



5TH APRIL 2024 | ISSUE 10

THE LEGAL INSIGHT

The Official LSK Weekly Newsletter

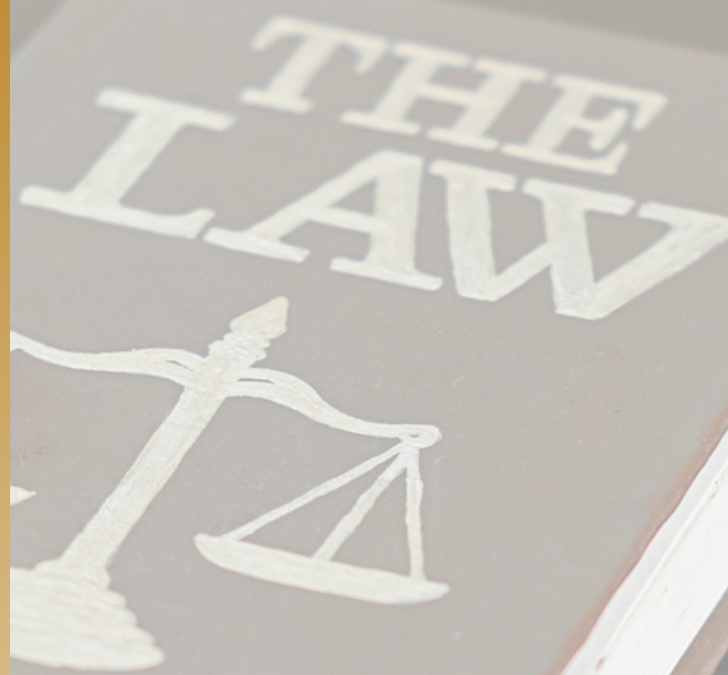
LSK STAFF QUARTELY MEETING



The LSK CEO Florence W. Muturi presenting a gift to Mr. Philip Ouma

The Law Society of Kenya staff held their quarterly staff meeting on 28th March 2024 from 2pm at the LSK Grounds. During the meeting a number of issues were discussed, key among them included how to continue improving delivery of services to members. The meeting led by the CEO, Ms. Florence W. Muturi saw members air out their views on various issues with possible solutions and way forward being agreed upon.

During the meeting, the Society also bid farewell to a long time serving staff member, Mr. Philip Ouma who was proceeding on retirement after having dedicated 18 years of exemplary service to the Law Society of Kenya. There were heartfelt tributes to Mr. Ouma's illustrious career and lasting contributions.



FEATURED

News Segment

Notices/Vacancies

Upcoming Events

Weekly Bites

Tech News



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The CEO reflected on Mr. Ouma's remarkable career journey. She expressed gratitude for Mr. Ouma's years of dedication and highlighted the impact he had made on the organization, staff and members. The Society appreciates Mr. Ouma for his dedicated service and wishes him a happy and healthy retirement.



Staff Members during the meeting.



NOTICE FOR COMMENTS ON THE CARE AND PROTECTION OF CHILD PARENTS BILL (SENATE BILL NO. 29 OF 2023)

The Care and Protection of Child Parents Bill was read for the first time and referred to the Committee on Social Security for consideration and reporting to the house.

The Bill seeks to create a framework for the care and protection of expectant children and child parents so as to ensure that their rights to education and health are protected; to provide assistance to the needy child parents and their caretakers; to ensure the care of their children; to address teenage pregnancies and dropping out of school; and for connected purposes.

In accordance with Article 118 of the Constitution and standing order 127(3) of the National Assembly Standing Orders, members are hereby invited to submit their comments on the Care and Protection of Child Parents Bill which can be accessed through this [Link](#).

Members are requested to submit their comments to the parliamentary Affairs and legislation email at parliamentaryaffairs@lsk.or.ke and copy Ms. Sarah Agong at sarah.agong@lsk.or.ke not later than Friday 5th April, 2024 at 5:00p.m.

NOTICE FOR COMMENTS ON THE KENYA SIGN LANGUAGE BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2024)

The Kenya Sign Language Bill was read for the first time and referred to the Committee on Social Security for consideration and reporting to the house.

The Bill seeks to provide for the recognition, promotion, development and use of the Kenyan Sign Language, thereby giving effect to Articles 7(3)(b), 50(2)(m), 54 (1)(d) and 120 of the Constitution and to ensure that members of the deaf community are treated with dignity in all spheres of life and have access to both information and justice.

In accordance with Article 118 of the Constitution and standing order 127(3) of the National Assembly Standing Orders, members are hereby invited to submit their comments on the Kenya Sign Language Bill (National Assembly Bill No. 1 of 2024) can be accessed through this [Link](#).

