APPROVED
BY THE DECISION OF THE REPORT-AND-ELECTION MEETING OF
2017 CONGRESS OF ADVOCATES OF UKRAINE
09 JUNE 2017

REGULATION
ON THE QUALIFICATION AND DISCIPLINARY COMMISSION OF THE BAR

REVISED

KYIV – 2017
1. **GENERAL PROVISIONS**

1. Higher Qualification and Disciplinary Commission of the Bar (hereinafter referred to as the HQDCB) is a collegial body that operates within the system of the bodies of the Ukrainian National Bar Association and constitutes a national body of advocate’s self-government charged by the Law of Ukraine “On the Bar and Practice of Law” with a task of considering complaints against decisions, acts or omissions on the part of the qualification and disciplinary commissions of the Bar.

2. The procedure of HQDCB formation and operation, its mandates shall be determined by the Law of Ukraine “On the Bar and Practice of Law”, Charter of the Ukrainian National Bar Association (UNBA), decisions of the Congress of Advocates of Ukraine, the Bar Council of Ukraine and this Regulation.

3. The Higher Qualification and Disciplinary Commission of the Bar shall be controlled by, and accountable to, the Congress of Advocates of Ukraine and the Bar Council of Ukraine.

4. The Regulation on the HQDCB approved by the Congress of Advocates of Ukraine is the statutory document of the Higher Qualification and Disciplinary Commission of the Bar. Changes and additions to the Regulation on HQDCB shall be made by the Congress of Advocates of Ukraine.

5. HQDCB’s major activity consists of non-profit activity aimed at implementing its tasks and objectives, as well as the performance of non-profit functions.


7. HQDCB name: Full name:
   - in Ukrainian – Вища кваліфікаційно-дисциплінарна комісія адвокатури;
   - in English - Higher Qualification and Disciplinary Commission of the Bar;
   - Short name in Ukrainian – ВКДКА; in English – HQDCB.

8. {Part 8 of Article 1 was removed based on the decision of the Extraordinary Congress of Advocates of Ukraine on 26–27 April 2014}  

2. **GOAL AND OBJECTIVES**

1. The goal of the Higher Qualification and Disciplinary Commission of the Bar is to ensure administration of the advocate’s self-government according to the Law of Ukraine “On the Bar and Practice of Law” in terms of control and facilitation in the operation procedures of qualification and disciplinary commissions of the Bar in the region when selecting qualified individuals who intend to practice law or making decisions on the advocate’s disciplinary responsibility.

2. To achieve this goal, the Higher Qualification and Disciplinary Commission of the Bar shall:
   1. Facilitate the process of formation in Ukraine of a state governed by the rule of law;
2. Promote reforms of the Ukrainian legislation drawing on the experience of developed democratic countries;
3. Promote the protection of legal rights and interests and strengthening of existing norms concerning the protection of advocates’ rights and guarantees;
4. Promote the role of the bar institute among the Ukrainian society, the status of the advocate’s profession in Ukraine;
5. Facilitate the development of legal forms of the advocate community’s self-organisation;
6. Facilitate the development of free legal aid provision in Ukraine;
7. Facilitate the professional development of advocates and dissemination of professional conduct standards;
8. Promote improvement of the system of training and advanced training for advocates;
9. Facilitate the implementation of tasks of advocate’s self-government;

3. To fulfil its objectives, under the Law of Ukraine “On the Bar and Practice of Law” and in the manner determined by the HQDCB Rules, the HQDCB shall:
   1. Consider complaints against decisions, acts or omissions on the part of the qualification and disciplinary commissions of the Bar;
   2. Summarise disciplinary practices of qualification and disciplinary commissions of the Bar;
   3. Promote the organisation and implementation of measures to improve legal education, develop the legal profession, and advance professional qualification of advocates;
   4. Cooperate with national and foreign public organisations and international non-profits;
   5. Perform other functions under the Law of Ukraine “On the Bar and Practice of Law”.

