

## Plan on the reorganization of the Civil Division High Court Shah Alam

### Introduction

[1] From the daily returns of individual judges serving the Civil Division of the High Court at Shah Alam it is discovered that the judges in this court handle all types of cases filed in the division. To illustrate, every judge hear cases filed under writ action (code 22 and 21), appeals from the subordinate courts (code 11 & 12), land reference (code 15), appeals from Industrial Court (code 16), company winding up (code 28), divorce (code 33), summons-in-chambers arising from writ action, originating summon for foreclosure, transfer of trust property, case management, etc.

[2] This leaves a judge with little time to concentrate in disposing writ action which forms the bulk of the backlog. As at end of April 2009, the number of outstanding cases are:

(a) for writ action (code 22 & 21)	5,932
(b) for land reference (code 15)	1,431
(c) for divorce (code 33)	869
(d) for company winding-up (code 28)	405
(e) for appeals from subordinate courts (code 11 & 12)	1,913
(f) for matters referred from Industrial Court (code 16)	85

[3] To optimize judges' time for disposal of outstanding cases, each judge will be assigned to deal with a specific type of case rather than to be engaged in all categories. The economic of sale is the adopted.

[4] Further, judges should only be hearing matters before them when they are "ready" rather than be disappointed to find that they are still in the stage of preparation. It is the Deputy Registrars (TP) and Senior Assistant Registrar's (SAR) job to get them "ready".

## Reorganization

[5] To implement this reorganization we are adopting the following:

### *Tracking*

[6] All cases in the Civil Division shall be dealt with in accordance with the track they are in.

[7] There will be 3 tracks:

(a) T track: judges in this track will only hear cases involving oral evidence (other than those in the M track).

(b) A track: judges in this track will only hear applications and cases with affidavit evidence (other than those in the M track).

(c) M track:

(1) 1 judge in this track will hear:

- (i) appeals from sub-courts (code 11 & 12)
- (ii) judicial review from industrial court (code 16)
- (iii) Legal Profession Act matters (code 17)
- (iv) appeal on bankruptcy (code 29)

(this will be referred to as M Track (Appeals)).

(2) 1 judge in this track will hear cases involving:

- (i) Family (code 33)
- (ii) Land reference (code 15)
- (iii) Judicial review (code 13)
- (iv) company matters (code 28)

(this will be from now known as M Track FLJC).

### *Judges*

[8] Currently there are 6 judges in the civil division. 3 more will be joining in August or September 2009. This makes a total of 9 judges.

[9] Immediately out of the present 6 judges,

(i) 3 are identified for T track: (a) YA Puan Rosnaini bte Saub (b) YA Data' Noraini bte Abdul Rahman (c) YA Datuk Nor Bee bte Ariffin; - Total 5 judges by Sept.

(ii) 1 identified for A track: YA Datd Zaleha bte Yusof; - Total 2 judges by Sept.

(iii) 2 identified for M track (a) M (Appeal): YA Datuk Siti Mariah bte Hj Ahmad; (b) M (FLJC) Y A Dato' Hinshawati bte Shariff.

[10] When the other 3 judges are recruited in August/September 2009, they will be placed: 1 for the A Track; 2 in T Track. The Managing Judge Unit (will be explained later) will commence fixing cases for hearing before them in August/September 2009 onwards pending their arrival.

[11] Before any judge in any track hears a matter, he or she will be given the file and a write up of the matter by the TP.

[12] The plans attached will indicate where the respective judges will be and the matters they will be hearing.

### *Managing Judge*

[13] There is a Managing Judge (MJ) overseeing this entire operation. The Chief Judge of Malaya, with the concurrence with Chief Justice of the Federal Court of Malaysia, has appointed YA Data' James Foong to be the Managing Judge for the Civil Division of the High Court at Shah Alam.

Assisting him is TP Puan Arleen bte Ramly.

Together with all other TPs and SARs they will constitute the Managing Judge's unit (MJ unit).

### *Managing Judge Unit & TP*

[14] All current TP and SAR will no longer be responsible directly to the judge of the respective courts. They will be under the direction of MJ and will be attached to the MJ unit.

