



Law Society of Kenya

ANNUAL REPORT
2019



Law Society of Kenya

ANNUAL REPORT **2019**

Notice

The Advocates' Benevolent Association



**TO:
ALL MEMBERS OF THE
ADVOCATES' BENEVOLENT
ASSOCIATION**

Lavington, opp Valley Arcade, Gitanga Road
P.O Box 72219-00200 Nairobi, Kenya
Dropping Zone 149 Embassy House Basement
Tel: +254 709 087 000
Email: aba@lsk.or.ke
Website: www.lsk.or.ke
Our Ref: ABA/AGM
Date: 23rd JUNE, 2020

NOTICE IS HEREBY GIVEN, pursuant to Rule 21 of the Advocates' Benevolent Association Rules and the ruling given by the Court in Nairobi High Court Misc. Application, HCCOMMMISC/E729/2020(OS), that the **ANNUAL GENERAL MEETING** of the Association shall take place at the offices of the Law Society of Kenya along Gitanga Road virtually through **the Zoom/Webinar Platform** on **Thursday, 23rd July, 2020** at **8:30am**.

The access link, details and modalities for attending and running the meeting shall be provided in due course.

AGENDA

1. Secretary to read the Notice convening the Meeting.
2. Adoption of the Agenda.
3. Silent tribute to Departed Members.
4. Confirmation of the Minutes of the General Meeting held on Saturday, 30th March, 2019 at the Bomas of Kenya, Nairobi.
5. Matters Arising.
6. The Report of the Board of Management for the year ended 30th September, 2019.
7. Presentation of the Accounts and Balance Sheet for the year ended 30th September, 2019.
8. Notices of Motion, if any.
9. ABA Election Results Announcement.
10. ANY OTHER BUSINESS.

BY ORDER OF THE BOARD

MERCY K. WAMBUA, OGW
SECRETARY/ CEO

Notice

Law Society of Kenya



TO:
ALL MEMBERS OF THE
LAW SOCIETY OF KENYA

Lavington, opp Valley Arcade, Gitanga Road
P.O Box 72219-00200 Nairobi, Kenya
Dropping Zone -149 Embassy House Basement
Tel: +254 709 087000
Website: www.lsk.or.ke
Email: lsk@lsk.or.ke

Our Ref: G/2

Date: 22nd June, 2020

In line with Section 30 of the Law Society of Kenya Act, 2014, the Council of the Law Society of Kenya is required to hold an Ordinary General Meeting of the Society in the month of March every year. The Ordinary General Meeting that was scheduled to be held on the 28th March 2020 was put off until further notice due to the Covid-19 global pandemic and subsequent Government restrictions banning the holding of public gatherings as a measure for containment of the spread of Covid-19 virus.

In order to facilitate the holding of the Ordinary General Meeting in line with the Law Society of Kenya Act, 2014 and Regulations thereto, the Council in its meeting held on the 11th May 2020, resolved to hold the Ordinary General Meeting virtually. Consequently, the Council filed Nairobi High Court Misc. Application, HCCOMMMISC/E729/2020(OS) which was allowed on 16th June, 2020 ([Click Here](#), to view the pleadings and [Click Here](#) to view the judgment of the Court) granting that the AGM be held through an online platform.

Therefore, Pursuant to Part VI of the Law Society of Kenya Act 2014, Regulation 75 (1) of the Law Society of Kenya (General) Regulations 2020, and the ruling given by the Court in Nairobi High Court Misc. Application, HCCOMMMISC/E729/2020(OS), **NOTICE IS HEREBY** given that an **ORDINARY GENERAL MEETING** of the Law Society of Kenya is convened for and shall take place at the Offices of the Law Society of Kenya along Gitanga Road virtually through the Zoom/Webinar **Platform** at **10:00am on Thursday, 23rd July, 2020**. The access link, details and modalities for attending and running the meeting shall be provided in due course.

AGENDA

1. Secretary to read the Notice convening the Meeting.
2. Adoption of the Agenda.
3. Silence in tribute to members departed.
4. Deliberations and ratification of the manner of assumption and term of office of the Council.
5. Confirmation of Minutes of the Ordinary General Meeting (AGM) held on 30th March 2019 at Bomas of Kenya.
6. Matters Arising.
7. Report of the Council pursuant to Section 30 of the Law Society of Kenya Act.
8. Presentation of the Accounts and Balance Sheet for the year ended 31st December 2019, pursuant to Section 38(2) of the Law Society of Kenya Act and the appointment of the Society's Auditors. **(Copy of the Accounts can be accessed on the link [LSK Audited Financial Statements 2019](#))**

Notice

9. Motion on the Optimization of the Law Society of Kenya Properties: The case for optimization and development of Gitanga Road and the South C plots. **(Copy of the Motion can be accessed on the link [Motion by the Council on Development of Law Society of Kenya Properties](#))**
10. Consideration of a proposal by the Council to Sell the South C property and utilize the proceeds thereof towards the development of the Gitanga Road Property.
11. Motion on the funds held by the Law Society of Kenya on account of International Arbitration Centre Project.
12. Motion on expulsion of Paul Kihara Kariuki (P:105/969/78) and Kennedy Nyabuti Ogeto (P:105/2129/91) from the membership of the Law Society of Kenya **(Click Here to access a copy of the Motion)**
13. Consideration of the Law Society of Kenya Sexual Harassment and Anti-Bullying Policy (2019) and if members deem it fit, by a resolution, approve with or without amendments the Policy pursuant to Section 4 and 5 of the Law Society of Kenya Act, 2014. **(Copy of the Draft Policy can be accessed on the link [LSK Draft Sexual Harassment and Bullying Policy 2019](#))**
14. Consideration of the Draft Law Society of Kenya Public Interest Litigation Code (2018) and if members deem it fit, by a resolution, approve with or without amendments the Code pursuant to Section 4 and 5 of the Law Society of Kenya Act, 2014. **(Copy of the Draft Code can be accessed on the link [Draft Law Society of Kenya Public Interest Litigation Code 2018](#))**
15. Consideration of the Draft Law Society of Kenya Anti-Money Laundering Guidelines and if members deem it fit, by a resolution, approve with or without amendments the Guidelines pursuant to Section 4 and 5 of the Law Society of Kenya Act, 2014. **(Copy of the Draft Guidelines can be accessed on link [Draft Law Society of Kenya Anti-Money Laundering Guidelines](#))**
16. Election of the Society Representatives to the Committee on Senior Counsel pursuant to the Advocates (Senior Counsel Conferment and Privileges) Rules, 2011.
17. Notice of motion by members given to the Secretary (if any).
18. Any other business which may be admitted.

N/B. Any member wishing to submit notice of motion for consideration under Agenda number 17 is requested to forward the same so as to reach the Secretary on or before **2nd July 2020 at 5.00pm** in line with Regulations 76 of the Law Society of Kenya (General) Regulations 2020. Further, motions that had been submitted to the Secretary ahead of the postponed AGM on the 28th March, 2020, need not be submitted again.



MERCY K. WAMBUA, OGW
SECRETARY/CEO

Contents

Introduction	2
Annual General Meeting (AGM)	4
The Law Society of Kenya Council Activities.....	5
Administrative Structure; Secretariat.....	28
LSK Council and Staff Team Building Retreat.....	33
LSK Secretariat	34
Advocacy and Public Policy Engagements	35
Conference and Events.....	55
Publications of the Law Society of Kenya.....	63
Corporate Social Responsibility	64
Law Society of Kenya Awards	65
Reports of Representatives of the Law Society of Kenya to Committees and Various Institutions.....	69
Activities in Pictures	120
Reports of the Law Society of Kenya Committees	122
Law Society of Kenya Branch Reports.....	152
LSK Branch Chairpersons	187
Public Interest Litigation/Court Cases	188
List of Deceased Advocates in the Year 2019	222
The Advocates' Benevolent Association.....	223
ABA Photo Gallery.....	232
LSK Annual Report and Financial Statements.....	234
ABA Annual Report and Financial Statements.....	268
Activities in Pictures	283

Introduction

COUNCIL MEMBERS

NO	NAME	POSITION
1	Allen Waiyaki Gichuhi	President
2	Harriette Chiggai	Vice President
3	Roseline Odhiambo Odede	Council Member- At least 25 years standing
4	Eric Wafula Nyongesa	Council Member- Coast Representative
5	Herine Akoth Kabita	Council Member- General Member
6	Maria Mutua Mbeneka	Council Member- General Member
7	Borniface Apamo Akusala	Council Member- Nairobi Representative
8	Carolyne Kamende Daudi	Council Member- Nairobi Representative
9	Aileen Aluso Ingati	Council Member- Nairobi Representative
10	Damaris Ndinda Kinyili	Council Member- Upcountry Representative
11	Jane Cheptoo Masai	Council Member- Upcountry Representative
12	Bernhard Kipkoech Ngetich	Council Member- Upcountry Representative
13	David Njuguna Njoroge	Council Member- Upcountry Representative

Vision

A Society that promotes quality and robust legal practice and the rule of law.

Mission

To empower the legal profession with quality member services and promote the rule of law, through advocacy and good governance.



Allen Waiyaki Gichuhi
President



Maria Mutua Mbeneka
Council Member - General Member



Jane Cheptoo Masai
Council Member - Upcountry Representative



Harriette Chiggai
Vice President



Roseline Odhiambo Odede
Council Member



Eric Wafula Nyongesa
Council Member -Coast
Representative



Herine Akoth Kabita
Council Member - General
Member



Borniface Apamo Akusala
Council Member - Nairobi
Representative



Carolyn Kamende Daudi
Council Member - Nairobi
Representative



Aileen Aluso Ingati
Council Member - Nairobi
Representative



Damaris Ndinda Kinyili
Council Member - Upcountry
Representative



Bernhard Kipkoach Ngetich
Council Member - Upcountry
Representative



David Njuguna Njoroge
Council Member - Upcountry
Representative



Mercy K. Wambua
Secretary/CEO

Annual General Meeting (AGM)

The Law Society of Kenya (LSK) Annual General Meeting was held on **Saturday 30th March, 2019** at the Bomas of Kenya, Nairobi. The meeting was attended by One Thousand Eight Hundred and Ninety-Five (1895) members who discussed various issues affecting the Society's membership. The LSK Council took the opportunity to brief members on the activities it undertook during the concluding year. Members also deliberated on motions on a variety of issues presented by members.



LSK President, Allen Gichuhi, EBS C.Arb guiding the proceedings of the LSK 2019 AGM.



A section of LSK Council members and members after the 2019 AGM.

The Law Society of Kenya Council Activities

The Council activities in the year 2019 focused on the following key areas;

1. Practice and Welfare Matters.
2. Strengthening Governance Structures of the Law Society of Kenya.
3. Advocacy, Rule of Law and Public Interest Matters.
4. Involvement in Law and Legislative Reform.
5. Engagement with local and International Partners.
6. Improving Administrative and Policy Structures at the Secretariat.

HIGHLIGHTS OF COUNCIL MAJOR ACTIVITIES IN YEAR 2019

PRACTICE AND WELFARE MATTERS

The Council actively championed and worked closely with the Branches to represent, protect and assist members of the legal profession in Kenya in matters relating to the condition of practice and welfare.

1. Establishment of Young Lawyers Mentorship Program;

The Council established a Mentorship Board with a view of bridging the gap between the senior and young advocates and to provide an environment where professional skills are passed on by seasoned advocates to younger advocates. A pilot project was commenced before the program could be rolled out Countrywide. Before its commencement the Council held a stakeholder's consultative workshop on the mentorship program on the 17th May 2019 at the Hilton Hotel. The objective of the workshop was to gather feedback from members on the mentorship program as espoused in the mentorship manual, launched during the 2018 Annual Conference. The Young Lawyers committee sought to engage members of the Society in developing the roadmap ahead of the pilot program. The meeting attracted the attendance of over 100 advocates; senior members of the bar, young advocates, In-house Counsel, state counsel and judicial officers.



LSK President Mr. Allen Gichuhi, EBS C.Arb officially opening the LSK South West Kenya Branch Office. Looking on is South West Kenya Branch Chair, Mr. Wilkins Ochoki (right) and LSK CEO Ms. Mercy K. Wambua (left).

2. In-House Counsel Non-Practicing Allowance;

To address increased concerns of inequality in payment of remunerations among legal practitioners in the public service sector with regard to non-practicing allowance, the Council engaged the Salary and Remuneration Commission (SRC) to recognize the value of the work done by In-House Counsel and accordingly address the issues of substantial remuneration. The Council recommended for the establishment of a framework that would lead to the harmonization of the public service legal sector remuneration. In addition, the Council applied and was joined as interested party in in *ELRC No. 540 of 2018 Nairobi Erastus Gitonga & 4 Others Vs. National Environmental Management Authority (NEMA)*. The Court, in its judgment pronounced itself in favor of the claimants and in support of the position taken by the Law Society of Kenya.

3. Handling of Concerns on Harassment, Arbitrary Arrests and Victimization of Advocates ;

Through the Member Services Committee and the Nairobi Branch of the Law Society of Kenya, the Society has developed draft guidelines on Police – Advocates Relations which are in their final stages of consensus building with all the law enforcement agencies.

4. Protests Against Victimization of Advocates;

The Council protested against the victimization of advocates by the police. The Council wrote letters on diverse occasions to the Director of Public Prosecution (DPP) protesting the rampant harassment of advocates who had lawfully carried out their instructions but were facing unlawful criminal prosecution. The Council intervened at police stations and obtained the release of several advocates who had been arrested.

5. Filling of Public Interest Litigation over arbitrary arrests;

In order to cushion advocates and members of public from arbitrary arrests including arrests on Fridays and refusal to cash bail or police bond, the Council filed two petitions in Court; *Constitutional Petition Number 9 of 2019 Law Society of Kenya versus the DPP & Others* and *Constitutional Petition Number 8 of 2019 Law Society of Kenya versus the DPP & Others*. Both petitions sought to preserve the rights of an arrested person including right to bail and to

be presented to a Court of Law within 24 hours of arrest. The case sought to protect all Kenyans from arbitrarily and planned arrests on Friday. The Friday arrests were rampant and aimed at denying arrested persons, bail and defeat Constitutional Rights. Both cases are still pending in Court.

6. Establishment of Council and Judiciary Periodic meetings ;

To strengthen the working relationship between Bar and Bench and in order to assist the Judiciary in matters relating to legislation, the administration of justice and the practice of law in Kenya, the Council established strong working relationships through holding of periodic meetings with the Chief Justice and other heads of specialized divisions.

7. Concerns on the Constant and Irregular Issuing of Moratoriums and Non-Payment of Claims by Insurance Companies;

In order to address numerous concerns touching on the constant and irregular issuing of Moratoriums and non-payment of claims by Insurance Companies, the Council through the Practice Standards and Ethics Committee, held consultative meetings with various stakeholders including the Hon. Chief Justice who promised to appoint a Judge to handle all the pending cases with moratorium orders with a view to fast tracking the finalization of the same. In addition, the Council held a consultative meeting with the Insurance Regulatory Authority (IRA) and among other issues agreed on was the need for LSK and IRA to work together and make appropriate proposals on the review of legislation and resolution of the case pending in Court *Constitutional Petition 44 of 2017, Law Society of Kenya Vs Insurance Regulatory Authority, Commissioner of Insurance, Policy Holders Compensation Fund and the Attorney General*. The Council is scheduled to hold a meeting with the Cabinet Secretary, National Treasury with a view to deliberating on the role of the National Treasury in ensuring a stable insurance industry in the Country.

8. Addressing Challenges Facing Land Administration and Registration Exercises;

Pursuant to the establishment of a Taskforce on E- Conveyancing vide *Petition no. 144 of 2018 Law Society of Kenya versus AG, Principal Secretary Ministry of Lands & others*. The Law Society of Kenya was involved in the development of E-

Conveyancing Regulations 2019; the Regulations were unfortunately rejected by the parliament on the ground of lack of citizen participation. Subsequently the Task-Force has been re-gazetted and it is expected to engage stakeholders on the Regulations.

9. Petition to the National Assembly on Land Administration in the Country;

To address the challenges facing land administration in the Country, the Council, lodged a petition with the National Assembly on 21st January 2020, concerning the following:

- a) The circumstances leading to the Annulment of the Land Registration (Electronic Land Transactions) Regulations 2019 (“the **Regulations**”) & the continued unlawful implementation of the Land Information Management System (LIMS) by the Ministry of Lands and physical Planning;
- b) The illegal execution of leases and licences by junior land registrars;
- c) The inefficient and irregular collection of Capital Gains Tax (CGT) by the Kenya Revenue Authority (KRA); its payment and application for its exemption;
- d) The continued poor administration of land registries countrywide; and
- e) The delayed Implementation of land regulations contrary to the law.

10. Business Registration Process

To address the numerous, myriad challenges facing the electronic registration system, the Council through the Member Services Committee and the Nairobi Branch, engaged the Acting Director General, Business Registration Services and made suggestions on ways of improving the electronic registration system. Deliberations are ongoing aimed at ensuring that the Business Registration process are made easier and effective.

11. Joint Working Committee between Council and the Office of the Attorney General;

A joint working group between officers from the Offices of the Honorable Attorney General and the Council, was formed with a view to addressing various issues raised in a Memorandum submitted to the Attorney General by the Law

Society of Kenya. The Committee is working on the following issues:

- a) Mentorship, Practice Standards and Bar-Bench practice directions,
- b) Contempt of Court Orders,
- c) Procurement of external Legal Services,
- d) The fight against Corruption,
- e) The process of formulation of Bills and amendments to various Statutes,
- f) Business Registration Services,
- g) State Counsel to take out Practicing Certificate and attend CPD,
- h) Building Capacity of State and improving their terms of Service,
- i) Decentralization of the Office of the Attorney General,
- j) Strengthening and support to the Advocates Disciplinary Committee,
- k) Support to Legal Aid,
- l) Legal Education Standards (Advocates Training Program),
- m) Higher Education Loans Board (HELB) support to the Advocates Training Program.

12. Guidelines on Robing by Advocates;

In order to preserve the dignity of the Court and the legal profession generally, the Council issued guidelines on robing by advocates and reminded advocates to adhere to the LSK Dress Code (2013) requiring them to dress appropriately before all Courts and Tribunals sessions. This was necessitated by the numerous contradicting directions that were being issued by different Court Stations at the time.

13. Initiated the Process of Reviewing the Advocates Remunerations Order;

The Council set up an Ad-hoc Committee, with the mandate to consider the necessary amendments to the Advocates (Remuneration) Order, 2014, the Court of Appeal Rules, 2010 and the Supreme Court Rules, 2012 in matters pertaining to taxation and costs.

14. Development of Draft Advocates Social Media Usage Code;

In order to give guidance to the membership on the use of social media, the Council, through the Practice

Standards and Ethics Committee is in the process of developing Advocates Social Media Usage Code.

15. Development of Draft LLP Guidelines and the Use of Generic Names by Law Firms;

The Council, through the Practice Standards and Ethics Committee, has developed Draft Guidelines on Registration of LLPs and the use of Generic Names by Law Firms. The guidelines are intended to inform the Council and members on the use of LLPs and the use of generic names.

16. Development of Draft Alternative Dispute Resolution (ADR) Guidelines;

The Council through the Alternative Dispute Resolution Committee has partnered with the Judiciary in promoting sensitization exercise through door to door reach to law firms. The Council in partnership with other stakeholders is currently developing ADR Guidelines which will establish standards and guidelines while also providing additional work for advocates who are trained arbitrators and mediators. This will also open up increased work to advocates.

17. Development of Draft East Africa Law Society Bill;

Following the 2018 LSK Annual General Meeting (AGM), members resolved that the Council drafts the EALS Bill. The Bill has been finalised and is now being fine-tuned.

18. Support for Students of Kenya School of Law Advocates Training Program

The Council lobbied the Higher Educations Loans Board (HELB) as well as the Council of Legal Education (CLE), to establish a fund that will support students undertaking Advocates Training Program. Subsequently, in the year 2019, the Council of Legal education in partnership with the Higher Education Fund launched a Legal Sector Specific revolving fund. Through the fund students undertaking the advocates training program will be availed loans to assist with payment of examination fees. The Council is still engaging the Kenya School of Law, the Council of Legal Education and the Higher Education Loans Board to extend the loan to cover tuition fees for the advocate training program.

19. Development of Draft Anti-Money Laundering Guidance for the Legal Practitioners

With the support of the GIZ, the Council has developed an Anti-Money Laundering Guidance for the Legal Practitioners. The guidelines, aimed at assisting the legal profession in the effective provision of legal services while fully complying with domestic and international standards and obligations for Anti- Money Laundering (AML), were developed and subjected to public participation by members.

20. Members Group Medical Cover;

The Council renegotiated the medical cover for members and now provides an enhanced cover for the Young Advocates, Seniors and Employees in law firms.

21. Development of Sexual Harassment Policy;

In order to address the silent yet rampant cases of sexual harassment in the legal profession, the Council through the Gender Committee developed a Sexual Harassment Policy. The Policy was launched on 28th October 2019 during the Legal Awareness Week.

22. Support to the Advocates Benevolent Association;

The Council offered support to the Advocates’ Benevolent Association (ABA) to restructure its operations and introduced more effective services to the membership:

- a) Wakili Personal Retirement Benefits Scheme:** Through the Advocates’ Benevolent Association, the Law Society of Kenya has successfully registered a Wakili Personal Retirement Benefits Scheme.
- b) Introduction of Last Expense Policy;** To cover and assist with burial of bereaved members Kshs 50,000/=.
- c) Introduction of Medical Cover Policy;** Effective 1st January 2018 any member admitted to hospital and has exhausted other medical covers is entitled to Kshs 35,000/=.
- d) Education Assistance Policy;** to support the implementation of the Education Policy, the ABA has partnered with Higher Education Loans Board (HELB) to establish a sector specific fund (revolving).



Members pose for a group photo after the hackathon.

23. Inaugural Global Legal Hackathon;

The Council through the ICT/IP Committee in partnership with the Lawyers Hub, organized and participated in the maiden Global Legal Hackathon. The event brought together Lawyers, Entrepreneurs, and Software developers who engineered technological solutions to the challenges faced by different actors in the justice sector and legal domain.

24. Enhanced Continuous Professional Development for Members;

Through the CPD Committee in collaboration with other Committees, the Council has:

- a. Increased the quality of speakers and number of CPD seminars.
- b. Introduced specialized afternoon seminars to provide members with a wide array of options.
- c. In the year 2019, a total of 72 seminars were organized across the Country compared to 57 in the year 2018.
- d. The CPD Committee introduced the Senior Lawyers CPD Luncheon.
- e. New CPD stations were included in the CPD calendar including Narok, Kerugoya and Kitui to reduce the travelling costs of members.
- f. The CPD committee launched the Continuous Professional Development Digest that comprised of a selection of papers presented during the various CPD seminars.
- g. The Council negotiated for subsidized specialised training for members. The Young Lawyers Committee negotiated and held trainings in collaboration with the Mediation Training Institute to train lawyers on Mediation.

h. The Committee also partnered with the Kenya School of Law to train young lawyers on Legal Audit and Compliance.

i. Trial Advocacy Training: The LSK partnered with the Inns of Court College of Advocacy and the Kenya School of Law and offered training on trial advocacy which was held from 26th to 30th of November 2019 at the Kenya School of Law.

25. Supreme Court Judgement in Case Number 4 Of 2019: LSK Versus Attorney General & Central Organization Trade Union (COTU)

The Supreme Court rendered its decision in this matter on the 3rd December 2019. The Court dismissed the Appeal filed by the Law Society of Kenya. In line with its mandate to represent, protect and assist members of the public and the legal profession in Kenya in matters relating to condition of practice and welfare and in order take an informed decision on the way forward, the Council organized and held a members' brainstorming session on 18th December 2019 at the Panari Hotel, Nairobi. The brainstorming session was facilitated by Mr. Allen Gichuhi, LSK President, Mr. Charles Kanjama, Nairobi Branch Chairperson and Mr. Muthomi Thiankolu, Advocate. The Legal team made presentations on the history of the case from the High Court to the Supreme Court after which open deliberations were held where members got an opportunity to give feedback on the Judgement and proposed way forward.

Based on member's recommendations that an Ad hoc Committee to be set up, the Council constituted an Ad-hoc Committee on WIBA Matters. The Committee's mandate includes the following:

- A. Analyse the Supreme Court Judgement and its Importance on access and administration of justice.
- B. Review the Work Injury Benefits Act 2007 and the framework of handling WIBA cases before the Director of Occupational and Safety Services at the Ministry of Labour.
- C. Collect data from members and relevant stakeholders on the cases already filed before the Director of Occupational Safety and Health Services and the progress made in handling the cases.

- D. Convene necessary meetings with relevant stakeholders with a view to finding a solution to the challenges facing the implementation of WIBA Act.

In addition, the Council commenced engagement with stakeholders to deliberate on legislative reform. In this regard, Members were requested to send the following details:

- All pending WIBA matters pending before the Director of Occupational Safety and Health Services.
- The number of directors within their practice areas.
- Whether reasoned awards were given.
- Whether advocates are allowed to appear before the directors with their clients.
- Whether due process is carried by the Director in accordance with the provisions of the Fair Administrative Actions Act.

The above information assisted the Ad Hoc Committee in delivering its mandate.



Newly admitted Advocates take an oath during a past admission ceremony

26. Admission of new members to the bar

In the year ending 2019, there were four admissions to the bar of new advocates; cumulatively about one thousand two hundred were admitted. Upon every admission, the Council through the CPD committee organized for induction seminars to among other things, expose the new members to the Society and its ethics, as well as capacity build them on emerging practice trends. In order to facilitate faster acquisition of the Law Society of Kenya services by the newly admitted advocates, the Council, through the Secretariat is currently registering biometrics of the newly admitted advocates on the admission day. The services are being availed to members at the Supreme Court. This will make

it easy for the newly admitted advocates to register, book and access Continuing Professional Development and other LSK services.

Through the CPD Department, the Secretariat begun registering the admitted advocates biometrics at the Supreme Court during the admission function, making it easier for the new members to register, book and access Continuing Professional Development and other LSK functions.

STRENGTHENING GOVERNANCE STRUCTURES OF THE LAW SOCIETY OF KENYA

A. FORMATION AND RECONSTITUTION OF THE COMMITTEES OF THE LAW SOCIETY OF KENYA

With a view to improving service delivery to members, the Council reconstituted some Committees and set up new ones to deal with emerging matters. In total there were 25 Committees. Under its capacity building component, new Committee Members from different Committees were trained on Advocacy among other specialized areas.

Particulars of New Committees and Co-option of Members;

1. The Council merged the **Devolution and County Legislation Committee** with the Law Reform and Constitutional Implementation Committee, as both Committees were carrying out similar functions in the field of law reform.
2. **Tax Committee** - The Committee comprised of members who are experts in Tax matters. The Committee advised the Council on policy and legislative review in relation to tax matters.
3. **Council (Branch) Devolution Committee-** The Committee was established to advise the Council on matters concerning branches including resolution of disputes, statutory and regulatory compliances by Branches, disbursement of devolution funds to Branches, setting proper structures to support the work of the Branches and establishment of functional Branches of the Society.
4. **Budget and Finance Committee.** The Committee was established in line with Section 40 (2) of the Law Society of Kenya to advise the Council on how to maintain fiscal stability and long-term economic health of the Society and oversee the financial planning and fiscal management of the Society.

5. **Development and Investment Committee.** The Committee was established with a view to provide expert impartial advice and guidance to the Council on significant development and investments proposals and other development related matters set out in the LSK Strategic Plan.
6. **Advocates (Review) Remuneration Ad Hoc Committee.** A Committee constituted on adhoc basis to consider amending the Advocates (Remuneration) Order, 2014, the Court of Appeal Rules, 2010 and the Supreme Court Rules, 2012 in matters pertaining to taxation and costs.
7. **Communications Committee:** The Committee comprising of Council Members and Staff. The Committee's aim was to increase the visibility of Law Society of Kenya through Strategic Brand promotion and continuous relevance in the media and public. The Committee is working on an LSK Communication Manual and Strategy.
8. **Criminal Justice Committee.** The Committee was constituted to among others; advise the council on matters touching on the Criminal Justice System and to work closely with the National Committee on Criminal Justice Reforms.
9. **Member Services Committee** is aimed at improving the member services. A member services charter has been developed and will be implemented once the necessary structures have been put in place.
10. **Co-option of Branch Chairpersons to Serve in Society's Committees -** The Council incorporated Branch Chairpersons' in the Society's Committees with at least Branch Chairperson being incorporated to serve in at least one of the Society's Committee of their choice based on area of expertise.

B. STRENGTHENING OF LSK BRANCHES

The Council undertook various strategies towards strengthening devolution following the various consultative visits at all the branches and constant interaction with the branch leadership.

1. Council-Branch Leadership Caucus Meeting

The Council held quarterly meetings between the Council members and the Branch Chairpersons with a view to ensuring constant consultations on matters touching on management and affairs of the Society. Through the meetings, the Council and Branch Chairpersons deliberated and brainstormed on various matters touching on the functions of the Law Society of Kenya

including building of consensus on practice and welfare matters. The meetings availed Branches an opportunity to articulate challenges that needed the intervention of the Council. On 14th August 2019, a meeting was held between the Council of the LSK and Branch Chairpersons' at Pridelnn Paradise Hotel, to discuss among other things; progress of Work Benefits Injury Act (WIBA) case, which was pending at the Supreme Court, LSK Regulations, Co-option of Branch Chairs to Council Committees, CPD Courses to be offered by Branches and the need to communicate on any assistance or support required from the Branches by the National Office.

On practice matters the following are key issues that were agreed upon:

- ▶ Chairpersons be consulted on matters touching on practice issues.
- ▶ On the WIBA matter, both leaderships were in agreement that the matter affected many practitioners and in order to ensure that the position of all practitioners was taken into consideration, all Chairpersons to collect views from advocates and send in for consideration.
- ▶ The Bar-Bench matters to be coordinated at the Branch level.
- ▶ The Court Users Committee (CUC) resolutions be forwarded to the National Office for publication.
- ▶ **Council Devolution Committee and Branch Chairpersons:** On 25th October 2019, the Committee on Devolution held a joint meeting with the Branch Chairs, to discuss key issues affecting Branches. The meeting sought to ensure that there was harmonization, enhanced transparency and accountability at the branch level. From the meeting, Branch chairs resolved to adopt several accountability checklists as presented to them. The role of the Branches in curbing imposters/quacks was also discussed in the meeting. In line with the Draft Regulations, the creation and strengthening of Branch Chapters and Practice centres, chairs were requested to consider; the reporting procedure for chapters and Practice centres, defined practice Centres, distribution of funds to the chapters, the need for capacity building for Chapters and the need to guide Chapters on what is required of them i.e. writing of reports, Chapters to put in the LSK Annual reports just like Branches.

2. Enhanced funding to the Branches;

Through the Devolution Fund, the branches achieved financial sustainability. Currently, Kshs 40,000,000.00 (Forty Million) is distributed to the Branches annually, a sum expected to grow in tandem with admissions to the bar.

3. Supporting the establishment of functional Branch Offices;

In order to support branches to effectively undertake their mandate, the Council through the Devolution Committee set out a check list of compliance requirements for Branches. Key among the requirements was the need to establish functional Branch Offices. This is an on-going process which will see all Branches establish functional secretariats:

- a) **Nairobi Branch-** acquired leased office on the 17th December 2018 which the Council officially opened.
- b) **West Kenya Branch-** acquired leased office premises. The office was officially opened by the Council on the 9th February 2019.
- c) **North Rift Branch-** Was the first Branch in the Society's history to purchase its office suite. The office was launched on Friday, 29th November 2019 by Council of the Law Society led by President, Allen Waiyaki Gichuhi EBS, C. Arb, accompanied by Mr, Eric Nyongesa, Council Member and Chair Devolution Committee and Ms. Mercy K. Wambua, LSK CEO. The LSK North Rift Branch offices are at the prestigious Daima Towers in Eldoret. The purchase of the North Rift offices was made possible through support from the devolution funds distributed through the Devolution Committee, whose role is to strengthen branches and support devolved services delivery to members at branch level. The then, North Rift Branch Chair, Mr. Zephania Yego informed the delegation that the office suite was spacious as it measured 620 square feet and had among other features; a reception area, boardroom, and offices. As recognition for being the first branch to acquire and own its own office suite, the branch was awarded with a cheque of Kshs. 800,000/= from the equalization fund to assist in finalization of completion of the purchase consideration. The office suite was acquired by way of sectional title and purchase consideration which has been fully paid.



LSK Officials pose for a group photo after the Council- Branch meeting.

- d) **Acquisition of Land for the South Eastern Branch;** In order to enhance financial sustainability, the South Eastern Branch initiated the process of acquiring land for purposes of setting up the Branch Secretariat as well as commercial premises for income generation. The Law Society of Kenya, led by the CEO, Ms. Mercy K. Wambua, OGW, on behalf of the LSK President presided over the official opening of the **South Eastern Branch Offices** located at **Litka Square Building, 1st Floor**. The office consists of a front office, boardroom, Program Development Officer's office and an executive office.

The official opening of the Branch Secretariat preceded the Branch's Annual General Meeting.

- e) **Equipping the West Kenya Branch;** In order to support Branches to enable them function effectively, the Council in the year 2019, provided additional funds to the West Kenya Branch (from the Equalization Funds). The additional funds were utilized to equip the Branch Office with computers and other necessary office equipment.

4. Enhancing transparency and accountability at the Branch Level;

The Council and Branch Chairpersons held a meeting and agreed on a compliance check list to guide branches on the minimum requirements. The following guidelines were agreed upon;

- Branch Budget Template,
- Branch Accountability Checklist,
- Guide to Branch Council Allowance.

All the Branches are expected to comply with the agreed minimum requirements before release of devolution funds.

- 5. Undertaking of periodic internal audits of the Branches.** The Council through the Internal Audit Department and the Internal Audit Committee undertook periodic Internal Audits of all the Branches. The Internal Audit reports are a requirement for release of devolution funds to the Branches in addition to other compliances agreed upon between the Branch Chairpersons and the Council.
- 6. Formation of Coast Branch-** The Council oversaw the formation of a mediation team that led to the formation of the Interim Steering Committee to spearhead the establishment of the Coast Branch.
- 7. Formation of Rift Valley Branch** - The Council initiated the deliberations on the formation of the Rift Valley Branch of the Law Society of Kenya. The Branch comprises of Nakuru, Kericho, Naivasha, Laikipia, Kabarnet, Maralal, Bomet, Narok, Nyahururu, Molo and Sotik.
- 8. Elimination of Quacks and Imposters** - Due to the increased number of quacks, the Council has put in place various strategies to handle the menace. The Council, through the Devolution Committee held a joint meeting with the Branch leadership to brainstorm on collaborative strategies to eliminate and weed out quacks and masqueraders from the legal profession. In addition, the Council held a meeting with judiciary officials and registrars to deliberate on the various collaborative measures. Deliberations are ongoing with stakeholders to develop a cogent strategy. Upon the coming into force of the Law Society of Kenya (General) Regulations, the Council will establish a compliance unit that will have compliance officers for close monitoring of compliance and weeding out of quacks from the legal profession.

C. THE FINALIZATION OF THE LSK (GENERAL) REGULATIONS

One of the key agenda was the finalization of the Law Society of Kenya (General) Regulations which had been developed by the previous Council. On the 28th September 2018, the regulations have now been published as gazette notice number 32 of 2020 on 19th March 2020. The Regulations were finally gazetted pursuant to legal notice No. 32 on 19th March 2020.

Engagement with the Judicial Service Commission on various practice issues and ongoing recruitment of Judges;

The Law Society of Kenya engaged the Judiciary on various practice issues both through the National Office and through the Branches. Through its Standing Committee on Judicial Appointments (SCOJA), a memorandum was forwarded containing views from members on the applicants shortlisted for the position of Judges. The contribution assisted the Judicial Service Commission while undertaking the appointments.

ADVOCACY, RULE OF LAW AND PUBLIC INTEREST MATTERS

In line with its mandate to uphold the Rule of Law, protect and assist the members of the public in Kenya in matters relating to, ancillary or incidental to the law, the Council was involved in various public interest litigation as well as provision of legal aid to the public;

1. Development of the Public Interest Litigation Code;

In order to strengthen its public interest litigation processes, the Council through the Public Interest and Litigation(PIL) Committee, developed a Public Interest Litigation Code for the Law Society of Kenya which is expected to streamline the Public Interest Litigation by the Council. The Code was circulated for members input before submission to the Annual General Meeting for adoption.

2. Setting Up of Ad-Hoc Committee on the Work Injuries Benefits Act 2007 (WIBA);

The Council has constituted a Committee with the mandate of coming up with urgent proposed amendments to the Work Injury Benefits Act 2007 and the framework of handling WIBA cases before the Director of Occupational and Safety Services.

3. Building Bridges Initiative Ad- Hoc Committee;

The Council constituted an Ad Hoc Committee to assist with the development of a memorandum for presentation to the Building Bridges Initiative to Unity Advisory Taskforce. The Council through the Committee submitted a memorandum to the BBI after receiving views from the members.

4. Press Statements;

Various press statements have been issued on Public Interest Matters on diverse occasions in the last two years, to wit:

► **Breach of fundamental Rights of arrested persons by the Police.**

The Council issued numerous press statements and cautioned the police against violation of Human Rights including rampant arrests that were designed to be undertaken on Friday afternoon and weekends with a view to ensuring that arrested persons were not availed bond until Monday. In addition to issuance of press statement, the Council filed two Constitutional petitions which are still pending in Court.

► **Demolition of properties**

The Council issued an advisory by way of press statement to the Government on the need to ensure environmental protection is undertaken but still ensuring that proper legal procedure is under before any demolition is done. The Council also sought for publication of all the properties that had been identified for demolition.

5. Public Interest Litigation

The Council has continued to exercise its mandate to file and participate in public interest litigation with a view to ensuring the protection of rule of law and access to Justice. A detailed report on the Public Interest Litigation cases has been provided in this report.

INVOLVEMENT IN LAW REFORM AND LEGISLATIVE REFORMS

The Council was engaged in advocacy and policy engagements with various public and private entities with a view to informing policy development in the Country.

GOVERNMENT: engagements with, Parliament, Senate, Office of the Attorney General, National Council of Law Reporting, Kenya Leadership and Integrity Forum, Ethics and Anticorruption.

PRIVATE SECTOR: engagements with among others the Association of Professional Societies of East Africa (APSEA), Parliamentary Initiative Network, Through

the Law Reform Committee and other Committees, the Council,

1. Developed and submitted numerous memorandums to Parliament on various Bills and Interventions on emerging legal and policy issues.
2. Delivered on the research areas both legal and policy, made presentations before Committees of Parliament and other fora.
3. Organized meetings with various Parliamentary Committees to deliberate on matters touching on law and policy reform.
4. Initiated various legislative reforms touching on practice by members. An amendment on the Advocates Act has been forwarded to the Kenya Law Reform Commission and Parliament, which will allow practising certificates, in future, to be issued online by the LSK.
5. The Council plans to petition Parliament to amend the Legal Aid Act to be funded by allocation of not less than 30% from all fines. This will fulfil the constitutional aspiration of providing legal aid to all indigent citizens who cannot afford a lawyer and enable the Legal Aid Board fulfil its mandate effectively.
6. Partnered with National Council on Law Reporting to implement a project by the name **“Know Your Law Campaign”**. The project aimed at enhancing knowledge and information to the public on Constitution, Devolution, Land and Traffic matters.
7. The LSK ICT/IP Committee held meetings with the National Lands Task Force established by the Attorney General tasked with the implementation of the digitization of the land registries and provided technical assistance the adoption of ICT in the facilitation of land transactions.

8. **Joint Engagements on Legislative Policy Reform and Reviews.**

The Council through the Law Reform Committee jointly reviewed and developed a memorandum on the Government Contracts Bill, 2019 with the Kenya Association of Manufacturers (KAM), Kenya National Chamber of Commerce and Industry (KNCCI) and the Kenya of Private Sector Alliance (KEPSA). The Committee reviewed the LSK Act pursuant to the motions proposed at the 2018 AGM after which the Committee developed a draft Law Society of Kenya (Amendment) Bill 2018. The Committee jointly with the Kenya Law Reform Commission, held a Law Reform Forum on the Civil Procedure, Evidence and Interpretation Act on the 10th May 2019.

9. Project on the Implementation and Compliance of the Statutory Instruments Act.

The Council through the Law Reform Committee spearheaded a project on the implementation of the Statutory Instruments Act. The project was supported by the Business Advocacy Fund. The aim of the project was to ensure that regulations are developed pursuant to the proper implementation of the Statutory Instruments Act, and are 'fit for purpose'. Essentially, if the Statutory Instruments Act, 2013 is implemented as designed, it is expected to result in an improved regulatory environment. Under the project, the Council undertook the following:

1. A research on the state of compliance and implementation of the provisions of the Statutory Implementation Act. The Research objectives were, to provide sufficient evidence to demonstrate the impact of lack of implementation of the Statutory Instruments Act and to demonstrate the importance and associated benefits to the business environment specifically and the society generally, of conducting Regulatory Impact Assessment while drafting subsidiary legislation.
2. Developed a position paper on administrative and legislative interventions towards implementation of the Statutory Instruments Act.

The Study makes the following Recommendations:

1. **Technical and Financial Support.** The Government should build the technical and financial capacities of regulators to enable them undertake RIAs
2. **Legal Reforms:** there is need to amend the SIA to clarify various issues including the role of Senate in the scrutiny of proposed regulations
3. **Creating Awareness:** There is need to sensitize and create awareness among key stakeholders
4. **Establishment of a specialized body;** The Government needs to establish a specialized institution responsible of overseeing the implementation of SIA as well as reviewing and monitoring RIA Conducted by government bodies
5. **Development of Guidelines:** There is need for the Government in consultation with stakeholders to develop specific guidelines to assist in the implantation of the SIA

ENGAGEMENT WITH MEMBERS, STAKEHOLDERS AND PARTNERS

For effective implementation of its mandate, the Council engaged various stakeholders through different forums and courtesy calls;

COURTESY CALL MEETINGS

1. **Courtesy call on the Hon. Chief Justice & President Supreme Court of Kenya Hon. Justice David Maranga.** The Council raised concerns on issues affecting the administration of justice including the need to increase Judicial Officers and improve physical infrastructure to provide conducive work environment for our members, the extension of moratorium orders by Insurance Companies and access to justice to the public.
2. **Courtesy Call on the Attorney General, Hon. Justice (Rtd) Paul Kariuki.** In order to adequately address all the issues raised by the Council, the Attorney General established a joint Committee between LSK Council and Representatives from his Office to deliberate and provide recommendations. The Joint Committee held numerous meetings and submitted a report to the Attorney General setting out various recommendations towards addressing the various concerns raised by the Council.
3. **Courtesy Call on the Ethics and Anti-Corruption Commission,** key to note were deliberations on the need for the EACC to observe the Client- Advocate Privilege Rule while undertaking investigation and refrain from harassing of advocates on account of fees earned and investigations on various aspects touching on client's matters.
4. **Meetings with the Director of Public Prosecution (DPP),** the Council raised concerns on Duplex Charge Sheets, which resulted to the formation of a **Taskforce by the ODPP on the decision to charge.** This will have profound impact on citizens who have been unlawfully incarcerated on fatally defective charge sheets. It will also save the citizens from paying unlawful fines.
5. **Courtesy call on the Senate Standing Committee on Justice, Legal Affairs and Human Rights.** The Council presented a memorandum to the Committee on areas of collaboration and those that needed the Committee's prompt intervention, including the Law Society of Kenya(General) Regulations among others.

6. Meetings with the Kenya Law Reform Commission, the Council in its memorandum raised concerns touching on various legislation that needed review, County legislation, Workmen’s Injuries Compensation Act as well as review of the Advocates Act.

7. Meetings with the Chief Registrar of the Judiciary. The Council held numerous consultative forums with the Hon. Chief Registrar of the Judiciary to deliberate on various matters touching on practice including the investigations on alleged issuance of fake court receipts by the Court Registry and effects of the same on the already filed pleadings. In addition, the Council and the Judiciary deliberated



The Chief Registrar, Ms. Anne Amadi during the courtesy call flanked by the LSK team (Ms. Harriette Chiggai, LSK VP, Ms. Mercy Wambua, LSK CEO, Council Members (Maria Mbeneka and Herine Kabita) LSK Secretariat Collins Odhiambo, Deputy CEO and Ms. Njeri Mutitu, Advocate.

on how to work closely to weed out quacks from the legal practice.

8. Meeting with the Inspector General of Police (IGP). The Council paid a courtesy call on the Inspector General, Mr. Hillary Mutyambai and the Director of Public Prosecutions, Mr. Noordin Haji on Tuesday 21st May, 2019. Deliberations were held on key issues touching on administration of justice, enhanced access to justice through coordination of various actors in the justice sector and building synergy between the Police & Advocates.

PARTNERSHIPS

In order to achieve its mandate, the Council partnered with various stakeholders to implement its mandate. Over the last two years the Council has partnered and

signed Memorandum of Understanding with numerous institutions including the following:

1. Canadian Bar Association;

The Supporting Inclusive Resource Development in East Africa (SIRD Project) on extractives undertook five (5) sessions of the Advocates Training Program which aimed at equipping a core group of Kenya advocates with knowledge and skills in natural



The LSK President, Allen Gichuhi accompanied by some Council Members (From left Borniface Akusala, 2nd left Carolyn Kamende and 3rd from right Maria Mbeneka) and LSK CEO, Ms. Mercy K. Wambua pose for a group photo with Mr. Hillary Mutyambai and the DPP Mr. Noordin Haji.

resource management to empower them to support inclusive and sustainable resource development in the Country.

2. Chartered Institute of Arbitrators - Kenya Branch;

The Council signed a Memorandum of Understanding (MoU) between Chartered Institute of Arbitrators - Kenya Branch, Centre for Alternative Dispute Resolution and the Law Society of Kenya. The purpose of the Memorandum of Understanding (MoU) was to collaborate in the promotion of Alternative Dispute Resolution (ADR) as an area of practical importance and to identify further areas and activities of mutual interest for collaboration that would benefit both institutions and their membership.

3. All China Lawyers Association.

The Council recently signed a Memorandum of Understanding (MOU) with the All China Lawyers Association in December 2019. The signing of the MOU between LSK and All China Lawyers Association hopes to strengthen cooperation to promote friendship and exchanges between lawyers of the two countries, promote the development

of the rule of law and legal research for the world and recognize the growing trade and other relations between the two countries and their peoples and the important role of law in these relations.

4. MOUs under Consideration with Other Bars Associations.

The Council has through the President with Bar Leaders from England, Singapore, Korea, Japan, Malaysia and Philippines have agreed to initiate discussions of entering into MOUs.



The Council poses for a photo with members of the West Kenya Branch.

5. Capital Markets Authority

The Law Society of Kenya (LSK) in partnership with the Capital Markets Authority (CMA) jointly set up a Task Force to develop a curricular on legal audits training for lawyers towards accreditation as the Law Society of Kenya certified legal auditors. The Taskforce has developed a draft curriculum.

Council expects to get an improved and more efficient legal system.

6. The Law Society of Kenya Programme for Legal Aid and Empowerment Delivery (Plead) in partnership with UNDP and Amkeni Wakenya

The overall objective of the PLEAD project in partnership with the United Nations Development Programme (UNDP) and AMKENI Wakenya is to improve provision of legal aid and create awareness amongst members and the general public. The specific objectives of the project are:

6. Addressing Environmental Challenges Through the Law in Kenya in Partnership with UNEP

The UN Environment Programme partnered with the LSK with respect to this project which addresses Environmental Challenges through the Law in Kenya. The activities to be carried out are to:

- a) To enhance institutional capacity of LSK in provision of legal aid for the poor and marginalized;
- b) To enhance legal aid provision;
- c) To enhance capacity of Advocates as legal aid providers, and;
- d) To enhance the legal framework for legal aid provision.

- a) Design a training curriculum on environmental law for legal practitioners in Kenya.
- b) Conduct a training of trainers for approximately 30 participants. The expected results/outputs achieved are:
 - iii. A training curriculum on environmental law for legal practitioners in Kenya.
 - iv. A pool of trainers on environmental law developed.
 - v. Environmental training incorporated in the annual Continuing Legal Education programme of the Law Society of Kenya.

5. Strengthening Prosecution and Adjudication of Corruption & Economic Crime Cases in Partnership with GIZ (SPACECC)

The Project sought to create awareness among key stakeholders (the public, members of the Bar, Bench and prosecutors) through conducting civic education and training, on how perpetrators of economic crimes can be castigated, right from their arrest, prosecution through hearing and final conviction. Additionally, through capacity building of the members of the Bar - Bench Committees including judicial officers and prosecutors, the

Through the Land Environment and Conveyancing Committee, the Society has implemented the project through undertaking of the training which was held from 2nd to 5th December, 2019 where they successfully developed the Advocates Training Curriculum on Environmental Law for the Legal Practitioners in Kenya.

6. Business Advocacy Fund

The Council has partnered with the Business Advocacy Fund to support advocacy work and review of Statutory Instruments Act, finalization of the Law Society of Kenya (General) Regulations as well as undertaking capacity building of committee members on advocacy.

7. Google Kenya

The Law Society of Kenya through the ICT/IP Committee entered into a Memorandum of Understanding with Google- Kenya. The main objective was to promote professional standards in the Legal Fraternity through training of Digital Skills and emerging technology, conducting research and publications in the areas of ICT/IP.

8. International Lawyers for Africa (ILFA) And Uganda Law Society

The Council through the In- House Counsel Committee partnered with International Lawyers for Africa (ILFA) and hosted specialized trainings targeting the In-House Counsel. Through the partnership, the LSK hosted a summit on the 12th February 2020 on '**Gaining Perspective – Enhancing the Effectiveness of African Corporate and Government Lawyers**' exclusively for In-House and government practitioners.



A panel during the ILFA forum held on 11th and 12th February 2020, in Nairobi.

9. International Bar Association Litigation Conference in September 2020

With the strengthened partnerships with both regional and international professional bodies, the Council is pleased to announce they successfully negotiated for the Law Society of Kenya to host the 2020 International Bar Association (IBA) Litigation Conference. The Conference will be organized in partnership with the IBA Litigation Committee and the African Regional Forum of the IBA. The Conference is scheduled to take place between 24th – 26th September 2020 and will be preceded by a one-day Young Lawyers Conference. This event will be the largest assembly of legal practitioners in Africa. Preparations are ongoing and further details

on venue and registration will be communicated as soon as possible. The Council encourages members to register and participate in this Conference which will bring together practitioners from across the African Continent and International facilitators.

IMPROVED ADMINISTRATIVE, GOVERNANCE AND POLICY STRUCTURES

The Council, through the Staff, Finance and Budget Committee, put in place various other reforms and developments as set out hereunder:

1. **Institutionalization of Internal Audit:** The Council has in the last two years institutionalized internal audit both at the National Office and at the Branch Level.
2. **Institutionalization of Budgeting Process:** Through the Budget and Finance Committee, the Council has ensured that there is prudent budgeting and utilization of the finances within the Budget.



Members pose for a group photo after the mentorship board meeting. The meeting was attended by LSK President Allen Gichuhi, EBS, C.Arb, LSK CEO, Ms. Mercy K. Wambua and other officials.

3. **Development of Finance and Accounting Manual (2019):** The Council has developed a Finance and Accounting Manual (2019): The Finance and Accounting Policy Manual has been approved by the Council of the LSK as part of the Council's oversight role in ensuring effective and Accountable Financial and Accounting systems. The purpose of the Finance and Accounting Policy Manual is to provide staff with guidance with regard to financial management and accounting procedures, and reports that should be uniform throughout the Society. It also sought to inform the LSK of the policies to adhere to in all operations that involve finances in the Society.

4. **Automation and Digitization of Systems and Processes:** The Council supported the implementation of Enterprise Resource Planning (ERP) and Biometric Registration system leading to integrated financial and operational management.
5. **Establishment of Procurement Unit:** In order to strengthen the operations of the Secretariat, the Council has established a procurement unit and recruited a procurement officer.
6. **Review of The LSK Human Resource Manual:** Through the Staff Finance Committee, the Council is in the process of reviewing the, LSK Human Resource Manual with a view to ensuring that the same is comprehensive and able to address the emerging staff administrative issues.
7. **Telephone Upgrade:** To improve service provision by the Secretariat, the Council has worked on the upgrade of the telephone system at the Secretariat. The upgrade of the telephone system allows multiple simultaneous incoming calls and has integrated an Interactive Voice Response (IVR) to answer frequently asked questions and also transfer calls directly to respective departments upon prompting. The new system also maintains call logs for follow up and audit purposes.
8. **Office Space:** To ease the issue of sitting space for members of staff within the Secretariat, with the support of Supporting Inclusive Resource Development Project, the Council constructed a temporary structure that comfortably accommodates ten staff members.
9. **Development and Investment Committee:** After taking office, the Council set up a Committee comprising of members with expertise in development and investment. The Development and Investment Committee has held deliberations towards setting up of an ultra-modern office block in Gitanga Road. This is in-line with the Law Society of Kenya Strategic Plan. The Committee submitted two motions which were to be considered during the Special General Meeting which was held on the 15th September 2018, however the same were withdrawn before the date of the SGM after concerns were raised by a section of members on the need to have the SGM restricted to handling the Agenda on Law Society of Kenya (General) Regulations and the need to re-consider the proposed approach on the development process. The Council adopted the proposed motions and the same will be considered during the Annual General Meeting scheduled to be

held in March 2020. In the meantime, the Council has worked on change of user of the Gitanga Road property so as to pave way for commercial development. The Committee has also considered the modalities of handling the existing contracts between LSK and various professionals on the abandoned IAC Project.

10. **10. Establishment of Directorates:** To operationalize the Section 28 of the Law Society of Kenya Act and strengthen the Secretariat, the Council has established the four statutory directorates:
 - a. **Practice Standards Directorate;** which shall be responsible for the promotion of excellence in practice, client care and oversee compliance with the rules of good practice in the profession.
 - b. **Compliance and Ethics Directorate;** which shall be responsible for the receipt and evaluation of complaints against advocates and the prosecution of matters before the Disciplinary Committee;
 - c. **Continuing Professional Development;** which shall be responsible for ensuring compliance of members with the relevant regulations;
 - d. **Public interest & Legislation Directorate** which shall be responsible for the identification of public interest issues' legislation and litigation;

In order to operationalize the directorates and taking into consideration of financial capability of the Society, the Council made the restructuring and appointed two Deputy Secretaries to each to be in charge of a specific directorate. Mr. Collins Odhiambo, Deputy Secretary Parliamentary Affairs and Legislative is now also the Director Public interest & Legislation Directorate while Ms. Florence Muturi is the Director Compliance and Ethics Department. The Council has also filled up the two positions of Director Practice Standards and Director Continuing Professional Development. Mr. Harold Ayodo is the Director Continuing Professional Development and Ms. Mary Kitonga was appointed as the Director Practice Standards Directorate.

CONSULTATIVE SESSIONS WITH MEMBERS AND OTHER STAKEHOLDERS

STAKEHOLDERS' CONSULTATIVE WORKSHOP ON THE DEVELOPMENT OF LAW SOCIETY OF KENYA MENTORSHIP PROGRAM

The Law Society of Kenya through the Mentorship Board in conjunction with the Young Lawyers Committee, chaired by Ms. Aluso Ingati, Council Member held a Public Participation Forum at Hilton Hotel in Nairobi on 17th May 2019. The objective of the workshop was to gather feedback from members on the mentorship program as espoused in the mentorship manual. The committee sought to engage members of the Society in developing the roadmap ahead of the pilot program.

The meeting attracted the attendance of over 100 advocates; senior members of the bar, young advocates, in-house Counsel, state counsel, judicial officers, former members of the bench as well those running law firms and their associates were in attendance.

PARTNERSHIP WITH CITAM CHURCH BURUBURU TO OFFER LEGAL AID

On Friday 31st March 2019, the Law Society of Kenya, through the Public Interest/Legal Aid Committee, partnered with Christ Is the Answer Ministry Church, Buruburu, to hold a Free Legal Aid Clinic. Through the partnership, over 500 members of the public received free legal advice from advocates. The LSK Vice President Harriette Chiggai led over 20 advocates who participated in the legal aid clinic.

The free legal aid clinic was organized as part of the institution's mission of giving back to the community through social action, advocacy, and governance. The legal aid clinic attracted over 500 members of the public who received free legal aid on various areas on family law, children's matters, succession, land matters, employment and labor, contracts and general areas such as personal injury, companies or business registration as well as on sexual gender-based violence.

STAKEHOLDERS IN THE AUTOMATION OF INSURANCE CLAIMS CONVERGE

The Law Society of Kenya took part in a stakeholder session on the automation of insurance claim as a cost reduction measure in the processing of motor vehicle accidents and the claims arising therefrom. The meeting

was held on Wednesday 10th April 2019 at Sarova Panafric Hotel. During the session, it was observed that automation of claims had been necessitated by the fact that there were numerous challenges jointly faced by the insurance industry players and the justice system such as:

- Poor investigations hampered by missing police reports (files), the discrepancy in parties involved (victim), delays, non-filing of accident abstract failure to visit or re-visit accident scenes and "payment" for Abstract and P3 forms,
- Ambulance Chasers giving - falsified accident reports, falsified insurance claims and forged paralegal documents

Stakeholders agreed that there was need for industry players to jointly approach the problem. Members were taken through a session on the rule-based automated claims, which were initiated by registration processing. Further to registration, the automation would involve real-time access to assessors, policyholders, garages, reinsurance and finance departments. The automation would minimize room for error and fraud and its automated response-driven workflows would keep policyholders promptly updated. The above process of the automation process is depicted as below;

NATIONAL COMMITTEE ON CRIMINAL JUSTICE REFORMS (NCCJR) CALLS ON THE LAW SOCIETY OF KENYA

The Law Society of Kenya held a meeting with Lady Justice Grace Ngenye (Chairperson National Committee on Criminal Justice Reforms (NCCJR) at the LSK Secretariat offices on 6th May 2019. The aim of the meeting was to update LSK about the National Committee on Criminal Justice Reforms (NCCJR). The agenda centered on strengthening collaboration between LSK as key stakeholder in the reformation of Criminal Justice System and presenting the Committee's TORs to the larger LSK membership through holding of meetings in the near future.

In collaboration with members of the legal profession, the committee would be expected to review the criminal justice system in Kenya and make legal, policy, institutional, operational, and administrative recommendations necessary for better functioning of the criminal justice sub-sector. Additionally, to fulfill the mandate of the Committee, LSK Members would be sensitized with information drawn from a report by Legal Resources Foundation Trust titled "Criminal Justice

System in Kenya: An Audit". The sensitization sessions with advocates would endeavor to familiarize them to the contents of the audit report and engage them on the criminal justice reform initiative.



The LSK President, Mr. Allen Gichuhi, C.Arb EBS pose a group photo after the with members of the National Committee on Criminal Justice Reforms (NCCRJ)

LSK COUNCIL THROUGH THE IN-HOUSE COUNSEL COMMITTEE HELD IN-HOUSE COUNSEL CAUCUS

The LSK Council through the In-House Counsel Committee chaired by Council member Ms. Ndinda Kinyili, organized and held an In-House Counsel Caucus at Safaricom's Michael Joseph Centre. The forum was held under the theme 'Governance as the Epitome of Successful Organizations - the Role of the 21st Century In - House Counsel' the event's main speakers were Ms. Joy Mdivo, Executive Director - East Africa Center for Law and Justice and Mr. Paul Muthaura, CEO Capital Markets Authority.

The plenary elicited a number of challenges facing the in-house counsel including; cost cutting which in turn

had led to departments being overstretched, challenge of retaining counsel in startup businesses and on legal consultants who were often left out in extensive discussions on the grand scheme of things. The responses to the queries ranged from advocates being urged to -;

- Cut out a niche and to be unique in their operations to the extent that they become resource persons for their organizations and for startup businesses.
- Form consortiums of professionals in the same line of practice to have leverage since there is usually greater bargaining power in numbers.
- Understand the technical aspects of your organization so that in-house counsel become more than just compliance persons but reference and resource persons.
- Adhere to the profession's code of ethics and standards.
- Adopt Preventive Lawyering – identify risk elements of the organization's activities and recommend mitigating factors.
- Re-engineering themselves by embracing evolving technology and inculcating the same at their organizations to provide more efficient solutions.
- Play a bigger role the in-house committee and the numerous forums to engage with other practitioners, share ideas and network.

The event was attended by over 100 in-house counsels from different organizations within the public and private sector.



Members during the In-House Counsel Caucus.

STAKEHOLDERS ENGAGEMENT ON THE DRAFT SEXUAL HARASSMENT POLICY

The LSK Council through the Gender Committee chaired by Ms. Carolyn Kamende, Convener and Council Member developed a Draft Sexual Harassment Policy for the legal profession. The Committee held several stakeholders' consultative forums across the Country. The Law Society of Kenya (LSK) Code of Standards of Professional Practice and Ethical Conduct (SOPPEC) under its overriding Principle 10, requires every lawyer to uphold the profession's honesty and integrity even in their private life. Standard 151 of SOPPEC lists sexual harassment as professional misconduct warranting disciplinary action. The Code further places a duty on lawyers to lead by example. Sexual harassment has been conceptualized as a form of gender-based abuse which has significant effects on victims; it is a source of humiliation or intimidation in the work place and may either be physical, verbal or written. The policy which was launched during the Annual Legal Awareness Week is expected to be an important tool aimed at creating awareness on what amounts to sexual harassment but most importantly to provide a reporting mechanism that is meant to offer redress to victims of sexual harassment within the legal profession. The policy is expected to be a useful tool to all law firms in the Country in as far as prevention and redress for acts amounting to sexual harassment are concerned.

ADVOCATES ENGAGE ON CONSULTATIVE FOCUS GROUP FORUM ON EFFECTIVE IMPLEMENTATION OF THE STATUTORY INSTRUMENTS ACT

The Law Society of Kenya through the Law Reform Committee and in accordance with its statutory mandate, as a provider of legal advice to Government and the public, held Focus Group Consultative Forums on effective implementation of the Statutory Instruments Act

The forums which were attended by stakeholders including, Advocates, members of the National Assembly, the Law Reform Commission, the National Council for Law Reporting and Kenya Institute of Public Policy and Research (KIPPR). The forums, sought to advocate for the compliance and implementation of the Statutory Instruments Act, interrogate the extent of the implementation of the Act and provide a platform for direct engagement with lawyers as critical stakeholders.

MULTI AGENCY TEAM (MAT) WITH THE LAW SOCIETY OF KENYA COUNCIL

On 8th July 2019, the Law Society of Kenya Council held a breakfast meeting with the Multi Agency Team (MAT). The purpose of the meeting was to deliberate upon and develop coordinated strategic action that would accelerate and enhance the Government's governance and anti-corruption objectives. The meeting brought out the vital role played by the Law Society of Kenya in the anti-corruption agenda, as it provided an opportunity to mitigate corrupt practices in transactional processes and resolve challenges once identified.

ADVOCATES CONVERGE FOR A CONSULTATIVE FORUM ON THE HUDUMA BILL

The Council of Law Society of Kenya through the ICT/IP Committee Convened by Ms. Maria Mbeneka, Council Member, organized and conducted a half day consultative forums on the Huduma Bill at the Laico Regency on Thursday 25th July, 2019 and at the Lawyers Hub on 31st July 2019.

The events attended by over 200 advocates provided an opportunity for members who engaged in the discussion around pertinent issues revolving around the Huduma Bill which informed the position of the Law Society of Kenya.

The sessions elicited various reactions with some as highlighted as below;

- Definition of Huduma number wasn't whole as it did not ascertain if it was a unique number issued to an individual;
- Reasons for enrolment, capacity and purpose should be clear;
- Issues of Security was lacking: there was no proper channels put in place for storage of data;
- Right to privacy;
- Freedom from discrimination; On gender basis, people with no IDs eg pastoralist etc;
- Access to government services amongst other issues was raised.

The comments and views received during the forum were compiled in a memorandum and forwarded to the Cabinet Secretary, Ministry of Interior and Co-ordination of National Government for their incorporation into the Bill. The Law Society of Kenya, through the ICT/IP Committee participated in Constitutional Petition 56 as was consolidated with Petitions 58 and 59 of 2019. The three petitions challenged the constitutionality of

the National Integrated Identity Management System (NIIMS) on the lack of a proper legal framework and the threats to human rights i.e. the right to privacy, freedom from discrimination and the lack of appropriate data protection safeguards. The Court issued interim orders barring the government from making the NIIMS/Huduma Namba registration mandatory.

STAKEHOLDER CONSULTATIVE ENGAGEMENTS ON THE DRAFT ANTI-MONEY LAUNDERING GUIDANCE FOR THE LEGAL PRACTITIONERS



Members pose for a group photo after a forum with In-House Counsels on Anti-Money Laundering.

With the Support of the GIZ, the Council developed the draft Anti- Money Laundering Guidance for the Legal Practitioners. The Council constituted a working joint Committee comprising of members from three Committees of the Law Society of Kenya, the Practice Standards Committee, the In- House Committee and the Land, Environment and Conveyancing Committees. The joint working Committee held five Stakeholders' Consultative Engagements across the Country in the year 2019. The events brought together advocates from different fields who indeed commended the Council for formulating Draft Guidelines on Anti-Money Laundering and Countering the Financing of Terrorism (AML/CFT), tailor-made to safeguard the interest of advocates. During the forums the LSK Consultant, Ms. Mercy Buku, took members through the proposed Guidelines, expounding on each part and how the same affects the practice of law. She highlighted some of the provisions that were considered as contentious, based on the previous forums held across the Country. Members commended the step taken by the Council, indicating that the profession was headed in the right direction. Several concerns were raised by members during the consultative forums the same informed the development of the final draft Guidelines that have been presented to members for adoption.

IN-HOUSE COUNSEL CONVERGE FOR AN ANTI-MONEY LAUNDERING SESSION

The LSK Council through the In-House Counsel Committee, chaired by Council Member Ms. Ndinda Kinyili, held their 2nd In-House Counsel Caucus at Riara University, on 23rd May, 2019. The event was attended by in-house counsel from various organizations within the public and private sector and was held under the theme **"Anti-Money Laundering and Financial Reporting: The Lawyer's Role"**.

The main speakers were Mr. Paul Muthaura, CEO-Capital Markets Authority, Mr. Kennedy Mwai, representative from the Financial Reporting Center (FRC), Ms. Mercy Buku, Consultant on Legal and Risk Management and the moderator Ms. Debra Anditi Ogada, Legal Manager–Co-operative Bank of Kenya.

In-House Counsel were urged to acquaint themselves with the draft LSK Anti Money Laundering Guidelines so as to advance their practice.

ADVOCATES CONVERGE FOR A SPECIAL LECTURE ON LABOUR PROCEDURES AND REGULATIONS.

In partnership with the Employment and Labour Relations Court (ELRC), the Council organized a specialized afternoon lecture on the labour procedures and regulations. The Lecture chaired by Lady Justice Maureen Onyango, Judge at the Employment and Labour Relations Court the was held on 5th July 2019 at the Hilton Hotel and drew the participation of advocates practicing in majorly on the Employment and Labour Relations Court as well as young advocate willing to understand the operations of the Court.

REPORT OF TASK FORCE ON CONSTITUTIONALITY OF CERTAIN PROVISIONS OF CAP 405

The Insurance Regulatory Authority (IRA) acting on its mandate under section 3A of the Insurance Act to advise the Government on the national policy to be followed in order to ensure adequate insurance protection and security for national assets and national properties, constituted a Taskforce to look at the decisions in Nairobi Civil Appeal no 141 of 2016, Justus Mutiga and two others vs LSK and another, that declared certain provisions of Insurance (Motor Vehicle third party Risks) (Amendment) Act 2013 unconstitutional.

The taskforce was composed of representatives of representatives of the Law Society of Kenya (LSK), Attorney General (AG), Association of Kenya Insurance (AKI), Association of Insurance Brokers of Kenya (AIBK) and Insurance Regulatory Authority (IRA). The following were the terms of reference of the task force.

- a. It was required to review the judgments reached on the subject matter and come up with a mechanism to resolve the issues of constitutionality raised.
- b. They were required to Invite an expert well knowledgeable with the development of Insurance (Motor Vehicle third party Risks) Act cap 405 Laws of Kenya.
- c. The taskforce was required to conduct comparative study on the subject matter and propose the best practice.
- d. To prepare an interim report.
- e. To present the report and receive comments from stakeholders.
- f. To prepare final report with necessary legislative amendments.

The following were the recommendation that the task force come up with:

1. Road Accidents Fund- Funded from a levy (south Africa, Brazil) possibly from either insurance premium, fuel levy of levy or to be merged by National Transport Levy to deal with hit and run cases (unidentified accident vehicle); and where there was no insurance (with recovery from the owner the owner of the vehicle).
2. The capping amount to be calculated based on the official published inflationary figures from the time of enactment of the capped figure. Escalation figures to be published annually.
3. Removing the capping altogether- A research to be carried out on effect for removing the capping by the Actuarial Society of Kenya (TASK) or any other institutions/ expert as published annually.
4. A comparative study to be undertaken in South Africa, Botswana and India on the respective models on their third-party claims compensation schemes with view to coming up with a resolution and proposal on which was the best model to adopt in our jurisdiction grated the challenges posed by the two judgements aforementioned to the industry.
5. An amendment to be cap 405 to provide for structured compensations as an alternative to common law court system, provided with the following wordings:

- I. "nothing prohibits or limits the insurer and claimants from negotiating any claim under this Act using or adopting any formula that may be agreed between the insurer and the third party".
 - II. Pursuant to section 5 (a) of schedule shall be an option available to parties who opt to negotiate and settle their claim under the schedule. Provided where such an option is taken and the claimant is compensated such claimant such discharge the insurer. Provided further nothing in the said discharge will limit the claimant's future medical expenses unforeseeable at the time of settlement of claim. Where the need arises for payment of future expenses such payment will be undertaken subject to negotiations at first instant before pursuing another legal redress.
 - III. Pursuant to section 5 of cap 405 the Authority shall prescribe the scheme of compensation that may be adopted between the insurer and the claimant in settlement of a claim.
 - IV. In prescribing the scheme of compensation the Authority shall consult the following stakeholder i.e AKI, LSK< the director of medical services, Task and AIBK.
6. The training of judicial officer involved in cap 405 cases.
 7. The formation of court liaison committee dealing with cap 405 matters composed of LSK, IRA, AKI and judiciary. The purpose of the committee was to deal with administrative challenges affecting cap 405 cases.

LEARNING CIRCLE FOR PIL LAWYERS

The Law Society of Kenya in partnership with Amnesty International and Vance International Center held a learning circle for Public Interest Litigation Lawyers based in Kenya. The Lawyers engaged and shared experiences from their countries with regards to PIL trends and strategies, possible collaboration and funding.

The Keynote speaker was Miss. Adaobi Egboka, a Nigerian human rights lawyer currently based in New York and heading the Africa Programme of the Cyrus Vance Centre for International Justice. In her presentation, she introduced the organization and highlighted that the Vance Center provides pro bono legal representation to dozens of social justice organizations and engages hundreds of law firms in this worldwide work, while promoting diversity in the legal profession.

Other speakers included Advocate John Chigiti who made a presentation on the history and development of PIL in Kenya. He emphasized how the constitution 2010 expanded PIL by removing encumbrances of the requirement of locus standi and allowed almost anyone to approach the court when rights are threatened.

Advocate Wilfred Nderitu gave a presentation on his experience in the area of PIL and how it was navigated before the new constitutional dispensation in the absence of an established legal regime and in the face of numerous political challenges. He shed insights on the continuous evolution of PIL and the infinite opportunities that exist, if litigators could be resourceful and make use of Article 43. He also moderated the plenary session.

Advocate Demas Kiprono, who is also the Campaign Manager for Safety & Dignity Programme at Amnesty International Kenya made a presentation on the strategic nature of PIL in the USA and outlined some of the landmark cases that expanded civil rights in the USA over the last century.

ROUNDTABLE CONSULTATIONS ON HUMAN TRAFFICKING (NEPALESE CASES)

The Law Society of Kenya through the Public Interest Litigation Committee (PIL) in partnership with UNODC, HAART Kenya and CREAM held round table consultations by stakeholders on 'Effective investigation and prosecution of human trafficking cases with specific reference to the criminal case involving Nepalese citizens as Victims of Torture' at the Four Points Hotel, Hurlingham on 26th and 27th March, 2019 in Nairobi.

The stakeholders deliberated on trauma in the justice system, the best practices regarding legal response to human trafficking cases and were informed by stakeholders' experience on the multi-agency response at various stages of processing. The backdrop of the forum was the ongoing criminal cases involving Nepalese citizens as victims of trafficking. Mr. Kelvin Lay from UNODC took the participants through how the operation was carried out, the arrests and rescue of the victims in the Nepalese cases.

The forum highlighted the place of LSK in engaging with various Human trafficking agencies with a view to supporting victims of human traffic through Legal Aid, representation and Advocacy. Participants carried out a case study and analysis of options that looked at both civil and criminal liability in cases of trafficking in persons and produced recommendations on the best

practices in this field.

SENSITIZATION FORUM ON COURT ANNEXED MEDIATION

The Law Society of Kenya through the Young Lawyers and Alternative Dispute Resolution Committee in collaboration with Judiciary's Court Annexed mediation program organized a successful sensitization forum on the 13th November 2019. More than 50 participants attended the pilot forum aimed at sensitizing advocates and their members of staff on Court Annexed mediation.



LSK AND GIZ PARTNER TO STRENGTHEN PROSECUTION AND ADJUDICATION OF CORRUPTION AND ECONOMIC CRIMES

The Council of the LSK led by President Allen Waiyaki Gichuhi, C.Arb and LSK CEO, Ms. Mercy K. Wambua held a meeting with stakeholders comprising of representatives from different agencies tasked with combating corruption and economic crimes. The inaugural meeting held on 14th January 2020 comprised of officials from the Office of the Director of Public Prosecution, Financial Reporting Centre, Asset Recovery Authority, Kenya Revenue Authority, Judicial Training Institute,

Amnesty International, Transparency International and academia with expected representation from the Ethics and Anti-Corruption Commission, Manager-Court Users Committee, the Directorate of Criminal Investigations and GIZ.



The LSK President, Mr. Allen Gichuhi, C.arb EBS accompanied LSK CEO Ms. Mercy K. Wambua, OGW pose for photo with GIZ officials after the meeting.

The LSK in partnership with GIZ, would undertake the project to bridge the existing gap and to create awareness among key stakeholders through capacity building of the members of bar – bench committees and court users committees including judicial officers and prosecutors, on the legislative and policy framework in combating and effective handling of corruption & economic crime cases.

The Team identified key areas of sensitization that if correctly addressed, would ensure effective prosecution and adjudication of corruption and economic crimes. These areas included:

- a. The Regulatory Framework governing Prosecution and Adjudication of Corruption and Economic Crimes cases.
- b. The Institutional and Procedural Framework governing Prosecution and Adjudication of Corruption and Economic Crimes Cases.
- c. The Role of the Judiciary in the Fight against Corruption.
- d. Investigation of Corruption and Economic Crimes.
- e. The Admissibility of Evidence in Matters involving Corruption and Economic Crimes.
- f. The Jurisprudence and Precedents of Cases on Corruption and Economic Crime with a possibility of Compiling a Case Digest.

- g. The Integration of the study of 'Anti-Corruption and Tracing the proceeds of Crime Law' into the undergraduate and post-graduate curriculum.
- h. Plea bargaining vis-à-vis out of court settlement on matters involving corruption and Economic Crimes.
- i. Public participation: Understanding Corruption and Economic Crimes from the Mwananchi's perspective.

LSK MEETS WITH THE INSURANCE REGULATORY AUTHORITY (IRA)

The LSK Council represented by Mr. Bernhard Kipkoech, Council Member held a meeting with the Insurance Regulatory Authority (IRA) officials led by Mr. Godfrey Kiptum where they discussed the circumstances that led to the filing of the suit (Constitutional Petition 44 of 2017, Law Society Of Kenya vs Insurance Regulatory Authority, Commissioner Of Insurance, Policy Holders Compensation Fund and the Attorney General) as well as the challenges affecting the industry. The meeting was preceded by LSK receiving numerous complaints from its members and the general public regarding the constant and non-discreet extension of moratoriums to insurance companies at the behest of Statutory Managers, instituted a constitutional reference/suit in court seeking inter-alia, a declaration that that Section 67C (2) (i), 67C(3) & 67C (10) of the Insurance Act are unconstitutional as it contravenes Articles 40, 46, 47, & 50(1) of the Constitution.

The Society presented a detailed Memorandum to IRA on the issuance of moratoriums to insurance companies and challenges faced in the insurance sector which was highlighted in the discussions under the following three main parameters; -

1. Moratoriums
2. Non-settlement of claims by liquid insurance companies.
3. Legal fees due and owing to practitioners.

After lengthy discussions of the three parameters, the meeting resolved that;

1. IRA to submit a Memorandum on Insolvency Act to LSK.
2. LSK Council to deliberate and consider an out of court settlement of Petition 44 of 2018 to enable discussions with IRA.
3. LSK to advise members to report instances of any non-settlement of legitimate claims by insurers.

4. LSK and IRA to engage in developing a Memorandum of Understanding (MOU) as key stake-holders in the insurance sector that will identify common areas of interest and synergies.

Other members present during the meeting included Mr. Chris Muratha, Advocate from LSK and Ms. Mary Nkoimu and Ms. Jemimah Muoki from IRA.

LAUNCH OF THE ADVOCATES' BENEVOLENT ASSOCIATION REVOLVING FUND (IN CONJUNCTION WITH THE HIGHER EDUCATION LOANS BOARD)

On 21st February 2020, the Law Society of Kenya through the Advocate Benevolent Association (ABA) launched a revolving fund in collaboration with the Higher Education Loan Board (HELB) during a one day CPD seminar on Revolving Frontiers in Company Law convened by the Law Society of Kenya Council through the Committee Continuing Professional Development (CCPD) at the Hilton Hotel.

The revolving fund will ensure that the Association's funds remained available to finance its continuing operations without any fiscal year limitation. Once capitalized, the fund will refinance itself through repayments from earlier loans thus ensuring its sustainability. An Oversight Committee comprising of ABA & HELB members would scrutinize the recommended list and approve the beneficiaries to benefit from the Fund, HELB will manage the loan recovery process to ensure sustainability of the fund so that in future it can give back to the society.



ABA Board Member, Ms. Janet Wekesa (left), HELB CEO, Charles Ringera (Centre) and LSK President Allen Waiyaki, C.Arb, EBS (Right) during the launch of the ABA revolving Fund in conjunction with Higher Education Loans Board (HELB).

Administrative Structure; Secretariat

In order to comply with the Statutory provisions of the Law Society of Kenya Act No. 2014, the Council resolved to establish the Statutory Directorates. The establishments of the various Directorates will enhance and improve efficiency at the Secretariat. The following are the various Directorates that have been put in place. Other Directorates will be established progressively;

1. Continuing Professional development Directorate
2. Compliance and Ethics Directorate
3. Public Interest and Legislative Directorate
4. Professional Standards Directorate

DIRECTORATE/ DEPARTMENTAL REPORTS

1. Compliance and Ethics Directorate

The Law Society of Kenya Act 2014 under Section 28 (2) (b) provides that the Secretariat shall consist of the Compliance and Ethics Directorate whose main responsibility is to receive and evaluate complaints against advocates and to prosecute matters before the Disciplinary Tribunal. The Compliance and Ethics Directorate also undertakes various other core duties including dealing with inquiries, issuing Certificates of Good Standing, assisting the Office of the Chief Executive Officer (CEO) with fundraising and provide guidance on ethics, the regulatory aspects of professional practice and the Code of Conduct.

The Directorate is comprised of the Head of Department- Deputy Secretary, Florence W. Muturi, Advocate, the Programme Officer Mary M. Kitonga, Advocate and two (2) Programme Assistants Angelica Mecha, Advocate and Njeri Mutitu, Advocate. Further to its core duties, the Directorate prosecuted disciplinary cases throughout the year at the Disciplinary Committee with the assistance of the Disciplinary Committee members and the Advocates Complaints Commission. The Disciplinary Committee has handled and dealt with many cases to ensure that the Society's standards of ethics and conduct are maintained.

The Directorate also established the Disciplinary Adhoc Committee whose mandate is to address specific objectives in line with the LSK Strategic Plan 2017-2021 and more particularly to engage stakeholders and other relevant institutions to create a lasting solution

to the legal and structural framework governing the Disciplinary Committee. The committee is sourcing for funds to be able to realize its mandate and undertake its activities.

The Directorate successfully participated in fund raising for the Annual Conference 2019 which was held in Mombasa. It also managed to secure partnerships with organizations such as United Nations Development Programme (UNDP) and GIZ-Kenya to undertake projects in the provision of legal aid and in engaging stakeholders in discussions dealing with corruption and economic crimes.

The Directorate has other objectives with regard to the general administration of relevant LSK Committees under the department:

- i. The Practice Standards and Ethics Committee
- ii. LSK Retirement Benefit Scheme
- iii. The Gender Committee
- iv. The Young Lawyers Committee
- v. The Tax Committee
- vi. The Legal Education Committee

The Directorate through the Practice Standards and Ethics Committee ensured finalization of the LSK Anti-Money Laundering Guidelines which will be tabled before members at the next Annual General Meeting and the Directorate together with the Gender Committee completed the LSK Sexual Harassment and Anti-Bullying Policy, 2019.

2. Continuing Professional Development (CPD) Directorate

Mr. Harold Ayodo, Advocate is the Programme Officer of the Continuing Professional Development (CPD) Directorate. **Ms. Emily Tenge, Ms. Vanessa Jepchirchir, Advocate Ms. Florence Owoko** are also staff at the Department which ordinarily works with the CPD Committee in providing policy direction for the programme.

The Directorate is charged with the responsibility of ensuring continuous professional learning for all advocates and also responsible for:

► **Monitoring Compliance Status of Members**

All Advocates practicing in the country are required to attend Continuous Professional Development sessions and acquire five units before they become eligible to take out the Practicing Certificates.

The Department issues compliance certificates to members who have complied with the Regulations.

► **Implementation of the CPD Calendar of Events**

The Directorate handles training needs for members by sourcing for speakers who present at CPD events as well as the session chairs and branch officials and also handles logistics for all CPD seminars across the country by getting suitable venues. The Directorate fully implemented biometric registration of members attending CPD Seminars in 2018 towards improved efficiency in handling increased members attending the said seminars countrywide.

The Committee together with the Secretariat organized a total of 72 seminars across the country compared to 57 in the year 2018. However, the following CPD Seminars were rescheduled and notices sent to members via Electronic Mail:

- The Lecture on Life Skills in Mombasa scheduled for Thursday 18th April 2019 was postponed to Friday 24th May following a request from the Branch Chairman.
- The Seminar on Criminal Legislation scheduled for 4th October 2019 in Kakamega was postponed to 11th October 2019 over unavoidable circumstances.
- The Seminar on Criminal Legislation scheduled for 15th November 2019 in Nairobi was brought forward to 14th November due to unavoidable circumstances.

The topics that elicited good response were:

- Life Skills
- Limited Liability Partnerships
- Child Law
- Intellectual Property Law
- Alternative Dispute Resolution
- Economic Crimes
- Taxation Laws
- Land Law
- Company Law
- E-Commerce
- Induction Course

► **Handling Applications for Exemption and Accreditation from Members**

The Department facilitates monthly meetings of the CPD sub-Committee on accreditation by placing all applications for both exemption and accreditation from members before the Committee and drafting correspondence communicating the Committee's decisions.

► **General Administration**

The Department coordinates all the activities of the Committee by organizing monthly meetings and taking down Minutes.

The Department also facilitates partnerships with other organizations to offer trainings beneficial to members. The department also assists walk in members and responds to telephone enquiries and emails on all matters relating to the program.

3. Communications Department

The Communications Department's strategic objective is to provide transformative member service through raising LSKs visibility, improve professional competence, enhance engagement with stakeholders and improve accountability to members. To achieve these, the department undertook the various activities as highlighted below. The Programme Officer is Ms. Agnetta Rodi while Ms. Sharon Kinyanjui is the Assistant Programme Officer.

The following are some of the activities undertaken during the year 2019:

- The department came up with a draft Communications policy which will define how various forms of communication will be dispersed by the Law Society of Kenya. The draft will be subjected to a series of meetings with the communications adhoc Committee and Staff members thereafter be presented to the Council for approval for implementation.
- In collaboration with Supporting Inclusive Resource Development (SIRD) and the Media Council of Kenya, the department organized and held the Breakfast forum with Editors from mainstream media houses that explored avenues of collaboration between LSK and the various media houses in the reporting of advocacy initiatives and activities as well as the role of media collaboration in highlighting Public Legal Education and Awareness raising campaigns on matters touching on the extractives sector in Kenya.

- ▶ The department enhanced the visibility of LSK by facilitating media coverage through the mainstream media for various LSK events and activities which included: Press conferences, Annual General Meeting, LSK elections, Annual Conference, and the legal awareness week amongst others.
- ▶ Knowledge creation through publications: The department through the LSK Editorial Committee produced various publications that contributed to enhanced knowledge in the legal fraternity. The publications included LSK Journals and the Advocate magazine.
- ▶ The department offered support to various departments by highlighting and reporting on their various activities which included the Parliamentary Affairs department during the various forums on the implementation of the statutory instruments act and also created awareness about the Statutory Instruments Act in regards to regulatory impact assessments. The SIA's Act visibility was made possible by posting content on the LSK social media platforms and formulating reports on the LSK newsletter. The Compliance & Ethics (Gender Committee) the sessions on the Draft Sexual Harassment and Anti-bullying policy and on the various sessions of the Anti-money laundering policy amongst others.
- ▶ Weekly electronic newsletter: The department also circulated issues of the LSK weekly e-newsletter to members on the LSK events, programs, activities and vacancies and trainings from stakeholders within the legal fraternity.
- ▶ Preparation of Information, Educational Communication (IEC) materials which includes an e- Frequently Asked Questions (FAQs): The department formulated an e-FAQ, a list of questions and answers in regards to departmental activities and uploaded the document on the website.
- ▶ Communication with LSK membership: The department is also charged with the responsibility of communicating to all the advocates via notices and issuing updates on various issues affecting them.
- ▶ Social Media and Website: The LSK social media sites and website are the main sources of information of the LSK's undertakings which provide up to-date information on all LSK activities, programmes and events to members, stakeholders, and the general public. The website and social media sites also provided engagements with members of the public on various aspects within law.

The website and social media sites are;

Website: www.lsk.or.ke which has 8,000,000 views,

Facebook page: Law Society of Kenya which 22,000 followers.

Twitter: @lawsocietykenya has 71,000 followers.

YouTube Channel: Law Society of Kenya

Instragam page: lawsocietyofkenya_

4. Audit Department

The Internal Audit department is headed by **CPA Joab Mbakaya** and is tasked with the responsibility of providing independent assurance that Society's risk management, governance and internal control processes are operating effectively. The department has a professional duty to provide an unbiased and objective view.

During the year, the department undertook systems reviews that were submitted to the Council through the Internal Audit Committee, the reporting was done on quarterly basis. The department frequently engaged the management on follow up in implementing the management letters raised in various reviews to ensure compliance. The department also reviewed the compliance of all the eight branches in the course of the year. On various occasions the department offered advisory services to the management aimed at strengthening the internal controls including identification and mitigation of risks.

5. Information Communication Technology (ICT) Department

Online Member Services

The ERP (Enterprise Resource Planning) System implementation continued throughout the year 2019 with the aim of making the online processes user friendly and service delivery fast.

Major achievements were towards making the ERP system stable and flawless. Members were mostly able to apply and pay for services online. Additionally, the module was improved thereby enhancing efficiency and control measures put in place.

Biometric integration with the ERP system was successfully completed the function to enable only members who have paid attend CPD events. The CPD points are automatically awarded by the system at the end of the seminar.

The LSK telephone system upgrading started in the last quarter of 2018 and has been finalized. This will allow multiple calls in and out the Society. Members can now contact the Secretariat with ease through the new telephone number 0709-087 000.

The ICT Officer attended a training on ICT Network, ERP Security & Fraud Detection organized by the Computer Society of Kenya in June 2018 where valuable knowledge was acquired in line with the strategic objectives of the Society.

Office support functions continued well throughout the year even with the limited human and other resources.

6. Public Interest Human Rights and Legal Aid Department

The department consists of the following personnel; Ms. Joyce Wangari Kagai, Advocate and Mr. Christopher Muratha, Advocate.



Upgraded Telephone System

We have finalized upgrading our telephone system. This will help us offer improve and efficient services. As a result, we now have an additional phone number.

 **0709-087-000**

Thank you for your patience during the upgrade period. Our sincere apologies for any inconvenience caused.

Kindly interact with our new system and let us have your feedback to enable us serve you better

You can also reach us through our email
lsk@lsk.or.ke

The main TOR'S are as follows; to

- Support and initiate programs for the public interest and advocacy department
 - Manage and assist clients at the legal aid desk.
 - Engage relevant stakeholders in policy and legal reform
 - Manage and update the pro bono database and Public interest
 - Case management of matters LSK is involved in and liaison with advocates on record
 - Coordinate and implement activities and meetings of LSK committees
 - Initiate and implement partnership initiatives
 - Develop position papers and policy briefs on emergent issues
- a. **Case management of matters LSK is involved in and liaison with advocates on record**
- The department instituted and managed 38 cases throughout the year.
 - ▶ Opening files and referencing them and kept an updated reference log of all the new cases.
 - ▶ Followed up on status of matters with the instructed advocates via email, calls and letters
 - ▶ Maintained an updated case log of all the matters LSK is involved in.
 - ▶ Sent out regular notices to members notifying and updating them of the progress/outcomes of the strategic PIL matters inter-alia;-
 - Huduma no. Case
 - Justice Warsame case
 - Finance Bill and Housing Levy case
 - Burat Evictions case
 - P3 Forms case
 - In house counsel remunerations
 - NHIF Case
 - Judiciary Budget Cuts
 - Non-practicing allowance case
- b. **Manage and assist walk-in clients at the legal aid desk**
- Manning the legal aid desk every day to assist members of the public by referring their matters to pro bono advocates.

c. Engaged relevant stakeholders in policy and legal reform

The Department sought partnerships aimed at promoting access to justice and upholding the rule of law.

Towards the end of the year, we held a meeting with The CEO Kenya National Human Rights Commission to explore areas of possible collaborations and are now in the process of drafting an MOU.

d. Coordinate and implement activities and meetings of LSK Committees

The PIL Committee convened five meetings in 2019 where they held robust discussions per their TORS'S on various thematic areas being Legal Aid, Emerging PIL , Human rights programs and helped in the conceptualization and preparation for the Legal Awareness Week. The last meeting of the year was held on 21st November 2019 and was aimed at planning the goals and activities for the year 2020.

- The department was able to achieve 90% of that was set out in the 2019 departmental work plan. There is required improvement in some noted areas for example;
- A need for more ambitious programs
- Early planning of activities
- More aggressive fundraising
- Enhanced networking with partners

7. Finance Department

The Finance and administration department is headed by CPA Owen Kibunja (Chief Accountant) and supported by; CPA Michael Chege (Senior Accountant), CPA Titus Gitu (Accountant), Mr. Shadrack Musyoki (Accounts Assistant) Mr. Cleophas Nyanyuki (Accounts Clerk) and A. Murimi (Accounts Intern)

The department had a very busy but productive year. The external audit for the Law Society of Kenya and Advocate Benevolent Association for the year 2019 and LSK 2019 Budget were facilitated and completed successfully and on time.

Over 11,000 practicing certificate application payments were processed. To improve on the efficient and financial workflow, department handled different financial transactions relating to different programs and projects such as,

- Continuous Professional Development (CPD),

- Annual General Meeting,
- Disciplinary Tribunal Committee,
- Justice Cup,
- Annual Conference,
- Annual Cocktail
- Different Projects
- ABA Financial year 2018/2019,

In our continuous effort to improve our services, the Secretariat, is in an advanced stage of digitization of processes and upgrade of most of our services (especially on Application of Practicing Certificates, Registration & booking of CPD seminars and Finance) through the system. The deployment of Enterprise Resource Planning (ERP) system which started early 2018 was accelerated and the system was in use during the year.

The department is working closely with the ICT department to ensure that the ERP system implementation is finalized in the year 2020. Once the processes are fully automated, members will be able to access and interact with the system through self-service.

This will enhance adequate controls, reporting and troubleshooting especially on the events management module and also will result to smooth user experience as well as effective back office management.

8. Parliamentary and Legislation Affairs Department.

The department engaged in various law reform initiatives through offering technical support directly or through committees of the Council to various stakeholders in the rule of law and access to Justice Sector.

The department as currently constituted is run by two counsels with experience in legislative drafting and legal and policy audit. The Head of the department is Mr. Collins Harrison Odhiambo, Advocate deputized by Ms. Itoto Echakara, Advocate.

9. Procurement Department

The procurement department is headed by Mr. Boniface Kivuva. It is a new department which was recently instituted in the LSK structure. The department is very strategic and by the virtue of being a chain, it is integrative in nature to other Society's functions which ensures smooth flow of routine activities and offering technical advisory on strategic issues pertaining procurement matters. It is obliged with providing

technical leadership on all matters to do with sourcing, driving the development and implementation of procurement policy and plans which aim at cost effective acquisition of high quality goods, works and services.

It is the sourcing agent of the Society and all supplier sourcing, purchases and procurements are centralized here. Further, the department illuminates the staff on procurement systems and processes taking cognizant to the contemporary issues in the field with a view to enhance efficacy in the Society's operations and be at the cutting edge of information.

During the year in subject, the department has been able to introduce a raft of changes in the Society's operations by introducing and implementing a systematic and well-structured procurement process, development of a procurement policy and procedure manual which is currently at its advanced stage and it shall be rolled out soonest to give guideline on how procurement shall be done and the procedures to be followed.

Medical Cover

LSK Secretariat staff, the Council of the Law Society of Kenya initiated the following:

Staff Last Respect Cover

The Council negotiated a Last Expense Cover, for LSK staff and their beneficiaries, with Stanbic Bank. The scheme is voluntary, and any staff Member willing to join is required to pay a prescribed premium annually and in the unfortunate event that they lose a loved one, they get a prescribed sum.

Mortgage

On or about July 2019, the Council further negotiated unsecured mortgage with Stanbic Bank being home ownership, land and car for staff Members who are on permanent and pensionable employment basis.

Staff Medical Cover

In July 2019, the Council negotiated for an enhanced staff medical cover with CIC Insurance company Limited, where staff members enjoy enhanced outpatient cover, in patient cover, maternity package among other benefits. The cover expires on 30th June 2020.

