

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

IN RE RULES OF ADMISSION

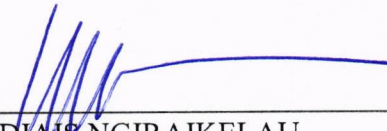
ORDER

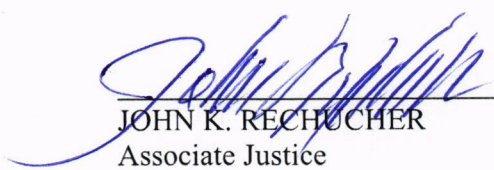
These Rules of Admission are promulgated by the Supreme Court of the Republic of Palau pursuant to Article X, Section 14 of the Constitution and 4 PNC § 101. They take effect immediately, and supersede all previously promulgated Rules of Admission.

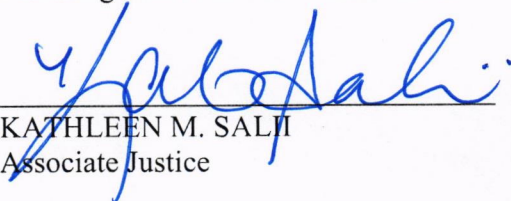
April 17, 2018

Date

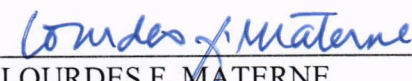

ARTHUR NGIRAKLSONG
Chief Justice


OLDIA NGIRAI KELAU
Presiding Justice of the Trial Division


JOHN K. RECHUCHER
Associate Justice


KATHLEEN M. SALT
Associate Justice


R. BARRIE MICHELSEN
Associate Justice


LOURDES F. MATERNE
Associate Justice

**RULES OF ADMISSION FOR ATTORNEYS TO PRACTICE
IN THE COURTS OF THE REPUBLIC OF PALAU**

*Rules of Admission for Attorneys to Practice in the
Courts of the Republic of Palau*

Promulgated by the Palau Supreme Court, April 17, 2018

Rule 1. Except as provided in Rule 5 of these rules, only those persons admitted to the practice of law before the courts of the Republic of Palau may practice law in the Republic of Palau.

Rule 2. Any person seeking to be admitted to practice law before the courts of the Republic of Palau shall be certified for admission to practice before the courts of the Republic of Palau if the applicant satisfies all of the following requirements:

(a) Is of good moral character, as demonstrated by a certificate of good standing, issued within 30 days of the application for admission, from the bar of each jurisdiction in which the applicant is a member. Each certificate shall demonstrate that the applicant has not been the subject of original or reciprocal disciplinary proceedings in that jurisdiction, and that the applicant is not currently under investigation in that jurisdiction for alleged violations of the canons of ethics or the rules of admission. The applicant shall also personally attest that he or she has never been disbarred in any jurisdiction. If the applicant is not and has never been an active member of any bar then he or she must submit a letter attesting to the applicant's good moral character from the dean (or the dean's designee) of the law school from which the applicant graduated;

(b) Has never been convicted of a felony, or if so convicted, has received a full pardon from a competent authority;

(c) Has graduated from a law school in the United States that is accredited by the American Bar Association, or a law school in a United States territory or possession, or other foreign country that is accredited by the prevailing accrediting agency in the country in which the law school is located; and

(d) Has taken and passed a bar examination administered by the Supreme Court of the Republic of Palau or its designee.

Rule 3.

(a) Any attorney who otherwise meets the requirements of Rule 2 and is a salaried employee of the Republic of Palau National Government, or any state or other governmental entity of the Republic of Palau, or of the Micronesian Legal Services Corporation, and who has been in active practice of law any time within the five years immediately preceding the date of employment, may practice law in Palau without complying with Rule 2(d) of these rules for a single period of four consecutive years, commencing on the first day of employment, so long as the attorney is acting within the scope of employment and maintains membership in good standing in the bar of any state, territory or possession of the United States or other foreign country. For the purpose of this section, the active practice of law includes those periods in which the attorney was employed by a judicial officer as a law clerk or staff attorney.

