

**Proclamation No. ....../2021**

**The Federal Advocacy Service Licensing and Administration Proclamation**

**Whereas**, it is necessary to ensure better protection of users of advocacy service; provision of high quality and well organized advocacy service; and raising the professional standard of advocacy service is necessary to promote rule of law and the right of access to justice;

**Whereas**, it is necessary to establish a system that is designed to advance the public interest and prevalence of justice; a joint administration that balances the respective roles of the government and practitioners in order to ensure advocacy services provided with professional independence;

**Whereas**, it is necessary to lay down a system that directs and governs law firms which provide uninterrupted and institutionally guaranteed advocacy service to users of advocacy service (clients)

**Whereas**, it is necessary to establish a system whereby advocates undergo continuing professional development training intended to keep them well informed of the latest developments in the form of new laws, legal concepts, and relevant local and international practices;

**Whereas**, it is necessary to establish a system whereby advocates can, individually as well as through their own associations, ensure their rights and interests are respected, and advance their knowledge, expertise and professional standards;

**Whereas**, it is necessary to establish a mechanism by which complaints arising out of the administration of advocacy services are fairly entertained;

**Now therefore**, in accordance with Article 55(1) of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:

## **Part One**

### **General**

#### **1. Short Title**

This Proclamation can be cited as “Federal Advocacy Service Licensing and Administration Proclamation No...../2021”.

#### **2. Definition**

unless the context requires otherwise, in this Proclamation:-

1. “**Advocate**” means a person licensed to provide private advocacy services pursuant to this Proclamation.
2. “**Law Firm**” means an organization established to provide advocacy service..
3. “**Advocacy Service**” means any kind of legal service provided by an advocate or a law firm for payment of a fee or in expectation of direct or indirect future benefit, or pro bono, including the following:
  - (a) Providing consultation on legal issues; conducting negotiations except in criminal cases;
  - (b) Drafting legal documents or submitting documents on behalf of a client;
  - (c) Representing a client and litigating before courts of law; administrative tribunal; quasi-judicial institutions; arbitral bodies and other alternative dispute resolution forums.
4. “**Association**” means the Ethiopian Federal Advocates’ Association established pursuant to Article 57 of this Proclamation.
5. “**Attorney General**” means the Federal Attorney General established pursuant to Proclamation No. 943/2016.
6. “**Client**” means a person who receives advocacy services.
7. “**Broker**” means any person who introduces a potential client seeking advocacy services or otherwise persuades him to engage the services of an advocate or law firm of his choice, in consideration of immediate or future payment or commission from one or both parties.

8. **“Providing advocacy services through a broker”** means a practice by which an advocate or law firm recruits clients through brokers, whether assigned for the purpose or already working as such, who establish relationships, including relationships motivated by mutual personal enrichment, with public officials working in courts, prison administration authorities, police stations, and other law enforcement and justice organs to procure his or its service.
9. **“Pro Bono Advocacy Service”** means an advocacy service provided by an advocate or law firm at minimal or no charge to persons listed under Article 31(1) of this proclamation as in need of such services.
10. **“Law-Clerk”** means a person who works for and assists an advocate or law firm in drafting or editing statements of claim, pleadings, applications, appeals, statements of defense and other legal and related documents.
11. **“Advocate’s Assistant”** means a person who, works for an advocate or a law firm and provides advice; prepare legal documents; present to the court or other legal institutions signed statements of claim, letters, appeals, pleadings, or statement of defense and appeals ;deliver the same to such institutions; file statement of claim or an appeal; collect and deliver to the advocate or law firm court summons, copies of decisions or orders or other documents that are intended to reach the advocate.
12. **“Register”** means a book of records or data base prepared and maintained by the Attorney General containing full and up-to-date record of all licensed advocates and law firms.
13. **“Code of Conduct”** means a code of conduct to be issued pursuant to this Proclamation governing the professional ethics and conduct of advocates and law firms.
14. **“Training”** means a legal on job training offered to advocates by the Association or an Institution accredited by the Association to offer such trainings.
15. **“Institution”** means an organization which offers continuing professional legal training.

16. **“Board”** means the Advocates’ Administration Board established under Article 69(1) of this Proclamation.
17. **“Constitution”** means the Constitution of the Federal Democratic Republic of Ethiopia.
18. **“Regional State”** means any of the States established under Article 47 of the Constitution of the Federal Democratic Republic of Ethiopia
19. **“Person”** means natural or juridical person.
20. In this Proclamation any expression in the masculine gender also applies to the feminine gender.

### **3. Scope of Application**

This Proclamation shall be applicable on Federal advocates and law firms licensed under this Proclamation as well as foreign national advocates or law firms working within the country.

#### **Part Two**

#### **Licensing, Registration and Renewal**

#### **Section One**

#### **Licensing**

### **4. Principles of Licensing**

1. No person shall provide advocacy services without having a license;
2. Advocacy license shall not be given to a person having a permanent job;
3. A person who wishes to obtain an advocacy license shall fulfill the requirements provided in this Proclamation.
4. Without prejudice to sub Article 2 of this Article, no person shall be denied a license on grounds of gender, religion, language, ethnic or social background, political persuasion, economic status, origin, physical disability or other similar conditions.

### **5. Where license shall not be necessary**

The following persons may provide advocacy services without the need for an advocacy license:

- (a) Any person handling his own case;
- (b) A person who represents, without charge, his spouse, parent, child, grand parent, sister, brother, the parent of his spouse, a person to whom he is the designated tutor or guardian.
- (c) A Public prosecutor on cases related to his job.
- (d) A person working full-time for and assigned by a legal person as a commercial entity, a civil society organization, mass? organization, religious institution, professional association, international organization; or a person who is employed in and capable of representing organization established in accordance with the relevant law.
- (e) An official or head of a public enterprise or a person bestowed with power of attorney by such organs who litigate on behalf of public office or public enterprise..
- (f) Any leader or designated representative of a labor union.

## **6. Requirements to obtain advocacy license**

1. Any person who wishes to obtain advocacy license shall fulfill the following requirements:
  - (a) To be an Ethiopian national or a foreign national of Ethiopian origin;
  - (b) Have a minimum of a first degree in law from a recognized Ethiopian higher educational institution;
  - (c) Able to present a statement from his most recent employer indicating that, in his last two years of employment, he had not been subjected to measures for serious disciplinary infractions and can produce proof of good conduct;
  - (d) Meet the work experience required in the legal profession and pass any qualification examination that may be necessary to obtain advocacy license.
2. Notwithstanding sub-article 1(b) of this article, any person who received his first degree in law from a recognized higher educational institution abroad may be granted advocacy license provided he fulfills the criteria set out under Articles 12(2), 13(2) and 14(2) of this Proclamation.

3. A person who fulfills the requirements provided under sub-Article 1 of this Article shall present his application for advocacy license along with necessary documents, to the Attorney General.
4. The result of any qualification examination referred to in Sub-Article 1(d) of this Article shall be valid only if it is presented within a year from the date on which the result became known to the applicant.

#### **7. Grounds for Denial of a License**

A person shall not get an advocacy license if:

1. He does not fulfill the requirements provided under Article 6(1) of this Proclamation;
2. He is found guilty of an offence committed intentionally and has relevance with professional misconduct that is punishable with rigorous imprisonment of three years and above and has not been reinstated under the appropriate law;
3. He is interdicted by law or through court decision from engaging in the provision of legal services.

#### **8. Foreign National Advocates and Law-Firms**

1. A foreign national advocate or law-firm with valid advocacy license granted in a foreign country may use his foreign license to render advocacy service to clients in Ethiopia under the following conditions:
  - a) Where the case involves the law of the Country that issued the advocacy license; and
  - (b) Only in partnership with an advocate or law-firm licensed under this Proclamation.
2. The grounds for denial of an advocacy license under this Proclamation or the imposition of disciplinary measures shall also apply, as appropriate, to advocacy service providers holding a foreign license.

