



Risk Management Quarterly | A publication of Professional Indemnity Insurance Committee, Bar Council Malaysia

Date : SPECIAL EDITION 2011 (Mar & June) Vol 7 Issue 1

File Reference: BCM/RM/2011/183/pub

Client: PII & RM Department, Bar Council Malaysia, No 15, Leboh Pasar Besar,
50050 Kuala Lumpur
Tel: 03-2050 2050 Fax: 03-2031 6124

[illegible]

Inside This Issue

Page

- 3 Chairperson's Message
- 4 Profile. The Team
- 5 The Judicial KPI –
No Longer A Number Game
- 9 File (Mis)Management
- 12 How To Manage Your Files Effectively,
Without Breaking The Bank
- 14 Case Closed:
What Do I Do With The File Now?
- 17 Email Scams and Fraudulent Schemes
by Unauthorised Persons
- 18 Malaysian Bar Mandatory PII Scheme:
Did You Know?
- 19 Skim Mandatori PII Badan Peguam
Malaysia: Tahukah Anda?
- 20 Hijaukan Cara Ku
- 22 Amalan Hijau
– Sejauh Manakah Anda Prihatin?
- 23 Risk Management Events 2011

This issue is dedicated to files. In this issue, we hope to highlight key aspects of file management. In "How To Manage Your Files Effectively Without Breaking The Bank", we focus on easy-on-the-pocket ways and means to help you de-clutter, store and retrieve your files with ease. Our article "File (Mis)Management" is an eye opener to all on the pitfalls improper file management can pose.

If you have ever wondered "When should I actually close this file?" and "How do I go about making sure all loose ends are tied up before closing a file?", find the answers in "Case Closed: What Do I Do With The File Now" where we've prepared a step-by-step checklist for file closures.

The thorny issue of the Judicial KPI is also highlighted in this publication and we present practice tips on managing your workload, clients and witnesses, and time management, as well as ways to be better prepared.

Another key highlight of this issue is our very first foray into providing Members with a Bahasa Malaysia segment. The Bahasa Malaysia articles in this issue focus on green initiatives — an ode to World Environment Day that falls on 5 June annually.

We do hope this issue of Jurisk! will prove beneficial to you and your firm. Because "taking care" of a file can involve so much more than what is highlighted in this issue, the next publication of Jurisk! will feature more articles on files, so keep a lookout for our September issue!

Email us with your feedback on our risk management resources and Jurisk! at pirm@malaysianbar.org.my.

The Jurisk! Team

CHAIRPERSON'S MESSAGE

Members' Apathy: An Uphill Battle

We are pleased to welcome you to the first issue of Jurisk! 2011. In this issue, focus is on files – features include file management articles and a file closure checklist. We hope you enjoy this issue.

Lawyers moan all the time that practice is tough and it is difficult to survive but the fact is, if you run an efficient practice, time expended on office administration can be reduced; billing clients progressively and/or collecting outstanding bills can be easily managed.

Accordingly, I would like to start my message with the following claim/s statistics:

- **More than 75%** of the legal profession in Malaysia is made up of law firms with three lawyers or less;
- **62% of claims** notified on the Mandatory PII Scheme are under RM100,000;
- **More than 65%** of claims notified since 2001 come from litigation or conveyancing practice;
- **More than 50%** of these litigation and/or conveyancing claims are notified by firms with three lawyers or less.

With claims statistics like these, we cannot emphasise enough the importance of risk management for law firms especially small firms and sole proprietors. What lawyers don't realise is that risk management can be quick and easy. Arranging your files in chronological order; using Bar Council's Checklists when working on litigation and/or conveyancing files; sending staff for Bar Council's events like **Risk Management for Staff** are all easy steps that can help to reduce risk, boost efficiency and productivity; more importantly, help the practice generate a higher income.

We emphasise the use of practice resources time and time again, as it is vital not only for your firm's development but to ensure best practices in our profession. Risk management should be taken seriously and should be implemented rigorously to ensure an efficient law practice.

Members are however still **not** 'buying in' to the idea of risk managing their practice. It seems to be a low priority area, something that can be put off as it only afflicts 'bad' lawyers. This cannot be further from the truth. Fact is, if your firm has appropriate systems and processes in place, work flow will be improved, staff will be easier to supervise and mistakes can be halved and, this would of course generate more profit and income for the firm.

So, this year, we are sending our PII & RM Department officers to the various State Bars to engage Members on risk management. We want to hear why risk management is a challenge and how we can help. We want to know your practice needs; what kind of practice tools you need; how we can improve the Scheme. It is our hope that State Bars and Members alike will support this endeavour and actively engage our Officers in dialogue. Feedback gathered is critical to spur the Scheme and RM Programme forward.

You would have received the **Risk Management 2011 Highlights** Postcard with this issue of Jurisk! Of note in 2011 is the launch of the START Kit for new lawyers and firms. It is packed with booklets, checklists and even an edu-video, all targeted at the lawyer just setting up or young lawyers beginning their careers. In addition, we launched two brand new booklets, **Setting Up Practice** and **Accounting for Lawyers**. We are also introducing two new programmes this year: the **Coffee Sessions** and **Billings and Collections**. Read more about these events on Page 23.

On the PII front, negotiations for the 2012 renewals are underway. As is custom, we hope to finalise terms and conditions by early Aug 2011 to ensure smooth and prompt renewals for Members by the 15 Oct 2011 deadline. Members will be informed via Bar Council Circular, in more detail, the outcome of the 2012 renewals.

Ragunath Kesavan
PII Committee Chairperson
Bar Council

The 2011/12 Professional Indemnity Insurance (PII) Committee

Headed by Ragunath Kesavan, the 2011/12 PII Committee is comprised of 14 members. The Committee's paramount objectives are to sustain and maintain the PII Mandatory Scheme. Aside from this, the Committee also aims to further the Risk Management Programme, the main intention of which is to raise awareness of RM amongst Members and to engage the profession through continuous publications, tools and events.



Your 2011/12 PII Committee:

Ragunath Kesavan (Chairperson)
Razlan Hadri Zulkifli (Deputy Chairperson)
Arthur Wang
Balbir Singh
Dhinesh Bhaskaran
Felix Raj Arokiasamy
G Balakrishnan
GK Ganesan
Harikannan Ragavan
Lawrence Pereira
Ng Seng Kiok
Rao Suryana Bt Abdul Rahman
Richard Kok Chi Wei
Selvarani Thiyagarajan



The PII and RM Department

Comprising of a team of four, the Department is headed by Risk Manager, Wong Li Chin, supported by officers Melissa Kraal and Mysahra Shawkat. They are ably aided by administrative assistant Roslan Idris. The aim and purpose of the Department is two-pronged, the first of which relates directly to supporting the PII Committee and assisting Members on a daily basis with their claims, enquiries and complaints. The Department is also responsible for the development and management of Bar Council's Risk Management Programme. This encompasses all RM tools from publications, newsletters and booklets to organising events such as **Getting Started!** and Risk Management for Staff.

PROFILE The Team

For more information on how to contact the Committee and the Department, please refer to page 24.

by Melissa Kraal

The Judicial KPI – No Longer A Number Game

JUSTICE DELAYED; JUSTICE DENIED

In early 2009 and shortly after his appointment as Chief Justice of Malaysia, YAA Tun Zaki Azmi announced plans of an overhaul to the court system in which he hoped its direct consequence to be the whittling down of an immense backlog of pending cases utilising fast-track approaches coupled with better and more efficient case management.

As of February 2011, there are approximately 9700 cases filed before 2008 that are still pending. The oldest case goes as far back as 1990.

