



11TH JUNE 2023 | ISSUE 12

THE LEGAL INSIGHT

The Official LSK Weekly Newsletter

LSK COUNCIL PAYS A COURTESY CALL TO THE OFFICE OF THE SPEAKER OF THE SENATE

The LSK Council led by the President, Mr. Eric Theuri paid a courtesy call on the Speaker of the Senate, Hon. Amason Jeffah Kingi EGH at his Senate Offices on Thursday 8th June 2023 accompanied by Council Members and the Deputy CEO.

In line with Society's mandate under Section 4, the President flanked by Vice President Faith Odhiambo, presented a memorandum to Hon. Kingi. The memorandum addressed issues that are pertinent to the Society while making a raft of recommendations for further deliberations by the Office of the Speaker of the Senate and the Council of the Law Society of Kenya as well as areas of intervention which included legal reforms; public participation; Legal education and legal aid clinics; capacity building of county assemblies and provision of tracked copies of bills in every stage of discussion in Senate amongst other issues.

The Council noted the significant strides made in the development of numerous legislations and appreciated the Senate for their hard work and hoped to collaborate with a view to further improve the legislative process.

FEATURED

News Segment

Tech News

Notices/Vacancies

Weekly Bites

Upcoming Events



COURTESY CALL TO THE OFFICE OF THE SPEAKER OF THE SENATE





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LSK WELLNESS DAY GALLERY



We'd like to thank all participants for attending the event and all partners for supporting the initiative to encourage an all-rounded state of wellness for members.





STAKEHOLDER ENGAGEMENT FORUM ON THE DEVELOPMENT OF A REGULATORY FRAMEWORK FOR ACCREDITATION OF PARALEGAL EDUCATION AND LICENSING GUIDE

The Law Society of Kenya- through its Compliance and Ethics Directorate participated in the Stakeholders' Validation Forum held on May 30th -31st, 2023, at the Tamarind Tree Hotel, Nairobi, on 'Development of a Regulatory Framework for the Accreditation of Paralegal Education and Licensing Guidelines' hosted by Council of Legal Education and International Development Law Organization (IDLO).

The Stakeholders' discussions were geared towards the creation of a regulatory framework for the accreditation of Paralegal Education in Kenya and the creation of a curriculum for paralegal education.

The Stakeholder's discussions were spearheaded by Prof. Githu Muigai, EGH, SC - Chairman Council of Legal Education, Ms. Mary M. Mutugi, OGW- Secretary/CEO-CLE and the Representative from IDLO. They steered the discussions towards the creation of a curriculum for paralegal education amongst others.

Day one of the engagement forum saw Prof. Kulundu Bitonye, present on the understanding of paralegalisms, the definitional dilemma, the history of paralegalisms, the types of paralegals (Community-based versus Professional/Commercial paralegals), the regulatory framework governing paralegals and the need for standardization of paralegals in Kenya. Dr. Peter Nyaga did a presentation on mapping and the report on the current state of paralegals and organizations undertaking training thereof.

The second day was facilitated by Ms. Florence Shako who took the participants through the proposed curriculum - broken down into four modules of 24 courses in total.

The Plenary covered the stakeholders' recommendations with LSK's first recommendation being to have a separate curriculum for Community-based Paralegals from the Professional Paralegals since the proposed curriculum seems to favor the latter, that there be a clear demarcation on the institutions to train the two categories and that further the 24 courses being proposed be minimized for easy digest. Currently, the Society is preparing a Memorandum on the same and members will be invited to submit their comments in due course.



COURTESY CALL FROM KENYA LAW

The Law Society of Kenya secretariat hosted a team from the National Council for Law Reporting (Kenya Law), led by the Editor/ CEO, Prof. Jack Mwimali, on Wednesday, 7th June 2023. Other members present in the meeting from Kenya Law included Ms. Janet Munywoki (Deputy CEO/ Senior Assistant Editor), Ms. Vivian Etyang and Ms. Wambui Kamau (Senior Law Reporters).

The meeting commenced with a brief by Prof. Mwimali highlighting the mandate of Kenya Law and emphasizing on its mandate on the revision of Laws which was recently delegated by the Attorney General vide Legal Notice no. 29 of 2009.

Through the delegated mandate, it is to undertake the preparation of an Annual Supplement of the Laws of Kenya as guided by sections 7 and 8 of the Revision of Laws Act, Cap.1 of the Laws of Kenya, and as well as the consolidation of the Laws in electronic form on hand on the Kenya Law website www.kenyalaw.org.

