

**REACTION OF ADVOCATES BASED IN NAIROBI ON
THE RELEVANCE OF THE COMPULSORY
CONTINUING LEGAL EDUCATION PROGRAMME**

BY

MAGDALENE NZISA MUNYAO

D61/P/7482/03

SUPERVISOR

DUNCAN O. OCHORO

**MANAGEMENT RESEARCH PROJECT REPORT SUBMITTED IN
PARTIAL FULFILLMENT OF THE REQUIREMENT OF THE DEGREE OF
MASTER OF BUSINESS ADMINISTRATION, UNIVERSITY OF NAIROBI**

OCTOBER, 2008

University of NAIROBI Library



0339340 2

DECLARATION

This research project is my original work and has not been used for the purposes of award of a degree or in any other publication in any university or institution.

Name: Magdalene Nzisa Munyao

Reg. No: D61/P/7482/03

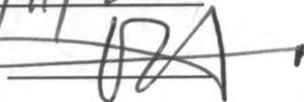
Date: 11th November, 2008

Signature: 

This project has been presented for examination with my approval as the appointed supervisor.

Name: Duncan Ochoro

Date: 11/11/2008

Signature: 

DEDICATION

This project is dedicated to my dear husband Jacob K. Gakeri and my lovely children Vanessa Wandia and Sanchez Gakeri.

ACKNOWLEDGEMENT

First and foremost to the Almighty God, the Alpha and Omega, without Him I would never have come this far!

My special thanks to my supervisor Duncan Ochoro for his guidance, encouragement and patience throughout the period of this research. I also thank other members of the Faculty of Commerce who were present during my defence of the project proposal as well as all fellow students present for their constructive criticism, ideas and corrections that added value to this research.

I wish to thank the LSK CEO and staff (Apollo, Rachel and Judith) profoundly for their assistance in accessing the sampling frame and for their encouragement. Thank you also that you were not afraid that I sought to determine the reaction of advocates to your programme and it's my hope that you can pick my recommendations and commission a more comprehensive study.

My special and most profound thanks go to my dear friend and colleague Dr. Patrick Mureithi for always being there for me and for your immeasurable support. May God indeed bless you! I also thank my Legal Division Colleagues Doris and Charles for backstopping and covering for me at the office when I was so totally mixed up with this research. I know that either the office work would have suffered, or I would have been the one to suffer had you not come into NACC just at the right moment.

My gratitude to members of my family for being very supportive and also understanding when I at times disappeared from your lives due to the stress of my studies and work. Thank you Mum and sis Ruth for always calling to find out how far I had gone with my studies. You are truly gems in my life.

Lastly I want to thank all those who encouraged me and contributed in one way or another to my studies; Wilson, Chris K, Joshua G, Isabella, Triza, Felicity, Auma, Njoroge; Pastor Chris and Brother in Christ Jacques for your prayers; Millicent, Esther and Joyce for your constant smiles that made me forget the stress of studies. I equally thank all others whose names I cannot, for lack of space, list here.

May the Almighty God Bless you All!

ABSTRACT

Education is important for the imparting of knowledge, positive judgment as well as developing wisdom. In a dynamic and competitive world, there is need for individuals in all professions to ensure the systematic maintenance and improvement of knowledge, skills and competence, and enhancement of learning throughout their working life. Continuous Professional Development therefore encompasses both formal and informal means of maintaining an existing knowledge base by updating on changes; acquiring new knowledge connected to the practice of a profession in order to extend and amplify knowledge, sensitiveness or skill; and honing existing knowledge to improve the overall standards of practice of a professional

The Law Society of Kenya did in 2004 start a mandatory continuing education programme for all advocates and further require that every application for renewal of annual practicing certificate must by prove that the applicant has secured five units of Continuing Legal Education in the previous year of practice. This requirement effectively makes CLE mandatory since an advocate can not practice without the certificate.

This study sought to establish the reaction of advocates practicing in Nairobi to the mandatory CLE and also find out whether the advocates deem CLE to be important to their legal practice. The study also sought to recommend ways of improving the CLE programme.

From the findings of the study, majority of advocates practicing in Nairobi agree that Continuing Legal Education is necessary and are indeed engaged in Continuous Professional Development on their own. However, majority of advocates are of the opinion that CLE should be voluntary rather than mandatory and that it is not necessary to peg renewal of the practicing certificate to the completion of CLE units.

The findings of the study also indicate that majority of the advocates are moderately satisfied with the quality of the courses being offered as well as the quality of trainers. However it appears that some more needs to be done

on this aspect to improve the quality of the programmes as well as that of the trainers.

Advocates are agreed that that the number of units to be undertaken by advocates should vary depending on the number of years an advocate has been in practice and that some level of exemption is desirable especially for advocates who have many years in practice. Of great concern is the fact that majority of the advocates did not feel that attending CLE directly translates into improvement of their legal practice.

TABLE OF CONTENTS	Page
Title Page	(i)
Declaration	(ii)
Dedication	(iii)
Acknowledgement	(iv)
Abstract	(v)
Table of Contents	(vii)
List of Diagrams	(viii)
Abbreviations	(ix)
Chapter One- Introduction	
Concept of Education	1
Concept of Reaction	2
Context- CLE in Kenya	2
Statement of the Problem	3
Objectives of the study	5
Justification of the Study	5
Chapter Two- Literature Review	
Continuing Legal Education	7
Importance of Continuing Legal Education	8
Comparative Analysis of Jurisdictions where Continuing Legal Education has been Applied	12
Continuing Legal Education in Kenya	11
Continuing Legal Education in other Jurisdictions	16
Mode of Conducting Continuing Legal Education	18
Content of the Continuing Legal Education	23
Compliance with the requirements of Continuing Legal Education	25
Exemption from Requirements of Continuing Legal Education	26
Chapter Three- Research Methodology	
Research design	29
Population	29
Sample	29
Data Collection	30
Data Analysis	30
Chapter Four- Data Analysis and Findings	
Introduction	31
Demographic Profile of Respondents	31
CLE Attendance and Compliance	34
Reaction to Mode of Conducting CLE	37
Reaction on relevance/Importance of CLE	41
Cross Tabulation and Analysis of Data on compliance	44
Cross Tabulation and Analysis of Data on Reaction	46

Chapter Five- Discussions, Conclusions and Recommendations	
Discussions	51
Conclusions	54
Recommendations	55
Limitations of the Study	56
Suggestions for Further Research	56
	57
References	
	60
Appendix 1- Introductory Letter	
	61
Appendix 2- Questionnaire	

LIST OF DIAGRAMS

Bar Graphs	
1	CLE should be voluntary rather than mandatory
2	Renewal of practicing certificate should not be pegged on completion of CLE units.
3	The quality of programmes offered by LSK is satisfactory
4	The Quality of trainers is satisfactory
5	LSK Should Allow Self Study/ Personal CPD
6	Different number of units should be required depending on number of years in practice.
7	LSK should exempt advocates with over 20 years in practice
8	CLE is necessary to my legal practice
9	Compulsory CLE is desirable
10	I benefit more from LSK CLE than from my personal CPD
11	Topics covered by LSK CLE are relevant to my daily legal practice
12	The Quality of my practice has improved after attending CLE
13	Those who sat though the last seminar, or left early- presented by sex
14	Whether engaged in own CPD- presented by sex
15	CLE should be voluntary rather than mandatory- presented by years in practice
16	Renewal of Annual Practicing Certificate should not be Pegged on Completion of CLE Units- presented by years in practice
17	LSK should allow for self study and online study- presented by years in practice.
18	LSK should exempt advocates with over 20 years practice - presented by years in practice.
Histograms.	
1	Number of years in Practice
2	Points Accumulated
Pie Charts	
1	Number of years in Practice.
2	Points Accumulated
3	Compliance by sitting though sessions
Tables	
1	Sex
2	Legal Set Up
3	Area of Specialization
4	Proportion of time attended by those who left early
5	Whether of not engaged in own CPD
6	Cross tabulation of those who sat though the last seminar, or left early by sex
7	Cross tabulation of points accumulated by sex

ABBREVIATIONS

ABA	American Bar Association
ABA-CLE	American Bar Association centre for Continuing Legal Education
CCLE	Committee on Continuing Legal Education
CLE	Continuing Legal Education
CLEAA	Continuing Legal Education Association of Australasia
CLEC	Continuing Legal Education Committee or Commission
CPD	Continuing Professional Development
IPDA	Individual Professional Development Activity
LSEWR	Law Society of England and Wales Training Regulations, 1990
LSK	Law Society of Kenya
MCLE	Minimum Continuing Legal Education
NSWLPR	New South Wales Legal Profession Regulation 2005, 2005
RELS	Registered European Lawyers

CHAPTER ONE: INTRODUCTION

1.1 Concept of Education

Education encompasses teaching and learning specific skills, and also something less tangible but more profound: the imparting of knowledge, positive judgment and well-developed wisdom. Education has as one of its fundamental aspects the imparting of culture from generation to generation. Education means 'to draw out', facilitating realization of self-potential and latent talents of an individual (Wikipedia).

Legal education is the education of individuals who intend to become legal professionals or those who simply intend to use their law degree to some end, either related to law (such as politics or academic) or business. It includes first degrees in law, which may be studied at either undergraduate or graduate level depending on the country; vocational courses which prospective lawyers are required to pass in some countries before they may enter practice and higher academic degrees (Wikipedia).

Continuing Legal Education (CLE) is derived from and is intricately intertwined with the concept of continuing professional development (CPD). According to Graham Guest (2007), CPD is the systematic maintenance and improvement of knowledge, skills and competence, and enhancement of learning, undertaken by a person throughout his or her working life. It encompasses both formal and informal means of maintaining an existing knowledge base by updating on changes; acquiring new knowledge connected to the practice of a profession in order to extend and amplify knowledge, sensitiveness or skill; and honing existing knowledge to improve the overall standards of practice of a professional (Segall, 1988).

CPD activities can include in-house training, open learning, short courses, conferences, seminars, workshops, structured reading, self-study, preparing and making presentation, and being a coach or mentor. Planned and structured CPD is vital for survival and prosperity in an increasingly litigious society, where professional ethics and codes of conduct are firmly and rightly,

in the spotlight and where the professionals themselves must never lose sight of the fact that their prime purpose is to act for the public good. CPD can have a number of different focuses. It can help one to deepen his understanding of a specialist subject, broaden ones knowledge into a related field or enable one change the direction of their career completely.

1.2 Concept of Reaction

A reaction is usually any response caused by some other event (Wikipedia).

Philip et. al, (2002), in describing how to measure reaction and satisfaction to a project, state that:

“Reaction and satisfaction measures play an important role in the project management scorecard as they define the thoughts and feelings of reaction and satisfaction with the project as it is planned, explained and communicated to stakeholders. Project management solutions often go astray and fail to reach full success because of various expectations and unmet levels of satisfaction through out the steps of the project management cycle. Thus for any project solution to be successful, the various stakeholders must react favorably, or at least not negatively”

In the context of CLE, the researcher will seek to measure the response of the advocates based in Nairobi to the programme in terms of the relevance and the manner in which it is conducted. A favorable or at least not negative reaction would indicate satisfaction with the programme while a negative reaction will indicate dissatisfaction with the programme.

1.3 Context- CLE in Kenya.

CLE in Kenya is designed for all practicing advocates. It is regulated by the Law Society of Kenya (LSK). LSK is a body corporate established under the Law Society of Kenya Act. Among the objects of the society are to maintain

and improve the standards and conduct of learning of the legal profession in Kenya and to facilitate the acquisition of legal knowledge by members of the profession.

Government, media and public comments and condemnation touching on the conduct and integrity of the legal profession and practice as well as the caliber of some of the practicing advocates led to the Council of the Law society of Kenya to come up with regulations for the Continuous Legal Education (CLE) of all advocates (Legal Notice No. 13 of 2004).

The rules provide that "every member of the Society shall obtain, in each year of practice, not less than five units of continuing legal education by attending and participating in at least two programmes organized by the Council" (Legal Notice No. 13 of 2004).

The rules provide further that "every application for an annual practicing certificate shall be accompanied by proof that the applicant has secured five units of continuing legal education during each practicing year" (Legal Notice No. 13 of 2004).

All advocates who wish to practice law in the country are required to obtain an annual practicing certificate. The introduction of the rule has the effect of making the CLE mandatory since the obtaining of the five units has been made a prerequisite for the application of the annual practicing certificate.

1.4 Statement of the Problem

There is need to maintain high professional standards in every profession. The law is a dynamic and continually changing concept. The idea of the CLE is therefore to modernize and professionalize the legal profession by keeping the players therein abreast of the ever changing circumstances and developments affecting the legal profession.

Although there is need to maintain high standards in dispensation of justice, there has been disquiet on the manner and quality of training being offered under the CLE programme. Advocates have in virtually all CLE meetings that the researches has attended orally complained about the cost of the training, the manner in which the training is conducted and the fact that the renewal of an annual practicing certificate has been pegged on the attendance and completion of the five units. This has led to a practice where some advocates attend seminars merely to register and obtain the mandatory five units without necessarily sitting through the full session (usually two days for four units) and this implies that the focus has now shifted from the learning, which was intended, to the obtaining the necessary qualifications for the annual practicing certificate.

One major argument by advocates who complain against the compulsory CLE is that advocates are continually learning and researching hence the tag "learned friends" and that advocate serious about handling client matters professionally will always ensure that he researches and updates his knowledge whenever he receives instructions to act/represent a client in an area that he is not fully conversant with, or an area that he has not litigated on in the recent past. The law is very wide and the learning of the law should be demand driven. If lawyers are taken through a two day seminar on an area that they are not currently engaged in, chances are that they will forget, and that when eventually they receive instructions to act in that area, they will have to research afresh to inform themselves of what is required for them to effectively represent their client.

A further argument has been that advocates practice in varied fields. There are advocates who specialize in some are of practice, for instance conveyancing, criminal law or insurance matters (commonly refereed to as 'running down' matters). For those advocates, there may be no need to attend courses covering several areas of law because the said training may not be relevant to their area of specialty.

The Kenya CLE programme does not also recognize learning that comes with age/years in practice and a newly admitted advocate is required to attend and complete the same number of courses as an advocate who has been practicing for thirty or fifty years (Legal Notice No. 13 of 2004).

The problem that has arise therefore is the need to answer the question whether the compulsory CLE program administered by the LSK is the best way of enforcing continuous professional development in the legal profession and also whether it is right to peg renewal of practicing certificate on the obtaining of the mandatory five units or if market should be left to regulate the profession.

The other problem is whether the advocates subjected to the CLE have the willingness to learn in the manner that CLE is currently being administered.

