



REPUBLIC OF KENYA

**OFFICE OF THE ATTORNEY-GENERAL  
&  
DEPARTMENT OF JUSTICE**

YOUR REF: TBA  
OUR REF: CC/PE/AUG/22/36 (6833)

Date: 20/9/2022

ERICK MANGO OTIENO  
P.O BOX 184-40400  
**SUNA, MIGORI**  
"Via Email; [erickmango2006@yahoo.com](mailto:erickmango2006@yahoo.com) "

Dear Sir,

**RE: YOUR COMPLAINT AGAINST OWADE & CO. ADVOCATES AND MUDEYI  
ALBERT OKUMU, ADVOCATE**

We refer to the above matter and your email received on 19<sup>th</sup> September 2022.

The mandate of the Advocates Complaints Commission has been explained to you in our previous letter. We are only mandated to pursue complaints against advocates for acts of professional misconduct only. In the event that your constitutional rights have been infringed in any way, you are at liberty to file a Constitutional Petition with the High Court.

In your complaint, you stated that you paid legal fees to the advocate(s) but you have not furnished any evidence to that effect. We request that you avail proof of payment. This may be in form of cash receipts or provide us a certified Mpesa statement.

We reiterate that your complaint as received does not contain **ANY** evidence to ascertain your allegations against the advocates. Kindly avail documentary evidence to substantiate your claims against the said advocates.

Take note that the attachments received in your email to us ought to be rescanned to enable the Commission peruse and advice. The copies as scanned appear too small and thus illegible.

Kindly avail proof of instructions to the said advocate(s) and the circumstances surrounding 'rejection' of the brief. Proof of instructions may be in form of an

Instructions Note, Correspondences/communication between yourself and the advocate(s) concerning the brief.

For the Commission to adequately assist you and pursue your complaint, it is imperative that you cooperate with us by availing the information sought.

We draw your attention to section 53 of the Advocates Act Cap 16 Laws of Kenya, the law by which the Commission acts. We further wish to inform you that the Commission does not have the power (neither does any person) to impose a duty on any advocate to receive instructions and/or render any professional legal services more or less where neither proof of payment for the said services nor an otherwise written fee agreement has been availed.

Let us have evidence within **14 days** from the date hereof. Failure to which your complaint may be rejected for lack of evidence/merit.

You may send an advance copy of your response to [leah.mutua@ag.go.ke](mailto:leah.mutua@ag.go.ke).

Yours faithfully,

**FOR: COMMISSION SECRETARY,  
ADVOCATES COMPLAINTS COMMISSION.**

*LM*

**Leah M. Mutua  
Senior State Counsel.**

