



4TH DECEMBER 2023 | ISSUE 29

THE LEGAL INSIGHT

The Official LSK Weekly Newsletter

Law Society of Kenya



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TO ALL MEMBERS OF THE
LAW SOCIETY OF KENYA

Our Ref: S/23

Your Ref: TBA

Date: 28th November, 2023

PRESS STATEMENT REGARDING THREAT'S TO RESIDENT MAGISTRATE GLADYS KIAMA BY THE MEMBER OF PARLIAMENT FOR MUMIAS EAST CONSTITUENCY, HON. PETER SALASYA

The Society's attention has been drawn to the recent incident involving alleged threats made by Member of Parliament (MP) for Mumias East Constituency, Hon. Peter Salasya, against Resident Magistrate Gladys Kiama. According to information available to us, the Magistrate claims to have received death threats from MP Salasya after delivering a ruling on Monday, in which she ordered the MP to pay Kshs 500,000 to a businessman.

The Law Society of Kenya strongly condemns any form of intimidation or threats against judicial officers. The Society maintains that threats against judicial officers are not only an attack on the individuals involved, but also pose a direct threat to the foundations of our democratic society. The Judiciary plays a pivotal role in upholding justice and any attempts at interference with its independence is a matter of grave concern.

The Law Society of Kenya urges the DCI to conduct thorough, speedy and impartial investigation to determine the facts surrounding the alleged threats. Judicial officers must be able to carry out their functions without fear of intimidation or threats while adhering strictly to the law. The safety of judicial officers is critical to maintaining the integrity of the Judiciary and we expect that all necessary steps will be taken to provide a secure environment for the Magistrate and indeed all judicial officers to carry out their mandate without interference.

Furthermore, the Law Society of Kenya calls for the immediate arrest of Hon. Peter Salasya should the ongoing investigations substantiate the serious allegations against him. This call for immediate legal action is crucial to send an unequivocal and strong message that threats against judicial officers will not be tolerated in our democratic society.

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

FEATURED

News Segment

Notices/Vacancies



Upholding the rule of law and ensuring accountability without bias is essential to preserving the integrity of our legal system and reinforcing the principle that no individual, regardless of their standing, is above the law.

The Law Society of Kenya remains committed to upholding the rule of law and the independence of the judiciary and we will continue to monitor this situation closely.

ERIC THEURI
PRESIDENT LAW SOCIETY OF KENYA

LSK COUNCIL VISITS MT. KENYA BRANCH

The LSK Council paid a courtesy call to the Embu County Government on the sidelines of the Mt Kenya Branch visit. LSK addressed the challenges of access to justice in the County, development of Courts in Siakago, opportunities for young Advocates in the County, collaboration with the LSK Chapter on legislation involving the County and the pending fee notes. The Deputy Governor, H.E Justus Mugo, promised to support the Judiciary to enable them set up proper courts in Siakago.

The County is also committed to paying the pending bills in installments. Both parties look forward to the local Chapter's involvement in review of the bills and assistance to fine tune them. The positive engagement marks the beginning of future developments.



Council Members pose for a group photo with the Deputy Governor, Embu County



The LSK Council also met up with members of the Kerugoya and Nyeri chapters where the issue of devolution of the society's funds was discussed, to enable the chapters perform their functions effectively. The issue of payment of pro bono advocates was also brought up and it was agreed that advocates will get paid for the services as per accused person. It was also suggested that a courtesy call be paid to the County Government through the respective Governor to raise the pro bono issue and make sure that advocates get paid.

On the visit to Nanyuki, the issue of mentorship by Senior Lawyers and the relationship between them and Junior Lawyers was brought up. It was noted that, due to the generational gap, young lawyers found it difficult to approach and relate with their older counterparts. The issue of medical insurance was a key topic of discussion as it was only fair that members of the Society get medical insurance benefits from a provider, through the Society. Advocates were encouraged to participate in the process in order to make it a success.

