

JUSTICE

Newsletter



A Client Oriented Kenya School of Law



The Kenya School of Law



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Christine Kungu
Chair | Editorial Committee

The Editorial Team

Christine Kungu
Samuel Akhwale
Fredd Wakimani
Agnes Mwai
Stephen Okello
Phoebe Ndungu
Linnett Odawo
Anastasia Otieno
Valentine Nyokabi

Contributors

Agnes Mwai
Albert Simiyu
Anastasia Otieno
Annah Konuche
Brian Nduati
Colletta Nekessa
Crispin Bosire
Dr. Omondi Owino
Dr. Erick Komolo
Aileen Aluso Ingati
Fredd Wakimani
Isaac Kuloba
James Nyahu
John Malombe
Justus Munyithya
Kennedy Onyango
Kimani Patrick Ndungu
Leah Kiguatha
Mariam Mahmud
Martin Kembero
Njeru Maina
Nthaatu Ntoogo
Peter Raymond
Shadrack Omondi
Shelmith Mugo
Shelmith Wacera
Sonya Sigalai
Stephen Okello
Valentine Nyokabi

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justicenewsletter@ksl.ac.ke

From the Editor

Welcome to Volume 3 Issue 1 of the Justice newsletter. The theme of the newsletter is a Client-Oriented Kenya School of Law. We are also excited to publish this issue amidst the Covid-19 global pandemic which has impacted on the school's activities. We are grateful for the support that the management of the school has taken to ensure the safety and well being of the staff and students.

In this issue, the Editorial Committee has endeavored to demonstrate the ways in which our School undertakes its mandate with our key clients as the focus.

We have published several articles featuring the milestones achieved by the school including the 4th graduation ceremony held in December 2019 and the partnership training between the school and the Law Society of Kenya's Young lawyers Committee on the Legal Audit Courses.

We have also covered various departmental briefs and events including the upcoming KSL Annual Conference and Mooting in the Covid-19 environment.

Finally we have covered insightful articles on areas of interest including E-learning: The New Normal in mitigating against Covid-19, and Environment Compliance Auditing, as well as various articles from students and KSL alumni all which showcase the ways in which the School's activities and indeed various facets of the legal profession are, or could be more, client-oriented.

As always, we remain grateful to the Board and the management of the school for their continued support and to all contributors who have aided in the success of this publication. Special gratitude goes to the Editorial Committee for their efforts in ensuring that this issue of the Justice Newsletter has been produced and published.

Enjoy the read and stay safe.

The Editorial Team



From Left Christine Kungu, Anastasia Otieno, Samuel Akhwale, Agnes Mwai, Valentine Nyokabi, Stephen Okello, Phoebe Ndungu, Linnett Odawo, and Fredd Wakimani.

Word from the Chairperson, KSL Board



Professor Fatuma Chege
Chairperson
Kenya School of Law Board

I take this opportunity on behalf of Kenya School of Law Directors, to congratulate the management for publishing this issue of the Justice newsletter.

The newsletter is an important tool for keeping the School community informed of key events and developments for the year.

The theme for this issue is “a client-oriented Kenya School of Law.” This is appropriate at this time when the country and the world at large have been affected by the current public health challenges.

Client orientation puts the client at the beginning, center and end of every transaction which means the School’s focus is shifted to the client’s needs and expectations. The School is focused on putting measures in place that will enable it continue to serve its mandate to the highest possible standards despite the uncertain times.

We the Board of Directors urge all our stakeholders to adhere to the guidelines that the government has issued for containing the spread of Covid-19. In the meantime the newsletter has a wealth of informative and engaging articles for our stakeholders.

Word from the Director/Chief Executive



Dr. Henry K. Mutai
Director / Chief Executive Officer
Kenya School of Law

I am pleased to present this issue of the Justice newsletter, a publication that has served as an effective tool to keep our stakeholders informed of activities taking place at the School.

Over the period covered by this issue, the School has been able to achieve several milestones.

On 6th December 2019, the School held its 4th graduation ceremony with 114 graduates receiving their Postgraduate Diploma in Law and 26 graduates receiving the Diploma in Law (Paralegal Studies). The School also honored students who excelled in the 2018 exams both in postgraduate diploma and paralegal diploma in law levels.

In discharging its mandate, the School has continued to train candidates undertaking the Advocates Training Programme (ATP) of whom 1716 were enrolled for the 2020/2021 academic year. As a means of enhancing the student experience, the School has continued to innovate and to improve the access to learning by the introduction of evening/Saturday classes.

In March 2020, the outbreak of Covid -19 in Kenya led to the closure of learning institutions throughout the country, including the School.

This closure has adversely affected learning in both the ATP and the paralegal program. It has also impacted the registration of new students for the diploma in law (Paralegal studies).

The School finds itself facing an unprecedented set of challenges but continues to work to innovate and adapt to the new environment. On behalf of the School, I wish to reassure our stakeholders that once learning resumes, we will maintain our high standards and focus the safety of the School community as a priority.

Finally, I would like to thank the Editorial Committee for their efforts in ensuring that this issue of the Justice Newsletter has been produced.

Milestones



A Quick analysis of the November 2019 Bar Exam Results

Fredd Wakimani

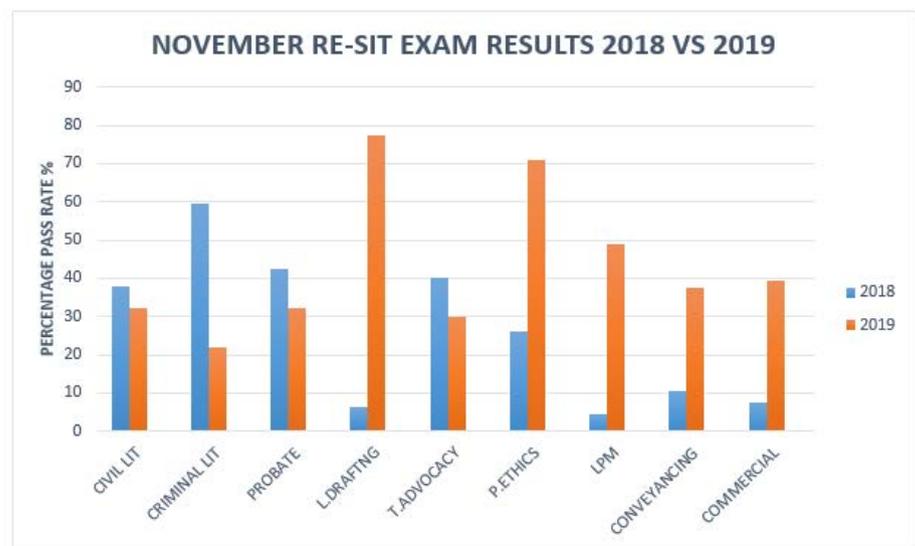
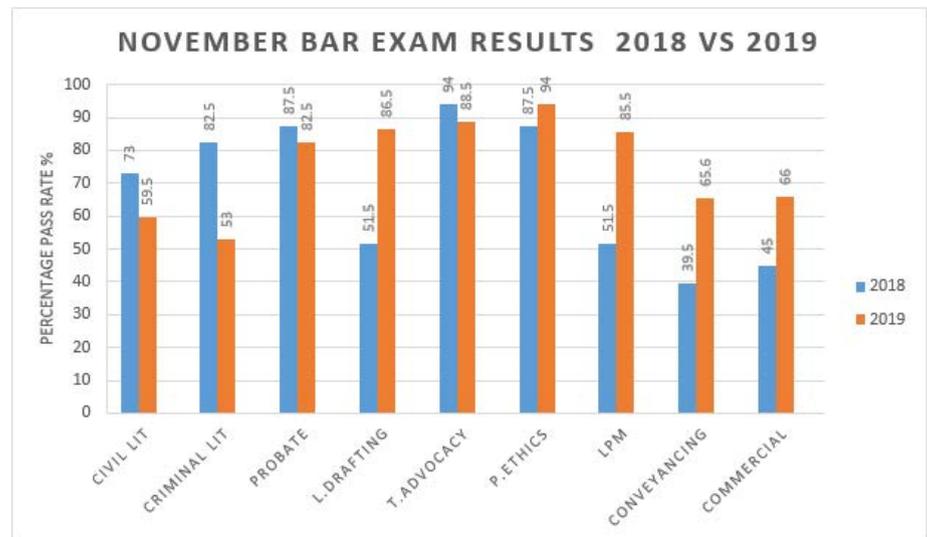
On the 7th of February 2020, the Council of Legal Education (CLE) released the results of the 2019 bar examinations. The bar exam is administered by CLE after university graduates of law undertake the Advocates Training Programme at the Kenya School of Law (KSL) for the purposes of being admitted to the Kenyan Bar to practice as Advocates.

There was a marked improvement in the performance of 5 out of 9 subjects examined in comparison to 2018. Professional Ethics for improved from an 87.5% pass rate in 2018 to a 94% pass rate in 2019.

Legal Practice Management improved from 51.5% in 2018 to 85.5% in 2019, Conveyancing moved up from a pass rate of 39.5% in 2018 to 65.6% in 2019 and Commercial Transactions registered a notable improvement from 45% in 2018 to a 66% pass rate in 2019. Legal Writing and Drafting was the most improved with a pass rate of 86.5% from 51.5% in 2018.

The 2019 Re-sit exam, which was done concurrently with those doing the exam in the 1st sitting, also had a significant improvement in the performance of Legal Writing and Drafting, Professional Ethics, Legal Practice Management Conveyancing and Commercial Transactions.

In conclusion the false notion that there is mass failure when students undertake the CLE bar exam is one that should be dispelled going by the 2019 results. The results are an indicator that the bar exam is not insurmountable and with the right balance of proper coverage of the syllabus from the lecturers and hard work from the students, a pass in all the nine subjects is possible. However for those who fail a subject or two in the first sitting they still have a good chance to pass the same during the re-sit exam and a good majority do.



Fredd Wakimani is an Advocate of the High Court of Kenya and a Lecturer at the Kenya School of Law.



4th Graduation Ceremony

Annah Konuche

The Kenya School of Law had a very successful 2019 whose highlight was the 4th Graduation Ceremony held on the 6th December, 2019 at the KSL Grounds in Gate A.

The colorful event was graced by none other than the Speaker of the National Assembly, Hon. Justin B. N. Muturi EGH, who represented the Deputy President of the Republic of Kenya who could not make it due to the exigencies of duty.

Other guests present during the ceremony include KSL Board members Prof. Michael N. Wabwile, Ms. Emily Chweya and Ms. Jacqueline Manani who delivered a speech on behalf of the Chair of the Board Prof. Fatuma Chege. Also present were the Chief Executive Officer of the Council of Legal Education Dr. Jacob Gakeri, Ms. Carolyne Kamende Daudi representing the President of the Law Society of Kenya, deans of several Law Schools in Kenya, the management of KSL, 2018 class graduands, staff and students of the Kenya School of Law.

A total of 114 students graduated with a Post Graduate Diploma in Law (also known as ATP) while 26 graduated with a Diploma in Law (paralegal studies). The graduands all gowned in black gowns and yellow sashes, which are the corporate colours of the School, and accompanied by their relatives and friends were very jubilant.

The graduands cheered each other as their names were read out by the Assistant Director, ATP. The best student(s) overall in both categories, that is ATP and Paralegal Studies gave valedictory speeches congratulating and inspiring their classmates to aspire for greater things. The President of the Students Council, 2018, Mr. Adrian Kamotho Njenga also gave a speech thanking the management of the School for the support it accorded them when they were students.



In line with tradition, the School presented awards to the best students overall for both ATP and Paralegal Studies as well as the best student(s) in each subject for the ATP. The awards were sponsorships from leading law firms in Kenya including Oraro and Company Advocates and Wamae and Allen Advocates. We also had sponsorship from key partners of the School such as NCLR, FIDA-Kenya, Law Africa and CIC.



For the second year in a row, Senator Mutula Kilonzo Jnr. sponsored an award which went to the best student in Trial Advocacy. Lecturers of the School were also not left behind as Mr. Fredd Wakimani and Ms. Anna Konuche each gave a cash award to the best male and female students respectively in the Paralegal Training Programme. We thank all the sponsors for the generous contributions and look forward to more partnerships in the future.

The School wishes to thank all the guests for honoring the invitation to grace the occasion, the management, staff and Graduation Committee for all the tireless effort that went into organizing the successful event.

To the 2018 class and graduands, Congratulations! Godspeed! The world is under your feet, go conquer.

Viva!

Annah Konuche is the Assistant Director, Advocates Training Programme at the Kenya School of Law.



Corporate Social Responsibility as a Covid-19 response

By Shelmith Mugo

The Kenya School of Law exists in a community which it engages for overall social good. The School attains this through the Corporate Social Responsibility (CSR) Committee.

The CSR Committee is guided by the CSR policy document, the mandate of the School as outlined in the Kenya School of Law Act, the 2018-2022 Strategic plan, and the Annual Performance Contract.

In the recent past, some of the CSR activities that the school has been involved in are a clean-up of the Karen – Langata area in partnership with the Karen Langata District Association, and donation of beds and a water tank to a Children home in Ongata Rongai.

In April 2020, the School received a request from St. John the Evangelist Holy Ghost Parish to donate essential items. This was because a number of parishioners had been affected by the Covid-19 pandemic. St. John the Evangelist church is situated about a hundred metres away from the Kenya School of Law, and have interacted with the school in good neighborliness, including offering parking space during the School's graduation ceremonies, among other interactions.

The Director of the Kenya School of Law approved a contribution to meet this need and on 24th April 2020, One hundred (100) relief packs were donated to the church for distribution. Each pack contained maize flour, rice, sugar, lentils, salt, cooking oil, soap and a matchbox. The CSR committee appreciates everyone who made this possible in various ways.



Shelmith Mugo is a Human Resource officer at the Kenya School of Law.



Legal Audit and Compliance Course for Young Lawyers

- the partnership between the Law Society of Kenya and the Kenya School of Law

Aileen Aluso Ingati



In 2019, the Law Society of Kenya, through its Young Lawyers Committee, entered into a memorandum of understanding with the Kenya School of Law whereby young members of the society would be trained on legal audits and compliance.

