

In re Uludong, 9 ROP 4 (2001)
**In the Matter of
MOSES Y. ULUDONG,
Respondent.**

DISCIPLINARY PROCEEDING
NO. 00-11

Supreme Court, Disciplinary Tribunal
Republic of Palau

Heard: April 27, 2001
Decided: May 15, 2001

[1] **Professional Responsibility:** Due Diligence

Failure to comply with an order granting an extension of time in which to file an amended designation of record, pay transcript cost, and file an opening brief, with no exculpatory justification, constitutes a violation of ABA Model Rules 1.1 and 1.3.

BEFORE: ARTHUR NGIRAKLSONG, Chief Justice; KATHLEEN M. SALII, Associate Justice; DANIEL N. CADRA, Associate Justice Pro Tem.

PER CURIAM:

[1] Respondent, a Trial Counselor licensed to practice law in Palau, represented the appellant in Civil Appeal No. 99-25, *Etpison v. Rengiil*. On June 19, 2000, Respondent filed a motion for an extension of time until June 30, 2000, in which to file an amended designation of record, pay the transcript cost, and file an opening brief 30 days after receipt of the transcript. The motion was granted on June 20, 2000. Respondent did not file an amended designation of record or an opening brief by June 30 or anytime thereafter, and the appeal was dismissed after Respondent failed to respond to an order to show cause.

Disciplinary Counsel filed a complaint charging Respondent with a violation of the rules of professional conduct for attorneys and trial counselors practicing law in the Republic of Palau. A hearing was held on April 27, 2001. Respondent admitted to failing to comply with the June 20 order and offered no exculpatory justification. The Tribunal finds that, in failing to comply with the June 20 order which resulted in the dismissal of his client's appeal, Respondent failed to act with the competence, diligence, and promptness required of legal practitioners. Accordingly, the Tribunal finds Respondent to be in violation of ABA Model Rules 1.1 and 1.3 as incorporated into Rule 2(h) of the Disciplinary Rules and Procedures for Attorneys and Trial Counselors Practicing in the Courts of the Republic of Palau.

There being no record of any previous ethical violation by Respondent, the Tribunal finds that an appropriate sanction is a fine and the payment of his client's expenses in the appeal. Accordingly, Respondent is hereby ordered to pay a fine of \$425.00 to the Palau Bar Association

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and to reimburse his client for all filing fees and transcript costs incurred in the dismissed appeal. Respondent is ordered to comply with the sanction within 60 days of this order and also to file a certificate of payment signed by his client within the same time period.