

**NGIRAIRUNG ISAAC SOALADAOB,
DIRRAIRUNG ILEBRANG
SOALADAOB, SIAL KADIASANG,
and AUGUSTINO BLAILES,
Appellants,**

v.

**EBIL RA OTONG EREONG
REMELIIK, BECHES EVANGELISTO
ONGALIBANG, and OTONG CLAN,
Appellees.**

CIVIL APPEAL NO. 09-022
Civil Action No. 08-271

Supreme Court, Appellate Division
Republic of Palau

Decided: September 16, 2010

Counsel for Appellants: J. Roman Bedor

Counsel for Appellees: J. Uduch Sengebau
Senior

BEFORE: RICHARD H. BENSON, Part-
Time Associate Justice; C. QUAY POLLOI,
Associate Justice Pro Tem; ROSE MARY
SKEBONG, Associate Justice Pro Tem.

Appeal from the Trial Division, the Honorable
ALEXANDRA F. FOSTER, Associate
Justice, presiding.

PER CURIAM:

Appellants Ngirairung Isaac Soaladaob
("Soaladaob"), Dirrairung Ilebrang Soaladaob
("Ilebrang"), Sial Kadiasang ("Sial"), and
Augustino Blailes ("Augustino") (collectively
"Appellants") appeal a July 7, 2009 Judgment

and Decision of the court regarding a dispute
in Otong Clan over two chief titles, known as
Beches and Ebil Ra Otong.¹ Specifically,
Appellants challenge the trial court's findings
that: (1) Appellee Ereong Remeliik
("Ereong") is Ebil Ra Otong of Otong Clan;
(2) Sial is not Ebil Ra Otong of Otong Clan;
(3) Ereong, as Ebil Ra Otong, had the
authority to appoint Appellee Evangelisto
Ongalibang ("Evangelisto") as Beches of
Otong Clan; (4) Sial did not have the
authority to appoint Augustino as Beches of
Otong Clan; (5) as between the Appellants
and Ereong and Evangelisto (collectively
"Appellees"), Appellees are the strong senior
members of Otong Clan; (6) according to
Palauan customary law, Augustino was
incorrectly nominated to the Klobak, because
he was not nominated by the true Ebil Ra
Otong; and (7) according to Palauan
customary law, Evangelisto's name was
correctly submitted to the Klobak. For the
reasons outlined below, we AFFIRM the
Judgment and Decision of the trial court.

**FACTUAL BACKGROUND AND
PROCEDURAL HISTORY**

The panoply of events, disagreements,
relationships, and debated family histories
comprising this dispute over clan titles is wide
and unwieldy. Having reviewed the parties'
briefs and the trial court's thirty-seven page
Judgment and Decision, thirty-five of which
are devoted to discussing its factual findings,
the Court is loathe simply to recount all of the

¹ Beches is the male chief title of Otong
Clan and the first-ranking chief of the Council of
Chiefs of Ulimang county, Ngaraard State. Ebil
Ra Otong is the female chief counterpart of
Beches

facts out of mere convention. Rather, we shall summarize the facts only as they relate to the arguments outlined in Appellants' opening brief, and proceed to a focused analysis of the issues.²

I. Origins of the Dispute

The genesis of this suit can be traced to February 8, 2008, the day that Beches Iluches ("Iluches"), the chief of Otong Clan of Ngaraard State, passed away. At his funeral, a dispute arose between two competing factions within Otong Clan over who should receive the dui off of the casket of the deceased Beches.³ Traditionally, the Ebil Ra Otong receives the dui as a symbol of the transfer of power from the deceased Beches. After receiving the dui, the Ebil Ra Otong is then charged with recommending a new male Beches to be appointed by the Klobak. On the day of the funeral, Ereong, believing herself to be the rightful Ebil Ra Otong, instructed a woman named Asaria Ongalibang ("Asaria") to receive the dui and bring it to her (Ereong was wheelchair bound at the time). At the same time, Sial instructed her daughter, Alfonsa, to receive the dui on her behalf. As the pallbearers carried the casket out of the bai, Feliciano and Augustino Blailes objected to Asaria receiving the dui on Ereong's behalf. The ensuing disagreement between the two factions caused tensions to rise to the point at which an embarrassing, verbal dispute

threatened to turn into a serious, physical conflict.