This engagement has so far attracted about 120 participants in one week trainings held in November 2019, December, 2019, January, 2020 and February, 2020; all the participants were all awarded certificates by the Kenya School of Law.

The Legal Audit and Compliance Course is intended to transform the management and operations of public and other institutions through strict adherence to Constitutional, statutory, policy and administrative requirements, as well as observance of international best practices. It equips advocates with the necessary knowledge and skills to undertake legal audits and compliance assignments for clients or their institutions, with the ultimate aim of helping -

- those institutions entrench the culture of strict adherence to constitutional, statutory, policy and administrative requirements, as well as best practices.

The course mounted by the Kenya School of Law is comprehensive. The participants learnt about the objectives of legal audits and the benefits. There were several practical activities simulating the various stages of an actual legal audit exercise.

The course was delivered by persons who have in the past eight years conducted over thirty-five legal audits consultancies, and who have extensive experience in conducting legal audit courses.

There were also guest presentations by governance and compliance experts, as well as personnel from selected oversight institutions.

The training has contributed to the capacity building of the advocates that took part in it by equipping them with the skills and ability to:

1. Advise their respective organizations on constitutional and legal compliance requirements and prepare them for external compliance audits;
2. Develop terms of reference for a legal audit;
3. Prepare a legal audit proposal;
4. Prepare work plans, audit schedules and data collection instruments;
5. Prepare and populate a legal audit matrix;
6. Write a legal audit report; and
7. Evaluate an external auditor's report.

The feedback on the training has thus far been positive, with all participants finding value in the training. The Law Society of Kenya and the Kenya School of Law now looks forward to conducting the remainder of the trainings agreed upon under the MOU virtually in light of the current Covid – 19 pandemic.

Aileen Aluso Ingati is an Advocate of the High Court of Kenya and a Council member of Law Society of Kenya.



Advocates Training Programme 2020/2021 departmental brief

Annah Konuche

The ATP department had a successful start to the academic year 2020/2021, with the registration of the 2020 cohorts of students in January, the Director's inaugural lecture and orientation in early February and the commencement of classes immediately thereafter. With the announcement of measures to contain the spread of Covid-19 by H.E the President in mid-March, the School was forced to close down and send its students on an indefinite break. The Pupilage programme was subsequently suspended.

Launch of Evening/Saturday Classes

Under the Kenya School of Law Strategic Plan 2018-2022, one of the strategic objectives under the provision of quality professional legal training under the Advocates Training Programme is the introduction of flexible/part time programmes. To achieve this objective, the School at the beginning of this year launched the evening/Saturday Classes which run every Monday to Friday 6 pm to 8 pm and every Saturday 8 am to 5 pm.

The reason behind launch of the classes was because of the realization that quite a considerable number of students have to work in order to make ends meet while others with families co-parent and hence are either unable to enroll for the programme for fear of missing classes or enroll and end up missing classes. The introduction of flexible learning was thus a welcome relief for many and the enrollment for this evening classes/Saturday classes stands at 126 students which exceeded the School's initial target of 100 students.

Pupil Master Workshop – Mombasa

Pupillage is an integral component of the Advocates Training Programme and it involves several stakeholders who take part in the pupillage process.

These stakeholders include the Law Society of Kenya and its members spread out in the republic of Kenya, the Judiciary, government departments, the Office of the Attorney General, the office of the Department of Public Prosecutions, parastatals, Non-Government Organizations and private corporate entities. These very important stakeholders take part in training our students in the field for the six months they are engaged in pupilage and we are eternally grateful for their contribution towards shaping and training the next generation of lawyers.

In recognition of the role played by these stakeholders, every year the School engages them in planned workshops and on 13th March, 2020, the School represented by the Director, Dr. Henry Mutai, full time lecturers and the academic manager visited Mombasa for a workshop with both pupils and pupil masters based in Mombasa. It was a full house of both the young and senior members of the Bar as well as pupils who also came to share their experiences on pupilage.

The topics tackled included the role of a pupils master as a trainer, a topic ably handled by our very own Mr. Samuel Mwaniki while the topic of the pupil master as a mentor was handled jointly by Ms. Anna Konuche and Mr. Justus Munyithya. The highlight of the workshop was the presentation by Hon. Justice Ogola of Mombasa High Court on the topic of judicial expectations of the pupilage program. He underscored the need for the pupil masters to be engaged with their pupils and to ensure proper preparation before court appearance.

New Staff

In March, the department welcomed Mr. Justus Munyithya joining the department as a Principal Lecturer.

Mr. Munyithya is a senior Advocate of the High Court of over twenty years and has a wealth of experience in the practice of law having previously served in the Judicial Vetting Commission. His recruitment partly fills the vacancies brought about by the retirement of two senior and very dedicated members in the last two years. Mrs. Rose Ruto retired in early 2018 while the Justice (Rtd) Richard Kuloba retired in early 2019. The School and the department wish to thank the two retired lecturers for their dedicated and selfless service to the School and department.

The department also welcomes Ms. Anne Ayitso and Ms. Peris Kamau who joined as Office Administrators and thanks Ms. Phoebe Ndungu and Josephine Muringi who were deployed to other departments.

Annah Konuche is the Assistant Director, Advocates Training Programme at the Kenya School of Law.



Paralegal Training Programme of the Kenya School of Law: A Client Oriented Approach

Anastasia Otieno

The Kenya School of Law conducts trainings of paralegal under its paralegal training programme. This is a two year course that leads to a paralegal diploma meant to cater for those who need a knowledge in law without necessarily having studied law at the degree level. The programme endeavors to incorporate client-oriented principles and it does so in several ways. Our clients at the paralegal programme includes the students and any person who comes into the School for services including enquiries.

The qualifications to join the School as a paralegal student is at least an overall C plain in English coupled with an overall C plain at KCSE or its equivalent or a relevant diploma. This legal entry requirement is strictly adhered to thus ensuring that the student leaving the School is qualified for the job market.

The programme is currently based at our Town Campus, in the central business district of Nairobi City. The central positioning is convenient to our students.

The paralegal programme is still very much a part of the Kenya School of Law. All the extra-curricular activities are carried out at the main campus in Karen and with the School providing transport for the students. The Town Campus students provide a team for football, athletics and swimming during the Schools annual sports day. They also participate in the School's community service activities such as freedom from hunger walk, Standard Chartered Marathon and environment cleanliness.

The paralegal section is currently in the process of implementing a new curriculum which was subjected to stakeholder scrutiny and approved by the KSL board.

This ensures the programme delivers an education which is at par with the world standards and thus produce students who form a competent workforce. The section is also guided by various board approved policies such as an examination policy, disciplinary policy and sports policy among others.

The School hires staff and trained service providers who are customer friendly. This is geared towards ensuring that our clients receive services that are empathetic to the client's needs. This ensures that the students in as far as is possible are treated with understanding in their environment.

The Paralegal training programme has an open door policy where open communication and problem solving is key. This allows for the client to be able to approach any member of staff for assistance to ensure that issues are resolved in the fastest and best way possible. This open communication is also practiced among the staff who treat each other with respect and dignity. This has led to a positive impact on the customer through the use of soft skills, communication and team work.

The team at the paralegal programme is supported in their need to get relevant training. All the lecturers in the programme are qualified for the job and further to this the School offers training in adult literacy skills to all of them. They are also kept aware of all related School wide programmes and how they relate to the paralegal section. The non-teaching staff have to attend mandatory relevant training at least once a year.

A culture of servant leadership is valued and encouraged at the paralegal programme. The student gets assistance at all times. Strictness laced with compassion is practiced. The classes are delivered with professionalism.

This means adherence to the time table and respect of the student's time. Any classes not attended by a lecturer is made up and a lecturer informs the students where possible in good time of postponement of a class. On the part of the students, this means class attendance of at least 2/3 for each subject per term and showing up appropriately dressed for the class.

The students are involved in development of the curriculum and new courses and policies for the programme. This ensures that the programme speaks to the type of client who it is supposed to serve. The students offer feedback through evaluation of the course content and the lectures. This is used to feed back to the programme to improve it and inform training needs of the staff.

The paralegal training programme does not stand alone but is run through coordination with the other school wide programmes. It is housed under the Academic department of the School through which it is supported thus ensuring its smooth running.

With the Schools vision and mission guiding its client oriented approach, the paralegal programme strives for continual improvements in the services it offers.

Anastasia Otieno is the Coordinator of the Paralegal Training Programme and Principal Lecturer at the Kenya School of Law.



At the Heart of KSL

Agnes Mwai

“We are here to help” is the service-oriented attitude that KSL library staff must have to successfully meet the needs of our customers. Customer satisfaction is the heart of our profession - the reason why libraries exist. KSL Library aspires to offer a friendly and conducive environment where user information needs are met in a personalized manner. Excellent customer service, combined with comfortable environmental atmosphere, is critical to the success of any library. Why? Because satisfied customers respond to excellent service and they will want to use the library again and again.

The KSL Library is an integral part of the academic programs as it supports the teaching and training of legal education. Its purpose is to provide relevant and up to date information materials of both legal and professional knowledge. It facilitates access to information materials in both print and electronic formats. It also facilitates research and practical learning.

To offer quality information service and ease access and retrieval of information, library books are organized by subject areas in both campuses. In addition, the library is divided into various sections as follows:

1. Reserve Section - The section is located next to circulation desk and it houses few copies of books on high demand. These books are not borrowed out of the library. More copies of the same books are in the open shelves as well. The reserve section, also has the Laws of Kenya, copies of the Constitution and some subject files.

2. Open Shelves / Reading Area - Books in this area can be borrowed out for a period of one week except Law Reports and Dictionaries.

3. Special Collection - This section has; Laws of Kenya, Special Reports from various Commissions, Dictionaries, Training materials for Continuing Professional Development and other non-Law core materials

4. The Electronic Resource Center - The section is equipped with seventy computers meant to facilitate access to electronic information resources to aid study and research.

5. Media Lounge - This section is set aside for reading of newspapers and Magazines.

Libraries are part of the information sector and are considered knowledge organizations. To succeed in the changing information and knowledge packaging, the KSL library has taken various steps in managing information by adapting to new desires of customers and leveraging technology. One area that the library has succeeded on is prescription to various online resources which are rich in legal information. The databases are available in the KSL website. They are as follows

1. Ebrary E-books
2. Lexis Nexis
3. Westlaw Edge
4. Emerald Management
5. Law Africa
6. JSTOR
7. University of Chicago Press
8. EBSCO Host Research Databases
9. Mary Ann Liebert Publishers
10. Springer Link Journals
11. Wiley Online Library
12. Gale Cengage Learning
13. Taylor and Francis Online Journals
14. Project Muse
15. World Bank e-library
16. Organization for Economic Co-operation and Development – OECD iLibrary
17. Oxford Journals (OUP)
18. The Institute for Operations Research and the Management Sciences (INFORMS)

Other accessible websites are:

- Kenya Law – National Council for Law Reporting British and Irish Legal Information Institute
- Directory of open access journals
- CRIPTEd: A Journal of Law, Technology and Society
- The world law guide
- Off Campus Access Login with the credentials provided

To actualize effective access to these e-resources, the Library department conducts Information Literacy and Competency Training (ILCT) at the beginning of each academic year. The training is meant to empower users with information search and retrieval skills. The major aspects of the training include:

1. Access to online resources - Users are taken through the procedure of accessing various online databases. Personalized log-in credentials are issued to enable remote access while out the KSL premises.

2. Legal Research - Users are trained on how to conduct legal research by identifying and retrieving the required information that is required for supporting legal decision-making. This legal information can be retrieved from printed books, online legal research databases that the library subscribes or from free database.

3. Reference guide - Students are taken through referencing guide and how to cite various sources of information. The purpose of proper citing of sources is to acknowledge the author for any ideas or quotations used.

4. Activation of Box account - This is an information sharing platform where lecturers and students exchange learning materials. To enable access to the material, users must have individual accounts. During the training users are taken through the process of creating their accounts.

Accessibility of library information resources during the Covid-19 pandemic

Advocates Training Programme classes were suspended in the middle of Information Literacy and Competency Training and therefore about half of the current students had not been trained. The department took the following measures to ensure continuity of service delivery to users:

1. The library remained open for borrowing and returning of print books.
2. Students who had not been trained were invited to the Box platform.
3. Individual ProQuest accounts (for Ebrary) were created and activated to enable remote access and download of eBooks. This was a tedious process that library staff had to endure.
4. For all the 2020/2021 ATP students, individual off campus login credentials for access to KLISC e-resources were sent to their specific email address.
5. The department has continued to assist users remotely through social media, mobile phone calls and emails

Complaints and feedback

Since Library services are customer oriented, we believe that constructive engagement with our clients and stakeholders through complaints and feedback helps us to improve our service delivery. Complaints are usually responded to promptly and feedback given within the shortest time possible.

Library services are key and central to enhancing users experience through its resources and facilities. As such, the KSL Library and Information Services department will continue to improve its performance by putting a greater emphasis on offering quality services to all users.



Agnes Mwai is the Principal Librarian Kenya School of Law.



The Continuing Professional Development, Research and Projects Division (CPD, R and P)

Isaac Kuloba

The core functions of the Kenya School of Law are set out in the Kenya School of Law Act 2012. Three of the core functions of the School are to ensure continuing professional development for all cadres of the legal profession; to provide other specialized training in the legal sector; and to undertake projects, research and consultancies.

The School delivers these functions through the Continuing Professional Development, Research and Projects Division (CPD, R and P). The Division has, since its inception been handling short skill-based courses for professionals in different sectors of the economy who administer the law or are otherwise involved in the administration of justice.

The courses offered are either calendar courses or customer-tailored: calendar courses are advertised generally and those who are interested apply to attend, whereas a customer-tailored course is for a specific institution, according to its needs. The calendar of training is always uploaded on the School website by May each year, and runs from 1st July to 30th June. The calendar for the year 2020-2021 will be out by June 2020.

Regarding consultancies or projects, the Division, undertakes Legal Consultancies on behalf of public or private institutions. So far, the School has been the leading expert in training and providing consultancy services on legal audit and governance audit since 2012.

The research function of the School is currently being discharged through annual conferences that call for well-researched, scholarly papers on the chosen thematic areas. The conference proceedings are expected to be published as a way of disseminating the research findings.

