

RULES OF ADMISSION FOR ATTORNEYS
AND TRIAL COUNSELORS

Promulgated by the Palau Supreme Court, December 12, 2001

RULES OF ADMISSION FOR ATTORNEYS TO PRACTICE
IN THE COURTS OF THE REPUBLIC OF PALAU

- Rule 1. Except as provided in Rule 5 of these rules, only those persons admitted to the practice of law before the courts of the Republic of Palau may practice law in the Republic of Palau.
- Rule 2. Any person seeking to be admitted to practice law before the courts of the Republic of Palau shall be certified for admission to practice before the courts of the Republic of Palau if the applicant satisfies all of the following requirements:
- (a) Is of good moral character, as demonstrated by a certificate of good standing, issued within 30 days of the application for admission, from the bar of each jurisdiction in which the applicant is a member. Each certificate shall demonstrate that the applicant has not been the subject of original or reciprocal disciplinary proceedings in that jurisdiction, and that the applicant is not currently under investigation in that jurisdiction for alleged violations of the canons of ethics or the rules of admission. The applicant shall also personally attest that he or she has never been disbarred in any jurisdiction. If the applicant is not and has never been an active member of any bar then he or she must submit a letter attesting to the applicant's good moral character from the dean (or the dean's designee) of the law school from which the applicant graduated;
 - (b) Has never been convicted of a felony, or if so convicted, has received a full pardon from a competent authority;
 - (c) Has graduated from an accredited law school in the United States, its territories or possessions, or other foreign country; and
 - (d) Has taken and passed a bar examination administered by the Supreme Court of the Republic of Palau or its designee.
- Rule 3.
- (a) Any attorney who is a salaried employee of the Republic of Palau National Government, or any state or other governmental entity of the Republic of Palau, or of the Micronesia Legal Services Corporation, and who has been in active practice of law at any time within the five (5) years immediately preceding the date of employment, may practice law in Palau without complying with Rule 2(d) of these

rules for a single period of four (4) years, commencing on the first day of employment, so long as the attorney is acting within the scope of employment and maintains membership in good standing in the bar of any state, territory, or possession of the United States or other foreign country. For the purpose of this section, the active practice of law includes those periods in which the attorney was employed by a judicial officer as a law clerk or staff attorney.

Any practice of law after the expiration of this four (4) year period, or on behalf of any non-governmental person or entity at any time, without first having complied with Rule 2(d) of these rules, constitutes the unauthorized practice of law.

(b) Any law school graduate who otherwise meets the requirements of Rule 2 and who is employed by the Republic of Palau National Government, or any state or other governmental entity of the Republic of Palau, or the Micronesian Legal Services Corporation, or by a private attorney who is an active member of the Palau Bar and maintains an office in Palau, may be admitted to practice law in Palau without complying with Rule 2(d) of these rules within four (4) years of the employee's graduation from law school, so long as the employee is making all efforts to comply with Rule 2(d), and so long as the employee is acting within the scope of employment, and is under the supervision of an attorney who has been an active member of the Palau Bar for at least two years. Such supervision includes the duty to examine and sign all pleadings filed, but does not require the Bar member to be present at court proceedings except (1) as the supervisor deems necessary to ensure competent representation; or (2) in criminal matters in which a felony has been charged; or (3) as the Court in any particular case may direct.

Rule 4.

(a) Any attorney admitted to practice before the courts of the Republic of Palau who does not maintain an office in Palau may file pleadings and other documents in the courts of the Republic of Palau, and may be served with such documents, in any manner permitted by the Rules of Civil Procedure. Any attorney filing or receiving documents under this rule must pay a \$25 fee to cover the cost to the Clerk of Courts of transmitting court orders, decisions, opinions, etc. to him or her; provided, that if the cost of transmitting documents to the attorney exceeds \$25 for any given year, the attorney must pay for the excess transmission costs. Any document not issued by the court must be served by opposing counsel.

(b) In individual cases, and for cause, the Supreme Court may require that pleadings and other documents be filed by, and served upon, an agent appointed by the attorney. Such agent must be an attorney or trial counselor who is admitted to practice law in the Republic of Palau and who maintains an office in the Republic of Palau.

