

2022

# Annual Report

Law Society of Kenya



Judge's Hammer



Court House



Lawbook



LAW SOCIETY OF KENYA

## The Advocates' Benevolent Association



TO:  
ALL MEMBERS OF THE  
ADVOCATES' BENEVOLENT  
ASSOCIATION

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Our Ref: ABA/AGM

Your Ref:

Date: 28<sup>th</sup> February, 2023

**NOTICE IS HEREBY GIVEN**, pursuant to Rule 21 of the Advocates' Benevolent Association Rules, that the **ANNUAL GENERAL MEETING** of the Association is convened for and shall be held **both physically & virtually through Zoom/Webinar Platform** on **Friday, 31st March, 2023** at **9:00 a.m.** at the **Safari Park Hotel, Nairobi**.

### AGENDA

1. Secretary to read the Notice convening the Meeting.
2. Adoption of the Agenda.
3. Silence in tribute to members departed.
4. Confirmation of the Minutes of the General Meeting held both physically & virtually at Parklands Sports Club, along Ojijo Road, Nairobi on Friday, 25th March, 2022.
5. Matters Arising.
6. The Report of the Board of Management for the year ended 31<sup>st</sup> December, 2022.
7. Presentation of the Accounts and Balance Sheet for the year ended 31<sup>st</sup> December, 2022.
8. Notice of motion by members given to the Secretary (if any).
9. Any other business which may be admitted.

**N/B: Other details/documents regarding the Annual General Meeting shall be provided in due course.**

**BY ORDER OF THE BOARD**

**FLORENCE W. MUTURI**

**SECRETARY/ CEO**

J. Oriri Onyango - (Chairperson), Esther Bonareri Nyamongo - (Treasurer),  
Stephen Juma Saenyi - (Member), Angela N. Munga-Mwadumbo - (Member)





## Law Society of Kenya

TO:  
ALL MEMBERS  
OF THE LAW SOCIETY OF KENYA

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Date: 28<sup>th</sup> February, 2023

**NOTICE IS HEREBY** given pursuant to Section 30 (1), Section 32 of the Law Society Act 2014, Regulations 74 and 75 (1) & 2 (a) of the Law Society of Kenya (General) Regulations 2020, that an **ORDINARY GENERAL MEETING** of the Law Society of Kenya is convened for and shall be held, **both physically & virtually through Zoom/Webinar Platform on Friday, 31st March 2023, at 11:00 a.m at Safari Park Hotel, Nairobi.**

### AGENDA

1. Secretary to read the Notice convening the Meeting.
2. Adoption of the Agenda.
3. Silence in tribute to members departed.
4. Confirmation of Minutes of the Ordinary General Meeting (AGM) held on 25<sup>th</sup> March, 2022 at the Parklands Sports Club, Minutes of the Special General Meeting held on 29<sup>th</sup> July, 2022 at the Parklands Sports Club and Minutes of the Special General Meeting held virtually on 18<sup>th</sup> November, 2022.
5. Matters Arising.
6. Report of the Council for the year ending 2022, pursuant to Section 30 (2) of the Law Society of Kenya Act and Regulation 24 of the Law Society of Kenya (General) Regulations, 2020.
7. Presentation of the Accounts and Balance Sheets for the year ending 31<sup>st</sup> December 2022 pursuant to Section 38(1) & (2) of the Law Society of Kenya Act and the appointment of the Society's Statutory Auditors for the financial year ending 2023, Pursuant to Regulation 52 (1) & (2) of the Law Society of Kenya (General) Regulations, 2020.

8. Consider the report of the LSK Development & Investment Committee on the Optimization of the Law Society of Kenya Properties: The case for optimization and development of Gitanga Road and the South C plots and if members deem it fit, by a resolution, approve the report pursuant to Section 4 and 5 of the Law Society of Kenya.
9. Pursuant to Section 20 of the Law Society of Kenya Act, No. 21 of 2014, to consider and approve the Independent Electoral and Boundaries Commission (IEBC) body to conduct the elections of the Law Society of Kenya President, Vice President and Council Members for the Period 2024-2026, the Elections of the Law Society of Kenya Male Representative to the Judicial Service Commission and the Elections of members of the Law Society of Kenya Advocates Disciplinary Committee.
10. Notice of motion by members given to the Secretary (if any).
11. Any other business which may be admitted.

**N/B: Other details/documents regarding the Ordinary General Meeting shall be provided in due course.**

**By Order of the Council.**



**FLORENCE W. MUTURI**  
**SECRETARY/CEO**

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



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## Council Members

NO	NAME	POSITION
1.	Eric Theuri	President
2.	Faith Odhiambo	Vice President
3.	Tom K'opere	Council Member - At least 25 years standing
4.	Riziki Emukule	Council Member - Coast Representative
5.	Mwaura Kabata	Council Member - General Member
6.	Chrysostom Akhaabi	Council Member - General Member
7.	Cohen Amanya	Council Member - Nairobi Representative
8.	Njoki Mboce	Council Member - Nairobi Representative
9.	Ochieng Gor	Council Member - Nairobi Representative
10.	Byron Menezes	Council Member - Upcountry Representative
11.	Lindah Kiome	Council Member - Upcountry Representative
12.	Michael Wabwile	Council Member - Upcountry Representative
13.	Vincent Githaiga	Council Member - Upcountry Representative
14.	Florence W. Muturi	Secretary/ CEO



**Eric Theuri- President**



**Odhiambo Faith Mony Aoko- Vice President**



**Tom K'opere- Council Member, At least 25 years standing**

### 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





**Riziki Emukule - Council Member,  
Coast Representative**



**Mwaura Kabata - Council Member,  
General Member**



**Chrysostom Akhaabi - Council  
Member, General Member**



**Cohen Amanya - Council  
Member, Nairobi  
Representative**



**Njoki Mboce - Council  
Member, Nairobi  
Representative**



**Ochieng Gor Anthony -  
Council Member, Nairobi  
Representative**



**Byron Menezes- Council  
Member, Upcountry  
Representative**



**Lindah Kiome - Council  
Member, Upcountry  
Representative**



**Michael Nyongesa  
Wabwile - Council  
Member, Upcountry  
Representative**



**Vincent Githaiga -  
Council Member,  
Upcountry  
Representative**



**Florence W. Muturi-  
Secretary/ CEO**

## INTRODUCTION

The Council of the Law Society led by Eric Theuri, the 50th President of the Law Society of Kenya took over from the Caretaker Council as ordered by the Court to run the affairs of the Society. On taking office, the Council embarked on a series of engagements with and for members. This was done with an aim of strengthening, reviving, and restoring the Society into its rightful place. The Council took over leadership against the backdrop of the many challenges faced by the Country and practitioners over the past two years including the final stages of the Covid-19 pandemic. During this period, the Society got a new Secretary/ CEO Ms. Florence W. Muturi, after conducting a thorough competitive process.

First, the Council engaged significantly with key stakeholders for improved service delivery. For example, the Society engaged the Judiciary for integration of the Advocates Management System with the LSK system to facilitate digital issuance of Practising Certificates (PCs), Commissioner of Oaths, and Notary Public applications. By mid-March 2023, 11,052 Advocates had successfully applied for their PCs on the system and issued with as compared with 5986 PCs applied during a similar period last year.

Second, to serve members efficiently the Council enhanced staff capacity at the Law Society of Kenya Secretariat and procured separate mobile numbers for each department to enhance communication. Moreover, the Council oversaw the acquisition of a new emailing system which is more efficient and launched a more versatile weekly newsletter for regular updates on Council activities and decisions.

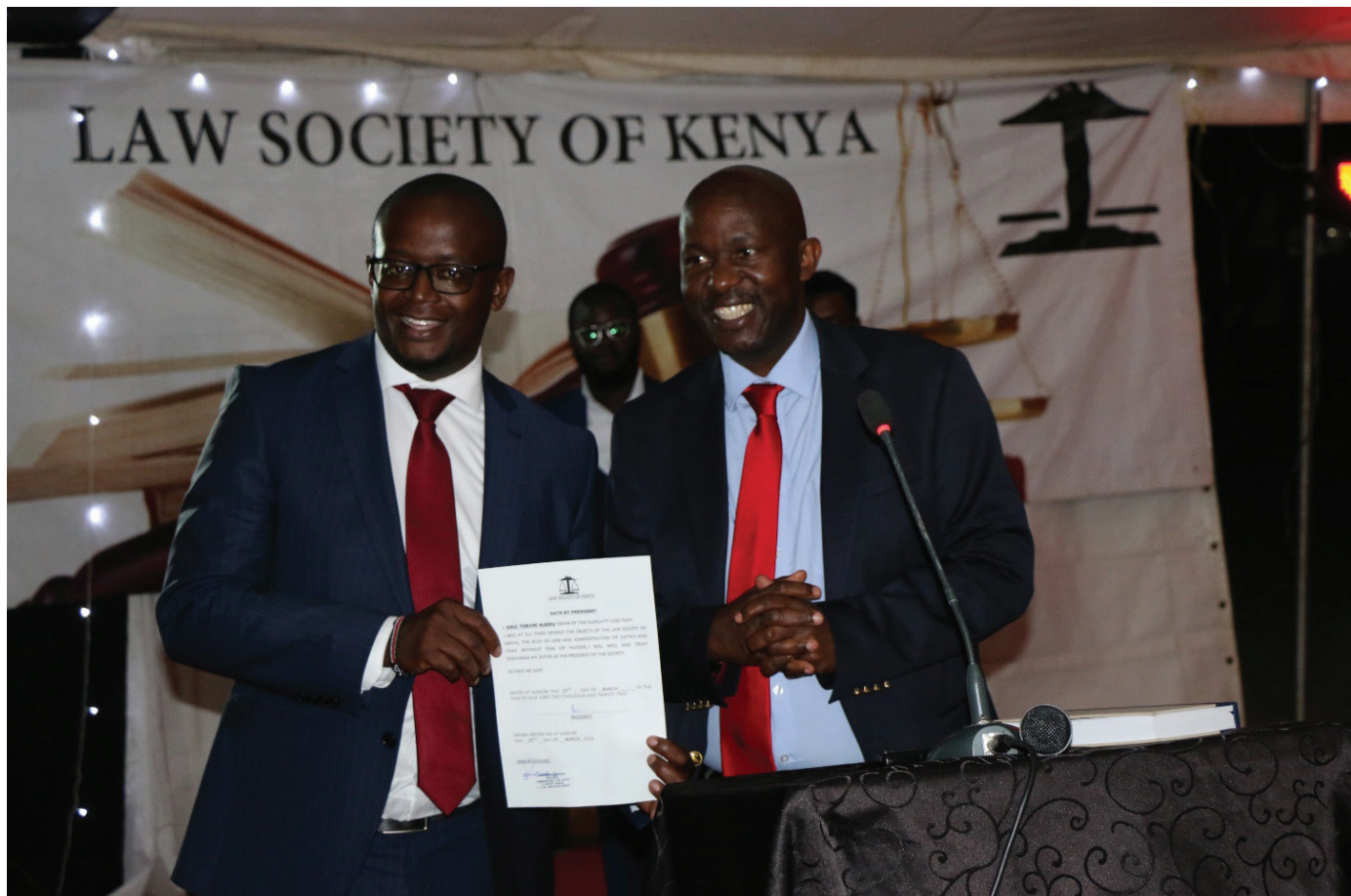
The Council is considering developing and optimizing LSK properties and has so far, undertaken a feasibility study on the proposed construction of the LSK modern multi-storey office block. This is intended to diversify and create a new revenue stream that will enable the society offer innovative solutions to its members as well as offer more support to the Branches to enable them deliver on its key mandate.

Further, a Taskforce for Policy and Legal Reforms was established to undertake review of the laws governing the affairs of the Society and Advocates in general. This is intended to address some of the current challenges faced by young lawyers and align the operating environment to the current global trends thereby giving greater flexibility to the members to compete in a globalized environment.

The Council appreciates members who have joined in the efforts to safeguard the Rule of Law and the Practice Environment through Strategic Litigation and other Advocacy efforts. Together, the Society has emerged stronger than ever before.



## ANNUAL GENERAL MEETING (AGM)



The Law Society of Kenya held its Annual General Meeting (AGM) on 25th March 2022 both physically and virtually at the Parklands Sports Club. The meeting which was conducted by the LSK Branch Chairs Caucus attracted attendance of around 300 members physically and 2500 virtually who discussed various issues affecting the membership.

The LSK Branch Chairs Caucus took members through the Council activities for the past two years 2020 and 2021 since the LSK was not be able to hold the Annual General Meeting. The meeting also saw the taking of oaths of the newly elected LSK officials (LSK Council and members of the Advocates Disciplinary Committee).

The newly elected Council entailed the following members;

NO	NAME	POSITION
1	Eric Theuri	President
2	Faith Odhiambo	Vice President
3	Tom K'opere	Council Member - At least 25 years standing
4	Riziki Emukule	Council Member - Coast Representative
5	Mwaura Kabata	Council Member - General Member
6	Chrysostom Akhaabi	Council Member - General Member
7	Cohen Amany	Council Member - Nairobi Representative
8	Njoki Mboce	Council Member - Nairobi Representative
9	Ochieng Gor Anthony	Council Member - Nairobi Representative
10	Byron Menezes	Council Member - Upcountry Representative
11	Lindah Kiome	Council Member - Upcountry Representative
12	Michael Nyongesa Wabwile	Council Member - Upcountry Representative
13	Vincent Githaiga	Council Member - Upcountry Representative

### The Law Society of Kenya Council Activities

The success of the Council during the year 2022 is as a result of its focus on the pledges it made. The pledges it made to its members are as follows;

- Protection and Expansion of the Legal Practice Environment
- Create a member focused and sober Law Society of Kenya
- Champion the rule of law and administration of justice
- Improving administrative structures at the Secretariat; and

This report will outline specific outputs and milestones that has been realized within the year 2022.

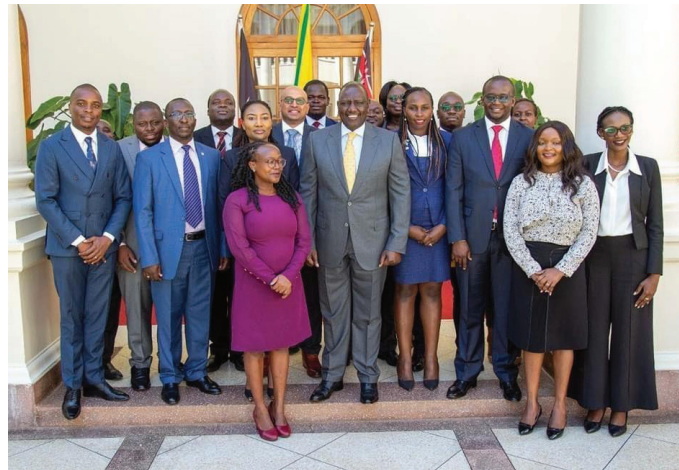
#### HIGHLIGHTS OF COUNCIL MAJOR ACTIVITIES IN YEAR 2022

##### PROTECTION AND EXPANSION OF THE LEGAL PRACTICE ENVIRONMENT.

In line with its mandate to represent, protect and assist members of the legal profession in Kenya in matters relating to the conditions of practice and

welfare, the Council embarked on a series of engagement with various stakeholders;

*LSK Council Meets His Excellency President William Ruto at State House, Nairobi.*



On 24th October 2022, the Law Society of Kenya led by President Eric Theuri met with His Excellency Dr. William Ruto, CGH, President of Kenya, at State House, Nairobi. The LSK President Theuri, congratulated the President of the Republic of Kenya and asked him to ensure that his government upholds the Rule of Law.



the other hand, His Excellency President William Ruto agreed while noting that no one is above the Law and that the Rule of Law is integral to Kenya's democracy and prosperity. Further, he commended the Law Society of Kenya for actively questioning the government on constitutional matters.

The LSK President, also petitioned for a commission of inquiry to look into extrajudicial killings that are on the rise in the country.

His Excellency President William Ruto accepted LSK's offer to help the government draft international trade treaties and affirmed that all independent institutions must be respected.

Other matters discussed included, land reforms and improvement of the Kenyan education system amongst other pertinent issues.

### **Courtesy Call to the Governor of Nairobi County**

The Council of the Law Society of Kenya, led by President Eric Theuri, paid a courtesy call to the Governor of Nairobi County, Hon. Johnson Sakaja. The meeting discussed collaboration with the county government on matters to do with ADR, Legal and policy reforms among others.



The Governor reiterated his commitment to pay Advocates pending legal fees, noting that the County had received huge fee notes from advocates. He assured the Society that a committee, including a representative from the Society, would be set up to expedite the matter.

He called upon the Society to agree on negotiations on waiving the accumulated interests to enable the County Government to make these payments. It was also agreed that the LSK will have a Representative to the County Physical & Land

Use Planning Liaison & Technical Committee. Further, the Council requested the Governor to consider setting up a Probono Scheme to support young advocates and offer legal aid to the public. Both parties agreed to partner and collaborate in other areas of mutual interest.

### **CS Lands meet with Conveyancing Practitioners**

Coming on the heels of the Conveyancing Practitioners Forum, held by the Law Society of Kenya on 26th April 2022, and the various notices that had been published in the Kenya Gazette by the Cabinet Secretary, Ministry of Lands & Physical Planning affecting the practice in regards to lands, the LSK President, Mr. Eric Theuri and the LSK Vice President, Ms. Faith Odhiambo led members of the Council represented by Mr. Gor Anthony, the CEO Ms. Florence Muturi and representatives of the conveyancing practitioners to a luncheon hosted by the then Cabinet Secretary- Ministry of Lands & Physical Planning, Ms. Farida Karoney on Thursday 2nd June, 2022.



The President outlined issues that required immediate and urgent interventions by the Ministry to align the changes onto land transactions to realities of practice and the law thereto. Other members who attended the luncheon included Ms. Helene Namisi, Branch Chair Nairobi, Mr. Ribin Ondwari and Nairobi Branch officials. Mr. Theuri further implored the Cabinet Secretary and her team to urgently iron out issues overly raised by the membership.

In a bid to urgently address the concerns on the ongoing digitization of land transactions, a Rapid Response Team, between the LSK and Ministry was constituted and tasked to convene on 3rd June, 2022 to come up with recommendations to address the pressing needs and formulate the way forward.

The Council undertakes to inform members of the outcome of the Lands Rapid Response Team and the way forward in due course. We thank the membership for raising concerns in the lands practice and encourage more participation to ensure firm and assertive actions by the Council.

### **American Bar Association (ABA) calls on the LSK Council**

On 20th September 2022, the American Bar Association (ABA) paid a Courtesy call to the LSK Council. The meeting discussed amongst others the overview of the LSK and ABA Continuing Professional Development (CPD), challenges, legal aid gaps and opportunities for partnerships including exchange programs, rule of law initiatives and robust legal framework etc



*Advocates Disciplinary Tribunal Induction Forum*



Regulation in the legal profession is premised on the concept of peer review. To this end, the Advocates Disciplinary Tribunal is established by the Advocates Act to enforce ethical conduct in the profession by hearing and adjudicating complaints against Advocates.

On 9th and 10th November, 2022, the Law Society of Kenya held an induction course to train the Tribunal Members on effective and efficient service delivery. Throughout the course, experienced Advocates in the disciplinary process presented the following:

- Establishment and Structure of the Tribunal
- Operations
- Policies and Regulation
- Values and Principles

The Induction topics covered the legal and Institution framework governing the Advocate Disciplinary Tribunal presented by Ms. Florence Muturi CEO, LSK. The role and mandate of the Advocates Complaints Commission presented by



Mr. George Nyakundi CEO, ACC. Essential tips for drafting Judgments and the procedure of hearing complaints presented by Hon. Justice Ocharo Kebira and other interesting topics. The interactions brought out new ideas for reform and recommendations on the way forward.

Amidst the training of Members of the Advocates Disciplinary Tribunal, the prevalent theme was the pursuit of practical solutions to facilitate expeditious disposal of cases. This forum guaranteed that the Members of the Tribunal were apprised with their work environment, culture and expected outcomes.

### LSK Council Calls on the Inspector General of Police

In line with the mandate of the Law Society of Kenya provided under Section 4 of the Law Society of Kenya, the Council embarked on courtesy calls to various agencies, institutions and organizations to articulate various areas of intervention for the Society



On Thursday, 2nd June 2022, the LSK Council led by the President, Mr. Eric Theuri made a courtesy call to the Inspector General, National Police Service, Mr. Hillary Mutyambai at his office, Jogoo House.

Issues discussed included the harassment of advocates in course of duty, support for quacks

crackdown, challenges on verification of enforcement orders among others.

The Council members present included; Faith Odhiambo (VP), Prof. Wabwile, Mr. Byron Menezes, Mr. Cohen Amany, Ms. Njoki Mboce, Mr. Gor Anthony, Mr. Mwaura Kabata, Ms. Riziki Emukule and Ms. Florence Muturi, Secretary/ CEO

### UK Kenya Symposium



On 14th and 15th November, 2022, the Law Society of Kenya hosted a delegation of the Bar Council led by the Chair Mark Fenhalls KC to a symposium intended to exchange skills, experience and knowledge between the two Bars. The symposium that ran for two days was marked with a networking cocktail event together with courtesy calls on the British High Commissioner and the Chief Justice. Further, the Law Society of Kenya signed a Memorandum of Understanding as a framework for collaboration between the Kenyan Bar and the Bar Council of England & Wales on practice issues.

The MOU can be found on this link: <https://drive.google.com/file/d/1y73HmbXPHQz8ZQvZe-1n0ZDNBKJnTijB/view?usp=sharing>

We are extremely excited by the partnership and believe that this should enable our practitioners to develop mutual relationships, expand and diversify their practice.

## Courtesy call on the New DCI Director

On 21st October 2022, the Council of the Law Society of Kenya, led by the President Mr. Erick Theuri, paid a courtesy call to the newly appointed Director of Criminal Investigation, Mr. Amin Mohamed Ibrahim.

The Council congratulated the new DCI Director and held discussions on how both the offices will work in unison going forward.



The meeting addressed issues of infringement of Advocates' rights in the line of their duty and handling of criminal investigations touching on advocates.

Further, the DCI has undertaken to assist the Society in weeding out quacks and masqueraders in order to protect the integrity of the Legal Profession. Both teams have agreed to forge a cordial working relationship.

## Consultative Forum with the DPP

The Law Society of Kenya Council led by the President Eric Theuri, held a consultative meeting with the Director of Public Prosecution Mr. Noordin M Haji, following the press statement issued by the Society on 13th October, 2022 titled 'An Affront to the Rule of law'.

The main aim of the meeting was to discuss the status of administration of criminal justice in lieu of the recent events where there have been numerous withdrawal of cases facing various suspects, some of whom have been nominated for appointment as Cabinet Secretaries. Both LSK and ODPP agreed to continue with deliberations on the issues.





## Launch of the Environment and Land Court Users Committee by National Council on the Administration of Justice

The Chief Justice and President of Supreme Court Hon Justice Martha Koome, launched the Environment and Land Court Users' Committee with a call for collaboration between state and non-state actors.

She launched the Court Users Committee (CUC) for the Environment & Land Court (ELC) in line with the duty imposed on every State organ to realize rights and fundamental freedoms, including the right to access justice.

The Court Users Committees provided a platform for actors in the justice sector at the local or regional level, to consider improvements in the operations of the courts, coordinate functions of all agencies within the justice system & improve the interaction of these stakeholders.



The LSK President noted that having sensitized its major stakeholders through the CUC that was being launched, the ELC should strictly ensure that they implemented a no-adjudgment policy in land cases. These would expand the doorways of justice and decongest the formal justice channels as well as provided an accessible avenue for citizens to resolve their disputes in an efficient and cost-effective manner.



## CREATE A MEMBER FOCUSED AND SOBER LAW SOCIETY OF KENYA

The Council came into office at a time when the leadership of the Society was wanting and in dire need as most members expressed dissatisfaction with how the Society had been previously ran. As a council, in a non-combative, firm and resolute manner, we have managed to bring sobriety and cohesion to the membership

## LSK Officials take oath during the Annual General Meeting (AGM)

### Training of Probono Advocates by Federation of Women Lawyers Kenya (FIDA) Kenya

FIDA Kenya undertook the training of pro bono advocates with the aim to support women aspirants with probono representation. This was due to lack of access to legal assistance during Electoral Disputes Resolution process at primaries & elections which was a barrier to women's political participation. The LSK President Mr. Eric Theuri was in attendance.



The Law Society of Kenya held its Annual General Meeting (AGM) on 25<sup>th</sup> March 2022 both physically and virtually at the Parklands Sports Club. The meeting which was conducted by the LSK Branch Chairs Caucus attracted attendance of around 300 members physically and 2500 virtually who discussed various issues affecting the membership.

The LSK Branch Chairs Caucus took members through the Council activities for the past two years 2020 and 2021 since the LSK was not able to hold the Annual General Meeting. The meeting also saw the taking of oaths of the newly elected LSK officials (LSK Council and members for the Advocates Disciplinary Committee)

## Application for 2023 Practicing Certificates under the LSK- Judiciary Integrated System

Pursuant to the integration of the LSK Enterprise Resource Planning System (ERP) with the Judiciary JAMS System, members are hereby notified that they will be able to apply for their 2023 Practicing Certificates online.

The application for Practicing Certificates will be done online and documents uploaded digitally, processed and the Practicing Certificates auto generated, signed and made available on the LSK member's portal for printing. This is expected to significantly reduce the time it takes to process and issue Practicing Certificates.

The automation of services at the Advocates Section (JAS), domiciled in the Office of the Chief Registrar of Judiciary (OCRJ) through the Advocates Management System (JAMS) is intended to minimize and eventually eliminate all the manual processes so as to improve service delivery to members. The areas automated include the following: -

- Processing of Advocates Admissions
- Processing of Advocates Practicing Certificate
- Processing of Commissioner for Oaths Certificates
- Processing of Notary Public Certificates
- Authentications for Notary Public Certificates
- Maintenance & Custody of Advocates files

Further, the LSK in partnership with the Judiciary scheduled a series of trainings in respect to the use and interactions with the integrated system.

## Strengthening Governance Structures of the Law Society of Kenya; Reconstitution of Committees

Pursuant to Section 40 of the LSK Act, 2014 and Regulation 16 of the LSK (General) Regulations, 2020, the Council reconstituted the Society's committees with a view to ensuring that committees work effectively and efficiently while improving service delivery to members.

There are currently 17 Committees which were already constituted and operational. Committees have already commenced deliberations on different issues affecting the Society and its membership and the general public. The Committee are as follows;

- |  |   |
|--|---|
| 1. Public Interest, Legal Aid and Human Rights | 10. Land, Environment and Natural Resources |
| 2. ICT/ IP Committee                           | 11. In-House Counsel                        |
| 3. CPD Committee                               | 12. Child Law Practitioners                 |
| 4. Young Lawyers                               | 13. Cross Border Practice & Immigration     |
| 5. Practice Standards and Ethics               | 14. Criminal Justice                        |
| 6. Gender Committee                            | 15. Medico-Legal Committee                  |
| 7. Editorial Committee                         | 17. Member Services                         |
| 8. Alternative Dispute Resolution              | 19. Tax Committe                            |
| 9. Law Reform Devolution Committee             |   |



## LSK Council hosts LSK Past Presidents/ Chairpersons

The Council of the Law Society of Kenya, on 20<sup>th</sup> June 2022, hosted the Former Presidents and Chairpersons of the Society to a dinner to reminisce of the miles the Society has taken, glean over their wisdom in bid to steer the Society to next phase of increased productivity & growth.



The SCs and Presidents present collectively urged the Council to administer their greatest command, to steer the profession as envisaged under Section 4 of the Law Society of Kenya. They further urged the leadership to value the profession, keep the government on its toes and respect constitutionalism. In addition, they encouraged the Council to reach out as they are always available for consultations and intimated that more of such sessions are welcomed. Quoting Hon. Senator Amos Wako SC, “each Council of the Society has had its challenges, some conquered the challenges, others were conquered by the challenges”.

The Council reiterates its commitment to grow the Society in leaps and bounds by amongst others bringing cohesion to the bar, inspiring confidence and fighting for noble causes. Special thanks to our predecessors for showing us the way, and being so gracious to support the Society over the years.



## Law Society of Kenya Holds its Members' Service Week



The Law Society of Kenya (LSK) held its Members' Service Week from Monday, 30<sup>th</sup> May 2022 to Friday, 3<sup>rd</sup> June 2022 at the LSK Secretariat Grounds.

During the service week, the Secretariat offered the following services to the membership:

- Collection of practicing certificates for the following years – 2022, 2021, 2020, 2019, 2018 and 2017 – for advocates practicing within Nairobi and its environs (Kiambu and Thika). The advocates that practice in branches outside Nairobi and its environs are required to collect their practicing certificates at their respective branch Secretariat offices.
- Collection of LSK member identification cards.
- Biometric registration of newly admitted advocates.
- General inquiries

The tent set up at the gardens provided a safe and conducive environment for the entire exercise. Safety protocols on COVID-19 were strictly observed with sanitizer provided to clients upon arrival.

The turnout was fair with some members attending physically while others sending their representatives. All representatives were required to present authorization letters before being served.

The Council appreciated members who turned up to collect their PCs and IDs during the week. Further, members who were yet to collect their PCs and IDs were encouraged to collect the same from the LSK offices.

To access the list of uncollected practicing certificates for 2022 and previous years, click on the link, <https://cutt.ly/oH3NS70>

## Admission of New Members to the Bar



In the year ending 2022, there were around eight admission ceremonies to the bar of new advocates; cumulatively about one thousand six hundred were admitted.

Upon every admission ceremony, the Council was represented by a member whom welcomed the new advocates and highlighted the functions of the LSK. During the events, the CPD department was present to capture biometrics for the newly admitted advocates. This will make it easy for the advocates to register, book and access CPD and other LSK services.

## CHAMPION THE RULE OF LAW AND ADMINISTRATION OF JUSTICE

As stipulated in the LSK mandate to uphold the Constitution of Kenya and advance the rule of law and the administration of justice, the Council has undertaken various activities on the same.

## LSK, KHRC and IJM Collaborate on an Initiative Against Extrajudicial Killings

On 18th July 2022, the Law Society of Kenya held a meeting together with the Kenya Human Rights Commission (KHRC), International Justice Mission (IJM) and Mothers of Victims and Survivors Network (MVSN). The meeting was held to discuss LSK's participation in Kenya Initiative Against Extra Judicial Killings.



The event started with a press briefing whereby the LSK president Mr. Eric Theuri while meeting members of the victims and survivors network affirmed that the Society in collaboration with KHRC and IJM, Amnesty International and Social justice working group will ensure that survivors and families who have lost their loved ones to extra judicial killings and enforced disappearance will have justice. The president assured the MVSN Group of exploring the possibility of filing a class action suit to seek compensation for the survivors. He also gave a commitment that LSK will launch a national campaign against extrajudicial killing and enforced disappearance.

The meeting focused on having a class action suit and a Nationwide campaign against extrajudicial killings, from the meetings the following action points were developed.

1. That LSK will gather documentation for the class action suit

2. That LSK will engage lawyers in training and sensitization
3. That LSK will encourage lawyers to take up probono cases on extrajudicial killings.

Further, it was agreed that there is a need to have a discussion with various stakeholders such as the Office of the Director of Public Prosecution (ODPP), the Independent Policing Oversight Authority (IPOA), and the Judiciary on ways to expedite cases of Extra Judicial Killings (LSK, KHRC, and IJM) to participate.

## LSK and Partners Commemorate Katiba Day 2022

The Council of the Law Society of Kenya in partnership with the Kenya Christian Professionals Forum (KCPF) and members of different professional bodies, facilitated the 12th commemoration of the promulgation of the Constitution of Kenya 2010, "Katiba Day" which was held under the theme, Constitutionalism; Gains, Pitfalls and Way Forwrd.



The event commenced with a precursor webinar on Friday, 26th August 2022. The Chief Guest was Hon. Ken Ogeto, Solicitor General while other keynote speakers were Prof. PLO Lumumba, SC, Mr. Charles Kanjama, SC, FCS Diana Sawe, Chairperson of Institute of Certified Secretaries in Kenya and Prof. Osogo Ambani, Dean of Kabarak University Law School amongst others.



The team led the discussion and expressed their commitment to upholding and promoting democracy, constitutionalism and the rule of law.

On Saturday, 27th August 2022, the commemoration ceremony was held at the LSK Secretariat from 10:30 am, where the LSK, KCPF, and other professional bodies issued a press statement. It was noted that as professionals, they saw it fit to come together to reflect on the implementation of the Constitution to focus on the pitfalls, gains and way forward. The full press statement can be accessed on this link, <https://cutt.ly/ICpNRtt>

The other professional bodies present were the Institute of Certified Public Accountants (ICPAK), the Institute of Certified Secretaries (ICS), Kenya National Union of Teachers (KNUT), Kenya National Union of Nurses (KNUN), Institution of Engineers of Kenya (IEK), Association of Construction Managers of Kenya (ACMK) and Marketing Society of Kenya (MSK).

### **Statement by The Law Society of Kenya On the President's Memo to Amend the Constitution**

The Council of Law Society of Kenya, led by President Eric Theuri, issued a press statement on 15th December 2022 addressing the Memorandum issued by His Excellency the President on the proposed Constitution Amendments.



The Society stated that the proposed amendments are unconstitutional and called upon Kenyans to join the movement as it is our collective duty to uphold the Constitution and rule of Law. The LSK notes, with a lot of concern, that leaders in the office are proposing constitutional amendments that touch on the root of our democracy and redirecting attention from other pressing national issues

Full statement: <https://bit.ly/LSKStatement>

### **Launch of the Inaugural NCAJ Annual Report**

The National Council on the Administration of Justice (NCAJ) is established under the Judicial Service Act 2011 as a high-level policymaking, implementation & coordinating body, chaired by the Chief Justice.

The LSK President, Eric Theuri, represented the Society at the launch of the inaugural NCAJ Annual Report 2021/22 held on Monday, 5th December 2022. The Administration of Justice in Kenya Annual Report 2021/22 details the progress in the administration of justice in Kenya. It provides the achievements realized in the administration of justice in FY 2021/22 and highlights the priority areas for the FY 2022/23.

### **LSK Press Statement On Withdrawal of Graft Cases by the ODPP and CAS Recruitment by PSC**



On 13<sup>th</sup> October 2022, the LSK Council through the President Mr. Eric Theuri, held a Press Briefing at the LSK Secretariat Grounds. The Council issued a statement in regards to the ODPP withdrawal of the graft cases, insisting on the DPP providing credible and cogent reasons for discontinuation of the charges. Mr. Theuri also pointed out to the members of the Public that the courts have stayed the establishment of the offices of the CAS, and stated unless the court orders are vacated, the Public should refrain from participating.

### **Eminent African Jurist pays a Courtesy Call on the LSK Council**

On 29<sup>th</sup> August 2022, the Africa Judges and Jurist Forum (AJJF) paid a courtesy call on the LSK Council. The meeting highlighted the role of amicus curiae in assisting the court in developing jurisprudence

in the election process. In addition, the meeting discussed the timelines stipulated under the Constitution and the Supreme Court

(Presidential Election Petition) Rules, 2017.

The Africa Judges and Jurists Forum (AJJF) is a pan- African Network of Judges and Jurists committed to promoting justice and development in Africa. AJJFF has expansively worked at the regional level through partnerships with strategic organizations such as ICJ Kenya.

The Observer Mission Team is in the Country to observe the proceedings in the 2022 presidential election petition and will undertake an independent observation of the processes based on the international standard of trial observation. The Jurist mission will thereafter release a report of the findings.







### LSK Special General Meeting

The Law Society of Kenya held a Special General Meeting on the 18th November 2022, to consider the Forensic Audit Report for the years ending 31st December 2019, 2020 and 2021. The report was adopted by majority vote of 1449 (67%) with a recommendation to the Council to implement the same and report to members during the next General Meeting.

The Law Society of Kenya wishes to thank the auditors for the detailed report and the members for their participation and fruitful deliberations.

### NCAJ Review of the Legal and Policy Frameworks that inhibit The Right to Health In Kenya

The Public Interest and Advocacy Department of the LSK participated in the International Commission of Jurists (ICJ) *Review of the Legal and Policy Frameworks That Inhibit the Right to Health in Kenya: Unpacking Health Rights for Accountability to Facilitate Access to Health Services* on 7<sup>th</sup> December, 2022 at Sarova Panafric.



The broader objective was to conduct an audit of the existing legal and policy frameworks related to the right to health in order to identify gaps and recommend reforms and/ or intervention areas.

The specific objectives of the review were to

1. Review existing legal and policy frameworks that inhibit access to health rights
2. Interrogate the gaps in intergovernmental relations in light of the challenges witnessed in coordinating the national and county governments in health governance as a devolved function
3. Interrogate the relationship between disclosure of information and the realization of the right to health within the devolved governance system, drawing comparisons between counties where best practices have emerged vis-a-vis counties facing more challenges.
4. Review regional and global trends and human rights normative frameworks to inform Kenya's right to health discourse, particularly during the pandemic.

## **LSK Council pays a Courtesy Call on the Attorney General, Speaker of the National Assembly and Chairperson of the IEBC**

In line with the mandate of the Law Society of Kenya provided under Section 4 of the Law Society of Kenya, the Council has embarked on courtesy calls to various agencies, institutions and organizations to articulate various areas of intervention for the Society.



On Tuesday, 7<sup>th</sup> June 2022, LSK Council led by the President, Mr. Eric Theuri paid a courtesy call to the AG. Hon. Paul Kihara Kariuki at his State Law Office. The LSK presented a memorandum to the AG, highlighting various issues such as the gains to develop legal education, better framework to define special category membership of public counsels, welfare of in-house counsel working in government and the engagement of external advocates by parastatals among others. The team deliberated on the issues and agreed to establish a permanent joint working group to look into the various issues.

On Wednesday, 8<sup>th</sup> June 2022, the LSK President led the Council for a meet-up with the Speaker of the National Assembly Hon. Justin Muturi, EGH. The Council deliberated on areas of possible collaboration, especially robust participation in legal reforms, the legislative processes and training opportunities for young lawyers in legislation towards fulfilling the Society's mandate under Section 4 of the LSK Act.

Further, it was agreed that there is an urgent need to amend the Workmen's Compensation Act to reintroduce common law claims.



## LSK Council meet with EU Observation Mission

The European Union (EU) Observation Mission to Kenya paid a courtesy call on the Council of the Law Society on Thursday, 21st July, 2022 in a meeting held at the Law Society of Kenya Offices. The two organizations held lengthy talks with regard to the upcoming general elections, the legal frameworks around election dispute resolutions, the hits and misses so far, and a cause for continued partnership in strengthening institutions and electoral processes.



On his part, the LSK president, Mr. Eric Theuri expressed reservations by the Law Society of Kenya on areas such as the integrity and suitability of candidates vying in the upcoming elections in light of the current legal underpinnings. The LSK deployed observers in the past elections and shall continue to push for legislative reforms beyond the elections in line with its mandate.

## Preliminary Report of the Law Society of Kenya Observer Mission on the 9th August 2022 General Elections with EU Observation Mission

### Introduction

The Law Society of Kenya as part of its duties under the section 4 of the LSK Act deployed 600 election observers across the country, led by the President Eric Theuri, Vice President Faith

Odiambo and council members, to observe the conduct of the 2022 general elections. The team was tasked with the responsibility of observing and reporting the application of the electoral law and processes in line with the Constitutional and statutory thresholds. This statement presents the LSK's preliminary findings and will release a comprehensive election observation report of the observation and proposed electoral process reform.

### Voting process

#### Opening procedures

Voting promptly started in polling stations across the country. However, the commencement of voting was delayed in several stations where strategic materials had not been received.

#### COVID-19 protocols

COVID-19 protocols were not adhered to in many cases. Few voters and officials had their masks put on though not properly. Also designated hand-washing points, sanitizers and social distancing guidelines by MOH were not observed.

#### Observers, media and party agents

LSK observers noted that international and citizen observer groups, including the African Union, ELOG, EACC and the media were present in polling stations. Party agents representing the main political parties were also present in most polling stations, though several political parties did not have agents present. LSK observers were allowed to observe, but there were two instances of observers denied entry into polling streams.

#### Security officials

Adequate numbers of security officials were present in the polling stations observed.

### Strategic election materials

Observers noted the presence of strategic material in polling stations. However, there was one instance of ballot boxes for a particular position missing. Polling booths were present and were accessible, but in some instances were not accessible by persons with disabilities on wheelchairs because they were too high. Some booths had no lighting, so voting was difficult and few booths in some streams significantly slowed down voting.

Voting was also affected in a few polling stations observed where the wrong KIEMS kits had been delivered, KIEMS kits failed to work completely, or did not work at some point during the day. However, in most of the polling stations observed, the KIEMS kits were functional the entire day.

### Identification of voters

In the polling stations observed, voters were identified using the KIEMS kit upon presentation of the identification document they used to register as voters. However, there were several incidences reported where voters, including the elderly, could not be identified using the KIEMS kit and in these instances, they were required to sign validation forms in the presence of party agents and allowed to vote.

### Voter assistance

Elderly voters, voters with disabilities, illiterate voters and voters in general who required assistance were assisted to vote in the presence of election officials, agents or observers. However, in some instances, the integrity of the process was put into question, especially where no agents were present to witness the assistance as required under regulations.

### Counting and closing process

Closing and counting procedures were followed in the stations observed. Polling stations were required to be closed at 5 pm but closed

according to the times they opened. Stations that had opened late took this into consideration and closed after 5.00 pm. Polling stations that still had people on queues were allowed to vote.

Presidential results were entered into form 34As, agents signed and allowed to take pictures of the forms. In several polling stations, Presiding Officers did not affix form 34A's at the door.

Polling staff and security officials were present in polling stations observed. However, a common observation was that by the time it got to midnight, with counting still ongoing, polling staff were visibly exhausted with some reported to have been sleeping. Party agents and observers were present during the counting of votes.

### **Our concerns**

The following are the Law Society of Kenya's key concerns based on the observation

- **Voters denied their right to vote:** Several voters were denied the exercise of their right to vote under Article 38 of the Constitution. Some voters were turned back due to the failure of KIEMS kits, and others turned because their names were not on the KIEMS kits and yet they had registered and confirmed their registration status.
- **Confusion over processes:** There seemed to have been confusion over how processes are conducted in a number of things. For example, in some polling station, PO's barred agents from taking pictures of form 34A's.
- **Lack of consistency in procedures:** There was no consistency by presiding officers across the country. For example, there was no consistency over what was considered a spoilt vote and a rejected vote-some PO's considered a vote validly cast if the voter ticked on the photograph of the candidate while others considered this a spoilt vote.
- **Restriction of access by observers:** Observers were denied entry in some polling stations because they did not produce oaths of secrecy, whereas there is no such requirement under regulations.



- **Fatigued officials:** Polling officials were fatigued during the counting process and a number of them were actually asleep as the votes were counted. The tiredness of polling officials during officials

- **Voter bribery:** Two incidences of voter bribery were reported in two constituencies, which is an offense under the Elections Act.

- **Violence:** We are also concerned about reported incidences of violence and we call on the various actors to quickly investigate and prosecute the perpetrators.

The LSK delegation respectfully offers the following actionable recommendations to help build public confidence in the electoral process.

#### **To the IEBC:**

1) To build trust among the electoral contestants and public confidence in the electoral process by:

- Developing and disseminating a clear methodology with appropriate safeguards on the collation, transmission and declaration of results.

- Finalize its voter education plan and deploy messages and materials, in partnership with civil society organizations.

- We would recommend that better signage be introduced to guide voters.

2) Invest in social media monitoring and strategic communications to better anticipate and proactively counter misleading or false narratives regarding the electoral process.

3) Improve the process of printing ballot papers and checking its accuracy before printing, packing and dispatch to avoid scenarios of cancellation of elections due to errors on the ballot papers

#### **To the Media:**

1. Offer the use of their platforms for civic and voter education programs and information.

2. Provide election coverage in accordance with the Code of Conduct for the Practice of Journalism.

3. Coordinate the tallying and relying of election results to avoid relying on different results and creating anxiety or confusion

To the Parliament or Government of Kenya:

1. The Government should ensure timely financial transfers to the IEBC to ensure effective preparations, including voter education campaigns.

2. The Parliament should urgently address the issue of pending electoral law amendments to remove confusion or suspicion of attempts to manipulate the process.

#### **To Political Parties, their Candidates, and Independent Candidates:**

1. Demonstrate commitment to ensuring peace before, during and after elections, by publicly endorsing and adhering to the electoral code of conduct, and other peace pledges.

2. Refrain from hate speech, cyberbullying, and inciting violence by supporters, including gender-based violence, and cooperate with institutions to investigate incidents.

3. Refrain from illegally raising and spending campaign funds, and using money, goods or services (public or other) as a means of improperly influencing prospective voters.

#### **To Civil Society and Religious Leaders:**

1. Accelerate coordination and promote efforts to advocate for greater transparency and accountability in the electoral process.

2. Continue to partner with the NCIC and other institutions to mitigate and mediate conflicts and promote messages of non-violence and social cohesion across Kenya.

3. Contribute to and escalate public campaigns so that Kenyan citizens are aware of when and where to vote, as well as their rights and responsibilities on election day.

### To the National Police:

1. Commit to swift evidence collection and presentation to the Director of Public Prosecution (DPP) to ensure efficient adjudication of election violence cases.
2. Release the plan for election deployment, including protocols to enhance respect for human rights.

### CONCLUSION

The LSK thanked Kenyans for their general peaceful conduct during this period. It was however noted that there was high cases of misinformation and disinformation and urged Kenyans to refrain from sharing unverified information.

The LSK reiterated that the electoral process is not yet complete and will continue to observe the process until the final results are declared and will then issue a final statement



Yours faithfully,

**ERIC THEURI**  
**PRESIDENT, LAW SOCIETY OF KENYA**

### LSK Council Congratulated the New Administration

The Council of the Law Society of Kenya held a Press Briefing on Monday, 12th September 2022. The Council congratulated the President-Elect and assured him of its commitment to the advancement of Rule of Law.

In the press statement, the Council also congratulated Hon. Moses Wetangula, Hon. Amason Kingi and Hon. Gladys Shollei advocates, on their election as Speakers of the National Assembly, Senate and Deputy Speaker of the National respectively.

Mr. Theuri pointed out areas that the new administration should address as a matter of priority;

1. Appoint and swear in the Judges of the Court of Appeal and the High Court who were recommended by the Judicial Service Commission,

2. Allocate more resources through a supplementary budget to the Judiciary to recruit more Judges and fill the gaps of more than 100 Judges required for the Judiciary to function optimally.

3. Make a commitment to support and lead the fight against corruption and illicit financial flows, and pledge not to use the investigative arms for ulterior purposes amongst others.

To access the full press statement, please click here, <https://drive.google.com/drive/folders/1uBb-cXO3WaTKfqFTl10nJ0XvH4QCUdH7Q?usp=sharing>



In the afternoon, the Council held a briefing with the Chairperson of the IEBC, Mr. Wafula Chebukati at his office at Anniversary towers.

The Chairperson briefed the Council on the preparedness for elections. Further, the aspect of election monitoring measures was discussed and it was agreed that LSK will be accredited as election observers.

The Council also raised its concerns on the pending payment of legal fees by IEBC and later pledged its commitment to settlement of the pending payments and involvement of external advocates.

### **IMPROVING ADMINISTRATIVE STRUCTURES AT THE SECRETARIAT;**

The Council, through the Staff, Finance and Budget Committee, has put in place various reforms and developments as set out hereunder with a view to improving service delivery to the membership:

#### **Appointment of the Law Society of Kenya Secretary/CEO**

Pursuant to Section 26 of the Law Society of Kenya Act, 2014 and the provisions of the Constitution, 2010, that obligates the Society to undertake recruitment in a transparent and competitive process, the Council of the Law Society of Kenya advertised for the position of the Secretary/CEO of the Law Society of Kenya. Subsequently, the Council received 10 applications as follows: -



No.	Name	Admission Number
1.	Daniel Onyango Odhiambo	P.105/8726/11
2.	Samuel Ochieng Rambo	P.105/9056/12
3.	Florence Wairimu Muturi	P.105/6248/06
4.	Anna Cherono Konuche	P.105/5344/04
5.	Stephen Odhiambo Anditi	P.105/9180/12
6.	Joseph Nyaberi Osoro	P.105/7566/09
7.	Marykaren Chesang Kigen – Sorobit	P.105/3006/96
8.	Dr. Victor Okoth Ogwang Lando	P.105/6461/06
9.	Gilbert Oduor Onyango	P.105/4737/02
10.	Dr. Judith Oloo	P.105/9325/12

The Council shortlisted nine (9) candidate's and on 30th May, 2022 through to 1st June, 2022, the Council conducted interviews to get the most suitable candidate on the basis of an objective assessment score card developed by an ad hoc sub-committee of the Council. It should be noted that prior to the commencement of the recruitment exercise, the Council inquired from the acting Secretary whether she intended to apply for the position. Subsequently upon her confirmation that she intended to apply for the position, she was excluded in all Council deliberations on the question of the CEO recruitment and all processes were handled by the Sub-Committee and the President of the Society.

Pursuant to the rigorous recruitment process the Council of the Law Society of Kenya is pleased to announce the appointment of Ms. Florence Wairimu Muturi, Advocate as the Secretary/CEO of the Law Society of Kenya with effect from the 2022 for a period of three (3) years renewable once upon satisfactory performance.

Ms. Muturi is an Advocate of the High Court of Kenya with over fifteen years' experience, having been admitted to the Bar on 20<sup>th</sup> July, 2006. Ms. Muturi is a holder of a Bachelor Law Degree from Moi University, holds a Diploma in Human Resource Management and is a Certified Public Secretary. She has served the Law Society of Kenya since 2012 as a Program Officer in charge of Compliance and Ethics Department and subsequently as the Deputy Secretary/CEO, from 2016. In January 2022, she was appointed as the Acting Secretary/CEO, until her appointment as the Secretary/CEO in June 2022. She brings a wealth of knowledge and experience in leadership and management.

### **Placement of pupils**

There were various placements of pupils/ interns in various department within the LSK. The pupils/ interns were given an opportunity to not only learn on the functions of the Society but to also assist to harness the productivity of the Secretariat.

The 6 months' pupillage/Internship offered a great opportunity for the pupils/ interns to gain valuable experience in various fields, as well as assist to develop suitable skills that will provide them with an advantage in the job market.

### **Improved Communications;**

#### **Designation of Departmental Contact**

The Council has been intentional in improving the quality of services offered to members, especially through the increase of communication channels.

In a bid to improve on service delivery to members, the Law Society of Kenya has allocated each department a direct contact line. For any queries, members are encouraged to reach out to the relevant departments through the phone numbers below:

- CPD - 0110 677 188
- Compliance & Ethics & Practice Standards - 0110 459 555
- Finance - 0110 380 838
- Member Services - 0111 671 458
- PIL & Parliamentary - 0111 231 010

### **Staff Email**

- Through the ICT department, the LSK acquired a new email system which is the Microsoft account email; MS Outlook which helps to manage and optimize emails. It allows you to organize contacts and emails into categories by business owners and employees. Moreover, you can even organize tasks, emails, and contacts efficiently to improve productivity among users easily. With these features, it becomes easy for users to find and follow up with emails.
- With these, there has been a tremendous improvement of internal and external communications between the staff and the stakeholders.

### **Website**

The LSK is in the process of revamping its website to showcase and create awareness of services and programmes available to members. While at this, have a user friendly site to both advocates and members of the public.

### **Bulk email**

To enhance communication between the LSK and its members, the LSK has installed a new bulk email system to ensure that all members receive communication from LSK without delay nor failure. In addition to getting direct access to members, the service will also track how emails perform and test various methods to increase clicks and conversions.

## 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

### **1. Continuing Professional Development (CPD) Directorate**

The Continuing Professional Development Committee is established under the CPD Rules 2014. The principal function of the committee is to implement the Continuing Professional Development programme in the country. The composition of the Committee is as appointed by the Council.

The Committee works hand in hand with the CPD Directorate at the Secretariat. The Directorate co-ordinates the activities of the Committee and assists in executing its mandate.

The Chairperson of the committee is Mr. Henry Ongicho, the Vice Chairman is Mr. Julius Kitheka

### **Responsibilities of the Committee:**

1. The Committee develops the curriculum and content of the program through its annual calendar of events.
2. Enforcement of CPD Rules. The CPD Regulations make it mandatory for all members to comply with the CPD Regulations every year before issuance of practicing certificates or to be exempted

before renewing their Practicing Certificates. The CPD sub-committee on accreditation handles several applications for exemption and accreditation from members.

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 trainings on professional development for lawyers.

### **Successes of the Committee**

1. The CPD Committee together with the CPD directorate organized a total of 73 online seminars otherwise referred to as webinars. The webinars were lauded for their convenience and ease of participation by members from anywhere across the world.
2. Increased visibility and awareness of CPD events  
Notices for upcoming CPD events were sent through fliers which are posted on LSK social media platforms and also circulated via whatsapp. Monthly notices are also sent to the members and weekly reminders through the LSK newsletter.
3. Participants appreciated the choice of speakers and topics selected by the committee.
4. The committee organized an additional 5 events on Electoral Laws following a request from the members in preparation for the General Elections held in August 2022 and another 3 events on Induction Course for newly admitted advocates.
5. Revenue generation through accreditation and sponsorships.

The following webinars elicited good response:

1. Land Law: E-Conveyancing: Challenges and Successes
2. Mental Health
3. Criminal Law: The Law, Practices and Policies on Bail and Bond
4. Family Law: Is Alimony a Myth in Kenya? An Analysis of Recent Kenyan Jurisprudence and Attitudes
3. Strathmore University
4. Refugee Consortium of Kenya
5. Lexserve Trust
6. International Commission of Jurists (ICJ)
7. My Afya Africa

### CPD Events Statistics

- There were 44 seminars in 2014
- There were 47 seminars in 2015
- There were 44 seminars in 2016
- There were 54 seminars in 2017
- There were 56 seminars in 2018
- There were 72 seminars in 2019

CPD webinars were introduced in the year 2020 following the outbreak of the Covid pandemic. They have continued to date.

- There were 45 webinars in year 2020
- There were 100 webinars in year 2021
- There were 73 webinars in year 2022

### Accreditation:

The committee successfully monitored trainings offered by accredited institutions to ensure quality assurance. In this regard, the following organizations were accredited to offer courses in the year 2022

Annual subscription:

1. Kenya School of Law
2. Lawyers Hub
3. Haki Africa

Subscription for one off trainings:

1. FIDA Kenya
2. East African Breweries Ltd (EABL)

### Requests

Members requested for diverse and interactive modes of offering trainings such as panel presentations and specialized seminars for small groups, members also requested for a return of physical/ in-person events.

### Compliance

Compliance with CPD requirements has continued to increase over the years along with an increase in the membership as shown below.

Year	Compliant Advocates
2011	4685
2012	5263
2013	5751
2014	6206
2015	6827
2016	7818
2017	7501
2018	9476
2019	11724
2020	13102
2021	13997
2022	15239

### Work in progress

1. The Committee has developed guidelines for accreditation 2022 which are awaiting approval before implementation.
2. Through its sub-committee on digest, the committee is working on the second edition of the CPD digest. Papers presented

at CPD events have already been collated and committee members are editing the same before publication of the digest.

## Challenges

1. System challenges at the secretariat; The secretariat has been facing several challenges with the system which has affected service delivery. Some of the challenges have led to zero billing, members are unable to view their points on the portal, failure in receipting after payment which affects delivery of registration tabs to the portal among others. The challenges are being addressed with a view of streamlining the processes.

## 2. Compliance and Ethics Directorate

The Law Society of Kenya Act 2014 under Section 4 provides for the functions and objects for which the Society was established and this have been elaborated under our strategic objectives for the **Compliance & Ethics Directorate** and the LSK in general. The strategic objectives are to:

1. Provide transformative member services/welfare.
2. Improve administrative and governance structures.
3. Promote the implementation of the constitution, the rule of law and the administration of justice.
4. Enhance standards of learning, professional competence and conduct.
5. Enhance sound financial, budgeting and risk management systems.

The Compliance & Ethics Directorate is currently headed by the Deputy Secretary/Director **Ms. Mwathi Kitonga**, assisted by the Program officer **Ms. Njeri Mutitu** and the Program Assistant **Ms. Angelica Mecha**. In order to fulfill these strategic objectives and to ensure the smooth running of the Secretariat, the directorate has achieved the

following in the year 2022:

1. offered quality services to members
2. enhanced standards of professional and ethical conduct for the legal profession in Kenya
3. promoted the rule of law
4. undertaken project work
5. undertaken departmental administrative work

The directorate ensures integrity and professionalism within the legal fraternity is maintained. The directorate undertook the following core activities in 2022 so as to successfully fulfill its main objectives:

1. Monitoring Advocates' compliance with statutory requirements before undertaking Legal practice which entails giving of approvals before processing of practicing certificates for advocates who have complied with Tribunal orders.
2. Receiving and responding to inquiries on Advocates.
3. Overseeing the day to day operations of the Tribunal including liaising with stakeholders.
4. Issuing certificates and letters of good standing.
5. General administration and management of the Secretariat and staff (Human Resource).
6. Managing complaints against advocates and prosecuting matters before the Tribunal.
7. Organized and conducted the Advocates Disciplinary Tribunal Induction, 2022.
8. Responding to general departmental correspondence and issuing notices for Tribunal sittings.
9. Preparing reports for applications for notary public and commissioner for oaths.
10. Preparing reports for applications from foreign advocates who want to practice in Kenya.



11. Preparing reports for notice of intention to take out practicing certificates.
12. Managing the Disciplinary Tribunal Database e.g. preparing of reports to the Registrar, extraction of orders and ensuring that litigants are served efficiently.
13. Project work
14. Assisting the office of the CEO.

### **3. Parliamentary Affairs and Legislation**

The Department of Parliamentary and Legislation pursued the twin objectives of enhancing access to justice and facilitation of constitutionalism and the rule of law, under the strategic plan.

#### **Legislative Reform and Advocacy**

As part of ensuring compliance with the Constitution and the rule of law, in the period running from April 2022 to February 2023, the department reviewed and submitted comments to parliament and selected governmental agencies.

The department issued notices on the following legislations which were shared out to members for comments, views collated and consequently used to prepare memoranda to the parliament. The legislations were namely:

1. Fair Administrative Action Rules, 2022
2. Draft Rules for Admission of Advocates
3. The Draft Advocates Bill, 2020
4. Statute Miscellaneous Amendment Bill, 2020
5. Public Finance (Amendment) Bill, 2022- legislation on public debt
6. Power of Mercy Draft Bill 2022
7. Elections Finance Bill 2022
8. Draft Motor Vehicle Inspection Regulations, 2022
9. Draft Traffic (Drunk Driving) Rules, 2022
10. Draft Advocates Bill, 2020

11. The Online Hearing Procedure Guidelines, 2023 for the Public Procurement Administrative Review Board
12. Public Private Partnership Regulations, 2022 (establishment of the Petitions Committee)
13. The Independent Electoral and Boundaries Commission (Amendment) Bill, 2022
14. Motor Vehicle Inspection Regulations, 2022 & Draft Traffic (Drunk Driving) Rules 2022
15. Statute Law (Miscellaneous Amendments) Bill (National Assembly Bills No. 60 of 2022)
16. Excise Duty (Excisable Goods Management System) Regulations, 2023
17. Gazette Notice No. 15792 on the National Taskforce on Improvement of the Terms and Conditions of Service of the National Police Service and Kenya Prisons Staff.
18. The Privatisation Bill, 2023

#### **Partnerships and Collaborations on Access to Justice and Rule of Law**

In order to broaden synergy through partnerships and collaborations, the department of parliamentary affairs opened discussions with the following institutions:

1. **Haki Radio** to pursue a joint radio programme on access of Justice and the rule of law. This will engender our public legal education programme. Among activities sought debating on legislative issues before the parliament, educating the public on sessional legal matters and jointly coming up with an FM radio station either by getting frequencies from Communication authority or getting hosted in any available KBC radio frequencies.
2. **Tetrtech-** to pursue partnership to jointly work on post-election evaluation to enable us come up with key legal reform recommendation

to be put before the August house

**3. Deaf Association of Kenya-** to pursue drafting stronger legislation on sign language and lobby for its enactment as an Act of parliament.

**4. Paralegal Society of Kenya -** to pursue development of regulations on paralegals under section 40 (o) of Law Society Act 2014, consequence to AGM resolution to develop the 2014 LSK Regulations under section 40.

Further, the Department participated in the following activities with the view of strengthening the relationships with our partners -

- Stakeholders Validation Workshop on the Public Private Partnership Regulations, 2022 by the Directorate of Public Private Partnership Held On 4<sup>th</sup> November, 2022.
- The 17<sup>th</sup> Annual Meeting of African Science Academies (AMASA 17) and Scientific Conference with the theme, “Strengthening Capacity for Sustainable Agriculture and Food Systems in Africa” held on 28<sup>th</sup> -30<sup>th</sup> November, 2022
- Stakeholder Seminar on the Gazetted Public Service Commission (County Appeals Procedures) Regulations, 2022 – 8<sup>th</sup> December, 2022
- Stakeholders Validation Workshop On Certified Public Secretaries Draft Bill – 5<sup>th</sup> December, 2022
- Hosting of a meeting with the Delegation of Ugandan Parliamentarians to Benchmark the Kenyan Legal Aid Bill and implementation Challenges on 16<sup>th</sup> November, 2022

#### **4. Practice Standards Directorate**

The Law Society of Kenya Act 2014 under Section 28 (2) (a) provides that the Secretariat shall consist of the **Practice Standards Directorate** which shall be responsible for the 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 **Ms. Mwathi Kitonga, Advocate** is the Director of the Practice Standards Directorate and the Secretary to the Practice Standards and Ethics Committee which also plays a role in the directorates’ activities. The Directorate has objectives that it has managed to fulfil to ensure the smooth running of the Secretariat in 2022.

These include:

- offer quality services to members
- enhance standards of professional and ethical conduct for the legal profession in Kenya/practice matters
- promote the rule of law and improve practice standards
- undertake project work
- undertake departmental administrative work

The Directorate has responsibilities to maintain so as to enhance the standards of professional and ethical conduct as well as to handle practice matters which arise within the legal profession. Since its establishment, the Directorate has made great advancements in improving the practice environment especially with regard to weeding out masqueraders/quacks. The Directorate continues to carry out its day-to-day activities to provide services to members.

The following are some of the activities the Directorate has undertaken during the year:

1. Issuing letters of no objection
2. Dealing with practice matters and applications to the Council on practice issues
3. Drafting and submitting legal opinions on practice issues
4. Managing complaints against advocates

5. Weeding out masqueraders/quacks
6. General Administrative work
7. Project work
8. Liaison with the Advocates Complaints Commission and other relevant stakeholders
9. Handling general enquiries on advocates
10. Sensitizing advocates on the Advocates Practice Rules
11. Planning and holding sensitization forums for advocates on practice issues
12. Assisting the office of the CEO
13. Attending to walk-in clients
14. Responding to correspondence

## **5. Internal Audit Department**

The Department is tasked with the responsibility giving an assurance on the adequacy of the Internal Control Systems of the Society. The Internal Audit department is headed by **CPA Joab Mbakaya**. The department reports quarterly to the Audit & Risk Committee on the implementation of the Annual Audit Work plan.

The department executed the 2022 approved work plan and tabled the findings to the Audit & Risk committee through three meetings held during the year. In the first meeting held on 28th April 2022, the Audit & Risk Committee deliberation revealed areas of weakness that needed to be addressed in order to ensure an effective and efficient operation of the Society. The committee passed five key resolutions that were adopted by the Council for implementation by the management.

In the second meeting held on 10th May 2022, the committee deliberated on two key reports of Communication and ERP Implementation, noting the recommendations and management comments on the findings. The committee passed six key resolutions that were presented for Council's adoption and implementation by

the management, while in the last meeting held on 22nd December 2022, the committee passed three key resolutions which were adopted by the Council.

The department made a follow-up on the implementation status of the various reports tabled before the committee including the management letter by the external auditors, issues that were successfully implemented were closed. During the year, the department coordinated the forensic audit by Crowe and Erastus for the period 1st January 2019 to 31st December 2021, the findings were presented to the members at the SGM held on 18th November 2022.

## **6. Information Technology**

### **Introduction**

ICT is a strategic function in any organization because all operational functionalities are highly dependent on sound systems to operate.

The core mandate of the department can be summarized as enabling the other functional departments and units efficient and effective means of conducting their business with ease by ensuring smooth running of all ICT systems.

### **Online Member Services**

The ICT department was instrumental in ensuring availability of online member services like the online portal, online payment gateway, online application of Practising Certificate and online booking of CPD Events.

The department through the Member Services Unit supported members throughout the year responding to member queries in person, on email and through telephone calls.

The department continually assisted in resolving of technical issues with the Enterprise Resources Planning (ERP) System throughout the year while in consultation with the service providers. This led to continued service delivery to members.



To ensure smooth running of the online services, periodic system performance checks were conducted while applying the necessary measures to ensure data integrity and security.

## **LSK ERP System and Judiciary JAMs System Integration**

### **A) Electronic Practising Certificate Issuance**

Following the integration of LSK and Judiciary systems, the process of issuance of 2023 Practising Certificates online commenced in December 2022 where members need to upload the signed practicing application documents on their LSK online accounts in the quest to fully digitize the process with the goal of going paperless at the Secretariat.

Members are no longer required to physically present the Practising Certificate application documents at the Secretariat and this has made the process more user friendly as members can complete the process from wherever they are.

The uploaded documents are subsequently verified by the Secretariat and the Judiciary is able to generate a digital Practising Certificate within a short period of time.

Additionally, there will be no need for members or their representatives to make a journey to the Secretariat to collect their Practising Certificates because the same are available online.

Although the process has not gone without some technical challenges, the technical teams from both the LSK and Judiciary have been working tirelessly to address the identified issues as well as adding more functionalities with the aim of improving the user experience.

### **b) Newly Admitted Advocates**

This integration which is ongoing will enable the LSK systems to be updated automatically by the Judiciary's AMs System without the need to manually key in the newly admitted details.

This will ensure creation of new accounts promptly and ensure that newly admitted Advocates are able to access the services in a timely manner.

### **c) Commissioner for Oaths and Notary Public**

Members will be able to apply for Commissioner for Oaths and Notary Public online and the JAMs Systems validates and receives comments from LSK in digital format improving service delivery to members.

### **Online Meetings and Webinars**

The Department has continually assisted in setting up of the online meetings for various groups as well as conducting trainings on the online meetings.

### **Office Technical Support**

The department ensured that there was network availability, availability of the email system, installation of security patches, installation and configuration of new computers, repair of minor faults, replacement of broken parts/equipment and user training.

The department supported the existing systems like the email system, ERP System, Biometric System, Bulk Email System and Telephone System throughout the year.

Technical support to the ABA and SIRD offices was continually undertaken.

Additionally, the department was involved in budget making and advisory of the technological needs of the Society.

### **ICT/IP Committee**

- The ICT/IP Committee organized a free Webinar on the Africa Continental Free Trade Area (AfCFTA) and Intellectual Property Rights (IPRs) in Kenya in November 2022 which was attended by over one thousand members.

- The Committee members agreed to be sending articles touching on ICT or IP legislation and emerging areas to be included in the LSK weekly newsletter to educate members on matters relating to ICT/IP.
- The ICT/IP Committee through the chairperson Ochieng Gor, Council member gave their views on the integration between LSK and Judiciary systems during the joint LSK-Judiciary retreat in November 2022.
- Some members of the committee published articles on the Commonwealth Lawyers Association on “An ICT perspective on Kenyan Elections 2022” and *Technology in the Kenyan presidential petition and what it can teach us about legal practice in the future.*

### Challenges

- Slowed support by service providers due to delayed payments led to Internet connection disruption, electric power cuts and telephone disconnection among others.
- Lack of a dedicated Member Services human resources leading to delayed responses at times.

### 7. Procurement Department

Mr. Boniface Kivuva is the head of the procurement department. The department is responsible for the provision of technical leadership on all matters to do with sourcing, policy development, and illuminating the staff on procurement systems and processes taking cognizant of the emerging issues in the field with a view of amplifying efficacy in the Society’s operations.

Below are some of the departmental objectives;

- Cost leadership through cost-benefit analysis approach.
- Enhanced operational efficiency and effectiveness
- Optimum and prudent utilization of available scarce resources
- Responsible sourcing
- Developing robust strategic alliances/partnerships
- Supply Chain value creation and additions

The procurement department is nexus to the supply chain management processes which involve both upstream and downstream operations which include logistics management, sourcing, acquisition, product value addition amongst other pivotal supply chain activities. This has been achievable through synergy creation and building rapport between the procurement function and the user departments which together constitute a supply chain management team.

In support of the Society’s goals and objectives, the Unit has continuously developed sourcing strategies that support the overall Society’s strategies; such as the development of Key Performance Indicators (KPIs), supporting the Society’s procurement needs for a diverse and globally competitive supply base and development of supply options and contingency plans that support Society’s overall strategic plan of intending to move from transactional to a strategic approach.

The department has warranted a progressive enhancement of the cross-functional collaboration to streamline Society’s procurement processes through the development of explicit and succinct technical specifications resulting in reduced procurement operational costs and enhanced ability to verify the conformity of the said technical specifications upon supply and delivery of the resulting product(s) thus achieving high-efficiency levels whilst at the same time enabling

improved effectiveness and great customer service and experience.

The department developed Consolidated Annual Procurement Plan(CAPP) which emanated from the specific departmental procurement plans/ work plans then rationalized and amalgamated. CAPP is an accounting document that is mapped with the overall Secretariat's budget estimates used to eradicate maverick purchasing whilst promoting strategic supply chain management and therefore an accounting tool.

The department has further developed a procurement service charter that helps to smoothen supply chain management operations and equally manage suppliers'/ service providers/ contractors' and user departments' expectations in respect to procurement services and activities such as the delivery of products and services, standards of quality and conflict resolutions.

As the department toiled to deliver in its mandates, below are some of the challenges it faced;

- Sometimes it was an uphill task to strike a balance in all the factors of the Scope triangle (Cost, Quality, and Time) as they are inherent in all projects, and, either way, they must trade-off.
- Supply chain uncertainties such as global supply chain disequilibrium that affects the global, regional and local economy leading to price surge, this ultimately affected the delivery of some of the departmental mandates.

## **8. 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.

The department consists of Ms. Agnetta Rodi, Programme Officer, Ms. Gloria Kuyoh, Programme Assistant, and Ms. Maureen Kung'u – Intern.

To achieve the strategic objective, the department undertook the various activities as highlighted below during the year 2022;

- **Communication with LSK membership:** The department is charged with the responsibility of communicating to the over 20,000 advocates via Email (notices and newsletters), Bulk SMS and Social Media platforms amongst others on various issues affecting the membership.
- **The Department enhanced the visibility of LSK by facilitating media coverage through the mainstream media for various LSK events/activities which included:** Press conferences/briefings/ statements on various issues including harassment of a motorist. Memorandum on the finance bill, LSK Press Statement on Withdrawal of Graft Cases by the ODPP and CAS Recruitment by PSC and LSK Council Congratulating the New Administration amongst others.
- **The Weekly electronic newsletter:** The department circulated over fifty 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
- **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.



- N/B- The website is currently being revamped to improve engagement with the members (advocates) and members of the public.
- The department developed a draft Communications Policy which will handle the various forms of communication dispersed by the Law Society of Kenya by ensuring that important information is relayed to the right people, through internal and external communication. The draft plan is currently awaiting validation by the council for implementation.
  - LSK Events/ Activities; In collaboration with the various departments and committees, the department live streamed LSK events on the LSK social media pages e.g CPD webinars amongst others. Other events the department was involved were; distributing publications during the Legal awareness week, liaised with the ICT department to update the website etc.
  - Knowledge creation through publications: The department spearheaded the publishing of the LSK Advocate magazine (Annual Conference Edition) which was circulated to the members. Currently, the LSK Editorial Committee is working on publishing the LSK Journal 2021 and 2022.
  - The department offered support to other departments by highlighting and reporting on their various activities/events to members through the LSK weekly newsletter.
  - SMS Platform: The department also circulated over thirty Short Message Services (SMS) to members through the LSK bulk SMS platform on the various CPD Seminars, LSK events, programs, activities 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 for ease of access by members of the public.
  - To improve professional competency: the department has managed to attend and accompany the Council to various meetings and thereafter reports disseminated to the members via the weekly newsletter. The department has also held a consultative meeting with NCAJ communication Consultant – matters discussed included communication gaps in the legal fraternity, communication channels that can be employed and communication collaboration between legal partners and stakeholders.

### Planned Activities

- Rebranding Activities: The launch of a rebranded newsletter, website and logo; Upon approval by the Council, the department has been involved in designing new posters for events and webinars, website development meetings and presentation of new designs for the newsletter and logo. We hope to launch a fresh and revived look for the Society in 2023.
- LSK Publications: Through the Editorial Committee, the department is working on publishing the LSK Law Journal 2021 and 2022.

## 9. **Finance Directorate**

The Finance and Administration directorate was 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).

The year was productive despite challenges posed by increase in commodity prices and high inflationary rates

### **Management of LSK Revenue**

To improve on the efficient and financial workflow, the department handled different financial transactions relating to different programs and projects such as,

- Continuous Professional Development (CPD) which were held both physically and virtually.
- Processing of annual and new practicing Certificate
- Disciplinary Tribunal Committee which were done virtually.
- Facilitation of Good standing certificate
- Facilitation of ABA back fees Payment.
- Management of program activities and funds
- Support ABA in financial management

Over 14,000 practicing certificate application payments were processed with most of the submission done online.

### **Improve Financial Management Systems**

The Enterprise Resource Planning (ERP) system is now up and running with well managed troubleshooting feedback mechanism. To improve the efficient of the work flow, the directorate is working closely with the ICT department to ensure that the ERP system is fully automated.

The directorate continues to improve on services to members on event booking platform. Management of CPD seminars and Practicing certificate application have been migrated to member self-service portal and this has made it a demand driven service. The directorate was able to address the increased Email Enquiries by members. Application for year 2023 going forward will be done online where pc application documents are uploaded in the portal.

### **Institutionalizing Budget process**

The directorate in conjunction with other directorates prepared and consolidated the Society year 2023 Annual budget estimates. This together with the annual work plan were presented to the Budget and Finance committee for review and prepare Management reports.

### **Ensure statutory compliance**

The directorate has ensured that all the statutory requirements are complied with.

### **Administrative Support-HR & General**

The directorate have provided the necessary archer support to other arms of the Society as and when the need arise.

This include but not limited to; management of the Staff leave matrix, office logistics, collection and remittance of ABA fees including ABA back fees, Devolution funds disbursements and Annual grant to the branches and management of line committees among others.

### **Enhance Financial Reporting**

The Directorate continues to be guided by Finance and Accounting Policy Manual since it provides a comprehensive documentation of the Society's financial accounting and reporting procedures and processes and budget management in line with the new system development and other related International Reporting Financial Standards (IFRS) reporting requirements. As a

statutory requirement, the directorate is finalizing on the end year Y2022 Audit.

## 10. Public Interest and Litigation Directorate

The Directorate of Public Interest, through its Department of Public Interest and Litigation, would like to bring the following to the Council's notice. The department pursued the following goals:

### MANAGEMENT OF CASES

The department undertook the following case management tasks:

1. Identified/received proposals from the Convener, PIL Committee, Council, and the public to initiate public interest litigation.
2. Coordinated case referrals and consultations with the PIL Committee and Council.
3. Conducted research on the public interest matter to appropriately referred cases.
4. Identified an advocate by using the Pro Bono database.
5. Notified the PIL Committee of the name of the Advocate to be instructed.
6. Issues instructions letters to the advocates outlining the case's brief and the disbursement charges to which the advocate will be entitled.
7. Created a physical case file for the referral.
8. Provided technical support to the Advocate on the record.
9. Processed disbursements for the Advocate on record
10. Kept track of cases that have been resolved and those that are still active,

## Herein is a case bulletin of the cases instituted in the year 2022

The department has created a case database, which is provided below, to keep track of the cases that have been resolved and those that are still pending;

### 1. CIVIL APPEAL (APPLICATION) NO. E337 OF 2022 JSC & CJ Vs. KATIBA INSTITUTE AND 4 OTHERS RULING

On 11<sup>th</sup> March 2022, Gazette Notice No. 2529 and Gazette Notice No. 2530 (hereinafter 'Gazette Notices') were published in Kenya Gazette Vol. CXXIV No. 44 by the Judicial Service Commission (JSC). These Gazette Notices declared vacancies and invited interested and qualified persons to fill 6 positions in the Office of Judge of Court of Appeal and 20 positions in the Office of Judge of High Court.

