



Risk Management Newsletter

JURISK!

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THE NEW NORMAL... HOW RISKY IS IT?



A photograph of a workspace. In the foreground, a laptop is open on a dark surface. To its left is a white vase with a branch of small white flowers. In front of the laptop is a white cup of coffee on a saucer. The background features a window with bright light coming through, and a potted plant is visible on the windowsill. The overall mood is warm and productive.

CO-CHAIRPERSONS' MESSAGE

Dear Members of the Malaysian Bar,

2020 was a challenging and tumultuous year!

Looking back at last year, many of us were striving to maintain our practices while adapting to the new norm. It expanded our perspectives to appreciate technology and try to make the necessary changes to keep our practices running.

As we sail into the new year, we hope it brings better possibilities and opportunities.

In this issue of *Jurisk!*, we focus on developing your law practices to continuously adapt to the new norm. The featured article in this issue shares some incidences that were notified to the Professional Indemnity Insurance ("PII") Scheme during the Movement Control Order ("MCO") and Conditional MCO ("CMCO"). In short, there are unscrupulous individuals who are taking advantage of the MCO/CMCO to scam legal firms. We hope Members take note of the suggestions to avoid being a victim, and to immediately notify the PII Scheme Insurer and Bar Council if you encounter such incidences.

Since technology has proven necessary and advantageous in the new norm, we have included articles for you to look out for, and ways to respond to cyber incidents, and suggestions on cybersecurity. Find out what you can do to have peace of mind when dealing with technology.

We have also included an explanation on how Principals of law firms can reinstate their Base Excess when it is increased due to conveyancing claims. This article also serves as a guide to AVOID being penalised with an increased Base Excess due to conveyancing claims. Adopt the suggestions in this article and have a head start at better managing your practice.

Under the supervision of the Bar Council, the PII Committee is doing its best to expedite the implementation of the Self-indemnity Fund ("SIF") Scheme. Apart from obtaining approval of the Malaysian Bar Professional Indemnity Fund Rules from the Attorney General, we are now in the process of carrying out a tender exercise to appoint a Manager for the SIF Scheme. It is the Bar's desire to operate a SIF Scheme in 2022 as one of the measures to reduce the cost of obtaining indemnity, thus reducing the profession's financial burdens, especially in this time. However, since we are a group indemnity scheme, each Member of the Bar has a role to play that is – to be more risk averse and take proactive steps to implement effective risk management in your practice.

While the pandemic has created panic in the society, the upside is that risk management is getting recognised – be it with adapting to the SOPs set by the National Security Council and Ministry of Health to risk proofing your legal firms! Many will not perceive the importance of risk management until an unfortunate event puts it into stark relief. We therefore urge Members to embrace legal risk management.

On that note, we hope Members stay safe and if you need assistance on risk management, do reach out to us at pirm@malaysianbar.org.my

Thank you.

**Kuthubul Zaman b Bukhari
& Burhanudeen b Abd Wahid**

Co-chairpersons

PII Committee 2020/2021

Bar Council Malaysia

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Dear Members,

Jurisk! January 2021 | The New Normal ... How Risky Is It?

In this issue ... we discuss the effects of the COVID-19 pandemic on legal practice and workstyle.

Here are some of the questions raised in this issue's featured articles:

- How do law firms prepare for the challenges ahead?
- Why do law firms need to keep up with change?
- How can technology improve my practice?
- How has the new normal affected advocates and solicitors in carrying out their duties?
- How to maintain a balanced diet during the pandemic and beyond?

There are no definite answers to any of the questions above, but we hope that the articles featured here can shed some light on what law firms and Members are facing during these unprecedented times, and provide guidelines and ideas on overcoming some of their challenges.

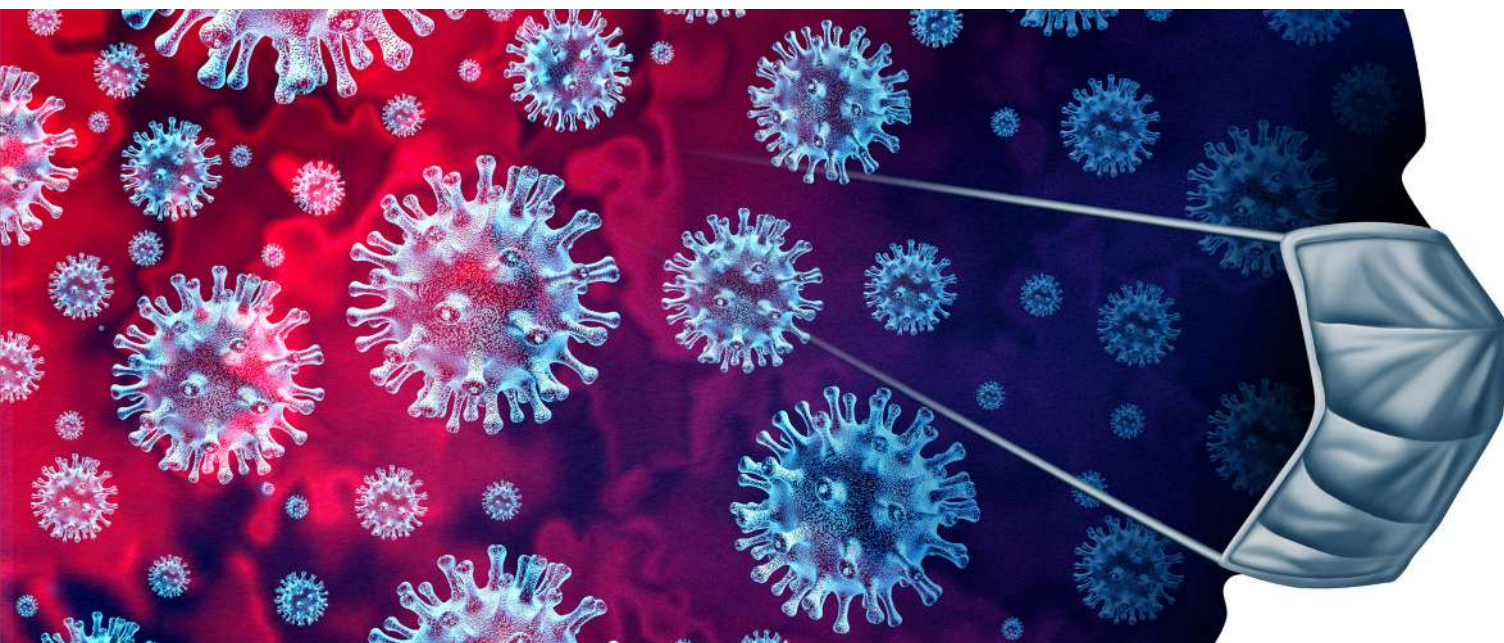
Reinstating Law Firm's Base Excess

If you have been wondering how to reinstate a law firm's base excess in the event it is increased, read "PII Did You Know ... You Can Reinstate Your Base Excess". The article also details the documents and information that are required to prepare for an appeal to the Professional Indemnity Insurance ("PII") Scheme Insurer.

This article provides invaluable suggestions for conveyancing practice, so, don't miss out on it!

Contact Us

If you have any feedback or queries, please reach out to the PII and Risk Management Department officers directly by telephone at 03-2050 2001 or by email at pirm@malaysianbar.org.my



EMBRACING THE NEW NORM IN THIS PANDEMIC

By Johan Shahar, Vice President, Marsh Insurance Brokers (Malaysia) Sdn Bhd

SINCE the start of Malaysia's Movement Control Order ("MCO") in March 2020, fraudsters and criminals have attempted to take advantage of the situation when many businesses and firms are operating remotely from home. Here are some incidents reported:

Case 1

The first incident happened when a purchaser's solicitor received email instructions, purportedly from the vendor's solicitor, to pay the purchase price into an unrelated third-party account. The email and its contents appeared very similar to previous emails and contained the trailing from the previous six months email correspondence between the two solicitors.

With vendor's solicitors' office closed for MCO, hence office calls were unanswered, the purchaser's solicitor sought verification by replying to the

same email and received a confirmation PDF letter, supposedly from the vendor's solicitor. The funds were transferred but the real vendor never received it.

Read more about this incident and best practices that was shared in Bar Council Circular No 159/2020 dated 18 May 2020 ALERT: Members Must Be Vigilant to Avoid being a Victim of Cybercrimes.

Case 2

An unknown party had created an email address similar to the Financier Solicitor's email. An email was sent to the bank from this email address together with forged supporting documents, advising the bank to disburse the loan amount into an unknown third-party bank account.

Case 3

Members of the public received phone calls from persons claiming to be an employee of a particular law firm, demanding for payment of legal fees while threatening legal action, a classic extortionist move.

It is common knowledge that lawyers and law firms are entrusted with sensitive clients' data, as well as clients' monies as stakeholders. Fraudsters and criminals are likely to take advantage of the "new normal" of working remotely out of the office during this pandemic. To align with the "new normal", businesses, courts, registrars, government departments etc are gradually moving towards the digital platform. Cyber criminals will explore gaps in the virtual space for their unlawful tactics.

Lawyers are reminded to immediately report any such incidences including any cyber event or attack to the Professional Indemnity Insurance ("PII") Scheme Insurance Broker, ie Marsh Insurance Brokers (Malaysia) Sdn Bhd. The PII Scheme policy covers claims and potential claims against the lawyer or law firm's civil liability while conducting his/her legal practice in accordance with the Legal Profession Act 1976.

Meanwhile lawyers must also take proactive risk management measures to minimize risks while embracing the new normal of working online. For example:

1. Practice two-factor authentication for any doubtful or suspicious emails. Banks do this by sending a code by short messaging system ("SMS") when you conduct online transactions. Same principle applies here, ie authenticate using a different mode. If you receive any doubtful email instructions or information, call the person in charge on their mobile or call another person who is able to contact him/her.
2. Make sure your home broadband is safe and secure, consider protecting your data using a virtual private network ("VPN").

3. Change your email and WiFi passwords periodically, and keep it safe.
4. Keep your software updated, including your security and antivirus software.
5. Do not open any suspicious emails or attachments.
6. Back up your most important files regularly.
7. Delete sensitive information from your mobile devices, if such information is no longer in use.

Nevertheless, fraudsters and scammers always seem to be ahead of any updated security measures. A recent report by Uswitch¹ showed that based on the total number of data records stolen per 100,000 of the population, the United States is the largest data theft target globally, followed by South Korea, Canada and Australia. Malaysia comes in 10th place which is a cause for concern. It was reported that cybersecurity cases in Malaysia had rose 82.5% compared to last year.² From January to August, there were 7,765 report cases, and April (during MCO) produced the highest number of cases.³

If there was a cybersecurity event or attack or data loss, the PII Scheme covers claims or potential claims for losses suffered by third parties (eg clients) against lawyers and law firms on their civil liability as solicitors.

However, the immediate costs to assess, repair and recover loss data/systems, ie these are first party losses, is covered by a separate cyber insurance policy. This may include coverage for costs to notify clients of the cyber breach, regulatory costs, public relations costs to manage the firm's reputation, forensic consultants and business interruption.

Please speak to your insurance broker for a suitable cyber insurance policy as your final line of defense against cyber risks.

¹ <https://www.uswitch.com/broadband/data-breaches-report/>

² <https://www.thestar.com.my/news/focus/2020/04/12/cybersecurity-cases-rise-by-825>

³ <https://www.nst.com.my/news/nation/2020/09/622861/spike-cyber-threats-fraud-tops-list>



HOW CAN YOU BETTER PREPARE FOR CYBER INCIDENT RESPONSE IN REMOTE ENVIRONMENTS?

Courtesy of Cybersecurity Consulting and Advisory Services, Consulting Solutions, Marsh Advisory

AS large-scale remote work becomes part of the new normal, it's important that IT and cybersecurity teams prepare for the potential exploitation of new remote infrastructures. Specifically, you should consider:

- **Identifying your weaknesses:** Develop a worst-case cyber scenario that involves a remote worker IT system malware event, and then conduct a tabletop exercise using this scenario. At the end of the exercise, identify what went well and what didn't, and assign staff to address any gaps and weaknesses in your cyber incident breach response ("CIBR") plan within an agreed upon timeline. Your CIBR plan should then be updated accordingly.
- **Reviewing your baseline configurations:** Revisit the implementation of a minimum acceptable remote workforce IT system baseline configuration that limits the acceptable activities of the IT system. For example, consider eliminating the use of USB ports or restricting them to specific users who may need access as a part of their roles and responsibilities. Once the baseline is established and tested, roll this out to your remote workforce.
- **Implementing reviews of remote IT systems and other logs more frequently:** Consider the implementation of additional remote worker IT system logs that collect and analyze data to identify unauthorized or questionable activities that may require further investigation. Automate this audit log collection and analysis where possible.

