



## Foreword

First of all I wish to thank Dr. Andrew Chew Peng Hui for inviting me to pen this Foreword. This is the 2<sup>nd</sup> edition of his book and a clear testament to the good reception for the 1<sup>st</sup> edition. Indeed it should be since this book is one of the few, if not the only major work, on "The law of Costs in Civil Proceedings" in Malaysia. I am also very proud of the fact that Dr. Andrew Chew, a fellow Malaysian and particularly a Sarawakian is still actively contributing to the development of legal literature of this country.

Quite recently there have been some major shifts on how costs are being awarded by the courts in Malaysia. If one is not familiar with the system it may give the semblance of absolute discretion without any compliance of legal principles and rules. Gone were the days when parties during costs taxation proceedings could object on the basis of principles or quantum. Fortunately, as chaotic as it may seem to be, the award of costs by the courts are very much guided by the parties when they are called upon to state their views. This is where Dr. Chew's book becomes very handy. I would recommend that before lawyers come to court in civil proceedings they should be familiar with the legal principles involved in the award of costs. Those principles have been well discussed in this book.

On costs in civil proceedings perhaps it is time for the legal fraternity to consider the approaches adopted by the other jurisdictions. In Malaysia, especially in Sabah and Sarawak, there has been hardly any change made to address the issue of costs in civil proceedings although it is well known that the rates have increased tremendously. Contingent fee is still strictly prohibited under the local advocates ordinances. Access to justice may soon become elusive to most people. Some may be compelled to out of court settlements although they are entitled to better terms if their cases come to court. And perhaps there is no reason why the United Kingdom adoption of Legal Expenses Insurance Cover cannot be followed. These are some of the interesting issues involving legal costs in civil proceedings which some of us might have thought to be elementary.

Anyway, in the interim, it is advisable for legal practitioners especially those involved in civil litigations, to equip themselves with this book lest a day might come when a client disputes an award of costs by the court made without any assistance from counsel appearing before it. It will also be beneficial for all Judges, judicial and legal officers to read this book. It will definitely guide them in the execution of their daily task of dispensing justice.

I wish this book a continuing success. A copy should be found in each of the law libraries of legal firms in Malaysia.

**(TAN SRI DATUK SERI PANGLIMA RICHARD MALANJUM)**

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