On March 31, 2022, Katiba Institute filed Constitutional Petition No. E128 of 2022 in the High Court, challenging the constitutionality and rationale of the Judicial Service Commission's invitation and call for applications in the face of pending litigation concerning the appointment of judges, including Civil Appeal Case No. 369 of 2019 and Civil Appeal Case No. 268 of 2020.

The Petitioners, who were supported by the third interested party, prayed for an injunction to halt the process of recruiting new Court of Appeal and High Court judges, among other prayers.

The Law Society of Kenya (LSK) mandated to inter alia protect the public interest and exclusive statutory mandate of dealing with the welfare of its members, joined the petition as 2<sup>nd</sup> interested party and opposed the petition. A similar position was taken by the 1<sup>st</sup> interested party. On 3<sup>rd</sup> June 2022, the Court delivered judgment in favor of the petitioners and issued a conservatory order **suspending any further action by the 1st Respondent including invitation, consideration,**



**evaluation, deliberation, processing, review and/ or interview of Applicants and or applications for appointment to the Office of Judge of the Court of Appeal and Office of Judge of High Court pursuant to the decision contained in Gazette Notice No. 2529 and 2530 dated 4th March 2022 in the Kenya Gazette Vol. CXXVI-No. 44 dated 11th March 2022 pending the hearing and determination of the Petition.**

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JSC, dissatisfied with the decision, filed an appeal with the Court of Appeal, arguing that the recruiting should proceed in the public interest due to the paucity of judges.

After assessing the merits of the Appeal, the Court of Appeal delivered judgment on 16<sup>th</sup> June 2022 and held that **the applicants successfully demonstrated both arguability and the nugatory aspect, and bolstered this with a demonstration that it is in the public interest that the recruitment process of the much needed Judges proceed uninterrupted pending the hearing and determination of the petition before the High Court and conversely that the 1st and 5th respondents failed to demonstrate what prejudice they stand to suffer if the recruitment process proceeds as intended.**

The Society thanks **Mr. Omwanza Ombati**, for representing the Society in the matter on a pro bono basis.

## **2. AN UPDATE ON THE LATE CYNTHIA NANJALA'S CASE**

Ms. Cynthia Nanjala passed away at Kenyatta Hospital on June 3<sup>rd</sup> 2022, the after sustaining injuries from an alleged assault while working as a house assistant at a senior military officer's home in Embakasi. Since then, two suspects

inked to the murder were apprehended and investigations are ongoing. A postmortem examination on Ms. Nanjala's body was conducted, but it yielded inconclusive results.

The Society recruited Mr. Evans Ogada to assist Ms. Nanjala's family in obtaining justice.

He recorded the witness accounts and requested that the Chief Government Pathologist evaluate the initial (inconclusive) postmortem report on June 16, 2022.

He also contacted The Independent Medico-Legal Unit (IMLU) to request a referral to a pathologist for an independent postmortem examination and third opinion.

Steps are currently being made to ensure the safety of the witnesses.

The Society thanks **Mr. Evans Ogada**, for representing the Society in the matter on a pro bono basis.

## **3. AN UPDATE ON THE LATE MAUREEN KIOI'S CASE KIAMBU HIGH COURT CRIMINAL NO. E21 OF 2022: R v CHARLES GITHINJI FOR VICTIM: MAUREEN WANGUI KIOI**

The Society was taking note of the disappearance of 12 yr. old Maureen Kioi which occurred in April. Her body was discovered later, and a convicted matatu driver is being probed in Nairobi for the suspected murder of the Grade Six student.

Mr. Colin Warutere was assigned by the Society to aid Ms. Kioi's family in getting justice.

The case was assigned case number **HCCR E021/2022**

The police file was placed before the Deputy Registrar yesterday and she made the following orders;

1. Mental assessment is done to the accused before plea is taken;

2. Plea deferred to **5th July, 2022** before **Hon. Lady Justice Ng’etich**;

3. Accused to remain in custody till then;

4. Mental assessment report to be filed and served before the next court date.

The Society appreciates **Mr. Colin Warutere** for representing the Society on a pro bono basis.

#### **4. AN UPDATE ON THE LATE SHEILA LUMUMBA’S CASE**

Ms Sheila Lumumba, a 25-year-old Kenyan woman, was sexually assaulted and killed in Karatina, Nyeri County sometime in April 2022.

Her killing sparked public outrage at a time when the country has been plagued by disappearances, murders, police harassment, and hate crimes perpetrated towards minority groups.

In light of the aforementioned, the Society wrote to the Inspector General of Police and the Directorate of Criminal Investigations (DCI) demanding that they expedite their investigations into Sheila’s murder so that the perpetrators are identified, arraigned, and prosecuted.

The Law Society further asked Ms Carol Mwikali Guy Advocate to represent the Society in any ensuing proceedings and ensure that the issue is conducted fairly and speedily as part of its duty under Section 4(e) of the LSK Act.

Unfortunately, no arrests have yet been made, causing Ms. Guy to continue writing a series of letters to the DCIO Mathira East in an attempt to keep track of the investigations.

The Society appreciates **Ms Carol Mwikali Guy** for representing the Society on a pro bono basis

#### **5. ELC NAKURU PETITION 18 OF 2022 KITUO CHA SHERIA V AG AND OTHERS**

In this case, the petitioner is suing on his behalf as well as on the behalf of 66 other aggrieved people of Barturn and Ngarwa in Baringo County

who are members of the Ichamus and Tugen communities. The petitioner has prayed that the court declares that the five defendants failed, refused, or neglected to take precautionary measures to predict, prevent, or mitigate the causes of climate change. As a result, that the Petitioners are entitled to full restitution for their losses, and programs to provide access to land for squatters and others displaced by natural disasters are implemented.

Thousands of people have been displaced, and property and livelihoods have been destroyed as a result of rising water levels in Kenya’s lakes.

The Society thanks **Mr. Evans Ogada , Advocate** for his service and **Antoinette Zowade, Advocate** who has offered to serve as second chair.

#### **6. NAIROBI ELRC PET E194 OF 2022 LEGAL ADVICE CENTER VS AG AND OTHERS**

The Petitioner challenges the rampant extrajudicial killings and enforced disappearances in the country and inter alia prays that;

1. A declaration that the IPOA, and not any other investigatory body including the NPS, shall initially, independently, and exclusively, investigate all incidents of death and serious injury caused by a member of police on service or occur while in police custody.
2. A declaration that all inquiries into all cases of fatality or serious injury resulting from police action, brought on by a police officer who is on duty, or occurring while the officer is in detention are null and void.
3. An order directed to the attorney general and the ministry of foreign affairs to begin the process of ratifying the international convention for the protection of all persons against enforced disappearances.

The Society thanks Mr. Karori Kamau, SC who is handling the case on a pro bono basis.

## **7. NAIROBI CONSTITUTIONAL PETITION NO. E407 OF 2020 DIGITAL FINANCIAL SERVICES ASSOCIATION OF KENYA VS NATIONAL ASSEMBLY ET AL**

The petitioners, in this case, Digital Financial Services, are a 2019-founded organization of 25 members that offers digital-first loans. Its goal is to bring together top digital-first loan providers and related stakeholders to support responsible growth in the digital lending sector and a wider range of digital financial services in Kenya.

Clause 34(d)(6) of the First Schedule to the Excise Duty Act has been amended and substantially changed by the Finance bill, which imposes a 20% excise tax on fees that digital lenders may charge. It is interesting that the impugned provision, which was adopted as Section 35 (6) of the amending act, first emerged in the amending act and had not been mentioned at all in the bill or departmental committee report. It was never debated in parliament and was introduced on the floor of the house at the committee of the whole house stage and after public hearings were concluded.

The petitioner filed the instant petition seeking orders that the impugned change introduced in paragraph 6 of part II of the first schedule to the Excise Duty Act 2015 as amended by Sec 35 (d) (ii) is unlawful, null, and void. LSK is Petitioner in HCCHRPET/E372/2022 Law Society of Kenya VS Kenya Revenue Authority AND National Assembly AND 4 Others (Petition as against adjustment of excise duty in Finance Act 2022) alongside the Kenya Association of Manufacturers challenging a separate clause on excise duty. All the related petitions were consolidated.

The matter is set for directions on 18th November 2021

The Society thanks Mr. Noel Ngoloma Okwach for acting in the matter on a pro bono basis.

## **8. NAKURU CONSTITUTIONAL PET 20 OF 2022 KIPKOECH NG'ETICH VS IGP AND 2 OTHERS**

The petitioner, in this case, filed a petition against the IGP on the grounds that highway officers have persistently intimidated motorists and have turned Kenyan highways and roads into hotspots for extortion. The appeal seeks conservatory orders to prevent the DPP and police from further detaining, arresting, or accusing drivers for violating no existent or ambiguous arbitrary speed limits. He additionally demanded that KenHA divulge the number of signs that had been installed along the highways and to prominently post speed restriction signposts.

LSK is enjoined as 3rd Party in the petition.

The Law Society thanks **Ms. Cheserek Jepchumba Judy, Advocate** for volunteering to take up on the matter on a pro bono basis.

## **9. AN UPDATE ON THE APPLICATION FOR LEAVE ON MOTOR VEHICLE DIGITAL PLATES; PETER OKIRO VS CABINET SECRETARY, MINISTRY OF INTERIOR AND COORDINATION OF NATIONAL GOVERNMENT & 2 OTHERS**

All vehicles driven on Kenyan roads are registered and issued with registration plates by relevant institutions of the Governments under whose laws they are so registered. On 1<sup>st</sup> April 2016, the Cabinet Secretary, Ministry of Transport and Infrastructure enacted the Traffic (Registration Plates) Rules 2016 gazette vide Legal Notice No. 62 of 2016 of 15<sup>th</sup> April 2016. On 30<sup>th</sup> August 2022, a declaration was issued out on the implementation of the Traffic (Registration Plates) Rules 2016 and directed motor vehicle owners to apply for digital registration plates within the next 18 months. It also directed that the issuance of the digital registration plates will commence with newly-registered vehicles beginning with the registration number KDK series while



replacement of existing registration plates with the digital registration plates shall commence on the 1<sup>st</sup> day of October 2022. It further directed that motor vehicle owners who fail to replace registration plates shall be liable to a fine of Kshs. 20,000/= or imprisonment for six months. The directive requiring mandatory replacement of registration plates for already registered motor vehicles at the expense of motor vehicle owners has no backing of the law, is arbitrary, irrational, unreasonable, unfair, punitive and generally ignorant of consumer rights and it was made without any or any reasonable public participation. Further, the impugned decision is a foul Articles 10, 47, 94 and 118 of the Constitution of Kenya 2010 and Sections 4 and 5 of the Fair Administrative Action Act, 2015.

The Law Society of Kenya is enjoined as an interested party. The Society thanks **Ms. Antoinette Zowade, Advocate** for volunteering to take up on the matter on pro bono basis.

#### **10. SCORK ELECTION PETITION NO. E005 OF 2022**

The Law Society of Kenya (LSK) is statutorily obligated by section 4 of the Law Society of Kenya Act, 2014 to assist the courts and the public in matters relating to the rule of law.

In discharging this mandate, the Law Society of Kenya has filed an application for admission as amicus curiae to the petition. The Supreme Court granted the Society's application to join the petitions as amicus curiae (friend of the court) following the outcome of the presidential election and the disputation of the results in SCORK consolidated Petition E005 of 2022, ruling that the Society has expertise in assisting the court in reaching a just decision.

LSK provided the court with further research to help develop the law on the standard of proof, the IEBC's quorum, and the meaning of a vote cast.

In discharging this mandate, the Law Society of Kenya has filed an application for admission as amicus curiae to the petition. The Supreme Court granted the Society's application to join the petitions as amicus curiae (friend of the court) following the outcome of the presidential election and the disputation of the results in SCORK consolidated Petition E005 of 2022, ruling that the Society has expertise in assisting the court in reaching a just decision.

LSK provided the court with further research to help develop the law on the standard of proof, the IEBC's quorum, and the meaning of a vote cast.

To accomplish this, the PIL Committee advised, citing the PIL code that governs the committee's operations, that with regard to appointments, which are explicitly covered by article 12 (1) of the code, and pursuant to the committee's resolution during a meeting held on **TUESDAY 2<sup>ND</sup> AUGUST, 2022 AT 2:30 P.M. AT THE ADVOCATES LOUNGE - MILIMANI** that appointment parameters take election petitions into account, appoint the following members to handle the brief on behalf of the Society.

1. **Mr. Eric Theuri- President**
2. **Ms. Faith Odhiambo- VP**
3. **Mr. Mwaura Kabata- Convener PIL Committee**
4. **Ms. Wangari Kagai- Secretary PIL Committee**
5. **Mr. Stephen Mwenesi- Lead Counsel**
6. **Ms. Wakesho Kililo- firm on record**
7. **Mr. Bernhard Kipkoech**
8. **Mr. Dan Okemwa**
9. **Ms. Jane Onyango**
10. **Mr. Evans Ogada**
11. **Ms. Judith Cheserek**
12. **Ms. Antoinette Ogange**
13. **Dr. Benjamin Musau- Volunteer**

The Society thanks all Counsel for representing the Society on a pro bono basis.

#### **11. WATCHING BRIEF IN COURT PROCEEDINGS ON THE MURDER OF MR. DANIEL MUSYOKA –IEBC OFFICER EMBAKASI EAST**

Mr. Daniel Mbolu, the IEBC returning officer for Embakasi East, was kidnapped and later found dead. The Society contacted the family and the IO, ascertaining the progress of the investigations and engaging IMLU for the postmortem and site visit to Oloitoktok. The lawsuit is still underway, and The Society thanks Mr. **Dan Okemwa** Advocate who is keeping a close eye on it on behalf of the Society.

#### **12. WATCHING BRIEF IN-COURT PROCEEDINGS ON THE MURDER OF MR. MOHAMED KANYARE –IEBC OFFICER EMBAKASI EAST**

The Society was drawn to a violent act committed against Mr. Mohamed Kanyare, an IEBC official, at the Towheed polling station in Elnur Tula ward, Eldas constituency.

On election day, he was shot by unknown people and had his leg amputated.

The Society thanks Mr. **Hassan Farah** Advocate who was assigned to watch the brief on behalf of the Society.

On election day, he was shot by unknown people and had his leg amputated.

The Society thanks Mr. Hassan Farah Advocate who was assigned to watch the brief on behalf of the Society.

#### **13. ELRC 174 OF 2022 LAW SOCIETY OF KENYA V PSC AND ANOR**

The LSK petitioned the ELRC on September 7, 2022, to contest the validity of the PSC notice inviting applications for the position of Chief

Administrative Secretary. Interim orders were issued in the case.

The court has put the case on hold until the issue of jurisdiction is determined.

Respondents filed a PO, and parties were directed to file submissions.

The date for submissions is on November 14th.

The Society thanks Ms. **Ann Ngige, Advocate** who is the Society's counsel in this matter.

#### **14. LAW SOCIETY OF KENYA V THE ATTORNEY GENERAL AND NLAS**

In exercising its mandate under section 4 of the LSK has challenged the regulation on accreditation requirements for Advocates under the Legal Aid 2016 for conflict of interest with the Advocates Act. The legal for accredited legal aid providers 2019, legal notice 121 of 2020 aid code of conduct, and the legal aid (general rules) legal notice 187 of 2021 for lack of public participation.

The Society thanks Mr. **Gilbert Medulla** Advocate who is on record for the Society.

#### **15. NAIROBI PET E186 OF 2022 DR MAGARE GIKENYI V PRESIDENT OF THE REPUBLIC OF KENYA AND ANOR**

Following a proposal from the Public Service Commission, the President of the Republic of Kenya recently named Principle Secretaries to various Ministries of the Government. The Kenya Law Society intends to challenge these irregular appointments on the basis of gender and regional inclusion. The petitioner named LSK as an interested party, and The Society thanks **Mr. Stephen Mushily** who offered to represent that the Society alongside.

The matter comes up for directions 14<sup>th</sup> November 2022 for directions.

### **16. PETITION TO CHALLENGE THE APPOINTMENT OF THE NATIONAL POLICE SERVICE PRINCIPLE ADMINISTRATIVE SECRETARY/ ACCOUNTING OFFICER**

The Law Society of Kenya has challenged the appointment of Mrs. Bernice Sialaal Lemedeket into the ranks of the Executive Office of the President as the National Police Service Principle Administrative Secretary/Accounting Officer.

The Society thanks Mr. Patrick Muchangi who is on record for the Society.

### **17. WATCHING BRIEF IN COURT PROCEEDINGS ON THE ASSAULT OF A FEMALE MOTORIST ALONG FOREST ROAD**

Sexual assault of a defenseless young lady by several bodaboda operators along Forest Road on 4th March 2022.

The Society Thanks Counsel Ivia Kitonga who is on record for the Society.

### **18. PETITION E540 OF 2021 KATIBA INSTITUTE & ANOTHER v. INDEPENDENT ELECTORAL BOUNDARIES COMMISSION & 3 OTHERS**

Seeking conservatory orders suspending the National Assembly's Resolution dated 28th September 2021, Gazette Notice 8024 of 2021 and reject the Elections Campaign Financing Regulations 2021.

The Society Thanks Counsels Evans Ogada & Wakesho Kililo who are on record for the Society.

### **19. AN UPDATE ON THE COURT PROCEEDINGS RELATING TO MAMA KWAMBOKA'S ASSAULT**

The Law Society of Kenya took note of a video recording that was circulating on social media capturing the brutal assault of a defenseless lady

Mama Kwamboka alongside her child by several persons. The Society shares Kenyans' grave concerns about gender-based violence (GBV).

In order to fulfill the Society's duty under Section 4 (e) of the LSK Act, as well as its commitment to combating discriminatory cultural practices against women and girls, Steve Ogolla Advocate was assigned to monitor the case.

The accused pleaded not guilty to all of the charges leveled against them. and were released on a Ksh.100, 000 bond with Ksh.50, 000 sureties.

The matter was mentioned on the 4th of May 2021, and the hearing of the same is set to commence on 11th October 2022 at Homabay Law Courts.

The society thanks **Mr. Steve Ogolla** for handling the case on a pro bono basis.

### **20. MISCELLANEOUS APPLICATION NO. E013 OF 2022 THE DIRECTOR OF PUBLIC PROSECUTIONS v. MARK MUTARI MAKHUTU & OTHERS**

Various petitions and applications seek to declare the Sexual Offences Act unconstitutional. LSK was enjoined as an interested party. The Society thanks **Wilfred Nderitu SC** who is the Society's counsel in this matter.

### **21. PETITION NO. E005 OF 2022 MWAURA KABATA v. THE HON ATTORNEY GENERAL & THE FINANCIAL REPORTING CENTRE (LSK AS INTERESTED PARTY)**

Seeking temporary conservatory orders to stop any further implementation of Section 2(c)(i) and Section 14(b) of the Proceeds of Crime and Anti-Money Laundering (Amendment) Act, 2021.

The Society thanks **Mr. Peter Wanyama & Mr. Felix Okanga** who are the Societies Counsel in the matter.



## **22. HCCHR PET E179 OF 2022 WANJIRU GIKONYO & KHRC v. AG AND ANOTHER**

The Petitioner seek to challenge the constitutionality of the Respondents' failure to disclose information relating to treaties/agreements and/or contracts concerning sovereign bonds signed between the Republic of Kenya and other states.

The Society thanks Mr. **Mokaya Orina** who is the counsel for the Society in the matter.

## **23. HIGH COURT CONSTITUTIONAL PETITION E075 OF 2022 COPLERS ATTORNEYS & CONSULTANCY v. THE ATTORNEY GENERAL & ANOTHER**

A petitioner seeks orders that Part 10 of the Marriage Act be declared unconstitutional because it violates constitutional provisions and undermines the rights of parties who mutually agree to dissolve their marriage.

The Society thanks Mr. **Brian Christopher Odongo** who is the counsel for the Society in the matter.

## **24. JUDICIAL REVIEW APPLICATION NO OF 2022 REPUBLIC v. SAFARICOM LTD & OTHERS**

Applicants were challenging Safaricom's unilateral decision to compel all subscribers to visit Safaricom outlets physically and have their photos taken.

The Society Thanks Counsels **Ochiel Dudley & Wanjeri Wangui** who are on record for the Law Society of Kenya.

## **25. ELC PETITION E029 OF 2022 KENYATTA UNIVERSITY**

The Society filed a petition in court to challenge the illegal directives from the President of the Republic of Kenya to the Council of the Kenyatta

University. The Society thanks Mr. **Ahmed Nassir**, Advocate for volunteering to take up on the matter on pro bono basis

## **26. WATCHING BRIEF IN THE MATTER OF MR. MOHAMED KANYARE**

Mr. Mohamed Kanyare was the IEBC Presiding officer at the just concluded general elections. He was assaulted while on duty. The Society in execution of its mandate under Section 4 is watching brief to ensure that the matter is expedited and conducted in a fair manner. The Society thanks **Hassan Mahat Farah who** is representing the Society in the matter.

## **27. CONSTITUTIONAL PETITION NO. E 290 OF 2022**

The Society lodged an appeal having been dissatisfied with the judgment in the constitutional Petition E 290 of 2022, in which Justice Antony Murima ruled and declared unconstitutional the degree requirement provided for under Section 22 (2) of the Election Act, which requires gubernatorial aspirants to have a degree before they are cleared to run.

The Society thanks Mr. **Elisha Zebedee Ongoya who** is record for the Society.

## **CASE SCHEDULE FOR THE YEAR 2022**

### **Public Interest Case List 2022-2023**

NO	COUNSEL	CASE CITATION	DETAILS	
1	Guandaru Thuita	PETITION NO. 50 OF 2020IN-VESCO ASSURANCE CO. LTD, PUBLIC TRANSPORT INVESTMENT CO. LTD v. ATTORNEY GENERAL AND ANOTHER	Seeking orders that the Plaintiffs properties are necessary for the plaintiff's performance of trade or profession and deprivation violates Article 40, 48 and 50(1) of the Constitution.	9-May-2022
2	Ivia Kitonga	WATCHING BRIEF IN COURT PROCEEDINGS ON THE ASSAULT OF A FEMALE MOTORIST ALONG FOREST ROAD	Sexual assault of a defenseless young lady by several bodaboda operators along Forest Road on 4th March 2022	9-Mar-2022
3	Evans Ogada	PETITION NO. E288 OF 2021KENYA JUDGES AND MAGISTRATES ASSOCIATION v. ODP AND DCI	Petition filed at constitutional court seeking to stop any action against Hon. Justice Aggrey Muchelule and Hon. Justice Ali Said Chitembwe	5-Aug-2021
4	Evans Oda & Wakesho Kililo	PETITION E540 OF 2021 KATIBA INSTITUTE & ANOTHER v. INDEPENDENT ELECTORAL BOUNDARIES COMMISSION & 3 OTHERS	Seeking conservatory orders suspending the National Assembly's Resolution dated 28th September 2021, Gazette Notice 8024 of 2021 and reject the Elections Campaign Financing Regulations 2021	6-Jan-2022
5	Wilfred Nderitu	MISCELLANEOUS APPLICATION NO. E013 OF 2022THE DIRECTOR OF PUBLICPROSECUTIONS v. MARK MUTARI MAKHUTU & OTHERS	Various petitions and applications seek to declare the Sexual Offences Act unconstitutional. LSK was enjoined as an interested party	20-Apr-2022
6	Peter Wanyama & Felix Okanga	PETITION NO. E005 OF 2022 MWAURA KABATA v. THE HON ATTORNEY GENERAL & THE FINANCIAL REPORTING CENTRE (LSK AS INTERESTED PARTY)	Seeking temporary conservatory orders to stop any further implementation of Section 2(c)(i) and Section 14(b) of the Proceeds of Crime and Anti-Money Laundering (Amendment) Act, 2021	6-Jan-2022
7	MokayaOrina	HCCHRPET E179 OF 2022WANJIRU GIKONYO & KHRC v. AG AND ANOTHER	The Petitioner seek to challenge the constitutionality of the Respondents' failure to disclose information relating to treaties/agreements and/or contracts concerning sovereign bonds signed between the Republic of Kenya and other states	13-May-2022
8	Brian Christopher Odongo	HIGH COURT CONSTITUTIONAL PETITION E075 OF 2022COPLERS ATTORNEYS & CONSULTANCY v. THE ATTORNEY GENERAL & ANOTHER	Petitioners seek orders that Part 10 of the Marriage Act be declared unconstitutional because it violates constitutional provisions and undermines the rights of parties who mutually agree to dissolve their marriage	16-May-2022

<b>9</b>	Ochiel Dudley & Wanjeri Wan-gui	JUDICIAL REVIEW APPLICATION NO OF 2022REPUBLIC v. SAFARICOM LTD & OTHERS	Applicants are challenging Safaricom's unilateral decision to compel all subscribers to visit Safaricom outlets physically and have their photos taken	20-Apr-2022
<b>10</b>	Omwanza Ombati	HIGH COURT PETITION E128 OF 2022KATIBA INSTITUTE v. JSC & OTHERS	Advocate appointed to represent the Society in taking action that will protect the public interest and facilitate the realization of a transformed legal profession	13-Apr-2022
<b>11</b>	Steve Ogolla	WATCHING BRIEF IN COURT PROCEEDINGS ON THE ASSAULT OF MAMA KWAMBOKA	Video recording circulating captured the brutal assault of a defensive lady and her child by several persons	21-Apr-2022
<b>12</b>	Carol Guy	WATCHING BRIEF IN COURT PROCEEDINGS ON THE KILLING OF SHEILA LUMUMBA	Sheila Lumumba was killed in Nyeri. She/they was/were last seen alive on April 14th 2022 and since then, Sheila's body has been positive identified and a post-mortem examination was performed	4-May-2022
<b>13</b>	Caroline Kituku	PETITION NO E392 OF 2020 LEGAL ADVICE CENTER v. CHIEF JUSTICE AND OTHERS	The petition challenges the electronic court system that has affected many members of the society that have pending cases in court or intend to institute new ones	5-Feb-2021
<b>14</b>	Omwanza Ombati	COACA/E337/2022JUDICIAL SERVICE COMMISSION & HON. CJ VS KATIBA INSTITUTE AND OTHERS	This is an appellate case from High Court Petition E128 of 2022. LSK have lodged this appeal because they are aggrieved by the decision of the court which favoured Katiba Institute	7-Jun-2022
<b>15</b>	Colin Warutere	HCCR NO. E021 OF 2022R v CHARLES GITHINJI (KIAMBU)	Maureen Wangui Kioi, a 12-year-old girl, was reported missing on 20 April 2022 in Githurai. Her parents and neighbors anxiously searched for her after filing a case at Mwiki Police Station, but to no avail. Unfortunately, the young girl was discovered dead on 1st May 2022, according to Missing Child Kenya. A matatu driver has since been arraigned for the suspected murder of Ms. Kioi and the case was assigned case number HCCR NO. E021 OF 2022: R V CHARLES GITHINJI. The Law Society of Kenya (LSK) is saddened by the turn of events and wishes to obtain justice for the Kioi family.	17-Jun-2022



16	Ahmed Nassir	ELC PETITION E029 OF 2022 LAW SOCIETY OF KENYA V KINYUA, HEAD OF PUBLIC SERVICE & 5 OTHERS; MIGOT-ADHOLLA & ANOTHER (INTERESTED PARTY)	Kenya University To file a petition in court to challenge the illegal directives from the President of the Republic of Kenya to the Council of the Kenya University.	13-Jul-22
17	Okwach and Company Advocates	HCCRPET/E372/2/2022 LSK v. KRA and 4 Others	The Society in conjunction with Kenya Association of Manufacturers seeks to file a petition to challenge various sections of the Finance Act	13-Jul-22
18	Hassan Mahat Farah	THE LATE MOHAMED KANYARE	Watching Brief in Court Mr. Mohamed Kanyare was the IEBC Presiding officer at the just concluded general elections. He was assaulted while on duty. The Society in execution of its mandate under Section 4 seeks to watch brief and ensure that the matter is expedited and conducted in a fair manner.	22-Aug-22
19	Dan Okewa Oino	THE LATE DANIEL MUSYOKA	Watching Brief in Court Mr. Daniel Musyoka was the IEBC Returning officer at the just concluded general elections. He was murdered while on duty. The Society in execution of its mandate under Section 4 seeks to watch brief and ensure that the matter is expedited and conducted in a fair manner.	22-Aug-2022
20	Omwanza Ombati	CIVIL APPEAL (APPLICATION) NO. E337 OF 2022 JSC & CJ Vs. KATIBA INSTITUTE AND 4 OTHERS	On 11th March 2022, Gazette Notice No. 2529 and Gazette Notice No. 2530 (hereinafter 'Gazette Notices') were published in Kenya Gazette Vol. CXXIV No. 44 by the Judicial Service Commission (JSC). These Gazette Notices declared vacancies and invited interested and qualified persons to fill 6 positions in the Office of Judge of Court of Appeal and 20 positions in the Office of Judge of High Court.  On March 31, 2022, Katiba Institute filed Constitutional Petition No. E128 of 2022 in the High Court, challenging the constitutionality and rationale of the Judicial Service Commission's invitation and call for applications in the face of pending litigation concerning the appointment of judges, including Civil Appeal Case No. 369 of 2019 and Civil Appeal Case No. 268 of 2020.	

			<p>The Petitioners, who were supported by the third interested party, prayed for an injunction to halt the process of recruiting new Court of Appeal and High Court judges, among other prayers.</p> <p>The Law Society of Kenya (LSK) mandated to inter alia protect the public interest and exclusive statutory mandate of dealing with the welfare of its members, joined the petition as 2nd interested party and opposed the petition. A similar position was taken by the 1st interested party.</p> <p>On 3rd June 2022, the Court delivered judgment in favor of the petitioners and issued a conservatory order suspending any further action by the 1st Respondent including invitation, consideration, evaluation, deliberation, processing, review and/or interview of Applicants and or applications for appointment to the Office of Judge of the Court of Appeal and Office of Judge of High Court pursuant to the decision contained in Gazette Notice No. 2529 and 2530 dated 4th March 2022 in the Kenya Gazette Vol. CXXVI-No. 44 dated 11th March 2022 pending the hearing and determination of the Petition.</p> <p>JSC, dissatisfied with the decision, filed an appeal with the Court of Appeal, arguing that the recruiting should proceed in the public interest due to the paucity of judges</p> <p>After assessing the merits of the Appeal, the Court of Appeal delivered judgment on 16th June 2022 and held that the applicants successfully demonstrated both arguability and the nugatory aspect, and bolstered this with a demonstration that it is in the public interest that the recruitment process of the much needed Judges proceed uninterrupted pending the hearing and determination of the petition before the High Court and conversely that the 1st and 5th respondents failed to demonstrate what prejudice they stand to suffer if the recruitment process proceeds as intended.</p>	
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21	Evans Ogada	THE LATE CYNTHIA NANJALA'S CASE	<p>Ms. Cynthia Nanjala passed away at Kenyatta Hospital on June 3rd 2022, the after sustaining injuries from an alleged assault while working as a house assistant at a senior military officer's home in Embakasi. Since then, two suspects linked to the murder were apprehended and investigations are ongoing. A post-mortem examination on Ms. Nanjala's body was conducted, but it yielded inconclusive results.</p> <p>The Society recruited Mr. Evans Ogada to assist Ms. Nanjala's family in obtaining justice.</p> <p>He recorded the witness accounts and requested that the Chief Government Pathologist evaluate the initial (inconclusive) postmortem report on June 16, 2022.</p> <p>He also contacted The Independent Medico-Legal Unit (IMLU) to request a referral to a pathologist for an independent postmortem examination and third opinion.</p> <p>Steps are currently being made to ensure the safety of the witnesses.</p>	3-June-2022
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22	Collin Warutere	THE LATE MAUREEN KIOI'S CASE KIAMBU HIGH COURT CRIMINAL NO. E21 OF 2022HCCR E021/2022 R v CHARLES GITHINJI FOR VICTIM: MAUREEN WANGUI KIOI	<p>The Society took note of the disappearance of 12 yr. old Maureen Kioi which occurred in April. Her body was discovered later, and a convicted matatu driver is being probed in Nairobi for the suspected murder of the Grade Six student.</p> <p>Mr. Colin Warutere was assigned by the Society to aid Ms. Kioi's family in getting justice.</p> <p>The police file was placed before the Deputy Registrar yesterday and she made the following orders;</p> <ol style="list-style-type: none"> <li>1. Mental assessment is done to the accused before plea is taken;</li> <li>2. Plea deferred to 5th July, 2022 before Hon. Lady Justice Ng'etich;</li> <li>3. Accused to remain in custody till then;</li> <li>4. Mental assessment report to be filed and served before the next court date.</li> </ol>	5-July-2022
23	Evans Ogada & Antoinette Zowade	ELC NAKURU PETITION 18 OF 2022KITUO CHA SHERIA V AG AND OTHERS	<p>In this case, the petitioner is suing on his behalf as well as on the behalf of 66 other aggrieved people of Barturn and Ngarwa in Baringo County who are members of the Ichamus and Tugen communities. The petitioner has prayed that the court declares that the five defendants failed, refused, or neglected to take precautionary measures to predict, prevent, or mitigate the causes of climate change. As a result, that the Petitioners are entitled to full restitution for their losses, and programs to provide access to land for squatters and others displaced by natural disasters are implemented.</p> <p>Thousands of people have been displaced, and property and livelihoods have been destroyed as a result of rising water levels in Kenya's lakes.</p>	27-September-2022

24	Karori Kamau Under care of Hiram Nyaburi	NAIROBI ELRC PET E194 OF 2022 LEGAL ADVICE CENTER VS AG AND OTHERS	<p>The Petitioner challenges the rampant extrajudicial killings and enforced disappearances in the country and inter alia prays that;</p> <ol style="list-style-type: none"> <li>1. A declaration that the IPOA, and not any other investigatory body including the NPS, shall initially, independently, and exclusively, investigate all incidents of death and serious injury caused by a member of police on service or occur while in police custody</li> <li>2. A declaration that all inquiries into all cases of fatality or serious injury resulting from police action, brought on by a police officer who is on duty, or occurring while the officer is in detention are null and void.</li> <li>1. An order directed to the attorney general and the ministry of foreign affairs to begin the process of ratifying the international convention for the protection of all persons against enforced disappearances.</li> </ol>	21-OCTOBER-2022
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25	Okwach & Company Advocates	NAIROBI CONSTITUTIONAL PETITION NO. E407 OF 2020 DIGITAL FINANCIAL SERVICES ASSOCIATION OF KENYA VS NATIONAL ASSEMBLY ET AL	<p>The petitioners, in this case, Digital Financial Services, are a 2019-founded organization of 25 members that offers digital-first loans. Its goal is to bring together top digital-first loan providers and related stakeholders to support responsible growth in the digital lending sector and a wider range of digital financial services in Kenya.</p> <p>Clause 34(d)(6) of the First Schedule to the Excise duty Act has been amended and substantially changed by the Finance bill, which imposes a 20% excise tax on fees that digital lenders may charge. It is interesting that the impugned provision, which was adopted as Section 35 (6) of the amending act, first emerged in the amending act and had not been mentioned at all in the bill or departmental committee report. It was never debated in parliament and was introduced on the floor of the house at the committee of the whole house stage and after public hearings were concluded.</p> <p>The petitioner filed the instant petition seeking orders that the impugned change introduced in paragraph 6 of part II of the first schedule to the Excise Duty Act 2015 as amended by Sec 35 (d) (ii) is unlawful, null, and void. LSK is Petitioner in HCCHRPET/E372/2022 Law Society Of Kenya VS Kenya Revenue Authority AND National Assembly AND 4 Others (Petition as against adjustment of excise duty in Finance Act 2022) alongside the Kenya Association of Manufacturers challenging a separate clause on excise duty. All the related petitions were consolidated.</p> <p>The matter is set for directions on 18th November 2021.</p>	
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26	Cheserek Jepchumba Judy	NAKURU CONSTITUTIONAL PET 20 OF 2022 KIPKOECH NG'ETICH VS IGP AND 2 OTHERS	The petitioner, in this case, filed a petition against the IGP on the grounds that highway officers have persistently intimidated motorists and have turned Kenyan highways and roads into hotspots for extortion. The appeal seeks conservatory orders to prevent the DPP and police from further detaining, arresting, or accusing drivers for violating no existent or ambiguous arbitrary speed limits. He additionally demanded that KenHA divulge the number of signs that had been installed along the highways and to prominently post speed restriction signposts.	
27	Antoinette Zowade	THE APPLICATION FOR LEAVE ON MOTOR VEHICLE DIGITAL PLATES; PETER OKIRO VS CABINET SECRETARY, MINISTRY OF INTERIOR AND COORDINATION OF NATIONAL GOVERNMENT & 2 OTHERS	All vehicles driven on Kenyan roads are registered and issued with registration plates by relevant institutions of the Governments under whose laws they are so registered. On 1st April 2016, the Cabinet Secretary, Ministry of Transport And Infrastructure enacted the Traffic (Registration Plates) Rules 2016 gazetted vide Legal Notice No. 62 of 2016 of 15th April 2016. On 30th August 2022, a declaration was issued out on the implementation of the Traffic (Registration Plates) Rules 2016 and directed motor vehicle owners to apply for digital registration plates within the next 18 months. It also directed that the issuance of the digital registration plates will commence with newly-registered vehicles beginning with the registration number KDK series while replacement of existing registration plates with the digital registration plates shall commence on the 1st day of October 2022. It further directed that motor vehicle owners who fail to replace registration plates shall be liable to a fine of Kshs.20,000/= or imprisonment for six months. The directive requiring mandatory replacement of registration plates for already registered motor vehicles at the expense of motor vehicle owners has no backing of the law, is arbitrary, irrational, unreasonable, unfair, punitive and generally ignorant of consumer rights and it was made without any or any	

		reasonable public participation. Further, the impugned decision is afoul Articles 10, 47, 94 and 118 of the Constitution of Kenya 2010 and Sections 4 and 5 of the Fair Administrative Action Act, 2015.		
28	<p>Mr. Eric Theuri- President</p> <p>Ms. Faith Odhiambo- VP</p> <p>Mr. Mwaura Kabata- Con- vener PIL Committee</p> <p>Ms. Wangari Kagai- Secre- tary PIL Committee</p> <p>Mr. Stephen Mwenesi- Lead Counsel</p> <p>Ms. Wake- shoKililo- firm on record</p> <p>Mr. Bernhard Kipkoech</p> <p>Mr. Dan Okemwa</p> <p>Ms. Jane On- yango</p> <p>Mr. Evans Ogada</p> <p>Ms. Judith Cheserek</p> <p>Ms. Antoinette Ogange</p> <p>Dr. Benjamin Musau- Volun- teer</p>	SCORK ELECTION PETITION NO. E005 OF 2022	<p>The Law Society of Kenya (LSK) is statutorily obligated by section 4 of the Law Society of Kenya Act, 2014 to assist the courts and the public in matters relating to the rule of law.</p> <p>In discharging this mandate, the Law Society of Kenya has filed an appli- cation for admission as amicus curiae to the petition. The Supreme Court granted the Society's application to join the petitions as amicus curiae (friend of the court) following the outcome of the presidential election and the disputation of the results in SCORK consolidated Petition E005 of 2022, ruling that the Society has expertise in assisting the court in reaching a just decision.</p> <p>LSK provided the court with further research to help develop the law on the standard of proof, the IEBC's quorum, and the meaning of a vote cast.</p> <p>To accomplish this, the PIL Commit- tee advised, citing the PIL code that governs the committee's operations, that with regard to appointments, which are explicitly covered by arti- cle 12 (1) of the code, and pursuant to the committee's resolution during a meeting held on TUESDAY 2ND AUGUST, 2022 AT 2:30 P.M. AT THE ADVOCATES LOUNGE - MILI- MANI that appointment parameters take election petitions into account.</p>	

29	Elisha Zebedi-Ongoya	CONSTITUTIONAL PETITION NO. E 290 OF 2022	The Society is dissatisfied with the judgment t in the constitutional Petition E 290 of 2022 and relying on Court of Appeal rules on the accreditation of governors, Justice Attorney-Murima ruled and termed unconstitutional the degree requirement which is provided for under section 22 (2) of the election act requiring gubernatorial aspirants to have a degree before they have been cleared to vie. Mr Elisha ZebediOngoya is record for the Society	
30	Dan Okemwa	WATCHING BRIEF IN COURT PROCEEDINGS ON THE MURDER OF MR. DANIEL MUSYOKA –IEBC OFFICER EMBAKASI EAST	Mr. Daniel Mbolu, the IEBC returning officer for Embakasi East, was kidnapped and later found dead. The Society contacted the family and the IO, ascertaining the progress of the investigations and engaging IMLU for the postmortem and site visit to Oloitoktok. The lawsuit is still underway, and Mr. Dan Okemwa Advocate is keeping a close eye on it on behalf of the Society.	
31	Gilbert Mitulla	LSK VS NATIONAL LEGAL AID SERVICE & ATTORNEY GENERAL	The Law Society of Kenya challenged the accreditation requirement for Advocates in the Legal Aid Act 2016 for conflict of interest with the Advocates Act 2016. The society also wishes to challenge the passing of the Legal Aid Code of Conduct for Accredited Legal Aid Providers, 2019-Legal Notice 121 of 2020 and the Legal Aid (General) Regulations 2021- Legal Notice 187 of 2021 for lack of public participation	4-November-2022



32	Ann Ngigi	ELRC 174 OF 2022 LAW SOCIETY OF KENYA VS PUBLIC SERVICE COMMISSION & ANOTHER	<p>The Law Society of Kenya fled a petition dated 7 September 2022, at the Employment and Labour Relations Court in Nairobi. The petition seeks to challenge the constitutionality of the Public Service Commission's notice calling for applications to the position of Chief Administrative Secretary in the Public Service. The Society also filed an interim application seeking orders of the Court to stay the implementation of the Office of the Chief Administrative Secretary in the Public Service following conclusion of the collection of the public views pending the hearing and the determination of the petition.</p>	3-November-2022
33	David Ochieng Ayuo	WATCHING BRIEF IN HCCR NO. 74 REPUBLIC VS TITUS YOMA & 11 OTHERS AT NAIROBI MILIMANI COURT	<p>The Office of the Director of Public Prosecution sued several officers responsible for the death of Baby Samantha Pendo and other atrocities committed during the 2017 post-election period in Kisumu. This being a public interest matter, the Law Society of Kenya is interested in justice for the victims. The matter is scheduled for plea taking on 14th November 2022 before Justice Ogembo.</p>	13-November-2022

<b>34</b>	Stephen Musili	PETITION TO CHALLENGE THE IRREGULAR APPOINTMENTS OF PRINCIPAL SECRETARIES	It has come to our attention that the President of the Republic of Kenya recently appointed  Principle Secretaries to various Ministries of the Government following a recommendation from  the Public Service Commission. The Law Society of Kenya wishes to challenge these irregular  appointments on grounds of Gender and Regional inclusion.	8-November-2022
<b>35</b>	Stephen Musili	CIVIL APPEAL NO. E421 OF 2022 AG VS LSK & 3 OTHERS AND 51 INTERESTED PARTIES	The Society filed ELRC PET E192/2022 LSK VS AG, National Assembly, Public Service Commission & 51  Interested Parties. The application was heard ex-parte before Hon. Justice NziokaWa Makau, who on 21st  November, 2022, issued conservatory orders pending hearing and decision of the application inter-partes.  The Honourable Attorney General submitted a request to the Court of Appeal on 16th November, 2022,  asking for the said orders to be stayed	17-November-2022
<b>36</b>	Patrick Muchangi	HIGH COURT PETITION NO.E461 OF 2022_DR. MUGARE GIKENYI J BENJAMIN -VERSUS-PORK , AG & ANOTHER	The Law Society of Kenya petitioned to challenge the appointment of Mrs. Bernice Sialaal Lemedeket  into the ranks of the Executive Office of the President as the National Police Service Principle  Administrative Secretary/Accounting Officer.	7-November-2022
<b>37</b>	Charles Kanjama	ELRC PET/ E70/2022 JOSEPHAT MUTUNGA MUTISYA v ERICK THEURI & LSK		17 <sup>TH</sup> MAY, 2022
<b>38</b>	EDINAH ARATI	PET 139 OF 2020 MATATU OWNERS ASSOCIATION v NCAJ AND OTHERS	Seeking injunction orders restricting the respondents fro attaching and moving chattels and movables belonging to the applicants members in execution of decrees during the pandemic period	24-JUNE-2020

39	DENIS ONYAKA	PETITION E059 OF 2022 DR. MAGARE GIKENYI BENJAMIN v SALARIES AND REMUERATION COMMITTEE AND 147 OTHERS	Challenging the constitutionality of the approval issued through a circular NO. SRC/TS/COG/3/61/48 VOL II (113) review of car loan for speakers and members of county assembly	05-MARCH-2021
40	STEPHEN ONGORO	MISC. APPLICATION NO. EO72 OF 2021 LSK V DPP AND OTHERS	Police CCTV shows missing lawyer being blocked by 2 cars and abducted	16-FEBRUARY-2021
41	KIBAARA MURITHI	HCCHR PET 376 OF 2020 ADRIAN KAMOTHO NJENGA v CJ	The petitioner seeks a declaration tha Rule 2 and 3 of the oaths and statutory declaration rules contravene the provisions of section 2(1) of the Oaths and Statutory Declaration act together with various constitutional provisions	14- MARCH 2022
42	CAROLINE KITUKU	PET NO. 64 OF 2020 OKIYA OM-TATAH v NATIONAL EXECUTIVE AND OTHERS	F our constitutional petitions (that stem from an agreement signed between the governor of Nairobi and the CS in charge of devolution) raised substantial questions of law and that deserved the attention by the bench of an even number of judges	14-MARCH-2022
43	KIBAWA MURITHI	CIVIL APPLICATION NO. 386 OF 2018 DR. FRED MATIANGI CS MINISRY OF INTERIOR AND COORDINATION OF NATIONAL GOVERNMENT AND 6 OTHERS v KENYA NATIONAL HUMAN RIGHTS COMMISION AND ANOTHER	Petitioner moved to court to challenge the 3 year requirement for an advocate to apply as commissioner for oath	05-MARCH-2021
44	JULIE SOWETO	PETITION NO. 4 OF 2020 JAVAN KICHE OTIENO v THE CHIEF JUSTICE	Petitioner an advocate of the High Court of Rwanda was deemed ineligible to be an advocate of the High Court of Kenya upon application petitioner contested this decision	14-MARCH-2022
45	JULIE SOWETO	NAIROBI HIGH COURT PET. NO.89 OF 2018 LAW SOCIETY OF KENYA V DIRECTOR GENERAL COMMUNICATION AUTHORITY OF KENYA AND 3 OTHERS	Settlement negotiations were taking place in petition No. 38 OF 208 which is on the same subject matter as the present petition No. 89 of 2018 court accommodated the settlement discussions before delivery of judgment	21-SEPTEMBER-2021
46	VALENTINE KHAMINWA	R V CHRISTIAN KADIMA (MURDRE OF ELIZERBETH KOKI )	MS. Koki was murdered on 7 <sup>th</sup> Jan 2021 at her residence the suspect at Mavoko	12-JANUARY-2022

## 2. PROJECT MANAGEMENT

The following project management tasks were carried out by the department:

1. Identification of partners to collaborate with
2. Developed TORs and MOUs
3. Developed partnership work plans
4. Prepared concept notes
5. Prepared budgets
6. Issued fundraising letters
7. Implemented Katiba day, URAIA and Legal Awareness Week Projects
8. Monitored implementation of the projects
9. Attended partnership activities
10. Leveraged on partnerships strengths to enhance legislative and reform agenda
11. Developed joint partnerships reports on milestones
12. Prepared reports on partnerships to the council

### 1. Project on strengthening the integrity of electoral process in Kenya

Currently, the Department is in the process of implementing a project on strengthening the integrity of electoral process in Kenya. LSK is in partnership with Uraia Trust in the project. The project seeks to hold public offices to account for their role in the election process, identify legal gaps, lacuna and any disconnects between the law and the actual procedures on the ground during the election which needs to be addressed through legal reform after the new government takes office.

The project will be implemented in two phases which includes;

- Election observation and monitoring
- Post-election reflection symposium and electoral reform initiatives

### **PHASE 1: Election observation and monitoring**

The Public Interest department has participated in the following actions in order to carry out the project:

1. The Department prepared and sent a notice inviting members to participate in the LSK election observer mission in 2022, which was approved by the CEO and distributed to members. A total of 606 observers indicated interest in taking part in the LSK observation mission in response to the notice.
2. The Department prepared contracts for consultants who prepared the election observation training toolkit. The contract was approved and successfully executed on 25<sup>th</sup> July 2022. A tool kit which was used to train election observers was successfully prepared.
3. The Department prepared letters which formally procured the services of facilitators who undertook virtual training on 5<sup>th</sup> of August 2022 of the successful applicants who participated as election monitors and observers in the LSK election observer mission 2022.
4. The Department successfully prepared a notice which was sent to successful applicants informing them of a training which was meant to synergize the team ahead of the elections. The training was successfully held virtually on 5<sup>th</sup> August 2022.
5. On 4<sup>th</sup> -8<sup>th</sup> of August PIL Department with the help of other staff members undertook activities that included collection of badges from IEBC, calling members to collect their election observation badges, and dispatching the election to members practicing outside Nairobi.
6. The head of the PIL Department coordinated the activities and meetings of LSK Supreme Court Presidential Election Petition legal team



meeting to discuss and prepare the Amicus Application.

7. The PIL Department organized logistics for a virtual training which was conducted by the facilitators on all monitors and observers who participated in the observer mission.
8. The Department HOD and the Council successfully filed an Amicus brief in Presidential election petition no. E005 of 2022 on 26<sup>th</sup> August 2022. The Department has successfully raised requisitions and processed most disbursements for all the activities implemented under the project.

### **Engagements on enforced disappearances and extra judicial killings with KHRC, IJM and Mothers of victims and survivors Network.**

On 18<sup>th</sup> July 2022, the Law Society of Kenya held a meeting together with Kenya Human Rights Commission, International Justice Mission and Mothers of Victims and Survivors Network. The meeting was held to discuss LSKs participation in Kenya initiative against extra judicial killings.

The event was started by a press conference by the LSK in which the president Mr. Eric Theuri while meeting members of the victims and survivors network affirmed that the Society in collaboration with KHRC and IJM, Amnesty International and Social justice working group will ensure that survivors and families who have lost their loved ones in extra judicial killings and enforced disappearance will have justice. The President assured the mothers of exploring the possibility of filing a class action suit to seek for compensation for the survivors. He further affirmed that the society will look at the documented and undocumented cases in order to file a suit. He also gave a commitment that LSK will launch a national campaign against extrajudicial killing and enforced disappearance.

The Press conference was followed by a meeting between the mothers and LSK, KHRC and IJM advocates who assured them of their full support.

The meeting had 2 agendas as follows;

- a) **A class action suit**
- b) **National campaign against extra judicial killings.**

To achieve its mandate, the following had to be outlined;

1. **Resource mobilization**
2. **Possible challenges to be encountered**
3. **Resource mobilization**

### **2. EU project on Strengthening Kenyan civil society organizations as actors of good governance and development**

Additionally, the department applied for an EU grant on the Strengthening Kenyan civil society organizations as actors of good governance and development” – [Reference: Europe Aid/174155/DD/ACT/KE]. The project will be undertaken in collaboration with Faraja the, National Coalition of Human Rights Defenders, CCA, LSK, and Tangaza University.

The project seeks to:

Train police officers (in handling Gender and Children Desks), Public Prosecutors, and Judicial officers on existing legal framework, Right-Based and Survivor-Centred Approaches in serving survivors. It is expected that 60 law enforcement officers; 40 prosecutors will be trained in Nairobi, Mombasa, Nakuru, and Isiolo.

The proposed action aims at strengthening the technical and operational capacity of security agencies within the Criminal Justice System to ensure attitudinal/behavioural change and gender-sensitive understanding of systemic violence within their service delivery channels. Faraja Foundation and LSK guided by the NCAJ

led-harmonized curricula, pertinent legislations and other resources like the Handbook on Gender-Responsive Police Services for Women and Girls subject to violence, will train the 60 law enforcement officers on a Trainer of Trainers model. This activity will be divided into 2 parts:

- **Legal framework and Right-Based Approaches:** LSK, guided by its extensive experience on legal matters, will train the officers gender-responsive police investigations; prevention; intersectionality; promoting positive masculinities; coordination; institution-building; and emerging issues such as online and ICT-facilitated violence against women and girls.
- **Survivor-Centred Approaches in GBV Case Management:** Faraja Foundation leveraging the training experience gained while implementing Imarisha Haki Project EIDHR 2017/388-504, and the success of its previous “Performance for Social Transformation” trainings with the Police, will support the officers to become competent front-line service providers, equipped with appropriate attitudes, knowledge and skills to prioritize the survivor’s own experiences and input. The training will incorporate practical simulations, self-care sessions and, where possible, and survivor testimony.

Dissemination at the community level of SGBV legal framework and referral mechanisms through participatory methodologies. The activity will be implemented by CCA, Faraja, LSK. Under the activity, it is expected that 500 people will be reached with PET; 200 people participated to international days celebration/meetings; 300 people reached with legal awareness campaign in Nairobi, Nakuru Counties.

LSK will coordinate the organization of awareness-raising activities during The International Day for

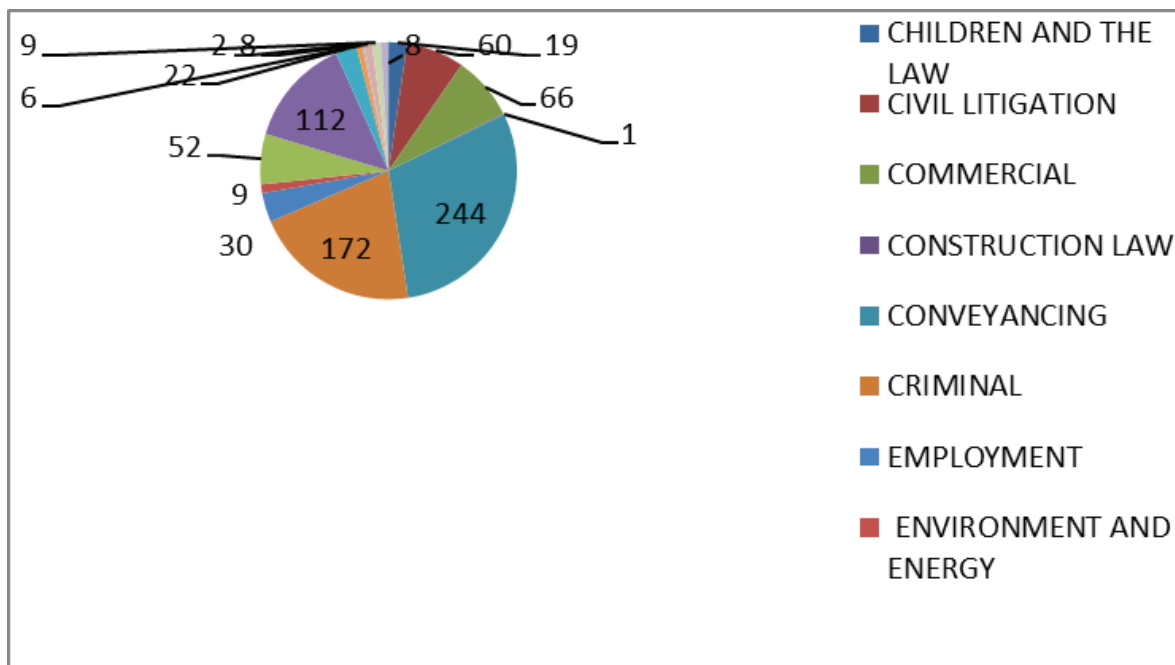
the Elimination of Violence Against Women (25th November), which coincidentally marks the beginning of the annual 16 days of activism concluding on the day that commemorates the International Human Rights Day (10 December). The objective of the activity is to seek community awareness, promote advocacy for the SGBV framework among community leaders and give opportunities to the public to seek counsel on GBV related matters. LSK will conduct 2 days’ community legal awareness clinics in Nairobi informal settlements, directly targeting 300 people (who in normal circumstances cannot afford legal fees). The activity will also incorporate meetings with community leaders on the SGBV framework. The activity will be carried in 2 different locations and will be spearheaded by the local GBV champions who best understand their community’s reporting and referral systems

The Department successfully passed the Concept Note phase and PADOR Registration. The application was unsuccessful, but with the initiative in place, the department has embarked on seeking a different grant in order to implement the activities.

### **PRO BONO DATA BASE AND LEGAL AID SCHEME**

The department has established a pro bono data base of Advocates all over the country. The Advocates are included in the data base based on their expression of interest which is done formally in writing. In 2022 the active enlisted advocates totaled to 677

The department offers legal aid to walk in clients, those who seek legal advice on phone and those who send emails. On average the department offers legal aid to approximately 10 clients and this could go higher on a busy day. In undertaking this mandate the department;



1. Offers legal advice to walk in clients or those who seek legal advice on phone.
2. Partner with other organizations and do case referrals to them
3. Do case referrals to Advocates on the Pro bono data base
4. Track the cases referred to other organizations and individual pro bono Advocates
5. Create a report of the case referrals

The department has attended to 167 legal aid walk in clients this year, 91 legal aid phone calls and roughly 420 through the legal awareness week.

### 2022 KATIBA DAY

Our Nation commemorated the 12th Anniversary of the promulgation of the Constitution of Kenya 2010 on the 27th August 2022. As professionals, we decided to come together to reflect on the implementation of the Constitution, focusing on the theme; Constitutionalism; Pitfalls Gains and Way forward.

The Law Society of Kenya (LSK) in partnership with the Kenya Christian Professionals Forum (KCPF), Institute of Certified Public Accountants (ICPAK), Institute of Certified Secretaries (ICS), Kenya National Union of Teachers (KNUT), Kenya National Union of Nurses (KNUN), Institution of Engineers of Kenya (IEK), The Association of Construction Managers of Kenya (ACMK) and Marketing Society of Kenya (MSK), jointly held a Katiba Day precursor webinar on 26th August 2022 where we expressed our commitment to upholding and promoting democracy, constitutionalism and the rule of law.

From our deliberations in commemorating this year’s Katiba day, we observed the following about our constitution and its implementation;

### GAINS

1. Growth of independent commissions and the judiciary
2. Growing public confidence in them and the judiciary.
3. Growth of devolution and sense of inclusion.
4. Freedom of the Media

## PITFALLS

1. Gender Rule (Yet to be fully realized)
2. Devolving corruption and Devolved Ethnicity
3. Contested constitutionalism. Individuals give meaning to their own aspirations. E.g. Basic structure doctrine argued in recent BBI petition.
4. socio-economic rights; Not much has been done towards the progressive realization article 43 of the constitution.

## RESOLUTIONS

### 1, Launch of a Constitutional Law Team (CLT)

The CLT will be responsible for active engaging in constitutional matters in the society. This is to be done through engaging members of professional bodies on how to ensure integrity and constitutionalism is upheld in their professions. The team will from time to time plan sessions to discuss emerging constitutional law matters.

The team is to be made up of at least two members from professional bodies that signed the Katiba day proclamation form. Annexed to this document is the Katiba day proclamation form.

### 2. Partnership with Professional bodies and Institutions of Higher Learning.

Changing the culture of the nation will require multi-stakeholder's engagement. The professional bodies, institutions of higher learning and churches will serve to kick off the engagements. Katiba day proclamation form signed by at least 20 professional bodies is in place.

For institutions of Higher learning, it is paramount to instill values of constitutionalism to the young upcoming professionals.

In conclusion, LSK and the professionals of Kenya remain committed to play our part in the promotion of constitutionalism in our country.

Just like we were heavily involved in the processes around the drafting of the 2010 constitution, we shall remain vigilant until the aspirations of Kenyans in the constitution are achieved.

## AFRICAN BUSINESS AND HUMAN RIGHTS FORUM

The PO attended The African Business and Human Rights Forum held between 12-13 October 2022 in Accra, Ghana. The event brought together stakeholders from across Africa to take stock of progress and discuss challenges and opportunities for advancing the business and human rights agenda and promoting corporate accountability in the region. The Forum is convened by the African Union (AU) and co-organized by the AU, the United Nations Development Programme (UNDP), the Office of the UN High Commissioner for Human Rights (OHCHR), the UN Working Group on Business and Human Rights, and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), in close collaboration with local, regional and international actors. She established a network that will enable the department roll out programs in partnership with the UNDP, EALS and other regional and international actors around this thematic area.

### Legal aid Scheme

Every year, the Society conducts a Legal Awareness Week through the PIL Department. The event is aimed at promoting the mandate of the Law Society of Kenya by extending legal literacy and awareness to members of the public. This year, the week will be commemorated under the theme: **KENYA'S ELECTORAL REFORMS: BUILDING CONFIDENCE FOR THE FUTURE.** The official launch will take place on Monday, October 24, 2022 at 9:00 am and will run up to **28<sup>th</sup> October, 2022**. The event shall also be observed countrywide through its branches.



During the Legal Awareness Week, organizations involved in legal work will be given a chance to show-case their services with a view to promoting a better understanding by the public of the role lawyers play in the advancement of legal literacy and advocacy.

- The department prepared a concept note for the event,
- The department prepared a budget which was approved.
- The department secured venues for the events
- The department prepared partnership and sponsorship letters which have been sent to key stakeholders and other organizations
- The department mobilized Participants for each of the activities as follows
  - a. Speakers
  - b. Advocates
  - c. Law Students
  - d. Community participants
  - e. Artistes
  - f. Clergy
  - g. Partners
  - h. Litigants

### **PRELIMINARY REPORT OF THE LEGAL AWARENESS WEEK, 2022**

The Law Society of Kenya observed its annual legal Awareness Week from Monday, 24<sup>th</sup> October to Friday, 28<sup>th</sup> October 2022 under the theme “**Kenya’s Electoral Reforms: Building Confidence for the Future.**”

LSK partnered with various institutions and organizations, including FIDA, IPOA KSL, ACC, IDLO, IJM, CAJ, KLRC, Kenya Law, Kituo cha Sheria, ABA, the Office of the Registrar of Tribunals, the Nairobi Law Society, and the Kenya National Commission on Human Rights, among

others. The partners had set up a booth at the Milimani Parking Lot.

The Legal Awareness Week comprised of various activities geared towards promoting access to justice and advancing pro bono legal services. The following activities were undertaken during Legal Awareness Week:

#### **The Launch:**

On Monday, 24<sup>th</sup> October the President, Mr. Eric Theuri, officially launched the event alongside the council and the CEO. He encouraged everyone to actively participate in the legal awareness week and praised the Advocates for their attendance and interest in supporting the indigent. Commissioner Macharia Njeru and Mr. Elijah Kandie were in attendance as Chief guests.

#### **A Report On The Law Society Of Kenya Legal Awareness Week Multi Stakeholder Symposium**

**Event Name:** Multi Stakeholder Symposium

**Date:** 25<sup>th</sup> & 27<sup>th</sup> October 2022

**Organizers:** Law Society of Kenya in Partnership with IDLO

**Venue:** Sarova Stanley

#### **Introduction**

The main objective of the symposium was to engage the governance and technical participants in the electoral justice system to assess relevant legislations, systemic flaws, and judicial processes, and to offer tactics that will be used to achieve the objective of sustained advocacy, awareness creation, public discussion, and debate, and to push for reviews of laws that are a recipe for turmoil and obfuscation. The session opened with introductory remarks by Deputy Secretary Mr. Collins Odhiambo, who welcomed Vice President Ms. Faith Odhiambo. She then invited the President to make a statement.

Mr. Mwaura Kabata, the convener, invited the panel, which included the following distinguished speakers:

1. Mr. Omwanza Ombati- Provided a history of Kenya's election system and criticized Supreme Court jurisprudence and the resulting contradictions in interpretation.
2. Mr. Steve Ogolla - Guided members through institutional and legal gaps before, during, and after elections
3. Mr. Stephen Mwenesi- Made observations on the SCORK election petition and provided bar reflections.

### Thursday 27th October

- ✓ A virtual presentation by Mr. Elisha Ongoya, a lawyer and legal scholar reviewed electoral reforms in Kenya from 1988 to 2022. The speaker outlined Kenya's historical voting methods, which began with the Mlolongo voting system, progressed through secret ballot voting, and finally to transparent ballot boxes. He emphasized that our country has all of the necessary legislation, and all we are required to do is establish how to comply with the law in order to hold credible elections. He went on to add that by investing in legal culture, we can make the law more meaningful to individuals.

In his closing remarks, Mr. Ongoya called members' attention to a study he had prepared on "Transformative Constitution in a Bad Mannered Society." He advised contemporary legal practitioners to move the conversation from law amendment to law evolution and respect.

- ✓ Mr. Ochiel Dudley, an Advocate at Katiba Institute, moderated the second portion of the forum. His lecture focused mostly on the following topic: the standard of proof in election petitions as a potential area of electoral reform. This is in reference to

Section 87 of the Election Offences Act and the court's judgement in the **Raila 2013 case, and Friends Church Kanduyi Vs Wetangula case 2013.**

- ✓ After a brief tea break, the third speaker, Mr. Jackson Awele, an Advocate and virtual panelist, picked up where Mr. Elisha Ongoya left off, explaining the difficulties and potential reforms arising from the 2022 Presidential Election Petition. In his presentation, Mr. Awele emphasized that the gains we see in electoral laws primarily focus on election management rather than accountability and transparency in the audit of election outcome management. He also argued that the Supreme Court's decision should stop giving primacy to theoretical principles of elections and instead apply it to actual positions and situations on the ground.
- ✓ Mr. Moses Owuor, an advocate, was the day's final speaker. He made comments and recommendations on

The following questions guided his discussion;

- ✓ Whether there were unexplainable discrepancies between the votes cast for presidential candidates and other elective positions.
- ✓ Whether IEBC carried out the verification, tallying, and declaration of the results in accordance with A. 138(30) (c) and 10 of the Constitution.
- ✓ Whether there were irregularities and illegalities of such magnitude as to affect the final result of the presidential election.

### Participation

Participants at the multi-stakeholder workshop included university lecturers, ATP students and university students, legal education regulators, practitioners, and legal aid providers such as the National Legal Aid Service, FIDA, and Kituo cha Sheria, among others.

## Participation

Participants at the multi-stakeholder workshop included university lecturers, ATP students and university students, legal education regulators, practitioners, and legal aid providers such as the National Legal Aid Service, FIDA, and Kituo cha Sheria, among others.

Mr. Mwaura Kabata, the PIL Convenor, made the opening comments, describing the symposium's anticipated results to the participants. In his remarks, he emphasized the gap between the vision of the creators of Kenya's 2010 Constitution, the architects of emerging legislation, and the ambiguities surrounding Election Management. He went on to say that there is evidence to relate voter disinterest in the 2022 general election to gaps in legislation, the failure to enshrine Article 6 of the constitution, and a culture of political mudslinging, all of which contribute to voters' disillusionment. He went on to say that young, potential voters are losing interest in politics and elections, as seen by the fact that just eight million registered voters are between the ages of 18 and 35, accounting for approximately one-third of the total 22 million.

He concluded by thanking everyone who had participated both virtually and physically and hoped for constructive debates in the near future.

## Challenges Identified.

- ✓ There is need to engage in dialogue that will instill a culture for respecting the law.
- ✓ There is significant lack of civic education in the general public about their rights and laws
- ✓ There is lack of transparency and accountability
- ✓ Interference of election management body

- ✓ There is a challenge with the 14 days' time frame for the Supreme Court to make its decision.

## Recommendations

- Corporate Governance in term of the structure of the IEBC
- An ICT-Legal stakeholder symposium
- Technology there is need to provide access to election technology platforms to IEBC staff only
- Simplify the statutory election result declaration forms 34 a, b, and c
- Separate servers for critical election management components to allow for schematic imaging for audibility.
- Training ROs and POs to ensure consistency
- Introduce special voting for those who are disenfranchised on Election Day.
- There is need to invest in civic education and civic virtue as it will enable people to understand the significance of their rights.
- The judgment must stop giving preeminence to the theoretical principles of the election system and start applying them to actual position on the situation on the ground.
- To challenge lawyers to propose reforms that will move us from the irony that our public interest litigation is in a very hyper adversarial system.

## 1. Integrity March

On Wednesday, October 26<sup>th</sup> LSK led a peaceful procession alongside religious leaders, representatives from major partners, advocates law students, and members of the public. The event was started with a word of prayer from the religious leaders. There was a brief address on the theme of the March by the Convenor, CEO Vice President and the President. The walk



took place at 11:40 a.m. from the Milimani law courts down Cathedral Road, up Valley Road through Ralph, and back at Milimani.

## 2. Prison Visits

On Tuesday 25<sup>th</sup> October LSK in partnership with the Kenya Prison's Services organized a visit to the Industrial Area Remand and Allocation prison where 28 Advocates and law students provided legal aid services to the remandees. 202 inmates received legal advice and 76 return forms were recorded.

### On Thursday, 27th October 2022

Advocates, law students, and representatives of KHRC visited the Langata Women's Prison where they were received by the officer in charge of the station. They then proceeded to sign the visitor's book. The second session involved breakaway session where the remandees were attended to by the advocates.

Total number of inmates advised was around 255 with about 150 recorded in return forms. The prisons population was about 1,000. The inmates present at the event visit were around 300 selected from those serving sentences and a majority of remanded prisoners, majority of cases revolved around stealing, drug use selling and supply, robbery with violence, murder, intention to commit a felony, and other civil cases.

The event concluded at around 2:30 pm and members proceeded to check out of the institution as they receive refreshments and snacks for the day. They arrived at 3:15 pm at Milimani law Court where each one of them departed for their respective destinations.

## 3. Community Sensitization

On Tuesday 25<sup>th</sup> October 2022 LSK conducted a community sensitization in Njiru at ACK St. Mathias church. The event was started by a word of prayer from Rev. Edward Kihanga.

The Chief Guest, Hon Carrington Hehe, MCA welcomed the legal team to Njiru and requested

them to address issues such as the social injustice experienced by the community, land grabbing cases, illegal evictions, and the illegal demolition of houses.

After the fruitful discussions, a breakaway session was held where the legal team attended to the community and gave them free legal aid.

On Friday 28th October 2022, LSK also conducted community sensitization at Huruma CDF Hall in Mathare Sub-county. The Advocates and representatives from IDLO and KHRC discussed with community member's promotion election reforms, violation of human rights during elections, and the role each individual plays in the election. The community elders were impressed by the initiative and commended LSK for planning the visit.







## Challenges

1. Financial constraints- The requisitions took time to be processed making it difficult to deal without ready cash.
2. Lack of Coordination with the other department. There was a lack of cooperation, which resulted in some stations having no representative at times.

- **Overall quarterly Outputs**

- 2 press conferences MVSN & Katiba day
- 5 Concept notes
- 1 grant @ Kshs. 5M (2.5 disbursed)
- 1 Amicus brief SCORK
- 24 partnerships
- Legal awareness week
- Reimbursements to 400 community members @Kshs. 200 each
- Mpesa Reimbursements to 160 Election Observers @ Kshs. 4,000 each
- Mpesa Reimbursements to 35 Students @ Kshs. 500 per day (ongoing processing)
- Mpesa Reimbursements to 24 Advocates @Kshs. 2,000 (ongoing processing)

- 40 Staff field allowance @Kshs. 5,000
- Disbursements to 26 Pro bono Advocates
- 22 new cases for the PIL case management database
- 65 new legal aid clients
- 6 notices regarding PIL
- 2 PIL committee meetings
- 4 In-house Counsel committee meetings
- 227 invitation and fundraising letters
- 1 Updated Online case status report for 2022
- 1 budget for the LSK-DANIDA project
- Pro bono database report
- 3 Rapporteur minutes
- 3 courtesy call letters
- Updated Online database for 2019 PIL cases
- 3 LSK, Legal Aid bench marking Forums Rwandan bar and Kituo Cha Sheria
- 1 international capacity-building trip
- Updated database on pro bono payments.
- 1 draft memorandum to the Judiciary.

## East Africa Law Society (EALS) Annual Conference 23rd- 26th November 2022

The Programme Officer and Secretary to the Public Interest Legal Aid and Human Rights Committee and In house Counsel Committee attended the EALS Annual Conference which was held between 23<sup>rd</sup>- 26<sup>th</sup> November 2022 and the Gran Melia Hotel, Arusha, Tanzania.

The following is a report of the same;

### PARTICIPATION REPORT

<p><b>Summary (Agenda, Key Objective, Information of Interest)</b></p>	<p>The main goal of going to the conference was to forge partnerships with national bar associations.</p> <ul style="list-style-type: none"> <li>✓ Identify suitable partnerships for regional PIL programs.</li> <li>✓ Seek opportunities to pursue peer-to-peer learning initiatives on PIL and research among the legal community in East Africa.</li> <li>✓ To attend the annual EALS In-house Counsel, which brings together in-house counsel from across the region to network and discuss about topics that are common and pertinent.</li> <li>✓ To make connections, arrange corporate sessions with in-house counsel executives from leading law firms and corporates across the region. These sessions will be attended by important law firm officials.</li> <li>✓ To analyze changes in the legal practice environment, exchange ideas on how to deal with challenges in the professional bodies, and learn from efficient approaches with other managers from the region and beyond.</li> <li>✓ To meet fellow Secretaries of Council committees and enhance skills that will boost productivity in committee management and effectively conduct committee business.</li> </ul>
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<p><b>SESSIONS ATTENDED</b></p>	<p>The Conference featured several activities, with the highlight being the Main Forum on 25th November, 2022 with the presence of Tanzania’s president, H.E. Mama Samia Suluhu Hassan.</p> <ul style="list-style-type: none"> <li>✓ 23<sup>rd</sup> Visited t the Arusha Women Prison – Provide Legal aid and psychosocial support to the women prisoners, give sanitary towels, pampers and foodstuff.</li> <li>✓ 24<sup>th</sup> Attended Africa’s Role in International Commercial Arbitration - Challenges and Opportunities Panel session on International Commercial Arbitration. Role of In-house Counsel</li> <li>✓ Attended Panel Session Rule of Law and Democracy as tools for Driving Development in the East African Community: The Role of Leading Law Firms</li> <li>✓ 25<sup>th</sup> Attended panel session- Emerging Trends in Business: The Concept of Business and Human Rights Introduction to the UN Guiding Principles on Business and Human Rights: Unpacking the Role of In-house Counsel</li> <li>✓ Attended Joint Leading Law Firms &amp; In-House Counsel Dinner and networking with in-house counsel. (Mt. Meru Hotel)</li> <li>✓ Attended EALS Game drive to Ngorongoro National Park</li> <li>✓ Attended Gala Night &amp; Awards (Mt. Meru Hotel)</li> </ul>
<p><b>Networks Created with organizations (Highlights)</b></p>	<ul style="list-style-type: none"> <li>✓ A4ID</li> </ul> <p><b>Liaison- Mr. Patrick Karanja</b></p> <p>LSK has formulated an MOU geared towards setting up a number of programs;</p> <ol style="list-style-type: none"> <li>1. <b>PIL &amp; SIL</b></li> </ol>

<p><b>SESSIONS ATTENDED</b></p>	<p>Set a budget for strategic impact litigation predicated on UNGP principles on Business and Human Rights, both at the national and branch levels. Provide Networks via Role UK and the Royal Danish Embassy to mobilize BHR specialists to assist with research support in BHR- based litigation.</p> <p><b>2. IN HOUSE COUNSEL IN PERSON TRAININGS WORKSHOPS &amp; RETREATS ON BHR</b></p> <p>To organize and fund a series of workshops to sensitize Advocates on the unique role that in-house lawyers can conduct in giving companies the crucial support they need to uphold their corporate obligation to respect human rights in accordance with Kenyan laws and international frameworks applicable to their operations, businesses, and industries. By doing this, Kenyan attorneys will promote the implementation of the national action plan for business and human rights’ policy directives (Sessional Paper No. 3 of 2021).</p> <p><b>3. PIL &amp; IN HOUSE COUNSEL IN PERSON TRAININGS WORKSHOPS &amp; RETREATS ON ESG PRINCIPLES HUMAN RIGHTS AND SUSTAINABILITY</b></p> <p>To plan and fund a series of workshops to build capacity on the unique role that in-house lawyers play in ensuring compliance and application of ESG principles that promote sustainability, good governance, and environmental conservation.</p> <p>✓ <b>ZANZIBAR LAW SOCIETY LEGAL AID PROGRAM</b>  <b>Liaison- Mr. Slim Abdullah</b>  To pursue possible Collaborations on region-based strategic litigation and legal aid programs.</p> <p>✓ <b>IJJ- INTERNATIONAL INSTITUTE FOR JUSTICE</b>  <b>Liaison- Ms. Nathalie Tran</b>  To organize forums that will bring together state institutions, civil society organizations, and other key players as part of a Canadian- funded initiative focused on “Building Strong Procedural Mechanisms for Mutual Legal Assistance,” with an emphasis on Kenya and Somalia.</p> <p>✓ <b>UGANDA LAW SOCIETY LEGAL AID PROGRAM</b>  <b>Liaison- Mr. Francis Gimara</b>  To pursue possible Collaborations on region-based strategic litigation and legal aid programs.</p> <p>✓ <b>RWANDA BAR ASSOCIATION RULE OF LAW COMMITTEE</b>  <b>Liaison- Ms. Gloria Tengera</b>  To pursue possible Collaborations on region-based strategic litigation and legal aid programs.</p>
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	<p>✓ EALS RULE OF LAW COMMITTEE</p> <p><b>Liaison- Mr. David Sigano</b></p> <p>To pursue possible Collaborations on region-based strategic litigation and legal aid programs.</p>
<b>Network notes Summary</b>	<p>The conference went well and the panel presentations were especially insightful.</p> <p>From my participation, I was able to enhance the following skills:</p> <ol style="list-style-type: none"> <li>1. Management Skills;</li> <li>2. Research Methods;</li> <li>3. Decision-making skills;</li> <li>4. Staff Motivation;</li> <li>5. Project Management;</li> <li>6. Interpersonal Communication;</li> <li>7. Management of Meetings;</li> <li>8. Presentation Skills;</li> <li>9. Team Management;</li> <li>10. Constitutionalism and the Rule of Law;</li> <li>11. Results Based Management (RBM);</li> <li>12. Service Delivery Standards;</li> <li>13. Emerging Issues in legal aid and pro bono practice (Regional)</li> </ol>
<b>Action Points and Recommendations</b>	<p>Follow up for</p> <ol style="list-style-type: none"> <li>1. MOUs</li> <li>2. Proposals</li> <li>3. Implementation Work plans</li> </ol>

## PIL & Advocacy Participation in the Students Legal Aid Week at The University Of Nairobi's Faculty of Law on 5th Dec 2022

The Faculty of Law at the University of Nairobi organized a Student Legal Aid Week from December 5th to December 9th, 2022, at the Faculty of Law, Parklands Campus, The objectives of the legal aid week were :-

1. To provide an important community service to people who cannot afford legal services.
2. To provide a platform for law students to interact with professionals from various fields of legal practice;
3. To create a platform for connecting academia and practice.

