



ANNUAL REPORT 2015

JUDICIAL APPOINTMENTS COMMISSION



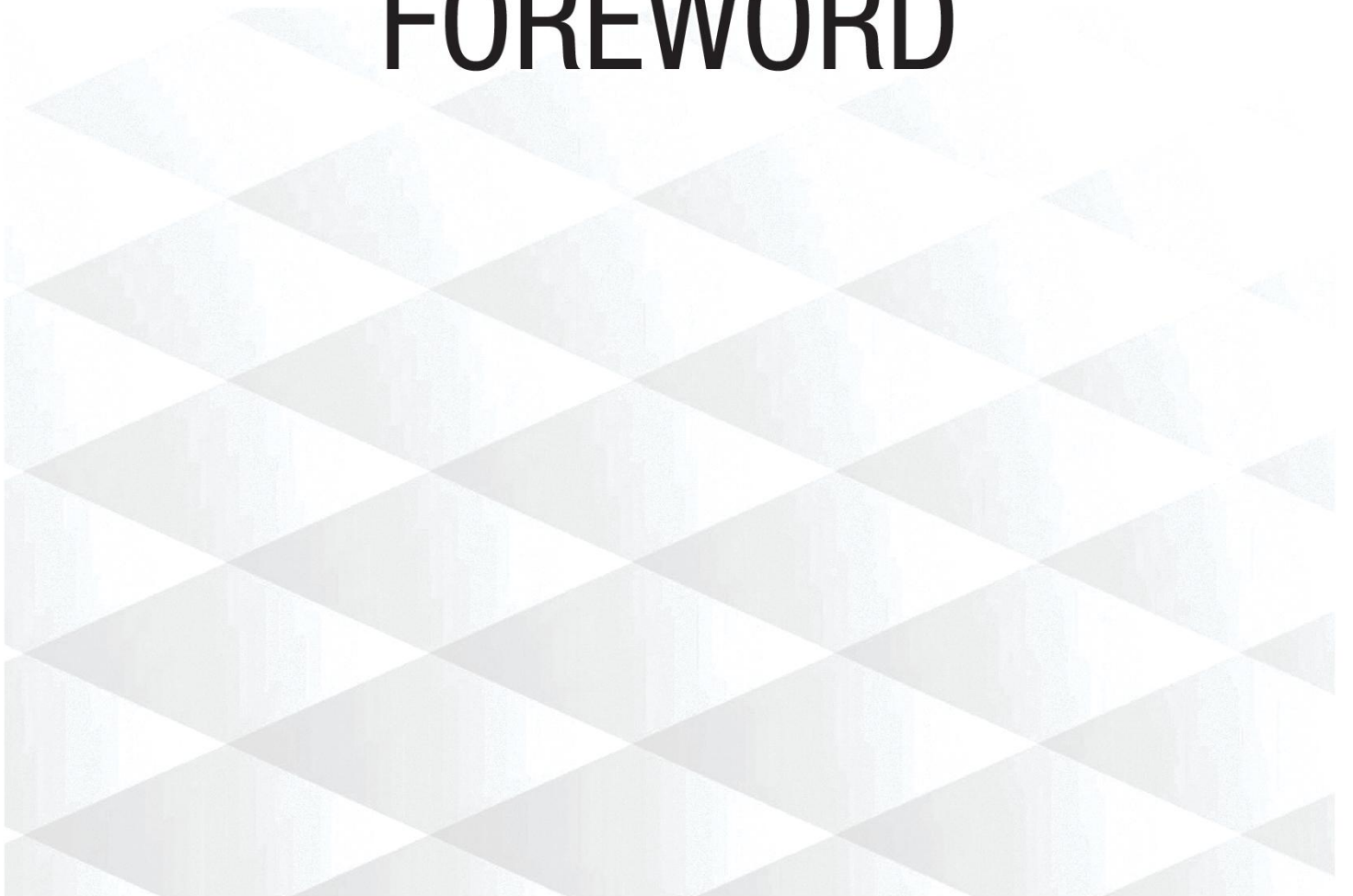
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JUDICIAL APPOINTMENTS COMMISSION

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CHAIRMAN'S FOREWORD





CHAIRMAN'S FOREWORD

Bismillahirrahmanirrahim

Assalamualaikum warahmatullahiwabarakatuh and Salam Sejahtera

It gives me great pleasure to provide the Chairman's foreword to the Judicial Appointments Commission's (JAC) annual report 2015. The report is a testament to the important function which the JAC continues to perform under the Judicial Commission Act 2009. I am pleased to report that in 2015, the JAC had performed well across all areas and succeeded in achieving its targets.

This report hopes to provide some insight into the vital role of the JAC in strengthening the administration of justice particularly in the selection of candidates for appointment as judges of the superior courts.

Since its inception in 2009, JAC has successfully carried out its function as an independent judicial appointment body within our constitutional framework. Over the years, it has established the criteria for appointment, by identifying a wide range of specific competencies to be considered in the selection process. This is to ensure that those appointed to the bench not only possess the required professional qualification but also command the respect of those in the profession and the general public.

The year 2015 saw a number of appointments and elevations at all levels of the superior courts. These include appointments of fifteen new Judicial Commissioners and elevation of two Judicial Commissioners to the High Court bench. At the same time, one High Court Judge was promoted to the Court of Appeal bench and one Court of Appeal Judge was elevated to the Federal Court bench. In the same year, nine judges retired upon reaching the mandatory retirement age: two from Federal Court; six from the Court of Appeal; and one from the High Court. I wish all of them a happy and healthy retirement.

Continuous learning represents an integral part of the working life of a Judge. As such, the Judicial Academy, established in 2012 maintained its pledge to support and sustain this through programmes offering a wide range of subjects including judicial skills. The Academy also provides

training through courses held locally and abroad. As law develops and evolves to the changing needs of the society, the course will focus on judgment skills in addition to substantive laws, court procedure, legal research and case management skills. Throughout 2015, the Academy successfully conducted seven courses including one symposium which were attended by 113 superior court Judges. Meanwhile, 10 Judges had attended seven courses abroad. The relevance and effectiveness of the education programmes continue to attain a high satisfaction rate. This would not have been possible without the skill and dedication of the members of the Judicial Academy who designed and supported the training programmes. I would like to congratulate and thank them all.

I am happy to announce that the JAC has established the Publication Committee under the Judicial Academy. This Committee will initiate and oversee the periodical publication of legal literature which includes long and short texts such as monographs and articles on a variety of legal subjects. The primary aim of the publication is to encourage the publication of legal texts by members of the Malaysian Judiciary, apart from nurturing and enhancing a culture of learning and writing within the judiciary. The publication would overtime serve to showcase the legal skills, thinking as well as the expertise and character of the judiciary. All this in turn would serve to enhance the image of the judiciary. In order to maintain and enhance the quality of these publication, the expertise of both local and foreign legal luminaries may be called upon, and this may include invitations to retired judges, law professor as well as well-known legal authors to contribute to the publication.

I also wish to put on record that this year saw the retirement of Justice Tan Sri Abdull Hamid bin Embong as a member of the Commission after serving the Commission for two terms. On behalf of the JAC, I thank him for his invaluable contribution to the Commission since 2011. On behalf of JAC, I wish to extend a warm welcome to Justice Tan Sri Ahmad bin Haji Maarop as the new member of the Commission. I am sure with his vast experience in the Judicial and Legal service and as a Judge of the superior court, he will be an asset to the Commission. Four Commissioners also had their terms renewed and I welcome their continued contribution to the work of the JAC.

I would like to conclude with a word of thank and appreciation to all fellow Commissioners who have devoted much of their time in ensuring that the Commission performs its functions effectively and efficiently. Finally I wish to record my heartfelt appreciation to the officers and staff of the JAC led by Datuk Hamidah binti Khalid who were responsible in ensuring the success of all works and programmes of the JAC in 2015.

Overall, 2015 has been a very productive and successful year and let us all look forward to another successful year ahead, InsyaAllah.



TUN ARIFIN BIN ZAKARIA



EXECUTIVE SUMMARY



EXECUTIVE SUMMARY

The Judicial Appointments Commission Annual Report 2015 is prepared pursuant to section 31 of the Judicial Appointments Commission Act 2009 (Act 695) which requires the Commission to prepare an annual report on its activities throughout the year to be presented in the Parliament.

This report is divided into six key areas:

1. Background - introduces the history, main roles and members of the Commission as well as the Office of the Secretary;
2. Meetings - as required under Act 695 which are the Judicial Appointment Commission Meetings and Selection Meetings;
3. Appointments of Superior Court Judges - appointments at different level of courts namely, Federal Court, Court of Appeal and High Court based on the criteria provided under Act 695;
4. Judicial Academy - reports on the training programmes that were held locally and internationally throughout the year;
5. Improvements in the Administration of Justice - emphasize on the programmes conducted by the Commission to improve the administration of justice; and
6. Financial Allocation - the financial allocation for 2015.

