

Palau
Judiciary

2022

Court Annual REPORT

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INTRODUCTION

The Republic of Palau, or Belau in Palauan, is situated westernmost in the Caroline Islands chain and is part of the larger island group of Micronesia. It is located 500 statute miles north of the equator, approximately 5,818 miles west-southwest of San Francisco, 4,449 miles west of Hawaii, 1,890 miles south of Tokyo, and 528 miles east of Manila. Palau consists of more than 340 islands and islets ranging from an acre or less in size to the 153 square mile island of Babeldaob which represents 80% of the nation's total land area. Only 9 islands are permanently inhabited. The land area of Palau totals approximately 460 square kilometers (178 square miles), about 2.5 times the size of Washington, D.C., and consists of both volcanic and limestone formations. The islands are platform and reef, reef flats, and one classic coral atoll. The Palau archipelago extends for approximately 125 miles in the far southwestern corner of the North Pacific Ocean.

A look through early Palauan history shows that Palau may have first been settled as early as 3000 B.C. by settlers originating from Southeast Asia, although archeological remains provide firm evidence of settlements in the Palauan islands around A.D. 500. Palau made its first European contact in 1783 after the early explorers discovered the Caroline Islands. Spain controlled Palau from 1885 to 1899. Palau, together with the rest of the Caroline Islands and the Northern Marianas, was sold to Germany in 1899 following Spain's defeat in the Spanish-American War. In 1914, at the beginning of World War I, Japan moved in and forced the German administration out of the Palau Islands. After the League of Nations was formed in 1919, and Japan became a member, the League of Nations gave Japan a mandate over Micronesia and thus over Palau. Japan held Palau through the end of World War II in 1945, after which the United States took control of Palau's management. There were three phases of American administration: the United States Navy Military Government until July 1947; the civil administration of Palau as a Trust Territory under the U.S. Secretary of the Navy until July 1957; and finally, the Trust Territory of the Pacific Islands, administered by the U.S. Department of the Interior.

In 1965, the Congress of the Trust Territory of the Pacific Islands, also known as the Congress of Micronesia, was formed. It had legislative powers, although they were subject to the approval of the High Commissioner. The call for self-determination and independence became stronger at the end of the sixties and the Congress of Micronesia commenced discussions with the United States on the future political status of the Micronesian islands and the eventual termination of the Trusteeship.

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In 1978, after more than three decades of United States administration, Palau, as part of a process toward self-government, voted against joining the Federated States of Micronesia and opted for independent status. It signed a Compact of Free Association with the United States in 1982 and the Compact was ratified in 1993. Palau gained full sovereignty when the Compact went into effect on October 1, 1994, concluding Palau’s transition from trusteeship to independence.

This 50-year agreement broadly defines the nature of the political, economic, and military relationships between Palau and the United States following the termination of the Trusteeship. The Compact provides that the Palau Government is empowered to operate under its own constitution and conduct its own domestic and foreign affairs. The U.S. Government is given full authority and responsibility for defense and security matters. The Compact also calls for substantial financial assistance from the U.S. to Palau, estimated to approach \$500 million. The electorate of Palau approved and ratified the Constitution of the Republic of Palau in 1980 and the first constitutional government for Palau became operative on January 1, 1981.

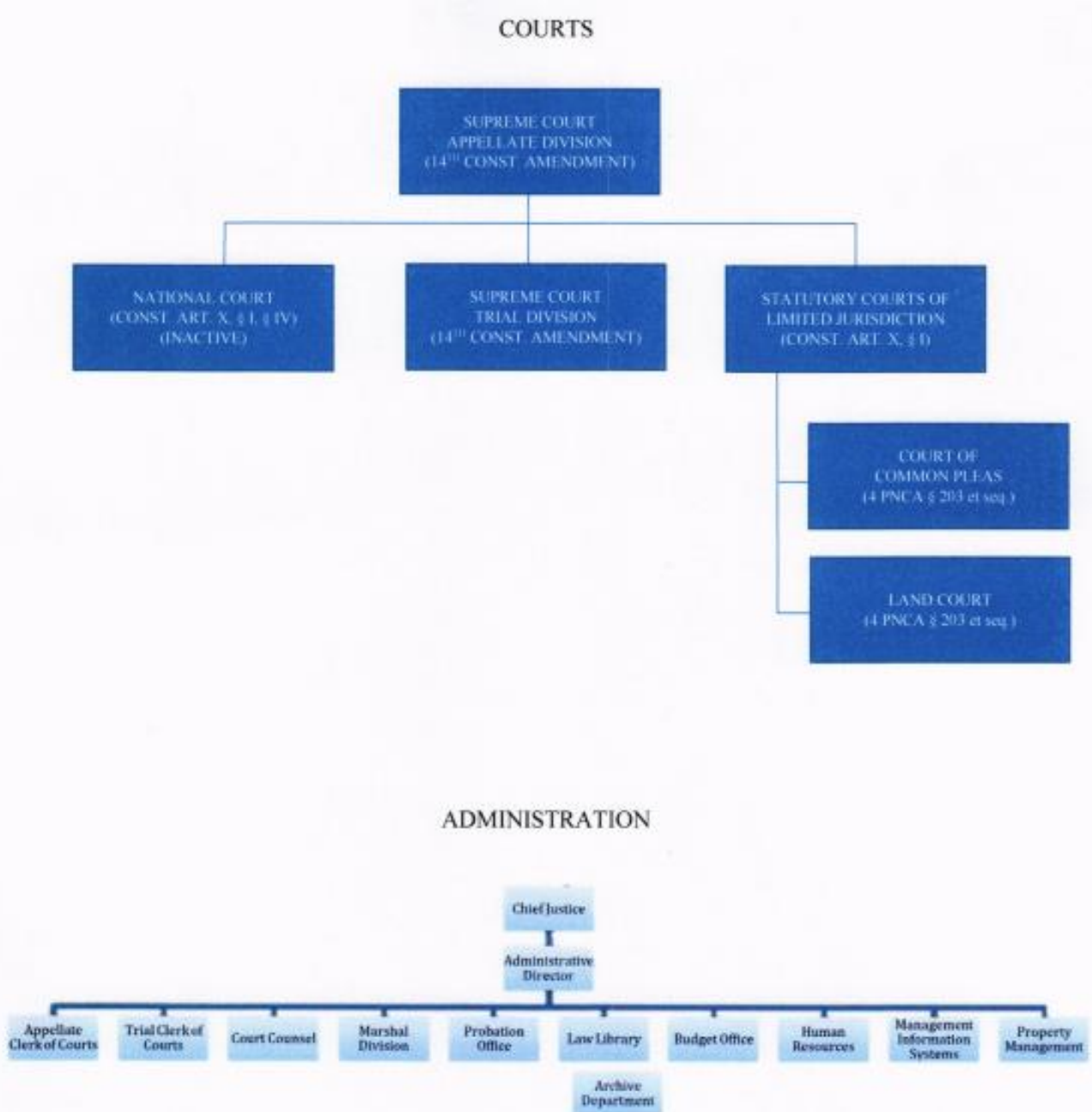
The current population of Palau is estimated to be about 17,651 according to the Ministry of Health. Approximately 65% of the total population lives in the former capital city of Koror, on Koror Island. The capital relocated in 2006 from Koror State to Melekeok State on the larger but less developed island of Babeldaob – the second largest island in Micronesia after Guam. Ngerulmud is now the National Capitol and home to the new buildings for the Executive, Legislative, and Judicial branches of the government.

