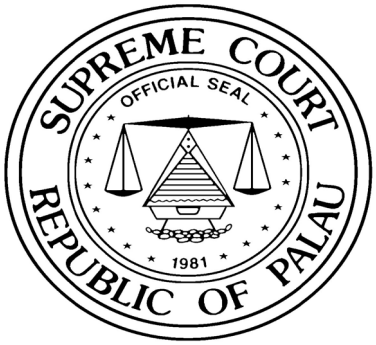
# DISCIPLINARY RULES & PROCEDURES FOR ATTORNEYS




Supreme Court of the Republic of Palau

November 20, 2025

# PREFACE

The Republic of Palau Supreme Court is a Court of Record consisting of an Appellate Division and a Trial Division. Pursuant to Article X, Section 14 of the Palau Constitution, the Supreme Court is constitutionally authorized to promulgate rules governing the legal and judicial profession. Among these rules are the Disciplinary Rules & Procedures for Attorneys.

The current Disciplinary Rules & Procedures for Attorneys were promulgated in December 1989. The 1989 Rules were amended in April 2021. A review of these Rules demonstrated a need to adopt new rules and procedures.

The Chief Justice takes this opportunity to thank all the justices, members of the Palau Bar Admissions Committee, and Palau Bar members for taking the time to review the Rules and provide helpful comments. Special thanks go to Ms. Heidi E. Johnson, former Senior Court Counsel, for her work in researching, reviewing, and collating these materials, and Sherry M. Gilbertson, General Counsel, for conducting one final review before the rules were circulated for approval.

Consistent with the command of ROP Const. Article X, Section 14, the updated Rules have been approved by the Palau Supreme Court.

November 20, 2025.

*/s/ Oldiais Ngiraikelau*
Oldiais Ngiraikelau
Chief Justice

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

| | | |
|---|---|---|
| **IN RE DISCIPLINARY RULES & PROCEDURES FOR ATTORNEYS** | : | **ORDER** |

These Disciplinary Rules & Procedures for Attorneys are promulgated by the Supreme Court of the Republic of Palau pursuant to Article X, Section 14 of the Constitution. They take effect immediately and supersede all previously promulgated Disciplinary Rules & Procedures for Attorneys. These Rules are immediately applicable to all pending proceedings except to the extent that they adversely affect the substantive rights of any respondent.

**SO ORDERED** this 20th day of November 2025.

*/s/ Oldiais Ngiraikelau*
OLDIAIS NGIRAIKELAU
Chief Justice

*/s/ Fred M. Isaacs*
FRED M. ISAACS
Associate Justice

*/s/ Kathleen M. Salii*
KATHLEEN M. SALII
Presiding Justice

*/s/ Lourdes F. Materne*
LOURDES F. MATERNE
Associate Justice

*/s/ Honora E. Remengesau Rudimch*
HONORA E. REMENGESAU RUDIMCH
Associate Justice

*/s/ Peter D. Huffman*
PETER D. HUFFMAN
Associate Justice

# Table of Contents

RULE 1. JURISDICTION ..... 5
RULE 2. GROUNDS FOR DISCIPLINE ..... 5
RULE 3. PROCESSING COMPLAINTS ..... 6
RULE 4. ACTION BY THE DISCIPLINARY TRIBUNAL ..... 7
RULE 5. FORMAL HEARING PROCEDURE ..... 7
RULE 6. RELATED PENDING CIVIL OR CRIMINAL LITIGATION ..... 8
RULE 7. REFUSAL OF COMPLAINANT TO PROCEED ..... 8
RULE 8. SANCTIONS ..... 8
RULE 9. SERVICE ..... 9
RULE 10. SUBPOENAS AND WITNESSES ..... 9
RULE 11. CRIMINAL CONVICTION ..... 9
RULE 12. RECIPROCAL DISCIPLINE ..... 10
RULE 13. DISBARRED OR SUSPENDED ATTORNEYS ..... 10
RULE 14. REINSTATEMENT ..... 11
RULE 15. CUMULATIVE VIOLATIONS ..... 12
RULE 16. CONFIDENTIALITY OF PROCEEDINGS ..... 12

## RULE 1. JURISDICTION

**(a)** As officers of the Court, attorneys must, at a minimum, maintain a high caliber of integrity, competence, and diligence. The Palau Supreme Court is responsible for ensuring that members of the Palau Bar remain competent to practice law.

