THOMAS PHILIP
ADVOCATES & SOLICITORS

CHAMBERING STUDENTS BOOKLET
THOMAS PHILIP CHAMBERING STUDENT MODULES

Objective
To ensure that pupils gain direct exposure to a wide area of litigation practice.

Overview
• The duration of the modules vary between one to six weeks, and on the whole, modules would require more than two weeks to complete.

• Modules may overlap and pupils regularly undertake more than 1 task contemporaneously.

• The undertaking and completion of modules are flexible, and pupils, with the assistance of Thomas Philip lawyers, shall indicate when each module is to be undertaken and the expected completion date. As a general guide, half of the modules should have either been completed, or in the final stages of completion, within five (5) months of commencement of their pupillage.

• Oral presentations or speeches are tentatively allocated a time every Friday at 1pm or at office / litigation meetings, and may involve question-and-answer (Q&A) sessions.

• While there is no grading of the assignments, pupils may be required to re-submit their assignments to the reasonable satisfaction of the pupil master.

• Pupils are encouraged to undertake a balanced combination of written and spoken assignments.

• All assignment topics must be approved by the firm either through the pupil master or the lawyer having direct supervision of the legal matter.

• Written work may be published to an internal audience, for instance by way of posting on the firm’s notice-board, or an electronic mail copied internally.

• Pupils are required to keep a log on their progress and achievements in every Module.

• The modules are a guide and are subject to change.

Best wishes and Good Luck,

Mathew Thomas Philip
THOMAS PHILIP
CHAMBERING STUDENT TRAINING MODULES

Module 1: INTRODUCTION TO THOMAS PHILIP  (Duration: 1 Week)

☐ Orientation: Getting to know Thomas Philip lawyers and staff. Formal introductions at the first weekly office meeting

☐ Learning and understanding firm policies and the Employee Handbook

☐ Legal research orientation:
  ▪ available online research tools [legal workbench, CLJ online and LexisNexis] and
  ▪ hard copy resources in the library

☐ Learning and understanding essential office processes [printing, faxing, photocopying, filing room system, file management, letter-writing format etc]

☐ Understanding the KIV system [briefing by lawyer-in-charge and paralegal. Overview of the Spider Law System]

☐ Letter-Writing [in English & Malay]
  o Official Letters to Court
  o Letters to Clients
  o Letter of Demand

☐ Drafting of bills

☐ Active participation in the weekly Office and Litigation Meetings

☐ Pupil’s Log: Pupils are required to keep a log on their progress and achievements in this Module.

☐ End-of-week round-up: Pupils engage in a weekly Q & A session with a Senior Associate, to demonstrate their progress and familiarity with the Module.

Module 2: INTRODUCTION TO PLEADINGS (Duration: 1 Week)

☐ Learning and understanding the Standard Operating Procedure of the various pleadings and applications

☐ Learning and understanding in-house training materials on the drafting of pleadings and advocacy, including videos of training sessions with Senior Counsel.
• Drafting of elementary pleadings eg. statement of claim, defence: -
• Translation of pleadings from English to Malay and vice versa.
• Learning and understanding required reference materials (textbooks, case-law etc)
• Pupil’s Log: Pupils are required to keep a log on their progress and achievements in this Module.
• End of week round-up: Pupils are to be prepared for a Q & A session with a Senior Associate, to demonstrate their progress and familiarity with the Module.

**Module 3 [INTRODUCTION TO PLEADINGS 2] – Duration (2 Weeks)**

• Drafting various forms of affidavits
• Drafting an application for substituted service
• Drafting an application and order for the renewal of writ of summons
• Drafting an application and order for the renewal of originating summons
• Drafting an application for leave to serve statement of claim out of time
• Drafting all other applications relating to pleadings for extension of time [excluding appeal related matters]
• Drafting an application and order for reinstatement of summons
• Drafting an application and order for reinstatement of an action
• Learning how to prepare various bundles of court documents

• Pupil’s Log: Pupils are required to keep a log on their progress and achievements in this Module.
• End of week round-up: Pupils are to be prepared for a Q & A session with a Senior Associate, to demonstrate their progress and familiarity with the Module.

**Module 4 [EXECUTION & GARNISHEE PROCEEDINGS] – Duration (1 Week)**

• Understanding and familiarisation with the various writs of execution [including writs of seizure and sale, writs of possession and writs of delivery].
• Application for the renewal of a writ of execution
• Drafting an application for garnishee order and developing a familiarity with garnishee proceedings
Learning and understanding the procedure for the enforcement of judgments by way of judgment debtor summons

Meeting with clients and recording minutes or notes of meetings [under the supervision of a Senior Associate/Associate]

Meeting with clients and preparing witness statements [under the supervision of a Senior Associate/Associate]

Pupil’s Log: Pupils are required to keep a log on their progress and achievements in this Module.