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Any practice of law after the expiration of this four year period, or on behalf of any non-governmental person or entity at any time, without first having complied with Rule 2(d) of these rules, constitutes the unauthorized practice of law.

(b) Any law school graduate who otherwise meets the 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, may be admitted to practice law in Palau without complying with Rule 2(d) of these rules within four years of the employee's graduation from law school, so long as the employee is making all efforts to comply with Rule 2(d), and so long as the employee is acting within the scope of employment, and is 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, but does not require the Bar member to be present at court proceedings except (1) as the supervisor deems necessary to ensure competent representation; or (2) in criminal matters in which a felony has been charged; or (3) as the Court in any particular case may direct.

2018 Amendment: Rule 3(a) should include language similar to the prefatory language in Rule 3(b). The waiver for law school graduates if they are employed in the private sector is eliminated.

Rule 4.

(a) Any attorney admitted to practice before the courts of the Republic of Palau who does not maintain an office in Palau may file pleadings and other documents in the courts of the Republic of Palau, and may be served with such documents, in any manner permitted by the Rules of Civil Procedure. Any attorney filing or receiving documents under this rule must pay a \$25 fee to cover the cost to the Clerk of Courts of transmitting court orders, decisions, opinions, etc. to him or her; provided, that if the cost of transmitting documents to the attorney exceeds \$25 for any given year, the attorney must pay for the excess transmission costs.

(b) In individual cases, and for cause, the Supreme Court may require that pleadings and other documents be filed by, and served upon, an agent appointed by the attorney. Such agent must be an attorney or trial counselor who is admitted to practice law in the Republic of Palau and who maintains an office in the Republic of Palau.

2018 Amendment: The last sentence is eliminated in subsection (a). Non-resident attorneys must serve documents in compliance with Palau's procedural rules. There is no need to repeat that obligation in the Rules of Admission.

Rule 5. An attorney actively licensed to practice law by the highest court of a country, state or territory, who is not admitted to practice before the courts of the Republic of Palau

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may, on motion, be admitted pro hac vice to represent a client or clients in a particular case by the Justice before whom the case is pending, which admission may continue if that case is appealed to the Appellate Division. Any attorney admitted pro hac vice shall associate with a member of the Palau Bar who maintains an office in the Republic of Palau. Any motion made under this rule must be accompanied by a \$1,000 check made payable to the "Palau Bar Association." The check will be deposited only if the attorney is admitted.

2018 Amendment: This Rule has been reworded. No change in meaning is intended.

- Rule 6. The bar examination will include the Multistate Bar Examination (MBE), the Multistate Performance Test (MPT), the Multistate Essay Examination (MEE), the Multistate Professional Responsibility Examination (MPRE), and a Palau-based Essay Examination regarding Palauan customary law, Palau statutory law and the Palau Constitution.

2018 Amendment: Rule 6 is replaced to provide greater detail regarding which tests shall be given and to give specificity regarding the Palau-based examination, which provides the applicant greater direction concerning what to study.

- Rule 7. In order to apply to take the Palau Bar Examination, an applicant must submit to the Supreme Court the application form prescribed by the Supreme Court along with an application fee of \$300. The admission fee shall be paid and the application filed at least forty-five days before the scheduled date of the next bar examination.

If an applicant has not yet passed the MPRE, a separate application is required to take that examination. The application for the MPRE must be submitted directly to the National Conference of Bar Examiners.

Applicants who, within the past five years, have taken the MBE, MEE, MPT, or MPRE in Palau or in a State or territorial jurisdiction of the United States and obtained a score on one or more of the examinations that would be deemed a passing grade on the Palau Bar Examination, may have that score transferred and counted toward their Palau Bar Examination score. Applicants are required to provide evidence of the score from the jurisdiction in which the examination was taken.

All applicants are required to take and pass the Palauan-based Essay Examination. Applicants who within the past five years have taken and passed the Palau-based Essay Examination may have that score transferred and counted as their grade on the Palau Bar Examination for examinations taken within that five year period.