There have been no studies done on the perception of advocates towards the CLE, and given that there have been complaints by lawyer, it is important that this study documents the reaction of advocates towards the CLE so that it can inform the CLE programme and form a base for further studies .

1.5 Objectives of the Study

1. To establish the reaction of advocates practicing in Nairobi towards the relevance of the compulsory continuing legal education.
2. To recommend ways of improving continuing legal education programmes.

1.6 Importance of the Study

1. The findings will help the LSK to review and improve on the CLE programme.
2. The findings will help other researchers interested in conducting further studies on the area.

3. The findings will be of help to other professions who may want to initiate compulsory continued professional development.

CHAPTER TWO: LITERATURE REVIEW

2.1 Continuing Legal Education

Continuing legal education (CLE) is derived from and is intricately intertwined with the concept of continuing professional development (CPD). According to Graham Guest (2007), CPD is the systematic maintenance and improvement of knowledge, skills and competence, and enhancement of learning, undertaken by a person throughout his or her working life. It encompasses both formal and informal means of maintaining an existing knowledge base by updating on changes; acquiring new knowledge connected to the practice of a profession in order to extend and amplify knowledge, sensitiveness or skill; and honing existing knowledge to improve the overall standards of practice of a professional (Segall, 1988).

CPD activities can include in-house training, open learning, short courses, conferences, seminars, workshops, structured reading, self-study, preparing and making presentation, and being a coach or mentor. Planned and structured CPD is vital for survival and prosperity in an increasingly litigious society, where professional ethics and codes of conduct are firmly and rightly, in the spotlight and where the professionals themselves must never lose sight of the fact that their prime purpose is to act for the public good. CPD can have a number of different focuses. It can help one to deepen his understanding of a specialist subject, broaden ones knowledge into a related field or enable one change the direction of their career completely.

Thus, CLE connotes a formal educational experience such as lectures, seminars, or workshops related to the practice of law and sponsored by a bar association; or experience in law schools or organizations which specialize in such advanced professional training (Friday, 1976). It covers all kinds of educational programs for those who are qualified to practice law through admission to the bar; hence such schemes are, at times and in some jurisdictions, generally referred to as CPD. CPD and CLE are used interchangeably and the difference between the two is often blurred. However, a closer examination of the two concepts seems to suggest a significant

difference. In its simplest form, CLE ordinarily connotes no more than an update of the stock of knowledge the lawyer already has acquired and sharpening of skills in supplying or practicing such knowledge. On the other hand, CPD seems to encompass not only the improvement of both the knowledge and skills but also acquisition of new knowledge outside the traditional study of law (Ojienda, 2007).

2.2 Importance of Continuing Legal Education

Legal training ensures that legal and judicial reforms contribute to changing the attitudes and behaviors of lawyers and citizens. For this reason, legal training should be an integral part of legal and judicial reform strategies that are anchored on the rule of law and reflect a country's societal values.

Legal education strengthens professionalism, builds public confidence, and facilitates consensus and momentum for further reforms. Legal education also improves the performance of legal professionals, enhances service quality and stimulates public respect. As a result, training programs should be designed not only to enhance performance but also to instill the values of impartiality, professionalism, competency, efficiency and public service (Segall, 1988).

Continuing Legal Education and training programs enhance and update the skills of legal professionals. Programs for the legislature, judiciaries, executive branch, prosecutors, public defenders, media, legal profession, and the public can also instill the values of impartiality, professionalism, competency, efficiency, and value of public service and support legal and judicial reform.

CLE is thus essential in order to enhance the quality of legal services rendered by all members of the legal profession regardless of the quality or depth of their basic education or post graduate training. Basic or post graduate education follows specified syllabi, rules or regulations. Learning under CLE, however, is largely self directed and practice-based (Ojienda, 2007).

Quite apart from promoting personal professional development, CLE is usually designed to develop and maintain specific competencies, namely knowledge, skills and attitudes, of the individual lawyer. The ultimate objective of CLE is to equip the lawyer in his individual or corporate practice with the knowledge, skills and attitudes which are essential for meeting the changing needs of consumers of various types of legal services and to respond to the emerging challenges arising from socio-economic and technological developments.

CLE undertakes to improve professional competence in the following five dimensions: refreshers- providing "brush-ups" instruction for lawyers who have lost their familiarity with a field of practice or have never really developed it; new learning- providing comprehensive instruction in fields with which the lawyer is unfamiliar either because the field of practice is in its infancy, or because he has no prior experience or education in that area; keeping current- providing fresh information in concise form regarding legislative changes, major new court decisions, changes in rules of procedure, and new administrative rulings of governmental agencies; sharing experience- providing to lawyers who encounter various types of problems only infrequently, the benefit of expertise in handling such problems that specialists, or quasi-specialists, and practitioners have developed; and advanced training- providing specialists and practitioners as well with further training to handle the more sophisticated and complex problems in their fields; this may be in the form of a graduate degree or academic course work leading to the same (Reichert, 1968).

As a body of learned individuals that offers specialized services to society, the legal profession is obligated to formulate and observe standards of competence necessary for it to keep abreast with the fast pace of development. This obligation is tied with the concept of public service that is at the very core of a profession. According to Pound (1953) a profession is a group of men pursuing a learned art as a common calling, and in the spirit of public service. A profession has the obligation and the responsibility to be

competent and truly learned. The law as a profession, therefore, shares in this responsibility and the lawyer, as a professional is equally so obligated.

Obtaining a law degree and being admitted to the bar are but the initial steps in a long and hard trek in the pursuit of knowledge of the law. Four or five years of college study are not sufficient to master the intricacies of the law as it is at any given time. Far more important is that the law is not static but in a constant flux. It is forever growing and becoming more complex. According to Feliciano (2007), a lawyer earns a rightful place in the profession only by thorough intellectual preparation, rigid self-discipline, and the faithful performance of his private and public responsibilities. A lawyer's formal training in law school alone does not necessarily guarantee the faithful performance of these functions. The lawyer must keep abreast of the fast rate at which the law develops.

The lawyer's privilege to practice law squarely depends upon his remaining a fit and safe person to exercise it and his compliance with the rules and ethics of the profession. Therefore, an indispensable means by which a lawyer can meet the responsibilities of his profession would be to keep pace with developments that shape society's needs by undergoing a viable program of CLE.

According to the Head of the CLE Department of the College of Law in New South Wales, Improvements in technology are occurring daily. The profession must seek to acquaint itself with these new advances and learn how to "plug-in" to the benefits available. This rapid rate of legislative and technological change places a fundamental responsibility on the profession, and it is a challenge the profession must strive to meet. Lawyers must accept continuing responsibility to maintain and improve competence. They must take steps to maintain their rate of knowledge input.

A lawyer may not be able to cope on his own and by self-study, with the increasing body of, and the fast rate at which statutes, administrative regulations, as well as jurisprudence change. Monitoring such changes is a

full time job in itself and would consume as much, if not more than the professional practice. Moreover, monitoring the state of the law is a specialized function that does not consist merely in taking note of what is new in the law. It likewise demands the ability to compare and harmonize such developments with existing laws and authoritatively describe the present state of the law in the light of such developments (Ojienda, 2007). Therefore, the ideal mode of keeping abreast of these developments is to delegate the function of surveying current trends in the law to a specialized group or body. Such group or body would, in turn, present such developments to the lawyer in a manner that consumes the least time possible, but effectively accomplishes the task for which it was intended. These are among the important functions of prospective CLE providers.

According to Ojienda, 2007, there have been complaints of declining levels of competence amongst legal practitioners in many jurisdictions. The issues of economic survival and sharpening competition as the number of practitioners increases may be responsible for a decline in the quality of legal services in a majority of jurisdictions. As the numbers of lawyers increase, so does competition for the existing demand for legal services. To the young lawyers, or those who are relatively new in the profession, such increase in supply may tend to push down the price of their legal services. The possibility of pricing their services lower than the more established ones would tend to be a viable alternative in order to attract a bigger share in the market for legal services. In the process however, the new lawyer tends to gather more clients than he can handle, thus the quality of legal services that he offers tend to suffer.

While that may not necessarily be true in the case of more established lawyers, the very urgency of economic survival in itself may result in the decline of competent legal service. Therefore, if the quality of legal education is indeed declining, it would be reasonably inferred that there must be a gap between legal education and the level of a lawyer's competence after he is admitted to practice. A program of CLE attempts to bridge this gap through the various activities it offers.

Finally, CLE is predicated upon the need to meet the demands of a society that is quickly becoming aware of consumer rights. Thus, although CLE may seem like a parochial concern of lawyers and members of the legal profession alone, this is not tenable anymore. For as long as the performance of a lawyer's functions directly affects society in general, the continuing formation of lawyers remains to be an issue of public concern. As such, a lawyer is not any more expected to rely on the obscurity of his profession but rather engage in CLE and other initiatives to increase his competence and reputation (Law Society of New South Wales, MCLE Task Force, Final Report and Recommendations, 14 April, 2000)

2.3 Comparative Analysis of Jurisdictions where Continuing Legal Education has been Applied.

CLE has been applied in many jurisdictions. In some jurisdictions it is compulsory while in others it is not compulsory but all members of the bar association are encouraged to undertake CPD. This paper will consider CLE in Kenya, Australia, United Kingdom and the United States of America.

2.3.1 Continuing Legal Education in Kenya

Continuing legal education is fairly a recent phenomenon in Kenya though the profession dates back to the colonial times and particularly to 1949 when the Law Society of Kenya (LSK) was established vide the Law Society of Kenya Act, as the premier statutory professional body for lawyers.

Under the existing statutory framework, matters relating to CLE fall under the general supervision and control of the Council of Legal Education (the Council). The Council of Legal Education Act provides at section 6(2)(a)(vii) that the Council shall establish, manage and control such training institutions as may be necessary for organizing and conducting CLE. However, the Council of Legal Education has never exercised its power to provide CLE. Its role has been restricted to regulating the admission of new advocates into the profession. The Council has been primarily identified with the Kenya School of

Law, an institution established, managed, and controlled by the Council under section 6 of the Council of Legal Education Act.

To fill the gap created by the Council of Legal Education in providing CLE, the LSK espoused the concept of CLE in 1992 when it set up a standing committee to organize talks and seminars for its members on various topical practice issues. Most of these events were organized largely for lawyers practicing in the Nairobi region due to financial constraints. Advocates attended only those events that were of direct interest to them and attendance was voluntary (Ojienda, 2007).

The need to establish a CLE programme was set out by a workshop with the theme "Honesty and Excellence in the Provision of Legal Services" hosted by the Advocates Complaints Commission IN Nairobi on 30th -31st May 2000. One of the topics for discussion was continuing legal education and development. The workshop was attended by over 60 senior public servants and lawyers drawn from the Attorney-General's office, the Council of the LSK, representatives of the Kenya Medical Association, International Commission of Jurists (Kenya Section), the Judiciary, Kenya Law Reform, top firms and insurance companies, the media, Federation of Women Lawyers (FIDA-K), among others. At the end of the workshop, the participants resolved, among other things, as follows:

'cognizant that continuing professional development is necessary for all State Law Officers, practitioners and judicial officers to improve and sustain their proficiency, while recognizing that the mandate statutory vests both on the Law Society and the Council of Legal Education, this meeting recommends to the two institutions to devise immediately and put in place mechanisms for compulsory attendance of such courses and a pre-condition for renewal of practicing advocates.' (Workshop report)

A major step towards the establishment of a formal CLE programme in Kenya was taken in 2001 when the LSK in collaboration with the International Bar

Association and with funding from the Ford Foundation commissioned a consultant, William D. Meyer, to review the need and mechanisms for implementing a programme of compulsory CLE. Meyer presented his report on 15th April 2002 in which he recommended that the responsibility for CLE should be formally shifted from the Council of Legal Education to the LSK. Following the recommendations of Meyer, the LSK launched a pilot programme in 2003 which was non-compulsory.

In 2002 section 81(1) of the Advocates Act was amended through Act No. 2 of 2002, to provide that the Council of the Law Society of Kenya, with the approval of the Chief Justice, the power to make rules with regard to continuing professional education for all advocates practicing in Kenya.

The LSK Council formulated regulations, dated 4th June 2004, which were approved by the Chief. The Advocate (Continuing Legal Education) Regulations 2004, were thereafter published in the Kenya Gazette and came into operation on 1st January 2005, vide Legal Notice No. 13 of 2004.

The current compulsory CLE programme in Kenya is administered by the LSK in exercise of its powers under section 81 of the Advocates Act and pursuant to the regulations set out in the Advocate (Continuing Legal Education) Regulations 2004, the LSK has established the Committee on Continuing Legal Education (CCLE) made up of nine lawyers to oversee the implementation of CLE. The CCLE is responsible for advising the LSK Council on the courses, speakers, accreditation, rules and regulations of CLE.

Each year, the LSK issues a calendar of events, to be held at different parts of the country, from which advocates can choose to attend. Each event attracts a certain number of points. As per the CLE regulations, an advocate must earn 5 units in one calendar year to comply with CLE regulations. The units are indicative of the number of hours that the advocate has spent in training. To ensure compliance, every application for an annual practicing certificate must be accompanied by proof that the applicant has secured five units of CLE during each practicing year.

Under the Regulations, the LSK Council is empowered to accredit any programme conducted by a sponsoring agency i.e. any institution, body or other organization empowered to conduct CLE. Any sponsoring agency seeking accreditation must make an application in that regard to the LSK Council in the prescribed form. The LSK Council is then required to consider the application and may approve or reject the application, having regard to the following factors: whether the programme is an educational programme; whether the objective of the programme is that of the improvement of the professional competence of members of the Society; whether the programme is an activity dealing with a subject matter that is directly relevant to the practice of law; whether the applicant has the expertise and resources necessary for achieving the goals of continuing legal education; whether the method of presentation sought to be utilized is appropriate for dissemination of relevant skills and knowledge to the participants; whether the applicant has the infrastructure sufficient and conducive for disseminating the programme; and any other matter as may appear relevant.

The compulsory CLE programme in Kenya has been running for three years. There has been an increase in numbers of advocates that are complying with CLE regulations. However, the programme has faced numerous challenges including a lack of a CLE curriculum; inconsistency in the quality of speakers; the irrelevance of some of the CLE sessions to legal practice; the focus on lecture method of training methodology rather than more participatory methods; overcrowding in venues of CLE; and the inadequacy of the number of events on the calendar leading to the oversubscription of sessions (Ojienda, 2007).

The LSK has been conducting its CLE programmes mainly through programmes organized and administered by the society. LSK has failed to recognize advances in technology that have been used by other jurisdictions to allow for self study and online/e-learning.

2.3.2 Continuing Legal Education in other Jurisdictions

This study will consider CLE in Australia (New South Wales), United Kingdom (England and Wales) and the United States of America which are jurisdictions where CLE has been applied. However the mode of conducting the CLE, the content, the requirements for compliance and exemption in the aforesaid jurisdictions differ with the CLE programme in Kenya.