#### **9. Issuance of License**

1. An advocacy license, under this Proclamation, shall be issued by the Attorney General according to the decision of the Advocacy License Evaluation Committee.

2. Advocacy License Evaluation Committee shall give decision it deems appropriate on an application no longer than 30 days from the submission of a complete application as provided under Article 6(3) of this Proclamation.
3. If an application is rejected, the Attorney General, based on the decision of Advocacy License Evaluation Committee, shall notify the applicant in written the grounds for rejection within 10 working days of knowing the decision of the Committee,
4. If the Advocacy License Evaluation Committee accepts an application pursuant to sub article 1 of this provision, it shall issue the license through Attorney General to the applicant within 15 working days of the decision.
5. The particulars to be mentioned on the document evidencing the advocacy license shall be determined by a Directive to be issued by the Attorney General.
6. If Advocacy License Evaluation Committee rejects an application, the applicant, within 15 working days from the day he is notified about the rejection, may lodge complaints to the Board.
7. A party aggrieved by the decision of the Board may appeal to the Federal First Instance Court within 30 days of receiving copy of the decision.

#### 10. **Administration of Oath**

Without prejudice to reasonable adjustments that may be made in order to accommodate the religious beliefs of the person taking an oath, any person to be issued with an advocacy license shall take the following oath in writing:

“I.....,in receiving this Federal Advocacy License on this.....day of 20....,do swear and solemnly affirm that I shall observe and ensure the observance of the Constitution and the laws of the land; to serve the objectives of the justice system by discharging my duties with honesty and integrity and protect the interests of my clients according to law; to work with my colleagues and opposing parties in a spirit of understanding and mutual respect and contribute my share, to the fullest extent of my knowledge and ability, for the realization of rule of law.”

#### 11. **Types of Advocacy License**

The classes of advocacy license are:

1. The Federal First Instance Court Advocacy License;
2. All Federal Courts Advocacy License; and
3. The Federal Special Advocacy License.

## **12. The Federal First Instance Court Advocacy License**

1. Any Ethiopian citizen or foreign national of Ethiopian origin who fulfills the following requirements shall be granted the Federal First Instance Court Advocacy License:-

(a) Has graduated with a first degree in law from a recognized Ethiopian Higher Education Institution and has a minimum of three years of professional experience in the field of law or who has graduated with a diploma in law from a recognized Ethiopian Higher Education Institution and has a minimum of five years of professional experience in the field of law;

(b) Has passed the entrance qualification examination set for the particular type of advocacy license;

(c) Produces evidence, from his immediate past employer, that certifies that he had not been subjected to grave disciplinary measures for violation of serious misconduct in the two years prior to departure; and

(d) Produce a certificate of good conduct from his immediate past employer.

2. Notwithstanding the provisions of Article 1(a) of this Article, a Federal First Instance Court Advocacy License may be granted to a person who graduated with a first degree in law from a recognized foreign higher education institution and has a minimum of five years of professional experience in the field of law in Ethiopia and fulfills the other requirements listed under sub Article 1 of this Article.

## **13. All Federal Courts Advocacy License**

1. Any Ethiopian citizen or a foreign national of Ethiopian origin who fulfills the following requirements shall be granted the All Federal Courts Advocacy License:



(a) Has graduated with a first degree in law from a recognized Ethiopian Higher Education Institution and has a minimum of five years of professional experience in the field of law;

(b) Has passed the entrance qualification examination set for the particular type of advocacy license;

(c) Produces evidence, from his immediate past employer, that certifies that he had not been subjected to disciplinary measures for violation of serious misconduct in the two years prior to departure; and

(d) Produce a certificate of good conduct from his immediate past employer.

2. Notwithstanding the provisions of sub article 1(a) of this Article, an All Federal Courts Advocacy License may be granted to a person who graduated with a first degree in law or above from a recognized foreign higher education institution if he has a minimum of seven years of professional experience in the field of law in Ethiopia and fulfills the other requirements listed under sub Article 1 of this Article.

#### 14. **The Federal Special Advocacy License**

1. The Federal Special Advocacy License may be granted to:

(a) A person or organization that provides pro bono advocacy services to protect the public interest; or

(b) Law instructors and Law Schools of Higher Education Institutions who provide pro bono advocacy services to individuals and sections of society who lack financial means to pay for such service.

2. Any person who wishes to obtain the Federal Special Advocacy License under sub article (1) of this Article shall fulfill the following requirements:

(a) has a first degree in law from a recognized **higher** education institution and at least five years of professional experience in the field of law;

(b) not receive payment from his client or section of the society he represents; and

(c) produce a certificate of good conduct from the concerned body.

3. Any person with any type of federal advocacy license may provide the services falling under the Special Advocacy License without the need for the Federal Special Advocacy License;

however, in such cases, he shall submit advance notice to the Attorney General to that effect in writing.

4. Any person or organization who is granted the Federal Special Advocacy License, in the discharge of his or its duties, shall comply with this Proclamation and the Advocates' Code of Conduct.

#### **15. Advocacy License Granted to Law School instructors**

1. Notwithstanding the provisions of Article 4(2) of this Proclamation, an Ethiopian or a foreign national of Ethiopian origin who teaches law in law schools of higher education institutions and fulfills the requirements of Articles 12(1) or 13(1) may be granted an Advocacy License without having to resign from his teaching post.

2. A law school instructor who requests for grant of an advocacy license pursuant to sub article 1 of this article shall submit an assurance issued by the law school his advocacy service does not affect the teaching learning process.

#### **16. Advocacy Examination**

1. Any person who meets the requirements of Article 6(1) of this Proclamation and wishes to engage in the provision of advocacy services shall take the qualification examination for advocacy services.

2. Notwithstanding the provisions of sub Article 1 of this Article, an Ethiopian or a foreign national of Ethiopian origin with a first degree in law and served as a law instructor for a minimum of seven years in an Ethiopian Higher Education Institution; or as a judge, public prosecutor, as a legal advisor or legal professional or as an attorney in public services or public enterprises for a minimum of five years; or as assistant judge, as advocates' assistant or law clerk in a law firm or with an advocate, as well as a legal advisor or as a professional in the field of law or as an attorney in civil societies, religious institutions, international organizations, business organizations and in other institutions for a minimum of seven years shall be granted advocacy license without having to take the advocacy examination if he applies within one year of leaving his post.

3. Notwithstanding the provisions of sub Article 2 of this Article, an advocate with a first degree in law and who served as a Federal First Instance Court Advocate for five years, may be granted

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the All Federal Courts Advocacy License without having to take the advocacy qualification examination leaving his advocacy service.

4. The Attorney General shall issue an Advocacy License to the person who is allowed to take the license by the Advocacy License Evaluation Committee.

## **Section Two**

### **Registration and Renewal**

#### **17. Registration**

1. The Attorney General shall maintain a state-of-the-art that contains full information about register of advocates and law firms that have been granted advocacy licenses.

2. The particulars required in the registration process shall be determined by a Directive to be issued by the Attorney General.

3. The Attorney General shall notify the Association, every three months, the list of newly licensed and registered advocates and law-firms pursuant to sub Article 1 of this Article.

#### **18. Persons who work with Advocates or Law Firms**

1. Any advocate or law firm may employ law clerks, advocates' assistants, or other support staff necessary for its work; a law firm may also employ advocates.

2. An Advocate or law firm that has employed pursuant to sub Article 1 of this Article shall, within two months of the execution of the employment contract, notify the Attorney General of the said employment and have them registered therein.

3. No advocate or law firm may employ the following persons as law clerks or advocates 'assistants:

(a) A person whose advocacy license has been suspended or revoked;

(b) A person whose name has been struck off from the Advocates' Register;

(c) A person dismissed from his previous position for disciplinary misconduct;

- (d) A person who was convicted and punished for an offence related to professional misconduct and not reinstated;
- (e) A person who has permanent job; or
- (f) A person without training in law or lacking experience in the field of law.

