

17TH MAY 2024 ISSUE 16

THE LEGAL INSIGHT

The Official LSK Weekly Newsletter

LSK FORMER PRESIDENTS & COUNCIL INTERACTIVE SESSION



The Law Society of Kenya, led by President Faith Odhiambo, held an interactive session with former LSK Presidents on 13th May 2024 in Nairobi. The purpose of the meeting was to introduce the former presidents to the new council and also get some insights and guidance on how to execute their mandate.

The LSK President assured the former presidents of continuous engagement to ensure that they deliver on their mandate.









EXTENSION OF DEADLINE: 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.

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, https://rb.gy/mqtzo

Please ensure that submissions are sent to journal@lsk.or.ke. All submissions should include reliable telephone numbers and email addresses for ease of communication with the Editorial Committee. The deadline has been extended to Friday, 31st May 2024.

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





MEETING WITH THE CHIEF REGISTRAR

The LSK, led by President Faith Odhiambo, held an engagement with the CRJ, Hon. Winfridah Mokaya. A number of issues were discussed touching on access to justice, administration of justice and how to enhance service delivery to members of the LSK and members of the public.





Key among them were e-filing, the need to increase Judicial Officers at various Court stations, and the improvement of Court infrastructure. Also present were the LSK Branch Chairs, Commissioner Omwanza Ombati, and the team from the Judiciary, CRJ's Office. The CRJ undertook to continue engaging the LSK leadership for further collaboration.

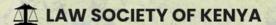
NOTICE FOR COMMENTS ON THE FINANCE BILL 2024

The Finance Bill, 2024, has been submitted by the Cabinet Secretary for the National Treasury and Economic Planning to amend the Income Tax Act (Cap. 470), the Value Added Tax Act (Cap. 476), Excise Duty Act (Cap. 472), the Tax Procedures Act (Cap. 469B) and Miscellaneous Fees and Levies Act (Cap. 469C). The Bill also proposes to amend other pieces of legislation relating to fees, levies and management of public funds.

In accordance with Article 118 of the Constitution members are hereby invited to submit their comments on the proposed Finance Bill, 2024 which can be accessed through this <u>link</u>, using the comments template, which can be accessed through this <u>link</u>.

Members are requested to submit their comments to the Parliamentary Affairs and Legislation email at <u>parliamentaryaffairs@lsk.or.ke</u> and copy Ms. Linda Olingo at <u>linda@lsk.or.ke</u> not later than Tuesday 21st May, 2024 at 5:00p.m.





APPEAL FOR DONATIONS FOR THE FLOOD VICTIMS

The Law Society of Kenya calls upon members and wellwishers to contribute to the flood victims. We aim to provide relief and recovery in the flood-affected areas.





Contributions can be made in cash or by dropping off dry food items and non-food items such as blankets, clothes, mattresses, toiletries etc, at the LSK offices on Gitanga Road Lavington, while cash contributions can be channelled through the LSK bank account;

ACCOUNT NAME: LAW SOCIETY OF KENYA

ACCOUNT NUMBER: 0102095866706 BANK:

STANDARD CHARTERED

BRANCH: HARAMBEE AVENUE BANK

PAYBILL: 329329

+254-111-045-300



Iskelsk.or.ke



CELEBRATION OF ELEVATION

The Law Society of Kenya extend our heartfelt congratulations to the 20 Judges appointed to the High Court of Kenya and to the newly elected Male Representative of the Law Society of Kenya to the Judicial Service Commission.



Your dedication, integrity, and commitment to justice will be an inspiration to many. We are confident that your contributions will greatly enhance the Judiciary and uphold the rule of law.



The Society also congratulates the following Senior Counsels on their conferment by the President of the Republic of Kenya:

- Allen Gichuhi SC
- Karori Kamau SC
- McCourt Dermot SC
- Lilian Mwaura, SC
- Mbuthi Gathenji SC
- Kibet Jinaro, SC
- Eric Kyalo SC and
- Charles Kanjama SC



TREE-PLANTING EXERCISE

The Law Society of Kenya took part in the tree-planting exercise in solidarity with the families of those who have lost their lives to the flooding.

We will continue to agitate for more effective responses to the dire situation many families have been subjected to.



