



7TH NOVEMBER 2023 | ISSUE 27

THE LEGAL INSIGHT

The Official LSK Weekly Newsletter

ADVOCATES CONVERGE FOR THE INUA WAKILI FORUM



Mr. Ahmednasir Abdullahi delivering his key note address at the forum

The Law Society of Kenya Member Services Committee, convened by the LSK Vice President Ms. Faith Odhiambo, in collaboration with the Judiciary hosted a fireside chat event for Advocates. The Fireside Chat held on 3rd November 2023 from 2pm at the Milimani Ceremonial Hall was graced by Mr. Ahmednasir Abdullahi, SC as the key note speaker.

Mr. Ahmednasir, SC gave his address on, the Role of a Lawyer in the Judicial Ecosystem. He discussed an array of topics with the aim of demystifying the role of a lawyer in the Judicial ecosystem. In addition, he also highlighted the issue of corruption in the Judiciary and the quality of Judges amongst other pertinent issues. He concluded by encouraging Advocates to speak up about and against corruption in the Judiciary in a move to curb the vice. The event was co-moderated by Zack Alakonya, Advocate.

FEATURED

News Segment

Notices/Vacancies

Weekly Bites



NEWS SEGMENT
CONTD...





LAW SOCIETY OF
KENYA

Lavington, Opp. Valley Arcade
Gitanga Road
P. O. Box 72219-00200
NAIROBI
Tel. 0111 045 300

STATEMENT ON LSK SYSTEM ENHANCEMENTS

The Council of the Law Society has implemented measures to enhance security protocols and identity verification. The measures we have taken are intended to make our system more versatile as we update data protection mechanisms. We assure our members that their data remains secure and our priority remains to have a system that is able to offer efficient services with the highest standards of security.

We have however noted that due to the system upgrades, the system may occasionally suffer hitches and unexpected bugs which our technical team continues to identify, isolate and resolve.

The enhanced system measures, include the following:

1.To enhance usability and security of information, all deceased Advocates' accounts will be locked to ensure that no activity can be undertaken in those accounts and any information about a deceased member will only be available upon written request to the Law Society of Kenya.

2.All accounts that are Inactive or have Unknown status will remain locked. Any Advocate seeking to activate their accounts must contact the Law Society of Kenya. The procedure to activate will be available on the portal.

3.The accounts of Advocates who have been Struck Off or are serving suspension shall equally be locked and members will only transact after getting in touch personally with the Secretariat.

To access the full statement, please click here,
https://drive.google.com/file/d/1aDIBIKpEkwyc6tS4u4iV_bbOL-C7o2Js/view?usp=sharing.


ERIC THEURI
PRESIDENT- LAW SOCIETY OF KENYA

Eric Theuri (President), Faith Odhiambo (Vice-President)
Chrysostom Akhaabi, Kabata Mwaura, Tom K'opere (General Membership Representatives)
Cohen Amanywa (Treasurer), Njoki Mboce, Ochieng Gor (Nairobi Representatives)
Byron Menezes, Linda Kiome, Michael Wabwire, Vincent Githaiga (Upcountry Representatives)
Riziki Emukule (Coast Representative)



COUNCIL DECISIONS TAKEN ON 9TH OCTOBER 2023

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: <https://drive.google.com/file/d/1xC3JmyXGj-ufvTJEvank8z3Y8rx3MY4w/view?usp=sharing>

 LSK CPD SEMINAR

**SAVE
-THE-
DATE-**

**MARITIME LAW &
THE BLUE ECONOMY:
THE LEGAL PRACTITIONER'S
GUIDE TO THE
EMERGING OPPORTUNITIES**

**VENUE: MALINDI
(VENUE TO BE ADVISED)**

OPEN FOR BOOKING

**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

LAW SOCIETY OF KENYA



NEWS SEGMENT

CPD SEMINARS/ WEBINARS



LSK CPD WEBINAR

LAW REFORM: HIGHLIGHTS OF NEW LEGISLATION AND REGULATIONS



10TH NOVEMBER 2023
(2PM TO 3.30PM)

**COST: KES 1500 CPD
UNITS: 2**



REGISTER HERE

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



**JOASH DACHE,
CEO, KENYA LAW REFORM
COMMISSION**



LSK CPD SEMINAR

LAW ON TRUSTS: IMPLICATIONS ON PRACTICE AND DRAFTING OF DEEDS



15TH NOVEMBER 2023



(8.30AM TO 3.30PM)