Rule 5. An attorney not admitted to practice before the courts of the Republic of Palau may, on motion, be admitted for the special purpose of handling a particular case by the

Justice before whom the case is pending. Any attorney so admitted shall comply with Rule 4(b) of these rules. Any motion made under this rule must be accompanied by a \$100 special appearance fee.

- Rule 6. A bar examination shall be given from time to time on dates to be determined by the Supreme Court. The examination shall be designed to test the applicant's knowledge of the canons of ethics, proficiency in writing and reasoning, and legal knowledge, including Palauan customary law and the laws applicable in the Republic of Palau.
- Rule 7. In order to apply to take the bar examination, an applicant must submit to the Supreme Court the application form prescribed by the Supreme Court along with an application fee of \$100. The admission fee shall be paid and the application filed at least forty-five (45) days before the scheduled date of the next bar examination.
- Rule 8. If an applicant meets the requirements set forth in Rule 2 of these rules, that applicant shall be notified by the Supreme Court of the date to appear before the Supreme Court to be sworn in to the Palau Bar.
- Rule 9. An attorney may either be an active or an inactive member of the Palau Bar. An inactive member may not practice law in the Republic of Palau. Members of the Palau Bar must pay an annual fee to maintain their membership.

(a) During the first year of admission, an attorney must pay the annual fee before engaging in the practice law in Palau. For the first year of admission for active and inactive attorneys, the annual fee for the year is as follows:

For attorneys admitted during the months of January, February or March, the annual fee is \$200; For attorneys admitted during the month of April, the annual fee is \$180; For attorneys admitted during the month of May, the annual fee is \$160; For attorneys admitted during the month of June, the annual fee is \$140; For attorneys admitted during the month of July, the annual fee is \$120; For attorneys admitted during the month of August, the annual fee is \$100; For attorneys admitted during the month of September, the annual fee is \$80; For attorneys admitted during the month of October, the annual fee is \$60; For attorneys admitted during the month of November, the annual fee is \$40; For attorneys admitted during the month of December, the annual fee is \$20.

(b) After the first year of admission, the annual fee for active members of the Bar is \$200. After the first year of admission, the annual fee for inactive members of the Palau Bar is \$100. For each year after the first year of admission, the annual fee must be paid by January 20. The failure of an active member to timely pay his or her annual fee shall be the suspension of his or her privilege to practice law in the Republic of Palau. Any attorney who fails to pay his or her annual fee by January 20 must pay his or her annual fee and a \$50 late charge within 90 days of the date the Clerk of Courts mails a late fee notice. If an attorney fails to pay his or her annual

fee and the late charge within the 90 days, the attorney shall be deemed to have resigned from the Palau Bar.

(c) Payment shall be by check made payable to the "Palau Bar Association," and shall be delivered to the Clerk of Courts for deposit in a segregated account in the name of the Palau Bar Association. All monies in said account shall be administered by the President of the Palau Bar Association and the Chief Justice for the benefit of the members of the Palau Bar Association and all checks drawn upon said account shall be jointly signed by the President of the Palau Bar Association or his or her designee and by the Chief Justice or his or her designee. The President of the Palau Bar Association and the Chief Justice shall provide the members with an annual report identifying the account balance, the amount of fees collected, and the amount of expenditures.

Rule 10. Any member of the Palau Bar convicted in any jurisdiction of a felony or other crime involving dishonesty or false statement, and any member of the Palau Bar disbarred or suspended from the practice of law in any court of competent jurisdiction, shall automatically be suspended from the practice of law in the Republic of Palau. Provided, that in the event a member of the Palau Bar is disciplined in some other jurisdiction and the Palau Supreme Court determines from the record upon which the discipline was predicated that:

(a) the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or

(b) there was such an infirmity of proof establishing the misconduct that this Court could not, consistent with its duty, accept as final the conclusion on that subject; or

(c) the imposition of the same discipline by this Court would result in grave injustice; or

(d) the misconduct established is deemed by this Court to warrant substantially different discipline, then such attorney shall not be automatically similarly disciplined by this Court.

An attorney automatically suspended pursuant to this Rule may be reinstated upon approval of the Court only on written application showing cause why such attorney should be reinstated, excepting, however, that in the event the discipline imposed in the other jurisdiction has been stayed there, the discipline imposed in this Court shall likewise be deferred until such a stay expires in the other jurisdiction.