Focus of 2015

Implementation of Policy, Operation and Management

In carrying out its function, JAC meetings are held at least once a month to discuss on efforts that can be done to improve the performance of the Judiciary. Selection meetings are also held to consider, select and recommend qualified candidates to the Prime Minister to be appointed as judges of Federal Court, Court of Appeal, High Court and Judicial Commissioners.



Facts

Meetings

12 Meetings of Judicial Appointment Commission

4 Selection Meetings

Appointment of Judges

1 Federal Court Judge

1 Court of Appeal Judge

2 High Court Judges

Appointment of Judicial Commissioners

15 Judicial Commissioners

Implementation of Training Programmes 2015

Judicial Academy conducted training programmes for the superior court judges with the objective to ensure that the judges acquire the widest experience, skills and knowledge in many areas of law in keeping with the current legal development.



Facts

7 Local Training Programs

- 'Judge Craft and Judgment Writing (Series 1/2015)'
- 'Judge Craft and Judgment Writing (Series 2/2015)'
- 'Induction Programme for Judicial Commissioner (Series 1/2015)'
- 'Judge Craft and Judgment Writing (Series 3/2015)'
- 'How to Deal with Cases Under Section 39B of the Dangerous Drugs Act 1952'
- 'Induction Programme for Judicial Commissioner (Series 2/2015)'
- 'Symposium on Medical Disability Assessment of Damages'

7 International Training Programmes

- 'The 12th General Assembly of the ASEAN Law Association'
- 'The Economics Institute for Competition Judges'
- 'Patron Chief Justices' Meeting and Commonwealth Law Conference'
- 'Intensive Study Programme for Judicial Educators'
- 'Global Technology Law Conference 2015: The Future of Money and Data'
- 'Inns of Court Fellowship 2015-2016'
- 'Contracts in Commercial Law Conference 2015'

Improvements on the Administration of Justice



In order to enhance and improve the administration of justice, the Commission held a Judicial Management and Judges Training Meeting in Langkawi, Kedah for the first time which gathered all Managing Judges and members of the Judicial Academy.

Fact

1 Judicial Management and Judges Training Meeting



BACKGROUND



BACKGROUND

HISTORY OF ESTABLISHMENT

The Judicial Appointments Commission (JAC) was established pursuant to Judicial Appointments Commission Act 2009 (Act 695), gazetted on 8 January 2009.

ROLES OF JUDICIAL APPOINTMENTS COMMISSION

The main role of the Commission is to receive and consider applications from qualified persons to be selected as judges of the superior courts as stated under section 21 of Act 695. Judges of the Superior Courts as defined under the Act are the Chief Justice of the Federal Court, the President of the Court of Appeal, the Chief Judge of the High Court in Malaya, the Chief Judge of the High Court in Sabah and Sarawak, Federal Court Judges, Court of Appeal Judges, High Court Judges and Judicial Commissioners.

The selection of superior court judges are based on the criteria provided for under section 23 of Act 695 and other criterias determined by the Commission in order to ensure that the judges are selected based on merit and quality .

Apart from carrying out its main function in selecting suitably qualified persons as superior court judges, various programmes were also conducted by the Commission including organised training programs for the superior court judges in order to improve the judicial system in the country.

MEMBERS OF THE JUDICIAL APPOINTMENTS COMMISSION

The Commission consists of nine members, comprising four persons appointed by virtue of their judicial tenure, pursuant to section 5(1)(a),(b),(c) and (d) of Act 695. Five other persons are appointed by the Prime Minister, namely a Federal Court judge and four eminent persons who are not members of the executive or other public service as stated under section 5(1)(e) and (f) of the same Act.

Appointment by Judicial Tenure



The Rt. Hon. Tun Arifin bin Zakaria
Chief Justice



The Rt. Hon. Tan Sri Md Raus bin Sharif
President of the Court of Appeal



The Rt. Hon. Tan Sri Dato' Seri Zulkefli bin Ahmad Makinudin
Chief Judge of the High Court in Malaya



The Rt. Hon. Tan Sri Datuk Seri Panglima Richard Malanjum
Chief Judge of the High Court in Sabah and Sarawak

Appointment by Prime Minister



The Hon. Tan Sri Ahmad bin Haji Maarop
Federal Court Judge
[Appointed on 1st October 2015 – 30th September 2017 (2 years)]



YBhg. Tan Sri Haidar bin Mohamed Noor
Former Chief Judge of the High Court in Malaya



YBhg. Datuk Seri Panglima Sulong Matjeraie
Former Federal Court Judge



YBhg. Dato' Selenthiranathan a/l Thiagarajah
Former Court of Appeal Judge



YBhg. Dato' Tee Ah Sing @ Tee Boon Hooi
Former Court of Appeal Judge

APPRECIATION TO THE HON. TAN SRI DATO' SERI ABDULL HAMID BIN EMBONG



The appointment of The Hon. Tan Sri Dato' Seri Abdull Hamid bin Embong as member of the Commission ended on 30th September 2015.

Office of the Secretary

The Office of the Secretary is led by a Secretary appointed by the Prime Minister pursuant to section 19(1) of Act 695 and assisted by a Deputy Secretary and 12 other officers and staff of varying service schemes and grades. At present, the Secretary is YBhg. Datuk Hamidah binti Khalid, an Administrative and Diplomatic Officer (PTD), Premier Grade B. The Office of the Secretary is responsible for the administration and management of the functions and activities of the Commission and to implement the Commission's decisions.

In 2015, the Office of the Secretary made several amendments to the Judges' Remuneration Act 1971 through the Rules of Judges' Remuneration (Second Schedule Amendment) 2015. The amendments were made to ease the implementation in terms of laws, management and financial.



MEETINGS



MEETINGS

THE JUDICIAL APPOINTMENTS COMMISSION'S MEETINGS

The Judicial Appointments Commission meetings are held once a month as provided for under section 13(1) of Act 695. Generally, the issues discussed and deliberated upon in JAC meetings include initiatives to improve the performance of the Judiciary. Furthermore, the meetings also focus on the efforts to increase the performance of the superior court judges through the implementation of organised training programmes in order to increase the quality of judgments and case management. In 2015, a total of 12 meetings were held as follows:

Table 1: The Judicial Appointments Commission's Meetings in 2015

Date	Venue
23 January (Friday)	The Magellan Sutera, Sutera Harbour Resort, Kota Kinabalu, Sabah
12 February (Thursday)	Meeting Room of the Chief Justice, Level 5, Palace of Justice, Putrajaya
13 March (Friday)	Meeting Room of the Chief Justice, Level 5, Palace of Justice, Putrajaya
9 April (Thursday)	Merbok Room, Renaissance Hotel, Kota Bharu, Kelantan
14 May (Thursday)	Meeting Room of the Chief Justice, Level 5, Palace of Justice, Putrajaya
12 June (Friday)	Meeting Room of the Chief Justice, Level 5, Palace of Justice, Putrajaya
30 July (Thursday)	Meeting Room of the Chief Justice, Level 5, Palace of Justice, Putrajaya
12 August (Wednesday)	Seremban Court Complex, Seremban, Negeri Sembilan
18 September (Friday)	Meeting Room of the Chief Justice, Level 5, Palace of Justice, Putrajaya
22 October (Thursday)	Meeting Room of the Chief Justice, Level 5, Palace of Justice, Putrajaya
19 November (Thursday)	Meeting Room of the Chief Justice, Level 5, Palace of Justice, Putrajaya
11 December (Friday)	Meeting Room of the Chief Justice, Level 5, Palace of Justice, Putrajaya



Meeting of the Judicial Appointments Commission,
Meeting Room of the Chief Justice, Level 5, Palace of Justice, Putrajaya



Meeting of the Judicial Appointments Commission, Kota Bharu, Kelantan

Programmes in conjunction with the Judicial Appointments Commission's Meetings

- **Kota Kinabalu, Sabah**

Opening of Legal Year 2015 for Sabah and Sarawak

On 23 January 2015, Judicial Appointments Commission's Meeting was held in Kota Kinabalu since all the members of the Commission were present due to the Opening of Legal Year 2015 for Sabah and Sarawak,

- **Kota Bharu, Kelantan**

Presentation on the Proposed Design Concept for Kota Bharu Court Complex

On 9 April 2015, in conjunction with the Judicial Appointments Commission's Meeting, a presentation on the Proposed Design Concept for Kota Bharu Court Complex was delivered by YBhg. Datin Noor Haliza binti Mohd Noor, Deputy Director General of Legal Affair Division (BHEUU), Prime Minister's Department and YBhg. Ir. Prof. Datuk Dr. Amer Hamzah bin Mohd Yunus, Senior Director of General Works Building Division, Public Works Department.



