

KILIMANI MEDIATION CENTRE



— PROFILE —

THUITA B KINUTHIA (LEAD PARTNER AT KMC)

Thuita Kinuthia holds a bachelor of Laws degree from the Open University of Tanzania, he therefore has a good understanding of both Kenya and Tanzania Law. He is currently pursuing a master's degree in Constitutional Law Democracy and Governance. His training in Arbitration is by the Chartered Institute of Arbitrators UK (Kenya Chapter) and therefore both reputable and recognised across borders. Kinuthia is a trained and Certified Mediator and has been practicing mediation for five years now. He is accredited by the courts and has been appointed to resolve dozens of cases for the Employment and Labour Relations Court, the Commercial Division at the Milimani Commercial Courts, the Family Division as well as the Land and Environment Court.

Kilimani Mediation Centre therefore exists to help corporate bodies, Non-governmental Organisations as well as individual citizens access justice through Alternative Dispute Resolution mechanisms. As a firm, we do not offer litigation services.



AT KILIMANI MEDIATION CENTRE:

We assist you to withdraw from the courts, an already existing case and bring it to the dispute resolution table. Jointly we help you agree on mutually beneficial terms.

We assist you in reaching out to the party with whom you have a dispute. We enlighten them on the merits of mediation with the aim of bringing them to a negotiating table.

We facilitate a professionally guided mediation session where all parties are accorded an equal and fair opportunity to express themselves.

We assist parties by reducing their agreement into a professionally done Mediation Settlement Agreement that meets court standards.

We having agreed with our clients, file the Mediation Settlement Agreements in court and ensure that they are adopted as binding court agreements.

We, having caused Mediation Settlement Agreements to be so adopted by the courts, we assist an aggrieved party to enforce the agreement in the event that the other party defaults on their obligation.

IN ADDITION

In the event that clients have a dispute that they feel should not go to court but needs resolution by us, we help them come up with what is called a PRIVATE MEDIATION AGREEMENT.

The private mediation Agreement can, at the request of the parties, be filed in court. And it follows therefore that it can be adopted and enforced as a ruling of the courts.

Our Areas of Mediation

LABOUR DISPUTES MEDIATION

Employment Dispute Resolution (EDR) addresses conflict arising out of a continuing or terminated employment relationship. As a mediation firm, we have helped and continue to assist both employers and employees to resolve labour related disputes. Typical cases include but are not limited to:

- *Complaints of discrimination and equal employment/ promotion opportunity.*
- *Whistle-blower retaliation.*
- *Workers' compensation; wage and hour violations.*
- *Occupational safety disputes; breach of contract; alleged violations of administrative policies on performance evaluation.*
- *Supervision, or assignment of duties; communication problems in the chain of command; and similar matters.*
- *Labour union challenges.*

MEDIATING BANKING AND FINANCIAL DISPUTES

While appreciating the wealth of knowledge acquired in the mediation journey and the depths to which mediation training imparts useful inter-personal skills, the leading Partner at Kilimani Mediation Centre would go ahead to acquire further Knowledge in Mediating Banking Disputes and Disputes relating to financial institutions generally. The Said training was offered by the Kenya Bankers Association in partnership with the Judiciary.

Should you or your company have disputes with any financial institution for any pecuniary value, be assured that calling KMC is a worthwhile decision. We will endeavor to reconcile the parties into a win-win out of court settlement





23rd June, 2020

Dear Sir/Madam,

RE. RECOMMENDATION - BENEDICT THUITA KINUTHIA (Fanya Mambo)

Benedict Thuita Kinuthia has on one occasion provided stewardship to a mediation session between Naivas Supermarkets and another corporate establishment. As a mediator, he demonstrated a thorough understanding and ability to steer the mediation out of an imminent impasse.

We found his mediation skills impactful and his mode of delivery expeditious. We are happy to recommend him as a mediator with a short turnaround time in conflict resolution short.

He has demonstrated exemplary knowledge of his craft.

Feel free to contact me if you have any further questions about his abilities to mediate on your dispute.

Yours Sincerely,

Charles Mukuha

Director – Naivas Limited.

