



CAROLINE
ODUOR
& ASSOCIATES

Advocates, Commissioner for Oaths and Notary Public
CPS-K and Governance Auditor

Firm Profile

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We are what we repeatedly do. Excellence then,
is not an act, but a habit.

~ Aristotle ~



About Us

Caroline Oduor & Associates Advocates is a full-service law firm that offers legal representation in dispute resolution, land & property transactions, advisory and consultancy services in identified practice areas of law. The Firm prides itself in providing legal solutions centered on creating value for its clients. We provide the right expertise, facilities and services tailored to address our clients' unique legal needs while creating individualized and business value.

We draw our inspiration from the great need to positively impact our clients lives and businesses. We endeavor to do so through strategic advisory, innovative consulting services and use of effective dispute resolution mechanisms. We have a dedicated team of Advocates and legal consultants with diverse specialization who provide comprehensive and incisive professional services. The firm team and our carefully selected partners employ their skill effectively to ensure clients receive pragmatic legal solutions. The firm Advocates are duly registered with the Law Society of Kenya and in good standing.

Our client portfolio ranges from individuals to state corporations, private and public entities in the financial sector, insurance, telecommunications, hospitality and leisure, real estate and construction, healthcare, information technology, energy, manufacturing and industrial sectors.

Our **Vision**

To be a leading law firm providing pragmatic legal solutions for a just society.

Our **Mission**

To be the center of excellence in legal practice by offering expertise and facilities customized to address our clients personal and business legal needs.

Our **Core Values**

Human dignity, Excellence, Pragmatism and Integrity.



MESSAGE FROM **CAROLINE ODUOR** | PRINCIPAL PARTNER

"We understand the essence of law to be, firstly to achieve the higher human good and secondly to adjudicate upon competing interest in a manner that accords to the concept of justice. We, therefore, greatly value our clients and remain highly committed to offering excellent services that are competitively costed. Our stakeholders, partners and potential clients are guaranteed of our indelible attention".



All labour that uplifts humanity has dignity and importance and should be undertaken with painstaking excellence.

~ Martin Luther King, Jr. ~

The Team

Our team is made up of Advocates and selected experts who collectively present significant and diverse skills for a great professional experience to our clients.



Left to right standing: Edith, Esther, Emmanuel, Clere, Keith, Dolphine.

Seated left to right: Dennis, Caroline.

CAROLINE ODUOR | ADVOCATE

Caroline Oduor is the firm's Principal partner. She was admitted to the bar as an Advocate of the High Court of Kenya on 20th July 2006. She holds a Master of Laws in International Commercial Law from the University of Salford in the United Kingdom (UK) and a Postgraduate Diploma in International Trade Law, Policy and Development from Lund University in conjunction with TRAPCA. She has a Bachelor of Laws degree from the University of Nairobi, Executive Certificate in Computer Science for Lawyers from Harvard University and a Member of the Chartered Institute of Arbitrators. She is an adjunct lecturer at the Kenya School of Law where she teaches Civil Litigation.

Her professional qualifications include Commissioner for Oaths and Notary Public. Certified Secretary, Certified Board Evaluator and Accredited Governance Auditor. She is a Member of Law Society of Kenya (LSK), FIDA Kenya, East Africa Law Society of Kenya, Institute of Certified Secretaries of Kenya (ICSK) and Women on Boards Network.

She is involved in public service through ad hoc engagements such as serving Boards of State Corporations, Public Benefit Organisation and private charitable institutions. She is currently serving as a Board member of National Transport and Safety Authority, Former Vice-Chairperson of Federation of Women Lawyers (FIDA) Kenya and founding Trustee of ANAA Foundation.

DENNIS MESO |
ADVOCATE

Dennis Meso is a Senior Associate Advocate attached to the firm's Litigation & Dispute Resolution Department. He has been practicing law for over 7 years and has gathered experience in various areas of law including Alternative Dispute Resolution, Litigation, Intellectual Property, Commercial, Constitutional and Judicial Review, Election Disputes and Procurement practice. As a litigation Lawyer, Dennis has represented clients in a wide range of legal disputes across forums ranging from the Court of Appeal to specialized tribunals. His ability to leverage his experience, knowledge and understanding of the dispute resolution processes has enabled him represent high profile clients. Dennis's attention to detail and ability to simplify and communicate complex legal concepts in pursuit of the Rule of Law has set him apart as a distinguished practitioner.