### **19. Renewal of License**

1. An advocacy license shall be renewed every year within a month of its last validity date.
2. Any advocate or firm that fails to renew his or its license within the period provided in sub Article 1 of this Article, upon payment of fine the amount of which shall be determined by a directive to be issued by the Attorney General, may renew his or its license within the following one month.
3. An advocate or Law firm that proves he or it has not renewed the license within the period prescribed under sub-article 3 of this article due to force majeure, may renew the license having paid the fine determined by the directive to be issued by the attorney general.
4. Any advocate or law firm that has not renewed his or its license according to this Article, shall be charged for disciplinary misconduct.

### **20. Documents Necessary for Renewal of License**

Any advocate or law firm shall present the following evidences to renew his/its license:

1. Tax clearance certificate;
2. Valid insurance policy;
3. Evidence showing that the advocates completed the mandatory training prescribed by this proclamation
4. Evidence given by the Association which certifies that the advocate has discharged his duty of paying membership contribution;
5. Evidence from a health institution, for those advocates above 70 years old, which certifies that the advocate is fit and in good health condition to provide advocacy service.

6. Evidence showing that the Advocate discharged his duty of providing pro bono service expected of him in a year.

## **21. Returning License**

1. Any Advocate shall return his advocacy license to the Attorney General for the following reasons:

(a) When he permanently engaged in jobs other than advocacy service;

(b) When he is unable to render advocacy service;

(c) When he decides to terminate providing advocacy service.

2. When an advocate applies to return his license pursuant to sub Article 1 of this Article, the Attorney General shall immediately receive the license of advocacy Service. However, it is only when the advocate produces tax clearance certificate that evidence of termination of advocacy service shall be provided to him.

3. An advocate who returned his advocacy license pursuant to sub Article 1 of this Article may get his license back if he wants to resume Advocacy service. However, an advocate who dissociated himself from advocacy service for more than two years can get back his license only when he passes the entrance exam set for his class of license.

### **Part Three**

#### **Advocates' Professional Duty**

##### **Section One**

#### **General duty of Advocates**

## **22. Obligations Related with Advocacy Service**

Every advocate or law firm:

1. Has the duty to show his/its advocacy license when requested by his Client, the Court or any appropriate body.
2. He or it is never allowed to give his or its license for others to make use of it or get benefit out of it.

### **23. Contract of Advocacy Service and Related Obligations**

1. Any advocate or law firm is obliged to make, in writing, the advocacy service contract which he or it makes with his Client except legal advice given for a short period of time.
2. The contract of the advocacy service shall include the total amount of fee the Client pays to the advocate or law firm, computation and time of payment and the extent of the service to be provided.
3. Every advocate or law firm has the following obligations:
  - (a) To have an office where he/it provides the advocacy service;
  - (b) To perform the service without using brokers;
  - (c) Not to terminate the advocacy service contract without good cause and not to demand more payment than the one agreed upon on the contract of service.

### **24. Honesty and Loyalty to Justice**

1. Any advocate or law firm has the following obligations to perform his or its advocacy service honestly and in a manner that ensures loyalty to justice.
2. Without prejudice to the general provision provided under sub Article 1 of this Article, any advocate or law firm has the duty, not to unduly delay cases without good cause; not to organize false witnesses; not to produce false evidence or cause such evidence to be produced; appear before the court duly prepared and make competent arguments; reject cases which have no cause of action and legal basis; keep the confidentiality of his client's information and respect other similar codes of conduct.
3. Other similar codes of conduct related with advocates' conduct that are initiated by the Attorney General, Board or Association, are prepared by the Attorney General and determined by a Regulation to be issued by the Council of Ministers.

## **Section Two**

### **The Obligation to Take Legal Training**

## **25 Objectives**

The purpose of legal training is to enable Advocates acquire up-to-date knowledge and excellence to discharge their professional responsibility.

## **26. Training on the subject of Law**

1. Any advocate has the duty to take not less than ten days aggregate or not less than 80 hours of training in the field of law in a given year.
2. The training on the subject of law may be offered in continuity or in different cycles within that year. However, the training offered in each cycle shall not be less than three days or 24 hours in a row.
3. The subjects to be covered by the training, the duration of the training, general training program procedures, training fee and other issues related with training shall be determined by the directive to be issued by the Association.
4. The training on the subject of law shall mainly include:
  - (a) Training on substantive and procedural laws with focus on practical and theoretical issues; and
  - (b) Training on advocates' working system and code of conduct as necessary.
5. Notwithstanding the provisions of sub Article 1 of this Article, the following are not obliged to take the training to be offered on the subject of law:
  - (a) A lecturer who is teaching at the University and who has got an advocacy license;
  - (b) An advocate who offers training on the subject of law for the same year he offered the training.

## **27. Accredited Institutions**

1. Training shall be offered by the association or by an institution Accredited by it.
2. The Association has to approve, in advance, the type of training courses before giving Accreditation to an institution. However, approved subjects for training may in the future be amended, suspended, or cancelled by the Association.

3. The procedures and requirements under which institutions that offer legal training are accredited shall be determined by a directive to be issued by the Association.

## **28. Duty to Report**

1. The training institution has the duty to report to the Association about the trainees within one month of the commencement of the training program for those who are already under active training program and from the completion of the training for those who have completed their training.
2. Any Advocate who is unable, for good cause, to take his training on the program set by the Association shall notify in written this to the Association.

## **29. Failure to take Training**

1. If any advocate fails to comply with the training obligations provided in this Section, the Association shall notify this fact, in writing, to the Attorney General.
2. The Attorney General may charge, for the violation of disciplinary rules, an advocate who, without good cause, is not willing to comply with his mandatory training program.

## **30. Extension of the Period of Mandatory Training**

1. If any advocate, for good cause, is unable to take the training within the period scheduled by the Association, he has to notify this, a month in advance, by a written application to the Association along with his request for the extension of time.
2. The application which the advocate submits shall specify the reasons why he was not able to take the training in due time, the effort he made to take the training and his plan as to when and how he would take the training in the future.
3. If the Association, after considering the application mentioned under sub Article 2 of this Article, found the reasons convincing, then it can reschedule the program based on the advocate's request or, as it may deem necessary, anytime within the given year. If the



Association accepts the request, it shall notify the advocate in writing the extension it has made or the rejection of the request within 15 days.

4. If it is not possible for the advocate to take the training in that same year for reasons beyond his control which is supported by evidence and such reasons have convinced the Association, then the Association may reschedule the training period for the advocate to take the training in the following year in addition to the training he is expected to take in that same year.

### **Section Three**

#### **The Obligation to Provide Pro Bono Advocacy Service**

##### **31. The Obligation to Provide Pro Bono Advocacy Service**

1. Every advocate who practices privately or works in a law firm either as a partner or as an employee has the obligation to provide pro bono advocacy service, for not more than three cases in a year, based on the simplicity or the complexity of each case. And the service is provided to the following persons:

(a) To those persons who cannot afford to pay for the advocacy service;

(b) To charity, civic societies and mass organizations;

(c) To those persons whom Courts request the provision of pro bono advocacy service;

(d) To committees and organizations which work on the advancement, promotion and development of law and improvement of the justice system.

2. Every advocate or law firm has to keep a record of its pro bono service to the public and such record shall contain details about the date when each service was provided, type and the time the case took.

##### **32. Assigning Pro Bono Service**

1. The Attorney General shall, without passing the limit each advocate should render pro bono service in a given year, identify and assign pro bono cases to advocates.

2. Each Advocate shall have the obligation, without passing the limit of pro bono cases in a given year, to receive cases referred to him by the Attorney General and render pro bono service.

3. The Association, based on this Proclamation and the Advocates' Code of Conduct, shall control and monitor whether an advocate or a law firm has discharged his obligation in handling of the cases assigned to him by the Attorney General for pro bono advocacy service.

