



16TH FEBRUARY 2024 | ISSUE 6

THE LEGAL INSIGHT

The Official LSK Weekly Newsletter

CALL FOR ARTICLES FOR THE ADVOCATE MAGAZINE

The Law Society of Kenya invites members to submit articles for consideration for publication in the March 2024 issue of The Advocate Magazine - Pathways to Justice Edition.

The submitted articles should:

- Be in line with this Edition's Theme - "Justice Unbound: Navigating Access in the Criminal Space"
- Not exceed 1000 words (footnotes are not required).
- Attach passport-sized photos of the author to be published together with the submitted article.

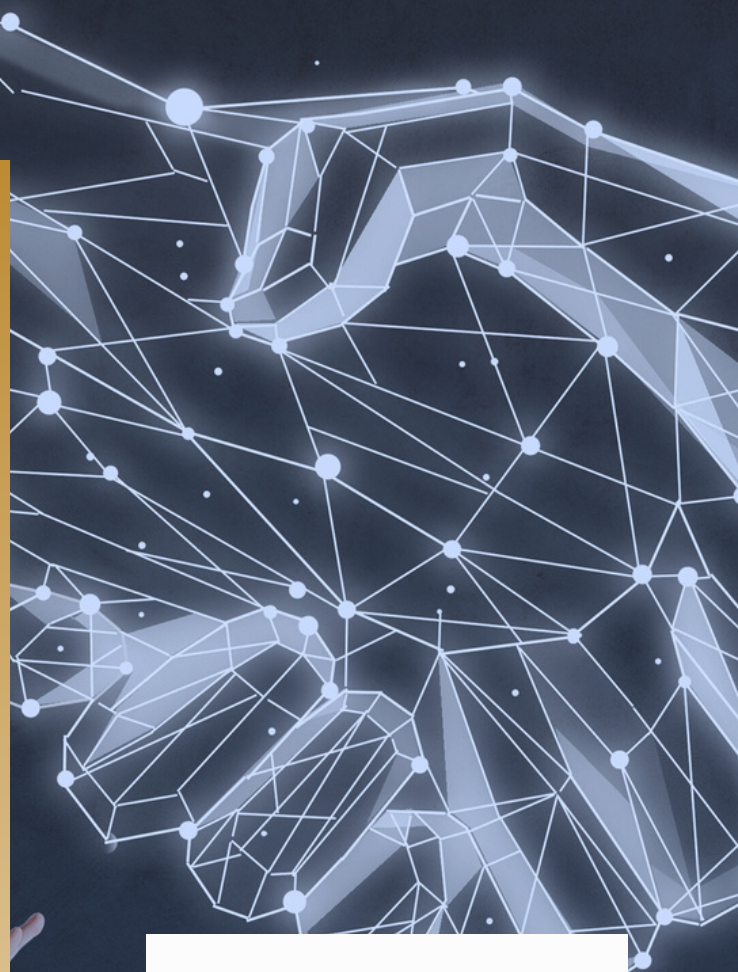
The magazine also offers an opportunity for members of the Law Society of Kenya and non-members to place advertisements (at subsidized rates) as highlighted below:

- Double page spread Kshs. 500,000
- Full page Kshs. 300,000
- Strip front page Kshs. 200,000
- Half Page Kshs. 150,000
- Quarter page Kshs. 75,000

NB: The advertising rates are exclusive of the 16% rate of VAT.

The submitted articles shall be reviewed and the Society reserves the right to delete, edit, or alter in any manner it sees fit the submitted articles for publication.

The submission of articles and requests to advertise/partner should be sent to a.rodil@lsk.or.ke and copied to gloria.kuyoh@lsk.or.ke to reach us not later than 29th February 2024.



FEATURED

News Segment

Notices/Vacancies

Upcoming Events

Weekly Bites



MEETING WITH MADISON INSURANCE AND LSK

On February 14, 2024, the Law Society of Kenya held a meeting with the Madison General, Managing Director Samuel Chege. The primary objective of the meeting was to explore potential avenues for collaboration to provide the membership with affordable and high-quality services.

The discussions during the meeting centered around establishing a partnership that would benefit both parties in the long run. The emphasis was placed on creating a framework that would not only cater to the immediate needs of members but also contribute to a sustained and mutually advantageous relationship.