When planning your response to a potential CIBR incident while your workforce is largely remote it's important that you:

- Develop processes and procedures needed to isolate individual remote IT systems — or a group of IT systems that may work together — to support requisite cyber analysis and investigation.
- Determine how remote IT system cyber forensics would be conducted, including chain-of-custody procedures.
- Be prepared to quickly collect remote IT systems logs and imaging of remote workers' hard drives.
- Consider how to get selected remote workers back online as quickly as possible (if required).

Preparation, planning, and conducting cybersecurity tabletop exercises — both technical exercises and those involving senior management — will go a long way in helping your organization tap into the benefits of your remote workforce while being prepared to efficiently and effectively deal with cyber incidents.



Making Working from Home Work during the MCO/CMCO

By Jeremiah Rais and Leah Samuel, Advocates & Solicitors

Being in a profession that is notoriously known for its demanding workload and long hours in the office, the coronavirus pandemic and the various iterations of the control movement order has certainly afforded us an unprecedented amount of flexibility to work wherever and whenever.

WHETHER or not this will be the “future-of-work”, it is undeniable that remote working has brought with it many challenges that can affect work productivity. With meals to prepare, dogs to walk and Netflix to binge on, the following are some practices that may help maintain productivity and some semblance of pre-pandemic lives.

Effective Document Management

Having to work from home takes lawyers away from the simple luxuries of having easily accessible hardcopies of documents and laying them all out on a desk while drafting endless affidavits. Taking home physical files, while seemingly a good idea,



may pose practical difficulties in carting around voluminous documents and places them at risk of being lost. It is now more crucial than ever to have in place a system that ensures that you have access to your documents at a moment's notice, especially when a video conference is scheduled at the 11th hour.

In this regard, storing documents onto cloud storage systems not only eradicates the need to transport files back and forth but also ensures constant access to files. All you would need is a stable internet connection and your files are just a click away.

Cloud storage is also a better alternative to external hard drives as it cannot be stolen, corrupted or misplaced. Further, the ability to use multiple devices to access documents stored on the cloud at the same time makes it easier to cross-refer between documents and is certainly a tidier alternative to having hardcopies of the said documents strewn all over your desk. At least now your desk (or dining table) will not look like a tornado had passed through every time you have an affidavit or submissions to do.

Familiarising yourself with Video Conferencing

Having to largely move all work online, your work-from-home regime is the perfect opportunity to master new technological skills. It is one thing

to be a whizz at word processing and another to be able to effortlessly navigate through sharing documents and screens on the likes of Zoom and Teams. Admittedly, there are the inevitable few in the profession with an aversion to technology. If that happens to be your boss, you need to be ready to step in and ensure that you know how to navigate through any and every technological issue that may pop up during a hearing or meeting conducted via video conferencing.

Aside from putting you at ease in the event that your hearing is moved online and heard via video conferencing, a semblance of familiarity with the various video conferencing platforms and their interfaces will go a long way in helping you work collaboratively with your colleagues even in isolation.



Adhering to Working Hours

It is easy to want to give in to your body's natural waking and sleeping rhythms when you are away from the watchful gaze of your bosses. After all, you probably have had a late-night and would much rather lay in bed for a little longer in the morning. You tell yourself that you are more productive at night and that there is no harm in starting your day at noon.

The problem with this is that the courts operate at fixed working hours. Having a schedule with odd

working hours can be problematic on days when you have hearings or e-Reviews fixed for 9:00 am or where you need to get in touch with a court officer to enquire whether your hearing fixed for the following week will still be proceeding via Zoom.



be prepared to be used as an example of what not to do at online hearing every time anyone else has them. Your new title of 'person who missed the hearing' will not be easy to shake off.

While your bosses and clients can call you if they need you urgently, the courts are unlikely to extend the same courtesy. Keeping a sleep routine that keeps you awake and alert throughout your usual working hours will, at the very least, ensure that you will not accidentally sleep in and miss an early hearing.

It is also useful to keep a set schedule. Lawyers have generally never really adhered strictly to the nine to five routine but it helps if the day is roughly sketched out the night before. Make daily schedules and prioritise your tasks. This not only gives you an idea of the tasks you need to complete but also helps create a routine and structure that we often lack when working remotely.

Getting Dressed

You do not want to have a hearing fixed for 9:00 am only for your new circadian rhythm to wake you at 8:55 am in a state of sheer panic resulting in your inevitable faffing about till 9:15 am, trying to set up your devices, getting dressed and finding the link to join the hearing. If you are lucky you might, through some divine grace, make it for your hearing. If not,

The best part of working from home is that there is no need to sit for hours on end in stuffy collared shirts. Your outfit is limited only by what is in the wash and it is appealing to just throw on whatever is comfortable (and hopefully, clean) before getting on with work.



Getting dressed in your usual office attire, while seemingly insignificant, can subtly impact your day. Psychologically, it helps to put you in the mindset of being at work and not in bed. Being dressed for the office will also ensure that you are ready for any surprise (or forgotten) video conferences that you may have for the day. If you happen to get a reminder 10 minutes before your meeting those are 10 precious minutes that can be spent reading through your notes instead of rushing around trying to find a shirt that's been ironed.

Besides this, on days when you have an online hearing done at home, you might be tempted to pair your blazer with your boxers. It is best not to give in to the temptation as all it takes is one wrong camera angle to be in court with your pants down. Literally.

Taking Breaks



With the phone calls and emails coming in incessantly throughout the day, it can feel like you need to constantly be at your desk working. Without a pantry and colleagues around, you may forget to take time away from your workspace.

Allowing yourself some time to get up, stretch and reset will help you not only mentally but physically as well. Taking time to focus on something else away from your desk, whether it is making a dalgona coffee, reading the newspaper or even posting a Tik Tok will boost your productivity and may even

help you see new arguments you have not thought of – and who knows where your new found love of posting Tik Toks may take you. The curtains of your legal career may come crashing down but at least you now have a fall-back option.

Keeping in touch with colleagues

Ever spend hours and hours in front of your screen only to realise that you have only typed out the intitlement for the written submission due tomorrow? We know we have.

Having to hold yourself accountable to your colleagues at certain times of the day can help you stay on task as well as motivated. Further, scheduling designated group lunch breaks can help ensure that all of you are adhering to a routine. It is also a good way of forcing scheduled breaks into your workday and goes a long way in representing some semblance of normalcy and familiarity.

Ultimately, this is foreign and new to everyone in the office. Being able to share your working-from-home frustrations and brainstorming ideas with your usual lunch buddies goes a long way towards maintaining camaraderie and facilitating the completion of team-based tasks without the need for voluminous email exchanges.





CYBERSECURITY RISKS IN A PANDEMIC

By Loong Sheng Li

IT would be an understatement to say that the COVID-19 pandemic has forced a lifestyle change across the globe. In Malaysia, the Movement Control Order ("MCO") which came into effect on 18 Mar 2020 saw the majority of work organisations shift to work remotely for the first time¹. Consequently in the legal sector, courts were closed and all civil and criminal hearings, except urgent applications, fixed before the court were suspended or postponed until further notice. Nevertheless, the judiciary has encouraged for civil matters to be conducted remotely via the court's e-Review system, video conferencing, and exchange of emails between the parties² so as to ensure that the public was not

denied access to justice during the MCO and the ongoing Recovery MCO ("RMCO") which has been extended nationwide till 31 Mar 2022. In some states or areas, the Conditional MCO ("CMCO") and Enhanced MCO takes effect as and when necessary, with dates extended depending on the number of cases.

Lawyers are now faced with unprecedented challenges such as the lack of in-person support staff, loss of face-to face meetings with clients, and cybersecurity risks posed from a workspace at home. This pandemic has led to an inevitable surge in the use of digital technologies in law firms, particularly to facilitate online court hearings, communication with clients, and business continuity. It is foreseeable that the risks of hackers and cyberattacks would be on the rise now more than ever.

¹ Restricted Movement Order Starting March 18 Due To COVID-19, Says PM <https://www.therakyatpost.com/2020/03/16/restricted-movement-order-starting-march-18-due-to-COVID-19-says-pm/>

² COVID-19: courts go online to regulate administration of justice <https://www.internationallawoffice.com/Newsletters/Litigation/Malaysia/Gan-Partnership/COVID-19-courts-go-online-to-regulate-administration-of-justice>

A law firm's main priority while adapting to the work from home trend should first and foremost be its clients' confidentiality. Any corporate data, especially those containing sensitive information, should only be stored on a firm-issued computer. In cases where employees are allowed to use their own devices while working from home, the firm should emphasize on the importance of data encryption and have a clear policy which addresses data ownership and control. In any event, cloud computing is highly encouraged and law firms should take measures to ensure all work devices are installed with the appropriate security software.

A recent study has shown that 77% of Malaysian respondents connect corporate laptops to their home network in COVID-19 era³. Home networks are likely to be 3.5 times more likely to have a malware infection present as compared to a corporate network⁴. Ideally, employees working on home Wi-Fi should use a Virtual Private Network ("VPN") to create a secure connection and encrypt their internet traffic to anonymize all internet activities.

The threat of cybersecurity attacks are imminent in a global cyber pandemic. While it is impossible to prepare for every potential risk, law firms should take early and decisive actions to counter cyber threats with proper contingency planning. This goes to prove the old adage: "Prevention is better than cure."



³ Majority of Malaysians connect corporate laptops to home network — survey <https://www.theedgemarkets.com/article/majority-malaysians-connect-corporate-laptops-home-network-%E2%80%94survey>

⁴ Identifying Unique Risks of Work from Home Remote Office Networks <https://www.bitsight.com/blog/identifying-unique-risks-of-work-from-home-remote-office-networks#:~:text=Some%20attributes%20of%20Work%20from%20Home%20%2D%20Remote%20Office%20Networks%3A&text=7.5x%20more%20likely%20to,observed%203.75x%20more%20frequently>

BEST PRACTICE TIPS

- ✓ **Do not share** sensitive data and passwords via email.
- ✓ **Avoid** uploading corporate data to a non-work application/device.
- ✓ If possible, **use** a firm-issued computer for all work-related matters and avoid using a home device.
- ✓ **Avoid** using free VPN services which may collect and share user data.
- ✓ **Conduct** security awareness training for employees and set out your company's standards and expectations.
- ✓ **Set** a strong and unique password for your home WiFi.
- ✓ **Increase** your home WiFi security by activating network encryption.
- ✓ In a shared-accommodation, **ensure** that your laptop and any other device containing confidential information are stored away securely.
- ✓ **Consider** purchasing cyber liability insurance for your legal firm.

YOU CAN REINSTATE YOUR ORIGINAL BASE EXCESS

UNDER the PII Scheme, conveyancing errors have given rise to more claims against solicitors than any other area of legal practice. From 2015 to 2020, about half of 1,102 claims notified to the PII Scheme involves conveyancing. There are undoubtedly a variety of reasons why errors happen. The most common error is due to breaches of fundamental conveyancing practices, such as failure to conduct vital searches, oversight of crucial steps and missed datelines.

While the PII Policy provides coverage when an error occurs, it is subject to the payment of Base Excess as a condition towards coverage. The Base Excess is the sum which a firm must first pay in the claim before the Insurer's liability to indemnify kicks in. The Base Excess is determined by the number of lawyers in the firm, starting from RM10,000 for a sole-proprietor and up to a maximum of RM250,000 for firms with 48 lawyers or more. The Base Excess not only serves to keep yearly premiums down but also encourages lawyers to take a higher degree of professional responsibility in respect of their work.

Due to the frequency and severity of claims arising from conveyancing errors, the PII Policy imposes an increased Base Excess on firms. By virtue of Clause 10(b) of the 2021 Certificate of Insurance ("COI"), a firm's Base Excess will be increased to a minimum of RM50,000 if it arises from conveyancing. It may be further increased to RM100,000 or two times the firm's Base Excess, whichever the higher, by virtue of Clause 10(a) of the COI if the firm had acted for more than one party in conflict of interest.

The increased Base Excess is undoubtedly a hefty sum for sole and small firm practitioners. Law firms that cannot afford to pay the Base Excess will not be covered under the policy.

As a means to ensure diligent practitioners are not 'hit' with the increased Base Excess, the PII Policy provides a mechanism where a firm's Base Excess may be reinstated to its original amount.

Pursuant to Clause 10(b)(ii) and (iii) of the 2020 of the COI, the increased Base Excess of RM50,000 shall not apply if the court finds no civil liability against the firm or where the claim against the firm is unconditionally withdrawn.

As for the increased Base Excess due to acting in conflict of interest, Clause 10(a) of the COI provides that the increased Base Excess shall not apply if the firm is able to show the Insurer that they had obtained written waivers from all parties to the transaction.

