



# CIVIL PROCEDURE & ADVOCACY SEMINAR 2024

## Elevating Your Civil Litigation Benchmark



FRIDAY & SATURDAY  
05 & 06 JULY 2024  
8:00AM - 5:30PM



LE MÉRIDIEN HOTEL  
KOTA KINABALU,  
SABAH

CPD POINTS	
Bar Council	SLS
10	8



SPEAKER NOTES & CERTIFICATE  
**PROVIDED**

**Price**

**RM 1,600**

**Group & SLS Member**

**RM 1,100** /per pax

(For 3 Delegates and above)



Register here

### SPEAKERS



**Ravi Nekoo**

Author, *Malaysian Civil Procedure and Practice*  
Partner, Messrs Nekoo



**YA Dato' Mary Lim Thiam Suan**

Federal Court Judge (R)



**Tan Sri David Wong Dak Wah**

Chief Judge Sabah & Sarawak (R)



**Tengku Datuk Fuad  
Tengku Ahmad**

Founder, FT Ahmad & Co



**Roger Chin**

Partner, Chin Lau Wong & Foo



**Gregory Das**

Partner, Messrs Cyrus Das



**Darshendev Singh**

Partner, Lee Hishammuddin  
Allen & Gledhill



**Tan Kee Heng**

Managing Partner,  
S. K. Ling & Tan Advocates (Kuching)

# PROGRAMME DAY 1

7:30 – 8:15	<b>Registration</b>
8:20 – 8:30	<b>Welcoming Speech</b> <i>Rostina Gaus</i>
8:30 – 9:00	<b>Keynote Address</b> <i>Tan Sri Datuk Abdul Rahman Sebli</i> <i>Chief Judge Sabah &amp; Sarawak</i>
9:00 – 9:20	<b>Book Launch</b> <i>Malaysian Civil Procedure and Practice</i>
9:20 – 9:30	<b>Photo Session</b>
9:30 – 10:30	<b>Pleadings: Formulation, Amendments, Fundamentals</b> <i>Ravi Nekoo</i> <i>Author, Malaysian Civil Procedure and Practice</i> <i>Partner, Messrs Nekoo</i>
10:30–11:00	Morning Break
10:45 – 12:15	<b>Pre-Trial Case Management: Laying Foundation for an Effective Trial, Preventing Summary Dismissal</b> <i>Ravi Nekoo</i> <i>Author, Malaysian Civil Procedure and Practice</i> <i>Partner, Messrs Nekoo</i>
12:15–2:00	Lunch & Friday Prayers
2:00 – 2.45	<b>Appellate Advocacy: Presenting Appeals Par Excellence</b> <i>Tan Sri David Wong Dak Wah</i> <i>Chief Judge Sabah &amp; Sarawak (R)</i> <i>Tan Kee Heng</i> <i>Managing Partner, S. K. Ling &amp; Tan Advocates (Kuching)</i>
2:45 – 3.45	<b>Judicial Review: Statutory Framework, Relief, Averting Appeals in Disguise</b> <i>Gregory Das</i> <i>Partner, Messrs Cyrus Das</i>
3:45 – 4.00	Tea Break
4:00 – 5.15	<b>The Trial: Earthing Out Evidence, Crafting Persuasive Submission, Extracting Orders</b> <i>Ravi Nekoo</i> <i>Author, Malaysian Civil Procedure and Practice</i> <i>Partner, Messrs Nekoo</i>

**END OF DAY 1**

# PROGRAMME DAY 2

8:00 – 8:30

## Registration

8:30 – 9:45

## Suing, Defending Governments in Civil Court: Procedural and Statutory Imperatives

*Tengku Datuk Fuad Tengku Ahmad*  
Founder, FT Ahmad & Co

09:45 – 10:45

## Multi-tiered Dispute Resolution Clauses

*Darshendev Singh*  
Partner, Lee Hishammuddin Allen & Gledhill

10:45–11:45

Morning Break

10:45 – 11:45

## Locus Standi in Public Law Actions: Recent Developments in the Law

*Gregory Das*  
Partner, Messrs Cyrus Das

11:45 – 12:45

## Federal Court's Power to Review Earlier Panel: A Perspective

*YA Dato' Mary Lim Thiam Suan*  
Federal Court Judge (R)

