

27TH OCTOBER 2023 ISSUE 26 THE LEGAL INSIGHT

The Official LSK Weekly Newsletter

THE 2023 LEGAL AWARENESS WEEK OBSERVED



From Left Mohammed Jaafar (UNDP- Kenya), DPP Renson M. Ingonga, LSK President Eric Theuri and LSK VP Faith Odhiambo at the Launch of the Legal Awareness Week 2023

The Council of the Law Society of Kenya, through the Public Interest Litigation Committee, chaired by Mr. Mwaura Kabata, held the Legal Awareness Week 2023, under the theme: "Unlocking Justice: A Collective Effort To Decongest Prisons and Deliver Legal Aid" from Monday, 23rd to Friday, 27th October 2023.

The Legal Awareness Week was launched on Monday 23rd October 2023 at the Milimani Law Courts with the Director of Public Prosecutions, Mr. Renson Ingonga gracing the occasion. In his speech, he stated that, the Office of the Director of Public Prosecutions (ODPP) continues to contribute towards the national agenda by ensuring that the prosecutorial mandate is cognizant and responsive to ever changing societal dynamics. In addition, he stated that the ODPP has extensively participated in activities aimed at decongesting prisons which was done under the, All for Justice Case review banner. "I must say, that once again the ODPP has set" the pace" noted Mr. Ingonga.



FEATURED

News Segment Notices/Vacancies International Conferences Notices/Vacancies







Other speakers at the launch included the LSK Council led by the President Mr. Eric Theuri, VP, Faith Odhiambo and other Council Members (Mr. Tom Kopere, Mr. Mwaura Kabata and Mr. Cohen Amanya) and the LSK CEO, Ms. Florence W. Muturi.

Also present for the launch were representatives from the various project partner who included; UNDP, UNODC, Amkeni Wakenya, IMLU, FIDA, CRR (Center for Reproductive Rights), ODPP, LSK Nairobi Branch and Kenya Prisons who in unison rallied on members of the public to take advantage of the week to get free legal aid from advocates who were readily available to offer the same.

The remainder of the week saw advocates offer free legal aid at various court stations and prisons where legal advice was dispensed, cases reviewed and follow ups noted. The Prisons included Langata Womens', Nairobi West, Industrial Area Nairobi Remand, Isiolo GK Prison amongst others.

There was also a free community legal aid and engagement forum held under the theme. Enhancement of Access to Justice for the poor and marginalized women in Nairobi County and Sexual Gender Based Violence at the Kamukunji Grounds in Kibera on Thursday 26th October 2023.

The Legal Awareness Week was held Countrywide across all the eight (8) Branches.



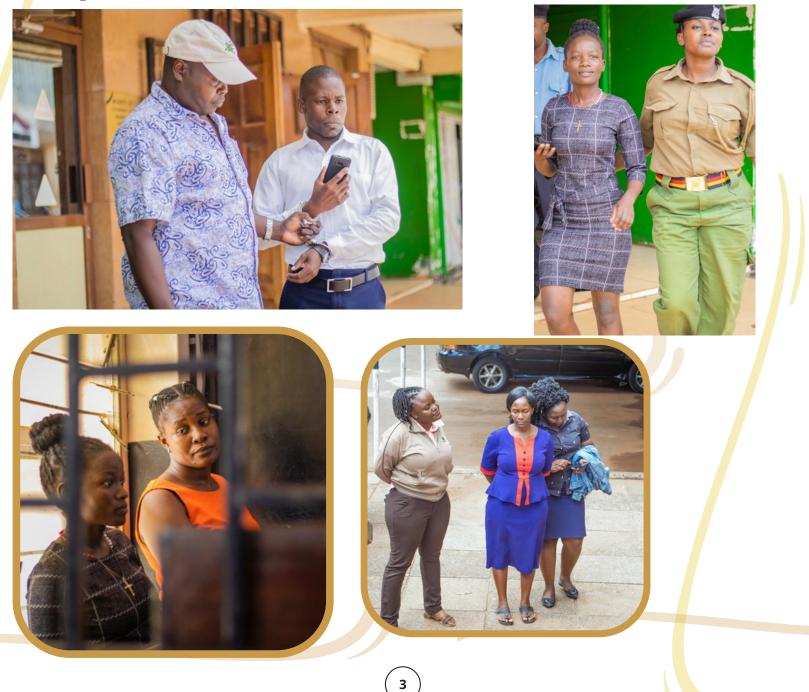
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LSK ENHANCES THE FIGHT AGAINST MASQUERADERS

