pupils with hands on experience of the traditions of our glorious Bar and its rules of etiquette.</p> <p>** You will receive an email wherein you will be able to log ion EPS portal with the username and password provided thereof.</p>
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Borang 3, 4 & 5

6.	When	Can be filed after Borang 1 and 2 have been filed	
7.	Filing	<ul style="list-style-type: none"> - You may file Borang 3, 4 & 5 through e-filing system. Please take note that Borang 3, 4* & 5** are to be filed into Johor Bahru or Muar High Court if you are undergoing the pupillage in Johor State; - Your Originating Summons will be registered with Originating Summons no. "17-xxxx-mm/yyyy" <p>* <u>Borang 4</u></p> <ul style="list-style-type: none"> - Residential address shall be inserted after the pupil master's name <p>** <u>Borang 5</u></p> <ul style="list-style-type: none"> - Office address shall be inserted after the pupil master's name; - Certified true copies of Birth Certificate, Identity Card, LL.B Degree Certificate, Bar/CLP Certificate together with Borang 3 	
8.	Service	<ul style="list-style-type: none"> - 1 copy of Borang 3, 4 & 5 on Three Bodies respectively; - After service, prepare an Affidavit of Service, exhibiting Borang 3, 4 & 5 and proof of service. Affidavit of Service is to be filed at least 10 working days before "short call" 	
9.	Filing Fees	Borang 3	RM160-00
		Borang 4	RM16-00
		Borang 5	RM16-00
		Affidavit of Service	RM8-00
		Fair Order (Short Call)	RM80-00

10.	Short Call Under s 36(2) Legal Profession Act 1976 (Act 166)	<ul style="list-style-type: none"> - After filing Borang 3, 4 & 5, you will be given a date for "short call"; - Before the "short call" date, collect "no objection" letters from Bar Council and Johore Bar; - On the "short call" date, attend the Court with a lawyer to move your "short call"; - After "short call", file your draft order and fair order (after received the approved draft order from the Court); - Serve the "short call" order on Three Bodies; - Upon the "short call" Order, you are permitted to appear on behalf of pupil master or of the firm in which the pupil master is practising:- <ul style="list-style-type: none"> (a) during the period of 3 months from the date of "short call" Order, before a Judge or a Registrar of the High Court, in Chambers; before a President of the Sessions Court or a Magistrate, in Chambers; before a Registrar of the Subordinate Courts, to mention a case, including entering judgment in default, or to apply for bail or to take a consent judgment or order; and (b) at the expiration of said 3 months, in Chambers in the High Court and in the Subordinate Courts and before any Magistrate, to conduct any cause or matter.
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Borang 6, 7 8

11.	When	Upon completion of pupillage
12.	Filing	<p>Sijil Penampalan Borang 6 into Court Notis Perbicaraan Sijil Pengesahan Dokumen</p> <p>* Borang 6 to be exhibited with Birth Certificate, Identity Card, LL.B Degree and Bar/ CLP Certificate, 2 duly signed Borang 7, Borang 8 duly signed by Master, Ethics Certificate, Bahasa Malaysia Exemption Certificate, Sijil Penampalan.</p> <p>** Borang 7 to be signed by 2 referees who must be professionally qualified persons and must have known you for more than 5 years.</p> <p>*** Borang 8 to be signed by your master after your pupillage ends.</p> <p>- You need to file Sijil Penampalan, Borang 6, Notis Perbicaraan, Sijil Pengesahan Dokumen at Kuala Lumpur High Court.</p> <p>Normally, you will need to go 2 departments:- (I) Bahagian Rayuan dan Kuasa-kuasa Khas (RKK) at 1st Floor for processing documents; (II) Filing counter/ kiosk at Ground Floor for payment.</p> <p>- At Bahagian RKK, remember to fill in a form (<i>Permohonan untuk memindahkan fail ke Mahkamah Tinggi Malaya xxxx</i>) should you intend have your "long call" ceremony held in other State.</p> <p>- On the same day, you need to go Bar Council to make payment:-</p>

		<p>(I) RM200-00 being admission fees under s 28(3) Legal Profession Act 1976 payable to the Discipline Fund;</p> <p>(II) RM30-00 being fees for instrument of admission under s 28(3) Legal Profession Act 1976.</p>	
13.	Service	<ul style="list-style-type: none"> - 1 copy of Borang 6, Sijil Pengesahan Dokumen-Dokumen, Notis Perbicaraan on Three Bodies respectively; - after service, prepare an Affidavit of Service, 	
14.	Filing Fees	<p>Sijil Penampalan</p> <p>Borang 6</p> <p>Notis Perbicaraan</p> <p>Sijil Pengesahan Dokumen</p> <p>Affidavit of Service</p> <p>Fair Order (Long Call)</p>	<p>RM40-00</p> <p>RM16-00</p> <p>RM200-00</p> <p>RM40-00</p> <p>RM16-00</p> <p>RM300-00</p>
15.	Long Call (Admission to the Bar)	<ul style="list-style-type: none"> - Make sure an advocate & solicitor, who has at least 7 years' practice (and not from your firm) agrees to move your long call; - Call your mover to introduce yourself and inquire what information to be provided to your mover (e.g. a copy of your resume); - Prepare invitation card to your VIP (including your family and friends); - Call Bar Council, Johore Bar and Attorney General's Chamber to check whether your papers are in order and collect "no objection" letters; - Pupils appearing in Court MUST comply with dress code pursuant to Circular No. 004/2012 (please see the annexure); - Bring your file together with all relevant 	

		<p>documents to Court;</p> <ul style="list-style-type: none"> - Prepare 2 copies of the draft Order. You may get the representatives for Bar Council, Johore Bar and Attorney General's Chamber to sign on the draft order immediately after the ceremony or you will have to track them down individually to get their signatures; - Invite Judges for refreshment after the ceremony in Open Court; - Serve the "long call" order on Three Bodies. There is no need to file an affidavit of service. - Pay RM200-00 being Annual Subscription Fees to Johore Bar; - Submit forms together with your Statutory Declaration to apply for Sijil Annual to Bar Council together with payment of Discipline Fund (RM60-00), Compensation Fund (RM100-00), Building Fund (RM100-00), Legal Aid Fund (RM100-00), Sports Fund (RM20-00) and Lawccare Fund (100-00) - Follow up with Bar Council and Johore Bar for collection of your Sijil Annual and Practising Certificate.
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Sample Admission to the Bar Papers

Petition for Admission and Affidavit verifying Petition

BORANG 1				
DI MAHKAMAH TINGGI MALAYA DI KUALA LUMPUR				
Petisyen	untuk	Penerimaan	Masuk	Dalam Perkara
Peguambela		dan	Peguamcara	beralamat di
No.18 -
				Dan
				Dalam Perkara Seksyen 10 dan 15 Akta Profesion Undang-Undang 1976 (Akta 166)
Kepada:				
Yang Arif Hakim-Hakim Mahkamah Tinggi Malaya				
PETISYEN DARIPADA				
(No. KP:)				
MENYATAKAN:				
1. Pempetisyen telah mencapai umur lapan belas tahun.				
2. Pempetisyen adalah berkelakuan baik dan:				
a. tidak pernah disabitkan di Malaysia atau di mana-mana tempat lain atas apa-apa kesalahan jenayah yang menjadikannya tidak layak menjadi ahli profesion undang-undang, khususnya, tetapi tidak terhad kepada, sesuatu kesalahan berkenaan dengan frod atau kecurangan;				
b. tidak pernah dihukum menjadi bankrap dan tidak pernah didapati bersalah atas apa-apa perbuatan atau ketinggalan yang dinyatakan dalam perenggan (a), (b), (c), (e), (f), (h), (k) atau (l) sabseksyen (6) seksyen 33 Akta Bankrap 1967;				
Akta 55/67				
c. tidak pernah melakukan apa-apa perbuatan lain yang membolehkan ia dipecat atau hilang kelayakan atau digantung daripada menjalankan amalan, jika ia seorang Barrister atau Peguamcara di England; atau				
d. tidak pernah, atau tidak boleh kena, dipecat, hilang kelayakan atau digantung atas sifatnya sebagai seorang pengamal undang-undang di mana-mana negara lain.				
3. Pempetisyen adalah seorang warganegara Malaysia/seorang pemastautin tetap Malaysia.*				
4. Pempetisyen adalah "orang berkelayakan" di bawah Akta Profesion Undang-Undang 1976.				
Akta 166				
.....				
(di sini nyatakan butir-butir kelulusan)				
5. Pempetisyen sekarang ini menjalani tempoh latihannya dengan Encik/Puan/Cik*				
beralamat dari Tetuan				
seorang Peguambela dan Peguamcara yang menjalankan dan telah menjalankan amalan secara aktif di Malaysia bagi jumlah tempoh tidak kurang daripada tujuh tahun sebelum sahaja tarikh latihannya bermula.				
6. Pempetisyen berhasrat agar diterima masuk dan didaftarkan sebagai seorang Peguambela dan Peguamcara Mahkamah Tinggi Malaya.				
7. Pempetisyen memohon agar Mahkamah Yang Mulia berkenan untuk menerima masuk dan mendaftarkan Pempetisyen sebagai Peguambela dan Peguamcara dan Pempetisyen akan sentiasa bermohon, dsb.				
Bertarikh haribulan 20.....				
..... Pempetisyen				
*Potong mana yang tidak berkenaan				