End-of-week round-up: Pupils engage in a weekly Q & A session with a Senior Associate, to demonstrate their progress and familiarity with the Module.

**Module 5 [SUMMARY JUDGMENT] – Duration (1 Week)**

- Learning and understanding the process and documentation required in summary judgment proceedings
- Drafting application for summary judgment [Order 14] and preparing all the documents related to the application
- Drafting application for summary judgment [Order 81] and preparing all the documents related to the application
- Conducting a comprehensive research on matters related to summary judgment [Order 14 and Order 81]

Pupil’s Log: Pupils are required to keep a log on their progress and achievements in this Module.

End-of-week round-up: Pupils engage in a weekly Q & A session with a Senior Associate, to demonstrate their progress and familiarity with the Module.

**Module 6 [BANKRUPTCY PROCEEDINGS] – Duration (1 Week)**

- Learning and understanding the process and documentation required in Bankruptcy proceedings
- Preparing the issuance of a Bankruptcy Notice/Creditor’s Petition and Learning and understanding the process related to the service of the Bankruptcy Notice/Creditor’s Petition
- Preparing the various affidavits related to a Bankruptcy Notice / Creditor’s Petition
- Learning and understanding the Bankruptcy Act and the Bankruptcy Rules
Pupil’s Log: Pupils are required to keep a log on their progress and achievements in this Module.

End-of-week round-up: Pupils engage in a weekly Q & A session with a Senior Associate, to demonstrate their progress and familiarity with the Module.

Module 7 [WINDING-UP PROCEEDINGS] – Duration (2 Weeks)

- Learning and understanding the process and documentation required in winding-up proceedings
- Learning and understanding the laws governing winding-up proceedings and the modes of winding-up
- Learning and understanding the Winding-Up Rules and the relevant provisions of the Companies Act related to winding-up
- Drafting a winding-up petition and an affidavit verifying petition
- Knowing and understanding the methods of service of a winding-up petition and the affidavit verifying the petition
- Knowing and understanding the procedure after a winding-up order is given

Pupil’s Log: Pupils are required to keep a log on their progress and achievements in this Module.

End-of-week round-up: Pupils engage in a weekly Q & A session with a Senior Associate, to demonstrate their progress and familiarity with the Module.

Module 8 [FORECLOSURE PROCEEDINGS] – Duration (1 Week)

- Learning and understanding the process and documentation required in foreclosure proceedings
- Learning and understanding the laws and forms governing foreclosure proceedings including the related Rules of the High Court
- Drafting the originating summons and related affidavits for foreclosure proceedings
- Pupil’s Log: Pupils are required to keep a log on their progress and achievements in this Module.

End-of-week round-up: Pupils engage in a weekly Q & A session with a Senior Associate, to demonstrate their progress and familiarity with the Module.
Module 9 [INJUNCTIONS] – Duration (2 Weeks)

- Learning and understanding the process and documentation required in an application for an injunction
- Learning and understanding the law and the Rules of the High Court related to injunctions
- Learning and understanding the various injunctions and and their purposes
  - Interim Injunction
  - Permanent Injunction
  - Ex parte Injunction
  - Mareva injunction
  - Anton Pillar Order
  - Erinford Injunction
  - Qua Timet Injunction
- Learning and understanding the law and the Rules of the High Court related to injunctions
- Learning and understanding the criteria for the various injunctions
- Drafting an application for any of the above injunctions with the related affidavits.

- Pupil’s Log: Pupils are required to keep a log on their progress and achievements in this Module.
- End-of-week round-up: Pupils engage in a weekly Q & A session with a Senior Associate, to demonstrate their progress and familiarity with the Module.

Module 10 [DISCOVERY & INSPECTION OF DOCUMENTS] – Duration (1 Week)

- Learning and understanding the law and the Rules of the High Court related to discovery and inspection of documents
- Drafting an application for the discovery of documents
- Drafting an order for the discovery of documents
- Drafting an application for the production of documents and inspection
- Drafting an application and an order for the production of documents in court
Module 11 [INTERPLEADER PROCEEDINGS & THIRD PARTY PROCEEDINGS] – Duration (2 Weeks)

- Conducting comprehensive research on the discovery and inspection of documents
- Pupil’s Log: Pupils are required to keep a log on their progress and achievements in this Module.
- End-of-week round-up: Pupils engage in a weekly Q & A session with a Senior Associate, to demonstrate their progress and familiarity with the Module.

