



THE JUDICIARY OF THE REPUBLIC OF THE MARSHALL ISLANDS

2020 ANNUAL REPORT

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HIGH COURT
of the
Republic of the Marshall Islands

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Iokwe, I am pleased to present the 2020 Annual Report for the Judiciary of the Republic of the Marshall Islands. As in recent years, this report reflects the dedication and hard work of the judges and staff who serve the Judiciary, the Government, and the people of the Marshall Islands. It is my pleasure and a privilege to work with them.

On behalf of the Judiciary, I wish to express our sincere appreciation to the President, the Minister of Justice, and the other members of the Cabinet for their support in 2020. Also, I wish to express our profound thanks to the Nitijela and the House of Iroij for their continuing support of our budgetary and legislative requests. We are committed to working with the Cabinet, the Nitijela, and the House of Iroij in the years to come to maintain a judiciary that is fair and efficient, assuring justice and the rule of law for all. Our shared goals mandate that we work together in a spirit of respect and cooperation.

Submitted with the 2020 Annual Report are our updated Values, Mission Statement, and Vision Statement. For more information about the Judiciary, please contact me or the Chief Clerk of the Courts at the above address.

Sincerely yours,

A handwritten signature in black ink, appearing to read "C. Ingram", is written over a horizontal line.

Carl B. Ingram
Chief Justice, High Court
Date: August 27, 2021



Our Values:

Tomak, Jenok, im Aurok Ko Ad:

The Marshall Islands Judiciary holds the following values and 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, aurok eo, im 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:

- accessible
- accountable
- competent
- consistent
- efficient
- fair and impartial
- independent
- respectful and
- service-oriented,
- valuing custom and tradition, as well as innovation.

*ebellok non aoleb armej
etiljek, ekkeke, im maron uwak non jermal ko an
ekakemooj im emmon an komane jermal eo an
ej jokkin wot juon an komane jermal eo an
ebolemin im tiljek ilo an kakke aikuij ko
ej jermal jimwe ilo ejelok kalijeklok ak jeb
ejenolok im jutaklok ian make
ewor an kautiej armej im
etiljek, jela nae, jela kunaan, im jela karejar
iben armej,
ej kaurok im kautiej manit im men ko bwinnid
im ad jolet, ekoba lomnak im wawein jermal ko
rekaal.*

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.

Mission Statement:

Kottobar Eo:

The mission of the courts of the Marshall Islands, the Judiciary, is to fairly, efficiently, and effectively 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, bolemen im tiljek ilo an kakke aikuij ko ilo aoleb abnono ko rej itok imaer, im non komane jermal in ekajet im edro ko aer 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.

Vision:

Ettonak Eo:

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 provide affordable and accessible services to court users.
- The Judiciary will seek to resolve matters efficiently, while maintaining quality, consistency, and certainty.
- The Judiciary will be independent yet accountable, deciding matters based upon the facts before the courts 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 seek and employ innovative practices and procedures to better serve court users, to identify users' needs, and to develop court personnel.
- The Judiciary will maintain adequate and safe courthouses and a supportive work environment.

Ra eo an jikin ekajet eo an Marshall Islands enaj juon eo ebolemen, im ebed liki im kojatdrikdrik an armij ro ie.

- *Ra eo an jikin ekajet eo enaj jermal jimwe ilo ejelok an kalijeklok.*

- *Ra eo an jikin ekajet eo enaj kile, kautej, im karejar ippen ro rej kojerbal im bukot jiban jen jikin ekajet eo, ekoba dri-jerbal ro mottam, im enaj kotmene bwe armij renaj ukot tok ilo ejja wawein kein wot.*
- *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 bukot kojkan bwe en mokaj, emman, im jejjet wawein am bukot mejlan ailwaro im aikuj ko.*
- *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 jerbal im eddro ko an court ekkar non jonak im wawein ko lal in ej kili im lori ikijen jerbal in tel, lolorjake, im bok eddro.*
- *Ra eo an jikin ekajet eo enaj bukot im kojerbal wawein im rebeltan jerbal 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-jerbal ro ilo jikin ekajet eo.*
- *Ra eo an jikin ekajet eo enaj lolorjake bwe jikin ekajet ko ren ainemmon im bolemeir, im bwe jitbon jerbal in ippen dron eo en wonmanlok wot.*



DEDICATION TO THE HONORABLE WALTER K. ELBON



The judges and staff respectfully dedicate this issue to the Late Honorable Walter K. Elbon, Chief Judge the Traditional Rights Court on the occasion of his passing on October 4, 2020.

Judge Elbon worked for the Judiciary from 1984 until his death in October 2020.

In 1984, Judge Elbon joined the Judiciary as the clerk of the Traditional Rights Court, and in 1990, he was transferred to the High Court and promoted to work as the finance clerk. In 2004, Judge Elbon was promoted again, this time to the position of Deputy Chief Clerk of Courts, and in March of 2008 he was promoted to the position of Chief Clerk of Courts.

In June 2010, Judge Elbon returned to the Traditional Rights Court, when the Cabinet appointed him to serve a ten-year term as Chief Judge of the Traditional Rights Court, and as the judge representing the Alap interest. He had land rights on Majuro, Wotje, Ailuk, and Utrik Atolls. In 2020, the Cabinet and Nitijela re-appointed Judge Elbon through January 26, 2022, the date by which he would reach the age of 72, the statutory age for retirement.

For 36 years, Chief Judge Elbon faithfully served the Government and the people of the Marshall Islands. Under his leadership the Traditional Rights Court worked as a team, resolving many more land cases than it had in the past. Through humility, integrity, impartiality, and patience, he sought just resolutions based upon the Customary Law and Traditional Practices of the Marshall Islands. Chief Judge Elbon will long be remembered for his kindness, humility, wisdom, and service — an example for those coming after him.

Kommol tata Chief Judge Walter K. Elbon for your 36 years of service to the Judiciary!

2020 REPORT OF THE JUDICIARY OF THE REPUBLIC OF THE MARSHALL ISLANDS

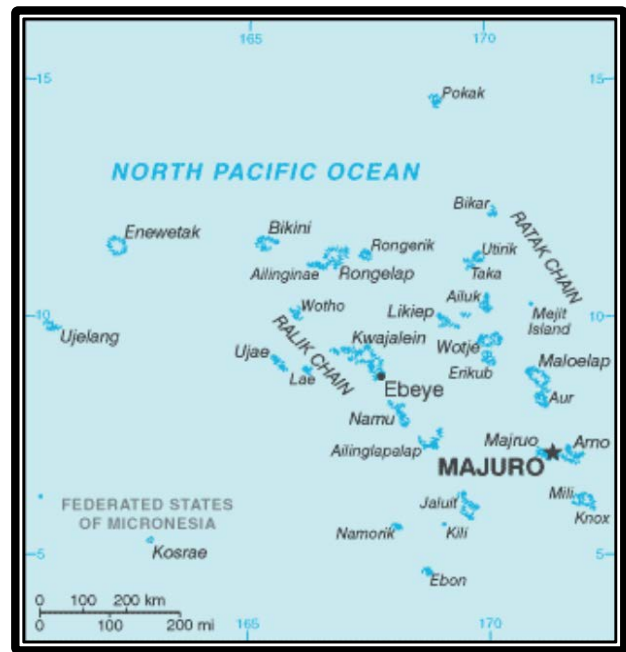
I. INTRODUCTION

The Republic of the Marshall Islands consists of two nearly parallel island chains of 29 atolls and five separate islands—1,225 islets in all—located about half way between Hawaii and Australia. The Republic’s land mass totals 70 square miles scattered over 822,784 square miles of the Pacific Ocean. As of January 1, 2020, the estimated population of the Marshall Islands was approximately 59,000. However, estimates vary greatly.

The Republic of the Marshall Islands is a young nation. After more than three decades of United States administration under the United Nations Trust Territory of the Pacific Islands (TTPI), the Marshall Islands commenced constitutional government on May 1, 1979, as part of a process toward self-government. Seven and half years later, on October 21, 1986, the Marshall Islands formally regained independence through an agreement with the United States, the Compact of Free Association. The Republic is now self-governing under its own constitution.

Under the Constitution, the Marshall Islands has a Westminster-style government with a 33-member parliament called the Nitijela. At least every four years, after national elections, the Nitijela elects from its members a president, who in turn selects eight to ten other Nitijela members for his or her cabinet. The Constitution vests legislative authority in the Nitijela (the parliament) and the Imon Iroj (House of Chiefs), executive authority in the Cabinet, and judicial authority in the judiciary (“Judiciary”).

Article VI of the Constitution provides for a judiciary “independent of the legislative and executive powers.” The Judiciary comprises five levels of courts, as well as a Judicial Service Commission and court staff. The courts include the Supreme Court, the High Court, the Traditional Rights Court, the District Court, and the Community Courts. The Judiciary officially commenced operation on March 3, 1982, assuming judicial functions in the Marshall Islands, which had been discharged by the High Court of the TTPI. An organizational chart of the



Judiciary is attached as Appendix 1, and a listing of Judiciary personnel at the end of calendar year 2020 is attached as Appendix 2.

In the sections that follow, this report summarizes the Judiciary’s operations and accomplishments in calendar year 2020, as well as its challenges, including the need for financial support. These sections include the following:

- Significant Events and Accomplishments;
- The Courts: Efficiency, Quality, and Accessibility;
- The Judicial Service Commission: Judicial Appointments;
- Accountability: Codes of Conduct and Complaints;
- Facilities, Technology, and Library; and
- Annual Budget and Audit Report.

II. SIGNIFICANT EVENTS AND ACCOMPLISHMENTS

The dedication and hard work of the judges and staff that serve the Judiciary made 2020 a successful year. The most significant events and accomplishments include the following:

- Adjustments to COVID-19 Impacts
- Improved Case Management Through Case Tracking System.

A. Adjustments to COVID-19 Impacts

To protect the people of the Marshall Islands from the COVID-19 pandemic, the Government of the Republic of the Marshall Islands (“GRMI”) has since March 2020 issued a series of monthly travel bans prohibiting entry into the Republic. The Travel Bans have been successful, and to date the Republic has had no COVID-19 cases. Further, the GRMI has not had to issue any orders restricting the movement of persons within the Republic (“stay-in-place orders”), which would make it difficult or impossible to conduct in-person proceedings in court.

The Judiciary has a duty to protect core liberties and, at the same time, do its part to safeguard the health of the community. Below is a list of some of the actions and practices the Judiciary took in anticipation of GRMI stay-in place orders, which some have now been incorporated into the “new-normal”. The RMI Judiciary:

- Consulted with external stakeholders, in advance of any stay-in-place orders, to develop and implement amendments to its rules and procedures to ensure the public’s “Access to Justice” without undue disruption and without compromising their health and safety;
- Promulgated rules of civil and criminal procedure that expressly permit hearings by audio conference and video conference links, including rules for taking testimony and displaying exhibits at hearings by video links;
- Developed and submitted to the Office of the Chief Secretary and National Disaster Committee a COVID-19 Response Plan including a proposed COVID 19 Response budget;
- Acquired additional equipment to expand on its use of use of audio conference and video conference proceedings reducing in person proceedings and the risk of spreading COVID-19; and
- Acquired additional supplies and materials for such as masks, thermometers, hand sanitizers, and other cleaning supplies.



The Judiciary would like to thank the RMI Government for allotting \$7,072.44 for its COVID19 Response budget. The Judiciary’s COVID19 Plan and Proposed Budget are attached as Appendix 3.

B. Improved Case Management Case Tracking System

For many years the Judiciary managed its cases through the use of Excel spreadsheets. However, Excel is limited. It is difficult to track “one to many” relationships using Excel. For example, a criminal case may have more than one defendant, more than one charge, more than one victim, etc. In Excel, one must use several sheets to capture all the “one to many” relationships. This causes Excel to slow down and at times crash.

Ideally, the Judiciary would employ a Case Management System (“CMS”), through which the Judiciary could do the following: (i) record case details; (ii) manage the parties; (iii) record outcomes and decisions; (iv) produce and manage documents; (v) manage hearings; (vi) reporting; (vii) manage fees; and (viii) manage cases and workflow. However, at this time a CMS is cost prohibitive. Accordingly, the Judiciary worked with the Pacific Judicial Strengthening Initiative (“PJSI”) funded by New Zealand and managed by the Federal Court of Australia to develop and install a Case Tracking System (“CTS”), which system was operational in July 2020.

The CTS contains the following:

- details of the case, such as where it was filed, the date filed/finalized, the stage of case, the nature of the case etc.; plus
- details of the one or many parties involved, and their role, e.g., as applicant, plaintiff, defendant, ward, etc. It is also possible to add the counsel representing the party, and contact

details. For the applicant/accused/victim etc. it will be possible to add the ‘demographic’ information of the person, e.g., gender, disability status; plus

- details of the charges laid against each accused, and the results/orders made; plus
- details of the court events (hearings) held for case – the day/time/location of the hearing, and its result; plus
- details of any actions/to-dos for a case.

The CTS has a search engine and display screen to see results from which a user can then open a read only view of the case details, or in edit-mode. There is also security to ensure that if multiple jurisdictions (e.g., Supreme, High Court, Traditional Rights Court, District Court) are contained in the CTS, users are designated to a specific jurisdiction and may only access cases in their own jurisdiction. Some users, e.g., the Chief Clerk of the Courts, will have access to all cases.

The CTS represents a significant step forward in the efficient management of the Judiciary’s cases.

III. THE COURTS: EFFICIENCY, QUALITY, AND ACCESSIBILITY

The goals of the Judiciary include to be efficient, to produce quality decisions, and to be accessible.

- The Judiciary’s **efficiency** can be measured by annual clearance rates, time standards, the age of cleared cases, and the age of pending cases.
- The **quality** of decisions can be measured by appeals and cases overturned on appeal.
- **Accessibility** can be measured by fee waivers, lower fees for vulnerable litigants, cases heard on circuit, free legal counsel, the availability of forms, the accessibility of courthouses, and access for women and those with disabilities.

To these ends, the 2020 Annual Report reviews all five levels of the Judiciary—the Supreme Court, the High Court, the Traditional Rights Court, the District Court, and the Community Courts. The review includes the courts’ jurisdictions, staffing, and case statistics, as well as continuing professional development for judges and staff.

A. Supreme Court

The Supreme Court, the court of last resort, is a superior court of record having appellate jurisdiction with final authority to adjudicate all cases and controversies properly brought before it. 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.

Also, the High Court may remove to the Supreme Court questions arising as to the interpretation or effect of the Constitution.

The Supreme Court consists of three justices: 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 citizen appointed to a second 10-year term effective September 2013. Generally, associate justices have been acting judges from other jurisdictions — 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. In 2020, the acting associate justices were two United States Federal Court judges: District Court Judge Michael Seabright from the Hawaii District and District Court Judge Richard Seeborg from Northern California. The Chief Clerk of the Courts, Ingrid K. Kabua, serves as the clerk of the Supreme Court.

The Supreme Court's 2020 case and workload are summarized below, including annual clearance rates, annual average age of cleared cases, and annual average age of pending cases.

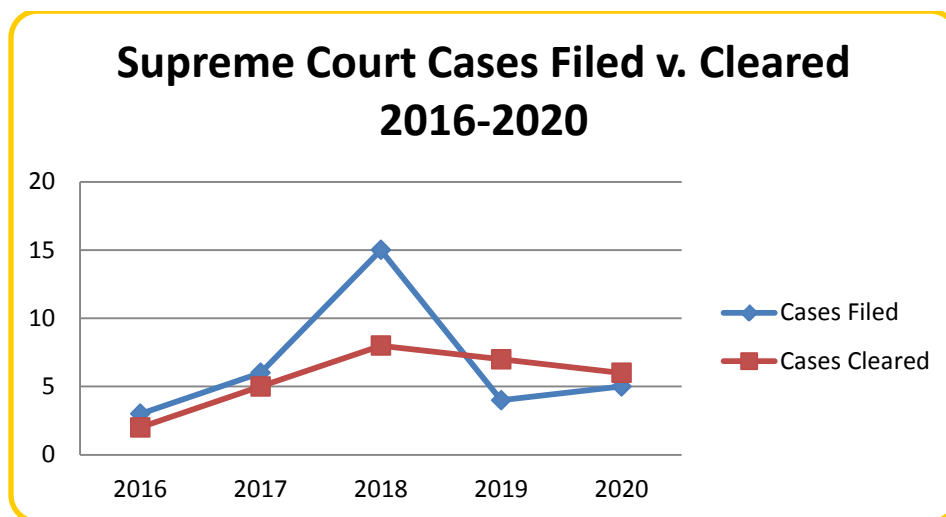
At the beginning of 2020, there were 10 matters pending before the Supreme Court. In 2020, another 5 matters were filed and 6 matters were closed. The Supreme Court dismissed 1 case for the failure to timely file a notice of appeal, dismissed 2 abandoned appeals, and reversed, in part, and remanded a criminal case. Also, the parties dismissed 2 cases by stipulation. By the end of 2020, 9 cases remained.

Like the rest of the Judiciary, in 2020 the Supreme Court's work was affected by the COVID-19 pandemic and Government Travel Ban. Due to the Government's Travel Ban, the Supreme Court had to cancel its March 2020 in-person session. However, in October 2020, the

Court held a remote session via Zoom. The Court heard 2 cases: a juvenile case and a criminal case.

The Supreme Court's goal is to maintain an average annual clearance rate of 100% over five years. As the table below shows, the Supreme Court's five-year average clearance rate is under 100% at 85%. The Supreme Court achieved an annual clearance rate of 100% in 2 of the past 5 years. In 2020, with 5 cases filed and 6 cases cleared, the annual clearance rate was 120% (6/5). The Judiciary anticipates that the Supreme Court's average annual clearance rate will continue to fluctuate around 100% once the Government's COVID-19 Travel Ban is lifted.

