



THE JUDICIARY OF THE REPUBLIC OF THE MARSHALL ISLANDS

2021 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 2021 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 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 2021. 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 an independent 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 2021 Annual Report are our 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", written over a horizontal line.

Carl B. Ingram
Chief Justice, High Court
Date: November 30, 2022



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 jejjjet 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.*



2021 REPORT OF THE JUDICIARY OF THE REPUBLIC OF THE MARSHALL ISLANDS

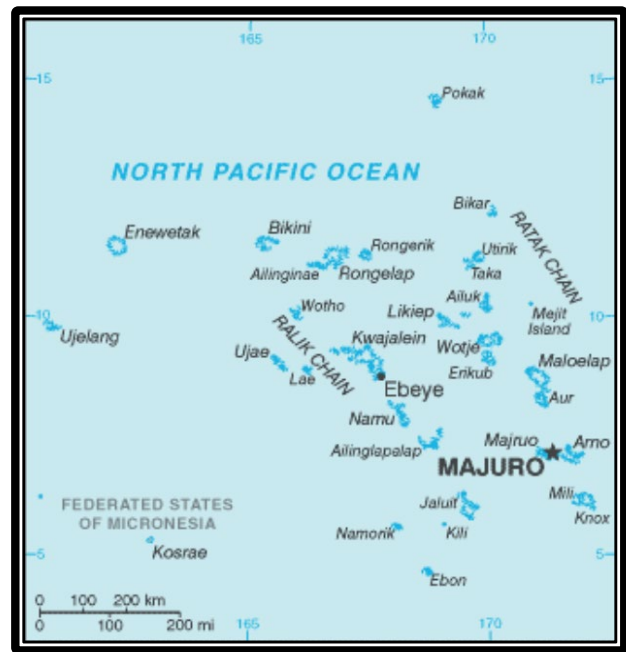
I. INTRODUCTION

The Republic of the Marshall Islands consists of two nearly parallel island chains of 29 atolls and five separate islands—about 1,225 islets in all—located about half way between Hawaii and Australia. The Republic's land mass totals approximately 70 square miles scattered over 822,784 square miles of the Pacific Ocean. As of October 1, 2022, the estimated population of the Marshall Islands was approximately 42,782. 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 a 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. In 1992, the Marshall Islands became a member of the United Nations. The Marshall Islands is now fully 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 4 years, after national elections, the Nitijela elects from its members a president, who in turn selects 8 to 10 other Nitijela members for his or her cabinet. The Constitution vests legislative authority in the Nitijela (the parliament) and the *Imon Iroij* (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 2021 is attached as Appendix 2.

In the sections that follow, this report summarizes the Judiciary's operations and accomplishments in calendar year 2021, as well as its challenges, including the need for financial support. These sections include the following:

- 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. 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, appearance by contemporaneous transmission, and access for women and those with disabilities.

To these ends, the 2021 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 2021, 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.

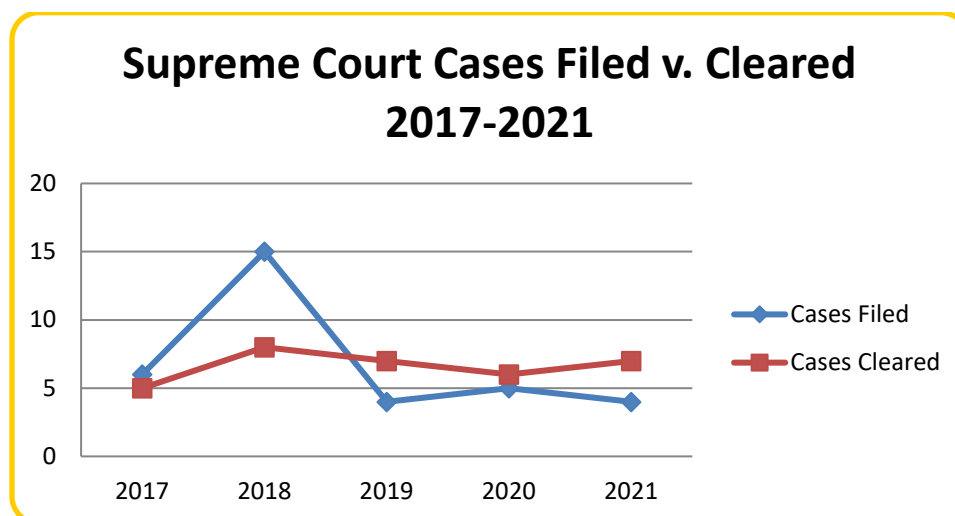
The Supreme Court's 2021 case and workload are summarized below, including annual clearance rates, annual average age of cleared cases, and annual average age of pending cases.

At the beginning of 2021, there were nine matters pending before the Supreme Court. In 2021, another four matters were filed and six matters were closed: two were dismissed by stipulation; three were affirmed; and one was affirmed in part and reversed in part. By the end of 2021, seven cases remained.

Like the rest of the Judiciary, in 2021 the Supreme Court's work was affected by the COVID-19 pandemic and the Government's travel ban and quarantine. Due to the travel ban and quarantine, the Supreme Court cancelled its March 2021 in-person session. However, in April and November 2021, the Court held remote sessions via Zoom hosted from the Majuro Courthouse. The Court heard four cases: a criminal case, a maritime case, a land case, and a juvenile case.

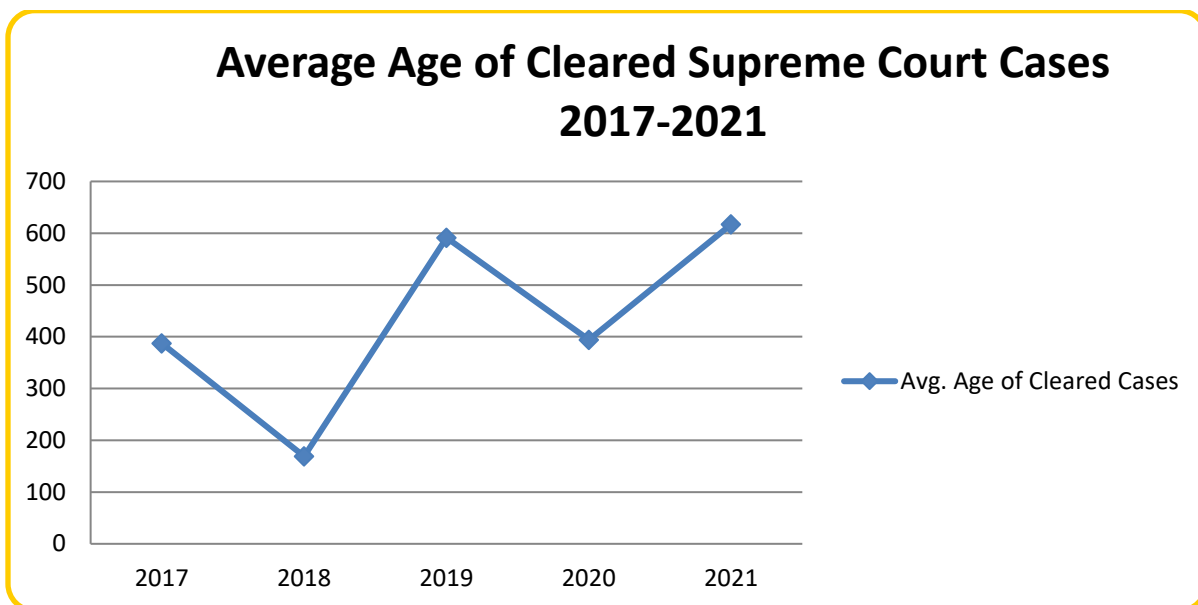
With respect to clearance rates, the Supreme Court's goal is to maintain an average annual clearance rate of 100% over five years. As the table below shows, the Supreme Court's five-year average clearance rate is under 100% at 94%. The Supreme Court achieved an annual clearance rate of 100% in three of the past five years. In 2021, with five cases filed and seven cases cleared, the annual clearance rate was 175% (4/7). The Judiciary anticipates that the Supreme Court's average annual clearance rate will continue to fluctuate around 100% once the effects of the Government's COVID-19 travel ban and quarantine have dissipated.

Annual Clearance Rates for Supreme Court Cases 2017-2021						
	2017	2018	2019	2020	2021	Avg.
Cases Filed	6	15	4	5	4	35
Cases Cleared	5	8	7	6	7	33
Clearance Rate	83%	53%	175%	120%	175%	94%
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 seven cases cleared in 2021 was 617 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 2021 increased by 223 days, 57%, over 2020's figures. The higher average age of cleared cases 2021 resulted from clearing three 2018 appeals.

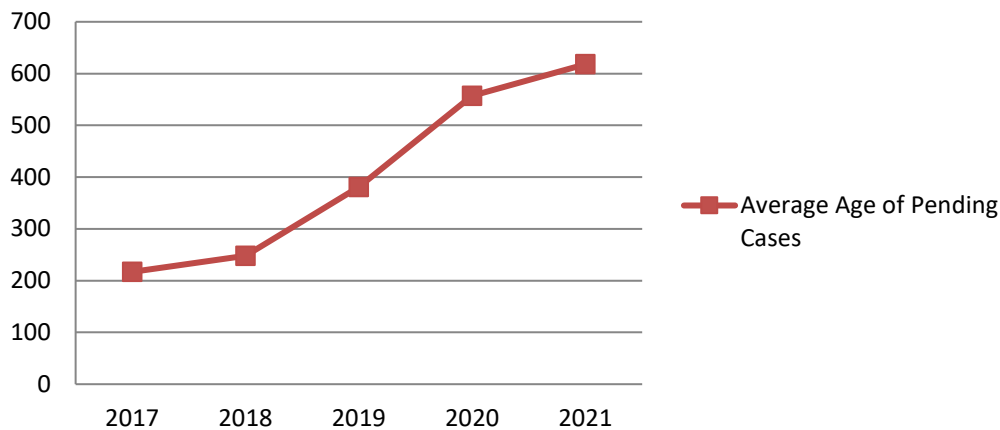
Average Age of Cleared Supreme Court Cases 2017-2021					
	2017	2018	2019	2020	2021
Cases Cleared	5	8	7	6	7
Avg. Age of Cleared Cases	387	169	591	394	617



In addition to the clearance rate and the 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 nine cases pending at the end of 2021 was 618 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 2021 and delays resulting from the COVID-19 pandemic. Subject to the effects of the pandemic, the Supreme Court is on track to resolve three or more cases in 2022.

