PROF. ALBERT MUMMA & COMPANY ADVOCATES

COMPANY PROFILE 2023

PROF. ALBERT MUMMA & COMPANY ADVOCATES

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ABOUT US

PROF ALBERT MUMMA & COMPANY ADVOCATES is a niche practice law firm based in Nairobi with an excellent reputation in legal practice and consultancy circles for its high-quality work, integrity, teamwork and responsiveness to clients' needs.

Founded by Prof. Albert Mumma in the year 1995, the Firm has extensive expertise in different areas of law including: Civil Litigation and ADR, Employment and Labour Law, Commercial and Corporate Law, Conveyancing, Property and Construction Law, Energy and Natural Resources Law, Public Procurement Law, and Public Private Partnerships.

The Firm comprises a dedicated team of Professional Staff of 10 Associate Advocates, and several Support Staff and Trainee Advocates. The Firm's team of seasoned legal professionals reflect the Firm's reputation for academic excellence, innovative problem-solving and Client focused advocacy. The Firm has a good rapport with a broad range of Clients within the public sector, civil society and the business community.

Under the dynamic leadership of Prof. Albert Mumma, the Firm has been at the forefront of some of the landmark legal reforms which have been undertaken in Kenya in the last two decades, and which have transformed the way in which government, state corporations and the private sector implement their mandate and organize their structures in order to achieve their objectives. Our dedication to staying abreast of legal developments ensures that we provide innovative solutions tailored to the unique needs of each client.

In addition to our wealth of experience, the Firm maintains affiliations with legal service providers drawn from renowned international law firms in Europe, the United States, Eastern and Southern Africa to secure maximum benefits for our Clients in numerous transactions. The Firm often collaborates with international firms to augment our capacity in handling high profile complex transactions.

In recent years, the Firm has consistently been recognized and highly ranked by **Legal 500** as a pillar of legal excellence in Privatization and Projects, Public Procurement, Public Private Partnerships (PPP) and Dispute Resolution.

Our CSR Initiatives:

While our legal prowess is at the forefront of our services, our commitment to social responsibility is ingrained in everything we do. One of our proudest commitments is our partnership with St. Peter's School, a special needs institution dedicated to nurturing children, who on account of physical and mental disability, coupled with socio-economic circumstances, face marginalization and deprivation. Through ongoing collaboration, financial support and volunteer efforts, we strive to create a meaningful and lasting impact on the lives of students, educators and families at St. Peter's School.

Whether navigating complex legal challenges or making meaningful impact through our CSR initiatives, the Firm stands as a beacon of legal excellence with a purpose-driven approach.

Our Location:

The Firm has spacious law offices strategically located in Nairobi's Community/Upper Hill area.

OUR SERVICES

Prof. Albert Mumma & Company Advocates offers a diversity of expertise in all areas of major practice. We are a full-service law firm with leading expertise in various areas of Kenyan, regional and international law. The Firm's multi-disciplinary team of professionals handles a broad portfolio of work within the following fields of law:

- Property and Conveyancing Law
- Corporate and Commercial Law
- Constitutional and Administrative Law
- Contracts Law
- Probate, Succession and Trusts

- Labour and Employment Law
- Energy and Natural Resources Law
- Projects, Public Procurement and PPPs
- Legal Consultancy, Policy and Legislative Drafting

LITIGATION AND DISPUTE RESOLUTION

We are proud to be among the most highly regarded and respected litigation and dispute resolution law firms in the country. We have provided reliable and competent legal representation in a wide range of complex disputes. Our team of litigators have a high degree of specialization across a variety of areas such as civil and commercial disputes, administrative and constitutional litigation, judicial review, employment and labour relations including termination of employment, employee redundancy claims, pensions and so on. Our firm's experience encompasses handling high profile cases in both the superior and subordinate courts as well as the various Tribunals established under legislation. We have a proven track record of acting successfully in high profile, high value and complex litigation, particularly in times of crisis for our clients. Whereas the Firm's approach emphasizes risk mitigation and out-of-court solutions that preserve commercial or personal relationships, our Dispute Resolution team always ensures clients are litigation-ready and adopt the most suitable and strategic path towards dispute resolution.



REAL ESTATE, CONVEYANCING AND CONSTRUCTION

Our specialists advise on real estate, conveyancing and construction matters, with a focus on the client's objectives. The team specializes in undertaking due diligence in real estate purchase and sale transactions, drafting sale agreements, leases, transfers and joint venture agreements for major real estate developments of housing estates and commercial buildings. Our dynamic team of talented experts also deal with the preparation of construction contracts and other contract documents for professional services in the construction sector, and the acquisition of planning permissions, Environmental Impact Assessment (EIA) licences and county government approvals. We act for a variety of clients including developers, entrepreneurs, individuals, landlords and tenants across the range of commercial property transactions, development projects and residential sales and purchases.



PROJECTS, PUBLIC PRIVATE PARTNERSHIPS AND PROCUREMENT

The Firm has developed a robust practice in public procurement. Our key assignments have involved providing advice to public sector clients in their role as procuring entities as well as private sector clients on the unique legal aspects of procurement and asset disposal. Our team also has expertise with respect to dispute resolution and litigation arising out of competitive procurement processes. We have represented clients in procurement administrative review proceedings before the Public Procurement Administrative Review Board, the High Court and Court of Appeal. Notably, the Firm has been involved in successful precedent-setting procurement cases in procurement of public infrastructure development project, the transport sector (including roads, railways and ports) and, energy projects. The firm's portfolio of PPP work includes providing transaction advise in the area of concessions, long term leasing and O & M contracts in several sectors (railway, roads, airports, natural resources, energy, mining, oil and petroleum and communications sectors). In addition to our wealth of experience the Firm routinely works in association with specialists drawn from renowned International law firms to secure maximum benefits to our clients in PPP transactions.