The participants discussed various aspects of the potential partnership, including service offerings, cost structures, and quality assurance measures. Both parties expressed their commitment to fostering a collaboration that would enhance the overall well-being of the membership while ensuring the delivery of top-notch services.

Both parties have agreed to further discussions and detailed planning to formalize the terms of the partnership, with the ultimate goal of providing members with a range of services that are not only affordable but also of the highest quality.



VOTING GUIDELINES AND POLLING FOR THE UPCOMING ELECTIONS

The elections shall take place on **Thursday, 29th February 2024** from **8.00 am** to **5.00 pm**.

Refer to the full notice issued by the Elections Board on 6th February 2024. [CLICK HERE.](#)

LSK CPD WEBINAR REGISTRATION LINK



After booking and paying for LSK CPD Webinars, kindly follow the process below to access the Webinar Registration Link on your email.



NB

- When making payments via Mpesa insert the correct Account Number as indicated in the invoice.
- Upon completion of the above process, you will receive Webinar Log in Credentials in the email addresses indicated at the point of Webinar Registration.



NOTICE: ELECTIONS TO SERVE ON THE BOARD OF MANAGEMENT OF THE ADVOCATES' BENEVOLENT ASSOCIATION

NOTICE IS HEREBY GIVEN, pursuant to Rule 14 (2) and Rule 22 of the Advocates' Benevolent Association Rules that the biennial election of Four (4) Members to the Board of Management of the Advocates' Benevolent Association shall be held through a digital platform by ICPAK on Friday, 15th March, 2024 from 8am to 5pm.

The Advocates' Benevolent Association wishes to invite applications from Members who are interested in serving on the Board of Management for the next Two (2) Years. The current serving Board Members who are all eligible for re-election are:

1. J. Oriri Onyango (P.105/1560/86);
2. Esther B. Nyamongo (P.105/5121/03);
3. Stephen J. Saenyi (P.105/5052/03); and
4. Angela Ndegi Munga Mwadumbo (P.105/8280/11).



NOTE:

Pursuant to Rule 23, no Member of the Association shall be eligible to be elected to the Board unless nominated in writing by at least Two (2) Members of the Association, and such nomination shall have been forwarded to the Secretary of the Association at least Fourteen (14) days before the date of the election, on or before Friday, 1st March, 2024.

This is a call for members offering themselves for election to fill in the, ABA Nomination Paper and return the same to, The Secretary/CEO, Law Society of Kenya, Lavington, opposite Valley Arcade, Gitanga Road, P.O. Box 72219 - 00200, Nairobi.





COUNCIL DECISIONS TAKEN ON 12TH FEBRUARY 2024

The Council Decisions on applications taken on 12th February 2024 for admission to the Roll of Advocates, Practicing Certificates, Notary Public and Commissioner for Oaths and Admission petitions November Special Gazette can be accessed on the link:

https://drive.google.com/file/d/1QdxL41R5IZzRo_mqaeUQq1Q0oYGbGqB6/view?usp=sharing

CALL FOR PAPERS FOR THE LAW SOCIETY OF KENYA JOURNAL 2024

The Law Society of Kenya Journal is a peer-reviewed publication of the Law Society of Kenya prepared by the Editorial Committee. The Committee invites members to submit papers for consideration for publication in the 2024 Edition.

The Editorial Board welcomes scholarly articles, case reviews case commentaries and book reviews within Kenyan law and practice, comparative law in Africa and internationally.

Only submissions written in accordance with the Law Society of Kenya Journal (LSKJ)- Instructions to Authors will be considered. The Instructions can be accessed via the [link](#),

Submissions should be sent to journal@lsk.or.ke not later than **Tuesday, 30th April 2024 at 5 pm.**

NB: All submissions should include reliable telephone numbers and email addresses for ease of communication with the Editorial Committee.

Plagiarism is unacceptable and will lead to automatic rejection of the submitted paper.



UNICAF[®]



Up to **80%**
Scholarships!
**STUDY ONLINE FOR A
LAW DEGREE**



Earn an internationally recognised Law degree while studying from home with a Unicaf Scholarship. Choose a **Bachelor's, Master's or Doctoral degree from Unicaf University, the University of East London, Liverpool John Moores University, or the University of Suffolk.**

PROGRAMMES OF STUDY:

Bachelor's Degrees
Bachelor of Laws (LLB)



Master's Degrees
Master of Laws (LLM)



Doctoral Degrees
Doctor of Philosophy - Law and Politics (PhD)



APPLY NOW!
<https://link.unicaf.org/lsk>

Choose Unicaf and improve your career and life!

