

Statement sought of this
Woman, Man
Response due on 10/9/19
H/E

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NAIROBI CITY COUNTY



NAIROBI CITY COUNTY ASSEMBLY

SECOND ASSEMBLY - THIRD SESSION

REQUEST FOR STATEMENTS

Hon. Speaker,

Pursuant to Standing Order 45 (2) (c), I wish to request for a statement from the Chairperson of the Sectoral Committee on Justice and Legal Affairs regarding the operations of the Legal Department.

Hon. Speaker, it is a known fact that the County Government of Nairobi continues to use external legal counsel for litigation despite having a Legal Department. It is instructive that the Legal Department as currently constituted is very lean and has been unable to fully execute its mandate.

Hon. Speaker, as a result, it is not clear how the Department operates, leaving room for confusion and an obscure chain of command, which has occasioned the loss of money to external lawyers for matters the County would have effectively handled. For instance, in Nairobi ELC No. 368 of 2015, involving the Githunguri Farm vs. the Nairobi County Government, the lawyer on record, KTK Advocates, alleges that he was informally instructed by the County Government to take a neutral position while the matter directly involved the County.

Hon. Speaker, in the statement, the Chairperson should inquire into and report on: -

- i) Detailed procedures and authorizations for securing external counsel for the County's litigation;
- ii) Responsibility for managing external counsel throughout a matter once engaged, and reporting mechanisms;
- iii) Who gave the informal instructions for Counsel on record to take a position contrary to the best interests of the County; and
- iv) Is it standard practice for officers to give verbal instructions to Counsels without further reference to any laid down procedures, if any.

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Hon. John Kamau, MCA
MEMBER FOR ROYSAMBU WARD

Date: *8/8/2019* *KAMAU*