Australia has a divided legal profession with a vast majority of lawyers practising as solicitors. In each state and territory, the professional association for solicitors is a law society and for barristers a bar association (Forbes, 1979). In New South Wales, solicitors are represented by the Law Society of New South Wales and barristers by the New South Wales Bar Association.

The New South Wales Legal Profession Regulation 2005 (NSWLPR) Clause 176 refers to the special requirement regarding mandatory continuing legal education (MCLE) for barristers. In what is referred to as the 'honour system,' barristers are required to keep their own record of CPD activity. They will be required to affirm compliance with CPD when applying to renew the practising certificate. However, there is no prescribed form for the record. Barristers are required to accrue ten points each CPD year which runs from 1 April to 31 March the following year. Points are accrued on the basis of one point per hour (NSWLP regulations, 2005).

The regulation of solicitors in New South Wales is the province of the Law Society of New South Wales. The CLE Scheme for solicitors is mandatory for all solicitors and thus initially referred to as Mandatory Continuing Legal Education. The legal provisions regulating the CLE Scheme are contained in Part 42 of the Law Society Professional Conduct and Practice Rules also known as the Solicitors Rules.

In the United Kingdom, the CLE arrangements are different in each jurisdiction, and there is therefore no national system. The CLE programmes are also designed differently for solicitors and barristers. This paper considers

the example of England and Wales because it is the largest legal jurisdiction in the United Kingdom.

In the United States of America, 46 jurisdictions require lawyers to undertake continuing legal education courses in order to practice law within that particular jurisdiction (ABA Website- MCLE)

The Model Rule for Minimum Continuing Legal Education (MCLE) was developed by the American Bar Association Standing Committee on Continuing Legal Education. It was prepared in response to Report 117A, which was presented to the ABA House of Delegates by the ABA Young Lawyers Division and passed by the House of Delegates during the 1986 ABA Annual Meeting. The Colorado Bar Association, the State Bar of Georgia, the Mississippi State Bar and the State Bar of Wisconsin also supported the submission of Report 117A. The resolutions, as amended, recommended by the report were adopted by the ABA House of Delegates on August 13, 1986 as follows:

"BE IT RESOLVED That the ABA supports the concept of mandatory continuing legal education for all active lawyers.

BE IT FURTHER RESOLVED That the ABA urges the various states that have not yet adopted such a program to seriously consider its adoption.

BE IT FURTHER RESOLVED That the Standing Committee on Continuing Education of the Bar develop materials and guidelines and otherwise assist the states in developing mandatory continuing education programs".

The preamble of the Model Rule provides that "this rule has been presented as a measure for comparison and for consideration by jurisdictions that have adopted a minimum continuing legal education requirement. In the opinion of the Standing Committee, use of the term "minimum" rather than "mandatory" continuing legal education more accurately reflects the spirit of the rule's intent, and has been utilized throughout".

The Final Statement from the November 13-16, 1987 National Conference on the Continuing Education of the Bar, known as Arden House III, urges the

adoption by MCLE states of uniform standards and means of accreditation of CLE programs and providers. Model Rules have been formulated for this purpose. However adjustments may be made to accommodate particular situations in the states.

The Model Rule consists of various sections, which present the substance of the rules, and comments, which assist in understanding the rules by explaining the practices of some MCLE jurisdictions and by providing suggestions and background information. The model rules were amended in August 1996 in order to afford MCLE credit for technology-based CLE.

2.3.2.1 Mode of Conducting the Continuing Legal Education

The LSK has been conducting its CLE programmes mainly through programmes organized and administered by the society. LSK has failed to recognize advances in technology that have been used by other jurisdictions to allow for self study and online/e-learning.

In Australia, CPD activity that earns a barrister the aforementioned ten points per year may either be face-to-face activity or individual professional development activity. One must attain one point from each of the four strands that constitute face-to-face activity. The strands are as follows: ethics and Regulation of the profession; management; substantive law, practice and procedure, and evidence and advocacy, mediation, and other barristers' skills

It is possible for one to accumulate ten points from face-to-face activity. For example, a barrister may teach for ten hours in the Bar Associations CPD programme, and thereby accumulate ten CPD points. A barrister may attend as a learner for ten hours in the Bar Association's CPD programme and thereby accumulate ten points.

Individual Professional Development Activity (IPDA) include such activities as, amongst others, legal research and writing for publication; post graduate legal

studies; watching a video/DVD or listening to an audio tape that meets the CPD criteria; training in a one-to-one situation in computer; online research; and engagement whether as a convener, a mentor or a barrister being mentored, in a bar council approved mentoring scheme (CLEAA Website)..

In Australia, solicitors are required to complete 10 MCLE units each year which runs from 1 April to 31 May the following year. To attain these required units, a solicitor must complete a course or programme which may consist of an education programme, seminar, workshop, lecture, conference or discussion group or a multimedia or website based programme, or the research and preparation of an article published in a legal publication or such other publication approved by the Council, or any combination of two or more of those events. The course or programme must fulfill the following additional requirements: the course must be of significant intellectual or practical content and must deal primarily with matters directly related to the practice of law; the course must be relevant to a practitioner's immediate or long term needs in relation to the practitioner's professional development and to the practice of law; and the course must have an aggregate value of ten (10) MCLE units (NSWLP regulations, 2005).

CPD in New South Wales is ordinarily provided by the New South Wales Bar Association. However, accredited CPD providers, for example the Law Society of New South Wales, the Law Council of Australia, and other accredited commercial institutions, may provide CPD.

In the United Kingdom, Continuing Professional Development (CPD) programme for solicitors was introduced in England and Wales in 1985. It is governed by the Law Society of England and Wales Training Regulations (LSEWR). Regulation 2(3) (Interpretation and Definitions) of Part 1 of the Training Regulations 1990 defines CPD as follows:

Continuing Professional Development means a course, lecture, seminar or other programme or method of study (whether requiring attendance or not) that is relevant

to the needs and professional standards of solicitors and complies with guidance issued from time to time by the Society

The CPD programme is compulsory and applies to all solicitors admitted to the roll and Registered European lawyers (RELS) wishing to practice law in England and Wales. The CPD year runs from 1st November to 31st October. The requirement in terms of hours differs for new qualified solicitors and RELS on one hand and established solicitors/RELS on the other hand. New qualified solicitors/RELS are required to attend one hour of CPD for each complete month worked from the date of admission/registration to 31st October. Established solicitors/RELS including those in their first year of CPD must complete 16 hours of CPD every CPD year (LSEWR, 1990).

At least 25% of the CPD requirement must be met by participation in accredited courses. Up to 100% of the requirement may be satisfied in this way. Up to 75% of the requirement may be met through a wide range of activities, such as attendance at accredited or unaccredited courses writing law books and articles, and preparation and/or delivery of certain training courses.

As regards barristers, CPD is relatively more recent. The programme is split into two; one for newly admitted barristers and the other for established barristers. Newly admitted barristers must undergo a minimum of forty-five (45) hours of CPD units while established barristers must undergo twenty-four hours (24) of CPD units.

Previously, the CPD programme was run by the Bar Council but the position changed last year when the Bar Council was split into a regulatory arm and a representative arm. CPD programme is currently under an independent body, the Bar Standard Council. One may claim CPD points by attending a university course, completing an on-line course, participating in certain approved activities and teaching at the university.

In the United States of America, Section 2 of the Model Rules provides that every active lawyer shall complete fifteen (15) hours of continuing legal education annually and that the MCLE requirement may be met either by attending approved courses or completing any other continuing legal education activity approved for credit by the Center for Continuing Legal Education, self-study, teaching and writing for CLE publications. Participation in educational activities involving the use of computer-based resources, and in-office law firm continuing legal education efforts may be considered for credit when they meet the conditions set forth in the rules.

The American Bar Association Center for Continuing Legal Education (ABA-CLE) serves as the central CLE resource for the ABA, and the legal profession, by providing quality programs and products of national scope. ABA-CLE is overseen by the ABA Standing Committee on Continuing Legal Education and works closely with experts from the ABA Sections and the profession at large in developing programs and products in a variety of delivery formats (ABA Website- MCLE).

The ABA is not an accrediting body or regulatory agency, but a provider of Continuing Legal Education to the legal community at large. CLE accreditation is given on a state-by-state basis. There is no nationwide accreditation since the MCLE programs are administered by the State Supreme Courts through a special CLE Commission or Board. The American Bar Association is also an accredited provider of continuing legal education in all states allowing MCLE credit for self-study. A lawyer can use ABA-CLE programs to fulfill MCLE requirements in accordance with the state's rules (ABA Website- MCLE).

The ABA offers its members various convenient ways to get CLE. These include; by phone or online. ABA Connection live call-in teleconferences are available the third Wednesday of each month at a nominal. The same seminar is available online, free of charge to ABA Members, Audiotapes are also available for purchase online at reduced prices for ABA Members; satellite Seminars which comprise of two- or four-hour programs on current legal developments in specific subject areas, offered in cooperation with one or more ABA Entities. The typical satellite program is presented much like a

news program, with a panel discussion coordinated by a program moderator. The telecasts originate at a private television studio in Washington, D.C., and are received at downlink sites located at law schools, bar association facilities, and legal workplaces throughout the country; Video Conferences which comprise of 90-minute programs on current legal developments that allow real-time, interactive discussions with the country's top corporate counsel, practitioners, litigators and government regulators directly from your conference room or telephone. Offered in cooperation with one or more ABA Entities, they are transmitted live to law offices through a commercial video conference provider (ABA Website- MCLE).

The audio portion of the program is also available by telephone for those offices that do not have videoconferencing facilities. Audio Web casting enables attorneys to access both live and archived CLE programs over the Internet. Participants can listen to the program online while viewing electronic slides (if available) and other course materials. Faculty interacts with the audience live during the program via e-mail. Video web casting adds video to the streaming signal, so participants can view online programs along with accompanying slides and materials; and online partner which is an interactive, computer-based training with course materials utilizing a combination of text, audio and video via the Internet, the Online Partner provides an interactive environment that allows attorneys to participate at their convenience in an educational program. The Standing Committee on Legal Assistance for Military Personnel offers online programs at no charge to assist attorneys who represent military personnel and reservists (ABA Website- MCLE).

Recognized National Institutes are allowed to offer continuing legal education seminars. The seminars comprise 1-3 day conferences and use a combination of lectures and workshops to present valuable information to the legal profession. In addition to the legal instruction offered, the conferences provide a unique networking opportunity for lawyers and faculty who practice in the same or related areas of interest to establish contacts with one another for future advice and business development (ABA Website- MCLE).

2.3.2.2 Content of the Continuing Legal Education

The compulsory CLE programme in Kenya is administered by the LSK in exercise of its powers under section 81 of the Advocates Act and pursuant to the regulations set out in the Advocate (Continuing Legal Education) Regulations 2004, the LSK has established the Committee on Continuing Legal Education (CCLE) made up of nine lawyers to oversee the implementation of CLE. The CCLE is responsible for advising the LSK Council on the courses, speakers, accreditation, rules and regulations of CLE.

Regulation 8 of the Kenya CLE Regulations provides that the programme of continuing legal education either conducted by the Council or accredited by it shall emphasize ethical as well as practical and professional aspects of legal practice and may include the following: client counseling; information technology; alternative dispute resolution; legal research; legal writing; oral skills; economic principles; entrepreneurial organization; commerce transactions; international business transactions; resolution of commercial disputes; trial and administrative ways; appellate, constitutional and international advocacy; management of legal practice; codes of ethics and discipline; public interest lawyering; law reform; and other relevant contemporary issue

In Australia, the precise content of the CLE is not defined in law or regulations. However, the requirement is that regardless of whether a CPD activity is acquired by face-to-face or individual professional development, it must fulfill the following conditions: it must be of significant intellectual or practical content and it must deal primarily with matters directly related to the practice of law; it must be conducted by persons who are qualified by practical or academic experience in the subject covered; it must be relevant to a practitioner's immediate or long term needs in relation to the practitioner's professional development as a barrister and practice of the law (CLEAA Website).

In the United Kingdom, all solicitors must undertake a compulsory management course during the first three CPD years following admission. The compulsory management course comprises of 7 hours of course attendance. At least 3 of the following topics must be covered: Managing finance (billing and recovering fees, computerization, preparing budgets, monitoring budgets, controlling costs, and financial and management information; Managing the firm; administering the office, identifying opportunities for improvement, and setting up a case management system; Managing client relationships- meeting client specifications and instructions, assuring quality, handling complaints, and establishing and agreeing client requirements; Managing information- obtaining and evaluating information, presenting information and advice and communicating effectively; Managing people- drawing up job descriptions, assessing and selecting personnel, developing teams, developing individuals, self-development, evaluating/improving training and development, planning work, allocating work, setting objectives, giving feedback, building a good reporting relationship, building relationships with members of your team, and building relationships with colleagues (LSEWR, 1990).

In the United States of America, the Model Rules require that lawyers, as part of their MCLE, either through a separate credit or through existing ethics and professionalism credits, complete programs related to the promotion of racial and ethnic diversity in the legal profession, the promotion of full and equal participation in the profession of women and persons with disabilities, and the elimination of all forms of bias in the profession. Lawyers who practice in states and territories that do not require minimum continuing legal education are encouraged to complete such programs as part of their continuing legal education.

2.3.2.3 Compliance with the Requirements for Continuing Legal Education.

To ensure compliance, Regulation 11 of the Kenya CLE Regulations provides that every application for an annual practicing certificate must be accompanied by proof that the applicant has secured five units of CLE during each practicing year. This in essence means that non compliance with the CLE Programme leads to denial of the necessary annual practicing certificate hence denial of the right to practice/work in the given year.

In Australia, Solicitors are required to maintain their own record of MCLE activities. However, they need not supply the Law Society with details of the record unless one is audited by the Law Society. To confirm compliance with MCLE requirements, a solicitor must make a declaration, while applying for renewal of a practicing certificate, stating whether he has complied with the requirements or not. If one has not complied with the requirements, he may submit a written application to the MCLE Officer at the Law Society Registry requesting a 90 day extension of time (NSWLP regulations, 2005).

In the United Kingdom, non-compliance of the CPD regulations does not immediately lead to the denial of a practising certificate. The person is given an opportunity to redeem the CPD points failure of which he may be referred to a board where the default is considered a disciplinary offence.