As chief of the neighboring Irung Clan and as a fifth-ranking chief in the Ulimang Klobak, Soaladaob convinced the parties to separate and attempted to mediate the dispute on the spot. Once it became clear that the parties could not come to a resolution, Soaladaob volunteered his mother, Ilebrang, whose clan title is Ebil Ra Irung, to hold the dui until the factions could come to an agreement. Although Ereong's faction protested, Ilebrang collected the dui and the funeral proceedings continued as planned.

After the funeral, the factions met independently to discuss whom they would nominate as Beches to the Ulimang Klobak. The members of Ereong's faction agreed to nominate Evangelisto as Beches. In doing so, they drafted a document, which was signed not only by Ereong, but also by many of the female ochell members of the clan, such as Etmachel Ongalibang, Tmur Omgalibang, and Asaria. On May 30, 2008, Ereong submitted this document, through her messengers, to the Ulimang Klobak, informing its members that she and the strong senior female members of the clan were appointing Evangelisto as Beches. Soaladaob, who is also a fifth-ranking chief in the Klobak under his chiefly title Ngirairung, received the nomination on behalf of the Klobak and thanked the messengers, telling them to return to Ereong and await an answer.

Around the same time, Sial's faction called a meeting of all Otong Clan members. Ereong's faction was invited to the meeting but refused to attend, either because they feared for their own safety—a result of the

² For a more robust account of the dispute, see Civ. Act. No. 08-271, Decision at 1-34 (Tr. Div. July 7, 2009).

³ In this instance and in many others, the dui was represented by a palm frond symbolizing the transfer of power between the parties.

fracas at the funeral—or because they refused to recognize Sial’s faction’s authority to call a meeting. At that meeting, many representatives of the Mid, Dermang, and Rois lineages of Otong Clan, including Sial and Adelina Blailes, decided to nominate Augustino as Beches. After this meeting, the members of this faction invited Soaladaob to Feliciano Blailes’ house for a follow-up meeting. At the follow-up meeting, Sial’s faction informed Soaladaob that Ereong’s faction had refused to attend the meeting and that, in their absence, the three other lineages of Otong had agreed to submit Augustino’s name to the Klobak. They submitted a document reflecting this decision to Soaladaob.

On June 30, 2008, at the next meeting of the Ulimang Klobak, Soaladaob presented the document nominating Augustino as Beches to the Klobak and indicated that he was doing so on behalf of the ourrot of Otong. Once again, the Klobak was faced with the same issue that caused the disagreement at the funeral, i.e., each faction believed it possessed the rightful Ebil Ra Otong and thus had the right to nominate the new Beches. The Klobak instructed Soaladaob to continue to try to mediate the dispute between the two factions and to return to the next monthly meeting with only one name.

Over the next few months, however, the factions grew increasingly impatient with one another and the attempted meditation failed. Finally, at the August 30, 2008 meeting, Soaladaob returned to the Klobak, this time with his mother, Ilebrang. Having agreed at the funeral to hold the dui until the dispute could be resolved, Ilebrang had become involved with Soaladaob in the many

failed mediation attempts over the past few months. Ilebrang informed the Klobak that she and Soaladaob could not mediate the dispute because Ereong’s faction had refused to participate. Thus, they were left with no choice but to meet only with Sial and accept her faction’s nomination of Augustino as Beches. Despite some chiefs in the Klobak objecting to Ilebrang’s suggestion to nominate Augustino, the Klobak was satisfied with Ilebrang’s testimony that Sial was the proper holder of the title, and thus had the power to nominate Augustino as Beches.