Palau is a multi-party democratic republic with directly elected executive and legislative branches. The President is both head of state and head of government. Executive power is exercised by the President while legislative power is vested in the Palau National Congress (the Olbiil Era Kelulau, or OEK). The Palau National Congress has two houses – the Senate (with 13 members elected nationwide), and the House of Delegates (made up of 16 members, one from each of Palau’s 16 states). There is also a Council of Chiefs, comprising the highest traditional chiefs from each of the 16 states. The Council of Chiefs serves as an advisory board to the President on matters concerning traditional laws and customs. Article X of the Palau Constitution provides for a judiciary “independent of the legislative and executive powers.”

This Annual Report summarizes the Judiciary’s operations and accomplishments in the 2022 calendar year, as well as its challenges going forward. The Annual Report is intended to inform the public about what the Palau Judiciary does and how it functions.

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"Prioritizing Health and Wellness"

Organizational Chart



Oldiais Ngiraikelau
Chief Justice

05/30/23

Date

Kenneth T. Uyehara
Administrative Director

May 30, 2023

Date

Mission and Vision

MISSION

The mission of the Palau Judiciary is to preserve and enhance the rule of law by providing a just, efficient, and accessible mechanism for resolving disputes. The Judiciary will interpret and apply the law, as modified by custom and tradition, consistently, impartially, and independently, in order to protect the rights and liberties guaranteed by the laws and Constitution of the Republic of Palau.

VISION

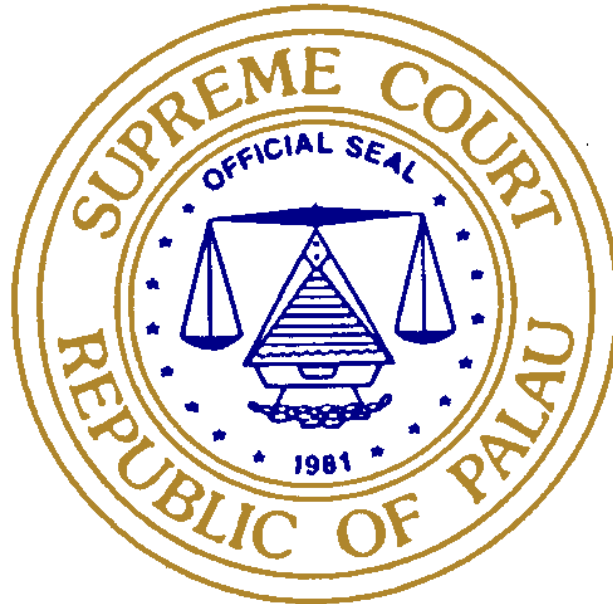
The Courts of the Republic of Palau will provide justice for all while maintaining the highest standards of performance, professionalism, and ethics. Recognizing the inherent dignity of every person who participates in the justice system, the Judiciary will treat each participant with respect and will strive to make the process understandable, affordable, and efficient. Through the thoughtful, impartial, and well-reasoned resolution of disputes, the Judiciary enhances the public trust and confidence in this independent branch of government.

THE COURTS

The Palau Unified Judiciary consists of the constitutional courts, the Supreme Court and the National Court (inactive), and the statutorily-established courts, the Court of Common Pleas and the Land Court.

Palau Supreme Court

The Supreme Court is a “Court of Record consisting of an appellate division and a trial division.” ROP Const. Art. X, § 2. The Appellate Division is a court of last resort. It has final review jurisdiction over all decisions of the Trial Division and all lower courts. ROP Const. Art. X, § 6. In other words, it hears and determines appeals from the Trial Division, the Court of Common Pleas, and the Land Court, and its rulings constitute binding legal authority not subject to review by another court.



Appellate Division

Appeals are heard by three justices. The initial structure of the Supreme Court had all justices serving in both the Trial and Appellate Divisions. ROP Const. Art. X, § 2. On November 19, 2008, the Fourteenth Amendment to the Constitution was adopted, keeping intact the basic structure of the Supreme Court but removing the limit on the number of justices and calling for the separation of the appellate justices “provided the OEK appropriated funds for additional justices of that division.” Once the OEK appropriated funds in 2016, the Chief Justice promulgated formal rules for the separation of the justices on January 5, 2017. There are now three full-time justices in the Appellate Division. When one or more of the justices are conflicted in a case, replacements are assigned from a pool of nonresident “part-time” associate justices. These are generally judges serving in other regional jurisdictions. Currently, there are four non-resident justices.



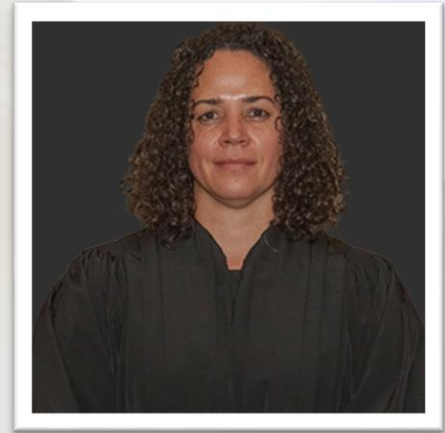
Trial Division

The Trial Division has original and concurrent jurisdiction with the National Court over all matters in law and equity, but exclusive jurisdiction over all matters affecting Ambassadors, other Public Ministers and Consuls, admiralty and maritime cases, and those matters in which the national government or the state government is a party. ROP Const. Art. X, § 5. There are now three full-time resident justices of the Trial Division—the Honorable Kathleen M. Salii, Lourdes F. Materne, and Honora E. Remengesau-Rudimch. Justice Salii is the Presiding Justice of the Trial Division and as such, she is responsible for assigning cases to the trial court justices, monitoring case management, and responding to public and governmental inquiries regarding the work of the Trial Division. There are four part-time, nonresident Justices who are appointed to the Trial Division to handle cases in which all Trial Division justices have irresolvable conflicts.



Court Of Common Pleas

The Court of Common Pleas was created by statute in 1981 and officially established in 1982 to handle “common” civil and criminal cases. It has jurisdiction to hear civil cases where the amount claimed or in dispute is \$10,000 or less. It does not, however, adjudicate cases involving land interests, regardless of the amount claimed or in dispute (Land cases are heard in the Land Court – see next section). Generally, the civil cases that come before the Court include name changes, family law matters, and simple estate settlement proceedings. For alimony and child support cases, there is no cap on the amount in controversy. The Court also hears small claims, where the amount claimed is \$3,000 or less, in less formal hearings. The Court of Common Pleas may also adjudicate criminal cases. Prior to July of 2017, criminal cases were assigned to the Court of Common Pleas by the Chief Justice. Since the separation of the justices from the Trial Division and the Appellate Division, the Rules of Criminal Procedures were amended to allow cases involving minor offenses defined by statute as misdemeanors, petty misdemeanors, or violations to be filed and tried in the first instance in the Court of Common Pleas.