Students were given legal aid with the help of academic staff at the Faculty and Advocates of the High Court from various CSOs and law firms. The LSK PIL Department also assisted members of the public who were unable to obtain legal services.

Secretariat representatives included:

- Bonface Were
- Mahadha Mohamed
- Moureen Kungu

### Findings

We learned from our participation and interactions with students that the LSK needs to raise more awareness among law students about what the LSK is, what it does, and how important it is to aspiring lawyers. Most of the law students we interacted with wondered what the Law Society of Kenya was and what it did. Some of the students requested a tour of the LSK offices.

### Photos of the event:-



## Recommendations

We recommend that the LSK develop a student-focused program to raise awareness among law students about the LSK, its mandate, objectives, and role in their future as Advocates. This program should target all of the country's law schools. Private as well as public.

### **Report on the Participation of PIL in the ICJ Review of their report on the legal and policy frameworks that inhibit the right to health in Kenya on 7th December 2022 at Sarova Panafric Hotel, Nairobi.**

Kenya Section of the International Commission of Jurists (ICJ Kenya) invited the Public Interest & Advocacy Department of the LSK to participate in the Review of The Legal And Policy Frameworks That Inhibit the Right to Health in Kenya. Unpacking Health Rights for Accountability to Facilitate Access to Health Services.

ICJ Kenya commissioned a study to review existing legal and policy frameworks relating to the right to health to consolidate the gaps and make recommendations. The study interrogates the gaps in intergovernmental relations in light of the challenges witnessed in coordinating the national and county governments in health governance as a devolved function. The study also interrogates the relationship between the disclosure of information and the realization of the right to health within the devolved governance system, drawing comparisons between counties where best practices have emerged vis-a- vis counties facing more challenges. The study comprised a desk study followed by discussions with select stakeholders, including community health monitors, civil society actors, policymakers, the private sector, and key development partners, to collect their perspectives, contributing to the findings and recommendations in the report.

The Review with the contribution of the LSK achieved the following deliberations: -

The Review with the contribution of the LSK achieved the following deliberations: -

The broad objective was to conduct an audit of the existing legal and policy frameworks related to the right to health in order to identify gaps and recommend reforms and/ or intervention areas.

The specific objectives of the review were to :-

- Review existing legal and policy frameworks that inhibit access to health rights
- Interrogate the gaps in intergovernmental relations in light of the challenges witnessed in coordinating the national and county governments in health governance as a devolved function
- Interrogate the relationship between disclosure of information and the realization of the right to health within the devolved governance system, drawing comparisons between counties where best practices have emerged vis- a-vis counties facing more challenges.

Review regional and global trends and human rights normative frameworks to inform Kenya's right to health discourse, particularly during the pandemic.

Representatives of the LSK:

- Bonface Were
- Gloria Kuyoh
- Maureen Kungu

## Achievements

The representatives were able to interact with the stakeholders, shared contact details and agreed to have further meeting to discuss how they can sponsor LSK initiatives and projects as well.



## Photos of the event





## LSK SECRETARIAT- MANAGEMENT



Florence W. Muturi, Advocate – Secretary/Chief Executive Officer (CEO)



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



Mary Kitonga, Advocate- Deputy Secretary/Director Compliance & Ethics



Joab A. Mbakaya, Manager - Audit and Risk



Sophie Kaibiria- Director, Practice Standards



Michael Chege – A.g Chief Accountant



Harold Ayodo, Advocate, Director- Continuing Professional Development



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



Esther Muriuki, Advocate- Programme Officer- Advocates Benevolent Association



Geoffrey Karani - Programme Officer, ICT



Boniface Kivuva- Procurement Officer



Agnetta Rodi, Programme Officer- Communications



Emily Tenge- Programme Officer- Continuing Professional Development



Njeri Mutitu, Advocate- Programme Officer, Compliance and Ethics



Winnie Tsuma, Advocate- Programme Officer, Parliamentary Affairs and Legislation

## LSK COUNCIL INDUCTION RETREAT



In order to achieve good corporate governance practices that can ensure accountability, fairness and transparency in business processes and dealings, the Council of the Law Society of Kenya held a three days' induction retreat at the Sarova Whitesands Hotel in Mombasa from 29<sup>th</sup> March- 1<sup>st</sup> April 2022.

- The Council was taken through Corporate Governance which entailed;
- Corporate Governance,
- Values & Principles,
- systems and good practices,
- understanding LSK objects,
- functions and Principles, Governance/Management organs (General Assembly, Council, Branches, Committee and Secretariat) and;
- Governance and Management (Roles and relationships).





The Council also took the opportunity to have engagements with the LSKs Secretariat Heads of Departments (HODs). The HODs presented their departmental reports, highlighting their mandates, activities, successes, challenges and recommendations. The Council proposed that the challenges be presented to them for consideration and possible solutions during its inaugural Council meeting to enhance efficient and effective service delivery to the membership.

At the sidelines of retreat, the Council met with the Judges of the ELC Division. The team agreed to explore joint trainings to improve relations and knowledge sharing. The last day saw the meeting being taken through the various team building activities which included; understanding colour energies, perception and preference, team awareness and communication in the team amongst others.

The team wound up with a meeting with officials from the Coast Branch where they discussed matters that affected practice and welfare of members within the branch.

## ADVOCACY AND PUBLIC POLICY ENGAGEMENTS

In fulfilment of its mandate, the Law Society of Kenya advises and assist 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.

- a) The key objectives are;
- b) Assist the government and the courts in matters relating to legislation, the Administration of justice and the practice of law in Kenya.
- c) Uphold the Constitution of Kenya and advance the rule of law and the administration of justice

Protect and assist the members of the public in Kenya in matters relating to or Ancillary or incidental to the law.

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.

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 Legislations is central to the advocacy role by providing coordination, facilitation and support to advocacy activities, technical assistance and advisories to the society committees, general membership and general public.

In 2022, the Law Society engaged with the following organizations and processes;

### **Visit by the delegation from legal aid forum -Rwanda and Kituo cha Sheria-legal advice centre.**

Legal Aid Forum-Rwanda in partnership with Kituo Cha Sheria organized a study visit to learn about legal aid and its institutional framework. The delegation was composed of officials from the Ministry of Justice, the Judiciary, CSOs and Lawyers from Rwanda Bar Association. The delegation was received on Tuesday 28<sup>th</sup> June 2022 from 2:00 pm to 4:00 pm, the discussion focused on the role of lawyers (advocates) in providing legal aid.

### **Collaboration with the Mothers of Victims & Survivors of extrajudicial killings victims and enforced disappearance Network**

The LSK agreed to work with the Mothers of Victims & Survivors Network to help them gather documentation of the deaths in order to file a class action suit for compensation on their behalf. In addition to the Mothers group, the Social Justice Center Working Group, the Mathare Green Movement, and Missing Voices were included in this Initiative Against Extrajudicial killing.

### **NCAJ meeting to review the sentencing policy guidelines**

The Department participated in a consultative workshop with key stakeholders on the review of the Sentencing Policy Guidelines on 6<sup>th</sup> and 7<sup>th</sup> October 2022, at the Safari Park Hotel. LSK favored sentencing practices that are guided by international good practices and standards, observing that the world has rapidly become a global village.

### **Kenya Law Reform Commission stakeholder validation on the Second Edition of 'A Guide to the Legislative Process in Kenya'**



The Department participated in a one-day validation forum on 17<sup>th</sup> November, 2022, in Nairobi at Fairview hotel in collaboration with key stakeholders on invitation by the Law Reform Commission for the final draft of the 2nd Edition of the Guide to the Legislative Process in Kenya.

### **KIPPRA's Stakeholders' workshop on the impact of NG-CDF**

The Kenya Institute for Public Policy Research Analysis (KIPPRA) undertook a policy research study on "The impact of National Government-Constituency Development Fund (NG-CDF) on education, security & welfare, the study is to establish the contribution of NG-CDF on various sectors of the economy in Kenya as well as identifying emerging areas of policy concern in implementing the country's development agenda. The Institute therefore invited us as a key stakeholder on legislation to a stakeholder's workshop exercise on 21st October from 9:am at Utalii Hotel, Nairobi.

### **Institute of Certified Secretaries-ICS-Tuesday, 22nd November 2022**

The ICS had invited the LSK as a key stakeholder to participate in the graduation of their first cohort mentees under their new mentorship program.

### **Kenya Law-Development of Kenya Law Strategic Plan**

Kenya Law is a primary partner mandated to produce law reports from courts of records and legislations that are before the parliament as well as legal notices. They have invited the Law Society as a critical consumer of their services to the launch of their current strategic plan.

### **Launch of Strategic Plan by the Kenya School of Law**

The Law Society was invited as a key stakeholder. The process was participatory and interactive, bringing other stakeholders on board.

### **Hosting of Members of parliament from Uganda on study tour to learn how private members' Bills are motioned from the originator to the floor of the parliament,**

The Law Society of Kenya played host to members of Uganda August House who were in the Country on a program of deeper learning. This is part of the Law Society regional collaborative initiative to strengthen access to justice, constitutionalism and the rule of law.



## Engagements on enforced disappearances and extra judicial killings with KHRC, IJM and Mothers of victims and Survivors Network.

On 18<sup>th</sup> July 2022, the law society of Kenya held a meeting together with Kenya human rights commission, international justice mission and mothers of victims and survivors network. The meeting was held to discuss LSKs participation in Kenya initiative against extra judicial killings.

The event was started by a press conference by the LSK in which the president Mr. Eric Theuri while meeting members of the victims and survivors network affirmed that the Society in collaboration with KHRC and IJM, Amnesty International and Social justice working group will ensure that survivors and families who have lost their loved ones in extra judicial killings and enforced disappearance will have justice. The president assured the mothers of exploring the possibility of filing a class action suit to seek for compensation for the survivors. He further affirmed that the society will look at the documented and undocumented cases in order to file a suit. He also gave a commitment that LSK will launch a national campaign against extrajudicial killing and enforced disappearance.

The Press conference was followed by a meeting between the mothers and LSK, KHRC and IJM advocates who assured them of their full support.

The meeting had 2 agendas as follows;

- a) A class action suit
- b) National campaign against extra judicial killings.

To achieve its mandate, the following had to be outlined;

1. Resource mobilization
  2. Possible challenges to be encountered
- Resource mobilization

## EU Project on Strengthening Kenyan Civil Society Organizations as actors of Good Governance and Development

Additionally, the LSK through the PIL Department applied for an EU grant on the “Strengthening Kenyan civil society organizations as actors of good governance and development” – [Reference: Europe Aid/174155/DD/ACT/KE]. The project will be undertaken in collaboration with Faraja the, National Coalition of Human Rights Defenders, CCA, LSK, and Tangaza University.

The project seeks to:

Train police officers (in handling Gender and Children Desks), Public Prosecutors, and Judicial officers on existing legal framework, Right-Based and Survivor-Centred Approaches in serving survivors. It is expected that 60 law enforcement officers; 40 prosecutors will be trained in Nairobi, Mombasa, Nakuru, and Isiolo.

- The proposed action aims at strengthening the technical and operational capacity of security agencies within the Criminal Justice System to ensure attitudinal/behavioural change and gender-sensitive understanding of systemic violence within their service delivery channels. Faraja Foundation and LSK guided by the NCAJ led-harmonized curricula, pertinent legislations and other resources like the Handbook on Gender Responsive Police Services for Women and Girls subject to violence, will train the 60 law enforcement officers on a Trainer of Trainers model. This activity will be divided into 2 parts:
  - Legal framework and Right-Based Approaches: LSK, guided by its extensive experience on legal matters, will train the officers gender-responsive police investigations; prevention; intersectionality; promoting positive masculinities;

coordination; institution-building; and emerging issues such as online and ICT-facilitated violence against women and girls.

Survivor-Centred Approaches in GBV Case Management: Faraja Foundation leveraging the training experience gained while implementing Imarisha Haki Project EIDHR 2017/388-504, and the success of its previous “Performance for Social Transformation” trainings with the Police, will support the officers to become competent front-line service providers, equipped with appropriate attitudes, knowledge and skills to prioritize the survivor’s own experiences and input. The training will incorporate practical simulations, self-care sessions and, where possible, and survivor testimony.

Dissemination at the community level of SGBV legal framework and referral mechanisms through participatory methodologies. The activity will be implemented by CCA, Faraja, LSK. It is expected that 500 people will be reached with PET; 200 people participated to international days celebration/meetings; 300 people reached with legal awareness campaign in Nairobi and Nakuru Counties.

The Society will coordinate the organization of awareness-raising activities during The International Day for the Elimination of Violence Against Women (25th November), which coincidentally marks the beginning of the annual 16 days of activism concluding on the day that commemorates the International Human Rights Day (10 December). The objective of the activity is to seek community awareness, promote advocacy for the SGBV framework among community leaders and give opportunities to the public to seek counsel on GBV related matters. LSK will conduct 2 days’ community legal awareness clinics in Nairobi informal settlements, directly targeting 300 people (who in normal circumstances cannot afford legal fees). The activity will also incorporate meetings with community leaders on the SGBV framework.

The activity will be carried in 2 different locations and will be spearheaded by the local GBV champions who best understand their community’s reporting and referral systems

The Department successfully passed the Concept Note phase and PADOR Registration. The application was unsuccessful, but with the initiative in place, the department has embarked on seeking a different grant in order to implement the activities.

### **CANADIAN BAR ASSOCIATION- SUPPORTING INCLUSIVE RESOURCE DEVELOPMENT (SIRD)**

#### **SUPPORTING INCLUSIVE RESOURCE DEVELOPMENT (SIRD) PROJECT**

The Supporting Inclusive Resource Development in East Africa (SIRD) Project is a six-year collaborative project of the Canadian Bar Association (CBA) and the Law Societies of East Africa, funded by the Government of Canada and implemented by law societies in three East African countries, namely, Tanzania, Kenya and Uganda. In Kenya, the Law Society of Kenya – secretariat office in Nairobi hosts the SIRD Project; with Kwale County being the project’s field location for community-based intervention.

The ultimate goal of the project is to increase sustainable economic growth for East Africans and particularly women and vulnerable groups affected by extractive industries. The project has two Intermediate Outcomes:

- a. Increased engagement of East African law societies to advocate for law reform to reflect principles of transparency, gender sensitivity and accountability in the extractive industries.
- b. Increased community participation, particularly women, in consultations, dialogue, negotiations, advocacy and other initiatives to advance their rights related to the extractive industries.



## **DURING THE REPORTING YEAR 2022, LSK -SIRD PARTICIPATED/CARRIED OUT THE FOLLOWING ACTIVITIES.**

### **SIRD 2ND BIENNIAL FORUM**

The Law Society of Kenya in partnership with the Canadian Bar Association and Global Affairs Canada held its second National Forum Themed: “From Inclusive Extraction to Environmental Accountability - the Role of Sustainable Communities in Addressing Climate Change” from 31st March to 1st April 2022 in Nairobi, Kenya.

The National Forum brought together over 45 participants including Members of the Law Society of Kenya, Canadian Bar Association - Technical Experts, Government of Kenya Officials, as well as representatives from civil society, Kwale County community organizations, and constituents from the Base Titanium mining areas.

The overall objectives of the National Forum were to provide participants with the opportunity to:

- a) Exchange knowledge and share experiences on best practices related to environmental accountability in the extractive sector;
- b) Take stock of the progress and achievements of the SIRD project from inception;
- c) Identify key opportunities for SIRD intervention as the project wraps up;
- d) Build partnerships and develop networks for increased coordination among stakeholders; and
- e) Map a strategy for a possible second phase of SIRD within the context of the thematic area of examining the role of sustainable communities in addressing climate change.

The Conference commenced with welcoming addresses by various key stakeholders as outlined below:

### **Ms. Florence Muturi - acting LSK CEO**

The acting LSK CEO Florence Muturi joined the Conference virtually and gave her welcoming address. She began by acknowledging the guests who were in attendance, among them representatives of GAC, representatives of the government of Kenya, LSK representatives and other stakeholders.

She further expressed LSK’s pride at hosting the Conference and hope for continued partnerships. Ms. Muturi explained that their (together with LSK President) virtual attendance was due to the ongoing Council induction retreat in Mombasa County. She wished attendees fruitful deliberations and invited the LSK President Erick Theuri to give his opening remarks.

### **Mr. Eric Theuri - LSK President**

The LSK President Mr. Erick Theuri expressed delight at LSK’s hosting of the deliberations on extractives and climate change justice. He recalled attending previous trainings organized by SIRD and attending the 1st Biennial National Forum which brought about a lively exchange on best practices related to transparency and accountability on extractives. He underscored the importance of those forums which have contributed positively to various policy instruments that have been developed by the government as well as participation on matters relating to development in that area.

Mr. Theuri also highlighted the importance of training & capacity building which has assisted the LSK to undertake its mandate on advising the government on matters of law and encouraged continued partnership to ensure greater participation on topical questions like climate change. He officially opened the Conference and wished participants fruitful deliberations.





**Mr. Ayokunle Ogundipe – acting SIRD Project Director**

The acting SIRD Director Ayokunle Ogundipe, welcomed stakeholders representing different sectors without whom the SIRD project would not be possible. He acknowledged that the ideas put out at the project launch in 2018 made the project a success. Mr. Ogundipe also outlined the timeliness of the project on the backdrop of the pandemic and war in Europe and disruption of global supply chains as well as climate change and encouraged reflection on what has been achieved in the last 5 years and where are we headed in 2023 and beyond.

He further acknowledged LSK’s steadfastness in advocacy and called for consideration on what more can be done to support partners. He outlined Kenya’s strong position in Africa in relation to legislation on climate change and sought ideas on how to support the climate change discourse and encouraged fruitful deliberations with tangible action plans.



**REFRESHER TRAINING ON PROBONO**

The pro bono lawyers refresher training was held on the 12th and 13th of May 2022 at Jacaranda Hotel in Diani, Kwale County. LSK-SIRD aimed at training about 20 lawyers practicing within the coastal area and in particular Kwale County. The training was attended by 28 participants, 15 of them were male while 13 were female. During the two-day training, the training started at 10am. Job Mati introduced the project and called upon all members present to introduce themselves. Thereafter Jennifer Johnson gave a brief of the project. She stated that the project was a 5 (Five-year project and had gotten 1-year extension because of the Covid-19. Jennifer Johnson further stated that the project would be using the services of the pro bono lawyers in case management.

After the health break, Dr. Martin Oloo made the discussion on review of the mining, oil & gas Industry. He submitted that the Mining Act required investors to surrender 30% of the turnover. This money usually goes to the Sovereign wealth fund. He stated that Sovereign Wealth Fund meant that the money aimed at compensating for future generations, sustainable and intergenerational equity.

In addition to that, he also discussed Petroleum Act of 2019. Besides that, he spoke of the mining agreement and compensation. He further emphasized the need to have a clear/transparent legal frame for the extractive industry. How do you protect artisanal miners? It is important to have them projected.

Hon. Dorcas Endoo made a presentation on spoke on community consultation and engagement. While Cynthia Opakas made presentation on grievance resolution mechanism.

- She also spoke of alternative dispute resolution (ADR). In addition to that, she discussed:
- Types of extractive sector conflict and community grievance resolution mechanisms

Judicial and non-judicial approaches to community dispute resolution with extractive industries and government.

Patricia Nyaundi (SC) spoke on presentation on Intersecting gender issues in key areas of the extractive industry (Community engagement; Land acquisition; Environment; Health and safety; Local content and procurement). Emmanuel Mwangi Advocate spoke on professional responsibility and ethical standards.



## LEGAL BRIEF ON FRAMEWORK ON SHARING OF MINERALS ROYALTIES

On 10<sup>th</sup> of June 2022, LSK- SIRD submitted a legal brief on the framework on sharing of mineral royalties. This came as a result the National Treasury developed draft framework for sharing of mineral royalties' revenue among the national government, county government and communities. The Ministry of Petroleum and Mining had given the public an opportunity for make their contribution on the proposed law.

Royalties being a form of benefit sharing attracts great interest and contention by community, government and even investors. Furthermore, mechanisms for administering royalties has been a key concern in the mining sector in Kenya. In October last year, the National Treasury developed a framework on royalty rates which was a clear demonstration that there was determination by government to strengthen this aspect in terms of policy.

In order to have public participation, the LSK on the 7<sup>th</sup> & 9<sup>th</sup> of June 2022 organized for some group discussion within Kwale County. There were 3 focused group discussions in Bwiti, Fingirika and Miembeni villages to collect their views then share them with the Ministry of Petroleum and Mining. The LSK of Kenya submitted a memorandum to the Ministry on the 10<sup>th</sup> of June 2022.

## SPECIAL PARALEGAL TRAINING

On the 10<sup>th</sup> and 11<sup>th</sup> of March 2022, LSK-SIRD held a special para-legal training with Para-legals residing from Kwale at Jacaranda Hotel Ocean Resort in Diani, Kwale County.

In order to ensure that all issues emanating from the mining activities were properly addressed, LSK-SIRD aimed at training about 30 paralegals living with disabilities PWDs Paralegals residing within Kwale County. The special para- legal



training was attended by 37 participants of both gender. 24 of them were male, while 13 were female. The meeting started at 9am and Jobwe Yusuf took to the floor and his role at the SIRD project. He thereafter introduced Job Mati the PM, who briefed the participants the purpose of the project:

- a) To share past experiences and challenges of the PWDs on dealing with issues emanating from the mining activities within Kwale County;
- b) To carry out an assessment on some of the key cases that require LSK-SIRD intervention for PWD;
- c) To remind them of the need to influence and advocate for inclusion of vulnerable groups, PWDs, and women in the mining activities; and
- d) To formulate and have a plan on how to continue working together with paralegal and referral pathway leaders for the greater good of the community.
- e) To document key stories of change and most significant change stories from roles and tasks undertaken by paralegals and community champions on the referral pathway.

He also noted that it was important to ensure that all participants got the relevant knowledge on matter of extractive sector. For example, Environmental protection, land acquisition succession among. Thereafter, Job Mati introduced Jennifer Johnson. Jennifer Johnson noted that the project aimed at operating for 5 years but it was extended for 1 year. She noted that the specialized paralegal training had earlier not been planned for but it came up as a result of necessity from the previous training.

Thereafter all the participants went for a health break.

After the break, Emmanuel Mwangi discussed with the participants matters of environmental protection, consultation and public participation.

Dr. Marin Oloo spoke on the land ownership under the constitution under chapter 5. He stated that compulsory acquisition is guided by public interest. In addition, he also discussed on matters of compensation and valuation.

At 2pm Elisheba Okech welcomed all the participants from lunch. She introduced the next session which was questions and answers.

Emmanuel Mwangi Advocate and Martin Oloo clarified on the questions raised by participants.

These questions were on what is advanced possession, the process of acquiring land among.

The meeting came to an end at 4:30 PM.

On the second day, the meeting started by a word of prayer from one of the participants.

Thereafter, two participants did some recap on the previous day training.

This included matters of environmental protection.

What should we do to avoid pollution? What circumstances can government compulsory acquire land?

After the recap, Mercy Muniyoki took to the floor and helped the participants appreciate the law of succession. She spoke of both regimes of succession. They included succession under the Christian law and the Islamic law.

Of importance to note was that under the Islamic law, property was divided as follows. 1/3 under the Will, while 2/3 of the property was divided under the Islamic law. Secondly, that the male child inherited twice what the female child was supposed to. She also discussed some of the documents needed to prepare for succession application.

These included succession petition

1. Title deed
2. Letter from the chief
3. Family consent
4. Recent search
5. 2 witnesses

Some of the questions included:

Mr. Mbadi inquired if speculations on the formalization of the paralegal training program true.

Job Mati informed him that were those speculations but nothing had been confirmed.

At 4pm, Job Mati invited two police officer Kwale to also explain to the paralegal the process of recording a statement in the police station.

Once the police officers were done with their presentation, we had an officer (Mwanaidi) from ministry of public service gender and special needs. She spoke on the welfare issue. She encouraged the para-legals to obtain loans in order to empower themselves through self-help groups.

The meeting came to an end at 5pm.

During the two-day training, LSK-SIRD provided the paralegals with special materials for the visually impaired person. This included braille booklets and the case intake form. This meant that all visually impaired person could use them, in order to read more about extractive matters.



### **LEGAL AID ASSISTANCE TO THE COMMUNITY MEMBERS OF MIONGONI ON LAND GRABBING CASE.**

On the 23<sup>rd</sup> of June 2022 LSK-SIRD held a legal aid clinic in Miongoni village, Vanga ward in Kwale County.

- The objectives of the meeting were to:
- To educate the community on matters of land tenure system and other land rights.

To educate the community on matters of succession and gender issues.

The meeting was facilitated by advocate Mwatondo Athuman and advocate Annet Simiyu. The advocates shared about the right to own property including matrimonial property, land rights, laws relating to compensation and forceful acquisition of land by government. After the presentations, the participants were given an opportunity to seek for clarification and ask for questions as well.

The training was attended by 101 people, whereby 34 were male and 67 females. 12 women and 8 men asked questions and clarifications. Many of the questions asked revolved around forceful eviction from matrimonial homes following the death of a spouse and the right to inherit property by widows and children following the death of the grandfather whose name appears on the title deed.



From the discussions, it was clear that the participants were moved by the provisions of the Sheriah Law and requested to have a special session where they could get to understand more considering that the children and women were being denied their rights and most times religion had been used as a weapon to silence them. Other issues raised included land transaction cases where it was evident that the participants were not following up the required procedures when transacting land. Advocate Mwatondo gave a breakdown of procedures that community ought to follow to ensure that they do not loose in the process of acquiring land. Women wanted to be assured if those who are married under traditional arrangements were protected by the constitution when it comes to inheritance and succession.

More than 10 participants consulted with the lawyers present.



### **LEGAL AWARENESS DAY AND LEGAL AID CLINIC TO COMMEMORATE INTERNATIONAL WIDOWS DAY**

On the 15<sup>th</sup> of June 2022, LSK-SIRD celebrated the International Widows Day. The main aim of the activity was to sensitize the community particularly women on gender based violence. The activity was held in Vingujini Village Kwale County. About 234 people attended the activity. 50 of them were male while 184 were female. 5 men and 14 women spoke actively during the training.

All the participants present agreed assumed ambassadorial role in advocating for a society which is devoid of all forms of violence.



### **INTERNATIONAL WIDOWS DAY RADIO TALK SHOW FACILITATION**

On 23<sup>rd</sup> of June 2022, Mwanasha Gaserengo participated in a radio talk show (Baraka FM) in Mombasa Kenya. This was during International Widows days and she spoke of how she has been able to empowered women especially Widows through formation of self-help groups. She stated that she had created more than 29 self-help groups through the support of the SIRD project.

### **Round Table meeting with women pro bono lawyers**

1. On the 8<sup>th</sup> of July 2022, LSK-SIRD held a round table discussion with women lawyers in Kwale County. The meeting was attended by 148 female lawyers and 2 male lawyers. The meeting started at 7:30 am. The meeting aimed at meeting the following goals:
2. Brief the women lawyers on what the project has been doing over the last 5 years and what it intends on doing.
3. Explore ways in which women lawyers can be actively involved in the project.
4. Sharing of experience on matters of extractive industry.

Set the stage for the next phase of the project on climate transitioning.

LSK-SIRD partnered with FIDA Kenya in order to engage women lawyers to take up key roles in the extractive sector both on the policy level and also on representing the community on pro bono matters. This engagement also ensured that there was going to be sustainability even when the project comes to an end. As part of the ongoing capacity building, LSK-SIRD in was represented by Jennifer Johnson CFRM, Florence Muturi LSK CEO, two council members from LSK and one representative from FIDA Kenya. Jennifer Johnson gave members present a brief about the SIRD project and also requested them to take up a training program on the extractive sector that was going to be released by LSK in the near future. In addition to that, the CFRM stated that the SIRD Project had successfully aided women in the extractive industry by offering them swift access to justice. Therefore, it was better for women to be well informed on succession as well as relocation laws and safety regulations among others.

Other speakers included:

1. **Hon. Gladys Boss Shollei** – She encouraged women to be at the forefront of all matters in developing the national agenda. She opined that it was sometimes discouraging to notice vacancies in leadership position due to the fact that most women weren't willing to contend with their counterparts.
2. **Hon. Lady Justice (Rtd.) Dr. Nancy Baraza** – She put emphasis on the ability of women to protect themselves. She stated that women needed to shield their interests while advocating for equality rights from the grassroots to the national level. There was need for women to take advantage of the emerging opportunities after the elections. Women must align and advocate on matters affecting them e.g. 2/3 gender rule.
3. **Nancy Karigithu, PS Shipping and Maritime** – She offered tips for women in leadership by encouraging them to join the blue economy as its dire need of women to fill the gaps. Women must be innovative and learn to be deliberate in pushing for their agenda.
4. **Ms. Nancy Ikinu, Chairperson FIDA Kenya** – She detailed the role that FIDA Kenya has been involved to protect and propel women in various positions and decision making. She stressed the need to unite and step forth without fear to propel the women agenda forward.
5. **Ms. Judie Kaberia, ED Association of Media Women in Kenya (AMWIK)** – She specified that the media had a role to play to stop propaganda against women in leadership. Journalists must be trained on gender sensitive reporting and the women who are already in leadership should also be trained on how to engage the media and masses against polarization.
6. **Ms. Joyce Majiwa, SC** – underscored that as women we should not settle for the 1/3 gender rule as women, however, the ideal should be parity. She, further, encouraged more women to apply for the conferment to the rank of Senior Counsel (SC).





### Round Table meeting between LSK & SIRD team

The activity was held on the 4th of August 2022 at the Law Society of Kenya board room.

The meeting started at 10 am and was chaired by the LSK president Mr. Eric Theuri. The SIRD-Project Manager, Job Mati gave a progress report to the LSK team. He informed the LSK President that the SIRD project was in its 6th year and it had done a lot on training with the policy advocates, pro bono lawyers working within the mining area, local leaders, Referral pathway leaders, Paralegal and women. Apart from that the LSK-SIRD project had also carried out a lot of women advocacy activities and legal aid clinics aimed at empowering the communities. Job Mati further stated that LSK-SIRD had also developed two main policies. The first one was Gender Mainstreaming Strategy and the Resettlement Action Plans policies. Job Mati also stated that the Project would like to advance some of the policies to draft bills and he was requesting the LSK- President together with the Council to support them on this course.

The LSK-President was pleased with the work that the SIRD team had done. He offered to support the project in advancing some of these policies into model laws that could be discussed in parliament and later enacted into law.

Besides that, the LSK-President stated that he would like to see the SIRD project continue after its first phase comes to an end in end of March 2023. Job Mati informed the LSK president that

during the National forum in 31st of March & 1st of April 2022, it was agreed that the next phase of project should be in climate change. This was because of the importance of protection of the environment for now and for the future. The LSK-President agreed to work with all other partner to ensure the realization of the next project.

The meeting came to an end at 1:15 pm.

### Round table meeting between LSK-SIRD & Chair of Mineral Rights Board

1. It is imperative to note that this meeting was supposed to take place on the 4th of August 2022. However, due to unavoidable circumstance, this meeting was postponed to the 23rd of August 2022. The purpose of the meeting was to:
2. Get a brief from the Ministry representative on the progress of the review of the gender strategy.

Explore ways of working together in order to advance certain policies.

The Meeting started at 11am at Mama Ashanti Restaurant in Lavington, Nairobi County. The following persons were in attendance was the Chair of Mineral Rights Board Mr. Stephen Kuria, Caroline Ngina and Perpetua Ndumi all from the Mineral Rights Board Secretariat. While from LSK-SIRD there was the PM Job Mati, Daniel Muraguri the SIRD accountant and last but not least Dr. Martin Oloo and Jasper Lubeto all members of the National Advisory Council.

The PM Job Mati welcomed all the members present and went ahead to request them to introduce themselves. Once the introductions were over, Job Mati went on to state that the purpose of the meeting was to get a brief report from the Ministry representative on the review of the Gender Strategy. He therefore welcomed the representative from the Ministry of Petroleum and Mining to make their brief. Stephen Kuria



informed the members present that he had requested one of the intern from the Mineral Rights Board to work started reviewing the Gender Strategy and see what gaps existed and how they could be handled. From the brief review, he indicated that there were some aspects of gender mainstreaming that had been missing and this need to be corrected and added to the said policy.

Job Mati informed the members present that LSK-SIRD would engaged a consultant to work with the Ministry of Petroleum and Mining in order to review and complete the said document.

Stephen Kuria informed members that once the document was ready, it would be tabled before the relevant stakeholders that sit at the board. The rest of the members' present concurred with that position. The meeting came to an end at 2:30 pm and thereafter, lunch was served.



## RADIO TALK SHOW IN KWALE COUNTY

This activity was carried out on the 8<sup>th</sup> 9<sup>th</sup> and 10<sup>th</sup> of September 2022 at Kwale town in Kwale County. In the 3 days there were 8 panelists, 7 of them were male, while 1 of them was female. The activity was carried out through a radio talk show at the Radio Kaya in Kwale County. In the first day which was on the 8<sup>th</sup> of September 2022, the radio talk show started at 8:15 am. There were three (3) panelist, Job Mati who is the SIRD Project Manager, Emmanuel Mwangi

who is the SIRD Pro bono lawyer and finally the radio presenter Madam Beatrice Dama.

Beatrice Dama introduced the radio talk show program and thereafter requested Job Mati who is the SIRD PM to introduce himself and the SIRD Project. Job Mati stated that the SIRD project was a projected implemented by the Law Societies in East Africa in collaboration with the Canadian Bar Association and this Project was funded by the Global Affairs Canada. Secondly, the Project Manager noted that the topic for discussion today was on the to stop gender based violence.

Emmanuel Mwangi Advocate introduced himself and also stated that he had been working with the LSK-SIRD project to for the last 5 years to train and also represent community members who had unresolved issues with the mining companies.

On the second day, the LSK-SIRD PM was joined by Emmanuel Mwangi and the radio presenter Mr. Mwahoka Mtsumi.

The topic was on how to deal with land issues. The discussion also touched about the CDAC. Job Mati urged the said committee to use the fund given by the mining company in the right way.

While on the third day, the LSK-SIRD PM was joined by LSK-SIRD pro bono lawyer Mr. Rashid Ali Mbwiza and Yusuf Jobwe and the radio presenter Mr. Solomon. The topic of discussion was on matters of referral path way and how to involve women in mining activities. Mr. Rashid Mbwiza advised the community to try and use media while settling disputes in matters of land. Job Mati also emphasized on the need to refer matters arising from the community to the correct government offices. He also discussed the need for the mining companies to adhere to the requirement of the local content regulations. In addition to that Job Mati mentioned the various groups they had trained. These included; Policy

Lawyers, Pro bono Lawyers, Paralegals, Local Leaders and Women.

### Day 1 photos at Radio Kaya



### PARALEGAL TRAINING

On the 5<sup>th</sup> of September 2022, LSK-SIRD held a reflection meeting with some of the Paralegals residing within Kwale County. This follow up meeting/ reflection session was coming after the last follow up meeting that had been held on the 21<sup>st</sup> and 22<sup>nd</sup> of December 2022. The meeting was held in at Jacaranda Beach Hotel in Kwale County. There were a total of 21 persons, 13 of the male, while 8 of them were female. The meeting started at 8:30 am and came to an end at 1pm.

- a) The purpose of the meeting was to:
- b) To share past experiences on dealing with issues emanating from the mining activities within Kwale County;
- c) To carry out an assessment on some of the key cases that require LSK-SIRD intervention;
- d) To remind them of the need to Influence and advocate for inclusion of vulnerable groups and women in the mining activities; and

- e) To formulate and have a plan on how to continue working together with para-legal and referral pathway leaders for the greater good of the community.

To document key stories of change and most significant change stories from roles and tasks undertaken by paralegals



### WOMEN ADVOCACY IN MAFISINI VILLAGE

On 6<sup>th</sup> of September 2022, LSK-SIRD held a women advocacy in Mafisini village in Kwale County. The purpose of the meeting was to sensitize the community on matters of extractive sector. The meeting started at 10 am. The meeting had a total of 105 people. 8 of them were male, while 97 of them were female. 4 men spoke actively, while 35 women were also actively involved.



Madam Nelly Expounding on what advocacy strategies they adopted back in Miembeni Village



## LOCAL LEADERS TRAINING



On the 26<sup>th</sup> and 27<sup>th</sup> of October 2022, LSK-SIRD held the local leader training in Jacaranda Hotel in Diani Kwale County. The training was for local leaders based in Kwale County. The leaders were sensitized on the extractive sector and the legal framework governing it. There was also sharing of experiences from various leaders residing within Kwale County. The training was attended by about 30 delegates.

The training was facilitated by the Project Manager Job Mati together with valentine Khaminwa Advocate, Dr. Martin Oloo and Jasper Lubeto Advocate.

## LEGAL AID AWARENESS IN MRIMA VILLAGE, KWALE COUNTY

On the 21<sup>st</sup> of November 2022, LSK-SIRD held legal aid awareness in Mrima Village, Kwale County. The purpose of the activity was to sensitize the community on matters of extractive sector and also build capacity on matters of extractive sector with the community. This is because there are plans to carry out mining in the near future. The legal aid awareness was attended by 256 people, where by 16 were male, while 240 were female. The activity was facilitated by LSK-SIRD PM Job Mati together with a few women leaders. In attendance was also the Joelle Siemens, Canadian Field Regional Manager.



## LEGAL AID CLINIC IN KIBWAGA VILLAGE, KWALE COUNTY

On 19<sup>th</sup> of December 2022, LSK-SIRD organized for legal aid clinic in Kibwaga, Kwale County. The purpose of the meeting was to listen to the grievances of the residence of Kibwaga Village. The meeting was attended 100 people. 7 male & 3 female were actively involved during the legal aid clinic. LSK-SIRD promised to follow up on the issue raised by the community. Some of the issue raised included, lack of proper road, pollution of the air, lack of social amenities, among others.





Community members from Kibwaga Village.



Mr. Nyariki, a SIRD pro bono lawyer, providing an overview of various legal rights and topics.

**LEGAL AID ACTIVITY IN BWITI VILLAGE, KWALE COUNTY**

On the 28<sup>th</sup> of October 2022, LSK-SIRD organized for a legal aid meeting in Bwiti village Kwale County.

The purpose of the legal aid was to sensitize the community on matters of extractive industry including the role played by the Community Development Agreement Committee and how to handle grievances that arise out of the extractive activities. The meeting had 137 community members, whereby 65 of them were male, while 72 were female. The meeting was facilitated by the Job Mati, Project Manager, and two pro bono lawyers Annette Simiyu & Rashid Mbwiza. During the meeting 9 men and 6 female were actively involved.



**WOMEN ADVOCACY IN MIVUMONI VILLAGE, KWALE COUNTY**

On the 21<sup>st</sup> of October 2023, LSK-SIRD organized for a women advocacy activity in Mivumoni Village, Kwale County. The purpose of the meeting was to sensitize women on their rights. Mivumoni area is one of the areas that are potential for mining activities or bordering the mining area. There are areas that have been identified for exploration by the mining company. Like any other part of the county, land issues have been experienced and majority of the affected groups are women. It is against this background that this area was identified to sensitize and challenge women to advocate for their rights. This activity brought together widows, religious leaders and local leaders such as village elders and village administrators. The forum did not only focus on advocacy but also sensitizing women on economic empowerment. Women groups which had registered with department of social services received their certificates on this day. The activity was attended by 127 people, out of which 16 were male, while 111 were female. Two men and 12 women were activity involved.



## ROUND TABLE WITH KEY STAKEHOLDERS IN KWALE COUNTY

On the 3rd of October 2022 to the 8th of October 2022, LSK-SIRD organized for stakeholder meeting with Pro bono Lawyers working within Kwale County together with the representatives of the mining companies. The purpose of this meeting was to explore how these stakeholders could continue working/assisting the communities within Kwale County.

The lawyers that met with the LSK-SIRD team included, Annette Siminyu, Emmanuel Mwangi, Rashid Ali Mwiza, Mercy Munyoki and also the Base Titanium Representative Dr. Melba Wasunna. The discussion was centered on how to collaborate and also how to work on all the pending cases between the mining company and the community. The meeting were attended by a total of 6 people, 3 male and 3 female.

## WOMEN ADVOCACY IN RAMISI WARD

LSK-SIRD on the 24th of October 2023, organized for a women advocacy activity. The purpose of the activity was to listen to the community member living within the area. Barabarani area in Ramisi ward is a market centre bordering the Kwale International Sugar Company KISCOL with surrounding villages where sand harvesting is one of the economic activities. There are current complains about a cheetah that is suspected to have escaped from the near by reserve. This activity brought together women and local leaders such as village elders. There was a total of 174, 162 were women while 12 were male.



Participant speaking during the meeting

## WOMEN ADVOCACY IN TSWAKA VILLAGE, KWALE COUNTY

On the 23<sup>rd</sup> of November 2022, LSK-SIRD project held a women advocacy activity in Tswaka village, Kwale County. Tswaka is located in Lung Lunga sub county with numerous economic activities including farming. It is expected that the government will issue mining license to investors to mine gas in the areas. There are numerous challenges that the residence face with regard to land ownership. Many of them have been reluctant to follow up on their land registration to acquire title deed. The activity was organized to sensitize communities on the importance of land registration, the succession procedure and the process of land relocation and compensation. The facilitators were Annette Simiyu and Ezra Nyariki. About 169 people were sensitized.



Pro bono lawyer Ezra Nyariki listening to the client

## LAUNCH OF BASE TITANIUM INAUGURAL SUSTAINABILITY REPORT

On the 30th of November 2022, LSK-SIRD was invited by the Base Titanium Limited to the inaugural launch of the sustainability report in Diani Kwale County. The meeting took place in Diani Reef Hotel and the Law Society of Kenya was represented by the the President Mr. Eric Theuri. In attendance was the Vice President Faith Odhiambo and the Project Manager Job Mati.





LSK President speaking during the meeting

### ANNUAL LEADERSHIP FORUM

On 1<sup>st</sup> of December 2022, LSK-SIRD organized for the annual leadership forum. The purpose of the meeting was to share past experiences with regards to the extractive sector and what can be done to improve the current situation. Secondly, to bring all the stakeholders at par in terms of SIRD activities, focus and aspirations.

The meeting started by a word of prayer from Christine Kimuli. All participants present introduced themselves and stated how they have been engaging with the SIRD project. From the introductions it was clear that majority had been engaged through the project with exception of few representatives of members of county assembly who were recently elected following the August 2022 general elections.

The LSK CEO, Madam Florence Muturi welcomed all the participants and then briefly shared the days' agenda. She mentioned that LSK is committed to continue with capacity building and emphasized on the need to give back to community and for LSK to successfully do that the support from community and leaders is necessary.



LSK-VP speaking during the activity



LSK-CEO speaking during the activity

### REFERRAL PATHWAY MEETING

On the 2<sup>nd</sup> of December 2022, LSK-SIRD organized for a follow up meeting with all the referral pathway in Kwale County. The purpose of the meeting was to receive feedback from the referral pathway leaders on some of the issues



that are coming out of the extractive industry and also plan on how to continue working on some of the uncomplicated cases.

The session was facilitated by the LSK-Vp, LSK-CEO and the LSK-SIRD PM.

The meeting was attended by about 55 referral pathway leaders.



LSK-VP speaking during the meeting



LSK-CEO speaking during the meeting



### LEGAL AID CLINIC IN MAFISINI

On the 31<sup>st</sup> of October 2022, LSK-SIRD organized for a legal aid clinic in Mafisini, Kwale County. The purpose of the activity was to sensitize the community on Land rights, succession and

inheritance for women and children and on gender based violence. The participants had many concerns and questions about operations that base titanium is undertaking and land issues concerning inheritance and transactions. Since the women leaders could not offer support in these areas, it was considered necessary to organize a legal aid clinic where participants will learn more about land rights and gender issues. The team from Base Titanium was also invited to provide answers to some of the issues those communities living in these areas wanted answers. The facilitators were advocate Annette Siminyu and Advocate Ezra Nyariki. Other stakeholders present were Cleopatas Ngome from base titanium, the village administrator and the sub chief.

Annet Siminyu explained to participants the different forms of GBV and how the issues could be avoided or addressed. She used local examples to ensure participants understand what is GBV and implications it has to men and women. She gave examples of how people can be perpetrators knowingly and unknowingly. She finalized by giving 3 key take away which are 1. Survivors to report all cases of GBV and added that other people can report as long as they are doing it for the best interest of the survivor, 2. Survivors of GBV should get treatment and 3. Ensure a p3 is filled.

Ezra Nyariki explained about land ownership and land registration. He reminded women that they can have their name appear in the title deed as sole owners or spouses. This will make it difficult for the land to be exchanged to other parties without their knowledge. One participated wanted to know if she as the sole owner after the death of the husband can be stopped from selling the land if the children are all grown up and they have their own pieces of land. She was advised that she can sell the land but will have to swear an affidavit that he does not have a husband. The legal aid clinic was attended by 91

community members. 40 were male, while 69 were female.



Annette Siminyu Advocate speaking to the community

## CONFERENCE AND EVENTS

### Law Society of Kenya Annual Conference 2021

The Law Society of Kenya (LSK) held its Annual

Conference between the 6<sup>th</sup> – 10<sup>th</sup> July, 2022 at the **Leisure Lodge Beach & Golf Resort, in Diani - Kwale County**. The Conference was held under the main theme: **“The Election Laws: Are they the Anchors of Democracy, Rule of Law and Good Governance or a Recipe for Chaos, Obfuscation and Turmoil?”** and sub theme is: **“Modern Legal Practice: Technology as a Tool of Trade in Commerce & Dispute Resolution”**

Having taken a two-year hiatus, the Conference attracted over one thousand participants, who included officials from the Judiciary, State Law Office, Diplomatic Missions, Practitioners, Parliament, Non-Governmental Organizations and Corporate heads. In addition, the East Africa Law Society, the umbrella body of all East and Central Africa Bar Associations was represented by its President, Mr. Bernard Oundo.



The LSK Council with Chief Guest, Honourable Justice Daniel Musinga during the Annual Conference

**Welcome Reception:** On Wednesday, 6<sup>th</sup> July, 2022 members were welcomed to the Conference by the President and the Council, after a two year break, occasioned by the Covid- 19 pandemic. The President reminded members that the Conference was an opportunity for lawyers to take time off from their busy work schedules, interact with colleagues on current issues affecting practice and the profession and exchange views and experiences.





Council Members Cohen Amanya, Riziki Emukule, Byron Menezes and Njoki Mboce during the welcome reception

**Day One** of the Conference saw the CEO, Ms. Florence W. Muturi welcome participants to the Conference, encouraging members to interact with even the latest commercial products and services, as provided by sponsors. The Vice President, Ms. Faith Odhiambo, implored participants to steer the discourse towards the jurisprudence that will spark democracy and boost confidence in the general public, on the Society and Legal fraternity.





Being an electioneering year and in line with the Conference theme, the President urged all political players to exercise political maturity in order to avoid the specter of confusion during the year's general elections. The President went on to welcome the Chief Guest, Justice Daniel Musinga, President of the Court of Appeal. The Chief Guest assured members that the Judiciary was committed to play its role of dispute resolution and nurturing democracy. While outlining the steps taken by the Judiciary, he explained to members that the Judiciary had established the Judiciary Committee on Elections (JCE). He further noted that as the Vice Chairperson of the JCE, the Committee sought to push for policy and legislative reforms, related to electoral dispute resolution, "To date, the Judiciary has undertaken AD training for Judicial Officers in all Courts in Kenya, including law clerks and legal researchers," he affirmed.

Mr. Elisha Ongoya, Advocate of the High Court of Kenya during his key note speech emphasized that democracy demanded tolerance. He explained that political goodwill should be practiced at all times and citizen vigilance was requisite for consolidating democratic gains. "Education is the mother of all rights, let us document our legal history to act as a reference for future lawyers," he opined.

Session two had members break into two streams with presentations from;

#### **Stream A**

- a) Mr. Wilfred Nderitu, SC, Advocate of the High Court of Kenya on *the National Cohesion and Integration Act: A Poisoned Chalice?*
- b) Dr. Wambua Kituku, Advocate of the High Court of Kenya on *De-risking Elections in Kenya: The Case for Reforming Legal*

*Framework on Electoral Crimes and Offences and*

- c) Dr. Martin Oloo, Advocate of the High Court of Kenya The Constitution and Electoral Processes in Kenya: An Elusive Quest for Democratic Governance, the Rule of Law and Constitutionalism.

**Stream B**

- a) Ms. Linda Bonyo, Advocate, Founder & CEO Lawyers Hub presented on *Emerging Technologies and the Future of Legal Practice: The State of Legal Tech in Africa*
- b) Ms. Njeri Githanga, Advocate presented on *Reassessing the Opportunities, Threats and Challenges in Digital Publishing of Public Legal Information in Kenya and*
- c) Dr. Kenneth Wyne, Advocate presented on *the Inevitability and Accelerating Pace of Legal Industry Transformation - Embracing Technology within the Kenyan Legal Profession.*

**Day Two** of the Conference saw female advocates treated to a **Women's Breakfast Forum** that attracted top notch female advocates who have broken the glass ceiling in the legal fraternity. The panelists were Hon. Martha Karua, SC who was represented by Dr. Nancy Baraza, Ms. Joyce Majiwa, OGW, SC, Hon. Gladys Boss Shollei, Ms. Nancy Ikinu, Hon. Fatuma Achani, Ms. Nancy Karigithu, PS Shipping and Maritime and Ms. Judie Kaberia, ED- AMWIK. While giving their real life experiences, the speakers urged women to be go getters and to exercise their political rights by joining political parties, to participating in nominations. One speaker asserted that, "if it is not going to matter in five years, do not spend more than five minutes being upset by it."

The Opening Ceremony was graced by the Solicitor General of the Republic of Kenya, Mr. Kennedy Ogeto CBS, who was representing the Attorney General of the Republic of Kenya Hon. P. Kihara Kariuki. In his speech Mr. Ogeto observed that the theme was relevant during the





election period as our electoral laws were supposed to guide the electoral process. He however noted that some of the provisions of the electoral laws were unconstitutional and the said inconsistencies may be a recipe for chaos, obfuscation and turmoil. He reiterated that the election laws should create an environment that is guided by the rule of law and Principles of Natural Justice. He concluded by inviting the Society, the legal profession and all stakeholders, to embrace technology and ensure that it is widespread and user friendly.

Prof. Githu Muigai, EBS, SC while delivering his key note address, titled, “The gathering storm- A Challenge to democracy and the rule of law” noted that democratic governments have been unable to combat threats thereby having instances of uprisings, cropping up of terrorist organizations hence the public has lost faith in their government. He further indicated that the emergence of dysfunctional political ideologies has extremely polarized politics, as politics is based on ethnicity, race and/ or religion. He concluded by making reference to the US supreme court’s decision to quash Roe vs Wade case hence denying/ limiting women in the right to exercise their rights wholesomely.

Day 2 saw two breakaway sessions:

#### Stream A

- a) *The Jurisdiction of Kenya’s Electoral Process: Should We be Afraid or Very Afraid?*- Mr. Emmanuel Mumia, Advocate of the High Court of Kenya
- b) *Behind Maraga’s Change of Heart: Justifying ‘Balance of Probabilities’ as Standard of Proof in Kenyan Election Petitions* - Mr. Dudley Ochiel, Advocate of the High Court of Kenya
- c) Dr. Conrad Bosire, Advocate made a presentation on *the Limits of Judicial Intervention in Electoral Politics: Kenya’s*

*Presidential Election Petitions and the Democracy Dilemma: A Case of Refueling from the Exhaust Pipe?* and

- d) Dr. Muthomi Thiankolu, Advocate presented on the *Transformative Constitutionalism and the Case for an Inquisitorial Approach to Electoral Dispute Resolution in Kenya.*

#### Stream B

- a) Ms. Juliana Njiriri, Advocate presented on Online Dispute Resolution in Kenya
- b) Ms. Catherine Kitili, Advocate made a presentation on Technology: A Likely Hindrance to Access to Justice –of the High Court of Kenya
- c) Ms. Ruth Kirwa, Advocate presented on Tech-Savvy or Technology Illiterate: The Case of the Law Student and
- d) Dr. Kariuki Muigua, Advocate presented on Embracing Technology for Enhanced Efficiency and Access to Justice in the Legal Profession.



The Conference was officially closed by Honourable Lady Justice Martha Koome, Chief Justice & President of the Supreme Court of Kenya. She urged members of the legal fraternity, to redefine and aspire to resolve conflicts, with the aim of serving all, especially the marginalized and vulnerable. “Locked legal disputes are



enablers of the scourge of poverty which is the most dehumanizing of all human afflictions. We are continuously improving our case filing and tracking systems to interplay with other techniques including a home-grown virtual court model, that will ensure that the virtual court experience in the Judiciary, is uniform for every litigant,” the CJ intimated.

She concluded by urging other state agencies, voters, the political class and all concerned entities, to play their role in the electoral process, to ensure a free, fair and credible elections in the upcoming elections.

Gala Dinner: Participants were treated to song, dance and fireworks at the Gala Dinner. The Chief Guest, Mr. Maurice Makoloo, VP- Africa Habitat for Humanity International who indicated that at this point in our country’s history, the legal profession must be active on ensuring that there is greater civic engagement more than ever before. We have no luxury of being bystanders. This is the only way to make tomorrow better than today.

The long awaited Presidential Golf Tournament was held on Saturday, 9<sup>th</sup> July, 2022 and was teed off by the Honourable Lady Justice Martha Koome at the Leisure Lodge Golf Club. The tournament brought together avid lovers of the game play for the better part of the day, culminating to an awards ceremony held in the evening. We congratulate all the winners and participants who took place in the event.



The LSK President Mr. Eric Theuri, the VP Faith Odhiambo, Council members, the LSK CEO Ms. Florence W. Muturi, the ABA Board and the Secretariat participated in the LSK Annual Corporate Social Responsibility at the Born Again Children’s Home, Ukunda. The Council and the ABA Board issued a cheque worth Kshs. 208,000 and a contribution from members present of Kshs. 113,000, which would go to roofing and ceiling materials for the Home. Besides these, the President pledged support, in collaboration with LSK partners, to hold repairs for the betterment of the welfare of the children, many who are orphans, who range from newborns to university students. With these, the children have been able to experience a happier childhood and a safer environment.

The Council appreciated the organizing committee, the speakers, sponsors, the Secretariat, the ever bubbly and radiant MC George King Gustavo.

### **LSK Justice Games**

The Justice Games 2022 was successfully held on Saturday 22nd October, 2022 at the Parklands

Sports Club from 8.00 am to 5.00 pm, under the theme: “Wakili Fit Ni Wakili Fiti”. This year, additional games such as basketball, volleyball and other fun games, were incorporated alongside the traditional soccer. Below are the results of the Justice Games 2022:

1. Main Cup winners – LSK Southwest Branch
2. Plate winners – Coulson Harney Advocates LLP (Bowmans)
3. Volleyball winners – LSK Rift Valley Branch
4. Basketball winners – Emerging Law Firms

The Law Society of Kenya congratulated all the winning teams and appreciated all teams for their cooperation through a certificate of participation.

The ‘Justice Games’ is an annual event bringing together various teams drawn from stakeholders involved in the administration of justice, including judges and magistrates, auctioneers, advocates, law students, the police, parliamentarians, human rights NGOs and media houses from within the Country.







The LSK Secretariat Football team.



Participants warming up during the LSK Justice Games.



## Law Society of Kenya (LSK) Legal Awareness Week

The Law Society of Kenya observed its annual legal Awareness Week from Monday, 24<sup>th</sup> October to Friday, 28<sup>th</sup> October 2022 under the theme “**Kenya’s Electoral Reforms: Building Confidence for the Future.**”

LSK partnered with various institutions and organizations, including FIDA, IPOA KSL, ACC, IDLO, IJM, CAJ, KLRC, Kenya Law, Kituo cha Sheria, ABA, the Office of the Registrar of Tribunals, the Nairobi Law Society, and the Kenya National Commission on Human Rights, among others. The partners had set up a booth at the Milimani Parking Lot.

The Legal Awareness Week comprised of various activities geared towards promoting access to justice and advancing pro bono legal services. The following activities were undertaken during Legal Awareness Week:

### The Launch:

On Monday, 24<sup>th</sup> October the President, Mr. Eric Theuri, officially launched the event alongside the council and the CEO. He encouraged everyone to actively participate in the legal awareness week and praised the Advocates for their attendance and interest in supporting the indigent. Commissioner Macharia Njeru and Mr. Elijah Kandie were in attendance as Chief guests.

### Multi Stakeholder Symposium:

The symposium organized by the Law Society of Kenya in partnership with the IDLO was held on 25<sup>th</sup> and 27<sup>th</sup> October 2022 at the Sarova Stanley Hotel.

### Introduction

The main objective of the symposium was to engage the governance and technical participants

in the electoral justice system to assess relevant legislations, systemic flaws, and judicial processes, and to offer tactics that will be used to achieve the objective of sustained advocacy, awareness creation, public discussion, and debate, and to push for reviews of laws that are a recipe for turmoil and obfuscation. The session opened with introductory remarks by Deputy Secretary Mr. Collins Odhiambo, who welcomed Vice President Ms. Faith Odhiambo. She then invited the President to make a statement.

Mr. Mwaura Kabata, the convener, invited the panel, which included the following distinguished speakers:

1. Mr. Omwanza Ombati- Provided a history of Kenya’s election system and criticized Supreme Court jurisprudence and the resulting contradictions in interpretation.
2. Mr. Steve Ogolla - Guided members through institutional and legal gaps before, during, and after elections.
3. Mr. Stephen Mwenesi- Made observations on the SCORK election petition and provided bar reflections.

### Thursday 27th October

- ✓ A virtual presentation by Mr. Elisha Ongoya, a lawyer and legal scholar reviewed electoral reforms in Kenya from 1988 to 2022. The speaker outlined Kenya’s historical voting methods, which began with the Mlolongo voting system, progressed through secret ballot voting, and finally to transparent ballot boxes. He emphasized that our country has all of the necessary legislation, and all we are required to do is establish how to comply with the law in order to hold credible elections. He went on to add that by investing in legal culture, we can make the law more meaningful to individuals.

In his closing remarks, Mr. Ongoya called members' attention to a study he had prepared on "Transformative Constitution in a Bad Mannered Society." He advised contemporary legal practitioners to move the conversation from law amendment to law evolution and respect.

- ✓ Mr. Ochiel Dudley, an Advocate at Katiba Institute, moderated the second portion of the forum. His lecture focused mostly on the following topic: the standard of proof in election petitions as a potential area of electoral reform. This is in reference to Section 87 of the Election Offences Act and the court's judgement in the Raila 2013 case, and Friends Church Kanduyi Vs Wetangula case 2013.
- ✓ After a brief tea break, the third speaker, Mr. Jackson Awele, an Advocate and virtual panelist, picked up where Mr. Elisha Ongoya left off, explaining the difficulties and potential reforms arising from the 2022 Presidential Election Petition. In his presentation, Mr. Awele emphasized that the gains we see in electoral laws primarily focus on election management rather than accountability and transparency in the audit of election outcome management. He also argued that the Supreme Court's decision should stop giving primacy to theoretical principles of elections and instead apply it to actual positions and situations on the ground.
- ✓ Mr. Moses Owuor, an advocate, was the day's final speaker. He made comments and recommendations on

The following questions guided his discussion;

- ✓ Whether there were unexplainable discrepancies between the votes cast for presidential candidates and other elective positions.

- ✓ Whether IEBC carried out the verification, tallying, and declaration of the results in accordance with A. 138(30) (c) and 10 of the Constitution.
- ✓ Whether there were irregularities and illegalities of such magnitude as to affect the final result of the presidential election.

## Participation

Participants at the multi-stakeholder workshop included university lecturers, ATP students and university students, legal education regulators, practitioners, and legal aid providers such as the National Legal Aid Service, FIDA, and Kituo cha Sheria, among others.

Mr. Mwaura Kabata, the PIL Convenor, made the opening comments, describing the symposium's anticipated results to the participants. In his remarks, he emphasized the gap between the vision of the creators of Kenya's 2010 Constitution, the architects of emerging legislation, and the ambiguities surrounding Election Management. He went on to say that there is evidence to relate voter disinterest in the 2022 general election to gaps in legislation, the failure to enshrine Article 6 of the constitution, and a culture of political mudslinging, all of which contribute to voters' disillusionment. He went on to say that young, potential voters are losing interest in politics and elections, as seen by the fact that just eight million registered voters are between the ages of 18 and 35, accounting for approximately one-third of the total 22 million.

He concluded by thanking everyone who had participated both virtually and physically and hoped for a constructive future debates.

## Challenges Identified.

- ✓ There is need to engage in dialogue that will instill a culture for respecting the law.
- ✓ There is significant lack of civic education in the general public about their rights and laws
- ✓ There is lack of transparency and accountability
- ✓ Interference of election management body
- ✓ There is a challenge with the 14 days' time frame for the Supreme Court to make its decision.

## Recommendations

- Corporate Governance in term of the structure of the IEBC
- An ICT-Legal stakeholder symposium
- Technology there is need to provide access to election technology platforms to IEBC staff only
- Simplify the statutory election result declaration forms 34 a, b, and c
- Separate servers for critical election management components to allow for schematic imaging for audibility.
- Training ROs and POs to ensure consistency
- Introduce special voting for those who are disenfranchised on Election Day.
- There is need to invest in civic education and civic virtue as it will enable people to understand the significance of their rights.
- The judgment must stop giving preeminence to the theoretical principles of the election system and start applying them to actual position on the situation on the ground.

To challenge lawyers to propose reforms that will move us from the irony that our public interest litigation is in a very hyper adversarial system.

## Integrity March

On Wednesday, 26th October 2022, the LSK led a peaceful procession alongside religious leaders, representatives from major partners, advocates law students, and members of the public. The event was started with a word of prayer from the religious leaders. There was a brief address on the theme of the March by the Convenor, CEO Vice President and the President. The walk took place at 11:40 a.m. from the Milimani law courts down Cathedral Road, up Valley Road through Ralph, and back at Milimani.

## Prison Visits

On Tuesday 25<sup>th</sup> October LSK in partnership with the Kenya Prison's Services organized a visit to the Industrial Area Remand and Allocation prison where 28 Advocates and law students provided legal aid services to the remandees. 202 inmates received legal advise and 76 return forms were recorded

## On Thursday, 27th October 2022

Advocates, law students, and representatives of KHRC visited the Langata Women's Prison where they were received by the officer in charge of the station. They then proceeded to sign the visitor's book. The second session involved breakaway session where the remandees were attended to by the advocates.

Total number of inmates advised was around 255 with about 150 recorded in return forms. The prisons population was about 1,000. The inmates present at the event visit were around 300 selected from those serving sentences and a majority of remanded prisoners, majority of cases revolved around stealing, drug use selling and supply, robbery with violence, murder, intention to commit a felony, and other civil cases.



The event concluded at around 2:30 pm and members proceeded to check out of the institution as they receive refreshments and snacks for the day. They arrived at 3:15 pm at Milimani law Court where each one of them departed for their respective destinations.

### Community Sensitization

On Tuesday 25<sup>th</sup> October 2022, LSK conducted a community sensitization in Njiru at ACK St. Mathias church. The event was started by a word of prayer from Rev. Edward Kihanga.

The Chief Guest, Hon Carrington Hehe, MCA welcomed the legal team to Njiru and requested them to address issues such as the social injustice experienced by the community, land grabbing cases, illegal evictions, and the illegal demolition of houses.

After the fruitful discussions, a breakaway session was held where the legal team attended to the community and gave them free legal aid.

On Friday 28<sup>th</sup> October 2022, LSK also conducted community sensitization at Huruma CDF Hall in Mathare Sub-county. The Advocates and representatives from IDLO and KHRC discussed with community member's promotion election reforms, violation of human rights during elections, and the role each individual plays in the election. The community elders were impressed by the initiative and commended LSK for planning the visit.











## 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) LSK event reports, Council decisions, landmark court rulings, CPD seminars briefs, trainings, vacancies and legislations amongst others.



LAW SOCIETY OF KENYA

Weekly Newsletter 22<sup>nd</sup> April 2022

#### Advertisement: Secretary/ CEO Position- Law Society of Kenya

The Law Society of Kenya is a Premier Bar Association with membership of all Advocates in Kenya. Pursuant to section 26 of the Law Society of Kenya Act, 2014, the Society seeks to recruit a Secretary/ Chief Executive Officer, who shall hold office for a period of three years and shall be eligible for reappointment for a further term of three years.



LAW SOCIETY OF KENYA

Weekly Newsletter 22<sup>nd</sup> August 2022

#### The Call For Peace and the Challenge of Election Results through Law

The Law Society of Kenya continues to monitor the electoral process, deriving mandate from section 4(e) of the LSK Act, in order to uphold the rule of law, foster public trust in the integrity of electoral procedures and safeguarding the civil and political rights of members of the public.

We have received with utter shock and dismay news that the body of the missing returning officer for Embakasi East constituency Daniel Mbolu Musyoka, has been found in Loitoktok. This marks yet another death of a critical IEBC official in circumstances that point to a killing related to the discharge of duties as an election official.



### **LSK Advocate Magazine**

The Council of the Law Society of Kenya, through the Annual Conference Organizing Committee, invited members to submit articles for consideration for publication in the **July 2022** issue of **The Advocate Magazine - Annual Conference** under the theme

Main Theme: *“The Election Laws: Are they the Anchors of Democracy, Rule of Law and Good Governance or a Recipe for Chaos, Obfuscation and Turmoil?”*

**OR**

Sub Theme: *“Modern Legal Practice: Technology as a Tool of Trade in Commerce & Dispute Resolution”*

The Magazine was published and distributed to members during the LSK Annual Conference 2022.



### Editorial Committee

The Law Society of Kenya Journal is a peer-reviewed annual publication of the Law Society of Kenya produced and published by the Editorial Committee. The Journal was last published in the year 2020. Due to the pandemic and other constraints experienced in the Society, the committee was non-operational.

Upon reconstitution of Committees in 2022, the Editorial committee, convened by Prof. Michael Wabwile, Council Member held its inaugural meeting on 29<sup>th</sup> August 2022.

The Editorial Committee's 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. Consider and advise on measures for income generating activities for the Law Society publication.

The following were some of the achievements by the committee;

- A communication was sent out to members who presented their papers for publication between 2018-2020 to confirm whether they are interested in pursuing the review of their papers for consideration for publication within 30 days.
- A call for papers for the LSK Journal 2022 was issued where members were given 30 days to respond. The secretariat received 20 papers out of that call.
- Outsourcing of Consultants; On a notice issued on 22nd November 2022, the Editorial Committee welcomed the receipt of expressions of interest from qualified individuals and teams to conduct the peer review of the selected manuscripts. The team through a procurement process selected a firm that would review the papers for production and publication of the LSK Journals for year 2021 and 2022 before March 2023.



- The Secretariat through the Communications Department collaborated with the committee in collection and shortlisting of the consultants. The selected consultant is to be kept confidential until the blind review process is complete.

### Planned Activities

- Status of the next issue of the LSK Journal, 2023 and 2024.
- Come up with a Strategy on how to produce and publish the LSK Journal (2023-2024).
- The management to present a proposal to the Committee on having an e-copy of the LSK journal.



## CORPORATE SOCIAL RESPONSIBILITY

The LSK Annual Corporate Social Responsibility event was held at the sidelines of the LSK Annual Conference. The LSK Council and the ABA Board of Management visited the Born Again Children's Home, Ukunda for the CSR event.

The event led by the LSK President Mr. Eric Theuri, the Vice President Faith Odhiambo, Council members, the LSK CEO Ms. Florence W. Muturi, ABA Management Board, LSK members and members of the LSK Secretariat saw the Board of Management donate a cheque of **KShs. 208,000/=** and a contribution from members present totaling to **KShs. 113,000/=**. The monies contributed would go to roofing and ceiling materials for the Home. Besides these, the President pledged support, in collaboration with LSK partners, to hold repairs for the betterment of the welfare of the children.



The Born Again Children's Home, Ukunda is home to 40 children in need that began in 2005. Pastor Geoffrey Mwarigha Malagho and his wife who took in children from the nearby village, founded Born Again. Many of the children are orphans or have parents who can't afford to feed them or send them to school. The children range from newborns to university students. The children are in various levels of education as below:

- 21 children are in primary school;
- 14 children are in secondary school;
- 2 are in university;
- 1 is in baby class; and
- 2 have not yet started school.

Out of the forty children, fourteen are girls and twenty-six are boys

- The founders of the orphanage aim to keep all of the children well-fed and in school for as long as they can. The children 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 Home aspires to become a self-sufficient orphanage that uses its initiatives to secure the children's future. Such initiatives include teaching young girls how to sew, repair, and make school uniforms, buying plots of land to build greenhouses to grow and sell vegetables, teaching young girls and boys how to braid and cut hair at popular, local salons, and buying goats and cows to supply and sell milk and meat.

The Home has a preschool that provides basic education for poor neighborhood families as well as their children. Born Again hopes to one day operate a primary school that is open to all faiths, including Islam and Christianity.

Besides long-term goals, the Home has immediate needs such as the need for double-decker (4x6) beds, window grills, doors, floor and wall tiles, electrical wiring, painting, and plumbing. However, the biggest priorities for short-term needs are the constant need for food, new school uniforms, everyday clothes and shoes, mattresses and

beddings, mosquito nets, non-perishable food items, toys, and stationery. For now, Born Again's only source of funding for necessities is charitable contributions and the goodwill of visitors.





## LAW SOCIETY OF KENYA AWARDS

### Law Society of Kenya Awards

The LSK also held the Annual Dinner, Dance and Awards at the Safari park hotel. The Annual Dinner, Dance and Awards honored persons or entities who have distinguished themselves in promoting certain causes and ideals that the Society supported.

The following were the persons/entities awarded during the event;

#### 1) Roll of Honour

This award is made to members who have distinguished themselves in promoting certain causes and ideals that the Society supports. The award is in recognition of the **distinguished life-long service to the legal profession** in Kenya. This was awarded to Hon. Kivutha Kibwana, the then Governor of Makueni County.



## 2) Father Kaiser Human Rights Award

This award is made to members in recognition of distinguished service in the promotion of human rights in Kenya. It identifies and recognizes the efforts of ordinary Kenyans whose work has contributed to the promotion of human rights in Kenya. This was awarded to Kituo Cha Sheria.



## 3) Distinguished Service in the Administration of Justice Award

This award is made to persons or entity who have distinguished themselves in the administration of justice. The award recognizes impartiality, dedication and hard work on the part of a person or entity in the performance of his/her duties. This was awarded to Hon. Justice Roselyne Aburili.

Since inception of the awards in the year 2002, a number of advocates have been recognized under each respective category.

# REPORTS OF REPRESENTATIVES OF THE LAW SOCIETY OF KENYA TO COMMITTEE AND VARIOUS INSTITUTIONS

## JUDICIAL SERVICE COMMISSION

The Law Society of Kenya is represented by Hon. Commissioner Mr. Macharia Njeru and Hon. Commissioner Ms. Jacqueline Ingutiah.

### THE PREAMBLE

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 5 parts:

Part 1 is the introduction which gives an overview of mandate and functions of the

Judicial Service Commission (JSC).

Part 2 highlights some of the milestones achieved by the Commission in the period under review. The milestones are in line with the Commission's current Strategic Plan

(2022- 22) with most of the achievements speaking to the object of the Law Society of Kenya specifically on administration and practice of the law in Kenya.

Sections 3 and 4 give the challenges faced by the Commission during the year and recommendations to the Law Society of Kenya Council, respectively.

Section 5 is the conclusion.

### 1. INTRODUCTION

The Judicial Service Commission (JSC) is a Constitutional body established under **Article 171 (1) of the Constitution of Kenya** and operationalized by the Judicial Service Act, 2011.