KEITH JOSHUA MOTENDE |
ADVOCATE

Keith Mutende is an Associate Advocate attached to the Firm's Conveyancing Department. He was admitted to the bar on 29th November 2024 and holds a Bachelor of Laws (LL. B) degree from the University of Nairobi. Keith is dedicated and passionate about his work, bringing a client-focused approach to every transaction. With a keen interest in property law and a commitment to ensuring efficient and effective conveyancing processes, he strives to deliver excellence and uphold the highest standards of professionalism.

In addition to his expertise in conveyancing, Keith is known for his attention to detail, strong communication skills, and ability to provide tailored legal solutions. He values building lasting relationships with clients, ensuring their needs are met with diligence and care.

MOSAGWE CLERE KEMUNTO |
LEGAL ASSISTANT AND RESEARCHER
PUPIL

Clere Mosagwe is a dedicated Legal Trainee with a Bachelor of Laws degree from Jomo Kenyatta University of Agriculture and Technology. She is pursuing a Postgraduate Diploma in Law at the Kenya School of Law and currently serves as an Advocate Trainee at the firm. In her position as a pupil, she is keen to gain practical experience in legal practice so that she gains strong advocacy, research and drafting skills through training and exposure from the firm's various areas of practice.

EMMANUEL OPIYO |
HEAD OF FINANCE
AND ADMINISTRATION

Emmanuel Opiyo is an Accountant with over 2 years' experience in Finance' Accounting and Administration. He is a highly dedicated member of the team, has high attention to detail and a high level of accountability when it comes to financial reporting. He has a diversity of expertise in areas of administration, financial and accounting practice especially in cash management, payroll management, procurement processes and asset register. He is able to develop revenue projections and prepare budgets, monitor the expenditure and financial performance, and is capable of ensuring good management of finance and administration systems.

ESTHER MIGALUSIA |
FRONT OFFICE
AND LEGAL SECRETARY

Esther Migalusia is the Firm Legal Secretary with over 7 years' experience. She is highly dedicated, client-focused with deep knowledge of front office management procedures excellent customer service with strong attention to detail, organization and presentation skills.



Our Areas of **Practice and Experience**





**Banking & Insurance
Law**



**Constitution &
Administrative Law**



**Legal & Governance
Audits**



**Contract & Business
Law**



**Conveyance & Property
Law**



**Public Procurement
Law**



Company Law



Family Law



**Regulatory and Statutory
Compliance support**



**Employment and Labor
Law**



**Intellectual Property
Law**



Tax Law



Our Experience

Our Experience

Our firm offers competent legal representation in a broad range of practice areas of law. The firm has great experience in litigation and dispute resolution, Commercial and Procurement practice as well as Conveyancing.

Litigation and Dispute Resolution cases

Our collective experience is rich with civil litigation cases handled encompassing the following selected legal briefs;

- a) A representative suit in the form of a Constitutional Petition seeking to protect the rights of petitioners against illegal and forceful evictions by government.
- b) Public interest litigation with regards to forced and coerced sterilization of women on the basis of their HIV status, the presidential decree case of forced compilation of data on children who are HIV infected and Human rights violation during Covid-19 pandemic.
- c) Employment and labour relations disputes challenging termination of employment on the grounds of valid reasons for termination and due process; termination of employment on grounds of poor performance; challenge of staff performance review process; termination of employment of a public officer on grounds of law as recommended by the Ethics and Anti-Corruption Commission; unfair withholding of pension benefits of a retired staff; computation of amounts owing to a staff in a defined contribution retirement scheme.
- d) Defamation suit to protect the business reputation of a client following wrongful reporting of the client's business transactions by a media company with national presence; publication of defamatory statements via social media.

