



24TH FEB 2023 | ISSUE 3

THE LEGAL INSIGHT

The Official LSK Weekly Newsletter

COUNCIL'S NOTE

The Law Society of Kenya is statutorily mandated to protect and assist members of the legal profession in matters relating to conditions of practice and welfare. We have noted a significant increase of reports from our members over summons issued by the National Police Service seeking information from Advocates over matters that infringe on Advocate Client confidentiality. Whereas we have an obligation to comply with lawful summons issued by the Police, we must resist any attempts by the police to use their powers to intimidate or harass Advocates while in the discharge of their duties.

Articles 16(c), 17 and 18 of the United Nations Basic Principles on the Role of Lawyers require that advocates be protected from any threats of prosecution or adverse sanctions for any action taken in accordance with recognized professional duties, standards, and ethics. Furthermore, as a result of performing our duties, we should not be identified with our clients or our clients' causes. We call on our members to inform the Society where they face any case of harassment in the course of duty

FEATURED

Council's Note

Tech News

Notices/Vacancies

Upcoming Events



ERIC THEURI
LSK PRESIDENT

WHAT IN THE WORLD IS CHATGPT?

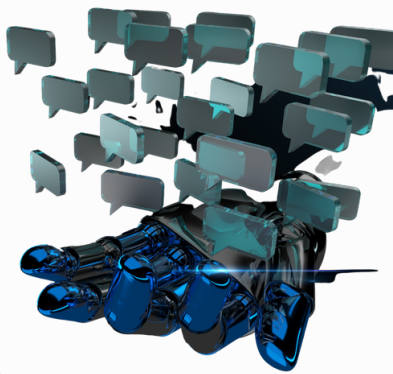
Proudly brought to you by The Tech & Intellectual Property Committee of the LSK

Of course you have interacted with bots before. For example, when you are doing an online bank transaction, a pop up message will appear saying something like this:

“Hey, this is Zuri, may I help you?” Or “You are customer number 7 on the queue.”

That is the kind of bot that is programmed to use key words to find answers and solutions for you. If a question does not fall within the key words, then your conversation will tend to be more frustrating than useful.

Enter ChatGPT, the new sassy kid on the block with ‘almost-human’ skills to boot. ChatGPT is a machine learning system specifically tailored for text conversation. It is a digital machine learning system for chatting and answering questions, and hence called a Chatbot in Tech lingo. It works through the methodology of a platform where a user asks a question, and the chatbot gives you an answer. You can ask follow up questions and the system answers questions the way a normal conversation with a human being would flow. You do not need to keep reframing the question. Users rate it as the most updated chatbot so far, better than Siri and Alexa; and it has only been out for public use since November 2022.



What kind of things can it do?

1. Are you bored? You could have a conversation with Chat GPT about your cat or your catty coworker-he he.
2. Do you have your Masters thesis and you don't know where to start? You got that right. ChatGPT is surprisingly conversational and intelligent. It can help you work on your Thesis. Now how about that? Heh?
3. Do you have a random question? Do you want to write a poem for your lady-love? Write code for a software? Debug your computer? All that and a bag of chips, ChatGPT has got you.
4. Do you need actual, real-life advice? One user asked the bot how to boost his mood, and the answers were rather practical, ranging from taking a walk to calling a friend to practicing gratitude. Now, how's that for an imaginary friend?

While the creators of the Chatbot do not claim that it knows everything, the bot has been fed with a wide range of information and it is able to sort through it and give cogent and human-like answers.

Who regulates ChatGPT and its Artificial Intelligence?

Data Privacy Laws are the closest thing to regulation that Kenya, and indeed most of the world has on Artificial Intelligence. The European Union (EU) Artificial Intelligence (AI) Act could become the global standard from which countries could borrow from, and this Act could very well determine to what extent AI affects you day to day.

So far, the biggest regulation pitfall has been the amorphous nature of AI, and the ability of developers to embed algorithms which may be invisible to the human eye, and hence defying regulation. However, since AI is still in its crawling stage, Kenya needs to make steps towards regulation.

CONTD...

Does ChatGPT replace lawyers?

Long answer? It does come close. Lawyers who have so far used the machine learning system have been astonished at how clear its arguments were, and how its answers sounded like those of an entry level attorney. We do not know what the iteration for ChatGPT will be, and it does sound a wakeup call for lawyers to be at the forefront of technological innovation. We must make Technology and ally, not competition of enemy. We must guide it to our advantage.

What opportunities does it present for Lawyers?

