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| First / Given Name: | SAMUEL MBIRIRI |
| Family / Surname: | NDERITU |
| Post-Nominals: | FCI Arb, FMI Arb, Advocate Commissioner for Oaths & Notary Public |
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| Nationality: | KENYAN |

*** Recognized and Awarded the ADR Practitioner of the year 2023, Law Society of Kenya, Nairobi Legal Awards (1st Runner up)**

EDUCATION & TRAINING

- **Law Society of Kenya and Capital Markets Authority (24th – 28th February 2025) – Certified Legal and Compliance Auditor Training**
- **Africa Arbitration Academy, London, (9th – 28th June 2024) – Diploma in International Arbitration**
- **SOAS University of London Training (2nd November 2022), Enhancing the Role of Counsel and Arbitrator in African Arbitration, Accra Ghana.**
- **Chartered Institute of Arbitrators, London (March 2021) - Diploma in International Commercial Arbitration.**
- **International Chamber of Commerce (ICC) Institute (17th June 2019) Certificate course on; Drafting Enforceable Awards.**
- **International Chamber of Commerce (ICC) Institute (20th June 2018) Certificate course on; The conduct of the proceedings and case management.**
- **Chartered Institute of Arbitrators, London (March 2018) - Diploma in Domestic Arbitration.**
- **Chartered Institute of Arbitrators, London (16th November 2015) - Accredited Mediator Certificate.**
- **Africa International Legal Awareness, London (5th – 9th September 2016) – Certificate in Investment Treaty Law and Arbitration.**
- **Chartered Institute of Arbitrators, London (9th January 2014) - Advanced Certificate in Arbitration.**
- **Kenya School of Law, Nairobi (January 2009 – June 2010) - Diploma in Legal Practice.**

- **Makerere University, Uganda** (August 2004 – June 2008) – Bachelor of Laws Degree.
- **Kagumo High School** (1993 – 1996) – Kenya Certificate of Secondary Education

POSITIONS HELD

CURRENT:

1. **Board Member**, Nairobi Centre for International Arbitration
2. **Member Advisory Committee**, Online Dispute Resolution (ODR) Africa
3. **Member**, London Court of International Arbitration African Users' Council
4. **Member of Advisory Board**, Musaliha International Center for Arbitration and Dispute Resolution (MICADR), Pakistan
5. **Member**, ICC Commission on Arbitration & ADR
6. **Member**, Law Society of Kenya Committee on Continuing Professional Development
7. **Convenor**, Law Society of Kenya Committee on Alternative Dispute Resolution

PREVIOUS:

8. **Board Member**, International Chamber of Commerce, Kenya National Committee (May 2018 – May 2025)
9. **Member**, Political Parties Disputes Tribunal, the Judiciary of Kenya (March 2022-2023)
10. **Chairman**, Chartered Institute of Arbitrators, Kenya Branch (May 2019 – May 2021)
11. **Vice-chair**, Chartered Institute of Arbitrators, Kenya Branch (May 2017 – May 2019)
12. **Member**, Judiciary of Kenya Taskforce on Traditional, Informal and Other Mechanisms Used to Access Justice In Kenya (AJS)

PROFESSIONAL ACCREDITATIONS

1. **Fellow** – Chartered Institute of Arbitrators, **United Kingdom**
2. **Fellow**, Malaysian Institute of Arbitrators, **Malaysia**
3. **Accredited mediator**, Judiciary, Republic of **Kenya**
4. **Legal & Compliance Auditor**
5. **Advocate**; High Court of **Kenya**
6. **Commissioner for Oaths & Notary Public**

PANEL ADMISSIONS

1. **Arbitrator** - China Maritime Arbitration Commission, China
2. **Arbitrator/Mediator**, Nairobi Center for International Arbitration
3. **Arbitrator/Mediator** - Chartered Institute of Arbitrators, Kenya Branch
4. **Counsel** - The Astana International Financial Centre Court (**AIFC Court**) and International Arbitration Centre (**IAC**), **Kazakhstan**

PROFESSIONAL DISPUTE RESOLUTION EXPERIENCE

I have been appointed Arbitrator both ad-hoc and under the Rules of Arbitral Institutions. I have sat as Mediator several times and also acted as counsel in several mediations, arbitrations, advised parties and assisted parties file claims in domestic and international arbitration. Below are **some select briefs**.

