

THOMAS PHILIP

ADVOCATES & SOLICITORS



PUPILLAGE BOOKLET

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APPLICATION for PUPILLAGE at THOMAS PHILIP

FREQUENTLY ASKED QUESTIONS:

1. Do you have any restrictions on candidates who can apply?

- We are only able to consider Malaysian candidates with qualifications from either Malaysian or accredited overseas universities.

2. What are the required academic qualifications?

- Generally, our **minimum requirements** are either a **CGPA of 3.40** or an **Upper 2nd Class** LL.B degree.

3. Apart from academic achievements, are there any other considerations?

- Yes. We are looking for students with excellent communication and problem-solving 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 a scanned copy of the following supporting documents attached:
 - a) cover letter addressing the following questions:
 - Why do you want to be a dispute resolution lawyer?
 - Which area of law / practice area particularly interests you and why?
 - What in particular attracts you to Thomas Philip?
 - b) resume / CV;
 - c) two (2) written references from a lecturer / tutor;
 - d) sample of written legal work (eg. course assignment or term paper);
 - e) CLP / BPTC certification (where applicable) and transcripts;
 - f) University law degree certificate and all course transcripts;
 - g) A-level/ STPM (or equivalent) certificate with grades obtained for each subject;
 - h) Identification card.

N.B. Shortlisted candidates will be required to undergo a short attachment of between 1 - 2 weeks with the firm as part of the assessment process.

5. How many rounds of interviews will I have to attend?

- Candidates short-listed from the first round will be invited to attend a second round of interviews.

6. What is the remuneration package for Pupils-in Chambers?

- Allowance of RM3,500 per month, for 9 months;
- Court Attire Allowance of RM1000 upon call and retention as an Associate;
- Training and CPD allowance of RM1000 per annum;
- Use of firm laptop.

7. Who will I be working with?

- You will work under the guidance of your Master, and be part of a team of lawyers headed by a Partner of the firm.

8. Will I get to attend meetings with clients?

- Yes. As part of your training, you will be attending client meetings with a supervising lawyer.

9. Will I get to attend Court after my short call?

- Yes, you will be able to attend Court for mentions and depending on consent from the client, some contested matters as well, under the guidance of a lawyer in the firm.

10. What are the resources available to me as a Pupil-in-Chambers?

- You will be provided with a laptop and access to all the resources that are available to the lawyers of the firm. This includes an extensive library and major offline and online resources for legal research.

11. What is the assessment criteria?

Offers of Pupillage are made strictly on merit, by reference to criteria such as intellectual ability, problem-solving and communication skills, as well as commitment and drive to becoming a successful dispute resolution practitioner.

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To Prospective Pupillage Candidates:

Overview of the Thomas Philip Pupillage Modules

- Modules may overlap and pupils regularly undertake more than 1 task contemporaneously.
- Pupils are required to participate in weekly in-house advocacy training and to attend Federal Court weekly to report on Leave Applications.
- The undertaking and completion of modules are flexible. As a general guide, half of the modules should have been completed, or in the final stages of completion, by the end of their pupillage.
- Pupils are encouraged to undertake a balanced combination of written and spoken assignments.
- All assignments must be approved by the firm either through the Pupil Master or the lawyer having direct supervision of the legal matter.
- 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.

Wishing you every success,

Mathew Thomas Philip

Managing Partner.

THOMAS PHILIP PUPILLAGE MODULES:

Module 1: INTRODUCTION TO THOMAS PHILIP

- 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]
 - Official Letters to Court
 - Letters to Clients
 - 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.

Module 2: INTRODUCTION TO PLEADINGS

- 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)
- 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.

Module 3: EXECUTION & GARNISHEE PROCEEDINGS

- 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.

Module 4: SUMMARY JUDGMENT

- 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.

Module 5: BANKRUPTCY PROCEEDINGS

- 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.

Module 6: WINDING-UP PROCEEDINGS

- 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.

Module 7: FORECLOSURE PROCEEDINGS

- 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.

Module 8: INJUNCTIONS

- 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:
 - interim injunctions
 - permanent Injunctions
 - *ex parte* injunctions
 - Mareva injunctions
 - Anton Pillar orders
 - Erinford injunctions
 - *qua timet* injunctions
- Learning and understanding the law and the Rules of the High Court related to injunctions and the criteria for the various injunctions.
- Drafting an application for any of the above injunctions and 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 9: DISCOVERY & INSPECTION OF DOCUMENTS

- 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

- 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.

Module 10: INTERPLEADER & THIRD PARTY PROCEEDINGS

- Learning and understanding the law and the Rules of the High Court related to interpleader proceedings & interpleader proceedings
- Understanding the mode of application and service of summons in an interpleader proceeding
- Conducting a comprehensive research related to interpleader proceedings and third part proceedings
- Drafting various interpleader applications, summons and order
- Drafting the various summons and orders related to third party proceedings
- Pupil's Log: Pupils are required to keep a log on their progress and achievements in this Module.

Module 11: STAY OF EXECUTION PROCEEDINGS

- 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.

Module 12: CONSOLIDATION OF PROCEEDINGS

- 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.

Module 13: SETTING ASIDE

- 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.

Module 14: DEFAULT JUDGMENT

- 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.

Module 15: STRIKING OUT

- 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.

Module 16: DISMISSAL OF ACTION / CAUSE DUE TO DEFAULT & WITHDRAWAL AND DISCONTINUANCE

- 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.

Module 17: COMMITTAL PROCEEDINGS

- 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.

Module 18: JUDICIAL REVIEW

- 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.

Module 19: REVIEW OF DECISIONS IN TAXATION OF COSTS

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

Module 20: APPEALS

- 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.

Module 21: DIVORCE & MATRIMONIAL PROCEEDINGS

- Researching the law and understanding the process and documentation required in divorce & matrimonial proceedings, as well as matters relating to children.
- 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.

MODULE NOTES:

1. The 21 modules above are not exhaustive as they cover mainly areas of civil procedure. Pupils will also be exposed to various areas of substantive law and would also be expected to draft written submissions on law and procedure.
2. Pupils are encouraged to attend Court to observe trials or appeals at least once a week.
3. Pupils who are assessed as competent will be given opportunities to conduct hearings in the Subordinate Courts, under the supervision of a senior lawyer.
4. Pupils will be also be required to learn court filing processes, which include the filing of cause papers, conducting files searches etc. Pupils will be assigned these tasks as and when the lawyer-in-charge sees fit throughout the duration of the chambering tenure of the pupil.
5. Throughout their pupillage, pupils will be guided and mentored by the lawyers in Thomas Philip in respect of client interaction and management, as part of their training, which would typically include:
 - Accompanying and observing lawyers at client meetings.
 - Gathering information and recording statements from clients
 - Attending to and communicating with clients under the guidance of a lawyer.