The chatbot is still in the testing phase, and we await to see whether it will be possible to make integrations on it with website and applications. This would enable lawyers do the following:

- It could be an easy way to automate your consultation hours, saving you hours spent talking to different clients about the same subject. A chatGPT model, tailored properly for billing and compliance with LSK requirements could be your next step to automated consultations.
- This could also be useful in CSR and Pro-bono legal consultations for the mass market. Civil Society Lawyer's would have an easy way of ensuring access to justice for their clients, not to mention a great learning tool.
- ChatGpt or its doppelganger is a good client funnel, and could be commercialized by lawyers to grow their client base.

An Attorney asks ChatGPT for a 14 page Legal Opinion...

After completion of the task, ChatGPT went on to say: "It is not ethical for me to provide legal advice as I am not a qualified legal professional. Because ChatGPT is a machine learning system, it may not have the same level of understanding and judgment as a human lawyer when it comes to interpreting legal principles and precedent," the bot writes. "This could lead to problems in situations where a more in-depth legal analysis is required."

There you have it. A Chatbot that is also aware of its limitations. We might want to take notes about self-awareness from a machine, ladies and gentlemen!

Andrew M. Perlman, a US Attorney, asked ChatGPT for a legal justification on why gay marriages have been legalized in the Country.

The bot produced a 14 page write-up on the topic and the attorney was quoted as saying:

"It is not prime for sure, but it has the markings of an Attorney."

Andrew M. Perlman, US Attorney



Feature by



CINDY NARIASI

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NOTICE FOR SUBMISSION OF COMMENTS ON THE DRAFT PUBLIC SERVICE (VALUES AND PRINCIPLES) (AMENDMENT) BILL NO.46 OF 2022

The Public Service (Values and Principles) Act 2015, is an Act of Parliament that gives effect to the provisions of Article 232 of the Constitution regarding the values and principles of public service.

To this end, various amendments have been proposed to this Act that includes a requirement that all state organs in the National and County Governments and State Corporations to submit annual reports on details of the human resource in Constitutional Commissions, Independent Offices and County Public Service Boards and County Assembly Service Board.

The reports should contain details outlining the total number of employees, highlighting their gender, age, County of birth and County of residence.

Members are hereby invited to submit their comments on this Amendment Bill, which can be accessed through this [Link](#) to Ms. Winnie Tsuma via winnie.tsuma@lsk.or.ke not later than Tuesday, 28th February, 2023.

NOTICE FOR COMMENTS ON THE DRAFT COPYRIGHT TRIBUNAL (PROCEDURE) REGULATIONS (2022)

The Copyright Tribunal is established under section 48 of the Copyright Act Cap 130 Laws of Kenya. The Tribunal has jurisdiction to hear and determine disputes over registration of copyright; and appeals from any person aggrieved by a decision of the Kenya Copyright Board (the Board”) regarding;

- refusal to grant a certificate of registration to a collective management organization;
- imposition of unreasonable terms of conditions by the Board for grant of a certificate of registration;
- unreasonable refusal by a collective management organization to grant a license in respect of a copyright work; and
- imposition of unreasonable terms or conditions by a collective management organization for the grant of a license in respect of a copyright work.

In order to effectively discharge the above function, the Tribunal has developed the Copyright Tribunal Draft (Procedure) Regulations 2022, providing procedures to be adopted and used by all parties appearing before it for purposes of the expeditious discharge of disputes.

Members are hereby invited to submit their comments on the Draft Copyright Tribunal (Procedure) Regulations, 2022 which can be accessed by clicking on this [link](#) to Ms. Winnie Tsuma via winnie.tsuma@lsk.or.ke not later than Friday, 3rd March, 2023 at 5:00 p.m.



VACANCY FOR A LITIGATION ADVOCATE

A medium sized law firm with Headquarters in Nairobi is seeking to recruit a Litigation Advocate to begin immediately.

Desired Qualifications & Skills

- An LLB degree from a recognized university.
- Current practicing certificate.
- Minimum of 3 years' experience in a busy office handling litigation
- Ability to draft proper pleadings.
- Good communication, research, and analytical skills.
- Proactive and self-motivated.
- Team player with leadership skills.
- Work independently with minimum supervision.
- Diligent and responsible.

Applications should be emailed to the following address to be received on or before 28th February 2023.

Email address: recruitment.advocate@gmail.com

Only shortlisted candidates shall be contacted.



NOTICE FOR THE SUBMISSION OF PARTICULARS OF ADVOCATES INTERESTED IN PRO BONO/LEGAL AID CASES FOR THE YEAR 2023

Pro bono services are crucial in narrowing the justice-injustice gap. The Society is required by Section 4 (d) of the LSK Act to assist courts, governments, and members of the public with legal issues. Pro bono work demands time away from billable legal work and allows lawyers to expand their legal skills, perhaps in a new area of law, as well as crucial soft skills such as client care. It can be both rewarding and demanding for Advocates, and it can lead to benefits that increase trust in the legal profession as a whole.