Any member of the Palau Bar convicted, disbarred, or suspended as described in this Rule shall immediately notify in writing the Clerk of Courts of such action and shall state the particulars thereof.

Rule 11. An attorney admitted to the Palau Bar who is under investigation for misconduct or who is facing disbarment proceedings in any court of competent jurisdiction, and who resigns from the bar of the investigating jurisdiction, or who voluntarily permits a license to practice therein to terminate, shall be deemed by this Court to have been disbarred in that other jurisdiction and shall forthwith be disbarred from practicing in this Court. An attorney disbarred pursuant to this Rule may be reinstated upon approval of the Court on written application showing cause why such attorney should be reinstated.

Rule 12. Except for use by an attorney admission, disciplinary, and/or judicial selection authority of any jurisdiction in which an applicant is admitted to practice or seeks to practice law, applications and other information submitted in connection with applications for admission to the Palau Bar shall be absolutely privileged and no lawsuits predicated thereon may be instituted. Members of the Palau Bar and court staff performing duties or functions under these rule shall be absolutely immune from suit and liability for any conduct in the course of their official duties.

RULES OF ADMISSION TO PRACTICE LAW
AND LIMITATIONS ON THE PRACTICE OF LAW FOR
TRIAL COUNSELORS IN THE REPUBLIC OF PALAU

Rule 1. As intended by these rules, a trial counselor (formerly known as a trial assistant) is a person who is not an attorney but who, by reason of study and experience, has acquired some legal skills and knowledge of the law, and is permitted by the Supreme Court to engage in a limited practice of law.

Rule 2. Any trial counselor admitted to practice law in the Republic of Palau is entitled to practice law in the Republic of Palau under these rules, subject to the following limitations:

(a) A trial counselor shall use only the designation "trial counselor" in the performance of his or her functions, and may not identify himself or herself in writing, orally, or otherwise as an attorney or a lawyer. He or she may not designate his or her office as a "law office," but may associate with any attorney in practice;

(b) A trial counselor shall not represent a defendant charged with a felony, absent a knowing and voluntary waiver of this rule by the defendant in open court and with the approval of the judge who is presiding over the case;

(c) A trial counselor shall not represent any party in a civil suit where the matter at issue is of a value of \$10,000.00 or more, absent a knowing and voluntary waiver of

this rule by the client and with the approval of the judge who is presiding over the case.

- Rule 3. A person may be admitted to practice under the limitations of Rule 2 if:
- (a) He or she is a citizen and resident of the Republic of Palau;
 - (b) He or she is of good moral character;
 - (c) He or she has not been convicted of a felony or a crime involving moral turpitude, or if so convicted, has received a full pardon from a competent authority;
 - (d) He or she has earned a bachelor's or equivalent degree from an accredited college in the United States, its territories or possessions, or in another country; and
 - (e) He or she has passed the Palau Trial Counselor's Bar Examination.
- Rule 4. Each applicant for the Palau Trial Counselor's Bar Examination must file an application form furnished by the Supreme Court and pay an application fee of \$50.00.
- Rule 5. The Palau Trial Counselor's Bar Examination shall be given as needed. The test shall evaluate the proficiency of the applicant in legal writing and reasoning, and his or her knowledge of local statutes, local rules of procedure, Palauan customary law, and the caselaw contained in the Interim Reporter.
- Rule 6. If an applicant meets the requirements of Rule 3, and his or her credentials are verified, the Supreme Court shall notify the applicant to appear before the Supreme Court to be sworn in the Bar.
- Rule 7. There shall be an annual fee of \$100.00 for continuing admission as a trial counselor to the practice of law in the Republic of Palau which shall be paid by January 20 of each year. The failure to timely pay the fee shall result in suspension of the privilege to practice law as a trial counselor in the Republic of Palau. To be reinstated, a trial counselor suspended for non-payment of fees must pay his or her annual fees and a \$50 late charge within 90 days of the date his or her suspension notice is mailed. If a trial counselor fails to pay annual dues and the late charge within 90 days of the suspension notice, the trial counselor shall be deemed to have resigned from the Palau Bar.