



28TH JUNE 2024 | ISSUE 20

THE LEGAL INSIGHT

The Official LSK Weekly Newsletter- #JUSTICEFORKENYA Edition

LAW SOCIETY OF KENYA

KENYA'S PREMIER BAR ASSOCIATION

JUSTICE GAMES

27TH JULY 2024

UNIVERSITY OF EMBU

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FEATURED

News Segment

Notices

Weekly Bites

Upcoming Events



NEWS SEGMENT

LAW SOCIETY OF KENYA ANNUAL CONFERENCE 2024



LAW SOCIETY OF KENYA

THE LAW SOCIETY OF KENYA

ANNUAL CONFERENCE

13TH - 18TH AUGUST 2024
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FOR MORE INFORMATION EMAIL: annualconference@lsk.or.ke

[Click here for the full notice](#)



26th June, 2024

LSK NEWS ALERT

Press Statement- State of the Nation Address

“Mr. President, your address to the nation last night was not presidential at all. You failed to wear the face the prayerful man of God who was elected in August 2022. Your words lacked the consoling taste of remorse from a father who has lost his family members. The young men and women killed yesterday are children of this great nation to which you are constitutionally mandated father.”

READ MORE →

Faith Odhiambo,
PRESIDENT, LSK

LSK STATEMENT ON KILLING OF PROTESTORS DURING FINANCE BILL DEMONSTRATIONS IN NAIROBI AND ACROSS THE COUNTRY

I speak to you on this black Tuesday not just as an Advocate of the High Court of Kenya but equally as a peace-loving patriot. Apart from being the LSK President, I am a mother, an aunt, a sister, a daughter and a wife. Like all mothers whose children have been killed, injured, tortured or abducted in the hands of cops, I feel the pain of my countrymen. The Gen Z who you call children are out in the streets fighting for you fellow parents in National Police Service, Parliament, Cabinet and air-conditioned government offices.

Click here to access the full statement, https://drive.google.com/file/d/1-8s4-t4hifhjkTo4fGsL_l6CdxCz-zvq/view?usp=sharing



LAW SOCIETY OF KENYA



**TOLL
FREE**

0800 720 434

The Law Society of Kenya stands in solidarity with those affected by the disrupted peaceful protests.

If you need legal assistance, have been unlawfully detained, or have suffered injuries you would like to report, please reach out to us via the **toll-free line above**.

#JUSTICEFORKENYA



LSK PURPLE RIBBON WEEK 2024



In marking the first day of the Purple Ribbon Week, the Law Society of Kenya Nairobi Branch, in partnership with the Law Society of Kenya (LSK) National Office, the International Justice Mission Kenya (IJM) together with our partners convened earlier today at the Milimani Law Courts' Ceremonial Hall to pay tribute to advocates who lost their lives while in the line of duty. This year's theme focused on Advocacy and Solidarity in Safeguarding the Rule of Law.

In attendance were the LSK President, LSK National Council Representatives, LSK Nairobi Branch Chair, LSK Nairobi Branch Council Members, IJM Kenya Staff and Counsels.

In his remarks, Chair Eric Kivuva emphasized the importance of all advocates to uphold the rule of law, as they swore to. He further challenged advocates to remain steadfast in their commitment to protect the rule of law, even under strenuous circumstances.

Branch Vice Chair Ribin Ondwari remarked that it is time for both state and non-state actors to promote the rule of law. He also urged members to be proactive in providing pro bono services.

LSK President Madam Faith Odhiambo challenged Advocates to support Kenyans whose rights have been violated, especially during the ongoing demonstrations in several parts of the country due to the Finance Bill 2024.

IJM Kenya Senior Manager - Justice Systems Interventions, Mr. Vincent Chahale, noted that this solemn occasion serves as an opportunity to stand in solidarity with members of the Bar and Bench who have met untimely deaths while performing their duties in the justice system. It is also a moment to reflect on measures to enhance the security of court users.

The Branch is committed to ensuring adherence to the principles of the supremacy of the law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness, and procedural and legal transparency.





COUNCIL DECISIONS TAKEN ON 10TH JUNE 2024

The Council Decisions on applications taken on 10th June 2024 for admission to the Roll of Advocates, Practising Certificates, Notary Public and Commissioner for Oaths and Admission petitions can be accessed on the link: <https://drive.google.com/file/d/1-lCxopqrsAmn3qfprPAYiiuFeV8d-G/view?usp=sharing>

PRESS STATEMENT OF ABDUCTIONS

25th June, 2024

LSK NEWS
ALERT

Press Statement on Abductions...