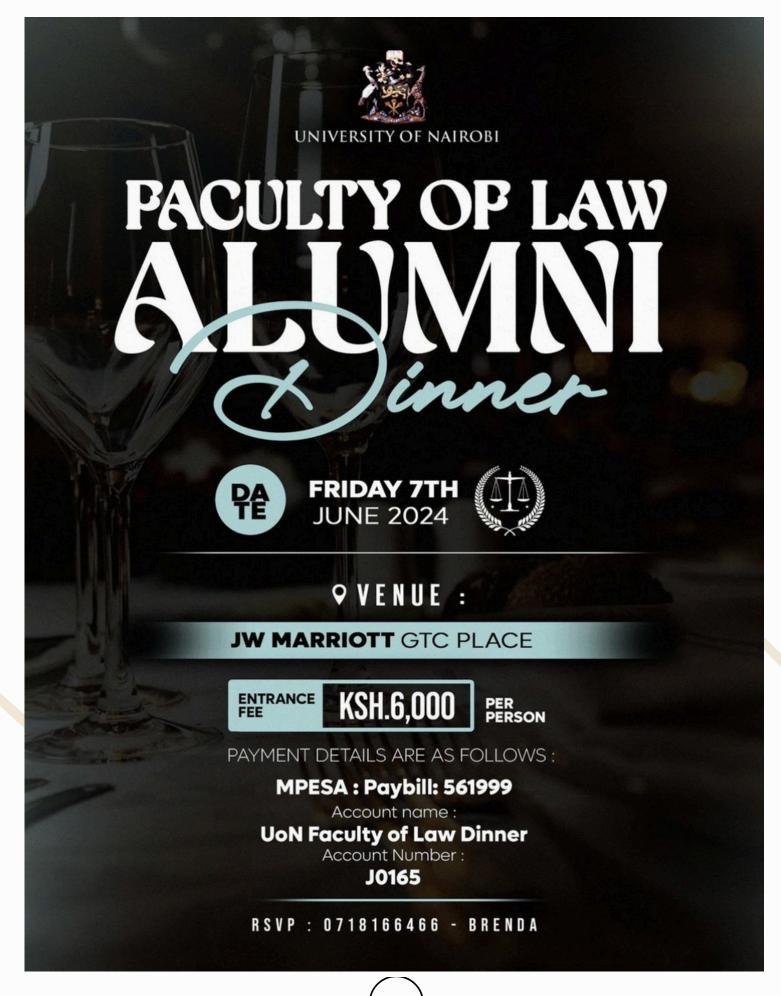
NOTICE FOR COMMENTS ON THE COUNTY CIVIC EDUCATION BILL, 2024 (SENATE BILLS NO. 4 OF 2024)

The County Civic Education Bill, 2024 (Senate Bills No. 4 Of 2024) was introduced in the Senate by way of First Reading and thereafter stood committed to the Standing Committee on Justice, Legal Affairs and Human Rights. The bill seeks to provide a legal framework for undertaking civil education in counties.

In accordance with Article 118 of the Constitution and standing order 145(5), members are hereby invited to submit their comments on the County Civic Education Bill 2024 (Senate Bills No. 4 of 2024) which can be accessed through this <u>Link</u>. The comments template can be accessed through this <u>Link</u>.

Members are requested to submit their comments to the parliamentary Affairs and legislation email at <u>parliamentaryaffairs@lsk.or.ke</u> and copy Ms. Linda Olingo at <u>linda@lsk.or.ke</u> not later than Monday 20th May, 2024 at 5:00p.m.









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 a 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 terms of the number of offices and the 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 has been registered in 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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CONTD...

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/

COUNCIL DECISIONS TAKEN ON 22ND APRIL 2024

The Council Decisions on applications taken on **22nd April 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/file/d/1gjR30QPwVMLQm-IxKjyu3WClID0zYaWR/view?usp=sharing







KNOW YOUR TRIBUNAL



ESTABLISHMENT

The Advocates Disciplinary Tribunal (ADT) plays a crucial role in upholding the standards of the legal profession in Kenya. The ADT is established under Section 57 of the Advocates Act, Cap 16.



MANDATE

The ADT is mandated to hear and determine complaints lodged against Advocates. The LSK Secretariat through the Compliance & Ethics Directorate, serves as the administrative arm of the Tribunal. It receives the affidavits of complaint from the Advocates Complaints Commission (ACC) and forwards them to the Tribunal members for prima facie determination. Once a case to answer is established, the Secretariat allocates the matters case numbers, sets them down for plea taking and undertakes service upon advocates. The Secretariat through the Compliance & Ethics Directorate also ensures advocates comply with orders of the Tribunal.

CONSTITUTION



The ADT is comprised of the Attorney-General, Solicitor-General or a person deputed by the AttorneyGeneral, six advocates, the Chairman, Vice-chairman and the Secretary of the Law Society. The Secretary of the Society is the Secretary to the Tribunal.