A firm may also apply to have their Base Excess reinstated to its original amount without having to wait for the outcome of proceedings. Pursuant to Clause 10(b)(i) of the COI, a firm may do so by showing the Insurer that they had practiced good risk management in their conveyancing files at the material time of the alleged act, error or omission giving rise to the claim.



APPLYING FOR REINSTATEMENT OF ORIGINAL BASE EXCESS

For applications to reinstate a firm's original Base Excess, the Insurer would require:

- a. A clear write-up on the description of the risk management procedures used by the firm for conveyancing transactions at the material time of the act/error/omission giving rise to the claim (see below for suggestions on the write-up); and
- b. Two to five other conveyancing files handled by the firm at the time of the act/error/omission giving rise to the claim. These files must be files that were handled at the same time of the act, error or omission that gave rise to the claim against the firm.

To illustrate, if a firm was sued in 2020 for a conveyancing file that was handled in 2018, the firm ought to provide 2 to 5 other conveyancing files that were handled in 2018 to the Insurer in support of its Base Excess reinstatement application.

PREPARING THE WRITE-UP

The write-up should as much as possible, describe all steps taken by the firm to manage and reduce the risks inherent to conveyancing transactions, from the point the firm was engaged by its client until completion of the sale and purchase transaction. This includes, among others, an explanation as to:

- a. steps taken to verify your client's identity and background;
- b. steps taken to verify the identity and background of other parties;
- c. steps taken to prevent issues of conflict of interest;
- d. whether any checklists are used;
- e. when are land searches are conducted;
- f. your diary and KIV systems;
- g. the profile and background of lawyers and staff handling conveyancing files in your firm; and
- h. steps taken to supervise your conveyancing staff.



SUBMITTING THE APPLICATION

The reinstatement application may be submitted to the Insurer upon notification of the claim or as soon as reasonably practicable thereafter. Upon receiving the application, the Insurer would review all documents and files provided by the firm to determine whether the firm had an effective risk management system in place for its conveyancing files at the material time of the act or omission giving rise to the claim.



For successful applicants, their firm's increased Base Excess would be immediately reinstated to its original amount. Where a firm had paid the increased Base Excess in full, the Insurer would reimburse the firm of the increased amount paid.

In the event a firm is unsuccessful in its application, the Insurer will provide the firm with reasons as to why the Insurer is of the view the firm did not have an effective risk management system in place for its conveyancing files. Based on these reasons, the firm may then appeal to the Insurer by providing additional documents, information or even provide additional conveyancing files handled by the firm for the Insurer's consideration.

In cases where a firm had not applied for reinstatement of its Base Excess or where the firm had failed in its application, the firm's increase Base Excess may still be reinstated by the Insurer upon occurrence of one of two of these situations:

- a. where it is adjudged by the Court that there is no civil liability arising from the claim against the firm; and
- b. where the claimant unconditionally withdraws the claim against the firm.



Note: Under the Mandatory PII Scheme, cover is always subject to terms, exclusions, limitations and conditions of the relevant Certificate of Insurance.

The Bahasa Malaysia translation on page 33 relating to the Master Policy, Certificate of Insurance and illustrative examples are for guidance only. In the event of inconsistency between the English version and the Bahasa Malaysia version, the English version will prevail.



WHAT IS CONSIDERED AS **GOOD RISK MANAGEMENT** IN CONVEYANCING PRACTICE?

By Dennis Goh, Claims Manager, Echelon Claims Consultants Sdn Bhd



RISK management co-relates to the standard of care exercised by a solicitor in the discharge of his duties.

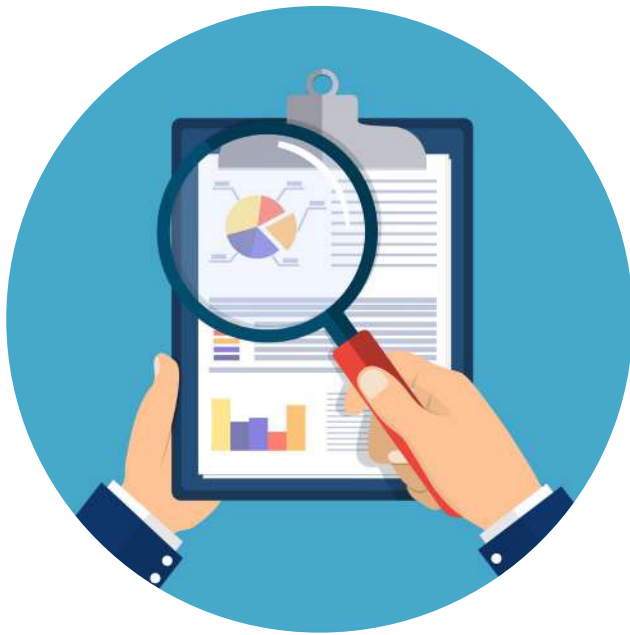
In determining whether a firm has implemented an effective risk management program, the Insurer must be satisfied that the solicitor has exercised a reasonable degree of care and skill in his/her conveyancing work. This includes:

- a. whether a conveyancing checklist is used;
- b. whether identity and background searches are conducted;
- c. whether land searches are conducted;
- d. whether instructions received and advice given are recorded in writing; and
- e. whether important dates are recorded.

Between 2015 to 2020, the Insurer received a total of 41 applications from firms who applied for their Base Excess reinstatement. Only 15 were able to show that they had practiced effective risk management in their conveyancing work. That equates to successful rate of 37%, who had acceptable risk management.

In the 63% of firms who had been unsuccessful, the Insurer observed that:

- a. no identity and background checks were conducted. These include failure to conduct bankruptcy or insolvency checks on the vendor which would unnecessarily expose the purchaser to the risk that the vendor is a bankrupt or insolvent;



- b. land searches were not made at crucial stages of the transaction, namely, prior to execution of the sale and purchase agreement and/or prior to presentation of the transfer instrument which may prevent the transaction from being completed if the land was encumbered or has a caveat in place;
- c. land searches were made but for the sole purpose of the loan transaction relating to the

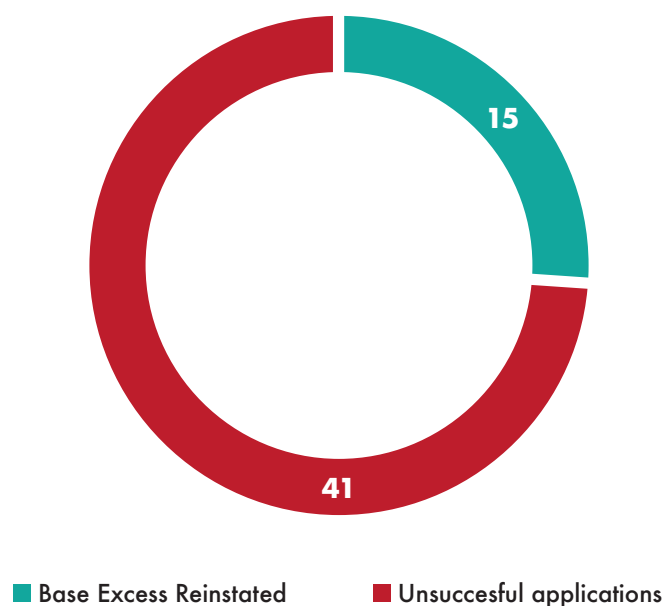
property and not for the sale and purchase agreement;

- d. solicitors who had chosen to rely on land searches provided by their client or opposing party which may expose the solicitor to the risk of an outdated or even forged document;
- e. documents were attested but not witnessed by the solicitor personally; and
- f. conveyancing checklists were not used.

The end result of good risk management is a successful conveyancing practice. Without an effective risk management system, firms are exposed to risks from external sources such as land fraud and scams or internal sources such as mistakes made by staff and lawyers, poor matter management, ineffective controls, and even technology.

It is reckless therefore to ignore common sources of risks that arise from conveyancing practice. Risk management is important for legal practitioners and practices and it is more than just avoiding legal claims or lowering the costs of professional liability insurance.

Base Excess Reinstatement Applications Received by the PII Scheme between 2015-2020





THE POWER OF NUTRITION

#STAYINGHEALTHYATHOME

By Nur Amanina Zainuddin, Dietitian,
TDMC Hospital Sdn Bhd

IN December 2019, an infectious respiratory disease known as the Coronavirus disease ("COVID-19") has become the latest national and global health crisis¹. Globally, as of 27 Dec 2020, there have been 79,232,555 confirmed cases of COVID-19 including 1,754,493 deaths reported to WHO. These numbers are dramatically increasing day by day. In Malaysia, up until 27 Dec 2020 a total of 105,096 cases and 452 death were recorded².

COVID-19 spreads via close contact through touching and fluid droplets produced from sneezing, talking or coughing. Once the virus enters the body, it will penetrate the lung cells, arteries, heart, kidneys and intestines via the angiotensin-converting enzyme 2 receptors ("ACE2")³. Once the virus penetrated the human cells, it will take control of the cell's genetic reproduction process, replicates itself and burst through the cell membrane. However, the severity of infection may differ depending on the host's age, health condition and immune system.

Hence, it is important to sustain good nutritional status to fight against the virus. A good nutrition and dietary intake can impact the immune system, therefore the only sustainable way to survive in the current context is to strengthen the immune system. During the COVID-19 pandemic, we are encouraged by the Government to stay at home and isolate ourselves, practice social distancing and take precautionary steps by washing our hands frequently as suggested by the Centers for Disease Control and Prevention ("CDC") – CDC's Handwashing Campaign: Life is Better with Clean Hands. These measures are important to flatten the curve of the virus. We must follow the medical and social advice given.

However, the act of confining to one's home has significant impact on one's health, including changes in eating patterns, sleeping habits and physical activities. All these changes can lead to an increased risk of obesity and lower immune system.

Hence, having good nutrition and leading a healthy lifestyle is key to strengthening the immune system, and is very important – especially to the group more

¹ World Health Organisation ("WHO"), 2019

² Ministry of Health ("MOH"), 2020

³ Hoffmann et al., 2020

vulnerable to the virus (elderly and people with medical condition) – to practice it.

There are several tips to follow to increase the immune system ensuring the absorption of adequate nutrients.



1. Eat a Complete and Balanced Nutrition

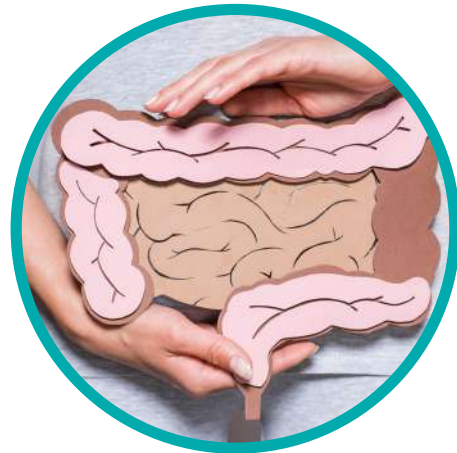
- According to the Malaysian Dietary Guidelines, a balanced diet is a diet that consists of a combination of food that provides proper balance of nutrients.
- The combination of food must include macronutrients (carbohydrate, protein and fat) and micronutrients (vitamins and minerals).
- So how do we get adequate nutrients from nutrition? Here are the tips:
 - Eat from a variety source of food which include carbohydrates (example: rice, bread, noodles, pasta, thosai, chappati etc), fat (oil, butter etc), protein (poultry, fish, egg, meat) and fiber (all fruits and vegetables).
 - Control the portion of certain macronutrients, it is as easy as ABC, you can follow MyHealthy Plate which is recommended by MOH.
 - A balanced diet will guarantee a strong immune system that can help withstand an attack by the virus because you consume adequate nutrients needed for your body.



2. Consume more vegetables and fruits

- Why do you need to consume vegetables and fruits? All the vitamins, minerals and phytonutrients that as antioxidants to boost your immune system are abundant in vegetables and fruits rich in colour.
- Consume a variety of vegetables and fruits with different types and colours for the different nutrients that you need!
- For example, Vitamin C is known as a powerful antioxidant that can fight against free radicals in the body, essential for growth and repair of tissue all over the body. It is also well known for its role in supporting a healthy immune system. Your body cannot make this vitamin, it must come from the food that you eat every day.

- If you are not a veggie and fruit lover, try making juices, smoothies of veggies and fruits. A different alternative is better than not consuming at all. Make sure it is unsweetened to enjoy the pure taste of vitamins and minerals!
- What are the signs and symptoms of dehydration?
 - Dry mouth
 - Muscle cramp
 - Lightheadedness
 - Heart palpitation
 - Dark yellow and strong-smelling urine



3. Hydrate your body

- Make sure to drink 1.5 to 2 liter of water every day to stay hydrated, especially when you're at home because you will not feel thirsty. Make sure to have your own water bottle even when you are at home so that you can set a goal to finish a number of bottles per day.
- Dehydration can lead to loss of strength and stamina; the main cause is due to heat exhaustion.
- Dehydration can also cause headache, and if this continues it can affect your kidney function.