“Over the last 72 hrs, Kenya has been drawn back to the dark era of a rogue, irrational police force operating through repressive, retrogressive, clandestine, illegal, extra- judicial tactics to forcefully quell public dissent against misgivings of government, lapses in governance and more specifically, the contentious Finance Bill 2024. ... we will unmask and take action against these rogue criminal elements putting our police in ruin”

READ MORE →

Faith Odhiambo,
PRESIDENT, LSK



COURT ORDERS

Deployment of KDF

The Law Society of Kenya filed a case HCCHRPET/E307/2024 seeking orders to stop the deployment of KDF within the Country to assist the National Police. The LSK is seeking orders of the court to quash the Kenya Gazette No. 7861 of 25th June 2024.

The matter was heard on Thursday 27th June 2024.

The order can be accessed on, https://drive.google.com/file/d/1Dq1dAlTSzt67R32ZTiEaUdE_Y4EeteDh/view

Release of Persons who were peacefully demonstrating and held incommunicado

The LSK filed a petition number, HCCHRPET/E305/2024 under certificate of urgency seeking an order of habeas corpus for the production of the 2nd- 13th petitioners who were abducted by armed police officers and detained incommunicado during the ongoing protest against the Finance Bill 2024. In addition, the Society further sought that all persons unlawfully abducted and detained during the protest, immediately and unconditionally released.

The Court had ordered for the immediate and unconditional release of the 2nd- 13th respondents pending the hearing and determination of the application.

The matter was heard on 28th June 2024.

The order can be accessed on, https://drive.google.com/file/d/1Lb-yzXCz9Wu7ltTePWIBWDA_A3TkVsNq/view

Advocates Access to their Clients

On 25th June 2024, the Law Society of Kenya filed a case HCCHRPET/E303/2024. The High court ordered that pending the inter-parte hearing of the application, an interim order be and is hereby issued directing the Inspector General of Police and any other police officer under his command to allow advocates access to their clients and communicate with them at anytime or stage of arrest as required by article 49(1)(c).

The matter will come up for directions on 3rd July 2024.

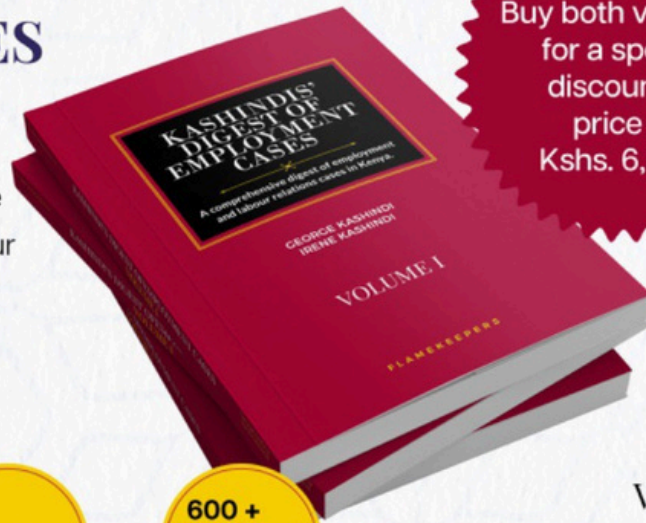
The order can be accessed on, <https://drive.google.com/file/d/1xRRBXXfVcPC24CZnX1hyvT9v3cP1q7Vz/view>



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Authors:

George Kashindi and Irene Kashindi, FCI Arb

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4. Cases, statutes and authorities relied on in the decision are given
5. The decisions are summarised into short formats that accurately capture what was decided
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NOTICE

CALL FOR VOLUNTEERS TO JOIN NAIROBI LEGAL AWARDS TRUST COLLEGE OF ASSESSORS



NAIROBI
LEGAL AWARDS
T R U S T



Law Society of Kenya
NAIROBI BRANCH

Nairobi Legal Awards Trust is in the process of constituting the College of Assessors for the 2024 Awards Cycle. This year, dubbed the Uadilifu Edition, we seek to celebrate advocates who demonstrate the highest ethical standards in legal practice and are trailblazers in their areas of practice. To this end, we seek exemplary advocates from the outlined areas of practice to volunteer and join the esteemed NLA College of Assessors.

Please [click here](#) to access communication to the various committees for your kind action.