In the United States of America, Section 3 of the Model Rule provide that lawyers are expected to report whether or not they have complied with CLE requirements to their Bar Association using an affidavit in a form approved by the Continuing Legal Education Committee or Commission (CLEC) and each Bar Association has different reporting deadlines. The majority of states require annual reporting of CLE activities, but some states have a two or three-year reporting period. Certain states permit continual reporting, which encourages lawyers to update their CLE records as they fulfill their CLE obligations. The argument for longer reporting periods is to provide flexibility in meeting the credit requirements; however, annual reporting minimizes

procrastination. More importantly, annual reporting encourages regular updating of a lawyer's professional knowledge. Each ABA-CLE self-study program contains an ABA Participation Verification Code which advocates quote while reporting.

Section 4 of the Model Rules provides the sanctions and appeal procedure. The section provides that within thirty (30) days after the annual reporting date the CLEC shall send each lawyer not in compliance with the requirements of this rule a notice of delinquency. Within ninety (90) days following the annual reporting date, the lawyer shall take steps necessary to meet the annual requirements of the rule for the prior reporting period and submit an affidavit of compliance. After this ninety (90) day period, if the lawyer fails to report CLE credits sufficient to permit retroactive compliance with the rule, or fails to submit an affidavit of compliance, the CLEC shall file a notice of noncompliance with the Supreme Court. The Supreme Court shall then suspend the lawyer's license to practice law.

The section provides further that upon correction of the delinquency and payment of the reinstatement fee, the suspended lawyer may request the CLEC to move for reinstatement to the practice of law. Within thirty (30) days of a request for reinstatement by a lawyer, the CLEC shall submit a motion to the Supreme Court for reinstatement.

2.3.2.4 Exemption from the Requirements for Continuing Legal Education.

In Kenya, the CLE Regulations are applicable to all advocates who are by law required to be members of the Law Society of Kenya. Regulation 10 provides that every member of the Society shall obtain, in each year of practice, not less than five units of continuing legal education by attending and participating in at least two Programmes organized by the Council. This in essence means that there is no room for exemption from compliance with the CLE regulations.

In Australia, the Barristers CPD Scheme in New South Wales allows for exemptions and/or reduction. Barristers whose practice has been significantly

disrupted due to ill health or other personal circumstances, including for parenting reasons, may apply to the Executive Director for exemption from or reduction in the CPD requirements. Members of Parliament and certain statutory office holders are also exempt from the CPD requirements. Barristers normally resident in New South Wales whose practices will be primarily intestate for the bulk of the practice year are not exempt from the CPD requirement. In those cases the Director, Professional Development, may vary the requirement that a minimum of one point must be accumulated in each of the four strands (NSWLP regulations, 2005).

For the Solicitors, the MCLE rules do not allow for the carryover of MCLE units from one MCLE year to the next. The Council may exempt a practitioner, in whole or in part, from compliance with the condition on the practitioner's practising certificate, requiring completion of a course of CLE, if the practitioner has been in practice for a period exceeding forty (40) years, and holds a practising certificate entitling the practitioner to practice only as an employee; or the practitioner, by reason of the practitioner's geographical location; and any physical disability, or any particular exigencies of practice, may experience particular hardship or difficulty in completing the require number of MCLE units (NSWLP regulations, 2005)

In addition, the Council, by its proper officer, may exempt a practitioner from compliance with all or part of the condition on the practitioner's practising certificate, requiring completion of a course of CLE, on the basis of absence from practice because of parenting leave, unemployment or illness. Exemptions are generally granted on a pro-rata basis.

In the United Kingdom, solicitors/RELS who are not in legal practice or employment due to illness, unemployment, working abroad or maternity leave may suspend the CPD regulations while they are out of practice. It is not necessary to make an application to the Law Society, although the reason for the suspension and the dates should be entered in the individuals training record. Solicitors/RELS who arte working, on average, less than two hours per week may also suspend the requirement to undertake CPD (LSEWR, 1990).

There are no exemptions from the CPD scheme. However, there are several waivers available. In all the cases that waivers are available, the number of hours of CPD to be completed is not affected, and solicitors/REs are still required to maintain their personal training record. A waiver from routine monitoring of training records is available for solicitors/REs in firms with Lexcel/Investors in People accreditation or firms holding a Legal Aid Franchise or firms holding ISO: 9000 Certification.

Solicitors/REs in firms with Lexcel/Investors in People accreditation further receive a waiver from the requirement to satisfy a minimum of 25% of the CPD requirement by participation in accredited courses. This waiver is also available to Solicitors/REs in firms which are authorized in-house CPD providers or part of a consortium authorized as in-house CPD providers and have developed a training plan which is acceptable to the firm or consortium. Firms with Lexcel/Investors in People accreditation receive a waiver from routine monitoring of in-house CPD courses and the requirements to submit details of courses, course tutors and/or discussion group leaders.

In the United States of America, MCLE applies only to active lawyers. Section 5 of the Model Rule define 'an active lawyer' to include all lawyers engaged in the practice of law for the purpose of representing clients, including in-house or government lawyers whose client may be the business entity, partnership, state, municipality, governmental body or service employing them. The definition of an 'inactive lawyer' is intended to be narrowly construed and limited to those lawyers who have retired from active practice in the state or who hold positions for which a law degree is necessary but which do not require the representation of a client or the preparation of legal opinions.

CHAPTER THREE: RESEARCH METHODOLOGY

3.1 Research Design

The study used a cross - sectional descriptive study. The method is best suited for gathering descriptive information where the researcher wants to know about people's attitudes, perception or preferences concerning one or more variables through direct query (Robson 2002).

3.2 Population

The population of interest in this study was the advocates practicing in Nairobi. According to the Law Society of Kenya (LSK) directory (2005-2006), there are 3,500 licensed advocates in Kenya as at March 2006 of whom 1,800 are practicing in Nairobi. Nairobi offered a suitable study area because over 50% of the advocates are based in Nairobi. The rest are unevenly distributed in diverse areas in the country and include the non-practicing members such as members of the bench, state counsels and in-house lawyers.

3.3 Sample

A sample of 100 members was be used for this study. According to Chava and Nachimias (2003), a representative sample should have at least 30 Units. Further, as Kothari (1990) observed, in a homogeneous population the number of members in the sample size may not affect the results of the research if the sample is drawn in a proper manner. The private legal practitioners are officers of the court and practice before any court in Kenya. They are subjects to the same court system and are therefore homogeneous.

The sample was chosen using stratified random sampling. Approximately 30% of the strata consisted of advocates with less than 5 years post qualification experience and less, and approximately 70% of the strata consisted of be advocates of over 5 years post qualification experience. The stratified sampling frame was drawn by the researcher by selecting advocates

practicing in Nairobi from the LSK from the database of advocates and categorizing them into two stratas, then drawing a random sample. The reason for the stratification was to find out whether the number of years in practice was determinant of the perception of advocates towards the CLE

3.4 Data Collection

Data was collected using structured questionnaires, which were self-administered. The questionnaires were divided into four (4) parts. Part A was used to collect social demographic characteristics of the respondents, part B was used to collect general information on the CLE programme. Part C and D consisted of attributes to be scored on a 5 point Likert Scale. The information gathered was used to determine the perception of the advocates with respect to relevance of the CLE programme

The questionnaire used the Likert scaling which has been successfully used by other researchers in the area of perceptions of service quality Ngatia (2000), Mwaura (2002) and Njoroge (2003).

The information was collected by the using the 'drop and pick' method. Follow up was done on phone and through personal visits to facilitate response. In some instances the respondent asked the researcher to wait as they filled the questionnaire. Other respondents offered to, and did have the questionnaire dropped back to the researchers' office. 6% of the respondents called and gave answers to their questions over the phone. The response rate was 100%. The fact that the researcher is an advocate and known to majority of advocates practicing in Nairobi from where the sample was drawn may have contributed to the high response rate.

3.5 Data Analysis

The study was descriptive in nature. Therefore, descriptive statistics were used to analyse the data.

Data processing was done using Statistical Package for the Social Sciences (SPSS) which has powerful analytical features for descriptive statistics. Data analysis for quantitative data used mean and frequency whereas qualitative data was analyzed thematically using descriptive statistics. Both uni-variate and bi-variate analysis were done, the latter aimed at determining association between the qualitative data and some demographical characteristics.

Data in Part A and B of the questionnaire has been presented using frequency tables, histograms, pie charts and figures while data in part C and D has been presented in bar charts and pie charts

CHAPTER FOUR: DATA ANALYSIS AND FINDINGS

4:1 Introduction

After data collection, the questionnaires were coded and data was entered into a SPSS data editor template. Data was analyzed for each variable using uni-variate analysis. Bi-variate analysis was also done on some of the variables to check for correlation. This chapter presents the analysis and findings on various variables.

4:2 Demographic Profile of Respondents.

Part A of the questionnaire sought background information on demographic characteristics of the respondents. The results are presented below:

4:2:1 Sex

Of the respondents surveyed, 58% were male whereas 42% were female.

Table 1: Sex

Sex	Frequency	Percentage
Male	58	58.0
Female	42	42.0
Total	100	100.0

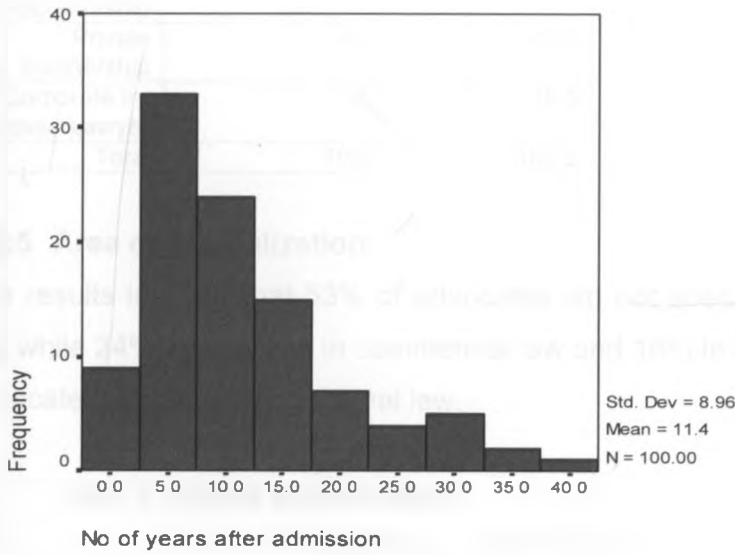
4:2:2 Number of years in practice.

Of the respondents surveyed, 28% had been in practice for five years or less whereas 72% had been in practice for over five years. The distribution of number of years in practice ranged from one year to forty seven years with the mean number of years in practice being 11.4 years. (See histogram 1 and Pie Chart 1.)

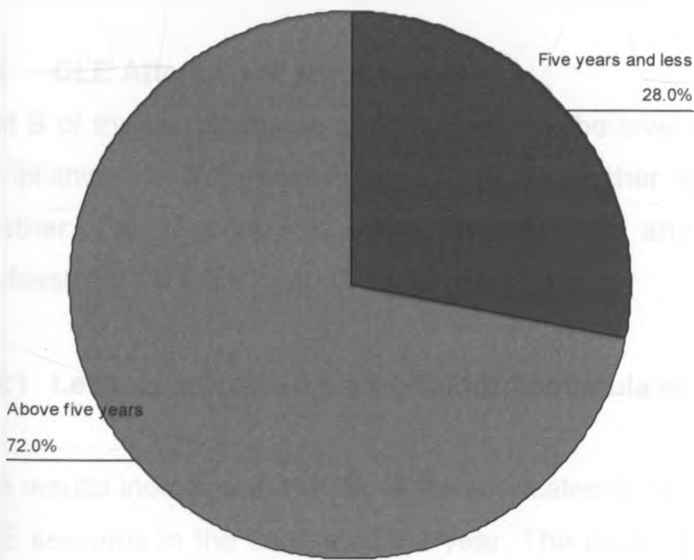
4:2:3 Highest Qualification and training.

84% of the respondents reported that their highest level of training was bachelors whereas 16% were trained up to masters' level. None of the respondents had been trained up to Doctorate Level. 84% had been trained locally, 7% trained abroad whereas 9% had been trained both locally and abroad.

Histogram 1: Number of years in Practice.



Pie Chart 1: Number of years in Practice.



4:2:4 Legal Set up

With respect to legal set up, 38% of the respondents were in private sole proprietorship, 47% were in partnership while 15% were in the corporate sector as in-house lawyers.

Table 2: Legal Set Up.

	Frequency	Percentage
Private- Sole Proprietorship	38	38.0
Private Partnership	47	47.0
Corporate In-house Lawyer	15	15.0
Total	100	100.0

4:2:5 Area of Specialization

The results indicate that 53% of advocates did not specialize in any area of law while 24% specialized in commercial law and 16% in civil law. Only 7% of advocates specialized in criminal law.

Table 3: Area of Specialization.

	Frequency	Valid Percent
criminal law	7	7.0
Civil law	16	16.0
Commercial Law	24	24.0
No specialty	53	53.0
Total	100	100.0

4:3 CLE Attendance and Compliance

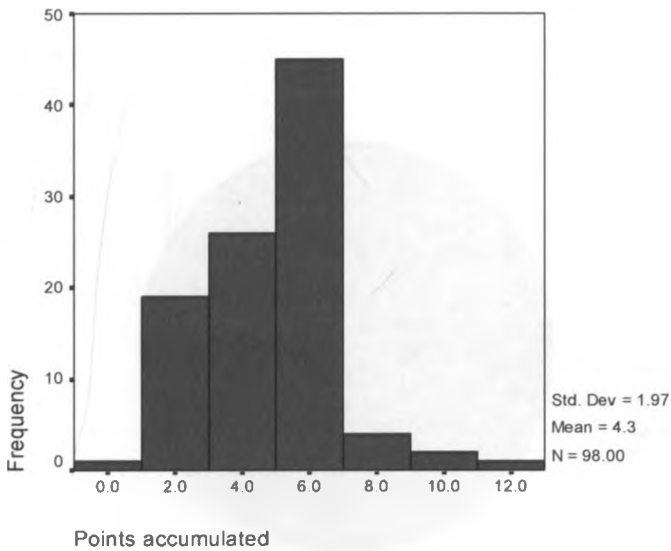
Part B of the questionnaire sought to gauge the level of CLE attendance and compliance to CLE requirements. The researcher also sought to find out whether the respondents were engaged in any kind of Continuous Professional Development (CPD) on their own.

4:3:1 Level of Attendance and Points Accumulated.

