

KENYA SCHOOL OF LAW



KENYA SCHOOL OF LAW

**CURRICULUM FOR THE ADVOCATES
TRAINING PROGRAMME**

2020

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1.1 VISION AND MISSION OF THE KENYA SCHOOL OF LAW

Vision

A preferred centre of excellence in professional legal training, research, consultancies and projects in East African region and beyond.

Mission

To offer quality practical training in law and other related disciplines for the professional development of learners and other actors in the legal sector, and to undertake research, consultancies and projects.

1.2 CORE VALUES

i) Integrity

We strive to adhere to the highest ethical standards in performance of our duties, act in good faith, and demonstrate highest level of integrity by creating an atmosphere of trust and confidence.

ii) Excellence

We are committed to ensuring that all our services meet the highest level of quality through adherence to industry best practices and maintenance of our IS 9001 Standards.

iii) Client Oriented

We strive to continuously identify and meet our clients' needs in the provision of our services at all times by ensuring that all our services and products are developed with the client in mind.

iv) Team work and partnership

We promote respect and unity of purpose among staff, and recognize the key role that mutual partnerships play in the success of the School.

v) Competence and professionalism

We are committed to the provision of services that meet professional standards through incorporation of best practices in the delivery of our services and recruitment and retention of competent staff.

vi) **Transparency and accountability**

We are committed to ensuring that all our processes are documented and taking responsibility for our actions in the delivery of services and products.

vii) **Inclusivity**

We endeavour to ensure that all our processes, products, services and infrastructure recognize and meet the special needs of youth, women, Persons with disabilities (PWD), minority and marginalized groups.

1.3 SCHOOL ADMISSION REQUIREMENTS

a) ATP Programme

The ATP admission requirements are stipulated in the Kenya School of Law Act, 2012 that requires applicants to;

- i) Have attained a **minimum** of grade **B (plain)** in English or Kiswahili Language and a mean grade of **C+** in the Kenya Certificate of Secondary Examination or its equivalent;
- ii) Have taken and passed in the mandatory 16 core subjects, at LL.B, as stipulated in the Second Schedule of the Legal Education Act, 2012; and
- iii) Hold or are eligible for conferment of an LL.B degree from a recognized University.
- iv) Must sit and pass the Pre-Bar Examination as provided under the Second Schedule to the Kenya School of Law Act, 2012 part 1 (b) (iii) for foreign degrees

b) Procedure of Application for Admission

The procedure for admission is set out in section 17 of the Kenya School of Law Act 2012 as read with Part Two of the Kenya School of Law (Training Programmes, Regulations 2015)

- i. A person who wishes to be admitted to the Advocates' Training Programme shall apply to the School in the prescribed form and shall pay the prescribed fees.
- ii. The application shall be accompanied by the following supporting documents —
 - (a) a copy of the relevant academic certificate or academic award;
 - (b) copies of the relevant final or provisional academic transcripts;

- (c) a copy of the applicant's identity card or valid passport;
- (d) two passport size photographs;
- (e) the prescribed fee; and
- (f) any other document that the School may require.

iii. Applicants with foreign LL.B degree qualifications shall sit the Pre-Bar examination which shall examine the applicant in the following subjects –

- (a) Legal Systems and Methods;
 - (b) the General Principles of Constitutional Law;
 - (c) the Law of Tort;
 - (d) The Law of Contract and
 - (e) Criminal Law.
- iv) The results of the Pre-Bar examination of an applicant shall not be re-marked: An applicant who fails to pass the Pre-Bar examination may sit for the examination when it is next offered by the School.
- v) An applicant who passes the Pre-Bar examination shall be eligible for admission to the Advocates' Training Programme subject to the applicant meeting other legal requirements.

1.4 ACADEMIC RESOURCES

The Kenya School of Law is situated on a 9.7126 Ha (24 Acres) of land off Langata South Road, Karen.

1.4.1 Facilities & Equipment

The School has the following academic facilities:

- i) Lecture rooms
- ii) Moot courts
- iii) Teaching staff offices
- iv) Adjunct Staff Lounge
- v) Library.
- vi) Information and Communication Technology.
- vii) Syndicate rooms and gazebos for group discussions
- viii) Administration block.
- ix) Staff houses;
- x) Cafeteria;

- xi) Sports facilities- swimming pool, sports field for track and field events;
- xii) Student hostels;
- xiii) Guest hostels;
- xiv) Rooms for religious meetings;
- xv) Transport facilities;

1.4.2 Academic Staff

i) **Teaching Staff**

The school has experienced, qualified full time and adjunct faculty.

ii) **Technical/Support Staff**

The School has adequate and qualified technical/support staff.

1.5 PROGRAMMES OFFERED BY THE INSTITUTION

1.5.1 Advocates Training Programme

The duration of the programme shall be 18 months consisting of 9 months of learning, 2 months of examination and 6 months of pupilage. The academic year consists of the 1st term which runs from January to April, and the 2nd Term runs from May to July and 3rd term from August to October.

1.5.2 Paralegal Programme

The Academic year is organized into three terms. A term is made up of 12 weeks consisting of 10 weeks of teaching and 2 weeks of examinations. The Academic year begins in May with first term running from May to July, Second term from September to November and third term from January to March.

1.5.3 Definitions

Lecture hour:

A lecture hour is equivalent to one contact hour of lecture or two hours of tutorial or three hours of practical work.

Credit hour:

A credit hour is equivalent to one lecture hour per week for a minimum of ten weeks of teaching.

Contact hour: Means a standard one-hour classroom period

2.0. THE ADVOCATES TRAINING PROGRAMME CURRICULUM

2.1 Philosophy of the programme

The purpose of the subject is to provide clinical, experiential and comprehensive training in law, based on prescribed subjects units in order to enhance knowledge and practical skills of learners.

2.2 Programme Rationale

The ATP programme is designed to equip lawyers with the practical skills required by the profession as mandated by the Kenya School of Law Act, 2012 and the Advocates Act Cap16. The programme fills the gap for practical and clinical experiential training that prepares the lawyers for effective legal practice.

2.3 Goal of the Programme

The goal of the programme is to equip lawyers with the practical skills needed for legal practice.

