



6TH DECEMBER 2024 | ISSUE 37

# THE LEGAL INSIGHT

The Official LSK Weekly Newsletter

## INSPECTION OF LAW FIRMS IN NAKURU COUNTY

The Council of the Law Society of Kenya through the Practice Standards Directorate, led by Stephen Mbugua, Council Member carried out a masquerader raid in Nakuru town after numerous reports of quacks posing as advocates and defrauding Kenyans were brought to LSK.

Three masqueraders were nabbed along Kenyatta Avenue, and with the assistance of DCI Officers from Nakuru East, they were arrested and taken to Nakuru East DCI offices for further processing.

The Society remains steadfast in protecting the legal profession and it won't relent in the fight against masqueraders.



### FEATURED

News Segment

Notices

Weekly Bites

Upcoming Events



## KENYA-UK LEGAL SYMPOSIUM

The Bar Council of England and Wales in partnership with the Law Society of Kenya held its 3rd edition of the Kenya-UK Legal Symposium on 3rd December 2024 at the Movenpick Residences in Nairobi.

The event included panel discussions where Kenyan advocates and UK barristers shared their expertise and knowledge on various topics which included: Alternative Dispute Resolution, Anti Money Laundering, International Climate Change Law and Artificial Intelligence and Ethics., networking lunch and a cocktail reception.

The event was fully sponsored by the Bar Council of England and Wales and it attracted around 130 participants.







## COUNCIL DECISIONS TAKEN ON 11TH NOVEMBER 2024

The Council Decisions on applications taken on 9th November 2024 for admission to the Roll of Advocates, Practicing Certificates, Notary Public and Commissioner for Oaths and Admission petitions can be accessed on the link:

[https://docs.google.com/document/d/1c3tl3m1-0Tx4kyKAkrDvI88-OH9ypj55/edit?usp=drive\\_link&oid=107982560842795587183&rtpof=true&sd=true](https://docs.google.com/document/d/1c3tl3m1-0Tx4kyKAkrDvI88-OH9ypj55/edit?usp=drive_link&oid=107982560842795587183&rtpof=true&sd=true)

## CONGRATULATORY MESSAGE TO NEWLY ADMITTED ADVOCATES



"Congratulations to all the new Advocates being admitted to the Bar on 29th November 2024. This achievement is a result of your hard work, discipline and dedication throughout your several years of study. Maintain the same values in your practice and you shall amount to distinguished professionals. Remember, your admission to the bar is not just a mandatory step in your professional course but marks the beginning of lifelong, selfless service to the law and to the public. Undertake that duty diligently and enduringly. Welcome to the Law Society of Kenya"- Faith Odhiambo, LSK President.





# AWARD FOR EXCELLENCE

*Promoting good citizenry*

ONE OF THE 10 CATEGORIES OF  
THE AWARD FOR EXCELLENCE 2024 AWARDS  
IS THE LEGAL HEROES AWARD.  
THIS AWARD IS AN OPPORTUNITY TO  
RECOGNIZE 10 ADVOCATES WHO HAVE  
MADE THE BIGGEST DIFFERENCE TO  
THE LIVES OF OTHERS,  
THEIR LOCAL COMMUNITIES AND SOCIETY.  
THESE ARE ADVOCATES WHO HAVE MADE  
A LASTING AND TANGIBLE IMPACT  
AND BROUGHT DISTINCTION TO THE PROFESSION.

WE HAVE ATTACHED A LINK OF  
THE NOMINATION POLL FOR THE 10  
CATEGORIES BELOW.

**NOMINATE YOUR HERO!**



SAVE THE DATE  
WEDNESDAY, DECEMBER 18th 2024  
LOCATION:  
MATTEO'S ITALIAN RESTAURANT, KAREN.





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# Telephone System Downtime



The Law Society of Kenya has been experiencing technical challenges with its main telephone system affecting incoming and outgoing calls.

Our teams are working on restoring the telephone services to ease communication. In the meantime, we encourage members to use the departmental contact details as shown below;

**CPD- 0110 677 188**

**Compliance & Ethics/ Practice Standards- 0110 459 555**

**Finance- 0110 380 838**

**Member Services- 0111 671 458**

**PIL & Parliamentary- 0111 231 010**

**ABA- 0717 595006**

We apologize for any inconveniences caused as we work towards restoring the services to improve on responsiveness and efficiency.

**[lsk@lsk.or.ke](mailto:lsk@lsk.or.ke)**





LAW SOCIETY OF KENYA

Lavington, Opp. Valley Arcade  
Gitanga Road  
P. O. Box 72219-00200  
NAIROBI  
Tel. 0111 045 300

## LSK CONTINUING PROFESSIONAL DEVELOPMENT (CPD) COMPLIANCE (2024)

The Law Society of Kenya (LSK) encourages members to comply with The Legal Notice No. 43 - The Advocates (Continuing Professional Development) Rules, 2014.

