



**MUTANDA LAW ADVOCATES**

Advocates, Notary Public & Commissioner for Oaths.

# FIRM PROFILE



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## ABOUT THE FIRM?

The firm of Mutanda Law Advocates was registered on 20th January 2021 as a sole proprietorship. With time however, the firm has been growing and is currently run as a partnership under the name Mutanda Law Advocates.

The firm's head office is located at Kenya House Complex Building, Koinange Street Monrovia Junction opposite KeMU Hub.

We have the capacity to offer legal services within Kenya and the East African Community. In addition, we have linkages to other law firms in different parts of Africa and the world through which our clients can access the requisite assistance as far as legal service provision is concerned.

## Our Mission

The Mission of the firm of Mutanda Law Advocates is to render and deliver professional legal services of the highest standards with the utmost speed and to secure positive results at competitive costs to its clients. The firm is dedicated, distinguished and prides itself to being a medium size law firm with selected niches that enables it to retain and sharpen its focus, vision, speed and delivery in various areas of specialized legal practice.

We strive for equality and excellence anchored on ethics, personalization and confidentiality and adding value to clients through commitment, dedication, integrity and transparency.

We find a way.





# PRACTICE AREAS



# PRACTICE AREAS

- Constitutional Law, Civil Litigation, Family Law, Criminal Litigation And Alternativedispute Resolution
- Family Law
- Legal Audits
- Corporate And Commercial
- Family Law and Succession
  - *Commercial Advice & Drafting of Agreements*
  - *Corporate Structuring, Mergers and Acquisitions & Regulatory Advice*
- Banking And Finance
- Intellectual Property
- Conveyancing
- Employment, Labour And Industrial Disputes
- Insurance Law
- Arbitration, Mediation/Alternative Dispute Resolution
- Public Procurement
- Taxation
- Criminal Law



## **(a) Constitutional Law, Civil Litigation, Family Law, Criminal Litigation And Alternativedispute Resolution**

The firm has a wide, in-depth and versatile grounding and experience in seeking various Constitutional writs, as well as Judicial Review writs under public and administrative law. We have a credible track record of success.

The firm offers a full range of top quality services across a broad spectrum of contentious dispute resolutions work including banking, commercial contracts, shareholders' disputes and other corporate matters, energy, construction, media and entertainment, defamation, employment, aviation, insurance, insolvency, employment, labour and industrial disputes, probate, property, securities, debt collection, trusts among other areas.

We also advise on settlement negotiations and alternative forms of dispute resolution and represent clients in arbitral proceedings. We equally handle a wide range of criminal cases from charges of money laundering, corruption offences under the Anti Corruption & Economic Crimes Act, Offences under the Penal Code and other Criminal Law Statutes. We appear for either the accused persons or watch brief for the complainant.

We have a full range of cases we have represented our clients that are reported in the Kenya Law Reports that authenticate our standing in Constitutional law, Civil litigation, Criminal Litigation and Alternative Dispute Resolution and we can furnish references on request. We are highly respected practitioners in the Subordinate Courts, the High Courts, the Court of Appeal and the Supreme Court of Kenya.

## **(b) Family Law**

The firm equally has experience and specializes in family law matters being writing wills, succession, divorce, matrimonial property cases, children custody cases, access orders, maintenance, adoptions, parental responsibility agreements and guardianship.

We participated in the 1st surrogacy case for a client Petition 78 of 2014 where the High Court at Nairobi enforced a surrogacy agreement after the Director of Children Services tried interfering with. The case settled the grey area in surrogacy as there is no legislation with clear provisions touching on surrogacy.

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## **(c) Legal Audits**

The firm has undertaken a number of legal audits for state corporations and private companies as well over the years. We have a wide berth of experience in conducting legal audits in various sectors across the board. We have conducted legal audits for several clients.

These audits have gone a long way in enabling clients comply with laws and regulations and have further facilitated the formulation of mechanisms and policies to accelerate compliance where required.

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## **(d) Corporate And Commercial**

### Commercial Advice & Drafting of Agreements

We deliver a full range of commercial advice and drafting of agreements, including joint ventures, shareholder agreements, commercial agencies, franchises, distributor agreements, and service/consulting agreements, purchases and sales of goods, as well as agreements for secured and unsecured financing and equipment finance.

### Corporate Structuring, Mergers and Acquisitions & Regulatory Advice

We have expertise in structuring entities and businesses for clients operating throughout Kenya and the East African Community. The Corporate Commercial practice has a dedicated corporate structuring team which provides full-service solution corporate restructurings, mergers and Acquisitions, capital increases and reductions, regulatory advice and approvals as well as business licensing.