Average Age of Pending Supreme Court Cases 2017-2021					
	2017	2018	2019	2020	2021
Pending Cases	6	13	10	9	7
Average Age of Pending Cases	217	248	381	557	618

Average Age of Pending Supreme Court Cases 2017-2021



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

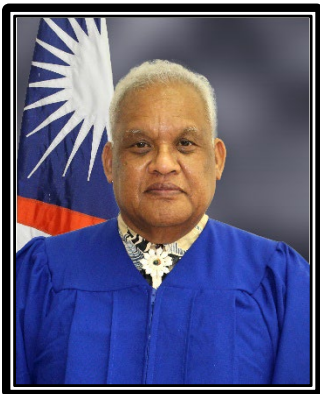
- The filing fee for most appeals is low, only \$100, and the availability of fee waivers was widely publicized. The filing fee is \$1,000 for appeals involving a non-resident entity, a foreign entity, or a foreign maritime entity, or where the case involves the enforcement of a foreign judgment, arbitration award, or the like.
- Of the four cases filed in 2021, the parties sought and received fee waivers for the filing fee and transcript fees in two cases, the criminal case and the juvenile case. The fee waiver was granted in the High Court for an appeal to the Supreme Court.
- Of the four cases filed in 2021, a criminal defendant and a civil defendant were represented by the Office of the Public Defender ("OPD").
- In 2021, the Supreme Court tracked the gender of appellees and appellants. In the four cases filed in 2021, four of the appellants and appellees were women, two in one case.
- In 2021, the Supreme Court tracked the disability status of litigants. In one appeal case one of the parties was disabled, having difficulty walking and hearing. However, no hearings were held in the matter. That matter may be heard in 2022.
- As noted above, in 2021, the Supreme Court's two sessions were conducted using contemporaneous transmission (i.e., Zoom). The justices and counsel were able to appear via Zoom and parties could observe the proceedings in the Majuro Courthouse and via Zoom.

- 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, admitted two new attorneys to the practice of law in the Republic, both were Marshallese women. In most years the Court has around six attorneys from overseas applying to join the bar to engage in work for non-resident corporations. However, due to the National Government’s COVID-19 travel ban and quarantines requirements, the Judiciary did not conduct its annual bar examination and did not admit in new attorneys from overseas.

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 2021, the High Court included a chief justice and one associate justice: 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 in October 2013. Although Chief Justice Ingram is a United States citizen, he has lived and worked in the Marshall Islands since 1979. In 2018, Associate Justice Philippo, as a citizen of the Republic was appointed until age 72 (January 31, 2030). In 2022, the High Court added a third justice.

In addition to the two justices, the High Court is served by a chief clerk of the courts and 4 assistant clerks. The High Court’s 2021 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 2021 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: clear 70% of cases cleared within 120 days and 90% within 730 days (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, appearance by contemporaneous transmission, legal aid, forms, and access for women and those with disabilities.

a. Number and Nature of Cases Filed

In 2021, plaintiffs and petitioners filed 219 new civil cases in the High Court: 203 in Majuro and 16 in Ebeye. This is 82 more than the 137 cases filed in 2020. This increase may reflect petitioners seeking to confirm customary adoptions and guardianships prior to moving to the United States.

The 203 civil cases filed in Majuro in 2021 breakdown as follows:

- 66%, 133, involved family and personal status matters (including 64 customary adoptions, one legal adoption, one child custody and support case, two civil confinement cases, six citizenship cases, five divorce cases with child custody and/or support, five divorce cases without child custody and/or support, 15 domestic violence cases seeking protection orders, 27 guardianships, and seven name-change cases);
- 54 commercial cases (44 collection cases, two contract cases, five corporate cases, two enforcement of foreign judgments cases, and one maritime case);
- six land cases; and
- 10 other cases (one removal appeal, one election case, one employment case, two declaratory relief cases, two injunctive relief cases, and three tort cases).

Of the 203 civil cases filed in Majuro in 2021, 189 were cleared in 2021, leaving 14 pending at the end of the year: two citizenship cases; two contract cases; two corporate cases; one declaratory relief case; one enforcement of a foreign judgment case; three land rights cases; and three tort cases.

As noted above, 16 civil cases were filed in Ebeye: 12 family and personal status matters (8 confirmations of customary adoption; one divorce case with child custody and support; one divorce case without child custody and support; and two guardianships), along with four collection cases. All 12 cases were cleared in 2021.

With respect to civil cases, the High Court tracks the gender of the parties and other persons. However, almost all child custody and support cases, divorce cases with child custody and/or support, and domestic violence protection order cases are filed by women against men. Otherwise, the case numbers disaggregated by gender do not reveal any pattern or trend. Most Marshallese seeking divorces, child custody and support, and domestic violence protection orders are represented at no cost by the Micronesian Legal Services Corporation (“MLSC”). However, every year or two, there will be a non-Marshallese couple seeking a divorce (e.g., Americans stationed at the United States missile range on Kwajalein Atoll). They are usually represented by private attorneys.

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 or lives overseas. Except as noted, disaggregation by disability status does not reveal any pattern.

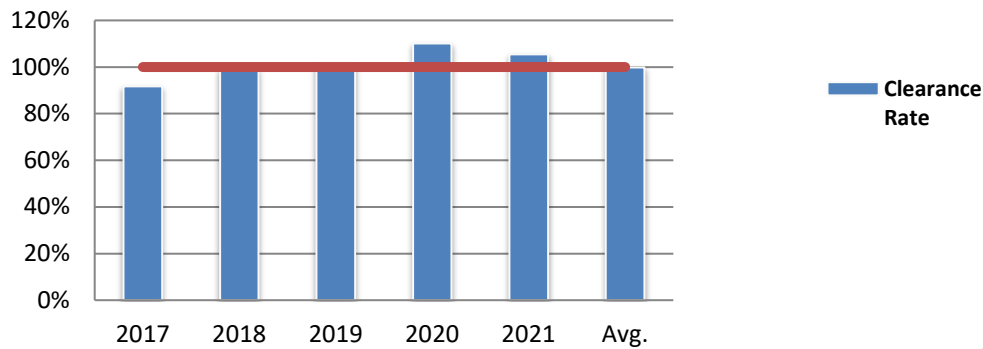
Based upon this civil caseload, the High Court measures its efficiency in terms of the annual clearance rates, time standards, the age of cleared cases, and the age of pending cases.

b. Annual Clearance Rate and the Five-Year Trend

In 2021, the High Court recorded an annual clearance rate of 106% for civil cases: 234 cases were cleared and 221 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 has met its goal. The High Court expects the five-year average to remain within 5% of the 100% goal.

Annual Clearances Rates for High Court Cases Cleared 2017 to 2021						
	2017	2018	2019	2020	2021	Avg.
Cases Filed	338	350	251	138	221	260
Cases Cleared	310	347	254	152	234	259
Clearance Rate	92%	99%	101%	110%	106%	100%
Annual Goal: 100%	100%	100%	100%	100%	100%	100%

Annual Clearance Rates for High Court Civil Cases 2017 to 2021



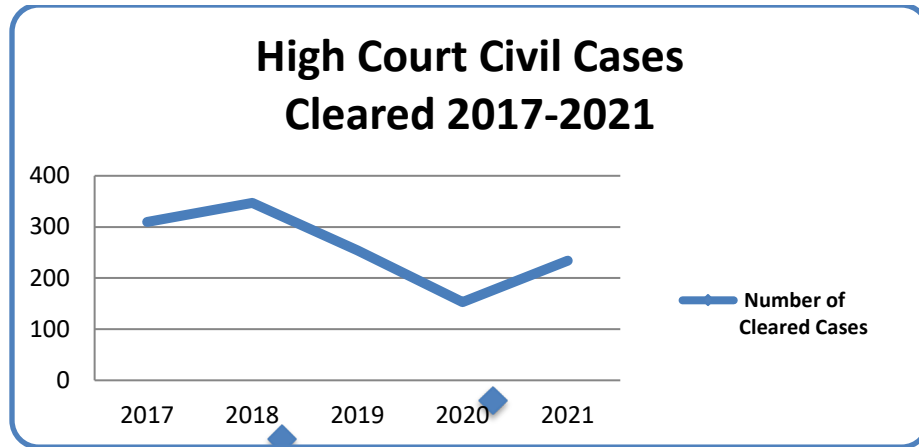
c. Time Standard: To Clear 70% of Cleared Cases Within 120 Days and 90% Within 730 Days (24 Months)

In 2021, 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 cleared civil cases within 120 days and 90% within 730 days (i.e., 24 months). The High Court met and surpassed its time standards for civil cases. The High Court cleared 70% of cases within only 68 days (52 days less than 120) and 90% within only 533 days (197 days less than 730).

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

In 2021, the average age of cleared cases was 231 days. The table and chart below show that in 2021 the average age of cleared cases has climbed 80 days over 2020. This is because several very old cases have been resolved.

Average Age of High Court Civil Cases Cleared 2017-2021					
	2017	2018	2019	2020	2021
Number of Cleared Cases	310	347	254	151	231
Average Age in Days	89	89	94	151	170



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

In 2021, the number of pending cases went down from 105 in 2020 to 92 in 2021. However, the age of pending cases went up: from 1,529 days in 2020 to 1,756 days in 2021.

Average Age of Pending High Court Cases 2017-2021					
	2017	2018	2019	2020	2021
Number of Pending Cases	119	122	119	105	92
Average Age in Days	909	972	1,167	1,529	1,756

Of the 92 cases pending at the end of 2021, 54 cases or approximately 58% 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.

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 cases appealed and the percentage of cases overturned on appeal.

In 2021, appellants filed three appeals from High Court civil decisions: one land case; one enforcement of foreign judgment case, and one maritime case. That is, there were three appeals filed from High Court decisions versus 231 cases cleared in the High Court, or 1.3%. Below is a table and chart showing the number of cases appealed versus cases not appealed over the past five years.

