

12th Malaysian Law Conference



Evolving a Malaysian Nation: the Role of Law and Lawyers

Nikko Hotel



Kuala Lumpur



10 - 12 December 2003



Organised by:

Bar Council Malaysia, Nos 13, 15 & 17, Leboh Pasar Besar, 50050 Kuala Lumpur

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CONFERENCE PROGRAMME

Day 1 - Wednesday - December 10, 2003

- 8:30a.m. Registration of Delegates
- 9:30a.m. Arrival of Delegates and Guests
- 9:45a.m. Delegates and Guests to be seated
- 10:00a.m. Welcome Address by Dato Dr. Cyrus Das
Chairman, Organising Committee
- Speech by Tuan Haji Kuthubul Zaman Bukhari
President, Malaysian Bar
- Speech by YAA Tan Sri Haidar Mohd Noor, Chief Judge Malaya
- Official Opening and Speech by D.Y.M.M. Paduka Seri Sultan Perak
Darul Ridzuan, Sultan Azlan Muhibbuddin Shah
- 11:00a.m. **Coffee Break**
- 11:30a.m. - **Keynote by YBM Tengku Razaleigh Hamzah on Evolving a Malaysian Nation: The Role of Law and Lawyers**
Chair : Tuan Haji Kuthubul Zaman Bukhari, President, Malaysian Bar
- 12:30p.m. - **Lunch**
- 1:30p.m. - **COMMERCIAL LAW AND INTELLECTUAL PROPERTY**
Legal Measures in Combating Piracy: A Need for Reform
1. Ms Ambiga Sreenevasan, Advocate & Solicitor
2. Dr. Gordon Hughes, Immediate Past President, Lawasia
3. Ms Linda Wang, Advocate & Solicitor
Chair : Mr Hariram Jayaram, Advocate & Solicitor
- 2:30p.m. - **Special address by YB Dato' Seri Rafidah Aziz, Minister of International Trade and Industry on WTO and Its Impact on the Service Sector viz a viz The Legal Profession**
Chair : Mr Mah Weng Kwai, Past President, Malaysian Bar
- 3:30p.m. - **COMMERCIAL LAW AND INTELLECTUAL PROPERTY**
The Lessons of Enron: The Duties of Professional Advisors
1. Datuk Samad Alias, Ernst & Young
2. Mr Julian Ball, Advocate & Solicitor, Eversheds, Singapore
3. En Abdul Rashid Ismail, Advocate & Solicitor
Chair : Mr Frank Tang, President, Advocates Association of Sarawak
- LEGAL EDUCATION**
Maintaining Standards in Undergraduate Legal Education in Malaysia
1. Assoc. Prof Nik Ahmad Kamal, IIU
2. Dr. Danny Choong, Principal, Kemayan ATC
3. Assoc. Prof Kamal Halili Hassan, Dean, Law Faculty, UKM
Chair : Prof Dato' P Balan, Former Dean Law Faculty, UM
- 4:30p.m. **Coffee Break**
- CRIMINAL LAW AND HUMAN RIGHTS**
Access to Justice: The Present Status of this Fundamental Right in Malaysia and the Application of International Norms
1. Dato' Gopal Sri Ram, Judge, Court of Appeal, Malaysia
2. Mr Christopher Leong, Advocate & Solicitor / Mr Malik Intiaz, Treasurer, Malaysian Bar
3. Prof Gurdial Singh Nijar, Advocate & Solicitor
4. Mr Ranjit Singh, Advocate & Solicitor
Chair : Mr Cecil Rajendra, Chairman, Human Rights Committee
- MEDIATION**
The Role of the Judiciary and The Bar in Promoting Mediation
1. YA Dato' James Foong Cheng Yuen, Judge, High Court Malaya
2. Mr George Lim, Past President, Law Society of Singapore
3. Mr Chia Loong Thye / Mr Phee Boon Leng, Advocates & Solicitors
Chair : Mr Ng Seng Kiok, Former Treasurer, Malaysian Bar
- 7:30p.m. **Welcome Reception: A Night of Northern Indian cuisine and Revelry at the Poolside, 10th Floor, Crown Princess Hotel**
Dress: Smart Casual