Appeals from cases adjudicated by the Court of Common Pleas are filed directly with the Appellate Division of the Supreme Court. The Chief Justice has also designated the Court of Common Pleas to handle civil domestic abuse cases brought under the Family Protection Act (“FPA”), which was enacted in November 2012. To meet the requirements of the FPA’s mandates, the Court has created forms and protocols to assure that the Court is always available to assist persons seeking orders of protection, both during the Court’s normal operating hours and afterhours, if victims of abuse need immediate protection. The Court is also collaborating with other agencies, including the Ministry of Justice, the Ministry of Health and Human Services, and the Ministry of Education to successfully implement the FPA’s mandates.

For the majority of 2022, the judicial officer seat for the Court of Common Pleas was vacant until October 27, 2022, when Senior Judge Midth Bells was sworn in.

Land Court

The Land Court was established in 1996 and is vested with jurisdiction over civil cases involving the adjudication and certification of title to land. The Land Court makes determinations with respect to the ownership of all lands within the Republic, including the return of land that became public as a result of its acquisition by previous occupying powers through force, coercion, fraud, or without just compensation. Appeals from the Land Court go directly to the Appellate Division of the Supreme Court. The Land Court currently includes one Senior Judge. Land Court proceedings are generally conducted in Palauan, although translations are available for non-Palauan speakers.



ADMINISTRATION

Administrative Head: Office of the Chief Justice

The Chief Justice is the Administrative Head of the Judiciary and, as such, he may assign judges from one geographical department or functional division of a court to another department or division of that court and he may assign judges for temporary service in another court. ROP Const. Article X, § 13. The Chief Justice also appoints, with the approval of the associate justices, an administrative director to supervise the administrative operation of the judiciary.

The Office of the Chief Justice serves as the focal point of all incoming and outgoing activities of the Palau Judiciary. The Special Assistant to the Chief Justice and the Chamber’s Administrator are responsible for updating the Chief Justice on the progress of all assigned matters. This office oversees the administrative functions of the Judiciary and coordinates with other offices.



Administrative Director

Pursuant to Article X, Section 12 of the Constitution of the Republic of Palau, the Chief Justice shall appoint with the approval of the Associate Justices, an administrative director to supervise the administrative operation of the judicial system.

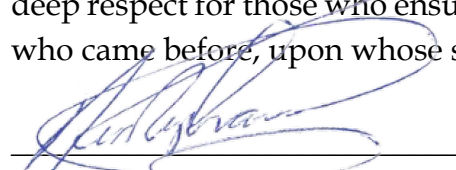


This past year was eventful for the Judiciary. 2022 brought the long-anticipated conclusion of the COVID-19 pandemic restrictions, the return of visitors, and the preparation for the implementation the Palau Goods and Services Tax. Despite hopes for the return to normalcy, 2022 was all but normal.

In November of 2022, the Judiciary assisted in hosting the Pacific Judicial Council Conference with many off-island Judges, Justices, and Palau Bar members attending. This well-attended event was a great opportunity for exchanges between legal experts on complex and diverse issues.

2022 was also the year that Palau lost its longest-serving Chief Justice, Arthur Ngiraklsong. He contributed greatly to establishing the Palau Judiciary we know today. A state funeral was held on December 8, 2022, during which the community and members of the Judiciary paid their respects to a remarkable man. The Palau Judiciary that Chief Justice Ngiraklsong helped build continues to dispense justice throughout the Republic. The people of Palau are privileged to enjoy perpetual peace due to the implementation of justice, law, and order with the Republic that was brought about by those who have and continue to work within the Judiciary.

Sometimes it takes the perspective of an outsider to see the importance of the work done within an organization. Until a few months ago, I had taken the judicial system for granted. After all, the rules of law and justice are guaranteed by the Constitution. The general public expects its rights to be upheld, without giving conscious thought to the underlying processes that are needed to make that happen. I had no idea that serving justice was such challenging work. These few months at the Judiciary have fostered my deep respect for those who ensure that justice is served on our island nation and for those who came before, upon whose shoulders this great institution was built.


Kenneth T. Uyehara,
Administrative Director

DEPARTMENTS

Appellate Clerk of Courts

The mission of the Clerk of the Appellate Court is to provide courteous, efficient, and professional service to the courts and the public. On February 5, 2016, President Tommy E. Remengesau Jr., signed into law Public Law No. 9-55, through which the Olbiil Era Kelulau (OEK) appropriated funds "for the purpose of implementing the separation of personnel within the trial and appellate divisions by hiring new personnel for both divisions of the Palau Supreme Court." On December 15, 2016, the public was notified of the revised proposed “Rules Implementing the Separation of the Justices” and invited to comment. The “Rules Implementing the Separation of the Justices” were then promulgated on January 5, 2017.



Trial Clerk of Courts

The Office of the Clerk of Courts is the largest department within the Judiciary and is the primary point of contact for persons interacting with the courts. The main purpose of the office is to provide administrative support to the judicial officers and service the public. It is responsible for the overall management of cases within the judiciary from initial filing to final disposition. The Clerk of Courts oversees a number of sections with important functions vital to



its operations: Vital Statistics, Land Records, Land Registry, and Mediation. It also receives and disburses court-related funds, such as fines and restitution. The Office of the Clerk of Courts also handles a variety of miscellaneous services such as certification and notarization of documents.

For the year 2022, the Clerk of Courts recorded a total of 298 birth certificates, 189 death certificates, and 114 marriage certificates. These are what we categorize as vital statistics.

For Land Registry, a total of 752 Certificates of Title were issued, and 1,264 Determinations of Ownership were registered.

For mediation, 19 cases were referred to mediation. Out of those 19 cases, 8 or 42% of the cases got settled, 7 or 37% were not settled, and 4 or 21% are still pending.

Jury Trials

In 2022, thirteen (13) of the new criminal cases filed qualified for jury trial. Of the ten (10) jury cases disposed in 2022, ten (10) plead out and did not go to trial, none were dismissed. One (1) of the cases filed in 2022 had two defendants, one of which waived the right to a jury trial and continued as a bench trial and the other plead out. None of the thirteen (13) criminal cases filed went to trial. The jury selection printed seven hundred and thirty-four (734) jury summons. Four hundred and forty (440) were executed. The judiciary continues to strive to improve its jury trial process and thanks everyone summoned for fulfilling their civic duty.

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Office of the Court Counsel

The Office of the Court Counsel is primarily responsible for assisting the justices and judges with legal research related to the cases that come before them. In addition, court counsels assist in preparing court publications and provide advice on the legality of administrative operations. The office consists of two to three attorneys per cohort, operating under one-year contracts, and who are predominantly recruited from federal and state courts in the U.S.



Kathryn-Ann Stamm
June 2021 – June 2022



Liam F. Holohan
June 2021 – June 2022



Carl Hennies
July 2021 – July 2022



Taylor Kilpatrick
September 2021 – August 2022



William B. Davis
August 2022 – November 2022



Hannah Morrissy
August 2022 - Present



Alexane V.M. Welsch
November 2022 - Present

Marshal Office

The Marshals Division was created in 1998 through legislation codified in 4 PNC § 502. The marshals are responsible for serving court papers, including jury summons, executing bench warrants, acting as bailiffs, and providing security for the courts. The marshals are also authorized to make court-ordered arrests.



