

SUPREME COURT REPUBLIC OF PALAU

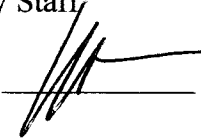
Chambers of Oldiais Ngiraikelau
Chief Justice

MEMORANDUM

CJ Memo: 2020-002

Date: October 15, 2020

To: All Justices, Judges, and Judiciary Staff

From: Chief Justice Oldiais Ngiraikelau 

Re: **Publication of Opinions, Decisions and Orders**

This memo provides guidance on the publication of Judiciary opinions, decisions, and orders. Judiciary opinions, decisions, and orders are “published” when they are uploaded to the Cases & Judgments section of the Judiciary Branch website. The Office of Court Counsel will work with the Chief Justice, MIS, and the Law Librarian to ensure proper publication pursuant to the guidelines below. These guidelines will govern the publication of Judiciary opinions, decisions, and orders unless the Chief Justice directs otherwise and until any new guidance, policy, or rule on publication is issued. This memo does not govern opinions, decisions, or orders concerning rule amendments, court procedure, administrative matters, or disciplinary proceedings.

I. Appellate Division

By law, the Judiciary is required to publish “[a]ll decisions of the Appellate Division.” 4 PNC § 105. Consistent with this directive, the Judiciary:

- **Shall publish** all three-judge panel opinions resolving an appeal, including concurring and dissenting opinions.
- **Shall publish** any *dispositive* order issued by a three-judge panel, including any order dismissing an appeal on timeliness grounds or for failure to prosecute, except for any order voluntarily dismissing an appeal pursuant to ROP R. App. P. 42.
- **Shall not publish** any *non-dispositive* order issued by a three-judge panel.
- **Shall not publish** any order *denying* a petition for rehearing or motion for reconsideration.

- **Shall not publish** any order *granting* a petition for rehearing or motion for reconsideration *when the order results in a revised opinion*, unless the order contains substantive analysis not reflected in the revised opinion. Any revised opinion resulting from the grant of a petition for rehearing or motion for reconsideration shall include a footnote explaining that the previously issued opinion has been withdrawn and revised based on the grant of the petition or motion.

II. Trial Division, Land Court, and Court of Common Pleas

Pursuant to 4 PNC § 105, the Chief Justice shall evaluate all final decisions of the Trial Division for potential publication at the end of each calendar year. By November 15 of each calendar year, the Office of Court Counsel will circulate a memo requesting the Justices and Judges of the Trial Division, Land Court, and Court of Common Pleas to each select decisions from their respective courts for potential publication. The Chief Justice will determine whether any decisions so selected warrant publication because they (1) address an area of first impression or expand the law in a noteworthy manner; (2) include in-depth analysis; and (3) have not been appealed.