PANARI HOTEL, NAIROBI

**COST: KES 4500(ADVOCATES OF
ABOVE 3 YEARS IN PRACTICE)
KES 3,500 (ADVOCATES OF 0-3
YEARS IN PRACTICE)
CPD UNITS: 2**

REGISTER HERE

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



**LADY JUSTICE ROSELYNE
ABURILI**
HIGH COURT JUDGE



FEDSON ORARE,
REGISTRAR OF TRUSTS



WANJIRU NDUATI,
ADVOCATE



NOTICES/ VACANCIES

RISKHOUSE INTERNATIONAL- YOUR TRUSTED PROPERTY DUE DILIGENCE EXPERTS



YOUR TRUSTED PROPERTY DUE DILIGENCE EXPERTS

**Avoid Real Estate Investment
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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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- **Protection of Riparian Land:** Ensure your property isn't in a risk-prone area, saving you from potential demolition.

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Risk Mitigation: We help you make informed decisions,

minimizing legal and financial risks.

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and for expert property diligence
services**

🌐 www.riskhouse.co.ke



NOTICES/VACANCIES

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/
Cell (+255 786) 821010
Email: info@ealawsociety.org; ceo@ealawsociety.org;
Website: www.ealawsociety.org



Ref: AGM 1/2023

Date: 19th 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.

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, <https://drive.google.com/file/d/1M30rPdqYUZzxc4dxNAdVh9RiQTSIqYTB/view?usp=sharing>



VACANCY- COMMERCIAL/ CONVEYANCING ADVOCATE

We are a medium sized law Firm with offices in Nairobi and are looking for a Commercial/Conveyancing Advocate to join our team.

Minimum requirements:-

1. Advocate of the High Court of Kenya;
2. Three (3) years Post admission experience in a busy commercial law firm/department with particular emphasis on Conveyancing, Banking Securities and Commercial Law;
3. Ability to develop positive relationship with clients & manage/meet client expectations;
4. Good knowledge and experience in research skills and drafting of legal documents;
5. High level of accuracy and attention to detail;
6. Highly disciplined with ability to work with minimal supervision;
7. Able to demonstrate acumen in business development;
8. Be a team player, proactive, self-motivated and aggressive.

Interested, applicants should send their **applications together with detailed CV, copies of academic and professional certificates, and testimonials** to law.advocates.nairobi@gmail.com . Only applicants that meet the above criteria will be contacted for an interview.

KENYA SCHOOL OF LAW SEMINARS

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

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

For more information on the Seminars, please click here, https://drive.google.com/drive/folders/1XZL8aZeQiZV0aCjDua_qtBJdAAOUg5ly?usp=sharing



NOTICES/VACANCIES

KENYA SCHOOL OF LAW SEMINAR



EFFECTIVE TAX PRACTICES FOR LAWYERS

This course helps lawyers become more aware of tax compliance and how to mitigate tax-related risks to better advise clients and ensure compliance. Taught by experienced tax practitioners, the practical training covers various aspects of tax compliance.

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**.

DATE: 4-8TH DECEMBER 2023
VENUE: KSL KAREN, NAIROBI
COST: KSHS. 58,500

REGISTER NOW

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



COVAW VACANCY ANNOUNCEMENT: PROGRAMME OFFICER-SRHR AND SGBV IN NAROK COUNTY

Coalition On Violence Against Women (COVAW) is currently looking for a qualified candidate to fill the following position:

- Job title: Programme Officer-SRHR and SGBV
- Location: Narok County
- Deadline: 17th November 2023

Click here, <https://drive.google.com/file/d/1V-LtsG1NbhlCNS5scbMP0vYJ1mIAZ68n/view?usp=sharing> to access the for more information on the position.

ADVOCATES DISCIPLINARY TRIBUNAL SERVICE WEEK- 14TH - 17TH NOVEMBER 2023

 LAW SOCIETY OF KENYA

ADVOCATES DISCIPLINARY TRIBUNAL SERVICE WEEK

*In Collaboration with the Advocates
Complaints Commission*



14TH-17TH NOVEMBER

2023

 **Theme:** Accelerating Justice: Resolving Backlog, Restoring Confidence

AIM

Address the Backlog of Pending Cases	Promote a Culture of Responsibility	Enhance Public Trust in the Disciplinary Process	Enhance Fairness and Trust within the Legal Profession
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CONTACT US

0111 045 300

COMPLIANCE@LSK.OR.KE



LEGAL AID: AN ADVOCATE'S CONTRIBUTION TOWARD ACCESS TO JUSTICE

By Sophie Kaibiria, Director- Practice Standards- LSK

Access to justice is an aspiration that democratic nations have grappled with for decades. Part of its footing is in the Millennium Development Goals and the UN Sustainable Development Goals (SDGs). To ensure that access to justice finds its way into the world's development agenda the UN Sustainable Goals were made broader and included goal 16 on peace, justice, and strong institutions. The SDGs lay out ambitious targets to guide global and national development policies to 2030. The targets include target 16.3's promise to "ensure equal access to justice for all."

