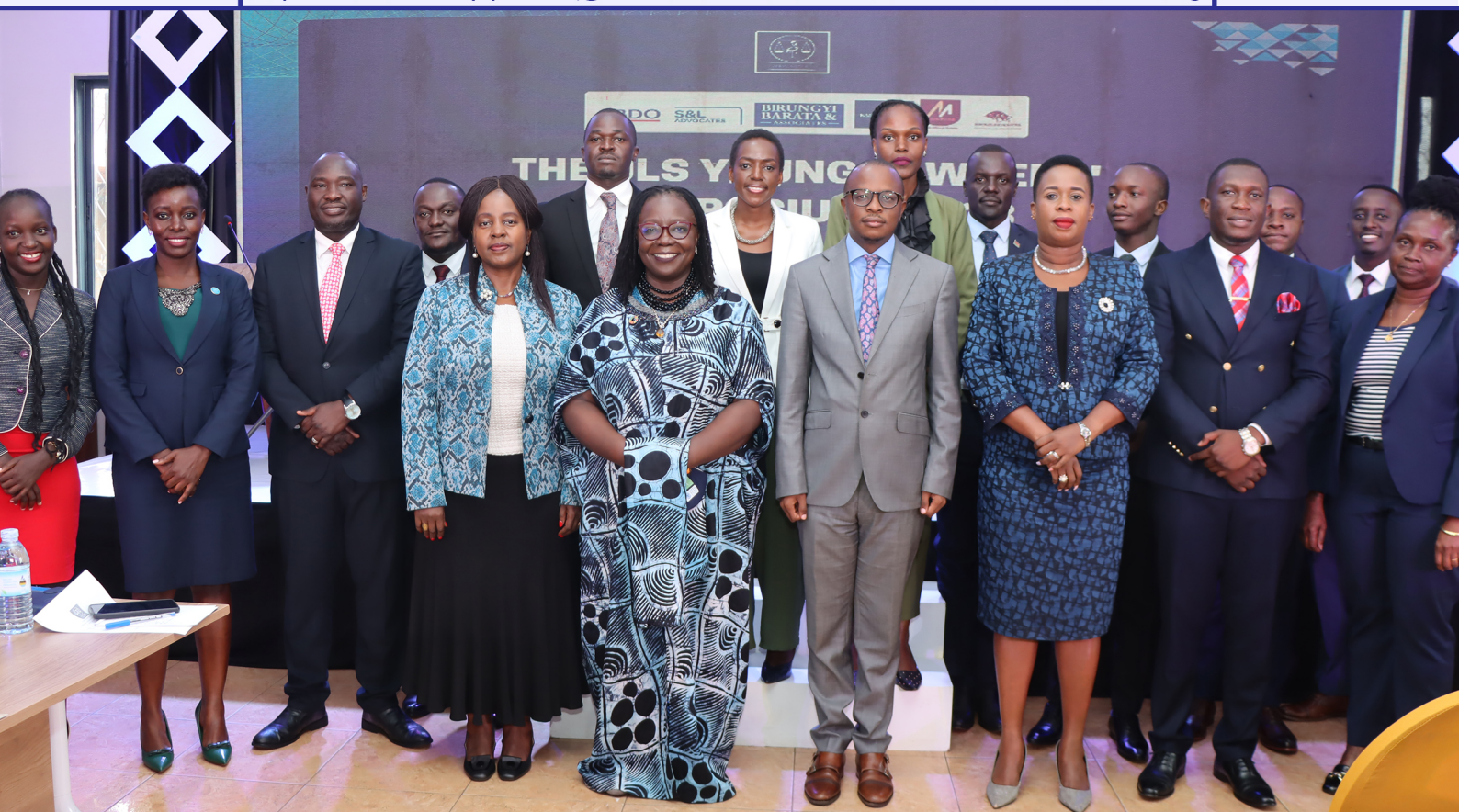




Members FIRST

NEWSLETTER



ULS HOLDS THE YOUNG LAWYERS' SYMPOSIUM

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Message From Members First Chairperson



Dear Reader,
Congratulations upon making it through the first half of 2023. On my own behalf and on the behalf of Uganda Law Society Council, I congratulate the 95 advocates who were entered unto the Roll of Advocates in Uganda, welcome to the Bar! We encourage you all to subscribe and become Members of the Uganda Law Society and enjoy the benefits that come with Membership to Uganda Law Society. Uganda Law Society also congratulates all LDC graduates from the three Campuses of Kampala, Gulu and Lira on successfully completing the bar course.

In the month of June, Uganda Law Society held a two day Young Lawyers' Symposium under the theme "Self leadership as a foundation for exceptional practice beyond borders." We appreciate all the speakers, panelists and our Chief Guest for the great contribution to our young lawyers. We believe your contribution added value to the profession.

Still in the month of June, Uganda Law Society also hosted the Senior Lawyers Forum that was well attended by Senior Lawyers. To all our Senior Lawyers we appreciate your contribution and I re-echo the commitment of our President that your concerns will be

prioritized so that you have a substantive voice for the membership.

In this June issue the Members First Newsletter brings to you the highlights from the two day first High Level Alternative Dispute Resolution Summit dubbed "The role of ADR in transforming Uganda's dispute resolution landscape". We appreciate the Ministry of Justice and Constitutional Affairs for this important initiative.

The ULS Secretariat continues to welcome members and to offer you programs that you need to serve better. We also bring to you the interventions by the Uganda Law Society council on emerging issues that affect members including the URSB recruitment, update on Petition against the Payment of Stamp Duty for Practicing Certificates Rule of Law cases, Update on ULS House Construction among others.

Last but not least, we bring you updates from the team behind the ULS Healthcare and Benovolent (HBR) Fund please find time to read about it.

Members First Newsletter Team wishes you all a blessed July!

Enjoy the Read!

Counsel Atukunda Isaac - Chairperson Members First Newsletter



YOUNG LAWYERS' SYMPOSIUM

ULS organized a remarkable two-day Young lawyers' symposium under the theme "Self-leadership as a foundation for exceptional practice beyond borders." The symposium successfully brought together a multitude of highly experienced and esteemed legal professionals who served as keynote speakers and panelists. A wide range of topics were covered during the event, including thought-provoking discussions on "The compounding effect of self-leadership in achieving decent work and economic growth," "A conversation with senior lawyers: Reflections on the legal profession and invaluable lessons for young lawyers," and "The future of dispute resolution," among others.

