PROCLAMATION NO. 199/2000
A PROCLAMATION TO PROVIDE FOR THE LICENSING AND REGISTRATION OF ADVOCATES PRACTICING BEFORE FEDERAL COURTS

WHEREAS, advocacy is a profession wherein a person trained and experienced in law, fully aware of judicial proceedings and dictated by the spirit of loyalty, sincerity and genuineness and works in cooperation with the judicial organs for the rule of law and prevalence of justice;

WHEREAS, it is deemed essential to regulate, exhaustively, the licensing and registration of advocates practicing before federal courts;

WHEREAS, it has become necessary to upgrade the criteria required for practicing advocacy with a view of harmonizing the professional competence of advocates with the services they render;

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 may be cited as the ‘Federal Courts Advocates’ Licensing and Registration Proclamation No. 199/2000.”

2. Definitions
In this Proclamation, unless the context requires otherwise:
1) ‘Court’ means federal courts and quasi-judicial organs;
PART TWO

Licensing and Registration of Advocates

3. Requirement of License

1) Any Ethiopian who wishes to render advocacy services shall hold a license.

2) Notwithstanding the provisions of Sub-Article (1) of this Article the following persons may render advocacy services without a license:

(a) a person who pleads his own case;
(b) a person who pleads, without payment the causes of his/her spouse, parents, children, grandparents, sisters, brothers or of a person to whom he is a tutor or guardian;
(c) a federal prosecutor pleading in his official capacity;
(d) a head or a shareholder or a partner of a private organization or company who pleads the cause of the organization or company holding a power of attorney to represent such organization or company in court;
(e) an official of a public body or a public enterprise or a person designated by him who pleads the actions of such public body or public enterprise;
(f) any trade union leader or a person designated by the union.

Federal Negarit Gazeta — No.27 9th March, 2000—Page 1265
Federal Negarit Gazette — No.27 9th March, 2000 — Page 1266

4. Application for License
1) An application for advocacy license shall be made in a form designed for such purpose by the Ministry.
2) The applicant shall submit the following documents together with his application:
   (a) credentials;
   (b) a letter from his former employer regarding the applicant's conduct or performance;
   (c) evidence showing that the applicant has passed the entry examination set forth for the license he applies for as deemed necessary;
   (d) evidence showing that the applicant has paid the required fee;
   (f) such other information required by the Ministry.
3) A certificate produced in accordance with Sub-Article 1(c) of this Article shall be valid only where it is produced within one year as of the date of knowledge of passing the exam.

5. Issuance of License
1) where the Ministry finds that the application made for a license is in full compliance with the provisions of Article 4 of this Proclamation, it shall render its decision within a period of not more than thirty days.
2) The license shall include the following particulars:
   (a) the name and nationality of the advocate;
   (b) addresses of the advocate’s residence and place of business;
   (c) type of the license; and
   (d) name and signature of the issuing officer.
3) A license may not be issued to a person who has another permanent job.

6. Renewal of License
1) A license shall be renewed annually.
2) An application for renewal of a license shall be submitted one month before the expiry of the one year period for which it is issued.
3) An applicant shall pay the renewal fee determined by a regulation to be issued in accordance with this Proclamation.

7. Types of License
There shall be the following three types of license to be issued by the Ministry:
   (a) a federal first instance court advocacy license;
   (b) federal courts advocacy license; and
   (c) a federal court special advocacy license.

8. A Federal First Instance Court Advocacy License
Any Ethiopian who fulfills the requirements specified hereunder shall be issued with a federal first instance court advocacy license:
1) where he has a diploma in law from a legally recognized educational institution, knows the basic laws of Ethiopia and has a minimum of five years relevant experience; or has a degree in law, knows the basic laws of Ethiopia and has a minimum of two years relevant experience;
2) whose code of conduct is suitable for assisting in the proper administration of justice;
3) who has passed the advocacy entrance examination set for the license applied for;
4) who is not convicted and sentenced in an offense showing an improper conduct; and
5) who provides a document showing that he has entered a professional indemnity insurance policy.

9. Federal Courts Advocacy License

Any Ethiopian who fulfills the requirements specified hereunder shall be issued with advocacy license of Federal Courts of all levels:

1) where he has a degree in law from a legally recognized educational institution, knows the basic laws of Ethiopia and has a minimum of five years relevant experience;
2) whose code of conduct is suitable for assisting in the proper administration of justice;
3) who has passed the advocacy entrance examination set for the license applied for;
4) who is not convicted and sentenced in an offense showing an improper conduct;
5) who provides documents showing that he has entered a professional Indemnity Insurance Policy.

