

legalese

HIRING A LAWYER

By Attorney Fajer Ahmed

I know it is not very ideal for me to be writing this myself as I am a lawyer, but I have gained experience in the past few years learning the tricks of the market by providing my clients with legal services from not just myself, but my highly qualified colleagues. I also know that many lawyers, attorneys, legal consultants and other legal professionals will not be very happy with me disclosing this information. I have learned the very insensitive way that some lawyers perceive the legal profession as a purely commercial profession, to make the highest profit possible for their work. So it is important to not just trust your lawyer, but to investigate your lawyers' morals and work ethics before signing them on.

Legal fees

Question: I am about to hire a lawyer to represent me against my husband at court as he has filed a case against me. I called a lawyer, requested to meet with her and I asked her over the phone how much the legal fees will be. She said it will be around KD 3,000. Do you think this is acceptable?

Fajer: From experience, I am not so concerned with the amount that the lawyer is asking for; different lawyers will have different fees according to the service they provide, and that includes their location and secretaries, the languages they provide, etc. What I am very concerned about though is the fact that some lawyers can give quotations of their fees without sitting with the client, and without knowing if you have children or not. If your lawyer does not know what work is required from them and the extent of it, then how can they give you a quotation?

Signing a contract

Question: I am about to sign a contract with a lawyer and was wondering if you have any advice on what to keep an eye out for?

Fajer: There are many things to be weary of when signing any contract in general. The most important thing though for any contract is that the obligations and responsibilities of each party are clearly written out. It is highly important that both parties involved understand what is required from them.

Let me give an example. When signing the service agreement with your lawyer for an employment case, your contract should clearly state what your lawyer is asking on your behalf by writing out all the benefits that you are rightfully entitled to. So the contract between your lawyer and yourself would mention for example that your lawyer will obtain your termination indemnity plus your economy return class ticket to your home and remuneration for your off days, etc.

The payments should be agreed on in the contract; this includes the amount to be paid, the dates of payment and the preferred method of payment for the amounts mentioned. Also keep in mind that if the lawyer is representing you for any cases or issues that involve them obtaining money on your behalf, then your contract should include their method of payment to you. Will they obtain the money from court in their name and then transfer it to you? And if so, when will they pay you back?

Termination indemnity

Question: I got terminated recently and my employer has not paid me my termination indemnity or any other benefits. I would like to hire a lawyer on my behalf to obtain the amounts for me, but I have to leave Kuwait. Can lawyers represent me in courts even if I am not in Kuwait?

Fajer: Yes, lawyers and attorneys in general can represent their clients without their presence. In some cases, the judge might request that the client be present, as the judge or public prosecutor might want to investigate more, especially in criminal cases. As a general rule of thumb though, lawyers can represent their clients even if they are not in Kuwait.

With that said, a lawyer will not be able to represent you in Kuwait without a Power of Attorney (POA). There are different templates for POAs in Kuwait, and I suggest that you read them carefully (the document is always in Arabic) as they could give your lawyer the right to obtain money on your behalf, proceed with governmental transactions and possibly even sell your possessions.

As I said above though, it is important for you to trust your lawyer. Practically speaking, it can be difficult for your lawyer to explain every single detail of your case. I have seen lawyers that base their legal fees according to "how annoying their client is." Yes, honestly. If the client is too demanding in the beginning, asks a lot of questions or calls all the time, then lawyers will bring up their quotation.

A huge part of my job is finding the right lawyer for my readers. I get a large number of requests for legal services on a daily basis. Most lawyers are specialized in a specific area of law whether it be commercial law, employment law, family law, criminal law, etc. Therefore, my advice is to always ask for your lawyers' credentials. Just because your friend's lawyer was very successful for him, it does not mean he will be the same with you! Also, I strongly advise that you try to negotiate things looking for a win-win situation before getting a lawyer (and ask your lawyer to negotiate on your behalf before going to court!)

For any legal questions or queries, email ask@fajertlawyer.com

TWO PEOPLE TRAFFICKED TO KUWAIT GO HOME

KUWAIT: Kuwait's Manpower Public Authority (MPA) announced Saturday that two victims of human trafficking chose to leave the MPA's migrants sheltering center for their home countries voluntarily. The repatriation process was conducted in collaboration with the International Organization for Migration (IOM) under instructions of the Minister of Social Affairs and Labor Hind Al-Subaih, said the MPA's Deputy Director General for manpower protection Abdullah Al-Motatah.

"This is the first such cooperation between the MPA and the IOM meeting the international standards related to the protection of victims of human trafficking. The process included assessment of the risks that could face the immigrants at their home countries, medical checks to ensure their safe travel, and provision of travel tickets," Motatah pointed out.