4. Protect your gut

- More than three-quarters of your body's immune system lies in the gut.
- Hence, your stomach must be filled up with more good bacteria over the pathogenic.
- Dietary factor and balance are key to ensuring your gut is filled with good bacteria:
 - Take sufficient dietary fiber (whole grains, legumes, veggies).
 - Drink sufficient amount of water.
 - Consume probiotic-containing food and beverages (eg cultured milk drink, yogurt).





5. Stay physically active even during the Movement Control Order ("MCO") and its variations

- Instead of sleeping and resting all day, how about planning some activities with your loved ones?
- Indoor activities (cleaning your house and decorate your house with your family to a new look, gardening, cooking with the family, run around and play with your children within your home compound)
- For those who like to workout, how about creating your own mini gymnasium in your home? You can do yoga, aerobic and weight lifting training.

Last but not least, stay positive, socialise via modern technology, self-reflect and develop spiritually.

HEALTHY SNACKING RECIPE

Makes 1 (big) bowl

Ingredients:

1 cup almond milk
2 tablespoons chia seeds
2 tablespoons rolled oats
1 tablespoon fresh lemon juice
1 tablespoon maple syrup
1 teaspoon vanilla
1 banana
1 tablespoon shredded coconut
1 tablespoon raisins
Dash of cinnamon

Step One

Add almond milk, chia seeds, rolled oats, lemon juice, maple syrup, and vanilla to a blender. Blend until the chia seeds and rolled oats are fully puréed. At this point, the mixture will still be a runny liquid – the chia seeds need a few hours to thicken into a gel. Transfer to a covered container (ideally a mason jar) and refrigerate overnight, or for at least 3 hours. It will then look like pudding.

Step Two

When you're ready to serve the pudding, thinly slice 1/3 of a banana and set aside as garnish. Mash the other 2/3 of the banana into your serving bowl. Add a tablespoon of shredded coconut to the bowl. Finally, pour the chia pudding over the top and mix the banana, coconut, and chia together.

You may be wondering why we didn't add the banana in step 1. The problem is that the banana would turn brown and develop a weird flavour if it was left in the refrigerator overnight. That's why it's best to simply mash and stir in the banana right before serving.

Step Three

Add the toppings! The pudding is great by itself, but the toppings take it to another level. Lay the banana slices on top, sprinkle some raisins, dust with some shredded coconut and cinnamon. Experiment with other foodstuff as well, such as chopped nuts and spices.



MEMANFAATKAN NORMA BARU KETIKA PANDEMIK

Oleh Johan Shahr, Naib Presiden, Marsh Insurance Brokers (Malaysia) Sdn Bhd,
terjemahan oleh Azwa Zulsamli

SEMENJAK Malaysia menguatkuasakan Perintah Kawalan Pergerakan ("PKP") pada bulan Mac 2020, semakin banyak penipu dan penjenayah yang mengambil kesempatan ke atas situasi ini di mana kebanyakan perniagaan dan firma beroperasi dari rumah. Berikut adalah beberapa insiden yang dilaporkan:

Kes 1

Insiden pertama berlaku sewaktu peguam yang mewakili pembeli menerima arahan melalui e-mel, yang kononnya dihantar oleh peguam yang mewakili penjual, untuk membayar harga jualan ke dalam akaun pihak ketiga yang tidak berkaitan. E-mel dan isi kandungannya kelihatan hampir serupa dengan e-mel sebelumnya, dan turut mengandungi rentetan e-mel yang dibalas antara kedua-dua peguam sejak enam bulan yang lalu.

Memandangkan firma peguam yang mewakili penjual ditutup disebabkan PKP, panggilan yang dibuat ke firma tersebut tidak dijawab. Oleh itu, peguam yang mewakili pembeli hanya membuat pengesahan dengan membalas e-mel yang sama dan seterusnya menerima surat pengesahan dalam bentuk PDF, kononnya dihantar oleh peguam yang mewakili penjual. Sejumlah wang telah dipindahkan, namun penjual sebenar tidak menerimanya langsung.

Untuk mengetahui dengan lebih lanjut tentang kes ini dan amalan terbaik yang dikongsi, rujuk Pekeliling Majlis Peguam Bernombor 159/2020 bertarikh 18 Mei 2020 *ALERT: Members Must Be Vigilant to Avoid being a Victim of Cybercrimes*.

Kes 2

Terdapat pihak yang tidak dikenali telah membuka akaun e-mel yang serupa dengan e-mel Bahagian Perakaunan firma peguam. Satu e-mel telah dihantar ke bank dari akaun e-mel ini bersama dengan dokumen sokongan palsu, dengan arahan kepada pihak bank untuk membuat pindahan sejumlah wang pinjaman ke dalam akaun bank pihak ketiga yang tidak diketahui.

menyimpan data klien yang sangat sensitif, serta menjaga wang klien sebagai pemegang amanah. Sememangnya penipu dan penjenayah akan mengambil kesempatan ke atas norma baru ini iaitu bekerja di luar pejabat semasa pandemik ini. Selaras dengan norma baru, perniagaan, mahkamah, pendaftar, jabatan kerajaan dll telah beransur-ansur menggunakan platform digital. Penjenayah siber akan melakukan apa cara sekalipun untuk mencari jurang di alam maya bagi menjayakan taktik jahat mereka.

Peguam diingatkan untuk segera melaporkan sebarang insiden termasuklah kejadian atau serangan siber kepada Broker Insurans Skim Insurans Indemniti ("PII"), Marsh Insurance Brokers (Malaysia) Sdn Bhd. Polisi Skim PII ini merangkumi tuntutan sebenar dan tuntutan yang berpotensi terhadap tanggungjawab peguam atau firmanya semasa menjalankan amalan selari dengan Akta Profesion Undang-undang 1976.

Oleh itu peguam perlu mengambil langkah-langkah pengurusan risiko yang proaktif bagi meminimumkan risiko ketika menerapkan norma baru iaitu bekerja dalam talian. Contohnya:

Memang diketahui umum bahawa para peguam dan firma guamannya telah diamanahkan untuk

- Dapatkan dua kali pengesahan (berlainan) sekiranya menerima e-mel yang meragukan





atau mencurigakan. Pihak bank melakukan ini dengan menghantar kod melalui sistem pesanan ringkas ("SMS") semasa anda melakukan transaksi dalam talian. Prinsip yang sama boleh digunakan untuk membuat pengesahan dengan menggunakan dua cara yang berbeza. Sekiranya anda menerima arahan atau maklumat dari e-mel yang meragukan, terus menelefon orang yang bertanggungjawab atau orang lain yang boleh menghubunginya.

- Pastikan jalur lebar rumah anda selamat dan terjamin. Pertimbangkan untuk melindungi data anda dengan menggunakan rangkaian peribadi maya ("VPN").
- Tukarkan kata laluan e-mel dan WiFi secara kerap dan pastikan ianya selamat.
- Pastikan perisian anda sentiasa dikemaskini, termasuklah perisian keselamatan dan antivirus.
- Jangan buka e-mel atau lampiran yang mencurigakan.
- Lakukan *back up* fail penting anda dengan kerap; dan
- Padamkan maklumat sensitif dari peranti mudah alih anda sekiranya maklumat tersebut tidak lagi digunakan.

Walau bagaimanapun, penipu dan penjenayah sentiasa bertindak pantas daripada langkah keselamatan yang telah dikemaskini. Laporan yang disediakan oleh Uswitch¹ baru-baru ini menunjukkan, berdasarkan jumlah rekod data yang

dicuri dari 100,000 penduduk, Amerika Syarikat adalah sasaran pencurian data terbesar di dunia, diikuti Korea Selatan, Kanada dan Australia. Manakala, Malaysia berada di tempat ke-10 dan ini sangat membimbangkan. Turut dilaporkan juga kes keselamatan siber di Malaysia telah meningkat kepada 82.5% berbanding tahun sebelumnya.² Dari Januari hingga ke Ogos, terdapat 7,765 kes laporan di mana April (semasa PKP) merupakan jumlah kes bulanan tertinggi.³

Sekiranya terdapat kes keselamatan siber atau serangan atau kehilangan data, Skim PII akan melindungi tuntutan atau tuntutan yang berpotensi bagi kerugian yang ditanggung oleh pihak ketiga (contohnya klien) terhadap peguam dan firma guaman atas tanggungjawab sivil mereka sebagai peguamcara.

Walau bagaimanapun, kos berkaitan penilaian, membaiki dan baik pulih data/sistem kerugian, iaitu kerugian pihak pertama, adalah dilindungi oleh polisi insurans siber yang berasingan. Ini boleh merangkumi perlindungan kos memaklumkan kepada klien tentang pelanggaran siber, kos kawal selia, kos perhubungan awam bagi menjaga reputasi firma, perunding forensik, dan gangguan perniagaan.

Sila hubungi broker insurans anda untuk mendapatkan polisi insurans siber yang bersesuaian sebagai pertahanan terakhir anda dalam menangani risiko serangan siber.

¹ <https://www.uswitch.com/broadband/data-breaches-report/>

² <https://www.thestar.com.my/news/focus/2020/04/12/cybersecurity-cases-rise-by-825>

³ <https://www.nst.com.my/news/nation/2020/09/622861/spike-cyber-threats-fraud-tops-list>



BAGAIMANAKAH UNTUK LEBIH BERSEDIA TERHADAP RESPON KEPADA INSIDEN SIBER KETIKA BEKERJA DARI RUMAH?

*Ihsan daripada Cybersecurity Consulting and Advisory Services, Consulting Solutions, Marsh Advisory
Terjemahan oleh Azwa Zulsamli*

OLEH kerana bekerja dari rumah sudah mula menjadi norma baru, adalah penting bagi pasukan teknologi maklumat ("IT") dan keselamatan siber untuk bersiap sedia menangani eksploitasi infrastruktur ketika bekerja dari jauh yang berpotensi terjadi. Apa yang perlu anda pertimbangkan adalah:

- **Mengenalpasti kelemahan anda:** Reka satu senario kes siber – sistem IT dijangkiti *malware* ketika bekerja dari rumah. Lakukan latihan bagaimanakah cara untuk mengatasinya. Di penghujung latihan, kenal pasti apa yang patut dan tidak patut dilakukan, dan tugaskan staf untuk senaraikan kelemahan dalam pelan untuk respon kepada insiden siber ("CIBR") anda dalam jangka masa yang telah dipersetujui. Pelan CIBR anda juga hendaklah sentiasa dikemaskini.
- **Menyemak konfigurasi asas anda:** Kaji semula pelaksanaan konfigurasi asas sistem IT untuk mereka yang bekerja dari rumah (dengan jumlah minimum) dimana ia menghadkan aktiviti yang diterima dari sistem IT. Contohnya, pertimbangkan untuk tidak menggunakan port USB atau hadkan hanya kepada pengguna tertentu yang perlu mengakses kerana tugas dan tanggungjawab mereka. Setelah asas konfigurasi dibuat dan diuji, salurkannya kepada staf yang bekerja dari luar pejabat.
- **Melakukan semakkan terhadap sistem IT dan log yang lain dilakukan dengan kerap:** Pertimbangkan pelaksanaan sistem IT dan log tambahan bagi staf yang bekerja di luar pejabat bagi mengumpul dan menganalisa data untuk mengenalpasti aktiviti yang tidak dibenarkan atau meragukan, yang mungkin memerlukan siasatan lanjut. Jika boleh, automatisasikan pengumpulan dan analisa log ini.

Ketika menentukan respons kepada insiden CIBR yang berpotensi terjadi semasa kebanyakan staf bekerja dari luar pejabat, adalah penting untuk anda:

- Wujudkan proses dan prosedur yang diperlukan untuk mengasingkan sistem IT setiap staf – atau sekumpulan sistem IT yang digunakan bersama – untuk menyokong analisa dan penyelidikan siber.
- Tentukan bagaimana forensik sistem IT siber dijalankan, termasuklah prosedur rantai penjawatan.
- Bersedia untuk mengumpulkan sistem log IT dan cakera keras staf yang bekerja dari rumah.
- Pertimbangkan bagaimana untuk mengembalikan staf yang bekerja dari luar pejabat ke dalam talian secepat mungkin (jika perlu).

Persiapan, merancang, dan menjalankan latihan keselamatan siber – kedua-dua latihan teknikal dan yang melibatkan pengurusan atasan – akan membantu firma anda mengenalpasti manfaat bekerja dari luar pejabat selain daripada bersedia untuk menangani insiden siber secara cekap dan berkesan.



