

The Federal Courts' Electronic Filing and Electronic Litigation Rules

(Draft v.1)

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**Directive No./2013: A Directive to Provide the Federal Courts’ Electronic
Filing and Litigation Rules**

Whereas electronic filing and litigation saves costs for all parties involved in court cases and the courts due to elimination of costs of paper, duplication, movement, handling, and storage,

Whereas electronic filing and litigation creates opportunity for easier tracking and management of case files,

Whereas electronic filing and litigation creates opportunity for courts to get virtually instant access to filed documents which provides opportunity not only for acceptance or rejection of the filed documents by the Registrar or Judge relatively quickly but also for providing instant access to accepted documents to all parties,

Whereas electronic filing and litigation creates opportunity for advocates and parties to file their documents and participate in litigation processes that can be conducted through electronic means from anywhere without a need to physically go to the court house, as long as the advocate is registered in and provided access to the court’s electronic filing and litigation system,

Whereas faster filing of documents and processing of cases in courts due to electronic filing and litigation creates opportunity for faster resolution of cases,

Now therefore, pursuant to the Federal Courts Proclamation No. 25/1996, Article 38 (as amended in Federal Courts Proclamation Re-amendment Proclamation No.454/2005 Article 2(4)) the Federal Supreme Court of the Federal Democratic Republic of Ethiopia (FDRE) hereby issues this Electronic Filing (e-filing) and Litigation (e-litigation) Rules.

1. General:

This rule may be cited as “the Federal Courts’ Electronic Filing and Litigation Rules, Directive No./2013”.

2. Definition:

Advocate	“Advocate” is a licensed lawyer, law firm, or prosecutor who legally represents another person's or government interests in court proceedings held in the Federal Courts.
Advocate General	“Advocate General” is the Attorney General Office of the Federal Government of Ethiopia.
Authorized User	“Authorized User” means a person who is designated as an authorized user by registered user.
Certificate Provider	“Certificate Provider” means a legal person duly authorized or recognized to issue certificate and related service stipulated under Article 22 of the Electronic Signature Proclamation No.1072/2018.
Digital Signature	“Digital Signature” means an electronic signature that uses asymmetric cryptosystem and meets the following requirements: a) it is uniquely linked to the signatory; b) it is capable of identifying the signatory; c) it is created using a private key that the signatory has sole control; and d) it is linked to the electronic message to which it relates in such a manner that any subsequent change of the electronic message or the signature is detectable. This definition is provided by the Electronic Signature Proclamation No.1072/2018.

**Electronic Filing and
Litigation System or eFLS**

“Electronic Filing and Litigation System” or “eFLS” is the system deployed in the Federal Courts, by the order of the Chief Justice, for provision of electronic filing and litigation services.

eFLS Portal

“eFLS Portal” is the Federal Courts’ web portal that offers a broad range of commonly accessed services used for Electronic Filing and Litigation.

Electronic Filing or e-Filing

“Electronic Filing” or “eFiling” is electronically submitting any pleading, petition, application, request, annex, summon, order, decision, judgment, or any other documents on order of the court, into the court system.

**Electronic Litigation or
“e-Litigation”**

“Electronic Litigation” or “eLitigation” is supporting the litigation processes in courts through information systems that encompass the entire court processes, starting from filing of electronic Court documents and payment of court fees through the process of scheduling of hearings, monitoring case status, disposition, and managing post-disposition court works until completion of judgment execution of and case close.

Party or Parties

“Party” or “Parties” refer to the Plaintiff, Defendant, Appellant, Respondent, Applicant, Decree Holder, or Judgment Holder in civil cases and Accused, Prosecutor, Appellant, Respondent, or Convicted in criminal cases.

Registered User

“Registered User” means an advocate who is designated as registered user by the Federal Supreme Court, following the

fulfillment of requirements in this Directive and its related policy and procedure.

Sealed Record

“Sealed Record” is a record which is sealed to prevent public access to its contents.

