

5TH MARCH 2024 ISSUE 8

THE LEGAL INSIGHT

The Official LSK Weekly Newsletter

THE LAW SOCIETY OF KENYA ELECTIONS 2024

On 29th February 2024, the Law Society of Kenya held elections for the positions of President, Vice-President, Members of Council, Male Representative to the Judicial Service Commission and Members of the Disciplinary Tribunal, supervised by the Law Society of Kenya Elections Board 2024-2026 pursuant to its mandate under regulation 27(5) of the Law Society of Kenya (General) Regulations, 2020. The provisional results were announced between 29th February 2024 and 1st March 2024 by the Independent Electoral and Boundaries Commission (IEBC), the electoral body approved pursuant to regulation 26 of the Regulations.

The Law Society of Kenya Elections Board 2024-2026 and the IEBC have today declared the following duly elected: <u>LINK</u>

The LSK Elections Board 2024-2026 congratulates the elected candidates, and thanks members of the Society and the LSK Secretariat for their cooperation and assistance in enabling the Board and the IEBC to deliver a free, fair, credible, accountable and organised election. The Board's report on the election will be available in due course.



THE LSK COUNCIL 2024-2026

PRESIDENT





Faith Odhiambo

VICE PRESIDENT

Mwaura Kabata



Tom K'opere





Hosea Manwa



Teresiah Nicholas

UPCOUNTRY REPRESENTATIVES



Lindah Kiome





Zulfa Roble



Hezekiah Aseso

NAIROBI REPRESENTATIVES



Stephen Wanjiru



Irene Otto



Gloria Kimani



Elizabeth Wanjeri



JUDICIAL SERVICE COMMISSION MALE REPRESENTATIVE



Omwanza Samson Ombati,

THE ADVOCATES DISPUTE TRIBUNAL



Gathii Irungu



Mutuma Kenneth Wyne



Mwanyumba Eddah Majala





NOTICE OF THE ORDINARY GENERAL MEETING OF THE LAW SOCIETY OF KENYA

NOTICE IS HEREBY given pursuant to Section 30(1), Section 32 of the Law Society Act, 2014 and Regulation 75 (1) 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 and virtually through the Zoom/Webinar Platform at The Rift Valley Sports Club (RVSC), Nakuru at 11:00am on Friday, 22nd March, 2024.

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 virtually/ in person on 31st March 2023 at Safari Park Hotel, minutes of the adjourned meeting held virtually/ in person on 21st July 2023 at Panari Hotel and minutes of the Special General Meeting held virtually held on 17th November 2023;
- 5. Matters Arising;
- 6.Report of the Council 2023, pursuant to Section 30(2) of the Law Society of Kenya Act, 2014 and Regulation 24 of the Law Society (General) Regulations, 2020;
- 7. Presentation of the Accounts and Balance Sheets for the year ending 31st December, 2023, pursuant to Section 38(1) & (2) of the Law Society of Kenya Act, 2014 and the appointment of the Society's Statutory Auditors for the financial year ending 31st December 2024, Pursuant to Regulation 52(1) & (2) of the Law Society of Kenya (General) Regulations, 2020.
- 8. Consideration of the LSK Development & Investment Committee report to engage Laser Property Services as the consultant to provide consultancy services, for the development and optimization of Law Society of Kenya properties;



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- 9. Consideration of the report of the LSK Taskforce for Policy and Legal Reforms and if members deem it fit, by a resolution, approve the report pursuant to Section 4 and 5 of the Law Society of Kenya.
- 10. Consideration of the report of the Council on the practicing certificate fees for advocates of 0-3 years and if members deem it fit, by a resolution, approve the report pursuant to Section 4 and 5 of the Law Society of Kenya.
- 11. Election of the Law Society of Kenya Representatives to the Committee on Senior Counsel, pursuant to the Advocates (Senior Counsel Conferment and Privileges) Rules, 2011.
- 12. Election of the members of the Law Society of Kenya Budget and Finance Committee, pursuant to Section 40(2) and Section 23 of the Law Society of Kenya Act.
- 13. Notice of motion by member(s) given to the Secretary (if any).
- 14. Pursuant to Section 21(1) of the Law Society of Kenya Act, the President Law Society to declare duly elected members of the Council, Advocates Disciplinary Committee and the Law Society of Kenya Male Representative to Judicial Service Commission; and
- 15. Any other business which may be admitted.
- N/B. Registration and other details/documents regarding the Annual General Meeting will be shared in due course.