COURSES/SEMINARS:2020*

NO.	COURSE TITLE	DURATION	FEE KSHS (VAT Incl.)	VENUE
1.	Legislative Drafting	5 days	58,500/=	Kenya School of Law
2.	Legal Consultancy: the A-Z of the Process	3 days	35,300/=	Kenya School of Law
3.	Andragogy for Law Lecturers	3 days	53,700/=	Naivasha
4.	Economic & Socio-Cultural Rights: National & International Perspectives	5 days	95,000/=	Mombasa
5.	Trial Advocacy (in Collaboration with the Law Society of Kenya)	3 days	35,300/=	Nairobi
6.	Legal Compliance & Audit in Human Resource Management	5 days	95,000/=	Kisumu
7.	The In-House Lawyer & the Procurement Process	5 days	90,000/=	Naivasha
8.	Retirement Benefits: Regulatory, Compliance & Governance Issues	3 days	53,700/=	Naivasha
9.	Tax Compliance for Lawyers	2 days	23,700/=	Kenya School of Law
10.	Public Policy & the Legislative Process	5 days	95,000/=	Mombasa
11.	Legal Audit & Compliance	5 days	95,000/=	Mombasa
12.	Records Management: Law & Policy	3 days	35,300/=	Kenya School of Law
13.	Cross Border Legal Practice: Challenges & Opportunities	3 days	35,300/=	Kenya School of Law
14.	Legal Audit for Private Legal Practitioners: An Introduction	2 days	23,700/=	Kenya School of Law
15.	Alternative Dispute Resolution: Mediation of Land & Family Disputes	5 days	58,500/=	Kenya School of Law
16.	Fundamentals of Public Prosecutions	15 days	120,000/=	Kenya School of Law
17.	Understanding the Law and Practice in Real Estate Sector	3 days	35,300/=	Kenya School of Law
18.	Conceptualising & Implementing Public Private Partnership Projects	5 days	95,000/=	Mombasa
19.	Legislative Drafting	5 days	58,500/=	Kenya School of Law
20.	Banking & the Threat of Cybercrime: Legislative & Policy Options	5 days	90,000/=	Naivasha
21.	The Legal Clerk, Court Processes & Commercial Transactions: What to Know	5 days	58,500/=	Kenya School of Law
22.	Legal Audit & Compliance	5 days	95,000/=	Mombasa
23.	International Dispute Resolution: Opportunities in the Changing Global Environment	3 days	35,300/=	Kenya School of Law
24.	Immigration & Labour Legislation & Policies in the East African Community	3 days	35,300/=	Kenya School of Law
25.	County Planning & Financial Management	5 days	95,000/=	Mombasa
26.	Legal Audit of Public Listed Companies	3 days	35,300/=	Nairobi
27.	Regulatory Impact Assessment & Compliance Review	5 days	90,000/=	Naivasha
28.	Corporate Communication: Legal, Policy and Practice	5 days	90,000/=	Naivasha
29.	Patents & Copyright: Trends and Opportunities for Practitioners	3 days	35,300/=	Kenya School of Law
30.	Corporate Governance & the Law	5 days	95,000/=	Mombasa
31.	Public Procurement: Law, Policies & Practices	5 days	95,000/=	Naivasha

Isaac Kuloba is the Assistant Director CPD, Projects and Research at the Kenya School of Law.



The 2nd KSL Annual Conference on Lawyers, Constitutionalism and Globalization

Dr. Erick Komolo

The School is this year organizing its 2nd Annual conference on the theme of “Lawyers, Constitutionalism and Globalization.” The conference is tentatively scheduled to take place from 23 - 24 November 2020 at the Karen Campus.

Specifically, the conference will interrogate the terrain for legal education and practice in East Africa and around the world that has remarkably evolved over the last six (6) decades, arguably in line with the region’s political governance.

At independence, the legal sector in the region was characterized by nascent training institutions and professional associations dominated mostly by ‘expatriates’. This has arguably evolved to now more ‘localized’ firms and independent professional associations. However, this evolution presents real opportunities for growth and as many challenges.

For example, in era of globalization there is now sharp focus on the role and relevance of lawyers and their professional associations in society. Whilst the traditional models envisaged a ‘conservative’ professional guided by established ethical standards and guidelines, the ‘disruptive’ effect of globalization and politics would seem to challenge this.

In East Africa, for instance, the historical role of the lawyer as harbinger for Constitutionalism and rule of law has arguably been eroded by fragmentation of standards and ‘opportunities’, which no longer dictate predictability in professional path.

The impact of this has been more evident in increased disparate activism, generational rivalries, politicization of the professional and the loss of focus on the broader role of the lawyer to society including as a vanguard of Constitutionalism.

How to deal with these challenges is the reason the Kenya School of Law and partners have collaborated to host the “Lawyers, Constitutionalism and Globalization Conference”. The aim is to share facts, emerging trends, ongoing studies and findings.

2ND KENYA SCHOOL OF LAW ANNUAL CONFERENCE
NOVEMBER 23 - 24, 2020

Call for Papers, Panels & Posters

Conference Theme: Lawyers, Constitutionalism & Globalization Conference
Conference Venue: KSL Karen Campus, Nairobi, Kenya

The terrain for legal education and practice in East Africa and around the world has remarkably evolved over the last six (6) decades, arguably in line with the region’s political governance. From nascent training institutions and professional associations characterized mostly by ‘expatriates’, to now more ‘localized’ firms and independent professional associations, the opportunities for growth have been just as immense as corresponding challenges. Inevitably, these opportunities and challenges associated amidst globalization of legal practice itself bring into sharp focus the role of lawyers and their professional associations in society. Whilst the traditional model envisaged a ‘conservative’ professional guided by established ethical standards and guidelines, the ‘disruptive’ effect of globalization and politics would seem to challenge this.

In East Africa, for instance, the historical role of the lawyer as harbinger for constitutionalism and rule of law has arguably been eroded by fragmentation of standards and ‘opportunities’, which no longer dictate predictability in professional path. The impact of this has been more evident in increased disparate activism, generational rivalries, politicization of the professional and the loss of focus on the broader role of the lawyer to society including as a vanguard of constitutionalism. How to deal with these issues is the reason the Kenya School of Law and partners have collaborated to host the “Lawyers, Constitutionalism & Globalization Conference”. The aim is to share facts, emerging trends, ongoing studies and findings. The conference will be headlined by key notes addresses by prominent scholars, judicial officers and practitioners, who will share their perspectives and experiences in this area.

The Organizing Committee welcomes abstracts (max. 250 words) for papers, posters and panels on the following and related themes:

- o Trends in Globalisation and Cross border Legal Practice in East Africa and Elsewhere
- o The Lawyer, the Society & Constitutionalism in the 21st Century
- o The ‘New Firm’ - Young Lawyers in Digital Space.
- o Globalisation, Sources of Law and the Future of Common Law
- o Dispute Resolution in the Digital Age
- o Globalisation, Legal Education and the Future of Law Schools
- o Globalisation, Legal Market Place and Judicial Activism
- o Judges and Technology
- o Intellectual Property in the Era of Globalisation.

Abstract Submission
Abstracts should be submitted to:
kslconference@ksl.ac.ke

Abstract Publication
All Conference proceedings and papers will be published online in our e-journal.

For information, enquiries & clarification please contact:
Members of the local organizing committee
Email: kslconference@ksl.ac.ke

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Account number: **202 2029 110**

We look forward to hosting you at the Kenya School of Law!



Dr Erick Komolo is an Advocate of the High Court of Kenya and a Principal Lecturer at the Kenya School of Law.



Mooting In The Covid-19 Environment

Albert Simiyu Murambi

One of the methodologies used in the Advocates Training Programme (ATP) is clinical training of students. An array of tools are deployed by trainers to achieve this end. One of those tools is moot court. ATP students for the 2019/2020 academic year participated in intraclass moots during term two of the training. The interclass moot court competition culminated in the annual interclass moot court competition that was held in the third term.

As a sequel of the interclass moot court competition, the School constituted teams to represent it in various national and global moot court competitions. The teams constituted were earmarked to represent the school in the following moot court competitions:

- a. The John H. Jackson Moot Court Competition;
- b. Phillip C. Jessup Moot Court Competition;
- c. The International Criminal Court Moot Court Competition;
- d. Willem C. Vis International Commercial Arbitration Moot; and
- e. The Jean-Pictet Moot Court Competition.

All the aforementioned international moot court competitions were scheduled to take place in various parts of the world on diverse dates. Of the five international moot court competitions only one took place. The School's team which comprised of Philip Odete, Lilian Koech and Fred Kibagendi participated in the 2020 Jean-Pictet moot court competition anglophone edition that was held in Denpasar, Indonesia. The exclusively anglophone version of the competition ran from 7 to 14 March 2020.

The School team had a chance to mingle with and compete against their peers from around the world.

It is while the team was away in Indonesia that the embers of Covid-19 hit our shores and upended our real and moot court lives, possibly, forever. Much as Indonesia was not at the time identified as a hotspot for the COVID-19 virus, upon its return, on 16 March 2020, the team was given mandatory instructions by Ministry of health authorities to self-quarantine for at least fourteen (14) days. The self-quarantine, is a standard measure designed to slow down transmission of the highly infectious virus. Thankfully, the team emerged from self-quarantine free of any form of infection.

As time for the rest of the competitions approached, the COVID-19 virus spread more intensely causing death and destruction across the globe. Health authorities around the globe were forced to put in place drastic measures which included travel bans, stay at home orders and social distancing. These measures were put in place, especially in emerging COVID-19 hotspots such as Europe and the United States. Consequently, all the moot court organizers were compelled to cancel the competitions.

The Phillip C. Jessup Competition was scheduled to take place from 12-18 April 2020 in Washington DC. However the event was cancelled on 11 March 2020 on health grounds. The cancellation did not however dampen the spirit of mooting. The international organizers fully utilized technology by live streaming on Facebook a session with authors of the compromise of the 2020 Jessup Problem: Amir Farhadi, Tim McKenzie, and Beatrice Walton.

Over 450 students, coaches and judges from around the globe attended the event. More events took place on 25 April 2020 to honor memorial writers, volunteers and various national administrators. While the irreplaceable person to person touch was missing, the end was achieved, intellectual engagement with the next crop of public international law lawyers.

As for the Willem C. Vis International Commercial Arbitration Moot, it was cancelled on 7 March 2020. A limited number of teams competed virtually. The International Criminal Court Moot Court Competition oral rounds were similarly cancelled. As for the John H. Jackson Moot Court Competition, the School's virtual participation in the Regional Round was hampered by the team's inability to practice during the lockdown with team members scattered in different towns around the country.

It has been an unprecedented experience for teams, judges, coaches and organizers. The travel bans, risk of infection with COVID-19, self-quarantines and lockdowns not only upended ordinary lives but drastically affected how we see and participate in moot courts. The changes hoisted upon the school by COVID-19, especially moving towards virtual participation in events, will live with us for many years to come.

Albert Simiyu is an Advocate of the High Court of Kenya and a Principal Lecturer at the Kenya School of Law.



Client Orientation during COVID-19 Pandemic:

The Approach taken by the CPD, R and P Division

Nyokabi Njogu

Following the Presidential directives on restrictions on movement, social distancing and other measures to slow the spread of COVID-19, The Continuing Professional Development, Research and Projects Division (CPD, R&P Division), like the rest of the KSL, took measures to implement a work from home protocol.

The CPD, R&P mandate is broadly divided into three arms: the first is continuing professional development, which is the arm of the division which handles training on various subjects; the second is the projects department responsible for undertaking consultancies such as legal compliance audits; the third is the research department which handles a variety of research assignments on behalf of the School.

Each of these arms was hard hit: four courses were scheduled to be held between March and April 2020 - courses which had been aggressively advertised and for which a number of participants had expressed interest and signed up. Some legal audits were also underway, and a number yet to be commenced. Due to the implementation of the mitigation measures, it was clear that there was going to be a need to rethink the department operations.

After the decision was made to have staff work from home, the Department was forced to re-evaluate which of its activities were to be prioritized during this time.

The courses that were to be held in March and April were put off until such time that the restrictions on public meetings could be lifted. However, the CPD staff felt strongly that there was a need find a way in which preparation of the calendar courses and the specially tailored courses could continue without too much interruption.

As a result, the staff members embarked in an effort to ensure that preparation with course notices and course content being prepared and this being advertised in anticipation that the pandemic will soon be behind us.

This time has presented an opportunity to scale up the consultancy work of the School. Using the technology at our disposal, the department has focused on handling of legal compliance audits which has entailed conducting meetings with clients by way of through video conferencing, asking clients to provide electronic copies of documents to be audited and where this was not possible, having such documents delivered to the School for audit and inspection. In this way the legal audit consultancy work of the School has continued uninterrupted.

The measures taken to mitigate the pandemic have also forced us to rethink the way we offer courses, and are now exploring ways in which we can offer cutting edge continuing professional development courses through open and distance learning means.

After a review of the legal environment that we are currently operating in, as well as feedback that has been received from our past participants, the Division soon expects to pilot its first online course in the coming weeks.

As always, we remain guided by the mission and vision of the School, and encourage anyone with suggestions for improvement to please reach us on cpd@ksl.ac.ke

Nyokabi Njogu is an Advocate of the High Court of Kenya and a Lecturer at the Kenya School of Law.



Mentorship of Students at the Kenya School Of Law

Justus Muniyithya

A few years back, a young lawyer chose to start his law firm immediately after his admission to the bar. With insufficient funds and limited practical knowledge on the management of a law firm, he begun the journey of establishing a firm. However, upon being faced with the various complexities of running a firm, he realized that he was not making any progress and had to consult his pupil master and one of his lecturers before making any decision.

His lecturer identified him as a possible candidate for mentorship, and chose to walk with him in his journey. To date, he attributes the success of the firm to the mentorship by his lecturer and admits that he would not have known how to handle various aspects of legal practice without being mentored. But then, how many law students get such mentorship opportunities? Where are such mentors? Who is an ideal mentor? What does mentorship entail?

Mentorship has been defined as the relationship between a mentor and a mentee, which involves the mentor helping the mentee to take charge of his growth and to develop effectively. It has also been defined as a mutual and trust-based relationship between a more experienced person in a particular field and a junior person in the field with the critical objective to guide, advise and help the mentee achieve their career goals and avoid potholes along the career path. In the legal profession, mentorship is the process whereby a law student or young Advocate is paired with a more experienced senior advocate, the end-goal being to provide advice and help the mentee (protégé) avoid potholes.