2.4 Expected learning outcomes

At the end of this programme, a student should be able to:

- i. Apply substantive and procedural law to solve legal problems.
- ii. Use effective oral and written communication skills in discharging professional duties.
- iii. Conduct legal research and analysis in problem-solving.
- iv. Demonstrate proper professional and ethical responsibilities to clients and the court.
- v. Draft correspondence, pleadings and other legal documents.
- vi. Establish and manage a law firm.

2.5 Mode of delivery of the Programme

The programme should be delivered using the following strategies:

- i. Interactive lectures
- ii. Seminars and tutorials
- iii. Guest lectures

- iv. Power-point presentation slides
- v. Group discussions
- vi. Class Presentations
- vii. Role Plays
- viii. Audio-visual instruction aids
- ix. Moot courts
- x. Legal aid clinics
- xi. Study tours
- xii. Exchange programmes
- xiii. Pupilage

2.6. Academic regulations

The following shall apply to programmes at the School

2.6.1. Admission requirements

The ATP admission requirements are stipulated in the Kenya School of Law Act, 2012 that requires applicants to;

- i. Have attained a **minimum** of grade **B (plain)** in English or Kiswahili Language and a mean grade of **C+** in the Kenya Certificate of Secondary Examination or its equivalent;
- ii. Have taken and passed in the mandatory 16 core subjects, at LLB, as stipulated in the Second Schedule of the Legal Education Act, 2012;
- iii. Hold or are eligible for conferment of an LL.B degree from a recognized University.
- iv. Must sit and pass the Pre-Bar Examination as provided under the Second Schedule to the Kenya School of Law Act, 2012 part 1 (b) (iii) for foreign degree holders

2.6.2. Programme requirements

A learner is required to undergo both examinable and non-examinable components of the ATP. The examinable components of the programme shall include the in school training and a bar examination while the non-examinable component includes pupilage and moot courts.

Obligations of the Learner

a. In-School Training

A learner is required to:-

- i. Attend at least two thirds of all lectures offered in relation to each subject unit.

- ii. Participate in study group activities.
- iii. Undertake an oral examination
- iv. Participate in legal aid and legal clinics
- v. Attempt all examinations under the programme

b. Pupilage

A learner is required to undertake supervised pupilage for a period of six months under an advocate of over five years post admission experience in an approved pupilage centre.

c. Moot Courts

A learner shall be required to participate in class moot courts as directed by the class supervisor.

Obligations of the Subject Instructor:-

- i. To facilitate acquisition of practical skills of the learner;
- ii. Provide a list of subject reference materials;
- iii. To supervise students on pupilage;

2.6.3 Learner Assessment Criteria

- i. The programme shall be evaluated in terms of subject unit approved by the board, a subject unit being defined as a series of 66 one- hour lecture equivalents and 38 weeks of practical learning (pupilage).
- ii. All subjects are compulsory and are examinable by the Council for Legal Education.

2.6.4 Grading system

- 1. Written examination: 60%
- 2. Oral Examination and Project Work: 40%

2.6.5 Examination Regulations

The Bar examination is the function of the Council of Legal Education as per the Legal Education Act, No. 27 of 2012.

2.6.6 Moderation of examination

Moderation of the Bar examination is conducted by the Council of Legal Education as per its mandate.

2.6.7 Graduation requirements

To qualify for an award of a post graduate diploma in law the student must fulfil the following requirements:-

- i. A student learner shall attend two thirds of all stipulated lectures of each subject unit.
- ii. Sit and pass all the nine subject units in ATP
- iii. Serve 6 months supervised pupillage.

2.7 Programme evaluation

The subject shall be subjected to evaluation by the school and learners. There shall be:

- i. Internal programme quality audits
- ii. External programme quality audits- this shall be Voluntary (initiated by the School) or Regular Scheduled audit (done by the regulator). The evaluation will cover the subject content, instructional process, infrastructure and equipment, mode of delivery. Feedback will be used to improve delivery.

2.8 Management and Administration of the programme

The administration of the programme is organised as follows:-

- i. The Director has overall responsibility for programme implementation.
- ii. The Deputy Director, ATP and PTP shall be responsible for the implementation of the programme.
- iii. The Assistant Director ATP shall be responsible for the day-to-day management of the programme.
- iv. The programme shall be subjected to internal quality assurance as determined by the School.
- v. The programme is under the Academic Division.

2.9 Subject Units Offered for the Programme

The subjects offered in the ATP programme are:

2.9.1 Subject Distribution Table

Term	Unit Code	Unit Name	Contact Hours
I, II, III	ATP 100	Civil litigation	66
I, II, III	ATP 101	Criminal litigation	66
I, II, III	ATP 102	Probate and administration	66
I, II, III	ATP 103	Legal writing and drafting	66
I, II, III	ATP 104	Trial advocacy	66
I, II, III	ATP 105	Professional Ethics	66
I, II,III	ATP 106	Legal Practice Management	66
I, II, III	ATP 107	Conveyancing	66
I, II, III	ATP 108	Commercial Transactions	66
I, II, III	ATP 109	Moot Courts	66
IV	ATP 110	Pupilage	Minimum of 6 months (26 Weeks)

**The Programme shall be completed in one year consisting of 66 class contact hours and six calendar months for pupilage.*

2.9.2 Matrix showing subjects covering different learning outcomes

Learning Outcomes	
PROGRAMME LEARNING OUTCOMES	Subjects
Apply substantive and procedural law to solve legal problems in society	ATP 100, 101, 102, 107, 108, 109 and 110
Use effective oral and written communication skills in discharging professional duties.	ATP 103, 104, 106, 109 and 110
Conduct legal research and analysis in problem-solving.	ATP 103, 104, 109 and 110
Demonstrate proper professional and ethical responsibilities to clients	ATP 105 and 110
Draft correspondence, pleadings and other legal documents.	ATP 100, 101, 102, 103, 104, 107, 108, 109 and 110
Manage a law firm.	ATP 106 and 110

ATP 100: CIVIL LITIGATION

66 Lecture Hours

Purpose of the Subject

The purpose of the subject is to equip the learner with practical skills in resolution of civil disputes.