## **(e)** *Banking And Finance*

The firm has represented borrowers, lenders, issuers, lead managers and trustees on debt, syndicated lending and trade finance. Our experience includes working with financial institutions, developers, large and small businesses, venture capitalists and lenders of every kind. In real estate finance, we have assisted both borrowers and lenders in securing and closing hundreds of millions in loans.

These loans have financed the acquisition, development, and construction of projects of every nature, including major residential planned unit developments, mixed-use developments, shopping centers, office buildings and industrial buildings.

The firm has vast experience from simple lending structures to complex transactions.

We help borrowers and lenders navigate the often-complex legal framework that govern borrowing and lending in the Kenyan economy. Our services include;- Debt recovery, Asset finance, Finance law, Mortgages (real estate finance), Project finance, Regulatory compliance, Structured finance., Trade finance.

## **(f)** **Intellectual Property Law**

Advice on intellectual property matters include searching, registering, filing and renewing trademarks, utility models, obtaining patents and patent registrations and preventing the unauthorized use of client's trademarks and patents. The firm advises on issues relating to various infringements such as counterfeit and piracy, and on the means of remedying those infringements. Additionally, we advise companies and organizations on copyright and design right, confidential information disputes and trade secrets.

The Kenya Industrial Property Institute, the National Institution that registers patents, trademarks and oversees all intellectual property matters in Kenya does the processing and oversight of intellectual property issues.

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## **(g)** **Conveyancing**

Our services in this practice area include advice on and drafting of commercial and residential leases, property sale and acquisition agreements, property sub-divisions and consolidations, preparation and registration of securities in respect of corporate housing schemes, advice on financial structuring of property transactions, advice on and registration of transfer of residential, sectional title and commercial properties, trusts, including formation and administration of trusts, and drafting of trust deeds.

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## **h** **Employment, Labour And Industrial Disputes**

We have a vibrant portfolio in the employment, labour and industrial disputes that have impact across both the public and private sector with key ramifications to enterprises and public institutions.

We largely represent both employers, employees and have established a formidable presence in this area of practice which continues to expand as employees have increasingly taken advantage of the 2007/2008 Labour Laws that are increasingly pro-employees as articulated by the Industrial Court at the High Court level.

We equally advise and formulate Human Resource policies, draft employment contracts, code of conducts at place of work among other compliant measures to ensure smooth employer-employee relationships.



## **(i)** *Insurance Law*

We handle insurance claims (running down claims) from road accidents, accidents at the place of work, and several other claims seeking for compensation from Insurance firms.

We represent both individuals seeking compensation from insurance companies and insurance firms that instruct us. The firm currently does legal compliance for Granate Reality Insurance Agency, a medium size fast growing insurance firm agency on various legal aspects under Insurance Law.

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## **(j)** *Arbitration, Mediation/Alternative Dispute Resolution*

We are active practitioners in the Mediation, Arbitration and other Alternative Dispute Resolution Mechanisms arenas of this country. We understand this area of practice deeply and offer proficient services informed by insight, analytics and experience.

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## **(k)** *Public Procurement*

Kenya has become a key economic hub not just in East Africa, but Africa and the world as a whole. This has seen many investors eye our local market. The fight for lucrative tenders especially the ones floated by the Government of Kenya has become very intense. This has led to escalated litigation in the procurement area. We represent many clients at the Public Procurement Appeals Review Board.

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## **(l)** *Taxation*

As the Country grows, the need to finance both recurrent as well as development budgets becomes more active. Therefore, focus on taxation becomes intense. This is an area of practice that is growing say by day in leaps and bounds. Our firm has strategically placed itself on this path by advising various clients on the taxation legal regime.

We represent several clients on taxation disputes against KRA at the Tax Appeals Tribunal. Mr. Mutanda was also part of the team of advocates that successfully challenged taxes imposed by KRA against several companies at the High Court of Kenya in Nairobi Petition 176 of 2018.

The petition back life to more than 120 companies whose business accounts had been frozen by agency notices issued by KRA.

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## **(m)** *Criminal Law*

We equally handle a wide range of criminal cases both white and blue collar criminal charges from charges of money laundering, corruption offences under the Anti Corruption & Economic Crimes Act, Offences under the Penal Code and other Criminal Law Statutes. We appear for either the accused persons or watch brief for the complainant and have managed to secure acquittals for several accused persons who were wrongfully charged.

