

**TITLE 4
THE JUDICIARY**

**Chapter 1
Organization**

- § 101. General powers of courts.
- § 102. Territorial jurisdiction.
- § 103. Jurisdiction over persons; civil cases.
- § 104. Sessions and records of courts to be public.
- § 105. Publication of court decisions.
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- § 107. Costs and fees.
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§ 101. General powers of courts.

Each court of the Republic shall have power to issue all writs and other process, make rules and orders, and do all acts, not inconsistent with law and with the rules established by the Chief Justice, as may be necessary for due administration of justice. Without limiting the generality of the foregoing, each court may grant bail, accept and cause forfeit of security therefor, make orders for the attendance of witnesses with or without documents, and make orders for disposal of exhibits.

Source

RPPL 1-17 § 2, modified.

Notes

- Ngirakesiil v. ROP, 2021 Palau 24 ¶ 8.
- Henry v. Shizushi, 21 ROP 79, 82 (2014).
- The Ngaimis v. ROP, 16 ROP 26, 30 (2008).
- Techekii Clan v. Paulus, 1 ROP Intrm. 514, 517 (1988).
- Blesam v. Tamakong, 1 ROP Intrm. 547AA, 547CC (1988).
- ROP v. Singeo, 1 ROP Intrm. 428A, 428D (1987).

Cross-reference

ROP Const. art. X, §§ 1, 5, 14; for rules of court, see Courts of Republic of Palau Rules of Civil Procedure, Criminal Procedure, Evidence and Appellate Procedure.

Commission Comment

For the retained functions of the United States with regard to the Judiciary, see section 5 of Secretarial Order No. 3039.

§ 102. Territorial jurisdiction.

The jurisdiction of the Supreme Court, National Court and Court of Common Pleas shall extend to the whole of the Republic as defined in section 1 of Article I of the Constitution.

Source

RPPL 1-17 § 3.

Notes

ROP v. Singeo, 1 ROP Intrm. 428A (1987).

§ 103. Jurisdiction over persons; civil cases.

The courts may exercise personal jurisdiction in civil cases over persons residing or found in the Republic or who have been duly summoned or voluntarily appear.

Source

RPPL 1-17 § 4, modified.

§ 104. Sessions and records of courts to be public.

(a) All sessions and records of the courts shall be public, except when otherwise ordered by a court for good cause.

(b) Any person desiring to attend any session that has been closed or view any record that has been suppressed may petition the court that has closed the session or suppressed the record. Said person may appeal any order or decision of the court on said petition to the Appellate Division of the Supreme Court.

Source

RPPL 1-17 § 5, modified.

§ 105. Publication of court decisions.

All decisions of the Appellate Division of the Supreme Court, including concurring and dissenting opinions, shall be published. All decisions of the Trial Division of the Supreme Court and of the National Court shall be forwarded to the Chief Justice, who shall determine which decisions shall be published.

ORGANIZATION

4 PNCA § 109

Source

RPPL 1-17 § 6, modified.

§ 106. Seal.

Each court shall have a seal which shall be kept in the custody of the Clerk of Courts.

Source

RPPL 1-17 § 7.

§ 107. Costs and fees.

The Supreme Court shall have the power by rule of court from time to time to establish the costs and fees it deems reasonable in connection with the administration of the judiciary and to prescribe the amount to be paid in advance to any clerk of any court in any proceeding on account of costs and fees.

Source

RPPL 1-17 § 22, modified.

Cross-reference

ROP Const., Art. X, § 14.

§ 108. Disposition of fines and fees.

The Clerk of Courts shall periodically transmit to the National Treasury all fines and fees collected in the courts; provided that the Clerk of Courts shall transmit fines to the appropriate state treasuries when required by law.

Source

RPPL 1-17 § 23.

Cross-reference

ROP Const., Art. XII, § 1.

§ 109. Authority to administer oaths and take acknowledgments.

Each justice, judge, clerk, and assistant clerk of courts shall have power to administer oaths and affirmations, take acknowledgments, and exercise all powers of a notary public.

4 PNCA § 109

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Source

RPPL 1-17 § 25.

Cross-reference

For statutory provisions on notaries public, see chapter 7 of Title 11.