[15] All TPs and some SARs will be stationed at various locations in the plan attached to manage cases each morning, commencing at 9 am.

- (i) 2 of them will manage foreclosure and transfer of property; - contested A-Track Judge
- (ii) 1 will manage matters falling within M Track (Appeal);
- (iii) 1 will manage matters falling within M Track (FLJC);
- (iv) the rest will manage cases in the T and A Track.

### *Registry*

[16] To correspond with the re-organization, the Civil Registry will have 5 units:

- (a) 1 handling appeals and matters falling within M track (Appeal);
- (b) 1 handling matters falling within M Track (FLJC);
- (c) 1 handling foreclosure and transfer of property;
- (d) 1 handling A and T Track matters.

### *Senior Assistant Registrar (SAR)*

[17] SAR will continue with the duties assigned to them including hearing of cases fixed before them.

[18] There will also be a SAR assigned to take charge of each of the units in the Registry.

## **Date for implementation**

[19] 1st July 2009.

## **Steps already taken**

[20] The hearing date for all cases and applications fixed before the judge in each of the current 6 courts commencing from 1st July 2009 are identified.

[21] Those that are ready to proceed will be heard before the respective judge in the assigned track.

[22] 4 cause lists for each day will be issued:

- (a) 1 for appeals falling within the M Track (Appeals)
- (b) 1 for foreclosure & transfer of property;
- (c) 1 for matters falling within M Track (FLJC);
- (d) 1 for all cases in the A and T track.

[23] The cause lists may indicate whether the matter is before the judge for hearing or before the TP or SAR for management.

[24] T track cases will only be fixed for trial when the following are available from the lawyers or parties:

- (i) a bundle of pleadings;
- (ii) a bundle of documents in accordance to the directions attached; - 3 parts
  - admissibility
  - truth of documents- 2&A form affidavit
  - under oath
- (iii) *witness's* statement of witnesses for the purpose of examination-in-chief.

[25] A track cases or applications will only be fixed when:

- (i) exchange of affidavits are exhausted; Pre-2005

(ii) there is a written submission of no more than 5 pages either in Bahasa Malaysia or English from the lawyers or parties involved in the application. Each party will forward their respective written submission to the TP or SAR managing the case without the need to wait for the other. – Font size 14 lettering area single spacing accepted.

[26] For M track (FLJC) the TP or SAR will ensure that the case or application is ready before fixing it for hearing before the judge.

[27] For M track (Appeals) there must be an Appeal Record and a written submission of no more than 5 pages from both parties in the form and manner as stated in paragraph [27](ii) above before the case is fixed before the judge for hearing.

[28] The TP or SAR in charge of foreclosure and transfer of property will manage these applications. If papers are in order then a judge in attendance will grant the orders sought. If papers are not in order then a fresh date will be given for the applicant or his lawyer to appear again before the TP.

[29] All part-heard cases before a judge will be completed by the same judge if she is stationed in the Shah Alam High Court. If the judge is not in T Track the part-heard case will be adjourned to September onwards (but should not be before the end of this year). When a judge is hearing a part-heard case during this period, her duties will be taken over by a "Roving Judge" (probably a new incoming judge) who will stand in for her.

[30] Matters fixed before a SAR will continue to be heard by the respective SAR.