Expected Learning Outcomes of the Subject

By the end of this subject a learner should be able to:

- i. Perform effective client conferencing and taking of instructions
- ii. Apply the knowledge garnered to advise clients on appropriate strategies to resolve civil disputes,
- iii. Demonstrate a proper knowledge of the law, court rules and practice that apply in civil litigation,
- iv. Represent clients in dispute resolution processes in a just, efficient, proportionate and cost-effective manner,
- v. Apply professional ethics and standards in civil litigation.

Subject Content

- i. Taking instructions
- ii. Different methods of civil dispute resolution
- iii. Commencement of civil suits
- iv. Pre-trial processes
- v. Interlocutory civil applications
- vi. Trial process
- vii. Judgment and decree
- viii. Remedies to judgment-stay of execution, payment in instalments and objection proceedings
- ix. Costs
- x. Review and Appeals
- xi. Enforcement of orders and decrees;
- xii. Constitutional litigation procedures
- xiii. Employment and labour litigation
- xiv. Judicial review process

Mode of Delivery

- i. Interactive lectures
- ii. Seminars and tutorials
- iii. Guest lectures
- iv. Power-point presentation slides
- v. Group discussions
- vi. Class Presentations
- vii. Role Plays
- viii. Audio-visual instruction aids
- ix. Moot courts
- x. Legal aid clinics
- xi. Study tours
- xii. Exchange programmes
- xiii. Pupilage

Instructional Materials and/or Equipment

- i) Audio-visual instruction aids Flipcharts;
- ii) LCD Projector and Screen;

Subject Assessment

- | | |
|--------------------------------|-------------|
| i. Project work | 20% |
| ii. Oral examination | 20% |
| iii. Final Written examination | 60% |
| | 100% |

Core Reading Materials for the Subject

- i. Allen Waiyaki Gichuhi, (2017). *Litigation: The Art of Strategy and Practice*. Nairobi, Kenya: LawAfrica Publishing (K) Ltd.
- ii. Kuloba, R., (2015). *Judicial Hints on Civil Procedure* (reprint). Nairobi: LawAfrica Publishing (K) Ltd.
- iii. Ouma, S., (2010). *A Commentary on the Civil Procedure Act*. Nairobi: LawAfrica Publishing (K) Ltd.
- iv. O'Hare, J., & Hill, Robert N., (1995). *Civil Litigation* (7th edn). UK: Longman Group.

Recommended Reference Materials:

- i. Kuloba, R, (2008). *Summary Judgment*. Nairobi, Kenya: LawAfrica Publishing (K) Ltd.
- ii. Kuloba, R., (1997). *Courts of Justice in Kenya*. Nairobi, Kenya: Oxford University Press.
- iii. Kuloba, R., (1987). *Principles of Injunctions*. Nairobi, Kenya: Oxford University Press.
- iv. Odunga, G.V., (2010). *Digest on Civil Case Law & Procedure* (2nd edn) in 4 vols. Nairobi, Kenya: LawAfrica Publishing (K) Ltd.
- v. Mbobu, K. (2011). *The Law and Practice of Evidence in Kenya*. Nairobi, Kenya: LawAfrica Publishing Ltd.
- vi. Brennan, D; Blair, W. *et al.* (2012). *Bullen & Leake & Jacob's Precedents of Pleadings* (17th ed.) in 2 vols. London: Sweet & Maxwell
- vii. Simon Goulding (ed)., (1996). *Odgers on Civil Court Actions* (24th edn) London: Sweet & Maxwell, Ltd.
- viii. Blake, S., (2009). *A Practical Approach to Effective Litigation* (7th edition). New York: Oxford University Press.
- ix. Hartely, T.C., (1984). *Civil Jurisdiction and Judgments*. London: Sweet & Maxwell.
- x. Solil Paul and Anupam Srivastava(ed). (2001). *Mulla on the Code of Civil Procedure* (16th ed) in 4 vols. (ed) Vol 1. New Delhi: Butterworth's India.
- xi. Sime, S., (2011). *A Practical Approach to Civil Procedure* (14th edn). Oxford University Press.
- xii. Fosket. D., (2010). *The Law and Practice of Compromise*. (7th edition). London: Sweet & Maxwell.
- xiii. Kaluma, P., (2009). *Judicial Review, Law Procedure and Practice*. Nairobi: LawAfrica Publishing (K) Ltd.
- xiv. Ongoya Z., Elisha. "The Law, the Procedures and the Trends in Jurisprudence on Constitutional and Fundamental Rights Litigation in Kenya", (Resource Material, ATP Programme, 2008/9) www.kenyalaw.org, 2008 – 2010 Kenya Law Review, Nairobi.
- xv. Githu Muigai & Ongoya Z E, (2005). 'The Law of Contempt of Court in Kenya'.
- xvi. Githu Muigai, 'Political Jurisprudence or Neutral Principles: Another Look at the Problem of Constitutional Interpretation', *East African Law Journal*, Vol. 1 2004, P. 1
- xvii. Githu Muigai (ed), (2011). *Arbitration Law & Practice in Kenya*. Nairobi, Kenya: LawAfrica Publishing (K), Ltd.
- xviii. Kenyalaw.org

ATP 101: CRIMINAL LITIGATION

Contact Hours 66

Purpose of the Subject

The Purpose of the subject is to equip the learners with knowledge and skills in the criminal process and procedure.

Expected Learning Outcomes

By the end of the subject, the learner should be able to:-

- i. Draft documents relevant in criminal litigation.
- ii. Identify various jurisdictions in criminal litigation;
- iii. Apply substantive and procedural law relating to criminal trials;
- iv. Demonstrate case management skills in criminal litigation.

