

BENCHER ACCEPTANCE SPEECH

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Assalamualaikum and a very good evening.

1. It is a profound honour to stand before you tonight. I must admit, looking out at this room, I am deeply relieved to see so many brilliant legal minds in one place. To be very clear, I do not in the very least feel intimidated, nervous maybe. However, if I collapse from the sheer nerves of delivering this speech, there are at least three dozen people here who can aggressively cross-examine the paramedic on my behalf.
2. To be appointed as a Bencher, and specifically tonight, on the magnificent occasion of our 10th Anniversary Gala Dinner, is a privilege that leaves me entirely humbled. I want to express my deepest gratitude to our President, Tun Arifin Zakaria, and the Executive Committee for this immense honour.
3. When I was informed that I would be following in the footsteps of our first honorary Bencher, His Excellency Tun Pehin Sri Dr Wan Junaidi Tuanku Jaafar, my immediate thought was to call for a judicial review of the decision. To say I pale in comparison is a massive understatement. Tun Pehin Sri is a towering legal titan,

a brilliant lawyer, a fearless law reformer, a former Minister of Law, and a statesman of the highest order. Following him to this Bench feels a bit like being tasked with singing right after Datuk Jamal Abdillah. You know you can't hit the same notes, so you just hope the audience appreciates the enthusiasm and forget about the low pitch!

4. Looking around this beautiful ballroom, seeing everyone immaculately dressed in black tie, I am reminded of the words of a wise senior lawyer in my chambering days who once told me: *"The law is a profession of great dignity. But if you cannot be dignified, at least look expensive."* Tonight, I think we have collectively achieved both.
5. Our theme tonight is "Celebrating a Timeless Decade."
6. Look at what we have built in just ten short years. ICM has achieved in a single decade what took our English counterpart generations to establish. We have successfully planted the historic, collegiate spirit of the Inns into the fertile soil of modern Malaysian jurisprudence.
7. We have brought together judges, practitioners, academics, and students into a single, unified sanctuary. This is no easy feat. I can't recall any other jurisdictions that have achieved this. We have proven that the common law tradition is not a rigid museum piece to be preserved in amber, but a living, breathing, and fiercely dynamic force. And we have done it all while navigating the unique complexities of our own legal landscape. Ten years ago, we were a bold idea. Tonight, we are a cornerstone of the Malaysian legal fraternity.

Ladies and gentlemen,

8. My path to this hall, and indeed to the office I currently hold, has been somewhat unconventional. Many who ascend to the Judiciary spend their entire lifetimes within the quiet, cloistered confines of the courts or the Bar. My own journey, beginning from my call to the Malaysian Bar nearly four decades ago in 1987, took a different turn.
9. I have been blessed, and at times, thoroughly tested, by holding the unique distinction of serving across all three constitutional branches of governance.

Ladies and gentlemen,

10. When I sat in the Senate, I saw the law as a vehicle of raw policy, shaped by debate and legislative intent. In the legislative chamber, you learn that law is not made in a vacuum. It is made by people, under pressure, with competing interests and imperfect information. That experience gave me a particular kind of patience with Parliament, and a particular kind of attention to legislative intent when I later came to interpret statutes from the Bench. You do not read a provision the same way once you have sat in the room where such provisions are debated.
11. In the executive, you learn that policy and law are not the same thing, that a government may intend one outcome and achieve another, and that the consequences of legislation fall hardest on those who had no voice in making it. That has never left me. It shapes the way I think about access to justice, and about what courts owe to the people who come before them.

12. And there was work during those years, work I was privileged to be part of, that went to the very heart of the relationship between the state and the citizen, between security and liberty. That experience taught me that the law is not merely a technical instrument. It is a moral one. And those who wield it, whether in Parliament, in cabinet, or on the Bench, bear a responsibility that cannot be discharged by competence alone. It requires conscience.
13. But if I am honest, the most formative years of my legal life were not in the Senate chamber, nor in the ministerial office, nor even on the Bench. They were in practice, and specifically, in the people that practice brought to my door.
14. I have had the privilege of learning under two distinguished figures: YABhg. Tun Zaki Azmi and YBhg. Tan Sri Idrus bin Harun. Each of them shaped my understanding of the law in ways that no textbook ever could, and together, they gave me something far more enduring than legal knowledge alone.
15. Tun Zaki taught me practicality. In those early years, I served as a junior counsel under his guidance, and we were handling corruption cases in election petitions, matters that demanded both precision and an acute understanding of human behaviour. I was once tasked with interviewing witnesses and preparing their statements. I worked carefully, I thought I had covered the ground. But when Tun Zaki reviewed the draft, he sensed something was amiss. The evidence, as it was presented, could not connect the dots. There were gaps, not in the writing, but in the understanding.

