



JOURNAL

THE AMERICAN COLLEGE OF TRIAL LAWYERS



CANADIAN SUPREME COURT
JUSTICE CLÉMENT GASCON
RECEIVES HONORARY
FELLOWSHIP AT THE
COLLEGE'S 2015 ANNUAL
MEETING IN CHICAGO.

FELLOWS BRING CLE, TRIAL SKILLS TO SOUTH PACIFIC

The Rock Islands of Palau, also called Chelbacheb, are a small collection of limestone or coral uprisings, ancient relics of coral reefs that violently surfaced to form islands in Palau's Southern Lagoon. The islands are sparsely populated and are famous for their beaches and blue lagoons. Known as the most popular dive destination in Palau, the islands offer some of the best and most diverse dive sites on the planet.



What began as Secretary **Samuel H. Franklin's** idea to have Fellows perhaps advise members of the judiciary in the Republic of Palau, transformed into an international CLE for twenty judges and sixty-seven attorneys currently working in Palau, Guam, the Federated States of Micronesia (FSM) and the Commonwealth of the Northern Mariana Islands (CNMI).

The College's Advanced Trial Advocacy Symposium in Palau from November 4-6, 2015 was, according to Immediate Past President **Francis M. Wikstrom**, "one of the great accomplishments of the College." Preparations for this endeavor began January 2015 with a vaguely worded email from International Committee Chair **Brian B. O'Neill**. Was anyone willing to travel to Palau on their own dime? Two days later, he had seventy responses.

By March, thirteen Fellows from eleven different states had committed to what was still a roughly defined project. Palau's 20,000-plus citizens live on a collection of 250 islands located 900 miles west of Guam and roughly 1,000 miles north of Papua New Guinea. In 1994, Palau became a republic, and modeled its constitution and legal system after the U.S. But jury trials in Palau were new.

Palau Supreme Court Associate Justice Ashby Pate, previously of Lightfoot, Franklin & White, LLC in Alabama, helped establish the Republic's jury trial system when he worked as senior court counsel in 2009. Justice Pate expressed reasonable concern to O'Neill that the number of Fellows would probably outnumber attendees.

O'Neill collected biographies of his potential panelists and dubbed them "Team Palau:" **Michael P. Atkinson** of Atkinson, Haskins, Nellis, Brittingham, Gladd & Fiasco (Tulsa, OK); **Richard S. Glaser, Jr.** of Parker, Poe Adams & Bernstein (Charlotte, NC); **Jan K. Kitchel** of Cable Huston, LLP (Portland, OR); **Joseph Matthews** of Colson Hicks Eidson (Coral Gables, FL); **Brian B. O'Neill** (Minnetonka, MN); United States Magistrate Judge for the District of Montana **Carolyn S. Ostby** (Billings, MN); retired District Attorney **Thomas J. Orloff** (Oakland, CA); **Paul Michael Pohl** of Jones Day (Pittsburgh, PA); **Roland G. Riopelle** of Sercarz & Riopelle, LLP (New York, NY); **Lawrence S. Robbins** of Robbins, Russell, Englert, Orseck, Unteriner & Sauber LLP (Washington, D.C.); **Ted A. Schmidt** of Kinerk, Schmidt & Sethi, PLLC (Tucson, AZ); **Keith Strong**, former U.S. Magistrate Judge for the District of Montana, Great Falls Division (Bozeman, MT); and **Michael O. Warnecke** of Perkins, Coie, LLP (Chicago, IL).

O'Neill sent the participants' background information to Pate and together they pitched an agenda to the



Palau Bar Association. Bar Association Secretary Rachel Dimitruk invited neighboring countries and soon 100 people said they would come.

"Lawyers' gathering brings in legal giants from the US," read the front page headline in the *Island Times*. The seminar opened with a warm welcome from Palau Bar Association President Salvador Remoket. President of the Republic of Palau Tommy Remengesau, Jr. made a surprise appearance and personally thanked Fellows for coming.

Team Palau walked participants through a jury trial. Topics included respect for the rule of law, civility, ethics, bias, forensics, facts about bullet wounds and finger prints, and stress management. Lawyers were strongly encouraged to represent people on a pro bono basis.

The program received rave reviews and succeeded in more ways than ever imagined. The audience was quick-witted, earnest and most importantly devoted to improving the legal systems in their home countries. Even in such a culturally and geographically diverse group, the camaraderie was palpable. Justice Pate and the Palau Bar generously coordinated and catered social events featuring island specialties such as coconut land crab, stuffed mussels and sashimi. Fellows and their guests mixed easily with justices, judges and attorneys from Chuuk State, CNMI, FSM, Guam, Kosrae, Pohnpei, Palau, Saipan, and were even joined by former Palaun President Johnson Toribiong.

Team Palau and their guests stayed in paradise post-conference to kayak, snorkel, scuba dive among millions of stingless jellyfish and tour historic Peleiu. At the end of the trip, when Fellow Lawrence Robbins on keyboard and Justice Pate on guitar took the stage at a restaurant and sang "Midnight Special," everyone agreed it had been a magical experience. ■