Dispute Resolution:



- e) Land dispute at the Environment and Land Court on compulsory acquisition of private land; encroachment of public land; use of forged title documents as security for loans.
- f) Banking law disputes on customer confidentiality and loan recovery disputes relating to Charges.
- g) Running down claims involving recovery for personal injury and material damage against motor vehicle owners and declaratory suits against Insurance companies.
- h) Civil debt recovery suits for money had and received; unjust enrichment claims.
- i) Contract enforcement claims with respect to specific performance, restitution and damages.
- j) Suit for wrongful public auction of importers merchandise by Kenya Revenue Authority contrary to customs laws and in respect thereof claiming loss of use and damages for infringement of right to property.
- k) Constitutional petition challenging constitutionality of Section 26 of the Sexual Offences Act No. 3 of 2006 on the basis of violation of the rule of law and principle of legality which requires all laws with criminal penalties to be sufficiently clear.
- l) Succession disputes for distribution of estate in both intestate and testate grants.
- m) Matrimonial disputes for division of matrimonial property, judicial separation, dissolution of marriages, child maintenance and custody.

- n) Public procurement disputes and representation at the Public Procurement Administrative Review Board on the various legal issues including;
- i) Contravention of section 80 (2) of the Public Procurement and Asset Disposal Act (PPADA), 2015 and Article 227 (1) of the Constitution of Kenya by a Procuring Entity.
 - ii) Application of the margin of preference to eligible bidders in International Competitive Tenders and the interpretation of its applicability in open national tenders involving foreign contractors under PPADA.
 - iii) Scope and extent of jurisdiction of the Public Procurement Administrative Review Board (PPARB).
 - iv) Tender validity period, legality and powers of extension as well as the impact of tender validity to tender proceedings.
 - v) Termination of a tender by the procuring entity pursuant to Section 63 of the Public Procurement and Asset Disposal Act.
 - vi) The tender notification process to both successful and unsuccessful bidders pursuant to Section 87(3) of the Public Procurement and Asset Disposal Act.
 - vii) Unfair evaluation of tender against the criterion set out in the Tender document.
 - viii) Incompetency of a Request for review Application
 - ix) Procurement process infringing on a tenderers rights in Article 47(2) of the Constitution of Kenya and Section 4 of the Fair Administrative Actions.
 - x) Commencing judicial review proceedings in a tender for provision of medical insurance to challenge the decision of the Public Procurement and Review Board on grounds of illegality and irrationality.

Conveyancing



Conveyancing

We represent a wide array of vendors, purchasers, landlords, tenants, developers, institutional lenders, as well as domestic and foreign investors. We have been retained by local and international clients to act on various transactions including the following matters;

- a) Perfection of Securities including Legal Charge, Mortgage, Guarantees and Debentures
- b) Drafting and reviewing lending documentation such as Loan agreements and Rental Income assignments for financial institutions.
- c) Advisory services on acquisition and disposal of land, commercial & residential developments.
- d) Drafting of Sale Agreement, Transfers and Conveyance as well as subsequent registration of the same at the respective Land registries.
- e) Advisory services on structuring of complex housing projects and joint ventures.
- f) Perfection of securities for leading SACCO's and Lending State Corporations.
- g) Drafting and obtaining completion documents including necessary consents for transfer of land, valuations and transfers at the land registries all over the country.
- h) Assisting clients in the preparation and negotiation of contracts.

Corporate, Commercial and Consultancy

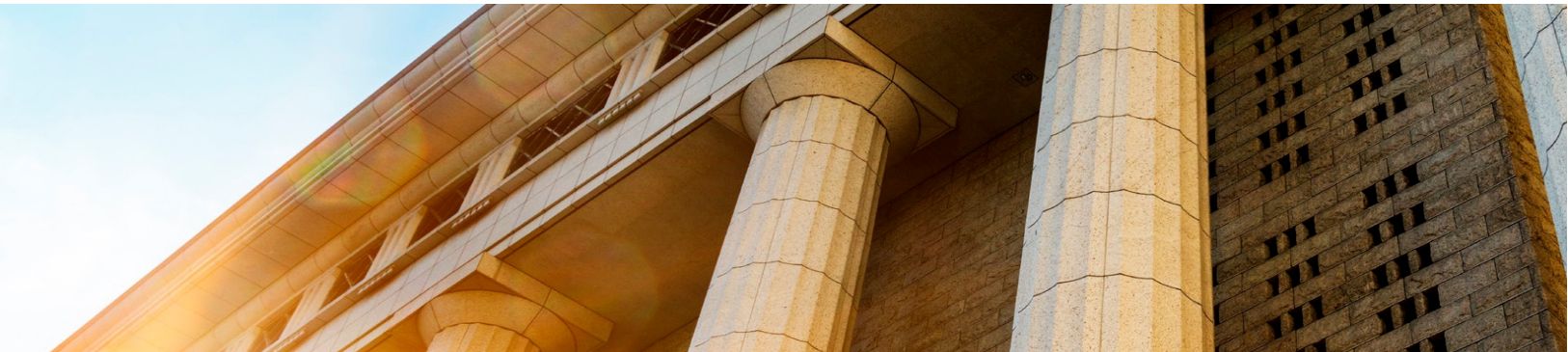
The Firm has conducted Legal Compliance and Governance Audit for an extensive client base which include State corporations, financial institutions and private sector entities. Our firm is well equipped to advise on the full gamut of transactional and regulatory mandates as well as intellectual property protection such as Service Mark and Copyright registration.

