

Desmond Odhiambo

Partner



Desmond Odhiambo is a Partner in our Dispute Resolution, Employment Law, Trusts & Estates practice areas, as well as in our Corporate Debt, Turnaround & Restructuring sector.

He has extensive litigation experience as lead counsel in all the higher Kenyan courts as well as quasi judicial bodies such as the Public Procurement Administrative Review Board and the Kenya Industrial Property Institute. He is a qualified mediator and a member of the Chartered Institute of Arbitrators (MCIArb).

About Desmond

Desmond started as a Trainee Lawyer at a firm in Kenya and was later appointed as an Associate. He subsequently joined another firm where he remained as a Partner in the Dispute Resolution practice until October 2017. Desmond joined Kieti in 2017.

Credentials

Education

- Postgraduate Diploma in Law, Kenya School of Law & Kenyan Bar Admission
- LLB, Bachelor of Laws, University of Leeds, England

Membership

- Law Society of Kenya
- Chartered Institute of Arbitrators (MCIArb)

Experience

• Retail supermarket chain

Advising a large retail supermarket chain on a debt restructuring plan that culminated in a Company Voluntary Arrangement ("CVA") with hundreds of creditors.

• Food services franchisee

Advising a leading food services franchisee on an appropriate business rescue mechanism under the Insolvency Act 2015.

Contact Desmond

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Expertise

Dispute Resolution

Employment Law

Corporate Debt, Turnaround & Restructuring

Intellectual Property

Industrials, Manufacturing & Trade

Occupational Health & Safety

Mediation

Location

Nairobi

Language

English

Swahili

- **Estate of luxurious apartments**

Successfully restraining the government from demolishing an estate of luxurious apartments along the coastal line of Mombasa worth KES 2 Billion.

- **Mortgage finance company**

Successfully defending a mortgage finance company in a claim for an alleged breach of undertaking worth KES 200 Million.

- **Commercial bank**

Successfully defending a commercial bank against a claim for shares worth KES 120 Million under an Employee Share Ownership Scheme (ESOP).

- **International charitable organisation**

Successfully defending an international charitable organisation in a construction dispute worth KES 78 Million.

- **Provisions on inheritance.**

Acting for an estate worth KES 15 Billion in a landmark succession case at the Court of Appeal on whether estoppel can override statutory provisions on inheritance.

- **USAID funded projects**

Advising various USAID funded projects on employment regulations, redundancies and drafting employment agreements.

- **Commercial litigation**

Undertaking a wide range of commercial litigation in relation to guarantees, judicial review of government actions, winding up of companies and enforcement of securities.

News

[Should Kenya adopt statutory adjudication for construction disputes?](#)

Africa's growing infrastructure is a critical and transformative development that has the potential to drive the continent's economic and social progress, with significant investments in key sectors such as transportation, energy, housing, water supply and telecommunications driving this growth. The construction industry is therefore crucial to Africa's economic and infrastructural development. However, some of the biggest challenges Africa's construction industry faces are project overruns and contractor distress caused by inefficient management of construction disputes, particularly those related to cash flow and payments.

[Battle of the insolvency provisions: Which law governs insolvency of insurance companies?](#)

When a company hits a rough financial patch and is unable to make good on its financial obligations, liquidation serves as a valid legal mechanism available to creditors to recover debts owed to them. However, the liquidation of an insurance company presents unique challenges, underscored by the existence of two distinct laws enacted to address this process and an industry that must balance both private and public interests.

[Court reaffirms that holders of floating charges pre-Insolvency Act, retain the right to appoint receivers](#)

The general rule in statutory interpretation is that legislation does not apply retrospectively unless expressly stated or implied by necessity. However, Parliament has the authority to enact laws that apply to past events. This principle is frequently tested in court, particularly in cases concerning contracts and security instruments created before the enactment of new laws.

[Avoid costly mistakes: Why formal agreements are critical in mutual separations](#)

What happens when a resignation is agreed upon without the clarity of a formal written agreement? The recent case of Mwenda v Afri Business LLP and Another KEELRC 2346 highlights the potential legal minefield employers face when mutual separations are not documented properly. While the court ruled in favour of the employer, the lack of a formal agreement nearly turned the tide in favour of the claimant. This case serves as a stark reminder that in employment matters, especially separations, formality and clarity are key to protecting your business from unnecessary disputes.

[Key highlights from the Court of Appeal's ruling on defamation and responsible journalism](#)

The Court of Appeal has reinforced critical principles in defamation law and the standards of responsible journalism in its decision in *Ongwen and Five Others v Omollo and Six Others* (Civil Appeal 133 & 150 of 2018) KECA 1444 (KLR), clarifying the duty of care journalists owe when reporting on sensitive matters.

Videos

[Webinar Recording | Risks facing construction projects in Africa](#)

Our panel of experts gave an overview of the challenges and constraints that face players in the construction industry in Africa and practical insights on how to handle them.

[Re-thinking industrialization in Kenya and the East Africa Community. What does the future hold?](#)

CDH in partnership with the French Chamber of Commerce Kenya hosted an informal breakfast event to discuss matters that affect the future of business in an everchanging market.

Podcasts

[Inability to pay under Kenya's Insolvency Act](#)

In this episode of CDH Conversations, Desmond Odhiambo and Faith Wamuyu demystify what it really means when a company is said to be "unable to pay its debts" under Kenya's Insolvency Act

[An Analysis of the Affordable Housing Bill, 2023 vis a vis the High Court's Judgment and the ruling of the Court of Appeal](#)

On 28 November 2023, The High Court of Kenya held that the housing levy as framed in Finance Act, 2023 is unconstitutional.

[Fair farewell – How to deal with secondment contracts during redundancy](#)

Many businesses use redundancies as a strategic restructuring tool.

[The concept of lockouts and how employers may respond to a strike](#)

A lot of discourse within employment circles in Kenya has been about strikes. However, very little has been said about the right of employers to lockout employees.

[Performance management and performance improvement plans in the employment context](#)

Managing employee performance and creating an effective performance improvement plan (PIP) are active responsibilities that employers often underestimate. Employers must establish clear performance standards and build an employee's capacity to perform, in a manner that is reasonable, measurable, verifiable and achievable. The law further requires employers to structure a PIP to address a perceived employment failure, as opposed to using it to terminate an employment contract. Join Desmond Odhiambo and Tyler Hawi Ayah as they delve into these issues and discuss practical methods of managing performance and creating an effective PIP.

[All news by Desmond Odhiambo →](#)

Recognition

- Legal 500 EMEA
 - The Legal 500 EMEA 2025 mentioned Desmond for Employment.
 - The Legal 500 EMEA 2022 recommended Desmond for dispute resolution.