LSK Council and Staff Team Building Retreat

With the aim of enhancing synergy and in order to improve team spirit to ensure a cordial working relationship, the LSK Council and Secretariat staff attended a two-day



LSK Staff retreat 2019

team-building retreat in Naivasha, from Friday 26th to Sunday 28th April 2017. During the retreat participants were engaged in various activities including a review of the LSK annual work plan and action planning, reflective sessions on the action planning arising from the presentation of the work plans and team building activities which included; color tumblers, pyramid, mini-league Olympics, volleyball and relay-twist amongst others.

The event began with participants being taken through an exercise to identify their individual personality traits to help them understand why they act and react the way they do, thereafter members were divided into five groups. Other activities included the marketplace exercise which had members of the various departments being stationed in booths set up in the hallway. The booths were manned by members of each of the secretariats departments and members of each booth were required to explain the day to day functions, achievements and challenges experienced by their departments, to the groups that visited their booths. At the end of the exercise, members had a better understanding of the functions, achievements and challenges experienced by each department and were able to plot the way forward towards enhanced service delivery for every department.

Members also participated in outdoor activities which involved working together as teams to meet desired goals. At the end of the two-day team-building retreat, LSK Secretariat and the Council agreed to create a more energized team through enhanced:

- Communication and better team work.
- Collaboration and fostered innovation and creativity
- Celebration, team spirit, fun, and motivation.
- Boosted team performance

LSK Secretariat

Top Management



Mercy Wambua, Advocate - Chief Executive Officer



Collins Odhiambo, Advocate - Deputy Secretary and Director Public Interest and Legislation



Florence Muturi, Advocate - Deputy Secretary - Director (Compliance and Ethics)



Joab A. Mbakaya, Manager - Audit and Risk



Owen Kibunja - Chief Accountant



Harold Ayodo, Advocate, Director - Continuing Professional Development



Mary Kitonga, Advocate, Director, Practice Standards



Itoto Echakara - Programme Officer, Parliamentary Affairs and Legislation



Joyce Wangari, Advocate - Programme Officer, Public Interest, Legal Aid and Human Rights



Agnetta Rodi, Programme Officer - Communications



Geoffrey Karani - Programme Officer, ICT



Esther Muriuki, Advocate - Programme Officer - Advocates Benevolent Association



Boniface Kivuva - Procurement Officer

Advocacy and Public Policy Engagements

Functionally, the Law Society of Kenya advises and assists members of the legal profession, Government and the larger public in all matters relating to the rule of law and the administration Of Justice in Kenya. Section 4 of the Law Society of Kenya Act, 2014 outlines range objectives that guide advocacy initiatives and interventions by the Society in various public participation processes. The Key objectives are:

Assist the Government and the courts in matters relating to legislation, the Administration of justice and the practice of law in Kenya.

- a) Uphold the Constitution of Kenya and advance the rule of law and the administration of justice.
- b) Protect and assist the members of the public in Kenya in matters relating to or Ancillary or incidental to the law.

Advocacy is an integral role the Law Society plays on behalf of several publics. The advocacy role involves engagement on the county, national and regional levels on legislative, policy, institutional and constitutional processes through collaborative partnerships with government institutions, private and third sector organizations. The Department of Parliamentary Affairs and Legislation is central to the advocacy role providing coordination, facilitation and support to advocacy activities, technical assistance and advisories to the society committees, general membership and general public.

In 2019, the Law Society engaged with government sector, private sector, third sector and donors and partners.

The Law Society of Kenya regularly engages with the various public and state agencies to advice on the rule of law and administration of justice.

Parliament; the collaborative initiative with the parliament is through engagement with specific parliamentary committees from time to time as they may call for the Societies input. The department developed and forwarded various memoranda for attention of the parliament, in conjunction with the Law Reform Committee, on: The Finance Bill, 2019; specifically, the Proceeds of Crime and Anti-Money Laundering Bill, 2019; The Government Contracts Bill, 2019; Alternative Dispute Resolution Bill, 2019.

Kenya Law Reform Commission; the Kenya Law Reform Commission is a critical agency in the reform of legislation and the constitutional implementation. The Law Society of Kenya early in the year 2018 met to *discuss modalities for engagement and areas of cooperation*. Generally, the engagement entailed the Commission periodical issuance of requests for review and comment of legislation at various stages to the LSK.

As such, the Commission and the Society, in conjunction with the lawyer's hub, held a joint half day forum on the 10th May 2019 on the Civil Procedure Act, the Evidence Act and the Interpretation and General Provisions Act. The justification for the review of the Acts was centered on the necessity for their modernization and their alignment to the constitution. The forum followed an interactive format with the KLRC nominated officers making short presentations and a moderation session by the Law Reform Committee members. The forum also aimed to sensitize the participants on law reform processes and issues and provided an overview of the proposed reform agenda. A commendation was proffered to the Society as a proactive initiative in engaging with Law Reform. The recommendations proposed included: the increase law review for a, establishment of a calendar for law review, accreditation of law review and early notification etc.

The Kenya Leadership and Integrity Forum: The Kenya Leadership integrity forum (KLIF) is a multi-sector platform which brings together all stakeholders of the Kenya society divided into 15 sectors comprising: public, private, civil society and faith based organization. The sectors are; Judiciary, Executive, Legislature, Enforcement Agencies, Media, County Governments, Private Sector, Professionals, Religious organizations, Labour, Ethics and Anticorruption Commission, Education and Civil Society. These sectors converge with the aim of developing and implementing strategies of fighting corruption and promoting ethical conduct in Kenya in recognition of the responsibility of all Kenyans to fight corruption.

KLIF stakeholders have been implementing the Kenya Integrity Plan (KIP) 2015-2019 which was formulated as a roadmap for all sectors to implement a unified strategy to combat corruption IN Kenya. All the sector and the respective institutions implementing the KIP were expected to align their anti-corruption interventions

to the KIP and to develop annual action and progress implementation reports. The report was to provide an opportunity to assess performance and measure impact of the stakeholder anti-corruption activities. KLIF had published both the plan and progress report for 2017. Professional Bodies through APSEA have participated in KLIF and in the KIP processes from 2015. Subsequently, the LSK has participated in the platform variously from the preparation of its KIP to a capacity building workshop held in March 2017.

The Kenya Integrity Plan 2015 – 2019 is set to expire 30th June, 2019 having had a span of four (4) years thus, necessitating the development of a new plan under the multi-Sectoral approach. This process entails a comprehensive review of the current Plan to assess the progress made in implementation to identify the lessons learned, that will inform the development of the new Plan. The new plan aims to outline KLIF's strategic direction and focus in combating and preventing corruption through strategic partnerships and in the promotion of ethics and good governance in all institutions for the period 2019-2023. The decision was made at the National Coordinating Committee (NCC) meeting held on 28th February, 2019 where it was agreed that a technical Committee would be formed to undertake end term review of KIP, 2015-19 and develop the new KIP 2019-23. This would be undertaken under the Sectoral Coordinating Committees (SCC) and the KLIF Secretariat.

In view of foregoing, the KLIF Secretariat held a meeting for the Sector Coordinating Committee (SCC) on 9th April, 2019, to deliberate on the modalities of both exercises and ensure all sectors are represented in the technical Committee.

The SCC meeting discussed the Roadmap to develop the KIP 2019-2023 and identified and outlined a clear roadmap for the process.

State Department of East Africa Community: The State Department for East African Community Integration is charged with the responsibility of coordinating and implementing policies, strategies and programmes aimed at deepening regional integration. It formulates policy on East African Community, coordinates Government and private sector participation in the EAC Affairs, coordinates the implementation of the EAC regional programmes, coordinates the implementation of EAC Treaty and promotes and fast tracks EAC integration process.

The State Department aims at strengthening the participation of Kenya in the implementation of the Customs Union, Common Market and Monetary Union protocols within the established timelines. It is also plays the coordination role in laying the foundation for the EAC Political Federation. The Ministry of East African Community has been engaging in consultative workshops on the draft mechanisms for the removal of restrictions on trade in services in the East Africa Region. The Ministry undertook Sector Studies of Priority Services Sectors and their Economic Impact to Trade in Services and Investment in the EAC Region. The mechanisms should aid in the liberalization of services across the region.

State Department of Trade: The department was established under Executive Order No. 1/2016 who mandate includes Trade Policy, Trade Negotiations and Advisory Services, Coordination of Regional Trade matters – COMESA, AGOA, IOR-ARC & IGAD and Enforcement of International Trade Laws, Regulations and Agreements etc.,

The state department for trade has been involved in negotiations under COMESA. The Department pursuant to a validation workshop on a National Regulatory Framework for COMESA identified three priority sectors for purposes of developing schedules of commitments. The State department invited stakeholders in those three sectors to a meeting to discuss the offers in the form of schedules of *specific commitments for COMESA October 2019*.

Multisectoral Initiative against Corruption: The Multisectoral initiative Against Anti-Corruption (MAT) is a platform that draws various sectors that has engaged deliberations in those sectors with the intent of undertaking self-reflection session on the impact of corruption and design holistic strategies for their address.

The MAT held a National Anti-Corruption Conference between the 24th and 25th February 2019 at the BOMAS of Kenya. The event drew participants from the following sectors; Private, Professional, Academia, Media, Civil Society, Development Partners Women and Youth. The Law Society of Kenya participated through the professional umbrella body –APSEA.

Each Sector summarized their findings with regards prevalent forms of corruption and the specific strategies and commitments to the eradication of corruption. The key priority of the professional sector is the strengthening

of self-regulatory and disciplinary mechanisms etc. The forum also identified cross cutting issues, leadership and integrity and presented citizen demands to the three arms of government.

Nairobi Center for International Arbitration: The Nairobi Centre for International Arbitration is a state corporation established by an Act of Parliament vide Act No. 26 of 2013. A Principal Activity of the Center is the formulation of national policies, laws and plans of action on alternative dispute resolution and facilitate their implementation, enforcement, continuous review, monitoring and evaluation etc.

The NCIA jointly with the Judiciary and with support from IDLO undertook a review of the current ADR legislative framework resulting in a baseline assessment report. The report recommended the necessity for the formulation of a national ADR policy and legislative framework to guide and promote the utilization of alternative dispute resolution.

Essentially, a policy will deploy the use of ADR mechanisms to enhance access to justice and complement the attainment of Sustainable Development Goal 16. In consequence the NCIA and the Judiciary held an ADR Stakeholder's Forum on the formulation of a National Policy and Draft Bill on 24th April 2019 aimed at the securing information to inform the policy processes. The deliberations centered on a policy memorandum stakeholder mapping and policy issues, structure of a draft ADR bill and a road map towards a policy and bill. The Society subsequently participated in a validation forum for a proposed 'National Alternative Dispute Resolution Policy' in October 2019.

National Council For Persons With Disabilities; The National Council for persons with disabilities is a state corporation established by the Persons with Disabilities Act No. 14 of 2003 and set up in November 2004. The Council representation is drawn from key government Ministries and organizations of and for persons with disabilities. Its mandate is primarily to champion the rights and equalization of opportunities for persons with disabilities by facilitating formulation of policies, programmes and interventions geared towards ensuring PWDs participate fully in social, economic and political arenas of life without discrimination.

The department participated in the 'Validation Workshop on Strategic plan 2018/2022' in March. The Plan development was informed by Vision 2030, the PWD Act 2003, and the Big Four Agenda, the Medium Term

Plan III and the country's international commitments and obligations. Noteworthy is the Council's identification of the LSK as a stakeholder in the implementation of the plan.

Additionally, the department participated in a Consultative Stakeholders Validation Forum on Draft Persons with Disabilities Act Regulations, 2019 in December. The Council had reviewed its Persons with Disabilities Act Regulations through a consultative process in partnership with stakeholders. The Council then developed the regulations specifically:

- i) Persons with Disabilities (Registration) Regulations Amendment, 2019
- ii) Persons with Disabilities (Income Tax Deductions and Exemptions) Regulations Amendments 2019
- iii) Persons with Disabilities (Access to Employment, services and facilities) Regulations Amendment, 2019.

The consultative forum aimed to obtain commentaries on the drafts to validate the above Regulations.

Kenya Institute of Public Policy and Analysis: The Kenya Institute for Public Policy Research and Analysis (KIPPPRA) is an autonomous public institution established in 1997 and operationalized 1999. Through the KIPPPRA Act No. 15 of 2006, KIPPPRA became an autonomous Think Tank. KIPPPRA on boarded as a partner with the Society through its support and facilitation under the Law Reform Project on the Implementation of the Statutory Instruments Act 2018-2019.

In November, 2019 Public Policy Research and analysis (KIPPPRA) held an inaugural Kenya Think Tanks symposium. The general objective of the symposium was to progress towards the establishment of a platform for exchange of views on development and policy issues in enhancing evidence-informed public policy making process. The aims for the symposium were: Promote conversation between think tanks and policy makers, including state and non-state agencies; Enhance collaboration, networking and synergies in generating and sharing evidence and identify the channels through which ideas and knowledge held by think tanks and policy makers can be used in the public policy process.

Kenya School of Law, Inns of Court College of Advocacy and ROLE UK: The Law Society of Kenya (through the Member Services and Continuing Professional

Development Committees) the Inns of Court College of Advocacy and the Kenya School of Law with support from Rule of Law Experts –UK (ROLE UK) partnered in a Joint Project -The Trial Advocacy Project from 2017-2019.

The project was conceptualized to enhance access to justice through the development of capacity and competence of advocates in the administration of justice processes. The project aims to amongst other things to ‘enhance access to justice and standards in court practice through an affordable, accessible, relevant and practical Trial Advocacy programme’.

Rule of Law Experts-UK (ROLE-UK) provided support to the project which highly subsidized the fee to Kshs 15,000 for training and making the training affordable. The one week training drew participants from private practitioners, state law office and other organizations both young lawyers and senior practitioners.

The joint project was divided into 4 Phases. Phase I pilot occurred in February 2019 at the Kenya School of Law for a trainer of trainers and basic trial advocacy training. The training was by five senior barristers and a Queen’s Counsel and co-facilitated by the Continuing Professional Development Department of Kenya School of Law. The success of the programme garnered additional support for the next years.

The Inns of Court College of Advocacy (ICCA) was established in 2016 by the Council of the Inns of Court which comprises representatives of the four Inns of Court, namely Lincoln’s Inn, Inner Temple, Middle Temple and Inner Temple. The governing body of the College comprises in turn, representatives of the four Inns of Court, the judiciary, barristers practicing outside London and the specialist bar associations. There are also representatives from academia to ensure that the highest standards in teaching are maintained. It is able therefore to draw upon a wide pool of experience to provide leadership, guidance and coordination in relation to the pursuit of excellence in advocacy. Accordingly, the ICCA provides Advocacy Training on a pro bono basis to various jurisdictions.

The ROLE UK is a programme managed by the Advocates for International Development’s. ROLE UK programme works to strengthen the rule of law in developing countries by supporting partnerships to provide high-quality pro bono legal and judicial expertise. The programme is supported by the Department of Foreign International Development of the United Kingdom-DFID UK.

For Private Sector Organization, the Society partnered with;

Association of Professional Societies of East Africa (APSEA); APSEA, established in 1961 as an umbrella body for all professional Associations draws from diverse disciplines and membership of professional bodies, including the Law Society of Kenya. Ideally, APSEA aims to maintain, advance and advocate for the highest professional standards and ethics in the public interest and to promote the interests of the members both regionally and internationally.

APSEA has pursued implementation of the Urban Areas and Cities Act. The Urban Areas and Cities Act (2011) which sets the frame work for governance and management of urban areas and cities and provides for participation of Non-State Actors as nominating agencies of board members to urban areas and cities as well as members of ad hoc committees. APSEA acts as a coordinating Committee and serves as a secretariat supported by a pool of technical experts drawn from the Urban Sector Reference, LSK being among them, under platform of UBNSNA. It has mandate to ensure harmonized nomination of the various representatives of non-state actors to ad hoc committees and the boards as per Section 13 of the Act. It also takes part in capacity building as well as coordinates the same for non-state actors for effective implementation of the Act, and champion’s development of guidelines for non-state actors’ participation in formation of ad hoc committees and urban boards.

Under the foregoing aegis and in conjunction with UBNA, the department provided technical assistance on the capacity building of the Wote Municipality Board in May.

The Kenya National Chamber of Commerce and Industry (KNCCI); The Kenya National Chamber of Commerce and Industry (KNCCI) are established pursuant to the global movement. KNCCI is registered as a not-for-profit private company limited by guarantee under the Companies Act Chapter 486 of the laws of Kenya. The KNCCI is a membership based trade support institution (TSI) that advocates commercial and industrial issues for their members specifically, and the business community generally on the creation of a favorable commercial, trade and investment environment that supports enterprise expansion. The membership of KNCCI constitutes small, micro enterprises (MSEs), medium and large enterprises.

The department engaged with the Chamber from February on modalities and areas for cooperation whose outcome is a Memorandum of Understanding.

Institute of Credit Management: The Institute of Credit Management Kenya (ICM-K) is a Kenyan based professional body promoting professionalism in Credit Management. The Institute developed a draft bill to regulate the credit profession. The department participated on the basis of provision of advice on legislation in its validation forum in March, 2019.

For the Third or NGO Sector:

Institute of Economic Affairs: The Institute of Economic Affairs (IEA) is a Public Policy think-tank that seeks to promote pluralism of ideas through open, active and informed public debates on key policy issues and to propose feasible policy alternatives. The Society has maintained a partnership with the institute participating in various activities.

The IEA houses the Parliamentary Initiatives Network (PIN) a forum for non-state actors in Kenya with an interest in the work of Parliament. (PIN) is a network of eighteen non-state actors in Kenya with a programmatic interest in Parliament. Under the Public finance management programme the institute provides a forum referred to "Pre- Budget Hearings" that offers an opportunity to businesses, Civil Society Organizations, Professionals, Researchers and the general public to present their budget proposals, which is later synthesized into a memorandum referred to 'Citizen Alternative Budget'. The compiled proposals are forwarded to the National Treasury for possible incorporation into the budget. The institute the Pre budget hearing in February targeting the budget for the year 2019/2020

The Institute, in its project on 'Increasing the Utilization of Auditor General's Reports by Civil Society Organizations for Enhanced Accountability, formally launched an Analysis of the Auditor General's Reports in March 2019. The report examined the findings contained in the financial audit reports published by the Office of the Auditor General for the three consecutive financial years from 2013 -2014, 2014-2015 and 2015 - 2016. The report highlighted a number of violations committed by various government ministries, departments and agencies, and proposed policy recommendations for the government to adopt to avert further wastage of public resources.

The IEA in its project on 'Increasing the Utilization of Auditor General's Reports by Civil Society Organizations for Enhanced Accountability' aims to; Increase civil society's knowledge on the audit process, enhance capacity of the civil society to easily understand Office of the Auditor-General's audit reports, empower civil society to champion public debate and call to action on accountability issues, enhance CSOs capacity to provide critical data that informs advocacy with Parliament (the oversight committees) and other oversight institutions. The institute held a capacity workshop for organizations in March 2019 on experiences of the Office of the Auditor General, the accountability cycle process, budget making and auditing process. The Legal Researcher for the department attended the training.

The Institute of Social Accountability (TISA): The Institute of Social Accountability (TISA) is a civil society initiative committed towards the achievement of sound policy and good governance in local development in Kenya, to uplift livelihoods of, especially, the poor and marginalized. TISA focuses on governance and has built up considerable expertise and networks in local governance, participatory governance, advocacy strategies, capacity building and practice learning while growing in experience and capacity in the development of capacity building tools and curricula in these areas.

TISA held a public forum in June 2019 on the overview of the division of revenue process, the Constitutional Architecture of Division of Revenue, the political context of division of revenue and what gaps have been identified in the division of revenue and the remedies proposed. The forum highlighted several gaps in the division of revenue process: the vague definition of 'national interest' resulting in the national government undertaking county functions enabling national government retention of funds that should have been devolved to the county level; The National Treasury power to borrow resulting in unsustainable debt levels infringing in the County share of revenue; Inadequacy of Article 6(2) in terms of consultation and cooperation on conditional grants; Duplication of functional assignment by both levels of government; Delays in remittance of county share of revenue rendering the counties unable to implement development projects; Delayed approval of disbursement schedule; Lack of clear policy for Conditional grants occasioning inequity and the Weakened institution of the senate

With Donors and Partners

Business Advocacy Fund: The Fund offers support to business member organizations, such as the LSK, in order to enable the organizations effectively perform their functions and mandate within their sector. The Business Advocacy Fund (the Fund) supports Business Associations engage in private public dialogue to advocate an improved business environment in Kenya. This support is provided in the form of grants to finance advocacy projects. To ensure effective outcomes from this financial support the Fund also conducts training in advocacy. The Society through the department of parliamentary affairs and legislation facilitated the capacity building for Law Reform Committee members in the public policy process and the development of public policy position papers. The competency training fortuitously as the Law Reform Committee was spearheading a project on the implementation of the Statutory Instruments Act 2013. The project required the development of Public Position Paper.

The fund supported the Society in a project referred to as Project on the Implementation and Compliance of the Statutory Instruments Act, 2013 from 2018-2019.

The formulation of the project was underpinned by the recognition of the supremacy of parliament in law making under 94(1) *'The legislative authority of the Republic is derived from the people and, at the national level, is vested in and exercised by Parliament.* The Article further confers delegated authority through the enactment of legislation that occasioned the enactment of the Statutory Instruments Act. The Statutory Instruments Act provides for the making, scrutiny, publication and operation of statutory instruments (subsidiary legislation - rules, regulations etc.).

Under the project, the Society commissioned a research study to establish the extent of the implementation of the Act. The study yielded several gaps and identified recommendations that would ensure effective implementation of the Act. The Society also identified several institutions vital in the pursuit of development of effective policy and regulatory framework and subsequently held consultative forums with them. The forums were an advocacy platform for the Society to present and deliberate its key policy recommendations for implementation. The recommendation identified constituted policy, administrative and legislative interventions.

In Essence, if the Statutory Instruments Act, 2013 is implemented as designed, it is expected to result in an improved regulatory environment, as the new principles of Regulatory impact Assessments and public participation requirements have been carried out adequately, the emerging subsidiary regulation would be 'fit for purpose'

Department of Foreign International Development of the United Kingdom (Dfid): The Department for Foreign International Development (DFID) was set up in 1997 and leads the UK government's effort to promote international development. It is the government department responsible for administering overseas aid. The goal of the department is "to promote sustainable development and eliminate world poverty" and tackle global challenges in line with the UK Government's Aid Strategy. DFID works in countries across Africa and have regional programmes in Africa. DFID also gives UK Aid through multi-country global programmes and core contributions to multilaterals funding many organisations.

DFID supports ROLE UK in its programmes and subsequently audited the collaborative project between the LSK, ICCA and KSL through a country review.

Engagement between the Law Society of Kenya and the Vance Center

The Vance Center is an organization that advances justice by engaging lawyers across borders to support civil society and catalyze public interest innovation. In 2019 a meeting was held between the President and the Vance center representative Adaobi Egboka to explore various possibilities for partnership with the Vance Center. The consultations, which are still ongoing are geared towards strengthening pro bono practice and diversity as an organization and through the membership, support in seeking to devise affirmative sustained responses to systemic challenges to the rule of law and fundamental rights in the region. These initiatives will be carried out through peer to peer engagements, undertaking pro bono work in partnership with the society, access to justice projects and programs.

We are looking forward to finalizing on the discussions and commencing implementation of the various concepts that were proposed in 2020.

Kenya National Commission on Human Rights

The Kenya National Commission on Human Rights in noting that despite having a different mandate yet share a common goal being promotion of the rule of law, and further taking cognizance of the virtuous work of the Law Society of Kenya in advancing the observance of the rule of law and human rights within the country, approached the Society with a proposal for partnership which seeks to pursue the following objectives;

1. Strengthening Lawyers capacity to support the protection, promotion and enforcement of human rights in the country.
2. Fostering the involvement of lawyers in region specific human rights issues through Advocacy and compliance, research, training, awareness raising and engagement with emerging human rights issues.

The drafting of the MOU is underway and it is expected that implementation will commence in the year 2020.

Advocates for International Development A4ID

The Law Society of Kenya and the Advocates for international development are pursuing a partnership geared towards developing online resources for lawyers who may be interested in public interest litigation as a way of contributing in promoting access to justice. They have proposed to engage with LSK to have training on how to conduct PIL in comprehensive manner that will include not just litigation but case preparation and trial strategies as well as out of court advocacy required to ensure the decisions from PIL are backed with goodwill and practicality and also through a substantive collaboration between LSK and A4ID on PIL skills development and peer to peer learning.

World Vision and Pamoja Africa

In bid to implement the Kenya Integrated Refugee and Host Community Programme the World Vision approached the society with a partnership proposal whose outcome will focus on creating an enabling legal and policy environment leading to; equitable access to basic services for refugees and their hosts; lower cost of providing humanitarian assistance in the Kenya refugee operation and, sustainable job and market opportunities created and accessible to refugees and host communities.

In addition to Facilitating policy and legislative influencing initiatives, it's been proposed that there be Facilitation of Legal Aid initiatives in the refugee camps (Daadab Kakuma Kalobeyei) and host communities, service delivery monitoring and Human Rights monitoring exercises. This will afford lawyers an opportunity to learn and gain experience in the area of refugee law.

Canadian Bar Association (CBA)

Supporting Inclusive Resource Development (SIRD)

Brief Project Report – January 2019 – December 2019 (Project Year 3)

The Support Inclusive Resource Development in East Africa (SIRD) is a regional project implemented by the Law Societies of Kenya, Uganda and Tanzania in partnership with the Canadian Bar Association (CBA) and funded by the Government of Canada through Global Affairs Canada (GAC). The projects ultimate aim is to increase sustainable economic growth for East Africans, in particular, women. The project has two expected Intermediate Outcomes:

- ▶ Increased engagement of East African law societies to advocate for law reform to reflect the principles of transparency, gender sensitivity and accountability in the extractive industries.
- ▶ Increased community participation, particularly of women, to advance and protect their rights related to the extractive industries.

In Project Year 3 (January 2019– December 2019) the LSK SIRD project undertook the following activities:

1. Ministry of Petroleum and Mining – State Department of Mining

In June 2019, The State Department of Mining extended an invitation to members of the public to participate in country wide forums for the validation of draft frameworks and instruments in the mining sector. The fora were held in diverse counties in compliance with Article 10 of the Constitution which requires public participation before the implementation of any project and/or instrument.

The frameworks and instruments presented for public input were:-

- a. CDA GUIDELINES
- b. National Mining Institute

- c. SDM DRAFT SP 2018-2022
- d. STRATEGY_AND_ACTION_PLAN
- e. DRAFT MODEL COMMUNITY DEVELOPMENT AGREEMENT
- f. Draft Mining (Local Equity Participation) Regulations

LSK SIRD was represented during the public forums in both Kwale and Nairobi Counties and submitted comments and views on the documents from both Kenyan and Canadian Technical Experts.

2. Conduct of a comprehensive review of national laws and underlying policy frameworks, through a gender lens, to identify gaps and focus on areas for possible law reform

The Law Society of Kenya through the SIRD Project engaged a consultant, Mr. Jonah Mngola to undertake the development of the report, the draft report was submitted to the members of the National Advisory Committee members as well as to extractive sector stakeholders including those from State Department of Mining, Civil Society Organizations, Academia and the LSK council, for review, comments and suggestions. Stakeholders were invited to participate in a second report validation Workshop held on Friday 9th August 2019.

3. Drafting of Project Gender Sensitive Action Plan.

LSK SIRD Gender Equality Advisor Mrs. Patricia Nyaundi developed LSK- SIRD Gender Sensitive Action Plan which was submitted to the Canadian Bar Association Gender Advisor on 22nd August 2019.

4. Canadian Bar association – Young Lawyers - Volunteers

The project received two young lawyer volunteers from the Canadian Bar Association.

Ms. Amelie Cournoyer and Ms. Amilah Abd-Al-Rashid were in Kenya for a one-month placement from November 9th to December 9th 2019 and were based in Kwale County. The purpose of their visit was to offer support to the project particularly through participation and interaction with community-based organizations and women groups in Kwale County.

Some of the activities planned for their visit included:

- Holding consultations with identified CBOs, women leaders and women’s groups to identify their priority concerns and to plan advocacy activities with them around their rights in relation to grievances around sexual exploitation, local content, land grabbing and pollution
- Finetuning ideas for implementation of advocacy activity
- Support to co-developing radio programs to discuss rights and access to legal remedies
- Support to women’s advocacy activities
- Support to CBOs PLE outreach activities
- Speaking on radio programs, public service announcements
- Ad hoc support to pro bono lawyers training; taking detailed notes of training; receive training
- Support to training of CBOs and women leaders/ groups on the referral pathways (accessing police,



health services and trained pro bono lawyers); how to use PLE materials downstream

5. Gender-Sensitive Policy Advocates Training Programme

The LSK-SIRD Gender Sensitive Training for Policy Advocates was held from April 2019 to September 2019. The purpose of the training was to equip policy actors with knowledge of best practices and standards in natural resource management to influence policy-making in their country to reduce harms and maximize positive outcomes for women and communities affected by mining, oil and gas industries. A total of 21 Advocates underwent training in all 5 sessions of the programme; (Gender Disaggregated data was- 11 female advocates and 10 Male advocates). This was a deliberate effort to ensure that the same group of advocates attend the training from its commencement to its conclusion. The Trainees were selected following set criteria developed by the Project which included:

- Gender considerations – More female advocates to undergo the training.
- Work Sector- Advocates to be selected from the

following sectors:

- Civil Society
 - Community-based agencies
 - National Government/public sector Lawyers
 - County Government Lawyers
 - Lawyers working in Extractive Companies.
 - Private Sector Lawyers
- Capacity and capability to attend all 5 sessions of the training programme. Each trainee was required to sign an undertaking that they would avail themselves for each of the 5 training sessions.
 - Ability to influence and or shape policy and legal framework of the extractives sector
 - Readiness to accept to train advocates when required to do so; and to champion the projects objectives by assisting the project in its advocacy initiatives and in monitoring the legal environment in their areas of work to ensure that legal and regulatory frameworks meet the threshold of gender equity, inclusiveness and accountability.



POLICY ADVOCATES TRAINING PROGRAMME - SESSION 2 - DAY 2



THE CANADIAN
BAR ASSOCIATION



Global Affairs
Canada



PRE & POST TEST ANALYSIS: each sub-topic facilitator designed a set of questions on his/her topic for presentation. These questions were compiled into a pre- and post- evaluation which was administered to participants first at the beginning and then at the close of each of the two-day sessions with the objective of assessing the level of change in the knowledge base of the participants before and after receiving training. The tests showed an overall improvement in knowledge base of participants post training.

MEDIA: The project engaged the services of Baruch Press to video cover the training sessions and take photographs of the event. Upon conclusion of the training exercise, the media consultant will develop a fifteen-minute documentary which will capture the highlights and interviews of both trainees and facilitators of the training programme; as well as prepare video catalogue of the full training programme which will include all presentations and interactive sections per each session.

During the session continuous live updates of the events were posted on the SIRD, LSK, EALS and Canadian High Commission Twitter accounts/feeds as well as on Facebook.

6. Jukwaa la Madini, Mafuta na Gesi – National Conference on Mining, Oil & Gas

The LSK through the SIRD project funded and convened the 2019 Jukwaa la Madini, Mafuta na Gesi (National Conference on Mining Oil and Gas). This 2nd National Conference on Extractives was held from the 24th to the 26th of September 2019 at the Safari Park Hotel in Nairobi.

The Conference was attended by over 160 participants drawn from host Communities in 11 counties, Community Based Organizations (CBO's), Civil Society Organizations (CSOs), Faith-Based Organizations (FBOs) working in extractives sector, National Government officials, County Government officials, mining, oil and gas companies, media, regional experts, academic, research institutions, professional bodies and members of the public.

2019 Jukwaa conference theme was "Benefit Sharing" The theme spoke towards the obligation of stakeholders to ensure that host communities are adequately compensated and supported to ensure their social and economic development, keeping in mind the potentially disruptive nature of extractive industries.



The conference examined benefit-sharing from 3 lenses: Revenue Sharing; Community Development Agreements; and Local Content.

LSK SIRD project team participated in the planning of the conference right from inception. Project team attended several planning meetings held from as early as March 2019 which all culminated in the holding of the conference. SIRD along with other partners contributed financially as well as through technical support towards the conference.

The SIRD project provided 3-fold support towards the success of the conference:

- ▶ Payment for 1 (one) full day of the conference package which included venue and meals for all participants in attendance.
- ▶ Facilitated the transport and accommodation of ten (10) community members (5 female & 5 male) from Kwale County to travel to Nairobi to attend and participate in the conference.
- ▶ Technical assistance in the way of provision 3 facilitators who spoke during the conference (two

Canadians and one Kenyan)

- » Ms. Camille Vezina - CBA
- » Mr. Yuk Sing Cheng - CBA
- » Dr. Collins Odote - LSK

The highlight of the conference was the handing over of a communique to the representative of the Principle Secretary State Department of Mining which laid out their grievances and which the PS Mining assured community members would be taken seriously and addressed.

7. Media Training Workshop – Kwale County

The LSK – SIRD Project collaborated with the Kenya Land Alliance to undertake a training for media practitioners in Kwale, Mombasa and Voi Counties to enable them more effectively identify and report on the challenges facing communities from the mining areas and to reduce negative social impacts of exclusion and alienation in these regions. The training was held on the 20th and 21st of September 2019; the purpose of the training was to build the capacity of media practitioners in the region to enable them to disseminate accurate and consistent



information on matters regarding the mining industry, in turn empowering local communities to participate more effectively in the mining sector in their economy.

The training brought together Thirty-one (31) journalists (Gender disaggregated data Female - 16; Male- 16) from both TV and Radio from the different media houses covering the coast region.

The media training covered sessions on the laws and policies governing extractives industry, mineral governance, and negative impacts of mining, conceptualization of terms such as benefit sharing and community development agreements in relation to mining; and good ethics in reporting on extractives and human rights and the Access to Information Act.

The training also included a media tour to Nguluku and Kibwaga to enable participants to understand the challenges that the community members face. Though interacting directly with community members, it is expected that the participants will have the opportunity to capture stories that will then be broadcast via radio and television. During the tour to Nguluku and Kibwaga the media personnel interacted with community members who were left behind during the relocation of neighbouring homesteads when Base Titanium commenced its mining operations in the area.

The media personnel recorded the community's stories and will inform the SIRD PM once they are able to air any stories related to the exercise.

8. Public Legal Education – Dissemination

- a. Radio Programs – One of the activities under this project is to use the local media to sensitize the local communities in a language that they understand on matters extractives. To this end, the project hosted four radio programs in Kwale County. Radio Stations with the widest community reach were selected.

Two programs were broadcast on Radio Kaya and two on Radio Ranet.

The topics for discussion were:

- ▶ Radio program to sensitize the local communities in Kwale County on Community Development Agreements (CDAS) – Radio Kaya - 8/12/2019
- ▶ Radio talk show presentation themed on the topic of Mining, Business & Land Rights- Radio Kaya - 3/11/2019
- ▶ Radio talk show presentation on Land Rights themed on the mandatory legal and regulatory

procedures and practices to be undertaken during the processes of land valuation, compensation and relocation when an extractive company has acquired a licence to mine– Radio Ranet – 5/7/2019

- ▶ Radio talk show to sensitize the local communities in Kwale county on the impacts of the processes involved in mining; from prospect to landreclamation - Radio Ranet – 11/04/2019
- b. Public sensitisation & Education posters – The project designed and produced 4 public information and sensitisation posters on the following topics: -
 - » Environmental protection
 - » Women land rights
 - » Community Development Agreements
 - » Public Participation
 - c. T-Shirts – Bearing the project's message of Supporting Inclusive Resource Development were designed, printed and disseminated to advocates who participated in the project's training programmes and to community members in Kwale County.

9. Coordination meetings with referral pathway champions for feedback and planning of legal assistance – Kwale County

Two planning and feedback meetings with local leaders on the project's referral pathway were held in 2019. During the 1st meeting held in July 2019; participants discussed the proposed info-graphic sticker to be developed by the project as part of its activities to sensitise the community on the organisations on its referral pathway. As part of its objective to sensitise and inform members of the public on their rights, the project conceptualised the idea of an info-graphic which will be presented in the form of a poster/sticker to be pasted at populated areas within the county, which would contain vital contact information of institutions/organisations on this referral pathway, presented to the community in a manner that can be easily understood.

10. Training Programme for Pro-Bono Advocates – Kwale County

The project undertook a training of advocates in private practice with the objective of equipping them to offer pro bono legal services and legal aid to community members.

The training was held on the 28th and the 29th of November 2019 at the Leisure Lodge Resort in Kwale County. Participant trainees were selected from counties where

extractive industries are operational, these included – Siaya, Kwale, Kitui, Mombasa (representing Voi & Taita Taveta), Nandi, Kakamega and Turkana Counties.

A total of seventeen (17) advocates underwent through the training which was designed, developed and facilitated jointly by both Kenyan and Canadian Advocates. The training programme was designed to equip the lawyers with pragmatic legal knowledge and best practices (skills) to enable them to provide inclusive and gender responsive representation of host communities affected by the operation of extractive industries. The ultimate objective was to reduce harms and maximize positive outcomes for women and communities affected by mining, oil and gas industries.

The training session examined:

- a. Substantive and procedural laws relevant to extractive industry and legal aid practice in the host communities. Including but not limited to:
 - Community consultation and engagement
 - Land acquisition, resettlement and compensation
 - Community grievance/dispute resolution mechanisms (test case and public interest litigation, class actions, etc.)
 - Intersecting theme of gender equality and responsiveness
- b. Special practice skills to deal with vulnerable and marginalized people - Trauma informed lawyering (how to deal with clients who have had trauma, like victims of violence, illiterate clients or clients who cannot speak English, clients with diminished mental

capacity or clients with mental health problems who cannot properly instruct their advocate)

- c. Professional ethics and financial management practices especially relevant to dealing with vulnerable groups
- d. General legal practice skills when dealing with vulnerable groups (how to interview vulnerable clients effectively, how to prepare simple but effective written pleadings, how to write contracts, how to do effective advocacy in court)
- e. Knowledge of referral pathways

11. Public Legal Awareness and Pro-bono Legal Aid Clinic Day – Kwale County

Following the identification of locally based lawyers and the pro-bono Advocates Training Undertaken in Kwale County, the project selected and contracted two Advocates, Mrs Caroline Katisya and Mr. Godfrey Mutubia to participate in its inaugural legal awareness and legal aid clinic day held on 11th December 2019. The purpose of the activity was to provide legal support and advice to community members as well as to educate the communities on the selected topics of Matrimonial Property Law; Children protection and Rights and on the importance of public participation especially for women.

An estimated 196 community members attended the event. Both Advocates gave private legal consultations to 13 community members and sensitized attendees on the topics selected for presentation. Advocates Mutubia and Katisya filled in and submitted the case in take forms which are being reviewed for uptake of pro-bono legal assistance.



12. Women Advocacy Fund Activities – Kwale County

Following the assessment of women and women’s groups in Kwale County and the training on rights and accessing rights; women’s groups were identified to individually tackle issues that affect the women in the community (e.g., Environment, GBV, land rights, local content)

During the reporting period, the project through its outreach partner Kwale Youth and Governance Consortium supported 2 women groups to undertake women-led advocacy actions and community sensitization activities in Kwale County.

Activities held were: -

- a. KWALE WOMEN FOCUS INITIATIVE GROUP - Children, Youth and Women sensitized on mining regulations, child protection and reproductive health held on Tuesday 12th November 2019 in Miembeni Village of Kwale County. The expected outcome of the activity was to sensitize the community on human rights, mining laws and advocacy strategies. Once equipped with relevant information, the communities will be in a better position to advocate for their rights and engage stakeholders to address the challenges faced.

The activity agenda included holding a football tournament where eight teams of children aged between 14 and 17 and 2 women teams to participated.

Stakeholders from Base Titanium Ltd, County Government of Kwale-Department of roads and infrastructure, Public health department – directorate of reproductive health. National Government-Children’s department, Kwale Department of mining as well as advocate Kisiwa Koja were present and speak to attendees. An estimated 250 community members attended the event.

- b. MIEMBENI COMMUNITY WATER WOMEN GROUP - The theme of the activity was “Community that Enjoys Rights to reproductive health” The activities were held in Kibwaga, Vumbu and Miembeni Villages of Kinondo ward, Kwale County on the 26th November to the 28th of November 2019.

The Objective of the activity was to sensitizing the community surrounding the mining areas on sexual reproductive health through encouraging community members to freely discuss issues affecting them with regards to sexual reproductive health. As well as to sensitize the community on effective parenting and mentoring and career guidance to school girls.

The expected outcome of the activity is to empower the community to fully understand their sexual and reproductive rights in order to eliminate sexual exploitation of underage girls and women and to empower young school going girls on sexual reproductive health and their rights.



Stakeholders from Base Titanium Ltd, County Government of Kwale-Department of roads and infrastructure, Public health department – directorate of reproductive health. National government-Children's department, Kwale Department of mining as well as advocate Kisiwa Koja were present and speak to attendees. An estimated 250 community members attended the event.

13. Round Table Meetings

SIRD and LSK continually held and participate in round table discussions/meetings/forums during project year 2, to keep abreast of the advocacy actions underway with actors in the extractive sector. These meetings ensure that the project compliments rather than duplicates activities and efforts of other stakeholder organizations through offering assistance where the project can contribute to positive changes in the industry. Some of the meetings held/ attended included:

- a. National Advisory Committee meetings were held in April, June and November 2019
- b. Round table meeting with State Department of Mining PS and other officials held in September and November 2019
- c. Roundtable on Gender and Artisanal and Small-Scale mining held on July 3rd discussion held at the University of Nairobi focused on the Government of Kenya's mining and minerals policy 2016 and the African mining vision as well as on the National Mining strategy and action plan to recognize and promote gender mainstreaming in the extractive sector. The round table was attended by representatives from Government, private sector, Civil Society Organizations and Academia. Discussions also considered and discussed a recent research on women livelihoods in the gold mining sector in Migori County and Gender and Artisanal and Small-Scale mining in other countries on the African continent
- d. Follow up to Global Affairs Canada – Training Workshop on Gender based Analysis +
- e. Kenya Civil Society Platform for Oil and Gas (KCSPOG) held on 22nd May 2019
- f. OXFAM – meeting held on 22nd May 2019 discussions with Ms. Viola Tarus, OXFAM Extractives Strategist for Kenya at their office in Nairobi.
- g. Round table meeting was held with Mr. Ibrahim Sakho along with extractive sector stakeholders on Wednesday 27th November from 11 am to 1pm at the LSK Secretariat board room - The round table discussion was held on collaborative law reform advocacy action.



- h. Meeting with the Director of Planning Mr. Isaac Kamande, State Department of Mining on Wednesday 27th November 2019 from 8:00 am to 9:00 am. LSK CEO Mercy Wambua; Mr. Ibrahim Sakho – Senior Development Officer, Global Affairs Canada, Ms. Kelly Thompson – Canadian High Commission and SIRD Project team members were in attendance. The meeting reviewed the support SIRD has provided on Gender-sensitive Regulations and Gender Mainstreaming Strategy to Ministry of Petroleum and Mining and discussed bilateral and technical assistance needs and Community Development Agreement – Mechanism to move forward as well as Environmental Policy / Land Reforms Linked with Large Extractive Projects/ Relocation
- i. Round table meeting was held with Mr. Ibrahim Sakho (Senior Development Officer GAC) in Kwale with women and community leaders to discuss areas of project support and areas where they felt that project support would be most impactful.
- j. Transparency International Kwale – meetings held with various working groups on community development agreements, land, environment and gender.
- k. Transparency International Nairobi – round table discussion on the validation of the simplified environmental and impact assessment study report.

The Law Society of Kenya Programme for Legal Aid and Empowerment Delivery (Plead) in partnership with UNDP and Amkeni Wakenya

The overall objective of the PLEAD project in partnership with the United Nations Development Programme (UNDP) and AMKENI Wakenya is to improve provision of legal aid and create awareness amongst our members and the general public. The specific objectives the Society wants to achieve are:

1. To enhance institutional capacity of LSK in provision of legal aid for the poor and marginalized
2. To enhance legal aid provision
3. To enhance capacity of Advocates as legal aid providers
4. To enhance the legal framework for legal aid provision

The main activities to be undertaken in the project are:

1. Training of advocates to assist them in being well versed with the concept of legal aid, knowledge

of the Legal Aid Act and provision of pro bono services.

2. Access to information and to legal aid services through in-depth research and production of IEC materials to enable or help provide informed decision making.
3. Advocates trained on trial advocacy during CPDs to sharpen their representation and litigation skills will provide them with appropriate knowledge, skills and attitudes.
4. Branch legal aid clinics managers trained and equipped with M&E and including project management skills will improve their knowledge and skills.
5. Improved pro bono lawyers data base management system and enhanced strategic referral process for cases will assist in mainstreaming the legal aid services offered. This will also help reach out more to the public.
6. Established and well managed and robust legal aid clinics at the branches to cater to the public at the county level.
7. Well-developed guidelines on how to engage advocates in legal aid work to strengthen legal, policy and institutional framework on provision of legal aid services.
8. Well trained advocates will improve the quality of legal aid services offered.
9. Consultative forums with Advocates Training Programme to promote the importance of legal aid to students.

The project commenced upon signing of the contract between LSK and UNDP which was executed on the 25th of April 2019. Due to various challenges facing the Society, the UNDP was unable to create a vendor account for LSK so as to facilitate disbursement of the donor funds. As a result, UNDP is handling all the finance and procurement aspects of the project to ensure its implementation. This entails direct procurement and payment by UNDP for all activities, equipment and all other facilities required for execution of the project. The Society has sought for a waiver of the requirements by UNDP so as to facilitate the transfer of funds to LSK for smooth operations and implementation of the Project.

The Secretariat commenced implementation of the various activities under the project. The first activity titled 'Consultative Forum with the Advocates Training Program (ATP)' took place on Wednesday 20th November,

2019. Other activities will continue to be implemented as we progress.

Strengthening Prosecution and Adjudication of Corruption & Economic Crime Cases in partnership with GIZ (SPACECC)

The Project seeks to create awareness among key stakeholders (the public, members of the Bar, Bench and prosecutors) through conducting civic education and training, on how perpetrators of economic crimes can be castigated, right from their arrest, prosecution through hearing and final conviction. Additionally, through capacity building of the members of the Bar – Bench Committees including judicial officers and prosecutors, we expect to get an improved and more efficient legal system. The aim is to eventually restore faith in our justice system.

The expected Project outcomes include: capacity building of the members of the Bar – Bench Committees on the legislative and policy framework in combating and effective handling of Corruption & Economic Crime Cases. The project is expected to implement activities including branch stakeholder engagements and a legal aid clinic.

The Secretariat has begun to implement the activities under the budget with the first activity of conducting a legal aid clinic having taken place during the legal aid awareness week. The project team is scheduled to meet on 14th January 2020 to begin organizing the Branch stakeholder engagements forums.

Addressing Environmental Challenges through the Law in Kenya in partnership with UNEP

Based on the UNEP Governing Council decision 27/9 which requested UNEP to support countries develop and implement the environmental rule of law, UN Environment Programme has partnered with the LSK with respect to this project which addresses Environmental Challenges through the Law in Kenya. The projects objective is to enhance institutional capacities to achieve internationally agreed environmental goals, including the 2030 Agenda for Sustainable Development. The activities to be carried out are to:

1. Design a training curriculum on environmental law for legal practitioners in Kenya
2. Conduct a training of trainers for approximately 30 participants

The expected results/outputs to be achieved are:

1. A training curriculum on environmental law for legal practitioners in Kenya
2. A pool of trainers on environmental law developed
3. Environmental training incorporated in the annual Continuing Legal Education programme of the Law Society of Kenya

The Secretariat has implemented the project through undertaking of the training which was held 2nd to 5th December, 2019 at Enashipai, Naivasha. Through the partnership, the Law Society of Kenya will develop a curriculum that will be used in other similar trainings. The Secretariat is working together with the Land, Environment and Conveyancing Committee to develop the curriculum.

Developing Guidelines on Anti-Money Laundering and Combating the Financing of Terrorism (AML/CFT)

In light of the increased cases of money laundering and terrorism financing, the Council of the Law Society of Kenya considered it necessary to develop Anti-Money Laundering Guidelines to assist members in identifying and avoiding transactions that may expose them to various crimes including money laundering and terrorists financing.

This is because the provision of legal services is based on good faith and the nature of the legal profession, makes advocates susceptible to money laundering and terrorism financing activities. Through drafting and adopting AML/CFT Guidelines, the profession will regulate itself on issues appertaining to money laundering. The project was funded by GIZ and supported by FRC and after selection of the project team and hiring of a consultant well versed with this particular area of law, the team proceeded to hold the following stakeholder consultative engagement forums at the branch level:

1. Kisumu- 20th February, 2019
2. Mombasa- 6th March, 2019
3. Nakuru- 20th March, 2019
4. Nairobi- 24th April, 2019
5. Nairobi- 12th July, 2019

The draft guidelines were circulated and member comments and input gathered and incorporated in to the draft. On 26th August, 2019 the project team engaged with the Council in a consultative forum and collected comments from the Council members.



KARA CEO Mr. Henry Ochieng and LSK CEO, Ms. Mercy K. Wambua during the signing of an MoU

Law Society of Scotland and the Young Lawyers Committee among other key possible partnerships

Law Society of Kenya and Kenya Alliance of Resident Association (KARA) Signs Memorandum of Understanding

The Law Society of Kenya CEO, Ms. Mercy Wambua signed a Memorandum of Understanding (MOU) with Kenya Alliance of Resident Association (KARA) CEO Mr. Henry Ochieng on 22nd May, 2019 at the LSK offices. The MOU centered on areas of partnership and exploration of opportunities particularly to strengthen public participation, sensitization, capacity building and technical assistance with specific areas being:

- ▶ Provision of Legal Advisory Services and Public Interest litigation. Many members of the Alliance require legal advice and also legal representation. KARA would establish a panel for legal service providers while LSK would provide a list of service providers through competitive recruitment process based on criteria developed by KARA.
- ▶ Public Interest Litigation and Legal Aid: KARA members normally have a number of public interest matters which they would require advise. The LSK would provide a framework for public interest litigation and additionally, the LSK would avail through the same competitive process a list of public interest litigators.
- ▶ Information and sensitization: KARA indicated that its members require sensitization on the law and therefore the LSK would provide legal aid and sensitization. It was also proposed that KARA would participate in the Legal Awareness Week and organize a legal aid day.
- ▶ Alternative Dispute Resolution: KARA is cognizant of Alternative Dispute Resolution as an option for dispute resolution. Therefore, it was agreed that the LSK would provide sensitization on ADR as well as provide a list of service providers through the competitive recruitment process.
- ▶ Activities: Both organizations would participate in each other's activities and events such as the KARA Expo.
- ▶ The broad objectives of the partnership are:
 - ▶ To create of visibility through access to organizational networks for both institutions.
 - ▶ To increase legal aid outreach.

PARTNERSHIP WITH STAKEHOLDERS

Executive Internship with the Law Society of Scotland

With the support of the Ford Foundation, the Chief Executive officer undertook a 7 days' executive internship program with the Law Society of Scotland. The Executive Internship program took place between 1st June to 7th June 2019. The 7 days' program covered the following objectives:

1. How to successfully manage as leader of a Law Society
2. How to deliver online legal services
3. Education and training needs for the next generation
4. Promoting access to Justice
5. Business models and their implications for practitioners
6. How to manage and prevent cybercrime
7. Well-being program for lawyers
8. How to run Continuous Professional Development(CPD) Programs
9. Legal Aid Service Provision

Through the program the Law Society of Kenya is exploring possible exchange program between the

- ▶ To strengthen public interest litigation.
- ▶ To achieve the organizations respective mandates and objectives by building synergies.
- ▶ The provision of technical assistance
- ▶ The sensitization and capacity building on matters of law through seminars and workshops on matters of law.

The parties agreed to cement the engagement with a Memorandum of Understanding to set out the objectives and respective roles of each organization. KARA is the apex body representing the voice and pro-active action of resident associations on consumers and taxpayers' rights countrywide – on accelerated access to public service delivery. KARA is a non-political, non-profit, non-denominational and a non-racial welfare society which continually seeks to accelerate equitable access to public services, by all Kenyans and at all times.

HELB to Offer Loans to Kenya School of Law Students

In line with its mandate to set, maintain and continuously improve the standards of learning, professional competence and professional conduct for the provision of legal services in Kenya, the Council of the Law Society of Kenya has continuously engaged stakeholders involved in the Advocates Training Program(ATP) with a view to addressing the challenges facing students of Kenya School of Law in regard to payment of tuition and examination fees.

After a series of meetings and negotiations between the Council of the Law Society of Kenya, the Kenya School of Law Board, Council of Legal Education (CLE) and the Higher Education Loans Board entered into a Memorandum of Understanding to establish a Sector Specific Fund to support students undertaking Advocates Training Program.

Through the Fund, Kenya School of Law students that would undertake the Advocates Training Program would be able to access loans to undertake examinations. The Law Society of Kenya appreciated the support and commitment of all the stakeholders who made it possible. The Law society of Kenya president specifically thanked the Council of Legal Education, the LSK Secretariat and LSK two representatives to the Council of Legal Education for following up on that matter.

Although the Fund would be limited to supporting examination fees only, the Council of the Law Society of Kenya appreciated the strides made by HELB and the

CLE to avail loans to support the students with effect from November 2019. At the same time, it appealed to the Government to expand this support so as to cover tuition fees which contributed to the greatest challenge facing students that undertook the Advocates Training Program at the Kenya School of Law.

The LSK council assured members that further details on the criteria for application and disbursements would be released by the Higher Educations Loans Board in due course.

Law Society of Kenya Signs a Memorandum of Understanding with the Chartered Institute of Arbitrators - Kenya Branch, Centre for Alternative Dispute Resolution

The Council of Law Society of Kenya led by LSK President, Allen Waiyaki Gichuhi, C. Arb signed a Memorandum of Understanding (MoU) between Chartered Institute of Arbitrators - Kenya Branch, Centre for Alternative Dispute Resolution and the Law Society of Kenya. The signing of the memorandum took place on Thursday 28th November, 2019 at the sidelines of the 2nd Annual Lecture on promoting Sports Arbitration in Africa held at the Intercontinental Nairobi organized by Chartered Institute of Arbitrators in partnership with various stakeholders. The Lecture sought to provide a forum for; understanding disputes in sports administration and management, misconduct and how to address such cases through Alternative Dispute Resolution (ADR), what ADR Mechanisms work in the area of sport to resolve disputes, case reference of Africa cases in arbitration, explore opportunities for practitioners in sports, current issues and trends in Sports Arbitration.

The purpose of the Memorandum of Understanding (MoU) was to collaborate in the promotion of Alternative Dispute Resolution (ADR) as an area of practical importance and to identify further areas and activities of mutual interest for collaboration that would benefit both institutions and their membership.



Members pose for a group photo after signing the MoU with the Chartered Institute of Arbitrators - Kenya Branch.

LSK Signs a Memorandum of Understanding with the all China Lawyers Association

The LSK President, Allen Waiyaki Gichuhi, C.Arb represented the Law Society of Kenya in the Global Lawyers Forum (GLF) held in Guangzhou, Guangdong province, China on the 9th and 10th December 2019. This saw the signing of a Memorandum of Understanding (MOU) between the LSK and the All China Lawyers Association. He was the only bar leader from Africa who was invited to grace the occasion as one of the keynote speakers. The main objective of the MOU is to strengthen legal exchange and friendly cooperation. The forum was organized by the All China Lawyers Association and supported by the Ministry of Justice, has strengthened world legal partnerships, including the lawyers association's signing of memorandums of understanding with other bar associations and law societies from Countries including Azerbaijan and Malaysia. The signing of the MOU between LSK and All China Lawyers Association was meant to strengthen cooperation to promote friendship and exchanges between lawyers of the two countries, promote the development of the rule of law and legal research for the world and recognize the growing trade and other relations between the two countries and their peoples and the important role of law in these relations. In light of that, the two institutions agreed to improve the dignity of law and justice, develop and maintain the basis for friendship and cooperation, and strive to reaching

the above consensus for strengthening the friendly and cooperative relationship between the two associations through the exchange of legal publications, data and information, as well as exchange visits of high-level representatives, staffs and lawyers.

The Global Lawyers Forum (GLF) is a grand gathering for the global legal profession hosted by All China Lawyers Association that was attended by almost a thousand lawyers. Upholding the spirit of the rule of law in building a community with a shared future for mankind, GLF is committed to providing a platform for lawyers across the world to exchange and cooperate, further consolidating the consensus of the international legal profession, steering lawyers' participation in the reform of the global governance system, forming a well-developed global network of legal partnership, and jointly promoting a civilized world ruled by law.

Conference and Events

THE LAW SOCIETY OF KENYA ANNUAL CONFERENCE

To ensure enhanced standard of learning and training programs for legal practitioners are effectively enhanced the Council of the Law Society of Kenya through the CPD Committee organized the Law Society of Kenya Annual Conference which was held between the 14th- 18th August, 2019 at the PridelInn Paradise Beach and Resort, Shanzu, Mombasa County brought together over 1,100 advocates from private and public institutions.

The Conference was held under the main theme of “An Audit of the Constitution: The quest for Constitutional Reform and Transformation” and a sub theme: “Embracing technology in Legal Practice; Litigation and Commercial Practice.”

The Chief Guest during the Conference was Mr. Brian Speers, President of the Commonwealth Lawyers Association (CLA) accompanied by other guests speakers who included Dr. Patrick Njoroge (Ph.D.), Governor, Central Bank of Kenya, Prof. Githu Muigai, EBS, SC and H.E Hon. Ali Hassan Joho, Governor, Mombasa County. Other key note addresses were made by Hon.

Martha Karua, Advocate of the High Court of Kenya and Hon. Justice Patrick Kiage, Court of Appeal Judge.

The Conference had breakaway sessions which were conducted concurrently in two different streams. Stream A discussed the main theme of “An Audit of the Constitution: The quest for Constitutional reform and transformation”, while stream B discussed the sub theme, “Embracing technology in legal practice, litigation and commercial practice. The following were the papers presented at the various streams;

Stream A

- **An Economic Analysis of the Constitution of Kenya** by Dr. Njaramba Gichuki, Advocate of the High Court of Kenya.
- **Personalization of Constitutional Reforms in Kenya** by Hon. David Ochieng, Advocate of the High Court of Kenya.
- **Independence and Accountability of the Judiciary – New Realities and Challenges** by Hon. Justice KathurimaM’inoti, Director – Judiciary Training Institute.



Invited Guests, Governor Joho (Mombasa County), Governor of Central Bank, Mr. Patrick Njoroge, Prof. Githu Muigai, SC and LSK Council members led by LSK President, Mr. Allen Gichuhi, EBS, C.Arb pose for a group photo after the opening ceremony of the LSK 2019 conference.



Delegates following the proceedings of the LSK Conference.

- **The Principle and Praxis of Institutional Independence: A Clinical Inquiry in the Constitutional Structure & Functionality of the Judicial Service Commission Since 2010** by Commissioner Mercy Deche, Advocate of the High Court of Kenya.
- **A People Centric Constitutional Reform Process - A Pipe Dream or Nirvana?** By Ms. Grace Maingi, Advocate Executive Director – Uraia Trust.
- **Critical Issues for Constitutional Reform for the Legal Fraternity: Ideas for the Building Bridges Initiative (BBI) Process** by Dr. Collins Odote, Advocate of the High Court of Kenya.
- **Devolution: A Case for Reforms** by Hon. Mutula Kilonzo Jr. Senator – Makueni County & Advocate of the High Court of Kenya.
- **Roles and Functions of the Commission on Revenue Allocation: Need for Reforms** by Dr. Jane Kiringai Chairperson, Commission on Revenue Allocation (CRA).

Stream B

- **Technology & Electronic Evidence** by Dr. Isaac Rutenberg, Law Lecturer - Strathmore University.
- **Tech in Practice: Practical Ways to Automate Business Development** by Ms. Olivia Kiratu, CEO – Firmgrow.

- **Artificial Intelligence and Block Chain Access to Justice & Efficient Practice of Law** by Ms. Linda Bonyo, Advocate of the High Court of Kenya.

- **Legal Practice and the Rising Need for Data Protection** by Ms. Mutindi Muema, Advocate of the High Court of Kenya.

- **Fiscal Law, Commerce and Technology** by Prof. Attiya Waris, Advocate of the High Court of Kenya.

- **Embracing Technology in Elections: A Case Study of Kenya** by Ms. Immaculate Kassait, Advocate of the High Court of Kenya.

- **Embracing Technology: A Case Study of the COMESA Court of Justice** by Hon.

Nyambura Mbatia, Registrar COMESA Court of Justice.

- **Enhancing Regulation & Corporate Governance** by Mr. Mohammed Nyaoga, Chairman, Central Bank of Kenya.

Regional bar representatives were also present and included; Presidents from the East Africa Law Society: James El-Taib Jazz (President, South Sudan Bar Ass.), Julien Kavaruganda (President, Rwanda Bar Ass.), Simon P. Kinobe (President, Uganda Law Society), Dr. Rugemeleza Nshalla (President, Tanganyika Law Society) and Muhuzenge Jean De Dieu (President, Burundi Bar Ass.) The Council of the East Africa Law Society included: Willy Rubeya (President), Sarah Mhamilawa (Vice President), Asmahaney Saad (Secretary General), Barbara Malowa (Young Lawyers representative)

In addition, the following side events were held during the Annual Conference;

- Welcome reception
- Advocates Breakfast
- Women in the Law Breakfast Forum
- Young Lawyers Evening party
- LSK Golf tournament
- Lawyers' fitness boot camp
- Gala Dinner

THE LAW SOCIETY OF KENYA ANNUAL JUSTICE CUP TOURNAMENT

The Law Society of Kenya held its 20th Edition of the Annual Justice Cup Tournament 2019 under the theme “Kicking out Sexual and Gender Based Violence” at the Parklands Sport Club in Nairobi which attracted over 45 teams drawn from various Law Firms, Corporates and State Agencies involved in administration of justice.

The Chief Guest who kicked off the tournament was Dr. Joyce Mutinda, Chairperson, National Gender and Equality Commission (NGEC) who was accompanied by the CEO, Ms. Betty Nyabuto among other officers from the Commission.

The teams played their matches in the 4 pitches and after the long tough matches amongst the 45 teams, the winners were announced and awarded as below;

PRIZE/AWARDS	TEAM/INDIVIDUALS	PERSON PRESENTING
LSK Justice Cup 2019 WINNER	Kenya Law	Allen Gichuhi, President, LSK
2nd PLACE (1st Runners Up)	Mt. Kenya LSK Branch	Maria Mbeneka, Council Member, LSK
3rd PLACE (2nd Runners Up)	Nairobi Governor’s Office	Eric Nyongesa, Council Member, LSK
LSK Justice Plate Winner	Nyaanga&Mugisha Advocates	Ann Nganga, Sales Manager, AAR
BOWL Winner	Gumbo & Associates LLP	Betty Sungura, CEO, NGEC
Best Player – MALE	Frank Maestro – Gumbo & Associates LLP	Aluso Ingati, Council Member, LSK
Best Player – FEMALE	Stephanie Ndei – South Eastern LSK Branch	David Njoroge, Council Member, LSK
Best Goal Keeper	Mark Asheba – Mt. Kenya LSK Branch	Muthomi Thiankolu, Advocate
Best Placed Law Firm	Anjawalla&Khanna Advocates	Mercy Wambua – CEO, LSK
Referees	ALL Referees	Linda Kiome – Chairperson, Mt. Kenya LSK Branch



The LSK President, Allen Gichuhi, EBS, C.Arb presenting a trophy to the overall winners of the Justice Cup Tournament, Kenya Law.

LSK LEGAL AWARENESS WEEK

The Law Society of Kenya held its Annual Legal Awareness week 2019 between the **28th October - 1st November 2019** in Nairobi and across the Country through the eight LSK branches under the theme, *Eradicating Gender Based Violence - A Focus on Mental Health* and a sub theme, *Strengthening prosecutions and adjudication of Corruption, Economic Crimes and Gender Based Violence*. The week was officially launched on Monday 28th October 2019 at the Milimani Law Courts Parking Yard, Nairobi by the Chief Guest Hon. Senator Sylvia Kasanga, MP accompanied by Dr. Elizabeth Kamundia who represented Comm. Jedidah Wakonyo of Kenya National Commission on Human Rights (KNCHR), Hon. Millie Odhiambo, MP, LSK President, Allen Gichuhi, C.Arb and Hon. Lady Justice Lydia Achode amongst other guests.

The Speakers appreciated the LSK for organizing the legal awareness week and picking the theme on Gender-

Based Violence (GBV) and mental health which was a conversation that was timely following the numerous reports of various forms of GBV cases. They also commended the LSK for having the legal awareness week which was as a way of giving back to the community as advocates offer free legal advice to members of the public.

Additionally, there were public sensitization forums held at the Kayole Social Hall, Mathare Social Justice Centre and in Mukuru Kwa Njenga. The public forum attracted large numbers of members of the public who were advised on various aspects of the law and on pertinent matters of civic education amongst others. The public sensitizations forums were held in collaboration with various institutions, Partners and Community Based Organizations.

At the eight LSK branches, advocates offered various legal services as provided below;



The Chief Guest, Hon. Senator Sylvia Kassanga, MP addressing members during the official opening of the Legal Awareness week.

LSK BRANCHES	VENUE
Coast Branch	GPO Mombasa, Malindi Law Courts and Mombasa Law Courts
North Rift Branch	Bungoma Law Courts, Eldoret Law Courts, Kitale Law Courts, Kapsabet Law Courts and Kapenguria Law Courts
Mount Kenya Branch	Nyeri Law Courts, Kerugoya Law Courts, Embu Law Courts, Nanyuki Law Courts, Chuka Law Courts and Meru Law Courts
Rift Valley Branch	Nakuru Law Courts, Kericho Law Courts, Narok Law Courts, Nyahururu Law Courts, Naivasha Law Courts and Molo Law Courts
West Kenya Branch	Kisumu Chapter 28 th October 2019- Kisumu Law Courts, Advocates Parking lot 29 th October 2019- Kodiaga Maximum Security Prison (Men's section) 30 th October 2019- Kodiaga Maximum Security Prison (Women's section) 31 st October 2019- Kibos Maximum Security Prison (Women's section) 1 st November 2019- Mama Ngina Children's Home Other Chapters as below; Kakamega Law Courts, Bungoma Law Courts and Busia Law Courts.
South Eastern Branch	Machakos Law Courts, Makindu Law Courts, Kitui Law Courts, Kajiado Law Courts, Mwingi Law Courts and Kangundo Law Courts
South West Kenya Branch	Kisii Law Courts, Nyamira Law Courts, Homa Bay Law Courts, and Migori Law Courts.
Nairobi Branch	Thika Law Courts and Kiambu Law Courts

Advocates offered free legal advice to clients on various legal matters which included; Land cases, Succession, Human Rights violations, Family Law, Criminal Law, Employment, Accident Compensation, Civic Education, Refugee & IDP protection, among other issues. Other branches also took the free legal aid to various prisons with the aim of advancing access to justice and availing Legal Aid to the incarcerated.

The day also saw the launch of the Sexual Harassment and Anti-Bullying Policy 2019 by the Chief Guest, Hon. Senator Sylvia Kasanga. Implementation of the Sexual Harassment Policy will provide safe working environment for employees working in law firms and organizations. In addition, it will provide for redress mechanisms when it comes to cases of Sexual Harassment and bullying.

The Sexual Harassment and Anti-bullying Policy (2019) was developed by the Council through the Gender Committee chaired by Ms. Carolyne Kamende.

LSK ANNUAL COCKTAIL

The Law Society of Kenya held its LSK Annual Cocktail on **Wednesday 11th December 2019** at the Intercontinental Nairobi with an attendance of over 500 advocates. The LSK CEO Ms. Mercy K. Wambua accompanied by a section of the Council, welcomed members to the 2019

annual cocktail and appreciated them for honoring the invitation to the occasion.

The CEO further appreciated members for their dedication and commitment through the various LSK Committees which offers immense support to the operations of LSK Council. She also acknowledged the great work done by the LSK branches since the support made by the Council through the devolution fund strengthened the branches operations. She notably recognized the North Rift Branch, who had acquired their office premises in Eldoret. The LSK CEO recognized the winners of the pro-bono jurist awards who were feted and urged advocates to be proactive in offering pro bono services and taking up public interest cases.

Ms. Herine Kabita, Council Member on behalf of the LSK Vice President, Harriette Chiggai noted that since it is campaign period, members ought to carry out decent



Members taking a selfie during the Cocktail.

campaigns that are theme based vis a vis retrogressive campaigns. She concluded by wishing the Advocates happy holidays and a prosperous 2020.

Mr. Eric Nyongesa, Council Member gave the vote of thanks by appreciating everyone who made the event possible and a success especially the Master of Ceremony (MC), Mr. Joe Maina Njenga, Advocate who

offered the services pro-bono. He concluded by wishing Advocates happy holidays and a fruitful year 2020.

The Cocktail provided an opportunity for Advocates to network and interact with each other. The Council appreciated members who participate in such activities and encouraged all members to take keen interest in the affairs and activities of the Society.



The LSK CEO, MS. Mercy K. Wambua introducing members of the Council present during the LSK Annual cocktail.

INTERNATIONAL BAR ASSOCIATION (IBA) CONFERENCE

The International Bar Association held its Annual Conference between 22nd – 27th September 2019 in Seoul South Korea. The Law Society of Kenya is an Institutional Member of the IBA which avails members' greater opportunity to participate in the activities of the IBA. The Law Society of Kenya was represented at the Conference by the LSK President who is one of the LSK representatives to the International Bar Issues Commission and serves in the IBA Council. Several Council members attended the Conference at their own costs as well as other members of the Law Society of Kenya.

The Conference availed participants the opportunity to:

1. Gain up to date knowledge of the key developments in area of practice.
2. Access the world's best networking and business development event for lawyers and law firms-attracting over 6,000 individuals representing over 2,700 law firms, corporations, governments and regulators over 130 jurisdictions.
3. Build invaluable international connections with leading practitioners worldwide.
4. Hear from leading international figures, including officials from the government and multi institutions, general counsel and experts across all practice areas and continents.
5. Acquire greater knowledge of the role of law in Society through rule of law and human rights.
6. Part of the debate on the future of the law.

The President and the Chief Executive Officer of the Law Society of Kenya attended the IBA Council Meeting, Bar Issues Leaders Forum, Legal Practice Division General Meeting all held at the sidelines of the Annual Conference. Among the key issues discussed during the Council meeting was the possible reduction of registration fees for members from developing countries and young lawyers. Development of the IBA strategic plan, contributions were made on the need for the IBA to adopt a member centric approach and initiate projects that touch on practice and welfare of the advocates globally.

The Chief Executive Officer participated in the Bar Executive Committee, held on the 24th September 2020. The Bar Executive Committee comprises of the Chief Executive Officers of all the Bar Associations and its

aimed at sharing experience and deliberating on key emerging areas.

During the Conference the President and the CEO, negotiated for a partnership with United Nations Environment Programme (UNEP) on a project to address Environmental Challenges. Subsequently, The Law Society of Kenya partnered with UNEP to build capacities of our members to achieve internationally agreed environmental goals, including the 2030 Agenda for Sustainable Development.

Through the Project, the Law Society of Kenya has:

- Designed a training curriculum on environmental law for legal practitioners in Kenya
- Conducted a training of trainers for approximately 30 participants

PAN AFRICAN LAWYERS UNION (PALU) CONFERENCE

The 10th Pan African Lawyers Union (PALU) Annual Conference was held on 17th – 20th July, 2019 In Lomé, Togo. The Conference, the leading platform for African lawyers, brought together over 300 distinguished lawyers and representatives of law firms, the leadership of Africa's Lawyers' Associations, service providers to the legal profession, Human Rights and Good Governance Professionals, and friends of Africa from all over the world, to discuss matters germane to the practice of law, as well as economic, political and social development of the continent. The conference was held under the theme **"The Future of the Legal Profession in Africa: Effective Tools to Succeed in a Changing Environment."**

The Presidents, representative, Mr. David Njoroge Council Member, attended the PALU Council Meeting, held at the Hotel Eda-Oba, Friday 19 July 2019. The Council, which is constituted by the Presidents of National and Regional Lawyers' Associations, was urged to fulfil its key constitutional duties, including: Receive and approve the activity report, financial report and audited accounts of the Union; Make major policy decisions and set strategic direction for the organization; Receive and consider reports from the member lawyers' associations on the state of legal practice, independence of the Bar and the state of the rule of law in their respective jurisdictions; and review the constitutive documents of the Union.

24TH EAST AFRICA LAW SOCIETY CONFERENCE & ANNUAL GENERAL MEETING

The 24th East Africa Law Society Annual Conference was held between the 4th of November 2019 and 9th November 2019, in Kigali Rwanda, under the theme, "The Role of Law and Lawyers in Developing Regional Economic Communities." The following sub-themes were canvassed;

- ▶ Role of the Legal Profession in the 4th Industrial Revolution. Participants explored the role of advocates, in the wake of innovation and modern technology.
- ▶ The promises of the African Continental Free Trade Area (AfCFTA) Agreement. Members deliberated on the steps being taken, towards implementing the Agreement.
- ▶ Rule of Law and Development in the East African Community. Participants discussed the various facets of rule of law and how they impact the development on development of nations.

The Conference drew attendance from all the East Africa member states, with Kenya registering attendance of over 150 delegates. The Chief Guest, H. E Paul Kagame, the President of the Republic and Chairman EAC Head of States Summit, encouraged advocates from all countries, to embrace regional integration, which will essentially ease both business and services, as offered by advocate, across the East Africa Region.

The Conference held several interactive and memorable sessions on diverse areas of law;

- ▶ In-house counsel's forum, where they explored the role of corporations and corporate lawyers in developing regional economic communities and in advancing the business and human rights principles.
- ▶ Death penalty and the rule of law
- ▶ Leading law firm's forum
- ▶ International arbitration; drafting the arbitration clause in the contract and drafting submissions and representing clients in international arbitration.
- ▶ The women's forum saw advocates discuss diversity in the legal profession, the role of women in the 4th industrial revolution
- ▶ Young lawyer's forum which discussed the role of young lawyers in advancing regional economic

communities, exploring economic opportunities and explored barriers for the youth in the legal profession

During the Annual General Meeting, members passed several key resolutions affecting the East Africa Community.

COMMONWEALTH LAW CONFERENCE

The Commonwealth Lawyers Association (CLA) is a pan-Commonwealth organization which seeks to uphold the rule of law in the Commonwealth by encouraging exchange of ideas between legal professionals, academics and students through projects and by driving improvements in legal education. The CLA holds a number of short events throughout the year and a biennial conference. The Law Society of Kenya is an institutional member of the CLA.

The Commonwealth Law Conference held its 21st Conference in Zambia on the 8th to 12th April 2019. The Conference held in Livingstone brought together more than 1,000 participants from across the Commonwealth. The Conference was held under the theme "***The Rule of Law in Retreat? Challenges for the Modern Commonwealth.***"

The Law Society of Kenya was represented by the President, the CEO and Council members among other members who managed to attend the Annual Conference. Among the Key forum held during the Conference was, Women in Leadership Round Table, The Bar Association CEO's forum and the Annual General Meeting. The following were some of the topics covered during the conference, Constitutionalism and the Law – Obstacles to African development, Defending the human rights defenders- resilience building, walking the tightrope – stress management for healthy lawyering.

Members of the CLA elected new office bearers and Council for the period 2019- 2021. The election was held during the Annual General Meeting. Kenyan's Ms. Maria Mbeneka was elected as a CLA Council member representing the East Africa Region and Seychelles in the Council.

Publications of the Law Society of Kenya

Newsletters

The Weekly Electronic Newsletters were circulated to the membership with assorted information that include (but not limited to) event reports, Council decisions, landmark court rulings, CPD seminars briefs, trainings, vacancies and legislations.

Editorial Committee

The Law Society of Kenya's Editorial Committee's Convener is Prof. Ben Sihanya while the Co-Convener is Prof. Attiya Waris.

The Committees mandate includes;

1. To consider, edit and recommend for publication, articles for the Journal and the Advocate Magazine.
2. In consultation with the Committee on Continuing Legal Education, consider papers delivered at the CLE seminar for publications in Journal and Advocates Magazine.
3. To advise on the strategies of improving the reading and legal writing culture among members.
4. Consider and advise on measures for income generating activities for the Law Society publication.

The Committee published the LSK Advocate Magazine, Annual Conference Edition and one LSK Journal issue (Volume 15 (1) 2019

The Advocate Magazine

One edition of the Advocate magazine was published in the year 2019, The LSK Advocate Magazine, Annual Conference Edition 2019 under the theme;

- The main **Conference Theme:** *"An Audit of the Constitution: The quest for Constitutional Reform and Transformation"*
- Conference **Sub Theme:** *"Embracing technology in Legal Practice; Litigation and Commercial Practice."*

Soft copies of the copies of the publication were circulated via link on the LSK weekly electronic newsletter.

Law Society of Kenya Journal

The papers published in the Journal issue (Volume 15 (1) 2019 included;

- *Reflections on Managing Natural Resources and Equitable Benefit Sharing in Kenya* by Dr. Kariuki Muigua
- *Transformative Constitutionalism* by Dr. Freda Mugambi Githiru.
- *Land Control Board Consent and the Doctrine of Constructive Trust* by Oscar Angote.
- *International Crimes and the International Criminal Court* by Philip Magal Ambole.
- *Relationship between the state and religion in Kenya: Epiphany of Orwellian Doublethink* by Ruth Lutta & Joseph Lutta.
- *A Brief Introduction to Devolved Health Care System in Kenya* by Faith Simiyu & Christine Namalwa Simiyu.

The Committee meets every last Friday of the month and when necessary.

Corporate Social Responsibility

The LSK President Mr. Allen Waiyaki Gichuhi accompanied by Mr. Brian Speers, President of the Commonwealth Lawyers Association (CLA) led Council Members, members of the CPD Committee and members of the Society to the Annual Corporate Social Responsibility (CSR) at the Shanzu Orphans Home. The members were welcomed by Sister Catherine Kambua accompanied by the Home's management who were delighted with LSK for offering to support them and to enable the children achieve their dreams.

Mr. Gichuhi, Mr. Speers and members who spoke to the children encouraged them to be committed to their studies while observing discipline and hard work and with these tenets, they would be whatever they aspired to be in life. While at it, Dr. Rauttah Athiambo, CCPD Convener requested for an impromptu funds drive from members towards the facelift of the home by purchasing paint. The funds drive yielded a total of Kshs. 100,000. In the same spirit, the LSK through the President, Mr. Gichuhi, Vice President, Ms. Chiggai, Mr. Speers and LSK CEO, Ms. Wambua presented a cheque of Kshs. 400,000 to management of the Orphans home, brining the total contribution to Kshs. 500,000.

The home has structural capacity to accommodate 33 children, however due to financial difficulties the home

had twenty (20) children only. And now with the LSK financial support, the home will be able to take up 13 more distressed children. The event came to close by planting of palm trees by the LSK and CLA Presidents Mr. Gichuhi and Mr. Speers respectively within the institutions grounds.

Shanzu Orphans Home is a non-profit association founded in 2001 with an aim to care for orphaned children and any child in need of care and protection. The institute was pioneered by Mama Christa (from Germany) with the help of Mr. John Ouga who both later handed over management of the Home to the Sisters of St. Joseph of Mombasa in 2013. The Sisters of St. Joseph of Mombasa have selflessly dedicated their lives to educating, empowering and caring for children at the Home. With freedom and a chance to dream, leaders are born. At Shanzu Orphans Home, the children have been given a chance to realize their dreams as they grow and so make them a reality. They are given support and provided with basic needs such as education, health, spiritual and psychological guidance and supported emotionally to recover from their past experiences. With this, the children have been able to experience a happier childhood and a safer environment.



The LSK President Allen Gichuhi, EBS C.Arb presenting a Cheque donation to the Sisters of Shanzu Orphans Home during the LSK CSR activity

Law Society of Kenya Awards

ROLL OF HONOUR

The Law Society of Kenya feted Ms. Lucy Kambuni, SC, Ms. Beryl Anyango Omollo and Ms. Fatuma Abdulkadir Adan.

The awards were presented during a colourful LSK Dinner & Dance held at the Intercontinental Hotel, Nairobi on 30th March 2019.

The event was presided over by Mr. Jacob Ondari, Deputy Director, Office of the Director of Public Prosecutions (ODPP) who represented the ODPP, Mr. Noordin Haji, Honourable Judges amongst other invited guests.

1. Ms. Lucy Kambuni, SC

Ms. Lucy Kambuni, SC was inducted into the LSK Roll of Honour. According to the Citation, Ms. Lucy Kambuni, SC achieved many remarkable professional feats, accomplishments and socio-economic and political advancements of Kenya.

Ms. Lucy Kambuni, SC was called to the Bar on 16th September 1985 after which she had to make a choice whether to remain at Kaplan & Stratton Advocates or join the State Law Office as a State Counsel as the latter had issued her an appointment letter. She chose the former and was an Advocate in the Litigation Department until 1991 when she left to set up a Law Firm, Kambuni & Githae Advocates, with her classmate.

In 2006, she founded a sole proprietorship, L M Kambuni & Associates, which she continues to run. Ms. Kambuni, SC gives large credit for her professional and public service growth to the LSK. In March 1995, she was nominated by LSK for a month-long Exchange Program convened by the National Bar Association, U.S.A. The finale for this engagement for the East African delegates was the inking of the Memorandum of Understanding that founded the East Africa Law Society. She variously served the LSK with distinction including chairing the Committee Investigating Corruption in the Judiciary (2003), acting for the LSK, pro bono in the purchase of the current LSK Offices, Ad hoc Panel Member of the Disciplinary Committee of the LSK (2003- 2005), the first Woman Vice- Chairperson of the LSK (2004-2005), Delegation Leader for the successful bid for Kenya to host the Commonwealth Lawyer's Conference (2004), LSK member on Council of Legal Education (2004-2007), LSK member on the Board of Kenya Private

Sector Alliance (2005-2009), Member of the Law Society Standing Committee on Constitutional Review (2006) and Convenor, Law Society Committee on Civic Education for the Proposed Constitution of Kenya (2010).

Ms. Kambuni, SC remains committed to serving the LSK and furthering the professionalism of the Bar and was, in February 2019, nominated to serve in the Law Society Mentorship Board, development of Legal Education. She is also a pioneer lecturer at the Kenyatta University School of Law (2008-2011) and Lecturer, in Professional Ethics and Practice, at the Kenya School of Law (2007-2012).

In 2005 she was a member of the Task Force on the development of Policy and Framework for Legal Education and Training in Kenya. Its report was instrumental in the reform and regulation of legal education.

Ms. Kambuni, SC is a legal practitioner of repute and has had a distinguished practice in Constitutional, Regulatory and Elections Law. In 2005, she successfully handled, on behalf of the Constitution of Kenya Review Commission, Miscellaneous Civil Application No. 677 of 2005, Patrick Ouma Onyango & 12 Others vs. Honourable Attorney- General, the Constitution of Kenya Review Commission and the Electoral Commission of Kenya. This was a landmark case in the constitutional history of Kenya as the decision of the Court cleared legal hurdles towards the successful conduct of the Referendum on 21st November 2005. As Counsel for the Independent Electoral and Boundaries Commission, she participated in the three Supreme Court, Presidential Petitions, namely, Petitions No.s 5, 3, and 4 (consolidated) of 2013, Raila Odinga & the Independent Electoral and Boundaries Commission, Presidential Petition No. 1 of 2017; Raila Amolo Odinga & Stephen Kalonzo Musyoka vs. IEBC & Anor, and Presidential Election Petition 2 & 4 of 2017 (Consolidated); John Harun Mwau & 2 Others vs. IEBC & Anor.

She has gracefully straddled the Public and Private Sectors and given commendable service as she served as Regulatory Committee Member of the NGO Council in 2002-2003. The General Elections of 27th December 2007, and in particular, the disputed Presidential Election, occasioned the ignominious Post-Election Violence. The settlement brokered by the African Union's Panel of Eminent African Personalities led by



Guests pose for a group photo during the Award Ceremony. From left David Njoroge (Council Member) Mr. Jacob Ondari (Chief Guest, Dep. Dir- ODPP), Awardees (Ms. Omolo, Ms. Adan & Ms. Kambuni, SC) Mr. Allen Gichuhi, EBS C. Arb (LSK President) Ms. Harriette Chiggai (LSK VP), Mr. Bernhard Kipkoach and Ms. Maria Mbeneka (Council Members) and Ms. Mercy K. Wambua (LSK CEO).

Ms. Kambuni, SC was the Lead Assisting Counsel for the Commission Investigating the Crash of Helicopter 5Y-CDT in the Kibiku Forest, Ngong on 10th June 2012, and in 2015, for the Commission of Inquiry into the Petition to Suspend the Makueni County Government. She has served as Member for Masinde Muliro University of Science and Technology Council, Vice Chairperson to the Task Force on Devolved Government and Trustee of the Tourism Trust Fund. She is currently a Commissioner with the Commission of University Education and Vice Chairperson of the

Employment and Labour Relations Rules Committee. In December 2018, the Assembly of States Parties of the International Criminal Court elected her as a Member to the Advisory Committee on the Nomination of Judges of the International Criminal Court.

As earlier indicated Ms. Kambuni, SC served as Director for Kenya Private Sector Alliance. She also was a member of the Governing Council of Mater Hospital and is currently Chairperson, of the Zamara Fanaka Retirement Fund (formerly Alexander Forbes Retirement Fund). She also serves as the Honorary Secretary to her Church, the Nairobi Baptist Church Ngong Road.

Awards and Honours and Recognition: In November 2005 she was recognised by the East Africa Law Society and in 2010, by the Kenya Private Sector Alliance. On 11th December 2012, she was conferred the rank of Senior Counsel pursuant to Section 17 (1) of the Advocates Act, in recognition of exemplary service to the legal and public service. On 18th December 2014, she received recognition from the Zamara Fanaka Retirement Fund (formerly, Alexander Forbes Retirement Fund).

2. Ms. Beryl Anyango Omollo, Advocate.

Ms. Beryl Anyango Omollo was feted for her Distinguished Service in the Administration of Justice.

Ms. Omollo is an Advocate of the High Court of Kenya who was admitted to the bar in the year 2014 under LSK Number P105/10371/14, and so has attained Five years post admission work experience and exposure in various

Kofi Annan included the establishing of the Independent Review Commission (the Kriegler Commission), and she was a Member of this Commission. She would, at a public forum held by the Commission in Bondo, learn a new term from a resident psephology, the study and scientific analysis of elections. The Resident, however, informed the Commission that he would not share the book he had authored on the subject as the Commission would plagiarize his ideas. In 2010 she acted as a consultant for 'The Provision of Technical Support and Advice on the Constitutional Reform Process Under the Ministry of Justice, National Cohesion and Constitutional Affairs' and undertook a study and issued a report on 'Devolved Government under the Proposed Constitution of Kenya'.

She variously made presentations on the subject at the Ministry's 'Public Constitutional Dialogue with Experts on the Proposed Constitution of Kenya', a series of public meetings held around the country, and Radio and Television talk shows in the run-up to the 4th of August 2010 Referendum. In 2012 she was engaged as a resource consultant for the Kenya National Integrated Civic Education Program Media Campaign, a sustainable program of civic education on the Constitution of Kenya, 2010 through television and radio. She also participated in the Senior Public Officers Training of Trainers and made presentations on 'Concept and Principles of Devolution' and 'Governance of the Counties and Inter-Governmental Relations'. In 2012, she was appointed a Member of the Working Committee to Advise the Government on the Case before the International Criminal Court involving Kenya Citizens.

fields, starting with Private Legal practice when she was working with M/s KTK Advocates, and subsequently as a Resident Magistrate with the Kenya Judiciary, which is her posting to date.

Ms. Omollo is a holder of a Bachelor of Law Degree (LL.B) degree, Second Class, upper Division from the University of Nairobi and a post-graduate Diploma in Law from the Kenya School of Law. She was appointed as a Resident Magistrate with effect from 13th November 2017, by Gazette Notice Number 10809 dated 1st November 2017. She shares the vision of her country being free from maladministration of justice, where the rule of law is upheld; where the citizens' rights and freedoms are protected and upheld and individuals are accorded fair treatment by those in authority.

For various matters placed before her, she always undertakes to make the deliberate and conscientious choice to ensure that justice is more accessible to the citizenry and that every litigant is given a fair hearing such that no one is driven out of the seat of justice. The awardee has not considered her rank in a Judiciary that has heavyweights up to Judges of the Supreme Court, before making a decision for the justice of those who may be considered at the lowest rung of the social ladder. This early in her Legal career, she has exhibited courage and fidelity to the law. Faced with the responsibility of presiding over an inquest arising from circumstances of a very volatile political contest, she courageously conducted the Inquest, and came to a courageous decision, basing on the evidence presented in the inquest. The baby subject of the inquest was aged 6 months at the time of her death at the hands of security forces. Even if she was alive, at the age of 6 months, she would never have been able to audibly speak for herself. But what is worse, she was dead and so unable to speak. The only remaining voice for her was the Legal mechanism of an Inquest.

Ms. Omollo is one who dedicates time and detail in coming to her decisions including the decision in the Baby Pendo case, a ruling that demonstrates fidelity to the Constitution and application of deep Legal principles like Command responsibility. The courage demonstrated by her sets a very good precedent that a Judicial officer should at all times discharge their duty without fear or favour, and without looking at the might of the parties in the case, nor her youth in the profession, so that the downtrodden and voiceless in society can have hope in the Constitution and in the Law, that they can be protected from abuse of power by agencies entrusted with protecting, not threatening life.

3. Ms. Fatuma Abdulkadir Adan

Ms. Fatuma Abdulkadir Adan was awarded the Father John Anthony Kaiser Rights Award mainly for her achievements for being at the forefront in promoting human rights.

Ms. Fatuma Abdulkadir Adan is a Chevening Fellow from Birmingham University having studied a course in Sharia and Governance and Holds a Bachelor's Degree from Moi University. She also studied a course on Working with Conflict and is a member of Women in Sports Law.

Ms. Adan first started out as a volunteer providing legal aid and was later to register an NGO, which will be celebrating 15 years of existence having impacted 15,000 lives through their innovative award winning initiatives. Her work has been featured on several publications both locally and internationally; being featured in an award winning film Solders of Peace narrated by Michael Douglas.

In 2014 Ms. Adan was elected to the Board of an international organisation as the first Muslim African Woman and went on to serve for two terms before stepping down in December of 2018. She was born and raised in an area prone to inter-tribal conflict. She went to law school but as soon as she completed her studies she embarked on "peace activism". In an area where you are more likely to handle your dispute through an AK 47, she introduced football. In her neighbourhood in Marsabit she faces normal threats to life like any person due to the proliferation of small arms. However, as a Muslim woman activist she faces constant death threats for having disrupted the age-old traditions of forced marriages, fights between communities and violence against women. She has sued and been sued. She is threatened all the time in an attempt at slowing down her commitment to foster peace among the local tribes of Borana, Rendile and Gabra.

Through her Horn of Africa Development Initiative (HODI) she launched a programme called "shoot to score, not to kill". This unique programme uses football to keep the youth away from war, to keep girls in schools, to empower women. The programme is based on four key pillars: Advocacy, Education, Economic sustainability and inter-ethnic cohesion. For 15 years she has met and nurtured youth to join her village soccer programme organized football tournaments, setting up a council of women to discuss men and violence and assisted women to save money through pooling of resources. In her community, women are classified as children culturally

and were not allowed under the elders’ tree which was the ultimate decision making organ. In 2012, the awardee worked with the village units to ensure there was space for women and youth under the elders’ tree. Today in 152 villages 60% of the attendees of the meetings are women changing not only what seemed impossible but fulfilling the provisions of 2/3 gender rule as provided in the constitution but under the community justice system.

She is described as stubborn, creative in her problem solving and an unshakeable optimist. Over the years Ms. Adan worked diligently to amend unwritten laws and challenge both culture and religion, which has yielded not only significant decisions for rule of law and human rights but significant threats to her life too. She also innovated breaking the silence which used a simple tool of football to give the girls a voice and a choice, winning the Beyond Sports Award in 2015 and FIFA Diversity Award in 2018. She has travelled the length of the world receiving accolades and awards for her peace efforts. She has taken kids to watch the world cup. She is simply an inspiration to many in the North of Kenya.

PRO BONO/ PUBLIC INTEREST JURISTS AWARDS

The Law Society of Kenya in partnership with Amnesty International Kenya (AI Kenya) held its’ 7th Award Ceremony of the 2019 Pro Bono/Public Interest Jurist Award at the Laico Regency Hotel, Nairobi on **Tuesday 10th December, 2019.**

The award ceremony was held with an aim to honour and celebrate the outstanding contribution of strategic litigation, public interest and Pro Bono lawyers who had excelled in litigating on issues of justice, human rights and constitutionalism. The awards were a conduit for raising human rights awareness and empowering people to not only better understand their rights, but also actively participate and engage in actions for the promotion, defense,

and realization of access to justice, human rights and constitutionalism.

The following were the pro bono public interest jurists nominated awardees who were called forth and awarded by different guests present.

AWARD	NAME OF AWARDEE
Winner PIL/Probono Jurist of the Year	Ramadhan Abubakar Advocate
1st Runners Up Probono / PIL Jurist of the Year	Tabitha Saoyo ,Advocate
2nd Runners Up Probono/ PIL Jurist of the Year	Byron Menezes, Advocate
Public Sector Access to Justice Award	James Machira Prosecution Counsel, ODPP

The guests in attendance included Hon. Martha Karua OGW, LSK Vice President, Ms. Harriette Chiggai, LSK CEO Ms. Mercy Wambua, AI Kenya Executive Director, Mr. Irungu Houghton, Ms. Renee Ngamau (Chairperson Amnesty International), Mr. Wilfred Nderitu, Advocate, Mr. Akusala Borniface, Council member and Convener of the Public Interest and Litigation Committee and Ms. Tina Alai (Human Rights Advocate) among other invited invitees.

The event was moderated by Ms. Kililo Diana Wakesho, Advocate and a member of the LSK Public Interest and Litigation Committee.



Mr. James Machira being awarded the Public Sector Access to Justice Award by Ms. Chiggai, LSK VP and Ms. Renee Ngamau, Advocate.

