

Okello Kinyanjui and Co. Advocates

Commissioners for Oaths & Notaries Public

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FIRM PROFILE

1. THE FIRM

- 1.1. Okello Kinyanjui & Company Advocates is a Mombasa-based Law Firm incorporated in the year 2015. The Firm is committed to providing effective, efficient and quality professional legal services, while employing an energetic blend of youth, experience and dedication to provide legal solutions to all problems.
- 1.2. The objective of the Firm is to be the premier local and international law firm, providing the most effective, efficient and quality legal services.
- 1.3. The firm provides advice on a wide spectrum of legal issues with its primary focus being achieving the best result in the clients' interests and its practice areas are wide and diverse.

2. PRACTICE AREAS

The Firm's areas of practice are *inter alia* set out as follows:-

- 2.1. CONSTITUTIONAL LAW
The law firm provides advice and consultancy services on the Constitution and compliance thereof. The matters of advice include advice on human rights, County Governments and their relation with each other and/or the National Government, separation of powers etc.
- 2.2. CONTRACTUAL AND COMMERCIAL AGREEMENTS
The law firm undertakes drafting commercial contracts, joint ventures agreements, copyright agreements, end user licence agreements and any agreements required by clients.
- 2.3. REGULATORY IMPACT ASSESSMENTS
The law firm has expertise in the conduct of Regulatory Impact Assessments (RIA) prior to the development of new legislation/regulations and provides advice and consultancy services on the same.

The role of RIA is to provide a detailed and systematic appraisal of the potential impacts of a new regulation in order to assess whether the regulation is likely to achieve the desired objectives.

In Kenya, the requirement for an RIA is made under section 6 of the Statutory Instruments Act, 2012 (SIA) as read with sections 2, 3, 4 and 5 of the SIA. Section 6 specifically provides that, if a proposed statutory instrument is likely to impose significant costs on the community or part of the community, the regulatory making authority shall prior to the making of the statutory instrument prepare a regulatory impact statement about the instrument."

The firm's expertise in this area enables us to provide regulatory making authorities and regulatory developing authorities with the right advice and tools to enable them prepare a regulatory impact statement as required by the SIA.

2.4. DEVELOPMENT OF STANDARD FORM CONTRACTS, OTHER COMMERCIAL AGREEMENTS MEMORANDA OF UNDERSTANDING, GUIDELINES AND CODES

The law firm has experience in the development of agreements, memoranda of understanding, guidelines and codes that may not have force of law but are important in guiding a corporation in areas that may lack proper regulation. Indeed, this, taken with the knowledge of RIA, puts our law firm in a unique position to assist our clients who may wish to develop such agreements, memoranda of understanding, guidelines and codes to enable them operate in areas that may not be properly regulated and we can tailor our service to take consideration of our client needs.

2.5. PUBLIC INTERNATIONAL LAW

The law firm has expertise in Public International Law and is able to provide our clients with sound advice and consultancy services on Public International Law to enable a client make a value-based decision in matters involving the application of Public International Law.

2.6. INTERNATIONAL AND NATIONAL MARITIME LAW & LEGISLATIVE DRAFTING

The law firm consists of professionals with extensive and practical expertise and experience in advising, facilitating and drafting legislation. Some of this legislation in which the said professionals were involved in include:

- The Merchant Shipping Act, 2009, containing, inter-alia,
 - Provisions on piracy
 - Limitation of liability in Maritime Claims
 - Compulsory insurance for maritime vessels and
 - Various regulations (over 30 regulations), nine (9) of which have been published in the Kenya Gazette to give effect to the Merchant Shipping Acts, to wit:
 - Merchant Shipping (Maritime Service Providers) Regulations, 2011

- Merchant shipping (fees) Regulations, 2012,
- Merchant Shipping (Port State Control) Regulations, 2012
- Merchant Shipping, (Small Vessel Safety) 2012

The law firm specialises in the following areas of maritime law:

- Admiralty jurisdiction including ship arrests
- Development of charter-parties and bills of lading
- Advising on maritime delimitation
- Maritime dispute mechanisms

The law firm is engaged in the following areas:

- Ship registrations
- Ship mortgages
- Advice and consultancy services on several other areas relating to maritime law.