Subject Content

- i. Introduction
- ii. Jurisdiction and Structure of Courts
- iii. Specialized Prosecutors
- iv. Arrests
- v. Identification Parades
- vi. Preparation of Case Files
- vii. Complaint and Charge
- viii. Plea and Plea Bargain
- ix. Bail and Bond
- x. Pre-Trial Conferencing
- xi. Hearing
- xii. Judgment and Sentencing;
- xiii. Interlocutory Applications
- xiv. Appeals
- xv. Private Prosecutions
- xvi. Inquests
- xvii. Revision.
- xviii. Extradition Proceedings
- xix. Habeas Corpus
- xx. Judicial Review
- xxi. Procedures In Special Courts
- xxii. Other Applications

Mode of Delivery

- i. Interactive lectures
- ii. Seminars and tutorials
- iii. Guest lectures
- iv. Power-point presentation slides
- v. Group discussions
- vi. Class Presentations
- vii. Role Plays
- viii. Audio-visual instruction aids
- ix. Moot courts
- x. Legal aid clinics
- xi. Study tours
- xii. Exchange programmes
- xiii. Pupilage

Subject Assessment

- i. Project Work 20%
- ii. Oral examination 20%
- iii. Final Written Examination 60%
- 100%**

Core Reading Materials

- i. Judiciary Criminal Procedure Bench Book, 2018;
- ii. Patrick Kiage, (2011). *Essentials of Criminal Procedure in Kenya*. Nairobi: Law Africa Publishing (K) Ltd.
- iii. Prof. PLO Lumumba, (2005). *A Handbook on Criminal Procedure in Kenya*. Nairobi, Kenya: LawAfrica Publishers Limited.
- iv. Charles Mwaura Kamau, *Basic Principles of Criminal Litigation in Kenya*. The Quick Law Series Book 1.

Recommended Reference Materials

- i. Archibald on Criminal Pleading, Evidence and Practice, 37th edition by Butler & Garcia;
- ii. Allen Waiyaki Gichuhi, (2017). *Litigation: The Art of Strategy and Practice*. Nairobi: LawAfrica Publishing (K) Ltd.

Statutes

1. The Criminal Procedure Code [Cap. 75 of the Laws of Kenya] Government Printer, Nairobi;
2. The Penal Code [Cap. 63 of the Laws of Kenya] Government Printer, Nairobi;
3. The Evidence Act [Cap. 80 of the Laws of Kenya] Government Printer, Nairobi;
4. Sexual Offences Act, 2006 Government Printer, Nairobi;
5. The ODPP Act No.2 of 2013
6. International Crimes Act 2008 Government Printer, Nairobi;

E-resources

- i. Ebrary;
- ii. Lexis Nexis;
- iii. Emerald;
- iv. Access Law Africa;
- v. Jstor;
- vi. University of Chicago;
- vii. Springer;
- viii. Taylor and Francis;
- ix. World e-library;
- x. Mary Ann Liebert Publishers.

ATP 102: PROBATE AND ADMINISTRATION

Contact Hours 66

Purpose of the Subject

The purpose of the subject is to equip the learners with knowledge and skills in the succession process and procedures.

Learning outcomes

By the end of the subject the learner should be able to:-

- i. Identify the essentials of a valid written and oral will.
- ii. Draw a valid will, codicil
- iii. Demonstrate the understanding of the court process of succession.
- iv. Apply the substantive law of succession to different case scenarios.
- v. Use the standard forms applicable in Succession.

Subject Content

- i. Introduction.
- ii. Property exempted under the Law of Succession Act Cap. 160
- iii. An overview of the legal framework of succession in Kenya.
Testate Succession
- iv. Drawing of Wills and Codicils
- v. The process of alteration and revocation of wills
- vi. Proof of Wills
- vii. Objection
- viii. Application for reasonable provision, testate
- ix. The Estate Book

Procedures in Intestate Succession

- x. Citation
- xi. Petition for grant of letters of administration
- xii. objections
- xiii. Grant of letters
- xiv. Confirmation of grants
- xv. Reasonable provision, intestate
- xvi. Revocation and annulment of grants
- xvii. Limited grants

- xviii. Procedure of succession for property for moveable and immoveable property in foreign jurisdictions.

Mode of Delivery

- i. Interactive lectures
- ii. Seminars and tutorials
- iii. Guest lectures
- iv. Power-point presentation slides
- v. Group discussions
- vi. Class Presentations
- vii. Role Plays
- viii. Audio-visual instruction aids
- ix. Moot courts
- x. Legal aid clinics
- xi. Study tours
- xii. Exchange programmes

Mode of Assessment

i. Project work (including CAT)	20
ii. Oral examination	20
iii. Written examination	60
	100

Core Reading Materials

- i. Musyoka, W.M., (2006). *Law of Succession*. Nairobi, Kenya: LawAfrica Publishing (K) Ltd.
- ii. Lady Justice Mary A Ang'awa, (2015). *Procedure in the Law of Succession in Kenya*. Nairobi, Kenya: LawAfrica Publishing (K) Ltd.
- iii. Barry & Clark, *The Law of Succession* 13th Edition

Recommended Reference Materials

- i. Eugene Cotran, *Restatement of African Law II- The Law of Succession*
- ii. Eugene Cotran, *Case Book on Kenya Customary Law*

Statutes

- a) Law of Succession Act Cap. 160
- b) The Marriage Act 2014
- c) Matrimonial Property Act 2013
- d) The Constitution of Kenya, 2010
- e) The Land Act, 2012

ATP 103: LEGAL WRITING AND DRAFTING

Contact Hours 66

Purpose of the Subject

The purpose of the subject is to equip the learners with skills in legal writing and drafting.

Expected Learning Outcomes:

By the end of the subject, the learner should be able to:

- i. Conduct research and analysis of legal issues.
- ii. Communicate clearly, concisely, efficiently and effectively.
- iii. Demonstrate appropriate choice of language.
- iv. Draft legal instruments, pleadings and other documents.

Subject Content

- i. Introduction to legal writing
 - a) Writing process
 - b) Sentence and sentence transitions
 - c) Paragraphing
 - d) Syntax and Voice
 - e) Advanced Legal Research
 - f) Case Briefs and Case analysis
- ii. Introduction to Legal Drafting
 - a) Drafting Letters and other Correspondence
 - b) Report Writing
 - c) Drafting Legal Opinions
 - d) Drafting specialized legal documents
- iii. Introduction to legislative drafting
 - a) The legislative process
 - b) Policy and Drafting instructions
 - c) The Legislative Sentence (words and expressions: syntax)
 - d) Drafting a Bill
 - e) Amending legislation
 - f) Penal provisions

Mode of Delivery

Instructions will be in the following mode:

- i. Interactive lectures
- ii. Experiential method of learning (learning by doing) to build on the skills set necessary for effective legal writing and drafting.
- iii. Simulations
- iv. Role plays
- v. Audio visual aids
- vi. Guest lecturers
- vii. Class presentations
- viii. Clinical work

Subject Assessment

The subject will be assessed in terms of the Council of Legal Education regulations.

