



20TH FEB 2023 | ISSUE 2

# THE LEGAL INSIGHT

The Official LSK Weekly Newsletter

## A MESSAGE TO YOUNG LAWYERS

### PERCEPTION IS REALITY: TAKE ADVANTAGE OF IT

People can only judge their perception of you. How can you make that work in your favour?

The reality is you will always be judged, the most important factor is how you navigate the narrative. The unfortunate truth is that the outlook of employment for young lawyers isn't what it once used to be, especially in the pre-digital and post-Covid era.

Lawyers need to make their name in a landscape that's increasingly more business-like, with outsourcing of legal work to lower-paid paralegals and to automated processes. The good news is that the value you place in your work is the value that your clients will place on you.

To remain competitive and relevant in the legal scene requires your unique touch and create a niche therefore:

- Embrace technology and innovation-As the legal profession is becoming increasingly reliant on technology, your future opportunities and relevance are directly related to your understanding and use of the legal tech. The use of technology can make your work more efficient and affordable, which is a prerequisite for being able to meet the demands of today's clients.

### FEATURED

A Message to Young Lawyers

News Segment

Tech News

Notices/Vacancies

Secretariat

Upcoming Events



...CONTD.

- Create a niche- no one size fits all, therefore differentiate yourself from the competition and stand out from the pack. Abandoning the jack-of-all-trades approach and differentiating yourself from the competition will be vital to your future success. If you specialize in a niche, you can offer more value to potential employers or clients.
- Your network is your net worth- as a young lawyer, business development and networking, in particular, should be at the top of your priorities as they can create many opportunities. Get engaged with your colleagues by joining various bar associations or participating in high-profile events. Engaging in strategic professional experience will do wonders for your network, and should never be neglected.
- Build your personal brand. Branding is important for lawyers, especially today when the rise of digital marketing made a strong online presence a necessity. A strong personal brand often provides more business opportunities.



You can set apart your unique path to success. With law schools churning out young layers at a fast pace in the market that may seem overwhelming since the cards are stacked against you, but the modern era does offer ways to flip the odds in your favor. There are many areas you can curve out a niche for yourself due to new legal problems arising from the adoption of new technology, building a personal brand and smart networking is easier today as well, and it comes in handy if you wish to go down the digital route.

You hold a solid foundation for future success, the power lies in your hand!



FAITH ODHIAMBO  
LSK VICE PRESIDENT

“If you’ve got the confidence and the work ethic, you can make any dream come true.”  
– Bret Hart



## MEETING WITH THE LEGAL RESOURCE FOUNDATION

The Council of the Law Society of Kenya through the Public Interest Litigation and Advocacy Committee Convened by Mr. Mwaura Kabata, Council Member held a meeting on the 13th of February 2023 between the LSK and the Legal Resource Foundation (LRF).



The two organisations discussed the revival of the previous engagements between them and to further identify working areas of collaboration. The strategic meeting also focused on possible areas of collaboration and partnership on matters of legal awareness.

In addition, both parties also charted a way forward on the formation of a framework for accountability and monitoring of pro bono services and media communication strategies for legal aid among others.



Members present during the meeting included the LSK CEO, Ms. Florence W. Muturi, the Executive Director of the LRF, Mr. Esau O. Riaroh and other officials from the two organisations.



## THE INAUGURAL LSK PRAYER BREAKFAST

The Law Society of Kenya hosted the inaugural Annual Prayer Breakfast at the All Saints Cathedral on 17th February, 2023. The Chief Guest was the President of the Supreme Court/Chief Justice, Hon. Lady Justice Martha Koome, EGH. The theme was “Kickstarting the year 2023 with His grace and wisdom”.

The prayer breakfast meeting was geared towards upholding, strengthening, and developing the profession, stakeholders, and the Nation by bringing together leaders from several arms of the legal field.



Words of hope, encouragement and integrity were shared by the Chief Justice. She reiterated that justice comes from God and as the judiciary we should stand with justice for all at all times.