Day 2 - Thursday - December 11, 2003

- 9:30a.m. - **Special address by YB Tan Sri Abdul Gani Patail, Attorney General Chairman Qualifying Board on The Qualifying Board and Prospects of a Common Bar Exam: Expectations and Problems.**
Chair : Dato' Dr Cyrus Das
Past President, Malaysian Bar and Commonwealth Lawyers' Assn.
- 10:30a.m. - **Coffee Break**
- 11:00a.m. **LEGAL EDUCATION**
Proposed Common Bar Examination for Entry into the Legal Profession: Expectations and Problems
1. Tuan Haji Kuthubul Zaman Bukhari, President, Malaysian Bar
2. YA Dato' Siti Norma Yaakob, Judge, Federal Court Malaysia
3. Dato' Noraini Abdul Rahman, Director, Qualifying Board
Chair : Mr Lawrence Chong, President, Sabah Law Association
- COMMERCIAL LAW AND INTELLECTUAL PROPERTY**
Recent Developments in Islamic Financing Systems
1. En Mohd Ismail Sharif, Advocate & Solicitor
2. Puan Rohana Yusuf, Bank Negara
3. Assoc. Prof Dr Mohd Ma'sum Billah, IIU
Chair : Dato' Seri Khalid Ahmad, Advocate & Solicitor
- CRIMINAL LAW AND HUMAN RIGHTS**
Rights of Accused Persons? Are Safeguards Being Reduced ?
1. Mr M Athimulan, Advocate & Solicitor
2. Mr Jerald Gomez, Advocate & Solicitor
3. En Amer Hamzah b Arshad, Advocate & Solicitor
4. Dato' Azahar Mohamed, AG's Chambers (tbc)
Chair : Mr Ramdas Tikamdas, President, HAKAM
- GLOBALISATION ON TRADE AND SERVICES**
WTO and its Impact on Malaysia and the Legal Profession
1. Puan Zalita Dato' Haji Zaidan, MITTI
2. Ir Dr. Judin Abdul Karim, Professional Services Development Corp. (tbc)
3. Mr Mah Weng Kwai, Past President, Malaysian Bar
Chair : Pn Hendon Mohamad, Past President, Malaysian Bar
- THE JUDICIARY AND JURISDICTION OF THE COURTS**
Article 121 (1A) and Ouster of Jurisdiction: Family Law Concerns and its Jurisdictions
1. Mr Steven Thiru, Advocate & Solicitor
2. Mr Haris Fathillah, Advocate & Solicitor
3. Ms Rasamani Kandiah, President, Women Lawyers Association
Chair : Dato' V C George, Former Judge, Court of Appeal
- 12:30p.m. - **Lunch**
- 1:30p.m. - **Special address by Dr. Chin Jing Jih, Chairman, Ethics Committee, Singapore Medical Association on Ethical Issues in Performing High Risk, New Frontier Surgery**
Chair : Dato' Mohd Sofian Abdul Razak, Secretary, Bar Council
- 2:30p.m. **OPEN DISCUSSION AND DEBATE**
TOPIC : The Operation on the Bijani Twins Was Proper from a Medico-Legal And Ethical Standpoint
PANEL : For: 1. Dr. Puteri Nemic Jahn Kassim, IIU
2. Dr. Ravi Jegasodhy, Chairman, Ethics Committee, MMA
Against: 1. Datuk Dr A E Delilkan, President, Medico-Legal Society
2. Mr Darryl Goon, Advocate & Solicitor
MODERATORS : 1. Dato' Dr. Yeoh Poh Hong, Past Master, Academy of Medicine Malaysia
2. Mr S Radhakrishnan, Past President, Medico-Legal Society
- 4:30p.m. **Tea**
- 7:00p.m. **Young Lawyers Nite - Meet Lester Huang (Hong Kong), Chairman of Lawasia's Young Lawyers Section on How to Turn Young Lawyers into Giants at the Royal Selangor Club, Kuala Lumpur. A relaxing evening with good food and wine.**

