



The Law Society of Brunei Darussalam

OPENING OF LEGAL YEAR 2022

Speech of the President of the Law Society

INTRODUCTION

1. My Lord Chief Justice, Yang Berhormat Pehin Orang Kaya Laila Setia Bakti Diraja Dato Laila Utama Haji Awang Isa, Special Adviser to His Majesty and Minister at the Prime Minister's Office, Yang Berhormat Dato Seri Setia Haji Abdul Mokti Bin Haji Mohd Daud, Minister at the Prime Minister's Office, Yang Amat Arif Ketua Hakim Mahkamah Syariah, the Honourable Justices of the Supreme Court, the Honourable Attorney General, and to everyone who is joining us virtually, my fellow colleagues of the legal profession, distinguished guests, ladies, and gentlemen.
2. Assalamualaikum Warahmatullahi Wabarakatuh, by the grace of Allah Subhanahu wa ta'ala, I am honoured, blessed, and happy to appear before Your Lordship today as the President of the Law Society.
3. I also wish to extend a warm welcome to our overseas guests who has joined us virtually:-
 - i) Antonio Sim Peak Khiong, President of the Advocates Association of Sarawak;
 - ii) Brian Speers, President of the Commonwealth Lawyers Association;
 - iii) Chan Chak Ming, President of the Law Society of Hong Kong;
 - iv) Jason Chan Tai-Hui, Vice President of the Law Society of Singapore;
 - v) Karen Cheah Yee Lynn, President of the Malaysian Bar Council; and,
 - vi) Roger Chin Ken Fong, President of the Sabah Law Society.
4. Today, we celebrate the strength, unity, and cooperation between the Judiciary, Attorney General Chambers, and the Law Society. We are synergetic, striving towards a common objective; advancing the rule of law and enhancing access to justice for all. I shall highlight some of the collaborative work that we have achieved together but I begin by congratulating the appointment of eight Judicial Officers of the Supreme Court.
 - i) Muhammed Faisal bin Pehin Datu Juragan Laila Diraja Colonel (Rtd) Seri Pahlawan Haji Kefli as the Judicial Commissioner of the Supreme Court;
 - ii) Radin Safiee bin Radin Mas Basiuni and Pengiran Masni binti Pengiran Haji Bahar as Intermediate Court Judges;
 - iii) Dayangku Hajah Norismayanti binti Pengiran Haji Ismail as the Chief Magistrate;
 - iv) Hajah Hazarena binti Pehin Orang Kaya Setia Jaya Dato Paduka Haji Hurairah as the Deputy Chief Registrar of the Supreme Court;

- v) Kamaliah Fadhilah binti Haji Ibrahim as the Senior Registrar of the Supreme Court; and,
 - vi) Pengiran Hazirah binti Pengiran Mohd Yusof and Hajah Ervy Sufitriana binti Abdul Rahman as Senior Magistrates.
- 5. These Judicial Officers have continued their commitment to serve the public and judicial system and on behalf of the Law Society, we wish you all the best in your appointment.
 - 6. We further applaud the Judiciary's determination in improving the legal service in this country by appointing a resident Intermediate Court Judge and resident Senior Magistrate at the Tutong District Civil Court. This is the Judiciary's testament to keep the wheels of justice turning.

THE COUNCIL OF THE LAW SOCIETY OF 2020-2021

- 7. I commend our immediate past President, Pg Izad-Ryan bin Pg Leila Kanun DiRaja Pg Hj Bahrin, the office bearers and council members of the Law Society of 2020-2021. This exceptional group of people steered and steady the Society at an unprecedented time faced in our country. Here are some of the accomplishments carried by this Council, together with the Judiciary and Attorney General Chambers.

PROPOSED LEGAL PROFESSION (PROFESSIONAL INDEMNITY INSURANCE) RULES

- 8. We expect this rule to be in effect this year. The main objective of this rule is to offer a safeguard for both the client and practitioner. The proposed rule will require all practitioners in a law firm to have in place an insurance policy. This rule will strengthen the trust between the public and our members in the interest of the rule of law.