16. And so, without hesitation, Tun Zaki said we should go and visit the site where the alleged corruption act had taken place.
17. That visit has stayed with me ever since. Walking through that space, seeing the physical layout, who sat where, who answered to whom, how money allegedly passed hands, everything became clearer. You begin to understand that corruption does not exist in the abstract. It lives within systems, within hierarchies, within the daily rhythms of an organisation. You cannot fully grasp how something went wrong without first understanding how it was supposed to work. Tun Zaki understood that the law, at its best, is not practised from behind a desk. It is practised in the world, and a good lawyer must be willing to go into that world, to see it, to feel it, and to understand it from the inside out.
18. That lesson in practicality has guided me in every complex matter I have handled since.
19. Tan Sri Idrus, on the other hand, was a researcher at heart, methodical, thorough, and deeply committed to the rigour of facts. I recall vividly the case we worked on together: *Tengku Ali ibni Almarhum Sultan Sulaiman v. The State of Terengganu* [1996] 4 MLJ 374, a royal succession claim over the Terengganu throne. It was a matter of immense complexity and sensitivity. Our hands were, in many ways, tied. Resources were limited, the subject matter was delicate, and the stakes could not have been higher.
20. Tan Sri Idrus went to the National Archives. That is where history lives, where the documents that record the intentions, decisions,

and precedents of generations past are quietly kept. For a case of this nature, where the answer did not lie in modern statutes but in centuries of royal custom and historical record, the Archives were our most vital resource.

21. What I learned from Tan Sri Idrus was that the law does not always yield to argument alone. Sometimes, it must be excavated. You must be willing to sit with old documents, to read between the lines of history, and to construct your case not merely on what the law says, but on what it has always meant. Research, in his hands, was not a preliminary exercise. It was the work itself.
22. The long and short of being a good advocate is that:
 - (a) You have to be grounded; and
 - (b) You also have to be resourceful.

Ladies and gentlemen,

23. The law, does not discriminate in who it touches. And so, neither could I.
24. There was the businessman, polished, impatient, accustomed to being the most important person in any room, who needed to be told, clearly and without flattery, that the contract he had signed was not the contract he believed he had signed. There was the fisherman from the coast who had travelled hours to sit across from me, clutching documents he could not read, trusting that the person behind the desk would do right by him. There was the widow navigating a dispute over land that had been in her family

for generations, for whom this was not a legal matter at all, but a matter of dignity and memory. And there were the young, the frightened, the first-time defendants who sat in my office not fully understanding how they had arrived there or what would happen next.

25. Each of them came with a different vocabulary, a different understanding of what the law was and what it could do, and a different idea of what to expect and not to expect. And each of them taught me something that the law degree had not.
26. They taught me that legal advice is not a commodity to be dispensed uniformly. It is a service that must be shaped to the person receiving it. The businessman needed candour. The fisherman needed patience and clarity, plain language, no shortcuts, and the assurance that someone was genuinely on his side. The widow needed to feel that her story had been heard, not just processed. The young and frightened needed steadiness, someone who would not treat their crisis as routine, even when, to a busy practitioner, it very nearly was.
27. What strikes me, looking back, is how much of what I learned in those years has stayed with me on the Bench. When I read an affidavit, I think about the person behind it, their circumstances, their comprehension, their access to proper advice. When I consider a submission, I think about whether the law as applied will produce a result that a reasonable person, of any background, would recognise as just. The diversity of clients I encountered in practice did not merely make me a more versatile

lawyer. If I can humbly say, it made me, I hope, a more human one.

28. If there is one piece of advice I could share with the young lawyers here tonight, it would be this: never trust your client one hundred percent. Not their stories. Not their narration. And certainly not their declared innocence.