For more information please contact:
Samson Kithika Mbondo, Business Development Manager of Unicaf Kenya
Telephone: 0714655897
Email: s.mbond@kenya.unicaf.org



Why SKIP TRACING

It is a common occurrence for debtors to attempt to avoid their financial obligations by hiding their current whereabouts through use of false or altered names or changing their registered business names or addresses making it difficult for service to be effected upon them and/or for execution to issue. In such circumstances, skip tracing becomes crucial. "Skip" refers to the person being searched for and "tracing" means the act of locating the Person.

The importance of skip tracing in debt collection for financial institutions, law firms, private individuals and corporate institutions cannot be downplayed as its aid in tracing and locating judgment debtors that are attempting to avoid their payment obligations. It also serves a huge role in tracing crucial witnesses in ongoing legal proceedings, tracing parties for purposes of effecting court service, tracing missing heirs or relatives in succession cases as well as locating and tracking defaulters in commercial relationships.

At **Riskhouse International**, we have a team of highly skilled and well trained investigators who have the knowledge and know-how on skip tracing. Our clients range from law firms to financial institutions and we apply various techniques to aid in successful tracing of the relevant persons.

☎ 0726 748 889 | ✉ info@riskhouse.co.ke | 🌐 www.riskhouse.co.ke



RESEARCH ON WOMEN IN THE WORKPLACE IN KENYA

The Law Society of Kenya invites members to participate in a comprehensive study of the state of women's leadership and workplace representation in Kenya and Nigeria, conducted and supported by McKinsey & Company and Bill & Melinda Gates Foundation.

This survey is voluntary, and your survey responses are treated as confidential. McKinsey & Company will analyze your responses directly and may also compare them to survey data in McKinsey's benchmarking and research databases. Your survey results will be used to contact your organization about participating in the study. The results of the study and research analyses will be presented to your organization in aggregate form and will not identify you as a survey respondent or associate you with your responses.

By participating, organizations will receive a customized report that benchmarks their representation of women against their peers. The research aims to answer important questions such as the representation of women at different levels of seniority across sectors, the key points where women progress at different rates compared to men, and the drivers behind these differences.

To participate, organisations are invited to share company-level data on the proportions of women at different levels of seniority. Personal data will not be requested, and strict confidentiality agreements will be in place. The report will be anonymized and presented at an industry and/or country level, ensuring individual companies are not mentioned.

[Click here to access the sign-up form](#) to confirm eligibility to participate in the study.

All types of organizations and/or firms can participate. If you have questions about this survey, please contact womenrepresentation@mckinsey.com If you have questions about data privacy or wish to exercise any of your data privacy rights, please contact privacy@mckinsey.com

**FEBRUARY 2024 TRAINING SCHEDULE**

DATE	TOPIC	CPD	SPEAKER	AMOUNT	TIME	LINK
8.2.24	In-Depth Overview of the Data Protection Act	1	Nelson Otieno Shaddy Chemos	3,500	2.00 PM	https://us06web.zoom.us/webinar/register/WN_5rDW_MYvTomkC9wVP17chQ
12.2.24	Environmental, Social, and Corporate Governance (ESG)	1	CS Judy Warui Deborah Momanyi	3,500	2.00 PM	https://us06web.zoom.us/webinar/register/WN_jIU3QnfqRF67DBmC3GaFmw
14.2.24	Labour Law Trends and Developments	1	Irene Kashindi FCI Arb	5,000	2.00 PM	https://us06web.zoom.us/webinar/register/WN_0cNCGqg4RxCw816QNKDzRA
15.2.24	Governance Audits: Opportunities For Advocates	1	Judy Warui Dr. Seth Wekesa	5,000	2.00 PM	https://us06web.zoom.us/webinar/register/WN_aT9T6ZcSRhqBYvgPbf_sQ
19.2.24	Emerging Practice Areas for Lawyers: Trends and Developments	NO CPD POINT	Irene Kashindi Dr. Seth Wekesa CS Judy Warui	1,500	2.00 PM	https://us06web.zoom.us/webinar/register/WN_I48oXJG-SoCQ9dHGiinbGQ
22.2.24	New Health Laws: All you need to know	NO CPD POINT	Rose Nakhungu	1,500	2.00 PM	https://us06web.zoom.us/webinar/register/WN_YhG1u4UsR_a8hUY5DSkiQA
23.2.24	Tax Compliant Firm: The Pitfalls to avoid	1	CPA David Nderitu Mwangi	3,500	2.00 PM	https://us06web.zoom.us/webinar/register/WN_RYYfp6_TTNqEIUo2xrtHQ
26.2.24	Business Development for Lawyers/Firms	1	Brian Munialo Ruth Wanyoike	5,000	2.00 PM	https://us06web.zoom.us/webinar/register/WN_bdzc7uc0QJWjyQwasm1Q5w
28.1.24 - 1.3.24	Certificate in Legal and Compliance Audits	2	CS. Dr. Seth Wekesa CS Judy Warui	60,000	8.30 AM- 4.40 PM	https://forms.gle/1dMcyvGU1zkLgLVN9

