



Rene & Hans Advocates LLP
Firm Profile

A. INTRODUCTION

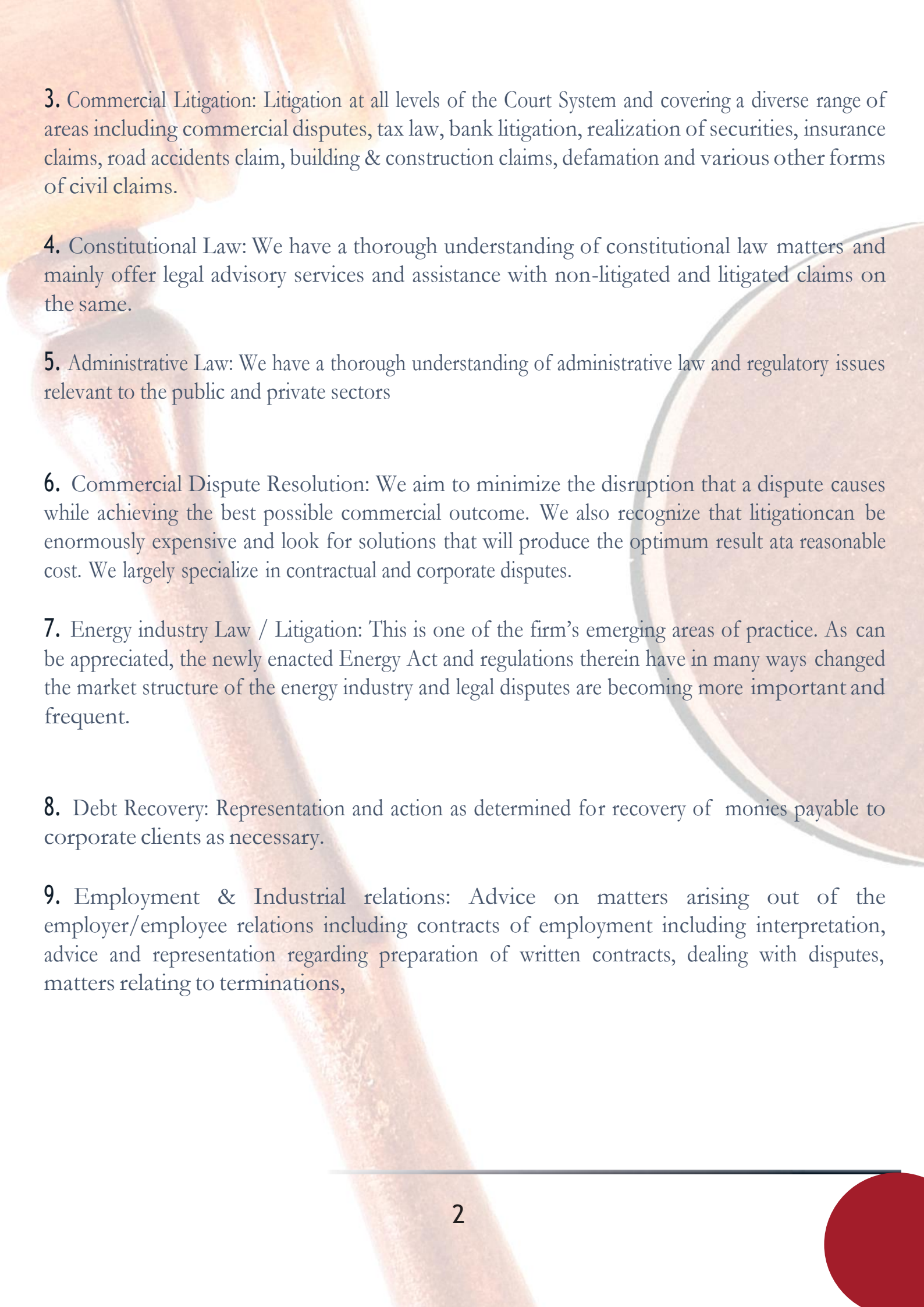
Founded in October, 2019, Rene & Hans Advocates LLP establishes a name for itself as one of Kenya's finest commercial and Litigation practice firms. The firm maintains a very good team of litigators who have made an impression in several important fields, including corporate/commercial litigation, conveyance & property matters and arbitration. Specializing in commercial litigation as well as conveyance & property matters, the firm provides pragmatic, solution driven services that add value to our clients' businesses.