Knowing that Augustino would soon be appointed Beches of Otong Clan, Ereong and Evangelisto filed this lawsuit on September 26, 2008, requesting a temporary restraining order to stop Augustino’s blengur. The court denied the temporary restraining order and the blengur occurred on September 28, 2008, after which Augustino took his seat as Beches.

II. The Trial Court’s Decision

A. Ebil Ra Otong

After a lengthy trial, the court issued its Judgment and Decision on July 7, 2009, finding in favor of Ereong’s faction. The court began by acknowledging that both Ereong and Sial possessed cognizable claims to the title of Ebil Ra Otong; however, it ultimately credited Ereong’s testimony over Sial’s. First, the court noted that Ereong had lived on Otong Clan property, known as Ikesus, since 1999, and that she could trace her membership in Otong Clan through both her biological father, Demk, and her adoptive mother, Melengoes. Through Melengoes, the court found that she could trace her line to

Otong through women: Mororak to Irong to Isebong to Melengoes. Moreover, because Ereong was adopted by Melengoes, the court acknowledged that she is widely considered to be ideuekl ngalek and, as a result, possesses more authority and power in Otong Clan than her ulechell siblings, i.e., she can join the ourrot in discussing the issues of Otong Clan.⁴

The court also credited Ereong's testimony that many of her family members had held the title of Beches or of Ebil Ra Otong in generations past. Ereong not only traced her ancestry to the first Beches, Tumuchub, but also to her great-great-great uncle Ngirameltel (Mororak's brother) and to her great-great uncle Ngiraked (Irong's brother)—both of whom were Beches. Ereong's uncle Rengiil (Melengoes' brother) was also Beches from 1947 until his death in 1985. Melengoes, Ereong's mother, appointed Rengiil as Beches, who was followed by Ereong's adoptive brother Iluches Reksid (Melengoes' biological son). Iluches was Beches from 1985 until his death on February 8, 2008. As for those of Ereong's ancestors who held the title of Ebil Ra Otong, the court credited Ereong's testimony that her grandmother, Isebong, was Ebil Ra Otong, followed by her mother, Melengoes, who held the title until she died. The court also found that Melengoes' sister, Iwong, then appointed Taldil to bear the title Ebil Ra Otong. Even though Taldil was not related to Iwong or Ereong by blood, the court credited Ereong's testimony that Iwong had appointed her Ebil

Ra Otong out of gratitude for her loyalty to Beches Rengiil during a dispute for the Beches title with a member of Taldil's family. The court finally credited the portions of Ereong's testimony indicating that she herself had been Ebil Ra Otong since Taldil died in 2003, and that Tmur and Etmachel, along with Beches Iluches, had appointed her to the title. As further evidence of Ereong's status, the court observed that many of Ereong's family members were buried in the Otong Clan stone platform, including Iluches, Rengiil, Melengoes, Isebong, and Irong—and that it appeared that these persons did not need anyone else's consent to be buried there. Civ. Act. No. 08-271, Decision at 7.

Finally, the court highlighted the portion of Ereong's testimony in which she claimed to have appointed several men to Otong Clan chief titles, including Minor Olgellel and Robert Tochi, to chief titles in Otong Clan. The court found that she made these appointments before becoming Ebil Ra Otong, when she was simply considered a strong senior female member of the clan. Likewise, the court found that, after her appointment as Ebil Ra Otong, Ereong appointed Floriano Felix and Gibson Kanai to bear the Remedcheduch title, in part because Gibson Kanai corroborated Ereong's testimony regarding his own appointment to the title.

After discussing the above evidence, the court finally concluded that

Ereong is an 82-year-old woman whose standing is based on her adoption by Melengoes, an undoubtedly strong senior member of

⁴ The court similarly observed that Ereong's status as ideuekl ngalek does not make her stronger than the ochell members of Otong. Civ. Act. No. 08-271, Decision at 5 (citing Def.'s Ex. L, defining ideuekl ngalek).

