RISK MANAGEMENT IN PRIVATE LEGAL PRACTICE IN MALAYSIA: TIME FOR A RETHINK

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Abstract

The role of lawyers is changing throughout the passage of time. Notwithstanding that fact, one aspect which has not changed is that of the potential risk of becoming a lawyer. In reality, the lawyer is susceptible to being held accountable for his professional actions. Thus, it is vital for lawyers, especially those who are just entering the profession to be aware of potential claims possibly made against them. In Malaysia, most law schools throughout the country, has either not given or given little emphasis on the need to expose law students to the study of risk management. Senior practitioners, young practitioners and even pupils in chamber would have a competitive advantage if they are aware of the risk of common claims and the necessary steps which can be taken to alleviate or avoid a particular risk common to the practice of law. In the light of the above considerations, the writer intends to discuss risk in the practice of law in Malaysia and how risk should be shaped and contained and not shunned or avoided at all costs. To achieve this, the writer introduces the types of risk in legal practice and further discusses the possible and current practical methods which can be adopted to alleviate or minimize risk in legal practice.
Introduction

The role of lawyers\(^1\) is changing from time to time. Traditionally, lawyers have been advising clients more on what they can do rather than what they cannot do. Lawyers are implementers, drafters of complicated legal instruments or representatives of their clients in commercial, and litigation disputes. The new era also marked a stiffer competition among legal firms in Malaysia in term of ‘getting business’. Sound knowledge of the law is insufficient to ensure constant flow of ‘business’ to the legal firm. Merger of legal firms is a common phenomenon to remain sustainable in the long run. Quite often, partners of legal firms are so engrossed with their ‘marketing plans’ without realizing that their legal practice is exposed to risk of all kinds.

Risk Management in Legal Practice

No doubt, there are many, many more lawyers nowadays than a few decades ago. However, the current concern is that quantity does not always come with quality. Declining qualities among lawyers especially those practicing litigation somehow tend to show that many lawyers (partners of firms, in this sense) do not mind taking reasonable risks in accepting briefs that offer big rewards. When they take risk, they are actually betting on an outcome that will result from a decision they have made. In such a situation, risk is taken without certainty of what the outcome will be.

Notably, it is unfortunate that there is no single definition of the word ‘risk’. Traditionally, the word has been defined as uncertainty concerning the occurrence of a loss (Rejda, 2003). Risk, as defined by the insurance industry, is the probability that a loss may or may not occur. Risk, in legal practice can be safely defined as the possibility of a claim for malpractice.

\(^1\) The word “lawyer” wherever mentioned throughout this paper is referred to the practicing advocate & solicitor and may specifically referred to the legal assistant, partner or consultant of a legal firm, as the case may be.
and ethics complaints against the attending lawyer or to the legal firm itself. Such complaint may be as a result of breach of professional duties (for example, failure to attend Court, failure to comply with time limit for filing pleadings or failure to take remedial steps to reinstate a ‘struck out’ application or suit).

The above explanation pointed that risk must be managed seriously and wisely by lawyers. Risk is a reality in legal practice and not a myth. Risk do not come in bits and pieces and definitely it should be the concerned of all individuals – from the top management (partners) to the rest of the practice support staff.

Knowing about the existence of risk comes along with the need to manage it properly. Risk management is a process that identifies loss exposures faced by an organization and selects the most appropriate techniques for treating such exposures. (Rejda, 2003). Risk management is also defined as the identification, assessment, minimization, and potential elimination of the various risks that can threaten an organization’s financial stability (Lewis, 2009). In recent years, risk management has become increasingly popular. In reality, the purpose of risk management is to improve the future, not to explain the past (Dan Borge, 2001). Thus, quality lawyers avoid taking risk in legal practice. Quality lawyers should care about risk management for it determines the kind of solution when he encounters in his practice. Risk controls begins with the identification and classification of risk prior to making a survey on all the activities and relationships of the enterprise in question (Broder, 2006). In other words, achieving profit and success in the handling of litigation matters should not be given the only priority in practice. Legal matters must be handled with care for often come with risk – risk which may even lead to the suspension or removal of a lawyer from earning a decent pay from legal practice. A single well-sensationalised and publicised claim in the media can have devastating effects to the survival of the legal firm in the long run due to “reputation collapse".
Risk of Common Claims