AS ARBITRATOR

- Arbitrator in a road construction dispute between an International Contractor and a state corporation in a claim of over USD 6.1 Million
- Appointed as sole arbitrator between a Contractor and a National Electricity Authority relating to the supply and installation of power lines and erections on a Hybrid Power Station.
- Arbitrator in a dispute between a regional Insurance Company and a regional manufacturer of goods on a claim for compensation arising out of an incident that occurred at one of the insured's factory and go downs. The claimant sought to recover over USD 1.94 Million.
- Arbitrator in a water & sewerage facilities construction dispute between a Kenyan Construction Company and a state corporation in a claim of approximately USD 8.46 Million
- Co - Arbitrator in a project development and transfer agreement dispute between a university and an international private developer where a claim of approximately USD 5.92 Million, together with interest and costs was made.
- Nominated as an arbitrator in a dispute before the ICC between a Tanzanian contractor and a foreign government in dispute arising out of an agreement to construct a sea wall, storm water drainage, road and kerbs, road promenade and soft landscaping, where the amount in dispute is the sum of USD 4.578 Million
- Arbitrator is a claim for unlawful termination of employment and discrimination at the workplace by an employee against a multi-national shipping company where the claimant sought for statutory benefits, compensation and exemplary damages in a claim of about USD 893, 700.

- Arbitrator in a multiparty arbitration for alleged breach of a marketing and sale of apartments and office blocks agreements in various locations in Kenya. The Claimant sought commissions and royalties in excess of USD 714, 200.
- Arbitrator in a breach of a development and purchase of an off-plan apartment agreement where the claimant sought to recover USD 432, 300 plus interest & costs
- Arbitrator where a wrongful termination claim of approximately USD 235, 000 was made by a Kenyan National against an international logistics company.
- Arbitrator in a maritime dispute between a foreign shipping company and a Kenyan statutory body where slightly over USD 130,000 was sought to be recovered by the Claimant.
- Arbitrator in claim for repudiation of insurance contract cover for commercial vehicle plus loss of user where claimant sought for approximately 65,174 USD plus interest & costs.
- Arbitrator in medical insurance claim by a patient against his insurer for non-authorization of treatment and dishonor of a claim of approximately USD 52, 290.

AS COUNSEL IN ARBITRATION

- Engaged by a Contractor in an ICC Arbitration Claim against a private developer on account of various road works done before alleged unlawful termination of the contract where the employer Claims more that USD 3.6 Million and the Contractor Counter Claim is for approximately USD 5.29 Million
- Acting for a main contractor and several subcontractors in a claim against a government entity for non-payment of certified works for designing, constructing and handing over facilities in a tertiary institution. The claim was for certified terms, contractual interest on delayed payments and variation all amounting to approximately USD 7.518 Million.
- Acted for an investor against a contractor in a real estate development project where the contractor had lodged a claim of approximately USD 4.3 Million
- Acted for a petroleum company in a claim of about USD 2.7 Million against a road construction company for supplies of diesel and bitumen supplied but not paid for.
- Acted for a sub-contractor against the Government of Kenya for breach of an interior design and built sub-contract in a USD 1.92 Million claim.
- Acted for a Respondent in a property transaction dispute where the claimant sought to recover a commission of USD 469, 900/-
- Advised and assisted a Kenyan based telecom company to lodge an ICC Arbitration against a company registered in the Netherlands for breach of contract for sale and delivery of assorted Information Technology equipment.

SELECT BRIEFS AS MEDIATOR

- Appointed a mediator in a dispute between an international hotel Chain and an international contractor relating to unpaid sums for renovation and additional works, where the amounts claimed by both the employer and the contractor against each other were cumulatively slightly over Kenya Shillings 375 million.
- Appointed as a mediator in a dispute between a Contractor and a leading supplier of on-plane food and beverages services regarding a dispute on construction of a kitchen and cold room facilities at an international airport in East Africa Region.
- Acted as mediator in a dispute between a Kenyan landowner and a foreign investor in a bio-diesel production and revenue sharing dispute of approximately USD 98, 500
- Acted as mediator in a Joint venture estate development dispute between the developer, the landowner and 19 other parties who were purchasers of the properties in a consolidated claim of approximately USD 7.66 Million
- Acted as mediator in a dispute between a hospital and 2 insurance companies where the hospital was seeking to recover unpaid claims of over USD 900, 000 incurred in treatment of the Insurers' clients.
- Acted as mediator in a dispute between a commercial bank and its customer where the bank was seeking to recover a debt of USD 74, 247.03 being a balance of money advanced to the customer but remained unpaid beyond the agreed timelines.
- Acted as mediator in a dispute in a claim for wrongful termination of an employment contract where compensation of USD 2, 450 and other remedies under the Kenyan Employment Act, 2007 were sought.