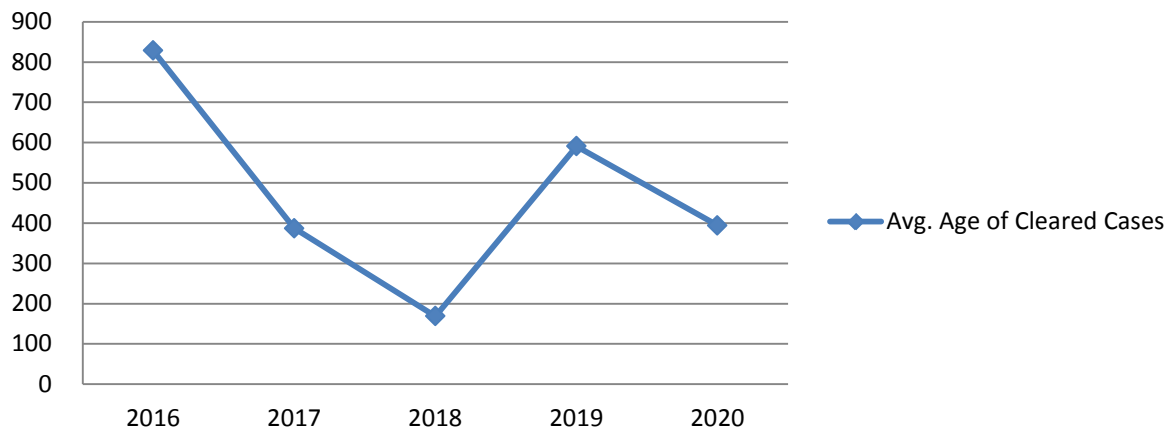
Annual Clearance Rates for Supreme Court Cases 2016-2020						
	2016	2017	2018	2019	2020	Avg.
Cases Filed	3	6	15	4	5	33
Cases Cleared	2	5	8	7	6	28
Clearance Rate	67%	83%	53%	175%	120%	85%
Annual Goal	100%	100%	100%	100%	100%	100%



In addition to the annual clearance rate figure, the Judiciary tracks the average age of cleared Supreme Court cases. The average age of the 6 cases cleared in 2020 was 394 days. The five-year trend for the average age of cleared Supreme Court cases is set forth below in the table and chart. The age of cleared cases in 2020 is down 197, 67%. The high average age of cleared cases 2019 resulted from clearing two older cases (one filed in 2016 and the other in 2017).

Average Age of Cleared Supreme Court Cases 2016-2020					
	2016	2017	2018	2019	2020
Cases Cleared	2	5	8	7	6
Avg. Age of Cleared Cases	829	387	169	591	394

Average Age of Cleared Supreme Court Cases 2016-2020

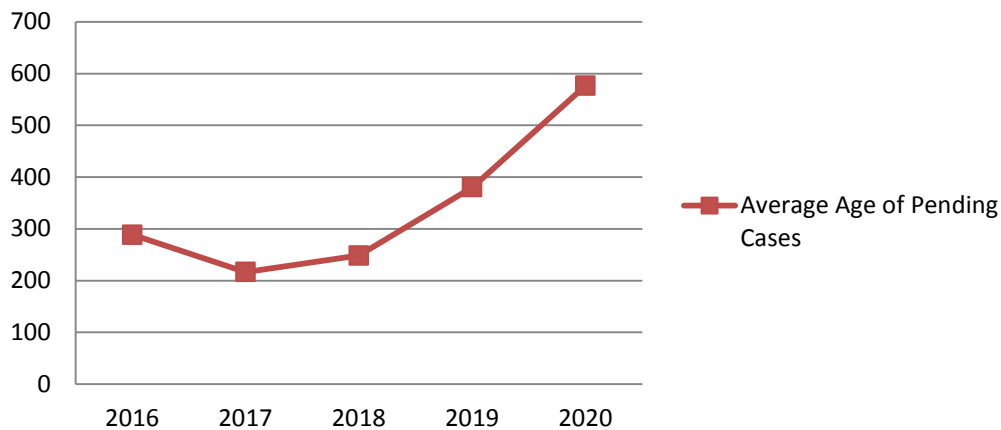


In addition to both the clearance rate and average age of cleared cases, to track the Supreme Court's efficiency, the Judiciary calculates the average age of pending cases. The average age of the 9 cases pending at the end of 2020 was 577 days. The five-year trend for the average age of pending Supreme Court cases is set forth below in the table and chart. The increase in the age of pending cases is due to the high number of appeal cases filed in 2018 through 2020 and delays resulted from the COVID-19 pandemic. Subject to the effects of the pandemic, the Supreme Court hopes to resolve more cases in 2021.

Average Age of Pending Supreme Court Cases 2016-2020

	2016	2017	2018	2019	2020
Pending Cases	5	6	13	10	9
Average Age of Pending Cases	289	217	248	381	577

Average Age of Pending Supreme Court Cases 2016-2020



Beyond being efficient, the Judiciary seeks to be accessible. With respect to the Supreme Court’s accessibility, the Judiciary has received no complaints.

- The filing fee for most appeals is low, only \$100, and the availability of fee waivers was widely publicized. The filing fee is \$1,000 for appeals involving a non-resident entity, a foreign entity, or a foreign maritime entity, or the case involves the enforcement of a foreign judgment, arbitration award, or the like.
- Of the 5 cases filed in 2020, the parties sought and received fee waivers for the filing fee and transcript fees in one case. The fee waived was granted in the High Court from appeals to the Supreme Court.
- Of the 5 cases filed in 2020, the parties were represented by the Office of the Public Defender (“OPD”), the Micronesian Legal Services Corporation (MLSC), or counsel from the Legal Aid Fund (“LAF”).
- In 2020, the Supreme Court tracked the gender of appellees and appellants. In all 5 of the cases filed in 2020, the appellants and appellees were males or business entities. However, in two of the cases the men were appearing on behalf of senior female relatives. Often senior female landowners appointing younger or male relatives by power of attorney to represent them is common.
- In 2020, the Supreme Court tracked the disability status of litigants. In 5 appeals filed only 1 litigant, a bedridden male, was disabled. However, no hearings were held in the case.

- All the Supreme Court's decisions can be found on the Judiciary's website, <http://rmicourts.org/>, under the heading Court Decisions and Digests.

Aside from the Supreme Court's regular docket, Supreme Court Chief Justice Cadra, together with High Court Chief Justice Carl B. Ingram, usually admit new attorneys to the practice of law in the Republic. However, due to the COVID-19 Travel Ban, the Judiciary did not conduct its annual bar examination and did not admit in new attorneys to practice in the Republic.

B. High Court

The High Court is the highest court at the trial level. It is a superior court of record having general jurisdiction over controversies of law and fact in the Marshall Islands. 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.



In 2020, the High Court included a chief justice and one associate justice in 2020: Chief Justice Carl B. Ingram; and Associate Justice Witten T. Philippo. Both are law-trained attorneys, as have been all prior High Court judges, and attend at least one professional development seminar or workshop each year. Chief Justice Ingram was appointed to a second ten-year term expiring in October 2023. Associate Justice Philippo, as a citizen of the Republic was appointed until age 72 (January 31, 2030). Although Chief Justice Ingram is a United States citizen, he has lived and worked in the Marshall Islands since 1979. In 2021, the High Court hopes to add a third justice.

In addition to the two justices, the High Court is served by a chief clerk of the courts and four assistant clerks. The High Court's 2020 case statistics for civil cases, probate cases, criminal cases, juvenile cases, and caseloads are set forth below.

1. Civil Cases (other than Probate Cases)

The High Court's 2020 statistics for civil cases (other than probate cases) cover the following:

- the number and nature of cases filed;
- the five-year average annual clearance rate;

- the time standards: 70% of cases cleared to be cleared within 120 days and 90% cleared within 24 months;
- the average age of cleared cases at the end of the year and the five-year trend;
- the average age of pending cases at the end of the year and the five-year trend;
- the percentage of cleared cases appealed and the percentage of cases overturned on appeal; and
- affordability and accessibility in terms of fee waivers, low fees for vulnerable parties, cases heard on circuit, legal aid, forms, and access for women and those with disabilities.

a. Number and Nature of Cases Filed

In 2020, plaintiffs and petitioners filed 137 new civil cases in the High Court: 137 in Majuro and 0 in Ebeye. This is 114 less cases than were filed in 2019, which was 99 less cases than in 2018. This two-year reduction in civil cases may reflect the continuing migration of Marshallese to the United States and the Government's COVID-19 Travel Ban.

The 137 civil cases filed in Majuro in 2020 breakdown as follows:

- 73%, 100, involved family and personal status matters (including 59 customary adoptions, 1 legal adoption, 1 citizenship, 2 child custody and support cases, 3 civil confinement cases, 6 divorce with or without child custody and support cases, 4 domestic violence cases seeking protection orders, 21 guardianships, and 3 name-change cases);
- 19 commercial cases (17 collection, 1 corporate, and 1 contract);
- 11 land cases (9 land rights and 2 land rights and building); and
- 7 other cases (3 maritime, 3 injunctions, 1 employment).

Of the 137 civil cases filed in Majuro in 2020, 115 were cleared in 2020, leaving 22 pending at the end of the year. The largest categories of pending cases were as follows: 9 collection, 6 land rights, and 4 citizenships.

As noted above, no civil cases filed in Ebeye. Because of the Government's COVID Travel Ban, the High Court lacked judges to travel to Ebeye.

With respect to civil cases, the High Court tracks the gender of plaintiffs and defendants. However, other than confirming that almost all child support cases and protection order cases are filed by women against men, the case numbers disaggregated by gender do not reveal any particular pattern or trend.

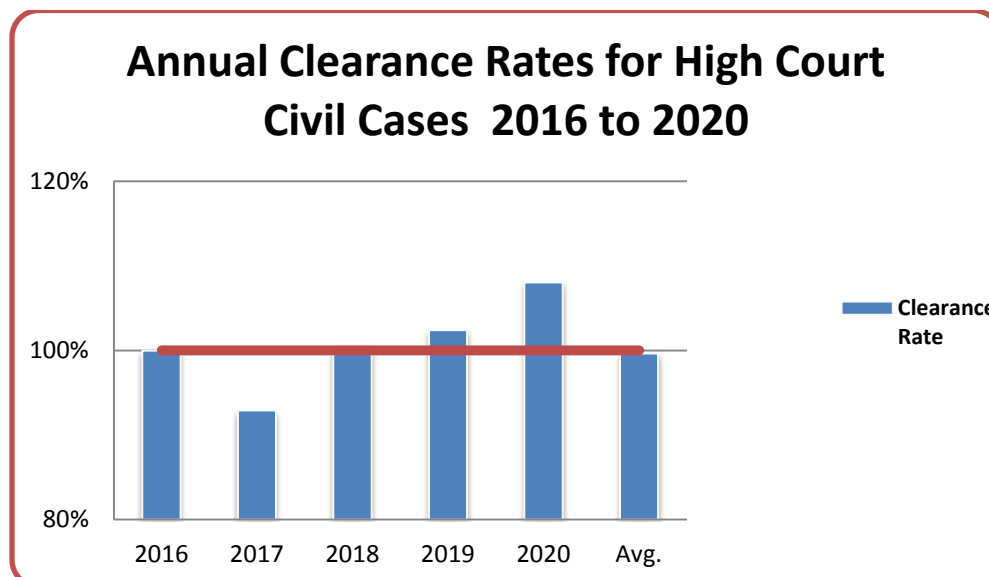
The High Court also tracks the disability status of litigants. The most common disability is difficulty walking. When litigants, attorneys, or witnesses cannot easily climb stairs, their cases are heard in a ground floor courtroom, and land rights cases, which involve older litigants and witnesses, are as a rule heard in a ground floor courtroom. Also, witness depositions are used, particularly if the witness is home or hospital bound. Except as noted, disaggregation by disability status does not reveal any particular pattern.

Based upon this civil caseload, the High Court measures its efficiency in terms of the annual clearance rates, time standards, the age of cleared cases, and the age of pending cases.

b. Annual Clearance Rate and the Five-Year Trend

In 2020, the High Court recorded an annual clearance rate of 108% for civil cases: 148 cases were cleared and 137 were filed. The High Court's clearance goal is to maintain a five-year annual average clearance rate of 100%. As the table and chart below show, the High Court met goal. The five-year annual average clearance rate is 100%. The High Court expects the five-year average to remain within 5% of the 100% goal.

Annual Clearances Rates for High Court Cases Cleared 2016 to 2020						
	2016	2017	2018	2019	2020	Avg.
Cases Filed	280	338	350	251	137	271
Cases Cleared	280	314	352	257	148	270
Clearance Rate	100%	93%	101%	102%	103%	100%
Annual Goal: 100%	100%	100%	100%	100%	100%	100%



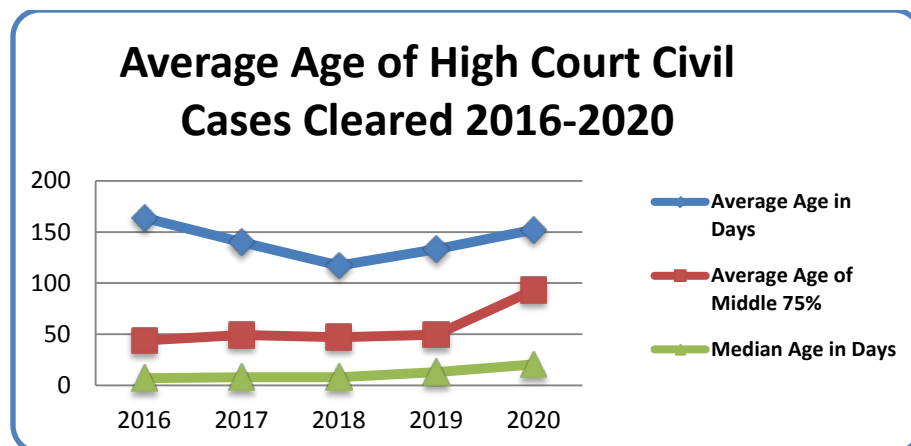
c. Time Standard: 70% of Cleared Cases Cleared in 120 Days and 90% in 24 Months

In 2020, the High Court sought not only to meet its clearance goal, but also to meet its time standard goal: that is, to clear 70% of its resolved civil cases within 120 days and 90% within 24 months (730 days). The High Court met its time standards for general civil cases. The High Court cleared 74% (110/148) of cleared civil cases within 120 days and 93% (137/148) within 24 months.

d. Average Age of Cleared Cases at the End of the Year and the Five-Year Trend

In 2020, the average age of cleared cases was 152 days. The table and chart below show that, over the past 2 years, the average age of cleared cases had been climbing. This is because a number of very old cases have been resolved.

Average Age of High Court Civil Cases Cleared 2016-2020					
	2016	2017	2018	2019	2020
Number of Cleared Cases	280	314	352	257	148
Average Age in Days	164	140	117	133	152
Average Age of Middle 75%	44	49	47	50	93
Median Age in Days	7	8	8	13	21

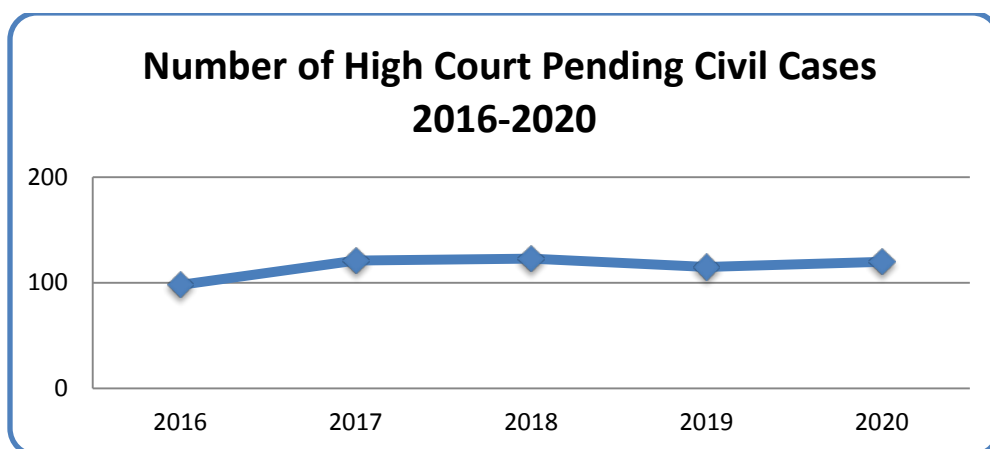


e. Average Age of Pending Cases at the End of the Year and the Five-Year Trend

In 2020, the number of pending cases went up from 115 in 2019 to 120 in 2020. Also, the age of pending cases went up: from 1,192 days in 2019 to 1,373 days in 2020.

Of the 120 cases pending at the end of 2020, 53 cases or approximately 43% were land cases. The High Court and the Traditional Rights Court are working hard to resolve the land cases without undue delay while affording the parties an opportunity to be heard.

Average Age of Pending High Court Cases 2016-2020					
	2016	2017	2018	2019	2020
Number of Pending Cases	98	121	123	115	120
Average Age in Days	1,295	1,027	1,058	1,192	1,373
Average Age of Middle 75%	1,079	798	813	931	1,124
Median Age in Days	504	300	270	487	652



f. Appeals

In addition to measuring efficiency, it is important to review the quality of judgments. Courts can measure the quality of their judgments in two ways: the percentage of cleared cases appealed and the percentage of cases overturned on appeal.

In 2020, appellants filed 5 appeals from High Court decisions: 2 land cases; 1 maritime case, 1 contract procurement case; and 1 criminal case. Three of the cases were dismissed in 2020, leaving a land case and the criminal case. That is, 5 appeals versus 148 cases cleared in the High Court, or 3.38%. Below is a table and chart showing the number of cleared cases appealed versus cleared cases not appealed over the past five years.