The Law Society of Kenya maintains a two-tiered Pro Bono service program:

1. Public Interest Litigation and Advocacy Pro bono: Strategic litigation is used by the Law Society of Kenya to explain critical points of law, challenge discriminatory policies, and promote human rights protection.
2. Legal aid pro bono: refers to the free professional services offered to the poor, the underprivileged, and the vulnerable.



The Public Interest and Advocacy Department is reviewing and updating its records of Advocates Interested in participating in Pro Bono/ Legal Aid matters for the year 2023.

Interested members are hereby invited to submit their particulars by filling out the Google form which can be accessed through this [link](#) not later than Thursday, 30th March, 2023.



LAW SOCIETY OF KENYA MENTAL WELLNESS SUPPORT



The Law Society of Kenya (LSK), through the Members Services Committee, appreciates the need for a mental health plan to advance advocates' work and daily life. It is in this regard that Dr. Njoki Fernades, through Heri Healthcare Consulting has been brought on board as the ideal consultant and ideal package respectively for the membership. The service package details can be accessed on this Link

Interested members are hereby invited to sign- up form on the form which can be accessed on the link, <https://forms.gle/DQrLmRJm9nUtJt6EA> The sign-up shall be running until 31st March 2023.

We shall have an onboarding webinar on the service before the deadline.

NB: For inquiries, call 0722248942

Law Society of Kenya Mental Wellness Support

In Conjunction with Heri Wellness Centre, our Comprehensive Mental Wellness Support Programme is...

- ✓ **Accessible:** Unlimited access to a Clinical Psychologist for a period of 1 year.
- ✓ **Affordable:** Annual cost of Ksh 6000 per lawyer and immediate family.

Sign up today!

BRANCHES COVERED: >> 1. Nairobi Branch 2. Coast Branch 3. Rift Valley Branch 4. North Rift Branch 5. West Kenya branch 6. South West Kenya branch 7. Mount Kenya branch 8. South Eastern Branch

GOOGLE FORM REGISTRATION LINK

<https://forms.gle/bVUYJLtp2it55bir7>

HERI WELLNESS CENTRE ; 4TH FLOOR ALLAMANO CENTRE CONSOLATA SHRINE, WESTLANDS NAIROBI.

<https://herikenya.com/wellness-centre/> 24 HOUR SERVICE HOTLINES: Whatsapp 0737 469906 or call 0790 180223

UPDATED

NOTICE FOR FILING CLAIMS OF PENDING LEGAL BILLS IN NAIROBI CITY COUNTY

On 16th January, 2023, His Excellency the Governor of Nairobi City County, pursuant to the Gazette Notice No.451 vol. CXXV-No. 11, established the Committee on the Review, Scrutiny and Verification of Pending Legal Bills.

The committee's core mandate is inter alia;

1. To scrutinize and analyze County Government stock of legal pending bills and within 3 months submit a report with recommendation to settlement of the pending legal bills.
2. To within 4 months submit to the Governor a final report detailing recommendations towards streamlining of the procurement of legal services within the County Government and ensuring that future escalation of pending bills is avoided.

Further, the said Committee has developed guidelines to enable it effectively discharge its mandate. The said guidelines can be accessed via this [Link](#)

This is therefore a call on any member, with any claim of pending legal bills against the Nairobi City County accruing and submitted to the County on or before 25th August, 2022 to forward their claims, by filling in the form, on the link <https://forms.gle/6pf66X5Q1H2Ehm3N8> on or before 2nd March, 2023 at 5:00 p.m for consideration by the Committee.





LAW SOCIETY OF KENYA

THE COMMONWEALTH LAW CONFERENCE

Commonwealth
Lawyers Association



THEME:

*Commonwealth Lawyers:
Common Challenges in
Uncommon Times.*

DATE: 5TH – 9TH MARCH, 2023

HOTEL CONFERENCE PACKAGE RATES

1. FORTUNE MIRAMAR HOTEL (3*)
KSHS.363,660.00
2. VIVANTA GOA PANAJI HOTEL (4*)
KSHS.407,060.00
3. GRAND HYATT GOA (5*)
KSHS.453,480.00

The above rates include the following:

1. Conference Registration Fee
2. Accommodation (bb) for 7 nights on single basis
3. Visa processing and fee
4. Travel Insurance
5. Airport transfers (return)
6. Hotel-venue transfers, where applicable
7. Return air ticket on Kenya Airways/Air India - economy class

All payments should be made to the Law Society of Kenya through the bank details provided below:

Account Name: **LAW SOCIETY OF KENYA**
Account Number: **0102095866702**
Bank Name: **STANDARD CHARTERED BANK KENYA LIMITED**
Bank Branch: **HARAMBEE AVENUE**
Bank Swift Code: **SCBLKENX**

Get in touch with Ms. Angela King'oo before Monday, 27th February 2023 through email: angelak@lsk.or.ke or call **0111045300/0722233509** for purposes of making the necessary arrangements.