NOTICE OF THE ANNUAL GENERAL MEETING OF THE ADVOCATES' BENEVOLENT ASSOCIATION

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 and virtually through the Zoom/Webinar Platform, at The Rift Valley Sports Club (RVSC), Nakuru on Friday, 22nd March, 2024 at 9:00 a.m.

AGENDA

- 1. Secretary to read the Notice convening the Meeting.
- 2. Adoption of the Agenda.
- 3. Silent tribute to Departed Members.
- 4. Confirmation of the Minutes of the General Meeting held both physically & virtually at the Safari Park Hotel, Nairobi on Friday, 31st March, 2023.
- 5. Matters Arising.
- 6. The Report of the Board of Management for the year ended 31st December, 2023.
- 7. Presentation of the Accounts and Balance Sheet for the year ended 31st December, 2023.
- 8. Presentation by the Committee for Feasibility Study on Medical Cover.
- 9. Notices of Motion, if any.
- 10. ABA Election Results Announcement.
- 11. Any other Business.

N/B. Registration and other details/ documents regarding the Annual General Meeting shall be shared in due course





KAKAMEGA ADVOCATES' LOUNGE LAUNCH









The Law Society of Kenya, Kakamega Chapter launched its Advocates Lounge. The Lounge housed at the Kakamega Law Courts is an initiative If the chapter members through the support of the LSK National Council. The chapter chair highlighted the importance of the lounge as a space for advocates to unwind after grueling battles in court. The event was attended by the **Presiding Judge Justice Ohungo**, **Justice PJ Ochieng and Senior Advocate Mukele** who all applauded the Chapter for leading the way in creating the space.



VACANCY FOR AN ASSOCIATE ADVOCATE

The firm of Albert Kamunde & Company LLP, located in Nairobi is seeking to recruit an Associate Advocate who has good knowledge and experience in Litigation & Commercial Law.

The ideal candidate must have the following professional background:

- A Bachelor of Laws (LLB) Degree from a recognized university;
- Post Graduate Diploma from the Kenya School of Law:
- Certificate of Admission to the roll of Advocates of the High Court of Kenya and current and valid practicing Certificate:
- Good knowledge of the Court procedures:
- Good knowledge and experience in defending insurance claims;
- Good research skills:
- Must have at least 3 years post-admission work experience;

The candidate should also possess the following qualities:-

- Able to attend various courts within the country.
- Demonstrate excellent research skills;
- Have excellent interpersonal skills:
- Should be good in time management:
- Highly disciplined with an ability to work under pressure with minimum or no supervision;
- Must be a Team Player.

Candidates fulfilling the above requirements may send an application together with a CV and certificates to <u>info@albertkamunde.co.ke</u> to be received not later than 15th March, 2024.



DAY PROFESSIONAL MEDIATION TRAINING COURSE



CONVENT INT'L HOTEL, LAVINGTON, NAIROBI

DATES: 25th - 29th March 2024

COST:

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



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.

Benefits of our program

- -Internationally recognized certification
- -Comprehensive training from experienced and certified professional mediation trainers
- 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.

Payment by Cheque or bank transfer to:

Account Name: Mediation Training Institute International East Africa

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



COUNCIL DECISIONS TAKEN ON 12TH FEBRUARY 2024

The Council Decisions on applications taken on 12th February 2024 for admission to th Roll of Advocates, Practicing Certificates, Notary Public and Commissioner for Oaths and Admission petitions November Special Gazette can be accessed on the link: https://drive.google.com/drive/folders/1hi8CLVJ k kMVdmnhpIxJmEL1o2Zzm or?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 <u>link</u>,

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. (10)







