

Kenya School of Law

ADVOCATES TRAINING PROGRAM

2015-16 ACADEMIC YEAR

Trial Advocacy

GENERAL ETHICAL DUTIES OF TRIAL LAWYERS

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OUTLINE

Parties to whom duty is owed

Specific parties

Discussion points

Parties towards whom Lawyer has a duty

Palmer and McQuoid in “Basic Trial Advocacy Skills”

- ❖ **The Court**
- ❖ **Clients**
- ❖ **Opponents**
- ❖ **Witnesses**
- ❖ **The Administration of Justice**

a)-DUTIES TO THE CLIENT

Includes duty to:

1. Fearlessly uphold the interests of the client.
2. Not breach client confidentiality.
3. Speak on behalf of client and ensure prosecution discharges its onus.
4. Not assist the prosecution case.
5. Respect the client's privileged information.
6. Choose appropriate method of presenting case.
7. Not fabricate defences.
8. Not enquire into truth of client's instructions
9. Not insist that client pleads guilty.
10. Not put right to compensation above interest of client or of justice.

Converse Duties

- ❖ Lawyer: Not under duty to enquire into truthfulness of a client's instructions.
- ❖ Client has right to plead "Not guilty" against advice of counsel.
- ❖ Lawyer not to put right to compensation above interest of the client or the interest of justice.

1. Fearlessly uphold interest of the client

- ❖ Should uphold interest of client without regard to unpleasant consequences to themselves or to other persons.
- ❖ Has same privilege as the client in asserting and defending client's right and liberty by rendering every argument that can be legitimately advanced.
- ❖ May take every point that is fairly arguable whether technical or otherwise.

Dr. Khaminwa in “The Advocate”

“I was among the few lawyers who had the gut to represent outspoken radical political leaders and citizens perceived to criticize the KANU government”

Others:

- ❖ (Justice) Mohammed Ibrahim
- ❖ Gitobu Imanyara

2. Not breach client confidentiality

- ❖ Lawyers may not divulge to court or any other person information confided to them by their clients.
- ❖ As the confidence belongs to the client, such disclosure could be made if client with full appreciation of the consequences of the disclosure consents thereto.

Confidentiality-contd.

Constitution of Kenya.

Art. 48 -Access to justice for all persons

Art. 49(1)(c)-Right to communicate with Advocate

Art. 50(2) (g)-Right to choose and to be represented by an Advocate

Art. 50(2) (h)-Right to an advocate assigned by the State at State expense, if substantial injustice would otherwise result

Art. 50 (2) (i)-Right to remain silent-**SEE Pattni Case (2005)eKLR**

Art. 50 (2) (l)-Right to refuse to give self incriminating evidence.

3. Duty to speak on behalf of client

To say on behalf of client what the latter should say for themselves if they had the requisite skill and knowledge.

Duty to ensure the Prosecution discharges the burden of proving Accused guilty beyond reasonable doubt.

Do not miscommunicate

Get what the client is saying and understand it.

Learn the language or bits of the language they commonly use.

“When you listen to a client you can hear levels of communication that may deepen your understanding of the client’s problem” - Dr.Majalia Mjomba IN

“Presentation and Communication skills for the courtroom”.

Memo from CEO to Manager:

Today at 11 o'clock there will be a total eclipse of the sun. This is when the sun disappears behind the moon for two minutes. As this is something that cannot be seen every day, time will be allowed for employees to view the eclipse in the parking lot. Staff should meet in the lot at ten to eleven, when I will deliver a short speech introducing the eclipse, and giving some background information. Safety goggles will be made available at a small cost.

Memo from Manager to Department Head:

Today at ten to eleven, all staff should meet in the car park. This will be followed by a total eclipse of the sun, which will appear for two minutes. For a moderate cost, this will be made safe with goggles. The CEO will deliver a short speech beforehand to give us all some information. This is not something that can be seen every day.