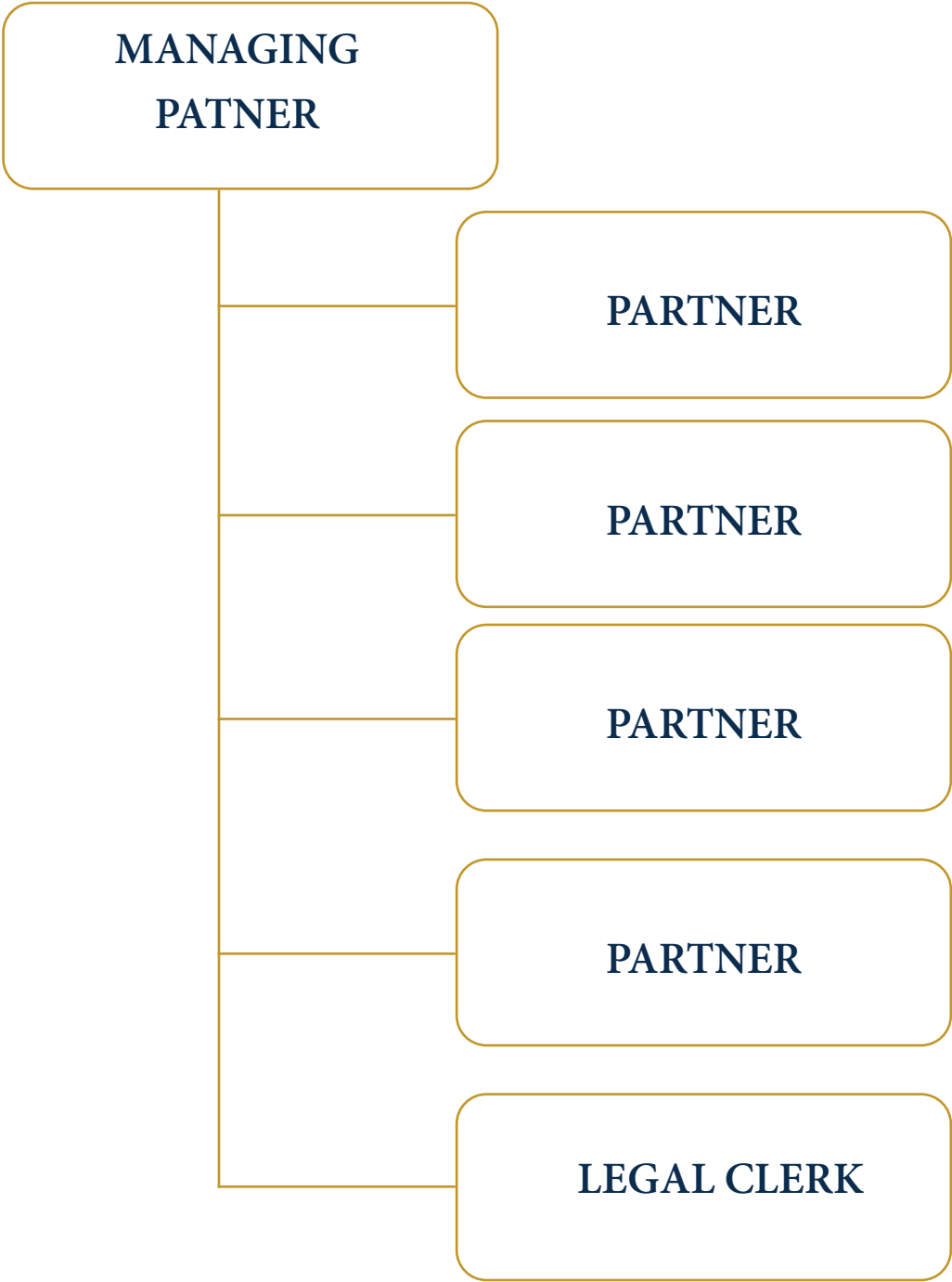
The firm offers pro-bono services to victims of sexual assault and abuse ranging from women and minors by watching brief in their matters and help prosecutors and building up water tight cases against accused persons.

# OUR TEAM

*Our Team*

# ORGANIZATIONAL CHART

The firm has three Principals/Partners with solid credentials as Advocates of the High Court of Kenya. The principal advocates of the firm have cumulative of over Fifteen (15) years of experience in private practice covering diverse areas of law and commercial practice.