Presentation by YBhg. Datin Noor Haliza binti Mohd Noor and
YBhg. Ir. Prof. Datuk Dr. Amer Hamzah bin Mohd Yunus

- Seremban, Negeri Sembilan

An Audience with His Royal Highness, Yang di-Pertuan Besar Negeri Sembilan at Istana Hinggap Seremban



An Audience with His Royal Highness, Yang di-Pertuan Besar Negeri Sembilan at Istana Hinggap Seremban



Photography session with the members of the Judicial Appointments Commission after an audience with His Royal Highness Yang di-Pertuan Besar Negeri Sembilan

In conjunction with the Judicial Appointments Commission's Meeting on 12 August 2015 in Seremban, Negeri Sembilan, members of the Commission also took the time to have an audience with His Royal Highness Yang di-Pertuan Besar Negeri Sembilan at Istana Hinggap Seremban, Negeri Sembilan. His Royal Highness was briefed by the Rt. Hon. Tun Arifin bin Zakaria as the Chairman of the Commission on the performances and achievements of the Judiciary as well as the improvements of the institution.

Visit to the Negeri Sembilan Court Complex

The members of the Commission visited the Negeri Sembilan Court Complex and were taken to an exclusive tour to the Registration Department of the High Court and Subordinate Court, court chambers and file rooms. The objectives of the visit is to look at various measures undertaken by the Negeri Sembilan Court Complex in enhancing the service delivery to the clients.



Visit to the Negeri Sembilan Court Complex by members of the Commission

The Commissioners had a briefing session by YBhg. Dato' Zabariah binti Mohd. Yusof, High Court Judge of Seremban and Ms. Hayatul Akmal binti Abdul Aziz, Director of Negeri Sembilan Court on the disposal of cases in the High Court as well as in the Session and Magistrate Court respectively.

SELECTION MEETINGS



The Commission constantly strive to improve the selection of qualified persons to be considered and recommended to the Prime Minister before being appointed as judges of Federal Court, Court of Appeal or High Court. In 2015, four Selection Meetings were held by the Commission. The meetings were held to consider and recommend the qualified candidates to the Prime Minister and the selected candidates will be appointed as judges of the Federal Court, Court of Appeal and High Court.

Candidates who are considered for selection as Federal Court Judges are judges from the Court of Appeal whilst for the Court of Appeal are judges from the High Court and for the High Court candidates are from the ranks of Judicial Commissioners. Meanwhile, selection for Judicial Commissioners candidates are made up of legal and judicial officers as well as legal practitioners that fulfil the requirements under Article 123 of the Federal Constitution.

Table 2: Selection Meetings in 2015

Date	Venue
13 March (Friday)	Meeting Room of the Chief Justice, Level 5, Palace of Justice, Putrajaya
9 April (Thursday)	Merbok Room, Renaissance Hotel, Kota Bharu, Kelantan
30 July (Thursday)	Meeting Room of the Chief Justice, Level 5 Palace of Justice, Putrajaya
12 August (Wednesday)	Meeting Room Seremban Court Seremban, Negeri Sembilan

Selection Criteria

In considering the candidates, the selection criteria as provided for under section 23 of Act 695 will be taken into account. The Commission has also prepared a guideline on the individual qualities that will be selected as superior court judge. This guideline is to ensure that the Commission can effectively carry out its function in selecting the qualified candidates. Furthermore, the criteria is designed to ensure that candidates have the required qualities, intellectual ability and competency which would enable them to resolve disputes impartially and decide solely upon the facts of the case and the law.

Section 23 of Judicial Appointments Commission Act 2009

Selection criteria

23. (1) A candidate is qualified for selection if he fulfils the requirement under Article 123 of the Federal Constitution.

(2) The Commission in selecting candidates shall take into account amongst others, the following criteria:

- (a) integrity, competency and experience;
- (b) objective, impartial, fair and good moral character;
- (c) decisiveness, ability to make timely judgments and good legal writing skills;
- (d) industriousness and ability to manage cases well; and
- (e) physical and mental health.

(3) A person who is a serving judge or judicial commissioner must not be appointed if he has three or more pending judgments or unwritten grounds of judgments that are overdue by sixty days or more from the date they are deemed to be due.

(4) The Commission in selecting candidates must also take into account the need to encourage diversity in the range of legal expertise and knowledge in the judiciary.

Selection Process

Pursuant to Article 122B of the Federal Constitution, the selection process of the superior court judges is explained and provided for under Act 695. Hence, the Commission is responsible in the selection process as stated under section 22(2)(a)(b) of Act 695. After selection has been made, a comprehensive report is submitted to the Prime Minister stating the names selected for appointments, detailing the bases of recommendation as required for under section 26 of the same Act. Section 27 of Act 695 provides the Prime Minister to request for two more names to be selected and recommended for his consideration. Section 28 of Act 695 provides the role of the Prime Minister to tender his advice in accordance with Article 122B of the Federal Constitution.

This report will assist the Prime Minister in the appointment of the superior court judges. The power of the Prime Minister in the appointment of the superior court judges is provided under the Federal Constitution. The appointment process as provided for under Act 695 precedes the appointment process under Article 122B of the Federal Constitution.

Section 22 of Judicial Appointments Commission Act 2009

Selection process

22. (1) On receiving a request, the Commission must notify the members of the Commission and prepare for a selection meeting.

(2) In a selection meeting, the Commission shall apply the selection process as prescribed by regulations made under this Act and—

- (a) select not less than three persons for each vacancy in the High Court; or
- (b) select not less than two persons for each vacancy where the vacancy is for judges of the superior courts other than the High Court.

Section 26 of Judicial Appointments Commission Act 2009

Report on recommendation

26. (1) After making its selection, the Commission shall submit to the Prime Minister a report which shall—

- (a) state who has been selected by the Commission to be recommended for the appointment to the office concerned;
- (b) state the reasons for such selection; and
- (c) contain any other information the Commission deems necessary to bring to the knowledge of the Prime Minister.

(2) After submitting the report, the Commission shall provide any further information as may be required by the Prime Minister.

Section 27 of Judicial Appointments Commission Act 2009

Request for further selection by the Prime Minister

27. The Prime Minister may, after receiving the report under section 26, request for two more names to be selected and recommended for his consideration with respect to any vacancy to the office of the Chief Justice of the Federal Court, the President of the Court of Appeal, the Chief Judge of the High Court in Malaya, the Chief Judge of the High Court in Sabah and Sarawak, judges of the Federal Court and the Court of Appeal, and the Commission shall, as soon as may be practicable, comply with the request in accordance with the selection process as prescribed in the regulations made under this Act.

Section 28 of Judicial Appointments Commission Act 2009

Tender of advice

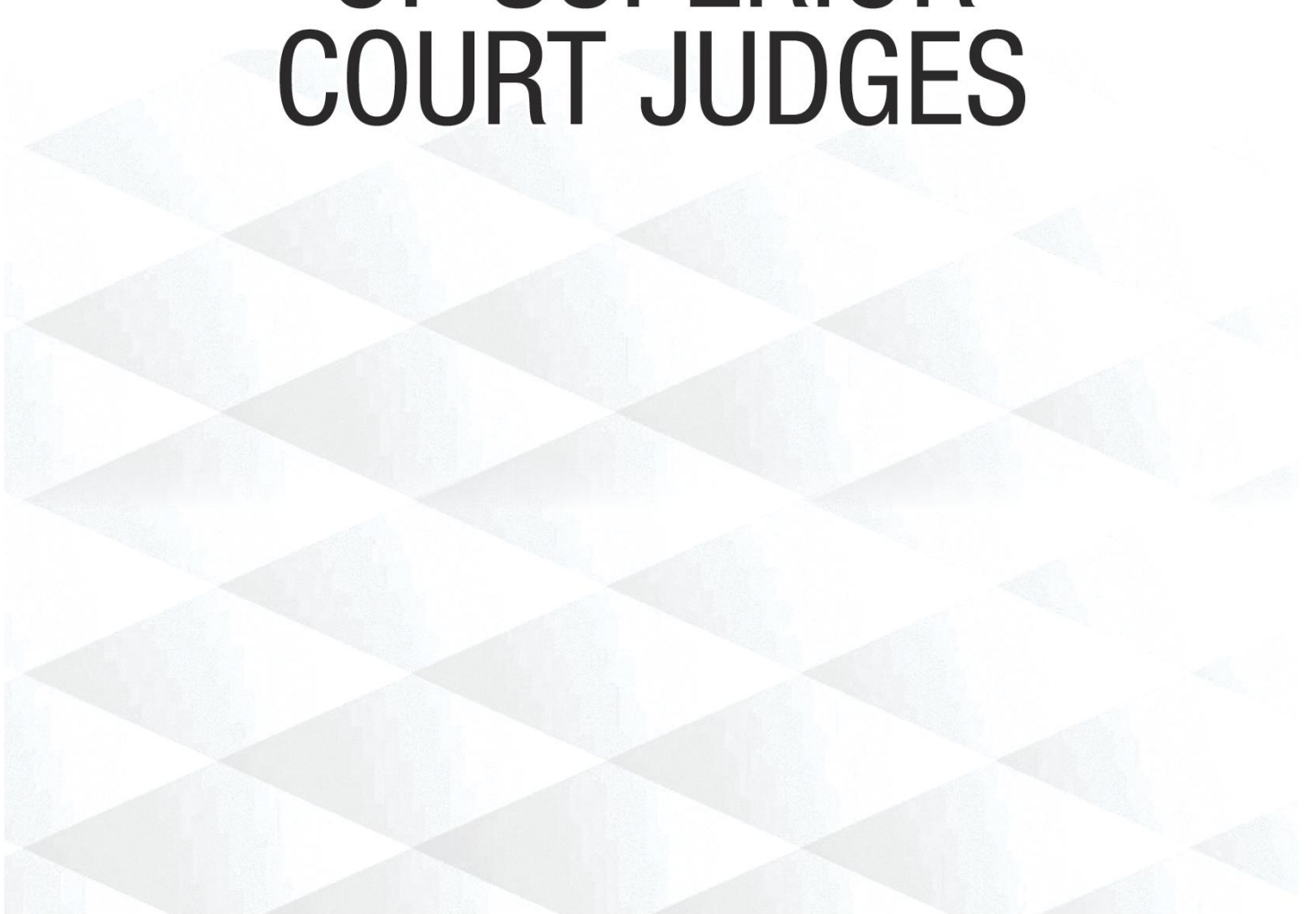
28. Where the Prime Minister has accepted any of the persons recommended by the Commission, he may proceed to tender his advice in accordance with Article 122B of the Federal Constitution.

