

THE JUDICIARY OF THE REPUBLIC OF THE MARSHALL ISLANDS

2007 REPORT

TABLE OF CONTENTS

Letter from the High Court Chief Justice.....	<u>1</u>
I. INTRODUCTION.....	<u>2</u>
II. THE COURTS AND THEIR WORK.....	<u>3</u>
A. Supreme Court.....	<u>3</u>
B. High Court.....	<u>4</u>
1. Civil Cases (other than probate).....	<u>4</u>
2. Probate Cases.....	<u>5</u>
3. Criminal Cases.....	<u>6</u>
4. Juvenile Cases.....	<u>7</u>
C. Traditional Rights Court.....	<u>8</u>
D. District Court.....	<u>9</u>
1. Majuro.....	<u>10</u>
2. Ebeye.....	<u>10</u>
E. Community Courts.....	<u>10</u>
F. Travel to the Outer Islands and Ebeye.....	<u>11</u>
G. Births, Deaths, Marriages, and Notarizations.....	<u>11</u>
1. Majuro.....	<u>11</u>
2. Ebeye.....	<u>11</u>
H. Court Staff.....	<u>11</u>
I. Training and Regional Conferences.....	<u>12</u>
J. Laws Reports, Court Rules, Statutes.....	<u>15</u>
III. NEW DEVELOPMENTS.....	<u>16</u>
A. Strategic Plan.....	<u>16</u>
B. Draft Code of Judicial Conduct.....	<u>17</u>
IV. JUDICIAL SERVICE COMMISSION.....	<u>18</u>
V. ATTORNEY DISCIPLINARY ACTIONS.....	<u>18</u>
VI. BUILDINGS AND MAINTENANCE.....	<u>19</u>
VII. TECHNOLOGY.....	<u>19</u>
VIII. LIBRARY.....	<u>20</u>
IX. SALARIES AND COMPENSATION.....	<u>20</u>

X. ANNUAL BUDGET..... [20](#)

APPENDIX 1 – ORGANIZATIONAL CHART..... [23](#)

APPENDIX 2 – COURT PERSONNEL..... [24](#)

APPENDIX 3 – STRATEGIC PLAN OVERVIEW. [26](#)



HIGH COURT
OF THE
REPUBLIC OF THE MARSHALL ISLANDS

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Mission Statement:
Kottobar Eo:

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.

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 Jemenei eo, kakien ko, im manit ko an aelon kein ad im jej jenolok kaki jen lal ko jet ikijien manit im men ko bwinnid im ad jolet.

I am pleased to present the 2007 Report of the Judiciary of the Republic of the Marshall Islands. This report reflects the dedication and hard work of the judges and staff that serve the Judiciary. They are committed to our mission, and I am proud and privileged to work with them. I greatly appreciate their expertise, dedication, and sacrifice.

On behalf of the Judiciary, I wish to express our sincere appreciation to the Nitijela for its continuing support of our budgetary and legislative requests. Also, I wish to express our profound thanks to the President, the Minister of Justice, and the other members of the Cabinet for their unflagging support for the Judiciary in 2007. We are committed to work with the Cabinet and the Nitijela in the years to come to build a Judiciary that will assure justice for all and the rule of law. Our search for excellence mandates that we work together in a spirit of respect and cooperation.

Carl B. Ingram
Chief Justice, High Court
Date: March 28, 2008

THE JUDICIARY OF THE REPUBLIC OF THE MARSHALL ISLANDS 2007 REPORT

I. INTRODUCTION

The Republic of the Marshall Islands (“Marshall Islands”) consists of two nearly parallel archipelagic island chains of 29 atolls and 5 separate islands, 1,225 islands in all, about half way between Hawaii and Australia. The land area of the Marshall Islands totals 181.3 sq km (70 sq mi), about the size of Washington, D.C. The lagoon waters total another 11,673 sq km (4,506.95 sq mi). As of July 2007, the estimated population of the Marshall Islands was 61,815.

The Marshall Islands commenced constitutional government on May 1, 1979; and after almost four decades of United States administration under the United Nations Trust Territory of the Pacific Islands (TTPI) attained independence on October 21, 1986.

The Marshall Islands has a Westminster-style government with a 33-member parliament, the Nitijela, which elects from its members a president, who in turn selects from the Nitijela a cabinet. The Constitution vests legislative authority in the Nitijela, executive authority in the Cabinet, and judicial authority in an independent judiciary¹.

The Marshall Islands judiciary (“Judiciary”) includes a supreme court, high court, traditional rights court, district court, and community courts² as well as a judicial service commission³ and court staff⁴. The Judiciary officially commenced operation on March 3, 1982, assuming judicial functions in the Marshall Islands that had been discharged by TTPI courts.⁵ An organizational chart of the Judiciary is attached as Appendix 1. A listing of Judiciary personnel as of January 2008 is attached as Appendix 2.

This report summarizes the operations and accomplishments of the Judiciary in calendar year 2007 as well as the challenges it faces. The Judiciary’s need for additional funds for

¹Const. Art. VI, Sec. 1(1).

²Id.

³Const. Art. VI, Sec. 5(1).

⁴27 MIRC 271.

⁵See U.S. Department of the Interior Secretarial Order 3039, Section 5.

infrastructure and salaries is included at the end of the report.

II. THE COURTS AND THEIR WORK

A. 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.⁶ The Supreme Court consists of a chief justice and two associate justices. To date, all supreme court judges have been law-trained attorneys and most have been experienced judges. The current chief justice, Daniel N. Cadra, is a United States expatriate appointed to a 10-year term in October 2003. Any Marshallese citizen appointed to the Supreme Court would be appointed to serve until age 72.⁷ Generally, associate justices have been pro tem judges from other jurisdictions, e.g., 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 (i) as of right from a final decision of the High Court in the exercise of its original jurisdiction; (ii) 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 (iii) at the discretion of the Supreme Court from any final decision of any court.⁸ Also, the High Court may remove to the Supreme Court questions arising as to the interpretation or effect of the Constitution.⁹

In 2007, the Supreme Court ruled on the two cases brought before it: one involved a land matter and the other a collection case. At the end of 2007, 16 cases were pending before the Supreme Court. As of the date of this report, 5 cases are briefed and ready to be heard; the Supreme Court dismissed 2 cases that were not being pursued; and 9 cases await the completion of transcripts by reporters or briefing by counsel. The Supreme Court's next session is planned for the summer of 2008.

In addition to reviewing appeals, the Supreme Court oversees the admission of attorneys and trial assistants to practice law. In 2007, the Supreme Court admitted to practice 4 attorneys: one who works for the Ministry of Foreign Affairs, a Marshallese; one who works for the office of the Attorney-General, a South Pacific islander; and two others, both Marshallese, who had been admitted before only as Government attorneys but now are admitted without limitation. The

⁶Const. Art. VI, Sec. 2(1).

⁷Const. Art. VI, Sec. 1(4).

⁸Const. Art. VI, Sec. 2(2).

⁹Const. Art. VI, Sec. 2(3).

court also admitted two trial assistants to practice as prosecutors: one for the National Government; and one for the Kwajalein Atoll Local Government.

