

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

**IN RE: RULES IMPLEMENTING  
AMENDMENTS TO 4 PNC § 201**

**ORDER**

On April 29, 2021, the President of the Republic of Palau signed into law RPPL No. 11-6 which amended 4 PNC § 201. Pursuant to Article X, Section 14 of the Constitution of the Republic of Palau and § 201, as amended, the following rules are promulgated to implement the amendments providing that all duly appointed Associate Justices of the Supreme Court of the Republic of Palau may fully exercise their judicial duties while outside the Republic.

**I. Full-time, Resident Justices**

Unless on leave, a full-time, resident justice ordinarily shall perform judicial duties at the courthouses in Koror or Ngerulmud during established working hours. While on leave and absent from the Republic, a full-time, resident justice may continue to perform judicial tasks provided (1) the leave was approved by the Chief Justice; (2) barring extraordinary circumstances, the period during which the justice performs judicial tasks while abroad is no longer than sixty (60) days; and (3) the Chief Justice determines that the performance of judicial duties while abroad is in the interests of justice and does not detract from the integrity of the Court or the judicial process.

**II. Part-Time, Non-Resident Justices**

Consistent with 4 PNC § 201, as amended, any part-time, non-resident justice may fully perform their judicial duties while outside the Republic.

**III. Part-Time, Non-Resident Justices Assigned to the Trial Division**

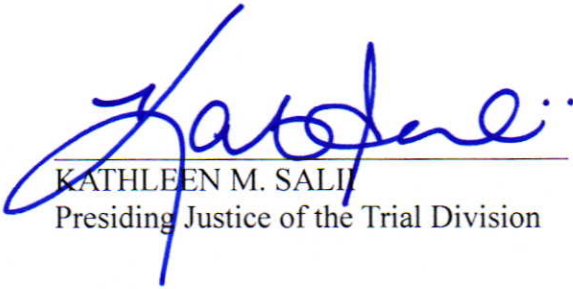
Consistent with 4 PNC § 201, as amended, the use of part-time, non-resident justices assigned to the Trial Division is limited to those instances in which all full-time, resident justices of the Trial Division individually determine that they are disqualified or recused from presiding over a particular case. In such instances, each justice shall issue an order of recusal with a statement (1) of the reasons for his or her recusal or disqualification; (2) that the parties are not willing to waive the conflict; and (3) that Code of Judicial Conduct Canon 2.5's "rule of necessity" does not apply. In no event shall full-time, resident justices preside over matters in which they have disclosed "actual bias or prejudice concerning a party or lawyer" under Canon 2.5.1.

**IV. Consent of the Parties**

Before any evidentiary proceeding, or any criminal proceeding other than a scheduling conference, may be conducted remotely by a justice who is not in the Republic, the justice shall first obtain the consent of the parties to have the proceedings conducted remotely. Such consent shall be in writing or made in open court and on the record.


Dated this 14<sup>th</sup> day of May, 2021.

  
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OLDIAS NGIRAIKELAU  
Chief Justice

  
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KATHLEEN M. SALI  
Presiding Justice of the Trial Division

  
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JOHN K. RECHUCHER  
Associate Justice

  
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LOURDES F. MATERNE  
Associate Justice

  
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GREGORY DOLIN  
Associate Justice

  
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HONORA E. REMENGESAU RUDIMCH  
Associate Justice