The nationality of the two victims was not made public. The IOM's emergency fund provided each immigrant with \$1,500 to help them start a small project or complete their education, he added. —KUNA

MAN SHOOTS DEAD EX-IN-LAW FOLLOWING FAMILY DISPUTES

By Hanan Al-Saadoun

KUWAIT: The Interior Ministry's relations and security information general department said a 74-year-old citizen was killed by his ex-in-law following a family dispute in Sabah Al-Nasser. The suspect is a policeman and committed the crime while in uniform, using his police issue M-16 handgun to fire the fatal shot. Interior ministry operations received a call from Farwaniya Hospital about the arrival of the 74-year-old victim with a bullet in his head. The suspect's whereabouts were then determined, and his residence in Reqqa was stormed. He confessed to the shooting, and led police to the crime weapon hidden in his car. The exact circumstances which led to the crime were not immediately known. The suspect was sent to the public prosecution for further action.

Traffic statistics

Efforts to control traffic through a series of sudden campaigns resulted in issuing 29,934 citations, while 1,735 vehicles were impounded, 13 cars confiscated, 134 persons detained and one expatriate sent for deportation for driving without a license.

No injuries in fire

A fire broke out in Liwan mall in Egaila, and Mangaf fire center responded, supported by Qurain center. Firemen discovered that the fire started in a shoe warehouse. The mall was evacuated and the fire was contained and put out. Only material losses were reported.

Banners removed

Kuwait Municipality's public relations department announced the removal of 83 election banners and four election headquarters in the Capital, Farwaniya and Hawally governorates following the end of by-elections in the third constituency. The public cleanliness and road occupancy department in the Capital removed 23 advertisements beside four premises, while in Hawally, 35 banners were removed. Farwaniya saw the removal of 25 hoardings.

Road closed

The Interior Ministry's General



Municipality workers remove a banner following the end of by-elections in the third constituency.



A fire truck stops outside the Liwan mall in Egaila where a fire was reported yesterday.

Traffic Department announced yesterday that the Jahra Road's intersection with Ghazali Road heading towards Kuwait City will be closed between 2:00 am and 4:00 am starting from

today and until Thursday, February 25, 2016. The department urged drivers to take Jamal Abdul-Nasser Road heading towards Kuwait City as a replacement.

KD 6 MILLION FOR SPECIAL NEWS TRUCKS

'COLD WAVE' HITS KUWAIT NEXT WEEK

By A Saleh

KUWAIT: The Information Ministry said that it acquired six production trucks needed to help cover live events happening in Kuwait. The ministry explained that four of the trucks, with a total value of KD 1.6 million, had already arrived to port while two more, with a total value of KD 4.3 million, would arrive by June. The additional trucks come with special specifications and will be used for covering sporting activities, the ministry explained.

Cold wave

The weather is expected to remain warm until the weekend before a cold wave hits Kuwait next week, a veteran meteorologist announced. Strong and dusty winds are expected for today while chances for scattered rain are expected tomorrow, Dr Saleh Al-Ojairi said, adding that the unstable weather might obstruct sea navigation but will not affect aviation. Next week's cold wave is not expected to be as severe as a similar wave which hit Kuwait last month, Ojairi said. He added that young people can start wearing summer clothes by the beginning of March, while senior citizens are advised to wait until the end of the month before doing so.

Employees absent without leave

Kuwait Municipality recently referred 21 Kuwaiti employees for investigation for not being present at their offices during official working hours. Within its strict measures in terms of attendance and showing up to work, the Municipality's financial and administrative affairs sector recently inspected the Municipality's environment affairs department and three landfill sites where the 21 employees were found absent without leave.

Expat labor issues

GCC states are currently working on unifying regulations and legislations concerning national and expatriate labor so that it could be endorsed by the end of 2016 and binding to all Gulf Cooperation Council (GCC) states. In this regard, Amer Al-Hajari, the manager of the executive office of the council of GCC ministers of social affairs and labor, said that the first issues to be handled when the rules were unified would be expatriate laborers in general and domestic one, in particular.

Custom fees transfers

The automated transfer of custom fees amongst GCC states has reduced custom procedures followed in various inter-exits to become instantly done with the maximum delay of 24 hours. According to the news system, the exporting country sends the transfer information to the GCC Secretariat General custom data center which, in turn, sends back a notification to the destination country notifying it with the transferred sums. This project aims at facilitating swift transfer of goods amongst GCC states.

