

8TH AUGUST 2023 ISSUE 16

THE LEGAL INSIGHT

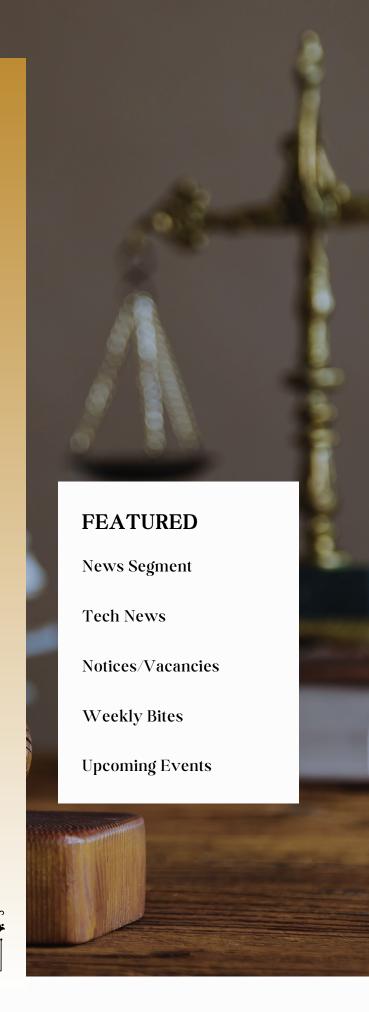
The Official LSK Weekly Newsletter

LSK COUNCIL SOUTH WEST KENYA BRANCH VISIT

The LSK Council led by the President visited the South West branch chapters of HomaBay and Kisii on Friday 28th July 2023. The Visits were precipitated by Courtesy calls to Judges in Kisumu Law Courts and Homabay Law Courts. During the court's visits the chapter chairs, Judicial officers, and other members from the region were present.

At the Kisumu Law Courts, a number of issues were raised which included; Violations by the Police of members' rights to protest during the maandamano was discussed, Suspects being held in custody beyond the constitutional threshold and Children in conflict with the law being held in custody together with adults amongst other issues. And with this, the public perceived the justice system as being tainted by the practice above.

It was further proposed that the Judiciary needs to consider reviewing the pro bono fees to lawyers and adapt to the practice of starting court processes by inviting the senior advocates first while also encouraging counsels to be introducing themselves by stating their full names and registration numbers, especially on the virtual platforms.









CONTD...

Other issues raised included; Virtual Courts being problematic in Homabay due to a lack of power backup, courts having issues with foreign advocates especially those from Uganda who had been admitted in Kenya and had little knowledge of the practice in Kenya. It was noted that they had poor presentation and representation of their clients in court in Kisumu and It was reported that there was a shortage of Judicial Officers in courts at Ogembo, Oyugis, and Kisii that was limiting the expeditious delivery of justice for litigants among other issues that the Council took note of.

The Council promised members that they look into the issues raised with the relevant bodies with the aim of improving practice for the members and the welfare of the members.





A STEP IN THE RIGHT DIRECTION WITH THE STATE DEPARTMENT OF LANDS

The president and Vice president attended a meeting today with the Ps lands and signed a mou on some of the deliverables as per the mou.

Today marks a fundamental breakthrough in the registration of Long Term Leases. Following the protest by members of the Law Society of Kenya citing several issues with the process and the petition presented by the Society alongside ISK, the State Department of Lands agreed to enter into a Memorandum with the LSK and ISK to unlock the long-term leases. The three parties have also agreed on measures to unlock the challenges that were presented in the Petition.

We will continue to work with the lands office to address the concerns of all our members and the public in general.



SOUTH WEST KENYA RETAIN CUP DURING THE LSK JUSTICE GAMES 2023

The Law Society of Kenya for the 1st time ever held its 19th LSK Justice Games Tournament at the South West Branch in Kisii County. The event held under the theme, The Mashinani Justice Games, was officially kicked off by the Chief Guest, Hon. Sila Munyao, Presiding Judge- Kisii County.=The Games brought together 26 teams drawn for the Public (Stakeholders in the Legal Justice systems) and Private sector (Law Firms) of the Republic of Kenya whom not only participated in soccer but also Volleyball, Golf, Table tennis, Snooker, darts and funs games amongst others.