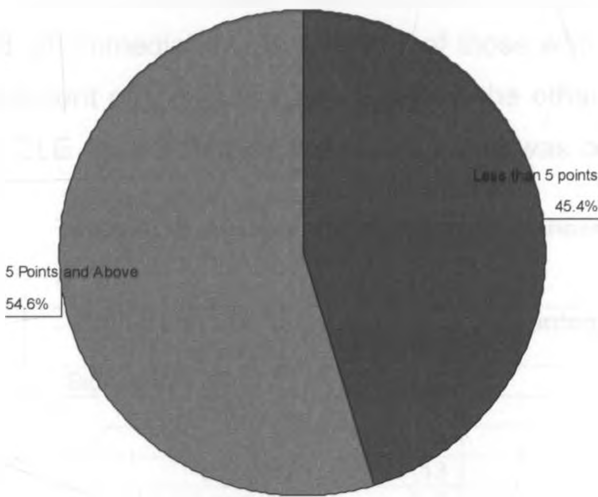
The results indicated that 98% of the advocates surveyed had attended some CLE sessions in the course of the year. The mean number of points by the respondent were 4.3. The survey found out that at least 18% of the respondents had acquired more points than the mandatory five points with a few respondents acquiring double the requisite points.

In terms of percentage, more than half of the respondents had accumulated the mandatory five points while the rest had still a number of points to fully comply.

Histogram 2: Points Accumulated.



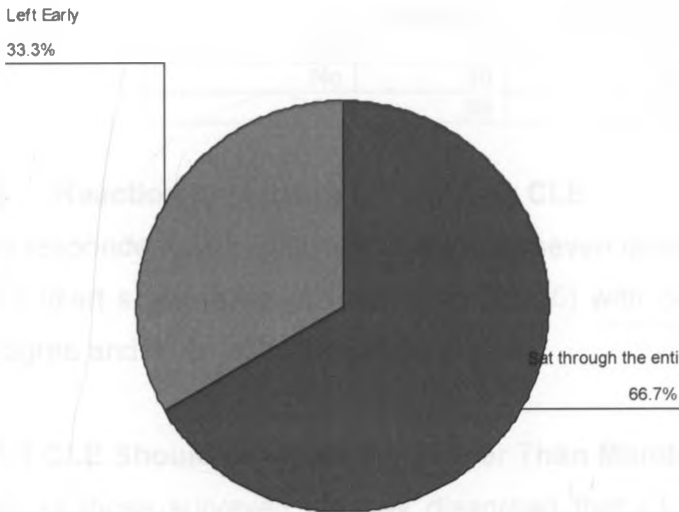
Pie Chart 2: Points Accumulated



4:3:2 Compliance in terms of sitting through the sessions.

The respondents were required to indicate whether they faithfully sat through the entire CLE sessions or left early. As per the results, 66.7% of the respondents sat through the entire CLE sessions whereas 33.3 percent left early.

Pie Chart 3: Compliance by sitting through sessions



Of those who left early, 6% reported that they signed the attendance sheet and left immediately. At least half of those who left early attended between 0-50percent of the CLE session. While the other half attended a larger part of the CLE session but left before the same was concluded.

Table 4: Proportion of time attended by those who left early.

n=37

Proportion of time attended.	Frequency	Percentage
Signed and left (0%)	6	16.2
Less than 30%	4	10.8
31%- 50%	8	21.6
51- 80%	13	35.1
More than 80%	6	16.2
Total	37	100.0

4:3:3 Whether or not Engagement in Own CPD

73.7 % of the respondents reported that there were engaged in continuous professional development on their own, while 26.3 % reported that they were not.

Of those engaged in personal CPD, 51% were engaged in CPD by research, 16% by attending seminars and workshops while 7% were attending formal classes.

Table 5: Whether of not engaged in own CPD.

n=99

	Frequency	Valid Percent
Yes	73	73.7
No	26	26.3
Total	99	100.0

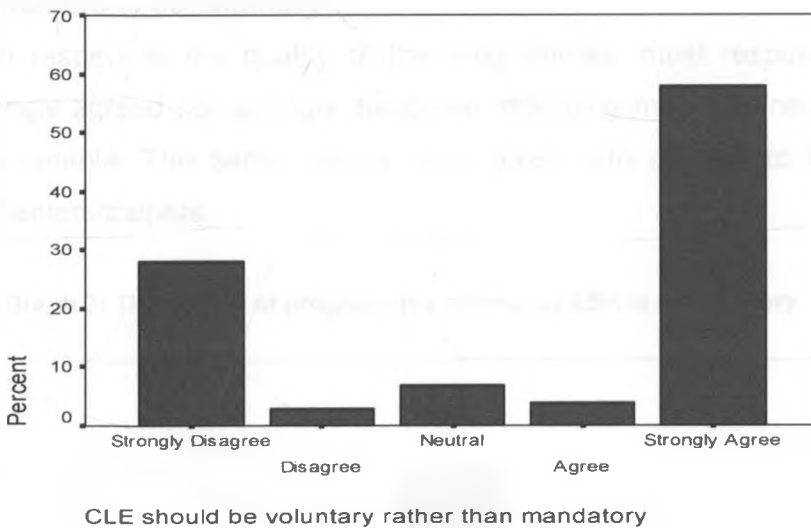
4:4 Reaction to Mode of Conducting CLE

The respondent were required to answers seven questions under this heading on a likert scale rating of One (1) to five (5) with one representing strongly disagree and 5 representing strongly agree.

4:4:1 CLE Should be Voluntary Rather Than Mandatory

58% of those surveyed strongly disagreed that CLE should be mandatory while only 28% strongly agreed that CLE should be mandatory.

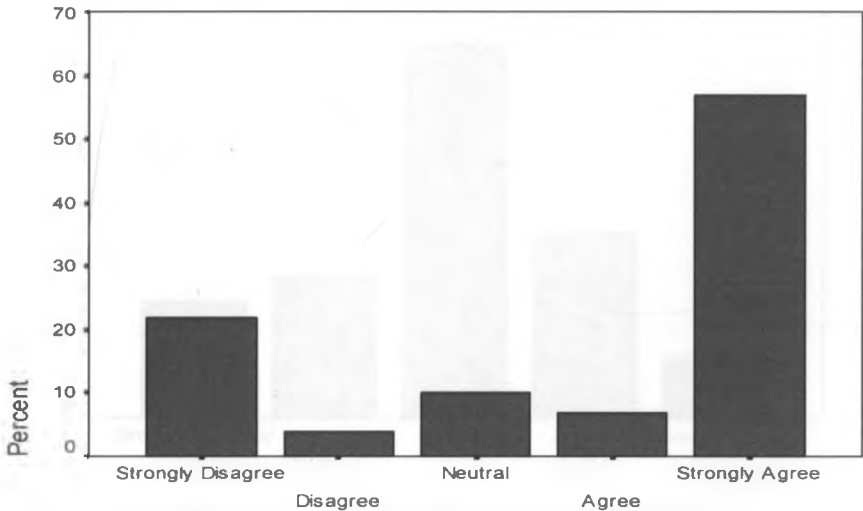
Bar Graph 1: CLE should be voluntary rather than mandatory.



4:4:2 Renewal of Practicing Certificate Should not be Pegged on Completion of CLE Units.

57% of those surveyed strongly agreed that renewal of practicing certificate should not be pegged on completion of CLE units while only 22% strongly disagreed.

Bar Graph 2: Renewal of practicing certificate should not be pegged on completion of CLE units.

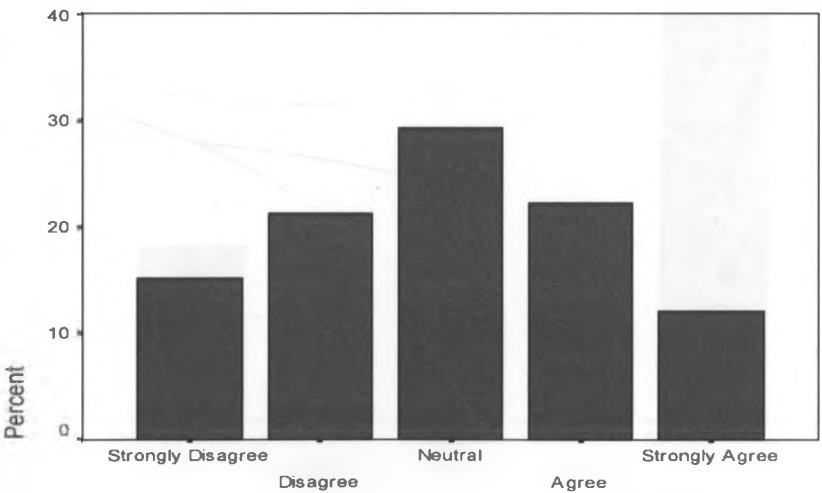


Dont peg renewal of practicing certificate on CLE

4:4:3 The Quality of Programmes Offered by LSK is Satisfactory/ Quality of Trainers is Satisfactory.

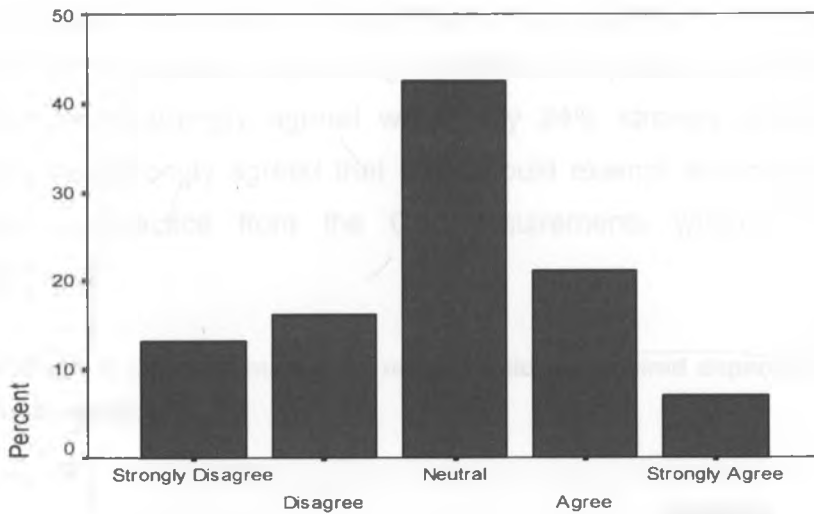
With respect to the quality of the programmes, most respondents neither strongly agreed nor strongly disagreed indicating moderate/neutral rating for the variable. The same ratings were given with respect to the quality or presenters/trainers.

Bar Graph 3: The quality of programmes offered by LSK is satisfactory



The quality of programmes offered by LSK is satisfactory

Bar Graph 4: The Quality of trainers is satisfactory.

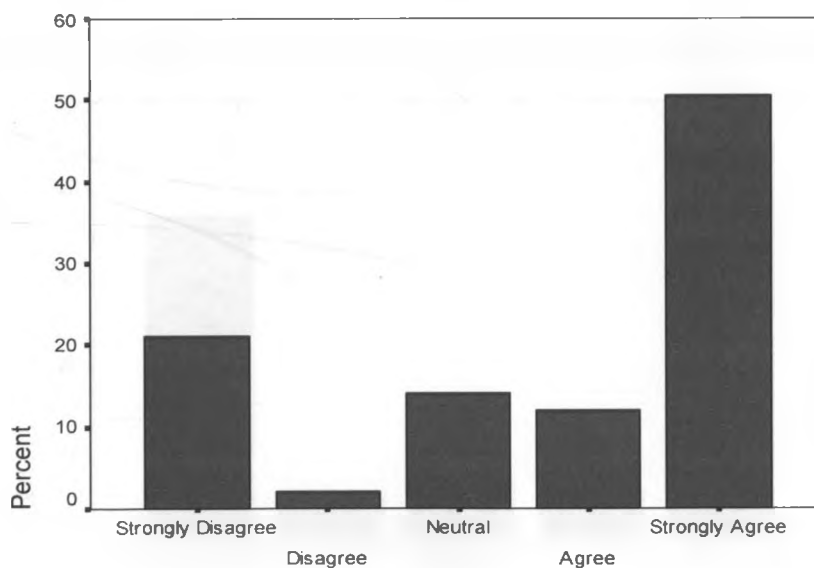


The quality of LSK presenters/Trainers is satisfactory

4:4:4 LSK Should Allow Self Study/ Personal CPD

50% of those surveyed strongly agreed that LSK should allow advocates to undertake self study as well as online study as opposed to the current method where the CLE programmes are administered by the LSK while only 20% strongly disagreed.

Bar Graph 5: LSK Should Allow Self Study/ Personal CPD

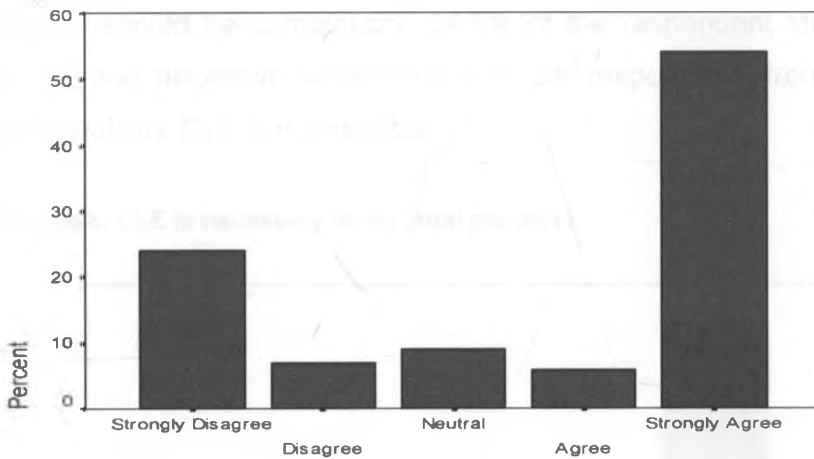


LSK should allow self study and online study

4:4:5 Exemptions

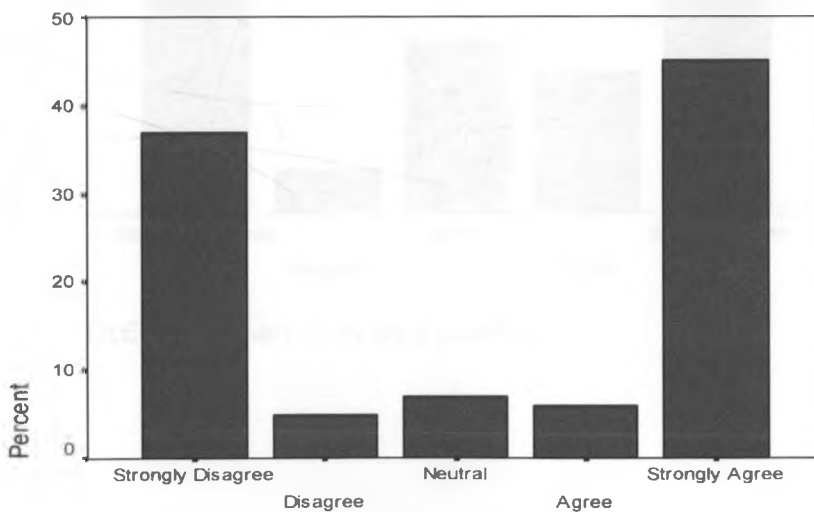
With respect to whether LSK should require different number of units for compliance purposes depending on number of years in practice, 54% of the respondents strongly agreed while only 24% strongly disagreed. 45% of advocates strongly agreed that LSK should exempt advocates with over 20 years in practice from the CLE requirements whereas 37% strongly disagreed.

