

**IN THE
SUPREME COURT OF THE REPUBLIC OF PALAU**

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: **ORDER**
IN RE RULES FOR CONTINUING :
LEGAL EDUCATION :
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Pursuant to the rule-making authority vested in the Supreme Court of the Republic of Palau by Article X, Section 14 of the Constitution and 4 PNC § 101, the RULES FOR CONTINUING LEGAL EDUCATION, promulgated on October 27, 2008, are hereby amended as follows:

Section 3: Continuing Legal Education Requirement

(a) Every active member of the Palau Bar shall complete fifteen (15) hours of Continuing Legal Education every two years. An “active member” is defined as a person who has active status within the Palau Bar Association. The reporting requirement for attorneys who are not active members of the Palau Bar for the entire compliance period shall be prorated ~~based upon the month of admission~~ at two CLE credits per quarter.

Section 4: Reporting CLE Credit

(a) ~~CLE credits shall be reported~~ Members shall report a minimum of fifteen (15) CLE credits, and a maximum of twenty-five (25) CLE credits, to the Clerk of the Supreme Court of Palau, annually every other year, in the odd-numbered years, ~~on or before Certification of Attendance forms and required attachments shall be submitted by February 15th. If they are sent via mail, they must be postmarked on or before February 15th.~~ The two calendar year period (January 1 to December 31) immediately preceding the odd year reporting shall hereinafter be referred to as the reporting period.

Five credit hours of approved CLE credits earned in one reporting period but not used during that reporting period may be carried over to the next reporting period.

(b) A lawyer shall report approved activities ~~in a statement of compliance which lists the specific courses taken, videotapes or audiotapes listened to, course of self-study, or other approved activity, the dates on which the activity took place, and the amount of time taken.~~ using the form entitled “Certification of Attendance” and include any required attachments as described on the form. The Certification of Attendance form is available upon request from the Clerk of Courts or can be downloaded from the Court’s website at: www.palau.gov.net/judiciary/Bar. A separate Certification of Attendance must be submitted for each activity performed. The

statement Certification of Attendance shall be certified as correct under penalty of perjury.

(c) No member may submit a ~~statement of compliance~~ Certification of Attendance after February 15 absent approval of the Supreme Court of Palau upon written request by the member. ~~Statements filed after February 15 are subject to~~ A lawyer who files a Certification of Attendance after February 15 shall pay a \$50 late filing fee to the Clerk of Courts. This fee is payable notwithstanding the Supreme Court's grant of an extension to file the Certification of Attendance.

Section 5: Approved Educational Activities (and standards for approval of courses)

(b) In-office CLE. Courses offered by law firms, either individually or with other law firms, corporate legal departments, government attorneys, or similar entities, primarily for the education of their members, ~~may be approved for credit by the Supreme Court. Members who seek credit for in-office courses shall submit, with the required certification of attendance form, the program schedule or agenda and course syllabus or statement describing the subject matter. If the program does not cover a recognized legal topic, the member must attach a statement of how the course relates to his or her practice.~~

(c) Self-study. In addition to formal courses conducted in a class or seminar setting, approved self-study courses involving the use of video or audio tapes, computer resources (e.g. CD-ROM and internet), or correspondence courses (e.g. satellite and teleconference) may be used to satisfy the credit requirements of this Rule, ~~if prior approval of the Supreme Court is obtained. Members who seek credit for self-study courses shall submit, with the required certification of attendance form, the program schedule or agenda and course syllabus or statement describing the subject matter. If the program does not cover a recognized legal topic, the member must attach a statement of how the course relates to his or her practice.~~ Members may apply a maximum of 5 hours of approved self-study credit toward the total CLE requirement per reporting period.

(d) Teaching or Lecturing. Members who teach legal courses or deliver lectures on law, whether to other attorneys or to members of the general public, ~~may be given credit for the time spent in preparation and time spent teaching or lecturing. A member seeking credit for teaching or lecturing must obtain prior approval of the Supreme Court. Members who seek credit for teaching or lecturing shall submit, with the required certification of attendance form, the course syllabus, lecture outline or statement describing the subject matter. If the program does not cover a recognized legal topic, the member must attach a statement of how the course relates to his or her practice.~~ Once credit has been given for teaching a course or delivering a lecture, no further credit shall be given for a subsequent delivery of the same material to a different audience. Members may apply a maximum of 5 hours of approved teaching or lecturing credit toward the total CLE requirement per reporting period.