Members are requested to submit their comments to the parliamentary Affairs and legislation email at parliamentaryaffairs@lsk.or.ke and copy Ms. Sarah Agong at sarah.agong@lsk.or.ke not later than Friday 5th April, 2024 at 5:00p.m.



IBA 2024

CENTRO CITIBANAMEX, MEXICO CITY, 15-20 SEPTEMBER

Taking place from 15-20 September at the Centro Citibanamex, Mexico City, the 2024 IBA Annual Conference is the premier conference for legal professionals worldwide to meet, share knowledge, network, build contacts and develop business.

With an abundance of business and networking opportunities on offer, and taking place in such a bustling economic and financial centre, Mexico City will be an exceptional host for the largest, most prestigious event for international lawyers.

What will IBA 2024 offer you?

- Gain up-to-date knowledge of the major developments in your area of law
- Hear from leading international figures, government officials, general counsel and experts from across all practice areas and continents
- Opportunities to win more work and referrals at the world's best networking and business development event for lawyers and law firms
- Access to 5,000+ attendees representing over 2,700 law firms, corporations, governments and regulators from more than 130 jurisdictions
- Build invaluable international connections with leading practitioners worldwide
- Build your personal profile and enhance your law firm's reputation, visibility and brand in the international legal world
- Acquire a greater knowledge of the role of law in society through rule of law and human rights
- Be part of the debate on the future of the law



THE CLA'S LEGAL TECHNOLOGY AND ETHICS COMMITTEE WEBINAR - FINAL EPISODE - "AI AND ETHICS IN ACCESS TO JUSTICE"

The Commonwealth Lawyers Association Legal Technology and Ethic's committee FINAL episode of their 6-part series taking place on 18th April. Please may I trouble you to circulate Episode 6's details to the popular series to your membership and colleagues? The webinar is free to all to attend, irrespective of CLA membership, and certificates of attendance will be given on request.

Episode 6 - "AI and Ethics in Access to Justice"
18th April 2024 taking place at 1pm BST.

Webinar details:

Overview of AI in access to justice, including its benefits and drawbacks

- Ethical considerations in using AI to improve access to justice, such as ensuring fairness and impartiality
- Best practices for using AI ethically in access to justice, such as incorporating human oversight and conducting regular audits

Practical examples:

- Use of AI tools such as chatbots and virtual assistants to provide legal information and guidance to individuals who may not have access to legal resources.
- Discussing the potential of AI to improve access to justice, particularly for marginalized groups, and the ethical considerations involved.
- Examining best practices for using AI ethically in access to justice, including the need for human oversight and regular audits.

Event page: <https://www.commonwealthlawyers.com/event/ai-and-ethics-in-access-to-justice/>

Registration

page:

https://us02web.zoom.us/webinar/register/WN_3CCgJgcqTpWfhPSSMvVNbQ#/registration



SUPREME COURT OF KENYA YEARBOOK 2023





INVITATION TO JOIN THE AEA INTERNATIONAL LAWYERS NETWORK - CONGRESS IN BUDAPEST

The **ASSOCIATION OF EUROPEAN ATTORNEYS/ AEA INTERNATIONAL LAWYERS NETWORK** was created in January 2004. This year 2024 we celebrate our 20th Anniversary.

It has an European origin but has expanded all over the world. The headquarters are located in BERLIN.

The main goal of the AEA is the referrals between members. The idea is to get work from other countries and to give a better service to the clients.

There are collateral benefits also because you can establish a link to the AEA web site, insert the logo in your Email signature and include the logo and web site of AEA in your letter heading. Also you will appear listed with your picture in our web. The web is open to all Internet users.

Therefore the advantages are:

- To get referrals from law offices all over the world.
- To have the possibility to give a better service to the clients by offering services worldwide.
- To improve your image as a law firm and get more visibility.
-

The AEA has offices in the majority of the independent countries of the world. We are the largest network of lawyers in the world in what relates to the number of offices and number of countries covered. The AEA has 1.027 offices in 150 countries with a total of around 12.000 Lawyers.

Our trademark **ASSOCIATION OF EUROPEAN ATTORNEYS** is registered in the Euiipo the European trademark office since 2004.

The AEA has held sixteen international congresses. We celebrated the first international conference in Madrid in September 2005. The second Congress was held in Paris in October 2007. The third Congress was held in Madrid in May 2008. The fourth Congress was held in May 2009 in Berlin. The fifth congress was held in Rome in May 2010. The sixth took place in Istanbul in June 2011. The seventh was held in St. Petersburg in May 2012. The eighth congress took place in México in May 2013.



