

THE LAW CHAMBERS OF;



**MERWIN & COMPANY
ADVOCATES**

*Advocates, Commissioner for Oaths &
Notaries Public*

FIRM PROFILE

**MERWIN & COMPANY
ADVOCATES** is a premier
professional legal firm of
highly qualified, skilled,
honest, dedicated and
dynamic lawyers who
represent the accessible
new face of legal
practice that is in tune
with modern business
trends that require
innovative, responsive,
pragmatic and
personalized
professional legal
attention.

We bring over 29
combined years of
legal experience in
quality service to our
client base, resolving
legal disputes,
mediation and legal
services to our satisfied
individual and
corporate clients.

LAW
CASES

LAW
CASES

LAW
CASES

MISSION

To provide excellent and efficient legal services to our clients

VISION

To be a premier law firm, providing the best legal services that exceed our client's expectations.

OUR CORE VALUES

a) Integrity

We stand for uncompromising integrity and high ethical conduct in our practice of law. We also protect client information that is sensitive, private or confidential and guard it very carefully.

Further, we do not engage in corrupt practices, believing in the Rule of Law and Administration of justice.

b) Respect

We strive to treat all partners in our work with the respect and dignity they deserve; we value their contributions and uphold professional values at all times.

c) Service

Merwin & Company Advocates is premier law firm that provides cutting edge legal services and solutions to our national and international clients. We focus on specific needs of our corporate and individual clients and work dedicatedly to provide them with the best legal solutions. We are meticulous with detail and we blend our legal services with best management practices, combined with excellent customer care and etiquette.

By combining our commitment to excellence, service and quality with professional resources available to us, we strive to be the very best in the delivery of our legal services to our clients.

d) Excellence

We strive for excellence and uphold the philosophy of continuous improvement in all that we do. To us, everyday is a new learning experience through which we can improve ourselves and improve the quality of what we offer our clients.



AREAS OF EXPERTISE

In the broader perspective of serving various categories of clients, we provide composite legal services including but not limited to the following fields of law:-

1. **Property Conveyance**

On behalf of our corporate and individual clients, we engage in Property conveyance whereby we prepare/draft conveyances for immovable property (land) to the standards of the requirements as set out in the various statutes governing land law and property in Kenya.

Inter-alia, we prepare mortgages, charges, Discharge of charge, Debentures, Guarantees,

lease agreements, sale agreements, Powers of Attorney and we are conversant with the Lands office routine and Registration of Documents.

2.Commercial Law

a) Commercial Drafting

- Drafting of, and analysis of Contracts, Commercial Agreements (local and international) Shareholder Agreements, Constitutions and By-laws
- Negotiation skills and expertise in the analysis of commercial, contractual and corporate legal matters, as well as expertise in incorporation and experience in governance issues. Under this, we undertake the following: -
 - a.Drafting of Memoranda of Understanding
 - b.Client representation negotiation in the analysis of commercial, contractual and corporate legal matters.

- Agreements and contracts
- Corporate advice
- Drafting of commercial leases Property, aircrafts and agricultural machinery.
- Drafting of Agency agreements.

b) Banking and Financial Services

Under the banking and financial industry, we are able to offer expert services on:

- Preparation of contracts and various financing documents.
- Advice on all aspects of banking legislation.
- Advice on international development projects and rescheduling of debts.
- Preparation of contracts and various financing documentations.
- Establishing of representative and branch offices of foreign institutions and Companies.
- Recoveries and re-possession.

c) Insurance

We handle insurance matters and are well versed with the various legislation affecting the insurance industry, we have specialized in the following areas: -

- Aviation and Marine Insurance.
- Professional Indemnity
- Product liability.
- Fire.
- General liability Insurance.
- Motor Vehicle Insurance.
- Reinsurance.
- Policy drafting and underwriting advice.
- Insurance claims and disputes.

d) Intellectual Property, Patenting and Trademarks

The rate of growth in this field and the recent international dynamics on strict adherence to the intellectual property rights has led us to undertake extensive research in this discipline and the firm is able to offer a broad-based service in this area including: -

- Advice on the acquisition, registration and protection of intellectual property.
- Business and corporate news on Intellectual Property.
- Licensing and technical agreements.
- Advice on restrictive trade practices.
- Registration of Patents.
- Trademarks.
- Copy rights.
- Advice on the application of trade and marketing laws.

e) Environment & Conservation

We also render appropriate legal advice to clients on compliance with the provisions of the Laws of Kenya, and in certain cases offering legal representation in matters relating to complaints made to the Environmental Tribunal.