Article 122B of Federal Constitution

Article 122B: Appointment of judges of Federal Court, Court of Appeal and High Courts

122B. (1) The Chief Justice of the Federal Court, the President of the Court of Appeal and the Chief Judges of the High Courts and (subject to Article 122C) the other judges of the Federal Court, of the Court of Appeal and of the High Courts shall be appointed by the Yang di-Pertuan Agong, acting on the advice of the Prime Minister, after consulting the Conference of Rulers.

APPOINTMENT OF SUPERIOR COURT JUDGES



APPOINTMENT OF SUPERIOR COURT JUDGES

In total, 19 persons were appointed as Judges and Judicial Commissioners. The details are as follows:

Table 3: Superior Court Judges Appointed in 2015

SUPERIOR COURT JUDGES		
No.	Court	Number of Appointments
1.	Federal Court	1
2.	Court of Appeal	1
3.	High Court	2
4.	Judicial Commissioner	15
Total		19



Federal Court, Court of Appeal and High Court Judges posing for photograph after receiving their letters of appointment from DYMM Seri Paduka Baginda Yang di-Pertuan Agong on 16 February 2015.

APPOINTMENT OF FEDERAL COURT JUDGE, COURT OF APPEAL JUDGE AND HIGH COURT JUDGE



Appointment of The Hon. Datuk Zaharah binti Ibrahim as Federal Court Judge



Appointment of The Hon. Dato' Zamani bin A. Rahim as Court of Appeal Judge



Appointment of The Hon. Tuan Vazeer Alam bin Mydin Meera as High Court Judge



Appointment of The Hon. Datuk Douglas Cristo Primus Sikayun as High Court Judge

APPOINTMENT OF JUDICIAL COMMISSIONERS

In order to vary the alternatives of candidates of superior court judges and restoring confidence towards the Judiciary, the Commission has selected candidates of Judicial Commissioners from variety of expertise, educational background and experiences. In 2015, the appointed Judicial Commissioners consisted of 11 Legal and Judicial Officers and four Legal Practitioners.

Table 4: Judicial Commissioners from Legal and Judicial Officers

Name	Post
Tuan Dr. Haji Alwi bin Haji Abdul Wahab	Legal Officer Office of the Chief Registrar Federal Court of Malaysia
Tuan Ahmad bin Bache	Session Court Judge, Kuala Lumpur
Tuan Gabriel Gumis Humen	Chairman Industrial Court Malaysia Sarawak Chapter
YBhg. Dato' Roslan bin Haji Abu Bakar	Chief Registrar Federal Court of Malaysia
YBhg. Dato' Abd. Wahab bin Mohamed	Head of Prosecution Department Attorney General's Chamber
Puan Al-Baishah binti Abd. Manan	Director of Kuala Lumpur Court
YBhg. Datin Siti Mariam binti Haji Othman	Director of Selangor Court
Tuan Hassan bin Abdul Ghani	Session Court Judge, Kuala Lumpur
Puan Chan Jit Li	Session Court Judge, Kuala Lumpur
Tuan Muhammad Jamil bin Hussin	Session Court Judge, Johor Bahru
Puan Hayatul Akmal binti Abdul Aziz	Director of Negeri Sembilan Court

Table 5: Judicial Commissioners from Legal Practitioners

Name	Post
Tuan Mohd Firuz bin Jaffril	Managing Partner, Messrs Firuz Jaffril, Aidil and Zarina
Tuan Mohd Nazlan bin Mohd Ghazali	Group General Counsel and Company Secretary, Maybank Kuala Lumpur
YBhg. Dato' Wan Ahmad Farid bin Wan Salleh	Lawyer Messrs Wan Farid and Surin, Advocates and Solicitors
YBhg. Dato' Haji Mohamad Shariff bin Haji Abu Samah	Lawyer Messrs Shariff Asidah Ali and Co.



Photography session of Judicial Commissioners after their appointment on 10 April 2015

From left: The Hon. Dato' Mohd Firuz bin Jaffril, The Hon. Tuan Gabriel Gumis Humen, The Rt. Hon. Tan Sri Datuk Seri Panglima Richard Malanjum (Chief Judge of the High Court in Sabah and Sarawak), The Rt. Hon. Tan Sri Dato' Seri Zulkefli bin Ahmad Makinudin (Chief Judge of the High Court in Malaya), The Rt. Hon. Tan Sri Md Raus bin Sharif (President of the Court of Appeal), The Rt. Hon. Tun Arifin bin Zakaria (Chief Justice) The Hon. Tuan Ahmad bin Bache, The Hon. Dr. Haji Alwi bin Haji Abdul Wahab and The Hon. Tuan Mohd Nazlan bin Mohd Ghazali

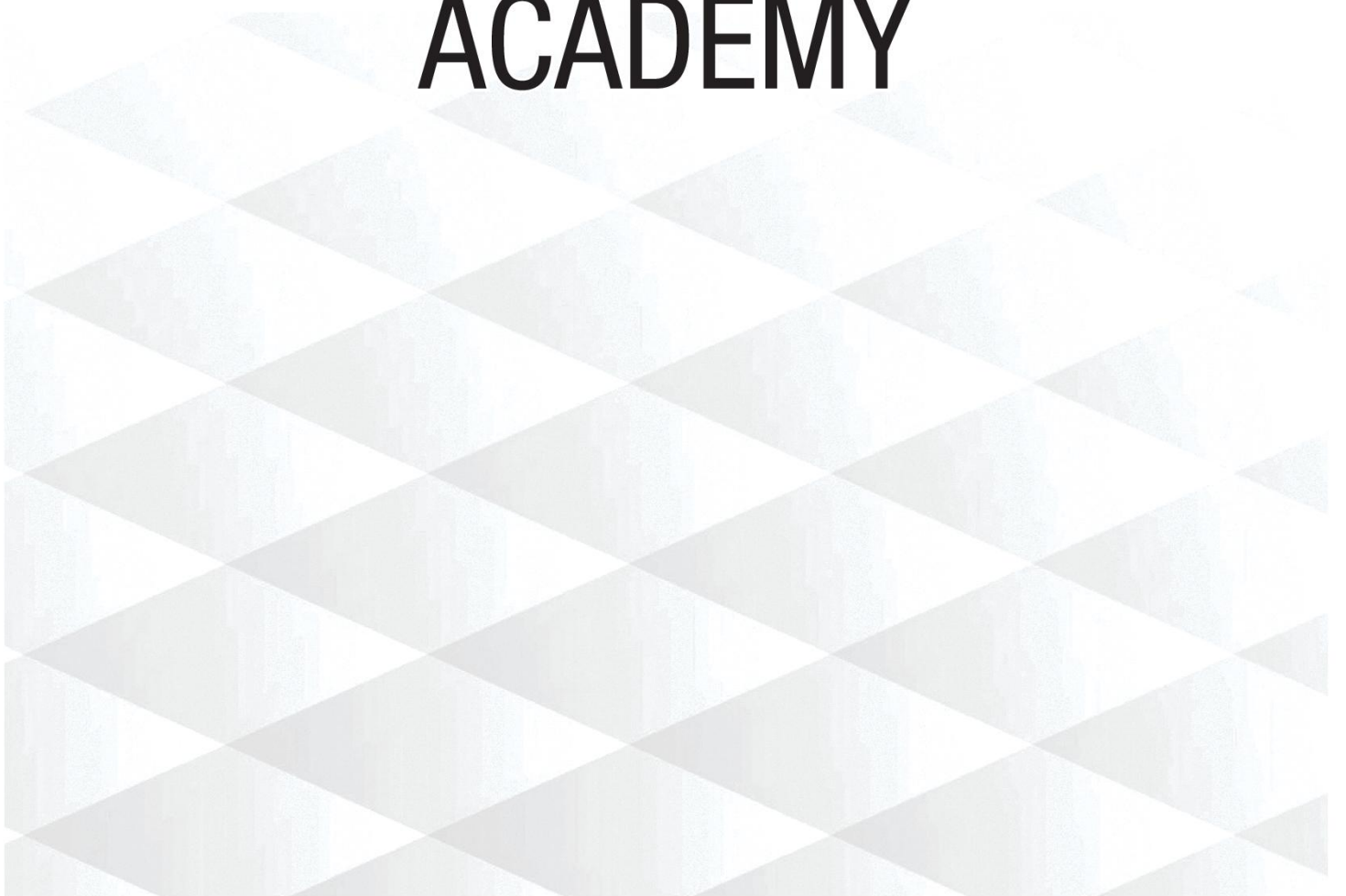


Photography session of Judicial Commissioners after their appointment on 16 December 2015