In 2007, the Supreme Court reviewed and commented upon court rules drafted by the High Court, including the following: revisions to the Rules of Civil Procedure, the Rules of Criminal Procedure, and the Rules of Evidence; a revised Rules of Admission and Practice; and a draft code of judicial conduct.

B. High Court

The High Court is a superior court of record having general jurisdiction over controversies of law and fact in the Marshall Islands.¹⁰ 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.¹¹

The High Court currently consists of a chief justice and one associate justice: Chief Justice Carl B. Ingram; and Associate Justice James H. Plasman. Both are law-trained attorneys, as have been all prior High Court judges, and both attend at least one professional development seminar each year. Chief Justice Ingram was appointed to a ten-year term commencing in October 2003. Associate Justice Plasman was appointed to a 4-year term commencing in January 2008. Both are United States expatriates with more than 20 years experience in the Marshall Islands. Any Marshallese citizen appointed to the High Court would be appointed to serve until age 72.¹²

The High Court's 2007 case statistics are set forth below.

1. Civil Cases (other than probate)

CML	CY 2003 CASES			Status in CY 2004		Status in CY 2005		Status in CY 2006		Status in CY 2007	
	Filed	Disposed	Pending	Disposed	Pending	Disposed	Pending	Disposed	Pending	Disposed	Pending
Island											
Majuro	231	108	123	32	91	7	84	7	77	7	70
Ebeye	14	8	6	0	6	0	6	0	6	0	6

¹⁰Const. Art. VI, Sec. 3(1).

¹¹Const. Art. VI, Sec. 3(1).

¹²Const. Art. VI, Sec. 1(4).

CIML	CY 2004 CASES			Status in CY 2005		Status in CY 2006		Status in CY 2007	
	Filed	Disposed	Pending	Disposed	Pending	Disposed	Pending	Disposed	Pending
Island									
Majuro	189	88	101	24	77	8	69	7	62
Ebeye	23	7	16	2	14	2	12	0	12

CIML	CY 2005 CASES			Status in CY 2006		Status in CY 2007	
	Filed	Disposed	Pending	Disposed	Pending	Disposed	Pending
Island							
Majuro	285	137	148	27	121	15	106
Ebeye	21	10	11	1	10	1	9

CIML	CY 2006 CASES			Status in CY 2007	
	Filed	Disposed	Pending	Disposed	Pending
Island					
Majuro	166	83	83	18	65
Ebeye	34	12	22	10	12

During the 5-year period (2003-2007):

Total Cases Filed: 1246

Total Disposed: 789

Total Pending: 457

Disposition Rate: 63%

* As of 12/31/2007

CIML	CY 2007 CASES		
	Filed	Disposed	Pending
Island			
Majuro	225	122	103
Ebeye	58	46	12

The five-year disposition rate for civil cases (other than probates) is 63%. Of the 457 pending civil cases filed from 2003 to 2007, the largest category is collection cases, 153. To encourage counsel to move pending cases, the High Court has scheduled January and March 2008 dismissal dockets to resolve dormant civil cases.

Of the 225 civil cases filed in Majuro in 2007, 91 involved domestic matters (that is, customary adoptions, legal adoptions, divorces, child custody and support, guardianships, and appointments of personal representations); 29 citizenship cases and one deportation case; 58 collection cases; and 15 land rights or land lease cases. The largest number of pending cases are collection cases at 34 and citizenship cases at 24. All of the 58 civil cases filed in Ebeye in 2007 involved domestic matters.

2. Probate Cases

PROBATE	CY 2003 CASES			Status in CY 2004		Status in CY 2005		Status in CY 2006		Status in CY 2007	
	Filed	Disposed	Pending	Disposed	Pending	Disposed	Pending	Disposed	Pending	Disposed	Pending
Island											
Majuro	49	28	21	20	1	0	1	0	1	0	1
Ebeye	8	1	7	6	1	1	0	0	0	0	0

PROBATE	CY 2004 CASES			Status in CY 2005		Status in CY 2006		Status in CY 2007	
	Filed	Disposed	Pending	Disposed	Pending	Disposed	Pending	Disposed	Pending
Island									
Majuro	32	21	11	10	1	0	1	1	0
Ebeye	10	4	6	3	3	1	2	1	1

PROBATE	CY 2005 CASES			Status in CY 2006		Status in CY 2007	
	Filed	Disposed	Pending	Disposed	Pending	Disposed	Pending
Island							
Majuro	47	33	14	9	5	4	1
Ebeye	12	9	3	1	2	1	1

PROBATE	CY 2006 CASES			Status in CY 2007	
	Filed	Disposed	Pending	Disposed	Pending
Island					
Majuro	14	9	5	5	0
Ebeye	4	3	1	0	1

During the 5-year period (2003-2007):

Total Cases Filed: 197

Total Disposed: 184

Total Pending: 13

Disposition Rate: 93 %

* As of 12/31/2007

PROBATE	CY 2007 CASES		
	Filed	Disposed	Pending
Island			
Majuro	21	13	8
Ebeye	0	0	0

The five-year disposition rate for probate cases is 93%. The clerks of court regularly remind counsel to move remaining cases to conclusion, and the High Court has set the older cases for status conferences.

3. Criminal Cases

CRIMINAL	CY 2003 CASES			Status in CY 2004		Status in CY 2005		Status in CY 2006		Status in CY 2007	
	Filed	Disposed	Pending	Disposed	Pending	Disposed	Pending	Disposed	Pending	Disposed	Pending
Island											
Majuro	44	20	24	16	8	4	4	0	4	0	4
Ebeye	19	11	8	3	5	2	3	0	3	0	3

CRIMINAL	CY 2004 CASES			Status in CY 2005		Status in CY 2006		Status in CY 2007	
	Filed	Disposed	Pending	Disposed	Pending	Disposed	Pending	Disposed	Pending
Island									
Majuro	64	25	39	12	27	9	18	3	15
Ebeye	9	5	4	3	1	0	1	0	1

CRIMINAL	CY 2005 CASES			Status in CY 2006		Status in CY 2007	
	Filed	Disposed	Pending	Disposed	Pending	Disposed	Pending
Island							
Majuro	48	32	16	8	8	5	3
Ebeye	22	11	11	1	10	5	5

During the 5-year period (2003-2007):

Total Cases Filed: 348

Total Disposed: 263

Total Pending: 85

Disposition Rate: 76 %

* As of 12/31/2007

CRIMINAL	CY 2006 CASES			Status in CY 2007	
	Filed	Disposed	Pending	Disposed	Pending
Island					
Majuro	100	48	52	20	32
Ebeye	4	3	1	1	0

CRIMINAL	CY 2007 CASES		
	Filed	Disposed	Pending
Island			
Majuro	29	9	20
Ebeye	9	7	2

The five-year disposition rate for criminal cases is 76%.