**Chapter 2
Courts of the Republic**

- § 201. Supreme Court; composition.
- § 202. National Court; composition.
- § 203. Court of Common Pleas and Land Court; composition.
- § 204. Court of Common Pleas Judges’ qualifications; Land Court Judges’ qualifications.
- § 205. Same; tenure of judges and hearing officers.
- § 206. Same; civil jurisdiction.
- § 207. Court of Common Pleas; criminal jurisdiction.
- § 208. Land Court Jurisdiction.
- § 209. Training program.

§ 201. Supreme Court; composition.

The Supreme Court shall consist of a full-time Chief Justice and not less than three (3) Associate Justices. The Chief Justice may assign the Presiding Judge of the National Court for temporary service in the Trial Division or Appellate Division of the Supreme Court. The Chief Justice may determine whether additional Associate Justice are needed to serve on a part-time basis, and if so, he shall notify the President and the presiding officers of the Olbiil Era Kelulau with specific reasons thereof. Such part-time Associate Justices shall be appointed pursuant to section 301 of this chapter and assigned by the Chief Justice to either the Trial Division or the Appellate Division. Subject to rules and pertinent orders promulgated by the Supreme Court, any justice of the Supreme Court may perform judicial duties while absent from the Republic, including but not limited to conducting proceedings remotely or issuing any writ, order, ruling, decision, judgment, or opinion. Unless waived, all proceedings conducted remotely shall be consistent with the parties’ constitutional rights, the laws of the Republic, and the rules of the Supreme Court.

Source

RPPL 1-17 § 8, as amended by RPPL 1-71 § 1, modified. Amended by RPPL 3-74 § 1. Amended by RPPL 11-6 § 2.

Cross-reference

ROP Const. art. X, §§ 1, 2.

Notes

RPPL 11-6 § 1 reads: Section 1. Legislative purpose. The legislative purpose of this Act is to (1) reflect the Fourteenth Amendment to the Constitution of the Republic of Palau, which removed the limitation of the Supreme Court to six Associate Justices and provided for the separation of the justices of the Appellate and Trial Divisions; and (2) expressly allow duly appointed justices of the Supreme Court to fully perform their judicial duties when outside the Republic, subject to rules promulgated by the Supreme Court. The Judiciary depends on the use of part-time justices (who reside abroad) when all resident, full-time justices are recused from a dispute. However, the

current statute does not allow part-time justices to perform their judicial duties while off island except for signing opinions, meaning that, unless the statute is amended, cases assigned to duly appointed part-time justices of the trial division who reside abroad will remain on hold until the Republic's borders are open. Further, all duly appointed justices should be able to fully perform their judicial duties while abroad, considering that the current global pandemic will continue to affect travel to and from Palau for an indefinite period of time, and that advances in technology now allow for effective, efficient, and fair remote proceedings to expedite the prompt resolution of disputes. Because allowing justices to fully perform their judicial duties when outside the Republic requires changes to the relevant statute, the Olbiil Era Kelulau therefore finds it necessary to amend the statute, within the limits established by the Constitution.

In re Rois Kebesang, 2021 Palau 38 (Tr. Div.) ¶¶ 20, 22.
Ngiraterang v. Ngarchelong State Assembly, 2021 Palau 18 ¶ 57.
Toribiong v. Tmetbab Clan, 22 ROP 116, 120 (2015).
ROP v. Kruger, 8 ROP Intrm. 347, 348 (Tr. Div. 2000).
ROP v. Decherong, 2 ROP Intrm. 152, 159 (1990).
ROP v. Singeo, 1 ROP Intrm. 428A, 428A (1987).

§ 202. National Court; composition.

The National Court shall consist of a full-time Presiding Judge. The Chief Justice may assign an Associate Justice to temporarily act as the Presiding Judge of the National Court.

Source

RPPL 1-17 § 9.

Cross-reference

ROP Const. art. X, §§ 1, 4.

Notes

In re Rois Kebesang, 2021 Palau 38 (Tr. Div.) ¶ 22.

§ 203. Court of Common Pleas and Land Court; composition.