All MBE, MPT, MPRE and MEE score service requests such as transferring scores to another jurisdiction, obtaining test results, must be submitted through an examinee's NCBE account.

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Applicants must take all portions of the bar examination at the time the test is given, other than the MPRE, which is given on different dates, and any portions of the examination for which transferred scores have been accepted by the Court. The MPRE must be taken by the applicant within one year of taking the Palau Bar Examination to be counted as part of that Examination.

Application fees paid for one examination will not be applied to subsequent examinations.

2018 Amendment: Details are added to the Rules to reflect the current policies of the Court. Added to those policies is the requirement applicants must take the whole examination, and may not elect to take only a portion of the examination, the only exceptions being transferred scores and the MPRE, which must be taken within one year.

- Rule 8.** If an applicant has met the requirements set forth in Rule 2 of these rules, the Supreme Court shall notify the applicant in writing. The applicant shall have one year after the date of the certification letter to take the Oath of Admission before a Justice or Judge of the courts of the Republic of Palau. No applicant shall be admitted to the Palau Bar without taking the Oath of Admission. Any attorney who fails to take the Oath of Admission within the prescribed time period shall not be admitted to the Palau Bar without again satisfying the requirements set forth in Rule 2 of these rules.

2018 Amendment: The Rules provide the applicant a full year to take Oath of Admission. Given the current residency of Palau Judges in Guam, the Commonwealth of the Northern Mariana Islands, the Federates States of Micronesia, and Hawaii, applicants should have no difficulty meeting this requirement.

- Rule 9.** An attorney may either be an active or an inactive member of the Palau Bar. An inactive member may not practice law in the Republic of Palau. Members of the Palau Bar must pay an annual fee to maintain their membership.

(a) During the first year of admission, an attorney must pay the annual fee before engaging in the practice of law in Palau. For the first year of admission for active and inactive attorneys, the annual fee for the year is as follows:

For attorneys admitted during the months of January, February or March, the annual fee is \$200; For attorneys admitted during the month of April, the annual fee is \$180; For attorneys admitted during the month of May, the annual fee is \$160; For attorneys admitted during the month of June, the annual fee is \$140; For attorneys admitted during the month of July, the annual fee is \$120; For attorneys admitted during the month of August, the annual fee is, \$100; For attorneys admitted during the month of September, the annual fee is \$80; For attorneys admitted during the month of October, the annual fee is \$60; For attorneys admitted during the month of November, the annual fee is \$40; For attorneys admitted during the month of December, the annual fee is \$20.

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(b) The first year of admission, the annual fee for active members of the Bar is \$200. The first year of admission, the annual fee for inactive members of the Palau Bar is \$100. The annual fee shall be made payable to the Palau Bar Association. For each year after the first year of admission, the annual fee must be paid by January 20. Failure of an active member to timely pay his or her annual fee shall mean the immediate suspension of his or her privilege to practice law in the Republic of Palau. Any attorney who fails to pay his or her annual fee by January 20 must pay his or her annual fee and a \$150 late charge by April 20. The late charge shall be made payable to the Clerk of Court. If an attorney fails to pay his or her annual fee and the late charge by April 20, the attorney shall be deemed to have automatically resigned from the Palau Bar.

Any attorney seeking reinstatement to the Palau Bar after having automatically resigned from the Palau Bar under this rule shall file by January 20 of the following year a petition for reinstatement with the Supreme Court, along with a reinstatement of \$500, made payable to the Clerk of Court, and the applicable annual fee, made payable to the Palau Bar Association. The petition for reinstatement shall not be granted absent a showing of good cause.