## **Section Four**

### **Insurance and Clients' Property**

#### **33. The Obligation to Secure Professional Indemnity Insurance**

Every advocate or law firm shall secure an indemnity insurance policy, for the damage he or it may cause on his or its client due to failure to discharge his duty properly, within one year of obtaining advocacy service license.

#### **34. The Obligation of Insurers**

1. An Insurer which has sold a professional indemnity insurance policy to an advocate or law firm shall have the obligation immediately to report to the Attorney General when the contract is terminated or when a circumstance arises that prevent the performance of the contract.

2. The Insurer shall be liable for damages that may be caused due to its failure to report as provided under sub Article 1 of this Article.

#### **35. Administration of Client's Property**

Every advocate or law firm has the following obligations:

1. Administer and keep his client's or third party's property, which he possessed in the course of discharging his duty, separately from his own property.
2. Has the obligation to keep documents related with the properties of his/its client or third party he/it administers up to five years from the time when the case has got its completion.

#### **36. Trust Account of a Client**

1. A client's money which is under the possession of an advocate or a law firm shall be kept in a different account from that of the advocate's or the law firm's private account.
2. The Board, by directive, may determine the requirements advocates or law firms must fulfil to keep their clients' trust account.
3. The advocate or the law firm can only transact his/its client's trust account and pay money when activities, which need payment, are undertaken and the expenses are supported by evidences issued in the name of the client.
4. The advocate or the law firm, when it receives money or other property that involves the interest of the client or the third party, shall immediately notify the situation to his/its client or to the third party.
5. Unless it is allowed by this Proclamation or by relevant law or the agreement made with the client, the advocate or the law firm shall handover, along with sufficient and full report, the balance in the trust account to the client or third party, when the client or the third party requests for such a report or when the case gets completion.

## **Section Four**

### **Law Firm**

#### **37. Formation of a Law Firm**

At least two or more advocates, who have a valid advocacy service license issued under the provisions of this Proclamation, may together establish a law firm.

#### **38. Scope of Service**

1. The main objective of a law firm is providing advocacy service.
2. Notwithstanding the provisions of sub Article 1 of this Article, a law firm can render services related with advocacy service. The particulars shall be determined by a directive to be issued by the Attorney General.

#### **39. Organizational Structure and Responsibility of a Law Firm**

1. The organizational structure of a law firm shall be Limited Partnership.
2. A law firm shall have the following rights and obligations:
  - (a) to make contract;
  - (b) to own property;

(c) to sue and be sued on its own name and has rights and obligations which other juridical persons have.

3. The liability of partners in a law firm to third parties shall be limited to the share each partner has in the firm.

4. The law firm shall continue to exist despite changes on the membership of the firm.

5. Without prejudice to Article 52(1) of this Proclamation, the provision of advocacy service by a law firm doesn't make the service business or investment as defined under the Ethiopian Commercial Code and the Investment Law.

#### **40. The Name of a Law Firm**

1. The members of a law firm may choose and decide any name to be their firm's name.

2. Notwithstanding the provisions of sub Article 1 of this Article, the name chosen to be the name of the law firm may be rejected by the Attorney General for the following reasons:

(a) If it is similar with the name of another existing law firm;

(b) If the name misrepresents and confuses clients in a way not easily to differentiate it from another law firm.

(c) When it is contrary to law and public morality.

3. The firm name shall be followed by the words "Limited Partnership" or the abbreviation "L.P."

4. All Documents issued in the name of the law firm shall clearly contain its name followed by "Limited Partnership."

#### **41. Requirements and Procedures of Formation**

1. A law firm shall be established upon registration by the Attorney General.

2. The following documents shall be submitted to the Attorney General, along with the application, to form the firm:

(a) An application that contains the full name of the partners and their signature.

(b) Memorandum of association of the firm;

(c) Copies of the advocacy licenses of each partner; and

- (d) The Partnership agreement with which the partners agreed to form the firm; name of the firm; duration of the partnership; a brief minutes which purports the purpose of the firm and appoints the partner who, representing the would be firm,
3. The Memorandum of Association of a Law Firm shall contain the particulars, stated in the commercial code, which Memorandum of Association of Limited Liability Partnership should contain.
  4. The Attorney General, after verifying that the documents submitted to it are in compliance with the requirements of this Proclamation and other relevant laws, shall, within 15 working days of receiving the application, register the firm and issue certificate of registration.
  5. If the Attorney General is convinced that the documents submitted to it are in contradiction with the provisions of this Proclamation and other relevant laws, it shall, within 20 working days, reject the request and notify the applicant, in writing, the grounds for rejection.
  6. The person whose application was rejected pursuant to sub Article 5 of this Article may file his complaints to the Board within 15 working days of knowing the rejection of the application.
  7. A party who has grievance on the decision given by the Board as provided under sub Article 6 of this Article, may lodge an appeal to the Federal First Instance Court within 15 working days of the decision.

#### **42. Type and Amount of Contribution**

1. The main contribution of partners of a law firm shall be their skill;
2. Partners may make their contributions in cash or in kind;
3. The amount of contribution of partners of a law firm shall be sufficient to materialize the purpose of the law firm. In this regard, the contribution in cash shall not be less than fifty thousand Birr.

4. The value of contributions of partners other than cash shall be determined by the agreement of all the partners and relevant laws and regulations.

#### **43. Rights and Duties of Partners**

1. A partner of a law firm shall have the following rights:

- (a) The right to participate and vote in the meetings of the firm;
- (b) Based on his contribution, to share profits of the firm or the proceeds of liquidated assets of the firm at the time of dissolution;
- (c) To get information about and follow up the activities of the law firm;
- (d) Get other rights and benefits that emanate from the nature of partnership or this Proclamation and other relevant laws.

2. The partner of a law firm shall have the following obligations:

- (a) Pay the firm's membership contribution on time;
- (b) Work diligently, at any time, to materialize and achieve the purpose of the law firm;
- (c) Refrain from acts that may hamper discharging his responsibilities and activities that are detrimental to the interests of the law firm, whether to his personal benefit or not; and
- (d) Discharge his obligations provided in this Proclamation, relevant laws or obligations that emanate from the nature of limited partnerships.

#### **44. Distribution of Profit and Loss**

Unless otherwise provided in the partnership agreement of the law firm, the partners of the law firm shall distribute, among themselves, profit and loss or proceeds of liquidated assets of the firm at the time of dissolution in accordance with the share contributions they hold in the firm.

#### **45. Change of Partners**

1. Without prejudice to the restrictions imposed by other laws, a partner who leaves the firm shall be paid the value of his share and dividend.
2. When a partner of a law firm dies, a dividend which should have been paid to him shall devolve to his heirs.

#### **46. Ownership and Internal Structure**

1. The owner of a Law Firm shall only be Advocates who have a valid advocacy license;
2. A law firm having a foreign valid advocacy license, with a capital which is not more than 1/4<sup>th</sup> (one fourth) of the capital of the firm, may establish a firm in partnership with domestic advocates or buy shares from existing law firm.

#### **47. Restrictions on Advocates who work for Law Firms**

1. An advocate, who is a partner or employee of a law firm, during the time of his membership to the partnership or employment engagement to a specific law firm, shall be restricted to undertake the following activities:
  - (a) Directly or indirectly, from being a partner or employee of another law firm;
  - (b) From directly or indirectly assisting or collaborating with another law firm, unless the law firm to which he is a partner or an employee, with the view to discharging his assigned firm duty, authorize him in advance to do so;
  - (c) From providing advocacy service in private;
  - (d) Receiving advocacy service fee from a client and use the money for his personal benefit without the knowledge and permission of the law firm;
  - (e) Engagement in any other business, either personally or as an employee, that may contradict with the purpose and activities of, and creates conflict with the interests of, the law firm.

2. Notwithstanding the provisions of sub Article 1 of this Article, unless the client agrees differently, activities commenced by any partner or employed advocate prior to engagement with the law firm shall be completed on the basis of prior arrangements.