Kenya having made commitments toward implementation of the SDGs has over the years moved towards integrating access to justice in its institutions. The process began by introducing the Faculty of Law at Nairobi University in the 1970s as a recognition of the need for legal education. Resultantly the legal professionals at that time then went on to form the Kituo cha Mashauri which was later renamed Kituo cha sheria as one of the pioneer legal aid agencies. Through the organization the legal professionals offered pro bono services, volunteering their free time to provide advice, draft pleadings and direct helpless litigants. Their work was so inspirational that other professionals and social justice advocates offered legal aid and advice. Among them included our very own the Law Society of Kenya (LSK).

In 1983, the National Christian Council of Kenya (NCCCK) jointly with the Law Society of Kenya (LSK) formed the Public Law Institute (PLI) whose main objective included the establishment of a national legal aid and advisory infrastructure. The formation made inroads in the 1980s when legal aid clinics were offered to communities and paralegalism was introduced into the project. The success of this partnership project led to a number of Civil Society Organisations (CSOs) to incorporate legal aid into their programming in the 1990s. From the late 1990s and early 2000s, the legal aid service delivery model was largely spearheaded by civil society organizations while attempts at policy and legislative reform were undertaken in conjunction with Government actors.

The concept of legal aid gained momentum in the 1990s and by September 1999 a stakeholder-based Legal Aid Steering committee was established and mandated to design a pilot programme that would be tested and hopefully developed into a National Legal Aid Scheme in Kenya. Consultations produced a report containing the design of a legal education and aid pilot programme (LEAPP) in 2001 which, to date functions as the Legal Education and Aid Programme (LEAP).



CONTD...

Notably Prior to the promulgation of the 2010 Constitution efforts were still being made to establish a legal aid framework. This process led to the establishment of the National Legal Aid and Awareness Programme (NALEAP) in 2007 by the Ministry of Justice, National Cohesion and Constitutional Affairs. NALEAP was set up mainly to create awareness among the citizenry about legal aid and to create a practical, affordable, and effective legal awareness and legal aid service delivery scheme that increases access to justice for the poor, marginalized and vulnerable in society.

However, the major reforms were made in the 2010 Constitution which altered the repealed Constitution's position regarding legal aid and representation. This was done through Articles 27 (1) and 48 the right to equal protection and equal benefit of the law respectively. Article 50 (2) (g) and (h) which is the authority on legal representation for accused persons, states: "Every accused person has the right to a fair trial, which includes the right to have an advocate assigned to the accused person by the State and at State expense if substantial injustice would otherwise result, and to be informed of this right promptly."

The constitutional imperatives meant that the legal aid program would be institutionalized within the state. This was in recognition of the various submissions by scholars and the World Bank justice program, that Legal aid plays a crucial role in enabling people, especially the poor and vulnerable, to navigate the justice system, make informed decisions, as well as obtain justice remedies. Legal aid makes a crucial connection between populations and their justice systems and provides guidance on how to navigate the open difficult-to-understand justice system. It is in this vein that the LSK on a yearly basis conducts the legal awareness week. A week where lawyers and advocates put their costs and bills to rest and serve the indigent across the country. It is a call to duty that #Wakilis should be happy to do as well as follow up on the cases when called upon.





LAW SOCIETY OF KENYA

ADVOCATES DISCIPLINARY TRIBUNAL

KNOW YOUR TRIBUNAL



ESTABLISHMENT

The Advocates Disciplinary Tribunal (ADT) plays a crucial role in upholding the standards of the legal profession in Kenya. The ADT is established under Section 57 of the Advocates Act, Cap 16.



MANDATE

The ADT is mandated to hear and determine complaints lodged against Advocates. The LSK Secretariat through the Compliance & Ethics Directorate, serves as the administrative arm of the Tribunal. It receives the affidavits of complaint from the Advocates Complaints Commission (ACC) and forwards them to the Tribunal members for prima facie determination. Once a case to answer is established, the Secretariat allocates the matters case numbers, sets them down for plea taking and undertakes service upon advocates. The Secretariat through the Compliance & Ethics Directorate also ensures advocates comply with orders of the Tribunal.