The Games whose main attraction is Soccer, saw teams battle it out at the Gusii Stadium which was divided into four pitches while the Golf, Volleyball and indoor games were played at the Kisii Sports Club.

After a gruesome five hours of play with in-between breaks filled with fun games which included tug of war, sack race, and spoon race, the games proceeded to the finals with the LSK South West Kenya and the Parliamentary Joint Services battling it out. The final play brought out an aura of anxiety as the teams maneuvered the pitch, tackling, kicking and playing off to the last whistle with the LSK South West Branch winning.

The electrifying closing and awards ceremony was graced by the Hon. Okong'o Omogeni, Senator- Nyamira County who is a member and former Chair of LSK. The event saw the other winners of the various Games being awarded with the climax of the ceremony being the LSK South West Branch declared and awarded the trophy as the 2023 LSK Justice Games winners. The 2nd best and runners up were Kisii Teaching and Referral Hospital and the Joint Parliamentary Services. The day ended with songs and dance filling the air as the players and spectators cheered the winning team.





JUSTICE GAMES GALLERY



















LSK PRESS STATEMENT ALONGSIDE AMNESTY KENYA & KENYA MEDICAL ASSOCIATION

Amnesty International Kenya, Kenya Medical Association, and the Law Society of Kenya are deeply concerned over the cases of police use of excess force in Kisumu and Kisii Counties during the Azimio la Umoja anti-government protests. We are deeply concerned to note that preliminary findings conclude that there was indeed the use of excessive force by the police mated against protestors during the 19-21 July 2023 protests. The preliminary findings indicate that the use of excessive force on demonstrators has been consistent since the anti-government protests first began on 20 March 2023.

The Full Statement can be accessed via the link below:





OPERATIONALIZATION OF THE HIGH COURT AT KWALE

The Judiciary has now operationalized the High Court at Kwale effective 15th September 2023.

This is a great milestone indeed which shall enhance access to justice to the people of Kwale and Kenya at large. The Court shall be located within Kwale township at the Kwale Law Courts building or such other premises as may be communicated whenever the need arises.









CONTINUING PROFFESSIONAL DEVELOPMENT (CPD) EVENTS FOR THE MONTH OF AUGUST 2023

The Law Society of Kenya through the CPD Committee has organized a series of virtual events on various topics as indicated on the table below. The events have been organized in addition to the schedule provided in the CPD Calendar of events. Members can book and pay for the events through the members portal which can be accessed on the link https://online.lsk.or.ke/login

Date	Topic	Facilitators	Time	Venue	Cost (Kes)	CPD Units
02/08/2023	Corporate Governance & Culture	Dr. Wyne Mutuma, Advocate & Council Member, Institute of Certified Secretaries (ICS)	2.00pm -3.30pm	Online	1500	1
04/08/2023	Bread & Butter Discourse: Advocate-Client Taxation from A to Z	Dr. Andrew Khakula, Advocate	2.00pm -3.30pm	Online	1500	1
07/08/2023	Company Voluntary Arrangements (CVA) Under Insolvency Act 2015	Desmond Odhiambo, Advocate	2.00pm -3.30pm	Online	1500	1
09/08/2023	Negotiation in Family Law: The Role of the Advocate	Ann Mbugua, Advocate	2.00pm -3.30pm	Online	1500	1
11/08/2023	Advising Start Ups: Legal Aspects of Raising Venture Capital Financing	Elsie Oyoo, Advocate	2.00pm -3.30pm	Online	1500	1
14/08/2023	Aviation Safety & Security at the Airport	Dr. Rodgers Manana, (LLD) Advocate & Expert International Air Law with Interest in Unmanned Aircraft Systems (UAS)	2.00pm-3.30pm	Online	1500	1
23/08/2023	Technology & the Law	Shem Otanga, Advocate	2.00pm-3.30pm	Online	1500	1
24/08/2023& 25/08/2023	Taxation and Finance Laws: Equipping the practitioner and the manager of the law firms in matters Tax.	TBA	8.30am-2.30pm (both days)	Panari Hotel, Nairobi	4500/3500	4
28/08/2023	Legal Framework on Dividends & Company Distribution	Mathews Okoth, Advocate	2.00pm-3.30pm	Online	1500	1
30/08/2023	Emerging Jurisprudence from the Supreme Court of Kenya	Hon. Justice Isaac Lenaola, FCIArb , MBS, CBS, SCJ	2.00pm-3.30pm	Online	1500	1