Memo from Department Head to Floor Manager:

The CEO will today deliver a short speech to make the sun disappear for two minutes in the form of an eclipse. This is something that cannot be seen every day, so staff will meet in the car park at ten or eleven. This will be safe, if you pay a moderate cost.

Memo from Floor Manager to Supervisor:

Ten or eleven staff are to go to the car park, where the CEO will eclipse the sun for two minutes. This doesn't happen every day. It will be safe, and as usual it will cost you.

4. Duty not to assist prosecution

Unlike prosecutors, defence lawyers are not obliged to disclose facts to prosecution that will assist the prosecution by proving guilt of the accused.

BUT they must reveal all relevant cases and statutory provisions including those against their contentions.

Not to assist prosecution

See **Thomas Patrick Gilbert Cholmondeley v Republic [2008]eKLR**

“the burden of proof of guilt is invariably upon the prosecution and at no stage does that burden shift to an accused person whether the accused person be the meanest beggar on our streets, or Lord Delamere whose grandson the appellant is said to be”... “there can be no question of reciprocal rights, or a level playing field or any such theory as between an accused person and the state...”

5. Not knowingly mislead the court

The Defence is precluded from making disclosure of privileged material without the client's consent.

Not disclose without client's consent facts known to them about client's character or antecedents.

MUST NOT put forward or allow client to put forward false information intended to mislead the court.

NOT agree with information put forward by prosecution that they know is false.

False information-contd.

See **Supreme Court of Kenya Petition No. 14 of 2014**

Communications Authority of Kenya and Royal Media Services and 5 others (eKLR 2015)

Para 30: *“The parties engaged in conduct the effect of which was to undermine the integrity of the court’s judgment”*

6. Choose appropriate method of presenting case.

- ❖ If client's instructions do not permit lawyer to present case in a manner he considers appropriate, the lawyer may with consent of court withdraw from the case.
- ❖ Must be for good cause and not jeopardise client's interest.
- ❖ Lawyer should give client the options available for course of conduct and get approval by client of method chosen.
- ❖ Accused retains right to testify in his defence even if lawyer's advise was that he does not testify.

7. Not fabricate defences

Where the lawyer is presenting a technical defence, he must NEVER fabricate defences on the facts.

Penal Code-Chapter XI-Offences against the Administration of Justice

Sec. 113- 113. Any person who, with intent to mislead any tribunal in any judicial proceeding -

(a) fabricates evidence by any means other than perjury or subornation of perjury; or

(b) knowingly makes use of such fabricated evidence, is guilty of a misdemeanour and is liable to imprisonment for seven years.

8. Not enquire of truth of client's instructions.

Generally no duty to enquire whether the client is telling the truth or not.

BUT where the **instructions** or **other information** causes the lawyers to doubt reliability of instructions, must where practicable check the truth of what client tells them to the extent that such statements will be relied upon by the court.

Why it may be important to check

- ❖ Client's soundness of mind may be in question.
- ❖ A life or property might be in danger.
- ❖ The lawyer himself or herself might be in danger.

Key words:

1. Instructions themselves
2. Other information

9. Not insist that the client pleads guilty

- ❖ If client says did not commit offence but insists on pleading guilty, lawyer to use best endeavour to persuade them to plead not guilty.
- ❖ Can continue to represent client upon advising them of consequences of a plea of guilt.
- ❖ Distinguish to client between plea of guilt and what is for mitigation after a plea of guilt.
- ❖ Cannot in mitigation suggest that the elements of an offence have been proved.

10. Not put right to compensation above interest of client or of justice.

Lawyer's right to demand:

- Deposit
- Out of pocket expenses and commitments

Or else he withdraws from the case or refuses to handle it should not be exercised at a time that client cannot find other assistance in time to prevent irreparable damage.

b)-DUTIES TO THE COURT

The Lawyer has a duty to:

1. Accept personal responsibility for his/her conduct
2. Refrain from expressing personal opinions.
3. Disclose all relevant decisions.
4. Refrain from misleading the court.
5. Be courteous.
6. Not waste court's time.
7. Disclose facts within knowledge of the court.
8. Act with fairness if prosecuting.