Whatever form, style or dimension employed; mentorship is a reciprocal relationship that endears both parties a myriad of benefits.

On one hand, the mentee registers improved academic performance; obtains knowledge on professional growth; obtains honest feedback; gets financial support; finds an opportunity to learn on how to actualize values and strategies; gains access to career network and exposure; finds an impetus to pursue career development; and gains the ability to fine tune career goals.

On the other hand, mentors improve their coaching, modeling and listening skills; develops personal leadership styles; obtains a better understanding on challenges in career development; obtains personal satisfaction; and boost their generational awareness.

Ideal mentorship calls for one to have more than one mentor, because every protégé needs to develop in more than one area. Law students sometimes wonder where they could get multiple mentors, but mentors exist all around us.

In seeking suitable mentors for personal development, it has been recommended that you have three types of mentors:

1. An Eagle
2. A Pacesetter
3. A Legend

An eagle, someone who is already flying towards the heights that you wish to achieve. This is someone experienced and able to see past your perspective.

An eagle's experience will guide you and help you navigate towards your vision. This ideally is someone ahead of you in your carrier like a senior advocate, a judge, or pupil master. Secondly find yourself a pacesetter. Eliud Kipchoge made history the other day running a full marathon under two hours. Kipchoge has since repeatedly acknowledged the contribution of his pacesetters.

It's recommended that you seek someone at your level. A pacesetter to get you back on track should you begin to veer off, to keep you at good pace, to nudge you on should you begin to slow, or caution you should run ahead of yourself. A fellow classmate or a recent alumnus fits the bill.

Thirdly identify a legend. Identify a person who has excelled exceptionally in areas of competence that you pursue. The legend need not be someone you are in contact with, it could be someone you read about or follow on any media. Someone phenomenal, who excites you; this could be someone from history like Lord Denning, or from present times like a Senior Counsel.

The Kenya School of Law (KSL) appreciates the benefits of mentorship and has developed both formal and informal programs that offer mentorship to students. These programs include; advice, guidance, support and constructive feedback by lecturers, alumni, senior advocates, judges and other experienced legal practitioners.

Formal mentorship programs:

During the first twelve (12) months of the Advocates Training Program, students are divided into seven classes, with a supervisor in each class. The supervisors are not only mandated to act as contact persons but also handle inquiries, complaints and disputes. The supervisors have utilized hierarchical style of mentorship in their respective classes.

Secondly, classes are further divided into firms where meetings, assignments, and projects are discussed. Each firm composes between 10-20 students who are led by a firm leader elected from among the firm members. These firms have fostered peer mentorship.

Thirdly, moot court competitions which are conducted in form of inter firm and inter class, escalated to national, regional and finally international competitions offer grounds for both peer and traditional mentoring.

Fourthly, KSL engages legal practitioners during in house training to give a talk on their areas of practice. This has seen judges, magistrates, and legislative drafters working with various government departments such as parliament share their experience with students. Pupillage also offers mentorship opportunity. This is because the responsibility of the Pupil-master as provided under Student Information Handbook, Form D as well as Pupillage Deed points to a mentor.

Finally, KSL has a draft mentorship policy which proposes creation of a mentorship board to oversee the program. It is proposed that a student will be paired with a mentor (an advocate of at least five years standing) and the outcome of their engagement monitored by the board.

Informal mentorship programs?

Lecturers have invited alumni of the school to speak to students on their experiences at the school, during pupillage, holding over and post admission. Students have through this program been encouraged, shown approaches to answering questions, and given revision tips.

From the foregoing, there is need to establish mentorship programs at law schools, law firms, and various professional levels in the legal fraternity to ensure smooth entry of young advocates into the legal practice.

KSL can enter into an MOU with key stakeholders such as the Law Society of Kenya, Judiciary, Parliament, State Law Office and Department of Justice, Kituo Cha Sheria, Kenya National Commission on Human Rights, Katiba Institute, FIDA, Justice Advocacy Africa, Trial Advocacy Training Institute and such other institutions which are capable of engaging students and opening up opportunities.

Over the years, there have been notable training programs offered at KSL in partnership with other institutions that have fostered mentorship and been beneficial to students. These include:

1. Training offered in partnership with Lawyers Without Borders in 2008 with special focus for FIDA and Kituo cha Sheria for Pro bono lawyers;
2. Trial Advocacy Training offered in partnership with Justice Advocacy Africa in 2009 and 2010 that has seen replica trainings in Mombasa, Kisumu and Uganda;
3. Trial Advocacy Training offered in 2019 in partnership with Inns Court College of Advocacy based in the United Kingdom;
4. Legal Audit Training offered in conjunction with Law Society of Kenya for Young lawyers in 2019 and 2020;

It would be more beneficial if such partnerships are formalized and institutionalized, and a department established at KSL to coordinate the mentorship programs.

Conclusion:

Benjamin Franklin once said, *“Tell me and I forget, Teach me and I remember, Involve me and I learn.”*, It is inevitable that KSL will establish a robust, sustainable, and more involving mentorship program that ensures graduates of ATP face the rigors of legal practice with great insight.

Justus Munyithya is an Advocate of the High Court of Kenya and a Principal Lecturer at the Kenya School of Law.



Procurement Planning

Mariam A. Mahmud

Introduction

The Procurement Plan is an annual document which defines the products and services that a Procurement entity will obtain from external suppliers through procurement process. A sound procurement plan helps a procuring entity to define their procurement requirements and to decide where and when to procure. It is a requirement by law that each procurement entity prepares its procurement plan and align it to the approved budget.

What is procurement planning?

Procurement planning is the process of identifying and consolidating requirements and determining their time frames for their procurement with the aim of having them as and when required. A good procurement plan will describe the process in the identification and selection of suppliers/contractors / consultant. Formulation and development of procurement plans is not just a good practice that must be embraced by PE's but it is also a legal requirement.

Importance of a procurement planning

Procurement planning is one of the most important steps in procurement cycle. It ensures that procurement activities are linked to budget, correct methods of procurement are selected, and suitable contracts are executed for goods, works or services being procured. It also provides a good basis for monitoring by limiting scope of non-compliance with agreed procurement procedures. In addition, it assists an organization in monitoring the cash flow and management in decision making.



Implementation of a successful procurement plan

Implementation of successful procurement plan requires that all the stakeholders especially the user is fully involved in the procurement cycles. This include

1. Raising of requisitions, attaching the terms of reference, specifications, samples and bill of quantity where applicable.
2. Participating in quotation/tender opening and evaluations of bids
3. Participating in inspection of goods and works

Benefits of effective procurement planning

1. An effective plan saves time and money.
2. An effective plan serves as a conduit to achieving entity's objectives.
3. An effective plan ensures compliance with regulatory policies.
4. An effective plan provides a framework to guide procurement officer in the achievement of their tasks and duties.

Conclusion

An effective procurement plan provides a framework to guide procurement officers in the achievement of their tasks and duties.

It is an opportunity for all stakeholders involved in the processes to meet in order to discuss particular procurement requirements. These stakeholders could be the requesting entity, end users, procurement department, technical experts, and even vendors to give relevant inputs on specific requirements.

It permits the creation of a procurement strategy for procuring each requirement that will be included in the procurement plan. Such strategy includes a market survey and determining the applicable procurement method given the requirement and the circumstances.

Planners can estimate the time required to complete the procurement process and award contract for each requirement. This is valuable information as it serves to confirm if the requirement can be fulfilled within the period expected, or required, by the requesting entity.

The need for technical expertise to develop technical specifications and/or scope of work for certain requirements can be assessed, especially where in-house technical capacity is not available or is non-existent.

Mariam A. Mahmud is the Principal Supply Chain Management Officer at the Kenya School of Law.



Hospitality Services - A client oriented KSL

Colletah Nekesa

The hospitality industry prides itself in being a client-oriented service provider. Client orientation is putting a client at the beginning, center and end of every transaction. It shifts the organizations' focus from the service and product to the customer. Four words always come to mind regarding customer service. They include; commitment, completeness, consistency and adequate communication. Each one plays an important role in creating a memorable customer experience.

The attributes of an employee include having good listening skills, attentive details, technology savviness, flexibility and working as a team. For a client's needs to be met, the organization creates a customer value proposition, recruit's customer friendly people, treats employees well, walks the talk, listens to customers voice, defines standards, empowers staff and coordinates functions for departments to work closely.

The interpersonal skills and listening skills are always involved in handling our clients. The management and employees align their individual and team objectives around satisfying, retaining and growing customers. The motto used is usually, a client is always right. Understanding a client promotes client satisfaction. Research conducted by Heskett et al (1997,2000) shows that the more enthusiastic the employees, the more loyal the customer and the higher the profits.

The Kenya School of Law has undisputedly established itself as among the leading hospitality service providers. This has been achieved through the Conference and Retreat facilities. Conference rooms are well suited for all levels of meetings from executive and exclusive board meetings, middle level manager retreats, trainings and business meetings that can hold up to 100 persons.

We pride in customer service, comfort, cleanliness, legroom, value for money, check-in and boarding and food and beverage.

The school is located along Langata South road in Karen, Nairobi. The cool and serene ambience of its location and environment has given it a competitive edge against other service lenders and attracts alot of clients.

It is a quality establishment that has assisted in the smooth running of the School through the revenue collected. Nonetheless, the services provided have been amicable and detailed to ensure satisfaction from both the service providers and clients.

The Hospitality section is governed by policies set by the school's management to ensure steady running of activities. In as much as students and staff are primarily the target audience, the services are all offered to outsiders. Other services provided include spread out and well-manicured lawns for outdoor functions like weddings, corporate fun days, birthday parties and team building activities. This is for both small and large gatherings. Spacious accommodation rooms are available and well maintained with an established wifi connection and global entertainment channels.

The staff incorporated in the section have been well vetted and empowered through lessons from Utalii College. This has maintained a stellar performance in services provided. It is through this that the center has hosted a variety of well-known events. These include events held by the Kenya Revenue Authority, Kenya Film Classification and the Law Society of Kenya. With good reviews generated from these events and others held, the center continues to record good progress. This has served to establish the institution as a brand leading to increased sales and growth.

With an ever-growing and changing industry, the Hospitality section has maintained constant checkups and improvements through benchmarking activities. This promotes the center while gaining much needed skills for improvement. Services are dully catered and priced to be favorable to all. This acts to serve a variety of people.

Our restaurant offers both local and international dishes in menu and buffet options. The bar serves champagne and other soft/alcoholic drinks. Meals and drinks can either be enjoyed at the restaurant or outdoor by the garden. This is well facilitated by our esteemed staff.

It is through the systemic working procedures put in place that the center keeps flourishing and ameliorating. With the aim of being the best hospitality service provider, it keeps adapting to better services. As a result, client overflow has increased leading to the organization improving service delivery to clients. Insights into the wishes, expectations and satisfactions of customers enable the organization to improve customer orientation. This has led to the growth and success of services at the Kenya School of Law.

Colletah Nekesa is a waitress at the Kenya School of Law.

KENYA SCHOOL OF LAW CONFERENCE AND RETREAT CENTRE



About Us

Located in a serene environment with green and well manicured gardens suitable for outdoor functions such as Weddings, Team Building Events, Retreats, etc.

We have different conference rooms that are well suited for all levels of meetings.

We have spacious ensuite rooms served with wifi connection and DSTV.

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The Client is Key in Service Delivery in Transport

Martin Kembero

Transport Management is one of the support sections within the Human Resource and Administration department. The section is key for daily operations because it entails the movement of people, goods, materials and services from one corner to another.

As a section it is our mandate to ensure our clients are served with dignity and respect. We have disciplined and obedient drivers, with knowledgeable and skills that make them have a competitive advantage in service delivery.

We train our drivers on annual basis on defensive driving, refresher courses, first aid skills, customer care skills, positive attitude change and driver safety, so as to be acquainted with the current dynamics in transport operations.

For the purpose of satisfying our clients, we normally do proper planning, scheduling, executing monitoring and controlling measures to ensure all operations are well executed and minimise wastage.

Our vehicles are serviced on time when due to avoid any breakdown before next service unless otherwise on need basis. This has improved our service delivery and synergies for the benefit of our clients.

Our drivers are flexible and open minded when authorized to perform certain activities or duties within a limited time, whether inbound or outbound logistics on delivery of services. They are willing and ready to offer services till our customer gets satisfied. This has given us an added advantage and best strategy on service delivery.

It is important to note that success has been accomplished well, like dispatch of letters on time to our stakeholders, supervision of students, taking students for legal clinics giving free legal services to prisoners and remandees, and taking officers for meetings and workshops, this has boosted our relationship with our clients and we normally receive total support that has made our section key in -

any operations on service delivery and customer care. These have been achieved through the support on delivery of goods on time, given the right product at the right place and we encourage feedback from our clients to measure the level of our service delivery and help in performance improvement. As an organization we value clients as key in the growth of our institution. Communication between the drivers and clients needs to be of mutual understanding.



Beatrice Otira, part of the transport team at KSL



KSL Transport team . From Left : Peter Mwangi, Kennedy Oyatsi, Vincent Mocheche, Martin Kembero, Josphat Wakhanu, Washington Bwire and Lunjalus Shikote



From Left: Leonard Rono and Nicholas Ajwang. Also part of the transport team

Martin Kembero is an Assistant Administration Officer at the Kenya School of Law



No Pain , no Gain

Kennedy Onyango

Fellow colleagues, I would like to remind us that many times we dream of having wonderful athletic bodies, be able to cope with our children and comrades as they play at home and school. All can be achieved only if we commit to sacrifice some sleep, valuable time, experience and pain to be able to achieve that body, you like and would wish to maintain.

Most of us sit around a desk with some laptop chasing so many endless deadlines or are forever in meetings. The students immerse themselves in books reading every last word as the dreaded November bar exams approach and from available data only a small percentage who manage their precious time pass. Few would ever imagine creating time for any sporting event. Studies have shown that engaging in sports activities has many health benefits that have vital importance.