(e) Pro Bono. Members who perform pro bono legal services may receive one hour of CLE credit for every four hours of pro bono legal services actually performed, not to exceed a total of 5 hours of CLE credits for pro bono legal services in a reporting period. Pro bono services are

uncompensated legal services performed especially for the public good. To receive CLE credit for pro bono services, the legal services must be rendered either to persons of limited means or to charitable, religious, civic, community, governmental or educational organizations in matters that are designed primarily to address the needs of persons of limited means. A pro bono case is one taken with an agreement that there will be no charge for professional services. Because the focus of pro bono services is the public good, legal services provided to close family members will not count as pro bono services for the purposes of CLE credit. Credit for pro bono services will only be given for the period in which the work was performed.

(g) For any activity not automatically approved for credit ~~(as specified in subsection (a) i.e. activities under subsections (b), (c), (d), (e), and (f))~~, members are responsible for requesting approval far enough in advance to allow time to earn credit elsewhere if the request is denied shall request approval from the Supreme Court prior to the performance of the activity. Members shall submit the request using the “Attorney Application for CLE Credit” form, including the required attachments as specified on the form. The Attorney Application for CLE Credit form is available upon request from the Clerk of Courts or can be downloaded from the Court’s website at: www.palau.gov.net/judiciary/Bar. Inability to obtain approved credit ~~(after the denial of a request for credit)~~ prior to the expiration of the reporting period will result in a finding of noncompliance.

Section 7: Compliance and Enforcement

(b) Audits

3. Failure to adequately substantiate participation in CLE activities after request by the Supreme Court shall result in disallowance of credits for the reported activity and assessment of the late filing fee(s) specified in Section ~~†~~ 4. The member may also be subject to sanctions for noncompliance as specified below.

(d) Cure

1. Noncompliance for failure to file a completed compliance report by the due date can be cured by filing the completed report demonstrating completion of the CLE requirement during the applicable report period, together with the late fee specified in Section ~~†~~ 4 within ninety calendar days following mailing of the notice of noncompliance.

(e) Suspension and Reinstatement

2. In order to be reinstated, a member suspended for violating this rule shall file a petition for reinstatement with the Supreme Court, along with a reinstatement fee of \$250.00 payable to the Clerk of Courts. The petition for reinstatement shall include a Certificate of Attendance certifying that the suspended attorney has completed the course hours necessary to meet the annual requirements of this Rule for the relevant year.

The Rules, with the preceding amendments, shall now read as follows:

Section 1: Purpose

Continuing professional education of lawyers serves to improve the administration of justice and benefit the public interest. Regular participation in Continuing Legal Education programs will enhance the professional skills of practicing lawyers, afford them periodic opportunities for professional self-evaluation, and improve the quality of legal services rendered to the public. All active members of the Palau Bar shall participate in the requisite number of hours, as set forth in this Rule, of further legal study throughout the period of their active practice of law, and failure to do so shall result in their suspension from membership in the Palau Bar.

Section 2: Administration

These rules shall be administered by the Supreme Court of Palau.

Section 3: Continuing Legal Education Requirement

(a) Every active member of the Palau Bar shall complete fifteen (15) hours of Continuing Legal Education every two years. An “active member” is defined as a person who has active status within the Palau Bar Association. The reporting requirement for attorneys who are not active members of the Palau Bar for the entire compliance period shall be prorated at two CLE credits per quarter.

(b) The CLE requirement may be met by either attending courses or by completing any other continuing legal education activity automatically approved for credit as provided in this rule. Self-study, including viewing approved videotapes or audiotapes, computer based resources or participation in legal educational activities involving correspondence technology, in-house law firm continuing legal education efforts, teaching, and participation in a committee of the Palau Bar Association or the Supreme Court of Palau shall be considered for credit only when they meet the criteria set forth in this Rule. Credit shall not be given for activities not specifically enumerated in Section 5 of this Rule.

(c) Credit will be given for CLE hours accumulated within one year prior to admission to the Palau Bar.

Section 4: Reporting CLE Credit

(a) Members shall report a minimum of fifteen (15) CLE credits, and a maximum of twenty-five (25) CLE credits, to the Clerk of the Supreme Court of Palau, annually every other year, in the odd-numbered years. Certification of Attendance forms and required attachments shall be submitted by February 15th. If they are sent via mail, they must be postmarked on or before February 15th. The two calendar year period (January 1 to December 31) immediately preceding the odd year reporting shall hereinafter be referred to as the reporting period.