Prof. Mwimali further noted that in the process of incorporating legislative developments and reviewing obsolescence in form and structure, there was created the need for public participation in the 24th Annual Supplement thus calling on the Law Society of Kenya to aid in sensitizing the members on the same as part of public participation.

The Society is willing to partner with Kenya Law to engender public participation and sensitization of its members on the same. The meeting was concluded with an appreciation of the various opportunities both institutions can collaborate in to uphold the rule of law.





THE LSK JOINS THE KENYA CHRISTIAN LAWYERS FELLOWSHIP (KCLF) EVENT ON ETHICS AND INTEGRITY



The LSK Compliance and Ethics Directorate joined the Kenya Christian Lawyers Fellowship (KCLF) for a panel discussion on Ethics and Integrity at an event that brought together legal professionals from the Christian community.

The event, held at Daystar University Auditorium, was aimed at exploring the ethical challenges faced in the legal field and the society at large and fostering meaningful dialogue on this crucial topic.

The panelists were drawn from various backgrounds and areas of expertise including: Ms. Jennifer Gitiri, HSC, Mr. George Oraro SC, Mr. Beauttah Siganga SC, and Ms. Patricia Chebet of EACC. The panelists' diverse perspectives ensured a comprehensive exploration of ethics and integrity.

In the commencement, Mr. Waweru Gichohi - Legal Counsel of the KCLF emphasized the importance of ethics and integrity in personal and professional lives and the need for an honest examination of these principles in the face of societal challenges.

Throughout the panel discussion, several key points were addressed which included: defining ethics and integrity, highlighting the significance of upholding moral principles, honesty, fairness, and accountability in all aspects of life.

The panel discussion actively engaged the audience, allowing for questions and discussions while the attendees sought the panelists' insights on specific ethical dilemmas and guidance on promoting integrity in their personal and professional spheres. The interactive session facilitated an enriching exchange of ideas and perspectives.

In conclusion, the event provided a valuable platform for all legal professionals in general to engage in meaningful dialogue as it underscored the significance of upholding moral principles, integrity and accountability in the legal profession and broader society. The insights shared by the panelists served as a catalyst for reflection and action, encouraging attendees to contribute to a more ethical and just society.

The KCLF's commitment to promoting ethics and integrity among legal professionals is commendable, and events like these play a pivotal role in creating awareness and inspiring positive change.



LSK ANNUAL CONFERENCE



15- 20TH AUGUST 2023

VENUE: DIAMONDS LEISURE BEACH & GOLF RESORT, KWALE COUNTY

MAIN CONFERENCE THEME:

Climate Change: From Theory to Action, the Role of the Legal Profession in Climate Justice

DISCUSSIONS

Other discussions will cover:
Anti-Money Laundering: The Uncomfortable Agent
A Lawyer's Role in Balancing the Competing Interests

REGISTRATION DEADLINE

31ST JULY 2023

PERIOD	1st to 31st May, 2023 (Early Bird)	1st to 30th June, 2023	1st to 31st July 2023
Annual Conference Rate (Per Delegate)	KES. 32,000	KES. 35,000	KES. 37,000

All Conference Delegates are informed to make their own travel and accommodation arrangements. The Law Society of Kenya has negotiated for discounts from nearby hotels and airlines, which can be accessed on the link, <https://rb.gy/c27nf>

Kindly get in touch directly with the hotels and airlines for further details and assistance.



In case of any inquiries:
Call +254 745 569 854 or 0110 677 188
email annualconference@lsk.or.ke



LSK WEBINAR ON ETHICAL PRACTICE

Lawyers across the world are guided by set out rules of standards set forth in codes of conduct and privileges, ethics, and rules of professional conduct that are established by state bar associations.

The Practice Standards and Ethics Committee are mandated By the Council of LSK to provide support and advice on interpretation, management, and best practices in relation to ethical values, professional principles, and standards as appropriate the committee notes that the issues of quacks and practice by unqualified persons have become rampant. The committee through its members Joy Mukuhi, Karanja Meru, and Lydia Abala had a webinar to discuss ethical practices in Kenya.

The webinar was held on 6th June 2023 with over 180 advocates logging in to the discussions. The panelists had a lively discussion on the emerging issues of practice where advocates would need to apply their professionalism as guided by the Advocates Act and the Code of Standards of professional practice and ethical conduct ("SOPPEC"). The webinar also discussed the new practice directions for virtual court sessions 2023 accessed on Gazette Notice No. 7032 dated 20th May 2023.\

The members were also appraised on the liaison process between the branches and the LSK Secretariat. The LSK branches work in close collaboration with the Secretariat in ensuring law firms adhere to the rules in practice at the devolved level.