3. Establishment and Operation of an Electronic Filing System:

- 3.1. The Federal Courts shall establish and operate an Electronic Filing and Litigation System (eFLS).
- 3.2. Documents whether originating in paper or digital form, which are submitted electronically to the Federal Courts or maintained electronically by the Federal Courts through eFLS shall have the same force and effect as documents maintained by the Federal Courts in paper form.
- 3.3. The eFLS portal shall enable a party to file a document online to commence proceedings or, in the case of ongoing proceedings available on the eFLS portal, to file a document or have access to the case file at any time during or outside normal Court business hours including weekends, public holidays and during the Federal Courts’ vacation.
- 3.4. A document submitted through the eFLS portal to the respective Federal Courts’ Registry, after acceptance by the Registrar, shall be used in electronic litigation.

4. Service by electronic means:

- 4.1. A party may serve a document by electronic means on the Court by filing the document through the eFLS portal.
- 4.2. The Federal Courts may, by electronic means, serve a notice, order, judgment, or other document through the eFLS portal.

5. Proof of service by electronic means:

An electronic confirmation of delivery sent to the respective authorized user (the filer) serves as proof of service of a document which has been served by electronic means.

6. Certificate Provider:

As per the Electronic Signature Proclamation No.1072/2018, the Federal Supreme Court shall become certificate provider to issue digital certificate and provide encryption and time stamp services to Judges, Registrars, Advocates (law firms and prosecutors), Police, and Prison Officers that put their digital signature on electronic records used in the eFLS operated by the Federal Courts.

7. Electronic Signature:

- 7.1. An electronic signature shall have the same force and effect as an original handwritten signature.
- 7.2. After submission to the eFLS, an electronically signed document shall not be deleted or altered in any manner without order of the Court for good cause.

8. Registration of Electronic Filers:

- 8.1. To get permission for submitting documents through the Federal Courts' electronic filing and litigation system (eFLS) any advocate must apply to the Federal Supreme Court in accordance with the policies and procedures as may be set out by the Court and be admitted as a registered user.
- 8.2. To be admitted as registered user of eFLS any advocate must apply to the Chief Registrar of the Federal Supreme Court in accordance with the policies and procedures as may be set out by the Federal Supreme Court for the use of the system.
- 8.3. For applicants that fulfill all the requirements set in its policies and procedures the Federal Supreme Court shall issue eFLS Registration Permit.
- 8.4. To continue using the service, the eFLS Registration Permit shall be annually renewed by the registered user, in accordance with the policies and procedures as may be set out by the Federal Supreme Court.

- 8.5. Any advocate which is a registered user may designate one or more of its partners or employees to become authorized user(s) of the eFLS.
- 8.6. Any authorized user shall access eFLS , only as long as its respective registered user has active permit to use eFLS.
- 8.7. Before using the eFLS, the registered user shall:
 - 8.7.1. enter into an agreement with the Federal Supreme Court for the use of the electronic filing and litigation service; and
 - 8.7.2. makes payment of the applicable fees prescribed in these Rules, in accordance with the policies and procedures as may be set out by the Federal Supreme Court.

9. Registration Fee:

- 9.1. Fee shall be payable to the Federal Supreme Court by each registered user.
- 9.2. The type and the amount of fee that registered users will be charged shall be set in accordance with the policies and procedures as may be set out by the Federal Supreme Court for the use of eFLS.
- 9.3. The Attorney General Office, the Public Defense Office, and pro bono advocate service providers that are licensed by the concerned government office(s) are exempt from all fees referred to under this Directive.

10. Electronic Filing Initial Commencement Dates:

- 10.1. Beginning from <DATE> filings for any Civil case in the Federal Courts whose party is represented by advocate, except documents of cases to be heard in camera and sealed records, can be submitted through the Federal Courts operated electronic filing and litigation system (eFLS).
- 10.2. Beginning from <DATE> filings for any Criminal case in the Federal Courts except documents of cases to be heard in camera and sealed records, can be submitted through the Federal Courts operated electronic filing system (eFLS).