KEY STAKEHOLDER



The Advocates Complaints Commission (ACC) operates in close coordination with the LSK and the Tribunal. The ACC is established under Section 53(1) of the Advocates Act. It is mandated to receive complaints of professional misconduct against advocates. The ACC works to promote reconciliation, provide amicable settlement through Alternative Dispute Resolution (ADR) and conduct investigations with regard to complaints lodged against advocates. Additionally, the ACC may refer and prosecute complaints of professional misconduct before the Tribunal, at no cost to the complainants.

WHO CAN INSTITUTE A COMPLAINT AGAINST AN ADVOCATE?

- Any member of the public aggrieved can lodge a complaint against an Advocate.
- An advocate can lodge a complaint against a fellow advocate.

WHERE DO I LODGE MY COMPLAINT AGAINST AN ADVOCATE?

 An aggrieved party can either lodge a complaint directly with the Advocates Disciplinary Tribunal or with the Law Society of Kenya or with the Advocates Complaints Commission.

HOW DO I LODGE A COMPLAINT AGAINST AN ADVOCATE?

- 1. Write a letter to the Law Society of Kenya lodging a formal complaint against the advocate. Ensure to include the full names of the advocate and have the complaint signed.
- 2. Alternatively, you may lodge a complaint through the Advocates Complaints Commission. You will be required to fill in the provided help form. Subsequently, the Advocates Complaints Commission will carry out investigations into the matter and lodge a complaint on your behalf, with the Advocates Disciplinary Tribunal.
- 3. You may also prepare six sets of Affidavit of Complaint under section 60 of the Advocates Act to be forwarded to the Tribunal for determination.







HOW DO I LODGE A COMPLAINT BEFORE THE ADVOCATES DISCIPLINARY TRIBUNAL?

Prepare six (6) sets of Affidavits of Complaint (Under Section 60 of the Advocates Act)

File the Affidavits at LSK

Service by the LSK to the accused Advocate (private prosecution)

Prima Facie Stage

Plea taking Stage

Hearing Stage (by affidavit evidence)

Judgement stage

Mitigation and Sentencing Stage

ADVOCATES DISCIPLINARY TRIBUNAL SANCTIONS

Enforcement of Tribunal Orders

Where a case of professional misconduct has been made against an advocate the Tribunal may order the following: the advocate be admonished; the advocate be suspended from practice for a specified period not exceeding five years; the name of the advocate be struck off the Roll of advocates; the advocate to pay a fine not exceeding one million shillings; or the advocate to pay to the aggrieved person compensation or reimbursement not exceeding five million shillings.

FOR ANY FURTHER INQUIRES, CONTACT US AT

LAW SOCIETY OF KENYA Lavington, opp, Valley Arcade Gitanga Road P.O. BOX 72219-00200, Nairobi, Kenya Phone: +254 111-045-300/ 0111-045-555 Email: lsk@lsk.or.ke

P.O. BOX 48048- 00100, Nairobi, Kenya Phone: +254- 2- 2224029/ 2224082

Mobile: +254- 733- 241111 Email: acc@ag.go.ke

Co-operative Bank House, 20th Floor, Haile Selassie

ADVOCATES COMPLAINTS COMMISSION

Avenue



NOTICE

SPECIALIZED SEMINAR ON NAVIGATING CONTEMPORARY ISSUES IN FAMILY LAW PRACTICE





COMPETITION AUTHORITY OF KENYA CUSTOMER SATISFACTION SURVEY

Survey Survey

GPP Consulting Limited has been appointed by the Competition Authority of Kenya (CAK) to conduct a customer satisfaction survey for the fiscal year 2023/2024. We value your input and invite you to participate in this survey by completing the anonymous questionnaire.

Your honest feedback is invaluable in helping CAK monitor improvements in service delivery. Please rest assured that your responses will be handled with the utmost confidentiality and will only be used for the purposes of this study. The consultants will present only aggregated findings, ensuring that individual responses remain anonymous.

We appreciate your professional participation in this important initiative.

To participate, kindly click on the survey link <u>here</u>.

https://forms.office.com/r/SeAaSfJPhj

For any inquiries or assistance, please feel free to contact Mr. Geoffrey Ambuka at 0745 673 959 or via email at gambuka@gppconsulting.org.