2.7. LEGAL AUDITS

The firm has expertise and experience in conducting legal audits to ensure compliance and enforcement of the law. With our wealth of experience in this area, we can tailor our advisory and consultancy services in this regard to assist our clients to identify legal risks that should be resolved.

2.8. GOVERNANCE AUDITS

The firm consists of an accredited governance auditor with the relevant expertise in conducting governance audits. With our wealth of expertise in this area, we can tailor our advisory and consultancy services in this regard to assist our clients to improve on the implementation of appropriate good governance standards.

2.9. PUBLIC PRIVATE PARTNERSHIP TRANSACTIONS

The law firm has expertise in private public private partnership (PPP) transactions, which enables us to tailor our advisory, consultancy and transactional services for any private body that may wish to get into a PPP relationship with a public body. We also offer our said services to public bodies that may wish to engage a private entity in PPP transactions.

2.10. CIVIL AND COMMERCIAL LITIGATION

The law firm has extensive trial practice experience at all levels of the Kenyan court system ranging from Administrative Tribunals to the Court of Appeal on an extremely wide range of civil and criminal cases, such as:

- Labour matters
- Contractual claims
- Judicial review and injunction proceedings
- Admiralty proceedings
- Constitutional litigation
- Administrative Laws
- Public procurement litigation

- Contract disputes
- Company disputes
- Injunctions
- Director and Shareholder actions
- Regulatory disputes
- Defamation and libel
- Banking litigation
- Property and Land Law litigation
- Election petitions

Our Firm has been retained by several corporations to litigate in matters arising on their behalf, offer advice, and to pre-empt any litigation claims that may arise in the future.

The Firm also offers Alternative Dispute Resolution (ADR) services to our esteemed clients, leading to settlement negotiations, in addition to arbitrating and mediation of matters where necessary, taking cognisance of the provisions of the Constitution of Kenya 2010 that obligates Courts and Tribunals to be guided by the Principle of Alternative Forms of dispute resolution, including but not confined to:

- Arbitration
- Reconciliation
- Mediation

This wealth of litigation and arbitration experience puts the law firm in a unique position to provide clients with superior services that are tailored towards the client's needs.

2.11. ELECTION PETITIONS

The law firm has expertise that has conducted several landmark election petitions, including, but not limited to, *Abu Chiaba Mohammed vs. Mohammed Bwana Bakari and others* which looked at inter-alia:-

- the issue of personal service in election petitions,
- the place of *stare decisis* in our legal system etc. and
- re-emphasized the earlier Court of Appeal decision in *Kibaki vs. Moi*.

2.12. INSURANCE LAW

The law firm has vast experience in all aspects of Insurance Law and is in the Company Panel of various insurance companies, to wit:

- CIC General Insurance Company Ltd
- Kenya Orient Insurance Company Ltd

Our areas of specialization include but are not confined to:

- Marine insurance
- Medical negligence claims
- Personal injury claims
- Industrial negligence claims
- Insurance-related litigation

- Material claims and recovery proceedings
- Repudiation of Policy
- Third Party claims
- Industrial claims
- Road traffic accident claims
- Risk transfer
- Underwriter liability
- Declaratory suits
- Subrogation claims

In addition to the foregoing, we also handle personal and industrial accident claims, and other related accidents from and/or lodged on behalf of individual clients.

2.13. BOARD SECRETARIAL SERVICES

The law firm consists of a qualified certified public secretary within the meaning of the Certified Public Secretaries Act, Cap 534 and provides quality secretarial services which require, *inter-alia*, a good knowledge of the law and other regulatory instruments, governing the client Board, a good knowledge of the Constitution and sound leadership skills. As a governance professional, the company secretary is at the heart of how a business is run. For many corporations there is a need for assistance with board and committee meetings. We have developed a service to meet this demand.

Compliance with regulatory and governance standards

We have developed highly efficient Board Support services to ensure that clients meet their regulatory compliance obligations. The Board Support and Company Secretarial Services provided to entities and their directors, and run by fully qualified professionals, cover all corporate administration and governance functions.