Sample Admission to the Bar Papers

Petition for Admission and Affidavit Verifying Petition - cont.

Kepada:

- 1. Yang Berbahagia Peguam Negara, Malaysia
- 2. Setiausaha, Majlis Peguam
- 3. Setiausaha, Jawatankuasa Peguam

AFIDAVIT

Saya
Pempetisyen yang bernama di atas, berikrar dan menyatakan bahawa kandungan Petisyen terdahulu adalah benar.

DIKRAR di
pada haribulan 20.....

Di hadapan saya,

Pesuruhjaya Sumpah

Alamat penyampaian Pempetisyen adalah di
.....
.....

Sample Admission to the Bar Papers

Notice of Petition

BORANG 2 DI MAHKAMAH TINGGI MALAYA DI KUALA LUMPUR

Petisyen untuk Penerimaan Masuk Dalam Perkara
 Peguambela dan Peguamcara beralamat di
 No.18 -

Dan

Dalam Perkara Seksyen 10 dan 15 Akta Profesion
 Undang-Undang 1976 (Akta 166)

NOTIS

SILA AMBIL TAHU bahawa saya, beralamat di

pada hari ini telah memfailkan di pejabat Pendaftar Mahkamah Tinggi Malaya di Kuala Lumpur suatu Petisyen kepada Yang Arif Hakim-Hakim Mahkamah Tinggi Malaya memohon agar saya diterima masuk dan didaftarkan sebagai Peguambela dan Peguamcara Mahkamah Tinggi Malaya.

DAN SILA AMBIL TAHU SELANJUTNYA bahawa saya akan, selepas berakhirnya sembilan (9) bulan dari tarikh notis ini atau selepas berakhirnya tempoh yang lebih singkat sebagaimana Mahkamah arahkan, memohon agar saya diterima masuk dan didaftarkan sebagai Peguambela dan Peguamcara Mahkamah Tinggi Malaya sewajarnya.

Bertarikh haribulan 20.....

.....
 Pempetisyen

Alamat bagi penyampaian Pempetisyen adalah di Tetuan

Kepada:

- Penolong Kanan Pendaftar, Pejabat Pendaftaran Mahkamah Tinggi, Mahkamah-Mahkamah Undang-Undang, Kuala Lumpur
- Penolong Kanan Pendaftar, Mahkamah Tinggi, Shah Alam.
- Penolong Kanan Pendaftar, Mahkamah Tinggi, Kangar.
- Penolong Kanan Pendaftar, Mahkamah Tinggi, Alor Setar.
- Penolong Kanan Pendaftar, Mahkamah Tinggi, Pulau Pinang.
- Penolong Kanan Pendaftar, Mahkamah Tinggi, Ipoh.
- Penolong Kanan Pendaftar, Mahkamah Tinggi, Taiping.
- Penolong Kanan Pendaftar, Mahkamah Tinggi, Seremban.
- Penolong Kanan Pendaftar, Mahkamah Tinggi, Melaka.
- Penolong Kanan Pendaftar, Mahkamah Tinggi, Johor Bahru.
- Penolong Kanan Pendaftar, Mahkamah Tinggi, Muar.
- Penolong Kanan Pendaftar, Mahkamah Tinggi, Kuantan.
- Penolong Kanan Pendaftar, Mahkamah Tinggi, Temerloh.
- Penolong Kanan Pendaftar, Mahkamah Tinggi, Kuala Terengganu.
- Penolong Kanan Pendaftar, Mahkamah Tinggi, Kota Bharu.

Yang Berbahagia Peguam Negara, Malaysia.
 Setiausaha, Majlis Peguam, Negeri-Negeri Tanah Melayu.
 Setiausaha Jawatankuasa Peguam

Sample Admission to the Bar Papers

Sample Affidavit of Service of Borang 1 and Borang 2

DI MAHKAMAH TINGGI MALAYA DI KUALA LUMPUR
(BAHAGIAN RAYUAN & KUASA-KUASA KHAS)
PETISYEN UNTUK PENERIMAAN MASUK NO. **insert petition no.**

Petisyen untuk Penerimaan Masuk Dalam Perkara
Peguambela dan Peguamcara beralamat di
No.18 -

Dan

Dalam Perkara Seksyen 10 dan 15 Akta Profesion
Undang-Undang 1976 (Akta 166)

Your name

PEMPETISYEN

AFIDAVIT PENYAMPAIAN

Saya, **[your name] (No. K/P:**) yang cukup umur dan seorang warganegara Malaysia yang beralamat di **[your residential address]** dengan ini sesungguhnya berikrar dan menyatakan seperti berikut:

1. Saya adalah Pempetisyen Dalam Kamar di Tetuan **[your firm's name]**.
2. Saya telah menyampaikan sesalinan Petisyen Penerimaan Masuk Peguambela & Peguamcara dan Notis, Borang 1 bertarikh dan Borang 2 bertarikh bersama-sama dengan Affidavit **[your name]** yang diikrarkan pada di Pejabat-pejabat berikut:
 - a. Pejabat Peguam Negara Malaysia di **[AG's Chambers' address]** pada jam
 - b. Pejabat Majlis Peguam Malaysia di **[Malaysian Bar Council's address]** pada jam
 - c. Pejabat Jawatankuasa Peguam **[relevant State]** di **[relevant State Bar Committee's address]** pada jam
3. Pegawai-pegawai bertugas di Pejabat-pejabat tersebut di atas telah mengesahkan penerimaan dokumen tersebut dengan menandatangani dan meletakkan cop pejabat masing-masing atas salinan dokumen tersebut disertakan bersama dan ditandakan sebagai Ekshibit 'A'.

DIKRARKAN oleh **[your name]** Di)
pada)
)
)

Di hadapan saya,

Pesuruhjaya Sumpah

Afidavit Penyampaian ini difailkan oleh **[your firm's name, address and telephone number]**

Sample Admission to the Bar Papers

Sample Statutory Declaration if there is a difference in name

BORANG AKUAN

Saya, **[your name]** (No. KP) yang beralamat di **[your residential address]** dengan sesungguhnya dan sebenarnya mengaku bahawa:

Nama **[name on your certificate]** yang tertera di Sijil **[your certificate's name]** adalah merujuk kepada saya, iaitu **[your name as on your birth certificate/IC]** dan saya membuat akuan ini dengan kepercayaan bahawa apa-apa yang tersebut di dalamnya adalah benar, serta menurut Akta Akaun Berkanun, 1960.