Bar Graph 6: Different number of units should be required depending on number of years in practice.



Different number of units depending on years in practice

Bar Graph 7: LSK should exempt advocates with over 20 years in practice.



Exempt Advocates with over 20 years in Practice

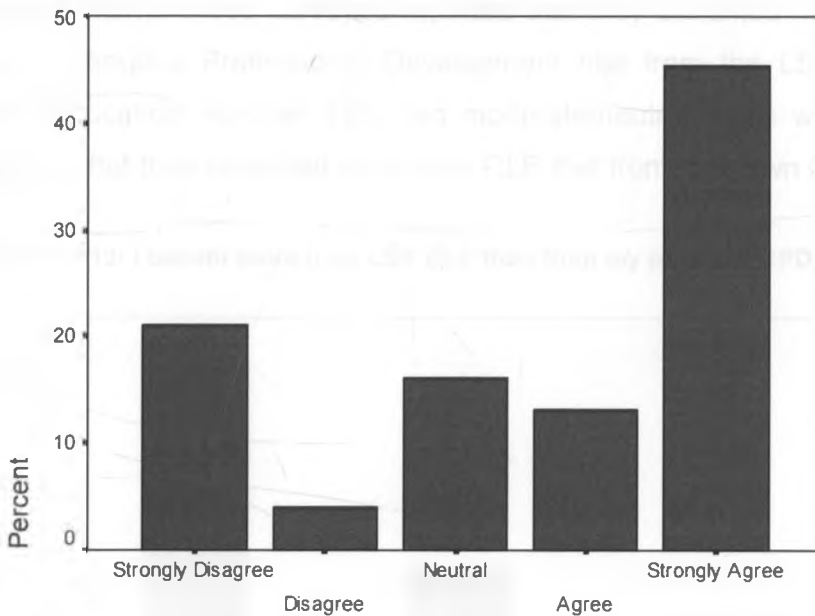
4:5 Reaction on relevance/Importance of CLE

An importance objective of the survey was to determine the reaction of Advocates practicing in Nairobi on the relevance of the Compulsory CLE. The respondents were required to answer seven questions under this heading on a likert scale rating of one (1) to five (5) with one representing strongly disagree and five representing strongly agree.

4:5:1 Necessity of CLE to legal practice and whether the same should be compulsory.

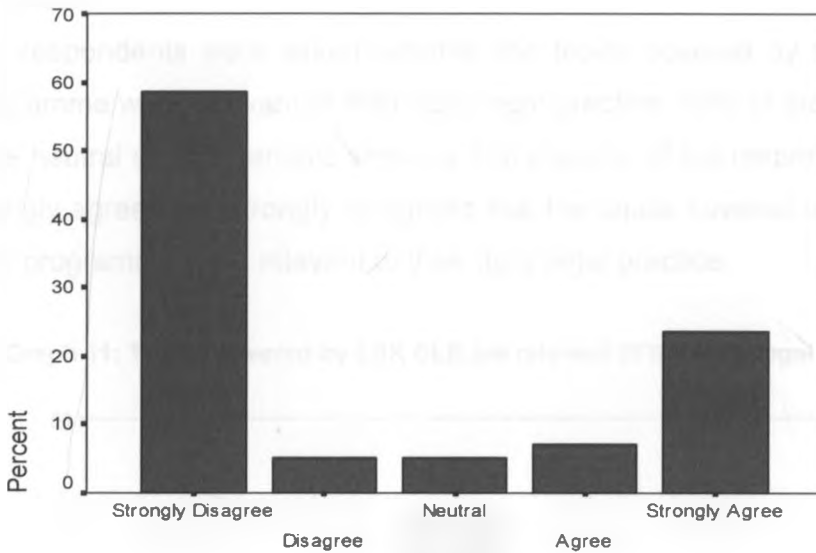
Asked whether they regarded CLE as necessary to their practice and whether the same should be compulsory, 54.5% of the respondent strongly agreed that CLE was necessary while 58.8 % of the respondent strongly disagreed that compulsory CLE was desirable.

Bar Graph 8: CLE is necessary to my legal practice.



CLE is necessary to my legal practice.

Bar Graph 9: Compulsory CLE is desirable.

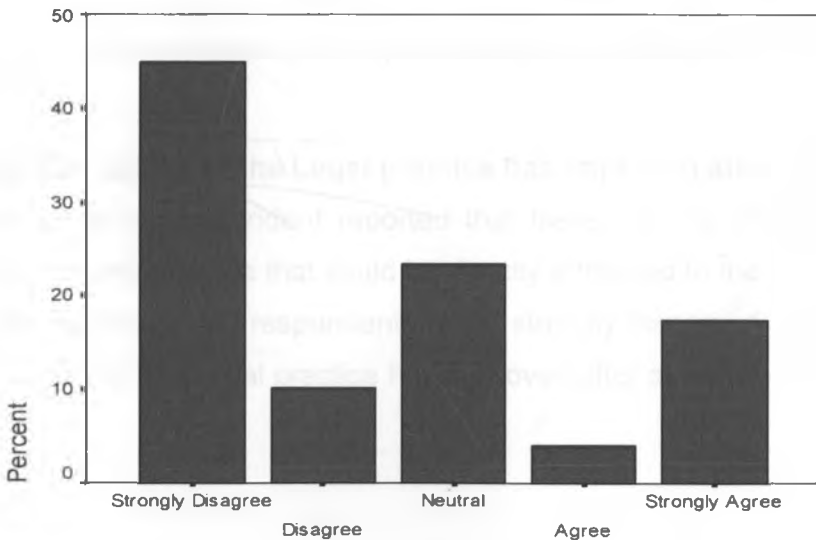


Compulsory CLE is desirable.

4:5:2 Benefit from CLE *vis a vis* personal CPD.

At least half of those surveyed reported that they benefited more from their own Continuous Professional Development than from the LSK Continuous Legal Education. Another 23% had moderate/neutral views while only 17% reported that they benefited more from CLE than from their own CPD.

Bar Graph 10: I benefit more from LSK CLE than from my personal CPD.

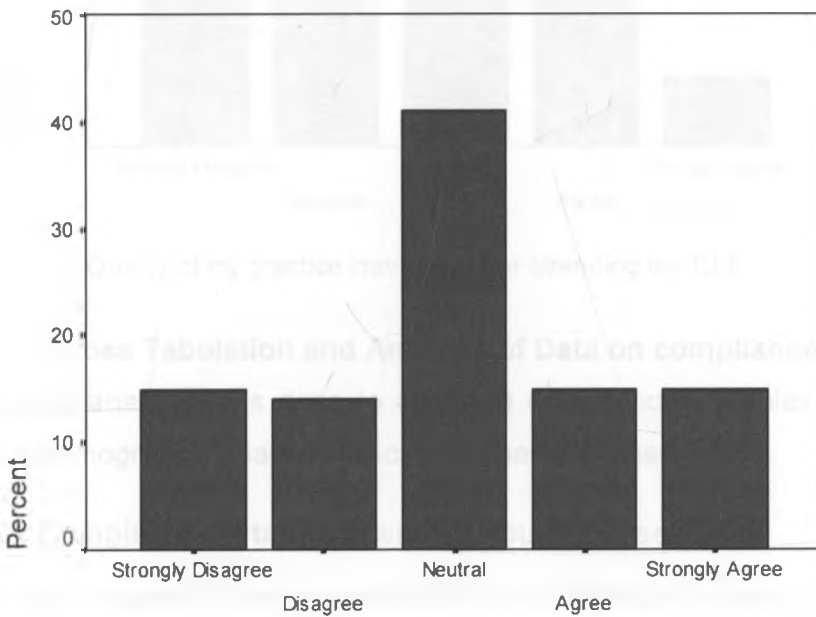


Benefit more from LSK CLE than from personal CPD

4:5:3 The Topics Covered by the LSK CLE are Relevant to Daily Legal Practice.

The respondents were asked whether the topics covered by the LSK CLE programme were relevant to their daily legal practice. 45% of the respondents were neutral on this variable showing that majority of the respondents neither strongly agreed nor strongly disagreed that the topics covered under the LSK CLE programme were relevant to their daily legal practice.

Bar Graph 11: Topics covered by LSK CLE are relevant to my daily legal practice.

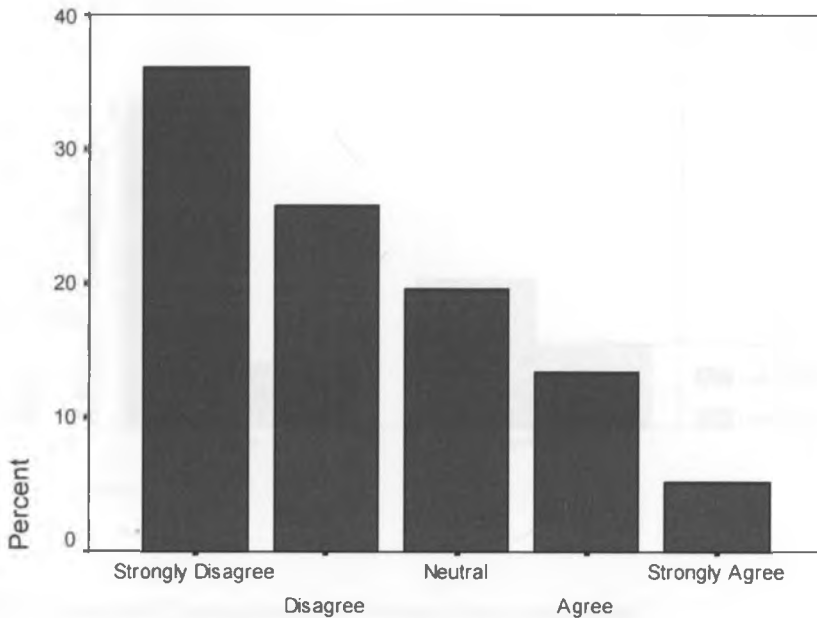


Topics covered by LSK CLE are relevant to daily legal practice

4:5:4 The quality of the Legal practice has improved after attending CLE

Majority of the respondent reported that there was no improvement in the quality of their practice that could be directly attributed to the CLE programme. More that 50% of the respondents either strongly disagreed or disagreed that the quality of their legal practice had improved after attending CLE.

Bar Graph 12: The Quality of my practice has improved after attending CLE.



Quality of my practice improved after attending the CLE

4:6 Cross Tabulation and Analysis of Data on compliance.

Bivariate analysis was done to compare compliance variables versus some socio-demographic characteristics and check for association.

4:6:1 Compliance in terms of sitting through the sessions

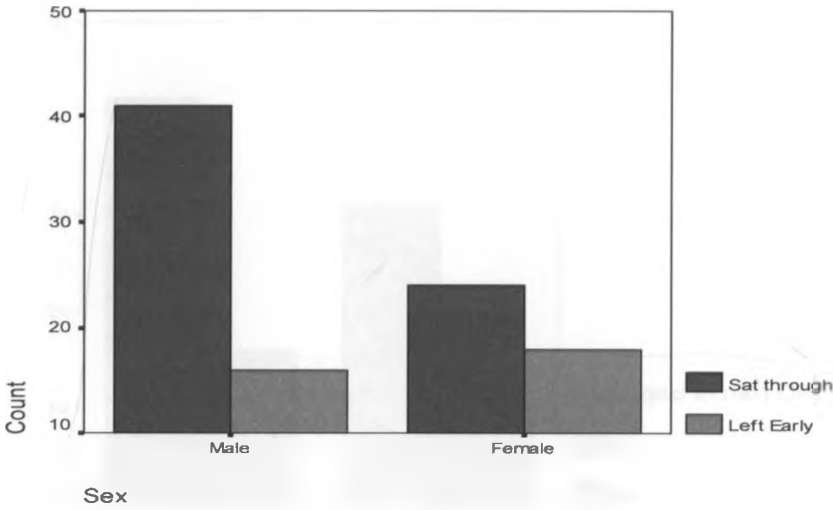
Data with respect to the respondents who sat through the last CLE session attended and those who left early was cross tabulated by gender.

The results indicated that male advocates were more likely to sit through the sessions (71.9%) as compared to female advocates (57.1%). However upon chi-square test, the difference was not statistically significant ($p=0.126$)

Table 6: Cross tabulation of those who sat through the last seminar, or left early by sex.

Sex		Sat through the entire seminar	Left Early	Total
Male	Count	41	16	57
	% within Sex	71.9%	28.1%	100.0%
	% of Total	41.4%	16.2%	57.6%
Female	Count	24	18	42
	% within Sex	57.1%	42.9%	100.0%
	% of Total	24.2%	18.2%	42.4%

Bar Graph 13: Those who sat through the last seminar, or left early- presented by sex



4:6:2 Level of Compliance/ Points Accumulated.

With respect to level of compliance by accumulating the five (5) mandatory points, there was no significance variation by gender.

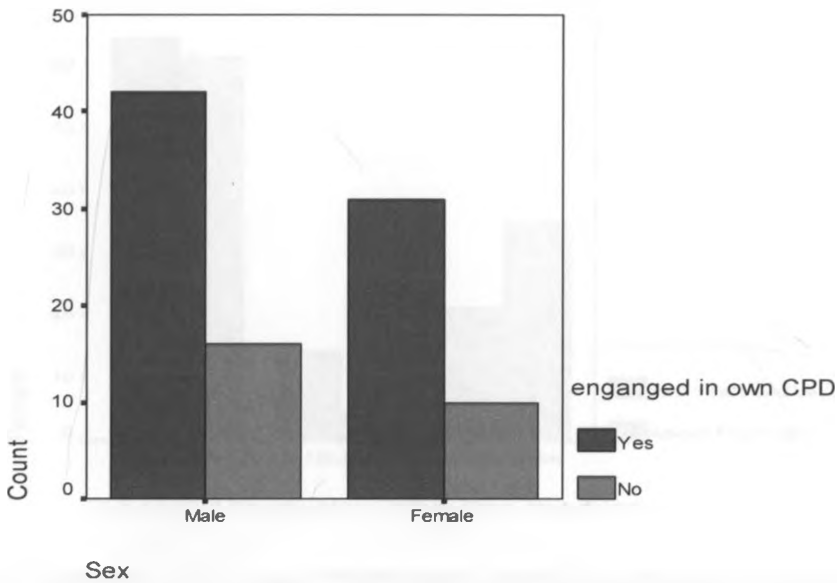
Table 7: Cross tabulation of points accumulated by sex.