11. Mandatory Electronic Filing:

- 11.1. Unless the Federal Supreme Court grants permission for an excuse, effective from <DATE>, it will be mandatory for all advocates representing a party in a matter before the Federal Courts to file any pleading, petition, application, request, annex, or any other documents on order of the court based on the Civil and Criminal Procedure codes, electronically through the Federal Courts' electronic filing system (eFLS).
- 11.2. All documents to be filed with, served on, delivered or otherwise conveyed to the Federal Courts in all Civil and Criminal proceedings, subject to the exceptions as per clause 10.1 and 16, must be so filed, served, delivered or otherwise conveyed using eFLS.

12. Procedure for Electronic Filing:

The procedure for electronic filing through the Federal Courts' operated electronic filing system (eFLS) shall be governed by the Federal Courts' eFiling Policy and Procedure to be established by the Federal Supreme Court.

13. Time for Beginning the Service of Electronically Filed Document:

Where a document is filed to the Federal Courts through eFLS, the time for service of that document shall only begin to run from the date that the respective Registrar of the Federal Court sends notification of acceptance of the document to the authorized user through his/her page on eFLS.

14. Payment Method:

Payment of fees, other types of payments, and deposits to courts in relation to eFLS shall be made using electronic payment method, which shall be prescribed by and governed through policy and/or procedure to be issued by the Federal Supreme Court.

15. Affidavits Filed through Electronic Filing:

- 15.1. Affidavits which are filed in Court using the eFLS may be used in all proceedings to the same extent and for the same purposes as paper affidavits filed in Court.

15.2. Where an affidavit is to be filed in Court using the eFLS, it shall comply with the requirements set in accordance with the policies and procedures as may be set out by the Federal Supreme Court for the use of eFLS .

16. Exemption from Electronic Filing:

In its circulars, to be issued from time to time, the Federal Supreme Court shall provide list of parties or party types and cases or case types which will be exempted from electronic filing.

17. Submission of Paper Copies of Electronically Filed Documents:

In its circulars, to be issued from time to time, the Federal Supreme Court shall provide list of case and case types which will be required to submit paper copies of electronically filed documents.

18. Enforcement Date:

This Directive shall be enforced starting from, 2013 E.C., on all cases filed in the Federal Courts.

19. Change of Directive:

When and where needed, this Directive can be changed or updated by the Federal Supreme Court.

20. Effective Date:

This Directive shall be effective from the, 2013 E.C.

**The Federal Supreme Court of
the Federal Democratic Republic of Ethiopia**

The Federal Courts' Electronic Filing and Litigation Policies and Procedures

(Draft)

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1. General:

This document entitled “The Federal Courts’ Electronic Filing and Litigation Policies and Procedures” is prepared to guide the implementation of the Rules provided in the Federal Courts’ Electronic Filing and Litigation Rules, Directive No./2013.

2. Web links to the Federal Courts Electronic Filing and Litigation System (eFLS)

Portal:

- 2.1. The web link to access the Federal Courts Electronic eFLS portal shall be <https://efls.fc.gov.et/>
- 2.2. The web link to register as advocate in the eFLS shall be <https://efls.fc.gov.et/register>
- 2.3. The web link to log-in to and use the Federal Courts Electronic Filing and Litigation Service shall be <https://efls.fc.gov.et/login>

3. Registration of Electronic Filers:

- 3.1. Only advocates having legal license to represent cases in the Federal Courts are permitted to apply for registration.
- 3.2. Any licensed advocate who want to become registered user must fill the application form posted at <https://efls.fc.gov.et/register> , print and sign it, and put its official stamp on it and present it, to the Federal Supreme Courts’ Chief Registrar Office, together with the original and copy of the required documents listed in on the site. Upon receipt of the application and related documents, the assigned officer in the Chief Registrar Office will cross-check the copies of the documents against the originals and returns the original documents to the applicant.
- 3.3. The information items required to be filled in the applications for Registered User and Authorized User and the associated documents which will be required to be submitted together with such applications are as presented in Annexes 1, 2, and 3 respectively.
- 3.4. The Federal Supreme Court Chief Registrar Office after reviewing the application and associated documents shall approve or reject the application. For each advocate whose application is approved and become registered user, the Registrar Office shall provide to the registered user a set of its identification code to access the eFLS, which includes: User

Name(s), Initial Password(s) (to be changed by the respective authorized user at first login), and a Software Token(s) which will be used, together with the authorized user and password, to access the eFLS.