Day 3 - Friday - December 12, 2003

- 9:30a.m. - **Special address by YB Dato' Seri Utama Dr. Rais Yatim, Minister in the Prime Minister's Department, on The Role of Law and Lawyers in Nation Building**
Chair : Dato' Salmah Abdul Rahman, JALSOA (tbc)
- 10:30a.m. **Coffee Break**
- 11:00a.m. **CRIMINAL LAW AND HUMAN RIGHTS**
Police Accountability: Is There a Need for an Independent Complaints Mechanism?
1. Dato' Mohd Shafee Abdullah, Advocate & Solicitor
2. Mr Edmund Bon, Advocate & Solicitor
3. Mr P Uthayakumar, Advocate & Solicitor
Chair : Mr Zainur Zakaria, Past President, Malaysian Bar
- COMMERCIAL LAW AND INTELLECTUAL PROPERTY**
The Regulation of the Financial and Capital Markets: Are We Over-regulated?
1. Dr. Lee Foong Mee, Bank Negara
2. Ms Selvarany Rasiah, KLSE
3. Ms Seow Siew May, Securities Commission
4. Mr E Sreesanthan, Advocate & Solicitor
Chair : En Kadir Kassim, Advocate & Solicitor
- LEGAL EDUCATION**
Should CLE be Mandatory?
1. Mr Christopher Roper, AC, Australia
2. Mr Hugh Mc Dermott, Law Society, England & Wales, UK
3. Dr. Nik Norzrul Thani, Advocate & Solicitor
Chair : Dato' Seri Dr Visu Sinnadurai, Former Judge High Court
- CRIMINAL LAW AND HUMAN RIGHTS**
The Syariah Law System: Family Law Concerns and Reforms
1. Puan Hajjah Shamsuriah Sulaiman, Chair, Syariah Law Committee
2. Dato' Haji Suhaimi b Dato' Kamaruddin, Advocate & Solicitor
3. Cik Zarizana Abdul Aziz, Advocate & Solicitor
4. Cik Nik Noriani Nik Badlishah, Sisters in Islam
Chair : Puan Hajjah Kamar Ainiah, Advocate & Solicitor
- 12:00a.m. **OPEN DISCUSSION**
TOPIC : Have our Institutions - Parliament, Judiciary and Public Services - Strengthened or Declined ?
MODERATORS : 1. YM Raja Aziz Addruse, Past President, Malaysian Bar
2. Cik Norina Yahya, Advocate & Solicitor
Due to the importance of the subject, the session will take the form of a dialogue with the audience
- 1:30p.m. **Lunch**
- 2:30p.m. **THE JUDICIARY AND JURISDICTION OF THE COURTS**
Appointment of Judges: Has the Time Come for an Independent Appointments Commission?
1. Mr Peter Williamson, President, Law Society (UK)
2. Mr G L Sanghi, President, Lawasia (India)
3. YA Dato' Syed Ahmad Idid, Former Judge, High Court, Malaya
Chair : Mr R R Chelvarajah, Past President, Malaysian Bar
- GLOBALISATION OF TRADE AND SERVICES**
Is Liberalisation and the Advent of Foreign Lawyers Inevitable?
1. Mr Yeo Yang Poh, Vice-President, Malaysian Bar
2. Mr Caesar Loong, Advocate & Solicitor
3. Mr Tim Bugg, Law Council of Australia
Chair : Dato' Cecil Abraham, Past President, IPBA
- Should the Judicial and Legal Services Commission be Separated?*
1. YB Tan Sri Abdul Gani Patail, Attorney General, Malaysia
2. Mr Christopher Fernando, Advocate & Solicitor
3. Assoc. Prof Siti Naaishah, UKM
4. Ragunath Kesavan, Chairman, KL Bar Committee
Chair : Dato' K C Vohrah, Former Judge, Court of Appeal
- 5:00p.m. **Closing Ceremony by YAA Tan Sri Datuk Amar Steve Shim Lip Kiong, Chief Judge, Sabah & Sarawak**
- 8:00p.m. **Conference Dinner, Grand Ballroom, Nikko Hotel**