

WAMUYU F. MATHENGE

An advocate of the High Court of Kenya | P.105/18617/21

Member, Law Society of Kenya, The Association of Turn Around & Insolvency Kenya & INSOL International

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INDUSTRY EXPERTISE

- a) **Research and analytical skills** – I have a great understanding of the law and combined with my excellent research skills, I have provided legal advice and counsel to various clients on complex corporate and commercial matters and published legal articles in several fora on various areas of Kenyan Law
- b) **Litigation Practice Management** – representing various banks and corporate clients in litigation matters in various Courts and Tribunals in Kenya. I have experience in commercial litigation with a keen concentration in Bankruptcy and Corporate Insolvency Litigation, corporate rescue, and insolvency.
- c) **Corporate rescue and insolvency skills** – I have a strong background in corporate insolvency litigation, a great understanding of the commercial and strategic implications of insolvency and restructuring, a basic understanding of financial statements and accounting principles, and a deep understanding of insolvency law, including the various types of insolvency procedures.
- d) **Risk assessment and compliance management** – with my strong background in commercial litigation, I can identify, assess risks, and develop risk management strategies to mitigate potential legal risks. I have experience in developing, implementing, and managing compliance measures to ensure compliance with legal and regulatory requirements.
- e) **Policy review and development** – I have experience in conducting legal compliance audits and developing and reviewing policies for various organizations to ensure internal policies comply with the laid-down laws and procedures; and
- f) **Training and education** – I have experience in developing and delivering pieces of training to ensure that employees and clients understand their compliance obligations and are aware of the risks associated with non-compliance.

WORK EXPERIENCE

July 2022 to date: Legal Officer, Legal & Compliance Department, Riskhouse International

- Formulating legal compliance checklists for all engagements undertaken by the company and continuously monitoring compliance with statutory obligations and advising management accordingly.
- Advising on appropriate internal controls required for the prevention and detection of fraudulent activities for clients to aid with mitigation and deterrence of fraudulent activities.
- Collaborating with the Cybersecurity Department to train and raise employee awareness of data privacy issues within the CM Group of Companies.

- Implementing and reviewing procedures and developing a data privacy framework for use within the CM group of Companies, in compliance with the Data Protection laws.
- Drafting and reviewing various commercial contracts and agreements on various transactional matters involving the company and ensuring that the contracts comply with the laid down laws and procedures.

July 2022 to date: Associate Advocate, Debt Recovery Restructuring & Insolvency Unit, CM Advocates LLP

- Advising and representing corporate clients, Banks and other financial institutions on matters concerning corporate insolvency litigation as a means for debt recovery in the firm's Debt Recovery, Restructuring and Insolvency unit.
- Developing legal compliance checklists for Insolvency Practitioners to ensure full compliance with the governing laws pertaining to Insolvency in Kenya.
- Successfully worked alongside various Insolvency Practitioners and forensic experts to uncover fraudulent activities in insolvency matters; and
- Applied my research skills towards drafting various articles as published on the firm's website as part of the firm's business development and brand visibility.

March 2021 to July 2022: Associate Advocate, Litigation & Dispute Resolution Department, Wamae & Allen Advocates

- Drafting and reviewing policies for various Banks and Corporate clients to ensure compliance with the laid-down laws and procedures and participating in various legal processes with the aim to protect the client's interest to avoid legal risks.
- Drafting and reviewing various commercial contracts and agreements on various transactional matters for corporate clients and ensuring that the contracts comply with the laid down laws and procedures.
- Took an active role in training our corporate clients on various commercial matters and successfully developed a guideline and checklist for Insolvency matters for the use of the Firm and our corporate clients.
- Led and trained the team of Advocates in matters pertaining to Corporate Insolvency Litigation and Personal Bankruptcy Litigation as a means of debt recovery.

KEY ACHIEVEMENTS

- I was entrusted with advising on insolvency procedures and appointment of Insolvency Practitioners on behalf of a multi-national Bank based on various debentures issued in their favour. My role also extended to providing legal advice to the Insolvency Practitioner appointed as an Administrator of various insolvency companies and providing checklists to ensure compliance with the laid down laws and procedures.

- Presented a paper on the Relevance and constitutional mandate of Labour Unions to workers as enshrined in the Kenyan Constitution as part of a tele-training series with NUBEK & Equalize Health in February 2022.
- Offered legal opinions on various issues of Insolvency and Employment to international clients while at Wamae & Allen by virtue of the firm being a MultiLaw member firm and contributed to the coming up with the “How to fire and hire” global guide which is a guide on the employment standards and laws in Kenya for Multi-Law.
- I successfully took part in legal training on the issue of “Buyer Power” to various clients in the supply industry as a Trainee Advocate.
- Undertook a Data Protection Course offered by the Centre for Intellectual Property and Information Technology Law [CIPIT], a part of Strathmore Law School in February / March 2022.

Other Notable Work Experiences: -

- **Dec 2019 to March 2021** : Advocate Trainee, Wamae & Allen Advocates
- **Sept 2018- Jan 2019** : Legal Intern, Maina & Onsare Partners Advocates
- **May 2015 – August 2015** : Intern, Kenya Livestock Finance Trust (KLIFT)

EDUCATION BACKGROUND

- Jan 2023 – to date** : Certified Secretaries Course [*Self-paced*]
- Feb 2019 – Nov 2019** : **Kenya School of Law**, Post Graduate Diploma [PGD] in Law.
- Aug 2014 – July 2018** : **Catholic University of Eastern Africa**
Bachelor of Laws (LLB), Second Class Honours, Upper Division
- Jan 2014 – Dec 2014** : **Regional Centre for Tourism and Foreign Languages**
Diploma in Business Administration

SAMPLE PUBLISHED ARTICLES

1. [Forensic investigations in contrived insolvency](#)
2. [Illegal Phoenix Activities in Company Restructuring – an introduction](#)
3. [To appoint a Receiver or an Administrator – the conundrum with Debentures executed pre-2015;](#)
4. [Restrictions On the Appointment of An Administrator by Holders of Floating Charges- Where There Are Competing Security Rights, Who Has Priority?](#)
5. [Member’s Voluntary Liquidation of Companies and Limited Liability Partnerships in Kenya](#)
6. [Of The Company, By the Administrator, For the Creditors" – A Commentary of The High Court Rulings Dated 6th January 2023 in The Cytonn Administration Proceedings](#)

7. [“Surely, one has to pay one's debts” – the rise of Insolvency Laws and why they exist.](#)

REFERENCES

1. Andrew K. Muchina, Senior Manager, Legal Department, I & M Bank Limited.
2. David Onsare - FCI Arb, Partner and Head of Dispute Resolution, Maina & Onsare Partners.
3. Afia Kojo Ojal, Managing Partner, Kojo Law Advocates.
4. Ambrose Waigwa, Senior Associate, CM Advocates LLP.