Cleared High Court Civil Cases Not Appealed v. Appealed 2016-2020						
	2016	2017	2018	2019	2020	Avg.
Cases Cleared	280	314	352	257	148	270
Cases Appealed	2	6	13	3	5	6
% of Cases Appealed	0.7%	1.9%	3.7%	1.2%	3.4%	2.2%
Cases Not Appealed	278	308	339	254	143	264
% of Cases Not Appealed	99.3%	98.1%	96.3%	98.8%	96.6%	97.8%

In 2020, no High Court civil cases from 2019, or from previous years, were overturned on appeal. The percentage of cases overturned on appeal was 0%.

g. Affordability and Accessibility: Fee Waivers; Cases Heard on Circuit; Legal Aid; Forms; and Access for Women and Those with Disabilities

It is not enough that courts be efficient and that the quality of judgments be high. The courts must be affordable and accessible. Affordability and accessibility to justice may be measured in terms of the availability of fee waivers, lower fees for vulnerable parties, the number of cases heard on circuit, the availability of free legal service, and the availability of forms.

- By rule and statute, fee waivers are available upon a showing of need. In 2020, as in recent years, the High Court continued to aggressively published fee waiver rules, however, no one requested a fee waiver in a High Court civil case.
- The filing fee for most types of High Court civil cases remained low: only \$25. In 2016, the filing fee for child custody and support cases (usually filed by single mothers) was reduced from \$25 to \$5. To off-set the low fees for most users, fees for admiralty cases, enforcement of foreign judgments, non-resident corporate cases, international adoptions, and citizenship cases are substantially higher.
- As noted above, in 2020, no High Court cases were heard on the Ebeye circuit.
- In 2020, the use of free legal services remained high. In 107 of the 137 civil cases filed in 2020 (78%), at least one of the parties was represented by the Micronesian Legal Services Corporation or the Office of the Public Defender, both of which provide legal assistance for free. Also, in 2020, 9 potential plaintiffs were assigned a free court-appointed attorney for their claims. For FY 2020, the Nitijela appropriated \$15,000 to the Judiciary to pay court-appointed attorneys to represent those who cannot afford an attorney and for conflict reasons cannot use the Micronesian Legal Services Corporation or the Office of the Public Defender. The Judiciary collected another \$51,000 in FY 2020 for the court-appointed attorneys from private counsel who wished to opt-out of taking court-appointed cases.
- The Judiciary has long used forms in small claims cases, name-change petitions, and guardianship cases. Since 2013, the Judiciary has posted forms on its website for confirmation of customary adoptions, name-change petitions, fee and cost waivers, domestic-violence temporary protection orders, guardianship petitions, and small claims cases.

2. Probate Cases

Set forth below are the High Court's 2020 case statistics for probate cases, covering:

- the number of probate cases filed;
- the five-year average annual clearance rate;
- the time standard: 90% of cases cleared to be cleared within 90 days;
- the average age of cleared cases at the end of the year and the five-year trend;
- the average age of pending case(s) at the end of the year and the five-year trend;
- the percentage of cleared cases appealed and the percentage of cases overturned on appeal; and
- affordability and accessibility in terms of fee waivers, low fees for smaller cases, cases heard on circuit, legal aid, and access for women and those with disabilities.

a. Number of Probate Cases

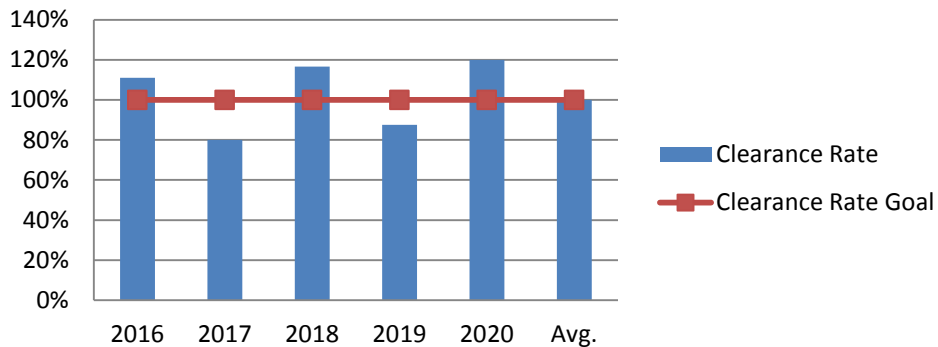
Five probate cases were filed in 2020, 3 less than in 2019. All 5 cases were filed in Majuro, including one Ebeye case, which was conducted using Zoom. None of the cases were filed in Ebeye.

c. Annual Clearance Rate and the Five-Year Trend

In 2020, the High Court cleared 6 probate cases, all 5 Majuro probate cases filed in 2020 and 1 Majuro case filed in 2019, for an annual clearance rate of 120% (6/5). Since the backlog in probate cases was been eliminated in 2014, the High Court's goal for probate cases is to maintain an average annual clearance rate of 100% over five years. As the table and chart below show, the High Court has achieved its goal. The average annual clearance rate over the past five years is 100%. Given the relatively low number of probate cases filed each year, the annual clearance rate should continue to fluctuate around 100%.

Annual Clearance Rates for High Court Probate Cases 2016-2020						
	2016	2017	2018	2019	2020	Avg.
Cases Filed	9	10	6	8	5	38
Cases Cleared	10	8	7	7	6	38
Clearance Rate	111%	80%	117%	88%	120%	100%
Clearance Rate Goal	100%	100%	100%	100%	100%	100%

Annual Clearance Rates for High Court Probate Cases 2016-2020



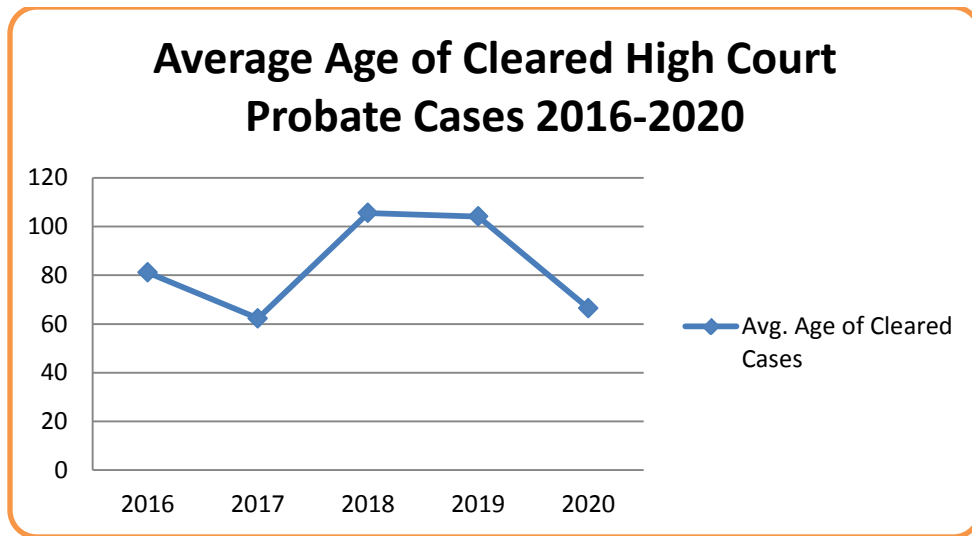
c. Time Standard: 90% of Cleared Cases Cleared within 90 Days of the Date Filed

In addition to the five-year average annual clearance rate goal of 100%, the High Court seeks annually to clear 90% of cleared probate cases within 90 days. Of the six probate cases cleared in 2020, the High Court was cleared only five, 83%, within 90 days. One case took 141 days to complete. All the remaining cases were closed in 71 days or less.

d. Average Age of Cleared Cases at the End of the Year and the Five-Year Trend

The average age of the 6 probate cases cleared in 2020 was 67 days. Delays occurred in 1 case, due to objectors who lived abroad. Absent an objection or delays by the petitioner and counsel, most probate cases are cleared within 7 to 11 weeks of filing, *i.e.*, within 49 to 77 days. Below is the five-year trend for the average age of cleared probate cases. The High Court is able to clear most probate cases within 90 days.

Average Age of Cleared High Court Probate Cases 2016-2020					
	2016	2017	2018	2019	2020
Cases Cleared	10	8	7	7	6
Avg. Age of Cleared Cases	81	62	106	104	67



e. Average Age of Pending Cases at the End of the Year

At the end of 2020, only 1 probate case was pending, a 2018 case. It had been pending for 462 days. The case is awaiting a consent from senior family members and should be resolved in 2021.

f. Appeals

In 2020, no cleared probate cases were appealed, nor were any cases from previous years overturned on appeal. Accordingly, the percentage of cleared probate cases appealed was 0%, and the percentage of appealed probate cases overturned on appeal was 0%. This has been the case for more than the past five years.

g. Affordability and Accessibility: Fee Waivers; Low Fees, Cases Heard on Circuit; and Legal Aid

As noted above, affordability and accessibility to justice can be seen in the availability of fee waivers, low fees for smaller cases, the number of cases heard on circuit, the availability of free legal service, and access for women and persons with disabilities.

- As with other civil cases, fee waivers are available in probate cases. However, in 2020 (as in recent years) no one requested a fee waiver in a probate case. In 2020, the High Court widely published notice of the waivers, as it did in 2019.
- In 2020, the fees for probate cases remained low. The filing fee for probate cases is \$25, \$100 for estates over \$7,000.

- Of the 5 probate cases filed in 2020, 1 case with a petitioner on Ebeye was heard via Zoom. Of the probate cases cleared in 2020, only the 1 case was filed for an Ebeye petitioner.
- In 4 of the 5 probate cases filed in 2020 (80%), the petitioner was represented by MLSC. This figure is a little higher than usual. In 2020, 1 probate case involving a United States citizen decedent was filed by private counsel.
- The 2020 probate statistics disaggregated by gender do not reveal a pattern or trend: 4 of the 5 petitioners were women and one was a man. Usually, the petitioner will be the surviving spouse, the eldest surviving child, or, failing either, the most senior surviving child present in Majuro. In 2020, none of the probate petitioners or objectors were a disabled person, as almost always the family selects a representative who is both physically and mentally in good health.

3. Criminal Cases

Set forth below are the High Court's 2020 case statistics for criminal cases. These statistics cover the following:

- the number and nature of criminal cases;
- the five-year average annual clearance rate;
- the time standard: 90% percentage of cleared cases to be cleared within eighteen months (540 days);
- the average age of cleared cases at the end of the year and the five-year trend;
- the average age of pending cases at the end of the year;
- the percentage of cleared cases appealed and the percentage of cleared cases overturned on appeal; and
- affordability and accessibility (low or no fees, fee waivers, cases heard on circuit, legal aid, and access for women and those with disabilities).

a. Number and Nature of Cases

In 2020, the Office of the Attorney-General ("OAG") filed 33 criminal cases in the High Court. All of the cases were filed in Majuro. No cases were filed in Ebeye in 2020 due to staff shortages resulting indirectly from the COVID-19 pandemic.

The 33 criminal cases filed in Majuro in 2020 breakdown (by most serious offense charged) as follows: 2 murders; 3 sexual assaults in the first degree; 6 aggravated assaults; 2 DUI; 3 burglaries; 1 sexual assault fourth degree; 5 thefts; 6 unlawful selling, possession, or importation of narcotic drugs; 2 work permit violation; 1 prostitution/child trafficking; 1 EPA violation; 1 assault; 1 criminal mischief.

In the 33 Majuro cases, 4 of the defendants were women. The charges were theft, prostitution and child trafficking, possession of marijuana, non-resident worker.

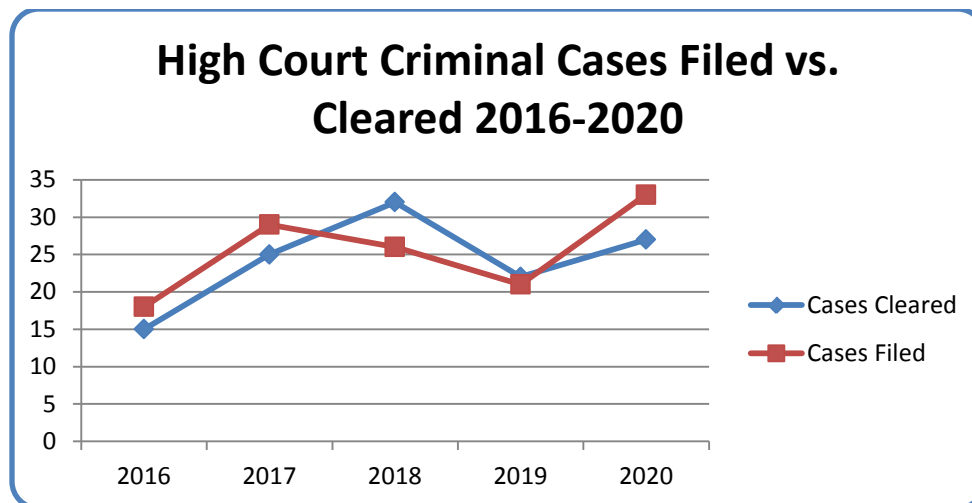
Of the 33 Majuro cases, females were the victims in 5 cases: prostitution/child trafficking, murder, kidnapping and sexual assault in the fourth degree, sexual assault in the first degree, and theft. Counseling for victims of domestic violence and sexual violence is available through NGOs, including Youth-to-Youth in Health, Women United Together Marshall Islands, the Mental Health Clinic, Ministry of Health and Human Services.

Other than as noted above, the High Court's criminal case statistics, disaggregated by gender or disability, do not reveal any pattern or trend.

b. Clearance Rates

The High Court's clearance goal for criminal cases is a five-year average annual clearance rate of 100%. As the chart below shows, the five-year average for the annual clearance rates is only 95% (121/127). In only two of the past five years the annual clearance rate was 100% or better. In 2020, the High Court cleared 27 criminal cases from all years, resulting in a 2020 clearance rate of 82% (27/33). The lower clearance rate in 2020, is a result of the OAG filing many more criminal cases than in 2019. The High Court expects the average annual clearance rate for criminal cases to move closer to 100% in 2021.

Annual Clearance Rates for High Court Criminal Cases 2016-2020						
	2016	2017	2018	2019	2020	Avg.
Cases Filed	18	29	26	21	33	127
Cases Cleared	15	25	32	22	27	121
Clearance Rate	83%	86%	123%	105%	82%	95%
Annual Goal	100%	100%	100%	100%	100%	100%



c. Time Standard: 90% of Cleared Cases Cleared Within 18 Months

In addition to the annual clearance rate, the High Court seeks to clear 90% of the cleared criminal cases within 18 months (540 days) of the date filed. In 2020, the High Court cleared all 22 of the 22 cleared cases (100%) within 18 months.

d. Average Age of Cleared Cases

The average age of the 27 High Court criminal cases cleared in 2020 was 143 days, down from 178 days in 2018 and 161 days in 2019. The lower average duration is the result of the combined efforts of the Court, the prosecutors, and defense counsels to reduce unnecessary delay and to move cases more quickly. The number of High Court criminal cases cleared in the past five years (*i.e.*, 2016-2020) and the average duration of cleared cases are as shown below.

Average Age of High Court Criminal Cases Cleared 2016-2020					
	2016	2017	2018	2019	2020
Cases Cleared	15	25	32	22	27
Avg. Age of Cases Cleared	197	203	178	161	143

e. Average Age of Pending Cases

As the above table shows, by the end of 2020, 13 criminal cases remained pending: up 6 from the end of 2019. Also, the average age of the pending cases, 332 days, was up considerably from 212 days at the end of 2019. The higher number of cases and average age is due in part to the OAG filing many more criminal cases in 2020 than in 2019, 33 versus 22. The High Court continues to encourage prosecutors and defense counsel to resolve criminal cases, particularly older cases. At the end of 2020, of the remaining 13 cases, one case was more than 730 days old, 4 cases were more than 365 days old but less than 730 days old, none of the remaining 8 cases were less than 181 days old.

Average Age of High Court Criminal Cases Pending 2016-2020					
	2016	2017	2018	2019	2020
Cases Pending	10	14	8	7	13
Avg. Age of Pending Cases	221	139	205	212	332

f. Appeals

As a reflection of the quality of High Court criminal decisions, in 2020 one of 33 High Court criminal cases was appealed. Accordingly, the percentage of cases appealed was 3% (1/33). Also, one criminal case from 2018 was affirmed in part and reversed in part. This is the first time in many years that a criminal case was reversed on appeal.

g. Affordability and Accessibility: No Fee or Fee Waivers; Cases Heard on Circuit; and Legal Aid

The Judiciary seeks to ensure its users affordability and accessible criminal justice through the absence of fees and the availability of fee waivers, circuit court sessions, and free legal representation.

That is, the Judiciary does not impose fees or court costs on criminal defendants at the trial level. And on appeal, a defendant may apply for waiver of the filing fee and transcript costs. In both the 2018 and 2020 criminal appeals, the High Court waived the cost of filing the notice of appeal of the transcript cost.

Usually, the High Court travels to Ebeye on circuit to hear felony cases. However, due to the Government's COVID-19 Travel Ban, the High Court held no in-person session on Ebeye in 2020. In 2020, the High Court had only one justice in-country for 11 out of the 12 months. In 2021, the High Court hopes to conduct four in-person sessions in Ebeye. The first session was hearing on January and the second session is planned for April.

Finally, criminal defendants have access to free legal counsel if they cannot afford to retain counsel. In 2020, as in other years, all or most criminal defendants who appeared in Court were

represented by the Office of the Public Defender, the Micronesian Legal Services Corporation, or by private counsel paid by the Legal Aid Fund. In 2020, 4 business entities were represented by private counsel or appeared *pro se*, 6 cases were dismissed without any proceedings as the defendants had fled the Republic, and 17 defendants were represented at no cost by the Office of the Public Defender. This high use of free counsel in criminal cases is typical of most years.

4. Juvenile Cases

In 2020, the OAG filed two juvenile cases in the High Court. Since 2006, when the Republic filed seven juvenile cases in Majuro, the Republic has filed no more than four High Court juvenile cases in a year. Most other juvenile cases (underage drinking) are heard by the District Court, a limited jurisdiction trial court. In recent years, all juvenile offenders were boys. None of the juveniles has been identified as disabled.

Of the two juvenile cases filed in 2020, one was an aggravated assault and the other was the sexual assault of a child. In the first case the juvenile offender pleaded to aggravated assaulted, and the Court sentenced him to 35 months' imprisonment, all of which was suspended. In the second case, the OAG dismissed the case in the absence of complaining witnesses.

