



17TH APRIL 2025 | ISSUE 13

THE LEGAL INSIGHT

The Official LSK Weekly Newsletter - Easter Edition

LSK PRESENTS A MEMORANDUM TO THE SENATE COMMITTEE ON DEVOLUTION

Earlier today, the LSK VP Mwaura Kabata made a presentation before the Senate Standing Committee on Devolution and Intergovernmental relations on the Office of the County Attorney (Amendment) Bill, 2024 (Senate Bills No.47 of 2024).

The VP presented the LSK's memorandum in opposition of the amendments which sought to enhance the qualifications for appointment of the County Attorney from 5 years to 10 years and the term of office of the County Attorney be limited to the term of the Governor.

The Committee chaired by Sen. Abass Mohammed appreciated the LSK for the submissions. Other committee members present were Sen. Oburu Odinga, Sen. Peris Tobiko, Sen. Karungo Thangwa and Sen. Richard Onyonka.



The VP expressing a point during the presentation.

FEATURED

News Segment

Notices

Upcoming Events



CONTD...



Members during the presentation of the Memorandum.



COUNCIL DECISIONS TAKEN ON 10TH MARCH 2025

The Council Decisions on applications taken on 10th March 2025 for admission to the Roll of Advocates, Practicing Certificates, Notary Public and Commissioner for Oaths and Admission petitions can be accessed on the link; [Click Here](#)

LSK SOUTH EASTERN BRANCH- CORPORATE SOCIAL RESPONSIBILITY VISIT



 **LAW SOCIETY OF KENYA**
South Eastern Branch

CSR
Corporate Social Responsibility
Visit

Makueni Remand Prison
Makueni County

Date : 25th April 2025

Donations Include:

- Statute Books
- Food
- Clothes
- Toiletries
- Monetary Contribution

For Enquiries Contact :
Edith Onyango : 0725142851
Ramadhan Hassan : 0721844176



WATCHING BRIEF IN GBV, INCLUDING SGBV & FEMICIDE CASES: A GROWING NICHE FOR ADVOCATES AND A PATHWAY TO JUSTICE

BY GATURA (E.) WAMERU
MEMBER- LSK GENDER COMMITTEE

Despite Kenya's robust legal and policy framework on Gender-Based Violence (GBV), including Sexual and Gender-Based Violence (SGBV) and femicide, survivors continue to face systemic barriers in their quest for justice. These challenges ranging from inadequate enforcement and stigma to corruption and procedural delays call for strategic and survivor-centered legal interventions. One such intervention is the increasingly important role of advocates watching brief.

Far from being passive observers, as was stated in *Waswa v R* (Supreme) advocates watching brief act as facilitators of justice. They guide survivors through the legal process, help ensure proper documentation of reports, oversee investigations to prevent manipulation or intimidation, and monitor trial proceedings to ensure victim interests are not overshadowed. Their participation is grounded in the Victim Protection Act, 2014 and constitutional guarantees of access to justice and fair trial under Articles 48 and 50.

Precedents like *Joseph Lendrix Waswa v Republic* and *Republic v Hassan* have clarified and sometimes complicated the role of victim counsel highlighting the balance between procedural order and survivor-sensitive justice. While concerns have emerged over procedural rigidity in *Republic v Hassan*, these developments also present an opportunity for advocates to shape GBV jurisprudence in Kenya.

Importantly, watching brief is not only a moral commitment it can be a sustainable and rewarding area of legal practice. Advocates can structure legal fees for GBV-related matters, partner with civil society, and tap into donor-funded programs. There is also growing space for specialized advocacy, legal training, and consultancy in gender justice.

To fully realize the potential of watching briefs, the Judiciary and relevant stakeholders must institutionalize the role through formal judicial practice rules, expand the mandate of SGBV courts to cover all forms of gender-based violence—not just sexual offences—and roll out these courts beyond the current pilot regions. Integration of this specialized representation into public legal aid schemes is also vital. Additionally, continuous professional development in trauma-informed lawyering is essential to ensure sensitive and effective legal support for all GBV survivors.

As legal practitioners, we must reimagine our role not just as courtroom litigators, but as enablers of justice, healing, and societal transformation. Watching brief is not just an act of service; it is a viable, impactful, and dignified path to ensuring justice for survivors while contributing to the evolution of our legal profession.



LAW SOCIETY OF KENYA

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

CALL FOR PAPERS FOR THE LAW SOCIETY OF KENYA JOURNAL 2025

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 2025 Edition.

The papers should be in line with either of the below themes;

1. *Digital Rights & Data Protection – Navigating privacy laws, cybersecurity, and the impact of big data.*
2. *Human Rights in a Changing World– Addressing issues such as digital surveillance, migration, and equality.*
3. *International Law & Geopolitical Conflicts – The role of legal frameworks in maintaining global order.*

And 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, [LSKJ Instructions to Authors 2025](#).

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 papers should be received on or before 30th June 2025.

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

Dated 15th April 2025

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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THE LSK e-ADVOCATE MAGAZINE, MARCH EDITION, 2025

Following a call for members to submit their articles for consideration for publication in the LSK e-Advocate Magazine, members are hereby notified that the e-Advocate Magazine, March Edition 2025 has been published under the theme, – **The Human Rights Lens (" Social Media and Activism: The Double-Edged Sword ")**.