Cleared High Court Civil Cases Not Appealed v. Appealed 2017-2021						
	2017	2018	2019	2020	2021	Avg.
Cases Cleared	310	347	254	153	231	259
Cases Appealed	4	14	3	5	3	6
% of Cases Appealed	1.3%	4.0%	1.2%	3.3%	1.3%	2.2%
Cases Not Appealed	306	333	251	148	229	253
% of Cases Not Appealed	98.7%	96.0%	98.8%	96.7%	98.7%	98%

In 2021, no High Court civil cases from 2021, 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; Appearances by Contemporaneous Transmission; 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 2021, as in recent years, the High Court continued to aggressively publish fee waiver rules. On, however, no one requested a fee waiver in a High Court civil case. In one case, a criminal case and in a juvenile case, a fee waiver was requested for an appeal to the Supreme Court and it was granted by the High Court.
- 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 2021, 16 High Court cases were heard on the Ebeye circuit.
- Also, in 2021 counsel, parties, or witnesses in civil cases appeared by contemporaneous transmission (i.e., via Zoom or Skype) in 62 out 421 conferences, hearings, or trials.
- In 2021, the use of free legal services remained high. In the 221 civil cases filed in 2021, 201 parties were represented by MLSC or the OPD, both of which provide legal assistance for free. Also, in 2021, approximately 18 plaintiffs (or prospective plaintiffs) were assigned a free court-appointed attorney for their claims. In FY 2021, the Judiciary

collected \$58,000 to pay 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 on its website and made available at courthouses forms for fee and cost waivers, confirmation of customary adoptions, guardianship petitions, divorce petitions, domestic-violence temporary protection orders, name-change petitions, and small claims cases.

2. Probate Cases

Set forth below are the High Court's 2021 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 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 smaller cases, cases heard on circuit, appearances by contemporaneous transmission, legal aid, and access for women and those with disabilities.

a. Number of Probate Cases

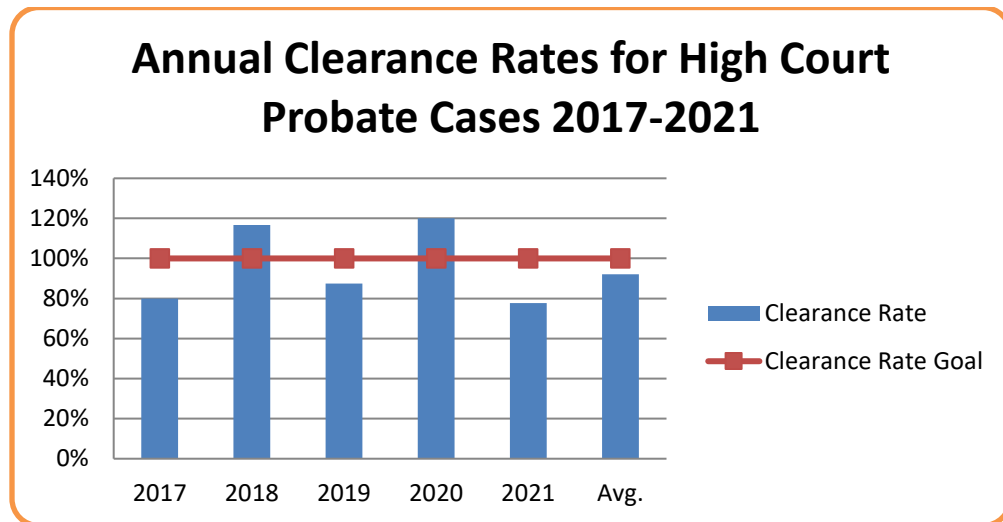
Nine probate cases were filed in 2021, four more than in 2020. All nine cases were filed in Majuro. None of the cases were filed in Ebeye. However, as explained below there is a remaining Ebeye probate case from 2019.

d. Annual Clearance Rate and the Five-Year Trend

In 2021, the High Court cleared seven probate cases, all Majuro probate cases, for an annual clearance rate of 78% (7/9). 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 did not achieve its goal in 2021. The average annual clearance rate over the past five years is only 92%. Given the relatively low

number of probate cases filed each year, the annual clearance rate should continue to fluctuate around 100% as it has over the past five years.

Annual Clearance Rates for High Court Probate Cases 2017-2021						
	2017	2018	2019	2020	2021	Avg.
Cases Filed	10	6	8	5	9	38
Cases Cleared	8	7	7	6	7	35
Clearance Rate	80%	117%	88%	120%	78%	92%
Clearance Rate Goal	100%	100%	100%	100%	100%	100%



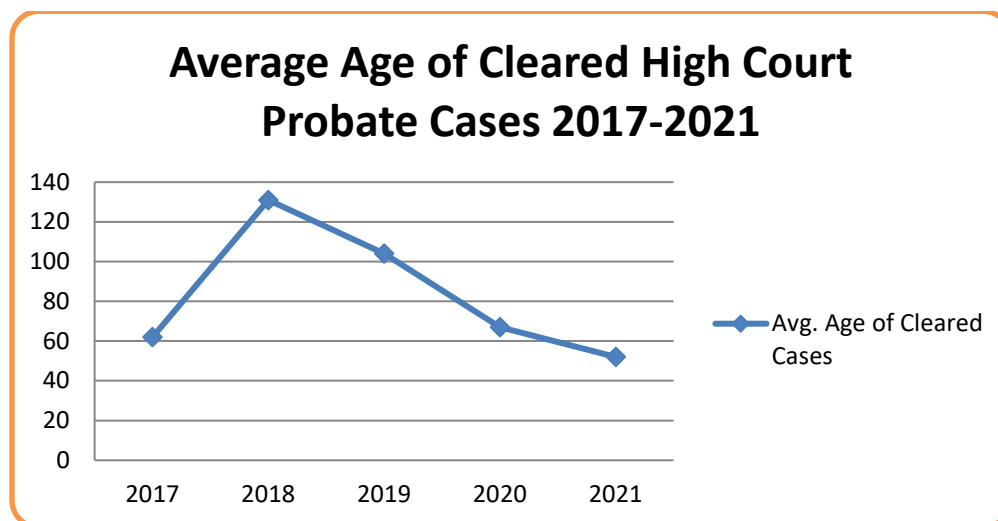
c. Time Standard: To Clear 90% of Cleared Cases Within 90 Days of the Day Filed

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 7 probate cases cleared in 2021, the High Court cleared all seven cases within 90 days, 100%.

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

The average age of the seven probate cases cleared in 2021 was 52 days. Absent objections by survivors or creditors and/or delays by the petitioner and counsel, most probate cases are cleared within seven 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 2017-2021					
	2017	2018	2019	2020	2021
Cases Cleared	8	7	7	6	7
Avg. Age of Cleared Cases	62	131	104	67	52



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

At the end of 2021, three probates case were pending, one filed in Ebeye in 2019 and two filed in Majuro in 2021. By the end of 2021 the Ebeye case had been pending for 827 days. The Court is waiting for objectors in the United States to file their submissions. By the end of 2021, the two Majuro cases had been pending for an average of 114 days. One case was dismissed in January 2021 and the other granted in February 2021.

f. Appeals

In 2021, no probate cases were appealed, nor were any cases from previous years overturned on appeal. Accordingly, the percentage of 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; Appearances by Contemporaneous Transmission; 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, appearances by contemporaneous transmission, 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 2021 (as in recent years) no one requested a fee waiver in a probate case. In 2021, the High Court widely published notice of the waivers, as it did in 2020.
- In 2021, the fees for probate cases remained low. The filing fee for probate cases is \$25, \$100 for estates over \$7,000.
- Of the nine probate cases filed in 2021, none were filed for the Ebeye. Of the seven probate cases cleared in 2021, none were cleared on an Ebeye session.
- In five of the nine probate cases filed in 2021 (56%), the petitioner was represented by MLSC. This figure is a lower than usual. In 2021, four probate cases were filed by private counsel. In most years all but one or two probate petitioners are represented by MLSC.
- In 2021, none of counsel, parties, or witnesses in probate cases requested to appear by contemporaneous transmission (i.e., via Zoom or Skype).
- The 2021 probate statistics disaggregated by gender reveals that almost all of petitioners, nine, were women, widows, or daughters of the decedent. Usually, the petitioner will be the surviving spouse, the eldest surviving child, or, failing either, the most senior surviving child present in Majuro. In 2021, none of the probate petitioners or objectors was a disabled person. Almost always the family selects a representative who is both physically and mentally is good health.

3. Criminal Cases

Set forth below are the High Court's 2021 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 550 days (18 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;
- 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, appearances by contemporaneous transmission, legal aid, and access for women and those with disabilities).

a. Number and Nature of Cases

In 2021, the Office of the Attorney-General (“OAG”) filed 29 criminal cases in the High Court. Of the 29 cases, 22 were filed in Majuro and seven were filed in Ebeye. Also, the High Court heard and dismissed two criminal appeals from the District Court.

The 22 criminal cases filed in Majuro in 2021 include the following (by most serious offense charged in the case): two murders; one continuous sexual assault of a minor; one aggravated assault; one sexual assaults in the 2nd degree; one embezzlement by a public official; two reckless driving involving injury; one obstructing the administration of government; two possessions of cocaine; five overstayers; one negligent homicide in the 2nd degree; one assault with a deadly weapon; one possession of marijuana 1st possession, and two failures to pay social security taxes.

In the 21 Majuro cases, three of the defendants were women. Two were charged with theft offenses and one was charged with overstaying her visa.

Of the 21 Majuro cases, females were the victims in four cases: three aggravated assaults; and one sexual assault in the 2nd degree. Counseling for victims of domestic violence and sexual violence is available through NGOs and government agencies, including Youth-to-Youth in Health, Women United Together Marshall Islands, the Mental Health Clinic, Ministry of Health and Human Services.

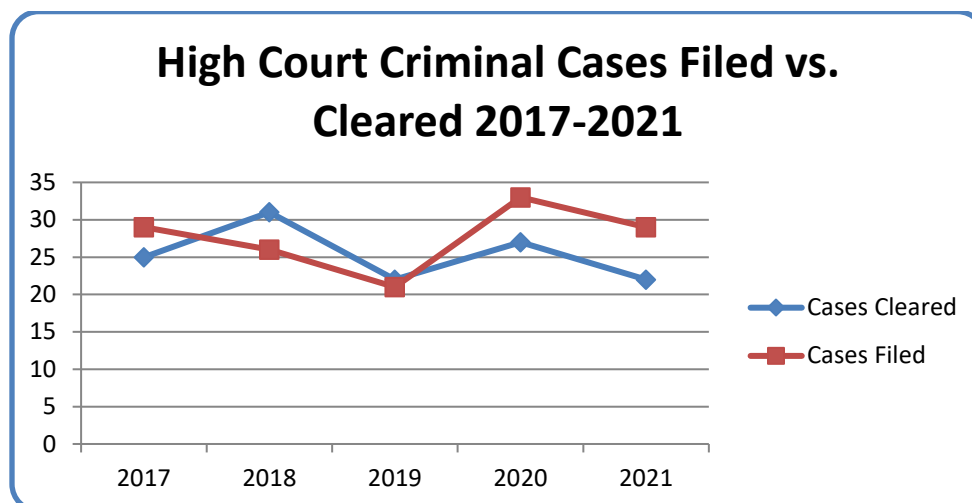
The seven criminal cases filed in Ebeye in 2021 include the following (by most serious offense charged in the case): three aggravated assaults; one sexual assault in the 2nd degree; one burglary at night; one embezzlement by a public official; and one possession of marijuana 2nd offense.

