

FREQUENTLY ASKED QUESTIONS REGARDING THE PALAU BAR EXAMINATION

Application Process

Who takes the Palau Bar Exam?

Pursuant to the Rule 2 of the Palau Rules of Admission for Attorneys and Trial Counselors, an applicant to the Palau Bar must: (1) provide a certificate of good standing from jurisdiction(s) in which the applicant is admitted to practice and, if not a member of any bar, a letter from the dean or dean's designee of the applicant's law school attesting to the applicant's good moral character; (2) not have been convicted of a felony, or if convicted, the applicant must have been granted a full pardon; (3) have graduated from an accredited law school; and (4) take and pass the Bar Examination as required in Palau.

Most individuals who take the exam either live or practice in Palau. Typically, not many applicants from the U.S. come here to take the exam, as the trip to Palau is expensive and long.

Can I practice law in Palau without taking the Palau Bar Exam?

Within four (4) years of law school graduation, any law school graduate who otherwise meets the above-mentioned requirements of Rule 2 and who is employed by the Republic of Palau National Government, or any state or other governmental entity of the Republic of Palau, or the Micronesian Legal Services Corporation, or by a private attorney who is an active member of the Palau Bar and maintains an office in Palau, may be admitted to practice law in Palau without taking the Palau Bar Exam.

In order to practice law under this exception, the employee must act only within the scope of employment and must remain under the supervision of an attorney who is an active member of the Palau Bar and who has been in the active practice of law for at least two years. Such supervision includes the duty to examine and sign all pleadings filed.

Any attorney who has been in active practice of law at any time within the five (5) years immediately preceding the date of salaried employment with the Palau National Government, or other similar Palauan state or governmental entity, may practice law in Palau without taking the Palau Bar Exam for a single period of four (4) years. Any practice of law after the expiration of this four (4) year period, or on behalf of any non-governmental person or entity at any time, constitutes the unauthorized practice of law.

More specific information regarding these exceptions and their requirements may be found in the Palau Rules of Admission for Attorneys and Trial Counselors.

After the initial four-year period, can I be admitted on motion?

No. After the initial four-year period has expired, attorneys are required to either sit for the Palau Bar Examination or discontinue their practice in Palau.

What is an accredited law school?

Rule 2 provides that an accredited law school is one accredited by the

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prevailing accrediting agency of the jurisdiction. For law schools located in the U.S., the school must be ABA-accredited. For law schools outside the U.S., the school must be accredited by an agency of that jurisdiction and also the applicant should provide a copy of his/her diploma and a transcript.

How can I obtain an application for the Palau Bar Examination?

If you would like to receive an application, you can send a check for \$10.00 payable to the Clerk of Courts to: Clerk of Courts, Supreme Court of the Republic of Palau, P.O. Box 248, Koror, Palau 96940. Applications may also be obtained in person from the Clerk's Office in Koror or Melekeok. The application remains the same from exam to exam.

How do I apply to take the Bar Examination?

In order to apply to take the Bar Examination, an applicant must submit an application form to the Supreme Court along with an application fee of \$300.00. The application fee shall be paid and the application filed at least forty-five (45) days before the date of the next bar examination.

If applicants have not yet passed the Multistate Professional Responsibility Examination (MPRE), a separate application is required to take that exam.

When is the Palau Bar Examination offered?

The Exam is annually offered in July of every year. Application materials are available in March of that year.

Should I begin the application process before I graduate from law school?

The application must be submitted at least forty-five (45) days before the date of the next examination. If you wish to submit your application materials prior to your law school graduation, you may do so, but you will still be required to present proof of graduation. You may also wait until after graduation to apply. As the application is relatively uncomplicated, it is preferable that you collect the required materials and submit them all in one package.

How much does it cost to take the Palau Bar Examination?

The application fee is \$300.00. This fee includes the cost for purchasing, administering, and grading the Multistate Bar Exam (MBE), the Multistate Essay Examination (MEE), and Multistate Performance Test (MPT), the Palau-based Essay Examination, background check, copying, postage, and other administrative costs. The fee to register for the MPRE was \$55.00 in 2007, paid directly to the National Conference of Bar Examiners and mailed with the MPRE application. Please consult with the NCBE to determine the current rates.