**(b)** Any attorney is subject to these rules. The word attorney as used herein means a lawyer, attorney, or other person who:

- **(1)** currently practices law in the Republic of Palau,
- **(2)** previously practiced law in the Republic, regardless of whether such attorney remains formally admitted to practice,
- **(3)** is specially admitted by the Republic for a particular proceeding, or
- **(4)** is not admitted but practices law or renders or offers to render any legal services in the Republic.

**(c)** The word Respondent means an attorney who is the subject of a complaint.

**(d)** The word Disciplinary Tribunal or Tribunal means a panel of three (3) justices or judges selected by the Chief Justice to hear any pending disciplinary proceeding.

**(e)** Nothing herein contained shall be construed to deny any Court of the Republic its inherent and statutory powers to maintain control over proceedings conducted before it.

## RULE 2. GROUNDS FOR DISCIPLINE

**(a)** An attorney may be subject to disciplinary action as provided by these rules for any of the following causes occurring within or outside the Republic:

- **(1)** Any act involving moral turpitude, dishonesty, or corruption in the course of conduct as an attorney or otherwise, and whether or not such act is a crime. A conviction is not required for disciplinary action.
- **(2)** Willfully disobeying or violating a court order directing the attorney to act or cease doing an act that the attorney ought in good faith to do or forebear from doing.
- **(3)** Violating one's oath or duties as an attorney.
- **(4)** Willfully appearing without authority as an attorney for a party to an action or proceeding.
- **(5)** Misrepresenting or concealing a material fact in one's application for admission to the bar or reinstatement.
- **(6)** Suspension, disbarment, or other disciplinary sanction by competent authority in any other jurisdiction.
- **(7)** Willfully practicing law with or in cooperation with a disbarred or suspended attorney in any of the following ways:
  - **(A)** maintaining an office for the practice of law in a room or office used or occupied in part by a disbarred or suspended attorney,
  - **(B)** permitting a disbarred or suspended attorney to use his or her name for the practice of law,
  - **(C)** practicing law for or on behalf of a disbarred or suspended attorney, or
  - **(D)** practicing law under any arrangement or understanding for division of fees or compensation of any kind with a disbarred or suspended attorney or with any person not authorized to practice

law.

**(8)** Any act or omission which violates the American Bar Association Model Rules of Professional Conduct and the amendments thereto.

**(9)** Engaging in the practice of law in the Republic without first being permitted to do so pursuant to the Rules of Admission or while suspended or disbarred from practice in the Republic.

**(b)** [Vacant]

## RULE 3. PROCESSING COMPLAINTS

**(a)** Any complaint concerning an attorney's conduct in a matter pending in the Trial Division, Court of Common Pleas, Land Court, or Appellate Division may be reported in the following ways:

**(1)** By making the presiding judge(s) or justice(s) aware of the violation on the record during a court proceeding; or

**(2)** Sending a separate written notice to the presiding judge(s) or justice(s).

**(b)** All complaints concerning violations of these rules shall be referred to the Chief Justice or designee. A complaint asserting that an attorney violated these rules by his or her conduct in a matter then pending in the Trial Division, Court of Common Pleas, Land Court, or Appellate Division shall be referred in the first instance to the justice or judge presiding over the matter.

