



5TH JULY 2024 | ISSUE 2024

THE LEGAL INSIGHT

The Official LSK Weekly Newsletter

LAW SOCIETY OF KENYA

KENYA'S PREMIER BAR ASSOCIATION

JUSTICE GAMES

27TH JULY 2024

UNIVERSITY OF EMBU

THEME: FAIR PLAY; WHERE LAW MEETS SPORTS

OUTDOOR

SOCCER GOLF

BASKETBALL

VOLLEY BALL

INDOOR

BADMINTON

SCRABBLE

CHESS

DARTS

POOL & FUN GAMES

COST

LAW FIRMS: 55,000

CORPORATES: 110,000

GOLF: 1,500 per player

EMBU GOLF CLUB

REGISTER NOW

<https://bit.ly/JusticeGames2024>

N/B TEAMS TO REGISTER A MAXIMUM TWO GAMES



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
**DIAMONDS LEISURE BEACH
& GOLF RESORT, DIANI**

CHARGES

YOUNG LAWYERS (0-5YEARS) - **KSHS. 38,000/-**
ADVOCATES ABOVE 5 YEARS - **KSHS. 42,000/-**

FOR MORE INFORMATION EMAIL: annualconference@lsk.or.ke

[Click here for the full notice](#)



STAND UP FOR JUSTICE

We appeal for support for the LSK Legal Aid Fund and thank all those who have assisted so far. We remain committed to supporting those being unlawfully detained or in need of legal assistance during this period.

Details on how you can support: –Contribute by clicking on this link that goes to the LSK Paybill - <https://bit.ly/LegalAidLSK>

–Card payments will be available next week

[#JusticeforAll](#)


LAW SOCIETY OF KENYA

 
automated reconciliation and reports

STAND UP FOR JUSTICE

SUPPORT LSK LEGAL AID FUND FOR VICTIMS OF PROTESTS

Join Us! Every voice matters! Every act of kindness will lift the veil & support justice. We call upon all who are willing, to contribute to the LSK fund to provide legal aid and pro bono representation for:

- Protesters standing up for their rights
- Abductees seeking justice and closure
- Victims of police brutality
- Families affected by extrajudicial killings

  bit.ly/LegalAidLSK

 LSK@LSK.OR.KE  +254 - 111- 045 - 300

 LSK.OR.KE

HAKI IWE NGAO NA MLINZI



LSK PRESIDENT'S GOLF TOURNAMENT



Diamonds Leisure Golf Club
Diani, Kwale County



Saturday
17th August 2024

FORMAT OF PLAY: STABLEFORD

REGISTER NOW



<https://bit.ly/LSKGolf2024>

DRESS CODE: WHITE AND BLUE

CHARGES:

KES 1,500 for golfers and
KES 1,000 for non-golfers (golf clinic)

Payment details:
MPESA PAYBILL

BUSINESS NO.:
329329

ACCOUNT NO.:
0102095866700

FOR MORE INFORMATION :
a.odi@lsk.or.ke



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/drive/folders/1yz5tczsFqDmqWEmQYZD9ayjmu7zBGwRi>

LSK COMMITTEE PRESENTS A MEMORANDUM TO SENATE

On Monday 1st July 2024, the Council of the Law Society of Kenya through the Convener of the Law Reform Committee, Vincent Githaiga made a presentation before the Justice & Legal Affairs Committee (JLAC) and the Devolution Committees of the Senate on a petition to the Senate by Mr. Laban Omusundi on restricting county governments from hiring law firms for legal representation in court cases.

Together with Council Member, Aseso Omollo and LSK Deputy Secretary Collins Odhiambo, they firmly held on our position and vehemently opposed the petition for being discriminative, unconstitutional and unlawful. The Council is keen on protecting the practice space of its members which is seemingly under attack from many quotas and shrinking by the day.





PRACTICE STANDARDS DIRECTORATE

Updates

Masquerades Cases Updates from The Courts

The LSK through the Practice Standards Directorate conducting inspections and arrests of masqueraders. This has been done through the support of advocates and members of the public who report the issue of unqualified practice.

Reported Masquerader at Kimisitu Sacco

The directorate received a report of a possible masquerader from the Sacco on 26th June 2024. The masquerader was providing legal services at the Sacco as an advocate. The directorate proceeded to initiate investigations into the matter. It was confirmed that the individual known Henry Omany was unqualified to practice law in Kenya as an advocate. Upon reporting the matter to the police, the individual was arrested and is currently being processed for prosecution.

