



THE KENYA SCHOOL OF LAW

PUPILLAGE GUIDELINES

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INTERPRETATION

The terms below are defined for utilization within the context of this guideline.

“advocate” means an advocate as defined in the Advocates Act.

“Board” means the Board of the Kenya School of Law.

“committee” means the Pupillage Advisory Committee established under clause 11.0 of the Pupillage Policy.

“institution” means an organization that applies or is accredited to offer pupillage.

“pupil” means a student of the School undertaking pupillage in accordance with the Law.

“pupillage centre” means an institution approved or accredited for service of pupillage.

“pupillage programme” means the clinical training offered to pupils at a pupillage centre.

“pupillage supervisor” means a lecturer assigned by the School to assess a pupil at a pupillage centre.

“School” means the Kenya School of Law established under the Kenya School of Law Act, 2012.

“student” means a person admitted and registered at the School to undertake a course of study

“supervisor” means a member of staff of the School assigned by the Director to assess a pupil.

1.0 INTRODUCTION

These guidelines provide the procedures for the implementation of the Pupillage Policy.

1.1 Scope

The Pupillage Guidelines apply to students in the ATP, staff of the School and pupil masters.

1.2 Objective

These guidelines provide a framework for implementation of the Pupillage Policy.

1.3 Principles

The following principles shall govern the implementation of the Pupillage Policy: -

- a. professionalism;
- b. integrity;
- c. commitment;
- d. mutual respect;
- e. trust; and
- f. confidentiality.

1.4 Benefits of Pupillage to Students

The pupillage programme is intended to foster:

- a. clinical instruction;
- b. mentorship;
- c. networking;
- d. skills development; and
- e. peer review.

2.0 PUPILLAGE CENTRES

2.1 An institution, other than a law firm, that wishes to offer pupillage shall apply for accreditation by the School.

2.2 The application will be in the prescribed format (Form A).

2.3 The School may, upon assessment of the institution, accredit the institution.

2.4 The School may, on its own motion or on application by a pupillage centre, review the accreditation.

2.5 Upon review, the School may revoke, vary the accreditation terms or take such other action that it may deem appropriate.

3.0 ACCREDITATION PROCEDURES

3.1 The Director shall appoint a person to undertake assessment of an institution for purposes of accreditation.

3.2 Assessment of an institution shall be conducted in accordance with the Accreditation Assessment Matrix (Form B) and a report prepared.

3.3 Pupillage Centers

a. Pupillage shall be served at the following centres within the Republic of Kenya: -

- i. Advocates' chambers;
- ii. Office of the Attorney General;
- iii. Office of the Director of Public Prosecutions; and
- iv. accredited institutions.

b. The School shall maintain an updated list of accredited pupillage centers.

4.0 FORM OF APPLICATION

a. The Director shall direct the students to furnish the stated documents, at an appropriate date:

- i. a duly filled and executed pupillage deed in the prescribed format (Form C);
- ii. subject to section 10 of the Advocates Act, a copy of the advocate's current practicing certificate;
- iii. subject to section 10 of the Advocates Act, copies of the Advocate's practicing certificates evidencing legal practice for the last five years (or cumulative legal practice for five years since admission) to confirm compliance of section 13 of the Advocates Act;

- iv. provide proof of exemption under section 10 of the Advocates Act which may be by way of a letter from the institution or gazette notice;
- v. a duly filled and signed Pupillage Registration Form (Form D); and
- vi. any other document that the Director of the School may require.

5.0 PUPIL MASTERS

Subject to paragraph 5, a pupil master must:

- a. fulfil the requirements of the Advocates Act; and
- b. be in good standing.

6.0 PUPILLAGE OBLIGATIONS

6.1 Pupil

a. A pupil shall:

- i. commence pupillage on the next working day after all the documents in paragraph five have been submitted to the School and a workbook issued;
- ii. attend chambers as required by the pupil master;
- iii. attend court sessions and meetings as required by the pupil master;
- iv. obey and implement all lawful instructions from the pupil master;
- v. perform tasks indicated in the Pupillage Deed;
- vi. maintain a daily log of assignments in the workbook;
- vii. present the workbook to the supervisor on demand;
- viii. not be seconded to another office without the prior written consent of the School;
- ix. faithfully serve pupillage for the entire statutory period;
- x. comply with the professional and ethical standards of the legal profession; and
- xi. perform any other task assigned by the School.