Module 12 [STAY OF EXECUTION PROCEEDINGS] – Duration (1 Week)

- Understanding the process and documentation required in stay of execution proceedings
- Learning and understanding the law and the Rules of the High Court related to stay of execution proceedings of the following:
  - Power to stay proceedings in an interpleader
  - Power to stay execution by writ of seizure and sale
  - Stay of proceedings pending appeal to judge in chambers
  - Stay of execution pending appeal from subordinate court
Drafting the application and order for the above listed stay of execution proceedings

Conducting comprehensive research related to stay of execution proceedings

Pupil's Log: Pupils are required to keep a log on their progress and achievements in this Module.

End-of-week round-up: Pupils engage in a weekly Q & A session with a Senior Associate, to demonstrate their progress and familiarity with the Module.

Module 13 [CONSOLIDATION OF PROCEEDINGS] – Duration (1 Week)

Understanding the process and documentation required in consolidation proceedings

Learning and understanding the law and the Rules of the High Court related to consolidation of proceedings

Drafting an application for consolidation of causes or matters

Drafting Orders related to consolidation proceedings

Conducting comprehensive research related to consolidation proceedings

Learning and understanding all other applications related to consolidation proceedings

Pupil's Log: Pupils are required to keep a log on their progress and achievements in this Module.

End-of-week round-up: Pupils engage in a weekly Q & A session with a Senior Associate, to demonstrate their progress and familiarity with the Module.

Module 14 [SETTING ASIDE] – Duration (2 Weeks)

Understanding the process and documentation required in setting aside a writ, judgment or order.

Learning and understanding the law and the Rules of the High Court related to setting-aside applications

Drafting applications to set aside including:

- Setting aside a writ & service
- Setting aside a judgment in default of appearance
- Setting aside a judgment in default of defence
- Setting aside a summary judgment under Order 14
- Setting aside a summary judgment under Order 81
- Setting aside an order made under summary proceedings
- Setting aside varying judgments and orders

- Drafting all the various orders related to setting aside
- Conducting comprehensive research of the law related to setting-aside
- Pupil’s Log: Pupils are required to keep a log on their progress and achievements in this Module.
- End-of-week round-up: Pupils engage in a weekly Q & A session with a Senior Associate, to demonstrate their progress and familiarity with the Module.

**Module 15 [DEFAULT JUDGMENT] – Duration (1 Week)**

- Understanding the process and documentation required in default judgments
- Learning and understanding the law and the Rules of the High Court related to default judgments
- Drafting an application and an order for leave to enter judgment in default
- Drafting an application and an order for judgment in default of defence by summons
- Drafting an application and an order for judgment in default of defence by motion
- Conducting comprehensive research on the law for default judgment
- Pupil’s Log: Pupils are required to keep a log on their progress and achievements in this Module.
- End-of-week round-up: Pupils engage in a weekly Q & A session with a Senior Associate, to demonstrate their progress and familiarity with the Module.

**Module 16 [STRIKING OUT] – Duration (1 Week)**

- Understanding the process and documentation required in a striking-out application
Learning and understanding the law and the Rules of the High Court related to striking out and the circumstances in which a striking out application may be made

Drafting various striking out applications, notices and orders

Conducting comprehensive research on striking out

Pupil’s Log: Pupils are required to keep a log on their progress and achievements in this Module.

End-of-week round-up: Pupils engage in a weekly Q & A session with a Senior Associate, to demonstrate their progress and familiarity with the Module.

Module 17 [DISMISSAL OF ACTION, CAUSE DUE TO DEFAULT & WITHDRAWAL AND DISCONTINUANCE] – Duration (1 Week)

Understanding the process and documentation required in the dismissal of an action and the withdrawal and discontinuance of an action

Learning and understanding the law and the Rules of the High Court in the dismissal of an action and the withdrawal or discontinuance of an action

Drafting various dismissal applications and orders

Drafting various withdrawal & discontinuance applications and orders

Conducting comprehensive research on the dismissal of an action and the withdrawal or discontinuance of an action

Pupil’s Log: Pupils are required to keep a log on their progress and achievements in this Module.

End-of-week round-up: Pupils engage in a weekly Q & A session with a Senior Associate, to demonstrate their progress and familiarity with the Module.