VACANCY FOR AN ADVOCATE

A Law Firm requires an advocate to work in Litigation, Conveyancing and Commercial Departments. The advocate needs 2024 Practising Certificate and experience will be an added advantage.

Send your application and C.V to officevacancy23@gmail.com by latest 19th July, 2024. Only successful applicants will be contacted for interview.

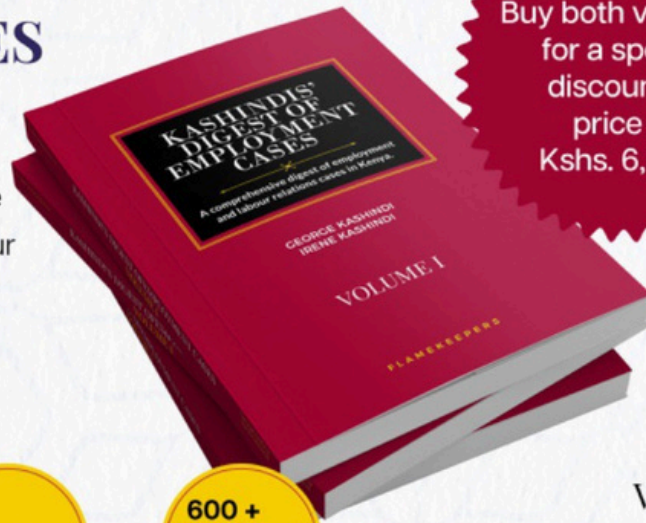




KASHINDIS' DIGEST OF EMPLOYMENT CASES

Limited Time Special Offer!!

The Digest provides a comprehensive case digest of recent employment law and labour relations decisions. The cases are carefully selected according to their jurisprudential value.



Buy both volumes for a special discounted price of Kshs. 6,500!

VOLUME I

Regular Price Kshs. 3,500

156 carefully selected and digested cases

412 pages of rich content

24 thematic areas in employment

600 + cases cited in decisions included

The Digest is an important reference resource for legal practitioners, in-house counsel, judicial officers, human resource and employment law practitioners, unions, employees, policy makers, teachers of the subject, students, researchers and general citizenry.

Authors:

George Kashindi and Irene Kashindi, FCI Arb

The Digest is unique in the following respects:

1. It is organised in thematic areas with appropriate head notes
2. Legal principles enunciated in the holding of the case are stated
3. Summary of the case, holding and award are given
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
6. The Digest is written in a simple language understandable by all



VOLUME II

Regular Price Kshs. 3,950

196 carefully Selected and Digested Cases

484 pages of rich content

40+ thematic/ sub-thematic areas in employment

600 + cases cited in decisions included

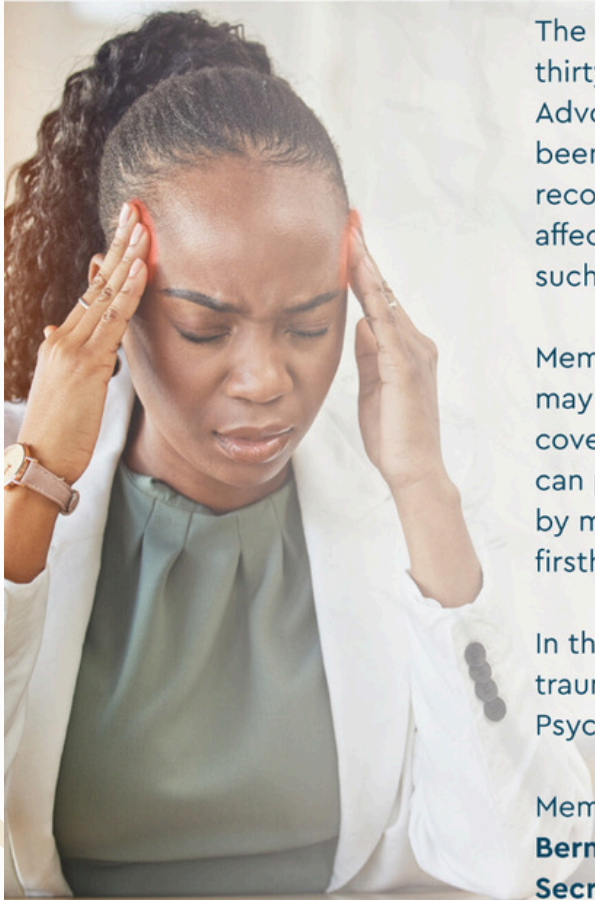
M-PESA
Paybill Number
4029701
Account Number
Your Name

To place an order ☎️ 📧 **0799320991/ email: digest@mmkadv.co.ke**



ADVOCATES BENEVOLENT ASSOCIATION

Free Psychological Trauma Support for Advocates Affected by Recent Protests



The past few days have seen the nation rocked by protests spanning thirty-five counties across the country. The Board of Management of the Advocates' Benevolent Association acknowledges that Advocates have been actively involved in these protests in various capacities. The Board recognizes that exposure to violence during these events has markedly affected the mental well-being of our members, manifesting in conditions such as post-traumatic stress disorder and other depressive symptoms.