In Meru, a question on the benefits that members accrue from PC payments came up. The President took members through the PC payment and the benefits enjoyed by the Members. A member raised an issue on cross border practice, highlighting that foreign advocates should not be allowed to practice in Kenya. The President explained to the issue highlighting the legal positions touching on foreign Advocates admitted to the Kenyan Bar, cross boarder practice and reciprocity.

In addition, members noted with great concern that there were some Judges and Magistrates who had been transferred and so far no replacement had been done, therefore causing a lot of backlog of cases. In particular, Tigania Law Courts was identified as the court with an urgent need for a Magistrate while in Meru Law Courts, needs an additional Judge. The President promised to follow up for a replacement.



LSK Kerugoya Chapter Chairperson, Ngigi Gichoya engaging the Council during Kerugoya Chapter visit.



Council Member Linda Kiome and LSK CEO Florence Muturi during the Branch Visit



LSK SUBMITS A MEMORANDUM ON THE NATIONAL LOTTERY BILL 2023

Mr. Collins Odhiambo, the LSK Deputy Secretary and Director Public Interest Directorate appeared before the National Assembly Departmental Committee on Sports and Culture to share comments on National Lottery Bill 2023. He noted to the Committee that it was imperative to regulate any business where the public invest their money in trust, for example- the National Lottery.

Mr. Odhiambo further stated that a legislative framework for regulating Lottery will go a long way in ensuring that every Tom Dick and Harry with sinister motives does not take advantage of innocent unsuspecting public. He also indicated that the Long title of the Bill should be clear on creating a legal framework for regulating the conduct of business in this sector.

In specific, he commented that the duties by the Corporation Secretary should be in tandem with the practice standards set by Institute of Certified Secretaries (ICS) Kenya, and should also be in consonance with good practice as prescribed by State Corporation Advisory Committee (SCAC) in the Mwongozo document. (Section 12).

Moreover, where the opinion of the Board is invoked, it should be objective or judicious to avoid situations of exercise of arbitrary opinion. (Section 23)

Consequently, he noted that the Board should be sharing a report of their annual schedule of events and accounts with the Departmental Committee on Sports and Culture to ring fence accountability.

He concluded by indicating that the LSK supports the inclusion of a member of the Law Society in the proposed Board as it will engender responsiveness to the rule of law, legislative compliance and legislative risk management while advocating for inclusion of more advocates in the Board. (Section 5).



Mr. Odhiambo at the forum making his presentation



LSK CRACKS WHIP AGAINST MASQUERADERS

The crackdown to #WeedOutMasqueraders continues, on 30th November 2023, the Practice Standards Committee convened by Ms. Linda Kiome in collaboration with LSK Nairobi Branch through Council Member, Stephen Mbugua undertook a raid in Kenol, Murang'a County. The team nabbed a masquerader who has been operating under a law firm from 2016 duping members for the public.

We appreciate the support of the National Police Service and the Murang'a Chapter Chair Mr. Mbue Ndegwa for the successful swoop.

The LSK will continue with the crackdown Countrywide and appeal to members of the public to be on the lookout and report quacks.

To confirm an Advocate's authenticity, you may check on <https://online.lsk.or.ke>



The Masquerader being nabbed at her office in Kenol, Murang'a County.