Diperbuat dan dengan sebenar-benarnya)
diakui oleh yang tersebut nama di atas iaitu)
[your name])
di Kuala Lumpur)
pada)

Di hadapan saya,

Pesuruhjaya Sumpah

Sample Admission to the Bar Papers

Summons in Chambers for "Short Call"

<p>BORANG 3 DI MAHKAMAH TINGGI MALAYA DI..... (BAHAGIAN RAYUAN & KUASA-KUASA KHAS) <u>PETISYEN UNTUK PENERIMAAN MASUK NO. insert petition no.</u></p>	
<p>Dalam Perkara di Mahkamah Tinggi di Petisyen untuk Penerimaan Masuk Peguambela dan Peguamcara No:</p>	<p>Dalam Perkara Dan Dalam Perkara Seksyen 36(2)(a) & (b) Akta Profesion Undang-Undang 1976</p>
PEMOHON	
<u>SAMAN DALAM KAMAR</u>	
<p>BENARKAN SEMUA PIHAK yang berkenaan hadir di hadapan Tuan Hakim dalam Kamar pada haribulan pada pukul pagi/petang untuk mendengarkan permohonan bagi pihak Pemohon di bawah Seksyen 36 (2) (a) & (b) Akta Profesion Undang-Undang 1976, untuk suatu perintah bahawa yang sedang menjalani tempoh latihannya di kamar Pemohon dibenarkan hadir bagi pihak Pemohon atau Tetuan</p>	
<p>(a) dalam tempoh tiga (3) bulan dari tarikh Perintah ini: (i) di hadapan Hakim atau Pendaftar Mahkamah Tinggi di dalam kamar; (ii) di hadapan Hakim Mahkamah Sesyen atau Majistret di dalam kamar; (iii) di hadapan Pendaftar Mahkamah-Mahkamah Rendah; bagi sebutan kes yang termasuk memasukkan penghakiman ingkar atau untuk memohon jaminan atau untuk mendapat penghakiman atau perintah persetujuan; dan</p>	
<p>(b) pada akhir jangkamasa selama tiga (3) bulan tersebut di dalam kamar di Mahkamah Tinggi dan di Mahkamah Rendah dan di hadapan mana-mana Majistret untuk mengendalikan sebarang kausa atau perkara.</p>	
<p>Bertarikh haribulan 20.....</p>	
<p>..... Timbalan Pendaftar Mahkamah Tinggi</p>	
<p>Saman Dalam Kamar ini telah difailkan oleh Tetuan</p>	
<p>Saman Dalam Kamar ini di sokong oleh Afidavit-Afidavit dan kedua-duanya yang telah diikrarkan pada dan difailkan di sini.</p>	
<p>Kepada:</p> <ol style="list-style-type: none"> 1. Yang Berbahagia Peguam Negara, Malaysia 2. Setiausaha, Majlis Peguam 3. Setiausaha, Jawatankuasa Peguam 	

Sample Admission to the Bar Papers

Pupil Master's Affidavit for "Short Call"

<p>BORANG 4 DI MAHKAMAH TINGGI MALAYA DI..... (BAHAGIAN RAYUAN & KUASA-KUASA KHAS) <u>PETISYEN UNTUK PENERIMAAN MASUK NO. insert petition no.</u></p>	
<p>Dalam Perkara di Mahkamah Tinggi di Petisyen untuk Penerimaan Masuk Peguambela dan Peguamcara No:</p>	<p>Dalam Perkara Dan Dalam Perkara Seksyen 36(2)(a) & (b) Akta Profesion Undang-Undang 1976</p>
PEMOHON	
<u>AFIDAVIT</u>	
<p>Saya, yang cukup umur dan beralamat di </p>	
<p>dengan ini sesungguhnya berikrar dan menyatakan seperti berikut:</p>	
<ol style="list-style-type: none"> 1. Saya adalah seorang Peguambela dan Peguamcara Mahkamah Tinggi Malaya. 2. Saya adalah Peguambela dan Peguamcara pengamal Mahkamah Tinggi Malaya dan sedang menjalankan dan telah menjalankan amalan secara aktif dalam Malaysia bagi jumlah tempoh tidak kurang daripada (7) tahun sebelum sahaja tarikh latihan bermula. 3. tersebut adalah seorang berkelayakan di bawah Akta Profesion Undang-Undang, 1976 dan sejak menjalani latihan guaman dan menerima arahan dan petunjuk dalam undang-undang di firma saya, Tetuan 4. tersebut telah memfailkan Petisyen di Mahkamah Yang Mulia ini pada memohon supaya diterima masuk dan didaftarkan sebagai Peguambela dan Peguamcara Mahkamah Tinggi di Malaya. 5. Saya berhasrat, sementara menanti pendengaran Petisyen tersebut, boleh dibenarkan mewakili saya dan firma saya, Tetuan di Mahkamah sepertimana yang diperuntukkan di bawah Seksyen 36 (2) (a) & (b) Akta Profesion Undang-Undang, 1976. 6. Saya dengan hormatnya meminta Mahkamah Yang Mulia untuk Perintah seperti yang dipohon. 	
<p>DIKRAR DI pada haribulan 20.....</p>	
<p>Di hadapan saya, Pesuruhjaya Sumpah</p>	
<p>Afidavit ini difailkan oleh</p>	

Sample Admission to the Bar Papers

Pupil's Affidavit for "Short Call"

<p>BORANG 5 DI MAHKAMAH TINGGI MALAYA DI..... (BAHAGIAN RAYUAN & KUASA-KUASA KHAS) <u>PETISYEN UNTUK PENERIMAAN MASUK NO. insert petition no.</u></p>	
<p>Dalam Perkara di Mahkamah Tinggi di Petisyen untuk Penerimaan Masuk Peguambela dan Peguamcara No:</p>	<p>Dalam Perkara Dan Dalam Perkara Seksyen 36(2)(a) & (b) Akta Profesion Undang-Undang 1976</p>
PEMOHON	
<u>AFIDAVIT</u>	
<p>Saya, yang cukup umur dan beralamat di </p>	
<p>dengan ini sesungguhnya berikrar dan menyatakan seperti berikut:</p>	
<ol style="list-style-type: none"> 1. Saya telah dari dan terus pada masa ini menjalani latihan guaman dan menerima arahan dan petunjuk dalam undang-undang daripada Encik/Puan/Cik, Peguambela dan Peguamcara beralamat di 2. Saya telah pada haribulan memfailkan Petisyen dalam Mahkamah yang Mulia mengharapakan diterima masuk dan didaftarkan sebagai Peguambela dan Peguamcara di Mahkamah Tinggi Malaya. 3. Saya ingin hadir dan mewakili Encik/Puan/Cik dari Tetuan, sepertimana yang dipohon melalui Saman Dalam Kamar di bawah Seksyen 36 (2) (a) & (b) Akta Profesion Undang-Undang, 1976. 4. Saya dengan hormatnya meminta Mahkamah Yang Mulia untuk Perintah seperti yang dipohon. 	
<p>DIKRAR DI pada haribulan 20.....</p>	
<p>Di hadapan saya, Pesuruhjaya Sumpah</p>	
<p>Afidavit ini difailkan oleh</p>	