The LSK President affirmed the need for all partners of justice to work together as one. The Prayer Breakfast was the first step in unifying us in our role to uphold the rule of law.



## IJM CALLS ON THE LSK

On 16th February 2023, the LSK President, Mr. Eric Theuri held a meeting with the International Justice Mission (IJM) team led by the Country Director Mr. Benson Shamalla.

The meeting deliberated on areas of engagement and explored on ways in which the two organisations can collaborate to boost the confidence of the Criminal Justice Systems in Kenya. Subsequently, they discussed other matters that included: establishment of victims empowerment systems ie reparations/ compensation ,abuse of power by the police ,possible legislative reforms on rights of detained persons and ways to facilitate legal aid/ community sensitization programs for Kenyans.

Both parties committed to continue their engagement and further identify projects that they can undertake together. Mr. Theuri and Mr. Shamala promised to work together on the identified projects.



# NFT: NEXT FRESH THING?

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

Almost everyone spells it out, saying “en eff tee.” The brave call them “nefts”. The enlightened have never had the word cross their lips. A non-fungible token (NFT) is a unique digital asset that represents ownership of real-world items like art, video clips, music, and more.

Feature by CINDY NARIASI

## TYPES OF NFTS

Here are the more common and sensible NFTs that are on the market:

- Art

Art is the most popular form of NFT out there. The conception of NFTs was a prime opportunity for artists to sell their best works online as though they are physical. Right now, a lot of the most expensive NFTs are works of art.

- Music

Musicians typically only pocket a fraction of the money that their music generates due to streaming platform cuts and record label cuts. When it comes to NFTs, musicians can keep roughly 100% of the money, which is why so many musicians are turning toward this method.

- Video Game Items

Nowadays, millions of Copies of Downloadable Content (DLC) assets are sold to players, but an NFT asset will be unique and exclusive to one buyer. Developers can sell regular DLC but then sell a limited edition version of it on the NFT market.

- Memes

In case you thought the internet couldn't get more interesting, you can buy and trade memes on the NFT market.

- Domain Names

You can register a domain name and sell it on the NFT market, and that comes with a certain benefit. Usually, you need to pay a third-party company to manage your domain name. If you buy one on the NFT market, you will be able to claim exclusive ownership of the name, cutting out the middleman.

## Importance of NFTs

The most obvious benefit of NFTs is Market Efficiency. The conversion of a physical asset into a digital one streamlines processes and removes intermediaries. NFTs representing digital or physical artwork on a block chain remove the need for agents and allow artists to connect directly with their audience.





# NFT: NEXT FRESH THING?

## Nexus between NFTs and Intellectual Property

NFTs are created through a process called minting. This minting process often entails incorporating smart contracts that assign ownership and manage the transferability of the NFT.

As tokens are minted, they are assigned a unique identifier directly linked to one block chain address. Each token has an owner, and the ownership information is publicly available.

Buying an NFT doesn't grant you ownership of the digital asset, artwork, or design. Unless the author transfers copyright ownership to the NFT buyer, it's legally still the author that owns the intellectual property of the NFT despite the NFT transfer to its new owner.

## Future of NFTS

NFTs are the missing piece to decentralizing the rest of our financial system and enabling fundamentally novel financial interactions to take place. The result will be a massive increase in financial inclusion across the globe — letting large portions of the population interact with a system that has, up to now, been inaccessible to all



Feature by

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State Counsel  
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"I've seen the game change over the years from analog to digital and I'm always happy when the technology lets the fans connect with the artist."

