

Sato v. Ngerchelong State Assembly, 5 ROP Intrm. 192 (1996)
**TET SINGICHI SATO and
ORAKIDIL SKESUK SKANG,
Appellants,**

v.

**NGERCHELONG STATE ASSEMBLY, Represented by
Speaker TADAO NGOTEL and TAKAO OBEKETANG,
Appellees.**

CIVIL APPEAL No. 37-95
Civil Action Nos. 123-94 & 436-93

Supreme Court, Appellate Division
Republic of Palau

Order

Decided: March 7, 1996

Tet Singichi Sato filed a notice of appeal on December 4, 1995. He did not request a trial transcript. His opening brief was due on January 22, 1996. When he failed to file his opening brief by that date, the Court ordered him to show cause why his appeal should not be dismissed for failure to file a timely opening brief. Sato has responded to that order, and he moves for leave to file a late designation of records.

Sato's counsel, John Rechucher, states that he mistakenly thought that he had filed a request for transcripts, so he was waiting for the estimated cost of the transcripts. He explains ¶193 that during December 1995 and January 1996, he had to file four appellate briefs and he had to prepare two closing arguments in the Trial Division. He decided to cancel his family's vacation because of work-related time pressure, and this cancellation caused additional stress. This time pressure and stress resulted in his mistake about what had been filed in the present appeal. He asks the Court not to dismiss the appeal, and he asks for leave to file a late designation of the records for appeal.

"It is the responsibility of appellate counsel to prosecute their appeals" *Kamiishi v. Han Pa Constr. Co.*, 5 ROP Intrm. 135, 136 (1995). "In order to constitute good cause or excusable neglect, counsel must establish something more than the normal (or even reasonably foreseeable but abnormal) vicissitudes inherent in the practice of law." *Tellei v. Ngirasechedui*, 5 ROP Intrm. 148, 150 (1995).

The Appellant's counsel did not properly monitor and prosecute this appeal. He has failed to show good cause or excusable neglect. The Court hereby sanctions John Rechucher and orders him to pay \$500.00 to the Clerk of this Court by the close of business on March 18, 1996. *Cf. ROP v. Singeo*, 1 ROP Intrm. 428A, 428D (1987) (\$500 sanction imposed for similar transgression). The Appellant's counsel is further ordered not to bill his client for this amount or

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for any time he spent responding to the order to show cause.

Sato's motion for leave to file a late designation of records for appeal is GRANTED.
That designation must be filed no later than March 14, 1996.