1. Personal Responsibility

Responsibility for conduct and presentation of their cases.

- ❖ Should exercise personal judgment on substance and purpose of statements made and questions asked.
- ❖ Are individually and personally responsible for their own conduct.
- ❖ Includes professional work in and out of court.

Privilege v Responsibility

- ❖ Lawyer must not misuse privilege of court proceedings to besmirch character of witnesses or opponents.
- ❖ May not attract a defamation suit but loses respect in eyes of the court, fellow colleagues and general public in court.
- ❖ Avoid statements that cannot substantiate.
- ❖ Do not ask a question whose answer you do not know.

JP Machira v E.A. Standard

The standard carried pictures and a caption alleging the plaintiff had fought with a client.

“An angry businesswoman collars a High Court advocate yesterday – in a punch-up that brought court proceedings to a standstill. The fight started in the corridors”

- The plaintiff did not fight back; he kept cool under the lady’s attack.
- Defence struck out in ruling of Kuloba, J on 15.11.2001, case set down for assessment of damages.

2. Not give personal opinions

General rule: Should not assert a personal opinion on the facts or on the law, unless:

- a) If invited by the court to so give an opinion.
- b) If are appearing before a tribunal
- c) If it's their duty to do so.

Should speak in capacity as lawyers, not personal capacity.

Lord Erskine defending Tom Paine

Richard Du Cann in *The Art of the Advocate*(1980)40)

Erskine: “I will now lay aside the role of the Advocate and address you as a man”.

Judge: “You will do nothing of the sort. The only right and licence you have to appear in this court is as an advocate”.

Opinions one may hold

- ❖ State of the Judiciary
- ❖ The Executive or Legislative arms of government.
- ❖ Ethical and moral issues.
- ❖ Freedom of religions.
- ❖ Freedom of conscience.

Remember the courts are courts of law.

Statements in court should be in relation to what the law provides on the issue under discussion.

3. Disclose all relevant decisions

- ❖ Have a duty to inform the court of all relevant and legislative decisions **of which they are aware** (emphasis mine).
- ❖ Is regardless of whether the effect is favourable or unfavorable to their case.
- ❖ If a case or a provision is omitted by another counsel, the advocate is under duty to draw attention to it even if it will assist the opponent.

Bring to attention during trial

Whereas lawyers have liberty to use every point, technical or otherwise to assist client, must bring up any irregularities during the trial, not wait for them to be raised during review or appeal.

Examples: Age of a party where age is relevant; Sentence as prescribed by law; Absence of material evidence such as medical , forensic or expert reports.

4. Not mislead the court

- ❖ Arises from duty to assist in the administration of justice.
- ❖ Protect and promote interest of client but only through proper and lawful means.
- ❖ Not knowingly deceive or recklessly mislead the court.
- ❖ English Law Society rules: Not call a witness whose testimony you know is untrue.
- ❖ Is different from suspecting the evidence of the witness is untrue.

Possible areas of misleading

- ❖ Reason for absence of client or witnesses from court.
- ❖ Reason for absence of advocate.
- ❖ Explanation for delay in filing documentation.
- ❖ Statements previously made in court where record cannot be immediately verified.
- ❖ Extent of damage or loss.
- ❖ Value of property used as surety.
- ❖ Financial of health status of client.
- ❖ Status of occupancy or other *status quo*.

5. Courtesy

- ❖ Courtesy towards the court.
- ❖ Courtesy towards all that are having professional dealings with.
- ❖ Ensure do not undermine the dignity or reputation of the court.