Registration will be completed/ approved after payment is received.

Payment Details:

Paybill Number: **4011607**

Account: **Name of participant**
Amount: **As Indicated**

Kindly send the confirmation text to **+254 725 223300**

For any query or further information, relating to these courses, please contact:

Charlene Aurelia, Training Administrator
Tel: **0725 223300 / 0710 777752**
Email: **training@tca.co.ke**

Call/WhatsApp **+254 725 223 300** or Email: **training@tca.co.ke** or visit **www.tca.co.ke**



THE KENYA SCHOOL OF LAW

COURSE: ADVANCED NEGOTIATION MASTERCLASS

(3 LSK CPD POINTS)

DATE: 4TH – 8TH MARCH, 2024

VENUE: KSL, KAREN CAMPUS

COURSE DESCRIPTION

This course aims at training professionals in the legal field to develop advanced negotiation skills and create value for all parties. Participants will be guided systematically through the negotiation process and by the end will articulate what constitutes success or failure in a negotiation. They will develop key skills for effective negotiation including intense preparation, in the moment tactics, responses to changing scenarios, persuasion among others.

TARGET AUDIENCE

This course targets professionals working in the legal field who require to refresh their knowledge and tools to execute complex negotiations.

TRAINING FOCUS

The course will focus on the following key topics;

1. Preparation for negotiations
2. Types of negotiations
3. Negotiation techniques and strategies
4. Negotiation under the Public Procurement and Asset Disposal Act (Case Study)
5. Drafting a negotiated settlement/agreement

COURSE OUTCOME

At the end of the course, participants will be able to;

1. Structure and execute complex negotiations successfully
2. Identify the characteristics of effective negotiators
3. Develop effective negotiation skills and strategies
4. Negotiate across international or cultural boundaries



5. Identify and mitigate challenges to a successful negotiation.

COURSE FEE

The cost of the course is **Kes. 58,500** inclusive of VAT and registration fee (covers tuition fees, course materials, stationery, lunch and refreshments).

Money should be deposited in the School's account: (**Account No. 202 2029 110 ABSA Bank of Kenya, Absa Bank Kenya PLC, Plaza Branch, Nairobi, Kenya**) and the bank slip or evidence of electronic funds transfer presented to the Finance Office.

CPD POINTS

Members of the Law Society of Kenya who attend and complete the training will be entitled, on payment of **extra 1,000.00 to be awarded 3 CPD points**. Payment of this sum shall be effected **during** the training, as will be directed by the organizers of the training.

APPLICATION PROCESS

All applicants should apply through the online application platform on the KSL website;

<https://services.ksl.ac.ke/web/login>

CONTACT DETAILS

For any queries, contact the course coordinator Ms. Naserian Sitelu on msitelu@ksl.ac.ke, or Jacqueline on jacqueline@ksl.ac.ke , or Christine on cmwanza@ksl.ac.ke or cpd@ksl.ac.ke.