Probation Office

The Probation Office is comprised of five (5) employees consisting of one (1) Chief Probation Officer, three (3) Probation Officers, and one (1) Probation Clerk. Together they are responsible for ensuring sentencing orders are followed and completed on time, and making sure the terms and conditions of probation are met.



In doing so they coordinate educational opportunities, job placement assistance, as well as counseling for the defendants and juveniles. The Probation Office also prepares and submits pre-sentence investigation reports to the judges to assist them in determining the appropriate sentence for defendants and juvenile delinquents.

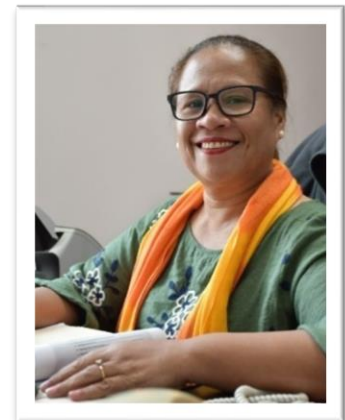
Law Library

The Law Libraries, Ikesakes Law Library in Koror and Mokoll Memorial Law Library in Ngerulmud, welcome attorneys, judges, and the general public. These libraries provide legal research materials for the growing needs of the Palau judicial system, practicing bar, and general public. Housing over 15,000 volumes, they strive to provide access to comprehensive and current legal materials and resources in an efficient and timely manner. To improve their scope and purpose within Palau Judiciary and their services to the public, the Law Libraries continue to enhance operational efficiency through regular updates to their collections. Patrons have access to Westlaw Online Research, Land Court Title Search, and recordings of court proceedings. Photocopying is available at \$0.15 per copy for bar members and \$0.50 for the general public.



Archive Department

The Archive Office was established in March 2019. The mission and vision of the Archive Office is to provide a systematic and strategic approach to creating and controlling a comprehensive records management system for the preservation and organization of closed, or disposed case files and to avail the record electronically for public research. The goal is to ensure that court cases from the Appellate Division, Trial Division, Court of Common Pleas, and Land Court that are designated as “disposed” are collected, maintained, and archived.



Property Management Office

Under the supervision of the Property Manager, the Property Management Office maintains the Court's buildings and grounds, keeps inventory of the Court's property, and procures supplies for use in the administration of the Judiciary.



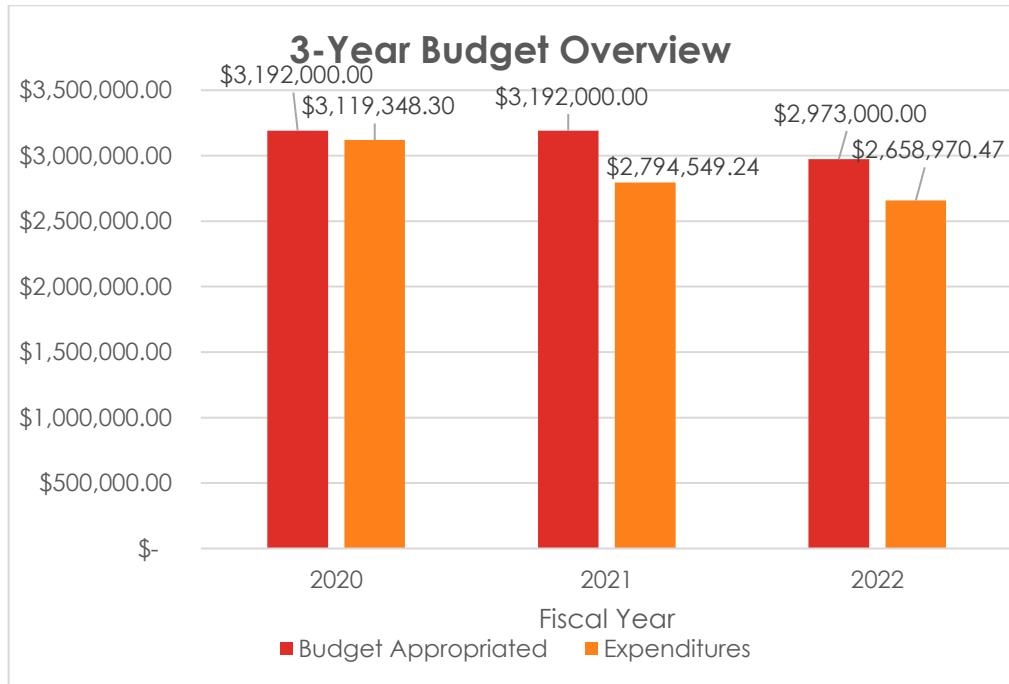
Management Information Systems

The MIS Division provides the Judiciary with computer technology resources. The division maintains a networked database that provides ready access to records and cases to all court staff. Records are accessed quickly to serve the public more efficiently. The members of the public can also do research on land documents through this database system at the Singichi Ikesakes Law Library. With substantial financial assistance from the Taiwan government, the Judiciary was able to launch its Judiciary Information Systems (JIS) in November 2011. JIS is a web-based database program and is accessible at both the Koror and Melekeok Judiciary locations. This system aids the Court in case management, resource management, and administrative services. The Court continues to seek ways to utilize technology to provide better customer service.



Budget Office

The Budget Office is responsible for managing the financial resources of the Judiciary in accordance with the laws, regulations, and policies of the Republic of Palau. With personnel of three (3) staff, the office oversees the following: (1) financial statements and reporting; (2) cash receipts; (3) accounts receivable; (4) cash disbursements; (5) accounts payable; (6) appropriations; (7) audit; (8) revenue forecasts; (9) grants; (10) budget; and (11) employee timesheets for payroll processing. The office utilizes a straightforward financial management system that is effective and transparent to ensure that the accountability of the Judiciary’s financial resources is maintained.



Human Resources

The Human Resources Office headed by the Human Resources Manager is responsible for effectively managing the Judiciary’s employees. It is responsible for overseeing all personnel matters, including recruiting, hiring, and administrating benefits; as well as scheduling employee evaluations; pay increases; and training and development for all staff members. It is also responsible for ensuring that the Judiciary’s employees are equitably managed and appropriately compensated. The Human Resource Office provides effective policies, procedures, and serves to make sure that the organization’s mission, vision, and values are part of the organization’s culture.



As an active member of the Belau Educators and Employers Alliance (BEEA), the Judiciary through its Human Resource Office continues to support and accommodate the career pathways curriculum for high school students throughout the school year by hosting interested students upon requests from the school. The office also continues to host students attending the Summer Work Experience Program (SWEP), provide college internship programs, and offer career support to students interested in working for the Palau Judiciary. Additionally, the office works actively with the Palau National Scholarship Board to identify and recruit prospective graduates every semester in hopes of building a workforce with a strong education foundation.

From 2021 to 2022, Mr. Ryobch Luiu who holds the Budget Officer position, served as the Interim Human Resource Manager for the year when the Human Resource Manager position was vacant.