- 1. The Alternative Dispute Resolution Committee (ADR)**
- 2. The Gender Committee**
- 3. The In- House Counsel Committee**
- 4. The Public Interest Litigation Committee.**



ADVOCATES BENEVOLENT ASSOCIATION



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 Counselors and Psychologists Society of Kenya (CPS-K) to collaborate and offer psychological and counseling services to members and their families at subsidized rates.

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.

Members in need of counseling and psychological support can get in touch with the CPS-K Chairperson, **Mr. Kimani Githongo Advocate** on **0722-715424**.



UPCOMING EVENT

AFRICA ARBITRATION AWARDS

The graphic features a central white circle labeled 'Award Categories' with five arrows pointing to surrounding colored hexagons: green (Leading Arbitration Service Provider), green (Innovation in Arbitration), red (Leading Case Counsel Team), red (Young African Arbitrator of the Year), and grey (African Arbitrator of the Year). The top left shows the 'AFRICA ARBITRATION AWARDS 2024' logo, hosted by 'EAST AFRICA INTERNATIONAL ARBITRATION CONFERENCE'. The top right specifies the date '20 Sept 2024' and location 'Addis Ababa Ethiopia'. The bottom left includes logos for 'I-ARB INTERNATIONAL ARBITRATION AFRICA' and 'GBS AFRICA', along with the website 'WWW.EASTAFRICAARBITRATION.COM'. The bottom right lists 'HOSTED BY THE EAST AFRICA INTERNATIONAL ARBITRATION CONFERENCE' on '19-20 SEPT 2024, ETHIOPIA' with social media icons for LinkedIn, Facebook, and Twitter, and the 'eaiac' logo.

In its 5th year, the Africa Arbitration Awards aim to celebrate, recognise, and honour outstanding practitioners and leaders in the African arbitration ecosystem and will be celebrated at a Gala Dinner on Friday, 20th September 2024, in Addis Ababa, Ethiopia.

The five (5) Award categories are:

1. African Arbitrator of the Year
2. Leading Arbitration Case Counsel Team
3. Young Arbitration Practitioner of the Year
4. Innovation in Arbitration
5. Leading Arbitration Service Provider

Nominations Period: Nominations close on 5th July 2024. [Click here](#) to nominate.



LAW SOCIETY OF KENYA

APPLICATION FOR LETTERS OF NO OBJECTION

1. INDIVIDUAL ADVOCATE APPLICATIONS TO ESTABLISH A SOLE PROPRIETORSHIP



Preferred Name for registration

Note that the word 'advocates' must appear in the name. The name should be as it appears on the Roll of Advocates. Sole proprietors cannot use initials only.



The statement of particulars or proof of reservation certificate (BN)

as obtained from the business registrar. (can be the screenshot of the name reservation page)



The name of the partner(s)

to the outfit you are about to register.



The current PC (s) /receipt of payment

2. REQUIREMENT FOR REGISTERING LIMITED LIABILITY PARTNERSHIPS (LLPs)



Preferred Name for registration.

Note that the word 'advocates' must appear in the name.



Duly filled statement of particulars

statement of particulars as per the LLP Act



Proof of the reservation certificate (BN)

as obtained from the business registrar



The name of the partners

to the outfit you are about to register



The current PC (s) /receipt of payment for all partners



Advocates can send the requests by mail or email to compliance@lsk.or.ke for further processing.

Note: The letters of no objection do not attract any charges from the LSK.



COMMUNICATION IS KEY IN PUBLIC PARTICIPATION

Public Participation is now commonplace in most democratic nations. This principle of public participation has grown considerably since the 1990s. The debate in Kenya since the 2010 Constitution has been on effective public participation. Effective public participation has been explored by analysts through different lenses that need to be highlighted. To begin with, one must consider the typologies of the participation process by looking at the prevailing circumstances that have brought out the process. Scholars have opined that public participation is dependent on four factors.

1. Who initiates the legislative development process,
2. How the forms of communication with the public are constructed,
3. How inclusive the process is, and;
4. Where the final authority over the legislative documents is vested.

The four factors will then define the types of public participation into false, symbolic, limited, consultative, or substantial participation.

In Kenya each financial year, public participation has become a governance concern. This is primarily because Article 118, of the Constitution, 2010 binds Parliament to engage members of the public in its business. It requires Parliament to 'facilitate public participation and involvement in the legislative and other business of Parliament and its committees. The main business which is the yearly Finance Bill 2024 has held a special focus for the last two months. The process that begins with the Budget policy statement culminates in the Finance Bill subjected to a public participation process. In this process, one of the critical factors alluded to by democratic analysts is the forms of communication that are used with the public during and after the process.