Website: www.ksl.ac.ke

ISAAC KULOBA

For DIRECTOR / CHIEF EXECUTIVE OFFICER



ISO 9001:2015 Certified Organization



THE NADCO REPORT AND ITS PROPOSALS FOR REFORMS

On 6th September 2023 Parliament established the National Dialogue Committee (NADCO) to essentially facilitate reconciliation and consensus building. Many pundits hailed this as an expected pattern of Kenya's political landscape given since the advent of multi-partyism where there has always been such a move following closely after a general election.

The NADCO establishment hailed another avenue for the political class to wether out historical issues that present themselves during every electoral cycle. Notably, its mandate was fivefold: to tackle the two-thirds gender rule; high cost of living; loyalty to political parties and coalitions; enshrining political party funds in the Constitution and establishing the offices of the Opposition leader; and the Prime Cabinet Secretary. In addition, the Committee was to recommend suitable constitutional, legal, and policy reforms concerning matters of significance to the people of Kenya. During its tenure, the National Dialogue Committee equally invited stakeholders to present opinions and memorandums and engaged experts and professionals. The committee has since completed its task and presented its recommendations for discussion by Parliament in their upcoming sitting.

Parliament will therefore be deliberating the recommendations which include an audit of the 2022 electoral process, and the management of the high cost of living through the reduction of government expenditure especially on travel. The committee further recommended the entrenchment of NG-CDF, the National Government Affirmative Action Fund (NGAAF), and the Senate Oversight Fund. NADCO also recommended the Ward Development Fund be established by statute. The establishment and entrenchment of state offices such as the office of the Official Opposition and the Prime Minister has also been floated. Lastly is the establishment of the Independent Political Parties Regulatory Commission as an independent body that shall be responsible for the registration of political parties and their office holders and the management of political parties' funds. Notably, most of these recommendations would require a Constitutional Reform process.

The potential Constitutional reform will be a point of interest in the governance space, especially with the one on creation of the office of the Official Opposition. The office of the official opposition existed in Kenya before the promulgation of the 2010 Constitution.

**CONTD...**

Between 1993 and 2005 and 2007 we had some form of political opposition, who had an allocation of an office and a budget to run their affairs. In contrast, the 2010 Constitution did not provide for an exchequer for the position. This is primarily because the presidential (and their running mates) candidates cannot vie for parliamentary seats as a consolation prize. Presently the leader of the opposition coalition is not elected (MP or a Senator) making their position ineffective in terms of checks and balances since they cannot For example, name his shadow cabinet comprising MPs paid by the exchequer.

Under the Westminster system of the 19th century which Kenya Derives precedence the Official Opposition is recognized as the party or group which has the greatest number of non-government Members in the House of Representatives. It is organized as a body with the officially recognised function of opposing the Government. The party (or sometimes coalition of parties) is recognised as the 'alternative Government'—that is, the body which would form the Government, with its leader as Prime Minister, if the existing Government were to lose the confidence of the House or the people. The concept of 'alternative Government' is very relevant in most democracies that resonate with this system. The Opposition is considered an important component in the structure of the House and is considered to be essential for the proper working of democratic government and the parliamentary process in the Westminster system. The Recognition of the official opposition in other jurisdictions with provisions for its operations is not relatable to Kenya now.

Kenya's Article 108 of the Constitution provides for the leader of the majority party as the person with the largest party or coalition of parties and the leader of the minority party as the person with the second largest party or coalition of parties in the National Assembly. In this setting, it is the parties to nominate the Minority Leader who has been elected in parliament and who as a result of the General Elections, not its Presidential candidate. The provision also provides for the order of precedence to be observed in the National Assembly as Speaker of the National Assembly followed by the leader of the majority party and then the leader of the minority party. This goes to symbolize the power dynamics and political influence making it the clear issue of contention that the politicians would like to change to ensure the retention of the political capital even when they lose elections. Let us all keep #Wakilis vigilance as the governance landscape is opened up for possible changes during the life of the 13th Parliament.

