

## **THE PRESIDENT OF THE LAW SOCIETY**

Haji Muhammad Zainidi bin Haji Abdul Hamid

BISMILLAHIR RAHMANNIR RAHIM

Assalamualaikum Warahmatullahi Wabarakatuh

My Lord Chief Justice, Yang Amat Arif Ketua Hakim Mahkamah Syariah, The Honourable Justice of the Supreme Court, The Honourable Attorney General, fellow counsels and colleagues of the legal profession, distinguished guests, ladies and gentlemen, good morning.

### **INTRODUCTION**

May it please your Lordship, I would like to start by extending a very warm welcome to the distinguished representatives from the Law Society of Singapore, their Vice-President, Mr Desmond Ho. This year is the first year that we have, with your Lordship's leave, extended the invitations to attend and share the experience of this important event with our neighbours. It is an important milestone for our Law Society and it is hoped that this will become a tradition in years to come and our Law Society and the relationship we have with our neighbours continue to strengthen.

I am pleased to recite the utmost gratitude to Allah Subhanahu Wata'ala for His many blessings upon us and for making it possible for us to again come together on this auspicious occasion to mark the opening of the Legal Year 2013.

I am thankful for the privilege and honour given to me to be back on this podium to represent the Law Society in our annual pledge of support to the Judiciary.

We are also thankful for the wise leadership and benevolence of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam under the guidance of Allah for being able to live and work in a peaceful, safe, secure and stable environment.

In our unflinching support for His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam and to the Judiciary we also remind ourselves of and maintain our pledge in upholding of the rule of law. In upholding the rule of law, we also contribute to the peace, prosperity, safety and security of our future and generations to come. In this respect, we welcome the generosity of all parties in the Judiciary and Government to include the Law Society in discussions not only in matters affecting the profession but also all relevant issues concerning the law.

### **CONGRATULATIONS**

Last year, we congratulated the transfer and promotion of Dayang Naimah Binti Haji Mohd Ali, who was for our first few formative years the statutory member of the Council of the Law Society, to the Prime Minister's Office. We are pleased that she has not been transferred back and appointed the Solicitor General in the Attorney General's Chambers. We record our

utmost congratulations to her on her new appointment. We look forward to continue the good working relationship with her and the Attorney General's Chambers as a whole.

### **THE LAW SOCIETY**

The number of our members at the start of this year increased to 117 members. In early 2012, we had 107 members. We had a number of new admissions and 2 former members coming back to practice and some members chose not to renew their practicing certificates or were unable to do so. There is a net increase of 10 practitioners to date.

From the statistics made available to me currently the number of practitioners who are Bruneian nations are slightly outnumbered by non-Bruneian nationals. We always welcome non-Bruneian practitioners to contribute to the functioning and development of our legal system over the years. However, I would like to see the trend to be more of our local Bruneians to join our profession in the private sector than what it is currently and that they would stay in practice for many years. It is hoped that with the help of the senior members of the Law Society and the coordinated efforts of all potential facilitators and stakeholders including the Government this trend can be achieved. Starting this year we hope to welcome the law graduates from UNISSA to join the profession. This is one of those efforts that will have a positive effect on this aspiration. May I now reiterate a part of my speech in the Opening of the Legal Year ceremony of 2009 when I said,

*“Your Lordship has given us a timely reminder of His Majesty’s ‘titah’ of 25 years ago urging His Majesty’s subjects especially those who are still in schools and institutions of higher learning to choose the subjects of law so that in the future they can play an important role in the management of judicial and advocacy may it be in Government or private sectors. This ‘titah’ we believe still applies now, if not more so. We in the private sector fully support His Majesty’s vision, even now as we strive to increase our membership with more local practitioners in line with His Majesty’s aspirations.”*

Four years on and 29 years since that ‘titah’ and we are very much in the future now. Much has been achieved but we need to scrutinise the achievements and look at what more needs to be done. Let us work together and in tandem to achieve the best for Brunei Darussalam.

This only the 8<sup>th</sup> year that our Law Society is in operation. We are a very young organization, but an important one. There is much we have to do and learn to do. The learning curve is sometimes very steep. The dedication, work and time expended by our members in serving as Council and Committee members all these eight years are very much appreciated. I must also record our thanks to our members for their support towards the council and understanding towards the limitations that we have to face and to the mistakes that we may have made along the way.

To our members, I would strongly encourage them to be more active in the Law Society in every way possible. It is true that the Law Society also have a duty to serve its members first and foremost but there is no Law Society to serve its members if its members do not contribute to the Law Society or are indifferent to its existence. We need members to

continue to serve as Council members and volunteer as Committee members, to contribute more and sacrifice some more of their time to the workings of the Law Society so that we can grow faster and develop into a Law Society everybody can be proud of serving its members better and able to increase the Law Society's relevance to its members, the community and Brunei Darussalam as a whole. It is a great privilege to have this Law Society. Let us not be complacent. We need to earn respect as a springboard to greater achievements. This is not just a Law Society that the members belong to by default because of the operation of the Legal Profession Act but this is a Law Society that belongs to you, its members. Something that belongs to you need to be cared and nurtured at all times.

### **THE LAW SOCIETY'S ACTIVITIES**

The Law Society will again organise the usual annual program of social activities, including the annual legal year dinner and the annual games this year. The Law Society is as always appreciative of the time spent by those who help in the organisation of these activities including those from the Attorney General's Chambers and the Judiciary and also for their participation in them. It is hoped that our members, staff of the Judiciary and the Attorney General's Chambers will also show their support and appreciation by participating in these event in larger numbers than previous years.