The Firm grows rapidly and embraces an internal culture of motivation, commitment, enthusiasm, and reward. For our clients, their interests are paramount and with that in mind, we offer sound commercial legal services, delivered with total professional commitment. For our employees, we have created an environment of energy, expertise, reward and enthusiasm.

B. RANGE OF OUR LEGAL SERVICES

Our firm offers a wide range of legal services as summarized below. The description of each service category is indicative of the type of work we do and is not by any means exhaustive. The commercial areas in which we have significant depth of expertise include:

1. Conveyance & Property Matters: Routine property matters with an emphasis on transactions and advice work but including dispute resolution as necessary. Matters including but not limited to Conveyancing (vendor and purchaser), Preparation and review of documents for leasing and licensing, charge and mortgage preparation, general advice regarding developments, building and construction, related issues, Residential & Commercial tenancy Issues and all other legal documents relating to land.
2. Commercial Law: Emphasis on transactions and advice work including registration and protection of intellectual property rights, incorporation of businesses, trademarks and copy rights, commercial contract negotiations and preparation.

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3. **Commercial Litigation:** Litigation at all levels of the Court System and covering a diverse range of areas including commercial disputes, tax law, bank litigation, realization of securities, insurance claims, road accidents claim, building & construction claims, defamation and various other forms of civil claims.
 4. **Constitutional Law:** We have a thorough understanding of constitutional law matters and mainly offer legal advisory services and assistance with non-litigated and litigated claims on the same.
 5. **Administrative Law:** We have a thorough understanding of administrative law and regulatory issues relevant to the public and private sectors
 6. **Commercial Dispute Resolution:** We aim to minimize the disruption that a dispute causes while achieving the best possible commercial outcome. We also recognize that litigation can be enormously expensive and look for solutions that will produce the optimum result at a reasonable cost. We largely specialize in contractual and corporate disputes.
 7. **Energy industry Law / Litigation:** This is one of the firm's emerging areas of practice. As can be appreciated, the newly enacted Energy Act and regulations therein have in many ways changed the market structure of the energy industry and legal disputes are becoming more important and frequent.
 8. **Debt Recovery:** Representation and action as determined for recovery of monies payable to corporate clients as necessary.
 9. **Employment & Industrial relations:** Advice on matters arising out of the employer/employee relations including contracts of employment including interpretation, advice and representation regarding preparation of written contracts, dealing with disputes, matters relating to terminations,

unfair dismissal and contractual disputes. We also offer representation with regard to disciplinary actions as well as advice relating to claims against employees.

10. Insurance: Interpretation, advice and representation (if requested) in relation to litigated and non-litigated claims. Representation in courts (as required). General advice and interpretation regarding policy wording, policy limitation, exclusions, subrogation and denial and client obligations in respect of relevant legislation. General advice on public Liability, Personal injury (excluding workers compensation) Property damage & Property loss, Professional Indemnity, Workers Compensation claims including advice and assistance with non-litigated and litigated claims, as required

C. CLIENT SERVICE & VALUES

Our firm is founded upon client satisfaction. We continue to strive to improve the service we offer and, where appropriate, we work with our clients to establish agreed service standards.

The firm is guided by the following key values: -

- 1. Performance:** We strive for continuous improvement in all our endeavors, proactively seeking opportunities to add value to what we do and always behaving responsibly and professionally.
- 2. Quality:** We demand the highest standards of excellence in our ethics, our service and our business processes, and above all, in the delivery and attentiveness of our legal solutions and client relationships
- 3. Teamwork:** We serve our clients' best interests when mutually working as one team, sharing and valuing all ideas and contributions; always ensuring that our integrity, respect for people and client care are never compromised.