6.2 Pupil Masters

a. A pupil master shall:

- i. be an advocate of good standing of not less than five years consecutive or cumulative actual legal practice and experience;
- ii. take a maximum of two pupils at a time, unless otherwise authorized by the School;

- iii. offer advice and guidance to the pupil;
- iv. familiarize the pupil with all aspects of legal practice;
- v. train the pupil on professional ethics and standards;
- vi. review the pupil's workbook on a monthly basis;
- vii. observe integrity in the relationship between pupil and master;
- viii. within 30 days from the end of pupillage term, provide the School with a sealed confidential report and pupillage completion certificate;
- ix. provide the pupil with reasonable facilities for undertaking pupillage; and
- x. fulfill any other obligations contained in the Pupillage Deed.

6.3 The School

The School shall:

- a. designate the official pupillage commencement date;
- b. provide a workbook to the pupil upon compliance with the requirements of paragraph 3 of these Guidelines;
- c. conduct pupillage supervision;
- d. prepare and submit a supervision report with respect to the pupil without undue delay; and
- e. consider any reasonable request by a pupil with special needs.

7.0 DATA PROTECTION

- a. A pupil shall observe the principle of confidentiality during and after conclusion of pupillage.
- b. A pupil shall not cancel, obliterate, spoil, destroy, waste or take away any of the books, papers, writings, electronic data or other property of a client or the pupil master.

8.0 LEGAL FRAMEWORK

Pupillage is governed by:

- a. the Constitution of Kenya, 2010;
- b. the Advocates Act;
- c. the Kenya School of Law Act;
- d. the Legal Education Act;

- e. the Kenya School of Law (Training Programmes) Regulations 2015;
- f. the Law Society of Kenya Code of Standards of Professional Practice and Ethical Conduct (SOPPEC);
- g. the Kenya School of Law Student Handbook; and
- h. any other relevant Act, subsidiary legislation or policy.

9.0 PUPILLAGE MALPRACTICE

- a. A pupil will be liable to disciplinary proceedings of the School for engaging in pupillage malpractice. Pupillage malpractice includes:
 - i. failure to serve pupillage after filing relevant documents at the school;
 - ii. abandoning pupillage;
 - iii. failing to serve pupillage at the designated office;
 - iv. colluding with any person to avoid serving pupillage;
 - v. making false entries in the work book;
 - vi. making unauthorized changes to the work book;
 - vii. failure to maintain, on a daily basis, the Pupillage Work Book;
 - viii. willful destruction of the work book;
 - ix. diverting or attempting to divert clients;
 - x. forging of Pupil Master's or Supervisor's signature;
 - xi. engaging in unethical conduct;
 - xii. breach of the code of conduct for students;
 - xiii. attending chambers while intoxicated;
 - xiv. sexual harassment in the course of pupillage;
 - xv. committing any offence established under the Advocates Act;
 - xvi. conviction for a felony.

10.0 COMPLAINTS HANDLING

- a. A pupil shall address a complaint relating to pupillage to the Director in writing.
- b. A pupil master may lodge a complaint relating to pupillage to the Director in writing.
- c. The School shall expeditiously address all complaints according to the Complaint Handling Policy.

- d. Where a complaint relates to disciplinary issue against a pupil, the same shall be dealt with in accordance with the Kenya School of Law Act (Training Programmes) Regulations, 2015.
- e. Where a complaint is against a pupil master, the School may report the same to the Law Society of Kenya.

11.0 REVIEW, MONITORING AND EVALUATION

- a. These Guidelines shall be reviewed at least once every five years.
- b. In reviewing the guidelines, regard shall be had to the following:
 - i. national policies;
 - ii. new and emerging areas of law;
 - iii. the Strategic Plan of the School;
 - iv. changes in social, economic, political and technological environment; and
 - v. any recommendations of the Pupillage Advisory Committee.

Approved by: Assistant Director, ATP..........Date.....23.10.2023