#### **48. Administration of a Law Firm**

1. A Law Firm shall be managed by one or more managers appointed by the partners' decision.
2. The manager of the law firm shall be elected from among partners of the law firm;
3. The manager of a law firm shall mainly administer the firm; represent the law firm to defend its interests and discharge the firm's obligations; represent the firm; on behalf of the firm sue, defend, contest, give power of attorney to an advocate or a third party.
4. The manager of the law firm and the firm shall be jointly and severally liable for the damages caused to third parties by the actions of the manager while performing his duty with the view to get personal gain.
5. The Law Firm shall be relieved from liability where the injured party knew of the fact that the manager who caused the damage did not have the power to carry out the undertaking;
6. The Law Firm shall be liable for any obligation except the one stated in sub-article 4 and 5 of this Article whether arising out of contract or any other situation.

#### **49. Responsibilities of the Manager**

1. The manager shall be responsible to discharge his duties in accordance with the law, the Articles of association, the partnership agreement, this Proclamation and other relevant laws;
2. The manager of a law firm shall ensure that the firm discharges its duties and responsibilities provided in the firm's of association, by-laws of the partnership, the partnership agreement, this Proclamation and other relevant laws;
3. Without prejudice to the general provisions of sub Articles (1) and (2) of this Article, the manager shall perform the following activities:



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- (a) Monitor the activities of delivering the advocacy service by the firm in general;
- (b) Receive and solve grievances presented by clients and refer it to the appropriate body when he finds it appropriate;
- (c) Prepare the performance report of the firm and report it to the appropriate body;
- (d) Get the firm audited; declare and pay taxes according to law.

#### **50. Decisions of the Law Firm**

1. Unless otherwise provided by the firm's partnership agreement or other applicable laws, there shall be a quorum to conduct the general meeting when at least members who have more than half of the share attend the meeting.
2. Unless the partners of the law firm agreed otherwise, decisions shall be passed when partners who have at least 60% share of the capital of the firm vote in favour.
3. Unless the partners of the law firm agreed otherwise, to amend the Memorandum of Association of the law firm 2/3 (two third) of the partners who attend the meeting shall vote in favour.

#### **51. Tax**

The payment of tax of any law firm or a partner shall be decided according to relevant tax laws of partnership association.

#### **52. Existence and Dissolution**

1. A law firm shall not be dissolved because of the death of partners, when a partner leaves the firm, loss of capacity of a partner or any change that may put the partners in trouble.
2. Notwithstanding the provisions of sub Article 1 of this Article, a law firm may be dissolved in one of the following grounds:
  - (a) When the partners agree to dissolve the law firm;
  - (b) When a court declares the law firm bankrupt;

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(c) When the advocacy licenses of all partners are revoked; or

(d) When the number of partners who have valid advocacy license is reduced to one and it is not possible to increase the number of partners who have valid advocacy license at least to two, within six months.

3. Notwithstanding the provision of sub-article 2(d) of this Article, if the remaining partner presents his request to the Attorney General before the lapse of the six month period and where the Attorney General finds it necessary, it may allow the extension of the six months period by three months.

4. Unless otherwise provided in sub-article 3 of this Article, the partner shall be jointly and severally liable with the Law Firm for obligation of the Law Firm where he continues the operation of the Firm for more than six months after being aware of the fact that the number of partner of the partnership reduced to one.

3. A law firm, when dissolved, shall be cancelled from the register.

4. Provisions related to the dissolution of limited liability partnership provided in the commercial code and other laws, shall apply to govern the dissolution of a law firm.

### **53. Liability of the Law Firm and Partners**

The law firm shall be liable to clients and other third parties for damages caused, in the normal course of service, by advocates and support staff unless the advocates and support staff, contrary to the partnership agreement, committed unacceptable act on the cases at their hand or failed to discharge their respective duties or committed cheating or deliberately caused damages.

### **54. Creditors**

1. Creditors who demand payment from the law firm can exercise their right against any asset of the firm.

2. Creditors who demand payment from the law firm have no right to proceed against the personal properties of the partners of the firm.

### **55. Responsibilities of a Law Firm**

Without prejudice to the provisions of this Proclamation and the provisions of the Commercial Code with regard to limited partnership, a law firm has the following obligations:

1. The obligation to buy and secure professional indemnity insurance in addition to the policies bought by the partners;
2. Keep appropriate books of account;
3. Keep the confidential information of its clients;
4. Get audited by external auditor annually;
5. Respect and observe this Proclamation, other relevant laws and professional code of conducts; and
6. Submit, within 30 days of execution, copies of minutes of amendment of the partnership agreement to the Attorney General.

### **56. Application of Other Laws**

1. The relevant Commercial Code provisions on Limited Liability Partnership shall be applicable regarding conditions of the departure of a partner from the law firm and share of a partner leaving the law firm.
2. Commercial Code of Ethiopia and other relevant laws shall be applicable on a law firm constituted under this Proclamation as long as they do not contradict with the nature of the law firm governed under this Proclamation.

## **Part Five**

### **Advocacy Service Administration**

#### **Section One**

### **The Federal Advocates' Association**

### **57. Establishment**

1. The Federal Advocates' Association, herein after called the "The Association" is hereby established by this Proclamation.

2. The Association has its own legal personality.
3. The Association has all licensed advocates and law firms as its members.
4. Every advocate or law firm shall become member of the Association without any precondition when he/it is issued with the advocacy license.

#### **58. Head Office**

The Head Office of the Association shall be in Addis Ababa and it may open branch offices in different parts of the Country as may be necessary.

#### **59. Calling the first General Meeting**

1. The Attorney General shall call the Association's first general meeting within six months' of entering in to force of this Proclamation.
2. The meeting called pursuant to sub Article 1 of this Article shall nominate the management of the Association.

#### **60. Budget**

1. The main source of income of the Association shall be periodic contributions of its members.
2. Without prejudice to the incomes the Association may derive from other sources, it shall get financial and other supports from the Government until it is self sufficient.

#### **61. The Organizational Structure of the Association**

1. The Association shall have the following administrative organs
  - (a) General Meeting;
  - (b) Executive Committee;
  - (c) President and Vice President;
  - (d) General Secretary; and
  - (e) Other Staff.
3. The Association may, to discharge its activities properly, set up committees or departments under it as may be necessary.

#### **62. Powers and Responsibilities of the Association**

The Association shall have the following powers and responsibilities:

1. Supervise continuing legal training, cause the implementation of the provisions of this Proclamation on continued legal training;
2. Accredite those institutions who offer continuing legal training;
3. Take appropriate measures on those institutions who offer legal training and violate the provisions of this Proclamation and other relevant laws;
4. Issue and implement a directive on the payment of tuition related with continuing legal training;
5. Prepare and present a directive concerning the administration of trust account to the General Meeting; and implement same when it is approved.
6. Cause audit investigation, at any time on any trust account, to monitor and ensure whether a trust account is properly managed;
7. Receive complaints of clients in relation to trust account management, interrogate and investigate any person;
8. Refer cases of mismanagement of trust account to the Attorney General for action before the Discipline Committee;
9. Draft a directive concerning the usage of interest and any income generated from trust account and implement same when it is approved by the General Meeting;
10. Perform other activities, in relation to trust account, given to the Association in other provisions of this Proclamation;
11. Offer trainings or cause to be offered continuing legal training, with the view to create awareness, on the meaning of trust account, accounting, reporting and precautionary measures that have to be taken in relation to trust account.
12. Ensure that the interests of clients are respected and follow up whether advocates' rights, which have implications on ensuring clients' rights as well, have been protected and respected;
13. Contribute to the advancement and development of quality of law education, rule of law and the profession of advocacy service and the Ethiopian legal system as a whole;
14. Make study with regard to advocacy service and submit same to the concerned body;
15. Monitor whether the members of the Association are providing advocacy service in compliance with this Proclamation, other relevant laws and directives.