LEGAL CONSULTANCY, POLICY AND LEGISLATIVE DRAFTING

The Firm has played a leading role in legal consultancy, policy development and legislative drafting in Kenya and across East, Central and Southern Africa. With a deep understanding of the intricacies involved in consulting in areas such as institutional restructuring, policy formulation and legislative drafting, our seasoned team of skilled legal consultants and researchers leverages on its extensive experience to deliver practical, result-oriented solutions. Our collaborative approach ensures that every Client receives personalized attention and the highest caliber of legal support, making the Firm the go-to destination for legal consultancies. Over the years we have provided consultancy services in Kenya, Uganda, Somaliland, Tanzania and Lesotho among others, as well as to multi-lateral agencies including the World Bank, the International Conference of the Great Lakes Region, the East African Community among others. We have also been retained by international and local NGOs on a number of consultancy assignments.

Notably, we have drafted the legislation under Article 71 of the Constitution; the Water Act, 2002 including amendments thereto; the Water Act 2016 and its implementing regulations as well legislation to implement the trans- boundary water resources policy in Kenya. We have also been instrumental in developing water legislation and policies for various counties. Our Consultancy Team has also contributed in drafting regulations on behalf of various entities such as the Energy Petroleum & Regulatory Authority, the Rural Electrification Authority, National Transport and Safety Authority, Water Resources Management Authority, in addition to PPP regulations for various counties and the Code of Ethics and Conduct for Advocates in Kenya. In undertaking these assignments, the Consultancy Team has also drafted various policy documents, subsidiary legislation, gazette notices, and by-laws or constitutions.



ENERGY AND NATURAL RESOURCES

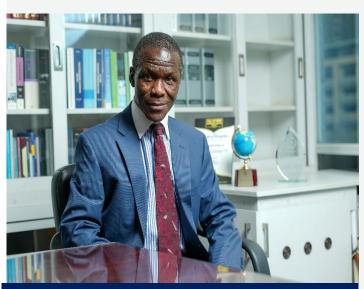


The Firm is at the forefront in advising our clients on energy and natural resources law and sustainable development. Our Firm provided legal and consultancy services to state corporations in the energy sector among them the Energy and Petroleum Regulatory Authority, Renewable Energy and Rural Electrification Authority, and Kenya Pipeline Company Limited. In addition to State Corporations, the Energy and Natural Resources team advises and represents private companies including' green entrepreneurs businesses involved in clean technology,

renewable energy and sustainable investments, nonprofit organizations, trusts and estates and individuals. Our Energy and Natural Resources team provides unrivalled specialist knowledge in all areas of contentious and non-contentious matters in energy & natural resources such as regulatory compliance, enforcement actions, and civil litigation. Notably, we also carry out invaluable training to various public and private entities

THE LEGAL TEAM

Prof. Albert Mumma & Company Advocates comprises cohesive team of legal professionals who regularly share resources and consult with one another to resolve complex legal matters. Our core value of teamwork has enabled the firm to attract and develop a strong team of highly qualified legal professionals devoted to serving the legal needs of our clients. These professionals focus on building strong relationships with our clients and partner with them to design legal strategies and approaches that best support their objectives and statutory obligations, and unique circumstances.



Ph.D. (Cambridge University), LL.M. (Yale University), LL.B. (University of Nairobi), Pg. Dip. Law (KSL)

Founder

Prof. Albert Mumma

Prof. Albert Mumma is the head and founder of Prof. Albert Mumma & Company Advocates. He holds a Ph.D. from Cambridge University, a Master of Laws (LL.M.) from Yale University, and a Bachelor of Laws (LL.B.) from the University of Nairobi. He currently holds the rank of Senior Counsel in Kenya. Prof. Mumma has also held various appointments including Professor and Associate Dean at the Faculty of Law, University of Nairobi, Chairperson of the Water Services Regulatory Board as well as member of the National Environment Tribunal and is an active member of the boards of community-based organizations and charities in Kenya.

Prof. Mumma leads the firm's consultancy work specializing in institutional re-structuring legislative drafting, public partnership arrangements and environmental law practice, including environmental impact assessments and energy law. Prof. Mumma, who heads this team, is highly regarded as one of the country's leading PPP lawyers. He has wide experience advising Government Ministries and State corporations, for whom he has handled many briefs. The notable assignments include advising the Kenya Railways Corporation on the financing and implementation of the Standard Gauge Railway project.

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Charles Agwara

Mr. Charles Agwara is a Senior Associate at Prof. Albert Mumma & Company Advocates. He holds a Master of Laws (LL.M.) in International Commercial Law and Practice from the University of Edinburgh, Bachelor of Laws (LLB) degree from University of Nairobi and a Postgraduate Diploma in Law from Kenya School of Law. Currently, he is a member of the Law Society of Kenya and the Chartered Institute of Arbitrators.

Mr. Agwara leads the firm's litigation and dispute resolution practice. He is a litigator *per excellence* with remarkable legal advocacy skills and specializes in all aspects of litigation and dispute resolution. Mr. Agwara has handled several high-profile cases in the High Court, Court of Appeal and the Supreme Court. He is particularly highly regarded for his expertise in judicial review proceedings, constitutional petitions, employment and labour relations matters as well as public procurement appeals. He has gained a reputation for thorough and successful handling of briefs and has provided litigation and dispute resolution services to a broad range of the firms' corporate and state corporation clients in a broad range of contentious and adversarial matters with a very high success rate.