Sample Admission to the Bar Papers

Sample Affidavit of Service of Borang 3, Borang 4 and Borang 5

DI MAHKAMAH TINGGI MALAYA DI..... (BAHAGIAN RAYUAN & KUASA-KUASA KHAS) PETISYEN UNTUK PENERIMAAN MASUK NO. <u>insert petition no.</u>	
Dalam Perkara di Mahkamah Tinggi di Petisyen untuk Penerimaan Masuk Peguambela dan Peguamcara No:	Dalam Perkara Dan Dalam Perkara Seksyen 36(2)(a) & (b) Akta Profesion Undang-Undang 1976 (Akta 166)
Your master's name	PEMOHON
<u>AFIDAVIT PENYAMPAIAN</u>	
Saya, [your name] (No. K/P:) seorang warganegara Malaysia yang cukup umur dan beralamat di [your residential address] dengan ini sesungguhnya berikrar dan menyatakan seperti berikut:	
1. Saya adalah seorang pelatih dalam kamar di [your firm] yang beralamat di [your firm's address] .	
2. Bahawa saya telah menyampaikan satu salinan Saman dalam Kamar bertarikh dan Affidavit [your master's name] yang diikrarkan pada serta Affidavit [your name] yang diikrarkan pada (selepas ini dirujuk secara kolektif sebagai "dokumen-dokumen tersebut") dengan cara penyampaian kepada badan-badan yang berkenaan pada tarikh-tarikh yang dinyatakan di bawah:	
(a) bahawa saya pada, pukul telah menyampaikan sesalinan dokumen-dokumen tersebut kepada seorang kerani/pegawai di Pejabat Majlis Peguam Malaysia yang beralamat di [Malaysian Bar Council's address] , yang telah menerima bagi pihak Majlis Peguam dan mengakui penerimaannya di atas salinan dokumen-dokumen tersebut;	
(b) bahawa saya pada, pukul telah menyampaikan sesalinan dokumen-dokumen tersebut kepada seorang kerani/pegawai di Pejabat Jawatankuasa Peguam [relevant State] yang beralamat di [relevant State Bar Committee's address] , yang telah menerima bagi pihak Jawatankuasa Peguam dan mengakui penerimaannya di atas salinan dokumen-dokumen tersebut; dan	
(c) bahawa saya pada pukul telah menyampaikan sesalinan dokumen-dokumen tersebut kepada seorang kerani/pegawai di Pejabat Yang Berbahagia Peguam Negara Malaysia, yang beralamat di [AG's Chambers' address] yang telah menerima bagi pihak Yang Berbahagia Peguam Negara Malaysia dan mengakui penerimaannya di atas salinan dokumen-dokumen tersebut.	
3. Satu salinan dokumen-dokumen tersebut yang diserahkan dan diakui penerimaannya oleh ketiga-tiga pihak tersebut berserta dengan Cop Rasmi penerimaan masing-masing dilampirkan di sini dan ditandakan secara kolektif sebagai Ekshibit "A".	
Berkenaan dengan Petisyen untuk Penerimaan Masuk Peguambela dan Peguamcara No. insert petition no) Berkenaan dengan Affidavit oleh Deponen bernama) [your name]) Diiikrarkan pada hb 20.....) Di Kuala Lumpur, Jam pagi/petang)	Di hadapan saya, Pesuruhjaya Sumpah
Affidavit Penyampaian ini difailkan oleh [your firm's name, address and telephone number]	

Sample Admission to the Bar Papers

Sample Draft Order for "Short Call"

DI MAHKAMAH TINGGI MALAYA DI..... (BAHAGIAN RAYUAN & KUASA-KUASA KHAS) PETISYEN UNTUK PENERIMAAN MASUK NO. insert petition no.				
Petisyen	untuk	Penerimaan	Masuk	Dalam Perkara
Peguambela		dan	Peguamcara	beralamat di
No.18 -
				Dan
				Dalam Perkara Seksyen 36(2)(a) & (b) Akta Profesion Undang-Undang 1976 (Akta 166)
Your Master's name				PEMOHON
DI HADAPAN YANG ARIF HAKIM MAHKAMAH TINGGI				
[Judge's name]				
PADA [date]				
				DALAM KAMAR
<u>PERINTAH</u>				
<p>ATAS PERMOHONAN Pemohon yang telah didengar pada hari ini DAN SETELAH MEMBACA Saman Dalam Kamar bertarikh pada, Afidavit-Afidavit [your master's name] dan [your name] kedua-duanya diikrarkan pada, dan surat-surat tiada bantahan daripada Majlis Peguam Malaysia dan Jawatankuasa Peguam [relevant State] DAN SETELAH MENDENGAR [your Mover's name], Peguam bagi pihak Pemohon ADALAH DIPERINTAHKAN bahawa [your name] yang sedang menjalani latihannya dalam kamar Pemohon dibenarkan hadir bagi pihak Pemohon atau Tetuan [your firm's name] yang beralamat di [your firm's address]:</p>				
(a) dalam tempoh tiga (3) bulan dari tarikh Perintah ini:				
(i) di hadapan Hakim atau Pendaftar Mahkamah Tinggi, di dalam Kamar;				
(ii) di hadapan Hakim Mahkamah Sesyen atau Majistret, di dalam Kamar;				
(iii) di hadapan Pendaftar Mahkamah-Mahkamah Rendah;				
bagi sebutan kes yang termasuk memasukkan penghakiman ingkar atau untuk memohon jaminan atau untuk mendapat penghakiman atau perintah persetujuan; dan				
(b) pada akhir jangkamasa selama tiga (3) bulan tersebut di dalam kamar di Mahkamah Tinggi dan di Mahkamah Rendah dan di hadapan mana-mana Majistret untuk mengendalikan sebarang kausa atau perkara.				
Bertarikh haribulan				
Untuk Kelulusan Tuan,				
Tetuan [your firm's name]			 Penolong Kanan Pendaftar Mahkamah Tinggi
Perintah ini difailkan oleh [your firm's name, address and telephone number]				

Sample Admission to the Bar Papers

Sample of Notice of Change of Master

DI MAHKAMAH TINGGI MALAYA DI KUALA LUMPUR
(BAHAGIAN RAYUAN & KUASA-KUASA KHAS)
PETISYEN UNTUK PENERIMAAN MASUK NO. **insert petition no.**

Petisyen	untuk	Penerimaan	Masuk	Dalam Perkara
Peguambela	dan	Peguamcara		beralamat di
No.

Dan

Dalam Perkara Seksyen 10 dan 15 Akta Profesion
Undang-Undang 1976 (Akta 166)

NOTIS PENUKARAN PENGAJAR

AMBIL PERHATIAN bahawa **[your new master's name]** adalah Pengajar baru bagi Pempetisyen, **[your name]** dalam Petisyen ini mulai hb 20, menggantikan **[your former master's name]**.

Alamat penyampaian bagi **[new master's name]** yang dinamakan diatas ialah **[your new master's firm name and address]**.

Bertarikh hb 20

.....
Pempetisyen

- Kepada:
1. Yang Berbahagia Peguam Negara Malaysia
 2. Setiausaha Kehormat, Majlis Peguam Malaysia
 3. Setiausaha Kehormat, Jawatankuasa Peguam **[relevant State(s)]**

Notis Penukaran Pengajar ini difailkan oleh **[your firm's name, address and telephone number]**.

Sample Admission to the Bar Papers

Certificate of Good Character

BORANG 7
DI MAHKAMAH TINGGI MALAYA DI KUALA LUMPUR

Petisyen untuk Penerimaan Masuk Dalam Perkara

Peguambela dan Peguamcara beralamat di

No.

Dan

Dalam Perkara Seksyen 10 dan 15 Akta Profesion
Undang-Undang 1976 (Akta 166)

PEMPETISYEN

SIJIL KELAKUAN BAIK

Ini adalah untuk mengesahkan bahawa saya telah mengenali
..... selama lebih daripada lima tahun.

Saya berpendapat dia adalah seorang yang berkelakuan baik dan seorang yang layak dan sepatutnya diterima masuk dan didaftarkan sebagai seorang Peguambela dan Peguamcara Mahkamah Tinggi Malaya.

Bertarikh haribulan 20.....

Nama

Pekerjaan

Alamat

.....

.....
Tandatangan

Sample Admission to the Bar Papers

Certificate of Diligence

BORANG 8
DI MAHKAMAH TINGGI MALAYA DI KUALA LUMPUR

Petisyen untuk Penerimaan Masuk Dalam Perkara
 Peguambela dan Peguamcara beralamat di
 No.

Dan
 Dalam Perkara Seksyen 10 dan 15 Akta Profesion
 Undang-Undang 1976 (Akta 166)

PEMPETISYEN

SIJIL KERAJINAN

Saya dari Tetuan
 yang beralamat

dengan ini mengesahkan seperti berikut:

1. Saya adalah Peguambela dan Peguamcara pengamal Mahkamah Tinggi Malaya dan sedang menjalankan dan telah menjalankan amalan secara aktif dalam Malaysia bagi jumlah tempoh tidak kurang daripada (7) tahun sebelum sahaja tarikh latihan bermula.
2. (kemudian daripada ini dipanggil "Pempetisyen") saya kenali secara peribadi dan telah selama tempoh dari haribulan20..... hingga haribulan 20..... menjalani tempoh latihan yang ditetapkan.
3. Pempetisyen telah menerima pengajaran dan mendapat pengalaman dalam undang-undang dan telah menjalani secara memuaskan Program Syarahan Etika yang dikelolakan oleh Majlis Peguam pada haribulan 20.....
4. Pempetisyen rajin dalam kerja.