Sex		Less than 5 points	5 Points and Above	Total
Male	Count	26	29	55
	% within Sex	47.3%	52.7%	100.0%
	% of Total	26.8%	29.9%	56.7%
Female	Count	18	24	42
	% within Sex	42.9%	57.1%	100.0%
	% of Total	18.6%	24.7%	43.3%

4:6:3 Whether or not Engagement in Own CPD

With respect to the proportion of advocates engaged in their own CPD compared to those who were not, there was a higher percentage of male advocates engaged in own CPD but overall there is no significant difference across gender.

Bar Graph 14: Whether engaged in own CPD- presented by sex



4:7 Cross Tabulation and Analysis of Data on Reaction.

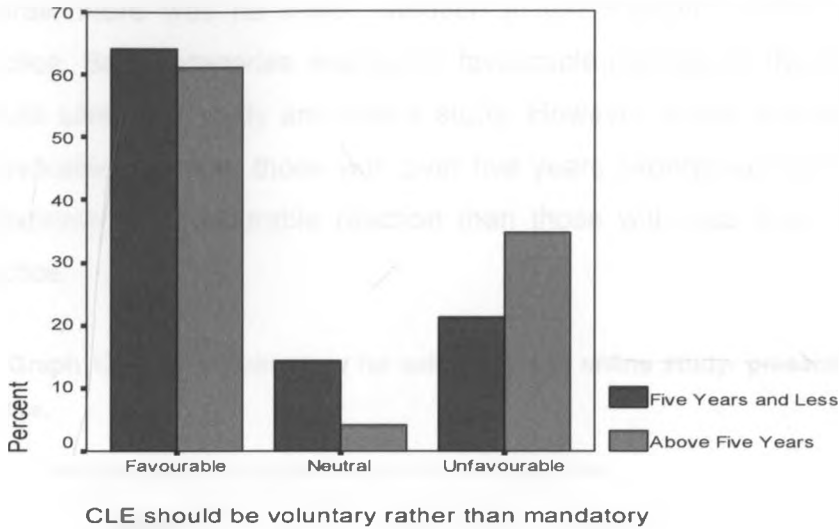
Bivariate analysis was done to compare reaction variables versus number of years in practice and check for association.

The advocates were grouped into two; those with five years in practice and less and those with over five years in practice. The reaction variables were also grouped into three with those who strongly agreed and agreed been deemed as expressing a 'favourable' reaction those who were neutral as expressing 'neutral' reaction and those who disagreed and strongly disagreed as expressing 'unfavorable' reaction.

4:6:1 CLE Should be Voluntary Rather than Mandatory

Overall, there was no major variation in this indicator based on years in practice. Both categories expressed favourable reaction to the fact that CLE should be voluntary rather than mandatory. However of the few expressing an unfavorable reaction, those with over five years experience were more likely to express an unfavorable reaction than those with less than five years in practice.

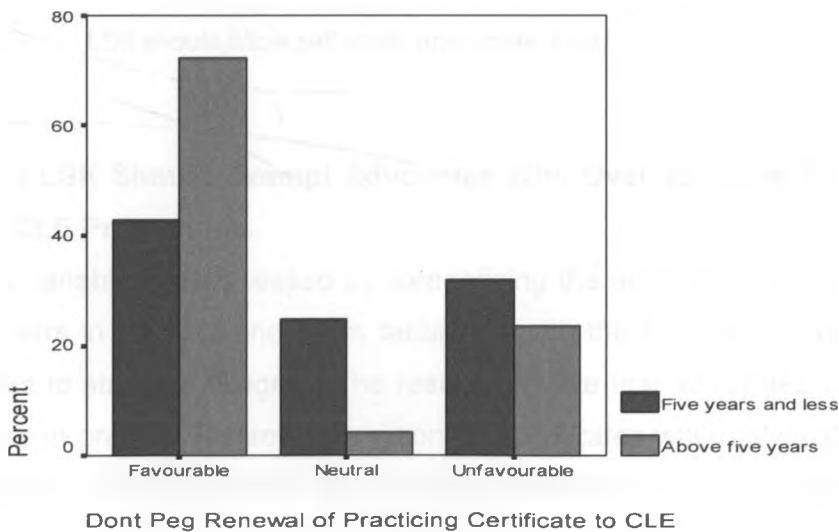
Bar Graph 15: CLE should be voluntary rather than mandatory - presented by years in practice.



4:6:2 Renewal of Annual Practicing Certificate should not be Pegged on Completion of CLE Units.

Asked whether not renewal of Advocates annual practicing certificates should be pegged to CLE, advocates with above five years in practice were more likely to express favourable reaction against pegging of the renewal of practicing certificate to CLE as compared to advocates with less than five years practice whose reaction was evenly spread across favourable, unfavorable and neutral reaction.

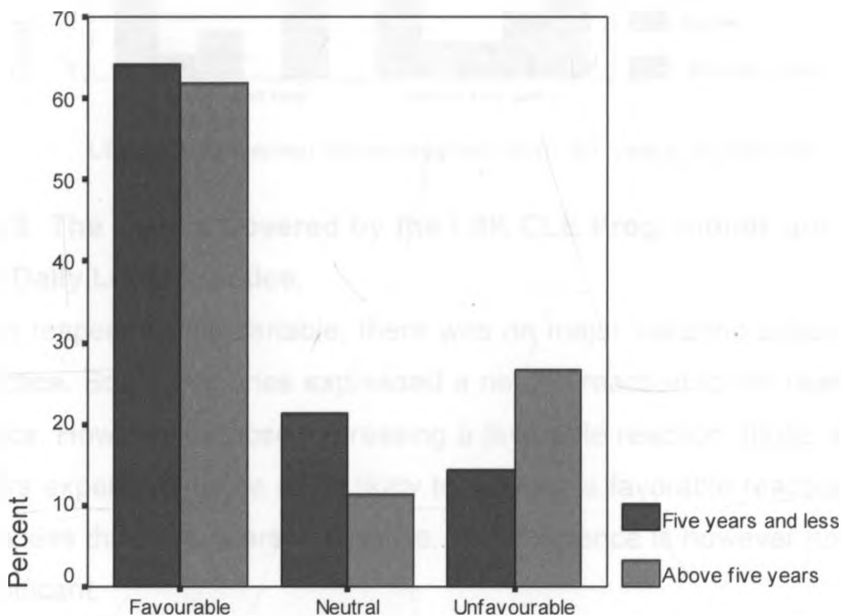
Bar Graph 16: Renewal of Annual Practicing Certificate should not be Pegged on Completion of CLE Units- presented by years in practice.



4:6:3 LSK Should Allow Self-Study and Online Study

Overall, there was no major variation in this indicator based on years in practice. Both categories expressed favourable reaction to the fact that CLE should allow self study and online study. However of the few expressing an unfavorable reaction, those with over five years experience were more likely to express an unfavorable reaction than those with less than five years in practice.

Bar Graph 17: LSK should allow for self study and online study- presented by years in practice.

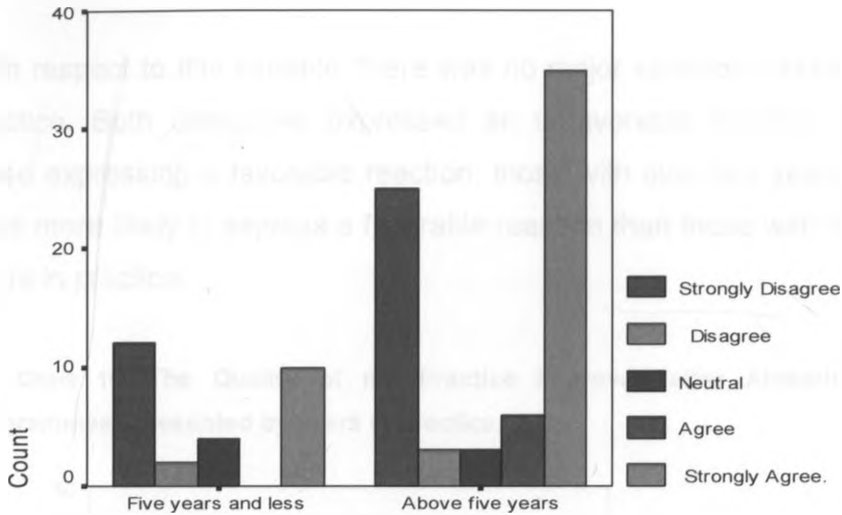


LSK should allow self study and online study

4:6:4 LSK Should Exempt Advocates With Over 20 Years Practice From the CLE Programme.

This variable was assessed by categorizing the advocates according number of years in practice and cross tabulating with the five likert scale or strongly agree to strongly disagree. The results indicate that advocates with over five years in practice favored exemption old advocates while advocates with less than five years in practice did not favor exemption of old advocates.

Bar Graph 18: LSK should exempt advocates with over 20 years practice - presented by years in practice.

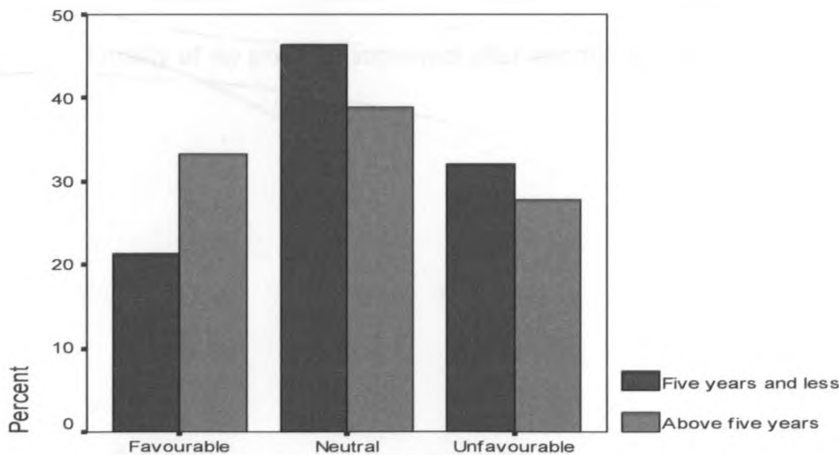


LSK should exempt Advocates with over 20 years in practice

4:6:5 The Topics Covered by the LSK CLE Programmes are Relevant to my Daily Legal Practice.

With respect to this variable, there was no major variation based on years in practice. Both categories expressed a neutral reaction to the relevance of the topics. However of those expressing a favorable reaction, those with over five years experience were more likely to express a favorable reaction than those with less than five years in practice. The difference is however not statistically significant.

Bar Graph 19: Topics are relevant to daily legal practice - presented by years in practice.

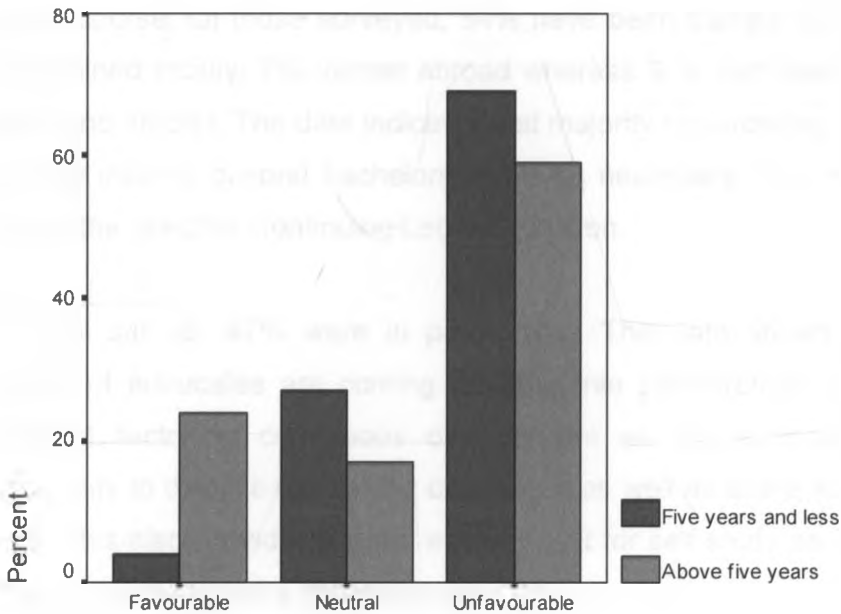


Topics covered by LSK CLE are relevant to daily legal practice

4:6:6 The Quality of my Practice Improved after Attending LSK CLE Programmes.

With respect to this variable, there was no major variation based on years in practice. Both categories expressed an unfavorable reaction. However of those expressing a favorable reaction, those with over five years experience were more likely to express a favorable reaction than those with less than five years in practice.

Bar Chart 19: The Quality of my Practice Improved after Attending LSK CLE Programmes - presented by years in practice.



Quality of my practice improved after attending CLE

CHAPTER FIVE: DISCUSSIONS, CONCLUSIONS AND RECOMMENDATIONS

5:1 Discussions

Having analyzed the data and derived the findings, this chapter discusses the finding, makes conclusion and gives recommendations on policy changes as well as future research.

5:1:1 Demographic characteristics.

From the data analysis, it is can be noted that there are almost equally as many number of male advocates as there are female advocates. It is also apparent that a large of the advocates currently in practice have been recently admitted to the bar. This may be explained by the fact that several Universities in Kenya are now offering LL:B both as a regular and parallel degree course. Of those surveyed, 84% have been trained locally. 84% had been trained locally, 7% trained abroad whereas 9 % had been trained both locally and abroad. The data indicates that majority of practicing Advocates do not view training beyond bachelors levels as necessary. This may therefore point to the need for Continuing Legal Education.

On legal set up, 47% were in partnership. The data shows that a good number of advocates are coming together into partnerships and this is an important factor in continuous development as the advocates have an opportunity to discuss day to day challenges as well as share knowledge and ideas. This also provides a good environment for self study as a firm partner can also double up as a study partner.

The results indicate that 53% of advocates did not specialize in any area of law. Failure to specialize means that an advocate is dealing with various cases in various legal fields. This then requires constant research on new briefs. Advocates who do not specialize in any area of law are more likely to require CLE as it will afford them an opportunity to learn on new areas which them may be handling or are likely to handle in future. Given that over half of the advocates do not have areas of specialization, there is need for

Continuous Professionals Development either by way of CLE or personal CPD.

5:1:2 CLE attendance and Compliance

In terms of percentage, the data showed that more than half of the respondents had accumulated the mandatory five points by the time of the survey while the rest had still a number of points to fully comply. This indicates a high level of compliance with the CLE requirements. The above may be however be explained by the fact that the CLE programme is mandatory and the fact that renewal of the annual practicing certificate is pegged to completion of the five CLE units hence this leaves the advocates with no option that to attend the LSK CLE sessions.