The school has facilities that can help us achieve the results. All of us can engage in some sport of some kind. Personally I participate in almost all sporting events. Swimming for instance involve exercising the whole body and the school has a pool to which you can always go there anytime, any day at a subsidized rate with trainers always at hand to help in case you try to practice whatever you saw on YouTube and it is not working out at all. Remember practice makes perfect and calm waters will never make a successful sailors so a lot of work and effort should be put in place to ensure success.

The sports and the corporate social committees have organized sports activities from time to time throughout Kenya which I would like to report that we excel in and this can only be achieved if we train hard so as to emerge winners.

The school always participates in Marathon events and most notably the Standard Chartered Marathon scheduled for October 2020. All of us should be there at the start line. This would need adequate trainings around Ngong Hills and I can report that so many world class athletes sweat it out on the mountains to be able to achieve the splendid results we see on the world stage.

Although training on a regular basis may be difficult always remember the benefits outweigh the hardships; not only will you control your weight it will help you avoid lifestyle diseases that are prevalent as we age gracefully.

The Ministry of Health confirmed that physical activity helps in fighting the dreaded and feared corona- virus that has brought the world to its knees literally and exercise will help you think better quality sleep, you will fit in that suit you like so much and to make the skin look better saving costs from those many products that flood the market promising heaven and delivering other things.

Let us embrace sporting activities and it will be very difficult to see a doctor because of ill health. Hit the pavement, wake up early in the morning to run and jog around your neighborhood. Chances are high you will meet like minded individuals. Run, walk and cycle to work and avoid vehicles at all cost unless necessary.

Join a dance class; recruit a swim instructor to help you perfect that stroke you feared. Be active and within reasonable time you will reap the benefits.



A staff member working out in the gym

Lastly let us try to be all round individuals and by doing so you will develop a wholesome being. Nobody became healthy by wearing an expensive suit or dress and sitting around a desk or a library chair then jumping into a vehicle all year round. You must create time to run on the hills and valleys. Feel the pain, endure it all listen to your swim instructor carefully. Organize a group of biking buddies and your productivity will improve at work because exercise also improves brain power. Work outs also love nature and if you have forgotten everything I said, remember your childhood days and do what your kids do at the playground, sweat a little each day before rest and eat healthy too.

Kennedy Onyango is an Assistant Accountant at the Kenya School of Law.



Human Resource Capacity: The Cornerstone

John Malombe

“When leaders behave consistently with the expectations of customers, they are doing things inside their organizations that deliver value outside.”

(Dave Ulrich, Organizational Capability: Competing from the Inside Out).

Nothing exemplifies the critical importance of placing the needs of the customer at the centre of the organization’s focus than this 20th Century statement by one of the most celebrated Management gurus. Organizations that value their customers remain responsive and innovative in line with the ever changing customer demands, which give them a competitive advantage.

In order to achieve this competitiveness, the employees (internal customers) of the organization are key. It is imperative for organizations to build internal capacities to enable them leverage strengths.

As a department, we have both external and internal customers. It is important to note that, while this is the situation, much of our day to day effort is geared towards addressing the internal customers. This is premised in the proven philosophy that employees engage with employers and brands when they are treated humanely. Further, if the work environment is such that it permits employee involvement and that the employees are satisfied with their jobs, they should be able to deliver excellent value to the external customers.

In order to achieve positive internal customer experience, we have deployed a number of strategies at various levels of the employee value chain:

To start with, we have ensured that staff recruitment and selection is competence based, bearing other Constitutional requirements.



This is meant to achieve two things; one to ensure that all those who are called upon to serve in the School have the necessary skills and knowledge to deliver timely and quality services; and two, to mitigate any job related stress. It has been established through research that insufficient skills for the job is one of the contributors to stress.

Another area of our focus has been in staff training and development. Other than increasing productivity and career growth, training and development is a key ingredient in the whole recipe for staff motivation. Going by the ‘return to work reports’ that we get from staff after attending training, over and above acquisition of new skills and knowledge, the staff appreciate that training sessions offer an opportunity to learn from peers from other institutions. They also get an opportunity to network with professional colleagues from other organizations in the public and private sectors. This enables them to broaden their perspectives and devise new approaches to work.

Teamwork is critical to ensure that people and processes are supported for optimal attainment of set goals. The team approach ensures inclusivity, maximum utilization of diverse skills and also enhances team communication. The department has ensured the formation of various work teams in form of Committees to work on different assignments. In addition, the department has spearheaded numerous team building sessions with a view to eliminate inter - departmental barriers, built trust and enhance team communication to improve performance.

The most recent team building session, which was of its own kind, was held in Mombasa in December, 2019. The session culminated in very useful inter - departmental feedback on what each department ought to stop, start and continue doing so as to deliver effective and efficient results to their respective clientele. More sessions will be organized in future so to continually create and sustain cohesive teams.



To ensure that our services are in line with our customer requirements, we undertake regular customer as well as employee satisfaction surveys. These surveys provide us with useful information that guides our decisions and policy making.

The department is also in charge of performance management in the School. Performance management system seeks to work towards the improvement of the overall organizational performance. It is the best tool for gauging the extent to which customer needs are being met.

It involves setting individual performance targets derived from the School's strategic plan, Annual Performance Contract and departmental work plans. Thereafter, performance is tracked through quarterly, mid-year and end year performance reviews. Central to the school performance management system is the rewards scheme. This is meant to recognize and appreciate members of staff who demonstrate exemplary performance, including creativity and commitment to duty. This is also a performance improvement mechanism since employees who feel appreciated will always do more than expected.

Lastly, it has ever been said that 'all work and no play makes jack a dull boy.' The school has sporting facilities which include a swimming pool, sports grounds for ball games **athletics** among others. While staff participation in sporting activities has been noted to be low, all staff members are being called upon and encouraged to utilize the sporting facilities available in the School to keep fit and healthy. This would not only reduce employee absence due to visits to health facilities but will also ensure high staff morale due to vibrant health, hence high performance.

John Malombe is the Assistant Director, Human Resource and Administration at the Kenya School of Law



Fitting into the Client-Centered KSL: Adopting a Post 9 Ps Mindset

Chrispin Bosire

“The next big thing is the one that makes the last big thing usable.”

-Blake Ross, Co-creator of Mozilla Firefox.

The Kenya School of Law is an emblematic training ground, in my qualified opinion. Everyone tries to discharge their duties, faithfully especially, the combatant ATP Student. One resoundingly unfortunate fact is that several perceptions work against the prospects of the trainee advocates. Now, the resounding truth is that each student, fortunate to pursue ATP studies, must write their own story. Each of them eventually gets to live their *sui generis* experience at the institution because the experience at KSL is deeply personal.

The structure of the ATP Programme at KSL empowers the student to make deliberate choices, one among them, the choice to coexist and work collaboratively with others. This alone, taught me tremendous lessons. Anyone who attends to firm work faithfully, must at least be introduced to super emotional intelligence skills. This is the part I experienced the most as a student, and especially a leader of an extremely energetic class. The kind of social inclusion crash sessions that each student is exposed to on each day of the academic calendar, is what makes them fit into the client-centered KSL.

The user environment at the institution is almost perfect, considering that at least, one has a chance to even take a swim to cool off, before the kitchen gets hot. However, my experience at the School was beyond the academic pursuit of the glorious 9 Ps (passing all nine units at first sitting) ,and this is the narrative that I seek to drive. Well, passing all the papers and bagging the 9 Ps is quite a thing, but honestly, not everything. The Kenya School of Law has the unexplored capacity to transform the mindset of the client-student, to focus beyond the academic pursuit.

For instance, the kind of opportunities presented at the School, such as prison visits, moot court competitions, CSR activities and even the library services, have the potential of exposing the student to what ordinarily does not come out of passing the nine papers at first sitting. Forgive me for sneaking in the library services in this particular paragraph, but it is essential. This is where the difference is made, in terms of intellectual stretch races, beyond the class assignments. One has a chance to interact with mind-shifting and practical socio-legal literature.

Champ S. Andrews, in the article titled “The Law: A Business or a Profession?” is of the opinion that, just as in the affairs of the heart, the youth follows impulse, before experience teaches him that reason, is the world’s great force. The author suggests that the mere intellectual development of the mind is not of itself sufficient to deserve approval. This opinion is squarely replicated at KSL. One must go beyond the academic pursuit in order to succeed holistically. The experience of learning music itself shows that to accomplish a milestone, one must strike a note to inspire mankind, in order to justify the existence of music in the soul. Therefore, KSL creates an environment that enables the students come together to influence each other’s lives, in the long-term.

The ATP Student must strive to live their life as one worthy of the training at the institution. This is the bulwark of their investment in the ATP programme. We must therefore make good of the sacrifices and resilience, by consistently replicating the values learnt at KSL in the profession. We must participate actively in the panel beating of the profession into the ideal perception instilled by the study of both Professional Ethics and Trial Advocacy. The current reality of the legal profession solicits the intervention of trainees who can stay true to the code of lawyering.

Finally, there is need to create a human centered legal profession, focused more on service than on self-gratification. If there is anything that the challenges throughout legal education should teach lawyers, then it should be the ability to practice empathy for the people we are entrusted to help. KSL will achieve its objectives as a client centered institution, only if the holders of the KSL Post-graduate diploma title can actually defend their training, in their actual practice of the law.

KSL teaches responsibility, which must be embraced, with lots of grace and the client must therefore find their fit, by experiencing the institution from their own lens, devoid of the opinions of the larger society.

Chrispin Bosire is a current student at the Kenya School of Law.



The Lamest Excuse Ever

Sonya Sigalai

The legal mind consists of illustrating the obvious and explaining the self-evident. This is a review of the custom-made services that the Kenya School of Law (KSL) offers. The main function of the school is to provide professional legal training as set out in the KSL Act. As a respected center of excellence, the institution forms part of the mandatory cog in the wheel that is the legal profession. Presumably, this is the final requirement that must be met before joining the working class. It is the most decisive stage but also the most dreaded by students. Notably, the Advocates Training Program (ATP) is onerous and prestigious in equal measure.

The clientele at KSL comprises eager students who apply annually, hopeful to join this prestigious institution. The school is responsible for ensuring quality legal training services through efficient and effective support of the students. Upon becoming a successful applicant, I was ready for ATP. Unknown to me was the unexplainable wonders that I was yet to witness. Time became a relative concept, as the months flew by and simultaneously seemed to never end. Nevertheless, I watched myself evolve; my brain capacity increased exponentially and my tolerance for stress massively increased. Certainly, every student encounters a different version of this.

The school offers differential and diverse learning with over five hundred hours of contact learning, unlimited access to the lecturers, eighty hours of group work, an adequate library, organized legal clinics through prison visits and moot court competitions. The main components of the program are project work, oral examination, written bar examinations and a six-month training contract referred to as pupillage.

The core study areas include Trial advocacy, Commercial law and practice, Property law and practice, Civil and Criminal litigation, Probate and administration of Estates. In addition, some core skills in relation to legal drafting and writing, interviewing, good client relations and client care are acquired. Insightful pointers on advising and advocacy, oral presentation and professional conduct are garnered in the course of the program.

The KSL is in charge of conducting project work assessments and oral examinations for the preparation of the written examination. The Council of Legal Education (CLE) is responsible for the setting and marking of the Bar exams. That is how intensely competitive the program is. As recommended, the stakeholders are implored to continue working together particularly when setting and marking the written examination. The successful implementation of the program is owed to the formidable legal minds tasked with training our budding minds. This speaks to the breadth of human, financial, technological resources and material resources available to the school. A student welfare policy has been formulated and is awaiting implementation. Fingerprint technology was recently introduced in efforts to go paperless, when signing in for lectures. These are some of the short-term solutions proposed towards the overall advancement of the services offered at the school.

Over one thousand five hundred students join the KSL annually; all of whom are from different backgrounds ethnically, socially and with diverse personal attributes. Grit, resilience and internal tenacity are key requirements needed to pursue the bar. Students may have these but in different quantities, others plainly lack them all together.

Now, the KSL student dilemma forces one to choose either to learn to play with pain by applying yourself or complain through the pain and burn out. Admittedly, there is no assurance that either choice is correct because the result of either is the same. Even with sufficient exploitation of resources available plus the pre requisite dash of effort and unending good luck, all choices remain viable. Ultimately, for all intents and purposes, the role of the KSL is fulfilled as successful advocates are churned out each year.

Everyone is given equal opportunity to apply and join the school. The same learning period, academic resources, teaching methods are availed to all and sundry. The setting and marking of examinations is fair to all. Personal characteristics make a negligible difference. Therefore, with the school doing its best to improve the standard of its services, it is high time we accept that the reasons behind student's performance could be misplaced dreams, insufferable laziness or the lamest excuse ever.

Sonya Sigalai is a current student at the Kenya School of Law



A Client Centric Kenya School of Law

Shadrack TJ Omondi Makakinyi

Throughout the last century, many establishments did not place much significance in the role of customers or clients to the operation of the business. The viewpoint during this era was that “whereas clients are important for profit, the most important factor for determining both success and strategy was to maximize profit for shareholders in the short term.”

The Copernican Revolution led to a paradigm shift and in the 21st century, customers are at the center of organizational operations. All organizational facets are now focused to revolve around the client wants and needs. This then places a huge responsibility on the business executives to ensure, the business is flexible enough to respond to the ever-changing client needs and wants appropriately and reasonably. A

A client focus helps in understanding the clients’ situations and needs to better serve the client. Client focus therefore puts the service provider in the position of the clients. In order to achieve a client-oriented Kenya School of Law, two important factors must be underscored; client orientation and client focus.

Client orientation refers to an approach to sales and customer relations in which staff focus on helping customers to meet their long term needs and wants. Here the business executives and employees should work to align their individual and team objectives around satisfying and retaining clients.

Client focus on the other hand refers to organization of the business towards serving clients’ needs. The two aspects therefore posits that KSL should view products and service put the from the viewpoint of a client’s needs. A client focused KSL makes it easier for the client to work with the KSL. This puts the KSL in a better place to offers services that solve client wants and needs.

The key to success in today’s highly competitive marketplace is to adopt a client-oriented business strategy. There are four basic elements that determines clients focus in an organization.

The first element is to constantly gather information. This involves conducting research on each client thoroughly and asking them questions to get a proper understanding. The information gathered makes it easier to increase clients’ satisfaction.