- 3.5. Users of eFLS must not disclose their password to anyone and also must not give or in any way provide access to their security token for others, whether intentional or by accident. If any of these access credentials are stolen or compromised, the registered user must immediately notify the Federal Supreme Court Chief Registrar Office through telephone number: and email address: The Chief Registrar Office, upon getting such notice, shall disable the stolen or compromised access credentials.
- 3.6. A registered user which designates an authorized user and supplies the authorized user's identification and authentication code through the eFLS shall be deemed to have approved the use of the identification code for the use of the eFLS by that authorized user.

4. Fee and Payment Method:

4.1. The registration fees shall be the following:

4.1.1. Registration fee of ETB ... per registered user.

4.1.2. Registration fee of ETB per authorized user.

4.1.3. Registration renewal annual fee of ETB ... per registered user.

4.1.4. Registration renewal annual fee of ETB ... per authorized user.

4.2. Electronic payment method shall be used for payment of registration fees, court fees, stamp duty, and deposits. The payment will be effected through electronic bank transfer to the bank account whose details shall be provided by the Federal Supreme Court in a circular.

4.3. No court fees shall be paid for suits by paupers filed through eFLS and are granted decision by the court to sue as pauper,

5. Guidelines for the Use of Electronic Filing Service (eFLS) Portal:

- 5.1. The Federal Courts shall prepare the eFLS portal Terms and Conditions, Users Guide, and Video Tutorial on how to use the portal and post them on <https://efls.fc.gov.et/> From time to time, the Federal Courts shall update Terms and Conditions, Users Guide, and Video Tutorial based on their own review and feedbacks collected from registered users.
- 5.2. Authorized users shall use the eFLS as per the eFLS portal Terms and Conditions, Users Guide, and the Video Tutorial.

6. Training on the Use of Electronic Filing Service (eFLS) Portal:

When the Federal Courts find it essential to provide training to authorized users on how to use the eFLS, the courts shall organize and provide such training.

7. Format of Documents:

- 7.1. Any e-filed document through eFLS shall be prepared and submitted using the formats provided by the Federal Courts.
- 7.2. An e-filed document must be in presented text-searchable PDF/A that is format compatible with the latest version of Adobe Reader.
- 7.3. Any scanned document must be made searchable using optical-character-recognition software, such as Adobe Acrobat Professional, and must be scanned for a resolution of 300 dots per inch (dpi) with a "black and white" setting.

8. Signatures on e-filed Documents:

- 8.1. Except as otherwise provided, the confidential, secure username and password that the authorized user must use to e-file a document constitute the authorized user's signature on the document. When a signature is provided in this manner, the authorized user must also include either:
 - an "/s/" and the authorized user's name typed in the space where the authorized user's signature would otherwise appear or

- an electronic image of the authorized user's signature, which may take the form of a public key-based digital signature or a scanned image of the authorized user's signature.
- 8.2. The authorized user shall not allow his or her username or password to be used by others.
- 8.3. If a document is notarized, sworn to or made under oath, the authorized user must e-file the document as a scanned image containing an image of the necessary original signature(s).
- 8.4. If a document requires the signature of an opposing party, the authorized user must e-file the document as a scanned image containing the opposing party's signature.

9. Timing of e-filing:

- 9.1. A document will be considered timely submitted if e-filed before midnight on or before the date on which the document is due.
- 9.2. A document submitted electronically after midnight or on a day when the Federal Court is not open for business will, unless rejected, be considered as filed on the next business day of the Federal Courts.

10. Review and Acceptance of Documents Submitted through e-filing:

- 10.1. An e-filed document submitted to the Federal Court for filing shall be deemed filed upon review and acceptance by the Registrar of the respective Federal Court. The filed document shall be endorsed with the Registrar's electronic file mark setting forth, at a minimum, the identification of the Court, the Registrar, the date and the time of filing.
- 10.2. After the Registrar reviews an e-filed document, the authorized user will receive a notification of the review results in its case file page under his/her eFLS page.
- 10.3. In the event the Registrar rejects a submitted document, the document will not be filed and the authorized user will receive an electronic notification of the reason(s) for the rejection.