COUNCIL DECISIONS TAKEN ON 12TH MAY 2023

The Council Decisions on applications taken on 12th May, 2023 for admission to the Roll of Advocates, Practicing Certificates, Notary Public and Commissioner for Oaths can be accessed on the link:

<https://drive.google.com/file/d/1WxqINaQB3Uvs1p-SX8V-umKhqBXBwele/view?usp=sharing>



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INTERNET PRIVACY: A LAWYER'S GUIDE TO ONLINE PRIVACY (PART 2)

Following up on last week's article on how you can stay safe in this internet age, here are more ways to keep you on the straight and narrow:

- Avoid torrent or piracy web sites

He...he...yes. There is something called ET (Entertainment Theft) and by show of hands please, how many here are thankful for pirate bay for making campus worth it? Aye?... Just me then? Ah. Ok.

Here is what I will say about Entertainment Theft. Do not be the one breaching creator's rights on pirate bay and torrent, downloading pirated movies and music on to your phone or laptop. Because the same way the pirates stole and brought goods and information to you is the same way they will steal your information and sell it to someone else. Are we together?

- Install an antivirus security suite

It is normally a no brainer for laptops and desktops. However, mobile device will also benefit from enhanced antivirus protection as a last line of defense. The software will notify you when you are about to click on malware links or suspicious content.

- Rethink your social media presence

Find a sweet spot between your need to keep up with news and to catch up with friends through social media on one hand and also ensure that you do not compromise your own security and privacy. A tweak your privacy settings will give you control as to the levels of access to your information that you give out.

- Use caution when connecting to public Wi-Fi

The free Wi-Fi offered at coffee shops, public libraries, airports, and hotels is a nice convenience. It allows us to get our work done on the go. But public Wi-Fi also comes with risks and, if you're connecting to such a system, you need to be cautious.

**CONTD...**

The key problem with public Wi-Fi is that it can be easy for prying eyes to access any information you send and receive while online. When you're accessing public Wi-Fi, then, avoid doing anything that involves sensitive information, like entering your bank account password or credit card information. And never send personal information in email messages. If you do, strangers might be able to easily intercept that information.

- **HTTPS everywhere**

Need to connect to your bank, credit union, or credit card provider? Make sure to check the web address in the top of your browser. If it doesn't start with "https," don't log in.

The "https" in front of a web address means that a website is secure and uses encrypted data. If a site's address starts with "http" instead – no "s" – that means the site is not secure. It could be easier for hackers to access and steal personal information or track your online activity if you are visiting unsecured sites.

The good news is that the HTTPS protocol is now standard. The web addresses of your bank, credit card provider, and other financial institutions should all start with it. If you log onto your bank and you don't see "https"? Do not open your account, and do not use the site to pay bills or transfer money.

- **Opt out of personalized ads from Google**

It can be unsettling: You're planning a trip to Miami, so you spend an hour online searching hotels, restaurants, and museums. Suddenly, ads from various airlines show up on your home screen, promising reduced flights to the city.

This is an example of personalized ads, and they're a reminder of just how closely ad networks, such as the major one run by Google, track your online activity.

If you'd like a bit more privacy, you can instruct Google to stop displaying personalized ads. If you do this, you'll still see ads when browsing online, but they won't be related to anything in your search history. To edit your Google settings, log into your Gmail, proceed to the "Personal Info & Privacy" box and follow the selection process.

FEATURE BY

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CALL FOR ARTICLES - THE ADVOCATE MAGAZINE (ANNUAL CONFERENCE EDITION) 2023

The Council of the Law Society of Kenya, through the Editorial Committee, is inviting members to submit articles for consideration for publication in the August 2023 issue of The Advocate Magazine - Annual Conference Edition, 2023.

The submitted articles should:

a) Be in line with the Main Theme of the Annual Conference: "Climate Change: From Theory to Action, The Role of the Legal Profession in Climate Justice."

OR

The Conference Sub Theme: "Anti-Money Laundering: The Uncomfortable Agent, a Lawyers Role in Balancing the Competing Interests"

b) Not exceed 1300 words (footnotes are not required).

c) Attach passport sized photos of the author to be published together with the submitted article.

The magazine also offers an opportunity for members of the Law Society of Kenya and non-members to place advertisements (at subsidized rates) as highlighted below:

Double page spread	Kshs. 500,000
Full page	Kshs. 300,000
Strip front page	Kshs. 200,000
Half Page	Kshs. 150,000
Quarter page	Kshs. 75,000

DEADLINE EXTENDED

NB: The advertising rates are exclusive of the 16% rate of VAT.

The Editorial Committee shall review the submitted articles and reserves the right to delete, edit, or alter in any manner it sees fit the submitted articles for publication.