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LL.M. (University of Edinburgh), LL.B. (University of Nairobi), Pg. Dip. Law (KSL), MCIarb

Senior Associate



Senior Associate

Elvis Obok

Mr. Elvis Obok is an Associate at Prof. Albert Mumma & Company Advocates. He holds a Bachelor of Laws (LLB) degree from Moi University and a Postgraduate Diploma in Law from Kenya School of Law. He is also a member of the Law Society of Kenya.

Mr. Obok specialises in litigation and dispute resolution. His key areas of practice include employment & labour relations law and land law. He has also developed skills in alternative dispute resolution, an increasingly important area of the firm's work. He is highly regarded for his analytical rigour and ability to provide spoton solutions to complex legal issues. Elvis is also a Certified Trial Specialist having been so certified by the by National Institute of Advanced Trial Advocacy in conjunction with the Kenya School of Law.

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Crescensia Sihaba

Ms. Crescensia Sihaba is an Associate at Prof. Albert Mumma & Company Advocates. She holds a Masters of Law (LL.M.) from the University of South Africa, a Bachelor of Laws (LL.B.) from Moi University and a Postgraduate Diploma in Law from the Kenya School of Law. She is also a member of the Law Society of Kenya, Commissioner for Oaths & Notary Public.

She works in the Firm's Commercial, Property and Conveyancing law practice where her areas of focus are banking securities, financial services law, property conveyance law and corporate law. She also has considerable experience of providing legal services to Nongovernmental Organizations on diverse areas of law such as immigration, drafting of NGO Constitutions and providing corporate support to the Firm's NGO clients. Ms. Sihaba is also a Certified Professional Mediator under the Court Annexed Mediation Programme.

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Nicholas Kamande

Mr. Nicholas Kamande is an Associate at Prof. Albert Mumma & Company Advocates. He holds a Bachelor of Laws (LLB) from University of Nairobi and a Postgraduate Diploma in Law from Kenya School of Law. Currently, he is pursuing his Master of Laws (LLM) at Liverpool John Moores University and a Certified Public Secretary course at KASNEB. He is also a member of the Law Society of Kenya.

Mr Kamande brings to the law firm a unique set of skills, having spent several years providing in-house legal services for one of the firm's major corporate clients, giving him a deep insight into the dynamics of the corporate world. Drawing on this experience Mr. Kamande has guided multinational companies and local companies on their investments and compliance requirements. Mr Kamande focus is on growing the firm's commercial and corporate law litigation practice. He is also engaged in supporting the firm's corporate clients in navigating the increasingly challenging environment of employment and labour relations through advisory support, advocacy and legal representation. He is an effective and competent team player, with the ability to plan and organize his work and that of others under minimum supervision.

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LL.B. (Catholic University of Eastern Africa), Pg. Dip. Law (KSL)

Associate

Peter Ng'ethe

Mr. Peter Ng'ethe is an Associate at Prof. Albert Mumma and Company Advocates. He holds a Bachelor of Laws, (LLB) from Catholic University of Eastern Africa and a Postgraduate Diploma in Law from Kenya School of Law. Additionally, he is a member of the Law Society of Kenya and Commissioner for Oaths and Notary Public.

Mr. Ng'ethe is a dynamic lawyer with a broad range of legal, management and administrative skills. He is an integral part of the team, enabling the firm meet the client's needs "under one roof" by supporting the firm's corporate clients who have need for the services of a criminal lawyer. In this role he assists the firm's corporate clients resolve complications arising from criminal prosecutions in the areas of health and safety, licensing and other compliance related issues. Mr. Ng'ethe brings to the team organisational acumen, and a "hands on" working style that is his forte. In this digital era Mr. Ng'ethe's ICT skills make him an invaluable asset to the Firm.

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Vyonna Bondi

Ms. Vyonna Bondi is an Associate at Prof. Albert Mumma & Company Advocates. She is a Ph.D. Candidate at the University of Cape Town and she also holds a Masters (LL.M.) in International Trade Law from the University of Cape Town, a Bachelor of Laws (LL.B.) from Mount Kenya University and a Postgraduate Diploma in Law from Kenya School of Law. She is a member of the Law Society of Kenya, a Commissioner for Oaths and Notary Public and a member of the Climate Change Justice Committee of the Commonwealth Association of Lawyers and the Commonwealth Association of Legislative Counsel.

Ms. Bondi is a legal and policy expert with a focus on Energy, Natural Resources, International Trade and Climate Change Law. With a robust background in legal and policy research, she has driven the firm's consultancy work at the county, national and regional levels. She provides high quality consultancy services to the firm's multilateral, governmental, Non-Governmental Organisations and public benefit organisations clients. Ms. Bondi's legislative drafting skills have contributed to the formulation of impactful policies, laws and regulations in Kenya's energy and natural resources sectors. Her multi-faceted skill set also includes project management where she has successfully overseen complex legal assignments that require meticulous coordination and execution. Beyond her legislative drafting skills, she is also a published author with a deep passion for green policies and nature-based solutions.

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Ph.D. Candidate (University of Cape Town), LL.M. (University of Cape Town), LL.B. (Mount Kenya University), Pg. Dip. Law (KSL)

Associate



LL.B. (University of Nairobi), Pg. Dip. Law (KSL)

Associate

Kelvin Kimathi Muthee

Mr. Kelvin Kimathi Muthee is an Associate at Prof. Albert Mumma & Company Advocates. He holds a Bachelor of Laws, (LLB) from the University of Nairobi, a Postgraduate Diploma from Kenya School of Law and is a Certified Professional Mediator. He is a member of the Law Society of Kenya as well as the East Africa Law Society.