Bertarikh haribulan 20.....

.....
Tandatangan

Sample Admission to the Bar Papers

Affidavit exhibiting supporting documents for Admission to the Bar

BORANG 6				
DI MAHKAMAH TINGGI MALAYA DI KUALA LUMPUR				
Petisyen	untuk	Penerimaan	Masuk	Dalam Perkara
Peguambela	dan	Peguamcara		beralamat di
No.
				Dan
				Dalam Perkara Seksyen 10 dan 15 Akta Profesion Undang-Undang 1976 (Akta 166)
				PEMPETISYEN
<u>AFIDAVIT</u>				
Saya, yang cukup umur dan tinggal di				
.....dengan ini				
sesungguhnya berikrar dan menyatakan seperti berikut:				
1. Saya adalah Pempetisyen dalam Petisyen ini.				
2. Saya telah mencapai umur lapan belas tahun. Salinan Sijil Beranak saya dilampirkan di sini dan bertanda "A".				
3. Saya adalah seorang warganegara Malaysia. Salinan Kad Pengenalan saya dilampirkan di sini dan bertanda "B".				
4. Saya adalah orang berkelayakan di bawah Akta Profesion Undang-Undang 1976 (Akta 166). Salinan sebenar keterangan dokumentari yang menunjukkan saya orang berkelayakan dilampirkan di sini dan bertanda "C".				
5. Sijil Kelakuan Baik daripada dilampirkan di sini dan masing-masingnya bertanda "D" dan "E".				
6. Saya telah, bagi tempoh bermula dari haribulan 20.....hingga haribulan 20..... dengan rajinnya belajar dalam Kamar Encik/Puan/Cik* dari Tetuan seorang Peguambela dan Peguamcara Mahkamah Tinggi Malaya yang menjalankan dan telah menjalankan amalan secara aktif dalam Malaysia bagi jumlah tempoh tidak kurang daripada tujuh (7) tahun sebelum sahaja tarikh latihan saya bermula. Sijil Kerajinan dari Pengajar saya dilampirkan di sini dan bertanda "F"				
*7. Saya telah lulus Peperiksaan Kelayakan Bahasa Malaysia. Salinan Sijil yang ditandatangani oleh Setiausaha Lembaga Kelayakan dilampirkan di sini dan bertanda "G".				
*7. Saya telah dikecualikan daripada Peperiksaan Kelayakan Bahasa Malaysia oleh Lembaga Kelayakan. Salinan Sijil Pengecualian yang ditandatangani oleh Setiausaha Lembaga Kelayakan dilampirkan di sini dan bertanda "G".				
8. Saya telah memfailkan Petisyen di Mahkamah Tinggi Malaya di Kuala Lumpur memohon diterima masuk dan didaftarkan sebagai Peguambela dan Peguamcara Mahkamah Tinggi di Malaya. Notis-notis yang memberitahu bahawa saya telah mepetisyen sedemikian telah ditampalkan pada semua Mahkamah Tinggi untuk selama sekurang-kurangnya tiga (3) bulan dari tarikh penampalan terakhir. Salinan Sijil Penampalan Terakhir dilampirkan di sini dan bertanda "H".				
DIIKRAR oleh yang bernama di atas di pada haribulan20.... pukulpagi/petang				
				Di hadapan saya, Pesuruhjaya Sumpah

Sample Admission to the Bar Papers

Sample of Sijil Pengesahan Dokumen

DI MAHKAMAH TINGGI MALAYA DI KUALA LUMPUR
(BAHAGIAN RAYUAN & KUASA-KUASA KHAS)
PETISYEN UNTUK PENERIMAAN MASUK NO. **insert petition no.**

Petisyen untuk Penerimaan Masuk Dalam Perkara
Peguambela dan Peguamcara beralamat di
No.

Dan

Dalam Perkara Seksyen 10 dan 15 Akta Profesion
Undang-Undang 1976 (Akta 166)

Your name

PEMPETISYEN

SIJIL PENGESAHAN DOKUMEN

Saya dengan ini **MENGESAHKAN** bahawa saya telah dengan sendiri memeriksa dan membandingkan salinan-salinan dokumen yang dikepilkan kepada Afidavit Sokongan Petisyen dengan salinan-salinannya yang asal dan mendapati dokumen-dokumen yang tersebut di atas adalah salinan-salinan yang asal.

Bertarikh..... haribulan 20.....

.....
Penolong Kanan Pendaftar
Mahkamah Tinggi
Kuala Lumpur

Sijil Pengesahan Dokumen ini telah difailkan oleh **[your firm's name, address and telephone number]**

Sample Admission to the Bar Papers

Sample of Notis Perbicaraan

DI MAHKAMAH TINGGI MALAYA DI.....
 (BAHAGIAN RAYUAN & KUASA-KUASA KHAS)
 PETISYEN UNTUK PENERIMAAN MASUK NO. **insert petition no.**

Petisyen untuk Penerimaan Masuk Dalam Perkara
 Peguambela dan Peguamcara beralamat di
 No.

Dan

Dalam Perkara Seksyen 10 dan 15 Akta Profesion
 Undang-Undang 1976 (Akta 166)

Your name

PEMPETISYEN

NOTIS PERBICARAAN

SILA AMBIL NOTIS bahawa Petisyen yang disebutkan di atas telah ditetapkan untuk perbicaraan di hadapan Yang Arif Hakim di Mahkamah Tinggi Malaya di pada hariibulan jam pagi/petang.

Bertarikh..... hariibulan 20.....

.....
 Penolong Kanan Pendaftar
 Mahkamah Tinggi Malaya

Kepada:

- (1) Yang Berbahagia, Peguam Negara Malaysia
- (2) Setiausaha Kehormat, Majlis Peguam Malaysia
- (3) Setiausaha Kehormat, Jawatankuasa Peguam

Notis Perbicaraan ini telah difailkan oleh **[your firm's name, address and telephone number]**

Sample Admission to the Bar Papers

Sample Draft Order for Admission to the Bar

DI MAHKAMAH TINGGI MALAYA DI..... (BAHAGIAN RAYUAN & KUASA-KUASA KHAS) PETISYEN UNTUK PENERIMAAN MASUK NO. insert petition no.			
Petisyen Peguambela No.	untuk dan	Penerimaan dan Peguamcara	Masuk Peguamcara
		Dalam Perkara beralamat di Dan Dalam Perkara Seksyen 10 dan 15 Akta Profesion Undang-Undang 1976 (Akta 166)	
Your name			PEMPETISYEN
DI HADAPAN YANG ARIF HAKIM MAHKAMAH TINGGI [insert Judge's name] PADA [insert date]			
			DI MAHKAMAH TERBUKA
<u>PERINTAH</u>			
<p>PETISYEN INI telah didengar pada hari ini dengan kehadiran [your Mover's name] bagi Pempetisyen; Peguam Persekutuan bagi YB Peguam Negara Malaysia, bagi Majlis Peguam Malaysia dan bagi Jawatankuasa Peguam DAN SETELAH MEMBACA Petisyen Pempetisyen bertarikh, Afidavit Pempetisyen yang diikrarkan pada, laporan yang dibuat menurut Seksyen 14(1) Akta Profesion Undang-Undang 1976 dan Sijil Pengesahan Dokumen bertarikh DAN SETELAH MENDENGAR Peguam bagi Pempetisyen dan semua pihak berkenaan tiada bantahan, ADALAH DIPERINTAHKAN bahawa [your name] diterima masuk dan didaftarkan sebagai seorang Peguambela dan Peguamcara Mahkamah Tinggi Malaya.</p>			
		Bertarikh	haribulan
Untuk Kelulusan Tuan,			
..... Tetuan [your firm's name]	 Penolong Kanan Pendaftar Mahkamah Tinggi Malaya	
Perintah ini difaalkan oleh [your firm's name, address and telephone number]			