The Practice Standards and Ethics Committee through its Convener Ms. Lindah Kiome received numerous reports of persons pretending to be advocates and practicing their illegal acts in the areas of Siaya, Kakamega, and Nairobi. As part of the LSK's mandate to advance ethical practice through the weeding out of masqueraders by programming periodic campaigns, and engaging stakeholders in the criminal justice system the Committee and the Director Practice Standards engaged in the exercise to weed out masqueraders. This exercise began in Siaya on 17th October 2023 and ended in Nairobi on 19th October 2023.

The LSK urges its members to join in the fight against unethical practice and at the same time Members of the public are advised against engaging the services of unqualified persons in any legal transactions.





KENYA- UK LEGAL FORUM

The Law Society of Kenya in partnership with The Bar Council of England and Wales hosted the UK - Kenya Legal Forum on 19th October 2023 at the Villa Rosa Kempinski, Nairobi.

The forum included leading lawyers from the two Bar Associations who shared their expertise and knowledge on various topics within Law.

In attendance was the LSK Council who included the LSK President Mr. Eric Theuri, LSK VP Ms. Faith Odhiambo and Council Members Njoki Mboce, Mwaura Kabata, Byron Menezes, Lindah Kiome and Cohen Amanya and LSK DCEO Mwathi Kitonga.

The Senior Bar was also represented by Mr. Philip Murgor, SC and Fred Ojiambo, SC.





LSK APPEARS BEFORE THE PARLIAMENTARY DEPARTMENTAL COMMITTEE ON FINANCE AND NATIONAL PLANNING

The Law Society of Kenya appeared before the Parliamentary Departmental Committee on Finance and National Planning to share their comments on the Draft National Tax policy. The LSK was represented by Deputy Secretary, Mr. Collins H. Odhiambo who highlighted pertinent recommendations to the Committee on the Policy at the Eka Hotel.

Mr. Odhiambo submitted on the Draft National Tax policy where he observed that the policy should be able to capture the aspirations of the sovereignty of the people of Kenya and not just the aspirations of the Kenya Revenue Authority. He continued to highlight key recommendations for consideration by the Committee which included; the policy should have been guided by broad-based research touching on various aspects of the economy and the drafting process should have included carrying out of a legislative impact assessment before any laws on tax are introduced to Parliament.

In addition, and tied up with the earlier recommendation for the policy to be guided by research, he stated that there should be an aspect of monitoring and evaluation to enable clear assessment of how any new policy or legislation is affecting the economy. The Deputy Secretary also indicated that the draft policy made no reference to the constitutional underpinnings and constitutional principles that govern taxation. It was further proposed that the policy should be reviewed with a wider range of stakeholders involved and be termed as public participation.





COUNCIL DECISIONS TAKEN ON 9TH OCTOBER 2023

LSK CPD SEMINAR

The Council Decisions on applications taken on 9th October 2023 for admission to the Roll of Advocates, Practicing Certificates, Notary Public and Commissioner for Oaths can be accessed on the link: <u>https://drive.google.com/file/d/1xC3JmyXGj-</u> <u>ulvTJEvank8z3Y8rx3MY4w/view?usp=sharing</u>

ERGING OPPORTUNITIES

7th & 8th December 2023 (8.30am-3.30pm)

CPD Units: 4 Costs: KES 8,500 (Advocates of 0-3 years) KES 12,000 (Advocates above 3 Years in Practice)

Register Here. Inquiries: cpd@lsk.or.ke_call 0111045300

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(VENUE TO BE ADVISED)

OPEN FOR BOOKING



HANDLING OF PRO- BONO BRIEFS ALLOCATED UNDER THE JUDICIARY PAUPER BRIEFS AND PRO- BONO SERVICES SCHEME

Law Society of Kenya Branch Chairs Caucus



Lower Hill Duplex Upper hill Road, Suite No. 015 P. O. Box 528-00100, Nairobi Email: lskbranchchairs@gmail.c Website: www.lskcaucus.or.ke Tel: +0705995367

VERY

Date: 23rd October, 2023

TO:

ALL MEMBERS OF THE LAW SOCIETY OF KENYA

Dear Counsel,

LAW SOCIETY OF KENYA

RE: <u>HANDLING OF PRO-BONO BRIEFS ALLOCATED UNDER THE JUDICIARY</u> PAUPER BRIEFS AND PRO-BONO SERVICES SCHEME

We make reference to the notice dated 8th June, 2023.

