



SUPREME COURT

THE JUDICIARY
REPUBLIC OF PALAU

P.O. Box 248 Koror, Palau 96940
Telephone: Koror: (680) 488-26-7/4979 or
Capitol: (680) 767-3331/2482/2607
Facsimile: Koror (680) 488-1597 or
Capitol: (680) 767-2606
e-mail address: palaujudiciary@palaunet.com

November 30, 2011

PRESS RELEASE # 14

RE: New Part-Time Associate Justice of the Palau Supreme Court

The following is issued by the Palau Supreme Court for the benefit of the media and the public.

President Johnson Toribiong, on November 16, 2011, appointed Associate Judge Daniel R. Foley from the Hawaii Intermediate Court of Appeals to serve as a part-time associate justice of the Palau Supreme Court. Judge Foley, who received his B. A. in 1969 and J. D. in 1974 from University of San Francisco, has held his current position since October 2000. He is currently on a short list under consideration for associate justice of the Hawaii State Supreme Court.

Judge Foley's legal career began in 1974 when he was an associate in a law firm in Marin County, California. In 1975, he began an eight-year tenure working in Micronesia. He served as legal counsel for various Micronesian governmental bodies, constitutional conventions, and organizations. These included the Congress of Micronesia, Congress of Federated States of Micronesia, Palau National Congress, Truk Legislature, Yap Legislature, Palau Legislature, Yap Constitutional Convention, Kosrae Constitutional Convention, Voice of the Marshalls, and various councils of traditional leaders and self-government commissions. From 1984 to 1987 he was the Legal Director for American Civil Liberties Union of Hawaii and then was a sole practitioner from 1987 until 1989. For eleven years, from 1989 to 2000, he was a partner in the law firm of Partington & Foley. During this period, he was also an Adjunct Professor of Civil Rights at the William S. Richardson School of Law. In 2000, he was appointed to his current position.

As a part-time Associate Justice, Judge Foley will be working primarily on appellate cases. The appellate docket has increased over the years with an average of about forty to over sixty appeals annually in each of the past five years. An appeal requires a three-judge panel to decide the dispute. This necessitates the services of part-time justices who are used in the event

that the residential justices are unable to preside over the case because of a conflict of interest. Given Judge Foley's varied and impressive experience, the Palau Supreme Court is confident that he will be an excellent addition to the Court. The only challenge would be the costs incurred in travels between Hawaii and Palau.

Judge Foley is filling the seat recently vacated by Part-Time Associate Justice Janet Healy Weeks. Justice Weeks was appointed by then President Kuniwo Nakamura in 1993 and served as a part-time justice for eighteen years. She has relocated to California, which would make her continued service cost prohibitive. With eighteen years of service, Justice Weeks served the court well and participated in opinions regarding national and state constitutional issues, criminal law, probate law, and the return of public lands. Of particular note, Justice Weeks was involved in the following significant cases: *Francisco vs. Chin*, (emphasizing the Sole Judge Clause of the Palau Constitution); *KSPA vs. Meriang Clan*, (addressing return of public lands); and *In re Udui*, (applying Palau's wills statute to give effect to a holographic will). The Palau Supreme Court extends its utmost appreciation to Justice Weeks for her immense contribution to the Judiciary and the Republic. We warmly welcome Judge Daniel R. Foley.

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