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Do I have to pay the application fee again if I have previously applied for the Palau Bar?

Yes. Application fees paid for one exam will not be applied to future exams.

Does admission to the Palau Bar qualify me to work as a lawyer in the U.S.?

Admission to the Palau Bar only qualifies individuals to practice before the courts of the Republic of Palau. Palau does not have any reciprocal agreements with states in the U.S., although MBE scores may be transferable to other jurisdictions. Individuals themselves must inquire with the specific U.S. jurisdictions of their interest in order to determine whether or not the Palau Bar would permit them to practice there.

The Palau Bar Examination

What are the components of the Palau Bar Exam?

Admission to the Palau Bar by examination requires a passing score on five (5) tests. The Exam is comprised of the Multistate Bar Examination (MBE), the Multistate Essay Examination (MEE), the Multistate Performance Test (MPT), and the Palauan-based Essay Examination. Also, applicants are also required to score at least 75 on the Multistate Professional Responsibility Exam (MPRE).

What is the MBE?

The MBE includes 200 multiple-choice questions testing the following areas of law: contracts, criminal law and procedure, evidence, real property, torts, and U.S. constitutional law. The questions test application of fundamental legal principles rather than specific local case or statutory law.

The exam takes 6 hours and is administered in a single day with two three-hour sessions. The National Conference of Bar Examiners prepares the MBE and the MBE is scored and analyzed by American College Testing (ACT).

A minimum score of 120 is required on the MBE to be admitted to the Palau Bar.

More information regarding the MBE and the National Conference of Bar Examiners can be found at its website: <http://www.ncbex.org>.

What is the MEE?

The MEE is a collection of essay questions created by the National Conference of Bar Examiners. This portion of the exam usually includes three or four questions, and applicants are given three hours to complete them.

MEE questions are designed to raise a few major legal issues, and good answers will identify the relevant issues, demonstrate an understanding of law, and demonstrate a concise, well-organized, and well-reasoned written response. Questions may include issues relating to business associations (agency

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& partnership; corporations and limited liability companies), conflict of laws, constitutional law, contracts, criminal law and procedure, evidence, family law, federal civil procedure, real property, torts, and trusts and estates. Some questions may include issues in more than one area of law.

The MEE does not test on laws specific to any jurisdiction. Examinees apply generally applicable legal principles. More information regarding the MEE can be found on the website of the National Conference of Bar Examiners at www.ncbex.org/mee.

A minimum score of 65 is required on the MEE to be admitted to the Palau Bar.

What is the MPT?

The MPT is developed by the National Conference of Bar Examiners and is administered on the same day as the MEE.

The MPT is a 90-minute examination designed to test an applicant's ability to use fundamental lawyering skills in a realistic situation. Each test evaluates an applicant's ability to complete a task which a beginning lawyer should be able to accomplish. Applicants are given a predetermined set of facts and circumstances—of the sort that a practicing lawyer might encounter—and produce some practical work product from it. The assignment could be to draft a memo to a supervising partner at a law firm, a letter to your client explaining a case, or a pleading or other filing in court.

The materials for each MPT include a File and a Library. The File consists of source documents containing all the facts of the case. The Library consists of cases, statutes, regulations, and rules, some of which may not be relevant to the assigned lawyering task.

The MPT is not a test of substantive law, and problems may arise in a variety of fields. Library materials provide sufficient substantive information to complete the task.

More information regarding the MPT can be found on the website of the National Conference of Bar Examiners at www.ncbex.org/multistate-tests/mpt/.

A minimum score of 65 is required on the MPT to be admitted to the Palau Bar.

What is the Palauan-based Essay Examination?

The Palauan-based Essay Examination tests knowledge of Palauan law. Questions may cover customary law, land law, the Palauan Constitution, the Palau National Code, the Compact of Free Association, case law from the Palau courts, or any other source of law in Palau.

A minimum score of 65 is required on the Palauan-based Essay Examination to be admitted to the Palau Bar.

What is the MPRE?

The MPRE, or Multistate Professional Responsibility Examination, is a test of attorney ethics consisting of 60 multiple-choice questions. The exam includes

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questions based on the law governing the conduct of lawyers, including the disciplinary rules of professional conduct, as articulated in the ABA Model Rules of Professional Conduct, the ABA Code of Judicial Conduct, and controlling constitutional decisions, as well as generally accepted principles established in leading federal and state cases and in the rules of procedure and evidence.