In relation to these matters, we also prepare contracts, Memoranda and all manner of instruments between Organizations, Local Authorities, Local Communities and other interest groups over legal utilization and or sustainable harvesting of flora and fauna.

f) Debt Collection

We take up debt collection on behalf of our clients, and in so doing endeavour to recover monies due and owing to our clients on their behalf.

This we do initially without invoking the court process, unless if and when it becomes necessary to do so.

h) Incorporation of Companies

We undertake the incorporation of companies and go through the whole process right from the initial stages of reserving names to actual registration and issuance of certificates of incorporation.

3. Litigation

a) Commercial Litigation

The firm mainly specializes in the Prosecution and Defense of commercial matters, and in so doing has put in place the following in the interest of our esteemed clients: -

b) Accident Claims

We take up accident claims on behalf of both companies as employers or their insurers, and either prosecute or defend, as the case may be. In handling matters of this nature, we deal either directly with the Company or with the insurance company.

c) Employment and Labour law

Various statutes and case law on employment regulate the relationship between the employer and the employee in Kenya.



We have dealt with suits for malicious prosecution, libel and slander, which come as a result of suits for wrongful termination and also suits relating to industrial accidents, whereby employees sue the employer for injuries sustained while at work.

A complex set of rights and obligations with sources in contract, the common law, custom and practice jurisdiction ensures equity for both parties.

In particular, minimum standards relating to the employment conditions (often differentiated by industry, trade, occupations and area) are the subject of legislation. Therefore, in order to manage and minimize liability, we offer general client advice on the following:-

1. Minimum standards which include:-

- Basic terms and conditions e.g. Probation, leave pay.
- Minimum safety/ occupational health requirements.
- Provisions for training facilities.
- Deviation from certain standards may result in the institution of criminal proceedings.

We also offer the following comprehensive range of professional services to our corporate clients;

- Labour law litigation.
- Drafting of agreements and contracts of employment.

- Advice on labour implications of acquisitions and mergers.
- Advice on alternative means of dispute resolution, including but not limited to mediation and arbitration and the formulation of strategies in respect to strikes, locking out and other forms of industrial action.
- Prosecution and Defense of proceedings at the Industrial court.
- Advice on unfair labour practices.
- Advice on statutorily based employment conditions and minimum standards of employment.
- Advice on measures to reduce litigation in labour related matters.
- Advice on complying with Environmental, Local Government Regulations, among others.

- Adoption and Guardianship
- Probate and Estate Administration – Wills, Testaments and Estate Management



In addition to the above services, we also have pre-trial briefings with our corporate clients whereby we sensitize witnesses on trials, court process, and also enlighten them on the various legal terms used in court, and which they are likely to come across during trial.

This is necessary so as to enlighten witnesses on what is expected of them in court, and also to make them familiar with the legal process and to sensitize them on the workings of the court.

4. Alternative Dispute Resolution

We engage in Alternative resolution of disputes, whereupon we seek to mediate and arbitrate over matters with a view to amicably reaching an agreement. We encourage the parties to come together and see how best the existing dispute can be resolved in an amicable and swift manner.

5. Settlements (out of court)

In the interest of our clients, once we get instructions we try to negotiate with the adverse party with a view to entering out of court settlements, which once attained save much time, energy and also costs.



CONFIRM

Arbitration Agreement

THE PARTNERS

The firm has two highly experienced partners backed by experienced associates and a number of paralegal staff.



WINIFRED WANGARI GITAO

Founding Partner,
Head- Conveyancing & Real Estate



+254721281522



wwgitao@merwinadvocates.com



Mombasa, Kenya

WINIFRED WANGARI GITAO is a Founding Partner of the firm and heads the Conveyancing Department. She has been in legal practice for over 25 years with in-depth experience and knowledge in real estate, corporate and commercial and maritime law.

A holder of a Masters of Laws Degree from the University of Hull, UK, as well as an Honours Bachelors Degree in Law and Psychology from the University of Keele, UK;

Winifred is an Advocate of the High Court of Kenya holding of Post-graduate Diploma in Legal Studies from the Kenya School of Law. Her expertise is focused on banking and securities, conveyancing and project development transactions, leases and licenses. She also handles tribunal suits, and commercial insurance and Maritime litigation matters.

Winifred also practices in Probate and Estate administration matters, preparation of Wills and Estate management.

