

SPEECH AT IIUM LAWGRADS DINNER 2004 (N0.2)  
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By

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When I received the invitation to speak at a similar dinner for the second consecutive year early this year, I was wondering what to say, to avoid repetition. When I received this third consecutive invitation, I began to wonder whether it was becoming a tradition that after you have heard all the lectures by your professors and lecturers, you have your "last supper" with me (of course, you pay for it!) and listen to my speech before going out into the world.

Perhaps it is not too early for me to congratulate you all for having completed your course. I believe that the presumption that all of you will graduate is not rebuttable, otherwise you wouldn't dare to hold this dinner. So, congratulation, but it is "without prejudice".

Let me begin with a reminder. Just because it takes four years to complete the law course at the university, please do not think that when you pass the first year examination you already know one quarter of the law, when you pass the second year examination you know half the law and when you pass the final examination you know all the law. Wait till the first client walks into your office to consult you. Then you will know how much you don't know. Indeed, in this life, the more you know about a thing, the more you realize that there are more that you don't know about it. If you don't know anything about a thing, you don't even know that there is something that you don't know about. You may be walking around ignorantly confident that you know everything. Actually, the learning process never ends until you choose not to learn anymore.

Very soon, you will be stepping into the reality of legal practice, or even if you decide not to practise law, into the reality of working life. You have to be prepared to see and experience something very different from what you have seen and experienced in your student life. You cannot change the world, no matter how idealistic you are. So, you will have to adjust yourselves and fit yourselves into it. If you can do it without sacrificing your principles, the Islamic principles that you have been taught, (I am referring to such principles as honesty, discipline and dedication) I have no doubt that you will pass the first test.

When I was a High Court Judge in Penang, one day, on a chamber day, a figure in black, from head to toe, walked in carrying a file. It sat down. Then I heard a woman's voice introducing herself as counsel appearing for the matter. I told her to remove the veil covering her face because I wanted to know who was

appearing before me. She just flipped open the veil and quite sarcastically said, "O.K?" and covered her face again. I said, "If you want to practise in this court, you will have to follow our dress code. If you think uncovering your face is so un-Islamic, you better stay at home." She complied. I did not see her again after that. May be she took my advice to stay at home. What about her performance as a lawyer? Most disappointing. She certainly had her priorities wrong. In all fairness, I did not ask her which university she came from.

Let me say so very frankly. I do not think that you will make it in law practice if you were to sit in your office covered in black from head to toe waiting for clients to come. Clients do not go and see a lawyer the way people go and see a medium to ask for 4-digit lottery numbers. They want to discuss their problems with him or her, go through the documents with him or her and decide what steps to be taken by him or her. Multi-national companies are not going to have such a figure sitting in their board meetings or at a negotiation table. Similarly, the court is not going to sit and listen to a figure they don't even know who. In short, if you want to go far in legal practice, you will have to be in the main stream, sitting in the board of multinational companies, having big corporations as your clients and appearing in major cases. You cannot get into the main stream if you sit in your cocoon watching the world passing by.

You have an advantage because your course is conducted in English. You should be proficient in English. Whether you like it or not, the language of legal practice, more so in the private sector, is English. You have to compete with those lawyers who are trained abroad and who come from business background and have the business connections. They start off more favourably than most of you. So, you will have to work harder to be recognized.

When Malay was made the language of the court, I thought that that would give the Malay lawyers an advantage. It did not happen that way. In fact, it is the non-Malay lawyers who excel. They speak Malay when they speak Malay and they speak English when they speak English. The Malays tend to speak both languages at the same time or to turn Malay into English and English into Malay.

I must tell you this incident. When I was Chairman of the Advocates and Solicitors Disciplinary Board, we issued a notice to show cause to a lawyer to explain why he was practising without a practising certificate. He came, wearing a wind-cheater and carrying a crash helmet. I asked him whether he was practising law that year. He said, "No". I asked him, "What are you doing for a living?" He replied, "**I am soliciting for my wife**". The members of the Board broke in unison: "What?" "My wife is a lawyer and I am soliciting for her," he explained. We gave up and let him go with a warning not to practise without a practising certificate. We could understand why he ended up "soliciting for his wife." One consolation is that he was not a graduate of I.I.U.M. **If I come across one such lawyer from I.I.U.M., I will not attend your dinner again.**

Law practice is very varied. Not everybody is suited for everything. If you are too timid and you cannot stand the pressure of litigation work, stay in office and do solicitor's work. If you like the limelight, you enjoy arguing on your feet and you think you are good at it, try litigation. Even in litigation, you will find that you may be better in one thing, and not so good in another. I notice that quarrelsome people and those who do not blush easily, make good criminal lawyers, especially in cross examination of witnesses. Usually such people are not that good in civil litigation or in arguing points of law. You will find out quite soon what you are more suited for and you should make full use of it.

The fact that you are a graduate in law does not necessarily mean that you will have to practise law for a living. **After all, graduates in philosophy do not earn a living as philosophers.** There is no limit to things that you can do. But, whatever you do, you will find that the discipline, especially the ability to analyse, to think, to apply and to make decisions, which is part and parcel of working life, is useful.

You must have been told that a law school is not a Ma'had Tahfiz. We do not want to produce sacred cows like the ones in the streets of India that gobble all printed papers found in the streets but do not digest them, to paraphrase the words of Sheikh Mustafa Al-Muraghi as told to Muhammad Asad and recorded in the book "The Road To Mecca". In legal practice, the ability to digest and to absorb the facts and the principles of law, to analyse, to apply or to distinguish an authority is more important.

I observe that three main causes of downfall of lawyers are dishonesty, greed and living beyond their means. I have told this story a few times, but I think it is worth repeating. A lawyer, on being called to the bar was heard boasting: "I'll be a millionaire in two years". Well, I do not know whether he did become a millionaire in two years. But I know that he was suspended within about that period. On the other hand, I remember reading Lord Denning saying that, in his days, if in the first two years as a barrister you earn enough to buy two hot meals a day, that is good enough. That, I believe, is partly because of the split profession in England. You are better off here because you can do both the work of a solicitor as well as that of a barrister.

My last advice is, do not go on your own the moment you are called to the bar. Try to work as an assistant in an established firm first. **Even if you do not learn the right things that you should do, at least you will learn the wrong things that you should not do.** And, do not be tempted with offers of partnership by one-man firms unless you know that the firm's accounts are in order. When I was Chairman of the Advocates and Solicitors Disciplinary Board, I saw a number of cases in which naïve young lawyers, on admission to the bar, happily became partners in such firms. The "senior partner" controls the firm's accounts. As the accounts are not in order, at the end of the first year, they, including the "new partner" were unable to get their practicing certificates for the following year and

years. The “senior partner” has absconded with the firm’s money and the “junior partner”, being a partner, is saddled with the liabilities.

This evening is not the time to worry about all those things yet. Enjoy yourselves and take things as they come but be on guard. I wish you all success in whatever you choose to do.

Selamat berpuasa dan selamat berhari raya. Ma’af zahir batin. Thank you.