Module 18 [COMMITTAL PROCEEDINGS] – Duration (2 Weeks)

Understanding the process and documentation required in committal proceedings

Learning and understanding the law and the Rules of the High Court related to committal proceedings and the circumstances in which committal proceedings arise.

Drafting an application for leave (ex parte) for an order of committal [Notice of Motion] and the relevant affidavits

Drafting an application for an order of committal after leave to apply is granted

Drafting a warrant for committal

Pupil’s Log: Pupils are required to keep a log on their progress and achievements in this Module.
End-of-week round-up: Pupils engage in a weekly Q & A session with a Senior Associate, to demonstrate their progress and familiarity with the Module.

Module 19 [JUDICIAL REVIEW] – Duration (2 Weeks)

- Understanding the process and documentation required in judicial review proceedings
- Learning and understanding the law and the Rules of the High Court related to the scope of judicial review and the circumstances in which a decision may be judicially reviewed
- Drafting an application for leave to apply for judicial review
- Drafting an application for relief under Order 53 r 2
- Drafting an application for judicial review upon the granting of leave
- Drafting a notice of hearing for the application for judicial review
- Conducting comprehensive research on the scope and the circumstances in which a decision may be judicially reviewed and appreciating the various forms of relief available

Pupil’s Log: Pupils are required to keep a log on their progress and achievements in this Module.

End-of-week round-up: Pupils engage in a weekly Q & A session with a Senior Associate, to demonstrate their progress and familiarity with the Module.

Module 20 - [REVIEW OF DECISIONS IN TAXATION OF COSTS] – Duration (1 Week)

- Understanding the process and documentation required in the review of decisions in the taxation of costs
- Learning and understanding the law and the Rules of the High Court related to the review of decisions in the taxation of costs
- Drafting an application to the registrar for review
- Drafting a notice of application for the review of the registrar’s decision
- Drafting an application and an order for the review of the registrar’s certificate by a judge
- Conducting a comprehensive research on the review of decisions in the taxation of costs
Module 21 [APPEALS] – Duration (6 Weeks)

- Understanding the process and documentation required in civil appeals
- Learning and understanding the law and the Rules of the High Court, Appellate Court Rules, Rules of the Federal Court and Practice Directions related to civil appeals and the circumstances that warrant an appeal
- Drafting a notice / memorandum of appeal
- Learning and understanding the procedure for filing the notice/memorandum of appeal
- Learning to prepare a record of appeal based on predetermined formats
- Learning and understanding the procedure for the filing and service of the record of appeal
- Drafting an application and the relevant affidavits for extension of time where the time for filing the notice/memorandum of appeal has expired
- Drafting a summons-in-chambers together with the relevant affidavits for the introduction of fresh evidence
- Drafting a notice of cross-appeal
- Learning and understanding the procedure for the filing and the service of the cross appeal
- Drafting a notice of intention to withdraw an appeal [where parties consent and where they do not]
- Conducting comprehensive research pertaining to the various applications and procedures on appeal

Pupil’s Log: Pupils are required to keep a log on their progress and achievements in this Module.

End-of-week round-up: Pupils engage in a weekly Q & A session with a Senior Associate, to demonstrate their progress and familiarity with the Module.
Module 22 [DIVORCE & MATRIMONIAL PROCEEDINGS] – Duration (1 Week)

- Understanding the process and documentation required in divorce & matrimonial proceedings and matters relating to children.
- Learning and understanding the law particularly under the Law Reform (Marriage and Divorce) Act 1976, the Divorce and Matrimonial Proceedings Rules 1980 and the Rules of the High Court related to matrimonial proceedings.
- Learning and understanding Family Mediation, its processes and documentation.
- Drafting of divorce petitions and related documentation
- Pupil’s Log: Pupils are required to keep a log on their progress and achievements in this Module.
- End-of-week round-up: Pupils engage in a weekly Q & A session with a Senior Associate, to demonstrate their progress and familiarity with the Module.

Module 23 [INDUSTRIAL COURT] – Duration (1 Week)

- Understanding the process and documentation required in industrial court and labour court proceedings, which includes the following:
  - Pre-trial procedures of the industrial court
  - Notice of mention of case
  - Representation
  - Mention of case
  - Statement of Case
  - Statement in Reply
  - Rejoinder
  - Extension of time to file statement of case, statement of reply & rejoinder
  - Amendment to statement of case, statement of reply & rejoinder
  - Application to strike out paragraphs in the pleadings
  - Request for further and better particulars
- Learning and understanding the law particularly under the Industrial Relations Act and the Employment Act
- Learning and understanding the procedure for lodging a complaint at the Industrial Court for non-compliance of an award
Pupil’s Log: Pupils are required to keep a log on their progress and achievements in this Module.