### **63. Powers and Duties of the General Meeting**

The General Meeting comprises advocates and law firms licensed pursuant to this Proclamation and shall have the following powers and duties:

1. Appoint or remove the President and Vice President of the Association;
2. Approve the Association's strategic and annual plan as well as budget;
3. Determine the amount of membership contribution;
4. Consider and approve the Executive Committee and External Auditors' reports;
5. Decide on issues beneficial to the general interest of its members and accessibility of justice;
6. Appoint external auditors;
7. Ensure that decisions given by other subsidiary organs of the Association are in compliance with public interest and the purposes of the Association.
8. Decide on issues which are not specifically given to other organs of the Association;
9. Appoint Executive committee members;
10. Delegate, when necessary, its powers and authorities, partially, to another organ;
11. Issue the memorandum of Association of the Association, amend and approve same.

### **64. The Executive Committee**

1. The Association shall have an Executive Committee which has the power of execution;
2. The Executive Committee shall have seven members;
3. Members of the Executive Committee shall be appointed by electing from members of the General Meeting.

### **65. Powers and Duties of the Executive Committee**

The Executive Committee shall have the following powers and Duties:

1. Administer the Association;
2. Call the annual General Meeting of the Association;
3. Execute and cause the execution of the decisions of the General Meeting;
4. Perform other tasks assigned to it by the General Meeting;
5. Issues employees administrative manual
6. Determine the salaries and allowances of employees;
7. Control and monitor whether the President and Vice President perform their duties and responsibilities properly.

## **66. Powers and Duties of the President and Vice President**

1. The President shall manage the general business of the Association and is accountable to the General Meeting and the Executive Committee;
2. Without prejudice to the provisions of sub Article 1 of this Article, the President shall have the following powers and duties:
  - (a) On behalf of the Association, concludes contract, sue, defend; appoint an advocate, to represent the Association, who brings an action or defends the Association or defends the interests of the Association in similar matters; appoint the employee of the Association or a third party to represent the Association as may be necessary.
  - (b) Prepare and submit, to the Executive Committee, the annual activity plan, budget, performance and financial reports;
  - (c) Prepare draft directives necessary for the functions of the Association and implement same when approved by the General meeting
  - (d) Hire and administer the employees of the Association based on the Human Resources Manual of the Association;
  - (e) perform the activities of the Association and represent the Association in its relation with third parties in accordance with the directive given to him by the Executive Committee,;
  - (f) Follow up the implementation of the decisions of the General Meeting and the Executive Committee;
  - (g) Perform other tasks assigned to him by the General Meeting and the Executive Committee.
3. The Vice President of the Association:
  - (a) Act on behalf of the President when he is absent or unable to discharge his duties and responsibilities;
  - (b) Perform other tasks assigned to him by the Executive Committee or the President.

## **67. The Secretary General**

1. The Secretary General shall be appointed by the Executive Committee and shall be accountable to the Executive Committee and the President.
2. The Secretary General shall have the following powers and duties:
  - (a) manage and perform the day to day activities of the Association;
  - (b) Ensure that the minutes of the General Meeting and the Executive Committee are properly maintained and kept;

- (c) Prepare the agenda of meeting of the Executive Committee in consultation with the President;
- (d) Without prejudice to the power of the Executive Committee to decide otherwise, jointly with other employees of the Association, open and transact the bank accounts of the Association;
- (e) Ensure that the property administration and the accounting systems of the Association are properly placed and financial documents are kept properly;
- (f) Ensure that the properties and accounts of the Association are kept in a system that is acceptable;
- (g) Perform other tasks assigned to him by the Executive Committee and the President.

**68. Issues to be decided by the Association's by-Laws**

Organization of the management of the General Meeting and the Executive Committee; their responsibility; about the president, vice president and other employees job election and meeting procedures; durations of the Association's different organs and other issues related with powers and duties given to the Association shall be decided by the by-laws.

**Section Two**

**Advocates' Administration Board**

**69. Establishment**

1. The Advocates' Administration Board, herein after called the "The Board" is hereby established by this Proclamation.
2. The Board shall have members comprised of the following bodies:
  - (a) Three members from the Advocates' Association;
  - (b) Two members from the Attorney General;
  - (c) One member from the Federal Supreme Court; and
  - (d) One Head from Addis Ababa University School of law.
3. The term of a Board member shall be three years and no member shall be elected for more than two terms.
4. The chairperson and secretary of the board shall be elected by the members from among members of the board.



## **70. Powers and Duties of the Board**

The Board shall have the following powers and duties:

1. Ensure and monitor the legality of measures taken, and decisions passed, by the Association as well as the legality of directives and other similar documents issued by the Association;
2. Investigate and decide up on grievances raised on the decisions of the Association;
3. Investigate and decide upon grievances raised on the decisions of the Discipline Committee as provided under Article 76(4), Advocacy Profession Entrance Qualification Exam Committee as provided under Article 78 and the Advocacy License evaluation Committee as provided under Article 80(1) of this Proclamation.
4. Cause the production of new evidence, while investigating the grievance, if it is convinced that the production of such evidence would assist justice to prevail;
5. Remand, for one time, issues, facts or evidence which were not duly considered, to the Committees or the Attorney General mentioned under sub Article 3 of this Article for further consideration.
6. Decide, through directives, on the professional indemnity insurance that shall be secured by advocates and law firms; the amount of fee for advocacy service and its computation.

## **71. The Office of the Board and Budget**

1. The Board shall have an office within the office of the Attorney General;
2. The employees of the Board shall be assigned by the Attorney General. The duties and responsibilities of the office shall be determined by a directive to be issued by the Board.
3. The allowance that should be paid to the Board members, while in the performance of their duty, shall be covered by the Attorney General.
4. The particulars of the administration of the budget of the Board and allowance to be paid to its members shall be determined by a directive to be issued by the Attorney General.

## **72. Procedures and Decision of the Board**

1. The Board shall put a system whereby the regular personal responsibilities of its members and their activities as Board members shall not be affected.
2. There shall be a quorum to conduct a meeting when five members attend a meeting.
3. The Board shall pass decisions by a majority vote of members present.

4. The Board, without contradicting the provisions of this Proclamation, may issue a directive that determines its internal procedure to conduct business.

**73. An Appeal from the Decisions of the Board**

A party who has grievance on the decision given by the Board pursuant to sub Articles (2) and (3) of Article 71 of this Proclamation may appeal, within 30 days of knowing the decision, to the Federal High Court.

**74. Subsidiaries of the Board**

The Advocates' Discipline Committee; the Advocacy Profession Entrance Qualification Exam Committee; and Advocacy License Evaluation Committee which are established under this Proclamation, shall be accountable to the Board.

**75. Establishment of Advocates' Discipline Committee and its Organizational Structure**

1. The Advocates' Discipline Committee, herein after called the "Discipline Committee," is hereby established by this Proclamation.
2. The Committee shall have seven members comprised of the following bodies:
  - (a) Two members from the Attorney General;
  - (b) Four members from Advocates' Association; and
  - (c) One member from the Federal Supreme Court.
3. The term of a member shall be two years and no member shall be elected for more than two terms.
4. The Chairperson of the Committee shall be elected by the members from among the Committee members.
5. The Committee shall perform its tasks as follows:
  - (a) May meet at any time as may be necessary;
  - (b) There shall be a quorum to conduct a meeting when more than half of its members are present;
  - (c) Decisions shall be passed by a majority vote. In case of tie, however, the Chairperson shall have a casting vote.
6. Without prejudice to the provisions of sub Article 5 of this Article, the Committee may issue its own procedure of meeting.

## **76. The Powers and Duties of the Advocates' Discipline Committee**

The Committee shall:-

1. Set a system whereby it can monitor and ensure the Advocates' and law firms' performance is in compliance with professional code of conduct;
2. Investigate complaints, for violation of this Proclamation and the code of conduct of advocates, lodged against advocates and law firms and decide whether the advocate or the law firm should be called to defend himself/itself or not.
3. If the Committee decides the advocate or the firm should defend the disciplinary action and evidence brought against him/it, it shall send summons to the advocate or the law firm so that he/it can submit his/its statement of defense, in writing, within 30 days.
4. The Committee shall give its verdict after examination of the disciplinary charge, the evidence, and the defense of the advocate or the firm.
5. Study and present proposals to the Board on the way the competence and standard of conduct of advocates can improve and develop as well as the dignity of the advocacy profession is respected.

