



NGUGI MBURU

ADVOCATES

Commissioners For Oaths, Notary Public And Patent Agents

FIRM PROFILE:

**NGUGI MBURU
ADVOCATES LLP
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SCOPE OF THE PROFILE

The law firm is registered as a Limited Liability Partnership and offers innovative legal services in Nairobi Kenya. The Profile's objective is to determine the legal risks and liabilities that may arise with an intention to advise the Client on the best strategy to ensure they minimize their legal exposure, ensure efficient and effective legal solutions and legal cost implications.

MISSION STATEMENT

We are committed to giving timely, professional and innovative legal solutions to our clients.

FIRM PROFILE

THE FIRM

1. **NGUGI MBURU ADVOCATES LLP** (hereinafter referred to as "The Firm" has deep roots in Kenyan legal landscape and is a dynamic law firm combining experience with youthful energy. The Advocates have a combined advocacy experience spanning over fifteen years.
2. The Firm's vision is that of steady growth offering uniquely innovative personalized services of the highest quality but priced competitively. We at the Firm are not satisfied until we have the satisfaction of our clients. That is the measure of our success.
3. Therefore we focus on developing a greater understanding for our clients, their industries and their unique needs. In short, we strongly believe in the value of strong relationships, internally



and externally, all for the benefit of our clients. We are not just lawyers, but indeed “friends” to our clients.

4. **Relationships**:- We believe in building value-adding relationships with our clients and in turn our clients get:-
 - 4.1. Understanding our clients’ business and future plans.
 - 4.2. Quality; not just any kind, but a superior one, we have very close working relationships within the firm and outside the firm, making our responses, informed, people driven and well-rounded
 - 4.3. Continually reviewing our process to adopt to their special and challenging needs.
 - 4.4. Empathy combined with commercial awareness; we focus on client needs with a view to make sure that both their long-term and short-term interests are noted, as we perform our services
 - 4.5. Integrity; our reputation and that of our clients, is very important to us, so we will always provide our services to the highest ethical standards
 - 4.6. A high standard of connectivity; we have invested in first-rate IT infrastructure systems to ensure that our communication is seamless and our team works efficiently on all your matters, that way our billing is equally efficient
 - 4.7. Being in constant touch with our clients to help them improve their process.
 - 4.8. Advising our clients on old and new areas of the law, which might affect their business.
5. The Firm’s practice encompasses the following main area of law:-
 - 5.1. General civil and commercial litigation
 - 5.2. Corporate and commercial
 - 5.3. Debt collection and litigation
 - 5.4. Conveyance and leasing



- 5.5. Contract and Compliance Law
 - 5.6. Human rights and Employment law
 - 5.7. Personal law, Family, probate and administration
 - 5.8. Intellectual Property: Trademark, Copyright and Patents
6. The areas of practice are set out in detail below.

2. HISTORY

The firm was incorporated in 2017. It is a medium size law firm with 4 dedicated legal professionals brought together with a common vision of making a difference in the profession. The lawyers have a combined experience and synergy in different practice areas achieved after several years of experience practising and consulting in different firms and international organisations. It's located in Karen approximately 12 Kms from the Central Business District. The firm gives back to the society through the Civil Societies by participating in legal aids, practicing pro-bono work, impact litigation and signing up Public Interest Litigation.

3. ORGANIZATION AND STRUCTURE OF THE FIRM

The firm has one partner, one consultant and two legal assistant to ensure cohesion, accessibility and direct communication with our clients, clients are encouraged to have a contact person in the firm who ensures their matters are taken seriously and given a personal touch; our services are aimed at a select clientele. The firm is headed by the Managing Partner.

➤ ELIUD NGUGI (ADVOCATE)

An Advocate of the High Court of Kenya and Managing Partner of the firm. He also handles the day-to-day management as well as heads the commercial and real estate and Intellectual property arm of the firm. His experience in Commercial litigation, Conveyancing, and intellectual property and public interest matters spans to no less than 10 years. He also has a wide experience in Corporate law especially as a consultant in governance, energy law, banking law, drafting, mergers, and acquisitions.

Professional Qualifications

- LLM (ongoing - UON)



- Accredited Mediator (Strathmore University)
- Member East African Law Society
- Member Law Society of Kenya
- Member KCLF
- Post Graduate Diploma-Kenya School of Law (PGD)
- LLB (Hons)- University of Nairobi

➤ **JOY KIARIE (CONSULTANT)**

A Lawyer and a full stack developer. She has extensive knowledge and experience in trade law and arbitration. She is also passionate about coding and full stack apps. Joy who is currently based in Switzerland consults with the firm on Intellectual Property and International trade law.