THE PROPOSED INTESTATE SUCCESSION ACT

- 9. This proposed Act will only apply to the estates of non-muslims and we also hope this Act to be in force this year. Presently, if you pass away without a Will, you would be categorized as dying intestate and there is no certainty as to how your property will be distributed. The enactment of this proposed Act will remedy this uncertainty as it will amongst others, give clarity on how the deceased's property will be distributed.

PUPILLAGE FRAMEWORK

10. We rejoice with Your Lordship on announcing the 1st edition of the Pupillage Framework. This Framework was made possible due to the collaborative effort of the Judiciary, Attorney Generals Chambers, and members of the Law Society. This framework is important to the development of future lawyers so they can be well equipped with the requisite skills and knowledge before being called to the Brunei Bar. I would like to add three further points about this framework.
11. First, pupils should not use this framework as a checklist task where you can “tick a box” upon completion. I believe most, if not, all would agree with me when I say, “in this profession, you never stop learning”. This framework is a map, and pupils must use it as a tool to navigate in their legal profession.
12. Second, we understand the responsibility of a pupil master but the framework was not created to cause burden, it is to establish a structured training programme. It is the pupil masters’ duty to nurture and guide their pupils in their journey. As the saying goes, “*with great power comes great responsibility*”.
13. Third, the success of a pupil’s career ultimately falls on the willingness, perseverance, and commitment of a pupil. This profession is difficult and demanding but through adversity comes triumph. To quote the titah of His Majesty’s Sultan Haji Hassanal Bolkiah Mu’izzadin Waddaulah ibni Al-Marhum Sultan Haji Omar Ali Saifuddien Sa’adul Khairi Waddien, Sultan and Yang Di-Pertuan of Brunei Darussalam at the opening of this Supreme Court Building on 15th March 1984:-

“... I call upon my subject especially those who are still in schools and institutes of higher learning to choose law as a subject which they should pursue so that in the future, they would be able to play an important role in the administration of justice and laws, either in the public sector or the private sector”.

SOCIAL EVENTS

14. Just before we experienced the second wave in 2021, the Law Society managed to organize our annual High Tea session where we welcomed our new members who were called to the Brunei Bar in the year 2018-2019. We also hosted the return of our Law Society Legal Night. Although, the night did not end without controversy as all the costume winners were from the Law Society but, application to appeal against this decision is time-barred. Regrettably, we were unable to organise our Law Society sports events and we will only resume activities once it is safe to do so. In the meantime, as of 2019, the Law Society football team remains as reigning champion.

THE COUNCIL OF THE LAW SOCIETY OF 2022-2023

15. As the Council's tenure of 2020-2021 draws to an end, I would like to introduce and welcome the Council for 2022-2023. The Office bearers of the Council are Vice President On Hung Zheng, Secretary Nur 'Azizah Binti Ahmad, and our Treasurer Nabilah Binti Zainal Abidin. We welcome back Subrina Tan who previously served as Council member in 2010-2011. I give my thanks to Pg Izad-Ryan, Ahmad Basuni Hj Abbas, Hj Muhammad Zainidi bin Hj Abdul Hamid, Vanessa On Wei, and Navrita Kaur for staying on as council members as they bring continuity and experience. We also welcome new Council members Roy Prabhakaran, who is our statutory member appointed by the council, Karen Tan, a statutory member appointed by the Honourable Attorney General and, Awang Abdul Muqtadir bin Awg Haji Suhaime. I shall highlight some of the Council's aim for this year and beyond and, I can assure Your Lordship that the new Council have hit the ground running with a busy head start to the year.

IMPROVING THE STANDARD OF ADVOCACY

16. On 10th and 11th February 2022, a two-day basic advocacy course was organised for the law graduates from the Sultan Sharif Ali Islamic University and foreign institutions. This course was a momentous event as judicial officers, officers from the Attorney General Chambers, and our members of the Law Society combined their knowledge, resources and most importantly, contributed their valuable time to improve the proficiency of legal advocacy.
17. However, this course would not have been possible without the Prime Minister's Office, who initiated and spearheaded this project with an underlying objective, to further strengthen the legal fraternity's bond so together, we can enhance the standard and quality of advocacy skills in the legal community. The Law Society will use this as a stepping-stone to carry out two objectives.
18. Firstly, the Law Society hopes to coordinate an advocacy course together with the Prime Minister's Office, Judiciary and Attorney General Chambers for our young lawyers this year. Lawyers from the private and public sector are encouraged to join this advocacy course.
19. Second, to improve the advocacy programme for our future local law graduates. This is a long-term goal, and we wish to enable a conducive platform with the relevant stakeholders for further discussion.