(c) Payment shall be by check made payable to the "Palau Bar Association," and shall be delivered to the Clerk of Courts for recording and transfer to the Palau Bar Association. All monies collected by the Bar Association shall be administered by the President and Treasurer of the Palau Bar Association or their designees for the benefit of the members of the Palau Bar Association and/or payment of costs associated with Disciplinary Proceedings. The President and Treasurer of the Palau Bar shall provide the members with an annual report identifying the account balance, the amount of fees collected, and the amount of expenditures

Rule 10. Any member of the Palau Bar convicted in any jurisdiction of a felony or other crime involving dishonesty or false statement, and any member of the Palau Bar disbarred or suspended from the practice of law in any court of competent jurisdiction, shall automatically be suspended from the practice of law in the Republic of Palau. Provided, that in the event a member of the Palau Bar is disciplined in some other jurisdiction and the Palau Supreme Court determines from the record upon which the discipline was predicated that:

(a) the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or

(b) there was such an infirmity of proof establishing the misconduct that this Court could not, consistent with its duty, accept as final the conclusion on that subject; or

(c) the imposition of the same discipline by this Court would result in grave injustice; or

(d) the misconduct established is deemed by this Court to warrant substantially

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different discipline, then such attorney shall not be automatically similarly disciplined by this Court.

An attorney automatically suspended pursuant to this Rule may be reinstated upon approval of the Court only on written application showing cause why such attorney should be reinstated, excepting, however, that in the event the discipline imposed in the other jurisdiction has been stayed there, the discipline imposed in this Court shall likewise be deferred until such a stay expires in the other jurisdiction.

Any member of the Palau Bar convicted, disbarred, or suspended as described in this Rule shall immediately notify in writing the Clerk of Courts of such action and shall state the particulars thereof.

Rule 11. An attorney admitted to the Palau Bar who is under investigation for misconduct or who is facing disbarment proceedings in any court of competent jurisdiction, and who resigns from the bar of the investigating jurisdiction, or who voluntarily permits a license to practice therein to terminate, shall be deemed by this Court to have been disbarred in that other jurisdiction and shall forthwith be disbarred from practicing in this Court. An attorney disbarred pursuant to this Rule may be reinstated upon approval of the Court on written application showing cause why such attorney should be reinstated.

Rule 12. Except for use by an attorney admission, disciplinary, and/or judicial selection authority of any jurisdiction in which an applicant is admitted to practice or seeks to practice law, applications and other information submitted in connection with applications for admission to the Palau Bar shall be absolutely privileged and no lawsuits predicated thereon may be instituted. Members of the Palau Bar and court staff performing duties or functions under these rule shall be absolutely immune from suit and liability for any conduct in the course of their official duties.

Rule 13. Except for administrative resignations pursuant to Rule 9(b) of these Rules, an attorney who is not the subject of a disciplinary investigation, proceeding, or order in any jurisdiction, and who is otherwise in good standing, may petition to resign from the practice of law in Palau by filing a Petition to resign from the Palau bar with the clerk of the Appellate Division.

The Petition shall be supported by the Petitioner's affidavit attesting that the Petitioner is not the subject of a disciplinary investigation, proceeding, or order in any jurisdiction. The Petitioner shall promptly notify in writing all clients being represented in pending matters of the Petition to resign, and also notify the attorneys or representatives for each adverse party in such matters.

The Petitioner, after the filing of the Petition to resign, shall not accept any new retainers or engagements as attorney in any new case or legal matter of any nature. However, during the period from the filing of the Petition and the effective date of the Order allowing resignation,

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the Petitioner may wind up and complete, on behalf of any client, all matters that were pending on the Petition's filing date.

In the event the client does not obtain substitute counsel before the effective date of the Order permitting resignation, it shall be the responsibility of the Petitioner to file a motion for leave to withdraw before any court in which the proceeding is pending.

The Chief Justice shall assign a panel of the Appellate Division to consider the Petition. An Order granting the Petition may impose such conditions as the Court deems necessary to protect the rights of the public and shall, unless otherwise ordered by the Court, be effective 30 days after entry of the Order. By the effective date of the Order, the Petitioner shall surrender to all clients all papers and property to which the clients are entitled and any advance payments of fees that have not been earned.

The Court may deny a Petition to resign if, because of pending disciplinary issues or any other reason, such resignation is not in the public's interest.

2018 Amendment: This rule is new and will allow the Court to insure a supervised transition of clients, trust fund accounts, with proper notice.