(a) The Court of Common Pleas shall consist of a Senior Judge and an Associate Judge, both of whom shall serve on a full-time basis.

(b) The Land Court shall consist of a full-time Senior Judge and full- and part-time Associate Judges; the number of Associate Judges will be determined by the Chief Justice based on the needs of the Land Court.

(c) The Chief Justice may, from time to time, assign judges of the Court of Common Pleas to serve as Land Court judges on a case-by-case basis.

Source

RPPL 1-17 § 10, first sentence, modified. Amended by RPPL 4-43 § 22(a). Subsection (b) also amended by RPPL 4-53 § 1(b); RPPL 5-22 § 3; and RPPL 6-2 § 1[203(b)].

Cross-reference

ROP Const. art. X, § 1.

§ 204. Court of Common Pleas Judges' qualifications; Land Court Judges' qualifications.

(a) The Senior Judges of the Court of Common Pleas shall be a citizen of the Republic of Palau.

(b) All judges of the Court of Common Pleas, including the Senior Judge and each Associate Judge, must meet at least one of the following qualifications:

(1) such person has been admitted to practice law for at least five (5) years preceding his or her appointment, and is in good standing, before a court of the Republic of Palau; of the United States of America or any of its possessions, territories, and commonwealths; of the Federated States of Micronesia; or of the Republic of the Marshall Islands; or

(2) such person has extensive experience with the Republic of Palau's judicial system; is familiar with the rules and procedures of the Supreme Court of Palau and traditional Palauan customary law; and is fluent in both Palauan and English languages.

(c) Associate Judges of the Land Court shall have the following qualifications:

(1) Such person has been, for at least five years preceding his or her appointment, (i) an attorney or trial counselor licensed to practice before the courts of the Republic or (ii) admitted to practice law before the highest court of a state or country in which he or she is admitted to practice law; and

(2) Such person has extensive experience in public service or property law, or has broad knowledge of Palauan customs.

Source

RPPL 1-17 §10, second sentence on, as amended by RPPL 3-17 §1, modified. Amended by RPPL 4-43 § 22(a). Amended by RPPL 5-22 § 3. Subsection (a) amended by RPPL 6-43 § 3[204]. Section title and subsections (a) and (b) amended by RPPL 11-22 § 2, modified.

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Notes

RPPL 5-22 § 7 includes the following: Current Land Court Judges. Notwithstanding the qualifications for Judges of the Land Court set forth in 4 PNC § 204, as amended by this Act, any sitting Judge of the Land Court may continue to serve as an Associate Judge of the Land Court.

ROP v. Airai State Pub. Lands Auth., 11 ROP 258, 260 (Tr. Div. 2004).

§ 205. Same; tenure of judges and hearing officers.

Judges of the Court of Common Pleas and of the Land Court shall hold office during good behavior. They shall be eligible for retirement upon attaining the age of sixty-five (65) years. They may be removed from office in the same manner and for the same reasons as judges of the National Court.

Source

RPPL 1-17 §12, modified. Amended by RPPL 4-43 § 22(a).

§ 206. Same; civil jurisdiction.

The Court of Common Pleas shall have concurrent jurisdiction with the Supreme and National Courts over all civil cases (including proceedings for change of name) where the amount claimed or value of the property involved does not exceed ten thousand dollars (\$10,000), except those matters involving the adjudication of title to land or any interest therein (other than the right to immediate possession); provided that the Court of Common Pleas shall have jurisdiction to award alimony and support for children in divorce cases, and separate support or separate maintenance for a spouse and support for children in support and maintenance cases, regardless of whether the awards may ultimately exceed ten thousand dollars (\$10,000), and to include in such award, land or any interest therein owned by any parties in the case (but this shall not include jurisdiction to adjudicate the validity of such party's ownership of the land or interest therein in question).

Source

RPPL 1-17 §13, modified. Amended by RPPL 4-43 §22(a). Amended by RPPL 5-27 § 1, modified.

Notes

In re Perrin, 10 ROP 132, 133 (2003).
Brikul v. Rengechel, 3 ROP Intrm. 195, 198 (1992).

§ 207. Court of Common Pleas; criminal jurisdiction.