Operating under a Vision of promoting an independent, transparent, and accountable Judiciary, the Commission's current strategic objectives are as follows:

Efficient, Effective, and Accountable Administration of Justice

Motivated, Professional, Dynamic and Responsive Judges, Judicial Officers, and Judicial Staff

Financially Independent and Sustainable Judiciary and Judicial Service Commission

Increased Public Confidence and Trust in the JSC and the Judiciary

Strengthened Institutional Capacity of the Judicial Service Commission

## 2. MAJOR MILESTONES ACHIEVED DURING THE PERIOD UNDER REVIEW

### A. EFFICIENT, EFFECTIVE, AND ACCOUNTABLE ADMINISTRATION OF JUSTICE

#### I. ENHANCING EFFICIENCY AND EFFECTIVENESS

To improve effectiveness and efficiency in the Judiciary, the JSC recruited a total number of 913 employees to fill vacancies in critical areas in the Judiciary's. The increased number of staff will lead to improved service delivery, enhanced creativity and innovation; help with reduction of backlog of cases and enhance access to justice for all Kenyans. The tables below give a highlight of the recruitment conducted by the JSC:

#### a) Concluded Recruitment

Judge



S/NO	Position	No. Appointed
1.	Judge of Appeal	7
2.	Judge of High Court	20

#### Representative to the Salaries and Remuneration Commission

S/NO	Position	No. Appointed
1.	JSC, Representative to the Salaries and Remuneration Commission	1

#### Tribunals

S/NO	Position	No. Appointed
1.	Member, Political Parties Disputes Tribunal (Legal)	1
2.	Ad hoc Member, Political Parties Disputes Tribunal (Legal)	9
3.	Ad hoc Member, Political Parties Disputes Tribunal (Non-Legal)	9

4.	Member, Tax Appeals Tribunal (positions for other professionals who are not Advocates of the High Court of Kenya)	5
5.	Member, Tax Appeals Tribunal (positions for Advocates of the High Court of Kenya)	4
6.	Secretary to the Tax Appeals Tribunal	1

#### Judicial Officers & Registrars

S/NO	Position	No. Appointed
1.	Resident Magistrate	65
2.	Registrar, Head of Tribunal	1
3.	Registrar, Environment and Land Court	1
S/NO	Position	No. Appointed
4.	Registrar, Head of Tribunal	1
5.	Registrar, Environment and Land Court	1

## Judicial Staff

S/NO	Position	No. Appointed
1.	Executive Director, NCAJ	1
2.	Senior Office Administrative Assistant	49
3.	Charge hand (JSG 8)	10
4.	Senior Draughtsman (JSG 7)	1
5.	Superintendent of Works (JSG 6)	4
6.	Senior Quantity Surveyor (JSG 4)	4
7.	Senior Engineer, Electrical (JSG 4)	1
8.	Senior Engineer, Mechanical (JSG 4)	1
9.	Senior Engineer, Civil and Structural (JSG 4)	1
10.	Court Assistant II	700
11.	Risk Management Officer I (JSG 5)	1
12.	Drivers	40

**b) Review of Terms of Employment**

The JSC renewed Contractual appointments of 7 judicial staff.

**c) Pending Recruitments**

Late 2022, the Commission shortlisted the following positions. In 2023, the Commission will continue with the recruitment process.



S/No	Position
1.	Senior Legal Researcher
2.	Legal Researcher
3.	Legal Counsel (JSG 3)
4.	Senior ICT Officer - Infrastructure (JSG 4)
5.	Senior ICT Officer - Research and Development (JSG 4)
6.	ICT Officer I - Research and Development (JSG 5)
7.	Senior ICT Officer - Software Engineering (JSG 4)
8.	Senior ICT Officer – Help Desk Administration (JSG 4)
9.	ICT Officer I - Database Administration (JSG 5)
10.	ICT Officer II - Database Administration (JSG 6)
11.	ICT Officer I - ICT Security (JSG 5)
12.	ICT Officer II - ICT Security (JSG 6)
13.	ICT Officer I - Software Programming (JSG 5)
14.	ICT Officer II - Software Programming (JSG 6)
15.	ICT Officer II - System Administration (JSG 6)
16.	ICT Assistant (JSG 8)
17.	Senior Partnership & Linkages Officer
18.	Curriculum Development Officer
19.	Monitoring and Evaluation Officer
20.	Senior Protocol Officer (JSG 4)
21.	Protocol Officer II
22.	Chairperson, Land Acquisition Tribunal
23.	Chairperson, National Examinations Appeals Tribunal
24.	Chairperson, Nairobi International Financial Centre Tribunal
25.	Member, Nairobi International Financial Centre Tribunal
26.	Member, Political Parties Disputes Tribunal (Advocate)
27.	Member, Political Parties Disputes Tribunal (Expert)
28.	Member Tax Appeals Tribunal (Advocate)
29.	Member, Tax Appeals Tribunal (Experts)
30.	Member, Sports Disputes Tribunal
31.	Member, National Environment Tribunal

## II. ENHANCING ACCOUNTABILITY

On accountably, the JSC continues to popularize the Judicial Service Code of Conduct among judges, judicial officers and staff in fora such as colloquia.

Pursuant to Article 168 of the Constitution, the Commission handled a total of 76 Petitions against Hon. Judges, out of which 52 were processed and finalized.

As provided for under Article 172 (1) (c) & Article 252 of the Constitution, the Commission processed a total of 60 disciplinary cases which were made up of 11 cases against Judicial Officers and 49 cases against Judicial Staff.

The Commission reviewed the draft complaints processing and procedures regulations, and plans are out to roll out the same for public participation in the next reporting period.

### B. MOTIVATED, PROFESSIONAL, DYNAMIC AND RESPONSIVE JUDGES, JUDICIAL OFFICERS, AND JUDICIAL STAFF

The JSC processed and approved the promotion of 87 Resident Magistrates who had met the requirements to the higher grade of Senior Resident Magistrate.

Through the Kenya Judiciary Academy targeted trainings such as elections disputes were undertaken. This bolstered the capacity of judges, judicial officers and staff hence enabling them to offer timely and quality professional services. This is evident from the judiciary response to elections related disputes.

The JSC reviewed judiciary staff performance to review the progress of the targets and issued policy recommendations to enhance performance.

### 3. FINANCIALLY INDEPENDENT AND SUSTAINABLE JUDICIARY AND JUDICIAL SERVICE COMMISSION

Review, approval, and monitoring of Judiciary, JSC and KJA budgets and procurement ensured laws regulations and relevant polices are adhered to and resources are spent effectively. During the period under review there was increased funding on ICT and infrastructure development all this are aimed at increased productivity and efficiency.

Continuous engagement with executive and parliament saw the operationalization of the Judiciary Fund, this will go well in promoting the independence of the judiciary.

### 4. INCREASED PUBLIC CONFIDENCE AND TRUST IN THE JSC AND THE JUDICIARY

In 2022, the JSC engaged various stakeholders on issues that affect the administration of justice such as: Heads of Court Stations, National Assembly Committees, Salaries and Remuneration Commission (SRC), Muslim Leaders, our society among others.

### 5. STRENGTHENED INSTITUTIONAL CAPACITY OF THE JUDICIAL SERVICE COMMISSION

The JSC launched it's Strategic Plan in January, 2022 and same is in the process of being implemented.

It acquired adequate office space at the CBK Pensions Towers which will improve productivity and support implementation of the expanded JSC structure.

The Secretariat organization structure was reviewed to align the various positions and the functions of the JSC.

The Commission created the administrative structure for the Small Claims Court and approved the recruitment of additional Magistrates who may be deployed to the Small Claims Court to serve as adjudicators as need arises.

## 6. RECOMMENDATIONS TO COUNCIL

To actively engage the Commission on matters of Administration of Justice to enhance a robust relationship e.g give accurate timely information regarding candidates shortlisted for various positions.

To strengthen bar-bench committees across the country to address practice and access to justice concerns at local level and where necessary escalate to the Commission

## 7. CONCLUSION

The Commission remains committed to perform its mandate of promoting and facilitating the independence and accountability of the judiciary and efficient, effective, and transparent administration of justice.

## THE RULES COMMITTEE OF THE JUDICIARY

The Rules Committee of the Judiciary (RCJ) is represented by Kevin McCourt, Noel Inziani, Jacklyne Wakoli and Cynthia Mirugah and is established under Section 81 of the Civil Procedure Act, Cap 21 Laws of Kenya. The Committee is tasked with making rules consistent with the Civil Procedure Act or any other written law and to provide for any matters relating to the procedure before courts and tribunals. In addition, the Committee is tasked with advising the Chief Justice on such rules as may be necessary for the effective administration of justice.

### Composition of the Committee

The Committee's composition is stipulated under section 81(1) (a) of the Civil Procedure Act. The

Chief Justice may elect to be a member of the Committee, in which case he or she shall be the Chairperson. Where he elects not to be a member, the Chief Justice shall appoint one of the other members to be the Chairperson. Members are drawn from: -

1. The Court of Appeal, High Court, Environment and Land Court and the Employment and Labor Relations Court
2. The Magistrate's Court
3. The Office of the Attorney General
4. The Law Society of Kenya, and
5. The Kenya Law Reforms Commission.

The Committee also has a secretariat comprising of designated Judiciary members of staff.

The physical location of the offices is at Reinsurance Plaza, Northern Podium, Next to JSC Offices, Wing B.

The Committee has made commendable progress in the development and finalization of a number of procedural rules as below: -

### 1. Preparation of Quality Control Guidelines for Drafting for the Rules Committee of the Judiciary

The Committee came up with and approved this as a blue print guide for its drafting of procedural rules to ensure that quality and standards of development of rules as and when need arises.

### 2. The Small Claims Court Rules, 2019 and the Code of conduct for Adjudicators

The Committee finalized on the rules and Code after conducting due public participation and validation. The rules and the Code were gazetted as Legal Notices 144 and 145 of 2019.



The Small Claims Court Act has since been amended by Parliament and the rules have been adjusted to align to the amended provisions.

### **3. The Civil Procedure (Amendment) Rules, 2020**

The Rules were prepared, finalized and gazetted in February, 2020. Amongst the key amendments included the introduction of rules that allowed electronic service of court process.

### **4. The Matrimonial Proceedings Rules, 2020**

The rules were prepared, finalized and gazetted as legal Notice 122 of 2020.

### **5. Practice Rules and Procedure for Kadhi Courts, 2020 and the Kadhi Bench Book.**

The Rules Committee in conjunction with the Judiciary Training Institute and a Steering Committee formed in partnership with the International Development Law Organization (IDLO) finalized on the draft rules. The rules were gazetted on 6th November 2020 as Legal Notice No. 203.

### **6. Protection Against Domestic Violence Rules, 2020**

The rules were prepared, finalized and gazetted on 26th October, 2020 vide Legal Notice No. 200.

### **7. Harmonized Court Fees Schedule**

The committee worked together with a taskforce that had been established by the Chief Justice to develop a harmonized court fees schedule. The schedule was finalized and gazetted by the Chief Justice in July, 2021.

### **8. HIV/AIDS Tribunal Rules**

The rules were finalized and gazetted on 18th March, 2022 as Legal Notice No. 33 of 2022.

### **9. Court of Appeal Rules, 2022**

The Committee finalized the rules and they were gazetted on 11th March, 2022 as Legal Notice No. 40 of 2022.

### **10. Practice Directions on virtual court proceedings**

The committee prepared the rules and forwarded the same to the Chief Justice for gazettelement.

### **11. Kahawa Law Courts Operations Guidelines**

The committee received these guidelines from Kahawa Law Courts. The guidelines were deliberated upon by members of the committee and comments from key stakeholders such as the Counter-Terrorism Committee incorporated. The guidelines were adopted by the committee and thereafter forwarded back to Kahawa Law Courts.

After the committee had forwarded the said guidelines, the Witness Protection Agency raised various concerns that have since been addressed.

### **12. Matrimonial Property Rules, 2020**

The rules were prepared, finalized and gazetted as Legal Notice 137 of 2022 on the 29th July, 2022.

### **13. Sports Disputes Tribunal Rules, 2022**

The rules were finalized and gazetted as Legal Notice No. 49 of 2022.

### 13. Court Annexed Mediation Rules

The rules were finalized and gazetted on 18th August, 2022 as Legal Notice No. 145 of 2022.

## Ongoing Work

### 1. Fair Administrative Action Rules

The committee has a draft that it has prepared. The same has been shared with the relevant stakeholders for comments. The Committee is alive to the fact that these rules play a vital role in the dispensation of justice in our judicial system and has been given the highest priority.

### 2. Rules for Admission of Advocates

The committee has prepared a draft which has been shared with the relevant stakeholders for their comments. These rules will enable seamless admission of advocates in the future.

### 3. The Insolvency Rules

The committee has prepared a draft Insolvency Rules that will be shared with relevant stakeholders.

### 3. Matrix of Prioritized Rules

The committee has developed a matrix of priority rules. There are 59 sets of rules that are required to be prepared by the committee.

## PHYSICAL AND LAND USE PLANNING LIAISON COMMITTEE (PLUPLC) – KIAMBU COUNTY.

The PLUPLC – Kiambu County is represented by George Mugane Ngunjiri.

Following the gazettment of the members on 30<sup>th</sup> July 2021, a series of meeting have taken place as follows:

On 27<sup>th</sup> April, 2022, a consultative meeting was held between County Executive Committee Member (CECM) & Chief Officer, Lands, Housing and Physical Planning and the Chair to work on how to operationalize the PLUPLC. In the meeting key action points were agreed upon among others developing the terms of reference for members and establishment and equipping of the Secretariat.

An inaugural meeting was held on 30<sup>th</sup> June, 2022. CECM and her legal team took the members through the Physical and Land Use Planning Act of 2019 in a nutshell. It was noted that there was need to operationalize the PLUPLC in light of the case backlog already pending.

PLUPLC held another meeting on 12<sup>th</sup> July, 2022 and noted that the key action points agreed upon in our previous meeting with CECM and team had not been acted. The Committee noted that the Secretariat had not been constituted by the CECM as required by the law, there was no working space even to hold its meeting and that swearing in of Committee members did not take place.

On 15<sup>th</sup> July, 2022 I wrote to the CECM lamenting that the PLUPLC was yet to be operationalized despite our various engagements. This prompted the CECM to call for a meeting on 26<sup>th</sup> July, 2022. In the meeting, members were sworn in. It was agreed inter alia that the PLUPLC through the Chair will prepare the Needs Assessment Report in light of the budgetary constraints by the County of Kiambu. CECM and her team noted that PLUPLC had not been budgeted for in the current financial year but nevertheless, they were committed to provide some resources from other directorates as they await the supplementary budget. PLUPLC members noted that the committee was disabled without the necessary resources.

On 1<sup>st</sup> August, 2022 I presented the Needs Assessment Report to the CECM as follows:

- a. Relevant human resources especially an Administrative Assistant (preferably a Para-Legal Clerk professional capable of handling documents with sensitive legal implications); a Record Management Clerk, an ICT expert, 2 enforcement officers, 1 security guard, and a Messenger.
  - b. Office equipment: 2 Desktop computers, 1 Printer, 1 photocopier machine, 1 dedicated office phone line for customer care matters, a shredder, and other office stationery like printing papers, staplers, and paper punch, among others.
  - c. Registry for keeping/filing records.
  - d. A Boardroom and 2 plenary chambers for conducting the PLUPLC meetings.
  - e. Budget – financial allocation to run affairs of the PLUPLC office and activities.
- a. Senior Planner and an Advocate of the High Court;
  - b. Shared office equipment within the Lands Department;
  - c. Mettalic Cabinet;
  - d. The Office of Chief Officer to be used as boardroom;
  - e. Due to budgetary constraints, the operations of the Committee including the allowances were to be financed with votes from other directorates as they await Supplementary budget in the last quarter of 2022;
  - f. The 2-3 days training workshop was scheduled to be held in the month of September, 2022.

**Other needs presented to the CECM are as follows:**

1. Carrying out an induction seminar for PLUPLC for at least two days.
2. Remuneration of PLUPLC – various allowances that the PLUPLC will be drawing;
3. Welfare – other benefits to wit medical etc during the tenure of the PLUPLC.
4. Co-opting of members on a need be basis.
5. Sitting in circuit in the sub-counties

CECM wrote to the Committee on 18<sup>th</sup> August, 2022 in response to our Needs Assessment Report.

In her letter, she indicated that her office will provide the following in order for PLUPLC to operationalize:

The Committee wrote to the CECM on 19<sup>th</sup> September, 2022 reminding the CECM to arrange for the 2-3 days training/induction workshop. The said training was held on 24<sup>th</sup> November, 2022 for one day.

From then the Committee has not met.

**Important issues touching on objects and principles of the Society:**

The aim of the PLUPLC is to provide alternative dispute resolution mechanism. Litigants are encouraged to lodge their complaints with PLUPLC before filing in the ELC which is marred with case back log.

Disputes in PLUPLC are resolved within thirty (30) days as required by the Act. The Committee sets its own rules of procedures thus relaxing the stringent rules of practice under the Civil Procedure Act and the Rules.

Upon delivery of PLUPLC the same is registered at the ELC. This discourages the litigants from appealing in the ELC, they can only file an appeal in the Court of Appeal (my view).



This in line with principles of the society of promotion of rule of law and access to justice.

### **Recommendations to the Council**

It seems that various county Governments are yet to embrace the new dispensation of PLUPLC. This is evident since the counties like Kiambu are reluctant to fund the committee in order to execute its mandate

The Council should seek an audience with the Council of Governors on the need to support PLUPLC in respective counties. The Council must underline that PLUPLC is in fact complimenting the devolved functions by bringing justice to the grass root and even saving the counties on legal costs that could have otherwise been used to hire advocates to defend them in court.

### **THE ADOPTION COMMITTEE**

The Adoption Committee is represented by Ms. Beatrice Jepkoech Sawe, Advocate.

#### **Introduction**

The Adoption Committee is established under Section 155 of the Children Act, 2001.

The Functions of the Committee as set out under Section 155 (2) as follows:

- a) Formulating the Governing policy in the matters adoption;
- b) Effecting liaison between adoption societies, the Government and Non-Governmental Organizations;
- c) Considering and proposing names of officers who may serve as Guardians Ad Litem;
- d) Monitoring adoption activities in the country; and
- e) Such other functions as are conferred on the Committee by the Act.

Other functions include registering and licensing of Adoption Societies and reviewing the license fees thereof

### **Summary of Important Issues Touching On The Objects And Principles Of The Law Society**

The Adoption Committee held four meetings in the year 2022, being the meetings held on 22<sup>nd</sup> March, 2022, 19<sup>th</sup> April, 2022, 17<sup>th</sup> May, 2022 and 21<sup>st</sup> June, 2022. In the said meetings, the Committee continued to undertake its mandate covering areas, some which are of interest to the law Society, including;

1. Registration and Licensing of the Adoption Societies

Licensing of Adoption Societies for Local Adoptions has been a priority matter to the Adoption Committee, because without licensed Societies, adoption cannot take place. The adoption process is commenced at the adoption society and the society continues to play a vital role throughout the process, including as guardian ad litem in some cases.

In the year 2022, several Adoption Societies applied for licenses for local adoption.

The Committee noted that a lot of time is wasted during the licensing process as adoption societies do not comply with the requirements and often repeatedly fail to submit correct supporting documents with the applications

As at 19<sup>th</sup> April, 2022, only the applications of Buckner Kenya and Little Angels Adoption network had been approved subject to production of some documents. On 21<sup>st</sup> June, 2022, the

application by Ripples International was approved subject to the production of some documents within one month. On the same date, the application for renewal of licence by Kenya Peace Initiative Adoption Society was also approved subject to production of documents and compliances in regard to their office premises.

It was recommended by the Committee that subsequent applications for renewal would commence 3 months before expiry to ensure continuity and avoid a vacuum in the adoption processes. The recommendation was communicated to the Societies through the Secretariat.

2. It was recommended in the meeting held in June, 2022, that the secretariat should facilitate a meeting between the Committee and all stakeholders.
3. The Committee noted the number of requests and inquiries which could not be acted upon as the moratorium against inter-country adoption remains in place. Foreign families and children in situations affected by the moratorium continue to face an uncertain future.
4. The Children's Act, 2022

The Children's Act, 2022 came into force in June, 2022.

The Bill introduced legal provisions which have resulted in the allocation of the mandate of the adoption committee to a different body. The Act has assigned all matters adoption, erstwhile handled by the Adoption Committee, to the National Council for Children's Services (NCCS), made up of members representing several stake holders. LSK is not expressly stated

as a stakeholder, but the Minister is given powers to appoint members from relevant bodies. Consequent to the Act coming into operation, the activities of the committee or its position in or vis- a-vis the Council are yet to be defined.

The Act also established the Child Welfare Society of Kenya (CWSK) as the primary Adoption Society. In the meetings held before June, 2022, the Committee received applications from adoption societies for renewal of their licences. These societies still have pending adoption cases with them, even as the primary society has been established.

Since the Act came into force, the Adoption Committee has not held any meeting.

The term of the current members of the Adoption Committee ends on 1st April, 2023. The meetings of the committee in the period between January 2022 and December, 2022 were curtailed by three factors, namely:

- a) the Covid-19 pandemic;
- b) the transfer of functions of ministries which saw the State Department for Social Protection, Pensions and Senior Citizens and the State Department of Special Programmes moved to the Ministry of Public Service, Gender, Senior Citizens Affairs & Special programmes. Between the date of transfer in October 2021, until March, 2022, the Adoption Committee held no meetings.
- c) The Children's Act 2022 moved the functions of Adoption in Kenya to a different body, leaving the Adoption Committee in Limbo since June, 2022.

## Recommendations to Council

1. Seek clarity on the status of the Adoption Committee pursuant to the passing of the Children's Act, 2022
2. Seek clarity on the position of LSK as a Stakeholder in matters adoption and in relation to the membership and activities of the National Council for Children's Services
3. Ascertain the place of Adoption Societies other than the primary adoption society in the new dispensation and if tenable, organize a legal clinic for Adoption Societies on the legal requirements for licensing
4. The Moratorium on International Adoption is still in place; the LSK needs to interact with the Government and other stakeholders on the possibility of the same being lifted and what that would take.

## THE EMPLOYMENT AND LABOUR RULES COMMITTEE (ELRRC)

The Committee is represented by Ms. Irene Kashindi, Advocate. The Committee has been undertaking a review of the current Employment and Labour Relations Court (Procedure) Rules 2016 (hereinafter referred as to the "Rules") with a view of amending them.

The Committee met several times in 2022 to review comments received from stakeholder on the proposed review of the Rules. Comments were received from stakeholders including members of the Law Society of Kenya. Most of the comments were however from the Nairobi branch. Other branches are called upon to share views on the Rules since the process is still ongoing. There is a meeting scheduled for in the month of February 2023 to progress the review.

The Committee is working towards having the Draft Rules ready before they are subjected to public participation and validation processes in the course of the year.

## KENYA INDUSTRIAL PROPERTY INSTITUTE (KIPI)

### Introduction

The Board of Directors of the Kenya Industrial Property Institute (hereinafter referred to as the "Institute") was appointed on the 5<sup>th</sup> day of August 2022 through Gazette Notice No.9357, Volume CXXIV-No. 151.

The Board has to date held four (4) board meetings. Sensitization and Induction workshops on the mandate of the Institute, corporate governance, government procedures and regulations, among others, are currently on-going, in line with the Institute's setout work plan and budget.

The Board has established four (4) internal Committees to help support its functions. The Committees for the 2022/2023 financial year are:

1. Audit and Risk Compliance Committee
2. Human Resource and Administration Committee
3. Finance and Strategy Committee
4. Technical Committee

Representation in the Committees is rotated among the directors on an annual basis. The Law Society of Kenya (LSK) currently has representation in the Audit and Risk Compliance Committee and the Human Resource and Administration Committee.

This report will focus on service delivery at the Institute, which has an impact on the legal practice in intellectual property law and the ease of doing business by our clients. This was also among the issues that were highlighted at the Webinar that was organized by the LSK through the IP/ICT Committee in partnership with the Institute on the 18th day of December 2020.



## Human Resource Challenges

The Presidential Taskforce on Parastatal Reforms that culminated in the Merger Report of 2014 proposed the merger of the Kenya Industrial Property Institute, the Anti Counterfeit Authority (ACA) and the Kenya Copyright Board (KECOBO). Subsequently, a Task Force on the Merger comprised of staff from the Institute, ACA, KECOBO, the Ministry of Industrialization, Trade and Enterprise Development was constituted, and they participated in the drafting of the Intellectual Property Bill, 2020 (the Bill). In place of the three bodies, the Bill proposes to establish the Intellectual Property Office of Kenya (IPOK) with the mandate to handle all IP related matters from protection to enforcement. The Bill also seeks to consolidate all laws relating to Intellectual Property.

In view of the impending merger, the Institute has not been able to recruit staff since the year 2013/14 as a result of a circular that was issued by the Chief of Staff at that time, freezing recruitment and promotion of staff at the Institute. Accordingly, the Institute is currently facing human resource challenges, particularly a shortage of staff from the technical and the legal department. This shortage has had a heavy toll on service delivery, which has led to delays in the delivery of decisions arising from objection proceedings related to IP registrations and the processing of applications.

The Bill was subjected to public participation in the year 2020 but to date it is yet to be tabled before Parliament for deliberation.

## Digitization

Procedures at the Institute are still manual based and have not been fully digitized. For instance, manual registers are still being employed for purposes of conducting searches and processing

applications and notifications from the Institute in respect to applications are transmitted by postal mail or are collected physically by the respective applicants.

Further, the Institute's website, which carries a wealth of information and resources on Intellectual Property is considered to be outdated and unfriendly to users.

The Principal Secretary, State of Department for Industry, Trade and Industry, Dr. Juma Mukhwana, conducted a familiarization visit at the Institute on the 16<sup>th</sup> day of January 2023. Of concern was the Institute's lack of visibility and awareness among members of the public; congestion, and use of manual procedures in the Institute's registry and the waiting queues of clients seeking services at the Institute.

The Principal Secretary, tasked the Management through the Board to:

1. Submit a request for recruitment and advertisement of vacant positions, the impending merger notwithstanding.
2. To digitize all its procedures and processes which would help secure the Institute's data and enable it to provide online services to clients. This would reduce the need for physical attendance by clients at the Institute and improve efficiency in service delivery.

Accordingly, the Board at its meeting that took place on the 25<sup>th</sup> day of January 2023 tasked the Management to prepare a work plan and budget for digitization of the Institute's procedures and processes and the revamping of the existing website.

The Board has also requested the Management to prepare a proposal and identify activities that would enhance the Institute's presence and build awareness on matters related to Intellectual Property.

## THE NATIONAL COUNCIL FOR LAW REPORTING

### Introduction

The Representative to the National Council for Law Reporting is Ms. Nyoike S. Waigwe, Advocate. Pursuant to the Ms. Nyoike's nomination by the Law Society of Kenya, and subsequent appointment by the Honourable Chief Justice Martha Koome vide Gazette Notice No. 1840, she has diligently attended all council meetings with a view to advancing the objectives of the Council.

Below is a brief report on the Council activities this past year.

### Objectives

In line with the provisions of Section 4 of the Law Society of Kenya Act, the Law Society of Kenya has several goals. Some of these objectives resonate directly with those of the Council for Law Reporting. In this regard, the Society aims to (among others);

- facilitate the acquisition of legal knowledge by members of the Society;
- promote the independence of the legal profession;
- improve access to justice by members of the public;

On the other hand, the Council for Law Reporting is charged, in a nutshell, with the responsibility of;

- providing accessible, accurate and timely publication of public legal information;
- publication of Kenya Law Reports (Rulings and Judgments) as well as other legal publications relevant to the dissemination of legal information to the public;

In line with the aforesaid frame of reference, the Council has for the past financial year (2022-

2023) identified several key goals for the period

### Council Goals and Activities for the 2022-2023 Financial Year

The following were among the activities that Kenya Law had in 2022-2023 financial year;

- Training for members of staff of the Kenya Law for the furtherance of the institution's objectives.
- The refinement of technology and technological processes towards smoother delivery of the organization's core mandate of delivering legal information to the public.
- Review of the corporation's staffing requirements.

### Obstacles and proposed solutions

One of the main obstacles that government agencies currently face is the rationalization of training funds, courtesy of Treasury Circular No. 8/2022; which saw a revision of training expenditure by 100%.

Consequently, government institutions are presently unable to satisfactorily cater to the training needs of their staff.

Nonetheless, the Council and the institution (Kenya Law) continue to strive towards the realization of the aforesaid goals. However, in light of the said rationalization of training expenditure, and in light of Kenya Law's scope of work, I would propose that the LSK considers ramping up training on cyber law and data protection laws for its members through its CPD programs.

While this may not match up to what is achievable through a fully-fledged training budget, it will nevertheless be instrumental in keeping the membership of the society (including those engaged to work at Kenya Law) abreast with current developments in Cyber Law, data protection practices and related areas.

## THE NATIONAL COUNCIL ON ADMINISTRATION OF JUSTICE (NCAJ) WORKING COMMITTEE TO REVIEW SEXUAL OFFENCES AND GENDER-BASED VIOLENCE LAWS

The Law Society of Kenya is represented by Ms. Irene Ndegwa, Advocate in the **NCAJ Working Committee to Review Sexual Offences and Gender-Based Violence Laws** (hereinafter “the Working Committee”).)

NCAJ is a high-level policy making, implementation and oversight coordinating mechanism as reflected in its membership that comprises State and non-State justice sector actors. Kenya is a signatory to the international human rights instruments and standards that have been enshrined in the Constitution and these instruments obligate governments to put in place measures to address Sexual and Gender-Based Violence (SGBV). It is against this backdrop that the Honourable Chief Justice, who also is the Chairperson of NCAJ, established and gazetted the NCAJ Committee on Review of Laws on Sexual Offences and Gender-Based Violence.

The Working Committee was gazetted on 5<sup>th</sup> August 2022 and membership is drawn from different sectors in society:

- Nancy Ikinu - Chairperson (FIDA)
- Dr. Kizzie Shako - Office of the Chief Justice
- Jacqueline Njagi - ODPP
- Claris Gatwiri - Office of the Attorney General
- Judy Lamet - National Police Service
- Armstrong Rotich - Witness Protection Agency
- Marygorett Mogaka - Director Children Services
- Fatuma Mohamed - IPOA
- Prof. Marion Mutugi - KNCHR
- Christine A. Obondi - Probation & Aftercare Services
- Irene Kabua - Kenya Law Reform Commission
- Wairimu Munyinyi Wahome - COVAW
- Judy Gitau - Equality Now
- Renee Ngamau - Clean Start
- Wilson Desire Njamwea - NGECC
- Isabella Mwangi - CREAMW
- John Ngugi - National Crime Research Centre
- Irene Ndegwa - LSK
- Roselyne Kabata (NCAJ) - Secretary



### **The mandate/TORs of the Working Committee is to:**

- (a) Review of the Sexual Offences Act (SOA) and other laws on sexual and gender-based violence (SGBV);
- (b) Review and oversee the implementation of policies, guidelines, rules, and strategies related to the efficient administration of justice for the SGBV;
- (c) Engage all relevant actors in the development of laws, policies, guidelines, and strategies on sexual offenses and gender-based violence;
- (d) Develop rules on victim protection under SGBV for the efficient administration of justice;
- (e) Identify areas of inter-agency collaboration and co-operation that would make lead to efficient operationalization of the Sexual Offences Act, policies, and guidelines for effective service to the public;
- (f) Monitor the prevalence of SGBV and the effectiveness of the control measures and advice the Council;
- (g) Disseminate information to relevant institutions through the Council for action, including the public; and
- (h) Oversee and standardize the sensitization and training programmes related to the SOA and other laws on SGBV, and the sexual offences policies and guidelines.

The Committee as constituted held its inaugural meeting on **18th October 2022** and a second meeting from the **16<sup>th</sup> to 19<sup>th</sup> November 2022**. The inaugural meeting had different agencies and stakeholders submit data and statistics to enable the Committee capture an overview of sexual and gender based violence (SGBV) cases in Kenya. It was also during this meeting that the Committee members identified gaps in the administration of SGBV laws.

The inaugural meeting culminated in the creation of the following four (4) Sub-Committees to identify interventions to execute the ToRs of the Working Committee:

- i. Legal and Policy Reforms
- ii. Collaboration and Coordination
- iii. Victim Protection
- iv. Data, Human Resource, Infrastructure, Funding, Sensitization and Training.

### **LSK is the Chair of the Legal and Policy Reforms sub-Committee.**

The Committee prepared its Inception Report after the first meeting and for our second meeting, we hit the ground running to prepare work plans for each sub-Committee. Part of the objects and functions of the LSK as provided under Section 4 of the LSK Act are to *inter alia*:

LSK is thus an integral stakeholder in the Working Committee achieving its ToRs as members of the public require protection and assistance in curbing the menace of SGBV. Some of the issues identified by the Committee as challenging to the administration of SGBV laws included;

- a) Police investigators and prosecutors are not specialized in the nuances of the crimes and are often not sensitized or sensitive to victim needs and handling.
- b) Heavy workloads on the part of prosecutors often leads to shoddy prosecutions because of fatigue and inability to give focused attention to particular cases.
- c) A slow pace of putting in place institutional mechanisms to support full implementation of the Sexual Offences Act which made it difficult for survivors to benefit fully from its provisions e.g. forensic laboratories.

- d) There is weak collaboration between different institutions and unstructured referral mechanisms between different critical actors in the investigations and prosecution of sexual offences.
- e) Since different government institutions are not held to account in regard to the prosecution of perpetrators of SGBV, the majority of the offenders go unpunished. For instance, it is not the core business of the Ministry of Health to support the Director of Public Prosecution on such cases, resulting in a lapse on how evidence is collected, preserved, and forwarded to the relevant authorities.
- f) The issue of mandatory minimum sentences which has been declared unconstitutional- Yusuf Shiunzi v Director of Public Prosecution [2020] eKLR.

### Recommendations to the LSK Council

1. We need to urgently co-opt more members to give pro-bono legal services to victims/survivors of SGBV;
2. There is a need to have capacity building of our members on various laws that intersect and indirectly affect the number of SGBV crimes in society and the emerging issues around SGBV;
3. There is a need to have capacity building of our members on the issue of SGBV on various social media platforms; and
4. For LSK to develop our own data, research and statistics on SGBV crimes.

### THE NATIONAL COMMUNITY SERVICE ORDERS COMMITTEE

The Law Society of Kenya is represented by Ms. Linda Aluvale the LSK representative in the National Community Service Orders Committee (“the Committee”).

Below is a brief summary of the Committee’s activities for the year 2022.

### Activities for The Year 2022

Prior to the year 2022, the Committee had not been constituted for the past eight years, with its last meeting being held in the year 2014. Lady Justice Githua therefore felt it was necessary to hold an induction workshop for the members prior to conducting any meetings.

#### (i) Induction Workshop from 16<sup>th</sup> May 2022 to 19<sup>th</sup> May 2022

The United Nations Office on Drugs and Crime facilitated the induction workshop where the committee members were trained on various issues including:

- The Criminal Justice System in Kenya
- Background and Functions of Community Service Orders (“CSO”)
- Overview of the CSO Concept, Statutory Mandate and International Best Practices
- The Role of the Community Service Officer
- CSO Project Identification and the impact on the community
- CSO work supervision and compliance
- The role of the Court in the implementation of the CSO programme
- Interface between the CSO programme and other programmes within the Probation and Aftercare Services Department; and
- The role of the Committee in the CSO programme

#### (ii) Inaugural Committee Meeting on 20<sup>th</sup> May 2022

During the inaugural meeting, the committee deliberated on the work plan and targets. After

intense deliberations and following guidance from MWONGOZO, members settled on 5 sub committees. The LSK Representative is a member of two sub committees as follows:

- Human Resource, Legal and Compliance Committee
- Publicity and Advocacy Committee

The Kenya Prison Service (“KPS”) representative indicated the KPS is currently grappling with a serious problem of congestion in prisons. Majority of those in custody are serving short sentences for petty offences and those in remand awaiting trial. The prison service spends approximately Kshs 270 per day on an adult inmate and Kshs 420 per child per day. She urged the committee members to sensitize their respective organizations to embrace non -custodial measures like CSOs so as to avoid congestion in prisons.

### **(iii) Virtual Committee Meeting on 28th September 2022**

The Committee held a virtual meeting to deliberate on the proposed list of members of the 47 county committees and the 132 sub counties case committees. The said members are to serve for a period of three years. Some of the functions of the committee are as follows:

Overall programme management

- To supervise the work of community officers in a given period and station
- To monitor and evaluate the CSO programme in the respective counties and sub counties
- To receive reports regarding all offenders serving in the CSO programme.

It was resolved that the LSK should have a representative in each of the county committees.

Following the meeting, the Cabinet Secretary for Interior and Coordination of National Government through the enclosed Gazette Notice No 15377 dated 16<sup>th</sup> December 2022 appointed the members of the respective Community Service Orders Committees.

### **(iv) Workshop and Sub Committee Meetings from 24th October to 29th October 2022**

The Human Resource, Legal and Compliance Committee held a subcommittee meeting during which a proposal was made to amend the Act. Deliberations are still ongoing between members of the subcommittee before presentation of the Draft Bill to the Committee for adoption. The Draft Bill can be accessed on, <https://bit.ly/3lol72n> for your review.

### **Recommendations to the Council**

It is critical that LSK sensitizes both its members (particularly those practising criminal law and the DPP) and members of the public on the CSO program and its benefits.

Each County is required to have a member of LSK appointed to the Community Service Orders Committees in line with Gazette Notice No 15377 dated 16<sup>th</sup> December 2022. The Council should there appoint LSK members in the respective counties to the Community Service Orders Committees.

## **THE NAIROBI CENTRE FOR INTERNATIONAL ARBITRATION BOARD OF DIRECTORS**

### **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 mechanisms. 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 2022, 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

The case value by December 2022 had risen to Kenya Shillings twenty-five point two five billion (Kes. 25,246,199,370.20) equivalent to USD 210,683,462.99. The largest single claim recorded is equivalent to USD 50million.

From its first case in 2016, the Centre has now hit the 82 case mark for disputes referred under the NCIA Arbitration Rules, representing an upward trend in referral of disputes in the seven years since inception of the Rules.

### Arbitration and Alternative Dispute Resolution Conferences & Events

As part of our webinar series roll out and in keeping with the mandate of promoting the practice of international commercial arbitration and other forms of dispute resolution, the Centre hosted a free Webinar for IHRM members on 27th April 2022 titled **“Effective Dispute Resolution in the Labour Relations sector”** and another one on 23<sup>rd</sup> June 2022 in partnership with the Kenya Private Sector Alliance (KEPSA) titled **‘Resolution of commercial disputes using Alternative Dispute Resolution Mechanisms.**

On the national front, the Centre held a public participation/validation breakfast meeting with the Architectural Association of Kenya (AAK) and stakeholders in the construction sector to discuss

and get feedback on the “Draft Construction Adjudication Bill” from key stakeholders before proceeding to the next stage.

Further, the Centre participated in the first International Mediation Conference hosted by the Chartered Institute of Arbitrators (Kenya) Branch at the Radisson Blu Hotel on the theme: **“The Coming of Age for Mediation: Encounter from Africa.”** The conference brought together the Mediation Fraternity in the country as well as the region and discussed pertinent issues that influence the growth of Mediation as well as explore better practices from other jurisdictions. The conference also shed more light on Mediation in the country, created more awareness, and promoted Social Transformation and Access to Justice through Mediation.

On the regional and international fronts and in keeping with the mandate of NCIA to promote the practice of international commercial arbitration and other forms of dispute resolution, the Centre participated in the 9<sup>th</sup> East Africa International Arbitration Conference (EAIAC) held in Kigali, Rwanda. The Conference was themed **“Resettling for a New Age of International Arbitration in Africa: Climate Change, Global Partnerships & Sustainable Development,** and drew on current global arbitration issues.

The Centre also participated in the AFAA 3<sup>rd</sup> Annual African Arbitration Association (AFAA) conference, in Accra, Ghana. The AfAA 3<sup>rd</sup> Annual Conference programme was designed to identify the various approaches African States needed to adopt in order to create a fertile ground for the advancement of different forms of dispute resolution mechanisms. The programme themed **‘Africanisation of International Dispute Resolution’** brought together eminent practitioners in private international law, investment law, ADR practitioners, local professional bodies and domestic and international arbitration who explored various emerging topical issues.

The Centre, having being nominated in the category of 'Arbitral Institution of the Year, scooped the **Arbitral Institutions of the Year Award, 2022**. The Arbitral Institution of the Year award is awarded to an arbitral institution that is adjudged to have been the stand-out arbitral institution headquartered in Africa having regard to its work and organization. The award also considers the initiatives and improvements undertaken, user experience, demonstrated achievements in environmental, social and governance metrics and any other relevant factor which has distinguished that institution in the context of ADR in Africa and beyond.

The AfAA Awards 2022 sought to highlight the achievements of African jurisdictions, arbitration practitioners, and Institutions and their significant contributions to the development of arbitration in Africa, thus driving the effort to make Africa a preferred destination for business and arbitration activities. The award is an indication of the Centre's progress in enhancing its image and visibility of its services to other African Countries.

### Training

The Centre launched its Training Calendar in the year 2020 and leveraged on technology to expand the reach for skills development to grow a talent hub that is quintessential in supporting the arbitration ecosystem. The Training programme entails courses in Arbitration and Mediation running from introduction, Module 1, 2 and 3, with an emphasis on quality of content and excellence in delivery.

In the year 2022, the Centre conducted 16 trainings in both Arbitration and Mediation with over four hundred participants being trained.

### Courtesy Calls

The NCIA Board paid a courtesy call on the Honorable Chief Justice Martha Koome. The

agenda of the meeting was as to introduce the Hon. Chief Justice to the Nairobi Centre for International Arbitration, its statutory mandate and its Board of Directors and to present a proposal for enhancing access to justice through interventions that further support and enable arbitration.

At the meeting, NCIA presented a proposal for specific Arbitration Practice Rules and Notes and a proposal for a framework for expenditure procedures for NCIA-NIFCA (Nairobi International Financial Centre Authority) related disputes. Further, the Chairperson of the NCIA Board of Directors presented a proposal for partnership in support of the Court Annexed Mediation programme, accreditation, and recognition of NCIA ADR training Program for the Court Annexed Mediation (CAM) Accreditation.

The Law Society of Kenya (LSK) Council paid the Centre a courtesy call to discuss specific areas of possible collaboration to promote the use of Alternative Dispute Resolution. During the meeting, the President of the LSK Mr. Eric Theuri, and the Chairperson of the NCIA Board, Ms. Jackie Oyuyo highlighted different partnership models and opportunities between LSK and the Centre while acknowledging that there existed an MOU between the two organisations.

### MOUs

The Centre and Kenya Private Sector Alliance (KEPSA) announced their collaboration through the signing of an MOU to promote mediation as an alternative dispute resolution (ADR) mechanism in the private sector. The Memorandum of Understanding signed between the two entities will provide a framework for the joint sensitization of private sector players and stakeholders on various aspects of mediation in resolving commercial disputes. The Centre also signed an MoU with the International Senior Lawyers Project in October 2022.

## **The NCIA 2022/2023 -2026/2027 Strategic Plan**

The Centre launched its 2<sup>nd</sup> Strategic Plan on 16<sup>th</sup> November 2022 at the Villa Rosa Kempinski, Nairobi. The Strategic Plan was prepared through a participatory process involving both internal and external stakeholders. The Strategic Plan is anchored on three strategic themes namely:

- i. Promotion and Administration of ADR Services;
- ii. Digitalization and Automation of Cutting Edge ADR Services; and
- iii. Organizational Growth and Sustainability

The Strategic Plan is intended to promote a business wise culture leading to long term growth and sustainability. Further, the focus of the strategic plan period is to invest for modernized ADR services and optimize own revenue sources.

### **Recommendations to the Council**

The NCIA makes the following recommendations to the LSK Council;

- (1) To fast track the nomination of the LSK representative to the NCIA Board of Directors.
- (2) To entrench ADR and Arbitration training as an integral part of the LSK-CPD training Calendar.

To accredit the Nairobi Arbitration Week 18<sup>th</sup> – 23<sup>rd</sup> September 2023 for CPD points allowing LSK Members to access concessional attendance to a global standard event in Nairobi.

## **THE NATIONAL LEGAL AID**

The National Legal Aid Service (NLAS) is a state agency established by the Legal Aid Act 2016 with a mandate to among other things offer legal aid services to the vulnerable, marginalized and indigent persons. As a successor to the National Legal Aid and Awareness Programme (NALEAP), NLAS has established offices in 5 regions within Kenya i.e. Mombasa, Kisumu, Eldoret, Nakuru and Nairobi. Through the support of European Union, NLAS has a presence in 7 marginalized counties of Lamu, Wajir, Isiolo, Mandera, Marsabit, Tana River and Garissa.

This report contains the activities undertaken by NLAS in the 12 regions during 2021/2022 financial year. It also contains the challenges experienced as well as collective recommendations all geared towards enhanced access to justice by the indigent, marginalized and vulnerable persons. The implemented activities are as follows:

### **1. Provision of legal aid services to indigent persons:**

During the period under review, NLAS provided legal aid services to 945,253. The legal aid services provided included legal advice, legal 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.

### **2. Partnership with stakeholders**

In order to improve its service delivery, NLAS officers in the regions have partnered with an array of stakeholders in the justice sector. Through the partnership, NLAS has



been able to join membership of various stakeholder groups e.g. Court Users Committee, Complaint referral partnership and relevant taskforces established by the National Council on the Administration of Justice among others

### **3. Internship programmes**

NLAS works closely with Universities offering law courses and promotes the establishment of university-based legal aid clinics. NLAS also promotes volunteerism among law students through internship and mentorship programmes. The Service has offered internship and mentored over 850 law students since its inception as a pilot project.

### **4. Dissemination of IEC materials.**

Over 2,000 I.E.C materials have been disseminated to citizens. Materials disseminated included 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.

### **5. Donor Supported Activities**

#### **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. Through IDLO's support NLAS conducted the following activities;

#### **b) Development of NLAS publications**

NLAS adopts various legal aid delivery models to discharge its mandate including research and publications on legal

aid services, capacity development for legal aid service providers, and advocacy. In September 2017, NLAS, through the Office of the Attorney General and Department of Justice, through support from IDLO developed its Strategic Plan (2018–2022), which provided a road map to guide NLAS's Operations to achieve effective and efficient legal aid service delivery. However, implementation of the Strategic Plan was adversely affected by the effects of COVID19 control measures in 2020 and 2021, forcing NLAS to re-assess its implementation plan.

Based on the foregoing, thorough IDLO's technical assistance to NLAS, a consultant was brought on board to review NLAS draft strategic plan. The purpose of the strategic review and planning process was to develop a revised strategic plan for NLAS that would increase programmatic efficiency and effectiveness in its focus areas. The consultant was also mandated to develop a Status Report of NLAS to audit its growth and progress and chart new pathways for its work. The consultancy also involved development two handbooks on frequently asked questions during self-representation training on family and criminal cases that would be used by self-representing litigants as a quick reference book when in court.

The aforementioned publications were developed however there were challenges in their finalization.

#### **c) Sensitization of legal aid providers on the Legal Aid Act 2016, Legal Aid (General) Regulations 2022 and Code of conduct for legal aid providers 2022.**

To enhance effectiveness of Legal Aid, NLAS undertook to capacity build Legal providers in Lodwar, Meru and Nyeri on

Legal Aid Act 2016, Legal Aid (General) Regulations 2022 and Code of conduct for legal aid providers 2022.

The training was intended not only to lay a foundation for rolling out of National Legal Aid Service in the country through identifying available Legal Aid providers in the said counties which would inform on capacity and staffing needs, but also give an opportunity for participants to share the challenges they encounter in delivery of Legal Aid services as well as collect insights and recommendations on the solutions. A total of 90 legal aid providers were sensitized

- **Debriefing of the NLAS board and Staff**

This was a weeklong session in the month of December 2021 where the Board and Staff of NLAS went to Mombasa to set Annual targets and work plan for the year. They also discuss on possible funding items with IDLO.



#### **b. Open Society Initiative for Eastern Africa (OSIEA)**

Since its establishment, NLAS has been working towards full implementation of the Act to ensure the marginalized, the poor and the vulnerable

evolving its services to the counties, developing regulations, guidelines to operationalize the Act and plan for sensitization forums across the country on legal aid services.

It is against this backdrop that NLAS in collaboration with International Commission of Jurists (ICJ Kenya) through the support of Open Society Initiative for Eastern Africa (OSIEA) received a two year grant aimed at enhancing access justice. The following activities were realized.

#### **Establishment of Legal Empowerment Working Groups.**

Since independence in 1963, legal aid in Kenya has been offered by both state and non-state actors, with non-state as the major provider, operating without any clear legal, institutional and coordination framework. However, with the enactment of the Legal Aid Act 2016 and a National Legal Aid and Awareness Policy, 2015, the Act has adopted a collaborative and systemic approach that brings together both state and non-state actors in a coordinated manner in the delivery of legal aid. The Act provides for accreditation of legal aid providers to offer legal aid services on behalf of NLAS in particular in areas where NLAS does not have a presence. In order to promote ownership and strengthen coordination and collaboration of legal aid providers, the Service established 5 legal empowerment working groups in 5 counties i.e. Nakuru, Mombasa, Kisumu, Uasin Gishu and Nairobi.

The legal empowerment working groups meetings held comprised of stakeholders in the justice sector drawn from state and non-state actors in the legal aid field. These included the following institutions; FIDA, Office of Director of Public Prosecution, Office of Attorney General Department of Justice, CLEAR-Kenya, Center for Legal Rights Education Advocacy and Development, Department of Children, Justice

Advisory Centers, Community Paralegal Associations, Civil Society Organization Network, Kenya National Human Rights Commission and Pro bono Advocates. The objectives of the meetings were;

- i. To develop a structured process of engagement and identify areas of mutual importance and priority in improving access to justice in Kenya.
- ii. Define the role of legal aid providers and how they can exercise diligently their roles in ensuring that the roles complement the work of the NLAS as the statutory body mandated to administer legal aid in Kenya.
- iii. Develop committees in various thematic to create synergy, collaboration and coordination among legal aid providers in the provision of legal aid services.
- iv. Develop standardized terms of reference for the working groups.

In total a number of 118 legal aid providers were sensitized on the Legal Aid Act 2016 and the Legal Aid (general) regulations 2022. The forum also gave the participants an opportunity to learn from one another, share challenges experienced in delivering legal aid services and develop terms of reference that were validated and adopted at a National level.

The established legal empowerment working groups within the 5 Counties will strengthen coordination of legal aid services and collaboration of legal aid providers with NLAS. The network will also create a platform for the legal aid providers to have frequent peer to peer reviews, and come up with innovative ways of addressing challenges faced. The established working groups, will create a forum to identify public interest cases as well as advocacy issues that require policy intervention. Indeed, Nakuru

working group was able to mobilize resources for the working group. Through the mobilized resources, the Nakuru working group has been able to hold further meetings. During the said meetings the working group constituted committees per thematic areas and developed a work plan to guide the working group for 2 years. The working group has also been able to conduct various legal aid clinics in remote areas. The objective of the legal aid clinics is take legal aid services closer to the indigent persons. For sustainability, it was agreed NLAS to be the chair of all the working groups established and convener of the quarterly working groups meetings.

### **Enhance access to Justice through Paralegal Approach.**

Access to justice for the vulnerable, marginalized and indigent persons the society has been hampered by an array of causes, including the prohibitive costs of legal services and inadequate number of legal aid providers, particularly advocates. Further the geographical distribution of advocates who are mostly based in urban areas, have also compounded the challenges faced by the vulnerable, marginalized and indigent persons seeking their services. Paralegals are instrumental in bridging this gap by complementing the work done by advocates and promoting the use of alternative methods of dispute resolution through mediation. However, despite the very crucial role that paralegals play in the administration of justice, guidelines on how to coordinate paralegals in Kenya remain a challenge.

The Legal Aid Act has been credited for being among the few legislations that have formally recognized paralegals. The Act also broadly examines the issue of accreditation of paralegals as legal aid providers. Through this collaboration with ICJ, a training conducted a training needs assessment for paralegals to identify capacity



gaps and recommendations on capacity needs. The findings from the training needs assessments informed the development of a standardized training curriculum for the existing and future

paralegals. The standardized curriculum will; harmonize the paralegals training in Kenya, promote the recognition of the important role that paralegals play and create synergy amongst the legal aid providers.

The curriculum was developed through a vigorous consultative process with the stakeholders which included; Council for Legal Education as prescribed by the Legal Aid Act, paralegals, civil society organizations, development partners, Community Based Organizations and Law Society of Kenya. NLAS is now disseminating the printed copies of curriculum after a successful launch of the same.

The finalized training curriculum will increase the number of qualified and well-seasoned paralegals to offer quality legal aid services to the marginalized and vulnerable groups. On the other hand, the certification process will enhance coordination of paralegals in the country.



### **During launch of paralegal curriculum**

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

The European Union, vide a Financing Agreement dated 19 th June 2017(Agreement No KE/FED/037-676) between the European Union and the Government of Kenya, committed to

support the National Legal Aid Service through the Programme for Legal Empowerment and Aid Delivery in Kenya (PLEAD-K). 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. The Office of the Attorney General and Department of Justice (OAG & DoJ) through the Department of Justice, will jointly implement component No.1 above with Non-State Actors through UNDP's –Amkeni wa Kenya.

The expected results from the activities carried out over the period covered by the PE are:

1. Access to legal aid, particularly in the marginalized and high-risk counties, is improved
2. Effectiveness of legal aid enhanced
3. Kenyans are aware of their legal rights and how to access them
4. Operation of NLAS under the Legal Aid Act, 2016 supported
5. Efficiency and effectiveness of ADR improved

Through PLEAD the National Legal Aid Service conducted the following activities.

#### **a) PE Activities**

- A feasibility study in all its 12 focal counties in order to identify suitable legal aid offices.
- Developed standard operating procedures and guidelines for the implementation of mobile legal aid clinics in the 12 focal counties.

- Conducted preparatory meetings with local and county officials in the 12 focal counties. The purpose of the meetings was to create a roll out plan for mobile legal aid clinics in all 12 focal counties Oriented CUCs on the Legal Aid Act and Legal Aid General Regulations in the 12 focal counties.
- Summarized and translated the Legal Aid Act 2016 into Kiswahili, sign I The year 2021 saw the PE support the orientation sessions with CUCs in the 12 focal counties language and Braille will improve access to information.
- NLAS prepared, printed and distributed new visibility materials reflecting NLAS i.e. banners, flyers etc.



### NLAS Boat to used in Lamu county

### 3.0 Challenges

- Due to the high staff turnover, the current staff are left with no choice but to go beyond their call of duty and this has caused high staff burn outs.
- Disbursement of Insufficient funds from GOK to realize NLAS mandates.
- Duplication of roles among stakeholders in the justice sector.

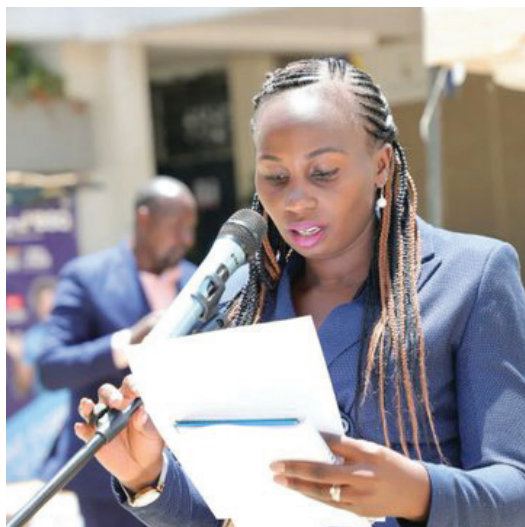
- Beurocracy in government has delayed the development of key policy documents for NLAS thus causing its transition process to be slow.
- NLAS is yet to open offices in the seven (7) marginalized counties further hampering the implementation of the PE. Rise of insecurity in some of the focal counties where the PLEAD project was to be implemented i.e. Isiolo, Wajir, Mandera, Lamu and Marsabit.
- COVID-19 pandemic caused a negative impact on the project as it caused delays in execution of NLAS mandate.
- Very few pro bono advocates are willing to take up legal aid matters.

### 4.0 Recommendations.

- Fast track the finalization of key human resource policy documents in order to recruit and fill staff gaps.
- Lobby for additional funds from GOK using evidence based approach.
- Participate during stakeholder network meetings in order to share on the various mandates each stakeholder bears as well as create synergy in areas of partnership.
- Device innovative ways of giving incentives to pro bono advocates so that they can take up matters e.g. capacity building trainings, recognition awards etc.



## ACTIVITIES IN PICTURES



The Vice President of the Law Society of Kenya represented the Council during the 10th Anniversary of Amnesty International Kenya. The VP affirmed that LSK and Amnesty stand united against Extra Judicial killings & we must fight to protect every man, woman and child.



The LSK team led by Mr. Mwaura Kabata (far left), Convener, PIL Committee filed their Application to be enjoined as Amicus Curiae in the Presidential Petition.



The LSK President, Mr. Eric Theuri during the ELC@10 conference in Kilifi. He congratulated the Court on its achievements & challenged the Court to uphold integrity, enhance access to justice & prepare for future challenges arising from climate change challenges & land use planning.





The LSK VP Faith Odhiambo at the National Environment Tribunal Award Ceremony in recognition of best performing Tribunal in Kenya.



The LSK staff members pose for a group photo at the LSK Secretariat Grounds.





“As LSK, we congratulate the new PJ Eric Ogola and assure you of our support. Since a number of judges have been elevated to COA, we call upon JSC to increase the number of High Court judges to ensure seamless access to justice.” - LSK President Eric Theuri



LSK President Eri Theuri and VP Faith Odhiambo at the Launch of the Nairobi Center for International Arbitration (NCIA) Strategic Plan -



## Delegates at the LSK Conference 2022.







## REPORTS OF THE LAW SOCIETY OF KENYA COMMITTEES

### **CONTINUING PROFESSIONAL DEVELOPMENT COMMITTEE (CCPD)**

The Continuing Professional Development Committee is established under the CPD Rules 2014. The principal function of the committee is to implement the Continuing Professional Development programme in the country. The composition of the Committee is as appointed by the Council.

The Committee works hand in hand with the CPD Directorate at the Secretariat. The Directorate co-ordinates the activities of the Committee and assists in executing its mandate.

The Chairperson of the committee is Mr. Henry Ongicho, the Vice Chairman is Mr. Julius Kitheka.

#### **Responsibilities of the Committee:**

1. The Committee develops the curriculum and content of the program through its annual calendar of events.
2. Enforcement of CPD Rules. The CPD Regulations make it mandatory for all members to comply with the CPD Regulations every year before issuance of practicing certificates or to be exempted before renewing their Practicing Certificates. The CPD sub-committee on accreditation handles several applications for exemption and accreditation from members.
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 trainings on professional development for lawyers.

#### **Successes of the Committee**

1. The CPD Committee together with the CPD directorate organized a total of 73 online seminars otherwise referred to as webinars. The webinars were lauded for their convenience and ease of participation by members from anywhere across the world.
2. Increased visibility and awareness of CPD events  
Notices for upcoming CPD events were sent through fliers which are posted on LSK social media platforms and also circulated via whatsapp. Monthly notices are also sent to the members and weekly reminders through the LSK newsletter.
3. Participants appreciated the choice of speakers and topics selected by the committee.
4. The committee organized an additional 5 events on Electoral Laws following a request from the members in preparation for the General Elections held in August 2022 and another 3 events on Induction Course for newly admitted advocates.
5. Revenue generation through accreditation and sponsorships.

The following webinars elicited good response:

1. Land Law: E-Conveyancing: Challenges and Successes
2. Mental Health
3. Criminal Law: The Law, Practices and Policies on Bail and Bond
4. Family Law: Is Alimony a Myth in Kenya? An Analysis of Recent Kenyan Jurisprudence and Attitudes

## CPD Events Statistics

- There were 44 seminars in 2014
- There were 47 seminars in 2015
- There were 44 seminars in 2016
- There were 54 seminars in 2017
- There were 56 seminars in 2018
- There were 72 seminars in 2019

CPD webinars were introduced in the year 2020 following the outbreak of the Covid pandemic. They have continued to date.

- There were 45 webinars in year 2020
- There were 100 webinars in year 2021
- There were 73 webinars in year 2022

## Accreditation:

The committee successfully monitored trainings offered by accredited institutions to ensure quality assurance. In this regard, the following organizations were accredited to offer courses in the year 2022

Annual subscription:

1. Kenya School of Law
2. Lawyers Hub
3. Haki Africa

Subscription for one off trainings:

1. FIDA Kenya
2. East African Breweries Ltd (EABL)
3. Strathmore University
4. Refugee Consortium of Kenya
5. Lexserve Trust
6. International Commission of Jurists (ICJ)
7. My Afya Africa

## Requests

Members requested for diverse and interactive modes of offering trainings such as panel presentations and specialized seminars for small groups, members also requested for a return of physical/ in-person events.

## Compliance

Compliance with CPD requirements has continued to increase over the years along with an increase in the membership as shown below

Year	Compliant Advocates
2011	4685
2012	5263
2013	5751
2014	6206
2015	6827
2016	7818
2017	7501
2018	9476
2019	11724
2020	13102
2021	13997
2022	15239

## Work in progress

3. The Committee has developed guidelines for accreditation 2022 which are awaiting approval before implementation.
4. Through its sub-committee on digest, the committee is working on the second edition of the CPD digest. Papers presented at CPD events have already been collated and committee members are editing the same before publication of the digest.



## Challenges

### 2. System challenges at the secretariat

The secretariat has been facing several challenges with the system which has affected service delivery. Some of the challenges have led to zero billing, members are unable to view their points on the portal, failure in receipting after payment which affects delivery of registration tabs to the portal among others. The challenges are being addressed with a view of streamlining the processes.

## YOUNG LAWYERS COMMITTEE

The Committee is convened by Mr. Byron Menezes, Council member and its terms of reference is as follows;

1. To 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. To promote the participation of young lawyers in the legal profession and in particular, in the affairs of the Law Society of Kenya.
3. To promote the concerns of young lawyers within the Law Society of Kenya and in the legal profession.

## Planned Activities

The Committee identified the following as the main areas of focus:

- Reduction/ Waiver of Practicing Certificate Fees for Young Lawyers: The Committee is in the process of propositioning the Council to consider the reduction of PC fees paid to the Society by Young lawyers and if possible, a waiver in the 1st year of Practice.
- Inclusion of Young Lawyers in LSK Matters; The Committee is in the process of coming up with a policy on implementation of

affirmative action by having quotas reserved for Young Lawyers for them to be appointed in Tribunals, Commissions, Board and in addition have information on such opportunities

- Mentorship/ Career Guidance/ Emerging Areas of Practice: The Committee seeks to have more engagements with the Senior Bar through more webinars and Mbuzi meet ups. The Webinars seek to focus on mentorship and emerging areas of law.
- Further, the Committee agreed on more university visits for career talks. Members were tasked with coming up with a concept note to assist in coming up a roadmap on achieving this.
- Remuneration & Working Conditions: The Committee seeks to come up with guidelines for salaries for Young Lawyers and interns. Mr. Oyoo and Mr. Enock were tasked with coming up with the guidelines to be shared out to employers.
- Financial Literacy and Savings: The committee noted the importance of educating young advocates on matters savings and investments. Ms. Emma was tasked with coming up with a proposal on how to implement matters financial literacy and savings.
- Sexual Harassment: members have noted that despite here being an LSK policy on Sexual Harassment and Anti-Bullying, there was need to have the Policy implemented to the letter. Ms. Elizabeth, Ms. Claire and Ms. Effie do a concept note on how best to deal with the vice.
- Monthly Webinars: The Committee has been holding monthly webinars on topical issues affecting young advocates. We intend to continue looking into areas that affect a young advocate and sensitizing our members on the same.

- Engagements and Partnerships: The Young Advocates Committee seeks to explore partnerships, linkages, outreaches and training opportunities that would enable the entrenchment within our communities of human rights, access to justice and the rule of law which are at the core of both our mandates. These partnerships would reflect the aims and objectives of the said organization and those of the LSK.
- In addition, the Committee seeks to negotiate discounted Membership rates with various membership clubs for its members.
- The Young Bar Magazine: Through its members, the Committee seeks to Channel out a Magazine which reflects on the Committees contributions for the year. Further, the magazine seeks to feature articles from various members of the bar, particularly newly admitted advocates. The Committee continues to fundraise by seeking sponsorship, so as to publish the said magazine. We however seek the support of the Society
- Renewal of the MOU between the LSK Young Lawyers Committee and KSL on Legal Audit Training
- Having seen the benefits Young advocates have gained from the previous MOU, which includes a negotiated fee and sponsorship of Committee members to attend and benefit from the training, through the Convener, the Committee is in talks with KSL to renew the already expired MOU. The Committee seeks the support of the Council in ensuring that the process is smooth.
- MOU between the Young Lawyers Committee and Usikimye
- The Committee seeks to partner with the non-profit organization to offer legal services as and when called upon.
- Scheduled Webinar: Court of Appeal: Judicial expectations Vis a Vis the Litigants Preparedness
- The Committee has scheduled a Free Webinar in the month of February to enlighten Young advocates and general members' pf the bar, on the Rules and procedures in the Court of Appeal.

### Achievements.

#### Webinars

The Young Lawyers Committee has so far conducted three free webinars which have attracted a sizeable number of participants.

- A Commentary on the Supreme Court Decision: The Sonko Impeachment Case. The Webinar was facilitated by Mr. Peter Wanyama Advocate and had approximately 1200 participants
- Essential Principles and Must-Knows in Election Dispute Resolution in Kenya; A Practitioner's Perspective. The Webinar was facilitated by Mr. Omwanza Ombati Advocate and had approximately 672 participants
- Raising Fee Notes 101: Civil & Criminal Litigation Billable Hours. On 27th October, 2022 the Committee held a webinar facilitated by Mr. Danstan Omari and Mr. Mugambi Mutua Advocates. The Webinar attracted approximately 1100 participants.
- Suffering in Silence: Lawyers Well-Being And Mental Health Concerns; On 13th December 2022, the Committee conducted a Webinar facilitated by Ms. Lynette Etemesi & Ms. Njeri Mucheru. The Webinar sought to help members identify triggers of mental health, how to navigate through mental health illness

and find out areas that need intervention, for the well-being of the members of the Bar. The Webinar attracted 614 participants.

### Mentorship Sessions

- Mentoring Session at the Moi University-School of Law: On 14th October, 2022, the Committee led by the Convener Mr. Byron Menezes and Committee members Ms. Clare Karuga, Ms. Jemeli Sang and Ms. Antoninah Lutta, held an interactive session with 3rd and 4th year undergraduate law students of Moi University-School of Law, as they passed on their experiences, professional guidance and practical knowledge, in the different stages of progression, within the profession.
- Mentoring Session at University of Nairobi, Kisumu Campus: On 28th October 2022, the Committee held a mentorship session seminar at University of Nairobi, Kisumu Campus . The Committee's Representatives had an interactive session with the 3rd and 4th year law students as well as representation of the finalist class passing on their experiences in the different stages of progression within the profession.

The Committee Representatives made presentations in the following areas:

- 1)The challenges and pitfalls of the Advocates' Training Program at KSL-Mr. Byron Menezes
- 2) The pupillage experience –Miss Yvette Macogot
- 3) The Transition to the legal Profession-Mr. Nick Oloo
- 4) The challenges of sole proprietorship – Miss Terry Ngare

5) Training in cover letter and CV Writing-Mr. Byron Menezes

6) Training on job application and interview techniques- Mr. Byron Menezes

- Mentoring Session at MaryHill Girls Secondary School: On 30th July, 2022, Mr. Stephen Wanjiru, represented the Committee during the school's career day. The representative addressed the over 476 candidates on career choices and effective preparedness for the KCSE.

### Young Lawyers Committee Participation In The Justice Games 2022

Through sponsorship by the LSK, the Committee participated in the just concluded Justice Games. The Committee had an opportunity to interact and bond and in addition set new and common goals, in a less formal set up.

### Engagements and Partnerships

- Lang'ata Legal Aid Centre's 5th Anniversary:

The Committee participated in the celebrations of the Lang'ata Legal Aid Centre 5th Anniversary, which handles rent disputes, land disputes, succession matters, children cases and labour disputes. Through the Committee's Representatives Ms. Ruth Rotich and Mr. Mokuia Manyara, extensive deliberations were held on matters of access to justice especially at the grass-root level. Among the challenges identified include the reluctance to refer matters to advocates on pro bono basis, as they fail to represent parties to conclusion.

- Engagement with Actions of Justice Organization:

Through its Representative, Ms. Elizabeth Wanjeri, the Committee held an interactive



section with the Kwale based NGO, on how achieving their objectives. The Committee undertook to team up with the organization as and when called upon.

- In its collaborative efforts to foster engagements with various stakeholders, legal experts and educational institutions within and without our borders, the Committee through Ms. Elizabeth Musikali and Mr. Wycklife Oyoo had the pleasure of hosting Ms Daniella, a PhD student at the University of Warwick, whose research focuses on the role of the judicial system in fostering a healthy public life, with a focus on the Judiciary's place in the electoral system of Kenya. The deliberations focused on a ray of issues around her subject area of research.

## ICT/IP COMMITTEE

### Introduction

ICT is a strategic function in any organization because all operational functionalities are highly dependent on sound systems to operate.

The core mandate of the department can be summarized as enabling the other functional departments and units efficient and effective means of conducting their business with ease by ensuring smooth running of all ICT systems.

### Online Member Services

The ICT department was instrumental in ensuring availability of online member services like the online portal, online payment gateway, online application of Practising Certificate and online booking of CPD Events.

The department through the Member Services Unit supported members throughout the year replying to member queries in person, on email and through telephone calls.

The department continually assisted in resolving of technical issues with the Enterprise Resources

Planning System throughout the year while in consultation with the service providers. This led to continued service delivery to members. The department through the Member Services Unit supported members throughout the year replying to member queries in person, on email and through telephone calls.

The department continually assisted in resolving of technical issues with the Enterprise Resources Planning System throughout the year while in consultation with the service providers. This led to continued service delivery to members. To ensure smooth running of the online services, periodic system performance checks were conducted while applying the necessary measures to ensure data integrity and security.

## LSK ERP System and Judiciary JAMs System Integration

### A) Electronic Practising Certificate Issuance

Following the integration of LSK and Judiciary systems, the process of issuance of 2023 Practising Certificates online commenced in December 2022 where members need to upload the signed practicing application documents on their LSK online accounts in the quest to fully digitize the process with the goal of going paperless at the Secretariat.

Members are no longer required to physically present the Practising Certificate application documents at the Secretariat and this has made the process more user friendly as members can complete the process from wherever they are.

The uploaded documents are subsequently verified by the Secretariat and the Judiciary is able to generate a digital Practising Certificate within a short period of time.

Additionally, there will be no need for members or their representatives to make a journey to the Secretariat to collect their Practising Certificates because the same are available online.

Although the process has not gone without some technical challenges, the technical teams from both the LSK and Judiciary have been working tirelessly to address the identified issues as well as adding more functionalities with the aim of improving the user experience.

### **b) Newly Admitted Advocates**

This integration which is ongoing will enable the LSK systems to be updated automatically by the judiciary's JAMs System without the need to manually key in the newly admitted details.

This will ensure creation of new accounts promptly and ensure that newly admitted Advocates are able to access the services in a timely manner.

### **c) Commissioner for Oaths and Notary Public**

Members will be able to apply for Commissioner for Oaths and Notary Public online and the JAMs Systems validates and receives comments from LSK in digital format improving service delivery to members.

### **Online Meetings and Webinars**

The Department has continually assisted in setting up of the online meetings for various groups as well as conducting trainings on the online meetings.

### **Office Technical Support**

The department ensured that there was network availability, availability of the email system, installation of security patches, installation and configuration of new computers, repair of minor faults, replacement of broken parts/equipment and user training.

The department supported the existing systems like the email system, ERP System, Biometric System, Bulk Email System and Telephone System throughout the year.

Technical support to the ABA and SIRD offices was continually undertaken.

Additionally, the department was involved in budget making and advisory of the technological needs of the Society.

### **ICT/IP Committee**

- The ICT/IP Committee organized a free Webinar on the Africa Continental Free Trade Area (AfCFTA) and Intellectual Property Rights (IPRs) in Kenya in November 2022 which was attended by over one thousand members.
- The Committee members agreed to be sending articles touching on ICT or IP legislation and emerging areas to be included in the LSK weekly newsletter to educate members on matters relating to ICT/IP.
- The ICT/IP Committee through the chairperson Ochieng Gor, Council member gave their views on the integration between LSK and Judiciary systems during the joint LSK-Judiciary retreat in November 2022.
- Some members of the committee published articles on the Commonwealth Lawyers Association on "An ICT perspective on Kenyan Elections 2022" and *Technology in the Kenyan presidential petition and what it can teach us about legal practice in the future*.

### **Challenges**

- Slowed support by service providers due to delayed payments led to Internet connection disruption, electric power cuts and telephone disconnection among others.
- Lack of a dedicated Member Services human resources leading to delayed responses at times.

## Terms of Reference

The Committees' mandate is to monitor and keep under review the ethical values, professional principles and standards regulating and governing advocates, their organizations and their areas of practice, and in particular:

- I. Develop proposals for best practice and changes to professional principles, values and standards for submission to the Law Society of Kenya;
- II. Respond to consultations on changes to professional principles, values and standards promoted by the Law Society of Kenya and other regulators;
- III. Provide support and advice on interpretation, management, and best practices in relation to ethical values, professional principles and standards as appropriate; and
- IV. Report to the Council of the Law Society of Kenya, and seek its approval for policy proposals and for major responses to consultations so that they are able to comply with their responsibilities to act in the public interest, with integrity, objectivity, professional competence, due care, confidentiality, and in compliance with all relevant laws and regulations.

## Activities & Achievements

1. Constitution of a new committee and new committee members.
2. Review and update of the Terms of Reference (TORs).
3. The committee continues to follow up on the progress of developing the list of registered law firms. The Society has collaborated with the Business Registration Service (BRS) and software developers to generate a database that will maintain this list which will be

accessible to all. This will help with the efforts to weed out quacks and to regularize the registration of law firms.

4. The committee undertook to establish a list of practice standards, compile them, identify gaps and to liaise with the newly established Law Review Taskforce.
5. The committee intends to establish partnerships with law schools, CLE, KSL to partner in forums relating to ethics in the profession.
6. Reviewing of the previous committees' drafts of various guidelines with a view of finalizing the drafts as listed below:
  - a. The Social Media Guidelines.
  - a. Virtual Court Guidelines.

## ALTERNATIVE DISPUTE RESOLUTION COMMITTEE

The Committee is chaired by Mr. Akhaabi Chrysostom Xavier as the Convener is mandated to promote the use of ADR mechanism and processes in conflict/dispute resolution and in the administration of justice in Kenya as well as raise awareness of the benefits of ADR amongst the members of the Society and the public at large.

During the reporting year, the Committee advanced its mandate through its established subcommittees. Each subcommittee has a distinct mandate within their domain with the key agenda of taking responsibility for exploring what is happening within its space, thereby keeping the Committee on the front-line on ADR matters.

The subcommittees include:

- a) Mediation subcommittee
- b) Arbitration subcommittee
- c) Alternative Justice System (AJS) subcommittee



The subcommittees agreed to meet once a month in between regular committee meetings to report progress, which has provided an excellent learning opportunity for the rest of the Committee members. The subcommittees have proven to be a progressive tool in achieving the overall mandate, as evidenced by the committee's achievements for the year, which include:

### **Contribution of topics included in the CPD Calendar**

The Committee through its subcommittees' came up with a total of six (6) topics which were forwarded to the CPD Committee for consideration and inclusion in the 2023 CPD Calendar. Some of the topics that were proposed include:

1. Enforcement of foreign Arbitral Awards
2. The Challenges/ Modalities around enforcement of foreign Arbitral Awards.
3. Challenges of enforcement of Arbitral award in Kenya.
4. Role of Courts in Arbitration: The Kenyan experience.
5. Arbitration Agreements as the foundation of International Commercial Arbitration.
6. ensitization of the AJS Policy framework 2020
7. Mainstreaming AJS practice
8. Automating enforcement of Arbitral awards in IP and Technology Arbitration

The CPD Committee considered the topics submitted and among the eight topics shared considered and included three topics namely:

- a) Challenges of enforcement of Arbitral award in Kenya.
- b) Enforcement of foreign Arbitral Awards
- c) Mainstreaming AJS practice

Furthermore, the committee has expressed an interest in participating as speakers and facilitators in the proposed topics for the second quarter and has already made a formal application to the CPD Committee.

Finally, the committee intends to hold a series of free webinars on topics not covered by the CPD Calendar.

### **Collaborations and network with local and international ADR institutions and practitioners.**

The Law Society of Kenya's ADR Committee, through its Arbitration Subcommittee, has written to the Chartered Institute of Arbitrators' Kenya Branch, seeking collaboration with the Legal Subcommittee of the Chartered Institute of Arbitrators Kenya Branch to see how both bodies can work together to build a research base for the growth and emerging jurisprudence in terms of arbitration and arbitral awards.

This was in response to the institute's request to members to share any court decisions they were aware of in cases that were either pending in court or had already received judgment. The Kenya Branch of the Chartered Institute of Arbitrators is in the process of developing a case law section on arbitral awards that have been submitted to court as part of the ongoing process of developing a research base and data that will inform the growth and emerging jurisprudence in the area of arbitration and arbitral awards; however, the subcommittee has yet to receive a response on the noble initiative to advance the discussion.