Booking for CPD events is mandatory before making any payments. Those who intend to attend CPD events are required to book online and pay as illustrated on the link <u>Kindly click here for the online CPD booking manual</u>

Click	here	to	access	the	<u>notice,</u>
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Statement Commending the Zambian and Ghanaian Governments for Abolishing the Death Penalty

The Commonwealth Lawyers Association (CLA) commends the governments of Zambia and Ghana for abolishing the death penalty. This is a victory for the protection of the right to life in both Countries. According to the Death Penalty Project, Ghana is the 29th African country to abolish the death penalty and the 124th globally. Consequently, these developments are in line with global trends to abolish the death penalty.

Whilst Zambia will completely abolish the death penalty following the enactment of the Defence Amendment Bill of 2023, we note that Ghana still retains the constitutional provision permitting the execution of the death penalty for the crime of treason.

The death penalty is widely recognised as being an unjustifiable violation of the right to life, the right to human dignity, and the protection against cruel and degrading treatment. Consequently, we urge all Commonwealth jurisdictions to abolish the death penalty.

We thank the Death Penalty Project for the work they have carried out to accomplish these developments.

Commonwealth Lawyers Association (CLA)

1st August 2023

The Commonwealth Lawyers Association is an international non-profit organisation which exists to promote and maintain the rule of law throughout the Commonwealth by ensuring that an independent and efficient legal profession, with the highest standards of ethics and integrity, serves the people of the Commonwealth. commonwealthlawyers.com

Read full statement here



10TH ANNUAL CAPACITY BUILDING WORKSHOP AND SYMPOSIUM ON COMPETITION LAW AND POLICY

The Competition Authority of Kenya will host the 10th Annual Capacity Building Workshop and Symposium on Competition Law and Policy. The Capacity Building Workshop will comprise a daily four-hour in-person session on 25th and 26th October, 2023. The Symposium will take place on 27th October, 2023.

The Capacity Building Workshop will address core areas of competition law and economics, with a focus on practitioners' needs. Participants will benefit from case exercises informed by the Authority's past intervention cases.

Some topics of discussion include Procedural Framework for Competition Law Enforcement, Consumer Protection in the Financial Services Sector, Assessment of Vertical Agreements, and the Role of Market Inquiries/Studies in Competition Law Enforcement.

The Symposium on Competition Law and Policy will focus on Role of Competition and Consumer Protection Policy in Advancing Sustainable Consumption and Production as well as Complementarity or Conflict: Interaction between Competition and Industrial Policies.

AUTHORITY

Law Society of Kenya (LSK) members who participate in the Capacity Building Workshop will earn two Continuous Professional Development (CPD) points.

Package Options	Early Bird (Before 31st August 2023)	Standard Fee (From 1st September 2023)		
Capacity Building + Symposium	Kshs. 40,000.00	Kshs. 50,000.00		
Group bookings (Capacity Building Workshop/person (Minimum 6 pax)	Kshs. 40,000.00			
Symposium ONLY	FREE	FREE		

To reserve a slot for participation in the Workshop or Symposium, fill the booking form available via: https://t.ly/ntvZw

For more details regarding the Workshop and Symposium, see attached flyer-10th Annual Capacity Building Workshop & Symposium Flyer

In case of any queries, contact the Authority via; Email: symposium2023@cak.go.ke

BIENNIAL IBA AFRICAN REGIONAL FORUM CONFERENCE

Registrations are now open for the upcoming Biennial IBA African Regional Forum Conference: future-proofing the African legal profession, taking place in Kigali, Rwanda on 13-15 September 2023.

Sessions will include:

- Regional integration: prospects for the successful implementation of AfCFTA
- Technological disruption in the African legal sector
- The ESG agenda in Africa: from people, business and legal perspectives
- Opportunities and challenges for regulating new tech players in African services sectors
- Mapping international arbitration in Africa: what has changed in the last decade?
- Data protection and privacy: the art of risk-management
- Is the future of international criminal law domestic?
- Training the future lawyer: is current legal education fit for 21st century purpose?
- Making a success of the post-pandemic law firm

The evolution of Force Majeure clauses in commercial contracts to address emerging global treats Symposium for Young Lawyers and Bar Leaders Summit on 13 September 2023.