D. GENERAL CLIENT SERVICE TERMS

These standard client service terms will apply to any matter in which you engage us. These standard terms are subject to any other terms that may be agreed upon between you and the firm.

1. LEGAL TEAM

- A partner will be assigned to take primary responsibility for seeing that your legal needs are met and for supervising all legal work we undertake on your behalf. The responsible partner will also determine the appropriate additional staffing for each matter you entrust to us. Lawyers and other legal professionals will be assigned to assist with each matter on the basis of their experience and expertise, the nature and scope of the issues and the time constraints imposed by the situation.
- We are always pleased to discuss the staffing of a particular transaction or other matter with you.

2. SCOPE OF OUR ROLE

- The scope of our role for each specific matter you entrust to us will be confirmed in continued communications between us as work progresses. We will not expand the scope of our engagement without instructions from you. In particular, we will not advise you in respect of the tax aspects of a matter unless it is specifically agreed that tax services will be included in the engagement.
- Our role is to provide legal advice and legal services to you. Although we will use every effort to help you achieve your financial and business objectives for any transaction or other matter, you should rely on your internal experts or other external advisors for financial and business advice.
- We will accept instructions from anyone within your organization who has apparent authority in connection with the matter at hand, unless you instruct us otherwise.

3. HOW WE MANAGE CONFLICTS

- We have clients who rely upon us for general representation and clients to whom we provide representation regarding discrete matters. It is possible that an adverse relationship may exist or may develop in the future between you and another of our clients.
- In retaining us, you consent and agree that we may represent other clients (some of whom may be engaged in business activities competitive to yours) on matters that may be considered adverse to you or your interests, so long as we have not been engaged by you on the specific matter for which the other client seeks representation. Furthermore, you agree that you will not assert that our representation of you constitutes a basis for disqualifying us from representing another client in any such matter.
- However, be assured that we have comprehensive policies and procedures in place for the creation and maintenance of “ethical walls”, when required, between the firm’s lawyers representing clients whose matters may be adverse in interest. In common with our treatment of the confidential information of all of our clients, at no time will any of your confidential information be disclosed to or used for the benefit of any other client.

4. FEES AND DISBURSEMENTS

- As far as the level of fees is concerned, we charge in accordance with the Advocates Remuneration Order, which prescribes the fees payable for the variety of work that the advocates are called upon to perform for the clients from time to time. Of course, as is increasingly happening nowadays, our firm is always willing to negotiate and agree on fees payable for the work that may be entrusted to us prior to the commencement of a legal assignment.
- We reserve the right to ask for money on account in respect of work to be conducted on your behalf. This may help to avoid delay in the progress of your case. When we put these payments towards your bill/s, we will send you a receipted bill. However, please note that your total charges and expenses may be greater than any advance payments.

5. PROFESSIONAL INDEMNITY

The firm is currently covered by Africa Merchant Assurance Company Kenya Limited for a professional indemnity of Ksh 50,000,000.00

• It is important that you understand that the amount of our costs, which you will have to pay, may be greater than the amount you can recover from another party to the case. If we are acting for a limited company, we reserve the right to look to the directors personally for settlement of this firm's invoices in the event that the limited company goes into liquidation or receivership.

• On specific matters e.g. arbitration, our fees are generally based on the time spent by lawyers and others on your behalf, and are charged at hourly rates. Our hourly rates are adjusted periodically to reflect experience, capability and seniority of our professionals and staff, as well as general economic factors. At your request, the responsible partner may provide you with more specific details on our rates. Although time expended is a significant factor in determining our fees, there may be circumstances in which our final fee takes into account other factors, including:

- (i) The experience, reputation and abilities of those rendering our services;
- (ii) The amount at issue;
- (iii) Particularly favorable results obtained;
- (iv) Time limitations imposed by you or by the circumstances of the matter; and
- (v) Whether working on the matter will preclude or limit us from rendering services to other clients.

