

Branken Attorney



WHERE LAW AND BUSINESS MEET

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1.0 INTRODUCTION

Branken Attorneys is a law firm based in Dar es Salaam, Tanzania having a range of cross-borders practices that cater for local and international corporations, financial institutions, government entities as well as private individuals concerning their legal needs around the world.

Branken Attorney was founded in 2015 in Dar es Salaam as a legal firm focusing on providing corporate governance and compliance services to our Clients. In light of increasing business and investment environment challenges in Tanzania, Branken Attorney has developed a full range of convenient and reliable corporate solutions. We provide an opportunity for you to have direct access to professional legal advice and services from our team of Qualified Advisors and Consultants, and ensure the best available solution is tailored to your requirements

Branken Attorneys offers

- (i) A competitive, commendable and timely skill in legal practice as regards the commercial and corporate practices.
- (ii) An in-depth advisory and representation ability in matters of Employment and labour Relations, Civil litigation, Real Estate and Construction, Intellectual property, trademark, and patent protection.
- (iii) a way in to a well of understanding and knowledge to key industry sectors including but not limited to Construction, Finance, employment and conveyancing.

Branken Attorneys put the quality of the service that we offer our clients above all else. We know that, that is what is important to our clients and that knowledge and execution is what sets us apart from our competition.

Branken Attorneys provides comprehensive legal services founded on legal expertise and built around clients' needs and expectations to achieve client delight. This commitment to strategically sound advice requires Branken Attorneys Advocates to understand both the broader issues at stake and to have a thorough understanding of our clients' functional needs. Through balancing these two factors with legal expertise, we provide effective, appropriate and efficient advice to solve the challenges our clients face. The extensive experience of our advocates results in a skilled, enthusiastic and innovative team, which sets Branken Attorneys Advocates apart from its competitors.

1.1 MOTTO

"Achieve Excellence through Client Delight by delivering reliable services at competitive rates and delivered with minimal difficulties or inconvenience."

1.2 VISSION STATEMENT.

To be the Leading law firm in Tanzania, offering quality professional legal services at affordable cost while achieving excellence and delight.

1.3 MISSION STATEMENT

Branken attorney mission is to take interest in our clients legal needs, understand their business objectives, meet and exceed their expectations by delivering world class legal expertise.

1.4 CORE VALUES

The core values of Branken Attorney revolve around:

- Professionalism
- Efficiency
- Transparency
- Integrity
- Team work
- Innovativeness

2.0 OUR TEAM

2.1 FRANK WILLIAM KUSILA, Managing Counsel

Frank is a registered Company Secretary as well as practicing advocate of the High Court of Tanzania. Frank is a solid corporate lawyer. He is currently the Managing Counsel of Branken Attorneys. Frank has over seven years of legal practice and experience in Corporate/Commercial; Construction, Employment and Labour Relations and Company Secretarial Practice.

Frank boasts strong business insight flavored by his long experience working companies in Tanzania ranging from Private entities to Government entities. Having worked with entities which are highly regulated, Frank has a profound knowledge, understanding, expertise and experience in dealing with complicated regulatory and compliance issues and their related laws and regulations in Tanzania.

Frank served as a Senior Legal Officer (Contracts and Projects Management) at National Housing Corporation (leading Real Estate Development and Management Government Corporation).”from December 2011 to August 2014 where he gained so much knowledge and experience in **FIDIC** construction contracts, as well as design and Built Contracts. Prior to that,

Frank worked as Legal counsel for Bollore Africa Logistics (formerly SDV TRANSAMI (T) LIMITED) where he was overall in charge of all legal matters for the company from 2009 to 2010.

Frank holds an upper second Law Degree (LL.B Hons) from Tumaini University (Iringa University College) (2008) and MBA- Corporate Governance from Mzumbe University (Dar es Salaam Campus). He also possesses a Post-Graduate Diploma in Legal Practice from the Law School of Tanzania (2012). He was admitted to the Bar Association of Tanganyika in 17th December, 2012.

2.2 EDWARD NELSON MWAKINGWE, *Partner*

Edward is an ambitious advocate who possesses a vast wealth of knowledge and has a proven record of providing indispensable advice to clients and delivering positive outcomes for them. Edward is a quick learner who can quickly absorb new situations and can communicate clearly and effectively with both legal professionals and members of the public. He is constantly focused on resolving legal issues and always looking for ways to improve and evolve processes.

Edward is an expert in all types of litigation ranging from civil, criminal and employment disputes, He has taken part in high profile cases involving commercial and investment matters, government entities, labour and regulatory authorities, commercial banking as well as real estate cases. He has successfully advised, defended, and represented over a dozen major corporate bodies in the Tanzania.

Edward holds a Law Degree (LL.B Hons) from Tumaini University (Iringa University College) (2009). He also possesses a Post-Graduate Diploma in Legal Practice from the Law School of Tanzania (2012). He was admitted to the Bar Association of Tanganyika in 2013.