The Chief Guest, UNDP Resident Representative for Uganda, Elsie Attafuah commended the Society for the efforts put in thus far in achieving the Sustainable Development Goals (SDG's). Recognizing that Uganda has one of the youngest populations worldwide with high levels of unemployment, she encouraged

the lawyers to be innovative and proactively generate opportunities for the benefit of the country.

During the symposium, Advocate Joyce Nalunga urged young lawyers to cultivate a positive attitude towards their profession, and to prioritize building integrity. She emphasized the importance of remaining teachable and embracing a continuous learning mindset, cautioning against the temptation of seeking quick financial gains, which can potentially damage one's professional reputation.

Senior Counsel Cephass Birungyi shared invaluable advice, encouraging young lawyers to identify their unique talents and skills and consider joining industries where they can leverage those abilities. Dr. Diana Musoke similarly called upon the legal brains to further their studies as this will open doors for more opportunities for career growth. The symposium successfully provided major insights and practical tips to motivate, encourage, and mentor the young lawyers in their professional development journey.

Day 2 of the symposium unfolded a captivating twist with panels consisting of young lawyers working in various sectors, including the judiciary, parliament, private practice, DPP's office and the Federation of Uganda Basketball Associations. The panelists shared their personal journeys and shed light on the paths that led them to their current positions. They fervently encouraged young lawyers to pursue their passions, actively engage in networking opportunities, stay well-informed to maintain relevance, and strive for a healthy work-life balance.



Inset: Chief Guest Elsie Attafuah UNDP's Resident Representative for Uganda sharing her remarks



Inset: Young lawyers' committee members pose for a photo at the symposium



Inset: Advocate Joyce Nalunga and Senior Counsel Dan Wandera - Panelists at the Young Lawyers' Symposium



Inset: Advocates Brownie Ebal and Brian Kambaho moderating the event



SENIOR LAWYERS' FORUM

ULS organized a senior Lawyers Forum held on June 8, 2023 at Golf Course Hotel, focusing on matters relevant to senior lawyers in the country. The training covered various topics such as financial management, succession planning, investment, and legacy building for law firms. Participants were encouraged to develop financial plans, including obtaining insurance policies and engaging in professional investment.

During the training session, participants expressed concerns regarding the unregulated presence of foreign law firms in Uganda, which has resulted in increased competition with local firms especially for lucrative clients. A specific example from Nigeria was cited, where only licensed local law firms are permitted to operate, except in cases where local firms lack the capacity and choose to subcontract to foreign firms. Professor Fredrick Sempebwa (SC) noted the importance of drawing inspiration from such jurisdictions and advocating for partnerships between foreign and local firms only when necessary. This principle should extend to consultancy services as well, considering that legal practice, as legally defined, encompasses consultancy work.

Participants also raised concerns regarding the recruitment process of the Judiciary staff where it seemingly favors individuals aligned with the ruling party. This situation poses a threat to the principle of separation of powers. The ULS President, Bernard Oundo stressed the importance of transparent appointments through advertisements and the consideration of seniority when selecting representatives for statutory bodies. The President also pledged to prioritize transparency and constitute a substantive Senior Lawyers Committee to actively voice opinions and effect meaningful change within the profession.



Inset: Senior Counsel, John W. Katende founding Partner Katende, Sempebwa Advocates and ULS President, Bernard Oundo addressing Senior Lawyers' at the Forum



Inset: Senior lawyers pose for a photo



Inset: Group photo of senior lawyers with ULS President Bernard Oundo at the Senior Lawyers' Forum

COUNCIL ACTIVITIES



BENCHMARKING THE LAW SOCIETY OF KENYA: INSPIRING UGANDA LAW SOCIETY'S HEALTH CARE AND BENEVOLENT FUND

Phillip Munaabi - Vice Chairperson ULS Healthcare and Benevolent Steering Committee

From 2019 to 2021, a significant number of advocates sadly lost their lives to COVID-19 and related illnesses. From January 2023, alone to date we have lost 16 Advocates (May their Souls Rest in Eternal Peace). Before the pandemic, ULS used to contribute Ugx 500,000/- and a wreath when a member passed away. However, due to depleted funds during the pandemic, this amount decreased to Ugx 250,000/-. Unfortunately, the welfare of the deceased advocates' children and their own health issues remains an unanswered question.

To address these gaps, the ULS Council noted a need to benchmark the Law Society of Kenya's Advocate Benevolent Association (ABA). The Steering Committee Members led by Counsel Lydia Ochieng Obbo and comprising; Barbra Kitui, Phillip Munaabi, an Actuarial Scientist – Maria Namale and the ULS Vice President Martin Asingwire (Committee Advisor) held successful meetings with the ABA leaders.

The team learnt about ABA's successful initiatives which include;

a) The Members Last Expense program which provides KEShs.80,000 (About Ugx 2,500,000=) for a decent burial;

b) Education Assistance program which supports children's education from nursery, Primary, Secondary, Tertiary and University level with capped figures at each level contributed annually and; contributing an annual sum of KE Shs. 100,000 (about Ugx 3,000,000=) for the healthcare of its members.

ABA has also partnered with the Counselors and Psychologists Society of Kenya (CPS-K) to handle the mental wellness aspect among its membership. Other partnerships have facilitated emergency airlifting of advocates, gym/physical fitness classes and provided them with valuable insurance coverage with minimal contribution.

The team also held a successful meeting with Megha Health proprietor Beatrice Ngode and her team Peter K. Mwingi, and Sammy Kidhingi who are running two unique schemes with Law Society of Kenya that include the Young Lawyers Professional Indemnity Scheme which has helped young lawyers acquire Professional Indemnity at a very low cost and the Senior Lawyer & Parents Scheme through which very senior lawyers and members can obtain health insurance for themselves and their parents.

The Advocates Benevolent Association's Education Assistance Program and why it should be relevant to the Uganda Law Society.

A small background shared during the benchmarking visit revealed that in around 1966, a group of senior advocates decided to extend a helping hand to deceased member's families. They looked at two key aspects, helping the bereaved family to have a decent casket for their fallen colleague and also maintain the children of the deceased in school. The education assistance program became a pivotal program in the association that has run to date. It is thus on record that when a member dies, his or her children become the direct concern of the society at whatever age or stage of education level. The program has seen several members' children stay in school.

Currently 202 (two hundred and two) children are under this program with 12 children in Nursery school, 87 in Primary, 70 in secondary, 32 in tertiary, and 1 student currently at Kenya Law School. A special program was at the last AGM introduced to provide 100% Sponsorship of any child who follows his parent's path and as such full tuition is paid for the student at Kenya School of Law. This program is ultimately the pride of the society and one such program that the Steering Committee is working upon implementation given the feedback that was received from the membership Healthcare and Benevolent Fund survey feedback.