How we can help

We are able to tailor the support provided to your need and this includes:

- Attendance by a suitable team member to take a record of any board and committee meetings either in person or by telephone;
- Scheduling of meetings;
- Setting of agenda;
- Circulation and delivery of papers for the meeting; and

Provide independent advice on governance related matters and for Government appointed Boards advising on and helping implement MWONGOZO.

2.14. LABOUR AND EMPLOYMENT LAW

The law firm advises on various aspects of employment law, including:

- Industrial disputes
- Pension arrangements

- Collective Bargaining Agreements (CBA)
- Unfair and wrongful dismissal
- Work Injury Benefits
- Occupational Health and Safety Management
- Conduct of proceedings in the Industrial Court of Kenya
- Non-solicitation clauses
- Redundancies
- Employment rights
- Restrictive covenants
- Re-organization and restructuring
- Employment policies
- Discrimination
- Employment contracts
- Pensions
- Prosecute and defend employment claims at the Employment and Labour Court, and various tribunals.

The law firm is open to attending and representing our clients at various Labour Department Offices for conciliation meetings. In addition, the law firm provides advisory and consultancy services to our corporate clients as they align their HR policies with employment and labour laws.

2.15. CRIMINAL PRACTICE

The law firm has expertise in handling criminal litigation in all spheres including but not confined to:

- Public inquests
- *Habeas corpus* applications
- Criminal trials and appeals
- and other related criminal proceedings.

2.16. FAMILY LAW AND SUCCESSION

The law firm acts for clients in matters relating to *inter alia*, the following:

- Preparation of the last will, codicil and testament
- The setting up of trusts
- Applications for grants of letters of administration and probate
- Confirmation of Grants
- Revocation of Grants
- Power of Attorney
- Guardianship
- Litigation

The law firm also handles the following matrimonial matters:

- Divorce and separation and maintenance proceedings
- Children matters and other related proceedings at the Children's Court
- Drawing prenuptial agreements
- Division of matrimonial properties.

2.17. CORPORATE AND COMPANY FORMATION

The law firm undertakes:

- the Formation and Registration of Companies, business names and NGOs
- Various administrative tasks such as annual returns and alteration of shareholdings in companies
- Applications for PIN and VAT Certificates, Business Permits and Trade Licences
- Security documentation such as debentures, charges, mortgages, chattels mortgages and guarantees.

2.18. DEBT COLLECTION, SECURITY ENFORCEMENT AND REALISATION

The law firm is regularly engaged in:

- Debt collection proceedings and repossessions
- Banking litigation.

The law firm closely liaises with auctioneers, valuers, process servers, private investigators and the court officers and bailiffs who provide assistance in debt recovery.

2.19. CONVEYANCE AND LEASING

The law firm acts for vendors and purchasers in the acquisition and disposal of residential, commercial, industrial and agricultural property.

The law firm undertakes the following amongst others:

- Preparation of sale agreements, joint ventures, debentures, chattels, leases, transfers, charges, caveats and all other instruments related to property transactions
- The registration of the abovementioned countrywide
- Documentation and completion of all aspects of property transaction
- Assisting in the purchase of new homes and associated properties.

The firm generally provides services in real property conveyancing through Charges, Mortgages and Leases etc.

2.20. INTELLECTUAL PROPERTY LAW

The law firm provides advisory services on intellectual property matters including:

- Applications and registration of trademarks copyrights and patents
- Domain names
- Designs
- Trade Dress.

3. PARTNERS

3.1. STEPHEN OUSA OKELLO

Mr. Okello, a holder of a Masters of Laws degree (LLM) in International Maritime Law from the International Maritime Law Institute, an institution of the International Maritime Organization, is an Advocate of the High Court of Kenya with over 17 years in practice and a member of the Law Society of Kenya (LSK).

Mr. Okello has previously worked for:

- a. Wangari Mwanzia and Associates Advocates
Position held: Associate

- b. The Honourable Attorney-General
Position held: Senior Litigation Counsel
- c. The Kenya Maritime Authority
Position held: Ag. Corporation Secretary and Head of Legal Services

3.2. CHRISTOPHER KINYANJUI KAMAU

Mr. Kamau is an Advocate of the High Court of Kenya with over 15 years in practice and a holder of a Bachelor of Laws (LLB) degree from the University of Delhi, India.

Mr. Kamau, the designated Managing Partner of Okello Kinyanjui and Co. Advocates, has previously worked for several law firms since his admission, including:

- a. Atkinson Cleasby and Satchu Advocates in Mombasa
Position held: head of Civil Litigation and Commercial Law;
- b. Maina Karanja and Company Advocates in Nairobi
Position held: head of Criminal Litigation, Civil Litigation and Commercial Law;
- c. Edward Muthoga Mureithi and Company Advocates in Nairobi
Position held: Associate, Criminal Litigation, Civil Litigation and Commercial Law;
- d. Wandugi and Company Advocates in Nairobi
Position held: Associate, Criminal Litigation.

Mr. Kamau has considerable experience in Commercial Law, Conveyancing, Criminal Law, Insurance, Labour and Employment Laws of Kenya.

4. SUPPORT STAFF

- 4.1. The law firm has a dedicated team of support staff who are committed to ensuring that client expectations are met, and are guided by the principle of collective responsibility, ensuring efficient and timely performance of work. The law firm also has in place modern clerical, secretarial and accounting systems and embraces all aspects of computer and other communication technology to maintain a fast and efficient means of storing and retrieving data.

5. OFFICE LOCATION

- 5.1. The law firm's office is conveniently located within the Central Business District in Mombasa on the 1st Floor of Galaxy Plaza, 1st Floor, Suite No. 3, Archbishop Markarios Road, off Moi Avenue, next to CMC Plaza, Mombasa.

5.2. The law firm has established a comprehensive network of carefully selected correspondent law firms in Nairobi, Malindi, Kisumu and Eldoret, to enhance the law firm's ability to efficiently render services throughout Kenya. Despite its convenient location we are always ready to go out to meet clients at any venue convenient to them.

6. FEES

6.1. The law firm's fees structure, as for all Advocates is mainly guided by law i.e. the Advocates (Remuneration) Order. Nonetheless the Firm continuously strives to remain flexible in its fee arrangement and the law firm's fee would be raised on the basis of the following factors

- Time spent and invested on that particular matter.
- The complexity of the matter;
- The urgency of the matter:
- The intricacy of the matter
- The value of the matter
- Logistics.

On the other hand, disbursements shall, in all cases, be charged on the basis of reasonable prevailing costs for stationery, postal, telephone charges and other incidentals.

Where travelling away from station is involved, accommodation, transport and related expenses shall be borne solely by the instructing client.

In all cases, Value Added Tax will be raised on legal fees and on disbursements as may be required from time to time by law.

6.2. The law firm will in most cases require that a deposit on Fees be paid upfront by clients to defray initial disbursements. Credit for this amount will be given when a final fee note is raised.

6.3. The deposit is received on the understanding that the client will settle the final fee promptly. The firm reserves the right to discontinue its services to a client should no fee be paid and levy interest in accordance with the provisions of the Advocates Remuneration Order.

7. ATTRIBUTES OF THE FIRM

7.1. Technologically the law firm is fully computerized with modern equipment, has access to the Internet and is a subscriber of major legal publications and law reports such as Halsbury's Laws of England, All England Law Reports, East Africa Law Reports, Kenya Law Reports, East Africa Court of Appeal Reports and Law Africa Reports, in addition to a large library and relevant Case Law accumulated throughout the over 30 years of combined legal practice of the Partners.

8. VISION OF THE FIRM

- 8.1. The law firm aspires to be the premier local and international law firm, providing the most effective, efficient and quality legal services.

9. FILES DISPOSALS:

- 9.1. Once a matter is concluded the outcome is communicated to the client with advice on the next cause of action, if any. The law firm will account for all monies paid to it, return all original documents unless requested to retain the same. Clients are advised to periodically revisit their matter to ascertain if there is any need for updating should there be change in law or a lapse in the obligations set out therein.



**Ousa Okello
Partner**

OCTOBER, 2016