This is:

- i. Project work (Term 1): 20%.
- ii. Oral examination (Term 2): 20%.
- iii. Written examination (Term 3): 60%.

100

Core Reading Materials

- i. Bryan Garner, (2001). *Legal Writing in Plain English*.
- ii. Richard Neumann, (2005). *Legal Reasoning and Legal Writing*
- iii. Richard Wydick, (2011). *Plain English for Lawyers*
- iv. A guide to the legislative drafting process in Kenya 2015(KLRC)
- v. Crabbe on legislative drafting 1993, Lexisnexis
- vi. Thornton's legislative drafting, 5th edn (2013). West Sussex.

Recommended Reference Materials:

- i. Anne Enquist & Laurel Oates. *Legal Writing Handbook* (latest edition)
- ii. Anne Enquist & Laurel Oates, (2005). *Just Writing: Grammar, Punctuation and Style for the Legal Writer*.
- iii. Mark Osbek, (2012). *What is good legal writing and why does it matter?*
- iv. Edward Daigneault, (2005). *Drafting International Agreements in Legal English*.
- v. De Klerk, (2006). *Clinical Law in South Africa*.
- vi. Carolyn Maughan & Julian Webb, (2005) *Lawyering Skills and the Legal Process* (2005)

ATP 104: TRIAL ADVOCACY

Contact Hours 66

Purpose of the Subject

The purpose of the subject is to equip the learners with trial advocacy skills.

Expected Learning Outcomes

By the end of this subject, the learner should be able to:

- i. Carry out effective client and witness interview
- ii. Conduct pre-trial research and case analysis
- iii. Present an effective opening statement
- iv. Conduct effective examination of witnesses
- v. Present an effective closing argument statement

Subject Content

- i. Introduction to trial advocacy
- ii. Qualities of a good trial lawyer.
- iii. General ethical duties of trial lawyers.
- iv. Court etiquette
- v. The Trial Lawyer and Conflict of Interest.
- vi. Judicial officers and Conflict of Interest.
- vii. Dimensions, rules & psychology of advocacy
- viii. Preparation for trial
- ix. The opening statement
- x. Examination-in -chief
- xi. Cross- examination.
- xii. Re-examination.
- xiii. Closing argument.
- xiv. Objections.
- xv. Skeleton arguments
- xvi. Appellate advocacy.
- xvii. Alternative dispute resolution

Mode of Delivery

Instructional materials/equipment

Subject Assessment

i. Oral examination	20%
ii. Project work	20%
iii. Final written examination	<u>60%</u>
	<u>100</u>

Core Reading Materials

- i. Allen Waiyaki Gichuhi, (2017). *Litigation: The Art of Strategy and Practice*. Nairobi, Kenya: LawAfrica Publishing (K) Ltd.
- ii. Evans, K., (1993). *The Golden Rules of Advocacy*. New York: Oxford University Press.
- iii. Lubet, S., (2009). *Modern Trial Advocacy* National Institute for Trial Advocacy, Louisville, CO.
- iv. Morley, I., (2007). *The Devil's Advocate*. London: Sweet & Maxwell Ltd.

Additional Reference Materials

- i. Blake, S., (2009). *Effective Litigation*. New York: Oxford University Press.
- ii. Evans, K., (1995). *Advocacy in Court: A Beginner's Guide*. New York: Oxford University Press.
- iii. De Klerk, et al., (2006). *Clinical Law in South Africa*. Durban: LexisNexis.
- iv. Hyam, M., (1999). *Advocacy Skills*. New York: Oxford University Press.
- v. Maughan, C. and Webb J., (2005) *Lawyering Skills and the Legal Process* (2nd Ed.). Cambridge University Press.
- vi. Munkham, J.H., (1999). *The Technique of Advocacy*. New Delhi: Universal Law Publishing.
- vii. Palmer, R. & McQuoid-Mason, D., (2000) *Basic Trial Advocacy Skills*. Durban: LexisNexis.
- viii. Ross, D (QC)., (2009). *Advocacy*. London: Cambridge University Press.

E RESOURCES

www.kenyalaw.org

www.nita.org

ATP 105: PROFESSIONAL ETHICS

Contact Hours 66

Purpose of the Subject

To impart in the student professional and ethical standards in the practice of law

Expected Learning Outcomes:

By the end of the Subject, the student should be able to:-

- i. Explain the laws, regulations and codes of professional ethics and practice.
- ii. Exhibit practical appreciation of professional ethics
- iii. Apply professional and ethical responsibilities of the profession.

Subject Content

- i. The concepts of ethics and professional ethics
- ii. Law as a profession
- iii. Regulation of the legal profession in Kenya
- iv. Code of conduct for Advocates, prosecutors and judicial officers, lawyers in the public sector
- v. Rights, obligations and privileges of an advocate
- vi. Remuneration of advocates
- vii. Professional misconduct and unprofessional conduct
- viii. Disciplinary processes

Mode of Delivery

- i. Interactive lectures
- ii. Seminars and tutorials
- iii. Guest lectures
- iv. Power-point presentation slides
- v. Group discussions
- vi. Class Presentations
- vii. Role Plays
- viii. Audio-visual instruction aids
- ix. Moot courts
- x. Legal aid clinics
- xi. Study tours
- xii. Exchange programmes
- xiii. Pupilage

Mode of Assessment

i. Project work	20
ii. Oral examination	20
iii. Written examination	60
	100

Core Reading Materials

- i. Prof. Tom Ojienda & Katarina Juma., (2011). *Professional Ethics, A Kenyan Perspective*. Nairobi, Kenya: LawAfrica Publishing (K) Ltd.
- ii. *Compendium of Codes of Legal Practice, Conduct, Ethics and Etiquette in East Africa*, EALS/ LawAfrica (K) Ltd .2005
- iii. Weda, A. (2014). *The Ideal Lawyer*. Nairobi: LawAfrica Publishing (K) Ltd.
- iv. Kimari Mary, (2018). *Legal Practice Management*. Nairobi, Kenya: LawAfrica Publishing (K) Ltd.