To ensure that the new system worked, YAA Tun Zaki introduced the usage of Key Performance Indicators [KPI] for all court officials including judges, magistrates, registrars and court personnel. Although it was never sealed in a written direction to the Judiciary, part of the Indicators assigned to each member of the Judiciary purportedly were requisite number of cases they had to dispose off each month.

JUSTICE HURRIED; JUSTICE DENIED

The KPI is a system primarily adopted in corporate and governmental bodies and it is used to evaluate the productiveness, effectiveness and quality of employees and management by way of statistics derived from targets and goals set by upper management. There have been arguments from many sectors that the Judiciary is not a corporate entity, nor is it a governmental body.

The Judiciary is one of the three independent pillars of any democratic government, and as such, it should remain completely autonomous and independent. General sentiments are that, in no exact terms should the workings of the Judiciary be tempered with and it can be adjudged a reckless move to put a timer on a Judge's actions – especially when it comes to submitting their written and oral judgments. Submissions of such judgements should however, be completed within reasonable time.

The KPI measures however did in fact, initially, strike a chord with Members of the Bar. Members were for the most part, happy that positive changes were being implemented to further the efficiency of the courts and its personnel as the backlog of cases was drawn so far back that some Members have even had cases for decades.

Problems began to arise as judges pushed to meet their statistical "quotas" in expediting and closing off cases on a "monthly timer". Cases were being brought to the open and reported as not having been dealt with judiciously.

This put many lawyers under considerable strain, in particular sole proprietors and lawyers in small practices where it was difficult to have another colleague take over cases when two or more court dates coincided. In extreme cases, there have been reports of cases proceeding without the lawyer or key witnesses in attendance. To highlight an example, a lawyer who had previously asked for an adjournment due to illness and was not granted one, was forced to show up in court only to collapse in open court due to his ill health.

THE WAY FORWARD

At the 65th Annual General Meeting of the Bar Council, Members of the Bar collectively passed a no-confidence motion against the Judicial KPIs and voiced that importance be placed on the immediacy of its removal. Members of the Bench and in particular YAA Tun Zaki took heed of this motion. In April 2011 the Bench and Bar in an unprecedented joint statement signed by Chief Justice YAA Tun Zaki Azmi and the President of Malaysian Bar Lim Chee Wee highlighted various issues that plagued the legal fraternity from the time of the KPI introduction in early 2009 and vowed that measures will be taken to eradicate the problems it created.

practice ALERT!

Joint Press Release by the Chief Justice of Malaysia and the President of the Malaysian Bar

1. The Bench and the Bar must collaborate and coordinate with each other to ensure an effective and just administration of justice, which inspires public confidence.
2. Both share the common desire to reduce substantially the backlog of cases, a problem which has been plaguing our courts for some time now.
3. The Bench and the Bar were determined to substantially reduce the backlog of cases and the Bench acknowledges and appreciates the assistance and hard work of the Bar towards the substantial reduction of the backlog. The backlog has been substantially reduced. However, there is concern with respect to the number of cases filed in 2008 and before still pending which as at 28 February 2011 number approximately,

High Court (Civil)	4849
High Court (Criminal)	127
Sessions Court (Civil)	2201
Sessions Court (Criminal)	808
Magistrates' Court (Civil)	192
Magistrates' Court (Criminal)	1590
4. The Bar has raised, from time to time, the problems and difficulties faced by lawyers and litigants in the last two years caused by this exercise.
5. With the view to addressing and remedying the problems and difficulties faced by lawyers and litigants, the Bench has responded positively by amongst others, issuing at least two practice directions; one dated 21 March 2011 and the other dated 7 April 2011 (see page 8 for the Practice Direction in full).
6. In respect of the issue of key performance indicators ("KPI"), there is currently no and there will be no KPI measures based on a minimum disposal of cases per day, per week or per month as a KPI measure. Instead, Judges are assessed on qualitative measures, such as:

✓ Integrity;
✓ Impartiality and independence;
✓ Judicial temperament;
✓ Quality of judgments;
✓ Work ethic or diligence; and
✓ Observance of the Judges' Code of Ethics 2009.
7. The Bench and the Bar, together with the Attorney General's Chambers ("AGC"), will continue to collaborate and co-ordinate, and to this end, respective working groups will be established for Appellate Courts (Federal Court and Court of Appeal), High Court (Criminal, Civil and Commercial), and Subordinate Courts (Criminal, Civil and Personal Injury).
8. These working groups will comprise members of the Bench, Bar and the AGC with the responsibility to find solutions and formulate measures for an excellent justice system.

The oldest case goes as far back as 1990.

The Judicial KPI – No Longer A Number Game

This is certainly a step in the right direction taken by both parties. The crucial elements of the judiciary has once again been given top priority - integrity, impartiality and independence, amongst other things, and the observance of the Judges' Code of Ethics 2009 are the ethos that judges should solely be assessed on. The numbers game has ceased. With the need to constantly meet quota taken out of the equation, it is hoped that the breakneck speed at which justice was dispensed will slow down considerably. Periodic reviews should be done to constantly monitor the progression of cases to be certain that backlogs do not again, get out of hand.

This is however, not a time for Members of the Bar to loosen their ties and claim victory against the Bench. YAA Tun Zaki had a vision in mind when he created the system, a vision that envisaged the appalling backlog of cases to be hacked away with great efficiency. Hence, lawyers must keep their sleeves rolled up for there is still much work to be done. Regressing back to the time when adjournments and the power play of delay tactics is not an option. All stakeholders must be held accountable for their actions and the courts' systems can only move forward when everyone is doing their job and doing it diligently.

RISK MANAGE YOUR PRACTICE IN TANDEM WITH THE PRACTICE DIRECTIONS

"Internal Fix-Its"

Diarise All Dates

Ensure you have all court dates properly documented and recorded. Utilise the various aides in helping you remember them: diary, secretary, PDAs, online calendars.

Secure a Good Business Continuity Plan

This is especially important should disaster strike – fire and server crashes are not out of the ordinary and could wipe out entire case files that you have been working on – every bit of documentation you have for a due case.

Take on What You Can Handle

Whatever the size of your practice, you have to know when enough is enough. Taking on more than you can cope and juggling them leads to mistakes and missed deadlines.

Conduct Constant File Reviews

This is not limited to just your own files, conduct peer reviews to ensure all lawyers are aware of each other's cases. Something amiss may be spotted by a fresh set of eyes and also, this will help standardise and improve file management procedures in the firm. This will come in helpful in times of emergencies when a lawyer takes ill or leaves unexpectedly.

"External Fix-Its"

Learn to Keep Time

This is especially important for early morning court appearances – wake up earlier, take traffic jams into account, and be at the venue earlier for you to have ample time to look for parking!

Witnesses

Your witness can make or break your case – whenever your witnesses are due in court ensure it's been properly communicated to them and make sure they show up. Write to them and ensure a follow up telephone call is made before they are due in court.

Keep Channels of Communication Open

Should there be a need to delay a case, make this known clearly and early to the presiding judge, as well as to opposing counsel. It is also important to keep your clients and witnesses in the loop for any changes.

Keep Abreast!

Bar Council Circulars, Judicial Practice Directions and Jurisk!'s Practice Alerts will aide in keeping you informed. Make it a point as well to attend relevant CLE courses.

Check out Bar Council and PII & RM Department Events that are held year round.

Arahan Berkaitan Prosiding Mahkamah

Adalah dengan segala hormatnya saya merujuk kepada perkara di atas.

