

# GAZETTE NOTICE NO.

## The Advocates Act The Complaints Commission 135<sup>th</sup> Quarterly Report

(1<sup>st</sup> July, 2024 to 30<sup>th</sup> September, 2024)

1. Pursuant to Section 53(9) of the Advocates Act and Rule 12(1) of the Advocates (Complaints Commission) Rules, 1991 it is notified for general information that from 1<sup>st</sup> July, 2024 to 30<sup>th</sup> September, 2024, the Commission received a total of two hundred and fifty-seven (257) new complaints and submitted them for enquiry under the Preliminary Enquiry initiative. The current status of the above new complaints is as shown below:

| S.NO | STATUS  | NO. OF COMPLAINTS |
|------|---|-------------------|
| 1    | Rejected  | 45                |
| 2    | Undergoing Preliminary Enquiry and therefore carried over to the next quarter | 212               |

2. The total number of complaints carried over to the period under review (that is 1<sup>st</sup> July, 2024 to 30<sup>th</sup> September, 2024) from previous quarters are three thousand two hundred and eighty (3280).
3. During the period under review a total of one hundred and twenty (120) complaints were classified and files opened. The nature of new complaints classified is as shown below: -

| S.NO | NATURE OF COMPLAINTS                       | NO. OF COMPLAINTS |
|------|--|-------------------|
| 1    | Failure to render professional services    | 6                 |
| 2    | Withholding funds                          | 64                |
| 3    | Failure to honour professional undertaking | 12                |

|       |                          |     |
|-------|--------------------------|-----|
| 4     | Failure to inform client | 5   |
| 5     | Failure to account       | 33  |
| TOTAL |                          | 120 |

4. Complaints filed against advocates/firms of advocates were disposed of in the following manner during the period under review: -

i. Preliminary Enquiry (PE) complaints:

Total number of complaints closed under the Preliminary Enquiry (PE) initiative were three hundred and twenty-four (324).

ii. Classified Complaints:

Total number of complaints finalised were seventy-two (72) whose details are as follows:

| S.NO  | ACTION            | NO. OF COMPLAINTS |
|-------|-------------------|-------------------|
| 1     | Settled           | 57                |
| 2     | Rejected          | 3                 |
| 3     | Advocate deceased | 4                 |
| 4     | Withdrawn         | 3                 |
| 5     | Abandoned         | 5                 |
| TOTAL |                   | 72                |

5. Pursuant to section 53(4) and in the spirit of section 53(5) of the Advocates Act, fifty-seven (57) complaints were settled amicably at the Advocates Complaints Commission.
6. The Commission in the process of settling complaints during the period under review facilitated recovery and payment of Kenya shillings thirteen million seven hundred and forty thousand seven hundred and seventy-four (Kes. 13,740,774) to complainants.

7. The matters referred to the Disciplinary Committee during the same period for further action and in accordance with Section 60(1) of the Advocates Act were twenty-seven (27).
8. During the period under review, of the matters already referred to the Disciplinary Committee one advocate was struck off the Roll of Advocates and another suspended from practising.
9. In summary

| S/NO.  | DESCRIPTION   | NO. OF COMPLAINTS |
|--|---|-------------------|
| 1  | Complaints brought forward to the period 1 <sup>st</sup> July, 2024 to 30 <sup>th</sup> September 2024 from previous quarters | 3280              |
| 2  | Complaints received between 1 <sup>st</sup> July, 2024 to 30 <sup>th</sup> September 2024                                     | 257               |
| <b>TOTAL COMPLAINTS FOR THE PERIOD UNDER REVIEW</b>                      |   | <b>3537</b>       |
| 3  | Files disposed of during the period under review  | 396               |
| <b>TOTAL PENDING COMPLAINTS<br/>AS AT 30<sup>th</sup> September 2024</b> |   | <b>3141</b>       |

Dated at Nairobi this 7<sup>th</sup> day of October, 2024.



HON. MOSES K. CHEBOI, CBS  
CHAIRMAN,  
ADVOCATES COMPLAINTS COMMISSION