3. LEGAL STATUS

1. The Higher Qualification and Disciplinary Commission of the Bar is a legal entity from the date of its state registration in the manner prescribed by applicable law.
2. The Higher Qualification and Disciplinary Commission of the Bar is established for an indefinite period and may not be reorganised or liquidated other than based on the law.
3. The Higher Qualification and Disciplinary Commission of the Bar is established and operates for the purpose of administering public and legal function of selection and certification of individuals wanting to practice law, as well as a disciplinary body within the system of advocate’s self-government in Ukraine.
4. The Higher Qualification and Disciplinary Commission of the Bar is a non-profit organisation whose activity is not aimed at receiving profit.
5. The HQDCB has independent assets and a stand-alone balance sheet, opens accounts with banking institutions, including currency accounts, and possesses proprietary and non-proprietary rights in accordance with the applicable Ukrainian legislation.
6. The HQDCB has a round seal, stamps, and official symbols.
7. Within limits not contradicting the legislation in force, the HQDCB is entitled to:
1. Act as a participant of civil law relations, acquire proprietary and non-proprietary rights, bear responsibilities, conclude agreements required to achieve the organisation goal;
2. Act as a plaintiff and a defendant in court;
3. Hire employees based on employment or civil law contracts;
4. Represent and protect its legal interests and that of advocates in the governmental and non-governmental bodies and organisations;
5. Obtain from the public authorities and administration and local self-government authorities information required for the achievement of its goal and objectives;
6. Make proposals to public authorities and administration, take part in the development of decisions of public authorities and local self-government in the manner prescribed by the current legislation of Ukraine;
7. Acquire and dispose of the property and other possessions to fulfil its statutory objectives in the manner determined by the applicable legislation of Ukraine;
8. Dispose of its own property and possessions temporarily transferred in its possession or use if such disposal is required to achieve the organisation’s goal.
HQDCB’s revenues (profits) shall be used only to finance expenses for the HQDCB maintenance, achieve its goal (objectives, tasks) and areas of activity determined by the Regulation on HQDCB. It is prohibited to distribute obtained revenue (profits) or its parts among the founders (participants), HQDCB members, employees (but for their remuneration, payment of the single social contribution), members of governing bodies and other related individuals;
9. Obtain financing from sources not prohibited by law;
10. Establish or join international, Ukraine-wide public (non-governmental) organisations, support direct international contacts and relations, conclude relevant agreements, as well as take part in the implementation of measures not contradicting international obligations of Ukraine and this Regulation;
11. Have other rights stipulated by the laws of Ukraine.

8. The HQDCB is not entitled to conduct business activities aimed at making a profit. Property and funds acquired from business and other activities of self-supporting institutions and organisations with a legal entity status, enterprises established by an organisation, shall be used solely for the purpose of fulfilling tasks of such organisation as determined by this Regulation, or for charitable purposes, and may not be distributed among organisation members.

4. COMPOSITION OF THE HIGHER QUALIFICATION AND DISCIPLINARY COMMISSION OF THE BAR

1. The Higher Qualification and Disciplinary Commission of the Bar shall consist of thirty members who have been practising law for at least five years: one representative from each region elected by the
conference of advocates of the region, the Chairman and two deputy chairmen elected by voting of the Congress of advocates of Ukraine.

2. The secretary of the Higher Qualification and Disciplinary Commission of the Bar shall be elected by secret voting of the members of the commission from among members of the Higher Qualification and Disciplinary Commission of the Bar.

3. The Higher Qualification and Disciplinary Commission of the Bar shall be competent, provided the election of at least two-thirds of its members.

4. The Chairman, deputy chairmen, the secretary and members of the Higher Qualification and Disciplinary Commission of the Bar shall be elected for a five-year tenure.

5. A person may not be the Chairman, a deputy chairman, the secretary or a member of the Higher Qualification and Disciplinary Commission of the Bar for more than two consecutive tenures.