The Court does not administer the MPRE in Palau, but Palau Community College annually administers this test. Applications and more information regarding the MPRE and its content are available from the National Conference of Bar Examiners (NCBE) at <http://www.ncbex.org/multistate-tests/mpre/>.

A minimum score of 75 is required on the MPRE to be admitted to the Palau Bar.

Is there a dress code for the Bar Examination?

No. There is no dress code for the Palau Bar Examination.

Are scores from other jurisdictions accepted in Palau?

Yes. Applicants who have taken and passed the MBE, the MPRE, or an essay examination from a state or territorial jurisdiction of the United States within the past 5 years are not required to take that particular examination again, but applicants are required to provide official documentation of their passing score.

All applicants must take and pass the Palauan-based Essay Examination.

How do I transfer my passing MBE scores to Palau?

To transfer your MBE score to Palau from another jurisdiction, consult that jurisdiction. Contact information for many jurisdictions can be accessed via <http://www.ncbex.org/bar-admissions/offices/>. The National Conference of Bar Examiners (NCBE) may transfer scores on behalf of jurisdictions that do not transfer scores.

How do I transfer my passing MPRE scores to Palau?

Information regarding transferring your MPRE scores can be obtained from the website of the National Conference of Bar Examiners at <http://www.ncbex.org>.

In the past, applicants have been able to mail their request and a \$15.00 check payable to NCBE directly to: National Conference of Bar Examiners, MPRE Records Department, 301 ACT Drive, P.O. Box 451, Iowa City, IA 52243-0451. The request included their name, address, social security number, date of birth, test date, signature, and directions to send the score to the Palau jurisdiction. Applicants should check with the NCBE to ascertain the most current procedure for these score requests.

How do I transfer my passing state essay scores to Palau?

Applicants should request a score transfer directly from the state or territorial jurisdiction where the Essay or

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Combined MBE/Essay Examination was taken and have it sent to: Clerk of Courts, Palau Supreme Court, P.O. Box 248, Koror, Palau 96940. The address and phone number of each jurisdiction should be available at the website <http://www.ncbex.org/bar-admissions/offices/>.

Are MBE, MEE, MPT, or MPRE scores more than five years old accepted?

No. Applicants who have not taken and passed the MBE, the MPRE, or an essay examination within the past 5 years may take that particular examination in Palau as scheduled or in any other jurisdiction in which those examinations are administered.

Is the Palau-based Essay Exam offered in the United States?

No. The Palau-based Essay Examination is only offered in Palau.

Preparing for the Bar Examination

What should I study for the Palauan-based Essay Exam?

To prepare for the Palau portion of the exam, you are responsible for studying all Palauan case law. Questions may cover customary law, land law, the Palau Constitution, the Palau National Code, the Compact of Free Association, case law from the Palauan courts, and any other source of law in Palau.

Are there any resources to use in studying for the Exam?

Once we receive your completed application, we automatically send out a package with additional information, which includes past Palauan-based Essay Examinations and an information booklet for the MBE. Past MEE exams and MPT exams are available at www.ncbex.org. This information alone is insufficient to adequately prepare for the exam.

All of the materials necessary to study for the Palauan-based Essay Examination are available for purchase from the Palau Supreme Court. The publication price list is included at the end of these FAQs. Applicants may purchase copies of the latest law digest from the law librarian. The digest is a compilation of all headnotes from the cases in the reporters covered by that digest.

Reporters are also available which include published decisions from the Supreme Court of Palau. The cost for the 16th Reporter, which covers cases in 2008 and 2009, is \$88.64, which includes off-island shipping to the U.S. Please inquire with the law librarian at the Court's address and phone number regarding the cost of the most recent reporter.

These materials are also available free of charge to the public for review in the law library at the Supreme Court in Palau. Please be advised that the library is open to the public 7:30 a.m. to 4:30 p.m., Monday through Friday, and can be kept open for a fee at other times, with prior arrangement. The materials may additionally be available in some law

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libraries in the U.S. and the Pacific Rim, including the Guam Law Library, Georgetown International Law Library, the Columbia Law Library, and the Northwestern Law Library. Please check with your local library to determine their holdings.