The benchmarking team is currently in the final stages of preparing the necessary paperwork to provide detailed information to the membership, the inclusion of Ms. Namale Mary an actuarial scientist on the team is of great importance in having realistic figures and comparative analysis between the prevailing insurance/wellness schemes and what the ULS Healthcare and Benevolent Fund should come up as proper rates for membership subscription as several varying figures were given by the membership during the survey.

Most importantly for the membership, it was also discovered that our own ULS Healthcare and Benevolent Fund can become operational as soon as it is approved during an Extraordinary General Meeting (EGM) or Annual General Meeting (AGM). Having been one of the major programs to be introduced and implemented by ULS President Bernard Oundo, it is evident that the Council is dedicated to improving the lives of its members, not only during their active years but also in the aftermath of their passing.



Healthcare tip:

“Your health first. Find time for bodily exercise” - ULS HBF

Those who think they have not time for bodily exercise will sooner or later have to find time for illness.—Edward Stanley, Earl of Derby



Inset: Esther K. Muiruki Programme Office, ABA (in yellow jacket), explaining ABA Programs to the ULS HBF Steering Committee Members



Inset: ULS HBF & ABA Members outside LSK Offices in Nairobi. Backrow - Sylvia (ABA Programs Assistant), Vice President ULS Martin Asingwire, Barbara Kitui and Ester Muiruki.

Front Row - Phillip Munaabi, Namale Mary and ULS HBF Chairperson Lydia Ochieng-Obbo

Heads of Professional Associations Meet Over Stamp Duty

In 2020, the Stamp Duty (Amendment) Act of 2020 was enacted introducing a stamp duty of 100,000/- on professional licenses or certificates. In January 2021, ULS together with other professional bodies filed a joint petition in the Constitutional Court for the annulment of the said provision grounded on the fact that the imposition of the said stamp duty is a double tax on the same source and will limit the freedom to practice trade and professions.

Furthermore, the petitioners filed Miscellaneous Application no. 007 of 2021 seeking for stay of enforcement of the provisions of the Act pending the determination of the Petition; however this application was never fixed for hearing. This indicates that there is an imminent danger of enforcement of the provision by Uganda Revenue Authority to collect these fees from professionals.

On 7th June 2023, the ULS President- Bernard Oundo together with the CEO- Moses Okwalinga convened a collaborative meeting with Heads of the various professional associations, including;

the Uganda Medical Association, Uganda Institution of Professional Engineers, Institution of Surveyors of Uganda, Uganda Society of Architects, Institute of Certified Public Accountants of Uganda, among others. Through this meeting, members resolved that the ULS President urgently writes a letter to the Court of Appeal requesting for the Court to either deliver a ruling on the Petition or in the alternative, fix a hearing date for the said Miscellaneous Application. The meeting also addressed additional collaboration strategies and encouraged non-member bodies to promptly join the umbrella body -Federation of Uganda Professional Services Association, to facilitate collective advocacy efforts.



Inset: The President of the Uganda Law Society- Bernard Oundo and the CEO of the Uganda Law Society- Mr. Okwalinga Moses (extreme right) in a photo moment with Heads of Professional Associations

First High Level Alternative Dispute Resolution Summit, 2023

The Uganda Judiciary in collaboration with the Ministry of Justice and Constitutional Affairs organized the first High Level ADR Summit dubbed ***“The role of ADR in transforming Uganda’s dispute resolution landscape”*** on 26th - 27th of June 2023.

The ULS President Bernard Oundo who attended the summit shared his insights on the manifold advantages of alternative dispute resolution in modern legal practice. The summit offered an opportunity for stakeholders in the judiciary, legal practice, and associated domains to explore the potential benefits of alternative dispute resolution. By embracing alternative methods, such as mediation or arbitration, parties involved in disputes can experience streamlined processes, cost-efficiency, greater control over the outcome, and the preservation of relationships. Additionally, alternative dispute resolution can alleviate the burden on courts, reduce backlog, and promote access to justice.



Inset: ULS President, Bernard Oundo speaking at the Summit



Inset: Minister of Justice and Constitutional Affairs Hon. Nobert Mao making his remarks at the Summit



Inset: Various stakeholders at the ADR Summit

Enrollment of new Advocates

On 14th of June 2023, 95 new advocates were entered into the Roll of advocates in Uganda. The ceremony was graced by the Chief Registrar Her Worship Sarah Langa Siu and the ULS President who was represented by the Hon. Secretary Isaac Atukunda.

ULS congratulates the new advocates and encourages them to become members and to serve the public with diligence and integrity. We believe that you will contribute with your expertise towards justice and the betterment of society.



Inset: A new advocate receives his Certificate of Enrollment



Inset: : ULS Hon. Secretary, Mr. Isaac Atukunda making his remarks



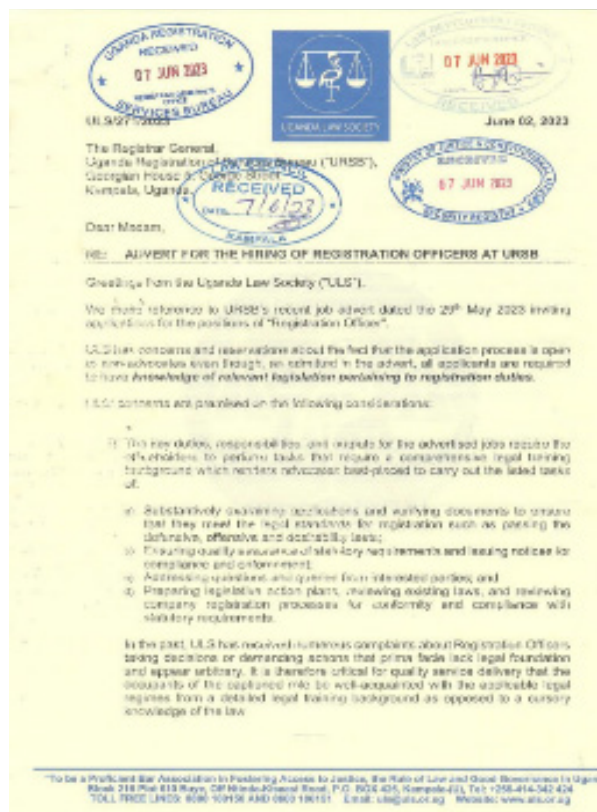
Inset: A group photo of the new advocates with the Chief Guest and ULS Hon. Secretary

ULS letter to Uganda Registration Services Bureau on the 'Registration Officers' Job Advert

On 29th May 2023, the Uganda Registration Services Bureau (URSB) advertised job positions for 'Registration Officers' requiring an Honors' degree in Law, Social Sciences, Information Technology, Bachelor of Business Administration, Human Resource Management or related discipline. The ULS President Bernard Oundo wrote an open letter to URSB expressing concern over the application process being open to non-advocates.