Legal Profession (Practice and Etiquette Rules) 1978

Arrangement of Rules

1.	Citation
2.	Obligation of Advocate and Solicitor to give advice on or accept any brief
3.	Advocate and Solicitor not to accept brief if embarrassed
4.	No Advocate and Solicitor to accept brief if professional conduct likely to be impugned
5.	No Advocate and Solicitor to accept brief if difficult to maintain professional independence
6.	An Advocate and Solicitor not to accept brief if unable to appear
7.	No Advocate and Solicitor to accept remuneration in capacity as Member of Parliament etc. except emoluments as Member of Parliament etc.
8.	Advocate and Solicitor not to ask for excuse from assignment
9.	Advocate and Solicitor to undertake defence fairly and honourably
10.	Advocate and Solicitor to conduct prosecution so that no innocent person is convicted
11.	Fees for litigious or contentious matters
12.	Advocate and Solicitor not to conduct civil case intended to delay proceedings etc.
13.	Advocate and Solicitor to guard against insulting or annoying questions
14.	Questions irrelevant to actual inquiry not to be asked
15.	Respect to Court
16.	Advocate and Solicitor to uphold interest of client, justice and dignity of profession
17.	No deception on Court
18.	Advocate and Solicitor to conduct with candour, courtesy and fairness
19.	Advocate and Solicitor not to refer to facts not proved
20.	Advocate and Solicitor to put before Court any relevant binding decision
21.	Improper to misquote
22.	Advocate and Solicitor to bring to Court's attention any proposition of law etc.
23.	Advocate and Solicitor to supply to Court all information
24.	Advocate and Solicitor to be ready for the day fixed for trial
25.	Advocate and Solicitor to disclose all circumstances to client
26.	Advocate and Solicitor not to mislead
27.	Advocate and Solicitor not to appear where pecuniary interested
28.	Advocate and Solicitor not to appear in a case where he is a witness
29.	Advocate and Solicitor not to testify on behalf of client
30.	Advocate and Solicitor appearing as party or witness not to wear robes
31.	Advocate and Solicitor to uphold dignity of profession
32.	Client's feeling not to influence conduct of counsel

Legal Profession (Practice and Etiquette Rules) 1978

Arrangement of Rules cont.

33.	Advocate and Solicitor to treat adverse witnesses with fairness and due consideration
34.	Advocate and Solicitor may interview witnesses for opposing side
35.	Advocate and Solicitor not to abuse confidence reposed in him by client
36.	Advocate and Solicitor to prevent client from wrongful conduct towards courts etc.
37.	(Deleted)
38.	(Deleted)
39.	(Deleted)
40.	Advocate and Solicitor not to stand surety
41.	Advocate and Solicitor who has advised Arbitrator cannot appear in arbitration proceedings
42.	Advocate and Solicitor not to communicate with a person represented by another Advocate and Solicitor
43.	Advocate and Solicitor not to stir up strife and litigation
44.	Advocate and Solicitor not to actively carry on any trade
45.	(Deleted)
46.	(Deleted)
47.	(Deleted)
48.	Advocate and Solicitor not to publish photograph
49.	Advocate and Solicitor not to solicit reporting
50.	(Deleted)
51.	Advocate and Solicitor not to do or cause touting
52.	No division of costs or profits with unqualified person
53.	Agency commission or profit costs
54.	Advocate and Solicitor not to appear for a party represented by another Advocate and Solicitor
55.	Advocate and Solicitor lien
56.	Judgment by default
57.	Extension of time to plead
58.	Objection to admissibility of insufficiently stamped documents
59.	No branch office without Advocate and Solicitor
60.	Use of "consultant" and "associate"
60A.	Document filed not to be furnished to the press before hearing
61.	Lay agency
62.	Waiver
63.	Revocation

Legal Profession (Practice and Etiquette Rules) 1978

In exercise of the powers conferred by Section 77 of the Legal Profession Act 1976 (Act 166), the Bar Council makes the following rules:

1. **Citation**

These Rules may be cited as the Legal Profession (Practice and Etiquette) Rules 1978.

2. **Obligation of Advocate and Solicitor to give advice on or accept any brief.**

An Advocate and Solicitor shall give advice on or accept any brief in the Courts in which he professes to practise at the proper professional fee dependent on the length and difficulty of the case, but special circumstances may justify his refusal, at his discretion, to accept a particular brief.

3. **Advocate and Solicitor not to accept brief if embarrassed.**

- a. An Advocate and Solicitor shall not accept a brief if he is or would be embarrassed.
- b. An embarrassment arises:
 - i. where the Advocate and Solicitor finds he is in possession of confidential information as a result of having previously advised another person in regard to the same matter;
 - ii. where there is some personal relationship between him and a party or a witness in the proceedings.

4. **No Advocate and Solicitor to accept brief if professional conduct likely to be impugned.**

No Advocate and Solicitor shall accept a brief in a case where he knows or has reason to believe that his own professional conduct is likely to be impugned.

5. **No Advocate and Solicitor to accept brief if difficult to maintain professional independence.**

- a. No Advocate and Solicitor shall accept a brief if such acceptance renders or would render it difficult for him to maintain his professional independence or is incompatible with the best interest of the administration of justice.
- b.
 - i. An Advocate and Solicitor who has at any time advised or drawn pleading or acted for a party in connection with the institution or prosecution or defence of any suit, appeal or other proceedings shall not act, appear or plead for the opposite party in that suit, appeal or other proceedings.
 - ii. An Advocate and Solicitor shall not act unless the consent of the first party for whom the Advocate and Solicitor acted is obtained in writing and the Advocate and Solicitor is not embarrassed by so acting.

Legal Profession (Practice and Etiquette Rules) 1978

6. **An Advocate and Solicitor not to accept brief if unable to appear.**
 - a. An Advocate and Solicitor shall not accept any brief unless he is reasonably certain of being able to appear and represent the client on the required day.
 - b. An Advocate and Solicitor shall not ordinarily withdraw from an engagement once accepted, without sufficient cause and unless reasonable and sufficient notice is given to the client.
7. **No Advocate and Solicitor to accept remuneration in capacity as Member of Parliament etc. except emoluments as Member of Parliament etc.**
 - a. An Advocate and Solicitor shall not accept any remuneration for that which he does in his capacity as a Member of Parliament or of any State Legislature, other than emoluments received by him as a Member of Parliament or of any State Legislature.
 - b. No Advocate and Solicitor may accept the position of an executive director or executive secretary of a company without the express consent of the Bar Council.
8. **Advocate and Solicitor not to ask for excuse from assignment.**

Subject to any Rules of Court made in this behalf, an Advocate and Solicitor assigned as counsel or Advocate and Solicitor in any civil or criminal matter shall not ask to be excused for any trivial reason and shall always exert his best effort in that assignment.
9. **Advocate and Solicitor to undertake defence fairly and honourably.**
 - a. An Advocate and Solicitor who undertakes the defence of a person in any criminal matter shall by all fair and honourable means present every defence that the law permits.
 - b. An Advocate and Solicitor shall undertake the defence of a person accused of an offence regardless of his personal opinion as to the guilt or otherwise of the accused.
10. **Advocate and Solicitor to conduct prosecution so that no innocent person is convicted.**
 - a. An Advocate and Solicitor appearing for the prosecution in a criminal trial shall so conduct the prosecution that it does not lead to the conviction of an innocent person.
 - b. Material capable of establishing the innocence of the accused shall not be suppressed.
11. **Fees for litigious or contentious matters.**

In determining the amount of fee for litigious or contentious matters involving representation of a client in Court, it is proper to take into consideration:

 - a. the time, labour and skill required;
 - b. the novelty and difficulty of the question involved;
 - c. whether acceptance of the particular employment will preclude his appearance for others of which he has a reasonable expectation;
 - d. the customary charges of the profession for similar services;
 - e. the amount in controversy;
 - f. the benefit resulting to the client for the services;

Legal Profession (Practice and Etiquette Rules) 1978

- g. the character of the employment - whether casual or for an established client; and
 - h. the special position or seniority of the particular Advocate and Solicitor.
- 12. **Advocate and Solicitor not to conduct civil case intended to delay proceedings etc.**

An Advocate and Solicitor shall not conduct a civil case or make a defence which is intended merely to delay proceedings or to harass or injure the opposite party or to work oppression or wrong.
- 13. **Advocate and Solicitor to guard against insulting or annoying questions.**