12:45–2:00

Lunch

2:00 – 3.00

## Reciprocal Enforcement of Judgements: *Sine Qua Non*

*Ravi Nekoo*  
Author, *Malaysian Civil Procedure and Practice*  
Partner, Messrs Nekoo

3:00 – 3.15

Tea Break

3:15 – 5.00

## FORUM

### Esteemed Advocacy and Winning the Heart of Judges: Sharing the Experience

#### Moderator

*Ravi Nekoo*  
Author, *Malaysian Civil Procedure and Practice*  
Partner, Messrs Nekoo

#### Panellist

*Datuk Roger Chin*  
Partner, Chin Lau Wong & Foo

*YA Dato' Mary Lim Thiam Suan*  
Federal Court Judge (R)

*Tan Sri David Wong Dak Wah*  
Chief Judge Sabah & Sarawak (R)

## CLOSING

## Pleadings: Formulation, Amendments, Fundamentals

### Ravi Nekoo

Author, *Malaysian Civil Procedure and Practice*  
Partner, Messrs Nekoo

Take a dive into the essence and attributes of pleading and embrace the best practices for its formulation and amendment. As delegates, you can look forward to a masterly delivery of the subject at hand by our expert and gain very profitable insight into the thickets of drafting and amending pleadings in the context of civil litigation processes and procedures. A valuable resource certainly for legal professionals who are plying or profess to ply their trade in the civil court.

## Pre-Trial Case Management: Laying Foundation for an Effective Trial, Preventing Summary Dismissal

### Ravi Nekoo

Author, *Malaysian Civil Procedure and Practice*  
Partner, Messrs Nekoo

The strategic importance of a pre-trial phase such as case management cannot be underrated nor glossed over, as it may be indicative or even determinative of the actual outcome of the trial. This discourse will advert to the key aspects of documentation strategies and choosing the real issues for trial, and to that end will pierce through the relevant provisions of the Rules of Court, case law authorities as well as other critical imperatives that a solicitor must undertake to mitigate any risk of the action being summarily dismissed by the court.

## Appellate Advocacy: Presenting Appeals Par Excellence

### Tan Sri David Wong Dak Wah

Chief Judge Sabah & Sarawak (R)

### Mr Tan Kee Heng

Managing Partner, S. K. Ling & Tan Advocates (Kuching)

Appellate advocacy in civil litigation practice is a skill and an art that requires continual honing and perhaps also prolonged tutorial endeavours from polished and experienced legal masters. It is also relatively protocolised. That notwithstanding, hard formal knowledge alone oftentimes constitutes a meagrely armoury for the litigator, as perceptive niceties such as tactfulness, mannerism, decorum, courtesy, fluency, eloquence, and cogency equally count as especially important to sway the judges' opinions. Brace for a former top judge's reflections on this niche subject and learn to present your appeals with consummate esteem, skill, and deference.

## Judicial Review: Statutory Framework, Relief, Averting Appeals in Disguise

### Gregory Das

Partner, Messrs Cyrus Das

The length and breadth of judicial review tentacles, for its vast and expansive parameters and procedural intricacies, fascinates many practitioners. The intricate and distinctive nature of this procedural set-ups were such that an application for judicial review can at times be ruled as "an appeal in disguise" and dismissed outright by the judge. The speaker will address this vexed question, emphatically by way of counselling on statutory provisions governing judicial review, the reliefs available to the reputed applicant, and an advisory to prevent futile abuse of the judicial review process.

