



**Circular No 068/2013
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To Members of the Malaysian Bar

**Interview: The Implementation of the Continuing Professional Development
Scheme in Malaysia**

In the following interview, Santhi Latha, Director of Continuing Professional Development (“CPD”) Department talked to Steven Thiru, Treasurer of the Malaysian Bar; and HR Dipendra, Chairperson of the Professional Standards and Development Committee about the different considerations in implementing the CPD Scheme in Malaysia.

Q: Is the CPD Scheme mandatory?

Steven: The motion passed at the 66th Annual General Meeting of the Malaysian Bar in 2012 clearly states that the CPD Scheme is to run for two years, after which, the Malaysian Bar is to decide on the coming into force of the rules to govern it. Therefore, for all intents and purposes, the CPD Scheme is currently voluntary.

Q: What are your goals for successful implementation of the CPD Scheme in Malaysia?

Steven: I believe that its implementation will see our Members enhance their existing knowledge and expose themselves to new practice areas. It is about growth and development of the entire legal community. It will become a platform for international recognition of our lawyers.

Q: Don't you think that the implementation of the CPD Scheme will be burdensome to Members?

Steven: No. It will take some adjustments and a change of mindset. Further, it is critical for Members to devise their own training programmes, as this will alleviate any hardships they may face. It is important for Members to recognise that by expanding their knowledge of the law beyond their accustomed practice areas, their practices will expand as well.

Dipendra: State Bar Committees and Bar Council are taking a variety of steps to remove the perceived burden to Members, by providing free courses and online access, and organising CPD Day at each State Bar. What our Members need to do is to embrace it.

Q: Steven, could you explain the concept of CPD Day at each State Bar?

Steven: We know that some Members are facing geographical or financial restrictions in their access to training. In this regard, the idea of CPD Day is to ensure each State Bar is committed to provide at least two hours of training each week. To keep the process simple, we will provide pre-recorded training courses from what

is done here in Kuala Lumpur (“KL”), and these will be shared with Members who live outside KL. It allows us to provide these Members with the same access that we have, in a variety of practice areas and exposure to some of the best legal minds locally, and sometimes, internationally. Ultimately we hope to conduct live sessions nationwide.

Q: What about online training? How will it be implemented?

Dipendra: The providers we have selected will provide our Members with access to audio and video files that can be downloaded or viewed online. These will usually contain a one-hour training video in different practice areas. Members can choose areas or topics of interest and participate. Questions will be inserted into the videos and Members will have to answer them to earn CPD point(s). We want to keep it simple, accessible and affordable.

Q: How does this serve Members’ needs?

Steven: A common misconception is that the CPD Scheme does not cater to all Members. The online system will allow us, in due course, to let you decide which areas of training you are interested in, and even the trainers whom you are interested to learn from. The CPD Department will then work towards providing Members with access to this.

Q: A lot of confusion has been about whether non-attainment of the 16 CPD points in the first cycle will result in Members not being able to renew their Practising Certificates. Is this true?

Dipendra: It is not. The CPD Scheme is not tied to the renewal of Practising Certificates at all. Currently, there are no sanctions in place for non-compliance with the CPD Scheme, and we will need to revisit this matter at the end of the first cycle.

Q: Feedback from some senior lawyers indicated that they have nothing to gain from the CPD Scheme. What would you say to them?

Steven: The structure has already been in place to create a Master Class Series in the different practice areas for senior lawyers. These courses do not have to take the formal role of seminars, and can be more interactive — a networking of the experienced legal minds in the country or state. I would also ask these senior lawyers to tell us what they want to learn. We will endeavour to provide our Members with access to local and international resources. Bar Council is committed to provide them with a platform to learn.

Q: Some Members considered the CPD Scheme to be too time-consuming and too expensive. What is your response to that?

Dipendra: First, we already work towards the provision of selected events for free at Bar Council and State Bar level. For the other events, let’s do the math. The average training course conducted by the State Bar Committees or Bar Council costs Members an average of between RM50 to RM100 for each event. On a minimum of 2 CPD points per event x 4 events per year to attain 8 CPD points, a Member will spend approximately RM200 to RM400 only per year for this training.

Based on the quality of the training provided — the content and the wide range of speakers and practice areas — this really should not be undervalued.

In terms of time, consider this. One only needs to attain 16 CPD points over a period of 24 months. You work an average of 8 hours per day x 5 days per week x 50 weeks = 2000 hours per year, of which you only need to take out 8 hours, which is 0.4% of your working hours per annum. It is a drop in the ocean weighed against what you could learn from the exposure.

Q: Most of the focus on the CPD Scheme is on attending formal courses or workshops. But isn't there more to the CPD Scheme than this?

Dipendra: There is much more. There are some law firms, even small ones that conduct in-house training. These are also eligible for CPD accreditation. Members can also contribute their time and expertise by providing training as well as articles, whether to formal publications or blogs about the law. These are eligible for CPD points too. Over a period of time, we hope to expand the CPD Scheme to cover a wider range of platforms for learning, sharing and networking so that our Members are more confident, knowledgeable and competitive.

Q: There have been some concerns that the Members who arrive more than 15 minutes late for CPD courses will not collect CPD points. Is this fair? Should there be more flexibility?

Steven: The allowance provided under the CPD Guidelines was 10 minutes, and it has now been increased to 15 minutes. Arriving late for a course is something that should be discouraged and is disrespectful to both the speaker as well as the other participants who have made the effort to be on time. But the requirements are not carved in stone. If there are extenuating circumstances, please write in and we will look into the matter.

Q: Parting comments on the CPD Scheme?

Dipendra: We have not even reached the first half of the first cycle, and our records show that from July 2012 to January 2013, we have had more than 7,200 registrations in Bar Council and State Bar training courses. That is impressive and shows that there is a keen interest in learning. I believe that the Bar Council must support its Members in achieving this.

The CPD Department welcomes any suggestion or feedback regarding the CPD Scheme. For enquiries, please contact Santhi Latha by telephone at 03-2050 2031, or by email at santhi@malaysianbar.org.my.

Thank you.

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