An Advocate and Solicitor shall guard against being made the channel for questions which are only intended to insult or annoy, and to exercise his own judgment as to the substance and form of the questions put.
- 14. **Questions irrelevant to actual inquiry not to be asked.**
 - a. Questions which affect credibility by attacking character but are otherwise irrelevant to the actual enquiry shall not be asked unless the cross-examiner has reasonable grounds for thinking that the imputation is well-founded or true.
 - b. Where a question relates to matters so remote in time or of such a character that it would not materially affect the credibility of a witness, it shall not be put.
- 15. **Respect to Court.**

An Advocate and Solicitor shall maintain a respectful attitude towards the Court.
- 16. **Advocate and Solicitor to uphold interest of client, justice and dignity of profession.**

An Advocate and Solicitor shall while acting with all due courtesy to the tribunal before which he is appearing, fearlessly uphold the interest of his client, the interest of justice and dignity of the profession without regard to any unpleasant consequences either to himself or to any other person.
- 17. **No deception on Court.**

An Advocate and Solicitor shall not practice any deception on the Court.
- 18. **Advocate and Solicitor to conduct with candour, courtesy and fairness.**

The conduct of an Advocate and Solicitor before the Court and in relation to other Advocates and Solicitors shall be characterised by candour, courtesy and fairness.
- 19. **Advocate and Solicitor not to refer to facts not proved.**

In opening a case, an Advocate and Solicitor shall not refer to any facts in the case which he is not in a position to prove.

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20. **Advocate and Solicitor to put before Court any relevant binding decision.**
- a. An Advocate and Solicitor shall put before the Court any relevant, binding decision of which he is aware which is immediately in point, whether it is for or against his contention.
 - b. This rule applies with particular importance in ex-parte proceedings.
21. **Improper to misquote.**
- It is improper for an Advocate and Solicitor:
- a. knowingly to misquote the contents of a paper, the testimony of a witness, the argument of opposing counsel or the language of a decision or textbook; or
 - b. with knowledge of its invalidity, to cite as authority a decision that has been overruled or a statute that has been repealed; or
 - c. in argument, to assert as a fact that which has not been proved; or
 - d. to mislead his opponent by concealing or withholding in his opening speech positions upon which he intends to rely.
22. **Advocate and Solicitor to bring to Court's attention any proposition of law etc.**
- a. Where after the conclusion of the evidence and argument and while judgment is reserved, an Advocate and Solicitor discovers a proposition of law or a decision of law which is directly in point, he shall bring it to the Court's attention and the Advocate and Solicitor appearing on the other side shall concur in the proposal even though the proposition is against him.
 - b. Where the other Advocate and Solicitor does not concur, it is still in order for the first-named Advocate and Solicitor to submit the additional authority and the proper course is for the first-named Advocate and Solicitor to send the other Advocate and Solicitor a copy of his letter to the Court, so that the other Advocate and Solicitor can comment on it if necessary.
23. **Advocate and Solicitor to supply to Court all information.**
- An Advocate and Solicitor shall supply to the Court all information as to the probable length of a case and the possibility of a settlement.
24. **Advocate and Solicitor to be ready for the day fixed for trial.**
- a. An Advocate and Solicitor shall make every effort to be ready for trial on the day fixed.
 - b. An Advocate and Solicitor may apply for postponement of a case fixed for hearing for good and cogent reasons only.
 - c. Except in an emergency, it is improper for an Advocate and Solicitor to apply for a postponement in the absence of counsel or the other side unless he has given the counsel concerned at least forty eight hours notice of his intention to make the application.

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25. **Advocate and Solicitor to disclose all circumstances to client.**
An Advocate and Solicitor at the time of his being retained shall disclose to the client all the circumstances of his relation to the parties, and any interest in connection with the controversy, which may influence the client in the selection of counsel.
26. **Advocate and Solicitor not to mislead.**
An Advocate and Solicitor shall avoid everything which may tend to mislead a party not represented by counsel.
27. **Advocate and Solicitor not to appear where pecuniarily interested.**
a. An Advocate and Solicitor shall not appear in any matter in which he is directly pecuniarily interested.
b. This rule does not apply to the case of an Advocate and Solicitor appearing himself to tax his own costs.
28. **Advocate and Solicitor not to appear in a case where he is a witness.**
a. An Advocate and Solicitor shall not appear in Court or in Chambers in any case in which he has reason to believe that he will be a witness in respect of a material and disputed question of fact, and if while appearing in a case it becomes apparent that he will be such a witness, he shall not continue to appear if he can retire without jeopardising his client's interests.
b. An Advocate and Solicitor shall not appear before an appellate tribunal if in the case under appeal he has been a witness on a material and disputed question of fact in the Court below.
c. These rule does not prevent an Advocate and Solicitor from swearing or affirming an affidavit as to formal or undisputed facts in matters in which he acts or appears.
29. **Advocate and Solicitor not to testify on behalf of client.**
Except when essential to the ends of justice or as to merely formal matters, an Advocate and Solicitor appearing in any cause shall not testify in Court on behalf of his client only in that cause.
30. **Advocate and Solicitor appearing as party or witness not to wear robes.**
a. An Advocate and Solicitor who appears in person as a party or who is in the witness box shall not wear robes.
b. An Advocate and Solicitor appearing before Courts Martial may appear either in uniform (if he is entitled to do so) or in robes.
c. Except on such ceremonial occasions and at such places as the Bar Council or the Court may prescribe, an Advocate and Solicitor shall not wear bands or robes in public place other than in Court or whilst travelling to or from Court.
31. **Advocate and Solicitor to uphold dignity of profession.**
Every Advocate and Solicitor shall at all times uphold the dignity and high standing of his profession.

Legal Profession (Practice and Etiquette Rules) 1978**32. Client's feeling not to influence conduct of counsel.**

The feeling existing between clients shall not be allowed to influence counsel in their conduct and demeanour towards each other or towards parties and their witnesses in the case.

33. Advocate and Solicitor to treat adverse witnesses with fairness and due consideration.

An Advocate and Solicitor shall treat adverse witnesses and parties with fairness and due consideration and he shall not minister to the malevolence or prejudices of a client in the conduct of a case.

34. Advocate and Solicitor may interview witnesses for opposing side.

An Advocate and Solicitor may properly interview any witness or prospective witness for the opposing side in any civil or criminal matter without the consent of but subject to first giving notice to the opposing counsel or party. In doing so, he shall scrupulously avoid any suggestion calculated to induce the witness to suppress or deviate from the truth.

35. Advocate and Solicitor not to abuse confidence reposed in him by client.

- a. An Advocate and Solicitor shall refrain from any action whereby for his personal benefit or gain he abuses or takes advantage of the confidence reposed in him by the client.
- b. An Advocate and Solicitor shall preserve his client's confidence and this duty outlasts his employment.

36. Advocate and Solicitor to prevent client from wrongful conduct towards Courts etc.

An Advocate and Solicitor shall use his best efforts to prevent his client from doing things which the Advocate and Solicitor himself ought not to do, particularly with reference to his conduct towards Court and judicial officers, jurors, witnesses and parties. Where a client persists in such wrong doing the Advocate and Solicitor shall terminate the relationship.

37. [Deleted]

[Deleted by P.U.(A) 345/2001]

38. [Deleted]

[Deleted by P.U. (A) 345/2001]

39. [Deleted]

[Deleted by P.U. (A) 345/2001]

40. Advocate and Solicitor not to stand surety.

An Advocate and Solicitor shall not stand as a surety or bailor for his client required for the purpose of any legal proceedings.

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41. **Advocate and Solicitor who has advised Arbitrator cannot appear in arbitration proceedings.**

An Advocate and Solicitor who has in an arbitration acted for the Arbitrator in advising him on points of law shall not advise or appear for one of the parties in any proceedings relating to the arbitration or award.

42. **Advocate and Solicitor not to communicate with a person represented by another Advocate and Solicitor.**

An Advocate and Solicitor shall not communicate with a person upon any matter in respect of which to his knowledge that person is represented by another Advocate and Solicitor except with the other's express consent.