The Court notes that in 2007 far fewer felony criminal cases were filed than in 2006: 38 versus 104 cases. The reason for this decline is not apparent. Excluding visa-violator cases, the High Court expects to see at least 50 or more felony cases filed in Majuro each year. Of the 29 felony cases filed in Majuro in 2007, 13 involved assaultive behavior and 3 involved burglary or larceny of a dwelling. Of the 9 felony cases filed in Ebeye in 2007, 3 involved assaultive behavior and 2 involved burglary or larceny of a dwelling. The relatively large number of criminal cases filed in Ebeye in 2005, 22, is a result of cocaine cases. A bale of cocaine washes ashore every few years.

As in the past three years, the majority of the pending criminal cases are those charging visa violations or the illegal employment of aliens – 39 of 85 over the five-year reporting period. The Office of the Attorney-General (“A-G”) is starting to move these cases forward and filed fewer visa violations cases in 2007. The A-G’s office has, and is, moving most of its other criminal cases. The High Court has instructed the A-G and defense counsel to resolve criminal cases that are more than a year old.

4. Juvenile Cases

JUVENILE	CY 2003 CASES			Status in CY 2004		Status in CY 2005		Status in CY 2006		Status in CY 2007	
	Filed	Disposed	Pending	Disposed	Pending	Disposed	Pending	Disposed	Pending	Disposed	Pending
Island											
Majuro	7	5	2	2	0	0	0	0	0	0	0
Ebeye	5	2	3	2	1	1	0	0	0	0	0

JUVENILE	CY 2004 CASES			Status in CY 2005		Status in CY 2006		Status in CY 2007	
	Filed	Disposed	Pending	Disposed	Pending	Disposed	Pending	Disposed	Pending
Island									
Majuro	1	1	0	0	0	0	0	0	0
Ebeye	0	0	0	0	0	0	0	0	0

JUVENILE	CY 2005 CASES			Status in CY 2006		Status in CY 2007	
	Filed	Disposed	Pending	Disposed	Pending	Disposed	Pending
Island							
Majuro	4	2	2	1	1	1	0
Ebeye	1	0	1	0	1	0	1

JUVENILE	CY 2006 CASES			Status in CY 2007	
	Filed	Disposed	Pending	Disposed	Pending
Island					
Majuro	7	4	3	3	0
Ebeye	0	0	0	0	0

JUVENILE	CY 2007 CASES		
	Filed	Disposed	Pending
Island			
Majuro	1	1	0
Ebeye	0	0	0

During the 5-year period (2003-2007):

Total Cases Filed: 26

Total Disposed: 25

Total Pending: 1

Disposition Rate: 96%

* As of 12/31/2007

The five-year disposition rate for juvenile cases is 96%. The Judiciary notes that only one juvenile case was filed in 2007. As with the decline in criminal-case filings, the reason for the decline in juvenile cases is not apparent.

C. 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: Iroijlaplap (high chief); where applicable, Iroijedrik (lower chief); Alap (head of commoner/worker clan); and Dri Jerbal (commoner/worker).¹³

In May 2005, the Cabinet upon recommendation from the Judicial Service Commission appointed the current judges for terms of four years: Chief Judge Berson Joseph (alap member); Associate Judge Botlang Loeak (iroij member); and Associate Judge Kalem Jinuna (dri jerbal member). All are lay judges who receive specialized 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.¹⁴ 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 judge certifies that a substantial question has arisen within the jurisdiction of the TRC.¹⁵ Customary law questions certified by the High Court are

¹³Const. Art. VI, Sec. 4(1).

¹⁴Const. Art. VI, Sec. 4(3).

¹⁵Const. Art. VI, Sec. 4(4).

decided by the TRC panel and reported back to the High Court. Upon request by the TRC's presiding judge, a party, or the referring High Court judge, the Chief Justice of the High Court can appoint a High Court or District Court judge to sit with the TRC to make procedural and evidentiary rulings. In such joint-hearing cases, the High Court or District Court judge does not participate with the TRC in deliberations on its opinion, but may in the presence of the parties or their counsel answer questions of law or procedure posed by 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.¹⁶

The High Court is to give decisions of the TRC substantial weight, but TRC decisions are not binding unless the High Court concludes that justice so requires.¹⁷ The Supreme Court has held the High Court is to review and adopt the TRC's findings unless the findings are clearly erroneous or contrary to law.¹⁸

In 2007, the TRC decided 3 cases and at the end of the year 7 were pending. Four of the pending cases are related to one of the cases decided in 2007 and should be resolved in March or April 2008. Another case was set for trial in February.

D. District Court

The District Court is a court of record.¹⁹ It consists of a presiding judge and two associate judges appointed for 10-year terms: Presiding Judge Milton Zackios; Associate Judge Billy Samson (Ebeye); and Associate Judge Jimata Kabua.²⁰ Their terms expire in 2015, 2011, and 2016, respectively. The current District Court judges are lay judges who receive specialized 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.²¹ The District Court also has appellate jurisdiction to review any

¹⁶Const. Art. II, Sec. 5(7).

¹⁷Const. Art. VI, Sec. 4(5).

¹⁸*Abija v. Bwijmaron*, 2 MILR 6, 15 (1994)

¹⁹27 MIRC 226 and 230.

²⁰27 MIRC 227(2).

²¹27 MIRC 228.

decision of a Community Court.²²

The District Court's 2007 case statistics are set forth below.

1. Majuro. In Majuro in 2007, 1419 cases were filed in the District Court: 287 small claims cases (139 disposed; and 148 pending); no other civil cases; 749 traffic cases (447 convictions; 6 acquittals; 52 dismissals; and 244 pending); and 383 other criminal cases and local government ordinance cases (177 convictions; 1 acquittal; 33 dismissals; and 172 pending).

2. Ebeye. In Ebeye in 2007, 189 cases were filed in the District Court: 32 small claim cases (32 disposed; and none pending); no other civil cases; 30 traffic cases (22 disposed; and 8 pending); no other criminal cases; and 127 local government ordinance cases (98 disposed; and 29 pending).

E. Community Courts

A Community Court is a court of record for a local government area, of which there are 24.²³ Each Community Court consists of a presiding judge and such number of associate judges, if any, as the Judicial Service Commission may appoint.²⁴ Appointments are made for 4-year terms.²⁵ Community Court judges are lay judges with limited training. A Community Court has original jurisdiction concurrent with the High Court and the District Court within its local government area (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.²⁶

As of the end of 2007, the Judicial Service Commission had appointed 21 Community Court judges for four-year terms for 17 outer island communities and there were 9 vacancies awaiting the receipt of recommendations from local government councils. The 9 vacancies included one each for the following atolls and islands and one unallocated: Ailinglaplap; Arno; Ebon; Enewetak; Jabat; Lib; Rongelap; and Wothe. To date in 2008, the terms of three Community Court judges have expired, one each for Ailinglaplap, Jaluit, and Mejit bringing the total under of

²²27 MIRC 229.

²³27 MIRC 232 and 238.

²⁴27 MIRC 233(1).

²⁵27 MIRC 233(2).

²⁶27 MIRC 234.

vacancies to 12.

In 2007, the District Court judges provided training for seven community court judges from the following atolls: Arno, Ailinglaplap, Ailuk, Jabat, Mejit, Ujae, and Wotje. Most of the training occurred when the judges came to Majuro for summer church conferences. However, in May an associate judge of the District Court and an assistant clerk of the courts went to Jaluit to conduct training and to inspect the Judiciary's facilities there. The Judiciary encourages all Community Court judges who are in Majuro for other business to stop by the courthouse and arrange for training opportunities with the District Court judges.

