IN THE SUPREME COURT

OF THE

REPUBLIC OF THE MARSHALL ISLANDS

BATLE LATDRIK,

Plaintiff-Appellee,

v.

LINA LAIK (on behalf of the children of Laik Kejon),

Defendant-Appellant.

Supreme Court Case No. 2018-013
(High Court Case No. 2006-101)

OPINION

BEFORE: CADRA, Chief Justice; SEABRIGHT[1] and SEEBORG,[2] Associate Justices

CADRA, Chief Justice, with whom SEABRIGHT and SEEBORG, Associate Justices, concur:

I. INTRODUCTION

Defendant-Appellant Lina Laik (on behalf of the children of Laik Kejon) ("Lina Laik" or "Appellant") appeals an October 15, 2018 decision and an October 25, 2018 final judgment of the High Court determining that Plaintiff-Appellee Batle Latdrik ("Batle Latdrik" or "Appellee") is *alap* for Mwejelok Weto, Majuro Atoll.

[1] The Honorable J. Michael Seabright, Chief United States District Judge, District of Hawaii, sitting by designation of the Cabinet.

[2] The Honorable Richard Seeborg, Chief United States District Judge, Northern District of California, sitting by designation of the Cabinet.

In reaching its October 15, 2018 decision and its October 25, 2018 final judgment, the High Court adopted the "Opinion and Answer" of the Traditional Rights Court. In concluding that Batle Latdrik is *alap* on Mwejelok, the Traditional Rights Court found that Mwejelok was *nininin* land from the parties' common ancestor Lekejon (also spelled Kejon and LeKejon) to his descendants, Anjo (male), Libollan (female), and Laninbit (male). Lekejon died without a will, agreement in writing, or oral directive regarding disposition of Mwejelok. The Traditional Rights Court found the custom in such situation is that the *alap* title to *ninnin* lands descends through the male bloodline (*bototok*) until the birth of a female. The birth of a female establishes a *bwij*. Upon establishment of a *bwij*, "custom interchanges (sic) custom" and *ninnin* lands become *bwij* lands. As *bwij* lands, the succession of the *alap* title changes from that of through the paternal bloodline (*botoktok*) to that of through the *bwij* (matrilineally). The custom as applied to the facts of this case is that the children of Libollan (female) established a new *bwij*. Therefore, Mwejelok, formerly a *ninnin* land, became *bwij* land. As *bwij* land, the descendants of Libollan become *alaps* (the *alap* title descending matrilineally through the *bwij*). The parties' *memenbwij* indicate Libollan had a child named Toeme (female). Toeme had sons, Raymond (the elder, who is now deceased) and Batle (the younger). The Traditional Rights Court concluded that Batle Latdrik, a descendant of Libollan (through Toeme), is the current *alap* under the custom. The Traditional Rights Court further opined that the children of males are considered *dri jerbal*, concluding that the children of Anjo will exercise the rights of *senior dri jerbal* and the children of Laninbit are *dri jerbal* with the right to remain and live on Mwejelok. The Traditional Rights Court determined there is no *iroijedrik* on Mwejelok.

In its October 15, 2018 decision and October 25, 2018 final judgment, the High Court adopted the Traditional Rights Court's decision that Batle Latdrik is *alap* and that there is no

iroijedrik for Mwejelok. The High Court rejected the opinion regarding the *dri jerbal* and *senior dri jerbal* titles because that issue had not been certified to the Traditional Rights Court.

Lina Laik (for the children of Laik Kejon) timely appealed the High Court's October 15, 2018 decision and October 25, 2018 final judgment that Batle Latdrik is *alap* on Mwejelok. She contends that the Traditional Rights Court and High Court erred as a matter of law in failing to apply the custom as allegedly set forth by the Trust Territory Court in the case of *Janre v. Labuno*, 6 TTR 133 (Trial Division March 8, 1973). Appellant Laik contends that *Janre* is binding precedent which must be followed under the principle of *stare decisis*.