Areas of Courtesy towards court

- ❖ Punctuality of the court.
- ❖ Delivery of rulings on judgment.
- ❖ Time allocations for commencement of hearing.
- ❖ Permission to leave the court.
- ❖ Other assignments the court may be handling.
- ❖ Court's workload for the day.
- ❖ Personal engagements of the judicial officer.
- ❖ Court officers-clerks, orderlies, interpreters.

State of the Judiciary report 2012/13

Page 165

“Previously, judicial officers maintained records by hand, which would then be transcribed and typed. Critical processes to turn the wheels of justice could not begin without manually filling forms. All these activities created a mountain of paperwork, together with the attendant bureaucracy and delays, which bred inefficiency and corruption.”

6. Not waste court's time.

- ❖ Take all reasonable and practical steps to avoid wasting the court's time.
- ❖ If asked, inform court how long intend to take.
- ❖ Do not go beyond the time given without asking for more time.
- ❖ Inform court of any developments that may affect info already provided.
- ❖ **MUST** be present in court at appointed time.
- ❖ Not clandestinely plot an adjournment to their own convenience unless client has agreed to that and lawyers on the other side have ben informed.

What wastes time.

- ❖ Reading passages verbatim.
- ❖ Asking irrelevant foundational questions.
- ❖ Repeating a point that has been addressed.
- ❖ Not making advance arrangements for witnesses' availability.
- ❖ Not making advance arrangements for availing of exhibits.
- ❖ Not arranging documents wish to refer to in time.
- ❖ Not marking pages that will refer to.

7. Disclose facts within Court's knowledge

- ❖ There is no obligation, unless are prosecuting, to disclose facts or witnesses likely to assist the client, or that will be to detriment of client.
- ❖ However if advocate knows a relevant document has been filed, needs to inform court of its existence.
- ❖ Could be a second medical opinion, a probation officer's report, as assessor's report, valuer's report.

8. Act with fairness

First and foremost duty is as officer of court.

- ❖ If prosecuting ensure every material point is made that supports the prosecution.
- ❖ Not hold back evidence or previous records.
- ❖ Present evidence dispassionately and with fairness.
- ❖ Always remember are representing interests of justice, not a party.
- ❖ Lay the facts fairly and impartially.
- ❖ Assist the court on all matters of law (Note the court may be new in the criminal division)

Fairness-contd.

- ❖ Mention all relevant facts and mitigating circumstances.
- ❖ Not be out to get a conviction by all means at their disposal, where such means do not give the court full information concerning the facts.
- ❖ Inform the court of its sentencing power if court apprehensive of its having such powers.

Summary

Is an obligation of honesty and directness.

In an adversarial systems, courts heavily depend on integrity of the lawyers/parties before them.

c)-DUTIES TO OPPONENTS

1. Mention authorities to be used.
2. Not unnecessarily embarrass opponent.
3. Draw attention to cases/ provisions opponent overlooked.
4. Courtesy and respect to colleagues.
5. Not inconvenience or harass opponents.
6. If prosecuting, provide evidence to help Defence.
7. Avoid personality conflicts.
8. Get consent of opponent before placing further material.
9. Giving notice to interview witnesses of other side.

1. Mention Authorities to be Used

Need to tell opponent the authorities you plan to rely upon.

Helps avoid the court being misled by failure to cite all relevant authorities.

Provision of Civil Procedure Rules

Order 11-Pre trial directions and Conferences

Order 11 Rule 2:Pre trial questionnaire at Appendix B.

- ❖ If made contact with other party to narrow down on issues.
- ❖ Full disclosure of documents.
- ❖ Need for inspection of documents and if so, when.
- ❖ Filing and serving of interrogatories.
- ❖ Exchange of witness statements.
- ❖ Agreement on experts reports.
- ❖ Schedule of loss and damage.
- ❖ Which oral evidence to be dispensed with.
- ❖ Bundle of documents and case summary.
- ❖ Skeleton arguments.