10. Federal Court Special Advocacy License

1) Any Ethiopian who defends the general interests and rights of the society and who fulfills the requirements specified hereunder shall be issued with a federal court special advocacy license:

(a) where he has a degree in law from a legally recognized educational institution which knows the basic laws of Ethiopia and has a minimum of five years relevant experience;
(b) who may not receive any kind of reward from a section of a society;
(c) whose character is suitable for shouldering such responsibility;
(d) who is not convicted and sentenced in an offense showing an improper conduct.

2) Any person who has an advocacy license and meets the requirements specified in the provisions of sub-Article(1) of this Article may render advocacy services without a special advocacy license. However, he shall notify the Ministry before rendering such a service.

3) The Ministry shall issue detailed directives relating to the issuance of special advocacy license, the type and quality of services to be rendered through the license, and code of conduct of the license holders.

11. Sitting for Advocacy Entrance Examination

1) Any Ethiopian who fulfills the requirements of Articles 8 and 9 of this proclamation and wishes to obtain an advocacy license shall, take the advocacy entrance examination having paid the registration fee for same.

2) Any person who has taught law in Ethiopian higher educational institutions at least as an assistant professor or has served, holding a degree in law, at least for five years as a judge or public prosecutor in a federal high court or above, or as a legal consultant and attorney in known government organs and public enterprises may not be required to take an examination, where he applies for a license within a period of one year from the termination of his employment.
I. Retuming a License

1) Any advocate of a Federal Court or a law firm shall enter into professional indemnity insurance. The amount of insurance to be entered into and other particulars shall be determined by Regulations to be issued by the Council of Ministers.

2) Entrance into professional indemnity insurance specified, as a requirement, under Articles 8(5) and 9(5) of this proclamation shall not be applicable until the Council of Ministers issues the Regulations pursuant to sub-Article (1) of this Article.

II. Taking an Oath

Any advocate shall take in writing the following oath:

I...........when taking this license from the Ministry this...day of....19..., promise that I will, with honesty and good faith defend the causes of my clients in accordance with the law, work with understanding with my opponents and colleagues, and give due respect to courts and be helpful for/to the rule of law.

III. Returning a License

1) Any advocate shall return his license to the Ministry temporarily or permanently, as the case may be, where he is mainly engaged in an activity out side his profession or is not in a position to render his services on any other ground.

2) An advocate who has returned his license in accordance with Sub-Article (1) of this Article may, re-take same upon termination or removal of the cause which compelled him to return his license, provided that he has not committed any fault which would make him liable for breach of discipline.

15. Suspension or Revocation of License

1) A license may be suspended or revoked, as the case may be, where an advocate violates this Proclamation or regulations and directives issued in accordance with this Proclamation, or Advocates’ Ethical Regulations.

2) Without prejudice to the generality of Sub-Article (1) of this Article the Ministry may revoke a license on one of the following grounds:

(a) where the license is obtained with fraud/deceit or by producing falsified document or information;

(b) where the advocate is charged with an offense showing his incompetence to continue practicing and found guilty thereof;

(c) where the advocate is found practicing in a court for which he is not licensed;

(d) where it is ascertained that he is found practicing by any sort of deceitful activity or in a gross transgression of Advocates’ Ethical Regulation;

(e) where he is found practicing advocacy while suspended;

Federal Negarit Gazeta — No.27 9th March, 2000—Page 1268
3) The Register shall be open to the public.

17. Registration of persons working with the Advocate

1) Any advocate or a law firm shall notify in writing to an official assigned, by the Ministry, for registration of the names and responsibilities of secretaries, typists, and other employees working under his supervision.

2) Any advocate may not, without a prior consent of the Minister or an official designated by him, employ the following persons as assistant advocate or a law clerk:

(a) a person whose name is removed from the Register;
(b) a person suspended from practicing advocacy;
(c) a person dismissed from office due to disciplinary infringement;
(d) a person charged for and convicted in an offense of improper conduct; or
(e) a public servant.

3) Without prejudice to the provisions of Sub-Article (2) of this Article, a person who has no legal education, training or experience may not be employed as a law clerk.

18. Registration and Licensing of Law Firms

1) Any two or more advocates who wish to form a law firm may apply in writing to the Ministry.