As discussed below, applying the *de novo* standard of review urged by both parties, we conclude *Janre v. Labuno, supra*, is not binding precedent in the courts of the Republic. We therefore find no error in the High Court's and Traditional Rights Court's alleged failure to follow that case as binding precedent under the doctrine of *stare decisis*. We also conclude that the Traditional Rights Court's findings regarding the custom and its application to the facts of this case are supported by the evidence and are not clearly erroneous. We therefore AFFIRM the High Court's October 15, 2018 decision and October 25, 2018 final judgment.

II. FACTUAL BACKGROUND AND PROCEEDINGS BELOW

This longstanding and procedurally convoluted case had its origins in two civil actions filed in 2006 by Raymond Latdrik. The first case, *Raymond Latdrik v. Luni Gong*, High Court Civil Action No. 2006-008, challenged defendant Luni Gong's building on Mwejelok without Raymond's consent as *alap*. The second case, *Raymond Latdrik v. Jane's Corporation*, High Court Civil Action No. 2006-101, sought to enjoin Jane's Corporation from construction activities on Mwejelok. Raymond alleged he was both *iroijedrik* and *alap* on Mwejelok and he had not approved the lease to Jane's. That lease had been signed by Jurelang Zedkaia as

iroijedrik (apparently, on behalf of Leroij Atama Zedkaia) and Laik Kejon as *alap* and *senior dri jerbal*. The High Court found that Mwejelok had previously been leased to the government. Declaring void the subsequent lease to Jane's Corporation, the High Court enjoined Jane's from further construction. The High Court ordered that an amended complaint be filed naming Jurelang Zedekaia for his mother Atama Zedekaia and Lina Laik for the children of Laik Kejon. *Latdrik v. Gong* (Civil Action No. 2006-008) and *Latdrik v. Jane's Corporation* (Civil Action No. 2006-101) were consolidated for hearing before the Traditional Rights Court. The Traditional Rights Court issued a decision in *Latdrik v. Jane's Corporation* (Civil Action No. 2006-101) in favor of Lina Laik for the children of Laik Kejon. The High Court did not adopt the Traditional Rights Court's decision due to procedural irregularities. Consequently, the case was remanded to the Traditional Rights Court for a second hearing so as to allow all counsel to participate. This second hearing, which forms the basis of the instant appeal, was ultimately held before a new panel of Traditional Rights Court judges.[3]

Two questions were certified to the Traditional Rights Court: Who, if there is, *the Iroijedrik* for Mwejelok Weto, Majuro Atoll? And who is *Alap* for Mwejelok Weto, Majuro Atoll?

The hearing was held before the Traditional Rights Court on March 28, 2017, March 28, 2018, and April 3, 2018. Batle Latdrik's theory of the case was that Mwejelok Weto was originally *bwij* land from Jeri (LeJeri). Jeri was the mother of Lekejon (male). Lekejon had a sister named Liolet who died without children. Consequently, the rights Jeri had on Mwejelok descended to Lekejon and then to his children, Anjo (male) and Libollan (female). Anjo had two children; Laik, who was the father of Lina (i.e., Defendant-Appellant Lina Laik), and Lajbo

[3] This procedural background is derived from the parties' briefing.

(male). Libollan had a daughter named Toeme, the mother of both Raymond Latdrik and Plaintiff-Appellee Batle Latdrik (Raymond Latdrik died during the pendency of this litigation). According to Batle, the *bwij* of Jeri became extinct with the death of Liolet. A new *bwij* was then established with Libollan. Because Raymond and Batle are descendants of Libollan, they should be the proper persons to hold the *alap* title on Mwejelok.[4]

