

In re Shadel, 16 ROP 268 (2010)
In the Matter of DAVID SHADEL,
Respondent

Disciplinary Proceeding No. 08-008 & 10-001

Supreme Court, Disciplinary Tribunal
Republic of Palau

Reinstatement Order

Decided: April 21, 2010

BEFORE: ARTHUR NGIRAKLSONG, Chief Justice; LOURDES F. MATERNE, Associate Justice; HONORA E. REMENGESAU RUDIMCH, Associate Justice, Pro Tem.

PER CURIAM:

On April 17, 2009, a Disciplinary Tribunal determined that David F. Shadel violated Rule 4.4 of the ABA Model Rules of Professional Conduct and Rule 2(h) of Palau's Disciplinary Rules and Procedures. On December 21, 2009, the Tribunal imposed sanctions: a four-month suspension from the practice of law and payment of the costs of the proceeding. Now before this Tribunal is Shadel's petition for reinstatement to the practice of law, which he filed on April 5.¹

On April 19, 2010, pursuant to Rule 13(c) of the ROP Disciplinary Rules and Procedures, this Tribunal held a hearing to determine whether Shadel should be reinstated to practice law in Palau. The Tribunal has also reviewed Shadel's petition and additional affidavits and submissions.

After thorough consideration, this Tribunal finds that Shadel has fulfilled all requirements of a suspended attorney under the Palau Disciplinary Rules and those previously ordered by the Tribunal. In addition to meeting his responsibilities upon suspension, he has demonstrated that he paid the appropriate costs of the proceeding. Furthermore, Shadel stated at the hearing that he has gone beyond the Tribunal's required sanctions and taken a number of continuing legal education courses from Guam concerning attorney ethics, the stress associated with practicing law, and the recommended practices and procedures of debt collection, one of Shadel's primary practice areas. Most importantly, Shadel stood up at the hearing and accepted complete responsibility for his conduct and error in judgment. He expressed his remorse, as well as efforts he has undertaken to ensure that this sort of behavior does not reoccur. Shadel also produced a copy of a written letter of apology to Ms. Imelda Robles, the woman who was the subject of Shadel's conduct. The Tribunal considered his statement sincere and meaningful.

¹At Shadel's request, the effective date of his suspension was extended from January 20 to January 29, 2010. Although the four months of Shadel's suspension have not yet passed, Rule 13(b) of the Palau Disciplinary Rules and Procedures provides that a suspended attorney may apply for reinstatement after at least one-half of his or her period of suspension has expired.

In re Shadel, 16 ROP 268 (2010)

For these reasons, the Tribunal finds that Shadel has met his burden to demonstrate “that he is qualified to practice law in the Republic of Palau and worthy of the Court’s trust and confidence.” ROP Disc. R. 13(c). We therefore p.269 order that Shadel be reinstated upon the expiration of his four-month suspension, on Monday, May 31, 2010.