There has been some good progress with respect to resolution of the grievances raised in the above-mentioned notice. We are aware that the outstanding bills have substantially been settled and we have been given an undertaking that the remaining bills will be settled soon. It is now agreed that the payment with respect to the Pro-bono briefs shall be per individual Accused Person and not per file. It is equally agreed that the payments should be done regularly and in a timely manner.

To facilitate a conducive environment for further negotiations and to safeguard the interests of the Accused Persons, we hereby call off the Boycott effective 23rd October, 2023. We shall not relent in pursuing the members' interests and ensuring that the ongoing deliberations bear better returns to us all.

By Order of the Caucus

HENRY KENEI CAUCUS CHAIR

Henry Kenei(Caucus Chair) Charles Opulu(Caucus Vice Chair), George Murunga (Caucus Secretary), Helene Namisi (Caucus Treasurer), Gideon Nyambati, Aston Muchela, Mutua Makau, Joel Mutuma



RISKHOUSE INTERNATIONAL- YOUR TRUSTED PROPOERT DUE DILIGENCE EXPERTS



At Riskhouse International, we understand the risks and uncertainties that come with land transactions. Don't let your hard-earned money go to waste or find yourself in endless litigation. Secure your investments by choosing our Property Diligence services.

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Risk Mitigation: We help you make informed decisions,

minimizing legal and financial risks.

Protect Your Investment: Don't let uncertainties jeopardize your investments. Secure your future today.

Your property deserves the best protection. Choose Riskhouse International and invest with confidence.

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CONTACT US ON:

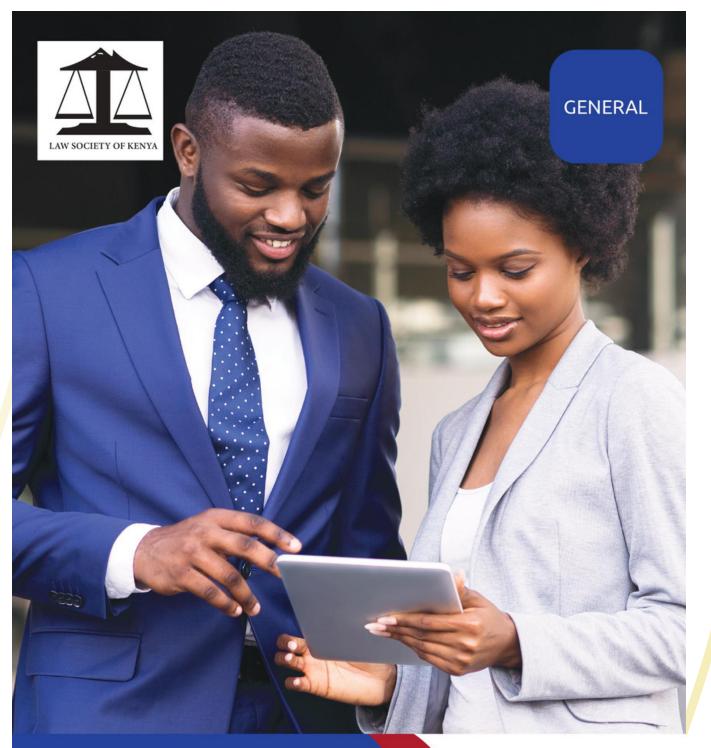
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PROFESSIONAL INDEMNITY FOR LAWYERS AND ADVOCATES



PROFESSIONAL INDEMNITY for Lawyers & Advocates

We keep our word







CONTD...

PROFESSIONAL INDEMNITY INSURANCE

What Is Covered

Professional Indemnity Insurance provides cover against legal liability claims that may arise as a result of errors, omissions, misrepresentation or negligent advice provided in the course and scope of their professional services. The insurance cover will also take care of defense costs associated with these claim(s) subject to the limit of liability purchased.