Mr. Kimathi is a versatile legal professional with abilities that straddle the entire spectrum of the firm's legal work with a well-deserved reputation for delivering expert legal guidance and strategic solutions to clients across a broad range of legal matters. His comprehensive skill set encompasses Litigation, Succession Planning, Corporate Law, Conveyancing and Property Law. In litigation, Mr. Kimathi possesses a sharp legal acumen that enables him navigate complex disputes. In the corporate realm, Mr. Kimathi provides invaluable counsel to businesses on issues including incorporation, supervision of company operations and management, record keeping, annual returns and ensuring legal compliance. His proficiency in conveyancing and property law underscores his commitment to facilitating seamless real estate transactions.

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Edgar Alema

Mr. Edgar Alema is an Associate at Prof. Albert Mumma & Company Advocates. He holds a Bachelor of Laws (LL.B.) from University of Nairobi and a Postgraduate Diploma in Law form Kenya School of Law. He is a member of the Law Society of Kenya, the East Africa Law Society and the Chartered Institute of Arbitrators. He is also a Certified Professional Mediator and a Chartered Financial Analyst (Candidate).

Mr. Alema has focused on providing advisory and transaction support to a major corporate client in areas covering Corporate & Commercial law, Property Law, Intellectual Property Law and Labor Law. He has a proven track record of providing high quality legal support and advice including on regulatory compliance, contracts, investments, transactions and finance. As an accomplished lawyer with a passion for alternative dispute resolution, Mr. Alema has a strong commitment to helping clients find practical solutions. He is interested in arbitration and alternative dispute resolution mechanisms.

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LL.B. (University of Nairobi), Pg. Dip. Law (KSL), MCIArb, CFA (Candidate)

Associate



Laura Opondo

Ms. Laura Opondo is an Associate at Prof. Albert Mumma & Company Advocates. She holds a Bachelor of Laws (LLB) from Catholic University of Eastern Africa and a Postgraduate Diploma in Law from Kenya School of Law. Additionally, she is a member of the Law Society of Kenya as well as the Institute of Certified Public Secretaries of Kenya and a Governance Auditor.

Ms. Opondo has proven to be a dedicated advocate in the Corporate & Commercial, Real Estate and Estate Planning sectors. She has played a pivotal role in guiding clients through intricate legal matters related to governance and company regulatory compliance corporate requirements. From conducting board evaluations, preparation of board charters, to ensuring compliance with evolving legal frameworks, she consistently demonstrates a keen ability to navigate complex corporate landscapes to provide client-oriented solutions. As a Certified Public Secretary, Ms. Opondo has a specific focus on corporate governance, and brings a unique blend of legal training and company secretarial insight to her work.

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Wilfred Ochieng'

Associate

Mr. Wilfred Ochieng is an Associate at Prof. Albert Mumma & Company Advocates. He holds a Bachelor of Laws degree (LLB) from Kenyatta University and a Postgraduate Diploma in Law from Kenya School of Law. He is a member of the Law Society of Kenya, the East Africa Law Society, and the Commonwealth Lawyers Association. He has published several articles on human rights, constitutionalism and public interest litigation. He also supervises clinicians in Strathmore University's Entrepreneurship Law Clinic.

Mr. Ochieng deploys his exceptional ability in unpacking court judgments and decisions in supporting the firm's litigation and dispute resolution work particularly in the Court of Appeal. His grasp of legal principles and the jurisprudence of the superior and appellate courts combined with excellent drafting skills enables him to prepare high quality and "on point" submissions for court. His areas of interest cover Constitutional Law, Judicial review of Administrative Action, Human Rights as well as international and regional law. Beyond his legal research and legal drafting skills, Mr. Ochieng is passionate about human rights and pro bono legal services





LL.B. (University of Nairobi), Pg. Dip. Law (KSL)

Associate

OUR ADMINISTRATIVE TEAM

Jane Gaunye



Ms. Gaunye is an accomplished Law Office Manager with a wealth of experience in overseeing and optimizing all aspects of legal office operations. With a strategic focus on personnel management, fiscal responsibility and administrative efficiency, she has a proven track record of delivering results. Ms. Gaunye excels in establishing and supervising annual expenditure controls, managing payroll, accounting and supply functions and ensuring meticulous recordkeeping. Her expertise extends to the recruitment and training of support personnel and development of comprehensive policies and procedures for supplies, equipment and property management. She also provides invaluable counsel to the Founder on professional staff management, from recruitment to merit increases and plays a pivotal role in formulating major administrative policies. Ms. Gaunve's ability to prepare and coordinate multiple budgets further underscores her comprehensive skill set, making her an indispensable asset to any legal practice.

Backed by over 20 years of experience and a deep understanding of the legal industry's unique needs, Ms. Gaunye is the go-to professional for enhancing administrative effectiveness within our

firm. Her commitment to fiscal prudence, personnel development and streamlined operations has consistently improved productivity within the firm.

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Mercy Oyombe

Ms. Oyombe is a versatile and dedicated Administrative Assistant who serves as the backbone of our office's daily operations. With a keen eye for detail and a commitment to efficiency, she excels in performing a wide range of clerical and administrative tasks that keep our firm running smoothly. Ms. Oyombe is responsible for crucial functions such as online case filing, ensuring that all legal documents are promptly and accurately submitted to the Judiciary of Kenya E-filing System. In addition, she is also dedicated to maintaining a well-kept office environment, guaranteeing that our workspace is conducive to productivity and professionalism. Her commitment to both digital efficiency and physical office up-keep contributes significantly to the seamless operation of our law firm, making Ms. Oyombe an indispensable member of our team.