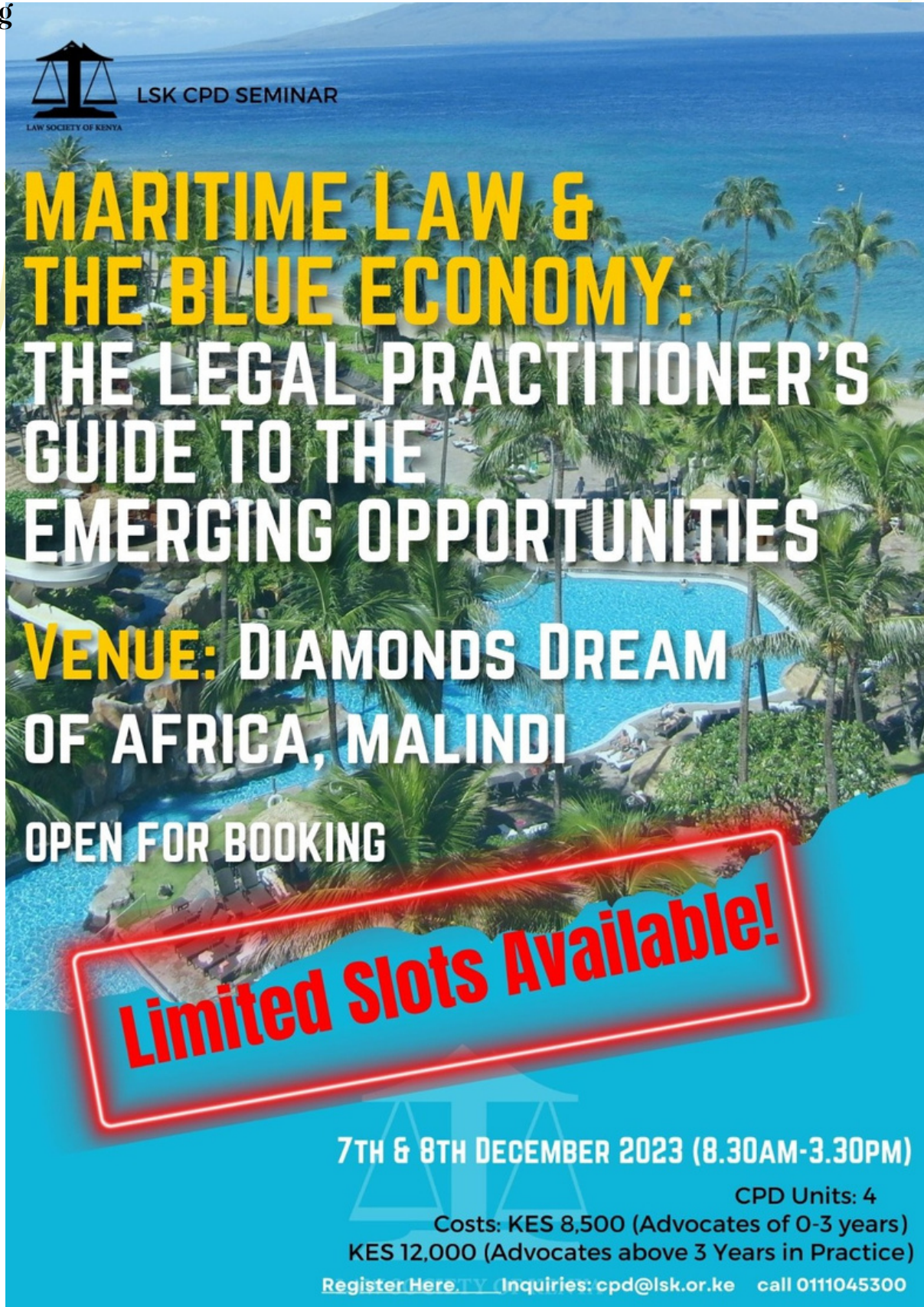


NEWS SEGMENT

COUNCIL DECISIONS TAKEN ON 11TH NOVEMBER 2023 & ADMISSIONS PETITIONS NOVEMBER SPECIAL GAZETTE

The Council Decisions on applications taken on 11th November 2023 for admission to the Roll of Advocates, Practicing Certificates, Notary Public and Commissioner for Oaths and Admission petitions November Special Gazette can be accessed on the link:

https://drive.google.com/drive/folders/1DfHn-P_vkmJmkY9nc1CDLBHtW_B9ueWE?usp=sharing



LSK CPD SEMINAR
LAW SOCIETY OF KENYA

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

VENUE: DIAMONDS DREAM
OF AFRICA, MALINDI

OPEN FOR BOOKING

Limited Slots Available!

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 [TV](#) | Inquiries: cpd@lsk.or.ke call 0111045300



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is the online portal for mediation skills online training course designed for Kenya and created by Dispute Resolution Services.