-Calvin Cordozar Broadus Jr., known professionally as Snoop Dogg



## NOTICE FOR SUBMISSION OF COMMENTS TO THE TASKFORCE FOR POLICY AND LEGAL REFORMS

The members at the SGM held on the 29th July, 2022 established a Task Force to undertake a review of the laws governing the affairs of the Society and Advocates in general. The task force is to review the current legislative framework and make recommendations for policy and legal reforms with specific focus on the following legislations:

- Advocates (Practice) Rules, 1966;
- Advocates (Marketing and Advertising) Rules, 2014;
- Advocates Act Cap 16;
- Law Society of Kenya Act of 2014; and
- The Law Society of Kenya (General) Regulations, 2020.
- Advocates (Disciplinary Committee) Rules, 1990

The above legislations can be accessed on the link, <http://kenyalaw.org/kl/>

Additionally, noting the challenges posed by money laundering & illicit financial flows, terrorism, and the emerging practice of linkages with international law firms, the Council proposes to adopt Anti- Money Laundering Regulations as per the link, <https://bit.ly/3lrWMbP>

Since its inauguration, the task force has prepared a preliminary review of all the legislations and subsequently, it is in the process of preparing a report to be discussed with stakeholders.

In regard to the foregoing, the taskforce is inviting members to submit comments on the above legislations which are the bedrock of the current legal practice framework. The comments should be submitted to the taskforce Secretary Mr. Collins Odhiambo via [collins.h@lsk.or.ke](mailto:collins.h@lsk.or.ke) not later than Friday, 17th February 2023. at 5:00p.m.

## 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](mailto:winnie.tsuma@lsk.or.ke) not later than Friday, 3rd March, 2023 at 5:00 p.m.



## VACANCY - 2 ASSOCIATE POSITIONS

Chimera, Kamotho & Co. Advocates LLP, a full-service firm with offices in Nairobi and Diani, invites applications from qualified advocates to fill two associate positions in its Nairobi office. The ideal candidates must:

- Have at least 1-2 years of experience;
- Be able to work with minimum supervision;
- Be willing to learn.



Candidates are requested to submit their applications accompanied by relevant testimonials to [info@mklaw.co.ke](mailto:info@mklaw.co.ke) by 28th February 2023.

## REQUEST FOR INFORMATION REGARDING THE ADMISSION OF KENYAN ADVOCATES IN OTHER JURISDICTIONS

The Law Society of Kenya is mandated to inter alia represent, protect and assist members of the legal profession in Kenya in matters relating to the conditions of practice and welfare, facilitate the realization of a transformed legal profession that is cohesive, accountable, efficient and independent and to establish mechanisms necessary for the provision of equal opportunities for all legal practitioners in Kenya.

To fulfil this mandate, as well as to establish mechanisms necessary for the provision of equal opportunities for all Kenyan legal practitioners in other jurisdictions, the Council of the Law Society of Kenya, through the Presidents of the Bar Associations, requested for information and data on Kenyan Advocates admitted in their jurisdictions, however, no feedback has been received so far.

Consequently, the Council resolved that members to furnish the Society with details on the statuses of their applications for admission to other Bar Associations, for consideration by the Council and to inform the way forward.

Members are hereby invited to submit information and data on the status of their applications in other Jurisdictions, by clicking on the [LINK](#) so as to reach us not later than Friday, 24th February 2023 at 5:00 p.m.





## VACANCIES - ASSOCIATE ADVOCATE & LEGAL CLERK

Migos Ogamba & Waudo Advocates, a well established medium sized law firm based in Nairobi requires the services of a high calibre Associate Advocate and a legal clerk.

### Qualifications and Requirements for Associate Advocate

- Bachelors of Law degree from a recognized University
- Post graduate Diploma in law from the Kenya School of Law/Be admitted as an Advocate of the High Court of Kenya.
- Kenya Certificate of Secondary Education (KCSE) minimum mean grade of C+ or its equivalent from a recognised institution;
- Minimum of six years (6) years post-admission experience in a busy law firm;
- Sound Knowledge of and experience in litigation with skills and expertise in prosecuting and defending civil, commercial, Constitutional, judicial review, labour and land matters.
- Exposure to Arbitration and ADR would be an added advantage.
- Exposure to criminal defence work would be an added advantage.
- Holder of a current practicing certificate and have a Certificate of Good Standing from LSK
- Clearance Certificate from the Advocates Complaints Commission
- Be computer literate.
- Strong attention to detail and excellent time management skills.
- Be a highly motivated performer with a results oriented approach capable of working well under pressure with minimum supervision.
- High degree of responsibility, professional ethics and personal integrity.