Lina Laik's theory of the case was that Mwejelok Weto was given to Lekejon by Iroij Lainlen as *botoktok* land after Lekejon had cleaned and cleared the land. Lekejon had three children: Anjo (male), Libollan (female), and Laninbit (male). Anjo had children Laik (male) and Lajbo (male). The *alap* title went from Lekejon to Anjo. Because the *botoktok* line was not extinct, the *alap* title would go to Laik when Anjo died. The title would then go to "the children of Laik," which would include Lina Laik. According to Lina, Libollan cannot hold the *alap* title while the *botoktok* line still survives.[5]

The Traditional Rights Court issued its "Opinion and Answer" on May 10, 2018. The Traditional Rights Court concluded (1) there is no *iroijedrik* for Mwejelok Weto; (2) Batle Latdrik is *alap* for Mwejelok; and (3) the children of Laik hold the *Senior Dri Jerbal* title and have the right as *Dri Jerbal* on Mwejelok. In reaching its conclusions, the Traditional Rights Court found that, as descendants of Lekejon (or Kejon), both parties were from the same lineage. Lekejon had three children: Anjo (male), Libollan (female) and Laninbit (male). Mwejelok Weto was *ninnin* land from Lekejon to his descendants (Anjo, Libollan, and Laninbit). Lekejon did not "make a will or agreement in writing or by word of mouth to any of his children" regarding disposition of Mwejelok Weto. The custom, as found by the Traditional Rights Court under this

[4] Transcript of March 28, 2017, hearing before TRC, pp. 5-6.

[5] Transcript of March 28, 2017 hearing before TRC, pp. 7-9.

fact pattern, is that "the descendants of females inherit the *Alap* rights and the descendants of males inherit the *Dri Jerbal* rights over land. Custom interchanges (sic) custom. The children of Libollan establish a new bwij and the children of Anjo are considered Dri Jerbal and will exercise the rights of Senior Dri Jerbal, and the children of Laninbit are Dri Jerbal and have the right to remain and live on Mwejelok Weto."[6] Because Toeme, Raymond Latdrik, and Batle Latdrik are descendants of the female Libollan, they are the proper persons to hold the *alap* title. The Traditional Rights Court concluded there is no *iroijedrik* on Mwejelok because there was insufficient evidence indicating royal blood in the parties' lineage.[7]

A Rule 9 hearing was held before the High Court on August 7, 2018, which issued its decision on October 15, 2018. The High Court, giving substantial weight to the Traditional Rights Court decision as required by the Constitution and case law, adopted the findings of the Traditional Rights Court regarding the *alap* rights to Mwejelok. The High Court held "as a matter of custom, that *ninnin* land reverts to *bwij* land upon the establishment of a new *bwij* from among the *ninnin* donor's descendants. The TRC's opinion as to the *alap* title is correct; it is not contrary to law; it is not clearly erroneous; and it is therefore adopted."[8]

In adopting the Traditional Rights Court's findings, the High Court discussed the available commentaries regarding custom:

> It is custom that "authority by the patrilineal heirs will continue until in later generations, a female heir is born to bear children to whom the authority will automatically be passed on." *Customary Titles and Inherent Rights* by Amata Kabua (1993), page 13. "[T]he chief or alab gives ninnin to one generation only, his son or daughter." *Land Tenure in the Marshall Islands* by J.A. Tobin

---

[6] Traditional Rights Court "Opinion & Answer," May 10, 2018, p. 3.

[7] *Id.*

[8] "Rule 9 Decision," filed October 18, 2018, p. 6.

> 1956), page 29. "The recipient generation of ninnin and their female children and the children of its female members, have full rights in the land. The male descendants of this generation have ajri rights only." *Land Tenure in the Marshall Islands* by J.A. Tobin (1956), page 31. "Past studies . . . show . . . that a strong preference existed for ninnin land to revert from botoktok patrilineal inheritance back to a bwij matrilineal succession after one generation." *Land and Women: The Matrilineal Factor* by K. Stege, R. Maetala, A. Nupa, J. Simo and E. E. Huffer (2008), page 14.