The High Court's clearance goal for juvenile cases is to average 100% per year over five years. However, as a result of the low number of juvenile cases being filed in the High Court, there is no meaningful five-year trend to report. In 2020, the High Court cleared both juvenile cases, and no juvenile cases are pending from previous years.

Also, the High Court seeks to clear 80% of juvenile cases within 180 days of filing. The average age of the three cases cleared in 2020 was 19 days. Both cases were cleared within 180 day.

As noted in the 2018 Annual Report, the one juvenile case the High Court decided in 2018 was appealed. The Supreme Court heard the appeal in October 2020 and issued its opinion in January 2021 affirming in part and reversing and remanding in part. The matter is now before the High Court for re-sentencing.

To ensure juvenile offenders' access to justice, the Judiciary does not impose fees or court costs on juvenile offenders at the trial level. And as noted above, on appeal, a juvenile offender may apply for and receive a waiver for the cost of the trial transcript, such was the case in the above referenced juvenile appeal. Further, High Court juvenile cases are heard on circuit and juvenile offenders have access to free legal counsel. Almost all juvenile offenders are represented by the Office of the Public Defender.

5. Caseloads for Judges and Clerks

The total number of all High Court cases filed in 2020 was 178, 106 less than in 2019. For about 11 of the 12 months 2020, there was only High Court Justice present, this equates to a caseload of about 122 new cases in 2020 for the one justice. Also of note, the number of High

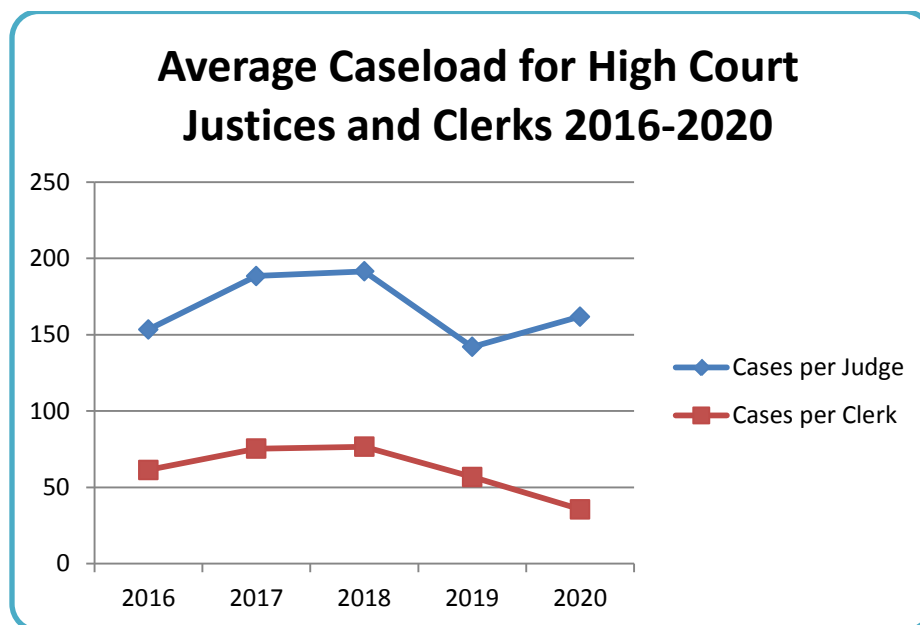
Court cases has been dropped considerably over the past two years: 99 in 2019 and 106 in 2020. Some of the 2020 drop was due to the Government's COVID-19 Travel Ban. Some of the drop may be due to Marshallese migrating to the United States.

As to case assignments, generally cases are assigned between the two judges on an alternating basis, subject to conflicts, cases involving the same issues, and absences from country.

For the five clerks that regularly process High Court cases, their 2020 caseload included 36 new cases per clerk. As with the justices, the clerks' caseloads fluctuate from year-to-year within a limited range, although the figures for 2019 and 2020 lower than in the past. There is some specialization among the clerks, such as finance, IT, and interpretation; however, all clerks handle most functions.

Below is a graph showing the five-year High Court caseload trend.

Average Caseload for High Court Justices and Clerks 2016-2020					
	2016	2017	2018	2019	2020
Cases per Judge	154	189	192	142	162
Cases per Clerk	61	75	77	57	36



6. Selected Decisions

Selected High Court decisions can be found on the Judiciary's website, <http://rmicourts.org/>, under the heading Court Decisions and Digests. The selected cases are the noteworthy ones; ones that the Judiciary believes should be published for the benefit of the public and practitioners. The High Court will not publish a case unless it satisfies one or more of the following standards: (1) the opinion lays down a new rule of law, or alters, modifies an existing rule, or applies an established rule to a novel fact situation; (2) the opinion involves a legal issue of continuing public interest; (3) the opinion directs attention to the shortcomings of existing common law or inadequacies in statutes; (4) the opinion resolves an apparent conflict of authority. Most High Court decisions are routine in nature and generally are of interest only to the parties. The public can get copies of these decisions upon request to the Clerk of the Courts.

C. Traditional Rights Court

Supporting the High Court at the trial level is the Traditional Rights Court ("TRC"). The TRC is a special-jurisdiction court of record consisting of three or more judges appointed for terms of four to ten years, not to exceed age 72, 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).

In June 2010, the Cabinet appointed Chief Judge Walter K. Elbon (Alap member) and Associate Judge Grace L. Leban (Dri Jerbal member) for terms of 10 years. In April 2013, the Cabinet appointed Nixon David (Iroij member) for a 4-year term, and in March 2017 reappointed Judge David for a second four-year term. However, as mentioned above in the tribute to Chief Judge Elbon, he passed away in October 2020. In 2020, all TRC judges were lay judges who received specialized training.



One of the three TRC judges, Judge Leban, is a woman and the first to be appointed as a full-time TRC judge. In January 2021, she was promoted to the position of chief judge. The Judiciary is committed to increasing the number of female judges. However, at the end of the year only two of the Judiciary's approximately 30 judges were women: one Traditional Rights Court judge; and one Community Court judges. In February 2021, the Cabinet appointed another woman to the TRC bench. The Cabinet

appointed and in March the Nitijela confirmed Claire T. Loeak's appointment as an associate judge of the TRC and the judge to represent alap interests, replacing the late Walter K. Elbon. Judge Loeak is the first law-trained TRC judge.



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 judge certifies that a substantial question has arisen within the jurisdiction of the TRC.

Customary law questions certified by the High Court are 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 may 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 the High Court or District Court judge 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 rendering an opinion on whether compensation for the taking of land rights in eminent domain proceedings is just.



The Constitution states that 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. 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.

In 2020, the TRC issued decisions in two cases, three less than in 2019. At the end of 2020, approximately 25 cases were pending before the TRC and another nine were pending the outcome of other land cases.

The TRC's decisions can be found on the Judiciary's website, <http://rmicourts.org/>, under the heading Court Decisions and Digests.

D. District Court



In addition to the TRC, the District Court is below the High Court at the trial level. The District Court is a limited-jurisdiction court of record. It consists of a presiding judge and two associate judges appointed for 10-year terms, not to exceed age 72. In 2020, the three incumbent judges were Presiding Judge Ablos Tarry Paul, Associate Judge Caios Lucky, and Associate Judge Davidson T. Jajo (Ebeye). Their 10-year terms expire in 2028, 2027, and 2026, 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, such as land title cases and admiralty and maritime matters) and small claim cases not exceeding \$2,500.
- (ii) in criminal cases involving offenses for which the maximum penalty does not exceed a fine of \$5,000 or imprisonment for a term of less than three years, or both.

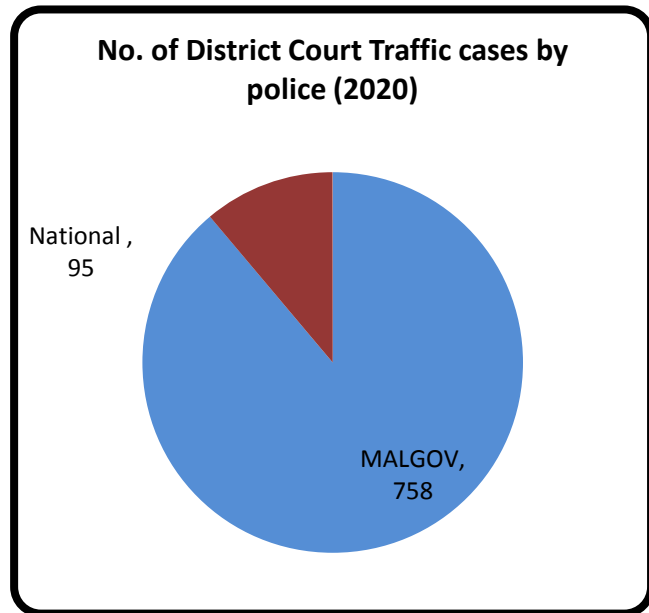
The District Court also has appellate jurisdiction to review any decision of a Community Court.

The District Court's 2020 case statistics and case workload are set forth below.

1. Traffic Cases (Majuro)

The District Court's 2020 statistics for Majuro traffic cases cover the following:

- the number and nature of cases filed and finalized in 2020;
- the annual clearance rates for the most recent seven years;
- the average duration of cleared cases for the most recent seven years;
- the percentage of cases appealed and the percentage of appealed cases overturned on appeal; and
- affordability and accessibility in terms of fee waivers, cases heard outside of Majuro (the Capital), legal aid, and forms.



a. Number and Nature of Cases Filed

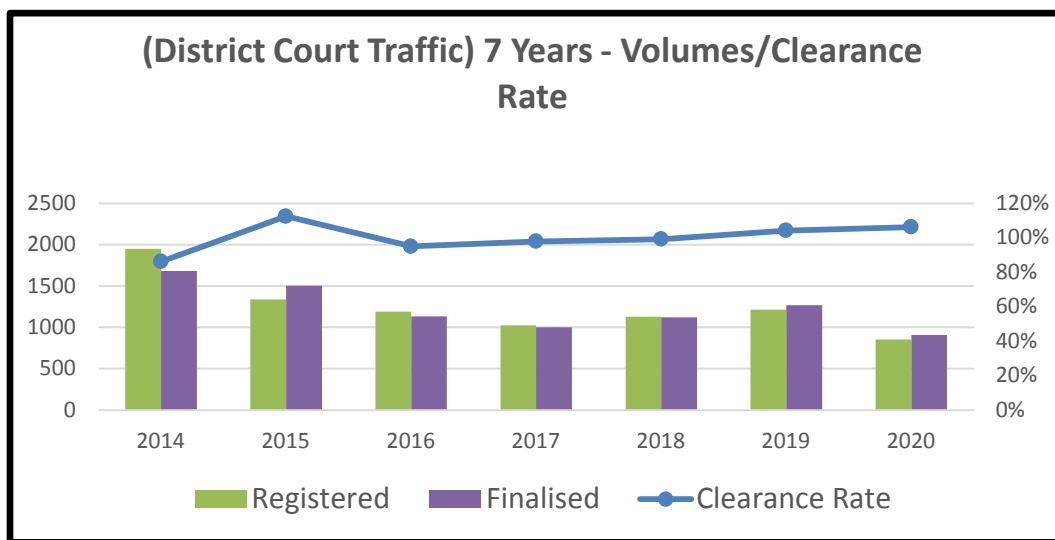
In 2020, the National Police and Majuro Atoll Local Government Police prosecutors filed in the District Court a total of 853 traffic cases in Majuro. A total of 148 cases involved DUI/Drunken Driving.

Of the 853 traffic cases filed in Majuro in 2020, 773 cases were finalized in 2020, adding 80 cases to the pending workload at the end of the year. Cases are delayed because the defendants

give false addresses or have fled the Republic for the United States or have fled Majuro for the neighboring islands.

b. Clearance Rates

The District Court's efficiency can be measured by case clearance rates. The District Court's 2020 annual clearance rate for traffic cases was 106% (finalized/filed). During 2020, the District Court, counsel, and parties finalized 773 2020 cases and 134 cases from previous years (2014-2019). And as noted above, the government filed 853 new cases in 2020. The District Court's goal is to maintain an annual clearance rate for traffic cases of 100% or better, for each year. The clearance rate over 7 years has been 100% which is an excellent result sustained over many years.



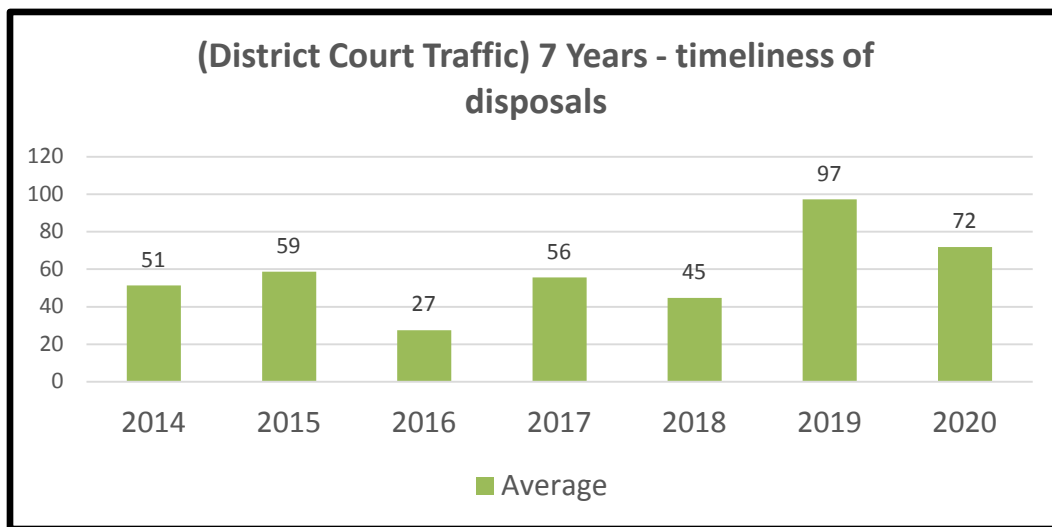
Previous 7 Calendar Years	Registered	Finalised	Clearance Rate
2014	1950	1681	86%
2015	1339	1506	112%
2016	1190	1131	95%
2017	1023	1002	98%
2018	1130	1121	99%
2019	1216	1267	104%
2020	853	907	106%
Total/clearance rate	5412	5428	100%

The District Court each month dismisses without prejudice abandoned cases that have been pending six months or more.

c. Average Duration of Traffic Cases Cleared

The average duration of District Court traffic cases cleared in 2020 was 72 days. A total of 773 2020 cases, 115 2019 cases, 14 2018 cases, 3 2017 cases, 1 2016 case, and 1 2014 cases were finalized in 2020.

For Majuro District Court traffic cases filed in the seven years (2014-2020), the average durations of finalized cases in days are as follows:



d. Appeals

In addition to measuring efficiency, it is important to review the quality of judgments. The quality of judgments can be measured in two ways: the percentage of cases appealed and the percentage of appealed cases overturned on appeal.

In 2020, only one of the 907 District Court traffic cases cleared in 2020 was appealed to the High Court and remanded back to the District Court. Furthermore, from 2014 to 2019, no traffic cases were appealed to the High Court.

e. Affordability and Accessibility: Fee Waivers; Cases Heard Outside of Majuro; Legal Aid; and Forms

As noted earlier, it is not enough that courts be efficient and that the quality of judgment be high. The courts must be affordable and accessible. Affordability and accessibility to justice may be measured in terms of the availability of fee waivers, the number of cases heard outside of the capital Majuro, the availability of free legal service, and the availability of forms.

(i) Fee Waivers

As there are no filing fees for traffic cases, fee waivers are not applicable.

(ii) Cases Heard on Ebeye

A third District Court judge is stationed in Ebeye to handle District Court matters including traffic cases filed there.

(iii) Free Legal Services

At the District Court level, most traffic offenders are self-represented. Only in more serious cases, such as those involving DUI, do they seek legal assistance and representation by the Micronesian Legal Services Corporation or the Office of the Public Defender, which both provide free legal assistance. Of the 853 traffic cases filed in 2020, only 96 defendants (11.5%) were represented by the Office of the Public Defender, 752 represented themselves (88%), and 5 was represented by private counsel (0.5%).

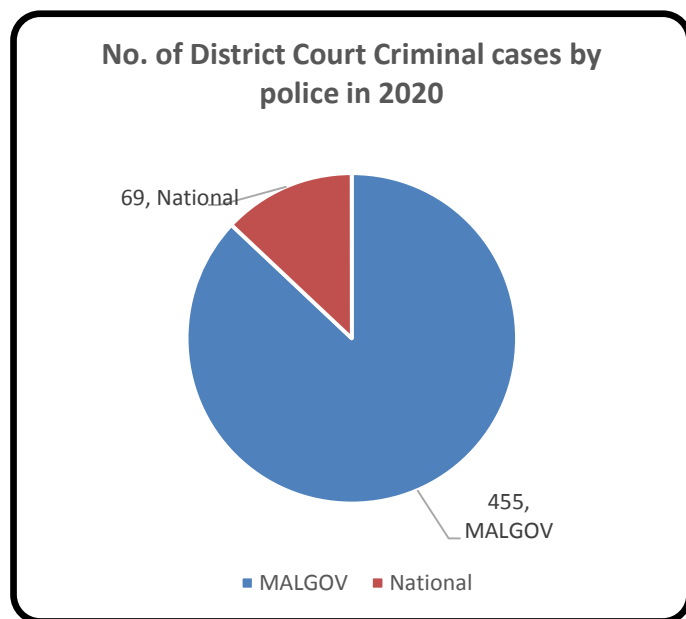
(iv) Forms

Consent judgment forms are available at the Clerk's Office for traffic offenders who wish to plead guilty and pay a fine. Those who use the form do not have to appear in court.