The Rules provides as follows:

I) "CPD year" means a calendar year beginning on the 1st January and ending on the 31st December;

II) Rule 4: In each CPD year-

(a) An advocate shall participate in or attend approved events at which that advocate shall accrue a minimum of five units except where that advocate has been exempted in part or in whole;

(b) If an advocate accrues more than five (5) units, the excess number of units shall not be carried over to the next CPD year by that advocate

(d) In each CPD year, if an advocate fails to accrue five units, that advocate may make up the difference in the period between the 1st January and the 31st January of the next CPD year.

III) Rule 9: If an advocate fails to comply with these Rules-

(a) The Council shall notify the advocate in writing of the failure; and;

(b) The Council may require the advocate to inform the Council in writing within fourteen days of the Council's notice of that advocate's proposal to comply with these Rules.

Click on the Links below to obtain:

CPD Rules, 2014 [click here](#) ; CPD Calendar 2024 [click here](#) and CPD Accreditation Guidelines [click here](#)

This is to request Members to familiarize themselves with the Rules to avoid inconveniences when applying for their Practicing Certificates (2025).

**NB:** The Society has opened for booking - on the portal - the remaining CPD Events for the 2024 CPD Calendar Year.

Dated 2nd December 2024

FLORENCE W. MUTURI  
SECRETARY/CEO

Faith Odhiambo (President), Mwaura Kabata (Vice-President)  
Tom K'opere, Teresia Wavinya, Hosea Manwa, (General Membership Representatives)  
Gloria Kimani, Irene Otto, Stephen Mbugua (Nairobi Representatives)  
Vincent Githaiga, Lindah Kiome, Hezekiah Aseso, Zulfa Roble (Upcountry Representatives)  
Elizabeth Wanjeri (Coast Representative)



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## APPLICATION FOR 2025 PRACTISING CERTIFICATE

We are pleased to inform Members that the application process for the 2025 Practising Certificate is now enabled on the LSK portal. Applications for Practising Certificates will be completed online, with documents uploaded digitally. Once processed, the Practising Certificates will be auto generated, signed and made available on the LSK member's portal for printing.

[Click here to view the process of uploading the application documents and payment details.](#)

This process applies to members who meet the following conditions:

1. Have taken out a Practising Certificate for the year 2024.
2. Are CPD Compliant for the year 2024
3. Have no unpaid invoice in their account
4. Have no open disciplinary matter.

Members who have not complied with the above conditions by 31st December, 2024 will be required to issue a notice of intention to apply for a Practising Certificate in line with Section 25 of the Advocates Act.

Members with open disciplinary cases will be required to seek approval/ clearance from the Secretariat by emailing [compliance@lsk.or.ke](mailto:compliance@lsk.or.ke).