The second element is to have the clients as part of the institution. The client should be taught about the organization, the culture, the visions, the objectives and missions of the organization. This makes the client get the sense of belonging in the organization’s strategic objectives and hence the client base grows.

Thirdly, the organization must ensure clients’ retention. Loyal client base spreads the good, quality and robust services and provide referrals. Finally, evaluation of the organization’s mistakes and successes. This helps the organization in offering improvements and maintenance of quality services.

Client-oriented setup can be achieved through the following strategies; Firstly, an organization should set up structures for decision making. This involves creation of clear roles and responsibilities that make it easier for decision making. This will momentarily improve the time spent to respond to the ever changing attitudes, needs and wants of clients. This helps in aligning the hiring, training, financing and developments in decision-making based on client needs and objectives. The staff must be trained to gain full understanding of clients, services and needs. This inculcates soft skills, communication and general team work.

The second strategy involves defining of vision and mission with strategic objectives to enhance clients’ focus. The institution should be organized in such a manner as to resonate with clients’ needs. To achieve greater success, the organization should hire and align employees with significant skills on strategic objectives and on clients’ needs. The institution should then create performance measures and incentives to ensure employees evaluate their performance in enhancing clients’ focus to achieve the strategic goals. All departments should be integrated to assume responsibilities that ensure all members of the staff are consistent and trained regularly on clients’ satisfaction.

The third strategy is to develop effective work policies, procedures, processes and manuals that are tailored towards clients’ needs and target market. The systems and programs should be evaluated and reviewed regularly to ensure they are up to date and clearly aligned towards client focus. In this regard, organization can create a client orientation, referencing and engagement system. This system brings together all facets of an organization towards client focus. The system is tailored towards client needs and client profile forms as reference points.

Finally, the institution must have a cultural shift towards client focus. This can be achieved through creation of client feedbacks, satisfaction surveys and questionnaires. The feedback should be studied and responded to appropriately to ensure client satisfaction. This means honestly listening to the voice of their clients and finding out from the clients how they are feeling about the services offered.

Shadrack Omondi is a current student at the Kenya School of Law.



Customer satisfaction in an institution of higher learning.

Brian Nduati

Have you heard the slogan “right or wrong the customer is always right?” This slogan is used when trying to achieve customer satisfaction by giving the customer a high priority or putting their needs first. Many companies and service providers use this slogan to keep their customers and even attract more. But how do we achieve customer satisfaction in higher learning institutions? We need to ask ourselves several questions before even trying to identify what is needed in achieving customer satisfaction in higher learning institutions? Who is a client in a higher learning institution? Is it the student or parent/ guardian? How is client satisfaction achieved in this case? In order to answer these questions, the definition of a client must first be understood.

The Cambridge Dictionary defines a Client as “a customer or someone who receives services”. From the definition it is evident that a student is a client in a higher learning institution despite the fact that in most cases they do not pay for the service. Parents and guardians can be termed as indirect clients because despite them not getting the services directly they expect fruitful result in terms of good performance from the students.

Higher learning institutions have staff who are service providers to the students and who undertake different tasks and include: lectures, librarians, security guards, administration staff among others. These individuals are the main contributors of customer satisfaction in a higher learning institution. Sometimes how they deliver services may affect the institution negatively or positively.

A large number of students every now and then complain about many things in higher learning institutions which amounts to client dissatisfaction. This may lead to an institution getting bad reputation because of how the students go out and talk about the institution they are in. The bad reputation may result in losing clients who are students.

No business would want that because for a business to thrive it must have clients, not just clients but loyal clients. Loyal clients are very sensitive to a business success as they play a really important role which is getting more clients through referrals. This also applies to a higher learning institution. We all know in a higher learning institution after a period of time the clients have to leave after they finish their period. Having alumni who were satisfied as students is equivalent to loyal customers; they will always want to be associated with the institution in one way or another and will recommend the institution to others. Loyal clients are attained through customer satisfaction.

Customer satisfaction in a higher learning institution can be simply achieved by putting the needs of the students first in relation to the services offered in the institution which is learning and giving quality education. The only way to get to know client needs is by approaching the clients and asking them what affects them in order to achieve the goal of client satisfaction. In a higher learning institution, this activity may be attained by selecting students randomly, for instance in Kenya School of Law, a random selection of the ATP and Paralegal students who are willing to give the needed information. The selected students can give client satisfaction information through questionnaires, survey or interviews.

For the institution to succeed in this program, they should aim to gather information that affects the students in all areas and not just specific areas. There can also be interactions between staff and student leaders where they address the needs of students directly. This can be a good initiative because through these interactions, students may give their views on how to improve service delivery.

With the information gathered, an institution may now know the best ways to improve service delivery. The information may also help bring in the aspect of client focus where the institution pays attention to the needs and opinions of the customer. When this is achieved, improvement in academics will also be attained as students will not have to worry over the small problems affecting them and their focus will shift to academic work and this will yield good performance which is not only satisfactory to the students but also to the parents or guardians.

Not only the needs of the customer should be met to achieve customer satisfaction, to be different, an institution may include marketing strategy approach in its goal to achieve customer satisfaction. One good marketing strategy which may be included in this approach is rewarding the client for choosing the institution. This goes along way because when a customer feels good at the end of the day, it's a plus to the reputation of the institution therefore incorporating different ideas in to accomplishing one goal can lead to greater success.

Doing the little things that makes a client feel special and needed will lead to a thriving and successful institution of higher learning.

Brian Nduati is a current student in the Paralegal Training Programme at the Kenya School of Law.



A Client Centered KSL: The Periclean Perspective

Njeru Maina.

The Kenya school of Law has been under the lens. Dissected, scrutinized and smeared with various accusations. Conversely, it is human nature to fear that which we do not understand and the information fed to us unfortunately aggravate the fears instilled in the trainee advocate long before applications to the Advocated Training program are opened.

Pericles, the elder statesman of Athenian politics, led the Athenians to the greatest successes of his time. He is portrayed as a man that did not enter into action based on emotion or fear but rather refined knowledge and acute strategically approach to issues from a point of merit. The product of his style is evident in the sublime beauty that Athens came to be known for world over including the forty-foot statue of Athena.

The Periclean perspective leads us into canvassing the role of the school in facilitating the tutoring and administration of the final lap to the legal profession. The trainee advocate has to understand that the school is the frontline in the link between the student and the examiner. Getting to the Kenya school of law has been a journey for me. I was fortunate to have been admitted to the school on the first application but some of my colleagues have had to jump hurdles and scale mountains to get into the school. I have also been accorded the honor (democratically) to serve as the representative to the disciplinary committee and therefore have an informed purview of things from the administrative and student angle.

As a student I must admit that the services accorded to me have been top notch professional. Being a stickler for standards and attention to detail, I have noted that the management has been meticulous in its planning and implementation of services to its client.

In the words of Marcus Aurelius, “Everything we hear is an opinion not a fact. Everything we see, is a perspective, not the truth.” What has been fed into our minds since the first year of law school are the horror stories of crashed dreams and souls, the “heartless humans that rule the institution” the low pass rates and the list goes on and on. However, unlike Pericles, we fed on this information and made decisions on misplaced emotions and fears hoping that we somehow get to maneuver through the academic year. But much like consuming poison and hoping that the vermin dies, the end is clear.

The school is strategically fashioned to ensure that the best interest of the students are kept at heart. The level of professionalism accorded to the client has to be recognized and lauded. As a client, in my short time at the school, I have been accorded courtesy and professionalism in access to services by every member of staff and faculty that I have interacted with.

But there never lacks one of those, the family black sheep, but with time they turn around and see the light. Needless to say the school management always has a listening ear to complaints from the student body and any possible situation for an altercation between the staff and client has been swiftly cured.

The rapidity and dedication at which services are accorded to the student is flat down impressive. The school is always ready to help the student have the best achievable service and experience. From the lecturers, ICT team, the Students Administrator, the drivers and every other member of staff that is dedicated to serve the student at their call and beckon is just humbling.

There are very few public institutions in Kenya that facilitate the well-being of the client especially after payment of fees. The Kenya school of law has proved to be among the few and has continued to look out for the well-being of its clients even when things get thick and thicker for the student. I write this piece at the helm of the Covid -19 pandemic yet the school continues to pick the clients calls, reply to emails and keep it's student body informed of any opportunities available for them as well as patching glitches in off campus services.

This, however, cannot be regarded as the pinnacle of customer service; more will be needed in future with changing times and trends. As I pen off, I appeal to the newly admitted trainee advocate to shed off the myths and misconceptions of the school and forge ahead with informed strategy and merit to the stars and beyond.

Njeru Maina is a current student at the Kenya School of Law.



A Client-Oriented KSL under the Pupillage programme

James Nyahu

A fortnight before the unfortunate and indefinite closure of the school due to the COVID-19 pandemic, on a warm Thursday afternoon, during our usual Professional Ethics lecture with Mr. Oriri, the ever jovial lecturer, posed a question that split the class right down the middle. “Is law a profession or a business?”

This sparked a debate that lasted well over 30 minutes of our two-hour lecture. There were all kinds of variations in the responses given. Some participants would suggest that it was one or the other, some would argue that it was both, and others would completely disregard the options presented in the question and create their own.

I fall in the third category. I am of the school of thought that Law is a Calling, and I am fairly confident that most members of the profession would attest to this stance. I am convinced that most members were driven to this noble profession by a deep and personal inclination towards truth, justice, and fairness. Whether you want to consider law a business, a profession, or both, is of little concern to me, provided the integrity of the profession is upheld. Integrity upheld because it guarantees that there will always be a framework upon which a society based on mutual respect for individual rights can be built.

Students at the Kenya School of Law are always excited to end their 10-month coursework so that they can embark on their six months of pupillage, which, for some, is the closest they will have ever gotten to legal practice up to that point in time. This excitement is due to the fact that most students believe pupillage is where the actual training to becoming an Advocate of the High Court is found.

This belief is not totally unfounded because students soon start to put into practice everything that their lecturers tried to impart during course work.

Everything from dress code, oral skills, interviewing of witnesses, the art of advocacy, legal drafting, all start to make practical sense as the trainee is immersed in the world of advocacy.

While all this may be exciting for the pupils, as they are one step shy of being admitted to the bar, many face one major hurdle at this juncture. Pupil masters are allowed to take up to two pupils under their wing, there is no provision whatsoever by KSL or the Council of Legal Education (CLE) that provides for a remuneration mechanism for the pupil; the pupillage programme is paid for together with the school fees, with a total of Ksh. 145,000 being paid for the Advocates Training Program (ATP) and a further Ksh. 45,000 to the CLE in order to sit the bar exam.

For purposes of safeguarding the interests of KSL clients, who in this case are the students, I propose the formulation of directives by KSL as we as CLE for the remuneration of pupils, who contribute substantially to the smooth and efficient operation of their individual centers and firms, and who may be dependent on such remunerations for their day-to-day activities, including the payment of rent arrears.

Further, the time has come for KSL to reconsider the chronological order of the ATP. As mentioned above, pupillage is where students get to practically engage with and see the law in motion. Pupillage is where the hands-on, applied training to becoming an advocate takes place, and it is where knowledge and skill are truly ingrained in the individual. On that note, I would propose to commencement of the ATP with the six months of pupillage, which would then be followed by the 10-month course work stretch before finally sitting the bar exam. a necessary measure in ensuring that the students are sufficiently equipped to sit the bar exam.

The logic behind this approach is that it would be a lot easier for students to grasp, relate to, and retain theoretical concepts of law since they would have already had the privilege of seeing them applied practically in the field.

This may be a seemingly radical approach, but considering the enormous failure rate we have experienced in the past, it may be a necessary measure in ensuring that the students are sufficiently equipped to sit the bar exam

James Nyahu is a current student at the Kenya School of Law.



Strategising the Strategy: The Role of Students in Client Oriented Provision of Legal Education

Nthatu Ntoogo

“For even the Son of Man did not come to be served, but to serve... “. For Kenya School of Law, this is the spirit: One of service to all its stakeholders. Students are no exception. The Kenya School of Law has been faithful with a few things that have been bestowed upon it; and under its charge shall be put many more things.

The Kenya School of Law admits to study a post graduate diploma in law students who have taken undergraduate studies in law from various universities in Kenya and around the world. This brings together legal minds, scholars, researchers, policy makers, corporate thinkers, legislators and other stakeholders for a unique shared experience. .

Notably, these students share great experience on client service from their previous destinations of study from all over the world. This inevitably places a responsibility on the Kenya School of Law to offer the most appropriate client attention and satisfaction in the hope of serving effectively the complex mix of student clientele. It also informs the commitment by Kenya School of Law to live to the universal standards of student service provision by reassessing the strategic approach and philosophical shift to focus on students as a clients.

The rationale for this paradigm shift is that Kenya School of Law values satisfaction of students as their main clients in line with the KSL core value of bring client - oriented. Further, students admitted at Kenya School of Law expect and demand the same high standards they may have been accustomed in their previous institutions of study. Lastly, Kenya School of Law is kept as at universally competitive edge as an institution of choice and prestige in offering training for practical legal solutions to problems.

Higher education institutions must upgrade their approaches to business management to keep up with the demands of the contemporary studentship who essentially are clients. In every national economic set up, provision of education is a service that forms one of the greatest contributions in economic development. The Kenya School of Law is no exception.

As Clients, it is expected that students are the driving force in demanding changes on how their education needs are served. Whereas it may be argued that Kenya School of Law has a monopoly of provision of post-graduate legal education in Kenya, transformation of ‘student into a client’ redefines the importance of treating students as such with a view to reshaping the global marketplace standards of competitive provision of legal education.

The Kenya School of Law has adopted a student as a client approach in managing affairs of students in line with the integrity and historic prestige of the institution. To shield itself from the shortcomings of the toxic business mind and the inclination to succumb to the lure of a typically competitive marketplace, Kenya School of Law has developed a perspective of strategic planning, discussions about academic vision and clarification of institutional mission. The aim is to chart unique, institution-specific plans for attaining goals and objectives. This has enables it remain true to its creed.

The Kenya School of Law is also cognizant that students not only consider themselves as active learners and key participants in attaining their education but also the most fundamental consumers of legal education . For this reason, Kenya School of Law is keen on innovating student oriented provision of services that matches the expectations, and standards of service delivery of those students.