2. Criminal Cases (Majuro)

The District Court's 2020 statistics for Majuro criminal cases cover the following:

- the number and nature of cases filed and finalized in 2020;
- the annual clearance rates for the most recent seven years;
- the average duration of cleared cases in the most recent seven years;



- the percentage of cases appealed and the percentage of appealed cases overturned on appeal; and
- accessibility in terms of fee waivers, cases heard outside of Majuro, legal aid, and forms.

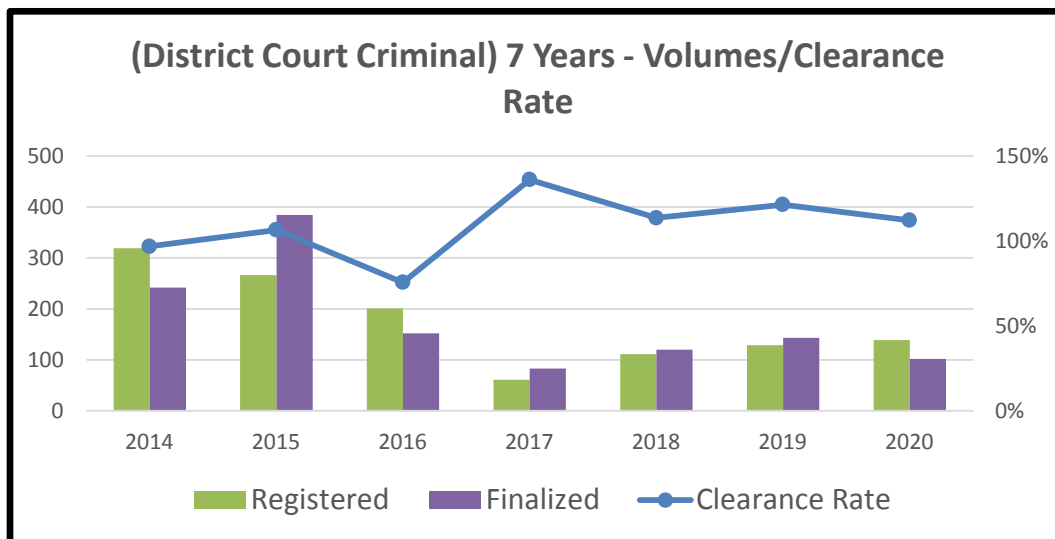
a. Number and Nature of Cases Filed

In 2020, the National Police and Majuro Atoll Local Government Police prosecutors filed in the District Court a total of 524 criminal cases in Majuro.

Of the 524 criminal cases, 490 were cleared in 2020, leaving 34 pending at the end of the year. The 34 cases remained pending due to serious nature, to police having difficulty locating defendants who either relocated to the United States, or to the neighboring islands of the Republic or gave false addresses.

b. Clearance Rates

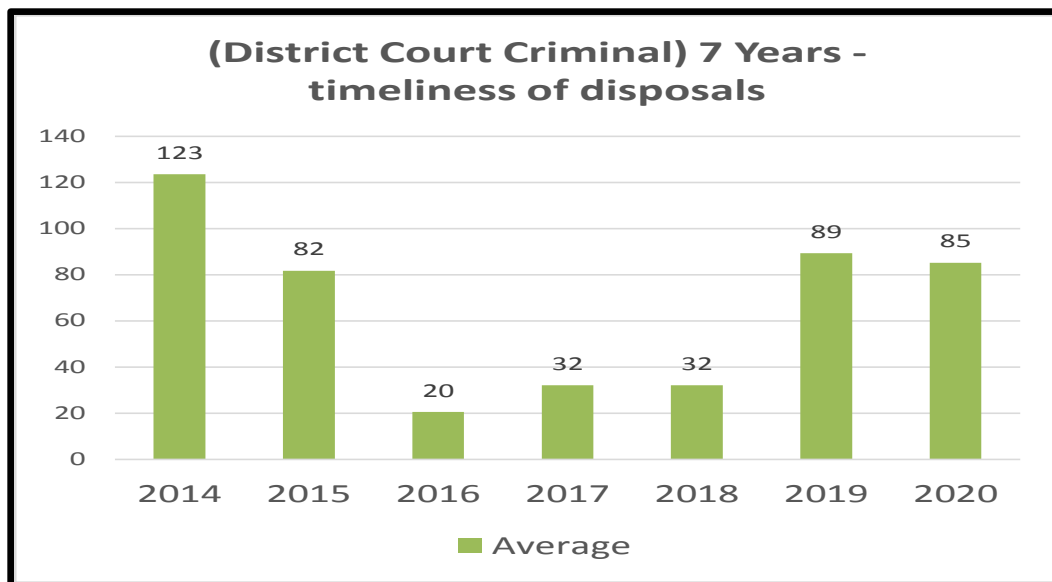
The District Court's 2020 annual clearance rate for criminal cases was 116%. During 2020, the District Court, counsel, and parties closed a total of 490 2020 cases, 109 2019 cases, 3 2018 cases, and 5 2017 cases. As noted above, the government filed 524 new cases in 2020. The District Court's goal is to maintain an annual clearance rate for criminal cases of 100% or better, for each year. The clearance rate over 7 years has been 100%, again, an excellent rate.



Previous 7 Calendar Years Registered		Finalized	Clearance Rate	
2014	1352	1440	107%	
2015	867	1099	127%	
2016	1066	1017	95%	
2017	786	787	100%	
2018	701	702	100%	
2019	543	496	91%	
2020	522	605	116%	
Total/clearance rate		3618	3607	100%

c. Average Duration of Cleared Criminal Cases

In addition to annual clearance rates, the efficiency of a case management system can be measured by the age of cleared cases. The average duration of District Court criminal cases cleared in 2020 was 85 days.



d. Appeals

In addition to measuring efficiency, it is important to review the quality of judgments. The quality of judgments can be measured in two ways: the percentage of cases appealed and the percentage of appealed cases overturned on appeal.

In 2020, none of the District Court criminal cases cleared in 2020 were appealed to the High Court. Similarly, from 2013 to 2019 no criminal cases were appealed. Also, in 2020, there were no District Court criminal cases or decisions from any years overturned.

e. Affordability and Accessibility: Fee Waivers; Cases Heard Outside of Majuro; Legal Aid; and Forms

The courts must be affordable and accessible. Affordability and accessibility to justice may be measured in terms of the availability of fee waivers, the number of cases heard outside of the capital Majuro, the availability of free legal service, and the availability of forms.

(i) Fee Waivers

As there are no filing fees for criminal cases, fee waivers are not applicable.

(ii) Cases Heard on Ebeye

A third District Court judge is stationed in Ebeye to handle District Court matters including criminal cases filed there.

(iii) Free Legal Services

At the District Court level, most defendants are self-represented. Only in more serious cases, such as those involving selling alcohol to minors and assault and battery, do defendants seek legal assistance and representation by the Micronesian Legal Services Corporation or the Office of the Public Defender, which both provide free legal assistance. Of the 524 criminal cases filed in 2020, 25 defendants (4.8%) were represented by the Office of the Public Defender, 498 represented themselves (95%), and one was represented by private counsel (0.2%).

(iv) Forms

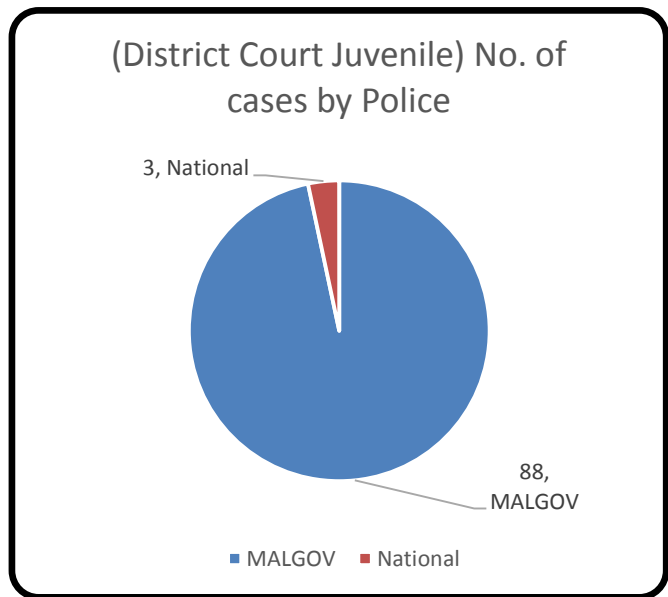
Consent judgment forms are available at the Clerk's Office for defendants who wish to plead guilty and pay a fine. Those who use the form do not have to appear in court.

3. Juvenile Cases (Majuro)

The District Court's 2020 statistics for juvenile cases cover the following:

- the number and nature of cases filed and finalized in 2020;
- the annual clearance rates for the most recent seven years;
- the average duration of cleared cases;
- the percentage of cases appealed and the percentage of cases overturned on appeal; and
- accessibility in terms of fee waivers, cases heard outside of Majuro, legal aid, and forms.

a. Number and Nature of Cases Filed



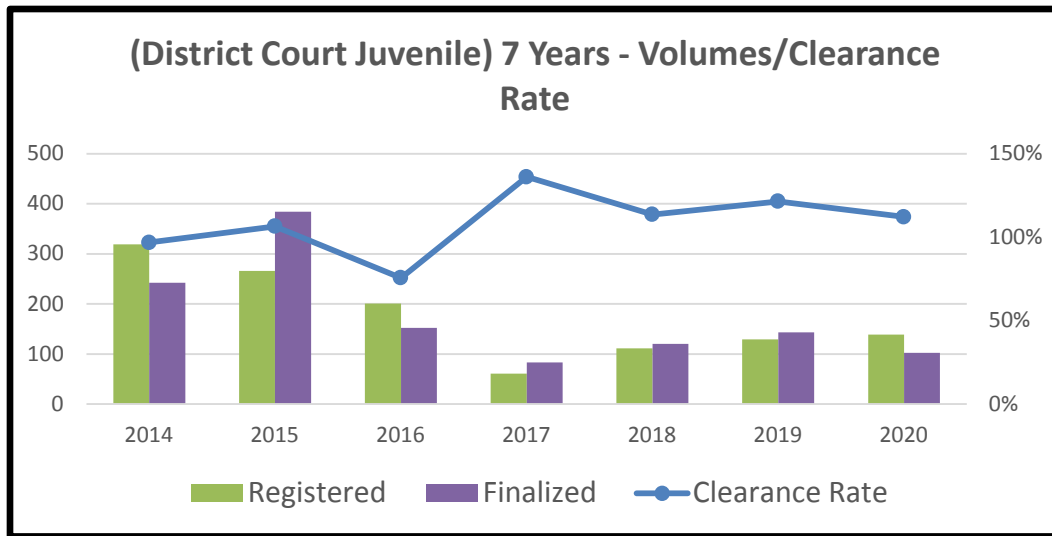
In 2020, the National Police and Majuro Atoll Local Government Police prosecutors filed in the District Court a total of 91 juvenile cases in Majuro. Fifty-eight cases involved curfew violations, 25 involved underage drinking and alcohol related charges, 5 cases involved traffic related charges, and 3 involved other cases¹.

Of the 91 juvenile cases filed in Majuro in 2020, 90 were cleared in 2020, leaving 1 pending at the end of the year, which was later cleared in early July 2021.

b. Clearance Rates

The District Court's efficiency in handling juvenile cases can be measured by case clearance rates. The District Court's 2020 annual clearance rate for juvenile cases was 112%. During 2020, the District Court, counsel, and parties closed 102 cases, 90 cases from 2020, 9 cases from 2019, and 3 2018 cases. And as noted below, 91 new cases were filed in 2020. The District Court's goal is to maintain an annual clearance rate for juvenile cases of 100% or better, for each year.

¹ Other charges: Unauthorized sale to minors (2), Unauthorized Hours of Operation/Package Store (1). Some cases have multiple charges.

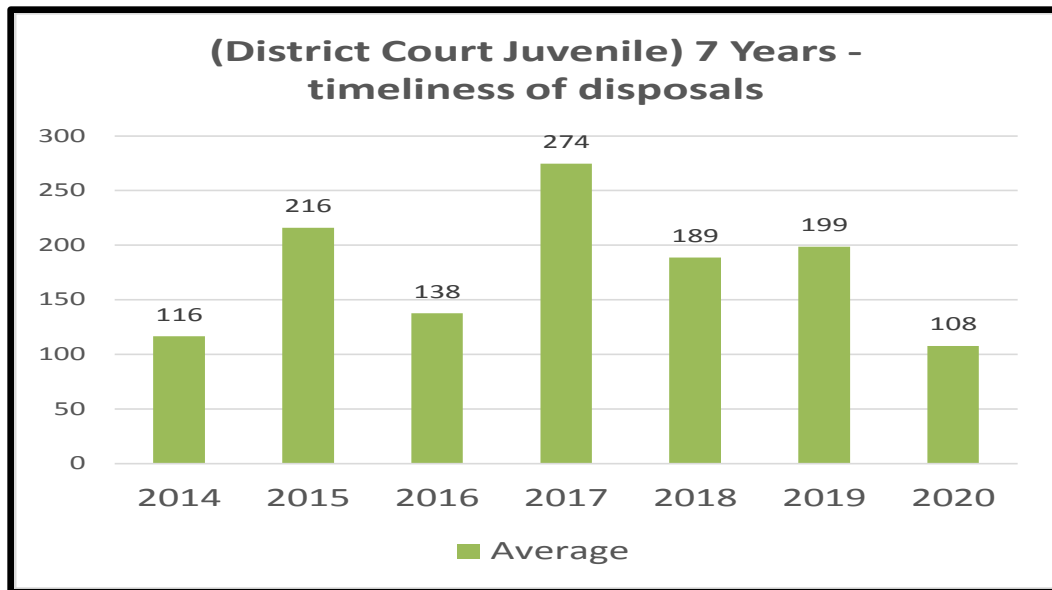


Previous 7 Calendar Years				Registered	Finalized	Clearance Rate
2014				250	242	97%
2015				62	66	106%
2016				201	152	76%
2017				61	83	136%
2018				111	126	114%
2019				103	125	121%
2020				91	102	112%

The District Court each month dismisses without prejudice abandoned cases that have been pending six months or more.

c. Average Duration of Cleared Juvenile Cases

In addition to annual clearance rates, the efficiency of a case management system can be measured by the age of cleared cases. The average duration of District Court juvenile cases cleared in 2020 was 108 days. This high figure is due to delay in the prosecution of cases.



d. Appeals

The quality of judgments can be measured in two ways: the percentage of cases appealed and the percentage of appealed cases overturned on appeal.

In 2020, none of the 102 District Court juvenile cases cleared in 2020 were appealed to the High Court. Similarly, from 2013 to 2019 no juvenile cases were appealed.

Furthermore, in 2020, there were no District Court juvenile cases or decisions from earlier years overturned on appeal.

e. Affordability and Accessibility: Fee Waivers; Cases Heard Outside of Majuro; Legal Aid; and Forms

The courts must be affordable and accessible. Affordability and accessibility to justice may be measured in terms of the availability of fee waivers, the number of cases heard outside of the capital Majuro, the availability of free legal service, and the availability of forms.

(i) Fee Waivers

As there are no filing fees for juvenile cases, fee waivers are not applicable.

(ii) Cases Heard on Ebeye

A third District Court judge is stationed in Ebeye to handle District Court matters including juvenile cases filed there.

(iii) Free Legal Services

At the District Court level, most juvenile offenders are self-represented. Only in more serious cases do they seek legal assistance and representation by the Micronesian Legal Services Corporation or the Office of the Public Defender, which both provide free legal assistance. Of the 91 juvenile cases filed in 2020, none were represented by private counsel (0%), 88 represented themselves (97%), and 3 were represented by the Office of the Public Defender (3%). Similarly, in previous years, the number of juvenile offenders represented by the Office of the Public Defender or by private counsel has been very low.

(iv) Forms

Although consent judgment forms are available at the Clerk's Office for offenders who wish to plead guilty and pay a fine, these forms are not applicable for juvenile matters as juvenile cases are treated differently. It is a requirement that all juvenile offenders must attend Court with the presence of a parent and counsel.

4. Small Claims Cases (Majuro)

The District Court's 2020 statistics for Majuro small claims cases cover the following:

- the number and nature of cases filed and finalized in 2020;
- the annual clearance rates for the most recent seven years;
- the average duration of cleared cases;
- the percentage of cases appealed and the percentage of cases overturned on appeal; and
- affordability and accessibility in terms of fee waivers, cases heard outside of Majuro, legal aid, and forms.

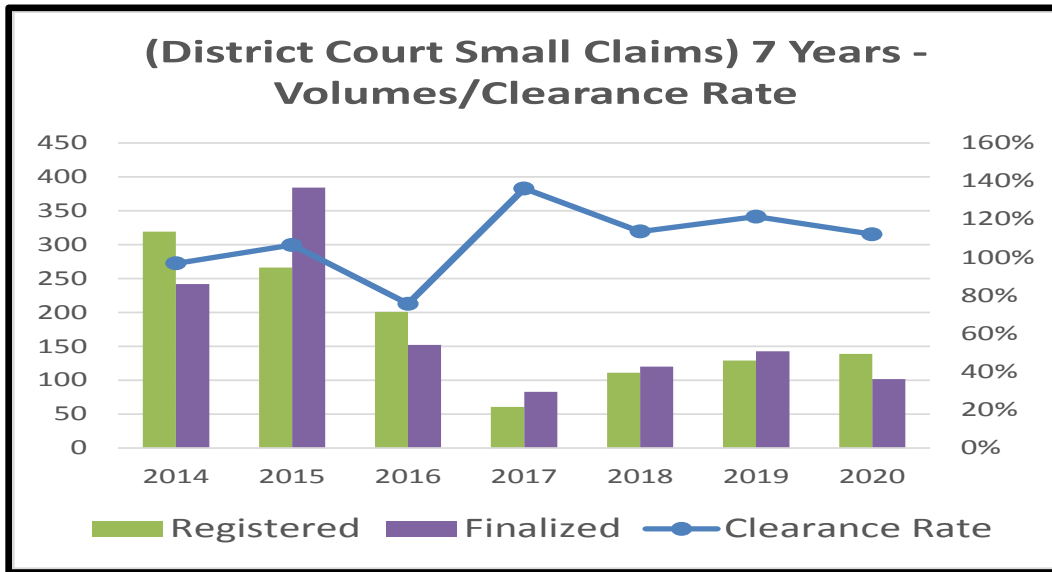
a. Number of Cases Filed

In 2020, a total of 139 small claims cases were filed in Majuro.

