



**ODA E AVOKATËVE TË KOSOVËS
ADVOKATSKA KOMORA KOSOVA
KOSOVA BAR ASSOCIATION**

Pursuant to Article 41 paragraph 3.4 of the Law on Bar No. 04/L-193 (OG of the Republic of Kosovo, no. 20 dated 31 May 2013), aiming at ensuring the required level of professional competence through continued education, the Assembly of Kosovo Bar Association, in the meeting held on 16 November 2013, adopted this:

R E G U L A T I O N

On Mandatory Continuous Legal Education for Lawyers in Kosovo

Article 1 Scope

This regulation determines the manner of obtaining, calculation of credits within MCLE, responsibilities of the Training Centre, sanctions in case of failing to reach the number of credits and other issues.

Article 2 Definitions

For purposes of this Regulation, expressions used herein have the following definition:

1. "Activity" is the legal education approved by the Training Centre in compliance with the standards of MCLE regarding credits.
2. "Provider" is the individual or the entity accredited by the Training Centre for giving credits for MCLE for certain educational activity.
3. "MCLE Credit" is the number of hours of credits for which the member may

allege to fulfilling the conditions of this rule.

4. "Active lawyer" is a lawyer registered as a KBA member and exercises the profession of lawyer.
5. "One hour credit" means the time of sixty minutes in one educational activity, without including the break time or time of other activities which do not have educative content.
6. "Inactive lawyer" is a member registered in KBA, but not exercising the profession of lawyer as a result of suspension during the time of reporting year.
7. "Reporting year" is the year predecessor of the date in which each lawyer is required to certify that he/she has respected, omissions have been noted or he/she has not respected this regulation.
8. "TC" means Training Centre.
9. "MCLE" means Mandatory Continuous Legal Education.

Article 3 Earning Credits

Credits are obtained through attendance of lectures, representation of clients free of charge, provision of trainings, commenting legislation, writing and publishing articles in the bulletin of KBA and other activities as determined by this Regulation.

Article 4 Obligations for MCLE

1. Each active lawyer, as provided for by Article 6, must have accomplished (attended) ten (10) credit hours of continued legal education;
2. Lawyer registered for the first time in the profession shall be obliged that in the three first reporting years of accessing to the profession, to have completed (attended) fifteen (15) credit hours of continued legal education in each reporting year.
3. Lawyers having reached the age of 70 or higher are obliged to earn five (5) credit hours of MCLE within a year.

Article 5

Exemption from obligation to fulfil the MCLE credits

1. All lawyers who cannot exercise the duty for more than six (6) months as a result of health related problems are exempted from the obligation of fulfilling the credits.
2. Inactive lawyers do not need to fulfil the conditions of MCLE.

Article 6

Conditions for MCLE credits

1. Credit hours shall be calculated based on the time spent in one activity.
Credits cannot be earned for any activity which does not last at minimum one hour.
2. MCLE credits can be fulfilled by participating in group activities or by participating in alternative activities.
3. "Group activity" is a session organised and developed in groups of five or more lawyers and that can take the form of a direct lecture or as a video-conference, workshop, seminar, practical work, learning classes;
4. "Alternative activity" is an activity of MCLE undertaken by individual lawyers and may include the activities as listed below:
 - 4.1 Writing and publication of articles in the KBA Bulletin with professional and study content; 1 (one) credit is given for one article;
 - 4.2 Representation free of charge of the clients through the Agency for legal assistance; 1 (one) credit is given for every three (3) hours of representation;
 - 4.3 Teaching, training or presentation of content in group activities where the teacher, trainer or presenter may earn 2 (two) credits for each presentation hour for the same topic.

4.4 Credits within MCLE may be earned also through commenting on legislation, respectively, through delivering comments in written or participating and commenting in working groups;

4.4.1 Lawyer submitting concrete and substantial comments, which contribute for a normative act to be understandable, consistent, respectively applicable, shall earn credits;

4.4.2 A lawyer providing comment in written on one (1) normative act shall earn 1 (one credit). Lawyer providing 5 or more comments in written on one normative act shall obtain 2 credits, on condition to fulfil the criteria provided for in Paragraph 4.4.1 of Article 6.

4.4.3. For participation, respectively provision of comments in Work Groups, the respective lawyer shall obtain 2 credits.

4.4.4. Written comments, notifications on participation in work groups, shall be sent by the lawyer to the responsible official for coordination of the process of commenting in legislation in KBA.

5. Lawyers will not be able to earn more than 40% of credits a year through alternative activities.

Article 7 MCLE Program

1. MCLE Program is defined by Training Centre (hereinafter TC) and is certified by the Managing Board Steering Council of KBA.

2. In MCLE Program at minimum a 25 % of credits shall come from the legal profession ethics.

3. One (1) credit hour in MCLE Program shall be from the field of eliminating the prejudices related to legal profession, based amongst others in gender, ethnic, religious, heritage, national, physical disability, age or sexual orientation basis.

