

TRAINING NOTICE



THE KENYA SCHOOL OF LAW

COURSE: LITIGATION IN A DIGITAL ENVIRONMENT: A REFRESHER COURSE FOR IN-HOUSE COUNSEL (3 LSK CPD POINTS)

DATES: 4th -8th December, 2023

VENUE: NYALI, MOMBASA

ABOUT THE COURSE

In 2021, the Kenya School of Law ran its inaugural *Litigation Refresher Course* for in-house counsel. The course intended to build the capacity of counsel in State corporations to implement the advisory of the Honourable the Attorney-General of the Republic of Kenya of 6th April 2017 for State corporations to use internal legal capacity in routine and non-complex matters, and particularly where a State corporation sues or is sued as a main party and is not conflicted or is sued or sues as a nominal party.

In the 2022 edition of the Course, the emphasis was to equip the in-house counsel or other counsel acting for an individual or corporate client with skills to effectively put across their client's case before a relevant forum.

In 2023, the Course places emphasis on equipping in-house counsel working in State corporations, public sector generally, private companies and outsourced counsel representing these corporations with **skills to effectively litigate in a digital environment**: from online filing, service on the digital platform, to online hearings and delivery of rulings and judgments through the digital platform.

The background to this is the amendment of the Civil Procedure Rules in 2020 to include Order 5 Rules 22B and 22C that allowed for service by email and mobile-enabled messaging applications. This was in response to restrictions on in-person interactions as a measure to contain the *Covid-19* pandemic. Alongside this was the Practice Direction by the Chief Justice in response to the pandemic, which allowed among others, use of teleconferencing,

videoconferencing and other appropriate technologies to dispense justice. Practice Directions were also issued with respect to the Court of Appeal.

Much as this new development expedited disposal of court matters, along with it came challenges, such as limited capacity of advocates to effectively use the technology for online filing and hearings, and the violation of court etiquette by court users.

This Course therefore is therefore intended to respond to these emerging concerns and needs.

INTENDED PARTICIPANTS

This five-day skills-based course is designed for in-house counsel and counsel in private practice acting for corporations, in State corporations and private companies.

The Course will meet the needs of both the beginners as well as those with more experience in litigation. It will also equip in-house counsel to effectively monitor litigation being handled by external counsel and refresh the participants' skills in Trial Advocacy.

COURSE CONTENT

The topics to be covered in the course will include:

- Translating key aspects of a client's case into a digital format;
- Key areas of attention in e-filing as regards initial pleadings, amendments, and interlocutory;
- Conduct in an online forum of Judicial Review, Constitutional proceedings and proceedings before tribunals;
- Court etiquette in online hearings;
- Applying Trial Advocacy skills in an online platform.

INTENDED OUTCOMES

It is expected that at the end of the course a participant should confidently handle all aspects of a client's case where it is commenced through e-filing and proceeds to hearing and determination through an online and digital platform.

TRAINERS

The School has assembled a team of experienced trainers including litigation lawyers both from private practice and from State agencies with over twenty years' post-admission experience.

INTENDED PARTICIPANTS

This course is recommended for:

- Lawyers in the State Law Office and in State corporations in legal, supervision, compliance and investigation and enforcement departments and sections.
- Legal officers in private companies.
- Advocates in private practice who represent State agencies and private corporations from time to time.
- Lawyers from the East Africa Region and other Commonwealth countries in Africa.

CERTIFICATION

A certificate will be issued to the participants who attend the entire course.

Fee: Kshs. 95,000/= (covers tuition, course materials, stationery, lunch and refreshments and is inclusive of taxes). Participants will be expected to make their own arrangements for travel and accommodation.

Application Process: Application is by registering online at

<https://services.ksl.ac.ke/web/signup>

The duly completed application form plus evidence of payment should be submitted **at least by 1st December 2023**. Cash payments should be deposited in the **Kenya School of Law (Account No. 202 2029 110 ABSA Bank of Kenya, ABSA Plaza Branch, Nairobi, Kenya)** and banking slips presented to the Finance Office of the Kenya School of Law and the completed application form presented to the CPD department at Gate A, Mutula Building, Ground Floor, Kenya School of Law or emailed to cpd@ksl.ac.ke

For further enquiries and information, contact Isaac, Samuel or Jacqueline on: Tel

+254(020) 2699581/6; Email: cpd@ksl.ac.ke; ikuloba@ksl.ac.ke; sakhwale@ksl.ac.ke;

jacqueline@ksl.ac.ke

Website: www.ksl.ac.ke



Isaac Kuloba

For DIRECTOR/CHIEF EXECUTIVE OFFICER