Members who did not personally witness or participate in the protests may still suffer from vicarious traumatization through exposure to media coverage, images, or stories about the protests. Such indirect exposure can potentially exacerbate the mental health effects already experienced by members who were directly involved in or witnessed the events firsthand.

In this regard, the Board of Management has organized free psychological trauma support for Advocates in collaboration with the Counselors' and Psychologists Society of Kenya (CPS-K).

Members seeking psychological trauma support can contact **Ms. Bernadette Kimathi, Secretary CPS-K**, on **0722-684-913** or the **ABA Secretariat** on **0717-595-006** via call, text, or WhatsApp.

For assistance, kindly reach out to: The Advocates' Benevolent Association Secretariat:

@ aba@lsk.or.ke 0717-595-006 @LSK_ABA The Advocates' Benevolent Association

Counsellors and Psychologists Society of Kenya (CPS-K):

Chairperson, Mr. Kimani Githongo, Advocate – Phone: 0722-715-424



UPCOMING EVENT

CALL FOR NOMINATIONS FOR AFRICA ARBITRATION AWARDS 2024

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 six (6) 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
6. General/State Counsel of the Year Award

NOMINATE NOW!

**DEADLINE
19TH JULY
2024**

Nominations Period: Nominations close on 19th July 2024. [Click here](#) to nominate.

SHERIA HOUSING CO-OPERATIVE SOCIETY LTD PRE QUALIFICATION

Sheria Housing Co-operative Society Ltd invites applications from interested and eligible firms for pre-qualification for the supply of the under listed Goods, Services and Works for the Year 2024/2025. All suppliers with whom we are currently engaged also need to re-apply.

Click Here to access the list, <https://drive.google.com/file/d/1tEBBvAO6fuTk9H-USStQzVhATIPsdu9RB/view?usp=sharing>



FREQUENTLY ASKED QUESTIONS (FAQS) ON MEMBER SERVICES DEPARTMENT

1. How do I log into my portal for the first time and set my password



Search (online.lsk.or.ke) on your browser. Click on the login button on the top right corner, enter your admission number and click on "Proceed", click on "Forgot Password / Activate Account" feature. An OTP will be sent to the email address/ phone number registered with LSK.



In case you don't receive the OTP in your inbox, check in the spam/junk folder. Always use the most recent OTP in case you have tried severally and received multiple links.

Note:

- a. Always use the most recent OTP.
- b. Avoid requesting for the OTP too many times to avoid being locked out of your account.
- c. When you request for an OTP, there may be delays, please be patient, check your email/phone before requesting for another.

2. How do I apply for my Practising Certificate?



Log into your portal and press the 'click to apply for my 2024 Practising Certificate' prompt on your dashboard. Proceed to fill in your declaration form then download and print it. Depending on what you have declared as your nature of engagement, the documents to be uploaded are as follows: -

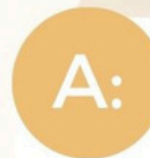
For members practicing as Sole proprietors/Partners:

- a. A fully signed and witnessed declaration to accompany the application for PC.
- b. A valid professional indemnity cover.
- c. The accountant's certificate whereby the accounting period should be for the previous year e.g. 01-01-2023 to 31-12-2023 for PC application 2024.
- d. Certificate of registration of the firm.

For members practicing as Associates/In-house Counsel/Legal Officers/Company Secretaries/State Counsel/Academic:

- a. A fully signed and witnessed declaration to accompany the application for PC.
 - b. A duly filled, signed and commissioned statutory declaration form.
- NB The receipt shall only be issued once all the requisite documents have been uploaded on the portal.

3. How do I change or update my physical address?



Attach a signed letter requesting to change or update your physical address. The letter should be addressed to:

**The Secretary/CEO
Law Society of Kenya
Lavington, opp Valley Arcade, Gitanga Road
P.O Box 72219 - 00200 | Nairobi, Kenya**

Attach a copy of your national ID. Please, note to include your P.105. Share the documents via memberservices@lsk.or.ke or drop them at our offices.