Naivas Limited P.O. Box 61600 - 00200 Nairobi, Kenya. Tel: +254 (020) 6536305-9 / 3506112/3, Fax: +254 (020) 554 131
Email: nssshq@naivas.co.ke Web: www.naivas.co.ke

Directors: David Kimani Mukuha, Peter Mukuha Kago, Charles Mukuha Simon Gashwe, Mercy Irene Waitheira
Jean-Sebastien Reindasse, Frank Astere Ndlovu Butovi

INSURANCE MEDIATION

Everyone who owns a motor vehicle has had an encounter with an insurance firm. Some experiences are good while others find their way to courts and drag over some time. Increasingly, Insurance companies are adding mediation clauses to their policy documents. We therefore advise people to try mediating an insurance matter before they rush into litigation. At KMC, we assist our clients to reach out to the Insurance Regulatory Authority, the insurance firm itself and before resorting to litigation.

FAMILY MEDIATION

Nobody wants to live in a family that is disjointed, unhappy and quarrelling. People also prefer to keep their dirty family linen out of the public limelight. The best way to do so is to attempt as much as possible to resolve all family disputes away from the limelight of the courts. The bulk of our mediation in the area of family mediation has to do with child maintenance, inheritance and succession disputes, family business as well as family land

INTERNATIONAL DISPUTES MEDIATION

The 2022 mediation rules have made it possible for Court Accredited Mediators to settle Cross-boarder and International Disputes, with the Settlement Agreement becoming domiciled in Kenya and therefore enforceable by our courts.

TAX DISPUTES MEDIATION

Tax disputes can and have brought many companies to their knees. The Kenya Revenue Authority has embraced Mediation as a method of dispute resolution. It is wise therefore for companies hire Court Accredited Mediators to represent them at the dialogue table. KMC offers advice on mediation of any Tax disputes that you may have. We also negotiate on your behalf.

COMMUNITY MEDIATION

Non-Governmental Organisations working with communities will once in a while come across community disputes. If not well handled, community disputes on resources including land could end up ruining an entire project. At KMC, we boast of a host of qualified and experienced community dispute mediators.





2nd July 2020

TO WHOM IT MAY CONCERN

RE: RECOMMENDATION - MR. BENEDICT THUITA KINUTHIA

We are writing this letter to you as a recommendation for the services provided by Benedict Thuita Kinuthia.

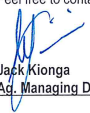
CIC Life Assurance is a fully owned subsidiary of the CIC Group. It is fully licensed by the Insurance Regulatory Authority to carry out the business of Life and Pension business in the Republic of Kenya. It is also the premier provider of insurance to the Cooperative sector and the largest Cooperative insurer in Africa.

We at CIC Life Assurance have had an opportunity to resolve an insurance dispute under the stewardship of Kinuthia as a mediator. It is therefore our pleasure to write this letter recommending him as a mediator for any commercial dispute that you may want to resolve out of court.

Kinuthia demonstrates knowledge of his work, impartiality and a great ability to read both verbal and nonverbal communications from conflicting parties. Under his stewardship, a dispute that had existed for months was brought to a conclusion within two meetings.

We therefore have no reservations in unreservedly recommending the mediator. We have benefited from his services and are happy to recommend him to you.

Feel free to contact me if you have any further questions about his abilities to handle a mediation session


Jack Kionga
Ag. Managing Director

CIC LIFE ASSURANCE LTD.

● CIC Plaza, Mara Road, Upperhill ● P.O. Box 59485-00200 Nairobi
● 020 282 3000, 0703 099 120 ● callc@cic.co.ke ● www.cic.co.ke

Directors: G. Owuor (Chairman), J. Kionga (Ag. Managing Director),
M. Wambia, Dr. R. Monyoncho, J. Patel, D. Ngunjiri

KENYA • SOUTH SUDAN • UGANDA • MALAWI | *We keep our word*
GENERAL • LIFE • HEALTH • ASSET

CERTIFICATE

OF ACCREDITATION

THIS IS TO CERTIFY THAT

Benedict Thuita Kinuthia

has successfully completed the ADR Center International Accredited Mediator Training of ADR Center Academy, a Certified Mediator Training Program* of International Mediation Institute (IMI), is an ADR Center Accredited Mediator and can use the logo below in recognition of this accreditation, and will be eligible to self-register and be recognized as an "IMI Qualified" mediator .