• Our fees will not be affected by the failure of a transaction to be completed.

• VAT is charged in addition to these fees. We will add VAT to any other expenses incurred, including payments we make on your behalf.

• Generally, our accounts are issued monthly. All of our accounts are due and payable on receipt. If an account is not paid within 30 days, we may charge interest at an annual rate in accordance with the rules that govern the professional conduct of lawyers, from the date the account is issued until the date paid.

- In addition to our professional fees, our accounts will include disbursements incurred by us on your behalf, such as long-distance telephone charges, photocopying and facsimile charges; charges for courier, messenger and other communication services; computer database access; charges for legal research; travel expenses; necessary non-legal staff overtime incurred on your behalf; postage; filing fees paid to government agencies; and other out-of-pocket costs incurred on your behalf. For larger disbursements, we may seek funds from you in advance or forward invoices to you for direct payment.

- You will be responsible for payment of the fees and disbursements of other law firms retained by us on your behalf to provide advice on the laws of other jurisdictions. In addition, the fees and disbursements of experts or other third-party service providers retained by us on your behalf will be your responsibility. These experts' or other service providers' fees and disbursements may be billed to you directly, or we may forward their invoices to you for direct payment by you to them.

6. PRIVACY

- In the course of acting for you, you may disclose to us (and we may collect, use and disclose) personal information that is subject to applicable privacy protection laws. We will collect, use or disclose that personal information for the sole purpose of providing our services to you.

7. OUR CLIENT AND OUR REPORTING OBLIGATIONS

- When we are engaged to act on behalf of an organization, our obligations are to that organization and not the directors, officers, employees or other agents who retain us and provide us with instructions or to whom we may provide advice.

- In accordance with the rules that govern the professional conduct of lawyers, if we have any evidence of wrong-doing by or on behalf of the organization, or any officer, director, employee or agent of the organization, we may be obligated to report the wrong-doing to appropriate senior officers or directors of the organization.

8. ELECTRONIC COMMUNICATIONS

- We may communicate with you and provide documents to you through various forms of electronic communications, including email through the public Internet. You may also correspond or provide documents to us through electronic means. Those electronic communications may contain information or documents that are confidential or privileged, unless you instruct us not to send such information or documents electronically.
- There is a risk that any such electronic communications may be intercepted or interfered with by third parties or may contain computer viruses. In addition, we employ filtering techniques (e.g., anti-spam software) which might interfere with the timely delivery of electronic communications you send to us. Neither of us will be responsible to the other, nor have any liability for any actions of any third parties, with respect to electronic communications either of us might send the other, or for any delay or non-delivery, or other damage caused in connection with an electronic communication.
- If you would prefer that any correspondence or documents sent to you be transmitted with a greater degree of certainty or protection (e.g., encryption), please let us know. In addition, if you have any concerns or doubts about the authenticity or timing of any electronic communication purportedly sent by us, please contact us immediately.

9. TERMINATION

- You may terminate your engagement of us for any reason by giving us written notice to that effect. On such termination, all unpaid legal fees and disbursements become immediately due and payable, whether or not an account for them has yet been issued.

We may stop performing legal services and terminate our legal representation of you for any reason in accordance with the rules that govern the professional conduct of lawyers, including for unanticipated conflicts of interest or unpaid legal fees and disbursements.

- Unless our engagement has been previously terminated, our representation of you will cease upon the issuance by us of our final account for services to you. If, upon termination or completion of a matter, you wish to have any documentation returned to you, please advise us. Otherwise, any documentation that you have provided to us and the work product completed for you will be dealt with in accordance with our records retention program. Please note that for various reasons, including the minimization of unnecessary storage expenses, we reserve the right to destroy or dispose of this documentation.

- After completing any particular matter, changes may occur in the applicable laws or regulations, or their interpretation, that could affect your current or future rights, obligations and liabilities. We have no continuing obligation to advise you with respect to future legal developments, unless we are specifically engaged to do so after the completion of the matter at hand.