Josephine Lele

Ms. Lele is an accomplished Administrative Assistant with over ten years' dedicated experience in the legal field. With a strong background in document management, Josephine has excelled as a Registry Clerk, ensuring the efficient organization and retrieval of critical legal documents. Her expertise extends to managing the Internal Cause List. facilitating seamless scheduling and coordination within the firm. Additionally, Ms. Lele possesses an impressive track record in archiving, preserving records for future essential reference. Her commitment to excellence and extensive experience makes her an invaluable asset to our administrative team.

THE PUPILLAGE PROGRAMME

A Promising Start to a Legal Career

Prof. Albert Mumma & Company Advocates Pupillage Programme in Upper Hill Area, Nairobi, is a beacon of opportunity for aspiring young lawyers currently enrolled at the Kenya School of Law.



**2023 Pupillage Cohort

WHAT WE OFFER

In undertaking the pupillage programme with Prof. Albert Mumma & Company Advocates, our aspiring candidates for admission to the Kenyan Bar get access to:

Mentorship and Guidance: The standout feature of Prof. Albert Mumma & Company Advocates is the exceptional mentorship and guidance provided to participants. Senior lawyers at the firm are committed to nurturing young legal talent. They offer regular one-onone sessions providing valuable insights into the legal profession, case management, and career development. The firm's dedication to mentorship truly sets it apart.



**2023 Pupillage Cohort



Diverse Practice Areas: Prof. Albert Mumma & Company Advocates has a diverse practice spanning areas like corporate and commercial law, real estate and conveyancing, litigation, environmental law and natural resources. This diversity ensures that pupils gain a well-rounded legal education and can explore different areas of interest. The exposure to various legal domains enhances the pupils' adaptability and versatility as future lawyers.

**2023 Pupillage Cohort

Hands-on Experience: One of the most significant advantages of the programme is the extensive hands-on-experience it offers. Pupils are not relegated to the sidelines but are actively involved in real cases from day one. This practical exposure is invaluable, allowing participants to apply what they have learned in the classroom setting to live cases.



**2023 Pupillage Cohort

Supportive Environment: The firm offers a supportive and inclusive environment where open communication and teamwork is encouraged. It's evident that Prof. Albert Mumma & Company Advocates values diversity and promotes a culture of respect and collaboration among its employees and its pupils.

**2023 Pupillage Cohort

DURATION

The pupillage programme runs for six (6) months from January to June each year. With mutual agreement, a pupil may stay on for an additional six (6) months to December of that year. Pupils are assigned a pupil master and paid a stipend to cover basic expenses.



STRONG CLIENT BASE



The Firm has developed a robust practice public procurement. Our assignments have been providing advice to public sector clients in their capacities as procuring entities as well as private sector clients on the unique legal aspects of procurement and asset disposal. Our team also has expertise with respect to dispute resolution and litigation arising out of competitive procurement processes.

We represented have clients in administrative procurement review proceedings before the **Public** Procurement Administrative Review Board, the High Court and Court of Appeal. Notably, the Firm has been involved in successful precedent-setting procurement cases in procurement of infrastructure public development consultancy works, public transport and road safety, energy and infrastructure The team's projects. expertise constitutional and administrative law makes us leading practitioners in judicial review proceedings.

Over the years the firm has been able to attract dedicated clientele by providing quality highly responsive and exceptional legal services. We serve clients ranging from national and international corporations to individuals, families, and community entrepreneurs, non-governmental organizations. Our wide range of clients includes:

MULTILATERAL ORGANIZATIONS

the World Bank, IFC, UNEP, the East African Community and Nile Basin Initiative, among others;

GOVERNMENTS

of Kenya, the Kingdom of Lesotho, Malawi, Tanzania, Uganda, Rwanda, Eritrea and Zambia, among others. In Kenya the Firm has advised various Ministries and State Departments including the Ministry of Roads (renamed the Department of Transport and Infrastructure), the Ministry Water and Irrigation, Ministry of Environment and Natural Resources, Ministry of Energy and the National Treasury.

STATE CORPORATIONS

Kenya Railways Corporation, Kenya National Highways Authority (KeNHA), Kenya Roads Board, Kenya Airports Authority, Kenya Ports Authority, Kenya Pipeline Company Limited, the Retirement Benefits Authority, Water Resources Authority, Public Procurement Oversight Authority, Energy and Petroleum Regulatory Authority and Athi Waterworks Development Agency, Kenya Power Pension Fund, Kenya Pipeline Staff Retirement Benefits Scheme, National Transport and Safety Authority, and Teachers' Service Commission among others.

PRIVATE COMPANIES

Equity Bank Limited, Rural Focus Limited, Modern Coast Builders and Construction Limited, and Electrogen Technologies Limited, Bright Vision Media Limited and Urbanis Africa Limited, Bedford Biofuels among others;

INTERNATIONAL CORPORATIONS

China Road and Bridge Corporation, China Communication and Construction Company (CCCC), SBI International Holdings AG, Reynolds Construction Company (N) Limited, Trademark East Africa, General Motors East Africa, H Young & Co. (East Africa) Limited.

INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS

Agency for Cooperation and Development (ACORD), Internews Network, International Committee for the Development of Peoples (CISP), Amici Del Mondo Onlus (World Friends), MFarm, WWF, Truetrade, Trade4All, Africa Fairtrade Network International, Freedom House International, Benedictine Sisters of Divine Providence; Jesuit Missionaries of East Africa and Madagascar (JESAM), among others

EXPERIENCE YOU CAN TRUST

2020 - TO DATE	The firm is undertaking the amendment of the Kenya Ports Authority Act 1978 (Chapter 391) Laws of Kenya
2020 - TO DATE	The firm is part of a team working for the Ministry of Water under a World Bank funded project to Development institutional framework for bulk water distribution in the Kenyan coast region.
2020 - TO DATE	The firm has undertaken the development of regulations to strengthen the capacity of the Kenya Roads Board to discharge its mandate under the Kenya Roads Board Act, 1999.
2020	The firm successfully undertook the assignment for the Judiciary of Kenya to develop the Environment and Land Court Bench Book on Environment and Land Matters in Kenya.
2019	The Firm successfully defended the Kenya National Highways Authority (Kenha) in a high value Dispute arising from the award of a tender for the Nairobi- Nakuru Mau Summit PPP Project before the Public Private Partnership Petition Committee and the High Court.
2019	The Firm successfully made arguments for The Teachers Service Commission in proceedings in the High Court that were seeking interim measures of protection pending reference of a dispute with a contractor to arbitration.
2014 - 2018	The Firm successfully acted for Water Resources Management Authority in a multi-million claim for unpaid water use charges against leading salt works companies in Malindi, Kilifi County.
2016 - TO DATE	The firm is currently engaged in providing legal services to Kenya Railways regarding the construction of the Standard Gauge Railways and the surrounding infrastructure. The role of the firm has included negotiating the financing agreement, reviewing the commercial contracts, advising on procurement issues and litigation relating to the SGR project.
2015 - TO DATE	The firm is currently acting for Kenya Pipeline Retirement Benefits Scheme Registered Trustees in a medium to high income housing project of 100 town houses comprising 47 three bedroomed houses and 54 four bedroomed houses together with external and internal roads, storm water drainage and sewer, water supply, electricity and community facilities. The assignment involves advising the client on procurement of service providers, negotiating and drafting contract documents with the main contractor, sub- contractors, consultants (architect, project manager, EIA expert, engineering (structural, mechanical and electrical) consultants and quantity surveyor. The assignment also involves providing legal services during the construction phase of the project.
2014 - TO DATE	The firm has been retained to provide legal services to SBI International Holdings AG, one of the major road construction companies in Kenya carrying out road construction works in various parts of the country. The retainer agreement involves drafting and or providing input into the drafting of construction contracts, procuring approvals from the various regulatory agencies including National Construction Authority, National Environmental and Management Authority, and the physical planning department of the county government of Nairobi. The retainer also involves advising on sub-contract agreements, employment and labor relations advise and representation, dispute resolution emanating from the construction works, and insurance claims.
2014 - TO DATE	The firm has been retained by Kenya Railways Corporation to provide legal services relating to the development of 9005 housing units being constructed along the railway reserve in Kibera and Mukuru slums of Nairobi, a World Bank funded project designed to relocate persons living along the railway line and posing a danger to safe operations of the railway. In this assignment the firm has also successfully handled litigation arising from objections to the project by various project affected persons and others seeking to be included in the list of project beneficiaries.
2016 - 2017	On behalf of the Ministry of Water and Irrigation the Firm developed legislation for implementing the national Trans-boundary water policy.
2014 - 2016	The Firm provided inputs in developing the draft Energy Bill, 2015.

2015	The Firm drafted a Code of Ethics and Conduct for Advocates in Kenya. The Code defines ethical standards for legal practice in Kenya and exhaustively captures the emerging ethical challenges in legal practice.
2015	The Firm drafted a new legislation under Article 71 of the Constitution of Kenya. The Bill which was enacted as Natural Resources (Classes of Transactions Subject to Ratification) Act No. 41 of 2016 identifies the various classes of transactions involving natural resources that are subject to Parliamentary approval.
2015	The Firm successfully acted for Athi Water Services Board in a dispute challenging implementation of the Northern Collector Tunnel Project before the High Court. The Project is financed by the World Bank at a cost of Kshs 6.8billion to bring water to Nairobi from the neighboring Murang'a county. This is a Vision 2030 flagship project to augment water supply to Nairobi to meet the demand for municipal water in Nairobi.
2014 - 2016	The Firm developed the Water Bill which inter alia defines the roles of the two level of government in water service provision and incorporates the constitutional underpinnings for water and sanitation services. The Bill was passed into law by Parliament as Water Act No. 43 of 2016.
2014 - 2016	The Firm successfully defended various constitutional petitions challenging the implementation of the Standard Gauge Railways Project.
2014	The Firm successfully defended a constitutional Petition challenging the implementation of a Resettlement Action Plan in Kibera and Mukuru Slums. The World Bank-funded Resettlement Project sought to relocate persons who were living within the Railway reserve.
2010 - 2016	The Firm successfully represented Kenya Pipeline Company Limited, Kenya Railways Corporation, Rural Electrification Authority, Water Resources Management Authority, National Transport and Safety Authority, SBI International Holdings AG Kenya, Reynolds Construction Company (Nigeria) Limited in various employment and labour relations claims.
2013 - TO DATE	The firm acted for a major pension fund in the purchase of a 9-floor commercial office complex located in the Parklands area of Nairobi by the name Crescent Business Centre. The firm subsequently provided legal services in regard to drafting of service level agreements with the service providers, leasing contracts and agreements with the tenants as well as with the real estate management company.
2013 - 2014	In association with Wragge & Co LLP Solicitor, UK the firm was contracted to draft a new legislation for the Kenya Ports Authority to realign its statutory mandate to the new developments and the Constitution of Kenya 2010.
2013 - 2014	The firm was engaged to provide transaction advisory services to Urbanis Africa Limited in the joint venture for the acquisition of real estate and development of a large-scale residential housing estate in the outskirts of Nairobi, Kisaju/Kitengela and other areas. As part of this assignment the firm provided advise on the construction contracts and subsequent liability claims.
2008 - 2012	The firm handled a transaction involving construction and sale of a major commercial building in the Upper Hill/Community area of Nairobi and in establishing the management company and handling share allotment and transfer to effect the purchase of the leasehold interest.
2013	The firm was engaged to advise on and prepare a model law for regulating transit minerals in the Great Lakes region (DRC Congo, Uganda, Rwanda, Burundi, Tanzania, Kenya, Zambia, CAR, Congo Brazzaville, Angola).
2011 - 2012	The firm drafted 10 sets of regulations on downstream petroleum operations and on tariffs in the electricity sub-sector for the Energy Regulatory Commission.
2012	The firm was part of team engaged by KETRACO to carry out an environmental and social impact assessment into the construction of a high voltage transmission line for importing electricity from the proposed GIBE III hydro-electric power project located in Ethiopia. The firm will be preparing the draft cooperative framework agreement between the two countries.
2010 - 2011	In association with Graf von Westphalen, Germany the firm provided transaction advice to the preferred bidder (Strabag) in the proposed Nairobi Toll Road concession contract under which