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The ninth congress took place in Amsterdam in October 2013. The tenth congress took place in Athens in May 2014. The eleventh congress took place in Lisbon in May 2015. The twelfth congress took place in Cyprus in May 2016. The thirtieth Congress took place in Prague in June 2017. The fourteenth Congress took place in Palermo in May 2018. The fifteenth took place in Nice in May 2019. The sixteenth Congress took place in Barcelona the 26th and 27th May 2022.

The next Congress will take place in Vienna the 25th and 26th May 2023. Our next congress will take place the 30th and 31st May 2024 in Budapest. All firms attending our congresses have a two minute presentation of their services. In our congresses the main goal is that everybody can speak and get to know the other attendees.

Our fee is only 250 Euros per year.

For more information, please click here, <https://www.aeuropea.com/budapest-2024-congress/>



VACANCY FOR A CONVEYANCING ADVOCATE

The Firm of MNM Advocates LLP, a medium sized law firm based in Upper Hill Nairobi, is seeking to employ an Advocate in its Conveyancing and Commercial Department. The Candidate should meet the following qualifications:

Conveyancing Advocate

- Have at least three (3) years of continuous post-admission conveyancing /commercial experience in a busy law firm.
- Have a current Practicing Certificate.
- Be computer literate.
- Be of high integrity.
- Have a good communication, presentation, research and analytical skills.
- Have excellent organizational and interpersonal skills and be able to work within a team.
- Have the ability to handle pressure, and work with minimum supervision.

If you believe that you are the right candidate for the role, please submit;

- 1) Your application
- 2) A detailed CV
- 3) Testimonials and certificates

Besides a competitive salary the successful candidate shall be entitled to;

- 1) Medical cover, and;
- 2) Personal accident cover

Interested candidates should send their applications to work@mnm.law to be received on or before the 15th April 2024












SPECIALIZED SEMINAR ON NAVIGATING CONTEMPORARY ISSUES IN FAMILY LAW PRACTICE

SPECIALIZED CPD SEMINAR

4 CPD UNITS

NAVIGATING CONTEMPORARY ISSUES IN FAMILY LAW PRACTICE

SPEAKERS:

 Hon. Justice William Musyoka <i>High Court Judge</i>	 Hon. Justice John Chigiti <i>SC, High Court Judge</i>	 Beauttah Siganga <i>SC</i>	 Judy Thongori <i>SC</i>	 Hon. Evelyne Otwande <i>Chief Magistrate</i>	 James Mangerere <i>President, Mediation Training Institute (EA)</i>
 Comm. Jacqueline Ingutiah	 Ann Mbugua <i>Advocate</i>	 Leah Kiguatha <i>Advocate</i>	 Ayieta Lumbasyo <i>Advocate, Founder & CEO - Fertility Law Centre</i>	 Diana Gichuru <i>Advocate</i>	

DATE: 3RD-5TH JUNE 2024
VENUE: FAIRMONT THE NORFOLK, NAIROBI // COST: KES 35,000
 Booking & Payment Procedure: [Kindly click here for the online CPD booking manual](#)

<https://online.lsk.or.ke/login>

Contact: cpd@lsk.or.ke 0 111 045 300



NOTICE FOR COMMENTS ON THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL, 2023 (SENATE BILLS NO. 49 OF 2023)

The Wildlife Conservation and Management (Amendment) Bill, 2023 (Senate Bills No. 49 Of 2023) was read for the first time in the Senate and thereafter stood committed to the Standing Committee on Land, Environment and Natural Resources.

The Bill seeks to amend the Wildlife Conservation and Management Act, No. 47 of 2013 in order to enable the joint management and revenue sharing of national parks between county governments hosting these parks and the National Government.

In accordance with Article 118 of the Constitution and standing order 145(5) of the senate, members are hereby invited to submit their comments on the Wildlife Conservation and Management (Amendment) Bill, 2023 (Senate Bills No. 49 of 2023) can be accessed through this [Link](#).

Members are requested to submit their comments to the parliamentary Affairs and legislation email at parliamentaryaffairs@lsk.or.ke and copy Ms. Sarah Agong at sarah.agong@lsk.or.ke not later than Friday 5th April, 2024 at 5:00p.m.

NOTICE FOR COMMENTS ON THE WHISTLEBLOWER PROTECTION BILL (NATIONAL ASSEMBLY BILL NO. 56 OF 2023)

The Whistleblower Protection Bill (National Assembly Bill No. 56 Of 2023) was read for the first time and referred to the Committee on Justice, Legal Affairs for consideration and reporting to the house.