Who is Covered

Advocates/Lawyers or Law Firms who:

- a. Are Registered members of the Law Society of Kenya (LSK)
- b. Provide legal services at a fee
- c. Practice as per The Advocates Act, LSK Act and other relevant laws of Kenya.

Available Extensions

The cover may extend to also cover: Libel & Slander, Loss of Documents, Employee of Dishonesty, Partners' Previous Business and outgoing Partners.

Benefits of Professional Indemnity Insurance

i. Financial Support

Professional Indemnity policy will cover court judgments awards and legal fees for defending yourself or the business at the court of law. The policy may extend to also cover fees and other expenses that may arise from loss of documents.

ii. Provides Peace of Mind

Professional Indemnity policy will increase confidence in carrying out the professional duty knowing that you have means to defend yourself against any allegations for malpractice and defend your reputation thus enabling individuals and companies to continue trading in successful businesses.

iii. Enhance Brand Image & Credibility

Professionals are accountable for their services rendered and the professional Indemnity insurance provides support and enhances goodwill as it prides confidence to your clients and investors knowing that any discrepancies that may arise in course of your duty is covered.

iv. Increased Chances of Winning Businesses

Most contractors and government authorities will put a minimum requirement for having a Professional Indemnity Insurance to be considered in tendered businesses.

Requirements

- Duly completed & Signed proposal form.
- Copy of current practicing license(s)/ Certificate(s)
- Copy of CV, Pin certificates & National ID for individual practitioner
- For Firms: Copy of PIN certificates, incorporation certificate & CVs of partners and principals.

Cover Premium & Limits Limits of Cover & Premium (Kes) for Individual Practitioners

Limit	s of Cover 8	Premium (Kes) for Indi	vidual Pract	itioners		
Limits Of Liability (Kes) (Any one Event/ Period)	1,000,000	2,000,000	3,000,000	4,000,000	5,000,000	7,500,000	10,000,000
Average Annual Earnings (Kes)	Average - Kes. 5,000,000						
Deductible	10% of Claim amount Minimum Kes. 50,000						
Premiums (Kes)	4,771	5,688	7,125	9,829	12,641	17,330	21,804
Extensions Premiums - (Limit	of Cover - 10)% of the M	ain Cover Li	mit, Deduct	ible - 1% of	the Main Co	ver Limit)
Limit Of Liability - Per Extension. Libel & Slander, Loss of Documents, Employee Dishonesty	100,000	200,000	300,000	400,000	500,000	750,000	1,000,000
Premiums (Kes)	1,500	2,367	2,730	3,279	3,768	5,172	6,021
Retroactive Cover - (R	elevant for	Lawyers wh	o have activ	e Pl cover o	n Claims Ma	de basis onl	y)
1 Year (12 Months)	1,000	2,229	2,690	3,600	4,509	6,186	7,608
Total Premium With All Extensions	6,271	8,055	9,855	13,108	16,409	22,502	27,825



NOTICE OF THE 25TH EALS ANNUAL CONFERENCE & GENERAL MEETING, BUJUMBURA-BURUNDI



EALS House, Plot No. 310/19, PPF AGM Area, PPF Road off Njiro Road, P.O. Box 6240, Arusha – Tanzania; Tel: (+255 27) 254 3226/2 Cell (+255 786) 821010 Email: <u>info@ealawsociety.org</u>; <u>ceo@ealawsociety.org</u>; Website: <u>www.ealawsociety.org</u>



Ref: AGM 1/2023

Date: 19^{nth} October, 2023

NOTICE OF THE 28TH EAST AFRICA LAW SOCIETY ANNUAL CONFERENCE AND GENERAL MEETING, BUJUMBURA – BURUNDI.

TO: ALL MEMBERS - EAST AFRICA LAW SOCIETY

NOTICE IS HEREBY GIVEN, pursuant to Article 6 of the Articles of Association of the East Africa Law Society, that the 28th ANNUAL GENERAL MEETING OF THE EAST AFRICA LAW SOCIETY shall be held at 9.00 a.m. on Saturday 25th November 2023, at the Donatus Conference Centre, Bujumbura – Burundi.

