

In re Armaluuk, 9 ROP 10 (2001)
**In the Matter of
FRANCISCO ARMALUUK,
Respondent.**

DISCIPLINARY PROCEEDING
NO. 01-03

Supreme Court, Disciplinary Tribunal
Republic of Palau

Decided: August 22, 2001

[1] **Professional Responsibility:** Aggravating/Mitigating Circumstances

It is appropriate for a Disciplinary Tribunal to consider a Respondent's cooperation with the tribunal, as well as aggravating factors such as previous disciplinary action against the Respondent and Respondent's failure to abide by the Disciplinary Rules in this proceeding, in reaching its decision to impose sanctions.

[2] **Professional Responsibility:** Service of Complaint

Respondent's objection to inadequate service of process of the formal complaint was untimely when the objection was made after he had filed his answer and after the disciplinary hearing and decision.

[3] **Professional Responsibility:** Hearing

Respondent's excuse that he did not appear at the disciplinary hearing because he did not know the Court's fax number is inadequate since the Court's fax number is published in the telephone directory, and could have been discovered upon minimal diligence.

BEFORE: ARTHUR NGIRAKLSONG, Chief Justice; DANIEL N. CADRA, Associate Justice Pro Tem; J. UDUCH SENIOR, Associate Justice Pro Tem.

¶11 PER CURIAM:

Respondent moves for the Disciplinary Tribunal to reconsider its August 3, 2001 order suspending Respondent from the practice of law in the Appellate Division of the Supreme Court until he passes an examination on appellate procedure.

[1] Respondent states that the Disciplinary Tribunal should reconsider its decision because he cooperated with Disciplinary Counsel. The Disciplinary Tribunal fully considered Respondent's cooperation in reaching its decision. However, aggravating factors – that Respondent had previously been subject to discipline for failing to abide by the Rules of Appellate Procedure and the Respondent's failure to abide by the Disciplinary Rules in this proceeding – compelled the

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Disciplinary Tribunal to impose the sanction of suspension from appellate practice.

[2] Respondent next claims that he did not receive a copy of the Formal Complaint filed on June 6, 2001, until he met with Disciplinary Counsel to approve a joint stipulation on July 23, 2001. Respondent's objection to inadequate service of process, made after he has filed stipulations serving as his answer and after the disciplinary hearing and decision, is untimely. Respondent does not explain how inadequate service of process has prejudiced him, since Respondent admitted, by stipulation, that he failed "to file a timely notice of appeal [which] resulted in the dismissal of that appeal," and "agreed to any sanction short of disbarment."

Respondent states that his stipulations were "sufficient to stand a[s] answers." Therefore, Respondent's claim of inadequate service of process does not cause this Tribunal to question the result of its decision.

[3] Finally, Respondent asserts that the reason why he did not inform the Disciplinary Tribunal that he would be unable to appear at the Disciplinary Hearing was because he did not know the Court's fax number. Respondent's excuse is especially inadequate since the Court's fax number is published in the telephone directory, and could have been discovered upon minimal diligence by calling the Court or even directory assistance. Again, Respondent's argument lacks any substantive claim that would cause the Tribunal to reconsider the merits of its decision.

Respondent's motion for reconsideration is DENIED. Respondent shall notify his clients of his suspension from appellate practice in compliance with the requirements of Disciplinary Rule 12.