

*In re Webster*, 4 ROP Intrm. 198 (1994)  
**IN RE: DAVID WEBSTER,**  
**Respondent.**

CIVIL APPEAL NO. 20-92  
Disciplinary Proceeding No. 5-92

Supreme Court, Disciplinary Tribunal  
Republic of Palau

Opinion

Decided: May 10, 1994

BEFORE: JEFFREY L. BEATTIE, Associate Justice; LARRY W. MILLER, Associate Justice;  
PETER T. HOFFMAN, Associate Justice

Respondent timely appealed the Disciplinary Tribunal's November 13, 1992 Order of Disbarment both to this Court and to the Trust Territory High Court. The High Court recently dismissed respondent's petition for certiorari, reasoning that it had no jurisdiction to hear respondent's petition because the Disciplinary Tribunal's decision was subject to further review in Palau. See Secretarial Order No. 3142 (limiting the High Court's jurisdiction to review of "the final decisions of the highest court of Palau in which a decision may be had."). The High Court recognized, however, that "a truly authoritative ruling" on whether a Disciplinary Tribunal's decision can be appealed to the Appellate Division of the Palau Supreme Court "can come only from the Supreme Court of Palau itself." With this opinion we respond to the issue raised by the Trust Territory High Court.

We now hold that no appeal can be had to the Appellate Division of the Supreme Court from a Disciplinary Tribunal decision. Disciplinary Rule 5(k), promulgated by the Supreme Court, states that "the decision of the Disciplinary Tribunal shall be final." While we recognize that in other jurisdictions similar language has been interpreted to mean that the decision is "final" only for the purposes of the particular tribunal, in Palau the finality provision of Rule 5(k) means that a Disciplinary Tribunal's decision is not subject to further review by the Appellate Division of the Supreme Court. The pragmatic reason for this interpretation lies in the limited number of judges available to hear cases in Palau. Given that the three members of the Disciplinary Tribunal are drawn from a group of four Supreme Court justices, allowing a respondent to appeal a Disciplinary Tribunal's decision would result in the appeal being heard by many, if not all, of the same judges who sat as members of the Disciplinary Tribunal. For this reason a respondent is not allowed to appeal a Disciplinary Tribunal decision. <sup>1</sup> Cf. Palau Constitution, Art. X, § 1 ("No justice may hear or decide an appeal of a matter heard by him in the trial division.").

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<sup>1</sup> That the respondent in the instant case could have his appeal heard by panel of judges who did not sit on the Disciplinary Tribunal which issued his disbarment order does not undermine the general principle or rationale offered here.

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Respondent's appeal is DISMISSED.