Dated 6th December 2024

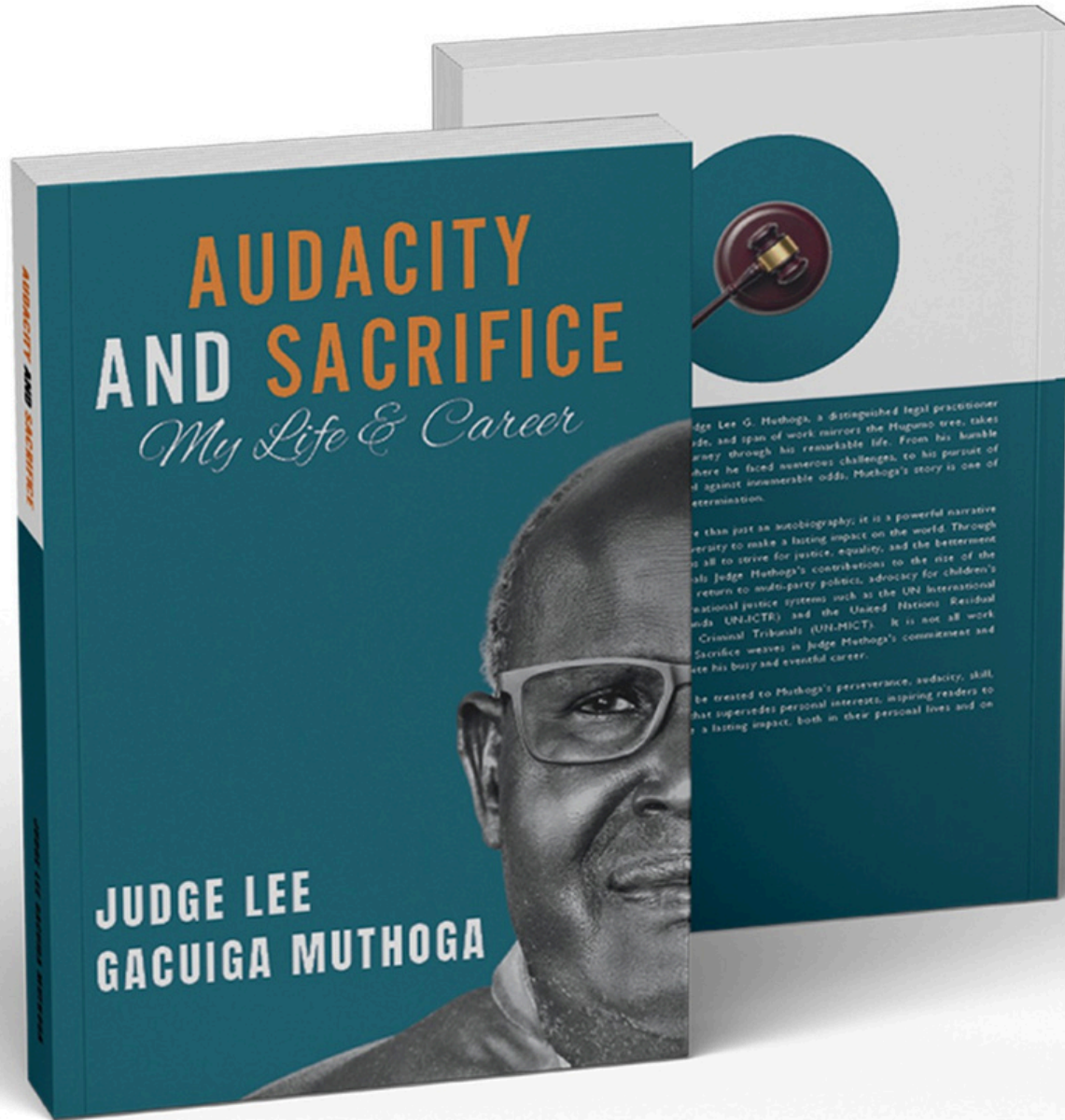
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# JUDGE LEE MUTHOGA S.C. - NEW BOOK ALERT!



# BOOK LAUNCH

To purchase a book, visit:  
<https://leemuthoga.com/>  
 ENQUIRY: +254-759-791-825  
 Buy Goods Till No: 4901998







NOTICES

# ADVOCATES BENEVOLENT ASSOCIATION

## CONNECT TO HOPE



### Free Telephone Counselling, Suicide & Crisis Hotlines in Kenya

**Emergency Medicine Kenya Foundation (EMKF)**  
☎ (254) 0800 723 253, (254) 710 633 855

**Befrienders Kenya**  
☎ (254) 722 178 177

**HealthCare Assistance Kenya**  
☎ 1195

**NACADA – Alcohol & Drug Abuse Helpline**  
☎ 1192

**Youth & Parenting – Child Helpline Kenya**  
☎ 116

**Kimbilio Trust**  
☎ 1193

**Niskize – Suicide Emergency Line**  
☎ 0900 620 800, (254) 718 227 440

**Kenya Police (for Emergencies)**  
☎ 999 | 911 | 112

**Kenya Red Cross Society**  
☎ 1199 | 0700 395 395 | 0738 395 395

**Teletherapy – Tele Mental Health Guidelines 2021**

Members seeking free psychological trauma support, kindly reach out to: The Advocates' Benevolent Association Secretariat:

📧 [aba@lsk.or.ke](mailto: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





## PRIVILEGES AND IMMUNITIES: WHAT ARE THEY?

BY SOPHIE KAIBIRIA - DIRECTOR, PRACTICE STANDARDS AND ETHICS- LAW SOCIETY OF KENYA

Two weeks ago, the High Court of Kenya Suspended the privileges and Immunities status granted to the Gates Foundation. It is this restriction that many have been exploring the diplomatic provision of privileges and immunities. Privileges and immunities are a special topic within the larger subject of international institutional law. International organizations, their officials, and representatives of their member states enjoy certain privileges and immunities in order to carry out their functions.