Advertising and sponsorship opportunities

For details of how to become a sponsor for this event, please email jenny.roote@int-bar.org.

NOTICE FOR COMMENTS ON THE ANTI-MONEY LAUNDERING AND COMBATING OF TERRORISM FINANCING LAWS (AMENDMENT) BILL 2023

The Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill 2023 is a Bill for an Act of Parliament that was developed to amend various Acts of Parliament relating to anti-money laundering, countering the financing of terrorism and countering the proliferation of weapons of mass destruction in addressing deficiencies identified during the Mutual Evaluation of Kenya and matters incidental thereto.

The Bill seeks to amend the following laws, which can be accessed on the link, https://drive.google.com/file/d/1k2guGhi6uNjR6WGrrT-kVgwMGWTBXpZL/view



NOTICES/VACANCIES

REGISTRATION DEADLINE FOR EAIAC 2023 HAS BEEN EXTENDED: CONFIRM YOUR SLOT TODAY!





STEPHENSON











UNVEILING THE PRESTIGIOUS AFRICA ARBITRATION AWARDS 2023

The 10th East Africa International Arbitration Conference (EAIAC) 2023 is delighted to announce the opening of nominations for the highly anticipated annual Africa Arbitration Awards(AAA) 2023. In its 4th year, the Africa Arbitration Awards aim to celebrate, recognise, and honor outstanding practitioners and leaders in the Africa arbitration ecosystem and will be celebrated at a Gala Dinner on Friday, 25th August 2023 in Zanzibar alongside celebrations for the 10th anniversary of EAIAC.

EAIAC has for the last nine years convened annual regional international arbitration forums, providing a platform for thousands to network, build partnerships and acquire new skills. EAIAC has profiled 450+ practitioners who have participated as speakers at the events. The Africa Arbitration Awards forms part of our vision of building international arbitration capacity, expanding our networks as we promote, profile and celebrate Africa's success in international arbitration.

The five (5) Award categories are:

- 1. African Arbitrator of the Year (over 40 years of age, in a recent international arbitration)
- 2. Leading Case Counsel Team (representative team in a recently completed case).
- 3. Young Arbitration Practitioner of the Year (under 40 years of age, in a recent international arbitration case).
- 4. Innovation in Arbitration (innovation by online platforms, and case teams)
- 5. Leading Arbitration Service Provider (such as experts, funders, forensics and transcription).

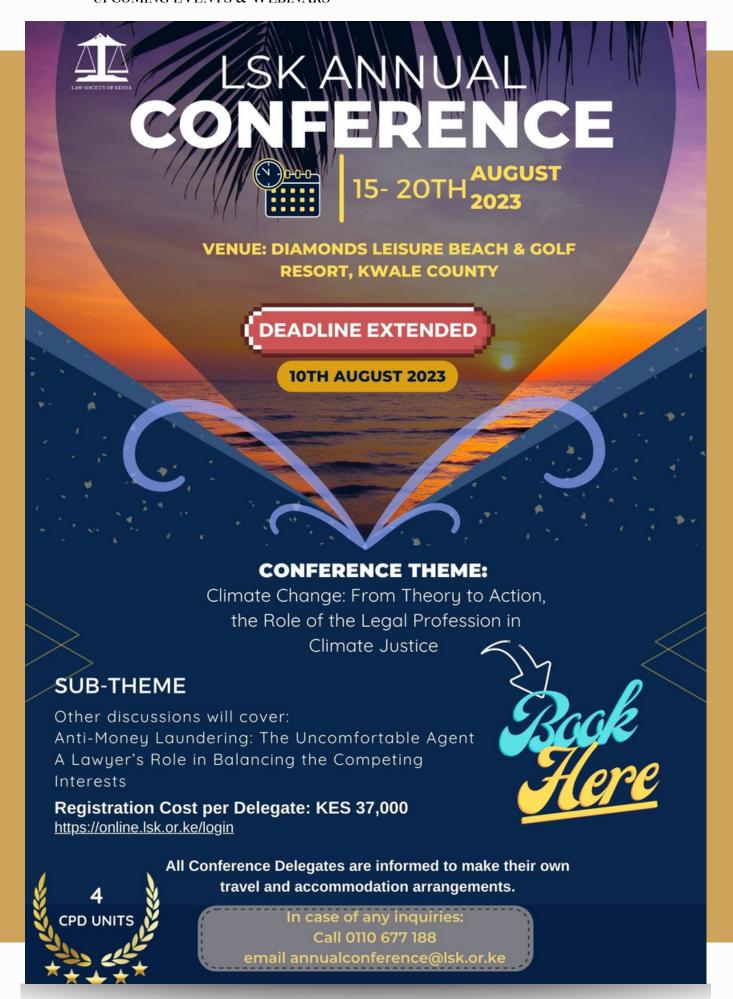
Below are general rules for all categories. Please note that specific nomination rules are available on: https://www.eastafricaarbitration.com/nominations/