Reports of Representatives of the Law Society of Kenya to Committees and Various Institutions

1. SENIOR COUNSEL COMMITTEE

The Law Society of Kenya is represented in the Committee by **Mr. Nicholus Bichanga**, Advocate and **Ms. Lilian Renee Omondi**, Advocate. The other members of the Committee include:

Mr. Omesh Kapila, SC (Chairperson)

Hon. Justice (Rtd) Paul Kihara – The Attorney General

Hon. Justice Mohammed Ibrahim – Nominated by the Supreme Court

Hon. Lady Justice Martha Koome – Nominated by the Court of Appeal

Hon. Lady Justice Jacqueline Kamau – Nominated by the High Court

Prof. Lucy Kambuni, SC – Senior Bar

Prof. Patricia Kameri - Mbote, SC – Senior Bar

Mr. Allen Waiyaki Gichuhi, C.Arb – LSK President

The Committee is established under Section 17(3) of the Advocates Act. Its mandate is to consider applications made for conferment on a person the rank of Senior Counsel, make recommendations to the President for conferment and consider any application for removal of a person from the Roll of Senior Counsel and make recommendations to the President.

The Law Society of Kenya (LSK) vide two separate notices published in the *Daily Nation* dated 19th January 2018 and 21st February 2019 invited members of the Society to submit their applications for consideration for conferment of the rank of Senior Counsel (SC). Pursuant to Rule 6 of the Advocates (Senior Counsel Conferment and Privileges) Rules 2011, the Committee on Senior Counsel received applications from the members listed below.

NO.	P.105	NAME OF APPLICANT
1	P:105/3052/96	Munyithya Justus Maithya
2	P:105/783/75	Gatonye Charles Waweru
3	P:105/1172/81	Gross Anthony Frederick
4	P:105/3309/96	Githiru Mark Nganga
5	P:105/5107/03	Kanjama Charles Njiru
6	P:105/1630/87	Mbobu Mathew Kyalo
7.	P:105/1930/89	Dr. Muigua David Kariuki
8.	P:105/678/73	Gaturu Evans Thiga
9.	P:105/2655/93	Prof. Sihanya Bernard Murumbi
10.	P:105/1192/81	Awori Violet Tsigiga
11	P:105/2008/90	Kili Hosea Kimutai
12	P:105/2184/91	Maema William Ikutha
13	P:105/1520/86	Regeru Njoroge
14	P:105/822/76	Yonah Aggrey Orai Obura Geoffrey
15	P:105/674/73	Kioga Mnkanata Mburugu
16.	P:105/4750/02	Kilonzo Noah Wambua
17	P:105/2543/93	Musakali Catherine
18	P:105/1108/80	Ambassador Shitsama Aggrey Shikanga

NO.	P.105	NAME OF APPLICANT
19	P:105/1627/87	Laibuta Kibaya Imaana
20	P:105/1655/87	Siganga Beattah Alukhava
21	P:105/1056/79	Hon. Musyoka Stephen Kalonzo
22	P:105/3542/97	Chigiti John Mugwimi
23	P:105/2956/95	Prof. Sifuna Nixon Wanyama
24	P:105/853/77	Gathenji Mbuti
25	P:105/565/70	Dr. Khaminwa John Mugalasinga
26	P:105/3046/96	Kigen Joseph Kipchumba Katwa
27	P:105/2805/95	Dr.Ndegwa Paul Wamuti
28	P:105/1141/80	Mweseli Tim Okonda Andrew
29	P:105/2365/92	Odongo Patrick Lutta
30	P:105/3615/98	Arwa Jotham Okome
31	P:105/1425/85	Kihara Charles Njuru
32	P:105/2466/92	Kipkorir Donald Benedict
33	P:105/1945/89	Nderitu Wilfred Ngunjiri
34	P:105/1621/87	Monari Evans Nyarongi
35	P:105/1787/88	Thongori Judy Wanjeri
36	P:105/2693/94	Mwamu James Aggrey Otigo
37	P:105/2793/95	Mutua Eric Kyalo
38	P:105/1786/88	Gichia Wa Kiragu Kimani
39	P:105/1422/85	Nyaoga Mohamed Jairus
40	P:105/2037/90	Ohaga John Morris
41	P:105/756/75	Rachier Ambrose Dickson Otieno
42	P:105/797/76	Kapila Surinder
43	P:105/694/73	Adere Steven Ruphinus
44	P:105/720/74	Athiambo Rautta
45	P:105/1106/80	Ngatia Fredrick H
46	P:105/2303/92	Odhong Dorcas Agik
47	P:105/2051/90	Kilukumi Kioko
48	P:105/1608/87	Prof. Mumma Albert Oduor
49	P:105/1145/80	Michuki Jane Wanjiru
50	P:105/1268/82	Lubulellah Anthony Milimu
51	P:105/1882/89	Janmohamed Zehrabanu
52	P:105/3244/96	Letangule Thomas
53	P:105/1226/82	Karua Martha Wangari
54	P:105/614/71	Sharma Chander Parsram Ramesh R.

NO.	P.105	NAME OF APPLICANT
55	P:105/2047/90	Odede Roseline Adhiambo Odhiambo
56	P:105/3386/97	Gichuhi Allen Waiyaki
57	P:105/1849/88	Taib Taib Ali
58	P:105/1510/86	Murgor Philip Kipchirchir
59	P:105/1615/87	Ochieng James Oduol
60	P:105/315/60	Rao Sharadkumar Sadashiv
61	P:105/542/70	Kigano Clement Muturi
62	P:105/955/78	Hon. Murungi Kiraitu
63	P:105/909/77	Ochieng Nyamodi Nyamogo
64	P:105/2913/95	Muturi Njee
65	P:105/1361/84	Guserwa Judith Abrahams
66	P:105/876/77	Wanjama Ezekiel N. K.
67	P:105/3065/96	Mohamed Abdikadir Hussein
68	P:105/1903/89	Kibara Geoffrey Gichira
69	P:105/2393/92	Mwangi Paul Muriithi
70	P:105/2628/93	Ole Kina Tukero
71	P:105/398/63	Shah Amritlal Bhagwanji
72.	P:105/1127/80	Omwela Richard
73	P:105/1061/79	Marende Kenneth Otiato
74.	P:105/789/75	Onyinkwa Joseph Ibrahim
75.	P:105/2268/91	Nyaundi Patricia Mande
76.	P:105/589/71	Dr. Kagwe Fackson Wainaina
77.	P:105/369/62	Sehmi Rapinder Singh
78.	P:105/1652/87	Mccourt Kevin Dermot
79.	P:105/1198/81	Ameyo Kenneth Dan
80.	P:105/1741/88	Kamotho Kenneth Waiganjo
81.	P:105/599/71	Bowry Pravin Kumar
82.	P:105/106/55	Nagpal Om Parkash
83.	P:105/4919/02	Aoko Mercy Otieno
84	P:105/1186/81	Njagi Nyaboke Jane
85	P:105/480/69	Mukele Gabriel Kwoba
86	P:105/1327/83	Kinuthia Rumba Njoroge
87	P:105/1668/87	Gulenywa Alice Tsiyeri Jonathan
88	P:105/3305/96	Otiende Paul Amollo
89	P:105/3771/98	Oira Thomas Ratemo
90	P:105/3028/96	Kamau Karori

The Committee considered and deliberated on all 90 applications received and identified 24 persons who were found deserving the recommendation for conferment of the rank and dignity of Senior Counsel. They were the following:

1. OM Parkash Nagpal
2. Fackson Wainaina Kagwe
3. Pravin Kumar Bowry
4. Rautta Athiambo
5. Charles Waweru Gatonye
6. Stephen Kalonzo Musyoka
7. Frederick Ngatia
8. Martha Wangari Karua
9. Mohammed Nyaoga
10. Philip Murgor
11. Albert Mumma
12. Beattah Alukhuava Siganga
13. Kiragu Kimani
14. Judy Thongori
15. Taib Ali Taib Bajabir
16. Zehrabanu Janmohamed
17. Wilfred Nderitu
18. John M. Ohaga
19. Kioko Kilukumi
20. Patricia Mande Nyaundi
21. Dorcas Agik Odhong Oduor
22. Abdikadir Hussein Mohamed
23. Paul Otiende Amollo
24. John Mugwimi Chigiti

The Committee made a recommendation accordingly for conferment of the rank of Senior Counsel in respect of the above mentioned Advocates pursuant to the provisions of Section 17 of the Advocates Act and presented the same to the Hon.Chief Justice David Maraga. The unsuccessful applicants have the liberty to reapply as provided for under Rule 11(3) of the Senior Counsel Conferment and Privileges Rules of 2011 and amended by L.N.147/2014.

Subsequent to making the recommendation, two cases were filed against the Committee by two law students Hillary Mokara and Nick Munuve in Constitutional Petition No. 389 of 2019 and one of the applicant's, Donald B. Kipkorir in Judicial Review Misc. No.300 of 2019. Mr.Peter Gachuhi of Kaplan and Stratton is representing the Committee and members sued in their

personal capacities in both cases on a *pro bono* basis. The two cases are to be consolidated and scheduled for mention on 28th January 2020 and 5th February 2020 respectively for further directions.

The Committee also deliberated on several other Agenda *inter alia* review of the Advocates (Senior Counsel Conferment and Privileges) Rules 2011 and development of Regulations. The Committee also received complaint against SC. Ahmednasir Abdulahi which is pending determination.

2. KENYA CONSUMER PROTECTION ADVISORY COMMITTEE (KECOPAC)

Article 46 of the Constitution of Kenya seeks to protect consumers against unfair trade practices and Parliament enacted the Consumer Protection Act no 46/2012 to fulfill this mandate. The Kenya Consumer Protection Advisory Committee (KECOPAC) is established to execute this mandate which can be refined to six broad areas namely:

- i) Sensitization, education and advice to consumers
- ii) Support, strengthening and accreditation of consumer rights bodies to effectively protect consumers
- iii) Review of consumer protection laws, directives, standards and monitoring of trade and business practices to ensure consumer protection
- iv) Monitoring the effectiveness of regulatory bodies
- v) Establish dispute resolution mechanisms at County and National level, in collaboration with the Chief Justice
- vi) Issue advisories to the Government on the state of consumer protection at all times.

KECOPAC which is a Committee within the Ministry of Industrialization comprises of representatives of professional bodies like the Law Society of Kenya and Kenya Medical Association, representatives of the Kenya Manufacturers Association and financial and insurance sectors, representatives from consumer organizations and representatives from government agencies like the office of the Attorney General and Kenya Bureau of Standards.

The first three year term of KECOPAC ran from 2013 to 2016, while the second Committee began its tenure in April 2018 and is the subject of this report.

To date the second Committee of KECOPAC has had eleven full Committee meetings and several subcommittee meetings with the following important outcomes which are of interest to the Law Society of Kenya.

1. Legal subcommittee: A major output of this Committee has been the draft consumer protection amendment bill which proposes amendments to the structure of the KECOPAC to that of an authority with a Tribunal which will have power to enforce the consumer protection law and resolve disputes. The draft bill has been presented to the Cabinet Secretary, consumer organizations and parliamentary Committee. We are currently drafting a policy to accompany the bill.
2. Research on the state of consumer protection. The first report of its kind is due to be launched on the World Consumer Day 1st March 2020. This report will guide the Committee on what laws, standards and directives to review, trade practices to monitor and areas to educate/sensitize the public.
3. Draft strategic plan: The Committee has produced a zero draft strategic plan which will go through validation before being adopted. This strategic plan will act as a compass to guide the Committee on their annual and work plans and in line with the Ministry of Industrialization vision of prioritizing consumer rights to quality goods and services, as a driver to both local and international business to help the country contribute towards the government agendas (Agenda 4, MDG, SDG, Vision 2030, Vision 2050).
4. Educating public on consumer rights: Committee have sensitized and educated consumers during the World Consumer on their rights and responsibilities contained in the law. The Committee has also created a website, twitter handle and logo and have interacting with members of the public.
5. Monitoring consumer protection policies and practices: Following the report of adulterated meat by use of chemicals in July 2019, the Committee released a press statement and wrote to the Kenya Bureau of Standards (KEBS) for investigations to be carried out. The Committee also met with the Governor of Nyeri in March 2019 to monitor the work of the County in consumer protection and establish a link.
6. Supporting, Strengthening and accrediting consumer organizations - in early 2019 the Committee organized a breakfast for purposes

of interacting with consumer organizations to understand their scope of work with the aim of mapping them and supporting them. The Committee has made courtesy calls to various like organizations like the Competition Authority of Kenya. In addition representatives of the Committee have attended various conferences and meetings internationally in a bid to collaborate with sister advisory bodies.

Recommendations to the Council of the Law Society of Kenya:

- a) The LSK members are to participate in sensitizing, educating the public about their rights and responsibilities as consumers. Probono clinics can be set up around the theme of consumer protection especially the vulnerable consumers (ignorant, poor, illiterate) who are unlikely to exercise their rights to quality, choice, information, and redress. Before taking consumer matters to Court, LSK members should advise client to exhaust the consumer complaints mechanisms provided by the suppliers of goods or services.
- b) The consumer organizations are increasingly seizing the work traditionally done by Lawyers, by advocating and defending the consumer rights of the clients. The small claims courts are open to the public supporting by the consumer organizations. The LSK members should seek work on the boards of such organizations or where available apply as legal and program officers to offer the much needed advice and representation. In addition LSK members should be at hand if and when the consumer protection tribunal is set up.
- c) LSK members can conduct legal audits for clients and review their policies, directives and standards in line with consumer protection legislation and in particular the sectors of motor vehicle repair industry, Aircraft services; providers of Credit services by banks, insurance, credit card and leases which are highlighted in the Act.
- d) LSK members can conduct research and publish articles to ensure that business practices are in line with the consumer protection legislation and protect consumers from unfair, unconscionable, unreasonable, unjust, improper, deceptive, misleading, fraudulent conduct.

Ms. Elizabeth Wangari Odhiambo, Advocate represents the Law Society in the Committee.

3. NATIONAL LEGAL AID SERVICES

1.0 Introduction

The National Legal Aid Service (NLAS) is established by the Legal Aid Act 2016 as a body corporate to among other things provide for legal aid, and for the funding of legal aid and for connected purposes. NLAS is governed by a board of directors drawn from representatives of State and Non-State Agencies. The Service has a presence in 5 regions within Kenya i.e. Mombasa, Kisumu, Eldoret, Nakuru and Nairobi, with the headquarters in Nairobi.

This brief report summarizes the important issues touching on the objects and principles of the Society arising from the activities undertaken by the Service in year 2019. It also contains the recommendations necessary to further the interests of the Society for better service delivery to 'Wanjiku'.

2.0 Activities

2.1 Activities Supported by NLAS Exchequer Grants

i. Provision of Legal Aid

NLAS, through its offices, provided legal aid to over 160,000 people in 2019. The legal aid services provided included legal advice, representation, assistance in resolving disputes through Alternative Dispute Resolution (ADR), assistance in drafting of court documents, effecting service incidental to any legal proceedings and creation of legal awareness through conducting of legal open days as well as media campaigns in local FM stations.

ii. Partnership with stakeholders

NLAS officers in the regions have partnered with an array of stakeholders in the justice sectors in order to improve its service delivery. NLAS is now a member of various stakeholders groups e.g. Court Users Committee as well as thematic committees, Complaint referral partnership and relevant taskforces created by the National Council on the Administration of Justice. i.e. Taskforce on Children matters and Taskforce on Criminal Reforms.

iii. Capacity building

NLAS conducted self-representation trainings to clients on so as to mitigate the impact of the high demand for legal aid services and a low staff capacity. Some stakeholders have also been trained on the use of Alternative Dispute Resolution as a

means of resolving issues outside judicial fora.

iv. Organizational Development

The Board approved the Human Resource Policy Guidelines and Standards in order to facilitate the establishment of the secretariat and recruitment of the required staff of the National Legal Aid Service. The Guidelines and Standards provide for:

- a) Organizational Structure
- b) Staff Establishment
- c) Salary Structure
- d) Human Resource Policy and Procedures Manual; and
- e) Career Progression Guidelines.

The documents were forwarded to OAG&DoJ for onward transmission to SCARC and SRC for review and advise, and this would enable the Service recruit the staff necessary to enable it fulfill its mandate.

v. Internship programmes

Working with the Office of the Attorney General and Department of Justice, the service provides opportunities for internships in accordance with government procedures and guidelines. The Service has offered internship and mentored over 850 law students since its inception as a pilot project. In addition, the service offers opportunities for student volunteers to augment its staff complement for service provision.

vi. Dissemination of IEC materials.

Over 1,000 I.E.C materials have been disseminated to citizens. Materials disseminated including copies of the Legal Aid Act 2016, copies of Self-Representation Manual, copies of the National Action Plan 2017-2022, Trainings of Trainers Manual on ADR, and copies of simplified version of the Children's Act 2001 etc.

2.2 Activities Supported by Donors

a. International Law Development Organization (IDLO)

IDLO is an international organization exclusively devoted to promoting the rule of law, enables governments and empowers people to reform laws and strengthens institutions to promote peace, justice, sustainable development and economic opportunity. With the support of IDLO, NLAS developed the following documents;

i. National Legal Aid Regulations (Accreditation and Eligibility Criteria) and Code of Conduct for Accredited Legal Aid Providers.

The Regulations are geared towards assisting the service establish an eligibility criteria for clients seeking legal aid service and legal service providers seeking to provide legal aid services on behalf of NLAS. The Code of Conduct sets out the minimum standard of conduct expected by the Service from accredited legal aid providers. The Regulations which were taken through public participation and validation by stakeholders are currently at the OAG&DoJ (Legislative Drafting Department) and are awaiting parliamentary approval and gazettelement.

ii. NLAS Strategic Plan 2018-2023 sets out strategies towards the achievement of NLAS mandate. The Strategic Plan is to be launched. The strategic plan has 7 strategic objectives, and provides a roadmap for NLAS in implementing its mandate under the Legal Aid Act 2016.

iii. The East African Regional Conference and the East Africa Legal Aid Network Meeting

The East African Legal Aid Network was established by state and non-state legal aid service providers to strengthen the rule of law and guarantee equal access to justice through legal aid. NLAS in collaboration with the International Development Law Organization (IDLO), convened a Regional Meeting of the Network from the 5th to 8th March 2019 in Dar-es-Salaam, Tanzania. The agenda of the said meeting was to:

1. Officially sign the Memorandum of Understanding
2. Development of the network's work plan to implement the conference resolutions
3. Review and adopt a regional Legal Aid Network Needs Assessment tool.

b. Open Society Initiative for Eastern Africa (OSIEA)

OSIEA was founded in 2005 as a part of the global Open Society Foundations (OSF) network. OSIEA's vision is 'a just, inclusive and vibrant Eastern Africa where all people live in dignity, equality and participate meaningfully in society'. NLAS through

International Commission of Jurists-Kenya received a 2 year grant from OSIEA. A memorandum of understanding MOU has been signed between NLAS and ICJ detailing the activities to be undertaken within the 2 years.

c. Programme for Legal Empowerment and Aid Delivery (EU)

The Programme for Legal Empowerment and Aid Delivery in Kenya (PLEAD-K) is a project of the European Union that supports National Legal Aid Service delivery services in marginalized areas. PLEAD-K consists of four components aimed at promoting the following: Enhanced access to justice through legal aid to the poor and vulnerable; Expeditious delivery of justice through efficient court administration and case management; Quality and efficiency in the administration of the criminal justice system; Coordinated justice system amongst the agencies, delivery units and end-users.

3.0 Challenges

- a) The GOK Exchequer grants remain the single largest source of funding for NLAS to deliver on its mandates. While the 2019/2020 financial year saw a significant increase in funding, the grants are woefully inadequate for NLAS to deliver on its statutory mandate.
- b) Delays in the approval of key policy documents for NLAS have caused the transition process to be slow.
- c) Section 12 of the Legal Aid Act provides that the Chair of the Board serves for a non-renewal term of 6 years. Contrary to this statutory provision, an appointment for a 3 year term was made.

4.0 Recommendations.

- a) The Council of the LSK should engage the Attorney General to facilitate approval of the key human resource policy documents in order to recruit and fill staff gaps.
- b) There is a need to lobby for additional funds from GOK using evidence based approach. Tremendous access to justice gaps can only be filled through service provision by LSK membership.

ANNEXURES

1. Table containing data of clients who received legal aid services during the period under review.

ALL NLAS REPORTS FY 2018/19										
OFFICES	Year 2018					Year 2019				GRAND TOTAL FY 2018/19
	1ST QTR		2ND QTR		3RD QTR		4TH QTR			
	JULY-SEPT 18	OCT-DEC 18	JAN-MAR 19	APRIL-JUNE 19						
1 NAIROBI		1,405	761	1,316			2,571	6,053		
2 NAKURU		368	201	397			784	1,750		
3 ELDORET		580	519	678			421	2,198		
4 KISUMU		212	286	341			281	1,120		
5 MOMBASA		1,682	1,132	553			806	4,173		
sum total		3,456	2,894	3,285			4,863	15,294		
6 LEGAL AWARENESS (FM STATION)*								160,000		
GRAND TOTAL								165,294		

* NLAS created legal awareness through KOCH FM on 17th June 2019. The FM station covers 350,000 people. On this particular day a total of 160,000 listeners were able to tune into KOCH FM Station.

PHOTO GALLERY



Photo taken during the Inaugural East African Regional Legal Aid Conference November 5th – 8th 2018 Safari Park Hotel Nairobi, Kenya.



Photo taken during the East Africa Legal Aid Network Meeting held on 5TH -8TH March 2019 at Kunduchi Beach Hotel and Resort, Dar-es-Salaam, Tanzania



Photo taken during the Validation of NLAS Strategic Plan



Photo taken during Court Self-representation training at KCS House Nairobi

4. NATIONAL ENVIRONMENTAL COMPLAINTS COMMITTEE

A. Introduction

The National Environmental Complaints Committee (NECC) is established under Sections 31 to 36 of the Environmental Management and Co-ordination Act (EMCA) of 1999. This Act was amended in 2015 where the Committee's name was changed from the previous Public Complaints Committee to NECC. The Committee is charged with the mandate of investigating allegations and/or complaints regarding the condition of the environment in Kenya made against any person or the National Environment Management Authority (NEMA). NECC can also investigate suspected cases of environmental degradation on its own motion. It can also perform such other functions as may be assigned to it by the Cabinet Secretary (CS) in charge of the environment.

EMCA also requires the Committee to make periodic reports of its findings together with its recommendations thereon and submit them to the Cabinet Secretary to facilitate environmental policy formulation. It also prepares periodic reports which form part of the State of the Environment (SoE) report prepared by NEMA, which is submitted to Parliament. Additionally, NECC also has the added mandate of undertaking public interest litigation on behalf of the citizens in environmental matters. This is an avenue for it to promote environmental justice.

The Committee has been in operation since July 2001 when it was gazetted by the then Minister for Environment and Natural Resources and inaugurated in August 2001. The Committee Members serve a three-year term, which may be renewed once. The current Committee is the fifth one, whose members have been appointed on diverse dates since 7th January 2014.

Vision:

Our vision is to be the leading environmental ombudsman in Africa.

Mission:

Our mission is to facilitate access to environmental justice to the public by providing a forum for expeditious and affordable environmental conflict resolution and contributing to environmental policy development.

B. Investigation Of Cases

The Committee regulates its own procedure. It conducts informal proceedings and ensures that the process is flexible and the language is simple so that the common person may easily understand the proceedings during its hearings and investigations. Since its services are free of charge, NECC offers the public a cheap and a more participatory avenue of addressing environmental concerns, and places great emphasis on the creation of public awareness and voluntary conduct in environmental conservation. EMCA empowers the Committee to investigate cases of environmental degradation against all including Government ministries, departments, agencies and other institutions. This makes it the first of its kind in the East African region.

Since its inception, NECC has investigated close to 1,000 environmental complaints from across the country. The categories of complaints received and investigated by the Committee range from waste management, water pollution, EIA and licensing, air pollution, land use as well as deforestation. The bulk of the complaints investigated fall under the category of waste management. However there are cross cutting environmental issues, such as poor disposal of sewage, noise pollution, quarrying and poor physical planning and zoning practices.

In its investigations, the Committee has managed, in some cases to reverse the ill-effects of environmental degradation. For example in the area of air pollution, the Committee has managed to investigate and intervene where factories have been accused of causing air pollution due to their emissions. As a result, such factories have put in place emission control measures which have significantly improved the level of air quality in those areas. They have also been dealing with cases on deforestation in Yala swamp, Ondiri swamp, Kibiri and Mau forest, sand harvesting in Eastern and Nyanza regions, illegal quarrying and gold mining using cyanide in Migori, Kakamega and Nandi, air pollution in Kitengela and use of potentially hazardous chemicals at flower farms in Naivasha. There are also cases on encroachment of Kibirong' swamp in Nandi County and Enapuyapi swamp that traverses Nakuru and Narok Counties through human activities.

Other major attainments include Enjoined the Solai dam case for the PIL mandate

Finalized the PIL handbook and is yet to be validated where LSK is a major stakeholder.

- a) The PIL Handbook is to be launched and LSK is invited as a key stakeholder.
- b) Finalized and validated NECC's Strategic Plan 2018-2022.
- c) Review of NECC Regulations, 2012 and amendment of EMCA, 1999
- d) Participation in national and international environmental conferences and event e.g. the 7th Conference of Parties of the United Nations Convention to Combat Desertification (UNCCD COP 7), UNEA 3, the 12th session of the United Nation Framework on Climate Change (UNFCCC COP12), the 8th session of the Basel Convention, World Wetlands Day, World Environment Day, World Day to Combat Desertification and The Nairobi International Trade Fair.
- e) Participation in the review of the E.I.A Regulations, 2019

C. Rolling Out PIL

Public interest litigation (PIL) on environment is a tool used by individuals, groups or communities to challenge activities of government or private individuals in a court of law on environmental matters, for public interest. PIL is an important tool for the following reasons:

1. Promotes improvement of environmental regulations that directly affect the public
2. Ensures that anyone seeking to protect the environment has access to judicial or administrative procedures on environmental matters.
3. Ensures environmental justice is implemented in the Improvement of environmental law

NECC is in the process of validating and launching the handbook that defines the scope of PIL operationalization. The handbook will involve the following:

- a) Public interest strategies for legal redress on environment matters -
- b) Procedures and processes for social justice investigation
- c) How to provide PIL advisory on environment matters
- d) Procedure for conducting public interest litigation on environmental matters
- e) Sensitization, coordination, and creating awareness of PIL mechanisms to the general public

Proposed Areas of Partnership

Due to its lack of an establishment, NECC faces a major challenge in delivering on its mandate in Kenya. It only has offices in Nairobi and hardly spends enough time in the regions for a greater impact. Thus, NECC is proposing some areas of collaboration with institutions like the Law Society of Kenya which promotes access to environmental justice.

Some of the areas where such partnership would work include;

1. Awareness creation through the established branches and mechanisms by LSK to reach many Kenyans on matters environmental justice
2. Capacity building of staff in areas of investigations, research, case management system, court case litigation and public interest litigation
3. NECC is eager to share with LSK the PIL handbook and also its findings and recommendations of 2019 on environmental matters
4. NECC proposes that LSK awards 1 CPD point to advocates who undertake at least one environmental matter per County in order to improve environmental justice.

While these form the primary areas of collaboration, NECC remains open to other suggestions to enrich its knowledge base and ensure that there is enhanced service delivery to the members of the public.

The Law Society of Kenya is represented by Ms. Caroline Khasoa, Advocate.

5. NATIONAL CONSTRUCTION AUTHORITY BOARD

The National Construction Authority (NCA) is a state corporation established by the National Construction Authority Act No.41 of 2011 (the Act) with the mandate to oversee the construction industry and coordinate its development. The LSK Representative to the Board is Ms. Elizabeth Mvoi.

Below is an overview of the Board Activities as at 31st December 2019;

1.0 Board Meetings

The Authority’s Board meetings were held as follows;

No.	Meetings
1.	Full Board
	<ul style="list-style-type: none"> • 46th Board - 29th January 2019 • 13th Special Board – 14th February 2019 • 47th Board - 29th April 2019 • 48th Board - 6th May 2019 • 14th Special Board - 31st May 2019 • 49th Board – 27th June 2019 • 15th Special Board – 25th July 2019 • 16th Special Board – 7th August 2019 • 17th Special Board – 21st August 2019 • 18th Special Board – 11th September 2019 • 50th Board - 27th September 2019 • 51st Board – 11th December 2019

2.0 Committee meetings

To effectively discharge its mandate, the Board established the:

1. Technical Committee.
2. Human Resource Committee.
3. Finance, Administration and Development Committee.
4. Board Audit, Risk and Governance Committee.

The LSK representative was a member of the Human Resource Committee and Board Audit Risk & Governance Committee (BARGC). She was elected as the Chairperson of the Human Resource Committee.

The Committee meetings were held as follows:

No.	Meetings
FY 2018/2019	
1.	Technical Committee (TC)
	<ul style="list-style-type: none"> • 37th TC - 14th January 2019 • 38th TC - 17th April 2019 • 39th TC - 10th June 2019 • 40th TC – 2nd September 2019 • 41st TC – 16th September 2019 • 42nd TC – 28th November 2019
2.	Human Resource Committee (HRC)
	<ul style="list-style-type: none"> • 38th HRC – 9th January 2019 • 39th HRC – 16th April 2019 • 40th HRC - 7th June 2019 • 6th Special HRC – 20th June 2019 • 41st HRC – 10th September 2019 • 42nd HRC – 22nd November 2019
3.	Finance, Administration and Development Committee (FAD)
	<ul style="list-style-type: none"> • 36th FAD – 11th January 2019 • 3rd Special FAD – 13th February 2019 • 37th FAD – 18th April 2019 • 38th FAD – 26th April 2019 • 39th FAD meeting – 3rd June 2019 • 4th Special FAD – 30th July 2019 • 40th FAD – 9th September 2019 • 41st FAD - 19th September 2019 • 42nd FAD – 27th November 2019
4.	Board Audit Risk and Governance Committee (BARGC)
	<ul style="list-style-type: none"> • 23rd BARGC – 7th January 2019 • Continuation of 23rd BARGC – 14th January 2019 • Special BARGC – 15th March 2019 • 24th BARGC – 16th April 2019 • 25th BARGC – 25th April 2019 • 26th BARGC – 4th June 2019 • 27th BARGC - 6th September 2019 • 28th BARGC - 20th November 2019

Below is a summary of the representative's attendance of Board and Committee meetings:

No.	Type of Meeting	No. of Meetings	Attendance
1.	Full & Special Board	12	11
2.	Human Resource Committee (HRC)	6	5
3.	Board Audit Risk and Governance Committee (BARGC)	8	7

3.0 Subcommittee Inquiries

In line with Section 22 of the Act, the Board may undertake an inquiry into the conduct of Contractors. The purpose of an inquiry is to investigate the alleged unprofessional conduct of the contractor and determine whether the contractor has acted contrary to the Act.

The Authority has undertaken inquiries into the;

1. Conduct of New City Construction & General Suppliers Limited.
2. Conduct of Thomas and Piron Grand Lacs Limited.
3. Conduct of M/S Steka contractors and M/S Spry Engineering Company Limited.
4. Collapse of the Proposed Alasiri SDA Church Eldoret, Uasin Gishu County.
5. Collapse of a Proposed Commercial Development Located in Butali Trading Centre along Kakamega-Webuye Road.
6. Collapse of the Proposed Commercial Building in Kitere Centre L/R No 70/34a Rongo Subcounty, Migori County.
7. Collapse of a Four Storey Building located in West Mugirango/Siama Ni/8550 Tente Market, Nyamira County.

Board Retreats

Board retreats are an opportunity for the Board to deliberate matters in a less formal environment and chart the way forward regarding emerging issues. In line with the Authority's Board almanac, the Board Retreats were held as follows:

1. 11th to 12th February 2019 in Machakos.
2. 28th to 29th March 2019 in Mombasa.
3. 10th to 12th July 2019 in Nakuru.
4. 10th December 2019 in Machakos.

4.0 Workshops/Stakeholder Meetings

The Board in performance of its functions has been involved in the following activities:

1. Recruitment of the new CEO Eng. Maurice Akech was appointed on 27th September 2019 as the second substantive Executive Director of the Authority.
2. Election of the Vice-Chairperson of the Board
The Board on 11th December 2019 elected Mr. Waweru Gathecha as the Vice Chairperson of the Board of the Authority thereby revoking the election of Prof. Godrick Bilitia, who was elected on 26th September 2018 as the Vice Chairperson of Board.
3. Workshop on Building Code held on 20th December 2019 at Boma Hotel Nairobi.
4. Workshop on Research on Building Collapses held on 6th August 2019 at Raddison Blu Hotel, Nairobi.
5. Meeting the newly appointed Principal Secretary, State Department of Public Works on 16th August 2019.

6. KENYA SCHOOL OF LAW BOARD

PART I: BACKGROUND INFORMATION

The School was established in 1963, following the recommendations of the Denning Commission on Legal Education in Africa to the effect that the Country needed practical and professional legal training for legal practitioners in addition to the basic academic content being offered by various Universities and Colleges.

The School was re-established in 1995 is a public institution – a Semi-Autonomous Government Agency (SAGA) - mandated under the Council of Legal Education Act 16A of the Laws of Kenya to dispense practical legal training for and on behalf of the Government of Kenya. The School's first programme was the Advocates Training Programme (ATP) undertaken to train lawyers for admission as advocates of the High Court of Kenya and this remains the School's flagship programme.

The School was further mandated to provide Continuing Professional Development (CPD) training (Section 6 of the Council of Legal Education Act Cap 16A). The training was practice-oriented and intended to enhance legal competencies and skills in the delivery of legal services in the Country. The CPD programmes targets legal professionals engaged in the administration of justice, legal practitioners in the public and private sectors, as well as other professionals whose duties involve interpretation, administration and enforcement of law.

The mandate of the School was further reinforced by the report of the Ministerial Task Force on the Development of a Policy and Legal Framework for Legal Education and Training (2005), which recommended inter alia, the “setting up of an independent and autonomous public training institution with the sole responsibility of training in various aspects of law as well as training for the private sector and collaborating with international agencies to discharge their mandate”.

The School’s training portfolio has been enlarged further, in view of the promulgation of two Acts separating the functions of the Council of Legal Education (CLE) from those of the School. The Legal Education Act No. 27 of 2012 tasks CLE with policy, oversight and regulation responsibilities; while the Kenya School of Law Act No. 26 of 2012 makes the School responsible for legal training at all levels, including Advocates and Para-legal training and Continuing Professional Development service delivery in the areas of training and continuing legal education. The two Acts were assented on 21st

September, 2012 and commenced on 28th September, 2012 and 15th January, 2013 respectively.

The LSK is represented by Mrs. Jacqueline A.O. Manani, Advocate.

PART II: THE SCHOOL

1. The Core functions of the School

The core function of the School are provided in section 4 of the Kenya School of Law Act, which are:

- i. Training of advocates for entry into the legal profession,
- ii. Continuing professional legal development,
- iii. Provision of Para-legal training,
- iv. Provision of specialized and customized legal training in the public service, and
- v. Offering consultancy and research services

2. Key Activities

The key activities of the School during the year 2018/19 involved academic services entailing the Advocates Training Programme, Diploma in Law (Paralegal Studies) and Continuous Professional Development, Hospitality services and Finance, Human Resources and Administration activities.

a) Academic Services

During the Academic Year 2019/20 ATP academic program registered 1660 students compared to 1865





Participants at the launch of the KIPPRA Report at the Laico Regency



A graduand receives an award from the President of Law Society of Kenya, Allen Waiyaki

students admitted in the Academic Year 2018/2019. This indicates a 10% decline in the number of students who enrolled for the ATP programme in the in the two successive years.

The School registered 230 students in its Diploma in Law (Paralegal Studies) programme for the academic year 2019/20, this was a 39.9% increase from the academic year 2018/19 which had 195 registered students

The School continued to offer legal aid to the prisons. The following legal aid prison visits were undertaken: Kabarnet, Kapsabet, Kapenguria, Kangeta Kibos, Muranga and Kwale

The School also hosted the Sixth African Regional Round of the ELSA Moot Court Competition (renamed The John H. Jackson Moot Court Competition) on World Trade Organization (WTO) Law, at its Karen Campus from the 23rd to the 26th of April 2019 in Nairobi, Kenya. It was the first time KSL was hosting an international moot court competition. The Regional Round had 20 teams representing 9 different countries across the African continent.

The School also successfully held its Inaugural Annual Conference, themed, Legal Education & Training in Kenya: Enhancing Access to Justice on 17th & 18th April, 2019. The objective of the Conference was to discuss the existing legal and policy framework for legal education and training in Kenya, and identify gaps for the purpose of making recommendations for reform and to enhance the bigger picture of access to justice.

Continuous Professional Development

The School successfully mounted a number of Continuous Professional Development courses during the year. This included 20 Short Courses and 8 Consultancies (Legal Audits). The short courses included Legal Compliance & Audit in Human Resource Management, Tax Compliance for Lawyers, Public Policy & the Legislative Process, The In-House Lawyer & the Procurement Process.

Consultancies include Legal audits for Kenya Power Pension Scheme, National Council for Law Reporting, Kenya Trade Network (KENTRADE) among others

b) Hospitality Activities

A number of institutions held workshops in the School. These included, Office of Director of Public Prosecution, National Environmental Authority-NEMA, Kenya Revenue Authority, Office of the Attorney General, MMC Africa Law, CEMASTEVA, Commission for University

Education, African Youth Forum Conference, Mediation Training Institute, Cooperative University among others

c) Finance, Human Resources and Administration

During the report period in an effort to provide better facilities for the security personnel, 3 new guard houses were built. The parking bays were refurbished and a tree planting project established. Additionally the School was also fitted with CCTV security cameras.

The School also held 2 team building activities in Naivasha and Mombasa.

Staff also received new job titles as per the new staff establishment. Vacant positions of Principal Auditor, Principal Accountant, Internal Auditor and Principal Human Resource Officer were filled.

3. Key Achievements

During the year under review the School continued to discharge her mandate of provision of quality and practical training in law and other related disciplines for the professional development of lawyers and other actors in legal sector. The following were key activities during the year:

- a) The School commissioned KIPPRA to conduct a study on the factors affecting the pass rate in Bar exams.
- b) Inaugural Annual Conference
- c) The 3rd Graduation ceremony
- d) Publishing of Vol 1 issue 2 of the Justice Newsletter

7. NAIROBI CENTRE FOR INTERNATIONAL ARBITRATION

Introduction

The Nairobi Centre for International Arbitration, also known by the acronym NCIA is a statutory body established by the Nairobi Centre for International Arbitration Act, No 26 of 2013 as a Centre for promotion and administration of international commercial arbitration and other forms of dispute resolution mechanism. The Centre offers a neutral venue for the conduct of international arbitration with commitment to providing institutional support to the arbitral process.

During the period ending December 2019, the NCIA has made certain strides in achievements of its statutory mandate. The following areas are of interest to the Law Society of Kenya.

Administration of Disputes

- During the period under consideration, the NCIA administered fourteen (14) disputes with a dispute value of over Kshs. 2.9 Billion.
- The NCIA has together with a network of China-Africa Joint Arbitration Centres' developed a Constitution and Rules for arbitration of disputes of Sino-African origin within the five member Centres. The Centres are in Johannesburg, Shanghai, Beijing, Shenzhen and Nairobi. The Constitution and Rules are up for adoption by the five member Centres.

Arbitration and Alternative Dispute Resolution Conferences & Events

On the national front and in keeping with the mandate of NCIA to promote the practice of international commercial arbitration and other forms of dispute resolution, the Centre held four sectoral breakfast round-table meetings to engage NCIA Arbitration Rules users with a view to improving the efficacy of the Case Administration process. The meetings were held on a monthly basis from March to June 2019.

The Centre participated in the 6th Devolution Conference held on 4th- 6th March 2019. Participation in the conference provided an opportunity for the Centre to create awareness on our lead role on intergovernmental dispute resolution and reiterate its role in creating an enabling environment towards the achievement of the Sustainable Development Goal (Goal 16.3) on access to justice for all.

In the region the Centre participated in the 1st Annual International Arbitration conference from 3-4 April 2019. The conference organized by African Arbitration Association, was held at the Kigali Convention Centre in Kigali, Rwanda. The Centre was part of a panel in the conference discussing "The Use of African Arbitral Institutions: The Pan African Investment Code Paves the Way". The conference provided an opportunity for the Centre to create awareness of its services for participants to learn about emerging issues in the realm of arbitration.

Talent Development

The Centre organized its 1st ever Regional Investment Arbitration Moot Competition on the 30th - 31st May 2019 dubbed "Preparing the Future Today." The competition brought together law faculties from the East African region. The competition pitted the best law schools

against each other with each team bringing their A game in a friendly and competitive environment. More than twenty (20) teams were registered with participants drawn from Universities from Kenya, Tanzania, Uganda and Rwanda. The judges were also drawn from top law firms within the region with a view to ensuring fairness and impartiality.

This is easily the singular platform that currently promotes healthy competition among young lawyers in Kenya whilst fine tuning their advocacy skills. The Centre is always seeking to nurture and support young lawyers through such initiatives and plans to go bigger and organize an All Africa Moot Arbitration Competition are underway.

On Collaborations

The Centre continues to collaborate with the Judiciary of the Republic of Kenya in the development of a National Alternative Dispute Resolution Policy in Kenya.

This collaboration culminated in National Alternative Dispute Resolution stakeholder forums to discuss the proposal for a National Alternative Dispute Resolution Policy in Kenya. The forums were held in April and July 2019.

Partnerships

The Centre signed a Memorandum of Understanding with our sister regional centre, the Cairo Regional Centre for International Commercial Arbitration (CRCICA) to deepen the mutual knowledge and understanding of our respective institutions and develop a positive and mutually beneficial relationship in different fields.

The Centre also signed a Memorandum of Understanding with the Chartered Institute of Arbitrators (Kenya Branch) and with its affiliate, the Centre for Alternative Dispute Resolution (CADR) to deepen the mutual knowledge and understanding of the respective institutions and develop a positive and mutually beneficial relationship in different fields.

Development of a National Alternative Dispute Resolution (ADR) Policy

The NCIA commenced the process of development of a National ADR Policy in conjunction with the Judiciary and IDLO. To this end, a zero draft National ADR Policy was developed and deliberated on by over 600 stakeholders in eight representative and participatory forums held in Nyanza, Western, Rift Valley, Central, Eastern, North

Eastern, Coast and Nairobi regions. The draft was refined with input from the forums to produce this Draft Policy which was thereafter subjected to a national validation forum with wide representation stakeholders.

RECOMMENDATIONS TO THE COUNCIL

The NCIA makes the following recommendations to the LSK Council;

1. The LSK partners with the NCIA to train its membership in international investment and commercial arbitration and mediation practice under the NCIA curriculum for counsel.
2. The LSK to encourage its membership to enlist on the growing list of NCIA panel of domestic and international Arbitrators and Mediators. This will provide visibility and opportunity for appointment in NCIA appointed arbitrations and mediations as well as across the network of cross-listing institutions.
3. The LSK catalogue inclusion of the NCIA Arbitration and Mediation Clauses in the 'LSK Standard Agreements'. This will lead to an increase in case load and subsequently work for its panel members, most of whom are members of the Society.
4. The LSK partners with NCIA to provide periodic updates on emerging ADR trends domestic and international, arbitration jurisprudence, enactment & amendment to ADR laws and regulations for circulation to members through the LSK membership network, social media platforms and News-letter. This will enhance awareness creation amongst the LSK Members and encourage adoption of ADR as a viable means of client dispute settlement.
5. The LSK Council and the NCIA to sign a Memorandum of Understanding deepen the mutual knowledge and understanding of the two institutions and develop a positive and mutually beneficial relationship in the field of Arbitration and ADR.

The LSK representative to the Board is Mr. **James Muruthi Kihara, Advocate.**

8. TASKFORCE ON ALTERNATIVE DISPUTE RESOLUTION MECHANISMS- COURT ANNEXED MEDIATION

Introduction

Court Annexed Mediation (CAM) project is part of the larger transformational processes that the Judiciary has embarked on is to address the age old problem of increasing pending caseloads in the courts. The other measures include recruitment of more judicial officers

and staff, building and refurbishment of courts and adoption of modern management practices. Article 159(2) (c) of the Constitution mandates courts and judicial officers to promote other dispute resolution mechanisms including arbitration, mediation, arbitration and traditional dispute resolution mechanisms. The implementation of CAM provide part of the solution to the increasing caseloads.

A. Court Annexed Mediation was Piloted at The Milimani Courts Nairobi

CAM was first Piloted by the Judiciary in Milimani Commercial and Family Divisions of the High Court from April, 2016 to May, 2017. The choice of the two divisions was deliberate. Commercial Division because it handles business related disputes like those between banks and loan defaulters, breaches of commercial contracts, tax disputes among many others. Large sums of money are involved and often tied up by court orders and the delay in resolving those cases impact negatively in the economic growth of our country. Needless to emphasise the Family Division on the other hand deals with disputes involving family members fighting over property, children, and disagreeing spouses. The need to preserve relationships even as those disputes are resolved therefore cannot be overemphasized.

An independent evaluation of the pilot project showed that in the Family and Commercial Divisions of the High Court, the settlement rates were 55.7% and 53.% respectively and approximately Kshs.1.4 Billion released back to the economy. The success of the pilot project contributed to Kenya's ranking as a country where there is ease of doing business. The World Bank Report on Ease of Business Index 2017 ranked Kenya at position three in Sub-Saharan Africa. This was an improvement of 12 places up from position 92 in 2016 to a global ranking of 80.

B. The Taskforce on Court Annexed Mediation

To maximize the potential gains in CAM, the Chief Justice David Maraga established a multi-sectorial Taskforce which was gazetted in July, 2017 (through a Gazette Notice No. 6869). The 19-members' Taskforce is chaired by High Court Judge, Honourable Fred Ochieng' and has membership comprising judges from the Court of Appeal, High Court Family Division, and the Judicial Training Institute. The Law Society of Kenya (LSK), the Office of the Attorney General, the Chartered institute of Arbitrators and Law Reform Commission and FIDA are among the

organisations also represented in the taskforce. **Mr. Paul Wanga** and **Ms. Josephine Oyombe, Advocates** and members of Alternative Dispute Resolution (ADR) Committee) were nominated by LSK to serve in the taskforce. **Mr John Ohaga, Advocate** is also member of the taskforce though nominated by the Mediation Accreditation Committee (MAC).

C. The LSK is a Major Stakeholder in Court Annexed Mediation

Section 4 of the Advocates Act (Cap 18 Laws of Kenya) enumerates the objects for which the LSK is established. Acquisition of legal knowledge by members, assisting the Government and Courts in all matters affecting legislation and administration of practice of the law in Kenya and assisting the public members in matters touching on the law are among the relevant objectives why LSK is a key stakeholder in CAM.

CAM involves screening and referring cases already filed in the courts for mediation. A large number of such cases have been filed and continues to be filed in court by advocates and law firms. Similarly, a large number of mediators are persons who are primarily advocates. The clients and the larger public relies on the lawyers and advocates generally for advise as to the suitability of mediating cases that they have filed in court. We therefore cannot underestimate the role of the LSK in encouraging its membership to embrace CAM so as to achieve the society's statutory objectives.

D. The Roll out of Court Annexed Mediation to Other Court Stations

By May 2019, the Taskforce had overseen a rollout of CAM in High Court Stations in ten (10) counties namely, **Mombasa, Eldoret, Kisumu, Nakuru, Nyeri, Machakos, Garissa, Embu, Kakamega and Kisii**. The roll out to other stations had been enabled by Chief Justice Hon. David Maraga through publication of Gazette Notice Number 7263, **Practice Directions on Court Annexed Mediation 2018**. Effectively, the practice directions mandates CAM to apply to all civil actions filed in the High Court, the Environment and Land Courts, Employment and Labour Relations Courts, Magistrates Courts and Tribunals in Nairobi and other court stations as designated by the Chief Justice. In overseeing the roll out to those stations, the Taskforce working closely with the judiciary has been engaging the judicial officers, advocates, mediators, Court Users Committees (CUCs),

members of the public and the relevant leaders of the County Governments.

In the year 2020 the taskforce working with the judiciary intends to carry out another phase of the roll out of CAM. This second phase of the roll out is intended to cover a number of High Court Stations, Environment and Land Courts (ELC) and the Employment and Labour Relations Courts (ELRC), the Magistrates Courts and tribunals throughout the country. However, this will be subject to availability of funds for mediators, mediation rooms among others. The Taskforce is also in the process of meeting with the Chief Justice with a view to giving a progress report on the roll out to the rest of the court stations.

E. Engagements with Lawyers and other Stakeholders

The Taskforce has continued to engage and share ideas with Advocates and key ADR stakeholders in the country on the opportunities, strengths and challenges of CAM. For instance, in the year 2019 the Taskforce was involved in the validation of the draft ADR Policy. The ADR policy was developed through the joint efforts of the Judiciary, the Department of Justice and the Nairobi Center for International Arbitration (NCIA). Judicial Officers, Advocates, the LSK leadership and mediators in Nakuru, Kisumu, Mombasa, Eldoret, Kisii, Kakamega, Machakos, Embu, among other stations have met representatives of the taskforce and to share experiences and challenges. The ADR Committee of the LSK has also been working closely with the taskforce.

Going by the engagements during the stakeholder engagement fora and CAM roll out sessions, it comes out that a number of lawyers have trained as mediators. Members of the public are also eager to understand and embrace CAM and other ADR processes in resolution of their disputes. Leadership in the County Governments where the roll out has been effected have offered to partner with the Judiciary so as to achieve the potential gains of Court annexed mediation.

F. Conclusion and Recommendations

The LSK and its membership remain key stakeholders in the successful implementation of CAM. For advocates to realize the full benefits of CAM, we recommend that the Council of LSK do particularly the following:-

1. To encourage members to undertake continuous trainings in mediation (and other ADR mechanisms) not just to become mediators but also to fully understand the opportunities and challenges of mediation as an ADR mechanism. In the year 2019, the Young Lawyers Committee (convened by Ms. Aluso Ingati) was instrumental in securing partnerships with some institutions notably *Mediation Training Institute (MTI)* to train young lawyers as mediators at subsidized rates.
2. To work closely (through LSK branch leaderships) with the taskforce and the Judiciary in mapping out and offering solutions to the challenges that the CAM may be phasing in the stations where the roll out has taken place. Members' participation at the Bar-Bench Committees is one area of collaboration which may enhance the implementation of CAM.
3. To increase more training and engagement opportunities for members of the taskforce and the CAM Deputy Registrars so as to share challenges and opportunities with the advocates. The Continuous Professional Development (CPD) Committee should allocate more slots to ADR presentations to accommodate CAM.
4. To work closely with the taskforce, the Judiciary Training Institute so as to develop a training module for training lawyers, Judicial Officers and staff on mediation.
5. To work closely with the taskforce and the Judiciary to develop and recommend a remuneration model for mediation as an ADR mechanism.

The Law Society of Kenya representatives to the Taskforce are **Mr. Paul Wanga, Advocate** and **Ms. Josephine Oyombe, Advocate**.

9. COUNCIL OF LEGAL EDUCATION

The Law Society of Kenya is represented in the Council of Legal Education (CLE) by Dr. Njaramba Gichuki and Mrs. Diana S. Tanui. The two Advocates were competitively nominated by the Council of the LSK and have been

serving from February 2018 and July 2018 respectively.

The CLE is a State Agency established under the Legal Education Act with the mandate of:

1. Regulating legal education and training in Kenya offered by legal education providers;
2. Licensing legal education providers;
3. Supervising legal education providers;
4. Advising the Government on matters relating to legal education and training;
5. Recognizing and approving qualifications obtained outside Kenya for purposes of admission to the Roll; and
6. Administering such professional examinations as may be prescribed under the Advocates Act.

With respect to legal education providers, the CLE is responsible for setting and enforcing standards relating to the accreditation of legal education providers for the purposes of licensing, curricula and mode of instruction, including mode and quality of examinations. CLE also harmonizes legal education programmes and monitors and evaluates legal education providers and programmes.

During the year under review, the CLE updated its Human Resource Procedures and Manuals, commenced development of the 2019-2023 Strategic Plan and enhanced liaison with the Kenya School of Law towards improvement of the Advocates Training Program. Our representatives have contributed actively in these endeavors.

The Council representatives also spearheaded the establishment of a fund to assist students of the Advocates Training Program (ATP) with loans for examination fees. The Fund, capitalized by CLE and run by Higher Education Loan Board (HELB), is now operational."

10. THE DISCIPLINARY COMMITTEE

The 2019 Disciplinary Committee chaired by **Mr. Assa k. Nyakundi** on behalf of the Attorney General, continued to adjudicate over complaints of professional misconduct against advocates. The Tribunal members included **Ms. Gladys Wamaitha, Prof. Michael Wabwile, Ms. Grace Okumu, Ms. Anna Konuche** and **Florence Muturi** (LSK Deputy Secretary) acting as the Secretary to the Tribunal.

The terms of **Mr. Ambrose Weda** and **Ms. Maria G. Nyariki** came to an end in March 2019.

It is worth noting that a Committee is properly constituted by seven members. *Section 58(1) of the Advocates Act provides that "the Committee may, act as a tribunal of either three or five members, and may require the Chairman or vice chairman of the society or both or any other member of the Council of the society to sit as an additional member or members of the Committee to constitute the tribunal for the purposes of any complaint or matter where, on the grounds of availability or convenience, a tribunal would not otherwise be available"* Pursuant to this, **Ms. Roseline Odede**, (Council member), **Mr. Eric Nyongesa** (Council member, Coast Representative), **Ms. Carolyne Kamende** (Council member, Nairobi Representative), **Mr. David Njoroge** (Council member, Up-country Representative) , **Mr. Bernhard Ng'etich** (Council member, Up-country Representative) stepped in during the period.

The Law Society of Kenya is committed to ensuring the image of the legal profession is preserved and protected and has continued to serve its statutory role in the Disciplinary Process.

The year 2019 witnessed a slight increase in the number of new cases filed as compared to cases filed in 2018. A total of 197 new cases were filed in year 2019 as compared to 54 complaints filed in year 2018. The increase of new cases can be attributed to the fact that the Committee is more accessible to members of public and by the fact that the Compliance and Ethics department has been able to flash out and prosecute those involved in illegal practice.

The Committee finalized a total of 11 cases out of the 197 opened in the year 2019. Matters outstanding as at December 2019 stand at 596 cases which are matters occurring in the Committee cause list.

TABLE 1: Status of Disciplinary Causes: Statistics

STATUS OF DISCIPLINARY CAUSES: STATISTICS

YEAR	CAUSES OPENED	CAUSES CONCLUDED PREVIOUSLY	CAUSES CONCLUDED IN 2019	OUTSTANDING
2010	209	190	1	18
2011	207	188	1	18
2012	186	134	2	50
2013	232	182	4	46
2014	158	111	2	45
2015	191	136	8	47
2016	132	74	11	47
2017	187	65	29	99
2018	54	5	9	40
2019	197	0	11	186
TOTALS	1,753	1,085	78	596

Matters outstanding are 596.

Matters concluded as at December 2019 are 1,163.

N.B: A matter is considered to be concluded after sentencing has been done.

The Committee upon hearing a matter before it may under section 60 of the Advocates

Act order the complaint be dismissed or if of the opinion that the case of professional misconduct on the part of the advocate has been made out, the Committee may

order;

1. That such advocate be admonished.
2. That such advocate be suspended from practice for a specified period not exceeding five years.
3. That the name of such advocate be struck off from the Roll of Advocates.
4. That such Advocate to pay a fine not exceeding one million shillings.
5. That such advocate pays to the aggrieved person compensation or reimbursement not exceeding five million shillings.

Please find herein below an analysis of the Causes concluded by the Committee for the period January to December 2019.

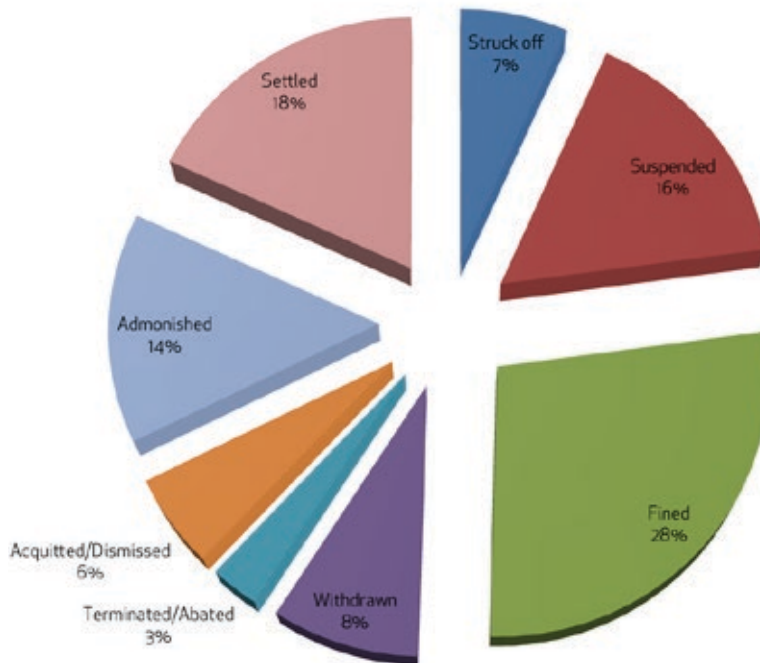
A: STRUCK OFF THE ROLL OF ADVOCATES: 7

1. Maobe Maosetung DTC/32/2011
2. Maobe Maosetung DTC/32/2012
3. Japheth Chidzipha DTC/39/2013
4. Mugambi Gituma DTC/148/2015
5. Maranga Benard A DTC/29/2019
6. Catherine Wanjiru DTC/41/2010
7. Mugambi Gituma DTC/130/2017

B: SUSPENDED FROM THE ROLL OF ADVOCATES: 16

1. Mutinda Joseph DTC/148/2012(12 months)
2. Waweru P Nduati DTC/55/2017 (12 months)
3. Mburu David N DTC/44/2017 (36 months)
4. Kimeu J Ndungwa DTC/105/2016 (12 months)
5. Maengwe Morara DTC/94/2015 (12 months)
6. Mouko J Gekonge DTC/122/2016 (12 months)
7. Mugo C Wairimu DTC/82/2016 (12 months)
8. Kabebe G Mbugua DTC/105/2017 (12 months)
9. Morris Owino Angelo DTC/107/2016 (24 months)
10. Ngala D Mutisya DTC/19/2017 (24 months)
11. Omagwa Angima DTC/47/2010 (12 months)
12. Charagu Richard DTC/107/2013 (12 months)
13. Biwott J Korir DTC/147/2017 (12 months)
14. Rimberia Gerald DTC/52/2017 (12 months)
15. Odhiambo Collins DTC/156/2015 (24 months)
16. Owino Morris Angelo DTC/145/2017 (12 months)

ANALYSIS



- C: FINED: 29**
D: WITHDRAWN: 9
E: TERMINATED/ABATED: 3
F: ACQUITTED/ DISMISSED: 6
G: SETTLED: 19
H: ADMONISHED: 15
I: CLOSED: 3

A closer analysis of the cases reveals that out of the 197 new matters filed in the year 2019; 69.74% of the matters are against advocates practicing as sole proprietors, 18.46% against advocates practicing in partnerships, 8.21% against advocates employed as associates while 3.59% are cases filed against advocates who have not specified their nature of engagement. The Council does encourage Advocates to form partnerships.

The analysis also revealed that 47.18% are cases filed as private prosecution, 50.26% revealed cases filed by the Advocates Complaints Commission while 2.56% are filed by the Society.

A further analysis revealed that 85.9% of the new cases are against male advocates while 14.2% were as against female advocates.

Capacity building of advocates on Professional Ethics

The Disciplinary Committee members facilitated in Continuous Professional Development trainings on professional Ethics topics throughout the year.

Debriefing Session

Stakeholders debriefing session was held on the 18th November 2019 at the Professional Centre. The forum was well attended by the Committee members, the Secretariat and the Advocates Complaints Commission. Committee got to an opportunity to recap on the activities of the Committee, acknowledge successes and challenges that faced the Committee during the year 2019.

Members highlighted the following areas:-

1. Non-payment and delay of allowance to Disciplinary Committee Members

It was noted that sitting allowances for Members, spiraled back to 2018. The LSK has severally raised the concern with the Office of the Attorney General.

Members of the Committee resolved to pay a courtesy call on the Attorney General, to see how best this matter would be resolved with finality. Further, the Law Society resolved to do a reminder to the Attorney General, on delayed disbursements.

2. Disciplinary Committee Retreat

The backlog of cases and especially those occasioned by pending judgments and rulings, has become a matter of public concern. Members noted the need to have a session where judgments would be written uninterrupted, for an effective turnaround time. It was agreed that a retreat be organized. The matter is currently before the Council for consideration. In the meantime, the Council has recommended the employment of two legal researchers to be attached to the Committee to assist with the judgments and rulings.

3. Advocates Disciplinary Committee Service week

The service week, would assist in decongesting the cause list. The week would require Members to hold sittings throughout an entire week (five days). The service week is scheduled to be held in the month of June 2020. Since the exercise will have financial implications, the issue has been tabled before the Council for consideration.

4. Performance of the Committee Members; Input and Retooling the Committee Members

Sitting Members of the Committee have over time pointed out the non-conducive working environment, they are subjected to. To make the working of the Committee Members more efficient the following was suggested;

- Training Need Assessment. Members identified writing of judgments, as one of the training needs. Preferably with the judicial institute.
- Issuance of working tools; laptops upon assumption of office.
- Airtime for purposes of communication. An amount of Ksh.1000/- per month.
- At the beginning of the year a car parking sticker (Supreme Court building) should be issued to Members.
- LSK diaries.
- Complementary Continuous Professional Development Points.
- Slots at the CPD Seminars to conduct presentations.
- Facilitation to attend annual conferences by paying of the Members' registration fee.

It was agreed that the above appeals would indeed motivate the Members and aid in ensuring the smooth workings of the Committee.

5. Review of Committee Rules

It was resolved that there is need to review the Disciplinary Committee Rules and procedures and make them more stringent.

6. Elections of Committee Member

Members of the Committee are elected during the Law Society's Council elections. The lapse of the term of several Committee members' prior to LSK elections has ultimately created a lacuna. Members recommended that the law be amended for the term of the disciplinary members to be enhanced to four years. This will ensure that Council elections are held in tandem with those of the disciplinary members. This will additionally, save on resources and further assist in fast tracking matters before the Committee.

The Law Society has written to the Attorney General severally, recommending that the term of Members, be extended to fall concurrently with the expiry of the term of LSK Council Members and more so, on an electioneering year, for ease of transition. The Council is still pursuing the issue with the Attorney General.

11. NATIONAL COUNCIL FOR LAW REPORTING

1.0 INTRODUCTION

The National Council for Law Reporting (Kenya Law) is a state corporation established under the National Council for Law Reporting Act. Kenya Law was established with a three-fold mandate:

1. To monitor and report on the development of Kenya's jurisprudence through the publication of the Kenya Law Reports;
2. To revise, consolidate and publish the Laws of Kenya; and
3. To undertake such other related publications and perform such other functions as may be conferred by law.

The source of Kenya Law's mandate is the National Council for Law Reporting Act (No. 11 of 1994) and Legal Notice No. 29 of 2009. Governance of the Council is vested in the Members of the Council and the office of the Chief Executive Officer/Editor, supported by the Management Team.

1.1 Policy Statements

Access to information

As a member of the Free Access to Law Movement, at Kenya Law we believe that:

- Public legal information is part of the common heritage of humanity and maximizing access to this information promotes Justice and the Rule of Law;
- Public legal information is common property and should be accessible to all;
- As an organization that has the public mandate to publish public legal information, we should not impose unfair restrictions on the use and re-use of that information by other persons."

2.0 HIGHLIGHT OF KENYA LAW ACTIVITIES IN THE YEAR 2019

Below is a highlight of the activities undertaken by the organization in the period under review:

2.1 MONITORING AND REPORTING ON THE DEVELOPMENT OF KENYA'S JURISPRUDENCE.

2.1.1 Electronic Publication of Judicial Decisions

Kenya Law collects, processes and uploads judicial decisions from all the Courts of Record of Kenya on a daily basis. These decisions are uploaded on a daily basis thus ensuring that the legal fraternity and the general public can have access to the full text of these decisions within 72 hours of their receipt at Kenya Law.

In the year 2019 Kenya Law collected, processed and uploaded unto www.kenyalaw.org a total of **19,566** judicial decisions. These are available for free, and may be downloaded, as part of Kenya Law's objective of ensuring access to legal information.

In addition to this Kenya Law has also began the process of preparation of the Kenya Law Reports for this year by reviewing, analyzing and determining that 197 cases from the year 2019 are jurisprudential enough to be considered for reporting.

2.1.2 Publication of the Kenya Law Reports

Kenya Law's mandate is to prepare the Kenya Law Reports, which contains judgements, rulings and decisions of the superior courts of record of the Republic.

In the year under review Kenya Law received dummies of the following publications:

- i. Kenya Law Reports: 2013 vol. 1
- ii. Kenya Law Reports: 2013 vol. 2
- iii. Kenya Law Reports: 2013 vol. 3
- iv. The Kenya Law Reports 1995 (a backlog publication)
- v. The Kenya Law Reports 1996 (a backlog publication)
- vi. The Kenya Law Reports, Election Petition Series, Volume 6
- vii. The Kenya Law Reports, 2015 Volume 1
- viii. The Kenya Law Reports, Devolution Law Report series, Volume 1

The following law reports following eight (8) law reports were at various stages of the workflow process:

- i. Environment and Land Vol 2
- ii. Employment and Labour Law Report Vol 1
- iii. Kenya Law Reports 2016 Vol 1
- iv. Kenya Law Reports 1998
- v. Kenya Law Reports 2015 Vol 2
- vi. Kenya Law Reports 2016 Vol 2
- vii. Gender and Family Law Report Vol 2
- viii. Commercial Law Report Vol 1

The preparation of law reports is a process that takes time by the very nature of the fact that decisions have to be summarized and presented in a particular format in print. This process is complimented by the online publication of judicial decisions which ensures that there is constant access to Kenya's judicial decisions as soon as they are issued by Judicial officers.

2.1.3 Electronic Newsletter

Kenya Law prepares a weekly newsletter which highlights significant judicial decisions from the previous week. This newsletter also highlights any legislative actions that may have been taken by the National Assembly or the executive and serves as an alert service to all of Kenya Law's subscribers on current issues taking place in the legal field. In the year 2019 Kenya Law prepared and disseminated 52 weekly newsletters.

2.2 Revision, update and consolidation of the Laws of Kenya

2.2.1 Electronic Publication of the Laws of Kenya

Kenya Law maintains the official database of the all the laws of Kenya. These statutes which consist of over 500 chapters comprising of over 35, 000 pages of legal text

are reviewed on a regular basis and updated to reflect their current status.

The online database of the laws of Kenya consists of national legislation, county legislation, treaties and agreements, East African community legislation amongst other categories of laws. In the year 2019, 502 Statutes were in force and 68 had not yet revised accounting to 86% revision status.

In addition to this Kenya Law maintains and tracks subsidiary legislation which has come into force and publishes them in the *Legal Notices* section of the laws of Kenya database. A total of 200 legal notices were received and published in the year 2019, while 36 were not received.

Kenya Law also continues to maintain dedicated database containing legislation from all the 47 County Assemblies of Kenya. In this period this database was regularly updated so that the general public has access to over 2,000 pieces of legislative text from the various County Assemblies.

2.2.2 Publication of the Laws of Kenya

Kenya Law prepared and received dummies for the following volumes of the Laws of Kenya in 2019:

1. Grey Book Service Issues
2. Public Finance Volume
3. Land Laws Volume,

2.3 Research and Development

Kenya Law continuously monitors and reports on emerging legal issues in Kenyan and international jurisprudence so as to provide an enabling environment for the development and growth of legal principles.

2.3.1 Monitoring Local and International Jurisprudence

Kenya Law monitors and report on international jurisprudence from various international and regional courts (East Africa Court of Justice, United Kingdom Supreme Court, South African Constitutional Court, Supreme Court of India) and these decisions are summarized and posted on a weekly basis on the Kenya Law Blog *Wakilishare*.

2.3.2 Judicial Decisions Raising Difference in Judicial Reasoning

Kenya Law seeks to provide universal access to public legal information by monitoring and reporting on the

development of jurisprudence for the promotion of the rule of law. This it does by virtue of the doctrine of precedent, which is a juridical command to the courts to respect decision already made in a given area of the law.

In doing so, Kenya Law usually comes across areas of difference in jurisprudential thought and analysis, which needs to be brought to the specific attention of the Judges of the Superior Courts of record. Kenya Law prepared and forwarded to all judicial officers a compilation of cases highlighting areas of the law where courts of concurrent jurisdiction have had a difference in judicial reasoning.

This report highlights these differences, for purposes of drawing the attention of the superior courts on areas of development that would require further attention for the benefit of the growth and transformation of Kenya's jurisprudence.

2.3.3 Kenya Law Review Journal

The Kenya Law Review Journal is an annual publication that provides a forum for the scholarly analysis of Kenyan law and interdisciplinary academic research on the law. These publications feature articles from both the Bar and the Bench. Kenya Law prepared the Kenya Law Review Journal 2017 and continues to receive papers on a rolling basis for the next editions of this publication.

2.3.4 Compendium of Rulings on Bail and Bond

Kenya Law developed and published a Compendium of rulings on Bail and Bond under the Constitution 2010. The Digests tracks decisions on the implementation of the Bail and Bond Policy Guidelines which are intended to guide police and judicial officers in the application of laws that provide for bail and bond Kenya Law printed the Bail and Bond Vol 1 & 2.

2.3.5 Specialized Digest on Arbitration

The prepared a case digest on decisions in arbitration law and practice to aid the legal fraternity and other interested persons in identifying the current developments in arbitration. Specifically, the digest highlighted the emerging jurisprudence in arbitration practice including the issue whether in the absence of an express provision of a right of appeal in an arbitration agreement a party to arbitral proceedings has a right of appeal to the Court of Appeal from a decision of the High Court given under section 35 of the Arbitration Act; and issues dealing with conflicting decisions of the high court on the interpretation of certain sections of

the Arbitration Act. The publication was funded by the International Development Law Organization (IDLO) in their bid to support the Commercial Justice Sector.

2.3.6 Annual Report on Kenya's Emerging Jurisprudence

Kenya Law submitted to the Office of the Chief Justice, a compilation cases highlighting emerging jurisprudence arising from the courts in 2019. The brief was published within the State of the Judiciary Address (SOJAR) for the year 2019. Highlighted in the report in the year under review were cases emanating from the Supreme Court, the Court of Appeal as well as the various High Courts, touching on the social and economic rights of the citizens.

2.3.7 Monitoring Law Reform Issues emerging from the Superior Courts of Record

Kenya Law contributes to legal and administrative reforms by tracking and reporting to law reform institutions judicial opinions containing pertinent pronouncements to legal and administrative reforms. Kenya Law prepared a compilation of law reform issues raised by the courts in the judgments for each quarter of the year and forwarded the same to the Hon. Attorney General and the Kenya Law Reform Commission for consideration for further action.

2.3.8 Bench Bulletin

Kenya Law publishes the Bench Bulletin, which is a quarterly publication that highlights jurisprudential cases that have been issued by judicial officers. This publication serves as a quick reference the legal fraternity for cases that have been selected for reporting in the Kenya Law Reports – which are only published at the end of the year. In the period under review Kenya Law published and disseminated four (4) issues of the Bench Bulletin.

2.3.9 Providing Access to Public Legal Information through Digitization

Kenya Law seeks to enrich the collection, processing and access to legal information by providing public legal information in a digital format. In the year 2019 Kenya Law was able to scan, archive and upload the Reports from Parliamentary Committees, Votes Petitions and Proceedings and Reports from Commissions of Inquiry. These are 230,000 pages of legal data that were not available except in hard copy. Kenya Law also continually acquired and kept up to date all the relevant public legal

information including the Kenya Gazette, Legal Notices, Acts of Parliament, Bills and Hansards. The table below indicates this data:

2.3.10 Digitized Legal Information – Statistics for The Year 2019

No.	Title	Total No. Collected, Digitized & Uploaded
1	Kenya Gazette <ul style="list-style-type: none"> • Main Issues 52 • Special Issues 95 	147
2	Kenya Gazette Supplement <ul style="list-style-type: none"> • Acts – 24 • L.N – 127 • Bills – 79 	230
3	Hansards <ul style="list-style-type: none"> • National Assembly – 97 • Senate - 82 	179
4	Committee Reports	107
5	Circulars/Policies	284
6	County Legislation	392

2.4 Knowledge Management & Sharing

Kenya Law is keen on the preservation and sharing of legal information. Towards this, the following activities were undertaken:

- Identification and documentation of Knowledge management needs
- Consistent capturing, organizing and processing of information and data
- Establishment of patterns, trends and attributes of the processed data and information ongoing
- Determination of insights from data and knowledge intelligence received
- Preservation and sharing of knowledge and lessons learnt to the Judiciary (Case-back service and report on differences in judicial reasoning), Office of the Attorney General and Kenya Law Reform Commission (reports on Law Reform) for continual improvement.

2.5 Organisational sustainability

Kenya Law recognizes the various facets of organizational development that are pertinent to ensuring an effective, efficient organization that is able to discharge its mandate. The following steps were taken towards this:

2.5.1 Human Resource Management

Kenya Law is committed to creating and maintaining appropriate conditions for efficient operation of its activities. In the period under review the following was the staff compliment at Kenya Law:

- » There are 72 employees vis-à-vis a staff compliment of 163
- » The gender ratios were 61% female and 39% male

Kenya Law undertook recruitment for 6 pupils in the period under review.

Kenya Law recognizes that its employees are its biggest resource and therefore appropriately lays emphasis on employee engagement. Some of the activities undertaken in this regard include:

- » Staff retreats
- » Corporate social responsibility events
- » Welfare visits to individual members

2.6 Organizational Marketing and Branding

Kenya Law continues to build and expand its brand name with the legal fraternity and the public at large. In this regard Kenya Law participated in various legal expositions. The trade fairs and conferences served to increase awareness and elevate the Kenya Law brand. They also assisted Kenya Law to conduct a market survey and strategize on production and sale of new products.

Kenya Law effectively integrated and coordinated various marketing initiatives in order to elevate the Kenya Law brand and to promote the sales of its products. Some of the events attended in this year include;

- African Bar Association Conference in Nairobi
- Kabarak University Annual Law Conference in Kabarak
- Nairobi International Trade Fair in Nairobi
- Kenyatta University School of Law – All Kenyan Moot Court Competition in Nairobi

- East Africa Law Society of Kenya Conference in Mombasa
- Law Society of Kenya legal awareness week in Nairobi
- Law Society of Kenya Annual Conference in Mombasa
- Devolution Conference in Kirinyaga
- Fourth Annual Legislative Summit in Kisumu
- Kenya Magistrates and Judges Special General meeting in Nairobi
- Law Society of Kenya - Continuous Legal Education (CPDs) in various counties.

2.7 Kenya Law Website Analytics

- Case Law Database – Contains rulings and judgments from the Superior Courts of record. 687,385 users viewed an average of 6,683,371 pages. This represented a 15% increase in Case Law Database users and a 26% increase in the number of pages viewed.
- Laws of Kenya Database – Contains all the acts of Parliament and corresponding subsidiary legislation. 428,054 users viewed an average of 2,078,333 pages. This represented a 28% increase in users for the Laws of Kenya Database and a 28% increase in the number of pages viewed.
- Kenya Law Blog – Contains various reading materials such as case summaries from Kenya and other commonwealth countries, conference papers, speeches and Kenya Law news. 111,639 users viewed an average of 190,964 pages. This represented a 1% increase in visitors to the blog and an 11% decrease in the number of pages viewed.
- Rest of Kenya Law Website – Contains assorted material such as Cause Lists, Kenya Gazettes, Judicial profiles, among others. 193,503 users viewed

an average of 1,013,612 pages. This represented a 2% increase in users and a 9% increase in the number of pages viewed.

In the period under review the website achieved a 98% uptime and the following statistics were captured:

Case Law Database – Contains rulings and judgments from the Superior Courts of record. 595,140 users viewed an average of 5,300,246 pages. This represents a 10% increase in Case Law Database users.

Laws of Kenya Database – Contains all the acts of Parliament and corresponding subsidiary legislation. 331,865 users viewed an average of 1,616,564 pages. This represents a 40% increase in users for the Laws of Kenya Database.

Kenya Law Blog – Contains various reading materials such as case summaries from Kenya and other Commonwealth countries, conference papers, speeches and Kenya Law News. 111,537 users viewed an average of 213,019 pages. This represented a 13% increase in users to the blog.

Rest of Kenya Law Website – Contains assorted material such as Cause Lists, Kenya Gazettes, Judicial Profiles, among others. 189,352 users viewed an average of 926,529 pages. This represents a 5% increase in users.

2.8 Resource Allocation & Utilization

Kenya Law continues to work in a financial resource scarce environment that requires that it prioritizes its activities to fit into allocated resources. The Government of Kenya through the National Treasury undertakes the bulk of financing for Kenya Law activities. The following table indicates Kenya Law’s resource basket for the period January – December 2019:

Kenya Law Funding Jan – Dec 2019

Source	Amounts
Grants from the Government of Kenya (Q3&4FY 18/19 and Q1&2 FY 19/20)	317,150,000.00
Grants in Kind from Development Partners -JPIP (Q3&4FY 18/19)	9,445,188.00
Receipts from the sale of legal publications (A-In-A)(Q3&4FY 18/19 and Q1&2 FY 19/20)	9,095,787.00
Deferred Income (Q3&4FY 18/19 and Q1&2 FY 19/20)	5,567,057.00
Total	341,258,032.00

In the year under review Kenya Law also participated in the resource allocation meeting for the next financial year. This was done in conjunction with the Office of the Attorney General and brought together all directorates, departments and agencies under the OAG for the purpose of:

- Presenting achievements from the previous financial Year; and
- Forecasting future activities that are to be carried out in the financial years 2019/2020 as per the Medium Term Expenditure Framework guidelines.

Kenya Law undertakes the sales of its publications to recoup the cost of production and print these publications. This finances compliment the resource allocation from the National Treasury. Kenya Law was able to make sales and raise funds to the tune of Ksh **6,768,125.00** for the period from January 2019 to December 2019.

This is broken down as follows:

MONTH	SALES IN KSH
January	1,059,850.00
February	152,300.00
March	2,281,300.00
April	189,200.00
May	424,950.00
June	1,412,325.00
July	630,500.00
August	55,500.00
September	104,200.00
October	174,600.00
November	197,400.00
December	86,000.00
TOTAL	6,768,125.00

2.9 Financial Audits

Kenya Law is a semi-autonomous government agency that is subject to external audits by the Auditor General of Kenya. Kenya Law submitted itself to this external audit process for the year 2018/2019 and the Auditor General issued an unqualified report for this period indicating that the organization had utilized its exchequer allocations in a lawful and efficient manner.

2.10 ISO 9001:2015 Certification

In the year 2019, Kenya Law was certified as being

ISO 9001:2015 certified against the international ISO requirements. The Council intends to maintain its certification in the next year 2020.

3.0 GOVERNANCE AT KENYA LAW

3.1 Council Meetings

The Council is the overall governance organ at Kenya Law that provides policy direction to the secretariat. The Council is established under section 4 of the National Council for Law Reporting Act and consists of:

- » The Chief Justice;
- » The Attorney-General or his representative;
- » A judge of the Court of Appeal nominated by the Chief Justice;
- » A judge of the High Court nominated by the Chief Justice;
- » A public officer being an advocate nominated by the Attorney-General;
- » Two advocates of not less than seven years' standing nominated by the Law Society of Kenya;
- » The Dean of the Faculty of Law, University of Nairobi or his representative;
- » The Government Printer or his representative not below the rank of Deputy Government Printer; and
- » The Editor, Kenya Law.

The Council held meetings for every quarter of the year to deliberate on the policy direction and overall performance of Kenya Law. The Council was also able to review the Income and Expenditure Report for the organization for 2019 and determine that this had been expended as planned and in compliance with all laws and regulations.

3.2 Committee Meetings

The Council has established Committees of the Council to assist it deliver on its mandate. The Committees in operation are:

- » Technical Committee
- » Human Resources Committee
- » Finance and General Purposes Committee
- » Audit and Risk Committee

These Committees have been instrumental in deliberating on and advising the Council on all issues that are pertinent to the management of Kenya Law.

Below is a summary of the Council meeting undertaken:

3.2.1 HR & Administration Committee

In the year 2019, the Human Resources Committee held four (4) meetings.

In summary, the Committee dispensed with thirteen (13) agendas out of seventeen (17) items deliberated in the year. Of the pending agenda items, one was overtaken by events; another is in progress whilst the remaining two (2) are dependent on the action by 3rd parties.

Committee Members:

1. Hon. Lady Justice Fatuma Sichale – Chairperson
2. Prof. Kiarie Mwaura - member
3. Ms. Jennifer Gitiri - member
4. Mr. Michael Muchemi – member
5. Mr. Long’et Terer – Editor/CEO

3.2.2 Technical Committee

In the year 2019, the Technical Committee held 3 meetings 17th – 18th January 2019, 19th February, 2019 and 29th May, 2019.

The Committee dispensed with all the agenda items tabled before it from the various departments under its purview. Of note is the agenda on the Strategic Plan which was developed, reviewed and finalized through the Technical Committee in the FY 2018/2019.

Committee Members:

1. Hon. Justice Anthony Ndungu - Chairperson
2. Ms. Linda Murila - Member
3. Ms. Eva Kimeiywo - Member
4. Ms. Janet Kimeu - Member
5. Mr. Samuel Njoroge - Member
6. Mr. Long’et Terer - Editor/CEO

3.2.3 Finance and General Purposes Committee

In the year 2019 the Committee held 3 meetings in 2019.

The Committee deliberated on and dispensed of 12 decisions including:

- a) Vetting of public officers
- b) Procurement of goods and services for public entities
- c) Debtors report Organizational workplan
- d) Organization procurement pan; and
- e) Quarterly reports to the National Treasury

Committee Members:

1. Ms. Janet Kimeu - Chairperson
2. Hon. Lady Justice Fatuma Sichale - Member
3. Ms. Linda Murila - Member
4. Ms. Eva Kimeiywo - Member
5. Mr. Jona Wala - Member
6. Mr. Long’et Terer – Editor/CEO

3.2.4 Internal Audit and Risk Committee

In year 2019 the Committee did not undertake any meeting as the position for Internal Auditor, who is the secretary to the Committee was vacant.

3.3 Board Training

Kenya Law is committed to developing and broadening the skill sets of its board members so as to ensure that they are able to discharge their mandate for the benefit of the organization. Kenya Law therefore arranged for and facilitated Council Members to attend the State Corporations Advisory Committee good corporate governance training for State Corporations. Below are the trainings attended by Council members in the year 2019:

NO	TRAINING	TRAINING ORGANIZATION	DATES	PARTICIPANTS
1.	Induction of Board Members	State Corporation Advisory Committee (SCAC) & Institute of Certified Secretaries	21 st – 23 rd February, 2019	Justice Faith Sichale
2.	Induction of Board Members	State Corporation Advisory Committee (SCAC) & Institute of Certified Secretaries	25 th – 27 th February, 2019	1. Michael Muchemi 2. Eva Kimeiywo 3. Jennifer Gitiri
3.	Induction of Board Members	State Corporation Advisory Committee (SCAC) & Institute of Certified Secretaries	24th-26th June 2019	1. Prof. Kiarie Mwaura 2. Justice Anthony Ndungu

3.4 Performance Contracting

Kenya Law continues to implement a system for measuring performance and effectiveness of each employee and the organization in general. Kenya Law committed to its Performance Management and Measurement Understanding with the Judiciary for the FY 2018/2019. The organization has since changed over to and signed its performance targets under the Performance Contract FY 2019/2020 with the Office of the Attorney General. These targets have been cascaded to members of staff and their implementation is ongoing. Q1 and Q2 reports have been disseminated to the relevant authorities for review.

4.0 CONCLUSION

Kenya Law continues to achieve its mandate of making legal information public knowledge by the use of technology and collaborative agreements and understandings. The Kenya Law database has consistently grown over the years as a demonstration of the increased data that is continually being digitized and made freely available to the public. Kenya Law has received special recognition for being the only government run legal information institute that has accumulated and made available the largest amount of public legal information in Africa thus ensuring the realization of the access to information rights as enshrined in the Constitution of Kenya.

The LSK is represented by Mr. Michael Muchemi and Ms. Janet Kimeu, Advocates.

12. JUDICIAL SERVICE COMMISSION

INTRODUCTION

This report is submitted to the Law Society of Kenya as part of the feedback mechanism by its representatives to the Judicial Service Commission (JSC). The report is in 4 parts:-

- Part 1 is the introduction which gives an overview of mandate and functions and current composition of the Judicial Service Commission (JSC).
- Part 2 highlights some of the milestones achieved by the Commission in the period under review. The milestones focus on human resource capacity building, accountability and discipline, infrastructural development, and stakeholder engagement.
- Sections 3 and 4 give the challenges faced by the Commission during the year and a conclusion, respectively.

1. OVERVIEW OF THE JUDICIAL SERVICE COMMISSION

Establishment of Judicial Service Commission

The Judicial Service Commission (JSC) is a Constitutional body established under **Article 171 (1) of the Constitution of Kenya**. Its operational procedures are secured by legislation in the Judicial Service Act, 2011.

Mandate

The JSC mandate as espoused in **Article 172 (1) of the Constitution of Kenya** is to promote and facilitate the independence and accountability of the judiciary and the efficient, effective and transparent administration of justice.

Functions of JSC

The JSC functions under Article 172 are as follows:

- Recommend to the President persons for appointment as judges;
- Review and make recommendations on the conditions of service of –
 - Judges and judicial officers, other than their remuneration; and
 - The staff of the judiciary;
- Appoint, receive complaints against, investigate and remove from office or otherwise discipline registrars, magistrates, other judicial officers and other staff of the judiciary, in the manner prescribed in an Act of Parliament;
- Prepare and implement programs for the continuing education and training of judges and judicial officers; and
- Advise the national government on improving the efficiency of the administration of justice.

The two LSK representatives are appointed under Article 171 (2) (f) of the Constitution.

The current membership is as follows:

- Hon. Justice David Kenani Maraga** - Chief Justice of the Republic of Kenya / Chairperson;
- Hon. Dr. Mercy Deche** - Vice Chair, LSK Representative;
- Hon. Emily Ominde** - Chief Magistrate/KMJA Representative;
- Hon Justice Mohammed Warsame** – Court of Appeal Judge/ Member, representing CoA;

5. **Hon. Justice Philomena Mbeti Mwilu** - Deputy Chief Justice, Member, Supreme Court Representative;
6. **Hon. Justice Rtd Paul K. Kariuki** - Member, Attorney General.
7. **Hon. Patrick G. Gichohi, CBS** - Member, Public Service Commission
8. **Hon. Prof. Olive M. Mugenda, CBS** - Member, representing the public
9. **Hon. Felix K. Koskei** - Member; representing the public
10. **Hon. David Majanja** - Member, High court Judge / KMJA Representative;
11. **Hon. Macharia Njeru** - Member, Member/LSK Representative.

Prof Tom Ojienda's term came to an end on 3rd April 2019. He was replaced by Commissioner Macharia Njeru who was appointed on 13th May 2019.

2. MAJOR MILESTONES MADE IN THE PERIOD UNDER REVIEW

A. Review of the Organization Structure

As reported in the previous reporting period, an audit commissioned by JSC identified structural and functional misalignments and deficiencies in the administrative wing of the judiciary. These have created a serious hindrance to the support of the core function of the judiciary and ultimately compromised effective service delivery to court users. The Organization review is now at the implementation stage and the following was accomplished in the period under review:

- (i) **Recruitment of Senior Staff at various Directorates:**
The audit recommended fresh recruitment of staff at top level. So far, the Commission has recruited the Director and 2 deputy directors in the Human Resource Directorate, Director of Audit and Risk Management; a Director of Procurement and a Director of Planning and Organization Performance Directorate:
 - **Director Human Resource & Administration** - Dr Elizabeth Nekesa Kalei
 - **Deputy Director in charge of Talent Management** - Ruth Kyengo
 - **Deputy Director in charge of Human Resource Management** - Andrew Okwach

- **Director Audit & Risk Management** - Ronald Wafula Wanyama
- **Director Supply Chain Management** - Jeremiah Nthusi
- **Director Planning and Organization Performance** - Dr Paul Kieti Kimalu

The Directorates/Units pending recruitment of Directors and Deputy Directors include **Security, Finance, ICT and Communications**.

***Relevance to LSK membership:** The recruited top-level personnel are expected to not only offer more competent supervision but also initiate the much-needed culture change. The expected result is improved service delivery for advocates in terms of more professional registry staff, well supported automation, transparency and efficiency in handling and disbursing refund of clients' deposits which have for a long time been problematic.*

- (ii) **Rationalization of Courts Staffing levels across the country.** The Organization Review has identified the core team of officers that provide essential service to Judges and Magistrates. These are officers directly concerned with the dispensation of justice. They include the following:
 - i. Court Assistants who support the Judges and Magistrates in the Court room;
 - ii. Registry (Court) Supervisors and Assistants who are responsible for safekeeping and handling of all court files;
 - iii. Court Bailiffs and Process Servers who deliver documents to litigants on instructions from Judges and Magistrates;
 - iv. Law Clerks and Legal Researchers who carry out essential research etc;
 - v. Personal Secretary for every Judge who ensures that all judgements and typed up on time;
 - vi. Transcribers / office administrators for the Magistrates.

The Commission has settled on the following **Judicial officer: Staff ratios**:

- i. **Every Judge will have:**
 - a) A personal Office Administrator II/Transcriber.
 - b) A Law Clerk or Legal Researcher.
 - c) 2 Court Assistant assigned.

- ii. **Every 1 to 5 Judges** will share one (1) Court Bailiff.
- iii. **Every Magistrate** will have two (2) Court Assistant assigned.
- iv. **Every 1 to 3 Magistrates** will share one (1) Transcriber.
- v. **Every 1 to 5 Magistrates** will share one (1) Legal Researcher.
- vi. **Every 1 to 5 Magistrates** will share one (1) Process Server.

There will be one (1) reliever for every one (1) to ten (10) Court Assistants.

Staff numbers to be deployed to the Registries are based on the caseload per year as follows:

- Below 500- (1 Registry Supervisor plus 1 Registry Assistant)
- From 501-1000 (1 Registry Supervisor plus 2 Registry Assistants)
- From 1001-2000 (1 Registry Supervisor plus 3 Registry Assistants)
- From 2001-3000 (1 Registry Supervisor plus 4 Registry Assistants)
- From 3001- 4000 (1 Registry Supervisor plus 5 Registry Assistants)
- From 4001- 5000 (1 Registry Supervisor plus 6 Registry Assistants)
- Above 5000 (1 Registry Supervisor plus 7 Registry Assistants)

The Registry Supervisor and Registry Assistant positions are deployments for Senior Court Assistant and Court Assistant respectively.

Details of the Organization Review are found in a voluminous document available to the membership on request. It will be disseminated to the members and all stakeholders in the course of this year.

Relevance to LSK Membership: Judges and Magistrates require a core team to offer direct background administrative support. This will offer a solution to the perennial problems of file movements, management of diaries and general service delivery in the registries. It will result in more efficient and effective dispensation of justice to all court users.

B. Restructuring of the Judicial Service Commission Secretariat

(i) JSC Strategic Plan

The Judicial Service Commission (JSC) at its meeting held on 17th October, 2019 appointed a Steering Committee Chaired by Hon. Commissioner Macharia Njeru, to oversee the development of the strategic plan.

This Steering Committee is expected to review the existing draft strategic plan and align it to the changes that have taken place, including new policies and organization review. To this end, the Steering Committee successfully engaged the United Nations Office on Drugs and Crime (UNODC) who agreed to provide a Consultant to assist the Commission developing the strategic plan. The same is expected to be concluded by the end of June 2020.

***Relevance to LSK Membership:** The plan will provide a blue print for the commission for the next five years. It will outline all priority areas and once disseminated to stakeholders, including LSK, it will keep the membership well informed of the activities of the Commission. The Strategic Plan, which will be available to the membership, will make the Commission's activities more predictable to all stakeholders. It will be an important tool to hold the Commission to account.*

(ii) New Administrative structure

The JSC secretariat was restructured during the period under review. There are now in place three Directorates to assist the Commission in its oversight role. These include the Directorate of Legal Services, the Directorate of Board Services and the Directorate of Finance and Administration. The Director of Legal Services will be assisted by three Deputy Directors each in charge of Litigation, Investigation and Complaints & Stakeholder Management respectively.

The positions in the new administrative structure shall be filled gradually as the resources allow. In the meantime, **Mr. Isaac Wamaasa Advocate** has been deployed as the acting Director of Legal Services.

***Relevance to LSK Membership:** The new structure will ensure more prompt response to members' concerns especially promptness in responding to and processing complaints against Judges, Judicial officers and staff.*

C. Recruitment of Judges

The Commission nominated for appointment a total of 41 Judges including 11 CoA judges, 10 ELRC Judges and 20 ELC Judges. The President is yet to formally appoint them as required of him by the Constitution. The matter is pending in court. Officially, the Commission is functus officio as its mandate expired upon forwarding the names to His Excellency the President. It is however hoped that a solution that will result in the appointment of all the nominees will be found sooner rather than later.