2. Not embarrass the opponent

You should not unnecessarily embarrass opponent.

Embarrassment could arise from:

Not giving notice of Legal points not evident from papers.

“Ambush” objections, technicalities or other procedural things.

Effect of embarrassment:

- ❖ Undermines reputation of colleagues.
- ❖ Undermines reputation of the profession.

3. Omission of case or provision by opponent

If you know a case or legislative provision has been omitted, or if opponent makes an incorrect reference to a case or provision, is duty of trial lawyer to draw court's attention to it even if it assists the opponent's case.

Recent development

Examples:

- ❖ Removal of a mandatory provision.
- ❖ Court ruling reducing period within which to do something.
- ❖ Widening scope of people allowed to do something.
- ❖ Change of description of something or a state of affairs.

4. Courtesy and respect towards colleagues

- ❖ Behaviour towards a colleague should be no different from that towards the court.
- ❖ Opponents entitled to same courtesy and respect.
- ❖ One who is rude and discourteous cannot expect respect or polite treatment.
- ❖ Rudeness and lack of courtesy does little to advance a career or the client's cause.
- ❖ Remember in future you might be the one in the weaker position, and in need of the opponent's offices.

Courtesy and respect-Areas

- ❖ Salutation-”Senior”, “Wakili”
- ❖ Making space for seating.
- ❖ Order of addressing court.
- ❖ Allowing colleague to look at a document in your possession.
- ❖ Accommodating genuine reasons for adjournment application.
- ❖ Conserving time allocated.
- ❖ Keeping emotions and high tone in check.
- ❖ Focus on issues, not the person.

5. Not inconvenience or harass opponents

Is unprofessional to deliberately inconvenience to harass opposing counsel.

Examples:

Waiting till last minute to serve a reply, or effecting process in a time period that falls within public holidays.

Areas of inconvenience or harassment.

- ❖ Failure to inform an out of town counsel not to travel.
- ❖ Insisting on attendance of witnesses who are aware cannot attend that time.
- ❖ Insisting on makers of documents where had earlier agreed on admittance of documents without calling maker.
- ❖ Insisting that a counsel new in a matter proceeds even before they have studied file.
- ❖ Delaying conveying of payment of decretal sum or consideration in a conveyancing.

6. Provide evidence when are prosecuting

Principles set out in South African case, *Shabalala v AG of Transvaal 1995(2)SACR 761(CC)*.

- a-No blanket privilege over all documents in police file.
- b-Ordinarily accused be allowed access to documents in police docket which are exculpatory.
- c-Right to fair trial includes right to witness statements, whether or not the witnesses will be called.
- d-State may resist access for reasons that such access not justified or will lead to risk to informer or state secrets.

Shabalala v AG Transvaal contd.

e-Even if State justifies the denial of access, still remains discretion of court, balancing between prejudice and the risk of not having a fair trial.

Constitution of Kenya Art. 50

50(2)

b- be informed of charge in sufficient detail to answer to it.

c- Have adequate time and facilities to prepare a defence.

j- Be informed **in advance**(emphasis mine) of evidence prosecution intends to bring against him and have reasonable access to that evidence.

George Ngodhe Juma Case

Misc.Cr. Applcn. 345 of 2001

Applicants charges in a Magistrates court wanted witness statements and exhibits.

Relying on the then Constitution's Sec. 70,77(1) and 77(2). Meaning of "adequate time and facilities to prepare one's defence".

Described what a fair hearing is.

"The purpose of a prosecution is not to obtain a conviction"(page 13).

Guides to exercise of discretion

Page 16.

- ❖ If will make witness recant statement or if will intimidate him/her.
- ❖ If statement is sensitive/not in public interest to disclose it(national security or endangering witness or their family).
- ❖ If statements has details that can lead to commission of another offence or alerts someone not in custody that they are a suspect.
- ❖ If discloses method of detecting crime.
- ❖ If may lead to a domestic risk.