Otong Clan. Her position as Ideuekl Ngalek allows her to join the ourrot of Otong, despite her ulechell birth. Further, she comes from a long line of powerful people. She can trace her ancestry to many of the Beches and Ebil Ra Otong, and many of her family members are buried at the Otong stone platform. She appointed several men to positions within Otong Clan, with no objections from the members of Otong, and she performed services for the Clan. Finally, she was appointed Ebil Ra Otong by strong senior members of Otong Clan, Tmur, Etmachel, and Beches Iluches.

Civ. Act. No. 08-271, Decision at 12.

In contrast, the court found that Sial knew little of her history to prove her standing in Otong. First, she could only trace her lineage back two generations, from Komesior to Imechei. The court similarly observed that Sial had testified repeatedly that her own mother and the rest of her family members had refused to tell her of her history. With respect to Sial's appointment as Ebil Ra Otong, the court noted that Sial admitted that no one had officially appointed her. Rather,

she had claimed to have automatically assumed the title when Ebil Ra Otong Taldil died and that she had immediately notified Ilebrang, a member of Irung Clan—not Otong Clan—and the two arranged to have a feast to celebrate. The court found this testimony to be incredible for two reasons. First, Ilebrang was not even a member of Otong Clan; thus, it seemed strange under Palauan custom to arrange a feast to celebrate appointment of a chief title in one clan with members of another clan. Second, unlike Ereong, Sial admitted that she had never appointed anyone to hold a title of Otong Clan other than Augustino.

Finally, the court discussed the May 17, 1999 Order in Civil Action 99-112, which concluded that Sial's family, unlike Ereong's family, needed permission of the Beches to bury their dead in Otong stone platform. Although no customary evidence was presented at trial as to this fact's ultimate significance, the court found it to be probative of the general notion that stronger members of the Clan would not need to ask permission to bury their dead in the stone platform. Finally, the court concluded that Sial's self-appointment to the title of Ebil Ra Otong and her blengur, which was hosted by an ourrot of another clan, were both implausible and problematic.

Based on these observations, the court ultimately credited Ereong's largely-unrebutted testimony, which was corroborated by related court documents, to find that Ereong is the proper Ebil Ra Otong of Otong Clan and that, conversely, Sial is not. Based on the evidence relating to the comparative merits of the family trees presented by Ereong and Sial, as well as Sial's faction having to ask permission to bury their dead in the stone

platform, the court further found that, as between Ereong's faction and Sial's faction, Ereong's faction represents the stronger, more senior members of Otong Clan.

B. Nomination of Beches

After finding that Ereong possesses a greater claim to the title Ebil Ra Otong than Sial, the court went on to describe the series of events surrounding Beches Iluches' funeral and the means by which both factions submitted their nominations for the Beches title to the Klobak. In doing so, the court ultimately concluded that, according to Palauan customary law, Evangelisto's name had been correctly submitted to the Klobak and, conversely, that Augustino had been incorrectly nominated, because he was not nominated by the proper Ebil Ra Otong.

As to the means by which Ereong's faction submitted Evangelisto's name to the Klobak, the court found it to be without customary defect. The court credited the customary expert, who testified that, after a chief dies, the female counterpart of the deceased chief and the strong female members of that clan should meet and select a new chief. Then, approximately 100 days after a chief dies, the name of the new chief should be submitted to the Klobak. The court found that Ereong's actions conformed to this customary mandate. Conversely, the court found the Klobak's inaction upon submission of Evangelisto's name to be a clear violation of Palauan custom. The court stated that "[w]hen asked what it means if no word is received by the female titleholder after a name is submitted, Reklai Ngirmang seemed baffled. He stated that it was not possible for no word to be sent. The Klobak must accept or

reject the appointment; either way they must communicate with the female title holder." Civ. Act. No. 08-271, Decision at 19.