## Analyzing Legal Notice No. 145 of 2022

The Mediation Subcommittee is currently reviewing Legal Notice No. 145 of 2022, which contains the new Mediation Rules. The subcommittee, through its convener, has produced a commentary on the new mediation rules, in which they have identified numerous flaws.

The mediation subcommittee will present the draft commentary to the main committee in order to solicit feedback before drafting a memorandum to be adopted by the committee and submitted to the Judiciary.

The following are the planned activities of the committee:

- Contributing the legislative reform within the ADR space.
- Sensitization on the benefits of ADR to the profession and the public.
- Collaborate and network with local and international ADR institutions and practitioners.
- Promote ADR by undertaking research on the various forms of ADR mechanisms.
- Assist the Judiciary in streamlining the Court Annexed Mediation process to properly put the system in place.
- Ensure Kenya is a signatory to the Singapore Convention and International Mediation Convention with a view of ensuring that any contract signed locally is recognized in states which are parties to the Convention.
- Promote use of technology in ADR.
- Offer policy direction, formulate guidelines and regulations and advise the LSK Council on the practice of ADR.

- Facilitate and organize seminars, workshops, conferences and such other fora for sharing experiences and developing the use and practice of ADR.
- Identify and facilitate mobilization of resources to achieve the goals and objectives of the Committee.

## CHILD LAW PRACTITIONERS COMMITTEE

The Committee is chaired by **Ms. Riziki Emukule** and is mandated to inter alia: propose and make recommendations to the Council on ways and means of improving the quality, fairness and effectiveness on the children justice system nationally, propose recommendations for legislative reform to existing statutes on children justice system nationally, prepare recommendations on the use of technology in administration of justice in order to ensure speedy trial and resolution of children cases and meet and discuss children law-internal, regional and local as well as compliance practices and enforcement trends.

The Committee advanced its mandate through its established subcommittees during the reporting year. Each subcommittee has a distinct mandate within its field, with the main agenda of taking responsibility for investigating what is happening within its domain, thereby keeping the Committee on the cutting edge of children matters.

The subcommittees include:

1. Sexual Reproductive Health Rights Subcommittee (SRHR)
2. Law Reform and Emerging issues Subcommittee
3. Probono Subcommittee
4. Public Relations/Editorial & sensitization Subcommittee

The subcommittees agreed to meet once a month in between regular committee meetings to report progress, which has provided the rest of the Committee members with an tremendous learning opportunity. The subcommittees have proven to be a progressive tool in achieving the overall committee's mandate.

In line with its mandate, the Committee sought collaboration with the NCAJ Special Taskforce on Children's Matters, which was developing a strategy on justice for children, so that if any issues relating to children were identified, the Committee could help shape the inclusion of those specific issues in the strategy through the LSK representative.

Further, the Committee came up with a total of four (4) topics which were forwarded to the CPD Committee for consideration and inclusion in the 2023 CPD Calendar. Some of the topics that were proposed include:

1. Dissemination of key highlights of Children Act, 2022.
2. Gestational Surrogacy in Kenya.
3. Adolescent Reproductive Health in Kenya Vis a Vis age of Consent.
4. Tackling Online Child Sexual Exploitation and Abuse (OCSEA).

The CPD Committee considered the topics submitted and among them picked the topic on dissemination of key highlights of Children Act, 2022. That notwithstanding the committee intends to hold a series of free webinars on the topics that were not covered by the CPD Calendar.

The following are the planned activities of the committee:

- Propose recommendations for legislative reform to existing statutes on Children Justice System.
- Prepare recommendations on the use of technology in administration of justice in

order to ensure speedy trial and resolution of children cases

- Provide pro bono legal aid services to litigants who are unable to afford legal representation in Children matters.
- To study decisions of the courts on children matters and make recommendations for improvement.
- Propose and undertake public interest litigation on children related cases

### **CROSS BORDER PRACTICE & IMMIGRATION COMMITTEE**

The Committee Convened by **Mr. Cohen Amany** and **Ms. Njoki Mboce** as the Co-Convener is mandated to advise the Council on policy and legislative reforms touching on cross border practice, push for reciprocity of cross-border legal practice amongst East African countries and to identify matters of public interest within existing immigration legislations for litigation.

In the reporting year, the Committee has engaged in the following activities:

#### **Symposium on Cross Border Legal Practice**

The Committee is in the process of organizing a seminar on cross-border practice with a view of tackling challenges affecting cross border practice and promoting the same and as such, a subcommittee of six members, assisted by the Secretary, has been formed to consider proposed topics and themes for the symposium. The proposed topics and themes for the symposium were shared by members of the Committee WhatsApp group for the subcommittee consideration thereafter presented before the main Committee for consideration and adoption.

Cognizant of the fact that cross border legal practice is a wide topic which can not only be discussed under one topic, the Committee agreed to come up with a topic on cross boarder legal



practice is a wide topic which can not only be discussed under one topic, the Committee agreed to come up with a topic on cross boarder legal practice and come up with several sub-topics which would form the committee sub theme.

The Committee is working on a concept note that will be presented to the Council for approval, paving the way for the symposium, which is scheduled to take place in the month of April.

### Participation in Public Hearings

The Committee received two invitations from the Ministry East African Community and Regional Development to public hearing on the East African Community Surveillance, Compliance and Enforcement Commission Bill, 2022 and public hearing on the East African Community Financial Services Commission Bill, 2022. The Committee was represented by 10 representative including the Convener and the Co-Convener.

In both occasions the Committee made oral submissions on the Bill and submitted a memorandum.

### Push for reciprocity of cross-border legal practice amongst East African countries

Kenya being a member of the East Africa Community is subject to the East Africa Treaty and the Common Market Protocol which spells out an entry point for cross boarder legal practice at the community level. In an effort to promote cross boarder legal practice, its Advocates Act CAP 16 Laws of Kenya includes reciprocity clauses which facilitate cross boarder legal practice by allowing Advocates' who are citizens of Kenya, Rwanda, Burundi, Uganda, or Tanzania who meet the Professional and academic qualifications outlined in Section 13 to be admitted as Advocates of the High Court of Kenya.

Invariably, the LSK Council has received and considered petitions for admissions as Advocates of the High Court of Kenya for Advocates of the

High Courts of Uganda, Rwanda, Burundi, Tanzania, Zanzibar and, South Sudan and has recommended to the Kenyan Chief Justice their admissions, resulting in Advocates from such countries being admitted as Advocates of the High Court of Kenya, subject to confirmation that they are members in good standing by the relevant professional body in the respective countries.

In order to protect and assist our members in matters relating to practice conditions and welfare, as well as to establish mechanisms necessary for the provision of equal opportunities for all Kenyan legal practitioners in the East African Community, the cross boarder Committee, through its Convener **Ms. Njoki Mboce**, emphasized the importance of determining whether there was reciprocity when it came to admission of Kenyan members to the respective East Africa jurisdictions. On that note, through the Chief Executive Officer's office, letters were written to all East African Bar Associations President to provide the following information on the number of Kenyan Advocates who:

1. Who have applied to be considered for admission to your Bar Association
2. Who have successfully been admitted into your Bar Association and
3. Whose applications have been rejected and why.

The Society is yet to receive feedback that will guide its future engagement with the East African Community in terms of cross-border legal practice.

Some of the planned activities include:

- To organize a conference/symposium with a view of tackling challenges affecting cross boarder practice and promoting the same.

- To participate in the bid calling for expression of interest to host the international Annual Bar Conference
- To organize free webinar to sensitize members on cross boarder practice.
- To push for compliance of immigration decisions and judgments passed by courts.

## MEDICO LEGAL COMMITTEE

The Committee Convened by **Mr. Josphat Mutuma Kirima** is mandated to:

- To consider and report on medico-legal issues of direct concern to the legal profession and the public;
- To provide guidance and advice on matters relating to medico-legal issues;
- To carry out research on contemporary medico-legal issues;
- To publish reports, educate and make representations on medico-legal issues as directed by the LSK;
- To review the law relating to reproductive technologies and related issues;
- To identify and define legal and ethical questions raised by recent advances in biological and medical research in order to anticipate and respond to public concerns;

The Committee has constituted 5 subcommittees on various thematic areas within the medical legal space namely:

- Healthcare System and Professionals subcommittee
- Advocacy and Education subcommittee
- Forensic Medicine, New Technology and Medical Research subcommittee
- Environmental Health and Medical Negligence subcommittee and
- Healthcare Charter

The Subcommittees as constituted are intended to give everyone a chance to participate in a specialized area of the Committee function and for members to continue to do Committee work

outside the regular meetings of the Committee.

The subcommittees have convened and agreed on their terms of reference which are to be presented before the main Committee.

### **Participated in the Senate Committee on Health Investigation into the Death of Baby Travis Maina**

The Medico Legal Committee, whose mandate it is to liaise with the Judiciary and Parliament in order to contribute to medico legal concerns in Kenya, wrote to the clerk of the Senate requesting to participate in the Senate Committee on Health investigation into the death of baby Travis Maina. The request was considered and the medico legal committee was invited to the public hearing. The Committee through the Convener made their oral presentation before the Committee.

The Medico Legal Committee's participation was critical in providing direction, ensuring public participation, and making recommendations in accordance with the Committee's areas of expertise.

Activities planned for the year include:

- To publish reports, educate and make representations on medico-legal issues as directed by the LSK;
- To undertake litigation in medico-legal matters where the public interest so warrants as well as develop alternative dispute resolution mechanisms for the benefit of the public;
- To form collaborations/partnerships from time to time with organizations that are involved in advocating for improvement in standards of healthcare as well as patients' rights (where these partnerships will further the overall objective of executing/execution of previously agreed strategies).
- To develop a charter for all healthcare workers.

## TAX COMMITTEE

The Tax Committee is currently chaired by **Mr. Daniel Ngumi Advocate & Managing Partner** at **Anjarwalla & Khanna Advocates** whose specialty is in tax matters. The co-chair is **Mr. Akhaabi Chrysostom Xavier** who is a current Council Member. The Committee consists of 36 Advocates drawn from all sectors of practice. The Committee is mandated to undertake the following:

1. To assist in reviewing tax related bills directed to the Law Society of Kenya for comments and to provide timely feedback.
2. To identify matters of public interest within existing tax legislation 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 identify key areas of tax to be included in the CPD Calendar.
6. To establish linkages and pursue exchange programs with other jurisdictions and/or bar associations for purposes of exchange of knowledge and for the benefit of the Society.

The committee undertook the following activities in the year 2022:

1. The Committee participated in the Petition to have the Finance Act 2022 declared unconstitutional. The Society contended that the increase of tax as it were makes the cost of living unbearable for poor citizens which is against the mandate of any government i.e.

**Constitutional and Human Rights Division Petition Number E338 of 2022 (as consolidated with Petition No. E342 of 2022, Petition No. 372 of 2022, Petition No. E373 of 2022, Mwaura Kabata and 4 others vs. National Assembly and 4 others).**

2. The Committee continues to make recommendations to the LSK Council on matters affecting the profession with respect to tax compliance and the public in general. Noteworthy, are the submissions on the National Tax Policy submitted to National Treasury and Planning by the Tax Committee and the submissions on the Finance Bill 2022 where the Committee members accompanied the LSK President when making his appearance before the Parliamentary Standing Committee on finance.
3. The Committee has always participated in the formulation of the CPD calendar of training by proposing tax related topics for inclusion. Further, the Committee assisted during three out of the seven CPD Trainings on tax topics, for the year 2022 by offering some of its Members to take advocates through tax matters.

The Committee endeavors to assist the Council in all matters ancillary to Tax and Tax Law and looks forward to undertaking activities for the upcoming year 2023, such as: to Review the Finance Bill 2023 and similar Bills, to hold stakeholder engagements on tax-related matters with ICPAK as well as to discuss areas for joint collaboration, to schedule courtesy calls to KRA and to the Chair and the Secretariat of the Tax Appeals Tribunal to discuss standardization of procedures before the Tribunal and to establish a tax court users' committee.



## THE ADVOCATES DISCIPLINARY TRIBUNAL

**Mr. William Maema** is the current Chair of the Advocates Disciplinary Tribunal appointed by the Attorney General, with the mandate to adjudicate complaints against advocates. The current Tribunal members include **Mr. George Ochich, Ms. Esther Muigai, Ms. Eunice Lumallas, Mr. Andrew Kituyi, Mr. Gathii Irungu** and **Mr. John Chigiti, SC**. The current LSK Deputy Secretary/Director Compliance & Ethics Directorate, **Ms. Mwathi Kitonga**, acts as the Secretary to the Tribunal. Currently the Tribunal is properly constituted with seven members as per the provisions of **Section 58(1) of the Advocates**

In 2022, hearing and determination of cases has moved along well, with the backlog of cases being minimized. However, there have been more new cases in comparison to the previous year 2021 which had a total of 162 new cases filed. It is therefore expected that there will be an increase in the work load of the Tribunal with regard to writing of Judgments and Rulings.

To build the capacity of the Tribunal Members so as to offer further insight on the Advocates Disciplinary Tribunal processes, an induction training of the Members was successfully held on 9<sup>th</sup> November, 2022 and 10<sup>th</sup> November, 2022.

In general, the Tribunal finalized a total of 10 cases out of the 237 opened in the year 2022. Matters that are currently active as at December 2022 are 687 cases and those that are inactive but outstanding are 424 cases. Therefore, the total number of active cases are 1,111.



**TABLE 1: Status of Disciplinary matters**

<b>STATUS OF DISCIPLINARY CAUSES: STATISTICS</b>				
<b>YEAR</b>	<b>CAUSES OPENED</b>	<b>CAUSES CONCLUDED PREVIOUSLY</b>	<b>CAUSES CONCLUDED IN 2022</b>	<b>OUTSTANDING</b>
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
2020	41	5	5	36
2021	162	11	11	151
2022	237	10	10	227
<b>TOTALS</b>	<b>2,192</b>	<b>1,111</b>	<b>103</b>	<b>1111</b>

Below is a brief analysis of the matters dealt with by the Tribunal for the period between January and December 2022:

**A: STRUCK OFF THE ROLL OF ADVOCATES: 8**

1. Nyakundi Robert Mongare DTC/86/2017
2. Nyakoe Jared Nyaumah DTC/34/2013
3. Kemunto Melanie P.E DTC 121/2017
4. Obara Oira Odanijah DTC 113/2017
5. Agimba Thomas Gideon DTC 112/2015
6. Muthee George Muriithi DTC 19/2018
7. Simiyu Michael Wafula DTC 51/2017
8. Mutiso Macmillan Mutinda DTC 141/2009

**B: SUSPENDED FROM THE ROLL OF ADVOCATES: 5**

1. Kuke Hellen adoyo DTC/105/2019  
(24 months)
2. Sekento leonard Date DTC/13/2018  
(24 months)
3. Nyaribo Bernard Mongare DTC/170/2017  
(24 months)
4. Mwai James Ingati DTC/46/2017  
(24 months)
5. Amendi Billy Amugune DTC/26/2013  
(12 months)

**C: SETTLED: 45**

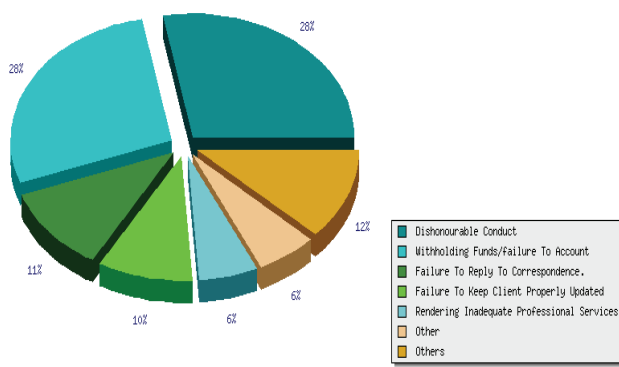
Case Category	Count
Struck off	8
Suspended	5
Settled	45

An analysis of the cases reveals that out of the 237 new matters filed in the year 2022; 62.45% of the matters were against advocates practicing as sole proprietors, 18.57% against advocates employed as associates while 14.35% was against advocates practicing in partnerships.

The analysis also revealed that 68.35% of the cases filed were by the Advocates Complaints Commission and 31.65% are cases filed as private prosecutions.

Majority of the cases filed against Advocates is of withholding funds/ failure to account i.e. 176 out 237 resonating to 27.62%. This was followed by the charge of dishonourable conduct at 28.18%. A further analysis revealed that 88.07% of the new cases were against male advocates while 11.93% were as against female advocates.

Charges Occurances



**CRIMINAL JUSTICE COMMITTEE**

The Committee is convened by Mr. Vincent Githaiga, Council Member and Co- Convened by Mr. Edward Asitiva.

The Committee’s terms of Reference include;

1. Discuss issues relevant to Kenyan penal law and procedure and the functioning of the courts with regard to criminal cases.
2. Issue reports and make recommendations for legislation or changes to existing statutes.
3. Make proposals for prosecutorial and judicial reform.
4. Prepare “status” papers, charting and detailing the consequences of significant, new legislation or court rules affecting the criminal justice system.
5. Identify committee members for the presentation of CPD training courses on recent developments in the law or practice.
6. Meet and discuss anti-corruption laws, compliance practices, enforcement trends, and asset recovery issues.
7. Provide pro bono services to litigants who are unable to afford legal representation in criminal matters.
8. Study the decisions of the courts on criminal matters and make recommendations for change.
9. Identify ways and means of improving the quality, fairness, and effectiveness of the criminal justice system nationally.
10. Engage in active, ongoing cases through amicus briefing. Be a leading voice in the issues and debates that shape our criminal justice system.
11. To make appropriate recommendations based on the findings, determinations and conclusions.
12. To make any findings or recommendations regarding any other related matters that may arise. The Committee consisting of 21 members drawn from various areas of practice has successfully held one meeting.





## Achievements

The Committee consisting of 21 members drawn from various areas of practice has successfully held one meeting. This was the Inaugural meeting which was held on 26th August, 2022 where the Committee's mandate and mode of operation was agreed upon by members. Working on a work plan for the next 2 years.

## Planned Activities

Working on the recommendations to be presented before the Secretariat of the National Taskforce on Improvement of the terms and conditions of National Police and Kenya Prisons Service at Bomas of Kenya.

## EDITORIAL COMMITTEE

The Editorial Committee is convened by Prof. Michael Wabwile, Council Member and its mandate includes;

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

The Law Society of Kenya Journal is a peer-reviewed annual publication of the Law Society of Kenya produced and published by the Editorial Committee. The Journal was last published in the year 2020. Due to the pandemic and other constraints experienced in the Society, the committee was non-operational.

Upon reconstitution of Committees in 2022, the Editorial committee held its inaugural meeting on 29<sup>th</sup> August 2022.

The following were some of the achievements by the committee;

- A communication was sent out to members who presented their papers for publication between 2018-2020 to confirm whether they are interested in pursuing the review of their papers for consideration for publication within 30 days.
- A call for papers for the LSK Journal 2022 was issued where members were given 30 days to respond. The secretariat received 20 papers out of that call.
- Outsourcing of Consultants; On a notice issued on 22<sup>nd</sup> November 2022, the Editorial Committee welcomed the receipt of expressions of interest from qualified individuals and teams to conduct the peer review of the selected manuscripts.
- The Secretariat through the Communications Department collaborated with the committee in collection and shortlisting of the consultants. The selected consultant is to be kept confidential until the blind review process is complete.

## Planned Activities

- Work on the next issue of the LSK Journal, 2023 and 2024.
- Come up with a Strategy on how to produce and publish the LSK Journal (2023-2024).
- The management to present a proposal to the Committee on having an e-copy of the LSK journal.

## MEMBER SERVICES COMMITTEE

Section 15 (1) of the Law Society of Kenya, The Council may from time to time appoint committees or sub-committees consisting of members of the Society; and may, except as otherwise expressly provided by this Act or by any regulations made under this Act, delegate to any such committee or subcommittee all or any of the powers of the Council. Member Services is one such Committee appointed by the Council.

### Terms of Reference (ToRs) of the Committee:

1. Enhance efficient and effective Service delivery to members.
2. To advise the Council on all matters touching on members' welfare including the development of national welfare policies.
3. In collaboration with the Branch Leadership, identify emergency cases of members in distress that requires the intervention of the Council.
4. Aid in development of medical welfare for the membership.
5. Take up any roles to advance members' interests and welfare.

### Planned Activities of the Committee

#### Professional Mental Healthcare

Members need the mental health plan because of advocates' work and daily life which has various issues that requires guidance and assistance.

Dr. Njoki Fernandes an experienced mental healthcare professional with key strengths in healthcare strategy, operations and financing and director of strategy and operations, Heri Healthcare Consulting was selected to present before the Committee.

The Committee resolved that Heri Wellness Centre was an ideal package for the membership and recommended for it to be tabled before the LSK Council for approval. (Attached is the service package details.)

<https://forms.gle/DQrLmRJm9nUtJt6EA> - a link where the interested members can sign up for the service

#### Healthcare and Professional Indemnity Cover

There are several medical appeal on social media platforms for sick and deceased advocates on pending hospital bills.

Due to the above, the Committee proposed for negotiations for favourable rates for the medical and professional indemnity cover. It looked into it and ensured the final document is sent out to insurance companies for selection of a favourable cover.

Mr. Aleem Akbarali, a business Development Manager at Lifecare International, was called upon by the Committee to speak on the creation of a viable medical insurance structure for members and their families.

It was resolved that the **BUPA** package was favourable to members of the Law Society of Kenya members subject to approval of the LSK Council in which the provider was provided the necessary KYC documents requirements to begin the process.

#### Mentorship Programme

The Committee suggested several areas of initiatives to look into as listed below:

1. Select a series of webinars on thematic areas of practice and speakers;
2. Organize quarterly physical meeting with senior and junior advocates on thematic areas of practice;

3. Structured mentorship programme ranges to cover all members of the Society;
4. Design mentorship programme in different stages of the legal career in regards to new trends in the law;
5. Establish face to face meeting with the Law Society of Kenya – quarterly physical meeting for members where we identify member(s) to speak and engage with the membership;
6. Publish materials on the mentorship programme – booklets on the content of the mentorship;
7. Establish a Mentorship database to match mentors and mentees; and
8. Implementation strategies

### **Weekly Webinars**

The Committee resolved to organize a series of weekly webinars on emerging areas of practices and requested members to submit their proposed topics for consideration on or before 30<sup>th</sup> October, 2022.

The Committee held its first webinar on Mental Health and Medical Insurance on 30<sup>th</sup> June 2022 which was very informative.

### **Persons with Disabilities (PWDs) Package**

The Committee offered to come up with a proposal on the PWD welfare package that will later be approved by Council.

The task is to create policies that will ease the interaction of Persons Living with Disability with the Society.

### **Wellness Day for Members**

The Committee intends to come up with a plan and funding on the Wellness Day (medical check-up) for members of the Society.

### **Law Society of Kenya (LSK) Website**

There are concerns that there is lack of sufficient information on the LSK website and not enough resources.

The Committee listed the following challenges that should be looked into:

- Insufficient information on the LSK website;
- Not enough resources to explore;
- Set up links to the Judiciary and eKLR on new development to the law;
- Update and upgrade the website;
- Educate the members on the LSK departments to reduce complaints; and
- Better arranged so as to easily access the required information.



## AUDIT & RISK COMMITTEE

The primary purpose of the Council Audit & Risk Committee is to provide oversight of the financial reporting process, the audit process, the society's system of internal controls and compliance with laws and regulations. The Committee enjoys delegated responsibility from the Council and reports to the Council on regular basis. The committee executes its mandate based on a work plan developed at the beginning of each financial year.

The Council Audit & Risk committee was reconstituted in April 2022, consisting of 5 Council members, the committee is chaired by **Prof. Michael Wabwile**. During the year the committee held three meetings, the first one on 28th April 2022, the second meeting on 10th May 2022 and the last meeting on 22nd December 2022. In both meetings the attendance was 100%. The committee's deliberation in the meetings were tabled before Council through a committee report, where summarized discussion and resolutions were adopted and approved by the Council and implemented by the management.

## LAW REFORM AND CONSTITUTIONAL IMPLEMENTATION COMMITTEE

The Committee is convened by Mr. Vincent Githaiga, Council Member and the Co-convenor is Ms. Sheila Mbole. The committee advises the council on matters law reform, they monitor and report on rule of law, access to justice, constitution and the rule of law. The committee reviews and prepares reports and memorandums for submission to government agencies and the parliament

### Achievements

The Committee constituting of 35 members drawn from all practice areas has successfully held three meetings. Its first Inaugural meeting was held on 2nd August, 2022 where the Committee's mandate and mode of operation was agreed upon by members.

BILL	INPUT
Draft Motor Vehicle Inspection Regulations, 2022	The Committee noted issues surrounding the requirement that all private vehicles undergo inspection every 2 years provided in the regulations and police being left to be the judge, jury and executioner within the alcohol prohibition provision and has given its recommendations on the same
Draft Traffic (Drunk Driving) Rules, 2022	The Committee noted that the rules could be guided by the principles set out in the case of <b>Richard Dickson Ogendo &amp; 2 others V Attorney General &amp; 5 others (2014)eKIR</b>
Draft Advocates Bill, 2020	

The committee held consultations with the Council regarding the interface with the Law Reform Task Force whose activities are similar and some are the same as its schedule of activities.

The committee engaged with three prospective partners on law reform and legislation;

<b>Institution</b>	<b>Contribution</b>
Tetratrec	Tetratrec is a project funder, who has shown willingness to engage with the LSK in conducting a post-election review in the just concluded general elections with an objective on making suggestion on electoral law reforms.
Paralegal Society of Kenya	The Paralegal Society of Kenya is keen on coming up with Regulations envisaged under Section 41(n), of the LSK Act 2014 that deals with recognition of the paralegals.
Kenya National Association of the Deaf	Kenya National Association of the Deaf has expressed interest in collaboration with the Society in order to come up with a better Sign Language Bill than the one which was presented to the Senate of the 12th August House by a private member

The committee has raised the Memorandums of Understanding to the Council on formalizing the partnerships.

### **Planned Activities**

The Committee placed the following activities in the general calendar;

1. To meet the office of the clerks of The Senate and National Assembly for realization of stronger ties with the House committees.
2. To formally convene LSK members who are serving in the house to map out a working modality to foster advocacy on matters rule of law, administration of justice and constitutionalism.
3. To go on retreat with the council, members of the taskforce, and members of Law Reform committee to discuss the Draft Advocates Bill.
4. To give its views on the interface between the Law Reform Taskforce and the Committee and this will be put into consideration by the taskforce.
5. To formalize the partnerships with the three collaborations.
6. To engagement with the County Government.
7. To do a regulatory impact assessment on engagement with the county governments, in order to avoid duplicity of roles.

## GENDER COMMITTEE

The Law Society of Kenya is a premier Bar Association established by an Act of Parliament, the Law Society of Kenya Act (chapter 18 of the laws of Kenya). The Vision of the Law Society of Kenya is, to be a society that promotes quality and robust legal practice and the rule of law and the mission is to empower the legal profession with quality member services and promote the rule of law, through advocacy and good governance

The Gender Committee established as per Section 15 (1) of the Law Society of Kenya has set out its responsibilities and terms of references as enumerated to uphold the mission and vision of the Society.

### Terms of References (TORs) of the Committee:

1. To advise council and the law society membership on all matters gender.
2. To promote principles of equity and equality in participation of members in the legal profession.
3. To address the concerns of both male and female lawyers within the society and in the Legal Profession.
4. To mainstream gender in all aspects of the legal fraternity.
5. To foster cooperation and partnerships touching on gender issues with other institutions at local, regional or international levels.
6. To raise awareness of major gender issues of concern within the society as and when such issues occur.
7. Resource mobilization for purposes of furthering the committee's mandate.
8. To spearhead review of the society's policies for gender responsiveness.

## Planned Activities of the Committee

### 1. Implementation of the Sexual Harassment Policy

The Committee plans to create awareness on the Sexual Harassment Policy to ensure its implementation. This is due to the fact that most members are not aware that the Policy is already operational.

### 2. Trainings – Resource Mobilization.

Resource mobilize for and hold an induction for the committee. Objectives would include:

- 1) Training on Gender i.e.:
  - a) Understanding gender and related national,
  - b) Regional and international laws, and
  - c) Relevant policies.
- 2) Values clarification given some of the issues such as:
  - a) access safe abortion care,
  - b) Decriminalization of consensual adolescent sex etc that may need to be discussed by the Committee.
- 3) Team building for Committee members as it start its term.
- 4) Organize a gender symposium

### 3. Proposed Topics for 2023 CPD Calendar

The Committee proposed topics for the formulation of the 2023 CPD Calendar and work hand in hand with the CPD Committee and other institutions in organizing of trainings and ensuring their facilitation



#### 4. Women's Breakfast Forum

This year, LSK Annual Conference was held from 6<sup>th</sup> July to 10<sup>th</sup> July 2022 at Leisure Lodge Beach & Golf Resort, Kwale County with **Women's Breakfast Forum** being held on **8<sup>th</sup> July 2022, 7 a.m. to 9 a.m.** The Main Theme was: **"Women in Elective Politics: Opportunities in Elections 2022 and Beyond."**

The Forum was geared towards discussing the challenges women face in leadership and electoral process. The aim of these discussions were to provide the opportunities available and to chart a way forward post 2022 based on the experiences shared.

#### The panel discussions revolved round the following topics:

1. The success stories for women in elections
2. Introspect into the emerging opportunities that women can be part of in the electoral cycle
3. Harvesting post-election opportunities for elected women to advance the SDG 5
4. Challenges and opportunities for elected women and how the law is countering it.
5. Danger of not sharing your story.
6. Challenges and opportunities for women in elections and the role of the Law and ADR
7. Role of women lawyers in extractive industry: How can women lawyers be involved in the extractive sector, sustainable climate change and artisanal small scale mining?

#### PANELISTS

1. Hon. Gladys Boss Shollei
2. Hon. Lady Justice (Rtd.) Dr. Nancy Baraza

3. Nancy Karigithu, PS Shipping and Maritime
4. Ms. Nancy Ikinu, Chairperson FIDA Kenya
5. Ms. Judie Kaberia, ED Association of Media Women in Kenya (AMWIK)
6. Ms. Joyce Majiwa, SC
7. Ms. Jennifer Johnson, Canadian Field Regional Manager (CFRM), Supporting Inclusive Resource Development (SIRD) in East Africa

#### 5. 16 Days of Activism 2023

The **16 Days of Activism** against gender-based violence is an international campaign that commences on 25 November and ends on 10 December - the International Day for the **Elimination of Violence against Women.**

The Committee is planning to have a social media presence by sending out short texts on the elimination of violence against women in an effort to increase awareness, galvanize advocacy efforts and share knowledge and innovations.

#### POLICY AND LEGAL REFORM TASKFORCE

The Committee is convened by Ms. Faith Macharia and the Co- Convener is Mr. Henry Paul Gichana

#### Committee Terms of Reference

1. Assessment of the current state of compliance to the legislation touching on the Society and Advocates generally.
2. Evaluation of the existing challenges or problems affecting implementation of the existing legislations touching on the Society and Advocates generally and their root causes.
3. Propose appropriate reforms to the legal, policy and institutional framework.

4. Propose appropriate amendments to various legal instruments with a view to strengthening the legal and institutional framework.
5. Identify international or regional best practices in similar jurisdictions with a view to identifying best practices and laying a road map or recommendations towards bridging any identified gaps.
6. Prepare a report on the necessary legal, policy and institutional reforms necessary for effective fight against corruption.
7. To make appropriate recommendations based on the findings, determinations and conclusions.
8. To make any findings or recommendations regarding any other related matters that may arise.

The purpose of the Taskforce is to review and make recommendations for policy and legal reforms to the following laws that touch on Advocates and the Society generally:

- a) Advocates (Practice) Rules, 1966;
- b) Advocates (Marketing and Advertising) Rules, 2014;
- c) Advocates Act Cap 16;
- d) Law Society of Kenya Act of 2014; and
- e) The Law Society of Kenya (General) Regulations, 2020.
- f) Advocates (Disciplinary Committee) Rules, 1990

### **Achievements**

The Council of the Law Society of Kenya (LSK) established the Taskforce for Policy and Legal Reforms at the LSK Special General Meeting held on 29th July, 2022, in accordance with Regulation 16(9) of the Law Society of Kenya (General) Regulations, 2020.

The Taskforce consisting of 15 members of relevant expertise has successfully held two meetings. Its first Inaugural meeting was held on 19<sup>th</sup> October, 2022 where the Committee's mandate and mode of operation was agreed upon by members with the final resolution of formation of 2 sub-committees to draft the Inception Report and Rules of Procedure for the Taskforce.

A second meeting was further held on 21<sup>st</sup> November, 2022 where members validated the said documents.

### **Planned Activities**

The Taskforce resolved to undertake its work in the following stages –

- (a) The first stage, which is ongoing, entails desk-based research and analysis of key policy and legal reform issues that will form the content of the proposed White Paper that will guide the audit and the drafting of any amendments to the laws and regulations.
- (b) The second stage will involve a critical assessment of the institutional and governance framework for the regulation of the legal profession in Kenya. The team will then consolidate reform proposals and prepare a proposal report and regulations on the proposed changes for needed in the various laws and regulations regarding the legal profession in Kenya. Reform proposals will be benchmarked against international best practices.
- (c) Given the time constraints, the Taskforce proposed to carry out initial personal interviews/round-table discussions with critical stakeholders at both stages 1 and stage 2 of the assignment. The purpose of these stakeholder interviews is to “test” key reform proposals to ensure that they

best capture the concerns of the sector as regards reform.

- (d) The third and final stage will involve consolidating the feedback from the first stakeholders' meeting and drafting the recommended regulations and the final report. The draft amendments and proposals will then be subjected to comments, discussions in the second stakeholders' validation meeting. The last task will involve the revision of the draft report and amendments and proposals and submitting them to the client together with an implementation plan.

The implementation plan will contain a framework for forwarding the draft Amendments and Proposals(s) to the Attorney General's Chambers for presentation to the Cabinet for approval. A detailed Cabinet Memorandum on the draft regulations will also be prepared.

## COMMITTEE ON DEVELOPMENT AND INVESTMENT

The Committee on Development and Investment is chaired by Mr. Hosea Kimutai Kili. The members of the committee are Edel Njoki Michuki, Kevin Turunga Ithagi, Nyiva Claudi Faith, Paul Walter Magolo, Fridah Jepkoech Lotuiya, Mohamed Ibrahim, Eric Paul Owuor Opiyo, Nabwana Laverne, Nyamosi Edwin Kenani, Charles Otianga Owiti, Veralucy Awuor Odhiambo and Michael Edwin Okumu

The Committee held its first Meeting on 17th October, 2022 to deliberate on its Terms of Reference (TOR) and the possible construction of the Wakili Plaza at Gitanga Road following a Resolution passed by members at the virtual Annual General Meeting (AGM) held on 23rd July 2020.

The AGM mandated the Council to appoint members to the Committee on Development

and Investment to advise, steer and deliver the necessary process leading to development of the Law Society of Kenya properties.

### Activities

The Committee met with LSK Council on 12<sup>th</sup> December 2022 on consultative basis in order to deliver on their mandate.

### Invitation for tender -Feasibility studies

The Law Society of Kenya Mandated the committee to procure and engage a qualified and competent consultant to carry out Feasibility studies on Gitanga road Property and to further develop and conceptualize the project. An Invitation to Tender(ITT) notice was published in the Daily Nation of Tuesday 27<sup>th</sup> December 2022 inviting eligible bidders to submit their tenders for the provision feasibility study of the proposed construction of the Law Society of Kenya (LSK) Modern Multi-Stoney Office Block

### Terms Of Reference

#### 1. Aims

1.1 The aim of the Committee is to provide expert impartial advice and guidance to the Council on significant development and investment proposals and other development related matters as set out in the Strategic Plan 2018-2022.

#### 2. Objectives

2.1 To provide the LSK Council with high level independent expert advice and expertise on financing, development and sustainability of the LSK properties.

2.2 To evaluate the viable development options for both Gitanga Road and South C properties, undertake site visits and provide professional and technical advice to the Council in relations to matters relating to properties development financing and sustainability.



### 3. Role and Scope Of The Committee

3.1 To formulate, design and propose plans for the development of premises to house the Law Society of Kenya Head Quarters.

3.2 To recommend to the Council a roadmap for appointment of project consultants to guide the Committee and Council on the design, feasibility, sustainability, costing and suitable investment model.

3.3 To recommend to the Council the most effective model of optimization of the Society's property to achieve the Society's sustainability.

3.4 Prepare an Action Plan incorporating recommendations to best achieve results intended by the infrastructural development of South C and Gitanga road properties, including presentation of a suitable financing/ funding plan to address the budgetary requirements corresponding to the development interventions necessary to be implemented while taking into consideration the any relevant recommendations and reports.

3.5 Prepare a report detailing the advice on development, financing model and sustainability and draft concise resolutions for consideration by Council for the development of the Gitanga Road Property to be presented at the AGM.

#### COUNCIL DEVOLUTION COMMITTEE

The committee is chaired by **Emukule Linda Riziki** and draws its membership from the Council of the Law Society of Kenya.

The committee is mandated to advice council of Law Society of Kenya on all matters, Branches and Devolution pursuant to 5.24 of the Law Society of Kenya Act and the Law Society of Kenya (General) Regulations, 2020.

During the inaugural meeting of the Committee, members adopted the below terms of Reference.

1. (Compliance issues by the branches before disbursement of devolution funds.
2. Intra institutional homogeneity between branches and the society at large to discourage duplication of responsibilities i.e. How to relate with branches.
3. Devolution responsibilities and roles.
4. Intra institutional homogeneity- how to relate with each other and borrow ideas (encourage branches to fulfil mandate of section 24).
5. Dispute resolutions mechanism in branches before escalation to other quarters or mediations.
6. Setting up oversight of infrastructures and systems within branches.
7. Dealing with statutory and regulatory compliance by branches.
8. Empowering Branches to identify, undertake and carryout PIL matters at the branch level

#### Activities

##### Branch Audits

In an Effort to ensure accountability to funds released to branches the Society continues to demand compliance and transparency from Branches. In fulfilling the pre-conditions set out prior to disbursements of the funds to branches the Society through the Internal Audit & Compliance Department conduct periodic Audit and reviews. Upon consideration of the recommendations in the Auditors Audit report on Branch compliance, monies are either disbursed or withheld to the various branched until compliance is achieved.

##### Branch Disbursements

The devolution committee is mandated to Approve disbursements of funds to branches in line with LSK regulations, Branches must adhere

to the set out conditions including but not limited to Submission of the Branch Year Annual budget. During the year 2022 the committee was able to disburse the 1 Million Annual Branch grants to each branch and Devolution funds to 7 branches.

### Disbursement of the Equalization funds

In an effort to support Branches achieve their set mandate under Section 24 of LSK act, the National office has set aside 5% of the total devolution funds to be utilised as equalization share. The fund is established for sole purpose of supporting less established Branches, so as to bring them to the same level, generally enjoyed by the rest of the Branches. A total of Kshs 2,549,853 was available for disbursement. The committee set out a call to Branches to submit applications indicating areas they need support. After the committee awarded the following branches, South Eastern Branch, South West Branch, Nairobi Branch and North Rift Branch.

### BUDGET & FINANCE COMMITTEE

The committee is a standing Committee and is chaired by **Mr. Ishmael Nyaribo**, other members of the committee are: Cohen Amany (Council member), Collin wanderi, Joseph Kimani, Teresia Wanjiku, Amota Nyasae.

The budget making process is anchored in article 40 (1) and (2) of the LSK Act 2014 which stipulates that;

(1) The Council may establish such thematic committees comprising members of the Society for the purpose of assisting the Society perform, or to advise the society on any matter relating to the performance of, its functions.

(2) Without prejudice to the generality of subsection (1), there shall be a standing committee of the Society to be known as the Budget and Finance Committee

The committee undertakes its mandate on delegated responsibility by the Council, to consider and recommend the Annual budget for approval by the Council.

The committee was able to review year 2022 Annual Budget estimates including the costed work plans at the beginning of year and made its recommendation to the Council.

The committee was able to monitor the year 2022 Annual budget implementation and performance through quarterly and Half yearly reviews meetings. The committee on its meeting held on 14<sup>th</sup> December 2022 was also able to review year 2023 Annual budget estimates and forwarded their recommendations to the council.

### LSK AWARDS COMMITTEE

By a resolution of the Council of the Law Society of Kenya in its meeting held on 12<sup>th</sup> October, 2022, the Law Society of Kenya Awards Committee was established. The Committee was tasked to consider the LSK awards and subsequently come up with a criteria of the awards.

The following were appointed as members to the committee:

1. Byron Menezes- Convener
2. Hillary Chacha Odera
3. Mathew Nyaramba Nyabena
4. Zephania Kipsang Yego
5. Kananu Kinya Mutea
6. Stella Wangui Muraguri
7. Mwangi Stephen Mundia
8. Linda Achieng Olingo-Secretary

### Execution of its mandate

In the execution of its mandate, the Committee successfully held two meetings with extensive discussions and deliberations made in the Committee's WhatsApp group.

## LAW SOCIETY OF KENYA BRANCH REPORTS

### SOUTH-WEST KENYA BRANCH

#### Structure of the leadership

The branch executive comprises of six officials namely:

Gideon Nyambati:	Chairman
Winnie Mireri:	Vice Chairlady
Polycarp Maroko:	Secretary General
Dorah Gogi:	Treasurer
Anita Nhuhukire:	Organizing Secretary
Herman Bunde:	Deputy Organizing Secretary

#### Council Meetings

The Branch Council has been holding meetings at least once every month. The first meeting was dedicated to developing a strategic plan and Calendar of events for the year 2022. The strategic plan was aligned to the objectives of the Law Society of Kenya. The other routine meetings are dedicated to planning events; assessing and reviewing the progress of previous activities.

#### Secretariat Office

The office is located in Kisii Town, Masaba building 2nd floor along Ogembo Street. It serves all the chapters within the branch.

#### Kisii university visit

Members of the branch joined the Kisii University School of Law students on 20<sup>th</sup> March, 2022 in celebrating Women's month. The theme of the event was women and Growth for Progressive communities. The theme hopes to promote a balanced, inclusive and cohesive society where men and women thrive together.

#### LSK South test Branch Dinner and Debate

The Branch Members that offered to serve as branch leaders for the period 2022-2024 engaged in a debate on 14th April, 2022 where they notified members of their Agenda and plans in the event they are elected into office.

#### LSK South West Branch elections

On 27th April, 2022 the LSK South West Branch held its elections and the following were elected as officials:

Gideon Nyambati:	Chairman
Winnie Mireri:	Vice Chairlady
Polycarp Maroko:	Secretary General
Dorah Gogi:	Treasurer
Anita Nhuhukire:	Organizing Secretary
Herman Bunde:	Deputy Organizing Secretary

#### Swearing in of new officials

The leaders of the branch that will serve the 2022-2024 terms were sworn in on Friday, the 6<sup>th</sup> of May 2022. The team is led by Mr. Gideon Nyambati deputized by Mrs. Winnie Mireri. Mr. Polycarp Maroko will serve as Secretary General while Mrs. Dorah Gogi as the treasurer. Mrs. Anita Nduhukire will be serving as organizing Secretary deputized by Mr. Herman Bunde. Mr. Bonnie Singei will represent Migori in the Council while Robert Ochieng will be representing Homabay Chapter.

#### Kisii and Ogembo joint Bar — Bench Virtual Meeting

Members of the bar attended a Bar- Bench meeting on 31<sup>st</sup> May, 2022 virtually. The



meeting was chaired by the presiding Judge Rose Ougo and Hon. Lady Justice J. Onyango- ELC on the operationalization of the High Court and ELC Court. Subsequently, several Bar bench meetings have been held across the branch for the period under review to hasten the relationship between the Bar and bench.

### **Migori Chapter Elections**

On 17th June, 2022 the Migori LSK Chapter held elections and the following were elected as officials: Sam Onyango as Chairman, Job Oyier as Treasurer and Lavendah Okota as Secretary under the supervision of the council.

### **Advocates Hangout**

On 1st July, 2022 advocates from all branches, Homabay, Migori, and Kisii interacted at Dans Hotel, an event which was prepared by the officials aiming to promote togetherness between members of the bar.

### **LSK Annual Conference**

The branch Chairman on behalf of the branch attended the LSK Annual Conference on 9th July, 2022 at the Leisure Lodge Hotel in Mombasa.

### **Special General Meeting**

The branch was represented by the chairman, Secretary general together with the migori representative at the LSK Special General Meeting held on 29th July, 2022 in Nairobi.

### **Prayer Day**

Advocates joined in prayers at Kisii, Migori, Homabay and Kilgoris Law Courts on 4<sup>th</sup> August, 2022. Theme: 1 Timothy 6:6 Godliness with contentment is great gain.

### **Sports Day**

Members of the branch participated in the local branch sports day event at Monarch Grounds in Kisii on 1st October, 2022. Members participated in various sports like mini-football, tag of war, marathon and 100 mtrs race. The branch managed to invite teams from Kisii University, Kisii G.K Prison and the Judiciary which contributed to making the event a success. The branch also managed to invite Britam Insurance and Kingdom Bank as sponsors to the event.

### **Justice Cup Tournament**

On 22nd October, 2022 members of the branch participated in the justice cup tournament held in Nairobi, Parkland Sports Club. The branch managed to emerge victorious and was awarded the tournament trophy by the LSK President Mr. Eric Theuri and prize money from Hon. Senator Edwin Sifuna.

### **Legal Awareness Week**

The branch in conjunction with other branches across the country held its Legal awareness week from 24th — 28th October, 2022 at Kisii, Nyamira, Migori, Homabay, Ogembo and Kilgoris Law Courts. It was commemorated under the theme: Kenya's Electoral Reforms: Building Confidence for The Future". The objective was to promote the mandate of the Law Society of Kenya by extending legal literacy and awareness to members of the public.

The branch also managed to send some of its members to visit Manga Remand and Kisii Prisons where they also donated basic food stuffs, clothing and offered free legal services. During the week, the council used the media to create awareness amongst the people in the community.

### **Judges' Farewell Party**

On 25th November, 2022 the branch prepared a farewell party for Judge Onyango, Judge Ougo, Magistrate Ollando and Hon. Onjoro at Dans Hotel. The Judges were also presented with farewell gifts as a token of appreciation for their delightful work during their time in Kisii.

### **ELC@10 CONFERENCE**

The Vice Chairlady on behalf of the branch attended the ELC@10 Conference which was held in Pwani University, Kilifi County as from 28<sup>th</sup> November — 2<sup>nd</sup> December 2022. The conference aimed to bring together the Judges of the court, Magistrates, Judges of Courts in other countries, other members of the Kenyan Judiciary, academicians, children, civil society and the public.

### **Cocktail Party**

On 9th December, 2022 the branch in conjunction with other branches across the country held its cocktail party at Golden Rays Resort in Homabay. Members from different chapters managed to interact with each other and the Council Members were represented by Vincent Githage.

### **Prison Visit**

On 21st December, 2022 members of the branch visited Kisii Main Prison, Homabay Prison, Kilgoris Prison and Migori Prison where they donated a bull and basic food stuffs for the Christmas Holidays. An exercise that was done jointly with the Judiciary.

### **End of Year Party**

On 23rd December, 2022 the branch held its annual end of year party at Alexandria Resort, Tourist Hotel and Bliss Park Hotel where members interacted and had fun together for the last time in 2022.

## **MT. KENYA BRANCH**

### **Officials**

1. Joel Mutuma Buria- Chairperson
2. Kaumbi Kioga- Vice Chairperson
3. Kabira Kioni – Secretary
4. Amos Chweya –Vice Secretary
5. Benson Kijaru- Treasurer

### **Committee Members**

1. Munga Ndichu
2. Margaret Kimani
3. Hosea Mutembe
4. William Onwong'a
5. Calvine Otieno
6. Jackline Kiragu
7. Magdalene Nzekele
8. Lucy Kaaria
9. Linda Kiome Gitonga

### **Chairperson's Report for The Year 2022**

#### **CPD- Continuing Professional Development**

The year 2021 saw many challenges in respect of the governance of LSK which led to a minimal number of CPD seminars which were by a large number held virtually. Mt Kenya region now has physical CPD sessions covering at least all chapters and members can have access without much difficulties in addition to the online CPD seminars.

The CPD Committee while preparing its calendar for the year 2022 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.

### **Justice Tournament 2021/2022**

There were no games in 2021 due to the obvious challenges that faced the national office under the leadership of Nelson Havi. The region participated in the Justice Cup Tournament in 2022 as well as the Nairobi seven aside games earlier in the year. Our team Mount Kenya FC under the leadership of the team manager Benson Kijaru, captain Calvin Otieno and assistant captain Ranadhan Abubakar ( VP EALS ) played and represented the Branch very well.

The team has been doing so well in the last couple of years save for last year when there were challenges at national level.

We also held our first inter branch tournament towards the end of the year an initiative aiming at bringing together advocates from the region.

### **Legal Awareness week 2021/2022**

The legal awareness week was observed between 24th– 28th October, 2022 and I wish to state that all the chapters and practice centers within the region did participate and the members has an opportunity to give back to the community.

The list of all those who participated was forwarded to the secretariat for awarding of at least one CPD point save for Nyeri chapter since we did not receive their lists.

### **Branch Special General Meeting 2022**

The executive committee on the review of our constitution was chaired by the branch Vice Chairperson Ramadhan Abubakar now EALS DP. They worked diligently to come up with the Zero draft which was thereafter shared with the Chapter chair for public participation and the reviews were received during the branch council and Chapter chair caucus.

The charter was finally reviewed by the committee and the final draft was approved and passed with the minor amendments during this SGM held at the Nairobi Pacific (THREE STEERS) hotel in Meru on 2<sup>nd</sup> July 2022.

This was a great achievement to the council and the branch as it gives clear guidelines on the role and functions of the branch.

### **Branch Register**

The Chapter have been complying with updating their register of members every year, though we are still getting the updated registers after a lot of whipping.

### **Chapters and practice Centers**

We appreciate the creation of branch Chapters and practice centers within the region. We also recognize the independence of the running of the Five Chapters and two PCs.

All chapters and PCs now have bank accounts through which they have been running their affairs. Every beginning of the year Chapters have been required to submit to the branch Council their Audited Financial Statements for the previous financial year, Budget, Calendar of activities and their updated list of members within their jurisdictions.

### **Practicing Certificates**

There has been a delay in getting practicing certificates, an issue which is being addressed by the council with amendments to have the certificates printed online to avoid delay and inconveniences in the coming years beginning January 2023. The Council has now managed to upgrade the ERP system to ensure that advocates can now apply and download their certificates through the online portal.



## Development of the branch

The outgoing council has authorized the opening of a Development Account with our bank National Bank of Kenya where a seed deposit of KSHs 2,400,000 has been authorized for depositing. The outgoing council has initiated this saving with a plan to buy property for the branch and develop it, to avoid paying rent and for the future prosperity of the branch. We recommend that a development committee be appointed from the advocates within the branch to craft the way forward on this Branch Development Agenda.

## AGM & Elections

We had our AGM and Branch Elections in December which saw the appointment of the current council members and Auditor.

## Cocktail Dinner

The Head Office facilitated the cocktail dinner for the Branch and sent representatives as agreed by their council.

## Conclusion

The Branch appreciates the entire executive committee, the members of Mt Kenya branch, the LSK Sacco who have always partnered with us in all our activities and the LSK HQs for their cooperation and support of all branch activities.

## SOUTH EASTERN BRANCH

### Chairperson's Official Meetings

During the year, the Branch Chair engaged in a few meetings on behalf of the Branch. The meetings were meant to address issues affecting practice and welfare of members.

They included the following:

- Meeting with the Chief Justice and other Branch Chairs on 22nd December 202

- Branch Chairs Caucus Meetings on (21/7/2022 and 09/09/2022 virtually) physical meetings on 24/3/2022 & 08/07/2022 .
- Meeting at Kangundo law court with Court Chief Magistrate on 20/04/2020
- Press Statement on Legal awareness week on 24/10/2022.
- Courtesy Meeting at Machakos County Commissioner's office on 30/5/2022.
- Meeting with Machakos Lands registrars on 07/06/2022.
- Visit to the family and home of Late Morris Mulei Advocate, at his home with National LSK council on 9/10/2022.

## Branch Court Visits

The Branch Executives visited Kajiado Law Court as part of ensuring that we have our practice matters addressed. The Chairman Mr Mutua J. Makau highlighted some of the challenges Members had raised and we agreed that we needed to have more Judges posted there as there was a lot of work especially land matters that needed to be finalized.



The Branch Chair also visited Kangundo law Courts and the Kangundo member's requested for more judicial staff to be sent there as there was plenty of land matters coming from Matungulu Sub county



### Courtesy Calls

This year we were able to have the courtesy call to the Deputy Govener Machakos County Hon Francis Mwangangi. Ms Edith Mutuku was able to discuss with the Deputy Govener on issues of a mutual working relationship, issues of lands registry at Yatta amongst other issues affecting our practice





### CSR Activity for The Branch

This year we visited AIC Baby home in Kitui County on the 28th October 2022 where we interacted with the children. This baby home is very special as it handles children from 0 years to 5 years who are rescued from the streets. The Branch and its members supported the event with donations of food, clothing and toys.







### South Eastern LSK Family Sports Day

The Branch held its first family sports day in Kitengela on the 26th November, 2022. Members were able to interact in the field with their families. We had different activities of sports like football, Zumba dancing, indoor games. That we also shared lunch with our members and we agreed that next time this event would be bigger.





### Justice Cup

This year we participated in the Justice cup tournament on 2nd October 2022. Our members participated in this event

### Branch AGM

On the 04/03/2022, the Branch held its Annual General Meeting at Semara Hotel. The Elections Committee was formed and its Chairman Mr Andrew Makundi was able to lead the same. Mr Mutua Makau James was elected as the Chairman.

During the AGM the new officials of the Branch took over the office for a period of 2 years.





### Luncheons and Mental Health Talk, LSK Sacco and Machakos Lands Day

This year on the 22/07/2022 the Branch was able to organize a luncheon that involved a mental health talk for Members, Lands Registry interaction with several Land Registrars and LSK Sacco sensitization talks at Kyaka Hotel in Machakos town.

We realized that most members required support especially after the corona pandemic period. That due to work related stress this was an opportunity for members to discuss and engage on this topic and we learnt a lot. The session was done by Dr Michael Musili. That also our Senior Counsel Representative Mr Japheth Mwalimu brought in the LSK Sacco team where members were encouraged to save for the future and most of our members were able to join the same.



## Welfare Association

As mandated by the Law Society of Kenya Act, 2014, the welfare of the members of the Branch is one of the key mandates granted to the Branch. The Branch has in place a Welfare Association which deals with welfare of members who are registered and active in the Association. The Association is led by a committee which sits from time to time when need arises. It handles issues relating to sickness and bereavement of members. During the year five (5) were supported after being bereaved and one (1) was supported he became indisposed.

The Association held its AGM on 13th March 2020 hybrid and new officials were elected.

## Branch Executive Meetings

The Branch Executive holds monthly meetings in the Office Boardroom at the Branch offices. However, because of Covid-19 outbreak as from April 2019 some meetings were held virtually.



### Branch Executive Meetings

The Branch Executive holds monthly meetings in the Office Boardroom at the Branch offices. However, because of Covid-19 outbreak as from April 2019 some meetings were held virtually. In the year 2022 the Branch Executive held the following meetings:

No.	Date	Venue	No.	Date	Venue
1.	21/1/2022	Virtual	7.	22/07/2022	Physical
2.	17/02/2022	Physical	8.	19 /08/2022	Virtual
3.	04/03/2022	Physical	9.	23/ 09/2022	Virtual
4.	22/04/2022	Physical	10.	21/10/2022	Virtual
5.	20/05/2022	Virtual	11.	18/11/2022	Branch Offices
6.	24/06/2022	Physical	12	16/12/2022	Virtual

### Branch Executive Courtesy Calls

Having begun our courtesy calls to courts in 2022, we agreed to continue with the same. This was also necessitated by new Judicial officers coming in our region. The courtesy calls are used to discuss issues that affect practice in courts and land registries. The Executive conducted two courtesy calls as follows: -

Kajiado Law Courts – . The call was done by the Branch Chairman, Ms. Edith Mutuku,,Ms Edith Onyango, Ms Priscillar Kioko and our Kajiado representative Mr. Ernest Githuka. They discussed on how to improve our practice at the courts and also applauded the work so far and justice delivery.

Kangundo Law Courts – 29/7/2022. The call was made by the Chairman, General Secretary and Mr Isaiah Munguti the Kangundo/Kithimani representative.

### Legal Awareness Week

The Branch members participated in the Legal Awareness week which was held from 24th October, 2022 to 28th October 2022. The same was conducted at 5 stations; Machakos, Makueni, Makindu, Kitui & Kajiado and Mavoko Law Courts

### Fallen Member's Send Off and Farewell Events

During the year, the Branch lost some of their members, the late Mr. Morris Mulei and Snr F. M Mulwa . The Branch lost its employee Mr Manthi who had worked with us for a long time and this was quite a loss as he has interacted with members and was very conversant with the office and was a very diligent worker and members of LSK in general participated in the burial arrangements.



### Acquisition of Plot Title Deed for The Branch

The Branch was able to obtain the title deed in its name. The property is Machakos/Kiandani/4986 measuring 0.05HA. The Branch intends to get funds so that it can start fencing the property and develop it within next year

### Dinner & Dance

This year we held the LSK SE Branch end year dinner and dance on the 9th December 2022 at Semara Hotel in Machakos. The Chairman addressed Members on the on goings of the Branch and the support members had in making

it a successful year. Then the members wined, dined and danced as they closed the year.



## WEST KENYA BRANCH

The current council of the West Kenya Branch assumed office on 26th August 2022 following the Branch Elections that were held 5th August 2022.

Before the current council took office, the previous council had organized the LSK Presidential and JSC aspirants debate on 4th March 2022, branch sports and family day that was held on 30th April 2022 at the Kakamega's Bull ring grounds and the event was a success with Kakamega Chapter winning all the competitions and emerging the best team overall.

Following our assumption of office, the current council oversaw the Branch's participation in the Justice cup 2022 where the branch sent a team of 36 advocates plus one staff of the secretariat.

On 24th to 28th October 2022, all the branches observed the Legal Awareness Week and we equally in our respective chapters to wit Kisumu, Kakamega and Bungoma as well as Busia Practice center observed the Legal Awareness Week.

The chapters forming up the West Kenya Branch held their respective annual dinners and/or end year parties with Kisumu having its annual end year party on 16 th December 2022, Kakamega held its annual dinner on 2 nd December 2022 at the Kakamega Sports Club, Bungoma held its annual dinner on 9 th December 2022 at the Bungoma Members Club and Busia Practice center held its annual dinner on 23 rd December 2022 at Breeze Hotel and all the report we got from our Secretary General who attended all the dinners was that all the events were a success.

Further and to close a quite eventful year for the branch, the branch also held its Annual dinner and Cocktail at the Sarova Premium Hotels in Kisumu following the resolution by Council to devolve the annual Dinner and Cocktail that has traditionally been held in Nairobi, a move that was lauded by members of the branch. The Branch Annual Dinner and Cocktail was attended

by Hon. Otiende Amollo MP who was the Chief Guest, Hon. Lady Justice Kamau (Kisumu High Court), Hon. Chrispine Oruo (Winam Court),

Hon. Beryl Omollo (Kisumu Court), Council Members Tom K'opere and Ochieng Gor. It is important to note that the said Annual Dinner was the most attended event by members of the branch since the branch came to be.

The above mentioned are the events the branch organized and conducted in the year 2022 and we look forward to even more activities by the branch in the year 2023.

## 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.

Consequently, a number of events are executed by the Chapters and in this report, we will therefore report as hereunder: -

### Events of Mombasa Law Society.

### Events of Malindi Law Society.

We are pleased to present the various activities undertaken this year as below: -

## HIGHLIGHTS OF THE YEAR EVENTS OF MOMBASA LAW SOCIETY

### 1. POLITICAL PARTIES DISPUTES RESOLUTION FORUM ON 11TH FEBRUARY 2022

The political party's disputes resolution forum was held on 11th February, 2022 at Castle Royal Hotel.

The Objectives for the forum were:

- To sensitize the Advocates on the PPDT regulations (as amended) governing the procedures at the tribunal.
- To sensitize Advocates on the internal

dispute resolution mechanism (IDRM)

- To sensitize Advocates on the Political Parties Act amendments touching on APPDT mandate.
- To sensitize Advocates on the Political Parties Act amendments touching on PPDT mandate.
- To hold fruitful stakeholder engagements with Advocates and to create awareness on the new ICT procedures on e-filing.

For publicity and to create awareness with regards to the decentralized proceedings of the Tribunal towards the promotion of access to justice.

## 2. MLS/UON WEBINAR PUBLIC LECTURE SERIES BALANCING THE CHECKS: JUDICIALIZATION OF POLITICS VS. POLITICIZATION OF THE JUDICIARY ON 11TH FEBRUARY 2022

The Mombasa Law Society in conjunction with the UON, School of Law Mombasa campus organized a public lecture series balancing the checks: judicialization of politics vs. politicization of the judiciary was held on 11th February, 2022.

## 3. LSK GRAND DEBATE ON 18TH FEBRUARY 2022

The Mombasa Law Society hosted a grand debate for the candidates who were vying for the position of the President and Coast representative of the LSK on 18th February, 2022 at the Mombasa County Assembly Hall. The Society organizes such debates to enable the members make informed decision and to enable the candidates present their agendas. The event was a success.

## 4. VIRTUAL SENSITIZATION ON COMPETITION LAW, BUYER AND CONSUMER PROTECTION BY COMPETITION AUTHORITY OF KENYA ON 22ND FEBRUARY 2022

The Competition Authority of Kenya organized a sensitization workshop on competition law, buyer and consumer was on 22nd February, 2022 virtually. Our members attended the

workshop which was a success.

## 5. TRIAL ADVOCACY TALK COFFEE TALK' ON THE TOPIC DEALING WITH DIFFICULT WITNESS ON 24TH FEBRUARY 2022

The Mombasa Law Society organized a trial advocacy talk on the topic of dealing with difficult witness was held on 24th February, 2022 at 6.00pm.

## 6. MOMBASA COUNTY BUSINESS COURT USERS COMMITTEE (CUCs) MEETING ON 24TH MARCH 2022 AT PRIDEINN PARADISE SHANZU

The Mombasa Law Society members attended the Mombasa County Business Court Users meeting held on 24th March, 2022 at Prideinn Paradise Shanzu.

## 7. SEXUAL HARASSMENT WITHIN THE LEGAL PROFESSION

The forum on sexual harassment within the legal profession was organized by the young lawyers and held on 8th June, 2022 at the University of Nairobi Mombasa Campus.

## 8. CONSULTATIVE FORUM ON THE SMALL CLAIMS COURT ON 9TH JUNE 2022

The consultative forum on the Small Claims Court was held on 9th June, 2022 at Whitesands Hotel. The forum was successful.

## 9. COUNCIL MEETING AND RETREAT ORIENTATION SESSION ON 10TH JUNE 2022

The Council retreat and orientation session was held on 10th June, 2022 at Voyager Hotel. The presenters were Ms. Debrah Ajwang Advocate and Mr. Joseph Mwella Advocate. The orientation session went on well.

## 10. WIBA WEBINAR WITH DIRECTOR WIBA ON 8TH JULY 2022

A sensitization webinar on the inner working and mandate of the director of occupational health and safety was held 8th July, 2022 virtually.



**11. WEBINAR ON THE NEW ONLINE ETR REGULATIONS AND REQUIREMENTS ON 21ST JULY 2022**

A webinar on the new online ETR regulation and requirements was held on 21st July, 2022 virtually.

**12. VACCINATION EXERCISE HELD ON 28TH JULY 2022 AT LSK COAST BRANCH SECRETARIAT MOMBASA**

Mombasa Law Society in conjunction with the Red Cross Society of Kenya organized its 3rd vaccination exercise against Covid-19 on 28th July 2022 at LSK Coast Branch Secretariat. Members, their families, and office workers attended the exercise. The exercise was a successful.

**13. SMALL CLAIMS COURT TRAINING BY THE CIVIL & CRIMINAL LITIGATION COMMITTEE ON 8TH SEPTEMBER 2022**

A training on the small claim court was held by the civil & criminal litigation committee on 8th September, 2022 virtually.

**14. MOMBASA GOVERNORS INAUGURATION ON 15TH SEPTEMBER 2022**

Members attended the inauguration of the 2nd Governor of Mombasa County His Excellency Abdulswamad Shariff Nassir and his Deputy Governor of Mombasa County Hon. Francis Thoya Foleni held on 15th September, 2022 at Mama Ngina Waterfront, Mombasa.

**15. ELC 10TH ANNIVERSARY ON 16TH | & 17TH SEPTEMBER 2022**

A tree planting exercise took place at Kwale High Court Building to mark the ELC 10th anniversary on 16th September, 2022.

A beach clean-up exercise took place at Diani to mark the ELC 10th anniversary on 17th September 2022.

**16. LSK NAIROBI BRANCH SPORTS DAY ON 17TH SEPTEMBER 2022**

The LSK Nairobi Branch held a sports day on 17th September, 2022. MLS team participated on the same.

**17. INVITATION TO ATTEND DURING THE ACTULIZATION AND TRAINING ON THE LEGAL AID ACT AND GUIDELINES AT ROYAL COURT HOTEL ON 29TH SEPTEMBER 2022**

Haki Africa organized a meeting at the Royal Court Hotel in conjunction with the ODPP where Mr. Ngiri and Mrs. Nadrat prosecutors attended on before of the ODPP. During the meeting there was emerging issues which are such as the lawyers were urged to provide free pro-bono services to litigants. There was need for funding in the national legal services to foster legal aid services in the marginalized group. That the ODPP should work with the advocates who appear as watching brief to ensure victims are presented at court. The advocates need to reduce their fees to enable litigants obtain legal services.

**18. QUIZ NIGHT ON 30TH SEPTEMBER 2022**

The young lawyers organized a quiz night on 30th September, 2022 at the 19th in Nyali where members attended. The event was a success.

**19. FAREWELL DINNER IN HONOUR OF JUSTICE MUNYAO ON 30TH SEPTEMBER 2022**

Mombasa Law Society in conjunction with ELC Court organized a farewell dinner in honour of Justice Munyao on 30th September, 2022 at Voyager Beach Resort.

**20. MENTAL HEALTH DAY IN CONJUNCTION WITH CHIROMO**

**HOSPITAL ON 7TH OCTOBER 2022**

The Mombasa Law Society in conjunction with Chiromo Hospital hosted a physical meeting on the Mental Health Awareness Day on 7th October, 2022 at the LSK Coast Branch secretariat Mombasa.

## 21. INVITATION TO THE LAUNCH OF THE HOUSING PROJECT BY HAKI

YETU ORGANIZATION ON 23RD OCTOBER 2022

The Haki Yetu organized a meeting at the Sun Africa Hotel. The event was attended by H.E Deputy Governor Francis Thoya and father Gabriel Dolan among other dignitaries. The purpose for the land housing meeting was based on to Advocate for the repossession, gazettement and titling of illegally possessed fish landing sites in Mombasa County through continuous engagement with Beach Management Units (BMUs) and the National Land Commission (NLC) Address historical and current land injustices in the coastal region of Kenya through public interest litigation and community advocacy. Interrogate the Mombasa Housing Programme through the courts, media and public forums. We question who will benefit under the banner of “HOUSING FOR WHO”. Support artisanal miners to access mining permits in Taita-Taveta and ensure secure and equitable access to land and natural resources in Kenya. Conduct research on the status of land ownership in informal settlements to assist and find solutions that protect the interest of marginalized communities guided by the Community Land Act. The organization successfully launched land housing book.

## 22. LEGAL AWARENESS WEEK HELD ON 24TH TO 28TH OCTOBER 2022

Mombasa Law Society held its legal awareness week on 24th October to 28th October, 2022 at the Makadara grounds. The event will be observed under the theme “**KENYA’S ELECTORAL REFORMS: BUILDING CONFIDENCE FOR THE FUTURE.**”. The Legal Awareness Week comprised of various activities geared towards promoting access to justice, advancing pro bono legal services and legal aid. Advocates involved in legal aid will have an opportunity to engage

with members of the public with a view to promoting a better understanding of the role they play in the advancement of legal literacy, advocacy and access to justice.

The number of Advocates and Clients who attended during the five days are as follows; -

DATE	ADVOCATES	CLIENTS
MONDAY 24 <sup>TH</sup> OCTOBER 2022	70	40
TUESDAY 25 <sup>TH</sup> OCTOBER 2022	90	35
WEDNESDAY 26 <sup>TH</sup> OCTOBER 2022	82	30
THURSDAY 27 <sup>TH</sup> OCTOBER 2022	70	33
FRIDAY 28 <sup>TH</sup> OCTOBER 2022	63	18

The Client to advocate turnout ratio was unbalanced since the Advocates were more than the Clients

Issues observed during the week were:

- Adoption
- Children matters
- Criminal cases
- Custody and Maintenance
- Employment matter
- Land matters
- Matrimonial property
- RTA - Succession
- Sexual offences - defilement
- Work injury claims among others

## 23. THE INAUGURAL GREENING JUSTICE WORKSHOP ON 28TH OCTOBER 2022 ON 28TH OCTOBER, 2022 AT BLISS RESORT MOMBASA

The Mombasa Law Society attended the Greening Justice Workshop held on 28th October 2022 at Bliss Resort in Mombasa. The workshop was organized by the ELC Mombasa Court in conjunction with Kituo Cha Sheria and Mombasa Law Society. The Concept of the Greening Justice Workshop.

Environmental and land issues are best handled with participation of all concerned stakeholders at all relevant levels. The workshop aim was to foster access to information, public participation, identify existing gaps in the current legislation and promote access to justice through environmental courts and quasi-judicial bodies.

This year (2022), the Environment and Land Court, Kenya celebrates 10 years since its establishment.

The patrons (in collaboration with the Committee, Environment and Land Court, Mombasa and its Court Users Committee, State Law Office, Mombasa and Kituo cha Sheria) brought together various stakeholders to discuss environmental and land issues affecting the development, future sustainability, concerns of advocates, litigants, judicial officers,

## Pictorials

### Legal Aid







#### 24. INVITATION TO ATTEND A LAUNCH OF THE COLLECTIVE RESILIENCE AGAINST EXTREMISM (CREATE) BEST PRACTICES ON 5TH NOVEMBER 2022 AT ENGLISH POINT MARINA

The Haki Africa launched their new book on access to justice on 5th November 2022 at the English point marina hotel as from 8am to 4pm. The event was attended by Presiding Judge Justice Ogola, ODPP Director Noordin Haji, IPOA Regional Coordinator Mombasa and Director CID Amin Mohammed, Director of Haki Africa Yusuf Abubakar and among other judicial officers and dignitaries. The launch of the book was successfully done and there was a recommendation that there's is need of the sensitization of the good practices to access of justice to the public through various legal organization conducting civic education to various communities. That there is further need for the judiciary and legal practitioners and the litigants to join hands in fighting against corruption. Further there was a recommendation that legal fees should not be exorbitantly high to cause the public fear approaching lawyers for legal services. Justice Ogola further sensitized that in order for access to justice to be effective there is need to start from the bottom up approach.



#### MLS Quiz Night



#### 25. CHILDREN SERVICE WEEK KWALE MLS TO SEND REPRESENTATIVES WHO WILL BE MANDATED WITH GIVING LEGAL AID TO THE PUBLIC HOST: KWALE LAW COURTS ON 7TH TO 11TH NOVEMBER 2022

Members attended the children service week at Kwale on 7th to 11th November, 2022 in which they helped in giving legal AID to the public.



#### 26. PRISON VISIT TO SHIMO LA TEWA HOST BY COURT OF APPEAL MOMBASA AND MOMBASA LAW SOCIETY ON 16TH NOVEMBER 2022

The Prison visit was organized by the Court of Appeal Mombasa. The Honourable Judges of the Court were accompanied by members of the Mombasa Law Society and paid a visit to Shimo la Tewa Prison. The members present tackled

issues raised by the appellants in prison and donated stationaries, toiletries etc to the prisoner.

#### 27. MLS SPORTS DAY ON 3RD DECEMBER 2022

The Mombasa Law Society Sports and Recreation Committee organized a sports day on 3rd December, 2022 at Oshwal Academy. Members, their employees and their families were in attendance and participated in various games. This created a platform for both young and senior members of the bar to meet and interact with one another.

#### 28. End Of Year Party On 9th December 2022 At Mvita Tennis Club

On 9th December 2022 the Society maintained its end of year tradition of hosting the End of Year Cocktails. To celebrate the rich diversity and history of the Bar, the event was held at Mvita Tennis Club, Mombasa. The event was graced by senior and young advocates.

### **NORTH RIFT BRANCH**

#### **Chairman's Address**

#### **Dear Colleagues;**

We are grateful to the almighty God for the year coming to the end today. The year 2021-2022 started on a low note due to the loss of our three colleagues in a quick succession. However, as the year grew by, the tide changed and we are now concluding it on a high note.

Our Branch has grown tremendously in terms of our membership within the last one year. Our Chapters have grown stronger and vibrant. Lodwar, Kapenguria and Kapsabet have improved to match up with Eldoret and Kitale. Iten is promising to be a force to reckon with in the near future. The quality and nature of practice has changed across our Branch. We have been able to achieve significant milestones towards our mission as a society and in line with our vision. Our desire for a more vibrant and cohesive society is more pronounced now more than ever before. We can only trust for a greater and better future.

We have had our fair share of challenges as a society and unmet targets. These challenges may have been temporary bumps on our journey towards transformation of legal practice in our Branch. However, these challenges and the reality of the dream we hold in our hearts inspire us to work for a better tomorrow. As Paul Warren writes in his Poem 'The Sun Will Come up Tomorrow', we equally believe;

*"The sun will come up tomorrow.*

*There will be laughter as well as sorrow.*

*Even though it may be hard to begin.*

*Go on get out of bed and get stuck in.*

*So when others count on you.*

*You have just got to push on through."*

Allow me now, to most sincerely thank you on behalf of your Council. We're grateful for entrusting us with the leadership of our Branch for this year. We received enormous support and good will from across the membership. May God bless you all abundantly.

Thank You.

#### **Events in The Year**

We have been able to engage in several events during the last one year both as the general membership and the Council. The events have gone along to create a deeper undertaking and a more cohesive society.

#### **Dinner**

We opened the year with our Annual Dinner at the EKA Hotel on 17th December, 2021. The Event was graced by our then Presiding Judge, the Honourable Eric Ogola. The attendance was quite impressive. The Dinner was a perfect opportunity to wrap up year 2021.

#### **Prayer Day .**

We started off the year 2022 with a Prayer session on 8th February, 2022. This was an opportunity for us to submit ourselves and our ambitions before the almighty God as the year begun. The



Prayer session was led by Pastor Mike Bitok of NOW International Church. Pastor Bitok encouraged us to trust God regardless of our situations or circumstances. The session equally provided us with an opportunity to commune with the families of our departed colleagues.

### **The Visit by the Honourable Chief Justice**

We managed to host the Honourable Chief Justice and President of the Supreme Court of Kenya on 24th February, 2022 at the EKA Hotel. This came on the sideline of her maiden visit to the North Rift Region. The event provided an opportunity for us to interact with the Honourable Chief Justice. We were able to present a Petition to her. She promised to work on the concerns raised during the meeting.

### **Mbuzi/Bonding Session**

The outbreak of the COVID19 Pandemic affected our social lives in very unprecedented dimensions. It restricted our ability to interact with each other. It confined us to virtual lives. Most of our colleagues admitted in the years 2019, 2020 and 2021 did not get proper induction into the profession due to the restriction.

We are grateful that on 26th March, 2022, we were able to meet, bond and make merry. This brought back the good old memories for those admitted pre-COVID and engraved a deeper sense of belonging to those admitted Post-COVID. The highlight of the day was the attendance by our President Eric Theuri, Seniors Alfred Nyairo, Eric Gumbo, Christopher Mitei, Chair Emeritus Z.K Yego and the Honourable Justice M. Mwanyale and many others. This also became a bonding session between the Bar and the Bench. We look forward to such events towards social transformation through access to each other.