**(1)** Within fourteen (14) days of receiving the complaint, the justice or judge presiding over the pending matter shall recommend to the Chief Justice whether the complaint should be:

**(A)** processed pursuant to Rule 3(b);

**(B)** deferred pending the resolution of the pending matter; or

**(C)** deferred, dismissed, or scheduled for further action.

**(2)** With respect to matters pending before the Chief Justice, or upon the recommendation of an Associate Justice, the Chief Justice shall act in his or her discretion in accordance with one of the alternatives described in the preceding sentence.

**(c)** The Chief Justice or designee shall consider whether the complaint is plainly without merit or whether further action is justified.

**(1)** The Chief Justice or designee may dismiss the complaint if the Chief Justice or designee determines it is plainly without merit.

**(2)** If the Chief Justice or designee determines further action is justified, he or she shall appoint a Disciplinary Counsel to investigate and prosecute the complaint and shall also appoint a Disciplinary Tribunal to decide the merits of the complaint.

**(d)** Upon appointment, the Disciplinary Counsel shall:

**(1)** notify the Respondent of the substance of the complaint and permit the Respondent to submit evidence and any relevant argument,

**(A)** The Disciplinary Counsel may provide the Respondent with a copy of the initial complaint upon request.

**(B)** The Respondent must keep the complaint confidential pursuant to Rule 16(a).

**(2)** investigate to the extent necessary the allegations of the complaint, and

**(3)** submit to the Disciplinary Tribunal within thirty (30) days of appointment a Report & Recommendation with written findings and recommendations.

**(A)** For good cause shown the Tribunal may grant an extension of

time for filing of the report.

## RULE 4. ACTION BY THE DISCIPLINARY TRIBUNAL

**(a)** Except as otherwise provided, proceedings before the Disciplinary Tribunal shall be governed by the Republic of Palau Rules of Civil Procedure.

**(b)** Upon receipt of the Disciplinary Counsel's Report & Recommendation, the Tribunal shall, within fourteen (14) days, determine what course of action to take.

- **(1)** If the Tribunal determines the complaint is unfounded, trivial, or otherwise lacking in merit, it shall dismiss the complaint and notify the Respondent.
- **(2)** If the Tribunal finds the complaint appears to have merit, it shall direct the Disciplinary Counsel to file a formal complaint within fourteen (14) days.
- **(3)** If the Tribunal cannot determine whether the complaint has merit, it shall direct Disciplinary Counsel to provide any additional information necessary to determine whether the complaint has or lacks merit.

**(c)** The formal complaint shall be served on the Respondent by any means permitted under the Rules of Civil Procedure reasonably designed to provide notice thereto.

- **(1)** The Respondent shall file his or her answer within twenty-one (21) days.
  - **(A)** Failure to file a timely answer shall constitute an admission that the complaint is true.
    - (i) No hearing in accordance with subsections (d) or (e) shall be held.
    - (ii) The Tribunal shall impose an appropriate sanction or sanctions or combination of sanctions pursuant to Rule 8.

**(d)** A formal hearing shall be held in the Republic within thirty (30) days of the respondent filing an answer.

**(e)** The Tribunal shall render its decision within thirty (30) days of the conclusion of the formal hearing.

**(f)** If the Tribunal finds that the allegations of misconduct were established by clear and convincing evidence, it shall impose an appropriate sanction or combination of sanctions pursuant to Rule 8.

**(g)** The decision of the Disciplinary Tribunal shall be final.

## RULE 5. FORMAL HEARING PROCEDURE

**(a)** The formal hearing shall be open to the public unless the Tribunal orders otherwise.

**(b)** The Respondent may move to appear remotely if he or she cannot attend in person.

**(c)** The standard of proof for establishing allegations of misconduct shall be clear and convincing evidence.

**(d)** The Respondent shall have the right to compel the attendance of witnesses, to present witnesses on his or her behalf, and to cross-examine witnesses.