## **77. Establishment and Structure of the Advocacy Profession Entrance Qualification Exam Committee**

1. The Advocacy Profession Qualification Exam Committee, herein after called the "Exam Committee" is hereby established by this Proclamation.
2. The Exam Committee shall have six members comprised of the following bodies:
  - (a) Two representatives from the office of the Attorney General;
  - (b) Two members from the Association of advocates;
  - (c) One member from the Federal High Court; and
  - (d) One law instructor from the Law Faculty of Addis Ababa University.
3. The term of a member of the Exam Committee shall be two years and no member shall be elected for more than two terms.
4. The Chairperson of the Exam Committee shall be nominated by the Association of advocates.
5. The meeting of the Exam Committee shall be conducted as follows:
  - (a) The Committee shall hold its meeting at any time as may be necessary;

- (b) There shall be quorum to conduct a meeting where more than half of its members are present; and
- (c) Decisions shall be passed by a majority vote. In case of tie, however, the Chairperson shall have a casting vote.

#### **78. Powers and Duties of the Exam Committee**

The Exam Committee shall have the following powers and duties:

1. In consultation with the Advocacy License Department of the Attorney General, prepare advocacy competence qualification exams and examine applicants, at least twice a year, at a place and time agreed.
2. Evaluate answers to exams, grade and determine the pass mark, and publicize the result.
3. Draft and present to the Board examination procedures and implement when approved.

#### **79. Establishment and Structure of Advocacy License Evaluation Committee**

1. Advocacy License Evaluation Committee, which have powers and duties listed under Article 82, shall be established by the Attorney General.
2. The Committee shall have five members comprised of the following bodies:
  - (a) Two representatives from the office of the Attorney General;
  - (b) Two representatives from the Association of advocates; and
  - (c) One representative from the Federal First Instance Court.
3. The term of a member of this Committee shall be two years and no member shall be elected for more than two terms.
4. The Chairperson of the Committee shall be nominated by the Attorney General from among the members of the Committee.

#### **80. Powers and Duties of Committee**

The committee:-

1. After examination of the applicant's evidence decide, whether the applicant should be issued with the license or the application be rejected;
2. Cause the appearance of any person and hear or cause the production of any evidence to verify that the applicant has a good conduct and meets the requirements of the justice process.

**81. Meeting of the Advocacy License Evaluation Committee**

1. The Committee shall hold its meeting at any time as may be necessary;
2. There shall be quorum to conduct a meeting where more than half of its members are present; and
3. Decisions shall be passed by a majority vote. In case of tie, however, the Chairperson shall have a casting vote.
4. Without prejudice to the provisions of this Article, the Committee may issue its own meeting procedure.

**Section Three**

**About Attorney General**

**82. Powers and Duties of the Attorney General**

The Attorney General shall have the following powers and duties:

1. Issue advocacy license to the person allowed to have advocacy license, by Advocacy License Evaluation Committee;
2. Register advocacy license, law firms, support staff who work with advocates or law firmu7s; and renew advocacy license;
3. Suspend or revoke advocacy license based on the decisions of the advocates' Discipline Committee;
4. Collect advocacy license fee or other payments determined by a Regulation to be issued pursuant to this Proclamation;
5. In consultation with the Board and Association, set standards for the services offered by advocates and law firms;
6. Endeavour to harmonize the system of the administration of advocacy service profession at the Federal and Regional States' level;
7. Investigate complaints for violations disciplinary rules brought against any advocate or law firm and,, bring disciplinary action;
8. Exercise powers and duties entrusted to it by this Proclamation, a Regulation to be issued pursuant to this Proclamation and other relevant law;

9. Delegate the powers and duties entrusted to it by this Proclamation, a Regulation and a directive to be issued for the implementation of this Proclamation, fully or partially, to the Advocates' Association.
10. Cause establishment of different structures and committees to strengthen the Association; create favorable conditions in which the Association establish legal relationship with other organs;
11. Provide necessary support on drafting and ratification of directives needed for the implementation of this proclamation; as well as on drafting and cause ratification of the necessary new laws or laws to be amended, on the advocacy service as a general, that are initiated by the Association, Board or other concerning organs.
12. Provide necessary support to the Association to organize human resource; have starting budget and perform as an organization.

## **Part Six**

### **Disciplinary Violations and Measures**

#### **Section One**

#### **Non Serious Disciplinary Violations and Measures**

#### **83. Non Serious Disciplinary Violations**

The following and similar misconducts provided by the Advocates' Code of Conduct, when committed by an advocate or a law firm, shall be considered as violation of non serious disciplinary rules:

1. Refusal to show his/its advocacy license when requested by a client, a court or a concerned body;
2. Failure to inform his/its client, about the condition and level of the case, when requested; or mistreat his/its client or degrade his dignity;
3. Failure to appear, without good cause, before the court on the date and time the case was adjourned or delay to appear on time or leave, without good cause, sending the client to appear to the court alone; and
4. Failure to pay, repeatedly, expected payment or membership contribution or
5. Failure to renew the advocacy license on time.

#### **84. Measures Against Non Serious Disciplinary violations**

1. The Committee shall give oral warning to an advocate or a law firm who or which violates one of the disciplinary misconducts provided on sub Articles (1) and (2) of Article 83. An advocate or a law firm, who or which had been given oral warning twice, shall be served with a written warning when he or it violates the rules for the third time.
2. An advocate or a law firm who or which violates disciplinary rules provided under Article 83(3) and (4) shall be served with a written warning.
3. An advocate who or a law firm which violates Article 83(5) of this Proclamation shall, as the case may be, fined from birr five thousand to Birr seven thousand.

### **Section Two**

#### **Serious Disciplinary Violations and Measures**

#### **85. Types of Serious Disciplinary Violations**

The following and similar misconducts provided by the Advocates' Code of Conduct, when committed by an advocate or a law firm, shall be considered as violation of serious disciplinary rules:

1. Employ and engage as a law clerk or advocate's assistant, persons mentioned under Article 18(3) of this Proclamation;
2. Failure to declare and get registered advocate's assistant and support staff, employed under him/it, with the licensing body;
3. Prolonging the disposal time of court cases by repeatedly applying, without good cause, for change of adjournments;
4. Rendering advocacy service without having an office;
5. Failure to take properly, for reasons other than those allowed by law, the mandatory continuing professional legal training;
6. Failure to keep the confidentiality of client's information;
7. Refusal to provide pro bono advocacy service when a case is assigned to him/it by the concerned body;
8. Doing advocacy service with the medium of a broker or serving as a broker to other advocates;

9. Failure to make the contract of advocacy service with a client in writing, except provided by article 23(1) of this proclamation;
10. Terminating the contract of advocacy service without good cause or demanding inappropriate and additional service fee other than what is agreed upon on the contract of advocacy service;
11. Providing advocacy service without securing insurance policy or renewing same within the period provided under Article 33 of this Proclamation;
12. Engagement in another permanent job without returning the advocacy service license to the licensing body;
13. Handling, with the knowledge, a case which may potentially cause, or has, conflict of interest;
14. Providing advocacy service for the class which he/it is not licensed for;
15. Failure to, properly, produce to the court the evidences of his client or performing under capacity with the view to make his client's case ineffective;
16. Transfer his/its license to the use of third parties so that third parties can make use of it in any way;
17. Deliberately make his/its pro bono client lose his case or render the case ineffective due to negligence;
18. Committing misconducts in relation to handling of his/its clients trust account in violation of Articles 35 and 36/1/, /4/ and /5/.
19. Rendering his client's case ineffective due to unacceptable and inappropriate relationship with the opponent's advocate or concealing evidence;
20. Handling cases which have clearly no cause of action and receiving fee for such inappropriate service;
21. Obtaining advocacy license fraudulently or using a forged evidence;
22. Being found guilty of and punished by the court for misconducts such as breach of trust, fraud, misrepresentation, forgery, or making use of such documents or for the act of theft.
23. Produce forged evidence or cause to be produced; prepare false witnesses and get them falsely testify; advise the accused or defendant not to appear before the court or cause his disappearance or advising him to do so; conceal or destroy an evidence with a view to denying the opposing party the opportunity to make use of it and distortion of justice; and