In all criminal cases involving offenses against the laws of the several states or the Republic, including generally recognized local customs, where the maximum punishment which may be imposed does not exceed a fine of ten thousand dollars (\$10,000) or imprisonment for five (5) years, or both, the Chief Justice may assign such cases for hearing by a judge of the Court of Common Pleas. Upon hearing, the Chief Justice shall certify the decision of the Common Pleas judge. Appeal may be had in the Appellate Division of the Supreme Court.

Source

RPPL 1-17 §14, modified. Amended by RPPL 4-43 §22(a). Amended by RPPL 6-43 § 2[207], modified.

Notes

Yobech v. ROP, 2020 Palau 26 ¶¶ 2, 3, 4, 9, 10, 13, 14, 16, 17, 18, 20, 21, 26.

In re Perrin, 10 ROP 132, 133 (2003).

ROP v. Kruger, 8 ROP Intrm. 347, 348 (Tr. Div. 2000).

§ 208. Land Court Jurisdiction.

The Land Court shall have concurrent original jurisdiction with the Supreme Court over all civil cases involving the adjudication of title to land or any interest therein (other than the right to immediate possession).

Source

RPPL 4-43 § 22(a).

Notes

Andres v. Aimeliik State Pub. Lands Auth., 2020 Palau 18 ¶ 10.

In re Mesei, 16 ROP 338, 342, 343 (Land Ct. 2009).

In re Perrin, 10 ROP 132, 133 (2003).

Ngerketiit Lineage v. Ngirarsaol, 8 ROP Intrm. 126, 127 (2000).

§ 209. Training program.

Within forty five (45) days of the effective date of this chapter, the Supreme Court shall prepare a training program, with special emphasis placed on judicial ethics and special procedural and evidentiary rules to be used in land cases, for all Land Court judges.

Source

RPPL 4-43 § 22(a), modified.

Chapter 3
Justices, Judges and Assessors

- § 301. Appointment of justices and judges.
- § 302. Oath of office.
- § 303. Judicial ethics.
- § 304. Disqualification.
- § 305. Civil liability.
- § 306. Practice of law prohibited; exception.
- § 307. Compensation.
- § 308. Assessors.
- § 309. Special judges for murder cases.

§ 301. Appointment of justices and judges.

Upon receipt of nominations from the Judicial Nominating Commission, the President shall appoint justices of the Supreme Court, judges of the National Court, judges of the Court of Common Pleas and judges of the Land Court.

Source

RPPL 1-17 § 11. Amended by RPPL 4-43 § 22(a).

Cross-reference

ROP Const. art. X, § 7.

Notes

Rebluud v. Palau Land Court, 7 ROP Intrm. 249, 250 (Tr. Div. 1998).

§ 302. Oath of office.

Each justice or judge shall take and subscribe to the oath of office required of all public officers of the Republic by law.

Source

RPPL 1-17 § 17, modified.

Cross-reference

For statutory provision establishing the oath of office for national officers, see Title 1, § 801.

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§ 303. Judicial ethics.

Justices and judges shall adhere to the standards of the Code of Judicial Conduct of the American Bar Association except as otherwise provided by law or rule.

Source

RPPL 1-17 § 18, modified.

Notes

Idid Clan v. Demei, 17 ROP 221, 231 (2010).

Francisco v. Chin, 10 ROP 44, 52 (2003).

ROP v. Asanuma, 3 ROP Intrm. 48, 50 (1991).

§ 304. Disqualification.

No justice or judge shall hear or determine, or join in hearing and determining an appeal from the decision of any case or issue decided by him. No judge, justice or assessor shall sit in any case in which he has a substantial interest, has been of counsel, is or has been a material witness, or is so related to, or connected with, any party or his attorney as to render it improper, in his opinion, for him to participate in hearing and determination of the case.

Source

RPPL 1-17 § 19, modified.

Notes

Ngirakesiil v. ROP, 2021 Palau 24 ¶ 5.

Mark's Body Shop v. Iyar, 17 ROP 115, 116 (2010).

Ngerul v. Chin, 8 ROP Intrm. 263 (2001).

Sandei v. Tungelel Lineage, 8 ROP Intrm. 228, 229 (2000).