The business to be transacted there shall be set out as below:

AGENDA:

- 1. The Secretary General reads the notice convening the meeting.
- 2. Recognition of dignitaries and observers present.
- 3. Silence in tribute to the departed members in 2023.
- 4. Consideration and confirmation of the minutes of the last Annual General Meeting held at the Gran Melia Hotel, Arusha on Saturday 26th November, 2022.
- 5. Matters arising from the minutes.
- 6. Report of the Governing Council.
- 7. Report of the Hon. Treasurer.
- 8. Appointment / Reappointment of the Auditors.
- 9. Any other business which may be admitted in accordance with the Memorandum and Articles of Association of the East Africa Law Society.

FURTHER NOTICE IS HEREBY GIVEN that the Annual General Meeting shall be preceded by the Annual Conference of the East Africa Law Society, under the theme "One Region, one people: The Role of the Law and the Legal Profession in Defining the Future of the East African Community", which shall be held from Wednesday 22nd November, 2023 to Saturday 25th November, 2023 at the same venue. There shall be other pre-conference specialized training activities from the 20th of November 2023 at the same venue.

DATED AND SIGNED AT ARUSHA, TANZANIA THIS 22ND DAY OF OCTOBER, 2023.

BY ORDER OF THE GOVERNING COUNCIL (BOARD) OF THE EAST AFRICA LAW SOCIETY.

FLORIDA KABASINGA SECRETARY GENERAL.





REGISTRATION FOR THE 28TH EALS ANNUAL CONFERENCE AND GENERAL MEETING BUJUMBURA, BURUNDI - 20TH TO 25TH NOVEMBER, 2023

Dear Delegate,

Greetings from the EALS Secretariat - Arusha.

NOTICES/VACANCIES

We are pleased to inform you that registration for the 28th EALS Annual Conference and General Meeting has officially commenced. The Annual Conference App, events@ealawsociety.org is now publicly available and members can access all important information on the largest gathering of legal professionals in the region. We encourage you to visit and explore the various offers on travel, accommodation & payment, and registration. We have lined up a one-of-a-kind conference with a rich program, high-level speakers, and high-powered pre-conference capacity-building activities including the ILFA Banking and Finance Academy and a Regional Practice Master Class.

Hosted on the shores of Lake Tanganyika, we have also made sure to create an elaborate mix of work and play and have readied for you numerous networking and interactive activities. They include sporting activities at Bujumbura's Entente Sportive facility, networking dinners across the week in Bujumbura's major entertainment spots, tour attraction visits, CSR activities, and many more. These are all tailored to meet the needs of all cadres of our membership.

CONFERENCE THEME

The theme for our Conference this year is "One Region, One People: The Role of the Law and the Legal Profession in Defining the Future of the East African Community." This theme explores the important role lawyers and the law have to play in the expansion of the region in all its facets. The Conference will also explore other subthemes including trade and investments in the EAC, ESG and other emerging trends in corporate and commercial law, AI and the law, good governance and accountability in the region, and dispute resolution under the AfCFTA among others.

The four days of debates, presentations, high-level engagements, panel sessions, masterclasses, sporting (mental and physical wellness activities) dinners and networking events promise to enrich and rejuvenate you all round.

For more information, please click on the link, <u>https://drive.google.com/file/d/1M30rPdqYUZzxc4dxNAdVh9RiQTSIqYTB/view?</u> usp=sharing______



PROFESSIONAL MEDIATION TRAINING COURSE- NOVEMBER 2023



VENUE: CONVENT INT'L HOTEL, LAVINGTON, NAIROBI DATES: 13th - 17th November 2023 COST: KSHS. 55,000/- Plus 16% VAT PP



mediation

Are you looking to enhance your career as a certified professional mediator and gain international recognition for your skills? Look no further than our international professional mediation training program.

Mediation Training Institute International East Africa (MTI E.A) is pleased to announce to you a 5 day Professional mediation training course in collaboration with Law Society of Kenya (LSK). MTI E.A has earned a reputation of excellence in the field of Mediation Training. MTI E.A conducts ongoing reviews of content, processes, and is widely acknowledged as one of the leading providers of Professional Mediation training in the world. Our training program has been subjected to extensive scrutiny by leading International standards setting and credentialing institutions.

In just a week face to face training or in four weeks online training, our intensive training program can help you become an internationally certified professional mediator. Our program covers all aspects of mediation, providing you with the skills and knowledge necessary to succeed in international settings. Our experienced and Certified Professional mediation trainers will lead your training, which includes hands on practice through simulated mediation exercises and role-playing.