Last year, The Continuing Legal Education Committee of the Law Society organised a talk on Case Management. We invited a prominent lawyer from neighbouring jurisdiction who had also for a long time practiced in Brunei to give the talk. The talk was attended by our members but also Counsels from the Attorney General's Chambers. I would like to record our thanks to the Honourable Attorney General for her support in this respect and also for generously providing the venue and facilities to hold the talk. The Law Society being a relatively new organisation welcome all the support we can get.

We have also continued our activity in enhancing our relationships with Bar Associations and Law Societies of neighbouring countries. We have earlier this year accepted invitations from the Law Society of Singapore and the Malaysian Bar Council to attend the Opening of the Legal Year in their respective jurisdictions. We will do our part as best we could in maintaining good relationship with our neighbours in the spirit of cooperation in the region and globally. With Singapore and Malaysia, our legal systems are similar and historically entwined. Greater cooperation can only be beneficial to all.

### **LEGAL AID AND PRO BONO**

The legal advice clinic that was started by the Law Society in 2010 will be continued. As with previous years, we again thank the Judiciary for the continuing support in providing the premises for our volunteer lawyers to dispense basic advice to those who needs them. Admittedly, this effort of ours is a small gesture but a meaningful one. We sincerely hope to be able to do more in the future.

Our efforts to the get more lawyers involved in this scheme and to give more continues. The question is how best to do this? In fairness, some lawyers may be taking their own

contributions and pro bono work in their own big way without much publicity. We also acknowledge the concerns and contributions of other parties and organisations in the provision of access to justice for those in need. I am of the view tht we ought to do much more to champion such good causes, however let us not forget the need to work closely together in a small jurisdiction such as ours with limited number of volunteer lawyers to pool our resources together to be able to make a bigger impact. To help those in the community who are unable to afford access to justice is not mandatory. It is a privilege that we lawyers have that are in a position to help when no one else can and we make that personal sacrifice to do so without any expectation of any financial or professional gain in return. It gives our life more meaning and it has a positive effect on everyone and the community in general.

It must be understood that giving free legal services and provisions of legal aid can mean different things. Free legal services or pro bono work is as stated above totally voluntary with no payment to the lawyer concerned. Legal aid is when assistance is given to a person in need of legal services with the legal fees paid at a subsidized rate or aid for by an authorised third party.

In terms of legal aid there is a lot of work that needs to be done to bring this to higher levels to be more meaningful to the community in need of access to justice for all. Providing access to justice is not the sole responsibility of lawyers in private practice. It would be asking too much for a relatively young organisation such as ours with limited membership and funding that we have and our sometimes onerous obligations to our own members, to the community and country to be expected carry out this duty alone either by way or pro bono work or otherwise. We are prepared to play a big part in constructing comprehensive pro bono and legal aid schemes for the community but we need to work together in collaboration with the Judiciary, Government and others with the necessary funding made available. Currently, government legal aid is only available to those who are cannot afford legal representation in court and are chardged with capital punishment offences that will lead to the death sentence. I am of the view that the imminent implementation of the Islamic Criminal Law system provides us with one more reason for this scheme to be expanded and made more comprehensive and institutionalised to include most criminal cases in all courts. It goes without saying that everyone in the community should have access to justice. It is part of a better society in any country that access to justice is available to all in the community. Where the need arise, legal aid should also be extended to certain categories of civil cases. The need for this is especially important to those cases involving family matters where women and children are particularly at risk.

## **COURT FACILITIES**

It is vital for the continued maintenance and development of the excellent court facilities that we currently have. With a tinge of regret, I have the unenviable task to again repeat the yearly Law Society's request for the reinstatement of our own private space in the courthouses for the purpose of robbing room, interaction, refreshments and private conferences outside the courtrooms. General refreshments area is also necessary for lawyers and the public users of the courthouses.

## **CONDELENCE**

It is with sadness that we record the Law Society's condolences on the passing of your Lordships' predecessor Allahyarham Dato Seri Paduka Mohammed Saied earlier this year in his adopted country in England to his family and all who knew him. Many of our members will remember him as a firm but fair judge who stood firmly for the rule of law. As Chief Justice, he also gave our Law Society his confidence; support and advice when we first started out not so long ago back in 2006. It is also a credit to him that he served Brunei not just as Chief Justice from 2001 to 2009 but also firstly as Coroner in 1984 and then again as Chief Registrar from 1986 to 1987 and he earned the respect of all who knew him. May Allah bestow blessings on his soul and be placed in the company of the righteous. Amin Ya Rabbal A'lammin.

## **CONCLUSION**

To conclude my speech, we join your Lordship in thanking the Honourable Chief Registrar and the officers and staff of the Judiciary for the preparations they have made to this ceremony. It is a credit to them that they have always done a better job than the last year. This year we particularly thank them for the welcome and hospitality extended to our guests for Malaysia and Singapore.

I extend my apologies to those concerned for any unwelcomed contents in this speech and also for detaining all of you for longer than necessary from enjoying the sumptuous refreshments kindly laid out downstairs by the Honourable Chief Justice.

The thanksgiving prayer comes next, so let us pray for peace, blessings and success for the future ahead of us.

Wassalamualaikum Warahmatullahi Wabarakatuh.

Thank you.