9. Storage of papers and documents

- At the conclusion of your case we will keep all files and documents relating to the same for the time as required by Statute at no cost to yourself. Thereafter they may be destroyed unless you have asked us to keep them in our possession.

- If we retrieve papers or documents from storage in relation to continuing or new instructions to act in connection with your affairs, we will not normally charge for such retrieval. However, we may make a charge based on time spent producing stored papers or documents to you or another at your request.

- We may also charge for reading, correspondence or other work necessary to comply with the instructions given by you or on your behalf.

E. OUR PEOPLE

Apart from the normal clerical and secretarial staff, we have five advocates who do the day-to-day work and their qualifications and experience are summarized here below:



Mr. Isaac Rene Okumu

Mr. Isaac Rene Okumu is the Managing Partner of the firm. He is a holder of a Bachelor of Laws (LLB Hons.) degree from the University of Nairobi and holds a post-diploma in law from the Kenya School of Law. Isaac brings with him, considerable competencies and skills in handling various legal issues which is drawn largely from his previous work at Ataka, Kimori & Okoth Advocates and Havi & Company Advocates.

Isaac has a passion for Litigation, Conveyancing, Criminal Law, Debt Collection, Corporate and Commercial law practice. He has also represented several leading banking institutions seeking, for instance, to exercise their statutory power of sale, including defending the institutions from any court proceedings arising therefrom. He has represented leading corporates in instituting and defending claims related to employment law, including work injury claims and wrongful dismissals.

Rene has amicably managed a number of complex corporate and individual disputes through arbitration saving the client from the tedious court process. He has also represented clients before tribunals, Co-operative Tribunal, Business Premises Rent Tribunal, Rent Restriction Tribunal and Competition Tribunal. In the area of corporate and commercial law, he has advised and acted on behalf of various individuals and corporate entities undertaking the incorporation and restructuring of companies, partnerships, microfinance institutions among others. Commercial Law practice, Employment Law, Banking, Criminal Law, Insurance Law practice and Conveyancing and Securities.

He has drafted various forms of commercial documents including joint venture agreements, shareholders agreement and share purchase agreements, memorandum and articles of association and incorporation forms for companies, partnership deeds, employment contracts and pharmaceutical supplies contracts and technical agreements. He has also been involved in values energy and infrastructure projects including structuring project financing for such through Asset-Backed Securities.



Mr. Oichoe Hans Kevin

Mr. Oichoe Hans Kevin is a Partner at the firm. He holds a Bachelor of Laws (LLB Hons.) degree from the University of Nairobi and a post graduate diploma in law from the Kenya School of Law. He draws his expansive professionalism, competence and skill set from his work in the firms of Waweru Gatonye & Company Advocates and Mohamed Madhani & Company Advocates.

He brings competency and passion in expansive practice of Law in Litigation,

Commercial Law, Employment Law, Banking, Criminal Law, Insurance Law practice and Conveyancing and Securities. In the Corporate and Commercial Law, he is involved in the incorporation of business entities including companies and partnerships, structuring shareholder rights, corporate restructurings which include mergers acquisitions, the transfer of business & debt conversion to equity and restructuring of existing companies; rendering of legal opinions and advisories on an array of legal issues and areas of law; drafting and review of various commercial agreements.

Hans has handled, acted for and represented the National Hospital Insurance Fund (NHIF) in its insurance cover for the Civil servants in a multi-billion Kenya Shillings contract for the year 2018/2020. He has similarly represented and acted for the government in its procurement for anti-retroviral drugs before the Public Procurement Administrative Board, the High Court of Kenya and in the Court of Appeal.

In Banking, Finance & Securities Law, Hans provides legal advisory to clients on wide Banking and Financial Services and handles the preparation of the requisite documents and sees to the creation and perfection of securities including legal charges, debentures, guarantees and indemnities; as well as other transactions such as hire purchase, debt collection and foreign exchange and conducts due diligence on various banking transactions.