The above discussion reveals that lawyers are exposed to risk daily. Causes of claims are not necessarily contributed by lack of knowledge of the law – both substantive and procedural. Claims may be foreseen. In Edwards Wong Finance Co. Ltd. v. Johnson Stokes & Master, 22 the plaintiffs lent money to the purchaser to purchase certain property. Following a well-known general practice in Hong Kong, the plaintiffs’ solicitors handed over to the vendor’s solicitors the loan amount on the vendors’ solicitors’ undertaking to repay an existing mortgage on the property and to forward the documents of title from the vendors to the purchasers. The vendors’ solicitors absconded with the money. The Privy Council held that as the risk was foreseen by the profession, the plaintiff’s solicitors were held liable in negligence for participating in such practice) and avoidable errors.

Thus, it is vital for the firm’s management to identify the firm’s exposure to risk before it can come out with policies that can actively manage all identified threats to the firm. The identified types of risk arising from common claims in any legal practice can be broadly categorized as operational risk, quality risk, HR or intellectual risk, strategic or business risk and regulatory risk.

A. Operational Risk

Operational risk is defined as “the risk of loss resulting from inadequate or failed internal processes, people and systems, or from external events”. (The Basel Committee, 2004). Operational risk management involves control measures (Banks and Dunn, 2003). Such measures are in the form of creating a disaster recovery plan and testing it regularly, adopting operational control and documentation policies and creating management teams with proper leadership (Banks and Dunn, 2003).

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2 [1984] AC 296
3 RISKmanagement QUARTERLY, Volume 2, Issue 2 June 2006, p.3-4
Control measures suggested by Banks and Dunn (2003) must never be taken lightly especially by legal firms’ management. Legal firms’ management must exercise sufficient control on the work (including working environment) of its practice support staff. References to practice support staff includes a firm’s legal/non-legal support staff, e.g. pupils in chambers, clerks, secretaries, legal assistants. Usual problems that arise out of insufficient control are such as mismanagement of files, missed important deadlines, loss of prospective clients, to mention a few. Suzanne Rose (2005), an American practice management specialist on the critical areas of law firm leadership, found that a number of risk factors that contribute to malpractice claims and ethics complaints are due to poor practice management systems. Rose pointed out that poor office management systems are on matters relating to client screening procedures, calendar systems, conflicts checking, and mandatory client-communication guidelines, file management and file closing procedures.

Poor office management systems will lead to the following situations:

(i) stressful working environment

A stressful working environment is created when a legal firm does not have clear policies on effective practices and management tools. Lawyers coupled with a heavy workload with little assistance from management and practice support staff may suffer depression and ‘burnout’ (especially lawyers who have surpassed the 7-year-bench mark as a ‘senior lawyer’).

(ii) improper issuance of legal advice/letter of solicitor’s undertaking

A fine example of risk faced by a legal firm’s failure to monitor the work of its legal assistant can be seen in the case of Ismail Bin Tunku Md Jewa & Anor v Tetuan Hisham, Sobri & Kadir. In that case, a legal assistant had given an undertaking which was later breached.
by the firm. The firm in its attempt to defend the claim brought against it for a breach of undertaking argued that the legal assistant had not been given authority to issue the undertaking. The court however did not ‘buy’ this argument and held that the undertaking given was within the ordinary course of business of a solicitor’s firm and as such the undertaking given by the legal assistant was valid and binding upon the firm.

(iii) attending court lawyers fail to diarise mention/hearing/trial dates

The above omission may lead to the failure of the lawyer to appear in court on the appointed date. The consequence of such failure to attend court need not be over emphasized as evident in several reported court cases. In Lim Soh Wah & Anor v. Wong Sin Chong & Anor, the Court of Appeal had to deal with the issue as to whether the failure of the advocate to appear in court and to inform his client of a hearing date which led to judgment being entered against his client amounted to a claim against the advocate.

The Honourable Court in dismissing the advocate’s appeal against a finding of negligence in doing so stated as follows:

“Advocates and solicitors undertake an onerous task when the agree to act for a client. There is assumption of responsibility by the advocate and solicitor, coupled with reliance by the client on the skill of the advocate & solicitor. The advocate & solicitor’s duty to exercise reasonable care and skill is imposed both by contract and by the law of torts”.

