

ADVOCATES & SOLICITORS DISCIPLINARY BOARD

GUIDELINES TO LODGE A COMPLAINT

1. Complete the Complaint Form.
2. A Statutory Declaration (SD) is to be affirmed before a Commissioner of Oath and attached to the Complaint form. The affirmation date can be the same date as the Complaint form or after but not before.
3. Supporting Documents - Provide proof of the allegation e.g. documents, agreements, receipts etc.(referred to in item 2.8).
4. The Complaint Form and the Supporting Documents are to be submitted in three (3) sets.
5. Furnish the name of the lawyer complained against (item 2). If the Complainant was dealing with the firm, the name of the lawyer in charge of the particular file can be obtained by contacting the firm and providing the file reference number.
6. A processing fee of RM200.00 (non-refundable) is to be made either in cash/money order or cheque made payable to BAR COUNCIL-DISCIPLINE FUND.

NOTE:

- a) The complaint must be lodged within 6 years from the time the right to bring the complaint accrued or when the Complainant first became aware of the act complained of.
- b) The complaint will be rejected if the name and/or address is not filled up in the form.
- c) A complaint can be withdrawn at any time before the Board makes a final decision.

ADVOCATES & SOLICITORS DISCIPLINARY BOARD

COMPLAINT FORM

(We recommend that before completing this form, you read our Guidelines To Lodge A Complaint)

To:

**Director of Complaints Secretariat
Advocates & Solicitor Disciplinary Board
8th & 9th Floor, Wisma Maran
28, Medan Pasar
50050 Kuala Lumpur**

1. Particulars of the Complainant

1.1 Full name (as stated in the Identity Card/Passport):

1.2 Home Address:

E-mail address : _____

Telephone No : _____ Mobile No: _____

Employer : _____

1.3 Office Address : _____

Telephone No : _____

1.4 Current correspondence address:

1.5 Name of contact person:

Address:

Telephone No : _____

1.6 Particular of the advocate and solicitors representing the Complainant (if any):

Name of solicitor: _____

Name of firm: _____

Address: _____

Telephone No: _____

1.7 Particular of payment for processing fees. Please tick at the appropriate column.

Cheque No: _____ Bank: _____

Money Order No: _____

Cash: _____

1.8 Please state whether you or any other person have lodged a complaint to the Disciplinary Board based on similar/related facts. If yes, please state the complaint no.

2. Particular of the advocate and solicitor concerned and/or the legal firm

2.1 Full name of the advocate and solicitor concerned and/or the legal firm:

2.2 Name and address of the firm at the time the alleged misconduct occurred:

2.3 Name and current address of the firm if different from 2.2:

Town/City: _____

State: _____

Telephone No: _____

2.4 When did you appoint the advocate and solicitors and/or the legal firm (if applicable)?

2.5 What were your instructions to the advocate and solicitors and/or the legal firm?

Please use a separate sheet if the allocated space is not sufficient

2.6 Please set out the details of your complaint. Please refer to annexure "A" for reference.

Please use a separate sheet if the allocated space is not sufficient

2.7 List of documents that must be attached:

- (a) the statutory Declaration of the Complainant affirmed before a Commissioner for Oaths verifying the fact of the complainant;
- (b) a copy of identity card/passport; and
- (c) cheque or money order

2.8 Other supporting documents:

- 1) _____
- 2) _____
- 3) _____

2.9 Complainant's Signature: _____

Date: _____

Please return the duly completed form and all the supporting documents mentioned in three (3) sets to :

**Director of Complaints Secretariat
Advocates & Solicitor Disciplinary Board
8th & 9th Floor, Wisma Maran
28, Medan Pasar
50050 Kuala Lumpur
Phone : (603) 2034 1911
Fax : (603) 2031 2163
E-mail : secretariat@asdb.org.my**

**Example of breaches where disciplinary can be taken against
an advocate and solicitor**

- A. Conviction of a criminal offence.
- B. Breach of duty to the Court.
- C. Dishonest or fraudulent conduct.
- D. Breach of professional practice and etiquette rules made under the Legal Profession Act 1976.
- E. A bankrupt and guilty of any acts mentioned in paragraph 33(6) (a)-(f), (h), (k) or (i) of the Bankruptcy Act 1967.
- F. Giving gratification to procure employment in any legal business.
- G. Procuring or attempting to procure the employment of himself or any other advocate and solicitor through or by instruction of the persons to whom any remuneration for obtaining such employment has been agreed.
- H. Touting.
- I. Allow an unqualified person to carry out legal business in his name without his direct supervision.
- J. Involved in other employment incompatible with the legal profession or being employed for reward.
- K. Breach of Legal Profession Act 1976 or any ruling made by the Bar Council.
- L. Struck off, suspended or censured by a foreign Bar Council or guilty of misconduct in a foreign jurisdiction.
- M. Charging excessive fees or costs.
- N. Gross disregard of client's interest.
- O. Conduct unbecoming of an advocate and solicitor.
- P. Practising without a Sijil Annual.
- Q. Monetary dishonesty.