Menjayakan Bekerja dari Rumah semasa PKP/PKB

Oleh Jeremiah Rais dan Leah Samuel, terjemahan oleh Azwa Zulsamli dan Mysahra Shawkat

Profesion sebagai peguam memang terkenal dengan bebanan kerja yang banyak dan keperluan untuk menghabiskan masa berjam-jam di pejabat. Namun, pandemik koronavirus dan variasi arahan perintah kawalan pergerakan yang berulang telah memberikan para peguam fleksibiliti untuk bekerja di mana-mana dan pada bila-bila masa sahaja.

SAMA ada ini akan menjadi budaya kerja baru atau tidak, bekerja dari rumah juga mempunyai cabarannya tersendiri di mana ia mempengaruhi produktiviti kerja seseorang. Keperluan untuk menyediakan makanan, mengekalkan kecergasan dan menonton Netflix secara berterusan mungkin terlalu padat dan sukar untuk ditelan. Berikut adalah beberapa amalan yang boleh dilakukan untuk

mengekalkan produktiviti di zaman pra-pandemik ini.

Pengurusan Dokumen secara Berkesan

Bekerja dari rumah telah menghadkan akses kepada salinan cetak dokumen-dokumen yang biasanya diletakkan di atas meja bagi memudahkan rujukan



ketika merangka affidavit yang tidak berkesudahan. Walaupun membawa fail-fail tersebut pulang ke rumah merupakan idea yang baik, namun ia mungkin menimbulkan kesukaran untuk menyimpan dokumen yang banyak selain berisiko untuk hilang. Jelas kini keperluan untuk mempunyai sistem yang membolehkan akses kepada dokumen tanpa had, lebih-lebih lagi sekiranya persidangan video dijadualkan disaat akhir, adalah sangat penting.

Dalam hal ini, bukan sahaja dokumen yang disimpan di *cloud storage* tidak lagi perlu dibawa ke sana sini, malahan fail-fail juga dapat diakses secara berterusan. Apa yang anda perlukan adalah sambungan internet yang stabil, dan fail dapat diakses dengan hanya satu klik.

Cloud storage juga merupakan alternatif yang lebih baik daripada cakera keras kerana ia tidak boleh dicuri, dirosakkan atau hilang. Tambahan lagi, pelbagai jenis peranti boleh digunakan untuk mengakses dokumen yang disimpan di *cloud* secara serentak, dan memudahkan dokumen dirujuk secara semakan silang. Alternatif ini membuatkan meja lebih tersusun dan tidak dipenuhi dengan salinan cetak dokumen yang banyak. Sekurang-kurangnya meja kerja anda (ataupun meja makan) tidak kelihatan seperti dilanda puting beliung setiap kali anda merangka affidavit atau menyediakan dokumentasi berkaitan.

Biasakan Diri dengan Persidangan Video

Dengan pemindahan sebahagian besar kerja secara dalam talian, rutin bekerja dari rumah merupakan peluang terbaik untuk menguasai kemahiran teknologi yang baru. Mahir dalam perisian pemprosesan perkataan dan yang lainnya akan memudahkan anda untuk melayari dokumen dan skrin yang dikongsi menggunakan aplikasi seperti Zoom dan Teams. Tidak dinafikan, ada golongan yang tidak boleh menerima perubahan teknologi dalam profesion ini. Sekiranya ia adalah bos anda, anda hendaklah bersedia untuk membantu dengan memastikan bahawa anda tahu cara menanggapi setiap permasalahan teknologi yang mungkin terjadi semasa perbincangan ataupun mesyuarat yang diadakan melalui persidangan video.

Selain daripada membantu anda untuk bekerja bersama rakan sekerja, penguasaan platform persidangan video dan pengantaramukanya akan memudahkan anda sekiranya perbincangan kes anda ditukarkan ke dalam talian dan perbincangan diadakan melalui persidangan video.



Mematuhi Waktu Bekerja

Memang mudah untuk membiarkan badan anda mengatur waktu tidur dan bangun apabila berada jauh dari pandangan bos anda. Lebih lagi jika anda

mungkin tidur lewat pada malam sebelumnya, dan ingin mengambil sedikit masa lagi pada waktu pagi untuk berehat di atas katil. Anda mungkin berasa lega dengan pendapat yang anda rasa lebih produktif pada waktu malam, maka tidak salah untuk memulakan hari anda sedikit lewat, mungkin di waktu tengah hari.



Masalahnya adalah mahkamah beroperasi pada waktu pejabat yang tetap. Jika bekerja tidak mengikut waktu pejabat biasa, masalah yang mungkin timbul adalah sekiranya perbicaraan ataupun e-review dijadualkan pada jam 9:00 pagi, atau mungkin keperluan menghubungi pegawai mahkamah untuk bertanya sama ada perbicaraan anda pada minggu hadapan akan diteruskan melalui Zoom atau tidak.

Anda tidak mahu lewat menghadiri perbicaraan yang telah ditetapkan pada jam 9:00 pagi dengan membiarkan rentak harian baru mengejutkan anda dari lena hanya pada jam 8:55 pagi dalam keadaan panik dan menyebabkan anda tidak dapat dihubungi hingga jam 9.15 pagi. Kemudian cuba mengatur peranti anda, bersiap dan mencari pautan untuk menyertai perbicaraan. Sekiranya anda bernasib baik, dengan bantuan dariNya, anda mungkin sempat untuk sertai perbicaraan. Namun, sekiranya tidak, bersiap sedialah untuk menjadi contoh 'perkara yang tidak patut dilakukan semasa perbicaraan di dalam talian' setiap kali orang lain menggunakannya. Gelaran baru anda

– 'orang yang terlepas perbicaraan' – tidak akan mudah digugurkan.

Walaupun bos dan klien boleh menghubungi anda pada waktu-waktu genting, mahkamah tidak mempertimbangkan perkara yang sama. Sekiranya mengikuti rutin waktu tidur, ini dapat memastikan anda terjaga dan sentiasa peka sepanjang waktu bekerja, sekurang-kurangnya memastikan anda tidak terlepas dan terlepas waktu perbicaraan yang dijadualkan diawal pagi.

Mematuhi jadual yang telah ditetapkan juga sangat membantu. Secara amnya, kebanyakan peguam tidak terikat dengan waktu pejabat yang lazim, namun rutin harian akan menjadi lebih tersusun sekiranya dirangka pada malam sebelumnya. Adakan jadual harian dan susun mengikut keutamaan tugas. Ini bukan sahaja memberikan idea untuk menyelesaikan sesuatu tugas, malah ia juga boleh dijadikan rutin dan struktur bagi mengurangkan kesilapan ketika bekerja dari rumah.

Pemilihan Pakaian

Perkara yang paling menarik ketika bekerja dari rumah adalah tidak ada keperluan untuk duduk berjam-jam dengan memakai kemeja berkolar. Pilihan pakaian tidak terhad dan anda boleh memakai apa saja yang dirasakan selesa (dan bersih harapnya) sebelum mula bekerja.

Namun, mengenakan pakaian pejabat, walaupun



bukan perkara yang serius, ada kalanya boleh memberi kesan pada hari anda. Secara psikologinya, ia membuatkan anda berasa seperti berada di pejabat, bukannya di tempat tidur. Berpakaian lengkap seperti ke pejabat juga membuatkan anda lebih bersedia untuk persidangan video sekiranya diadakan secara tiba-tiba (atau mungkin terlupa) pada hari tersebut. Sekiranya anda mendapat peringatan 10 minit sebelum mesyuarat bermula, 10 minit tersebut adalah sangat berharga dan sepatutnya boleh digunakan untuk membaca nota-nota anda, bukannya bergegas mencari baju yang belum digosok.

Selain itu, pada hari anda mempunyai perbicaraan secara talian di rumah, anda mungkin tergoda untuk menyarungkan jaket dengan hanya berseluar pendek. Sebaiknya jangan terpengaruh dengan godaan seperti itu kerana sekiranya terjadi kesilapan pada sudut kamera, anda akan dirakam berpakaian 'tanpa seluar' di mahkamah. Betapa malunya!

Berehat Seketika

Panggilan telefon dan e-mel yang tak putus-putus sepanjang hari membuatkan anda rasa perlu sentiasa berada di meja kerja. Tanpa ruang makan dan rakan sekerja di sisi, anda mungkin terlupa untuk merehatkan diri seketika dari ruang kerja.

Ambil sedikit masa untuk bangun dari kerusi, lakukan regangan, dan segarkan badan – ini amat membantu bukan sahaja dari segi fizikal, tetapi juga

mental. Masa yang diambil untuk memberi fokus kepada benda lain selain dari meja kerja, sama ada membancuh kopi dalgon, membaca surat khabar atau memuatnaik video ke laman Tik Tok dapat meningkatkan produktiviti selain daripada memberikan anda idea baru dalam persediaan hujah anda. Mana tahu Tik Tok boleh menjadi hobi baru anda yang dapat dijadikan alternatif kepada kerjaya sebagai seorang peguam.

Kekalkan Hubungan dengan Rakan Sekerja

Pernahkah anda menghabiskan masa berjam-jam di depan skrin menyiapkan hujahan bertulis yang perlu dihantar pada keesokan hari tetapi hanya bahagian permulaan sahaja yang dikarang? Kami pernah melaluinya.

Ada ketika dasar tanggungjawab terhadap rakan sekerja dapat memberikan fokus yang mendorong anda untuk melakukan sesuatu tugas. Lebih baik lagi sekiranya anda boleh makan tengah hari bersama kumpulan bagi memastikan semuanya berada di landasan yang sama. Ini juga merupakan salah satu cara yang baik untuk memastikan anda berehat seketika dan secara tidak langsung dirasakan hampir kepada sesuatu yang biasa dilakukan.

Kesimpulannya, perkara-perkara ini amat asing dan baru bagi semua orang di pejabat. Dengan berkongsi rasa kecewa kerana terpaksa bekerja dari rumah mahupun bertukar-tukar idea dengan rakan-rakan makan tengah hari anda seperti biasa, secara tidak langsung dapat menyempurnakan tugas berkumpul tanpa perlu berbalas-balas e-mel yang berjela.





RISIKO KESELAMATAN SIBER SEMASA PANDEMIK

Oleh Loong Sheng Li, terjemahan oleh Azwa Zulsamli

ADALAH tidak memadai untuk menyatakan bahawa COVID-19 telah menyebabkan perubahan besar terhadap gaya hidup manusia di seluruh pelusuk dunia. Di Malaysia, Perintah Kawalan Pergerakan ("PKP") pertama kalinya berkuat kuasa pada 18 Mac 2020 dan sekali lagi pada 13 Jan 2021, untuk pertama kalinya telah menyebabkan sebahagian besar organisasi pekerjaan mengambil langkah untuk bekerja dari rumah¹. Sektor perundangan turut terjejas dengan penutupan mahkamah, dan semua perbicaraan sivil dan jenayah, kecuali permohonan penting yang telah ditetapkan sebelum mahkamah ditutup ditangguhkan sehingga diberitahu kelak. Walaupun begitu, badan kehakiman menggalakan perbicaraan sivil terus diadakan menerusi sistem mahkamah e-Review, persidangan video dan berbalas e-mel di antara

pihak-pihak² bagi memastikan hak orang awam untuk menuntut keadilan tidak dinafikan sepanjang tempoh PKP dan Perintah Kawalan Pergerakan Pemulihan ("PKPP") yang disambung sehingga 31 Mac 2021. Di beberapa negeri dan kawasan, PKP Bersyarat ("PKPB") dan PKP Diperketatkan ("PKPD") dikuatkuasakan sekiranya perlu dan tempoh lanjutan bergantung kepada jumlah kes yang dilaporkan.

Para peguam kini sedang berhadapan dengan cabaran yang tidak pernah dihadapi sebelum ini, contohnya kekurangan staf sokongan secara fizikal, tidak dapat berbincang dengan klien secara bersemuka dan risiko keselamatan siber yang mungkin berpunca daripada bekerja di rumah. Pandemik ini telah mengakibatkan peningkatan dalam penggunaan teknologi digital

¹ Restricted Movement Order Starting March 18 Due To COVID-19, Says PM <https://www.therakyatpost.com/2020/03/16/restricted-movement-order-starting-march-18-due-to-COVID-19-says-pm/>

² COVID-19: courts go online to regulate administration of justice <https://www.internationallawoffice.com/Newsletters/Litigation/Malaysia/Gan-Partnership/COVID-19-courts-go-online-to-regulate-administration-of-justice>

di firma guaman, terutamanya untuk memfasilitkan perbicaraan mahkamah yang dilakukan secara dalam talian, berhubungan dengan klien, dan sebagai kesinambungan urusan firma. Diramalkan bahawa risiko penggodam dan serangan siber kini akan terus meningkat berbanding sebelumnya.

