# IN THE
# SUPREME COURT OF THE REPUBLIC OF PALAU
# APPELLATE DIVISION

**TERUO CHOKAI,**
*Appellant*,
**v.**
**VICKRY SENGEBARD,**
*Appellee.*

Cite as: 2021 Palau 35
Civil Appeal No. 21-015
Appeal from Civil Action No. 18-158

Decided: November 23, 2021

Counsel for Appellant ..... Vameline Singeo
Counsel for Appellees ..... Ronald Ledgerwood

BEFORE: OLDIAIS NGIRAIKELAU, Chief Justice
JOHN K. RECHUCHER, Associate Justice
GREGORY DOLIN, Associate Justice

Appeal from the Trial Division, the Honorable Kathleen M. Salii, Presiding Justice, presiding.

## OPINION[1]

PER CURIAM:

[¶ 1] This is an appeal from the Trial Division's opinion and judgment settling the estate of Sengebard[2] Lluul, appointing his son, Appellee Vickry Sengebard, as permanent administrator of the estate, and awarding all but one

[1] As neither party requested oral argument, we resolve this matter on the briefs. *See* ROP R. App. P. 34(a).

[2] There is some variation as to the spelling of party names and properties. For ease of reference, we follow the spelling used in the Trial Division's opinion.

of properties previously held by the decedent to Vickry and his three siblings who reside in Palau.[3]

[¶ 2] Because Appellant's briefs fail to comply with the Rules of Appellate Procedure, we **DISMISS**.

## BACKGROUND

[¶ 3] Decedent was son of Lluul. He had several siblings, including Appellant Teruo Chokai's mother. Prior to his death, decedent owned several properties in the States of Kayangel and Ngaraard. He died intestate. Because he was unmarried, no *eldecheduch* was held. Following Sengebard's death, Vickry filed a petition to settle his estate. Ngerusong Lineage and Children of Lluul, represented by Teruo, filed a timely objection with respect to the disposition of certain properties in Kayangel.

[¶ 4] One of the properties at issue in the Trial Division is known as *Brotech*. The Certificate of Title listed Sengebard as an owner in fee simple; however, Teruo argued that an examination of the Land Court's files would reveal that *Brotech* was previously determined to belong to the Children of Lluul (*i.e.*, decedent and his siblings), and that therefore the Certificate contains a manifest error which the Trial Division was empowered and obligated to correct.

[¶ 5] A three day trial on the disposition of the estate was held in September 2020, and, on May 31, 2021, the Trial Division issued a ten-page opinion overruling Appellant's objections and awarding *Brotech* to Vickry and his three siblings who reside in Palau. As relevant here, the Trial Division noted that having examined the Land Court's files, it found "no clear error or reason to disturb" the duly issued Certificate of Title. Appellant sought reconsideration, which was denied on June 28, 2021, on the grounds that Teruo "neither present[ed] new facts, legal authority, nor a showing of manifest error[, and] has not provided new arguments or supporting facts that were not presented or considered." This timely appeal followed.

[3] Vickry is one of Sengebard's six children, two of whom live outside Palau.

## DISCUSSION

[¶ 6] On appeal, Teruo raises a single issue—that the Trial Division "commit[ed] error when it found that *Brotech* belonged to decedent Sengebard Lluul as his individual property." The question presented does not identify *what* the error may be. The argument section of the brief also fails to shed any light on what reversible error Appellant believes the Trial Division may have committed. Instead, the entirety of the argument appears to be a citation to *Riumd v. Tanaka*, 1 ROP Intrm. 597 (1989)—an unrelated 1989 case—and an observation that in that case "the trial court found that, despite the argument that the land was registered under Mobel Delmel as the owner of the land in fee simple, his conduct throughout all the years was consistent with his duties as a trustee and administrator for the land rather than an owner in fee simple." This observation is followed by an assertion that "[t]he same argument applies" to the case at bar. Appellant's Op. Br. at 8. There is no explanation as to *why* the same argument applies, beyond a bald proclamation that the Land Court's record clearly indicates that "[t]he land was not found to belong to decedent Sengebard Lluul as his individual property, instead it was determined to belong to the children of Lluul, Sengebard and his siblings." *Id.*