ALTERNATIVE DISPUTE RESOLUTION (ADR) IN KENYA

& The Role of Counsel



Eunice Lumallas, FCIArb, Member Advocates Disciplinary Committee



David N. Njoroge, Advocate, FCIArb, CPM, CS

18TH - 20TH March 2024 (8.30am-4.00pm)

Venue: Grand Royal Swiss Hotel, Kisumu

Cost: KES 50,000

CPD Units: 4

Certificates of Participation will be awarded

Note: Only 50 slots available

REGISTER HERE

COURSE CONTENT

Inquiries: cpd@lsk.or.ke or call 0111045300



NOTICE FOR COMMENTS ON THE CONFLICT-OF-INTEREST BILL (NATIONAL ASSEMBLY BILLS NO.12 OF 2023)

The Conflict-of-Interest Bill (National Assembly Bills No. 12 of 2023), which stood committed to the Committee on Justice, Legal Affairs and Human Rights following its First Reading in the Senate on **Wednesday**, **14th February 2024**, is presently under consideration by the committee as established under Standing Orders 228(1) of the Senate.

The principal object of this bill is to provide for the management and regulation of conflict of interest and for connected purposes.

In accordance with Article 118 of the Constitution and standing order 127(3), members are hereby invited to submit their comments on the Statutory Instruments (Amendment) Bill which can be accessed through this <u>link</u>, The Conflict-of-Interest Bill, 2023.

Members are requested to submit their comments to the Parliamentary Affairs and Legislation department email at <u>parliamentaryaffairs@lsk.or.ke</u> not later than Wednesday, 6th March, 2024 at 5:00p.m.

NOTICE FOR COMMENTS ON THE CONSTITUTION OF KENYA (AMENDMENTS) (NO.2) BILL (SENATE BILLS NO.52 OF 2023)

The Committee on Justice, Legal Affairs and Human Rights which is established under Standing Orders 228(1) of the senate is presently considering the Constitution of Kenya (Amendment) (No. 2) Bill (Senate Bills No. 52 of 2023) following the first reading in the Senate on **Wednesday**, **14th** February, **2024**, whereupon it stood committed to the Committee for consideration.

The Bill seeks to amend Articles 99(2) and 193(2) of the Constitution of Kenya, 2010 to bar persons who have served as county governors from vying for elections as members of parliament or members of the county assembly for the first five years immediately after serving as county governors. It further purposes to amend Sections 24(2) and 25(2) of the Elections Act (No.24 of 2011) which replicates the above provisions of the Constitution

In accordance with Article 118 of the Constitution and standing order 127(3), members are hereby invited to submit their comments on the Statutory Instruments (Amendment) Bill which can be accessed through the link <u>click here</u>.

Members are requested to submit their comments to the Parliamentary Affairs and Legislation department email at <u>parliamentaryaffairs@lsk.or.ke</u> not later than Thursday 7th March, 2024 at 5:00p.m.







Join us for a crucial workshop designed for legal professionals in Kenya. This accredited program offers vital insights into the complexities of digital evidence, data protection, and privacy laws, ensuring you remain ahead in your field. Here's why it's a must-attend:



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Learn strategies to protect against cyber threats and ensure client and practice safety.



Digital Evidence Mastery:

Gain expertise in handling electronic evidence crucial for today's legal challenges.



Ethical Digital Practice:

Understand digital-age ethics, upholding justice and rights.



Update on Legal Frameworks:

Stay current with the evolving cyber law landscape, aligning with international standards.



Data Protection & Privacy:

Navigate the Data Protection Act and global privacy laws to safeguard sensitive information.

Why Attend?



Accredited Professional Development:

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Connect with peers and leaders in the legal field.



Expert Insights:

Learn from industry experts on critical digital law

LSK Accredited 2 CPD Units



14th - 15th March 2024



-) 8.00am - 16.30pm



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WHY LEGAL MANAGEMENT SYSTEMS (LMS) ARE THE FUTURE OF LEGAL PRACTICE

What is Legal Management software?