As to the means by which Sial's faction submitted Augustino's name to the Klobak, the court found it to be defective on a number of fronts. First, the court found that Soaladaob's first presentation of Augustino's name to the Klobak was highly unusual. According to the customary expert, Reklai Ngirmang, a chief from a fifth-ranking clan cannot submit a name for the open spot of the first-ranking chief. The court also took note of Evangelisto's corroborating testimony that, in twenty-five years in the Klobak, he had never seen a chief of one clan present the name for the chief of another clan. Moreover, the court accepted the notion that, according to the expert, it is not customary for one of the chiefs within the Klobak to mediate a dispute for the chiefly title of another chief within the Klobak—rather, the mediator should be a strong member of the disputing clan.

Second, the court noted that Ilebrang's participation in Augustino's final nomination at the August 30, 2008 meeting also failed to conform to customary standards. The court credited the customary expert's testimony that Ilebrang's actions—that of coming to the bai and informing the Klobak that Augustino should bear the title—were improper primarily because Ilebrang was not even a member of Otong Clan. The court stated:

Reklai Ngirmang testified that a member of the clan should appear before the Klobak and announce the appointment, so that the Klobak could ask that clan member questions.

Ilebrang could not give the Beches title to anyone without first meeting with the strong senior members of the clan. Further, sisters of the deceased Beches were entitled to notice of any actions concerning the Beches title, since it was their property. None of that happened here, no notice, no meetings, and no representative of Otong Clan.

Civ. Act. No. 08-271, Decision at 32. The court further credited Ngirchau's testimony that the Klobak only agreed to the appointment of Augustino by Sial because he wrongly believed that Ilebrang was a member of Otong Clan.

Third and finally, despite the fact that members of the Klobak signed a document in November 2008, agreeing to the appointment of Augustino, the court noted that it was not signed by all the chiefs, including Evangelisto and the acting Beches Imrur Kanai. In doing so, the court credited the customary expert's testimony that a Klobak operates by consensus, "and the appointment of the first chief cannot be approved if the second ranking chief is not present and has not approved of the appointment. It is the responsibility of the third- and fourth-ranking chiefs to stay the matter until the second-ranking chief can be a party to the deliberations." Civ. Act. No. 08-271, Decision at 33.

After its lengthy recitation of its factual findings, the court finally proceeded to

its conclusions of law, in which it explicitly stated that "Ereong Remeliik is Ebil Ra Otong, and that she has the right to appoint Beches." Civ. Act. No. 08-271, Decision at 34. The court went on to conclude that the Klobak relied on faulty and incomplete information when it accepted Augustino as Beches. Although the court acknowledged that Augustino was currently Beches, it suggested that the Klobak hear from Ereong and Sial directly, and only then make its decision as to the proper Beches. This appeal followed.

STANDARD OF REVIEW

The court's findings of fact are reviewed for clear error. *Ongidobel v. Republic of Palau*, 9 ROP 63, 65 (2002). Under this standard, the factual determinations of the lower court will be set aside only if they lack evidentiary support in the record such that no reasonable trier of fact could have reached the same conclusion. *Dilubech Clan v. Ngaremlengui State Pub. Lands Auth.*, 9 ROP 162, 164 (2002). When reviewing for clear error, if the Trial Division's findings of fact are supported by such relevant evidence that a reasonable trier of fact could have reached the same conclusion, they will not be set aside unless the Appellate Division is left with a definite and firm conviction that a mistake has been committed." *Roman Tmetuchl Family Trust v. Whipps*, 8 ROP Intrm. 317, 318 (2001). Conclusions of law are reviewed *de novo*. *Id.*; *Esebei v. Sadang*, 13 ROP 79, 81 (2006).