Relevance to LSK Membership: *The Commission is aware that the appointment of judges for the three courts and even the High Court is long overdue as it is impossible for advocates to practice law in unmanned superior courts. The delay in appointment has caused practitioners great hardship as evidenced by the temporary shut down of all Court of Appeal sub registries across the country and the backlog in ELC and ELRC. The practitioners nominated as judges are also in a state of limbo which is a grave injustice from an economic point of view.*

D. Recruitment of staff and Tribunals Chairpersons and Members

SN	NAME	POSITION
1.	Mr. Ohaga John Morris	The Commission reappointed him as the Chairperson of the Sports Disputes Tribunal for a further term of 5 years
2.	Ms. Desma Atieno Nungo	Appointed as Chairperson of the Political Parties Disputes Tribunal
3.	Mr. Jeremiah Nthusi	The Commission reappointed him for a further term of 3 years as Director of Supply Chain Management in the Judiciary
4.	Ms. Emmah Orua	The Commission reappointed her for a further term of 3 years as Deputy Director Finance and Administration, Judiciary Training Institute
5.	Dr. Freda Kinya Mugambi	The Commission reappointed her for a further term of 3 years as Deputy Director Judicial Education & Curriculum Development, Judiciary Training Institute
6.	Mr. Stephen Ouma Omedo	The Commission reappointed her for a further term of 3 years as Deputy Director Research and Policy, Judiciary Training Institute
7.	Mr. Wanyama Ronald Wafula	The Commission appointed him as the Director of Audit and Risk Management in the Judiciary, for a term of 3 years
8.	Dr. Kimalu Paul Kieti	The Commission appointed him as the Director of Planning and Organization Performance in the Judiciary, for a term of 3 years
9.	Ms. Kooke Sylvia Yiantet	The Commission appointed her as the Manager Court Users Committee, National Council on administration of Justice, for a term of 3 years
10.	Hon. Lorot Ramadhan Abdulqadir	Promoted to the position of Chief Magistrate
11.	Mr. Isaac J.M. Wamaasa	Deployed to the JSC as Deputy Registrar in-charge of the Legal Function
12.	Mwatsama Mjeni Janet	Nominated for appointment as Deputy Chairperson of Cooperative Tribunal
13.	Kuria Rosemary Wacera	Nominated for appointment as chairperson of the Communications and Multimedia Appeals Tribunal
14.	Dr Njaramba Gichuki	Nominated for appointment as Chairperson of the Civil Aviation Administrative Review Tribunal
15.	Kaburu Leah Wangari	Appointed Secretary, Sports Disputes Tribunal

SN	NAME	POSITION
16.	<p>Advocates</p> <p>i) Onyango Jane Njeri ii) Gichuru Edmond Kiplagat iii) Owinyi Allan Mola</p> <p>Non-Lawyers</p> <p>iv) Elynah Sifuna v) Ouko Gabriel vi) Mary Kimani Nyokabi vii) Peter Ochieng Anyango</p>	Appointed as members of Sports Dispute Tribunal
17.	Dr Bett Jackson Kiprotich	Nominated for appointment as Chairperson, Micro and Small Enterprises Tribunal
18.	Katina Robert Mnangat	Nominated for appointment as Vice Chairperson, Micro and Small Enterprises Tribunal

Relevance to LSK Membership: Ensuring that the Tribunals are quorate largely addresses the issue of access to justice for members who practice in those tribunals. The recruitment has also provided members with opportunities to serve as members.

E. Legal Researchers and Law Clerks Terms of Service

Restructuring of Legal Researchers and Law Clerks cadre has been long overdue. The previous terms were problematic and often failed to attract enough applicants. Those who came on board were generally dissatisfied with the terms. During the reporting period, the Commission restructured both the Legal Researchers and Law Clerks cadres. The restructuring involved creating opportunities for career growth as a researcher, coming up with more favorable terms, and mainstreaming appropriate training and induction opportunities.

Under the new terms of service, incremental credit(s) will be awarded for approved experience acquired after obtaining the minimum prescribed qualifications at the rate of one-year increment for each completed year of approved experience, provided the maximum of the

scale is not exceeded. The new career path for the new structure is as follows:

Legal Researchers:

Assistant Legal Researcher >> Legal Researcher >> Senior Legal Researcher

Law Clerks:

Law Clerk >>Senior Law Clerk

Relevance to LSK Membership: The new structure will attract more applicants and ensure retention of those hired. Filling the positions of law clerks and researchers to serve judges and senior magistrates is expected to translate to quicker disposal of cases and faster delivery of decisions.

The two cadres will also provide job opportunities and a viable career path to members with an interest in research.

F. UPDATE ON INFRASTRUCTURAL DEVELOPMENT: ICT AND CONSTRUCTION

a) ICT

SN	PROJECTS	STATUS
1.	COURT RECORDING AND TRANSCRIPTION SYSTEM	<ol style="list-style-type: none"> All the Six (6) Courts of the High Court Commercial and Tax Division at the Milimani Law Courts commenced recording and transcription on 25th September 2019. Contract for court recording equipment in 26 Courtrooms across the country (<i>See Annex 1</i>) has been awarded. The contract has ordered the equipment and is expected to be completed in May 2020. Procurement of court recording equipment for all the stations in Nairobi (Supreme Court, Court of Appeal, Forodha, Makadara, Kibera, Milimani Commercial and Milimani Law Courts) will commence in February 2020.
2.	EFILING	<ol style="list-style-type: none"> 1,691 eFiled cases captured in commercial Division since October 2018 to date Over 32 Million paid online through MPESA The Judiciary has signed an MoU with eCitizen to use the system for collection of fees, fines and cash bail. The services will be available to the courts in Milimani Law Courts from 1st March 2020 before a national roll-out.

SN	PROJECTS	STATUS
3.	CASE TRACKING SYSTEM (CTS)	<ol style="list-style-type: none"> CTS running 59 Court stations (<i>see annex 2</i>) and captured over 620,000 cases. All stations to have CTS in use by July 2020 The Customer Care Center at Milimani Law Courts has been opened to the public. This will be supported by the Case Tracking System and member of the public will be served at the center and therefore reduce visits to the registry while improving speed of service delivery.
4.	ICT INFRASTRUCTURE	<ol style="list-style-type: none"> 128 Courts out of 143 are Connected to the internet. The procurement of internet for the other stations is currently on-going. 133 courts have Wi-Fi installed and all court users can access it.
5.	DESKTOPS AND LAPTOPS	<ol style="list-style-type: none"> 1,336 Computers have been delivered out of which 946 have been distributed to courts. More laptops and desktops have been ordered to replace the equipment which was issued more than five years ago.
6.	ADMINISTRATIVE SYSTEMS AND ERP	<ol style="list-style-type: none"> JIFMIS – Rollout to all courts in progress with all Court Stations now active in 151 Court Station and collected over 50 Million in revenue since July 2019. All refunds are now processed at the court station which has improved service delivery.

Annex 1: Courts rooms where installation of Court Recording equipment is on-going

1. Supreme Court
2. Court of Appeal - Nairobi Ground floor (No.1)
3. Court of Appeal - Nairobi Ground floor (No.2)
4. Court of Appeal - Nairobi Ground floor (No.3)
5. Court of Appeal - Nairobi Ground floor (No.4)
6. Court of Appeal - Mombasa 1st Floor (No.1)
7. Court of Appeal - Kisumu 2nd Floor (No.1)
8. Court of Appeal - Malindi Ground Floor (No.1)
9. Court of Appeal - Nyeri 2nd Floor (No.1)
10. Kisumu ELRC Court 3rd Floor (No.1)
11. Nairobi ELRC Court 3rd Floor (No.1)
12. Nairobi ACEC Court Ground Floor (No.2)
13. Nairobi ACEC Court 3rd Floor (No.48)
14. Mombasa High Court 1st Floor (No.1)
15. Kisii High Court Ground Floor (No.2)
16. Nakuru High Court Ground Floor (No.1)
17. Naivasha High Court 1st Floor (No.1)
18. Embu High Court 1st Floor (No.1)
19. Bungoma High Court Ground Floor (No.1)
20. Busia High Court 1st Floor (No.1)
21. Milimani Chief Magistrate Anti-Corruption Court Ground Floor (No.1)
22. Milimani Chief Magistrate Anti-Corruption Court Ground Floor (No.2)
23. Milimani Chief Magistrate Anti-Corruption Court Ground Floor (No.3)
24. Milimani Chief Magistrate Criminal Court
25. Kibera Law Court Ground Floor (No.1)
26. Makadara Law Court Ground Floor (No.1)

Annex 2: List of Court Stations using the Case Tracking System

SN	Law Court	Number of cases Captured (20th January 2020)
1	Milimani Law Courts	164,239
2	Mombasa Law Court	59,733
3	Milimani Commercial	48,577
4	Nakuru Law Court	28,645
5	Eldoret Law Court	23,518
6	Kakamega Law Court	15,318
7	Makadara Law Court	13,066
8	Naivasha Law Court	13,041
9	Thika Law Court	12,713
10	Kisumu Law Court	12,631
11	Machakos Law court	11,456
12	Busia Law Court	11,430
13	Kiambu Law Court	10,600
14	Kajiado Law Court	10,577
15	Kisii Law Court	10,378
16	Meru Law Court	10,340
17	Kericho Law Court	9,911
18	Kitale Law Court	8,993
19	Nyeri Law Court	8,787
20	Kibera Law Court	7,744
21	Malindi Law Court	7,227
22	Kitui Law Court	7,195
23	Muranga Law Court	6,530

SN	Law Court	Number of cases Captured (20th January 2020)
24	Kerugoya Law Court	6,056
25	Embu Law Court	6,008
26	Kapsabet Law Court	5,608
27	Tononoka Law Court	5,552
28	Ruiru Law Courts	5,510
29	Maua Law Court	5,466
30	Kikuyu Law Court	5,408
31	Shanzu Law Court	4,785
32	Nyahururu Law Court	4,038
33	Nyamira Law Court	3,990
34	Garissa Law court	3,856
35	Supreme Court Building	3,621
36	Siaya Law Court	3,577
37	Nanyuki Law Court	3,523
38	Homabay Law Court	3,175
39	Bungoma Law Court	2,797
40	Voi Law Court	2,788
41	Nkubu Law Court	2,567
42	Mwingi Law Court	2,561
43	Tigania Law Court	2,070
44	Isiolo Law Court	2,027
45	Vihiga Law Court	1,991
46	Molo Law Court	1,953
47	Mariakani Law Court	1,737
48	Githongo Law Court	1,541
49	Migori Law Court	1,540
50	Marsabit Law Court	957
51	Chuka Law Court	789
52	Kwale Law Court	620
53	Kaloleni Law Court	557
54	Moyale Law Court	556
55	JKIA Law Court	172
56	Karatina Law Court	130
57	Mukurwe-ini Law Court	106
58	Msambweni Law Courts	22
59	Runyenjes Law Court	19
60	Tribunals	17,659
Total Cases Captured		627,981

GOK FUNDED PROJECTS

	On Going Project	Court Station	Start Date	Original Completion Date	Revised Completion Date	Contract Period (Wks)	% Complete	Renovations or New building	Status Reports
1	Homabay Law Courts	Homabay	3/13/2017	7/30/2018	6/30/2021	72	26%	New	Contractor gone back to site works stagnated for more than 2 years for lack of funding
2	Kabarnet Law Courts	Kabarnet	3/17/2017	9/17/2018	6/30/2021	72	15%	New	Contractor not on site, no progress. Expected on site following confirmation of funding
3	Marsabit Law Courts	Marsabit	3/17/2017	9/17/2018	6/30/2021	72	32%	New	Contractor gone back to site works stagnated for more than 2 years for lack of funding
4	Amagoro Law Courts	Amagoro	3/13/2017	3/13/2018	6/30/2021	54	23%	New	Contractor gone back to site works stagnated for more than 2 years for lack of funding
5	Githongo Law Courts	Githongo	5/4/2017	4/4/2018	6/30/2021	54	42%	New	Contractor not on site, no progress. Instructed to go back to site after pending certificate been paid.
6	Kandara Law Courts	Kandara	3/4/2017	4/4/2018	6/30/2021	54	36%	New	Contractor not on site, no progress. Instructed to go back to site after pending certificate been paid.
7	Machakos Law Courts	Machakos	5/18/2017	11/18/2017	6/30/2021	24	65%	New	Contractor not on site, no progress. Instructed to go back to site after pending certificate been paid.
8	Marsabit Law Courts	Marsabit	5/2/2017	10/17/2017	6/30/2021	72	75%	New	Contractor not on site, no progress. Instructed to go back to site after pending certificate been paid.
9	Mbita Law Courts	Mbita	3/15/2017	3/14/2018	6/30/2021	52	52%	New	Contractor not on site, no progress. Instructed to go back to site after pending certificate been paid.
10	Habasweini Law Courts	Habasweini	9/28/2017	9/27/2018	6/30/2021	52	9%	New	Contractor not on site, no progress.
11	Hamisi Law Courts	Hamisi	12/4/2015	11/3/2015	4/11/2018	120	100%	New	Completed. Phase 2 packaged for tendering but caught up by Government freeze on new projects

	On Going Project	Court Station	Start Date	Original Completion Date	Revise Completion Date	Contract Period (Wks)	% Complete	Renovations or New building	Status Reports
12	Embu Law Courts	Embu	1/15/2015	9/15/2016	6/30/2021			New	Contractor being paid outstanding balance of 19m within 1 week.
			1/15/2015	9/15/2016					Contractor to handover project as is.
			1/15/2015	9/15/2016					
			1/15/2015	9/15/2016					Balance of works to make project complete to be tendered this financial year.
			1/15/2015	9/15/2016					(Estimated cost 56million)
13	Muranga Law Courts	Muranga	5/19/2015	2/20/2016	6/30/2021	36	65%	Renovations	Contractor not on site, no progress. Instructed to go back to site after pending certificate been paid.
14	Mandera Law Courts	Mandera	5/19/2015	2/20/2016	6/30/2021	52	94%	New	Contractor not on site, no progress. To be on site from Feb 2020 after honouring of certificate.
15	Narok Law Courts-Phase II	Narok	10/26/2015	7/4/2016	6/30/2021	36	80%	New	Contractor on site, slow progress, being pushed to complete
			10/26/2015		2/28/2020		50%		Contractor not on site, no progress
					2/28/2020		0%		Contractor not on site, no progress
			10/26/2015		2/28/2020		50%		Contractor not on site, slow progress
16	Butali Law Courts	Butali	3/9/2015	3/4/2016	6/30/2021	52	83%	New	Contractor on site, slow progress, variation approval from county tender Committee
17	Eldama Ravine Law Courts	Eldama Ravine	2/4/2015	10/18/2016	6/30/2021	52	85%	New	Contractor instructed to go back to site, no progress
18	Port Victoria Law Courts	Port Victoria	2/12/2015	2/12/2016	6/30/2021	52	93%	New	Contractor not on site, no progress, original scope of works complete variation funding awaited.
19	Eldoret Law Courts	Eldoret	2/23/2015	6/27/2016	6/30/2021	18	80%	Renovations	Contractor not on site, no progress

On Going Project	Court Station	Start Date	Original Completion Date	Revise Completion Date	Contract Period (Wks)	% Complete	Renovations or New building	Status Reports
20	Othaya Law Courts	Othaya	1/15/2013	5/31/2016	6/30/2021	N/A	90%	New Contractor not on site, Bomet and Othaya partially handed over being used by the Court.
21	Wanguru Law Courts	Wanguru	1/15/2013	5/31/2016	6/30/2021	N/A	70%	
22	Marimanti Law Courts	Marimanti	1/15/2013	5/31/2016	6/30/2021	N/A	80%	
23	Bomet Law Courts	Bomet	1/15/2013	5/31/2016	6/30/2021	N/A	98%	
24	Garsen Law Courts	Garsen	1/23/2013	5/31/2016	2/28/2020	N/A	100%	New Completed. Court been using the building since 2017. Contractor on site, no progress Contractor on site, no progress, part of building being used
25	Runyenjes Law Courts	Runyenjes	1/23/2013	5/31/2016	2/28/2020	N/A	90%	
26	Tawa Law Courts	Tawa	1/23/2013	5/31/2016	2/28/2020	N/A	85%	
25	Mombasa Court of Appeal	Mombasa	11/19/2014	3/19/2015	12/30/2019	16	100%	Renovations Completed. Inaugurated.
			11/19/2014	3/19/2015	12/30/2019	16	100%	
			11/19/2014	3/19/2015	12/30/2019	16	95%	
28	Nyeri Court of Appeal	Nyeri	4/17/2014	10/2/2015	2/28/2020	24	95%	Renovations Contractor on site, little progress, excessive user requests cannot be accommodated in current contract
29	Iten Law Courts	Iten	5/19/2015	6/30/2016	30/06/2020	56	100%	New Completed, AIE sent to station to fund minor works.
30	Mombasa Law Courts	Mombasa	6/12/2015	4/30/2017		12	100%	Renovations Completed.
			4/8/2016	4/30/2017		12	100%	
31	Karatina Law Courts	Karatina	9/15/2018	9/15/2020		54	65%	New Contractor instructed to resume site activities upon confirmation of some funding in Dec,2019.
32	Makadara Law Courts	Makadara	10/13/2017	6/23/2020		16	60%	Renovations Contractor instructed to resume site activities upon confirmation of some funding in Dec,2019.
33	Forodha house	Nairobi	4/25/2020			52	60%	Renovations Works are on time.
34	Lodwar law Courts	Lodwar	4/20/2015			81	15%	New Stalled, arbitration award to be honoured as we seek for funding of scaled down project is done.
35	Bomet Law Courts	Bomet	1/5/2015			65	10%	New Stalled, pending certificate to be honoured not budgeted for. Not major priority as Prefabs is new.

WORLD BANK FUNDED PROJECTS

Project	Contract Sum	Start Date	Original Completion Date	Revised Completion Date	Contract Period (Wks)	% Complete	Renovations Item	Comments
Completed								
1 Kihui Law Courts								
2 Kangema Law Courts (Phase-I)								
Construction On-Going								
1 Kiqano Law Courts	94,160,933.00	6/29/2012	6/29/2016	30/12/2019	52	100%	Upgrade	Complete
2 Chuka Law Courts	95,106,442.00	6/5/2012	6/13/2016	30/12/2019	52	100%	Upgrade	Complete
3 Engonoo Law Courts	78,015,979.00	6/8/2012	8/8/2016	13/3/2019	52	100%	Upgrade	Complete
4 Vihiga Law Courts	78,476,529.00	9/16/2012	9/14/2016	30/12/2019	52	100%	Upgrade	Complete
5 Nyando Law Courts	74,827,121.00	9/4/2012	9/2/2016	30/12/2019	52	100%	Upgrade	Complete
6 Molo Law Courts	99,910,993.00	6/19/2012	6/17/2016	30/12/2019	52	100%	Upgrade	Complete
7 Oyugis Law Courts	109,731,680.00	6/29/2012	6/28/2016	30/12/2019	52	97%	Upgrade	Nearing Completion
8 Nyamira Law Courts	118,305,248.00	6/18/2012	6/17/2016	30/12/2019	52	100%	Upgrade	Complete
9 Malindi Law Courts (Taxes)	74,879,959.00	9/6/2012	6/8/2016	30/12/2019	52	100%	Upgrade	Complete
10 Nakuru Law Courts	347,751,650.00	2/18/2016	8/18/2017	30/04/2020	120	97%	New	On-Going
11 Siaya Law Courts	348,751,651.00	2/21/2016	9/21/2017	30/06/2020	120	82%	New	On-Going
12 Garissa Law Courts	331,323,457.00	1/22/2016	7/22/2017	30/06/2020	120	79%	New	Works progressing slowly
13 Makindu Law Courts	96,825,446.00	3/8/2016	3/7/2017	30/12/2019	52	100%	New	Complete
14 Nanyuki Law Courts	318,559,759.00	3/10/2016	9/10/2017	30/04/2020	120	82%	New	Nearing Completion
15 Kibera Law Courts	137,649,123.00	4/13/2016	4/13/2017	30/09/2020	52	75%	Upgrade	Slow progress
16 Voi Law Courts	347,582,674.49	29/09/2017	29/09/2018	30/06/2020	78	75%	New	Improvement noted
17 Kapenguria Law Courts	400,880,621.00	21/03/2017	23/09/2018	30/07/2020	78	67%	New	Improvement noted
18 Marsabit Law Courts	378,743,872.00	23/03/2017	23/09/2018	30/06/2020	78	60%	New	Improvement noted
19 Isiolo Law Court	379,088,160.00	10/4/2017	10/10/2018	30/09/2020	78	84%	New	Workforce Increased
20 Kwale Law Courts	389,698,592.00	16/5/2017	16/04/2018	30/06/2020	78	75%	New	Nearing Completion
21 Wajir Law Courts	369,567,037.00	27/6/2017	27/3/2018	30/08/2020	78	40%	New	Improvement noted
22 Ol-Kalou Law Courts	399,323,129.00	18/9/2017	17/3/2019	30/08/2020	78	33%	New	Slow Progress
23 Kakamega Law Courts	387,644,343.33	21/6/2017	21/3/2018	30/06/2020	78	86%	New	Nearing Completion
24 Malindi Law Courts	158,978,107.00	16/9/2017	15/9/2018	30/06/2020	52	58%	New	Slow Progress
25 Mombasa Law Courts	445,179,323.65	28/9/2017	28/3/2019	30/07/2020	78	56%	New	Extension Needed
26 Malindi Law Courts	416,099,717.10	25/9/2017	25/3/2019	30/06/2020	78	65%	New	Workforce Increased
27 Kangema Law Courts (Phase II)	42,992,371.57	26/3/2017	18/3/2019	30/06/2020	52	85%	Upgrade	Nearing Completion
28 Kajiado Law Courts	368,407,995.00	15/1/2018	15/1/2019	30/06/2020	78	76%	New	Progressing Well
TOTAL	6,930,416,606.00							

The above two Tables are a summary of construction projects across the country. The top table is for GoK funded projects while the bottom one is for world Bank Projects. Most of the GoK Projects have stalled due to lack of funds. Other courts that have been in a very poor state and were expected to commence last year have not commenced due to lack of funds. They include:

- Court of Appeal, Nairobi
- Kisii High Court

- Eldoret High Court
- Meru High Court

Relevance to LSK Membership: The Construction and completion of Courts will ease access to justice to court users.

G. ACCOUNTABILITY AND DISCIPLINE

i) Discipline cases against Magistrates and Staff

(a) Number and Outcome of Disciplinary cases Against Magistrates Finalized by the JSC in 2019

S/No	Nature of Charge	Dismissal	Reinstate with severe reprimand/withholding promotion/salary	Reduction of rank	Case dropped	Reinstatement	Resignation	Total
1.	Incompetence and lack of diligence	4	1	0	0	2		7
2.	Negligence, dereliction of duty and financial impropriety	1	1	0	0	1	0	3
3.	Lack of professionalism	1	0	0	0	0	0	1
4.	Absence from duty/ Misuse/loss of government property	1	0	0	0	0	0	1
5.	Corruption	0	0	0	0	1	0	1
	Total	7	2	0	0	4	0	13

(b) Outcome of Disciplinary Cases Against Judiciary Staff (PLS 9 & Above) Finalized by the JSC in 2019

S/No	Nature	Decision(s)							Total
		Dismissal	Severe reprimand	Reduction of rank	Strong Warning	Case dropped	Reinstatement	Resignation	
1	Absence from duty/ Desertion	1	0	0	0	0	0	1	2
2	Misuse/loss of government property	1	0	0	0	0	0	0	1
3	Unprofessionalism & Conflict of interest	2	0	0	0	0	0	0	2
4	Forgery-Certificate	2	0	0	0	0	0	1	3
	Total	6	0	0	0	0	0	2	8

(c) General Outlook of the Number of Disciplinary Cases Against Judiciary Staff as at December 2019 i.e. those finalized and Pending before Management HR Committee

S/No	Nature	Number of Registered Cases	Number of Cases finalized	Number of Cases Pending
1	Corruption/fraud/misappropriation of funds	48	11	37
2	Absence from duty	38	13	25
3	Misuse/loss of government property	7	2	5
4	Unprofessional conduct&Poor performance	5	1	4
6	Missing exhibits	4	0	4
7	Insubordination	4	2	2
8	Absence from duty	4	4	0
9	Irregular payment of allowances	6	6	0
10	Forged Certificates	1	0	1
	Total	117	39	78

ii) Complaints against Judges;

STATUS OF COMPLAINTS/PETITIONS RECEIVED BY THE COMMISSION AGAINST HON. JUDGES IN 2019 & PETITIONS CARRIED FORWARD FROM 2018

The Commission carried forward 25 petitions from 2018 and subsequently received a total of 167 petitions/ complaints in 2019. The status of each Petition/complaint is summarized as follows:

NO.	CATEGORY	NO. OF PETITIONS / COMPLAINTS
25 PETITIONS CARRIED FORWARD FROM 2018		
1.	Petitions forwarded to the President for appointment of a tribunal.	4
2.	Petitions dismissed after hearing.	6
3.	Petitions withdrawn by the respective Petitioners/complainants prior to and during hearing.	4
4.	Petitions where hearings have been finalized and awaiting decision by the full Commission.	4
5.	Petitions where hearings are ongoing.	7
	TOTAL	25
STATUS OF PETITIONS COMPLAINTS RECEIVED IN 2019		
6.	The Complaints dismissed by the Commission at Preliminary Evaluation stage for lack of merit.	95
7.	Petitions where hearings are ongoing.	7
8.	New Complaints awaiting preliminary consideration by the full Commission.	65
	TOTAL	167

The hearing of Complaints and Petitions against Judges is conducted by two Panels chaired by Dr. Mercy Deche and Prof. Olive Mugenda respectively.

Relevance to LSK Membership: Responding to complaints is key in executing the mandate of the Commission with regard to Accountability. An accountable judiciary creates a corrupt free environment which is conducive for legal practice.

H. COURT VISITS

During the period under review, the Commission, under the Committee on Administration of Justice visited courts in Garissa, Mandera, Marsabit, Moyale, Isiolo, Nanyuki, Nyeri, Kirinyaga, and Ruiru. The visits included engagements with the County leadership, Judiciary staff, Judicial Officers, Court users and Advocates.

Relevance to LSK Membership: The visits provided opportunities for one on one meeting between the Commissioners and LSK Members where issues on administration of justice were candidly discussed for implementation.

I. STAKEHOLDER ENGAGEMENT

i. Committee on Judicial Independence and Accountability

The Commission recognizes the importance of constantly engaging stakeholders in the justice sector. In this regard, the Commission constituted an ad hoc Committee on Judicial Independence and Accountability. The membership is made up of three commissioners and Judges and Magistrates representing all courts including the Kadhis and a representative of Judicial Staff. It is chaired by the Vice Chair, Dr Mercy Deche. The main mandate of the Committee is to continuously engage internal and external stakeholders in order to ensure that the Commission and judiciary deliver their mandate from a point of relevance. It is from this engagement that the Committee compiled the report that was presented to the BBI by the Commission.

The Committee has also introduced an annual one-day stakeholder forum, the first of which was held on 9th May 2019 at Safari Park. LSK President was represented by Mr. Charles Kanjama. Linda Kiome, Chairperson, Mt Kenya Branch was also in attendance together with several Council Members of Nairobi Branch.

Relevance to LSK Membership: The Committee has provided a much-needed platform for structured Continuous engagement between the membership and the Commission on policy gaps in the administration of justice. This is of great assistance in flagging out matters of concern to the membership.

ii. Pre-interview Retreat:

A one-day retreat was held between the Commission and key stakeholders prior to the commencement of the Judges interview. LSK was represented by the President Mr. Allen Gichuhi and the Convener of Branch Chairs Mr. Charles Kanjama. Other stakeholders represented were Prof Kameri Mbote from the Academia, the President of The Court of Appeal and representatives from ELC and ELRC.

Relevance to LSK Membership: Involvement of LSK leadership in the pre-interview preparation assisted the commission in better appreciating the needs of the membership in the three courts.

iii. Meeting with Parliamentary Committees

The Commission, represented by Commissioners Emily Ominde, David Majanja and Macharia Njeru, held a meeting with Parliamentary Budget Committee to deliberate on the budget cuts and future budgetary needs of the Judiciary. This meeting bore fruit as Parliament through the subsequent supplementary budgets revised the judiciary budget, adjusting the cuts.

Relevance to LSK Membership: The budget cuts had greatly affected day to day running of the courts and delivery of justice. The reinstatement of the funds ensured the uninterrupted service delivery as scheduled.

iv. National Council of Administration of Justice

The Commission recognizes the critical role played by the National Council of Administration of Justice (NCAJ) at both National and Court Station level through the Court Users Committees (CUCs). The Commission has embarked on strengthening the capacity of the NCAJ by recruiting staff for the secretariat. So far, the Commission has the Court Users Committee's Manager. Interviews for the CEO are ongoing.

Relevance to LSK Membership: The NCAJ is the body that brings all the players in the justice sector together from the National level and devolved to

the Court level as Court Users Committee. The Law Society is represented in NCAJ. Staffing the secretariat will go a long way in strengthening both the NCAJ at the national level and the court users' committees. The CUCs are important platforms for addressing gaps in the justice sector and escalating them to the NCAJ and the Commission, where necessary.

3. CHALLENGES

- The Commission and the judiciary continue to suffer budget cuts of up to 50% imposed by the National Treasury. This had the effect of slowing down the planned activities of both institutions. The worst affected are the GOK sponsored development projects which have all stalled or failed to take off all together.
- Transition of Tribunals to Judiciary without the necessary legal framework has been problematic especially in terms of appointment of members, funding and discipline. The Commission is still one among several nominating bodies for members of the Tribunals which raises questions when it comes to discipline. Some tribunals still have a separate budget from the judiciary and prefer to remain under the executive. Even where the Commission has the mandate to recruit the chairperson, it is not uncommon for the Cabinet secretary to decline to gazette the Commission's choice as was the case with the Cooperatives Tribunal and the National Environment Tribunal. The solution to the Tribunals problem lies in the enactment of the Tribunals Bill currently at the AG's awaiting preparation for public participation.
- Following the promulgation of the 2010 Constitution, most citizens have become aware of their statutory rights and as a result have become more litigious. JSC decisions have not been spared as numerous litigations have been instituted against the Commission, thus slowing down its activities. The Commission has also had to file suits especially where it was unfairly targeted.
- Shortage of staff and space continues to be a challenge.
- During the year under review, several complaints and petitions were filed against judges with a lot of publicity, media glare and attention. A good number have since been quietly withdrawn. This has not augured well for the image of the institution;
- Unsatisfactory feedback from the membership

especially during recruitment of judges and magistrates and promotion of magistrates;

- Unprecedented shortage of Judges and judicial officers which is aggravated by failure by the executive to appoint Judges nominated by the Commission;
- The judiciary has been admittedly slow in the uptake of technology. Plans to improve have been frustrated by budget cuts;
- Persistent choreographed attacks of the judiciary and disobedience of court orders by the executive has undermined the Rule of law and Judicial independence.

4. CONCLUSION

The LSK Representatives are grateful for the opportunity to serve the membership and the country in this capacity. They look forward to LSK's enhanced role in fighting for the Rule of Law and independence of judiciary and to more active involvement by the membership in the Commission's activities.

13. RULES COMMITTEE OF THE JUDICIARY

The Rules Committee of the Judiciary (RCJ) is established under Section 81 of the Civil Procedure Act, Cap 21 Laws of Kenya. The Committee is tasked with making rules consistent with Acts of Parliament and provision for any other matters related to the procedure of Civil Courts. The Committee is also mandated with drafting all Rules, Regulations and Practice directions made within the Judiciary and other Committees or task force, but in some cases it is called upon to review and draft rules and guidelines that are required to be drafted by the Chief Justice or other Committees.

The Committee has so far played a pivotal role in development of rules for a number of legislation as part of the exercise of its mandate.

The Committee's composition as at December 2019 is as follows:

1. Justice Daniel Musinga - Vice Chairman
2. Justice George V. Odunga
3. Justice Grace Nzioka
4. Honourable Moses Wanjala - Secretary
5. Mr. Kevin McCourt - L.S.K Representative
6. Mr. Samson Maundu - Office of the Attorney General Representative

7. Ms. Noela Adagi - L.S.K, Mombasa Branch Representative

The technical team seconded by the International Development Law Organization (IDLO) to the Committee comprises:

1. Mr. Anthony Mugambi Laibuta - Embedded Legislative Drafter
2. Ms. Cynthia Liavule Aswani - Embedded Legal Researcher

The Committee and the technical team hold meetings twice every month to track progress of development and finalization of rules. A progress report including the activities of the Rules Committee in the year 2019 is detailed in the subsequent part of the Report.

1. ACTIVITIES AND SUPPORT RELATED TO DEVELOPMENT AND FINALIZATION OF DRAFT RULES BY THE RULES COMMITTEE IN THE YEAR 2018

a) Technical support from the International Development Law Organization (IDLO)

In September 2017, the Rules Committee of the Judiciary approached IDLO requesting for support in the development and finalization of rules. While the drafting and publication of some of the rules was at an advanced stage, there still remains a lot to be done. In light of the above context, IDLO and the Judiciary recruited a Legislative Advisor, a technical Embedded Legal Drafter and an Embedded Legal Researcher to support the mandate of the Rules Committee of the Judiciary. The assignment was to be undertaken for an initial period of six months with the possibility of six month renewal based on availability of funding. The technical team members joined the Committee this year although in different months. The full technical team work begun in May and this has enhanced the capacity and efficacy of the mandate of the Committee in fast tracking the process of finalization of draft rules.

b) The Matrimonial Proceedings Rules

The office of the Attorney General forwarded the said Rules to the Chief Justice for signature. However, the office of the Chief Justice had some comments to conclude on. The Committee also wants to get comments from other Committee members and then incorporate the Chief Justice's views and have the Rules signed.

Thereafter, we will forward to the office of the Attorney General for gazettelement then prepare a Memo for Parliamentary Committee on Delegated Legislation.

c) The Small Claims Court Rules

The Committee is now conducting the second phase of public sensitization.

d) The Civil Procedure (Amendment) Rules 2018

In 2019, the office of the Attorney General forwarded the Rules to the office of the Chief Justice for signature care of Counsel Maundu. The Committee is in the process of Gazetting the Rules and thereafter will forward the Rules to Parliamentary Committee on Delegated Legislation.

e) Protection Against Domestic Violence Rules

There was a Public participation conducted in November 2019 and a workshop was held to incorporate comments by public members.

The Committee members will review refined rules and circulate rules to Law Society of Kenya and other stakeholders.

Thereafter, the Committee will forward to the office of the Chief Justice for signature and to the office of the Attorney General for gazettelement.

f) Matrimonial Property Rules

The Committee will conduct public participation and review comments from public and stakeholders. Then they shall refine rules for circulation and forward the Rules to the Chief Justice for signing.

Thereafter, the Rules will be forwarded to the office of the Attorney General for gazettelement.

g) Court of Appeal (Amendment) Rules

The Committee is waiting for approval from Judges of Court of Appeal then we shall send the Rules to the Chief Justice for signing.

Thereafter, we shall forward the Rules to the office of the Attorney General for gazettelement.

h) Court of Appeal Organisation Rules

The Committee will conduct public participation and review the comments from public and stakeholders.

Thereafter, we shall refine the Rules for circulation and later send to the Chief Justice for signing and to the office of the Attorney General for gazettelement.

i) Mediation Rules

The Committee members are reviewing the draft rules and conducting public participation. We shall then review comments from the public and stakeholders and thereafter refine the Rules for circulation.

We shall then forward the Rules to the Chief Justice for signing and to the office of the Attorney General for gazettment.

j) Fair Administrative Action Rules

The Committee members are reviewing the refined rules and conducting public participation on Rules. We shall then incorporate comments from the members of the public then circulate the Rules to Law Society of Kenya and other stakeholders.

The Committee will then forward the Rules to the office of the Chief Justice for signature and thereafter to the office of the Attorney General for gazettment.

k) Appeals from Land Registrar Rules

The Committee members are reviewing refined rules and will conduct public participation on rules then incorporate the comments from members of the public.

The Committee will then circulate the Rules to Law Society of Kenya and other stakeholders. Thereafter, we shall forward the Rules to the office of the Chief Justice for signature and to the office of the Attorney General for gazettment.

The Rules Committee continues to engage with all stakeholders in the formulation and preparation of Rules.

14. JOINT TECHNICAL TEAM TO DRIVE DEVELOPMENT GUIDEBOOKS (KENYA ASSOCIATION OF MANUFACTURERS)

On 26 April 2019, the Kenya Association of Manufacturers (KAM) together with the Magistrates and Kenya Magistrates and Judges Association (KMJA) asked the Law Society of Kenya (LSK) to participate in developing a Guidebook on the Companies Act and Insolvency Act. The Companies Act, 2015 and the Insolvency Act, 2015 represented fundamental changes in the framework governing companies and insolvency and bankruptcy, updating the former regime and modernizing Kenya's legal framework. Several new concepts have been introduced and others replaced. In particular, concepts like voluntary administration (for companies and natural persons) and administration changed the legal and commercial landscape significantly leaving the public and various other stakeholders uncertain about what the regime means in practice.

The purpose of the Guidebook is to provide an accessible guide to judicial officers and other stakeholders and ensure a predictable environment conducive

for investments. The LSK nominated two Technical Legal Experts (Wangui Kaniaru and Jomo Nyaribo) as members of the Joint Technical Core Team developing the content for the Guidebook. The Guidebook will include a comprehensive review of the key principles of company law including formation, shareholder rights, and dissolution. The review of insolvency law will cover the types of insolvency for natural persons and corporate entities and provide a summary of emerging jurisprudence on key issues in relation to the new regime.

LSK's participation is in line with the objects of the Society, which include assisting the courts in matters relating to legislation, administration of justice and the practice of law in Kenya. It is also in line with the LSK's strategic objectives in relation to promoting the implementation of the Constitution, the rule of law and the administration of justice.

The Joint Technical Core Team held five sessions between May and November 2019 in Nairobi, Mombasa, Eldoret and Kisumu. The meetings were attended by stakeholders from the judiciary (judges, magistrates and registry staff), the office of the Official Receiver, KAM and KenInvest, among others. It was decided to develop a two volume Guidebook that detailed the changes in the Companies Act, 2015 and those in the Insolvency Act, 2015.

Given the nexus with the Council's mandate and objectives with respect to administration of justice and practice of the rule of law in Kenya, the Council should continue to support such multi stakeholder initiatives in order to ensure that stakeholders understand their rights and obligations under the law.

The Committee is represented by Ms. Wangui Kaniaru, Advocate and Mr. Jomo Nyaribo, Advocate.

15. DRAFTING COMMITTEE OF THE TRAINING MANUAL ON ACTIVE CASE MANAGEMENT (ACM) IN CRIMINAL CASES

The case management guidelines and directions for criminal cases were published by Chief Justice (rtd) Mutunga in Gazette Notice Number 1340/2016 dated 4th March 2016, pursuant to the provisions of Article 159 and Article 161 (2) (a) of the Constitution of Kenya; section 10 of the Judicature Act, which makes provisions for the Chief Justice to make rules of court for regulating the practice and procedure in the High Court; and pursuant to the Criminal Procedure Code.

The former Chief Justice of the Republic of Kenya, Hon. Justice (Dr.) Willy Mutunga put together the Active Case Management (ACM) Committee chaired by Hon. Mr. Justice (now retired) Anyara Emukule. LSK was made member of the Committee and represented by Mr. Wilfred Nderitu. The mandate was to introduce ACM as a model for realizing the goal of expeditious disposal of cases in the Judiciary. The task ahead for the Committee was on a back-drop of growing concern of delays in determination of cases. In January 2016 a pilot phase on Active Case Management (ACM) under the Criminal Justice project was launched in three court stations, namely **Mombasa** (including Tononoka and Shanzu), **Naivasha** and **Machakos**. The ACM in Criminal Justice project was conceptualized as a strategy to enhance efficient and speedy trials in the criminal justice system, which is a Constitutional imperative under Article 159 of the Constitution. It is expected that by involving all players in the criminal justice sector blame game in disposal of criminal cases will reduce.

The Committee is currently chaired by Lady Justice Pauline Nyamweya.

The active case management guidelines guide the trial and appeals of criminal cases at the High Court and the Magistrates courts.

The Committee with financial support of British High Commission and the UNODC and NCAJ and secretariat from JTI has since developed a manual for training on active case management of criminal cases and the guidelines.

Subsequently training of trainers using the manual has been conducted for officers drawn from the criminal justice sector players in groups at **Machakos, Mombasa, Kisumu** and **Nakuru** as the first step in the national roll out of the active case management in criminal cases. The members of the Committee facilitate the training. The participants in the trainings were drawn from all the criminal justice sector actors including the office of DPP, Judges, Magistrates, LSK, National Police service, DCIO, Probation, and the Department of children. LSK has had participants in all the training sessions.

Going forward the guidelines will be implemented in all court stations.

During the trainings it emerged that there is a challenge of acceptance of the guidelines by defense counsel and prosecutors demonstrated by lack of compliance with the Pre-trial conference directions. The non-compliance include failure by prosecutors to fully disclose and

seeking of adjournments by defense counsel etc. The LSK Council is implored to sensitize its members on the guidelines for expeditious disposal of criminal cases.

The Committee is represented by Mr. Wilfred Nderitu, Advocate and Jemimah Keli, Advocate.

16. TASKFORCE ON ELECTRONIC REGISTRATION AND CONVEYANCING SYSTEM

The Ministry of Lands and Physical Planning (the "Ministry") launched the Land Information Management System (LIMS) in April, 2018 to address the challenges of the paper based manual processes that were no longer tenable. The challenges include increased stress on the physical records leading to wear and tear, production of more paper records required more storage space, loss and misplacement of records, increased cases of fraud and forgery, lengthy and indeterminate transaction turnaround time and frustration of members of the public etc.

The process began by scanning of land records at the Nairobi and Central registry and the LIMS accessed through the e Citizen portal by members of the public. The services listed under the portal include payment of land rent, application for searches, application for transfer of ownership; applications for Charges and Further Charges and assessment of stamp duty etc.

The legal practitioners encountered various challenges during the transitional phase of introduction of the LIMS such as inaccurate electronic searches, incomplete verification of documents, and delayed access to services. Further, there was a need to align the LIMS to the land registration Act, 2012 and the Land Registration (General) Regulations, 2017.

The Law Society of Kenya in line with its objects to represent, protect and assist members of the legal profession in Kenya in respect of conditions of practice and otherwise; and to protect and assist the public in Kenya in all matters touching, ancillary or incidental to the law filed **Constitutional Petition number 144 of 2018 Law Society of Kenya-Vs- The Attorney General, Principal Secretary Ministry of Lands, Cabinet Secretary Ministry of Lands & Another**. The case was filed on the grounds that the stakeholders were not consulted by the Ministry before coming up with the system and its eventual roll out.

A consent was signed in which the Cabinet Secretary Ministry of lands do establish an all-inclusive taskforce bringing all stakeholder. The mandate of the taskforce

was to come up with guidelines for the implementation of the electronic registration and conveyancing system. The taskforce members were vide Gazette Notice number 7859 dated 3rd August, 2018 appointed.

Upon inauguration by the Cabinet Secretary on 27th August, 2018 the taskforce set out to execute its mandate. This involved review of relevant literature accessed from the internet, library meeting various stakeholders including ministry departments, National Land Commission, Counties and other external players with a view to understanding the role played by each so as to inform the workflow process, and conducting public participation exercise that involved visits to the different regions within the country to get the views of the members of the public. The taskforce also received written memoranda from the public and professionals through the postal, physical and email addresses shared with them.

The above process informed the zero draft report and draft guidelines that were shared with various stakeholders such as the Ministry, the National Land Commission, the professional bodies, Counties through the Council of Governors (COG). The whole process culminated into the final report, which among others contained a schedule of proposed amendments in respect of the various statutes to pave way for the LIMS.

The conclusion was that land registration is one of the activities in the final stages of the land administration process. For the successful implementation of the electronic land transactions, all land management processes including surveying, valuation, physical planning, land administration, land adjudication and settlement etc should be considered. The processes should be able to integrate seamlessly and be available to both internal and external users.

The taskforce's recommendations are found in chapter 6 of its report to the Cabinet Secretary. The report proposes quick wins or immediate action points as;

1. Amend the existing laws as proposed in chapter 2 of the report through an omnibus bill to save on time;
2. Roll out the digital cadastral surveys by developing an appropriate infrastructure that can capture and store cadastral survey data for onward transmission to the registry;
3. Roll out the national LIMS using cadastral data that has been done using fixed boundary surveys and integrate areas under general boundaries over time

through a geo-referencing program as provided for under the Land Registration Act, 2012;

4. The Department of land administration should finalize on scanning of the correspondence files and avail them to the national LIMS; and
5. Facilitate the electronic lodgment of documents by digitizing all the forms provided under the Land Registration (General) Regulations, 2017.

The Land Registration (Electronic Land Transactions) Regulations, 2019 were gazetted on 28th June, 2019.

The LSK representatives on the Taskforce are L. Sereu Moinket and Charles Wamae

17. KENYA INDUSTRIAL PROPERTY INSTITUTE (KIPI) BOARD

Kenya Industrial Property Institute (KIPI) is Established Under the **Industrial Property Act, 2001**. KIPI is charged with the responsibility of administering Industrial Property rights and Trade Marks in Kenya, promoting inventiveness, enhancing commercialization of intellectual property rights. Through Government policy, KIPI has a further responsibility of promoting "The Big Four Agenda" of the government. Towards promoting commercialization of intellectual property rights, KIPI has advertised on its website multiple technologies that are now available in public domain and members of the public can commercialize without infringing any Intellectual Property Rights.

Law Society of Kenya is represented at the Board of KIPI by Manasses Mwangi, Advocate.

KIPI has been a self-reliant state corporation. It faces a few challenges that threaten its performance in future. The board has resolve to confront these challenges head-on as set out hereunder.

Human Resource Development, Capacity Building and Succession Planning.

KIPI is currently understaffed thus affecting optimal performance and timely delivery of services. KIPI has 79 staff members against the required 175. The understaffing has affected service delivery, leading to backlog.

61% staff members are in the age bracket of 55-60 years and 28% are in the age bracket of 35-49 years. The board has noted an urgent need to hire new employees as part of succession planning; at the moment hiring of staff has been frozen by the public service Commission.

KIPI has written to the head of public service and State Corporation Advisory Committee (SCAC) to lift the ban on hiring in order enable KIPI to commence the process of hiring new staff.

Errors in the Trademarks Register.

The trademarks register has errors, these errors have persisted since 2004 and aggravated in 2012. The errors make the process of search tedious and length because staffs have to refer to the physical file to verify data. The Board has prioritised the register clean-up and it is exploring ways and means of cleaning up the trademarks register.

The board has also authorized removal of the 30,000 (Thirty thousand) **expired** trademarks from the register while following the due process. The advocates are invited to be on the lookout for new work.

The board has approved that the more than Ten thousand (10,000) Trade Mark applications' that have remained incomplete for over one (1) year be declared as abandoned in accordance with the Trade Marks' Rules, 2003. This exercise will also present work opportunities for advocates.

When time is ripe board shall request The Law Society of Kenya to assist in dissemination of information that may affect advocates one way or another.

18. LAPTRUST BOARD OF TRUSTEES

On the 12th September 2018, the undersigned responded to an Expression of Interest sent out to members by the Law Society of Kenya inviting interested Advocates to apply to serve on the **Board of Trustees of LAPTRUST**. This followed the expiry and the term of the Society's former representative **Mr. Calvin Nyachoti**.

On 22nd day of October 2018, LSK nominated **Mr. John Oscar Juma, Advocate**, together with two (2) other members and forwarded the names to LAPTRUST for consideration for appointment.

Vide Kenya Gazette Notice dated 22nd March 2019, Mr. Juma was appointed to serve on the Board of LAPTRUST by Honorable Eugene Wamalwa Cabinet Secretary for Devolution and ASALS under Legal Notice No.50 of 2007.

Subsequently, Mr. Juma was elected by the LAPTRUST Board of Trustees as the Chair of the Procurement and Projects Oversight Committee.

The Board of LAPTRUST, though quorate, is not yet fully constituted. Representation from three (3) nominating Bodies is being processed.

Mr. Juma ably represents LSK at the LAPTRUST in line with the objects of the Society and highlights the following in this regard:-

- a) Ensuring that Corporate Governance Tenets are strictly observed by LAPTRUST in the management of Pension Funds.
- b) Ensuring prudent investment and management of Pension Funds.

On 23rd September 2019, the *County Governments Retirement Scheme Act (Act No.21 of 2019)* was enacted .The Act had the following major provisions:

- a) *It proposed to revoke The Local Authorities Pension Trust Rules, 2007 (Legal Notice No.50 of 2007) which creates LAPTRUST, within 5 years.*
- b) *The Act removes the representation of LSK and other independent professional Bodies from the Board of The County Governments Retirement Scheme, which effectively replaces LAPTRUST and LAPFUND.*

The Board of LAPTRUST has considered that the new law is unconstitutional and has lodged a challenge against the same in court. Interim orders stopping the implementation of the Act have been obtained. Moreover, three (3) other suits have also been lodged by other parties challenging the law. These are:

- a) ELRC Petition No.213 of 2019.
- b) ELRC Petition No. 202 of 2019.
- c) ELRC Petition No.222 of 2019.

Mr. Juma vide letters dated 29/10/2019 and 26/11/2019 notified the LSK of the above developments and advised that the Society considers mounting a public interest suit on the matter. The LSK Representative will keep the Society fully updated on the progress of the existing litigation.

At the request of the CPD Committee and Mr. Juma, LAPTRUST sponsored the Society to the tune of Kshs.500, 000/= for the 2019 Annual Conference. The Board has also purposed to engage the LSK on matters of Pension and it is advisable that the secretariat pursues this initiative.

Activities in Pictures



Fitness Boot Camp at the LSK Annual Conference 2019



LSK CEO Ms. Mercy K. Wambua addressing the media after a judgment delivered by the court on Huduma Number data collection exercise.



LSK President, Mr. Allen W. Gichuhi, Cabinet Secretary, Ministry of East African Community and Regional Development, Hon. Adam Mohamed, LSK CEO Ms. Mercy K. Wambua, and Peter Mwangi Advocate, convener of LSK's Land, Environment and Mining committee pose for a photo after a deliberation on bottlenecks facing the private sector on Ease of Doing Business Agenda.



LSK President, Mr. Allen W. Gichuhi flanked by the LSK Vice President Ms. Harriette Chiggai, Council Member Eric Nyongesa and the LSK CEO Ms. Wambua during the official launch of the Continuing Professional Development (CPD) Digest at Panari Hotel.



Chief Justice Hon. David Kenani Maraga and LSK President, Mr. Allen W. Gichuhi during the National Conference on Criminal Justice Reforms.



LSK CEO, Mercy K. Wambua with a delegation from Beijing Children's Legal Aid Centre & Research.

Activities in Pictures



Hon. Millie Odhiambo, offering free legal advice to a member of the Public during the LSK Legal Awareness Week 2019.



Plenary session during session five of the Statutory Instruments Act forum convened by the LSK Committee on Law Reform Devolution and Constitutional Implementation at Fairview Hotel.



LSK In-House Counsel Committee with delegates from Sirdar Group during an interactive forum on Corporate Governance for In-House practitioners at the Workable, Sanlam Tower.



A Delegate following proceedings during the Law Society of Kenya and Supporting Inclusive and Resource Development (SIRD) Conference on Oil, Gas & Mining Conference, 2019.



Mr. Alnoor Meghani of Canadian Bar Association addressing delegates during the Kenya's 2nd National Oil, Gas & Mining Conference, 2019.



LSK Branch Council during a courtesy call to JKIA Law courts where they discussed matters affecting practitioners.

Reports of The Law Society of Kenya Committees

1. CORPORATE (IN-HOUSE) PUBLIC SECTOR COUNSEL COMMITTEE

The Committee is convened by **Ms. Ndinda Kinyili Council Member**. The Committee has the following mandate;

- I. To advise the Council of the Law Society of Kenya on all issues relating to in-house practice matters.
- II. To promote the participation of in-house practitioners in the decision making and policy development within the Law Society of Kenya and the public sector.
- III. To advocate for better terms of service, welfare and increased recognition of in-house practitioners within the profession and the public/private sectors.

In the year 2019, the Committee held the following activities:

1. In-House Counsel Caucus

The Committee organized and held its second In-House Counsel Caucus on **23rd May, 2019** at the **Riara University**. The Caucus was held under the theme, **“Anti Money Laundering and Financial Reporting: The Lawyers’ Role.”** The event, which had over 100 participants, featured presentations by **Mr. Paul Muthaura**, CEO Capital Markets Authority, **Ms. Mercy Buku**, Consultant on Legal and Risk Management and **Mr. Kennedy Mwai**, Legal and Strategic Analyst, Financial Reporting Center.

2. Nairobi Legal Awards

The Committee, in conjunction with the Nairobi Branch took part in organizing the Nairobi Legal Awards, held on 16th July, 2019. The Committee’s Co-convenor, **Mr. Paul Ndungi**, head of KenGen’s Legal Department, was feted as the first runners-up in the public sector department of the year category.

3. In-house Counsel Remuneration

The Society was party to the suit brought by former employees of the National Environmental Management Authority (NEMA), The matter was moved to the Employment and Labour Relations Court, seeking payment of non-practising and prosecutorial allowance. Judgment was delivered in favour of the Petitioners and the Society by extension, which supported the petition.

4. Lawyer’s Breakfast

The Lawyers’ Breakfast was held on **15th August, 2019** at **Pridelinn Paradise Beach Resort** under the theme **‘The Role of Legal and Financial Sectors in Curbing Financial Crime and Anti-Money Laundering.’** The event was organized by Committee in partnership with the Financial Reporting Center and was attended by over 200 participants.

It featured presentations by **Mr. Saitoti Ole Maika**, Director General Financial Reporting Center, **Ms. Mercy Buku**, Consultant Legal and Risk Management and **Mr. Gabriel Mwangi**, a practicing advocate. The presentations were pertinent, informative, thought-provoking and very well received, making the event a runaway success.

5. Sirdar Group Workshop

On 16th October, 2019, the Committee in conjunction with Sirdar Group Global, held a workshop for in-house counsel on Corporate Governance. The event, held at Sanlam Towers featured a comprehensive presentation by Mr. Carl Bates, CEO Sirdar Group and was attended by over 150 participants as well as Council Members.

6. ILFA Elevate – Africa Legal Counsel Forum:

The Committee, in partnership with ILFA, a UK registered charity focused on building excellence in legal services and rule of law across Africa, held a two-day summit aimed at uniting and elevating the African in-house legal community through discussion, cooperation, and network building.

7. PLANNED ACTIVITIES

- ▶ **The CEO’s Breakfast:** The Committee is planning to hold a CEO’s breakfast, themed **‘HOW A LEGAL DEPARTMENT CAN ADD VALUE TO YOUR BUSINESS.’** The activity will target both advocates in the private and public sector, practitioners, as well as corporate heads.
- ▶ **Training on Running a Legal Department:** The Committee plans to hold a week-long training for in-house practitioners on the modalities of setting up and running a legal department.
- ▶ **Review of Legislation:** The Committee is in the process of reviewing the Legal Notice on the

Retirement Benefits Act, which amended certain sections of the Act. A draft on the same will be submitted in due course.

- ▶ **Remuneration of In-house Practitioners:** The In-house Committee has been engaging with the Salaries and Remuneration Commission to issue guidelines and recommendations on implementation of the Circular on the public service legal sub-sector remuneration as well as the judgment delivered in the NEMA case.

2. COMMITTEE ON CONTINUING PROFESSIONAL DEVELOPMENT (CCPD)

The Committee is chaired by Mr. Rautta Athiambo while **Mr. Henry Ongicho** is the Vice Chairperson.

The Continuing Professional Development (CPD) programme was introduced in the year 2004 under the Continuing Legal Education Regulations 2004 Guidelines. The effective date was 1st January 2005 through Legal Notice 131 of the Kenya Gazette Supplement Number 82. The Guidelines were subsequently replaced by the Advocates (Continuing Professional Development) Rules, 2014.

The CPD Committee:

The CPD Rules 2014 establish the Continuing Professional Development Committee whose principal function is to implement the Continuing Professional Development programme in the country.

The composition of the Committee is as appointed by the Council. The members serve for two years and are eligible for re-appointment for a further term of two years.

The Committee works in tandem with the CPD Department at the Secretariat. The Department coordinates the activities of the Committee and assists it in executing its mandate.

Responsibilities of the Committee:

1. The Committee comes up with the annual calendar of events by inviting members to propose topics and incorporates them into the calendar. The CPD Committee works with the Secretariat in the implementation of the CPD Calendar of events, development of the curriculum and content of the program.
2. Enforcement of CPD Rules. The CPD Regulations make it mandatory for all members to comply with the CPD Regulations every year by accruing five Units or to be exempted before renewing their Practicing Certificates. The CPD sub-Committee on accreditation handles several applications for exemption and accreditation from members and also accredits independent course providers.
3. The Committee provides policy direction to the program and meets monthly to discuss any pertinent issues surrounding the CPD program.
4. The Committee also accredits other institutions that facilitate sessions on professional development for lawyers.

Accreditation and Partnerships:

In the year 2019, the following organizations were accredited to offer courses:

Annual Subscription:

- a) Kenya School of Law
- b) Mediation Training Institute (MTI) East Africa
- c) Africa Centre for Advanced Technology (ACAT)
- d) Training and Consulting Associates (TCA)
- e) Haki Africa
- f) ALN Academy

One-off Subscriptions:

- a) Loan Market Association
- b) Federation of Women Lawyers (Fida) Kenya
- c) International Commission of Jurists (ICJ)
- d) Refugee Consortium of Kenya (RCK)
- e) Kenya Christian Lawyers Fellowship (KCLF)
- f) GBS Africa

Additional CPD Seminars

In the year 2019, the Committee held additional seminars;

- ▶ The Council of the Law Society of Kenya through its Committee on Conveyancing & Environment and Continuing Professional Development Committee (CCPD) organized, a one day CPD Seminar in response to the various challenges in the Land Administration and Registration Process. The Seminar was titled *Ease of Doing Business – Tackling the Challenges in Land Administration and Registration* on 11th September, 2019 at Panari Hotel, Nairobi.

- ▶ The Committee on CPD in conjunction with the Young Lawyers Committee, partnered with the Chartered Institute of Arbitrators and offered a one day training on *Arbitration and General Alternative Dispute Resolution Mechanisms for Young Lawyers* (0-3 years) on 29th May 2019 at Panari Hotel.
- ▶ The Committee on CPD organized a luncheon for Senior Lawyers of 25 years and above in practice, on 13th November 2019 at Fairview Hotel in Nairobi.

Achievements:

Some of the successes of the CPD Committee in the year 2019 include:

- » CPD Digest: The Committee on Continuing Professional Development (CCPD) published its inaugural CPD Digest which was launched by the LSK President, Mr. Allen Waiyaki Gichuhi, at Panari Hotel on Friday 29th November 2019.
- » Developing the CPD calendar for the year 2020: The Committee held its annual retreat between 14th and 17th November 2019 and came up with the 2020 - Calendar of events which has a total of 72 seminars incorporating topics which were proposed by members.
- » Successfully organized the inaugural Senior Lawyers CPD Luncheon at Fairview Hotel in Nairobi.
- » Getting sponsorship for the LSK Annual Conference.

CPD Seminars 2019:

The Committee together with the Secretariat organized a total of 72 seminars across the country, compared to 56 seminars held in the year 2018. However, the following CPD Seminars were rescheduled and notices sent to members via Electronic Mail:

- » The Lecture on Life Skills in Mombasa scheduled for Thursday 18th April 2019 was postponed to Friday 24th May 2019, following a request from the Branch Chairman.
- » The Seminar on Criminal Legislation scheduled for 4th October 2019 in Kakamega was postponed to 11th October 2019, due to unavoidable circumstances.
- » The Seminar on Criminal Legislation scheduled for 15th November 2019 in Nairobi was brought forward to 14th November 2019, due to unavoidable circumstances.

The topics that elicited good response from the

evaluation forms as filled by participants include:

- Planning and Construction Laws
- Health Law
- Family Law
- Law Firm Management
- In House Lawyering
- Company Law
- Land Law
- E-Commerce
- Alternative Dispute Resolution
- Life Skills
- Limited Liability Partnerships
- Child Law
- Intellectual Property Law
- Economic Crimes
- Induction Course

Compliance:

Compliance with the CPD regulations has been as follows:

YEAR	Compliant Advocates
2011	4658
2012	5263
2013	5751
2014	6206
2015	6827
2016	7818
2017	7501
2018	9476
2019	10911

Planned Activities;

The Committee on CPD is in the process of organizing two Senior Lawyers CPD Luncheons in Nairobi and Mombasa in 2020.

3. GENDER COMMITTEE

The Committee is convened by Ms. Carolyn Kamende Daudi, Council Member. The main objective of the Gender Committee is to advise the Council and the Law Society of Kenya membership on all matters of gender and the law and to promote principles of equity and equality in

participation of members in the legal profession. The following are the Committee's terms of reference:

- a. To advise council and the Law Society membership on all matters of gender.
- b. To promote principles of equity and equality in participation of members in the legal profession.
- c. To promote the concerns of women lawyers within the society and in the Legal Profession;
 - i. Establish a mentorship programme
 - ii. Develop networking opportunities amongst women lawyers.
- d. To mainstream gender in all aspects of the legal fraternity.
- e. To foster cooperation and partnerships with other institution locally, regionally and internationally in gender matters.

The Committee has discussed and pursued several issues with regard to gender. The main activity undertaken in 2019 was the formulation of the LSK Draft Sexual Harassment and Anti-Bullying Policy.

Development of the LSK Draft Sexual Harassment and Anti-Bullying Policy

During the 2018 LSK Annual Conference, the LSK President issued a directive to develop a policy document on sexual harassment and anti-bullying. To this effect, the Gender Committee appointed a sub-committee to come up with the first draft.

Public Participation

In order to present a comprehensive and informed policy, the Committee rolled-out Branch stakeholder consultative engagement forums and ensured member participation in the drafting process. The Committee held the stakeholder consultative engagement forums in the following Branches:

1. Nairobi- 30th May 2019, Hilton Hotel
2. Mombasa – 21st June 2019, Pride Inn Paradise Beach Resort
3. Eldoret – 5th July 2019, Boma Inn Hotel
4. Meru – 23rd July 2019, Three Steers Hotel
5. Kisumu – 2nd August 2019, Acacia Premier Hotel

The sub-committee then held follow up meetings after every forum to consider and review the draft document and to add member input and comments. On 20th September, 2019 the sub-Committee held a meeting to consolidate and incorporate comments and input from

the membership. The Council agreed that it was essential to have a retreat to enable the Committee finalize the draft Policy. The Committee proceeded for the retreat which was held from 3rd October 2019 to 5th October 2019 at Enashipai, Naivasha. The Committee was able to incorporate all the views and comments from members as well as from the general membership who had been sending views and comments on email.

Validation Forum

The Committee then proceeded to hold a final validation meeting on 22nd October 2019 at the Hilton Hotel where members went through the entire document making final comments and amendments and finally proceeded to adopt the document.

Adoption and Launch

The adoption of the Sexual Harassment and Anti-Bullying Policy, 2019 was followed by its launch on 28th October 2019 at the High Court Milimani. The Committee was honored to have Hon. Millie Odhiambo, MP as the Chief Guest, to launch the Policy Document. The Committee intends to undertake sensitization forums and create awareness on the policy.

Other main activities the Committee undertook are:

- a. Presented a memorandum raising the concerns of women lawyers within the Society and in the Legal Profession: The Committee has been in the frontline in ensuring that the concerns of women lawyers within the Society and in the legal profession are addressed. The Committee registered protest with regard to the kicking out of Hon. Zulekha Hassan from the National Assembly, for attending proceedings with her 5 month old infant. The Committee drafted and presented a memorandum condemning the act and demanding that an apology be issued to Hon. Zulekha Hassan.
- b. Attended FIDA Training on the Sexual Harassment Offences Act and on Effective Investigation and Prosecution of Sexual and Gender Based Offences: The Committee was selected to attend a one day training on the prosecution of Sexual Gender Based Violence (SGBV) cases. Members of the Committee in attendance who particularly practice in this area, poignantly tabled the challenges faced by practitioners in ensuring accessible and independent delivery of justice in these matters. Additionally, with all the key players involved the Committee was able to issue proposals and recommendations that will significantly improve and ensure effective investigation and prosecution of these cases.

c. Presented a memorandum on the Constitution of Kenya (Amendment) Bill, 2018: The memorandum highlighted the struggle for women's representation in public decision making institutions. It argued that it has been 8 years since the promulgation of the Constitution in 2010, yet the progress of realization of the two-third gender rule has been slow and several barriers still exist in the battle for equitable representation of women and other minority groups. The memorandum made the following recommendations:

- ▶ That it is the responsibility of the State to enact the Constitution of Kenya (Amendment) Bill, 2018 which seeks to operationalize the two-thirds gender rule.
- ▶ That Parliament must rise to the occasion and demonstrate its fidelity to the spirit and letter of the Constitution and its commitment to ensuring the realization of gender equality in political representation by enacting the Bill.
- ▶ That the committee fully supports the fast tracked enactment of the Bill but makes a recommendation that the Bill include a clause deleting Article 98 (1) (b) which is an affirmative action provision meant to increase the number of women in the Senate. If the said provision remains and the Bill is passed as it is then political parties will be required to submit two parallel lists to IEBC for nomination of women to the senate. One list for the 16 women as set out under Article 98 (1) (b) and another under the proposed Article 98 (1) (da) for gender top-up.

4. EDITORIAL COMMITTEE

Editorial Committee is Convened by Prof. Ben Sihanya and Co-Convened by Prof. Attiya Waris.

The Committee's mandate includes;

1. To consider, edit and recommend for publication, articles for the LSK Journal and the *Advocate Magazine*.
2. In consultation with the Committee on Continuing Professional Development (CPD), consider papers delivered at the CPD seminar for publications in *Journal and Advocate Magazine*.
3. To advise on the strategies of improving the reading and legal writing culture among members.

4. Consider and advise on measures for income generating activities for the Law Society publication.
5. To perform any other function related to the foregoing or to realize the foregoing objectives.

The following are some of the Committee's achievements in the year 2019;

1. Law Society of Kenya (LSK) Journal

The papers published in the Journal issue (Volume 15 (1) 2019 included:

- *Reflections on Managing Natural Resources and Equitable Benefit Sharing in Kenya* by Dr Kariuki Muigua
- *Transformative Constitutionalism* by Dr Freda Mugambi Githiru
- *Land Control Board Consent and the Doctrine of Constructive Trust* by Oscar Angote
- *International Crimes and the International Criminal Court* by Philip Magal Ambole
- *Relationship between the state and religion in Kenya: Epiphany of Orwellian Doublethink* by Ruth Lutta & Joseph Lutta
- *A Brief Introduction to Devolved Health Care System in Kenya* by Faith Simiyu & Christine Namalwa Simiyu

2. The Advocate Magazine

One edition of the *Advocate* magazine was published in 2019, The LSK *Advocate* magazine, Annual Conference Edition 2019 under the theme;

- The main **Conference Theme:** *"An Audit of the Constitution: The quest for Constitutional Reform and Transformation"*
- Conference **Sub Theme:** *"Embracing technology in Legal Practice; Litigation and Commercial Practice."*

Hard copies of the *Advocate* magazine were circulated to members during the Annual Conference, while the soft copy was circulated via a link on the LSK e-weekly. The same is available on the LSK website.

3. Streamlining the communication and processes to facilitate the review, editing and publication of the LSK Journal and *Advocate Magazine*.
4. Developing a strategy to publish the *LSK Journal* quarterly and the *Advocate Magazine* on a (bi) monthly basis, including online versions of both.

The LSK Editorial Board is working on an *LSK Journal* and the *Advocate* magazine to be published before the Annual General Meeting (AGM) scheduled for March 2020.

1. The Committee through the Secretariat procured the anti-plagiarism software (Grammarly) for use in reviewing papers for publication.
2. The Committee is also in the process of acquiring an International Standard Serial Number (ISSN) which is a unique number used to identify a print or electronic periodical (journal). The ISSN is an internationally accepted code which identifies the title of serial publications in our case the LSK Journal.
3. The Committee has agreed on an online web hosting for the LSK Journal namely, HeineOnline since it is the most viable, is easily accessible and is downloadable.
4. The Committee is finalizing the draft editorial rules (policy and regulations) to facilitate accreditation of the LSK Journal by the Ministry of Education, Commission on University Education (CUE) and individual universities.

5. AUDIT COMMITTEE

The Audit Committee has been in existence since July 2018 and is chaired by **Counsel Mariam Wambui Gaituri**, who is deputed by Counsel Diana Nthiwa. The Audit Committee plays a key role in assisting the Council fulfill its oversight responsibilities in financial reporting, internal control systems, risk management systems and the internal and external audit functions.

The Committee held three meetings in the year 2019, where various internal audit reports were deliberated and recommendations made to the management for implementation. The reports from the meetings were tabled to the Council for consideration. The Committee was also able to meet with the Law Society of Kenya's external auditor, for a discussion on the external audit findings.

6. ICT/IP COMMITTEE

The Committee is convened by Ms. Maria Mbeneka, Advocate and Council Member. In the year 2019, the Committee has had the following achievements;

a) Participation in Judiciary e-Filing Process

The Committee through the Bar Bench sub-committee held a meeting with the Judiciary ICT members and advised on several issues to help make the process better. Some of the advisory points were to allow individual filing as well as law firms, involvement of more banks, introduction of e-signatures and e-receipts, ability for the system to accept scanned documents and intensive sensitization to members.

b) Strathmore Workshop on Security and Privacy Rights

The Committee was represented in the above workshop which brought together stakeholders involved in the drafting stage of legislation, such as Kenya Law Reform, Supreme Court of Kenya, Supreme Court of South Africa, LSK, human rights bodies, etc, to review current Kenyan laws against the principles relating to privacy and security in International Covenant on Civil and Political Rights (ICCPR).

Parties reviewed current laws against best practice requirements and standards required by Article 2 (5) and (6) of the Constitution of Kenya 2010, while providing recommendation on types of tools that can be used to guide drafting of laws affecting security and privacy rights, as well as tools that can help facilitate interpretation of such laws by courts.

c) ICT/IP Training Needs Survey

The Committee came up with a survey to collect views from members of what they think would be of interest as training topics in the areas of ICT and IP, with the aim of growing the interest in the ICT/IP field. The feedback from the members were submitted to the CPD Committee which informed the development of the 2020 CPD Calendar. The ICT/IP Committee will partner with the CPD Committee to tailor make specialized trainings with the CPD Committee in line with the feedback from members. The Committee was involved in trainings touching on Law and Technology. The events were organized by the Law Society of Kenya and Lawyers Hub.

d) Legislative Intervention

The ICT/IP Committee has been closely following various Bills and Acts of Parliament that are related to ICT and IP, while offering their views as LSK member representatives. Some of the Bills interrogated are:

- Data Protection Bill

- Draft Registration of Persons Amendment Bill 2019
- Kica Amendment Bill 2019
- The Pharmacy and Poisons Act
- Huduma Namba Draft Bill

Other legal reforms being tracked by the Committee are regulation of loan interest charged by mobile lending platforms like Fuliza, Mshwari, Tala, etc, based on the recommendation of the National Assembly ICT Committee.

e) Consumer Protection

The Committee is in the process of collecting public issues raised over time against telecommunication companies, with the aim of engaging the telecommunication companies directly, through the Communications Authority or through the courts. Issues to be looked into are:

- Telecommunication Services
- Mobile Money: Reversals, Consumer awareness, misinformation, false advertising, failure of service without proper notice
- Opt in/Opt out (CSP's) – Unsolicited messages
- Data bundle issues – Accountability, awareness, breach of contract
- Quality of service
- Mobile portability and interoperability
- Data protection
- Ride Share Services – Refunds (credit) issues, security, estimates vs actual costs, complaint and redress mechanisms, etc

The Committee organized a meeting with Innovations for Poverty Action (IPA) for a Consumer protection research initiative in the month of October 2019.

The Committee has plans to share a concept paper with the LSK Council, for approval of public litigation on consumer protection.

f) Information and Communication Technology/ Intellectual Property Law Handbook

The Committee through its publishing sub-committee has developed a handbook on ICT and IP laws. The handbook is aimed at creating awareness to the LSK membership as well as educate members on various laws touching on technology and intellectual property rights. The handbook's first edition has a list of Laws, Patents

as Assets, Statutes on ICT Law, Expected Development of ICT Law in Kenya, A Snippet into the Licensing Regime in the Telecommunications Sector, among other topical issues. The handbook is currently seeking partnerships to have it published after approval from the Council.

g) Huduma Bill Consultative Forum

The Committee held a consultative forum at Laico Regency Hotel to discuss the Huduma Bill. The forum was well attended by over 150 participants. Subsequently the Committee developed a Memorandum on the Bill which was submitted to the National Assembly.

h) Information Controls: Report Review & Cocktail Forum

The Committee was represented in the forum held by the Strathmore Law School in May 2019. The Committee made submissions on the report aimed at providing for information controls for better policy and technical responses.

i) Collaborations and Partnerships

The Committee has sought collaborations with various stakeholders, to enhance the Society's presence in various discussions relating to ICT/IP legislations. During the year under consideration, the Committee collaborated with the Lawyers Hub, Strathmore University Law School, Judiciary ICT Committee.

ICT/IP Newsletter

As part of creating awareness on the ICT/IP trends, the Committee designed a newsletter. The first edition was sent out to members in May 2019. The Committee plans to publish the newsletter regularly.

j) Annual Conference Participation - 2019

The ICT/IP Committee was represented in the LSK Annual Conference 2019 where members of the Committee made presentations based on the sub-theme of the Conference.

k) Public Interest and Litigation

The Committee through its convener and members was involved several public interest cases:

- ▶ **NIIMS Case:** Constitutional Petition No. 56 Consolidated with 58 And 59 of 2019 Nubian Rights Forum, Kenya National Commission on Human Rights Vs Ag, Cs Interior & 4 Others.

- ▶ **Housing Levy Petition:** Constitutional Petition No. 334 of 2018 Law Society of Kenya Versus The Hon. Attorney General, Speaker National Assembly And Others.
- ▶ **Petition Challenging the delay in appointment of the Judges by the President of the Republic of Kenya:** Constitutional Petition No. 369 of 2019 Adrian Kamotho Vs Attorney General

l) LSK and Google Kenya MOU

The Committee has partnered with Google Kenya and agreed on a Memorandum of Understanding. Through the partnership, the Society will engage in activities aimed at promoting professional standards in the Legal Fraternity through training on digital skills and emerging technology, conducting research and publications in the areas aforementioned and explore other areas of collaboration.

7. LSK TAX AD HOC COMMITTEE

The Committee is convened by Mr. Daniel Ngumi, Advocate. (Partner at Anjarwalla and Khanna Advocates LLP).

The Committee was constituted to enable the Society enforce its mandate of protecting the public in matters incidental Tax under the following Terms of Reference;

1. To assist in reviewing tax related bills directed to LSK for comments and provide timely feedback.
2. To identify matters of public interest within existing tax legislations for litigation.
3. To push for compliance of tax decisions and judgments passed by courts.
4. To undertake to channel pressing needs from the general public and legal practitioners to KRA to facilitate ease of transacting business in respect of services offered and decisions made.
5. To liaise with the Tax Tribunal in publishing its decisions to the public.
6. To identify key areas on tax to be included in the CPD Calendar.

In the year 2019, the Committee undertook the activities below in line with its mandate;

a) CPD Trainings for the Calendar Year 2019:

The Committee made proposals on the tax areas to

be infused in the 2019 CPD calendar and successfully petitioned for more topics on new tax laws to be added, further two representatives from the Committee were able to make presentations during CPD Seminars.

b) Memorandum to the Commissioner General KRA:

The Committee advised the Council on the Memorandum issued to the Commissioner General KRA- over the proposed Tax Procedures (Tax Agents) Regulations 2019. Through the Memorandum, the Committee challenged the constitutionality of the Regulations as they purport to limit the persons who can appear before the Tax Tribunal on Tax related matters, thereby infringing on the citizens right of access to justice. The Committee advised that should the Regulations be implemented, the same would contravene other existing statutes especially, the Tax Procedures Act (No. 29 of 2015) and the Advocates Act, (Chapter 16) by requiring further qualifications over and above the ones required of an advocate admitted in Kenya, to practice law and/or give advice to a client on tax issues. The Committee's position was that the Regulations should not be implemented but discarded forthwith.

The Committee has continued to partner with other stakeholders in the tax field, noteworthy, the Committee held a meeting with ICPAK and discussed pertinent issues on the general move by KRA to legislate persons to practice tax were discussed. Traditionally it has been the purview of the accountants and advocates to offer advice on tax matters in Kenya and the same should remain so.

Petitions in Court:

The Committee continues to advise the Council on matters touching on tax law and tax regime. Specifically, the Committee has been following and advising the Council in the case of **Law Society of Kenya v. the Kenya Revenue Authority & the Honourable Attorney General (Petition No. 39 of 2017)**. In this case the Society challenged the requirement for advance payment of Capital Gains Tax: prior to effecting payment of stamp duty and/or making any transfer. The Committee continues to work with the LSK's Advocate on record, to reinforce the stand of the Society against the blatant contempt of Court Orders by KRA over the High Court decision declaring the requirement to pay CGT before registration of land as unconstitutional. The Committee invites the Membership to forward their concerns/ issues on tax laws or any challenges faced thereof in the course of undertaking the practice of law relating to tax.

8. YOUNG LAWYERS COMMITTEE

The Committee is convened by Ms. Aluso Ingati, Advocate and Council Member and is tasked to among other things;

1. Advise the Council of the Law Society of Kenya on all issues relating to young lawyers in the context of the legal profession in Kenya
2. Promote the participation of young lawyers in the legal profession and in particular, in the affairs of the Law Society of Kenya
3. Promote the concerns of young lawyers within the Law Society of Kenya and in the legal profession

In the Course of the year the Committee, has endeavored to see that young Lawyers develop the necessary skills through various trainings at affordable rates.

The Committee in the year 2019 has achieved the following;

a) KSL- LSK Training on Legal Audit and Compliance Course

Through the Young Lawyers Committee, the Law Society of Kenya has negotiated subsidized rates for young advocates, between the ages of 0-5 years' post-admission experience and those below 35 years of age, to get training from the Kenya School of Law.

Two trainings have so far been undertaken with a third scheduled to take place within the 1st Quarter in the year 2020.

The training equipped young advocates with skills to among others:

- a) Advise their respective organizations on constitutional and legal compliance requirements and prepare them for external compliance audit
- b) Develop terms of Reference for a legal Audit
- c) Prepare legal audit proposals
- d) Write a legal audit report
- e) Evaluate an external legal auditor's report prepare
- f) populate a legal audit matrix
- g) Prepare work plans, audit schedules and data collection instrument's
- h) Acquire 3CPD Points

The feedback received after the course was overwhelming, as the young advocates were able to get the much needed skills.

b) Young Lawyers Seminar on Arbitration and General Alternative Dispute Resolution Mechanisms

In collaboration with the Chartered Institute of Arbitrator, the Committee held a seminar on Arbitration and General Resolution Mechanisms. The following areas were covered;

- Court Annexed Mediation and the Role of the Advocate
- Main Forms of ADR and the Role of the Advocate in Arbitration
- Opportunities for Advocates in ADR Future of ADR in Kenya
- Opportunities and Challenges Within and Beyond

c) MTI Mediation Training in Conjunction with the Young Lawyers Committee

The Committee has continued to partner with the Mediation Training Institute to provide training on conflict resolution skills, to upcoming lawyers. The course has provided relevant guidance to advocates and has even become bread and butter for many young advocates, who have opted to pursue this area of law.

d) Training on Law and Technology in conjunction with African Centre for Advanced Technology

Technology being an emergent and untapped area of practice, the Young Lawyers Committee in conjunction Africa Center for Advanced Technology (ACAT) and the Cybersecurity Institute (CSI), held a seminar on emerging Technologies and the Law. The seminar was aimed at canvassing new technologies, law and the data regulations & law (General Data Protection Regulation & Data Bills).

e) Provision of Equal Opportunities to All Advocates

TENDERS NUMBERS KENHA /2172/2019 FOR REGISTRATION OF LEGAL SERVICES PROVIDERS FROM THE PERIOD ENDING 30TH JUNE 2021 ADVERTISED BY KENYA NATIONAL HIGHWAY AUTHORITY

The Council through the Young Lawyers Committee has for the past years protested the discriminatory manner in which institutions, especially government institutions, have been advertising for tenders and putting a cap on the age requirement hence locking out young advocates.

The Chairperson of the Young Lawyers Committee Ms. Ingati, was instructed by the Council, to represent the

LSK, (enjoined as an interested party) in a Constitutional Petition, challenging the mandatory provision, that managing partners in the law firm bidding, must be of at least fifteen years' post-admission experience in the KeNHA tender for provision of legal services. The matter is still ongoing.

f) East Africa Law Society Conference

The EALS Conference gives young advocates an opportunity to network and interact with participants from the region and enhance their capacity on regional professional development. The 2019 Annual Conference took place in Kigali, Rwanda from the 4th-8th of November 2019. The Law Society of Kenya was able to fully sponsor one Young advocate, to attend. The Committee has resolved to source for more sponsorships and partnerships from both cooperates and organizations, to enable more young lawyers attend.

g) Justice Cup and Obama Cup Tournaments

The Young Lawyers Committee through the Young lawyer's team, took part in the Law Society of Kenya Justice Cup Tournament and emerged among the top five teams. Additionally, the Committee participated in the Obama Cup Tournament. The Committee seeks to participate in future tournaments as a way of bonding amongst Committee members.

Additionally, the Committee is working on the following:

- a. A Revamp of the Young Lawyers Medical Cover: The Committee is in discussions with Madison insurance through Mega Health Insurance Brokers to overhaul the medical cover, by making it more lucrative and affordable to young advocates.
- b. Youth Employment: Following the recent surge of the government employing senior citizens to hold lucrative positions, which continues to amount to discrimination. The Youth lawyers initiative through the office of the President sought to partner with youth from different professions to discuss the issues of unemployment. The Committee is expected to hold a forum to collect views from members before taking any action.
- c. Legal Aid Clinics: The Committee has sought for partnership with various Non-Governmental Organizations to provide legal aid to the public. The Committee has already identified an organization dealing with indigenous communities on matters community land, in Lakipia. The activity shall be undertaken in the year 2020.

- d. Partnership with I&M Bank: I & M has expressed interest to commence partnership with advocates and in particular the young advocates through the Young Lawyers' Committee.
- e. Insolvency Training: The Committee has identified the area that is basically currently undertaken by the accountants. The Committee wishes to build interest of the membership on this area. With the relevant trainings, young advocates can take up the area which is lucrative. The Committee has approached various institutions offering the trainings on this specialized areas.

The Committee appreciates the members continued support.

9. LEGAL EDUCATION (ATP) AD HOC

The Committee was constituted in 2017 with the specific mandate of looking into the high failure rate at the Kenya school of law having been tasked by Hon. Mativo, J Orders **(in Aluvaala & Another v Council of Legal Education & Another [2017])**. This year **2019** under the stewardship of **Ms. Wangeci Esther Chege Advocate**, the Committee undertook in-depth research on the issue by interviewing the following heads of professional bodies, senior advocates and the affected students in order to gain insight on the failure rates in those professions and how complaints relating to exams if any are handled:

1. **Non –Legal Professionals**
 - a. Representative of Kenya Medical, Pharmacy and Dentist Board
 - b. KASNEB Representative
2. **Office of the Director of Public Prosecution:**
3. **Deans of various universities, both public and private universities**
4. **Senior Advocates**
5. **Kenya School of Law**
6. **Council of Legal Education**
7. **Kenya National Examination Council**

Upon concluding the interviews; the Committee in a full day Caucus held at Silver Spring Hotel, successfully compiled the draft Report. It was also agreed that the same be subjected to a final scrutiny, in order to input the comments made by members of the Committee, thereafter the final Report shall be submitted to the Council for dispatch to the relevant authorities. Members are still encouraged to forward their comments to the Committee.

10. PUBLIC INTEREST, LEGAL AID AND HUMAN RIGHTS COMMITTEE

The Committee is convened by Mr. Borniface Akusala Advocate and Council Member. The Committee held five meetings in 2019 and held robust discussions on various thematic areas; Legal Aid, Emerging PIL, Human rights programs and helped in the conceptualization and preparation for the Legal Awareness Week. The last meeting of the year was held on 21st November 2019 and was aimed at planning the goals and activities for the year 2020.

1. The Committee members participated in a number of stakeholder forums, Seminars Workshops and Legal Aid activities

DATE	PARTNER ORGANIZATION	EVENT	COMMITTEE MEMBER	OUTPUT
27 th March 2019	United Nations Office on Drugs and Crime (UNODC) Awareness Against Human Trafficking (HAART) Center for Rights Education and Awareness (CREAW)	Consultative forum on the handling of human trafficking cases with reference to the two cases involving Nepalese citizens, who were victims of trafficking.	Carolene Kituku Esther Marigu	Position paper on the challenges facing the Sector and interventions to be made by the various stakeholders
31 st March 2019	CITAM Church Buruburu National Legal Awareness Program (NALEAP)	Legal Aid Clinic open to congregation and members of the public	Over 20 Advocates mobilized via Notice to Members	Report published in the LSK newsletter in April 2019.
23 rd March 2019	Kajiado County Assembly Eleveza media	Legal Aid Clinic	Sarah Kitui Bemih Kanyonge	
22 nd February 2019	Catholics for Choice (KELIN)	Seminar on Abortion: Values, Perspectives and Realities open dialogue about reproductive health and rights.	Barbara Akinyi	Enriching discussions on the sensitive subject of abortion and reproductive health rights in a safe space.
17 th January 2019	TISA	Stakeholders Validation Forum on Division of Revenue Research Report	Wangari Kagai	Analysis of National interest and conditional grants in Kenya division of revenue process. Policy paper on fiscal transfers in Kenya
20 th February 2019	NEMA	Validation of National Environmental Complaints Committee public interest litigation manual	John Chigiti Irene Kiwool	Validated NEMA PIL Manual

DATE	PARTNER ORGANIZATION	EVENT	COMMITTEE MEMBER	OUTPUT
19 th March 2019	Amnesty International Kenya Cyrus Vance Center for International Justice	Learning circle on Public Interest Litigation based on Kenyan and US experiences	John Chigiti Wangari Kagai Robi Chacha Mercy Mathai Nelly Kiragu Esther Marigu	Forum reported through the LSK Newsletter in April 2019
10 th April 2019	Association of Kenya Insurers	Stakeholders Workshop	Wangari Kagai	Discussions held on key areas of collaboration towards improving services.
16 th April 2019	Coalition on Violence Against Women (COVAW).	Launch of Enhancing Access to Justice for Sexual & Gender Based Violence (SGBV) Victims, With Intellectual Disabilities project	Barbara Akinyi	Explored Partnership opportunities
	Africa Criminal Justice Reform (ACJR), Legal Resources Foundation (LRF) in collaboration with the National Police Service (NPS) and the National Committee on Criminal Justice Reforms (NCCJR)	workshop on democratic policing	Sylvia Kooke Wangari Kagai	Reviewed the current legal requirements as well as practices for arrest without a warrant paying particular attention to practices that are unfair, discriminatory, malicious, and without a clear purpose. Reviewed and discussed alternatives to arrest and detention Developed a way forward that would focus on monitoring and reporting on unlawful practices.
27 th sep 2019	ANPPCAN African Network for the Prevention and Protection against Child Abuse and Neglect.	Forum on Child Trafficking for Law Enforcement Officers in Kenya	Esther Marigu	Identified gaps and challenges and shared opportunities and best practices in order to improve Child Trafficking cases in Kenya Enhanced partnership among agencies in prosecution of child trafficking cases in Kenya.
21 st September 2019	CITAM Buruburu	Legal Aid Clinic	Sarah Kitui Members	Legal Aid to members of the public.

2. **Legal Awareness week**

The Committee held the 2019 Legal Awareness Week dubbed, "eradicating Gender Based Violence; A Focus on Mental Health". The 2019, Legal Awareness week was a departure from the norm, so as to increase in its impact.

The legal clinics were decentralized from Milimani to other court stations being;

- Supreme court
- Makadara Law Courts
- Kibera Law Courts

The Committee prison visits were substituted by public sensitization forums held in various communities, in collaboration with community justice centers. Towards this the Committee partnered with a number of organizations in carrying out the activity.

The stakeholders who took part in the forums were;

- Advocates
- Students from Nairobi, Kenyatta universities
- Kenya School of law
- Community health workers
- Counselors
- Social justice center working group
- KNCHR
- ODPP

The forums took place in Kayole, Mukuru and Mathare. The Committee was tasked with running the program for all of the three venues and in addition, source for refreshments for the members of the public.

The Committee members took turns in assisting the LSK Secretariat man the legal aid stands in the various court stations.

The legal awareness week recorded a higher impact, especially through the community based activities, where there was a high turnout by members of the public.

3. **Development of IEC Material**

In partnership with IDLO the Committee developed reader friendly pamphlets which were distributed to members of the public under the theme, "**Eradicating Gender Based Violence: A Focus on Mental Health.**"

4. **Consultative Breakfast Meeting under PLEAD Project**

The PIL Committee played a key role in organizing the consultative form under the PLEAD Project. The project was aimed at ensuring that the Legal aid and pro bono studies at both the Advocates Training Program (ATP) and law undergraduate level, is insufficiently provided for. Under Part III of the Legal Education Act on Curricula and Modes of Delivery, there is no course that would help inculcate legal aid education. This and other factors form the gaps in capacity that would ensure sufficient provision of legal aid and psychosocial support to the public.

The need for legal aid to be integrated into the legal training syllabus, right from undergraduate legal studies cannot be over emphasized. It has been suggested that legal aid work should be included as a pre-qualification to admission to the Roll of Advocates.

In consultation with the Board of the Kenya School of Law, Advocates' Training Programme lecturers, the Council of Legal Education and other key stakeholders the LSK initiated discussions with a view to finding solutions towards bridging these gaps. The PIL Committee played a great role in the implementation of the activity by running the program and sitting in the panel discussions.

5. **Pro Bono of the Year award.**

Law Society of Kenya in partnership with **Amnesty International Kenya (AI Kenya)**, carried out the 7th Award Ceremony to recognize jurists that have excelled in pro bono, public interest and strategic litigation.

The Committee assisted in implementation of this activity, by running the program and reading citations. Mr. Ramadhan Abubakar, a Committee member, was the winner of the pro bono of the year award.

6. **Court Matters /Recommendations and Legal Opinions**

The Committee deliberated on a number of PIL Matters (via email & whatsapp correspondence). These are tabulated as follows;

CASE NO./CITATION	DESCRIPTION	RECOMMENDATIONS	ACTION TAKEN
PETITIONS 56,58 &59 OF 2010 NUBIAN RIGHTS FORUM, KHRC, KNHCR VS AG CS MINISTRY OF INTERIOR	Establishment of the National Integrated Information Management System Via Amendment to Registrations of Persons Act CAP 107	LSK should participate in the proceedings as interested party. challenge specifically use of biometrics and the registration deadline.	LSK is on record as Interested Party. Interim orders granted. Hearing of petition ongoing
LAW SOCIETY OF KENYA VERSUS THE HON. ATTORNEY GENERAL THE SPEAKER, NATIONAL ASSEMBLY GENERAL & KENYA REVENUE AUTHORITY	The Finance Act was assented to in September of 2018 and On 16th of April 2019 the respondents announced that collection of the levy would begin on 1st May 2019. Employers required to submit payments by 9th May 2019.	LSK should participate in the proceedings as an interested party. Challenge the constitutionality of a number of sections in the Finance Act 2018. Among the provisions challenged were sections 85 and 86 introducing a mandatory employer contribution at the rate on 1.5 % of an employee's monthly basic salary which contribution is to be paid to the National Housing Development fund	LSK on record as an Interested Party Interim orders granted. Hearing of petition ongoing
RASTAFARIAN CASE	Denial of right to education of Ndinda Makeda, 15 years old, at Olympic High School.	LSK should participate in proceedings as interested party	Case determined. LSK was not involved.
LAW SOCIETY OF KENYA vs MINISTRY OF TRANSPORT & INFRASTRUCTURE, THE HON. ATTORNEY GENERAL	The 1 st Respondent <i>vide</i> a press release on 30 th January 2019, suspended the <i>Car-Free Days</i> directive which was scheduled for a test run on 1 st February 2019 because they had not concluded the biometric registration of traders.	Directive by the 1 st Respondent will infringe on several rights and fundamental freedoms including, right to movement, consumer rights, persons with disability and children. LSK to join as interested party.	LSK joined as an interested party. Case ongoing
CONSTITUTIONAL PETITION NO.8 OF 2019 LAW SOCIETY OF KENYA VS ODPP AND 4 OTHERS	Seeking orders of <i>Mandamus and prohibition</i> directed at the Office of the Director of Public Prosecutions, Director of Criminal investigations et al ,for among others, orders that the Respondents to grant cash bail/bond as of right to arrested citizens unless compelling reasons, given in writing to the arrested citizen, demand, be prohibited from capriciously arresting citizens suspected of committing non-cognizable offences on Friday afternoons and/or periods that would deny them the opportunity to take plea within 24 hours	LSK to join as an Interested Party.	Case on going. LSK joined as an interested party

CASE NO./CITATION	DESCRIPTION	RECOMMENDATIONS	ACTION TAKEN
CONSTITUTIONAL PETITION NO.9 OF 2019 LAW SOCIETY OF KENYA VS THE CHIEF PRESIDENT OF THE JUDICIARY AND 4 OTHERS.	Seeking orders of <i>Mandamus and prohibition</i> directed at the Office of the Director of Public Prosecutions, Director of Criminal investigations et al ,for among others, orders that the Respondents to arrest Advocates on account of work or business conducted on behalf of their clients	LSK to join as an Interested Party.	Case ongoing. LSK joined as an Interested Party
PETITION 33 OF 2018 CONSOLIDATED WITH 42 OF 2018 PUBLIC SERVICE COMMISSION V ATTORNEY GENERAL &SPEAKER	Composition of Cabinet vis a vis adherence to the two thirds gender rule	LSK should participate in the proceedings.	LSK not joined as an Interested Party.
CIVIL APPEAL NO. 204 OF 2015 COUNCIL OF GOVERNORS V SENATE	Senate role on oversight of National allocations while County Assemblies allocate local revenue.	LSK to join appeal as an Interested Party, as mandated by sec 4 (d) LSK Act	Case ongoing
IEEFA REPORT and NEMA TRIBUNAL APPEAL 136	Effects of the Lamu Coal Plant to the environment and surrounding communities	LSK to issue a statement on the Lamu coal fired plant to address the Human Rights issues	No action taken
PET 267 OF 2017 CHAMA CHA MAWAKILI V ODPD	Appointment of Bernard Chunga to chair taskforce to establish ODPD inspectorate	Conflict. Council to veto	
ADVISORY V OPINION REF 3 OF 2019	Role of Senate	LSK to join as interested Party.	
RED ALERT TV EXPOSE	Consumer protection issues after expose on news feature of Meat laced with sulphites being retailed in outlets	LSK to issue statement.	Statement issued
ELC PETITION 323 OF 2019 UZALENDO INSTITUTE OF LEADERSHIP AND DEMOCRACY VS CS INTERIOR	Mau evictions	LSK to join as Amicus Curiae	LSK joined as interested party
CHILD WELFARE SOCIETY OF KIENYA V NMG CHILDREN'S CASE NO. 1215 OF 2019	Violation of children's rights housed under CWSK.	LSK to write to investigative authorities to act expediently LSK to write to CWSK demanding for information and clarification on issues	LSK joined as interested party.
KABONOKIA SECT	On declining to be enumerated being a crime of obstruction under the statistics act	LSK defend the members pro bono	No action

CASE NO./CITATION	DESCRIPTION	RECOMMENDATIONS	ACTION TAKEN
PETITION NO.2 OF 2019 STANLEY KARANJA MWANGI V REPUBLIC	Petition 2 of 2019 by the Nakuru prisoners on constitutionality of sec 46 of the Prison Act which denies convicts of robbery with violence remission of sentence	LSK to join as Amicus Curiae	LSK joined as Amicus Curiae
PET 142,143 144 OF 2019 CONSOLIDATED EDGAR KAGONI MATSIGULU V ODPP & AG	Charging of Kagoni Edgar Matsigulu, magistrate by the office of the Director of Prosecutions.	LSK challenge the prosecution of the Magistrate by the ODPP	LSK joined as interested party. Petition heard
BURAT EVICTIONS ISIOLO	Communities issued with eviction notices on land purported to be ancestral.	LSK to act on behalf of the Petitioners and as Interested Parties and as Petitioners.	LSK instructed pro bono advocate to act on behalf of the Petitioners.
PHILIP AKOTH 7 LSK V ST. ANNES PRIMARY AHERO	Jehovah's witness students expelled for failing to attend Catholic mass.	LSK to appeal case by J. Fred Ochieng	Notice of Appeal to be filed within 14 days.
JUSTICE WASAME APPEAL CASE	COA holds that it is not unconstitutional to give president the power to appoint elected members of the JSC	LSK to proceed to Supreme Court to challenge COA ruling.	No action yet.

