

Kevin Ndoho Macharia
Finance House, 6th Floor,
Simba & Simba
Loita Street, CBD
P.O. Box 10312 00100, Nairobi, Kenya
EMAIL: kevin@simba-advocates.com
MOBILE: 0703-543-545

**RE: PETITION TO THE SENATE CONCERNING ACCESS TO JUSTICE
UNDER THE CORONA (CoVID-19) PANDEMIC AND THE
APPOINTMENT OF COURT REPORTERS**

29. The further requirement of fidelity to the reduction of oral evidence into typed text and the requirement that court reporters take an oath to uphold the rule of law make the need for trained and certified court reporters all the more direly needed.

30. I propose that the mission of the National Council for Law Reporting (Kenya Law) should be re-engineered to provide the justice system with these greatly needed trained and certified personnel. This can be done by amending the **National Council for Law Reporting Act**.

31. These proposed amendments can be informed by

a. **28 U.S. Code § 753 – “Reporters”** found at <https://www.law.cornell.edu/uscode/text/28/753>

b. **“Guide to Judiciary Policy, Vol. 6: Court Reporting”** found at https://www.uscourts.gov/sites/default/files/guide_vol06.pdf, and

c. **The Court Reporters Act, Chapter C-27.01** of the Laws of Prince Edward Island, Province of Her Majesties Dominion of Canada found at <https://canlii.ca/t/52ked>

32. In this endeavour, Parliament should allocate resources every year under the budget to provide for this expense under the Judiciary’s budgetary allocation so that the Judiciary can take up the expense of employing the services of these trained and certified Court Reporters as they would be in reality providing an





Kevin Ndoho Macharia
Finance House, 6th Floor,
Simba & Simba
Loita Street, CBD
P.O. Box 10312 00100, Nairobi, Kenya
EMAIL: kevin@simba-advocates.com
MOBILE: 0703-543-545

**RE: PETITION TO THE SENATE CONCERNING ACCESS TO JUSTICE
UNDER THE CORONA (CoVID-19) PANDEMIC AND THE
APPOINTMENT OF COURT REPORTERS**

indelible judicial service that will provide durable and sound court records that would last many generations of the Republic.

33. The establishment of such a cadre within the judiciary, should be well regulated under the rules of civil procedure/evidence by the enactment of a Court Reporters Act to Supplement the National Council for Law Reporting Act. This would greatly aid the availability of typed proceedings.

34. The use of such typed proceedings would also greatly increase.

35. Currently, it is only when a litigant/advocate is preparing for an appeal that such proceedings are needed as of law.

36. But when one is preparing submissions on a case, or preparing for cross-examination and re-examination of witnesses, typed proceedings would be a great resource to any litigant/trial advocate.

37. Further, the ready availability of officially prepared typed proceedings would greatly aid a judicial officer taking over a suit that was partly heard by a transferred/former colleague.

38. This would also aid advocates who are taking over matters that have ran for many years before they come on record.



Kevin Ndcho Macharia
Finance House, 6th Floor,
Simba & Simba
Loita Street, CBD
P.O. Box 10312 00100, Nairobi, Kenya
EMAIL: kevin@simba-advocates.com
MOBILE: 0703-543-545

**RE: PETITION TO THE SENATE CONCERNING ACCESS TO JUSTICE
UNDER THE CORONA (CoVID-19) PANDEMIC AND THE
APPOINTMENT OF COURT REPORTERS**

39. On the latter point, an example can be made of succession matters where one comes on record on matters which began even before one was admitted to the bar as an advocate. Some trace back before some of the practicing advocates were born.
40. The problem of missing handwritten pages, torn and unclear handwriting would be a thing of the past.
41. I have made the best efforts to have these matters addressed by the relevant authorities all of which have failed to give a satisfactory response.
42. None of the issues raised in this Petition is pending in any court of Law, Constitutional or any other legal body.
43. That there have been various rules issued by various judges without the participation of Parliament that have failed to address these challenges that have only gotten worse.





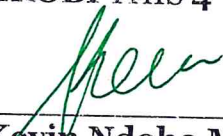
Kevin Ndoho Macharia
Finance House, 6th Floor,
Simba & Simba
Loita Street, CBD
P.O. Box 10312 00100, Nairobi, Kenya
EMAIL: kevin@simba-advocates.com
MOBILE: 0703-543-545

**RE: PETITION TO THE SENATE CONCERNING ACCESS TO JUSTICE
UNDER THE CORONA (CoVID-19) PANDEMIC AND THE
APPOINTMENT OF COURT REPORTERS**

Wherefore, your humble petitioner prays that the Senate;

1. Enacts amendments to the **Civil Proceedure Act**, the **National Council for Law Reporting Act** and enacts a **Court Reporters Act** with a view to delivering access to justice and remediating the delays and frustrations Citizens are facing in our courts.

DATED AT NAIROBI THIS 4TH DAY OF APRIL, 2021



Kevin Ndoho Macharia
National Id No. 27618339
Finance House, 6th Floor,
Simba & Simba
Loita Street, CBD
P.O. Box 10312 00100, Nairobi, Kenya
EMAIL: kevin@simba-advocates.com
MOBILE: 0703-543-545

KEVIN N. MACHARIA
ADVOCATE
SIMBA & SIMBA
P. O. Box 10312 - 00100
NAIROBI

100