- 10.4. If the authorized user doesn't accept the rejection of its document by the Registrar it can request the Registrar to present its document for review by a Judge. The Judge's review and decision on acceptance of the document will be final.

11. Maximum Size of Documents:

- 11.1. The size of any single e-filed document shall not exceed 5 megabytes.
- 11.2. If the size of the document is more than 5 megabytes the document should be broken into parts and represented with multiple files each below the 5 megabytes limit. In such cases the respective file names should have suffix "part" followed by the consecutive number assigned to the part (e.g., Petition 1 – part1, Petition 1 – part 2, etc.).
- 11.3. The maximum total file size of any e-filing transaction is 30 megabytes.

12. Documents Containing Sealed Material:

Documents containing material that is under seal, including documents filed under seal in lower courts and motions to file documents under seal in the receiving Federal Court should not be submitted through the electronic filing system. Such kinds of documents (including redacted versions for the public record) should be submitted only in paper form and should not be served upon other parties electronically.

13. Affidavits Filed through Electronic Filing:

Where an affidavit is to be filed in Court using the eFLS , it shall comply with the following requirements:

- 13.1. The affidavit must be sworn-in in the usual way in which the deponent signs the original paper affidavit,
- 13.2. A true and complete electronic image of the original paper affidavit must be created,
- 13.3. Affidavits signed by any person other than advocate, for them to be electronically filed through eFLS, they must be digitally signed by an authorized user representing the person in the respective Federal Court, and

13.4. The original paper affidavit must be retained by the party who filed it for a period of years after it is filed.

14. Service of Documents:

14.1. The Federal Courts may, by electronic means, serve a notice, order, judgment, or other document issued by the respective Court assigned to a case, by delivering the document to the party's file page under the party's advocate authorized user page in the eFLS portal.

14.2. A party that received a document served by electronic means, but is unable to view or download the document shall immediately notify the serving party and the serving party shall take reasonable steps to ensure that the document can be viewed and downloaded.

15. Proof of Service:

15.1. Documents submitted by party or parties through e-filing shall include a proof of service, a single file which is placed as the last document, that includes a list of items submitted through the e-filing and any other items required by the Civil or Criminal Procedure law, as applicable.

15.2. When the document is received in the eFLS, an electronic confirmation of delivery shall be provided through posting of the notice of confirmation of delivery on the respective party's case file page under the advocate (authorized user) page in the eFLS portal.

15.3. If a dispute arises regarding whether the service occurred, it shall be resolved by the Chief Registrar of the respective Federal Court or by a Judge of the court to which the document is filed.

16. Changes to Filings:

Once a document is submitted through the electronic filing system, the filer will no longer have the ability to withdraw the electronic filing or make changes to it through the system. In the event that a filer needs to make a change to the document that was submitted, the filer should contact the Registrar of the respective Federal Court.

17. Viruses and Malware:

Before submitting any document through the electronic filing system, the filer should ensure that the document has been scanned for viruses and malware. The electronic filing system will also perform a scan for viruses and malware, and it will not accept a filing until the scan has determined that the entire document does not pose a risk of infection for the eFLS and associated systems.

18. Technical Problems:

- 18.1. A filer who is unable to submit documents through the system due to technical problems can call the Federal Courts' call center at toll free line: ..., during the Federal Courts' business hours, or send email: support@fc.gov.et
- 18.2. If an e-filed document is untimely due to a technical failure or a system outage, the authorized user may seek appropriate relief from the Court, upon good cause shown.

19. Result of Non-Conformance:

- 19.1. Documents in different cases submitted in a single transaction will be rejected.
- 19.2. The Court may reject an e-filed document for nonconformance with this policy and procedures and related directives or circulars issued by the Federal Supreme Court.

20. Roles of Registrars:

- 20.1. The Chief Registrar of each Federal Court has the ultimate responsibility and accountability for the provision of effective electronic filing and litigation service and to this end for the effective execution of this policy and procedure in his/her respective court.
- 20.2. Registrars and deputy registrars use the eFLS in their day-to-day routines for receiving and processing documents electronically filed to their respective court.