Ngerketiit Lineage v. Ngirarsaol, 8 ROP Intrm. 50, 51 (1999).

Ngerur v. Supreme Court, 4 ROP Intrm. 145, 146 (1994).

ROP v. Asanuma, 3 ROP Intrm. 48, 50 (1991).

§ 305. Civil liability.

No justice, judge or assessor shall be liable in a civil action for damages by reason of any judicial action or judgment rendered by him in good faith.

Source

RPPL 1-17 § 20, modified.

§ 306. Practice of law prohibited; exception.

No justice, judge or employee of the courts may practice law in the Republic; provided, that part-time Associate Judges of the Land Court may practice law in the Republic to the extent that such practice is not prohibited by law, rules promulgated by the Supreme Court or ethical obligations imposed on attorneys and trial counselors.

Source

RPPL 1-17 § 21, modified. Amended by RPPL 5-22 § 3.

§ 307. Compensation.

Justices and judges shall receive compensation as prescribed by law. Assessors shall receive compensation as prescribed by the rules of court or as otherwise provided by law. Compensation for justices and judges shall not be diminished during the term of office.

Source

RPPL 1-17 § 24, modified.

Cross-reference

ROP Const. art. X, § 11.

§ 308. Assessors.

Any justice of the Supreme Court, judge of the National Court or judge of the Court of Common Pleas may appoint one or more assessors to advise him at the trial or hearing of any case with respect to local law or custom or such other matters requiring specialized knowledge, but not to participate in the determination of the case. All such advice shall be a matter of record. Judges of inferior courts may be appointed as assessors.

Source

RPPL 1-17 § 15, modified.

§ 309. Special judges for murder cases. [Repealed]

Source

5 TTC § 204, modified. Repealed in its entirety by RPPL 11-22 § 3.

Case Annotation

Use of special judges for murder cases is permissible under 5 TTC § 204, and, when properly seated, is non-prejudicial to due process. To the extent that Kikuo v. ROP, Criminal Appeal No. 4-83, 1985 may be read to the

contrary, it is overruled. Cf. ROP v. Santos, Criminal Appeal No. 3-83, 1985.

Notes

Saunders v. ROP, 8 ROP Intrm. 90 (1999).

Ngiraked v. ROP, 5 ROP Intrm. 159, 161 (1996).

ROP v. Chisato, 2 ROP Intrm. 227, 231-32 (1991).

ROP v. Oisewang, (Criminal Appeal No. 3-85, 1987).

ROP v. Santos, 1 ROP Intrm. 274 (1985).

ROP v. Kikuo, 1 ROP Intrm. 254 (1985).

Trust Territory v. Minor, (App. Div., May, 1976).

Trust Territory v. Techur, (App. Div., June, 1976).

Helgenberger v. Trust Territory, 4 TTR 530 (App. Div., 1969).

**Chapter 4
Judicial Salaries**

- § 401. Short title.
- § 402. Legislative findings and purposes.
- § 403. Salary of Chief Justice. [Repealed]
- § 404. Salary of Associate Justices. [Repealed]
- § 405. Salary of Presiding Judge of National Court. [Repealed]
- § 406. Salary of Associate Judge of National Court. [Repealed]
- § 407. Salary of Judges of Court of Common Pleas. [Repealed]
- § 408. Benefits.
- § 409. Salary and benefits for part-time justices or judges.
- § 410. Salary and benefits for other court employees.
- § 411. Travel and relocation costs.

§ 401. Short title.

This chapter may be cited as the “National Judiciary Pay and Benefit Act.”

Source

RPPL 1-21 § 1(a), modified.

Cross-reference

ROP Const., Art. X, § 11.

§ 402. Legislative findings and purposes.

The Olbiil Era Kelulau hereby finds and declares the public policy of the Republic to be as follows:

- (a) The establishment and operation of a competent and independent court system requires that highly qualified judges be attracted to and placed on the bench of the Republic’s courts.
- (b) The Republic must create conditions that will attract the best qualified judges, and the rate of pay and supplemental benefits provided will contribute to that goal.

