

*In re Fifer*, 15 ROP 111 (2008)

**In the Matter of DAVID C. FIFER,  
Respondent.**

DISCIPLINARY PROCEEDING NO. 08-006

Supreme Court, Disciplinary Tribunal  
Republic of Palau

Decided: June 25, 2008

Disciplinary Counsel: William L. Ridpath

Counsel for Respondent: *Pro Se*

BEFORE: ARTHUR NGIRAKLSONG, Chief Justice; KATHLEEN M. SALII, Associate Justice; LOURDES F. MATERNE, Associate Justice.

PER CURIAM:

This is a disciplinary proceeding in which David C. Fifer (“Respondent”) is alleged to have engaged in the unauthorized practice of law in violation of Rule 2(i) of the Disciplinary Rules and Procedures (hereinafter referred to as the “Disciplinary Rules”). The allegation arises from the fact that Respondent failed to timely pay his Palau Bar Association dues and, pursuant to Rule 9(b) of the Rules of Admission for Attorneys and Trial Counselors (“Rules of Admission”), automatically resigned from the Palau Bar on April 20, 2008. Respondent concedes that he practiced law from April 20 to May 20, 2008, in his capacity as Assistant Attorney General in ignorance of his automatic resignation from the Palau Bar. Thus, the sole remaining issue for the Tribunal to consider is what, if any, sanctions are appropriate.

**BACKGROUND**

In early 2008, Respondent attempted to timely pay his Bar dues through reliance on other persons. His dues, however, were never actually paid, and Respondent failed to confirm whether the payment attempt was successful. He erroneously assumed that the dues had been paid. Under this assumption, Respondent admits that he practiced law from April 20 to May 20, 2008, in his capacity as Assistant Attorney General.

It is the responsibility of the individual attorney to confirm that he or she is in compliance with the Rules of Admission for Attorneys and Trial Counselors. The pertinent facts in this matter are uncontested and show a clear violation of Rule 2(i) of the Disciplinary Rules.

Respondent learned of his resignation on May 20, 2008 byway of the service upon him of the Tribuna’s Order of that same date. Since that date, Respondent has taken annual leave and **112** not performed any duties in connection with his Assistant Attorney General position.

### APPROPRIATE SANCTION

The Rules of Admission do not address the matter of the readmission of an attorney who resigns, whether voluntarily or involuntarily.<sup>1</sup> As recommended by Disciplinary Counsel, we find that Respondent should be readmitted to the Palau Bar Association upon paying an amount equal to the sum of his dues, the late charge, and the fees and expenses of the Disciplinary Counsel in this matter. The Tribunal notes, however, that the requirement that Respondent pay his Bar dues and the late charge is not a sanction but is merely what is required under Rule 9(b) of the Rules of Admission. Moreover, the Tribunal shall not order Respondent to pay any administrative costs incurred by the Tribunal in this matter, as recommended by Disciplinary Counsel, because none exist. Thus, the only sanction that shall be imposed on Respondent is the requirement that he pay the fees and expenses of the Disciplinary Counsel in this matter.

Rule 9(b) of the Rules of Admission reads as follows:

(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 immediate 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 by April 20. If an attorney fails to pay his or her annual fee and the late charge by April 20, the attorney shall be deemed to have automatically resigned from the Palau Bar.

Thus, pursuant to this dues schedule, the sum of Respondent's Bar dues and the late charge is \$250.00.

In order to determine Disciplinary Counsel's fees and expenses, Disciplinary Counsel should submit an itemized list of such costs and fees to the Tribunal and to Respondent. Once Respondent receives the itemized list, he shall have ten days to object to the amount requested. In the absence of any objection, he shall pay the amount within thirty days. If an objection is filed, it shall be set for further proceedings.

Despite Respondent's violation of Rule 2(i) of the Disciplinary Rules, a formal complaint alleging the same in accordance with procedure of Rule 5 of the Disciplinary Rules is unnecessary. Therefore, upon complete payment of Respondent's Bar dues, the late charge, and Disciplinary Counsel's fees and expenses, **1113** Respondent shall be reinstated as an active member of the Palau Bar Association.

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<sup>1</sup> Rule 13 of the Disciplinary Rules provides for the reinstatement of disbarred or suspended attorneys.