Adalah menjadi keutamaan bagi sesebuah firma guaman untuk memastikan maklumat sulit klien disimpan dengan baik semasa bekerja di rumah. Segala data korporat, lebih-lebih lagi yang mengandungi maklumat sensitif hendaklah disimpan hanya di komputer kepunyaan pejabat sahaja. Dalam kes di mana staf dibenarkan untuk menggunakan peranti mereka sendiri semasa bekerja di rumah, firma perlu menekankan tentang pentingnya penyulitan data dan wujudkan polisi yang jelas tentang pemilikan dan kawalan data. Walau apa pun, *cloud storage* sangat digalakkan dan firma perlu mengambil langkah berjaga-jaga untuk memastikan semua peranti kerja dipasang dengan perisian keselamatan yang sepatutnya.

Hasil daripada kajian yang dijalankan baru-baru ini mendapati 77% responden Malaysia menghubungkan komputer riba firma ke rangkaian internet di rumah mereka pada era COVID-19³ ini. Rangkaian internet rumah adalah 3.5 kali lebih mudah terdedah kepada virus *malware* berbanding dengan rangkaian firma⁴. Sebaiknya, pekerja yang menggunakan Wi-Fi di rumah hendaklah menggunakan *Virtual Private Network* ("VPN") bagi memastikan keselamatan sambungan dan menyulitkan lalu lintas internet untuk mengekalkan ketanpamaan aktiviti internet.

Ancaman serangan keselamatan siber pasti akan terjadi di zaman pandemik global ini. Walaupun agak mustahil untuk mengatasi setiap risiko yang mungkin berlaku, firma hendaklah mengambil langkah awal dan serius dalam mengatasi ancaman siber dengan pelan darurat yang sewajarnya. Pepatah lama ada mengatakan, 'Mencegah itu adalah lebih baik dari mengubati.'

³ Majority of Malaysians connect corporate laptops to home network — survey <https://www.theedgemarkets.com/article/majority-malaysians-connect-corporate-laptops-home-network-%E2%80%94survey>

⁴ Identifying Unique Risks of Work from Home Remote Office Networks <https://www.bitsight.com/blog/identifying-unique-risks-of-work-from-home-remote-office-networks#:~:text=Some%20attributes%20of%20Work%20from%20Home%20%2D%20Remote%20Office%20Networks%3A&text=7.5x%20more%20likely%20to,observed%203.75x%20more%20frequently>

TIP AMALAN TERBAIK

- ✓ **Jangan berkongsi** data dan kata laluan menerusi e-mel.
- ✓ **Elakkan** memuat naik maklumat data ke aplikasi/peranti yang tidak berkenaan dengan firma.
- ✓ Jika boleh, **gunakan** komputer kepunyaan firma untuk semua perkara yang berkaitan dengan tugas firma dan elak dari menggunakan peranti rumah anda.
- ✓ **Elak** dari menggunakan VPN percuma yang berkemungkinan mengumpul dan berkongsi data pengguna.
- ✓ **Adakan** latihan kesedaran tentang keselamatan siber untuk staf dan tetapkan standard dan pelan firma anda.
- ✓ **Tetapkan** kata laluan yang kuat dan unik untuk Wi-Fi rumah anda.
- ✓ **Tingkatkan** keselamatan Wi-Fi rumah anda dengan mengaktifkan penyulitan rangkaian internet.
- ✓ Jika berkongsi kediaman, **pastikan** komputer riba anda dan peranti lain yang mengandungi maklumat sulit disimpan dengan selamat.
- ✓ **Pertimbangkan** untuk membeli insurans liabiliti siber untuk firma anda.

BASE EXCESS ASAL ANDA BOLEH DIKEMBALIKAN KEPADA ASAL

DI bawah Skim PII, kesilapan dalam amalan pemindahhakkan telah mengakibatkan banyak tuntutan terhadap peguam, dan merupakan tuntutan tertinggi berbanding amalan yang lain. Dari tahun 2015 hingga 2020, kira-kira separuh daripada 1,102 tuntutan yang dibuat kepada Skim PII adalah melibatkan pemindahhakkan. Tidak dinafikan bahawa terdapat pelbagai alasan bagaimana kesilapan boleh berlaku. Kesalahan yang paling biasa dilaporkan adalah disebabkan oleh pelanggaran amalan asas pemindahhakkan, seperti kegagalan dalam melakukan carian penting, lupa langkah-langkah penting dan terlepas tarikh.

Polisi PII akan memberikan perlindungan sekiranya berlaku kesalahan, hanya setelah bayaran *Base Excess* dibuat, dan ini merupakan syarat sebelum perlindungan diberikan. *Base Excess* adalah jumlah dalam tuntutan yang perlu dibayar oleh firma terlebih dahulu sebelum Syarikat Insurans menanggung ganti rugi selebihnya. *Base Excess* ditentukan berdasarkan jumlah peguam di dalam sesebuah firma, bermula dari RM10,000 untuk pemilikan tunggal hinggalah ke RM250,000 maksimum bagi firma yang mempunyai 48 peguam atau lebih. *Base Excess* bukan sahaja berfungsi untuk mengurangkan premium tahunan, tetapi juga sebagai peringatan kepada para peguam untuk lebih bertanggungjawab secara profesional semasa menjalankan kerja mereka.

Oleh kerana kekerapan dan keseriusan tuntutan sering ditimbulkan dari kesalahan dalam amalan pemindahhakkan, Polisi PII akan mengenakan kenaikan *Base Excess* kepada firma. Berdasarkan Klausula 10(b) Sijil Insurans 2021 ("COI"), *Base Excess* sesebuah firma akan dinaikkan ke RM50,000 minimum jika ia disebabkan oleh pemindahhakkan. Ianya juga boleh terus meningkat hingga ke RM100,000 atau dua kali ganda *Base Excess*, atau yang mana lebih tinggi, berdasarkan Klausula 10(a) COI, sekiranya firma mewakili lebih dari satu pihak yang mempunyai konflik berkepentingan.

Tidak dinafikan bahawa kenaikan dalam *Base Excess* merupakan jumlah yang besar buat firma milikan tunggal dan kecil. Firma guaman yang tidak mampu membayar *Base Excess* pula tidak akan mendapat perlindungan di bawah polisi ini.

Sebagai langkah untuk memastikan peguam yang baik tidak dikenakan kenaikan *Base Excess*, Polisi PII ada menyediakan mekanisme di mana *Base Excess* firma boleh dikembalikan kepada jumlah asalnya.

Sambungan kepada Klausula 10 (b)(ii) dan (iii) COI tahun 2021, *Base Excess* yang dinaikkan ke RM50,000 tidak akan terpakai seandainya mahkamah tidak menemukan tanggungjawab sivil terhadap firma atau tuntutan yang dibuat ke atas firma itu ditarik semula tanpa sebarang syarat.

Bagi kenaikan *Base Excess* yang disebabkan ketika bertindak dalam konflik kepentingan, Klausula 10(a) COI telah menetapkan bahawa *Base Excess* tidak akan dikenakan sekiranya firma tersebut dapat membuktikan kepada Syarikat Insurans yang



mereka telah memperolehi pengecualian bertulis daripada semua pihak yang terlibat dengan urusan niaga tersebut.

Sesebuah firma juga boleh memohon agar *Base Excess* mereka dikembalikan ke jumlah asalnya tanpa perlu menunggu keputusan prosiding mahkamah. Menurut Klausula 10(b)(i) COI, firma boleh memohon kepada Syarikat Insurans dengan menunjukkan bukti bahawa mereka telah mempraktikkan pengurusan risiko yang baik semasa membuka fail pemindahhakan pada waktu terjadinya perbuatan, kesalahan atau kecuaiian yang menyebabkan tuntutan dibuat.

MEMOHON UNTUK MENGEMBALIKAN BASE EXCESS YANG ASAL

Bagi permohonan untuk mengembalikan *Base Excess* yang asal, Syarikat Insurans memerlukan:

- a. Butiran prosedur pengurusan risiko yang digunakan oleh firma untuk transaksi pemindahhakan semasa berlakunya perbuatan/ kesalahan/ kecuaiian yang menyebabkan tuntutan tersebut, dan hendaklah ditulis dengan jelas (lihat di bawah untuk cadangan penyataan); dan
- b. Dua hingga lima fail pemindahhakan lain yang dikendalikan oleh firma semasa berlakunya perbuatan/ kesalahan/ kecuaiian yang menyebabkan tuntutan. Fail-fail ini mestilah fail yang dikendalikan pada waktu yang sama semasa berlakunya perbuatan/ kesalahan/ kecuaiian yang menyebabkan tuntutan ke atas firma tersebut.

Sebagai gambaran, jika firma disaman pada tahun 2020 untuk fail pemindahhakan yang dikendalikan pada tahun 2018, firma tersebut hendaklah memberikan dua hingga lima fail pemindahhakan yang dikendalikan pada tahun 2018 kepada Syarikat Insurans bagi menyokong permohonan mengembalikan *Base Excess* ke jumlah asal.

MENYEDIAKAN PENYATAAN

Penyataan hendaklah, sebaik mungkin menerangkan kesemua langkah yang telah diambil oleh firma bagi mengurus dan mengurangkan kebarangkalian risiko bagi transaksi pemindahhakan, dari saat firma itu diambil oleh klien untuk transaksi jual beli, sehinggalah selesainya transaksi tersebut. Antara lain, ini termasuk penjelasan berkenaan:

- a. Langkah yang diambil untuk mengesahkan identiti dan latar belakang klien;
- b. Langkah yang diambil untuk mengesahkan identiti dan latar belakang pihak yang lain;
- c. Langkah yang di ambil untuk menangani isu konflik kepentingan;
- d. Penggunaan senarai semak;
- e. Carian tanah dilakukan;
- f. Diari dan sistem KIV;



- g. Profil dan latar belakang peguam dan staf yang mengendalikan fail pemindahhakkan di firma anda; dan
- h. Langkah yang diambil untuk mengawasi staf pemindahhakkan anda.

SERAHAN PERMOHONAN

Permohonan mengembalikan semula *Base Excess* boleh dihantar kepada Syarikat Insurans sebaik sahaja mengetahui tentang tuntutan tersebut atau secepat mungkin selepas mengetahuinya. Setelah permohonan dibuat, Syarikat Insurans akan menyemak semua dokumen dan fail yang disediakan oleh firma bagi menentukan sama ada firma tersebut mempunyai sistem pengurusan pemindahhakkan yang efektif semasa berlakunya perbuatan/kesalahan/kecuaian yang menyebabkan berlakunya tuntutan.

Bagi pemohon yang berjaya, *Base Excess* firma mereka yang telah dinaikkan akan segera dikembalikan ke jumlah yang asal. Sekiranya firma telah membayar *Base Excess* yang dinaikkan sepenuhnya, Syarikat Insurans akan membuat pembayaran semula ke firma tersebut.

Sekiranya permohonan firma tidak berjaya, Syarikat Insurans akan memberi penjelasan kepada firma tersebut yang merangkumi pendapat mengenai sistem pengurusan risiko yang kurang efektif dalam pengendalian fail pemindahhakkan. Berdasarkan alasan-alasan ini, firma tersebut masih boleh membuat rayuan kepada Syarikat Insurans dengan memberikan dokumen tambahan, maklumat atau fail pemindahhakkan tambahan yang dikendalikan oleh firma untuk pertimbangan selanjutnya oleh Syarikat Insurans.

Bagi kes di mana firma tidak memohon untuk mengembalikan *Base Excess* ke jumlah yang asal atau firma gagal dalam permohonannya, *Base Excess* firma tersebut masih boleh dikembalikan ke jumlah asal sekiranya salah satu situasi berikut berlaku:

- a. Mahkamah memutuskan bahawa tidak ada tanggungjawab sivil yang timbul daripada tuntutan terhadap firma tersebut; atau
- b. Pihak yang menuntut menarik balik tuntutan terhadap firma tersebut tanpa sebarang syarat.



Nota: Di bawah Skim Mandatori PII, perlindungan adalah sentiasa tertakluk kepada terma, pengecualian, dan syarat yang dinyatakan di dalam Sijil Insurans yang berkaitan.

Alih Bahasa ini adalah sebagai rujukan sahaja. Sekiranya terdapat perbezaan antara versi Bahasa Inggeris dan Bahasa Malaysia, versi Bahasa Inggeris hendaklah digunakan.

APA YANG DIKATAKAN SEBAGAI **PENGURUSAN RISIKO YANG BAIK** BAGI AMALAN PEMINDAHKAN?

Oleh Dennis Goh, Pengurus Tuntutan, Echelon Claims Consultants Sdn Bhd,
terjemahan oleh Azwa Zulsamli dan Mysahra Shawkat



PENGURUSAN risiko sangat berkait rapat dengan standard penjagaan yang diamalkan oleh seseorang peguam semasa menjalankan tugasnya.

