



The Law Society of Brunei Darussalam

OPENING OF LEGAL YEAR 2023

Speech of the President of the Law Society

1. My Lord Chief Justice, the Honourable Justices of the Supreme Court, my learned friend the Honourable Attorney General, Yang Mulia Acting Minister at the Prime Minister's Office, Yang Amat Arif Ketua Hakim Mahkamah Syariah, your excellencies of the Diplomatic Corps, my learned friends from the legal profession, distinguished guests, ladies, and gentlemen.
2. Assalamualaikum Warahmatullahi Wabarakatuh, by the grace of Allah Subhanahu wa ta'ala, I am bless to appear before Your Lordship on this momentous ceremony. In comparison to the previous Opening Legal Year, I am extremely pleased to see many of my fellow practitioners today. It is a nice change when compared to the attendance at our AGM.
3. I extend a warm welcome to our overseas guests:-
 - i) Mr Amirali Nasir, Vice-President of the Law Society of Hong Kong;
 - ii) Mr Desmond Ho Chee Cheong, representative of the Malaysian Bar;
 - iii) Ms Lisa Sam Hui Min, Vice-President of the Singapore Law Society;
 - iv) Mr Gurvir Singh Sandhu, President of the Advocates Association of Sarawak;
 - v) Mr Roger Chin Ken Fong, President of the Sabah Law Society.
4. Last year, I congratulated the appointment of eight Judicial Officers of the Supreme Court. Inadvertently, I missed out on one. As such, I extend a belated congratulation to Hajah Noor Amalina binti Dato Paduka Haji Alaihuddin as Senior Registrar of the Supreme Court.

THE ECC-SAL INTERNATIONAL MOOTING COMPETITION

5. However, this is not the only cause of congratulation as there are a few more individuals I must congratulate – and that is our Brunei Law Society Mooting Team. To say that I am only proud of our Mooting Team is an understatement. Since 2015, our Society has sent 2 Teams to participate in a mooting competition held in Singapore, co-organised by members of Essex Court Chambers and the Singapore Academy of Law (“**ECC-SAL**”).
6. This year's team comprised of Cedric Loo Shyh Cherng of Ridzlan Lim and Lim Li Chyi of Yusof Halim & Partners as well as Brandon Chin Wei Chun of YC Lee & Lee and Sa'adatun Naadhiyah Mohd Rosli of CCW Partnership. Prior to this year, our teams have never reached the next stage of this competition, the quarterfinal. We felt that the quarterfinal was an invisible wall and for eight years, that wall remained impenetrable.

7. That changed with this new group of young lawyers and when Kamal Shaari was appointed as a mentor for this year's team. On a personal note, I first met Mr Kamal when we attended a residential advocacy weekend workshop at the Cumberland Lodge in the United Kingdom in 2013. Don't worry my friend, what happens in Cumberland Lodge, stays in Cumberland Lodge.
8. Under the guidance of Kamal, Brandon and Naadhiyah finally smashed that quarterfinal wall, triumphally marched through the semi-final and for the first time since the inception of the ECC-SAL moot in 2012, Brunei Darussalam became the first international country to reach the finals of this prestige International Mooting Competition. Before our team left for Singapore, I sarcastically said "Don't come back without a trophy". Instead, the team came home with three accolades:-
 - 1) Li Chyi was nominated as the best speaker in the second round of the competition. She was described as "*good energy, listens well, responsive to cases*".
 - 2) Brandon and Naadhiyah won Best International Team; and,
 - 3) last but not least, this dynamic duo has captured the hearts of all the lawyers in Brunei. Congratulations again.