DISCUSSION

Appellants make the following three arguments on appeal: first, the court clearly

erred in finding that Ereong is the proper Ebil Ra Otong of Otong Clan; second, it clearly erred in finding that the Ulimang Klobak mistakenly accepted Augustino as Beches; and third, it clearly erred in finding that Appellees are the strong senior members of Otong Clan. As the trial court correctly noted at the outset of its Decision, the resolution of almost every facet of this case turns on whether Ereong has a greater claim to the title Ebil Ra Otong than Sual. Because of this issue's bellwether importance, we shall address it first and only then proceed to an analysis of Appellants' other arguments. Suffice it to say, based on the reasons outlined below, we affirm the court's July 7, 2009 Judgment and Decision.

I. The trial court's finding that Ereong is the proper Ebil Ra Otong is not clearly erroneous

Frankly, Appellants' argument here borders on the frivolous. Appellants' devotion of a mere one page of its brief to the issue that the trial court heralded as *the* linchpin issue of the entire dispute raises our suspicion that Appellants' strategy is simply to minimize time spent on a losing issue. What is more, Appellants wholly fail to address any of the competing evidence, which was presented by Ereong's faction at trial and upon which the trial court explained that it had relied in its Decision.

As noted above, the trial court received testimonial and documentary evidence from Ereong indicating that her standing in the clan was one of *ideuekl ngalek*, based on her adoption by Melengoes, who herself was an undoubtedly strong senior member of Otong Clan. Her position as *ideuekl ngalek* was described as allowing her

to join the ourrot of Otong, despite her *ulechell* birth. Appellants fail to address this important issue, other than to state in a conclusory fashion that Ereong is an *ulechell* member of Otong Clan. We know that Ereong was born as an *ulechell* member of the Otong Clan; however, much evidence was presented at trial to indicate that her adoption by Melengoes transforms her status into *ideuekl ngalek*. Appellants make no substantive arguments in this regard other than to state in a similarly conclusory way that Sual is an *ochell* member, and that *ochell* members must be given preference over *ulechell* members when being considered for clan titles. To say nothing of the fact that Sual's *ochell* status was clearly called into question by her failure to trace her lineage back further than two generations, Appellants simply fail to address Ereong's adoptive status under Melengoes.

Likewise, the court found that Ereong came from a long line of powerful people and could trace her ancestry to many of the Beches and Ebil Ra Otong. It discussed the evidence suggesting that many of Ereong's family members are buried at the Otong stone platform and that she had appointed several men to chiefly positions, with no objections from the members of Otong. Finally, the court found that she had been appointed Ebil Ra Otong by strong senior members of Otong Clan, including Tmur, Etmachel, and Beches Iluches. The court discussed this evidence at length, see Civ. Act. No. 08-271, Decision at 4-12, and found, in the end, that Ereong's claims resonated more than Sual's, which it found to be at best problematic. Appellants here make no attempt to discuss the insufficiency of Ereong's competing evidence, nor the trial court's error in crediting her

claims over theirs. Rather, they appear simply to repeat the arguments they made below. This is wholly unconvincing and, as we mentioned above, borderline frivolous. We affirm the trial court's Decision on this issue.

II. The trial court's finding that the Ulimang Klobak mistakenly accepted Augustino as Beches is not clearly erroneous

As we noted above and as the trial court stressed at the outset of its Decision, the resolution of almost every facet of this case turns on whether Ereong has a greater claim to the title Ebil Ra Otong than Sual. This issue is no exception. If Ereong is the proper Ebil Ra Otong, and if the Ulimang Klobak wrongly believed that Sual was the proper Ebil Ra Otong, then it follows that the Ulimang Klobak mistakenly accepted Augustino as Beches, insofar as Augustino was Sual's—not Ereong's—nominee for the position. Because we know from expert customary testimony that *only* the proper Ebil Ra Otong possesses the power to nominate a male title holder as Beches, then any nomination from someone who is, by definition, not the proper Ebil Ra Otong is defective from the start.

Despite this common sense logic, Appellants begin their brief with a quasi-legal argument, stating that the "Council of Chiefs of Ulimang, Rubekul a Ulimang, was not a party to the instant case. Since it was not a party to the instant case below, it was an error by the court below to rule that the decision of the Rubekul a Ulimang to accept appellant Augustino Blailes as their '*friends*' Beches was based on the wrong reasons."