- Nominations will require a detailed description (250-300 words) of why the nominee deserves the Award. Describe the special attribute that makes the Nominee deserving. Descriptions of other arbitration initiatives (such as conferences or trainings) can be provided.
- Include a description the matters or case/cases that the nominee was/is involved in. Please anonymize confidential arbitration cases.
- CVs/resumes are encouraged.
- For team nominations, CV of team leader and description of each member of the team are encouraged.
- Self-Nominations are welcome, and you can encourage your colleagues and contacts to nominate you.
- Previous winners are not eligible for nomination.











COUNCIL DECISIONS TAKEN ON 10TH JULY 2023

The Council Decisions on applications taken on 10th July, 2023 for admission to the Roll of Advocates, Practicing Certificates, Notary Public and Commissioner for Oaths can be accessed on the link: https://rb.gy/qqauw

NOTICE FOR FREE WEBINAR REGISTRATION: CHILDCARE AND PARENTING SUPPORT FOR FEMALE EMPOWERMENT

The Law Society of Kenya (LSK), through its Gender Committee convened by Ms. Riziki Emukule, is organizing a webinar on Childcare and Parenting support for Female Empowerment. The webinar aims to have three panelists discussing the topic Childcare and Parenting support for Female Empowerment from their respective different perspectives with an aim of finding the merging point. The webinar shall focus on Absentee Parents; Gender Inequality and Women's Rights in The Context of Child Custody and Child Maintenance.

The Panelists for the webinar are Wanjiru Kiniti, Advocate & Lecturer at Mount Kenya University Parklands Law Campus, Julie Matoke -Advocate, Justice Defenders Kenya; Lecturer Kabarak Law School and Nerima Were -Pan-Africanist Feminist Lawyer and Advocate. The moderator for the webinar is Mercy Kalei, Advocate and Member of the Gender Committee. Members are hereby invited to join the free webinar to be held on 8th August 2023 at 2.00 p.m. through this link: https://shorturl.at/kCRTX.

NB: No CPD units shall be awarded.



FEEDBACK ON JUDICIARY SERVICES FOR SEAMLESS SERVICE DELIVERY

The Law Society of Kenya has received numerous concerns from our members regarding the services provided by the Judiciary ranging from delays in delivery of Judgement, delays in court starting time, corruption and incompetence among others.

In recognition of the critical importance of a robust and efficient judicial system in upholding the rule of law and delivering justice to all citizens of Kenya, the Council seeks to address these concerns to ensure seamless and effective service delivery.

Members are hereby requested to share any experiences and concerns they may have with regard to service provision, in order for the Council to prepare and present a comprehensive report to the Judiciary, highlighting the areas that require intervention and/or take any other action it would deem expedient.

Members are therefore requested to submit feedback and any relevant evidence or documentation by filling the form https://forms.gle/39kiWj1dEHen49rGA so as to reach us not later than 10th August, 2023 at 5:00 pm.

N/B All information received will be treated with the utmost confidentiality and used solely for the purpose of advocating for positive change within the Judiciary.

The Council reiterates its commitment to representing the collective interests of our members and advocating for a transparent, efficient, and accountable judicial system.







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, Inhouse Counsel, Human rights Advocates, Judges, Bar leaders, Regulators and Government Representatives.

For more information, click here.