2. Setelah berunding dengan YAA Ketua Hakim Negara, saya dengan ini mengarahkan seperti berikut:

2.1 Waktu Bersidang Mahkamah

- 2.1.1 Pihak-pihak hendaklah hadir ke Mahkamah tepat pada waktu.
- 2.1.2 Waktu bersidang Mahkamah adalah dari jam 9.00 pagi hingga 5.00 petang. Mahkamah tidak boleh menyambung persidangan selepas dari jam 5.00 petang kecuali dengan persetujuan semua pihak.

2.2 Masa Pendengaran Berperingkat

Mahkamah boleh menetapkan masa pendengaran kes secara berperingkat.

2.3 Penetapan Tarikh Bicara

- 2.3.1 Mahkamah dalam menjalankan kuasa budibicaranya untuk menetapkan kes akan mengambil kira kelapangan peguam dan perlu diseimbangkan dengan keperluan untuk menyelesaikan kes secara pantas terutamanya kes-kes lama.
- 2.3.2 Tarikh bicara yang telah ditetapkan oleh Mahkamah tidak boleh dibawa ke hadapan kecuali dengan persetujuan pihak-pihak. (Arahan Amalan Hakim Besar Malaya Bil 1/2011 adalah berkaitan).
- 2.3.3 Jika Mahkamah ingin menukar/melapangkan tarikh bicara yang telah ditetapkan, tarikh bicara baru hendaklah ditetapkan dengan persetujuan pihak-pihak. (Arahan Amalan Hakim Besar Malaya Bil 1/2011 adalah berkaitan).
- 2.3.4 Tertakluk kepada Arahan Amalan Ketua Hakim Negara Bil 1/2008 dan Surat Ketua Hakim Negara bertarikh 14 Julai 2009, Mahkamah boleh membenarkan penangguhan atas alasan kesihatan atau kecemasan.

2.4 Pemanggilan Saksi (Termasuk Saksi Pakar)

- 2.4.1 Mahkamah tidak boleh menolak permohonan penangguhan kali pertama atas alasan saksi yang telah diserahkan sapina kepadanya tetapi tidak hadir. Mahkamah boleh mengeluarkan waran tangkap ke atas saksi tersebut.
- 2.4.2 Dalam keadaan-keadaan lain, ianya adalah tertakluk kepada budibicara Mahkamah samada untuk membenarkan penangguhan atau tidak.

2.5 Hujahan

Di mana hujahan bertulis telah difailkan, Mahkamah hendaklah, atas permohonan, membenarkan pihak-pihak untuk membuat hujahan lisan bagi tujuan klarifikasi.

2.6 Pembatalan dan Menghidupkan Semula Kes

- 2.6.1 Sebutan Atau Pengurusan Kes
Jika semua pihak tidak hadir semasa sebutan atau pengurusan kes, Mahkamah tidak boleh membatalkan kes dengan serta merta tetapi hendaklah memanggil semula kes tersebut di akhir senarai kes sebutan atau pengurusan kes pada hari tersebut. Bila kes dipanggil semula, dan pihak-pihak masih tidak hadir, maka Mahkamah boleh membatalkan kes tersebut.
- 2.6.2 Perbicaraan atau Pendengaran
Jika semua pihak tidak hadir semasa perbicaraan atau pendengaran kes, Mahkamah tidak boleh membatalkan kes dengan serta merta tetapi hendaklah memanggil semula kes tersebut di akhir senarai kes pada hari tersebut. Bila kes dipanggil semula, dan pihak-pihak masih tidak hadir, maka Mahkamah boleh membatalkan kes tersebut.
- 2.6.3 Menghidupkan Semula Kes
Tertakluk kepada Kaedah-Kaedah Mahkamah Tinggi 1980 dan Kaedah-Kaedah Mahkamah Rendah 1980, kes yang telah dibatalkan boleh dihidupkan semula melalui permohonan lisan yang dibuat sebelum Mahkamah ditangguhkan pada hari tersebut.

3. Arahan Amalan ini berkuatkuasa mulai 7 April 2011.

Tan Sri Arifin Bin Zakaria, Hakim Besar Malaya, Istana Kehakiman, Putrajaya

File (Mis)Management by Melissa Kraal

A good file management system is essential in any legal practice whether it be a small or large practice. Lost, stolen and irreversibly damaged files often lead to disgruntled clients who, when unhappy with the service they've received, would in turn take their business away or worse, sue the practice for negligence at the slightest oversight.

It is not merely the physical aspects of a file that lawyers and law practices should pay attention to. In most cases that involve claims against lawyers, it is the mismanagement of the content or even the lack of content of a file, which generate claims. In essence, having a filing system that looks good would negate its benefits if the proper documentation is not done and the critical information does not get recorded into the file.

Whilst it is quite easy to appropriate the cause of claims against lawyers on their negligence of file handling and lack of proper systems and procedures, there are oftentimes further root causes that inhibit a lawyer from performing his duties well. This article aims to point out first and foremost that lawyers are, human beings, and even the best of them are susceptible to having "off" days. Therefore, the *Human Factor* is not something that can be swept aside and neglected for tired and stressed lawyers can make mistakes in so many ways ie forgetting to communicate with clients, failing to lodge a court document in time, misplacing and losing files, and what is even worse is completely missing court dates altogether.

Four Risks Associated With File Mismanagement!

The Risk! You fail to diarise a court appearance date and decide that your memory is sufficient to remind yourself about it. The date comes, but you're having a stressful day, and so you forget about it completely. The Judge strikes out your case when you failed to show up, because he's having a bad day too!

The Consequence **Missed Court Dates**

The Human Factor Do not leave everything to memory. There will be times when we all forget names, dates, and places we have to be at! The more frenetic our schedules become, the easier it is to overlook and forget completely.

Rectify It!

In the order of maintaining your files, a KIV system is a must and it is an essential element in your overall system. This system ensures that all active files are being tracked in some manner by the practice's lawyers and ideally one partner.

One main reason for this is to ensure that all pertinent dates have been recorded so that your cases do not get dismissed for failing to be filed within the time limits AND that you do not miss that all important court appearance.



#1 Missed Court Dates

#2 Lawyer-Client Miscommunication

The Risk!

You fax your client a letter on a Friday evening informing him he is expected in court the following Monday. Unbeknownst to you, the fax transmission failed.

You forget all about it until Monday morning when your client fails to show up and an unhappy Judge is kept waiting...

The Consequence

Lawyer – Client Miscommunication

The Human Factor The latest in technological communications have made us more complacent. What used to be detailed letters and emails have now been swapped for short text messages, oftentimes ending with an apology from the sender for the brevity of the message.

Rectify It!

Nothing beats the proverbial “in black and white”. Log everything you receive from your clients in a client communications sub-folder. File away correspondence that have gone both ways. Make notes of telephone conversations and meetings that are pertinent and log them into the same. Clients, like lawyers, are susceptible to error and forgetfulness, so having everything that your client says or instructs on paper will help you much later should the client refute the same.

Aside from recording client communications, it is vital too that you as your client’s lawyer, keep your client informed at every crucial point of the case and its proceedings. This is especially important when things do not go as intended. Being in an open client-lawyer relationship will help foster greater trust and goodwill between parties.

#3 Lost & Damaged Documents

The Risk! In your hurry to leave work in the evening, you pack up your things and stack all the files you have been working on, on the floor, beside your dustbin. You could have taken 15 minutes to put your files away in your fireproof cabinets. But you did not. The office maid comes in early the next morning and assumes the files left by the dustbin is to be disposed off. By the time you arrive at the office after your morning court session, you realise that your files have been thrown and there is no way to retrieve them.