6. The Chairman, a deputy chairman, the secretary and a member of the Higher Qualification and Disciplinary Commission of the Bar may be recalled early by the decision of the body of advocates’ self-government that elected the said persons to their positions.

7. The Chairman, a deputy chairman, the secretary and a member of the Higher Qualification and Disciplinary Commission of the Bar may not simultaneously be members of the qualification and disciplinary commission of the Bar, a regional bar audit commission, the Higher Audit Commission of the Bar, a regional bar council, the Bar Council of Ukraine, or a commission for the assessment of quality, completeness and timeliness of provision by advocates of free legal aid.

5. MANAGEMENT OF THE HIGHER QUALIFICATION AND DISCIPLINARY COMMISSION OF THE BAR

1. The Chairman of the Higher Qualification and Disciplinary Commission of the Bar shall:
   1. Represent the Higher Qualification and Disciplinary Commission of the Bar in governmental bodies, bodies of local self-government, enterprises, institutions, organisations, as well as in its relations with citizens;
   2. Ensure convocation and conduct of meetings of the Higher Qualification and Disciplinary Commission of the Bar;
   3. Distribute duties among his/her deputies;
   4. Organise and ensure the maintenance of business records of the Higher Qualification and Disciplinary Commission of the Bar;
   5. Administer funds and property of the Higher Qualification and Disciplinary Commission of the Bar pursuant to the approved budget, make decisions concerning determining and changing the location of the Higher Qualification and Disciplinary Commission of the Bar;
   6. Perform other actions provided for by this law, the Regulation on the Higher Qualification and Disciplinary Commission of the Bar, decisions of the Bar Council of Ukraine and the Congress of advocates of Ukraine.
2. The Chairman of the Higher Qualification and Disciplinary Commission of the Bar may receive remuneration at the rate determined by the Congress of advocates of Ukraine or by the Bar Council of Ukraine.

3. The Secretariat of the Higher Qualification and Disciplinary Commission of the Bar is established for the purpose of maintaining the organisation of HQDCB current activities.

4. The Secretariat shall be formed by the HQDCB Chairman based on the staffing list approved by the HQDCB Chairman.

5. The Secretariat shall be chaired by the Secretariat Head fulfilling functions determined by the HQDCB Chairman.

6. The Secretariat Head and employees shall be appointed and dismissed by the decision of the HQDCB Chairman whom they are accountable and subordinated to in the conduct of their activities.

7. The Chairman of the Higher Qualification and Disciplinary Commission of the Bar may pass a decision on making changes to the cost estimate approved by the Congress of Advocates of Ukraine, within the limits of the total amount of costs approved by such estimate.

6. PERFORMANCE BY THE HIGHER QUALIFICATION AND DISCIPLINARY COMMISSION OF THE FUNCTIONS OF THE COLLEGIAL BODY

1. The Higher Qualification and Disciplinary Commission of the Bar shall perform functions of the collegial body within the system of advocate’s self-government tasked with consideration of complaints against decisions, actions or omissions of the qualification and disciplinary commissions of the Bar:
   1. Consider complaints against decisions, acts or omissions on the part of the qualification and disciplinary commissions of the Bar;
   2. Summarise disciplinary practices of qualification and disciplinary commissions of the Bar.

2. Based on the results of its examination of a complaint against decisions, actions or omissions of the qualification and disciplinary commission of the Bar, the HQDCB shall have the right to:
   1. dismiss the complaint and uphold the decision of the qualification and disciplinary commission of the Bar;
   2. amend the decision of the qualification and disciplinary commission of the Bar;
   3. reverse the decision of the qualification and disciplinary commission of the Bar and adopt a new decision;
   4. send the case for reconsideration to the respective qualification and disciplinary commission of the Bar and oblige the qualification and disciplinary commission of the Bar to perform certain actions.

   The adoption of a new decision of the Higher Qualification and Disciplinary Commission of the Bar involves the adoption by the HQDCB of decisions that the qualification and disciplinary commission of the Bar of the region is entitled to make under the law depending on the stage of the disciplinary proceedings.