The High Court also discussed the Trust Territory case of *Janre v. Labuno, supra*. Lina Laik contended that *Janre* was binding precedent and relied on language from that decision which stated:

> *Ninnin* land, unlike *bwij* or *kabijukinen* land, is inherited vertically by the descending issue of the donor, whereas lineage land is inherited horizontally from the oldest to the youngest persons in the oldest to youngest *bwij*.

The High Court commented:

> The statement is absolutely true for the first generation donees, i.e., the alap's children. But the statement does not address the inheritance scheme once a new bwij is established from among the alap's descendants. The children of Laik Kejon rely on the statement for the proposition that ninnin land continues to be passed vertically, generation after generation, to the descendants of the original alab's male children. Their reliance is misplaced.

Noting the available commentaries on custom support the Traditional Rights Court's decision, the High Court adopted the conclusion that Batle Latdrik is the proper person to be *alap* on Mwejelok. The High Court gave Batle Latdrik an opportunity to challenge the Traditional Rights Court decision that there is no *iroijedrik* on Mwejelok. That finding was not challenged and the High Court issued its final appealable judgment on October 25, 2018.

III. APPELLANT'S CONTENTIONS ON APPEAL

Lina Laik, for the children of Laik Kejon, filed a timely Notice of Appeal on November 23, 2018, identifying the issue as:

> [W]hether the High Court's 15 October, 2018 decision and 25 October, 2018 judgment in this matter adopting the Traditional Rights Court's 8 August, 2018 opinion, in holding that the plaintiff was alap on Mwejelok weto, based on the application of the custom for inheritance and transmission of alap rights as ninnin, was erred in law and in custom.

In her briefing, Appellant Lina Laik argues the High Court and Traditional Rights Court erred as a matter of law because the custom identified in the Trust Territory Trial Division case of *Janre v. Labuno*, *supra*, was not afforded *stare decisis* effect as binding precedent. The parties agree the standard of review of this issue is *de novo*.

IV. STANDARD OF REVIEW

In cases involving customary issues decided by the Traditional Rights Court, the Constitution requires that the High Court (and, therefore, this Court on review of such decision) give "substantial weight" to the Traditional Rights Court's decision. Constitution, Art. VI, Sec. 4(5). The High Court's duty is to review the decision of the Traditional Rights Court and to adopt that decision unless it is clearly erroneous or contrary to law. *Abija v. Bwijmaron*, 2 MILR 6, 15 (1994).

Determinations of custom by the Traditional Rights Court are ordinarily factual issues entitled to deference on review unless the custom has attained the status of law through enactment by statute or a final court decision. *Lobo v. Jejo*, 1 MILR (Rev.) 224, 226 (1991); *Zaion v. Peter*, 1 MILR (Rev.) 228, 231 (1991). Recently, in *Kabua v. Malolo,* Supreme Court Case No. 2018-008 (December 10, 2021), we clarified that "final court decision" means a final Supreme Court decision.

Matters of law are reviewed *de novo*. *Lobo v. Jejo*, 1 MILR (Rev.) at 225. Because Appellant contends that the courts below erred in failing to follow custom which has attained the status of law by final court decision in the Trust Territory case of *Janre v. Labuno*, *supra*, the appropriate standard of review is *de novo*. *See, e.g.*, *In Re NCAA Athletic Grant-In-Aid Cap Antitrust Litig.*, 958 F.3d 1239, 1252 (9th Cir. 2020) ("The application of *stare decisis* and res judicata are questions of law that we review *de novo*." (emphasis added))

V. DISCUSSION

A. The High Court Did Not Err "As A Matter of Law" in Adopting the Traditional Rights Court Decision

1. Trust Territory Decisions Such as Janre v. Labuno, 6 TTR 133, Are Not Binding Precedent Under the Doctrine of Stare Decisis

Appellant Lina Laik contends that the High Court and Traditional Rights Court erred in failing to apply the inheritance pattern for *ninnin* lands adopted by the "Trust Territory of the Pacific Islands, Trial Division of the High Court" decision in the case of *Janre v. Labuno*, 6 TTR 133 (Trial Division March 8, 1973).