43. **Advocate and Solicitor not to stir up strife and litigation.**

No Advocate and Solicitor shall volunteer advice to bring an action or to stir up strife and litigation.

44. **Advocate and Solicitor not to actively carry on any trade.**

- a. An Advocate and Solicitor shall not actively carry on any trade which is declared by the Bar Council from time to time as unsuitable for an Advocate and Solicitor to engage in or be an active partner or a salaried officer in connection therewith.
- b. An Advocate and Solicitor shall not be a full-time salaried employee of any person, firm (other than Advocate and Solicitor or firm of Advocates and Solicitors) or corporation so long as he continues to practise and shall on taking up any such employment, intimate the fact to the Bar Council and take steps to cease to practise as an Advocate and Solicitor so long as he continues in such employment.

45. **[Deleted]**

[Deleted by P.U.(A) 345/2001]

46. **[Deleted]**

[Deleted by P.U. (A) 345/2001]

47. **[Deleted]**

[Deleted by P.U. (A) 345/2001]

48. **Advocate and Solicitor not to publish photograph.**

An Advocate and Solicitor shall not take steps to procure the publication of his photograph as a member of the Bar in the press or any periodical.

*[*This rule prohibiting a member from the publication of his photographs in the Press or any periodicals has been waived by the Bar Council with the approval of the Attorney General pursuant to Rule 62 with effect from 1 June 2003.]*

Legal Profession (Practice and Etiquette Rules) 1978**49. Advocate and Solicitor not to solicit reporting.**

It is contrary to etiquette for an Advocate and Solicitor to solicit the reporting of any matter in which he has been professionally engaged, but he may consider and revise reports of cases in which he has been professionally engaged so as to ensure the correctness of the Report.

50. [Deleted]

[Deleted by P.U. (A) 345/2001]

51. Advocate and Solicitor not to do or cause touting.

An Advocate and Solicitor shall not do or cause or allow to be done, anything for the purpose of touting directly or indirectly, or which is calculated to suggest that it is done for that purpose.

52. No division of costs or profits with unqualified person.

It is unprofessional and improper conduct:

- a. for an Advocate and Solicitor to divide or agree to divide either costs received or the profits of his business with any unqualified person;
- b. for an Advocate and Solicitor to pay, give, agree to pay or agree to give any commission, gratuity or valuable consideration to any unqualified person to procure or influence or for having procured or influenced any legal business and whether such payment, gift or agreement be made under pretext of services rendered or otherwise, but this rule does not prohibit the payment of ordinary bonuses to staff;
- c. for an Advocate and Solicitor to accept or agree to accept less than the scale fees laid down by law in respect of non-contentious business carried out by him except for some special reason where no charge at all is made.

53. Agency commission or profit costs.

Agency commission or profit costs may be allowed between an Advocate and Solicitor practising in Malaysia and his recognised agent or agents practising in Malaysia or elsewhere.

54. Advocate and Solicitor not to appear for a party represented by another Advocate and Solicitor.

Where in any matter or proceeding, the name of any Advocate and Solicitor or the name of his firm appears on the records for any party, or an Advocate and Solicitor is known to be acting for a party in a matter whether in a Court or not, no other Advocate and Solicitor shall knowingly agree to appear or to act or continue to appear or to act for such party in such matter or proceeding unless:

- a. he obtains the consent of the first-named Advocate and Solicitor; or
- b. he is satisfied that the proper professional remuneration of the first-named Advocate and Solicitor has been paid or he undertakes that the same will be paid; or

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- c. he has, in ignorance that such name so appears on the record or that such Advocate and Solicitor has been so acting, already agreed to appear or to act for such party and is unable by reason of circumstances or urgency or the like to refuse to appear or to act further for such party, without exposing himself to a charge of breach of professional duty; or
- d. the first-named Advocate and Solicitor is unwilling or has refused to act further for such party, in which event he shall, if so required, protect any lien which the first-named Advocate and Solicitor may have for costs.

55. Advocate and Solicitor's lien.

Except by way of securing his first to a lien, an Advocate and Solicitor shall not otherwise withhold the client's papers to the detriment of the client.

56. Judgment by default.

Where the name of the Advocate and Solicitor or his firm appears on the Court record or the fact of representation is known to the other side, no Advocate and Solicitor representing the other party to the proceedings shall enter Judgment by Default against the client of the first-named Advocate and Solicitor or to take advantage of delay in pleading or filing documents in the nature of pleadings or in taking any necessary steps or in complying with any other in the proceedings by such first-named Advocate and Solicitor, unless he shall have given to such first-named Advocate and Solicitor written notice of his intention to do so, and seven days shall have elapsed after the delivery of such notice to the first-named Advocate and Solicitor.

[Am. P.U. (A) 310/91]

57. Extension of time to plead.

Where an extension of time within which to plead has been given to a party, the Advocate and Solicitor representing such party shall, if so required, accept short notice of trial at the next sitting of the Court, in any case in which, had the pleading been delivered in the time ordinarily limited for its delivery without any extension, the party allowing the extension would have been in a position to have given notice of trial for such sitting.

58. Objection to admissibility of insufficiently stamped documents.

It is contrary to etiquette to object to the admissibility of any document on the ground that it is not or not sufficiently stamped, unless such objection goes to the root of the subject matter or the suit.

59. No branch office without Advocate and Solicitor.

1. No Advocate and Solicitor shall maintain a branch office unless the same is:
 - a. in the name of his firm; and
 - b. continuously manned by the Advocate and Solicitor himself or one of the partners in his firm or by an Advocate and Solicitor wholly employed by him or his firm.

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2. The branch office shall not be in the same office as that of any other firm of Advocates and Solicitors.
 3. No Advocate and Solicitor shall practise his profession in the States of Malaya in or as a partner of more than one firm at any time without the consent of the Bar Council.
 4. No Advocate and Solicitor shall practise his profession unless he maintains an office within the States of Malaya.
60. **Use of “consultant” and “associate”.**
1. An Advocate and Solicitor may have his name appear as “consultant” on the letterhead of a firm of Advocates and Solicitors if:
 - a. he has a valid practising certificate issued under Part III of the Act;
 - b. he:
 - i. has been in active practice at the Malaysian Bar for a period of not less than twenty years;
 - ii. has served as a Judge of the Federal Court or Supreme Court, Judge of the Court of Appeal, Judge of the High Court in Malaya, Judge of the High Court in Sabah and Sarawak or High Court in Borneo for a period of not less than twenty years in such capacity or any combination thereof;
 - iii. has been in active practice at the Malaysian Bar and, in addition, has served as a Judge of the Federal Court or Supreme Court, Judge of the Court of Appeal, Judge of the High Court in Malaya or Judge of the High Court in Sabah and Sarawak or High Court in Borneo, or any combination thereof, for a period which, aggregated with the period of his active practice at the Malaysian Bar, totals not less than twenty years;
 - iv. has been in active practice at the Malaysian Bar for a period of not less than ten years and, in addition has served as President or Chairman of the Industrial Court or a member of the Malaysian Judicial and Legal Service, or any combination thereof, for a period which, aggregated with the period of his active practice at the Malaysian Bar, totals not less than twenty years;
 - c. he is not a partner, associate or legal assistant in any other firm of Advocates and Solicitors or engaged in any other capacity in any such other firm in the States of Malaysia.
 2. *[Deleted by P.U. (A) 345/2001]*
- 60A. **Documents filed not to be furnished to the press before hearing.**
- An Advocate and Solicitor shall not furnish copies of any document filed in Court, before the hearing of the matter in open Court, to the press and shall not in any event furnish copies of any document other than documents read in Court.

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61. **Lay agency.**

An Advocate and Solicitor shall not permit himself to be controlled or exploited by any lay agency intervening between client and himself.

62. **Waiver**

The Bar Council may, in writing, with the approval of the Attorney General in writing, waive any of these Rules.

63. **Revocation.**

The Rules of Practice and Etiquette is revoked.

Made the 2nd October 1978.

Abdullah A. Rahman,
Chairman,
Bar Council, Malaysian Bar

The rules reproduced herein have been taken from the material posted on the Malaysian Bar's website.