Dispute Resolution Services

is a not-for-profit company. We are pioneers of mediation and internationally accredited mediation skills training in Kenya since 1996.

Our online course will give you an in-depth understanding of mediation as an effective dispute resolution process. Completing the course will give you skills that you can use in your professional and personal lives right now and will help you decide if you would like to invest in the full training and become an accredited mediator.

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NOTICES/ VACANCIES

ADVANCING HUMAN RIGHTS THROUGH EFFECTIVE IMPLEMENTATION OF DECISIONS OF REGIONAL COURTS: AMPLIFYING VOICES OF KEY STAKEHOLDERS



Pan African Lawyers Union
Union Panafricaine des Avocats
União Pan-Africana dos Advogados
اتحاد المحامين الأفارقة

RAOUL
WALLENBERG
INSTITUTE



Advancing Human Rights through Effective Implementation of Decisions of Regional Courts:

Amplifying Voices of Key Stakeholders

#Joinus to gain a deeper understanding of the **jurisdiction, challenges & opportunities** in implementing Regional Courts decisions



7-8 December, 2023



Abuja, Nigeria



Please scan to join us online
or visit the link below

<https://lawyersofafrica.org/advancing-human-rights>



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secretariat@lawyersofafrica.org



in

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@

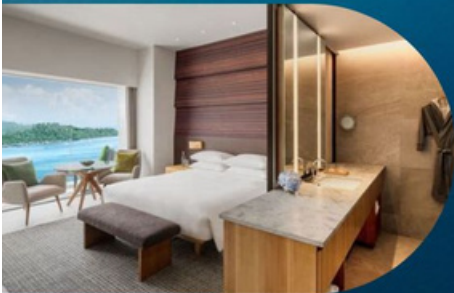
@lawyersofafrica



The Borneo Rainforest Law Conference 26th - 28th February 2024

*Sabah International Convention Centre
Kota Kinabalu
Sabah, Malaysia*

Secure the early bird rate, finishing 15th December 2023



Take advantage of the hotel rate to relax in style

Hyatt Centric Kota Kinabalu is offering preferential rates to Conference delegates and is home to a Sky bar and a double-edged infinity pool, with every room entailing a private balcony allowing for those famous Borneo sunsets to truly take your breath away.

Curious about the Kota Kinabalu tours?

Why not make the most of Borneo and experience the vibrancy the different tours have to offer? Sign up for one of the many tours on offer before, during, and after the Conference. From off beaten paths, rustic villages home to the local indigenous communities, to a Safari and Sunset Cruise... Few visitors ever leave disappointed.



Scan the QR Code for the event website





NOTICES/ VACANCIES

FREE LEGAL AID CAMP- MARAKWET WEST CONSTITUENCY



LAW SOCIETY OF KENYA

FREE LEGAL AID CAMP- MARAKWET WEST CONSTITUENCY

Member of Parliament (MP) for Marakwet West, Hon Timothy Toroitich, in conjunction with the Law Society of Kenya have organized a free Medical and Legal Aid Camp to be held on early January at Moi Girls Kapcherop Secondary School.

The purpose of the Legal Aid Camp is to support the needy in the community by offering Free Legal Aid in the following areas:

- Inheritance issues.
- Land disputes.
- Compensation.
- GBV Legal advice.
- Other legal issues

[INTERESTED ADVOCATES ARE REQUESTED TO REGISTER VIA THIS LINK](#)





NOTICES/ VACANCIES

CPD WEBINAR ON MARITIME LAW AND BLUE ECONOMY

LSK CPD SEMINAR

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

7TH & 8TH DECEMBER 2023
(8.30AM TO 3.30PM)

VENUE: DIAMONDS DREAM OF AFRICA, MALINDI

COST:

KES 8,500 (ADVOCATES OF 0-3 YEARS IN PRACTICE) AND
KES 12,000 (ADVOCATES ABOVE 3 YEARS IN PRACTICE)