From Left: The Hon. Dato' Roslan bin Haji Abu Bakar, The Hon. Tuan Hassan bin Abdul Ghani, The Hon. Dato' Abd. Wahab bin Mohamed, The Hon. Dato' Roslan bin Haji Abu Bakar, The Rt. Hon. Tan Sri Md Raus bin Sharif (President of the Court of Appeal), YBhg. Tan Sri Mohamed Apandi bin Haji Ali (Attorney General), The Rt. Hon. Tun Arifin bin Zakaria (Chief Justice), The Rt. Hon. Tan Sri Dato' Seri Zulkefli bin Ahmad Makinudin (Chief Judge of the High Court in Malaya), The Hon. Dato' Wan Ahmad Farid bin Wan Salleh, The Hon. Puan Al-Baishah binti Abd. Manan, The Hon. Datin Siti Mariam binti Haji Othman, The Hon. Puan Chan Jit Li, The Hon. Dato' Haji Mohamad Shariff bin Haji Abu Samah and The Hon. Puan Hayatul Akmal binti Abdul Aziz



JUDICIAL ACADEMY



JUDICIAL ACADEMY

The Judicial Academy was established on 16 December 2011. This is in line with section 21 (1) (e) and (f) of Act 695. At present, there are 11 members of Judicial Academy and the chairman is the Chief Justice.

The Judicial Academy is responsible in structuring training programmes for the superior court judges. On 19 September 2015, Publication Committee, Judicial Academy was established to publish journals, textbooks, law books and monographs.

Members of Judicial Academy

Chairman

The Rt. Hon. Tun Arifin bin Zakaria	-	Chief Justice
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Members

The Rt. Hon. Tan Sri Md Raus bin Sharif	-	President of the Court of Appeal
The Rt. Hon. Tan Sri Dato' Seri Zulkefli bin Ahmad Makinudin	-	Chief Judge of High Court in Malaya
The Rt. Hon. Tan Sri Datuk Seri Panglima Richard Malanjum	-	Chief Judge of High Court in Sabah and Sarawak
The Hon. Tan Sri Ahmad bin Haji Maarop	-	Federal Court Judge
The Hon. Dato' Azahar bin Mohamed	-	Federal Court Judge
The Hon. Datuk Zaharah binti Ibrahim	-	Federal Court Judge
The Hon. Dato' Balia Yusof bin Haji Wahi	-	Court of Appeal Judge
The Hon. Dato' Wira Aziah binti Ali	-	Court of Appeal Judge
The Hon. Datuk Nallini Pathmanathan	-	Court of Appeal Judge
The Hon. Datuk Dr. Badariah binti Sahamid	-	Court of Appeal Judge

Secretary

YBhg. Datuk Hamidah binti Khalid	-	Secretary Judicial Appointments Commission
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REPORT ON THE TRAINING PROGRAMMES 2015

The emphasis of the training programmes for superior court judges is to enhance their knowledge and legal expertise in keeping up with current legal developments. The training programmes can be divided into two, i.e. local training programmes and international training programmes. In 2015, RM232,083.88 was allocated for local training programmes whereas RM284,150.29 was allocated for courses, seminars and attachment programmes abroad.

Local Training Programmes

Two main programmes were carried out under the local training programmes:

- Courses conducted by senior judges; and
- Collaborations with other agencies.

Courses Conducted by Senior Judges

A total of six courses were conducted by judges. Judges who were facilitators of these courses include the President of the Court of Appeal, Chief Judge of the High Court in Malaya, Federal Court Judges and Court of Appeal Judges.

The general approach undertaken by the facilitators is based on the concept, 'learning by doing' as the primary teaching method in conducting the courses. In order to ensure increased effectiveness of the learning process, each course accommodated small groups, which is limited to 14 to 16 participants.

The course focused on three main aspects:

- (i) To improve on the judgment writing skills in order to produce better quality grounds of judgment;
- (ii) To enhance the qualities of participants who have previously attended trainings organised by Judicial Academy through subsequent courses; and
- (iii) To provide exposure to newly appointed Judicial Commissioners with regards to the job scope of Judicial Commisisoners and best practices that need to be observed in carrying out their duties.



Facilitators for 'Judge Craft and Judgment Writing' Course

Table 6: Courses Conducted by Senior Judges

No.	Course	Date	No. of Participants
(i)	'Judge Craft and Judgment Writing (Series 1/2015)'	16-18 January 2015	16
(ii)	'Judge Craft and Judgment Writing (Series 2/2015)'	20-22 March 2015	16
(iii)	'Induction Programme for Judicial Commissioner (Series 1/2015)'	13-14 April 2015	5
(iv)	'Judge Craft and Judgment Writing (Series 3/2015)'	2-4 June 2015	16
(v)	'How to Deal with Cases Under Section 39B of the Dangerous Drugs Act 1952'	3-4 September 2015	15
(vi)	'Induction Programme for Judicial Commissioner (Series 2/2015)'	15-22 December 2015	10

To put it in a nutshell, the participants were satisfied with the courses conducted where a majority of them gave an evaluation at scale of four to five for each session of the courses.

‘Judge Craft and Judgment Writing’

In 2015, this particular course was conducted in 3 series. The facilitators were The Rt. Hon. Tan Sri Md Raus bin Sharif, the President of the Court of Appeal; two Federal Court Judges namely The Hon. Dato’ Azahar bin Mohamed and The Hon. Datuk Zaharah binti Ibrahim; and also two Court of Appeal Judges, The Hon. Dato’ Balia Yusuf bin Haji Wahi and The Hon. Dato’ Wira Aziah binti Ali.

It was divided into two main topics, ‘Judge Craft’ and ‘Judgment Writing’. In the former which is ‘Judge Craft’, participants were divided into three break-out groups where each group presented their findings on the subject matter of the case as determined by the facilitators, which was then followed by discussions on the following topics:

Group 1 : ‘The Making of a Good Judge’

Group 2 : ‘Pending Hearing’

Group 3 : ‘Sitting in Judgment’

The latter, which is ‘Judgment Writing’, saw the participants divided into four groups to discuss on the actual grounds of judgment selected by the facilitators. Then, each group had to present the findings of their case study and to prepare new and improved grounds of judgment.



‘Judge Craft and Judgment Writing (Series 1/2015)’ on 16-18 January 2015



'Judge Craft and Judgment Writing (Series 2/2015)' on 20-22 March 2015



'Judge Craft and Judgment Writing (Series 3/2015)' on 2-4 June 2015

'How to Deal with Cases Under Section 39B of Dangerous Drugs Act 1952'



Participants for 'How to Deal With Cases Under 39B of the Dangerous Drugs Act 1952' Course



Participants during discussion and group presentation session

The 'How to Deal With Cases Under 39B of the Dangerous Drugs Act 1952' module in 2015 differs from those conducted in previous years. The main purpose is to enhance the contents of this course in order to give more impact to participants. The facilitators for this course were The Rt. Hon. Tan Sri Md Raus bin Sharif, President of the Court of Appeal; and two Federal Court Judges, The Hon. Tan Sri Ahmad bin Haji Maarop and The Hon. Dato' Azahar bin Mohamed.

Two papers prepared by The Hon. Dato' Azahar bin Mohamed, entitled 'What Drugs Trafficking Judgment Should Contain' and 'Some Common Issues Raised in the Court of Appeal and the Federal Court' were discussed during the session.

During the group session, the participants were divided into three smaller groups and required to discuss the grounds of judgment of an actual criminal case and to prepare new grounds of judgments based on the case.

In addition to the presentations by the break-out groups, there were also presentations on related cases under The Dangerous Drugs Act 1952, specifically on section 39B and other related laws such as the Criminal Procedure Code.

