

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

**IN RE: AMENDMENTS TO THE
DISCIPLINARY RULES &
PROCEDURES FOR ATTORNEYS**

ORDER

Pursuant to Article X, Section 14 of the Constitution of the Republic of Palau, the Disciplinary Rules & Procedures for Attorneys practicing in the Republic (eff. Dec. 1, 1989) are amended as follows:

RULE 2. GROUNDS FOR DISCIPLINARY ACTION.

An attorney may be subject to disciplinary action as provided by these rules for any of the following causes occurring within or outside the Republic of Palau. An attorney who is no longer actively practicing in the Republic of Palau (whether or not such attorney remains formally admitted to practice) may be subject to disciplinary action for conduct occurring during the period the attorney was actively practicing in the Republic.

- (i) Engaging in the practice of law in the Republic of Palau without first being permitted to do so pursuant to the Rules of Admission, or while suspended or disbarred from practice in the Republic of Palau.

RULE 5. ACTION BY THE DISCIPLINARY TRIBUNAL.

- (b) Upon receipt of the Disciplinary Counsel's report, the Tribunal shall, within seven days, determine what course of action to take. If the Tribunal determines that the complaint is unfounded, trivial, or otherwise lacking in merit, it shall dismiss the complaint and notify the respondent forthwith. If it finds that the complaint appears to have merit, it shall direct the Disciplinary Counsel to file a formal complaint within seven days ~~and shall schedule the matter for a formal hearing within thirty days.~~

- (c) ~~The formal complaint and notice of hearing shall be served on the respondent attorney, who shall file his answer within twenty days. Failure to file a timely answer shall constitute an admission that the complaint is true.~~
- (d) A The formal hearing shall be held within the Republic of Palau within thirty days of the respondent attorney filing his answer. The formal hearing and shall be open closed to the public, unless the Tribunal orders respondent attorney requests otherwise.

RULE 6. REFUSAL OF COMPLAINANT TO PROCEED.

~~The Neither unwillingness of a complainant to assist with the prosecution of a disciplinary matter sign a complaint or to otherwise prosecute a charge for any reason, including settlement between the complainant and the respondent attorney, or restitution by the respondent attorney to the complainant, shall not, in itself, justify abatement of the processing of any complaint but may be taken into account by the relevant decision-makers at each stage of the process.~~

RULE 7. RELATED PENDING CIVIL OR CRIMINAL LITIGATION.

- (a) On a motion by the complainant, the respondent attorney, or the Disciplinary Counsel, the Chief Justice or his designee, or the Disciplinary Tribunal if such has been appointed, may stay or otherwise defer the processing of a complaint Processing of complaints shall not be deferred or abated because of substantial similarity to the material allegations in of pending criminal or civil litigation involving the respondent attorney, unless authorized by the Chief Justice in his discretion for good cause shown.

~~RULE 15. UNAUTHORIZED PRACTICE OF LAW.~~

~~Any attorney or person who practices law in the Republic of Palau without being admitted to practice law in the Republic of Palau, or any attorney who practices law in Palau after being disbarred or suspended shall be held in contempt of court and subject to the sanctions pertaining thereto.~~

RULE 15. CONFIDENTIALITY OF PROCEEDINGS.

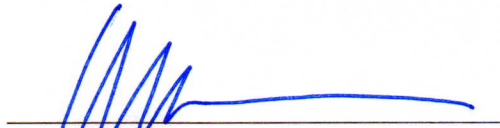
- (a) All records and proceedings involving allegations of misconduct by an attorney shall be kept confidential until a formal complaint has been filed by the Disciplinary Counsel pursuant to Rule 5(c) of the Disciplinary Rules, except as otherwise provided herein or as the Chief Justice may otherwise order. Following the filing of the formal complaint, all proceedings before the Disciplinary Tribunal shall be open to the public, and all pleadings and records of the proceedings, including the formal complaint, any exhibits introduced into evidence, and any transcript of the proceedings, shall be available for public inspection. However, the Disciplinary Counsel's files and records shall not be available for public inspection, except to the extent that portions thereof are introduced

into evidence in a proceeding before the Disciplinary Tribunal. Access to confidential records shall be restricted to the Chief Justice or his designee and the Disciplinary Counsel.

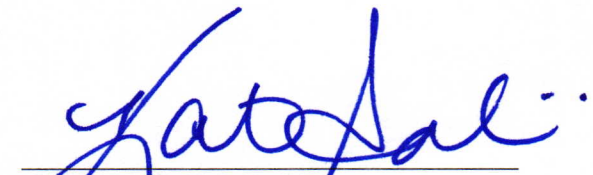
- (b) In order to protect the interests of a complainant, witness, third party, or the respondent attorney, the Disciplinary Tribunal may, upon application of any person for good cause shown or on its own motion, issue a protective order prohibiting the disclosure of specific information and direct that the proceedings be conducted so as to implement the order, including requiring that the hearing be conducted in such a way as to preserve the confidentiality of the information that is the subject of the application.

These amendments are effective as of April 5, 2021, and shall apply to all attorney disciplinary proceedings commencing on or after that date.


Dated this 29th day of March, 2021.



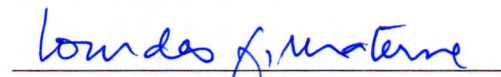
OLDIA NGIRAIKELAU
Chief Justice



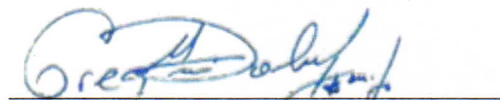
KATHLEEN M. SALII
Presiding Justice of the Trial Division




JOHN K. RECHUCHER
Associate Justice



LOURDES F. MATERNE
Associate Justice



GREGORY DOLIN
Associate Justice



HONORA E. REMENGESAU RUDIMCH
Associate Justice