A look at the public participation process in developing the Finance Bill 2024, highlights the forms of communication employed. This year in the usual fashion the Budget and Appropriation Committee invited members of the public to the participatory sessions across the country. This exercise in itself is highly resource-intensive. Being a resource it has been opined by development organizations such as Institute for Democracy and Electoral Assistance (IDEA) that a practical consideration in public participation should be incorporated. This include the availability of human, material, and financial resources which are a primary concern at the initial stage. The approaches to participation, such as citizens' assemblies and barazas require planning and organisation.



CONTD...

Other requirements includes convening consultation meetings across the country, which require high levels of staffing and personnel, training, information management protocols, logistical planning, material resources, time, and financing.

These resources should be seen to make the collected information useful for drafters in a systematic way. From a data-collected viewpoint, tens of thousands of pages of public submissions or recordings will need to be organized, reviewed, translated in certain instances, and collated. Above all, it has been noted that the forms of communication during the announcement of the process and the collection are key in ensuring that citizens are effectively participating. The forms of communication are important for a nation since they shape the discourse.

In Kenya, the form of communication is where the public is called upon to submit views either orally or through memorandum to the committee. These submissions usually are timed and it is not guaranteed that the recipients of the public views will consider the opinions espoused. Before the submission one has to consider whether intricate matters within the bills in question have been disseminated and relayed to the public, this is particularly important given the controversies surrounding the Finance Bill of 2023 where the principles of public participation are questioned. Importantly, publicity of the public engagements has made it possible for increased public awareness of their civic responsibility which has had positive outcomes.

It is imperative that we [#Wakilis](#) continue to question and push for effective public participation which starts with a good communication framework for enhanced good governance.

By Sophie Kaibiria
Director- Practice Standards and Ethics
Law Society of Kenya



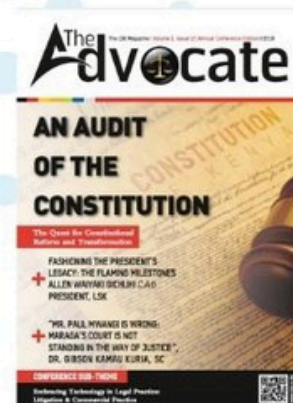
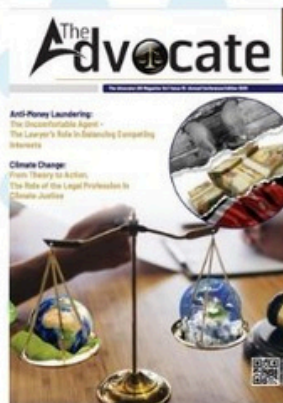


ADVERTISING OPPORTUNITY ON THE LSK ADVOCATE MAGAZINE ANNUAL CONFERENCE EDITION 2024

THE MAGAZINE ALSO OFFERS AN OPPORTUNITY FOR MEMBERS OF THE LAW SOCIETY OF KENYA AND STAKEHOLDERS/ PARTNERS TO PLACE ADVERTISEMENTS (AT SUBSIDIZED RATES) AS HIGHLIGHTED BELOW:

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NB: THE ADVERTISING RATES ARE EXCLUSIVE OF THE 16% RATE OF VAT.





CALL FOR ARTICLES FOR THE ADVOCATE MAGAZINE 2024- ANNUAL CONFERENCE EDITION

The Law Society of Kenya invites members to submit articles for consideration for publication in the August 2024 issue of The Advocate Magazine – Annual Conference Edition.

The submitted articles should:

- a) Be in line with this year's Annual Conference Theme - **"Empowering Legal Excellence: Good Governance and the Rule of Law for Sustainable Development."** or Sub-theme – **"AI in Law: Navigating the Future of Legal Practice"**
- b) Not exceed 1000 words (footnotes are not required).
- c) Attach passport sized photos of the author to be published together with the submitted article.

All 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 Friday, 28th June 2024.





UPCOMING EVENT

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UPCOMING EVENT

PALU 14TH ANNUAL CONFERENCE- ADDIS ABABA,ETHIOPIA



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União Pan-Africana dos Advogados
اتحاد المحامين الأفارقة



ANNOUNCEMENT

PALU 14TH ANNUAL CONFERENCE!



NEW DATES: 16-19 OCT. 2024



NEW VENUE: ADDIS ABABA, ETHIOPIA

MORE INFORMATION TO BE SHARED SOON! STAY TUNED

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