The topics discussed are as follows:

- 'Meaning of Prima Facie Case';
- 'Evaluation of Evidence at the End of Prosecution Case';
- 'Chain of Evidence/Evidence By Chemist';
- 'Direct Proof of Trafficking (Section 2 of the Dangerous Drugs Act 1952) and Agent Provocateur/Informer';
- 'Proof of Trafficking by Using Presumptions [Section 37 (d), Section 37 (da) and Other Presumptions Under Section 37 of Dangerous Drugs Act 1952]';
- 'Reasonable Doubt and Evaluation of Evidence at the End of Defence Case';
- 'Section 8 and Section 27 of the Evidence Act';
- 'Common Intention (Section 34 of the Penal Code)'; and
- 'Section 90A of Evidence Act 1950 (Principles and Application)'.

'Induction Programme for Judicial Commissioners'

This is a specific course tailored for the newly appointed Judicial Commissioners, with the primary objective of exposing them to their scope of work and also the best practices that need to be undertaken in carrying out their responsibilities. The course was conducted in two series in 2015. Five Judicial Commissioners attended the first course which was held on 13 - 14 April 2015 and ten others attended the second course from 15 - 22 December 2015.



Participants for 'Induction Programme for Judicial Commissioners (Series 1/2015)'



Participants for 'Induction Programme for Judicial Commissioners (Series 2/2015)'

Speakers for Induction Programme for Judicial Commissioners



'Judge Craft'
By : The Rt. Hon. Tan Sri Md Raus bin Sharif, President of the Court of Appeal



'Case Management' and 'Conducting Trial and Hearing'
By : The Rt. Hon. Tan Sri Dato' Seri Zulkefli bin Ahmad Makinudin, Chief Judge of the High Court in Malaysia



'Capital Offences'
By : The Hon. Tan Sri Ahmad bin Haji Maarop, Federal Court Judge



'How to Read Statute'
By : The Hon. Datuk Zaharah binti Ibrahim, Federal Court Judge



'Getting Started', 'Practical Approach to Judgment Writing' dan 'Family Law'
By : The Hon. Dato' Wira Aziah binti Ali, Court of Appeal Judge



'Land Acquisition'
By : The Hon. Dato' Varghese George Varughese, Court of Appeal Judge



'Case Management' dan 'Mediation'
By : The Hon. Tuan Vernon Ong Lam Kiat, Court of Appeal Judge



'Civil Procedure: Salient Features of the Rules of Court 2012'
By : The Hon. Datuk Hasnah binti Dato' Mohammed Hashim, High Court Judge of Kuala Lumpur



'High Court Special Powers'
By : The Hon. Dato' Asmabi binti Mohamad, High Court Judge of Kuala Lumpur



'Mediation'
By : YBhg Dato' Mah Weng Kwai, Former Court of Appeal Judge



'Salary, Allowances and Benefits for Judges'
By : Puan Normah binti Sheikh Abdullah, Management Director Office of the Chief Registrar Federal Court of Malaysia

Collaborations With Other Agencies

A 'Symposium on Medical Disability and Assessment of Damages' was held on 2 - 3 April 2015, in collaboration with the Judicial Academy, the Chief Registrar's Office of Federal Court and Malaysian Health Ageing Society (MHAS). A total of 155 participants attended the Symposium, which includes 35 superior court judges.

The primary objective of the Symposium is to provide exposure to the Judges and Legal Officers on insurance claims due to injury or accidents. The titles and speakers are as follows:

Table 7: The Titles and Speakers in the 'Symposium on Medical Disability and Assessment of Damages'

No.	Titles and Speakers
1.	'Assessing Disability – World Health Organisation Disability Assessment II (WHODAS II)' By : Dr. Valkuntham Rajaratnam
2.	'Standardized Functional and Word Assessment for Independent Living' By : Prof. Nathan Vytialigam
3.	'Pleanary Lecture: Problems Surrounding Claims for Damages in Accident Cases' By : Mr. K. Siladass
4.	'National Database for Automative Claims – Bodily Injury' By : Ms. Dian Lee Geok Chin
5.	'Issue with Continence in Disability' By : Dato' Dr. Selvalingam
6.	'Psychiatric Sequealae of Trauma' By : Assoc. Prof. Phillip George
7.	'Pleanary Lecture: Creating Succesful Prosthetic Outcomes' By : M. Prem Anandam
8.	'Ultimate Guide for Quantum Evaluation' By : Mr Santhana Dass
9.	'Expert Evidence' By : Dr. Valkuntham Rajaratnam
10.	'Return to Work – Rehabilitation' By : Dr. Hafez Hussain
11.	'Guideline on Impairment and Disability assessment of Traumatic Injuries, Occupational Diseases and Invalidity' By : Datin Dr. Nik Amsharija Mohamed
12.	'Medical Disability and damages Assessment – An Insurer's Perspective' By : Mr. Aaron Hunter Mann



The Rt. Hon. Tan Sri Md Raus bin Md Shariff officiated the 'Symposium on Medical Disability and Assessment of Damages'



Participants of the 'Symposium on Medical Disability and Assessment of Damages'

International Training Programme

Superior court judges' participation in international training programmes exposes them to a vast array of current world legal developments, as well as providing them an avenue to enhance their skills and expertise to be at par, of equal competency with the international judges.

Table 8: International Training Programme

Course	Date	Venue	Participants
'The 12th General Assembly of the ASEAN Law Association'	26 – 27 February 2015	Makati Shangri-La Hotel, Manila, Filipina	The Hon. Dato' Mary Lim Thiam Suan High Court Judge of Kuala Lumpur The Hon. Datuk Hasnah binti Dato' Mohammed Hashim High Court Judge of Kuala Lumpur
'The Economics Institute for Competition Judges'	1 – 6 March 2015	The Fairmont Singapore Hotel, Singapura	The Hon. Dato' Mohamad Zabidin bin Mohd Diah High Court Judge of Shah Alam The Hon. Dato' Asmabi binti Mohamad High Court Judge of Kuala Lumpur
'Patron Chief Justices' Meeting and Commonwealth Law Conference'	12 – 16 April 2015	Glasgow, Scotland	The Rt. Hon. Tan Sri Md Raus bin Sharif President of the Court of Appeal
'Intensive Study Programme for Judicial Educators'	7 – 20 June 2015	Toronto, Canada	The Hon. Datuk Dr. Badariah binti Sahamid Court of Appeal Judge
'Global Technology Law Conference 2015: The Future of Money and Data'	29 – 30 June 2015	Marina Bay Sands, Singapura	The Hon. Dato' Abang Iskandar bin Abang Hashim Court of Appeal Judge The Hon. Dato' Vazeer Alam Mydin Meera High Court Judge of Kuala Lumpur
'Inns of Court Fellowship 2015-2016'	9 October – 31 December 2015	Institute of Advanced Legal Studies, University of London	The Hon. Dato' Azahar bin Mohamed Federal Court Judge
'Contracts in Commercial Law Conference 2015'	18 – 19 December 2015	Art Gallery New South Wales	The Hon. Datuk Zaharah binti Ibrahim Federal Court Judge

‘The 12th General Assembly of the Asean Law Association’

The 12th General Assembly of the Asean Law Association was held on 26 to 27 February 2015 in Manila, Philippines. Two superior court judges were invited namely:

- (i) The Hon. Dato’ Mary Lim Thiam Suan, High Court Judge of Kuala Lumpur who presented a paper entitled ‘Multilateral Cooperation through law for ASEAN Economic Community’; and
- (ii) The Hon. Datuk Hasnah binti Dato’ Mohammed Hashim, High Court Judge of Kuala Lumpur, who presented a paper entitled ‘Trade and Investments Dispute Settlement Mechanisms in ASEAN – The Evolving Landscape and Major Developments’.

The participation of the judges in such workshops indirectly enhanced the image of the Judiciary specifically at the international level where Malaysian judges’ expertise are duly recognized. It also proved the international legal community’s confidence on the expertise and experiences of the judges and as well as the quality of the justice system in Malaysia.

‘The Economics Institute for Competition Judges’

The Economics Institute for Competition Judges seminar was attended by two judges namely, The Hon. Dato’ Zabidin bin Mohd Diah, High Court Judge in Shah Alam and The Hon. Dato’ Asmabi binti Mohamad, High Court Judge of Kuala Lumpur. The seminar was held from 1 - 6 March 2015 at the Fairmont Singapore Hotel, Singapore.

The seminar organized by the Global Antitrust Institute, Law & Economics Centre, George Mason University School of Law aimed to assist participants to further understand the Competition Law where the focus was on the assessment based on economical and legal perspectives on current issues related to competition and monopolies, which are often faced by consumers and vendors.

‘Patron Chief Justices’ Meeting’ and ‘Commonwealth Law Conference’

The Rt. Hon. Tan Sri Md Raus bin Sharif attended the ‘Patron Chief Justices’ Meeting’ and ‘Commonwealth Law Conference’ from 12 – 16 April 2015 in Glasgow, Scotland. The objectives of the meeting were to discuss the planning direction of judicial training program as well as to prepare a platform for closed discussion on specific issues. The meeting was chaired by The Rt. Hon. Lord Gill, Lord President of Scotland.