Recommended Reference Materials:

- i. LSK Digest on Professional Conduct and Etiquette, 2000
- ii. Bailey, S.H., (1991). *Smith and Bailey on the Modern English Legal System* (2nd Edn). London: Sweet and Maxwell.
- iii. *Final Report of the Task Force on Judicial Reforms* (July, 2010)
- iv. Mark Stobbs, (2002). Review of the Effectiveness of the Disciplinary Committee of the Law Society of Kenya and The Complaints Commission
- v. Ojienda, Tom. Professional Ethics and the Legal Profession. Paper prepared for presentation at the Induction Program for newly admitted learners on the 14th February, 2004.
- vi. *Report of the Advisory Panel of Eminent Commonwealth Judicial Experts Nairobi*, Kenya May 17, 2002
- vii. *Report of the Task Force on The Development Of A Policy And Legal Framework For Legal Education In Kenya* August 2006
- viii. *Task Force on The Development Of A Policy And Legal Framework For Legal Education In Kenya* (situation paper) April 2005
- ix. Wood, David, *Judicial Ethics: A Discussion Paper*, Australian Institute of Judicial Administration Incorporated, 1996
- x. Y. Ghai and J.P.W.B.McAuslan, (1970) *Public Law and Political Change in Kenya*. O.U.P, Nairobi.

- xi. Harvey, W. (1975), *Introduction to the Legal System in East Africa*. Nairobi, Kenya: East African Publishers.
- xii. Horne, F.T., (1988) *Cordery's Law Relating to Solicitors* (8th Edn) Butterworth's, London and Edinburgh.
- xiii. Morgan. T.D., (1981). *Problems and materials on professional responsibility*, (2nd Edn.). The foundation press
- xiv. Parker, S., and Charles, S, (Eds) (1995). *Legal Ethics and Legal Practice. Contemporary issues*. Clarendon Press

ATP 106: LEGAL PRACTICE MANAGEMENT

Contact Hours 66

Purpose of the Subject

To inculcate the learner with skills and tools necessary to establish and manage a law practice.

Expected Learning Outcomes:

By the end of the subject, the learner should be able to;

- i. Manage a general law practice.
- ii. Comply with the regulatory requirements of a law practice.
- iii. Apply the various statutes relating to business administration and management
- iv. Develop and implement proper organizational structures and systems
- v. Apply business analysis and accounting skills

Subject Content

- i. Introduction to Office Administration & Management,
- ii. Front Office services,
- iii. Office standards, Policies, and Procedures.
- iv. Information and Communication Technology
- v. Record Management
- vi. Procurement
- vii. Safety ,Security and Disaster management
- viii. Discrimination and Sexual harassment at the workplace
- ix. Human Resource Planning, management,
- x. Job Analysis and Design,
- xi. Recruitment and selection,
- xii. Placement induction and socialization (employment contracts, Fair Administrative Action Act, employee benefits, statutory leave, employment contracts maternity leave)
- xiii. Training and development,
- xiv. Career development and management,
- xv. Internal Mobility and Separation, (disciplinary procedures)
- xvi. Conceptual Framework of Accounting,
- xvii. Book keeping, and end year adjustments,
- xviii. Bank reconciliation statements,
- xix. Cash flow statements analysis,
- xx. Preparation of final accounts,
- xxi. Cost accounting and budgeting,
- xxii. Advocate and partnership accounts

Learning and Teaching Methods

- i. Lectures
- ii. Seminars and tutorials through firm meetings
- iii. Simulations
- iv. Moot courts
- v. Role plays
- vi. Educational visits
- vii. Audio visual aids
- viii. Pupilage
- ix. Guest lecturers

Mode of Assessment

i. Project work	20
ii. Oral examination	20
iii. Final written examination	60
	100

Core Reading Materials

- i. Kimari Mary, (2018). *Legal Practice Management*. Nairobi, Kenya: LawAfrica Publishing (K) Ltd.
- ii. Kimari Mary, (2012). *Accounting for Lawyers; Law Africa*. Nairobi, Kenya: LawAfrica Publishing (K) Ltd.
- iii. Frank Wood, (2010). *Business Accounting(Volume I)* 11th Edition, Prentice Hall
- iv. Kimari Mary & Carol Mureithi, (2014) *Office Practice Management*. Nairobi, Kenya: LawAfrica Publishing (K) Ltd.

Recommended Reference Materials:

- i. Kimuda, D., (2008). *Financial Accounting*. Nairobi, Kenya: East African Publishers.
- ii. Nzomo, N.D., (2002). *Basic Financial Accounting*, Nairobi, Kenya: Kenya Literature Bureau
- iii. Glautier, M.W & Underdown, B., (2011). *Accounting Theory and Practice* (8th edn). Trans-Atlantic Publications.
- iv. Meigs & Meigs., (2009), *Accounting Basis for Business Decisions*(6th Edition)
- v. Davis D, GM. (2014). *Pleas swimming upstream: 20 mistakes to avoid when starting your law firm*
- vi. Mc Cauley, J., (2005) .*Cyber Lawyer: Impact of the internet on law practice* [available online]

ATP 107: CONVEYANCING

Contact Hours 66

Purpose of the Subject

To equip the learner with the knowledge and skills of conveyancing practice

Expected Learning outcomes

By the end of the subject, the learner should be able to:

- i. Draft various agreements for conveying interests in property.
- ii. Explain the processes of procuring various completion documents in conveyancing transactions.
- iii. Explain the duties and responsibilities of an advocate in conveyancing.
- iv. Demonstrate how to convey interests in property
- v. Inform the client on the progress of a conveyancing transaction.