A Legal Management System (LMS) is a software solution built around the need for Law Firms and Legal Departments to manage matters more effectively, saving precious time for legal teams to focus on core legal tasks. An LMS solution can be specific, eg. Litigation Matter Management System, Contract Lifecycle Management System. It can also be an all-encompassing system that caters to all departments including Admin. Billing and Payroll.

How to Choose a Good LMS

Here are a few functionalities you should look out for when choosing an LMS:

- 1. Dedicated Document Management. Consider the document management facilities within the system and ensure the case automation process is tailored for ease by your team. Security and accessibility are key, as well as hosting, storage and integrations with already existing systems in the firm/legal department.
- 2. Templating and standard documentation. The platform should make provision for authoring, editing, and reviewing of documents as well as track all the changes within every document.
- 3. Ease of Document Automation across platforms. You should be able to use the documents in the system in other platforms and formats, as well as be able to upload documents in varied formats.
- 4. Collaboration and workflow functionalities/Diaries/Calendars and task management functionalities will enable teams to collaborate and ensure seamless workflows. Ensure that digital signatures are secured, alternatively, integrate your LMS with secure esigning platforms.
- 5. Analytics will enable you to have a bird's eye view of where the law firm or Legal Department is headed, for it will use collected data to provide intelligent information which will be key in data-driven decision-making.
- 6. Support. Choose a provider who gives you support day to day, and who can address your concerns effectively.

CONTD...

Benefits of using a Legal Management Software

- Create a digital back-up Database: The LMS enables you to create a data center of your Law Firm which facilitates safety, accessibility and longevity of all your firm's documentation.
- More billable hours: With the administrative work of filing, and having a full documentation center taken care of by the system, advocates spend more time on outcomes, which increases billable hours for your firm.
- Increase Staff Productivity: Suit Management is at the heart of our system, and with all the paperwork, the system also enables you to stay abreast with the progress and updates of all the matters from day to day.
- Happier clients: Send quick updates to clients and stay on top of the details of their cases with the click of a button.
- Create more efficiency in your law firm by streamlining admin tasks and creating order. You will also be able to align dates and action points so that actions that need to be taken before particular dates are taken.
- Better collaboration within departmental and interdepartmental teams. The system enables you to create workflows, assign tasks and align them in the system calendar. You can set up review and approval channels and matter handling becomes a
- Support remote working: remote working has become a modern reality, and Law Firms are taking steps to ensure the productivity of their staff even when they work remotely. Elixir enables you to keep the remote and on-site teams in tandem using our technology.
- Increase your competitive advantage: Adoption of Technology is a key factor for Law Firms that need to attract high-level clients and push their practice to the next level. Adoption of technology indicates capacity and responsiveness to businesses seeking to invest in Kenya, and a Tech-enabled Law Firm is the law firm of choice for such investors and businesses.

Listen Up

IN - HOUSE COUNSEL



WRITTEN BY MWENDE STARDUST ATTORNEY AT LAW, LEX CENTRE LLP

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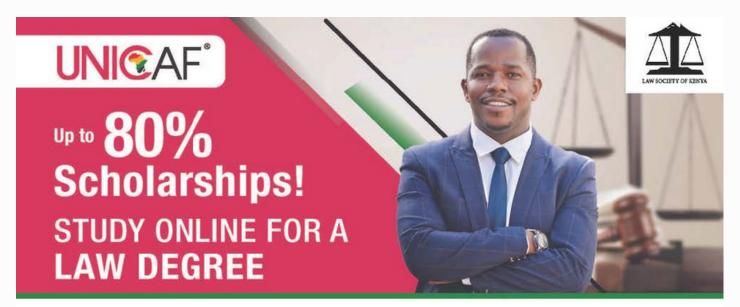
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AFRICA SOFT POWER SUMMIT 2024

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

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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.

















was already to the







THE KENYA SCHOOL OF LAW

COURSE: BOARD SECRETARIAL PRACTICES
(3 LSK CPD POINTS)

VENUE: NAIVASHA

DATE: $18^{TH} - 22^{ND}$ MARCH, 2024

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;
- 1) 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.

NOTICES



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;
- 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;
- 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;
- Persons involved in developing legislation or legislative proposals;
- 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.





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