3
CPD
UNITS



Kenya School of Law

COURSE: STATUTORY INSTRUMENTS & REGULATORY IMPACT ASSESSMENT (3 LSK CPD POINTS)

DATE: 03–07 APRIL, 2023

VENUE: NAKURU

TRAINING FOCUS

Highlights of the course will be an interactive concrete discussion of:

1. Introduction: definitions and principles;
2. Statutory instruments and their place in the statute book;
3. Types of statutory instruments;
4. Statutory instruments as handmaidens of public policy;
5. Statutory framework for regulatory impact assessment;
6. The objectives, goals and outcome of RIA;
7. Regulatory impact assessment: global view and developments;
8. Practical application of RIA: the A-Z of key steps;
9. RIA as a tool for monitoring of compliance and review.

TARGET AUDIENCE The training is suitable for the following, amongst others: · Relevant officers employed by State corporations; · Board members of State corporations; · Commissioners and staff of Constitutional commissions; · County governments. · Officers in the Law, Justice and Order Sector, including the administration of justice; · Regulatory and oversight agencies; · Private persons interested in matters of regulation and oversight; · Policy makers and policy analysts; · Persons involved in developing legislation or legislative proposals.

YOUR INVESTMENT: Ksh. 95,000 inclusive of VAT and registration fee (covers tuition fees, course materials, stationery, lunch and refreshments). Non-East Africans pay USD 1,150. **CPD POINTS:** Members of the Law Society of Kenya who attend and complete the training will be entitled, on payment of extra 1,000.00 to be awarded 3 CPD points. Payment of this sum shall be effected during the training, as will be directed by the organizers of the training.

Application Process Registration for the Course is by logging to <https://services.ksl.ac.ke/web/signup> and signing up (for those without account) or signing in for those who have already opened an account. The system will generate a proforma invoice. Money should be deposited in the School's account: (Account No. 202 2029 110 ABSA Bank PLC, Absa Plaza Branch, Nairobi, Kenya) and the bank slip or evidence of electronic funds transfer presented or scanned to the Finance Office.

For any queries, contact Course Coordinator Mr Isaac Kuloba on ikuloba@ksl.ac.ke, or Jacqueline jacqueline@ksl.ac.ke; Christine cmwanza@ksl.ac.ke



Kenya School of Law

4 TH ANNUAL CONFERENCE [4-5 APRIL 2023]

THEME: LAW IN THE DIGITAL AGE

CALL FOR ABSTRACTS AND FULL PAPERS

The Kenya School of Law now invites academics, researchers, industry experts and students to submit abstracts relating to the conference theme and any of the sub themes. The abstracts will be evaluated by the conference committee and, if accepted, the author will receive a further invitation to submit the full paper.

CONFERENCE FORMAT

The Conference will be held at the Kenya School of Law (Karen), Mutula Kilonzo Building, Gate A. It will also be broadcasted live through the School's YouTube channel and other social media platforms.

JOURNAL PUBLICATION

The final papers will be published in the Kenya School of Law Journal.

SUBMISSION

All abstracts should be submitted by 1 st March, 2023 and full papers by the 17th of March, 2023 via e-mail cpd@ksl.ac.ke

SUBMISSION GUIDELINES

For a submission to be accepted, the paper must conform to the following general guidelines:

- ❖ It should be original;
- ❖ It should not have been published elsewhere;
- ❖ It should not have been submitted elsewhere for publishing;
- ❖ It should conform to the prescribed style guidelines;
- ❖ Its length should be 500 for the abstract and between 5,000 -10,000 words for articles;
- ❖ It should be typed in Palatino Linotype, at 12 point (footnotes 10 point) font size and with 1.5 line spacing;
- ❖ It should include a short professional profile of the author(s);
- ❖ It should be sent electronically by e-mail in Word format (MS Word) to cpd@ksl.ac.ke
- ❖ Articles should be in conformity with the citation style prescribed in the latest edition of the Oxford University Standard for the Citation of Legal Authorities (OSCOLA).

CPD POINTS

Members of the Law Society of Kenya who attend the Conference will be entitled, on payment of extra Kes. 1,000.00 to be awarded 2 CPD points. Payment of this sum shall be effected during the Conference, as will be directed by the organizers.