Subject Content

- i. Introduction to conveyancing
- ii. Institutional framework
- iii. Statutory and procedural requirements in conveyancing
- iv. The pre-contract period
- v. The contract stage
- vi. Transfer stage
- vii. Sectional properties
- viii. Leases, sub leases and licenses
- ix. Charges and debentures
- x. Rights in *alieno solo*
- xi. Drafting of various documents
- xii. Technology and conveyancing practice

Mode of Delivery

- i. Interactive lectures
- ii. Seminars and tutorials
- iii. Guest lectures
- iv. Power-point presentation slides
- v. Group discussions
- vi. Class Presentations
- vii. Role Plays
- viii. Audio-visual instruction aids

- ix. Moot courts
- x. Legal aid clinics
- xi. Study tours
- xii. Exchange programmes
- xiii. Pupilage

Mode of Assessment

i. Project work	20
ii. Oral examination	20
iii. Final written examination	60
	100

Core Reading Materials

- i. Onalo, P., (2008). *Land Law and Conveyancing in Kenya*. Nairobi, Kenya: LawAfrica Publishing (K) Ltd.
- ii. Ojienda, T., (2008). *Conveyancing Laws Principles and Practice*. Nairobi, Kenya: LawAfrica Publishing (K) Ltd.
- iii. Abbey Robert, M. and Richards Mark B., (2000) .*A Practical Approach to Conveyancing*. London: Blackstone Press
- iv. Guidebook on procedures and processes of Land Administration in Kenya e-book by the Institution of Surveyors of Kenya

Recommended Reference Materials:

- i. H.W.O. Okoth-Ogendo, (1991). *Tenants of the Crown: Evolution of Agrarian Law & Institutions in Kenya*. Nairobi: ACTS Press.
- ii. E.G. Bowman and E.L.G. Taylor, (1972). *The Elements of Conveyancing*. London: Sweet and Maxwell.
- iii. G.H. Treitel, (2005). *The Law of Contract* (11th Edition). London: Sweet & Maxwell.
- iv. I.C.F. Spry, *The Principles of Equitable Remedies* London: Sweet & Maxwell, 1997
- v. Diane Chapple, (2008). *Land Law*. London: Longman.
- vi. Halsburys Laws of England
- vii. Government of Kenya, Report on the Commission of Inquiry into Land Law Systems in Kenya on Principles of a National Land Policy Framework, Constitutional Position of Land and New Institutional Framework for Land Administration (Government Printer Nairobi 2002). The report is commonly referred to as the Njonjo Commission Report.
- viii. C.N. Musembi & P. Kameri-Mbote , "Mobility, Marginality and Tenure Transformation in Kenya: Exploration of Community Property Rights in Law and

Practice," Nomadic Peoples Volume 17 (1). 2013.

- ix. Sophia M. Williams & Registrar of Titles National Land Registry Jamaica, The Torrens System of Registration
- x. Republic of Kenya Sessional Paper Number 3 of 2009 on National Land Policy (Government Printers, Nairobi, 2009)

Statutes

- i. The Constitution of Kenya, 2010;
- ii. The Land Registration Act, 2012, Act No.3 of 2012
- iii. The Land Act, 2012, No 6 of 2012
- iv. The National Land Commission Act 2012, Act No 5 of 2012

ATP 108: COMMERCIAL TRANSACTIONS

Contact Hours: 66 Hours

Purpose of the Subject

To equip the learner with practical legal skills in commercial transactions

Expected Learning Outcomes

By the end of this subject, the learner should be able to:

- i. Explain and apply the procedures required in processing commercial transaction documents
- ii. Draft different types of commercial agreements
- iii. Apply the relevant law in solving disputes in commercial transactions

Subject Content

- i. Processes and Procedures relating to Companies and Partnerships:
- ii. Mergers and Acquisitions
- iii. Insolvency Procedures
- iv. Financial Services and Payment Systems
- v. Commercial Agreements
- vi. Movable Property Security Rights
- vii. Tax Procedures in commercial transactions

Learning and Teaching Methods

- i. Lectures
- ii. Moot courts
- iii. Role plays
- iv. Use of Audio visual aids
- v. Pupilage
- vi. Guest lectures

Mode of Assessment

i. Project work	20
ii. Oral examination	20
iii. Final written examination	60
	100

Core Reading Materials

- i. Laibuta K.I., (2016). *Principles of Commercial Law* (2nd Edition). Nairobi: LawAfrica Publishing (K) Ltd.
- ii. Amota Nyangaera Nyasae, (2017) *Meetings: Law and Procedure in Kenya Today*. Nairobi: LawAfrica Publishing (K) Ltd.
- iii. Laibuta K.I., (2017). *A Handbook of Company Law*. Nairobi: LawAfrica Publishing (K) Ltd.
- iv. N. T. T Simiyu, *Taxation in Kenya: (2017) ,Principles, Practice & Case Law*

Recommended Reference Materials:

- i. Edwin L. Miller JR & Lewis N. Segall., (2017). *Mergers and Acquisitions* (2nd edn). Wiley Finance
- ii. Ashiq Hussein, (2010). *General Principles of Commercial Law*. Nairobi, Kenya: East African Publishers.
- iii. Jan Ramberg, (1998), *International Commercial Transactions*,

ATP 109: MOOT COURT

Credit hours: 66 hours

Prerequisite: None

Purpose of the Subject

The purpose of the subject is for the learner to develop trial advocacy skills.

Expected learning outcomes of the subject

- i. Draft correspondences, legal instruments and documents for clients.
- ii. Use effective communication skills in interviewing clients, prosecuting cases and defending clients.
- iii. Demonstrate an understanding of substantive and procedural law.
- iv. Identify the correct processes and procedures of courts, registries and tribunals for commercial, civil, criminal and conveyancing.
- v. Demonstrate teamwork in handling legal problems.

Subject Content

- i. Drafting of correspondences, legal opinions, legal instruments and legal documents;
- ii. Legal research, critical thinking, analysis, identification of legal problems and their solutions;
- iii. Processes and procedures of courts, registries and tribunals for commercial, civil, criminal and conveyancing in national and international courts;
- iv. Client care which includes interviews, communication, confidentiality;
- v. Professional Ethics as provided in the Advocates Code of Conduct and Ethics;
- vi. Presentation skills
- vii. Interpersonal skills;

Mode of Delivery

- i. Interactive lectures
- ii. Seminars and tutorials
- iii. Guest lectures
- iv. Group discussions
- v. Class Presentations
- vi. Role Plays
- vii. Audio-visual instruction aids

- viii. Moot courts

Instructional materials and/ equipment

- i. Moot Court Room.
- ii. Laptop and projector, when required
- iii. Whiteboards
- iv. White Board markers
- v. Flipcharts

Subject Assessment

Supervised moot court where the lecturer assesses and guides learners.