In Real Estate Development, he has advised and acted for various developers and individuals in real estate and property developments including drafting, review and negotiation of Agreements for Sale, Leases and Transfers and has further advised clients on and structuring technical aspects of construction and Infrastructure developments;

rendered legal advisory on commercial and retail property, real estate development, joint ventures, acquisitions and disposals, due diligence and real estate financing and other areas of conveyancing law.

Further he provides legal support services to clients in energy, mining and infrastructure developments. On renewable energy projects and oil & gas, he has been involved in drafting and negotiation of energy business contracts which include the following: Joint Venture Agreements; Power Purchase Agreements; Fixed Term Electricity Agreements; and Utility Service Energy Contracts. Further on renewable energy, she has advised and acted for clients on licensing, obtaining of Ministry of Energy approvals; applying for environmental Assessment approvals; giving specialist advice on Carbon trading; advising on Project Finance and Infrastructure Development and liability analysis for power generation projects, industrial plants and oil, gas and other natural resource projects.



Mr. Kiura Michael Gitonga

Mr. Kiura Michael Gitonga is a partner at the firm. Mr. Kiura holds a Bachelor of Law (LLB Hons.) degree from the University of Nairobi, Bachelor of Arts (Political Science and communication) from the University of Nairobi and a Post graduate Diploma from the Kenya school of Law. Further, Mr. Kiura is also a certified professional mediator from the Mediation Training Institute (East Africa). Mr. Kiura brings into the firm his rich working experience from the firm of Lestins and

Smith Advocates he honed his skills, expertise and passion in Dispute Resolution; Litigation. Alternative Dispute Resolution with great interest in Mediation. As part of his work in Mediation, Mr. Kiura has seen the successful dispute resolution within Embu County where he mediated business conflicts between the farmers within the County and further led the conflicting SACCOs to form and establish the Muguka SACCO. Mr. Kiura has also been involved in the preparation of various commercial documents including contracts, leases, licenses and joint venture agreements and in the incorporation and registration of various business entities including companies, partnerships and limited liability partnerships among others. At the firm, Mr. Kiura undertakes matters relating to intellectual property, real estate transactions, banking finance, tax and corporate secretarial services. Mr. Kiura is also an expert in employment law in resolving a wide spectrum of employment disputes ranging from redundancies, summary dismissals to collective actions by unions.



Mr. Michael Simiyu

Mr. Michael Simiyu is an Associate at the firm. He holds a Bachelor of Laws (LLB Hons.) degree from the University of Nairobi and a post graduate diploma in Law from Kenya School of Law. Michael brings to the team his experience in the profession from his work in the firm of Manyonge Wanyama & Company Advocates and Waiyaki & Associates Advocates. Mr. Simiyu has vast experience in Family Law, Probate and Estate Law, Litigation, Debt collection and Criminal Law.

Mr. Brian Abel Chogo Asuma

Mr. Abel Asuma is an associate advocate at the firm who holds a Bachelor of Law (LLB Hons.) degree from the University of Nairobi and a post graduate diploma in Law from the Kenya School of Law. Before joining the firm, Mr. Asuma previously worked in the firms of Nyachoti & Company Advocates, Mohamed Muigai & Company Advocates and Simba & Simba Advocates. He has bias towards Litigation Corporate and Commercial Law, Criminal Law, Insurance Law, Banking Law and Conveyancing Law and practice. At Rene & Hans Advocates LLP, Mr. Asuma has been involved in all areas of litigation concerning contractual disputes, fraudulent land transactions, Judicial Review matters, Constitutional Petitions, defamation law suits, intellectual property disputes lab or and employment claims, Insurance and Banking litigation, as well as company insolvency and individual bankruptcy matters.

F. CONCLUSION

We have the demonstrated ability to provide quality legal services & would welcome the opportunity to meet and discuss these and other qualifications with you.

It would also be our pleasure to provide you with any additional information you may require.

Isaac Rene Okumu
(Managing Partner)

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Oichoe Hans Kevin
(Partner)

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