The Consequence

Lost & Damaged Documents

The Human Factor It is quite a normal human assumption to believe that accidents and mishaps “Will never happen to me”. In assuming so, most people take many simple things for granted.

Rectify It!

Your files make your practice. So care and effort should be exerted with the management of your filing system be it physical files or electronically stored files.

Natural disasters, accidents and human negligence can lead to lost and destroyed files. Whilst some documents within the files can be reconstructed by building-off copies from court-lodged documents and also with help of your opposing counsel, doing so could be costly, time-consuming and stressful. Others such as Title Deeds, Sale and Purchase Agreements and Wills cannot be recreated and is deemed forever lost.



#4 Conflicts of Interest

The Risk! You interview a prospective client. This client is bent on suing his employer for wrongful termination. None of the names of the parties involved ring a bell. You agree to take on the case. In actual fact, your other partner who manages the Johore branch of your law firm is defending your client's ex-boss in another wrongful termination suit. You do not know of this because you've not spoken to your partner in months because of a disagreement...

The Consequence Conflicts of Interest

The Human Factor A law partnership is first and foremost a legal practice, and secondly it is a business entity. Petty arguments and fall-outs should be addressed immediately and both parties should amicably move on. Holding onto grudges and hurt feelings is part and parcel of being human, but for the sake of the partnership, it should be set aside and professionalism between all parties must be paramount at all times.

Rectify It!

It is important that a standard operating procedure is maintained for all meetings with new clients and prospective clients. A file should be opened even if the prospect does not become your client although this does not have to take the shape of physical file. Maintaining a soft-copy database of all the prospective clients is cost effective and sufficient in helping your practice conduct future conflict checks. Along with the prospective client's personal details, all other details mined from the meeting or interview should also be taken down and recorded. The minutiae that should be logged on your conflicts system should include details such as the names of the all parties involved, the nature of the case, the property the prospective client was interested in purchasing etc.

What is also important is for there to be open communications between all partners and lawyers within a firm, regardless of how many branches a firm has. Partners and lawyers should always know what their peers are working on at all times – a central conflicts check will assist in doing so.

*Read our **The Dreaded C – Conflicts Series** in Jurisk! issues of:*

1. December 2007
2. March & June 2008 and
3. September 2008

In conclusion,

take proactive steps in your practice. Maintain rigorous KIV systems so that minute details do not fall through the cracks. Follow up whenever necessary with your clients to exchange notes and agree that both parties are on the same page.

Most importantly, keep yourself healthy. Stress and work-related anxiety almost always is the cause of mistakes and oversight.

- Exercise regularly
- Get yourself thoroughly examined at least once a year
- Eat healthy, and do not skip meals
- Drink lots of water
- Supplement your diet with vitamins

And most importantly, put aside some vacation time to unwind.



How To Manage Your Files Effectively, Without Breaking The Bank

It is a common perception that a large sum of money is required to achieve a good file management system. In truth, a certain degree of creativity and perseverance is all it takes to first create a system, and to then maintain it. Probably the hardest part of it all lies in breaking the old habits of lawyers and staff alike and changing the culture of the firm so that the adoption of a workable system can be achieved with minimal disruptions and loss of time.

Because it is largely left to your support staff to attend to the day-to-day upkeep of your files, it is imperative that as their employers, you take the time to educate and train them on your intentions, and the benefits a good filing system can have on the practice. Employees who understand the intent behind your instructions will have a clearer sense of direction and inculcate a deeper sense of responsibility for their tasks.



These are some suggestions to attain a workable file management system:

DESIGNATED SPACE: Designate and cordon off a space in the office solely for files – this can range from a small room to a wall of shelves. Whichever space is chosen, make sure that external influences are taken into consideration, sunlight and dampness can deteriorate files over time.

COLOURED FILES: Break-up that designated space into sections by practice area ie litigation, conveyancing, commercial, family law etc; use colour-coded files or file labels – visual representations act as a quick aide in locating files.

FILE NAMES: Have a set naming convention for all active files – ensure that the names and reference numbers on the files can be seen in whichever way they are stacked or stored to save time looking through many files in search of the one you actually want.

HOUSEKEEPING: Dedicate one day a month for your staff to conduct basic housekeeping work on all files ie making sure files are stored where they are supposed to be, updating documents within a file and ensuring all files are logged into the database.

CATALOGUE: Open and maintain a worksheet document cataloging all files by practice area, file name, date opened, date closed, parties involved, and persons in charge to accommodate for broader search parameters.

Tools For Thought: If you do not spend on anything else, consider investing in a safe or fire-proof storage cabinets specifically for your client's most important documents eg Title Deeds, Sale and Purchase Agreements and Wills.

By Melissa Kraal



CASE

Closed

What Do I Do With The File Now?

Whilst most lawyers do not expect it when they begin their careers; documents (and paperwork) tend to dominate most law firms. In a 2003 survey conducted by the American Bar Association, lawyers reported that one of their greatest disappointments in practising law is the large amount of paperwork.

There are numerous (practical) issues in managing this mountain of paper that is generated throughout the “life” of a file. In this article, we focus on key considerations when closing a file.

FILE CLOSING PROCEDURE

Similar to how a case must start with a file opening procedure; a file must also be closed with a clear set of closing procedures. This procedure need not be a comprehensive or even an elaborate one. What is important is that, whether or not a formal policy is written up, lawyers and staff alike should come to an understanding on your firm’s file closing procedures. Conduct regular staff briefings to remind staff of the policy. New staff must be inducted on the firm’s file management policies from start to end. Partners of the firm should also conduct periodic spot checks on files to ensure the procedure is being followed.

See the File Closure Checklist for a quick guide to closing a file.

THE CLOSING LETTER

An important element of file closure is the Closing Letter to the client. As far as possible, a Closing Letter should incorporate the following points:

- inform** that the matter is now closed and provide reasons for the file closure eg work has been completed;
- provide an explanation** of the work done and the outcome;
- find out** whether or not the client would like their physical file returned or if they would prefer your law firm to store the file; provide the client with a deadline by which they should revert, failing which, you will store the file.

- If your firm has a:
 - **Non-Destruction Policy**, specify how long the file will be retained in your office before it is placed in your firm’s off-site storage facility; advise the client of your firm’s policy on retrieval and provision of closed file materials. You may want to consider informing the client of the approximate fee chargeable for retrieving the file thereafter.
 - **File Destruction Policy**, specify how long the file will be kept before it is destroyed.
- enclose all original documents**. Original documents may include reports, etc which reasonably relate to final reporting to the client. *You may choose to scan/photocopy these original documents for record purposes, cost and space permitting. If, for various reasons, the decision is to store such documents, a safe and secure means of storage must be obtained, such as a vault or fireproof cabinets. Also, a prominent “flag” on the file should indicate that original documents have been retained and their location.*
- thank the client** and, include a Client Survey where appropriate.

Ensure your client acknowledges receipt of the Closing Letter and Original Documents. Send two copies of the letter to the client and, request they sign both letters and send one back to you. Alternatively, enclose an “Acknowledge Receipt” Form for your client to return.