Of the 139 small claims cases filed in Majuro in 2020, 130 were cleared in 2020, leaving 9 pending at the end of the year. Cases that remained pending at the end of the year involved defendants who either reside in the neighboring islands, moved to the United States, or cannot be located.

b. Clearance Rates

The District Court's 2020 annual clearance rate for small claims cases was 133%. During 2020, the District Court, counsel, and parties closed 185 cases, 130 2020 cases, 30 2019 cases, 19 2018 cases, 1 2017 case, 2 2016 cases, 2 2015 cases, and 1 2014 case. And as noted in the chart below, 139 new cases were filed in 2020. The District Court's goal is to maintain an annual clearance rate for small claims cases of 100% or better, for each year.



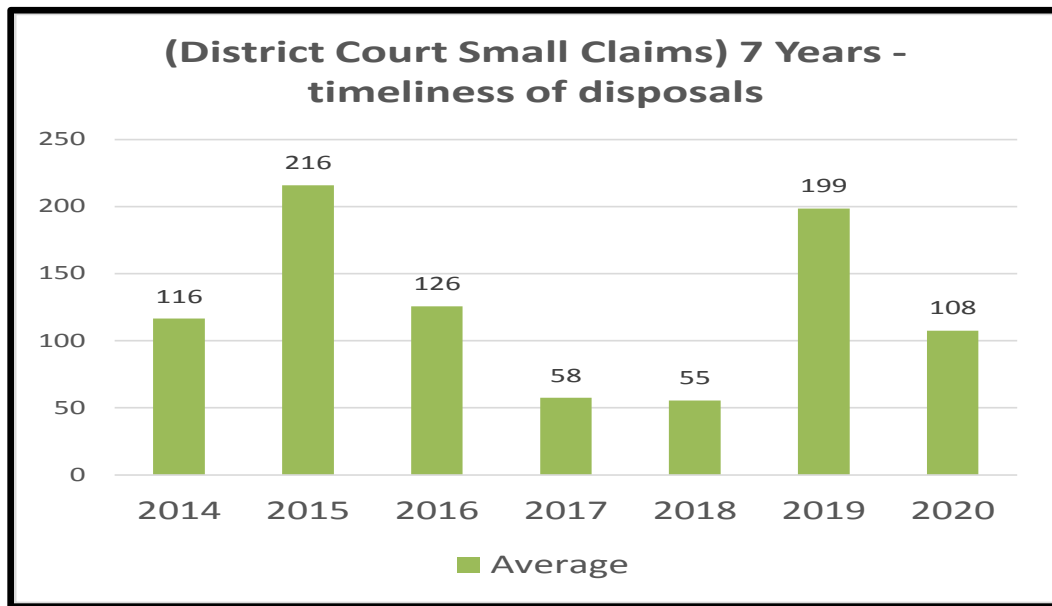
Previous 7 Calendar Years				Registered	Finalized	Clearance Rate
	2014	319	242			97%
	2015	266	384			106%
	2016	201	152			76%
	2017	61	83			136%
	2018	111	120			114%
	2019	129	143			121%
	2020	139	102			112%
	Total/clearance rate		567	588		104%

c. Average Duration of Cleared Small Claims Cases

In addition to annual clearance rates, the efficiency of a case management system can be measured by the age of cleared cases.

The average duration of District Court small claims cases cleared in 2020 was 108 days. A total of 185 cases were cleared in 2020, 130 2019 cases, 30 2018 cases, 19 2017 cases, 1 2016 case, 2 2015 cases, and 1 2014 case.

For Majuro District Court small claims cases cleared in the past six years (2015-2020), the average duration of cleared cases in days were as follows:



d. Appeals

In addition to measuring efficiency, it is important to review the quality of judgments. The quality of judgments can be measured in two ways: the percentage of cases appealed and the percentage of appealed cases overturned on appeal.

In 2020, none of the 185 District Court small claims cases cleared in 2020 were appealed to the High Court. Similarly, from 2013 to 2019 no small claims cases were appealed.

Furthermore, in 2020, there was no District Court small claims cases or decisions from any years overturned on appeal.

e. Affordability and Accessibility: Fee Waivers; Cases Heard Outside of Majuro; Legal Aid; and Forms

It is not enough that courts be efficient and that the quality of judgment be high. The courts must be affordable and accessible. Affordability and accessibility to justice may be measured in terms of the availability of fee waivers, the number of cases heard outside of the capital Majuro, the availability of free legal service, and the availability of forms.

(i) Fee Waivers

Although, by rule and statute, fee waivers are available upon a showing of need, plaintiffs did not request a fee waiver in any of the 2020 District Court small claims cases. The filing fee for small claims cases remains low at only \$5 dollars.

(ii) Cases Heard on Ebeye

A third District Court judge is stationed in Ebeye to handle District Court matters including small claims cases filed there.

(iii) Free Legal Services

At the District Court level, most plaintiffs and defendants in small claims cases are self-represented. Only in a few cases do defendants seek legal assistance and representation by the Micronesian Legal Services Corporation or the Office of the Public Defender, which both provide free legal assistance. Of the 139 small claims cases filed in 2020, no defendants were represented by private counsel (1%), only 1 of the defendants (99%) were represented by the Micronesian Legal Services Corporation or the Public Defender. All others appeared *pro se*.

(iv) Forms

Small claims forms are available on the court's website (www.rmicourts.org) or at the Clerk's Office.

In summary, a total of 1,605 cases were filed in the Majuro District Court: 853 traffic cases; 522 criminal and local government ordinance cases; 91 juvenile cases; 139 small claims cases; and 6 other civil cases.



5. Caseload for Judges and Clerks (Majuro)

In 2020, the average number of new cases heard by the two District Court judges in Majuro was 802.5 cases, and the average number of new cases per court clerk was the same.

6. Ebeye

In 2020 on Ebeye, 553 cases were filed in the District Court:

- 108 traffic cases (85 cleared and 23 pending);
- 258 criminal & local government ordinance cases (253 cleared and 5 pending);
- 168 juvenile cases (153 cleared and 15 pending); and
- 19 small claim cases (19 cleared and 0 pending).

The average number of cases heard per District Court judge in Ebeye was 553, and the average number of cases per court clerk was 276.5 (one Judiciary clerk and one Kwajalein Atoll Local Government court clerk).

No 2020 Ebeye District Court cases were appealed or overturned on appeal.

In all Ebeye District Court small claims cases, traffic cases, criminal and local government ordinance cases, the parties were self-represented. The Office of the Public Defender represented only one defendant in the cases that were filed in 2020.



E. Community Courts

On the neighboring islands, the Judiciary has Community Courts. A Community Court is a limited-jurisdiction 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 terms of up to six years, but not to exceed age 72. 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 \$1,000 (excluding matters within the exclusive jurisdiction of the High Court by Constitution or statute, such as 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.

At the end of 2020, there were 26 serving Community Court judges and only 4 vacancies. At the date of this report, there are 4 vacancies for which the Commission is waiting recommendations from local government councils: Enewetak (1); Lib (1); Rongelap (1); and unallocated (1).

Community court judges receive training when they come to Majuro for biennial summer conferences and on other occasions. 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. The Judiciary intends to continue providing such trainings for Community Court judges. The next training is scheduled for August 2022.

F. Travel to the Neighboring Islands and Ebeye

The Judiciary also travels to the neighboring islands on an as-needed basis.

If the offices of the Attorney-General, the Public Defender, and the Micronesian Legal Services Corporation were to station attorneys on Ebeye full time, the Ebeye caseload would increase. Because of the Government's COVID Travel Ban, in 2020 the High Court did not have sufficient judges to travel to Ebeye.



If the Government cannot afford to station attorneys full-time on Ebeye, the Judiciary would request that at the very least the Office of the Attorney-General and Office of the Public Defender receive funding to employ trial assistants on Ebeye. This was the practice until relatively recently. Defendants brought before the District Court on Ebeye on criminal charges have a constitutional right to legal counsel.

G. Other Services: Births, Deaths, Marriages, Notarizations, etc.

In addition to deciding cases, the courts help the people through confirming delayed registrations of births and death, performing marriages, notarizing and certifying documents, and issuing record checks. The courts offer these services on no or little notice. However, couples usually schedule marriages one to 3 days in advance. Marriages by non-

citizens must first be approved by the Ministry of Foreign Affairs.



1. Majuro. In 2020 on Majuro, the High Court and the District Court processed 167 delayed registrations of birth, 2 delayed registrations of death, and performed 31 marriages. The clerks notarized 1217 documents, of which 22 were notarized off site to accommodate disabled persons. Upon request, clerks will go to the hospital or homes to notarize

documents for those who cannot travel to the courthouses. Also, the clerks issued 19 apostille certifications, 28 criminal record checks, and 137 corporate litigation checks.

2. Ebeye. In 2020 on Ebeye, the District Court processed 103 delayed registrations of birth, 1 delayed registrations of death, and performed 7 marriages. The Ebeye clerks also notarized 232 documents, of which 9 were notarized off site to accommodate disabled/sick persons and 8 were notarized off site at a chief's home/meeting.

The five-year totals for birth, deaths, marriages, and notarizations are as shown below.

Birth, Deaths, Etc. 2016-2020					
	2016	2017	2018	2019	2020
Births	336	355	350	319	270
Deaths	5	4	3	3	3
Marriages	40	64	40	42	38
Notarizations	1,206	974	1,314	1,041	1,449
Apostille Cert's	22	23	11	3	19
Criminal Checks	33	52	36	35	28
Corporate Checks	75	162	151	202	146

H. Court Staff



In 2020, the Judiciary's staff included the following: a chief clerk of the courts, 7 assistant clerks (1 in Ebeye), 3 bailiffs (seconded from the National Police), and 2 maintenance workers. The chief clerk and 5 of the seven assistant clerks were women. A listing of the judiciary personnel at the end of the year is attached as Appendix 2.

In addition to their administrative responsibilities, the clerks also serve as interpreters from Marshallese to English and English to Marshallese. The clerks also assist unrepresented court-users complete forms.

The Office of the Clerk of the Courts is open 8:30 a.m. to noon and 1:00 p.m. to 4:30 p.m., Monday through Friday, except holidays. In case of emergencies, the courts will open on weekends and holidays. The contact information for the Majuro and the Ebeye Courthouses is as follows:

Majuro Courthouse
P.O. Box B
Majuro, MH 96960
Tel.: (011-692) 625-3201/3297
Email: Marshall.Islands.Judiciary@gmail.com



The Majuro Courthouse is located in Uliga Village, Majuro Atoll, across from the Uliga Dock.

Ebeye Courthouse
P.O. Box 5944
Ebeye, Kwajalein Atoll, MH 96970
Tel.: (011-692) 329-4032
Email: ebeyecourthouse@gmail.com

The Ebeye Courthouse is located behind the Police Station on the Oceanside.

I. Professional Development and Regional Conferences

Managing the Judiciary's personnel in accordance with sound leadership and management practices is the fourth goal of the Judiciary's 2019-2023 Strategic Plan. In most years, all permanent justices and judges of the Supreme Court, the High Court, the Traditional Rights Court, the District Court, and court clerks attend at least one workshop and conference each year to further develop their knowledge and skills. However, due to the COVID-19 global pandemic, the Judiciary in 2020 was not able to organize and facilitate as many professional development opportunities for both judges and court staff. Funding for such programs come from the Judiciary's annual operating budget, the Compact of Free Association, New Zealand, and Australia. The Judiciary's 2020 professional development activities are set forth below.

From January 27 to 30, 2020, Supreme Court Chief Justice Daniel Cadra and High Court Chief Justice Carl B. Ingram attended the 2020 Ninth Circuit Judicial Council Mid-Winter Workshop held in Palm Springs, California. Plenary sessions attended included topics on how severe climate events can lead to cases, understanding issues involving transgender individuals, HR problems and solutions for judges, the importance of historical context in cases and controversies involving monuments, and a preview of Jeffery Robinson's forthcoming documentary, "Who We Are: A Chronicle of Racism in America." While at the conference, CJs Cadra and Ingram also attended the Pacific Islands Committee Meeting, which afforded them an opportunity to meet committee members and discuss the training needs of the RMI judges and court staff, including the need for workshops on wellness/mindfulness.

On February 27, 2020, District Court Presiding Judge Ablos Tarry Paul and Traditional Rights Court Associate Judge Grace Leban participated in the Pacific Judicial Strengthening Initiatives ("PJSI") Lay Judicial Officers webinar. The objectives of the webinar were to understand the challenges currently faced by Lay Judicial Officers across the region and seek feedback to be presented by a representative at the next PJSI Initiative Committee Meeting. The webinar served as a consultative process with Lay Judicial Officers from across the region.

On May 28, 2020, High Court Chief Justice Carl B. Ingram, High Court Associate Justice Witten T. Philippo, and Chief Clerk of the Courts Ingrid Kabua attended the PJSI sponsored webinar "Pacific COVID 19 – Experiences and Responses Webinar. The purpose of the webinar

was to discuss the challenges, experiences and responses to COVID-19 across the Pacific and between Partner Courts, and to identify lessons learnt from other jurisdictions. The webinar featured presentations by the Honorable Justice Logan from the Federal Court of Australia, and Honorable Chief Judge LaVerdiere, recently retired from the Maine District Court and member of The National Judicial College faculty.

Supreme Court Chief Justice Daniel Cadra, High Court Chief Justice Carl Ingram, High Court Associate Justice Witten Philipppo, and Chief Clerk of the Courts Ingrid Kabua participated in the “Pacific Courts and the COVID-19 Pandemic” webinar via Zoom held on Friday, June 19, 2020, sponsored by the US Ninth Circuit with Compact Judiciary Development Funds. This webinar provided an opportunity for Pacific court leaders to discuss how COVID-19 has impacted their courts’ operations and lessons learned. Panelists included the Honorable F. Philip Carbullido, Chief Justice, Supreme Court of Guam; the Honorable Carl B. Ingram, Chief Justice, High Court, Republic of the Marshall Islands; and the Honorable Ramona Manglona, Chief Judge, U.S. District Court of the Northern Mariana Islands. Webinar moderator was the Honorable Margaret McKeown of the United States Court of Appeals for the Ninth Circuit.

On June 23, 2020, Chief Justice Carl Ingram, Chief Clerk of the Courts Ingrid Kabua participated in the PJSI sponsored webinar “Opening the Court safely during COVID-19” presented and facilitated by the Rt. Hon. Dame Helen Winkelmann, Chief Justice of New Zealand and Tokelau; the Hon. Justice Forrie Miller, Justice of the New Zealand Court of Appeal; and the Hon. Chief Judge Heemi Taumaunu, Chief Judge of the New Zealand District Court. The Judicial Facilitators spoke to the following topics: Communication and instilling confidence; Processes for successfully resuming business after a lockdown; Dealing with backlogs and delays; Access to justice, including for vulnerable communities; Remote hearings, when are they appropriate.

On August 6, 2020, High Court Chief Justice Carl B. Ingram and Chief Clerk of the Courts Ingrid Kabua attended the PJSI sponsored webinar “[The Pacific Courts and the COVID-19 Pandemic](#).” The purpose of the webinar was to provide an opportunity for Partner Courts to discuss and exchange experiences, challenges and innovative solutions to promote effective court service delivery in the COVID-19 context, in particular with regards to enabling access to justice for the most vulnerable. Justice Debra Mortimer of the Federal Court of Australia presented and facilitated the webinar. Questions raised during the webinar included: What adaptations to your judicial role have you made during the COVID-19 pandemic that you might continue to use? What has been the hardest aspect of continuing to perform your judicial role during the pandemic?

High Court Chief Justice Carl B. Ingram, Chief Clerk of the Courts Ingrid K. Kabua, and Assistant Clerk of the Courts Hainrick Moore participated in the PJSI’s Remote Court Proceedings webinar on August 20, 2020, facilitated by PJSI Efficiency Advisers Ms. Jennifer Akers and Mr. Tony Lansdell. The webinar allowed an opportunity for participating courts to share their current status and plans for Remote Court Proceedings (incorporating video and audio technology), positive or negative experiences with using Remote Court Proceedings, and raise

issues Any issues that may need to be addressed, or support that may be needed moving forward. (For example: regulations, legislation, policy documentation, resourcing, skill sets, connectivity).

From October 5-8, 2020, Assistant Clerks of the Courts Kristen Kaminaga, Namiko Obeketang, Melissa Joe, and Kaiboke Iseia participated in a court interpreter training via Zoom facilitated by Dr. Suzanne Zend, former Director of the University of Hawaii's Center for Interpretation and Translation Studies. During the workshop the clerks were able to identify the characteristics of an effective court interpreter, understand their role as court interpreters, learn the Court Interpreter's Code of Ethics, practice the three different modes of interpretation, identify the challenges and ways of overcoming challenges, and collaborate on a bilingual glossary for faster and more accurate interpretation. The overall aim of the workshop was to help the new clerks become more confident and effective interpreters for the RMI Courts.

The PJSI in January of 2020, approved the RMI Judiciary's Leadership Incentive Fund (LIF) Grant application to support court staff and judges to undertake the University of South Pacific's Diploma of Justice and the Certificate of Justice in 2020. The goal of the LIF application was to improve/raise the qualifications of lay judges and court clerks by increasing the number lay judges and court clerks with formal qualifications – such as certificates, diplomas, and ultimately a law degree. In November 2020, Chief Clerk of the Courts Ingrid Kabua successfully completed the Diploma of Justice course.