Hash smugglers acquitted

The court of appeal yesterday cancelled a first instance criminal court's verdict sentencing two suspects to capital punishment for smuggling 40 kilograms of hashish into Kuwait from a neighboring country. The men were acquitted. The suspects had been arrested upon a search warrant with the possession of the drugs hidden inside a barrel onboard their boat. However, the suspects' lawyer, Sultan Al-Mnadeel argued that the search warrant was void and that public prosecution investigations were incomplete as none of the members of the raiding force, other than the officer in charge, was questioned.



KUWAIT: Interior Ministry's Assistant Undersecretary for Traffic Affairs Major General Abdullah Al-Muhanna attended activities held as part of a campaign to raise awareness regarding the importance of licensing motorcycles and all-terrain vehicles. The event, organized by the Kuwait Traffic Safety Society on the occasion of the National Holidays, included a motorcycles' parade along the Arabian Gulf Road and ended at the Bnaider camp.

In my view

ONLY IN KUWAIT-8

By Talal Al-Ghannam

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Good morning dear and honorable readers. I am back with a new column from my 'Only in Kuwait' series after a brief halt, because there are many issues that must be addressed. When I address such negative issues in the Kuwaiti society, I do not mean to mock certain people, but to pinpoint the wrongdoings in such practices and ask authorities to thoroughly address and find solutions to them.

Only in Kuwait you enter a public clinic or hospital, and there you see the male or female doctors are more interested in attending to their smartphones than you.

Only in Kuwait that policemen stationed on the highways, both with cars or motorcycles attend more to their smartphones rather than keep an eye for maniac drivers. I have never seen one of those police vehicles chasing a maniac driver or pulling him over; but instead they become interested in playing games or chatting.

Only in Kuwait you find two or three friends driving along the main road and blocking it while talking with each other, leaving tens of stranded vehicles behind them. And when you honk at them out of frustration, you better 'accept the consequences'.

Only in Kuwait holidays are more than the actual work days. If in case a holiday approaches, many people mysteriously become sick three or four days before the holiday starts, and become fine soon right after it is finished.

Only in Kuwait the Interior Ministry impounds old vehicles then releases them a week later, not taking into consideration why they were impounded and the owners were fined in the first place. In my opinion, they were impounded for violating traffic or safety regulations. A week later, they are released without even taking commitment from owners to rectify such violations.

Only in Kuwait that when you are driving and politely give a signal to pass someone, that said person transforms into the rudest person in universe and tries to step on his or her car's pedal, not letting you pass him or her.

Only in Kuwait the safety lane which you are permitted to use with a speed no more than 45 km/h can get you in trouble, as so many rude drivers nag you and flash their high beam, wanting you to open up and let them go. I personally witnessed an incident last week in which an expat was pulled over by a maniac driver, who beat him up severely just because that expat was abiding by the traffic law. My suggestion is to increase the speed limit till at least 65 km/h, as there are many reckless, rude and conceited drivers who do not accept the state's regulations, and those who wish to take the law into their own hands.

Only in Kuwait you get fined for tinting your car's windows according to the set traffic law which is 30 percent. Does the policeman have the right tool at the inspection scene to tell if the tinting was 30 percent or more? I advise all to buy a convertible car.

Till the next article insha Allah

VOTER REGISTRATION TO OPEN

By Meshal Al-Enezi

KUWAIT: The Interior Ministry will open for registration and transfer amongst electoral constituencies in the period between February 22-29 and March 1-20, head of the elections department Colonel Salah Al-Shatti announced. Voters aged 20+ wishing to register would have to submit original citizenship documents plus photocopy, original civil ID plus photocopy, he said.

Request denied

Hawally committee at the Municipal Council rejected a request made to allow the Union of Cooperative Consumer Societies (UCCS) to rent some floors in its headquarters building in Hawally. Committee chairman Yousif Al-Ghareeb said that in addition to rejecting the request, the committee referred another request to pave an open yard in Salwa overlooking Fahheel expressway for further discussion. "The committee also postponed a proposal on publishing the names of stores selling inedible and expired food items and meats in the press and various media," he said. In another development, the Capital municipality inspection teams recently found a store in a Salhiya multi-floor parking building that had been used for preparing food stuff and items without having a license. Team members detected insects and noticed that the place lacked cleanliness too.

Telecom towers procrastination

The head of a Municipal Council's fact-finding committee investigating telecom towers, Osama Al-Otaibi refused what he described as 'procrastination' between Kuwait Municipality and the Fatwa and Legislation Department concerning the telecom towers law chart. "We refuse the idea of spending years to set laws as this costs the state considerable losses to be paid in compensation," he added, pointing out that the committee had already reviewed a report made by the Ministry of Health about the possible damage as well as condition to avoid them.