FILE CLOSURE CHECKLIST

Client Name:

Final Closing Review by:

Closed File No:

File Name / No:

Storage: Yes / No

Permanent Storage:

Lawyer in Charge:

Future Review Date:

Destruction Date:

NO	ITEM	DONE	DATE	VERIFICATION		REMARKS
				LAWYER	PARTNER	
1	Review file ¹ for any further work to be done. <i>The file should be reviewed document by document.</i> a) Check for loose, unfiled documents and place in the file. b) Check for outstanding fees/costs and any balance remaining in trust. <i>The file should be left open until full payment is made. Trust balance should always be zero before a file is closed.</i>					
2	Send final bill or accounting to client.					
3	Record all original documents eg judgments, wills, etc.					
4	Compile all original documents for return to client.					
5	Review file for: a) documents to be included in firm's form/precedent file, template directory or index of cases eg opinions, memos etc; b) additional names to be included in the conflict system; c) any other documents to be sent to clients/others or removed.					
6	Strip the file. <i>All multiple copies of individual documents, letters, etc, should be discarded, leaving only a single copy.</i>					
7	Move current accounting and file records to closed accounting and file records.					
8	Remove file from active status.					
9	Assign closed file number.					
10	Mark the file closed and, enter date and closed file number in closed file register.					
11	Mark date for permanent storage/destruction on file cover.					
12	Enter file permanent storage/destruction date into firm diary and/or in closed file register.					
13	Move closed file to closed file location. <i>Closed files must be stored separately from open files within the firm.</i>					
14	Send Closing Letter to client (enclosing all Original Documents). <i>KIV one month.</i>					
15	Client acknowledgement/instructions received. <i>This receipt should be kept in the closed file</i>					

1 Whilst painstaking and time consuming, it must be made clear to all lawyers and staff that such reviews are to be prioritised alongside work on active files.

Many lawyers labour under the belief that by spending time on “closing” a file, it takes away from “real” work that generates money. The truth is, the best time to close a file is when a matter is concluded. At the time, the lawyer’s memory of events past is still fresh and locating “loose” and/or electronic documents (eg emails) will be quicker. A file closing policy with attendant checklists/forms/templates will facilitate this; consistent enforcement will ensure it becomes a part of your firm’s culture.

To end, whilst we have focused primarily on file closure in this article, it is critical that a law firm’s file management policy encompass all activities related to a file, from start to end. This means determining guidelines for *inter alia* opening a file; organising the file eg subfolders, filing in chronological order; labelling; check out procedures; access; closing the file, storage and/or destruction.

In doing so, the risk of missing critical dates, misplacing important client documents is reduced and it ensures proper management and maintenance of records. This will naturally lead to a lower risk of law suits against the firm; and in the event a claim should materialise, your file management policy will lessen stress by allowing for quick retrievals and an easily traceable paper trail.

All files are records...

...and can be utilised to verify any errors or omissions, even after a matter is concluded. And sometimes, what isn’t in your file can be more damaging than what is! When closing your file, ensure that the final review is done by a partner and all critical information including file notes, records of conversations/instructions from the client, correspondence, etc are on file.

The general rule

for most lawyers is to keep their client files forever – they believe it is their duty to do so – but more so to protect themselves against future claims by clients. Doing so can however be costly, time-consuming and stressful. Look out for the Jurisk! September 2011 issue where we discuss this thorny issue of file retention/destruction in ‘Closed Files: How Long Should I Keep Them For?’.

Sources:

- ‘Closing the Client’s File’, Jim Calloway, Lawyers USA, 28 July 2009 <http://lawyersusaonline.com/blog/2009/07/28/closing-the-clients-file/>
- ‘File Closing Checklist from Oregon Law Practice Management’ <http://www.jdsupra.com/post/documentViewer.aspx?fid=59178747-ae13-4cf0-b074-93a2735482d3>
- ‘File Management: Retention and Destruction’, Risk Management Handouts of Lawyers Mutual, Liability Insurance Company of North Carolina http://www.lawyersmutualinc.com/_public/documents/resources/File_Management_Retention_and_Destruction.pdf
- ‘How Long Should You Keep Your Closed Files?’, Dan Pinnington, LawPRO, Volume 9, Issue 4, December 2010 http://www.practicepro.ca/LawPROmag/file_retention.pdf
- ‘Managing The Mountain Of Paper: Records Management in the Law Firm’, Ellen Freedman, CLM http://www.pa-lawfirmconsulting.com/pdfs/records_management/MANAGING_THE_MOUNTAIN_OF_PAPER.pdf
- ‘Organising & Maintaining Files in a Small Law Firm’, Alabama State Bar Law Office Management Assistance Program <http://www.alabar.org/pmap/articles/filing.pdf>
- ‘Practice Advisors: Guidelines to Assist in Obligations Regarding Closure, Storage and Destruction of Client File’ http://www.lawsociety.ab.ca/lawyers/practice_advisors/practice_ethics/practice_advice_file_storage_and_destruction.aspx
- ‘Preserving the Record’, J. Nelson Thomas, GP Solo Magazine, Oct/Nov 2003 http://www.americanbar.org/content/newsletter/publications/gp_solo_magazine_home/gp_solo_magazine_index/preservingtherecord.html
- ‘The Illusion of Size (And Other Ways to Compete with the Big Competition)’, Davis C. Bae, Law Practice Today, May 2009 <http://apps.americanbar.org/lpm/lpt/articles/mgt05091.shtml> | <http://www.scbarr.org/public/files/docs/PMAP/FileClosingltr.pdf>
- <http://www.gabar.org/public/pdf/lpm/dlcls.pdf>

Email Scams and Fraudulent Schemes by Unauthorised Persons

Bar Council is concerned about the growing number of reports and complaints received in relation to persons who hold themselves out as being authorised to offer legal services to the general public, or who masquerade as advocates and solicitors registered with Bar Council. Amongst the reports received are related to:

1. Inheritance of monies via email scam;
 - a). Preparation of Sale and Purchase Agreements for the purpose of withdrawal of funds from the purchasers' Employees Provident Fund accounts;
 - b). Issuance of Letter of Demand by unauthorised persons;
2. Misuse of a firm's particulars on unauthorised letterheads/office stationeries; and
3. Unauthorised individuals passing themselves off as advocates and solicitors.

We urge all Members to be wary of such scams and to verify the identity and status of the lawyer or legal firm they are dealing with by consulting the Malaysian Bar Website at <http://www.malaysianbar.org.my>, or by contacting the Bar Council Secretariat by telephone at 03-2050 2050, or by email at council@malaysianbar.org.my. Members are also advised to lodge police reports in relation to these scams and forward the reports to Bar Council for further action.

Tony Woon Yeow Thong
Secretary, Malaysian Bar
 11 May 2011



Editor's Note: For risk management tips on managing EPF scams and fraudulent Schemes, do read

- ✓ Practice Alert on "Employees Provident Fund (EPF) Fraudulent Withdrawals" in Jurisk! June 2010; and
- ✓ "Don't Be a Victim of Identity Fraud" in Jurisk Dec 2009

Your Mandatory Policy Applies To Each And Every Claim Notified?

Cover under a firm's mandatory policy states that the limit of indemnity is provided for *each and every claim* notified in the applicable policy year. Your firm's mandatory limit of indemnity is set out in Item 7 of the Schedule of Insurance [Schedule] attached to your firm's Certificate of Insurance [COI].

This limit of indemnity is applicable to both damages and defence costs that exceed your firm's base excess [Item 9 of the Schedule] and is subject to the definition of 'One Claim' in *Clause 36(f) COI 2011*. (Please see *Clauses 6 - 11 COI 2011* for the full wordings).

Illustration:

In 2011, Firm R notifies four separate suits (by Client Z in Jan; Client Y in Apr; Clients X and W in Aug and Oct respectively). Each suit will be considered a separate and distinct claim under Firm R's 2011 policy period; four separate mandatory limits and base excess will apply, **unless** the suits have factors in common (ie falling under the definition of 'One Claim'). A good example of this is where there are multiple purchases in a housing development.

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

Are Retired/Deceased Lawyers Covered Under Our Mandatory PII Policy?

