

# EUNICE LUMALLAS, FCIArb

## Dispute Resolution

### BIODATA



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### PROFESSIONAL PROFILE & KEY COMPETENCES

Trial Advocate, Practicing arbitrator and mediator accredited by the Mediation Accreditation Centre (MAC), and an International Arbitrator (fellow) and Mediator with the Kigali International Arbitration Panel (KIAC), the Nairobi Centre for International Arbitration (NCIA), the Lagos Court of Arbitration (LCA) and listed in the neutrals panels of the Delos Arbitrator database (Paris), the Lagos Chamber of Commerce and International Arbitration Centre (LACIARC) and the Mauritius Arbitration and Mediation Center (MARC), Advocate of the High Court, Tutor and Trainer accredited by the Chartered Institute of Arbitrators London, a qualified Patent Agent, Commissioner for Oaths and a Notary Public

### CAREER OBJECTIVES

- Enhance the development and growth of the legal practice in general and inspire those younger than me to make their contribution through research, writing and training
- Contribute to the leveling of ground for access to justice particularly to the most vulnerable.
- Ensure that there is effective participation of Kenya in the International Sphere in the field of Dispute Resolution.

### EDUCATIONAL & PROFESSIONAL BACKGROUND

Candidate, Chartered Arbitrator Peer Interview, 2022

Fellow, Chartered Institute of Arbitrators (FCIArb) -2014

Masters degree in Law: LLM in Public International Law - December 2013

Diploma in Law, Kenya School of Law. October 2005

Bachelor of Laws (LL.B Hons) Second Class, Upper Division, Moi University

### PROFESSIONAL COURSES

## ARBITRATION/ADJUDICATION

- Public Private Partnerships: Crown Agents (London) 16-20May 2022
- Dispute Resolution Board Foundation (DRBF) Training on Administration and Practice of Dispute Boards, March 2021.
- Certificate in Adjudication, The International Federation of Consulting Engineers is an international standards organization for consulting engineering and construction (FIDIC), March 2021
- Certificate in Construction Projects in the Power Sector, Construction of Public Infrastructure (Including PPPs and Concession Arrangements) construction projects in the oil and gas sector, FIDIC, October 2021
- Investment Treaty Arbitration Training, September 2018, Africa International Legal Awareness, London
- Introduction to International Centre for Settlement of Investment Disputes (ICSID) Arbitral practice, 22<sup>nd</sup> July 2016
- Investor State Arbitrations (Bilateral Investment Treaties and Multilateral Investment Treaties)
- Introduction to Arbitration
- Contract law, tort and Evidence
- Arbitration law and Practice & requisite tutorials
- Practice and Procedure in drafting & requisite drafting practice tutorials
- Award Writing
- Arbitration tutoring

## MEDIATION

- Introduction to mediation
- 40 hour mediation training and practice
- Mediation Training of Trainers

## GOVERNANCE TRAININGS

- Governance and Legal Audit, Kenya School of Law
- Governance of Public Institutions, Kenya School of Government
- Trained Legislators on the Implications of Kenya's Bribery Act 2016, 2017
- Trained on the ADR Policy in Kenya's Anti-Corruption Architecture 2018
- Strengthening of policy and Legal Framework for Anti-Corruption and Asset Recovery in Kenya 2019

## BANKING & BUSINESS ADMINISTRATION

- Analysis of Financial Risk, Business Application, Credit Collections, Credit Assessment
- Debt & Contract Management

## PROFESSIONAL ORGANISATIONS-& ENGAGEMENTS

- Member, Public Private Partnerships Petitions Committee (PPPPC) Treasury
- Member, the Law Society of Kenya Disciplinary Committee
- Council Member, Association of Professional Societies of East Africa (APSEA)
- Member, Chartered Institute of Arbitrators, Kenya Branch, A Fellow of the Institute as well as a faculty member and member of Education Sub-Committee.
- Member of the Law Society of Kenya's Gender and Alternative Dispute Resolution Committees,
- A member of the Pan African Lawyers Association (PALU).
- Member of the Federation of Women Lawyers (FIDA),
- Board Member Skiperseil Group Company (India/Dubai)

## **RELEVANT EXPERIENCE**

### **Advocate, High Court of Kenya**

## **LUMALLAS ACHIENG AND KAVERE ADVOCATES – SENIOR PARTNER IN CHARGE OF DISPUTE RESOLUTION AND STRATEGY**

Practicing law in Kenya and East Africa – In Charge of Dispute avoidance management and resolution; passionate about Alternative Dispute Resolution, and Trial Advocacy; practice areas include commercial and corporate, Property, trade and Investment, Sports and Entertainment, building and construction, Information, Communication and Technology, and Intellectual Property.