(Appellants' Br. at 4.) In support of this contention, Appellants state that

Rule 19 of Rules of Civil Procedure requires Rubekul a Ulimang to be made a party in this case so that it can defend its decision and position from the attack made against it by the appellees Ereong Remeliik and Evangelisto, et al. The judgment of the court below is like convicting someone without charging him and without giving him an opportunity to defend himself, cross examine the witnesses of [sic] accuser and to challenge evidences [sic] against him.

(Appellants' Br. at 4.) Once again, however, Appellants' brief is sorely lacking in substance and citation to legal authority. Appellants fail to quote even the language of Rule 19 itself, much less attempt to show which section of Rule 19 is the most applicable here or why, for example, complete relief cannot be afforded in the Ulimang Klobak's absence.⁵

⁵ ROP R. Civ. P. 19 contains four sections and as many as eight subsections, all of which address different eventualities under the Rule. Presumably, Appellants mean to argue that complete relief cannot be afforded in the absence of joining the Ulimang Klobak as a party, yet amazingly fail to address the fact that all of the members of the Klobak, except for Chief Ngirudil, gave testimony either in court or by deposition. Appellees raise this counter-argument in their response and Appellants have failed to avail themselves of their right to reply.

Instead, Appellants simply reiterate that the Klobak met at the bai, accepted Augustino's appointment, and held a blengur, which was attended by almost all of the members of the Klobak. We know that this occurred, as did the trial court, which acknowledged in its Decision that Augustino is currently Beches. Once again, Appellants fail to address a number of pieces of critical evidence. For example, the court credited Ngirchau's testimony that, at the time of the meeting, he wrongly believed that Ilebrang was actually a member of Otong Clan and that she possessed the rights and responsibilities inherent in Clan membership. Appellants fail to address this testimony. The court went on to find, based on Ngirchau's testimony that the Klobak never verified Soaladaob's representations and that, if they had known that Soaladaob had not completed the task of mediation, they would have found another way to resolve the dispute. Appellants do not specifically address the sufficiency of this evidence or reasons why the court mistakenly relied on it.

This Court has previously refused to address arguments lacking sufficient support. See *Ngirmeriil v. Estate of Rechucher*, 13 ROP 42, 50 (2006). In *Ngermeriil*, we stated emphatically that the "premise of our adversarial system is that appellate courts do not sit as self-directed boards of legal inquiry and research, but essentially as arbiters of legal questions argued by the parties before them. Thus, [appellate rules] require[] that the appellant's brief contain the contentions of the appellant with respect to the issues presented, and the reasons therefor, with citations to the authorities, statutes and parts of the record relied on. *Id.* at 50 n.10 (quoting *Carducci v. Regan*, 714 F.2d 171, 177 (D.C. Cir. 1983)

(quotations omitted)). "It 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 this argument might apply." *Idid Clan v. Demei*, 17 ROP 221, 229 n.4 (2010). Accordingly, apart from our brief discussion above, we refuse to consider Appellants' undeveloped Rule 19 argument. We affirm the trial court's Decision on this issue.

III. The trial court's finding that, as between the two factions, Appellees are the strong senior members of Otong Clan is not clearly erroneous

Once again, Appellants attempt simply to reargue their case below. Appellants begin by reasserting that Ereong is an ulehell member of Otong Clan, wholly failing to address the testimonial evidence indicating that her standing in the clan was one of ideuekl ngalek—a result of having been adopted by Melengoes, the previous Ebil Ra Otong. Likewise, Appellants contend that Sial is an ochell member and had a feast, which was attended by the female chiefs members of Rebiil.