11. ALTERNATIVE DISPUTE RESOLUTION COMMITTEE

The Alternative Dispute Resolution Committee is convened by **Mr David Njuguna Njoroge** Council Member and Upcountry Representative. The mandate of the Committee is twofold:

- I. To promote the use of ADR mechanisms and the processes in conflict/dispute resolution and in the administration of justice in Kenya.
- II. To raise awareness of the benefits of ADR amongst the members of the Society and the public at large.

The mandate is supported by several objectives aligned to broad thematic areas of focus and functionalities. Thematically, the Committee focuses on practice issues, advocacy, sensitization, ADR institutional policy formulation and the monitoring of policy and legislation in ADR. The functionalities aid in the implementation of targeted projects and activities. These broadly include the facilitation of development programmes, advisory on ADR policy and legislative frameworks, collaborations, capacity building, sensitization and awareness creation. More specifically;

- a. The facilitation of the development of programmes that enhance the use of ADR;
- b. Advisory on policy direction, formulation of guidelines and regulations on the practice of ADR
- c. The collaboration of local and international ADR institutions and practitioners;
- d. The Collaboration of the government and statutory bodies in the promotion of ADR;
- e. The facilitation of capacity building opportunities for members locally and internationally;
- f. The establishment, promotion and the maintenance of standards and ethics in the training and practice of ADR;
- g. The development and maintenance of a data base for ADR practitioners;
- h. The facilitation of seminars, workshops, conferences and such other fora for sharing experiences and developing the use and practice of ADR;
- i. The Committee has had accomplishments and it in the processing of attaining more.

a. **Alternative Dispute Resolution Practice Issues**

The Court Annexed Mediation implemented by the Judiciary is central to the Committee's practice issues focus. The Judiciary is in the process of integrating Mediation in the administration of justice processes thereby, becoming a practice issue for the legal profession. Thus the Committee in its priorities is collaborating with the Court Annexed Mediation(CAM) team of the Judiciary. The CAM hosted the Committee to a luncheon to present an audit of the court annexed mediation rollout process and deliberate on areas of mutual support and partnership. As a result, a standing liaison Committee was established and several joint activities were identified pertaining to sensitization. Consequently, CAM engaged in CPDs and joint sensitizations forums such as door-to-door workshops.

b. **Advocacy for Alternative Dispute Resolution**

In its advocacy, the Committee pursues collaborations with institutions involved in ADR through partnerships. These prospective partnerships focus on promotion, sensitization and advocacy of Alternative Dispute Resolution. The Committee continues with the pursuit of outreach to Universities and is working with the Young Arbiters Society. The YAS is a student association based at the University of Nairobi, School of Law and was founded on the need to introduce Alternative Dispute Resolution, at the University level. The Committee also held discussions with the Kenya National Chamber of Commerce and Industry and the Kenya Alliance of Residential Association, diversely to deliberate on partnering on alternative dispute resolution activities and opportunities.

c. **Promotion and Sensitization of Alternative Dispute Resolution**

The Committee is committed to create awareness and sensitize members of the legal profession on Alternative Dispute Resolution processes through sensitization forums. The Mock Mediation Project was borne out of this objective and is a collaboration between the Law Society of Kenya, the Chartered Institute of Arbitrators, Mediation Training Institute of East Africa and Nairobi Center for International Arbitration. The Committee has finalized the mock mediation video, stylized as a visual tool for sensitization and training. In order to test its efficacy, the Committee has proposed and is in pursuit of an Accredited CPD Seminar, whose emphasis is on Mediation, both in and out of court. The seminar is forecasted to be a joint activity with the Court Annexed

Mediation Team to equip practitioners who do not engage in practice of ADR with knowledge of the actual mediation process, the court annexed process as well as appreciate the role the lawyers in those processes.

d. **Strengthening of the Society Alternative Dispute Resolution Policy and Governance Framework**

The Alternative Dispute Resolution institutional policy formulation process aims to minimize the effect of the continual erosion of use of arbitration, enhance best practice within the institution, and to ensure competitiveness of the Law Society of Kenya as a dispute resolution service provider. The ADR Policy Guidelines were submitted to the membership in line with public participation principles with the Committee finalizing the incorporation of submitted comments. The reviewed Guidelines include proposals of a Remuneration Schedule, for the various classes of ADR practitioners within the Law Society.

e. **Monitoring Policy and Legislative Trends in Alternative Dispute Resolution**

The emerging trend is increasingly that legislations being enacted, make provisions for the use of alternative dispute resolution, as well as in policy processes. The trend necessitates the monitoring of legislation and policy on Alternative Dispute Resolution by the Committee to aid advocacy. The monitoring involves the audit of policy and legislative processes to ensure the basic structure of alternative dispute resolution is maintained. The Committee members participated in the Alternative Dispute Resolution Stakeholders' Forum on the National ADR Policy and Draft Bill held jointly by the Nairobi Center for International Arbitration and the Judiciary on the 24th April 2019. The NCIA jointly with the Judiciary and with support from IDLO, undertook a review of the current ADR legislative framework to identify successes, gaps, challenges and opportunities including clear and concise recommendations and implementation strategies. The review resulted in a baseline assessment report that identifies the necessity for the formulation of a national ADR policy and legislative framework to guide and promote the utilization of alternative dispute resolution. Additionally, the Committee reviewed the proposed Senate Bill on Alternative Dispute Resolution Bill, 2019 and submitted comments.

12. LAW REFORM AND CONSTITUTIONAL IMPLEMENTATION COMMITTEE

The Law Reform, Devolution and Constitutional Implementation Committee is convened by Ms. Herine Kabita a Council Member and General Member Representative. The core mandate of the Committee is to offer technical assistance and advice the Council, on matters law reform, devolution and Constitutional Implementation matters. The Committee reviews and analyzes Acts and Bills that require legislative reform.

a. Joint Engagements on Legislative Policy Reform and Reviews

The broad thematic areas under the Committee are; Law Reform, Devolution, Constitutional Implementation, Policy engagement. Under Law Reform, the Committee has reviewed various pieces of legislation. The Committee jointly reviewed and developed a memorandum on the Government Contracts Bill, 2019 with the Kenya Association of Manufacturers (KAM), Kenya National Chamber of Commerce and Industry (KNCCI) and the Kenya of Private Sector Alliance (KEPSA). The memorandum was submitted to Parliament. The primary focus was the effect of the provisions of the Bill on provisions of legal and business services under government contracts. The draft framework for the review of the Marriages Act 2014 was reviewed by the Committee and a memorandum submitted to the Registrar Marriages. The review of Law Society of Kenya constituted eligibility criteria for the electoral positions, membership, representation and the number of Branches. The Committee reviewed the LSK Act, pursuant to the motions proposed at the 2018 AGM, after which they Committee developed a draft Law Society of Kenya (Amendment) Bill 2018.

The Committee jointly with the Kenya Law Reform Commission, held a Law Reform Forum on the Civil Procedure, Evidence and Interpretation Act on 10th May 2019. The forum provided a platform for members of the Society, to engage directly on matters of law reform, while providing the Kenya Law Reform Commission with direct feedback on reform issues. The membership recommended the Society to undertake such fora in the future.

The Committee facilitated and moderated in conjunction with the Kenya Law Reform Commission, a consultative focus group discussion forum, on the implementation and compliance of the Statutory Instruments Act. The forum resulted in the sensitization of lawyers on the provisions of the Statutory Instruments Act 2013.

b. Public Participation in Consultative Forums

As policy precedes legislation, the Committee generally participates in various consultative forums on policy and legislation development. On 29th May 2019, the Committee participated in the Kenya Institute of Public Policy and Research Analysis (KIPPR) stakeholder workshop on "What Works, What Doesn't, and Why? Assessing the Efficacy of Anti-Corruption Strategies in Kenya.". The workshop's primary objective was to bring together and engage diverse stakeholders to dialogue on the efficacy of anti-corruption strategies in Kenya. The Law Society of Kenya was represented at the Urban Public Dialogue organized by the United Nations Habitat Assembly, at the Chandaria Hall on May 24th 2019, on Innovation for Better Lives. Finally, the Society was also represented at the Stakeholder forum on National Identification and information Management Bill.

c. Project on the Implementation and Compliance of the Statutory Instruments Act

Statutory Instruments (SI) Act, 2013 makes provision for the making, scrutiny, publication and operation of statutory instruments (subsidiary legislation - rules, regulations etc.). The SI Act requires that all government bodies, before subsidiary legislation is made, must: carry out consultations, undertake regulatory impact assessments; submit Regulatory Impact Assessments (RIAs) to parliament for scrutiny and enactment.

The Society through the Law Reform Committee spearheaded a project on the implementation of the Statutory Instruments Act. The project was supported by the Business Advocacy Fund. The aim of the project had been to ensure that regulations are developed pursuant to the proper implementation of the Act, and are 'fit for purpose'. Essentially, if the Statutory Instruments Act, 2013 is implemented as designed, it is expected to result in an improved regulatory environment. Under the project, a research was commissioned to audit the level of compliance and implementation of the Act. A public Policy Position Paper was subsequently developed as an advocacy tool to engage with key bodies responsible for the implementation of the SIA Act. Various consultative forums with key government agencies, were held over the course of October and November 2019 which included: Office of the Attorney General, Kenya Law Reform Commission, National Council for Law Reporting, Parliamentary Committees on Delegated Legislation, and Justice and Legal Affairs, Council of Governors, County Assembly Forum Ministries of Planning, Finance and Treasury and the Directorates of legal services of both houses.; and the Ministry of

Planning. The aim of the forums was to highlight key policy recommendations on the implementation and compliance of the Statutory Instruments Act, 2013. The Forums were jointly facilitated by the Kenya Law Reform Commission and the Kenya Institute of Public Policy and Research analysis.

13. LAND, CONVEYANCING, ENVIRONMENT AND NATURAL RESOURCES

The Committee was chaired by Mr. Peter Mwangi, Advocate. At the beginning of the year, the Committee attended a seminar and gave presentation to the Taskforce on Electronic Land transactions, Registration, Conveyancing and other related activities under the Land Registration Act 2012, the Land Act, 2012, and the Community Land Act, 2016. This seminar was held on the 16th of January 2019 and the Committee was represented by three members, additionally in the taskforce the Committee was represented by two members. The Committee recommended review and analysis of the Land Registration Act; the Land Act; the Kenya Information and Communications Act; the Law of Contract Act; Stamp Duty Act; the Sectional Properties Act; and the Advocates Act, which reveal that there are areas that need to be amended so as to allow a seamless flow of transactions electronically. This is on the premise that the targeted provisions or areas identified for amendment, are in themselves an impediment to conducting transactions electronically. The Regulations were eventually gazetted only to be subsequently annulled by the Parliamentary Committee on Delegated Legislation, for failing to adhere to timelines and failing to undertake Regulatory Impact Assessment.

The Committee second activity also focused more on legislations that affect the practice on Land.

The Committee discussed the Statute Law (Miscellaneous Amendments) Act 2018 that details the amendments to the Land Act on the role of the NLC. This amendment is arguably unconstitutional: it effectively renders the role of NLC superfluous in land administration and negates the constitutional role of this body. The Committee recommended a constitutional reference in the High Court.

The Committee further discussed the Law of Contract (Amendment) Bill 2019, amending section 3 of the Law of Contract Act. The proposed amendment was noted to be fundamental in contracts relating to land and there was need to highlight the concerns and challenges to all the members. It was observed that the window to oppose

the Bill would be during the public participation phase facilitated by the Parliamentary Committee on Justice and Legal Affairs- in which the public would present their objections to the Bill. The said Committee is under the law obligated to report concerns raised during public participation to Parliament before the second reading.

Additionally, the Committee discussed the impending review of Insolvency law – and noted there is opportunity to join technical working Committee as per the letter from the AG.

During the year ended 2019 the Committee noted the following enduring challenges with the practice in Land, Conveyancing, Environment and Natural Resources field:

- Registrars signing leases
- Proposal for registrars to rectify titles on account of fraud, this should be and has always been the preserve of the court
- Challenges with administration and registration processes-
- Valuations and stamp duty
- Challenges with CGT
- Missing records
- Presentation book
- Cadaster

The aforementioned challenges occasioned several meetings with the CS and the PS land consequently prompting a CPD on Ease of doing business on the 11th of September at the Panari Hotel. During the CLE members were able to propose to the team from the government side credible solutions to the persisting challenges.

Lastly the Committee in partnership with UNEP and IBA organized a two days training on Training of Trainers on Environmental Protection in Kenya from 2nd to 4th December 2019 at Enashipai Resort and Spa in Naivasha.

The United Nations Environment Programme (UNEP) and the International Bar Association (IBA) developed a framework curriculum for continuing legal education on environmental protection for legal practitioners. The framework curriculum was endorsed by the Council of the International Bar Association during the 2019 IBA Annual Conference in Seoul, Republic of Korea. The UNEP and the IBA mutually agreed to pilot the framework curriculum in a few National Bar Associations and Law Societies. The Law Society of Kenya (LSK) was identified as one of the pilot countries to test the curriculum, hence the seminar.

14. MEMBER'S SERVICES

The Committee was Chaired by Ms. Harriette Chiggai.

The overall objective of the Committee is to provide support to members through appropriate and responsive members' services towards a transformed legal profession. The Law Society is membership-driven organizations whose aim is to support members to deliver high standards of professional competence through a wide range of useful services. The scope of the Committee covers oversight on behalf of the Council over:

1. Identification of business opportunities at county, national, regional and international level.
2. To create and ensure a conducive business environment suitable for practice.
3. To provide advocacy on members issues by undertaking policy and campaigns.

The Committee planned for the following programmes and activities in order to realize its overall objective.

- a) Development of advice and practice notes
- b) consultancy and networking opportunities.
- c) Development and implementation of members value addition services
- d) Development and implementation and monitor of Member Recruitment Strategy
- e) Development and implementation of Member Retention Strategy
- f) Development , implementation and monitor the CSR Strategy
- g) Development and implementation of Customer Service Strategy
- h) Development and implementation of Service level agreements
- i) Implementation of the Pension scheme
- j) Development and Implementation of the Sexual Harassment policy
- k) Implementation of the Retirement Benefit scheme
- l) Provision of practical advice and assistance to members for any professional or personal problems they face
- m) undertake and commission research and produce reports to provide evidence-based information for our members.

- n) As the representative voice for the legal profession, influence government, parliament and key stakeholders on behalf of the members.
- o) Any other function assigned to it by the Council or emergent from environmental dynamics and naturally falling under its ambit.

The Committee in its meetings has deliberated on the following activities and programmes the year ending December 2019:

1. A Pension Scheme for the entire profession is under development and requires collaboration between the Member services Committee and the ABA.
2. The Committee made recommendation for Phase ii of the Trial Advocacy Training project to proceed and has continued support from ROLE UK. The Committee recommended a report be submitted to the staff and finance over the matter of reimbursement for consideration. Additionally, the Department of Foreign and international development representatives held review meetings with the Society, Kenya School of law and State Law Office.
3. The various departments incorporated their input in the service charter during a half day forum held on Tuesday 4th June 2019. The finalization of the development of the charter requires the commitment of the Council and the Management.
4. The Committee in its pursuit of the concerns highlighted by the members with Disabilities resolved to write letters to key institutions in the implementation affirmative action for persons with disabilities. The institutions include National Council of Persons with disabilities, Judiciary and the Kenya Revenue Authority. The Committee recommended a partnership with the National Gender and Equality Commission as an intervention towards affirmation. The partnership will aim to develop programmes on advocacy; and Partner in activities under an MOU over a probable 3year period.
5. The Committee has reviewed a proposed medical scheme for the legal profession being developed by Megahealth. The medical scheme is fully developed and ready for re-launch. An in-depth report will be presented separately.
6. The Council Work Schedule was developed and has synchronized the manifestoes of the members. A concern the Committee raised was the lack of privacy between lawyers and their clients in prisons and in the court holding cells. The resolution of the

- Committee was to address the provision of a room for conferment with client in the courts directly with the Chief Registrar through a letter.
7. The Committee has taken on the issue of Collaborations and Partnerships of different institutions and recommending engagements. The identified partners so far are the KARA, KNCCI and IEBC. The aim of the partnerships is broadly to create opportunities for members.
 8. The Committee has resolved on its rules of procedure. The Committee resolved the meetings would be held monthly on the 3rd Thursday of every month at 11.00a.m. The Committee also resolved that the sittings would attract sitting allowance payable on a quarterly basis and falling on the middle month. The months identified for payment of sitting allowance were: February 2019, May 2019, August 2019 and November 2019.
 9. The Committee deliberated on concerns, raised by the general membership, over the notice from the courts requiring firms to pay court fees where failure to pay would attract repercussions of removal of court case. Members recommended a letter to be issued to the Chief Registrar requesting for a stay of the deadline set and a subsequent fact finding courtesy call on the week of 4th June, organized between the Council and the Chief Registrar.

15. PRACTICE ETHICS AND STANDARDS COMMITTEE

The Committee is convened by Mr. Kipkoech Ng'etich, council member. The mandate of the Committee is to advise the Council on promotion of excellence in practice, client care and the achievement of full compliance with the rules of good practice in the profession through advice, support and other forms of assistance to advocates and Law firms.

The Committee on Practice and Ethics Standards set out the following terms of references;

1. To develop Advocates Anti-Money Laundering Guidelines
2. To establish an Inspectorate/Compliance Unit
3. To develop Guidelines On Registration of Law Firms, Ltps & And Use of Generic Names by Law Firms, 2019
4. To create awareness and sensitization of the Code of Ethics and Conduct for Advocates
5. To liaise with the Kenya School of Law with a possibility of undertaking trainings and interactive talks on ethics and conduct required of an advocate
6. To conduct trainings and talks on professional ethics and conduct to the newly admitted advocates during the annual induction course
7. To draft back fees practice guidelines
8. To develop social media guidelines
9. To identify and address malpractices being experienced in courts by stakeholders and consumers of justice
10. Improve relations between the Bar and the Bench.

In achieving the set mandate, the Committee has in the Course of the year been able to;

a. Development of the Anti-Money Laundering Guidelines

The Committee with the support of the German Corporation (GIZ) initiated the process of formulating the Anti-Money Laundering Guidelines. In line with the constitutional requirement to hold public participation fora, the Committee held five consultative meetings in Kisumu, Mombasa, Nakuru and two in Nairobi. The deliberations as suggested by members have since been incorporated and a final draft shall be presented to the members at the upcoming AGM for adoption.

b. Development of the Advocates Draft Guidelines on Registration of Law Firms, LLPs & and Use of Generic Names by Law Firms, 2019

The Committee formed a Sub- Committee comprised of Ms. Ann Odhiambo and Ms. Jane Irene Wanjiru, who were tasked with the formulation of the Guidelines. The draft guidelines were circulated to the general membership for their views and input. The Committee is in the process of fine tuning the guidelines following further directions by the council. It is also drafting guidelines on registration of consultants and globalization of law firms.

c. Guidelines of the Establishment of the Inspectorate/ Compliance Units

Following the adoption of the LSK Regulations, 2020, there was need to establish an inspectorate unit.

The Committee drafted an organogram which was submitted for approval of the Council. Upon submission to the Staff and Finance Committee, the formation of

the Compliance Unit and the Practice Unit was approved. Currently, the Committee is awaiting a more defined organogram from the Staff and Budget Committee. Thereafter, proceed with the formulation of the Guidelines to govern the Inspectorate Units.

d. Draft Back Fees Practice Guidelines

The Committee has commenced the process of harmonizing the requirements for payment of back fees. The Guidelines are required to inform the Council on when and how to apportion, or waive back fees. The Guidelines are currently in the drafting stage. The Committee has perused through previous decisions of the Council, to see what informed the decisions reached. The committee has also reviewed guidelines from other jurisdictions. Thereafter, a draft shall be submitted to the Council for approval. The same shall be circulated to members for their input.

e. Notice to Advocates and Law Firms on Payment of Court Fees

A concern was raised that advocates and law firms were receiving notices to show cause why their matters should not be struck out, due to irregular payments at the Judiciary. The Committee took up the matter and raised it with the Council. The Council through the Member Services Committee presented a memorandum to the Chief Registrar outlining this, as a major challenge in the delivery of services and justice. The Chief Registrar of the Judiciary undertook to issue circulars suspending the issuance of the notices pending conclusion of the ongoing investigations by the Directorate of Criminal Investigations.

f. Robing by Advocates

There was a concern raised on the requirements by some lower courts, for advocates to robe while appearing before magistrates. The Council, through the Committee, wrote to the Chief Justice raising the concern. The Judiciary has since issued circulars and the practice has since been abandoned.

g. Sensitization on Understanding and Grounding on the Code of Conduct for Advocates

On the 27th of February 2019, the Committee held a sensitization forum for members on the LSK Code of Conduct at the Hilton Hotel, Nairobi. The Committee through the CPD Committee plans to hold more sensitization lectures in all the Branches.

h. Development of Social Media Guidelines

The Committee has commenced the process of drafting the Social Media Guidelines with an emphasis on the Practice in Commonwealth countries. Thereafter the Committee shall hold a joint meeting with the ICT Committee, for constructive input and insights on the final draft which shall be circulated to members for their consideration and adoption.

The Committee is expected to assist in the process of reviewing several pieces of legislations and Rules;

- The Advocates Act, Cap 16
- The Advocates (Practice) Rules, 1966
- The Advocates Disciplinary Rules 1960

Pursuant to Section 4 of the Law Society of Kenya Act, No. 21 of 2014, the Committee endeavors to ensure that all persons who practice law in Kenya or provide legal services in Kenya meet the standards of learning, professional competence and professional conduct that are appropriate for the legal services they provide.

16. DEVOLUTION COMMITTEE

The Devolution Committee is chaired by **Mr. Eric Nyongesa Wafula**, Council Member. The Committee is mandated to oversee the implementation of section 24 of the Law Society of Kenya Act.

In the year 2019, the Committee undertook the following key activities;

- 1. Development of a Strategy Paper on Devolution System:** The Council through the Committee has engaged the Business Advocacy Fund (BAF) to support the development of a strategic paper for the LSK on the legal and structural entrenchment of devolution system, thereby strengthening and empowerment of Branches. This assignment is currently ongoing.
- 2. Developed a compliance checklist** as to documents to be supplied and systems to be put in place to inform the disbursement of funds to the Branches.
- 3. Developed a budgetary template** to assist Branches to maintain practical, progressive and sustainable expenditure. In addition, the Committee has developed an accountability checklist for basic book keeping records to be maintained by Branches in the application of their resources. In order to enhance accountability, the internal auditor undertake an

audit of the Branch accounts before the next release of the devolution fund. For enhanced transparency and accountability at the branch level the Committee has proposed the following:

- Draft Branch Budget Template
- Branch Accountability Checklist
- Draft Guide to Branch Council Allowance

4. CPD Points to Branches: The Committee recommended to the Council of the law society of Kenya, that one CPD point be devolved to the Branches. The Council has since adopted the recommendation and each Branch is entitled to one CPD point.

5. The Committee approved the Disbursement of the 2019 Equalization Funds. The equalization fund is established for the purposes of supporting Branches which are less established to bring them to the level generally enjoyed by the rest of the Branches. In the year 2019, all the Branches were given an opportunity to make applications by way of proposals for the award of the Equalization Fund. The Committee considered the applications and proceeded to award equalization fund based on the proposals submitted. The equalization fund was awarded to

- **West Kenya Branch** who had requested for of Kshs. 103,000/- for the purchase of office computers and the amount was approved by the Committee.
- **North Rift Branch** had requested for Kshs. 5,419,440/- to purchase office space. The committee approved the sum of Kshs. 847,844/-
- **South Eastern Branch** had requested for Kshs. 4,000,000/- towards the purchase of office land. The committee approved the sum of Kshs. 613,956/-

6. Operational Secretariats: In 2019, several Branches operationalized their Secretariats; Coast Branch, South Eastern Branch, North Rift Branch and West Kenya Branch. To ensure proper functionality, the Devolution Committee undertook to hold a capacity building forum, for all staff members at the Branch Level.

7. Devolution committee meeting with Branch Chairs: In the spirit of strengthening the branches the committee met with all the branch chairs 25th October 2019 and also to understand the challenges the branches are facing.

17. DEVELOPMENT AND INVESTMENT COMMITTEE

The Committee was constituted in July 2018 and inaugurated by the LSK President on 19th July, 2018 and proceeded to elect **Counsel Stephen Mallowah**, as its Chairperson and **Counsel Sally Mukabana** as the Deputy Chairperson. The Committee has made tremendous progress towards providing proposal on the development of LSK Offices at Gitanga Road which is anchored in the 2017-2018 LSK strategic plan and optimization of the South C plot. The Committee has also held a meeting with the South C Project Consultants, in an effort to engage them on the pending bills and how the same can be resolved. Members of the Committee also deliberated and agreed to engage an independent lawyer, to provide an opinion on the pending Bills to the Consultants engaged to undertake various assignments under the South C I.A.C Project. The Committee has advised the Council on the need to conduct a feasibility study the Gitanga road property to inform the members on the viability of Construction of LSK offices. The Committee advised the Council on the motion to be presented to members on the development of the Law Society of Kenya Secretariat Block on Gitanga Road and optimization of the South C plot.

18. BUDGET & FINANCE COMMITTEE

The Committee comprises of;

1. Roseline Odede (Convenor)
2. Anthony Ouma (Member)
3. Justice Gatuyu (member)
4. Henry Ongicho (member)
5. Jemimah Mugo (member)
6. Herine Kabita (Council member)
7. Maria Mbeneka Council member)
8. Owen Kibunja (Secretariat)

The Committee's core mandates are;

1. Budget mandate:

The Committee to consider;

- a. Annual capital, income and expenditure budgets, together with proposals and variations thereof,
- b. Review financial performance against budget and plans and thereon make appropriate recommendations to the Council

2. Finance mandate:

- a. Consider, advice and make appropriate recommendations to the Council on all aspects of financial strategy, including financial regulations and procedures;
- b. Consider tender reviews, proposals for major capital expenditure, development projects,
- c. Give approval within agreed parameters established by the Council or financial regulations;

3. Investment mandate entails;

- a. To oversight the developing and implementing the investment policy,
- b. Coordinates any updates to the Investment Policy, including soliciting input from the designated tax and legal advisers to the society,
- c. Identify a risk management structure applicable to investing
- d. monitoring investment risks and reporting them

In the year under review (2019), the Committee deliberated and addressed the following issues;

- a. Reviewed the proposed LSK Budget for 2019 and made recommendations on harmonization of the budget to the society expected revenue for the year. This was to ensure that there is a healthy balance between the operational and capital commitments with the expected resources in view of promoting the going concern of the society.
- b. Recommended that Financial reporting summaries to be part of documents reviewed during quarterly Committee meetings. This will facilitate quarterly budgetary performance and review for effective financial management oversight.
- c. Oversaw the developed of a Finance and Accounting Policy Manual: The committee ensured that the process was participatory. To this end, the committee held a number of intensive consultative meetings with the consultant. This culminated to a detailed presentation of the policy document to the Council. The Council interrogated the policy document and made its recommendations that were integrated to the draft. The Policy Manual was approved by the Council as part of the Council's oversight role in ensuring effective and Accountable Financial and Accounting systems.

The purpose of the Finance and Accounting Policy Manual is to provide staff with guidance with regard to financial management and accounting procedures, and reports that should be uniform throughout the Society. It also seeks to inform the entire LSK family of the policies to adhere to in all operations that involve finances in the Society.

- d. The Committee offered guidance to the Council on major significant expenses such as the payment of non-practicing allowance for in house counsel employees of the Law Society of Kenya; staff bonuses, short term investments, asset tagging among others.

19. JOINT COMMITTEE ON CONTINUING PROFESSIONAL DEVELOPMENT (CPD)

The Joint Committee on Continuing Professional Development was chaired by **Ms. Harriette Chiggai**, LSK Vice President. The Committee members include: Ms. Maria Mbeneka (LSK Council Member), Mr. Eric Nyongesa (LSK Council Member), Mr. Rautta Athiambo (Chairman, CCPD), Mr. Henry Ongicho (Vice Chairman, CCPD), Mr. Julius Kitheka (Member, CCPD), Mr. Ambrose Weda (Member CCPD), Mr. Charles Kanjama (Chairman, Nairobi Branch), Mr. Justus Mutia (Chairman, South Eastern Branch) and Ms. Linda Kiome (Chairperson, Mt. Kenya Branch). Mr. Harold Ayodo (LSK Programme Officer (CPD) as the Secretary.

The Law Society of Kenya (LSK) Council formed the Committee following a Resolution passed at the Annual General Meeting (AGM) held at the Intercontinental Hotel in Nairobi on Saturday 30th March 2019 to consider the involvement of Branches in Continuing Professional Development (CPD) activities.

The Committee held its inaugural Meeting on Monday 2nd December 2019 at Hilton Hotel in Nairobi with the following Agenda:

1. *Constitution of the Meeting*
2. *Apologies*
3. *Role of Branches in Continuing Professional Development (CPD) Seminars*
4. *CPD Points for Branch Activities*
5. *Any Other Business (AOB)*

The Committee deliberated on the Agenda and passed the following Resolutions:

- ▶ Branch Chairs will be allocated time to deliver welcome remarks before the start of CPD Seminars, this will allow the Branch representatives to address members and give a brief update of ongoing activities.
- ▶ In order to support members and encourage them to take interest in activities organized by the Branch; Branches will be awarded one CPD point for their Annual General Meetings (AGMs). It was also resolved that the registration of the said AGM will be undertaken by staff from the LSK CPD Department who will use the biometric registration kits.

20. BUILDING BRIDGES INITIATIVE AD HOC COMMITTEE

His Excellency President Uhuru Kenyatta, via gazette notice No. 5154 dated 24th May 2018, established a taskforce known as the Building Bridges to the Unity Advisory Taskforce whose terms of reference are to:

1. Evaluate the national challenges outlined in the joint communiqué of Building Bridges to a new Kenyan nation and having done so make practicable recommendations and reform proposals that build lasting unity;
2. Outline the policy, administrative reform proposals, and implementation modalities for each identified challenge area; and
3. Conduct consultations with citizens, the faith-based sector, cultural leaders, the private sector and experts at both the county and national levels.

Law Society of Kenya within the ambit of the powers conferred by Section 4 and 5 of the Law Society of Kenya Act, 2014 constituted an Ad Hoc Committee Chaired by Ms. Roseline Odede and constituted as tabulated below:

1. Roseline Odede, Advocate of the High Court and Council Member LSK- Chairperson
2. Harriette Chiggai, Advocate of the High Court and Vice President LSK
3. Carolyne Kamende, Advocate of the High Court and LSK Council Member
4. Kabita, Herine Akoth, Advocate of the High Court and LSK Council Member
5. Ngetich, Bernhard Kipkoeh, Advocate of the High Court- Council Member
6. Mercy K. Wambua, Secretary to LSK and CEO
7. Kuria Gibson Kamau, Senior Counsel
8. Mogeni Kelvin Tom, Advocate of the High Court

9. Oloo Collins Odote, Advocate of the High Court
10. Justus Munyiya Maithya, Advocate of the High Court
11. Christopher Gitari, Advocate of the High Court
12. Wangari Kagai, Advocate of the High Court-Secretariat

The Committee's mandate was to develop a memorandum to be presented to the Building Bridges Initiative to Unity Advisory Taskforce on behalf of the Society. It was specifically to be authored within the parameters within the areas 9-point agenda as enumerated by the national unity advisory taskforce. The society's adherence to this call was anchored in section 4(e) LSK Act "to protect and assist the public in Kenya in all matters touching, ancillary or incidental to the law. This engagement was also in recognition of the role that the legal fraternity has and continues to play in shaping critical legal and governance developments in the country and in cognizance of the fact that at the end of the validation forums, the BBI Taskforce shall make proposals that will possibly lead to changes to the Constitution. With its history of engagement in Constitutional reforms, LSK was duty bound to engage the BBI process. The Constitution recognises the importance of public participation as an avenue of strengthening and legitimizing state decisions, actions and development interventions. Public participation is, consequently, an important element of good governance and the foundation for a true democracy. Needless to say, that the Law Society of Kenya has over 16, 000 members who are direct stakeholders as they constantly interact with the Constitution and whose input will enrich the final report.

In compiling this memorandum, the Committee held several sittings, dispatched a call for views by Members, collated, deliberated on and incorporated some of the recommendations into the memorandum. The members of the Ad hoc Committee thereafter presented the preliminary report and orally submitted on the recommendations arrived at to the unity advisory taskforce on the 7th of August 2019 at the Kenyatta International Convention Center. The preliminary memorandum was also presented to Members at the 2019 Annual LSK Conference for further views, and revised accordingly. The Ad hoc BBI Committee in collaboration with the Continuous Professional Development Committee additionally held a one-day consultative forum on the BBI report so as to get members views before taking a final position on the memorandum. The final report was submitted to the unity advisory task force and the process of validation by the unity taskforce was recently concluded.

A. PROCEDURAL CONCERNS

1) Need for increased focus on implementation

The Constitution of Kenya 2010 is a progressive document that sets out an elaborate framework for reform of the Kenyan state and entrenching a constitutional government through institutional and legal reforms. While there are some provisions that need a second look, many of the problems facing the country arise from our refusal to apply the Constitution faithfully.

2) Lack of a Referendum Law

There is currently no legal framework on the details of how to conduct a referendum as under the Constitution. No referendum can be conducted without this law as the

Independent Electoral Boundaries Commission (IEBC) has few and insufficient guidelines to manage a referendum.

3) Seeking to Solve Moral Issues Using legal Lens It is important to note that the 9-point agenda identify the ills afflicting the Kenyan society. Not all those ills though can be solved through legal reforms and legal enactments. A proper diagnosis of the causes of each problem is necessary to avoid legislating on every problem. BBI should avoid the convenient calls for seeing the law as both the problem and solution for all societal problems.

4) State of the Independent and Electoral Boundaries Commission

The IEBC Act provides for a chairperson and six other members making a total of seven with quorum set at five members. In 2017, following the nullification of the first Presidential Election, Parliament made amendments to the IEBC Act changing quorum to at least half of the existing members with the minimum number to constitute quorum being three members. The constitutionality and stability of IEBC is critical to the referendum process and needs to be addressed well before a plebiscite can take place.

B: SUBSTANTIVE ISSUES

1) Chapter 11 - Devolution

a) Disputes arising from revenue allocation

The process of revenue allocation has, however, been dogged by several challenges including irregular or delayed disbursement of devolved funds from the national Exchequer to the counties.

b) On Duplicity and Overlapping Functions between the National Government and the County Governments

Another area that has compromised the implementation of functional clarity and delivery is interdependent and overlapping functions between the two levels of governments.

c) The Health Sector

The health sector was one of the most affected service sectors by devolution under the Constitution. Schedule Four of the Constitution provides that the national government has functions relating to national referral health facilities and health policy, while county health services were devolved to county governments including county health facilities and pharmacies and promotion of primary healthcare.

2) Chapter 6 - Leadership and Integrity

Chapter 6 is predicated upon the assumption that state officers are the nerve centre of the Republic and carry the highest level of responsibility in the management of state affairs and therefore, their conduct should be beyond reproach. If the spirit of Chapter 6 is to be fully realized, the leadership and integrity provisions require reference to sanctions for those who fail to abide. This realisation arises from the experience of implementation of Chapter Six where Parliament has in implementing the Chapter, watered down the provisions leading to the provisions not delivering the intended consequences.

3) Representation

a) Independent Electoral and Boundaries Commission

The IEBC is responsible for conducting or supervising referenda and elections of any elective body or office established by the Constitution, and any other elections as prescribed by law. One of the issues that have plagued the IEBC is the overlapping of duties between the Secretariat and the Commissioners. There is also the question of how IEBC Commission should be constituted, the debate about full time versus part commissioners and the challenge of the current vacancy in the offices of commissioners

b) Roles of National Assembly and Senate

The relationship between the Senate and National Assembly has and continues to be contested since the adoption of the Constitution.

4) Judiciary

a) The Judicial Service Commission (JSC)

There is need for review of the Judicial Service Commission given the occurrence of petitions that are being filed against sitting judges who still sit in the Judicial Service Commission. A peer-review mechanism should be established in order to protect the integrity of the Commission.

b) Supreme Court

The mandate of the Supreme Court is captured in Article 163 of the Constitution.

Concerns have however arisen with the expansion of the Supreme Court's appellate

Jurisdiction set out in Article 163(3) b).

5) National ethos.

Article 10 (2) of the Constitution provides for National Values and Principles of governance such as inclusiveness, equality, human rights and non-discrimination. While this has been envisaged by the above provisions it has not been realized to a greater degree formally.

6) Access to justice

There exists a gap in the current legislative and institutional frameworks on the right

to access to justice by indigent accused persons in Kenya and therefore there is need to have this gap addressed through policy and legislative reforms.

21. COMMITTEE ON LAWYER-POLICE RELATIONS

Concerned that the relations between Advocates and Police have become progressively acrimonious following several incidents of arbitrary arrests against Advocates especially on Fridays, as well as extrajudicial killings occurring against advocates in the course of duty, the Law Society of Kenya at both Branch and national level, sought to engage with the Office of the Inspector General of Police and that of the Directorate of Criminal Investigations (DCI). This was with the view to infuse some synergy between the two by developing guidelines on police advocate engagement. These three institutions are key stakeholders with the role to support administrative and institutional frameworks that should

contribute to creating and consolidating a safe and enabling environment in which both legal practitioners and police are supported and empowered to carry out their professional duties and activities. In summary, the three parameters that the LSK seeks to engage the office of the IG on with a view to establishing sustainable solutions are;

1. Police Advocate relationship
2. Police welfare
3. Friday Arrests.

The joint Committee comprises of members of the Council of the LSK, Nairobi Branch officials and representatives from all the agencies under the National Police service. Fruitful deliberations have been held so far at both National and Branch levels. The draft has been presented to the Inspector General with whom a series of meetings have been held, and the consultations are still in progress.

22. ADVOCATES REMUNERATION ORDER COMMITTEE

The Committee is convened by Mr. Benjamin Musau, Advocate and the Committee's mandate is to to amend the **Advocates (Remuneration) Order, 2014**, the **Court of Appeal Rules, 2010** and the **Supreme Court Rules, 2012** in matters pertaining to taxation and costs.

The Committee constituting of 11 members drawn from all practice areas, held its first sitting on 28th March, 2019, where the mandate and Modus Operandi was agreed upon by members. The Committee agreed to task different members with developing concept papers/drafts on why the ARO should be amended and particularly in the following areas;

1. Sales and Purchases of Land.
2. Debentures, Mortgages and Charges on Land.
3. Leases, Agreements and Tenancies.
4. Trademarks, Trade Secrets, Intellectual Property, Patents and Copyrights.
5. Schedule V, Formation, Registration and Operation of Companies
6. High Court Party & Party Costs.
7. Subordinate Courts.
8. Tribunals.
9. Court of Appeal Rules, Supreme Court Rules.
10. ADR.

The Committee has held five more meetings since then in the succeeding months and has also received comments from some members on the ARO, pursuant to a Notice sent by the Law Society on 12th March, 2019. A subsequent reminder was sent out to members on 16th December, 2019. The Committee also received a first draft Concept Paper from the Kenya Law Reform Commission through the Commission Chair, who is also a member of the Committee, as well as multiple submissions on the Schedules from the members as per the apportionment.

Additionally, the Committee agreed on developing a Roadmap that will serve as a guide on the process of reviewing the ARO. The Roadmap includes a proposal that the members submit their respective Concept Papers which will be then deliberated upon before being included in the first draft developed by the Kenya Law Reform Commission. Thereafter, the Committee also proposed to have sessions with members of the public as well as practitioners through the Secretariat to collect their views on the operation of the ARO. This is still under consideration.

The Committee has received the following papers from its members –

- a) Concept Paper from Coulson Harney – recommending making the ARO voluntary as well as comments on Court of Appeal Rules and Supreme Court Rules.
- b) Schedule 1
- c) Schedules 4 and 12 and introducing Schedule 13 on IP
- d) Schedule 1, part II
- e) Proposals on Schedules 3 and 5
- f) Compliance with Statutory Instruments Act
- g) Draft on the Competition Law by Kenya Law Reform Commission

Planned Activities;

1. Development of first Draft

The Committee is in the latter stages of collating the submissions from its members. Once this is done the various concept papers will be reviewed and incorporated into a first draft to be done by the Law Reform Commission.

2. Retreat

The Committee plans to have a retreat to review all the

submitted papers and to finalize the first draft between 30th January 2020 – 1st February, 2020.

3. Seminars

The Committee, through the Council, intends to hold public seminars/forums to collect views from members and consumers of legal services on the draft. Branch chairs will be tasked with circulating the draft and collecting views from members in their regions before submitting a report to the Committee. A stakeholder engagement forum has also been included in the Roadmap to deliberate on the amended draft before a further review and submission to the Chief Justice for approval and onward transmission to Parliament.

4. Amending the entire ARO

The Kenya Law Reform Commission was tasked with taking lead in the process of making proposals aimed at amending the entire Order, not just the Schedules, towards making it more modern and reflective of the current times. These changes however were to be strictly superficial/cosmetic e.g on terms that refers to Kenya as a 'colony'. The Commission also submitted a report on the mandate of the Committee vis-à-vis the Competition Authority and the effect of the Competition Act as well as the Amendment Bill before Parliament. The Committee considered and adopted the report as it continues with the process.

23. STANDING COMMITTEE ON JUDICIAL APPOINTMENTS (SCOJA)

The Law Society of Kenya Standing Committee on Judicial Appointments (SCOJA) was formed in 2016 and mandated to secure the active involvement of its membership in the judicial appointment process in Kenya.

The Committee is currently chaired by Fred Ojiambo, SC and consists of:

- i. The President of the Law Society of Kenya
- ii. The Vice President of the Law Society of Kenya
- iii. Chairperson of Kenya National Commission for Human Rights
- iv. Chairperson of International Commission of Jurists
- v. Chairperson of the Federation of Kenya Women Lawyers
- vi. Chairperson of Kituo cha Sheria

- vii. A Representative of Deans of Faculty, Public University Law Schools
- viii. A Representative of Deans of Faculty, Private University Law Schools
- ix. A Representative of the Young Lawyers Committee
- x. A Representative of the In-house Counsel Committee
- xi. A Representative of Branch Chairs Caucus

In line with its role, the Committee meets to; receive views from LSK membership on candidates/applicants for judicial appointments, prepare impartial evaluations of each candidate's professional experience, rate candidates on suitability and submit their recommendations to the Council of the Law Society. The Council subsequently advises the Judicial Service Commission on the appointments of Judicial Officers.

In the year 2019, the Law Society of Kenya continued to engage the Judiciary on various practice issues both through the National Office and through the Branches and the Committee. Consequently, the Council forwarded a memorandum containing views from members on the applicants shortlisted for the position of judges of Environment and Land Court, and judges of the Employment and Labour Relations Court, aimed at assisting the Judicial Service Commission while undertaking the appointments.

24. LSK CRIMINAL JUSTICE COMMITTEE

The Law Society of Kenya Criminal Justice Committee was formed in 2015 and reconstituted in August 2019 with the mandate to advise the Council on matters inter alia; developments in substantive and procedural criminal law, identify ways and means of improving the quality of, fairness and effectiveness of criminal justice system nationally to inform various reforms touching on Advocates in the sector and anti-corruption laws, compliance practices, enforcement trends and asset recovery issues.

The Committee is currently convened by Mr. Wilfred Ngunjiri Nderitu, deputized by Ms. Sylvia Yiantet Kooke and has a membership of forty advocates having an interest in Criminal Justice both in litigation, government and non-governmental organizations.

In line with its role, representatives of the Committee recently met with the CEO and the President of the Law

Society of Kenya whence they have expressed a desire to; launch a periodical Committee E-magazine, create awareness on the emerging trends in Criminal Justice, and introduce specialized afternoon CPD seminars on Criminal Justice.

Further, the Committee will give its input to the "**Advocate - Police Guidelines**" to be presented to the Inspector of Police acting as a framework of advocate-police interactions which have in the recent past raised brows and in addition to mitigate on advocate's protection in the course of duty.

Members of the Committee have also taken up Pro-bono Public Interest matters such as **PMK versus Inspector General of Police, The DCI & the Attorney General, Constitution Petition No. 10 of 2018 in Machakos** handled by Ms. Irene Ndegwa and in which the court ruled that Criminal Records of children should not be archived by the Directorate of Criminal Investigations.

In the coming year, the Committee plans to conduct sensitization programmes and continue to push for reforms in the criminal justice sector such as those on active case management, delayed trials and access to justice for persons of unsound mind and psychiatric needs.

25. AD HOC COMMITTEE ON WORK INJURY BENEFITS ACT (WIBA)

Following a brainstorming session on the Supreme Court judgment in Case No. 4 of 2019 – LSK vs Attorney General and Central Organisation of Trade Union held at Panari Hotel on 18th December, 2019 it was resolved that an Ad-Hoc Committee on WIBA be established. The Committee will be tasked with the following:

- i) Analysing the Supreme Court Judgment and its import on access to justice and administration of justice.
- ii) Reviewing the Work Injury Benefits Act 2007 and the framework of handling WIBA cases before the Director of Occupational and Safety Services at the Ministry of Labour.
- iii) Collecting data from members and relevant stakeholders on the cases already filed before the Director of Occupational Safety and Health Services and the progress made in handling the cases.

- iv) Convening necessary meetings with relevant stakeholders with a view to finding a solution to the challenges facing the implementation of WIBA Act.

The Committee constituting of 8 members has since held two meetings in January and February and has developed a roadmap to guide its activities. The Committee conducted a review of the WIBA Act and received two briefs from its members on the same. The Committee also resolved to undertake some activities including sourcing for data from members on WIBA matters through a Questionnaire that was sent via a Notice by the Secretariat. This data will be used to inform on what course of action to take and what proposals to include in preparation of a draft Memorandum. The Committee also intends to hold a stakeholder engagement forum with identified stakeholders in the WIBA sector to discuss whatever recommendations will be contained in the Memorandum.

26. LAW SOCIETY OF KENYA REGULATIONS COMMITTEE

The Regulations Committee is Chaired by Ms. Jane Masai, Council Member, the Committee was mandated with the responsibility of developing the Law Society of Kenya (General) Regulations under Section 41 of the Law Society of Kenya Act, 2014. In the year 2019, the Committee was involved in the process of finalizing the development of the General Regulations this is after

the Special General Meeting held in the year 2018. The Special General Meeting adopted the draft Regulations with amendments. The Committee subsequently was engaged in the process of reviewing the draft Regulations in line with the proposed amendments. Subsequently, the Committee and the Council held a consultative meeting with the Parliament Delegated Legislation Committee during which meeting the Committee approved the Regulations with among other recommendations that it was prudent for the Council to notify the Office of the Attorney General to finalize the drafting details before publication to conform to section 13(h) of the Statutory Instruments Act, 2013. The Draft Regulations were forwarded to office of the Attorney General together with the necessary reports for publication. We are pleased to announce that the Office of the Attorney General subsequently published the Regulations pursuant to Legal Notice No. 32 on the 19th March 2020. In line with the Statutory Instruments Act, the Law Society of Kenya has forwarded the Regulations to the Committee on delegated legislation for adoption by the National Assembly.

Law Society of Kenya Branch Reports

1. NORTH RIFT BRANCH

The Executive Committee elected into office in October 2017 for a two year term comprises the following:-

1. **Zephania K. Yego** Chairman
2. **Aggrey Karan** Vice Chairman (Representing Kitale Chapter)
3. **Aseso Omollo** Secretary General
4. **Tecla Tum** Treasurer
5. **Michael Wabomba** Assistant Secretary General

Activities of the Branch

Meetings with the Chief Justice

Under the aegis of the Branch Chairpersons Forum, the Chairman and fellow Branch Chairpersons had a meeting with the Honourable Chief Justice in his office on 15th February 2019 to deliberate on several issues and concerns related to the administration of justice. During the meeting, the Chief Justice promised to prioritize construction of a modern court building in Eldoret. A follow up meeting was held on 26th October 2019 in the Chief Justice's Boardroom where the Chief Justice promised to address a range of concerns including the drastic budget cuts to the Judiciary and delayed appointment of judges nominated by the Judicial Service Commission.

Launch of Court Annexed Mediation

On 27th February 2019 Court Annexed Mediation was launched in Eldoret. The highly colourful event was graced by Hon. Justice Fred Ochieng, Chairman of the Taskforce on Mediation and H. E. Jackson Mandago, Governor, Uasin Gishu County. The project is expected to assist reduce backlog of cases and enhance expedition disposal of matters while enhancing access to justice. The Branch promised to support the process and further offered its secretariat offices as a mediation suite. Most of the Branch members have also trained as Mediators so as to take the lead in resolving disputes through mediation.

Prayer & Thanks Giving Service

On 29th July 2019 the Branch, in conjunction with the judiciary held on joint prayer and Thanks-giving Service in Eldoret High Court. The service gave the Branch

members an opportunity to worship God through singing, thanksgiving prayer and reflecting on His word.

Farewell Party For Outgoing Judges

After the service the Branch members and the Judicial Officers and Judicial Staff held a farewell party for Judge Anthony Ombwayo who was transferred to Kisumu and the Presiding Judge, Judge Hellen Omondi who has been nominated for elevation to the Court of Appeal.

Special General Meeting

On 3rd October 2019 the Branch held its Special General Meeting in Hotel Sirikwa. The agenda of the meeting was the acquisition of an office suite for the Branch Secretariat. By a unanimous decision, the Branch members came up with a resolution approving the planned acquisition of an office suite on 19th Floor in the prestigious Eldoret Daima Towers for establishment of the Branch Secretariat.

Inter Branches Sports Tournament

On 25th May 2019 the Branch members travelled to Nakuru to participate in an interbranch sports tournament against Rift Valley Branch. The sports tournament was held in Nakuru Athletics Club and saw the two teams engage in several games including football, darts, chess, scrabble and tug of war. North Rift Branch yet again proved to be the city of champions by edging the Rift Valley Branch to emerge winners.

Justice Cup

The Branch participated in the 2019 edition of Justice Cup held in Parklands Nairobi. The Branch presented a formidable team which contributed to the success of the tournament.

Legal Awareness Week - 2019

The Branch duly organized and observed the 2019 Law Society of Kenya Legal Awareness Week between 28th October 2019 to 1st November 2019. The theme of the week was "**Eradicating Gender Based Violence - A focus on mental health**". During the said week the Branch set up legal clinics in Eldoret High Court, Kapsabet Law Courts, Kitale Law Courts and Kapenguria Law Courts whereby members offered free legal advice to the public.

Purchase of Office Suite

The Branch has purchased an office suite and set up its secretariat in the prestigious Eldoret Daima Towers from Moi University Pension Scheme. The prestigious office was officially launched on **29th November 2019** by the President of the Law Society of Kenya Mr. Allen Gichuhi. The office suite is spacious as it measures 620 square feet and has among other features a reception area, boardroom and office on open plan as well as a kitchen and a spacious corridor. For being the first Branch to acquire and own an office suite the Branch was rewarded with a cheque for **Kshs. 800,000/=** from the Equalization Fund to finance completion of the purchase consideration. The office suite is acquired by way of sectional title and purchase consideration has been fully paid.

2. MOUNT KENYA BRANCH

Introduction

The current Council comprises of:

1. Ms. Linda Kiome - Chairlady
2. Mr. Ramadhan Abubakar - Vice Chairperson
3. Mr. Rose Muthike - Secretary
4. Mr. Duncan Okwaro - Vice Secretary
5. Ms. Gladys Magara - Treasurer
6. Mr. Kaumba Kioga - Meru Representative
7. Mr. William Onwong'a - Nanyuki representative
8. Mr. Ngigi Gichoya - Kerugoya Representative
9. Ms. Janet Mwangi - Murang'a Representative
10. Ms. Sharon Muriuki - Embu Representative
11. Mr. Benson Kijaru - Chuka Representative
12. Mr. Hoses Mutembei - Maua Representative
13. Ms. Rosemary Wanjiru - Nyeri Representative
14. Mr. David N. Njoroge - Ex-Official

CPD-Continuing Professional Development

Mt Kenya region now has enough CPD sessions covering at least all chapters and members can have access without much difficulties.

The CPD committee while preparing its calendar for the year 2019 had asked members to forward relevant topics they would have liked covered.

We engaged members to send the topics for consideration and inclusion in the new calendar and we are glad to report that their views were considered.

The region got an additional CPD which was the first to be held in the region in the year, 2019. It was held in Roswam hotel in Kerugoya and the attendance was great.

Further, the Mt. Kenya leadership is happy to inform members that onwards, there shall be a resident advocate as a guest speaker during CPD seminars. This began when we had our very first member give a lecture during the last CPD event in Meru chapter and it our hope that in future members shall open up and fully participate in such opportunities for self-growth.

In the near future we hope to be allocated more CPD seminars within and across the region.

Justice Cup Tournament 2019

The region participated in the justice cup tournament in 2019.

Our team Mt. Kenya F.C under the leadership of the team manager Benson Kijaru and captain Calvin Otieno played exemplary and exceptionally well and was awarded the trophy for second best team in the finals.

Mark Ashabba advocate, took home the best goal keepers' medal. The team has been doing very well in the last couple of years with each annual participation.

Legal Awareness Week-2019

The legal awareness week was observed between 28th October -2nd November, 2019 and all the chapters within the region participated and the members had an opportunity to give back to the community.

The list of all those who participated were forwarded to the Secretariat for awarding of one (1) CPD unit.

The Branch having devolved funds to the chapters, they were fully funded during the week long activity.

LSK General Regulations

The Executive Committee through the Chairman engaged the Council in several meetings over the LSK regulations which were approved and passed at the LSK Special AGM held on 15th September, 2017.

This was a great achievement to the Council and the Branches as it gives clear guidelines on the role of the Branch.

Similarly the compliance committee issued compliance proposals that were adopted after discussions and the consequent amendment with the Branch Chairs Caucus. These guidelines are meant to keep checks and balances of the branches to ensure proper use and management of funds at the branch level.

Devolution to Branches

This year, 2019, we received a substantial amount of funds from LSK national office for utilization by the branches. The devolution funds have been continuously shared out from the year 2018 and the branches have received at least a small percentage of the LSK total unrestricted revenue.

The branch with approval from the council has devolved funds to the five chapters' i. e Nyeri, Kerugoya, Embu, Nanyuki and Meru. Each has been allocated Kshs 200,000 for use in the chapters. This amount is usually shared amongst the chapters upon meeting the laid down conditions on compliance for accountability and upon scrutiny by the council. While the four chapters have complied and received their money, Meru chapter is yet to receive any funds owing to their noncompliance. The Mt. Kenya branch has since received the first trench of one million in 2018 and the second trench has been received for the year 2019. They have also received their grant for 2019, the balance from 2018 as well as our first tranche for 2019.

Members Welfare

The branch has now formulated a welfare scheme to assist its members which shall be rolled out after member's participation. It is our hope and belief that the scheme shall be adopted for purposes of bridging the gaps in terms of monetary deficiencies to members in the event of need and a shortfall of funds occurrence. The welfare is also meant to cement the branch and create better and equal opportunities for all members

Branch Register

At the beginning of the year, we requested the members registered with the Secretariat and are grateful because members came out in large numbers to present their names for registration. Members who are not registered are urged to do so to enable the Branch keep proper account of the number of advocates practicing in the region for the purposes of devolution of funds.

Practicing Certificates

Members were urged to take note of their respective chapter and practice centre representatives. Once the Secretariat receives the PCs, the Branch immediately disseminates the same to the Reps for onward transmission to the members.

This year, 2019, there has been a significant change in the period of time taken to print and deliver the practicing certificates. The issue of unnecessary delays was addressed by the Council with amendments to have the certificates printed online to avoid delay and inconveniences in the coming years.

Bar/Bench

It is highly unfortunate that there are judicial officers who delay in the delivery of rulings and judgements and others have practiced the art of delay in starting court or proceedings going beyond normal working hours without consent of advocates.

It is noteworthy that some judicial officers are corrupt, an issue which is worrying another very worrying trend is incidences of advocates conniving with the corrupt officers in order to get favourable judgments and as a result stifling justice. Whilst on the other end most advocates fear to be victimized when they report such issues against such officers.

The Branch is pleased to inform members that through the intervention of the Branch Chairs Caucus, the President of the Supreme Court and the Chief Justice of the Republic of Kenya, gave the Branch Chairs his direct and personal email for purposes of reporting in confidence any judicial officer who is corrupt or ineptitude.

Infrastructure

Court buildings are still pending completion of constructions, the completion period almost came to an end and most of the court buildings were yet to be completed. We engaged the CJ directly on the issue and the projects being under the World Bank shall proceed until their completion and shall not be affected by the budget cut.

Some of the court rooms within the region are too small like in the case of Meru chapter, most magistrates court sit in the chamber, this issue was directly brought to the attention of the CJ by the Branch Chairman and promised to deal with the issue.

Imposters, Quacks and Unqualified Advocates

The Branch has noted a number of quacks in the region and in the coming year no one will be allowed to practice in the region without a PC. Members are thus put on notice to forward a copy of their payment receipts to the LSK Branch office for their PCs by end of February to enable the Secretariat share list of the advocates who have paid for their PCs for ease of administration to all the court stations in the region.

Draft Constitution

The Council set up a committee in order to amend our constitution. The committee went on a retreat for the draft of the constitution and presented the same to members for adoption.

LSK Mt. Kenya Branch Report on Law Society of Kenya AGM 2019

The Chairperson Mt. Kenya Law Society attended the LSK-SAGM 2019 at Pride Inn Hotel Mombasa from 14th to 17th of August. She attended several meetings with the Branch Chairs Caucus where she's the Vice Chair. The Branch Chairs Caucus held various meetings with the various groups in attendance during the AGM as follows;

- a) LSK 8th Branch Chairs Caucus meeting.
- b) LSK Branch Chairs Caucus and the Judicial Service Commission representative meeting.
- c) LSK Branch Chairs and ABA meeting.
- d) LSK Branch Chairs Caucus with EALS officials meeting.

a) 8th Branch Chairs Caucus meeting.

- i. During the review and confirmation of minutes it was noted that the inter branch activity between Mt. Kenya and Nairobi branch was yet to be done. They were in the process of agreeing and it was left to the branch chairs to ensure the activity took place.
- ii. It was proposed that branch AGMs be allocated half point for CPD to improve on attendance.
- iii. Branches were told to make proposals for support from the equalization fund.
- iv. Practice issues that came included mediation where advocates complained of mediators who are not advocates, infrastructure, quacks, and registration of advocates.

- v. On CPD issues, the Chairs were of view that the CPD meetings are boring since members are more attached to topics that deal with real issues that affect them i.e. bread and butter.
- vi. Each branch has a unique way of addressing alcoholism and last expense covers. In replying to a letter asking them to deal with alcoholism, the ABA confirmed they are developing an advocate's assistance program.
- vii. On employment and young lawyers' salaries, it was agreed that lawyers should be left to agree on the issue of employment terms between themselves.
- viii. Mt Kenya region has various challenges including Kigumo Law Courts not having had electricity for more than one month and a quack mediator operating in the region. The branch will be presenting to its members a proposal for establishment of a welfare.

b) LSK Branch Chairs Caucus and the Judicial Service Commission representatives meeting.

- i. The Mt. Kenya branch chair indicated she's okay with the judges and judicial officers in her region. The magistrate they had an issue with before she reported, was serving them well. The court of appeal was on standstill and of concern that even the matters filed under certificate of urgency were not being handled.
- ii. The commissioners informed the chairs there was a system of monitoring on delayed judgments and agreed that management issues within the judiciary needed to be addressed.
- iii. Engagement between chairs and the commissioners would continue to ensure service delivery in the judiciary continues to improve.

c) Branch Chairs and ABA meeting.

- i. It was noted there has been a challenge with contacting next of kin of a departed colleague, members are advised to properly instruct on the next of kin in case of an unfortunate demise.
- ii. On last expense, ABA pays kshs 50,000/= upon an application made within 30days from the time of death. The chairs were concerned about the time given to claim the last expense amount. It was resolved that Branch chairs to assist in disseminating ABA rules and continue sharing information touching on members.

d) Branch Chairs Caucus with EALS officials meeting.

- i. The Branch Chairs noted the EALS had been offering high quality training to members. It was suggested that there was need to cascade the trainings to LSK branches and be used as platforms for promoting EALS and securing support for its activities from the LSK members.
- ii. It was also noted that communication on payment of voluntary subscriptions to EALS by members had not been done well.
- iii. EALS would partner with branches to hold trainings within branches, a formula on how to share the extra income shall be worked out.
- iv. The EALS CEO expressed his desire to see all LSK branch chairs at the EALS conference.
- v. The next Branch Chairs Caucus meeting was held during the EALS AGM 2019 in Kigali, Rwanda. However, the Branch Chairs Caucus experienced funding problems as there were no direct funds from LSK HQs. They only relied on their kitty which was insufficient for the purposes.
- vi. That therefore the EALS Branch Chairs Caucus shall be held subject to funds availability by sponsors.

Recommendations

- i. On CPD points, the branch caucus has been holding consultative meetings with LSK CPD committee with a view to request the half point to be allocated to branches for the purposes of improving branch AGM attendance by members.
- ii. 2nd November 2019 was the proposed date of the Mt. Kenya and Nairobi branch sports/family day. The proposed venue was tentatively Nanyuki however there has been a proposal to relocate the same to Nairobi for purposes of getting proper equipment's for the day. There was also a proposal that other than the football team there would be other various games to play.
- iii. On practice issues we requested the Kenya Chartered Arbitrators Chairperson to come to hold an orientation meeting to kick start our Arbitration and Mediation training at subsidized fees within Mt. Kenya Region. It was proposed that the council to invite him to give a small talk on the same or the branch raises funds to hold the orientation meeting on a separate day.
- iv. On Kigumo Law Courts, we liaised with our female representative to the JSC Commission

Mercy Deche who immediately liaised with the relevant officials and the electricity was restored.

- v. On last expenses we invited the then Vice President LSK Harriet Chiggai to inform members on the negotiations ongoing on the lawyers health insurance and last expense policy.
- vi. There has been no reports on judicial officers through the LSK prescribed form up to date. Unless otherwise advised by the council.

Conclusion

The Branch chairperson appreciated the entire executive committee, the members of Mt. Kenya branch, the sponsors and all stakeholders whom they have always partnered with in all activities and the LSK HQs for their cooperation and support of all branch activities.

3. SOUTH-WEST KENYA BRANCH**The Leadership**

The Law Society of Kenya Branch Council is made up of Six (6) officials namely:

Mr. Wilkins Ochoki:	Chairperson
Ms. Mercy Ang'asa:	Vice Chairperson
Mr. Samuel Mainga:	Secretary General
Mr. Moses Oirere:	Treasurer
Ms. Violet Moguche:	Organizing Secretary
Mr. Brenda Nyaega:	Deputy Organizing Secretary

1. The Branch Secretariat Office

In effort to align itself with the LSK policy on devolution of services to the branches and improvement of services to members; the branch leased an office premises to host the branch secretariat. The office is housed at the 2nd Floor of Masaba building located at Ogembo Street of Kisii Town.

The office has a reception area and a fully equipped board room facility. It is managed by a secretariat on a fulltime basis. Since its opening the quality of services at the branch has tremendously improved.

2. Branch Council Meetings

The branch council convened its first meeting early in the year, which meeting was devoted to creating a blueprint

and the year's schedule of events. The branch's strategic plan was brought into line with the broader objectives and policies of the Law Society of Kenya.

Subsequently, the council has been holding meetings on a monthly basis. The routine meetings were dedicated to planning events; evaluating earlier activities and appraising the overall progress of the branch.

3. Inauguration of the Secretariat Office

On **8th February 2019**, the branch hosted the Law society of Kenya leadership for the grand opening of the South West Branch of the Law Society of Kenya Secretariat office. The occasion was presided over by the Law Society of Kenya President **Mr. Allen Gichuhi**. Later on, branch members together with the Law Society of Kenya leadership attended a joint Luncheon at **Dans Hotel**.

4. The Annual Law Students' Society Of Kisii University (LSSKSU) Corporate Dinner

The branch was a partner in the Kisii University school of Law students' corporate dinner which was held on **4th April 2019** at Dream City Hotel-Kisii. Besides bringing together students, members of the Law Society of Kenya South West Kenya Chapter and various players in the legal profession, the fete served as a forum for deliberations on the theme; "*LAW REFORMS IN THE FIGHT AGAINST CORRUPTION*".

5. Justice David Majanja's Farewell Luncheon

On **29th May 2019** the branch held a farewell luncheon at Ufanisi Resort for **Justice David Majanja** who was leaving Kisii Law courts on a transfer to Nairobi. The luncheon was attended by the members and various judicial officers from the region. The branch members wished the Honourable Judge the very best in his new capacities and thanked him for the great leadership that saw the case backlog at Kisii Law Courts notably reduce.

6. Meeting with the Kisii County Governor

On **20th June 2019**, the Kisii County Governor Hon. James Ongwae held a meeting with the Kisii Law Courts leadership and the branch council. The meeting was as part of the buildup for the Seven day Court users and public sensitization forum. Beyond the main objective, the council explored various areas of partnership for better services to residents. In addition, the welfare of the advocates employed by the county government was addressed by the council.

7. Environment and Land Court Bar-Bench Meeting

On **26th June 2019**, the council represented practitioners in Kisii Law Courts Environmental and Land Court bar-bench meeting which was held at the Kisii Law Courts. Various agenda were discussed. They included efficiency in filing of matters under Certificates of Urgency, quality of pleadings, transfer of cases, development proceedings and mediation referrals. The meeting's aim was to improve cooperation between the advocates and the Environment and Land Court for expeditious disposal of cases.

8. Court Users and Public Sensitization Forum

In line with the Law Society of Kenya's objective of legal aid; the branch played an active part of the week long Court Users and Public Sensitization Forum held at Kisii Law Courts grounds from **24th June 2019**. On **27th June 2019** the branch chairperson accompanied the then Deputy Registrar Kisii High Court; Hon. Priscah Wamucii Nyotah to Kisii FM radio for a civic outreach program which was used to explain court processes and giving highlights of the Kisii Law Courts sensitization forum.

9. Justice Cup Tournament

In effort to advance wellness and fitness of its members, the branch sent a football team to participate in the Annual Justice Cup 2019 Edition which was held on **27th July, 2019** at Parklands Grounds in Nairobi. The team registered a better performance than that of the previous years.

10. Justice John Mutungi's Farewell Luncheon.

On **28th August, 2019** the branch members honoured Justice John Mutungi with a farewell luncheon. Justice Mutungi had been serving as the presiding judge of the Environmental and Land Court in Kisii and was moving to Nakuru on a transfer. The Honourable Judge was thanked for his tremendous work at the station and wished well in his duties at the new station.

11. Alternative Dispute Resolution Sensitization Seminar

The branch in collaboration with CIArb Kenya Branch held a sensitization seminar on Alternative Dispute Resolution mechanisms at Dans Hotel. The forum which was held on **13th September, 2019** covered various topics, including: what is arbitration, who can become an arbitrator, what is construction adjudication, who can become a construction adjudicator, what is mediation and who can become a mediator among others.

This seminar was set as a platform of exposing the branch members to the various modes of Alternative Dispute Resolution Mechanism and offering guidance on how they can embrace and explore them as a practice niche.

12. Mentorship Forum at Kisii University School Of Law

In furthering the standing cooperation between the branch and Kisii University School of Law the branch members visited the School on **27th September, 2019** for a mentorship session. The students received great insights from practitioners sourced from diverse fields of legal practice.

13. Legal Awareness Week

The branch organized and observed the Law Society of Kenya Legal Awareness week themed; *“Eradicating Gender Violence”* from **28th October to 1st November, 2019**. Members of the bar offered legal aid to the members of the public at the Kisii, Homabay, Nyamira and Migori Court stations. Advocates attended to members of the public by answering their questions and giving the legal advice.

The members extended the services to inmates and remandees at Kisii GK prison. The event enhanced and boosted access to justice by members of the public.

14. Donation of Typing Paper to the Kisii Law Courts

In bid to improve delivery of Justice the branch donated a number of rims of paper to the Kisii law courts for typing of proceedings in criminal matters. This was in compliance with the Deputy Registrar’s request for the same.

15. End of the Year Party

The LSK South West Kenya Chapter hosted a members’ end of the year party at Dans Hotel on **12th December, 2019**. The end party was majorly attended by of the members of the branch. They used this as a chance to review the year’s progress and shared their aspirations and expectations for the New Year.

16. Visit to Kisii GK Prison

In partnership with Kisii Law Courts Judicial officers and staff, the branch planned a visit to the Kisii GK Prison (men and women sections). The celebration dubbed *“Nyinyi ni wetu”* was held on the **19th December, 2019**. A bull, foodstuffs and other essentials were donated to

the inmates for the Christmas celebrations in a fete led by the Kisii High Court presiding Judge, Honorable Rose Ougo who was flanked by the judicial officers and a number of the branch members.

17. Branch Council Retreat

The branch council had a retreat on the **20th December, 2019** at the Hilltop hotel. The retreat focused on governance/management organs of the branch, good practices, and welfare matters amongst others. They also reviewed the council’s performance in 2019.

4. NAIROBI BRANCH

A. INTRODUCTION

The Law Society of Kenya Nairobi Branch comprises of the Council, Secretariat, Committees and the general membership through which it executes its functions. This Report covers the activities and programmes of LSK Nairobi Branch in the year 2019. It has been the tradition of the Branch that the Council holds a retreat at the beginning of every year to brainstorm on the strategic plan for the year. The Council held a retreat in January 2019 and January 2020 to discuss the establishment of sustainable programmes on practice and welfare issues. The Council also discussed Branch Calendar and ways of improving practice and welfare matters of the membership.

B. THE BRANCH COUNCIL

The current Council comprises of:

1. **Mr. Charles Kanjama:** Chair
2. **Ms. Paula Njuguna:** Vice-Chair
3. **Ms. Catherine Ngunjiri:** Thika Representative
4. **Ms. Helene Namisi:** Secretary
5. **Mr. Gad Gathu:** Treasurer
6. **Mr. Colbert Ojiambo:** Deputy Treasurer
7. **Ms. Catherine Kariuki:** Fundraising Secretary
8. **Mr. Wangila Waliaula:** Organizing Secretary
9. **Ms. Carolyne Mutheu:** Deputy Organizing Secretary
10. **Ms. Rose Wanjala:** Communications Secretary

The Council engaged members on Branch Charter and proposed amendments submitted during AGM in 2018. The final draft was thereafter reviewed by the Council and members at the AGM held on 24th May 2019. The Branch Charter was adopted subject to amendments.

The Branch Charter was signed and deposited with the LSK National Office.

C. COUNCIL MEETINGS

The Branch Council met every month in 2019 to deliberate on matters of concern to legal practitioners and assess its progress in achieving its Agenda. The Council Meetings of the Branch were and still are the forum for exploration of proposals that the Council Members have regarding the Branch and how it should run guided by its mandate under Section 24 of the LSK Act 2014.

D. BRANCH SECRETARIAT

The Branch Secretariat currently has the Head of Secretariat, Ms. Wendy Muganda, (2) Programme Officers, namely Alex Waweru and Edward Gachunga, (1) Administrative Assistant, Abraham Ngaira and three (3) interns.

The Branch has also been managing its website at www.nairobilaw.or.ke

E. BRANCH ENGAGEMENTS WITH STAKEHOLDERS

1. The Council had an **Engagement with the Registrar of the High Court**, Hon. Judy Omenge and Director of Building Services Judiciary on **12th February 2019** to discuss ways in which the Branch could improve the physical facilities of Milimani Law Courts and other Court stations within Nairobi. The Registrar of the High Court requested the Branch to explore avenues such as fundraising as the Judiciary's budgetary cut had impacted on the Judiciary's expenses. The Branch has undertaken this initiative as a programme and currently fundraising to cater for some of the necessary utilities.
2. The Branch **hosted Financial Services Strategy (FSDK)** in partnership with World Bank which is conducting user assessment of the movable collateral registry. They collected views on the legal issues related to the registry that are impeding its usage. The meeting was held on **25th February 2019**. FSDK will give a report on the challenges faced at the collateral registry, proposals on how to improve service delivery and what to replicate from jurisdictions where the registry has been fully automated.
3. The Branch attended **Women on Boards Network** meeting on **13th March 2019**. It is an initiative aimed at promoting and encouraging women into Board leadership. The Network provides a platform that will bring together women from diverse fields and ranks; facilitate those already sitting on Boards to effectively carry out their roles and responsibilities, and up skill and prepare for the boardroom those women who are already in senior leadership roles, but are not yet sitting on Boards. The initiative is all about ensuring that the next generation of board members is more diverse and better balanced from a gender perspective. They aim at putting the talents of women to work to improve the effectiveness of Corporate Boards now and in the future. This is achieved through structured programs and trainings within the region and outside. The organization has a vibrant following including a significant number of ladies in the legal profession. The Network has established existing partnerships with different professional bodies and organizations e.g. Association of Women Accountants, Agha Khan Hospital, Gulf Bulk and IDLO. The suggested partnership will work in the following way: LSK Nairobi Branch will receive a negotiated percentage for every member that signs up for the existing programs and membership fees e.g. Corporate governance training, Global women Board Trainings (In Kenya and Malaysia).
4. The Council held a meeting with the **Deputy Solicitor General** on **14th April 2019** to discuss practice and welfare concerns of the Branch. It was resolved to forward the Memorandum via email before the next meeting to follow up on progress made in regards to the resolutions made at the initial meeting. The Branch requested the Advocates Complaints Commission to engage with Nairobi Branch members. It was resolved that the Commission and the Branch will jointly organize for Sensitization Forums on the Advocates Code of Conduct to increase awareness among Advocates. We are still following up on getting a date for the next meeting.
5. The Secretariat attended a **Validation Workshop of the Strategic Plan and Registry Manual for the Employment and Labour Relations Court**. The Workshop was held at Utalii Hotel on **3rd May 2019**. Members of the Employment and Labour Relations Bar Bench Committee gave their input in the review of the Registry Manual. The Branch circulated the Registry Manual through its communication channels.
6. The Secretariat attended a **Stakeholder Engagement on Publication and Resolution of Succession Matters**, organized by High Court Family Division on publication and resolution of Succession

- matters. The technical meeting was held on **7th May 2019** at Intercontinental Hotel. The Convener of High Court Family BBC is at the spearheading the
7. Branch participated in **Draft Guidelines on Anti – Money Laundering and Countering the Financing of Terrorism Forum**, which was held on **24th April 2019** at Heron Portico. Members participated in the review of the guidelines subsequently on **12th July 2019**. Members discussed the application of the guidelines to other services such as legal advisory, conveyancing, formation of company and trusts.
 8. The Branch Council was represented by Rose Wanjala at **Kiambu Chapter Elections** as an observer. The elections were held on **9th May 2019**.
 9. There was a **Branch Visit to Kiambu Chapter** and its three practice centres, that is, Kikuyu, Limuru, Githunguri. The Branch Council conducted the whole day visit on **28th June 2019**.
 10. The Branch Council attended the **Nairobi Branch Visit** organized by National Office on **8th July 2019** in Thika. The visit was held at Eton Hotel where Thika practitioners were hosted for dinner.
 11. The Branch participated in the **Justice Cup Tournament** which was held on **27th July 2019** and the Branch Team reached the bowl quarter finals for the first time.
 12. The Branch participated in **BRS Workshop** organized by the World Bank on **31st July 2019** on testing the Collateral Registry System. The pilot digital system changes will be rolled out in September.
 13. The Branch was ably represented at a **Lands Consultative Forum** held on the **5th September 2019** at Crowne Plaza Nairobi.
 14. The Council paid a **Courtesy Call on the Chief Magistrate** on the **12th September 2019**. Various issues were discussed including the need to sensitize advocates on the importance of Plea Bargaining agreements.
 15. The Registrar of the High Court in conjunction with the Branch held a **Bar – Bench Consultative Forum** held on **31st October 2019** at Crowne Plaza Hotel. The theme for the Forum was “Enhancing Access to Justice through Streamlining and Automation of Court Processes; A Bar-Bench Conversation”. Members present discussed the process of automation, Practice Directions on automation, launch of the revised Court fees, streamlining of the Registry processes and the report from the Bar – Bench Committees.
 16. The Council met **Solicitor General** on **18th October 2019** to discuss modalities of partnership in relation to Legal Aid, State Counsel welfare and other practice matters. Of particular interest was the establishment of a Liaison Committee with the Registrar of Marriages similar to the one established with the Business Registration Service. We also held discussions in detail on some of the ways in which the members of the Branch could plug into the National Legal Aid Service. Further, we deliberated on the plan to facilitate concurrent panels for busy Tribunals such as BPRT, RRT Cooperatives Tribunal among others by way of amending the law through Statute Law Miscellaneous amendments. Tied to this, we invite members to front other suggestions on any other amendments affecting practice-related statutes.
 17. The Council met with the **Principal Judge of the High Court** as well as the Presiding Judges of the various divisions of the High Court on **24th October 2019**. This was a follow up meeting to a previous meeting which was held on the 24th of October 2018. We held multifaceted discussions centred on Bar Bench Reports, Backlog Reduction, Development on Practice Directions and Registry Initiatives.
 18. On the **31st Of October 2019** the **Registrars of High Court Divisions** hosted advocates to a Forum to be held at the Ceremonial Hall from 12.00 PM. The theme for the Forum is “Enhancing Access to Justice through Streamlining and Automation of Court Processes; A Bar-Bench Conversation”. The forum focused on the process of automation, Practice Directions on automation, launch of the revised court fees, streamlining of registry processes and a report from the Bar – Bench Committees
 19. The Branch Council had the good fortune of holding **Talks with LSK SACCO** officials on the **26th November 2019**. The main agenda for the meeting was to forge a partnership that will hopefully result in the betterment of welfare issues affecting members. The partnership is currently in place and an active campaign drive to recruit members is ongoing. The campaign
 20. The Branch was ably represented at **Alternatives to Imprisonment Training** organised by the Raoul Wallenberg Institute of Human Rights and Humanitarian Law and the Milimani Court Users Committee, Chief Magistrate Criminal Division under the Raoul Wallenberg Institute Kenya Programme. The training took place at the Enashipai Resort and Spa in Naivasha from the **26th to the**

29th of November 2019. In acknowledging the need for reforms in the Prisons Sector, the training was largely centred on the various alternatives to imprisonment, the effects of imprisonment and the international standards of prisons. It is expected that in the coming months, an action plan will be formulated in order to spearhead a nationwide campaign to sensitise the public on the importance of alternatives to imprisonment.

21. The High Court Family Division Bar Bench Committee paid a **Courtesy Call on the Chief Magistrate Milimani Commercial Courts** on the **28th November 2019**. Among the issues discussed at the meeting was the concern raised by advocates on the delays experienced in receiving notices and decrees. In an attempt to remedy this, pro forma drafts of Decrees Nisi and Absolute are being prepared with the hope that this shall ease the challenges arising during the drafting of the decrees. Further, the Chief Magistrate urged advocates to take dates for Divorce matters filed seeing as the diary of that division does not close.
22. LSK Nairobi Branch was requested by the Register of the High Court to work together with Deputy Registrar's of the High Court in forming **Practice Directions Committee** that is to come up with Zero Draft High Court Practice Directions for all Divisions and Special Courts. The Committee went to Sentrin Lodge ON 12th – 14th December 2019 to deliberate the current Practice Directions. At the end of this 1st Stakeholder Consultation a draft Zero Draft High Court Practice Directions were formulated. The process is still ongoing and Branch continues to support the Registrar of the High Court in her endeavor to streamline procedure in the High Court and in particular with the High Court Practice Directions.
23. On **21st January 2020**, the Branch held a **Branch Chapters & Conveners Planning Seminar** with representatives from our Chapters (Kiambu & Thika), representatives from the Judiciary and the Conveners and Committee Members of the Branch Committees. We would like to extend our unreserved gratitude to all who took the time to attend the seminar. The overarching aim of the seminar was to plan for the year ahead with a keen interest on improving the manner of operation and output of our Bar Bench as well as Liaison committees. At the close of the day, various targets were set which we hope to reach and even surpass. One thing that stood out, and which was highlighted by the

Registrar of the High Court Hon. Judy Omange in her keynote address was the integral role that Bar-Bench Committees play in the overall administration of justice. Members were encouraged to sign up for and actively participate in Bar- Bench Committee Meetings.

F. BRANCH COMMITTEE ENGAGEMENTS

The Branch currently has the following Committees;

1. Council Committees

The Branch has five main Practice Committees which are:

- i. The Litigation Practice Committee, convened by **Colbert Ojiambo**
- ii. The Social and Welfare Committee, convened by **Carolyne Mutheu**
- iii. The Commercial Practice Committee, convened by **Catherine Kariuki**
- iv. The Devolution and Law Reform Committee, convened by **Wangila Waliaula**
- v. Branch Legal Aid and Public Interest Litigation Committee, convened by **Gad Gathu**

2. Bar – Bench Committees (BBCs)

Since establishment, the Branch has constituted and engaged with the Nairobi Courts in BBCs where issues specific to various courts have been discussed and solutions proposed and pursued. The Bar-Bench Committees of the Bench are;

- i. Supreme Court Bar BBC, convener to be appointed in the first meeting in 2020
- ii. The Court of Appeal BBC, convened by **Charles Kanjama**
- iii. High Court Family BBC, convened by **Rose Mbanya**
- iv. Constitutional and Judicial Review BBC, convened by **John Chigiti**
- v. High Court Commercial BBC, convened by **Nazima Malik**
- vi. The High Court Criminal, Anti-Corruption and Economic Crimes BBC, convened by **Mercy Mathai**
- vii. Environment and Land Court BBC, convened by **Ezra Makori**
- viii. Employment and Labour Relations BBC, convened by **Cosima Wetende**

- ix. Milimani Court Annexed Mediation BBC, convened by **Angela Mwadumbo**
- x. Milimani Chief Magistrates Criminal BBC, convened by **Clarence Jumba**
- xi. Milimani Chief Magistrates Commercial Court BBC, convened by **Paula Njuguna**
- xii. JKIA BBC, Makadara BBC and Kibera BBC, to have a first meeting in 2020

3. Tribunal Committees

In 2018, the Branch Council resolved to set up Tribunal Committees for Tribunals with most legal work and which members had expressed various practice concerns. These are:

- i. The National Environment Tribunal Committee, convened by **Charles Kanjama**
- ii. The Rent Restriction Tribunal Committee, convened by **Wangila Waliaula**
- iii. The Business Premises Rent Tribunal Committee, convened by **Paula Njuguna**
- iv. Co-operative Tribunal Committee, convened by **Wangila Waliaula**
- v. Public Procurement Tribunal Committee, convened by **Njeri Ngunjiri**

4. Liaison Committees

The Branch has also set up Liaison Committees specifically for the Companies Registry and the Nairobi

Lands Registry and specific commercial practice areas to bring together lawyers with similar interests. These are:

- i. ICT and IP Liaison Committee, convened by **Rose Wanjala**
- ii. Tax Liaison Committee, convened by **Stephen Saenyi**
- iii. Nairobi Lands Registry Liaison Committee, convened by **Catherine Kariuki**
- iv. Nairobi Companies Registry Liaison Committee, convened by **Charles Kanjama**

5. Special Committees

Special Committees set up by the Branch include;

- i. Trial Advocacy Committee convened by **Helene Namisi**
- ii. Awards Committee convened by **Charles Kanjama**
- iii. Rules Committee convened by **Gad Gathu**
- iv. Internal Dispute Resolution Committee convened by **Charles Kanjama**
- v. Lawyer – Police Relations Committee convened by **Wangila Waliaula**

Regular Communication of Committee progress is issued to members via the Branch Weekly Newsletter and Committee progress is updated on the Branch website Committee pages at <http://nairobiilaw.or.ke/about/committees/>.

COMMITTEES	MEETING DATES	ACHIEVEMENTS
COUNCIL COMMITTEES		
Social and Welfare Committee	4 th April, 2 nd July and 24 th October 2019	<ol style="list-style-type: none"> 1. The Committee has organized social events such as Monthly Runs and Advocates Barbeque which was last held on 7th December 2019. 2. The Committee is coming up with a Mobile SOS Application to assist Advocates in distress 3. The Committee planned for the Advocates Barbeque which were held in July and December 2019

COMMITTEES	MEETING DATES	ACHIEVEMENTS
Legal Aid and Public Interest Litigation Committee	18 th January, 8 th February, 8 th March and 19 th July 2019,	<ol style="list-style-type: none"> 1. The Committee had organized a Legal Aid Day scheduled on 26th February 2019 at the National Archives as a way of promoting access to justice. However, the Branch was not successful in securing the grounds. The Committee held a Legal Aid Day at Kamiti Maximum Prison on 12th April 2019 2. The Committee has identified PIL matters to be filed in Court which include; Petition on criminal cross – appeals because the Criminal Procedure Code (CPC) does not provide for cross – appeal when applying for enhancement of a sentence, thus interfering with the right to a fair trial; Petition to suspend the Small Claims Act; Access to information in liaison with Competition Authority regarding JKIA take over by Kenya Airways; Access to information on the Huduma Namba addressed to the Ministry of Interior; Access to information regarding the Standard Gauge Railway(SGR) and Petition on the equalization sharing of the national revenue as required under Article 203 (2) of the Constitution of Kenya, 2010. 3. The Committee is planning another Legal Aid Day scheduled in October.
Devolution and Law Reform Committee	27 th February, 2 nd July 2019 and 12 th September 2019	<ol style="list-style-type: none"> 1. The Committee has initiated contact with Parliament to incorporate more lawyers in Parliament into Nairobi Branch activities 2. The Committee engaged an expert in Devolution and Drafting, Mr. Mugambi Laibuta who advised on how to participate in law reform and devolution matters. 3. The Committee will be receiving quarterly updates from Kenya Law which will be shared by members through our communication channels.
BAR – BENCH COMMITTEES		
Court of Appeal BBC	31 st January and 20 th June 2019.	<ol style="list-style-type: none"> 1. The Committee has successfully persuaded the Court to allow review applications to be heard by any Judge 2. The Committee made proposals on case management, that it should be made by consent and written submissions to be filed within 30 days to reduce unnecessary adjournments 3. The Committee proposed amendments to the Court of Appeal Rules which would help in amending the practice directions 4. The Committee has been part of Court of Appeal Strategic Plan 2018 – 2022 and automation of the Court 5. The Committee is organizing for an Inns of Court
High Court Family BBC	24 th April, 28 th June and 17 th October 2019	<ol style="list-style-type: none"> 1. Formulated and launched the Law of Succession Hand Tool on 17th June 2018 2. Organized an end year party for the Judges of the Family Division 3. Spearheaded a forum to discuss publication and resolution of succession matters. 4. The Committee reviewed the Draft Matrimonial Property Rules

COMMITTEES	MEETING DATES	ACHIEVEMENTS
Constitutional and Judicial Review BBC	26 th March 2019, 21 st June and 4 th December 2019	<ol style="list-style-type: none"> 1. They are currently pursuing amendments to Mutunga Rules 2. A representative from KRA enlightened the members on Tax Laws. She emphasized on the process of appeals of tax disputes. She also said that before Alternative Dispute Resolution is done at KRA, the case goes through review where a panel sits and reviews the facts of the case and determines if it is suitable for Alternative Dispute Resolution.
High Court Civil BBC	20 th June and 8 th October 2019	<ol style="list-style-type: none"> 1. The Committee was engaged with the Rules Committee in proposing reforms to the Civil Procedure Rules, 2010 2. The Committee proposed use of Mediation, Service Weeks and expeditious hearing to clear case backlog. 3. The Branch was requested to encourage their members to be informing the Court whenever they change their physical address.
High Court Commercial BBC	25 th July (BCUC) and 16 th October 2019	<ol style="list-style-type: none"> 1. Has successfully initiated Commercial Justice Sector Reforms through ICT initiatives 2. Has in liaison with Business CUC of the same Court held an IP Training 3. Organized an Inns of Court with Senior Counsels and the Chief Justice graced the occasion. The event was held on 12th December 2019 at Sarova Panafric Hotel 4. Members discussed reduce the number of Applications filed especially those that could be dealt with at the pre-trial stage.
High Court Criminal, Anti-Corruption and Economic Crimes BBC	28 th March and 12 th November 2019	<ol style="list-style-type: none"> 1. The Divisions raised concerns with regard to Plea-Bargaining agreements, Disclosure, Advocates not being supplied with committal bundles, Bond Processing and resentencing. Advocates were urged to assist in the above issues since they are the primary presenters of cases. 2. The Committee prepared a report on challenges encountered with pro bono briefs and whether the Advocates doing pro bono are being paid in time 3. The Committee has been creating awareness of plea bargaining by accused persons.
Environment and Land BBC	12 th March and 6 th November 2019	<ol style="list-style-type: none"> 1. The Committee discussed the increase in applications for recusal of Judges and urged Advocates to not make unnecessary applications. Advocates were urged to notify the Court in case of change of address for ease of communication. It was noted with concern that Advocates were not upholding the required standards of etiquette and decorum in the Courtroom. 2. The Committee wrote to the Institution of Surveyors of Kenya and the Auctioneers body and invite them as members of the CUC. 3. The Committee managed to coordinate with the Secretariat in informing members of judicial leave date in good time 4. The Committee has been pushing for fixing of dates for all matters in the Division

COMMITTEES	MEETING DATES	ACHIEVEMENTS
Employment and Labour Relations BBC	6 th February, 14 th March 2019 and 26 th November 2019.	<ol style="list-style-type: none"> 1. It was encouraged that more Advocates should be trained on mediation to help reduce backlog of cases. 2. The Deputy Registrar tabled a report on date fixing. The report confirmed that the Division's diary for fixing of 2020 hearing dates was officially opened on 22nd November, 2019. The Divisions target is to have all 2016 matters heard and determined with an aim of clearing backlog. Parties are encouraged to take up mediation and other alternative dispute resolution mechanisms whenever possible. 3. The Committee has been publicizing the ELRC Rules and its enforcement during trial process. 4. The Committee has been at the forefront in trying to urge the Court to clear case backlog 5. The Committee successfully held Inns of the Court on 4th April 2019 at the Milimani Commercial Court Parking. The Guest Speakers, Hon. Maureen Onyango, Hon. Makau Wa Nzioki and and Ms. Judith Guserwa discussed with members present judicial review & petitions in employment matters and the remedy of reinstatement
Milimani Mediation Committee	11 th February 2020	The Committee had its inaugural meeting to discuss Key Performance Indicators and set terms of reference for the Committee
Childrens' Court BBC	7 th February and 4 th December 2019.	<ol style="list-style-type: none"> 1. The Committee participated in the Children's Court Open Day which was a success though it garnered more attention outside the Court than from those who practice within it. In 2020 the Court's Open Day will deal with the closing of old files i.e. 5 years and older 2. The Committee is making progress in engaging different actors and incorporating them into the Committee 3. The Committee has undertaken to review the guidelines for the Legal Aid Scheme and a sub – Committee will look into Children's' Court Practice Guidelines and jurisprudence.
Chief Magistrates Criminal BBC	20 th February and 3 rd May 2019.	<ol style="list-style-type: none"> 1. The Committee is in the process of formulating Non – Custodial Measures Pilot Project at Milimani in collaboration with Raoull Wallenberg Institute 2. The Committee has conducted several prison visits within Nairobi to collect data and come up with ways of decongesting prisons 3. The Committee commissioned a photocopier to be used by accused persons to make copies of their court documents for free 4. The Committee has undertaken to conduct Legal Aid Clinics across prisons within Nairobi and Kiambu Counties as a way of promoting access to justice

COMMITTEES	MEETING DATES	ACHIEVEMENTS
Chief Magistrates Civil BBC	24 th April and 25 th April 2019 (CUC)	<ol style="list-style-type: none"> 1. The Committee has been addressing the jurisdiction of the Court with regards to matters arising out of the Work Injury Benefits Act (WIBA) 2. The Committee made proposals relating to Judicial Service Commission on employment of more judicial officers to reduce case backlog 3. The Committee addressed the enhanced jurisdiction of Magistrates Court to hear Land matters and how to deal with cases transferred to these Courts.
City Court BBC	20 th March 2019	<ol style="list-style-type: none"> 1. The Committee addressed the delays in processing Bails/ Bonds applications and proposed proper guidelines on cost of verification of bond documents to avoid abuse of power by Investigation Officers and to improve welfare of Community Service Officers and Offenders at Work Stations 2. The Committee was merged with Chief Magistrates Criminal BBC because it falls under its jurisdiction.
TRIBUNAL COMMITTEES		
National Environment Tribunal Committee	30 th April 2019	The Committee held its inaugural meeting this year and resolved to set up strategic plan for the remainder of the year
Rent Restriction Tribunal Committee	25 th October 2019	<ol style="list-style-type: none"> 1. The Committee addressed the issue of lack of quorum during sittings which causes backlog of cases at the Tribunal 2. The Committee will be reconstituted and a Tribunals Open Day to be organized in 2020
Business Premises Rent Tribunal Committee	21 st November 2018	The Committee discussed how to engage the relevant stakeholders not to disband the tribunal which would otherwise affect the practitioners and the clients they represent
Cooperative Tribunal Committee	19 th June 2019	The Committee pushed for deployment of judicial officers at the Tribunal by engaging JSC
Public Procurement Tribunal Committee	15 th October 2019	The Committee has recently been constituted. The purpose of the Committee is to address the practice concerns arising from adjudication of disputed procurement proceedings. The inaugural meeting was held on 15 th October 2019 and it's set to hold the next meeting within the first quarter of 2020
LIAISON COMMITTEES		
ICT and IP Liaison Committee	1 st February and 5 th April 2019	<ol style="list-style-type: none"> 1. The Committee has engaged KIPI in its strategic plan for 2019 2. The Committee is organizing Nairobi Legal Innovation Week scheduled 3rd – 5th July 2019 3. There are sub – committees that are reviewing legislation in ICT and IP
Tax Liaison Committee	12 th March and 2 nd April 2019	<ol style="list-style-type: none"> 1. The Committee collaborated with KRA in organizing a half day Tax Forum which was held on 10th December 2018 at Times Towers. The forum focused on compliance with Income Tax and Value Added Tax and other emerging issues. 2. The Committee is liaising with KRA to have more tax trainings for members in Nairobi and Kiambu Counties

COMMITTEES	MEETING DATES	ACHIEVEMENTS
Nairobi Lands Registry Liaison Committee	20 th June, 27 th June and 5 th September 2019	<ol style="list-style-type: none"> Land Registry Processes and Procedures Training The Committee has pushed for efficiency of service delivery at the Lands registry. The Committee has been liaising with the LSK Conveyancing Committee to ensure that the Lands Registry and Ministry of Lands adhere to the service charter and resolutions agreed during the joint liaison meetings
Nairobi Companies Registry Liaison Committee	15 th February, 15 th March, 7 th May, 13 th June, 19 th July, 23 rd August and 17 th October 2019.	<ol style="list-style-type: none"> The Committee has pushed for implementation of interim resolutions regarding service system concerns during meetings with the Registrar of Companies The Committee has collaborated with BRS to organize trainings for members on the new system The Committee proposed an escalation mechanism which can be used by members in case of delay of services at the Companies' Registry The Committee has formulated draft Practice Notes for use at the Companies Registry, which are currently under review.
SPECIAL COMMITTEES		
Trial Advocacy Committee	5 th March 2019	The Committee partnered with Justice Advocacy Africa to organize a 5 - day Trial Advocacy Training which was held on 8 th - 12 th April 2019.
Awards Committee	14 th January, 28 th January, 7 th February, 11 th March, 25 th March, 24 th April and 27 th June 2019.	The Committee organized the 2nd edition of Nairobi Legal Awards . The Committee has been reconstituted and preparations are underway for the 3 rd edition of Nairobi Legal Awards
Rules Committee	14 th March and 22 nd March 2019.	<ol style="list-style-type: none"> The Committee addressed challenges faced by practitioners in complying with Order 11 of the Civil Procedure Rules and to address E-filing of cases in court. The Committee also participated in the Validation Exercise for the Amendment of Civil Procedure (Amendment) Rules and Small Claims Court Rules
Lawyer - Police Relations Committee	5 th February 2019	The Committee in collaboration with the DCI has prepared draft Lawyer Police Guidelines which will be shared by the DCI team for consideration and adoption

G. PROGRAMMES

1. BAR - BENCH PROGRAMME

► Bar - Bench Committee (BBC) Meetings

We are constantly managing challenges arising within the course of practice through interactions in the BBCs and CUCs which have proven efficient as there are direct interactions between the Bar and the Bench.