A. Practice is Closed

If a lawyer retires/passes away and his/her practice is closed, cover is available to the retired lawyer and/or the Estate of the deceased lawyer under the Master Policy. However notification is still required under the terms of the policy to the Scheme broker, Jardine Lloyd Thompson Sdn. Bhd. [JLT] (See *Clause 3, Master Policy 2011*).

Illustration I:

Lawyer A is a sole proprietor who retired and closed his practice in 2008. In 2011, he receives a letter of demand on a file that he handled whilst he was in practice. Lawyer A should now write to JLT. Subject to policy terms and conditions, Lawyer A will be covered under the 2011 Master Policy.

Illustration II:

Firm K is a partnership of three lawyers. Upon closure of the firm in 2007, one partner retires; one partner becomes a judicial commissioner; one partner joins a new firm as a legal assistant. A suit is brought against Firm K in 2011. All three partners should report the suit to JLT. Subject to policy terms and conditions, all three will be covered under the 2011 Master Policy. The applicable mandatory limit of indemnity and base excess will be that of the Firm's 2007 Policy. (See *Clause 4, Master Policy 2011*).

B. Practice is Sold

If the lawyer retires/passes away and his/her practice is sold, depending on whether the successor firm is named in the legal action, then the successor firm's insurance may respond to the notification. Otherwise, the retired lawyer and/or the Estate of the deceased lawyer will have to notify under the Master Policy. (See *Clause 3, Master Policy 2011*).

Illustration:

Lawyer B passes away in 2009 and her practice, Firm B was sold to Lawyer C. A suit is brought against Firm B and, Lawyer B's widower/estate in 2010. Lawyer C and B's widower/estate to notify JLT. Subject to policy terms and conditions, Lawyer C will receive cover under Firm B's policy; B's widower/estate will be covered under the 2010 Master Policy.

**MALAYSIAN BAR
MANDATORY PII SCHEME**

**DID YOU
KNOW?**

The translation on page 19 relating to the Master Policy, Certificate of Insurance and illustrative examples is for guidance only. In the event of inconsistency between the English language original version and the Bahasa Malaysia translation, the English language original version will prevail.

SKIM MANDATORI PII
BADAN PEGUAM MALAYSIA
**TAHUKAH
ANDA?**

Adakah Peguam Yang Telah Bersara/ Meninggal Dunia Dilindungi Di Bawah Mandatory PII Policy?

A. Firma Guaman Ditutup

Jika peguam bersara/meninggal dunia dan firma guaman ditutup, perlindungan masih sedia wujud untuk peguam yang bersara dan/atau estet peguam yang meninggal dunia di bawah Master Policy. Bagaimanapun, notification bertulis masih perlu diberikan di bawah terma dan syarat Polisi, kepada Broker Skim, Jardine Lloyd Thompson Sdn. Bhd. [JLT]. Lihat *Klausa 3, Master Policy 2011*.

Ilustrasi I:

Peguam A merupakan pemilik tunggal firma yang bersara dan firma guamannya ditutup pada tahun 2008. Pada tahun 2011, beliau menerima Surat Tuntutan ke atas fail yang dikendalikan sewaktu beliau masih dalam amalan. Peguam A perlu memberi notification bertulis kepada JLT. Tertakluk kepada terma dan syarat Polisi, Peguam tersebut akan dilindungi di bawah Master Policy 2011.

Ilustrasi II:

*Firma K merupakan perkongsian diantara tiga orang peguam. Apabila firma tersebut ditutup pada tahun 2007, seorang bersara; seorang menjadi pesuruhjaya kehakiman; dan seorang lagi menyertai sebuah firma baharu sebagai pembantu undang-undang. Tindakan guaman diambil terhadap Firma K pada tahun 2011. Ketiga-tiga rakan kongsi perlu melaporkan perkara ini kepada JLT. Tertakluk kepada terma dan syarat Polisi, ketiga-tiga mereka akan dilindungi di bawah Master Policy 2011. Mandatory limit of indemnity dan Base Excess yang terpakai adalah tertakluk kepada Polisi 2007 firma tersebut. (Lihat *Klausa 4, Master Policy 2011*).*

B. Firma Guaman Yang Dijual

Jika peguam telah bersara/meninggal dunia, dan firma guamannya itu dijual, maka bergantung sama ada firma guaman tersebut dinamakan di dalam tindakan guaman. Jika dinamakan, firma guaman tersebut boleh dilindungi di bawah Polisi PII (tertakluk kepada terma dan syarat Polisi). Ataupun, peguam yang bersara dan/atau estet peguam yang meninggal dunia perlu memberi notification bertulis kepada JLT di bawah Master Policy. (Lihat *Klausa 3, Master Policy 2011*).

Ilustrasi:

Peguam B meninggal dunia pada tahun 2009 dan firma guamannya, Firma B, dijual kepada Peguam C. Tindakan guaman diambil terhadap Firma B dan duda Peguam B/estet pada tahun 2010. Peguam C dan duda Peguam B/estet perlu memberi notification bertulis kepada JLT. Tertakluk kepada terma dan syarat Polisi, Peguam C akan dilindungi di bawah Polisi Firma B; duda Peguam B/pemegang estet akan dilindungi di bawah Master Policy 2010.

Adakah Mandatory Policy Memberi Perlindungan Untuk Tiap-tiap Tuntutan Yang Dilaporkan?

Perlindungan di bawah Mandatory Policy sesebuah firma guaman menyatakan bahawa limit of indemnity disediakan untuk setiap tuntutan yang dilaporkan (claim notified) dalam tahun polisi yang berkenaan. Mandatory limit of indemnity sesebuah firma guaman dinyatakan dalam Perkara 7 Schedule of Insurance (Schedule) yang disertakan dengan Certificate of Insurance [COI] firma guaman anda.

Limit of indemnity ini adalah terpakai untuk kedua-dua ganti rugi dan kos pembelaan yang melebihi Base Excess firma guaman anda [Perkara 9 daripada Schedule] dan tertakluk kepada takrif 'One Claim' dalam *Klausa 36(f) COI 2011*. (Sila lihat *Klausa 6 - 11 COI 2011* untuk kenyataan penuh).

Ilustrasi:

*Pada tahun 2011, Firma R memberi empat notification bertulis tindakan guaman yang berasingan (yang diambil oleh Pelanggan Z pada bulan Januari; Pelanggan Y pada bulan April; Pelanggan X dan W masing-masing pada bulan Ogos dan Oktober). Setiap tindakan guaman akan dipertimbangkan sebagai tuntutan yang berasingan dan berbeza yang dibuat dalam tahun 2011 di bawah tempoh Polisi Firma R; empat mandatory limits dan Base Excess yang berasingan akan digunapakai, **melainkan** keempat-empat tindakan guaman terhadap Firma R mempunyai faktor yang serupa (iaitu termasuk di bawah takrif 'One Claim'). Satu contoh yang dapat menjelaskan hal ini adalah di mana terdapat pelbagai pembelian dalam sebuah pembangunan perumahan.*

Nota: Di bawah Skim Mandatori PII, perlindungan adalah tertakluk kepada terma, pengecualian, had dan syarat-syarat Certificate of Insurance.

Terjemahan berkaitan Master Policy, Certificate of Insurance dan contoh ilustrasi di atas adalah sebagai panduan sahaja, dan sekiranya terdapat perbezaan antara versi asal Bahasa Inggeris dan terjemahan Bahasa Malaysia, versi asal Bahasa Inggeris akan digunakan.

Hijaukan Cara Ku

Oleh Mysahra Shawkat

Dalam kesibukan seharian, pernahkah anda meluangkan masa untuk melihat persekitaran anda? Apakah yang menangkap perhatian anda?