The submission of articles and requests to advertise should be sent to a.rodil@lsk.or.ke and copied to gloria.kuyoh@lsk.or.ke to reach us not later than 16th June 2023.



THE 13TH PAN AFRICAN LAWYERS UNION (PALU) ANNUAL CONFERENCE - 5TH TO 8TH JULY 2023

The Pan African Lawyers Union (PALU), the Premier Continental forum for Lawyers and Lawyers' Associations, membership has grown exponentially and now comprises of over five Regional Lawyers' Associations (RLAs), over 54 National Lawyers' Associations (NLAs) and over 1,000 individual lawyers. PALU will hold its Annual Conference 2023 bringing together a broad range of participants from all corners of Africa and the Diaspora.

The Conference will take place from 5th - 8th July 2023 at Avani Victoria Falls Resort, Zambia under the theme, "The Sovereign debt crisis in Africa: The Role of the Legal Profession."

The 3-day Conference provides a prime opportunity for participants to broaden their networks, create and renew professional contacts, and deepen their expertise by engaging in strategic consultations and participating in interactive discussions and vibrant side events.

Members are hereby invited to participate in the Conference either as delegates, session sponsors, moderators, or Panelists.

For more information on the Conference please click [Here](#)

THE INTERNATIONAL BAR ASSOCIATION (IBA) ANNUAL CONFERENCE 2023

The International Bar Association (IBA) Annual Conference is the leading conference for Legal Professionals worldwide to meet, share knowledge, build contacts and develop business. It serves to advance the development of international law and its role in business and society, to provide members with world-class professional development opportunities to enable them to deliver outstanding legal services.

The IBA Annual Conference will be held at the Palais des Congrès de Paris from 29th October to 3rd November 2023. It will give members the opportunity to experience over 200 sessions on a wide range of legal topics, along with an abundance of business and networking opportunities on offer attended by some of the world's leading lawyers.

This conference is open to both members and non-members of the IBA, with lawyers from over 130 jurisdictions and all parts of the Legal Profession attending, including Lawyers in private practice, In-house Counsel, Human rights Advocates, Judges, Bar leaders, Regulators and Government Representatives.

For more information, [click here](#).



INTERNATIONAL CONFERENCE ON INTELLECTUAL PROPERTY PROTECTION AND ENFORCEMENT

The Council of the Law Society of Kenya through the ICT/IP Committee convened by Mr. Ochieng Gor, Council Member wishes to notify the membership of the first ever International Conference on Intellectual Property Protection and Enforcement (ICIPPE-1) scheduled to take place between 13th and 15th June, 2023 at the Bomas of Kenya, Nairobi, to be co-hosted by the Anti-Counterfeit Authority (ACA).

The ACA, which is a State Corporation in Kenya's Ministry of Investments, Trade and Industry (MITI) that is mandated to combat counterfeiting in Kenya, will be co-hosting its first three-day international conference on IP protection and enforcement in Kenya in the month of June 2023 as a climax in commemorating the World Anti-Counterfeit Day.

The Conference aims to bring together policymakers, judicial officers, enforcers, leading academic scientists, research scholars and practitioners to exchange and share their experiences and research results on all aspects of Intellectual Property Rights. It also provides a premier interdisciplinary platform for researchers, practitioners and educators to present and discuss the most recent innovations, trends, and concerns as well as practical challenges encountered and solutions adopted in the fields of Intellectual Property Rights.

To access more detailed information on the conference, please click on the following link <https://bit.ly/3nCDvpB>

THE KENYA SCHOOL OF LAW-CERTIFIED SECRETARIES (CS) COURSE

The Kenya School of Law is a training institution established under the Kenya School of Law Act, No. 26 of 2012. The mandate of the School is to undertake practical training in law and other related disciplines for the professional development of lawyers and other actors in the legal sector. The School is the agent of the Government of Kenya for legal training and consultancies.

The School is accredited by KASNEB to provide training leading to the award of the Company Secretarial (CS) qualification upon passing the relevant KASNEB examination. The course imparts knowledge, skills, values and attitudes amongst other competencies. The Course will increase the chances of employment as well as ability to take up consultancies for members of LSK. Further, members qualify for multiple exemptions from KASNEB as provided in the notice.

Members are hereby notified of the Certified Secretaries (CS) Course which can be accessed on this [link](https://rb.gy/at63i), <https://rb.gy/at63i>



DID THE FINANCE BILL 2023 BENEFIT FROM PUBLIC PARTICIPATION?