The Bill seeks to provide for the procedure for the disclosure of information relating to improper conduct in the public and private sectors; to provide for the protection of persons who make such disclosure against victimization; to establish the Whistleblower Reward Fund; create a legal framework that will extend the protections available under the Witness Protection Act to whistleblowers and for connected purposes.

In accordance with Article 118 of the Constitution and standing order 127(3) of the National Assembly Standing Orders, members are hereby invited to submit their comments on the Whistleblower Protection Bill which 2023 can be accessed through this [Link](#).

Members are requested to submit their comments to the parliamentary Affairs and legislation email at parliamentaryaffairs@lsk.or.ke and copy Ms. Sarah Agong at sarah.agong@lsk.or.ke not later than Friday 5th April, 2024 at 5:00p.m.



COUNCIL DECISIONS TAKEN ON 12TH MARCH 2024

The Council Decisions on applications taken on 12th February 2024 for admission to the Roll of Advocates, Practising 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/16puOqBqjm5WS0xlH3Ec2EAFJ-NOP38Qg/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.



WEEKLY BITES

PALU 14TH ANNUAL CONFERENCE- MARRAKESH, MOROCCO



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>



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PUBLIC INTERVIEWS ARE PART OF PUBLIC PARTICIPATION

Good governance in democratic institutions has been a critical component of the Rule of law. Rule of law on its part has been noted to involve far more than the power of the state or the strength of political will. Particularly in Kenya, the Rule of Law has been a primary good governance concern for public offices and officers attached thereto. The Constitution of Kenya has also ensured that the rule of law, transparency, and accountability are not considered to be merely technical questions of administrative procedure or institutional design but a primary concern for public engagement. This element is an outcome of the democratization process that Kenya went through during the constitutional reform process that had most legal reformists seeking ingrained commitments within the Constitution. It has been established that good governance and leadership are interlinked and this has factored greatly in the institution of governance in Kenya. It is because of this leadership component that the issues of public participation become an integral governance issue that most Kenyan institutions have had to contend with and answer to in their recruitment processes.

It is in this regard that the legal profession has in the last couple of weeks and the next coming weeks in April 2024 been in the public eye. The search for the office holders in the Chief Registrar's office and the Judges of the High Court of Kenya. The conduct of interviews in the public was introduced after the promulgation of the Constitution 2010 which pronounces aspects of good governance through transparency and public participation.

Transparency is defined to be official business conducted in such a way that substantive and procedural information is available to, and broadly understandable by, people and groups in society, subject to reasonable limits protecting security and privacy. Transparency too rests on a partnership: officials must make information available, and there must be people and groups with reasons and opportunities to put information to use. Chief among those is an independent Judiciary and a free, competitive, responsible press, but an active civil society is critical too. Rules and procedures must be open to scrutiny and comprehensible: a transparent government makes it clear what is being done, how and why actions take place, who is involved, and by what standards decisions are made.



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Then, it demonstrates that it has abided by those standards. According to political scientists, transparency requires significant resources, may slow down administrative procedures, and may offer more advantages to well-organized and influential interests than to others. It also has necessary limits: legitimate issues of security and the privacy rights of citizens form two such boundaries. However, it has been accepted that without it, "good governance" has little meaning. Therefore, the practice of live public interviews has brought out pertinent information on the ideologies and demeanor of potential public officers which have led to three key advantages:

1. Publicity of the institutions and the officers advancing public engagements and perception
2. Peer review platform
3. Learning platform for all practitioners of good governance.

In all these public interview processes accountability by all stakeholders who have a connection with the candidate which then is an advantage for good governance where the principle of 'what you said' and 'what you will do' becomes a scorecard for the candidate.

Ultimately in all these [#Wakilis](#), Public Participation is our engagement tool with governance processes. It is therefore important that we follow the proceedings keenly to learn, re-learn, and unlearn as appropriate. All the best to the candidates.

WRITTEN BY
SOPHIE KAIBIRIA
Director, Practice Standards





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Founder and Attorney at Law, Lex Centre LLP

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The right to privacy is enshrined in Article 31 of the Constitution and in light of that, the Data Protection Act fully operationalizes the constitution as far as data collection and storage is concerned. The right to Privacy refers to the right of an individual to control their personal information and keep it confidential.

The Act defines 'Personal data' is any information relating to an identified or identifiable natural person and such a person becomes a data subject once this information is held and processed by a data processor or controller.

Organizations must have a valid reason for collecting personal data, and in so doing, must not collect more data than is necessary for the purpose for which it is collected.