## MUSAU MUTANDA MOSES

### *Our Team Leader*

Mr. Mutanda is a Senior Partner and one of the Principals of the firm, he is an Advocate of the High Court of Kenya, holds a Bachelor of Laws Degree (LL.B) and a Postgraduate Diploma in Law from Kenya School of Law. Before being called to the Bar Mr. Mutanda did his professional apprenticeship with the firm of Mucheru Law LLP formerly Mucheru-Oyatta & Associates Advocates of Nairobi from the year 2015 to the year 2017. He was subsequently retained for holding over and later was absorbed as an advocate and worked as such with the firm of Gitonga Mureithi & Co. Advocates from 2018 to 2020 rising to the status of a senior associate litigation. Mr. Mutanda then moved on to set up the firm of Mutanda Law Advocates in the following year of 2021, Mr. Mutanda has been in private practice continuously since 2018.

Mr. Mutanda's footprints in legal practice over six (6) years are wide ranging and he has successfully represented a cross section of clientele in both the private and public sectors at all the levels of Courts in Kenya, the Subordinate Courts, the High Court, the Court of Appeal and decisions in cases he has handled are widely reported in the Kenya Law Reports. He brings a wealth of experience, insight, analysis and discernment in designing and fashioning legal solutions to diverse client challenges. His practice exposure spans the whole array of areas of practice the firm has developed over the last six (6) years. He has shepherded the growth of the firm over the years.

Mr. Mutanda is an ardent basketball player and sits as a Board member in Far East Basketball Association (FEBA) and KUEI Nurturing Potential Foundation (An International NGO) that scouts for talented kids in Africa for purposes of dishing out sports scholarships in the USA & EUROPE.



**GLORIA WAMBUI MAINA**  
*Partner*

Ms Maina is an Advocate of the High Court of Kenya a Partner and one of the Principals of the firm. Holds a Bachelor of Law Degree (LL.B), and a Postgraduate Diploma in Law from the Kenya School of Law.

Ms Maina did her professional apprenticeship with the firm of Gitonga Mureithi & Company Advocates from the year 2017 till 2021 when finally she joined the firm of Mutanda Law Advocates as principal partner.

Ms Maina has been tested in all the areas of practice of the firm spanning litigation in civil law ranging from commercial disputes, constitutional and judicial review, employment and labour law, democracy and electoral law, trade and investment to alternative dispute resolution including mediation and arbitration to conveyancing, legal audits, commercial transactions, restructurings, liquidations, contract formations, business formations and general practice.

She possesses top of the range analytical skills and compensates for the emerging experience with robust insight and innovation that offer our clientele great solutions in the dynamic legal landscape of Kenya.

She specializes in property law (conveyancing), trademarks, patents and commercial law being her main areas of focus. She is an avid reader, a leader and role model at the school she attended for her O levels where she frequently give motivational talks to the young ladies.



**OCHIENG BRIAN PATRICK**  
*Partner*

Mr. Ochieng is an Advocate of the High Court of Kenya, is a Partner and one of the Principals of the firm, he holds a Bachelor of Laws Degree (LL.B) from Catholic University of Eastern Africa School of Law, a Postgraduate Diploma in Law from Kenya School of Law and a Masters of Law (LL.M) Degree in Multi-Disciplinary Human Rights from the University of Pretoria, South Africa.

Mr. Ochieng did his professional apprenticeship with the law firm of Professor Tom Ojienda & Associates from the year 2012 till 2021 when he joined the firm of Mutanda Law Advocates as principal partner.

He has keen interest in areas of Constitutional Law, Medical Ethics, Judicial Review, Procurement Laws, Commercial Transaction, Arbitration, Dispute Resolution. He has appeared before the Supreme Court of Kenya to argue several landmark cases on behalf of his clients.



## MONICAH MUTHONI MWANGI

### *Partner*

Ms Mwangi is an Advocate of the High Court of Kenya a Partner and one of the Principals of the firm. Holds a Bachelor of Law Degree (LL.B) from the Mount Kenya University School of Law and a Postgraduate Diploma in Law from the Kenya School of Law.

Ms Mwangi did her professional apprenticeship with the firm of PM Ombamba & Company Advocates from the year 2015 till 2021 when she joined the firm of Mutanda Law Advocates as principal partner.

Ms Mwangi has been tested in all the areas of practice of the firm spanning litigation in civil law ranging from commercial disputes, constitutional and judicial review, employment and labour law, democracy and electoral law, trade and investment to alternative dispute resolution including mediation and arbitration to conveyancing, legal audits, commercial transactions, restructurings, liquidations, contract formations, business formations and general practice.

She possesses top of the range analytical skills and compensates for the emerging experience with robust insight and innovation that offer our clientele great solutions in the dynamic legal landscape of Kenya.