In yet another case, Syarikat Siaw Teck Hwa Realty & Developments

6 (2001) 2 CLJ p.344
Sdn Bhd v. Malek & Joseph Au (sued as a firm), the High Court had held that the solicitor who had failed to appear at a hearing of an appeal was professionally negligent.

Likewise, the courts have found solicitors handling conveyancing matters liable for negligence in circumstances of failing to conduct a search at the Land Office to ascertain whether an acquisition had taken place or otherwise; and failure to inform clients of a letter from the authority indicating possible acquisition.

Be that as it may, one should bear in mind that professional liability claims do not just stem from lackadaisical attitude or shoddy works of legal assistants alone. Hence, legal firm's management must not ignore the actions of other practice support staff (other than legal assistant or consultant) who can also contribute to such claims.

Below, are examples of omission and errors committed by practice support staff:

(i) providing 'legal advice' and legal firm's undertaking (in the form of solicitor's undertaking), negotiating with the firm's clients on important deadlines in property transactions (such as extending the deadline for payment of the balance purchase price and assessed stamp duty without the knowledge of the attending lawyer);

(ii) ineffective communication with the firm's client pertaining to the charging of legal fees;

7 (1999) 5 MLJ p.588
8 See Neogh Soo Oh v. G. Rehinasamy [1984] 1 MLJ 126
(iii) keeping a poor management system of court documents such as filing out of time, incorrect photocopying of bundles of authorities and documents; and

(iv) not taking precautionary matters in dealing with outside parties such as leaking confidential information and providing prejudicial letters prejudicial to the interests of the legal firm (especially to the opposing party in a litigation matter).

B Quality Risk

Quality risk arises from **sheer ignorance and disregard of the law**. A person qualified to practice as a lawyer does not mean that he is also expected to know everything about the law or about the contents of every statutes. Nevertheless, he is expected to be familiar with some common statutes as seen in the decision of Azmi CJ (as he was then) in *Miranda v. Khoo Yew Boon*. In that case, Azmi CJ (as he was then) quoted with approval the following judgment of Scrutton LJ in *Fletcher & Son v Judd Booth & Hellivell* [1920] 1 KB 274 at 281-282:

> "Now it is not the duty of a solicitor to know the contents of every statute of the realm. But there are some statutes which is his duty to know; and in these days when the defendants in so many actions are public authorities, the Public Authorities Protection Act 1893 is one of those statutes... The period of limitation was one of those matters which the respondents as the appellants’ legal advisers ought to have borne in mind. It was negligence not to bear it in mind”.

Apart from ignorance of certain common statutes, quality risk can also arise from a lawyer’s ignorance of certain practice directions. It is also known in practice that many new litigation lawyers are not familiar
with certain court rules touching on appeal procedures and the need to comply strictly to the required time-frame. The easy way out is that they would expect the firm’s litigation clerk to attend to the filing of the appeal documents. In Yeo Yoo Teik v. Jemaah Pengadilan Sewa, P.Pinang & Anor\textsuperscript{11}, the applicant had not provided a reasonable and acceptable explanation for the four weeks delay for filing of appeal records. The Court of Appeal stated that although practice direction does not have the force of law, it must be strictly adhered to. The solicitor’s failure to be vigilant being an unacceptable explanation, the court found that inexplicable delay, together with applicant’s counsel’s failure to mention, in the affidavit-in-support, some facts or law, which showed an arguable case, results in the dismissal of the applicant’s application. Similarly, in MBT (Malaysia) Sdn Bhd v. Asawira Sdn Bhd, \textsuperscript{12} the High Court was reluctant to invoke the “curing provision” namely O.2 r.1 Rules of the High Court 1980 and brought into sharp focus that shoddy work of solicitors under the pretext of mere omission or oversight was inexcusable. In Asawira, Abdul Malik Ishak, J at pg.669 aptly said:

“I must at once assert and categorically state that the court’s function is not to help correct the plaintiff’s counsel shoddy work nor condone nor tolerate the plaintiff’s disregard for the rules as embodied in the RHC”

Further at pg. 670:

“Viewed in its correct perspective, perhaps one should consider that the plaintiff should first set its house in order at the very outset and not filed shoddy cause papers and then got onto its unruly horse like a gladiator and start to accuse the defendant of delaying. The plaintiff might as well adopt the easy way out by photostating a page of the RHC forms and write in the parties’ names and file it as a writ without the need to reproduce the writ in its proper A4 form. Who says that it is easy to practice law?”

