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Five foreign lawyers seek to practise here

Carolyn Hong

KUALA LUMPUR, Sat. - The Attorney-General's Chambers has received five applications from foreign lawyers to practise here but has not approved any, Attorney-General Datuk Abdul Gani Patail said.

The Chambers has kept its promise to be stringent in the vetting process since it was empowered in 1999 to issue special practising certificates to foreign lawyers.

Gani said three of the applications were rejected, one withdrawn while another is still pending.

The applications were from Britain, Australia, Singapore, Brunei and Malaysia. (Malaysians who do not meet the requirements of the Legal Profession Act are also allowed to apply for a certificate.)

Gani told the New Sunday Times that the applicants had stated that their areas of expertise were International Admiralty Law, Insurance and Reinsurance, Shipping and Aviation, Securities law, and General law.

He added that the Chambers' civil division was still vetting the remaining application.

It is learnt that it is from a Singaporean lawyer with expertise in insurance law and is sponsored by a major corporate law firm here.

The Bar Council is understood to have opposed all five applications on the grounds that there is adequate expertise in Malaysia.

Under the guidelines, the lawyer must have special expertise while the prospective employer must show that it had not been able to engage a Malaysian with similar qualifications and experience.

The issue of foreign lawyers recently cropped up again when a Malaysian law student queried Prime Minister Datuk Seri Dr Mahathir Mohamad, during a dialogue in London, about removing protectionism in the legal sector.

When Part IIA of the Legal Profession Act was brought into force on Feb 1, 1999, there was strong initial interest from lawyers from the United States (based in Singapore), Indonesia and Britain.

The interest has waned due partly to the many restrictions and the economic downturn.

The Bar Council, fearing an influx of foreign lawyers, continues to demand the repeal of Part IIA which was enacted in 1978 but only enforced in 1999.

The then A-G Tan Sri Mohtar Abdullah said it was to enable law firms and the Government to harness foreign expertise, and to regularise the situation of foreign lawyers acting as unofficial consultants to local law firms.

It is well-known that many of the country's largest companies including government-linked corporations, prefer to use foreign lawyers who work in partnership with local firms.

hcarol@nstp.com.my

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