Appellant argues that *Janre*, *supra,* is binding precedent to be followed under the doctrine of *stare decisis*. *Stare decisis* is a principle "under which a court must follow earlier judicial decisions when the same points arise again in litigation." *Stare Decisis*, Black's Law Dictionary (10th ed. 2014).

Janre v. Labuno, *supra*, was a trial level decision. The general rule, and the rule which we adopt, is that trial court decisions are not precedents binding on other courts under the principle of *stare decisis*. *See, e.g.*, *Harrott v. Cnty. of Kings*, 25 P.3d 649, 655 (Cal. 2001); *In re Est. of Jones*, 287 P.3d 610, 615 (Wash. Ct. App. 2012) ("*Stare decisis* is not applicable to a trial court decision because the findings of fact and conclusions of law of a superior court are not

legal authority and have no precedential value."); *In re Emma F.*, 107 A.3d 947, 958 (Conn. 2015) ("In contrast to an Appellate Court decision, a trial court decision does not establish binding precedent."); *Wilson v. Parker*, 227 A.3d 343, 356 (Pa. Super. Ct. 2020) (stating that trial court decisions "are not binding precedent" but "may be considered for their persuasive authority."). United States federal courts, likewise, do not generally afford binding precedential value to district court (i.e., trial court) decisions under the doctrine of *stare decisis. See, e.g., United States v. Cerceda,* 172 F.3d 806, 812 n.6 (11th Cir. 1999) ("The opinion of a district court carries no precedential weight, even within the same district."); *United States v. Article of Drug Consisting of 203 Paper Bags*, 818 F.2d 569, 572 (7th Cir. 1987) ("A single district court decision . . . is not binding on the circuit, or even on other district judges in the same district."). We therefore hold that the trial court decision in *Janre v. Labuno, supra,* does not bind either the Traditional Rights Court or the High Court under the principle of *stare decisis*, although those courts might consider that decision for its persuasive value.

Moreover, and perhaps more importantly, the case of *Janre v. Labuno, supra*, was decided by the Trust Territory High Court, Trial Division prior to independence of the Republic. The Republic is a separate sovereign independent from that of the former Trust Territory of the Pacific Islands. Trust Territory decisions were not adopted under the RMI Constitution or by any Act of the Nitijela. The doctrine of *stare decisis* does not require the courts of one sovereign state or nation (such as the Republic of the Marshall Islands) to follow decisions of other sovereigns as binding precedent although such decisions may be considered persuasive. *See generally* 20 Am. Jur. 2d Courts § 137 ("The decisions of the courts of foreign nations do not bind state courts in the interpretation of state law.").

In *Langijota v. Alex*, 1 MILR (Rev.) 216, 218 (1990), we recognized the courts of this Republic, an independent nation, are not bound by decisions of the former Trust Territory, a separate sovereign:

> Further, for the guidance of counsel we are obliged to announce that decisions of the Trust Territory courts do not have *stare decisis*, as distinguished from *res judicata*, effect in the courts of the Republic. The Republic is a jurisdiction separate and distinct from the former Marshall Islands District of the Trust Territory. We do not deny, however, that in some circumstances the value of Trust Territory court decisions as precedent will exceed the precedential value of cases from non-Pacific Islands jurisdictions.

While Trust Territory decisions may be persuasive authority or instructive on issues of custom, we reiterate *Langijota's* holding that the courts of this Republic are not bound to follow those decisions as precedent under the principle of *stare decisis*.

Because *Janre, supra*, is not binding precedent on either the Traditional Rights Court or the High Court, we find no error in the alleged failure of the High Court to follow that decision under the doctrine of *stare decisis*.