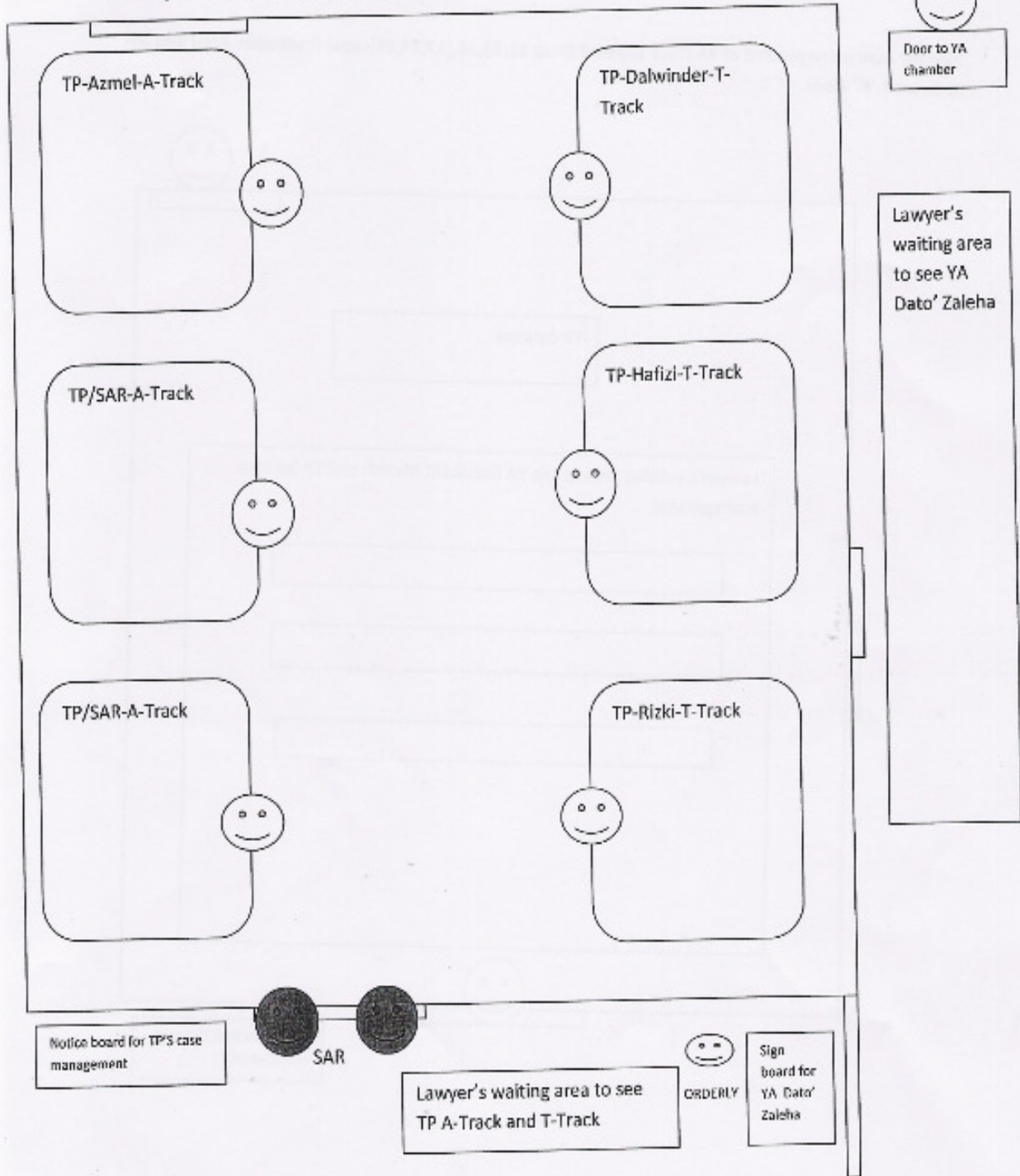
Dated 26.6.2009

Puan Arleen bte Ramly

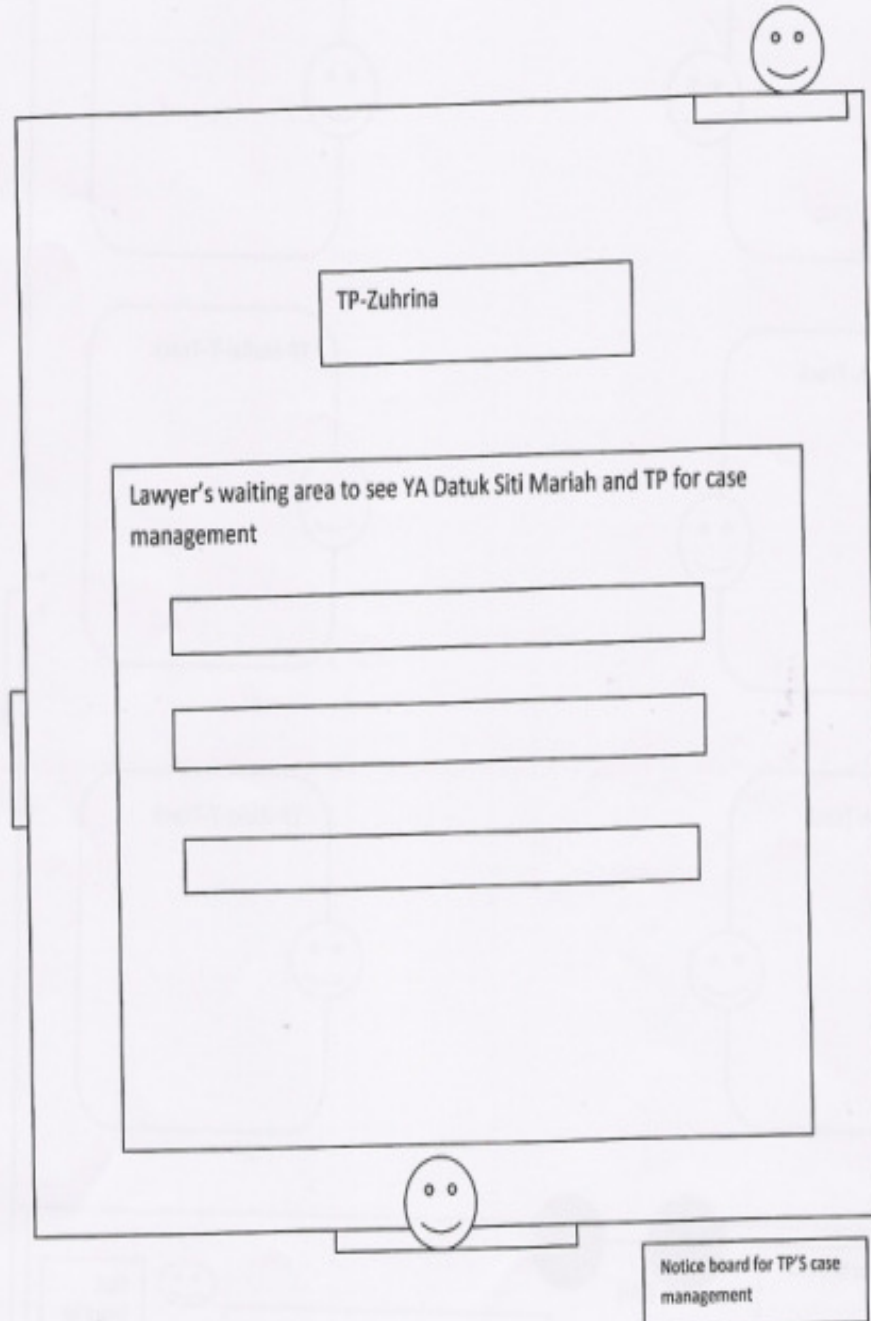
Deputy Registrar

High Court Shah Alam

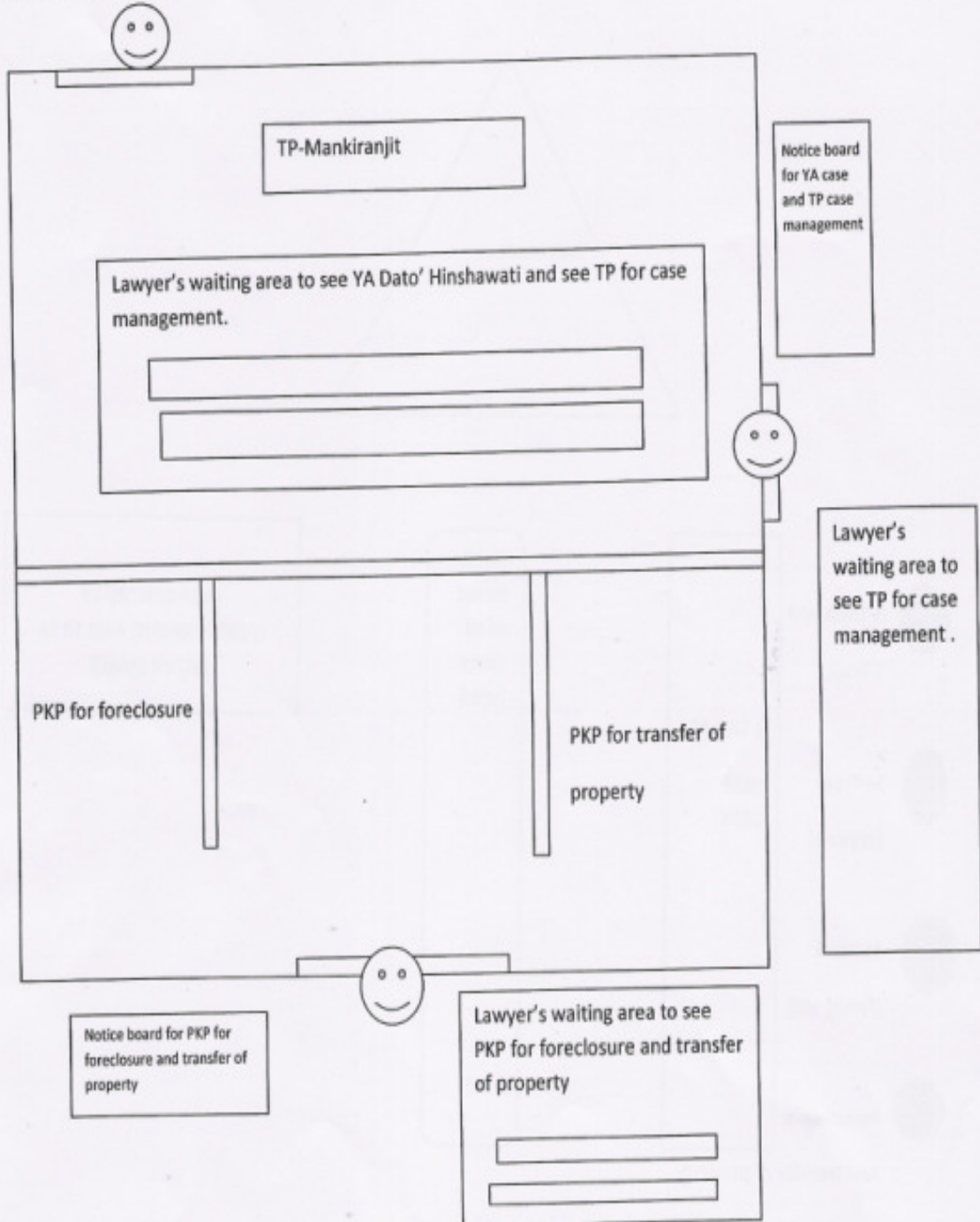
Plan for case management of T-Track (all hearing involving oral evidence) and A-Track (all hearing involving affidavits) at Court 2, 7<sup>th</sup> Floor



