

*Fritz, et al., v. Ngiraklsong*, 3 ROP Intrm. 341 (1993)

**FRITZ, et al.**  
**Petitioners,**

v.

**THE HONORABLE ARTHUR NGIRAKLSONG, JUDGE,**  
**Respondent.**

SPECIAL PROCEEDING NO. 9-93

Supreme Court, Appellate Division  
Republic of Palau

Order denying petition for writ of mandamus

Decided: October 27, 1993

Counsel for Petitioners: Martin Wolff

BEFORE: JEFFREY L. BEATTIE, Associate Justice; LARRY W. MILLER, Associate Justice;  
and EDWARD C. KING, Part-Time Associate Justice.

BEATTIE, Associate Justice:

Petitioners filed a petition seeking a writ of mandamus to compel the trial court judge in Civil Action 481-93 to disqualify himself. We deny the petition.

For a writ of mandamus to issue, “the party seeking the writ [must] have no other adequate means to attain the relief he desires.” *Kerr v. United States District Court*, 96 S.Ct. 2119, 2124 (1976). In this case petitioners will be entitled to full review of the disqualification issue upon appeal from a final judgment. *See e.g. Davis v. Board of School Comm’rs*, 517 F.2d 1044, 1051 (5th Cir. 1975); *see also*, 46 Am. Jur. 2d *Judges* § 222 (1969) (“[M]atters concerning disqualification of judges are not directly appealable but are reviewable on the appeal from the final judgment.”). Full review on appeal provides petitioners with **§ 342** adequate means to attain the relief they desire. *See In re Corrugated Container Antitrust Litigation*, 614 F.2d 958, 962 (5th Cir. 1980) (refusing to issue writ compelling trial court judge’s disqualification because of right to review on appeal); *Korer v. Hoffman*, 212 F.2d 211, 213 (7th Cir. 1954) (denying petition for writ to compel trial court judge’s disqualification because of defendant’s “adequate remedy” of appellate review).

For this reason, the petition for writ of mandamus is DENIED.