2. ***Janre v. Labuno Is Not the Basis of a "Final Court Decision" and Has Not Become "Law"***

Citing *Lobo v. Jejo*, 1 MILR (Rev.) 224, 226 (1991) and *Zaion v. Peter*, 1 MILR (Rev.) 228, 231 (1991), Appellant argues that the custom annunciated in *Janre, supra*, has become "law" because it has "formed the basis of a final court decision." While we have concluded that the courts of the Republic are not bound by Trust Territory decisions under the doctrine of *stare decisis*, we address Appellant's argument to clarify and give guidance as to when a "final court decision" becomes "law."

In *Lobo, supra*, and *Zaion, supra*, we observed that "[o]nly when the ascertained custom is incorporated in a statute or has formed the basis of a final court decision does it become law in

the modern sense." *Lobo*, 1 MILR (Rev.) at 226; *Zaion*, 1 MILR (Rev.) at 231. In the recent case of *Kabua v. Malolo,* Supreme Court Case No. 2018-008 (Dec. 10, 2021), we clarified that the phrase "final court decision" means final "Supreme Court decision." We stated:

> Only when the ascertion is incorporated in a statute or has formed the basis of a final court decision does it become law in the modern sense. *Citations omitted*. Because the custom applicable to the facts of this case has not been incorporated into a statute or formed the basis of a Supreme Court decision, we must review this case under the "clearly erroneous standard." *Kabua v. Malolo*, Slip Op., p. 10.

Our statement in *Kabua v. Malolo*, *supra*, that a "final court decision" means a "Supreme Court" decision is not a new pronouncement of the law but merely a clarification of the previously stated rule in *Lobo v. Jejo*, *supra*, and *Zaion v. Peter*, *supra*. As discussed above, a trial court decision does not create precedent which would be "law" binding on this court or other trial courts on the same level or of "equal dignity." It is generally accepted that trial judges need not accept the prior decisions of the judges of the same court although they are free in their discretion to do so. *See generally* 20 Am. Jur. 2d Courts § 137. Thus, for a custom to become "law" to be given *stare decisis* effect, a "final court decision" setting forth that custom must necessarily mean a final decision of the Supreme Court. Because *Janre v. Labuno*, *supra*, is not a final decision of the Supreme Court, the custom expressed in that case has not become "law" required to be followed by the High Court or Traditional Rights Court.

B. The Findings of the Traditional Rights Court and High Court Regarding the Applicable Custom Are "Not Clearly Erroneous"

Having concluded that the High Court and Traditional Rights Court did not err as a "matter of law" in not giving *stare decisis* effect to *Janre v. Labuno*, *supra*, we review the High Court's decision under the "clearly erroneous" standard giving "substantial weight" to the factual findings of the Traditional Rights Court as required by the Constitution and our case law.

The Traditional Rights Court's findings regarding the applicable custom are not clearly erroneous. We have previously recognized that the Traditional Rights Court is uniquely qualified to make determinations regarding custom. *Zaion v. Peter*, 1 MILR (Rev.) 228, 232 (1991). Having heard the evidence, the Traditional Rights Court determined that the custom applicable to the facts of this case was that the *alap* title to Mwejelok, a *ninnin* land, descended from Lekejon to his descendants Anjo (male), Libollan (female), and Laninbit (male). The children of Libollan established a *bwij*. The establishment of a *bwij* changes the custom ("custom interchanges (sic) custom") so that "the descendants of females inherit the *alap* rights and the descendants of males inherit the *dri jerbal* rights over land." Thus, the descendants of Libollan (which include Batle Latdrik) are *alaps* and the descendants of Anjo and Laninbit are considered *dri jerbal,* the eldest descendant of Anjo being *senior dri jerbal.*[9] These factual findings regarding the custom and its application to the facts of this case are not clearly erroneous.