the Government planned to grant a concession for the construction and management of a toll road over Uhuru Highway across Nairobi and the Southern by-pass. As part of an IFC transaction advisory team, the firm provided transaction advice to the Government of Kenya and Kenya Railways Corporation on concession of the Kenya-Uganda Railways. This was the first concession agreement involving a public-private partnership (PPP) in Kenya. As part of this assignment, the firm carried out a due diligence of the assets and real property of Kenya Railways Corporation, including reviewing its title documents, and has advised in many assets management and disposal cases involving the Corporation. For East African Safari Air Ltd and East African Safari Air Express Ltd the firm handled the licensing agreements, certification, jet leasing agreements with various companies and litigation regarding share transfer arrangements. The firm provided transaction advice to the Government of Kenya and Kenya Railways Corporation on concession of the Kenya-Uganda Railways. As part of this assignment, the firm carried out a due diligence of the assets and real property of Kenya Railways Corporation, including reviewing its title documents, and has advised in many assets management and disposal cases involving the Corporation. The firm handled litigation in which it represented several clients, including the Rural Electrification Authority, Kenya Railways Corporation and Hyosung Ebara Corporation before the Public Procurement Administrative Review Board regarding challenges to procurement processes. For the Nile Basin Initiative, the firm prepared cooperative frameworks for managing water resources of the Mara River between Kenya and Tanzania and the Sio-Malaba-Malakisi rivers between Kenya and Uganda. The firm handled a transaction involving construction and sale of a major commercial building in the Upper Hill/Community area of Nairobi by the name Mayfair Centre and in establishing the management company and handling share allotment and transfer to effect the purchase of the leasehold interest. As part of this assignment the firm advised on and procured approvals from the various regulatory bodies (including local authority, now called the county government, environmental impact assessment licence and physical planning approvals, including change of use). The firm drafted the construction contract between the client and contractor and subsequently acted for the client in the sale and leasing of the various units within the building. The Firm successfully acted for Water Resources Management Authority in a multi-million claim for unpaid water use charges against Kenya Electricity Generating Company (KenGen) in relation to water use for generation of hydroelectric power. The Firm carried out legal audit for BP towards the divestment of its shares to Shell. Shell BP had 50% shares in the Kenya Pipeline Refineries Limited. The firm was contracted by the City Council of Nairobi to develop a policy on waste management, dealing with, among other issues, private sector participation in the delivery of waste services. Subsequently, the firm drafted waste management regulations for the City Council of Nairobi, which were subsequently adopted by the Council as the Waste Management Regulations, 2007. The regulations provide for franchise of the management of waste collection and the transport and disposal of waste which opens room for PPP in waste management activities. The firm provided legal services to enable the Agency for Cooperation and Development (ACORD) establish its headquarters and acquire the status of an international nongovernmental organization in Kenya, set up and start up its activities, as well as compliance with work permit, employment, immigration and tax requirements and procedures.

The firm was retained by the World Bank and provided transaction advice, including preparing the contract documents for the provision of water services by Nairobi Water and Sewerage Company Limited and the tripartite agreement between the water company, the water services board and the City Council providing for the lease and use of assets and infrastructure for water

2002 - 2011

2002 - 2014

2010 - 2012

2009 - 2010

2008 - 2012

2008 - 2010

2004 - 2005

2004 - 2006

2003 - 2004

services provision.

2006

2010

2000 - 2002

On behalf of the Ministry of Environment and Natural Resources the firm drafted the Water Bill, which was subsequently enacted by Parliament as the Water Act, 2002. This important law restructured the legal and institutional arrangements in the water sector and liberalized the sector to permit participation and independent regulation of the utilities in the sector. This law has made provision for Water Services Boards to take over and manage assets for provision of water services and the firm was retained to prepare a template for the deed of transfer of assets.

2000

The firm was contracted by Swedish International Development Agency (SIDA) to set up an institutional arrangement for the management of the Jomo Kenyatta Grounds in Kisumu. The firm drafted a Trust Deed, formed and registered the Trust for the management of the Jomo Kenyatta Grounds and subsequently provided advice to the Board of Trustees for a period of one year. The Trust is an example of a PPP between the local authority and stakeholders including the business community, youth and small traders in Kisumu.

2000

The firm provided transaction advice to Acardis Grabowsky & Poort B.V. a Dutch based international consultancy, (now a part of Euroconsult/Mott McDonald consulting group) in connection with a major road construction and engineering project – The construction of Sultan Hamud-Mtito Andei section of the Nairobi-Mombasa Road. This involved many land law issues which needed to be resolved as part of the preparation for the construction.