2) The nature of the firm shall be a non-business organization, the liability of which is unlimited.

3) The Ministry or an official designated by it shall, after examining the memorandum of association of the firm, enter its name in the registry and issue a license where it believes that the formation of the firm:

(a) does not breach the advocates’ code of conduct;
(b) is not prejudicial to the interests of its clients or to third parties.
19. Powers and Duties of the Ministry

The Ministry shall:

1) register advocates, issue, renew, suspend or revoke licenses;
2) charge fees, determined by the regulations to be issued in accordance with this Proclamation for the service it renders.

20. License Evaluating Committee

1) There shall be a License Evaluating Committee (hereinafter referred to as "the Committee") composed of the following members:
   a) two representatives of the Ministry;
   b) two representatives of the Advocates’ Association;
   c) a representative of the federal courts.

2) The term of office of a member of the Committee shall be two years and the chairperson of the committee shall be designated by the Minister from among the members.

21. Powers and Duties of the Committee

The Committee:

1) shall submit, after examining the supporting documents produced by the applicant, a recommendation to the Minister as to whether the applicant shall be issued with a license or not;
2) may cause the production of any witness or evidence and examine same with a view to ascertaining the suitability of the advocate’s character in assisting the administration of justice.

22. Meetings of the Committee

1) The Committee shall conduct its meetings as frequently as may be required; 2) There shall be a quorum where more than half of the members are present; 3) Decisions of the committee shall be passed by a majority vote of members present at a meeting. In case of a tie, however, the chairperson shall have a casting vote.

4) Without prejudice to the provisions of this Article the Committee may draw up its own rules of procedure.

23. Advocates’ Disciplinary Council

1) There shall be Advocates’ Disciplinary Council (hereinafter referred to as "the Council") composed of the following members:
   a) two representatives of the Ministry;
   b) two representatives of the Advocates’ Association;
   c) a representative of the federal courts.

2) The term of office of a member of the Council shall be two years and the chairperson of the council shall be designated by the Minister from among the members thereof.

24. Powers and Duties of the Council

The Council:

1) shall, investigate a charge brought against an advocate violating the provisions of this Proclamation or the Advocates’ Code of Conduct or directives issued in accordance with this Proclamation;
2) shall, where it ascertains that there is adequate evidence to entertain the charge, send the charge to the advocate notifying him in the summons to appear with his reply within 30 days.
1) The council shall conduct meetings as frequently as required;

2) There shall be a quorum where more than half of the members are present.

3) Decisions of the Council shall be passed by a majority vote of members present at a meeting. In case of a tie, however, the chairperson shall have a casting vote.

4) Without prejudice to the provisions of this Article the council may draw up its own rules of procedure.

25. Meetings of the Council

1) The council shall conduct meetings as frequently as required;

2) There shall be a quorum where more than half of the members are present.

3) Decisions of the Council shall be passed by a majority vote of members present at a meeting. In case of a tie, however, the chairperson shall have a casting vote.

4) Without prejudice to the provisions of this Article the council may draw up its own rules of procedure.

26. Powers of the Minister

1) The Minister shall, after considering the recommendations submitted to him by the Committee or the Council in accordance with Sub-Article (1) of Article 21 and Sub-Article 3 of Article 24 respectively, decide as appropriate.

2) He may for once, direct the recommendation for reconsideration by the Committee or the Council where he is of opinion that certain facts or evidences have not been considered by same.

3) shall submit, after examining the charge brought and evidence produced against the advocate and the advocate's reply and evidence thereto, the following recommendations to the Minister:

(a) acquittal of the advocate, by dismissing the charge, where the charge is improper or is not supported by evidences;

(b) where the charge is proper and supported by evidence according to the gravity of the offense:

1) a written warning to be given to him;

2) to suspend him for a period of not more than five years;

3) to impose a fine not exceeding birr 10,000;

4) to revoke his license and cause the removal of his name from the Register;

5) to give such other appropriate decisions.

4) may temporarily suspend the license until such time that an appropriate decision is given as per Sub-Article (3) of this Article;

5) may examine, where demed necessary, the antecedents and personal file of the advocate or any other similar evidences in determining the magnitude of the penalty to be imposed;

6) shall cause the recording of any decision approved by the Minister given as per Sub-Article (3) (b) of this Article into the personal file of the advocate;

7) shall undertake studies and submit recommendations to the Ministry on ways of enhancing and the observance of professional conduct;

8) shall submit to the Minister a recommendation regarding the final decision on any charge within a period not exceeding six months. Where there are sufficient grounds for failing to dispose of the case within such time, the council may request the Minister in writing for an additional time not exceeding three months stating the reasons therein.