The Kenya School of Law is particularly concerned about offering quality legal education in Kenya, region and beyond while undertaking contemporary steps to meet demands by students and, balancing interests between all the stakeholders in the legal education sector. This is in line with the School’s Vision, which is “To be a preferred centre of excellence in professional legal training, research and consultancy in the East African region and beyond”.

It is important to note that Client orientation entails putting in place necessary infrastructural and technological designs aimed at ensuring greater access capacity of services by students. To this end, the Kenya School of Law has commenced construction of a complex library center, reinventing a more efficient techno-intensive teaching aids as well as introducing new teaching groups to accommodate all the persons who may wish to study at their convenience. This is client commitment driving the undertaking of new measures to offer knowledge acquisition through teaching.

As stated earlier, the demand by students of high quality delivery of services in a student client oriented environment remains imperative, a task Kenya School of Law has undertaken in order to enable it stand out as a premier institution for provision of legal services. With this, Kenya School of Law is poised for a great future. .

This is the commitment by the Kenya School of Law should always pursue, not only for students but all other stakeholders, for whom it is established. If it keeps to this, it Kenya of Law shall be here to always inspire lots generations of students in future.

Nthatu Ntoogo is a current student at the Kenya School of Law.



Language is Key

Kimani Patrick Ndung'u

I have often watched news and even read in both mainstream and social media regarding rogue pastors and priests. In recent times, social media has been awash with circulation of undesirable videos and comments associated with one pastor in the city. The social media users shifted their dismay from the pastor to the followers of his church. Majority of social media users wondered how the worshipers continued to attend church services in this particular church despite the negative reporting and the alleged unbecoming conduct associated with the pastor.

There could be many reasons why they still follow what otherwise most could refer to as rogue pastor. But responding to a question from a journalist one of them said 'the pastor speaks to my heart'. This implies that no matter what people say, he knows the language that captures the worshipers. If this reasoning can be applied to any other member of that church, then it explains why people continue to flock into a church that majority would feel is led by a rogue pastor.

I opine that language is key in communicating. Adopting a language that addresses the issues of the client can breed loyalty. Attending client's needs is both a business and a social activity. A law student must not only learn the legal education but also the wisdom of discerning the client's deep seated fears, worries, concerns and expectations. Students must learn the art of using a language that addresses such concerns.

Part of the strategy would be to use what legal writers refer to as 'Plain English'. A language that is simple and clear to the person addressed. It allows the communicator to connect with the party being addressed. The purpose of Plain English in communication is to convey the intended message with ease and efficiency.

While interacting with clients, advocates must be strategic through the use of a language that does not intimidate clients. Another strategy could be the art of empathizing. Sometimes education can transform a legal student into a life approach of 'the law says' to the extent of forgetting that human beings are complex. They carry with them feelings and emotions. Much as legal issues apply the law, facts and precedents, it is prudent for a legal student to apply a language that addresses the emotions of the client.

Further, as a common knowledge, language is key in communication. Ineffective language can either cause communication barriers or create disinterest to the listeners. Many educated people are unable to simplify their language to the level of their listeners. A client based language behooves the legal student to learn the strategy of 'bowing' to the level of the client so that they can 'ascend' together.

Legal training has an objective of bringing the clients into terms with the reality of their issues and the existing laws. The language applied can make or break the client.

A consideration of language requires the content to be 'broken' into pieces that the client can easily digest. Such language will allow the clients to gradually come into terms especially when the case does not favour them. Legal practice entails a lot of negotiation. A client oriented school of law must be geared towards training law students to learn the art of a language that can yield the best results in negotiations. Such language will be beneficial to the student when negotiating with the client or when negotiating for the client.

One of the goals in litigation is to ensure justice is served. However, every advocate aims at securing judgment in the favor of their clients. The best language in litigation can be a weapon of convincing the court. The use of a powerful language in presentation of facts, laws and evidence in both oral and written submissions can help an advocate secure a favorable judgment.

In the Alternative Dispute Resolution (ADR) procedures, the language of the parties is key in neutralizing any challenge that may exist. Judicial systems encourage parties to make use of ADR mechanisms in resolving disputes. A student trained in ADR may add value to their training if they learn the art of a language that can aid parties to resolve disputes without necessarily going to court. Finally, a prudent legal language is useful in resolving ethical dilemmas. An advocate is duty bound to uphold ethical considerations to their clients, court, and advocates. Proper communication can resolve issues where there is an ethical dilemma.

In conclusion, the Kenya School of Law as an institution tasked with preparing students to be admitted to the bar has a duty of orienting students in legal writing that facilitates their future in the profession. This can be learnt in the daily operations of lectures, firm work, presentations, projects and extra curriculum activities. In everything that we learn at the school, we must endeavor to speak to 'the hearts of the clients'.

Kimani Patrick is a current student at the Kenya School Of Law.



Experiences of the Visually impaired at the Kenya School of Law

Peter Raymond

The Kenya School of Law is an institution which serves as a place for incubation of those desirous of becoming Advocates. It is an institution that is open to all subject to meeting the minimum statutory qualifications set out in paragraph 5 of 1st Schedule, rule 4 of Legal Education (Kenya School of Law) Regulations, 2009, made under Section 14 of the Council of Legal Education Act (Cap 16A), and paragraph (a) of 2nd Schedule of Section 16 the Kenya School of Law Act, 2011.

In its attempt to adhere to the provisions of the Constitution on equality and non-discrimination, and Persons with Disabilities Act, 2003 on Education, the institution admits persons with disabilities as long as they meet the educational statutory qualifications set out above. In recent times, the School has been admitting persons with different disabilities such as visual, mobile, among others.

This is in line with Article 27 (4) and (5) of the Constitution which provides as a breach of the right to equality and non-discrimination, acts of discrimination based on among others, disability. Further, Section 18 (1) and (2) of the Persons with Disabilities Act, 2003, provides that no learning institution shall deny admission into its training to a person on the basis of disability. On the same breath, it goes on to state that such institutions should take into account the special needs of those persons in regard to entry requirements, pass marks, curriculum, examinations, auxiliary services, use of school facilities, class schedules, physical education requirements among other considerations.

In its adherence with the aforesaid provisions, the Kenya School of Law has step by step been adjusting its facilities to cater for the special needs of the disabled. The following is a description of the steps taken by the school in catering for the rights of the disabled:

Construction of ramps- this facilitates smooth movement for those with mobile disabilities. A considerable proportion of the entry points to offices and tutorial rooms have these adjustments to ensure unhampered access to the physically disabled.

Location of tutorial rooms and offices- these facilities have been well situated nearest to the public road to ensure that those with mobile disabilities do not move for long distances to access critical services.

Paved roads- the school has tried to tarmac and/or pave all access roads and paths to the critical facilities. This is also meant to ensure unhindered mobility of the physically impaired to different locations in the school.

Set out electronic facilities- in the library, the school has dedicated certain computers for the physically impaired. These computers are located at the ground floor of the library building ensuring that they are conveniently accessible to those with the aforementioned disabilities.

Taking into account the financial expense the school has had to incur so far, it should be congratulated for the efforts. However, there is still room for improvement in the areas I will set out below:

For the visually impaired, they have had a hard time at the school. In access to critical information, they have to rely on friends and classmates to know of important dates and events in the school calendar. This is because communications concerning these events and dates are mostly posted in the notice boards hence inaccessible to them. The school should relay all important information relating to upcoming events through channels which they can access.

One such channel is through word of mouth by a specified member of staff.

Some of the tutorial rooms are located very far from the school entrance. Further, there are trenches and other obstacles on the way which make it very difficult for these people to access these facilities. Some paths are also not well paved hence posing a danger of straining their limbs while trying to access the far-flung tutorial rooms and facilities. There are no systems put in place to convey these people to facilities located upstairs.

In regard to study materials and lectures, some tutors are so fast that the visually impaired are left behind. The lecturers should hence be made aware and trained on how to tailor their classes so that the people with these special needs are not left behind. Study materials should be availed to them before lectures so that they can follow easily. Also these materials should be tailored to the needs of the visually disabled.

The examinations are the most important factor in the life of any student at the Kenya School of Law. There should be a consultation between the institution and the Council of Legal Education to ensure that the needs of the visually impaired have their special needs dealt with. They should be given exams in channels which they can manage. The exams could be administered orally or through other materials which ensure that they are not disadvantaged. They should also be given enough time specific to their special needs.

The steps so far taken by the school are in the right direction. I have faith that the concerns raised in this paper are going to be addressed within the shortest time possible. I appreciate that some corrective measures may take considerable time and cost to meet. However slow the process may be, everyone should feel welcome to study at the Kenya school of law.

Peter Raymond is a current student at the Kenya School of Law.



E-learning: The new normal through Covid-19 and beyond

Stephen Okello

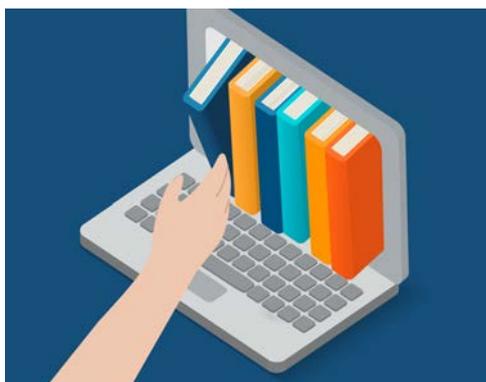
Across the globe, the spread of novel coronavirus COVID-19 has led to profound changes in social interaction and organization, and the education sector has not been immune. The Kenyan government ordered the temporary closure of schools and institutions of higher learning after confirming the 3rd case of COVID-19. In response to this, educational institutions transitioned to e-learning, mostly as a stop gap measure. Many others are still struggling with ways to engage students online.

While it is difficult to predict what the educational landscape will look like post COVID-19, it is clear that the disruption brought is irreversible. E-learning is the only option educational institutions have to ensure learning is not interrupted in these times. It however raises some interesting questions:

1. Will this use of e-learning lead institutions which have not made use of it in the past see its value and make it a permanent feature of their portfolio?
2. Will the sudden growth of e-learning change student and teacher attitudes to this mode of learning and perhaps make it their favorable mode of learning?

COVID-19 poses a serious challenge to all and while we don't know how long it will take before the virus is contained (through a vaccine or a cure), it is certain that it will continue to spread and cause disruption and that similar disruptions may occur in future.

It is therefore important for educational institutions to adopt e-learning not just as an emergency response to control the spread of COVID-19 but as a way of dealing with future disruptions.



Barriers to e-learning needs to be identified and dealt with. One of the key barriers likely to be experienced is technical difficulties. When students experience technical difficulties they will end up engaging less while instructors facing difficulties will affect the delivery of content. It is therefore important that both the instructors and students are well trained to use the selected platform and that technical support is available to solve user problems and also ensure minimum downtime.

With e-learning students will have to take more responsibility for their learning. This can be a challenge particular to those used to passive learning in school. Ways of keeping this category of students motivated, organized and disciplined need to be developed to ensure the gain maximum benefit to from eLearning.

The challenge of accessibility will also need to be addressed. Students and instructors need access to a working Internet connection and electronic devices such as a laptop, a tablet or mobile phones.

While some universities have partnered with telecommunication service providers to provide mobile data at subsidized rates to their students more may need to be done to help learners and instructors access electronic devices at affordable prices. It is also important to ensure that the technology adopted for eLearning allows auditory and visual aspects to be accessible to all learners especially those with physical, hearing or visual disabilities.

This crisis is an opportunity for education institutions to look into the future, adjust to possible threats, and build their capacity. If e-learning technology can play a role here, it is incumbent upon us to explore its full potential.

Stephen Okello is an ICT Assistant at the Kenya School of Law and a Certified Information Systems Auditor.



Client Demands and the Growth of The Law in Off-Plan Purchases.

Leah Kiguatha

Almost twenty years ago, in my first year of practice, before I engaged in to conveyancing practice, I attended a continuous professional development (CPD) lecture on conveyancing in which a senior and highly respected lawyer discouraged lawyers from advising clients to purchase properties off plan. “Why would you advise someone to purchase something they cannot see?” he quipped.

Within a few months, I learnt that lawyers who discouraged clients from buying something they could not, would fast lose those clients. I also formed the view that although my senior was right to be concerned due to the lack of a legal framework for off-plan purchases, he needed to get with the times and the program whereby when a block of flats was coming up, the developer looking to mobilize construction funds would collect deposits from interested purchasers and the sales would be secured by way of sale agreements which locked in the price and bound the developer to construct, complete and transfer units to purchasers.

In the property boom of the early 2000s, purchasers who got in early would pay significantly lower purchase prices than anyone who waited to purchase months later when the unit was complete. If one lawyer discouraged a client from purchasing and but another lawyer was willing to guide others through the purchase, the first client would be very unhappy if a few months later, they would need to spend much more than their friend for a similar unit, when they had had an opportunity to lock in a lower price at the beginning of the development.

Considering the lack of a specific legal framework to govern these off – plan purchases, lawyers devised creative means of securing parties’ interests using the existing law of contract, the land laws and the Companies Act. This was done by:



i. The designing of sale agreements governing the responsibilities of each party to the transaction at the different stages in construction;

ii. The development of long-term leases to confer ownership of specific units to their purchasers to run together with the ownership of shared areas such as corridors, paths, gardens and parking spaces in common with the owners of other units in the development and

iii. Incorporation of management companies to hold the land and the reversionary interest in the individual leases and in which the owners of individual units became members

In addition to construction of flats and apartments, these developments allowed the construction sale and purchase of townhouses on small parcels of land without the need of going into a long and complex subdivision process with its attendant fragmentation of land. The crafting of the title as a lease also allowed a much favored “controlled development” approach with common covenants and obligations in the use and management

of units creating order and uniformity that is tied to the very title of each unit. Even banks and financial institutions came to rely on these legal innovations supplementing existing laws to secure their financing of these projects both at the construction stage and downstream with the purchase of specific units.

To date, off plan purchases differ from regular purchases of land. In regular land purchase transactions, the buyer’s lawyer registers the transfer, while in off-plan purchases, for expediency, the transfer is registered by the Vendor developer’s lawyer, since the leases for all the units must be registered against one head title and it would be a logistical nightmare to have as many lawyers as purchasers dealing with one file in the lands office. One effect of this has been to create an accepted market dynamic where buyers not only pay their own lawyers but also the seller’s lawyer, a position that is locked into the sale agreement from the beginning.