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 92% (25/28). In only two of the past five years the annual clearance rate was 100% or better. In 2021, the High Court cleared 22 criminal cases from all years, resulting in a 2021 clearance rate of only 76% (22/29). The lower clearance rate in 2021, is a result of the OAG filing more criminal cases in 2020 than in most years. The High Court is working to move the average annual clearance rate for criminal cases closer to 100% in 2022.

Annual Clearance Rates for High Court Criminal Cases 2017-2021						
	2017	2018	2019	2020	2021	Avg.
Cases Filed	29	26	21	33	29	28
Cases Cleared	25	31	22	27	22	25
Clearance Rate	86%	119%	105%	82%	76%	92%
Annual Goal	100%	100%	100%	100%	100%	100%



c. Time Standard: 90% of Cleared Cases Cleared Within 550 Days (18 Months)

In addition to the annual clearance rate, the High Court seeks to clear 90% of the cleared criminal cases within 550 days. In 2021, the High Court cleared 90% of the cleared cases in 687 days, 147 days over the target. Three cases took more than 540 days to complete. One case was an Ebeye case delayed by the loss of one High Court Judge for medical treatment abroad for about 6 months. A second case was an old case delayed because one of the defendants fled to the United States.

d. Average Age of Cleared Cases

The average age of the 22 High Court criminal cases cleared in 2021 was 249 days, up 106 days from 143 days in 2020. The higher average duration is the result of the clearing older cases. The number of High Court criminal cases cleared in the past five years (i.e., 2017-2021) and the average duration of cleared cases are as shown below.

Average Age of High Court Criminal Cases Cleared 2017-2021					
	2017	2018	2019	2020	2021
Cases Cleared	25	31	22	27	22
Avg. Age of Cases Cleared	203	166	166	143	249

e. Average Age of Pending Cases

As the table below shows, by the end of 2021, 21 criminal cases remained pending, up seven from the end of 2020. However, the average age of the pending cases was 301 days, down eight days from 309 at the end of 2020. The High Court continues to encourage prosecutors and defense counsel to resolve criminal cases, particularly older cases. At the end of 2021, of the remaining 21 cases, four cases were more than 730 days old and 17 cases were equal to or less than 365 days old.

Average Age of High Court Criminal Cases Pending 2017-2021					
	2017	2018	2019	2020	2021
Cases Pending	14	9	8	14	21
Avg. Age of Pending Cases	150	228	255	309	301

f. Appeals

As a reflection of the quality of High Court criminal decisions, in 2021 only one of 22 High Court criminal cases was appealed. Accordingly, the percentage of cases appealed was 4.5% (1/22). In 2021, no criminal cases were reversed on appeal.

g. Affordability and Accessibility: No Fee or Fee Waivers; Cases Heard on Circuit; Appearances by Contemporaneous Transmission; 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. On appeal, a defendant may apply for waiver of the filing fee and transcript costs. In the one 2021 criminal appeal, the High Court waived the cost of filing the notice of appeal and the transcript cost.

Usually, the High Court travels to Ebeye on circuit once a quarter to hear felony cases. However, due to the absence of one High Court justice for 6 months for medical treatment, the High Court held no in-person session on Ebeye in 2021. In 2022, the High Court has held three

in-court session in Ebeye. The High Court hopes to conduct at least four in-person sessions in Ebeye in 2022.

In 2021, counsel, parties, or witnesses in criminal cases appeared by contemporaneous transmission (i.e., via Zoom or Skype) in 10 out of 211 conferences, hearings, or trials.

Finally, criminal defendants have access to free legal counsel if they cannot afford to retain counsel. In 2021, as in other years, all or most criminal defendants who appeared in Court were represented by the OPD, the MLSC, or by private counsel paid by the Legal Aid Fund (“LAF”). In the 29 cases filed in 2021, the defendants were represented by the OPD in 24 cases, one defendant was represented by private counsel paid by the LAF, and three defendants retained private counsel to represent them.

4. Juvenile Cases

In 2021, the OAG filed three 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 three juvenile cases filed in 2021, one alleged sexual assault in the first degree and the other two alleged sexual assault in the second degree.

The High Court’s clearance goal for juvenile cases is to average 100% per year over five years. Also, the High Court seeks to clear 80% of juvenile cases within 180 days of filing. However, due to COVID-19 travel restrictions and the medical referral of one of the two High Court justices, the three cases filed in 2021 have not been cleared. All three cases are scheduled to come before the Court in July 2022.

As noted in the 2018 Annual Report, a 2017 juvenile case that the High Court decided in 2018 was appealed, a case involving a homicide and a burglary. 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 came before the Court in 2021 for re-sentencing. The High Court re-sentenced the juvenile to 25 years’ imprisonment for murder and 10 years’ imprisonment for burglary, to be served consecutively.

To ensure juvenile offenders’ access to justice, the Judiciary does not impose fees or court costs on juvenile offenders at the trial level. Also, 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. Additionally, High Court juvenile cases are heard on circuit and juvenile offenders have access to free legal counsel. In 2021, no counsel, parties, or witnesses in criminal cases appeared by contemporaneous transmission (i.e., via Zoom or Skype) in 10 out of 211 conferences, hearings, or trials. Almost all juvenile offenders are represented by the OPD.

5. Caseloads for Judges and Clerks

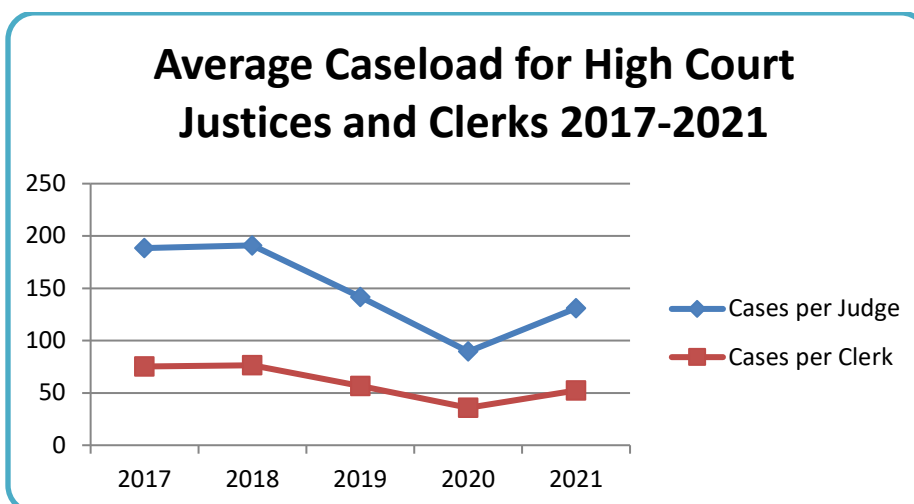
The total number of all High Court cases filed in 2021 was 262, 84 more than in 2020. The total number of High Court justices remained at two. This equates to a caseload of 131 new cases per justice. However, as shown in the table and chart below, the number of cases filed per year in 2019, 2020, and 2021 is much lower than that in 2017 and 2018. This dropped may due to the Government's COVID-19 travel ban and quarantine, as well as Marshallese migrating to the United States in larger numbers. In 2022, the caseload has increased significantly.

As to case assignments, generally cases are assigned between the two judges on an alternating basis, subject to conflicts, cases involving the same or related parties, absences from country, and the need to balance the caseloads.

For the five clerks that regularly process High Court cases, their 2021 caseload included 52 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 through 2021 are lower than in the past. There is some specialization among the clerks, such as finance, IT, and interpretation; however, all clerks handle most functions, including customer service.

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

Average Caseload for High Court Justices and Clerks 2017-2021					
	2017	2018	2019	2020	2021
Cases per Judge	189	191	142	90	131
Cases per Clerk	75	76	57	36	52



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 most 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

Working with 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 10 years, but 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).

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 effective as of December 30 2020, the Cabinet and Nitijela elevated Judge Leban (Dri Jerbal member) from associate judge to the chief judge. Her appointment was for a 10-year term. She had been an associate judge for more than 10 years. Associate Judge Nixon David (Iroij member) was reappointed for his third four-year terms in 2021. In February 2021, the Cabinet appointed, and the Nitijela's confirmed, another woman to the TRC bench, Claire T. Loeak. Judge Loeak (Alap member) is the first law-trained TRC judge. Her appointment was for 10 years. In 2021, all TRC judges attended judicial development training programs.

Although two of the three TRC judges are women, only three of the Judiciary's approximately 30 judges were women: two Traditional Rights Court judges; and one Community Court judge.

In 2021, the TRC issued six decisions in four cases, two more than in 2020. At the end of 2021, approximately 20 cases were pending before the TRC and another seven 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 3 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 3 years, or both.

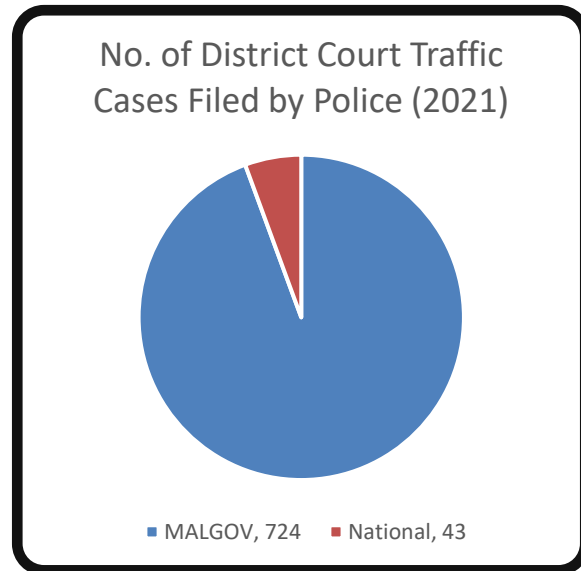
The District Court also has appellate jurisdiction to review any decision of a Community Court.

The District Court's 2021 case statistics and case workload are set forth below.