Source

Opening clause and subsection (a) -- RPPL 1-21 § 1(b)(1); subsection (b) -- RPPL 1-21 § 1(b)(b), as amended by RPPL 1-56 § 1; section modified.

§ 403. Salary of Chief Justice. [Repealed]

Source

RPPL 1-21 § 2(a), as amended by RPPL 1-56 § 2 and RPPL 3-42 § 62(1), modified. Repealed by RPPL 4-36 § 4.

Cross-reference

ROP Const., Art. X, § 11.

Notes

RPPL 4-36 § 4 is effective October 1, 1995. Judicial salaries now appear in 33 PNCA § 702(c).

§ 404. Salary of Associate Justices. [Repealed]

Source

RPPL 1-21 § 2(b), as amended by RPPL 1-56 § 2 and RPPL 3-42 § 62(2), modified. Repealed by RPPL 4-36 § 4.

Cross-reference

ROP Const., Art. X, § 11. Judicial salaries now appear in 33 PNCA § 702(c).

Notes

RPPL 4-36 § 4 is effective October 1, 1995.

§ 405. Salary of Presiding Judge of National Court. [Repealed]

Source

RPPL 1-21 § 2(c), as amended by RPPL 1-56 § 2 and RPPL 3-42 § 62(3), modified. Repealed by RPPL 4-36 § 4.

Cross-reference

ROP Const., Art. X, § 11.

Notes

RPPL 4-36 § 4 is effective October 1, 1995. Judicial salaries now appear in 33 PNCA § 702(c).

§ 406. [Repealed]

Source

RPPL 1-21 § 2(d), as amended by RPPL 1-56 § 2 and RPPL 3-42 § 62(4), modified. Repealed by RPPL 4-36 § 4.

Cross-reference

ROP Const. art. X, § 11.

Notes

RPPL 4-36 § 4 is effective October 1, 1995. Judicial salaries now appear in 33 PNCA § 702(c).

§ 407. Salary of Judges of Court of Common Pleas. [Repealed]

Source

RPPL 1-21 § 2(e), as amended by RPPL 1-56 § 2 and RPPL 3-42 § 62(5), modified. Repealed by RPPL 5-22 § 5.

Cross-reference

ROP Const. art. X, § 11.

§ 408. Benefits.

The benefits of any full-time justice or judge shall be set by the Chief Justice in consultation with the National Civil Service Board.

Source

RPPL 1-21 § 2, as amended by RPPL 1-56 § 2, modified.

§ 409. Salary and benefits for part-time justices or judges.

The salary and benefits of any part-time or temporary justice or judge shall be fixed by the Chief Justice, provided that in no case shall the compensation established be greater than that received by a full-time Supreme Court justice or National Court judge. For the purposes of this subsection, compensation does not include any travel, housing or relocation expenses.

Source

RPPL 1-21 § 3(a), modified.

§ 410. Salary and benefits for other court employees.

The salary and benefits of any other court employees, full-time, or part-time, shall be set by the Chief Justice, provided that in no case shall such compensation include free governmental housing or any travel or relocation expenses.

Source

RPPL 1-21 § 3(b), modified.

§ 411. Travel and relocation costs.

Travel expenses to and from the Republic, along with reasonable relocation costs, for the purposes of undertaking employment as a full-time, part-time, or temporary justice or judge of the courts of Palau shall be paid for by the national government.

Source
RPPL 1-21 § 4.

**Chapter 5
Court Employees**

§ 501. Employment in the courts.

§ 502. Marshal's Division.

§ 501. Employment in the courts.

All matters relating to employment in the courts of the Republic shall be managed by the administrative director of the judicial system pursuant to rules promulgated by the Chief Justice, unless otherwise provided by law.

Source

RPPL 1-17 § 16, modified.

Cross-reference

ROP Const., Art. X, § 12.

§ 502. Marshal's Division

There is hereby established a Marshal's Division of the Palau National Judiciary. The Division shall consist of a [Marshal] and such other Deputy Marshals and personnel as the Chief Justice may appoint. The Marshal and Deputy Marshals may serve and execute process, writs, orders and other court papers issued by the Supreme Court and inferior courts. The Marshal and Deputy Marshals shall provide court security, including providing safety and security for the Judiciary, participants in court proceedings and the general public visiting the court facilities, and shall perform such other duties as directed by the Chief Justice of the Palau National Judiciary. The Marshal and Deputy Marshals may make court-ordered arrests and arrests without warrants as authorized by law. Personnel of the Division may carry firearms when on official duty when authorized by the President in accordance with the provisions of 17 PNC § 3307(a).

