



***TILJEK IM MOL
NAN EKAJET JIMWE***

COMMITTED TO JUSTICE

**THE STRATEGIC PLAN OF
THE JUDICIARY
OF THE
REPUBLIC OF THE MARSHALL ISLANDS
2014~2018**

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HIGH COURT
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On behalf of the judiciary of the Republic of the Marshall Islands (Judiciary), I am pleased to present *Tiljek Im Mol Nan Ekajet Jimwe*, Committed to Justice, the Strategic Plan for the Republic of the Marshall Islands Judiciary, 2014-2018. This plan builds upon the Judiciary's 2007 Strategic Plan, retaining strategic goals, strategies, and action items that remain relevant, deleting action items that have been performed and need not be repeated, and adding new goals, strategies, and action items to meet continuing and new challenges. This plan results from discussion in September through December 2013 among judges, court staff, and various stakeholders concerning the Judiciary, its operations, strengths, and needs.

The resulting strategic plan identifies seven major goals to be accomplished over the next five years:

- (1) to be fair, efficient, and effective;
- (2) to be affordable and accessible;
- (3) to be independent, yet transparent and accountable;
- (4) to manage the Judiciary's personnel in accordance with sound leadership and management practices;
- (5) to administer the Judiciary's buildings and equipment in accordance with sound management practices;
- (6) to manage the Judiciary's financial resources in accordance with sound financial practices; and
- (7) to identify, develop, and employ innovative approaches to achieving the Judiciary's strategic goals.

Each goal contains strategies and several specific action items. This is a comprehensive strategic plan, especially given the limited resources of this small island nation. However, the Judiciary is committed to providing court users with the best service possible and will seek ways to implement this strategic plan's goals, strategies, and action items.

This strategic plan will serve to guide judges and court staff as they perform their responsibilities; it will also assist in determining how best to use available resources; and it will provide a way to measure the accomplishments of the courts as they strive to fulfill their mission. As the plan period proceeds, the Judiciary will monitor changes in the social, economic, and legal environment and will periodically review the plan to assess progress and to make necessary changes.

As guides, the Judiciary will look to two internationally recognized judicial performance indicators. First, the 15 Cook Island Judicial Performance Indicators adopted by the Small Pacific Island Countries in 2011 under the Pacific Judicial Development Programme funded by the New Zealand Ministry of Foreign Affairs and Trade and administered by the Federal Court of Australia. Second, the International Frame Work for Court Excellence (IFCE) developed by the International Consortium for Court Excellence. Through IFCE recommended “Improvement Plans,” the Judiciary will identify priority activities, set more specific time goals, and assign responsibility. However, as a practical matter, it will be the responsibility of the High Court Chief Justice, the Chief Clerk of the Courts, and the National Judicial Planning and Development Committee (NJPDC) to ensure that action items are performed. The NJPDC includes the High Court Chief Justice, the High Court Associate Justice, a Traditional Rights Court judge, a District Court judge, a member of the bar, and the Chief Clerk of the Courts.

Through this strategic plan, the Judiciary seeks to operate consistently with its values, mission, and vision statements, which are incorporated in this plan.



Carl B. Ingram
Chief Justice, High Court
Date: December 31, 2013

VALUES, MISSION, AND VISION STATEMENTS OF THE REPUBLIC OF THE MARSHALL ISLANDS JUDICIARY

OUR VALUES:

Tomak, Jenok, im Aurok Ko Ad:

The Marshall Islands Judiciary holds the following values, and it desires to operate in a manner that is, and will be perceived as:

Jikin Ekajet ko an Marshall Islands rej debij im jermal wot iumin tomak im aurok kein kab konan eo non air jermal ilo wawein ko renaj koman bwe armej ren kalimjeklok ra eo an Jikin Ekajet bwe ej juon eo ej einwot in:

- | | |
|---|---|
| (1) accessible | <i>ebellok non aoleb armej</i> |
| (2) accountable | <i>etiljek, ekkeke, im maron uwak non jermal ko an</i> |
| (3) competent | <i>ekakemooj im emmon an komane jermal eo an</i> |
| (4) consistent | <i>ej jokkin wot juon an komane jermal eo an</i> |
| (5) efficient | <i>ebolemen im tiljek ilo an kakke aikuij ko</i> |
| (6) fair and impartial | <i>ej jermal jimwe ilo ejelok kalijeklok im jeb</i> |
| (7) independent | <i>ejenolak im jutaklok ian make</i> |
| (8) respectful | <i>ewor an kautiej armej</i> |
| (9) service-oriented, and | <i>etiljek, jela nae, jela kunaan, im jela karejar</i> |
| | <i>iben armej: im</i> |
| (10) valuing custom and tradition, as well as innovation. | <i>ej kaurok im kautiej manit im men ko bwinnid im ad jolet, ekoba lomnak im wawein jermal ko rekaal.</i> |

These values form the basis for the Judiciary's Mission Statement and Vision.

Tomak im aurok kein rej ejaake bedbed eo non kottobar im ettonak kein ilal.

OUR MISSION STATEMENT:

Kottobar Eo Ad:

The mission of the Courts of the Marshall Islands is to fairly and efficiently resolve disputes properly brought before them, discharging their judicial duties and responsibilities in accordance with the Constitution, laws, and customs of this unique island nation, for the benefit of those who use the courts' services.

Kottobar eo an Jikin Ekajet ko an Marshall Islands ej non jermal jimwe ilo ejelok kalijeklok im jeb ilo aoleb abnono ko rej itok imair, im non komane jermal in ekajet im edro ko air ekkar non Jemen-Ei eo, kakien ko, im manit ko an ailon kein ad im jej jenolok kaki jen lal ko jet ikijien manit im men ko bwinnid im ad jolet, non emmanlok eo an ro rej bok jiban jen jikin ekajet eo.

OUR VISION:

Ettonak Eo Ad:

The Marshall Islands Judiciary will be an excellent small-island judiciary, deserving of public trust and confidence.

- ▶ The Judiciary will be fair and impartial.
- ▶ The Judiciary will treat court users and colleagues with dignity, courtesy, and respect, and will require the same in return.
- ▶ The Judiciary will seek to resolve matters efficiently, while maintaining quality, consistency, and certainty.
- ▶ The Judiciary will provide affordable and accessible services to court users.
- ▶ The Judiciary will be independent yet accountable, deciding matters based upon the facts before us and a conscientious understanding of the law and custom.
- ▶ The Judiciary will administer the courts in accordance with internationally recognized standards for leadership, management, and accountability.
- ▶ The Judiciary will maintain adequate and safe courthouses and a supportive work environment.
- ▶ The Judiciary will seek and employ innovative practices and procedures to better serve court users, to identify users' needs, and to develop court personnel.

Ra eo an jikin ekajet eo an Marshall Islands enaj juon raan jikin ekajet non ailin jidrik kein ad, eo im ebed liki im tomak eo an armij ro ie.

- ▶ *Ra eo an jikin ekajet eo enaj jermal jimwe ilo ejelok am kalijeklok.*
- ▶ *Ra eo an jikin ekajet eo enaj kile, kautej, im karejar ippen ro rej kojermal im bukot jiban jen jikin ekajet eo, ekoba dri-jermal ro mottam, im enaj kotmene bwe armij naj ukot tok ilo ejja wawein kein wot.*
- ▶ *Ra eo an jikin ekajet eo enaj bukot kojkan bwe en mokaj, emman, im jejjet wawein am bukot mejlan ailwaro im aikuj ko.*

- ▶ *Ra eo an jikin ekajet eo enaj komman bwe en drik wonen, bidodo, im ejelok aban non ro rej kojerbal im bok jiban jen jikin ekajet eo.*
- ▶ *Ra eo an jikin ekajet eo enaj komman jemlok non abnono ko, ilo an ejelok kibel jen ijoko jabrewot, bedbed wot ion menin kamol ko rej walok, im jen am melele kin kien im manit.*
- ▶ *Ra eo an jikin ekajet eo enaj kommani jermal im eddro ko an court ekkar non jonak im wawein ko lal in ej kili im lori ikijen jermal in tel, lolorjake, im bok eddro.*
- ▶ *Ra eo an jikin ekajet eo enaj lolorjake bwe jikin ekajet ko ren ainemmon im bolemeir, im bwe jitbon jermal in ippen dron eo en wonmanlok wot.*
- ▶ *Ra eo an jikin ekajet eo enaj bukot im kojerbal wawein im rebeltan jermal ko rekaal bwe en emman lok am kake aikuj ko an ro rej kojerbal jikin ekajet eo, im bareinwot non am kolablok kabeel ibben dri-jermal ro ilo jikin ekajet eo.*

STRATEGIC GOALS

ELMAKWOT IN KOTTOBAR IM MEJENKAJJIK KO

- 1. To be fair, efficient, and effective**

Bwe en jermal jimwe ilo ejelok kalijeklok, bolemen, im tiljek ilo an kotobrak jermal im kottobar ko an

- 2. To be affordable and accessible**

Bwe en drik wonen im bidodo bukot jiban ilo ejelok aban

- 3. To be independent, yet transparent and accountable**

Bwe en komane jermal im kelet ko an make ilo jimwe im ejelok kabanban ko jen ilikin non jumai, ak en tiljek im mol im maron uwak non jermal ko an

- 4. To manage the Judiciary's personnel in accordance with sound leadership and management practices**

Lolorjake bwe dri jermal ro an Jikin Ekajet eo ren jermal ekkar non rebeltan jermal jimwe ikijen tel im bok eddro

- 5. To administer the Judiciary's buildings and equipment in accordance with sound management practices**

Non lale bwe en emman im bolemen kejbarok imon ekajet ko im kein jermal ko ekkar non wawein ko romman im jejjet ikijen bok edro

- 6. To manage the Judiciary's financial resources in accordance with sound financial practices**

Non lale im kejbarok money ko an Jikin Ekajet eo ekkar non rebeltan im wawein ko romman im jejjet ikijen bok edron jaan

- 7. To identify, develop, and employ innovative approaches to achieving the Judiciary's strategic goals**

Non bukot, ejaak, im kojerbal wawein im rebeltan jermal ko rekaal non tobar elmakwot in kottobar ko an Jikin Ekajet eo

STRATEGIC GOAL 1

To be fair, efficient, and effective

*Bwe en jermal jimwe ilo ejelok kalijeklok, bolemen, im tiljek
ilo an kotobrak jermal im kottobar ko an*

ISSUES:

The Judiciary of the Republic of the Marshall Islands includes the Supreme Court, High Court, Traditional Rights Court, District Court, Community Courts, Judicial Service Commission, and court staff.¹ The Marshall Islands Judiciary, like other judiciaries around the world, is tasked with resolving the disputes that properly come before it. For the Judiciary to do its job well, it must be, and appear to be, fair, efficient, and effective. And if the Judiciary does its job well, it will earn the trust and confidence of the public.

A judiciary that is fair renders its decisions based upon the facts and the law, including customary and traditional practice, without fear or favor. A judiciary will be perceived as fair by court users, if they feel that they were treated fairly and with respect. Research shows that court users' perceptions of courts are influenced more by whether they feel treated fairly, than whether they received a favorable result.

A judiciary that is efficient renders decisions without unnecessary delay and cost. As is often said, "Justice delayed is justice denied." This is of particular concern in customary land title cases. Historically these cases take much longer to resolve than other cases, and the parties tend to be old and will pass away if their cases are unreasonably delayed. Additionally, the Judiciary must address challenges created by a culture of continuances and the limited availability of trained counsel.

A judiciary that is effective reviews its procedures to ensure that they provide results that are certain and enforced. Its judges actively and differentially manage their cases and caseloads, using alternative dispute resolution processes where appropriate. It maintains an effective document management system, and it is responsive to feedback.

Strategy 1.1

Be, and appear to be, fair and impartial, deciding cases based on the facts and the law, including customary law, without fear or favor

¹A description of the Judiciary is attached as Appendix A and an organizational chart as Appendix B.

Action Items

Treat all court users fairly and with respect

Seek to ensure procedural fairness, and the perception of fairness, by

- Treating court users with respect through word choice, tone, and body language,
- Seeking to ensure that court users understand what is happening and what the rules are through outlines, checklists, and the use of appropriate language,
- Ensuring that court users have a chance to be heard using active listening, time allowed, and respectful redirection, and
- Objectively demonstrating that the judge and staff are trying to be fair

Offer professional development workshops and seminars to judges and court staff that include the role of the judiciary and public perception

At least once every two years (by December 31, 2014, 2016, and 2018), conduct court user surveys to gauge user perceptions of court fairness and use feedback to improve court services

At least once every two years (by December 31, 2015 and 2017), assess and refine rules, procedures, and policies to ensure that they promote the fair disposition of disputes

Strategy 1.2

Ensure that the courts are efficient

Action Items

Encourage judges to actively manage their cases and caseloads

By June 30, 2014, examine with court users clearance rates, average durations of cases, backlog cases, and continuances

By August 30, 2014, adopt, implement, and publicize clearance rate targets, time standards, a continuance policy, and backlog reduction procedures

At least once every two years (by December 31, 2014, 2016, and 2018), conduct court user surveys to gauge user perceptions of court efficiency and use feedback to improve court services

At least once every two years (by December 31, 2015 and 2017), assess and refine rules, procedures, and policies to ensure that they promote the efficient disposition of disputes and do not cause unnecessary delay and expense, particularly with respect to land cases

Strategy 1.3

Ensure that the courts are effective

Action Items

Encourage judges to differentially manage their cases and caseloads, particularly customary land title cases, referring matters to mediation and other alternative dispute resolution methods if appropriate

Examine with counsel and other stakeholders the effective enforcement of judgments

Seek funding for a court probation officer to monitor compliance with probated sentences (including house arrest, community service, restitution, traditional apology, and the like)

Regularly, including at biannual meetings of judges and staff, examine judge and staff functions to ensure an effective division of judicial and non-judicial functions between and among judges and staff

At least annually test the integrity of files and the filing systems

At least annually explore possible improvements to the manual and electronic document management systems

Continue the scanning of court files and the disposal of older and rarely accessed physical files

Develop and adopt a file retention policy by December 31, 2014

At least once every two years (by December 31, 2014, 2016, and 2018), conduct court user surveys to gauge user perceptions of court effectiveness and expertise and the use feedback obtained to improve court services

At least once every two years (by December 31, 2015 and 2017), assess and refine rules, procedures, and policy to ensure that they promote the effective, certain, and enforceable disposition of disputes

STRATEGIC GOAL 2

To be affordable and accessible

Bwe en drik wonen im bidodo bukot jiban ilo ejelok aban

ISSUES:

Providing affordable and accessible justice presents challenges for any court system, but when the economics and geography of the Marshall Islands are considered, the challenges increase exponentially.

The economic realities of the Marshall Islands are daunting. As reported by the Graduate School USA in its August 2013 *Republic of the Marshall Islands Fiscal Year 2012 Economic Review*, “while abject poverty, starvation and destitution are not yet present in the RMI, there are clear signs that certain groups are facing increasing hardship. The RMI is demonstrating mixed progress on [Millennium Development Goal] 1 (eradicate extreme poverty and hunger), and there are growing concerns over high unemployment, financial hardship (including declining real incomes coupled with large consumer debt), hunger and poor nutrition.” The Graduate School USA also reported that “According to 2011 census data, 41 percent of outer-islanders have an income of less than \$1 a day (in 2011 prices).”

The geography of the Marshall Islands is equally daunting. The Republic of the Marshall Islands consists of 29 atolls and 5 separate islands, about 1,225 islands in all, spread out over 750,000 square miles of the Western Pacific. Some atolls have Internet and cell phone access. However, other atolls can only communicate by radio and mail.

Creating a judicial presence across the Republic is an important goal for the Judiciary. Courthouses are located in the major population centers on Uliga Island, Majuro Atoll; Ebeye Island, Kwajalein Atoll; Jabwor Island, Jaluit Atoll; and Wotje Island, Wotje Atoll. However, the cost of maintaining a courthouse on every populated atoll is prohibitive. In less populated areas, Community Court judges hold court in local government buildings.

In addition to these constraints, like in other small-island jurisdictions, there is a lack of sufficient legal representation. The Office of the Public Defender and the Micronesian Legal Services Corporation are the two main providers of legal representation to the public who cannot afford to retain a private attorney. Given the close-knit nature of the community they serve, the organizations often experience conflicts of interest that prevent them from representing all who seek their services. For this reason, the Nitijela has appropriated funds to the Court to compensate attorneys for taking cases for those who cannot afford an attorney. Most locally-based private attorneys are willing to help. However, a few private attorneys resist providing low cost services for Marshallese in need.

The public is represented by attorneys who have graduated from law school or trial assistants who have not. Although trial assistants historically have provided legal representation for many clients, it is hoped that more law school graduates will serve the Republic in the future. Over time, the number of foreign lawyers who have come to live and work in the private sector has decreased and now number four to five. More recently, Marshallese and other Pacific Island high school graduates have obtained four-year undergraduate law degrees at colleges and universities in the South Pacific. In recent years, only one Marshallese student has obtained a three-year graduate-level law degree in the United States.

Due to limited legal assistance and the inability to retain private counsel, many court users are forced to represent themselves. Providing legal forms for self-represented litigants is an important way to provide access. In addition, certain individuals coming to the courts have special needs, especially with respect to the interpretation of court proceedings and the translation of documents into Marshallese, English, or other languages. For example, the Republic currently is experiencing an influx of Chinese nationals. As globalization continues, there will be other language needs as well. Providing information and assistance to these specific groups is an important part of making the courts accessible.

Strategy 2.1

Explore ways to make justice affordable

Action Items

Keep court costs and fees as low as practical and prudent and post the Judiciary's fee schedule and fee waiver policies at the Majuro and Ebeye courthouses and on the Judiciary's website

Develop and publicize plain-language forms and make them available at the courthouses and on the Judiciary's website by June 30, 2014

Maintain an up-to-date and easily accessible website

Explore the use of Internet and videoconferencing technology to expand court access

Strategy 2.2

Make the courts easier to use and understand

Action Items

Maintain and publicize a glossary of legal terms in Marshallese

Translate specific court forms into Marshallese, English, and other community languages, make the form available at the courthouses and on the Judiciary's website, and publicize the availability of the forms

Review the legal needs of non-citizen groups

Issue plain-language decisions based upon the facts presented and the applicable rules of law, including customary law and traditional practice, to ensure court users understand what happened and why

Strategy 2.3

Increase access to legal representation within the nation

Action Items

Encourage Marshallese to enter the legal profession, such as during student tours of the courts

Encourage Marshallese law students to complete school and return to the Republic as attorneys

Study how to provide legal services to Marshallese citizens, as is their right under Article II, Section 15, of the Constitution

Strategy 2.4

Increase the number of Marshallese attorneys and women in the Judiciary

Action Items

Encourage Marshallese attorneys and women to become judges

Accept invitations to attend law society and women's groups meetings to discuss the work of judges and the law

Strategy 2.5

Meet the legal needs of the outer islands

Action Items

Renew efforts to fill existing Community Court vacancies (a few communities have not recommended candidates for appointment as judges)

Seek legislation to lengthen the terms of Community Court judges

Review the operation of Community Courts and require periodic reports

Examine ways to create a greater judicial presence on outer islands in coordination with other stakeholders (including political and community leaders, the Attorney-General, the Public Defender, and the Micronesian Legal Services Corporation)

Explore the use of Internet and videoconferencing technology to expand court access to the outer islands

Strategy 2.6

Provide assistance for self-represented litigants

Action Items

Create and publicize plain-language forms and checklists for self-represented to use in prosecuting or defending their cases (including forms for confirmation of customary adoptions or divorces, legal divorces, guardianships, changes of name, and domestic violence complaints)

Continue to appoint counsel to represent litigants who cannot afford to hire counsel to assist them in difficult matters, including land cases and criminal cases, compensating counsel with funds appropriated by the Nitijela or, if necessary, appointing counsel to serve pro bono, as the people have a constitutional right to legal services

Strategy 2.7

Provide physical access to the courts and a safe environment

Action Items

Maintain clear signs at the courthouses and a central information point

Maintain the Judiciary's courtrooms to ensure easy access to public areas for seniors and others who may be physically challenged

Ensure that court users are and feel safe in and near the courthouses

Maintain and keep up to date the Judiciary's Continuity of Operations Plan

STRATEGIC GOAL 3

To be independent, yet transparent and accountable

Bwe en komane jermal im kelet ko an make ilo jimwe im ejelok kabanban ko jen ilikin non jumai, ak en tiljek im mol im maron uwak non jermal ko an

ISSUES:

For the Judiciary to do its job — to decide matters before it based upon the facts and law without fear or favor — it must be independent. To maintain its independence, the Judiciary must have the trust and the confidence of the public. To secure the public's trust and confidence, the Judiciary must be transparent and accountable. That is, the Judiciary must demonstrate that it maintains the rule of law and does not succumb to the rule of men.

Strategy 3.1

Ensure the Judiciary remains an independent branch of government

Action Items

Maintain the judicial and administrative independence of the Judiciary and its judges, insisting upon non-inference in the decision-making process and upon control of court staff and the operations budget

Discuss with political, traditional, church, and community leaders the role of the courts and the importance of judicial independence

Educate the public on the role and importance of an independent judiciary and the rule of law

Strategy 3.2

Continue efforts to be transparent

Action Items

Publish annual reports by June 30 of the following year with information on the courts' roles and functions, performance time and service standards, services and

procedures, complaints, professional development, facilities, accounts, new initiatives, survey results, and the like

Post the schedule of costs and fees and fee waiver form at the courthouses and on the Judiciary's website

Post the court procedures on the Judiciary's website and make them available at the courthouses

Publicize court services, including marriages, delayed registrations of birth, delayed registrations of death, notaries, certified copies of court documents, criminal record checks, corporate litigation record searches, and the like

Encourage courthouse visits by teachers and students and repeat visits

When invited, visit schools to explain the role of the courts and the law

Explore other ways to be more visible, including radio programs, newspaper notices, and posters

Strategy 3.3

Continue efforts to be accountable

Action items

Make court opinions available at the courthouses, on the Judiciary's Internet website, and on PACLII

Respond to court users' requests for publicly available information

Have accounts audited annually by independent auditors and publicize the results in the Judiciary's annual report

Publicize on the Judiciary's website and in annual reports the codes of conduct for judges and court staff, complaint procedures, number of complaints, and status of complaints

STRATEGIC GOAL 4

To manage the Judiciary’s personnel in accordance with sound leadership and management practices

*Lolorjake bwe dri jermal ro an Jikin Ekajet eo ren jermal
ekkar non rebeltan jermal jimwe ikijen tel im bok eddro*

ISSUES:

More than any other resource, the Judiciary relies upon its people. For this reason, the Judiciary has identified as essential professional development workshops and seminars for judges, court staff, and counsel. This is particularly true in the areas of leadership and management. Judges may come to the bench with a high level of legal and judicial expertise and court staff may come to their work with refined administrative skills, but both judges and staff may need postgraduate leadership and management courses to meet the demands of our rapidly changing legal, economic, and technological environments.

Additionally, it is not enough to have well-trained judges and staff. It is important that the judges and court staff work well together and in a good working environment for the benefit of court users as well as their own. It also is important that judges and staff make healthy lifestyle choices.

Strategy 4.1

Continue judicial training and access to a wide range of legal resources to ensure the fairness, efficiency, and quality of decisions

Action Items

At least annually assess judicial training needs

Offer annual training to all judges

- on core topics (such as, the role of courts and judges, ethics, evidence, opinion writing, self-represented litigants, conducting the trial, and productivity software) and/or
- on specialized area (including traditional land rights, criminal law and procedure, domestic violence, juvenile case, small claims, and traffic cases)

Provide training options including in-country training, visits to courts in other jurisdictions, and computer program/video conferencing/web-based and other types of courses

Encourage judges to learn together and from each other

Continue to provide access to information to support decision making (including WestLaw online, Black's Law Dictionary, Marshall Islands statutes and regulations, check lists, and forms)

Strategy 4.2

Continue staff training to enhance the quality and accessibility of court services

Action Items

At least annually assess training needs

Offer annual training to staff training

- in core areas (including ethics, document management, productivity software, dealing with internal and external customers, interpreter training, and bailiff responsibilities) and/or
- in specialized areas (including leadership, budgeting, accounting, server software, and website management)

Provide training options including in-country training, visits to courts in other jurisdictions, and computer program/video conferencing/web-based and other types of courses

Encourage staff to learn together and from each other

Strategy 4.3

Provide leadership and management training

Action Items

Provide leadership and management training to senior judges and staff, including training in change leadership and leadership styles

Encourage judges and staff to be proactive leaders and problem-solvers.

Strategy 4.4

Offer training to attorneys and trial assistants to improve legal practice and representation

Action Item

As resources permit, offer continuing legal education to the bar in core areas (including ethics, evidence, trial advocacy, and legal writing)

Consider instituting mandatory continuing legal education

Strategy 4.5

Promote a good working environment and job satisfaction for judges and court staff

Action Items

Conduct biannual judges' meetings and staff meetings regarding the operation of the courts and implementation of the strategic plan

At least biannually at judges and staff meetings, review and balance workloads between judges and staff and among judges and staff to ensure that workloads are distributed fairly and meet current and projected needs

Work to reduce and resolve conflicts and to maintain a good working environment

Encourage the sharing of ideas and experiences between and among judges and staff

Promote a teamwork approach to administration

Review and update as necessary the manual for clerks, setting forth duties and procedures

Adopt by February 28, 2014, a personnel manual that includes

- All court staff and an organizational chart
- Appointment procedures, status, and tenure
- Pay grades, personnel evaluations, salary review
- General terms and conditions of employment
- Code of ethics
- Dress code

Strategy 4.6

Promote healthy lifestyles

Action Item

Encourage and facilitate judges and staff adopt and maintain healthy lifestyle choices, including organizing Judiciary teams to participate in sporting events

STRATEGIC GOAL 5

To administer the Judiciary's buildings and equipment in accordance with sound management practices

Non lale bwe en emman im bolemen kejbarok imon ekajet ko im kein jermal ko ekkar non wawein ko romman im jejjet ikijen bok edro

ISSUES:

For judges and staff to properly do their jobs, they need adequate and safe courthouses, sufficient office space, and necessary equipment and technology. Similarly, court users deserve safe, secure, and accessible courthouses, where judges and court staff efficiently and effectively attend to their needs. Although much progress has been made over the past five years, maintaining the Judiciary's buildings and equipment remains a constant struggle.

Strategy 5.1

Operate and maintain the Judiciary's buildings and equipment to support its work, building upon construction projects completed and equipment upgrades made in 2007 through 2013

Action Items

In the annual budget process, seek funds to maintain the courthouses so that they remain functional, secure, safe and accessible for judges, staff, and court users, notwithstanding their constant exposure to salt spray

Replace the roof at the Majuro Courthouse by September 30, 2014

Periodically, including at biannual meetings of judges and staff, review whether more office space is needed for judges and staff to properly perform their duties

Regularly, at least biannually, review equipment and supply needs, including the need for computers and vehicles, to ensure that judges and staff can efficiently perform their duties in Majuro, Ebeye, and on the outer islands

Develop by January 30, 2015, and enforce policies to ensure that the Judiciary's facilities and equipment are well maintained and the Judiciary's facilities, equipment, and supplies are not abused

Strategy 5.2

Ensure that the Judiciary's technology supports its mission

Action Items

At least annually, as part of the budget process, review current technology needs and throughout the year seek innovative ways to serve court users, including through the use of video conferencing and electronic filing

Continue to seek higher speed Internet connections at a reasonable price

Maintain the Judiciary's website as an excellent source of information on the courts and the law

STRATEGIC GOAL 6

To manage the Judiciary's financial resources in accordance with sound financial practices

Non lale im kejbarok money ko an Jikin Ekajet eo ekkar non rebeltan im wawein ko romman im jejjet ikijen bok edron jaan

ISSUE:

In these times of very limited financial resources, all branches of the National Government must be good stewards of the government funds allotted to them. This is particularly true for the Judiciary, which historically has been underfunded and which must earn the public's trust and confidence in order to remain its independence and to do its work.

Strategy 6.1

Manage the Judiciary's financial resources in accordance generally accepted government budget and accounting principles

Action Items

Annually, in accordance with the National Government's budget cycle, develop and defend budgets that are consistent with the Judiciary's needs and strategic plan, including innovation

Complete and adopt by January 31, 2014, an accounting procedures manual, which is consistent with generally accepted government accounting principles

Provide finance staff with training, facilities, and technology to manage the Judiciary's accounts in accordance with generally accepted principles

Throughout the financial year, actively manage the Judiciary's funds and allocations in accordance with accepted budgeting and accounting principles to meet the changing needs and demands of court users and the Judiciary's personnel

Continue efforts to secure independent auditing of the Judiciary's accounts as part of the National Government's annual audits

STRATEGIC GOAL 7

To identify, develop, and employ innovative approaches to achieving the Judiciary's strategic goals

Non bukot, ejaak, im kojerbal wawein im rebeltan jermal ko rekaal non tobar elmakwot in kottobar ko an Jikin Ekajet eo

ISSUE:

Although, the Judiciary values and is committed to protecting the customs and traditions of the Marshall Islands, in this age of information and technology it is important that the Judiciary, like any other organization, anticipates changing needs and responds to changing realities. To do this, the Judiciary must actively seek new and innovative ways to determine and to address the needs of court users — to ensure the fair, efficient, and effective dispute resolution; to provide affordable and accessible services; to improve transparency and accountability; and to effectively manage the Judiciary's resources — thereby earning the trust and confidence of the public.

Strategy 7.1

Promote a culture of innovation

Action Items

Regularly, including at biannual meetings, encourage judges, court staff, and other stakeholders to suggest new and innovative approaches to determining the needs of court users and to providing services, consistent with and respectful of custom and tradition

Have Judiciary personnel include in their trip reports any new and innovative approaches presented at the workshops, seminars, and conferences that they attend

Have the Judiciary's National Judicial Planning and Development Committee meet regularly, at least biannually, to screen new and innovative ideas

Allocate in annual budgets, and throughout the year, resources to implement new initiatives and innovative activities

At performance reviews, recognize and reward court staff for new and innovative approaches and services

STRUCTURE OF THE MARSHALL ISLANDS JUDICIARY

The Republic of the Marshall Islands consists of two nearly parallel archipelagic island chains of 29 atolls and 5 separate islands, 1,225 islands in all, about halfway between Hawaii and Australia. The Marshall Islands' land mass totals only 70 square miles and is scattered over 750,000 square miles of the Western Pacific. As of July 2013, the estimated population of the Marshall Islands was 55,000, although some estimates are much higher.

After almost four decades under United States administration as part of the United Nations Trust Territory of the Pacific Islands (TTPI), the Marshall Islands on October 21, 1986, attained independence under the Compact of Free Association with the United States of America.

The Republic's judiciary (the Judiciary) includes its Supreme Court, High Court, Traditional Rights Court, District Court, Community Courts, Judicial Service Commission, and court staff. The Judiciary officially commenced operation on March 3, 1982, assuming judicial functions in the Marshall Islands that had been discharged by TTPI courts.

Supreme Court

The Supreme Court is a superior court of record having appellate jurisdiction with final authority to adjudicate all cases and controversies properly brought before it. The Supreme Court consists of a chief justice and two associate justices. Generally, associate justices have been pro tem judges from other jurisdictions, including the United States Ninth Circuit Court of Appeals, the United States Federal District Court in Hawaii, the Republic of Palau, the Commonwealth of the Northern Mariana Islands, and Canada.

An appeal lies to the Supreme Court as of right from a final decision of the High Court in the exercise of its original jurisdiction; as of right from a final decision of the High Court in the exercise of its appellate jurisdiction, but only if the case involves a substantial question of law as to the interpretation or effect of the Constitution; and at the discretion of the Supreme Court from any final decision of any court. Also, the High Court may remove to the Supreme Court questions arising as to the interpretation or effect of the Constitution.

High Court

The High Court is a superior court of record having general jurisdiction over controversies of law and fact in the Marshall Islands. The High Court currently consists of a chief justice, an associate justice, and as needed a temporary associate justice. The High Court has original jurisdiction over all cases properly filed with it, appellate jurisdiction over cases originally filed in subordinate courts, and, unless otherwise provided by law, jurisdiction to review the legality of any final decision of a government agency.

Traditional Rights Court

The Traditional Rights Court (TRC) is a court of record consisting of three or more judges appointed for terms of four to ten years and selected to include a fair representation of all classes of land rights: Irojlaplap (high chief); where applicable, Irojedrik (lower chief); Alap (head of commoner/worker clan); and Dri Jerbal (commoner/worker). The current TRC judges are lay judges, who receive specialized legal training.

The jurisdiction of the TRC is limited to questions relating to titles to land rights or other legal interests depending wholly or partly on customary law and traditional practices. The jurisdiction of the TRC may be invoked as of right upon application by a party to a pending High Court proceeding, provided the High Court certifies that a substantial question has arisen within the jurisdiction of the TRC. The TRC's jurisdiction also includes the rendering of an opinion on whether compensation for the taking of land rights in eminent domain proceedings is just.

The High Court is to give TRC decisions substantial weight, but TRC decisions are not binding unless the High Court concludes that justice so requires. The Supreme Court has held this means the High Court is to review and adopt the TRC's findings unless the findings are clearly erroneous or contrary to law.

District Court

The District Court is a court of record. It consists of a presiding judge and two associate judges appointed for 10-year terms. The current District Court judges are lay judges who receive specialized legal training. The District Court has original jurisdiction concurrent with the High Court (i) in civil cases where the amount claimed or the value of the property involved does not exceed \$10,000 (excluding matters within the exclusive jurisdiction of the High Court by Constitution or statute, land title cases, and admiralty and maritime matters) and (ii) in criminal cases involving offenses for which the maximum penalty does not exceed a fine of \$4,000 or imprisonment for a term of less than three years, or both. The District Court also has appellate jurisdiction to review any decision of a Community Court.

Community Courts

On the smaller outer islands, the Judiciary has Community Courts. A Community Court is a court of record for a local government area, of which there are 24. Each Community Court consists of a presiding judge and such number of associate judges, if any, as the Judicial Service Commission may appoint. Appointments are made for 4-year terms. Community Court judges are lay judges with limited legal training. A Community Court has original jurisdiction concurrent with the High Court and the District Court within its atoll (i) in all civil cases where the amount claimed or the value of the property involved does not exceed \$200 (excluding matters within the exclusive jurisdiction of the High Court by Constitution or statute, land title cases, and admiralty and maritime matters) and (ii) in all criminal cases involving offenses for which the maximum penalty does not exceed a fine of \$400 or imprisonment for a term not exceeding six months, or both.

Judicial Service Commission

Along with the courts, the Constitution provides for a Judicial Service Commission (JSC) that consists of the Chief Justice of the High Court, as chair, the Attorney-General, and a private citizen selected by the Cabinet. The JSC nominates to Cabinet candidates for appointment as Supreme Court, High Court, and TRC judges, and the JSC appoints judges to the District Court and the Community Courts. In appointing Community Court judges, the JSC takes into consideration the wishes of the local communities as expressed through their local government councils. The JSC also may make recommendations to the Nitijela regarding the qualifications of judges. In the exercise of its functions and powers, the JSC shall not receive any direction from the Cabinet or from any other authority or person, but shall act independently. The JSC may make rules for regulating its procedures and generally for the better performance of its functions.

Court Staff

The judiciary's staff includes a chief clerk of the courts, six assistant clerks three bailiffs (seconded from the National Police), and one maintenance worker. The clerks of court also serve as translators from Marshallese to English and English to Marshallese.

Infrastructure, Technology, Library

The judiciary has four courthouses: the main courthouse is on Majuro; and three smaller courthouses are located on Ebeye, Jaluit, and Wotje. When necessary, cases are heard on outer islands in local government buildings.

The courthouses on Majuro and Ebeye are equipped with computers, printers, faxes, and photocopiers and have Internet access (@ 3.0 mps in Majuro and 1.5 mps in Ebeye). The courts permit the filing and service of documents via fax and email attachment. The computers in

Majuro are linked together in a network, and the Majuro Courthouse has two scanners with OSC software permitting the courts to scan documents and send them almost anywhere in the world.

The Judiciary has a small, but functional, law library and online access to United States caselaw and secondary sources through a WestLaw Internet subscription.

**ORGANIZATIONAL CHART
FOR THE
MARSHALL ISLANDS JUDICIARY**

