



Weeding out the Quacks: A Guide for Clients seeking Legal Representation

Kenyan media has been abuzz lately with stories of quacks in the legal profession. While the sector had largely been immune to the trend, it has become an apparent risk. For clients, the risk goes beyond simple inconvenience, such as loss of fees paid out to the self-purported lawyer. Indeed, *any* legal arrangements carried out by such persons, including proceedings before the courts, become null & void as soon as a quack has represented a client's interests [*Sammy Mwiria v Luca Nyaga Njerera [2017] eKLR*].

This aligns with sections 31 and 34 of the Advocates Act which outlaw unqualified persons from directly or indirectly taking instructions from, drawing or preparing any instruments relating to the work of an advocate. Any person desiring to practice law must meet the mandatory requirements.

Not only must lawyers maintain the highest standard of professional ethics, engage in continuous training, they will unlike quacks, maintain valid professional indemnity cover which enables clients to recover damages in case of professional negligence. Another related advantage for engaging a licensed professional is that lawyers can be reported for misconduct whereupon further investigations that could lead to fines or disbarment will be undertaken.

But just how might one go about ensuring their lawyer is validly licensed?



Portraits, even elaborate ones, never imply certification.

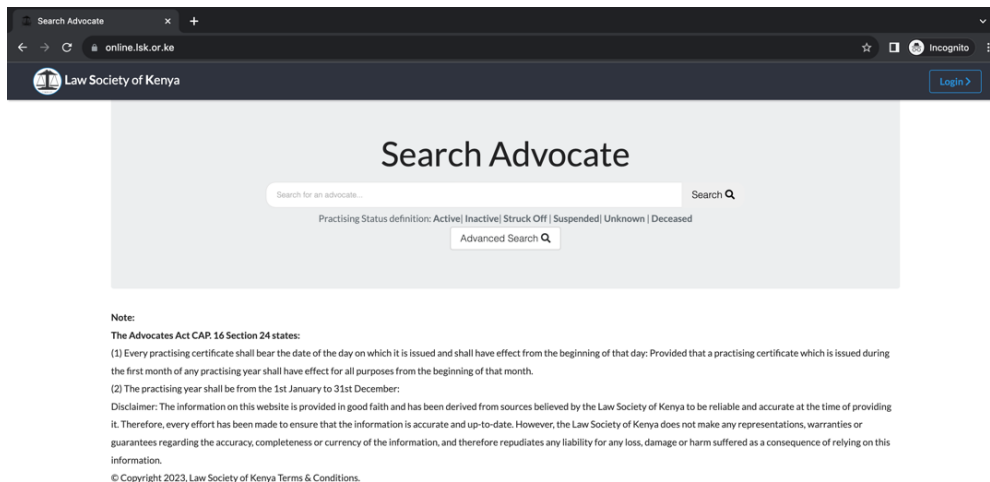
Doing due diligence

Once a client anticipates contracting legal services, a preliminary meeting should be arranged. Here, a prospective client should at a minimum seek to ascertain:

1. Full name of the Advocate, via official ID's, for example.
2. The Advocate's Practice Number.
3. Whether the Advocate has a valid practicing certificate.
4. The Advocate's year of admission, which can partially help gauge a lawyer's experience.

Such information enables one to conduct background checks on an advocate to verify the authenticity of their details via the Law Society of Kenya (LSK) website which maintains a list of duly qualified advocates, including practicing certificate statuses. The tool is accessible via [online.lse.or.ke](https://www.lse.or.ke)

Beyond this, further due diligence can come in the form of references from peers in the industry. This extra step can be crucial given the liability limitation LSK makes on its website as to the accuracy of the information therein.



A snapshot of the LSK portal

In the rare instance one encounters a quack, a report can be filed to the LSK Rapid Action Team (RAT) which is mandated to conduct investigations. They can be reached via email at compliance@lsk.or.ke

Some recommendations to the LSK

Inasmuch as the LSK continues to enhance the fight against quacks, more remains to be done. The Society could double down on its efforts by:

1. Strengthening the integrity of the roll of advocates to prevent breaches and/or identity theft.
2. Adequately capacitating the RAT to fulfill its mandate, including through proactive measures.
3. Sensitizing the public on how to spot a quack, the advantages of engaging a professional, and so forth.
4. Enhancing collaboration with law enforcement agencies, including the Director of Public Prosecutions.

How else might we tackle this issue? Connect with us on [LinkedIn](#) or send us your comments on email info@rmmadcompanyadvocates.com to take this conversation further.

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