21. Business Continuity and Disaster Recovery:

- 21.1. The Federal Courts' business continuity and disaster recovery from natural and human-made disasters shall provide due emphasis to the continuous service availability of electronic filing service (eFLS) and its immediate recovery if and when disaster occurs. To this end the Chief Registrars of each Federal Court shall participate in every business continuity and disaster recovery planning activities of the Federal Courts' and makes sure due emphasis is given to the business continuity of the eFLS in every business continuity and disaster recovery plans of the Court.
- 21.2. The Federal Courts' business continuity and disaster recovery plans, shall at least cover all day round (24/7) operations providing uninterrupted availability of electronic filing and litigation services.
- 21.3. The Chief Registrar of each Federal Court shall monitor and quarterly report, based on selected key performance metrics, regarding the business continuity and disaster recovery of eFLS in their respective Federal Courts.

22. Integration of Electronic Filing System with other systems of the Federal Courts:

Fully fledged web-based electronic filing system shall be implemented and integrated with the Case Management Information System, Electronic Records Management System, and Finance System of the Federal Courts.

23. Applicability of this Policy and Procedure:

Starting from <DATE> this policy and procedure shall apply on all newly opened Federal Court cases that are represented by advocate, except those persons and cases exempted as per Article 16 of the Electronic Filing and Electronic Litigation Rules, Directive No./2013.

24. Change of Policy:

- 24.1. This policy and procedure will be periodically updated to reflect changes in rules of court, or technology that affect the Federal Courts’ electronic filing service.
- 24.2. Except for technical changes, corrections, or minor substantive changes, proposed revisions to the policy and procedure will be circulated to the Federal Courts for comment before the policy and procedure is updated or revised.
- 24.3. The Federal Courts will be notified of any changes in this policy and procedure.

25. Effective date:

This Electronic Filing Service Policy and Procedure shall be effective from the date

**The Federal Supreme Court of
the Federal Democratic Republic of Ethiopia**

Annex 1: Application to become Registered User (for Law Firms)

Law Firm Name: _____

Law Firm Address: Region/City: _____ Kifle Ketema: _____ Woreda: _____ House No.: _____

Office Tel No: _____ P.O. Box: _____ Email Address: _____

Representative Name: _____ **Representative Address:** Region/City: _____

Kifle Ketema: _____ Woreda: _____ House No.: _____ Office Tel No: _____

Mobile Tel. No. _____ P.O. Box: _____ Email Address: _____

Federal Courts' Advocacy License No: _____

Federal Courts' Advocacy License Type: _____

Law Firm's Tax Identification No (TIN): _____

We hereby apply the aforementioned law firm to be registered as user of the Federal Courts' Electronic Filing and Litigation System (eFLS). We also hereby apply for the following lawyers working as advocates under our law firm to be registered as authorized users in the eFLS:

S/N	Advocate's full name	Advocacy License Type	Advocacy License No.	Mobile No.	Email Address

Law Firm's Representative Name: _____ **Position:** _____

Signature: _____ **Date:** _____

Annex 2: Application to become Registered User (for Individual Advocates)

Advocate Name: _____

Advocates Office Address: Region/City: _____ Kifle Ketema: _____ Woreda: _____ House No.: _____

Office Tel No: _____ Mobile Tel. No. _____ P.O. Box: _____

Email Address: _____

Federal Courts' Advocacy License No: _____

Federal Courts' Advocacy License Type: _____

Advocate's Tax Identification No (TIN): _____

I hereby apply to be registered as user of the Federal Courts' Electronic Filing and Litigation System (eFLS). I also hereby apply to be registered as authorized user in the eFLS:

Advocate's Full Name: _____

Name and Title Printed on the Advocacy License: _____

Signature: _____ **Date:** _____

Annex 3: List of Documents to be presented with Applications:

For Law Firms:

1. Law Firm's Advocacy License Certificate
2. Advocacy License Certificates of each of the Individual Advocates working for the Law Firm
3. Law Firm's TIN Certificate

For Individual Advocates:

1. Individual's Advocacy License Certificate
2. Individual Advocate's TIN Certificate