She specializes in property law (conveyancing), trademarks, patents and commercial law being her main areas of focus. She is an avid reader and a Board Member of Father CK Foundation, a charitable organization.

## BENSON MUEMA MUNYOWKI

### *Support Staff*

Benson Muema Munywoki is the firm Senior Clerk who oversees a team of other clerks that process the firms work in the Courts, Company Registry, Ministry of Lands Registries, Kenya Industrial Property Institute, other material Registries and for service of process.

# PROFESSIONAL TRAINING

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The firm has a strong tradition of cultivating, nurturing the continuous training of its professionals so that they keep abreast of local and international best practice and standards. All advocates annually and mandatorily undertake niche training in their areas of practice beyond the Law Society of Kenya's mandatorily continuing legal development training required for issue of the annual practicing certificate. The firm's professionals regularly attend local and international bar conferences where they interact with peers in the legal profession from within this jurisdiction and beyond.

## SAMPLE OF FIRMS CLIENTS AND WHERE APPLICABLE CONTACTREFERENCES OF THOSE CLIENTS

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The firm is, and continues to be an accomplished legal service provider for a cross-section of public and private companies both locally and internationally, state corporations, constitutional institutions, national institutions and county governments, non-governmental organizations, and individual persons. For instance, the firm has been retained to act for a number of clients and is prequalified to render services to including the following:

Granate Reality Insurance agency.

Nathaniel Kombo Mukoma

- Director

Tel: 0711175192,

Dorminos Property Limited

Contact person: Martin Maina

- Director

Tel: 0728781322.

Gitonga Mureithi & Co. Advocates.

Contact person: Stephen

Gitonga Mureithi

- Managing Partner.

Tel: 0725160060.

## FEES & BILLING

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It is our overriding concern to ensure that our clients are satisfied with both the quality of service they receive and the value of the money they pay. We constantly strive to provide the highest service levels and at competitive rates. Our approach to fees is flexible and transparent with our fee structure being discussed and agreed with clients in advance of any work being undertaken.

The Advocates Remuneration Order provides for the fees advocates should charge in certain matters. Where a matter falls within the stipulation of the Advocates Remuneration Order, we only charge the scale fees.

Most conveyancing and court briefs are governed by the Advocates Remuneration Order. For matters not governed by the Advocates Remuneration Order, we normally charge on agreed hourly rates but are always willing, able, prompt and desirous to discuss alternative structures where appropriate and as long as the same are in accordance with the law. Being cognizant of the high costs of legal services, we strive to agree with our clients on optimum and competitive fees structures on all retainers.

## TURNAROUND TIME

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As a firm serving mainly the business community, we strongly believe that time is an important resource and hence we endeavor to discharge our responsibilities efficiently and with utmost speed in order to add value to our clients' businesses. The firm is fully computerized and networked. In addition, the firm has a well stocked library thus making it possible to speed up all manner and volume of work handled at any given point in time.

As a matter of policy, we respond to all correspondence within twenty four (24) hours of receipt thereof, perfection of securities is done immediately all the completion documents are availed; we endeavor to conclude all manner of litigation within two (2) years and ordinary debt collection would take us between six (6) months and one (1) year.

## PROFESSIONAL STANDARDS AND CLIENT CARE

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The firm espouses the highest ethical and professional standards and integrity in rendering and delivering legal services to its clientele. It is the firm's conviction that delivery of services with utmost expedition and thoroughness is a sacred duty and the very reason and basis of existence of our practice.

We offer frank and candid opinions on disputes and all other matters to enable our clients make informed decisions in their dealings. We have a comprehensive client care program to ensure that our clients' needs are evaluated on a regular basis.

In addition to the regular feedback we receive from our clients relating to our performance, we hold regular client care meetings as part of our commitment to continuous quality improvement.

We also sent quarterly reports on the status of all matters we are handling on their behalf with a view to keeping the clients updated and also ensuring that action is taken on any pending issues in the particular cases.

We have a current **Professional Indemnity Policy with BRITAM for Kenya Shillings Ten Million (Kshs. 10 Million)** and a modern law library as an intellectual and professional resource base.

We are persuaded that our niche specialist expertise, experience and dynamism can add critical value and/or complement the realization of the vision and mission of your esteemed Company. Feel free to contact any of our clients referred to herein above regarding any issue including but not limited to our performance.

Should you require any clarification and/or additional information over and above the summary highlighted herein above, feel most free to contact any of the Principals.





## Our Contacts



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