LITIGATION

Beyond my experience in ADR, I have since my admission to the bar in 2011 represented persons, both natural and corporate, in our national courts up to the Supreme Court of Kenya and in various tribunals. Notable briefs include;

- Successfully defended the rights of a landowner in a 2019 Court of Appeal decisions, where his title to over 22 acres of land in Nairobi County has been challenged by encroachers from the High Court since 1988.
- Currently prosecuting a Claim by shareholders of a company in the High Court at Nairobi against illegal acquisition of shares in their company. At stake is an asset worth over Kes. 800 million held in the name of the Company.
- Successfully represented a state Corporation in the Court of Appeal against a company that challenged the award of tender to another entity.

CORE AREAS OF FOCUS / EXPERTISE

1. Commercial contracts, sale of goods and financial disputes

2. Energy & related infrastructure disputes
3. Construction and infrastructure development claims
4. Land, Real Estate/property Development disputes
5. Insurance disputes
6. Employment & labour

PUBLICATIONS

1. Mbiriri Nderitu, *Mediation and the Role of Women in Peace and Security*, The Journal of Conflict Management and Sustainable Development, Volume 1(1) (2017) available at, <https://journalofcmsd.net/wp-content/uploads/2017/10/FINAL-Nderitu-Mbiriripdf.pdf>

SELECT SPEAKING ENGAGEMENTS

- **20th September 2024** – a speaker at the **11th East Africa International Arbitration Conference (EAIAC)**, taking place at **Sheraton Addis Hotel** in **Addis Ababa, Ethiopia** on **19th and 20th September 2024**
- **17th May 2024** – Moderated a panel on "Exploring New Frontiers in Mediation: A Regional Analysis of Mediation as a Tool to Drive Competitive Global Business & Access to Justice," **CIArb Kenya** at **40 Conference**, **Serena Hotel, Nairobi**.
- **18th January 2024** – presented a paper to the **Nairobi County Government Executive and Sub-County Administrators** on “**The Legal Framework Underpinning ADR and the Importance of ADR in Counties**” held at the **Lake Naivasha Resort, Kenya**.
- **15th September 2023** - Presented a paper titled ‘**Challenges to The Arbitral Tribunal, The Award and the role of the Court**’ at a **Law Society of Kenya CPD Seminar**, **White Rhino Hotel, Nyeri, Kenya**.
- **14th September 2023** - Presented a paper titled ‘**Drafting effective ADR Clauses**’ at a **Law Society of Kenya CPD Seminar**, **White Rhino Hotel, Nyeri, Kenya**.
- **30th August 2023** - Presented a paper on “**The Role of Non-judicial Grievance Mechanisms (NJGMs) in Achieving SGDs**” at a conference on “*The Role of Responsible Business Initiatives in Supporting Sustainable Development in Developing Countries: Experiences from Kenya and Ghana*” by the **Strathmore University and Danish Institute for Human Rights**, **Radisson Blu, Nairobi**.
- **15th November 2022** – Panelist in the **Kenya-UK Legal Symposium** organized by the **Law Society of Kenya and the English Bar**, **Radisson Blu Hotel, Nairobi, Kenya**.
- **2nd March 2022** – Presented a paper on ‘**The conflict dynamic (in labour disputes); Introduction to and the process of conciliation; the role of the Court**’ at the training for the **Honourable Justices of the Employment and Labour Relations Court**, **Mombasa, Kenya**.

- **25th June 2021** – Presented a paper on ‘**Alternative Dispute Resolution (ADR) in Labour Disputes (Mediation, Arbitration, Conciliation; what the court can do to advance the use of ADR)**’, at the training for the Honourable Justices of the Employment and Labour Relations Court, Mombasa, Kenya.
- **26th May 2021** – presented a paper on **Best Practice in ADR** at a training of the members of the Institution of Engineers of Kenya, Nairobi
- **5th March 2020** – presented a paper on ‘**A case for Cross-border Partnerships & Collaborations, Institutional Perspective**’, at the Nairobi Center for International Arbitration biennial International Arbitration Conference, Mombasa, Kenya.
- **18th November 2019** – panel discussant on ‘**International Arbitration in East Africa, Kenya Experience**’ in the Dubai Arbitration week seminar at Addleshaw Goddard, Dubai.
- **7th November 2019** – Presented a paper on **Arbitrability and public policy Consideration in the enforcement of foreign awards in Kenya** at the CIArb Nigeria International Arbitration Conference, Lagos, Nigeria
- **28th August 2019** – panel discussant in a seminar on ‘**Handling Expert Witnesses in Arbitration**’ organized by the Africa Legal Network (ALN Academy), Nairobi.
- **26th October 2018** – presented a paper on ‘**Effective Advocacy in Arbitration; a Kenyan perspective**’ at a Law Society of Kenya CPD Seminar, Homabay, Kenya
- **10th October 2018** – invited by the Judiciary of Kenya to present a paper on ‘**Alternative Dispute Resolution in Communications and Technology Disputes**’ at Communications and Multimedia Appeals Tribunal retreat in Naivasha, Kenya.