**(e)** A witness must take an oath or solemnly affirm before testifying.

**(1)** Any member of the Tribunal or authorized employee of the court may administer oaths and affirmations.

**(f)** The Tribunal may call for a recess during any part of the proceedings.

## RULE 6. RELATED PENDING CIVIL OR CRIMINAL LITIGATION

**(a)** The Chief Justice, designee, or the Disciplinary Tribunal may stay or otherwise defer the processing of a complaint on a motion by the Chief Justice, the Tribunal, Disciplinary Counsel, complainant, or Respondent because of substantial similarity to the material allegations pending in criminal or civil litigation involving the Respondent.

**(b)** The acquittal of an attorney on criminal charges or verdict or judgment in his or her favor in civil litigation involving substantially similar material allegations shall not require abatement of a disciplinary action predicated on the same material allegations.

## RULE 7. REFUSAL OF COMPLAINANT TO PROCEED

**(a)** The unwillingness of a complainant to assist with the prosecution of a disciplinary proceeding for any reason, including settlement between the complainant and the Respondent, shall not justify abatement of the processing of any complaint but may be considered by the relevant decision-makers at each stage of the process.

**(b)** [Vacant]

## RULE 8. SANCTIONS

**(a)** Discipline may consist of:

- **(1)** disbarment,
- **(2)** suspension for not more than three (3) years,
- **(3)** probation for not more than two (2) years,
- **(4)** public censure,
- **(5)** private censure,
- **(6)** reprimand,
- **(7)** a fine,
- **(8)** assessment of the cost of investigating and prosecuting the action,
- **(9)** community service, or
- **(10)** any other sanction the Tribunal deems reasonable.

**(b)** In imposing a sanction after the finding of attorney misconduct, the Tribunal shall consider the following factors,

- **(1)** whether the attorney violated a duty owed to a client, to the public, to the legal system, or to the profession,
- **(2)** whether the attorney acted intentionally, knowingly, or negligently,
- **(3)** the amount of the actual or potential injury caused by the attorney's misconduct,
- **(4)** any prior disciplinary actions involving the Respondent, and
- **(5)** the existence of any aggravating or mitigating factors.

## RULE 9. SERVICE

**(a)** Service upon the Respondent of the formal complaint shall be, as stated in Rule 4(c) of these rules, by any means permitted under the Rules of Civil Procedure reasonably designed to provide notice thereof.

**(b)** [Vacant]

## RULE 10. SUBPOENAS AND WITNESSES

**(a)** Any member of the Disciplinary Tribunal may issue subpoenas to compel the attendance of the respondent or of a witness, or the production of books, audio, video, or other documents at the taking of a deposition or at a hearing before the Disciplinary Tribunal.

**(b)** The Respondent may compel by subpoena the attendance of witnesses and the production of books, audio, video, or other documents at a hearing or deposition.

**(c)** There shall be no discovery proceedings except upon the order of the Disciplinary Tribunal.

## RULE 11. CRIMINAL CONVICTION

**(a)** Upon receiving a certificate of conviction demonstrating that an attorney was convicted of a felony, or of an act that would constitute a felony in the Republic, or of an act involving moral turpitude, dishonesty, or corruption, the Chief Justice or designee shall enter an order requiring the attorney to show cause why he or she should not be immediately restrained from engaging in the practice of law pending final disposition of the ensuing disciplinary procedure. The Respondent must show cause regardless of whether the conviction resulted from a plea of guilty or nolo contendere or from a verdict after trial or otherwise, and regardless of the pendency of an appeal.

**(b)** The final conviction of an attorney for any crime shall be conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against him or her based upon the conviction.

**(1)** For the purpose of this rule, a judgment of conviction is deemed final when the availability of appeal has been exhausted.

**(c)** Upon the receipt of a certificate of conviction of an attorney of a crime described in Rule 11(a), even if the attorney is not restrained from the practice of law, the Chief Justice or designee shall refer the matter thereafter to a Disciplinary Tribunal as provided in Rule 4. The Tribunal shall institute a hearing as provided in Rule 5 in which the sole issue to be determined shall be the extent of the discipline to be imposed, provided the proceedings so instituted shall not be brought to hearing until the judgment of conviction is final, unless the Respondent shall request.