Benefits of our program

- Internationally recognized certification
- -Comprehensive training from experienced and certified professional mediation trainers
- Hands on practice through simulated mediation exercises and role playing
- -Three certifications upon completion *IMI * SIMI * MTI. E. A
- This course is accredited by the Law Society of Kenya. Participants will receive 3CPD units.

All MTI E. A. trainers are practicing mediators who have undergone extensive Train the Trainer (TOT) Training and have experience in mediation practice. At the end of the training, participants are assessed with highly qualified external assessors.

Payment by Cheque or bank transfer to:

Account Name: Mediation Training Institute International East Africa Bank: Absa Bank, Harambee Avenue Branch, Nairobi Account Number: 2027798090

PAYMENT BY MPESA: Paybill 303030 Account No.: 2027798090

Registration for the course ongoing

For clarification and registration contact: MTI EAST AFRICA Physical address: Jeevan Bharati, 5th Floor (Opp. Electricity House), Harambee Avenue, Nairobi Tel: Emma 0725-538 320, Hesbon 0714-390 371 Mangerere 0707-124 831 / 0733-854 901 Email: info@mtieastafrica.org / mangererej2015@gmail.com Website:www.mtieastafrica.org / www.mtieastafrica.or.ke







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KENYA SCHOOL OF LAW SEMINARS

The Kenya School of Law has organized a series of Seminars/ Trainings as follows:

COURSE: PUBLIC PROCUREMENT AND DISPOSAL: MITIGATING AGAINST PRECEDURAL AND LEGAL PITFALLS (3 LSK CPD POINTS)

DATE: 20-24 NOVEMBER 2023

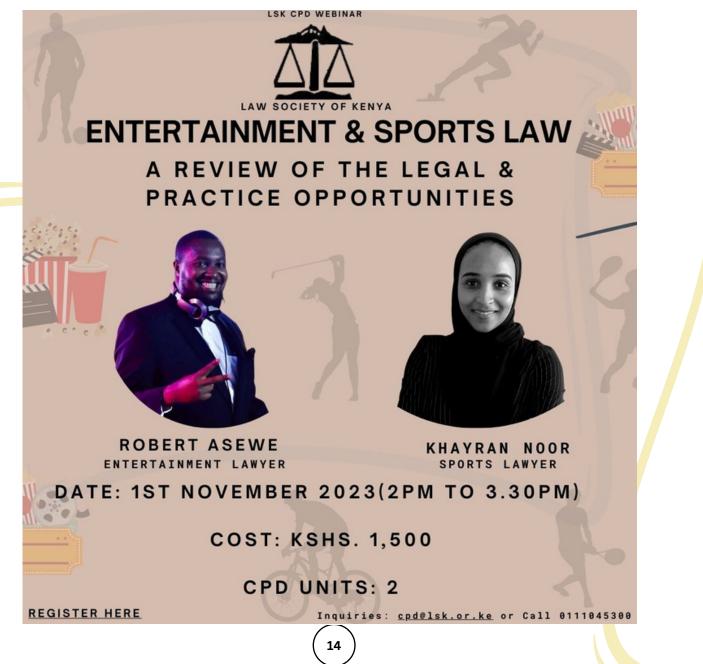
VENUE: NAIVASHA

COURSE: LITIGATION IN A DIGITAL ENVIRONMENT: A REFRESHER COURSE FOR IN-HOUSE COUNSEL (3 LSK CPD POINTS)

DATES: 4th -8th December, 2023

VENUE: NYALI, MOMBASA

FormoreinformationontheSeminars,pleaseclickhere,https://drive.google.com/drive/folders/1XZL8aZeQiZV0aCjDua_qtBJdAA0Ug5ly?usp=sharing





INTERNATIONAL CONFERENCES REGISTER NOW FOR THE BORNEO RAINFOREST LAW CONFERENCE 2024-COMMONWEALTH LAWYERS ASSOCIATION



Registration is now open for the Borneo Rainforest Law Conference 2024

The Commonwealth Lawyers Association and Sabah Law Society invite you to join us in Malaysian Borneo for this pan Commonwealth conference which will consider human rights, climate justice, funding, constitutionalism and action within legal and governmental frameworks.

Visit **Tenny out a sectioner filteral literal lange date from a** to take advantage of the early bird discount registration rate and secure your hotel accommodation all on one platform.