"TRAIN THE TRAINERS" ADVOCACY COURSE 2023

9. However, this should not be a one-off celebration. We have showcased Brunei's talent on an international stage, but domestically, we must strive to improve and develop our young lawyers.
10. Therefore, I am pleased to announce that this year, we will collaborate with the Advocacy Committee of the Singapore Law Society to conduct a "Train the Trainers" course. We are inviting our senior members, Judicial Officers and senior Deputy Public Prosecutors to join this programme.
11. With the support of the Prime Minister's Office, Attorney General Chambers and Judiciary, the Society aims to create a pool of skilled trainers so we can organise future advocacy courses for our young lawyers, independently and sustainably.
12. We will continue to invite overseas trainers as their experience and knowledge in advocacy are invaluable. This will enhance our interaction and cooperation with international faculties. Let us take heed from 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 during the High-Level Meeting to commemorate the 75th anniversary of the United Nations on 21st September 2020:-

“If history has taught us anything, it is that, we could not have realized such achievements without the strong support and commitment from all nations”.

THE FUTURE OF MEDIATION

13. Advocacy is an essential skill. It goes hand in hand with litigation, but the latter is no longer seen as the only answer to resolving disputes. Over the past decade, we have seen mediation gaining visibility, traction and recognition. The Court will always welcome mediation at the earliest proceeding, and I commend Brunei Darussalam Arbitration Centre’s (“**BDAC**”) contribution to the legal ecosystem, promoting mediation as a vehicle for resolving conflict. More recently, the legal fraternity attended a Deep-Dive Workshop on International Mediation and Dispute Resolution specifically for Brunei stakeholders and I extend my gratitude to the Singapore Dispute Resolution Academy and Temasek Foundation for organising this workshop.
14. We hope mediation will continue to develop and evolve in our legal system, this includes introducing mandatory mediation of other civil cases, cost consequences for refusing mediation and potentially, incorporating BDAC into the Judicial framework where parties have the option of a private mediation or court mediation. This could help reduce the weight of cases tried in Court. I echoed the words of Mr Hizkias Assefa, a prominent conflict mediator:-

“Mediation and reconciliation work is about a profound quest for justice and social transformation. But at the same time, they are about service, solidarity, about exploring and rediscovering the human spirit that has been lost or shattered through human conflict, cruelty, ignorance and greed.”

THE LEGAL ECOSYSTEM

15. We have seen a steady growth of admission to the Brunei Bar and with the introduction of an LLB Law programme by the Laksama College of Business and the University of Essex, we foresee more lawyers in Brunei in the coming years.
16. There is a saying, “competition breeds success” but competition should not carry a negative connotation. The commonality between judges, prosecutors, and defence counsel is that, we are lawyers first. We are cut from the same cloth, held together by the fabric we called “the rule of law”. Through this legal fraternity bond, I will highlight to Your Lordship the works that we have achieved together and the works that will come to fruition in the near future.

The Code of Practice for the conduct of Criminal Proceedings by the Prosecution and the Defence

17. As stated by Your Lordship at the Opening Legal Year Speech in 2021, the *“Code of Practice will contribute to maintaining the rule of law and assisting in the administration of criminal justice”*.
18. The completion of this code was a collaborative effort between the Law Society and the Criminal Justice Division of the Attorney General Chambers, and we appreciate the Chief Registrar and the committee members in overseeing this project. I also extend my appreciation to the Attorney General Chambers’ and Law Society of Singapore for allowing us to adopt their Code of Practice as a guide of reference.

Proposed amendments to the Land Code (Amendment) Order 2016.

19. We are grateful to the Ministry of Development and the Attorney General Chambers for giving the Law Society a seat at the table, to give our views on the proposed amendments. We hope that this amendment will achieve clarity on the subject of transfer, acquisition and retention of landed property. We look forward to seeing a clear resolution on these issues for the benefit of all.

Proposed Mediation legislation

20. In last year’s speech, I discussed the need of regulating mediation, and I am glad that our plea has not fallen on deaf ears. We are delighted that the Prime Minister’s Office has taken the lead in pursuing a proposed framework of a legislation focused on mediation. Our honourable members have offered their assistance and will continue to work closely with the Prime Minister’s Office together with the relevant stakeholders.