Do I need to study the laws of any particular U.S. state?

The Palau Bar Examination does not test on laws specific any U.S. state. For subjects generally governed by state law in the U.S. (e.g., real property), the graders use the prevailing common law principles and do not require specific knowledge of the laws of any state.

How difficult is the Palauan Bar Exam compared to bar exams offered in the United States?

The difficulty of the exam often depends on the individual's level of preparation. Applicants should understand that not only will they be tested on their understanding of Palau law, but they will also be examined on their knowledge of those aspects of U.S. and common law appearing on the MBE and MEE. The Palau Bar Examination is not generally considered any easier than exams offered in other jurisdictions.

Are there tutors or bar review programs available for the Exam?

The Court does not make any recommendations regarding tutors or study programs for the Exam.

Unsuccessful Applicants

What happens if I fail the exam?

If an applicant fails the exam, he or she will receive a letter detailing which portion of the exam was failed. The letter will also include information about reapplying for admission.

Can I review the MBE and MPRE questions and answers?

Unfortunately, MBE and MPRE questions and answers are not available for public review. If you fail the MBE, you can have ACT hand score your answer sheet. More information on this process can be found on the NCBE's website, <http://www.ncbex.org>, and all inquires regarding this process should be directed to them.

Can I review the MEE questions and answers?

Unsuccessful applicants may review the MEE questions and answers. If the applicant has failed the MEE portion of the exam, upon the payment of a fee to cover administrative costs, he or she may be able to review a copy of their individual essay answers, the essay questions, and the scorer's issue outline.

Can I review the Palau-based Essay questions and answers?

Unfortunately, the Palau-based essay questions and answers are not available for public review.

Additional Information

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What is the mailing address of the Palau Supreme Court?

The address of the Court is:

Supreme Court of Palau
P.O. Box 248
Koror, Palau 96940

If you wish to send items using mailing services that need a street address, such as Federal Express or DHL, the street address is:

Palau Supreme Court
Intersection of Main Road & M Dock Road
Koror, Palau 96940

How long does it take for materials to reach Palau via the U.S. Postal Service?

Two weeks is a good estimate of the amount of time it takes for items to arrive in Palau, if sent First Class using the U.S. Postal Service. As with anything sent via the mail, please allow ample time to ensure timely receipt.

Is the Constitution of Palau available online?

An unofficial version of the Constitution of Palau is available online at:
http://www.paclii.org/pw/legis/consol_act/cotrop359/.

Where can I get more information on Palau?

The Palau Visitor's Authority website at <http://www.visit-palau.com> is a good source of information.

How do I receive a certificate of good standing as a member of the Palau Bar?

To receive a certificate of good standing, send a letter requesting the certificate and a check or money order for \$10.00 made payable to the Clerk of Court, Supreme Court of Palau. The address is: Supreme Court of Palau, P.O. Box 248, Koror, Palau 96940.

Who do I contact with other questions?

For further information or questions regarding the Palau Bar Examination, you may contact the Court by e-mail at palaujudiciary@palaunet.com, by fax at (680) 488-1597, or by phone at (680) 488-2607.

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PUBLICATION AVAILABLE FROM PALAU SUPREME COURT

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<u>TITLE</u>	<u>On-Island</u>	<u>Off-Island</u>
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15 th ROP Reports	75.44	94.30
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Rules of Civil Procedures (June 26, 2002)	15.00	20.00
Rules of Civil Procedures (February 18, 2008)	15.00	20.00
Rules of Criminal Procedures	55.00	75.00
Rules of Criminal Procedures (Aug. 23, 2004)	5.00	8.85
Rules of Evidence (Dec. 23, 1983)	27.00	30.00
Rules of Evidence (Jan. 07, 2005)	10.00	15.00
Small Claim Rules	3.00	5.00

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<u>THE QUEST FOR HARMONY – The Pictorial History</u>	<u>50.00</u>	<u>55.00</u>
Of the Law and Justice in the Republic of Palau		
<u>The Wisdom of the Past. A vision for the Future.</u>	<u>50.00</u>	<u>55.00</u>

Check should be made payable to Clerk of Courts.

Off-island prices only, includes shipping to the United States and FSM.

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