The Commonwealth Law Conference focussed on explaining the role of legal practitioners in ensuring a sustainable economy and social growth.

‘Global Technology Law Conference 2015: The Future of Money and Data’

Global Technology Law Conference 2015: The Future of Money and Data which was held on 29 - 30 June 2015 at Marina Bay Sands, Singapore were attended by The Hon. Dato’ Abang Iskandar bin Abang Hashim, Court of Appeal Judge and The Hon. Tuan Vazeer Alam bin Mydin Meera, High Court Judge of Kuala Lumpur.

The conference discussed on specific cybercrime issues, infringement, identity theft and misuse of technology in management of data. Therefore, the topics discussed include Big Data, Smart Nation Initiatives, Virtual Currencies, Electronic and Mobile Payment Solutions and Cybercrime. Furthermore, the conference was also participated by international legal experts, policy makers, academicians, and also representatives from Google, PayPal, World Bank, VISA, Western Union, Microsoft and other international members of the judiciary who can interpret and apply the laws.

‘Intensive Study Programme for Judicial Educators’

The Hon. Datuk Dr Badariah binti Sahamid, Court of Appeal Judge, has attended the Intensive Study Programme for Judicial Educators, which was organized by The Commonwealth Judicial Institute. This program was held on 7 - 19 June 2015 in Halifax, Nova Scotia, Canada. The main objective of this program is to prepare the framework for the establishment and the running of the National Judicial Education Board. Furthermore, the main focus are on the curriculum development and using appropriate methodology as well as assesment of the existing National Judicial Education.

The module of the program are as follows:

- Judicial Education;
- Curriculum Development;
- Psychology and Methodology of Adult Education;
- Writing of Grounds Judgment;
- Judicial Ethics and Social Media; and
- Cyber Bullying.

‘Contracts in Commercial Law Conference’

The Hon. Datuk Zaharah binti Ibrahim, Federal Court Judge, attended the Contracts in Commercial Law Conference which was held on 18 - 19 December 2015 at the Art Gallery of NSW Sydney Australia. The conference was co-organized by the Law Faculty, University of New South Wales and Oxford University.

The Conference aimed to enhance knowledge on the current approaches in Contract Law. Among interesting discussions were on rectification of contracts and exclusion clauses; whether relational contract is a valid legal concept; the principle of good faith as one of the principles on enforcement of contract; and estoppel as equity for enforcement clause.



The Hon. Datuk Zaharah binti Ibrahim while attending the Contracts in Commercial Law Conference at the Art Gallery of NSW, Sydney Australia

‘Inns of Court Fellowship 2015-2016’

The Hon. Dato’ Azahar bin Mohamed, Federal Court Judge of Malaya has had the honour and privilege to be offered the Inns of Court Fellowship for year 2015-2016 by the University of London, from 9 October until 31 December 2015.

He is the first judge in Malaysia to be offered to participate in this programme. The offer itself is an honour and recognition to the Malaysian Judiciary. Throughout the program, The Hon. Dato’ Azahar bin Mohamed delivered lectures and presentations on specific topics, attended related seminars and conferences and completed a research on judicial profession.



The Hon. Dato’ Azahar bin Mohamed delivered a lecture on ‘Court Reform’ at the Institute of Advanced Legal Studies, London



The Hon. Dato’ Azhar bin Mohamed delivered a seminar on ‘The Impact of Parallel Legal System on Fundamental Liberties in Multi Religious Societies’

The program organized by the Institute of Advanced Legal Studies, University of London is to introduce and disseminate the study and research result on legal disciplines to be used as source of reference by individual and other local or international institutions. Furthermore, The Hon. Dato’ Azahar bin Mohamed also had a chance to discuss with the Director of Training, Judicial College of London on the trainings for judges organized by the College.

The Hon. Dato’ Azahar bin Mohamed with Judge Philips, Director of Training, Judicial Collage



Malaysian Inns of Court Fellow considers fundamental liberties in multi-religious societies

Monday 21 September 2015



Mr Justice Azahar bin Mohamed, a Malaysian federal court judge, has become the first from his country to be offered an Inns of Court Fellowship at the Institute of Advanced Legal Studies ([IALS \(http://www.ials.sas.ac.uk/\)](http://www.ials.sas.ac.uk/)), a member of the University of London's School of Advanced Study. His tenure runs from 9 October to 31 December.

On accepting the fellowship, Justice Azahar bin Mohamed, who studied for his Master of Laws degree at the London School of Economics, said Malaysia's multicultural and multi-religious society brings 'obvious challenges and inherent difficulties'. During his time in London he will investigate the impact of parallel legal systems on fundamental liberties in multi-religious societies, inquiring into the jurisdictional conflict in Malaysia and other jurisdictions.

'Freedom of religion as a fundamental right is guaranteed under the Federal Constitution, which provides for a federal-state separation of legal system between a federal civil law and a state sharia law system. The dual parallel systems of civil courts and sharia courts have resulted in a complicated overlapping web of jurisdictions, and this gives rise to debates of human rights, secularism and the status of Islam in Malaysia', explained Justice Azahar bin Mohamed.

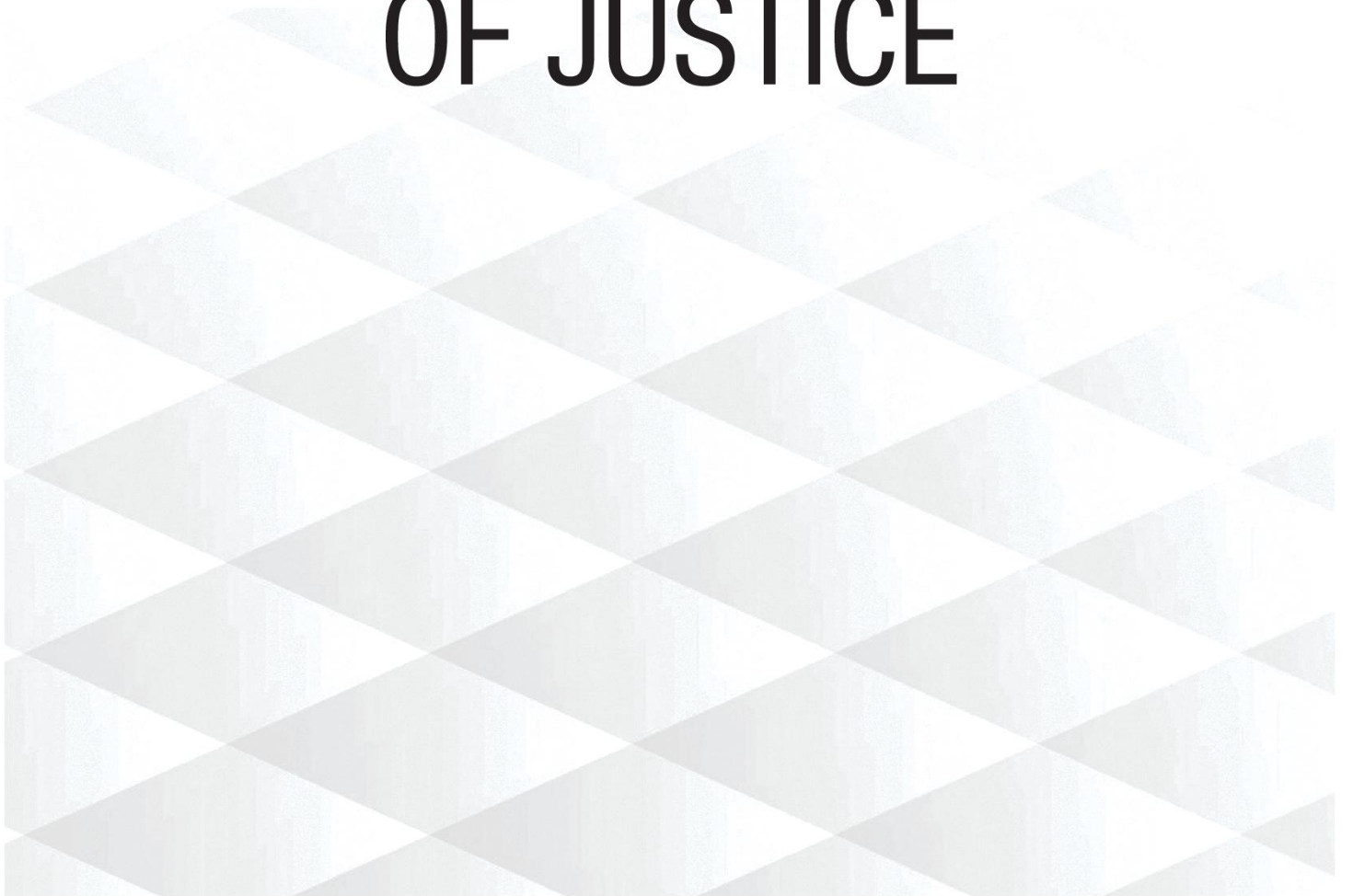
'Many issues are involved in this complex and challenging situation, including the legal status of apostasy, the conflict caused by conversion of religion of only one spouse, the effect of change of religion on marriage, and the implementation of Islamic Law. Problematic issues arise where there is a change of personal status into Islam or conversion out of Islam. Over the years, conflicts of jurisdiction between the parallel systems have become more apparent. There is a long list of cases on jurisdictional conflict between civil and sharia courts. What are the solutions? Is harmonisation ever possible under the present dual parallel legal system?'