Improvements to the legal profession

21. Our profession must continuously be of the mindset of improving ourselves. The law is ever-changing and we must not rest on one’s laurels. The Court motto is “Judicial Excellence”, and the Attorney General Chambers is “Excellence in Legal Services”, then the Law Society must strive for “Greatness in the Legal Profession”. With that in mind, the Council will set out four objectives.
22. First, amending and improving our Practice Etiquette Rules. We must uphold, maintain and enhance the standards of professionalism and ethical conduct in our profession, with integrity, honesty and independence.

23. Second, amending the complaint proceedings against advocates & solicitors. A committee will be formed to filter frivolous and vexatious complaints and only meritorious complaints will be forwarded to the Inquiry Committee. Regulating the conduct of advocates is a painstaking, heartbreaking but necessary task. The complexity faced by the Law Society is succinctly described by our former Chief Justice, the late Dato Seri Paduka Mohammed Saied at the Opening Legal Year speech in 2006:-

“The Society [now] bears the burden of ensuring that its members, who are not massive in numbers, behave and conduct themselves in a manner which, while not tarnishing the image of the profession and bringing it into disrepute both outside in their treatment of their clients and inside the courthouse, is such that it reflects the true and recognizable reflection or face of the honourable profession to which they claim to belong. This is not as easy a task as it looks, particularly in a comparatively small community of lawyers and, as such, it will call for absolute adherence to the principles of the Society, including above all their ability to absolutely erase from their minds the slightest remnant of friendship or any other relationship of any sort or any inclination of considering the complaint as being minor deserving outright rejection. Their function is to thoroughly investigate any complaint against a member of the fraternity, and deal with it on the basis of the evidence that is placed before them by both sides in a detached, forthright and independent manner in arriving at their decision”.

24. Third, Continuing Professional Development. When the Chief Justice announced the Pupillage Framework on 15th October 2022, it is to arm pupils with the requisite knowledge but, the conquest for knowledge must not stop at pupillage. This profession is a life-learning process and our members must continue to develop, upgrade and polish our skills and knowledge of the law. I shall seek solace and comfort that the goals achieved by the Law Society could not have been accomplished without the cooperation and assistance of the Prime Minister’s Office, Judiciary and Attorney General Chambers and I look forward to continuing this synergy.
25. Fourth, for the Law Society to win our law soc games. Vice President Zheng asked me, why do we need to organise these games if AGC keeps winning them? I said that in the spirit of sportsmanship, it is important to let other teams win, like how the Law Society football and badminton team remained champion from 2019-2021. On a serious note, congratulation to AGC for winning the football and badminton tournament and I also congratulate the Law Society for winning the Cross-Country Run. Medals will be distributed at our Law Society Legal Night which we hope to host again this year.

LEGAL AID

26. Lastly, I would like to update on our Legal Aid Clinic programme. For 2022, we have attended to 53 cases and I want to extend my deepest appreciation to our Head of Legal Aid, Navrita Kaur and our members who have volunteered for this pro-bono service.
27. However, there are still members who opt not to attend and of course, the nature of Legal Aid is voluntary but, I call upon our members again to participate in our legal aid. The service you provide at the clinic would not be considered "specialist high-end services" but the service you provide is a noble service; to provide free legal advice to low-income communities.

CONCLUSION

28. To conclude, the Law Society reaffirms its commitment to the Judiciary and cooperation with the Attorney General Chambers in the administration of Justice and rule of law. As this is my final tenure as President, I selected a quote from the late Robin Williams to close my speech:-

"I don't know how much value I have in this universe, but I do know that I've made a few people happier than they would have without me, and as long as I know that, I'm as rich as I ever need to be."

29. Have a blessed day and stay safe everyone. Wabillahitaufig walhidayah wassalamualaikum.



MANSUR LATIF

PRESIDENT OF THE LAW SOCIETY