JUDICIARY HIGHLIGHTS, TRAININGS, AND WORKSHOPS

In Memory of the late Honorable Arthur Ngiraklsong, Chief Justice of the Palau Supreme Court (1941-2022)



After serving thirty-four years on the Palau Supreme Court, with twenty-eight as Chief Justice, Arthur Ngiraklsong, 81, passed away on November 16, 2022. During his tenure, Ngiraklsong held the Judiciary together, maintaining it as a truly unified and independent entity. He not only safely guarded the independence of the Judiciary, he protected the independence of its judges.

Ngiraklsong cultivated a reputation for tenacity and earnestness, and under his strong leadership, he kept the Judiciary truly independent and shaped it into the institution it is today.

He obtained his B.A. in Political Science from the University of Hawaii in 1966, followed shortly by an M.A. in the same field from the University of Missouri a year later. He went on to earn a J.D. from Rutgers University School of Law before becoming a visiting scholar at Harvard Law School in 1980. Ngiraklsong’s extensive education led him to join Bar Associations of numerous jurisdictions, such as Pennsylvania, Palau, Northern Mariana Islands, Guam, Micronesia, and the American Bar. Throughout his tenure as Chief Justice, he was Chairman of the Judicial Nominating Commission, and a member of the Board of Governors of the Pacific Judicial Council, and a representative to the now Pacific Justice Sector Program.

As a dedicated public servant throughout the Pacific, Ngiraklsong’s legal achievements have been widely impactful. Early in his career, he worked as a staff attorney of the Micronesian Constitutional Convention, where he assisted in drafting the Bill of Rights of the Constitution of the Federated States of Micronesia (“FSM”) in 1975. He later served as Legislative Counsel for the Congress of FSM between 1976 and 1980, which allowed him to implement and protect the Constitution he helped draft just years before. Following his time in FSM, Ngiraklsong traveled to Guam where he became the Assistant Attorney General, working cases on topics ranging from land disputes to chlorine gas explosions. Finally, in 1986 Ngiraklsong returned home to be appointed Associate Justice of the Palau Supreme Court, making him the second man of Palauan descent to join the bench. After six years as an Associate Justice, Ngiraklsong was appointed to the position of Chief Justice, a title he held until his retirement in 2020.

For those who knew him well, Ngiraklsong not only ruled with an iron fist, but he also had a deep sense of loyalty to do the right thing and was a staunch supporter of those who needed help. He loved tennis. He loved to fish. He also had a wonderful sense of humor, was a loyal fan of the Washington Redskins, and of course, loved a good cigar and a glass of cognac. He loved to say that his pets loved him unconditionally; that their love was pure, simple, and uncomplicated...unlike human relationships. Above all, he had a soft spot for those members of the community in need. And, as much as he tried to hide it, he had a soft spot in his heart for his Judiciary Family.



PRESIDENTIAL PROCLAMATION NO: 22-333

Expressing Deep Sadness on the Passing of the Late Chief Justice Arthur Ngriraklsong; Conveying the Appreciation of a Grateful Nation for his Contributions to the People of the Republic of Palau; and Ordering All Flags to be Flown at Half-Staff in his Honor

WHEREAS, the late Chief Justice Arthur Ngriraklsong was born in Koror, in February 28, 1941, to the late Ngriratebl Techeltoech and the late Riuch Uchel; he was adopted by his paternal grandparents Rengual Techeltoech and Ucheriang Ngriraklsong; and

WHEREAS, the late Chief Justice Arthur Ngriraklsong's early childhood was marred by some of the most difficult times in the history of Palau; and

WHEREAS, despite nearly insurmountable odds of war time, the late Chief Justice Arthur Ngriraklsong thrived; and as Palau was rebuilding after the war, he achieved great success as a standout student; and

WHEREAS, his academic success was noticed, and in 1966, the late Chief Justice Arthur Ngriraklsong was selected for the prestigious John Hay Whitney Fellowship, awarded to deserving students from humble backgrounds; and

WHEREAS, the late Chief Justice Arthur Ngriraklsong seized the opportunity, enrolling at the University of Hawaii where he graduated in 1967 with a Master of Arts degree in Political Science; and

WHEREAS, shortly thereafter, the late Chief Justice Arthur Ngriraklsong enrolled at Rutgers University Law School in New Jersey, graduating in 1974, becoming one of the first Micronesians to earn a Juris Doctor; and

WHEREAS, although he successfully passed the bar and was licensed to practice law in Pennsylvania, the late Chief Justice Arthur Ngriraklsong chose to return to Micronesia where he began his public career as a staff attorney for the Micronesian Constitutional Convention; and

WHEREAS, during his time with the Micronesian Constitutional Convention, the late Chief Justice Arthur Ngriraklsong served as counsel for the Committee on Civil Liberties, where he was the primary author of the Bill of Rights of the Constitution of the Federated States of Micronesia; and

WHEREAS, following the Constitutional Convention, the late Chief Justice Arthur Ngriraklsong became the legislative counsel to the Congress of Micronesia, continuing in the position after FSM's independence, cultivating ties with judges and attorneys throughout the region; and

WHEREAS, the late Chief Justice Arthur Ngriraklsong quickly rose to chief counsel, supervising several lawyers and staff, and was honored in Resolution 1-117 by the First Congress of the Federated States of Micronesia for his outstanding loyalty, professionalism, and dedicated service; and

WHEREAS, the late Chief Justice Arthur Ngriraklsong moved to Guam in 1981, serving as Assistant Attorney General, gaining invaluable experience in litigation, land disputes, and contract and tort matters until 1986, forging stronger ties with the Micronesian and Pacific legal communities; and

WHEREAS, in 1986, while enjoying a successful legal career, including a year as a visiting scholar at Harvard Law School, the late Chief Justice Arthur Ngriraklsong returned home to Palau at the request of then-President Lazarus E. Salii, who promptly appointed him Associate Justice of the Palau Supreme Court; and

WHEREAS, the late Chief Justice Arthur Ngriraklsong is credited with authoring one of the most compelling concurring opinions in the history of the Palau Judiciary; and

WHEREAS, in that still talked about decision (ROP v. Ngriraboi, 2 ROP Intrm. 274, 1991), the late Chief Justice Arthur Ngriraklsong wrote in part, "...I write separately to state that the Palau Constitution is the supreme law of the land and not inconsistent with the Trusteeship Agreement...I see the Constitution as perhaps the best living expression of what the people of Palau want...I accept and recognize, as I believe we must, the supremacy of the Palau Constitution..."; and

WHEREAS, from his earliest days on the court, the late Chief Justice Arthur Ngriraklsong held attorneys to strict and exacting standards, recognizing the importance of following the rules and procedures of the court; and

WHEREAS, in November 1991, the late Arthur Ngriraklsong was appointed by then-President Ngrirakel Etpison as the second Chief Justice of the Supreme Court of the Republic of Palau; and

WHEREAS, the late Chief Justice Arthur Ngriraklsong accepted his role as chief administrator of the court with great energy, vision, and purpose; and

WHEREAS, the late Chief Justice Arthur Ngriraklsong proceeded to develop a professional corps of skilled judiciary staff, he was known for demanding top performance from each employee but also nurturing, enabling each staff to achieve their full potential; and

WHEREAS, the late Chief Justice Arthur Ngriraklsong is credited with developing the Palau Judiciary into one that is highly respected — locally, regionally and internationally; and