**(d)** Immediately upon the filing with the Chief Justice or Disciplinary Tribunal, a certificate demonstrating that the underlying conviction for a crime has been reversed, any order entered under provisions of Rule 11(a) that restrains the attorney from practicing law shall be vacated, any formal proceeding then pending against the attorney founded solely upon such conviction shall be terminated, and any discipline imposed in such formal proceeding shall be vacated, but the reversal of conviction shall not terminate or affect any formal proceeding previously or thereafter instituted that is founded upon alleged

misconduct by the attorney, whether or not involving the same facts alleged to constitute a crime or offense of which the attorney was convicted.

## RULE 12. RECIPROCAL DISCIPLINE

**(a)** All attorneys, subject to the provisions of these rules, shall upon being subjected to professional disciplinary action in another jurisdiction promptly inform the Chief Justice of such action.

**(b)** Upon being informed that an attorney admitted to practice in the Republic was subjected to discipline in another jurisdiction, the Chief Justice shall obtain a certified copy of such disciplinary order.

**(c)** Upon receipt of a certified copy of an order demonstrating that an attorney admitted to practice in the Republic has been disciplined in another jurisdiction, the Chief justice shall issue a notice directed to the attorney containing:

- **(1)** A copy of said order from the other jurisdiction; and
- **(2)** An order directing that the attorney inform the Chief Justice within thirty (30) days from service of the notice of any claim by the attorney that the imposition of the identical discipline in the Republic would be unwarranted and the reasons therefor.

**(d)** Upon the expiration of the thirty (30) days from the service of notice issued pursuant to the provisions of Rule 12(c), the Chief Justice shall impose the identical discipline, unless the attorney requests a hearing. If a hearing is requested, a Disciplinary Tribunal will be designated in accordance with Rule 4. The Tribunal shall impose the same discipline, unless the Respondent clearly demonstrates:

- **(1)** that the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or
- **(2)** that there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that the Tribunal could not, consistent with its duties, accept as final the conclusion on that subject; or
- **(3)** that the misconduct established warrants substantially different discipline in the Republic. Where the Tribunal determines that any of said elements exist, it shall enter such other orders as it deems appropriate.

**(e)** In all other respects, a final adjudication in another jurisdiction that an attorney has been guilty of misconduct shall establish conclusively the misconduct for the purpose of a disciplinary proceeding in the Republic.

## RULE 13. DISBARRED OR SUSPENDED ATTORNEYS

**(a)** An attorney who has been disbarred or suspended by a Tribunal shall promptly notify by registered or certified mail, return receipt requested, all clients being represented in pending matters, including litigation or administrative proceedings, of said disbarment or suspension and the attorney's consequent inability to act as an attorney after the effective date of the disbarment or suspension and shall advise the clients to seek legal assistance elsewhere. With regard to pending litigation or administrative proceedings, such notice shall also

advise the client of the desirability of prompt substitution of another attorney or attorneys, and notice shall be given to the attorney or attorneys for any adverse party and shall state the place of residence of the client of the disbarred or suspended attorney.

**(b)** In the event the client does not obtain subsequent counsel before the effective date of the disbarment or suspension, it shall be the responsibility of the disbarred or suspended attorney to move, in Court or agency in which the proceeding is pending, for leave to withdraw.

**(c)** Orders imposing suspension or disbarment shall be effective thirty (30) days after entry. The disbarred or suspended attorney, after entry of the disbarment or suspension order, shall not accept any new retainers or engage as an attorney for another in any new case or legal matter of any nature. However, during the period from the entry date of the order and its effective date, the attorney may wind up and complete on behalf of any client all matters which were pending on the entry date.