### **Brief Arbitration & Mediation Experience**

Mediator and Arbitrator in several matters both Domestic and International including the following; -

- Kenyan Public entity and a foreign private entity
- Construction Arbitration involving a Government Housing Development based on Breach of Contract
- Arbitration involving a Foreign Company and A Kenyan private entity over interpretation of a contract, 2019-2020
- Arbitrator in International dispute with parties from Rwanda and Uganda 2018
- Sole Arbitrator in an Arbitration between a County Government and a Corporate 2017
- Counsel for a party in a commercial Arbitration regarding a breach of contract 2011-2012
- Advocate for a party in a construction adjudications touching on liability of sub-contractors, May 2012 and in 2016
- Mediator in numerous family disputes, involving succession and inheritance, children's custody, property division
- Court Annexed mediator –Kenya Judiciary

## **OTHER RESPONSIBILITIES AND ASSIGNMENTS**

### **Chartered Institute of Arbitrators**

Appointed in September 2014 by the Chairperson of the Chartered Institute of Arbitrators (Kenya Branch) to a task force on property development, CIArb(K)'s representative in APSEA, since September 2015, a member of the Education Committee, convener of the Business development and Marketing committee, a member of the Faculty and Trainer for the Introduction to Arbitration course, UNCITRAL Model law, Contract Law, Tort and Evidence

### **Ecory (International) March to May 2015**

Provided research, advisory services in governance and pensions regime (Kenya & Ghana)

### **East African Legislative Assembly (EALA) (August 2014)**

Training of EALA members on proper administration and management of disputes together with Hon. Kenneth Marende, EGH, former Speaker of Parliament (Kenya)

### **Government Task-force on Climate Change (2012-2013)**

Served in the National Government taskforce on Climate Change in Change of policy and legal framework under the auspices of the Ministry of Environment and Natural Resources –Kenya

### **Parliamentary Service Commission Pensions Board of Trustees**

Legal advisor to Pensions Board of Trustees since February 2013.