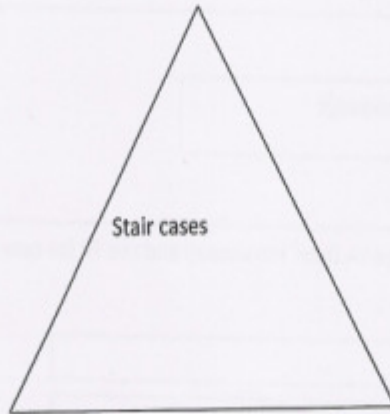
Plan for case management of M-Track (Appeal-Code 11,12,16,[17,24,25(Legal Profession Act)] and 29)  
at Court 4, 7<sup>th</sup> Floor



Plan for case management of M-Track (Family etc-Code [13,21,25(judicial review)],  
15,[28,26(companies act)], [ 33 and 24(custody and maintenance)] and  
Plan for case management of foreclosure and transfer of property  
at Court 5, 3rd Floor



**Plan at the lobby**



● A-Track and  
T-Track

4 SAR AT

● M-Track  
(appeals)

HELP  
DESK

● M-Track  
(family etc)

● Foreclosure

And transfer of property

Notice  
Board  
of all  
cases  
listed

HELP CENTRE-TP  
(PENTADBIRAN) AND TP YA  
DATUK JAMES