As per the results, 66.7% of the respondents sat through the entire CLE sessions whereas 33.3% left early. In terms of gender, the results indicated that male Advocates were more likely to sit through the sessions (71.9%) as compared to female Advocates (57.1%). The results shows that at least 1/3 of the advocates do not fully comply with the CLE programme and may be attending merely to earn the points required and not to learn with female advocates more likely to default. This calls for a need to rethink the objectives of the CLE and the best way to ensure continuous learning and development.

An important finding was that 73.7 % of the respondents were engaged in continuous professional development on their own. This shows that a good number of practicing advocates value the need for continuous learning and are actually able to undertake voluntary continuous learning and development.

5:1:3 Reaction on Mode of Conduction CLE

The data shows that majority of advocates are in favor of voluntary CLE. At the same time majority of advocates feel that renewal of practicing certificate should not be pegged to completion of CLE.

Neutral findings on reaction to the quality of the LSK CLE programme as well as the quality of presenters/trainers shows that Advocates generally feel that the CLE programmes are good but require improvement.

With respect to whether LSK should require different number of units for compliance purposes depending on number of years in practice, 54% of the respondents strongly agreed while only 24% strongly disagreed. The data indicates that some level of differentiation in CLE requirements based on number of years in practice is desirable by most advocates.

With respect to exemption, 45% of advocates strongly agreed that LSK should exempt advocates with over 20 years in practice from the CLE requirements whereas 37% strongly disagreed. The answer this variable seems to have been influenced by the number of years in practice of the respondents with older advocates favoring exemption while younger advocates felt that no one should be exempted from the CLE programme.

5:1:4 Reaction on mode of Relevance/Importance CLE

54.5% of the respondent strongly agreed that CLE was necessary while 58.8% of the respondent strongly disagreed that compulsory CLE was desirable. This finding indicates that what the majority of advocates disagree with is the mode of conducting CLE and not CLE *per se*. It would appear that Advocates want to be allowed to determine the need for CLE and undertake CLE on a need basis without necessarily being compelled to do so.

At least half of those surveyed reported that they benefited more from their own Continuous Professional Development than from the LSK CLE. This finding can be explained by the fact that majority of the advocates reported that they were engaged in personal CPD. The fact that personal CPD especially by way of research is need driven explains why the advocates feel they benefit more from their own CPD.

On relevance of topics covered by the LSK CLE programme to advocates daily legal practice, majority of the respondent expressed a neutral reaction.

This indicates some moderate level of acceptance while at the same time indicating that allot needs to be done to improve on the relevance of the course content.

Majority of the respondents reported that there was no improvement in the quality of their practice that could be directly attributed to the CLE programme. The findings indicate that majority of the advocates had not seen a direct benefit to their practice resulting from the CLE programmes that they had attended. This implies that the LSK needs to do a lot to ensure that the programmes offered are practical and address the day to day challenges faced by the legal practitioner.

There were no major variations on reaction to relevance of CLE based on number of years in practice. This shown that the concerns expressed by advocates are homogenous and comparable across different categories of advocates irrespective of number of years in practice. In other words, the number of years in practice is not a determinant factor to the reaction of advocates on the Compulsory CLE programme.

5:2 Conclusions

From the data analysis and discussion it is apparent that majority of advocates practicing in Nairobi agree that Continuing Legal Education is necessary and are indeed engaged in Continuous Professional Development on their own. It is also apparent that majority of advocates in Nairobi are complying with the LSK Compulsory CLE.

However, it is also apparent that majority of advocates are of the opinion that CLE should be voluntary rather than mandatory and that it is not necessary to peg renewal of the practicing certificate to the completion of CLE units.

The research also indicates that majority of the advocates are moderately satisfied with the quality of the courses being offered as well as the quality of trainers. However it appears that some more needs to be done on this aspect to improve the quality of the programmes as well as that of the trainers.

There is agreement that the number of units to be undertaken by advocates should vary depending on the number of years an advocate has been in practice and that some level of exemption is desirable especially for advocates who have many years in practice.

Key to note was that many advocates still felt that they benefited more from their own CPD than from the LSK CLE. Of great concern is the fact that majority of the advocates do not feel that attending CLE directly translates into improvement of their legal practice.

5:3 Recommendations.

Based on the findings, discussion and conclusion, the researcher recommends that the CLE programme should be made voluntary and that it should be de-linked from renewal of practicing certificate as the two are not related. Further, the researcher recommends that LSK reviews the CLE programme with a view to making the same more practical and geared towards solving day to day challenges faced by practicing advocates. At the same time given that majority of Advocates feel that LSK should allow for self study, it is recommended that of the total number of units required for compliance, LSK should allow Advocates to earn at least half the points though self study and the other half through the LSK's CLE programme, with only those not able to prove that they have undertaken self study having the option to attend LSK programmes for full compliance. This can be enforced by way of requiring advocates to file annual CPD returns or swear an affidavit of compliance.

It is noted that at least a third of Advocates do not sit through the programmes, hence a pointer that running a compulsory programme is not the best way of enforcing compliance and learning, either way, if the aim of the CLE is to promote learning, some level of trust and freedom is required to ensure that Advocates view themselves as willing participants to the CLE programme and do not feel that they are being forced to undertake a programme that has a cost but may not have a direct benefit to their day to day work. By allowing advocates to meet half of their units through personal

CPD, the LSK would motivate the Advocates to engage in learning activities that they feel are truly worthwhile and beneficial to their work while at the same time participating in the LSK programmes.

5:4 Limitations of the Study

The study did not face any major limitations in data collection as the respondents were highly educated and the response rate was high. However, the study only focused on advocates practicing in Nairobi whereas there are advocates in all towns in Kenya. There is therefore need for a study to be conducted covering wider scope and more indicators. Also whereas the study focused on reaction of advocates to various variables, the study did not seek to establish the reasons for the reaction.

Nevertheless, despite the limitations, the study provides useful data that can be used as a baseline for further studies and also adds into the body of knowledge.

5:5 Suggestions for Further Research

In the context of the limitations stated above, the researcher suggests that further research be carried out covering a representative sample of all advocates practicing across the country and also incorporation additional indicators and variables to gauge the reasons for the reaction by the advocate the CLE programme and also requiring the respondent to indicate suggested ways of improving the programme.

It is further suggested that LSK annually contracts an independent organization to carry out a survey on the reaction, the perception or the level of satisfaction by advocates on the CLE programme. This will enable LSK to undertake continuous improvement of the programme and ensure that the programme meets the needs of the advocates.

REREFENCES

American Bar Association website, *MCLE web page*
<http://www.abanet.org/cle>, July 17, 2008

American Bar Association, *Model Rule for Minimum Continuing Legal Education (MCLE)* <http://www.abanet.org/cle>, July 17, 2008

Continuing Legal Education Association of Australasia, *CLEAA web page*
<http://www.cleaa.asn.au/cleaa/>, July 17, 2008

Cunningham D. C. 'Legal Education After Law School: Lessons from Scotland and England' in 33 *Fordham Urban Law Journal*, No. 1 (2005), pp. 193-209.

Feliciano M.S., *Continuing Legal Education Towards Sustainable Human Development*, a paper presented to the United Nations Development Program, available at
<http://www1.worldbank.org/publicsector/legal/continuing.pdf> July 17, 2008

Forbes J.R., *The Divided Legal Profession in Australia: History, Rationalization and Rationale*, Law Book Co., Sydney, 1979

Frankfort C and Nachmias D, *Research Methods in the Social Sciences*, 5th Edn, Arnold London, 2003.

Friday H.H., *Continuing Legal Education: Historical Background, Recent Developments, and the Future*, 50 *ST. JOHN'S L. REV.* 502 (1976).

Guest G., *Continuing Professional Development: What Exactly is it? Why Should I bother? And Am I doing it Already?* in *Training Journal Magazine*, available at <www.reedlearning.co.uk>

Head of the CLE Department of the College of Law in New South Wales cited in 'Continuing Legal Education' in *Commonwealth Law Bulletin*, vol 6 No. 4 Oct 1980, pp 1435-1436

Kothari C.R., *Research Methodology: Methods and Techniques*, 2nd Edition, Klushira, Prakshan (1990).

Law Society of England and Wales Training Regulations, 1990

Law Society of New South Wales, *MCLE Task Force, Final Report and Recommendations*, 14 April 2000, Available at the Law Society of Kenya offices.

Meyer D. M., *Report on Continuing Legal Education*, prepared for the Law Society of Kenya and dated 15th February 2002 (unpublished)

Mwaura A.K. *Perceived Service Quality: The case of Matatu Industry*. Unpublished MBA project, University of Nairobi, 2002.

Law Society OF New South Wales Professional Conduct and Practice Rules

Ngatia E.M., *A comparative study of service providers and customers perceptions of service quality in the retailing industry: A case of supermarkets in Nairobi*. Unpublished MBA project, University of Nairobi, 2000.

Njoroge, J. K. *Customers Perception of the Service Quality in a decentralized system in the public utility sector in Kenya. The case of the KPLC*. Unpublished MBA project, University of Nairobi, 2003

Ojienda T.O., *Continuing Legal Education*. A Paper prepared for presentation at the 15th Commonwealth Law Conference, 9th-13th September 2007, Nairobi, Kenya (Unpublished).

Phillips J.J, Bothell T.W and Snead G.L., *The Project Management Scorecard: Measuring the Success of Project Management Solutions*. Butterworth-Heinemann, 2002

Pound R., *The Lawyer from Antiquity to Modern Times*, St. Paul, Minn, West Publishing Co., 1953

Reichert I.F., Jr., *The Future of Continuing Legal Education*, in G.C. Hazard, Jr. (ed), *Law in a Changing America* 167-8 (1968).

Regulations for the Continuous Legal Education (CLE) of all advocates in Kenya. (Legal Notice No. 13 of 2004).

Report of a workshop on the theme "*Honesty and Excellence in the Provision of Legal Services*" hosted by the Complaints Commission in Nairobi between 30-31 May 2000.

Segall C.G., *Ethics in Mandatory CLE: an Overlooked Means of Improving the Standard of the Profession*, 6 JL Professional Legal Ed. 22, 23 (June 1988) citing P.K. Cooper (1985), "Issues Paper Mandatory Continuing Legal Education, unpublished, submitted to the NSW Continuing Legal Education Board and C. Hale, *Continuing Learning in the Professions* (1980).

The Council for Legal Education Act, Cap 16A of the Laws of Kenya.

The Law Society of Kenya Act, Cap 18 of the Laws of Kenya.

Wikipedia- Online Dictionary available at <http://www.en.wikipedia.org/wiki>

APPENDIX 1: INTRODUCTION LETTER

Magdalene Nzisa Munyao,
Faculty of Commerce,
C/O of MBA Co-ordination Office,
Department of Business
Administration,
University of Nairobi,
P.O. Box 30197,
NAIROBI.

September, 2008.

Dear Sir/Madam,

**RE: RESEARCH ON THE REACTION OF ADVOCATES BASED IN
NAIROBI ON THE RELEVANCE OF THE COMPULSORY CONTINUING
LEGAL EDUCATION PROGRAMME.**

=====

Good morning/afternoon.

I am a postgraduate student at the University of Nairobi, the Faculty of Commerce. I am required to conduct research work in partial fulfillment of the requirement of the award of a degree in Masters of Business Administration degree (MBA). I am conducting a cross- sectional descriptive study on the above topic.

You have been selected to participate in this study. Kindly fill the attached questionnaire as honestly as possible. Kindly note that your response will be confidential and your identity will not be revealed at any time to anyone. Further, please note that your participation is voluntary.

Thank you very much for taking time to participate in this study.

Sincerely,

MAGDALENE NZISA MUNYAO
MBA Student

APPENDIX 2: QUESTIONNAIRE

Please answer the following questions by ticking (√) the appropriate box or by giving the necessary details in the provided spaces.

PART A: Background Information

1. Name (Optional): _____

2. Consent (I confirm that I am filling this questionnaire of my own free will and without any duress):

Consent	
No Consent	

3. Sex

Male		Female	
------	--	--------	--

4. Your current title or position: _____

5. How long have you been practicing:

No of Years after admission	
-----------------------------	--

6. What are you Highest qualifications:

Bachelors	
Masters	
PHD	

7. Are you locally trained or trained abroad.

Trained Locally	
Trained Abroad	
Trained both locally and abroad	

8. In what kind of legal set up do you work

Private- Sole Proprietorship	
Private- Partnership	
Corporate- In- house lawyer	
Other (please specify)	

9. If in private practice, do you own the firm or you are employed?

Firm owner	
Employed	

10. How many lawyers work in the same organization/firm:

No of Lawyers	
---------------	--

11. In What area of law do you specialize in:

Criminal Law	
Civil Law	
Commercial Law	
Other (please specify)	
No Specialty	

PART B: CLE Attendance/ Compliance.

12. Have you attended any CLE programmes in the last one year?:

Yes	
No	

13. If yes, how many points have you accumulated?

Number of points	
------------------	--

14. What was the duration of the last CLE programme you attended?

Half Day	
One Day	
Two days	

15. Did you sit through the sessions or you left early?

Sat Through the entire seminar	
Left early	

16. If you left early, what proportion of time did you attend the programme

Signed in and left (0%)	
Less that 30%	
31%-50%	
51 - 80%	
More than 80%	

17. Apart for the CLE programmes, are you engaged in any kind of Continuous professional development on your own?

Yes	
No	

18. If you engaged in any kind of Continuous Professional Development on your own, how do you do it?

By research	
By attending conferences and seminars	
By Attending formal classes	
Other (please specify)	

PART C: Reaction on Mode of Conducting CLE.

19. Please rank to what extent the following questions apply to you by ticking(√) the appropriate column

On a scale of 1 to 5 where 1 is strongly disagree and 5 is strongly agree

	1	2	3	4	5
CLE should be voluntary rather than mandatory					
Renewal of practicing certificate should not be pegged on completion of CLE units.					
The quality of programmes offered by LSK is satisfactory					
The quality of LSK presenters/Trainers is satisfactory					
LSK should allow self study and online study					
Different number of units should be required depending on number of years in practice.					
LSK should exempt lawyers who have more than twenty(20) years in practice from CLE requirements					

PART D: Reaction on relevance/importance of CLE

20. Please rank to what extent the following questions apply to you by ticking(√) the appropriate column.

On a scale of 1 to 5 where 1 is strongly disagree and 5 is strongly agree

	1	2	3	4	5
CLE is necessary to my legal practice.					
Compulsory CLE is desirable.					
I benefit more from the LSK CLE programmes than from personal CPD activities					
The topics covered by the LSK CLE are relevant to my daily legal practice.					
The quality of my practice improved after attending the CLE programmes					
I benefit more from my personal CPD activities rather than the LSK CLE programmes.					