29. Let me tell you why.

30. I once had a client charged under Section 304 of the Penal Code, culpable homicide not amounting to murder. It was not, on the face of it, a complicated case. Two rival gangs had gotten into a fight, and in the process, one man died. The central issue was straightforward: who caused his death?

31. My client was the suspect. A young man, a junior civil servant as I recall. He could not afford my full legal fees, and if you remember how things worked back then and still now, a civil servant charged with a criminal offence was automatically suspended from duty and paid only half his salary pending the outcome of trial. So naturally, I too received only half my fees upfront. The rest, he promised, would come once he was acquitted and his salary arrears were restored.

32. I believed him. I believed in his innocence. And so, I relented.

33. I threw myself into the case. I fought hard for his acquittal and I got it. Acquitted and discharged. The prosecution did not even appeal.

34. That was about the last time I saw him.

35. He disappeared. Vanished with the remaining fees that were rightfully mine, money I had earned preparing his defence, and standing between him and a prison sentence.
36. But here is the part that stays with me to this day.
37. Years later, I ran into him again. He looked well. He looked happy. He was with his second wife.
38. Not only had he never paid me what he owed, he had taken what was supposed to be mine, walked away a free man, and started an entirely new chapter of his life. Twice over.
39. So, the moral of the story, ladies and gentlemen, is this: do not trust your client one hundred percent. Always verify. Verify their account of events. Verify their means. Verify, if you can, their intentions. Your duty to represent them fearlessly does not require you to surrender your professional judgment or your common sense.
40. A lawyer's greatest asset is not just legal knowledge. It is discernment. The ability to look across a table, hear a story, and ask yourself quietly: what am I not being told?
41. Serve your clients faithfully. Fight for them with everything you have. But keep your eyes open.
42. Because sometimes, the person you saved from the law is the very one who will not honour the simplest promise they made to you.

Ladies and gentlemen,

43. A judge cannot administer justice in a vacuum. We are entirely dependent on the independence, the brilliance, and the absolute integrity of the advocates who stand before us. The quality of our judgments is a direct reflection of the quality of the advocacy we receive. And it is here, within the traditions of the Inns, that the rigorous standards of that advocacy are born, nurtured, and fiercely protected.
44. Now, as Chief Justice, looking down from the elevated appellate bench, those past chapters provide me with an invaluable perspective. I do not look at statutory text as merely cold letters on a page. I understand the political friction that birthed it; I understand the bureaucratic machinery tasked with enforcing it; and I understand the sacred duty of the Judiciary to measure both against the supreme law of our Constitution.
45. Tonight is a celebration of our history, but our true legacy is sitting at the student tables. To our student members here tonight: look around this room. The judges who terrify you in court, the senior partners whose names are on the glass doors of the mega-firms—we were all once exactly where you are sitting. We have all forgotten the name of a crucial case mid-argument. We have all stayed up until 3:00 AM wondering why we took up law in the first place. We should have studied medicine instead.
46. The most vital duty of a Bencher is not governance; it is mentorship. It is ensuring that the ladder we climbed is held firmly in place for you to climb higher. Through our dining

sessions, our lectures, and our advocacy programs, ICM's mission is to pass down the unwritten rules of our craft.

47. We are here to teach you that your opponent in court is your learned friend, never your enemy. We are here to remind you that your word to the judge is an absolute bond. Winning a case is temporary, but your professional integrity is permanent. If ICM can instil that unshakeable ethical compass into the next generation of Malaysian lawyers, then our next ten years will be even more glorious than the last.

Ladies and gentlemen,

48. The practice of law is a demanding, often exhausting master. It steals our weekends, tests our patience, and turns our hair grey ahead of its time.
49. But nights like tonight remind us why we chose this crazy, beautiful calling. We chose it because we believe that words matter. We chose it because we believe that rules matter. And most importantly, we chose it because we wanted to be part of a community that stands as a shield for the rule of law.
50. I accept this award not as a passive trophy, but as a solemn promise. I pledge my full support to the work of ICM, to our educational missions, and to the defence of an independent Bar and Judiciary.
51. Thank you, Tun Arifin, thank you to the Committee, and thank you to all of you, for this extraordinary honour and a magnificent evening. Let us celebrate a timeless decade, and to the many decades yet to come.

52. Tuan Tang Terutama, sekianlah ucapan saya.

Thank you