Five credit hours of approved CLE credits earned in one reporting period but not used during that reporting period may be carried over to the next reporting period.

(b) A lawyer shall report approved activities using the form entitled “Certification of Attendance” and include any required attachments as described on the form. The Certification of Attendance form is available upon request from the Clerk of Courts or can be downloaded from the Court’s website at: www.palau.gov.net/judiciary/Bar. A separate Certification of Attendance must be submitted for each activity performed. The Certification of Attendance shall be certified as correct under penalty of perjury.

(c) No member may submit a Certification of Attendance after February 15 absent approval of the Supreme Court of Palau upon written request by the member. A lawyer who files a Certification of Attendance after February 15 shall pay a \$50 late filing fee to the Clerk of Courts. This fee is payable notwithstanding the Supreme Court’s grant of an extension to file the Certification of Attendance.

Section 5: Approved Educational Activities (and standards for approval of courses)

(a) Courses automatically approved. The following CLE courses will be automatically approved for credit.

1. Live CLE programs offered by the Palau Judiciary or by the Palau Bar Association. A “live” course is one where there is an instructor in the room with participants.
2. Courses or activities approved by the highest court of another jurisdiction or its designee, the American Bar Association, or a state bar association, including Guam, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, and the Federated States of Micronesia.
3. Courses or activities offered by a provider accredited by the official CLE committee of another jurisdiction or a national CLE accrediting body.

(b) In-office CLE. Courses offered by law firms, either individually or with other law firms, corporate legal departments, government attorneys, or similar entities, primarily for the education of their members.

(c) Self-study. In addition to formal courses conducted in a class or seminar setting, approved self-study courses involving the use of video or audio tapes, computer resources (e.g. CD-ROM and internet), or correspondence courses (e.g. satellite and teleconference) may be used to satisfy the credit requirements of this Rule. If the program does not cover a recognized legal topic, the member must attach a statement of how the course relates to his or her practice. Members may apply a maximum of 5 hours of approved self-study credit toward the total CLE requirement per reporting period.

(d) **Teaching or Lecturing.** Members who teach legal courses or deliver lectures on law, whether to other attorneys or to members of the general public, may be given credit for the time spent in preparation and time spent teaching or lecturing. Once credit has been given for teaching a course or delivering a lecture, no further credit shall be given for a subsequent delivery of the same material to a different audience. Members may apply a maximum of 5 hours of approved teaching or lecturing credit toward the total CLE requirement per reporting period.

(e) **Pro Bono.** Members who perform pro bono legal services may receive one hour of CLE credit for every four hours of pro bono legal services actually performed, not to exceed a total of 5 hours of CLE credits for pro bono legal services in a reporting period. Pro bono services are uncompensated legal services performed especially for the public good. To receive CLE credit for pro bono services, the legal services must be rendered either to persons of limited means or to charitable, religious, civic, community, governmental or educational organizations in matters that are designed primarily to address the needs of persons of limited means. A pro bono case is one taken with an agreement that there will be no charge for professional services. Because the focus of pro bono services is the public good, legal services provided to close family members will not count as pro bono services for the purposes of CLE credit. Credit for pro bono services will only be given for the period in which the work was performed.

(f) **Writing a Professional Article.** Any member who writes a professional article that is published in a professional or academic journal may seek credit for up to 5 hours per article. Members may apply a maximum of 5 hours of credit for writing a professional article toward the total CLE requirement per reporting period.

(g) For any activity not automatically approved for credit (i.e. activities under subsections (b), (c), (d), (e), and (f)), members shall request approval from the Supreme Court prior to the performance of the activity. Members shall submit the request using the "Attorney Application for CLE Credit" form, including the required attachments as specified on the form. The Attorney Application for CLE Credit form is available upon request from the Clerk of Courts or can be downloaded from the Court's website at: www.palau.gov.net/judiciary/Bar. Inability to obtain approved credit prior to the expiration of the reporting period will result in a finding of noncompliance.

(h) **Standards for approval of courses.**

1. **General Standards.** To be approved for credit, the CLE course or activity must satisfy the following:

i. The activity must have significant intellectual or practical content with the primary objective of increasing the participant's professional competence as a lawyer;

ii. The activity must deal primarily with substantive legal issues, legal skills, practice issues, or legal ethics and professional responsibility.