In adopting the Traditional Rights Court's findings regarding the applicable custom, the High Court noted and quoted the treatises on custom by Amata Kabua, J.A. Tobin, and K. Stege, et al. Those treatises support the Traditional Rights Court's findings regarding the applicable custom. The High Court recognized the statement in *Janre v. Labuno*, *supra*, that "*ninnin* land, unlike *bwij* or *kabijukinen* land, is inherited vertically by the descending issue of the donor, whereas lineage land is inherited horizontally from the oldest to the youngest in the oldest to youngest *bwij*" is "absolutely true for the first generation donees, i.e., the alap's children. But the statement does not address the inheritance scheme once a new bwiji is established . . . ." The

[9] "The genealogy shows Lekejon had a daughter. The descendants of Libollan establish a new bwij and are listed as alaps. The descendants of Anjo are dri jerbals, and one of the descendants or the eldest will be the senior dri jerbal. The descendants of Laninbit are considered dri jerbal." TRC "Opinion & Answer," p. 5.

High Court's observation is supported by the treatises on custom. To the extent that the view of custom in *Janre, supra*, conflicts with that expressed by Amata Kabua, J.A. Tobin and K. Stege, et al., in their respective treatises, the High Court and/or Traditional Rights Court were free to disagree with and reject *Janre's* expression of the custom.[10] While the parties disagree as to what that case actually stands for,[11] it is not necessary to delve into an analysis of that case, because neither the Traditional Rights Court nor the High Court was bound to follow that decision.

The Traditional Rights Court explained how it reached its conclusions based on the evidence. We conclude that the Traditional Rights Court's findings regarding the custom and its application are supported by the evidence and are not "clearly erroneous." As such, we will not interfere with those findings.

---

[10] A fair reading of *Janre* fails to reveal or fully explain the custom relied upon that would explain how the *alap* right descended to plaintiff from the donor's children.

[11] The factual findings and applicable custom are ambiguous or unclear in the *Janre* decision. The trial court held that "plaintiff, acting for his older sister Neimej, is entitled to the *alab* interests" and orders that "plaintiff and his sister Neimej are entitled to hold the *alab interests* . . . ." Appellee thus disputes that *Janre* clearly recognized that the plaintiff, Clement Janre, and not his sister Neimej, was entitled to the *alap* rights because he was a male. (Answering Brief, p. 7). Further, the Trust Territory court did not identify or clearly set forth the custom in explaining how the *alap* rights descended to Neimej and/or Clement other than to make passing reference to Tobin's treatise (the same treatise referenced by the High Court in this case) and two prior Trust Territory cases. Because of the lack of clarity in the *Janre* decision, it is doubtful that case was intended to serve as precedent governing future cases:

> Precedential opinions are meant to govern not merely the case for which they are written, but future cases as well. . . . That a case is decided without a precedential opinion does not mean it is not fully considered or that the disposition does not reflect a reasoned analysis of the issues presented. What it does mean is that the disposition is not written in a way that will be fully intelligible to those unfamiliar with the case, and the rule of law is not announced in a way that makes it suitable for governing future cases.

Hart v. Massanari, 266 F.3d 1155, 1176-78 (9th Cir. 2001).

VI. CONCLUSION

Under the *de novo* standard of review we find that the Traditional Rights Court and the High Court were not bound under the doctrine of *stare decisis* to follow the Trust Territory decision in *Janre v. Labuno, supra*. We also find that the custom as found by the Trust Territory trial court has not attained the status of "law" as a "final court decision" within the meaning of our prior decisions in *Lobo, supra*, and *Zaion, supra*.

Finally, there is sufficient evidence in the record to support the Traditional Rights Court's determination of the applicable custom and conclusion that Batle Latdrik is the proper person to hold the *alap* title to Mwejelok Weto. That determination is not clearly erroneous, and we must give deference to that determination.

The High Court's Final Judgment is therefore AFFIRMED.

Dated: June 4, 2022

/s/ Daniel N. Cadra
Daniel N. Cadra
Chief Justice

Dated: June 4, 2022

/s/ J. Michael Seabright
J. Michael Seabright
Associate Justice

Dated: June 4, 2022

/s/ Richard Seeborg
Richard Seeborg
Associate Justice