24. Rendering advocacy service with a license which is not renewed suspended or revoked.

### **86. Measures Against Serious Disciplinary Violations**

1. An advocate who or a law firm which is proved to have violated sub Articles 3-5 of Article 83 of this Proclamation more than two times a year; or an advocate or a law firm who or which violated one of the disciplinary rules provided under sub Articles 1-7 of Article 85 of this Proclamation, shall be fined from Birr seven thousand five hundred to fifteen thousand.
2. An advocate or a law firm who or which violated one of the disciplinary rules provided under sub Articles 8-13 of Article 85, shall be fined from Birr twenty thousand to thirty thousand.
3. The license of an advocate or certificate of registration of a law firm who or which violated one of the disciplinary rules provided under sub Articles 14-20 of Article 85 of this Proclamation, shall be, as the case may be, suspended up to six months.
4. The license of an advocate or certificate of registration of a law firm who or which violated sub Articles 21- 24 of Article 85 of this Proclamation shall be revoked.
5. The license of an advocate or certificate of registration of a law firm who has been punished twice in five years as provided under sub Articles 1 and 2 of this Article shall be suspended for a period of six months to one year if he or it is found violating another similar serious disciplinary rule.
6. The license of an advocate or certificate of registration of a law firm, who or which has been disciplined twice for disciplinary measures provided under sub Article 3 of this Article, shall be revoked if he or it is found violating another similar serious disciplinary rule.
7. Being punished for violation of disciplinary rules, shall not be a ground for exemption from criminal liability.

### **Section Three**

### **Disciplinary Proceedings, Period of Limitation, Appeal, and Criminal Punishment**

### **87. Disciplinary Proceedings and Period of Limitation**

1. The procedure and how disciplinary proceedings are conducted shall be

governed by a directive to be issued by the Board;

2. Charges brought in violation of non serious disciplinary rules shall be barred if not brought in one year from the date of the commission of the misconduct.

3. Charges brought in violation of serious disciplinary rules shall be barred if not brought in two years from the date of the commission of the misconduct.

#### **88. Appeal**

1. A party who has grievance against the decision of the Discipline Committee may lodge an appeal to the Board within 30 days of receiving the copy of the decision.

2. The proceedings of an appeal shall be governed by the regular appeal procedure.

3. A party who has grievance over the decision of the Board for mistake of law may apply to the Federal High Court within 30 days of receiving the copy of the decision.

#### **89. Criminal Punishment**

An advocate or a law firm who or which has committed criminally punishable act under the provisions of this Proclamation shall be punished by the relevant criminal law.

### **Section Four**

#### **Reinstatement**

#### **90. Procedure of Reinstatement Application**

1. An advocate or a law firm who or which is punishable for serious violation of disciplinary rules as provided under this Proclamation, regulations and directives to be issued there under, shall have the right to apply for reinstatement and his or its name deleted from the register of disciplinary measures.

2. A reinstatement application shall be submitted to the Discipline Committee two years after the completion the disciplinary measure.

#### **91. Procedure of Reinstatement**

1. The advocate or a law firm seeking a reinstatement shall submit his/its application to the Discipline Committee;

2. The Discipline Committee, if it finds it necessary, shall refer the application to the Attorney General or other concerned body for its opinion on the application; and

3. The Discipline Committee may strike the disciplinary measure record from the Register after, physically interrogating the applicant and receiving the opinion of the Attorney General or the concerned body and due examination of the case.

**92. Effects of Reinstatement**

1. The record of the discipline measure taken against the applicant Advocate or law firm shall be removed from the register;
2. The record shall not be mentioned in any kind of decision; if his/its advocacy license was revoked, it shall be returned, on condition of taking the professional competency exam given to his class of license and satisfies the requirements of this Proclamation.
3. Notwithstanding the provisions of sub Article 2 of this Article, any advocate or a law firm whose license was revoked for violation of serious disciplinary rules provided under sub Articles 21-24 of Article 85; or one who is punished for violation of the criminal law for similar acts; or one who is punished for violation of the anti- corruption law related with the advocacy service he renders; or one who is found guilty and punished for intentional crimes punishable by ten years or more rigorous imprisonment shall not get back his license and engage in advocacy service thereafter.

**93. Orders of the Discipline Committee**

When the Discipline Committee decides on the reinstatement of an advocate or a law firm, it may order the reinstated advocate or law firm, for a specified period, to render free public service and pro bono advocacy service.

**94. Applicability**

The provisions of this Proclamation related with reinstatement shall also apply to advocates who had been punished before the coming in to force of this Proclamation.

**95. Reinstatement and Non Serious Disciplinary violations**

The record of an advocate or a law firm, who was punished for violation of non-serious disciplinary rules shall be removed or cancelled from the register after one year without the need for him or it to lodge an application for reinstatement.

## **Section Seven**

### **Miscellaneous Provisions**

#### **96. Equivalence Evaluation**

Anyone who has got first degree in law from a recognized foreign higher education and is applying for grant of advocacy license shall bring Equivalence Evaluation of his degree from a concerned organ.

#### **97. Power to issue Regulations and Directives**

1. The Council of Ministers may issue Regulations for the implementation of this Proclamation.
2. The Attorney General, the Board, and the Association may issue Directives to exercise the powers and duties assigned to each of them in this Proclamation.

#### **98. Transitory Provisions**

1. The Board and Association overtake within two years the power and duties provided to them as per this proclamation.
2. The Attorney General shall continue to manage the business of licensing and administration of the advocacy service until the Board and the Association, pursuant to this Proclamation, overtake their responsibility.
3. The Accountability of both or one of the Advocacy Profession Entrance Qualification Exam Committee and Advocates Discipline Committee that are provided in article 74 of this proclamation shall be transferred to the association within five years, when the Board decides the Association is capable of receiving these duties. The Attorney General follows up whether the Association performs these duties properly; takes or make other concerning organ to take appropriate measure.
4. The Board may decide and transfer at any time the accountability of the Advocacy License Evaluation Committee provided in article 74 of this proclamation to the Association, when the Association is capable of performing the duties.
5. When the Attorney General confirms the Association is organized and capable of receiving duties, it may transfer by enacting directives, the whole or some of duties provided under article 82(1)-(4) and (6) of this proclamation. After transferring these duties, Attorney General shall follow-up and audit whether these duties properly

performed; as well as take or make other concerning organ to take appropriate measure.

6. Cases pending before the coming into force of this proclamation shall be decided in accordance with the then valid laws.

**99. Repealed and Inapplicable Laws**

1. The Federal Courts Advocates Licensing and Registration Proclamation No.199/2000 is hereby repealed.
2. Any proclamation, regulation, directive, or practice which is inconsistent with this Proclamation shall not be applicable on matters covered under this Proclamation.

**100. Laws whose Applicability shall Continue**

1. Regulations and Directives which were issued based on The Federal Courts' Advocates Licensing and Registration Proclamation No.199/2000 shall continue to apply as long as they are not inconsistent with this Proclamation and replaced by other Regulations and Directives.
2. The provisions of Regulations and Directives cited under sub Article 1 of this Article, until they are amended or replaced, shall, as the case may be, be applicable on law firms.

**101. Effective Date of this Proclamation**

This Proclamation shall enter in to force on the date of publication in the Federal Negarit Gazette.

**Done at Addis Ababa on this ..... day 2021**

**Sahlework Zewde**

**President of the Federal Democratic Republic of Ethiopia**