3. The meeting of the Higher Qualification and Disciplinary Commission of the Bar shall be deemed competent if attended by more than half of all its members.
4. Decisions of the Higher Qualification and Disciplinary Commission of the Bar shall be adopted by a simple majority of votes of all members of the commission.

5. The procedure of consideration by the HQDCB of complaints against decisions, acts or omissions of qualification and disciplinary commissions of the Bar shall be determined by the HQDCB Rules.

6. The decision of the Higher Qualification and Disciplinary Commission of the Bar on the issues specified in subparagraph 1) paragraph 6.1 may be appealed against to the court within thirty days of its adoption.

7. **RULES OF THE HIGHER QUALIFICATION AND DISCIPLINARY COMMISSION OF THE BAR**

2. As a collegial body of the system of advocate’s self-government tasked with consideration of complaints against decisions, acts or omissions of qualification and disciplinary commissions of the Bar, the Higher Qualification and Disciplinary Commission of the Bar shall be guided by its Rules when organising meetings and resolving issues specified in Article 6 of this Regulation.

3. The Regulation of the Higher Qualification and Disciplinary Commission of the Bar shall be approved by the Bar Council of Ukraine.

8. **FUNDS AND PROPERTY OF THE HIGHER QUALIFICATION AND DISCIPLINARY COMMISSION OF THE BAR**

2. The Higher Qualification and Disciplinary Commission of the Bar shall possess, use and dispose of funds and other property owned by it in accordance with the current legislation of Ukraine.

3. Sources of HQDCB funding and property:
   2. withholdings paid by qualification and disciplinary commissions of the Bar to support the activities of the Higher Qualification and Disciplinary Commission of the Bar;
   3. income from the HQDCB major activity;
   4. funds or property received free of charge or in the form of gratuitous financial aid or voluntary donations;
   5. income from qualification exams to acquire the right to practice law;
   6. other sources not prohibited by law.

3. In case the HQDCB is terminated (liquidated, merged, divided, accessed or transformed), its assets shall be passed to one or several non-profit organisations of the corresponding type or included in the budget revenue.
9. TERMINATING THE ACTIVITIES OF THE HIGHER QUALIFICATION AND DISCIPLINARY COMMISSION OF THE BAR

1. The Higher Qualification and Disciplinary Commission of the Bar may not be reorganised.
2. The activities of the Higher Qualification and Disciplinary Commission of the Bar may only be terminated based on the law.

10. THE REGULATION’S ENTRY INTO FORCE, AMENDMENTS AND ADDITIONS THERETO

1. This Regulation shall enter into force upon its approval by the Congress of Advocates of Ukraine.
2. Any amendments and additions to this Regulation shall be made following the decision of the Congress in the manner provided for by the Law of Ukraine “On the Bar and Practice of Law”.

/Signature/

/Official Round Seal: Ukraine, city of Kyiv * HQDCB * Higher Qualification and Disciplinary Commission of the Bar/

Chairman of the Higher Qualification and Disciplinary Commission of the Bar
Oleksandr Mykhailovych Drozdov

City of Kharkiv, Ukraine
The twenty-seventh of June of two thousand and seventeen.
I, N. O. Lavinda, Private Notary of Kharkiv City Notary District, do hereby certify the authenticity of the signature of the Chairman of the Higher Qualification and Disciplinary Commission of the Bar, Oleksandr Mykhailovych Drozdov, which was made in my presence.
The identity of the representative was ascertained, his legal capacity and authority verified.
Registered in the Register under No. 9022
Payment collected – based on agreement.
Private Notary /Signature/

/Official Round Seal: Private Notary Lavinda Natalia Oleksandrivna * Kharkiv City Notary District of Kharkiv Region/

A total of eight (8) sheets has been bound, numbered and sealed.

/Signature/

/Official Round Seal: Private Notary Lavinda Natalia Oleksandrivna * Kharkiv City Notary District of Kharkiv Region/