LEONARDO D'URSO
CEO, ADR CENTER

ANNEX to Certificate Number
02247

DATE
JANUARY 10th 2024



*Being recognised as an 'IMI Qualified' mediator means you have completed a training program that meets the world-wide standards established by the International Mediation Institute. More at imimediation.org



Certificate

awarded to

Benedict Thuita Kinuthia

by

ADR Center (Rome, Italy)

in recognition of successful completion of the

ADR Center International Accredited Mediator Training

Intensive 5-day In-Person Mediation Training Program based on the 5x5 Mediation Matrix and final Assessment for ADR Center International Accreditation for Mediators and IMI International Certification for Qualified Mediators

Nairobi, Kenya, 4th – 8th December 2023

Leonardo D'Urso
CEO & SCIENTIFIC DIRECTOR - ADR CENTER
WEINSTEIN INTERNATIONAL FOUNDATION
BOARD MEMBER

Hon. Ann Claire Williams (Ret.)
OF COURSE, JONES DAY
WEINSTEIN INTERNATIONAL FOUNDATION
BOARD MEMBER

Dr. Francis Kariuki
STRATHMORE DISPUTE RESOLUTION CENTRE
MANAGING DIRECTOR

Constantin-Adi Gavrilă
SENIOR INTERNATIONAL EXPERT - ADR CENTER
WEINSTEIN INTERNATIONAL FOUNDATION
SENIOR FELLOW

The training faculty included Hon. Ann Claire Williams (Ret.) (USA), Leonardo D'Urso (Italy), Constantin Adi Gavrilă (Romania), Bernadette Uwicyeza (Rwanda), Josina Jackson (Jamaica), Stephen Lungu (Zambia), Lois Chisompola Sikwenda (Zambia), Damali Peterman (USA), Justice Zainab Jawara Alami (Gambia), Tara Fumerton (USA), Francis Kariuki (Kenya), Florence Shako (Kenya), Melissa Muindi (Kenya).

COURT ANNEXED MEDIATION

Being a Court Accredited Mediator, Thuita Kinuthia continues to resolve tens of cases allocated to him by the courts each quarter. The said cases have the effect of helping him amass invaluable experience in this field. The constant communication with the court registry during the subsistence of the said cases has created a good working camaraderie between him and the judiciary. This healthy working rapport has enabled him to earn his clients the same respectful and professional acceptance at the courts. Mediation is a friendly encounter. It diffuses tension, creates two winners in every dispute and gives results that are fulfilling to all parties.

REPUBLIC OF KENYA
COURT ANNEXED MEDIATION
MILIMANI LAW COURTS

XXXXXX INVESTMENT LIMITED..... PLAINTIFF

VERSUS

XXXXXX OPTIONS LIMITED..... DEFENDANT

Arising out of
CASE NO.A 800 OF 202X
CASE TYPE.... CMCC

NOTICE OF APPOINTMENT OF MEDIATOR

TO:
BENEDICT THUITA KINUTHIA
TEL: 0722501906
benekind@gmail.com

1. I certify that the court has appointed you to act as the mediator.
2. Please proceed to immediately fix a date for the 5 Mediation session.
3. Inquiries may be directed to the Mediation Secretariat office 1st Floor Bridge Offices, Farouda House, Milimani or contact us through info@mediationregister.co.ke or call 07XX XXX XXX
4. This matter will be mentioned virtually on 4th JULY 2022, before the Mediation Deputy Registrar, to confirm status.

Dated at NAIROBI this 24th June 202X

Mediation Deputy Registrar
Court Annexed Mediation
Cc:
X.X XXXXXXXX & CO ADVOCATES
SANTA PAULA, 2nd FLOOR
SUITE CL & C2
DAVIDKITI CORNER, OFF NGONG ROAD
P.O BOX 33432-00600
NAIROBI
TEL: 0700000000/07 XXXXXXXX
EMAIL: xxxxxxx@yahoo.com

X.X XXXXXXXX & CO ADVOCATES
HOUSE NO.332 EAST CHURCH HOUSE
WESTLANDS
NAIROBI
EMAIL: info@xxxxadvocates.co.ke
Tel: (+254) 7XX XXX XXX / 700 000 000

ADVANTAGES OF MEDIATION

- 01 Compared to all other methods, Mediation is the most affordable.
- 02 Mediation is confidential, it does not wash your dirty linen in public.
- 03 Compared to litigation mediation is convenient. It can happen within agreed timelines and locations. You do not have to leave work to attend to mediation.
- 04 In other methods of Dispute Resolution, the outcome is decided for you by a third party. In mediation there is no surprise result, you agree mutually on who takes what.
- 05 In Mediation, it's a win-win whereas in court, one of you will go happy and the other will lose everything.
- 06 Mediation saves time and parties are allowed to come with their advocates if they so wish.
- 07 The Mediation Settlement Agreement made between the two or more conflicting parties can be filed in court. Upon such filing and adoption by the courts, they become binding rulings of the court.
- 08 With the new Mediation Rules (August 2022), parties can apply to court to enforce a Mediation Settlement Agreement that was signed, filed and adopted by the courts.



CONTACT US

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