THE ANNUAL CONFERENCE: TIME TO MEET, LEARN AND UNWIND

The Law Society of Kenya has been a pillar of democracy for the Kenyan Legal System since its inception. The LSK has similarly undergone several regimes of governance in the Country. In its existence, it has also been subjected to legal reforms that have been part of Kenya's democratic growth which has been a result of both internal and external influence. In this democratization process and institutional changes, the LSK has continued to interlink with the Kenyan public and stakeholders as part of its mandate. During this process, the LSK has kept in tune with the Global Agenda which invariably applies to the country's agenda. It is, therefore, prime that in this constant shift, the LSK has continued to keep abreast with the Global themes. This year we tackle Climate Change.

Climate change, climate justice, and climate action among others have been the buzz phrases for the country and the world as we inch close to 2030, when the global target for SDG Goals was set. A target that Kenya as a middle-income country seeks to achieve. Climate Change as a theme was not only selected for its global reach but also because Advocates are being affected not only by the legal reforms that it poses but also by the society in which they will be serving. It will also present a learning opportunity for advocates to engage in new areas of practice as well as incorporate innovative strategies in problem-solving. All this will be happening from 15th to 20th August 2023, at the LSK Annual Conference.

As Wakilis travel to Diani this year for the Annual Conference it is important to highlight how the spirit of the conference has revolutionalized the legal realm. Since the advent of the Annual Conference, the LSK has engaged in headlining causes. This includes: the fight for democratic governance through multipart: the clamor for constitutional reforms in the 1990s which saw senior counsels appointed to the Constitutional Review processes that resulted in the Constitution 2010; the corruption purge within the public sector that led to the strengthening of the anti-corruption bodies: the push for Judicial reforms churning through the Governance Justice and Law and Order Sector (GJLOS) that lead to an independent Judiciary and institutionalization of access to justice through among others public participation processes within the judicial system; tackling the nuances presented by the devolution post-2010 through litigation and constitutional interpretation; Pushing for sustained electoral reforms among others. In all these causes the LSK has been vibrant in being an accountability agent for the Society against the principal governance structures.

Good governance has presented itself as a journey dotted with impact-driven advocates within the legal ecosystem. Social intellectual engagements such as the Annual Conference have always fanned the fire to do more. Keep #VigilanceWakilis and let us do more for the society let us register for the annual conference and converge our ideas into worthwhile movements. Let us continue to fuel our spirits of good governance through intellectual discourse in our Annual Conference. As we do so let us encourage each other and the presenters who have taken time to prepare their work for our consumption by being present to learn, re-learn and unlearn for the better.

WRITTEN BY SOPHIE KAIBIRIA









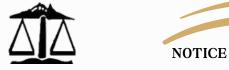
LEGAL RESEARCH ASSISTANTS

 The Society seeks to recruit two (2) Legal Research Assistants, to aid with research work for the Advocates Disciplinary Tribunal, for a contract period of one (1) year.

COMMUNICATIONS INTERN

The Society is offering a 6
months'Internship opportunity in
the Communications Department
to a candidate with photography,
videography and graphic design
qualification.

Job specification and other requirements are available on our website, www.lsk.or.ke



CALL FOR NOMINATIONS TO THE NEW CLA COUNCIL 2024-2026



CLA members are invited to submit nominations for the election of the new CLA Council for the period 2024 - 2026

Nominations are sought for seats on Council for the next strategic period 2024 - 2026. Representation is required for each of the 56 Commonwealth member states, together with a member from each Crown Dependency and British Overseas Territory, Scotland, Northern Ireland, Zimbabwe and Hong Kong.

We are seeking nominations of candidates who are prepared to actively support and engage with the objectives of the CLA and the challenges of the new strategic period. Joining the CLA Council is a unique and prestigious opportunity to represent your jurisdiction's perspective and to work to promote the rule of law and integrity of the legal profession on an international footing.

We urge all our members to become involved with this expanded opportunity for direct involvement.

Please read the attached guidance documents for further information:

The roles and responsibilities of Council members

CLA Council countries list

Please submit your nomination, which should have the support of the nominee and of a seconder, via the online form below.

The deadline to submit all nominations is 5.00 pm BST on 15th September 2023.

The proposer, nominee and the seconder must all be members of the CLA at the date of nomination and the nominee may not self-nominate.

An e-vote will follow thereafter, with a declaration of results on 1st February 2024.

Nominate Now

If you have any queries with the nomination process, please email info@commonwealthlawyers.com