Source

RPPL 5-16 § 1, modified.

Notes

The bracketed [Marshal] read "Marshall" in the original legislation.

**Chapter 6
Jury Trials**

- § 601. Definitions.
- § 602. Right to a trial by jury.
- § 603. Jury size; unanimity required.
- § 604. Exempt jurors.
- § 605. Jurors to receive annual leave; protection of jurors' employment; juror fees.
- § 606. Examination of jurors.
- § 607. Peremptory challenges; challenges for cause.
- § 608. Order of challenge; jury sworn.
- § 609. Alternate jurors.
- § 610. Juror master list.
- § 611. Rules and regulations.

§ 601. Definitions.

In this chapter:

(a) "Challenge for cause" is an objection to a prospective juror based on any of the following grounds:

- (1) The prospective juror does not have the qualifications for jury service required by this chapter.
- (2) The prospective juror is related by blood or marriage within the second degree to:
 - (A) the defendant;
 - (B) the alleged victim of the offense charged;
 - (C) the person on whose complaint the prosecution was commenced; or
 - (D) a prospective witness or any attorney representing a party in the action.
- (3) The prospective juror bears some other relationship to any such person of such nature that it is likely to preclude him from being a fair and impartial juror.

(4) The prospective juror previously served on a jury that heard evidence concerning the offense charged.

(5) The prospective juror has a state of mind that will preclude him from being a fair and impartial juror.

(b) “Juror master list” means the voter registration lists that shall be supplemented with names from other sources prescribed pursuant to this chapter.

(c) “Peremptory challenge” is an objection to the seating of a prospective juror for which no reason needs to be given. Either the defendant or the prosecuting attorney may make such an objection, and may do so orally.

(d) “Qualified juror” means a person who:

(1) is of twenty-one (21) years of age or older;

(2) has not been convicted of a felony within the past five (5) years and is not currently incarcerated; and

(3) can read and understand both the Palauan and English languages.

Source

RPPL 8-12 § 1, modified.

Notes

Pettit v. ROP, 2016 Palau 6 ¶ 12 n.2.

§ 602. Right to a trial by jury.

(a) A criminal defendant accused of a crime punishable by a sentence of imprisonment of twelve (12) years or more shall have the right to a trial by jury.

(b) If the defendant is entitled to a jury trial, then the trial shall be by jury unless the defendant waives the right to a jury trial in writing.

Source

RPP 8-12 § 2, modified.

Notes

In re Baird I, 2021 Palau 16 ¶ 17.
ROP v. Baconga, 21 ROP 119, 121 (Tr. Div. 2014).

§ 603. Jury size; unanimity required.

- (a) Juries shall be comprised of six (6) members.
- (b) A unanimous verdict shall be required for a defendant to be found guilty, provided that if a juror becomes ill or absent during deliberations, a unanimous verdict of less than six (6) jurors may be allowed if:
 - (1) the defense and prosecution both stipulate to a verdict from a jury with fewer members; or
 - (2) the court on its own motion excuses the juror and orders a verdict from the remaining members of the jury. The court may exercise its authority under this subdivision only if after excusing the jurors no fewer than four (4) jurors remain on the jury.

Source

RPPL 8-12 § 3, modified.

§ 604. Exempt jurors.

- (a) The following otherwise qualified jurors shall be exempt from jury service:
 - (1) Those who are out of the Republic to attend school.
 - (2) Those who are domiciled in another jurisdiction with no intent to return to Palau.
 - (3) Those who are members of the armed forces who are on active duty or out of the Republic.
 - (4) Those who hold elected office in the Republic of Palau.
- (b) An otherwise qualified juror exempted from service for a reason specified in subsection (a) of this section shall have his or her name struck from the juror master list until the reason for his or her exemption ends.
- (c) The court may exempt an otherwise qualified juror for cause. However, a juror shall not be exempted for a slight or trivial cause, but only when it appears that jury duty would

entail a serious personal hardship or that for other good cause he should be excused either temporarily or otherwise.