CONSTITUTION

The ADT is comprised of the Attorney-General, Solicitor-General or a person deputed by the AttorneyGeneral, six advocates, the Chairman, Vice-chairman and the Secretary of the Law Society. The Secretary of the Society is the Secretary to the Tribunal.



KEY STAKEHOLDER

The Advocates Complaints Commission (ACC) operates in close coordination with the LSK and the Tribunal. The ACC is established under Section 53(1) of the Advocates Act. It is mandated to receive complaints of professional misconduct against advocates. The ACC works to promote reconciliation, provide amicable settlement through Alternative Dispute Resolution (ADR) and conduct investigations with regard to complaints lodged against advocates. Additionally, the ACC may refer and prosecute complaints of professional misconduct before the Tribunal, at no cost to the complainants.



WHO CAN INSTITUTE A COMPLAINT AGAINST AN ADVOCATE?

- Any member of the public aggrieved can lodge a complaint against an Advocate.
- An advocate can lodge a complaint against a fellow advocate.

WHERE DO I LODGE MY COMPLAINT AGAINST AN ADVOCATE?

- An aggrieved party can either lodge a complaint directly with the Advocates Disciplinary Tribunal or with the Law Society of Kenya or with the Advocates Complaints Commission.

HOW DO I LODGE A COMPLAINT AGAINST AN ADVOCATE?

1. Write a letter to the Law Society of Kenya lodging a formal complaint against the advocate. Ensure to include the full names of the advocate and have the complaint signed.
2. Alternatively, you may lodge a complaint through the Advocates Complaints Commission. You will be required to fill in the provided help form. Subsequently, the Advocates Complaints Commission will carry out investigations into the matter and lodge a complaint on your behalf, with the Advocates Disciplinary Tribunal.
3. You may also prepare six sets of Affidavit of Complaint under section 60 of the Advocates Act to be forwarded to the Tribunal for determination.



ADVOCATES DISCIPLINARY TRIBUNAL KNOW YOUR TRIBUNAL

HOW DO I LODGE A COMPLAINT BEFORE THE ADVOCATES DISCIPLINARY TRIBUNAL?

Prepare six (6) sets of Affidavits of Complaint (Under Section 60 of the Advocates Act)

↓
File the Affidavits at LSK

↓
Service by the LSK to the accused Advocate (private prosecution)

↓
Prima Facie Stage

↓
Plea taking Stage

↓
Hearing Stage (by affidavit evidence)

↓
Judgement stage

↓
Mitigation and Sentencing Stage

↓
Enforcement of Tribunal Orders

ADVOCATES DISCIPLINARY TRIBUNAL SANCTIONS

Where a case of professional misconduct has been made against an advocate the Tribunal may order the following: the advocate be admonished; the advocate be suspended from practice for a specified period not exceeding five years; the name of the advocate be struck off the Roll of advocates; the advocate to pay a fine not exceeding one million shillings; or the advocate to pay to the aggrieved person compensation or reimbursement not exceeding five million shillings.

FOR ANY FURTHER INQUIRES, CONTACT US AT

LAW SOCIETY OF KENYA
Lavington, opp, Valley Arcade Gitanga Road
P.O. BOX 72219-00200, Nairobi, Kenya
Phone: +254 111-045-300/ 0111-045-555
Email: lsk@lsk.or.ke

ADVOCATES COMPLAINTS COMMISSION
Co-operative Bank House, 20th Floor, Haile Selassie Avenue
P.O. BOX 48048- 00100, Nairobi, Kenya
Phone: +254- 2- 2224029/ 2224082
Mobile: +254- 733- 241111 Email: acc@ag.go.ke



NOTICES/ VACANCIES

Financial Wellness for Home Ownership



LAW SOCIETY OF KENYA



RentScore

Financial Wellness for Home Ownership

Join us to learn how to **affordably**
buy your first home

9th NOVEMBER

2:30 pm - 3:30pm



David Kimani

RentScore, Head of
Product & Marketing



Christabel Ojuok

MSc. Real Estate Finance
& Investment, Registered
Estate Agent



+254 743 466 209 | +254 757 488 833



Rentscore.Africa



Advocates' Practice Standards Campaign Alert

ADVOCATES' PRACTICE STANDARDS CAMPAIGN ALERT:



Masqueraders, Quacks, Impersonators and Unauthorized/Unqualified Persons



Who is an Advocate of the High Court of Kenya?

01

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 Masquarader?

02

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.

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



0110 459 555



compliance@lsk.or.ke