**(1)** Within ten (10) days after the effective date of the disbarment or suspension order, the disbarred or suspended attorney shall file with this Court an affidavit showing:

**(A)** that he or she has complied with the provisions of the order and with these rules; and

**(B)** that he or she has notified all other states, territorial, federal and administrative jurisdictions to which the attorney is admitted to practice of the disciplinary action as may be required by the rules of such jurisdiction(s). Such affidavit shall also set forth the residence or other address of the disbarred or suspended attorney where communications may thereafter be directed.

**(d)** The Chief Justice shall cause a notice of the suspension or disbarment to be published in a newspaper of general circulation in the Republic.

**(e)** The Chief Justice shall promptly transmit a certified copy of the order of suspension or disbarment to all justices and judges within the Republic and the administrative agencies therein and shall make such further orders as deemed necessary to fully protect the rights of the clients of the suspended or disbarred attorney.

**(f)** A disbarred or suspended attorney shall keep and maintain records of the various steps taken by him or her under these rules so that, upon any subsequent proceedings instituted by or against said attorney, proof of compliance with these rules and with disbarment or suspension order will be available. Proof of compliance with these rules shall be required in any petition for reinstatement.

## RULE 14. REINSTATEMENT[1]

**(a)** No suspended or disbarred attorney may resume practice until reinstated by order of a Disciplinary Tribunal.

**(b)** Any person who has been disbarred after hearing or by consent may not apply for reinstatement until the expiration of at least two (2) years from the effective

[1]Suspension under these Rules is for a disciplinary violation. This differs from a suspension under the Palau Bar Admissions Committee Rules for failure to comply with continuing legal education requirements. The latter suspension is an administrative suspension and does not carry with it the same rights afforded to an attorney being disciplined under these Rules.

date of disbarment. Any attorney suspended from practicing may not apply for reinstatement until the expiration of at least one-half (1/2) of the period of suspension.

**(c)** Petitions for reinstatement by a disbarred or suspended attorney shall be filed with the Chief Justice. The Chief Justice shall designate a Disciplinary Tribunal, which shall set the matter for hearing within thirty (30) days. At such hearing, the petitioner shall have the burden of demonstrating that he or she is qualified to practice law in the Republic and worthy of the Court's trust and confidence. At the conclusion of the hearing, the Disciplinary Tribunal shall enter an appropriate order within thirty (30) days.

**(d)** This Disciplinary Tribunal may direct that the necessary expenses incurred in the investigation and processing of a petition for reinstatement be paid by the petitioner.

## RULE 15. CUMULATIVE VIOLATIONS

**(a)** An attorney disciplined after the effective date of these rules who has a record of three (3) or more censures and/or reprimands or any combination of a suspension or disbarment, plus one or more censures or reprimands shall be subject to suspension from the practice of law.

**(b)** [Vacant]

## RULE 16. CONFIDENTIALITY OF PROCEEDINGS

**(a)** All records and proceedings involving allegations of misconduct by an attorney shall be kept confidential until a formal complaint has been filed by the Disciplinary Counsel pursuant to Rule 5(c) of the Disciplinary Rules, except as otherwise provided herein or as the Chief Justice may otherwise order. Following the filing of the formal complaint, all proceedings before the Disciplinary Tribunal shall be open to the public, and all pleadings and records of the proceedings, including the formal complaint, any exhibits introduced into evidence, and any transcript of the proceedings. shall be available for public inspection. However, the Disciplinary Counsel's files and records shall not be available for public inspection, except to the extent that portions thereof are introduced into evidence in a proceeding before the Disciplinary Tribunal. Access to confidential records shall be restricted to the Chief Justice or designee and the Disciplinary Counsel.

**(b)** In order to protect the interests of a complainant, witness, third party, or the Respondent, the Disciplinary Tribunal may, upon application of any person for good cause shown or on its own motion, issue a protective order prohibiting the disclosure of specific information and direct that the proceedings be conducted so as to implement the order, including requiring that the hearings be conducted in such a way as to preserve the confidentiality of the information that is the subject of the application.