WHEREAS, the late Chief Justice Arthur Ngriraklsong also served as Chairman of the Palau Judicial Nominating Commission, member of the Board of Governors of the Pacific Judicial Council, and as a representative on the Pacific Judicial Strengthening Initiative; and

WHEREAS, the late Chief Justice Arthur Ngriraklsong, throughout his career, sought to bolster ties between judges and lawyers across the Pacific, and was so highly regarded that he served as Temporary Justice of the Supreme Court of the Federated States of Micronesia while Chief Justice of the Palau Supreme Court; and

WHEREAS, the late Chief Justice Arthur Ngriraklsong was known in Palau's judicial system not only for his legendary status as a jurist and administrator, but also for his softer side; and

WHEREAS, as an administrator of the Court, the late Chief Justice Arthur Ngriraklsong is credited with ushering the judiciary into the internet age, making good on his commitment to bring as much information as possible to the general public; and

WHEREAS, the late Chief Justice Arthur Ngriraklsong authored hundreds of legal opinions, many of which helped to guide Palau from its independence, and charted a course for the judiciary that will stand the test of time; and

WHEREAS, the late Chief Justice Arthur Ngriraklsong was a true titan of the law and of our island nation, who shall deservedly be remembered and honored for as long as this nation endures; and

WHEREAS, the late Chief Justice Arthur Ngriraklsong was called to his eternal rest on November 16, 2022 at the age of 81; and

NOW THEREFORE, BE IT RESOLVED, that the people of the Republic of Palau express deep sadness for the passing of this outstanding citizen, the late Chief Justice Arthur Ngriraklsong, and further pay tribute to his family, community, and the people of the Republic of Palau for his long and distinguished service; and

NOW, THEREFORE, by virtue of the authority vested in me under the Constitution and laws of the Republic of Palau, and specifically 1 PNC, Section 503(c), I, Surangel S. Whipps, Jr., President of the Republic of Palau, hereby proclaim that as a display of the respect that his country and his fellow citizens have for the late Chief Justice Arthur Ngriraklsong, all flags regularly flown within the jurisdiction of Palau, and all flags of the Republic of Palau flown at the Embassies and Consulates of Palau in other countries, shall be hoisted at half-staff for ten days, from December 2, 2022 to December 11, 2022.

SO PROCLAIMED, this 1st day of December 2022.

Surangel S. Whipps, Jr.
President of the Republic of Palau



2022 Court Annual Report “Prioritizing Health and Wellness”

I last saw Chief Justice Arthur Ngiraklsong on Wednesday, November 16, of this year. He was lying in his hospital bed, motionless, eyes closed, and looked very peaceful. That was the day CJ left. Let us close our eyes and take just a few moments to remember him.

Senate President Baules, Nobert, Diluang, Grace, and the entire family of Chief Justice Arthur Ngiraklsong, on behalf of all the justices, judges, and the entire Palau Judiciary, I offer you our deepest condolences on the loss of Arthur Ngiraklsong. I know the loss is felt most by you, his family, but it is also felt and shared by his other family, the Palau Judiciary. The Palau Judiciary family, which includes those who worked under Ngiraklsong’s tenure as Chief Justice and have since left the Judiciary, are all here this morning to join the family and the rest of Palau in mourning for Ngiraklsong’s passing.

The loss is also felt and shared by CJ’s judicial colleagues beyond Palau, some of whom traveled here to attend CJ’s state funeral. With us is Chief Justice Alexandro Castro of CNMI who is also a part-time justice assigned to our appellate division, Chief Justice Daniel Cadra of RMI, Acting Chief Justice Worswick of FSM, Associate Justice Katherine Maraman of the Guam Supreme Court who is also a part-time justice assigned to our appellate division, and Judge Arthur Barcinas of the Guam Superior Court who is also a part-time justice assigned to our trial division.

The crowd gathered here this morning and this state funeral is a testament to Ngiraklsong’s many achievements, long public service, and contributions to the development of the Palau Judiciary and the development of the law in Palau. As a jurist, he had a reputation for honesty, independence, integrity and fairness. He safely guarded and protected the independence of the Judiciary and made sure that it never faltered or wavered upon its duty to uphold and protect the Palau Constitution and the Rule of Law. His commitment to the Constitution and the Rule of Law is expressed in the many decisions and opinions he authored – 106 to be exact. Udelei CJ, may your soul find rest, and wherever you will be, you’ll be in our hearts.

Oldiais Ngraikelau, Chief Justice Palau Supreme Court



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A Message from the Palau Judiciary

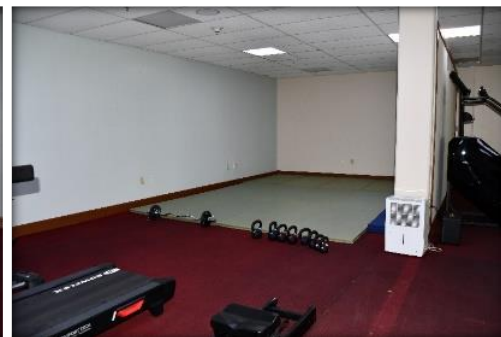
Ngiraklsong is deeply and genuinely mourned not only by his large, extended family and the legal community in the Republic of Palau and around the Pacific, but most especially by his Judiciary family. A devoted and commanding force in the legal world, Chief Justice Ngiraklsong will be deeply missed.

*Xe mesulang er a ungil el ulkerreim me a
decham er a ueror e CJ. Me a uriul.*



Judiciary Gym

One of the biggest highlights of the year 2022 was the opening of a fully-equipped gym at the Judiciary building in Ngerulmud. The Court emphasized the priority of health and wellness in 2022 and took the initiative to create a space that would provide the tools for its staff to practice wellness and develop healthy practices. Throughout the year the staff participated in multiple exercise programs from inhouse workout groups to public health programs. In October 2022, the gym became available for use by all court staff.



EQ (Emotional Quotient)

In 2021, the Palau Judiciary joined hands with its counterparts in the Pacific to speak out against family violence. In addition to addressing abuse, the talks also addressed how we can improve mental and emotional health.



Chief Justice Oldiais Ngiraikelau, along with his fellow judges and justices in the Pacific Judicial Council, launched a program that introduced the concept of EQ, Emotional Quotient. EQ, or

emotional intelligence, has been explained by experts as a measurement of one’s ability to manage his or her emotions in a healthy way. In May 2022, the program piloted the EQ curriculum in the Seventh Day Adventist school and the Palau Mission Academy, as well as in the greater community at large. This program fostered collaboration among government agencies to partner up and disseminate EQ strategies throughout the public to be utilized in the classroom.