26. Powers of the Minister

1) The Minister shall, after considering the recommendations submitted to him by the Committee or the Council in accordance with Sub-Article (1) of Article 21 and Sub-Article 3 of Article 24 respectively, decide as appropriate.

2) He may for once, direct the recommendation for reconsideration by the Committee or the Council where he is of opinion that certain facts or evidences have not been considered by same.
27. Advocacy Entrance Exam Setting and Competence Certifying Board

1) There shall be an Advocacy entrance Exam Setting and Competence Certifying Board (hereinafter referred to as “the Board”) composed of the following members:
   (a) two representatives of the Ministry;
   (b) a representative of Advocates’ Association;
   (c) a representative of the federal courts;
   (d) a representative of Faculties of Law; and
   (e) two other members nominated by the Minister.

2) The term of office of a member shall be two years and the chairman of the Board shall be nominated by the Minister.

28. Powers and Duties of the Board

The Board shall:
1) in consultation with the Minister or an official delegated by him, prepare and give advocacy entrance exams to applicants at fixed place and time;
2) mark exam papers, determine the pass-mark and publicize the result after submitting same for approval to the Minister or an official delegated by him;
3) issue and submit to the Minister its own rules of procedure and implement same upon approval.

29. Appeal Against the Decision of the Minister

1) The person who is aggrieved by the decision of the Minister may, where the decision has an error of law, appeal to the Federal High Court within thirty days from receipt of such a decision.

2) The court shall decide on the question of law, without going into the merit, and shall return same to the Minister.

3) If the decision of the Minister has an error of law, the Minister shall review the case on the basis of the decision of the court.

PART FOUR
Miscellaneous Provisions

30. Duties of the Advocate

Any advocate shall have the duty to:
1) observe this Proclamation, and Regulations and directives to be issued in accordance with this Proclamation and orders and decisions given thereof.
2) give a receipt in respect of any consideration he receives from his client;
3) have an insurance policy, in accordance with Sub-Article (1) of Article 12 with a view to redressing any civil injury or harm to be incurred by his clients, due to his professional default.
4) pay the fees required, in obtaining, renewing and replacing a license, by the Regulations to be issued in accordance with this Proclamation.

31. Penalties

Unless the provisions of the Penal code provide a more severe penalty, any person who renders or attempts to render advocacy services without having obtained a license or renewing his license in accordance with this Proclamation shall be punished with a fine not less than 2,000 birr and not exceeding 10,000 birr or imprisonment not less than 6 months and not exceeding 2 years.
32. **Power to Issue Regulations**

The Council of Ministers may issue Regulations necessary for the proper implementation of this Proclamation.

33. **Power to Issue Directives**

The Minister may issue directives necessary for the proper implementation of this Proclamation.

34. **Transitory Provisions**

1) Without prejudice to Article 11 of this Proclamation, an advocate of Federal Courts who fulfills the following conditions shall be deemed to have been issued with federal courts advocacy license in accordance with this Proclamation, where he is:
   - a holder of a degree in law;
   - a holder of a diploma in law and has served for a minimum of ten years as an advocate or whose experience as a judge, public prosecutor or as an attorney in any court, adds up to not less than ten years;

2) Without prejudice to Article 11 of this Proclamation, an advocate of a Federal First Instance Court who fulfills the following conditions shall be deemed to have been issued with a federal first instance court advocacy license in accordance with this Proclamation where he:
   - is a holder of a diploma in law;
   - has a certificate in law and has served for a minimum of five years as an advocate or whose experience as a judge, public prosecutor, or as an attorney in any court, adds up to not less than five years;
   - has served, without a certificate, for a minimum of ten years as an advocate or whose experience as a judge, a public prosecutor, or as an attorney in any court, is not less than ten years and has passed the examination set by the Ministry.

35. **Repealed and Inapplicable Laws**

1) Courts (Registration of Advocates) Rules. (Legal Notice No. 166/1952) is hereby repealed.

2) Any law inconsistent with the provisions of this Proclamation may not apply to matters covered under this Proclamation.

36. **Effective Date**

This Proclamation shall enter into force as of the 9th day of March, 2000.

Done at Addis Ababa, this 9th day of March, 2000.

NEGASO GIDADA (DR.)

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA