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Pate Discovers Legal Paradise



The Republic of Palau is a small tropical island nation in the north Pacific Ocean that is home to around 20,000 residents, including one very fortunate alumnus.

Ashby Pate '07 has the official title of senior court counsel to the chief justice of the Supreme Court of the Republic of Palau.

Most people would just call him lucky.

After graduating from law school in 2007, Pate clerked for a U.S. District Judge from 2007 to 2008. One dreary Birmingham morning in January 2008, he received an e-mail message regarding the open position of court counsel in Palau, a country that actively recruits United States federal law clerks. Upon completing a quick Internet search for “The Republic of Palau” and viewing

images of the gorgeous island setting, Pate acted quickly. “I had my application completed by the next morning,” he said.

Pate was one of 10 attorneys to interview with the chief justice of Palau in New Orleans, La., that June. The chief justice offered Pate a job for which only three attorneys are chosen each year. However, Pate had already accepted a full-tuition scholarship to the University of East Anglia in Norwich, England, to pursue an LL.M. in international law and to teach American law. Pate had to decline the job opportunity in paradise.

After Pate finished at East Anglia, he was eager to put his international LL.M. into practice before returning to Birmingham to work at the firm of Lightfoot, Franklin & White, where he clerked during law school. He contacted the chief justice of Palau and asked if he could reapply. The chief justice offered Pate the job on the spot.

Pate describes his job as court counsel as “essentially that of a judicial clerk.” His primary responsibility is to assist the Supreme Court Appellate Division by preparing bench memoranda, participating in postargument conferences and drafting opinions. In addition to managing the appellate caseload and assigning cases to coclerks, Pate is the direct liaison to the office of the chief justice, as well as to the Land Court. He is charged with compiling



and editing the *Reporter's Series* and recently completed Palau's 16th *Reporter*, which includes all of the published decisional law from the Republic for the year. In fact, one of the reasons the chief justice chose Pate was because of Pate's experience as editor-in-chief of the *Cumberland Law Review*.

In 2008, Palau voted in favor of a constitutional amendment to provide for jury trials for criminal defendants charged with crimes punishable by 12 years or more in prison. On his first day, Pate received a memo containing a request by the legislature for the judiciary's comments on the bill. Pate was charged with reading, researching and adding the judiciary's changes to the bill before it would be submitted for its final reading. On Jan. 8, 2010, the bill was signed into law. In addition to promulgating local rules, Pate and his associates have now begun holding a series of workshops leading up to the first jury trial.

“I've been lucky enough to see this



Far left: Pate with his wife, Christine. They spent their weekends exploring neighboring countries and enjoying the natural beauty of the islands. They obtained advanced scuba certification to enhance their underwater pursuits.

Left: Palau is considered one of the seven wonders of the underwater world. Consisting of nearly 600 islands, Palau has been named “One of the Last Edens” by *National Geographic* magazine.

Below: Pate and Christine share a meal with members of the Supreme Court of the Republic of Palau.



thing through from the very beginning,” said Pate. Pate has played a role in almost all parts of the process, from parking cars and supervising construction of a jury box to being a part of drafting the jury trial bill and providing opinions on constitutionality of model colloquy. “It has been both a high-brow and low-brow challenge,” said Pate.

Since there are no movie theatres or bookstores on Palau, entertainment revolves around the outdoors and spending time with friends. Palau is

considered one of the seven wonders of the underwater world. Pate and his wife, Christine, have obtained advanced scuba certification. They spend as much time in the water as they can, sailing, fishing, scuba diving, snorkeling and kayaking.

With frequent power outages and less obtrusive technology, life also has been a bit slower. International phone rates are among the highest in the world, and Internet is dial-up only. But, Pate noted, “My day is bookended by sunrises and sunsets over the Pacific Ocean. That

more than makes up for slow Internet.” 🌅

Pate’s time in Palau recently came to an end. He and his wife returned to Birmingham in December, where Pate joined Lightfoot, Franklin, & White equipped with a unique perspective gained from two years of international education and work. While the professional benefits of his experience have been great, Pate added that “the experience of living on an island of such dumbfounding beauty is reward in itself.”