OUR WORK FORMULA

CASE MANAGEMENT AND CLIENT-HANDLING METHODOLOGY

OUR VALUES

- INTEGRITY
- TEAM WORK
- CLIENT-FOCUSED



We have in place a comprehensive case management and client-handling methodology based on our core values of: Integrity, Teamwork and Client-Focus. Accordingly

- we strive to avoid resort to unethical means to achieve the result;
- we work as a team, each member contributing to the overall result;
 and
- we place the client's best interests at the heart of our work.

Our case management system comprises:

- Teamwork: we always work as a team and assign two advocates to a matter;
- Peer Review: we have an inbuilt peer review mechanism for quality assurance:
- Thorough research: before beginning to draft we carry out thorough research and analysis;
- Use of legal drafting precedence: we maintain a set of legal precedence including Bullen & Leake to guide our drafting.
- Consultation with client: we routinely give the client a draft for comments before we finalize it for filing to ensure that we have properly reflected the client's instructions in our drafting.

DESCRIPTION OF CASE MANAGEMENT

The key pillars of our case management system are as follows:

1.	DOCUMENT
	MANAGEMENT

To facilitate effective document management, we maintain a well-run registry and filing system. We have an effective filing system. All documents are promptly filed and files kept in the registry comprising steel cabinets. Each files id dedicated to one matter, making finding documents easy.

2. SAFE CUSTODY

We have a separate lockable steel cabinet for original documents belonging to clients where we keep such documents, when we hold originals pending collection by on delivery to the client.

3. REGISTRY CLERK

We have a registry clerk dedicated to the registry who is in charge of maintaining the filing system.

4. CLEAR ALLOCATION OF DUTIES

We allocate duties in respect to each task (e.g. filing, diarizing, court attendance, quality assurance etc.) and all tasks are clearly assigned to respective members of staff. In allocating tasks, we adopt the approach that team members should carry out the tasks for which they are best suited based on specialization and interest. Our team members comprise litigators, conveyancers, financial law experts, PPP experts and so on assigned to respective members of staff.

5. **TEAMWORK**

Nevertheless, typically we work as a team and ordinarily each assignment is allocated to two people which allows for quality control and enables us benefit from input of the whole team. Within the team we peer review pleadings before filing as well as opinions before they are sent out to the client.

6. INTERNAL CAUSE-LIST

Each Friday we generate and give to all staff an internal cause list of all our matters coming up the following week. This enables us to prepare in advance for cases that will be coming up. It allows the Registry staff to bring out the files and Advocates to prepare and see that all the documents are ready.

7. BRING-UPS

These are routinely done on a monthly basis so that we are able to ensure that matters do not pend for unduly by and go stale. It also enables us to set targets for each case based on the best interests of the client.

8. PRODUCT QUALITY AND TIMELINESS

We work according to a time schedule which allows us to meet client deadlines. Due to our networks with relevant officers in various agencies we are abler to achieve results such as registration of documents within timeliness that are amendable.

9. ARCHIVING

We close files when a matter is concluded. The files are kept in the office for a period of time but then relocated to an external archive, where they can be reached should an issue arise.

CLIENT-HANDLING METHODOLOGY

The key pillars of our case management system are as follows:

1. UNDERSTANDING THE CLIENT'S NEEDS

We take care to understand the client's needs. Therefore, we hold regular consultations with the client on telephone and through meetings. We endeavor to understand our client's mandates and business and therefore quickly become "experts" in the particular line of work of our clients. This is assisted by the fact that we have a stable relationship with our clients. Typically, our relationship with many of our clients has been stable for up to ten years.

2. FLEXIBILITY

We are flexible and can respond to the client's request for a meeting at short notice. Where a matter is urgent in order to meet the client's requirements, we are ready to work outside normal hours and on weekends to meet deadlines.

3. RESPONSIVENESS

We regularly provide client briefing by telephone and regular written reports as required by the client. We also provide "extra" service to our clients on requirements that are incidental to the main brief (such as commissioning of documents and drafting of affidavits) etc. without extra charge. Where an issue arises in regard to the quality of service offered the partner in charge is on standby to address it to the satisfaction of the client.

4. CLIENT UPDATES AND MEETINGS

Each time there is a development we update the client by phone on email followed by a letter. This includes whenever there is a court appearance. Periodically as agreed with the client, we give monthly or quarterly updates.

5. CUSTOMER SATISFACTION

We have a high success rate, which stands at **95** % of all our cases. Most of our clients are long term and have been with us for ten years or more. There is a high level of client satisfaction with our work.

6. TRANSPARENCY

We maintain strict financial accountability and transparency. We account for client monies through internal accounts system backed up by an external Accountant who cross-checks the accounts of our internal Accounts clerk and provides back-up support. We also have an external Auditor who annually audits our books. Therefore, our firm has never faced a complaint to the Advocates Complaints Commission or the Disciplinary Committee of the Law Society for financial impropriety.

7. AVOIDING CONFLICT OF INTEREST

We have a deliberate strategy of not acting against corporate and more particularly state corporations who form the bulwark of our client base. We act for only small number of individual clients. This has enabled us to minimize conflict of interest. And when an issue of potential conflict arises, we promptly notify the client. Therefore, our clients have a high confidence in us.

8. LEGAL COSTS

We endeavor to mitigate legal costs to the client and often minimize the impact of legal costs to the client by recovering the bulk of our costs from the losing party rather than from our client. Given that our success rate stands at about 95% many of our clients have found that our legal services have not been costly to the client at all.

ORGANOGRAM







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