### **A Visit to Lodwar**

The Council paid a visit to Lodwar Chapter in 27th -28th May, 2022. During this visit the Council was able to meeting our colleagues practicing in Lodwar town and the entire Turkana

County both in private and public service. We were able to host a luncheon for the advocates practicing in Lodwar.

We managed to meet the leadership of the County Government of Turkana. We discussed areas of collaboration between our Branch and Turkana County. We further discuss the welfare of our colleagues working for the Government and in particular provision of non-practicing allowances.

### **Special General Meeting**

We held a Special General Meeting on 10th June, 2022. The General Meeting principally focus on adopting and implementation of the Report of the Ad Hoc Committee on Masqueraders and undercutting .The members agreed on the approach to be taken towards eliminating some of the said vices within the profession.

We managed to publish our List of Shame detailing the names of advocates who had taken to practice without the necessary instruments. Unfortunately, some of the recommendations and the implementation matrix were impeded by the inability of the Inspectorate to gain traction. Some of the members of the inspectorate resigned immediately after the constitution of the team making it difficult to commence their work .We now call on the membership to reconstitute the Inspectorate to give it a new lease of life.

### **Sports Day**

As part of mainstreaming of our social interaction, we held our Sports Day on 23rd July, 2022. The event was and remains a great success. The attendance was drawn from our Chapters and the Judiciary. A very healthy competition was witnessed between our different chapters and the Judiciary. We are most grateful to the Honourable Justice M. Mwanyale and the and other Judicial Officers who graced the event. Congratulations to those who worn different awards for winning and kudos to those who lost being gracious and courageous enough to participate.



## **Symposium of Election Petitions**

This was an electioneering period in our country. The resolution of election disputes became a central part of the conversation in legal practice. As A branch, we organized a Symposium on 5th August, 2022 which focused on Preparedness for Election Petitions. The event was graced by Mr. Omwanza Ombati, Mr. Bernhard Kipkoech and Chair Z.K Yego. It was an intellectually illuminating and experience based session. It opened members to the practical skills needed to either prosecute or defend Election Petitions. It is extremely unfortunate that most of us did not get a chance to implement what was learnt in the last election cycle. The Election Disputants in this region denied us the opportunity by failing to exercise the right to access justice even if it meant a confirmation that they actually lost. We hope for more and better tidings in the 2027 Election cycle.

## **Visit to Kapsabet Chapter**

The Council paid a visit to Kapsabet on 6th October, 2022. The meeting started off with a courtesy call on the Judicial Officers at the station in the company of colleagues practicing within the Chapter. We had quite an interactive session with the Hon. Duke Ocharo (PM) and Hon. I. Kabuthe(RM). We further held a separate session with the Hon. Justice M. mwanyle. We were able to discuss the concerns members had with respect to the court station especially the inefficacy and frustration from the Registries. We further discussed management of the Cause List and the Judicial Officer undertook to run the Cause List in an orderly manner.

We then proceeded for a Luncheon at Eden Springs Hotel together with the Kapsabet Chapter team led by Chair Mildred Chelimo. Our Colleagues from Kapsabet shared with the Council some of the concerns they and gave proposals on how to make our Branch and its Chapters stronger.

## **Meeting with the ABA Board**

We had a meeting with the ABA Board on 7th October, 2022 led by its Chair, Senior Oriri Onyango. We discuss avenues for greater and more fruitful engagement between ABA and the Branches. The Board undertook to foster a more vibrant linkage with the Branches for effective service delivery to the members

## **Legal Awareness Week**

The Annual Legal Awareness Week ran between 24th and 28th October, 2022. We were able to carry out the Awareness in all our Chapters. However, the turn out this year wasn't good. Many colleagues did not turn up to participate. Equally the members of the public seemed quite unaware of the event. Looking into the future, we need proper sensitization prior to the Legal Awareness Week. We shall need to carry out a robust publicity within the six counties probably two weeks to the start of the event.

## **Visit to Kapenguria**

The Council visited Kapenguria on 3rd November, 2022 as part of its endeavor to reach out to all the Chapters. We met the leadership of the West Pokot County both the Executive and the Assembly. We met the Governor of West Pokot County H.E Simon Kachapin and had a robust meeting with him. He was upbeat about a collaboration between the County Government and the Society. He further promised to look into the welfare of the advocates working in government and more so to pursue the issue of non-practicing Certificates.

We had an opportunity to meeting the leadership of the Judiciary at Kapenguria where we discussed some of the challenges faced by both the Bar and the Bench. We further discussed some of the areas for collaboration for better and effective administration of justice. We crowned the visit with a Dinner with colleague's practicing in Kapenguria.

## Mentorship Session with the Honourable Justice E. Ogolla .

We hosted the Honourable Justice Eric Ogola, Principal Judge of the High Court of Kenya on 11th November, 2022. The session was equally graced by other Judicial Officers including the Honourable Justice R. Nyakundi, Honourable D. Mikoyan, Honourable B.Kiptoo and Honourable R. Onkoba. The session brought on board advocates admitted in the years 2017 to 2022. The Honourable Principal Judge encouraged young advocates to pursue less travelled career paths and create a niche for themselves.

This session became a Launchpad for our mainstream mentorship program. We hope to structure the program as we get into the New Year. We hope to get hold of seniors from within and without our Branch of offer to facilitate the mentorship session. We strongly believe that we can be great by learning from those who have walked the path ahead of us and succeeded.

## Challenges

The year had its fair share of challenges. We lost four colleagues being; the late David Malakwen, the late Linah Kigen , the late Dennis Muraya and the late Eliab Melly . This hit us so deeply noting that we lost the first three colleagues in such a quick succession. God has been gracious to take their families through the difficult time. We need to keep them in our prayers.

The transfer of the Judges from the High Court at Eldoret has presented us with a serious challenge in our practice. This is compounded by the lack of a resident Judge at Kapsabet. There has been a lot of confusion arising from the shuttling of court files between Eldoret and Kapsabet.

## Notable Achievements.

- Encouraging renewal of Practicing Certificates.
- Fostering cohesiveness between the difference chapters.

- Election of our member, **Mr. Vincent Githaiga**, to the National Council.
- Election of our Chairman, Henry Kenei, to be the Chair of the Branch Chairs Caucus.
- Pushing for establishment of the Environment and Land Court at Iten.

## Our Forecast for the year 2022-2023

We are faithful that the era of the COVID Pandemic is now behind. We look forward to a more robust and engaged Branch. We wish to have a very active membership with a view of improving the standard of practice at the Branch. Some of the key areas of focus getting in to the New Year are:

- Deeper capacity in Appellate Litigation.
- More structured mentorship.
- New and exciting opportunities for members.
- More Collaboration with different strategic partners.

## Pictorials

### MLS Sports Day







### Vaccination Exercise







## NAIROBI BRANCH

### A. Introduction

The Law Society of Kenya Nairobi Branch comprises the Council, Secretariat, Committees and the general membership through which it executes its functions. This Report covers the activities and programs of LSK Nairobi Branch in the year 2022. 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 2022 to discuss the establishment of sustainable programs on practice and welfare issues. The Branch held its elections in May 2022, where newly elected members took oath of office at the AGM held on 10th June 2022. The newly elected Council further

had a retreat in June 2022, to get briefed on the mandate of the Branch, discuss ongoing program and delegate Council roles. The Council discussed ways of improving practice and welfare matters of the membership and got trained on Corporate Governance.

### B. The Branch Council

The Branch had 2 Councils serving for the year 2022 noting there was a transition due to the elections held in May 2022. The previous Council comprised of:

1. **Mr. Eric Theuri:** Chair
2. **Ms. Helene Namisi:** Vice-Chair
3. **Ms. Rose Wanjala:** Secretary
4. **Mr. Wangila Waliaula:** Treasurer
5. **Mr. Colin Warutere:** Kiambu County Representative / Organizing Secretary
6. **Ms. Soila Kigera:** In – House Counsel Representative / Fundraising Secretary
7. **Mr. Stephen Saenyi:** Deputy Treasurer
8. **Mr. Kennedy Murunga:** Welfare Secretary
9. **Ms. Charles Mwalimu:** Communications secretary
10. **Ms. Julia Wachira:** Deputy Organizing Secretary

The current Council comprises of:

1. **Ms. Helene Namisi:** Chair
2. **Ms. Elizabeth Wanjiru Ndung'u:** Vice-Chair
3. **Mr. Stephen Mbugua:** Secretary & Kiambu County Representative
4. **Mr. Ribin Ondwari:** Treasurer
5. **Ms. Dammary Etemesi:** In-House Counsel Representative & Fundraising Secretary
6. **Mr. Victor Mulindi:** Organising Secretary
7. **Ms. Josephine Oyombe**

8. **Ms. Joy Matheka:** Communications Secretary
9. **Ms. Teresia Wavinya**
10. **Ms. Gloria Kimani:** Welfare Secretary

### C. Council Meetings

The Branch Council met every month in 2022 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.

#### Corporate Governance Statement:

#### Attendance at Council Meetings January – May 2022 (Council 2020 – 2022)

The previous Branch Council met on the following dates; 16th January, 9th February, 9th March, 23rd March, 13th April, 11th May and 27th May 2022.

Name	Council Meetings (2022)
Eric Theuri	4/7
Helene Namisi	7/7
Wangila Waliaula	7/7
Rose Wanjala	7/7
Soila Kigera	7/7
Colin Warutere	7/7
Stephen Saenyi	7/7
Charles Mwalimu	7/7
Kennedy Murunga	7/7
Julia Wachira	7/7

#### Attendance at Council Meetings June – December 2022 (Council 2022 – 2024)

The current Branch Council met on the following dates; 18th June, 5th July, 13th July, 21st July, 24th August, 31st August, 1st September, 14th September, 12th October, 2nd November, 23rd November and 14th December 2022.

Name	Council Meetings (2022)
Helene Namisi	12/12
Elizabeth Wanjiru Ndung'u	12/12
Stephen Mbugua	12/12
Ribin Ondwari	12/12
Dammary Etemesi	11/12
Victor Mulindi	12/12
Josephine Oyombe	12/12
Joy Matheka	12/12
Teresia Wavinya	11/12
Gloria Kimani	12/12

#### i. Council Allowances and Reimbursement

Council members received a sitting allowance of Kenya Shillings Five Thousand (Kshs.5,000.00) for attending every ordinary meeting. The Council allowance was paid for the following meetings; 18th June, 13th July, 24th August, 14th September, 12th October, 2nd November and 14th December 2022.

#### D. Branch Secretariat

At the start of 2022, the Branch Secretariat had the Programs Manager, Wendy Muganda, two Program Officers, Edward Gachunga and Leonora Arwa, two Program Assistants, Gloria Kuyoh and Carol Kyarie, one Accounts/HR Officer, Grace Muthui, one Office Assistant, Charles Agwata and three interns, Bettina Okinyi, Rogers Andagalu and Maurice Masiga.

By the end of 2022, we had new staff on board, therefore, the current structure is as follows: the Programs Manager, Wendy Muganda, two Program Officers, Leonora Arwa and Clement Odinga, two Program Assistants, Carol Kyarie and Clifford Ndubi, one Accounts/HR Officer, Grace Muthui, one Office Assistant, Charles Agwata and three interns, Simon Abiero, Simon Mutinda and Rebekah Ajigo.

## 1. Location

The Branch office is located at Lower Hill Duplex, Suite No. 015, Upperhill Road opposite Upperhill School. Our office contacts are as follows:

**Landline** – 020 2711177

**Mobile** – 0707 256140

**Emails** – info@lsknairobi.or.ke and lsknairobi@gmail.com

## 2. Functions

The Secretariat is in charge of running the Branch programs. Each member of the Secretariat has been assigned specific programs to handle as follows:

- a) **Wendy Muganda and Simon Mutinda** – Council and Secretariat Management, Events Calendar Management, Project Management, stakeholder engagement, Commercial Practice, Law Reform and Devolution and Training programs, Companies Liaison Committee and capacity building for the Secretariat;
- b) **Clement Odinga and Rebekah Ajigo** – Bar Bench and Legal Aid programs;
- c) **Leonora Arwa and Carol Kyarie** – Member Services including Mentorship programme, ICT programme, Nairobi Legal Awards, Branch Chairs Caucus Secretariat, Tax Liaison Committee, Events (Quiz Nights, Sports day, Barbeques, Legal Tech Week among others);

- d) **Simon Abiero and Clifford Ndubi** - Branch Communication, partnerships and stakeholder and public relations;
- e) **Grace Muthui** – Implementing and monitoring financial policies, accounts management, budget management, management of all physical and electronic records of the Branch and Human Resource functions;
- f) **Charles Agwata** – Mans the reception desk of the office, performs general cleaning, maintains inventory of Branch property and delivers Branch correspondence; and
- g) **Interns** – Assist in coordination of the various programs under the supervision of each Programme Officer as indicated under (a), (b) and (d) respectively.

## 3. 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. However, our most recent database is as received from the National Office in May 2022. We hope to receive the updated version soon.

### 3.1 Website Revamping

The Branch has been managing its website at [www.nairobilaw.or.ke](http://www.nairobilaw.or.ke). The 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; and
- d) inclusion of social media icons to direct members to our social media pages.



### 3.2 Social Media

To communicate with members, the Branch uses five major social media platforms: Facebook, Twitter, Instagram, WhatsApp, and LinkedIn. On any or all of the Platforms, frequent posts are made on various Branch activities and programs. To improve communication with members, the Branch has also successfully developed a WhatsApp Database for all Group Administrators of various Advocates' WhatsApp groups. The Branch distributes event posters via WhatsApp broadcast list.

### 3.3 Bulk Email & Mailing List; Bulk SMS

The Branch employs the MailChimp Application to send out multiple emails to all members on our mailing list at the same time. The mailing list is also constantly and manually updated following each event and new member engagement.

### 3.4 Weekly Newsletter

The Branch Newsletter is used to keep members up to date on Committee progress and Branch activities. Every Friday, we send out our weekly newsletter. The plan is to expand it to include a feature section for Advocates in various areas of practice.

### 3.5 Wakili Magazine

The Branch managed to publish two issues of the Wakili Magazine in 2022: the fifth issue in April 2022 and the sixth issue in September 2022. The fifth issue dealt with electoral law, while the sixth dealt with the 2022 General Elections. We printed 500 copies of each issue and distributed them to our stakeholders, firms within Nairobi and Kiambu counties and our sponsors.

## E. The Fifth Annual General Meeting Of Lsk Nairobi Branch

The Branch conducted its fifth Annual General Meeting in the form of a hybrid meeting on 10th June 2022 from 10:00am at the Pride Inn Azzure

Westlands. We used the Zoom platform to accommodate virtual attendees. The meeting began with the Secretary reading the Notice to convene the meeting. Members observed a moment of silence to pay tribute to departed members. Minutes of the last AGM held on 4th June 2021 were confirmed as some members proposed amendments to the Minutes. The Annual Report for 2021, which had Financial Statements and Audit Reports, was presented. The Council handing over ceremony was also done as the newly elected Council took oath of office. The Minutes of the AGM will be confirmed by members at the next AGM scheduled for 9th June 2023.

## F. Branch Strategic Plan 2017 – 2022

We have a Strategic Plan which has been effective since 2017. The Plan outlines our measurable goals, evaluates progress made and informs whether we need to change approaches in implementing the goals set out.

### Vision & Mission

The main vision of the Branch is to be a premier Bar Association that advances legal practice and members' welfare. Our mission is to stay committed to advancing a conducive environment that enhances the professional and commercial interests of our members.

### Core Values & Pillars

We are guided by responsiveness, relevance and efficiency as our core values in fulfilling our mandate. Our pillars are to engage members and key stakeholders of Nairobi Branch in addressing practice and welfare matters and strive to ensure accessible opportunities for active member participation.

## G. Branch Engagements With Key Stakeholders

The Branch has key stakeholders who help in various ways to improve practice and member welfare. They are the Law Society of Kenya, the

Attorney General’s Office, the Director of Public Prosecutions, and the Judiciary. We have long-standing Branch sponsors who are also part of our stakeholders. Furthermore, we have LSK affiliated agencies such as LSK SACCO, ABA, and other LSK Branches with whom we primarily engage through the LSK Council or, at Council’s direction, through the Secretariat.

1. The Branch held its first Golf Tournament on 21st January 2022 at the Royal Nairobi Golf Club. The Guest of honor was Dr. Willy Mutubwa and the Chief Guest was Mr. Wafula Chebukati. The tournament was attended by 200 players and 49 clinic participants.
2. The Branch, in collaboration with The Political Parties Dispute Tribunal, held a Sensitization Workshop on 4th February 2022 at Sarova Panafric. The workshop aimed at sensitizing practitioners on the functions and processes of the Political Parties Dispute Tribunal.
3. The Branch is collaborating with the Kenya School of Law in organizing the Metropolitan region Pupil Master Workshop with the topic; Pupillage during and after COVID-19 pandemic on 18th February 2022.
4. The Branch held a Quiz Night on 11th February 2022 at Cheche Steakhouse.
5. The Branch held the 1st session of the Coffee Talks Mentorship Series for the year 2022 on 17th February 2022. The topic discussed was “Emotional Intelligence at the Work Place.” The speakers included Prof. Ben Sihanya, Muthoni Runji, Martin Ouma and Jennifer Gitiri.
6. The Branch in collaboration with the Kenya School of Law held a pupil master workshop on the topic, “Pupillage during and after COVID-19 Pandemic” on 18th February 2022 at the Panari Hotel. The speakers were Hon. Priscilla Nyokabi, Hon. Justice Alfred Mabeya and Dominic Kyalo.
7. The Branch in conjunction with Emerging Law Firms held a 7 Aside Football Tournament on 5th March 2022 at the Strathmore University Sports Complex.
8. The Branch hosted the Presidential, Vice-Presidential and the Female Representative to the JSC Final Submissions Debate on the 7th March 2022 at the Daystar University.
9. The Branch held the 2nd session of the Coffee Talks Mentorship Series for the year 2022 on 24th March 2022. The topic discussed was “Managing Different Personalities at the Work Place.” The speakers were Sean Omondi, Diana Sawe, Lawrence Karanja and Alice Mong’are
10. The Branch through the High Court Commercial and Tax Division Bar Bench Committee organized its first virtual Inns of Court on Practice Directions on 29th March 2022. The speakers were Justice Alfred Mabeya, Kenneth Fraser SC, Allen Gichuhi EBS, C.Arb, Hon. Elizabeth Tanui and the session was moderated by Stella Muraguri.
11. The Branch and the Nairobi Legal Awards Trust hosted a webinar on Law Firm Managers Edition on Building the Modern Law Firm: A recipe for success on 31st March 2022. The speakers were Joy Mukuhi, Dr. Kariuki Muigua, Daniel Ngumy. The session was moderated by Charles Kanjama SC
12. The Branch hosted its first radio segment on Radio Waumini on 4th April 2022. The guests of the show were the Chair Helene Namisi and Joy Katungee who spoke about the rights of children and the responsibility of parents towards their kids.
13. The Branch held a Mentorship forum on 7th April 2022 at the Lawyers Hub. The topic discussed was “Personalities and Performance at the Workplace.” The speakers included Paul Muite SC, Njeri Kariuki, FCPSK, FCIarb and Ambrose Otieno Weda Esq. MBS

14. The Branch in collaboration with Kenya Christian Lawyers Fellowship held a Easter Concert on 13th April 2022 at Nairobi Baptist Church. The theme for the Easter Concert was Christian Lawyers, A Citadel of Hope.
15. The Branch hosted a two part webinar on the Energy Act 2019 on the 20th and 27th April 2022. The topic was Understanding the Energy Act 2019 and . The speakers were Alfred Oseko and Robert Mahenia.
16. The Branch held the 3rd session of the Coffee Talks Mentorship Series for the year 2022 on 21st April 2022. The topic discussed was “Dealing with Workplace Bullying.” The speakers included Dr. Johnson Okello, Faith Waigwa, Dr. Robert Kibugi and Caroline Simba.
17. The Branch hosted a Quiz Night on the 22nd April 2022 at Cheche Steakhouse.
18. The Branch held its elections on 5th and 6th May 2022.
19. The Branch in collaboration with Climate Change Lawyers Cafe held a webinar on 13th May 2022. The topic was “Understanding carbon markets, and opportunities for lawyers”. The speakers were Dr. Ann Nyatichi Omambia Ph.D, Lydia Omuko- Jung, Bianca Gichangi. The session was moderated by Emmaqulate Kemunto.
20. The Branch hosted a webinar on 18th May 2022 on the topic “Devolution of the Advocates Training Program: Opportunities and Challenges”. The speakers were Dr. Henry Mutai and Elisha Ongoya.
21. The Branch held the 4th session of the Coffee Talks Mentorship Series for the year 2022 on 19th May 2022. The topic discussed was “Conflict Resolution Skills at the Work Place.” The speakers included Protas Saende, Caroline Ndindi, Alexander Muteti and Dr. Mary Kimari
22. The Branch held a Quiz Night for its partners on 2nd June 2022 at Cellar’s Grill.
23. The Branch held a Legal Aid session at the Industrial Area Prison on 3rd June 2022.
24. The Branch in collaboration with the Nairobi Legal Awards Trust hosted the inaugural Womens Soiree on 3rd June 2022 at Crowne Plaza. The speakers were Hon. Lady Justice Lydiah Achode, Hon. Lady Justice Agnes Murgor, Faith Odhaiambo, Suzanne Muthaura and Fatma Muiruri. The panel moderators was Caroline Simba.
25. The Branch hosted a webinar on 8th June 2022. The topic was Lawyers as Data Protection Officers. The speaker was Muagambi Laibuta.
26. The Branch held its Annual General Meeting virtually on 10th June 2022.
27. The Branch and the Nairobi Legal Awards Trust hosted a webinar on Embracing Legal Dynamism In-House Practice on 22nd June 2022 . The speakers were Dr. Davidson Mwaisaka, Otilia Phiri and Rahab Magrir Juma. The session was moderated by Elizabeth Lenjo.
28. The Branch held the 5th session of the Coffee Talks Mentorship Series for the year 2022 on 23rd June 2022. The topic discussed was “Managing unfulfilled career expectations.” The speakers included Hon. Francis Kyambia, Rose Mbanya, Dr. Jackson Bett and Ann Kinyua.
29. The Branch held its Quarterly Luncheon on 1st July 2022 at the Crowne Plaza Hotel. The Luncheon was themed “Transparency and Accountability in the Judiciary: the Role of the Bar.” The Chief Guest was the Honourable Chief Justice, Hon. Lady Justice Martha Koome, EGH.



30. The Branch hosted the 1st session of the 'Know Your Tribunals' Sensitization Series for the year 2022 on 14th July 2022. The Tribunals featured in the session were the Political Parties Disputes Tribunal, the Transport Licensing Appeals Board, and the Competition Tribunal. The speakers were Desma Nungo, Chair, Political Parties Disputes Tribunal, Joseph McDonald, member, Transport Licensing Appeals Board, and Dan Ogola, Chair, Competition Tribunal.
31. The Branch held the 6th session of the Coffee Talks Mentorship Series for the year 2022 on 21st July 2022. The topic discussed was "Identifying your area of specialization." The speakers for the session were Prof. Edwin Abuya, Caroline Mtai, Hon. Heston Nyaga and Eunice Lumallas.
32. The Branch hosted the 2nd session of the 'Know Your Tribunals' Sensitization Series for the year 2022 on 28th July 2022. The Tribunals featured in the session were the HIV & AIDS Tribunal, the Sports Disputes Tribunal, and the Tax Appeals Tribunal. The speakers were Annerita Murungi, CEO, HIV & AIDS Tribunal, Leah Kaburu, CEO, Sports Disputes Tribunal and Anne Githinji, CEO, Tax Appeals Tribunal.
33. The Branch hosted Part 1 of a 4-part sensitization webinar series on the Children Act, 2022 on 4th August 2022. The speaker was Dr. Elvis Begi. The webinar focused on general provisions of the Act.
34. The Branch held a Quiz Night on 5th August 2022 at 909 Bar & Restaurant.
35. The Branch held Part 2 of a 4-part sensitization webinar series on the Children Act, 2022 on 23rd August 2022. The speaker was John Chigiti, SC (as he was then). The webinar focused on intersex children under the Act.
36. The Branch hosted the 3rd session of the 'Know Your Tribunals' Sensitization Series for the year 2022 on 25th August 2022. The Tribunals featured in the session included the National Environment Tribunal and the Communication and Multimedia Appeals Tribunal. The speakers were Mohammed Balala, Chair, NET and Ramadhan Abubakar, Member, CAMAT. The session was moderated by Teresia Wavinya.
37. The Branch, in collaboration with Kahawa Law Courts held an Inns of Court on Plea Bargaining and Diversion on 6th September 2022. The speakers were Hon. Diana Kavedza, Samuel Ogutu and Linda Ndambiri. The session was moderated by Elizabeth Ndung'u.
38. The Branch hosted Part 3 of a 4-part sensitization webinar series on the Children Act, 2022 on 8th September 2022. The speaker was Dr. Elvis Begi. The webinar focused on children in conflict with the law, diversion and children in need of protection.
39. The Branch held the 4th session of the 'Know Your Tribunals' Sensitization Series for the year 2022 on 15th September 2022. The session hosted the Micro and Small Enterprises Tribunal, the Energy and Petroleum Tribunal and the Legal Education Appeals Tribunal. The speakers were Dr. Jackson Bett, Chair, Micro and Small Enterprises Tribunal, Dorothy Jemator, Member, Energy and Petroleum Tribunal, and Raphael Wambua, Member, Legal Education Appeals Tribunal. The session was moderated by Teresia Wavinya.
40. The Branch held a Sports Day on 17th September 2022 at the Kenya School of Law. The Sports Day, themed "Throwback", was well attended and gave participants a chance to engage in various sporting activities including some fun childhood games. The Branch also partnered with Mohammed

- Muigai LLP to host a Chess Championship on the same day at the same venue.
41. On 20th September 2022, the Branch hosted Part 4 of the 4-part sensitization webinar series on the Children Act, 2022. The speakers were Anne Thiong'o who spoke on safeguards for the rights and best interest of the child and Jennifer Kaberi who spoke on online child protection in relation to the Children Act, 2022.
  42. The Branch hosted the 7th session of the Coffee Talks Mentorship Series for the year 2022 on 22nd September 2022. The topic discussed was "Navigating workplace politics." The speakers included Dr. Faith Kabata, Jody Young and Jacqueline Oyuyo.
  43. The Branch held the 5th session of the 'Know Your Tribunals' Sensitization Series for the year 2022 on 5th October 2022. The session hosted the Public Private Partnerships Petition Committee and the Copyright Tribunal. The speakers were Prof. Githu Muigai, SC, Chair, PPPPC, and Elizabeth Lenjo, Chair, Copyright Tribunal. The session was moderated by Teresia Wavinya.
  44. The Branch held the 8th session of the Coffee Talks Mentorship Series for the year 2022 on 13th October 2022. The topic discussed was "Preventing burnout at work." The speakers included Lois Gakumo, Scott Asphaug, Helen Ambasa and Dr. Wyne Mutuma.
  45. The Branch, in collaboration with IDLO, held a free Training for Lawyers on Climate Justice and Natural Resource Management Litigation on 13th and 14th October 2022 at Sarova Stanley Hotel.
  46. The Branch, in conjunction with the Nairobi Kadhi's Court, conducted a legal aid clinic on 15th October 2022 at Eastleigh High School. The event was graced by Hon. Yusuf Hassan Abdi, Member of Parliament, Kamukunji Constituency and was attended by among others, Hon. Sukyan H. Omar, Deputy Chief Kadhi.
  47. The Branch, in collaboration with Anjarwalla & Khanna LLP, held an In-house Counsel Webinar on 25th October 2022 on Safeguarding the Workplace. The speakers were Rose Nduati-Mutero, Co-Managing Partner, ALN Kenya; Cynthia Mburu, Manager, Forensics, Risks and Compliance, ALN Kenya; and William Oelofse, Director Forensics, ALN Kenya. The Webinar was moderated by Dammary Etemesi.
  48. The Branch participated in the LSK Legal Awareness Week which was held from 24th to 28th October 2022. The Branch offered pro bono services to members of the public at Milimani Law Courts, Kibera Law Courts and Makadara Law Courts. The Branch also participated in the multi-stakeholder Symposium on Electoral Reforms hosted by the Law Society of Kenya as part of the Legal Awareness Week.
  49. The Branch, in conjunction with the Court Annexed Mediation Committee held an Inns of Court on Court Annexed Mediation on 3rd November 2022. The speakers were Hon. Justice Fred Ochieng, Hon. Justice George Vincent Odunga and Rosemin Bhanji. The session was moderated by Angela Mwadumbo.
  50. The Branch hosted the final session of the Coffee Talks Mentorship Series for the year 2022 on 17th November 2022. The topic of discussion was "Effective use of social media for professional networking." The speakers were Mary Njuguna, Gad Gathu, Janet Lavuna and Malachi Adedeh.
  51. The Branch hosted its final session of the 'Know Your Tribunals' Sensitization Series for the year 2022 on 24th November 2022. The session was facilitated by Hon. Ann Asugah,

Registrar and Head of Tribunals Secretariat and highlighted Tribunal administration in Kenya and the role of the Office of the Registrar, Tribunals.

52. The Branch and the Nairobi Legal Awards Trust held the Nairobi Legal Awards Gala Dinner on 25th November 2022 at the Panari Hotel. The theme was the “Legal Tech Edition.” The keynote speech was given by Amb. Anthony Muchiri Chair, Public Service Commission. Other guests of honor were Ms. Janet Munywoki, Deputy CEO, Kenya Law, Justice Alfred Mabeya, Judge of the High Court of Kenya and Mercy Wanjau, Secretary to the Cabinet.

53. The Branch, in conjunction with the Judiciary, held an Inns of Court of the Court of Appeal on 1st December 2022. The speakers were Hon. Mr. Justice Daniel Musinga, Hon. Lady Justice Hannah Okwengu, and Allen Waiyaki, SC. The session was moderated by Kevin McCourt, SC.

54. The Branch, in collaboration with Kenya Christian Lawyers Fellowship, held a Christmas Carol Service on 7th December 2022 at CITAM Valley Road. The theme was “A Citadel of Hope.” Hon. Justice Byram Ongaya gave a goodwill Christmas message on behalf of the Bench. The homily was delivered by Dr. Fred Ojiambo, MBS, SC. There were also various performances by different members of the Bench and of the Bar.

55. The Branch, in conjunction with the High Court Anti-Corruption and Economic Crimes Division held an Inns of Court on 15th December 2022. The topic discussed was “Evaluating unexplained wealth.” The speakers were Hon. Thomas T. Nzyoki, Jennifer Gitiri and David Kiplagat Ruto Too.

56. The Branch, in collaboration with Kenya Christian Lawyers Fellowship, visited Nyumba ya Wazee, Kasarani on 20th December 2022 to give Christmas donations received from Branch and KCLF members as well as some members of the Bench.

57. The Branch held the Advocates End of Year Party for its members on 16th December 2022 at the Artcaffe, Britam Tower.

## H. Branch Committee Engagements

The Branch reconstituted its committees after the new Council assumed office in June 2022. The current Committees are as follows;

### 1. Council Committees

The Branch has five main Practice Committees, which are:

- i. The Litigation Practice Committee, convened by Teresia Wavinya
- ii. The Social and Welfare Committee, convened by Gloria Kimani
- iii. The Commercial Practice Committee, convened by Josephine Oyombe
- iv. The Devolution and Law Reform Committee, convened by Ribin Ondwari
- v. Branch Legal Aid and Public Interest Litigation Committee, convened by Joy Matheka

### 2. Bar – Bench Committees (BBCs)

The Bar Bench Programme is headed by the Vice Chair, Elizabeth Wanjiru. Since establishment, the Branch has constituted and engaged with Nairobi and Kiambu Courts in Bar-Bench Committees where issues specific to various courts have been discussed and solutions proposed and pursued. The Bar-Bench Committees of the Branch are:

- i. Supreme Court Bar BBC convened by Mr. Charles Kanjama (SC);
- ii. Court of Appeal BBC convened by Mr. Charles Kanjama (SC);



- iii. High Court Family Division BBC co-convened by Mr. Remegio Mugambi and Ms. Marysheilla Oduor;
- iv. High Court Commercial & Tax Division BBC convened by Mr. Chris Maondo;
- v. Environment and Land Court BBC convened by Mr. Ezra Makori;
- vi. High Court Constitutional & Human Rights Division BBC convened by Mr. Herman Omiti;
- vii. High Court Judicial Review Division BBC convened by Mr. Issa Mansur;
- viii. High Court Criminal Division BBC convened by Mr. Wokabi Mathenge;
- ix. High Court Anti-Corruption & Economic Crimes Division BBC convened by Ms. Paula Atukunda;
- x. Employment and Labour Relations Court BBC convened by Ms. Cosima Wetende;
- xi. Milimani Court Annexed Mediation BBC convened by Ms. Angela Mwadumbo;
- xii. Nairobi Children's Court BBC convened by Ms. Marysheilla Oduor;
- xiii. Milimani Chief Magistrates Criminal Court BBC convened by Mr. Clarence Jumba;
- xiv. Milimani Chief Magistrates Commercial Court BBC convened by Ms. Paula Njuguna;
- xv. Kibera Law Courts BBC convened by Mr. Kennedy Murunga;
- xvi. Makadara Law Courts BBC convened by Mr. Robert Asembo;
- xviii. Nairobi Kadhis Court BBC co-convened by Mr. Ali Mahmud and Ms. Leyla Ahmed;
- xix. Milimani Small Claims Court BBC convened by Mr. Kennedy Ochieng';
- xx. High Court Civil Division BBC;
- xxi. Kahawa Law Court BBC;

- xxii. Wajir Law Courts BBC;
- xxiii. Chief Magistrates Anti-Corruption Court BBC;

### 3. Tribunal Committees

The Tribunal Committees are as follows:

- i. The National Environment Tribunal Committee;
- ii. The Rent Restriction Tribunal Committee convened by Ms. Teresia Wavinya;
- iii. The Business Premises Rent Tribunal Committee convened by Ms. Teresia Wavinya;
- iv. The Co-operative Tribunal Committee convened by Mr. Gitonga Muriuki;
- v. Public Procurement Tribunal Committee;
- vi. Political Parties Dispute Tribunal convened by Ms. Harriet Njoki Mboce;

### 4. Liaison Committees

The Branch has 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 Josephine Oyombe
- ii. Tax Liaison Committee, convened by Victor Mulindi
- iii. Nairobi Lands Registry Liaison Committee, convened by Ribin Ondwari
- iv. Nairobi Companies Registry Liaison Committee, convened by Helene Namisi

### 5. Special Committees

Special Committees set up by the Branch include;

- i. Awards Committee, convened by Charles Kanjama SC
- ii. Internal Dispute Resolution Committee, convened by Helene Namisi

### iii. Lawyer – Police Relations Committee, convened by Stephen Mbugua

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://nairobi.law.or.ke/about/committees/>.

COMMITTEES	MEETING DATES	ACHIEVEMENTS
<b>COUNCIL COMMITTEES</b>		
Social and Welfare Committee	3rd August, 11th October, 11th November, 28th November, 10th December 2022	<ol style="list-style-type: none"> <li>1. The Committee held a successful <b>Quiz Nights</b> on <b>11th February 2022, 22nd April 2022, 2nd June 2022, and 5th August 2022.</b></li> <li>2. The Committee successfully held a <b>Sports Day</b> on <b>17th September 2022.</b></li> <li>3. The Committee held a successful <b>Advocates End of Year Party</b> on <b>16th December 2022.</b></li> <li>4. The Committee came up with Terms of Reference for the Social and Welfare Committee.</li> </ol>
Legal Aid and Public Interest Litigation Committee	14th February 2022, 8th April 2022, 27th May 2022, 26th August 2022, 30th September 2022.	<ol style="list-style-type: none"> <li>1. The Committee organized the <b>Industrial Area Prison Legal Aid Day</b> on <b>3rd June 2022.</b></li> <li>2. The Committee in collaboration with the Nairobi Kadhis Court Bar-Bench Committee organized a legal aid day at Eastleigh High School on <b>15th October 2022.</b></li> <li>3. The Committee participated in the LSK Legal Awareness Week conducted between <b>24th-28th October 2022.</b></li> </ol>
Devolution and Law Reform Committee	23rd September, 14th October 2022	<ol style="list-style-type: none"> <li>1. The Committee through its convener engaged the Clerks of National Assembly and Kiambu County Assembly on matters law reform and devolution.</li> <li>2. The Committee submitted comments on the Draft Public Private Partnership Regulations, 2020.</li> <li>3. The Committee also participated in the stakeholder exercise of reviewing the Draft Fair Administrative Action Rules, 2022.</li> </ol>
Litigation Practice Committee	6th April 2022, 31st August 2022 & 2nd December 2022.	<ol style="list-style-type: none"> <li>1. The Committee will collaborate with other Committees in the discharge of its mandates</li> </ol>

		<p>for example the Bar-Bench Committees and the Commercial Practice Committee.</p> <p>2. Key concerns raised by members:</p> <p>a. Delays in issuance of orders on matters filed under certificate.</p> <p>b. Delays in execution process, typed proceedings, judgements, decrees and warrants.</p> <p>c. Some Judicial Officers do not indulge or accommodate Counsel when a matter is called but the Counsel is not in the call due to connection challenges.</p> <p>d. Malfunctioning of Court links.</p> <p>3. Members have resolved that the Branch should collect and collate practice issues which will be presented to the heads of the affected Courts for action.</p> <p>4. The Committee in collaboration with IDLO organized a training for Lawyers on Climate Justice and Natural Resource Management Litigation on 13th &amp; 14th October 2022.</p>
<p>In – House Counsel Committee</p>	<p>10th February 2022, 1st September 2022, 21st October 2022.</p>	<p>1. Members have agreed on the following strategies to improve welfare and practice issues of In-House Counsel within Nairobi and Kiambu Counties:</p> <p>a. Identification of In-House Counsel, their areas of practice, their needs and what the Committee can do to help improve their practice and welfare.</p> <p>b. Social media presence.</p> <p>c. Issuance of letters of appointment to the Committee members from LSK Nairobi Branch.</p>



		<ul style="list-style-type: none"> <li>d. Courtesy calls to institutions in order to meet In-House Counsels.</li> <li>e. Networking and interaction among In-House Counsel.</li> <li>f. Development of terms of reference to guide the Committee on its operations.</li> <li>g. Robust engagement with In-House counsel working in the public and private sectors.</li> <li>h. Creation of database on In-House Counsel.</li> <li>i. Mentorship forums for young In-House Counsel</li> <li>j. Pursuit of non-practicing allowance for all In-House Counsel.</li> </ul> <p>2. Members of the Committee have agreed on the following strategies to boost networking and interaction.</p> <ul style="list-style-type: none"> <li>a. Pamphlets</li> </ul> <p>Members agreed to create pamphlets on the mandate of the In-House Counsel Committee and distribute such to organizations.</p> <ul style="list-style-type: none"> <li>b. Recruitment of In-house Counsel to the Committee</li> </ul> <p>Members agreed to identify the sectors where In-House work and reach out to Counsels and request them to join the Committee.</p> <ul style="list-style-type: none"> <li>c. Webinars</li> </ul> <p>Members also agreed to hold webinars on different sectors such as banking and financial services. The webinars will be moderated by Committee members.</p> <ul style="list-style-type: none"> <li>d. WhatsApp group</li> </ul>
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		<p>Members also agreed to create a WhatsApp group for In-House only and invite colleagues to join the group.</p> <p>e. Surveys</p> <p>Members agreed to create a google form to collect challenges faced by the In-House Counsel. The issues raised in the google form will form the topics for webinars.</p> <p>3. The Committee in collaboration with Anjarwalla &amp; Khanna LLP organized a webinar on Safeguarding the Workplace on 25th October 2022.</p>
Commercial Practice Committee	3rd August 2022, 7th September 2022, 6th October 2022, 26th October and 24th November 2022	<p>The Commercial Practice Committee, which is comprised of 23 members is mandated inter alia to pursue emerging issues related to commercial practice and to recommend the pertinent matters of concern to the Branch. The Committee held a total of 5 Meetings since the appointment of the members in August 2022. The Committee was also able to develop its Terms of Reference as well as a work plan to guide the committee activities. Upon the approval of the Terms of Reference and Work Plan for the Committee, various Sub Committees were formed to guide the team in the respective areas under Commercial Practice. These include;</p> <ol style="list-style-type: none"> <li>1. Banking, Finance &amp; Insolvency- <b>Nyokabi Nganga</b></li> <li>2. Capital Markets &amp; Private Equity- <b>Francis Wanjiru</b></li> <li>3. Projects &amp; Infrastructure- <b>Mary Kisoo</b></li> <li>4. Mergers &amp; Acquisitions- <b>Johnson Kariuki</b></li> </ol>

		<p><b>5. Stakeholder Engagement- Frank Origu</b></p> <p>Members identified the below activities for the committee;</p> <ol style="list-style-type: none"> <li>1. Trainings and Capacity Building Commercial Practice Matters on various areas including; <ul style="list-style-type: none"> <li>· Corporate Restructuring</li> <li>· Mining procedures and legal processes</li> <li>· Project and infrastructure</li> <li>· Project contracts – EPS,BOTS,ECI,SPVS</li> <li>· Other emerging issues</li> </ul> </li> <li>2. Sensitization of Commercial Practice areas through a series of webinars</li> <li>3. Stakeholder Engagements with; Kenya Bankers, Competition Authority, Anti Money Laundering, Financial Reporting Centre, SASRA, Registrar of Companies and Societies, EPRA among others.</li> <li>4. Publication of Commercial Practice articles on various newsletters and journals</li> <li>5. Social Activities ie. Team Building, to keep the committee active</li> </ol> <p>At the end of the year <b>(10<sup>th</sup> December 2022)</b> the Committee held an end brainstorming meeting to wind up the activities of the year as well as to narrow down on action/focus areas for the year 2023 as well as the inclusion of emerging practice</p>
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		areas. The team also had a team-building exercise where members were able to bond and embrace the spirit of teamwork.
<b>BAR – BENCH COMMITTEES</b>		
Court of Appeal BBC	12th May 2022 & 12th September 2022	<ol style="list-style-type: none"> <li>1. The Court of Appeal Pro Bono Services Committee held a stakeholders' meeting on <b>1<sup>st</sup> September, 2022</b> to discuss issues affecting the Pro Bono Services at the Court.</li> <li>2. The Court of Appeal Bar-Bench Committee met on 12th May 2022 &amp; 12th September 2022. <ol style="list-style-type: none"> <li>a. Under the old system of date issuing court dates, parties were given the opportunity to choose dates. Under the new system, in civil appeal matters, dates will be issued on a first in first out basis. For applications, the president of the court of Appeal will issue dates. Appeals will be heard on a first-in-first-out basis.</li> <li>b. The Court has not established an Inns of Court Committee due to exigencies of duty.</li> <li>c. The Court of Appeal Rules were gazetted on 8th April, 2022. The commencement date will be 90 days after gazettelement. Advocates were urged to adopt the new Court of Appeal Rules.</li> </ol> </li> </ol>

		<ul style="list-style-type: none"> <li>d. To deal with case backlog, old matters will be given priority and will be mentioned before the Deputy Registrar to confirm whether the matters are still alive. A new Deputy Registrar will be posted to the Court to deal with taxation matters which have affected the expeditious resolution of appeals.</li> <li>e. The Deputy Registrar will formulate Bar-Bench and Court Users Committee calendars to ensure that meetings are held frequently to deal with practice issues from time to time.</li> <li>f. Court station statistics will be shared before the next Bar-Bench and Court Users Committee meeting.</li> <li>g. The Court will find a way of dealing with the upsurge in 5 (2) (b) applications to avoid overwhelming the Judges. (5) (2) (b) Applications. The 5 (2) (b) applications are 346, civil cases are 520 and only 114 matters do not have dates assigned.</li> <li>h. The establishment of the Pro bono briefs Mentorship Program will be discussed during the next meeting of the Committee.</li> <li>i. The Court of Appeal in Nairobi will have four fixed benches. Court of Appeal</li> <li>j. All funds to pro bono Advocates had been disbursed and there have been proposals to increase the amount paid to Advocates.</li> </ul>
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		<p>Another suggestion made was on granting Advocates who take up pro bono briefs CPD points. A sub-committee was formed and tasked to come up with a report on how challenges facing pro bono schemes can be addressed.</p> <p>k. Members have agreed that there needs to be more participation from both members of the Bar and Bench.</p> <p>3. The Court of Appeal Bar-Bench Committee in collaboration with the LSK Nairobi Branch held an Inns of Court of the Court of Appeal on 1st December 2022.</p>
<p><b>High Court Family Division BBC</b></p>	<p>1st April 2022, 18th August 2022 &amp; , 15th December 2022.</p>	<p>1. The Committee launched the Reviewed Family Division Service Charter on 24th November 2022.</p> <p>2. The Registry Service Week was held from 22nd August, 2022 to 19th August, 2022.</p> <p>3. In the month of January 2022, the Division started a data cleansing exercise as reports on pending files were as follows: CTS statistics (31,699), Case Census (3798), DPOP data (5584). As of 1st April 2022, the CTS report was as hereunder: The total Number of Pending cases was 22,542 files distributed as hereunder:</p> <ul style="list-style-type: none"> <li>a. 2022: 3,731 files;</li> <li>b. 2019- 2021: 2813 files;</li> <li>c. 2013- 2018: 2210 files;</li> <li>d. 2014 and under: 8,457 files.</li> </ul> <p>Data Cleansing as of 16th August 2022 Total Pending-14,557 cases</p>



		<p>This year-4,253 cases</p> <p>1-3 years-2,011 cases</p> <p>3-5 years-1,313 cases</p> <p>Over 10 years-4178 cases</p> <p>Cases that have not proceeded past registration</p> <p>2014 and older matters-107 files</p> <p>2015 and newer matters-1492 cases</p> <p>4. An RRI exercise took off from 21st March to 24th March 2022 which only 2 Judges took part, the Report is as hereunder:</p> <p>Files prepared for the RRI exercise-602</p> <p>Files handled by the Judges-538</p> <p>Missing/Misplaced Files-64</p> <p>Files reactivated-91</p> <p>Files closed-447</p>
Constitutional and Human Rights Division Bar Bench Committee	23rd March 2022, 6th October, 2022 and 17th November 2022	<p>Among the main issues for discussions have been the disruption of cause lists, dormant files, typed proceedings , digitization, e-filing, and virtual courts.</p> <ol style="list-style-type: none"> <li>1. Parties have been urged to appear in court on the set dates and adhere to court timelines.</li> <li>2. The Division is planning to hold inns of court either in March or April 2023.</li> <li>3. On the status of access to justice in the Division, Hon there are still challenges with the Ms Teams System which are being addressed.</li> <li>4. The Division undertook to address the malfunctioning of links and also follow up with Kenyalaw.org to address the challenges in opening cause lists, especially on Mondays.</li> </ol>

		5. The Division has acknowledged that there have been delays in the delivery of Judgements as a result of the shortage of Judges and hoped that the delays will be addressed with the addition of more Judges.
High Court Judicial Review Division BBC	31st March 2022, 2nd June 2022 and 22 <sup>nd</sup> September, 2022.	<p>Among the main issues for discussions have been the reduction of backlog &amp; missing files, typed proceedings, and constant stakeholders reports.</p> <ol style="list-style-type: none"> <li>1. The Division is planning to hold an Inns of Court in 2023 to enlighten young legal practitioners on various areas of practice.</li> <li>2. The Division has undertaken to use simple statistics on cases to show the public how the Division is working.</li> </ol>
High Court Civil Division BBC	16th February 2022 and 31 <sup>st</sup> October 2022	<ol style="list-style-type: none"> <li>1. Typed proceedings: There are still issues when it comes to receiving typed proceedings from lower courts for purposes of Appeal. At the moment, the Court has 200 requests for typed proceedings and only 6 are pending. Members have proposed that timelines be set for the lower courts to help solve this issue.</li> <li>2. Missing files: At the moment, the court has only two missing files which are being reconstructed. Advocates have been encouraged to report to the court in case they have a missing file and give the court time to trace the file.</li> <li>3. Mediation: Very few parties are willing to go to mediation, so far the court has referred 7 matters to mediation, and 3 are concluded.</li> <li>4. Digitization: The Ajira project is back. Most of the documents have been scanned and the court is working on uploading them.</li> <li>5. Certified copies of rulings: Advocates having issues getting certified copies of rulings should raise their concerns with the Deputy Registrar.</li> </ol>

		<p>6. Shortage of Judges: Members of the Committee have agreed to pursue stakeholder engagement to find solutions to this issue.</p> <p>7. Filing: Advocates have been encouraged to file documents before the court date and on time to avoid unnecessary adjournments.</p>
High Court Commercial and Tax Division BBC	28th June 2022	<p>1. The Committee organized an Inns of Court on Practice Directions gazetted by the Chief Justice (Gazette Notice No. 189 of 2022) on 29th March 2012.</p> <p>2. On E-filing, the main concern is on certificates of urgency as Advocates still have to confirm whether it has been placed on the respective physical files.</p> <p>3. Date fixing is still an issue especially online as retrieval of files barely happens and Advocates still have to follow up with phone calls and emails.</p> <p>4. Invoicing is no longer an issue as it is done on time</p> <p>5. Judgments: Parties keep following up with the Court, especially where there is a judgment on notice as the file dies slowly without the parties ever getting a date.</p> <p>6. Advocates wait for long in the lobby and at times end up missing out on their matters.</p> <p>7. Typed proceedings: Typed proceedings are taking too long to be furnished to Advocates. Members have proposed the use of transcribed proceedings as it takes a shorter while to get transcribed proceedings in comparison to typed proceedings.</p>
High Court Criminal, Division BBC	10th February 2022 and 30th May 2022.	<p>1. Members of the Committee have continually raised concerns with regard to plea-bargaining agreements, disclosure, Advocates not being</p>



		<p>supplied with committal bundles, bond processing and re-sentencing.</p> <ol style="list-style-type: none"> <li>2. There have been complaints concerning the delays in the resolution of cases involving persons living with mental disabilities and that such cases have dragged on and some have been in Court for 6/7 years. Members have also decried the lack of an accommodative environment to enable persons with disabilities to file their cases because of their lack of identity cards. The Division has proposed the formation of a sub-committee to deal with the conduct of matters touching on disabilities.</li> <li>3. Advocates have been encouraged to file documents through the e-filing system as opposed to email. Further, filing ought to be done in good time to give Judicial Officers ample time to go through the documents.</li> <li>4. The Division has noted that a good number of pro bono Advocates are not attending Court and proposed that a pro bono sub-committee be formed to address issues concerned with pro bono litigation.</li> <li>5. Advocates have been encouraged to focus on the substantive appeals instead of spending too much time on applications for bail pending appeals.</li> </ol>
<p>High Court-Anti Corruption &amp; Economic Crimes Division BBC</p>	<p>3rd March 2022, 28th June 2022 &amp; 17th October 2022.</p>	<ol style="list-style-type: none"> <li>1. The LSK Nairobi Branch and High Court Anti-Corruption and Economic Crimes Division Inns of Court was held on 15th December 2022. Participants were taken through discussions and presentations on Unexplained Wealth by Hon. Thomas Nzyoki, Chief Magistrate-Milimani Anti-Corruption Court, Ms. Jennifer Gitiri, Deputy Director-Legal Services and Corporation Secretary at the Assets Recovery Agency and Mr. David Kiplagat</li> </ol>

		<p>Too, Director-Legal Services and Assets Recovery at the Ethics and Anti-Corruption Commission. The Inns of Court was moderated by Hon. Emily Nyakundi was attended by over 100 participants.</p> <ol style="list-style-type: none"> <li>2. Judicial Officers have decried the many adjournments in the division. Adjournments are discouraged and they will only be granted in unavoidable circumstances.</li> <li>3. Abandoned appeals will be pulled out and given mention notices before they are forwarded to the Judge for dismissal.</li> <li>4. The Court is working with the ICT department to identify and delete files that were erroneously entered in the e-filing system.</li> <li>5. On training and capacity building, the Deputy Registrar, Convener and other stakeholders will meet to discuss the modalities of the same.</li> <li>6. Members agreed on the need to raise complaints on service delivery at the Court using the proper channels in order to reach the Court.</li> <li>7. Advocates have noted that certified copies of proceedings and judgments are taking too long to be issued by the Court. The Division has requested parties to write an email or letter to the Deputy Registrar in addition to making formal applications in Court.</li> <li>8. The Division has notified litigants that sub-registries had been opened in Kisumu and Mombasa and parties no longer have to travel to Nairobi to file documents.</li> </ol>
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<p>Environment and Land Court BBC</p>	<p>17th March 2022, 23rd June 2022 and 22nd November 2022.</p>	<ol style="list-style-type: none"> <li>1. The installation and assumption of the office ceremony of Hon. Mr. Justice Oscar Angote as the presiding Judge, Environment and Land Court was conducted on 13th July 2022 at the Milimani Law Courts.</li> <li>2. The Committee participated in the Milimani Environment &amp; Land Court @ 10 Tree planting exercise conducted on 11th November 2022 at Ngong Hills Forest.</li> <li>3. Members resolved to incorporate more key stakeholders to the Bar-Bench Committee for example the Office of the Attorney General and Department of Justice, National Environment Management Authority and the National Land Commission.</li> <li>4. Advocates will be required to send submissions and pleadings in Microsoft word format via email to make reproduction easy during the writing of judgments and rulings. Hon. Isabellah Barasa, Deputy Registrar, will liaise with the ICT team for creation of the emails. Parties will still be expected to upload documents on the e-filing system as usual. The Court will make the mapping of matters more efficient and all difficulties will be forwarded to the ICT team.</li> <li>5. The Court is considering raising a code on environmental matters and a programme to sensitize members more on how to proceed with these matters i.e. the suitable pleadings in environment matters e.t.c. Members of the Bar urged the Court to develop Environment cases practice guidelines to make it easy to file and prosecute environment abuses.</li> <li>6. To celebrate the 10th Anniversary of the existence of the Court, the Court organized a Conference at Pwani University, Kilifi County from 28th November 2022 to 2nd December 2022. The Conference aimed to bring together</li> </ol>
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		<p>the Judges of the Court, Magistrates, Judges of Courts in other countries, other members of the Kenyan Judiciary, Academicians, Children, Civil society and the Public. The discussions focused on the milestones and challenges facing the Court, the jurisprudence of the Court, and any other matter touching on the function of the Court. The deliberations were aimed at improving the operations of the Court.</p> <p>7. Mapping of environmental cases is ongoing. The mapped environmental cases will be prioritized and determined expeditiously because they are important in the preservation of natural resources.</p> <p>8. Advocates have reported that there are still cases of missing files. Judicial Officers noted that some have been missing as result of misfiling or misplacement of files. The registry Staff were urged to be keen when filing to avoid misplacement or misfiling. Parties were urged to apply for reconstruction in case a file cannot be traced or found.</p>
Employment and Labour Relations Court BBC	25th January 2022, 11th May 2022, 11th October 2022 and 6th December 2022.	<p>1. The installation and assumption of the office ceremony of Hon. Mr. Justice Byram Ongaya as the Principal Judge, Employment and Labour Relations Court was conducted on 11th November 2022 at the Milimani Law Courts.</p> <p>2. The Employment and Labour Relations Court joint Bar-Bench &amp; Court Users Committee meeting was held on 11th October 2022. Issues discussed included communication from Court and weekly cause list, case backlog, issuance of Court dates, virtual Court challenges, e-filing challenges, issuance of notices to show cause, update on ELRC Practice Directions among other issues.</p>

		<p>3. The Employment and Labour Relations Court held its final Bar-Bench meeting on 6th December 2022. At the meeting, the incoming Principal Judge of the Court, Justice Byram Ongaya was introduced. Members of the committee welcomed the Judge to the Court and expressed their expectations.</p>
Court Annexed Mediation BBC	22nd March 2022 and 27th June 2022.	<ol style="list-style-type: none"> <li>1. The Bar-Bench Committee in collaboration with the Branch held an Inns of Court on 3rd November 2022 which was moderated by Ms. Angela Mwadumbo. The speakers were Hon. Justice Fred Ochieng, Hon. Justice George Vincent Odunga and Ms. Rosemin Bhanji.</li> <li>2. All complaints should be addressed to the Mediation Accreditation Committee with a copy to the Mediation Task Force.</li> <li>3. The Mediation Accreditation Committee and the Mediation Task Force will be engaged on concerns raised on continuous professional development and the entity to be charged with standardization of mediation training.</li> <li>4. A date to be set by the Ag. Deputy Registrar for engagement with mediators and advocates.</li> </ol>
Kadhis Court BBC	14th March 2022, 15th June 2022, 31st August 2022.	<ol style="list-style-type: none"> <li>1. The Committee in collaboration with the Branch organized a legal aid day at Eastleigh High School on 15th October 2022. Advocates offered free legal services to members of the community.</li> </ol>

		<ol style="list-style-type: none"> <li>2. Advocates are encouraged to take up pro bono matters to improve access to justice to persons who are socially and economically vulnerable.</li> <li>3. Legal Practitioners have decried the lack of consistency in the practice of the Kadhi's Court in relation to succession causes as different Kadhis have their own procedure in hearing and determination of succession matters. They have proposed uniformity/standardization of procedure in succession matters and the development of practice and procedure rules.</li> <li>4. Members have raised concerns on the lack of a Kadhi Stationed at Kibera Law Courts after the transfer of Hon. Dhulkifl. Hon. Sukyan Omar reported that a directive had been issued against the registration of new cases at Kibera station. He also reported that Kadhis are creating a schedule to increase visits to Thika from twice a month to once a week. The Court is also creating a schedule to increase visits to Kibera station. The Court has sought data on cases filed at both stations for further decision making and action.</li> </ol>
Nairobi Children's' Court BBC	24th March 2022, 29th June, 2022 and 26th October 2022.	<p>Among the main issues for discussions have been the non-payment of pro bono lawyers and delays in typing of proceedings. Members agreed:</p> <ol style="list-style-type: none"> <li>1. Enhance the publicity of the court notices.</li> <li>2. Need for uniformity in the enforcement of orders.</li> </ol>
Chief Magistrates Criminal Court BBC	29th March 2022 and 24th June 2022.	<ol style="list-style-type: none"> <li>a. The challenge with labeling of courts has been solved.</li> <li>b. Verification of bond documents-The sub-committee of the Court Users' Committee Is yet to meet to formulate guidelines on bond verification costs.</li> </ol>



		<p>c. E-filing-Advocates are still experiencing problems with the e-filing platform for instance, documents filed through the system are not placed in the Court file.</p> <p>d. Diversion and Plea Bargaining-Advocates have embraced diversion and plea bargaining. However, the uncertainty as to sentencing in such cases is still an issue.</p> <p>e. Members have proposed a review of the pro bono fees in order to be attractive to Advocates.</p> <p>f. Non-custodial measures-The progress on this issue had been reported to the wider Court User Committee but it was affected by the COVID-19 pandemic. The sub-committee that was looking into the issue was stuck due to lack of finances. It was resolved that a meeting will be organized to deal with the issue.:</p>
<p>Milimani Chief Magistrates Commercial Court BBC</p>	<p>30th March 2022, 29th June 2022, 6th October 2022</p>	<ol style="list-style-type: none"> <li>1. The Chief Magistrates Milimani Commercial Court and the Small Claims joint Bar-Bench Committee meeting was held on 6th October 2022.</li> <li>2. Dates will be fixed at the registry however as far as is practicable dates will also be issued in Court. It is encouraged that no file will leave Court without a date.</li> <li>3. If a Judicial Officer is not sitting, dates will be given by the Court Assistants. Further, for inactive files and registry files, dates will be given at the registry.</li> <li>4. Advocates will ensure to invite their counterparts to fix mutually convenient dates to avoid matters being adjourned on grounds that dates were fixed Exparte. It was noted there is an increase in requests for adjournment due to dates fixed</li> </ol>

		<p>Exparte. The Court will not hesitate to take out matters whose dates have been fixed un-procedurally and/or through undue influence. Advocates will inform counterparts immediately they become aware that their matter is scheduled for fixing to allow for concurrence on dates.</p> <ol style="list-style-type: none"> <li>5. All Court documents shall be filed online however in certain cases depending on the complexity and size of documents Judicial Officers will have discretion to direct filing of physical documents and trial bundles to supplement but not to remove from e-filing.</li> <li>6. For documents above 50 pages, the Court may request Advocates to present physical copies as well at the registry after filing online.</li> <li>7. The Court will every Friday afternoon share a list of decrees, warrants and proceedings ready for collection. The list will also be posted on Court WhatsApp groups.</li> <li>8. On Tuesday and Thursday afternoons, the execution registry will have one officer attend to clients from the tents for dispatch of documents while the main section of the said registry will close to allow the rest of the staff to work on execution processes with minimal disruption for efficient delivery of services.</li> <li>9. The Chair will ensure to provide the much needed checks and balances in the execution process including looking into the infiltration of the execution process by cartels and facilitation.</li> <li>10. Judicial Officers will put tight control and measures to ensure that files are not lost at the registry.</li> </ol>
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		<ol style="list-style-type: none"> <li>11. For ease of tracing files if a file is a strong room file the Advocate should promptly inform the Court in its request for service.</li> <li>12. Customer care email provided to report missing files.</li> <li>13. Systems have been put in place to minimize complaints on missing files.</li> <li>14. Both Bar and Bench should discourage their members from engaging in bribery.</li> <li>15. There is a need to uphold integrity within the Bar and Bench.</li> </ol>
Kibera Law Courts BBC	28th June 2022, 16th September, 1st December, 2022.	<p>The BBC is chaired by the Chief Magistrate, Hon. Anne Mwangi. Among the main issues for discussions have been the reduction of backlog &amp; missing files, typed proceedings, Service week, masqueraders, virtual courts, e-filing and constant stakeholders reports.</p> <p>It was reported that the service week run as scheduled but it was not entirely a success as 2 courts were not sitting during the period. In addition to that, the Police were not entirely cooperative with the court. Some files were disposed of though not as per the expectation of the court. The Court is planning on hosting another one in March 2023.</p>
JKIA Law Courts BBC	30th March 2022, 6th June 2022, 21st September 2022, 5th December 2022.	<p>The BBC is chaired by the Chief Magistrate, Hon. Lucas Onyina . Among the main issues for discussions have been the Service week, masqueraders, constant stakeholders reports.</p> <p>Members of the committee proposed that next year an inns of court be conducted for the court.</p>
Makadara Law Courts BBC	30th June 2022 and 8th September 2022.	<p><b>1. Alternative dispute resolution</b></p> <p>Judicial Officers encouraged litigants to embrace plea bargaining and diversion as some of the cases before the Court can be resolved using the above mentioned mechanisms. The Office of the Director of Public Prosecutions encouraged Defence</p>



	<p>Counsels to embrace the concepts and also appealed for more sensitization especially to the Prisons. Hon Kyambia reminded parties to record out of court settlements to avoid disputes.</p> <p><b>2. Pro bono cases</b></p> <p>Judicial Officers encouraged Advocates to take up pro bono cases at the Court especially in Children cases. Mr. Robert Asembo urged the Court to expedite the processing of applications for pro bono briefs. The pro bono committee urged Advocates to attend Court whenever their matters come up. Hon. Francis Kyambia noted that there are no proper guidelines for payment of Pro Bono Advocates representing persons charged with robbery with violence. Hon. Francis Kyambia will contact the Judiciary ICT team to develop a digital pro bono briefs application form to ease the application process.</p> <p><b>3. Plea taking</b></p> <p>ODPP and Judiciary noted that registration of cases had improved as a result of the use Uadilifu system. Advocates can make enquiries on registered cases with the ODPP.</p> <p><b>4. Ease of communication</b></p> <p>Vice Chair Elizabeth Wanjiru encouraged the Bar-Bench members to form a WhatsApp to ease communication especially sharing of Court notices.</p> <p><b>5. Masquerading</b></p> <p>The Court appreciated the Law Society of Kenya's efforts in fighting masqueraders and reported that</p>
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		<p>a masquerader who was recently arrested at the Court had taken plea. To tackle the menace of masquerading, a form will be introduced by the Court for Defence Counsel's to fill in their personal details. The form will be kept in the Court file.</p> <p><b>6. Correspondences</b></p> <p>All correspondences touching on criminal matters should be copied to ODPP. Further letters requesting for production orders should also be copied to the ODPP.</p>
Kahawa Law Courts BBC	24th May 2022	<p>The inaugural Kahawa Law Courts Bar-Bench Committee Meeting was officiated by the Chief Magistrate Hon. Diana Kavedza and Hon. Boaz Ombewa at the Courts' premises along Kamiti Road. The following matters were deliberated:</p> <ol style="list-style-type: none"> <li>1. The jurisdiction of the Court was explained by Hon. Kavedza as a specialized one that hears and determines international related criminal matters such as drug, human, wildlife and child trafficking, as well as terrorism and sabotage.</li> <li>2. She further noted that there are plans to establish a High Court adjacent to the Court premises. The U.S. government through the United States Department of Justice, has funded the project through purchase of a parcel of land and shall also fund the construction which is anticipated to be complete sometime in 2023.</li> <li>3. She emphasized the need for young lawyers to venture in criminal litigation.</li> <li>4. Hon. Ombewa noted that the Court has established an active case management as a</li> </ol>

		<p>tool for expeditious disposal of serious criminal cases and enhancement of witness protection mechanisms during examination in chief by:</p> <ul style="list-style-type: none"> <li>- Establishment of a High Court</li> <li>- Practice guidelines have been development and shall be shared with members</li> <li>- Voice distortion studio has been put in place</li> <li>- Transcription of proceedings are to begin in June as funding for the same has been secured</li> <li>- A Consent to Participate Virtually Form has been adapted by the Court to allow members of the bar who are distant or unable to make it to court to be able to attend proceedings.</li> </ul> <ol style="list-style-type: none"> <li>5. The paradigm shift in hearing of serious criminal cases was noted by Hon. Kavedza on the need for criminal litigation lawyers to embrace plea bargaining arrangements which saves the court time on expeditious dispensation of matters through disengagement and diversion, as the key purpose of the courts is to seek correction and rehabilitation of convicts.</li> <li>6. The prosecution should collaborate on diversion guidelines for plea-bargaining as emphasis was placed on prosecution and counsel collaboration.</li> <li>7. It was agreed that pre-trial proceedings need to be taken seriously in that both accused persons counsel and prosecution should not hurry with such proceedings but seek to be elaborate as to finalize on witnesses and collection of evidence to be adduced upon hearing of cases.</li> </ol>
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		<p>8. It was also noted by members that the Court stands out impeccably as a benchmark for other courts to learn and improve on service delivery, innovation and expeditious dispensation of matters.</p> <p>9. It was resolved that the Court through the stewardship of Hon. Kavedza, arrangements shall be put in place for training of young lawyers and other litigants, as well as university students on the need for diversion in plea bargaining arrangements and effective charging of fees in serious criminal cases.</p> <p>10. It was also resolved that members should offer pro bono services to those in need. A database of matters that require pro bono advocates should be created.</p>
<p>Small Claims Court BBC</p>	<p>22nd March 2022, 23rd June 2022, 6th October 2022.</p>	<p>The Committee discussed among other things:</p> <ol style="list-style-type: none"> <li>1. Representation: The Bench raised concerns about persons masquerading as Advocates at the Court.</li> <li>2. The Small Claims Court is working to ensure the delays in extraction and signing of decrees are eliminated.</li> <li>3. Adjudicators were encouraged to upload judgements on e-filing portal after delivery. Adjudicators were also encouraged to email the Judgment to Advocates in compliance with the Act. It was, however, pointed out that using the e-filing system to upload judgment might take time due to the time taken in typing of the judgements.</li> <li>4. Filing of written submissions for interlocutory applications and preliminary objections tend to eat into the statutory time for the determination of suits. A proposed solution was for all interlocutory applications and preliminary objections to</li> </ol>

		<p>be canvassed by way of oral submissions only and rulings made on the same day.</p> <ol style="list-style-type: none"> <li>5. Training of Adjudicators: The Bench will look out for sponsors to facilitate training and benchmarking in other jurisdictions that have successful Small Claims Courts.</li> <li>6. The Bar raised concerns about the delay in commencement of Court sessions and lack of communication in good time if the court may not be sitting. It was agreed that the Bench will do its best to ensure that parties/court users are duly notified when a court is not sitting or in case of any delay in starting sessions.</li> <li>7. The Small Claims Court intends to partner with LSK Nairobi Branch to conduct training on Small Claims Court.</li> <li>8. Courts will also indicate on the cause lists when an Adjudicator is transferred and the Court which the file is transferred to.</li> <li>9. Judicial Officers undertook to address all the administrative issues raised during the meeting.</li> </ol>
Nairobi City Court BBC	4th November 2022	<p>The Committee met on 4th November 2022 and discussed the following issues:</p> <ol style="list-style-type: none"> <li>1. Cause list: Some Advocates raised concerns about their matters missing from the cause list despite the file having the date stipulated. It was resolved that the court assistants could call Advocates informing them why their file is missing from the cause list and whether or not it shall proceed on the stipulated date. Advocates were advised to come on the date given whether or not their matter is listed.</li> </ol>

		<ol style="list-style-type: none"> <li>2. Digitization: There are some challenges that the court is facing at the moment but soon virtual mentions shall be adopted.</li> <li>3. Members agreed that there ought to be mutual respect and indulgence amongst all stakeholders.</li> <li>4. Case filing disposal report: The Court shall give a detailed report at the next meeting.</li> <li>5. Missing files: It was reported that there are zero missing/misplaced files at the moment and that there is a movement book at the court.</li> <li>6. Typing of proceedings: The court reported that only one staff member is currently handling typing of proceedings. Judicial officers requested Advocates to be patient with the court.</li> </ol>
<b>TRIBUNAL COMMITTEES</b>		
The Cooperative Tribunal	20th June 2022	<p>The Committee discussed the following issues:</p> <ol style="list-style-type: none"> <li>1. Members commended the Tribunal for the good work and for being voted the best performing Tribunal in 2021 and noted that it is a very important establishment and emphasized that new members should scrutinize the Act of Parliament that established it to familiarize themselves with it.</li> <li>2. Case Filing and Disposal-E-filing in the registry is effective. However, the issue of payment of large amounts of Court fees for several files is a challenge. The Committee was requested to propose solutions.</li> <li>3. Missing Files-The Tribunal reported that there are no missing files.</li> <li>4. Progress Reports on Digitization-The Tribunal highlighted their challenges and</li> </ol>



		<p>reported that some of the parties who self-represent rely on the Court Assistants to upload their pleadings and eventually are time barred and end up losing their documents. The Tribunal discouraged the same and further reported that all rights to upload such documents are now solely with the Court Administrators and there is need to sensitize non-represented litigants to use the CTS platform 4rto file pleadings. Members proposed that there should be a notice informing parties to avoid presenting physical documents to be filed at the registry and consult sufficiently on the use of the e-filing system. Members reported that there are a lot of disturbances and interruptions during virtual hearings. Members resolved that Court Assistants should mute attendees who disrupt the proceedings.</p> <p>5. Typed Proceedings and transcription Report-The Tribunal reported that getting transcriptions of the recorded virtual Tribunal sessions was challenge as typed proceedings could not be availed in good time for purposes of appeal and writing of judgements. Further, she reported that virtual hearings began on a test run from April but transcriptions have not been provided by the Tribunal’s Deputy Registrar leading to an increased backlog of pending judgments.</p> <p>6. Mediation Report-The Tribunal reported that they largely encourage alternative dispute resolution mechanisms especially through mediation in the spirit of Article 159 of the Constitution.</p>
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		<p>7. Members proposed that more virtual hearings should be held especially when the Tribunal is in circuit for the convenience of parties.</p> <p>Other challenges faced by the Tribunal:</p> <ol style="list-style-type: none"> <li>1. Inadequate and/or late payment of allowances to members of the Tribunal while in circuit.</li> <li>2. Lack of transparency on the financial allocation to the Tribunal by the Judiciary.</li> <li>3. The inconsistencies on sessions in circuit compared to resident sittings of the Tribunal therefore creating a backlog of cases.</li> <li>4. There is lack/little knowledge of the Tribunal's role.</li> </ol>
Rent Restriction Tribunal Committee	11th October 2022	<ol style="list-style-type: none"> <li>1. The validation of the Rent Restriction Registry Manual and Service Charter was conducted on 11th November 2022.</li> <li>2. The Induction for The Business Premises Rent Tribunal and The Rent Restriction Tribunal Members and Users was conducted on 11th February 2022 at the Sarova Stanley Hotel.</li> </ol>
Business Premises Rent Tribunal Committee	11th February 2022.	The Induction for The Business Premises Rent Tribunal and The Rent Restriction Tribunal Members and Users was conducted on 11th February 2022 at the Sarova Stanley Hotel.
<b>LIAISON COMMITTEES</b>		
ICT and IP Liaison Committee	5th August, 9th September, 7th October, 27th October, 30th November 2022	<ol style="list-style-type: none"> <li>1. The Committee is planning for the second edition of Nairobi Legal Innovation Week in the second quarter of 2022</li> <li>2. There are various sub – committees that are reviewing legislation in ICT and IP</li> </ol>

		3. The Committee is also planning to collaborate with various stakeholders in organizing Legal Tech webinars and trainings.
Tax Liaison Committee	26th March, 7th April, 18th June, 30th July, 3rd September, 24th September, 31st October 2022	<ol style="list-style-type: none"> <li>1. The Committee plans to continue collaborating with KRA in organizing <b>Tax Forums</b> addressing various tax issues.</li> <li>2. The Committee is liaising with KRA to have more tax trainings for members in Nairobi and Kiambu Counties</li> </ol>
Nairobi Lands Registry Liaison Committee	7th September, 16th September, 28th October, 17th November 2022	<ol style="list-style-type: none"> <li>1. The Committee had continuous consultative engagements with the Ministry of Lands and Physical Planning on the ongoing challenges being experienced by members. In this regard, the Committee met with the Ministry on 2nd and 3rd June 2022 where several issues were discussed and recommendations made to resolve the issues raised. The report of the meeting was made available to members.</li> <li>2. The Committee collected details from members of pending transactions on Ardhisasa platform and at the Central Registry for purposes of following up with the Ministry. The Committee, through the Convener, Ribin Ondwari, was able to expedite the conclusion of some of the transactions. The Committee is still following up on pending issues.</li> <li>3. The Committee held a consultative meeting with Kiambu Lands Registry in a bid to address some of the challenges being faced by members at the Registry. The meeting resulted in some resolutions to address the issues raised. The Committee is continuing to follow up on the implementation of the resolutions.</li> </ol>



Nairobi Companies Registry Liaison Committee	17th February, 28th April, 22nd June, 1st September, 24th November	<ol style="list-style-type: none"> <li>1. The Committee participated in the new System User Acceptance Tests (UAT) conducted by the BRS.</li> <li>2. The Committee has collaborated with BRS to organize <b>trainings for members</b> on the online system and repeat training on the Companies' Practice Notes.</li> <li>3. The Committee participated in review of the Business Laws Amendments Bills (2021 Bills) which were scheduled for tabling to the Legislature and review of the Beneficial Ownership Disclosure Framework.</li> </ol>
<b>SPECIAL COMMITTEES</b>		
Awards Committee	7th January, 18th January 2022, 8th February, 15th February, 8th March, 15th March, 12th April, 19th April, 10th May, 17th May, 14th June, 21st June, 12th July, 19th July, 9th August, 16th August, 13th September, 20th September, 11th October, 18th October, 1st November, 8th November, 15th November, 22nd November, 24th November 2022	The Committee <b>organized the 5th edition of Nairobi Legal Awards 2022</b> . The theme was the Legal Tech Edition.
Lawyer – Police Relations Committee	Not met in 2022	The Committee is still pushing for adoption of the draft <b>Lawyer Police Guidelines</b>

## I. PROGRAMMES

### 1. BAR – BENCH PROGRAMME

As earlier mentioned, Elizabeth Wanjiru provides oversight over the BBCs. 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

#### Annual Bar-Bench Stakeholders Seminar, 2022

##### 1.0 Introduction

On 17th March & 18th March 2022, the Judiciary in collaboration with the Branch held a Bar-Bench Stakeholders Seminar at the Tamarind Tree Hotel, Nairobi. We had attendance by Magistrates, Deputy Registrars, Conveners of Bar-Bench Committees, Private Practitioners, Representatives from the Office of the Attorney General & Department of Justice, Office of the Director of Public Prosecutions, Kenya Alliance for Advancement of Children, National Council on the Administration of Justice, Council members of the LSK Nairobi Branch, Judiciary ICT Staff, and LSK Nairobi Branch Secretariat Staff.

