

IN THE  
SUPREME COURT OF THE REPUBLIC OF PALAU

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IN RE SECOND AMENDMENT :

ORDER

TO SPECIAL ORDER NO. 2

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All decisions of the Trial Division, the Land Court and the Court of Common Pleas shall be entered within sixty days of final submissions by the parties to the litigation. "Final submissions" include written or oral closing arguments after trial, and final filings for dispositive motions.

If a justice or judge has not entered his or her decision within 60 days of final submissions by the parties, one or both of the parties may file a petition in writing with the Office of the Chief Justice requesting a review of a judge or justice's potential non-compliance. The Chief Justice, or his designee, will request a report from the Clerk of Courts concerning the time elapsed in the case referenced by the complaining party. The Chief Justice, or his designee, will then provide a copy of the letter and a copy of the Clerk's report to the accused judge or justice forthwith.

Separately, if there are any outstanding court cases with delays greater than 60 days after final submissions, the Clerk of Courts will generate a monthly report, and provide a copy of the report to all of the judges and justices and the chief administrative officer.

Within fourteen days from receiving the written petition from one or both of the parties and/or receiving a copy of the Clerk of Court's report indicating that a decision has not issued by 60

days of final submissions, the Supreme Court justices who are in compliance with this order will form a panel and meet to decide whether sanctions are appropriate for the failure to issue a decision within 60 days. The panel will consist of three Supreme Court justices. If greater or fewer than three Supreme Court justices are in compliance with this order and do not otherwise have a conflict, the Chief Justice, as the administrative head of the unified judicial system, will promptly assign the appropriate number of justices and/or judges to the panel.

The panel can appoint an investigator and hold a hearing to hear from the investigator and the accused justice or judge, if such actions appear necessary to the panel. The Judiciary will cover the fee and costs of the investigator, unless the panel includes payment of the investigator's fee and costs as part of the sanction against the accused judge or justice.

If there is no investigator or hearing, the panel will issue a written statement within 60 days from receiving the parties' petition or the Clerk of Court's report, unless the panel provides notice otherwise. If the panel assigns an investigator and holds a hearing, the panel will issue its statement within 120 days from receiving the parties' petition or the report from the Clerk of Courts, unless the panel provides notice otherwise.

In its written statement the panel will state: whether the accused justice or judge failed to abide by the deadlines set out in this order; whether there is good cause for his or her failure to abide by these deadlines; whether new deadlines need be set; whether the panel will impose sanctions; and what sanctions will be imposed. As in Appellate opinions, the statement will reflect the majority view of the panel. Potential sanctions include—but are not limited to—private censure, public censure, reassignment of unresolved cases, non-assignment of new cases, a fine (to include paying the investigator's fee and costs), withholding salary until the late decision issues, unpaid leave to address

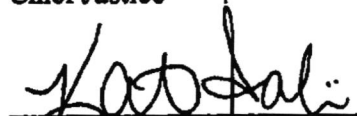
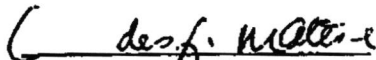

any issues which may be impeding the judge or justice from performing his or her duties, and/or any other action deemed appropriate by the panel. The original petition, along with the statement will remain on file with the Clerk of Courts for 15 years from issuance of the statement.

This Order supersedes the existing Special Order No. 2, signed on December 1, 2010, and promulgated pursuant to Article X, Sections 12 and 14 of the Constitution of the Republic of Palau.

So Ordered this 3 day of September, 2011.



Arthur Ngiraklsong  
Chief Justice

  
Kathleen M. Sali  
Associate Justice  
Lourdes F. Materne  
Associate Justice  
Alexandra F. Foster  
Associate Justice