Asap Ekzos

Kepulan dan bau asap ekzos kenderaan sememangnya tidak menyenangkan. Setiap tahun terdapat peningkatan kenderaan yang didaftarkan yang secara tidak langsung menyumbang kepada pengeluaran asap ekzos yang menjadi salah satu punca



pencemaran udara.

Cubalah berkongsi kenderaan untuk perjalanan ke tempat kerja, mahkamah atau perjumpaan di luar pejabat. Malah anda boleh juga menggunakan

perkhidmatan awam seperti bas, komuter, LRT dan monorail.

Guna Semula

Bukan sahaja kertas, plastik dan tin aluminium yang boleh dikitar semula malah setiap objek yang ada disekeliling anda boleh dikitar semula. Mulakan dengan pengitaran semula kartrij mesin cetak, fotokopi dan faksimili. Gunakan kartrij jenis isian semula yang boleh dilakukan sendiri dengan mudah. Sekiranya anda bercadang untuk menukar perabot, jual perabot tersebut di kedai *second hand* atau dermakan sahaja. Apa yang tidak digunakan oleh anda mungkin berguna kepada orang lain.



Timbunan Kertas

Seiring dengan inisiatif e-filing mahkamah yang diperkenalkan oleh Ketua Hakim Negara bermula Mac 2011, mulakan inisiatif hijau anda sendiri dengan mengurangkan penggunaan kertas di tempat kerja. Cetak bahan yang perlu sahaja dan gunakan kedua-dua belah muka surat. Sekiranya terdapat kertas yang masih boleh diguna semula, gunakan sebagai kertas nota. Ide-ide lain termasuk menghantar surat sebagai sisipan e-mel, mempunyai sistem penyimpanan data yang baik dan menukar fail kertas kepada bentuk digital.



Penggunaan Tenaga Elektrik

Tenaga elektrik adalah tenaga yang tidak boleh diperbaharui dan tidak boleh dikitar semula. Jadi gunakan tenaga elektrik dengan hemat. Pertimbangkan penggunaan mentol dan lampu pendarflour yang menjimatkan tenaga dan tahan lama. Matikan suis apabila tidak menggunakan komputer, mesin cetak, kipas, lampu dan sebagainya. Bagi peralatan yang mempunyai *standby mode*, gunakan sebaik mungkin. Walau bagaimanapun, elok juga jika kesemua peralatan yang tidak digunakan untuk satu jangka masa yang panjang dimatikan terus sehingga perlu digunakan semula.



Tip Amalan Hijau

1. Berkongsi kenderaan atau gunakan pengangkutan awam.
2. Tutup komputer ketika keluar untuk makan tengah hari, menghadiri mesyuarat dan pulang ke rumah.
3. Tukar keadaan komputer kepada hibernat atau *sleep* jika tidak digunakan untuk satu jangka masa yang tertentu.
4. Matikan suis utama peralatan elektrik sekiranya tidak digunakan. Lakukan setiap kali meninggalkan pejabat untuk satu jangka masa yang lama seperti hujung minggu.
5. Padamkan lampu dan matikan suis peralatan elektrik yang tidak digunakan.
6. Kurangkan penggunaan alat penghawa dingin sekiranya terdapat lebih dari satu unit yang digunakan dalam sebuah bilik.
7. Utamakan penggunaan cahaya semulajadi dalam susun atur tempat duduk.
8. Kenal pasti keperluan dokumen sebelum dicetak.

Bersambung di muka surat 21

Perubahan tidak perlu dilakukan dengan arahan daripada pihak pengurusan tetapi harus dimulakan oleh diri anda sendiri. Langkah pertama untuk membuat perkara yang baharu memang sukar. Tetapi setelah beberapa kali melakukannya, anda tidak akan merasa kekok. Mulakan langkah baharu ini bersama-sama rakan sekerja anda agar tidak rasa keseorangan melakukan perkara murni ini. Dapatkan juga persetujuan pihak pengurusan untuk menjadikan tempat kerja anda peka terhadap alam sekitar.

Apabila perubahan-perubahan ini dapat disesuaikan dalam sesebuah organisasi, pelbagai kebaikan dapat dilihat untuk jangka masa panjang. Antaranya adalah memperbaiki kecekapan dan keberkesanan operasi harian pejabat serta kurang penggunaan tenaga dan bahan seperti alat tulis. Hasilnya organisasi dapat jimat kos dan meningkatkan produktiviti kerana berjaya menghasilkan persekitaran tempat kerja yang lebih selesa.

Satu perubahan kecil yang anda lakukan mampu membawa kebaikan kepada bumi!

★ Setiap tahun, Hari Bumi Sedunia disambut pada tanggal 22 April untuk memberi penghargaan kepada Bumi. Sewaktu diperkenalkan pada tahun 1970, sambutan ini hanya diadakan di Amerika Syarikat. Kemudian bermula pada tahun 1990 disambut di peringkat global. Tarikh 22 April dipilih kerana ini merupakan ekuinoks Bumi di mana malam dan siang adalah sama panjang.

★ Hari Alam Sekitar Sedunia disambut pada 5 Jun setiap tahun untuk memberi kesedaran tentang betapa pentingnya alam sekitar. Sejak diperkenalkan oleh Pertubuhan Bangsa-bangsa Bersatu (PBB) pada tahun 1973, negara ahli PBB mengambil giliran menjadi tuan rumah dalam acara tahunan ini. Tahun 2011 bakal melihat New Delhi, India menjadi tuan rumah dengan tema *Forests: Nature at Your Service*.

★ Deklarasi Langkawi mengenai Alam Sekitar merupakan titik permulaan kepada sambutan Minggu Alam Sekitar Malaysia setiap 21 Oktober. Sambutan ini berlangsung selama satu minggu sebagai komitmen negara-negara Komanwel untuk menjaga dan melindungi alam sekitar. Tahun lepas Putrajaya menjadi tuan rumah sambutan peringkat kebangsaan dengan kempen Kesedaran Pengurusan E-Waste.

★ *Earth Hour* disambut dengan memadam lampu dan peralatan elektrik selama 60 minit pada setiap Sabtu terakhir bulan Mac sebagai kesedaran terhadap perubahan cuaca dunia. Acara ini dimulakan oleh Tabung Hidupan Liar (WWF) pada tahun 2007. Acara ini dibawa selangkah ke hadapan dengan tema *Beyond the Hour* di mana lampu dan peralatan elektrik dipadamkan selama lebih dari 60 minit pada tahun 2011.

Tip Amalan Hijau

9. Cetak pada kedua-dua belah muka surat.
10. Gunakan kertas yang disalah cetak sebagai kertas nota.
11. Mempraktikkan tabiat kitar semula bahan-bahan seperti plastik, toner, kertas, tin aluminium dan sebagainya.
12. Tukar dokumen kepada fail PDF untuk dihantar sebagai sisipan dalam e-mel.
13. Gunakan lampu pendarflor dan *energy saving*.
14. Bawa bekal dalam bekas guna-semula.
15. Guna beg plastik sampah yang biodegradasi.
16. Guna semula kotak, sampul surat, *bubble wrap*, fail, dan lain-lain.
17. Kurangkan penggunaan muka depan penghantaran faksimili.
18. Gunakan bahan elektrik dengan lambang *Energy Star* rated.
19. Bersih dan kemas kini tempat kerja dari susun atur fail, perkakas atas meja dan lain-lain, untuk memudahkan capaian dan carian serta mengurangkan pembaziran bahan alat tulis.