Core Reading Material for the Subject

- i. Allen Waiyaki Gichuhi, (2017). *Litigation: The Art of Strategy and Practice*. Nairobi: LawAfrica Publishing (K) Ltd.
- ii. Weda, A. (2014). *The Ideal Lawyer*. Nairobi: LawAfrica Publishing (K) Ltd.
- iii. Lubet, S., (2015). *Modern Trial Advocacy Analysis & Practice (5th edn)*. Wolters Kluwer
- iv. Ian Moley, (2012). *The Devil's Advocate (3rd edn)*. London: Sweet & Maxwell.

Recommended reference material

- i. Patrick Kiage, (2011). *Essentials of Criminal Procedure in Kenya*. Nairobi: LawAfrica Publishing (K) Ltd.
- ii. The Rome Statute.
- iii. The Statute of the International Court of Justice.
- iv. The GATT and its annexes.
- v. The Civil Procedure Act.
- vi. Criminal Procedure Code.
- vii. The Advocates Act Cap 16.
- viii. Advocates Code of Conduct and Ethics.

ATP 110: PUPILAGE

Credit hours: 1040 hours over six months

Pre-requisite: sat the Bar Examination

Purpose of the Subject

The purpose of the subject is for the learner to receive instruction from an advocate of not less than five years post admission experience in the proper business, practice and employment of an advocate.

Expected learning outcomes of the subject

- i. Draft correspondence, legal instruments and documents for clients.
- ii. Use effective communication skills in interviewing clients,
- iii. Demonstrate proper legal records management.
- iv. Identify the correct processes and procedures of courts, registries and tribunals for commercial, civil, criminal and conveyancing.
- v. Appreciate the requirements on how to manage a law firm.

Subject Content

The Learner should be instructed by the Advocate (Pupil Master) in accredited chambers on the following areas:

- i. Drafting of correspondence, legal opinions, legal instruments and legal documents;
- ii. Legal research, critical thinking, analysis, identification of legal problems and their solutions;
- iii. Processes and procedures of courts, registries and tribunals for commercial, civil, criminal and conveyancing;
- iv. Client care which includes interviews, communication, confidentiality, ;
- v. Professional Ethics as provided in the Advocates Code of Conduct and Ethics;
- vi. Interpersonal skills;
- vii. Management of a law firm or legal department including human resource management, basic accounting for law firms, raising fees notes, records management, procurement, sexual harassment and discrimination, safety & security and disaster management;
- viii. Supervised attendance of court and Alternative Dispute Resolution Matters;

Mode of Delivery

- i. Instruction in accredited chambers by an advocate who is the pupil master of not less than five years practice
- ii. Supervised attendance in court and alternative dispute resolution forums
- iii. Supervised attendance at various registries

Instructional materials and/ equipment

A suitable work station at the pupillage Centre that includes access to a computer/laptop and internet

Subject Assessment

Periodic supervision at the pupillage Centre to confirm that the student is undertaking pupillage and receiving the proper instruction. Evaluation of Workbook.

Core Reading Material for the Subject

- i. Allen Waiyaki Gichuhi, (2017). *Litigation: The Art of Strategy and Practice* Nairobi: LawAfrica Publishing (K) Ltd.
- ii. Mary Kimari, (2014). *Office Practice Management*. Nairobi: LawAfrica Publishing (K) Ltd.
- iii. Weda, A. (2014). *The Ideal Lawyer*. Nairobi: LawAfrica Publishing (K) Ltd.

Recommended reference material

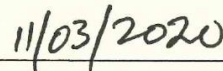
- i. Mary Kimari, (2018). *Legal Practice Management*. Nairobi: LawAfrica Publishing (K) Ltd.
- ii. Advocates Code of Conduct and Ethics.

Approved by the Kenya School of Law Board of Directors



Prof. Fatuma Chege

Chairperson, Board of Directors



Date

APPENDIX A

Library Resources

- i) Core-texts in terms of numbers - CUE require a minimum of three titles per subject/unit. Their content must be very relevant and must be of current edition.
- ii) E-books in terms of subscriptions - Currently we have one eBook (ebrary) that we subscribe through KLISC with many law books but none is authored by a Kenyan.
- iii) Print journals in terms of subscriptions - Currently we don't have any law print journal. CUE requires a minimum of three titles per subject/unit.
- iv) E-journals in terms of subscriptions and accessible databases - We currently subscribe through KLISC. Some of them are **Lexis Nexis, Law Africa University of Chicago Press, Mary Ann Liebert Publishers, Springer Link Journals, etc.** We also intend to reintroduce **Westlaw**.

APPENDIX B

Facilities for learner learning at Karen Campus/Town campus

No	KAREN CAMPUS FACILITIES	LOCATION	CAPACITY
1.	Mutula Hall	Gate A	450
2.	Phase II Hall	Gate A	450
3.	Old Lecture Theatre	Gate A	250
4.	Moot court 1&Moot court 2 @30 each	Gate A	60
5.	ATP Lecturer offices	Gate A	14
6.	VIP Lounge	Gate A	15
7.	Library sitting space	Gate A	262
8.	Library Offices	Gate A	5
9.	ERC Centre/ Computer room	Gate A	102
10	Administration Block	Gate C	95
11	Mutula Hall offices	Gate A	20
12	Football pitch	Gate A	1000
13	Swimming pool	Gate A	400
14	Learner Cafeteria	Gate A	100
15	Guest/ Staff Cafeteria	Gate C	80
16	Club/ Bar	Gate C	50
17	Learner hostel	Gate A	32
18	Guest Hostel	Gate C	58

19	Staff residence	Gate B/ C	30
20	Grounds for hire	Gate A/B/C	5 grounds
21	Christian Union	Gate A	1 Room
22	Mosque	Gate A	2 Rooms

	TOWN CAMPUS	LOCATION	CAPACITY
23	Library sitting space	Development House	40
24	Library Offices	Development House	3
25	Lecture room 1	Development House	90
26	Lecture Room 2	Development House	70
27	Staff room	Development House	5