5 DAY PROFESSIONAL MEDIATION TRAINING COURSE

DAY PROFESSIONAL MEDIATION TRAINING COURSE



VENUE: ROCKWELL HOTEL, KISUMU

DATES: 3rd - 7th June 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









The premier mediation training institute in Africa



NOTICES

ZANZIBAR WOMEN IN SPORTS EMPOWERMENT CONFERENCE



VINNARE LEGAL CHAMBERS

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ZANZIBAR WOMEN IN SPORTS EMPOWERMENT CONFERENCE DATE: 12TH - 15TH JUNE, 2024 • VENUE: ZANZIBAR BEACH RESORTS



For Sponsorship and Partnerships contact:

belinda@mission89.com • Tel +254 721 583 714

For Booking & Registration info@vinnarelegalchambers.co.tz • Tel: +255 714 220 524

PARTNERS











IBA 2024

ANNUAL CONFERENCE OF THE INTERNATIONAL BAR ASSOCIATION





CENTRO CITIBANAMEX, MEXICO CITY, MEXICO



The 2024 IBA Annual Conference will be held in Mexico City. Located between the USA and South America, Mexico has a rich history and is the largest Spanish-speaking country in the world. With a population of almost 130 million, a rich cultural history and diversity, and abundant natural resources, Mexico is the world's 11th largest economy* and the fourth-largest economy and a significant financial centre in the Americas.

Mexico has attracted many companies to take advantage of the opportunities for multinational businesses. Mexico City is home to a diverse range of businesses across multiple industries. The city is a significant financial centre, and is the headquarters for many international businesses, banks and financial institutions. It is also home to a thriving technology industry, with start-ups and established tech companies in the city.

* Source: www.imf.org

Mexico City has seven hundred years of history from prehispanic remains through to the modern city around Reforma. The Zócalo, the colonial era main square, is a fantastic mixture of the architectural styles from that period. Just outside the city is the amazing Teotihuacan. The Pyramid of the Sun is the largest building in Teotihuacan, and one of the largest in Mesoamerica dating back to c. 200 AD

The cuisine in is much more than tacos and a shot of tequila. Steeped in tradition, there is a wide variety of bars and excellent restaurants serving all kinds of Mexican and international food.

Located at the crossroads of the Americas and taking place in such a bustling economic and financial centre, Mexico City will be an exceptional host for the IBA Annual Conference.

WHAT WILL IBA 2024 OFFER YOU?

- Access 5,000+ attendees representing over 2,700 law firms, corporations, governments and regulators from more than 130 jurisdictions
- 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
- Save time and money by meeting all of your legal contacts under one roof



















BOOK NOW:

Visit: www.ibanet.org/conference-details/CONF2421

To receive details of all exhibiting and sponsorship opportunities for the IBA Annual Conference in Mexico City, email andrew.webster-dunn@int-bar.org

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Advocates who would like to apply for appointment as Notaries Public are hereby notified of the following:

1.Mode of Application: Effective
16th January 2023, applications
for appointment of Notaries
Public will be done exclusively
online through the Judiciary
Advocates Management
System which is accessible
through
https://jams.court.go.ke/

2. Account Activation:

Details of all Advocates have been pre-loaded onto the system and each Advocate is to activate his/her account before making the application. For this, click "Sign Up," select "Advocate" and provide the required info (P.105. Number and email address). A unique code will be sent to your e-mail address for account activation.

3. Application Process:

Click "Applications", select
"Commissioner for Oaths" and
upload the required documents.
NB. A list of requisite documents
is displayed at every application
function on your portal.

4. Service on LSK:

The Judiciary Advocates
Management System has been integrated with the LSK System.
LSK will have access to your Application, review and give their recommendation.

5. Appointment:

Upon recommendation by LSK, the Chief Justice will appoint the Notary Public by issuing a digitally signed Instrument of Appointment of a Notary Public. NB Where LSK objects, the applicant will be notified accordingly

6. Payment:

Upon appointment by the Chief Justice, an invoice for KSh. 1,500 to be paid via M-Pesa will be sent to your **JAMS** portal. **Payment** instructions will be on the invoice. The Applicant is to make payment submit the payment transaction code in order to complete payment.

7. Signing the Roll:

The system will send a notification inviting the applicant to sign the Roll of Notaries Public before the Chief Registrar on a specified date and time.

8. Certificate of Enrolment. Upon signing the Roll, the Chief Registrar will issue a digitally signed Certificate of Enrolment that will be available on email and JAMS portal for download.

9. Authentication: The system allows any member of the public to authenticate all digitally signed documents issued to Advocates, including the Instrument of Appointment and the Certificate of Enrolment.

10. User Support:

Every effort has been made to develop a system that is user friendly for all Advocates. Those with challenges may e-mail advocatessection@court.go.ke for support.

11. Training:

The Advocates Section and LSK Secretariat will also hold joint training sessions on the system for Advocates in the coming days. Look out for announcements of these sessions on LSK and Judiciary communication channels.

12. Feedback: As this is a new system, we anticipate that users may experience a few challenges. We welcome positive/constructive feedback that will help us address the challenges and enhance the system for the benefit of all users and stakeholders. Feedback on the system can be sent to judiciary.advocates.system@gmail.com.