

In re Armaluuk, 10 ROP 172 (2003)
In the Matter of
FRANCISCO ARMALUUK,
Respondent.

DISCIPLINARY PROCEEDING
NO. 02-05

Supreme Court, Disciplinary Tribunal
Republic of Palau

Decided: September 22, 2003

BEFORE: ARTHUR NGIRAKLSONG, Chief Justice; LARRY W. MILLER, Associate Justice;
R. BARRIE MICHELSEN, Associate Justice.

PER CURIAM:

On July 17, 2003, David F. Shadel, attorney for Bank of Palau/Palau Central Bank, requested by letter that an estimated cost for transcripts of testimony in the disciplinary hearing and the sanctions hearing in the above captioned matter be provided to him. Respondent, Francisco Armaluuk, has objected to the release of the transcripts because the hearing was a closed session. Mr. Shadel responded by letter to Mr. Armaluuk's objection. In an order dated August 25, 2003, Mr. Shadel's letter was deemed to be a motion to release the transcript and Respondent was ordered to respond to that motion within fourteen days. To this date Respondent has not responded.

The only reference within the Disciplinary Rules pertaining to confidentiality of disciplinary proceedings is Rule 5(d), which states: "The formal hearing shall be held within the Republic of Palau and shall be closed to the public, unless the respondent attorney requests otherwise." A survey of confidentiality in other jurisdictions indicates that all jurisdictions permit access to disciplinary materials after a finding that discipline should be imposed and many permit access significantly before that point.

In light of the limited reference to secrecy within the Disciplinary Rules and the modern trend in favor of access, the motion is granted. The Clerk of Court shall provide Mr. Shadel with an estimated transcript cost as soon as is practicable.