FREQUENTLY ASKED QUESTIONS (FAQS) ON MEMBER SERVICES DEPARTMENT

4. How do I change or update my email address?



Attach a signed letter requesting to update or change your email address. Attach a copy of your national Identity Card and a copy of your Certificate of Admission. The signed letter to be addressed to:

**The Secretary/CEO
Law Society of Kenya
Lavington, opp Valley Arcade, Gitanga Road
P.O Box 72219 - 00200 | Nairobi, Kenya**

Share the documents via memberservices@lsk.or.ke or drop them at our offices.



5. How do I update or change my profile photo on the search engine?



Share the photo to be uploaded, attach a copy of your Certificate of Admission and a copy of your national Identity Card to memberservices@lsk.or.ke

xx

6. How do I apply for a Certificate of Good Standing as an individual?



The Certificate of Good Standing for individuals is done online. Follow the following steps to access/activate your portal account. To set up your LSK Account password, search for online.lsk.or.ke on your browser. Click the login button on the top right corner, enter your admission number and click on "Proceed", click on "Forgot Password / Activate Account" feature. An OTP will be sent to the email address/ phone number registered with LSK. In case you do not receive the OTP in your inbox kindly check in the spam/junk folder. Always use the most recent OTP in case you have tried severally and have received multiple links.

Note:

- a) Always use the most recent OTP
- b) Avoid requesting the OTP so many times to avoid being locked out of your account.
- c) When you request for an OTP, there may be a delay so please be patient, check your email/phone before requesting for another one.

After login click on [click here](#) to apply for Certificate of Good Standing, click proceed, submit and print the certificate.

For more enquiries, reach out to LSK Member Services via memberservices@lsk.or.ke or call 0111 671458.



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



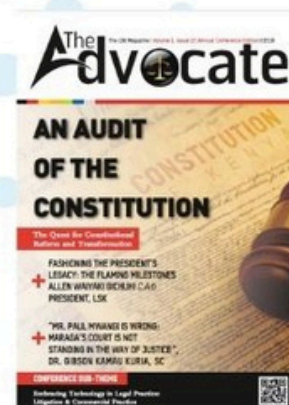
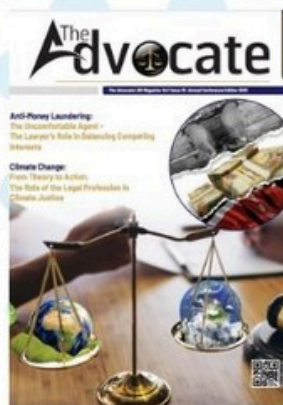


ADVERTISING OPPORTUNITY ON THE LSK ADVOCATE MAGAZINE ANNUAL CONFERENCE EDITION 2024

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:

- DOUBLE PAGE SPREAD KSHS. 250,000
- FULL PAGE KSHS. 150,000
- STRIP FRONT PAGE KSHS. 75,000
- HALF PAGE KSHS. 50,000
- QUARTER PAGE KSHS. 25,000

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





UPCOMING EVENT

IBA 2024- 15TH - 20TH SEPTEMBER MEXICO CITY

Only 2 weeks left to register with early bird discounts!

Official Corporate Supporter  LexisNexis®



IBA 2024 MEXICO CITY 15-20 Sept
ANNUAL CONFERENCE OF THE INTERNATIONAL BAR ASSOCIATION

Sponsorship Visas Programme [Book online →](#)



Only two weeks left to register for the IBA Annual Conference in Mexico at the discounted early bird rate - **register by Friday 12 July.**

- Attend the premier networking event for international lawyers
- Build a referral network of connections with leading practitioners worldwide
- Access **over 200 sessions** to keep you and your clients at the forefront of developments
- Learn from the world's legal leaders in their fields of expertise



UPCOMING EVENT



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



UPCOMING EVENT

PALU 14TH ANNUAL CONFERENCE- ADDIS ABABA,ETHIOPIA



Pan African Lawyers Union
Union Panafricaine des Avocats
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

<https://www.lawyersofafrica.org>

events.lawyersofafrica.org

events@lawyersofafrica.org

+255 (68) 507-8794

@lawyersofafrica



LAW SOCIETY OF KENYA

**Law Society of Kenya
Lavington, Opposite Valley Arcade, Gitanga Road
P.O BOX 72219- 00200
Nairobi, Kenya**

Phone Number: 0111- 045 300

**Email: lsk@lsk.or.ke
www.lsk.or.ke**