Privileges and immunities are granted to different categories: an organization e.g. inviolability of the premises and archives; representatives of member states e.g. immunity from arrest for speech or acts carried out in their official capacity; Secretariat officials e.g. immunity from arrest for speech or acts carried out in their official capacity. The US Supreme Court Justice Bushrod Washington, George Washington's surmised the concepts in the following words, "privileges and immunities" are rights that (1) "are, in their nature, fundamental"; (2) "belong, of right, to the citizens of all free governments"; and (3) can be found in the positive law in the states, which included common law rights. Justice Washington then proceeded to list some examples, such as the rights to travel, to claim the writ of habeas corpus, to maintain lawsuits, and others. In other words, privileges exempt diplomats from some laws (e.g., the law that all citizens should pay taxes) but not all laws (e.g., the law that theft is prohibited). Immunities, in contrast, prevent legal processes against diplomats. This distinction is very practical. If a diplomat commits theft and avoids a court trial due to immunity, it does not mean that they cannot be prosecuted later on (e.g., during a subsequent visit to the country after the expiry of diplomatic immunity).

Notably, modern diplomacy grew after the Renaissance. In fact, since the first ministry of foreign affairs was introduced in France in 1626 countries established more regular and organised interactions through diplomatic missions. The practice of diplomacy led to the Congress of Vienna in 1815, which established an institutional framework for modern diplomacy. The Congress of Vienna established classes of diplomatic representation (ambassadors and papal legates, minister's plenipotentiary, ministers' resident, and chargés d'affaires). It also introduced diplomatic precedence, a rank depending on the class of diplomatic representative and the date at which an envoy presented his letters of credence. Legally speaking, the Congress codified customary diplomatic law. Many institutions from the Congress of Vienna were included in the Vienna Convention on Diplomatic Relations of 1961, which is the main source of current diplomatic law.

The term diplomatic immunity is popularly, and erroneously, understood to refer to special protections afforded all employees of foreign governments who are present in foreign missions. However, this should be understood more broadly.





## CONTD...

BY SOPHIE KAIBIRIA - DIRECTOR, PRACTICE STANDARDS AND ETHICS- LAW SOCIETY OF KENYA

While customary international law continues to refine the concepts of diplomatic and consular immunity, the basic rules are currently embodied in international treaties which are applied by States within their jurisdiction. Diplomatic immunity is not intended to serve as a license for persons to flout the law and purposely avoid liability for their actions. The purpose of these privileges and immunities [#Wakilis](#) is not to benefit individuals but to ensure the efficient and effective performance of their official missions on behalf of their governments and in due regard to the host nations rules and procedures. This being a good governance requirement that we should continue to advance.



NOTICES

# TCA- LSK Accredited CPD Training Schedule for December 2024



3rd Floor, Chika Place  
Argwings Kodhek Road  
P.O. Box 24482-00100  
Nairobi - Kenya

Tel: +254 20 2714206/08, 2117477  
Cell: +254 722 941694  
Fax: +254 20 2714208  
Email: training@tca.co.ke



**LSK**  
Accredited

TRAIN WITH CLARITY®

## DECEMBER 2024 TRAINING SCHEDULE

DATE	TOPIC	CPD	SPEAKER	AMOUNT	TIME	LINK
19.12.24	Legal and Compliance Audits	1	CS.Dr. Seth Wekesa CS. Judy Warui	3,500	2.00-4.00 PM	<a href="https://us06web.zoom.us/join/92pXt0RW8TDm9MoBMxLVRRA">https://us06web.zoom.us/join/92pXt0RW8TDm9MoBMxLVRRA</a>
20.12.24	Data Protection: Trends & Developments	1	Nelson Otieno Benson Njuru	3,500	10.00 AM-12.00 PM	<a href="https://us06web.zoom.us/join/7WN_agPvt86WTgmizvrM7BxRfW">https://us06web.zoom.us/join/7WN_agPvt86WTgmizvrM7BxRfW</a>
23.12.24	E-filing and Electronic Case Management	1	Victor Otieno	3,500	2.00-4.00 PM	<a href="https://us06web.zoom.us/join/VJfQtsrIocSODGfEuUZU2-A">https://us06web.zoom.us/join/VJfQtsrIocSODGfEuUZU2-A</a>

Registration will be completed/ approved after payment is received.

**Payment Details:**

Paybill Number: 4011607  
Account: Name of participant  
Amount: As Indicated

Kindly send the confirmation text to +254 725 223300

For any query or further information, relating to these courses, please contact:

**Charlene Aurelia**, Training Administrator  
Tel: 0725 223300 / 0710 777752  
Email: training@tca.co.ke

**BOOK NOW!** Limited spaces available

Call/WhatsApp +254 725 223 300 or Email: training@tca.co.ke or visit [www.tca.co.ke](http://www.tca.co.ke)





UPCOMING EVENTS

# COMMONWEALTH LAW CONFERENCE 2025



**COMMONWEALTH  
LAW CONFERENCE 2025**

**SAVE  
THE DATE  
6th-10th April  
2025**





**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](mailto:lsk@lsk.or.ke)  
[www.lsk.or.ke](http://www.lsk.or.ke)**