1. Traffic Cases (Majuro)

- the annual clearance rates for the most recent five years;
- the average duration of cleared cases for the most recent five 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



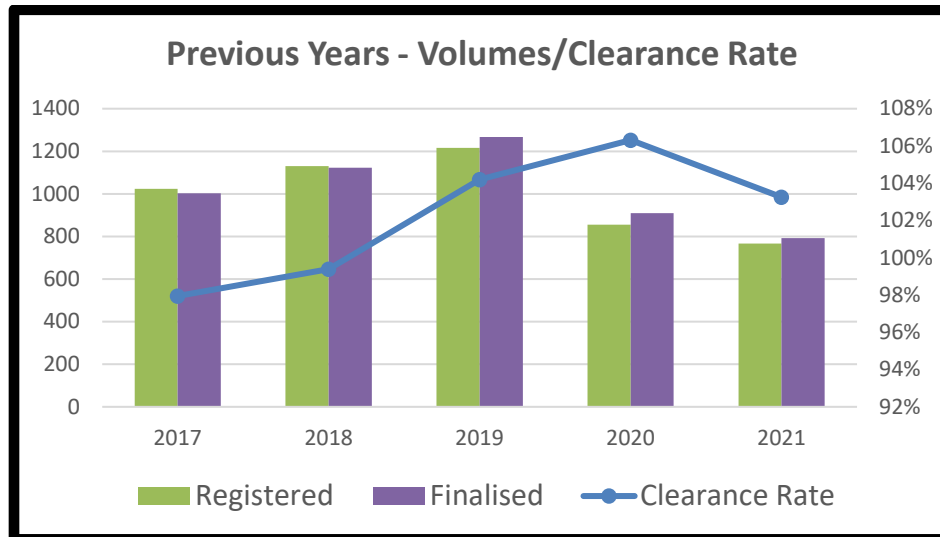
In 2021, the National Police and Majuro Atoll Local Government Police prosecutors filed in the District Court a total of 767 traffic cases in Majuro. A total of 162 cases involved DUI/Drunken Driving.

Of the 767 traffic cases filed in Majuro in 2021, 737 cases were finalized in 2021, adding 30 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 2021 annual clearance rate for traffic cases was 103% (finalized/filed). During 2021, the District

Court, counsel, and parties finalized 737 2021 cases and 55 cases from previous years (2019-2020). And as noted above, the government filed 767 new cases in 2021. The District Court's goal is to maintain an annual clearance rate for traffic cases of 100% or better, for each year. The average clearance rate over 5 years is 103% which is an excellent result sustained over many years.



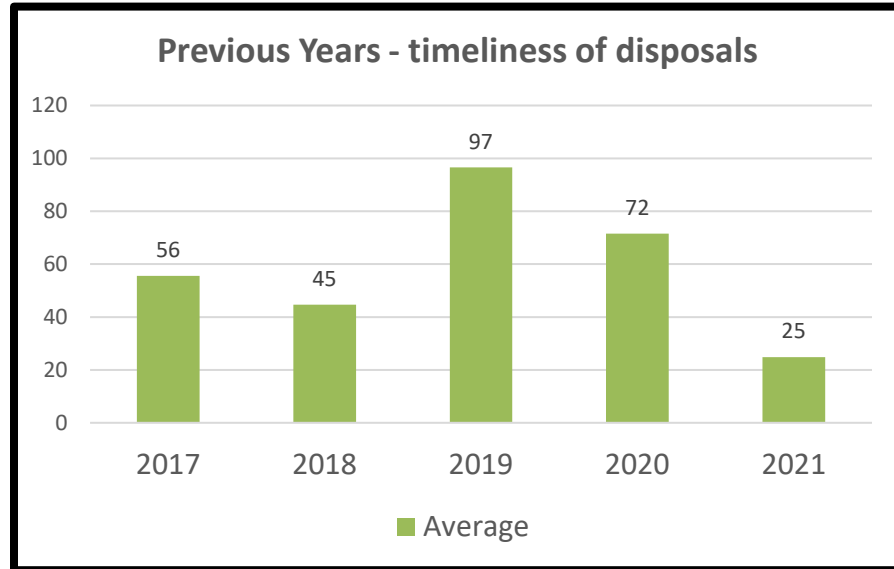
Previous Calendar			Clearance
Years	Registered	Finalized	Rate
2017	1023	1002	98%
2018	1130	1123	99%
2019	1216	1267	104%
2020	855	909	106%
2021	767	792	103%
Total/clearance rate	4991	5093	102%

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 2021 was 25 days. A total of 737 2021 cases, 50 2020 cases, and 5 2019 cases were finalized in 2021.

For Majuro District Court traffic cases filed in the five years (2017-2021), 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 2021, none of the 792 District Court traffic cases cleared in 2021 was appealed to the High Court and remanded back to the District Court. Furthermore, from 2017 to 2020, only one traffic case was 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 MLSC or the OPD, which both provide free legal assistance. Of the 767 traffic cases filed in Majuro in 2021, there were 767 defendants. Of the 767 defendants, only 73 defendants (9.5%) were represented by the OPD, 694 represented themselves (90.4%), and 1 was represented by private counsel (0.1%).

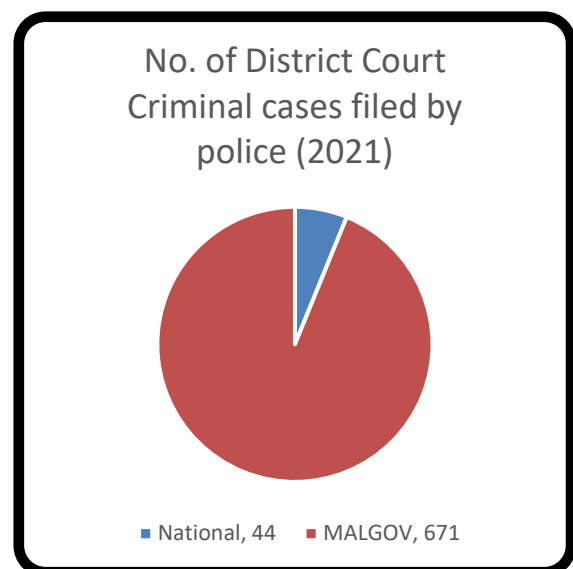
(iv) Forms

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 2021 statistics for Majuro criminal cases cover the following:

- the number and nature of cases filed and finalized in 2021;
- the annual clearance rates for the most recent five 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

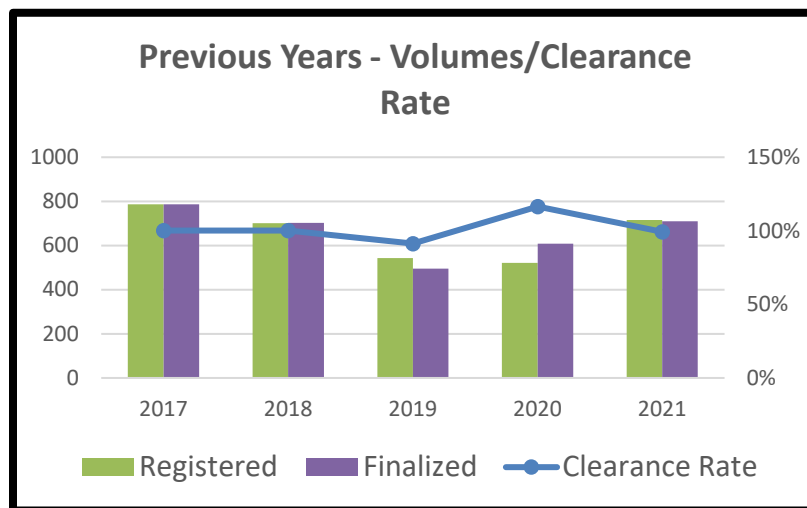
In 2021, the National Police and Majuro Atoll Local Government Police prosecutors filed in the District Court a total of 715 criminal cases in Majuro.

Of the 715 criminal cases, 693 were cleared in 2021, leaving 22 pending at the end of the year. The 22 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

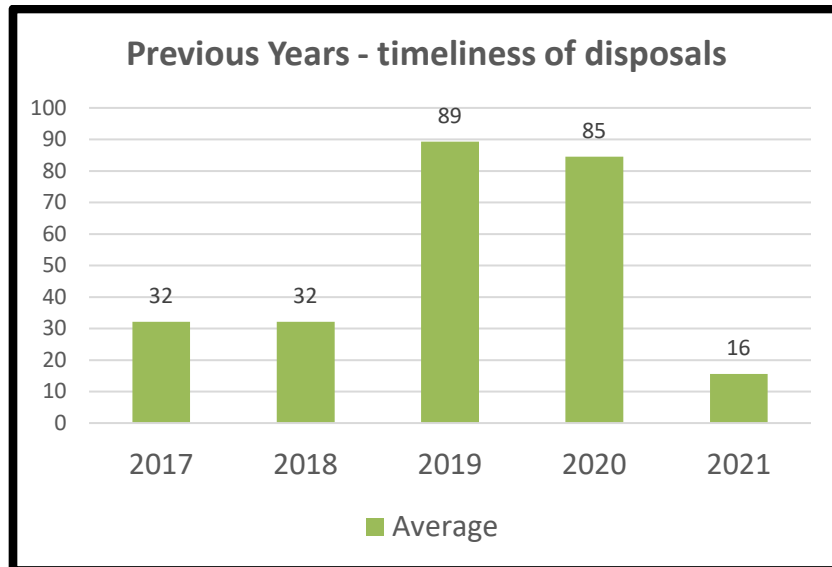
The District Court's 2021 annual clearance rate for criminal cases was 99%. During 2021, the District Court, counsel, and parties closed a total of 693 2021 cases and 17 2020 cases. As noted above, the government filed 715 new cases in 2021. The District Court's goal is to maintain an annual clearance rate for criminal cases of 100% or better, for each year. The clearance rate over 5 years is 101%, again, an excellent rate.



Previous Calendar			Clearance
Years	Registered	Finalized	Rate
2017	786	787	100%
2018	701	702	100%
2019	543	496	91%
2020	522	608	116%
2021	715	710	99%
Total/clearance rate	3267	3303	101%

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 2021 was 16 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 2021, only one of the District Court criminal cases cleared in 2021 was appealed to the High Court and dismissed by the High Court. Similarly, from 2013 to 2020 no criminal cases were appealed. Also, in 2021, 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 MLSC or the OPD, which both provide free legal assistance. Of the 715 criminal cases filed in 2021, 22 defendants (3.1%) were represented by the OPD, 691 represented themselves (96.6%), and 2 were represented by private counsel (0.3%).