Corporate, Commercial and Consultancy



The firm has been retained to perform various notable consultancy work such as;

- a) Legal support in employment internal disciplinary hearing and appeals for a state corporation,
- b) Diagnostic analysis of the Public Private Partnership Act, Policy and related documentation for DAI, implementing USAID Kenya Financial Inclusion for Rural Microenterprises (FIRM).
- c) Reviewing of the Standards Act for Kenya Bureau of Standards (KEBS) in linewith the Technical Barriers to Trade (TBT) and relevant World Trade Organization (WTO) Treaties and East Africa Community (EAC) Acts.
- d) Transaction Advisory Services for a Special Economic Zone establishment
- e) Contract review and Negotiation in International Trade
- f) Legal and Governance Audits
- g) Policy and legislative drafting.



Our **Departments**



Litigation and Alternative Dispute Resolution

The department is tasked with providing all forms of dispute resolution mechanisms including court litigation, mediation and negotiations depending on the nature of dispute and our client's interest. We have the capacity to render legal services in relation to the following:

- a) Civil litigation and representation in all the courts and tribunals
- b) Commercial disputes in financial, insurance and banking sector
- c) Employment and labour relations disputes, workers compensation, performance management, collective bargaining and staff disciplinary cases
- d) Public procurement and asset disposal disputes
- e) Constitutional petitions and judicial review cases
- f) Probate and administration matters relating to estates of deceased persons
- g) Family and matrimonial disputes
- h) Environmental and land disputes
- i) Political parties disputes and election petitions

Property, Conveyance and Real Estate

The department is focused on our client's interests in relation to transfer of proprietary interest, property transaction advice and registration of encumbrances and inhibitions.

We have the capacity to render the following legal services:

- a) Transfers, leases, mortgages, debentures, chattel mortgages, guarantees, charges
- b) Project Construction advisory
- c) Property transactions advisory services
- d) Real Estate Investment Trusts (REITs)
- e) Due diligence regarding sale of interest in property and land
- f) Perfection of securities

Consultancy, Corporate and Commercial Affairs

The department addresses diverse legal consultancy needs and varied forms of commercial legal affairs of a corporate entity. We have the capacity to render the following legal services:

- a) Transaction Advisory on Special Economic Zones
- b) Consultancy on identified areas of law such as international trade law
- c) Governance audit & Board evaluation and Legal audits
- d) Policy and legislative drafting
- e) Statutory compliance support to corporate entities such as private and public limited liability companies & public benefit organizations (PBO'S)
- f) Trade & service marks, patents, industrial designs and utility models registration
- g) Contract negotiations and other related commercial transactions
- h) Incorporation of companies, partnerships, public benefit organizations and related services

Our clients



**HARAMBEE
SACCO**
Empowerment. Development. Security



**STREAM BYTES
LIMITED**

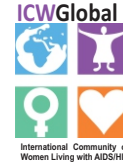


**Development Bank
of Kenya Ltd**

Our clients



HR Career Point Services



voacom
Voacom Networks Ltd



"To simplify the Complex" Providing Technology at it's age



**SHOWAN
LIMITED**



Our clients



County Government of
TANA RIVER



County Government of Uasin Gishu



Unclaimed Financial Assets Authority.
Receive. Safeguard. Reunite



THE NAIROBI HOSPITAL



Sanitation Naivasha
Treatment Plant Limited



National Housing Corporation

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