► Inns of Court

The Inns of Court were established to address practice concerns for the various Divisions of the Court, in collaboration with the membership. We have had successful Inns of Court in the past for different Divisions.

The Branch in collaboration with the Employment and Labour Relations Bar Bench Committee successfully organized an Inns of Court for ELRC held on 4th April 2019 at the Milimani Commercial Court Parking. It addressed the challenges facing the Employment and Labour Relations Court. The Guest Speakers, Hon. Maureen Onyango, Hon. Makau Wa Nzioki and Ms. Judith Guserwa who discussed with members present judicial review & petitions in employment matters and the remedy of reinstatement. The Branch intends to organize Inns of Court for all the Divisions on a rotational basis. We had intended to have an Inns of Court for the Court of Appeal, however, this was postponed due to unforeseeable circumstances.

► **Court Users Committee (CUCs) Meetings**

The CUCs have a wider scope of engagement. Relevant stakeholders pertaining to each BBC attend the meeting to address practice matters and how to improve stakeholder relationships. Some of the most common stakeholders include; Office of Director of Public Prosecutions, Attorney General, KRA, Prisons Department, the Police, Witness Protection Agency and Probations Department.

► **Engagements with Judiciary and JSC**

We engaged the JSC on appointment of Chair and Vice Chair of the Cooperative Tribunal. We also engaged JSC on recruitment of more judicial officers within Nairobi because Nairobi has the most legal work.

2. COMMERCIAL PRACTICE

► **Committee Meetings**

We are in the process of setting up cohorts for specialized practitioners. We have circulated articles relating to ICT and IP law and Tax Law via Weekly Newsletter. We are still in the process of compiling a database for the specialized practitioners.

► **Commercial Practice Liaison Committee Meetings**

We have managed to have consistent meetings with the Companies Registries. However, we are still pushing for more regular engagements with Lands Registry. We have also been having regular engagements with KRA and KIPI/KECOBO for the Tax Liaison Committee and ICT/IP Liaison Committee respectively.

► **Development of Practice Notes**

The Companies Liaison Committee also formed a sub – Committee to formulate **Companies' Registry Practice Notes**. This was prompted by the variations in service delivery at the Companies Registry.

The stakeholder various engagements with the Judiciary prompted the need to streamline service delivery within the Judiciary. A sub – Committee was formed to formulate **High Court Practice Directions** in order to unify practice in all High Court stations. The zero draft is being reviewed for onward transmission to the Chief Justice, Hon. David Maraga.

3. SOCIAL AND WELFARE

► **Internal Dispute Resolution Committee**

This Committee is tasked with resolving disputes amongst Advocates. There has been little feedback

regarding complaints between Advocates. We have resolved two disputes and we urge members to utilize the Committee for any disputes arising in the course of work/practice.

► **Quiz Nights**

The Branch has been organizing for Quiz Nights as a way of bringing together Advocates practising within Nairobi and Kiambu Counties. The Quiz Nights are interactive yet competitive sessions amongst different lawyers categorized into teams consisting of six participants each. We had quiz nights on 30th April 2019 and 18th of October 2019. The events are usually hosted at Alumni Club in Kileleshwa. We received sponsorship from Traction School of Governance and Business and Robson Harris Advocates.

► **Inter – Branch Sports Day**

The Branch Chairs Caucus proposed to have Inter-Branch Sports Days amongst the Branches and LSK Nairobi Branch was paired with LSK Mt Kenya Branch. The LSK Nairobi Branch Council in recognizing this an opportunity to further enhance networking between advocates practicing in Nairobi/Kiambu Counties and their Mt Kenya Branch counterparts, adopted the proposal and therefore slated the Sports Day for the 2nd November 2019. The Sports Day presented an opportunity for advocates to participate in various sporting activities; most notably, football, basketball, volleyball, swimming, chess, table tennis, checkers, badminton and short athletic races were on offer for participation. The list of teams that participated is as follows; a. 8 football teams [Mahakama, Monsters, LSK Nbi, Mt Kenya LSK (1&2), Heavyweights, LSK Sacco, Rendesvous] b. 3 basketball teams [Antelope, Bobcats, Cobra] c. 2 volleyball teams. [Mahakama, Equity]. The next Inter – Branch Sports Day is scheduled for 19th September 2020.

► **Quarterly Luncheons**

The previous luncheon was held on 21st February 2019 at Pride Inn Westlands. The theme was "Transformative Dispute Resolution: Strengthening the Judicial System through Reconciliation Processes". The invited guests were Hon. Githu Muigai and Njeri Kariuki CI Arb and Mr. John Ohaga. We collated the feedback from the post – event feedback forms which showed that members are in need of more sessions on Dispute Resolution. We intend to organize another Quarterly Luncheon on the same. Members proposed that the Branch organizes another luncheon focused on Alternative Dispute Resolution. We had another Luncheon held on 6th February 2020 and the guest speakers were Mr. Elisha Ongoya and Ms. Julie

Soweto. The theme was “Safeguarding the Rule of Law in Kenya: The Role of Lawyers in Constitutionalism”. This forum was used to launch the Nairobi Legal Awards 2020 and conduct the draw for LSK SACCO recruitment drive.

► **Advocates’ Barbeque**

We have successfully organized social gatherings such as Barbeques and Monthly Runs. More of such forums are in our events calendar accessible on our website. We held Barbeques on 27th July 2019 at K1 Klub House and 7th December 2019 at Jiweke Tavern.

► **Members Savings and Investment**

The Law Society of Kenya in Partnership with LSK Sacco has entered into a MOU to encourage members of the Branch to increase their savings with the Sacco. In line with the MOU, a month long drive was run from 7th December 2019 to 6th February 2020. The draw was held at the Quarterly Luncheon held on 6th February 2020. This will be an ongoing initiative as part of improving members’ welfare. We encourage firms to also implement the check – off system to match up their employees’ contribution to the SACCO. We will also have a special award during the Nairobi Legal Awards for the firms that encourage saving and investment for their employees.

We also have a partnership with LSK Sacco in offering a payment scheme for Practising Certificates for Young Lawyers. The payment plan is open to Young Lawyers all year round.

► **Branch Partnerships**

CS Certification of Advocates – The Branch ongoing partnership with Traction School of Governance and Business has led to improvement of members’ skills. We are glad that members are taking up CS course a way of building their professional capacity. The partnership guarantees 10% discount to members on the tuition fees and full reimbursement from National Industrial Training Authority (NITA).

Partnership with Bountiful Safaris – The Branch has partnered with Bountiful Safaris to offer members discounted travel packages. We urge firms and corporates going on conferences or personal vacations to utilize the partnerships.

Partnership with Alumni Club – This partnership benefits Subscribed members who will be provided with a meeting room without paying any costs.

► **Improvement of Lawyer Police Relations**

We have engaged the Directorate of Criminal Investigations on how to improve the relations between Advocates and the Police noting that both are officers of the Court. We came up with draft guidelines through the Lawyer Police Relations Committee. Two subcommittees were formed to work on the draft guidelines which are supposed to be presented to the DCI before adoption. The guidelines are still work in progress but we hope to finalize the matter in 2020.

4. MENTORSHIP PROGRAMMES

The Branch initiated this programme in 2016, which has had impact on young lawyers. However, the programme is not limited to mentoring of young lawyers only. We also accept applications for mentorship on different aspects of practice such as law firm operations and transitional changes in one’s career path.

► **One – on – one mentorship**

Due to the outlined challenges faced by young lawyers in practice, we approached and requested senior Advocates equipped with the necessary skills and expertise, take up 2-5 mentees under their wing for mentorship purposes. The mentorship shall be structured to fit within a specific period of time (ideally one year) at the expiry of which the mentors will take up new mentees. It is at the mentors’ discretion to select one of the two options available, that is, one-on-one sessions or group sessions with the given set of mentees.

► **Mentorship Forums**

The quarterly Mentorship Forums bring together panels of eminent personalities within the profession who are then presented with an opportunity to give short presentation on a given thematic area which presentation is then followed by a plenary session. The guest speakers can number up to four and are drawn from various facets of practice.

The Branch held a Mentorship Forum at the Lawyers Hub in Upperhill in Nairobi on the **3rd October 2019**. The event was graced by Elisha Ongoya, Faith Waigwa, John Ohaga and Kethi Kilonzo as guest speakers. A total of 170 young lawyers attended the event.

► **Mentorship Video Podcasts**

We have managed to feature a few senior Advocates in the YouTube video podcasts which are a form of mentorship. The Advocates give an overview of previous professional challenges and advise how to deal with them.

▶ **Young Lawyers Mentorship Guidelines**

These are guidelines are meant to improve and refine the Mentorship Programme. The objective is to improve the welfare and practice of young lawyers, ranging from exemplary mentorship programmes and better working conditions to improved and acceptable remuneration. The guidelines apply to all Advocates working within Nairobi and Kiambu Counties, must have been in practice for 5 years and below and those who have been admitted to the Advocates Training Programme (ATP) while undertaking their pupillage programme within Nairobi and Kiambu counties.

▶ **Mentorship General Code of Conduct**

This code defines the framework within which the mentors and mentees under the Program operate during the Program. It promotes utmost integrity, professionalism and ethical conduct. That said, embodying good conduct goes deeper than simply following a set of rules or policies – it is a way of life. However, we are aware that the document cannot spell out what's right and what's wrong in every situation, so the mentors and mentees are expected to exercise good personal judgment, integrity and a strong sense of personal accountability when making decisions during the Program.

5. LAW REFORM AND DEVOLUTION

▶ **Committee Meetings**

We had regular meetings at least termly. The Committee engaged an expert in Devolution and Drafting, Mr. Mugambi Laibuta who advised on how to participate in law reform and devolution matters. The Committee will be receiving quarterly updates from Kenya Law which will be shared by members through our communication channels.

The Committee is currently preparing a Work Plan for 2020 in terms which laws to review and matters to deal with devolution.

▶ **Review of Legislation and Devolution Matters**

The Branch participated in the Validation Exercise which took place on 14th March and 22nd March 2019 for the Civil Procedure (Amendment) Rules and Small Claims Court Rules respectively.

6. TRAINING PROGRAMMES

We have partnered with various firms in setting up practice series which can be beneficial to members dependent on the members' practice needs.

- ▶ **Mediation Training** – We have had several Mediation Trainings in collaboration with Mediation Training Institute, we set up one specifically for senior lawyers of five years and above in practice. We had Mediation Training held on 20th – 23rd May 2019 and 19th – 22nd December 2019.
- ▶ **Business of Law Series** – The Branch in partnership with ALN Academy is offering monthly trainings on different aspects of running a law firm. The ten – part series was completed in 2019 and there are plans to begin another series in 2020.
- ▶ **Oil and Gas Series** – We have set up this series in collaboration with Ashitiva Advocates LLP noting that they have a robust Oil and Gas Department. The six – part series begins on 5th March 2020.
- ▶ **Trial Advocacy Training** – We partnered with Trial Advocacy Institute to offer Trial Advocacy Training in Nairobi. In 2019, the training was held from 8th – 12th April 2019. The next Trial Advocacy Training is scheduled for 30th March to 3rd April 2020.
- ▶ **Legal Audit & Compliance** – We are currently engaging Kenya School of Law in setting up this series which is expected to begin in March 2020.
- ▶ **Conveyancing Series** – We partnered with Bowmans (Coulson Harney LLP) in having a six – part series on different aspects of Conveyancing. The series began on 25th July 2019 and ended on 14th November 2019. Plans are underway to have another series in 2020.
- ▶ **In-house Counsels Training**
- ▶ **Tax Series with KRA** – This is an ongoing partnership where KRA facilitates the logistics to have a Tax Forum where members can engage on tax related matters. We held a Tax Forum on 13th June 2019. We intend to have more of such in 2020.
- ▶ **Commercial Contracts Drafting Masterclass** – This is still work in progress in conjunction with Triple OKLaw Advocates LLP. The series will equip members with commercial contract drafting skills, expected to begin in March 2020.
- ▶ **ICT Trainings** – The Branch is currently focusing on matters ICT and how it can improve practice through advocating for digitization and creating

awareness on ICT solutions tailor made for Legal Practice. We have scheduled monthly ICT trainings in 2020. Members are also informed on new ICT initiatives such as automation of the High Court Commercial Registry. Copies of manuals and practice directions can be accessed on our website. We also had a Digital Skills Training for Lawyers in partnership with Google held on 30th January 2020.

7. NAIROBI LEGAL AWARDS

The NLA was launched in 2018. This was done in recognition of the challenges noted with law practice in Nairobi and Kiambu Counties including the quality of client care and satisfaction, quality of legal services and engagement between members of the profession and other professional bodies. The Branch has been addressing the lack of or minimal professional standards of practice that govern the operations of law firms and legal departments. This was intended to promote the setting of standards to serve as benchmark for excellence in legal practice in the country and the region and to make legal practice in Kenya and the region, globally competitive. The Awards Programme has been recognizing law firms/ legal departments and individual lawyers with outstanding standards of practice and legal service delivery in an effort towards encouraging excellence in practice. The criterion is based on globally recognized best practice in legal practice and service delivery. We intend to have the 3rd edition of the Awards in 2020 in May 2020.

8. LEGAL TECH AND INNOVATION PROGRAMME

The Branch through its ICT and IP Liaison Committee set up an inaugural Legal Tech and Innovation Week which was held from 3rd – 5th July 2019. The event recognized the challenges faced with legal tech practice within Nairobi and Kiambu counties. Participants showcased their legal innovations after which the best were selected and adjudged by a jury. The event ended with a Gala Dinner on 5th July 2019 at Intercontinental Hotel where winners were awarded. We have set up a planning Committee which will oversee the preparations for the 2nd edition of Legal Tech and Innovation Week which will be from 15th – 19th June 2020.

We have also partnered with Patafile which won best Innovation of the Year. Patafile is a cloud, subscription based software which enhances legal practice through case management, document management, calendaring, billing, tasks management and auto generation of status reports.

9. LEGAL AID PROGRAMME

The programme incorporates offering legal aid services and taking up public interest matters. We have organized several legal aid clinics in prisons within Nairobi. The Branch has also donated some utilities to the prisons and Milimani Chief Magistrate Criminal Division, to aid access to justice for remandees. We have filed the following public interest matters in Court. The matters are still in the initial stages and we hope to finalize in the soonest time possible;

- a. Petition on criminal cross – appeals because the Criminal Procedure Code (CPC) does not provide for cross – appeal when applying for enhancement of a sentence, thus interfering with the right to a fair trial.
- b. Petition to suspend the Small Claims Act
- c. Access to information in liaison with Competition Authority regarding JKIA take over by Kenya Airways
- d. Access to information on the Huduma Namba addressed to the Ministry of Interior
- e. Access to information regarding the Standard Gauge Railway(SGR)
- f. Petition on the equalization sharing of the national revenue as required under Article 203 (2) of the Constitution of Kenya, 2010.

The Branch has recently set up a **Legal Aid Fund** which will facilitate the Legal Aid Programme. We made a first deposit into the Fund, taken from the Branch Accumulated Surplus, that is, Kshs.500,000.00. We are in the process of getting more partners to aid in sustainability of the Fund.

H. MEMBER ENGAGEMENT FORA

In 2019, the Branch organized and/participated in the following Events:

1. The Branch partnered with ALN Academy in offering **Legal Practice Management Series** which involves monthly half – day trainings on different topics on how to successfully run a law firm. So far, there have been four sessions which were held on **21st November 2018, 19th December 2018, 24th January 2019, 27th March 2019, 24th April, 17th May, 26th June, 31st July and 25th September 2019.**
2. The Branch collaborated with Trial Advocacy Training Institute in offering **Trial Advocacy Training** to practitioners. The training was held on **8th April –**

12th April 2019.

3. The Branch held quiz nights on **30th April 2019** and 18th October 2019. The events were hosted at Alumni Club in Kileleshwa. The defending champions were *Swiss Francs* from Bowmans in the former and the current champions are Team Ineos from Triple OK Law Advocates.
4. The Branch participated in the **Annual LSK Justice Cup** held on Saturday **27th July 2019**. We thank all the members of the Team LSK Nairobi who represented the Branch at the Justice Cup Sports Tournament. The team improved in performance and was eliminated at the Pool Stage.
5. The Branch organized **Advocates Barbeque Grill** which was held on **27th July 2019** at K1 Klub House. The event was very successful, the next Advocates Barbeque Grill will be communicated soon via our social media platforms.
6. The Branch has partnered with Coulson Harney LLP in offering Conveyancing Series. The sessions based on different areas of conveyancing were held on **25th July, 15th August, 5th September, 26th September, 17th October and 14th November 2019**
7. The Branch held its inaugural Sports Day on **2nd November 2019**. The Sports Day presented an opportunity for Advocates to participate in various sporting activities; most notably, football, basketball, volleyball, swimming, chess, table tennis, checkers, badminton and short athletic races were on offer for participation.
8. The Branch held an End of Year Advocates Barbeque on **7th December 2019** at Jiweke Tavern.

I. THE THIRD ANNUAL GENERAL MEETING OF LSK NAIROBI BRANCH

The Branch conducted its third Annual General Meeting on 24th May 2019 at the Ceremonial Hall from 2.30pm. The Agenda of the meeting began with the Secretary reading the Notice to convene the meeting. Members had a moment of silence to pay tribute to members departed. Minutes of the last AGM held on 24th May 2018 were confirmed as some members proposed amendments to the minutes. The Annual Report for 2018 which had Financial Statements and Audit Reports was presented at the meeting and members appointed the firm of O. M. Ngotho Associates as the Branch Auditors for the year 2019. The Branch Charter was discussed as members adopted the same subject to proposed amendments.

J. CHALLENGES AND MEASURES TO RESOLVE THEM

1. Member Participation

The Branch is facing challenges in getting members to attend our events and activities. We request members to embrace Total Member Involvement (TMI) to enable us serve our mandate effectively. Getting member subscriptions has also been a great challenge despite all the enticing benefits we have created for subscribed members. We request members to take advantage of the benefits by paying the voluntary subscription fee of shs.1,500.00

The Branch is currently allowed to issue one (1) CPD point during Branch AGMs and we hope this will increase member participation.

2. Communication

The Branch has access to updated details of the overall members' database held by the Law Society of Kenya National Office which has facilitated our ability to communicate effectively with all our members. Our main challenge is getting our members to read the newsletters and give feedback on matters arising in practice. Many members still do not receive our Newsletter which is sent on an almost weekly basis.

Website Revamping

The LSK Nairobi Branch website has been revamped through;

- a. Creation of pages for all major events undertaken by the Branch
- b. Improving the outlook by having borders on the page bearing Branch contacts and subscription information
- c. Inclusion of all partner logos and improvement of general organization of the website
- d. Inclusion of social media icons to direct members to our social media pages.

Social Media

The Branch operates on four main social media platforms to communicate to members, namely, Facebook, Twitter, Instagram, WhatsApp and LinkedIn. Frequent posts are made on various Branch activities and Programmes on either or all the Platforms. The Branch has also successfully developed a WhatsApp Database for all Group Administrators of various advocates' WhatsApp groups to enhance communication to members. The

Branch circulates event posters via broadcast list on WhatsApp.

Bulk Email & Mailing List

The Branch has made use of the Atomic Mail Application to send out multiple emails simultaneously to all members on our mailing list. The Mailing List is also constantly and manually updated after every event and new engagement with members.

Newsletter

Regular communication of Committee progress and Branch activities is issued to members via the Branch Newsletter. We send out our weekly newsletters every Tuesday.

Gratitude for Support Received

LSK Nairobi Branch would like to express sincere gratitude to all Nairobi and Kiambu County practitioners and law firms for their support and participation in Branch activities. We specially recognize the following law firms and organizations who have supported the Branch in furthering its activities through generous contributions and donations:

1. Ashitiva Advocates LLP
2. Ombura Mbeche & Co. Advocates
3. Prof. Ojienda & Associates Advocates
4. Triple OK Law Advocates
5. Muma & Kanjama Advocates
6. Robson Harris Advocates
7. Anjarwalla & Khanna Advocates
8. Traction School of Governance and Business
9. Peter Wanyama Advocate
10. LSK Sacco Ltd
11. National Council for Law Reporting
12. Federation of Women Lawyers (FIDA)
13. Nelson Havi Advocate
14. Maria Mbeneka Advocate
15. Eric Nyongesa Advocate
16. Carolyne Kamende Advocate
17. Iseme Kamau and Maema Advocates
18. Kengen
19. Juror Box
20. KCB Bank

K. CHAPTER REPORTS

► KIAMBU CHAPTER

1. INTRODUCTION

The LSK Kiambu Chapter was established in May 2019 as one of the four organs of the Law Society of Kenya Nairobi Branch comprising of Advocates who practice in Kiambu, Limuru, Kikuyu and Githunguri. The Chapter also operates under the name Kiambu Bar Association established in the year 2004.

The Chapter has a membership of over 70+ members from Limuru, Kikuyu and Githunguri practice centres. The Chapter's main mandate is to maintain and improve standards of conduct in the legal profession in Kiambu, to create legal awareness and to protect and assist the public in all matters incidental to the law.

The Executive Committee consists of Beth Gathoni Mwangi Fundi (Chairperson), Luis Wahome (Vice Chairperson), Colin Warutere Munene (Secretary General), Loise Ndirangu (Treasurer), and John K. Njuguna (Organising Secretary).

The other elected representatives from the various stations in Kiambu County are Catherine Kinyanjui (Kikuyu Representative), Regina Muhoho (Limuru Representative) and John Gikenye (Githunguri Representative).

2. EVENTS & MEETINGS

a) Kiambu Bar - Bench Dinner

The Kiambu Bar-Bench held its Bar-bench Dinner (Bonding Session Dinner) on **31st May 2019** at Elysian Hotel, Kiambu Road. About fifteen (15) Judicial Officers and over seventy (70) Advocates from Kiambu, Thika, Kikuyu, Limuru, and Githunguri were all in attendance.

b) Kiambu Bar - Bench meetings

The Chapter held three (3) Bar-Bench meetings since July 2019 as follows:

- i) Kiambu Bar-Bench meeting on **8th August, 2019**;
- ii) Kiambu Bar-Bench meeting on **7th November, 2019**
- iii) Githunguri Bar-Bench meeting on **25th November, 2019**

c) Kiambu Bar Association & Executives meetings

The Association has so far held nine (9) meetings since July 2019. The meetings were held as follows:

- i) Kiambu Bar Association meeting on **5th July, 2019**
- ii) LSK Nairobi Branch & Kiambu Chapter Branch Tour on **28th July, 2019;**
- iii) Kiambu Chapter Executives' meeting on **29th August 2019**
- iv) Kiambu Bar Association meeting on 5th **September, 2019;**
- v) Kiambu Bar meeting with the Registrar of Lands, Kiambu on **5th September, 2019;**
- vi) Kiambu Chapter Executives' meeting with the OCS Kiambu on **24th September, 2019;**
- vii) Court Users Committee Meeting on **26th September, 2019**
- viii) Kiambu Chapter Executives' meeting on **24th October, 2019**
- ix) Kiambu Bar Association meeting on **1st November, 2019**

d) Summary of issues discussed in the Bar – Bench & Bar Association meetings:

- i) Masquerader issues;
- ii) Office for the chapter;
- iii) End of year party;
- iv) Performance assessment/evaluation of Kiambu Law Courts;
- v) Communication by the court;
- vi) Missing files in court;
- vii) Verification of sureties;
- viii) Pleas;
- ix) Congestion of matters in cause list;
- x) Alternative Dispute Resolution;
- xi) Pauper briefs;
- xii) Legal service week.
- xiii) Pro-bono payments
- xiv) Mediation
- xv) Plea Bargain
- xvi) Corruption
- xvii) Problems and challenges in Githunguri Law Courts
- xviii) Succession matters
- xix) Mediation in court matters Most of the issues above were resolved.

e) Masqueraders & fake law firms

The LSK Kiambu Chapter is mandated to protect members of the public from fake lawyers by weeding out masqueraders from the Legal Profession.

The Chapter has been receiving complaints from members of the public and judicial officers as well, and has been carrying out impromptu inspections of various offices believed to be operated by quacks in Kiambu Sub-County. The Chapter conducted an operation to flush out masqueraders and close down fake law firms in Kiambu on Friday **27th September, 2019.**

We had the support of the C.E.O of Law Society of Kenya, Mercy Wambua who assigned the Compliance Officer, L.S.K to aid us in this operation. The L.S.K also provided a van for this operation. We also got assistance from the Kenya Police, Kiambu Division through the O.C.S Kiambu. We were successful in our operation and managed to close down four (4) fake law firms and four (4) people were arrested. The cases are pending in Court.

On **28th October, 2019**, a lady was arrested in Githunguri Law Courts as she was unlawfully representing clients in a succession matter. She was detained for ten (10) days pending further investigations via an order by the Chief Magistrate in Misc. No. 56 of 2019. The case is on-going.

f) Legal Service Week

The LSK Kiambu Chapter observed this year's National Legal Awareness Week from 28th October to 1st November, 2019 at the Kiambu Law Courts Parking Yard under the theme: *"Gender Based Violence – A Focus on Mental Health."* The event was officially launched on Monday **28th October 2019** at 9:00 a.m. by Hon. Lady Justice C. Meoli, the Presiding Judge, Kiambu, together with Hon. Patricia Gichohi, Chief Magistrate and Head of Station, Kiambu Law Courts.

This was the first ever Legal Service Week held at Kiambu sub-county where over 80 Advocates attended the service week and over 180 members of the public were attended to.

g) Corporate Social Responsibility (C.S.R)

Members of the Kiambu Bar Association visited Hosana Children's Home at Githunguri on **20th December 2019** from 10.00 a.m. to 1.00 p.m. as part of our Annual Corporate Social Responsibility.

h) End of Year Dinner

The Kiambu Bar Association held its End of Year Dinner on **20th December 2019** from 5.00 p.m. at Kiambu Senior Member's Club. Also in attendance was the Chair of the Ruiru Bar Association/Practice Centre.

► THIKA CHAPTER

1. INTRODUCTION

The Law Society of Kenya Nairobi Branch – Thika chapter is led by six officials and consists of a hundred and fifty members. It comprises of Thika, Juja and Ruiru Practice Centres. The current officials who were elected into office on **10th August 2018** are:

1. **Ishmael Nguringa** – Chairman
2. **Norman Otieno** – Vice Chairman
3. **Esther K. Kinyua** – Secretary
4. **Lizbeth Musyoka** – Vice Secretary
5. **Daniel Gachau** – Organising Secretary
6. **Crispus Kanyi Kiruchi** – Treasurer

2. EVENTS AND ACTIVITIES

a. ENVIRONMENT AND LAND COURT CONSTRUCTION AND REPAIR

During the end of the month of June, the Committee on practice and welfare issues and the officials held a meeting at Eton hotel and one of the issues deliberated was on how to improve practice at the Environment and Land Court. The members agreed to have the Court fenced and also construct the judge's car shade. The construction began on **7th July 2019** and ended at the end of the same month.

b. THIKA LAW COURTS BAR BENCH MEETING

On **23rd July 2019**, Thika Chapter members and the Thika Law Courts Chief Magistrates held a Bar Bench meeting at Eton hotel and the main issue that members raised was the issue on missing files. One of the reasons identified for missing files was inadequate space in the Registry Members proposed expansion of Thika Law Courts Civil Registry by constructing more shelves to store files. Due to ongoing construction, it was resolved that the expansion of the Civil Registry will begin as the year ends (2019).

c. RUIRU LAW COURTS CONSTRUCTION

At the beginning of 2019, a new Court was opened at Ruiru and the Law Society of Kenya Nairobi Branch -Thika Chapter have been working closely with the Court by allocating funds to help run the Court smoothly. The Chapter helped in buying stationery, signage, fencing the court, fixing the door signages and helped in construction of the Courts store. On **8th August 2019**, Thika Chapter officials held a meeting to discuss on the ongoing construction work at Ruiru Law Courts before the official launch of the Court by the Chief Justice of Kenya Hon. Justice David Maraga. On **28th August 2019**, Thika Chapter members took part in the official launch of the Court.

d. RUIRU LAW COURTS COURT USERS COMMITTEE MEETING

On **25th September 2019**, Thika Chapter officials attended the meeting which was meant to deliberate on how to improve practice at Ruiru Law Courts. The chapter supported the court by catering for the meals and drinks of the court users Committee meeting.

e. LEGAL AWARENESS WEEK

From **28th October to 1st November 2019**, the Thika Chapter carried out its Legal Awareness Week at the Thika Law Courts premises where several members took part in the activity.

f. ENVIRONMENT AND LAND COURT BAR BENCH MEETING

On **17th October 2019**, Thika Chapter members attended the ELC Bar Bench meeting where members and the judge deliberated on issues affecting the Court and the resolutions as well.

g. THIKA LAW COURTS CIVIL REGISTRY EXPANSION

Members had earlier raised an issue on missing files on July. As agreed, the same will be looked into before the end of 2019, the officials held a meeting and planned on the construction of more shelves to store the files. The work begun in mid – October and ended late December due to inadequate funds.

5. SOUTH EASTERN BRANCH

Introduction

The current Council comprises of:

- | | |
|------------------------------|----------------------|
| 1. Mr. Justus Mutia | Chairman |
| 2. Mr. Japheth K. Mwalimu | Vice Chairman |
| 3. Mr. Mutua J. Makau | General- Secretary |
| 4. Ms. Edith N. Mutuku | Vice Secretary |
| 5. Ms. Priscillar M. Kioko | Organizing Secretary |
| 6. Ms. Faith M. Katunga | Treasurer |
| 7. Ms. Edith A. Onyango | Council Member |
| 8. Mr. Muinde Kaluu | Council Member |
| 9. Mr. Muaka E. Busu | Council Member |
| 10. Mr. Evans M. Mochama | Council Member |
| 11. Mr. Christopher K. Nzili | Council Member |
| 12. Mr. Benjamin K. Kyalo | Council Member |

1. ADVOCATES INTERACTIVE MEETINGS

The branch held meetings with members which were categorized as Breakfast Meetings or Luncheons to get feedback from branch members. This included a breakfast meeting for senior advocates and lady advocates.

a. Senior Advocates breakfast

The meeting was held on 18th/1/2019 at The Kyaka Hotel led by the Branch executive. It incorporated advocates with 20 years and more of practice

b. Lady Advocates breakfast

It was held on the 07/6/2019 at the Kyaka Hotel. It

2019 Monthly Meetings:

1	18/1/2019	4	28/4/2019	7	19/7/2019	10	18/10/2019
2	17/2/2019	5	17/5/2019	8	23/8/2019	11	11/11/2019
3	15/3/2019	6	21/6/2019	9	27/9/2019	12	13/12/2019

3. JUDICIARY OPEN DAY

The Branch was represented by the Chair at Judiciary Open Day for Kilungu Law Courts held on 9/11/2019. The Guest of the function was the then Presiding Judge for Makueni, Hon. Justice Charles Kariuki.

was an only Ladies breakfast giving them a chance to speak freely about issues affecting them in their profession. The Guest of Honor was Adv. Caroline Kamende.

c. Luncheons

In 2019 the Branch had 3 luncheons. The Branch executive holds the luncheons for its general membership often at different venues in order to collect views and comments from the members. Some luncheons are held in partnership with other bodies that offer their much needed skills to the advocates

2019 Branch Luncheons:

- Kitui Luncheon – 22/2/2019
- KCB Luncheon- 9/8/2019: Held with Members over the topic on investment.
- KRA Luncheons – 4/11/2019: Members were taken through KRA compliance procedures by officers from KRA, Machakos Station.
- Mwingi Luncheon 19/9/2019 (The Branch Executive members had lunch with Advocates based in Mwingi after the Mwingi Court visit.

2. BRANCH EXECUTIVE MONTHLY MEETINGS

The Branch Executive meets on the third Friday of every month. The purpose of the monthly meetings is to monitor the progress of the office, sharing of different responsibilities as required of them and handling complaints received in the office among other issues. In 2019, the meetings were held on the following dates:

4. MAKINDU LAW COURTS' BUILDING OFFICIAL OPENING

The Branch was represented in the official opening of the Makindu Law Courts' building on 31/1/2019.

5. CHAIRS' CAUCUS MEETINGS WITH THE CHIEF JUSTICE

The Chair for the Branch joined the other Chairs in engaging with the Chief Justice on the matters affecting Branches. In 2019, he attended 2 meetings on 15/2/2019 and 25/10/2019 at the CJ's Boardroom at the Supreme Court- Nairobi. The meetings gave Chairs the opportunity to discuss the challenges faced by advocates in practicing in courts in their branches and the intervention actions that required to be taken.

6. BRANCH EXECUTIVE RETREAT

To plan for 2019, the Branch Executive members had a retreat at the Pelican Lodge-Naivasha on the 25/2/2019 -27/2/2019. They discussed matters of the office which included the report of 2018, events for 2019, Calendar of events, welfare & practice issues, the audited accounts of 2018 and the budget for 2019.

7. COURT VISITS

In 2018, the Branch Executive had come up with a programme of paying courtesy call to all court stations within the Branch. All the courts which had not been visited in 2018 were visited in 2019. The Branch officials were able to meet the Head of Stations and other judicial officers and discussed different matters affecting them or in need of guidance. Below is the list of the Courts which were visited in 2019 and dates,

Courts visited & Dates:

Kitui Law Court	-	22/2/2019
Makueni Law Court	-	2/10/2019
Kajiado Law court	-	25/7/2019
Ngong Law Court	-	24/10/2019

2019 Welfare Meetings:

1	5/3/2019	4	6/9/2019	7	25/10/2019
2	24/5/2019	5	30/9/2019	8	13/12/2019
3	21/6/2019	6	23/10/2019		

11. BRANCH INTERACTIVE MEETING WITH JUDGES AND MAGISTRATES

The Branch Executive organized an interactive meeting between the advocates, Judges and magistrates which was held on the 5/4/2019 at the Garden Hotel. All the Judges in the Courts within the region attended the

Tawa Law Court	-	29/7/2019
Loitoktok Law Court	-	20/11/2019
Mwingi Law Court	-	19/9/2019
Kyuso Law Court	-	6/12/2019
Garissa Law Court	-	20/9/2019

8. OTHER COURTESY CALLS

During the year the Branch Executive members made courtesy calls to other Government offices and discussed issues touching on practice. This included a meeting with the Governor of Machakos, H.E. Dr. Alfred Mutua, Machakos and Makueni Land registries.

9. BRANCH OFFICE RELOCATION FROM TRIPLE M TO LITKA SQUARE

In order to serve the members better, the Branch Executive after much consideration, decided to move the Branch Secretariat to Litka Square Building at Machakos. The office has bigger space and has been partitioned into 4 offices i.e. the reception, the Program Development Officer's office, Chairman's Office (open for use by any Branch Executive member for Branch duties) and a Boardroom. The Branch Secretariat was moved to the office on 1/3/2019.

10. WELFARE ASSOCIATION MEETINGS

The Welfare Association established in 2018 has picked well. It addressed the issues of bereavement and sickness. In 2019 it participated in 4 cases where members had lost their parents and 1 case of sickness. The welfare is run by Welfare Committee officials. They hold their meetings on different times to discuss on matters of the advocates welfare at the Branch Office Boardroom. Below are the dates the Committee had its meeting.

forum except one who was on leave. To simulate friendly discussions on issues one advocate and one judge were requested to deliver a talk in the meeting. Mrs. Elizabeth Isika Advocate spoke on part of the advocates and Hon. Justice Odunga spoke on part of the Judges and Magistrates.

12. APPOINTMENT OF PROGRAMME DEVELOPMENT OFFICER (PDO)

The Branch Executive advertised the position of PDO to assist in running the programs of the Branch. Interviews were conducted on **18/4/2019** and the successful candidate was appointed. She started work in June 2019.

13. SPORTS ACTIVITIES

The Branch continued to participate in sport activities. There is now a SE Football club which holds regular practice. It is composed of advocates and advocates' clerks. In 2019 the club participated in Mombasa Law Society Sports Day and Justice Cup Tournament among others.

a. Mombasa Law Society Sports Day

It was held on the 27/4/2019 at Aghakan Academy at Mombasa.

b. Justice Cup

It was held on the 27/7/2019 at Parklands in Nairobi. The football team was present together with a few Council member representatives. A certificate of attendance was awarded.

14. BRANCH AGM

The AGM was held in The Kyaka Hotel on the 21/6/2019. The turnout was great and the Executive members were able to give a comprehensive yearly report to the advocates, on the finances and events that took place the previous year. The AGM passed resolution for the Branch Executive to secure a plot where secretariat offices can be built in future. Also, sub-committees were lodged to help in the Branch Executive to execute its mandate.

15. ANNUAL CONFERENCE

The Branch supported the Chairman to attend the Annual LSK Conference held in Mombasa on the 14th-18th August 2019.

16. LEGAL AWARENESS WEEK

The Branch members participated in the Legal Awareness week which was held on 28/10/2019— 1 /11/2019. The same was conducted at **6 stations; Machakos, Kajiado, Makindu, Kitui, Kangundo & Mwingi** Law Courts.

On the 30/10/2019 the advocates present at the Machakos Law Court held a **Lawyers Walk** around Machakos town sensitizing the members of public more on the Legal Awareness Week.

On the 1/11/2019, it being our last day on the Legal Awareness Week, some members of the branch made a **Prison Visit** to the **Machakos Prisons** for both **Men** and **Women** to offer free legal aid and took it as a good chance for our **Corporate Social Responsibility**. The team donated a 10,000ltrs water tank for male prison side and a merry go round swing and some clothing for the female inmates' children.

17. BRANCH ELECTIONS

The Branch held elections on held on the 11/12/2019. In nomination process conducted before the elections, the current chairman, secretary, and treasurer were the only nominated candidates. They therefore got elected unopposed. However, in the posts for senior lawyers and young lawyers' representatives, two and three candidates were nominated respectively. In the elections Mr. Japheth Mwalimu and Mr. Chrislero Langalanga were elected as Senior and Young Lawyers representative. The elections were conducted through secret ballot in the following polling stations:

1. Machakos Law Courts
2. Kitui Law Courts
3. Kajiado Law Courts
4. Makueni Law Courts
5. Mwingi Law Courts
6. Mavoko Law Courts
7. Makindu Law Courts

The other members are supposed to be elected by their colleagues with areas zoned as follows:

1. Machakos - 1
2. Mavoko- 1
3. Kajiado, Ngong' & Loitoktok- 1
4. Kitui- 1
5. Makueni, Makindu, Kilungu & Tawa- 1
6. Mwingi & Garissa- 1
7. Kangundo & Kithimani- 1

The elected members will join the others to make a Branch Executive of 12 which is expected to take over in the Branch AGM to be held on 19.2.2020

18. DINNER & DANCE

This was the last event of the Branch in 2019. The Chairman addressed the members on the issues attended to during the year and the focus for 2020. Thereafter, the members wine, dined and danced as they closed the year.

6. COAST BRANCH

Introduction

Pursuant to the Charter of the Law Society of Kenya Coast branch, the same recognized Mombasa Law Society and Malindi Law Society as separate entities to run events in their areas. This is reinforced by an earlier resolution of the LSK Annual General Meeting to preserve the Societies that pre-existed the new branches which are the recognized Chapters of LSK Coast branch.

Consequently, a number of events are executed by the Chapters whilst a number are executed as events of the Society. In this report, we will therefore report as hereunder:-

1. **Events of the Branch.**
2. **Events of Mombasa Law Society.**
3. **Events of Malindi Law Society.**

1. EVENTS OF THE LAW SOCIETY OF KENYA COAST BRANCH

a. ANNUAL GENERAL MEETING FOR THE LAW SOCIETY OF KENYA – COAST BRANCH HELD ON 25TH JANUARY 2019

As per the Resolution of the AGM held on 3rd November 2017 the Council met our Counterparts from Malindi in order to actualize formation of the statutory branch. Consequently it was agreed that a steering Committee of both Societies be constituted.

On 24th August 2018 a steering Committee was formed. The steering Committee Members are as follows:-

- | | | |
|------------------------|---|-------------------|
| 1. Mathew Nyabena | - | Chairman |
| 2. Gicharu Kimani | - | Vice Chairman |
| 3. Lucy Wangari Mwangi | - | Secretary General |
| 4. Natasha Ali Errey | - | Deputy Secretary |
| 5. Jacqueline Waihenya | - | Treasurer |
| 6. Paula Ngetich | - | Member |
| 7. Tonia Mwanja | - | Member |
| 8. Duncan Mwanyumba | - | Member |

An Inaugural General meeting for the Coast practitioners took place on 25th January 2019 at Pride Inn Hotel and the draft charter was duly adopted and the officials were confirmed.

b. SPORTS DAY FOR THE LAW SOCIETY OF KENYA COAST BRANCH HELD ON 27TH APRIL 2019 AT AGA KHAN ACADEMY, MOMBASA

This was done in conjunction with the Mombasa Law Society Sports and Family Fun Day on 27th April 2019. It was the first inter branch football match. The branch hosted the visiting South Eastern Branch for dinner and an after party. The South Eastern branch team appreciated the events and promised to invite us to visit them.

2. EVENTS OF THE MOMBASA LAW SOCIETY

The Council members for year 2019/2021 are;

- | | | |
|---------------------------|---|--------------------------|
| 1. Mathew Nyabena | - | Chairman |
| 2. Christine Kipsang | - | Vice Chairman |
| 3. Mary Kiruriti | - | Secretary General |
| 4. Jane Onyango | - | Deputy Secretary General |
| 5. Jacqueline Waihenya | - | Treasurer |
| 6. Luqmaan Ahmed | - | Deputy Treasurer |
| 7. Elizabeth Mvoi Mwasaru | - | Organizing Secretary |
| 8. Caroline Katisya | - | Member |
| 9. Mary W. Waweru | - | Member |
| 10. Ernest Mokaya | - | Member |
| 11. Mary Kisilu | - | Member |
| 12. Phillip Adede | - | Member |
| 13. Shamsa Abdulmajid | - | Member |
| 14. Moses N. Waweru | - | Trustee |
| 15. Mohamed F. Khatib | - | Trustee |
| 16. Mercy Deche | - | Trustee |

The following are the Committees of the Mombasa Law Society:-

1. Conveyancing Committee
2. Information technology & Public Relations
3. Bar-Bench
4. Welfare Investment and Mentorship
5. Ethics and Compliance
6. CPD and Inns of Court
7. Finance
8. Family division
9. Young Lawyers
10. Admiralty and Maritime
11. Civil Litigation

12. Criminal Practice
13. Alternative Dispute Resolution
14. Devolution
15. In house
16. Sports & Recreation
17. Kadhi's Court
18. Environment and Land Court
19. Employment and Labour Relations Court
20. Public Interest Litigation Committee

a. SPECIAL GENERAL MEETING FOR THE MOMBASA LAW SOCIETY HELD ON 25TH JANUARY 2019

A special General Meeting for the Mombasa Law Society was held on 25th January 2019.

The purpose of calling for a special General Meeting was that the term for the previous

Trustees had ended and there was need to appoint new trustees who would serve for the Period 2019 – 2021.

The following members were appointed as trustees:-

1. Moses N. Waweru
2. Mohamed F. Khatib
3. Mercy Deche

We sincerely thank our Senior Gikandi Ngibuini for his invaluable support to the Society in his capacity as a trustee.

b. MOMBASA LAW SOCIETY FITNESS BOOT CAMP ON 26TH JANUARY 2019

The Mombasa Law Society Sports Recreation Committee organized the 1st Boot camp on 26th January 2019 at Forest Trails. The theme of the event is 'A healthy Lawyer is a Wealthy Lawyers: Taking Audit of Lawyers Health. The activities involve are Running, Walking/ Hiking, Jogging, and cycling along the trails and Zumba sessions. The Committee has been hosting the said event once every month at Forest Trails. The turnout has been good in follow up boot camps.

c. INFORMATION SESSION FOR MOCK TRIAL COMPETITION HELD ON 29TH JANUARY 2019 AT ROYAL COURT HOTEL

The event was organized by Lawyers without Borders in conjunction with the Law Society of Kenya. The event was meant to give opportunity

to members to grow their trial advocacy skills and take part in a National and International Mock trial competition to combat wildlife trafficking in Africa. The session was well attended.

d. MEDIATION TRAINING WORKSHOP HELD ON 4TH TO 8TH MARCH 2019 ORGANIZED BY COAST MEDIATION CENTER AND MEDIATION TRAINING INSTITUTE AT BLISS RESORT NYALI

The event was organized by Coast Mediation Center in partnership with Mediation Training Institute East Africa (MTI). Members who attended had the opportunity to become certified Professional Mediators.

The next mediation training is on 2nd to 6th December 2019 and has been organized by FIDA Kenya in conjunction with Mediation Training Institute.

e. MENTORSHIP PROGRAM - THE STEPS OF PRACTICE (WORKLIFE BALANCE) HELD ON 8TH MARCH 2019 AT THE UNIVERSITY OF NAIROBI, MOMBASA CAMPUS

The event was organized by the Mentorship Committee of the Mombasa Law Society. The program is meant to mentor all advocates as well as law students. Since its inception the program has been a great success.

f. TRIAL ADVOCACY TRAINING TEACHER TRAINING HELD ON 1ST TO 3RD APRIL 2019 AT THE UNIVERSITY OF NAIROBI, MOMBASA CAMPUS

The training is hosted in Mombasa once every Year. More members have now graduated to be trainers. The training was successful and eight members graduated as Faculty.

g. SPORTS AND FAMILY FUN DAY 27TH APRIL 2019 AT AGA KHAN ACADEMY, MOMBASA

On the 27th April 2019 the Mombasa Law Society in conjunction with LSK Coast Branch hosted the Annual Sports Day at the Aga Khan Academy with its objective being to strengthen social ties. We invited the LSK South Eastern Branch to the event. The

Inauguration commenced with a welcome speech from the Chief Guest Hon. Lady Justice Thande.

Members took part in various activities e.g. Soccer, Swimming and Aqua Zumba, Basketball Scrabble, Racing, Chess.

In the first soccer game started **SEVEN ASIDE** with Machakos Team playing with MLS. The second match was a highly competitive event where Abdulwahid & Co. Advocates team and The University of Nairobi eyed the Seven Aside Cup. The winning team was University of Nairobi Mombasa Campus.

In Basketball, MLS played against Technical University of Mombasa (TUM) in which TUM took the cup.

In Scrabble, David Wachenje advocate took the lead and in the game of Chess, Mr. Karim Chakera advocate was the winner.

The event was finished off with the much anticipated game between Mombasa Law Society and LSK South Eastern Branch. It was a highly competitive match which ended up with Mombasa Law Society taking the cup for the day by 1 goal to nil.

The best player was Levin Nangwere, and the most disciplined team was LSK South Eastern Branch. The overall sports man of the day was Boaz Adalla advocate, and the overall sports woman of the day was Christine Kipsang advocate.

The Basketball team of the day was TUM. The Seven Aside Cup was taken by the UON Mombasa Campus. Finally the overall team that carried the day was Mombasa Law Society which beat LSK South Eastern Branch by a solitary goal to nil.

The closing remarks and awarding of trophies and medals to the respective winners and this exercise was led by the Chairman of Mombasa Law Society Mr. Mathew Nyabena thereafter the Chairman invited the Advocates for the after party which took place at Butterfly Pavillion. The event was a success.

h. LAW AND TECH SEMINAR ON 16TH AND 17TH MAY 2019 IN MOMBASA

The forum was organized by Africa center for Technology in conjunction with Cyber Security Institute and the Law Society of Kenya.

The following topics were covered:

- Digital Forensics Evidence and Law
- Cyber security for firms and Corporations
- General data protection regulation
- Data Science, Cloud and the Law
- Emerging Technologies & Law

The event was well attended and informative.

i. DINNER WITH THE COURT OF APPEAL JUDGES AT MOMBASA CLUB

The Mombasa Law Society hosted a Dinner for all the Court of Appeal Judges and their support staff. Issues in regard to practice in the Court of Appeal were discussed. The Judges appreciated that the Society appreciated their work and confessed that it is only Mombasa Law Society that recognized and hosted them during their circuit. The event went on well.

j. FORUM ON REVIEW OF THE SLUM UPGRADING AND PREVENTION BILL, 2018 ON 6TH JUNE 2019 AT TURTLE BAY BEACH RESORT WATAMU

The forum was organized by Kenya National Commission on Human Rights (KNCHR). The aim was to engage practitioners from the Coast to review the slum upgrading and Prevention Bill 2018 and get proposals by members or the network prior to preparing and forwarding its advisory to the taskforce charged with drafting the Bill. The Conveyancing and Land Committee represented the Society.

k. THREE DAY TRAINING FOR YOUTH UNDER THE WAJIBU WETU PROJECT ON 20TH JUNE 2019 AT ROYAL COURT HOTEL

The training was conducted by Haki Africa. Haki Africa is a human rights organization based in Mombasa working to improve livelihoods and enhance the progressive realization of human rights in Kenya and beyond. Haki Africa implemented the Wajibu Yetu Project that aims to contribute to respect for and fulfillment of human rights, deepening democracy and realization of gender equality in Kenya. The Mombasa Law Society attended the training as key stakeholders charged with the mandate of advising and assisting members of the legal profession, government and the larger public in all matters relating to administration of justice.

l. STAKEHOLDERS CONSULTATIVE WORKSHOP ON THE DRAFT SEXUAL HARASSMENT POLICY ON 21ST JUNE 2019 AT PRIDE INN PARADISE BEACH RESORT, MOMBASA

The workshop on the draft sexual harassment policy was held on 21st June 2019 at Pride Inn Paradise Beach Resort, Mombasa. The Council of the Law Society of Kenya, through the Gender Committee developed a policy document on sexual harassment to create

awareness on what amounts to sexual harassment but most importantly to provide a reporting mechanism to offer redress for victims of sexual harassment within the legal profession. The Council collected views from members in attendance. The event was well attended.

m. LSK SACCO EDUCATION DAY ON 9TH AUGUST 2019 AT CITY BLUE CREEKSIDE HOTEL, MOMBASA

The LSK Sacco organized for an Education day on 9th August 2019 in Mombasa. The following topics were covered during the Education Day:

- Investment opportunities
- Benefits of maintaining active
- Healthy accounts
- Rationale behind increase in share capital
- Benefits of the LSK Sacco Benevolent Fund

The Education day was successful.

n. TRIAL ADVOCACY TRAINING HELD ON 26TH TO 30TH AUGUST 2019 AT THE UNIVERSITY OF NAIROBI, MOMBASA CAMPUS

The Trial Advocacy Training was held on 26th to 30th August 2019 at the University of Nairobi, Mombasa campus. This was the 5th training in Mombasa. 40 participants attended the training. The purpose was to equip those who had already undergone the training to become trainers. The training has boosted the numbers of Faculty trainers of Mombasa and will promote further trainings in Mombasa.

o. TONONOKA COURT CHILDREN'S OPEN DAY ON 19TH SEPTEMBER 2019

Tononoka CUC is an umbrella body mandated under the National Council for Administration of Justice to bring stakeholders together working in the Children's Court. The Committee identified several projects for the 2019/2020 financial year and urged Stakeholders to support any of the projects to make the Tononoka Court friendly to the Children. The open day was well attended.

p. VISIT BY THE NCAJ COMMITTEE ON CRIMINAL JUSTICE REFORMS ON 2ND SEPTEMBER 2019 IN MOMBASA

The NCAJ Committee carried out a circuit visit of various regions in the Country and on 2nd September 2019 visited Mombasa. The intention of the visit was to observe the operations of various agencies

at the grass root level; Identity, collect and collate challenges afflicting the criminal justice system, gaps to be addressed, best practices to be adopted; assess issues of policing and investigation, prosecution, adjudication and correctional and aftercare service: and engage with officers and users of the justice system for feedback.

q. STEPS OF PRACTICE: FROM A PRACTITIONER TO AN INVESTOR - YOUR FINANCIAL FUTURE IN YOUR HANDS HELD ON 22ND NOVEMBER, 2020

The event was organized by the Mentorship Committee of the Mombasa Law Society in conjunction with the LSK Sacco. Both Young and Senior Advocates as well as law students were in attendance. The speakers of the day were Dr. Simon Gachara and Mulwa Nduya Advocate. The Program has been a great success.

r. INTERRELIGIOUS PRAYER DAY HELD ON 6TH DECEMBER 2019

The Mombasa Law Society held its 1st prayer day on 6th December 2019. Advocates, Judges and Magistrates, Institutions that promote administration of justice as well as Pastors, Priests and members of public from all walks of faith attended. The event was a success.

s. LAW & TECH SEMINAR ON 9TH & 10TH DECEMBER 2019

Africa Center for Advanced Technology in conjunction with the Mombasa Law Society has organized a seminar on Law & Tech to be held on **9th and 10th December 2019** at the **University of Nairobi, Mombasa campus**.

Topics to be covered are:-

- i. Digital Forensic Evidence and Law
- ii. Digital Case Management
- iii. Cyber Security for Law Firms
- iv. General Data Protection Regulation

The event went on well.

t. END OF YEAR PARTY HELD ON 13TH DECEMBER 2019

The Mombasa Law Society held an End of Year Party on 13th December 2019. Both Senior and Junior Advocates were in attendance. The event was a success.

u. HIGH COURT PETITION ON WIBA

The Society was part of Petition No. 196 of 2018 where the High Court quashed provisions of the WIBA and held that the Courts had jurisdiction to hear cases arising out of injury at work.

We appreciate our colleagues Njoroge Mwangi, Pauline Osino, Mcmillan Jengo and Diana Munyingi who appeared in the matter. Not to forget the members who met and brainstormed in the matter.

The Society also made interventions in the Supreme Court case to urge an aspect that had not be considered by the Law Society of Kenya. The Supreme Court did not admit the Mombasa Law Society to the case. The Appeal by the LSK was eventually dismissed.

v. PETITION ON THE SMALL CLAIMS COURT

The Society has filed a suit to challenge the provisions of the small claims court especially the provision that Advocates should not appear in the small claims court which handle matter from Kes. 0 – 200,000.

The matter comes up for mention on 3rd March, 2020 for highlighting of submissions.

w. BAR-BENCH

The Bar-Bench meeting deliberated on issues affecting the Practice. The Council continues to engage with the Judges and Magistrates to ensure delivery of services.

3. EVENTS OF THE MALINDI LAW SOCIETY CHAPTER OF THE LSK COAST BRANCH

The Council members for the Year 2019 – 2021 are:

1. Angaga Conrad Atiang - Chairman
2. Muiruri George Kariuki - Vice Chairman
3. Angaya Alfred Wangari - Secretary General
4. Metto Ednah Jebet - Treasurer
5. Vuhiri Duncan Matini - Non Executive Council Member
6. Aoko Mercy Otieno - Non Executive Council Member

a. COAST BRANCH ANNUAL GENERAL MEETING HELD ON 25TH JANUARY 2019 AT PRIDEINN HOTEL MOMBASA

The Branch made deliberations on several agenda mainly adoption of the Charter of the Branch.

b. VISIT BY THE PRESIDENT OF THE COURT OF APPEAL ON 20TH FEBRUARY 2019 AT MALINDI LAW COURTS AND MALINDI MAXIMUM PRISON

The President met with the Council at the Court of Appeal Judges Lounge and deliberated on issues affecting practice in the Court of Appeal.

c. MALINDI LAW COURTS PRO BONO AND PAUPER BRIEFS SCHEME COMMITTEE MEETING ON 6TH MARCH 2019 AT MALINDI LAW COURTS

Appointment of the LSK representative to the Committee.

d. INAUGURAL MEETING WITH JUSTICE NYAKUNDI THE NEW RESIDENT JUDGE ON 7TH MARCH 2019 AT MALINDI LAW COURTS

This was our introductory meeting with Justice Nyakundi who was reporting on transfer from Kajiado and was coming in to replace Judge Korir Weldon as Resident Judge of Malindi Law Courts.

e. MEMBER MEETING ON 8TH MARCH 2019 AT MALINDI ADVOCATES LOUNGE**f. COURT OF APPEAL MALINDI LUNCHEON HELD ON 14TH MARCH 2019 AT KILILI BAHARINI RESORT****g. COURT USERS COMMITTEE MEETING & WORKSHOP ON 16TH MAY 2019 AT MALINDI HIGH COURT****h. COURT USERS COMMITTEE MEETING ON 21ST MAY 2019****i. 4TH QUARTER BAR-BENCH MEETING ON 12TH JUNE 2019****j. GARSIN BAR BENCH CONSULTATIVE MEETING HELD ON 13TH JUNE 2019 AT MALINDI LAW COURTS**

The Chapter had several Bar-Bench meetings within its area of jurisdiction and intervened

In cases reported by members. There were four (4) Bar-Bench meetings in Malindi and one (1) in Garsin. The Chapter also attended Court Users Committee meetings where issue to do with administration of justice were addressed.

k. CHILDREN SERVICE WEEK HELD ON 24TH TO 28TH JUNE 2019 AT GARSEN LAW COURTS

It was a meeting to sensitize stakeholders on the new by laws and also for the approval of the CUC workshop plan for the year 2019/2020

l. SENSITIZATION WORKSHOP ON COUNTY BY LAWS AND APPROVAL OF THE CUC WORKSHOP PLAN FOR THE YEAR 2019/2020 HELD ON 28TH JUNE 2019 AT MNARANI CLUB KILIFI

m. LAUNCH OF THE COURT ANNEXED MEDIATION & THE CUC OPEN DAY HELD ON 18TH JULY 2019 AT MALINDI LAW COURTS

The Chapter hosted the Governor Kilifi County Justice Fred Ochieng and the Registrar of the High Court in the CUC Open day and the Launch of the Court Annexed Mediation.

n. LEGAL AID CLINIC GARASHI MAGARINI HELD ON 27TH SEPTEMBER 2019 AT GARASHI

Sema Nami Mama and Sauti ya Wanawake hosted the LSK to a legal aid clinic at Garashi in Magarini.

o. MALINDI TOWN CLEAN UP EXERCISE HELD ON 12TH OCTOBER 2019 AT MALINDI TOWN

As part of our CSR the Chapter hosted the LSK to a legal aid clinic at Garashi in Magarini.

p. LSK SERVICE WEEK HELD ON 28TH OCTOBER 2019 TO 1ST NOVEMBER 2019 AT MALINDI LAW COURTS

The Chapter carried out the Legal Awareness Week at Malindi Law Courts. It was well attended and several members of the public received Legal Aid.

q. 2ND QUARTER CUC AND ROUNDTABLE ON MEDIATION HELD ON 15TH NOVEMBER 2019 AT WATAMU KILIFI COUNTY

The Chapter launched the Court annexed mediation within the Judiciary in Malindi. The event was graced by Hon. Amason Kingi the Governor Kilifi County.

r. 16 DAYS OF ACTIVISM AGAINST VIOLENCE OPEN DAY HELD ON 25TH NOVEMBER 2019 AT GARASHE MAGARINI

Sensitization on the elimination of sexual and gender based violence; Land Ownership and Administration and user friendly Courts.

s. REGIONAL CUC WORKSHOP HELD ON 27TH TO 30TH NOVEMBER 2019 AT MALINDI

t. MEMBERS MEETING HELD ON 24TH JANUARY 2020 AT MALINDI

The Chapter had election of officials on 24th January 2020.

7. RIFT VALLEY BRANCH

The Rift Valley Branch has long been operating as the Rift Valley Law Society of Kenya (RVLS). The Society has been operating as the mother center for all the other chapters including Kericho, Naivasha, Laikipia, Kabarnet, Maralal, Bomet, Nyahururu, Molo and Sotik.

The current office holders of the RVLS are as follows:

1. Mr. Ochang' Ajigo - Chairman
2. Mr. Charles Lang'at - Vice Chair
3. Ms. Elinah Ayuma - Secretary
4. Mr. Sam Omiti - Treasurer
5. Mr. Stephen Imbwaga - Council Member
6. Mr. Gideon Yator - Council Member
7. Mrs. Karen Langat - Council Member
8. Ms. Sheila Sabaya - Council Member
9. Ms. Grace Kamau - Council Member
10. Ms. Evah Wanjiru - Council Member

The Branch is in the process of reconstitution to encompass all the other centers. The Branch elections are to be held on the 2nd March, 2020 in every center. The members of the Branch will be electing the Chairperson, Vice Chairperson and the secretary.

The council holds its meetings on the second Friday of every month. However, meetings could be held at any time on need be basis depending on the urgency of the issues arising.

The Committees

It is the Council's responsibilities to ensure that practice matters are adequately addressed. In light of the foregoing, the Council has various committees that are convened by the council members. These committees include:

- Civil and commercial Committee
- Family Committee
- Employment and Labour Relations Committee

- Social and Sports Committee
- Conveyancing Committee
- Children's court Committee
- High Court and lower court criminal Division Committee
- Environment and land court Committee
- Public interest Committee
- Disciplinary Committee

The following are the activities carried in the year 2019

a. Annual General meeting 9th June, 2018

The Annual General Meeting was held at the Nakuru Athletics Club. The members had an election that brought in the current council

b. Justice Cup 13th July, 2019

The Branch participated in the Justice Cup league. A team of about 12 players was sent to Nairobi to represent the Branch and they successfully did so.

c. Sports day 25th May, 2019

A sports day was held between the North Rift Branch and the Rift Valley Branch. Members from the bar from both branches had an opportunity to interact through various sports and socially.

d. Legal Awareness week 26th November, 2019 to 1st November, 2019

The Branch held the legal awareness week that took place in Nakuru, Bomet, Nyahururu and Kericho Centers.

e. Children Service week 2nd December, 2019 to 6th December, 2019

The Council, in conjunction with the Court users Committee, organized for a children service week. The aim of the service week was to raise awareness on matters affecting the children and to fast track the cases that were already in court. As a result, the courts were able to reduce the backlog on children matters.

f. Carol service 6th December, 2019

A carol service was held on the 6th December, 2019 at the ACK Church of Good Shepherd Nakuru.

g. End of Year Dinner 14th December, 2019

The council hosted the members for an end of year dinner on the 14th December, 2019 at the Magic Hour bar and Restaurant in Nakuru. The occasion was graced with the presence of members from the bench. The members had an opportunity to interact with each other.

h. Bar Bench meetings

The council had a bar bench meeting with all divisional judges on diverse dates to discuss various practice issues. Such meetings have helped to ease practice in the various courts.

8. WEST KENYA BRANCH

The Branch Officials comprises of:

- | | |
|----------------------------|-------------------|
| 1. Mr. Samuel M. Onyango | Chairman |
| 2. Mr. Peter Samba | Vice Chairperson |
| 3. Ms. Sussy Rauto | General Secretary |
| 4. Ms. Kemunto Onsongo | Treasurer |
| 5. Ms. Faustine Atieno | Member |
| 6. Mr. Charles Matete | Member |
| 7. Mr. Wakhumba Musumba E. | Member |
| 8. Ms. Miriam Olang | Member |

Branch Activities Year 2019

The members of the Law Society of Kenya – West Kenya branch undertook various activities. The branch had two interactive meetings with members of Busia and Bungoma chapters. The Branch also held one Annual General Meeting in the year

2019. The following are the activities undertaken by the Branch.

1. 22/2/2019

That the branch held an interactive meeting/session with the Practitioners of Busia chapter at Drimz hotel, Busia

The purpose of the meeting was to find out why Busia was not active in Branch activities and why they were not united despite having an easily manageable number of practitioners.

Various issues were addressed including recognition of Busia as a chapter.

2. 26/4/2019

The Branch Council held an interactive session with its members practicing in Bungoma chapter. They raised issues affecting the chapter. The same has since been addressed.

3. May

The Branch sourced and obtained space for Branch office. The same was set up to modern standards at Alpha House, 1st Floor Room 13 situated along Oginga Odinga Street in Kisumu

It has the reception area, the Managers office, the Boardroom and members lounge. The members lounge has a library. The office is fully furnished a part from the member's lounge which requires more books, desks, chairs and computers.

The office was officially launched on 31/5/2019 by the Deputy Governor, Kisumu County with the assistance of the Senior Counsel of the Branch.

The Branch also held its annual General Meeting in the month of May, where various resolutions were made by members.

The Branch further held a dinner and dance for its members in the month of May at Acacia Premiere Hotel- Kisumu. The dance floor was opened by Hon. Olago Aluoch Senior Counsel.

4. September

The Branch conducted and participated in the Legal awareness week. This was done through chapters whereby chapters were funded purposely to facilitate the legal aid activities in their branches.

5. Sports Activities

The branch organized and carried out sports activities within the chapters. Every chapter was funded and all of them had a sports day and family fun day.

LSK Branch Chairpersons



Mathew Nyabena
Coast Branch



Linda Kiome Gakii
Mt. Kenya Branch



Joshua Martim
North Rift Branch



Charles Kanjama
Nairobi Branch



Samuel Onyango
West Kenya Branch



Ochang Ajigo
Rift Valley Branch



Wilkins Ochoki
South West Kenya Branch



Justus Mutia
South Eastern Branch

Public Interest Litigation/Court Cases

1.1: PETITION NO. 44 OF 2018 LSK VS INSURANCE REGULATORY AUTHORITY AND 3 OTHERS.

The Law Society of Kenya moved to court to challenge statutory provisions of **Section 67** of the **Insurance Act** and the almost consistent issuance of moratoriums by courts in favour of unstable insurance companies thereby depriving members of the public, policy holders, creditors and other affected persons the right to access justice, right to a fair hearing and rights to seek the protection of the courts as guaranteed under Articles 48 and 50(1) of the Constitution. The matter was mentioned on 28th February, 2018 where Justice Chacha Mwita granted the Respondents 14 days to respond to the Petition and the application for joinder by the intended interested party – Kiki Investment Ltd and Mumbi Holdings Ltd being shareholders of United Insurance. The matter was scheduled for mention on 21st May, 2018 for further directions.

The matter came up on said date and the court allowed the application for joinder and directed the interested parties to file their affidavits in 10 days. Court further directed the petitioners to file further affidavit and submissions in 10 days. The matter was set down for hearing on 21st November, 2018 but was not heard due to late filing of documents by United Insurance (an Interested Party) as well as a request by IRA for leave to file a Supplementary Affidavit.

The matter was then scheduled for 25th February, 2019 but was taken out of the cause list because the trial judge, Hon. Justice Chacha Mwita was transferred. The case was adjourned to 30th October, 2019 to enable parties file written submissions. The matter will be heard on Monday 16th March 2020.

Mr. Guandaru Thuita, Advocate is on record for the Society.

1.2: PETITION NO. 50 OF 2018 WAMBUI SHADRACK KINYANJUI VS LAW SOCIETY OF KENYA AND 3 OTHERS.

The Petitioner moved to court to challenge the application of Section 22 of the Advocates Act on requisite payments for issuance of practicing certificates by advocates. The Petitioner claimed that the fees charged by the Society amounting to **Kshs. 21, 360** for newly admitted advocates are illegal, unreasonable and unconstitutional.

The Society's position was that the impugned section is merely a procedural one and it is anchored under Sections 23 as read with Section 21 of the Act on requirements of membership to the Society. Additionally, the Society argued that such issues are ideally internal matters that are deliberated and agreed upon by members at the Annual General Meetings, the one held on 24th March, 2018 directly in issue. The 1st Interested Party supported the Society's position.

The Court, in a ruling delivered on 13th September, 2019 by Hon. Justice Chacha E. Mwita, agreed with the Society and dismissed the petition holding that -;

- i. The Petitioner's claim that Section 22 (1) (b) of the Advocates Act is unconstitutional is unsustainable by virtue of the fact that that section as read with Section 23 of the Act are statutory requirements for membership of the Law Society intended for regulation of the profession.
- ii. The Petitioner failed to show that other professions are treated differently so that the requirement in the impugned section in general presents an element of discrimination.
- iii. The Petitioner has failed to show how the impugned provision violates constitutional rights either in purpose or effect to the extent of nullifying it.

Mr. Cohen Amany, Advocate was on record for the Society.

1.3: PETITION NO. 89 OF 2018 LSK VS DIRECTOR GENERAL COMMUNICATION AUTHORITY, MR. JOE MUCHERU CS ICT, MR. FRED MATIANG'I CS INTERIOR & AG.

The Society moved to court to seeking declarations that the decision/action of the Respondents whether jointly or severally to shut down four broadcasting stations of the 1st to 3rd Interested Parties from 30th January, 2018 was ultra-vires, unlawful and a violation of Articles 10, 33, 47 of the Constitution as read with Section 4 and 5 of the Fair Administrative Action Act and section 5A (2) Kenya Information and Communications Act.

The Petition was filed on 14th March, 2018 and mentioned on 21st May, 2018 to confirm compliance of the court's directions on filing of responses. None of the Respondents had filed their responses and they sought 14 days to comply. Court was of the view that the Petitioner should file its submissions even if Respondents haven't filed their responses. The Petitioner would thereafter be at liberty to file supplementary submissions.

Hearing was fixed for 19th November, 2018 but did not proceed. The 1st Respondent filed their response to the petition and requested for 7 days to file submissions. The matter was set down for hearing on 18th February, 2019 however did not proceed since Hon. Justice E. Mwita is on transfer. It has now been scheduled for hearing on 3rd July, 2019 before Hon. Justice Korir but was moved to 25th September, 2019.

The matter did not proceed on said date since the Judge was engaged in a 3-judge bench proceeding. The matter has been fixed for hearing on 23rd March, 2020.

Mr. Nani Mungai, Advocate and **Ms. Julie Soweto, Advocate** are on record for the Society.

1.4: PETITION NO. 1178 OF 2007 INVESCO ASSURANCE CO. LTD VS THE COMMISSIONER OF INSURANCE AND 3 OTHERS.

Invesco Insurance initiated the proceedings herein seeking, *inter alia*, a declaration that the enforcement of decrees held by third parties in ancillary suits would contravene its rights under Sections 70 (a) (c), 75(1) (3) (6) and 76(1) of the repealed Constitution. When the petition came up for hearing on 22nd June, 2010, a Consent was recorded whose effect was to exclude the enforcement of some decrees held by third parties in the said ancillary suits.

Later, the Commissioner of Insurance applied and succeeded in setting aside the Consent Order on the ground that it was binding on parties that were not represented in the Petition. The Petition is thus supposed to be heard afresh but in the meantime Invesco Insurance has sought to amend it since it was filed under the repealed Constitution.

The Matter was mentioned on 18th December, 2017 for further directions and thereafter scheduled for a further mention on 20th March, 2018 to obtain directions on hearing of the Petition. The Court fixed the Petition for hearing on 31st July, 2018 to allow the Petitioner to file their amended Petition. The Petitioner was granted leave to file an Amended Petition within 14 days and the matter fixed for hearing on 11th December, 2018. The Judge thereafter directed that the matter be heard on 18th December, 2018 to take a judgment date.

However, Justice Chacha Mwita directed that the Petitioner files a bundle containing the Petition and all Further Affidavits in support thereof for expediency. The matter was set down for a mention on 19th February, 2019 for confirmation of compliance and taking of a judgment date.

However, the Petitioner had not filed Bundle of Documents as directed. Court therefore directed that the matter be mentioned on 26th September, 2019 and again on 4th November, 2019 to get a judgment date. However, the judge was not sitting. The matter will be mentioned on 18th February, 2020.

Mr. Steve Luseno, Advocate of **Messrs Majanja Luseno and Co.** is on record for the Society.

1.5: MISC. CIVIL APPLICATION NO. 159 OF 2018 LSK VS NHIF BOARD OF MANAGEMENT AND NHIF CEO.

The NHIF Board, through its Chief Executive Officer, issued a directive/notice on 22nd February, 2018 that it shall no longer recognize and accept Affidavits commissioned by qualified Advocates showing proof of marriage. This therefore has led to such Affidavits being rejected unless they have been commissioned by Magistrates.

The LSK moved to court seeking Judicial Review Orders of *Certiorari* to quash that directive, *Mandamus* to compel the Respondents to accept Affidavits of marriage commissioned by advocates and *Prohibition* forbidding the issuance of further similar unlawful orders. **Justice Mativo**, on 16th April, 2018 issued the following orders -;

1. Leave be and is hereby granted to the applicant to apply for Judicial Review, leave herein granted shall operate as stay of the notice/directive dated 22/2/2018 issued by the 1st Respondent pending the hearing and determination of the JR proceedings.
2. Mention for further directions on 2nd May 2018.

Hon. Justice John Mativo, in his judgment delivered on 25th February, 2019 agreed with the Society and in allowing the application issued the following orders -;

- a. *An order of Certiorari be and is hereby issued quashing the first Respondent's directive dated 22nd February, 2018 disregarding marriage certificates commissioned by Advocates;*
- b. *An order of Mandamus be and is hereby issued compelling the first Respondents to accept affidavits of marriage commissioned by Advocates;*
- c. *No orders as to costs.*

Mr. Paul Ogeni, Advocate was on record for the Society.

1.6: CONSTITUTIONAL PETITION NO. 144 OF 2018 LAW SOCIETY OF KENYA - VS - THE ATTORNEY GENERAL, PRINCIPAL SECRETARY MINISTRY OF LANDS, CABINET SECRETARY MIN. OF LANDS & ANOTHER.

On 4th April, 2018 the Principal Secretary for the Ministry of Lands issued a Public Notice on processing and registration of land transactions effectively discontinuing manual transactions at both Nairobi and Central registries. The Notice also effectively obliges all users to use electronic means for land transactions including applications for registrations of instruments. The Society through **Mr. Duncan Anzala, Advocate** moved to court challenging the propriety and implementation of the said Notice.

The Petition was certified urgent on 17th April, 2018 and **Lady Justice A. Okwany** issued the following orders -;

1. A conservatory order in the nature of an injunction is issued restraining and staying the 2nd and 3rd Respondents from implementing electronic filing of conveyancing documents as per the Notice on e-filing dated 4th April, 2018.
2. The Petition and the Application be served upon the Respondents within 7 days.
3. The matter be mentioned on 2nd May, 2018 for further directions.

On said date **Mr. Anzala, Advocate** informed the Court that there were two other applications pending -:

1. An application by the 1st to 3rd Respondents seeking to review the conservatory orders issued; and
2. An application by Consumer Federation of Kenya (COFEK) to be enjoined in the suit as an Interested Party.

The Judge allowed the request made by parties for more time to engage in negotiations towards a settlement and issued the following directions, that by consent -:

1. COFEK be enjoined as an Interested Party,
2. The Case be mentioned on 9th May, 2018 to confirm if parties had reached a settlement and for directions; and
3. Interim orders be extended till then.

A Consent was filed in court on 22nd May, 2018 to the effect that :-

1. The 3rd Respondent do establish within seven days an all-inclusive Taskforce comprising of representatives of all relevant stakeholders to develop guidelines for implementation of the electronic land transactions.
2. Specific processes shall continue to run electronically.
3. Applications for registration, transfer, charge, lease, caution/caveat, court orders, consent etc shall run concurrently on electronic and manual form.
4. Members of the Petitioner be granted unfettered access to the physical copies of land records.
5. A mentioned is set for 30 days for further orders.

On 6th June, 2018 the matter came up for mention with a view to having the Consent filed on 22nd May, 2018 adopted however, the National Land Commission opposed its adoption on the ground that the Ministry of Lands had usurped some of its mandates. The Court declined to adopt the Consent and directed that the Commission and Ministry of Lands hold further negotiations.

The matter was scheduled for 25th June, 2018 to confirm whether an agreement has been reached. In the interim, Court directed that if there will be no agreement :-

1. The Petitioner files and serves submissions to the Petition within 10 days;
2. The Respondents and Interested Party files and serves submissions within 14 days
3. Interim orders be extended.

The matter was mentioned on 26th September, 2018 to confirm status of progress of the Taskforce. It was confirmed before Court that the Taskforce had been gazetted and had begun executing its mandate before the rules are subjected to public participation. Court directed that the matter be mentioned on 4th December, 2018 to review progress.

The matter was then adjourned to 12th March, 2019 for mention. LSK informed court that the Taskforce had submitted its report to the A.G for review and comment and requested court for 30 days to obtain feedback on the same. Court granted the request and directed that the matter be mentioned on 8th May, 2019.

State Counsel informed Court that they are working on the draft regulations and required more time to finalise and have them published. Court allowed the request and directed that the matter be mentioned on 23rd July, 2019 to review the progress. However, the Land Registration (Electronic Land Transactions) Regulations, 2019 were subsequently gazetted on 28th June, 2019. However on 25th November, 2019 an Article was published indicating that the Parliamentary Committee on Delegated Legislation recommended annulment of the Regulations.

Matter was set down for 25th September, 2019 to review the progress and our advocate confirmed that he has received the draft report from the Taskforce and draft regulations but requested for more time to take instructions.

Matter was mentioned on 24th February 2020 where LSK requested Court to direct the AG to serve and file the final report by the Taskforce. The Court made the following Orders-;

- i. AG to file and serve the Report on or before 17th March, 2020;
- ii. Matter to be mentioned on 25th March, 2020.

Mr. Duncan Anzala, Advocate is on record.

1.7: PETITION NO. 113 OF 2018 FRANCIS MUIRURI KIMANGI VS COUNCIL OF LEGAL EDUCATION AND LAW SOCIETY OF KENYA.

The Petitioner, an advocate admitted to the Rwandan Bar on 12th January, 2017 sought clearance for admission to the Kenyan Bar. However, his application was denied by the 1st Respondent (CLE) because his academic qualifications are not recognized and do not conform with Regulation 7 of the Legal Education (Accreditation and Quality Assurance) Regulations, 2016. The Petitioner sought for Judicial Review Orders of *Certiorari* to quash the decision to reject his application and *Mandamus* to compel the Respondents to clear him for admission.

Judgment was delivered on 29th July, 2019 where the Court, in a judgment delivered by **Hon. Justice Korir** agreed with the Petitioner holding that the impugned decisions of the 1st Respondent were not backed by law. He added that the Respondents clearly misconstrued the provisions of Sections 12 and 13 of the Advocates Act, Section 8 of the Legal Education Act and ended up breaching Article 27 of the Constitution which provides for equality before the law and protects the right to equal protection and benefit of the law.

He added that the 1st Respondent purported to exercise jurisdiction granted by Section 8 of the Legal Education Act which cannot be invoked in an application for admission as an Advocate made under Section 13(1) (d) of the Advocates Act. The Court issued an Order of Certiorari quashing the decisions of the 1st Respondent to reject his application for admission.

Mr. Cohen Amany, Advocate was on record for the Society.

1.8: HIGH COURT CRIMINAL CASE NUMBER 75 OF 2011 – R VS MOHAMMED ISMAEL MADLEY & 3 OTHERS (MURDER OF LAWYER ANTHONY NAHASHON NGUNJIRI).

The matter came up for hearing on 22nd January, 2018 before **Justice Wakiaga**. However, it did not proceed since counsel for the 1st and 2nd accused persons was handling an election petition in Migori and counsel for the 3rd and 4th accused persons was unwell. Prosecution was however ready to proceed with one witness who is a firearm's officer. The matter was adjourned and another hearing date given on the 20th and 21st February, 2018.

However it did not proceed on 20th February, 2018 because the Judge (Wakiaga, J) was writing a judgment for an election Petition that was due. The matter was subsequently adjourned to 17th and 18th April, 2018 where Counsel for the accused persons concluded their cross-examination. Court directed that the two remaining witnesses be heard on the 28th June, 2018.

The two witnesses were heard on said date before court directed that the proceedings be typed and the prosecution to confirm closing of case. The matter was given a further date on 15th November, 2018 for hearing and highlighting of submissions and hearing set for 14th February, 2019.

The defendants had not filed their submissions on said date and the matter was given further dates of 28th February, 2019 and 10th April, 2019 for highlighting submissions. The matter came up for mention on 17th September, 2019 where the court fixed three dates for the defence hearing – 15th, 16th and 17th October, 2019. On said dates the 1st and 2nd accused persons testified and were cross-examined. Matter was then adjourned on request of Counsel for the 2nd accused person for summons to issue to Safaricom Kenya for production of electronic evidence.

Matter was scheduled for defence hearing on 21st and 22nd January, 2020 but was adjourned to 22nd January, 2020 since Prosecution counsel was unwell. The matter proceeded and shall proceed for further defence hearing on 11th and 13th March, 2020.

Mr. Joel Mbaluka, Advocate is on record for the Society and the deceased's family.

1.9: PETITION NO. 171 OF 2018 ADRIAN KAMOTHO NJENGA VS REGISTRAR HIGH COURT & 2 OTHERS.

The Petitioner moved to court to challenge the application of Section 13 (1) (b) of the Advocates Act on requirements of admission as an advocate. The Society applied to be enjoined as an Interested Party which application was allowed. The matter was to be heard on 26th November, 2018 but was adjourned to 27th February, 2019. However the same could not proceed as the Council for Legal Education had not been enjoined in the matter to deliberate on interpretation of Section 13 of the Advocates Act.

The Court directed that Council for Legal of Education be enjoined. The matter has been set for hearing on 3rd March, 2020.

Mr. Cohen Amany, Advocate is on record for the Society.

2.0: PETITION NO 61 OF 2017 LAW SOCIETY OF KENYA VS THE HON. ATTORNEY GENERAL & 2 OTHERS.

The Society moved to court seeking tax exemption since it is a non-profit making organization. The Petition is premised on discrimination. The Respondent was given 14 days to file their response and the matter was set down for highlighting submissions on 13th March, 2018.

The matter was fixed for mention on 4th July, 2018. Court directed the Society to file and serve submissions upon the Respondent within 14 days. Matter was to be mentioned on 10th October, 2018 which was subsequently gazetted as a public holiday so the matter was set down for mention on 20th October, 2018. The Judge having confirmed that the parties had filed their respective submissions, set down the 19th March, 2019 for highlighting of submissions.

The matter was taken out of the court list alongside all High Court matter scheduled on the said date as Judges were away on a conference. The matter was scheduled for a mention on 3rd December, 2019 and court directed parties to appear on 8th April, 2020 for highlighting of submissions.

Mr. Chacha Odera, Advocate is on record for the Society.

2.1: CONSTITUTIONAL PETITION NO. 2 OF 2017 LEGAL RESOURCES FOUNDATION TRUST VS THE ATTORNEY GENERAL AND 2 OTHERS.

The Legal Resources Foundation Trust (LRF) filed a suit against the Attorney General, Inspector General of Police and two others against the illegal, unlawful and unfair levying of fees on members of the general public for acquiring or filling statutory P3 Forms to enable access to justice for victims of assault, sexual harassment, violence, torture and police brutality. The LSK, through **Counsel Abubakar Ramadhan**, acting on *pro-bono* basis, applied to be enjoined as an Interested Party in the matter.

Judgment was delivered by **Hon. Justice F. Muchemi** on 4th April, 2019. She allowed the petition and held as follows -;

- i. That a declaration hereby issue that the respondents are jointly and severally in violation of the basic principle of access as to justice in levying of fees for issue and for filling of the Medical Examination Form popularly known as P:3 form.
- ii. That a declaration do hereby issue that the Medical Examination Form, that is the P:3 form or any form required or issuable to victims of crime is free of charge and that no levy shall be imposed.
- iii. That an order of prohibition do hereby issue prohibiting the respondents, their agents or any medical officers in charge of public health facilities at both levels of government from levying fees for issue or for filling of the Medical Examination Forms (P:3s).

Mr. Mohammed Abubakar, Advocate was on record for the Society.

2.2: CONSTITUTIONAL PETITION NO. 226 OF 2018 LSK VS ATTORNEY GENERAL.

In June 2018 the President of the Republic of Kenya signed **Executive Order No. 1 of 2018** which effectively subjected independent constitutional bodies, envisaged under Chapter 15 of the Constitution, to the control and subordination of Government Departments. The Society thus moved to Court to challenge the constitutional validity of that Executive Order, with the following prayers-;

1. A declaration that Executive Order No. 1 of June, 2018 is unconstitutional for being inconsistent with and in contravention of Article 2(4), 10, 132(3), 157(10), 249 and 255 in so far as it purports to designate and appoint the Attorney General as Cabinet Secretary while placing under his portfolio the following institutions and agencies;-
 - i. Kenya Law Reform Commission
 - ii. Council of Legal Education
 - iii. Office of Registrar of Political Parties
 - iv. Assets Recovery Agency

- v. Kenya School of Law
 - vi. Kenya Copyright Board
 - vii. Victims Protection Board
 - viii. Office of the DPP
 - ix. Independent Elections and Boundaries
 - x. Kenya National Commission on Human Rights
 - xi. Commission on Administrative Justice
 - xii. Judicial Service Commission
 - xiii. Parliamentary Service Commission
2. A declaration that Executive Order No. 1 is unconstitutional in so far as it purports to designate and assign the CS Ministry of Interior and Government Co-ordination to direct and co-ordinate the National Police Service Commission, a constitutional commission under Article 248 (2).
 3. A declaration that Executive Order No. 1 is unconstitutional in so far as it purports to designate and assign the CS Ministry of Treasury to direct and co-ordinate the following;-
 - i. Commission on Revenue Allocation
 - ii. Salaries and Remuneration Commission
 - iii. Controller of Budget
 4. A declaration that Executive Order No. 1 is unconstitutional in so far as it purports to designate and assign the CS Ministry of Education to direct and co-ordinate the Teachers Service Commission, a constitutional commission under Article 248 (2).
 5. A declaration that Executive Order No. 1 is unconstitutional in so far as it purports to designate and assign the CS Ministry of Public Service, Youth and Gender to direct and co-ordinate the Public Service Commission, a constitutional commission under Article 248 (2).
 6. An order of *Mandamus* directed at the President in accordance with Article 132 (3) (c) of the Constitution to appoint, designate or assign a befitting Cabinet Secretary for the implementation of the following Acts of Parliament:-
 - i. Law Reform Act
 - ii. Legal Education Act
 - iii. Kenya School of Law
 - iv. Judicial Service Act
 - v. Kenya National Commission on Human Rights ACT
 - vi. Victim Protection Act

Conservatory Orders were issued on 27th June, 2018 pending/staying the implementation of the Executive Order No.1 pending hearing and determination of the Petition.

The matter was stood over, for the last time to 19th May 2020 when it shall be heard.

Mr. Miller Bwire, Advocate is on record for the Society.

2.3: CONSTITUTIONAL PETITION NO. 222 OF 2018 LSK VS ATTORNEY GENERAL.

The President of the Republic of Kenya assented into law the Computer Misuse and Cybercrimes Act 2018. There are some controversial sections within that legislation including **Section 14** on unauthorized access which limits the freedom under Article 33 to seek, receive or impart information or ideas. The Act also creates offences that overlap, ranging from: "unauthorised access" (**section 14**); "access with intent to commit further offence" (**section 15**); "unauthorised interference" (section 16); "unauthorised interception" (**section 17**); "computer forgery" (**section 25**) and "computer fraud" (**section 26**).

Section 22 on false publications and **Section 23** on publication of false information limit the freedom of speech and expression of the members of the public by the use of broad and vaguely worded laws that the government can use against its critics and dissenting voices.

The matter came up in court on 1st October, 2018 and was scheduled for a mention on 5th November, 2018 before Justice Chacha Mwita. The matter came up for mention together with Petition 206 of 2018 (Bloggers Association of Kenya v AG). Due to the similarities, the court directed that the LSK Petition be withdrawn and the LSK be joined as 3rd Interested Party to Petition 206 of 2018. Court also directed that the Interested Parties be given 14 days to file and serve responses and submissions to Petition 206 for hearing on 16th March, 2019.

The matter was heard to completion and judgment reserved for 30th January 2020, but was delivered on 20th February, 2020 where **Hon. Justice Makau** dismissed the Petition holding thus:-

- a. The computer misuse and Cybercrimes Act 2018 is valid and does not violate, infringe or threaten fundamental rights and freedoms and is justified under Article 24 of the constitution.
- b. Sections 5, 16, 17, 22, 23, 24, 27, 28, 29, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 48, 49, 50, 51, 52, and 53 of the Computer Misuse and Cybercrimes Act are constitutional and do not violate, infringe and/or threaten fundamental rights and freedoms.
- c. The petition is accordingly dismissed.
- d. This is a public interest matter and I accordingly direct each party to bear its own costs.

Mr. Waikwa Wanyoike, Advocate and **Mr. Ochieng Dudley, Advocate** are on record for the Society.

2.4: PETITION NO. 331 OF 2018 KATIBA INSTITUTE & ANOR VS ATTORNEY GENERAL & ANOTHER.

Katiba Institute went to court to challenge executive appointments to various Parastatal boards. The Attorney General instructed the firm of Iseme Kamau and Maema Advocates to represent him as external counsel, an appointment which was immediately objected to by the Petitioners on grounds that the Attorney General is precluded from engaging external counsel.

The Society applied to be enjoined as *amicus curiae* or as an Interested Party as part of execution of its mandate under Section 4 of the LSK Act and additionally due to the fact that the objection relates to practice matters. LSK was enjoined as *amicus* and was directed to file the brief within 14 days. A ruling on the Preliminary Objection to the Attorney General appointing external counsel was to be delivered on 21st September, 2018 but was not ready and was set down for delivery on 16th October, 2018. The Ruling was delivered on 2nd November, 2018 by Hon. Justices W Lesiit, C Mwita and L M Njuguna and dismissed the Preliminary Objection, finding that Section 25 (2) of the Attorney General Act allows the A.G to procure services of persons other than the Solicitor General or subordinate staff to represent his office/national government in litigation. This procurement however must be done in accordance with the stipulations under the Public Procurement and Asset Disposal Act.

Mr. Tom Macharia, Advocate was on record for the Society.

2.5: SUPREME COURT PETITION NO. 4 OF 2018 LAW SOCIETY OF KENYA VS ATTORNEY GENERAL VS & COTU.

Following the operationalization of the Work Injuries Benefits Act in 2007, the Law Society filed a petition on 14th April, 2008 pursuant to **Section 84** of the former Constitution and **Rule 12** of the Constitution of Kenya (Supervisory Jurisdiction and Protection of Fundamental Rights and Freedoms of the Individual) High Court Practice and Procedure Rules, 2006 contesting the constitutional validity of various provisions of the Act.

Specifically, the Society contended that some nine sections of the Act offended various provisions of the Constitution in the following manner;

a) section 7(1) which compels an employer to obtain and maintain an insurance policy from an insurer approved by the Minister of Labour and Human Resource Development, in respect of such liability as an employer may incur towards employees; and subsection 4 that makes it a criminal offence to fail to obtain and maintain such an insurance cover were said to be contrary to **section 80(1)** of the former Constitution as they deprived the respondents' members of the freedom to take out insurance policies for their employees with any licensed insurance company of their choice; that the obligation imposed on the 1st respondent, to commit additional funds for obtaining and maintaining the insurance policy constitutes a taking of the Petitioner's property, contrary to **section 75(1)** of the former Constitution; and that the criminal offence created by the Act is not a legitimate exercise of the State's police power.

b) section 10(4) of the Act creates liability on the part of an employer "without fault" even where the employee is demonstrated to be at fault; that the section purports to deprive the 1st respondent of its constitutional right to raise the defence that the incident arose from the employee's criminal actions, negligence, or from unauthorized activity; that it violates the employer's entitlement to fair trial in accordance with **section 77(1)** of the former Constitution; and that it authorizes unlawful acquisition of property, contrary to **section 75(1)** of the former Constitution.

c) Section 16 of the Act prevents an employee from instituting a court action for recovery of damages in respect of injuries arising from an accident or disease. The 1st Respondent understood this to mean that all court actions which were pending hearing and/or delivery of judgment at the time of the passage of the Act would be adjourned generally and decrees from judgments already delivered could not be executed. As a result, its members whose legal practices depend wholly or substantially on personal injury claims, would be adversely affected.

d) Section of the Act requires an employee to bring to the attention of an employer and the Director of any occupational accident. **Section 21(1)** which was impugned by the learned Judge does not exist and was not among the sections challenged in the petition.

e) section 23(1) of the Act confers upon the Director of Occupational Safety and Health Services (the Director) the power to make decisions on any claim. In the 1st respondent's view this section seeks to divest judicial powers from the courts and confer them exclusively in the Director in contravention of **section 60** of the former Constitution. In the event an employer fails to provide particulars to the Director he would be liable to a criminal charge. These, the respondent claimed, undermined **sections 60, 77(9) and 77(10)** of the former Constitution because judicial power rests with the courts of law, the Director is not "independent and impartial" arbiter.

f) section 52(1) and (3) of the Act requires the Director upon receipt of an objection to give a written answer to the objection, varying or upholding his decision and giving reasons for the decision objected to. The objector is entitled to lodge an appeal to the Industrial Court against the decision of the Director with no corresponding right to the affected person. It was submitted that this amounts to discriminatory treatment contrary to **section 82(1)** of the former Constitution, and finally.

g) Section 58(2) of the Act requires that claims instituted prior to the commencement of the Act were deemed to have been lodged under the Act. The 1st respondent maintained that this provision seeks to take away the right to legal process, in respect of matters covered by the new statute as it seeks to convert suits pending in Court into claims under the Act in contravention of **section 75(1)** of the former Constitution to the extent that it purports to take away property rights, without due process.