Source
RPPL 8-12 § 4.

§ 605. Jurors to receive annual leave; protection of jurors' employment; juror fees.

(a) An employer shall not deprive an employee of his or her employment, or threaten or otherwise coerce him with respect to that employment, because the employee receives a summons for jury duty, responds to that summons, serves as a juror, or attends court for prospective jury service.

(b) Government employees who attend court for prospective jury service or who are selected for jury service shall receive one day of annual leave for each day they are at the court in connection with that service.

(c) The Supreme Court shall promulgate rules and regulations to provide for juror fees for those qualified jurors who are unemployed, retired, or otherwise not provided for in subsection (b) of this section, who attend court in connection with jury service.

Source
RPPL 8-12 § 5.

§ 606. Examination of jurors.

The court may permit the attorneys for the parties to examine prospective jurors, or the court may itself do so. In the latter event, the court may permit the defendant and the prosecuting attorney to supplement the examination by such further inquiry as the court deems proper, or shall itself submit to the prospective jurors such additional questions by the parties as it deems proper.

Source
RPPL 8-12 § 6.

§ 607. Peremptory challenges; challenges for cause.

(a) The government has four (4) peremptory challenges and the defendant or defendants jointly have six (6) peremptory challenges. Upon objection the court shall discharge the prospective juror. If there is more than one defendant, the court may allow the defendants

additional peremptory challenges and permit them to be exercised separately or jointly.

(b) A challenge for cause may be taken by any party. If the court finds that grounds exist that support a challenge for cause against a prospective juror, it shall discharge such juror.

Source

RPPL 8-12 § 7, modified.

§ 608. Order of challenge; jury sworn.

(a) The court shall have the authority to direct the order in which challenges are to be taken, both as to the type of challenge and the party making the challenge.

(b) After both the defendant and the prosecuting attorney have completed their challenges to the prospective jurors, the jury shall be sworn.

Source

RPPL 8-12 § 8.

§ 609. Alternate jurors.

(a) In general, the court may impanel up to two (2) alternate jurors to replace any jurors who are unable to perform or who are disqualified from performing their duties.

(b) Procedure:

(1) Alternate jurors shall have the same qualifications and be selected and sworn in the same manner as any other juror.

(2) Alternate jurors replace jurors in the same sequence in which the alternates were selected. An alternate juror who replaces a juror has the same authority as the other jurors.

(c) The court may retain alternate jurors after the jury retires to deliberate. The court must ensure that a retained alternate does not discuss the case with anyone until that alternate replaces a juror or is discharged. If an alternate replaces a juror after deliberations have begun, the court must instruct the jury to begin its deliberations anew.

(d) The court may decide the number of additional peremptory challenges to prospective

alternate jurors to which each side may be entitled.

Source

RPPL 8-12 § 9, modified.

§ 610. Juror master list.

(a) The Clerk of Courts shall compile a juror master list. The master list shall consist of the voter registration list for the Republic of Palau, which may be supplemented with names from other lists of resident persons, such as lists of utility customers or licensed drivers, which the court from time to time may designate. No person who is not a qualified juror, or is an exempt juror pursuant to section 604 of this chapter, shall be included on the list. Additionally, any person whose name does not appear on any list used in the compilation of the juror master list may request the clerk to place his name on the master list, and the clerk shall comply with such request if the clerk finds the person to be a qualified juror.

(b) Whoever has custody, possession, or control of any list that is to be used in compiling the master list, shall make the list available to the clerk for inspection, reproduction, and copying at all reasonable times.

(c) Whoever has custody, possession or control of any list that is to be used in compiling the master list shall update the list, or cause it to be updated, on at least an annual basis.

(d) The court may issue subpoenas to those who have been selected from the master list to appear in court for jury service.

Source

RPPL 8-12 § 10, modified.

§ 611. Rules and regulations.

The Supreme Court shall promulgate rules and regulations to implement this chapter.

Source

RPPL 8-12 § 11, modified.