WRITTEN BY
SOPHIE KAIBIRIA
DIRECTOR- PRACTICE STANDARDS





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

PALU 14th ANNUAL CONFERENCE

#savethedate

CLE POINTS WILL BE AWARDED



MARRAKESH
MOROCCO



WEDNESDAY- SATURDAY
22- 25 MAY, 2024

Join us at the **PALU** 2024 Annual Conference. Stay tuned for more details! For the latest updates, please visit our events portal at <https://events.lawyersofafrica.org>

 events.lawyersofafrica.org

 +255 (68) 507-8794

 events@lawyersofafrica.org

 @lawyersofafrica



THE KENYA SCHOOL OF LAW

COURSE: BOARD SECRETARIAL PRACTICES (3 LSK CPD POINTS)

DATE: 18TH – 22ND MARCH, 2024

VENUE: **NAIVASHA**

ABOUT THE COURSE

Boards of directors have a direct impact in shaping the success of the organizations they govern. In order to be effective, they ought to have a thorough grasp of their authority, mandate, roles and responsibilities as well as the organization's operational environment and regulation.

The **Board Secretarial Practices** training is designed to equip participants to understand and implement sound policies and ongoing procedures for effective governance in a manner that complies with set legislation and various guidelines. The aim of the training is to equip participants with an in-depth appreciation of operations and processes of boards. It will similarly explore a practical application of how boards and management can work together to enhance board operations within the organization's operational environment and regulation.

The outcome of the training will be that participants will gain practical insight on how to set up structures, policies and procedures for governance, leadership, authority, decision-making accountability and transparency.

TRAINING FOCUS

The focus of the training will include;

- a) Introduction & definitions;
- b) Corporate governance in the public and private sectors;
- c) Planning, strategy and organizational policies;
- d) Board and committees: structures, roles and responsibilities;
- e) Board governance tools;
- f) Board-management interactions;
- g) Effective board operations and processes;
- h) Role of the board in organizational risk management;
- i) Financial management and procurement;
- j) Organizational sustainability;
- k) Measuring board performance: induction, empowerment and appraisal;
- l) Corporate governance from the Mwongozo perspectives;
- m) Role of the board in ensuring legal and regulatory compliance;
- n) Emerging corporate governance challenges and the way forward.



COURSE OUTCOME

By the end of the course the participant will be equipped to;

- a) Relate corporate governance theory and corporate governance in practice;
- b) Describe a typical board structure, operation and processes;
- c) Demonstrate an understanding of the roles and responsibilities of the board, its committees and the individual members, on the one hand, and the management, on the other hand;
- d) Explain the rationale and purpose of the Mwongozo Code;
- e) Apply the knowledge and skills gained to their respective organizational demands;
- f) Help their respective organizations to establish effective strategies and systems for board operations and processes and their interface with the management;
- g) Manage the challenges attendant to the interaction between the board and the management of an organization.

TARGET AUDIENCE

The training is suitable for the following, amongst others:

- a) Board members of state corporations;
- b) Board members of private companies;
- c) Chief executive officers of both private and public corporations;
- d) Company/corporation secretaries and legal personnel;
- e) Persons working in board secretariat;
- f) Private persons interested in matters of regulation and oversight;
- g) Persons involved in developing legislation or legislative proposals;
- h) Scholars and practitioners on corporate governance;
- i) Persons interested in public governance and accountability.

APPLICATION

Applications for the course should be done through the CPD online registration portal https://services.ksl.ac.ke/cpd_courses

YOUR INVESTMENT

Kshs. 95,000 inclusive of VAT and registration fee (covers tuition fees, course materials, stationery, lunch and refreshments). Non-East Africans pay **USD 1,250**.

CPD POINTS

Members of the Law Society of Kenya who attend and complete the training will be entitled, on payment of **extra Kes. 1,000.00** to be awarded 3 CPD points. Payment of this sum shall be effected during the training, as will be directed by the organizers of the training.

Please note that we would wish to have your duly completed application form and proof of payment (or confirmation of participation) one week before the commencement of the course to enable us to adequately prepare for the course. For any queries, contact Course Coordinator **Ms Naserian Sitelu** on msitelu@ksl.ac.ke, or **Christine cmwanza@ksl.ac.ke** or cpd@ksl.ac.ke.



AFRICA SOFT POWER SUMMIT 2024

Save the date: May 28th – 31st! Join us in Kigali, Rwanda!

www.africasoftpower.com



Mark your calendars for **May 28th to 31st, 2024** as we invite you to join us in the beautiful city of Kigali, Rwanda, for the Africa Soft Power Summit 2024. Returning for its third year, the Summit is the premier convening for Africa's creative and tech industries, as well as women's leadership, hosted in Africa, but focused on growth for the whole world.

*The provided dates could be adjusted by one or two days.



www.africasoftpower.com