TRAINER ENGAGEMENTS

- **10th March – 14th March, 2025** - Course Director and lead Trainer, **40 Hour Commercial Mediation Training**, Chartered Institute of Arbitrators, Kenya Branch, Nairobi
- **4th December 2024** – facilitated a training of “**Writing Arbitral Awards**”, Praxis Conflict Centre, Kampala, **Uganda**.
- **26th April 2024** – facilitated a training on “**Drafting Effective Arbitration Agreement and Commencing Arbitral Proceedings**”, Praxis Conflict Centre, Kampala, **Uganda**.
- **23 - 24th January 2024** - facilitated a 2 days training together with White & Case LLP on “**Management of Commercial Disputes and Arbitration Cases**” Office of the Attorney General and Malawi Law Society, Sunbird Nkopola Lodge, **Malawi**
- **28th November 2023** – trainer in the **Accelerated Route to Member Arbitration Course** held with CIArb Uganda Chapter, Kampala, **Uganda**

- **24th November 2023** - Facilitated a training on **Conducting Arbitral Proceedings** at Praxis Conflict Centre Limited, **Kampala, Uganda**.
- **31st March 2023** - Facilitated a training of 38 professionals on **Arbitration Agreements and Commencing Arbitral Proceedings** at Praxis Conflict Centre Limited, **Kampala, Uganda**.
- **14th January 2023** – Facilitated a training on ADR for the Honourable Judges of the Islamabad High Court and the Judges of the Civil Courts, Islamabad, **Pakistan**.
- **26th September - 9th October 2022** – Trainer and assessor, **40 Hour Commercial Mediation Training**, Chartered Institute of Arbitrators, Pakistan Branch, **Pakistan**.
- **22 – 23rd September 2022** – trainer in the Accelerated Route to Member Arbitration Course held with CI Arb Uganda Chapter, Kampala, **Uganda**
- **29th August – 2nd September 2022** - Course Director and lead Trainer, **40 Hour Commercial Mediation Training**, Chartered Institute of Arbitrators, Kenya Branch, **Nairobi**
- **22nd – 24th June 2022** – Trainer in an ADR Course for the Commissioners of the Public Service Commission, Arusha, **Tanzania**
- **6th June – 10th June 2022** - Course Director and lead Trainer, **40 Hour Commercial Mediation Training**, Chartered Institute of Arbitrators, Kenya Branch, **Kisumu**
- **21st – 25th June 2022** - Course Director and lead Trainer, **40 Hour Commercial Mediation Training**, Chartered Institute of Arbitrators, Kenya Branch, **Mombasa**
- **17th Nov -24th Nov 2021** - Course Director and lead Trainer, **40 Hour Commercial Mediation Training**, Chartered Institute of Arbitrators, Kenya Branch, **Nairobi**
- **30th June 2021** – appeared as a Mediator in the semi-finals of the **1st NCIA Mediation Moot Competition**
- **19th May – 25th May 2021** – Course Director and lead Trainer, **40 Hour Commercial Mediation Training**, Chartered Institute of Arbitrators, Kenya Branch, **Nairobi**
- **26th October – 23rd November 2020** – **40 Hour Commercial Mediation Training**, Chartered Institute of Arbitrators, Kenya Branch, **Nairobi**
- **19th – 20th October 2020** – Tutor, **Introduction to Arbitration**, Tanzania Institute of Arbitrators, Dar es Salaam, **Tanzania**
- **16th – 17th October 2019** – Tutor, **The Law, Practice & Procedure of Arbitration**, National Construction Industry Council, Lilongwe, **Malawi**.

- **14th – 15th October 2019 – Tutor, Introduction to Arbitration, National Construction Industry Council, Lilongwe, Malawi**
- **11th – 16th April 2019 - Tutor, 40 Hour Commercial Mediation, Chartered Institute of Arbitrators, Kenya Branch, Nairobi**
- **12th - 17th April, 2018 - Tutor, 40 Hour Commercial Mediation, Chartered Institute of Arbitrators, Kenya Branch, Nairobi**
- **16th – 17th August, 2017, Tutor, Introduction to Arbitration, National Construction Industry Council Lilongwe, Malawi**

LANGUAGES

1. English – spoken and written
2. Swahili – spoken and written

PROFESSIONAL MEMBERSHIPS

1. Chartered Institute of Arbitrators, London
2. Malaysian Institute of Arbitrators, Malaysia
3. East Africa Law Society
4. Law Society of Kenya

REFEREES:

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