

Key Changes Included on the Federal Advocacy Service Licensing and Administration Proclamation

Description

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Introduction

This legal update reviews the key provisions included in the Federal Advocacy Service Licensing and Administration Proclamation No 1249/2021 which comes into effect on 5th August 2021. The new Proclamation on Federal Advocacy Service has introduced many changes. A brief look on those changes will be discussed here below.

Recognition to the Establishment of Legal Firm

Among the changes introduced by the new Proclamation on Federal Advocacy Service is recognition for the establishment of law firms. Law firms will be established in the form of limited partnership. This is indicated under Article 37 and following of the Proclamation. The Proclamation provides for the requirement and procedures of formation, scope, administration, duties as well as rights of law firms. As per Article 8 of the Proclamation, foreign national advocates and law firms are allowed to provide advocacy service in partnership with an advocate or law firm licensed in Ethiopia on cases that involve the law of the country that issued the foreign advocacy license.

The Power to Issue Advocacy License

Some changes are made on the issuance of advocacy licenses. According to Article 9 of the Proclamation, an advocacy license shall be issued by the Attorney General (now the Ministry of Justice) according to the decision of the Advocacy License Evaluation Committee. The Advocacy License Evaluation Committee will decide on an application within 30 days from the submission of a complete application. If the application is rejected, the Attorney General will notify the applicant in writing the grounds for rejection within 10 working days of knowing the decision of the Committee.

Types of Advocacy License

Article 11 of the Proclamation provides for the Federal Special Advocacy License in addition to the Federal First Instance Court Advocacy License and All Federal Courts Advocacy License. The Federal Special Advocacy License will be granted to a person or organization, law schools of higher education institutions, and teachers who will provide a free legal aid service upon fulfillment of requirements specified under Article 14 of the Proclamation.

The Proclamation also increased the minimum years of experience requirement for having a Federal First Instance Court Advocacy License from two to three years under Article 12(1).

Law school instructors will be able to be granted an advocacy license without having to resign from their teaching post as per Article 15 of the Proclamation.

Any grievances relating to the issuance of license will not be directly taken to the regular court. They will be appeal-able to the Advocates' Administration Board according to Article 70(3). An appeal from the decision of the Board will be taken to the High Court within 30 days knowing the decision of the Board according to Article 73.

Advocacy Service Administration

The Federal Advocates Association will take part in the administration of advocacy service together with the Attorney General and the Advocate's Administration Board. According to Article 57(3&4) it is mandatory for every advocate or law firm to become members of the Federal Advocates Association. Advocates Discipline Committee, Advocacy Profession Entrance Qualification Exam Committee, Advocacy License Evaluation Committee are also established under Article 75 and following respectively with their powers and duties.

The new Advocate Service Proclamation also provides mechanisms for reinstatement application under Article 90 and the following articles for an advocate or law firm who or which is punished for serious violation and disciplinary rules.

Continuous Legal Training

The Proclamation provides an obligation on any advocate to take legal training. The aim of the legal training as stated in Article 25 is to enable advocates acquire up-to-date knowledge and excellence to discharge their responsibilities. Accredited training institutions shall conduct the training.

Professional Indemnity Insurance

Every advocate or law firm is obliged to obtain an indemnity insurance policy for damage he or the law firm may cause on his or law firm's client due to failure to discharge duty properly. Not only on advocates but also direct duty is imposed on insurance companies that issued insurance policies to advocates or law firms to report immediately the termination of the insurance policy or a situation arises that prohibits the performance of the insurance policy.

Conclusion

The Federal Advocacy Service Licensing and Administration Proclamation has introduced key changes in the licencing and administration of the legal profession. The changes as stated above modernize the profession and contribute to the legal discourse in a positive way.

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