The role of a 'Registration Officer' at URSB involves crucial tasks related to the registration of businesses, intellectual property, and other legal entities which requires a strong understanding of various legal principles, including company law, tax law, corporate and commercial law. ULS firmly believes that employing non-advocates for the 'Registration Officers' position may compromise the quality of service delivery as non-advocates may lack the specialized legal knowledge required to perform the duties effectively, potentially leading to errors and inefficiencies in the registration process.

Furthermore, the President pointed out that Uganda boasts of a significant number of qualified lawyers who are capable and willing to take up such positions. These professionals have invested years of their lives in legal education and training, acquiring the necessary expertise to handle the complexities of registration procedures. To address these concerns, ULS recommended that the application process for the role of Registration Officer be revised to require a legal training background that is, a Bachelor of Laws degree and a Post-Graduate Diploma in Legal Practice.



SECRETARIAT NEWS

The Secretariat is the administrative body and central hub of the Uganda Law Society. Working hand in hand with the Executive Council, the Secretariat aims at ensuring efficient legal service delivery, promoting access to justice, and upholding the principles of the rule of law for positive social transformation.

The Society's mandate is executed through various departments which have engaged in diverse activities throughout the month of June as recorded hereunder:

Professional Development and Members' Affairs

As per our mandate to develop a skilled and empowered legal profession, the Professional Development and Members' Affairs has continued to organize Continuous Legal Education trainings for the membership throughout the month of June.

LEGAL AID AND PROBONO DEPARTMENT

Success story from Legal Aid Office in Amuria District

On May 13, 2023, Okello Robert filed a complaint against his father Okello Juvention who took the complainant and his siblings from their mother, intending to consolidate them into his polygamous family. This caused tension within the family, with the second wife's children encroaching on others' property and disrupting their education. Legal Aid-Amuria intervened and organized a locus mediation session on June 7, 2023. With the help of Legal Aid, the land was divided amongst the family members with the approval of the clan leadership on June 8, 2023. The misunderstandings were resolved, and Okello Juventino committed to supporting the education of the children. The family expressed gratitude to Legal Aid for restoring hope, happiness, and unity among the family members.



Inset: Locus mediation held by Legal Aid Amuria clinic between family members of Mr. Okello Robert



Inset: Land division amongst the family members with guidance from the Legal Aid clinic officers

Success story – Legal Aid Office in Mbarara District

Our client, Kwatampora Sezi is a 92-year old man residing in Kizooba, Bushenyi District. He was faced with a series of challenges since 2011. His problems begun when Bushenyi Local Government forcefully created a feeder road through his land, resulting into destruction of his property. When he objected to their actions, they responded by taking him to the police and charging him with assault. In 2012, he filed a lawsuit against the Bushenyi Local Government through his private however he faced financial constraints which caused his case to delay in court for a period of 10 years.

In 2022, he was referred to the Legal Aid office in Mbarara which took on his case and judgment was given in his favour. Court ordered the Bushenyi Local Government to compensate him UGX 40 million including costs of the suit.

Our client expressed great satisfaction with our prompt intervention compared to his previous experience with a lawyer who failed to handle the case to its completion. He appreciates the Legal Aid Project for helping him to finally get justice.



Inset: Mzee Kwatampora Sezi after with Counsel Albine at our Legal Aid office in Mbarara

Career Exhibition day at Busoga College Mwiri

The ULS Rule of Law department participated in the career exhibition day at Busoga College Mwiri on 23rd June, 2023 under the theme ***“My career, My passion”***. This engaging event showcased a wide array of careers and universities, aiming to inspire students and ignite their interest in different professions. ULS took the opportunity to enlighten the students about the diverse opportunities within the legal profession and encouraged them to consider pursuing a law course. The students exhibited genuine enthusiasm and inquisitiveness, expressing their keen interest for the field of law through thought-provoking questions. Acts of Parliament, hand books, legal briefs and other easy-to-read materials were shared with the students to further enlighten them about the legal profession.



Inset: ULS staff handing over reading materials to A'level students



Inset: ULS staff speaking to O'level students



Inset: ULS member and President of the Mwiri Old Boys' Association- Dr. Daniel Ruhweza with the ULS staff



Inset: The Chief Guest; State Minister for Higher Education Hon. Dr. John Chrisostome Muyingo visits the ULS exhibition tent

ULS IN THE NEWS

Considering our commitment to serving our members and upholding the principles of the rule of law and human rights, ULS has actively engaged in addressing pertinent national matters by disseminating press statements during the course of the month. These official communications aim to provide authoritative guidance to both the government and the general public regarding the legal framework on specific current affairs. By undertaking these interventions, ULS endeavors to contribute to informed decision-making processes and promote a society that upholds the principles of justice and equality.



BRUTAL ASSAULT OF UNARMED AND YIELDING SUSPECTS AT THE RESIDENCE OF MUSLIM CLERIC, SHEIKH MUHAMMAD YUNUS KAMOGA

Uganda Law Society ("ULS") has with alarm and great concern reviewed the publicly circulated CCTV footage of several Police and other security officers violently assaulting unarmed and yielding suspects while effecting arrests at the residence of Muslim Cleric, Sheikh Muhammad Yunus Kamoga.

In the distressing footage, the Police and other security officers severely kick, beat, trip, and hit the unarmed and yielding suspects with their guns even as they submit peacefully to arrest and raise their arms in surrender.

In effecting lawful arrests, the Police and other security officers must use no more force than is reasonably necessary to apprehend a suspect. This means that in the case of unarmed and complying suspects such as those seen in the footage, there is no justification for the use of any force whatsoever.

Furthermore, the Constitution of Uganda, 1995 prohibits absolutely in all cases any form of torture or cruel, inhuman, or degrading treatment or punishment. This prohibition is not only non-derogable, its violation is an offence punishable under the Prevention and Prohibition of Torture Act, 2012 and offending officers are individually culpable and may be prosecuted accordingly.

Police and other security officers are further reminded and cautioned that by law, orders from superior officers are not a valid defence to a charge of torture and neither is any perceived public emergency or security threat. To this end, Police and other security officers have a duty to resist orders to take actions amounting to torture or cruel, inhuman or degrading treatment or punishment.

Additionally, it must be remembered by all law enforcement agencies that under the Human Rights Enforcement Act, 2019, infringing a suspect's non-derogable rights, including the right to freedom from torture or cruel, inhuman or degrading treatment or punishment, will lead to a declaration of the suspect's trial a nullity

Press statement on the brutal assault of suspects at Sheikh Yunus Kamoga's residence

and their immediate acquittal thereby destroying any chance of a lawful conviction in deserving cases.

ULS strongly condemns the conduct of the offending officers, which conduct amounts to a gross and unacceptable violation of human rights and the Rule of Law. The recurrence of these and many similar violations continue to erode public trust in law enforcement agencies and must be halted without delay.

ULS therefore calls for an immediate and thorough investigation into the actions of the Police and other security officers involved in the impugned raid and the prosecution of those found to have contravened the law.

Law enforcement agencies including the Police and the Office of the Director of Public Prosecutions are urged to take swift action and implement structural and procedural reform required to ensure that incidents of this nature do not recur.

The Society will continue to monitor this matter closely to its conclusion and remains steadfast in its commitment to ensuring that the Rule of Law prevails.


Bernard Oundo
President, Uganda Law Society

Press statement on the disruptive events that transpired at Supreme Court in *Ham Enterprises Ltd & 2 others v DTB(U) and another* (SCCANo. 51 of 2021)



STATEMENT ON DISRUPTIVE EVENTS WHICH TRANSPIRED AT THE SUPREME COURT ON 8TH JUNE 2023

The Uganda Law Society (ULS) has witnessed a deeply troubling trend that threatens to undermine the vital role of advocates and tarnish the reputation of judicial officers. On the morning of 8th June 2023, proceedings at the Supreme Court of Uganda were disrupted in the matter of *Ham Enterprises Ltd and 2 others vs Diamond Trust Bank (U) Ltd and another* (Supreme Court Civil Application No. 51 of 2021) when the Applicants and their supporters in the Court precincts exhibited unruly behaviour including but not limited to having discourteous exchanges with the Court, heckling, making *prima facie* unfounded allegations, and generally interrupting the orderly business of the Court.


ULS strongly condemns these actions. Courts of law are temples of justice and wield constitutional authority deserving of respect. They should not be scandalised, subjected to conduct that undermines their authority and integrity, or improperly interfered with in their execution of judicial functions. So important is the duty to respect the authority and functions of Courts of Law that the Constitution of Uganda, 1995 recognises their power to punish offenders for ‘contempt of court’. Criminal contempt of court has in particular been defined as conduct that obstructs justice or attacks the integrity of the Court including conduct that scandalises the court, physically interferes with the course of justice, or prejudices the fair adjudication of a dispute.

Litigants and their Counsel are warned against adopting such conduct and are urged, in the event of dissatisfaction with any judicial result, outcome, directive or decision to use the appropriate legal channels for redress. If left to continue, such

conduct will erode the public’s confidence in the judicial system and the Bar, leaving the dispute resolution system impaired and unable to efficiently serve the nation.

ULS further emphasises that all advocates are officers of Court and have a right to practise their profession by diligently representing their clients without being attacked or impeded by opposing litigants (who are themselves equally entitled to legal representation) or opposing Counsel. Lawyers should in addition not be victimised based on who the lawyer’s client is or what cases they take on. Principle 18 of the United Nations Basic Principles of the Role of Lawyers underscores that lawyers shall not be identified with their clients or their clients’ causes as a result of discharging their functions. The growing trend in which individual advocates are therefore vilified for acting for opposing litigants is strongly denounced. All litigation should be conducted with mutual respect amongst Courts, litigants, and Counsel. ULS therefore calls for restraint and maintenance of the principles of respect, professionalism, and civility when expressing grievances and concerns in the legal/dispute resolution context.

As Uganda’s Bar Association, ULS advocates for the highest ethical standards, professionalism, and respect for the Rule of Law including the promotion of an independent and effective Judiciary.


Bernard Oundo
President, Uganda Law Society

Upcoming CLE EVENTS



July 2023

CLE Event	CLE Points	Date	Fees
Finance for Non-Finance Managers & Partners	5	4 July 2023	200,000 (Young Lawyers) 250,000 (Other Lawyers)
Regulatory Developments on Anti-Money Laundering in Uganda	5	7 July 2023	70,000 (Young Lawyers) 100,000 (Other Lawyers)
Africa Law & Tech Festival, Nairobi	2	11 - 12 July 2023	Free of Charge
Legal and Regulatory Measures to Promote Healthy Diets & Physical Activity	5	14 July 2023	70,000 (Young Lawyers) 100,000 (Other Lawyers)
Human Rights and Environmental Litigation	5	20 July 2023	70,000 (Young Lawyers) 100,000 (Other Lawyers)
Sharpening your Trial Advocacy skills in Partnership with JAU (Physical event)	15	24 - 27 July 2023	900,000 (Young Lawyers) 1,000,000 (Other Lawyers)
Insolvency Law Conference	10	26- 27 July 2023	140,000 (Young Lawyers) 200,000 (Other Lawyers)

FOR BOOKING CONTACT MEMBERS' AFFAIRS OFFICE: 0703253733 and 0774590680
EMAIL: membersaffairs@uls.or.ug

How to pay:

Bank

Account Name: Continuing Legal Education/ULS
Account Number: 01063500183132
Bank and Branch: DFCU - Acacia Avenue

Account Name: Uganda Law Society/CLE
Account Number: 9030008847583
Bank and Branch: Stanbic Bank – Forest Mall

Mobile Money

Airtel Merchant Code: Dial *185#, Select Option 4 Pay Bill, Select Option 9 others, Enter Business Number 1212228, Enter Amount, Enter Reference ' Intellectual Property', Enter your Airtel Money Pin.

MTN Merchant Code: Dial *290*1#, Select Option 2 Goods & Services, Enter Merchant Code 114072, Enter Amount, Enter Your Name and Purpose of Payment, Enter your Mobile Money Pin to send.

50th Graduation Ceremony at the Law Development Centre (LDC)

The Law Development Centre (LDC) held its 50th Graduation ceremony in a historic manner with three (3) graduation ceremonies held at each of the campuses in Mbarara, Kampala and Lira on the 16th, 23rd and 30th June respectively. This was the first ever graduation ceremony held at the Mbarara and Lira campuses.

ULS congratulates all the graduates for successfully completing the intense bar course program.



*Inset: ULS Council Representative
Western Region, Advocate Allan
Musasire addressing the grandaunds*



*Inset: Former Chief
Justice Bart Katureebe
graced the event*



Inset: Graduands sharing a photo moment with LDC Director Frank Nigel Othembi



Inset: LDC Assistant Director Racheal Lubowa addressing the students

INHOUSE COUNSELOR

Enrollment of new Advocates

The Problem;

Dear Members First Newsletter,

My name is Steve (Kindly withhold my Surname), I am a newly enrolled advocate. Recently, I got a job in one of the law firms and was given a file to handle right away! However, my boss does not entertain mediocrity and am scared that he might ask me to leave if I do not perform to his expectation.

Steve

Our Response;

Dear Steve,

Thank you so much for reaching out to the Members First Newsletter platform. We are so glad you are first member to ask and utilize our new platform. First of all allow us to congratulate you on two great achievements. Congratulations on being enrolled as an advocate that is an important career milestone. Secondly congratulations on getting an opportunity to work.

Please receive our counselor's response.

Dear Steve, I am sorry about the way you are feeling. I want to assure you that almost 90% of advocates experience what you are going through at the early stages of their professional journey.

Deeply held beliefs about your ability are likely to cause stress which is detrimental to your health. Do not believe everything you think. Just take it that nothing has happened except

in your head. Your thoughts are speculative, yet they create feelings of discouragement and anxiety to you. Rather than believing the content of your thoughts, analyze them as if a client were speaking to you. As advocates, we do not think but prove facts by way of evidence. Steve, stop thinking about things that are unprovable and purely speculative. Until you get, your boss' comment, do not speculate about it. Deeply held beliefs about ability could affect your health which could eventually lead to job loss.

I advise you to be confident that you have done your best and where things are not ok you need to be ready to learn. Please make time to find out from your boss what his expectations are. It's important that you get clarity from him on how he wants his work done. If you are afraid of approaching him directly ask your colleagues in the firm how your boss wants his work done because everybody has a set standard for how work should be done especially advocates.

Please remember that your boss could have gone through the same and cannot castigate you over your first assignment. The mere fact that you were hired is enough to give you confidence that you are not a mediocre and that you can deliver. Just make sure you deliver to the best of your ability and always be ready to learn and take advice from your seniors. We wish you success in your career.

Counsellor

NOTE FROM EDITOR:

Dear Members please share more challenges with our counselor from other areas; health, work, business, family, partnerships, career choices among many.



YOUR COUNSELOR IS READY TO RESPOND

Are you a member of Uganda Law Society in need of a compassionate ear? We are here to support you!

Why Seek Counseling?

- To psychologically support you to promote your well-being.
- To have a sense of safety.
- To calm you down.
- To help you overcome burnout.
- To help you gain self-efficacy.
- To have social connectedness and hope.
- To help improve your productivity at work.
- To help balance personal and professional life.
- To help you manage stress.
- To help you foster a more positive mindset.
- To promote habits of consistent self-control.



Email: counselor@uls.or.ug

Rest assured, your confidentiality is our top priority.

THE ULS HOUSE

Update on ULS House

The building design encompasses four office levels and two basements. The construction plan is to complete the superstructure first, followed by the subsequent installation of finishing elements. As of this month, we have successfully completed three office levels and the mezzanine floor. Only one level, along with the terrace, remains unfinished. We are optimistic about completing these remaining components by the end of July.

Therefore, we kindly appeal to our members for their support and contributions to expedite the completion of the structure within the shortest possible timeframe. Your assistance will greatly aid us in achieving our goal efficiently.



Inset: Front view of the ULS House under construction



NEWS FROM THE JUDICIARY

Judiciary tips lawyers on how to effectively use court vacation

As the annual court vacation draws closer, the Judiciary has urged lawyers to use this month-long period effectively by handling any pending law-firm legal work.

Every year, the Courts of Judicature go on court vacation twice.

The Judicature (Court Vacation) Rules provide for mandatory court vacation which is the period between the end of one term of court and the beginning of another.

The High Court and Magistrates Courts go on vacation between July 15 to August 15.

The appellate courts (Court of Appeal and Supreme Court) go on court vacation between August 1 to 31.

All courts take a general vacation between December 23 and January 7.

During this period, civil cases are not heard but the criminal ones are.

“We urge the lawyers to use this time to draft court documents, prepare and research for effective drafting of written submissions that are required of them in some cases.” Mr. Karemani advised the lawyers.

Mr. Karemani added that during the court vacation, courts don’t close with the registries remaining open. “It is however, important to note that during Court Vacation, courts remain open for hearing of criminal cases,” Mr. Jamson Karemani, the Public Relations Officer said.

Adding: “The registries remain open for registration of new cases of all categories as well as dealing with other registry-related work.”

During court vacation, judicial officers mostly deal with desk-work like writing judgments and rulings.

Mr. Karemani explained that where a civil matter is urgent like land evictions that will put the life of many people at risk, a formal application is filed by an interested party for a Certificate of Urgency and if granted, the matter is heard accordingly.

In Uganda, there are two mandatory court vacations for every court annually and they are part and parcel of the judicial calendar – a Civil Vacation between July and August every year and a general vacation between December and January.

Court Registries to remain open during Vacation.

The court vacation system was inherited from the colonial judges, who used to travel back to United Kingdom (UK) to visit their families.

Bills Passed and under consideration

STATUS ON LEGISLATIONS BEFORE PARLIAMENT AS AT THE 15th DAY OF MAY 2021

BILL	TYPE	STATUS
1. The National Sports Bill, 2021	Government	3rd Reading (Passed by Parliament)
2. Income Tax Amendment Bill, 2023	Government	3rd reading (Passed by Parliament)
3. The Competition Bill, 2022	Government	1st Reading
4. Micro Finance Deposit Taking Institutions Amendment Bill, 2023	Government	2nd Reading
5. The National Legal Aid Bill, 2022	Government	1st Reading
6. The Employment Amendment Bill, 2022	Private	1st Reading
7. The National Local Content Bill, 2022	Private	3rd Reading (Passed by Parliament, Returned to Parliament)
8. The Public Health Amendment Bill, 2022	Government	Assented to by the President
9. The Parliamentary Pensions Amendment Bill, 2022	Government	3rd Reading (Passed by Parliament)
10. The Museum and Monuments Bill, 2022	Government	Assented to by the President
11. The Constitutional (Amendment) Bill, 2022	Government	The Bill was stood over to provide room for a holistic amendment to the Constitution
12. The Uganda Human Organ Donation and Transplant Bill, 2022	Government	Assented to by the President
13. The Kampala Capital City (Amendment) Bill, 2022	Government	3rd Reading (Passed by Parliament)
14. The Electricity (Amendment) Bill, 2022	Government	Assented to by the President

BILL	TYPE	STATUS
15. The Mining and Minerals Bill, 2021	Government	3rd Reading (Passed by Parliament)
16. The Value Added Tax (Amendment) Act, 2023		Assented to by President Museveni
17. The Lotteries and Gaming (Amendment) Act, 2023		Assented to by President Museveni
18. The Traffic and Road Safety Act, 1998 (Amendment) No.2 Act, 2023		Assented to by President Museveni
19. The Convention on Mutual Administrative Assistance in Tax Matters (Implementation) Act, 2023		Assented to by President Museveni
20. The Supplementary Appropriation Act, 2023		Assented to by President Museveni
21. The Appropriation Act, 2023		Assented to by President Museveni

HAM ENTERPRISES LIMITED, KIGGS INTERNATIONAL (U) LTD, HAMIS KIGGUNDU VERSUS DIAMOND TRUST BANK (U) LTD & DIAMOND TRUST BANK (K) LTD SUPREME COURT CIVIL APPEAL NO. 13 OF 2021

The Appellants took various credit facilities from the respondent banks, Diamond Trust Bank (U) Ltd and Diamond Trust Bank (K) Limited. The credit facilities were secured by personal and corporate guarantees and mortgages over various properties. When the appellants failed to pay back, the first respondent commenced a recovery process of the money borrowed which were amounting to USD \$4,014,444 (owed to DTB-U) while DTB-K was owed USD \$6,974,600.

In response to this recovery process, the appellants filed a suit and Commercial Court in which they claimed unfair contractual terms and illegal deductions from their accounts and later that the loan agreements were illegal and unenforceable, as DTB-K did not have a financial institution license in Uganda and further applied to court seeking to stop the appointment of an auditor and for a summary judgment on the basis that the defense by the Defendants was in the perpetration of the aforesaid illegalities.

In October 2020, Commercial Court Judge Henry Peter Adonyo ruled in favor of the appellant, ordering DTB Uganda to refund all funds deducted from his accounts, and further ruled that the transaction was illegal and that the defendant banks were not to be repaid money borrowed pursuant to illegalities.

DTB being dissatisfied with the decision appealed the decision to the Court of Appeal and on May 5, 2021, the Court of Appeal ruled that the learned trial judge erred in law, the court set aside the orders as had been made and ordered that the matter be sent back to the High Court for hearing before another judge. At this point, the appellants filed their appeal to the Supreme Court challenging the Court of Appeal decision.

In its decision, the Supreme Court recently stated that syndicated lending transactions between foreign banking institutions and Ugandans are legal and enforceable. This is because no law was brought to this Court's attention that forbids foreign financial institutions from extending credit facilities to any financial institution or person in Uganda. If anything, in furtherance of international trade and investment, financial institutions the world over are known to engage in global financial business transactions by dealing with, or through, financial institutions based in other jurisdictions. In the case of Uganda, such international financial business transactions are certainly neither governed by the Financial Institutions Act, 2004, as amended, nor the Financial Institutions (Agent Banking) Regulations, 2017, made pursuant thereto. The Supreme Court further ruled that the trial judge erred in holding that the credit agreements between the parties hereto were clothed with illegality. The matter was referred back to the trial court for a determination of issues of illegality before another judge; basing only on issues of fact.

DAVID CHANDI JAMWA VS THE ATTORNEY GENERAL CONSTITUTIONAL PETITION NO. 26 OF 2021

The Petitioner, David Chandi Jamwa who was the former Managing Director of the National Social Security Fund (NSSF) was charged with offences including; causing financial loss contrary to Section 20 of the Anti-Corruption Act and Abuse of Office contrary to S.2 of the Anti-Corruption Act (ACA). At the High Court, the petitioner was acquitted of the offense of Abuse of Office contrary to Section 2 of the ACA. He was, however, found guilty of the offense of Causing Financial Loss contrary to section 20 of the ACA. The petitioner was sentenced to 12 years imprisonment, and he was also barred from holding any public office for 10 years after completing his custodial sentence.

The petitioner appealed to the Court of Appeal and further to the Supreme Court Which Court upheld all convictions and sentences against him. The petitioner then petitioned the Constitutional Court alleging various inconsistencies and contraventions of Articles of the Constitution of the Republic of Uganda arising from the previous judgments. He argued that the definition of Causing Financial Loss

was too narrow and did not include entities like NSSF. He also claimed that the Anti-Corruption Act was applied retrospectively and that his sentence was disproportionate.

However, the Constitutional Court unanimously rejected his petition, stating that acts committed before the law changed should not be invalidated solely due to the change in its name. The court emphasized that offenses of Abuse of Office and Causing Financial Loss had always been criminalized, and the interpretation and elements remained the same. The court also considered the severity of the sentence, noting that it should not be excessively harsh or unjust. Furthermore, the court found the petition to be *res judicata*, as similar issues had been addressed in previous cases of Damian Akankwasa Vs Uganda Constitutional Petition No. 004 of 2011 and Constitutional Reference No.3 of 2010, Uganda Vs Atugonza Francis in which this court ruled that S.2 of the Anti- Corruption Act was not inconsistent with Article 28(7) and (12) of the Constitution. Ultimately, the court unanimously concluded that the petition raised no question for Constitutional interpretation and the petition was dismissed.



OBITUARY

Legal minds mourn Justice Arach-Amoko

On June 17, the legal fraternity woke up to the sad news of the passing of Supreme Court Justice, Stella Arach-Amoko.

Justice Arach-Amoko passed on when she was 69 years, one year shy of her retirement from judicial service.

Lady Justice Arach-Amoko served the Judiciary for a period of 26 years, having joined the Bench as a High Court Judge in 1997.

She served at the High Court Bench for 13 years before being promoted to the Court of Appeal/Constitutional Court where she served for three years between 2010 and 2013.

Due to her diligence, she was elevated to the Supreme Court Bench on 20th June 2013 where she had served for almost 10 years before she succumbed to cancer complications.

Her death came merely months after two other justices passed on like Justice Rubby Opio Aweri also of the Supreme Court, who passed on in December last year and Justice Kenneth Kakuru of the Court of Appeal, who passed on earlier in March this year.

“The sad news of the passing on of Hon. Lady Justice Arach-Amoko reached us in the morning of 17th June 2023. Although she had been unwell for some time, her death was a

shock to all of us. She was energetic and full of life and hope. We are deeply saddened by this tragic loss,” Deputy Chief Justice Richard Buteera eulogized the deceased judge during a special Judiciary sitting to honor her work.

Justice Buteera also in his eulogy, also recalled how Justice Arach-Amoko was very helpful to him when he had just joined the Supreme Court before he was later appointed deputy Chief Justice and returned to the Court of Appeal.

“When I joined the Supreme Court in 2017, I found a true friend and a colleague in her. She professionally guided us who were new Justices at the Court and we always looked to her whenever we needed support.” he said.

Adding: “As a Judicial Officer, she had never been involved in any disciplinary matter. She was thorough and delivered her judgments in time. Allow me to thank you, Ambassador Amoko for supporting your dear wife to serve the Judiciary and the nation at large. Without that support, she may never have risen to be the great jurist that we celebrate today. Let me take this opportunity to thank everyone who has taken part in organizing this worthwhile ceremony. Special appreciation goes to Your Lordships, the learned Attorney General, the President Law Society...”

Chief Justice Alfonse Owiny-Dollo in his eulogy,

praised his colleague as a dependable judge, an administrator of the Supreme Court who promoted harmony and collegiality.

“She exuded and exhibited admirable judicial temperament. Her death is a big blow to the Judiciary family; and to me personally. She was a confidante whose wise counsel I always sought; and always prevailed over me,” CJ Alfonse Owiny-Dollo said in his eulogy read out for him since at the time he was out of the country receiving treatment.

“Unknowingly, Stella had become a mother to me. It is painful that I will not be able to witness my sister lowered to her final resting place because I am out of the country, for three weeks now, receiving some medical attention.” he added.

Principal Judge Dr Flavian Zeija described the fallen judge as a “courageous, exemplary and dedicated icon” of Uganda’s administration of justice who served her country and the East African region with utmost professionalism.

“Hon. Lady Justice Arach-Amoko was instrumental in the revived East African Community Affairs, where she served as Judge and Deputy Principal Judge of the East African Court of Justice between 2006 and 2013,” the Principal Judge eulogized the late judge.

He added: “In the Judiciary, Hon. Lady Justice Arach-Amoko diligently executed many tasks. She served as a member of the Judicial Service Commission. She chaired the Management Committee of the Law Development Centre, as well as the Governing Council of the Judicial Training Institute. She also served as a member of the Uganda Law Council.”

He also said during her life journey, Hon. Lady Justice Arach-Amoko participated in a number of professional and community social activities like being the president of the National

Association of Women Judges of Uganda (NAWJU), Executive Member of the Uganda Magistrates and Judges Association, member of the Federation of Women Lawyers (FIDA), member of the East African Magistrates and Judges Association among other associations.

“Through the above fora, Hon. Lady Justice Arach-Amoko was able to greatly contribute to the jurisprudence, philosophy and policies that have shaped the legal practice in the region. She mentored many legal professionals and influenced the legal curriculum and legal practice in this country.” He said

The president of the Uganda Law Society Bernard Oundo described Justice Arach-Amoko as a revered judge known for her dignity, humility, balanced wisdom, dignified demeanor and guiding influence.

Who was Justice Stella Arach-Amoko? (1954-2023)

The 69-year old Justice Arach-Amoko had a long illustrious legal career spanning 44 years. At the time of her death on June 17, 2023, she was serving as a Justice of the Supreme Court, a position she was appointed to in 2013.

She started her career as a Pupil State Attorney in 1979 in the Ministry of Justice and Constitutional Affairs and rose through the ranks to the position of Commissioner in Charge of Civil Litigation.

It is from there that she was appointed Judge of the High Court (1997). Justice Stella Arach-Amoko was elevated to the Court of Appeal in 2010 where she served for three years before being appointed to the Supreme Court.

In January 2021 she was appointed as a Member of the Judicial Service Commission representing the Judiciary, a position she held until her demise.

In 2006, she was appointed a Judge of the East African Court of Justice until her elevation to the position of Deputy Principal Judge at the Court in 2008.

During her legal career as a judge, she presided over several electoral petitions including the 2021 presidential poll petition filed by opposition leader of the National Unity Platform party (NUP) Robert Kyagulanyi aka Bobi Wine in which she was among the majority eight justices who upheld the victory of President Museveni.

She was born on 5th October 1954 and is survived by her husband, Ambassador James Idule Amoko, children and grandchildren.

Her professional career;

- 1979:** Pupil State Attorney
- 1990 – 1993:** Senior State Attorney
- 1995 – 1997:** Commissioner for Civil Litigation
- September 1997:** Appointed Judge of the High Court
- November 2006:** Appointed Judge of the East African Court of Justice
- February 2008:** Appointed Deputy Principal Judge to the East African Court of Justice
- August 2010:** Appointed Justice of the Court of Appeal
- July 2013:** Appointed Justice of the Supreme Court
- June 2014:** Chairperson of the Law Development Centre Management Committee.
- August 2017:** Chairperson of Judicial Training Institute
- March 2018:** Chairperson Senior Counsel Committee
- October 2018:** Chairperson of the Judiciary Monitoring Committee
- January 2021:** Member of Judicial Service Commission.

Education:

- 1968:** Ambalai Primary School, Lira
- 1969 – 1972:** Ordinary Level Certificate,

Sacred Heart Senior Secondary School, Gulu
-**1973 – 1975:** Advanced Level Certificate of Education, Mt St Mary's College, Namagunga, Lugazi

-**1975 – 1978:** Bachelor of Laws Degree, Makerere University

-**1979:** Post-Graduate in Legal Practice, Law Development Centre

-**Master's Degree** at the International Judges Academy, Haifa University, Israel.

Leadership positions held:

-**2007 - 2013:** President, National Association of Women Judges, NAWJ

-**2007, 2015, 2020:** Member of the Executive of the Uganda Magistrates and Judges Association (UJOA)

-Former Member of the Judicial Training Committee

-Member of the Federation of Women Lawyers, FIDA.

-**2003 – 2005:** Uganda Judicial Officers Association (UJOA), Regional Representative

-**2004 – 2006:** Former Executive Council Member and Vice - Secretary of the East African Magistrates and Judges Association (EAMJA)

-**2004 – 2006:** Former Member of the Law Council

-Board Member for the Canadian Physicians for Aid and Relief, CPAR. (Deals mainly with issues of Northern Uganda and Karamoja)

-Represented the Attorney General on the National Medical Stores and Uganda Pharmacy Boards.

-Former Chairperson of the Legal Aid Clinic Advisory Board, Law Development Centre (LDC) Kampala (till March 2013)

Hobbies

- Reading
- Cooking
- Dancing

SPORTS UPDATE

Members of the Uganda Law Society participating in the Kigezi Corporate league monthly outing.





Inset: Members of Uganda Law Society participating in the Mbarara Corporate Club League monthly outing.



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