4. TC shall carry out auditing of the providers for quality assurance.

Article 8 Registration of MCLE credits

1. MCLE credits for each lawyer shall be entered in the database of TC. TC staff shall be responsible for entering such data into database.

2. TC shall maintain the lists of participation in training activities and the written materials distributed related to these activities. All these records need to be stored by TC three years following end of the reporting year.

3. TC in cooperation with the responsible officer for process coordination regarding commenting on legislation, reviews comments made on normative acts, respectively verifies whether the comments which have been provided meet the criteria provided for by Paragraph 4.4 (4.4.1-4.4.3) of Article 6.

4. At the beginning of the following year, TC publishes the list for abiding by MCLE for the previous year in the official webpage of KBA.

5. During the first following year, TC shall issue warnings to all lawyers who have not fulfilled the credits for the previous year, notifying them that they should meet the obligations until 31 March of the following year.

Article 9 Sanctions in cases of failing to respect the regulation

1. Based on the report from TC, the Executive Director of KBA shall issue fine of 300 Euro to all lawyers who have not met the obligation for the previous year even after the period of ninety (90) days, respectively until 31 March of the following year.

2. The time limit for payment of the fine is 30 days from the day of issuing the fine.

3. During the following reporting year, the offending lawyer shall undertake measures for fulfilling the annual conditions for the previous reporting year and submit the certificate on respecting the MCLE for that year accompanied by fulfilment of his annual conditions for the current reporting period submitting also the respective certificate on abiding by MCLE for that respective year.

4. If according to the report of TC, after passing the additional deadline of ninety days from the day of reporting year, it shall be verified that the lawyer has failed to fulfil the number of required credits of MCLE for two years, then the Steering Council of KBA shall suspend the licence of that lawyer.

5. A lawyer may regain the right to exercising bar after fully meeting the educational requirements for two years and after having paid the respective fee of 1.000,00 Euro for return. In such cases the Steering Council returns the licence to the respective lawyer for exercising bar activities.

Article 10 **Standards for MCLE Activities**

Standards for MCLE Activities shall be determined by the Regulation on TC of KBA.

Article 11 **Responsibilities of the Providers of MCLE**

Each provider must:

1. Keep details on participation including the names of participants, signatures and deliver them to TC;
2. Make activities available for each lawyer who enrolls, participation may be limited in order to suit to the building, but priority shall be given to those registered or who appear first for registration.

Article 12 **Approval of providers of multiple activities of MCLE**

1. Activities provided by the approved provider for many activities of MCLE, is automatically approved for MCLE credits on condition that the sponsor ensures that the activity meets the standards set by TC according to Article 10 of this Regulation.
2. Provider shall be considered as a provider of multiple activities on condition that such provider is in the list of providers of multiple activities which has priory been approved by the TC. TC may consider other methods of approving providers of multiple activities including the proposal that the Request may be submitted for

approval as a multiple activity of MCLE by presenting the respective form to TC, payment of the required amount and demonstration that within the two year period the applicant has received approval from TC for four different MCLE activities and has held them in four different dates.

3. Approval of continuous legal education provider may be revoked by the committee if:

3.1 The reported requirements (conditions) from this regulation have not been respected;

3.2 If the content of the course or quality is under the required standard for the activity of continuous legal education as determined by TC as provided by this rule;

3.3 False presentation in the request for approval of the status of provider or in the request for approval of activity for continuous legal education;

3.4 Any of the conditions of TC are not respected.

4. For renewal of the approval, the provider of multiple activities must:

4.1 Apply for renewal by filling in the TC form for renewal of the status of provider of multiple activities;

4.2 Submit evidence that it has provided four different activities which meet the conditions from this rule within the two previous years before requesting renewal.

5. Renewal of approval for providers from the previous list of providers shall be reviewed by TC in annual basis.

6. When activity of continuous legal education is approved and is provided by the approved provider, the latter may publish in its brochures or also in the materials for registration that: "*This program is approved by KBA Training Centre, for the classes of continued legal education.*"

Article 13 **Approval of individual activity**

Provider which has not been approved for multiple activities may seek approval of individual courses or activities by submitting the respective application for individual MCLE activity and making the respective payment before or until thirty (30) days from the date of activity. In cases when approval has not been made prior to holding the activity, all the participants should be notified that the request for approval of credit has not been granted yet.

Article 14
Financing of MCLE

Lawyer should pay the amount of 50 EUR a year as payment for MCLE at the beginning of calendar year and not later than 31 January, which shall exclusively be used for administration of MCLE system as provided by TC. TC shall review every two years the amount of this fee.

Article 15
Reporting

TC reports on annual basis to KBA Steering Council on implementation of this Regulation.

Article 16
Entering into force and activity

This Regulation shall enter into force on the day it is approved by the Assembly of Kosovo Bar Association and shall be implemented from 01 January 2014.

KBA President
Ibrahim Dobruna