-Mbogholi Msagha J and KuloBa J,13TH Feb. 2003

7. Avoid personality conflicts

- ❖ Remember it's the clients, not the lawyers who are the litigants.
- ❖ Counsel should not be influenced by the ill feelings between the clients.
- ❖ Avoid personality conflicts.
- ❖ It's improper to allude to personal history, personal peculiarities or idiosyncrasies of opposing counsel.

8. Get consent before placing further material

- ❖ Is improper to attempt to place further material, while a judgment is pending, without consent of opposing counsel.
- ❖ Consent should not be unreasonably withheld, if the further material will help court arrive at a correct judgment.
- ❖ If consent withheld, can apply to re-open case or apply to the court to receive the material.

9. Interviewing witnesses of the other side.

From *Shabalala v AG Transvaal*:

- a) Not consult with prosecution witnesses without consent of prosecuting authority.
- b) Accused can consult State witness if not so doing would impair right to fair trial.
- c) In such case accused should seek consent of DPP and if allowed, DPP's rep. should be at the consultation and take any recording. If consent withheld, can apply to court.
- d) Does not mean compelling consultation if witness declines such consultation or if it will intimidate witness, tamper with evidence, reveal state secrets or identity of informer.
- e) Court may exercise on case by case basis discretion to permit consultation in interest of justice.

d)-DUTIES TO WITNESSES

Part 1-Duties when Interviewing

Part 2-Duties to witnesses generally

- a) Witnesses of the other side in Criminal matters.
- b) Witnesses of the other side in Civil matters.
- c) Where a Judicial officer is a witness.

Duties when interviewing witnesses

Principles in *Shabalala v AG of Transvaal*

- a) Not consult with prosecution witnesses without consent of prosecuting authority.
- b) Accused can consult State witness if not so doing would impair right to fair trial.
- c) In such case accused should seek consent of DPP and if allowed, DPP's rep. should be at the consultation and take any recording. If consent withheld, can apply to court.
- d) Does not mean compelling consultation if witness declines such consultation or if it will intimidate witness, tamper with evidence, reveal state secrets or identity of informer.
- e) Court may exercise on case by case basis discretion to permit consultation in interest of justice.

Duties to witnesses in Civil matters

When interviewing witnesses in civil matters:

- ❖ If before have testified, give adequate notice.
- ❖ Be after ascertaining the other side will call the witness or plans to get a statement from them.
- ❖ Should be necessary for assisting litigant in their case.
- ❖ If has NOT testified, other side need not be represented nor attend.
- ❖ If has testified, but litigation has not ended, the witness' legal representative must be present unless the legal rep. was given notice and declined to attend.

When interviewing a Judicial Officer

General rule(General Council of the Bar rules)

Undesirable for a counsel in a contested case to seek to interview judicial officer hearing or about to hear a case, in absence of the opponent or their advocate, and without their consent.

Notice of intention to conduct such interview must be given.

Duties to witnesses proper

1. Courtesy.
2. Not to harass or badger a witness.
3. Not make unsubstantiated remarks in cross examination.
4. Keep defamatory statements within qualified privilege during cross examination.
5. Not accuse witness of a crime.
6. Not interview witnesses who have been sworn.
7. Not take affidavit from witness unless its evidence.
8. Consult with own witness before trial.

1. Courtesy to witness

As far as possible, be courteous to witness.

“Witnesses must be treated with courtesy and respect. They are doing a public duty in coming to court” (*Synman, J in S v Azo, 1974(1)SA 808(T) at 810-811*)

Can get same information or even more through a polite and courteous relationship with witness.

Being argumentative merely irritates court and elicits little information.

2. Not harass or badger

It's not for advocate to harass, badger or bully witness.

It closes door to cooperation.

It irritates the court.

Inconsistencies are better exposed through carefully structured questioning, and pointing to results of such questioning during submissions.