She is a Certified Public Secretary, CPS (K) Holder experienced in her advisory capacity sitting in at Boards for several institutions, and as Company Secretary, maintaining the various statutory registers, filing and preparing statutory documentation.

For 5 years Winifred was the Managing Partner of the Mombasa office of Dentons, Hamilton Harrison and Matthews Advocates, the oldest law firm in Kenya, combined with the largest law firm in the world with a reputation as an innovative experienced responsive highly skilled firm.

There she has acted for numerous Banks, Corporate institutions, Parastatals, Local and International Charitable and Profit-making organizations.

Prior to this she was a Partner in the firm of Balala & Abed Advocates for 5 years having re-located from Nairobi where she was a Partner in the firm of Musyimi & Company Advocates for 8 years.

A key highlight in her accomplishments was as the key Legal advisor on the governance and successful restructuring of a micro-finance institution in its transformation process into a Deposit Taking institution.

She was able also to hone her expertise in Family and Children's Law having represented hundreds of families before the court, on Adoption, Guardianship and other family law matters.

Winifred has developed a track record of proven integrity and the myriad referrals she has receive

bear witness to the fact she has created confidence with the Boards with which she works, both locally and internationally.

Winifred has served as a Trustee of the Board of Trustees of Seeds in His Garden Children's Home registered as a Trust in Kenya and as a Member of the Board of Governors AIC CURE International Kijabe Children's Hospital, currently Winifred serves the Anglican Church of Kenya as a lay reader at the Mombasa Memorial Cathedral, and also serves as Assistant Registrar for the Mombasa diocese.



MERCY MUTHONI NYAGA -

Founding Partner,
Head - Litigation and Alternative
Dispute Resolution



+254727535786



mmnyaga@merwinadvocates.com



Mombasa, Kenya

MERCY MUTHONI NYAGA holds a Bachelor of Law (LLB) (Hons) from The Catholic University of Eastern Africa (CUEA) and a Post Graduate Diploma from the Kenya School of Law. She is a Practicing Advocate of the High Court of Kenya and a Partner in the firm heading the Litigation and Alternative Dispute Resolution department. She has vast experience in Litigation matters & ADR including but not limited to Mediation and Arbitration.

Mercy also has experience in high profile and public interest Procurement Matters and handled the same at the Public Procurement Administrative Review Board (PPARB) mostly representing the procuring entity hence well versed with the Procurement procedure, laws and regulations. She specializes in advising and representing clients in employment and labour disputes, constitutional & judicial (administrative) review, banking and commercial litigation, land disputes, public procurement, insolvencies, insurance law, debt recoveries, contract litigation, securities enforcement, negotiating out of court settlements.

Prior to becoming a Partner in firm, she worked as a Litigation Associate in a busy mid-tier law firm where she represented County Governments, County Assemblies and leading State Corporations in litigation claims.

Her experience includes representing clients in the Court of Appeal, High Court, Chief Magistrates Court, Chartered Institute of Arbitrators, Public Procurement Administrative Review Board and Tribunals.

Additionally, she also worked as an In-house Legal Counsel for a State Corporation, Kenya Petroleum Refineries Limited (KPRL) where she dealt with Corporate Governance Matters, Board Advisory, Statutory & Regulatory Compliance, Pension matters among many others.

She is also a Commissioner for Oaths and a Certified Secretaries (CS- I) Holder. Professional memberships include The Law Society of Kenya, Mombasa Law Society and the Advocates Benevolent Association.

WHY CHOOSE US?

We have a reputation for providing an exceptional legal service. We are renowned for our commitment to excellence and for our ability to find innovative solutions to the most complex of legal problems. Our clients recognize and value this. To-date, Merwin & Company Advocates continues to distinguish itself as a top-rated business law firm.

PROFESSIONAL REGISTRATION

Merwin & Company Advocates and solicitors comprises of two partners who are fully qualified Advocates of the High Court of Kenya with current and valid practicing certificates.



MODE OF CHARGING FEES

Our legal fees structure is competitive and is within the Advocates Remuneration (Amendment) Order, 2014

CLIENT BASE

We work with national and international consultants, as and when their services are required. We also have cooperative alliances with local law firms in other jurisdictions in Kenya.



**MERWIN & COMPANY
ADVOCATES**

*Advocates, Commissioner for Oaths &
Notaries Public*

**Jubilee Arcade, 1st Floor
Moi Avenue, Mombasa
P.O BOX 42054-80100
www.merwinadvocates.com**