## **ALTERNATIVE DISPUTE RESOLUTION CONFERENCES, WORKSHOPS & SEMINARS**

- Speaker ICC Africa International Arbitration – Arbitration and Technology in Africa June 2022 - Nigeria
- Speaker ICC (Kenya) Conference on Banking and Finance Industry May 2022
- Africa Construction Law Conference, Lagos, May 2022
- Speaker, World Intellectual Property Organization (WIPO) Using ADR in Software and Mobile Apps, September 2021
- Moderator, Right of Appeal against Arbitral Awards, August 2021
- Analysis of Kenya’s Alternative Dispute Resolution Bill No. 34 of 2021, May 2021
- 2<sup>nd</sup> NCIA International Arbitration Conference, 4<sup>th</sup> to 6<sup>th</sup> March 2020, Mombasa
- Speaking a master class on International Alternative Dispute Resolution at the Lagos Centre of International Arbitration ADR Summit week between the 16<sup>th</sup> and 20<sup>th</sup> September 2019
- Speaker at the London Court of Arbitration (LCIA) Court user’s symposium on 23<sup>rd</sup> and 24<sup>th</sup> May 2019
- Speaker at the Mauritius Arbitration Week, 10<sup>th</sup> -15<sup>th</sup> June 2019
- The Africa Arbitration Association (AFAA) Inaugural Conference, 3<sup>rd</sup> and 4<sup>th</sup> April 2019, Kigali Rwanda
- SOAS University of London Arbitration in Africa Conference 12<sup>TH</sup> TO 14<sup>TH</sup> February 2019, International Convention Centre, Arusha Tanzania
- Seminar on reviewing reforms to the investment regime and the investor state dispute resettlement mechanism: perspectives from the Asia –Africa Regions, November 2018, Arusha Tanzania (delegate)
- Hot topics on investment Treaty Arbitration, November 2018, (Africa International Law Awareness)
- The Annual East African Conference 2018, Addis Ababa
- Speaker at the Conference on Arbitration in Africa, June 2018, Abidjan, the conference launched the African Arbitration Association (AFAA)
- Speaker at the National ADR stakeholder’s forum April 2018
- Organizer and Speaker at the Women in Arbitration Conference Kenya March 2018
- East Africa Annual Arbitration conference on international Arbitration, Johannesburg South Africa, June 2017
- Annual Chartered institute of Arbitrators Africa Region conference Kigali Rwanda, September 2017
- Chartered Institute of Arbitrators Investment Arbitration seminar 2016, Kampala Uganda
- Conference on dispute resolution and development of a complaints handling guidelines for public institutions in Kenya – 11-12<sup>th</sup> February, 2016, Great Rift Valley Lodge, Naivasha, Kenya
- International Council for Commercial Arbitration, Conference and road show on commercial arbitration, 16<sup>th</sup> September, 2015, Norfolk Hotel
- Pan African Lawyers Conference-conception of ADR committee, Abuja Nigeria, Sheraton Hotel, 22-26<sup>th</sup> September, 2015
- African Centenary Conference, International Arbitration Conference for Africa, 15<sup>th</sup> and 16<sup>th</sup> July 2015, Livingstone, Zambia
- East African International Arbitration Conference 2015, 9-10<sup>th</sup> April 2015, Norfolk Hotel
- The UN Conference on the status of women, special focus on deliberations on conditions of women in conflict areas and role of women in mediating conflicts in Africa, March 2015
- International Arbitration Conference, Chartered Institute of Arbitrators, 7<sup>th</sup> and 8<sup>th</sup> August 2014, White sands Hotel, Mombasa
- Chartered Institute of Arbitrators Annual Conference, 25<sup>th</sup> and 26<sup>th</sup> July 2013, Southern Sun Mayfair Hotel, Nairobi

## RESEARCH/ PUBLICATIONS/AUTHORSHIP

- The attitude of Courts of the Seat with respect to use of virtual and remote Arbitral proceedings, May 2022
- Arbitrability of family matters: separating the fact from fiction; April 2022
- Right of Appeal against Arbitral Awards: a study of Kenya's supreme court's jurisprudence, August 2021
- Shifting of Gears: The role of lawyers in ADR matters: October 2016
- "Commercial mediation in Africa," Assisting writer/researcher, paper presented by Ms. Njeri Kariuki, African Region Conference in Zambia, 15<sup>th</sup> July 2015
- Application of Kenya's Bribery Act 2016; lessons and opportunities
- Alternative Dispute Resolution in Asset Recovery, corruption amnesty and fighting corruption; 2018
- "Extra- Judicial constitutionalism and Alternative dispute resolution under the 2010 Kenyan constitution," 10<sup>th</sup> November 2015, Kabarak University,
- The design & architecture of an effective modern alternative dispute resolution system: Reflections on Kenya under the 2010, Constitution, unpublished, March 2013
- "Centrality of the East African Legislative Assembly in the Integration of East Africans" , 2013, reference manual, faculty of Law, University of Nairobi
- A Critical Appraisal of the Constituency Development Fund Act, with Elisha Zebedee Ongoya, 2005. [www.kenyalaw.org](http://www.kenyalaw.org)

## AWARDS AND HONOURS

- Lawyer of the Year, 2018. Nairobi Kenya, Law Society of Kenya, Nairobi Branch
- University Representative (Moi University) in the Annual International Humanitarian Law Moot Court in Arusha Tanzania and in Egypt 2002-2003
- Deans list, Moi University Faculty of Law, 2004

## OTHER SKILLS

Effective listening, Computer literate, patient and decisive

## OTHER INTERESTS

Nature, reading (classical, inspirational, biographies) writing, theatre

## REFEREES

1. Ms.Rukua Baruti  
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3. Dr. Fidele Masengo,  
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I, Eunice Lumallas, certify that the data above correctly describe me, my qualifications and my experience