\textsuperscript{11} (1996) 2 AMR 1399
\textsuperscript{12} [2004] 1 CLJ 661
There is also a wealth of Malaysian case reports that show that the courts have found solicitors handling litigation matters liable for negligence - negligence in the circumstances of filing a memorandum of appeal out of time,\textsuperscript{13} filing an Appeal Record out of time\textsuperscript{14}, failing to serve a writ of summons before the action became statute-barred,\textsuperscript{15} giving wrong advice on a course of action\textsuperscript{16} and failure to advise client on their rights to appeal and about the limitation of time for appeal,\textsuperscript{17} to mention a few.

(i) HR or Intellectual Risk

HR or intellectual risk addresses planning, staff departures and partner defections. Adopting effective HR of intellectual risk ensures that \textit{knowledge of firm is reserved within the memory of key personnel and the firm’s client goodwill} is safely retained by the practice when the key personnel leaves. Firm’s manager must be ready to face tough situation by looking for a back-up plan should its IT administrator who has working knowledge of the firm’s practice Information Technology’s system decides to leave the firm by providing a short notice.

(ii) Strategic or Business Risk

Strategic or business risk addresses the issue faced by most medium to large size firms which \textit{relied heavily on a key client or from a given sector} of the economy. Limiting one’s practice to working for a particular client (firm, company or individual) would be likely to be hit most in the event that the particular legal firm is removed as its panel of solicitors or during turbulent times under the current economy.

\textsuperscript{13} See Miranda \textit{v.} Khoo Yew Boon (Federal Court decision) [1968] 1 MLJ 161,
\textsuperscript{14} See Tan Ah Chim \textit{& Sons Sdn. Blvd. v Lim Kean Siew \& Ors.} [2000] 6 MLJ 670
\textsuperscript{15} See KE Hilborne \textit{v. New Ching Kee} [1979] 1 MLJ 103 (Singapore)
\textsuperscript{16} See Bryant \textit{v. Goodrich} (1966) 110 SJ 108
\textsuperscript{17} See Corfield \textit{v. DS Bosher \& Co} [1922] I EGLR 163
(iii) Regulatory Risk

The environment in which law practices operate is becoming increasingly regulated. Apart from professional rules of conduct prescribed under the Legal Profession (Practice and Etiquette Rules) 1978, lawyers handling litigation and conveyancing work need to be aware with the current changes of the law such as the need to comply with national and international directives on money laundering, data protection and records management will have a direct impact on a lawyer’s practice.

Risk Management Control in Private Legal Practice

Most partners of legal firms would agree that their practice is safeguarded at all times under the coverage of professional indemnity insurance (PII). Whilst PII policy provides coverage, but however, it comes with limitation. It is not at all times that subscribers to the policy (i.e. lawyers) can fall back on it. Any legal proceedings in a court outside Malaysia and misconduct are examples of types of claims excluded from the policy. Most of the time, exclusion clauses in insurance contract are less given emphasize. Selva Veeriah (2007), an active member of the Professional Indemnity Insurance sub-Committee of the Malaysian Bar Council, provides the order for self-assessment for risk management control namely in the following chronology order:

(i) Identify the risks or potential risks;

(ii) Analyze their root causes;

(iii) Evaluate the degree of exposure;

(iv) Deploy the most effective treatment; and

(v) Develop systems for minimizing claims.
Claims, genuine or frivolous cannot be prevented at all times. However, claims can be discouraged or minimized by taking appropriate measures. An analysis of the examples of possible types of risk must be followed up by appropriate action. On this note, the writer suggests the following actions which can be adopted to discourage or minimized the two main types of risk in legal practice namely operational and quality risks.

(A) Solution to Operational Risk

(a) Appointment of risk manager

Banks and Dunn (2003) suggest control measures in dealing with operational risks. Thus, the best and easy way out in dealing with operational risk would be to appoint a risk manager – one which has direct understanding of the legal firm, its objectives as a whole and the different function of each units/Departments in the legal firm. The appointment of a risk manager is seen as the most practical method to alleviate operational risk if the present partners of a legal firm are not ready to take on a new role as risk manager.