## The Trial: Earthing Out Evidence, Crafting Persuasive Submission, Extracting Orders

### Ravi Nekoo

Author, *Malaysian Civil Procedure and Practice*  
Partner, Messrs Nekoo

This session seeks to provide delegates with the guiding beacon by which to navigate through the procedural labyrinth of the trial proper and will *inter alia* dwell on deployment of an effective and systematic approach to witness examination, expert testimony, documentary evidence and the immediate post-trial essentials brought forth by the outcome of the trial, such as submission and extraction of orders. It will in pith and substance equip delegates with the requisite tools and knowledge to excel in trial advocacy.

## Suing, Defending Governments in Civil Court: Procedural and Statutory Imperatives

### Tengku Datuk Fuad Tengku Ahmad

Founder, FT Ahmad & Co

Actions involving Government as plaintiff, defendant, applicant, intervener, third party et cetera is not an uncommon occurrence in the civil court. While such cases are basically subject to the same procedural rigmarole as other suits, substantive peculiarities or complexities do attach to them by virtue of statutory immunities and limitations which the law had sanctioned for such cases. Refine, polish, and enrich your litigation skill as the speaker entangles the imperatives of such trial in this 75-minute session.

## Multi-tiered Dispute Resolution Clauses

### Darshendev Singh

Partner, Lee Hishammuddin Allen & Gledhill

The speaker, in dealing with the subject of MTDRC, otherwise also known as 'ADR-First Clauses', will treat delegates to the functionalities of the various ADR steps and procedures, particularly as to their well-preserved tool as a practical cheap and effective dispute-resolution device or mechanism. Intrinsically, the various types of MTDRC, its pros and cons and its enforceability will also be examined and assessed. Not least, delegates may also expect a sharing of useful tips and opinions on the drafting of an enforceable MTDRC, as well as on its transition to arbitration.

## Locus Standi in Public Law Actions: Recent Developments in the Law

### Gregory Das

Partner, Messrs Cyrus Das

Locus standi in public law actions has seen judicial discourse in all tiers of our superior courts. It bears refreshing that the decisions, as thus made by the judges, have not only expounded new functional tests for the grant or refusal of locus standi, but also significantly altered and expanded the scope of the law on standing to sue in this country. Prudence therefore dictates that to keep abreast with the latest in the law, lawyers and solicitors alike should hearken to this session.

## Federal Court's Power to Review Earlier Panel: A Perspective

### **YA Dato' Mary Lim Thiam Suan**

*Federal Court Judge (R)*

Offers a distinct perspective on the Federal Court's authority to review earlier panels, delving into the nuances of this complicated legal issue. Participants will explore the legal principles, precedents, and practical considerations that underpin the Federal Court's power to review decisions made by previous panels. Through insightful analysis and case studies, participants will gain a comprehensive understanding of the scope and limitations of the Federal Court's review authority and the broader implications for judicial decision-making and legal precedent. This session is essential for legal practitioners seeking a deeper understanding of this unique aspect of judicial review.

## Reciprocal Enforcement of Judgements: *Sine Qua Non*

### **Ravi Nekoo**

*Author, Malaysian Civil Procedure and Practice  
Partner, Messrs Nekoo*

The topic delves into the legal dynamics of reciprocal enforcement of judgments as they are being applied by the Malaysian courts. The emphasis is on the governing principles and legislative perspectives, coupled with a comprehensive scrutiny of judicial precedents relevant to this area of the law. An eye-opening session geared to assist practitioners to grasp the true import, purport, and spectre of enforcing foreign judgments and orders in this country.

### **[FORUM]**

## Esteemed Advocacy and Winning the Heart of Judges: Sharing the Experience

### **Moderator**

**Ravi Nekoo**

*Author, Malaysian Civil Procedure and Practice  
Partner, Messrs Nekoo*

### **Panellist**

**Datuk Roger Chin**

*Partner, Chin Lau Wong & Foo*

**YA Dato' Mary Lim Thiam Suan**

*Federal Court Judge (R)*

**Tan Sri David Wong Dak Wah**

*Chief Judge Sabah & Sarawak (R)*

The legal luminaries empanelled for this forum will prod into the heart and soul of civil advocacy and, being too familiar with "advocacy dramas" that must have transpired over time in the corridors of justice, they will seek to reminisce in and share real-life stories and anecdotes of courtroom advocacy. This intellectual rendezvous will be an enlightening and a worthy learning engagement for new and seasoned lawyers alike.