They must also never store it for longer than it is needed and while in possession, the data must be accurate and must be stored and handled accountably and with integrity.

Processor vs. Controller

The legal question of who takes responsibility for the data must be addressed, and this will fall on the Data Controllers and Data Processors. Here's how you can tell the difference: While a controller determines the purposes and means of the processing of personal data, a processor uses the data for purposes of and under directions of the controller. The processor cannot process personal data unless as directed by the data controller.

The Act defines a 'data controller' as a natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purpose and means of processing of personal data; A 'data processor' on the other hand refers to a natural or legal person, public authority, agency or other body which processes personal data on behalf of the data controller. A processor is under the instructions of a controller. The Act requires that all Data Controllers and Processors be registered.

An example of how this Controller/Processor relationship arises is an online shopping platform eg, Jumia. A user will log into the system and hand over their personal data, which includes their name, email address, ID Number, Bank details and residential address for delivery of the items purchased. The controller will require this information in order to perform the service they are selling to the user.

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By collecting that information, Jumia becomes a data controller. Jumia may then procure the services of Sendy motorcycles who are then contracted to do the deliveries to clients. Sendy accesses information held by Jumia for purposes of deliveries for Jumia, and it is therefore a Data processor and must be registered as such. While making the application for registration, the data processor or controller shall disclose the nature of personal data held, and the purpose for which it is held. Further, it shall disclose safety measures in place to protect such data.

An entity can be both a controller and processor and should in that case be registered as both. For instance, in the above case, Sendy has other operations outside of its contract with Jumia which operations involve collection of client data. Sendy being in the logistics business will ordinarily collect client data including name, identity number, office address, home address, email address and mobile number. All this is data which obviously identifies the user of the Sendy app (personal data) and therefore Sendy will qualify as both a data controller and a data processor.

Other than registration, a data controller is required to take measures to ensure the safety of the data, and that the data is held and processed in accordance with the Data Protection Act. A processor is not only bound by the limits of processing set out by the controller, but they are also required to process the information in accordance with the law. The controller and the processor are required to conduct Data Protection Impact Assessments (DPIAs) as and when necessary, especially in high risk situations. The data processor is also required to implement internal measures to ensure compliance and support the controller in implementation of data privacy measures.

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5 DAY PROFESSIONAL MEDIATION TRAINING COURSE

5 DAY PROFESSIONAL MEDIATION TRAINING COURSE



VENUE: SUNSET HOTEL, SHANZU, MOMBASA

DATES: 6th - 10th May 2024

COST: KSHS. 55,000/- Plus 16% VAT PP



LAW SOCIETY OF KENYA

Are you looking to enhance your career as a certified professional mediator and gain international recognition for your skills? Look no further than our international professional mediation training program.

Mediation Training Institute International East Africa (MTI E.A) is pleased to announce to you a 5 day Professional mediation training course in collaboration with **Law Society of Kenya (LSK)**. MTI E.A has earned a reputation of excellence in the field of Mediation Training. MTI E.A conducts ongoing reviews of content, processes, and is widely acknowledged as one of the leading providers of Professional Mediation training in the world. Our training program has been subjected to extensive scrutiny by leading International standards setting and credentialing institutions.

In just a week face to face training, our intensive training program can help you become an internationally certified professional mediator. Our program covers all aspects of mediation, providing you with the skills and knowledge necessary to succeed in international settings. Our experienced and Certified Professional mediation trainers will lead your training, which includes hands on practice through simulated mediation exercises and role-playing.

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- Hands on practice through simulated mediation exercises and role playing
- Three certifications upon completion *IMI *SIMI *MTI. E. A
- This course is accredited by the Law Society of Kenya. **Participants will receive 3 CPD units.**

All MTI E. A. trainers are practicing mediators who have undergone extensive Train the Trainer (TOT) Training and have experience in mediation practice. At the end of the training, participants are assessed with highly qualified external assessors.

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 Bank: **Absa Bank, Harambee Avenue Branch, Nairobi**
 Account Number: **2027798090**
PAYMENT BY MPESA: Paybill 303030 Account No.: 2027798090

Registration for the course ongoing

For clarification and registration contact:

MTI EAST AFRICA
 Physical address: Jeevan Bharati, 5th Floor (Opp. Electricity House), Harambee Avenue, Nairobi
 Tel: Emma 0725-538 320, Hesbon 0714-390 371
 Mangerere 0707-124 831 / 0733-854 901
 Email: info@mtieastafrica.org / mangererej2015@gmail.com
 Website: www.mtieastafrica.org / www.mtieastafrica.or.ke



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Registration:
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