The risk manager plays the role of implementing effective risk management processes and perform an ongoing monitoring process with the support of the firm’s management. A risk manager will be able to use the five self-assessment of risk control as suggested by Selva Veeriah (2007). However, if the appointment of risk manager is not feasible or cannot be afforded by a legal firm, then other methods of risk management must be deployed. One of such method depended on the initiative of partners of legal firms to attend practice management workshops conducted by Bizibody Technology Pte. Ltd. (Bizibody) as part of their continuing professional development (CPD) plans. Bizibody is a specialist solution provider to the legal industry in Singapore and Malaysia.
(b) Disaster recovery plan and testing plan

Disaster recovery plan is important in cases where legal firms’ files in their ‘physical’ form go missing ‘mysteriously’. Files can also be destroyed as a result of the occurrence of an event of force majeure such as natural catastrophes (including but not limited to floods and earthquakes), riots, commotion or disorder. To address such risk, data backups (storage in PC or pen-drives) and off-site storage must be adopted.

(c) Internal Policies

According to Suzanne (2005), proper risk management programme for any lawyer or any law firm must take into account the totality of the practice. Proper client relations and office systems are essential. In following such view and keeping in mind the views of Banks and Dunn (2003), the writer suggests formulation of internal policies to alleviate the following operational risk:

(i) Ways to overcome stressful working environment

Suzanne (2005) suggests the following actions to be taken by the firms’ management: Firstly, effectively communicate the firm’s mission, purpose and the way in which it wants to conduct its practice and treat its employees; secondly, open doors of communication and trust to anyone who needs to discuss firm matters, regardless of how the information may affect others or themselves; thirdly, develop a firm culture that reduces the high level of stress that the lawyers in a firm experience daily; and finally, establish adequate practice management systems to support the caseload.
(ii) Shoddy work of legal assistants

Legal firm’s management should use a **structured practice area checklist** specifically for their legal assistants. A separate checklist for different areas of practice should be prepared – litigation, conveyancing, corporate or any other areas of practice. Such checklist must be reviewed as and when deemed necessary. Firms’ management can also set its own standard on crucial matters touching on delegation of powers (such as from partners to legal assistants) and setting a strict in-house procedures (such as setting a deadline two days ahead of what is statutory required in conveyancing and litigation matters).

Legal firm’s management must implement clear policy to ensure consistency and accountability. In order to avoid the serious nature of having to bear the consequences of inability to carry out a solicitors’ undertaking, legal firms’ management can practice a ‘filtration system’ by directing legal assistants to observe a policy which disallow them to give out any solicitor’s undertaking without the prior approval of the partner.

Legal assistants or partners who fails to appear in court for no apparent reason must be made accountable for whatever claims in negligence made against the legal firm. However, there is a policy which can be adopted by legal firms to avoid making their lawyers bear losses on behalf of their firm. Such can be in the form of policy where the attending lawyer bears the responsibility (which should never be delegated to another staff for no apparent reason) to attend to the diarizing of the court date as promptly as possible. Such diarizing should be reflected in the attending lawyer’s diary as well as the master diary of the firm.
In order to ensure that the legal firm works on a basis of a single and consistent view on a particular point of law, the work of legal assistants must be scrutinized and monitored. Apart from that, legal firms should appoint a more experience lawyer to check the contents of advice letters. Legal assistants must be warned not to make oral assertions regarding a client’s chances of ‘winning or loosing a case’ and intention to take up action to pursue rights of clients without consulting with his supervising lawyer/partner. In brief, no legal assistants should be allowed to make any representation to the firm’s client without clear authorization of the firm’s management.

Legal firms’ management must also consider an internal policy which requires partners and practice support staff (especially legal assistants) to notify the firm’s management if they become aware of any circumstances that may lead to a claim in the course of carrying out their duties. No staff including partners of legal firms can come to a conclusion that a claim is frivolous and decides not to notify the firm’s management. This is important especially when legal firms are required to notify any potential claims to the professional indemnity insurance Scheme’s Brokers as soon as practicable. Late notification may be a ground for the insurance brokers to repudiate the claim for prejudicing the its position to defend or come to a compromise on a claim.

Legal firm’s management must also reinvent the current firm’s file transfer system taking into consideration that it is common to find new staff being recruited to replace old ones who left. It is well beyond the control of many firms to avoid such happening, which resulted in files constantly moving from one legal assistant to another legal assistant.
or from one staff to another staff. The procedures of opening and closing of files may differ from one firm to the other. But however, a proper file transfer system must be created. Important matters which must be taken into consideration in formulating the file transfer system must include procedures for file opening, file closing, KIV systems, time-line for billing clients and collection of payment from clients.

