

Litigation Series

The Secret of Becoming a TOP class LITIGATOR

By Raja Ahmad Mohzanuddin Shah Raja Mohzan

The role of the civil litigation professional is challenging and diverse. Since civil litigation is an adversarial process, litigation attorneys and paralegals must be willing to assume an oppositional position and embrace conflict and controversy. Civil litigation attorneys and paralegals often work long hours, especially during trial, and perform occasional travel.

6.03C, 6th Floor, Menara Keck Seng
203, Jalan Bukit Bintang
55100 Kuala Lumpur

T: 03-21443 5666 F: 03-21445 7171
E-mail: info@aaa.com.my

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Introduction

Litigation Skills

Certain skills and knowledge are essential to litigation practice. Key legal skills include:

- Knowledge of substantive and procedural law
- Strong written and oral advocacy skills
- Analytical and logical reasoning abilities
- Ability to synthesize complex legal and factual materials
- Superior interpersonal skills
- Knowledge of legal research techniques and software
- Client development skills
- Negotiation skills

Course Outline

Module 1: INTRODUCTION TO CIVIL LITIGATION

- (i) What is civil litigation?
- (ii) Jurisdiction of The Civil Courts
- (iii) Jurisdiction of The Appellate Courts

Module 2: INITIATING A CIVIL CLAIM

- (i) Internal Arrangement
- (ii) External Arrangement

Module 3: DEFENDING A CIVIL CLAIM

- (i) External Arrangement
- (ii) Preparation to defend
- (iii) Default of Defence

Module 4: Interlocutory applications

- (i) Setting Aside Writ
- (ii) Summary Judgment
- (iii) Striking out Writ of Summons, pleadings
- (iv) Amendment
- (v) Injunctions
- (vi) Payment into Court
- (vii) Security for Costs
- (viii) Process

Module 5: Execution process

- (i) Service of Judgment and Order
- (ii) Time limit
- (iii) Modes

Module 6: General information

- (i) Limitation
- (ii) 'Without prejudice' status
- (iii) Re-organising file
- (iv) Witness
- (v) Instructions to external solicitors
- (vi) Keeping track of case development
- (vii) Copies of cause papers filed in Court

Course Leader

Raja Ahmad, a Litigation Partner in Azmi & Associates, obtained his LL.B (Hons) from the MARA University of Technology in 1999. Thereafter, he commenced his legal practice at Messrs. Syed Ibrahim & Co. upon his admission as Advocate and Solicitor of the High Court of Malaya in 2000. He was entrusted by the firm to solely oversee litigation matters be it civil or criminal cases. In criminal litigation, he handled various cases including dangerous drugs, sexual offences, road traffic offences and theft.

In 2002, he went into a partnership and formed a legal firm, where he was the Partner in charge of the litigation practice.

In January 2004, Raja Ahmad joined Azmi & Associates' Litigation and Arbitration Practice Group. He was then elevated as a Partner of the firm in October 2006, under the Litigation and Arbitration Practice Group

Raja Ahmad's current field of practice is civil litigation encompassing claims relating to land, development and venture capital, specific recovery of movable and immovable property, bank guarantees, indemnities and warranties, with recourse to ancillary relief specifically injunctions including Mareva, Anton Piller and Erinford as well as specific delivery and tracing in the High Courts in Malaya.

He also handles disputes with regard to the constructions of buildings, water supply piping systems as well as machineries. The task of solving joint ventures disputes also formed part of his practice area. His Practice Group is also actively involved in debt recovery assignments for local financial institutions specifically relating to Islamic financial aspects.

He had over the past years, amongst others, assisted a foreign corporation to recover specific financial and distributorship documentation against its local distributor through the Anton Piller Order; managing, negotiating and restructuring multi-million debts and judgments owed by clients to third parties to ensure that the same will not affect the operation of the clients' businesses; and preventing, by way of an urgent application of a Mareva Injunction, a corporation owned by foreigners from removing the high-tech computer components abroad. In his career, managing disputes are his priority.

He had the privilege of appearing in the Court of Appeal as counsel.