Jules Winterton, director of the Institute of Advanced Legal Studies said: 'Since 1990 in collaboration with and supported by the Inns of Court, the institute has hosted senior members of the judiciary from many jurisdictions to pursue their research, share their expertise and experience, and take part in the intellectual life of the Inns and the institute. I am delighted to welcome Justice Azahar bin Mohamed as this year's Inns of Court Judicial Fellow. In a world of increasing mobility, his research interests are relevant and important to all legal systems.'

Justice Azahar bin Mohamed's career spans numerous high-profile positions in the judicial and legal services. He has been a magistrate, sessions court judge, deputy public prosecutor and senior federal counsel. Prior to his current position in Malaysia's highest court and the country's final appellate court, which he attained in 2014, he was a court of appeal judge for three years and before that, from 2006 to 2011, a high court judge.

Participation of The Hon. Dato' Azahar bin Mohamed can be read
at The School of Advanced Study, University of London website

IMPROVEMENTS IN THE ADMINISTRATION OF JUSTICE



IMPROVEMENTS IN THE ADMINISTRATION OF JUSTICE

JUDICIAL MANAGEMENT AND JUDGES TRAINING MEETING

In order to improve the Judiciary and administration of justice, the Commission held a Judicial Management and Judges Training Meeting on 21 - 22 November 2015 at The Danna, Langkawi. The Meeting was chaired by The Rt. Hon. Tun Arifin bin Zakaria, Chief Justice; attended by The Rt. Hon. Tan Sri Md. Raus bin Sharif, President of the Court of Appeal; The Rt. Hon. Tan Sri Dato' Seri Zulkefli bin Ahmad Makinuddin, Chief Judge of the High Court in Malaya; and 13 other Managing Judges and members of the Judicial Academy.



Front Row:

The Hon. Datuk Zaharah binti Ibrahim, The Hon. Tan Sri Hasan bin Lah, The Hon. Tan Sri Dato' Seri Abdull Hamid bin Embong, The Rt. Hon. Tan Sri Md Raus bin Sharif, The Rt. Hon. Tun Arifin bin Zakaria, The Rt. Hon. Tan Sri Dato' Seri Zulkefli bin Ahmad Makinudin, The Hon. Tan Sri Ahmad bin Haji Maarop dan The Hon. Datuk Ramly bin Haji Ali.

Back Row:

YBhg. Datuk Hamidah binti Khalid, The Hon. Dato' Rohana binti Yusuf, The Hon. Dato' Wira Aziah binti Ali, The Hon. Dato' Abang Iskandar bin Abang Hashim, The Hon. Dato' Balia Yusof bin Haji Wahi, The Hon. Datuk Wira Mohtarudin bin Baki, The Hon. Dato' Setia Haji Mohd Zawawi bin Salleh, The Hon. Datuk Dr. Badariah binti Sahamid dan The Hon. Datuk Nallini Pathmanathan.

The Meeting's objectives are as follows:

- To share experiences between the Federal Court and Court of Appeal Judges as Managing Judges and the newly appointed Managing Judges in monitoring the performances of the High Court Judges;
- To identify the roles of Managing Judges in the procedures of elevation before the submission of the names of candidates to the Commission;
- To assess the effectiveness of the Judicial Academy in conducting the courses and training programmes; and
- To announce on the establishment of the Publication Division, Judicial Academy.

- **'Roles of Managing Judges – An Assessment'**

The Hon. Tan Sri Abdull Hamid bin Embong, Federal Court Judge presented a discussion paper on 'Roles as Managing Judge'. The discussion touched on the roles as Managing Judge, which includes how to manage and supervise the decisions made by judges without any interference. Furthermore, the Managing Judge is also responsible in monitoring the performances of the judges such as any delays in disposal of cases, quality of the grounds of judgment, the judges' manners and attitude on the bench.

The issue of Management of Cases was also discussed in order to reduce unnecessary delay in disposal of cases, to reduce the cost of each parties involved and to encourage related parties to find satisfactory solutions through the process of mediation.

The Rt. Hon. Tan Sri Dato' Seri Zulkefli bin Ahmad Makinudin, Chief Judge of the High Court in Malaya emphasized on the importance of the roles of Managing Judge in regulating the performances of the High Court Judges in order to enhance the reputation of the Judiciary.

- **'Procedures on Evaluation of Judicial Tenure Confirmation and Judges' Elevation'**

The discussion on the topic was started by The Rt. Hon. Tan Sri Md Raus bin Sharif, President of the Court of Appeal. It was agreed that a format to evaluate the judges' performances should be prepared for the purpose of elevation. The criteria stated under section 23(2) and (3) of Act 695 need to be taken into account which include the following aspects:

- Integrity, competency and experience;
- Objective, unbiased, fair and good moral;
- Firmness, ability to make judgment on time and skills in legal writings;
- Diligence and ability to manage cases well;
- Physical and mental health; and
- No pending grounds of judgment.

- **‘Judicial Academy from Diagnosis to Prognosis’**

The presentation on this topic was delivered by The Hon. Datuk Dr. Badariah binti Sahamid, Court of Appeal Judge. The focus of the presentation was on report of training programmes and activities conducted by Judicial Academy from the year 2012 until 2015. The discussions touched on the planning to organize courses by the Judicial Academy as well as on the selection of facilitators and training methodologies. The appointment of sub-committees to develop modules or curriculums was also discussed during the presentation.

- **‘Establishment of Publication Division, Judicial Academy – Roles and Responsibilities’**

The Hon. Tan Sri Ahmad bin Haji Maarop, Federal Court Judge who was appointed as the Chairman of the Publication Committee presented the roles and responsibilities of the Publication Division which was established on 19 September 2015 with RM150,000.00 allocated to carry out its objectives. The focus of the presentation was on the rationale of the establishment where it is to enhance the reputation of the Judiciary and also to provide a platform for the judges to publish their writings.

The publication will be focusing on the writings of journals, textbooks, law books and monographs, with ‘Environmental Law’ being the proposed theme for the first publication. Hence, the writings would focus on the courts’ perspectives or decided cases and commitments on the preservation of environment.



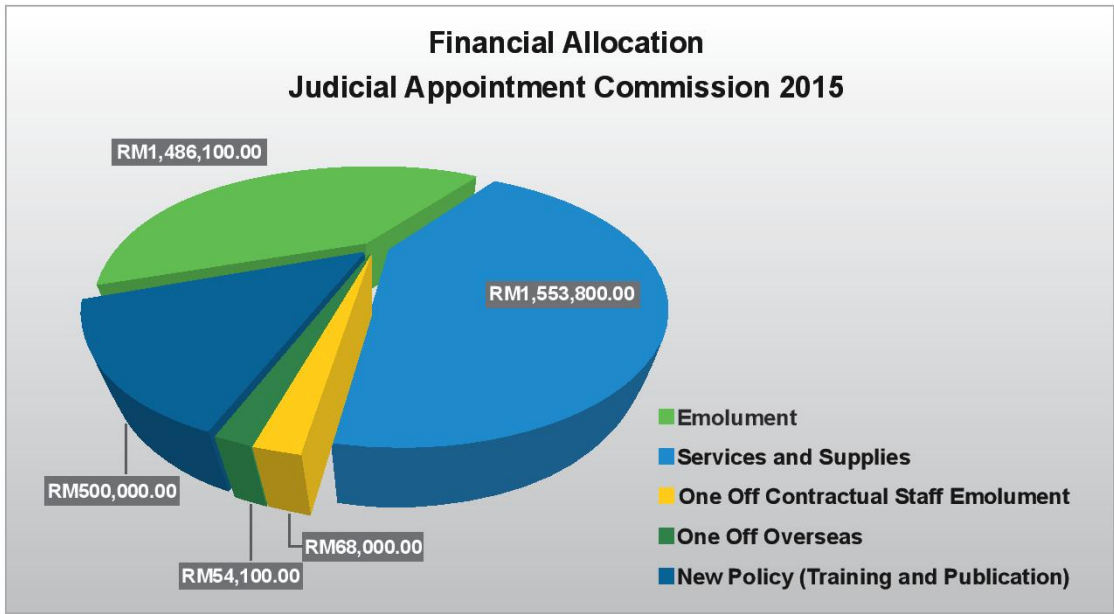
Managing Judges and members of Judicial Academy during the ‘Judicial Management and Training Judges Meeting’ on 21 - 22 November 2015 at Langkawi, Kedah

FINANCIAL ALLOCATION



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In 2015, a sum of RM 3,662,000.00 was approved for this office.





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