Professional Qualifications

- LLB (Hons) JKUAT Karen Campus
- Master of Laws in International Economic Law and Policy (University of Barcelona)

➤ **ESTHER NYACHIA (ADVOCATE)**

An Advocate of the High Court of Kenya and Partner at the firm. Esther handles the day-to-day management as well heads the litigation and dispute resolution arm of the firm. Esther is also a guru in Banking Law, Family law, Succession law and Children Law. When she is not working, she enjoys hiking, bird watching and swimming. Esther volunteers with the Cancer Friends of Hope Organisation which reaches out to cancer patients.

Professional Qualifications

- Member Law Society of Kenya
- Post Graduate Diploma-Kenya School of Law (PGD)
- LLM - Law, Democracy and Governance
- LLB - UON (Hons)

➤ **LORNA MARYVIN NYABONYI (ADVOCATE)**

An Advocate of the High Court of Kenya and an associate at the firm. Lorna handles dispute resolution and conveyancing matters. Lorna is also a guru in Fintech Law, Bankruptcy and debt collection.

Professional Qualifications

- Member Law Society of Kenya



- Post Graduate Diploma-Kenya School of Law (PGD)
- LLB - CUEA (Hons)

➤ **LORRAINE MUSYOKA (TRAINEE ADVOCATE)**

Lorraine is awaiting for her admission to the bar and is passionate about Commercial law, real estate law and intellectual property. She is aggressive and ensures that our litigation and conveyancing clerks deliver on time.

Professional Qualifications

- LLB (Hons) University of Nairobi
- Dip (Kenya School of Law)

➤ **BENARD OLIDA (TRAINEE ADVOCATE)**

She is passionate about family law, research and litigation.

Professional Qualifications

- LLB (Hons) University of Nairobi
- Post Graduate Diploma-Kenya School of Law (PGD)

4. UNDERSTANDING CLIENTS WORK

An injection of professional and efficient legal team into an institution at this stage would therefore require an understanding of the organisation's current financial status, management and in particular, how the numerous legal challenges it is currently involved in affect this. It is against this background that we seek to understand a client's requirements.

In summary therefore, a legal audit of legal challenges that the organisation is involved in should enable an institution understand and assess the following matters, namely:

- a)The monetary liability that the legal challenges pose for the organisation;
- b)The potential amounts that can be recovered by the organisation from the pending litigation;
- c)The merits of each of the pending cases and in particular, the organisation' (prosecutions) chances of success; and
- d)The steps that ought to be taken by the organisation in respect of each of the cases with a view to reaching the most favourable outcome for the organisation in an expeditious and cost effective manner.



5. METHODOLOGY AND APPROACH

In order for the client to achieve the requirements listed above, we would provide the client with a legal audit report on the following matters in respect of each case, namely:

- a) The identity of the parties to each case, the case number, the court in which the matter is filed the advocates on record for the organisation and the date that the case was instituted
- b) A brief summary of the facts of each case
- c) The latest/last status of each case in court including any orders that are currently in force
- f) An assessment of the merits of each case and the Company's chances of success on the following scale, namely: (i) Good, (ii) Bad, or (iii) Arguable (.i.e. a 50% chance of success)
- g) Recommended actions or steps to be taken with regard to each case including but not limited to the following: (i) prosecuting the case, (ii) defending the case, (iv) applying for dismissal of the case on account of inactivity of the opposing party, (v) holding the file in abeyance pending a specific action or event (vi) closing the file, among others.

6. PRACTICE AREAS/AREAS OF SPECIALIZATION

The firm focuses on provision of legal services primarily in the following areas of law:

- 6.1. Pro Bono Briefs. As a service to the community, the firm participates in several pro bono clinics and provides free or subsidised services as a contribution to the society.
- 6.2. General Civil and Commercial Litigation
 - The firm advocates have extensive experience in general civil and commercial litigation and some extents of criminal litigation, which includes prosecuting and defending human rights issues, tax disputes, breaches of contracts, labour disputes, instituting judicial review proceedings,
- 6.3. Intellectual Property
 - The firm Advocates have experience in Intellectual property including copyright, trademarks, patents, utility



models and plant varieties. The firm boasts a total of thirty entries currently.

6.4. Debt collection and Realisation

- Appreciating the primary need to save time and money for our clients the firm has developed effective debt collection strategies that assist in the speedy recovery of debts obviating the need to result to court action. The associates are also engaged in proceeding for the enforcement and realization of security and defending injunctions and other tactics normally utilized by debtors to avoid or delay payment of debts.

The firm also prepare the following:

- Legal opinions and write of briefs.
- Human rights opinions
- Watching briefs
- Concept writing and consultancy services for Non-Governmental Organizations.
- Provision of legal, personal and human rights training.