REGULATING MEDIATION

20. We commend the Judiciary for pushing mediation into the legal framework. Even during the 3rd wave, the Court offered online mediation services to

encourage parties to settle their dispute. This is the Court's commitment to make access to justice more accessible. Warren Burger as Chief Justice of the United States of America said in his State of Justice speech:-

The entire legal profession... has become so mesmerized with the stimulation of the courtroom contest, that we tend to forget that we ought to be healers of conflict..."

21. Currently, there is not statutory body that regulates Mediation, and we hope the relevant government bodies can address this matter sooner than later. The Law Society offers its' assistance when called upon.

CODE OF PRACTICE FOR THE CONDUCT OF CRIMINAL PROCEEDINGS

22. We hear Your Lordship's initiative on the proposed code of practice and we are pleased to inform Your Lordship that we are working together with the Attorney General Chambers on issuing this code. The proposed code would set out a guideline for prosecution and defence to observe good practice and etiquette during criminal proceeding. We hope to introduce this Code of Practice sometime this year.

ACTIVITIES

23. Since 2021, the Law Society has collaborated with Darussalam Enterprise in running a legal workshop for start-ups entrepreneurs and companies. I would like to express my gratitude to Vanessa On who led this workshop and our members who volunteered their time in making this workshop a success.
24. The Law Society is also collaborating with Brunei Shell Petroleum in organizing a project titled: "Legal Industry Day: Digitisation and Digitalisation". This will be a one-day physical seminar and we proposed to co-host this event tentatively in June 2022. However, we will only proceed with the event when it is reasonably safe to do so.

LEGAL AID

25. We are pleased to inform Your Lordship that we have resumed our Legal aid clinic program online. In fact, the Law Society is doing its part in developing our technological capabilities and I am pleased to inform members of the public that you can now apply for legal aid through our website. I would like to extend my appreciation to Ms. Veronica Rajakanu, who served as Head of Legal Aid Committee with honour and compassion. Navrita Kaur has bravely stepped in as Head of Legal Aid. She will bring energy and enthusiasm to the Committee.

EXPANDING THE LAW SOCIETY

26. We shall take this opportunity to invite in-house counsel from government departments and Government Linked Companies to join the Law Society as a “non-practitioner member”. This is part of the Law Society’s initiative to expand the legal community and hope we can organise more collaborative works in the near future.

THE FUTURE OF COURT PROCEEDING

27. Throughout this pandemic, our legal system showed resilience and adapted with the latest technology which has resulted in greater access to justice for all. We are appreciative of the safety measures that the Court has taken in keeping everyone’s health and safety in the forefront by utilizing virtual hearings and trials and, we hope that this continues until the pandemic situation improves. This was aptly put by Your Lordship at the 8th Council of ASEAN Chief Justice Virtual Meeting, *"Justice cannot wait out a crisis and we, like everyone have had to adapt"*. The Law Society will be readily available to assist the Court when called upon.

CONCLUSION

28. To conclude, I would like to express my appreciation to Your Lordship, the Chief Registrar, Judicial Officers, and staffs in organizing this unforgettable ceremony. I am truly blessed to have the support and guidance from the legal fraternity, our senior members who are willingly ready to lend a helping hand, and in return, we will do our utmost best to repay that faith and uphold the integrity of this profession. I shall close my speech with a quote from the late Nelson Mandela:-

"I was in the company of great men indeed. Some of them more qualified, more talented than I am and to sit down with them to exchange views was one of the most revealing experiences I had. To sit down with those men and exchange views, it enriched your own life, it fortified your morality, it gave you courage to do better than your best".

29. Thank you all for joining us today and I take this opportunity to wish everyone a blessed and happy Ramadan. Stay safe everyone. wabillahitaufig walhidayah wassalamualaikum.

MANSUR LATIF

PRESIDENT OF THE LAW SOCIETY