



CHARITIES AND NOT-FOR-PROFIT ORGANISATIONS PRACTICE GROUP

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THE FIRM

At CM Advocates LLP, we pride ourselves on being able to provide our clients with consistently timely, high quality, innovative and commercially relevant legal advice. Since technical know-how is not adequate, we constantly seek to build excellent working relationships with our clients and clearly understand their businesses and the realities and imperatives they face. Our strategy is to build teams that are specific to our clients' needs and also combine specialist legal skills, industry experience and practical know-how.

Our focus is getting to the core of our clients' legal needs, creating and adding value to them; by delivering timely, innovative and commercially-sound advice and legal solutions. We have set up robust systems to ensure consistently high quality out-put in every assignment we undertake and we are uncompromising in our quality control. Moreover, we always seek to protect our clients' interests, mitigate their risks and create superior outcomes for them.

Our achievements for clients are made possible by our professional team of technically and commercially brilliant lawyers led by our Managing Partner at the fore front of every transaction, who are singularly focused on their clients' success. In other words, our pride is to make you succeed in your business or project.

We have a culture of professionalism, team work and respect, where talented professionals with different views, experiences and backgrounds can thrive. To remain on the cutting edge, we put extra emphasis on continuous learning, knowledge sharing and peer reviews. This has enabled the Firm to carve a niche for itself in the existing as well as new and emerging branches of law. The Firm's local and international clientele cuts across various sectors of our economy like financial services, real estate development, manufacturing, telecommunication, agribusiness, tourism and hospitality, energy and mining.

OUR PRACTICE AREAS

1. Anti-Bribery & Anti-Corruption
2. Asset Tracing & Recovery
3. Aviation Law
4. Capital Markets
- 5. Charities and Not-for-Profit Organizations (NPOs)**
6. Commercial/Business Law
7. Construction & Infrastructure Law Unit
8. Corporate Law
9. Cyber Security, Privacy & Data Protection
10. Debt Recovery, Restructuring & Insolvency
11. Dispute Resolution
12. Employment, Labour Relations and Immigration Law Advisory
13. Energy, Mining & Extractive Industries
14. Entertainment & Sports Law
15. Family Law, Estate Planning & Probate Administration
16. Forensics & Investigations, Risk & Compliance
17. IP & TMT (Telecommunications, Media & Technology)
18. Lobbyist & Policy Practice
19. Multi-lateral Organizations. Foreign Embassies & Consultants
20. Non-Compete, Non-Solicit & Trade Secret Practices
21. Private Equity & Venture Capitalist
22. Real Estate, Banking & Finance
23. Shipping, Logistics & Admiralty Law
24. Start-ups & Small & Medium Sized Enterprises
25. Tax Law Advisory

CHARITIES AND NOT-FOR-PROFIT ORGANISATIONS

It is common knowledge that charitable and not-for-profit organizations play a critical role in socio-economic development of society. NGOs and charitable organizations complement state services in the provision of social services such as education, health, environmental conservation and other socio-economic activities aimed at improving the human welfare.

CM Advocates LLP (CM Advocates) is devoted to assisting our clients' communities by meeting the legal, regulatory and governance needs of charities and non-for-profit entities. Indeed, since its inception, CM Advocates has been assisting both local and international NGOs and charitable organizations in diverse legal matters ranging from registration or incorporation in Kenya to offering advisory services or representation in diverse operational or transactional matters. We have also had the international experience by working with other counsels in USA and Europe especially for our international charities as well as through our regional offices in Uganda, Tanzania and Rwanda.

Our advocates are also encouraged to actively participate in charitable activities as a way of giving back to communities in which we operate in. As a corporate body, our firm is also directly and indirectly engaged in various charitable activities. For instance, our advocates offer pro bono legal services and other CSR initiatives undertaken by the firm or in partnership with

our clients.

Arising from the foregoing, we have extensive experience and deep knowledge and understanding of the needs, challenges and importance of charitable and not-for-profit organisations.

The clients that we serve are in diverse charitable objects and activities including health care, religion, environmental protections, social services like relief of the poverty, international development and education.

We represent different types of not-for-profit organisations, including local and international non-governmental organisations (NGOs), charitable trusts, endowment funds, foreign charities operating or intending to operate in Kenya, foundations, religious congregations, religious associations or councils, churches, societies, community based groups, advocacy groups, service clubs, trade organisations, governmental and quasi-governmental entities, and recreational clubs. Others include universities, colleges, schools, health facilities and hospital, climate change and environmental groups, trade and professional associations.

For some of these organizations, we act as their main counsels or legal advisors. For others, our work is focused on a specific transaction or operational matter.

Our Experience

We adopt a multi-disciplinary approach in serving charities and not-for-profit organisations. Our Charities and Not –For Profit Practice Group is comprised of lawyers with diverse experience in laws affecting such organisations. We draw on the experience and expertise of our lawyers to offer specialized and seamless legal and operational advice. Our team is able to handle a gamut of transactions including:

- Registration or incorporation of various types of not-for-profit and charitable entities including NGOs, charitable trusts, foundations and branches or liaison office of foreign charitable organisations;
- Legal and compliance advisory including filing of requisite returns;
- Land and property law including property sale and purchase transactions, change of user, extension of leasehold titles; processing of leases and license etc.;
- Commercial and corporate law including drafting and review of contracts, agreements or policy documents as well as corporate governance audits and advisory;
- Labour and employment matters including drafting and review of employment contracts as well as HR Manuals and other policy documents;
- Immigration law matters including processing of work permits and passes;
- Intellectual property law – including registration of trademarks or service marks;

- Dispute resolution including civil and public interest litigation and alternative dispute resolution;
- Tax law advisory including tax reviews and health checks, taxation of expatriate and processing of applicable tax exemptions e.g. income tax exemption and stamp duty and capital gain tax exemptions.

We also assist in reviewing and structuring of constitutive documents and provide expert advice on ongoing operations and management issues, tax-related issues including special requirements for the disbursement of donated funds and matters related to trustees' members' and directors' duties and responsibilities as well as ways to mitigate or avoid liability.

For sustainability, we also represent and offer legal advisory services for charitable organisations that have income generating activities which include registration of private companies or setting up a group of companies. These are involved in diverse business like insurance and micro-finance; educational institutions; hostels and students' accommodation; hotels and catering establishments, commercial building, agricultural farms as well as health facilities and hospitals.

CM Advocates also help charities and not-for-profit organisations to meet the challenges of increased oversight by government and regulators, increased legal, regulatory and corporate governance requirements and increased public scrutiny.