For litigation matters as well as conveyancing practice, the importance of the court attendance sheet or by whatever name it is referred to must never be overlooked. Its importance is highlighted in the case of SM. Othaman Chettiar v. Ang Gee Bok wherein Chang Min Tat (as His Lordship then was, later a Federal Court Judge) said at pg. 91:

"Apparently this solicitor did not appreciate the clear advantages of keeping written aide-memoires of attendances on clients and other parties, to which he could make reference by way of refreshing his memory to recall the events of any particular transaction. Attendance-slips as they are usually called in the profession must be seen to be of the utmost importance not only in recalling past events to mind but also for purposes of taxation of costs."

(iii) Unauthorised action of practice support staff

Make it known to the practice support staff about the legal firm’s strict policy which restrict them from providing ‘legal advice’ and giving out firm’s undertaking,
negotiating with the firm’s clients on important deadlines in property transactions (such as extending the deadline for payment of the balance purchase price and assessed stamp duty without the knowledge of the attending lawyer). Apart from that, legal firms must implement internal policies governing the carrying out of important administrative matters such as issuing receipts for all payments received from clients, mandating two partners as signatories to cheques for the clients’ and office’s accounts (in compliance with the Solicitors’ Accounts Rules 1990), review of professional bills by appointed partner(s) of the firm to ensure strict compliance with the Solicitors’ Remuneration Order 2005 prior to releasing them to the firm’s clients.

Legal firm’s management must also conduct random file audits on the firms’ files. Partners in charge of files must ‘sign off’ on their files before authorizing the closure of the files under their care.

Legal firms must change from manual conflict system to automated conflict system in managing information about their clients. An automated system allows expansion of clientele, and has an easy, convenient and quick search feature.

(iv) Ineffective communication with the firm’s client pertaining to the charging of legal fees

Make it known to the staff that any review on legal fees must be brought to the attention of the lawyer in charge of the particular file. The lawyer in charge may be in a position to ensure that the charging or reduction of legal fees is in compliance with the rulings as set out in the Legal Profession Act 1976.
(v) Leakage of confidential information

The lawyer in charge of attending to a particular litigation matter is given the task to ensure the accuracy of cause papers and photocopied bundles of authorities and documents prior to filing and service of the same to the court and opposing solicitors respectively. The lawyer in charge of a particular matter must also supervise support staff assisting his work and advice them seek his or her opinion prior to attending to any request from any parties who are interested to obtain copies of documents in the firm’s keeping.

(B) Solution to Quality Risk

Adopting effective quality risk ensures that lawyers and staff are able to perform assigned tasks and their action meet practice standards.

(i) Continual professional development

In order to address the problems of lawyers being ignorant about the law, legal firms must be ready and willing to send their lawyers (experienced or inexperienced) for induction course or continual professional development courses.
(ii) Internal control

For small or medium-sized legal firms which do not allocate certain funds for such a purpose, may opt to design an educational plan or ‘in-house’ training for their pupils in chambers and new staff (lawyers and administrative personnel). Legal firms’ management may also adopt similar method in controlling operational risk due to shoddy work of legal assistants by appointing seniors to scrutinise and monitor their work.

Conclusion

Knowledge of risk management practices is a source of competitive advantage in private legal practice. It offers pre-preparation to alleviate, if avoidance is not possible, the risk in private legal practice. On this note also, it is vital to keep in mind that that risky decisions by a legal firms do not occur in a vacuum. Indeed, they most often occur in an organisational context that is conducive to them. The action of peers as well as organization’s culture, all contribute to risky decision making. Next, identifying types of risk exposure is vital for it provide the legal firm with the basis for formulating internal policies that can manage all identified threats. Upon identifying the risk, then can legal firms formulate sound assessment to address specific risks. The ultimate purpose is meant to manage the risk by action! Thus, instead of shedding risk, legal firms should accept risk as an opportunity. It should be welcome if not feared. Lastly but not least, lest all lawyers not let the nation be absorbed by the expose of inefficiency, ineffective handling of cases and clumsiness apart from the commonly known misconduct of members of the Bar involving breaches of the law.
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