Bagi menentukan sama ada sesebuah firma melaksanakan program pengurusan risiko yang efektif, Syarikat Insurans berpuas hati berkenaan tahap penjagaan dan kemahiran yang sewajarnya apabila seseorang peguam menjalankan kerja pemindahhakkannya. Ini termasuklah:

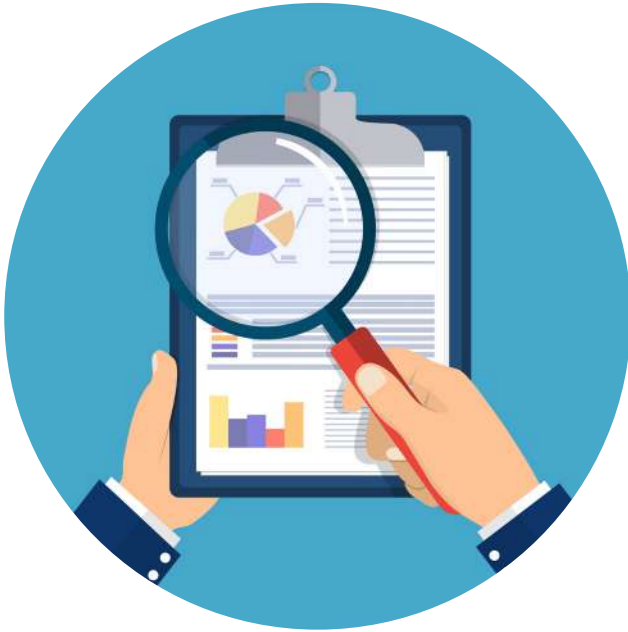
- a. Sama ada senarai semak pemindahhakkan digunakan;
- b. Sama ada carian identiti dan latar belakang dilakukan;
- c. Sama ada carian tanah dilakukan;
- d. Sama ada arahan yang diterima dan pendapat yang diberikan direkod secara bertulis; dan
- e. Sama ada tarikh-tarikh penting direkodkan.

Di antara tahun 2015 hingga 2020, Syarikat Insurans telah menerima sebanyak 41 permohonan

daripada firma untuk mengembalikan semula Base Excess mereka. Hanya 15 firma sahaja yang berjaya menunjukkan bahawa mereka telah mempraktikkan pengurusan risiko yang efektif dalam kerja-kerja pemindahhakkan mereka. Ini bersamaan 37% firma sahaja yang berjaya, yang mana mempraktikkan pengurusan risiko yang baik.

Bagi 63% jumlah firma yang tidak berjaya, Syarikat Insurans mendapati:

- a. Tidak ada carian identiti dan latar belakang dijalankan. Ini termasuklah kegagalan untuk melakukan semakan kebangkrutan atau insolvensi ke atas penjual, yang mana secara tidak langsung mendedahkan pembeli kepada risiko yang penjual tersebut adalah seorang bankrap atau taksolven;
- b. Carian tanah tidak dilakukan pada tahap-tahap penting proses transaksi, iaitu sebelum pelaksanaan perjanjian jual beli dan/atau



sebelum instrumen pemindahan disampaikan, di mana ia dapat menghalang transaksi daripada diteruskan sekiranya tanah tersebut mempunyai halangan atau kaveat;

- c. Carian tanah dilakukan tetapi hanya untuk urusan pinjaman yang berkaitan dengan hartanah, bukannya untuk perjanjian jual beli;
- d. Peguam memilih untuk hanya bergantung kepada carian tanah yang diberikan oleh klien

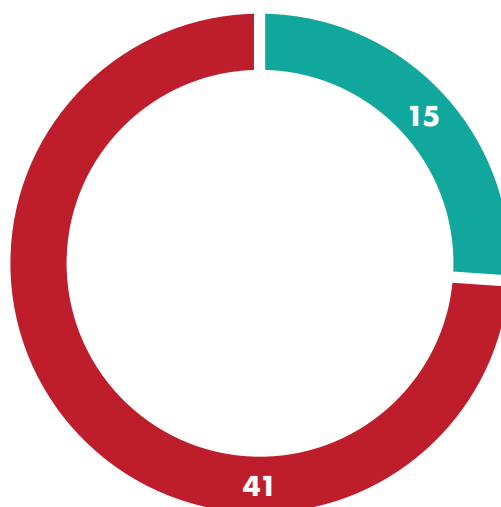
mereka atau pihak lawan. Peguam tersebut mungkin terdedah kepada risiko dokumen yang tidak dikemaskini atau mungkin dipalsukan;

- e. Dokumen telah disahkan tetapi tidak disaksikan sendiri oleh peguam tersebut; dan
- f. Senarai semak pemindahhakkan tidak digunakan.

Pengurusan risiko yang baik akan menghasilkan sebuah amalan pemindahhakkan yang berjaya. Tanpa sistem pengurusan risiko yang berkesan, firma terdedah kepada risiko yang datang dari luar seperti penipuan dan komplot tanah, ataupun kesilapan yang berlaku di dalam firma sendiri seperti kesilapan yang dilakukan oleh staf dan peguam, pengurusan yang bermutu rendah, kawalan yang kurang berkesan, mahupun teknologi.

Jangan abaikan kebarangkalian terjadinya risiko-risiko yang timbul dari amalan pemindahhakkan. Pengurusan risiko adalah penting bagi pengamal-pengamal dan amalan undang-undang pemindahhakkan, ianya bukan sekadar mengelakkan tuntutan undang-undang mahupun menurunkan kos insurans liabiliti profesional.

Permohonan untuk mengembalikan Base Excess Asal yang diterima Skim PII antara 2015 – 2020



■ Base Excess Asal dikembalikan ■ Permohonan yang ditolak



KEBAIKAN MENJAGA PEMAKANAN #KEKALSIHATDIRUMAH

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PADA bulan Disember 2019, penyakit pernafasan berjangkit yang dikenali sebagai Coronavirus ("COVID-19") telah menjadi krisis kesihatan terkini, sama ada di dalam negara mahupun global¹. Di peringkat global, sehingga 27 Disember 2020, terdapat 79,232,555 jumlah kes COVID-19 yang telah dilaporkan kepada WHO, ini termasuklah 1,754,493 kes kematian. Angka ini terus meningkat dari hari ke hari. Di Malaysia sahaja, setakat 27 Disember 2020, sebanyak 105,096 kes positif dan 452 jumlah kematian telah dicatatkan².

COVID-19 tersebar melalui kontak rapat dengan cara sentuhan dan titisan cecair yang terhasil daripada percikan air liur, contohnya bersin, batuk atau apabila bercakap. Apabila virus ini memasuki badan, ia akan menembusi sel paru-paru, arteri, jantung, ginjal dan usus melalui reseptor *angiotensin converting enzyme 2* ("ACE2")³. Sebaik sahaja virus tersebut menembusi sel, virus ini akan mengawal proses pembiakan genetik, mereplikasikan dirinya dan seterusnya melepasi membran sel. Walau bagaimanapun, tahap keseriusan jangkitan mungkin

berbeza bergantung kepada usia, keadaan kesihatan dan sistem imun seseorang.

Oleh yang demikian, adalah penting bagi setiap individu untuk mengamalkan pengambilan makanan yang baik bagi melawan virus ini. Pemakanan dengan nutrisi yang baik dapat memberi kesan kepada sistem imunisasi tubuh badan dan menjadi satu-satunya cara untuk terus kekal selamat, dalam konteks ini, adalah dengan memperkuat sistem imunisasi badan. Ketika wabak COVID-19 ini, kerajaan menggalakan masyarakat untuk duduk di rumah dan mengasingkan diri, mengamalkan penjarakan sosial, dan mengambil langkah berjaga-jaga dengan kerap mencuci tangan, seperti yang disarankan oleh Unit Penyakit Berjangkit ("CDC") – Kempen CDC: Hidup Lebih Baik dengan Tangan Bersih. Pendekatan ini adalah penting untuk melandaikan lengkung virus ini. Oleh itu, kita hendaklah mengikuti nasihat yang diberikan, sama ada dari segi kesihatan mahupun sosial.

Namun begitu, terdapat banyak faktor yang mempengaruhi tahap kesihatan seseorang dengan hanya duduk di rumah, seperti perubahan dalam pola pemakanan, tabiat tidur dan aktiviti fizikal. Kesemua perubahan ini boleh menyebabkan

¹ World Health Organisation ("WHO"), 2019

² Ministry of Health ("MOH"), 2020

³ Hoffmann et al., 2020

peningkatan risiko obesiti dan tahap sistem imunisasi menjadi rendah.

Oleh yang demikian, mengamalkan pemakanan yang baik dan gaya hidup sihat akan membantu memperkuat sistem imunisasi tubuh, terutamanya bagi golongan berisiko tinggi seperti warga emas dan mereka yang mempunyai masalah kesihatan untuk mempraktikkannya.

Terdapat beberapa tip untuk memastikan penyerapan nutrien dapat ditingkatkan bagi meningkatkan sistem ketahanan badan.



1. Pengambilan Nutrisi yang Lengkap dan Seimbang

- Menurut *Malaysia Dietary Guidelines*, diet yang seimbang ialah diet yang mengandungi kombinasi makanan yang memberikan keseimbangan nutrisi yang sepatutnya.
- Kombinasi makanan hendaklah merangkumi nutrisi makro (karbohidrat, protein dan lemak) dan nutrisi mikro (vitamin dan mineral).
- Jadi, bagaimanakah caranya untuk kita mendapatkan nutrisi yang mencukupi dari pemakanan? Berikut adalah beberapa tip yang boleh diguna pakai:
 - Makan makanan dari pelbagai sumber, seperti karbohidrat (nasi, roti, mi, pasta, thosai, chappati dll), lemak (minyak, mentega dll), protein (ayam, ikan, telur, dan daging) serta serat (buah-buahan dan sayur-sayuran).
 - Kawal pengambilan nutrisi makro yang tertentu. Ianya semudah ABC, anda boleh

merujuk *MyHealthy Plate* yang disyorkan oleh KKM di bawah.



#SukuSukuSeparuh

- Diet seimbang akan menjamin sistem imunisasi badan yang baik dan dapat mencegah daripada diserang virus kerana tubuh telah dibekalkan dengan nutrisi yang mencukupi.



2. Makan lebih buah-buahan dan sayur-sayuran

- Mengapakah anda perlu mengambil sayur-sayuran dan buah-buahan? Terdapat vitamin, mineral dan fitonutrien yang bertindak sebagai antioksidan bagi meningkatkan sistem imunisasi di dalam sayuran dan buah-buahan yang berwarna-warni.
- Sebagai contoh, Vitamin C terkenal sebagai

antioksidan yang kuat dan mampu melawan radikal yang bebas di dalam badan. Ini adalah penting untuk pertumbuhan tisu di seluruh badan. Ia juga berperanan untuk menyokong sistem imunisasi yang baik. Tubuh badan manusia tidak dapat menghasilkan vitamin ini secara semulajadi, ia perlu dihasilkan melalui makanan yang anda makan setiap hari.

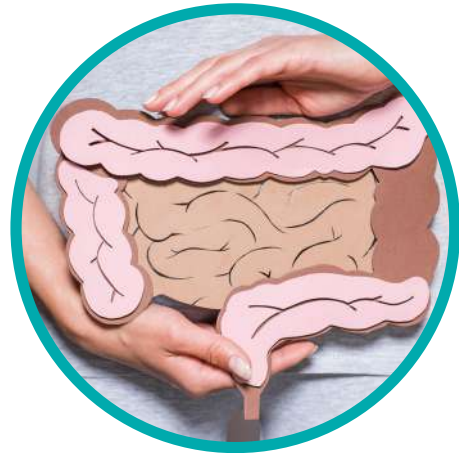
- Sekiranya anda bukan penggemar sayur dan buah, cuba jadikan ia sebagai jus atau *smoothie*. Sekurang-kurangnya alternatif ini adalah lebih baik daripada tidak mengambilnya langsung. Pastikan juga ia diambil tanpa gula bagi mendapatkan rasa vitamin dan mineral yang asli.