2.3 BELINDA NYANJIGA MAJANI, *Partner*

Belinda is a very dedicated and skilled advocate with speciality in corporate governance and Compliance advisory, land law, labour law, trade disputes and litigations.

Belinda always think outside the box, She has acquired immense knowledge and experience in various legal aspects including drafting and issuing of legal opinions, conveyancing, drafting and review of contracts. Belinda is well competent with Investment Laws and Intellectual properties law among others. She has proven to be a solid researcher and advisor in her field of practice.

Belinda holds Bachelor of Laws Degree (LL.B Hons) from Solent University, United Kingdom (2007) and LLM (International Commercial Law) from Glamorgan University, United Kingdom (2009). She was admitted to the Bar Association of Tanganyika in 2014, She is also listed as an Arbitrator with the Tanzania Institute of Arbitrators 2017 and a member of the American Chamber of Commerce (AMCHAM) since 2013.

2.4 ROSEMARY RICHARD MOSHI, *Key Account Manager*,

Rosemary Moshi joined Branken Attorneys in July 2016 as a Key Account Executive. Rosemary is a hard-working, result-oriented individual who is meticulous by nature with excellent communication, interpersonal, computer, analytical, Research and report-writing skills and

highly qualified with over three years' experience in Project Management and Business development.

In 2008, she graduated from United States International University Nairobi in International Business Administration, with an emphasis in Finance & Accounting. For 3 years prior to working for Branken Attorney, she worked as Business Development Manager at Maktech Telecommunication. Prior to that she worked at a Global private company namely Tigo in Tanzania as Key Accounts Manager as well as Project Manager on the rollout Projects and prior to that she worked at Alcatel-Lucent as Project Management Officer/Key Accounts Manager. Rosemary has more than 7 years of experience in leading sales teams. Rosemary has vast experience in retaining existed clients in the company are maintained and satisfied as per their needs and demands. She ensures and creates long term relationships with the portfolio of assigned clients. She also has the ability to understand and anticipate clients' existing and future needs in depths and communicate this within.

Rosemary is very fluent in Turkish which we believe is an added advantage.

3.0 AREAS OF PRACTICE

3.1 CORPORATE & COMMERCIAL

- Incorporation of new companies, local and foreign companies for the purpose of doing business in Tanzania. Also incorporation of trustees, societies, civil societies in various forms and other forms of body corporate.
- Company secretariat to assist companies in meeting their compliance obligations as to statutory filings, issuing notices for statutory meetings, drafting of resolutions, preparing minutes and resolutions, and generally enabling companies to keep up date with all statutory compliance requirements.
- ***Following up on Board resolutions actions from minutes of meetings.***
- ***Providing support to Board committees and working committees***

- **Review and provide legal advice, draft, negotiate, execute and perfect Agreements including but not limited to**
 - .1 **Sales of Goods**
 - .2 **Sales of Services and Maintenance**
 - .3 **Power Purchase Agreements**
 - .4 **Financial and Operating Leases**
 - .5 **Mergers & Acquisitions**
 - .6 **Distribution \ Franchise**
- We offers standby legal advice on various legal and extra-legal matters which arise in the day-to-day operations of corporate entities.
- **Review laws, amendments and support General Management with commercial and legal opinions and recommend measures to mitigate exposure and risks.**
- Due diligence which comes up with a due diligence report to guide an investor or prospecting investors and/or divestures.
- Advising and conducting private equity investment, joint ventures, mergers and acquisitions, takeovers, disposals, corporate governance, concessions and partnerships, insolvency related matters.
- Preparation of security documents and registration of such documents such as mortgage and debenture and discharging them.
- To provide litigation avoidance plans and strategies to avoid court cases.
- To provide legal advice on various areas of the law.
- To advise companies to resolve complex tax disputes as well as tax compliance requirements

3.2 EMPLOYMENT AND LABOUR RELATIONS

- Assessment of existing HR systems within the organization
- **Provide and interpret legal information, conduct training and disseminate appropriate legal requirements to staff.**

- Developing or reviewing job descriptions for all employees
- Providing legal opinions on various labour law issues.
- To guide companies on both contentious and non-contentious labour matters.
- To draft and review employment contracts in line with Tanzanian labour laws, preparation of employment manuals, institution of disciplinary measures, termination of contracts of employment, redundancies/ retrenchments.
- Process application for work permits for foreign employees and all other labour law related issues.
- To develop voluntary agreements.
- To assist in mediating employment disputes and defending labour cases instituted by employees against the company and vice versa.