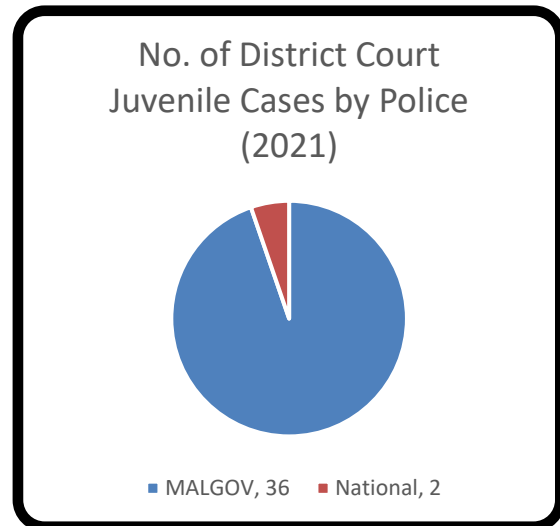
(iv) Forms

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 2021 statistics for juvenile cases cover the following:

- the number and nature of cases filed and finalized in 2021;
- the annual clearance rates for the most recent five 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

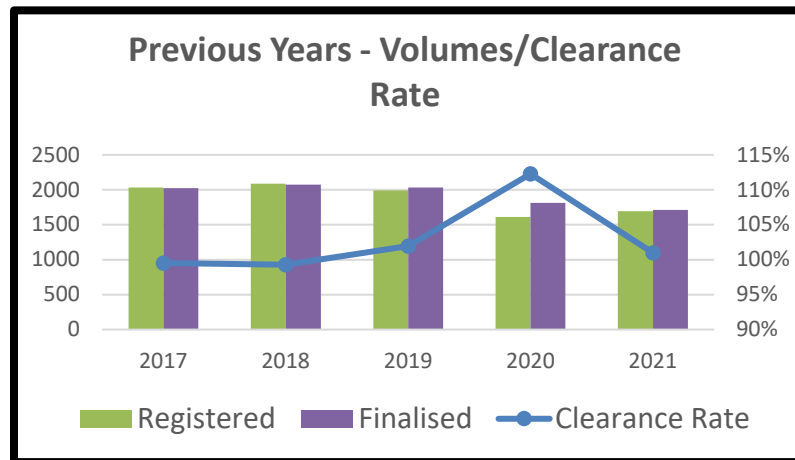
In 2021, the National Police and Majuro Atoll Local Government Police prosecutors filed in the District Court a total of 38 juvenile cases in Majuro. Sixteen involved underage drinking and alcohol related charges, 13 cases involved curfew violations, 7 cases involved traffic related charges, and 2 involved other cases¹.

Of the 38 juvenile cases filed in Majuro in 2021, 36 were cleared in 2021, leaving 2 pending at the end of the year, which was later cleared in early January 2022.

¹ Other charges: Unauthorized sale of tobacco to minors (1), Unauthorized sale of alcohol on Sunday (1).

b. Clearance Rates

The District Court's efficiency in handling juvenile cases can be measured by case clearance rates. The District Court's 2021 annual clearance rate for juvenile cases was 97%. During 2021, the District Court, counsel, and parties closed 37 cases, 36 cases from 2021, and 1 case from 2020. And as noted below, 38 new cases were filed in 2021. The District Court's goal is to maintain an annual clearance rate for juvenile cases of 100% or better, for each year.

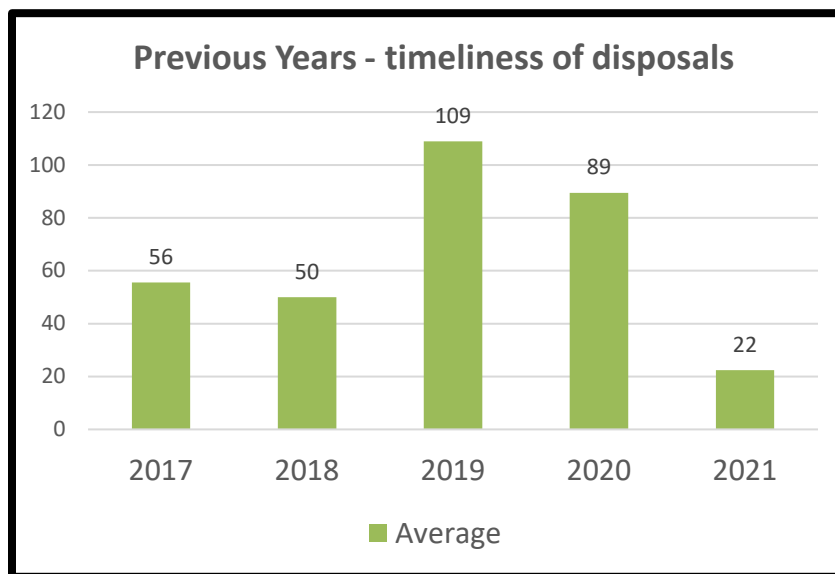


Previous Calendar Years	Registered	Finalized	Clearance Rate
2017	61	83	136%
2018	111	126	114%
2019	103	125	121%
2020	91	102	112%
2021	38	37	97%
Total/clearance rate	404	473	117%

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 2021 was 22 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 2021, none of the 36 District Court juvenile cases cleared in 2021 were appealed to the High Court. Similarly, from 2013 to 2020 no juvenile cases were appealed.

Furthermore, in 2021, 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 MLSC or the OPD, which both provide free legal assistance. Of the 38 juvenile cases filed in 2021, all 38 represented themselves (100%). Similarly, in previous years, the number of juvenile offenders represented by the OPD 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 2021 statistics for Majuro small claims cases cover the following:

- the number and nature of cases filed and finalized in 2021;
- the annual clearance rates for the most recent five 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.

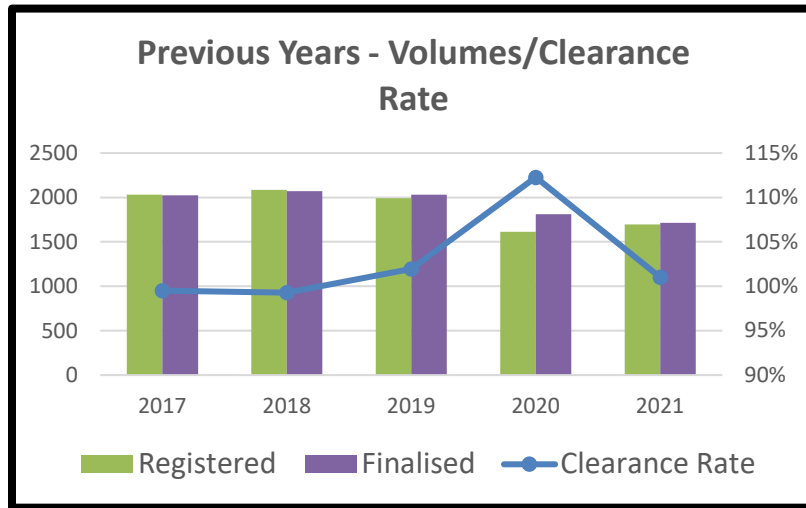
a. Number of Cases Filed

In 2021, a total of 175 small claims cases were filed in Majuro.

Of the 175 small claims cases filed in Majuro in 2021, 164 were cleared in 2021, leaving 11 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 2021 annual clearance rate for small claims cases was 99%. During 2021, the District Court, counsel, and parties closed 173 cases, 164 2021 cases and 9 2020 cases. And as noted in the chart below, 175 new cases were filed in 2021. The District Court's goal is to maintain an annual clearance rate for small claims cases of 100% or better, for each year.



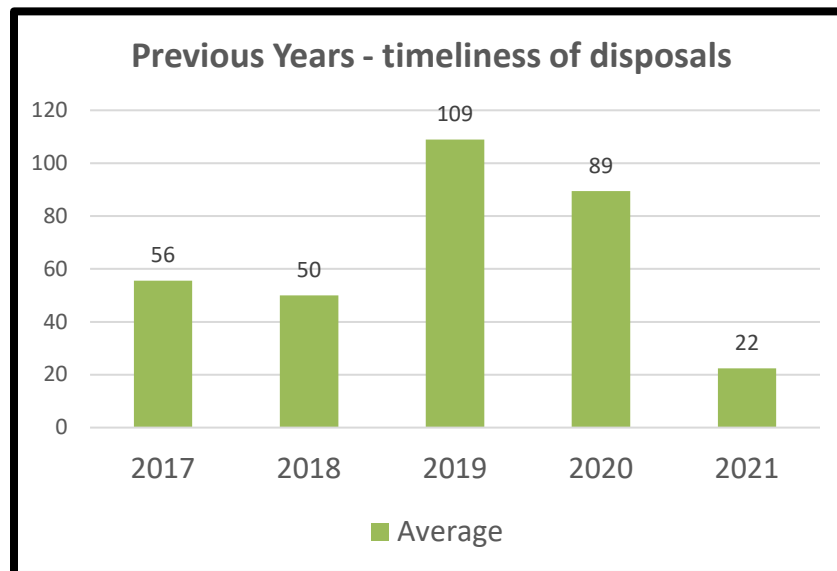
Previous Calendar Years	Registered	Finalized	Clearance Rate
2017	163	151	93%
2018	145	121	83%
2019	131	144	110%
2020	145	191	132%
2021	175	173	99%
Total/clearance rate	760	781	103%

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 2021 was 38 days.

For Majuro District Court small claims cases cleared in the past five years (2017-2021), 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 2021, none of the 173 District Court small claims cases cleared in 2021 were appealed to the High Court. Similarly, from 2013 to 2020 no small claims cases were appealed.

Furthermore, in 2021, 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 2021 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 MLSC or the OPD, which both provide free legal assistance. Of the 175 small claims cases filed in 2021, one defendant was represented by private counsel (0.6%), and one of the defendants (0.6%) was represented by the OPD. All others appeared *pro se* (98.8%).

(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 1,696 cases were filed in the Majuro District Court: 767 traffic cases; 715 criminal and local government ordinance cases; 38 juvenile cases; 175 small claims cases; and 1 other civil case.

5. Caseload for Judges and Clerks (Majuro)

In 2021, the average number of new cases heard by the two District Court judges in Majuro was 848 cases, and the average number of new cases per court clerk was the same.

6. Ebeye

In 2021 on Ebeye, 81 cases were filed in the District Court:

- 51 traffic cases (50 cleared and 1 pending);
- 12 criminal & local government ordinance cases (12 cleared and 0 pending);
- 0 juvenile cases (8 2020 cases cleared in 2021); and
- 18 small claim cases (18 cleared and 0 pending).

The average number of cases heard per District Court judge in Ebeye was 81, and the average number of cases per court clerk was 40.5 (one Judiciary clerk and one Kwajalein Atoll Local Government court clerk).

No 2021 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.

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 6 months, or both.

At the end of 2021, 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 was scheduled for August 2022, but did not take place due to COVID-19 restrictions.

F. Travel to the Neighboring Islands and Ebeye

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



If the OAG, the OPD, and the MLSC were to station attorneys on Ebeye full time, the Ebeye caseload would increase.