End-of-week round-up: Pupils engage in a weekly Q & A session with a Senior Associate, to demonstrate their progress and familiarity with the Module.

NOTES:

The 23 modules above are not exhaustive as they mainly cover the area of civil procedure. Pupils will also be exposed to various areas of substantive law and are also expected to draft written submissions corresponding to the 23 modules above.

Pupils will be also be required to learn court filing processes, which include the filing of cause papers, conducting files searches etc. Pupils will assigned these tasks as and when the lawyer in charge sees fit throughout the duration of the chambering tenure of the pupil.

Throughout their chambering period, pupils will be guided and mentored by the lawyers in Thomas Philip in client interaction and management, as part of their training, which would typically include:

- Accompanying and observing lawyers at client meetings.
- Learning how to deal with the clients independently, for purposes of gathering information and recording statements
- Attending to clients and giving preliminary advice with the guidance of a lawyer as for further exposure develop skills in dealing with clients.
FREQUENTLY ASKED QUESTIONS:

1. Do you have any restrictions on candidates who can apply?
   □ No. We consider all Malaysian candidates, from both Malaysian and accredited overseas universities, who are interested in long-term careers in litigation.

2. What are the required academic results?
   □ Generally, our minimum requirements are either a CPGA of 3.10 or a Upper 2nd Class degree. However, candidates who do not possess such academic qualifications may still be considered if they are able to show sufficient cause for the same or who perform well in interviews.

3. Other than academic results, are there any other considerations?
   □ Yes. We are looking for students with excellent communication and analytical skills. They would also have been active participants in extra-curricular activities in school and university. Moot Court or Debating experience is always a plus.

4. How do I apply?
   □ Applications are to be sent by email to careers@thomasphilip.com.my with the following supporting documents attached:
     • cover letter;
     • resume/ CV detailing educational and employment background;
     • two written references;
     • a sample of written legal work (if available);
     • a copy of your CLP certification (where applicable) and transcripts;
     • a copy of your University degree certificate and course transcripts;
     • a copy of your A-level/STP (or equivalent) certificate with grades obtained for each subject;
     • a copy of your identification card/passport.

5. Is there a closing date?
   □ 28 January 2011 for the 2011 recruitment rounds.

6. When will the interviews take place?
   □ The interviews will take place on Saturday mornings end of January 2011.

7. How many interviews will I have to attend?
Candidates short-listed from the first round will be invited to attend a second round of interviews.

8. Can I be given a provisional place even before completing my final exams?
   □ Exceptional candidates may be offered provisional places subject to successfully obtaining their law degree as projected.

9. If I am successful, what will I be paid?
   □ You will be paid a monthly allowance of RM3000.

10. What other benefits will I receive?

   a. The firm allocates a budget of approximately RM200 per month for professional and self development. The budget will defray costs incurred in two areas:

      • *Skills and Knowledge Enhancement*
        Students will be required to attend various professional development programmes or courses conducted by the Bar Council and KL Bar Committee and other bodies which the firm considers relevant to litigation.

      • *Self Development*
        Apart from skills and knowledge development, the Firm emphasizes the importance of personal self development.

   b. Successful candidates will be offered an attractive chambering package which includes a RM1000 clothing allowance for court attire.

11. Will I be given the opportunity to observe court proceedings involving counsel from other firms?
   □ Yes. The firm regularly and closely works with Senior Counsel and it is part of your training as a pupil, to observe Senior Counsel of the Bar at their best.

12. Who will I be working with?
   □ You will work primarily with your Master who will assign a senior associate to act as “junior mentor” to you.

13. Will I get to attend meetings with clients?
   □ Yes. Where appropriate, you will be attending client interviews as part of your training.
14. Will I get to attend Court after my short call, and if so will I only be asked to attend mentions?

☐ Yes, you will be able to attend Court for mentions and depending on consent from the client, some contested matters as well.

15. What are the resources available to me as a chambering student?

☐ You will be provided with a laptop and access to all resources available to lawyers in the firm. This includes extensive library and online resources such as CLJ, MLJ and Legal Workbench.

16. What are my chances of being retained after my pupillage?

☐ We recruit chambering students with a view towards retention in the firm and have an interest in your development as a successful litigator.

WE WISH YOU EVERY SUCCESS!!!