##### 2.0 Statement of Purpose

The objective of the Annual Bar-Bench Stakeholders' Seminar was to:

- a. Sensitize Advocates on the Implementation of the High Court Practice Directions to Standardize Practice and Procedures in the High Court.
- b. Stocktake on the successes of Bar-Bench Committees in 2021.
- c. Evaluate the effectiveness of Committees in the dispensation of justice.
- d. Discuss the role of Bar-Bench committees in automation and access to justice in the Judiciary.
- e. Review Key Performance Indicators for 2021 and set Key Performance Indicators for 2022

### 3.0 Attendee Survey

On 17th March & 18th March 2022, the Judiciary in collaboration with the Branch held a Bar-Bench Stakeholders Seminar at the Tamarind Tree Hotel, Nairobi. We had attendance from Magistrates, Deputy Registrars, Conveners of Bar-Bench Committees, Private Practitioners, Representatives from the Office of the Attorney General & Department of Justice, Office of the Director of Public Prosecutions, Kenya Alliance for Advancement of Children, National Council on the Administration of Justice, Council members of the LSK Nairobi Branch, Judiciary ICT Staff, and LSK Nairobi Branch Secretariat Staff

### 4.0 Programme and Speakers

The program of the seminar was as follows:

#### 4.1 Opening Remarks

The Branch Chair, now President of Law Society of Kenya, Eric Theuri, appreciated the role that Bar-Bench Committees have played at the Branch in the last two years. He celebrated some of the achievements of the Bar-Benches Committees which include: the development of the Practice Directions to Standardize Practice and Procedures in the High Court, the organization of a joint meeting between all stakeholders in the Family division to address areas of interest and the participation of the Children's Bar Bench Committee in the development of a memorandum sent to Parliament regarding the Children's Bill, 2021. He called on Advocates to increase their attendance in Bar-Bench Committee meetings. He also congratulated the offices of the Director of Public Prosecutions and the Attorney General for being active participants in Bar-Bench Committees in 2021.

Hon. Mbulikah notified members that the Judiciary was rolling out a special Court for Gender Based Violence matters and a pilot Court was going to be set up at Kibera and Makadara Stations. She also reported that the Family Division had made the Matrimonial Rules that were before the Attorney General for gazettelement.

## 4.2 Implementation of the High Court Practice Directions to Standardize Practice and Procedures in the High Court

Hon. Mbulikah standing in for Hon. Judith Omenge, the Registrar of the High Court, reported that the development of the High Court Practice Directions began in 2018. The Judiciary had worked with the LSK Nairobi Branch for several months to come up with the practice directions. She thanked all those who had contributed to the development of the practice directions and called on Advocates to familiarize themselves with the new practice directions.

She then presented 18 copies of the new practice directions to some of the members present.

## 4.3 Stocktaking on the successes of the Bar-Bench Committees in 2021

Hon. Wendy Kagendo, Chief Magistrate, Milimani Chief Magistrate's Court Criminal Division, recognized the Court's efforts to have specialized Bar-Bench Committees. She also called on Advocates to attend the Chief Magistrates Criminal Court Bar-Bench Committee meetings. She commended the Convener of the Chief Magistrate's Criminal Bar Bench Committee, Mr. Clarence Jumba, for always being consistent in his role. She appealed for more participation of Advocates in the Bar-Bench Committee to strengthen it. She encouraged Advocates who appear before the Criminal Division to join the Chief Magistrates Criminal Court Bar-Bench Committee.

Further, she urged Advocates to always come to Court ready to proceed with their matters to avoid unnecessary adjournments thus helping to clear the backlog of cases. She also mentioned the issue of foreigners not returning to Court to testify as being one of the reasons prolonging the hearing of cases.

Hon. Heston Nyaga, head of station, Chief Magistrate's Commercial Court, reported that the Court's Bar-Bench Committee was doing well

Further, he reported that there had been changes in staff and about 50% of the staff had been transferred. He mentioned that there had been reported cases of interference with the CTS to move files to certain Judicial officers. There was still an issue with missing files and multiplicity of files where one file has about 7 skeleton files. WIBA matters were not moving because the Court was waiting for the conclusion of the case before the Court of Appeal. He called on the continued engagement with the Bar to ensure proper participation.

Hon. Christine Asuna reported that there was active participation in the Judicial Review Division Bar-Bench Committee meetings. She commended Mr. Issa Mansur for doing a good job as the Convener. She reported that 98% of the matters in the Division were being handled virtually. The division has only 2 Judges and public procurement matters are supposed to be heard and determined within 45 days, this may cause delays in the delivery of some judgements.

## 4.4 Enhanced Access to justice through automation

Hon. Elizabeth Tanui took the members present through this segment. She reported as follows.

The purpose of the CTS is to ease access to justice and support the Judiciary's vision for social transformation.

For processing certificates of urgency, for the longest time the proceedings have been virtual. Once filed, the system automatically picks it up, creates an activity and assigns it to a Judge. If the Judicial Officer is indisposed, the matter is reassigned. If the matter is filed after 3 p.m., it will be assigned to a Judge the next day.

Dates are fixed at the registry through e-filing or dialing the code \*508#. Dates issued by Judges would be updated on a daily basis. Cause lists are updated daily. Each Court shall have a virtual link appended to the cause list. The cause list is downloaded from CTS daily or weekly, printed



and shared with Kenyalaw. There is a consolidated fee schedule that has minimized underassessment. The transfer and consolidation of files is a manual process and must be done by the compulsion of a court order. Filing criminal cases; collaboration between the Uadilifu system and the judiciary system. Invoices to accused persons are still being dispatched physically.

Plea taking: Courts log into CTS and then access the files for plea taking.

Impacts of the system:

1. Reports- several reports can be generated for use;
2. USSD/SMS platforms;
3. Public Information Kiosk- allows members of the public to self-search and access information.

Areas of collaboration:

1. Capacity building;
2. Training for lawyers;
3. Training law firm staff i.e. clerks, process servers;
4. Development of an all-inclusive legislation to support automation.

#### **4.5 Anticipated developments in automation in the Judiciary**

Mr. Stephen Ikeleng's presentation majorly focused on anticipated developments in automation at the Judiciary. He talked presented on:

##### **Components of the Case Tracking System**

1. E-Filing;
2. Case Tracking System;
3. Court Recording and Transcription;
4. Virtual Courts.

##### **Key Success Factors in e-filing:**

1. Advocates should start registering all law firms;
2. Linking and mapping of all cases to law firms;

3. There is a National LSK Training on e-filing.

##### **Some of the new developments to be introduced in the system:**

1. Advocates section;
2. Integration of law firms into CMS;
3. Automotive Case Management system;
4. Integrated Justice Sector Case Management System bringing together all actors i.e. police/ODPP;
5. Introduction of mobile service \*508# and SMS 22490 to check on Case status, payment and request for dates.

##### **The Judiciary also needs feedback from litigants on what should be included in the mobile services.**

The Automated Advocates Section will have:

1. Advocate admission process;
2. Automated Generation of Admission numbers;
3. Processing Advocates Practicing Certificates;
4. Processing Commission of Oath Certificates and Notary Public Certificates;
5. Digitization of Advocate files;
6. Generation of operational reports for Advocates Section.

The ODPP has the UADILIFU platform that is used to file criminal cases. The Judiciary is building capacity to ensure automation. There will be a 30 day test in April.

#### **4.6. The Place of Bar-Bench Committees and Court Users' Committees in the Justice System**

Sylvia Yiantet presented on the place of Bar-Bench Committees and Court Users' Committees in the Justice System. She mentioned the following as the roles of Bar-Bench Committees and Court Users' Committees:

1. To ensure an accountable ,coordinated ,efficient ,effective and consultative

- approach in the delivery of justice;
2. To enhance public participation and engagement in the delivery of justice;
  3. To promote information sharing and engagement in the delivery of justice;
  4. To strengthen feedback mechanisms and promote dialogue among stakeholders;
  5. To formulate policies, rules, practice directions etc;
  6. Identify challenges facing stakeholders and provide solutions thereto;
  7. To carry out all functions incidental to the operations of Court Users Committees and Bar-Bench Committees.

#### 4.7 The role of BBCs in supporting automation

Joy Matheka took members through this topic. She presented that BBCs:

1. Give feedback to the developers of automation;
2. Giving feedback on the experiences and challenges;
3. Giving constant and accurate feedback;
4. Coming up with new ideas;
5. Coming up as champions of automation ;
6. BBCs also serve as communication disbursement mechanisms on changes that have been suggested.

#### 4.8 Small Claims Court, the successes and challenges

Hon.Stella Kanyiri, the Registrar, Small Claims Court, took the members present through this topic.

The Small Claims Court was operationalized on the 26th of April, 2021. The Court has solved cases worth over 500M. Insurance companies have complained about the high number of judgements that are being entered against them. The Court handles disputes involving money less than 1M. 1M is still a lot of money and some

Advocates are not happy with the expansion of jurisdiction. The legal framework has made it very easy for litigants to file cases. There is no official language for the Court. Cases are heard expeditiously and judgements are entered within 90 days. There is quick resolution of disputes. A case is active from the date of filing to when it is concluded. The waiver for court fees is about to end. An extension is being pursued.

Further, the Chief Justice is looking to operationalize more courts in Kenya in order to actualize the social transformation agenda. From the 6,000 cases that have been filed in the court, about 3,800 have been resolved.

Main objectives of the Small Claims Court:

1. Access to quick justice;
2. Reduced backlog in the other Courts;
3. Reduced litigation costs.

The Court is not impacting the Milimani Commercial Court. Cases at the Milimani Commercial Court have not reduced because the Small Claims Court has given access to more litigants who initially did not have access to Courts. The Court has 7 stations out of a projected 30. There are plans to expand it to other counties. There is no right to legal representation in the Small Claims Court. However, 70% of those appearing before the Court are Advocates. Appeals from the Small Claims Court lie in the High Court Commercial and Tax Division. However, these appeals delay at the High Court. Mr. Issa Mansur proposed the establishment of a Special Court to hear appeals from the Small Claims Court to ensure speedy resolution of matters.

#### 4.9. Bar-Bench Key Performance Indicators Quarterly Meetings

- a) Each Bar-Bench Committee shall hold at least one meeting per quarter and the dates of these meetings shall be set either during the committee meeting or at the beginning of each quarter..

- b) At least one weeks' notice shall be given before any meeting.
- c) Members shall be notified of Bar-Bench Committee meetings in the following ways:
- By emails two weeks before the meeting;
  - By notices sent on email and the committees' WhatsApp group; and
  - On the Cause List for a week before the meeting.
- d) Meetings whether physical or virtual will start at the agreed time and members are encouraged to be punctual.

### Membership

- a) Each Committee shall have at least fifteen permanent members and one of these members shall be the convener of the Committee.
- b) Permanent members are encouraged to attend all the meetings of the Committee and an attendance report shall be prepared at the end of the year.
- c) The Convener of the Bar -Bench committee or Branch Council can co-opt new members into the committee after approval from the Branch Chair. Conveners with the assistance of judicial officers are encouraged to identify frequent practitioners in their Court to co-opt.
- d) There should be 1 CPD point for permanent members of the committees.
- e) We should work to ensure the co-option of other stakeholders in the BBCs and CUCs. The Attorney General and the ODPP are key stakeholders.

### Dissemination of Information

- a) Action points from the Bar-Bench Committee shall be shared to the members of the Committee one day after the meeting.
- b) A Bar-Bench update of the Committee meeting shall be shared on all Whatsapp Groups and the Newsletter within one week of the date of the Committee meeting.

- c) Minutes of the Committee meeting shall be prepared within one week of the Committee meeting and shared with the Convener and Deputy Registrar(s) before onward transmission to the members of the Committee.

### Inns of Court

- a) Each Committee is required to hold at least one Inns of Court within the year.
- b) Topics to be discussed in the Inns of Court should be agreed upon by the Committee and dates should be settled on at least three months in advance to allow for proper planning.

### Sensitization

- a) Advocates shall be encouraged to join and attend Bar-Bench Committees during all CPD training and relevant LSK Nairobi Branch events.
- b) Sensitize Advocates on the role of BBCs.

### Standing Agenda Items

- a) Each Bar-Bench shall have standing agenda items that shall be discussed and reports given during each meeting.

- b) The key standing agenda items shall include:-

- Case Filing and Disposal Report

A report of all matters filed every month and matters concluded every month at each Division or Court shall be presented during the Bar Bench Committee meeting.

This report shall also state the backlog that the particular Division or Court has.

Bar Bench Committees should come up with strategies to ensure that matters are concluded within 365 days of the date of filing.

- Elimination of Missing Files

Bar-Bench Committees join in the Judiciary's goal of having 100% file availability. Each Deputy Registrar shall present a Missing File Report during each Bar-Bench Committee meeting.

- Progress Reports on digitization



A report on the progress of scanning and uploading old matters to the E-filing platform and other on-going digitization initiatives should be presented.

- **Typed Proceedings and Transcription**

Proceedings should be ready within 60 days of conclusion of the matter. A report of the same shall be presented by Deputy Registrars during each Bar-Bench Committee meeting.

- **Mediation Report**

Bar-Bench Committees shall be used as a means of encouraging and sensitizing members about mediation. A report of matters in mediation shall also be tabled.

- **Report from the Bar**

The Convener of the Bar Bench Committee shall present a report of the feedback collected by members from the Bar on the practice in the particular Court or Division. A standardized questionnaire should be formulated to raise issues to be shared in the BBCs.

c) Committees are encouraged to have subcommittees to deal with specific matters of concern to the Committee, which shall also report on the day of the meeting.

### **Court Users Committee**

The Convener of the Bar -Bench Committee shall be invited for all Court Users Committee and the Advocates in the Court Users Committee shall be co-opted as members of the Bar-Bench Committee.

### **Bar-Bench Projects**

Bar -Bench Committees are encouraged to undertake projects every year and identify sponsors or donors who would be willing to support the projects.

Feedback from Judicial Officers/ODPP and lawyers

The Branch shall undertake to continuously take feedback from lawyers/ODPP and Judicial

Officers through online questionnaires.

### **Complaints**

Part X of the LSK Bar-Bench Committee Practice Guidelines, 2018 provides for Bar-Bench Committees to handle personal complaints. As a general rule in the first instance any complaints will be handled informally through the Conveners.

Deputy Registrars shall also provide a report of written complaints sent to their office. Written complaints to Deputy Registrars will be replied to within seven days of receipt.

When a Deputy Registrar receives a complaint against a Judge, the complaint will be channeled through the Convener to present it to the Presiding Judge.

Note that these complaints are on matters of welfare or the personal conducts of Advocates and Judicial Officers.

### **2.11 Media engagements**

Bar-Bench Committees are encouraged to enhance access to justice by choosing relevant legal topics relevant to the public in general and organizing, in conjunction with the Judiciary, for media engagement and present on the same at least once during the year.

### **5.0 Resolutions**

Thursday, 17 March 2022 (Day 1)

1. Advocates should dress appropriately whether appearing in Court physically or virtually.
2. Members of the various Bar-Bench Committees should share their issues with the Deputy Registrars, Conveners and LSK Nairobi Branch for discussion during the Bar-Bench meetings.
3. Capacity building/training for lawyers to equip them with skills and knowledge to tackle emerging issues in practice.
4. Focus on mental health of the Judicial Officers, Advocates and even the accused persons mainly due to covid-19 pandemic complication issues.
5. Judiciary should notify consumers though

cause lists and also request for issues facing consumers of justice through the same platform.

6. Inns of Court committees should be created for all courts.

7. Pro bono fees for lawyers should be reviewed.

8. An oversight committee should be created to monitor the implementation of resolutions made by Bar-Bench committees.

9. High Court Practice directions should be discussed and implemented in each Bar-Bench committee by making it a standing agenda.

10. Typing of proceedings is a challenge in all Nairobi courts. An intervention needs to be done on a priority. There is need for constant engagements with the Registrar to ensure this is followed up on.

11. Mediators should be sensitized on how to handle commercial matters.

12. Consumers of justice should be sensitized on civil procedure especially in children matters.

13. The Bar should embrace and train paralegals to improve access to justice.

### **Friday, 18th March 2022 (Day 2)**

1. The anticipated developments in automation at the judiciary. Advocates need to start registration of all law firms, linking and mapping of all cases to law firms and there should be a National LSK Training on e-filing. Reviving the Bar-Bench Committee on automation and ICT so that the issues arising are constantly addressed.

2. The judiciary is to build capacity to ensure that automation is achieved.

3. Members of the Bar and Bench should be automation champions and give continuous feedback to the judiciary to improve the system.

4. Automation of the judiciary eases access to justice which is a key component of the Social Transformation Agenda. The Bar needs to collaborate with the Bench on: training of lawyers, capacity building, training law firm staff and the development of inclusive legislation to

support automation.

5. Appeals from the Small Claim Court should also have timelines. A committee to be formed to assist in developing a draft policy on how to handle the Appeals therein.

6. To implement bar Bench KPIs 2022 to the letter

7. Bar-Bench composition to be all inclusive of state organs and other stakeholders.

### **6.0 Closing Remarks**

Hon. Mwachigi thanked all members for taking time to attend and making contributions. He also thanked IDLO for sponsoring the event. He urged the members to keep the conversation going as it is only through engagement with stakeholders that we can improve and make our systems more efficient.

### **7.0 Conclusion**

The event was a success, having met its objectives. The Organizers have received good feedback from the participants.

## **2. COMMERCIAL PRACTICE PROGRAMME**

This programme is executed through various committees such as Tax Liaison, Companies Liaison, Lands Liaison and ICT/IP Liaison Committees. The Committees meet at least once a quarter or monthly on a needs basis. It is worth noting that the programme has led to the establishment of other programs such as the Legal Tech and Innovation programme which emanated from the need to embrace the growing field of legal technological advancements.

### **2.1 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 the 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.

## 2.2 Committee Meetings

The Commercial Practice Committee set up sub-committees on Finance and Insolvency, Projects and Infrastructure, Mergers and Acquisitions, Capital Markets and Private Equity and Stakeholder Engagements. These will shape the discussions respective to the aforementioned areas of law and facilitate training on the same.

## 2.3 Development of Commercial Practice Notes

The Companies' Registry Practice Notes have been in use for more than 2 years since gazettment. We continue to address emerging concerns raised by members at the Joint Liaison Committee which comprises members from Law Society of Kenya, Institute of Certified Secretaries and officials from Business Registration Service.

The Titles Conversion Manual which was formulated in 2020 with subsequent amendments, has raised concerns regarding implementation. The Lands Liaison Committee has engaged severally with the Ministry of Lands officials to forge the best way forward to ensure practice at the registry is streamlined. Plans to come up with more Practice Notes for the Lands Registry to improve service delivery is still on the table.

## 3. SOCIAL AND WELFARE PROGRAMME

### 3.1 Welfare Initiatives

#### 3.1.1 Internal Dispute Resolution Committee

This Committee has not been active since 2020 with no complaint being filed at the Branch.

#### 3.1.2 Members Savings and Investment

The Branch Partnership with LSK Sacco has improved members' welfare through the increase of registrations at the Sacco. We continue to urge members to register with the Sacco and firms to apply check-off system as an incentive to employees.

#### 3.1.3 Improvement of Lawyer Police Relations

Due to unforeseen circumstances, we have not met the Director of Criminal Investigations to discuss the draft Lawyer Police Guidelines that have been pending since 2018. However, the Branch has been responsive in reaching out to members who have been harassed by the police in their line of duty.

#### 3.1.4 Branch Partnerships

CS Certification of Advocates – Members' skills have improved as a result of the branch's ongoing partnership with the Traction School of Governance and Business. We are pleased that members are pursuing CS courses to enhance their professional capacity. The collaboration guarantees members a 10% tuition fee discount and full reimbursement from the 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 CPF Financial Services – Structuring of the partnership is still ongoing. We are in the process of formulating welfare programs.

Partnership with Kenya Bankers Association – Collaborate on practice issues cutting across both sectors.

Partnership with Chiromo Hospital Group – To promote mental health awareness among our members.

Partnership with Traction School of Governance and Business – To give discounts to our members who want to pursue professional courses

Partnership with LSK SACCO – To promote the financial well-being of our members.

Partnership with Radio Waumini - To provide our members with a platform to educate the public



regarding legal issues.

Partnership with Haki FM - To provide our members with a platform to educate the public regarding legal issues.

Partnership with Mega Health Insurance Brokers - To provide professional indemnity solution to our members.

### Quarterly Luncheons

The Branch hosts quarterly luncheons which is a tradition of the profession where guest speakers of high repute are invited to engage with lawyers on a relevant topic. In line with this, the Branch held its Quarterly Luncheon for 2022 on 1st July 2022. The Luncheon was themed “Transparency and Accountability in the Judiciary: the Role of the Bar”. The Luncheon was graced by the Chief Justice and President of the Supreme Court, Hon. Justice Martha K. Koome, EGH, who was the Guest Speaker for the day. In her speech, Her Ladyship drew attention to the various internal measures that the Judiciary has put in place to ensure transparency, accountability, and integrity among judicial officers. Her Ladyship encouraged members of the Bar to utilise these internal mechanisms to hold judicial officers accountable. Her Ladyship also encouraged members to join various CUCs and BBCs as a way of promoting efficiency and accountability.

## 3.2 Social Initiatives

### 3.2.1 Golf Tournament

The Branch held its first Golf Tournament on 21st January 2022 at the Royal Nairobi Golf Club. The Guest of honor was Dr. Willy Mutubwa and the Chief Guest was Mr. Wafula Chebukati. The tournament was attended by 200 players and 49 clinic participants.

### 3.2.2 7-Aside Advocates’ Football Tournament

The Branch, in conjunction with Emerging Law Firms, held a 7 Aside Football Tournament on

5th March 2022 at the Strathmore University Sports Complex. The theme of the tournament was “Strike, Score and Close the Gap on Cancer Cure.” In addition to participating in the tournament, attendees also had the opportunity to have free medical checkups and free consultation provided by St Mary’s Hospital.

### 3.2.3 Quiz Nights

The Branch organizes Quiz Nights as a way of bringing together Advocates practicing within Nairobi and Kiambu Counties. In 2022, the Branch held quiz nights on 11th February and 5th August at Cheche Steakhouse and 909 Bar & Restaurant respectively.

In appreciation of its partners, the Branch also held a Partner’s Quiz Night on 2nd June 2022 at Cellars Grill. The quiz night brought together partners who have continuously supported the Branch through sponsorship and other forms of partnership

### 3.2.4 LSK Nairobi Branch Sports Day

The Branch held its Sports Day on 17th September 2022 at the Kenya School of Law. The aim of the Sports Day was to engender team spirit and comradery among the participants and to create a fun and healthy environment where participants could interact and network. The Sports Day, themed “Throwback” was also aimed at bringing back beautiful childhood memories through the ‘throwback’ games that were available for participation. The event was well attended with good representation from law firms, companies, organizations and affiliate bodies. Notable among the participating teams was the Mombasa Law Society which participated in the football tournament and swimming.

Participants had the opportunity to participate either in team events, individual events or in both. Team events included football, basketball and volleyball. Individual events included swimming, table tennis, scrabble, monopoly, darts, short races and eating competition. Participants also

had the chance to bring out their inner child through some ‘throwback’ games such as kati, bano, bladder, tug of war, hoola hoop, and jenga.

Participation in team events was as follows:

- a. 23 football teams
- b. 4 basketball teams
- c. 5 volleyball teams

### **3.2.5 Advocates’ End of Year Party**

The Branch held the Advocates End of Year Party for its members on 16th December 2022 at the Artcaffe, Britam Tower. The event was well attended with a good representation from senior members of the Bar practicing within Nairobi.

## **4. MENTORSHIP PROGRAMME**

We have experienced and witnessed growth of young advocates through different mentorship approaches as highlighted below. However, the programme is not limited to mentoring of young lawyers only. We also have advocates with more years in practice attend sessions on different aspects of law practice, advertising and marketing of law firms, building networks, etc.

### **4.1 Mentorship Forums**

The Branch held a Mentorship forum on 7th April 2022 at the Lawyers Hub. The topic discussed was “Personalities and Performance at the Workplace.” The speakers included Paul Muite SC, Njeri Kariuki, FCPSK, FClarb and Ambrose Otieno Weda Esq. MBS

### **4.2 Coffee Talks Mentorship Series**

The ‘Coffee Talks’ series is designed to incorporate aspects of the One-on-One Mentorship as well as the Mentorship Forums, hosted on a virtual platform. The series entails informal conversations between mentors and mentees about various topics including legal practice and life in general. Each series has 5 mentors who are assigned to different breakout rooms on the

virtual platform. Each mentor has a maximum of 8 mentees in the room and engage in an informal discussion of the topic of the day.

In 2022, the Branch had a total of 9 sessions from 17th February on Emotional Intelligence at the Workplace; 24th March on Managing Different Personalities at the Workplace; 21st April on Dealing with Workplace Bullying; 19th May on Conflict Resolution Skills; 23rd June on Managing Unfulfilled Career Expectations; 21st July on Identifying Your Area of Specialization; 22nd September on Navigating Workplace Politics; 13th October on Preventing Work Burnout; and 17th November on Effective Use of Social Media for Professional Networking.

## **5. LAW REFORM AND DEVOLUTION PROGRAMME**

### **5.1 Committee Meetings**

The Council engaged the Speakers of the National Assembly, Kiambu County Assembly and the Governor of Nairobi County and agreed to participate in review of Bills during Council term 2022-2024

### **5.2 Review of Legislation and Devolution Matters**

The Committee is in the process of identifying relevant statutes for review and memoranda to be submitted for pending Bills.

## **6. TRAINING PROGRAMME**

We have partnered with various firms in setting up practice series which can be beneficial to members dependent on the members’ practice needs.

### **6.1 Trial Advocacy Training**

We partnered with Trial Advocacy Institute to offer Trial Advocacy Training in Nairobi. We had the training held on 3rd to 7th October 2022 at the University of Nairobi, Parklands Campus.

## 7. NAIROBI LEGAL AWARDS (NLA) PROGRAMME

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. We had the 4th Edition of NLAs in 2021 with the Awards Gala held on 25th November 2022 at Panari Hotel. 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.

The Nairobi Legal Awards Trust was set up with the aim of institutionalizing the Nairobi Legal Awards Programme. The Trustees are:

- |                                    |                                     |
|------------------------------------|-------------------------------------|
| 1. Mr. Charles Kanjama SC – Chair  | 4. Ms. Helene Namisi – Member       |
| 2. Mr. Beuttah Siganga SC – Member | 5. Mr. Gad Gathu – Member           |
| 3. Ms. Jacqueline Manani – Member  | 6. Ms. Ndinda Kinyili – Member      |
|                                    | 7. Ms. Joy Katunge Matheka – Member |

The Trustees, working in concert with the organs of the Trust that is the Technical Committee and The Awards Jury as well as the Branch Council and Branch Secretariat oversaw the execution of the 2022 Awards Cycle.

The fifth edition of the Nairobi Legal Awards was held on the 25th November 2022 at the Panari Hotel, Nairobi from 4.00pm.

### A. SPECIAL COMMITTEES OF THE NAIROBI LEGAL AWARDS

The Awards Process was coordinated by the following key Committees.

#### i. Technical Committee

The Technical Committee for the Nairobi Legal Awards 2022 comprised:

Name	Organization/Institution
1. Ndinda Kinyili	Chair of Committee EACC)
2. Elizabeth Wanjiru	LSK Nairobi Branch Vice Chair
3. Ribin Ondwari	LSK Nairobi Branch Council Member
4. Dammary Etemesi	LSK Nairobi Branch Council Member
5. Gad Gathu	Mucheru Law LLP
6. Venessa Lwila	Majanja Luseno & Co Advocates
7. Alex Waweru	
8. John Chigiti	
9. Rose Mbanya	
10. Lucy Akaka	
11. Calvin Nyachoti	



## B. METHODOLOGY

The Awards involved three processes:

I. Invitation of and submission of entries by contenders and collection of data for the various Awards categories based on a Tool formulated to encompass the above enumerated principles of legal best-practice and statutory provisions. The Tools stipulate the various aspects to be assessed. Questions are formulated to assess the level of establishment and compliance with the various aspects. Data is to be provided by nominees through answering the various questions and providing evidence for the indicated practices/policies. The aspects are proportionately weighted.

II. Data Assessment which entailed visits by trained Awards Assessors to the participating Firms/Organizations and interview of individual participants to verify the data provided and Evidence presented by the contenders.

III. Jury consideration of the data and selection of winning candidates

### I. INVITATION FOR SUBMISSION OF ENTRIES

Members of the public were requested to submit their nominations or nominate themselves in various categories.

The following were the awards categories:

#### Corporate Categories

1. Law Firm of the Year- Large & SME
2. Corporate Legal Department of the Year
3. Public Sector Law Department of the Year
4. Civil Society(Justice & Legal Sector) Organization of the Year

#### Individual Categories

1. Lawyer of the Year
2. Young Lawyer of the Year
3. In-House Lawyer of the Year

4. Civil Society Lawyer of the Year
5. Corporate( In-house) Lawyer of the Year
6. Public Sector Lawyer of the Year
7. Judge of the Year
8. Judicial Officer of the Year
9. Committed Service Award
10. Branch Chair's Award
11. Outstanding Service Award
12. ADR Practitioner of the Year
13. Law Teacher of the Year
14. Pupil Master of the Year

The following were eligible to participate in the Awards:

- All lawyers practising in Nairobi and Kiambu Counties
- All law firms with offices/registered practices in Nairobi and Kiambu Counties
- All legal departments with offices in Nairobi and Kiambu Counties

Law-firms, organizations and individuals whose members/colleagues were in the Awards Coordination Committee/Jury were precluded from participating in the Awards.

Thereafter, nominees were asked to fill and return, in pdf format, entry forms sent to them by email. They were called upon to communicate any challenges experienced in filling the same and notified of the next stage of the Awards process as well as the date of the Awards Ceremony. Only the nominees who returned their respective entry forms were eligible for assessment.

### II. ASSESSMENT

The assessment process was conducted in two stages; Individual assessment and Firm/Legal Department assessment.

Firm/Department assessments were conducted dependent on the availability of assessors and the arrangements made with senior officers of the firms/departments.

**The assessors were:**

- |                              |                    |
|------------------------------|--------------------|
| 1. Dr Praxedes Tororey       | Chief Assessor     |
| 2. Julius Kitheka            | Principal Assessor |
| 3. Abigael Samin             |                    |
| 4. Geoffrey Imende           |                    |
| 5. Harry Karanja             |                    |
| 6. Nginya Linda Mwihaki      |                    |
| 7. Jacqueline Waihenya       |                    |
| 8. Abigael Samin             |                    |
| 9. Kimwele Muneeni           |                    |
| 10. Everlyn Apondi Osindo    |                    |
| 11. Stephen Juma Saenyi      |                    |
| 12. Abongo Kennedy Modi      |                    |
| 13. Juliette Jakaila         |                    |
| 14. Angela N Munga Mwadumbo  |                    |
| 15. Lucy Akaka               |                    |
| 16. Sylvia Muiruri           |                    |
| 17. Tabitha Joy Raore        |                    |
| 18. Agnes Kionga             |                    |
| 19. Wambui Racheal           |                    |
| 20. Anjwang Debora Anditi    |                    |
| 21. Frida Mbugua             |                    |
| 22. Samwel Njeri             |                    |
| 23. Anne C. Adhiambo         |                    |
| 24. Brian Tororei            |                    |
| 25. Pauline Kenyatta Achieng |                    |
| 26. Alex Waweru              |                    |
| 27. Cynthia Moraa Sagini     |                    |
| 28. Kenneth Kithinji Kirimi  |                    |
| 29. Joyce Mukururi           |                    |
| 30. Megan Muthoni            |                    |
| 31. Dr. Felix Odhiambo       |                    |
| 32. Lynn Nganga              |                    |
| 33. Nginya Linda Mwihaki     |                    |
| 34. Salome Odero             |                    |
| 35. Miriam Kerubo Onsongo    |                    |

36. Assunta N. Ndami
37. Linda Nechesah
38. David Omondi Odhiambo
39. Dennis Wanyenji Njoroge
40. Winnie Isabel Njeri Kiiru
41. Harry Karanja
42. Beryl Adhiambo Ooko
43. Maweu Mercy Mutindi
44. Mukuura Vivian E Muthoni
45. Jared Mwaniki Mugendi
46. Lydiah Wambui Wakahu
47. Frederick Kahara

Members of the Branch Secretariat also assisted in the conducting of the assessments.

### III. SELECTION OF WINNING CANDIDATES

The Awards Jury met on the 18th, 21st, 22nd and 23rd November 2022 in order to select the winning candidates.

The winners were selected based on the reports submitted by the Assessors and the information gathered from the entry forms as well as the provided references.

### D. THE AWARDS CEREMONY

The Awards ceremony was held on the 25th November 2022 at the Panari Hotel from 4.00pm. The theme was the “Legal Tech Edition.” The keynote speech was given by Amb. Anthony Muchiri Chair, Public Service Commission. Other guests of honor were Ms. Janet Munywoki, Deputy CEO, Kenya Law, Justice Alfred Mabeya, Judge of the High Court of Kenya and Mercy Wanjau, Secretary to the Cabinet.

### 8. LEGAL TECH AND INNOVATION PROGRAMME

The Branch, through its ICT and IP Liaison Committee, is planning a Legal Tech Week scheduled for March 2023, exact dates to be confirmed

## 9. LEGAL AID AND PUBLIC INTEREST LITIGATION PROGRAMME

The mandate of the Legal Aid and Public Interest Litigation Committee of the LSK Nairobi Branch is to organize and provide legal aid to members of the public within the jurisdiction of the Branch, educate the public on current legal issues and institute public interest litigation suits.

In 2022, the Committee undertook the following activities:

### A. Industrial Area Legal Aid Day

#### 1.0. Introduction

The Industrial Area Legal Aid Day was conducted on 3rd June 2022 at the Nairobi Remand and Allocation Maximum Prison from 9am to 3pm. The event was attended by the Chair - LSK Nairobi Branch, Chair – Legal Aid and Public Interest Litigation (LAPIL) Committee, Officer In-Charge Nairobi Remand and Allocation Maximum Prison and Deputy Officer In-Charge Documentation, Chair - Kenya National Union of Domestic Workers, LAPIL Committee members, Prison officials, Justice Defenders representatives and Riara University School of Law Students.

#### 2.0 Statement of Purpose

The objective of the Legal Aid Day was to:

- a. Sensitize prisoners/remandees on their rights and access to justice.
- b. Offer pro bono legal advice on court processes and what to be expected during conduct of trial.
- c. Map out concerns of prisoners/remandees in the allocation of cases that require pro bono litigation.
- d. To partner with organizations that are already offering paralegal pro bono services in prisons for effective dispensation of justice.

#### 3.0 Attendee Survey

The Legal Aid Day event was attended by the Chair - LSK Nairobi Branch, Chair – Legal Aid and Public Interest Litigation (LAPIL) Committee, Officer In-Charge Nairobi Remand and Allocation Maximum Prison and Deputy Officer In-Charge Documentation, Chair - Kenya National Union of Domestic Workers, LAPIL Committee members, Prison officials, Justice Defenders representatives and Riara University School of Law Students.

#### 4.0. Complaints Received from Inmates

Some of the complaints received by the remandees/prisoners during the legal aid sessions were as follows:

- a. Some police officers are writing statements for the accused persons thereby invoking issues of falsifying evidence and fabrication of charges.
- b. Some advocates are neither meeting their clients nor appearing for their clients in Court.
- c. Disclosure is not done in time as the prosecution does not provide witness statements in time during pre-trial.
- d. Files on capital offences are being dragged even when the files have already been forwarded to the ODPP for prosecution.
- e. Complainants are not appearing in court thereby causing unnecessary adjournments.
- f. The ODPP is hampering efforts between complainants and accused person on ADR when the complainants seek to withdraw their cases.

#### 5.0. Resolutions

- a. An internal survey to collect data on remandees /prisoners to be done by the paralegals under the auspices of the Justice Defenders to evaluate the number of those that require pro bono services.



- b. More legal aid days should be organized to avail prompt assistance to remandees/prisoners.
- c. Concerns on the issues raised concerning trial processes should be brought to the attention of respective Bar-Bench Committees for deliberations and way forward.
- d. Focus on mental health of the remandees/prisoners to be deliberated and proposal to have stakeholders who offer psycho-social assistance to be put on board.

## B. Kadhis Court Legal Aid Day

### 1.0. Introduction

The Kadhis Court Legal Aid Day was conducted on 15th October 2022 at the Eastleigh High School from 9am to 4 pm. The Legal Aid Day event was attended by the area MP, Hon Yussuf Hassan, Judicial Officers (Kadhis), the Vice Chair LSK Nairobi Branch, Ms. Elizabeth Ndung'u, the Kiambu Representative LSK Nairobi Branch, Mr. Stephen Mbugua Wanjiru, the Secretary Thika Chapter, Mr. Kelvin Maina, 30 Advocates of the High Court of Kenya, Judiciary Staff, LSK Nairobi Branch Secretariat, members of the public and Kenyatta University School of Law Students.

### 2.0. Legal Aid Sessions

Members of the public were granted free legal services by Advocates. From the forms submitted the advocates dealt with an array of issues but the most common were divorce and succession matters. The clients were able to have one on one discussions with the Advocates. Members of the Kadhi's Bar-bench Committee were able to identify genuine cases in need of pro bono Advocates and purposed to act on these cases as a committee.

## C. Law Society of Kenya Legal Awareness Week

The official launch of Legal Awareness Week 2022 took place on Monday, October 24th,

at Milimani Law Courts in Nairobi, with Commissioner Macharia Njeru-JSC as the Chief Guest.

In attendance were Mr. Elijah Kandie, Director NLAS, Mr. Eric Theuri, President, LSK, Ms. Faith Odhiambo, Vice President, LSK, Ms. Helene Namisi, Chair - LSK Nairobi Branch, Ms. Florence Muturi, Secretary/CEO, LSK and other distinguished guests. Advocates were urged to dedicate Legal Awareness Week to serving members of the public.

### Legal Awareness Week Launch

The Legal Awareness Week ran from 24th to 28th October 2022 in all LSK Branches countrywide. The Branch offered free legal services at The Milimani, Makadara, Kibera, Thika and Kiambu Law Courts. The week-long event would not have been a success without the support of our members, partners, and organizations who participated in the scheduled activities We particularly thank advocates who offered their services for free to members of the public during Legal Awareness Week

The Committee's plans for the coming year include:

- (i) More prison visits- especially to Kamiti Prison.
- (ii) Legal Aid in churches within Nairobi.

## J. BRANCH ELECTIONS 2022

Elections were held on 5th and 6th May, 2022. ICPAK conducted LSK Nairobi Branch elections using a digital platform, and details on how to utilize the system were shared with the public via all social media handles, including the newsletter. The elections were overseen by the Independent Elections Committee comprised of:

1. SC Jan Mohammed
2. Samuel Makori – Chair and Returning Officer

3. Joy Impano
4. Julia Wachira
5. Charles Mwalimu

Following the approval of candidates to run, the Committee developed a timetable for the LSK Nairobi Branch Elections 2022 as shown below. Complaints and concerns about the election were directed to [lsknrbelections2022@gmail.com](mailto:lsknrbelections2022@gmail.com)

<b>Activity</b>	<b>Due Date</b>
Beginning of Campaigns	3 <sup>rd</sup> April 2022
ICPAK Virtual Candidate Briefing	5 <sup>th</sup> April 2022 at 2.00pm
Publication of voter register for verification	8 <sup>th</sup> April 2022
Submission of Candidate profiles	11 <sup>th</sup> April 2022
End of voter verification	20 <sup>th</sup> April 2022
Mock Elections	20 <sup>th</sup> April 2022
End of Campaigns	3 <sup>rd</sup> May 2022
Branch Elections	5 <sup>th</sup> and 6 <sup>th</sup> May 2022

The final tallying was done after close of voting. The following are the final numbers of votes cast for each candidate during the election as follows:

<b>Chairperson</b>	<b>Voters</b>	<b>%</b>
Eric Kakemu Kivuva	1497	37.33%
George Okenyo Omwansa	361	9%
Ham Kiplimo Lagat	86	2.14%

Helene Rafaela Namisi	1915	47.76%
Paul Kiragu Wathuta	135	3.37%
<b>Vice Chairperson</b>		
Daniel Gachau Mwangi	1138	28.38%
Elizabeth Wanjiru Ndung'u	2030	50.62%
Wangila Alex Waliaula	766	19.1%
<b>Council Member</b>		
Chebet Maureen Kiprop	1354	33.77%
Dennis Kioko	1248	31.12%
Edwin Isaack Wathome Ndanu	1206	30.07%
Fatma Ndung'u Muiruri	1329	33.14%
Gloria Wangui Kimani	1990	49.63%
Josephine achunga Oyombe	1678	41.85%
Joy Katunge Matheka	1591	39.68%
Julius Juma Otieno	1072	26.73%
Ribin Nyarangi Ondwari	2463	61.42%
Rose Wavinya Wanjala	551	13.74%
Ruth Kerubo Obunga	675	16.83%
Sichangi Aggrey Nyongesa	725	18.08%
Solomon Gatobu M'inoti	616	15.36%
Stephen Juma Saenyi	479	11.95%
Teresia Wavinya Nicholas	2413	60.17%
Victor Khayesi Mulindi	1521	37.93%
<b>In-House Counsel Rep</b>		
Damarry Yvonne Etemesi	1741	43.42%
James Githaka Nginya	1108	27.63%
Soila Muciru Kigera	1040	25.94%
<b>Kiambu County Rep</b>		
Colin Warutere Munene	983	24.51%
Stephen Mbugua Wanjiru	2800	69.83%

The newly elected members for Branch Council 2022 - 2024 are as follows:

1. Helene Namisi - Chairperson
2. Elizabeth Wanjiru - Vice Chairperson
3. Damarry Etemesi - In-House Counsel Representative
4. Stephen Mbugua - Kiambu County Representative
5. Josephine Oyombe - Council Member
6. Joy Matheka - Council Member
7. Victor Mulindi - Council Member
8. Ribin Ondwari - Council Member
9. Teresia Wavinya - Council Member
10. Gloria Kimani - Council Member



## K. CHALLENGES AND MEASURES TO RESOLVE THEM

### 1. Member Participation

We thank our members for showing us support by attending our events. The participation has improved immensely. We encourage members who have not attended any of our events to do so. The number of subscribed members has also increased with over 100 new subscriptions. The revenue from the member subscriptions has facilitated some of the Branch events. The voluntary subscription fee is Kshs.1,500.00.

The Branch is currently allowed to issue one (1) CPD point for attendance of the Branch AGM.

### 2. Fundraising

The Branch key sources of income come from LSK National Office which includes Annual Grant, Devolution Fund and the Equalization Fund. We also raise income through the activities/events that we organize, member subscriptions and donations.

Noting that 2022 was an election year and transitional period for Council, we did not fundraise effectively. We hope to fundraise strategically in the year 2023 as we maximize on the economic stability in the country.

We continue to request members to give donations that could be used to facilitate the implementation of our programs. We appreciate all our sponsors for the support received in 2022.

## GRATITUDE FOR SUPPORT RECEIVED

LSK Nairobi Branch would like to express sincere gratitude to all Nairobi and Kiambu Counties practitioners and law firms for their support and participation in Branch activities. We especially recognize the following law firms and organizations that have supported the Branch in furthering its activities through generous contributions and donations:

- |   |   |
|---|---|
| 1. Ashitiva Advocates LLP                     | 14. IPOA (Independent Policing Oversight Authority) |
| 2. Triple OK Law Advocates                    | 15. Muhammed Muingai LLP                            |
| 3. Robson Harris Advocates                    | 16. Kenya School of Law                             |
| 4. Traction School of Governance and Business | 17. Transparency International                      |
| 5. Chartered Institute of Arbitrators Kenya   | 18. Kroner Insurance Agencies                       |
| 6. LSK Sacco                                  | 19. Ethics & Anti-corruption Commission             |
| 7. Anjarwalla & Khanna ALN                    | 20. Chador Auctioneers                              |
| 8. UAP Old Mutual Insurance.                  | 21. Mega Health Insurance                           |
| 9. Eric Wafula                                | 22. MCKAY & Co Advocates                            |
| 10. K2U                                       | 23. Kenya Law                                       |
| 11. Mutubwa & Co                              | 24. Members' Subscriptions                          |
| 12. Inchcape Kenya                            | 25. Other Donation                                  |
| 13. FIDA Kenya(Federation of Women Lawyers)   |   |

## MINUTES OF THE AGM OF THE LSK NAIROBI BRANCH HELD ON 10TH JUNE 2022 AT THE PRIDE INN AZURE HOTEL AND ON ZOOM PLATFORM, AT 10:00A.M

### MEMBERS PRESENT

<u>Name</u>	<u>P.105 Number</u>		<u>Name</u>	<u>P.105 Number</u>
Helene Namisi	P105/5379/04	151	Ibrahim Oduor	P105/13877/17
Elizabeth Wanjiru Ndungu	P105/12036/16	152	Brian Onyango	P105/13834/17
Stephen Mbugua Wanjiru	P105/15873/19	153	Sang Collins	P105/13637/17
Samuel Makori	P105/5110/03	154	Ruth	P105/13619/17
Joy Katunge Matheka	P105/12616/16	155	Mercy Sitati	P105/13569/17
Dammary Etemesi	P105/14921/18	156	Priyanka	P105/13558/17
Josephine Oyombe	P105/9456/12	157	Duncan Kiprono	P105/13556/17
Ondwari Ribin	P105/13717/17	159	Wycliffe Jaketch	P105/13319/17
Gloria Kimani	P105/17379/20	160	Caroline Nderitu	P105/13275/16
Wangila Alex Waliaula	P.105/11831/15	161	Victor Olao	P105/13224/16
Rose Wavinya Wanjala	P.105/14054/17	162	Susan Maina	P105/13206/16
Kennedy Murunga	P.105/11856/15	163	Kipruto Abraham	P105/13136/16
Stephen Saenyi	P.105/5052/03	164	Henry Nyaga	P105/13077/16
Wendy Faith Muganda	P.105/14756/18	165	Caroline Nyakinyua	P105/12974/16
Naomi Mosomi	P10515316/18	168	Babra Murithi	P105/12565/16
Kennedy Ondieki	P105/9398/12	169	Sylvia	P105/12550/16
Edna Oginda	P105/9098/12	170	Colin Munene	P105/12498/16
Maureen Mithamo	P105/8929/11	171	Fleming Lumumba	P105/12436/16
Ruth Mosoti	p105/8817/11	172	everlyne mwachinda	P105/12420/16
Kibor Robert Kibet	P105/8754/11	173	Elizabeth	P105/12388/16
Michael Nderitu	P105/8489/11	175	Caroline Mutuku	P105/12188/16
John Muiruri	P105/8439/11	176	Aileen Kendi	P105/12179/16
Salome Ndung'u	P105/8241/11	177	Mary Njagi	P105/12150/16
milcah kithinji	P105/8190/10	178	Erick	P105/11945/16
Mercy Mberia	P105/8140/10	179	Elias Gitari	P105/11893/15
Angela Ochumba	P105/7818/09	180	Ann Ngugi	P105/11872/15
Isaac Okwiri	P105/7703/09	181	Fridah	P105/11841/15

<u>Name</u>	<u>P.105 Number</u>	<u>Name</u>	<u>P.105 Number</u>
Fridah Mwongera	P105/7229/08	Ngaruye John Ndungutse	P105/11720/15
Nelly Mutungi	P105/6996/08	Malinzi Lucey Kwesiga	P105/11719/15
Jane frieda	P105/6533/07	Arnold Angaya	P105/11663/15
Rose Onsare	P105/6031/06	Njuguna Grace Nyambura	P105/11638/15
Macharia kepha Karanja	P105/4869/02	Gladys	P105/11616 /15
Bernard Mureithi	P105/4621/01	Janice Muchemi	P105/11496/15
Ntenga Marube	P105/4222/00	Esther Osoro	P105/11436/15
Grace Mugo	P105/4133/00	Amanya Cohen	P105/11421/15
Antoinette	P105/4128/00	Diana	P105/11374/15
Titus Maithya	P105/388/22	Joseph Nderitu	P105/11319/15
Collins Wanderi Munyiri	P105/3604/98	Rita	P105/11166/14
DINAH Musungu	P105/3247/96	Rosemay	P105/11135/14
Marykaren Kigen-Sorobit	P105/3006/96	Halima Ibrahim Hussein	P105/11061/14
mogambi ntabo omosa	P105/2614/93	Eric Liyala	P105/11004/14
Agnes Mutunga	P105/2545/93	Gertrude Mabele	P105/10984/14
Anne Muthee	P105/2391/92	Kelvin Mutua	P105/10945/14
Robert Mochache	P105/2336/92	Kevin	P105/10930/14
Marygoretti Chepseba	P105/2252/91	Monica	P105/10806/14
Phoncep Pchumba	P105/20446/22	Valerie Kasaiyian	P105/10772/14
Mumo Stephen Kyale	P105/20303/22	Samuel Ogeto	P105/10739/14
Ivytez Mwangi	P105/20288/22	Christine	P105/10560/14
Grace Magunga	P105/2015/90	Titus Mundui	P105/10248/14
Milcent Small Wekesa	P105/20040/22	Winnie Eguchi	P105/10230/14
Nixon Kiprotich	P105/19858/22	Kenneth Munaawa	P105/10202/14
Jedidah Leriano	P105/19789/22	Lucy Gathoni Kimunya	p105/10068/13
Amos Ngure	P105/19738/22	Benta Morang'a	P105.18917/21
Edwin Kabu	P105/19737/22	Olivia	P105.13772/17
Viona Midikila	P105/19730/22	Holliness Lumbi	P105.13246.16
regina mwanzia	P105/19694	Meja	P105.12304/16
Vane Maina	P105/19621/22	Jonathan Waweru	P105.10449/14
Millicent Alividza	P105/19509/21	Chepkoech Terer Tabitha	P105. 20398/22
Edwina Mapenzi	P105/19494/21	June	P105. 19317/21
Musyoka Vundi	P105/19453/21	Mulinga Mbaluka	P05/3945/98



<u>Name</u>	<u>P.105 Number</u>		<u>Name</u>	<u>P.105 Number</u>
Janet Syombua	P105/19439/21	215	Stephen Karuga	P105/11720/15
Effie Achieng	P105/19423/21	216	Franklin	P105/11719/15
Steve Bickoh	P105/19203/21	217	Isaac J. M Wamaasa	P105/11663/15
Kennedy Ndungu	P105/19122/21	218	Gloria Muthoni	P105/11638/15
Mwanga Modesta	P105/19094/21	219	Nerima Were	P105/11616 /15
Patrick Ndambiri	P105/19025/21	220	Verah Ntenga	P105/11496/15
Humphrey Ochieng	P105/18926/21	221	Samule Wanyonyi	P105/11436/15
Rosalia Musyoka	P105/18878/21	222	Samson	P105/11421/15
Josphat Mutua	P105/18849/21	223	Linda Nguni	P105/11374/15
Chabi Otieno	P105/18712/21	224	Wathome Ndanu	P105/11319/15
Kelvin Mbatia Wachira	P105/18651/21	225	William Simbah	P105/11166/14
Esther Ndugire	P105/18552/21	226	Roselyne Kihara	P105/11135/14
Vera Achieng	P105/18444/20	227	Aileen Yonah	P105/11061/14
William Mbugua	p105/18260/20	228	Ondati Mogaka	P105/11004/14
Immaculate Gakii	P105/18213/20	229	Miriam Bomett	P105/10984/14
Evelyn Mutheu	P105/18159/20	230	Henry	P105/10945/14
Godfrey Isolio	P105/18070/20	231	Joseph Muli	P105/10930/14
Jackline Mulinge	P105/18046/20	232	Erica Lumumbah	P105/10806/14
Allan Muturi	P105/17975/20	233	Felix Odhiambo	P105/10772/14
Teddy Onyango	P105/17933/20	234	Eurry Mabonga	P105/10739/14
Samuel Gekara	P105/17897/20	235	Peter Kimani Kairu	P105/10560/14
Rodgers Nyangaresi	P105/17887/20	236	Betty Mugira	P105/10248/14
Ike Owiti	P105/17831/20	237	Aseso Omollo	P105/10230/14
Eva Matheka	P105/17603/20	238	Rahab Kimani	P105/10202/14
Clare Jan Wanjiru Karuana	P105/17599/20	239	Lilly Ngeresa	p105/10068/13
Eva Gichuki	P105/17590/20	240	Celestine	P105.18917/21
Tawo	P105/17471/20	241	Judith	P105.13772/17
Euniter Wangechi	P105/17392/20	242	Erick orende	P105.13246.16
Caroline Benard	P105/17305/20	243	Faith	P105.12304/16
Mary	P105/17287/20	244	Gillian Tabitha Ombogo	P105.10449/14
Alpha	P105/17270/20	245	Kiarie Mungai	P105. 20398/22
Alex Waweru	P105/17220/20	246	Susan Kamau	P105. 19317/21
Nelson Magunga	P105/17174/20	247	Laura Kenyani	P05/3945/98

<u>Name</u>	<u>P.105 Number</u>		<u>Name</u>	<u>P.105 Number</u>
Mercy Munyao	P105/17171/20	248	Angela Munga	P.105/8280/11
Festus Muteti	P105/17165/20	249	Peris Wanjohi	P.105/8246/11
Lemmy Nyaga	P105/17145/20	250	Faith Kaluai	p.105/8222/11
Ralia Mohamud	p105/17098/20	251	Elizabeth	P.105/8219/11
Muna	P105/17067/20	252	Kerubo Ombati	P.105/8183/10
Jane	P105/16985/20	253	Amos Kisilu	p.105/8177/10
Lydia	P105/16806/19	254	saeeda alharazi	p.105/8174/10
Anne	P105/16802/19	255	vivianne	P.105/8082/10
Nambirige Lilliane	P105/16720/19	256	Evalyne	P.105/7856/10
Frankline	P105/16710/19	257	Martha	P.105/7831/09
Jackson	P105/16702/19	258	Leonard Omogo	P.105/7786/09
David Katee	P105/16674/19	259	Naylor Mukofu	P.105/7774/09
Evelyn Apondi Osindo	P105/16602/19	260	Lillian Mugo	P.105/7766/09
Joan Kiliku	P105/16556/19	261	Carolynne	P.105/7694/09
Rosalind Waweru	P105/16426/19	262	Eric Kibet	P.105/7663/09
Sheila Khakame	P105/16328/19	263	Neddie	P.105/7614/09
Cynthia Wandera	P105/16288/19	264	Naisula Kimotho	P.105/7554/09
Samuel Ogola	P105/16151/19	265	Jackson Radford Mbiti	P.105/7491/09
Florence	P105/16103/19	266	Donna Chemiati	P.105/7470/09
Joseph Mwine	P105/16093/19	267	Job	P.105/7460/09
Marylynn Kioko	P105/16041/19	268	Loise Ndungu	P.105/7354/08
Victor Kihima	P105/15998/19	269	Anthony Gitonga	P.105/7284/08
Delbert	P105/15973/19	270	Alfred	P.105/7282/08
Felix	P105/15578/18	271	Ruth Mwangi	P.105/7202/08
Flora Chebet	P105/15577/18	272	Faith A	P.105/7076/08
Mary Karuri	P105/15452/18	273	Caroline Lajah	P.105/7068/08
Dennis	P105/15417/18	274	Victor	P.105/7062/08
Wanja Mukiri	P105/15261/18	275	Hellen Olwanda	P.105/7014/08
Edel Olumbe	p105/15232/18	276	George	P.105/6997/08
Daniel	P105/15205/18	277	Dr. Davidson	P.105/6987/08
Allan	P105/15166/18	278	Andrew	P.105/6927/08
Elizabeth Oloo	P105/15143/18	279	Victoria Muya	P.105/6921/08
Emily Maina	P105/15100/18	280	Pauline Kamunya	P.105/6841/08

<u>Name</u>	<u>P.105 Number</u>	<u>Name</u>	<u>P.105 Number</u>
Oppo A7	P105/14890/18	282 Hillary	P.105/6622/07
Leonora Mugasia	P105/14787/18	283 Millicent Ngetich	P.105/6436/06
Benah Mukobi	P105/14781/18	284 Gladys	P.105/6340/06
Karen Jiseve	P105/14749/18	285 Jackson Bett	P.105/6334/06
Nellie Wainaina	P105/14686/18	286 Paulette Achieng	P.105/6324/06
Naphtaly Oyugi	P105/14539/18	287 Jones Nyangweso	P.105/6294/06
Samuel Wahome	p105/14429/17	288 Alfred Ochieng Opiyo	P.105/6268/06
Denning Okato	P105/14373/18	289 Felistus Nyacuru	P.105/6265/06
Stephen Muli	P105/14330/17	290 Gibson Maina Kamau	P.105/6212/06
Ambrose Ndung'u	P105/14327/17	291 willis echessa	P.105/6195/06
Cecilia Olendo	P105/14262/17	292 Njeri	P.105/6090/06
Elaine Gathimba	P105/14255/17	293 Joyce Wanini	P.105/6084/06
Mokeira Onyiego	P105/14224/17	294 Thomas Maiyo	P.105/5944/05
Vincent Mungai	P105/14167/17	295 Stanley Kiima	P.105/5923/05
David Kamau	P105/14142/17	296 Ruth Emanikor	P.105/5847/05
Mark Wangai	P105/14056/17	297 Clarence	P.105/5809/05
Mary Ngoiri	P105/14031/17	298 Polycarp	P.105/5784/05
Catherine Njuguna	P105/1395/84	299 Stephen Muriuki	P.105/5769/05
Naomi Mbataru	P105/13889/17	300 Edward Odhiambo Okello	P.105/5767/05
Victor Mulindi	P105/8725/11		

### **MINUTE 1/AGM/10.JUNE.2022: COMMENCEMENT AND OPENING REMARKS**

The meeting commenced at 10:35 am with opening remarks by the Chair of LSK Nairobi Branch, Ms. Helene Namisi and a prayer by outgoing Council Member Stephen Saenyi.

The Chair welcomed the members to the Branch AGM. She commended the Branch Council and members for agreeing to hold a virtual AGM for the members with only the physical presence of the Branch Council members and secretariat. She assured members present virtually that they would be allowed to participate.

### **MINUTE 2/AGM/10.JUNE.2022: READING OF NOTICE CONVENING THE MEETING**

The Chair formally called the AGM to order and noted the number of members present. The Chair of the Council read the Notice convening the Meeting.

### **MINUTE 3/AGM/10.JUNE.2022: ADOPTION OF THE AGENDA**

The proposed Agenda which had been circulated before the meeting was presented by the Chair and adopted.



#### **MINUTE 4/AGM/10.JUNE.2022: SILENCE IN TRIBUTE TO MEMBERS DEPARTED**

The members observed a moment of silence in tribute to the members of the Branch who had departed. The list of members departed had been shared with all members via email and was included in the LSK Nairobi Branch Annual Report 2021.

#### **MINUTE 5/AGM/10.JUNE.2022: CONFIRMATION OF THE MINUTES OF THE LAST AGM HELD ON 4TH JUNE 2021 PHYSICALLY AT THE MOVENPICK HOTEL, NAIROBI AND VIRTUALLY ON ZOOM AND MICROSOFT TEAMS PLATFORM.**

Minute 5.1: The Chair took members through the minutes of the previous AGM. The Chair welcomed members to make any comments on the Minutes.

Minute 5.2: The Minutes were proposed for adoption as an accurate account of the meeting by Charles Owiti and seconded by Simon Leibor.

Minute 5.3: The members were polled on whether they supported the adoption of the Minutes. 98% of members voted that they supported the Minutes.

#### **MINUTE 6/AGM/10.JUNE.2022: MATTERS ARISING**

The Chair led members through the matters arising from the previous meeting held on 4th June 2021.

**Minute 6.1 (Ref. MINUTE 7/AGM/4.JUNE.2021-7.2.3):** The members had resolved that the Council should address practice concerns of members regarding Ardhisasa system. The Council reported that it is still in the process of engaging the Cabinet Secretary and other officials of the Ministry of Land. The Council discussed the possibility of going to court if the practice concerns are not addressed by the Ministry's officials.

#### **MINUTE 7/AGM/10.JUNE.2022: THE 2021 ANNUAL REPORT OF LSK NAIROBI BRANCH**

**Minute 7.1:** Outgoing Council member Colin Warutere led the members through the 2021 Annual Report of the LSK Nairobi Branch.

The Annual Report contained the following: -

- i. Introduction
- ii. Branch Council
- iii. Council Meetings
- iv. Branch Secretariat
- v. The Fourth Annual Meeting of LSK Nairobi Branch
- vi. Branch Strategic Plan 2017 – 2022
- vii. Branch Engagements with Key Stakeholders
- viii. Branch Committees Engagements
- ix. Branch Programmes
- x. Branch Elections 2022
- xi. Challenges and Measures to Resolve them
- xii. Chapter Reports (Kiambu and Thika)
- xiii. Pictorials
- xiv. Financial Audited Account

#### **Minute 7.2: Branch Annual Report 2020 Summary**

Minute 7.2.1: The Annual Report was summarized as follows: -

Part (a), (b), and (c), of the Report provided details of the Branch Council, Council Meetings of the previous and present council, Corporate Governance Statement.

Part (d) set out the Secretariat, location, contact information, functions of secretariat personnel, modes of communication with members such as social media, bulk SMS and email, weekly newsletter and the Wakili Magazine which only had one issue in 2021 as the magazine will be published on a quarterly basis in 2022. Part (e)

set out the minutes of the previous AGM. Part (f) set out the Strategic Plan of the Branch which was still in effect.

Part (h) set out the various Branch Committees including the Branch Council Committees, Bar Bench Committees, the Tribunal Committees, Liaison Committees, and Special Committees. Page 27-40 highlighted the various achievements and KPIs of the programmes of the Branch. There were social and welfare programs in partnership with LSK Sacco, Chiromo Mental Hospital, Traction School of Governance and Business among others that sought to improve the welfare of members.

Colin Warutere highlighted the milestones achieved by the use of technology even after the onset of challenges brought by the COVID-19 pandemic, through use of webinars such as Zoom and Microsoft Teams which enabled the Branch to organize virtual forums and trainings for members. The Branch also successfully held some activities such as the Nairobi Legal Awards 2021 and a Legal Aid Day at the Langata Women's Prison Legal Aid Day. The turnout at Branch activities had improved and members were encouraged to attend.

The fundraising strategy developed was implemented in 2021 and fundraising had improved. Members were requested to subscribe and support the Branch activities as the secretariat continues to zealously seek more sponsors for the Branch's events.

The Chapters Report (Kiambu and Thika) were also included in the Report and their activities and achievements highlighted by Colin Warutere.

#### **Minute 7.2.1.1: Branch Elections 2022**

Part (j) of the Report covered the elections which were conducted by ICPAK using a digital platform. The elections were overseen by the Independent Elections Committee which comprised of:

1. Jan Mohamed, SC

2. Samuel Makori – Chair and Returning Officer
3. Joy Impano
4. Julia Wachira
5. Charles Mwalimu

The newly elected members for Branch Council 2022 – 2024 are as follows:

1. Helene Namisi – Chairperson
2. Elizabeth Wanjiru – Vice Chairperson
3. Damarry Etemesi – In-House Counsel Representative
4. Stephen Mbugua - Kiambu County Representative
5. Josephine Oyombe - Council Member
6. Joy Matheka - Council Member
7. Victor Mulindi - Council Member
8. Ribin Ondwari - Council Member
9. Teresia Wavinya - Council Member
10. Gloria Kimani - Council Member

#### **Minute 7.2.2: Adoption of the Report**

The Report was proposed for adoption by Ochieng Oginga and seconded by Allan Kiprotich. A poll was conducted on adoption of the Report. 96% of members voted in support of the adoption of the Report.

### **MINUTE 8/AGM/10.JUNE.2022: PRESENTATION OF FINANCIAL STATEMENTS & AUDITORS' REPORTS FOR THE FINANCIAL YEAR 2021**

#### **Minute 8.1: Financial Statements**

The outgoing Treasurer, Wangila Waliaula, presented the Financial Statements. He urged members to take note of the various notes and explanations of accounts.

#### **Minute 8.2: Auditor's Report**

The outgoing Treasurer invited the independent auditors to present the independent audit report. C.P.A. Pauline Mwangi presented the Report

compiled by C.P.A. Ronald N. Bwosi of Ronalds LLP whose opinion indicated that proper books were kept by the Branch.

### **Minute 8.3: Financial Audit Report of the Branch**

The outgoing Treasurer presented the independent Branch audit report which reflected on the going concern of the Branch which included report of the Branch Council Members, statement of the Branch Council Members' responsibilities, report of independent Auditor and Financial Statements. C.P.A. Joseph Mwau presented the independent auditor's report whose opinion reflected the LSK Audit Report that they did not find any discrepancies on any malpractice in the Branch's Financial Statements audited.

### **Minute 8.4: Reaction from Members:**

LSK National Council Member Amanyia Cohen appreciated and congratulated the Branch on the organization of the AGM and the Branch's audit reflection of good financial records.

Eric Kivuva congratulated the Branch on good organization and enquired on the events' income presented on page 7 on Financial Audited Account LSK Nairobi Branch of the Report (page 108) as compared to the event expenses. He also enquired about the income generated from the Nairobi Legal Awards Trust as to the amounts raised. He also requested for an explanation and breakdown on the administrative expenses as to its increase in 2021 compared to 2020.

The outgoing Treasurer reported that the NLA is now a fully-fledged registered Trust with its trustees who manage the activities, affairs and financial books of the Trust and are therefore independently accountable to the income generated by the Trust. He also added that the Branch gave a donation of Kshs. 1.1 million during its inauguration to support its initial activities.

The outgoing Treasurer also explained that the increase on events expenses was as a result of the

relaxed Covid-19 guidelines on movement restriction and isolation as physical events activities spurred up. He also added that the events have largely been sponsored through donations as reflected on the statement of income and expenditure

The outgoing Treasurer reported on the issue of increased administrative expenses as a result of resumption of physical office attendance by the staff of the Secretariat as miscellaneous expenses on transport, office stationery, maintenance and utility costs such as electricity and water bills increased.

The Chair noted that the LSK National Office conducts the Branch audit and any correspondence on the same should be channeled to that respective Office. She requested any member wishing to have a look at the breakdown on the administrative expenses can physically visit the Branch.

### **Minute 8.5: Adoption of the Financial Statements and Comments**

The Financial Statements were proposed for adoption by Patroba Omwenga and seconded by Loise Kibe. A poll was conducted and the results showed that 94% of members supported adoption of the Financial Statements.

### **MINUTE 9/AGM/10.JUNE.2022: NOTICE OF MOTION GIVEN BY MEMBERS TO THE SECRETARY (IF ANY)**

Minute 9.1: There were no motions presented by members to the Secretary.

### **MINUTE 10/AGM/10.JUNE.2022: ANY OTHER BUSINESS WHICH MAY BE ADMITTED**

Joseph Mokuia Manyara and Edward Clyde Asitiba congratulated the Branch for organizing a successful AGM.

Betty Kanyagia suggested that data protection of details of new members should be looked into.



He also enquired on the process one could subscribe to the Branch to receive newsletters and any other communication.

Daniel Mathenge enquired on representation of LSK in Court Users Committees and sought to be guided on the same. Racheal Masika enquired on the issue of Bar-Bench Committees and if the Branch has any organized events on the same.

The Chair requested members who would like to subscribe to the newsletters to liaise with the Secretariat to be included in the Branch's email. She also noted that the Branch's payment platform had been widely shared on social media and within the comment section of Zoom during the meeting. On the issue of members' data protection, she assured members that their data is kept safely as the Branch adheres to the importance of upholding privacy in Branch-member privy of information.

Members who had enquired on CUCs and Bar-Bench Committees were requested to draw their attention on the Annual Report 2021 specifically on part (h) on Branch Committee engagements.

### **MINUTE 11/AGM/10.JUNE.2022: INAUGURATION AND HAND OVER TO INCOMING COUNCIL**

The Independent Elections Committee (IEC) Chair and Returning Officer Samuel Makori presented a report on the conduct of activities on the Branch's elections.

#### **Minute11.1: Appreciation and Award of Certificates for Outgoing Council Members**

The Chair of the IEC presented Certificates of Merit in their service to the outgoing Council members in appreciation of their tenure serving the Branch. Members of the outgoing Council awarded included the following:

1. Helene Namisi – Chair
2. Julia Wachira – Vice Chair
3. Rose Wanjala – Secretary
4. Wangila Waliaula – Treasurer

5. Colin Warutere – Kiambu County Representative
6. Soila Kigera – In – House Counsel Representative
7. Stephen Saenyi – Council Member
8. Kennedy Murunga – Council Mem

#### **Minute11.2: Swearing in of Incoming Council and Handing over**

The Chair of the IEC acknowledged the presence of the incoming elect Council and proceeded to witness the new Council sworn in and presented the new members with Certificates of Election. The newly sworn in Council 2022 – 2024 is as follows:

1. Helene Namisi – Chair
2. Elizabeth Wanjiru – Vice Chair
3. Damarry Etemesi – In-House Counsel Representative
4. Stephen Mbugua - Kiambu County Representative
5. Josephine Oyombe - Council Member
6. Joy Matheka - Council Member
7. Victor Mulindi - Council Member
8. Ribin Ondwari - Council Member
9. Teresia Wavinya - Council Member
10. Gloria Kimani - Council Member

#### **Minute11.3: The Chair's Speech**

The Chair Helene Namisi appreciated the members present, the outgoing Council, incoming Council and Secretariat for their efforts in strengthening the Branch's commitments and mandate. She also thanked the members for electing her as the Branch's first woman Chair. She highlighted the strides and achievements of the Branch in the 6 years of its establishment. She also recognized the efforts by the previous Chairs, that is, current LSK President Eric Theuri and founding former Chair Charles Kanjama.

### **MINUTE 12/AGM/10.JUNE.2022: CLOSING REMARKS**

**LIST OF DECEASED ADVOCATES IN THE YEAR 2022**

	<b>Name of Advocate</b>	<b>P105 No.</b>	<b>Date of Death</b>
1.	Jackson Mackenzie Mbithi	4582/01	10-Jan-2022
2.	Nani Njoroge Mungai	2068/90	14-Jan-2022
3.	Gabric Gichia Samson Munoru	454/68	18-Jan-2022
4.	Ian Maina Gachihi	5494/04	07-Mar-2022
5.	Anthony Lawrence Ouma	9599/12	19-Mar-2022
6.	Ezra Onuko Orenga	13172/16	21-Mar-2022
7.	Atieno Brendah Zilpah	19675/22	20-May-2022
8.	David Odhiambo Oduol	852/77	09-Jun-2022
9.	Edward Mulewa Mwachinga	4428/01	14-Jun-2022
10.	Pauline Waithira Githugu	3575/98	15-Jun-2022
11.	Kennedy Keago Nyaencha	2069/90	02-Aug-2022
12.	Isaiah Kubai Mitu	6825/08	04-Aug-2022
13.	Betty Atieno Achieng	2097/91	28-Aug-2022
14.	Peter C. Onyango	2085/91	23-Sep-2022
15.	Paul Gicheru	3745/98	26-Sep-2022
16.	Jonathan Bowen Havelock	646/72	28-Sep-2022
17.	Ernest Kahiro Kimani	1196/81	01-Oct-2022
18.	Florence Njeri Mungai Makumi	1953/89	24-Oct-2022
19.	Robert Moses Tombe	12094/1	12-Nov-2022
20.	Rosemary Majala Githaiga	1654/87	06-Dec-2022
21.	Joseph Muisyo Nzioka	1134/80	11-Dec-2022
22.	Eng. Paul Thanga Gichuhi	4237/00	18-Dec-2022
23.	Julia Bahati Nyaga	966/78	18-Dec-2022

The meeting ended at 1:45 pm with a prayer and vote of thanks by the Vice Chair Elizabeth Wanjiru.

Prepared by: Benjamin Hanjari – LSK Nairobi Branch Secretariat

Date: 14th June 2022

## Kiambu Chapter Activities

### Introduction

It is important to note that some months had little to no activities owing to the busy campaigns and elections for LSK National Office as well as for the LSK Nairobi Branch.

Below is the Annual Report for LSK Kiambu Chapter:

### (i) Donation of IT equipment to Kiambu Lands Registry

- (i) On 16th February, 2022, the LSK Kiambu Chapter Lands Liaison Committee headed by Ms. Loise Ndirangu donated desktop



computers, webcam and a printer to Kiambu Lands registry to assist the registry in the digitization process. The same were received by the Kiambu Lands Registrar Ms. Mararia.

### Kiambu High Court Bar Bench Meeting

The Kiambu High Court Bar Bench Committee met on 16th March, 2022 to discuss among other issues;

1. Matters affecting practice at Kiambu High Court
2. Inns of Court
3. Launch of the Court annexed mediation
4. Unpaid Pro Bono fees

On the issue of Court annexed mediation, the Presiding Judge Hon. Lady Justice Kasango was happy to report that there will be a launch of a court annexed mediation program which will take place between 20th June to 24th June, 2022. In the letter communicating the same, a request has been made that the Bar-Bench and the Court Users Committee be involved in the launch. Mr. Stephen Mbugua made a proposal that if possible, a training be made available to advocates at subsidized rates for them to be trained as mediators. Another issue that was raised by the Judge is the limited registry space. The Judge stated that the High Court registry does not have enough space. The files have become so many and some of them have had to be stored in High Court 1 whereby they are not safe. The judge requested for the intervention of advocates. She called upon anyone who may be in a position to donate a cargo container to be converted into a registry to kindly do so.

### Launch of the Court Annexed Mediation at Kiambu Law Courts

On 20th and 21st June, 2022, Judicial officers and staff were taken through a sensitization session on Court Annexed Mediation processes and procedures.





Launch of the Court Annexed Mediation at Kiambu Law Courts launched on Wednesday 22nd June, 2022

Opening Remarks were presented by the Presiding Judge of Kiambu Law Courts Hon. Lady Justice Mary Kasango. The Mediation Outfit was presented by the Deputy Registrar of the CAM Secretariat, Hon. Caroline Kendagor.

Court Annexed Mediation was officially launched on Wednesday 22nd June, 2022 at the court premises under the theme “*Mediation. A solution by you, for you.*”

### **Kiambu County Pro Bono Committee Meeting**

Pursuant to Article 50, 50(2) and 50(2) (h) of the Constitution of Kenya, 2010, the Civil Procedure Act, Orders 33 and 44 related to the application of pauper briefs and pro bono services (Gazette Notice No. 370), the Kiambu County Pro Bono Committee held its inaugural meeting on 8th April, 2022 to discuss among other issues

1. Setting guideline on Conduct of Business for Pro Bono Committee.
2. Confirmations of list of active advocates in the Pro bono scheme.

3. Consideration of pending applications by advocates to join Pro Bono Committee.
4. Approval for payments of outstanding fees to advocates in Pro Bono scheme.

### **FUNCTIONS OF THE COMMITTEE**

- i. Allocating Pro Bono Briefs
- ii. Enhancing accountability
- iii. Providing a clear framework of entry and exit to the Scheme
- iv. This committee has set out a detailed framework for the Scheme so that the standards are upheld
- v. Consideration of ending applications by absentee advocates
- vi. Confirming that the advocates applying for the scheme have taken out their PCs for the year/are active for the year

Subsequent Meetings were held on the 29th April, 2022, 6th May, 2022, 27th May, 2022, and 6th June, 2022

Mr. Colin Warutere (Kiambu Chapter) and Mr. Stephen Mbugua (Thika Chapter) attended the meeting on behalf of the Law Society of Kenya.



Kiambu County Pro Bono Committee

## (ii) Operation to weed out quacks & masqueraders

A targeted sting operation aimed at arresting known masqueraders in Kikuyu town was conducted on 28th April, 2022 spearheaded by Julius Njoroge, Chairman Kikuyu Bar Association. The same was also coordinated by Mr. James Kihara and the Crime Office from Kikuyu Police Station. In total, nine officers were involved. The team was able to visit four (4) offices; three (3) in Kikuyu Town, and one (1) in Kamangu shopping centre.