For these reasons, the 1st Respondent asked the High Court to declare that all the sections identified in the foregoing paragraphs to be inconsistent with the former Constitution, null and void. The 2nd Respondent applied by chamber summons on 30th April, 2008 to be admitted in the suit as an Interested Party on the basis that it had a public mandate to protect the interests of workers who may be affected by policy making and legislation. Consequently, the 2nd respondent persuaded the Court below that it had compelling case to make in respect of the Act. On the basis of this, the application for joinder was allowed.

The appellant on the other hand denied that the impugned sections of the Act are in violation of the Constitution and argued that they do not breach any of the individual rights enshrined in Chapter V of the former Constitution; that the laws in question are balanced and beneficial to both the employer and employees, in so far as they promote development that is consistent with the fundamental principles and rights at work; cultivate transparent and accountable governance in order to facilitate the expeditious and efficient resolution of labour disputes and minimize the risk of competition; foster accessibility of the labour laws to the social partners; promote freedom of association and the effective recognition of the right to collective bargaining; eliminate all forms of forced or compulsory labour; ensure the effective abolition of child labour; and ensure the elimination of discrimination in employment.

Justice J.B Ojwang proceeded to declare as inconsistent with the provisions of the Constitution **sections 4; 7(1) (2); 10(4); 16; 2(1); 23(1); 25(1) (3); 52(1)(2); and 58(2)** of the Act.

The Appellant (Attorney General) challenged that decision arguing broadly that the learned Judge erred in law in declaring the nine sections of the Act inconsistent with the Constitution. The Court of Appeal – *Justices P. N. Waki, Asikhe-Makhandia and W. Ouko* on 17th November, 2017 allowed the appeal to the extent that they set aside the learned Judge's orders declaring **sections 4, 16, 21 (1), 23(1), 25 (1) (3), 52 (1) (2) and 58(2)** to be inconsistent with the former Constitution. The result is that only **sections 7** (in so far as it provides for the Minister's approval or exemption) and **10 (4)** are inconsistent with the former and current Constitution.

The Society applied to have a Consent Order recorded and adopted allowing an extension of time to file and serve a Notice of Appeal to the Supreme Court and a ruling on the application was delivered on 21st December, 2018. The Court in a unanimous decision allowed the application and granted an extension of time to file and serve the appeal before 4th February, 2019.

The Appeal and Application for Stay were filed on 4th February, 2019 and both came up for Mention before the Deputy Registrar on Tuesday 12th February, 2019 where the following directions were given ;-

On the Application -

- a. Appellant/Applicant to file Supplementary Affidavit and Submissions within **7 days**;
- b. Respondents to file Responses and Submissions within **7 days** after service;
- c. Mention to confirm compliance on **8th March 2019**.

On the Petition of Appeal -

- a. Appellant to file Supplementary Record of Appeal and Submissions within **7 days**;
- b. Respondents to file Responses and Submissions within **7 days** after service.

LSK filed and served the Supplementary Affidavit and Submissions to the Application on 20th February, 2019 and also filed the Supplementary Record of Appeal on the same day.

On **8th March 2019** the following Directions were issued:

The Appeal was heard on 14th June, 2019 before a five-judge bench of the Supreme Court (Maraga CJ & PSC, Ibrahim, Wanjala, Njoki & Lenaola, SCJJ.). The Judgment was delivered on 3rd December, 2019 where the Court dismissed the application stating that the impugned sections were neither discriminatory nor unconstitutional.

Mr. Charles Kanjama, Advocate was on record for the Law Society of Kenya.

2.6: CONSTITUTIONAL PETITION NO. 235 OF 2017 EUNICE NGANGA AND ANOTHER AND THE LAW SOCIETY OF KENYA AND TWO OTHERS.

The Petitioners moved to court seeking a declaration that Sections 22 (1) (b) and (c), 23 of the Advocates Act, Section 7 Law Society of Kenya Act and Rule 10 and 11 Advocates (CLE) Regulations 2014 be declared unconstitutional and therefore invalid. Their claim was premised on the said Sections contravening Articles 27 and 33 of the Constitution and

equality before the law, full and equal enjoyment of all rights and fundamental freedoms and freedom to seek, receive or impart information or ideas and academic freedom.

Judgment was to delivered on 14th March, 2019 where court dismissed the Petition.

Justice E.C Mwita held that -;

- i. Section 7 of the Law Society Act does not fail the constitutionality test because rights enshrined under Article 36 of the Constitution are not absolute but are a capable of limitation in terms of Article 24 (1) of the Constitution
- ii. Sections 22 and 23 of the Advocates Act serve the purpose of regulation of the profession and weed out unqualified members. The charges levied under these sections are for purposes of sustaining the Law Society's activities for fulfilment of its mandate under the Act. The sections do not violate Article 36 of the Constitution but serve to protect the Society and members of the public seeking professional legal services.
- iii. Rules 10 and 11 of the Advocates (Continuing Professional Development) Rules 2014 serve the purpose of ensuring members of a professional body, such as those of the Law Society, keep abreast with new developments in law and practice through attending the various trainings and earning CPD points/units. This is to enhance members' knowledge and skills in the ever evolving world of legal practice.

Mr. Charles Kanjama, Advocate was on record for the Society.

2.7: CONSTITUTIONAL PETITION NO. 215 OF 2018 ESTHER GATHONI VS DPP, DCI & IG.

The Petitioner, an advocate, moved to Court on grounds of harassment and threats in the discharge of her lawful duties. The Society, by virtue of its mandate under Section 4 of the Advocates Act and since the issues raised in the Petition relate to matters of practice and independence of the legal profession, applied to be an Interested Party. The application dated 24th July 2018 was also allowed by consent of the parties and the LSK became the 4th Interested Party.

The Court, Hon. Lady Justice W. Okwany, proceeded to make the following directions;

1. The Petitioner to amend and serve the amended Petition within 7 days.
2. The Petitioner's replying affidavit to the application dated 4th July, 2018 was deemed abandoned.
3. The Respondents and the Interested Parties to respond within 14 days of service with corresponding leave to the Petitioner to file a Supplementary Affidavit within 14 days after service.
4. Mention on 31st October 2018 to confirm compliance and for further orders/directions.
5. The interim orders in favour of the Petitioner were also extended.

The matter was mentioned on 31st October, 2018 to confirm the filing of the Affidavits. The court directed that the case be mentioned on 5th December 2018 to confirm the filing of the responses and for further directions.

The matter was mentioned on aforementioned date and the other parties were afforded liberty to file any additional affidavits and submissions before the next hearing date fixed for 8th May, 2019 for purposes of confirming the filing of submissions. The Petitioner's advocates requested additional time within which to file a further affidavit and the submissions. The court allowed the request and allowed 14 days from the date of service to file and serve written submissions.

The Petitioner's advocates had in advance indicated that they would be filing an additional affidavit before the filing of submissions. The case will be mentioned on 23rd July 2019 for the highlighting of the submissions. The matter to be mentioned on 2nd October, 2019 for further directions.

The matter came up for mention on said date and the Petitioner filed and served the submissions on 1st October 2019.

The court granted leave for filing of submissions by the Respondents and the Interested Parties with a mention of the case on 12th October, 2019 to confirm filing and for further directions.

Matter set down for mention on 9th December, 2019 to confirm filing of submissions but DPP requested more time to file submissions. Court directed that matter be mentioned on 11th March, 2020.

Mr. Dennis Muriithi, Advocate is on record for the Society.

2.8: ELRC NO. 540 OF 2018 NAIROBI ERASTUS GITONGA & 4 OTHERS VS NATIONAL ENVIRONMENTAL MANAGEMENT AUTHORITY (NEMA).

The claimants, all employees of NEMA and members of the Law Society, moved to the Employment and Labour Relations Court seeking payment of non-practising and prosecutorial allowance. The Society, exercising its mandate under Section 4 of the LSK Act, applied and was enjoined in the matter as an Interested Party due to the nature of the case touching on matters of professional practice and welfare of in-house counsel.

The Court, in a judgment delivered on 10th April, 2019 by **Hon. Justice Byram Ongaya** found for the claimants and declared as follows:-

- i. That the Respondent's action of not paying the 1st to 5th claimants a non-practice allowance is unlawful, wrongful and unfair.
- ii. That the Respondent's action of not paying the 1st to 5th claimants a prosecutorial allowance is unlawful, wrongful and unfair.
- iii. That the Respondent subjected the claimants to unequal treatment amounting to discriminatory and unlawful labour practice by denying them the subject allowances.
- iv. That the Respondent to pay the claimants thus 1st claimant **Kshs. 2, 060, 000**, 2nd claimant **Kshs. 1, 760, 000**, 3rd claimant **Kshs. 1, 900, 000**, 4th claimant **Kshs. 860,000** and 5th claimant **Kshs. 540,000**.
- v. The Respondent to pay non-practice allowance accruing to the claimants from the date of filing this claim and for the duration of service of the claimants. The rate of non-practice allowance shall be as issued by applicable government circulars or otherwise as may be set by a lawful competent authority.
- vi. In regard to prosecutorial allowance the Respondent to pay the 1st to 4th claimants thus 1st claimant **Kshs. 1, 830, 000**, 2nd claimant **Kshs. 1, 470, 000**, 3rd claimants **Kshs. 1, 470,000** and 4th claimant **Kshs. 1, 440, 000**.
- vii. The Respondent to pay allowance accruing to the claimants from the date of filing this claim and for the duration of service of the claimants. The rate of prosecutorial allowance shall be as issued by applicable government circulars or otherwise as may be set by a lawful competent authority.
- viii. The amount already due to the claimants will be paid by the Respondents not later than 1st August, 2019 failing interest at Court rates will apply thereon from the date of this judgment until full payment.
- ix. The claimants shall serve this judgment upon the Public Service Commission, within 7 days from the date of this judgment, towards the Commission's consideration of issuing the relevant gazette notice under Section 98 of the Public Service Commission Act, 2017 to harmonize prevailing grading levels and to provide for equivalency of job groups, grades and ranks applicable in the public service or bodies under its constitutional and statutory functions and powers and in view of the serious issues which have emerged in the present case, the Commission to consider publishing the gazette notice not later than 1st February, 2020.
- x. The Respondent to pay the claimants' costs of the suit.

The Respondents have since filed an application seeking stay of execution of the judgment. Matter fixed for hearing of the application on 29th July, 2019. LSK filed Grounds Of Opposition to the stay especially of the policy aspects of the judgment. Court considered the nature of application and the fact that stay lapses on 1st August, 2019 and ordered that there be an interim stay of execution of orders d, e, f, g, and h i.e the monetary part of the Decree, conditional on the Respondent/Applicant depositing the decretal sum and all payments due and accruing on a monthly basis in a joint interest earning account within 30 days.

The directive to the Public Service Commission to consider harmonization of job groups within the institutions under its mandate by 1st February, 2020 was not stayed.

The matter was mentioned on 14th October, 2019 for directions where the Court allowed the Appellant's request for an extension of time within which to deposit the decretal sums owing into a joint account to 16th October, 2019.

Matter was mentioned on 19th November, 2019 for directions on the Respondent's application seeking stay of execution of the decree and taxation of the Bill of Costs. The Respondent was yet to comply and parties were directed to continue negotiating on the same.

The AG and SRC had filed applications seeking to be enjoined as Interested Parties. The Society has filed Grounds of Opposition to both applications. The court directed the Claimant and Respondent to agree on the outstanding issue of stay of execution and further directed the proceedings be typed to expedite the process.

Applications is scheduled to be mentioned on 2nd March, 2020 where LSK opposed the same and ruling will be delivered on 13th March, 2020.

Mr. Elijah Mwangi, Advocate is on record for the Society.

2.9: PETITION NO. 46 OF 2018 EVERLINE SANDE, MARY WAMBUI AND GEORGE NJOROGI NJOKI VS KENYA URBAN ROADS AUTHORITY AND 7 OTHERS.

The Petitioner moved to court to challenge the proposed resettlement of persons living in Deep Sea informal settlements by the Kenya Urban Roads Authority via *Petition No. 263 of 2018 Everline Sande Ngulam & Others vs Kenya Urban Roads Authority*. The matter was then transferred to the Environment and Land Court Division as the aforementioned petition where LSK was enjoined as an Interested Party due to the public interest nature of the matter.

The matter, before Hon. Lady Justice Loice Komogoi, comes up for delivery of a ruling on 6th September, 2018 for grant of interim conservatory orders staying the implementation and enforcement of the decision made/communicated by the 1st Respondent but it was not ready on said date and it will be delivered on notice.

The Ruling delivery notice was issued for 18th October, 2018 where Lady Justice Komogoi dismissed the application for lack of merit. Following the dismissal, the Petitioners sought to go back to the community for fresh instructions while consultations and discussions with KURA on a way forward are held.

The matter was set down for 19th July, 2019 for mention to confirm if parties had filed their respective submissions. Matter was mentioned on 10th December, 2019 and was given a further date of 24th March, 2020.

Mr. Luseka Bemih Kanyonge, Advocate is on record for the Society.

3.0: PETITION NO. 307 OF 2018 LAW SOCIETY OF KENYA VS ATTORNEY GENERAL, CHIEF JUSTICE OF KENYA.

The Law Society moved to court seeking orders of *Mandamus* directed at the President of the Republic of Kenya, sued through the 1st Respondent (Attorney General), to swear in Hon. Justice Mohammed Warsame (1st Interested Party), who was elected to represent the Court of Appeal in the Judicial Service Commission on 9th March, 2018. However, there had been inordinate delay in gazetting the 1st Interested Party after the President purported to forward his name to the National Assembly for vetting and approval, an action which was challenged in court vide **Petition No. 106 of**

2018 consolidated with **Petition No. 119 of 2018** and it was subsequently held that the 1st Interested Party was not subject to Parliamentary approval.

The Petitioner relies on Article 171 (2) (c) of the Constitution and Sections 15 (2) (a) and (b) of the Judicial Service Act which contain provisions on the constitution of the Judicial Service Commission. Hon. Justice E. C Mwita, in his judgment delivered on 18th January, 2019 agreed with the Society and held as follows;

- i. A declaration is hereby issued that the President's failure to appoint the 1st Interested Party as required by section 15 (2) (b) of the Judicial Service Act 2011 is in violation of Articles 1, 2 (1), 3 (1), 10, 47, 73, 75 (1), 131 (2), 132 (4) (a), 171 and 172 of the Constitution and is, therefore, unconstitutional and invalid.
- ii. A declaration is hereby issued that the 1st Interested Party, a state officer elected to serve a second term based on his re-election, is exempted under Section 40 (1) of the Judicial Service Act, 2011 from retaking the oath of office before assuming the office of Commissioner in the Judicial Service Commission.
- iii. A declaration is hereby issued that the 1st Interested Party, having been duly elected Commissioner of Judicial Service Commission as required by the Constitution and the law, and the President having failed to appoint him in violation of mandatory timelines set by Section 15 (2) of the Judicial Service Act, the 1st Interested Party be and is hereby deemed to have been appointed and is at liberty to take his position as a Commissioner of the Judicial Service Commission, representing Judges of the Court of Appeal.
- iv. An order of mandamus is hereby issued compelling the 2nd Respondent and the 2nd Interested Party to take immediate measures and/or steps to enable the 1st Interested Party take office as a Commissioner of the 2nd Interested Party and discharge his constitutional mandate.

Mr. Ochiel Dudley, Advocate was on record for the Society.

3.1: PETITION NO. 334 OF 2018 LSK VS AG, SPEAKER NATIONAL ASSEMBLY AND COMMISSIONER GENERAL – KRA.

The Petitioner moved to court seeking conservatory orders suspending the coming into force of Sections 13, 32 (b) (i), 32 (b) (ii), 32 (b) (iv), 50, 85 and 86 of the Finance Act and a declaration that the said sections are unconstitutional due to violations of Articles 10, 94, 115, 118 and 201 of the Constitution on principles of public participation, legislative authority of Parliament and openness and accountability in financial matters.

The matter came up on 1st October, 2018 before **Justice Chacha Mwita** and he directed that the Petition be served on Respondents immediately and responses be filed within 7 days. Petitioner will have 7 days after service to file and serve a supplementary affidavit if any. The matter was set down for directions on 24th October, 2018 and hearing scheduled for 20th November, 2018.

The matter was coming up for hearing of the 1st Respondent's application dated 19th November 2018. The application is to consolidate this Petition with Petition 353/2018 and 366/2018 and stay the consolidated petitions. The Court was informed that in Petition 366/2018 a notice of appeal had been lodged at the Court of Appeal against a ruling issued by the Court, which ruling was yet to be delivered. Hearing of the application was thereafter adjourned to await the ruling from the Court of Appeal and the matter was set down for hearing on 5th December, 2018.

The matter came up for hearing of the 1st Respondent's application dated 19th November 2018. The application is to consolidate this Petition with Petition 353/2018 and 366/2018 which was dismissed by the court for want of merit. Court also ordered parties to comply with directions issued earlier on filing of submissions and marked Petition 437 of 2018 as withdrawn. The Petitioner in the said petition was enjoined as an Interested Party in this petition and the matter was set down for 15th February, 2019 for hearing.

However, Justice Mwita was transferred to Kajiado County and the matter was hence reserved for the incoming judge.

It was scheduled for mention on for further directions on 6th March, 2019 where an application for consolidation was set down for hearing on 8th April, 2019. Court also directed that the application for conservatory orders to be heard after application for consolidation.

The Society applied under Certificate of Urgency on 18th April, 2019 for conservatory and injunction orders be issued prohibiting the respondents from effecting the housing levy pending the hearing and determination of this suit. The application was certified urgent and court directed that it be served before close of business on 23rd April, 2019 and inter-partes hearing on 29th April, 2019 before **Hon. Justice Makau**.

The Court, in a ruling delivered on 29th April, 2019 by **Hon. Justice J.A Makau** declared as follows ;-

1. **THAT** conservatory and injunction orders be issued prohibiting the respondents from effecting the housing levy pending the hearing and determination of this suit.
2. **THAT** parties are directed to put in all their responses and submissions.
3. **THAT** the Petitioner to file and serve their submissions within 7 days from the date of service of the Respondents response who are supposed to file and serve their responses 14 days from today.
4. **THAT** the Respondents do file their submissions and serve within 10 days from the date of the Petitioner's submissions.
5. **THAT** hearing shall be on 25th of June, 2019 before **Hon Justice W. Korir**.

The case is scheduled hearing before Justice Korir. Matter set down for hearing on 30th March, 2020.

Ms. Mercy Mutemi, Advocate is on record for the Society.

3.2: HCCC NO. 482 OF 2004 STEPHEN OKERO OYUGI VS LSK & SANJEEV KHAGRAM.

The Plaintiff, a member, sued the Law Society for defamation after the Society allegedly wrote a letter dated 17th March, 2004 addressed to the City Council of Nairobi stating that he did not have a practicing certificate for the years 2003 and 2004. Mr. Kenneth Akide, SC was on record for the Society in the matter but due to potential conflict of interest owing to the fact that he served as a Chairperson for the Society for a term of 2 years, he applied to cease acting via Application dated 22nd October, 2015. The application was allowed on 20th June, 2017.

The parties were scheduled to take down a mention date at the Registry on 25th October, 2018. Court reserved 5th December, 2018 as a mention date and certified the matter as ready for hearing. 11th December, 2018 was set down for a further mention for purposes of setting a hearing date. Date was fixed for 14th February, 2019.

Court certified the matter ready for hearing and granted LSK leave of 14 days to file a formal response and the matter was fixed for hearing of the application on 3rd April, 2019. Counsel for the Plaintiff informed court that he was not ready to proceed but served both the Replying Affidavit and Grounds of Opposition.

Hon. Lady Justice Ceciha Githua directed that the matter be mentioned before Hon. Justice Thuranira since the application seeks to set aside his orders. The matter was fixed for mention on 7th May, 2019 for directions but did not proceed since the judicial officers were away on official duties. The matter was set down for mention on 26th September, 2019 for hearing of LSK's application to set aside the interlocutory judgment and Court directed that it proceed by way of written submissions.

It was set down for mention on 24th October, 2019 for further mention where parties were directed to file their written submissions ahead of a further mention on 21st November, 2019 where Respondent requested for more time to file submissions. Matter set for mention on 22nd January, 2020 where court granted more time for parties to file submissions.

Matter set down for ruling on the application to set aside the interlocutory judgment on 13th February, 2020 where the court dismissed the application for being an abuse of the court process.

Mr. Henry Faraji, Advocate is now on record for the Society.

3.3: CIVIL APPEAL NO. 426 OF 2018 CIVIL APPEAL 426 OF 2018 A.G VS LSK (APPEAL FROM JUDGMENT OF THE HIGH COURT BARRING NATIONAL ASSEMBLY FROM VETTING JUSTICE WARSAME).

The Respondent (Attorney General), being dissatisfied with the judgment of the High Court in Petition No. 106 and 119 of 2018 lodged an appeal to the Court of Appeal challenging said judgment. The matter was set down for hearing on 3rd April, 2019 and argued Civil Appeal 426 of 2018 (Warsame vetting appeal) before the Court of Appeal (Waki, Sichale and Makhandia). The Society opposed the AG's appeal contending that Parliament should not vet elected JSC representatives while also arguing the cross appeal contending that the President has no role in the nomination of elected members of the JSC.

Judgment was reserved for 19th July, 2019 but was delivered on 11th October, 2019. The CoA upheld the High Court decision but dismissed LSK's cross appeal on the constitutionality of Section 15(2) of the Judicial Service Act to the extent that that provision purports to give the President powers to nominate persons elected to be members of the Judicial Service Commission under Article 171(2)(b), (c), (d) and (f). Such persons under Article 171 (2) (b), (c), (d) and (f) are elected by various entities to the Commission and are therefore not subjected to nomination/appointment by the President and subsequently, Parliamentary vetting. The court stated that the section is not unconstitutional because there are consequences. No such consequence was spelt out and consequences is not the proper test for constitutionality of any statute.

LSK filed a Notice of Appeal to the Supreme Court. The AG also served a Notice of Appeal against the judgment.

Mr. Ochiel Dudley, Advocate is on record for the Society.

3.4: CONSTITUTIONAL PETITION NO.8 OF 2019 LAW SOCIETY OF KENYA VS ODPD AND 4 OTHERS

The Law Society has moved to court seeking orders of *Mandamus and Prohibition* directed at the Office of the Director of Public Prosecutions and Director of Criminal investigations for among others, orders that the Respondents to grant cash bail/bond as of right to arrested citizens unless compelling reasons are given in writing to the arrested citizen, and they be prohibited from capriciously arresting citizens suspected of committing non-cognizable offences on Friday afternoons and/or periods that would deny them the opportunity to take plea within 24 hours and issuing press statements on accusations against citizens and publicizing the said allegations.

The matter came up for hearing of the application on 30th January, 2019 where the court granted the Petitioner leave to amend the Petition to include more prayers and add supplementary affidavits.

The matter had been scheduled for mention on 7th May, 2019 but did not proceed since Justice Korir was not sitting. It is now scheduled for hearing on 13th July, 2020.

Mr. Borniface Akusala, Advocate and **Mr. Evans Ogada, Advocate** are on record for the Society.

3.5: CONSTITUTIONAL PETITION NO.9 OF 2019 LAW SOCIETY OF KENYA VS ODPD, DCI, IG POLICE, AG AND CJ

The Law Society has moved to court seeking the following reliefs :-

- i. declaratory order that the inhibition of an advocate's right to represent a client by the Respondents contravenes the rights and freedoms of the advocate and the client;
- ii. a prohibitory injunction against the Respondents from harassing or arresting advocates as relates to matters of advocates-client privilege,
- iii. a mandatory injunction compelling the Respondents to release advocates on Bail/Bond on the basis of personal cognizance upon arrests that are premised on their practice.

The matter had been scheduled for mention on 7th May, 2019 but did not proceed since Justice Korir was not sitting. It has now scheduled for hearing on 13th July, 2020.

Mr. Borniface Akusala, Advocate and Mr. Evans Ogada, Advocate is on record for the Society.

3.6: PETITION 23 OF 2019 CHAMA CHA MAWAKILI VS AG, REGISTRAR OF COMPANIES

A group of lawyers registered a company on 19th December, 2018 by the name Chama Cha Mawakili Limited (CCM) and on 8th January, 2019 the Society wrote to the Registrar of Business Registration Service to register reservations and objections to the registration of the company on grounds that it bears a similar name to the Law Society of Kenya.

The Registrar wrote to CCM on 9th January, 2019 directing them to change their name within 14 days or they would invoke Section 58 of the Companies Act and deregister the company. The Business Registration Service then wrote to both parties on 24th January, 2019 to convene a consultative meeting to resolve the issue but CCM moved to court and filed the Petition.

The Petitioner alleges that the Registrar of Companies violated their rights to fair hearing and fair administrative action as provided for in Articles 36 93) (b) and 47 of the Constitution. The Petitioner also contests the constitutionality of Section 58 (5) of the Companies Act because it does not give on a right to fair hearing before a registration is cancelled.

The matter was heard on 17th December 2019 and is scheduled for judgement on 23rd March 2020.

Mr. Ahmednassir Abdullahi, SC is on record for the Society.

3.7: PETITION 42 OF 2019 LAW SOCIETY OF KENYA VS MINISTRY OF TRANSPORT, NAIROBI COUNTY GOVERNMENT AND THE A.G

On 28th January, 2019, the 1st Respondent herein *vide* a press conference announced the implementation of 'The Car-Free Days'. Effective from 1st February, 2019 on Wednesdays and Saturdays, **ALL** private motor vehicles will not be allowed in the Nairobi Central Business District and Public Service Vehicles will drop off passengers at designated areas within the city's periphery.

On the 30th January 2019, the LSK wrote a letter to the Respondents intimating that they had received several protests from their members and the public concerning the directive. It sought information of the *Gazette Notice* communicating this directive to the public and the legal premises upon which the Respondents based their action. The said letters did not elicit any response from the Respondents.

The 1st Respondent *vide* a press release on 30th January 2019 suspended the *Car-Free Days* directive which was scheduled for a test run on 1st February 2019 because they had not concluded the biometric registration of traders.

The LSK sought orders that pending hearing and determination of the application a conservatory order be issued restraining the 1st and 2nd Respondents by themselves, their servants, agents and/ or representatives or anyone appointed by them by law from implementing the 'Car-Free Days' in the City of Nairobi even after the completion of the biometric registration of traders.

The hearing of the application was scheduled for 18th February, 2019 but the Respondents sought and were granted time to respond and correspondingly file submissions. The matter was mentioned on 2nd July, 2019 to confirm compliance for hearing of the Petition but was withdrawn on mutual consent on 24th July, 2019. The respondents confirmed that they had suspended the implementation of the directive on car-free days hence the case was considered overtaken by events.

Mr. Eddie Omondi, Advocate was on record for the Society.

3.8: CONSTITUTIONAL PETITION 56 CONSOLIDATED WITH 58 AND 59 OF 2019 NUBIAN RIGHTS FORUM, KENYA NATIONAL COMMISSION ON HUMAN RIGHTS VS AG, CS INTERIOR & 4 OTHERS.

The Petitioners have moved to court to challenge the assent and coming into effect of the Statute Law (Miscellaneous Amendments) Act 2018. The Act introduces amendments to the Registration of Persons Act which infringe on the privacy rights of citizens through introduction of the National Integrated Identity Management System. The Society, as per its mandate under Section 4 of the Law Society of Kenya Act, applied to be enjoined as an Interested Party.

The application came up for mention on 25th March, 2019 where the court ordered that the hearing of the applications for conservatory orders will be on 29th of March 2019. Interested parties were asked to file responses to the applications through submissions either supporting or opposing the applications. All parties were directed to have filed and served their responses by Wednesday and the court also directed that it would be hearing the application for joinder for amicus by the Center for Intellectual Property and Information Technology and the parties opposing the application (1st, 2nd, 3rd, 4th and 6th Respondents) on the same 29th of March, 2019.

The Petitioners had filed applications seeking the following conservatory orders :-

- i. The amendments to the Registration of Persons Act be suspended pending the hearing and determination of the petitions;
- ii. The Respondents be restrained from installing and implementing NIIMS pending hearing and determination of the petitions.

The Court comprised of Hon. Justices P. Nyamweya, M. Ngugi and W. Korir on 1st April, 2019 consequently issued the following orders :-

- i. Collection of DNA and the use of the Global Positioning System (GPS) as identifiers is suspended pending hearing and determination of the petitions.
- ii. Collection of remaining biometric data is allowed.
- iii. Respondents are however barred from:
 - a. Making registration of NIIMS mandatory.
 - d. Setting any deadlines for registration.
 - e. Denying any unregistered person access to any government services.
 - f. Sharing/disseminating any personal information collected with any third parties.

The court further denied the application for joinder of the proposed amicus for failing to properly present who they are and what they do to the court as well as failing to show expertise that would add value to the proceedings directed parties to appear on 30th April, 2019 for mentioning of the matter.

The court directed that -;

- i. The 2 and 3rd Respondent and 3rd Petitioner are granted 7 days to file further pleadings;
- ii. Any submissions yet to be filed are to be filed and served;
- iii. Any replying affidavits not served to be served by end of day;
- iv. Parties to return on 21st May for mention to confirm compliance beginning at 11:00am;
- v. Parties to return on 27th June, 2019 and hearing to be on 8th to 11th July, 2019.

The matter was heard on all those dates as well and examination of expert witnesses in the Huduma Namba took place on various dates in September and October. The first Petitioner and 3rd Respondent were also examined. The Petitioners and Interested Parties supporting the Petition were directed to file submissions by 8th October, 2019 and Respondents and Interested Parties opposing the petition to file by 11th October, 2019.

Parties returned for highlighting submissions on 14th October, 2019 and judgment was to be delivered on 18th December, 2019 but was delivered on 30th January, 2020 **Hon. Justices P. Nyamweya, Mumbi Ngugi** and **Weldon Korir** agreed with the Petitioners and issued the following orders;

- i. *A declaration that the collection of DNA and GPS co-ordinates for purposes of identification is intrusive and unnecessary, and to the extent that it is not authorised and specifically anchored in empowering legislation, it is unconstitutional and a violation of Article 31 of the Constitution.*
- ii. *Consequently, in so far as section 5 (1) (g) and 5 (1) (h) of the Registration of Persons Act requires the collection of GPS coordinates and DNA, the said subsections are in conflict with Article 31 of the Constitution and are to that extent unconstitutional, null and void.*
- iii. *The Respondents are at liberty to proceed with the implementation of the National Integrated Identity Management System (NIIMS) and to process and utilize the data collected in NIIMS, only on condition that an appropriate and comprehensive regulatory framework on the implementation of NIIMS that is compliant with the applicable constitutional requirements identified in this judgment is first enacted.*
- iv. *Each party shall bear its own costs of the Consolidated Petitions.*

Ms. Mercy Mutemi, Advocate was on record for the Society.

3.9: CIVIL SUIT NO. 235 OF 2009 JOSIAH ABOBO VS STANDARD LIMITED

The Claimant, an advocate, moved to court seeking general defamatory damages from the Defendant due to a notice published on newspaper edition of 10th November, 2008. The Notice, sponsored by the Law Society Disciplinary Committee, listed the Plaintiff as suspended, among other advocates who were either suspended or struck off. The Defendant has thus applied to have the LSK enjoined as a third party with a view to having the Society indemnify the Defendant against any claim that would ensue.

The matter came up in court on 28th March, 2019 where the application was allowed and it was ordered that the Defendant serves the Third Party Notice within fourteen days.

Mr. Wilkins Ochoki, Advocate is on record for the Law Society of Kenya.

4.0: CONSTITUTIONAL PETITION NOs. 93 AND 94 OF 2019 MARK NDUNG’U NDUMIA & OTHERS VS THE LAW SOCIETY OF KENYA AND OTHERS TOGETHER WITH MISCELLANEOUS APPLICATION NO. 83 OF 2019 GEOFFREY MAINA VS LSK

The Petitioners moved to court challenging the resolution of the Law Society of Kenya’s Council to nominate the 2nd and 4th Interested Parties, Mr. Gathii Irungu and Prof. Tom Ojienda respectively, as candidates for the election of the LSK Male Representative to the Judicial Service Commission. The Petitioners allege that the nomination of the aforementioned candidates violates provisions of Chapter 6 of the Constitution, LSK Act, LSK (General Regulations) 2018 and the LSK Electoral Code of Conduct because Mr. Irungu allegedly submitted his papers out of time and Mr. Ojienda did not submit a Tax Compliance Certificate.

The matter was mentioned on 13th March, 2019 where the court (Justice Makau) directed that the two petitions be consolidated and granted 14 days for respondents and interested parties to file their submissions. The matter was heard on 25th and 26th April, 2019. The LSK challenged the jurisdiction of the court to hear the matter and judgment was delivered on 7th May, 2019 dismissing the cases for want of jurisdiction.

Court noted that, in declining to adjudicate the matter, there were alternative mechanisms that were not explored by the Petitioners being arbitrations as provided for under the LSK Arbitration Regulations of 1997.

Mr. Elisha Ongoya, Advocate was on record for Law Society of Kenya in both matters.

4.1: CONSTITUTIONAL PETITION NO. 5 OF 2018 NAIROBI JACKSON MUKHONGO & OTHERS VS ATTORNEY GENERAL

The Petitioner moved to court challenging the Attorney General's Circular dated 16th April, 2014 titled 'Engagement Of Private Legal Services By Government Ministries and State Departments.' The Petitioner alleges that the Respondent overstepped its mandate and violated various articles of the Constitution by issuing the aforementioned Circular.

The matter was similar to Judicial Review Application No. 364 Of 2018 Francis Andrew Moriasi Vs Attorney General, on-going at the High Court. The Law Society of Kenya was an interested party in the case.

The matter was heard on 26th June, 2019 when the Petitioner applied to withdraw the matter since it had been rendered academic by the Judgment in JR 364 of 2019 Francis Andrew Moriasi vs AG. The Respondents did not object to the same and consequently court ordered the matter withdrawn.

Mr. Tom Macharia, Advocate is on record for the Law Society of Kenya.

4.2: CONSTITUTIONAL PETITION NO. 3 OF 2019 ODIRA ELVIS NANDA VS CHIEF JUSTICE AND JUDICIAL SERVICE COMMISSION.

The Petitioner moved to court citing failure by the Respondents, who are responsible for preparation of the Annual Judiciary calendar, to disclose dates for the judges' and magistrates' colloquium, workshops, seminars, trainings and the judicial service week for the year 2019. The Petitioner argues that the Respondents actions of giving short notices for these activities prejudices court matters and violates their rights to access to justice.

The Law Society is an Interested Party in the matter in support of the petition. The matter came up for directions on 5th March, 2019 and a mention on 9th April, 2019. The purpose of the mention was for the court sitting in Nairobi to issue directions having received an Order issued by **Hon. Ngugi J.** sitting in Nakuru, that the matter be transferred to Nairobi where the Respondents' headquarters are domiciled. The Court directed that the matter be mentioned on 24th July, 2019 before the **Hon. Justice Korir** for further directions.

The court directed as follows when the matter came up for directions;

1. That the Petitioner serves their submissions to all parties within 2 days.
2. That all other parties file and serve their responses to the petition together with their submissions within 21 days thereof
3. That the matter be mentioned on 23rd October, 2019 to confirm whether all parties have complied with the court's directions and to issue a date for judgment. Judgment has been reserved for 30th January, 2020.

Ms. Mercy Mathai, Advocate is on record for the Society.

4.3: PETITION NO. 69 OF 2018 NAOMI ACHIENG' OKELLO VS COUNCIL OF LEGAL EDUCATION, LAW SOCIETY OF KENYA & CHIEF REGISTRAR JUDICIARY

The Petitioner, a Kenyan Citizen who studied at Busoga University in Uganda and is an Advocate admitted to the Rwanda Bar, moved to court to challenge the application of **Section 13 (1) (b) of the Advocates Act** on academic qualifications as a pre-requisite for admission to the Roll of Advocates. The Petitioner also sought Judicial Review orders of *Certiorari* and *Mandamus* to compel the Respondents to clear her for admission into the Roll of Advocates.

The matter was slated for hearing on 27th March, 2019 but did not proceed since the 1st and 3rd Respondents had not filed their submissions. Court directed them to file and serve within 14 days.

The matter was heard and parties highlighted submissions. Judgment was delivered on 29th July, 2019 where the Court through **Hon. Justice Wilson Korir** found for the Petitioner and allowed the Petition holding thus:-

- a. A declaration is hereby issued that subjecting the Petitioner to the provisions of Section 13 (1) (b) of the Advocates Act when she qualifies under Section 13 (1) (d) amounts to unfair administrative action on the part of the Respondents against the Petitioner;
- b. A declaration is hereby issued that the conduct and decisions by the 1st and 2nd Respondents are discriminative and infringe on the Petitioner's rights under Articles 27 and 47 of the Constitution;
- c. An order of Certiorari is hereby issued quashing the decisions of the 1st Respondent communicated via letter dated 27th July, 2017;
- d. An order of Certiorari is hereby issued quashing the decisions of the 2nd Respondent dated 10th 15th March and 16th May, 2017;
- e. An order of mandamus is hereby issued compelling the 3rd Respondent to admit the Petitioner's petition for admission before the Chief Justice.

Mr. Cohen Amany, Advocate was on record for the Law Society of Kenya.

4.4: PETITION 160 OF 2016 ZAMZAM ABDI VS DPP, DCI AND TWO OTHERS.

The Plaintiff, an advocate, moved to court citing harassment by officers of the DCI in the course of undertaking her professional duties. The Petitioner alleges that her fundamental rights and freedoms were violated after she was arrested and illegally incarcerated for over 80 hours without being arraigned in Court, contrary to Article 51 of the Constitution.

The Society applied to be joined as an Interested Party and the hearing of the application for joinder of two proposed interested parties – Mr. Salim Sheikh and Urban Solutions Limited was scheduled for hearing on 23rd October, 2019.

The matter did not proceed as the second proposed interested parties – Urban Solutions – had not served their application to all parties. Court directed parties to file and serve responses within 21 days. Hearing of the application was scheduled for 19th February, 2020 where court directed all parties file and serve their written submissions within 21 days. Mention on 22nd April, 2020.

Mr. Henry Faraji, Advocate is now on record for the Society.

4.4: PETITION NO. 105 OF 2019 ALEX JOSHUA & 2 OTHERS VS KEN LUSAKA & 8 OTHERS.

The Petitioner moved to court citing violation of his right to a fair trial in Succession Cause 1287 of 2007. The Petitioner alleges that there were instances of collusion and professional misconduct between the lawyers on record and the judicial officers in the above-mentioned case. The Society is listed as the 6th Respondent.

The matter was mentioned on 19th June, 2019 and Court directed as follows:-

- a) That the Petitioners serve all, other, parties with the application dated **6th May, 2019**, within **seven (7) days**.
- b) That all Respondents who have not filed response to do so within **seven (7) days** from the date of service.
- c) That the Petitioners file their written submissions within **fourteen (14) days** from service of these responses.
- d) That the Respondents, in turn, file their submissions within **fourteen (14) days** of service.

Thereafter, the Honourable Court reserved highlighting of submissions for the **22nd October, 2019**.

However, this matter did not proceed to highlighting of submissions for the following reasons:

- a) The Petitioner together with the rest of counsel except for counsel for LSK and 1st, 2nd and 8th Respondents were absent.
- b) It appeared that most parties, save for those present in court, had not complied with the directions of the Honourable Court with regard to filing of responses, submissions and service thereof.

Consequently, the Honourable Court directed as follows:

- a) That all parties comply with the order of the court; and
- b) That that the Preliminary Objections filed on your behalf and that of the 1st and 2nd Respondents are given priority as to hearing; *to wit*, they shall be adjudicated upon and determined first.

Thereafter, the Learned Judge reserved mention, verification filing of responses and submissions, for the 28th January, 2020.

Mr. Dennis Muyuri, Advocate is on record for the Society.

4.5: PETITION 185 OF 2019 OKIYA OMTATAH VS PARLIAMENTARY SERVICE COMMISSION, PARLIAMENT OF KENYA AND 422 OTHERS.

The Petitioner moved to court challenging the apparent actions of the 1st and 2nd Respondents to pay members of the National Assembly House Allowances in addition to the Mortgage Allowances they are entitled to per term. The Petitioner alleges that the 1st and 2nd Respondents have no Constitutional mandate to determine remuneration of Members of Parliament since that is solely vested in the Salaries and Remuneration Commission.

The Law Society is an Interested Party in the matter and the matter was scheduled for mention on 24th October, 2019 and directions were issued that hearing be on 5th December, 2019. Judgment to be delivered on 16th March, 2020.

Mr. Nzamba Kitonga, SC is on record for the Society.

4.6: SUPREME COURT APPLICATION 4 OF 2015 PATI LIMITED VS FUNZI ISLAND & DEVELOPMENT LIMITED, J.B HAVELOCK, M.E HAVELOCK AND 2 OTHERS

The 1st, 2nd and 3rd Respondents moved the High Court seeking orders that the Gazette Notice No. 3831 setting apart land on Funzi Island and a letter to Pati Ltd allotting land for purposes of construction of a boat landing base issued by the Commissioner of Lands be quashed. They also sought orders that a grant issued to Pati Ltd be set aside. In a judgment delivered on 14th October, 2004 the High Court, Hon. Justice Khaminwa, declined to issue the orders sought and dismissed the application.

The Respondents appealed to Court of Appeal and the Court allowed the appeal, granting an order quashing the allocation of the subject land as well as the letter of allotment to Pati Limited. The Applicant being aggrieved by Court of Appeal decision sought to appeal to Supreme Court. The Applicant sought leave of the Court of Appeal to appeal but the Court declined to grant the certification.

Dissatisfied with that decision, the Applicant approached the Supreme Court for review of that decision. The Law Society then applied to be admitted as *amicus curiae* on grounds that the decision of the Court of Appeal to revoke a title through Judicial Review proceedings raises issues of public interest, contradicts several other decisions and invokes the Section 4 mandate of the LSK Act. The Respondents filed a Notice of Objection to the application.

The Court, in a ruling dated 4th March, 2019 dismissed the application by LSK seeking to be admitted as an Interested Party on the grounds that it was pre-mature since the matter had not yet been filed as an appeal. What was essentially before court was an application for review of denial of certification and leave to appeal by the Court of Appeal.

Mr. Tom Macharia, Advocate was on record for the Society.

4.7: PETITION NO. 3062 OF 2019 JULIET KINITI VS LSK

The claimant moved to court alleging that the Society defamed her by issuing a publication on December 21st, 2018 on the website listing her practice status as suspended. She is demanding that the LSK issues her an apology, amends and/or withdraws that publication as well as claiming general, aggravated and exemplary damages for defamation and libel.

The matter came up on 3rd December, 2019 for hearing of an application to set aside the default judgment and the same was allowed by consent of all parties. Court directed parties to file their submissions and mention on 22nd January, 2020.

Mr. Cohen Amany, Advocate is on record for the Society.

4.8: PETITION NO. 337 OF 2018 FELIX KIPRONO MATAGEI VS ATTORNEY GENERAL.

The Petitioners moved to court to challenge Section 8 as read with Section 9 of the Law Reform Act that provides that leave must first be obtained before an application for Judicial Review orders of *Certiorari*, *Mandamus* or *Prohibition*. The Petitioner alleges that the impugned sections of the Act contravene Articles 23 (2), (f), 48, 50, 159 and 259 of the Constitution of Kenya as read with Order 53, Rule 1 of the Civil Procedure Rules.

The matter was mentioned on 15th July, 2019 where parties were directed to file and serve pleadings by 15th August, 2019. Hearing scheduled for 25th September, 2019 however the hearing did not proceed since the judge was not available and it was given a mention date of 26th November, 2019. Court thereafter directed that hearing be on 9th April, 2020.

The Law Society of Kenya applied and was allowed to join the proceedings as *amicus curiae*.

Ms. Florence Mwangangi, Advocate is on record for the Society.

4.9: SUPREME COURT REFERENCE NO. 3 OF 2019.

The Council of Governors has moved to the Supreme Court to seek an Advisory Opinion as per Section 13 of the Supreme Court Act on the impasse regarding the annual Division Of Revenue Bill. The Senate and the National Assembly have failed to agree on the Division of Revenue Bill for the financial year 2019-2020 and the mediation process provided for under Article 113 of the Constitution has failed. This situation threatens to cripple operation of counties thus directly affecting service delivery to the public.

The matter was eventually resolved after the proposed Court mediation process and the two Houses eventually agreed on the Division of Revenue allocation however the matter was scheduled for hearing on 22nd January, 2020.

Mr. Nzamba Kitonga, SC appeared in the matter as Lead Counsel assisted by **Mr. Borniface Akusala, Advocate** and **Mr. Steve Ogolla, Advocate**

5.0: PETITION NO. 12 OF 2018 SAMUEL NDERITU VS STRATEGIC ENTREPRENEURS LIMITED AND THE BUSINESS PREMISES RENT TRIBUNAL

The Plaintiff, trading as Buffalo Auto Lab Limited moved to court challenging the decision of the Business Premises Rent Tribunal allowing the 1st Respondent to levy distress and recover all outstanding sums of rent and goodwill from the Petitioner. On 25th March, 2019 **Hon. Justice Millicent Odeny** ordered that the Law Society be enjoined as an Interested Party in the matter.

The matter was mentioned on 21st May, 2019 when the 1st Respondent filed a Preliminary Objection against the Petition. It was heard on 17th July, 2019 and court directed parties to file submissions within 14 days.

Matter set down for a ruling on 24th September, 2019 however the same was not ready and was pushed to 24th October, 2019 where court upheld the Preliminary Objection and the Petition was dismissed.

Mr. Zephania Yego, Advocate is on record.

5.1: PETITION NO. 144 OF 2019 EDGAR KAGONI M VS ODPP AND HON.AG

The Petitioner, a Principal Magistrate at the Mombasa Law Courts moved to court on 9th September 2019 to obtain conservatory orders against the processing and preferring of any criminal charges against him by the Office of the Director of Public Prosecutions pending the hearing of the Notice of Motion dated 8th September 2019 in Petitions

143 and 144 of 2019 (consolidated). The ODPP had preferred a charge of obstruction with intent to defeat justice and aiding and abetting trafficking in narcotics on the Petitioner over the loss of heroine exhibits in a criminal matter that was before him. The Law Society applied and was allowed to be an Interested Party.

The Petitioner contends that he acted in good faith and therefore, under Article 160(1) and 160(5) of the Constitution he is not liable in an action or suit in respect of anything done or omitted to be done in good faith in lawful performance of his judicial function. The Petitioner further argued, a position that was supported by the Law Society, that the claims against him by the D.P.P suggest that it is taking issue with his actions and/or inactions in the discharge of his judicial function without the courage to attack the said orders and exercise of judicial discretion through the laid down legitimate channels of Appeal or application for revision. Instead, the D.P.P has opted to arrest and prosecute him in order to intimidate and frighten him and other judicial officers.

The inter-partes hearing was fixed for Thursday, 12th September 2019 but was heard on 17th September, 2019. The matter was argued and judgment was delivered by Hon Justice R. Nyakundi on 3rd December, 2019 where the court, finding in favour of the Petitioner, held as follows ;-

- a. As a general principle judicial immunity to all Judicial Officers is absolute and not liable to any civil or criminal action for any judicial act done in good faith within their jurisdiction.
- b. There is a difference in structure of the judiciary with regard to the staff exercising discretion on a constitutional or a statutory cause of action and a class executing the Ministerial Act.
- c. Judicial independence is critical to the maintenance of the rule of Law. In addition, egregious judicial behavior, such as corruption and other breach of Criminal Law must remain and will be dealt with through the criminal process as provided for under the constitution as every person is equal before the Law.
- d. A declaration hereby issues that the act of the Directorate of Criminal Investigations of the National Police Service to investigate, arrest and pre-arraignment detention of the 1st Petitioner because of the judicial orders and directions that he made in the course of his judicial duties in Mombasa Chief Magistrates Court Criminal Case Number 468 of 2018 is a violation of Articles 160(1) and 160(5) of the Constitution and such investigation, arrest, and pre-arraignment detention were all invalid within the meaning of article 2(4) of the Constitution of Kenya, 2010.
- e. A declaration that the decision of the 1st Respondent to authorize the arrest, pre-arraignment detention and prosecution of the 1st Petitioner because of the judicial orders and directions that he made in the course of his judicial duties in Mombasa Chief Magistrates Court Criminal Case Number 468 of 2018 is a violation of articles 160(1) and 160(5) of the Constitution and therefore invalid within the meaning of article 2(4) of the Constitution of Kenya, 2010.
- f. An order of Certiorari does bring forth into this Honorable Court and issue quashing the recommendations of the Directorate of Criminal Investigations to the Director of Public Prosecutions and the consequential decision of the Director of Public Prosecutions to charge the Petitioner contained in the Press Statement dated 07th September, 2019 to charge Kagoni Edgar Matsigulu, the 1st Petitioner herein with obstruction of justice contrary to Section 117 of the Penal Code, Aiding the commission of an offence contrary to Section 8(c) of the Narcotic Drugs and Psychotropic Substances (Control) Act or any other charge that may be founded on the facts of the 1st Petitioner's conduct as a judicial officer in Mombasa Chief Magistrates Court Criminal Case Number 468 of 2018.
- g. An order of Prohibition does remove from this court and issue forthwith prohibiting any Magistrates Court in Kenya from taking plea or any further criminal proceedings arising from the recommendations of the Directorate of Criminal Investigations to the Director of Public Prosecutions and the consequential decision of the Director of Public Prosecutions to charge the 1st Petitioner contained in the Press Statement dated 07.09.2019 to charge Kagoni Edgar Matsigulu, the Petitioner herein with obstruction of justice contrary to Section 117 of the Penal Code, Aiding the commission of an offence contrary to Section 8(c) of the Narcotic Drugs and Psychotropic Substances (Control) Act or any other charge that may be founded on the facts of the Petitioner's conduct as a judicial officer in Mombasa Chief Magistrates Court Criminal Case Number 468 of 2018.
- h. A declaration is hereby made that the arrest, pre-arraignment detention of the 1st, 2nd, 3rd and 4th Petitioners in the circumstances of this case was a violation of their right to freedom and security of the person, which includes the right not to be deprived of freedom arbitrarily or without just cause, and, the right to inherent dignity and the

right to have that dignity respected and protected and contravenes articles 27 (1), 28 and 29 of the Constitution of Kenya, 2010.

- i. General damages for violation of the Petitioners' fundamental rights and freedoms are awarded at the sum of Ksh.2,000,000.
- j. Each party shall bear their own costs of the litigation.

Mr. Augustus Wafula, Advocate was on record.

5.2: CIVIL APPEAL NO. 96 OF 2014 LAW SOCIETY OF KENYA VS HON. ATTORNEY GENERAL, JUDICIAL SERVICE COMMISSION AND CHIEF JUSTICE

The Law Society filed an appeal from the judgment of the High Court by Hon. Justice Majanja in Petition 318 of 2012 dated 19th March, 2013. The petition challenged amendments occasioned by the Statute Law (Miscellaneous Amendment) Act of 2012. The Act essentially transferred the vetting of magistrates from the Judges and Magistrates Vetting Board to the Judicial Service Commission, converted the Advocates Disciplinary Committee to the Advocates Disciplinary Tribunal. The Act also allowed advocates within the East African Community to practice in Kenya and also granted the Chief Justice powers to prescribe the remuneration of In-house practitioners.

The Society opposed these amendments on various grounds -;

- i. That the transferring of the vetting of Judges and Magistrates to the Judicial Service Commission undermines the independence Judiciary due to the conflict of interest that will be occasioned.
- ii. That converting the Advocates Disciplinary Committee to the Advocates Disciplinary Tribunal effectively makes the role of the Society inherently judicial and was done without the Judiciary apportioning funding.
- iii. That allowing advocates from the East African Community unfettered access into Kenya without reciprocal arrangements in favour of Kenya practitioners is an abuse of the legislative powers of Parliament and a violation of international trade agreements.
- iv. Permitting the Chief Justice to prescribe remuneration of in-house counsel undermines operation of fair labour relations and practices as established in Article 41 of the Constitution.
- v. These amendments are substantive in nature thus should not have been brought courtesy of a Statute Law (Miscellaneous Amendments Bill) and there was no public participation as envisioned by Article 261 of the Constitution.

The Petition contained the following prayers;-

- a. A declaration that the amendments contained in the Statute Law (Miscellaneous Amendments) Act 2012 particularly those enumerated in paragraph 16 (a) -(d) of the Petition are inconsistent with the Constitution and are therefore null and void to the extent of the inconsistency;
- b. A declaration that the amendments contained in the Statute Law (Miscellaneous Amendments) Act 2012 particularly those enumerated in paragraph 20 (a) -(d) of the Petition infringes on fundamental rights and freedoms contained in articles 27 and 41 of the Constitution;
- c. A declaration that the amendments contained in the Statute Law (Miscellaneous Amendments) Act 2012 particularly those enumerated in paragraph 20 (a) -(d) of the Petition seek to introduce substantive amendments of the law which case the Attorney General is obligated to consult with other organs/agencies mentioned in Article 261 (4) of the Constitution and in that case further, public participation enshrined in Article 10 (2) as read together with Article 118 of the Constitution must be respected.

The Court, in a judgment delivered on 27th September, 2019 by **Hon. Justices P. Waki, D. Musinga and P. Kiage** (copy attached) found for the Society that Parliament's passing of the amendments was not in keeping with the Constitutional bounds of its powers. The Court allowed the appeal, setting aside the judgment of the High Court and allowed the Petition as prayed.

Ms. Julie Soweto, Advocate appeared for the Law Society of Kenya.

5.3: PETITION NO. 384 OF 2019 HILLARY MOKAYA, NICK KYUNUVE VS THE COMMITTEE ON SENIOR COUNSEL, ATTORNEY GENERAL, LSK AND CHIEF JUSTICE

The Petitioners have moved to court to challenge the Senior Counsel Conferment process alleging that the composition of the Committee was illegal, unlawful; and unconstitutional. They allege the two members of the Committee were not representing the Law Society at the time of the first Notice calling for submissions for the Senior Counsel conferment was sent because the LSK elects such representatives during its AGM.

The Petitioners also allege that Hon Justice Mohamed Ibrahim and Jacqueline Kamau were elected/appointed to sit in the Committee way after they had begun sitting meaning those sittings were being held while the Committee was not properly constituted. They add that these two persons sat in deliberations involving applicants who represented them during vetting of judges and did not declare potential conflict of interest.

The matter was mentioned on 2nd October, 2019. The court directed that parties attempt an out of court settlement while negotiations are ongoing.

Mr. Elisha Ongoya, Advocate is on record for the Society.

5.4: PETITION NO. 203 OF 2019 TEDDY OKELLO T/A PATRICK, TEDDY & PARTNERS VS CABINET SECRETARY MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING AND URBAN DEVELOPMENT & 2 OTHERS

The Petitioner moved to court challenging the advertisement for **TENDER NUMBER KENHA/2172/2019 - REGISTRATION FOR PROVISION OF LEGAL SERVICES PROVIDERS FOR THE PERIOD ENDING 30TH JUNE 2021** where the 2nd Respondent invited law firms to bid for prequalification for registration of Legal Services Providers for the period ending 30th June, 2021, with the mandatory requirement that the Managing Partner of the law firm bidder must have at least Fifteen (15) Years post - admission experience among the terms of the tenders so advertised.

The Petitioner alleges that that requirement is discriminatory and restrictive and will result in selective participation and unfair competition in provision of legal services to State Corporations in Kenya. Other advocates in Kenya, especially the young lawyers. The Law Society applied to be enjoined in the suit since it relates to matters of general practice and welfare of members.

The matter was mentioned on 11th October, 2019 where when respondents in the KENHA matter served the petitioner with a preliminary objection on the basis of Sections 65 and 167 of the Public Procurement and Asset Disposal Act No. 33 of 2015; and also objected to our application to join the suit as an interested party.

The court directed that both issues be canvassed via written submissions. The respondents to reply to our application file and serve us within seven days from 9.10.2019 and we deal our part within the same time frame. The same directions were given on the preliminary objection.

The matter will be mentioned on 11th December, 2019 but Respondents had not filed their submissions. Matter to be mentioned on 11th March, 2020.

Ms. Aluso Ingati, Advocate is on record for the Society.

5.5: PETITION NO. 6 OF 2018 PHILIP OKOTH (SUING AS NEXT OF KIN) AND 9 OTHERS VS BOARD OF MANAGEMENT ST. ANNE'S PRIMARY SCHOOL AHERO AND 3 OTHERS.

The Petitioner moved to Court in his capacity as next friend of nine children who are all students of St. Anne's Catholic Primary School in Ahero. The Petitioner, one of the nine students in the school, had been expelled for refusing to attend the mandatory Friday morning Catholic Mass. The students had requested to be exempted from all inter-faith activities since they were all adherents of Jehovah Witness. The School's Board of Management declined that request and expelled one of the Petitioners in response. The Society appealed to be enjoined in the matter as a second

Petitioner due to the public interest nature of the case.

The Petitioners moved to court seeking to enforce the rights of Jehovah Witness children not to be indirectly discriminated against through the enforced Friday Mass attendance and also a declaration that the action of the School's Board of Management to require all students to attend the mandatory Friday mass was a violation of the Petitioner's Constitutional rights to equality, freedom from discrimination and freedom of religion and association.

The Petition was filed in April 2018 and conservatory orders entered to allowing the students to sit their KCPE examinations. The Court, in a judgment delivered on 30th September, 2019 by **Hon. Justice Fred Ochieng** dismissed the Petition holding that the Petitioners had originally accepted the School Rules and Regulations which included attending mass on Friday mornings. He added that the Petitioners had failed to prove how the rule which appears neutral had disadvantaged them.

In light of the recent court decision by **Hon. Justice E. Mwita** in **Petition 10 of 2019** the Society has instituted an appeal in the matter.

Mr. Ochiel Dudley, Advocate is on record for the Society.

5.6: PETITION 369 OF 2019 ADRIAN KAMOTHO VS ATTORNEY GENERAL

The Petitioner moved to court to challenge the apparent reluctance of the President of the Republic of Kenya to appoint judges who had been recommended by the Judicial Service Commission to fill positions in the Court of Appeal, Environment and Land Court and Employment and Relations Court.

The Petitioner claimed that there had been inordinate delay that is hampering administration and access to justice. The Society applied to be joined an interested party in support of the Petition and the matter was mentioned on 12th November, 2019. The Court directed as follows:

- a. That the file is to be forwarded to the Chief Justice for the empaneling of an uneven bench for this matter.
- b. That the matter be mentioned on the 20th November 2019 for purposes of a status update.

The Court informed the parties that the Chief Justice has empaneled a 3 Judge Bench to handle these matters. The judges are:

- a. Achode J - Presiding Judge
- b. Makau J
- c. Chacha J

The matter came up for directions on 4th December, 2019 where the court directed LSK to file submissions and responses by 9th December, 2019 and highlighting of submissions for 16th December, 2019. Judgment reserved for 6th February, 2020.

The Court, through **Hon. Justices L.A Achode, J.A Makau and E.C Mwita** in its judgment delivered on 6th February, 2020 agreed with the Petitioner and the Society in declaring that the President is constitutionally bound by the recommendations made by the JSC in accordance with Article 166 (1) as read with Article 172 (1) (a) of the Constitution on appointment of Judges, holding thus;

1. A declaration be and is hereby issued that the President is constitutionally bound by the recommendation made by the 1st Interested Party in accordance with Article 166(1) as read with Article 172(1)(a) of the Constitution on the persons to be appointed as Judges.
2. A declaration be and is hereby issued that the President's failure to appoint the persons recommended for appointment as Judges violates the Constitution and the Judicial Service Act.
3. A declaration be and is hereby issued that the continued delay to appoint the persons recommended as judges of the respective courts is a violation of Articles 2(1), 3(1), 10, 73(1)(a), 131(2)(a), 166(1), 172(1)(a) and 249(2) of the Constitution.

Ms. Maria Mbeneka, Advocate, Mr. Steve Ogolla, Advocate and **Mr. Evans Ogada, Advocate** were on record for the Society.

5.7: JR NO. 300 OF 2019 DONALD KIPKORIR VS LSK AND 9 OTHERS

The Petitioner moved to court to challenge the Senior Counsel Conferment process. The Petitioner seeks Judicial Review orders of *Certiorari* to quash the decision of the Senior Counsel Committee, *Prohibition* against the members of the Committee from holding themselves out as members and *Mandamus* to compel the Law Society to hold an election of five representatives to the Committee.

Mr. Elisha Ongoya, Advocate is on record for the Law Society of Kenya.

5.8: MERU ELC PETITION 25 OF 2019 JOSEPH LORUNYEI & 5 OTHERS VS CS MINISTRY OF DEFENCE & 5 OTHERS

The Petitioners moved to Court challenging their proposed eviction from the land by the Ministry of Defence in Burat Ward, Isiolo County measuring 350 square miles. The Petitioners allege that the subject land is ancestral land of the members of the Turkana, Samburu, Borana, Somali and Ndorobo communities. Interim orders were granted on 24th September, 2019 as follows:

- i. An interim conservatory order be and is hereby issued restraining the Respondents by themselves, their agents and/or servants from evicting the applicants and the more than 20, 000 members of the Turkana, Samburu, Borana, Somali and Ndorobo Communities within Burat Ward, Isiolo County from their ancestral land measuring approximately 350 square miles.

The Law Society applied to be joined an Interested Party due to the public interest nature of the matter. The matter was mentioned on 29th October, 2019 for hearing of the Petitioner's Notice of Motion Application. Petitioner requested for 14 days to file a Supplementary Affidavit while Respondents sought 14 days to file and serve responses. Court directed the Respondents to file and serve their Replying Affidavit within 14 days and extended the interim orders. Highlighting was scheduled for 2nd December, 2019 where LSK canvassed its application for enjoinder dated 21st November, 2019. The 1st and 5th Defendants were not opposed but sought to get instructions from their clients on what position to take. The 2nd, 3rd, 4th and 6th Respondents were opposed and were given leave to file their replying affidavits. The Petitioner did not oppose the application.

The matter has been set down for hearing of LSK's application and directions on the Petitioner's application on 11th February, 2020.

Mr. Victor Muriithi, Advocate is on record for the Society.

5.9: PETITION NO. 425 OF 2019 LSK VS CS TREASURY, AG

The Acting CS, Treasury issued a notice – Treasury Circular No. 14 A on 24th September, 2019. The Circular, addressed to all Cabinet Secretaries and Accounting Officers provides guidelines for the first revision of the Financial Year 2019/20 Estimates of Revenue and Expenditure. The Circular confirms drastic reduction on the Judiciary's Recurrent and Development budget by **Ksh. 1.493 B** and **Kshs. 1.404 B** respectively. This essentially has amounted to 50% reduction in the budgetary provisions that are essential to the Judiciary's operations.

The Law Society moved to Court to challenge the legality and effect of this Circular. The Society received written confirmation from the Chief Registrar of the Judiciary, that the Judiciary's recurrent and development budget for FY 2019/20 had been restored in the budget for the half year and been uploaded on IFMIS as approved by the National Assembly. Further to this, our petition came up on 6th November 2019 for mention for directions; we sought for the extension of the Court Orders pending the hearing and determination of the petition. The Court allowed our application and extended the orders as prayed. The matter comes up on 27th November 2019 for further directions.

Ms. Aluso Ingati, Advocate is on record for the Society.

6.0: PETITION NO. 2 OF 2019 STANLEY KARANJA VS REPUBLIC

This matter is a petition brought about by prisoners in Nakuru challenging the constitutionality of Section 46 of the Prisons Act that provides for remission of certain prisoners of upto one-third of their sentence for good conduct and industry. The section however provides that no remission is applicable for persons convicted for life or under Sections 296 and 297 of the Penal Code or those imprisoned under the President's pleasure.

The Society, exercising its mandate under Section 4 of the LSK Act applied to be enjoined as *Amicus Curiae*. This matter was scheduled for mention and hearing of our application on 28th October 2019.

However, the matter was taken out of the cause listed and scheduled to be place before Deputy Registrar for directions on 1st November 2019 since the presiding judge Hon. Lady Justice Teresia M. Matheka was not sitting since she was bereaved. When the matter came up before the Deputy Registrar on 1st November, 2019, he directed that the matter be mentioned on 23.1.20 for directions.

Two of the Petitioners have already been acquitted and they have abandoned the Petition and the one who is remaining has expressed the desire to abandon the Petition. This matter came up in Court on 20th February, 2020 where the court granted The Law Society of Kenya leave to be enjoined to the proceedings in the capacity of *Amicus Curiae*.

The Court further directed that;

- a. We put in our submissions within 14 days; and
- b. The matter be heard on 4th May, 2020.

Mr. John Chigiti, Advocate is on record for the Society.

6.1: PETITION 279 OF 2018 EDWIN MOTARI ONGUTI VS GEOFFREY NYAANGA, DPP, LSK AND ONE OTHER.

The Petitioner moved to court citing violation of his rights arising from assault causing bodily harm, robbery, harassment and unlawful imprisonment by the 1st Respondent and police officers in Mlolongo area. He also alleges that the Law Society was complicit in these crimes by ignoring his complaints about the conduct of the 1st Respondent who is an advocate.

The matter came up for hearing on **16th December, 2019** and LSK informed court of its application dated **13th November, 2019**, seeking that the Society ought to be struck out from the proceedings and we sought direction as to its prosecution. Similarly, counsel on behalf of the Attorney General addressed that they, too, would like to file an application to be struck out from the proceedings.

Consequently, the Honourable Court directed as follows:

- a) That the Attorney General is allowed **seven (7) days** to cause the application to be filed on his behalf.
- b) The Petitioner is allowed **fourteen (14) days** to file his response to both applications.
- c) That verification of these items shall be on the **3rd March, 2020**, when this matter shall be mentioned.

Mr. Dennis Muyuri, Advocate is on record for the Society.

6.2: PETITION NO. 427 OF 2019 DAVID KARIUKI, INTERANTIONAL ECONOMIC LAW CENTER VS JUDICIAL SERVICE COMMISSION, ATTORNEY GENERAL

The Petitioner moved to court to challenge the process of declaration of vacancies, recruitment and recommendation to the President for appointment of judges by the Judicial Service Commission to fill positions in the Court of Appeal, Environment and Land Court and Employment and Relations Court.

The Petitioner claims that there was a lack of stakeholder engagement and a needs assessment to determine the optimal number of judicial officers required in violation of Articles 10, 172 and 201 of the Constitution and Section 4(b)

of the Court of Appeal (Organization and Administration) Act, thus the process was unconstitutional and irregular. This matter is similar to JR No. 369 of 2019.

The Society was an Interested Party and the matter was mentioned on 12th November, 2019. The Court directed as follows:

- a. That the file is to be forwarded to the Chief Justice for the empaneling of an uneven bench for this matter.
- b. That the matter be mentioned on the 20th November 2019 for purposes of a status update

The Court informed the parties that the Chief Justice has empaneled a 3 Judge Bench to handle these matters. The judges are:

- a. Achode J- Presiding Judge
- b. Makau J
- c. Chacha J

The matter came up for directions on 4th December, 2019 where the court directed LSK to file submissions and responses by 9th December, 2019 and highlighting of submissions for 16th December, 2019. The Court, through **Hon. Justices L.A Achode, J.A Makau and E.C Mwita** in its judgment delivered on 6th February, 2020 dismissed the Petition holding that the Petitioners have not demonstrated the manner in which **Articles 160(3), 166, 167 and 168** have been violated, infringed or threatened with violation.

Ms. Maria Mbeneka, Advocate, Mr. Evans Ogada, Advocate and Mr. Steve Ogola, Advocate are on record.

6.3: PETITION 209 OF 2019 DR. PIUS WANJALA VS EACC.

The Plaintiff, an advocate, moved to court citing harassment and investigation by officers of the EACC as a result of performing his professional duties as an advocate and initiating a complaint against his employer. The Petitioner alleges that his fundamental rights and professional freedoms were being violated and that EACC had no authority to investigate him on account of advocate privilege.

The Society has been enjoined as an Interested Party in the matter with a view of protecting its overriding interests on member welfare and the matter was mentioned on 25th November, 2019 before the Hon. Mr. Justice Onsemus Makau. Due to the fact that the Respondent and the Interested Parties had not filed their respective responses, they sought and were granted time to file the same. The Respondent, the EACC, did also indicate that it was desirous of making an application to have the Petition transferred from the ELRC to the Anti-Corruption Court.

The Court made the following directions:

- a) a) The Respondent (EACC) and the 1st Interested Party (CS, Health) do file their responses within 14 days; the Respondent is at liberty to file an application seeking the transfer of the matter to the Anti-Corruption court as intimated within the said 14 days too;
- b) The 2nd Interested Party to file its response (if any) within 14 days of service by the Respondent and the 1st Interested Party;
- c) Matter to be mentioned on 20th January, 2020 before any other judge of the ELRC to confirm compliance and for further directions.

Mr. Elias Masika, Advocate is on record for the Society.

6.4: CRIMINAL CASE NO. 1809/2019 R VS SOLOMON KINUTHIA WAMBUI

The Law Society received reports of an assault against Ms. Angela Kagunyi, a young lawyer awaiting admission to the Bar and who works at the Kiambu County Assembly, on Friday 8th November, 2019. The two Members of Kiambu County Assembly – Mr. Solomon Kinuthia, MCA Ndenderu Ward and Ms. Njeri Bakari, MCA Nominated were alleged to have harassed, assaulted Ms. Angela Kagunyi while tearing into pieces a Court Order barring the Assembly from proceeding with an impeachment motion against the Youth & Sports County Executive.

Hon. Solomon Kinuthia MCA, was arrested and arraigned in Court on Wednesday 13th November 2019 for plea taking. However, the other suspect was not present in Court. The advocate for the accused applied for a deferral of the plea taking for 14 days, an application which was opposed by the Prosecutor as well as the advocate representing the victim, Mr. Noel Okwach. The application was also opposed by the advocates representing the Law Society of Kenya and FIDA, Ms. Mercy Kareithi and Ms. Joy Wakirama respectively. The Court in its ruling delivered on 14th November, 2019 by Hon. S Atambo, SPM denied the application to defer plea taking holding that Section 23 of the National and County Assemblies Powers and Privileges Act does not prevent a court from prosecuting a criminal offence.

The suspect was charged with assault and also malicious damage to property and returned a plea of not guilty for both counts. He was kept in custody for a period of 5 days pending a ruling on a bail application. Hearing for 5th March, 2020 but did not proceed since the advocate for the accused person requested an adjournment through an advocate holding brief since he was indisposed. The DPP also sought an adjournment to amend the charge sheet further.

The court granted an adjournment while advising parties to seek an out of court settlement since the offence was a misdemeanor. Matter to be mentioned on 20th March, 2020.

Ms. Mercy Kareithi, Advocate for the Law Society of Kenya.

6.5: ELC CASE 7376 OF 2019 BILAL KINUTHIA VS MWAJUMA MOHAMED

The Petitioner moved to court seeking eviction orders against the defendants over a parcel of land in Mihango area, Embakasi. The defendants have documentary evidence showing they lawfully acquired the properties through share ownership plans and are therefore being unlawfully harassed and evicted. The Society, exercising its mandate under Section 4 of the Act, instructed Mr. Bemih Kanyonge, Advocate to represent the indigent Defendants.

The matter was mentioned on 17th December, 2019 and has a date of 6th February, 2020 but has a date for 6th March, 2020.

Mr. Bemih Kanyonge, Advocate is on record for the Society.

6.6: PETITION NO. 505 OF 2019 LSK VS FKE

The Federation of Kenya Employers put up an advertisement in July 2018 in a Billboard informing the public that they now offer legal services. The Society has moved to court seeking enforcement of Section 33 of the Advocates Act that precludes any unqualified person from practicing as an advocate or purporting to issue legal services.

The matter was heard under certificate on 17th December, 2019 before Hon. Justice Makau who directed that it be mentioned on 18th December, 2019 for directions. The Respondents requested for more time to file their responses while LSK applied for interim orders of injunction restraining the Respondent from charging legal fees to members for provision of legal services. Court directed that

- i. The Respondent file submissions in 21 days
- ii. Petitioner file and serve supplementary affidavit if need be within 14 days after receipt of Replying Affidavit
- iii. Matter be mentioned on 4th March, 2020
- iv. Interim orders declined since no urgency in the matter. Petitioner had raised concerns since 2018.

Ms. Irene Kashindi, Advocate is on record for the Society.

6.7: PETITION 231 OF 2019 PRISCA WAMBUA VS IG, DPP, DCI AND TWO OTHERS

The Plaintiff, an advocate, moved to court citing harassment by officers of the DCI in the course of undertaking her professional duties while transacting in a conveyance of L.R No. 1870/11/200 IR 65800. The Petitioner alleges that her fundamental rights and freedoms were violated due to harassment, victimization and investigation, contrary to Article 51 of the Constitution.

The Society had applied to be joined an Interested Party with a view of protecting its overriding interests on member welfare but the matter was overtaken by events after a revision of the orders in the lower court. LSK has moved to have the matter marked as settled.

Mr. Samwel Mohochi, Advocate is on record for the Society.

6.8: PETITION 187 of 2019 LAW SOCIETY OF KENYA NAIROBI BRANCH VS . THE REGISTRAR SMALL CLAIMS, AG AND 2 OTHERS

The Law Society of Kenya, Nairobi Branch instituted the matter cited above as the Petitioner and moved court in seeking a declaration that Articles 25 (c) , 27, 48, 50 (1) 159 (1) and (2) (e) of Constitution have been violated by denying a party proceedings before the small claims courts the right to legal representation among other orders. The LSK Council sought to be joined in the case as Interested Party.

Mr. Borniface Akusala, Advocate is on record.

6.9: PETITION 235 OF 2019 OKIYA OMTATAH VS PUBLIC SERVICE COMMISSION, AG & 4 OTHERS

The Petitioner moved to court challenging the appointment of Ms. Margaret Nyang'ate as Controller of Budget alleging that she does not meet the mandatory minimum qualifications contained in Articles 228(2) as read with Articles 250 (3) and 73 (2) (a) of the Constitution. The Society is enjoined as an Interested Party.

Mr. Wakesho Kililo, Advocate is on record.

7.0: PETITION NO. 4 OF 2020 INVESCO ASSURANCE COMPANY AND ANOTHER VS ATTORNEY GENERAL, OFFICIAL RECEIVER & LIQUIDATOR

The Petitioner moved to the High Court in Kisumu seeking the following ex-parte orders;-

- i. That the application be certified urgent and be heard ex-parte;
- ii. That the Court do issue Conservatory Orders staying the proceedings at any stage including Warrants of Attachment, Taxation, certificate of Taxations, Garnishee Order nisi or absolute and execution of Judgment and decrees subsisting or arising from any of the third party claims specifically cited under Schedule 'A' 'B' and 'C' pending the hearing and determination of the Application herein;
- iii. That the Petitioners do give notice ex-parte in the first instance of the institution of these proceedings by public advertisement in a newspaper of countrywide supply for the notification of the cited third parties in ancillary suits in schedule 'A' 'B' and 'C' and other affected persons;
- iv. That the Court do issue a Conservatory Order staying the proceedings at any stage including Warrants of Attachment, Execution Proceedings, Taxation, Certificate of Taxations, Garnishee Order nisi or absolute and execution of Judgment and decrees subsisting or arising from any of the third party claims against the 1st Petitioner or its insured and specifically cited under Schedule 'A' 'B' and 'C';
- v. That in the alternative to Order 2 and 3 a Conservatory Order staying the proceedings at any stage including Warrants of Attachment, Execution Proceedings, Taxation, Certificate of Taxations, Garnishee Order nisi or absolute and execution of Judgment and decrees subsisting or arising from any of the third party claims specifically cited under Schedule 'A' 'B' and 'C' pending the Petitioners screening/validation of outstanding claims portfolio and only settle of bonafide validated claims upon reasonable terms and conditions;
- vi. That the costs of the Application be in the cause.

The Court, through **Hon. Lady Justice T.W Cherere** on 27th January, 2020 ordered;

- i. That prayer 1 and 2 (relating only to Warrants of Attachment) and Prayer 3 are hereby issued pending directions on 12th February, 2020, that is;

- a. That this application be certified urgent and be heard forthwith and service of the same on the parties to proceedings herein be dispensed with ex-parte in the first instance;
- b. That this Honourable Court do issue a Conservatory Order staying the proceedings at any stage including Warrants of Attachment;
- c. That the Petitioners do give notice ex-parte in the first instance of the institution of these proceedings by public advertisement in a newspaper of countrywide supply for the notification of the cited-third parties in ancillary suits in Schedule 'A' 'B' and 'C' and other affected persons.

The Society was enjoined in the matter as an Interested Party due to the public interest nature and the fact that it relates to practice matters. The Society applied and was enjoined in the matter as an Interested Party due to the public interest nature and the fact that it relates to practice matters. During the inter-partes hearing of 12th February, 2020 the Society opposed extension of the conservatory orders for failure to disclose to the court material facts by the Petitioners. The Petitioners had failed to disclose the existence of similar suits with similar prayers under Nairobi Constitutional Petition No. 394 of 2019 and Kisumu Constitutional Petition No. 27 of 2019.

The Court in its Ruling delivered on 12th February, 2020 by Lady Justice Cherere agreed with the Society and ordered thus, inter-alia;-

1. This petition be and is hereby transferred to Nairobi Constitutional and Human Rights Division for hearing and disposal;
2. The Conservatory Orders granted on 27th January, 2020 are hereby discharged.

The LSK was represented in the case in Kisumu by **Mr. Moses Omondi, Advocate**. Subsequently, the matter was transferred to Nairobi and the Society is represented by **Mr. Guandaru Thuita, Advocate**.

7.1: ELC SUIT NO. 51 OF 2010 PETER NDETO & 3 OTHERS VS ANTHONY KANGETHE.

The Defendant, a registered bee-keeper in Limuru was forcefully and arbitrarily evicted from the subject parcel of land by the Petitioners who claimed ownership. The Defendant, who is elderly, had employed quite a number of indigent women and youth who depended on that activity for a source of livelihood.

The Petitioners, after filing suit and obtaining ex-parte orders proceeded to forcefully evict him and his employees from the parcel while also illegally and irregularly confiscating all his trees, hives and equipment. The Society, due to the public interest nature of the matter instructed **Mr. Godfrey Munene, Advocate** to represent the indigent defendant and the matter will be mentioned on 28th July, 2020.

7.3: PETITION NO. 38 OF 2019 MIKE SONKO VS DPP, IG POLICE AND 4 OTHERS

The Petitioner moved to court citing violation of his right to equality and freedom from discrimination after Hon. Justice D. Ogoti, while imposing bail terms on 11th December, 2019 in Chief Magistrates Case No. 31 and 32 of 2019 prohibited the Petitioner from accessing the office of Governor of Nairobi County, pending the hearing and determination of those matters.

The Society is an interested party due to the public interest nature of the suit and the matter was scheduled for mention on 3rd March, 2020 but the Judge (Hon. Justice Onyiego) was indisposed so it was rescheduled for mention on 11th March, 2020.

Mr. Edwin Saluny, Advocate is on record.

7.4: CONSTITUTIONAL PETITION NO. 40 OF 2020 ERIC KYALO MUTUA VS INSPECTOR GENERAL OF POLICE, DCI AND DPP.

The Petitioner moved to court seeking to stop an intended arrest, investigation and prosecution by the Respondents as well as a stay in any criminal proceedings to be instituted against the Petitioner. The Petitioner had transacted for his client in a conveyance involving sale of a parcel of land which has been made subject to a criminal investigation.

The Society is an interested party in the matter since it relates to member welfare.

Mr. Michael Muchemi, Advocate is on record.

7.5: AMENDMENT UNDER SECTION 29 OF THE COMPETITION'S ACT.

Recently there was an amendment criminalizing any regulations passed by any professional body without the authority's approval under Section 29 of the Competition Act.

In execution of its mandate under Section 4 (d) and (e) of the LSK Act, the Society seeks to institute proceedings challenging the constitutionality of that amendment and protect public interest.

Mr. James Oduol, Advocate is on record.

List of Deceased Advocates in the Year 2019

	Name of Advocate	P105 No.	Date of Death	Last Known Place of Practice
1.	Edmond Mutamba Mashety	6411/06	01-Jan-2019	Kakamega
2.	Opingo Paul Juma	9615/12	12-Feb-2019	Nakuru
3.	Chesang Robert	3347/97	17-Feb-2019	Nairobi
4.	Areba Charles Keago	3647/98	05-Mar-2019	Bungoma
5.	Kinyua Francis Njuguna	6245/06	08-Mar-2019	Nairobi
6.	Meeme, Jeremiah Kinyua	9360/12	12-Mar-2019	Nairobi
7.	Justice (Rtd) Mukunya Isaac Edwin Kiiru	1005/78	14-Mar-2019	Nyeri
8.	Violet Wairimu Mungatana	3661/98	25-Mar-2019	Nairobi
9.	Mahida Dilipsinhji Prabhatsinhji	669/72	29-Mar-2019	Nakuru
10.	Mudany Nick-Ray Otieno	11787/15	22-Apr-2019	Nairobi
11.	Litunya Nicholas Anyanga	8654/11	23-Apr-2019	Kitale
12.	Wachira, James Waitthaka	3583/98	26-Apr-2019	Nairobi
13.	Nellie Akwiri Okello	1322/83	08-May-2019	Nairobi
14.	Ngaira Calvins Musachi	15801/19	22-May-2019	Eldoret
15.	John Gacheru	1970/89	12-Jun-2019	Murang'a
16.	PDB Walker	327/60	26-Jun-2019	Nairobi
17.	Karanja Kabage	5320/04	05-Jul-2019	Nairobi
18.	Bett Martin Cheruiyot	7472/09	08-Jul-2019	Nairobi
19.	Susan Joyce Omwakwe	4678/01	27-Jul-2019	Nairobi
20.	Otieno Fildas Smith	13009/16	10-Aug-2019	Nairobi
21.	Unita Amulele Kilosy	9241/12	19-Aug-2019	Nairobi
22.	Patrick Wokabi Murage	2791/95	14-Sep-2019	Nairobi
23.	Elly Kefa Owinyi	1040/79	22-Sep-2019	Kakamega
24.	Rtd. Magistrate Francis S. Mwashii		17-Sep-2019	Kakamega
25.	Anne Otuoma Ameyo	8919/11	23-Sep-2019	Nairobi
26.	Samuel Gitau Kinuthia	13538/17	23-Sep-2019	Nairobi
27.	Onesmus Lempaa Torome	9305/12	04-Oct-2019	Narok
28.	Alfred Momanyi Nyairo	532/69	20-Oct-2019	Eldoret
29.	Alubala Abenayo Andambi	3464/97	12-Nov-2019	Eldoret
30.	Josphat Muinde Maweu	8577/11	16-Nov-2019	Nairobi
31.	Sammy R.O. Anyanzwa	925/77	20-Nov-2019	Mombasa
32.	John Brown Shilenje	6506/06	05-Dec-2019	Nairobi
33.	Roselyn Achieng Okeyo	16867/19	13-Dec-2019	Nairobi
34.	Hon. Justice (Prof.) James Otieno Aggrey Odek	1765/88	16-Dec-2019	Kisumu

The Advocates' Benevolent Association

Report of the Board of Management

From 1st October, 2018 to 30th September, 2019



Steven R. Adere
Board Member



Sophie C. Chirchir
Board Member



Janet N. Wekesa
Board Member



Dorcas S. Kitaa
Chairperson



Allen W. Gichuhi, EBS, C.Arb
President, LSK (ex-officio)



Harriet Chiggai
Vice-President, LSK (ex-officio)



Mercy K. Wambua
Secretary/CEO, LSK (ex-officio)

What We Are

The Advocates’ Benevolent Association is an association of Advocates whose objective is to help distressed members of the Association, pay a token of last expenses of deceased members and support the education of children of deceased members subject to limits set by the Board from time to time.

Constitution of the Board:

The Association is managed through a Board of Management consisting of four (4) elected members and 3 ex-officio members.

The current office bearers are:

- a. Dorcas S. Kitaa (Ms.) Chairperson,
- b. Steven R. Adere (Mr.) Board Member
- c. Sophie C. Chirchir (Ms.) Board Member
- d. Janet N. Wekesa (Ms.) Board Member Treasurer

Ex-Officio Members

- a. Allen W. Gichuhi (Mr.) President, LSK
- b. Harriet Chiggai (Ms.) Vice- President, LSK
- c. Mercy K. Wambua (Ms.) Secretary/CEO, LSK

Membership

The membership consists of every Advocate who is a member of the Law Society of Kenya (LSK) by virtue of Section 22 (b) and Section 23 of the Advocates’ Act and any advocate admitted to membership by the Board under Rule 16 of the Advocates’ Benevolent Association Rules.

As at 30th September 2019, there were **1,765** Active Life Members and **10,651** Active Non-Life Members.

Management of the Association

The Association is managed by a Board of Management, the members of which are elected after every two years during the relevant Annual General Meeting. The Board consists of the Chairperson and three (3) members who assist in the discharge of the Association’s mandate. The President, Vice President and Secretary of the LSK are *ex-officio* members of the Board.

The Board directs investment of income and distributes the funds of the Association. It also deliberates on all applications for relief as well as the eligibility of applicants, the levels of such relief, the mode of affording relief and generally, to conduct the business

& operations of the Association. It also has powers to make rules and regulations for the management of the Association. The offices of the Board are based at the Law Society of Kenya Secretariat.

The Association operates on a lean staff of one Programme Officer, one Intern and an Accountant (shared with LSK).

Subscriptions

Currently, the annual subscriptions are **KShs. 3,500** and **KShs. 150,000** for Life Member subscriptions.

Educational Assistance

In the Year Ended 30th September, 2019, the Association funded the education of the dependants of the following **One Hundred and Seventeen (117) deceased Advocates**, out of which 36 of them passed on during the year under review.

P:105/998/78	Hawala, Naphtally
P:105/2658/93	Mungala, Jane Ndunge
P:105/1905/89	Karanja, Paul Njeru
P:105/2420/92	Ochola, James Aloo
P:105/3089/96	Mungiira, Elias Muriithi
P:105/2024/90	Gachora, Samuel Phinehas
P:105/3822/98	Wanambisi, Simiyu R.
P:105/1789/88	Rebiro, James Nganga
P:105/3165/96	Mbaye, John
P:105/2535/93	Musambai, Simon Boze
P:105/3921/98	Bodo, Donald Eugene
P:105/3158/96	Okello, James Ayub
P:105/3024/96	Moindi, Mecha Peter
P:105/581/70	Onjala, John Aggrey
P:105/1516/86	Onganga, Jasper Mokaya
P:105/3312/96	Ondimu, Douglas Mosoti
P:105/5104/03	Mwanzia, Augustine Wambua
P:105/1283/82	Kibuthu, Kamau Moses
P:105/1860/88	Kandie, Philip Kimaiyo
P:105/4263/00	Sang, Joel Kimutai
P:105/2629/93	Maari, David Tom
P:105/3524/97	Nyakundi, Samson Mayieka

P.105/4371/00	Nyangwara, Robert Ouko
P.105/4434/01	Mutahi, Joseph Ichau
P.105/2306/92	Momanyi, Washington Omari
P.105/2858/95	Awino, Grace
P.105/5161/03	Wekesa, Domiano Nanyende
P.105/1582/86	Kiptoo, Philip Kiprop
P.105/1972/89	Kavila, John Mule Peter
P.105/3906/98	Njenga, Steven Njomo
P.105/2508/93	Nyanyuki, Elijah Kefa Ondieki
P.105/2943/95	Nyakeno, Thomas
P.105/2802/95	Mbugua, Robert Mburu
P.105/4814/02	Getembe, Jared Machuka
P.105/1899/89	Mbugua, Samuel Njenga
P.105/2575/93	Wangari, Mary Muchina
P.105/4976/03	Maende, Joseph Nangambo Muchinyi
P.105/1614/87	Thiongo, Nganga
P.105/3139/96	Onguso, Gibson Morara
P.105/5234/03	Ogonya, Omondi Stephen
P.105/534/69	Muttu, Kihara
P.105/3407/97	Onditi, Thomas Collins
P.105/1346/84	Ngunjiri, Antony Nahashon
P.105/7389/09	Muhiri, James Wambura
P.105/7537/09	Chebet, Nicholas Chelimo
P.105/3160/96	Okeyo, Griffin Ochieng
P.105/2904/95	Muindi, John Bosco
P.105/3061/96	Bonyo, Peter Onyango
P.105/4357/00	Kariuki, Peter Mundia
P.105/1612/87	Wainana, George Wambuu
P.105/1553/86	Mwangi, Ngugi Muhindi
P.105/2574/93	Chebet, Irene Metto
P.105/5697/05	Watta, Kenneth Omondi
P.105/2505/93	Kimani, Paul Ndumbi
P.105/2887/95	Gitau, James Kariuki
P.105/3218/96	Wanyama, Peter Wanyonyi
P.105/1273/82	Simani, Peter Ldhituachi
P.105/3516/97	Ngetich, Samuel Kipkorir

P.105/2723/94	Kenzi, Munyao
P.105/3143/96	Ouma, Roy Bobby
P.105/7198/08	Ogola, Collins Okoth
P.105/6466/06	Murungi, Dishon Mwiti
P.105/652/72	Kamonde, Geoffrey Harun Muchichu
P.105/3688/98	Minda, Cyrus Onserio
P.105/4033/99	Oruru, Samuel Erastus
P.105/5856/05	Kurgat, Job Kiplagat
P.105/2596/93	Muthusi, Charles Kioko
P.105/5212/03	Oriaro, Geoffrey
P.105/6566/07	Odhiambo, Antony Shem Otieno
P.105/5690/05	Mbaabu, Robert Mugambi
P.105/3351/97	Mmaiti Christopher Tony Luyali
P.105/6176/06	Misoi, Janice Cherop
P.105/3336/97	Michael, Wandera Wanjala
P.105/8148/10	Okindo, Douglas Obed
P.105/4101/99	Ongechi, Danvas Abere
P.105/8677/11	Mumia, Gladwell Vurakwa
P.105/2820/95	Raha, Jilo Mwambela
P.105/8201/11	Nyawira, Grace Wangari
P.105/2969/95	Kioko, Joshua Kiume
P.105/3073/96	Amusavi, David Kahi
P.105/4717/01	Lubya, Ronald Joseph
P.105/6699/07	Mokua, Jared Ratemo
P.105/3880/98	Kariuki, Francis Gichure
P.105/1478/85	Maosa, Thomas Maranga
P.105/3838/98	Ndungu, Alex Karanja
P.105/2507/93	Calvin Onyari Samba
P.105/3889/98	Titus Muthui Kimani
P.105/3520/97	Nduati March Charagu
P.105/4876/02	Khaminwa, Albert Shihemi
P.105/5929/05	Cheptanui, Elizabeth
P.105/9401/12	Wanyeki, Jeremiah Kamau
P.105/806/76	Okwach, Joe Wandago
P.105/2089/91	Ngala, Kibichy
P.105/7555/09	Miencha, Richard Oigoro

P.105/1924/89	Onguto, Joseph Louis Omondi
P.105/9390/12	Rioba, Godfrey Nyamboga
P.105/6439/06	Kiplagat, Henry Stanley Koros
P.105/4631/01	Onyango, Kwame Nkrumah
P.105/2986/96	Miano, Gacheche Wa
P.105/1093/80	Aboge, Aloys Obunga
P.105/4203/00	Mburu, Stephen Kariuki
P.105/2911/95	Gathungu, Samuel M.
P.105/885/77	Khamati, Anthony Huka
P.105/9847/13	Irungu, Linda Wanjiku
P.105/4532/01	Sang, M.K. Bartamutta
P.105/1739/88	Motende, Evans Getenga

P.105/1330/83	Anambo, Alex
P.105/5862/05	Kweyu, Charles Sunduli
P.105/9763/12	Kipchoge, Gladys Jepkemboi
P.105/3347/97	Chesang, Robert
P.105/3583/98	Wachira, James Waitthaka
P.105/3647/98	Areba, Charles Keago
P.105/2883/95	Oduongo, Odongo JSO
P.105/3569/97	Martin, Tom Mboya Joseph
P.105/9615/12	Opingo, Paul Juma
P.105/2791/95	Murage, Patrick Wokabi
P.105/8918/11	Ameyo, Ann Otuoma

Advocates who passed on during the financial year:

	Name of Advocate	P105 No.	Date of Death	Last Known Place of Practice
1.	Dr. Martin Walela Matasi	5781/05	05-Oct-2018	Malindi
2.	Okech Daphne Rawlins Adhiambo Bala	3831/98	06-Oct-2018	Kisumu
3.	Moses Bartamutta Koey Sang	4532/01	10-Oct-2018	Kapsabet
4.	Anne Muthoni Murage	1055/79	15-Oct-2018	Nairobi
5.	Onyancha Alexander Mose	2477/92	24-Oct-2018	Kisii
6.	Njai Charles Kariuki	1341/84	09-Nov-2018	Nairobi
7.	Kweyu Charles Sunduli	5862/05	14-Nov-2018	Kakamega
8.	Oduongo Odongo J.S.O	2883/95	21-Nov-2018	Kisii
9.	Kwesiga Arnold	13047/16	30-Nov-2018	Nairobi
10.	Benjamin Aggrey Okuom	504/69	18-Dec-2018	Nairobi
11.	Edmond Mutamba Mashety	6411/06	01-Jan-2019	Kakamega
12.	Opingo Paul Juma	9615/12	12-Feb-2019	Nakuru
13.	Chesang Robert	3347/97	17-Feb-2019	Nairobi
14.	Areba Charles Keago	3647/98	05-Mar-2019	Bungoma
15.	Kinyua Francis Njuguna	6245/06	08-Mar-2019	Nairobi
16.	Meeme, Jeremiah Kinyua	9360/12	12-Mar-2019	Nairobi
17.	Justice (Rtd) Mukunya Isaac Edwin Kiiru	1005/78	14-Mar-2019	Nyeri
18.	Violet Wairimu Mungatana	3661/98	25-Mar-2019	Nairobi
19.	Mahida Dilipsinhji Prabhatsinhji	669/72	29-Mar-2019	Nakuru
20.	Mudany Nick-Ray Otieno	11787/15	22-Apr-2019	Nairobi
21.	Litunya Nicholas Anyanga	8654/11	23-Apr-2019	Kitale
22.	Wachira, James Waitthaka	3583/98	26-Apr-2019	Nairobi
23.	Nellie Akwiri Okello	1322/83	08-May-2019	Nairobi
24.	Ngaira Calvins Musachi	15801/19	22-May-2019	Eldoret

	Name of Advocate	P105 No.	Date of Death	Last Known Place of Practice
25.	John Gacheru	1970/89	12-Jun-2019	Murang'a
26.	PDB Walker	327/60	26-Jun-2019	Nairobi
27.	Karanja Kabage	5320/04	05-Jul-2019	Nairobi
28.	Bett Martin Cheruiyot	7472/09	08-Jul-2019	Nairobi
29.	Susan Joyce Omwakwe	4678/01	27-Jul-2019	Nairobi
30.	Otieno Fildas Smith	13009/16	10-Aug-2019	Nairobi
31.	Unita Amulele Kilosy	9241/12	19-Aug-2019	Nairobi
32.	Patrick Wokabi Murage	2791/95	14-Sep-2019	Nairobi
33.	Elly Kefa Owinyi	1040/79	22-Sep-2019	Kakamega
34.	Rtd. Magistrate Francis S. Mwashu		17-Sep-2019	Kakamega
35.	Anne Otuoma Ameyo	8919/11	23-Sep-2019	Nairobi
36.	Samuel Gitau Kinuthia	13538/17	23-Sep-2019	Nyeri

Total- 24Dependants who joined the education assistance programme during the financial year

	Name of Child	Name of the Parent
1.	Koey Maxim Kiplagat	Moses Bartamutta Koey Sang
2.	Koey Ryan Randy Kiptoo	Moses Bartamutta Koey Sang
3.	Koey Berly Chemutai	Moses Bartamutta Koey Sang
4.	Sunduli Annstacy Nasenya	Kweyu Charles Sunduli
5.	Sunduli Kweyu Cliff	Kweyu Charles Sunduli
6.	Sunduli Angela Kanaiza	Kweyu Charles Sunduli
7.	Sunduli Mildred Wereta	Kweyu Charles Sunduli
8.	Sunduli Lucy Sikalyi	Kweyu Charles Sunduli
9.	Odongo, Roy Shawn	Oduongo Odongo J.S.O
10.	Opingo, Dominic Derrick Juma	Opingo, Paul Juma
11.	Juma, Daisy Selina Abuya	Opingo, Paul Juma
12.	Chesang, Ainsley Kayo	Chesang, Robert
13.	Chesang, Arielle Anduru Jebet	Chesang, Robert
14.	Keago, Kevin Ogari	Areba, Charles Keago
15.	Keago, Gloria Nyaboke	Areba, Charles Keago
16.	Waithaka, Jannis Beatrice Muthoni	Wachira, James Waithaka
17.	Waithaka, Munuhe Waithaka	Wachira, James Waithaka
18.	Waithaka, Muthoni Waithaka	Wachira, James Waithaka
19.	Omwakwe, Reuben Nathan	Omwakwe, Joyce Susan
20.	Omwakwe, Sepencia Ivasha	Omwakwe, Joyce Susan
21.	Wokabi, Faith Njoki	Murage, Patrick Wokabi
22.	Wokabi, Edwin Murage	Murage, Patrick Wokabi
23.	Njoroge, Lakeisha Njeri	Ameyo, Anne Otuoma
24.	Njoroge, Jayne Zawadi	Ameyo, Anne Otuoma

Disbursement of funds under the Education Assistance Programme

The total number of children who received school fees assistance in the Financial Year was **Two Hundred and Twenty-Nine (229)** broken-down as follows:

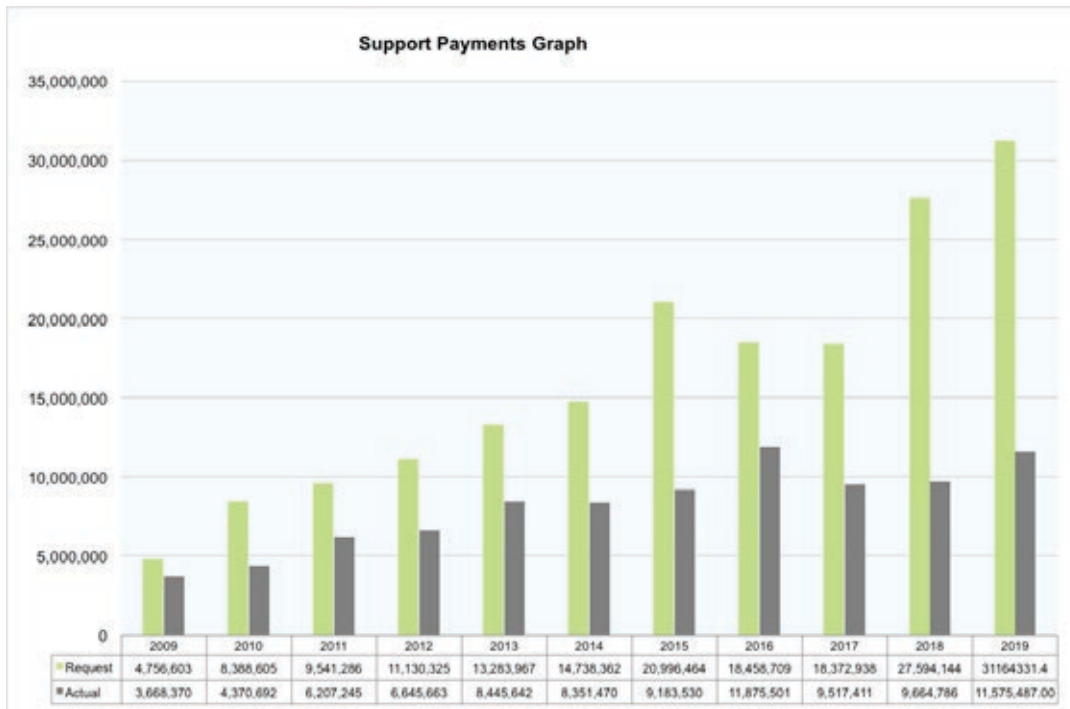
- ▶ Nursery 9 Children
- ▶ Primary 74 Children
- ▶ Secondary 69 Children
- ▶ Tertiary 73 Children
- ▶ Kenya School of Law 4 Scholarships

This translated into a disbursement of a total of KShs. **KShs. 11,575,487/=** under the Education Assistance Program.

