

## LONG CALL 25 June 2020 Session 2

Bismillahirrahmanirahim

Assalamualaikum w.b.t. dan salam sejahtera kepada:

- (1) Tuan Nabilalif bin Mohd Rosli yang hadir bagi pihak Yang Berhormat Peguam Negara Malaysia
- (2) Encik Jaspal Singh yang hadir bagi pihak Jawatankuasa-Jawatankuasa berkenaan dan menyebut bagi pihak Majlis Peguam Malaysia
- (3) peguam pengusul, peguam-peguam pengajar
- (4) tuan-tuan, puan-puan yang hadir pada upacara penerimaan masuk peguam pada hari ini.

Mahkamah mengucapkan tahniah kpd pempetisyen-pempetisyen yang telah diterima masuk dan didaftarkan sebagai Peguambela dan Peguamcara Mahkamah Tinggi Malaya sebentar tadi.

Mahkamah juga ingin mengucapkan tahniah kpd semua ibu bapa pempetisyen-pempetisyen di atas kejayaan anak tuan dan puan. Pasti semua ibu bapa amat bangga dan terharu dengan pencapaian anak anda.

Pempetisyen-pempetisyen – anda perlu ingat dan bersyukur dengan rahmat yang telah dilimpahkan kpd anda. Jangan sesekali lupa kasih sayang dan sokongan, dlm semua bentuk, drp ibu bapa anda dan individu-individu yg penting di dalam hidup anda.

Pada hari ini Mahkamah ingin menekan isu integriti di dalam, antara lain, hubungan antara Mahkamah dan peguam.

Mahkamah ini bermula dengan petikan kata-kata Lord Clarke of Stone-cum-Ebony\* semasa memberi syarahan bertajuk "*Ethics and Civil Procedure*" pada 14 September 2011.

*"I would like to begin with two statements of principle by one of the greatest advocates of the 20th century in England, Norman Birkett QC. He later became Birkett J and then Birkett LJ and indeed was one of the UK judges at the Nuremberg war crimes trials, although it is as an advocate in the criminal courts especially the Old Bailey, that he is principally remembered. He said this:*

*“The Court must be able to rely on the advocate’s word; his word must indeed be his bond and when he asserts to the court those matters which are within his personal knowledge the court must know for a surety that those things are represented.*

*The advocate has a duty to his client, a duty to the court and a duty to the state but he has above all a duty to himself that he shall be, as far as lies in his power, a man of integrity.*

*No profession calls for a higher standard of honour and uprightness and no profession perhaps offers greater temptation to forsake them, but whatever gifts an advocate may possess, be they never so dazzling without the supreme qualification of an inner integrity he will fall short of the highest standard.”*

Untuk memastikan seorang peguambela sentiasa beretika, seorang peguambela dilarang dari “*give evidence from the Bar*”.

Apakah yang perlu dibuat oleh seorang pegumbela untuk memastikan beliau tidak “*give evidence from the Bar*”?

Jawapannya mudah – seorang peguambela perlu memastikan beliau menyediakan kes anakguam dengan teliti dan berhati-hati.

Dalam persediaan untuk sebarang kes – sama ada kes itu besar atau kecil – sama ada anakguam anda orang ternama atau orang biasa – anda perlu membuat persediaan yang tekun dan lengkap.

Dengan berbuat seperti yang disarankan di atas, setiap kerja peguam bukan sahaja mempunyai alasan – tetapi alasan yang bernas dan tepat. Bagi seorang peguambela, ketekunan ini memastikan bahawa Mahkamah tidak perlu sangsi dengan kandungan suratcara di Mahkamah kerana kandungan pasti benar dan autoriti yang dirujuk oleh peguam pasti yang terpakai dan terkini.

Mahkamah ini difahamkan bahawa terdapat badan-badan yang mengelolakan berbagai program bagi peguam-peguam muda seperti pempetisyen-pempetisyen. Mahkamah ini juga difahamkan bahawa walaupun program sedemikian banyak melibatkan undang-undang substantive atau undang-undang prosedural, apabila sahaja isu integriti berbangkit, isu integriti mesti diketengahkan dan mesti ditangani dengan serta-merta. Ini adalah seperti yang sepatutnya – kerana isu integriti adalah isu paling

penting di dalam pembelajaran dan perjalanan sebagai seorang peguambela dan peguamcara.

Mahkamah ingin berakhir juga dengan petikan kata-kata Lord Clarke of Stone-cum-Ebony\* sekali lagi.

*“...these principles are not unique to England or (I should say) to England and Wales. One of the topics discussed at the conference in Washington, which was organised by the American Inns of Court, was on professionalism and ethics. One of the papers included this contribution on integrity:*

*“Loss of reputation is the greatest loss you can suffer. If you lose it, you will never recover it. Whether other lawyers or judges or clerks ...trust you and take your word, whether you are straight with your clients ...whether principles and people matter to you, whether your adversaries respect you as honest, fair and civil,*

*whether you have the guts to stand up for what you believe – these are some of the hallmarks of integrity. Personal integrity is at the heart of every law career. You can't get it out of a computer – or from a law book – or a commencement speaker. You have to live it and practice it every day with every client, with every other lawyer, with every judge and with every public and private body. And if your reputation for integrity is alive and well so will your career and so will your well being."*

Perkara-perkara yang telah ditekankan tadi janganlah diambil sebagai remeh dan membuang masa. Kejayaan anda sebagai seorang Peguambela dan Peguamcara bukan sahaja diukur dari segi berapa banyak kes yang anda menang di Mahkamah atau sama ada transaksi yang anda lengkapkan untuk anakguam bernilai jutaan ringgit.



Ingatlah bahawa amalan undang-undang bukan satu “*profession*” tetapi adalah satu “*honourable profession*”. Sebagai ahli-ahli yang terbaharu, Pempetisyen-pempetisyen bukan sahaja patut – tetapi mesti – memelihara martabat anda dan martabat semua Peguambela dan Peguamcara.

Sekali lagi Mahkamah ini mengucapkan tahniah kpd pempetisyen-pempetisyen semua dan semoga setiap anda berjaya di dalam kerjaya anda.

[Mahkamah bersurai]

+++++

Foot note \*

**Anthony Peter Clarke, Baron Clarke of Stone-cum-Ebony** PC QC (born 13 May 1943) is a British lawyer.<sup>[1]</sup> He was one of the first 11 Supreme Court of the United Kingdom Justices, and was the first High Court judge to be appointed directly to that court when it came into existence on 1 October 2009 without previously having sat as a Lord of Appeal in Ordinary. He was appointed to the Court of Final Appeal of Hong Kong on 11 April 2011 as a non-permanent judge.<sup>[2]</sup> He was previously Master of the Rolls and Head of Civil Justice in England and Wales. He retired from the Supreme Court in September 2017.