High Court Chief Justice Carl B. Ingram, Chief Clerk of the Courts Ingrid K. Kabua, and Assistant Clerk of the Courts Hainrick Moore on December 3, 2020, participated in the PJSI sponsored Remote Court Proceedings Toolkit Launch Webinar. The Toolkit details a holistic approach, including guidance on maintaining open justice, procedural fairness and upholding the right to confront doctrine, with a recognition that local conditions and capabilities vary. The information provided in this toolkit intends to empower courts with the knowledge and confidence to set-up, conduct, manage and administer RCP in a way that ensures quality justice continues during and after the COVID-19 pandemic.

J. Court Rules and Relevant Statutes

To enhance access to justice, the Judiciary regularly reviews and amends or seeks amendments of its rules of procedure, Evidence Act, and other statutes.

Over the past 10 years, the Judiciary has proposed more than 35 amendments to Acts. In 2018 the Nitijela considered two Acts proposed by Judiciary: the Judicial Compensation (Amendment) Act 2018 to increase the salary of Traditional Rights Court judges and District Court judges with law degrees; and the Domestic Violence Prevention and Protection (Amendment) Act 2018 to correct identified error and deficiencies in the existing act. The Nitijela adopted the Domestic Violence Prevention and Protection (Amendment) Act. However, the Nitijela did not act on the Judicial Compensation (Amendment Act) 2018. Accordingly, in January 2020 the Judiciary requested the Cabinet re-introduce the Act before the newly installed Nitijela.

The Judiciary also has been busy updating its rules. Over the past 10 years, the Judiciary has amended its rules approximately 20 times. In 2019, the Judiciary updated the Schedule of Costs and Fees and the Marshall Islands Rules of Civil Procedure, both to become effective on January 1, 2020.

IV. THE JUDICIAL SERVICE COMMISSION: JUDICIAL APPOINTMENTS

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

In 2020, the Commission nominated to the Cabinet for re-appointment, two Supreme Court acting justices and two Traditional Rights Court judges. Also, the Commission appointed four new Community Court judges for Ailinglaplap, Kili, Namu, and Utrik.

V. ACCOUNTABILITY: CODES OF CONDUCT AND COMPLAINTS

The third goal of the Judiciary's Strategic Plan includes "*to be accountable.*" To enhance its transparency and accountability, the Judiciary has adopted internationally recognized standards for judicial conduct and attorney conduct. These standards are available to the public as are the procedures for lodging complaints against judges, attorneys, and court staff.

With respect to judicial conduct, the Judiciary has adopted the Marshall Islands Code of Judicial Conduct 2008 (revised January 9, 2017). The Code is based principally upon the Bangalore Principles and the American Bar Association model Code of Judicial Conduct. A copy of the Judiciary's code can be found on its website, www.rmiecourts.org/ under the heading "The Marshall Islands and Its Judiciary." The provisions for lodging and processing complaints against judges start on page 12 of the code.

In 2020, two complaints were lodged against two District Court judges. The first turned out to be a complaint about an aggressive attorney, not the judge. The second complaint was about a judge chewing betel nut and tobacco. Both matters were solved by the High Court Chief Justice, with the concurrence of the Judicial Service Commission, counseling the subject judges. In the

past five years, there has been only one other complaint about a District Court judge, a complaint in 2015 that was resolved to the satisfaction of the complainant. These complaints represent less than 0.1% of the District Court’s caseload.

With respect to attorney conduct, the Judiciary has adopted the American Bar Association’s Rules of Professional Conduct. Provisions for lodging and processing complaints against attorneys can be found on the Judiciary’s website under the heading “Rules of Admission and Practice.” The Supreme Court and High Court have appointed an attorney-committee to hear complaints. In 2020, no complaints were lodged or pending against attorneys.

With respect to court staff, the Judiciary maintains a complaint box at the courthouses. In 2020, only one complaint was lodged against a court staff. The matter was resolved with the employee’s voluntary resignation.

VI. FACILITIES, TECHNOLOGY, AND LIBRARY

Administering the Judiciary’s buildings and equipment in accordance with sound management practices is the fifth goal of the Judiciary’s Strategic Plan.

A. Facilities



Courthouse.

Over the recent past, the Judiciary, with funding from court fees and from the Cabinet, the Nitijela, and the Republic of China (Taiwan), has renovated the Majuro Courthouse and the Ebeye Courthouse to make them safe, secure, and accessible. The projects have included renovating the Ebeye Courthouse, adding a ground-floor courtroom at the Majuro Courthouse, renovating of the chambers of the Traditional Rights Court in Majuro, repainting the Majuro Courthouse and replacing the roof, installing a 100KVA backup generator for the Majuro Courthouse, constructing a police substation next to the Majuro

Also, in 2017, the Judiciary sought funding for a new courthouse on Ebeye. The Ebeye Courthouse building has deteriorated to the point where its needs to be replaced. It is in bad condition and cannot be expanded to meet the Judiciary’s and Kwajalein community’s needs. Unfortunately, the Judiciary did not receive the funds it requested. In 2019 and 2020, the Judiciary renewed its request for funds for this vital project.



B. Technology

The courthouses on Majuro and Ebeye are equipped with computers, printers, and photocopiers and have Internet access at between 8 and 10 Mbps depending on the international connections. However, visiting counsel are urged to purchase Internet access from the local telecommunications company, the National Telecommunications Authority (“NTA”). Also, the courts permit the filing and service of documents via email attachment. The computers in Majuro are linked together in a network, and the Majuro Courthouse has three scanners with OSC software permitting the courts to scan documents and send them almost anywhere in the world. Unfortunately, in 2019, the Judiciary’s server was damaged by power outages and had to be replaced. For security, the Judiciary also purchased a second server to be housed off-site with the NTA. Along with the second server, the Judiciary has installed a case tracking system to quickly provide case data for management, transparency, and accessibility.

Currently, the High Court permits off-island counsel to attend status and scheduling conferences via telephone, Skype, and Zoom. Occasionally, evidence in uncontested matters is taken via Skype or telephone. However, more band width is needed to provide stable video conferencing for contested matters.



C. Library

The Judiciary has a small, but functional, law library. However, the Judiciary relies upon WestLaw for up to date access to United States case law and secondary sources.

VII. ANNUAL BUDGET AND AUDIT REPORT

Managing the Judiciary’s financial resources in accordance with sound financial practices is the sixth goal of the Judiciary’s Strategic Plan. This is evidenced not only by the work of the courts, but also by the Judiciary’s management of the funds made available to it.

For FY 2020, the Nitijela appropriated \$1,206,678 for the Judiciary: \$867,796 for salaries and wages and \$338,882 for all others. Less audit expenses of \$9,637 paid out by the Ministry of Finance, a total of \$329,245 was paid to the Judiciary for its operational funds.

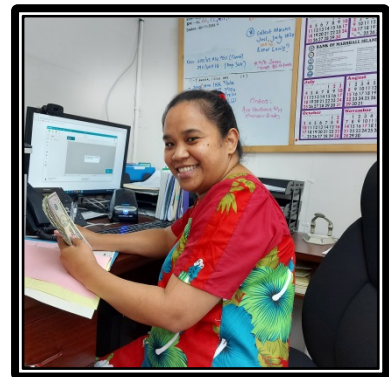
Of the \$867,796 appropriated for personnel in FY 2020, the Judiciary only expended \$698,419.48 because of vacancies and unexpended salaries in the High Court and the Community Courts. The unspent personnel funds from FY 2020, \$169,376.52, remained in the General Fund with the Ministry of Finance.

Of the \$338,882 appropriated in FY 2020 for all other expenses, \$9,637 was retained by the Ministry of Finance for audit expenses and the Judiciary expended or obligated the remaining \$329,245.

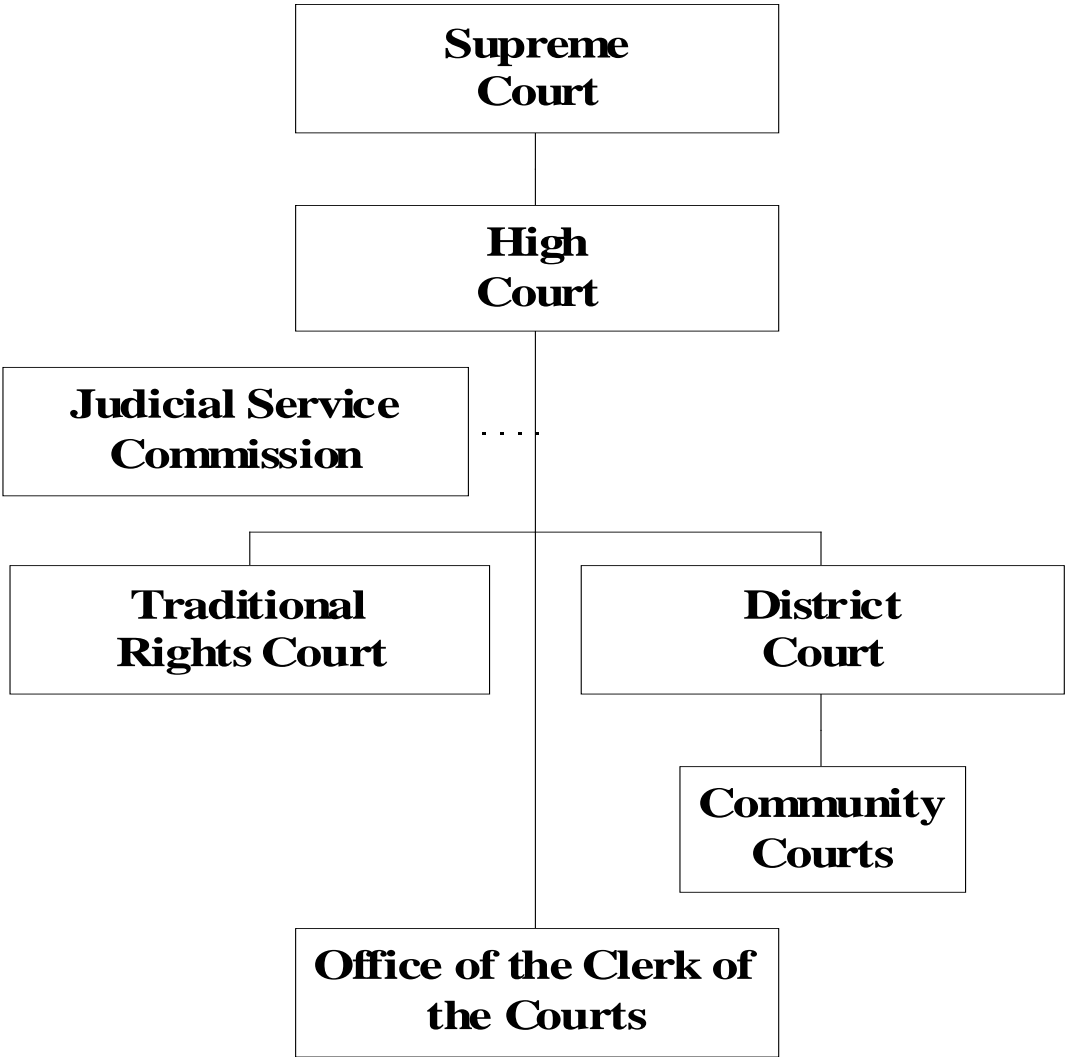
From operations funds, the Judiciary has segregated moneys the Nitijela appropriated for the Legal Aid Fund. As of September 30, 2020, the Judiciary had \$109,798.15 in its Legal Aid Fund account, much of which had been obligated for payment to attorneys to represent those who cannot offer an attorney and cannot be represented by the Micronesian Legal Aid Services Corporation and the Office of the Public Defender.

Apart from Nitijela appropriations, the Judiciary by Act has its own special revenue fund (“Judiciary Fund”). Court fines and fees (excluding national criminal fines and local government fines) collected by the Office of the Clerk of the Courts are deposited into this fund, as are funds from other sources. Collections by the Office of the Clerk of the Courts and deposited into the Judiciary Fund in FY 2020 totaled \$47,869.38. The fund balance at the end of FY 2020, \$96,957.88 and monies collected in FY 2020 will be reserved for a new Ebeye courthouse. The Ebeye Courthouse project is in the planning stage and most certainly will need much more additional funding.

For the Marshall Islands Judiciary Fund and Legal Aid Fund, Deloitte for FY 2020, reported a clean audit with no findings. Attached as Appendix 3 are the Balance Sheets for years ending September 30, 2020 and 2019, the statement of revenues, expenditures, and changes in the fund balance for years ended September 30, 2020 and 2019, and the statement of no audit findings.



**ORGANIZATIONAL CHART
FOR THE
MARSHALL ISLANDS JUDICIARY**



JUDICIARY PERSONNEL

Justices and Judges

Supreme Court Chief Justice Daniel N. Cadra (09/21/13-09/20/23)

High Court Chief Justice Carl B. Ingram (10/05/13-10/04/23)

High Court Associate Justice Witten T. Philippo (10/29/17-01/31/30)

High Court Associate Justice (vacant)

Traditional Rights Court Chief Judge Walter K. Elbon (07/04/10-deceased 10/08/20)

Traditional Rights Court Associate Justice Nixon David (04/07/17-04/06/21)

Traditional Rights Court Associate Justice Grace L. Leban (07/04/20-07/03/30)

Presiding District Court Judge A. Tarry Paul (12/26/18-12/25/28)

Associate District Court Judge Davidson T. Jajo (Ebeye) (04/18/16-04/17/26)

Associate District Court Judge Caios Lucky (01/20/19-08/28/27)

Ailinglaplap Community Court Presiding Judge Canover Katol (05/04/18-05/03/24)

Ailinglaplap Community Court Associate Judge Mannu Rakin (07/13/18-07/12/24)

Ailinglaplap Community Court Associate Judge Rancy Robert (11/02/20-11/01/26)

Ailuk Community Court Presiding Judge Tilly Menuna (02/25/18-02/24/24)

Arno Community Court Presiding Judge Batle Latdrik (08/05/18-08/04/24)

Arno Community Court Associate Judge Patrick Jiraal Alfred (08/05/18-08/04/24)

Arno Community Court Associate Judge Benjinej Kawe (08/05/18-08/04/24)

Aur Community Court Presiding Judge Benty Jikrok (03/03/17-03/02/23)

Bikini and Kili Community Court Presiding Judge Swinton Jakeo (03/09/20-03/08/26)

Ebon Community Court Presiding Judge Jurelon Alik (09/17/17-09/16/23)

Enewetak and Ujelang Community Court Presiding Judge (vacant)

Jabat Community Court Presiding Judge Tari Jamodre ((08/07/16-08/06/22)

Jaluit Community Court Presiding Judge Hertina Mejjena (07/13/14-07/12/18)

Jaluit Community Court Associate Judge Junior Helmi Morris (01/22/17-01/21/23)

Lae Community Court Presiding Judge Island Langbata (12/03/18-12/02/24)

Lib Community Court Presiding Judge (vacant)

Likiep Community Court Presiding Judge Riton Erakdrik (07/25/16-07/24/22)

Maloelap Community Court Presiding Judge Elji Lelwoj (02/25/18-02/24/24)

Maloelap Community Court Associate Judge Jobo Lauror (02/25/18-02/24/24)

Mejit Community Court Presiding Judge Rebecca John (01/25/15-01/24/21)

Mili Community Court Presiding Judge Jiton John (01/22/17-01/21/23)

Namdrik Community Court Presiding Judge Reio Lolin (08/26/18-08/25/24)

Namu Community Court Presiding Judge Liston Albious (03/09/20-03/08/26)

Rongelap Community Court Presiding Judge (vacant)
Ujae Community Court Presiding Judge Area Jibbwa (08/26/18-08/25/24)
Utrik Community Court Presiding Judge Kobobo Kios (03/12/20-03/11/26)
Wotho Community Court Presiding Judge Carlmai Antibas (09/23/16-09/22/22)
Wotje Community Court Presiding Judge Anjain Helbi, (05/27/18-05/26/24)
Wotje Community Court Associate Judge Mejjwadrik Elbon (08/09/15-08/08/21)
Unallocated (vacant)

Judicial Service Commission

High Court Chief Justice Carl B. Ingram, Chair
Attorney-General Richard G. Hickson, Member
Maria K. Fowler, Member Representing the Public

Staff

Chief Clerk of the Courts Ingrid K. Kabua
Assistant Clerk of the Courts Armen Bolkeim (Ebeye)
Assistant Clerk of the Courts Hainrick Moore
Assistant Clerk of the Courts Tanya Lomae
Assistant Clerk of the Courts Kristen Kaminaga
Assistant Clerk of the Courts Namiko Obeketang
Assistant Clerk of the Courts Kaiboke Iseia
Assistant Clerk of the Courts Melissa Joe
Maintenance James Milne
Bailiff Moses Lautiej, Police Officer II
Bailiff Noland Tash, Police Officer I
Bailiff Clay Mielson, Officer I

JUDICIARY OF THE REPUBLIC OF THE MARSHALL ISLANDS DRAFT PLAN, PREPARATIONS, AND NEEDS FOR COVID-19

To protect the people of the Marshall Islands from the COVID-19 pandemic, the Government of the Republic of the Marshall Islands ("GRMI") has, since March 2020, issued a series of monthly travel bans to prohibit entry into the Republic. The Travel Bans have been successful. The Republic has had no COVID-19 cases, and the GRMI has not had to issue any orders restricting the movement of persons within the Republic ("stay-in-place orders").

If, however, the Ministry of Health and Human Services confirms the presence of COVID-19 in the Republic, then to preserve public health and safety, the Cabinet may issue stay-in-place orders of varying degrees. At the very least, the stay-in-place orders may make it difficult or impossible to conduct in-person proceedings as before.

Therefore, the Judiciary, in advance of any stay-in-place orders, is in consultation with external stakeholders developing and implementing amendments to its rules and procedures to ensure the public's "Access to Justice" without undue disruption and without compromising their health and safety. In the face of similar challenges, judiciaries around the world have expanded their use of audio conference and video conference proceedings. The RMI Judiciary will do so as well.

Below is a list of actions and practices the Judiciary is taking in anticipation of GRMI stay-in-place orders. Some may be incorporated into the "new-normal."

Your comments are appreciated.