F. Travel to the Outer Islands and Ebeye

The Judiciary continues to travel to the outer islands on an as-needed basis. As noted above, in 2007 the District Court went to Jaluit to provide training.

The Judiciary believes that if the offices of the A-G, the Public Defender ("PD"), and the Micronesian Legal Services Corporation ("MLSC") were to station attorneys on Ebeye full-time, there would be enough work to justify stationing a third High Court judge in Ebeye. Currently, the High Court travels to Ebeye once a month if cases are ready to proceed. The additional personnel cost for a third High Court judge would be about \$100,000. The Judiciary would seek a budget increase to cover this cost and related expenses (e.g., recruitment costs and the one time cost of constructing chambers for a High Court judge on Ebeye). A High Court judge on Ebeye could, when the need arises, more easily hold trials on the northern atolls. Also, a third High Court judge is needed to relieve the heavy administrative burden on the two existing High Court judges.

G. Births, Deaths, Marriages, and Notarizations

1. Majuro. In Majuro in 2007, the High Court and the District Court processed 383 delayed registrations of birth, 5 delayed registrations of death, and performed 31 marriages. The clerks notarized 756 documents.

2. Ebeye. In Ebeye in 2007, the High Court and the District Court processed 8 delayed registrations of birth, no delayed registrations of death, and performed 9 marriages. The clerks notarized 181 documents.

H. Court Staff

As noted above, the Judiciary includes its staff: a chief clerk of the courts, a deputy chief clerk, eight assistant clerks, one law clerk, two bailiffs (seconded from the National Police) and one maintenance worker. One of the clerks is stationed permanently in Ebeye. The clerks also serve as translators from Marshallese to English and English to Marshallese. The A-G has a Chinese translator on staff, made available by the Republic of China (Taiwan) Embassy.

I. Training and Regional Conferences

Consistent with internationally recognized practice, in 2007 the Judiciary provided and facilitated professional development training for the judges, court staff, and counsel. Funding for training came from the Judiciary's annual operating budget, the United States Department of the Interior ("DOI"), Australia ("AUSAID"), and New Zealand ("NZ Aid"). The Judiciary's 2007 training activities are set forth below.

In late January 2007, then Nuclear Claims Tribunal ("NCT") Chair James Plasman, in his capacity as an adjunct law instructor at the College of the Marshall Islands, attended the National Judicial College course "Planning and Presenting Effective Presentations: A Faculty Development Workshop." The course is for educators wishing to hone their teaching skills. After completing the course, participants are better able to effectively plan a presentation; incorporate different learning styles into their presentations; work effectively with judicial education providers; incorporate presentation software into their presentations; apply adult learning theory when developing their presentations; and use an electronic group responder system.

Also, in late January, 2007, Supreme Court Chief Justice Cadra and High Court Chief Justice Ingram attended the 2007 Federal Judicial Center's Workshop for Judges of the Ninth Circuit. Program topics included: judicial independence and accountability; working with law clerks on writing and editing opinions, orders, and memoranda; evidence and the *Crawford* case; and managing complex cases. The conference also was attended by former United States Supreme Court Justice Sandra Day O'Connor and included a dinner recognizing Senior Circuit Judge J. Clifford Wallace's contribution to judicial training in the Pacific and throughout the world.

In late February 2007, High Court Chief Justice Ingram, TRC Chief Judge Joseph, and Presiding District Court Judge Zackios attended a DOI sponsored workshop on community outreach. The Workshop covered the following topics: the changing role of judges and community expectations; the public perception of court efficiency and case management; the role of the judge in bail and sentencing; judicial independence and relations with other branches; and community outreach action plans.

In early March 2007, Chief Clerk Theresa Clinton, Deputy Chief Clerk Walter Elbon, and Assistant Clerk Ingrid Kabua attended the DOI sponsored Second Court Administrator Training and Conference. Training sessions were conducted in the following areas: best customer service practices; ethics; and evaluating employee performance. The Marshall Islands participants delivered a presentation on customer service.

In late March 2007, Presiding District Court Judge Zackios, Law Clerk Muller, and Assistant Clerks Tiobech and Kabua attended a staff educators' course offered in Chuuk by the AUSAID and NZ Aid sponsored Pacific Judicial Development Program. The presenters conducted sessions on adult teaching techniques and conducting needs analyses. The participants put what

they learned into practice conducting short interviews and presentations at the workshop.

During the College of the Marshall Islands' spring 2007 term (January to May), the Judiciary, with DOI funding, sponsored a Trial Practice and Procedure II course taught by NCT Chair Plasman. Approximately 11 members of the legal community, including judges and attorneys and trial assistants from the offices of the A-G, PD, MLSC, and Majuro Atoll Local Government ("MALGOV"), attended the course. The topics presented included illustrative aids, exhibits, cross-examination, objections, and expert witnesses. This was a continuation of a course offered in the fall of 2006.

In early May 2007, High Court Associate Justice Hickson attended a Forum Fisheries sponsored seminar to update judges in the Pacific region on efforts to protect fisheries from unlawful fishing and the role judges are to play.

In late May 2007, the Judiciary, with DOI funding, sponsored Assistant Public Defender Divine Waiti's attendance at the Hawaii State Public Defender's annual week-long training seminar. The seminar is a course designed to improve trial advocacy skills in the area of criminal defense. It consists of a one-week course of study where the participants used one of their pending cases to prepare for exercises in the various stages of a criminal jury trial. Participants performed opening statements, closing arguments, and direct and cross-examinations under the critical eye of guest mainland instructors and local private criminal defense practitioners, who provided critiques and useful tips. Lectures and discussion groups focusing on various criminal defense topics augmented the exercises. The goal of the seminar was to provide extensive continuing legal education for defense attorneys and to sharpen their skills in trial advocacy.

In late May 2007, High Court Associate Justice Hickson attended a Pacific Islands Forum sponsored seminar on the enforcement of money laundering laws.

In early June 2007, High Court Chief Justice Ingram attended the 12th Conference of Chief Justices of Asia and the Pacific ("LawAsia Conference"). LawAsia Conference participants heard presentations and participated in discussions on the following topics: law in Hong Kong in a regional setting; how to provide training for chief court administrators; developments in the civil justice system in Hong Kong; legal education; retail franchising; sentencing, extradition, and repatriation of offenders; mutual cooperation between courts in the region, including enforcement of judgments; the globalization of legal practice; labor law; China's criminal law system; the role of the courts in nurturing an ethical and viable legal profession; malpractice insurance; intellectual property law; the role of the judge in money laundering cases; judicial review of state action; duties of the chief justice; and other topics.

In mid July 2007, High Court Chief Justice Carl Ingram attended the National Judicial College's course "Creating an Active Learning Environment." This course is designed to give judges the tools to teach. Specifically, this course provides answers to questions such as: What interesting teaching techniques can I use instead of traditional lectures? How do I plan my

presentation, so I am not always rushing at the end? How do I open and close my sessions to have maximum impact? What supporting materials are helpful and useful for my students? How do I integrate humor and creativity into my presentation without offending someone? How do I troubleshoot problems in the classroom (e.g., difficult participants, boring or controversial topics, technological difficulties, etc.)? During this course, Justice Ingram developed and presented a lecture on warrantless searches incident to lawful arrests, part of which was used in an on-island course discussed below.

In early August 2007, High Court Associate Justice Hickson and Law Clerk Muller attended a DOI sponsored domestic violence workshop. The topics presented included the role and duties of a judge in cases of domestic violence, evaluating the impact of violence on adult and child victims, identifying the rehabilitative needs of batterers, responding to domestic violence in the community, and influencing perceptions of domestic violence.

In mid August 2007, Deputy Chief Clerk Elbon and Assistant Clerk Tiobech, who are responsible for the Judiciary's budget, attended the 17th Annual Conference of the Association of Pacific Islands Public Auditors. The 2007 conference offered 20 courses in four separate tracks to promote accountability and transparency in government. Both clerks attended track for the finance officers.

In October 1-5, 2007, Ms. Sherri R. Carter, District Court Executive and Clerk of Court for the Central District of California, came to Majuro and met with the Judiciary and staff regarding current practices, issues, and concerns; to observe, analyze, and evaluate the current practices and processes; and to identify existing systems and discuss improvement options. Ms. Carter also prepared a written report of recommendations for operational and system improvements regarding leadership and structure, employee relations, record management, work flow, financial and internal controls, and automation. Steps have been taken to implement record management, work flow, and financial control recommendations.

In mid October, High Court Chief Justice Ingram attended two National Judicial College courses: "Ethics for Judges" and "Building a Bias-Free Environment in Your Court." The Ethics course assists judges in assessing how judicial ethics can influence public perception of the courts. After attending this course, participants are better able to identify common provisions under the ABA Model Code of Judicial Conduct that are most subject to violation; formulate ethical responses to everyday situations in and out of court; make informed decisions when confronting personal activities which raise ethical issues; conform personal conduct to applicable codes; prevent ethical violations in the area of ex parte communications; and analyze permissible conduct with regard to political, business, and financial activities. The Bias-Free course assists judges in developing and maintaining skills that will help eliminate racial, gender, and cultural bias in their courts. After attending this course, participants are better able to recognize bias when it occurs in their courts; define and explain the role of the judge in building a bias-free court; analyze and replicate the characteristics of a bias-free court; and communicate decisions with neutral language.

In early November 2007, High Court Chief Justice Ingram attended the 17th Pacific Judicial Conference. The topics addressed included: judicial independence in the Pacific, the Fiji Experience; the war on backlogs (case flow management, case-based mediation, and automation); judicial accountability in the Pacific (Chief Justice Ingram presented a paper on procedures used in the Pacific Islands for judicial discipline); canons of judicial ethics; new developments, PacLII (a free online service for legal research); and coming to grips with customary law, the Samoan Experience.

During the College of the Marshall Islands' fall 2007 term (September to November), the Judiciary sponsored a Constitutional Criminal Procedure course taught by NCT Chair Plasman. Approximately 11 members of the legal community, including judges and attorneys and trial assistants from the offices the A-G, the PD, and MLSC, attended the course. The course covered the search and seizure clause of the Marshall Islands Constitution, with particular emphasis on similarities and differences between Marshall Islands and United States constitutional provisions relating to search and seizure.

In late November 2007, High Court Chief Justice Ingram attended the DOI sponsored Pacific Judicial Conference Chief Justices Conference. The topics presented included: ethics and technology; judicial education in the Philippines; sentencing that reduces crime; lower cost sentencing alternatives; and management and treatment of sex offenders. Each of the island judiciaries also delivered presentations on recent developments. Chief Justice Ingram's presentation covered the Judiciary's new strategic plan, "Committed to Justice," and the Judiciary's efforts to draft a code of judicial conduct. At parallel sessions, Presiding District Court Judge Zackios and Associate District Court Judges Samson and Kabua attended the Second Pacific Legal Institute, Part III ("PLI"). The PLI workshop included presentations on criminal law, criminal procedure, and constitutional law. During the sessions on criminal procedure, Chief Justice Ingram delivered a presentation on warrantless arrests in the Marshall Islands.

In late November 2007, Law Clerk Muller conducted a training session for the assistant clerks. The training provided basic information on how the court system works and explained how civil and criminal cases proceed, the types of cases that arise in the different courts, and common legal terminology. The training was provided in order to help the clerks become more efficient.

Throughout 2007, High Court Associate Justice Hickson conducted training for District Court and trial assistants on Ebeye during the High Court's monthly Ebeye sessions. The High Court intends to continue such training, when the Court's Ebeye schedule permits.

J. Laws Reports, Court Rules, Statutes

In 2007, the Judiciary updated the Marshall Islands Law Reports adding a Volume 3 with Supreme Court cases from 2005 to 2007; recommended to the Nitijela, through the Minister of

Justice, updates to the Rules of Evidence; and updated the Rules of Criminal Procedure, the Rules of Civil Procedure, and the rules regarding the admission of attorneys to practice law. The Judiciary also commenced work on a code of judicial conduct, which was distributed to the legal community for review in March 2008 and which will be discussed in more detail below.

In 2007, Law Clerk Muller completed work with attorneys from the A-G and the PD offices on a revised and modern criminal code. Whether to go forward with the revised code, or not, is the Ministry of Justice's decision.

III. NEW DEVELOPMENTS

A. Strategic Plan

From January through April 2007, the Judiciary worked to develop the strategic plan that it presented to the Cabinet and the Nitijela in April 2007. The strategic plan comprises seven elements: a values statement; a mission statement; a vision statement; strategic goals; and for each strategic goal, issues statements; strategies; and action items. A chart summarizing the plan is attached as Appendix 3.

The values statement sets forth the values which are important to the work the Judiciary does, what the Judiciary is, and how Judiciary wants people to think of it. These values are shared values and took several days to finalize. They serve as the basis for the mission statement and vision statement. The values are to be independent, fair and impartial, efficient, accountable, accessible, competent, consistent, respectful, service-oriented, and valuing custom and tradition.

The mission statement is what the Judiciary is supposed to do; it is the Judiciary's role in government; it is dictated by the Constitution, statutes, and custom. The mission of the Marshall Islands courts 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.”

The vision statement is what the Judiciary ultimately wants to be: “. . . independent, impartial, well-managed, and respected, providing justice to all who come before [it].” It is a realistic vision, consistent with the Judiciary's values and mission statement.

The strategic goals set forth in broad terms the five areas in which the Judiciary wants to make progress over the next three to five years. These goals speak to what our role is; service to the public; competence; sound management; and protection and development of infrastructure.

For each strategic goal, the plan has an issue statement; three to four strategies; and several action items with time lines. For example, Strategic Goal 2 is to be accessible to all. The issue statement (a mini trends analysis and organizational assessment) describes the constraints the Judiciary faces, and the need to focus on accessibility, including geographic and infrastructure

constraints, the need to establish a judicial presence across the nation, conflicts of interests counsel face in a close-knit society, the lack of trained legal counsel, and the needs of pro se litigants. Specific strategies include making the courts easier to use and understand, increasing access to legal representation within the nation, increasing the number of Marshallese attorneys, both men and women, increasing the number of women in the Judiciary, meeting the needs of the outer islands, and providing assistance for pro se litigants. For each of these strategies there are action items with time lines — for example, encouraging Marshallese students to become attorneys [Y1-5], encouraging women to become attorneys and judges [Y2-5], creating forms and checklists for pro se litigants [Y 3].

At the end of the strategic plan there is an appendix describing the Marshall Islands and the Judiciary and an organization chart for the Judiciary. These were included primarily for the benefit of those outside the Marshall Islands who might review the strategic plan, particularly donor countries. The plan also includes an introductory letter explaining why and how the Judiciary developed the plan and to express appreciation to those who helped.

Just as important as the components of the plan is the process by which it was achieved. As the cover letter notes, Professor John Barkai, William S. Richardson School of Law, University of Hawaii, and Judge Leslie Hayashi, District Court of the First Circuit, State of Hawaii, assisted the Judiciary in developing the plan. They acted as facilitators and the initial scriveners. In that role they conducted meetings with all the judges and court staff in Majuro, both together and in separate groups, and they conducted meetings with other stakeholders, such as private attorneys, government attorneys, Marshallese attorneys, women attorneys, political leaders, the press, the clergy, and others. They solicited the views of the primary stakeholders in settings where they could speak their mind. Also, Professor Barkai and Judge Hayashi assisted in drafting the strategic plan, bringing in examples from other jurisdictions and their wealth of experience. However, it must be stressed that the strategic plan is the Judiciary's own. The judges and court staff spent hours upon hours discussing, revising, and translating portions of the plan. It is this active participation that makes the plan ours and makes it meaningful to us. As the plan period proceeds, the Judiciary will monitor changes in the social, economic, and legal environment and will annually review the plan to assess progress and to make necessary changes.

B. Draft Code of Judicial Conduct

The Judiciary has three principal functions: (i) to decide criminal and civil cases, applying the law to the facts in evidence; (ii) to, when necessary, interpret the law; and (iii) to administer the provision of justice. In performing these functions, the court must adhere to certain fundamental principles: (i) independence; (ii) impartiality; (iii) integrity; (iv) propriety; (v) equality; and (vi) competence and diligence. The Judiciary is in the process of developing a code of judicial conduct based upon these principles. Such a code will establish standards for ethical conduct of Marshall Islands judges, provide guidance to judges, and afford the Judiciary a framework for regulating judicial conduct. The code also will assist members of the executive, the legislature, lawyers, and the public to better understand and support the Judiciary. In March 2008, the

Judiciary distributed a draft of the code to the Marshall Islands legal community for comment by May.

IV. JUDICIAL SERVICE COMMISSION

Along with the courts, the Constitution provides for a Judicial Service Commission (“JSC”), which consists of the Chief Justice of the High Court, as chair, the Attorney-General, and a private citizen selected by the Cabinet.²⁷ The JSC nominates to Cabinet candidates for appointment to the Supreme Court, High Court, TRC, and the Nuclear Claims Tribunal (“NCT”), and the JSC appoints judges to the District Court and the Community Courts.²⁸ In appointing Community Court judges, the JSC takes into consideration the wishes of the local communities as expressed through their local government councils.²⁹ The JSC also may make recommendations to the Nitijela regarding the qualifications of judges.³⁰ 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.³¹ The JSC may make rules for regulating its procedures and generally for the better performance of its functions.³²

In 2007, the JSC nominated pro tem judges for the Supreme Court and the TRC. The JSC also replaced two community court judges: one judge had died and the JSC removed the other after he left his outer island posting and was no longer performing judicial functions. A third Community Court judge resigned to run for mayor of his local government.

V. ATTORNEY DISCIPLINARY ACTIONS

In 2007, the Judiciary’s attorney disciplinary committee resolved two 2006 attorney-disciplinary actions against an attorney. The attorney in question was reprimanded, prohibited from appearing in court for 120 days, required to study the attorneys’ code of conduct, and required to successfully pass an ethics test, which he did. There are two complaints pending against trial assistants. The committee expects to resolve the complaints early in 2008.

²⁷Const. Art. VI, Sec. 5(1).

²⁸Const. Art. VI, Sec. 5(3); 27 MIRC 227(2); and 27 MIRC 233(2).

²⁹27 MIRC 233(4).

³⁰Const. Art. VI, Sec. 5(3)(b).

³¹Const. Art. VI, Sec. 5(4).

³²27 MIRC 276.

VI. BUILDINGS AND MAINTENANCE

The Majuro Courthouse is more than 30 years old; it was built with reef aggregate; over the years chloride ions from the reef material have caused steel reinforcing rods to rust and foundation pillars to crack. In 2005, the High Court asked the Facilities Engineering Division of the Ministry of Public Works (FED) to survey the damage and to propose recommendations. Based upon the FED's recommendations, the High Court requested that the FED solicit bids for work on the pillars. The pillar repair project, commenced in September of 2006, was completed in July of 2007. Now similar restoration work must be done on the rest of the building, particularly the stairs, which are in an unsafe condition. The High Court has asked the FED to solicit for bids for the remaining repair work and to paint the courthouse with high quality paint. The High Court takes this opportunity to thank the FED for helping it preserve the Majuro Courthouse. The High Court will use Judiciary Fund moneys for the repairs and to paint the courthouse, as the FED and the Judiciary have not been able to access Compact maintenance funds for the project.

Also in 2005, the FED, at the request of the Judiciary, prepared a proposal for an extension to the Majuro Courthouse to add a ground-floor courtroom with second-floor offices for the TRC and District Court. The estimated cost of the construction project was \$530,508 in 2005 dollars. The Majuro Courthouse was designed more than 30 years ago for one High Court judge, one District Court judge, and limited support staff. It was not designed to house its current occupants: two High Court Judges, three TRC judges, two District Court judges, and their staff. The three TRC judges are housed in a small office designed for one prosecutor, and the District Court's court room is a small office designed for one public defender. These cramped quarters are inadequate for the judges and the public. Furthermore, the Judiciary's two full-sized court rooms are on the second floor and not readily accessible by older people and those who cannot easily walk up stairs. This is an unacceptable situation for most TRC cases. If the Majuro Courthouse were to be built today, courtrooms and the clerk's offices would be on the ground floor, accessible to the public. Without an elevator, it would be illegal in United States jurisdictions to build the Courthouse as it is currently configured. The Judiciary requests funding of this much needed extension.

VII. TECHNOLOGY

The courthouses on Majuro and Ebeye are equipped with computers, printers, faxes, and photocopiers and have Internet access (@ 64kps in Majuro) and email service. 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 a scanner with OSC software permitting the courts to scan documents and send them almost anywhere in the world. In 2007, the Judiciary replaced five of its older computers. In 2008, the Judiciary will need to replace additional computers and the network server that is more than 5 years old. This is a critical need.

VIII. LIBRARY

The Judiciary has a small, but functional, law library which includes hard copies of the following: United States Supreme Court cases through 1997; American Law Reports First, Second, Third, Fourth, part of Fifth, and Federal; LaFave's on Criminal Law, Criminal Procedure, and Search and Seizure; Wharton on Criminal Law and Criminal Procedure; American Jurisprudence 2nd; Wright and Miller on Federal Practice and Procedure; Moore's Federal Practice (donated by attorney David Lowe); Corpus Juris Secundum (needs to be updated); and others. Also, the Judiciary has access to United States federal statutes and Supreme Court, Court of Appeals, and District Court cases and to state statutes and supreme court cases through Loislaw over the Internet. In December 2007, the NCT transferred to the Judiciary a set of Am Jur Trials and American Jurisprudence Proof of Facts. Also, in December 2007, the United States Federal District Court in Hawaii, as part of the United States Ninth Circuit Court of Appeals' continuing support of the Marshall Islands Judiciary, shipped to Majuro volumes 114 to 123 of the United States Supreme Court Reports. They are due to arrive soon.

IX. SALARIES AND COMPENSATION

At current pay levels, the Judiciary is having difficulty retaining and attracting qualified personnel at all levels. This problem is particularly acute for assistant clerks of the courts at the lower pay levels, i.e., 8, 9, and 10. Finding qualified applicants who can translate Marshallese and English and who can perform other necessary tasks is proving increasingly difficult. Although many may be interested in working with the courts, when they find out that they have to translate in public their interest fades. Without qualified translators, the Judiciary cannot function. Moreover, the Judiciary is facing a generation gap. Many of its clerks are over 50 years of age and some will turn 62 soon and retire. The Judiciary must be able to retain its younger clerks so that they will be ready to assume senior positions in the near future. To stay competitive and to meet the demands of the future, the Judiciary needs to increase pay levels for assistant clerks of the courts. To do this, the Judiciary requests an increase of \$15,000-\$20,000 for FY 2008 in its personnel budget.

Also, the Judiciary asks that the base salaries of the TRC and District Court judges be increased to reflect and replace their present allowances.

X. ANNUAL BUDGET

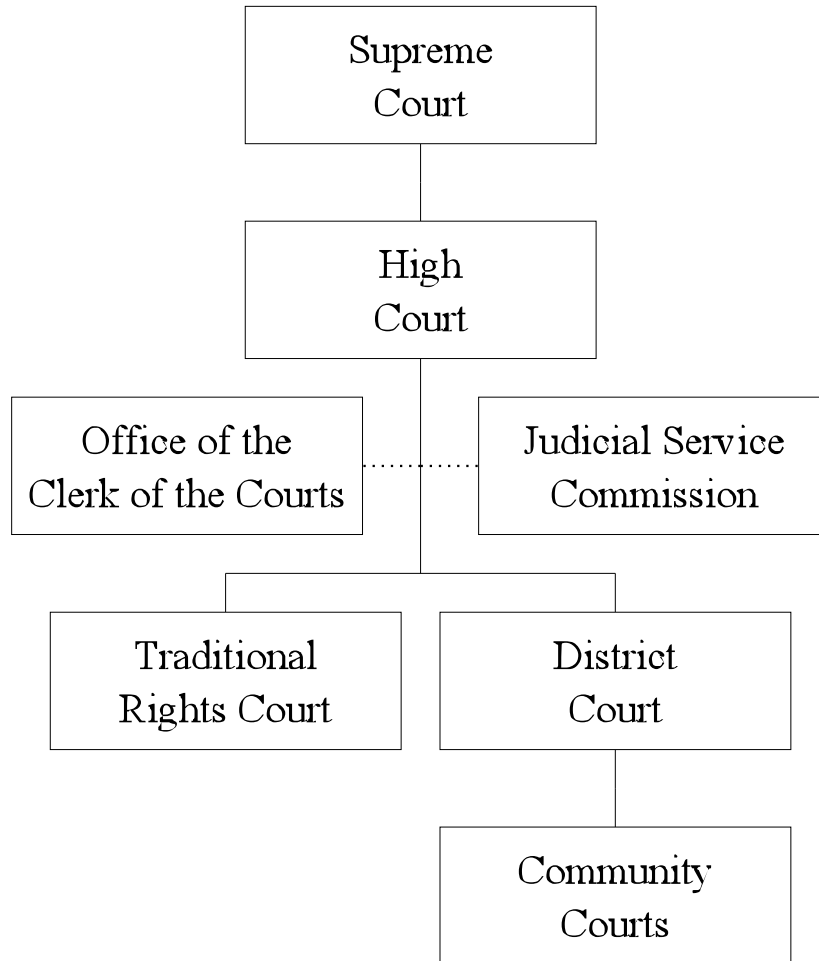
For FY 2007, the Nitijela appropriated \$913,479 for the Judiciary: \$602,520.00 for salaries and wages and \$310,959.00 for all others. The Judiciary was only able to access \$876,323.32. With five months to go in the fiscal year, the Ministry of Finance refused to process a number of the Judiciary's purchase requisitions claiming the General Fund was "constrained." With aging computers and crumbling steps, the Judiciary needs every penny the Nitijela has appropriated to it. A breakdown of the FY 2007 budget and expenditure is set forth below.

Code No.	Description	Original Budget	Actual Expenditure	Balance
1010	Salary & Wages Exp	145,000.00	145,000.00	
1011	Salary & Wages Mars.	457,520.00	432,967.33	
1019	Ebeye Differential	8,288.00	8,159.49	
1114	Personnel Benf.-Exp.	15,225.00	15,225.00	
1115	Personnel Benf. Marsh	46,040.00	41,455.67	
1116	Emp. Insurance Exp.	5,300.00	6,730.00	
1510	Professional Service	7,000.00	5,148.00	
1515	Audit Expense	5,672.00	5,672.00	
1520	Contractual Service	5,000.00	7,256.64	
2020	Travel	10,000.00	11,930.00	
2021	Int. Travel	25,000.00	25,543.35	
2115	Leased Housing	72,000.00	71,250.00	
2123	Repatriation & H. Leave	5,000.00	5,000.00	
2125	Training & Staff Dev.	15,000.00	15,199.20	
2205	Rentals	2,500.00	1,000.00	
2215	Utilities	18,684.00	14,494.54	
2305	Communication	16,000.00	17,985.35	
2315	Insurance	750.00	674.00	
2320	Printing & Reproduction	2,500.00	1,687.40	
2325	Repairs	10,000.00	8,852.70	
2405	Office/Comp. Supplies	1,500.00	1,699.98	
2410	POL(Fuel)	15,000.00	10,434.68	
2415	Food Stuff	1,000.00	569.19	
2420	Books	4,000.00	4,302.40	
2440	Equip & Tools	5,000.00	8,987.77	
2445	Water	1,500.00	1,000.00	
2450	Other Supplies & Mat.	10,000.00	6,936.76	
3133	Furniture & Fixture	3,000.00	955.95	
	TOTAL	913,479.00	876,177.40	37,361.60

To ensure that the Judiciary has access to all of the funds appropriated by the Nitijela, the Judiciary has, through AUSAID and NZAID funding, obtained the services of a financial expert to create a financial management system by which the Judiciary can manage the Judiciary Fund separately as mandated by Judiciary Fund Act of 1989, 27 MIRC Chp 1. The expert made his first trip to Majuro in January 2008, and was impressed with the high quality of the Judiciary's manual accounting records. In fact, the expert found the Judiciary's hand written records to be more accurate than the Ministry of Finance's computerized accounts. The expert has shown Judiciary staff how to record the Judiciary's accounts on Excel spreadsheets and has prepared draft financial operations manuals for the Judiciary. By the end of FY 2008, the Judiciary's

financial records will not only be accurate, they also will be computerized and will meet generally accepted accounting practices.

**ORGANIZATIONAL CHART
FOR THE
MARSHALL ISLANDS JUDICIARY**



COURT PERSONNEL

Justices and Judges

Supreme Court Chief Justice Daniel N. Cadra (9/21/03-9/20/13)

High Court Chief Justice Carl B. Ingram (10/5/03-10/4/13)

High Court Associate Justice James H. Plasman (1/7/08-1/6/12)

Traditional Rights Court Chief Judge Berson Joseph (5/2/05-5/1/09)

Traditional Rights Court Associate Justice Botlang A. Loeak (5/30/05-5/29/09)

Traditional Rights Court Associate Justice Kalemén Jinuna (5/30/05-5/29/09)

Presiding District Court Judge Milton Zackios (4/4/05-4/3/15)

Associate District Court Judge Billy A. Samson (3/12/01-3/11/11)

Associate District Court Judge Jimata M. Kabua (10/30/06-10/29/16)

Ailinglaplap Community Court Presiding Judge Juda Menwe (2/1/04-1/31/08)

Ailinglaplap Community Court Associate Judge Mannu Rakin (1/8/06-1/7/10)

Ailinglaplap Community Court Associate Judge (vacant)

Ailuk Community Court Presiding Judge Elsiai Jetton (10/1/05-9/30/09)

Arno Community Court Presiding Judge Jessa Botla (10/1/05-9/30/09)

Arno Community Court Associate Judge Komi Laibwij (10/1/05-9/30/09)

Arno Community Court Associate Judge (vacant)

Aur Community Court Presiding Judge Davo Jeur (7/1/04-6/30/08)

Bikini and Kili Community Court Presiding Judge Tommy Irujiman Jibok (1/1/05-12/31/08)

Ebon Community Court Presiding Judge (vacant)

Enewetak and Ujelong Community Court Presiding Judge (vacant)

Jabat Community Court Presiding Judge (vacant)

Jaluit Community Court Associate Judge Order Lani (2/1/04-1/31/08)

Jaluit Community Court Associate Judge Lee Jabuwe (1/8/06-1/7/11)

Lae Community Court Presiding Judge John Braine (1/1/05-12/31/08)

Lib Community Court Presiding Judge (vacant)

Likiep Community Court Presiding Judge Ambros Capelle (10/1/07-9/30/11)

Maloelap Community Court Presiding Judge Jemkar Bano (3/1/05-2/28/09)

Maloelap Community Court Associate Judge Wilton Swain (3/1/05-2/28/09)

Mejit Community Court Presiding Judge Eli Sam (2/1/04-1/31/08)

Mili Community Court Presiding Judge Elson Daniel (7/1/04-6/30/08)

Namdrik Community Court Presiding Judge Alden Luther (3/1/05-2/28/09)

Namu Community Court Presiding Judge Obet Joab (10/1/05-9/30/09)

Rongelap Community Court Presiding Judge (vacant)

Ujae Community Court Presiding Judge Wewe Jeik (10/1/05-9/30/09)
Utrok Community Court Presiding Judge Enja Attari (7/1/04-6/30/08)
Wotho Community Court Presiding Judge (vacant)
Wotje Community Court Presiding Judge Samuel Lanwe (10/10/05-10/09/09)
Wotje Community Court Associate Judge Mejwarik Elbon (10/10/05-10/09/09)
Unallocated (vacant)

Judicial Service Commission

High Court Chief Justice Carl B. Ingram, Chair
Attorney-General S. Posesi Bloomfield, Member
Maria K. Fowler, Member Representing the Public

Staff

Chief Clerk of the Courts Theresa B. Clinton
Deputy Chief Clerk of the Courts Walter K. Elbon
Assistant Clerk of the Courts Lena Tiobech
Assistant Clerk of the Courts Sepe Joash
Assistant Clerk of the Courts Ingrid K. Kabua
Assistant Clerk of the Courts Armen Bolkeim (Ebeye)
Assistant Clerk of the Courts Travis Joe
Assistant Clerk of the Courts Hainrick Moore
Assistant Clerk of the Courts Nikki Holly
Assistant Clerk of the Courts (vacant)
Law Clerk Arsima Muller
Bailiff Jukku Benjamin, Sgt.
Bailiff Valentin Boone, Off.
Maintenance Langmeto Peter



APPENDIX 3



The Strategic Plan of the Marshall Islands Judiciary Tiljek Im Mol Nan Ekajet Jimwe: Committed to Justice

What we value and how we want to be perceived

Values: independent, fair and impartial, efficient, accountable, accessible, competent, consistent, respectful, service-oriented, and valuing custom and tradition

What we do

Mission Statement: 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.

What we want to be

Vision Statement: The Courts of the Marshall Islands will be independent, impartial, well-managed, and respected, providing justice to all who come before them.

What we want to achieve

Strategic Goal 1:

To be independent, fair, efficient, and accountable

Strategic Goal 2:

To be accessible to all

Strategic Goal 3:

To enhance the knowledge and skills of the judges, court staff, and counsel

Strategic Goal 4:

To administer the courts in accordance with sound management practices

Strategic Goal 5:

To provide for and maintain the Judiciary's facilities and technology

What we intend to do

Strategy 1.1:

Ensure the Judiciary remains an independent branch of government

Strategy 2.1:

Make the courts easier to use and understand

Strategy 3.1:

Continue and increase judicial training

Strategy 4.1:

Develop polices for excellent administration and develop an exemplary administrative team

Strategy 5.1:

Maintain the Judiciary's facilities to support its work and to maintain a positive image of justice

Strategy 1.2:

Be, and appear to be, fair and impartial

Strategy 2.2:

Increase access to legal representation within the nation

Strategy 3.2:

Develop materials to support the judicial function

Strategy 4.2:

Provide outstanding service to the public

Strategy 5.2:

Ensure the Judiciary's technology supports its mission

Strategy 1.3:

Make the courts more efficient

Strategy 2.3:

Increase the number of Marshallese attorneys and women in the Judiciary

Strategy 3.3:

Continue, increase, and enhance staff training

Strategy 4.3:

Develop a system to organize, maintain, and retrieve court records

Strategy 1.4:

Examine ways the courts can be more accountable and visible

Strategy 2.4:

Meet the legal needs of the outer islands

Strategy 3.4:

Continue training for attorneys and trial assistants to improve legal practice and representation

Strategy 2.5:

Provide assistance for pro se litigants