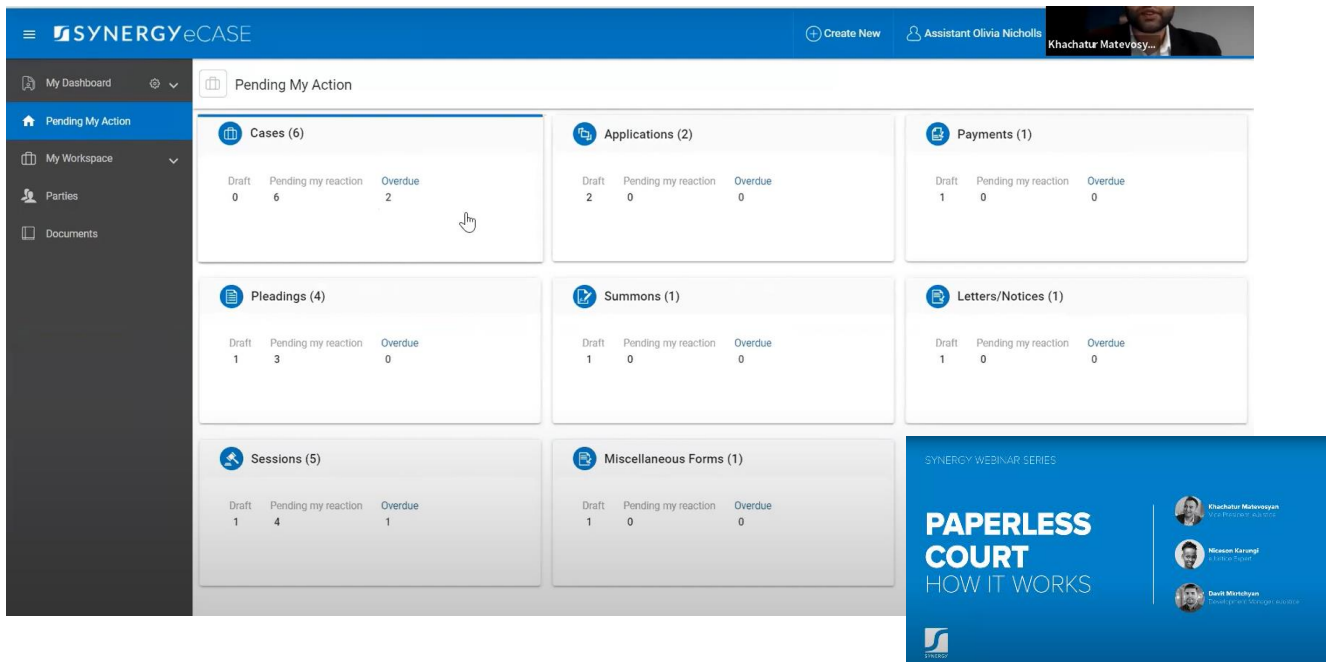
The pilot program was successful in many of the schools it was implemented in this academic year, and it will soon become a regular part of the curriculum in the public school systems in Palau.



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Modernization – Paperless Court

In June 2022, the MIS department had the opportunity to participate in a webinar that introduced Paperless Court hosted by Synergy Inc. This webinar showed the possibilities of going 100% paperless in terms of case filings, to further accessibility and improve efficiency. This paperless court design provides access to justice to those in outlying states or people with circumstances that hinder them from physically accessing the courts. With the assistance of Paperless Court, justice will merely be a few keystrokes away.



As for technological advancements or upgrades for the year 2022, the Court equipped seven courtrooms with the latest version of For the Record (FTR) software and hardware to enhance audio clarity and ensure everything clearly stated on the record.

Family Protection Act Workshop

AUGUST 25-26, 2022 – KOROR STATE CONSTITUTION HALL

The Palau Judiciary, in collaboration with the Pacific Justice Sector Programme (PJSP), held a two-day workshop for staff for the Palau Judiciary, Victims of Crimes Office (VOCA), Ministry of Health & Human Services (MHHS) Staff and the Ministry of Justice (MOJ) on “Interviewing Family Violence Petitioners and Assisting People with Disabilities.” The workshop was held on 25-26 August 2022 at the Koror State Government Constitution Hall.

The workshop is a result of the Judiciary’s updated Family Protection Act (FPA) Guidelines executed in April 2022 where the Judiciary, pursuant to authority authorized under 21 PNC 823(d), designated VOCA and MHHS, both nonjudicial agencies, to assist persons who need assistance in completing applications for protective orders. There were about 35 participants from the different agencies. The Palau Judiciary thanks the PJSP and Dr. Carolyn Graydon for helping to make this workshop possible, as well as, MHHS, MOJ, and Vice President/Minister of Justice Uduch Sengebau Senior for their support and commitment.

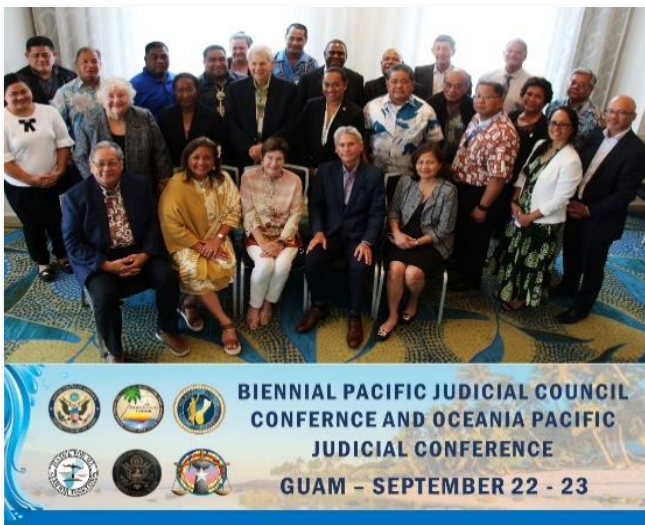


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Joint Pacific Judicial Council And Oceania Biennial Conference

SEPTEMBER 16-23, 2022 – SAIPAN AND GUAM

The Trial Division’s Presiding Justice Kathleen M. Salii attended the opening of the new District Court in Saipan before continuing on to Guam where she, Associate Justice Honora E. Remengesau Rudimch, and Land Court Senior Judge Rose Mary Skebong attended the joint Biennial Conferences of the Pacific Judicial Council and Oceania Pacific Judicial Council. The Biennial Conference topics are selected based on the requests of member courts. Highlights of the 2022 Biennial Conference were topics such as Electronic Discovery and Evidence, Cybersecurity, Ethics, Ethical Hacking, Mental Health, and Digital Residency and Crypto Currency. We were happy to have Palau’s Minister of Finance, the Honorable Kaleb Udui, Jr., present on Palau’s digital residency and cryptocurrency and blockchain project.



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Swearing-In of the New Appellate Justice and COCP Senior Judge



Fred M. Isaacs, Associate Justice
Appellate Division



Associate Justice Isaacs and Senior Judge Bells
with His Excellency, President Surangel S.
Whipps, Jr.



G. Mith Bells, Senior Judge
Court of Common Pleas, Trial Division

On May 2, 2022, Honorable Fred Mitchell Isaacs was appointed by His Excellency, President Surangel S. Whipps, Jr., as the new Associate Justice of the Appellate Division of the Palau Supreme Court. He was sworn-in on October 27, 2022. Associate Justice Isaacs previously served for three (3) years (2019-2022) as the Dean of the School of Law at KIMEP University in Almaty, Kazakhstan. Before that, for 18 years, Justice Isaacs was a law professor in the School of Business at Marylhurst University in the United States where he also held various administrative positions such as the Chair of the Graduate College, Director of Graduate Programs, etc.)