These innovations led to legal reform that endorsed the market practices. In addition to developments in planning laws:

i. Section 7 of the The Land Act 2012 provides that title to land may be acquired through long term leases exceeding 21 years created out of private land.

ii. The Land Registration regulations provide for the form of a long-term lease and for the issuance of a Certificate of Lease.

iii. The Law Society of Kenya Conditions of Sale and Agreement for Sale 2015 contain a catalogue of conditions that reflect market practices in off plan purchases including requirements around membership to a management company in condition 4.4, requirements on long term leases in condition 4.5, provisions for purchases in the course of construction in condition 6 and extensive requirements on sectional properties in condition 24 which include the requirement that the purchaser pay her lawyer, the vendor's lawyer and the bank's lawyer.

However, the law has failed to address the predatory market driven practices that have developed with time. At the beginning, the procedure for off-plan purchases was straight forward. The Purchaser would pay 10% of the purchase price as a deposit and in the sale agreement authorize the developer to utilize it in construction of the unit. The balance would be paid at the end of the transaction when the house and the common areas were ready for occupation and the Lease could be registered in favour of the purchaser. Currently, sale agreements are structured with staged or instalment payments which fall due faster than the pace of the construction. Some purchasers have been made to pay entire purchase prices while the developer has only dug a hole in the ground in return

and used the purchase funds for other pursuits. Lawyers for developers have also been structuring agreements where the balance of purchase price is due way before the developer is in a position to register the Lease –meaning the purchaser pays huge sums with no proof of ownership. The practices have thrived in an environment where the market allows developers to structure sales in a take it or leave it manner with standard agreements where substantial changes by the purchaser are not entertained. The role of the lawyer for the purchaser is limited to advising the purchaser on the risks and leaving to them the decision as to whether to go ahead or leave it altogether.

The one attempt by the Law to mitigate predatory practices in off plan purchases is found in the Sectional Properties Act of 1987. The Act's objective is to provide for the division of buildings into units to be owned by individual proprietors and common property to be owned by proprietors of the units as tenants in common and to provide for the use and management of the units and common property and for connected purposes. It requires as a first step that the developer register a Sectional Plan which brings the land being developed into the ambit of the Act. It provides for the holding of purchase funds in an interest earning account and release of the said in stages to the developer depending on how far the development has gone.

The developer is entitled to release of 50% of the purchase price only if the unit under purchase is complete and to release of the entire purchase price only if both the unit and the common areas are complete. As one would expect, the Act is not very popular with developers who would rather have access to the purchaser's funds for construction.

Other than the National Social Security Fund (NSSF) which undertakes its developments under this Act, no other developer to my knowledge has developed property under this regime. An unfortunate development for purchasers is that proposed amendments to the Act as captured under the Sectional Properties Bill 2019 seek to remove the provisions of the Act that protect the purchaser's funds.

Off plan purchases therefore present an interesting cycle with the client at the center, depending on who the client is. The purchaser who sees this as their only option for homeownership or real estate investment, the developer with the power to influence market trends and even law reform and a property market that continues to defy global economic trends and norms.

Leah Kiguatha is an Advocate of the High Court of Kenya and an Adjunct Lecturer at the Kenya School of Law.



Embracing a Culture of Environmental Compliance Auditing

Dr. Omondi R. Owino

Environmental abuses in Kenya ‘triple satanic depravity’. Nothing brings this assertion to the fore more than the recent Nation Newspaper’s investigative pieces on environmental abuses in the Lake Victoria aptly intitled ‘Lake of Poison’. The diabolical nature of environmental abuses in Kenya rings true when one thinks back to the Owino Uhuru slum lead poisoning case which has led to the loss of several lives and continues to threaten the existence of an entire village. Memories of Solai dam disaster which left 48 people dead in its wake and a trail of destruction of apocalyptic proportions in May 2018 remain fresh. The insidious threat to life and limb on dining tables in Kenyan homes came to the fore when NTV in late 2019 ran an exposé titled the ‘Toxic Flow’ on pollution of Nairobi River. The documentary detailed how toxins pumped into Nairobi River by industries find their way into food and water consumed by Kenyans.

Similarly, in August 2019 Citizen TV carried a feature it captioned the ‘Choking City’ which laid bare the astronomical levels of air pollution and other environmental abuses majorly affecting informal settlements around Nairobi. Visible and invisible environmental threats grow by the hour in Kenya. The proliferation of environmental ills is not aided by the lackadaisical enforcement stance taken by the National Environment and Management Authority (NEMA) and the absence of a sustained action to check evolving environmental challenges. Action by NEMA has been more reactionary than it is proactive.

Widespread closures of factories and several arrests are usually witnessed hot on the heels of a media exposé but soon thereafter things revert to a business as usual mode. For instance, in the aftermath of the ‘Toxic Flow’ documentary, NEMA conducted a crackdown on industries in Nairobi that saw the temporary closure of about 25 factories and arrests of directors to those facilities.

Pollution termed an ‘externality’ in economic parlance is lucrative for businesses. This is because addressing such externalities is a costly affair which a facility can conveniently though inappropriately pass through to hapless and clueless victims in the absence of stringent government regulation. Strict enforcement is necessary to jolt irresponsible facilities out of the stupor of indifference and complacency about the impacts of their externalities on human lives and the environment.

There are factories that flagrantly flout environmental compliance regulations with wanton abandon. However, a significant number of market players are merely ignorant of the requirement in Kenyan law for them to undertake an annual self-environmental compliance audit to preempt adverse environmental impacts from their business activities and thereby safeguard human health. The need for industries in Kenya to conduct environmental compliance audits and checks can therefore hardly be overstated. Ingraining a culture of environmental compliance audits in Kenya will enable companies and NEMA to detect and remedy environmental law violations in good time.

What is an Environmental Compliance Audit?

An environmental compliance audit is a systematic and documented evaluation of a company’s manufacturing processes and environmental impacts undertaken periodically. The audit is undertaken to ascertain whether processes of a business are in conformity with the entire gamut of - environmental laws, regulations and standards within a specific jurisdiction.

An audit may assess exposure to risks and conformity of a facility under audit to an approved environment management plan or even test the effectiveness of an extant environmental management system. In undertaking an environmental compliance audit therefore, an inquiry is made about a wide range of laws and standards on water; air; energy; hazardous wastes; occupational safety; land and planning; and generally, on the sustainable use of natural resources.

Legal Basis for an Environmental Compliance Audit in Kenya

In Kenya, the overarching framework law, Environment Management and Coordination Act (EMCA) 1999 as amended, requires the auditing of all activities that could have significant effects on the environment. NEMA inspectors are authorized in this regard to verify compliance.

The revised Environmental Regulations, 2009 require existing facilities to undertake an initial environmental audit of their operations to establish a baseline upon which NEMA can undertake a subsequent control audit.

After an initial audit, a facility is required to undertake comprehensive annual self-environmental audits that verify compliance with 'all relevant environmental law and regulatory frameworks on health and safety, sustainable use of natural resources and on acceptable national and international standards'. The resulting audit reports should then be submitted to NEMA on an annual basis.

Process of Undertaking an Environmental Compliance Audit

A facility that contravenes the Impact Assessment and Audit regulations, exposes its directors upon conviction, to the risk of imprisonment for a minimum term of one year or a maximum term of 4 years as a court may decide or to a minimum fine of 2 million shillings or to a maximum fine of 4 million shillings, or to both such fine and imprisonment.

An environmental compliance audit process is ordinarily organized along four broad stages that start with an inception meeting; compilation of audit evidence; development of audit findings and an exit meeting.

Specific audit tasks for an entity in question are defined at the very outset of the audit.

The audit then proceeds through: site inspections to observe and understand the nature of operations within a facility; the use of various checklists to evaluate and report on diverse environmental compliance components; documentary inspection which includes assessing the validity of requisite permits, licenses, and internal policy documents; evaluation of internal monitoring and measurement procedures of various parameters; and assessing management issues that relate to the environment.

The audit process culminates into a detailed audit report which receives input from management before a final report is compiled and submitted.

Benefits of Environmental Compliance Audits

Environmental compliance audits when properly conducted by competent entities, result in multiple benefits for commissioning facilities. The audit:

1. Makes it possible for a facility to identify and quantify its environmental impacts across several parameters;
2. Provides a tool for informed decision making in mitigating identified and quantified environmental impacts;
3. Highlights compliance risks and vulnerabilities for each commissioning facility;
4. Tests the efficiency or otherwise of adopted Environment Management Systems (EMS);
5. Develops an environmental legal risk register that makes it easier to map out and preempt crystallization of compliance risks;

6. Reduces reputational risks associated with non-compliance and improves the image of a facility in the eyes of its stakeholders;

7. Engenders compliance with relevant environmental law and regulatory frameworks and standards in Kenya including ISO 14001;

8. Helps a facility to manage and reduce its overall ecological footprint over time;

9. Enables a facility to improve its general environmental performance and efficiency;

10. Minimizes the risk of hefty financial penalties or risk of jail terms for non-compliance.

Embracing a culture of environmental compliance auditing in Kenya will usher in a cataclysmic paradigm shift in the way most industries and corporations operate today. A sustained culture of environmental accountability and sustainability will bolster efforts for the realization of a clean and healthy environment.

Dr. Omondi Owino is an Advocate of the High Court of Kenya and an Adjunct Lecturer at the Kenya School of Law.

Just for 'Lawghter'

"You seem to be in some distress," said the kindly judge to the witness. "Is anything the matter?"

"Well, your Honour," said the witness, "I swore to tell the truth, the whole truth and nothing but the truth, but every time I try, some lawyer objects."

"You seem to have more than the average share of intelligence for a man of your background," sneered the lawyer at a witness on the stand.

"If I weren't under oath, I'd return the compliment," replied the witness.

A housewife, an accountant and a lawyer were asked "How much is 2+2?"

The housewife replies: "Four!"

The accountant says: "I think it's either 3 or 4. Let me run those figures through my spreadsheet one more time."

The lawyer pulls the drapes, dims the lights and asks in a hushed voice, "How much do you want it to be?"

A guy walks into a post office one day to see a middle-aged, balding man standing at the counter methodically placing "Love" stamps on bright pink envelopes with hearts all over them. He then takes out a perfume bottle and starts spraying scent all over them. His curiosity gets the better of him and he goes up to the balding man and asks him what he is doing.

"I'm sending out 1,000 Valentine cards signed, 'Guess who?'"

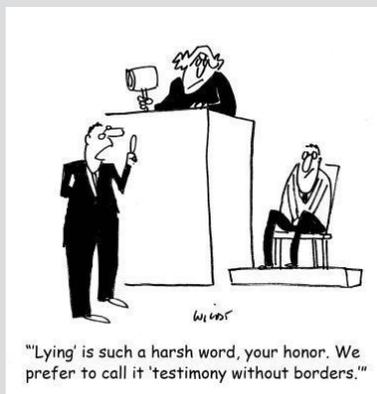
"But why?" asks the man.

"I'm a divorce lawyer."

A lawyer defending a man accused of burglary tried this creative defense: "My client merely inserted his arm into the window and removed a few trifling articles. His arm is not himself, and I fail to see how you can punish the whole individual for an offense committed by his limb."

"Well put," the judge replied. "Using your logic, I sentence the defendant's arm to one year's imprisonment. He can accompany it or not, as he chooses."

The defendant smiled. With his lawyer's assistance he detached his artificial limb, laid it on the bench, and walked out.



KSL Event Highlights



Lecturers' get together.



Staff monthly birthday celebration.



Staff Team building at the beach.



The Director shares a light moment.



Hon. Speaker of the National Assembly, Hon. J.B. Muturi, EGH makes the key-note speech at the 4th Graduation ceremony



Intra-class moot court competition.

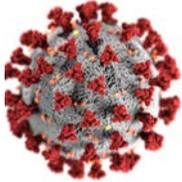


Academic procession of the 4th Graduation ceremony



Final round of the 2019 intra-class moot court competition

What You Should Know About COVID-19 to Protect Yourself and Others



Know about COVID-19

- Coronavirus (COVID-19) is an illness caused by a virus that can spread from person to person.
- The virus that causes COVID-19 is a new coronavirus that has spread throughout the world.
- COVID-19 symptoms can range from mild (or no symptoms) to severe illness.



Practice social distancing

- Buy groceries and medicine, go to the doctor, and complete banking activities online when possible.
- If you must go in person, stay at least 6 feet away from others and disinfect items you must touch.
- Get deliveries and takeout, and limit in-person contact as much as possible.



Know how COVID-19 is spread

- You can become infected by coming into close contact (about 6 feet or two arm lengths) with a person who has COVID-19. COVID-19 is primarily spread from person to person.
- You can become infected from respiratory droplets when an infected person coughs, sneezes, or talks.
- You may also be able to get it by touching a surface or object that has the virus on it, and then by touching your mouth, nose, or eyes.



Prevent the spread of COVID-19 if you are sick

- Stay home if you are sick, except to get medical care.
- Avoid public transportation, ride-sharing, or taxis.
- Separate yourself from other people and pets in your home.
- There is no specific treatment for COVID-19, but you can seek medical care to help relieve your symptoms.
- If you need medical attention, call ahead.



Protect yourself and others from COVID-19

- There is currently no vaccine to protect against COVID-19. The best way to protect yourself is to avoid being exposed to the virus that causes COVID-19.
- Stay home as much as possible and avoid close contact with others.
- Wear a cloth face covering that covers your nose and mouth in public settings.
- Clean and disinfect frequently touched surfaces.
- Wash your hands often with soap and water for at least 20 seconds, or use an alcohol-based hand sanitizer that contains at least 60% alcohol.



Know your risk for severe illness

- Everyone is at risk of getting COVID-19.
- Older adults and people of any age who have serious underlying medical conditions may be at higher risk for more severe illness.

*If you feel unwell, have a cold or a cough or fever, please call 719 or text *719# which is a toll-free number provided by the Government of Kenya.*

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**Kenya School of Law,
Karen – Langata South Road ,
P.O Box 30369 – 00100,
Nairobi.**

Telephone: 0202699581 /2/3/4

Email : lawschool@ksl.ac.ke

Website : www.ksl.ac.ke