In Kikuyu, the officers were able to arrest one Winnie Wairimu Mugo, a serial masquerader who has a previous conviction for the same offence together with her secretary. The two other offices smelt a rat and said the team had to wait for the Wakili to arrive

In Kamangu, a branch office operated by the said Winnie Wairimu Mugo was visited by a police officer who requested for an Affidavit. A secretary prepared one, commissioned and was paid for the same, upon which she was promptly arrested. They were later released on a police cash bail of Kshs. 20,000/- each.

They were all taken to Kikuyu Police Station and were arraigned on Thursday, 5th May, 2022 for the offences relating to impersonation.



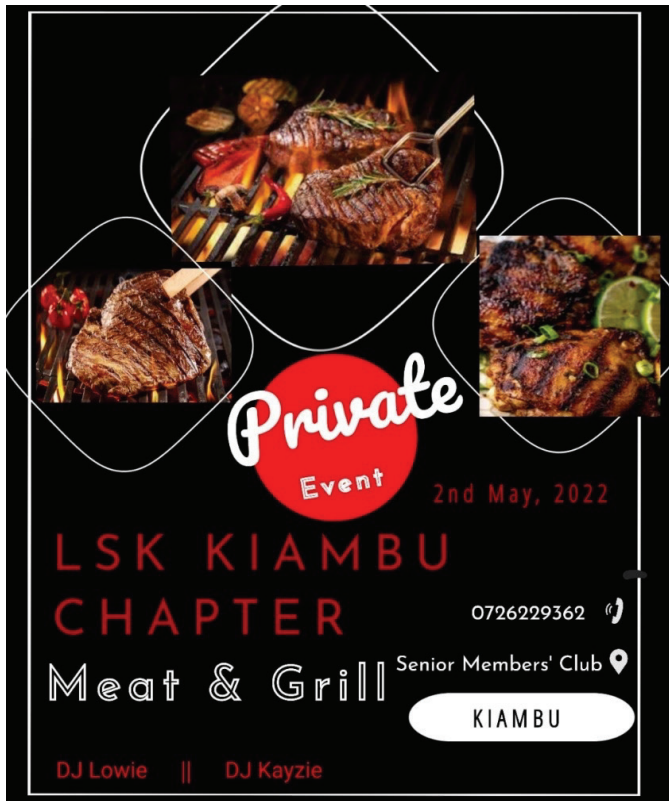
d masqueraders.

Article on The Standard Newspaper on the arrest of a masquerader in Kiambu Chapter.



## LSK Kiambu Chapter Meat & Grill

The LSK Kiambu Chapter held a meat & grill function on 2nd May, 2022 at Kiambu Senior Member's Club from 4.00 p.m. The event was held as a reunion of members and for members to interact with the candidates vying for various positions in the LSK Nairobi Branch elections.



## Webinar on Understanding the Pro Bono Scheme in Kenya

The Kiambu Law Courts Pro Bono Scheme Webinar took place on 7th June, 2022 virtually via Microsoft Teams platform and streamed Live on the LSK Nairobi Branch YouTube platform.

The Webinar was hosted by Ms. Wakesho Kililo and moderated by Hon. S. Motari (DR). The Webinar focused on the theme “Understanding the Pro Bono Scheme in Kenya”

### SPEAKERS:

- i. Hon. Lady Justice Mary Kasango – Kiambu Law Courts

- ii. Hon. Silvia Motari - Deputy Registrar - Kiambu Law Courts
- iii. Faith Kimani - Finance Directorate - Judiciary
- iv. Munene C. Warutere- L.S.K Kiambu County Representative
- v. Stephen Kasyoka – Office of the Directorate of Public Prosecutions (O.D.P.P)

The Host allowed attendees to post questions during the Webinar, and the feedback received indicated the attendees’ satisfaction with the Webinar, and an eagerness to participate in more Webinars. The Committee witnessed large numbers of attendance from Lawyers from all over the country hence making this Webinar a success, and strongly recommends that the Committee organizes more frequent Webinars affecting practitioners on pro bono matters in order to increase participation.

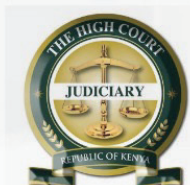
## LSK Kiambu Chapter Elections & AGM

By resolution of the Chapter Council made on 12th August 2022 and pursuant to Regulation 34 of the Law society of Kenya (General) Regulations 2020, the LSK Kiambu Chapter held its elections for the 2022 - 2024 term on 2nd September 2022.

The candidates that were declared as duly elected for the respective positions are listed below:

- i. Jane Nyabiage Odiya - Chairperson
- ii. Colin Warutere Munene - Vice Chairperson
- iii. Njigina Macharia – Secretary
- iv. Julius Njoroge - Treasurer
- v. Loise Wanjiru Ndirangu - Kiambu Town Practice Centre Rep.
- vi. James Kihara Kamangu - Kikuyu Practice Centre Rep.
- vii. Charles Njau Ngigi - Limuru Practice Centre Rep.
- viii. Anthony Kiratu Kamunya - Githunguri Practice Centre Rep.





Law Society of Kenya  
Thika Chapter

Law Society of Kenya  
Kiambu County Pro Bono Committee,  
is inviting you to a webinar

TOPIC

# Understanding the Pro Bono Scheme

SPEAKERS



Lady Justice M.  
Kasango  
Kiambu High Court



Hon. S. Motari,  
Chair, Pro Bono Committee  
& Deputy Registrar,  
Kiambu High Court



Munene C.  
Warutere,  
Kiambu County Rep



Stephen Kasyoka,  
DPP, Kiambu  
High Court



Wakesho Kililo,  
Advocate

HOST

 Tuesday, June 7<sup>th</sup>,  
2022

 2.30 p.m. to  
4.30 p.m.

WEBINAR LINK

<https://bit.ly/ProBonoScheme>

\* The Webinar is accessible on the LSK Nairobi Branch YouTube Channel.

## LSK KIAMBU CHAPTER 2022 ANNUAL GENERAL MEETING

Pursuant to Regulation 65 (1), 75 & 97 of the Law Society of Kenya (General) Regulations 2022 and clause 11 of the Branch Charter, the Law Society of Kenya (LSK) Kiambu Chapter held its Annual General Meeting (AGM) on Thursday, 6th October 2022 at 3:00 PM at Senior Members Club, Kiambu with the following Agenda:

1. Reading of the notice convening the Meeting
2. Adoption of the Agenda
3. Confirmation of the Minutes of the last AGM.
4. The 2021 Annual Report of LSK Kiambu Chapter
5. Treasurer's Report for the year 2021-2022
6. Notice of motion given by members to the Secretary (if any)
7. Any Other Business which may be admitted
8. Inauguration and Hand Over to Incoming Council

*The LSK Nairobi Branch Council congratulating the incoming LSK Kiambu Chapter Council 2022-2024*



## Limuru Bar-Bench Committee Meeting

The Limuru Bar-Bench Committee Meeting was held at Limuru Law Courts on 28th September, 2022 from 1455 hrs. the same was Chaired by Hon. J. Magori and attended by Hon. I.F. Koome, Hon. C.N. Mugo and advocates from the Centre.

One outstanding issue was that of Brokers and Masqueraders where it was reported that a certain broker by the name Wanyoike has been using Powers of Attorney to represent clients.

It was resolved that registry staff should not allow anybody, other than an advocate or a litigant in person, to file documents and that any advocate who realizes that a masquerader is handling a case either virtually or physically, the same should be brought to the attention of the court without delay

## Legal Awareness Week

The Council of the LSK, through the Public Interest Litigation Committee, chaired by Mr. Colin Warutere, informed members that the Chapter shall observe the Legal Awareness Week from Monday, 24th to Friday, 28th October 2022 at the Kiambu Law Courts' Parking Yard





**LEGAL  
AWARENESS  
WEEK 2022**

**24<sup>th</sup> – 28<sup>th</sup> October 2022**

**THEME:  
KENYA'S ELECTORAL REFORMS: BUILDING CONFIDENCE  
FOR THE FUTURE**

 **Kiambu Law Courts Parking Yard**

 **9:00 AM – 5:00 PM**

**Members of the Public are encouraged to attend and get legal advice.  
Ensure you carry any relevant documentation that will enable advocates  
to assist you.**

**FREE  
LEGAL AID  
CLINICS**

**1 CPD  
POINT**

This year, the week was commemorated under the theme: **KENYA'S ELECTORAL REFORMS: BUILDING CONFIDENCE FOR THE FUTURE.**",

The official launch took place on Monday, October 24, 2022, at 9:00am at the at the Kiambu Law Courts' Parking Yard presided by Hon. Sambu (SPM) on behalf of the Chief Magistrate Kiambu Law Courts Hon. Ominde (CM).





### The Children Service Month

In a bid to mark the children service month for legal aid clinic and sensitization on the Children’s Act 2022, Kiambu Law courts in conjunction with the Children’s Department Kiambu County and the Court Users’ Committee visited Kiambu High School, where they had an interactive session with the students informing them on the New Children’s Act.



*The official launch presided by Hon. Sambu (SPM) reported on The Star Newspaper*



*The Chapter wishes to acknowledge the LSK National Office for their support, as well as our sponsors IDLO for providing tents, meals and refreshments to advocates and members of the public, and Kingdom Bank*

Over 100 members of the public were attended to by advocates during the service week

The Children Service Month was Launched by the Chief Justice Martha Koome which is meant to sensitize the public on the rights of the children, to hear, determine and fast track all cases involving children across all court stations.





The children service month will also prioritize clearance of children matters especially those that have been in court beyond the statutory six months.

The Children’s Act 2022 replaced the 2001 Act and provides enhanced legal provisions to safeguard the rights of children and to eliminate all forms of violence against children in all settings.

### Kiambu High Court Bar Bench Meeting

The Kiambu High Court Bar Bench Committee met on 14th December, 2022 to discuss sensitization of the new Children’s Act, 2022

### LSK Kiambu Chapter End Of Year Party

Kiambu Chapter held its end of year party at Kentmere Club, Tigoni on 17th December, 2022.



The event was attended by Kiambu Chapter advocates and officials from LSK Nairobi Branch.

Members of the LSK Nairobi Branch Council that were in attendance: Helene Namisi (Chair, LSK Nairobi Branch), Stephen Mbugua (Kiambu County Rep. & Secretary) Tess Wavinya, & Gloria Kimani (Council Members).



**KIAMBU COUNTY BAR-BENCH MEETING**



**14TH DECEMBER 2022**

*'Sensitization on the new Children's Act, 2022'*

**JOIN US AT 2:30PM**  
<https://tinyurl.com/bddm23vz>



**"A NEW DAWN FOR THE KENYAN CHILD"**

**VIRTUAL EVENT**

*ALL ARE WELCOME!!!*



*End of Year DINNER*  
2022

**KENTMERE CLUB  
TIGONI, LIMURU**

**SATURDAY,  
DECEMBER,  
17<sup>TH</sup> 2022**

**FROM  
2:00 PM  
TILL LATE**

**DRESSCODE**  
FORMAL BLACK WITH A TOUCH OF YELLOW

**PAYMENT**  
KSH. **2,000/-**

**0724139084**  
MPESA NAME: JULIUS NJORGE



## LSK BRANCH CHAIRPERSONS



*Helene Namisi – Nairobi Branch*



*Mutua James Makau- South Eastern Branch*



*Joel Mutuma- Mount Kenya Branch*



*Gideon Migiro Nyambati- South West Kenya Branch*



*Henry Kipkogei Kenei- North Rift Branch*



*Adamson Charles Opolu- Coast Branch*



*Aston Ongenge Muchela- Rift Valley Branch*



*George Murunga Chengasia- West Kenya Branch,*



## PUBLIC INTEREST LITIGATION/ COURT CASES

NO	Counsel	Case Situation	Details	Instruction Date
1.	Guandaru Thuita	PETITION NO. 50 OF 2020 INVESCO ASSURANCE CO. LTD, PUBLIC TRANSPORT INVESTMENT CO. LTD v. ATTORNEY GENERAL AND ANOTHER	Seeking orders that the Plaintiffs properties are necessary for the plaintiff's performance of trade or profession and deprivation violates Article 40, 48 and 50(1) of the Constitution.	9-May-2022
2.	Ivia Kitonga	WATCHING BRIEF IN COURT PROCEEDINGS ON THE ASSAULT OF A FEMALE MOTORIST ALONG FOREST ROAD	Sexual assault of a defenseless young lady by several bodaboda operators along Forest Road on 4th March 2022	9-Mar-2022
3.	Evans Ogada	PETITION NO. E288 OF 2021 KENYA JUDGES AND MAGISTRATES ASSOCIATION v. ODPP AND DCI	Petition filed at constitutional court seeking to stop any action against Hon. Justice Aggrey Muchelule and Hon. Justice Ali Said Chitembwe	5-Aug-2021
4.	Evans Ogada & Wakesho Kililo	PETITION E540 OF 2021 KATIBA INSTITUTE & ANOTHER v. INDEPENDENT ELECTORAL BOUNDARIES COMMISSION & 3 OTHERS	Seeking conservatory orders suspending the National Assembly's Resolution dated 28th September 2021, Gazette Notice 8024 of 2021 and reject the Elections Campaign Financing Regulations 2021	6-Jan-2022
5.	Wilfred Nderitu	MISCELLANEOUS APPLICATION NO. E013 OF 2022 THE DIRECTOR OF PUBLIC PROSECUTIONS v. MARK MUTARI MAKHUTU & OTHERS	Various petitions and applications seek to declare the Sexual Offences Act unconstitutional. LSK was enjoined as an interested party	20-Apr-2022

6.	Peter Wanyama & Felix Okanga	PETITION NO. E005 OF 2022  MWAURA KABATA v. THE HON ATTORNEY GENERAL & THE FINANCIAL REPORTING CENTRE (LSK AS INTERESTED PARTY)	Seeking temporary conservatory orders to stop any further implementation of Section 2(c)(i) and Section 14(b) of the Proceeds of Crime and Anti-Money Laundering (Amendment) Act, 2021	6-Jan-2022
7.	Mokaya Orina	HCCHRPET E179 OF 2022 WANJIRU GIKONYO & KHRC v. AG AND ANOTHER	The Petitioner seek to challenge the constitutionality of the Respondents' failure to disclose information relating to treaties/agreements and/or contracts concerning sovereign bonds signed between the Republic of Kenya and other states	13-May-2022
8.	Brian Christopher Odongo	HIGH COURT CONSTITUTIONAL PETITION E075 OF 2022 COPLERS ATTORNEYS & CONSULTANCY v. THE ATTORNEY GENERAL & ANOTHER	Petitioners seek orders that Part 10 of the Marriage Act be declared unconstitutional because it violates constitutional provisions and undermines the rights of parties who mutually agree to dissolve their marriage	16-May-2022
9.	Ochiel Dudley & Wanjeri Wangui	JUDICIAL REVIEW APPLICATION NO OF 2022 REPUBLIC v. SAFARICOM LTD & OTHERS	Applicants are challenging Safaricom's unilateral decision to compel all subscribers to visit Safaricom outlets physically and have their photos taken	20-Apr-2022
10.	Omwanza Ombati	HIGH COURT PETITION E128 OF 2022 KATIBA INSTITUTE v. JSC & OTHERS	Advocate appointed to represent the Society in taking action that will protect the public interest and facilitate the realization of a transformed legal	13-Apr-2022

			profession	
11.	Steve Ogolla	WATCHING BRIEF IN COURT PROCEEDINGS ON THE ASSAULT OF MAMA KWAMBOKA	Video recording circulating captured the brutal assault of a defensive lady and her child by several persons	21-Apr-2022
12.	Carol Guy	WATCHING BRIEF IN COURT PROCEEDINGS ON THE KILLING OF SHEILA LUMUMBA	Sheila Lumumba was killed in Nyeri. She/they was/were last seen alive on April 14th 2022 and since then, Sheila's body has been positive identified and a post-mortem examination was performed	4-May-2022
13.	Caroline Kituku	PETITION NO E392 OF 2020 LEGAL ADVICE CENTER v. CHIEF JUSTICE AND OTHERS	The petition challenges the electronic court system that has affected many members of the society that have pending cases in court or intend to institute new ones	5-Feb-2021
14.	Omwanza Ombati	COACA/E337/2022 JUDICIAL SERVICE COMMISSION & HON. CJ VS KATIBA INSTITUTE AND OTHERS	This is an appellate case from High Court Petition E128 of 2022. LSK have lodged this appeal because they are aggrieved by the decision of the court which favoured Katiba Institute	7-Jun-2022
15.	Colin Warutere	HCCR NO. E021 OF 2022 R v CHARLES GITHINJI (KIAMBU)	Maureen Wangui Kioi, a 12-year-old girl, was reported missing on 20 the April 2022 in Githurai. Her parents and neighbors anxiously searched for her after filing a case at Mwiki Police Station, but to no avail. Unfortunately, the young girl was discovered dead on 1st May 2022, according to Missing Child Kenya. A matatu driver has since been arraigned for the	17-Jun-2022



			suspected murder of Ms. Kioi and the case was assigned case number HCCR NO. E021	
10.	Omwanza Ombati	HIGH COURT PETITION E128 OF 2022 KATIBA INSTITUTE v. JSC & OTHERS	Advocate appointed to represent the Society in taking action that will protect the public interest and facilitate the realization of a transformed legal profession	13-Apr-2022
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15.	Colin Warutere	HCCR NO. E021 OF 2022 R v CHARLES GITHINJI (KIAMBU)	Maureen Wangui Kioi, a 12-year-old girl, was reported missing on 20 the April 2022 in Githurai. Her parents and neighbors anxiously	17-Jun-2022

			<p>searched for her after filing a case at Mwiki Police Station, but to no avail. Unfortunately, the young girl was discovered dead on 1st May 2022, according to Missing Child Kenya. A matatu driver has since been arraigned for the suspected murder of Ms. Kioi and the case was assigned case number HCCR NO. E021 persons to fill 6 positions in the Office of Judge of Court of Appeal and 20 positions in the Office of Judge of High Court.</p> <p>On March 31, 2022, Katiba Institute filed Constitutional Petition No. E128 of 2022 in the High Court, challenging the constitutionality and rationale of the Judicial Service Commission's invitation and call for applications in the face of pending litigation concerning the appointment of judges, including Civil Appeal Case No. 369 of 2019 and Civil Appeal Case No. 268 of 2020.</p> <p>The Petitioners, who were supported by the third interested party, prayed for an injunction to halt the process of recruiting new Court of Appeal and High Court judges, among other prayers. The Law Society of Kenya (LSK) mandated to inter alia protect the public</p>	
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			<p>interest and exclusive statutory mandate of dealing with the welfare of its members, joined the petition as 2nd interested party and opposed the petition. A similar position was taken by the 1st interested party. On 3rd June 2022, the Court delivered judgment in favor of the petitioners and issued a conservatory order suspending any further action by the 1st Respondent including invitation, consideration, evaluation, deliberation, processing, review and/or interview of Applicants and or applications for appointment to the Office of Judge of the Court of Appeal and Office of Judge of High Court pursuant to the decision contained in Gazette Notice No. 2529 and 2530 dated 4th March 2022 in the Kenya Gazette Vol. CXXVI-No. 44 dated 11th March 2022 pending the hearing and determination of the Petition.</p> <p>JSC, dissatisfied with the decision, filed an appeal with the Court of Appeal, arguing that the recruiting should proceed in the public interest due to the paucity of judges. After assessing the merits of the Appeal, the Court of Appeal</p>	
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			delivered judgment on 16th June 2022 and held that the applicants successfully demonstrated both arguability and the nugatory aspect, and bolstered this with a demonstration that it is in the public interest that the recruitment process of the much needed Judges proceed uninterrupted pending the hearing and determination of the petition before the High Court and conversely that the 1st and 5th respondents failed to demonstrate what prejudice they stand to suffer if the recruitment process proceeds as intended.	
2 1 .	Evans Ogada	THE LATE CYNTHIA NANJALA'S CASE	<p>Ms. Cynthia Nanjala passed away at Kenyatta Hospital on June 3rd 2022, the after sustaining injuries from an alleged assault while working as a house assistant at a senior military officer's home in Embakasi. Since then, two suspects linked to the murder were apprehended and investigations are ongoing. A postmortem examination on Ms. Nanjala's body was conducted, but it yielded inconclusive results.</p> <p>The Society recruited Mr. Evans Ogada to assist Ms. Nanjala's family in obtaining justice. He recorded the witness accounts and</p>	3-June-2022



			served before the next court date.	
23.	Evans Ogada & Antoinette Zowade	ELC NAKURU PETITION 18 OF 2022 KITUO CHA SHERIA V AG AND OTHERS	In this case, the petitioner is suing on his behalf as well as on the behalf of 66 other aggrieved people of Barturn and Ngarwa in Baringo County who are members of the Ichamus and Tugen communities. The petitioner has prayed that the court declares that the five defendants failed, refused, or neglected to take precautionary measures to predict, prevent, or mitigate the causes of climate change. As a result, that the Petitioners are entitled to full restitution for their losses, and programs to provide access to land for squatters and others displaced by natural disasters are implemented. Thousands of people have been displaced, and property and livelihoods have been destroyed as a result of rising water levels in Kenya's lakes.	27-September-2022
24.	Karori Kamau	NAIROBI ELRC PET E194 OF 2022 LEGAL ADVICE CENTER VS AG AND OTHERS	The Petitioner challenges the rampant extrajudicial killings and enforced disappearances in the country and inter alia prays that: A declaration that the IPOA, and not any other investigatory body including the NPS, shall initially, independently, and	



			<p>exclusively, investigate all incidents of death and serious injury caused by a member of police on service or occur while in police custody</p> <p>A declaration that all inquiries into all cases of fatality or serious injury resulting from police action, brought on by a police officer who is on duty, or occurring while the officer is in detention are null and void.</p> <ol style="list-style-type: none"> <li>1. An order directed to the attorney general and the ministry of foreign affairs to begin the process of ratifying the international convention for the protection of all persons against enforced disappearances.</li> </ol>	
25.	Okwach & Company Advocates	<p>NAIROBI CONSTITUTIONAL PETITION NO. E407 OF 2020</p> <p>DIGITAL FINANCIAL SERVICES ASSOCIATION OF KENYA VS NATIONAL ASSEMBLY ET AL</p>	<p>The petitioners, in this case, Digital Financial Services, are a 2019-founded organization of 25 members that offers digital-first loans. Its goal is to bring together top digital-first loan providers and related stakeholders to support responsible growth in the digital lending sector and a wider range of digital financial services in Kenya.</p>	

			<p>Clause 34(d)(6) of the First Schedule to the Excise duty Act has been amended and substantially changed by the Finance bill, which imposes a 20% excise tax on fees that digital lenders may charge. It is interesting that the impugned provision, which was adopted as Section 35 (6) of the amending act, first emerged in the amending act and had not been mentioned at all in the bill or departmental committee report. It was never debated in parliament and was introduced on the floor of the house at the committee of the whole house stage and after public hearings were concluded.</p> <p>The petitioner filed the instant petition seeking orders that the impugned change introduced in paragraph 6 of part II of the first schedule to the Excise Duty Act 2015 as amended by Sec 35 (d) (ii) is unlawful, null, and void. LSK is Petitioner in HCCHRPET/E372/2022 Law Society Of Kenya VS Kenya Revenue Authority AND National Assembly AND 4 Others (Petition as against adjustment of excise duty in Finance Act 2022) alongside the Kenya Association of Manufacturers challenging a separate clause on excise duty. All the related petitions were consolidated.</p>	
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			The matter is set for directions on 18th November 2021.	
26	Cheserekje pchumba Judy	NAKURU CONSTITUTIONAL PET 20 OF 2022 KIPKOECH NG'ETICH VS IGP AND 2 OTHERS	The petitioner, in this case, filed a petition against the IGP on the grounds that highway officers have persistently intimidated motorists and have turned Kenyan highways and roads into hotspots for extortion. The appeal seeks conservatory orders to prevent the DPP and police from further detaining, arresting, or accusing drivers for violating no existent or ambiguous arbitrary speed limits. He additionally demanded that KenHA divulge the number of signs that had been installed along the highways and to prominently post speed restriction signposts.	
27	Antoinette Zowade	THE APPLICATION FOR LEAVE ON MOTOR VEHICLE DIGITAL PLATES; PETER OKIRO VS CABINET SECRETARY, MINISTRY OF INTERIOR AND COORDINATION OF NATIONAL GOVERNMENT & 2 OTHERS	All vehicles driven on Kenyan roads are registered and issued with registration plates by relevant institutions of the Governments under whose laws they are so registered. On 1st April 2016, the Cabinet Secretary, Ministry of Transport And Infrastructure enacted the Traffic (Registration Plates) Rules 2016 gazetted vide Legal Notice No. 62 of 2016 of 15th April 2016. On 30th August 2022, a declaration was issued	



			<p>out on the implementation of the Traffic (Registration Plates) Rules 2016 and directed motor vehicle owners to apply for digital registration plates within the next 18 months. It also directed that the issuance of the digital registration plates will commence with newly-registered vehicles beginning with the registration number KDK series while replacement of existing registration plates with the digital registration plates shall commence on the 1st day of October 2022. It further directed that motor vehicle owners who fail to replace registration plates shall be liable to a fine of Kshs.20,000/= or imprisonment for six months. The directive requiring mandatory replacement of registration plates for already registered motor vehicles at the expense of motor vehicle owners has no backing of the law, is arbitrary, irrational, unreasonable, unfair, punitive and generally ignorant of consumer rights and it was made without any or any reasonable public participation. Further, the impugned decision is afoul Articles 10, 47, 94 and 118 of the Constitution of Kenya 2010 and Sections 4 and 5 of the Fair Administrative Action Act, 2015.</p>	
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<p>28.</p>	<p>Mr. Eric Theuri- President                  Ms. Faith Odhiambo- VP                  Mr. Mwaura Kabata- Convener                  PIL Committee                  Ms. Wangari Kagai- Secretary                  PIL Committee                  Mr. Stephen Mwenesi- Lead Counsel                  Ms. Wakesho Kililo- firm on record                  Mr. Bernhard Kipkoech                  Mr. Dan Okemwa                  Ms. Jane Onyango                  Mr. Evans Ogada                  Ms. Judith Cheserek                  Ms. Antoinette Ogange                  Dr. Benjamin Musau- Volunteer</p>	<p>SCORK ELECTION PETITION NO. E005 OF 2022</p>	<p>The Law Society of Kenya (LSK) is statutorily obligated by section 4 of the Law Society of Kenya Act, 2014 to assist the courts and the public in matters relating to the rule of law.</p> <p>In discharging this mandate, the Law Society of Kenya has filed an application for admission as amicus curiae to the petition. The Supreme Court granted the Society's application to join the petitions as amicus curiae (friend of the court) following the outcome of the presidential election and the disputation of the results in SCORK consolidated Petition E005 of 2022, ruling that the Society has expertise in assisting the court in reaching a just decision.</p> <p>LSK provided the court with further research to help develop the law on the standard of proof, the IEBC's quorum, and the meaning of a vote cast. To accomplish this, the PIL Committee advised, citing the PIL code that governs the committee's operations, that with regard to appointments, which are explicitly covered by article 12 (1) of the code, and pursuant to</p>	
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			the committee's resolution during a meeting held on TUESDAY 2ND AUGUST, 2022 AT 2:30 P.M. AT THE ADVOCATES LOUNGE - MILIMANI that appointment parameters take election petitions into account.	
29.	Elisha Zebedi Ongoya	CONSTITUTIONAL PETITION NO. E 290 OF 2022	The Society is dissatisfied with the judgment in the constitutional Petition E 290 of 2022 and relying on Court of Appeal rules on the accreditation of governors, Justice Attony Murima ruled and termed unconstitutional the degree requirement which is provided for under section 22 (2) of the election act requiring gubernatorial aspirants to have a degree before they have been cleared to vie. Mr Elisha Zebedi Ongoya is record for the Society	
30.	Dan Okemwa	WATCHING BRIEF IN COURT PROCEEDINGS ON THE MURDER OF MR. DANIEL MUSYOKA –IEBC OFFICER EMBAKASI EAST	Mr. Daniel Mbolu, the IEBC returning officer for Embakasi East, was kidnapped and later found dead. The Society contacted the family and the IO, ascertaining the progress of the investigations and engaging IMLU for the postmortem and site visit to Oloitoktok. The lawsuit is still underway, and Mr. Dan Okemwa Advocate is keeping a close eye on it on behalf of the Society.	
31.	Gilbert Mitulla	LSK VS NATIONAL LEGAL AID SERVICE & ATTORNEY	The Law Society of Kenya challenged the accreditation requirement for	4- November-2022

		GENERAL	Advocates in the Legal Aid Act 2016 for conflict of interest with the Advocates Act 2016. The society also wishes to challenge the passing of the Legal Aid Code of Conduct for Accredited Legal Aid Providers, 2019-Legal Notice 121 of 2020 and the Legal Aid (General) Regulations 2021- Legal Notice 187 of 2021 for lack of public participation	
32.	Ann Ngigi	ELRC 174 OF 2022 LAW SOCIETY OF KENYA VS PUBLIC SERVICE COMMISSION & ANOTHER	The Law Society of Kenya filed a petition dated 7 September 2022, at the Employment and Labour Relations Court in Nairobi. The petition seeks to challenge the constitutionality of the Public Service Commission's notice calling for applications to the position of Chief Administrative Secretary in the Public Service. The Society also filed an interim application seeking orders of the Court to stay the implementation of the Office of the Chief Administrative Secretary in the Public Service following conclusion of the collection of the public views pending the hearing and the determination of the petition.	3- November- 2022
33.	David Ochieng Ayuo	WATCHING BRIEF IN HCCR NO. 74 REPUBLIC VS TITUS YOMA & 11	The Office of the Director of Public Prosecution sued	13- November- 2022



		OTHERS AT NAIROBI MILIMANI COURT	several officers responsible for the death of Baby Samantha Pendo and other atrocities committed during the 2017 post-election period in Kisumu. This being a public interest matter, the Law Society of Kenya is interested in justice for the victims. The matter is scheduled for plea taking on 14th November 2022 before Justice Ogembo.	
34.	Stephen Musili	PETITION TO CHALLENGE THE IRREGULAR APPOINTMENTS OF PRINCIPAL SECRETARIES	It has come to our attention that the President of the Republic of Kenya recently appointed Principle Secretaries to various Ministries of the Government following a recommendation from the Public Service Commission. The Law Society of Kenya wishes to challenge these irregular appointments on grounds of Gender and Regional inclusion.	8- November- 2022
35.	Stephen Musili	CIVIL APPEAL NO. E421 OF 2022 AG VS LSK & 3 OTHERS AND 51 INTERESTED PARTIES	The Society filed ELRC PET E192/2022 LSK VS AG, National Assembly, Public Service Commission & 51 Interested Parties. The application was	17- November- 2022

			heard ex-parte before Hon. Justice Nzioka Wa Makau, who on 21st November, 2022, issued conservatory orders pending hearing and decision of the application inter-partes. The Honourable Attorney General submitted a request to the Court of Appeal on 16th November, 2022, asking for the said orders to be stayed	
36.	Patrick Muchangi	HIGH COURT PETITION NO.E461 OF 2022 DR. MUGARĒ GIKENYI J BENJAMIN - VERSUS- PORK , AG & ANOTHER	The Law Society of Kenya petitioned to challenge the appointment of Mrs. Bernice Sialaal Lemedeket into the ranks of the Executive Office of the President as the National Police Service Principle Administrative Secretary/Accounting Officer.	7- November- 2022
37.	Ann Ngigi	CIVIL APPEAL APPLICATION NO. E. 450 OF 2022 AG VS LAW SOCIETY OF KENYA AND PUBLIC SERVICE COMMISSION	On 24th November 2022, the employment and labour relations court at Nairobi delivered a ruling in PETITION NO. E 174 OF 2022 LSK VS PUBLIC SERVICE COMMISSION & ANOTHER in which the court confirmed it had the requisite jurisdiction to hear and determine disputes referred to under the constitution, the provisions under the ELRC Act or any other written law, which extends jurisdiction to the Court to employment	11-January- 2023

			and labour relations. Following the ruling of the Court, The Hon Attorney General moved to the court of Appeal and filed a STAY APPLICATION CIVIL E450 OF 2022.	
38.	Harrison Karanja	PETITION NO. HCCHRPET E515 OF 2022 HAMPTONS HOSPITAL VS STATE LAW AND SIKA KENYA LIMITED AND 2 OTHERS.	Section 38 of the Small Claims Court Act, No. 2 of 2016 provides that a person aggrieved by the decision or an Order of the Court may appeal against that Decision or Order to the High Court on matters of law; and an appeal from any decision or order referred to in subsection (1) shall be final. The Petitioner contends that both Section 38(1) and Section 38(2) is restrictive in its conferment of the jurisdiction and right of appeal and is therefore unconstitutional. The Petitioner avers that Section 38(1) in particular restricts the appeals to the High Court in that it confers jurisdiction to hear appeals from the Small Claims Court only "on matters of law." The Law Society of Kenya has been enjoined in the matter an interested party.	11-January-2023
39.	Justus Mutia	MACHAKOS MCCC/E164/2022 JAMES MBUGUA MBURU T/A J. MBUGUA MBURU & ASSOCIATESADVOCATE S V CITY SHUTTLE LIMITED & MESHACK MWANZIA KYENGO	The 2nd Defendant is claiming indemnity and/or contribution from the Law Society of Kenya because the 2nd Defendant wrote a complaint letter about professional misconduct against the plaintiff, who is an Advocate.	12-January-2023

			That the Society sent the aforementioned letter to the Plaintiff via his former employer's address, where the staff and partners allegedly read the contents of the letter. As a result, the plaintiff's alleged cause of action for defamation is based on the delivery and alleged publication of the subject letter to the plaintiff's former employer's staff. A Third-Party Notice was issued to us in response to a Court Order issued on December 7, 2022.	
40.	Kabui Mannases Mwangi & Eric Theuri	PETITION NO. HCCHRPET/E541/2022: ABRHAM MEAREG & FISSEHA TEKLE V META PLATFORMS INC.	The Petitioners are challenging the Respondent's prioritization of inciteful, hateful, and dangerous content on Facebook. The Petitioner claims that the content has resulted in the deaths of people, the destruction of communities, and the vilification of individuals. The Respondent's actions and inactions, such as unlawful decisions made by Facebook's Artificial Intelligence (AI), failure to carry out proper content moderation on Facebook, and discrimination against African Facebook users, have caused and continue to cause irreparable harm to the Petitioners, the class they represent, and the general public. The Law Society of Kenya was enjoined in the	25-January-2023



			petition as an Interested Party.	
41.	Peninah Mwangi Wangari	HC.PET E027 OF 2022 SHARON M.OLILI VS THE CJ, PRESIDENT OF THE SUPREME COURT OF KENYA & PRESIDENT OF THE REPUBLIC OF KENYA & LSK AS INTERESTED PARTY	The Petitioner seeks for the court to declare that the omission and or refusal by the Respondent to establish a High Court in every county and magistrate's court in every constituency /sub county is unconstitutional and in violation of the rights and freedoms of the Petitioner and other citizens enshrined in article 6(3), 10, 27,39(3) and 48 of the Constitution of Kenya, 2010. The Law Society of Kenya has been enjoined in the matter as an interested party.	16-January-2023
42.	Patrick Muchangi, Nathan Browne & Felix Ndolo	ELC PETITION LSK VS. AG, NATIONAL BIOSAFETY AUTHORITY, NEMA & ANOTHER	The Law Society of Kenya petitioned the court regarding the constitutionality of the Government directive lifting the ban on open cultivation and importation of GM maize, as well as the subsequent approval for environmental release and placement into the market of Bt maize (Event MON 810) and its varietal derivatives in Kenya for purposes of cultivation, food, feed and processing (FFP), import, export, and transit for a period of ten (10) years.	12-January-2023
43.	Dan Okem wa Oino & Eric	CIVIL APPEAL NO. 45/2017 FANIKIWA LIMITED VS SIRIKWA SQUATERS GROUP & 21 OTHERS	The dispute in this appeal pits the appellant, Fanikiwa Ltd (Fanikiwa), a limited liability company	

	Theuri		against the 1st respondent, Sirikwa Squatters Group (Sirikwa), an amalgamation of over 500 squatter families. Fanikiwa stakes claim to portions of 9 parcels of land in Uasin Gishu County based on its registration as proprietor thereof and the constitutional guarantee of the right to private property. The Appeal is at the Supreme Court and LSK wishes to join as an interested party.	
44.	Kelvin Mogeni & Gichohi Waweru	PETITION CHALLENGING FERDINAND WAITITU'S APPOINTMENT TO THE NAIROBI RIVERS COMMISSION.	The Law Society of Kenya is challenging President William Ruto's nomination of former impeached Kiambu Governor Ferdinand Waititu to the Nairobi Rivers Commission. LSK filed the petition in collaboration with Transparency International and the Katiba Institute, and will also consider advocacy campaigns to supplement the litigation.	12-January-2023
45.	Evans Nzalu Muli	PETITION TO CHALLENGE TO THE CONSTITUTIONALITY OF CABINET SECRETARIES CIRCULAR NO. 7	The Law Society of Kenya petitioned to challenge the constitutionality of the Cabinet Secretaries' Circular No.7. The circular has resulted in unconstitutional budget modifications that were not informed by public participation. The modification has created budget cuts that have affected financial independence of commissions.	1-January-2023

## LIST OF DECEASED ADVOCATES ON THE YEAR 2022

	Name of Advocate	PI05 No.	Date of Death	Last Known Place of Practice
1.	Jackson Mackenzie Mbithi	4582/01	10-Jan-2022	Nairobi
2.	Nani Njoroge Mungai	2068/90	14-Jan-2022	Nairobi
3.	Gerald Omori Kimanga	3488/97	15-Jan-2022	Kisumu
4.	Gabric Gichia Samson Munoru	454/68	18-Jan-2022	Nairobi
5.	Kevin Mangera Mwangi Gesire	10223/14	18-Jan-2022	Kitui
6.	Nathaniel Kipkorir Tum	3430/97	22-Feb-2022	Kitale
7.	Ian Maina Gachihi	5494/04	07-Mar-2022	Kiambu
8.	Anthony Lawrence Ouma	9599/12	19-Mar-2022	Nairobi
9.	Ezra Onuko Orenga	13172/16	21-Mar-2022	Nairobi
10.	Jacqueline Achieng Polo	4948/03	03-April-2022	Mombasa
11.	Hezron Gekonde	4510/01	12-May-2022	Mombasa
12.	Geoffrey Onsando Mose	3770/98	20-May-2022	Kakamega
13.	Atieno Brendah Zilpah	19675/22	20-May-2022	Kilifi
14.	David Odhiambo Oduol	852/77	09-Jun-2022	Nairobi
15.	Edward Mulewa Mwachinga	4428/01	14-Jun-2022	Nairobi
16.	Pauline Waithira Githugu	3875/98	15-Jun-2022	Nairobi
17.	Eliab Kemboi Melly	8050/10	26-Jun-2022	Eldoret
18.	Francis Mwanza Mulwa	706/73	08-Jul-2022	Machakos
19.	Beldine Atieno Obiero	3539/97	19-Jul-2022	Kisumu
20.	Fredrick Ashimosi Shitambasi	4411/00	25-Jul-2022	Nairobi
21.	Kennedy Keago Nyaencha	2069/90	02-Aug-2022	Nairobi
22.	Isaiah Kubai Mitu	6825/08	04-Aug-2022	Nairobi
23.	Andrew Abari Gekonga	4492/01	14-Aug-2022	Kitale
24.	Betty Atieno Achieng	2097/91	28-Aug-2022	Nairobi
25.	Lucy Mbugua	1973/89	30-Aug-2022	New York
26.	George Mwangi Wanjohi	4807/02	18-Sep-2022	Nanyuki
27.	Peter C. Onyango	2085/91	23-Sep-2022	Nairobi
28.	Morris Matheka Mulei	7688/09	24-Sep-2022	Machakos
29.	Paul Gicheru	3745/98	26-Sep-2022	Nairobi
30.	Jonathan Bowen Havelock	646/72	28-Sep-2022	Nairobi
31.	Ernest Kahiro Kimani	1196/81	01-Oct-2022	Nairobi
32.	Kibanja Kiplenge Juma	3114/96	07-Oct-2022	Nakuru
33.	George Opiyo	4268/00	19-Oct-2022	Kisumu
34.	Florence Njeri Mungai Makumi	1953/89	24-Oct-2022	Nairobi
35.	Christine Mwikali Mutuku Kipsang	4401/01	05-Nov-2022	Mombasa
36.	Robert Moses Tombe	12094/16	12-Nov-2022	Nairobi
37.	Abedinego Nyambati	5600/04	01-Dec-2022	Nairobi
38.	Rosemary Majala Githaiga	1654/87	06-Dec-2022	Nairobi
39.	Joseph Muisyo Nzioka	1134/80	11-Dec-2022	Nairobi
40.	Eng. Paul Thanga Gichuhi	4237/00	18-Dec-2022	Nairobi
41.	Julia Bahati Nyaga	966/78	18-Dec-2022	Nairobi
42.	Austin Micah Shikhule	3951/99	19-Dec-2022	Kakamega
43.	William Ikileng' Ikapel	1671/87	25-Dec-2022	Bungoma

## THE ADVOCATES BENEVOLENT ASSOCIATION

### Report of the Board of Management

From 1st January, 2022 to 31st December, 2022



*Esther B. Nyamongo Treasurer*



*Angela N.M. Mwadumbo Board Member*



*Stephen J. Saenyi Board Member*



*J. Oriri Onyango Chairperson*



*Eric Theuri President, LSK (ex-officio)*



*Faith Odhiambo Vice- President, LSK (ex-officio)*



*Florence W Muturi Secretary/CEO, LSK (ex-officio)*

### What We Are

The Advocates' Benevolent Association is the welfare arm of the Law Society of Kenya and exists to support and help members who are in need, in distress, or have difficulties. The Association has a medical benefit available to members who are admitted to the hospital and have challenges in settling their medical bills. Additionally, the Association pays a token of last expenses to families of deceased members and supports the education of their children up to the tertiary level.

The Board of Management of the Association is tasked with entering into strategic partnerships to sustain the well-being of Advocates.



## Constitution and Management of the Board

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 current office bearers are:



- a. J. Oriri Onyango (Mr.) Chairperson;
- b. Stephen J. Saenyi (Mr.) Board Member;
- c. Angela N.M. Board Member; and  
Mwadumbo (Ms.)
- d. Esther B. Nyamongo Board Member/  
(Mrs.) Treasurer

### Ex-Officio Members

- a. Eric Theuri (Mr.) President, LSK;
- b. Faith Odhiambo (Ms.) Vice- President,  
LSK;
- c. Florence Muturi (Ms.) Secretary/CEO, LSK.

The Board directs the 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 the power 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.

Currently, the Association comprises of three staff members namely; Programme Officer, Programme assistant and Office Assistant.

### Membership

The membership consists of every Advocate who is a member of the Law Society of Kenya (LSK) under 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.

It is now possible for Advocates who are categorized under S.10 of the Advocates Act and wish to become members of the Association to make direct payments of ABA subscriptions. Members wishing to do so will need to put in a written request to the Board.

As of 31st December, 2022, there were 1,292 Life Members and 13,171 Annual Members.

### Subscriptions

Currently, the annual subscriptions are KShs. 3,500 and KShs. 150,000 for Life Member subscriptions.

The Board of Management is working on modalities to allow members to make payments for Life Membership subscriptions in installments.

### Educational Assistance

The Association financed the education of the dependents of the following One Hundred and Eighteen (118) deceased Advocates in the Year Ended December 31st, 2022.

P.105/1905/89	Karanja, Paul Njeru	P.105/1614/87	Thiongo, Nganga
P.105/1789/88	Rebiro, James Nganga	P.105/3139/96	Onguso, Gibson Morara
P.105/3165/96	Mbaye, John	P.105/5234/03	Ogonya, Omondi Stephen
P.105/1860/88	Kandie, Philip Kimaiyo	P.105/3407/97	Onditi, Thomas Collins
P.105/4263/00	Sang, Joel Kimutai	P.105/1346/84	Ngunjiri, Antony Nahashon
P.105/4434/01	Mutahi, Joseph Ichau	P.105/7389/09	Muhiri, James Wambura
P.105/3906/98	Njenga, Steven Njomo	P.105/7537/09	Chebet, Nicholas Chelimo
P.105/2508/93	Nyanyuki, Elijah Kefa Ondieki	P.105/3160/96	Okeyo, Griffin Ochieng
P.105/2943/95	Nyakeno, Thomas	P.105/2904/95	Muindi, John Bosco
P.105/2802/95	Mbugua, Robert Mburu	P.105/3061/96	Bonyo, Peter Onyango
P.105/4814/02	Getembe, Jared Machuka	P.105/1612/87	Wainana, George Wambuu
P.105/1553/86	Mwangi, Ngugi Muhindi	P.105/806/76	Okwach, Joe Wandago
P.105/5697/05	Watta, Kenneth Omondi	P.105/2089/91	Ngala, Kibichy
P.105/2505/93	Kimani, Paul Ndumbi	P.105/7555/09	Miencha, Richard Oigoro
P.105/3218/96	Wanyama, Peter Wanyonyi	P.105/1924/89	Onguto, Joseph Louis Omondi
P.105/3516/97	Ngetich, Samuel Kipkorir	P.105/9390/12	Rioba, Godfrey Nyamboga
P.105/2723/94	Kenzi, Munyao	P.105/6439/06	Kiplagat, Henry Stanley Koros
P.105/3143/96	Ouma, Roy Bobby	P.105/4631/01	Onyango, Kwame Nkrumah
P.105/7198/08	Ogola, Collins Okoth	P.105/2986/96	Miano, Gacheche Wa
P.105/6466/06	Murungi, Dishon Mwiti	P.105/1093/80	Aboge, Aloys Obunga
P.105/652/72	Kamonde, Geoffrey Harun Muchichu	P.105/4203/00	Mburu, Stephen Kariuki
P.105/3688/98	Minda, Cyrus Onserio	P.105/2911/95	Gathungu, Samuel Mugambi
P.105/5856/05	Kurgat, Job Kiplagat	P.105/885/77	Khamati, Anthony Huka
P.105/5212/03	Oriaro, Geoffrey	P.105/9847/13	Irungu, Linda Wanjiku
P.105/6566/07	Odhiambo, Antony Shem Otiendo	P.105/4532/01	Sang, Moses Koey Bartamutta
P.105/5690/05	Mbaabu, Robert Mugambi	P.105/1330/83	Anambo, Alex
P.105/3351/97	Mmaitisi, Christopher Tonny Luyali	P.105/5862/05	Kweyu, Charles Sunduli
		P.105/9763/12	Kipchoge, Gladys Jepkemboi
		P.105/3347/97	Chesang, Robert

P.105/6176/06	Misoi, Janice Cherop		
P.105/3336/97	Michael, Wandera Wanjala	P.105/3583/98	Wachira, James Waitthaka
P.105/8148/10	Okindo, Douglas Obed	P.105/3647/98	Areba, Charles Keago
P.105/4101/99	Ongechi, Danvas Abere	P.105/4678/01	Omwakwe, Joyce Susan
P.105/8677/11	Mumia, Gladwell Vurakwa	P.105/8918/11A	meyo, Anne Otuoma
P.105/2820/95	Raha, Jilo Mwambela	P.105/4912/02	Simel, Alex Leteipa
P.105/2969/95	Kioko, Joshua Kiume	P.105/8060/10	Kibowen, Meshack Kipruto
P.105/3073/96	Amusavi, David Kahi	P.105/3464/97	Andambi, Alubala Abenayo
P.105/4717/01	Lubya, Ronald Joseph	P.105/6506/06S	hilenje, John Brown
P.105/6699/07	Mokua, Jared Ratemo	P.105/3137/96	Opiyo, Albert George
P.105/3880/98	Kariuki, Francis Gichure	P.105/3959/99	Kaikai, Maurice
P.105/1478/85	Maosa, Thomas Maranga	P.105/13071/16 O	mbaba, Perminus Makori
P.105/3838/98	Ndungu, Alex Karanja	P.105/2431/92	Onderi, Oseko
P.105/2507/93	Samba, Calvin Onyari	P.105/930/78	Anyango-ogutu, Joshua Walter
P.105/3889/98	Kimani, Titus Muthui Timothy	P.105/3324/97	Mari, Kennedy Wachira
P.105/3520/97	Nduati, Mark Charagu	P.105/2942/95	Alwenya, Manazes Lubia
P.105/9401/12 W	anyeki, Jeremiah Kamau	P.105/2539/93	Kabaka, Boniface Mutinda
		P.105/4773/02	Gacheru, Samuel Kimuya
P.105/3576/98	Nyawara, Joshua Otieno	P.105/12621/16	Samuel Ndegwa Kairu
P.105/1896/89	Nyamategandah, N. K.W. Bichanga	P.105/2406/92	Walter Rachier Mungao
		P.105/5494/04	Ian Maina Gachihi
P.105/4548/01	Gichohi, Kimandu	P.105/5435/04	Wilkister Nyangito
P.105/3059/96	Kiptonui, Simon Kitur	P.105/9599/12	Ouma, Anthony Lawrence
P.105/3780/98	M buru, Francis Irungu	P.105/2763/94	Kirenga, Peter Rufundamu Apuuli
P.105/694/73	Adere, Steven Ruphinus	P.105/4948/03	Polo, Jacqueline Achieng
P.105/4433/01	Chea, Mwinga Gunga	P.105/5568/04	Okeche, Harrison Ogweno
P.105/9223/12	Nyarera, Humphrey Otara	P.105/3875/98	Githugu, Pauline Waitthira
P.105/2379/92	Abobo, Josiah	P.105/8050/10	Melly, Eliab Kemboi
P.105/3920/98	Mwaniki, Peter Kyalo	P.105/3488/97	Kimanga, Gerald Omori
P.105/5720/05	Kisilu, Benson Musau	P.105/3539/97	Obiero, Beldine Atieno
P.105/722/74 M	aina, Wachira	P.105/7688/09	Mulei, Morris Matheka
P.105/6681/07	Kigera, Lawrence Mwarari	P.105/4807/02	Wanjohi, George Mwangi
P.105/2711/94 W	agara, Joseph Onyango	P.105/12094/16	Tombe, Robert Moses
P.105/2386/92 O	nyancha, Koina	P.105/3114/96	Juma, Kibanja Kiplenge
		P.105/5600/04	Nyambati, Abedinego

### The following dependants joined the education assistance programme during the financial year

	Name of Child	Name of the Parent
1.	Pius Omori	Gerald Omori Kimanga
2.	Patience Bitutu	Gerald Omori Kimanga
3.	Amber Wanjiku Kibiru	Ian Maina Gachih
4.	Adrian Telo	Anthony Lawrence Ouma
5.	Theo Mor	Anthony Lawrence Ouma
6.	Jeremy Kawere	Jacqueline Achieng Polo
7.	Samuel Githugu	Pauline Waithira Githugu
8.	Za'adi Wanjiru	Pauline Waithira Githugu
9.	Ciku Gathoni	Pauline Waithira Githugu
10.	Alvin Kiplagat	Eliab Kemboi Melly
11.	Allan Kibet	Eliab Kemboi Melly
12.	Arnold Kimuta	Eliab Kemboi Melly
13.	Brooke Wamuyu	George Mwangi Wanjohi
14.	Shawn Wanjohi	George Mwangi Wanjohi
15.	Adriel Mulei	Morris Matheka Mulei
16.	Alvin Ngaya	Morris Matheka Mulei
17.	Kelvin Kiplenge	Kibanja Kiplenge Juma
18.	Agnes Jebet	Kibanja Kiplenge Juma
19.	Indra Kwamboka	Robert Moses Tombe
20.	Yanna Kemunto	Robert Moses Tombe
21.	Dorian Moraa	Robert Moses Tombe
22.	Bildad Nyambati	Abedinego Nyambati
23.	Priscilla Nyaboke	Abedinego Nyambati
24.	Edda Nyanchama	Abedinego Nyambati
25.	Asuna Jeniffer	Walter Rachier Mungao
26.	Paul Benedict Masime	Walter Rachier Mungao
27.	Peter Clement Hawuori	Walter Rachier Mungao
28.	Amber Wanjiku	Ian Maina Gachih
29.	Jason Nyangito	Wilkister Nyangito
30.	Ashley Bosibori	Wilkister Nyangito
31.	Wayne Wallace	Peter Rufundamu Apuuli Kirenga
32.	Jesse Dave Okello	Harrison Ogweno Okeche
33.	Joy Singo Akumu	Harrison Ogweno Okeche
34.	Emmanuel Mich Onyango	Beldine Atieno Obiero

### 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 Two (202) broken down as follows:

- Nursery 12 Children
- Primary 87 Children
- Secondary 70 Children
- Tertiary 32 Children
- Kenya School of Law 1 Scholarship

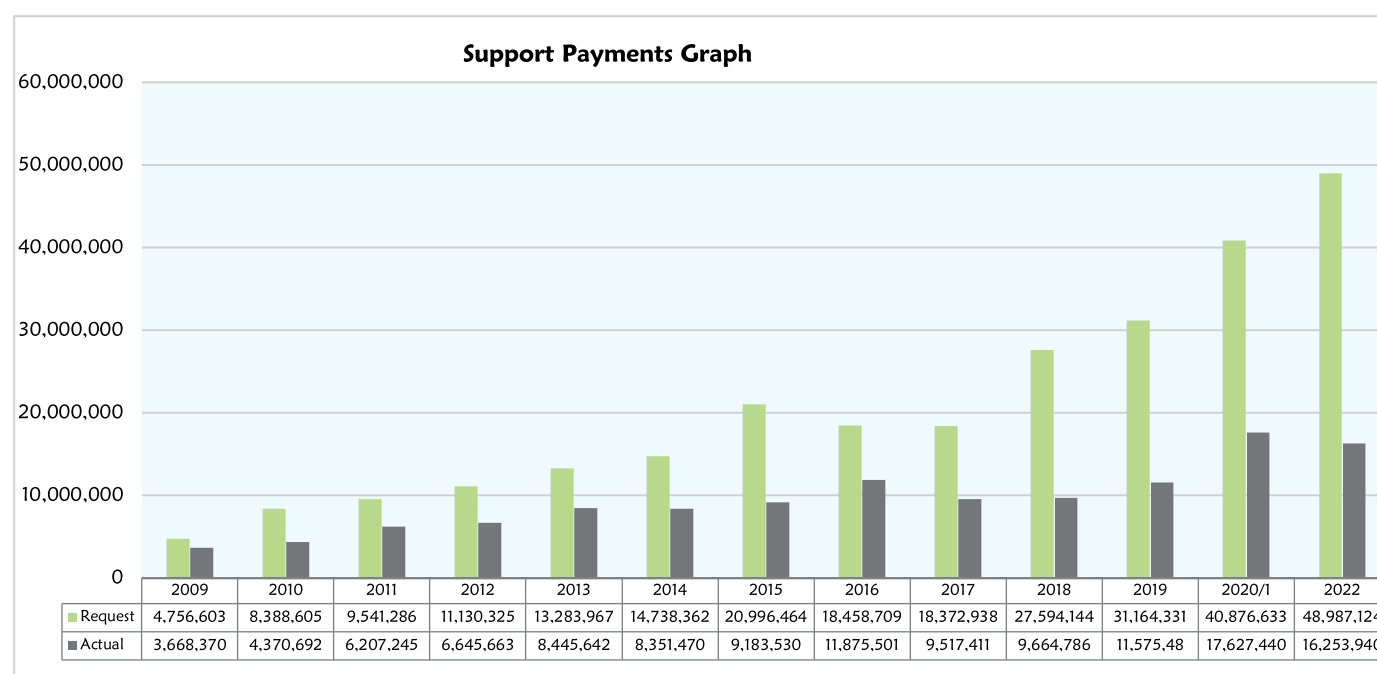
This translated into the disbursement of a total of KShs. KShs. 16,253,940.20/= under the Education Assistance Program



For purposes of comparison the disbursement over the last four (4) years has been as follows:

<b>2022</b>	<b>KShs. 16,253,940.20</b>
<b>2020/1</b>	<b>KShs. 17,627,440</b>
<b>2019</b>	<b>KShs. 11,575,487</b>
<b>2018</b>	<b>KShs. 9,664,786</b>
<b>2017</b>	<b>KShs. 9,517,411</b>

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:

<b>Nursery</b>	<b>KShs. 40, 000/=</b>
<b>Primary</b>	<b>KShs. 55, 000/=</b>
<b>Secondary</b>	<b>KShs. 80, 000/=</b>
<b>Tertiary</b>	<b>KShs. 60,000/=</b>
<b>Kenya School of Law</b>	<b>KShs. 190,000/=</b>

### Medical Assistance

Medical Assistance for the year amounted to KShs. 912,975.80/= to members who were admitted to some of the following institutions:

- M.P Shah Hospital;
- South B. Hospital;
- Precise Healthcare;
- Eden House Rehabilitation Centre;
- Oasis Health Specialty Hospital;
- Nakuru War Memorial Hospital;
- Nairobi South Hospital; and
- Asumbi Treatment Centre.

Medical Assistance is capped at **KShs. 100,000/=**.

## Last Expenses

A total of KShs. 2,720,000/= was paid out under the Last Expenses Assistance. This assistance was paid to the duly nominated Next of Kin of the following Deceased Advocates.

	<b>Name of Advocate</b>	<b>P105 No.</b>
1.	Gerald Omori Kimanga	3488/97
2.	Bessie Ambunya	1168/81
3.	Bryan Njehia Kahumbura	7583/09
4.	Boaz Amoro Nyakeri	14731/18
5.	Justice Lawrence Peter Ouna	947/78
6.	Wilkister Nyangito	5435/04
7.	Anthony Ouma Lawrence	9599/12
8.	Nathaniel Kipkorir Tum	3430/97
9.	Ian Maina Gachihi	5494/04
10.	Rose Murugi Simba	879/77
11.	Walter Mungao Rachier	2406/92
12.	Jackline Achieng Polo	4948/03
13.	Malakwen David Kiprop Meli	1250/82
14.	Kevin Mangera Mwangi Gesire	10223/14
15.	Pauline Waithira Githungu	3875/98
16.	Francis Mwanza Mulwa	706/73
17.	Hezron Gekonde	4510/01
18.	David Odhaimbo Oduol	852/77
19.	Melly Kemboi Eliab	8050/10
20.	Isaiah Kubai Mitu	6825/08
21.	Jackson Mbithi Mackenzie	4582/01
22.	Peter Claver Onyango	2085/91
23.	Fredrick Ashimosi Shitambasi	4411/00
24.	Ernest Kahiro Kimani	1196/81
25.	Beldine A. Obiero	3539/97
26.	Morris Mulei Matheka	7688/09
27.	Juma Kiplenge	3114/96
28.	Kennedy Keago Nyaencha	2069/90
29.	George Mwangi Wanjohi	4807/02
30.	George Opiyo	4268/00
31.	Christine Mwikali Kipsang	4401/01
32.	Nyambati Abedinego	5600/04
33.	Robert Moses Tombe	12094/16
34.	Florence Njeri Mungai Makumi	1953/89

Last Expenses is capped at KShs. 80,000/= 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

During the year under review, the Board held Nine (9) Ordinary Board Meetings and One (1) Extraordinary Board Meeting during the Financial Year. These meetings were held on the following dates:

- 21st January, 2022;
- 4th March, 2022;
- 5th April, 2022;
- 28th April, 2022;
- 7th June, 2022;
- 2nd August, 2022;
- 5th September, 2022;
- 1st November, 2022;
- 15th November, 2022 (Extraordinary Board Meeting); and
- 7th December, 2022.

## Stakeholder Meetings

The Board held Four (4) Stakeholder Meetings during the Financial Year. These meetings were held on the following dates:

- Induction training with HELB: Friday, 29th April, 2022;
- Wakili Personal Retirement Benefits Scheme induction training: Friday, 24th June, 2022;
- Meeting with Enwealth Financial Services Ltd: Friday, 9th December, 2022;
- Meeting with CPF Financial Services Ltd: Friday, 9th December, 2022.

## ABA Board Activities: 1st January, 2023 to 31st December, 2023

### a) Y2022 ABA Board and Staff Retreat

From 29th January, 2022, through 31st January, 2022, the Board of Management held a retreat to discuss the Y2022 audit, AGM and elections, fundraising for the ABA Revolving Fund, renewing the Association's tax exemption certificate, as well as reviewing the accomplishments of the past two years.

### b) Y2022 ABA Elections and Swearing in of the New Board

The Board of Management held its elections virtually on Tuesday, 22nd March, 2022.

The new Board Members were sworn in and took office at the Advocates' Benevolent Association's AGM that was held at Parklands Sports Club, along Ojijo Road, Nairobi on Friday, 25th March, 2022.

The Members of the Board elected Mr. J Oriri Onyango as the Chairperson and Mrs. Esther Bonareri Nyamongo as the Treasurer during the Board's first meeting that was held on Tuesday, 5th April, 2022.

### c) Y2022 ABA Board and Staff Induction Retreat

The Board of Management held its retreat from 28th April, 2022 to 30th April, 2022 at the Ocean Beach Resort, Malindi to map out the current Board's term, formulate the Y2022-Y2024 Strategic Plan, to seek out modalities for improving the welfare programs that are currently in place, to lay down the Association's tax and investment plans, and to interrogate the Association's budget, procurement and work plans for the current financial year.

### d) Validation of the Kenya School of Law 2022/3 to 2027/8 Strategic Plan.

The Board of Management attended the validation of the Kenya School of Law 2022/3 to 2027/8 Strategic Plan. The event was held, on

Friday, 10th June, 2022 at the Radisson Blu Hotel, Upper Hill, Nairobi. The Board was represented by Board Members J. Oriri Onyango and Esther Bonareri.

**e) Annual Pension Conference**

The Board of Management attended the ICEA Lion Trust Company Annual Pension Conference at the Lake Naivasha Resort from 29th June, 2022 to 1st July, 2022. The Board was represented by Board Members J. Oriri Onyango and Esther Bonareri Nyamongo at the event.



**f) Participation of the ABA Board in the Y2022 LSK Annual Conference.**

The Board of Management had the privilege and honor of interacting with various members of the profession at the above Conference which was held from 6th to 10th July, 2022 at the Leisure Lodge Beach & Golf Resort, in Diani - Kwale County.

The Conference was held under the main theme: “The Election Laws: Are they the Anchors of Democracy, Rule of Law and Good Governance or a Recipe for Chaos, Obfuscation, and Turmoil?”

and the sub-theme: “Modern Legal Practice: Technology as a Tool of Trade in Commerce & Dispute Resolution. The Board of Management was able to reach out and discuss with numerous Advocates at the Conference how the Association runs. The Board was also able to further reach out to LSK members who were present on its mandate and role.



On Saturday, 9th July, 2022, ABA Board Members J. Oriri Onyango, Esther B. Nyamongo, Angela M. Mwadumbo, and Stephen J. Saenyi attended the LSK Annual Corporate Social Responsibility at the Born-Again Children’s Home, Ukunda, along with the LSK President Mr. Eric Theuri, the Vice President Faith Odhiambo, Council members, the LSK CEO Ms. Florence W. Muturi, and members of the Secretariat.

The Board of Management donated a cheque of KShs. 208,000/= and a contribution from members present of KShs. 113,000/=, which would go to roofing and ceiling materials for the Home.

**g) Branch Visits**

No.	Branch	Town	Date of Meeting	Attended by
1.	West Kenya Branch	Kisumu	Friday, 28 <sup>th</sup> October, 2022.	J. Oriri Onyango, Stephen Saenyi and Angela Mwadumbo
2.	Coast Branch	Mombasa	Friday, 2 <sup>nd</sup> December, 2022	Full Board
3.	Nairobi Branch	Nairobi	Friday, 18 <sup>th</sup> November, 2022	J. Oriri Onyango and Esther Bonareri
4.	South West Kenya	Kisii	Friday, 2 <sup>nd</sup> September, 2022	Esther Bonareri
5.	North Rift Branch	Eldoret	Friday, 7 <sup>th</sup> October, 2022	J. Oriri Onyango



During the financial year, the Board of Management conducted Branch Visits to various branches for interactive sessions. The following Branches were visited and represented by the Board Members as follows:

During these visits, the representatives of the Board presented to and interacted with the various Branch Councils about the role and working of the Advocates' Benevolent Association, issues affecting the Advocates' welfare at the Branch level as well as the welfare programs that the Association currently has in place.

Members in attendance were informed that the Association had changed and restructured its operations to provide members and beneficiaries with more effective services.

#### **h) ABA High Tea**

The Board of Management held a High Tea event in honor of former Board Members Barbara Malowa and Cohen Amanywa at the Hillpark Hotel on Friday, 4th October, 2022. The event was graced by the LSK President and Vice President, among other guests.

#### **i) Wakili Personal Retirement Benefits AGM.**

The Scheme AGM was held virtually on 14th October, 2022.

#### **j) Y2022 Justice Games.**

The Board of Management participated in the games which were held on Saturday, 22nd



October, 2022 at the Parklands Sports Club under the theme "Wakili Fit Ni Wakili Fiti." The Board of Management fronted a team constituting of its partner agencies from HELB and ICEA Lion Trust. Board Members J. Oriri Onyango, Stephen Juma Saenyi, and Angela Mwadumbo took to the pitch to participate in the football match.

#### **k) Y2022 Legal Awareness Week**

The Board of Management participated in the event which was held from Monday, 24th October, 2022 to Friday, 28th October 2022. The event was also observed countrywide through the LSK branches.

#### **l) Participation by the Board in various Webinars**

The Board of Management had an opportunity to sensitize members in CPD seminars and webinars held on the following dates:

- 10th January, 2022– Mental Health: Family and Work Balance;
- 6th April, 2022– Mental Health: Management of Alcohol and Substance Abuse;
- 18th May, 2022- Induction Seminar for Newly Admitted Advocates;
- 25th May 2022 - Induction Seminar for Newly Admitted Advocates;
- 8th June, 2022 - Induction Course for Newly Admitted Advocates;
- 3rd June, 2022– Retirement Benefits: Tax Rebates Through Savings;
- 7th October, 2022 – Mental Health: How our Personality Influences Interactions;
- 26th October, 2022- Retirement Benefits: Financial Well-Being, Investment Cycle, and Post-Retirement Medical Health; and
- 14th December, 2022 - Induction Course: Inducting for a Strong Professional Take Off.

### **m) ABA End of Year High Tea**

The Board of Management held an end-of-year party at the Hillpark Hotel on Friday, 16th December, 2022.

### **n) 7th Kenya School of Law Graduation.**

The Board of Management attended the subject event which was held on Friday, 16th December, 2022 from 10am to 12pm. The Board, which was represented by Board Member J. Oriri Onyango sponsored an award at the event

### **o) Renewal of the Association's Tax Exemption Certificate**

The Board of Management was in the process of renewing the Association's Tax Exemption Certificate. However, the same was declined by KRA.

The Board is looking into appealing the decision at the Tax Appeals Tribunal.

### **p) Existing partnerships:**

Wakili Personal Retirement Benefits Scheme:

Wakili Personal Retirement Benefits Scheme is a formal retirement savings plan for members of the Association and their non-Advocate employees. It is a structured and professionally run scheme to enable the Advocates to save towards their retirement.

Members who are interested in joining the scheme can access the membership portal by visiting <https://pensionscloud.azurewebsites.net/> or fill in the membership forms here and thereafter forward the filled-in form to [aricha@kingslandcourt.co.ke](mailto:aricha@kingslandcourt.co.ke), [bdlife@icealion.com](mailto:bdlife@icealion.com), or [itslbd@icealion.com](mailto:itslbd@icealion.com).

### **Partnership between the Advocates' Benevolent Association and Counsellors and Psychologists Society of Kenya (CPS-K).**

The Board of Management is cognizant of the fact that the legal profession is competitive and demanding; and that members are vulnerable

to stress, anxiety, burnout, depression, divorce, substance abuse, and compulsive behaviors and their reluctance to seek help as they are fearful, in denial, afraid of being embarrassed. As such, the mental health of Advocates has become a very critical issue and the same has been further exacerbated by the Covid 19 pandemic.

Accordingly, the Board of Management has entered into a partnership with the Counsellors and Psychologists Society of Kenya (CPS-K) to collaborate and offer psychological and counseling services to members and their families at subsidized rates.

CPS-K is a society established under the Societies Act Cap 108 of the Laws of Kenya which among other things promotes and provides counseling and psychological services for the well-being and mental health of clients and generally offers psycho-education and psychological support to the general public.

The Board of Management shall pay for the first individual therapy session provided to paid-up members of the Association. Thereafter, members shall pay for all services rendered to them at the following agreed rates:

- Individual Therapy at KShs. 1,500/= per session;
- Couples Therapy at KShs. 2,000/= per session;
- Family Therapy at KShs. 2,500/= per session; and
- Group therapy at KShs. 600 per person with a minimum of 6 people.

Individuals in need of assistance can contact the ABA Secretariat through the details provided below or the Counsellors and Psychologists Society of Kenya (CPS-K) Chairperson, Mr. Kimani Githongo, Advocate on 0722-715-424.

### **Partnership between the Advocates' Benevolent Association and Amref Flying Doctors.**

The Board of Management of the Association has also entered into a partnership between itself and AMREF Flying Doctors. AMREF Flying Doctors is a leading, internationally accredited Air Ambulance Provider based in Kenya that has been in operation for the last 60 years with a dedicated fleet of short and long-range aircraft to facilitate accessibility to remote bush airstrips as well as to repatriate patients by air ambulance to other continents.

This partnership has created an avenue in which distressed members of the Association can receive medical evacuation services in case of a medical emergency.

Members interested in benefiting from the partnership can access the membership form from the ABA website.

The Board has also negotiated partnerships with the following establishments:

**a. Hillpark Health and Fitness Centre**

- o 10% discount on food at their restaurant.
- o Gym charges rate as follows: yearly at KShs. 70,000/=, half-yearly at KShs. 45,000/=, quarterly at KShs. 25,000/=, monthly at KShs. 10,000/=.
- o KShs. 700/= on adult swimming while 500/= on kids swimming.

**b. Premier Gym**

- o A Corporate Rate of KShs. 6,000/= monthly, KShs. 15,000/= quarterly, KShs. 24,000/= half-yearly and KShs. 45,000/= yearly.

**TESTIMONIALS FROM SOME OF OUR BENEFICIARIES**

*We continue to be grateful to the ABA Board of Management for your support towards the children's education. God bless you all. The children have continued to perform well in their respective grades during the Y2022 and are now ready to proceed to Grades 7 and 3, respectively. (William Kiptanui Sang, Spouse of the Late Janice Cherop Miso, Advocate (P.105/6176/06))*

*I would like to thank you and the LSK Benevolent Fund very much for the continued support of my sisters and I. (Samuel Mwangi, son to the Late Pauline Waithira Githugu, Advocate (P.105/3875/98))*

*We continue to extend our gratitude for the educational assistance provided for my brother Elly. Please extend our gratitude to the board for their continued support (Brian Bichanga, son to the Late Nicholas K. Wilson Bichanga Nyamategandah, Advocate (P.105/1896/89))*

*Thank you for all you do as always. Appreciated. (Lister Nyabwari, spouse to the Late Douglas Obed Okindo Advocate (P.105/8148/10))*

*Thanks for your continuous assistance and support. Thanks, a lot and may God bless you so much for your good work. (Janepher Magara, spouse to the Late Thomas Nyakeno Advocate (P.105/2943/95))*

**The Board of Management is looking forward to:**

- Increasing membership uptake of Wakili Personal Retirement Benefits Scheme;
- Fundraising activities for the Association;
- Beneficiary mapping;
- Increased sensitizations to raise membership awareness of the Association; and
- Enhancement of the Board's Corporate Governance.

## REPORT OF THE RIFT VALLEY BRANCH

The Branch held its 2nd AGM on 15th October 2022 at Sunshine Hotel in Kericho County. The newly elected office bearers were sworn into office.

The Branch officials are:

1. Aston Muchela Ong'enge - Chairperson
2. Grace Wangechi Wangare - Vice Chairperson
3. Francesca Ng'etich - Secretary
4. Geoffrey Kipngetich Korir - Treasurer
5. Kevin Kimani Kihoro - Assistant Secretary
6. Julius Ole Yienko Narok Center Rep
7. Andrew Birech - Sotik Center Rep
8. Geoffrey Kibet Kirui - Molo center Rep
9. Edwin Kibet Mwaita- Kabarant Center Rep
10. Julius Mutai - Kericho Center Rep
11. Stephen Imbwaga - Nakuru Chapter Rep
12. Maina Kairu - Nyahururu Center Rep
13. Mbugua Macharia - Naivasha Center Rep
14. Mary Nyawira Mureithi - Engineer Center Rep

The Branch did successfully participate in the Justice Cup Tournament held at Parklands Sports Club where two strong teams were fielded. One was a football team that advanced to the quarter finals stage. The branch also fielded a Volleyball Team who were able to lift the Volleyball Cup by defeating the State Law Office in a high adrenaline finals that had to be played twice due to a tie in points.

The Branch expresses heartfelt gratitude to the energetic teams that flew the Rift Valley Branch flag high.

The Rift Valley Branch held a successful Legal Awareness Service week across all the Centers and Chapters of the Branch from 24th to 28th October 2022. More than 800 persons were reached and given free legal services by the members of the Branch. In Nyahururu, the members did a prison visit at Thompson Falls GK

prison. There were public barazas at Nyahururu market area and a visit to Fr. Baldo's children home

The Nakuru Chapter had the privilege of hosting The Young Bar Association's annual AGM at Royal Green Gardens which had been preceded by the inaugural Nakuru Chapter Young Mentorship session held on 4th November 2022 at Rift Valley Sports Club. Over 100 advocates of less than 5 years in practice were in attendance and had insightful mentorship talks from other Senior members of the bar.

The Branch commemorated the Children's Week by visiting the Nakuru Juvenile Remand Home, an activity that was successfully spearheaded by the Molo Center on 18th November 2022. The members supported the children through provision of food, sanitary and educational items.

The Branch welcomed the inaugural Permanent Court of Appeal Bench which sits in Nakuru

This has created a real improvement in access to justice as Court of Appeal matters are being attended to expeditiously. The Branch extends its gratitude to the Hon Chief Justice for setting up this permanent bench.

The year ended on a high note with a major thanksgiving and Christmas Carol service being held at ACK Cathedral Nakuru where a powerful sermon was delivered by Hon Justice Daniel Musinga, President of the Court of Appeal on 9th December 2022.

End year dinners were held across the Branch and at Center levels.

The Branch is excited and looking forward for the new and better prospects for the year 2023

## Branch Activities Pictorials





The RVB team during justice cup



The Children's Week at the Nakuru Juvenile Remand Home



RVB, Winners of the Volleyball Tournament.



## ACTIVITIES IN PICTURES



Launch of western jurists forum legal aid program ( Wakili nyumbani) & CSR activity in Busia county.



The LSK President, Eric Theuri (third from right) at the 23rd NCAJ council meeting and 2nd national criminal justice reforms conference.



Group Photo of participants during the validation workshop of the Kenya school of law 2022/2023- 2027/ 2028 strategic plan.



Chairman Wafula Chebukati with the LSK President, Mr. Eric Theuri and other officials at a meeting of the Special National Council on the Administration of Justice (NCAJ) Ad-hoc Committee on Election Preparedness. The meeting discussed various areas of collaboration in the electoral process among the Member Institutions.



## ACTIVITIES IN PICTURES



A section of council members at the Commemoration Of Willie Kimani, Josephat Mwenda And Joseph Muiruri . The goal of the commemoration was to show solidarity to the victims and to call for a swift determination of the cases and for justice to prevail.



The LSK Vice President, Faith Odhiambo at a Women's Soirée organized by the Nairobi Legal Award. #NLAsoiree



The LSK President Eric Theuri and VP Faith Odhiambo at the Launch of Base's Sustainability Report.



It was a pleasure attending the Women's Soirée organized by the Nairobi Legal Awards, to share our experiences in building a business.



Courtesy call to the Chief Justice Hon. Lady Justice Martha Koome by the LSK Council led by the LSK President, Eric Theuri



## Law Society of Kenya

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