3.3 REAL ESTATE AND CONSTRUCTION

- Drafting and review of all forms of construction contract ranging from FIDIC traditional construction contract to FIDIC Design and Build contract.
- Management of all Constructions contract including monitoring of performance bonds, Contractors all risk insurance, advance Payment bonds and undertake their due diligence.
- Investigate statutory registers to determine legal status of subcontractors, suppliers, vendors, contractors and the securities and their sureties.
- Handling of the entire property development process from the initial due diligence to acquisitions and dispositions, joint ventures, financing (up to and including permits), construction, sales and sub titling.

3.4 INTELLECTUAL PROPERTY

- Managing and securing Intellectual Property Rights.
- Building Client IP Portfolios on Trade and Service Marks Copyright, Patents as well as designs.

- Protection of the rights associated with Trade and Service Marks, Copyright, Patents as well as designs.
- Provide advice and reasoned opinions on the preventive steps, branding and commercializing Intellectual property for clients in order to prevent infringements of existing rights.
- Monitoring services on Clients registered marks through published IP Journals, and Register searches to ensure registered rights are not infringed, by identical, similar or confusingly similar marks/Designs.
- Representing clients in IP related litigations including pursuing and contesting Oppositions to applications and potential encumbrances arising in the course of application.

3.5 RECOVERY AND LITIGATION

Our firm has extensive experience in debt recovery matters, having acted for our clients. Our success in debt recovery stems from our approach to these matters

- work is performed by qualified, experienced lawyers with extensive experience in both debt recovery and litigation
- our procedures are streamlined and focus on early resolution in the event of a genuine dispute
- Our Firm provide our Client with regular updates to ensure our Firm meet your internal reporting requirements
- Our Firm are hands-on and proactive in our recovery actions
- Our Firm adds value to your business through providing complimentary debtor management advice and actively identifying areas of improvement to your systems and documents to assist in the reduction of debtor-related issues.

3.6 CONVEYANCING

As the Real Estate Industry and market keeps growing and expanding to new heights, the need to keep up with it and ensure focus on key issues is not lost becomes of paramount importance. Here issues pertaining to land value, disposition of assets and the legal requirements on preparation, execution and registration of disposition instruments, ensuring notification and approval requirements for the disposition of occupancy are fulfilled and substantially covered by our Firm. The services our Firm provide may be broadly categorized as:

- Land and Title Registry Matters
- Transfer of Title
- Rural (Village) Land Acquisition
- Urban Planning
- Real Estate Management
- Land Disposition Contracts
- Processing of documents subsequent to Disposition
- Mortgages, Leases & Other Liens

4.0 OUR CLIENT LIST.

4.1 SAMCAT (T) LIMITED

Samcat (T) limited is a construction and interior design firm registered in Class (I) One Building Contractors and in Class (III) Three Civil contractors by the Contractors Registration Board of Tanzania (CRB).

Nature of Engagement: Retainer

Contact: Clement Sanga, Managing Director

Haile Selassie Road, Plot No B3-20.Oyster-bay, Dar Es salaam, Tanzania.

Mobile: +255 765 123458.

4.2 ZEZE PAY (T) LIMITED

A company dealing with business of mobile payment, payment agent and electronic transfer.

Nature of Engagement: Retainer

Contact: Secelela Fanuel Balisidya, Managing Director

Esaup Village, opposite Mlimani city Villas, Survey area, P.O Box 32890, Dar Es Salaam.

Mobile: +255 757 726792

4.3 LEVI 360 (T) LIMITED

A limited liability company dealing with marketing communication solutions.

Nature of Engagement: Retainer

Contact: Levi Ignas Kaduma, Managing Director

Plot no 495, Msonge Street of P.O BOX 31513 Dar es Salaam

Mobile: +255 713 848256.

4.4 HARBOUR MICROFINANCE LIMITED

A Company dealing with lending and advance money and assets of all kinds or give credit on any terms or mode and with or without security to any individual, firm, body corporate.

Nature of Engagement: Retainer

Contact: Shaaban Semvua, Managing Director

Plot no. 215, Plot no. 84, Sinza B, P.O Box 33041, Dar es Salaam.

Mobile: +255 683 097282

4.5 FAMILY EYE CARE LIMITED

FAMILY EYE CARE LIMITED deals with provision of eye care through consultancy, checkups, spectacles/contact lens sells repairs and fitting; sun rays protection spectacles and related accessories.

Nature of Engagement: Retainer

Contact: Dr. Emmanuel Furahini Ezekiel, Managing Director

Plot no. 222, Plot no. 82, Sinza B, P.O Box 62114, Dar es Salaam.

Mobile: +255 789 282305.

4.6 AMTEC CONSULTING LIMITED

AMTEC Consulting Ltd is a 100% private owned Limited company found in December 2014
AMTEC Consulting is a leading African Infrastructure provider in the Telecommunications and Energy Services sector, delivering turnkey solutions to its clients.

Nature of Engagement: Retainer

Contact: Frank James Kasati, Managing Director

P.O Box 33041, Dar es Salaam.

Mobile: +255 754 711262

Email: info@amtec.co.tz