In the coming week, the Cabinet Secretary National Treasury and Economic Planning will be presenting the First Budget under the Kenya Kwanza regime. The Budget has been precipitated by a public debate on the 2023 Finance Bill. The 2023 Finance Bill seeks to amend various laws relating to taxes and duties with the goal of increasing government revenues from taxes collected. In doing this the government has proposed various measures that include increasing the tax bracket and the tax percentages. A bill of such magnitude is subject to public participation. The public finance framework under Articles 201, 221, and 232 of the Constitution requires that public participation be integrated into the consideration of financial matters. This has been the practice over the past years where the County Integrated Development Plan (CIDP) has had members of the public participate in the planning. In this process, Members of the public can therefore make submissions or attend public hearings to give their views on financial matters. This is in line with intent defined by the International Association for Public Participation which distinguishes it as the involvement of those affected by a decision in the decision-making process.

Being one of the foundational principles of democracy public participation is particularly important as the government lays out its financial plan in the first year of its five-year term. Citizens' participation in government decision-making is fundamental to the functioning of a democratic system of governance as stated in chapter one of the Constitution of Kenya 2010. Public participation has many benefits some of which are: citizen empowerment; the generation of new, diverse and innovative ideas and actions; enhancement of citizen-government relations; legitimation of government programs, appropriate prioritization of projects; improved delivery of public services and; government responsiveness. The importance of public participation is captured in Article 118 of the Constitution, which mandates Parliament to 'facilitate public participation and involvement in the legislative and other business of Parliament and its committees'. Citizen involvement in policy-making and implementation strengthens and deepens good governance. International and regional agreements, which Kenya is a signatory to, in public participation are spurring the government to take steps to improve transparency, participation, and accountability. At a global scale citizen participation is pronounced as part of integrating sustainable development in a country's development agenda.



CONTD...

Kenya Kwanza had emphasized this Bottom-Up Economic Model which is citizen-centric. It is therefore imperative that the voice of the public is part of the discourse in important legislation such as the Finance Bill 2023. It is therefore heart-warming to see the country abuzz with discussions as regards the contents of the Bill. The country has also been afforded the opportunity to see the Finance Committee of Parliament listening in to various stakeholders as regards their opinions on the Bill. This being a democratic process it is expected that the views and opinions of the public including the LSK would find their place in the Bill through proposed amendments. If this is not done, we would be ticking boxes in the legislative process.

FEATURE BY



SOPHIE KAIBIRIA
DIRECTOR
PRACTICE STANDARDS

#VigilanceWakilis.

As Advocates, we are called upon to propel democracy through our advocacy voices for the good of our clients who are the citizens of Kenya. As John Stuart Mills professed "Any Participation, even in the smallest public function, is useful."



LSK CPD WEBINAR



LAW ON TRUSTS:

Implications on Practice and Drafting of Deeds



**REGISTER
TODAY**



**Wanjiru Nduati,
Advocate**

Date: Wednesday, 14th June 2023

Time: 2.00 pm to 3.30 pm

Charges: KES 1,500

Inquiries:



cpd@lsk.or.ke



call 0111045300



SEMINAR

COURSE: LEGAL AUDIT & COMPLIANCE

(For young lawyers)

(3 LSK CPD POINTS)

DATE: 19th - 22nd June, 2023

VENUE: Kenya School of Law- Karen, Nairobi

ABOUT THE COURSE

The goal of Legal Audit & Compliance Course is to equip the young lawyer with the necessary knowledge and skills to undertake legal audit and compliance assignment for clients or their institutions, with the ultimate aim of helping client institutions to entrench the culture of strict adherence to constitutional, statutory, policy and administrative requirements, as well as best practices. The participant will learn about the objectives of legal audits, the benefits thereof. The Course will have many sessions devoted to practical activities simulating the various stages of an actual legal audit exercise. This course will be delivered by persons who have in the past 8 years conducted over 35 legal audits consultancies, and who have extensive experience in conducting legal audit courses. In addition, there will be guest presenters by personnel from selected oversight institutions.

CERTIFICATES: A certificate of attendance and participation will be issued to each participant who attends the entire course.

YOUR INVESTMENT: Kshs. 34,000 inclusive of VAT and registration fee (covers tuition fees, course materials, stationery, lunch and refreshments).

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: Application should be made ONLINE through the platform. Please log at: <https://services.ksl.ac.ke/web/login> sign up and register for the course. Fees 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 to the Finance Office, Karen. Please note that your registration and proof of payment should be complete by 12th June 2023, to enable us to adequately prepare for the course.

Contacts: For any query, contact the Course Coordinator, Ms. Sandra Soi on ssoi@ksl.ac.ke, or Jacqueline at jacqueline@ksl.ac.ke and Christine cmwanza@ksl.ac.ke