3. Not make unsubstantiated remarks on witness' character

- ❖ Counsel needs reasonable grounds to believe the foundation or truth of questions put to witness that attack his credibility or character, and ARE RELEVANT to the inquiry.
- ❖ Should not be questions to merely insult or annoy.
- ❖ Need to ascertain, as far as is practicable, the reason for the statement that brings witness' character into question.

4. Keep defamatory statements within qualified privilege

Qualified privilege can only be pleaded if

- ❖ Statement is pertinent to the issue.
- ❖ Has foundation in circumstances or evidence surrounding the trial. (*From Moolman v Slovo 1964(1)SA 760 at 762 and Pogrund v Yutar, 1967(2)SA 564 at 570*)

Should be questions, answers to which will materially affect credibility of the witness.

If imputation is so remote, question should not be put.

5. Not accuse witness of crime

Wanton or reckless accusation of a crime.

Only do so if facts or circumstances from evidence raise a reasonable suspicion of commission of a crime.

6. Not interview a witness who has been sworn

- ❖ It is improper to interview a witness after they have taken an oath to testify, or one who is under cross-examination.
- ❖ If it is necessary, must inform opponent before he so interviews.
- ❖ Applies to a witness who has been cross-examined and is yet to be re-examined.
- ❖ If opponent objects, need permission of the court to interview such witness.

7. Not take affidavit from witness

A lawyer should not get affidavit from a prospective witness, except where evidence is to be presented by means of affidavits.

8. Consult with own witness before trial

Purpose is not to “coach” them but to prepare them for trial experience. Includes explaining:

Procedure-evidence in chief, cross examination and re-examination.

- ❖ Dressing .
- ❖ How to address court.
- ❖ When to say yes or no.
- ❖ What to do if you do not know.
- ❖ Keep answers short, not give speeches. (*Morris Technique in Litigation*, 4th Ed. (1993), 135)

e) Duties to the Administration of Justice

1. As Prosecutors.

Do so as an officer of the court. “Cab-rank “ rule applies.
Use your skills to strengthen the administration of justice.

Office of the DPP Act No. 2 of 2013

2. As providers of Legal Aid

When called upon by the bar.

In Kenya, have LSK Legal Aid week.

Pauper briefs under Registrar of the High Court.

Volunteer lawyers for Legal Aid Agencies.

National Council for the Administration of Justice

Section 34 Judicial Service Act No. 1 of 2011

Mandate: Ensure a coordinated, efficient, effective and consultative approach in the administration of justice and reform of the justice system.

Functions:

- formulate policies relating to the administration of justice;
- implement, monitor, evaluate and review strategies for the administration of justice;
- facilitate the establishment of Court Users Committees at the county level; and
- mobilize resources for purposes of the efficient administration of justice.

NCAJ-Contd.

- ❖ CJ-Chair
 - ❖ Ministry of Justice
 - ❖ Office of DPP
 - ❖ National Police Service
 - ❖ Kenya Prisons Service
 - ❖ Ministry of Gender, Children and Social services.
 - ❖ Witness Protection Agency
 - ❖ Probation and after care services.
 - ❖ Office of the President (Cabinet Office)
- CRJ-Secretary

Duties to Admin of Justice (contd).

- i. Act ethically at all times-to maintain proper reputation and integrity in eyes of clients, courts, colleagues, public.
- ii. Not expose themselves to litigation-Affects their practice and personal reputation. Arises not just from trial but advise, undertakings or costs.
- iii. Not make affidavits in cases they appear.
- iv. Prepare thoroughly for every case.
- v. Not take on too many cases.
- vi. Be properly dressed.
- vii. Introduce oneself to court.

Oath of an Advocate

Taken upon admission to the roll of Advocates.

"I., swear by the almighty God that i will at all times uphold the rule of law and administration of justice, and that without fear or favour, I will well and truly discharge my duties as an Advocate of the High Court of Kenya."

Q and A

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