[¶ 7] We have recently reminded the Bar that we will not consider appeals that fail to adequately develop legal arguments. *See Dakubong v. Aimeliik State Gov't*, 2021 Palau 19 ¶ 11 ("The Republic of Palau Rules of Appellate Procedure and the Court's case law impose both formal and substantive requirements for adequate appellate briefing.") (quoting *Suzuky v. Gulibert*, 20 ROP 19, 21 (2012)). As we explained in *Dakubong*, "[a] legal argument is a connected series of statements intended to establish a definite legal proposition. It involves more than mere citations to a case without explaining why or how that case is relevant to the facts of the case at hand." *Id.* In order for us to consider an issue, a litigant raising it must do "more than just identify[] what the litigant believes to be a governing legal principle and list[] various facts in the records. Rather, an adequate argument is one where a litigant applies the governing law to the facts of his case." *Id.* In this case, Appellant

fails to explain why or how the single case that he cites in support of his appeal proves that the Trial Division committed an error.[4]

[¶ 8] We have "repeatedly refused to consider claims brought before [us] that are not well developed and supported by facts on the record or law." *Aderkeroi v. Francisco*, 2019 Palau 29 ¶ 12. That is because "[i]t is not the Court's duty to interpret this sort of broad, sweeping argument, to conduct legal research for the parties, or to scour the record for any facts to which the argument might apply." *Idid Clan v. Demei*, 17 ROP 221, 229 n.4 (2010). We see no reason to deviate from this long-standing policy here. By failing to adequately develop his legal argument, Appellant has forfeited his right to have this Court review the appeal on the merits.[5]

## CONCLUSION

[¶ 9] Because Appellant, as a result of inadequate briefing has forfeited his arguments on appeal, the appeal is **DISMISSED**.

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[4] This is perhaps not surprising because in reality, Appellant is challenging the Trial Division's factual rather than legal findings. But even here the brief is woefully deficient. Beyond quoting several lines from the Land Claims Hearing Office's determination, Appellant fails to explain why the Trial Division's evaluation of that evidence was clearly erroneous. Furthermore, these allegations of factual error fail to provide any citation to the record in contravention of ROP R. App. P. 28(e). This is an additional reason why we do not consider them. *See Dakubong*, 2021 Palau 19 ¶ 12; *Suzuky*, 20 ROP at 22-23.

[5] Even if we were to consider Appellant's contentions, we do not perceive anything clearly erroneous in the Trial Division's factual determinations, and therefore would affirm its judgment. *See Shih Bin-Fang v. Mobel*, 2020 Palau 7 ¶ 30.

We take this opportunity to note that in 2021 alone, we have warned litigants on at least five separate occasions that "an appeal that merely re-states the facts in the light most favorable to the appellant and contends that the [trial] [c]ourt weighed the evidence incorrectly borders on frivolous." *Obichang v. Etpison*, 2021 Palau 26 ¶ 16 (quoting *Ngerdelolk Hamlet v. Peleliu State Pub. Lands Auth.*, 2021 Palau 15 ¶ 10); *see also Takeo v. Kingzio*, 2021 Palau 25 ¶ 7; *Children of Antonio Fritz v. Ibuuch Clan*, 2021 Palau 7 ¶ 6; *Sungino v. Ibuuch Clan*, 2021 Palau 6 ¶ 12. Attorneys should bear in mind that filing frivolous appeals which "amount to little more than conclusory statements about the [trial court]'s discretionary task of weighing the evidence and border on frivolous all but invite[] sanction from this Court." *See Kebekol v. KSPLA*, 22 ROP 74, 76 (2015) (cleaned up).