Appellants conspicuously fail to address the fact that the trial court called into question Sial's ochell status because she could only trace her lineage back two generations, and that the "feast" appointing her to the title of Ebil Ra Otong was arranged by a female member of another clan. Furthermore, Appellants claim that Sial's ochell status is bolstered by the fact that her son, Max, is buried in the stone platform. However, they fail to address the conflicting testimony that her family had to ask permission from Beches Iluches (who himself

was in attendance at *Ereong's* feast for Ebil Ra Otong), in order to bury him there. (Appellee's Br. at 17 (citing Tr. Vol 1. at 93:24-28, stating that Max was buried there because "Tochi was still alive so he asked Beches Iluches to allow Max to be buried at the Otong stone platform."))

Appellants devote the next portion of their argument to the proposition that "[u]lechell is always a weak [sic] member than [sic] ochell member." (Appellants' Br. at 17.) Relying on the unproved assertion that Sial is in fact an ochell, Appellants assert that Ereong failed to establish the specific customs she is "relying on to make her a stronger member of the clan than appellant Siwal Kadiusang." (*Id.* (citing *Iderrech v. Ringang*, 9 ROP 158, 161 (2002) (holding that conclusions of law regarding custom must be supported by clear and convincing evidence)).) Appellants base this assertion on a misunderstanding of the trial court's conclusions. The trial court did not conclude that Ereong was ochell, or even that Ereong was ulechell and yet somehow more powerful than Sial. Rather, the trial court concluded that Ereong was ideuekl ngalek and, as a result, possesses more authority and power in Otong Clan than her ulechell siblings. The court also made pains to note that her status as ideuekl ngalek means that she is not stronger than the ochell members of Otong. Civ. Act. No. 08-271, Decision at 5 (citing Def.'s Ex. L, defining Ideuekl Ngalek). It based these conclusions upon a combination of Ereong's testimony, the testimony of those in her faction, and documentary evidence—proffered by Sial's faction no less—which described the status of ideuekl ngalek in detail. As a corollary, the court concluded that Sial, whatever her actual status, had simply failed

to prove her status as ochell, pointing specifically to the portions of her testimony in which she admitted that she did not know her family history. Civ. Act. No. 08-271, Decision at 8 (citing Tr. Vol. 2 at 503:21-24). The court also seemed troubled by Sial's self-appointment to the title of Ebil Ra Otong and the fact that her blengur was arranged by female members of another clan. Civ. Act. No. 08-271, Decision at 13. In the end, the trial court was faced with two competing testimonies. The court's decision to find Ereong's more credible cannot be said to be clearly erroneous.

The same can be said for Appellants' assertions that the court clearly erred in concluding that Augustino and his siblings are weaker members than Ereong and Evangelisto. Appellants claim Augustino and his siblings are ochell members through Rois Lineage, through their mother Leleng and through her mother Kerngel. (Appellants' Br. at 8 (citing Tr. Vol. III at 791:14-25).) Appellants claim that their parents performed service to Otong Clan, such as caring for Melengoes, the Ebil Ra Otong. Indeed, Appellants appear to try very hard to connect themselves to Ereong and her adopted mother Melengoes, stating "[a]ll of these services established a relationship between appellant Augustino Blailes and his siblings with appellee Ereong Remeliik and that relationship is a membership through Otong Clan." (Appellants' Br. at 15.) Appellants appear to be speaking out of both sides of their mouths. First, they insist that Ereong is an ulechell member and try to distinguish themselves as ochell members by comparison. At the same time, they provide a litany of services performed by themselves and their forebears to Melengoes, Ereong's mother, to

try to establish a link between their family and Ereong's, as a means of proving their ocell status. This bit of confused logic does little to help their case and, as Appellants provide little by way of explanation for the apparent contradiction, we decline to explore it further. Forced to choose between the testimony of these two factions, we cannot say that the trial court's finding that Appellees are the strong senior members of Otong Clan was clearly erroneous. We affirm the trial court's Decision on this issue.

CONCLUSION

For the reasons set forth above, the Judgment and Decision of the court is hereby AFFIRMED.