6.5. Corporate and Commercial law :This department deals with foreign investments, project financing, Energy law, restructuring companies, Real estate laws, Regulatory compliance and risk management, Competition, Preparation of leases, Transfer of land, Mortgages, Charges, Debentures, Registration of companies, Trademarks, Registration of Microfinance, Insolvency law practice including receivership and liquidation, Joint ventures acquisition, ,Take over and public issues of security, Foreign investments, Entry permit and local approvals.

6.6. Family Law: This department deals with general litigation in divorces, mediation, drafting of Parental Responsibility Agreements, Succession Cases, Custody and Maintenance. The department boasts of being the most active and successful in the firm.

7. SUMMARY OF WORK

The firm has since inception development and continued to develop a strong base of clientele as a result of our commitment to excellence and qualify in provision of legal services. Clientele range from individuals, small and medi-



um enterprises to Large multinational businesses and Non-Governmental Organization.

To list a few:-

- Advising a real estate company on property development consisting of a block of apartments in Kikuyu and Karen estimated to cost 2 Billion Shillings.
- Advising and helping in setting up a Charitable organisation for a group of American doctors to offer primary care residency programs and faculty, collaborating with partner hospitals to see African physicians leading robust primary health care teams.
- Advising on agreements for personal loans between a local microfinance company bank.
- Preparation of leases and security documents for a real estate company in Sagana.
- Successfully litigated a succession case in which the estate was worth Ksh.800 Million.
- Successfully registered and incorporated family and charitable trusts.
- Acted for a SACCO on preparation of financial loan arrangements documents between the SACCO and its members.
- Reviewing contracts and labour issues for a holding of company located in 4 African countries that offer services in internet, shoe manufacturing and solar business.
- Successfully represented a residential association in a major dispute against a developer who intended to put up 1000 apartments on a property worth over 2 Billion in the Environmental and Land Court in Nairobi at the High Court and Court of Appeal.
- Represented companies in trademark infringement claims at the High Court of Kenya.
- Successfully instituted a suit for copyright infringement at the High Court on behalf of a film production company.
- Successfully represented various clients in purchase and transfer of freehold and leasehold properties in Nairobi , Ngong, Kajiado, Nanyuki, Machakos and Naivasha.
- Successfully registered Microfinance banks for several clients.

- Advising clients on business registrations , mergers and acquisition of companies in Kenya.
- Advising a security company on redundancy agreements with its employers.
- Prepared and advised a client on a local TV station set up agreement: copyright, registration and compliance.
- Represented various clients in the children's court and before mediators in Nairobi and Mombasa.
- Successfully represented pharmaceutical companies at both the rent tribunal and the Land and Environment Court against a petroleum company that had illegally terminated their lease.
- Involved in an gubernatorial election petition in Mombasa
- Involved in the Election Petition 2022 at the Political Parties Disputes Tribunal, High Court and at the Supreme Court.
- Successful advised several creatives on split sheets, copyright, trademark and record label agreements.
- Involved in reviewing contracts for a movie produced by a company and currently on Netflix.
- Successfully advised various FinTechs on NDAs and contracts both with local and international partners.
- Successfully involved in a real estate development in preparation of leases and transfers of 56 units.
- Currently on panels of Internet Service Providers in Kenya, Uganda, Tanzania.
- Currently on a panels of a credit only microfinance institutions and offering legal services.



8. REGIONAL PRACTICE

- 8.1. The firm office are located in convenient and spacious offices on the 1st Floor of Nyumba Bora building, Karen from where it is able to render services within the capital and surrounding towns. In addition, our flexibility enable us provide services countrywide.
- 8.2. Although based in Nairobi, the firm has established a comprehensive network of carefully selected correspondent law firms in Mombasa, Nakuru, Kisumu, Eldoret and other major towns

in the country. A key criterion in their selection was their commitment to the provision of high quality services and their ability to deliver. This enhances the firm's ability to efficiently render services wherever these are required.



9. SUPPORT STAFF & OTHER RESOURCES

- 9.1. Our support staff are fully trained and experienced in their specialized areas including the use of computers, which are fully networked and have a 24-hour lease line to facilitate legal research and communication with clients. The firm has in place efficient modern secretarial, Clerical and Accounting Systems. These resources enhance efficient correspondence, legal documentation and accounting.
- 9.2. The firm takes pride in producing quality work that is well researched and delivered on time in accordance with the needs of the particular client.

10. CHARGES

Our fees structure, as for all advocates, is guided by the advocates (Remuneration) Orders (the scale). Nonetheless, we are able to lawfully structure our fees according to the needs of a particular client. Always allowing for client participation and dialogue in the determination of our fees, we continuously strive to remain acutely flexible in our charges.

11. PROFESSIONAL INDEMNITY

Purely for reason of purchase, as opposed to an expectation that an occasion may arise requiring our reliance on the same. The firm maintains a professional Indemnity Insurance Cover of Ksh.50,000,000/= .

12. OFFICE CONTACT ADDRESS

The following are contact details:

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