## SPEAKERS



**Ravi Nekoo**

*Author, Malaysian Civil Procedure and Practice  
Partner, Messrs Nekoo*

Ravi Nekoo was admitted as an Advocate and Solicitor of the High Court of Malaya in 1995. He obtained his Bachelor of Laws degree from the University of London (External) in 1992 and completed his Certificate of Legal Practice in 1994. Then, he went on to do his Masters in Law at University Malaya in 2001 and completed his Masters in Criminal Justice at the same university in 2003. Ravi Nekoo was also admitted as a Barrister and Solicitor of the Supreme Court of New South Wales in 2004 and the Supreme Court of South Australia and the High Court of Australia in 2007. He is in practice for 27 years, and has been a litigator throughout his practice, appearing at all levels of the court in Malaysia. He has also been involved in tutoring students for the Certificate of Legal Practice examination. Ravi Nekoo has also authored books, the most recent work being *Malaysian Civil Procedure and Practice (2nd Edition)* published by CLJ Malaysia. He is also an active trainer with the Advocacy Training Committee, which conducts advocacy training on behalf of the Malaysian Bar and sits on the Professional Standards and Development Committee.



**YA Dato' Mary Lim Thiam Suan**

*Federal Court Judge (R)*

Justice Dato' Mary Lim Thiam Suan read law at the University of Leeds, United Kingdom and graduated with a LLB (Hons) degree. She was admitted to Lincoln's Inn as a barrister-at-law. She also holds a Master of Laws degree from the University of Western Australia. Prior to her elevation to the High Court of Malaya where she sat in the new Commercial Court, Her Ladyship served in various capacities at the Attorney General's Chambers of Malaysia. These include Federal Counsel, Senior Federal Counsel, Senior Assistant Parliamentary Draftsman, Legal Advisor to the State of Negeri Sembilan, Deputy Head of Civil Division and Commissioner of Law Revision and Law Reform. Justice Dato' Mary Lim was the first judge of the Construction Court at the High Court in Kuala Lumpur until Her Ladyship's elevation to the Court of Appeal and the Federal Court of Malaysia. Justice Dato' Mary Lim has written on the law of arbitration, judicially and academically; and has also spoken and moderated on this area of law, both nationally and internationally. Justice Dato' Mary Lim is a member of the Sub-Committee on Judicial Training, Chair of the Law Revision Committee, Mentors' Mentor of the Resilience Programme conducted by the Association of Women Lawyers and a member of the international faculty of advocacy trainers set up under the International Advocacy Trainers Council. Justice Dato' Mary Lim has trained extensively in criminal, civil, and appellate advocacy held nationally and internationally, whether in person or online.

## SPEAKERS



**Tan Sri David Wong Dak Wah**  
*Chief Judge Sabah & Sarawak (R)*

Tan Sri David has had an illustrious legal and judicial career. He graduated with degrees in accountancy and law from the University of New South Wales in 1976 and 1977, respectively. Initially, he worked as an auditor in Sydney before being admitted as a barrister-at-law of the New South Wales Supreme Court in 1979. He was admitted to the Sabah Bar in 1980, practising as an advocate and solicitor in Sandakan until 1992, before going to Sydney to practise law until 1996. Upon his return to Sandakan in 1997, he continued his legal practice until 2005 when he was appointed as Judicial Commissioner of the High Court of Sabah and Sarawak.

