

Chapter 25

LEGAL FIRMS IN MALAYSIA AND REGULATORY COMPLIANCE*

25.1 INTRODUCTION

The Legal Profession Act 1976 applies throughout Malaysia. However, the application of the Act may be modified for Sabah and Sarawak, as ordered by the Yang di-Pertuan Agong. Such orders will be published in the *Gazette* (s. 2). Unless the context otherwise requires, the terms “advocate and solicitor” and “solicitor” in this Act refer to an advocate and solicitor of the High Court who has been admitted and enrolled under this Act or under any written law prior to the coming into operation of this Act (s. 3).

The “Bar Council” and “Council” refer to the central council of the Malaysian Bar established under s. 47 (s. 3). The Bar Council was established for the proper management of the Malaysian Bar’s affairs and proper performance of its functions under this Act (s. 47(1)). Without prejudice to other powers to make rules provided under this Act and with the Attorney General’s approval, the Bar Council may make Rules to regulate various issues, including the admission, professional practice, etiquette, conduct and discipline of advocates and solicitors (s. 77(1)).

A complaint may be made concerning the conduct of an advocate and solicitor or pupil (s. 99(1)). However, a complaint may also be made against a legal firm. A “legal firm” under s. 99 includes an international partnership or a qualified foreign law firm licensed under Part IVA (s. 99(6)). If the Disciplinary Board is satisfied at any stage of the proceedings that a complaint made against a legal firm should be directed against a particular advocate and solicitor, the Disciplinary Board will replace the legal firm’s name with the name of the advocate and solicitor concerned (s. 99(5)). If a complaint is made against a legal firm, it will be deemed to be a complaint made (s. 99(4)):

- (i) in a sole proprietorship – against the advocate and solicitor who was at the material time the sole proprietor of the legal firm (s. 99(4)(a)); or
- (ii) in a partnership – against all the advocates and solicitors who were at the material time partners of the legal firm (s. 99(4)(b)),

unless the legal firm satisfies the Disciplinary Board of the identity of the advocate and solicitor in the legal firm against whom the complaint has arisen.

* This Chapter is contributed by A Vijayalakshmi Venugopal.