Justice Isaacs was born in Indianapolis, Indiana and grew up on the Purdue University campus. After he joined the military and completed his service during the Vietnam War, he earned a BA *summa cum laude* in History, with minors in English Literature, French and Latin. He then went on to do post-graduate work in Latin before going to law school at the University of Notre Dame, where he earned his Juris Doctor (JD). Justice Isaacs was a senior law clerk for 13 years for four (4) federal judges (three (3) senior judges on the US Court of Appeals for the Ninth Circuit and a Chief District Judge in the US Court of Appeals for the Seventh Circuit), a commercial litigation associate at two large law firms, the senior appellate counsel at a boutique federal appellate consulting firm, and for more than a decade owned his own federal appellate consulting firm and his own federal appellate consulting practice.

At the time of her appointment, Senior Judge G. Mith Bells was serving as an Assistant Special Prosecutor with the Palau Office of the Special Prosecutor, mainly focusing on criminal cases involving public officials. Prior to becoming Assistant Special Prosecutor SJ Bells had also served as Assistant Attorney General with the Palau Office of the Attorney General from January 2020 to July 2021 with a focus on civil cases.

SJ Bells was born in Honolulu, Hawaii but lived in many different places as a military dependent. She attended Palau’s Maris Stella Elementary School and then went on to Mindszenty High School where she graduated. She earned her Bachelors of Science in Biology *cum laude* from Marymount University in Arlington, Virginia. She then returned home and worked with the Palau Environmental Quality Protection Board for nearly five (5) years as a private consultant before heading to law school. SJ Bells earned her Juris Doctor (JD) from Pace University School of Law, now known as Elisabeth Haub School of Law at Pace University. SJ Bells is admitted to practice in New York State, and took her oath of admission in the Appellate Division of the Supreme Court of New York, First Judicial Department. She has worked for various private law firms, as well as a non-profit organization representing clients in housing court. She has been home in Palau since July of 2019.

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Mediation Training

OCTOBER 26-28, 2022 – SAIPAN

Mediation Clerk Bris Ulechong attended mediation training for Judiciary and Bar members. A total of 25 participants attended. The 3-day training focused on how to navigate parties towards resolution without litigation. The training was hands-on and interactive, and the participants benefitted from the different training styles of the presenters.

Clerk Ulechong found the training extremely helpful, particularly the presentations and role-play exercises on different mediation styles and stages. Clerk Ulechong also learned how to address common questions that arise during mediation and how to navigate an unavoidable impasse. He has been utilizing these practices and recommendations in mediation sessions and is happy to report successful outcomes.

Business Volleyball League

OCTOBER 11 – DECEMBER 16, 2022 – MINDSZENTY HIGH SCHOOL GYM

From October through December 2022, the Court volleyball team, the Supremes, participated in the Business Volleyball League. Approximately twenty court employees joined the league, and all showed great sportsmanship and teamwork through each and every game. GO SUPREMES!



2022 Court Annual Report
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American College of Trial Lawyers – Trial Practice Training

NOVEMBER 9-11, 2022 – NGARACHAMAYONG CULTURAL CENTER, PALAU

All justices and judges of the Palau Judiciary attended the second American College of Trial Lawyers (ACTL) training session in Palau. As with previous ACTL sessions, judges and attorneys are invited to the sessions with to hear best practices in the legal community. Topics included updates and practices in the areas of Search and Seizure, Ethics, How Judges Handle High Profile Cases, Juvenile Justice Reforms, Complex Civil Litigation, Expert Testimony, *Brady* Obligations, Defamation, and Best Practices for Pro Se Litigants. Twenty-six PJC participants, twenty-five judicial officers, and forty-six attorneys attended this training. The eight presenters from the ACTL traveled to Palau at their own expense to present the training.



Anti-Human Trafficking

DECEMBER 12, 2022 – PABLO RINGANG CONFERENCE ROOM

On December 12, 2022, a one-day workshop was conducted in the Pablo Ringang conference room by the Palau Anti-Human Trafficking Unit and the Palau Judiciary. This workshop was chaired by Her Excellency, Vice President J. Uduch Sengebau Senior, in association with Ms. Lori Williams of the International Organization for Migration (IOM), Minister Ngiraibelas Tmetuchl of the Ministry of Human Resources, Tourism, Culture and Development (MHRTCD), Minister of State Gustav Aitaro, Chief Raymond August of the Division of Labor, and Rickley Antonio of the Narcotics Enforcement Agency. Many members of the Judiciary attended, including Presiding Justice Salii, Associate Justice Materne, Associate Justice Rudimch, Senior Judge Skebong, Senior Judge Bells, clerks, marshals, and probation officers. The workshop reviewed 17 PNCA Chapter 39, known as the “Anti-People-Smuggling and Trafficking Act”, identified what is categorized as modern-day trafficking, and determined what factors the court must consider when dealing with trafficking cases.



One of the concerns brought up during the workshop is what Standard Operating Procedures (SOP) should be put in place to ensure that everyone’s constitutional rights, whether they be a defendant or a victim of trafficking, are respected. Another concern is what steps a clerk may take if a victim sought help from the Court Administration directly. Because the Court has jurisdiction over cases in law or equity, Court employees cannot directly provide help, but the Clerk of Courts may direct the victim to the appropriate services that can help.

Court Security Training

DECEMBER 12-16, 2022 – GUAM

Marshals Ngirarorou, Ngiraswei and Seklii attended training on topics of Court Security Officer Responsibilities and Offsite Security/Situation Awareness.

Employee Appreciation

DECEMBER 30, 2022 – Café Vita

On December 30, 2022, the Palau Judiciary ended the year with its annual Employee Appreciation Party. This party was held in recognition of the impressive performance the Judiciary staff. A special employee-of-the-year award was given out to a member of each department found to have excelled in performance that year.



CASE MANAGEMENT

The Palau Judiciary recognizes its obligation to dispose of cases in a timely manner. Accordingly, the courts seek to expediently finalize cases. The “clearance rate” reflects cases “cleared” or finalized as a percentage of (in relation to) the total number of cases filed. The average duration marks the lifespan of a case in days, from filing to final disposition.

A total of 1,301 cases were filed in 2022. A total of 1,337 cases were disposed of by the end of 2022, with only 458 left pending – carrying over to the year 2023. The overall clearance rate for the year 2022 is 102.77%.

The figure below shows the number of cases filed for each case type in 2022.

CASE TYPE	FILED	DISPOSED	PENDING	CLEARANCE RATE
APPEAL	31	33	11	106.45%
CIVIL	135	163	90	120.74%
CADA	42	41	1	97.62%
COMMON PLEA	96	104	5	108.33%
CRIMINAL	66	73	8	110.61%
DISCIPLINARY PROCEEDING	1	0	1	0.00%
JUDICIAL DISCIPLINARY PROCEEDING	0	0	0	0.00%
JUVENILE	4	4	1	100.00%
LAND COURT	88	49	312	55.68%
SMALL CLAIMS	46	53	6	115.22%
SPECIAL PROCEEDING	5	5	0	100.00%
TRAFFIC CRIMINAL CASE	787	812	23	103.18%

A Case Statistical Report further breaking down case data will be provided in a separate document made available in June.