For purposes of comparison the disbursement over the last four (4) years has been as follows:

2018	KShs. 9,664,786
2017	KShs. 9,517,411
2016	KShs, 11,875,501
2015	KShs. 9,183,530

Below is a graphical representation of the Applications for Assistance received, viz a viz the level of support the Association was in a position to give:



Limits of Educational Assistance

The Educational Assistance is subject to the following limits:

Nursery	KShs. 40,000/=
Primary	KShs. 55,000/=
Secondary	KShs. 80,000/=
Tertiary	KShs. 60,000/=
Kenya School of Law	KShs. 190,000/=

Medical Assistance

Medical Assistance for the year amounted to **KShs. 100,000/=**. Medical Assistance is capped at **KShs. 35,000/=**.

Last Expenses

A total of **KShs. 700,000/=** was paid out under the Last Expenses Assistance. This assistance was paid to the duly nominated Next of Kin of the following Deceased Advocates.

	NAME OF ADVOCATE	P105 No.
1.	Daphne Rawlins Adhiambo Bala Okech	3831/98
2.	Moses Koey Bartamutta Sang	4532/01
3.	Alex Anambo	1330/83
4.	Charles Sunduli Kweyu	5862/05
5.	Charles Keago Areba	3647/98
6.	James Waithaka Wachira	3583/98
7.	Nellie Akwiri Okello	1322/83
8.	John Gacheru	1970/89
9.	Susan Joyce Omwakwe	4678/01
10.	Fildas Smith Otieno	13009/16
11.	Unita Amulele Kilosy	9241/12
12.	Patrick Wokabi Murage	2791/95
13.	Elly Kefa Owinyi	1040/79
14.	Anne Otuoma Ameyo	8919/11

Last Expenses is capped at **KShs. 50,000/=** per deceased member.

Investments

The Board has continued to invest surplus funds in Treasury Bills and Treasury Bonds. This is informed by the fact that Government securities are the most secure and guarantee higher returns compared to other forms of investments.

Board Meetings

The Board met held **Nine (9) Meetings** during the Financial Year. These meetings were held on the following dates:

- 4th December, 2018;
- 31st January, 2019;
- 26th February, 2019;
- 13th March, 2019;
- 22nd March, 2019;
- 15th May, 2019;
- 21st June, 2019;
- 25th July, 2019; and
- 17th September, 2019.

ABA Board Activities

a) ABA Board Participation at Induction Seminars for Newly Admitted Advocates

During the Financial Year, Members of the Board got a chance to make presentations to the newly admitted Advocates at the Induction Courses that were held in Nairobi, Kisumu and Mombasa. The Board was represented as follows:

- **Nairobi Induction Seminar on 24th November, 2018** - Ms. Sophie C. Chirchir.
- **Kisumu Induction Seminar on 24th November, 2018** - Mr. Steven R. Adere.
- **Mombasa Induction Seminar on 10th December, 2018** - Ms. Dorcas S. Kitaa.

These seminars proved to be valuable forums to create awareness and receive feedback from newly admitted members about the Association.

b) The ABA Revolving Fund

At the Y2019 AGM, members unanimously passed a motion to restructure the Association's Tertiary benefits and to establish a Revolving Fund in conjunction with the Higher Education Loans Board (HELB). The ABA Revolving Fund will ensure that the Association's funds remain available to finance its continuing operations without any fiscal year limitation

The Fund has already been set up and a Committee comprising of ABA and HELB members has been put in place to oversight the operation of the Fund.

The Fund was launched on 21st February, 2020 and is now operational.

c) Wakili Umbrella Provident Fund and Wakili Personal Retirement Benefits Scheme

In response to members' frequent request to broaden the welfare role of the Association, the Board has sought for and come up with a pension scheme for the members. Consequently the Board has held a number of meetings with the industry players starting with Retirement Benefits Authority (RBA).

After a series of these meetings and lengthy deliberations on the role of ABA as the sponsor of the scheme, the various types of Pension schemes, the requirement and role of various players in the management of a pension funds the Board has been

able to come up with the following:

- i) Identified and resolved to set up two pension schemes from which members can choose from, namely **Wakili Umbrella Provident Fund** and **Wakili Personal Retirement Benefits Scheme;**
- ii) **Wakili Personal Retirement Pension Scheme** has been registered while the registration of **Wakili Umbrella Provident Fund** is still pending.
- iii) **Appointment of Corporate Trustee for Wakili Personal Retirement Benefits Scheme. ITSL Trust & Company Ltd** was appointed the Corporate Trustee of Wakili Personal Retirement Pension Scheme.
- iv) The Corporate Trustee is responsible for the entire administration of the scheme including appointment of the Fund Manager, Administrator, the Custodian and other service providers. However the Appointment of these other service providers is done in consultation with the Board of Management of the Association.
- v) Wakili Personal Retirement Benefits Scheme was officially launched on Thursday, 19th March, 2020.

Membership to the schemes is **voluntary**.

d) Board Charter

The Board has come up with a Board Charter to govern the conduct of the Board in its operations, relationship with the stakeholders, staff members, the public and all issues touching on Corporate Governance. The charter is now available on the Association's website.

e) Participation of the Board at the Mombasa Law Society Fitness Boot Camp

The Board was represented by Ms. Dorcas S. Kitaa at the Mombasa Law Society Boot Camp which took place on 22nd June, 2019. This event served as a good opportunity to bring members together to engage in healthy exercise as well as to discuss the role of the Advocates' Benevolent Association. It birthed the inaugural LSK Annual Conference Boot Camp which was held at the Pride Inn Paradise Beach Resort.

f) ABA Branded Merchandise at various LSK fora

The Board has procured some branded items aimed at creating awareness about the Association's products and services. The items are available for sale at various LSK functions at competitive prices. Members are encouraged to purchase the same.

g) ABA Board and Staff Participation at the LSK Annual Conference

The Board of Management and Staff participated in the LSK Annual Conference held on 14th to 18th August, 2019 at the Pridelnn Paradise Beach Resort, Mombasa County. This served as a good forum for the Board to interact with Members from across the country and receive feedback on the various welfare issues that Members have.

While at the Annual Conference, the Board held a meeting with the LSK Branch Chairs Caucus in which meeting the Board received valuable feedback from the various LSK Branch Chairs present at the Meeting. The Board of Management also coordinated and participated in the Corporate Social Responsibility (CSR) exercise that was held at Shanzu Orphans Home on 17th August, 2019. A well-wisher, through the Chairperson of the Board, donated some of the Association's branded items to the Home.

In addition, Members of the Board held meetings with their stakeholders who were present at the Annual Conference to sensitize members on the ABA Revolving Fund and the two Pension Schemes. Members of the Board also used the opportunity at the Annual Conference to work on the ABA Board Charter.

h) ABA Board Participation at the HELB Staff Benevolent Fund AGM

The Board of the Association was invited by the Higher Educations Loans Board (HELB) to their Staff Benevolent Fund AGM which was held on 8th June, 2019 and was represented by Mr. Steven R. Adere. During this forum, Mr. Adere shared insights on his experience on running a benevolent association.

OTHER WELFARE ISSUES

The Board of Management is cognizant that the legal profession is competitive and demanding; that Advocates are vulnerable to stress, anxiety, burnout and depression. For this reason, the Board has entered into the following partnerships and collaborations under the Lawyers Assistance Program and Members are encouraged to make use of the same. The details are available on the ABA website.

- a) Hillpark Health and Fitness Centre (Nairobi and Tiwi);
- b) Ashleys Coiffure and Spa;

- c) Premier Gym The Kenya Counselling & Psychologists Association (KCPA);
- d) Pride Inn, Mombasa; and
- e) Travellers Beach Hotel.

TESTIMONIALS FROM SOME OF OUR BENEFICIARIES

.....

"Thank you so much for helping my mom and making it easier for her through this. It means a lot to me, and to her too. Thank you for going an extra mile to make it easier for us".-Grace Makena Mugambi (Daughter of the Late Robert Mugambi Mbaabu)

.....

.....

"I wish to thank the ABA Board for the approval and prompt processing of my children's School Fees and also to express our gratitude for your continued support and assistance towards the children's education." -William Kiptanui Sang (Spouse of the Late Janice Cherop Miso)

.....

.....

"Heartly greetings from the Njomo family. We are really grateful to the ABA as a family. May God grant you unending happiness & fulfilment." -Jane Makobu (Spouse to the Late Njenga Steven Njomo)

.....

.....

To The Advocates' Benevolent Fund

This comes to convey all the gratitude for what you've done and helped when it was needed the most. Thanks a lot. -Daki Barako Guyo, KSL Scholarship Recipient Y2016

.....

.....

"I have received the Last Expenses payment and the letter conveying your heartfelt condolences. Thank you ABA and the Board of Management for continuing to support my family. God bless you abundantly." -Anna Wanjiru Ndiritu (Spouse to the Late Paul Opingo Juma)

.....

.....

"I am one of the students that is being supported by your organisation. I study at Kiriri Women's University of Science & Technology. It is my humble request that the Board of Management considers establishing an ABA alumni program. The Program will favour the beneficiaries and create a strong relationship of brotherhood among us. I wholeheartedly wish that we put our hands together and make it since unity is strength. I am humbled and well pleased with the great work and heart touching action you took as advocates to touch our lives in a special and remarkable ways. On behalf of my fellow benevolent I say thank you and God bless the association at large." -Mildred Wereta Kweyu (Daughter of the Late Charles Sunduli Kweyu)

.....

MOVING FORWARD

- Overseeing and managing the Wakili Personal Retirement Benefits Scheme;
- Registration and launching of the Wakili Umbrella Provident Fund;
- Monitoring and Evaluation of the ABA/ HELB Revolving Fund;
- Continuous development of programmes that are specific to distressed Members need;
- Fundraising; and
- Beneficiary mapping.

ABA Photo Gallery



ABA beneficiary Mildred Wereta Kweyu



Members of the ABA Board meeting with various stakeholders

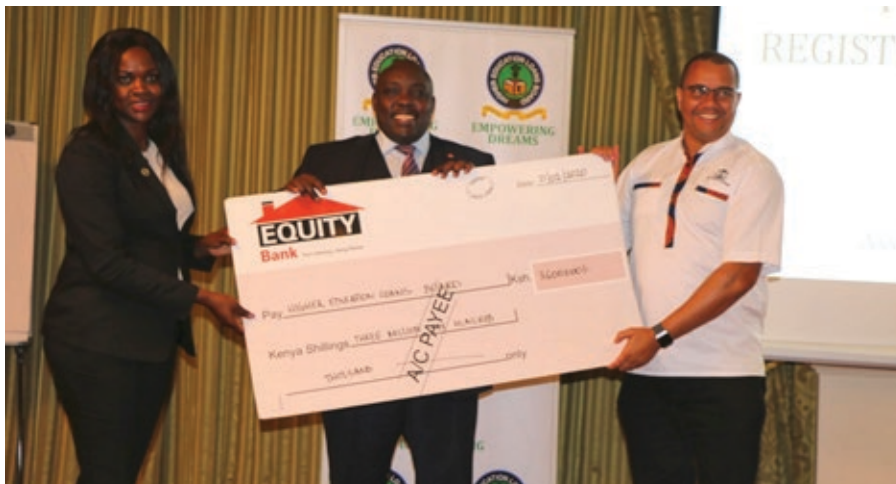
ABA Photo Gallery



Y2019 ABA AGM



ABA Board Chairperson, Dorcas Kitaa (left) and Board Member Sophie Chirchir (right) at the Shanzu Orphans Home.



Launch of the ABA Revolving Fund

THE LAW SOCIETY OF KENYA

Annual Report and Financial Statements

FOR THE YEAR ENDED 31 DECEMBER 2019

Contents

	Page
Society Information	236
Report of the Council Members	237 - 238
Statement of the Council Members' Responsibilities	239
Report of the Independent Auditor	240 - 241
Financial Statements:	
Statement of Income and Expenditure and Other Comprehensive Income	242
Statement of Financial Position	243
Statement of Changes in Funds and Reserves	244
Statement of Cash Flows	245
Notes to the Financial Statements	246 - 266
Appendix 1	267

Society Information

Council members

Mr. Allen Waiyaki Gichuhi	- President
Ms. Harriette Chiggai	- Vice President
Mr. Eric Nyongesa	- Coast Representative
Mr. Bernhard Kipkoech	- Up-Country Representative
Ms. Jane Masai	- Up-Country Representative
Mr. David Njoroge	- Up-Country Representative
Ms. Damaris Ndinda Kinyili	- Up-Country Representative
Ms. Aileen Ingati	- Nairobi Representative
Mr. Borniface Akusala	- Nairobi Representative
Ms. Carolyne Kamende	- Nairobi Representative
Ms. Maria Mbeneka	- General Membership Representative
Ms. Roseline Odhiambo Odede	- General Membership Representative
Ms. Herine Akoth Kabita	- General Membership Representative

Secretary to the Council and Chief Executive Officer

Ms. Mercy K. Wambua

Registered office

Law Society of Kenya Office
Lavington opp. Valley Arcade
Gitanga Road
NAIROBI

Independent auditor

MAZARS
Certified Public Accountants
The Green House (next to Adams Arcade)
Ngong Road
3rd Floor KOKA Place, Suite 8
P.O. Box 61120 - 00200
NAIROBI

Principal bankers

Standard Chartered Bank Kenya Limited
Harambee Avenue
P.O. Box 20063, 00200
NAIROBI

Bank of Africa Kenya Limited
Reinsurance Plaza, Taifa Road
P.O. Box 69562, 0400
NAIROBI

Barclays Bank of Kenya Limited
Queensway House
P.O. Box 30011, 00100
NAIROBI

Kenya Commercial Bank Limited
UpperHill Platinum Centre, KCB Towers
P.O. Box 41166, 00100
NAIROBI

Report of the Council Members

The Council Members submit their report together with the audited financial statements for the year ended 31 December 2019.

Council Members

The Council Members who held office during the year are shown on page 1.

Paragraph 13 of the Law Society of Kenya Act provides that all the Council Members shall be elected biennially by the members of the Society and take office immediately after the ordinary general meeting. Accordingly, all council members retire at the second ordinary general meeting and are eligible for re-election save for the president.

Principal activities

The Law Society of Kenya is registered under the Law Society Act, Chapter 18, Laws of Kenya. Its objectives are:

- a) to maintain and improve the standards of conduct and learning of the legal profession in Kenya.
- b) to facilitate the acquisition of legal knowledge by members of the legal profession and others;
- c) to assist the government and the courts in all matters affecting legislation administration and practice of law in Kenya;
- d) to represent, protect and assist members of the legal profession in Kenya in respect of conditions of practice of law in Kenya;
- e) to protect and assist the public in Kenya in all matters touching, auxiliary or incidental to the law.

Council report

a) Risk governance

The Society's Risk management is a primary Council obligation, and in the evolving operational risk landscape occasioned by technology advancement, the Council developed and continuously improved practices to establish a well-defined and effective oversight function. Because management is accountable to the Council, the Council's focus on effective risk oversight was critical to setting the tone and culture towards effective risk management through strategy setting, formulating high level objectives, and approving broad-based resource allocations. The Council has in the last two years institutionalized internal audit both at the National Office and at the Branch Level.

b) Growing professional membership

The Law Society of Kenya continue achieving its mandate of expanding the membership. In the year, over 10,889 (2018: 9,734) members attained the active status while the total membership increased to 17,230 (2018: 15,898) .

c) Financial management

The Society improved in its financial management by developing the Finance and Accounting Manual (2019) to ensure effective and Accountable Financial and Accounting systems. The Council supported the implementation of Enterprise Resource Planning (ERP) and Biometric Registration system leading to integrated financial and operational management. The Council institutionalized the Budgeting Process, through the Budget and Finance Committee, to ensure that there is prudence in utilization of the finances through the Budget.

Report of the Council Members (Continued)

d) Membership trainings

The Society administered Continuous Professional Development for the members throughout the year to keep them apprised with the emerging development in the legal professional. The Society further partnered with key stakeholders to offer specialized trainings through direct or indirect collaboration and CPD points awarded to the participants.

Statement as to disclosure to the Society's auditor

With respect to each Council Member at the time this report was approved:

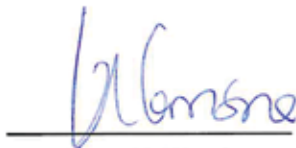
- (a) there is, so far as the person is aware, no relevant audit information of which the Society's auditor is unaware; and
- (b) the person has taken all the steps that the person ought to have taken as a Council Member so as to be aware of any relevant audit information and to establish that the Society's auditor is aware of that information.

Terms of appointment of the auditor

The Council approved the annual audit engagement contract, which sets out the terms of the auditor's appointment and the related fees. The agreed auditor's remuneration has been charged to statement of income and expenditure and other comprehensive income in the year.

Mazars has indicated its willingness to continue in office in accordance with the terms of the contract.

By order of the Council



Ms. Mercy K. Wambua
Secretary to the Council and Chief Executive Officer

Nairobi 24 - 03 - 2020

Statement of the Council Members' Responsibilities

The Law Society of Kenya Act requires the Council Members to prepare financial statements which give a true and fair view of the state of affairs of the society as at the end of the financial year and of the results for that year. It also requires the Council Members to ensure that the Society maintains proper accounting records which disclose with reasonable accuracy, the financial position of the society. The Council Members are also responsible for safeguarding the assets of the Society.

The Council accept responsibility for the preparation and fair presentation of financial statements that are free from material misstatement whether due to fraud or error. They also accept responsibility for:

- i) designing, implementing and maintaining such internal control as they determine necessary to enable the presentation of financial statements that are free from material misstatement, whether due to fraud or error;
- ii) selecting suitable accounting policies and applying them consistently; and
- iii) making accounting estimates and judgements that are reasonable in the circumstances.


Having made an assessment of the Society's ability to continue as a going concern, the Council is not aware of any material uncertainties related to events or conditions that may cast doubt upon the Society's ability to continue as a going concern.

The Council acknowledges that the independent audit of the financial statements does not relieve them of their responsibilities.

Approved by the Council on 24-03-..... 2020 and signed on its behalf by:



Mr. Allen Waiyaki Gichuhi
President



Ms. Mercy K. Wambua
Secretary to the Council and
Chief Executive Officer

Report of the independent auditor

Opinion

We have audited the accompanying financial statements of the Law Society of Kenya ('the Society'), set out on pages 7 to 31, which comprise the statement of financial position as at 31 December 2019, the statements of income and expenditure and other comprehensive income, changes in funds and reserves and cash flows for the year then ended, and notes, including a summary of significant accounting policies.

In our opinion the accompanying financial statements give a true and fair view of the financial position of the Society as at 31 December 2019 and of its financial performance and cash flows for the year then ended in accordance with the International Financial Reporting Standards and the Law Society of Kenya Act, 2014.

Basis for opinion

We conducted our audit in accordance with International Standards on Auditing (ISAs). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are independent of the Society in accordance with the International Ethics Standards Board for Accountants' Code of Ethics for Professional Accountants (IESBA Code) together with the ethical requirements that are relevant to our audit of the financial statements in Kenya, and we have fulfilled our ethical responsibilities in accordance with these requirements and the IESBA Code. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Other information

The Council is responsible for the other information. Other information comprises the information included in the Annual Report, but does not include the financial statements and our auditor's report thereon.

Our opinion on the financial statements does not cover the other information and we do not express any form of assurance conclusion thereon.

In connection with our audit of the financial statements, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or our knowledge obtained in the audit or otherwise appears to be materially misstated. If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

Council's responsibility for the financial statements

The Council is responsible for the preparation and fair presentation of the financial statements that give a true and fair view in accordance with the International Financial Reporting Standards and the requirements of the Law Society of Kenya Act, 2014, and for such internal control as the Council determine is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Council is responsible for assessing the Society's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the Council either intend to liquidate the Society or to cease operations, or have no realistic alternative but to do so.

Report of the independent auditor (Continued)

Auditor's responsibilities for the audit of the financial statements

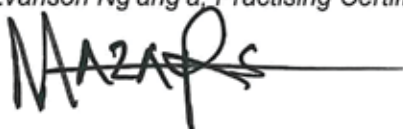
Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial

As part of an audit in accordance with ISAs, we exercise professional judgement and maintain professional scepticism throughout the audit. We also:

- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations or the override of internal control.
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Society's internal control.
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Council.
- conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Society's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of the auditor's report. However, future events or conditions may cause the Society to cease to continue as a going concern.
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with the Council regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

The engagement partner responsible for the audit resulting in this independent auditor's report was CPA Evanson Ng'ang'a, Practising Certificate No. 2146.



MAZARS
Certified Public Accountants
Nairobi

24 MARCH 2020


Statement of Income and Expenditure and Other Comprehensive Income

	Note	2019 Kshs	2018 Kshs
Income			
Practicing certificate fees		45,484,500	41,351,260
Membership fees		66,222,180	60,267,950
CPD income		99,914,952	87,033,092
Annual conference income		39,884,124	65,582,792
International and Regional Conferences	4	4,678,174	2,239,149
Project funds	5	35,812,037	16,712,801
Justice cup		3,145,000	2,750,000
Other income	6	24,478,754	22,325,906
Building levy		6,380,000	5,750,000
		<u>325,999,721</u>	<u>304,012,950</u>
Expenditure			
CPD expenses	7	92,519,003	81,452,788
Annual conference expenses		29,468,039	63,020,936
International and Regional Conferences	8	13,725,232	2,376,643
Project expenses	9	35,685,883	16,890,401
Justice cup expenses		3,194,528	3,325,639
Administration expenses	10	138,649,066	133,165,286
Establishment expenses	11	9,080,436	9,094,428
		<u>322,322,187</u>	<u>309,326,121</u>
Operating surplus/(deficit) for the year		3,677,534	(5,313,171)
Interest income	12	<u>8,517,039</u>	<u>7,504,630</u>
Total surplus for the year		12,194,573	2,191,459
Other comprehensive income			
<u>Items that will not be reclassified subsequently to profit or loss:</u>			
Gain on revaluation of property and equipment		-	165,676,449
Total comprehensive income for the year		<u><u>12,194,573</u></u>	<u><u>167,867,908</u></u>

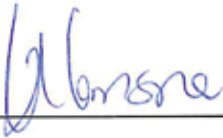
Statement of Financial Position as at 31 December 2019

	Note	2019 Kshs	2018 Kshs
CAPITAL AND RESERVES			
Members funds			
Accumulated surplus	13	122,803,976	117,643,463
Building fund	13	71,751,120	65,371,120
Other funds	13	6,778,316	6,124,256
Revaluation reserve	14	477,577,206	477,577,206
		<u>678,910,618</u>	<u>666,716,045</u>
REPRESENTED BY			
Non-current assets			
Property and equipment	15	498,364,199	499,649,852
Capital costs incurred on IAC	16	33,211,324	33,211,324
Intangible asset	17	4,522,958	3,567,890
		<u>536,098,481</u>	<u>536,429,066</u>
Current assets			
Short term deposits	18	129,582,783	117,523,848
Trade and other receivables	19	17,140,368	20,731,695
Treasury bills	20	13,000,000	13,000,000
Cash and cash equivalents	21	115,823,490	120,062,237
		<u>275,546,641</u>	<u>271,317,780</u>
Current liabilities			
Trade and other payables	22	59,341,789	59,614,779
Other accrued liabilities	23	789,896	772,588
IAC funds	24	70,923,822	74,823,412
Devolution funds	25	1,678,997	5,820,022
		<u>132,734,504</u>	<u>141,030,801</u>
Net current assets		<u>142,812,137</u>	<u>130,286,979</u>
		<u>678,910,618</u>	<u>666,716,045</u>

The financial statements on pages 7 to 31 were approved for issue by the Council on 24-03- 2020 and were signed on its behalf by:



 Mr. Allen Waiyaki Gichuhi
 President



 Ms. Mercy K. Wambua
 Secretary to the Council and
 Chief Executive Officer

Statement of Changes in Funds and Reserves

	Note	Accumulated surplus Kshs	Building fund Kshs	Other funds Kshs	Revaluation reserve Kshs	Total Kshs
At 1 January 2018		121,804,964	59,621,120	5,521,296	311,900,757	498,848,137
Changes in funds 2018						
Total surplus for the year		2,191,459	-	-	-	2,191,459
Revaluation for the year		-	-	-	165,676,449	165,676,449
Transfers from accumulated surplus-Building		(5,750,000)	5,750,000	-	-	-
Library fund	6	(602,960)	-	602,960	-	-
At 31 December 2018		<u>117,643,463</u>	<u>65,371,120</u>	<u>6,124,256</u>	<u>477,577,206</u>	<u>666,716,045</u>
At 1 January 2019		117,643,463	65,371,120	6,124,256	477,577,206	666,716,045
Changes in funds 2019						
Total Surplus for the year		12,194,573	-	-	-	12,194,573
Transfers from accumulated surplus		(6,380,000)	6,380,000	-	-	-
Library fund	6	(654,060)	-	654,060	-	-
At 31 December 2019		<u>122,803,976</u>	<u>71,751,120</u>	<u>6,778,316</u>	<u>477,577,206</u>	<u>678,910,618</u>

Statement of Cash Flows

	Note	2019 Kshs	2018 Kshs
Operating activities			
Net cash from operating activities	26	<u>10,261,103</u>	<u>35,183,161</u>
Investing activities			
Purchase of property and equipment	15	(4,404,403)	(3,486,348)
Purchase of intangible asset: Software	17	(2,660,669)	(638,928)
Proceeds on disposal of asset		-	146,065
Exchange difference gain		6,708	-
Interest received on fixed deposit	12	7,924,666	6,794,035
Interest received on treasury bills	12	<u>592,373</u>	<u>710,595</u>
Net cash from investing activities		<u>1,458,675</u>	<u>3,525,419</u>
Cash flows from financing activities			
IAC funds transferred to liabilities from reserves		-	-
IAC funds reimbursed		<u>(3,899,590)</u>	<u>(17,252,668)</u>
Net cash (used in) financing activities		<u>(3,899,590)</u>	<u>(17,252,668)</u>
Increase in cash and cash equivalents		7,820,188	21,455,912
Cash and cash equivalents at start of year		<u>250,586,085</u>	<u>229,130,173</u>
Cash and cash equivalents at end of year	21	<u><u>258,406,273</u></u>	<u><u>250,586,085</u></u>

Notes to the Financial Statements

1 Summary of significant accounting policies

The significant accounting policies adopted in the preparation of these general purpose financial statements are set out below:

a) Basis of preparation

The financial statements are prepared on a going concern basis and in compliance with International Financial Reporting Standards (IFRS) issued by the International Accounting Standards Board. They are presented in Kenya Shillings (Kshs), which is also the functional currency.

The financial statements comprise a profit and loss account (statement of income and expenditure), statement of comprehensive income, balance sheet (statement of financial position), statement of changes in equity, statement of cash flows, and notes. Income and expenses, excluding the components of other comprehensive income, are recognised in the profit and loss account. Other comprehensive income is recognised in the statement of comprehensive income and comprises items of income and expense (including reclassification adjustments) that are not recognised in the profit and loss account as required or permitted by IFRS. Reclassification adjustments are amounts reclassified to the profit and loss account in the current period that were recognised in other comprehensive income in the current or previous periods. Transactions with the members of the Society in their capacity as members are recognised in the statement of changes in equity.

Measurement basis

The measurement basis used is the historical cost basis except where otherwise stated in the accounting policies summarised below.

For those assets and liabilities measured at fair value, fair value is the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. When measuring the fair value of an asset or a liability, the Society uses market observable data as far as possible. If the fair value of an asset or a liability is not directly observable, it is estimated by the Society using valuation techniques that maximise the use of relevant observable inputs and minimise the use of unobservable inputs (e.g. by use of the market comparable approach that reflects recent transaction prices for similar items or discounted cash flow analysis). Inputs used are consistent with the characteristics of the asset / liability that market participants would take into

Fair values are categorised into three levels in a fair value hierarchy based on the degree to which the inputs to the measurement are observable and the significance of the inputs to the fair value measurement in its entirety:

- Level 1 fair value measurements are those derived from quoted prices (unadjusted) in active markets for identical assets or liabilities.
- Level 2 fair value measurements are those derived from inputs other than quoted prices included within Level 1 that are observable for the asset or liability, either directly (i.e. as prices) or indirectly (i.e. derived from prices).
- Level 3 fair value measurements are those derived from valuation techniques that include inputs for the asset or liability that are not based on observable market data (unobservable inputs).

Transfers between levels of the fair value hierarchy are recognised by the Society at the end of the reporting period during which the change occurred.

Notes to the Financial Statements (Continued)

1 Summary of significant accounting policies (Continued)

b) New and revised standards

i) Adoption of new and revised standards

A number of amendments to standards became effective for the first time in the financial year beginning 1st January 2019 and have been adopted by the Society. None of them has had an effect on the Society's financial statements.

ii) New and revised standards that have been issued but are not yet effective

The Society has not applied any new and revised standards and interpretations that have been published but are not yet effective for the year beginning 1st January 2019.

The Council do not plan to apply any of them until they become effective. Based on their assessment of the potential impact of application of the above, they do not expect that there will be a significant impact on the Society's financial statements.

c) Revenue recognition

Annual subscriptions are accounted for when membership is confirmed by receipt of such subscriptions. All other income is recognised when the society's right to receive the income is established.

d) Income tax

The Society is in the process of seeking exemption from Kenya Revenue Authority from taxation of its income. It is the opinion of the Council Members that such an exemption will be forthcoming and therefore no provision for current and deferred tax is made in the financial statements. The Council Members expect such an exemption to apply to interest income in addition to other member fees, as such interest arises out of member contributed funds.

e) Financial instruments

Classification

The Society classifies its financial instruments into the following categories:

- i) **Financial assets and financial liabilities at fair value through profit or loss**, which comprise financial assets and financial liabilities acquired or incurred principally for the purpose of selling or repurchasing in the near term or to generate short-term profit-taking; and

Financial assets and financial liabilities at fair value through profit or loss, which comprise financial assets or financial liabilities designated by the Society at fair value through profit or loss and which are managed and their performance evaluated on a fair value basis in accordance with the Society's investment strategy.

Notes to the Financial Statements (Continued)

1 Summary of significant accounting policies (Continued)

e) Financial instruments (Continued)

Classification (continued)

- ii Held-to-maturity investments, which comprise non-derivative financial assets with fixed or determinable payments and fixed maturity that the Society has a positive intention and ability to hold to maturity.
- iii **Financial liabilities**, which comprise all financial liabilities except financial liabilities at fair value through profit or loss.

Financial instruments held during the year were classified as follows:

- Demand and term deposits with banking institutions and trade and other receivables were classified as 'loans and receivables'.
- Government securities were classified as 'held-to-maturity investments'.
- Trade and other liabilities were classified as financial liabilities.

Recognition and measurement

Financial assets:

All financial assets are recognised initially using the trade date accounting which is the date the Society commits itself to the purchase or sale. Financial assets carried at fair value through profit or loss are initially recognised at fair value and the transaction costs are expensed in the profit and loss account. All other categories of financial assets are recorded at the fair value of the consideration given plus the transaction cost.

Subsequently, held-to-maturity investments and receivables are carried at amortised cost using the effective interest method, while all other financial assets are carried at their fair values, without deduction for transaction costs that may be incurred on sale.

The Society assesses at each balance sheet whether there is objective evidence that a financial asset is impaired. If any such evidence exists, an impairment loss is recognised. Impairment loss is the amount by which the carrying amount of an asset exceeds its recoverable amount.

Changes in fair value of financial assets at fair value through profit or loss are recognised in the profit and loss account.

Changes in fair value for available-for-sale financial assets are recognised in other comprehensive income, except for impairment losses (measured as the difference between the acquisition cost and the current fair value, less any impairment loss on that asset previously recognised in profit or loss), which are recognised in the profit and loss account. In the year of sale, the cumulative gain or loss recognised in other comprehensive income is recognised in the profit or loss account as a reclassification adjustment.

Trade and other receivables not collectible are written off against the related provision. Subsequent recoveries of amounts previously written off are credited to the profit and loss account in the year of recovery.

Notes to the Financial Statements (Continued)

1 Summary of significant accounting policies (Continued)

e) Financial instruments (Continued)

Recognition and measurement (Continued)

Financial liabilities:

All financial liabilities are recognised initially at the fair value of the consideration given less the transaction cost with the exception of financial liabilities carried at fair value through profit or loss, which are initially recognised at fair value and the transaction costs are expensed in the profit and loss account.

Subsequently, all financial liabilities are carried at amortised cost using the effective interest method except for financial liabilities at fair value through profit or loss which are carried at fair value.

Presentation

All financial assets are classified as non-current except financial assets at fair value through profit or loss, those with maturities of less than 12 months from the balance sheet date, those which the Councils have the express intention of holding for less than 12 months from the balance sheet date or those that are required to be sold to raise operating capital, in which case they are classified as current assets.

All financial liabilities are classified as non-current except financial liabilities at fair value through profit or loss, those expected to be settled in the Society's normal operating cycle, those payable or expected to be paid within 12 months of the balance sheet date and those which the Society does not have an unconditional right to defer settlement for at least 12 months after the balance sheet date.

Derecognition

Financial assets are derecognised when the rights to receive cash flows from the financial asset have expired or the Society has transferred substantially all risks and rewards of ownership.

Financial liabilities are derecognised only when the obligation specified in the contract is discharged or cancelled or expires.

Offsetting

Financial assets and liabilities are offset and the net amount reported in the balance sheet only when there is a legally enforceable right to set off the recognised amounts and there is an intention to settle on a net basis, or realise the asset and settle the liability simultaneously.

Notes to the Financial Statements (Continued)

1 Summary of significant accounting policies (Continued)

f) Property and equipment

All categories of property and equipment are initially recognised at cost. Cost includes expenditure directly attributable to the acquisition of the assets. Computer software, including the operating system, that is an integral part of the related hardware is capitalised as part of the computer equipment. Freehold land, buildings and prepaid operating lease rentals are subsequently carried at a revalued amount, based on valuations by external independent valuers, less accumulated depreciation and accumulated impairment losses. All other items of property, plant and equipment are subsequently carried at cost less accumulated depreciation and accumulated impairment losses.

Subsequent costs are included in the asset's carrying amount or recognised as a separate asset, as appropriate, only when it is probable that it will increase the future economic benefits associated with the item that will flow to the Society over those originally assessed and the cost of the item can be measured reliably. Repairs and maintenance expenses are charged to the profit and loss account in the year in which they are incurred.

Freehold land is not depreciated. For all other assets, depreciation is calculated using the straight line basis to write down the cost or the revalued amount of each asset to its residual value over its estimated useful life using the following annual rates:

	<u>Rate - %</u>
Buildings	2.0
Furniture, fittings and equipment	12.5
Computer and equipment's	30.0
Library	12.5
Motor vehicles	25.0
Generator and lawn mowers	30.0

Each part of an item of property, plant and equipment with a cost that is significant in relation to the total cost of the item, is depreciated separately.

The assets' residual values and useful lives are reviewed, and adjusted if appropriate, at each balance sheet date.

Gains and losses on disposal of property, plant and equipment are determined by reference to their carrying amount and are taken into account in determining operating surplus. On disposal of revalued assets, amounts in the revaluation surplus reserve relating to that asset are transferred to accumulated surplus.

g) Intangible assets

Intangible assets comprise purchased computer software and are stated at cost less accumulated amortisation and any accumulated impairment losses. They are amortised over their estimated life of three years using the straight-line method. If there is an indication that there has been a significant change in amortisation rate, useful life or residual value of an intangible asset, the amortisation is revised prospectively to reflect the new expectations.

Notes to the Financial Statements (Continued)

1 Summary of significant accounting policies (Continued)

h) Impairment of non-financial assets

At each reporting date, property, plant and equipment and intangible assets are reviewed to determine whether there is any indication that those assets have suffered an impairment loss. If there is an indication of possible impairment, the recoverable amount of any affected asset (or group of related assets) is estimated and compared with its carrying amount. If the estimated recoverable amount is lower, the carrying amount is reduced to its estimated recoverable amount, and an impairment loss is recognised immediately in profit or loss.

Similarly, at each reporting date, inventories are assessed for impairment by comparing the carrying amount of each item of inventory (or group of similar items) with its selling price less costs to complete and sell. If an item of inventory (or group of similar items) is impaired, its carrying amount is reduced to selling price less costs to complete and sell, and an impairment loss is recognised immediately in profit or loss.

If an impairment loss subsequently reverses, the carrying amount of the asset (or group of related assets) is increased to the revised estimate of its recoverable amount (selling price less costs to complete and sell, in the case of inventories), but not in excess of the amount that would have been determined had no impairment loss been recognised for the asset (group of related assets) in prior years. A reversal of an impairment loss is recognised immediately in profit or loss.

i) Employee benefits - post-employment benefits

The Society operates a defined contribution retirement benefits plan for its employees, the assets of which are held in a separate trustee administered scheme managed by an insurance Society. A defined contribution plan is a plan under which the Society pays fixed contributions into a separate fund, and has no legal or constructive obligation to pay further contributions if the fund does not hold sufficient assets to pay all employees the benefits relating to employee service in the current or prior periods. The Society's contributions are charged to the profit and loss account in the year to which they relate. The Society and the employees also contribute to the National Social Security Fund (NSSF), a national defined contribution scheme. Contributions are determined by local statute and the Society's contributions are charged to profit or loss in the year to which they relate.

j) Employee entitlements

The estimated monetary liability for employees' accrued annual leave entitlement at the reporting date is recognised as an expense accrual.

k) Provisions

Provisions for restructuring costs and legal claims are recognised when the society has a present legal or constructive obligation as a result of past events, it is probable that an outflow of resources embodying economic benefits will be required to settle the obligation and the amount has been reliably estimated. Restructuring provisions comprise lease termination penalties and employee termination payments. Provisions for future operating losses are not recognised.

Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to any one item included in the same class of obligation may be small.

Notes to the Financial Statements (Continued)

2 Judgements and key sources of estimation uncertainty

In the process of applying the accounting policies adopted by the Society, the Councils make certain judgements and estimates that may affect the amounts recognised in the financial statements. Such judgements and estimates are based on historical experience and other factors, including expectations of future events that are believed to be reasonable under the current circumstances. However, actual results may differ from those estimates. The judgements and estimates are reviewed at each financial reporting date to ensure that they are still reasonable under the prevailing circumstances based on the information available, and any revisions to such judgements and estimates are recognised in the year in which the revision is made.

a) Significant judgements made in applying the Society's accounting policies

The judgements made by the Council in the process of applying the Society's accounting policies that have the most significant effect on the amounts recognised in the financial statements include:

- i) Whether the Society has the ability to hold 'held-to maturity' investments until they mature. If the Society were to sell other than an insignificant amount of such investments before maturity, it would be required to classify the entire class as 'available-for-sale' and measure them at fair value.

b) Key sources of estimation uncertainty

Key assumptions made about the future and other sources of estimation uncertainty that have a significant risk of causing a material adjustment to the carrying amount of assets and liabilities within the next financial year include:

- i) Impairment losses
Estimates made in determining the impairment losses on receivables. Such estimates include the determination of the net realisable value or the recoverable amount of the asset. The movement on the impairment provision is set out in Note 19.

3 Risk management objectives and policies

a) Financial risk management

The Society's activities expose it to a variety of financial risks including credit, liquidity and market risks. The Society's overall risk management policies are set out by the board and implemented by the management, and focus on the unpredictability of changes in the business environment and seek to minimise the potential adverse effects of such risks on the Society's performance by setting acceptable levels of risk. The Society does not hedge against any risks.

Notes to the Financial Statements (Continued)

3 Risk management objectives and policies (Continued)

a) Financial risk management (Continued)

i) Credit risk

Credit risk is the risk that one party to a financial instrument will cause a financial loss for the other party by failing to discharge an obligation. Credit risk mainly arises from financial assets, and is managed on a Society-wide basis. The Society does not grade the credit quality of financial assets that are neither past due nor impaired.

Credit risk on financial assets with banking institutions is managed by dealing with institutions with good credit ratings and placing limits on deposits that can be held with each institution.

Credit risk on trade receivables is managed by ensuring that credit is extended to customers with an established credit history. The credit history is determined by taking into account the financial position, past experience and other relevant factors. Credit is managed by setting a credit limit and credit period for each customer. The utilisation of the credit limits and the credit period is monitored by management on a monthly basis.

The maximum exposure of the Society to credit risk as at the balance sheet date is as follows:

	Fully performing Kshs	Past due but not impaired Kshs	Impaired Kshs	Total Kshs
31 December 2019				
<u>Financial assets</u>				
Short term deposits	129,582,783	-	-	129,582,783
Trade and other receivables	16,888,714	251,654	-	17,140,368
Treasury bills	13,000,000	-	-	13,000,000
Cash and cash equivalents	115,823,490	-	-	115,823,490
Maximum exposure to credit risk	<u>275,294,987</u>	<u>251,654</u>	<u>-</u>	<u>275,546,641</u>
31 December 2018				
<u>Financial assets</u>				
Short term deposits	117,523,848	-	-	117,523,848
Trade and other receivables	20,316,303	415,392	-	20,731,695
Treasury bills	13,000,000	-	-	13,000,000
Cash and cash equivalents	120,062,237	-	-	120,062,237
Maximum exposure to credit risk	<u>270,902,388</u>	<u>415,392</u>	<u>-</u>	<u>271,317,780</u>

ii) Liquidity risk

Liquidity risk is the risk that the Society will encounter difficulty in meeting obligations associated with financial liabilities. The board has developed a risk management framework for the management of the Society's short, medium and long-term liquidity requirements thereby ensuring that all financial liabilities are settled as they fall due. The Society manages liquidity risk by continuously reviewing forecasts and actual cash flows, and maintaining banking facilities to cover any shortfalls.

The table below summarises the maturity analysis for financial liabilities to their remaining contractual maturities. The amounts disclosed are the contractual undiscounted cash flows.

Notes to the Financial Statements (Continued)

3 Risk management objectives and policies (Continued)

a) Financial risk management (Continued)

Liquidity risk	Between 1-3 months Kshs	Between 3-12 months Kshs	Over 1 year Kshs	Total Kshs
31st December 2019				
Trade payables	8,280,061	-	-	8,280,061
Prepaid income	16,947,432	-	-	16,947,432
Disciplinary committee client monies	28,935,674	-	-	28,935,674
East Africa Law Society	926,134	-	-	926,134
Other payables and accruals	2,201,531	-	-	2,201,531
Due from Advocates Benevolent Association	2,050,957	-	-	2,050,957
	<u>59,341,789</u>	<u>-</u>	<u>-</u>	<u>59,341,789</u>
31st December 2018				
Trade payables	4,667,600	-	-	4,667,600
Prepaid income	14,152,830	-	-	14,152,830
Disciplinary committee client monies	29,572,687	-	-	29,572,687
East Africa Law Society	505,980	-	-	505,980
Other payables and accruals	1,501,746	-	-	1,501,746
Due from Advocates Benevolent Association	9,213,936	-	-	9,213,936
	<u>59,614,779</u>	<u>-</u>	<u>-</u>	<u>59,614,779</u>

iii) Market risk

Market risk is the risk that the fair value or future cash flows of financial instruments will fluctuate because of changes in market price and comprises interest rate risk.

Interest rate risk

The Society's exposure to interest rate risk arises from financial assets. Management consider that a change in interest rates of 1 percentage points in the year ending 31st December 2019 is reasonably possible.

b) Capital management

The society's objectives when managing capital are:

- to provide an adequate return to members by pricing services commensurate with the level of risk; to safeguard the entity's ability to continue as a going concern, so that it can continue to provide
- returns for members and benefits for other stakeholders.

The society sets the amount of capital funds in proportion to risk. The society manages the capital structure and makes adjustments to it in the light of changes in economic conditions and the risk characteristics of the underlying assets.

Notes to the Financial Statements (Continued)

4 International and Regional Conferences Income	2019 Kshs	2018 Kshs
East Africa Law Society conference	969,952	413,975
International Bar Association (IBA)	1,980,302	1,825,174
Commonwealth Law Conference	1,727,920	-
	<u>4,678,174</u>	<u>2,239,149</u>
5 Project funds		
SIRD	31,748,687	13,398,091
Institute of International Education	-	1,940,000
BAF-Regulations	1,840,000	1,374,710
GIZ	686,000	-
UNEP	1,537,350	-
	<u>35,812,037</u>	<u>16,712,801</u>
6 Other income		
Levy - LSK journal	5,450,500	4,983,000
Notice fees	3,403,970	3,673,441
Car park fees	3,587,143	3,637,238
Identification cards	3,678,562	3,307,494
Back fees	4,905,405	1,387,690
Disciplinary Tribunal Committee - Income from costs and fines	1,201,426	1,663,880
LSK tenders	-	1,055,000
Legal awareness week	1,052,000	867,000
Library fund contribution	654,060	602,960
LSK promotional material	133,100	480,301
AGM and Annual dinner	286,100	471,460
Donations - CSR fund	119,780	232,287
Fines for dishonoured cheques	-	4,000
Gain/(loss) on forex	6,708	(39,845)
	<u>24,478,754</u>	<u>22,325,906</u>

Notes to the Financial Statements (Continued)

7 CPD (Continuous Professional Development) expense	2019 Kshs	2018 Kshs
Meals and refreshments	42,155,350	35,470,114
Salaries and wages	18,135,231	14,967,419
Travelling expenses	6,408,680	5,288,282
Printing and stationery	1,438,079	4,294,287
Committee expenses	3,195,314	3,434,110
Accommodation expenses	3,176,950	3,301,750
Facilitator expenses	5,142,500	2,737,400
AGM and annual dinner	2,370,195	2,277,939
Annual conference expenses	2,603,502	2,033,580
Other expenses	2,616,272	1,691,391
Amortisation of software	852,801	1,507,799
Transport allowance expense	687,000	799,500
Depreciation	1,012,133	695,996
Communication	603,301	642,184
General repairs and maintenance	519,406	588,779
Utilities	411,982	455,502
Office security	468,465	454,549
Conference hall expenses	332,280	309,695
Hire of equipment expenses	111,940	266,280
Software expenses	277,622	236,232
	<u>92,519,003</u>	<u>81,452,788</u>
8 International and Regional Conferences expenses		
International Bar Association (IBA)	3,756,461	1,913,743
EALS conference	4,143,847	462,900
Other conference expenses	987,787	-
Commonwealth law conference expenses	4,837,137	-
	<u>13,725,232</u>	<u>2,376,643</u>
9 Project expenses		
SIRD	31,825,116	14,149,497
Amkeni-PLEAD	208,847	1,372,974
BAF-Regulations	1,751,920	1,367,930
GIZ	686,000	-
UNEP	1,214,000	-
	<u>35,685,883</u>	<u>16,890,401</u>

Notes to the Financial Statements (Continued)

10 Administration expenses

	2019 Kshs	2018 Kshs
Employment:		
Salaries and wages	58,223,582	51,407,573
Staff medical expenses	6,674,005	5,106,726
General staff and training expenses	2,265,600	284,240
	<u>67,163,187</u>	<u>56,798,539</u>
Other administration expenses:		
Society publications	3,063,283	6,233,081
Printing and stationery	3,444,555	4,969,569
Disciplinary Tribunal Committee expenses	4,323,471	4,293,221
Legal disbursements fees	3,806,228	2,363,510
Amortisation of amount due from SBM Bank (formally Chase Bank)	1,921,041	1,921,041
Office travel	1,019,248	1,590,542
Audit fees	1,500,000	1,500,000
Internal audit costs-Branch audits	387,497	-
General office and meeting expense	564,517	1,333,999
Legal awareness week expenses	797,580	1,266,056
Telephone and postage	1,372,311	1,099,672
Website maintenance and internet	1,051,337	930,030
Subscriptions to international associations	877,064	814,145
IT Consultancy/software support and computer repairs	472,662	791,464
Professional and accounting expenses	100,000	681,040
Strategic plan	565,600	539,150
Advertising and recruitment	442,262	530,572
Motor vehicle and generator running expenses	707,163	498,655
Bank charges and commissions	932,353	452,637
LSK lounge expenses	350,325	274,080
Advocates car park-Stickers	104,400	229,740
Subscriptions staff	283,360	229,240
Provision for bad debts	500,000	-
Bad debts written off	2,561,339	181,980
	<u>31,147,596</u>	<u>32,723,424</u>
Governance expenses		
Council expenses	10,580,748	14,895,428
Branch grants	8,000,000	8,000,000
Branch visits expenses	1,723,312	6,212,304
AGM and Annual dinner	9,480,780	5,915,190
Voting expenses	4,170,950	4,305,803
Annual cocktail	2,861,047	3,349,098
Committee expenses	3,521,446	965,500
	<u>40,338,283</u>	<u>43,643,323</u>
Total administrative expenses	<u>138,649,066</u>	<u>133,165,286</u>

Notes to the Financial Statements (Continued)

11 Establishment expenses	2019 Kshs	2018 Kshs
Depreciation on property and equipment	5,530,723	5,156,510
Repairs and maintenance	820,610	1,554,224
Security expenses	1,111,417	1,137,281
Electricity and water	852,376	998,071
Insurance	373,584	150,190
Land rent and rates	391,726	98,152
	<u>9,080,436</u>	<u>9,094,428</u>
12 Interest income		
Fixed deposits		
- CFC, KCB and BOA	6,200,997	6,794,035
- SBM	1,723,669	-
Treasury bills	592,373	710,595
	<u>8,517,039</u>	<u>7,504,630</u>

13 Members funds

Members funds comprise of the following:

i) Accumulated surplus

Accumulated surplus is net surplus/(deficit) after deducting appropriations.

ii) Building fund

Building fund comprises of amount appropriated from accumulated surplus relating to contributions made on the building levy. Building levy is a property development levy of Kshs. 5,000 paid by all members upon joining the society.

iii) Other funds

The other fund largely comprises of amount appropriated from accumulated surplus relating to contributions made on the library levy. Library levy is a annual library development levy of Kshs 60 per annum paid by all members of LSK.

14 Revaluation surplus

The revaluation surplus arose on the revaluation of prepaid operating lease rentals, freehold land and buildings. The surplus is not distributable.

Notes to the Financial Statements (Continued)

15 Property and equipment

Year ended 31 December 2019

Cost	Land and buildings Kshs	Freehold land Kshs	Prepaid operating lease rentals Kshs	Motor vehicles Kshs	Generator and Lawnmower Kshs	Furniture, fitting and equipments Kshs	Computer equipment Kshs	Library Kshs	Total Kshs
At start of year	21,200,000	330,000,000	145,633,803	12,310,347	1,522,212	5,330,566	11,554,141	581,159	528,132,228
Additions	-	-	-	-	-	422,805	3,981,598	-	4,404,403
	21,200,000	330,000,000	145,633,803	12,310,347	1,522,212	5,753,371	15,535,739	581,159	532,536,631
Comprising									
Cost	8,600,000	31,500,000	20	9,286,466	1,522,212	5,460,169	15,010,156	581,159	71,960,182
Valuation 2014	6,400,000	188,500,000	100,000,000	-	-	-	-	-	294,900,000
Valuation 2018	6,200,000	110,000,000	45,633,783	3,023,881	-	293,202	525,583	-	165,676,449
At end of year	21,200,000	330,000,000	145,633,803	12,310,347	1,522,212	5,753,371	15,535,739	581,159	532,536,631
Accumulated depreciation									
At start of year	1,600,000	-	7,633,803	8,080,347	1,265,844	2,574,476	7,056,309	271,597	28,482,376
Charge for the year	392,000	-	2,000,000	1,057,500	76,911	320,640	1,804,310	38,695	5,690,056
At end of year	1,992,000	-	9,633,803	9,137,847	1,342,755	2,895,116	8,860,619	310,292	34,172,432
Net Book Value	19,208,000	330,000,000	136,000,000	3,172,500	179,457	2,858,255	6,675,120	270,867	498,364,199

Freehold land and Leasehold land, buildings and plant and machinery were professionally valued on 31 December 2017 by T. Njehia B.A (Land Economics) M.I.S.K on the basis of open market value for freehold land and buildings and on replacement cost for other items of fixed asset. The council members are of the opinion that there have been no significant change in the market values of these assets between the date of these financial statements and that of the valuation report. The revaluation surplus on revalued assets amounting to Kshs.165,676,449 in 2017, has been recognised in the statement of changes in members' funds.

Notes to the Financial Statements (Continued)

15 Property and equipment

Year ended 31 December 2018

Cost	Land and buildings Kshs	Freehold land Kshs	Prepaid operating lease rentals Kshs	Motor vehicles Kshs	Generator and Lawnmower Kshs	Furniture, fitting and equipments Kshs	Computer equipment Kshs	Library Kshs	Total Kshs
At start of year	15,000,000	220,000,000	100,000,020	9,286,466	1,432,212	4,751,604	8,517,554	581,159	359,569,015
Disposal	-	-	-	-	-	-	(599,584)	-	(599,584)
Additions	-	-	-	-	90,000	285,760	3,110,588	-	3,486,348
At end of year	15,000,000	220,000,000	100,000,020	9,286,466	1,522,212	5,037,364	11,028,558	581,159	362,455,779
Comprising									
Cost	8,600,000	31,500,000	20	9,286,466	1,522,212	5,037,364	11,028,558	581,159	67,555,779
Valuation 2014	6,400,000	188,500,000	100,000,000	-	-	-	-	-	294,900,000
Valuation 2018	6,200,000	110,000,000	45,633,783	3,023,881	-	293,202	525,583	-	165,676,449
	21,200,000	330,000,000	145,633,803	12,310,347	1,522,212	5,330,566	11,554,141	581,159	528,132,228
Accumulated depreciation									
At start of year	1,200,000	-	5,633,803	6,670,347	1,174,079	2,221,572	5,916,371	227,374	23,043,546
On disposal	-	-	-	-	-	-	(413,674)	-	(413,674)
Charge for the year	400,000	-	2,000,000	1,410,000	91,765	352,904	1,553,612	44,223	5,852,504
At end of year	1,600,000	-	7,633,803	8,080,347	1,265,844	2,574,476	7,056,309	271,597	28,482,376
Net Book Value	19,600,000	330,000,000	138,000,000	4,230,000	256,368	2,756,090	4,497,832	309,562	499,649,852

Freehold land and Leasehold land, buildings and plant and machinery were professionally valued on 31 December 2017 by T. Njehia B.A (Land Economics) M.I.S.K on the basis of open market value for freehold land and buildings and on replacement cost for other items of fixed asset. The council members are of the opinion that there have been no significant change in the market values of these assets between the date of these financial statements and that of the valuation report. The revaluation surplus on revalued assets amounting to Kshs.165,676,449 in 2017, has been recognised in the statement of changes in members' funds.

Notes to the Financial Statements (Continued)

16 Capital costs incurred on IAC

	2019 Kshs	2018 Kshs
Cost		
At start and end of year	<u>33,211,324</u>	<u>33,211,324</u>

This relates to capital costs incurred in relation to the International Arbitration Centre Project (IAC project) distributed as follows:

Nature	Percentage
Architecture and Design	63%
Quantity surveying services	16%
Civil and structural engineering	13%
Electrical and mechanical consultancy	8%
	100%

The proposed construction is to undertaken on parcel of land owned by LSK in South C known as L.R. No. 209/112808, situated off Mombasa Road (Nairobi), and measuring approximately 0.4017 hectare. The leasehold interest runs from 1st August 1986 for a term of 99 years. The title was issued on 17th May 1990 and the property has not been utilised since it was granted to LSK.

Background of IAC Project

During the annual general meeting of 2013, the then Chairperson of the Society, informed the meeting that the Council had decided to develop the property by putting up a five-storey complex i.e. the IAC Project. Thereafter, resolutions made in a special general meeting (SGM) of LSK held on 27th September 2014 created controversy primarily on the mode of financing where it became mandatory for members to contribute towards financing the project.

Whilst this was happening, the council had engaged services of various professionals to help in various aspects of the project. These consultants included: Project manager; Architect; Quantity surveyor; Mechanical and electrical engineers; Civil and structural engineers; amongst others.

The controversy created by the resolutions of the SGM held on 27th September 2014 resulted in court action from members but these were finally compromised by consent on 7th October 2016. The effect of the compromise was that contribution to be made by members towards the project could not be tied to payment of annual practising certificates fees, and the Council was also prohibited from imposing such requirement in future. Of substantial impact was the fact that the compromise also set aside the resolution of the SGM in its entirety.

It is noteworthy that in the annual General Meeting (AGM) of 24th March 2018, a motion by a member that the project be abandoned did not find favour with majority of the members and the motion was defeated, setting the stage for possible re-starting of the project as members may decide.

The above indicated capital costs continue being carried in the books up to and until when members resolved on how to proceed with the IAC project expressly or through inference.

Notes to the Financial Statements (Continued)

17 Intangible assets	2019 Kshs	2018 Kshs
Cost		
At start of year	5,435,426	4,796,498
Additions	<u>2,660,669</u>	<u>638,928</u>
	<u>8,096,095</u>	<u>5,435,426</u>
Amortisation		
At start of year	1,867,536	359,738
Charge for the year	<u>1,705,601</u>	<u>1,507,798</u>
At end of year	<u>3,573,137</u>	<u>1,867,536</u>
Net book value	<u>4,522,958</u>	<u>3,567,890</u>
18 Short term deposits		
KCB Fixed deposits	31,834,422	31,338,909
KCB Fixed deposits	81,527,767	80,413,014
CFC Investments	6,101,128	5,771,925
SCB Custodian	<u>10,119,466</u>	<u>-</u>
	<u>129,582,783</u>	<u>117,523,848</u>
19 Trade and other receivables		
Cheques returned unpaid	-	296,570
Members receivables	5,033,073	8,307,832
Advance payments	-	2,069,069
Prepaid insurance	4,011,733	3,924,627
Interest receivables	4,215,879	282,272
Staff loans	37,599	88,200
Amount due from SBM Bank (formally Chase Bank): 25%	9,605,207	9,605,207
Less: Accumulated provision for impairment losses on 25% balance	<u>(5,763,123)</u>	<u>(3,842,082)</u>
	<u>17,140,368</u>	<u>20,731,695</u>

The movement on the provision for impairment losses is as follows:

At 1st January	4,022,242	2,101,201
Net (decrease)/increase charged to profit and loss account		
- Provision for impairment losses on 25% due from Chase Bank/SBM	<u>1,921,041</u>	<u>1,921,041</u>
At 31st December	<u>5,943,283</u>	<u>4,022,242</u>

In the opinion of the council members, the carrying amounts of trade and other receivables approximate to their fair value. There is no significant concentration of risk.

The council members have made a provision for the portion of the receivable whose recovery is in doubt. The carrying amounts of the society's trade and other receivables are denominated in Kenya Shillings. Trade receivables that are aged past 90 days are considered past due and are fully provided for as at 31 December 2019.

Notes to the Financial Statements (Continued)

20 Treasury Bills - Held to maturity	2019 Kshs	2018 Kshs
Held-to-maturity investments can be analysed as follows:		
Maturing within 91 days	<u>13,000,000</u>	<u>13,000,000</u>

In the opinion of the council, the carrying amounts of treasury bills approximate to their fair value.

21 Cash and cash equivalents

Cash at bank and in hand	91,334,200	91,246,616
Chase Bank/SBM Bank (75%)	<u>24,489,290</u>	<u>28,815,621</u>
Cash at bank and in hand	<u>115,823,490</u>	<u>120,062,237</u>

During the year 2018, Chase Bank operations were taken over by SBM Bank which now allows LSK access to 75% of the funds. The balance of 25% is classified under Trade and other receivables (Note 19) and is being impaired over a period of five years.

For the purpose of the cash flow statement, the year end cash and cash equivalents comprise the following:

	2019 Kshs	2018 Kshs
Cash and bank balances	115,823,490	120,062,237
Short term deposit (note 18)	129,582,783	117,523,848
Treasury bills (note 20)	<u>13,000,000</u>	<u>13,000,000</u>
	<u>258,406,273</u>	<u>250,586,085</u>
<u>Included above are funds held on behalf of other parties.</u>		
IAC funds (note 24)	70,923,822	74,823,412
Disciplinary committee client monies	<u>28,935,674</u>	<u>29,572,687</u>
	<u>99,859,496</u>	<u>104,396,099</u>

22 Trade and other payables

Trade payables	8,280,061	4,667,600
Disciplinary committee client monies	28,935,674	29,572,687
Prepaid income: Annual subscription and car park	16,947,432	14,152,830
Due to Advocates' Benevolent Association (Note 27)	2,050,957	9,213,936
East Africa Law Society	926,134	505,980
Other payables and accruals	<u>2,201,531</u>	<u>1,501,746</u>
	<u>59,341,789</u>	<u>59,614,779</u>

In the opinion of the council, the carrying amounts of trade and other payables approximate to their fair value.

Notes to the Financial Statements (Continued)

22 Trade and other payables (Continued)

The maturity analysis of payables is as follows:

	1 to 3 months Kshs	3 to 12 months Kshs	Over 1 year Kshs	Total Kshs
Year ended 31 December 2019				
Trade payables	8,280,061	-	-	8,280,061
Disciplinary committee client monies	28,935,674	-	-	28,935,674
Prepaid income	16,947,432	-	-	16,947,432
Due from ABA	2,050,957	-	-	2,050,957
East Africa Law Society	926,134	-	-	926,134
Other payables and accruals	2,201,531	-	-	2,201,531
	<u>59,341,789</u>	<u>-</u>	<u>-</u>	<u>59,341,789</u>
Year ended 31 December 2018				
Trade payables	4,667,600	-	-	4,667,600
Disciplinary committee client monies	29,572,687	-	-	29,572,687
Prepaid income	14,152,830	-	-	14,152,830
Due from ABA	9,213,936	-	-	9,213,936
East Africa Law Society	505,980	-	-	505,980
Other payables and accruals	1,501,746	-	-	1,501,746
	<u>59,614,779</u>	<u>-</u>	<u>-</u>	<u>59,614,779</u>

23 Other accrued liabilities

	2019 Kshs	2018 Kshs
<u>Provision for leave days</u>		
At start of year	772,588	662,502
Increase during the year	<u>17,308</u>	<u>110,086</u>
At end of year	<u>789,896</u>	<u>772,588</u>

In the opinion of the council, the carrying amounts of accrued leave approximate to their fair value.

24 IAC Funds

	2019 Kshs	2018 Kshs
At 1 January	74,823,412	92,076,080
Reimbursed during the year	<u>(3,899,590)</u>	<u>(17,252,668)</u>
At 31 December	<u>70,923,822</u>	<u>74,823,412</u>

Member funds initially contributed towards the proposed international Arbitration Centre (IAC) is now available for utilisation by members following change in mode of IAC financing.

Notes to the Financial Statements (Continued)

25 Devolution levy	2019 Kshs	2018 Kshs
At 1 January	5,820,022	-
Received during the year	32,712,000	30,416,000
Disbursed during the year	<u>(36,853,025)</u>	<u>(24,595,978)</u>
At 31 December	<u><u>1,678,997</u></u>	<u><u>5,820,022</u></u>

In the AGM held on 31 March 2018, members resolved; (a) Kshs. 3,000 be paid into the Devolution Levy established herein above; and (b) Kshs. 1,000 to be channelled towards LSK's corporate membership of the East Africa Law Society (Regional Integration Fund).

26 Cash from operations	2019 Kshs	2018 Kshs
Total surplus for the year	12,194,573	2,191,459
Adjustments for:		
Depreciation of equipment (others)	5,690,056	5,852,504
Amortisation of intangible assets	1,705,601	1,507,798
Interest on treasury bills	(592,373)	(710,595)
Interest on fixed deposit	(7,924,666)	(6,794,035)
Gain/(loss) on disposal	(6,708)	39,845
Changes in working capital:		
- trade and other receivables	3,591,327	19,733,229
- trade and other payables	(272,990)	7,432,848
- Other accrued liabilities	17,308	110,086
- Devolution funds	<u>(4,141,025)</u>	<u>5,820,022</u>
Cash from operations	<u><u>10,261,103</u></u>	<u><u>35,183,161</u></u>

27 Related party transactions

Advocates' Benevolent Association is an association of advocates who are members of LSK by virtue of the Section 23 of the Advocates Act, whose sole objective is to help poor or distressed persons, who are, in terms of priority, members of the Association and widows/widowers, children and dependent of deceased members. Transactions and balances between LSK and ABA are accounted for as related party under IAS 24. No provision for impairment has been made for amounts owed by related parties since collection is deemed to be reasonably certain.

	2019 Kshs	2018 Kshs
i) Due to related parties		
Due to Advocates Benevolent Association (Note 22)	<u><u>2,050,957</u></u>	<u><u>9,213,936</u></u>
ii) Key management personnel compensation		
Short term employee benefits	43,752,748	33,655,960
Post employment benefits	<u>2,435,222</u>	<u>1,873,248</u>
Total key management compensation	<u><u>46,187,970</u></u>	<u><u>35,529,208</u></u>

Notes to the Financial Statements (Continued)

27 Related party transactions (Continued)	2019 Kshs	2018 Kshs
iii) Council expenses		
Council related costs		
- Travel expenses	2,859,395	2,361,794
- Subsistence expenses	2,495,748	1,769,000
- Accommodation and meals	1,566,818	921,863
- visitations	96,100	585,883
- Training	-	568,400
- Council Committees	566,496	487,060
- Meeting expenses	563,155	344,248
- Communication costs	550,000	333,000
- Corporate social responsibility	300,000	300,000
- Insurance	260,908	260,909
- General expenses	-	59,400
	<u>9,258,620</u>	<u>7,991,557</u>
Council and branches corporate induction		
- Accommodation and meals	794,550	3,058,014
- Travel expenses	118,848	2,335,847
- Subsistence expenses	210,000	1,442,000
- General expenses	198,730	68,010
	<u>1,322,128</u>	<u>6,903,871</u>
	<u>10,580,748</u>	<u>14,895,428</u>

28 Comparatives

Where necessary, comparative figures have been adjusted to conform to changes in presentation in the current year.

29 Incorporation

The Law Society of Kenya is incorporated in Kenya under the Law Society of Kenya Act and is domiciled

30 Presentation currency

The financial statements are presented in Kenya Shillings (Kshs).

Appendix 1

	2019 Kshs	2018 Kshs
1 Other CPD expenses		
Staff welfare and medical	971,812	904,746
Motor vehicle usage	379,364	568,051
Generator and lawn mower expenses	22,918	30,350
Insurance for assets	160,107	97,136
Franking machine expenses	111,100	91,108
Staff Retreat	970,971	-
Total other CPD expenses	<u>2,616,272</u>	<u>1,691,391</u>
2 Conference expenses:		
Commonwealth law conference expenses		
Travelling	1,905,387	-
Accommodation	1,528,800	-
Subsistence expenses	253,510	-
Registration	1,058,450	-
Meals	90,990	-
	<u>4,837,137</u>	<u>-</u>
International Bar Association (IBA)		
Travelling	1,011,803	865,202
Subsistence expenses	454,570	89,600
Registration	1,337,806	492,157
Conference accommodation	698,500	366,334
Conference meals	253,782	100,450
	<u>3,756,461</u>	<u>1,913,743</u>
Other conference expenses		
Travelling	187,640	-
Subsistence expenses	331,240	-
Registration	53,500	-
Conference accommodation	347,807	-
Conference meals	67,600	-
	<u>987,787</u>	<u>-</u>
Total conference expenses	<u>9,581,385</u>	<u>1,913,743</u>

THE ADVOCATES' BENEVOLENT ASSOCIATION

Annual Report and Financial Statements

FOR THE YEAR ENDED 31 DECEMBER 2019

Contents

	Page
Association Information	270
Report of the Board Members	271
Statement of the Board Members' Responsibilities	272
Report of the Independent Auditor	273 - 274
Financial Statements:	
Statement of Income and Expenditure and Retained Earnings	275
Statement of Financial Position	276
Statement of Cash Flows	277
Notes to the Financial Statements	278 - 282

Association Information

Board Management	: Dorcas S. Kitaa - Chairperson : Steven. R. Adere - Member : Sophie C. Chirchir - Member : Janet N. Wekesa - Member
Secretary and Chief Executive Officer	: Mercy K. Wambua
Registered Office	: Advocates' Benevolent Association : Law Society of Kenya Offices : Gitanga Road : P.O. Box 72219, 00200 : NAIROBI
Independent auditor	MAZARS Certified Public Accountants The Green House (next to Adams Arcade) Ngong Road 3rd Floor KOKA Place, Suite 8 P.O. Box 61120 - 00200 NAIROBI
Principal Banker	: NCBA Bank Kenya PLC : CBA Building : Standard and Wabera Streets : NAIROBI

Report of the Board Members

The board members submit their report and the audited financial statements for the year ended 30 September 2019, which disclose the state of affairs of the association.

Principal activities

The membership of the association consists of every advocate who is a member of The Law Society of Kenya by virtue of the Section 23 of the Advocates Act subject to payment of annual subscriptions in accordance with the Advocates' Benevolent Association rules.

The ABA is the welfare arm of the LSK whose objective is to help distressed members of the Association, pay a token of last expenses of deceased members and support education of their children up to limits set by the Board of Management of the Association.

Board members

The board members who held office during the period are listed on page 1.

Clause 15(3) of The Advocates' Benevolent Association Rules provide that all Board members shall be elected bi-annually effective the Y2018 Annual General Meeting of the Association. Accordingly, all Board Members retire at the Y2020 Ordinary General Meeting and are eligible for re-election.

Results	2019 Kshs	2018 Kshs
Surplus for the year	<u>29,320,608</u>	<u>25,016,987</u>

Statement as to disclosure to the Association's auditor

With respect to each Board Member at the time this report was approved:

- (a) there is, so far as the person is aware, no relevant audit information of which the Association's auditor is unaware; and
- (b) the person has taken all the steps that the person ought to have taken as a Board Member so as to be aware of any relevant audit information and to establish that the Association's auditor is aware of that information.


Terms of appointment of the auditor

The Board approve the annual audit engagement contract, which sets out the terms of the auditor's appointment.

Mazars has expressed its willingness to continue in office in accordance with the terms of the contract.

By Order of the Board


Dorcas S. Kitaa
Chairperson
NAIROBI

 17th March 2020

Statement of the Board Members' Responsibilities

The board members are required to prepare financial statements for each financial year that give a true and fair view of the state of affairs of the association as at the end of the financial year and of its surplus or deficit for that year. The board is also required to ensure that the association maintains proper accounting records which disclose with reasonable accuracy the financial position of the association. It is also responsible for safeguarding the assets of the association.

The board members accept responsibility for the preparation and fair presentation of financial statements that are free from material misstatement whether due to fraud or error. They also accept responsibility for:

- i) designing, implementing and maintaining internal control relevant to the preparation and fair presentation of the financial statements;
- ii) selecting and applying appropriate accounting policies; and
- iii) making accounting estimates and judgements that are reasonable in the circumstances.

Having made an assessment of the Association's ability to continue as a going concern, the Board is not aware of any material uncertainties related to events or conditions that may cast doubt upon the Association's ability to continue as a going concern.

The Board acknowledge that the independent audit of the financial statements does not relieve them of their responsibilities.

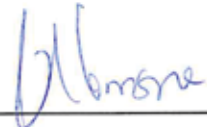
Approved by the Board Members on 17th March 2020 and signed on its behalf by:



Dorcas S. Kitaa
Chairperson



Janet Wekesa
Treasurer



Mercy K. Wambua
Secretary/CEO

Report of the Independent Auditor

Opinion

We have audited the accompanying financial statements of the Advocates' Benevolent Association ('the Association'), set out on pages 6 to 13, which comprise the statement of financial position as at 30 September 2019, the statements of income and expenditure and retained earnings and cash flows for the year then ended, and notes, including a summary of significant accounting policies.

In our opinion the accompanying financial statements give a true and fair view of the financial position of the Association as at 30 September 2019 and of its financial performance and cash flows for the year then ended in accordance with the International Financial Reporting Standard for Small and Medium-sized Entities.

Basis for opinion

We conducted our audit in accordance with International Standards on Auditing (ISAs). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are independent of the company in accordance with the International Ethics Standards Board for Accountants' Code of Ethics for Professional Accountants (IESBA Code) together with the ethical requirements that are relevant to our audit of the financial statements in Kenya, and we have fulfilled our ethical responsibilities in accordance with these requirements and the IESBA Code. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Other information

The Board is responsible for the other information. Other information comprises the information included in the Annual Report, but does not include the financial statements and our auditor's report thereon.

Our opinion on the financial statements does not cover the other information and we do not express any form of assurance conclusion thereon.

In connection with our audit of the financial statements, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or our knowledge obtained in the audit or otherwise appears to be materially misstated. If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

Board's responsibility for the financial statements

The Board is responsible for the preparation and fair presentation of the financial statements that give a true and fair view in accordance with the International Financial Reporting Standard for Small and Medium-sized Entities, and for such internal control as the Board determine is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Board is responsible for assessing the Association's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the Board either intend to liquidate the Association or to cease operations, or have no realistic alternative but to do so.

Auditor's responsibilities for the audit of the financial statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with ISAs, we exercise professional judgement and maintain professional scepticism throughout the audit. We also:

- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations or the override of internal control.
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Association's internal control.
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Board.
- conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Association's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of the auditor's report. However, future events or conditions may cause the Association to cease to continue as a going concern.
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with the Board regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

The engagement partner responsible for the audit resulting in this independent auditor's report was CPA Evanson Ng'ang'a, Practising Certificate No. 2146.



MAZARS
Certified Public Accountants
Nairobi

20 MAR 4 2020

Statement of Income and Expenditure and Retained Earnings

	Note	2019 Kshs	2018 Kshs
Income			
Subscriptions		33,970,912	30,574,090
Back fees		1,694,320	1,424,040
Other income	4	543,498	97,735
		<u>36,208,730</u>	<u>32,095,865</u>
Expenditure			
Assistance provided	5	(12,375,487)	(10,249,786)
Administration expenses	6	(7,130,333)	(6,597,701)
Other operating expenses	7	(10,325)	(29,506)
		<u>(19,516,145)</u>	<u>(16,876,993)</u>
Operating surplus for the year		16,692,585	15,218,872
Net interest income	8	12,628,023	9,798,115
Surplus for the year		<u>29,320,608</u>	<u>25,016,987</u>
Retained surplus at the start of the year		111,328,483	86,311,496
Surplus for the year		29,320,608	25,016,987
Retained surplus at the end of the year		<u>140,649,091</u>	<u>111,328,483</u>

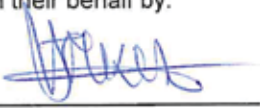
Statement of Financial Position

	Note	2019 Kshs	2018 Kshs
Capital Employed			
Accumulated surplus		<u>140,649,091</u>	<u>111,328,483</u>
Represented By			
Non-current assets			
Property and equipment	9	27,159	35,964
Intangible assets	10	-	1,520
Treasury bonds	11	<u>99,188,811</u>	<u>50,777,121</u>
		<u>99,215,970</u>	<u>50,814,605</u>
Current assets			
Trade and other receivables	12	12,195,484	11,402,553
Treasury bonds	11	5,483,048	10,000,000
Treasury bills	13	21,952,423	32,745,335
Cash and cash equivalents	14	<u>1,932,492</u>	<u>6,496,316</u>
		<u>41,563,447</u>	<u>60,644,204</u>
Current liabilities			
Other payables	15	<u>130,326</u>	<u>130,326</u>
Net current assets			
		<u>41,433,121</u>	<u>60,513,878</u>
		<u>140,649,091</u>	<u>111,328,483</u>

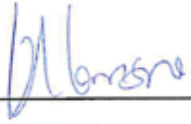
The financial statements on pages 6 to 13 were approved for issue by the Board Members on 17th March 2020 and were signed on their behalf by:



 Dorcas S. Kitaa
 Chairperson



 Janet Wekesa
 Treasurer



 Mercy K. Wambua
 Secretary

Statement of Cash Flows

	Note	2019 Kshs	2018 Kshs
Operating activities			
Surplus for the year		29,320,608	25,016,987
Adjustments for:			
Depreciation of equipment	9	8,805	12,173
Amortisation of software	10	1,520	17,333
Interest on treasury bonds		(12,628,023)	(9,798,115)
Amortisation on premium for treasury bonds		62,262	367,509
Amortisation on discount for treasury bonds		(116,398)	(97,735)
		<u>16,648,774</u>	<u>15,518,152</u>
Changes in operating assets and liabilities			
Increase in trade and other receivables		(792,931)	(7,965,148)
		<u>15,855,843</u>	<u>7,553,004</u>
Net cash from operating activities			
Investing activities			
Interest received on treasury bills and bonds		12,628,023	9,798,115
Investment in treasury bonds		(40,985,710)	(19,768,900)
Investment in treasury bills		(21,952,424)	(20,395,942)
Proceeds from maturity of treasury bills		14,990,443	27,273,307
Proceeds from maturity of treasury bonds		14,900,001	-
		<u>(20,419,667)</u>	<u>(3,093,420)</u>
Net cash used in investing activities			
Movement in cash and cash equivalents			
At start of year		6,496,316	2,036,732
(Decrease)/increase for the year		<u>(4,563,824)</u>	<u>4,459,584</u>
At end of year	14	<u>1,932,492</u>	<u>6,496,316</u>

Notes to the Financial Statements

1 General Information

The Advocates' Benevolent Association is incorporated in Kenya under Section 23 of the Advocates Act, and is domiciled in Kenya. The address of its registered office and principal place of business is The Law Society of Kenya offices, off Gitanga Road.

2 Basis of preparation and summary of significant accounting policies

These financial statements have been prepared on a going concern basis and in compliance with the International Financial Reporting Standard for Small and Medium-sized Entities (IFRS for SMEs) issued by the International Accounting Standards Board. The 2015 Amendments to the Standard were applied (early) in 2016. The financial statements are presented in Kenya Shillings (Kshs). The measurement basis used is the historical cost basis except where otherwise stated in the accounting

a) Revenue recognition

Annual subscriptions are accounted for when membership is confirmed by receipt of such subscriptions. All other income is recognised when the association's right to receive the income is established.

b) Equipment

Equipment is initially recorded at cost and thereafter stated at historical cost less depreciation. Subsequent costs are included in the asset's carrying amount or recognised as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to the company and the cost can be reliably measured. The carrying amount of the replaced part is derecognised. All other repairs and maintenance are charged to the profit or loss during the financial year in which they are incurred.

Depreciation is calculated on the reducing balance basis to write down the cost of each asset, to its residual value over its estimated useful life using the following annual rates:

	<u>Rate %</u>
Furniture, fittings and equipment	12.5
Computer equipment	30.0

The assets residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period.

An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.

Gains and losses on disposal of equipment are determined by comparing the proceeds with the carrying amount and are taken into account in determining operating surplus.

c) Impairment of non-financial assets

Assets that are subject to amortisation are reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable.

An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount. The recoverable amount is the higher of an asset's fair value less costs to sell and value in use.

Non-financial assets that suffered an impairment are reviewed for possible reversal of the impairment at the end of each reporting period.

Notes to the Financial Statements (Continued)

2 Basis of preparation and summary of significant accounting policies (Continued)

d) Financial assets

Financial assets are initially recognised at fair value plus transaction costs for all financial assets not carried at fair value through profit or loss.

e) Trade receivables

Trade receivables are initially recognised at the transaction price. Where credit is extended beyond normal credit terms, receivables are measured at amortised cost using the effective interest method. At the end of each reporting period, the carrying amounts of trade and other receivables are reviewed to determine whether there is any objective evidence that the amounts are not recoverable. If so, an impairment loss is recognised immediately in the profit and loss.

f) Taxation

The association has been exempted from tax and is in the process of seeking renewal.

g) Cash and cash equivalents

For the purposes of the statement of cash flows, cash and cash equivalents comprise cash in hand and deposits held at call with banks net of bank overdrafts. In the statement of financial position, bank overdrafts are included in borrowings within current liabilities.

h) Intangible assets

Computer software licences are capitalised on the basis of the costs incurred to acquire and bring to use the specific software. These costs are amortised over their estimated useful lives which are estimated to be five years.

i) Retirement benefit obligations

The Association's employees contribute to the National Social Security Funds (NSSF), a statutory defined contribution scheme registered under NSSF Act. The Association's contributions to the defined contribution scheme are charged to the income statement in the year to which they relate.

j) Comparatives

Where necessary, comparative figures have been adjusted to conform with changes in presentation in the current year.

3 Judgements and key sources of estimation uncertainty

No significant judgements have had to be made by the directors in preparing these financial

4 Other Income	2019 Kshs	2018 Kshs
Amortization discount	116,398	97,735
Sponsorship	350,000	-
Branding materials	77,100	-
	<u>543,498</u>	<u>97,735</u>

Other income comprises of amortization discount in the year from the treasury bonds, merchandise sales during the annual LSK conference. Additionally, there was sponsorship by ICEA for the said conference.

Notes to the Financial Statements (Continued)

	2019 Kshs	2018 Kshs
5 Assistance provided		
Secondary school	3,981,121	3,899,460
Primary school	3,686,820	3,291,657
Tertiary education	3,561,546	1,991,219
Kindergarten	346,000	482,450
Last expense	700,000	550,000
Medical	100,000	35,000
	<u>12,375,487</u>	<u>10,249,786</u>
6 Administrative expenses		
Employment:		
Salaries and wages	2,783,995	1,491,085
Staff medical expenses	170,917	148,995
	<u>2,954,912</u>	<u>1,640,080</u>
Other administrative expenses:		
Recruitment costs	-	341,679
Travelling costs	152,108	306,666
Audit fees	130,326	130,326
Bank charges and commissions	71,525	63,371
Printing and stationery	20,179	15,938
Branding	340,000	-
Postage and telephone	12,549	9,000
LSK annual conference	238,400	-
Repairs and maintenance	5,000	-
Benevolent expenses	19,995	-
Bad debts written off	251,000	-
	<u>1,241,082</u>	<u>866,980</u>
Governance expenses		
AGM expenses	1,255,669	1,349,608
Board retreat	-	917,888
LSK annual conference	844,400	703,920
Board meeting expenses	592,900	616,940
CPD expenses	28,500	351,100
Branch visits	212,870	151,185
	<u>2,934,339</u>	<u>4,090,641</u>
Total administrative expenses	<u>7,130,333</u>	<u>6,597,701</u>
7 Other operating expenses		
Amortisation and depreciation:		
Amortisation of software	1,520	17,333
Depreciation on equipment	8,805	12,173
Total other operating expenses	<u>10,325</u>	<u>29,506</u>

Notes to the Financial Statements (Continued)

8	Interest income	2019 Kshs	2018 Kshs
	Interest on treasury bonds	12,690,285	10,165,624
	Amortization of premium on treasury bonds	<u>(62,262)</u>	<u>(367,509)</u>
		<u>12,628,023</u>	<u>9,798,115</u>
9	Property and equipment		
		Furniture, fittings and equipment Kshs	Computer equipment Kshs
			Total Kshs
	Cost		
	As at 1st October 2018	<u>36,202</u>	<u>190,559</u>
	As at 30th September 2019	<u>36,202</u>	<u>190,559</u>
	As at 1st October 2017	<u>36,202</u>	<u>190,559</u>
	As at 30th September 2018	<u>36,202</u>	<u>190,559</u>
	Depreciation		
	As at 1st October 2018	24,865	165,932
	Charge for the year	<u>1,417</u>	<u>7,388</u>
	As at 30th September 2019	<u>26,282</u>	<u>173,320</u>
	As at 1st October 2017	23,245	155,379
	Charge for the year	<u>1,620</u>	<u>10,553</u>
	As at 30th September 2018	<u>24,865</u>	<u>165,932</u>
	Net book value 2019	<u>9,920</u>	<u>17,239</u>
	Net book value 2018	<u>11,337</u>	<u>24,627</u>

In the opinion of the Board members, there is no impairment of property and equipment.

10	Intangible assets - software	2019 Kshs	2018 Kshs
	Cost		
	At start of year	<u>1,264,000</u>	<u>1,264,000</u>
	At end of year	<u>1,264,000</u>	<u>1,264,000</u>
	Amortisation		
	At start of year	1,262,480	1,245,147
	Charge for the year	<u>1,520</u>	<u>17,333</u>
	At end of year	<u>1,264,000</u>	<u>1,262,480</u>
	Net book value	<u>-</u>	<u>1,520</u>

Notes to the Financial Statements (Continued)

11 Treasury bonds	2019 Kshs	2018 Kshs
Non-current		
Treasury bonds maturing in 2022	32,986,464	20,145,296
Treasury bonds maturing 2034	25,012,000	5,457,012
Treasury bonds maturing on 2020	19,771,909	19,769,313
Treasury bonds maturing in 2044	16,012,938	-
Treasury bonds maturing in 2023	5,405,500	5,405,500
Total treasury bonds	<u>99,188,811</u>	<u>50,777,121</u>
Current		
Treasury bond maturing in 2020	<u>5,483,048</u>	<u>10,000,000</u>
Total treasury bonds	<u><u>104,671,859</u></u>	<u><u>60,777,121</u></u>
12 Trade and other receivables		
Due from The Law Society of Kenya	8,315,849	8,062,629
Interest income receivable	3,703,035	3,239,728
Prepaid expenses	154,600	78,196
Cheques returned unpaid	22,000	22,000
	<u>12,195,484</u>	<u>11,402,553</u>
13 Treasury bills - Held to maturity		
<u>Held-to-maturity investments can be analysed as follows:</u>		
Maturing within 364 days	21,952,423	19,219,963
Maturing within 182 days	-	13,525,372
Total treasury bills	<u>21,952,423</u>	<u>32,745,335</u>
14 Cash and cash equivalents		
Cash at bank and in hand	<u>1,932,492</u>	<u>6,496,316</u>
For the purpose of the statement of cash flows, the year - end cash and cash equivalents is comprised as above.		
15 Other payables		
Accruals	<u>130,326</u>	<u>130,326</u>
16 Contingent liabilities and capital commitments		
There were no contingent liabilities or capital commitments as at 30 September 2019 (2018: Nil).		
17 Comparatives		
Where necessary comparative figures have been adjusted to conform to changes in presentation in the current year.		
18 Incorporation		
The Advocates' Benevolent Association is incorporated in Kenya under Section 23 of the Advocates Act.		

Activities in Pictures



Facilitators and participants during a health break at the Law Society of Kenya & Supporting Inclusive Resource Development Advocates Programme, session five.



LSK Council pose for a photo with the newly elected JSC Representative, Mr. Macharia Njeru (center, front row).



LSK President, Mr. Allen Gichuhi, (center, front row) MCK CEO, Mr. David Omwoyo (second from left, front row), LSK CEO Ms. Mercy Wambua, (second from right, front row) Global Affairs Canada- Development Officer for the Pan-Africa Regional Program, Ms. Hellen Oriaro, (third from right, front row) LSK Council Members, and invited Editors from the mainstream media houses.



Advocates from the Refugee Consortium of Kenya (RCK) offering free legal advice to members of the public during the LSK Legal Awareness Week.



Participant airing her views during discussions on incorporating Legal Aid as a pre-qualification to admission to the Roll of Advocates and promoting the importance of Legal Aid to students.



Commonwealth Lawyers Association President Mr. Brian Speers leading a discussion during the LSK Annual Conference 2019.



The LSK Management team pose for a group photo during the Management Strategic Planning Workshop held at Maanzoni in November 2019.



Law Society of Kenya

Lavington, Opposite Valley Arcade,
Off Gitanga Road
P.O. Box 72219 - 00200 Nairobi
Tel: +254 208 155 295, +254 720 904 983
Cell: +254 704 422 154, +254 704 422 166
Email: lsk@or.ke
Website: www.lsk.or.ke