Guarantee Your Early Bird Rate

Join the CLA today as a member to gain access to discounts on conference registration rates.

Become a CLA Member



KPAC23 International Conference on Security and Rule of Law

On **8-10 November, 2023**, part one of <u>KPSRL</u> & <u>IDLO</u>'s <u>Annual Conference (#KPAC23)</u> will be taking place in Nairobi (*with part two following in The Hague on 7 December*). This year's conference focuses on the theme of <u>Margins | Centres of Security & Rule of Law</u>.

Who gets to interpret, evaluate, shape, think about, and write about social contracts? Who gets to make decisions on the role and contribution of security and the rule of law within them? Which experiences, perspectives, and stories are systematically made (in)visible, or politically (ir)relevant for SRoL policy and programming?

With sessions ranging from topics such as climate justice, to the growing shift from aid to trade, to the weaponisation of social media, to understanding authoritarian regimes to celebrating community-based peace processes, the <u>programme</u> is rich with interesting sessions across the security & rule of law sector. In addition to sessions, this year will also have a Marketplace of Ideas, poetry readings, visual art & other performances.

Jimetable can be found here: <u>https://bit.ly/KPAC23-Timetable</u>

Programme with session details can be found here: <u>https://bit.ly/KPAC23-Programme-Details</u>

Cocations: 8th & 10th at the <u>The Heron Portico</u> Hotel and main day on the 9th at <u>Kenyatta</u> <u>International Convention Centre</u>

Register here ASAP for last available spots: <u>https://bit.ly/KPAC23-Registration</u>

If you're able to please help us repost on social media:

- Here is the link to the latest LinkedIn post
- Here is the link to the latest X (Twitter) post





INUA WAKILI FORUM- LSK FIRESIDE CHAT

INCLER SERVICES COMMITTEE WEBINAR SINGLEY VERTICES COMMITTEE WEBINAR SINGLEY VERTICES COMMITTEE WEBINAR

The Law Society of Kenya Members Services Committee, convened by the LSK Vice President Ms. Faith Odhiambo, in collaboration with the Judiciary will be hosting a fireside chat event for Advocates.

DATE:3RD NOVEMBER 2023TIME:3: OOPM- 6: OOPMVENUE:Milimani Ceremonial Hall

Members are invited to register for the said events through this LINK .

B- NO CPD UNIT SHALL BE AWARDED

For more information or clarifications in relation to this event contact Ms. Sophie Kaibiria on sophie.kaibiria@lsk.or.ke

AHMEDNASIR ABDULLAHI, SC KEY NOTE SPEAKER

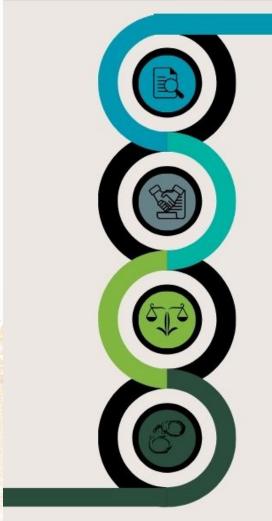


Advocates' Practice Standards Campaign Alert

ADVOCATES' PRACTICE STANDARDS CAMPAIGN ALERT:



Masqueraders, Quacks, Impersonators and Unauthorized/Unqualified Persons



PLEASE NOTE THAT THE SEARCH ENGINE IS ACCCESSIBLE ON https://online.lsk.or.ke/

Who is an Advocate of the High Court of Kenya?

A person duly entered to roll of Advocates and has a practicing certificate for the current year.

You can check the practice status of such an advocate on **online.lsk.or.ke** by clicking on **Search Advocate** and entering the name of the advocate. If the Advocate has a valid practicing certificate(PC), it will be **Active**. If not, it will be **Inactive**.

In case an advocate is practicing without a PC, please report to the director practice standards by email to compliance@lsk.or.ke or send a letter to LSK Secretariat.

Practicing without a valid Practicing Certificate is professional misconduct tantamount to disciplinary proceedings.

Who is a quack or Masquareder?



This is a person who pretends to be an advocate.

They can equally be identified by the above process. If a person is not entered in the LSK Portal, the person is a masquerader and criminal proceedings should ensue.

0110 459 555

Compliance@lsk.or.ke