Members can access the e-Magazine via this link, [The LSK e-Advocate Magazine, March Edition 2025](#)

Dated 15th April 2025

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CHIMERA, KAMOTHO & COMPANY
ADVOCATES

Chimera, Kamotho & Co. Advocates LLP, a full-service firm with offices in Nairobi and Diani, invites applications from qualified advocates to fill an associate position in its Diani office. The ideal candidate must have:

- At least 5 years of experience in litigation and general practice;
- Ability to work with minimum supervision;
- Exceptional critical thinking and problem-solving abilities;
- Ability to present legal arguments persuasively and effectively to clients, colleagues, and court officials;
- Strong interpersonal skills with the ability to build and maintain client relationships;
- High level of accuracy and attention to detail in legal documentation and research;
- Commitment to upholding legal ethics and confidentiality;
- Strong organizational skills and the ability to prioritize tasks effectively; and
- Openness to feedback and commitment to professional development.

Candidates are requested to submit their applications accompanied by relevant certificates to admin.nbo@mklaw.co.ke by 26th April 2025.



NOTICE

ADVERTISEMENT

LEGAL ASSOCIATE'S POSITION

Muthoga Gaturu & Company Advocates, a medium sized Law Firm wishes to recruit an Advocate for its Litigation Department at its Head Office in Nairobi. The successful candidate should have the following minimum attributes: -

- Advocate of the High Court with the current year's practising certificate;
- Between two (2) years and four (4) years post-admission experience in Litigation practice;
- Specialized training, qualifications or demonstrable skillset in the relevant field will be considered an added advantage.

The Firm desires to employ persons of integrity, initiative and attention to detail. In addition, the candidates should be team players and should be capable of delivering results under pressure.

Interested and qualified candidates are asked to forward their application letters, testimonials and updated CVs to info@mgmail.co.ke not later than **Friday, 25th April, 2025**. Only shortlisted candidates will be notified.

MUTHOGA GATURU & COMPANY ADVOCATES



VACANCY FOR AN ADVOCATE

A Law Firm in Coastal region (Mombasa, Malindi and Diani) has a vacancy for an advocate with a current Practicing Certificate to handle Litigation, Conveyancing and Commercial matters.

Send your application and C.V to lawfirmvacancy25@gmail.com. Only successful applicants will be contacted for interview.



ADVOCATES DISCIPLINARY TRIBUNAL



ADVOCATES DISCIPLINARY TRIBUNAL

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 Attorney-General, 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.



CONTD



ADVOCATES DISCIPLINARY TRIBUNAL KNOW YOUR TRIBUNAL

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

Enforcement of Tribunal Orders

ADVOCATES DISCIPLINARY TRIBUNAL SANCTIONS

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

ADVOCATES COMPLAINTS COMMISSION
Co-operative Bank House, 20th Floor, Haile Selassie Avenue
P.O. BOX 48048- 00100, Nairobi, Kenya
Phone: +254- 2- 2224029/ 2224082
Mobile: +254- 733- 241111 Email: acc@ag.go.ke



NOTICES

STATISTICAL QUESTIONNAIRE: ASSESSING MONEY LAUNDERING AND TERRORISM FINANCING RISK - LEGAL PROFESSIONALS



Scan the QR code to access The statistical questionnaire



ASSESSING MONEY LAUNDERING AND TERRORISM FINANCING RISKS FOR LEGAL PROFESSIONALS

The Society is conducting a sectoral risk assessment to gather information to enable it analyze the structure, inherent risks and controls present within law firms which is vital for assessing money laundering and terrorism financing risks within the legal sector.

<https://forms.gle/sErhujGJfcIJYLkz5>





UPCOMING EVENTS

INVITATION TO THE PAN AFRICAN LAWYERS UNION'S 15TH ANNUAL CONFERENCE AND TRIENNIAL GENERAL ASSEMBLY FROM 25 TO 27 JUNE 2025, IN ABIDJAN, CÔTE D'IVOIRE

+255 (68) 507- 8794 events@lawyersofafrica.org



HOME

GET YOUR TICKET

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FRANÇAIS



Dear Members of the PALU Council

Greetings from the Pan African Lawyers Union (PALU), the premier continental membership forum of and for lawyers and lawyers' associations in Africa.

We are pleased to invite you to the PALU Annual Conference and Triennial General Assembly, which will be held in Abidjan, Côte d'Ivoire, from 25 - 27 June 2025, under the theme "Justice through Reparations".

As we have done in the past, we encourage the leadership and Secretariat of national lawyers' associations to organize group travel for their members. This can be done through your usual Travel Agent, or, even better, you can do a small tender amongst a few Travel Agents so that they can compete to give you the best deal for your members.

We also encourage you to consider the importance of the CLE points for your participating members.

For More Information regarding the conference and the registration rates, please visit our event portal at: <https://events.lawyersofafrica.org/>.

We acknowledge receipt once again of your Bar Association membership payment of the Year 2025 and we thank you.

We look forward to welcoming you and your members to Abidjan for what promises to be an engaging and impactful gathering.



UPCOMING EVENTS

INTERNATIONAL BAR ASSOCIATION (IBA) 2025



IBA 2025 TORONTO
2-7 NOVEMBER
ANNUAL CONFERENCE OF THE INTERNATIONAL BAR ASSOCIATION



OFFICIAL CORPORATE SUPPORTER





UPCOMING EVENTS

38TH LAWASIA CONFERENCE 2025



38th LAWASIA Conference 2025

11 - 13 October 2025 | Hanoi, Vietnam



SAVE THE DATE!
38th LAWASIA Conference 2025 📢

LAWASIA & the Vietnam Bar Federation are proud to present the
38th LAWASIA Conference 2025 in Hanoi, Vietnam!



LAW SOCIETY OF KENYA

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Please click here to follow our WhatsApp Channel,
<https://whatsapp.com/channel/0029VausfHblSTkNhqYKJe20>