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 OAG and OPD 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 three days in advance. Marriages by non-citizens must first be approved by the Ministry of Foreign Affairs.



1. Majuro. In 2021 on Majuro, the High Court and the District Court processed 181 delayed registrations of birth, 1 delayed registrations of death, and performed 22 marriages. The clerks notarized 1359 documents, of which 13 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 5 apostilles, certified 219 documents, 29 criminal record checks, 5 civil record checks, and 304 corporate litigation checks.

2. Ebeye. In 2021 on Ebeye, the District Court processed 67 delayed registrations of birth, 3 delayed registrations of death, and performed 7 marriages. The Ebeye clerks also notarized 193 documents, of which 3 were notarized off site at chief's home/meeting or to accommodate disabled/sick persons.

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

Birth, Deaths, Etc. 2017-2021					
	2017	2018	2019	2020	2021
Births	355	350	319	270	248
Deaths	4	3	3	3	4
Marriages	64	40	42	38	29
Notarizations	974	1,314	1,041	1,449	1,552
Apostille Cert's	23	11	3	19	5
Criminal Checks	52	36	35	28	29
Corporate Checks	162	151	202	146	304

H. Court Staff

In 2021, the Judiciary's staff included the following: a chief clerk of the courts, seven assistant clerks (one in Ebeye), three bailiffs (seconded from the National Police), and two

maintenance workers. The chief clerk and five 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 in completing forms.

The Office of the Clerk of the Courts is open 8:00 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 2021 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 2021 professional development activities are set forth below.

On May 18, 2021, Traditional Rights Court Associate Judge Claire Therese Loeak participated in the *National Judicial College (“NJC”) Evidence Workshop Part I* webinar. The webinar presented two purposes: (1) to develop an “evidence ear” in which participants presided over a trial and ruled on objections; the objective is to help judges and lawyers quickly analyze and decide whether to make an objection to a question or not; and (2) to develop courtroom and trial management skills. The webinar was facilitated by NJC faculty judges, the Hon. Edward Wahl and Emeritus Professor Stephen M. Simon. This webinar was one of a two-part series which focused on how judges can develop skills in making evidentiary rulings on physical, documentary and testimonial evidence.

On June 10, 2021, Traditional Rights Court Associate Judge Claire Therese Loeak participated in the *NJC State Justice Institute (“SJI”) Ethics Webinar Series on Judicial Demeanor* webinar. The objective of the webinar was to help judges recognize characteristics of proper judicial demeanor and develop strategies that can help maintain proper judicial demeanor in and out of court. The webinar was facilitated by the NJC faculty judges, the Hon. Thomas A. Zonay and Hon. Ilona M. Holmes.

Traditional Rights Court Chief Judge Grace Leban and Traditional Rights Court Associate Judge Claire Therese Loeak participated in the *NJC Evidence Workshop Part 2* webinar on June 22, 2021. This webinar was a continuation of the May 18, 2021 workshop and focused on two main areas: (1) analysis of evidentiary issues and (2) handling objections from the trial judge’s perspective. The objective of the webinar was to help judges effectively carry out their roles in the courtroom and mainly develop that “evidence ear” which is the ability to hear, understand and analyze questions and rule on objections to questions or answers in the courtroom during trials and hearings. The webinar was facilitated by NJC faculty judges, the Hon. Edward Wahl, Hon. Laura Thomas, and Emeritus Professor Steve Simon.

From August 6, to September 3, 2021, Traditional Rights Court Associate Judge Claire Therese Loeak participated in the *NJC Interactive Online Course for New Judges* online course. The objective of the course was to provide education to recently elected or appointed judges, to ensure judges learn to:

- Ascertain how to address issues that judges face in transitioning from the bar to the bench.
- Describe what new judges can expect to experience in their courtroom.
- Identify what judges do in chambers that even trial lawyers wouldn’t necessarily be aware of.
- Define what judges should and should not do in relating to their communities.

On October 14, 2021, Chief Justice Ingram, Associate Justice Witten Philipppo, Traditional Rights Court Associate Judge Claire Therese Loeak, Chief Clerk of the Courts Ingrid Kabua participated in the *Pacific Judicial Council Communication Skills* workshop sponsored and facilitated by the Ninth Circuit Mediation Office. The workshop was conducted online and was based on the book “*Difficult Conversations*” authored by Douglas Stone, Sheila Heen and Bruce

Patton. The workshop focused on how judges can use active listening skills and empathy to enhance their communications skills, and a practical exercise session in which judges participated in role playing and identifying and using communication skills in managing difficult conversations.

From November 11-14, 2021, Supreme Court Chief Justice Daniel Cadra attended the Appellate Judges Education Institute 2021 Summit held in Austin, Texas. Plenary sessions included topics such as Courage: The Seminal Virtue in Advocacy and Judging, Page-Turners: How Judges Read in a E-Filing Era, Top Tips for Top-Notch Oral Argument Answers, Managing Stress and Strengthening Resiliency: Practical Strategies for Judges and Lawyers, The Ethics of Building and Growing an Appellate Practice, Supreme Court Preview, Clients in the Courtroom: How IN-House Counsel View Appeals and Appellate Courts, and many others.

On December 2, 2021, Traditional Rights Court Associate Judge Claire Therese Loeak participated in the *NJC SJI Ethics Webinar Series: Ethical Aspects of Communication in Social Media* webinar. The objective of the webinar was to provide judges with the ability to discuss ethical requirements applicable to any online communication, including communication via social media, discuss how the behavior in social media may undermine public confidence in the judiciary as a whole, identify and distinguish between proper and improper behavior in social media, identify and distinguish between proper and improper action in dealing with ex parte communication via online communication tools, and understand what recusal and self-recusal rules derive from the social media conduct. The webinar was facilitated by NJC faculty judges, the Hon. Thomas A. Zonay and Hon. Robert E. McBeth.

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 37 amendments to Acts. In 2021, the Judiciary was successful in securing an amendment to the Judicial Compensation Act to increase the salary of Traditional Rights Court judges. For 2022, the Judiciary is working on an amendment of the Judicial Compensation Act to increase the salary for District Court judges. Also, in 2021, the Judiciary was able to secure an amendment to the Enforcement of Judgments Act to lower the statutory interest rate on judgments from 9% to 6% and to secure the amendment of the Uniform Enforcement of Foreign Money-Judgment Act to clarify the burdens of proof among other things.

The Judiciary also regularly updates rules of procedure. In 2021, the Court amended the Marshall Islands Rules of Criminal Procedure and Marshall Islands Rules of Civil Procedure (“MIRCP”) to allow witnesses to appear by contemporaneous transmission and to make court proceedings accessible to the parties and public by contemporaneous transmission and to amend the MIRCP to clarify the rules for serving government entities.

III. THE JUDICIAL SERVICE COMMISSION: JUDICIAL APPOINTMENTS

Along with the courts, the Constitution provides for a Judicial Service Commission (“JSC”), which consists of the Chief Justice of the High Court, as chair, the Attorney-General, and a private citizen selected by the Cabinet. The private member is Jennifer Hawley. The JSC nominates to the Cabinet candidates for appointment to the Supreme Court, High Court and Traditional Rights Court, 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 2021, the Commission nominated to the Cabinet for appointment two acting Supreme Court justices for 2022 and 2023, one acting High Court justice for 2022 and 2023, and two Traditional Rights Court judges. Also, the Commission appointed acting TRC judges for three cases where a member of the permanent TRC panel had a conflict, and the Commission appointed Community Court judges for Likiep and Wotho Atolls.

IV. 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 August 20, 2019). 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.rmicourts.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 2021, no complaints were lodged or pending against judges.

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 2021, no complaints were lodged or pending against attorneys.

With respect to court staff, the Judiciary maintains a complaint box at the courthouses. In 2021, no complaints were lodged against a court staff member.

V. 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



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, and

constructing a police substation next to the Majuro Courthouse.

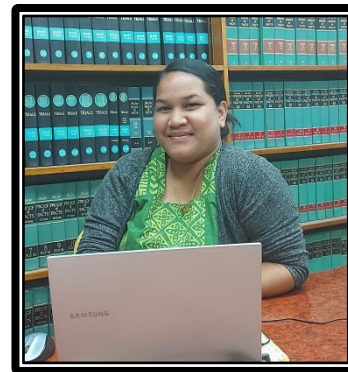
Also, since 2017, the Judiciary has sought funding for a new courthouse on Ebeye. The Ebeye Courthouse building has deteriorated to the point where it needs to be replaced. It is in bad condition and cannot be expanded to meet the Judiciary's and Kwajalein community's needs. Fortunately, in 2021, the Judiciary received \$800,000 of the \$1.2 million needed for this vital project. In 2022 and 2023, the Judiciary will seek the remaining \$400,000.



B. Technology

The courthouses on Majuro and Ebeye are equipped with computers, printers, and photocopiers and have Internet access at around 40-50 Mbps depending on the international connections. However, the Judiciary urges visiting counsel 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 five scanners with OSC software permitting the courts to scan documents and send them almost anywhere in the world.

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 Zoom. While COVID-19 restrictions were in place, the Judiciary also heard contested non-evidentiary proceedings via Zoom.



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.

VI. 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 2021, the Nitijela appropriated \$1,108,149.00 for the Judiciary: \$844,779.00 for salaries and wages and \$263,370.00 for all others. Less audit expenses of \$8,796 paid out by the Ministry of Finance, a total of \$254,574.00 was paid to the Judiciary for its operational funds.

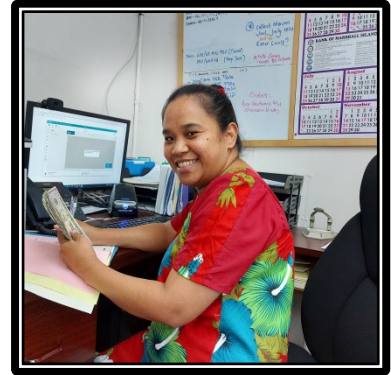
Of the \$844,779 appropriated for personnel in FY 2021, the Judiciary only expended \$798,491.04 due to unexpended Community Court judge salaries and an unexpended High Court justice salary resulting from COVID travel restrictions and quarantines. The unspent personnel funds from FY 2021, \$46,287.96, remained in the General Fund with the Ministry of Finance.

Of the \$263,370.00 appropriated in FY 2021 for all other expenses, \$8,796.00 was retained by the Ministry of Finance for audit expenses and the Judiciary expended or obligated the remaining \$254,574.00.