CPD UNITS: 4



HON. JUSTICE STEPHEN GITHINJI,
HIGH COURT JUDGE



ERIC THEURI,
LSK PRESIDENT



PROF. MUSILI WAMBUA
LL.D (Ghent), FCI Arb



MAJOR (RTD) NISHIT MARU,
ADVOCATE



KATHERINE KITHIKII,
ADVOCATE, KENYA MARITIME
AUTHORITY (KMA)

Register Here, Inquiries: cpd@lsk.or.ke call 0111045300



NOTICES/ VACANCIES

**POSTPONEMENT OF THE WEBINAR THAT WAS SCHEDULED FOR 21ST NOV 2023 TO
19TH DEC 2023**



WORK-LIFE BALANCE WEBINAR



ONE LSK
CPD UNIT

Creating Harmony in all Areas of your Life.



DEC 19TH, 2023
02.00 PM - 03.30 PM

How do you ensure that you don't become a lawyer at the expense of your marriage, friendships, romance, self-care, spiritual life, community, and whatever else you value?

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SPEAKER
KAMAU MWANGI



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TRAINING NOTICE



THE KENYA SCHOOL OF LAW
COURSE: LEGAL AUDITOR CERTIFICATION
(3 LSK CPD Points)

DATE: 22–26 January, 2024

VENUE: NAKURU

THEME: “Practical Steps for Undertaking Legal Audit”

ABOUT THE COURSE

Legal Auditor Certification Course is relevant for those who intend to acquire knowledge and skills to carry out actual legal audit of both private and public organizations. The objective of the course is to equip the participant with the practical skills to understand the content and process of legal audit, and to undertake audit with professionalism and confidence.

The participant will learn about legal audits: the objectives and benefits, preparation of terms of reference, proposal, inception report, data collection instruments, report, legal compliance matrix, etc. The Course will have many sessions devoted to practical activities simulating the various stages of an actual legal audit exercise.

During or upon conclusion of the 5 days training, the participant will undertake a practical project *off-site*, under the guidance of the trainers, to ensure that the participant is well-equipped to carry out legal audit assignment from the beginning to the end.

TRAINING OBJECTIVES

By the end of the Course the participant will be equipped to—

- a) Advise clients or their respective organizations on legal compliance requirements and prepare them for external compliance audits;
- b) Determine institutional legal risk parameters;
- c) Develop terms of reference and proposal for a legal audit;
- d) Prepare for an opening meeting and do an inception report;
- e) Prepare work plan, audit schedule, and data collection instruments, including questionnaires, interview guides, etc.;
- f) Prepare and populate a legal audit matrix and implementation matrix;
- g) Write the legal audit report;



h) Evaluate an external auditor's report.

YOUR INVESTMENT: Kshs. 105,000 (non-East Africans: USD 1,500) inclusive of VAT and registration fee. (Covers *tuition fees, course materials, stationery, lunch and refreshments*). **NOTE that where a person who has registered for the course pulls out within 7 days to the date of training, the School shall deduct a sum not exceeding 25% of the tuition fee to cover administrative expenses of the School.**

Mode of Payment

Money should be deposited in the **School's Account (Account No. 202 2029 110 Absa Bank PLC, Absa Plaza Branch, Nairobi, Kenya)** and banking slip presented to the Finance Office. Please note that we would wish to have your duly completed application form and proof of payment by 1300Hrs on **15th January, 2024**, to enable us to adequately prepare for the course. Late applicants should confirm availability of space before paying for the course.

For more information, please contact the Course Coordinator, Isaac Kuloba (Assistant Director, CPD), or Jacqueline (Senior Records Management Officer) on: Tel: +254- +254(020) 2699581/6

Email: cpd@ksl.ac.ke, ikuloba@ksl.ac.ke; jacqueline@ksl.ac.ke Website: www.ksl.ac.ke

MR. ISAAC KULOBA

For DIRECTOR / CHIEF EXECUTIVE OFFICER



ISO 9001:2015 Certified Organization