3. Hidrasikan diri anda

- Pastikan anda minum 1.5 hingga 2 liter air sehari bagi memastikan anda kekal hidrat, lebih-lebih lagi apabila anda berada di rumah kerana anda mungkin tidak akan merasa dahaga. Sediakan botol air sendiri walaupun anda berada di rumah. Ini boleh membantu anda mencapai sasaran untuk menghabiskan beberapa botol air dalam sehari, seperti yang ditetapkan.
- Dehidrasi akan mengurangkan stamina dan menjadikan badan lemah; punca utamanya adalah keletihan akibat haba.
- Dehidrasi juga menyebabkan sakit kepala dan mungkin mengakibatkan kegagalan buah pinggang jika ianya berterusan.
- Apakah tanda-tanda dan gejala dehidrasi?
 - Mulut kering
 - Kekejangan otot
 - Sakit kepala

- Jantung berdenyut laju
- Warna urin pekat dan berbau



4. Lindungi usus anda

- Lebih dari tiga perempat sistem imunisasi badan anda terletak di bahagian usus.
- Oleh itu, perut anda hendaklah dipenuhi dengan bakteria yang lebih baik berbanding patogen.
- Faktor dan keseimbangan dalam pemakanan adalah kunci untuk memastikan usus anda sentiasa dipenuhi dengan bakteria baik:
 - Ambil serat makanan yang mencukupi (bijibijian, kacang dan sayuran)
 - Minum air secukupnya
 - Ambil makanan dan minuman yang mengandungi probiotik (susu kultur dan yogurt)





5. Tetap kekal aktif walaupun semasa Perintah Kawalan Pergerakan (“PKP”) dan variasinya

- Daripada tidur dan berehat sepanjang hari, cuba rancang beberapa aktiviti dengan orang tersayang.
- Aktiviti di dalam rumah (membersih dan menghias rumah untuk memberikan wajah baru, bercucuk tanam, memasak serta bermain bersama anak-anak di perkarangan rumah).
- Bagi mereka yang gemar bersenam, cuba wujudkan gimnasium mini di rumah anda. Anda juga boleh melakukan yoga, aerobik dan latihan angkat berat.

Akhir sekali, kekal positif, bersosial menggunakan teknologi terkini, muhasabah diri dan tingkatkan rohani.

RESIPI MAKANAN RINGAN YANG SIHAT

Untuk 1 mangkuk (besar)

Bahan-bahan:

- 1 cawan susu badam
- 2 sudu kecil biji chia
- 2 sudu kecil oat
- 1 sudu kecil jus lemon segar
- 1 sudu kecil sirap mapel
- 1 sudu kecil vanilla
- 1 pisang
- 1 sudu kecil kelapa parut
- 1 sudu kecil kismis
- Sedikit serbuk kayu manis

Langkah Pertama

Masukkan susu badam, biji chia, oat, jus lemon, sirap mapel, dan vanilla ke dalam pengisar. Kisar sehingga biji chia dan oat menjadi puri. Ketika ini, acuan masih lagi berbentuk cecair – biji chia memerlukan beberapa jam untuk menjadi pekat seperti gel. Pindahkan ke bekas kaca yang bertutup dan biarkan di dalam peti sejuk semalaman, ataupun sekurang-kurangnya tiga jam. Ia akan bertukar bentuk seperti puding.

Langkah Kedua

Apabila puding sedia untuk dihidangkan, potong halus 1/3 pisang dan ketepikan untuk hiasan. Hancurkan lebih 2/3 pisang ke dalam mangkuk hidangan. Tambahkan kelapa parut ke dalam mangkuk. Akhir sekali, tuangkan puding chia dan gaulkan pisang, kelapa dan chia bersama.

Anda mungkin tertanya-tanya mengapa pisang tidak dikisar bersama. Ini kerana pisang akan bertukar coklat dan menghasilkan rasa yang pelik sekiranya dibiarkan semalaman di dalam peti sejuk. Oleh kerana itu, adalah lebih baik untuk menghancurkannya dan digaul bersama sebelum dihidangkan.

Langkah Ketiga

Tambahkan topping! Puding tersebut sudah sangat sedap seadanya, tetapi dengan topping, ia akan menjadi lebih enak. Letakkan potongan pisang di atas, taburkan kismis, kelapa parut dan sedikit serbuk kayu manis. Boleh juga mencuba hiasan tambahan yang lain seperti kacang cincang atau rempah.



**Circular No 159/2020
Dated 18 May 2020**

To Members of the Malaysian Bar

ALERT: Members Must Be Vigilant to Avoid being a Victim of Cybercrimes

We have been informed by the Broker for the Malaysian Bar Professional Indemnity Insurance (“PII”) Scheme, Jardine Lloyd Thompson Sdn Bhd (“JLT”), of a notification involving a possible hacking of a law firm’s email account. The incident took place just before and during the Movement Control Order (“MCO”) period; at a critical time when law firms and most businesses were closed, making it difficult to confirm instructions given during this time.

In the notification, a law firm acting for a purchaser (“Purchaser’s Solicitor”) in a sale and purchase agreement of a property nearing completion, had obtained an extension of time to pay the balance purchase price. One day before the MCO took effect, the Vendor’s Solicitor emailed the details of their firm’s clients accounts to the Purchaser’s Solicitor. Later in the evening, the Purchaser’s Solicitor received another email purportedly from the Vendor’s Solicitor, with instructions to transfer the funds into a different bank account which is not under the name of the Vendor.

The Purchaser’s Solicitor tried calling the Vendor’s Solicitor’s office to confirm the change of bank account details, but there was no answer as their office was closed due to the MCO. The Purchaser’s Solicitor then emailed the Vendor’s Solicitor expressing concern over transferring funds to a third-party account, and requested for a signed letter on the Vendor’s Solicitor’s letterhead, confirming such change of bank account details. The Purchaser’s Solicitor then received an email reply assuring that all is in order and attaching the requested confirmation letter, which had the signature and letterhead similar to previous letters received from the Vendor’s Solicitor.

During the MCO period, both parties exchanged various emails requesting payments and exchanging updates of the same. The Purchaser’s Solicitor then made the fund transfers in various instalments, and forwarded proof of the same to the Vendor’s Solicitor. Days later, the Purchaser’s Solicitor received a call from the Vendor’s Solicitor following up on the transfer and was shocked to learn that the Vendor’s Solicitor claimed not to have sent such emails on the purported change of bank account details.

All parties have since lodged police reports on this incident.

From the facts available, we can see the following:

- (1) The email exchange had the same email trail that started from the beginning of the agreement;

- (2) During the course of email communication, there was a change to the email addresses — some email addresses were slightly different, but the name attached to the email, remained the same;
- (3) The email address belonging to the Vendor's Solicitor's email address looked similar, albeit a slightly different domain name;
- (4) The email received by the Purchaser's Solicitor had intimate details of the file, including the constraint of time and pressure on the Purchaser to pay the balance purchase price within the extended completion date that fell within the MCO period;
- (5) Emails from the Vendor's Solicitor had the law firm's sign-off, that included the law firm's logo; and
- (6) The letterhead used was similar to the ones received by the Purchaser's Solicitor prior to the MCO period.

We know when this alert is issued, Members will have questions. However, we only have these brief facts.

We urge Members to exercise great caution when receiving instructions, especially via emails, and especially when it differs from agreed terms, eg with regard to transferring funds to a third-party account!

When there is a change request, minor or otherwise, **every additional caution must be taken**. If the lawyer you called to make verifications failed to answer his office or personal phone, reconsider whether to proceed with the instructions and the risks involved if you choose to act upon such instructions.

PLEASE take all necessary steps to avoid being a victim of cybercrimes.

- (1) If you are in doubt of instructions received by email:
 - (a) Call the solicitor or client to confirm the instruction. If you are unable to reach the solicitor, ask your client to call the vendor directly to confirm the change of instructions. Later, confirm the conversation in writing immediately after you have spoken to the right person;
 - (b) Forward the email to the solicitor or client to confirm the instructions. **This way, you will need to type in the email address of the recipient and not rely on the “reply” or “reply all” function;** or
 - (c) Fax or courier a copy of the instructions to the solicitor or client, seeking a confirmation of the instructions.
- (2) Check email addresses in full even when you click “reply” or “reply all”. **Hackers can imitate a person's name so that it appears the same, but would have set a different email address to it.**
- (3) Change your email password frequently and include a combination of font, cases, symbols and numbers. **Avoid using birth dates and favourite names as your password; and do not share your password with anyone.**

To know more about cybersecurity risks, read [Circular No 125/2020](#) dated 27 Apr 2020 and [Jurisk! July 2019](#) entitled “Cybersecurity: Ignorance = Risk”.

Members are reminded to be constantly vigilant, and to notify JLT if you think you have become a victim of cybercrime, that could lead to a possible claim against your law firm. Make a notification as soon as possible **within 60 days of awareness to JLT** at:

Jardine Lloyd Thompson Sdn Bhd
Level 42-01A (West Wing), Q Sentral
2A, Jalan Stesen Sentral 2, KL Sentral
50470 Kuala Lumpur, Malaysia
Telephone: 03-2723 3388
Email: mbar@jltasia.com

Should you have any enquiries, please contact Mysahra Shawkat, Legal Risk Junior Counsel, Bar Council PII and Risk Management Department, by telephone at 012-237 1300 or by email at pirm@malaysianbar.org.my.

Thank you.

A G Kalidas
Secretary
Malaysian Bar



**Circular No 285/2020
Dated 7 Sept 2020**

To Members of the Malaysian Bar

ALERT | Scams Tarnishing Law Firms' Name

We have been made aware of two possible scams using the names of law firms. The scams are explained below:

(1) Scam 1: Third party impersonating as firm's employees and demanding legal fees

The Insurance Broker for the Malaysian Bar Professional Indemnity Insurance ("PII") Scheme, Marsh Insurance Brokers (Malaysia) Sdn Bhd ("Marsh"), informed Bar Council of a notification involving impersonation by a third party as a firm's employee to collect legal fees.

In the notification, a law firm received approximately 10 telephone calls within two weeks from members of the public ("the public") asking whether the law firm is acting for them in certain matters. The scammers, who pretended to be the law firm's employee by the name of "Robert" and/or "Tengku", claimed to have represented the public in court proceedings, and demanded payment of legal fee (that reached up to RM50,000). If the public failed to make payments, these scammers would then institute legal proceedings against them.

The law firm has since lodged police reports and made a notification to the PII Scheme Insurance Broker.

(2) Scam 2: Business entity registering a name that is the same as a law firm

A law firm notified the Bar Council of a possible scam involving a business entity impersonating its name to collect money from its client.

At all material time, the law firm acted for the vendors in a sale and purchase transaction ("vendor's solicitor"). A separate solicitor represented the purchaser in the transaction ("purchaser's solicitor")

The purchaser's solicitor requested bank details from the vendor's solicitor to directly bank in the banker's cheque to avoid penalty since it was nearing the date for certain payment within the agreed period of the transaction. Upon exchanging the vendor's solicitor's bank details and providing a copy of the banker's cheque, both solicitors in the transaction became suspicious of the banker's cheque provided by the purchaser — the banker's cheque was issued in favour of the vendor's solicitor but with a serial number attached to its name — XXX & Co (Registration No: 00XXXXXX-U).

Concerned by this discovery, a search with the Business Registry was conducted under the name “XXX & Co (Registration No: 00XXXXXX-U)” that revealed that a business entity was registered as a sole proprietorship since October 2019 under the said details.

The solicitors have or are in the process of lodging police reports, notifying the PII Scheme Insurance Broker, and lodging a complaint with the Companies Commission of Malaysia.

Members are reminded to be constantly vigilant, and to notify our PII Scheme Insurer, Marsh, and the Bar Council if you think you have become a victim of a scam, and which could lead to a possible claim against your law firm, in addition to these scammers tarnishing the reputation of the legal services.

Notifications to the PII Scheme Insurer must be made **within 60 days of awareness** to:

Marsh Insurance Brokers (Malaysia) Sdn Bhd
Level 42-01A (West Wing), Q Sentral
2A, Jalan Stesen Sentral 2, KL Sentral
50470 Kuala Lumpur
Telephone: 03-2723 3388
Email: mbar@marsh.com

Should you have any enquiries, please contact the Bar Council PII and Risk Management Department by telephone at 03-2698 4511 or by email at pirm@malaysianbar.org.my.

Thank you.

A G KALIDAS
Secretary
Malaysian Bar

A long wooden pier extends from the foreground into the ocean, leading the eye towards the horizon. The sky is a mix of blue and orange, suggesting a sunset or sunrise. The water is calm and reflects the sky's colors. The pier is made of weathered wooden planks and has blue metal posts along its sides.

**STAY CALM,
BE KIND,
STAY SAFE.**

**KEKAL TENANG,
BERBUAT BAIK,
KEKAL SELAMAT.**

BAR COUNCIL MALAYSIA

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HAPPY NEW YEAR



From

Bar Council Professional Indemnity Insurance Committee 2020/2021

Burhanudeen b Abd Wahid & Kuthubul Zaman b Bukhari (Co-Chairpersons)
| R Jayabalan (Deputy Chairperson) | Al-Sabri b Hj Ahmad Kabri | Arthur
Wang | Balbir Singh | David Dev Peter | Dhinesh Bhaskaran | Fariz Irwan
b Mustafa | Felix Raj | G. Balakrishnan | GK Ganesan | Harikannan
Ragavan | Lawrence Pereira | Mathew Kurien |
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Sivasubramaniam | Shobah Veeraputhran