He was elevated to Judge of the High Court in 2007, the Court of Appeal in 2013, and the Federal Court in 2018. Tan Sri David was sworn in as the fifth Chief Judge of the High Court of Sabah and Sarawak on 18 July 2018, and he served until his retirement on 19 February 2020. He played a significant role in digitising the case management system and introducing AI in sentencing within the criminal courts. In recognition of his professional achievements, he was awarded the 2020 Alumni for Professional Achievement by the University of New South Wales. Additionally, he is a CIPAA-qualified adjudicator and an AIAC panel arbitrator. Currently, he heads the Borneo International Centre for Arbitration and Mediation (BICAM) and remains active in the legal field.



**Tengku Datuk Fuad Tengku Ahmad**  
*Founder, FT Ahmad & Co*

Tengku Datuk Fuad has nearly 20 years of corporate and legal experience. He has a broad practice specialising in both civil litigation and commercial advisory. The scope of Tengku Datuk Fuad's practice is reflected in the range of the clients he represents and the courts in which he appears (the High Court, Court of Appeal, the Federal Court and the Election Court). He is regularly instructed on complex appeals ranging from commercial and land disputes to constitutional and public law matters concerning controversial and novel questions of law.

Tengku Datuk Fuad has also acted pro-bono for Sabah rights activists charged under the Sedition Act 1948. In addition to his litigation practice, he also advises companies and individuals on corporation law, commercial agreements, power purchase agreements, EPC and insurance contracts (among others), trust and private international law.

In 2015, he was invited to advise My Sabah, a Sabah-rights NGO, on the state's revenue rights under both the Federal Constitution and the Malaysia Agreement 1963. Tengku Datuk Fuad also serves on the Federal Government Task Force on issues Concerning Batu Puteh, Middle Rocks and South Ledge as well as the Special Task Force advising the Federal Government on the Sulu heirs arbitration claim against Malaysia. Currently, Tengku Datuk Fuad serves on the Sabah Government's Forestry Carbon Climate Committee and is a legal advisor to the Sabah Government.



## SPEAKERS



**Datuk Roger Chin**

*Partner, Chin Lau Wong & Foo*

Roger Chin served as the President of the Sabah Law Society from 2019 to 2023. He is currently the Immediate Past President of the Sabah Law Society and a Council Member of the Borneo International Centre for Arbitration and Mediation (BICAM). Roger holds a LLB and Bcom from The University of Melbourne, Victoria, Australia. He began his career at Accenture as a Business Analyst in the Strategy Capability Group before transitioning to the legal profession. He eventually became a Partner at Chin Lau Wong & Foo in Sabah, Malaysia. He is a Barrister and Solicitor of the Supreme Court of Victoria, Australia, and a registered patent, trademark and industrial design agent. His practices focus on dispute resolution, corporate & commercial law, and intellectual property. He also has a strong interest in fostering business relationships with clients, as well as sourcing investments for Sabah, Malaysia. Additionally, he is an Adjudicator and Mediator.

In addition to his legal roles, Roger serves on the Malaysian Government Special Task Force, providing advice on the Sulu heirs arbitration claim against Malaysia and is a columnist for The Daily Express, the largest daily English-language newspaper in Sabah, Malaysia.



**Gregory Das**

*Partner, Messrs Cyrus Das*

Gregory's practice has a particular emphasis on public and administrative law, employment law, corporate and commercial litigation, and property development litigation. He is the author of the groundbreaking book, "The Law and Practice of Judicial Review in Malaysia", which is the first practitioner's text exclusively on the law of judicial review in this jurisdiction. The former Vice President of the Malaysian Institute of Arbitrators, Gregory read law at the University of Bristol and graduated with an LL.B. (Hons) degree in 2010. He was called to the Bar of England and Wales by the Inner Temple in 2011. In 2012, he was admitted to the Malaysian Bar solidifying his legal career in Malaysia.