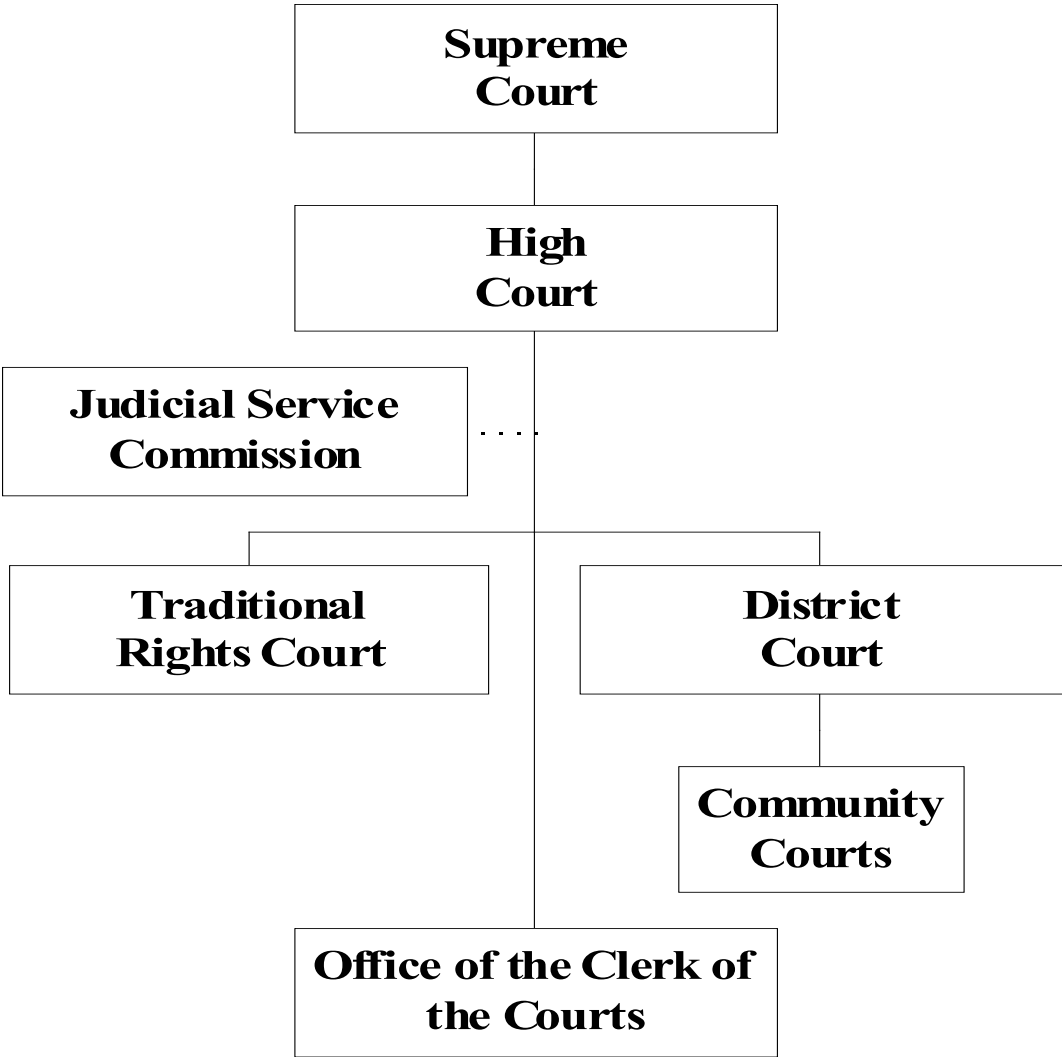
From operations funds, the Judiciary has segregated moneys the collected from annual attorney fees for the Legal Aid Fund ("LAF"). As of September 30, 2021, the Judiciary had \$149,001 in its LAF account, much of which had been obligated for payment to attorneys to represent those who cannot offer an attorney and cannot be represented by the Micronesian Legal Aid Services Corporation and the OPD.

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 2021 totaled \$78,789.20. The fund balance at the end of FY 2021, \$108,431.72 and monies collected in FY 2021 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 LAF, Deloitte for FY 2021, reported a clean audit with no findings. Attached as Appendix 3 are the Balance Sheets for years ending September 30, 2021 and 2020, the statement of revenues, expenditures, and changes in the fund balance for years ended September 30, 2021 and 2020, 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 Grace L. Leban (02/30/20-12/30/30)

Traditional Rights Court Associate Justice Nixon David (04/07/21-04/06/25)

Traditional Rights Court Associate Justice Claire T. Loeak (05/17/21-05/16/31)

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 (12/03/18-12/02/24)

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 David Boyce (01/20/19-01/19/25)

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 (vacant)
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
Custodian Bersina Stephen
Bailiff Moses Lautiej, Police Officer II
Bailiff Noland Tash, Policer Officer I
Bailiff Clay Mielson, Officer I

Appendix 3

MARSHALL ISLANDS JUDICIARY FUND

Balance Sheet
Governmental Fund
September 30, 2021

ASSETS

Cash	\$	277,595
Time certificates of deposit		405,026
Accounts receivable		3,763
Total assets	\$	<u>686,384</u>

LIABILITIES AND FUND BALANCE

Liabilities:		
Unearned revenue	\$	2,892
Other liabilities and accruals		<u>22,877</u>
Total liabilities		<u>25,769</u>

Contingencies

Fund balance:

Committed:

Judicial operations		278,439
Legal aid		<u>382,176</u>
Total fund balance		<u>660,615</u>
Total liabilities and fund balance	\$	<u>686,384</u>

See accompanying notes to financial statements.

MARSHALL ISLANDS JUDICIARY FUND

Statement of Revenues, Expenditures, and Changes in Fund Balance Governmental Fund Year Ended September 30, 2021

Revenues:	
Nitijela appropriation	\$ 943,886
Court fines and fees	138,267
Interest	9,240
Other	8,359
Total revenues	<u>1,099,752</u>
Expenditures:	
Salaries, wages and benefits	689,312
Leased housing	66,460
Supplies and materials	62,327
Communications	47,784
Utilities	37,664
Capital outlay	35,910
Professional services	23,554
Legal aid services	19,982
Repairs and maintenance	16,014
Travel	12,579
POL	10,023
Insurance	3,833
Subscriptions	2,150
Food stuff	1,989
Training	709
Rentals	563
Freight	238
Miscellaneous	1,790
Total expenditures	<u>1,032,881</u>
Net change in fund balance	66,871
Fund balance at the beginning of the year	<u>593,744</u>
Fund balance at the end of the year	<u><u>\$ 660,615</u></u>

See accompanying notes to financial statements.

MARSHALL ISLANDS JUDICIARY FUND

Statement of Fiduciary Net Position Fiduciary Fund - Custodial September 30, 2021

ASSETS

Cash	\$ 3,652,812
Time certificates of deposit	<u>90,337</u>
Total assets	<u>\$ 3,743,149</u>

NET POSITION

Restricted for:	
Individuals, organizations and other governments	<u>\$ 3,743,149</u>
Total net position	<u>\$ 3,743,149</u>

See accompanying notes to financial statements.

MARSHALL ISLANDS JUDICIARY FUND

Statement of Changes in Fiduciary Net Position
Fiduciary Fund - Custodial
Year Ended September 30, 2021

Additions:		
Litigation deposits	\$	47,216
Bail deposits		8,624
Interest		<u>1,358</u>
Total additions		<u>57,198</u>
Deductions:		
Release of bail deposits		305,125
Administrative		<u>153</u>
Total deductions		<u>305,278</u>
Net change in fiduciary net position		(248,080)
Net position at the beginning of the year (Note 2)		<u>3,991,229</u>
Net position at the end of the year	\$	<u><u>3,743,149</u></u>

See accompanying notes to financial statements.

MARSHALL ISLANDS JUDICIARY FUND

Combining Balance Sheet
Governmental Fund
September 30, 2021

	<u>Operations</u>	<u>Legal Aid</u>	<u>Total</u>
<u>ASSETS</u>			
Cash	\$ 128,595	\$ 149,000	\$ 277,595
Time certificates of deposit	173,968	231,058	405,026
Accounts receivable	1,645	2,118	3,763
	<u>\$ 304,208</u>	<u>\$ 382,176</u>	<u>\$ 686,384</u>
<u>LIABILITIES AND FUND BALANCE</u>			
Liabilities:			
Unearned revenue	\$ 2,892	\$ -	\$ 2,892
Other liabilities and accruals	22,877	-	22,877
	<u>25,769</u>	<u>-</u>	<u>25,769</u>
Fund balance:			
Committed	278,439	382,176	660,615
Total liabilities and fund balance	<u>\$ 304,208</u>	<u>\$ 382,176</u>	<u>\$ 686,384</u>

See accompanying independent auditor's report.

MARSHALL ISLANDS JUDICIARY FUND

Combining Statement of Revenues, Expenditures, and Changes in Fund Balance Governmental Fund Year Ended September 30, 2021

	Operations	Legal Aid	Total
Revenues:			
Nitijela appropriation	\$ 943,886	\$ -	\$ 943,886
Court fines and fees	78,147	60,120	138,267
Interest	4,002	5,238	9,240
Other	8,359	-	8,359
Total revenues	<u>1,034,394</u>	<u>65,358</u>	<u>1,099,752</u>
Expenditures:			
Salaries, wages and benefits	689,312	-	689,312
Leased housing	66,460	-	66,460
Supplies and materials	62,327	-	62,327
Communications	47,784	-	47,784
Utilities	37,664	-	37,664
Capital outlay	35,910	-	35,910
Professional services	23,554	-	23,554
Legal aid services	-	19,982	19,982
Repairs and maintenance	16,014	-	16,014
Travel	12,579	-	12,579
POL	10,023	-	10,023
Insurance	3,833	-	3,833
Subscriptions	2,150	-	2,150
Food stuff	1,989	-	1,989
Training	709	-	709
Rentals	563	-	563
Freight	238	-	238
Miscellaneous	1,530	260	1,790
Total expenditures	<u>1,012,639</u>	<u>20,242</u>	<u>1,032,881</u>
Excess of revenues over expenditures	<u>21,755</u>	<u>45,116</u>	<u>66,871</u>
Other sources (uses):			
Transfer in	-	3,000	3,000
Transfer out	(3,000)	-	(3,000)
	<u>(3,000)</u>	<u>3,000</u>	<u>-</u>
Net change in fund balance	18,755	48,116	66,871
Fund balance at the beginning of the year	<u>259,684</u>	<u>334,060</u>	<u>593,744</u>
Fund balance at the end of the year	<u>\$ 278,439</u>	<u>\$ 382,176</u>	<u>\$ 660,615</u>

See accompanying independent auditor's report.