Sambungan dari muka surat 20

(Diadaptasikan dari rencana "6 Important Things a Lawyer Can Do to Help The Environment" oleh Wong Li Chin)



Amalan Hijau - Sejauh Manakah ANDA Prihatin?

	YA	TIDAK
1. Saya menggunakan perkhidmatan awam.		
2. Saya akan mulakan inisiatif kitar semula di tempat kerja.		
3. Saya tidak akan membeli makanan yang menggunakan pembungkus polisterin.		
4. Saya akan menggunakan beg plastik biodegradasi.		
5. Saya gunakan sapu tangan dan kurang menggunakan kertas tisu.		
6. Saya gunakan kedua-dua belah muka surat kertas untuk mencetak atau menulis.		
7. Saya padamkan lampu/komputer/pendingin udara apabila tidak digunakan.		
8. Saya guna bateri yang boleh dicas dan tanpa kadmium.		
9. Saya akan mengurangkan kos penghantaran dokumen/bungkusan. * kurang kertas + kurang penghantaran (petrol) = keuntungan kepada syarikat dan bumi.		
10. Pembuangan bahan kitar semula diasingkan: tin, plastik, kertas dan sebagainya.		
11. Saya akan memperkemaskan proses kerja untuk mengurangkan penggunaan kertas, tenaga elektrik dan masa. * memperbaiki amalan dan proses kerja meningkatkan produktiviti.		
12. Saya tutup suis dan cabut semua palam apabila meninggalkan pejabat untuk hujung minggu.		
13. Saya tidak membiarkan peralatan yang boleh dicas semula digunakan melebihi masa yang diperlukan untuk mencaj.		
14. Saya membuang sampah ke dalam tong sampah.		

Targeting RISKS. Creating SOLUTIONS.

Risk Management Events 2011

Getting Started! Get the inside on legal practice from senior lawyers. Learn key points to start your practice and to keep it running smoothly. Whether you are starting a firm, needing a refresher or joining a partnership, this is a workshop not to be missed!

Risk Management for Staff

A one-day training to benefit ALL staff in law firms including office managers, paralegals, secretaries, and support staff. Designed specifically for legal firm staff, delivered by experts and senior lawyers. Topics include client communication, time management, accounting practices, workflow methods, file management & more.



Coffee Sessions

* BRAND NEW! *

A unique platform for young and senior lawyers to dialogue and share experiences on targeted practice areas like litigation and conveyancing. Coming to a State Bar near you!



Billing & Collection

* BRAND NEW! *

Prompt payment by clients – every lawyer's dream! Attend this brand new workshop to find out how you can keep your firm's finances in the pink and avoid cash flow problems.

The Workshop provides training on:

- ① Managing cash flow
- ② Billing "how tos", tracking, systems, etc
- ③ Fee agreements
- ④ Managing client expectations
- ⑤ Ethical billing and more!

This workshop is for all lawyers especially young lawyers and sole proprietors.

Refer to Bar Council circulars for scheduled dates or contact the PII & RM Department to find out more.

Bar Council retains the right to modify the above programmes without prior notice, and shall accept no liability for any loss or inconvenience as a result of any amendment.

Acara Pengurusan Risiko 2011

Getting Started! Dapatkan tunjuk ajar untuk mengurus sebuah firma guaman daripada peguam kanan. Ketahui perkara-perkara utama yang dapat membantu anda membuka sebuah firma dan memastikan ia berjalan dengan lancar. Sama ada anda baharu memulakan firma, menginginkan pemahaman lanjut atau menyertai suatu perkongsian, ini adalah bengkel yang tidak patut dilepaskan!

Risk Management for Staff

Latihan satu hari yang memberi faedah kepada SEMUA kakitangan dalam firma guaman termasuk pengurus pejabat, paralegal, setiausaha, dan kakitangan sokongan. Bengkel yang disampaikan oleh pakar-pakar dan peguam kanan yang direka khusus untuk kakitangan firma guaman. Topik yang disampaikan termasuk komunikasi pelanggan, pengurusan masa, amalan perakaunan, aliran kaedah kerja, pengurusan fail & banyak lagi.



Coffee Sessions

* BAHARU DIPERKENALKAN! *

Sebuah platform yang unik bagi peguam muda dan kanan untuk berdialog dan berkongsi pengalaman dalam bidang-bidang guaman yang disasarkan seperti litigasi dan pemindahhakan. Akan datang ke Jawatankuasa Peguam Negeri yang berdekatan dengan anda!



Billing & Collection

* BAHARU DIPERKENALKAN! *

Pembayaran segera oleh pelanggan – impian setiap peguam! Hadiri bengkel baharu ini untuk mengetahui bagaimana anda boleh memastikan kesinambungan kewangan firma anda dan mengelakkan masalah aliran tunai.

Latihan yang disediakan

- ① Pengurusan aliran tunai
- ② Bil: Bagaimana, menjejaki, sistem dan lain-lain
- ③ Yuran perjanjian
- ④ Etika bil dan banyak lagi!

Bengkel ini adalah untuk semua peguam terutamanya peguam muda dan pemilik tunggal firma.

Rujuk kepada pekeliling yang dikeluarkan oleh Majlis Peguam untuk tarikh yang dijadualkan atau hubungi Jabatan PII & RM untuk mengetahui dengan lebih lanjut.

Majlis Peguam berhak untuk mengubah suai program tersebut tanpa sebarang notis, dan tidak bertanggungjawab atas apa-apa kerugian atau kesulitan akibat daripada apa-apa pindaan.

PII & RM Department

Our New Address (w.e.f. August 2011):
PII & RM Department
Bar Council Malaysia
Suite 4.03A, 4th Floor, Wisma Maran
28 Medan Pasar
50050 Kuala Lumpur, Malaysia
 Tel: **03-2032 4511**
 Fax: **03-2031 6124**
 Email: **pirm@malaysianbar.org.my**

👉 PII & RM DEPARTMENT:

Wong Li Chin Executive Officer
✉ lcwong@malaysianbar.org.my

Melissa Kraal Officer
✉ melissa@malaysianbar.org.my

Mysahra Shawkat Officer
✉ mysahra@malaysianbar.org.my



BAR COUNCIL MALAYSIA
No. 15, Leboh Pasar Besar
50050 Kuala Lumpur, Malaysia

Tel: 03-2050 2050
Fax: 03-2034 2825 / 2026 1313 / 2072 5818
Email: council@malaysianbar.org.my

Date:	Item:	Remarks:
	<p>Look Out For These Extras in Your Issue of Mar & June 2011 Jurisk!</p> <ol style="list-style-type: none">1. Risk Management Events Postcard2. Getting Started! and Risk Management For Staff Posters and Registration Forms3. Bar Council 8-page advertisement bulletin	
	<p>Also with this Issue:</p> <div><p>Have Your Say</p><p>Fill out the attached survey form and fax it back to us to receive a special gift from us!</p></div>	

Disclaimer In compiling this newsletter, Bar Council Malaysia and all authorised parties have used their best endeavours to ensure that the information is correct and current at the time of publication. We do not accept responsibility for any error, omission or deficiency as all references are not meant to be exhaustive. Material in this newsletter is not intended to be legal advice. The information, which includes techniques aimed at preventing claims does not create the standard of care for lawyers. Lawyers should conduct their own legal research. PII information is to provide general information and should not be considered a substitute for the applicable PII Master Policy and Certificate of Insurance together with its Schedule. We strongly advise that you refer to the applicable Master Policy and Certificate for the full terms and conditions.

We are always looking for ways to improve this newsletter and work towards ensuring that all areas related to risk management is highlighted as appropriately.