## SPEAKERS



**Darshendev Singh**

*Partner, Lee Hishammuddin Allen & Gledhill*

A lawyer who “provides critical yet practical insight with his sharp intellect and surgical precision of the facts”, “is reliable, efficient, and experienced”, “always delivers in a timely fashion” and “is very focused and constantly thinking outside the lines to come up with creative ways to solve a complex problem”. Darshendev’s primary area of practice is commercial dispute resolution with a focus on complex disputes relating to construction, engineering, oil & gas, and infrastructure projects. Besides regularly sitting as an arbitrator and an adjudicator, Darshendev also represents clients in international and domestic arbitration, litigation, mediation, and adjudication. He has been involved in numerous ad hoc as well as institutional arbitrations. The sole Malaysian recipient of the 2019 Asia-Pacific Top 10 Arbitrators Award (under the age of 40 category), Darshendev has recently been individually ranked for Construction by Chambers and Partners in its Asia-Pacific 2024 Ranking.

He is also ranked as a “Next Generation Partner” for both Dispute Resolution, and Real Estate and Construction in Malaysia by The Legal 500 in its Asia-Pacific Rankings. He was listed in the Private Practice Arbitration Powerlist (Southeast Asian Region) by The Legal 500. Asialaw has acknowledged Darshendev as a “Notable Practitioner” for Construction. He is recognised as a “Future Star” for Construction by Benchmark Litigation Asia-Pacific 2023 and 2024, and 2021 “Rising Star” in the Malaysian Legal Industry (under the age of 40 category) by the Asian Legal Business. Darshendev received the Lexology Client Choice Award 2021 for Construction in Malaysia. Former chairperson of the Young Members Group of the Chartered Institute of Arbitrators (Malaysia), Darshendev is a frequent speaker on the international circuit on issues related to his areas of practice and contributes to global publications on the arbitration and construction law landscape.



**Tan Kee Heng**

*Managing Partner, S. K. Ling & Tan Advocates (Kuching)*

Tan Kee Heng has been in active legal practice for over 26 years, with extensive experience in corporate matters, civil litigation, and appeal cases involving various areas of law including corporate & commercial advisory, land disputes, land law (particularly related to land development issues in Sarawak), company law, construction law, arbitration and contract law. Additionally, he is a qualified Commissioner for Oaths and Notary Public.

He is the author of “Civil and Criminal Appeals in Malaysia” (4th Edition), which was launched by the Chief Justice of Malaysia, Tun Tengku Maimun Tuan Mat, in the presence of the YAB Deputy Prime Minister of Malaysia, Dato’ Sri Haji Fadillah Yusof, and many other Judges of the Federal Court, Court of Appeal, and High Court on 30 January 2024 at AIAC, Kuala Lumpur.

Under his leadership as the Managing Partner, S. K. Ling & Tan Advocates has been awarded the “EAST MALAYSIA LAW FIRM OF THE YEAR” by Asian Legal Business (Thomson Reuters) five times i.e. Malaysia Law Awards 2017, 2018, 2019, 2022 and 2024, held in Kuala Lumpur.

# REGISTRATION FORM

## Civil Procedure & Advocacy Seminar 2024 Elevating Your Civil Litigation Benchmark

Please fill in the form in BLOCK LETTERS

### REGISTRATION FEES

Normal Price	Fees	Quantity	Total fees (RM)
Normal Price	RM1,600		
Group & SLS Member (For 3 delegates and above)	RM1,100 per pax		

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(3) Name (Mr. / Mrs. / Ms)	<input type="checkbox"/> BC - 10 CPD POINTS	<input type="checkbox"/> SLS - 8 CPD POINTS
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Registration will be accepted once full payment of the amount RM 1,600.00 has been made.

A confirmation email will be sent to each delegate after payment is processed by CLJ. If you do not receive a confirmation by 3 of July 2024, please call us at (603) 4270 5400.

CLJ reserves the right to change the date, venue, sub-topics and speaker(s) for the seminar(s) where necessary.

Should we have to cancel or postpone the seminar, our responsibility is limited to a refund of any registration fee(s) already paid. CLJ is not responsible for travel, accommodation or other related/unrelated expenses which may have been incurred by delegate(s) attending this seminar.

#### Cancellation Policy

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