

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

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ADDITION TO RULES OF CIVIL	:	<b>ORDER ADDING</b>
OF	:	<b>CIVIL PROCEDURE RULE 72</b>
CIVIL PROCEDURE	:	
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**ORDER**

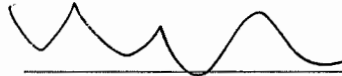
Pursuant to Article X, section 14, of the Constitution of the Republic of Palau, the Supreme Court hereby adds the following Rule to the Rules of Civil Procedure:

**Rule 72: Initiation of Mediation Proceedings**

- (a) **Definition:** Mediation is an extra judicial procedure for the resolution of disputes. A mediator facilitates negotiations between parties to a civil action and assists the parties in trying to reach a settlement, but does not have the authority to impose a settlement upon the parties.
- (b) **Authority to Order:** The Court, sua sponte or upon motion by a party, may, in exercise of its discretion, order the parties to participate in a non-binding mediation process.
- (c) **Factors to Consider:** Before ordering a case to mediation, the Court may consider factors, including, but not limited to, the current status of the case, whether the parties would be better served by a settlement conference held by the Court, whether the parties are willing to participate in the mediation, and whether the parties have previously participated in alternative dispute resolution in the pending matter. Additionally, the Court may consider the availability of mediation resources and whether ordering a case to mediation would result in an unfair or unreasonable economic burden to any party.

(d) **Rules Governing Mediation:** Mediations conducted pursuant to this Rule, shall be conducted in accordance with the Court's Standing Order, In Re: Mediation Procedure.

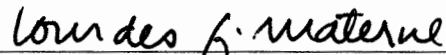
SO ORDERED this 27<sup>th</sup> day of February, 2013.



ARTHUR NGIRAKLSONG  
Chief Justice



KATHLEEN M. SALII  
Associate Justice



LOURDES F. MATERNE  
Associate Justice