1. **Video Conferencing Programs, Procedures, and Protocols**. In order to reduce in-person proceedings and the risk of spreading COVID-19, the courts will conduct some proceedings by audio conferencing and video conferencing. Accordingly, the Judiciary, court personnel, and counsel must —

- a. Identify and become familiar with the various **video conferencing programs** being used today, including: Zoom, WebEx, Microsoft Teams, Go-to-Meeting, Skype, Whereby, etc., and their **features** — for example, the following Zoom features:
 - i. **Virtual backgrounds**, *i.e.*, courtroom background for judges; however, to date Zoom's background needs refinement — it does not track well if you move quickly;
 - ii. The **mute** feature, which makes video conferencing more controllable than teleconferencing

- iii. **Breakout rooms** for impromptu conferences between parties and counsel who are appearing from different locations;
 - iv. The **waiting rooms** for parking pending witnesses;
 - v. The **chat** feature for parties and counsel to pass note to each other, but rules will be necessary to avoid abuse, *e.g.*, to prohibit communication with witnesses in the waiting room;
 - vi. The **chat/file** feature for counsel and parties to submit rebuttal (and other unanticipated) exhibits that have not been submitted before the proceeding;
 - vii. To satisfy constitutional and statutory requirements for “**a public trial**” and to conduct proceedings in “**open court**” employ the following:
 - (1) The **mute and video off** features can be used with the **hide non-video participants** option allowing spectators to see and hear the proceedings without being seen or heard;
 - (2) **Webinar feature** for others (spectators) to listen and watch but not “appear” at the hearing, but it costs \$12.95 per month more; and
 - (3) **Live stream** proceedings to courtrooms or to the Internet via Youtube to offer interested persons and the public not on the video link the opportunity to view and hear the proceedings; however, the copying of such broadcasts must be prohibited; and
 - viii. **Record** civil and criminal proceedings for purposes of appeal.
- b. Develop **rules and procedures** for video conference proceedings, including the following:
- i. Rules for **civil proceedings** (see draft below);
 - ii. Rules for **criminal proceedings** (see draft below);
 - iii. **Notices** of hearings and **instructions** for logging-in;
 - iv. **Etiquette protocols** for participants: *i.e.*, wait to be recognized to talk; “raise hand” to get the judge’s attention (need more noticeable prompt); mute your microphone when you are not the speaker; saying “over” when you have finished speaking; etc.

- c. Check, and if it is necessary acquire additional **equipment**:
 - i. group camera for wide angle view (arr'd 6/16, 7/28 working on installation);
 - ii. projector/screen or monitor (6/23 projector operational, use newly painted wall for screen; 7/29 get quotes for 65 inch monitor with portable stand; order due by end of August; 8/18 monitor delivered, awaiting portable stand);
 - iii. laptop for group sessions (7/28 existing laptops available);
 - iv. wide angle cameras for High Court justices desktops for conferences and small hearings (8/10 still awaiting camera ordered 6/7 and reordered 8/2); and
 - v. quality headphones for judges and court staff (8/14 under review).

2. **Amendments to the Rules of Civil Procedure.** To facilitate remote court proceedings, the High Court shall promulgate rules of civil procedure that expressly permit hearings by audio conference and video conference links. For example:

Civil Rule _____. Audio Conference or Video Conference Proceedings.

- a. Subject to any Act or the Constitution in the particular case, the court may, in its discretion,
 - i. use audio conference or video conference links to conduct civil proceedings, and those appearing by audio conference or video conference links shall be deemed to be "present" in court; and
 - ii. make accessible to the public by audio conference or video conference links broadcasts of civil proceedings, which proceedings shall be deemed to be "public" and made in "open court."
- b. Unless the Court otherwise orders, no member of the public who is observing a proceeding by accessing any audio conference or video conference link, may
 - i. make any audio conference or video conference recording or photograph of the hearing or any part of it; and
 - ii. participate in, or interfere with, the proceeding (including providing testimony to a witness sequestered under Marshall Islands Rules of Evidence, Rule 615); provided, however, that nothing in this order shall prevent any person, based on what he or she has seen or heard during the hearing making his or her own notes or record of the proceeding or publishing a report of the proceeding.
 - iii. Contravention of this paragraph "ii" may constitute a contempt of court.

See Section 265 of the Judiciary Act, 27 MIRC 2; see also Marshall Islands Rules of Civil Procedure, Rule 77(b) regarding judiciary proceedings.

3. **Amendments to the Rules of Criminal Procedure.** To facilitate remote court proceedings, the High Court shall promulgate rules of criminal procedure that expressly permit hearings by audio conference or video conference links. For example:

Criminal Rule _____. Audio Conference or Video Conference Proceedings.

- a. Subject to any Act or the Constitution in the particular case, the court may, in its discretion,
 - i. (A) use audio conference or video conference links to conduct criminal proceedings, **except trials, sentencing hearings, and other post-trial proceedings, which shall be heard at in-person proceedings;**
(B) pursuant to the provisions of Rule 26 the testimony of children and mentally defective persons¹ may be taken by audio conference or video conference links and presented without the defendant's consent; provided, however, the testimony of other witnesses may be taken by audio conference or video conference links only with the defendant's consent, unless the court orders otherwise subject to the Right to Confrontation; and
(C) those appearing by audio conference or video conference links shall be deemed to be "present" in court; and
 - ii. make accessible to the public by audio conference or video conference links broadcasts of criminal proceedings, which proceedings shall be deemed to be "public" and made in "open court."
- b. Unless the court otherwise orders, no member of the public who is observing a proceeding by accessing any audio conference or video conference link, may
 - i. make any audio conference or video conference recording or photograph of the hearing or any part of it; and
 - ii. participate in, or interfere with, the proceeding (including providing testimony to a witness sequestered under Marshall Islands Rules of Evidence, Rule 615); provided, however, that nothing in this order shall prevent any person, based on what he or she has seen or heard during the hearing making his or her own notes or record of the proceeding or publishing a report of the proceeding.
 - iii. Contravention of this paragraph "ii" may constitute a contempt of court.

See the Constitution, Article II, Section 4(4); the Judiciary Act, 27 MIRC § 265; and Marshall Islands Rules of Criminal Procedure, Rule 5(e), Rule 10(c), and Rule 53, which rules may require amendment.

4. **The Handling of Urgent Matters, Time-Sensitive Proceedings.** Even if the Cabinet requests that the Judiciary avoid unnecessary proceedings and maintain social distancing, the Judiciary shall continue to hear, without undue delay, all time-sensitive matters that must be heard immediately **to protect constitutional rights**, including liberty, safety, and property

¹Consider including other vulnerable witnesses, *e.g.*, victims of sexual assault.

("urgent proceedings"). To this end, and subject to any Act or the Constitution in the particular case, urgent proceedings may be heard by audio conference or video conference proceedings instead of at "in-person" proceedings and in a regular courtroom. These matters include the following:

- a. In criminal proceedings: applications for search warrants, arrest warrants, and penal summons; initial appearances; bail hearings; preliminary hearings; revocation hearings, and hearings for those held in custody without having had a hearing;
- b. Writs of habeas corpus hearings;
- c. COVID-19 curfew and quarantine hearings;
- d. Civil confinement petition hearings;
- e. Protection orders hearings, including domestic violence and child protection orders;
- f. Other urgent family status hearings, particularly those necessary to promote the best interest of the child; and
- g. Applications where parties are at risk of losing important rights, including applications for temporary restraining orders, preliminary injunctions, and evictions.

5. **Rules for Taking Testimony and Displaying Exhibits at Hearings by Video Links.**

- a. All witnesses appearing remotely at court proceedings must appear by video conference, take an ***oath*** to testify truthfully, and, if they are appearing from outside the Republic, must consent to the court's jurisdiction over them regarding false statements given under oath.
- b. During video conference proceedings, the courts shall allow the parties to display **exhibits** by "screen sharing." However, the parties must provide the court, opposing counsel, and relevant witnesses with properly marked, searchable pdf copies of the exhibits two days head of the proceedings. Also, the parties should stipulate to the admissibility of exhibits ahead of the proceeding or resolve disputes as to admissibility through timely motions *in limine*.

6. **Court Services.** The Judiciary shall suspend court services, including delayed registration of death, delayed registration of birth, marriages, notarizing documents, corporate records check, criminal record checks, etc., unless they can be performed while maintaining social distancing.

7. **Limiting Access to Judiciary Facilities: Hours of Operation, Access by the Public and Press.** The Judiciary shall implement the following procedures to limit the risk of infections.

- a. Reduce hours of operation open to the public at the Judiciary's courthouses, *e.g.*, 10:00 a.m. to 12:00 noon and 2:00 p.m. to 4:00 p.m.
- b. Limit access to Judiciary facilities.
 - i. No one shall enter the courthouses if they have:
 - (1) A fever, cough, or other respiratory symptoms;
 - (2) Traveled outside the Republic in the past 14 days; or
 - (3) Had close prolonged contact with a person who has, or is suspected to have, COVID-19.
 - ii. Anyone entering a Judiciary facility must comply with preventative practices consistent with GRMI proclamations and order, including temperature checks, physical distancing, hand washing, sanitizing work spaces, covering nose and mouth when sneezing or coughing, and using a mask as described and recommended by the National Disaster Committee.
 - iii. Limit the number of non-court personnel in the courthouse at anyone time (*e.g.*, 10) and limit the number of non-court personnel present in a courtroom (*i.e.*, only litigants, counsel, and witnesses, and press), etc.;
- c. Reduce access to proceedings by press and public: provide, as appropriate, access in-person; in an adjoining room; via audio and video links; or by live streaming; and
- d. Encourage parties and counsel to file pleadings and papers as email attachments.

8. **Work Hours and Locations for Judges, Staff, and Counsel.** Judges and other judicial personnel shall continue to work at their normal duties stations, subject to implementation of following:

- a. Reduced hours, *e.g.*, 4 or 6 hours per day;
- b. Two shifts for each work unit, flex hours, etc. [*e.g.*, Team 1 and Team 2 work alternating weeks; or, alternatively, Team 1 appears MWF, Team 2 appears TT, and then they switch alternating two-week periods];

- c. Paid leave for staff in COVID-19 risk groups (*e.g.*, diabetic, hypertensive, over the age of 65, etc.);
- d. Work from home or other remote location, if possible; however, given the Internet speed at most homes, this won't work well;
- e. Take actions to reduce stress on staff in dealing with difficult parties and counsel [Webinars on wellness and mindfulness]; and
- f. Conduct conferences and hearings by video conferencing whenever possible.

DRAFT



High Court
of the
Republic of the Marshall Islands

Post Office Box B
Majuro, MH 96960
Marshall Islands Tel: (011-692) 625-3201/3297
Fax: (011-692) 625-3323
Email: marshallislandsjudiciary@gmail.com

RMI Judiciary's Proposed Budget - re: COVID19 preparedness/response

Expense Item/Description	Number	Unit	Unit Cost	Total
1. Samsung 65-inch Class Crystal UHD TU-7000 Series -- 4K UHD HDR smart TV with Alexa Built-in, 2020 Model) (ZT)	2	quantity	\$1,299.99	\$2,599.98
2. Heavy Duty Rolling Portable TV Cart Stand with Wheels 32-75 inch-adjustable rotating Mobile Flat Panel Screen Mount	2	quantity	\$1,020.18	\$2,040.36
3. Mifi Device	2	quantity	\$93.55	\$187.10
4. Mifi Sim Card for Data	2	quantity	\$15.00	\$30.00
5. Credit for mifi, 1 month @\$70 unlimited/50gb - (Ingram)	5	months	\$70.00	\$350.00
6. Credit for mifi, 1 month @\$70 unlimited/50gb - (Philippo)	5	months	\$70.00	\$350.00
7. Cell Phone	1	quantity	\$750.00	\$750.00
8. Sim card for cell phone/data	1	quantity	\$15.00	\$15.00
9. Cell Cards (up to \$50 monthly) - (Ingram)	5	months	\$50.00	\$250.00
10. Cell Cards (up to \$50 monthly) - (Philippo)	5	months	\$50.00	\$250.00
11. Cell Cards (up to \$50 monthly) - (Chief Clerk)	5	months	\$50.00	\$250.00
Total:				\$7,072.44

Justification: Items #1 & #2 are needed to conduct Zoom hearings in the courtrooms. Items #3 to #6 will be expended as needed. This will allow CJ Ingram & AJ Philippo to work from home. Current connection in Waja-Laura area not working. The High Court judges will continue to use their personal cell phones. Items #7 & #8 are for the Chief Clerk's use/emergency contact. Chief Clerk already has internet connection at home. Items #9-#11: CJ Ingram, AJ Philippo, and Chief Clerk's are allowed "up to" \$50 in cell cards monthly if needed.

Approved:

Carl B. Ingram, Chief Justice

Ingrid K. Kabua, Chief Clerk
8/27/2020

Appendix 4

MARSHALL ISLANDS JUDICIARY FUND

Balance Sheets
September 30, 2020 and 2019

	<u>2020</u>	<u>2019</u>
<u>ASSETS</u>		
Cash	\$ 204,769	\$ 530,445
Time certificates of deposit	397,032	-
Accounts receivable	3,689	17,452
Total assets	<u>\$ 605,490</u>	<u>\$ 547,897</u>
<u>LIABILITIES AND FUND BALANCE</u>		
Liabilities:		
Unearned revenue	\$ 2,000	\$ 5,350
Provision for legal assistance	2,235	25,865
Other liabilities and accruals	7,511	18,392
Total liabilities	<u>11,746</u>	<u>49,607</u>
Contingencies		
Fund balance:		
Committed:		
Judicial operations	259,684	229,051
Legal aid	334,060	269,239
Total fund balance	<u>593,744</u>	<u>498,290</u>
Total liabilities and fund balance	<u>\$ 605,490</u>	<u>\$ 547,897</u>

See accompanying notes to financial statements.

MARSHALL ISLANDS JUDICIARY FUND

Statements of Revenues, Expenditures, and Changes in Fund Balance Years Ended September 30, 2020 and 2019

	<u>2020</u>	<u>2019</u>
Revenues:		
Nitijela appropriation	\$ 1,027,664	\$ 1,018,463
Court fines and fees	99,329	114,910
Interest	5,622	2,522
Other	48,613	16,367
Total revenues	<u>1,181,228</u>	<u>1,152,262</u>
Expenditures:		
Salaries, wages and benefits	698,419	694,451
Capital outlay	73,229	-
Leased housing	72,000	71,250
Communications	59,205	46,629
Supplies and materials	57,633	76,144
Utilities	37,347	39,915
Travel	26,441	65,350
Professional services	19,443	25,271
Repairs and maintenance	11,526	12,082
POL	10,746	12,736
Legal aid services	7,346	61,972
Insurance	4,419	4,861
Subscriptions	3,096	1,592
Rentals	2,167	5,716
Food stuff	745	5,263
Freight	173	1,009
Training	-	1,920
Miscellaneous	1,839	289
Total expenditures	<u>1,085,774</u>	<u>1,126,450</u>
Net change in fund balance	<u>95,454</u>	<u>25,812</u>
Fund balance at the beginning of the year	<u>498,290</u>	<u>472,478</u>
Fund balance at the end of the year	<u>\$ 593,744</u>	<u>\$ 498,290</u>

See accompanying notes to financial statements.

MARSHALL ISLANDS JUDICIARY FUND

Combining Balance Sheet
September 30, 2020

	<u>Operations</u>	<u>Legal Aid</u>	<u>Total</u>
<u>ASSETS</u>			
Cash	\$ 94,971	\$ 109,798	\$ 204,769
Time certificates of deposit	170,535	226,497	397,032
Accounts receivable	3,689	-	3,689
	<u>\$ 269,195</u>	<u>\$ 336,295</u>	<u>\$ 605,490</u>
<u>LIABILITIES AND FUND BALANCE</u>			
Liabilities:			
Unearned revenue	\$ 2,000	\$ -	\$ 2,000
Provision for legal assistance	-	2,235	2,235
Other liabilities and accruals	7,511	-	7,511
	<u>9,511</u>	<u>2,235</u>	<u>11,746</u>
Fund balance:			
Committed	259,684	334,060	593,744
Total liabilities and fund balance	<u>\$ 269,195</u>	<u>\$ 336,295</u>	<u>\$ 605,490</u>

See accompanying independent auditors' report.

MARSHALL ISLANDS JUDICIARY FUND

Combining Statement of Revenues, Expenditures, and Changes in Fund Balance Year Ended September 30, 2020

	Operations	Legal Aid	Total
Revenues:			
Nitijela appropriation	\$ 1,006,664	\$ 21,000	\$ 1,027,664
Court fines and fees	50,421	48,908	99,329
Interest	2,474	3,148	5,622
Other	48,613	-	48,613
Total revenues	<u>1,108,172</u>	<u>73,056</u>	<u>1,181,228</u>
Expenditures:			
Salaries, wages and benefits	698,419	-	698,419
Capital outlay	73,229	-	73,229
Leased housing	72,000	-	72,000
Communications	59,205	-	59,205
Supplies and materials	57,633	-	57,633
Utilities	37,347	-	37,347
Travel	26,441	-	26,441
Professional services	19,443	-	19,443
Repairs and maintenance	11,526	-	11,526
POL	10,746	-	10,746
Legal aid services	-	7,346	7,346
Insurance	4,419	-	4,419
Subscriptions	3,096	-	3,096
Rentals	2,167	-	2,167
Food stuff	745	-	745
Freight	173	-	173
Miscellaneous	950	889	1,839
Total expenditures	<u>1,077,539</u>	<u>8,235</u>	<u>1,085,774</u>
Net change in fund balance	30,633	64,821	95,454
Fund balance at the beginning of the year	<u>229,051</u>	<u>269,239</u>	<u>498,290</u>
Fund balance at the end of the year	<u>\$ 259,684</u>	<u>\$ 334,060</u>	<u>\$ 593,744</u>

See accompanying independent auditors' report.

MARSHALL ISLANDS JUDICIARY FUND

Unresolved Prior Year Findings
Year Ended September 30, 2020

There are no unresolved prior year findings from prior year audits of the Judiciary Fund.