3. The following activities shall not be accredited:

- i. Activities that would be characterized as dealing primarily with personal self-improvement unrelated to professional competence as a lawyer;
- ii. Activities designed primarily to sell services or equipment;
- iii. Repeat live, video, audio, or CD-ROM CLE courses for which the member has already obtained CLE credit in the same reporting period.

Section 6: Extensions

A member who has been granted an extension shall be exempted from filing a certification for the period for which the extension is granted.

- (a) A member seeking an extension must submit a written petition, together with any appropriate or required material or documentation to the Supreme Court.
- (b) A member should, whenever practicable, file his or her petition prior to the reporting deadline for the period in which the member seeks an extension. Failure to file a petition in a timely manner may be considered by the Supreme Court in determining whether to grant the extension.
- (c) An extension shall not be granted unless good cause is shown.
- (d) An extension shall not be granted to a member who is an attorney under contract if doing so would extend the time for compliance with these Rules past the date upon which the member's contract expires, absent a showing of extraordinary circumstances.
- (e) The filing of any petition for extension will toll the running of any time limit set forth in this Rule up to, but not to exceed, thirty days.

Section 7: Compliance and Enforcement

(a) Record Keeping

- 1. Every active member shall maintain records of participation in CLE activities for use in completing a statement of compliance and shall retain these records for a period of twelve months after the end of the member's reporting period.
- 2. The Supreme Court may ask to review an active member's records of participation in CLE activities. Records which may satisfy such a request include, but are not limited to, certificates of attendance or transcripts issued by sponsors, CLE record keeping forms, canceled checks or other proof of payment for registration fees or audio or video tapes, course materials, notes or

annotations to course materials, or daily calendars for the dates of CLE activities. With regard to individually screened audio or video presentations, contemporaneously made records of screening dates and times may be required.

3. The Supreme Court is not required to maintain records of active members' participation in CLE activities, except as necessary to verify compliance with the CLE requirement.

(b) Audits

1. The Supreme Court may audit compliance reports selected because of facial defects or by random selection or other appropriate method.

2. For the purpose of conducting audits, the Supreme Court may request and review records of participation in CLE activities reported by active members.

3. Failure to adequately substantiate participation in CLE activities after request by the Supreme Court shall result in disallowance of credits for the reported activity and assessment of the late filing fee(s) specified in Section 4. The member may also be subject to sanctions for noncompliance as specified below.

(c) Noncompliance

1. Grounds. The following are considered grounds for a finding of noncompliance with these Rules:

(i) Failure to complete the CLE requirement for the applicable reporting period;

(ii) Failure to file a completed compliance report on time;

(iii) Failure to provide sufficient records of participation in CLE activities to substantiate credits reported, after a request by the Supreme Court.

2. Notice. In the event of a finding of noncompliance, the Supreme Court shall serve, to the last known address provided to the Bar Association or to the Court mailbox, written notice of noncompliance on the affected active member. The notice shall state the nature of the noncompliance and shall summarize the applicable rules regarding noncompliance and its consequences.

(d) Cure

1. Noncompliance for failure to file a completed compliance report by the due date can be cured by filing the completed report demonstrating completion of the CLE requirement during the applicable report period, together with the late fee specified in Section 4 within ninety calendar days following mailing of the notice of noncompliance.

2. Credit hours applied to a previous reporting period for the purpose of curing noncompliance may only be used for that purpose and may not be used to satisfy the CLE requirement for any other reporting period.

(e) Suspension and Reinstatement

1. Failure to cure noncompliance within the deadline specified above shall result in automatic suspension by the Supreme Court of Palau.


2. In order to be reinstated, a member suspended for violating this rule shall file a petition for reinstatement with the Supreme Court, along with a reinstatement fee of \$250.00 payable to the Clerk of Courts. The petition for reinstatement shall include a Certificate of Attendance certifying that the suspended attorney has completed the course hours necessary to meet the annual requirements of this Rule for the relevant year.

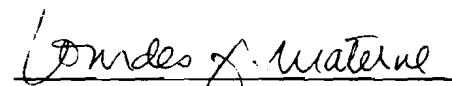
3. A suspension for violating this Rule shall not relieve the delinquent member of his annual responsibility to attend CLE programs or to pay his dues to the Palau Bar Association.


These amendments shall take effect immediately upon the date of this Order.

SO ORDERED, this 7th day of March, 2011.


ARTHUR NGIRAKLSON
Chief Justice


KATHLEEN M. SALII
Associate Justice


LOURDES F. MATERNE
Associate Justice


ALEXANDRA F. FOSTER
Associate Justice