### Qualifications and Requirements for Legal Clerk

- i. Have a Kenya Certificate of Secondary Education Certificate
- ii. Have a Certificate in law (paralegal training) from a recognised institution.
- iii. Be a registered process server.
- iv. Must have a Current and valid process server certificate.
- v. Must have a Certificate of Good Conduct from the Directorate of Criminal Investigations.
- vi. Must possess a Certificate of Proficiency in computer applications from a recognised institution.
- vii. Be conversant with filing court process through the judiciary's e-filing system.
- viii. Have high levels of integrity.
- ix. Have a positive attitude
- x. Ability to work with minimum supervision and strict timelines.
- xi. Have at least two (2) years proven work experience in a busy law firm or Department.



### Remuneration

Competitive and dependent on qualifications, skills and experience.

Interested and qualified persons are requested to submit their applications to [hrlegal@migosogamba.com](mailto:hrlegal@migosogamba.com) on or before 24th February, 2023 indicating their current salary together with detailed Curriculum vitae, copy of National Identity Card, copies of academic and professional certificates and testimonials.



# INTRODUCING THE SECRETARIAT: MANAGEMENT



**MARY MWATHI KITONGA**  
DEPUTY CEO  
COMPLIANCE & ETHICS



**FLORENCE MUTURI,**  
SECRETARY/CEO



**COLLINS ODHIAMBO**  
DEPUTY CEO  
PUBLIC INTEREST & LEGISLATION



**HAROLD AYODO,**  
DIRECTOR - CPD



**SOPHIE KABIRIA,**  
DIRECTOR-  
PRACTICE STANDARDS



**JOAB MBAKAYA,**  
AUDIT & RISK MANAGER



**MICHAEL CHEGE,**  
AG. CHIEF ACCOUNTANT



**JOYCE WANGARI,**  
PROG. OFFICER-  
PUBLIC INTEREST, LEGAL AID &  
HUMAN RIGHTS



**GEOFFREY KARANI,**  
PROG. OFFICER, ICT



**ESTHER MURIUKI,**  
PROG. OFFICER- ABA



**BONIFACE KIVUVA-**  
PROCUREMENT OFFICER



**AGNETTA RODI,**  
PROG. OFFICER-  
COMMUNICATION



**NJERI MUTITU,**  
PROG. OFFICER,  
COMPLIANCE & ETHICS



**WINNIE TSUMA,**  
PROG. OFFICER, PARLIAMENTARY  
AFFAIRS AND LEGISLATION



**EMILY TENGE**  
PROG. OFFICER-  
CPD



**LSK CPD WEBINAR**

**Alternative Dispute Resolution:**  
Enforcement of Arbitral Awards

**1 CPD UNIT**

**REGISTER NOW**

**SPEAKER:**  
Allen Gichuhi EBS,  
C.Arb, SC

DATE: Wednesday, 22nd Feb, 2023  
TIME: 2:00PM - 3.30 PM

Charges: Kshs. 1,500

Inquiries: cpd@lsk.or.ke or  
call 0111045300

**LSK CPD SEMINAR**

**REFORMS IN CIVIL LITIGATION AND SMALL CLAIMS COURT PROCESSES:**  
OPPORTUNITIES AND CHALLENGES

**2 CPD UNITS**

**Kirimi Guantai, Advocate**

**Maria Mbeneka, Advocate**

**Stella Kanyiri, Ag. Registrar, Small Claims Court**

Venue: **Alba Hotel, Meru**

Date: **Friday, 24th February 2023**

Time: **8.30am – 2.30pm**

Charges: **KES 4,500** (Advocates over three years in Practice) and **KES 3,500** (0-3 years in Practice)

**REGISTER NOW**

cpd@lsk.or.ke or  
call 0111045300



# 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](mailto:angelak@lsk.or.ke) or call **0111045300/0722233509** for purposes of making the necessary arrangements.

