



THE JUDICIARY OF THE REPUBLIC OF THE MARSHALL ISLANDS

2015 ANNUAL REPORT

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HIGH COURT
of the
Republic of the Marshall Islands

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Iakwe, I am pleased to present the 2015 Annual Report for the Judiciary of the Republic of the Marshall Islands. 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 a pleasure and a privilege to work with them.

On behalf of the Judiciary, I wish to express our sincere appreciation to the President, the Minister of Justice, and the other members of the Cabinet for their support in 2015. Also, I wish to express our profound thanks to the Nitijela and the House of Iroij for their continuing support of our budgetary and legislative requests. We are committed to working with the Cabinet, the Nitijela, and the House of Iroij in the years to come to maintain a judiciary that is fair, efficient, and effective, 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 2015 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,

Carl B. Ingram
Chief Justice, High Court
Date: June 30, 2016



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 im aurok kein kab konan eo non air jermal ilo wawein ko renaj koman bwe armej ren kalimjeklok ra eo an Jikin Ekajet bwe ej juon eo ej einwot in:

- 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
 ebolemen im tiljek ilo an kakke aikuij ko
 ej jermal jimwe ilo ejelok kalijeklok im 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 bases 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 imair, im non komane jermal in ekajet im edro ko air ekkar non Jemen-Ei eo, kakien ko, im manit ko an ailon kein ad im jej jenolok kaki jen lal ko jet ikijien manit im men ko bwinnid im ad jolet, non emmanlok eo an ro rej bok jiban jen jikin ekajet eo.

Vision:

Ettonak Eo:

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

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

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

- *Kem naj jermal jimwe ilo ejelok am kalijeklok.*
 - *Kem naj kile, kautej, im karejar ippen ro rej kojerbal im bukot jiban jen jikin ekajet eo, ekoba dri-jermal ro mottam, im kemij kotmene bwe kom naj ukot tok ilo ejja wawein kein wot.*

- *Kem naj komman bwe en drik wonen, bidodo, im ejelok aban non ro rej kojerbal im bok jiban jen jikin ekajet eo.*
- *Kem naj bukot kojkan bwe en mokaj, emman, im jejjet wawein am bukot mejlan ailwaro im aiku ko.*
- *Kem naj 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.*
- *Kem naj kommani jermal im eddro ko an court ekkar non jonak im wawein ko lal in ej kili im lori ikijen jermal in tel, lolorjake, im bok eddro.*
- *Kem naj bukot im kojerbal wawein im rebeltan jermal ko rekaal bwe en emman lok am kake aiku ko an ro rej kojerbal jikin ekajet eo, im bareinwot non am kolablok kabeel ibben dri-jermal ro ilo jikin ekajet eo.*
- *Kem naj lolorjake bwe jikin ekajet ko ren ainemmon im bolemeir, im bwe jitbon jermal in ippen dron eo en wonmanlok wot.*

2015 REPORT OF THE JUDICIARY OF THE REPUBLIC OF THE MARSHALL ISLANDS

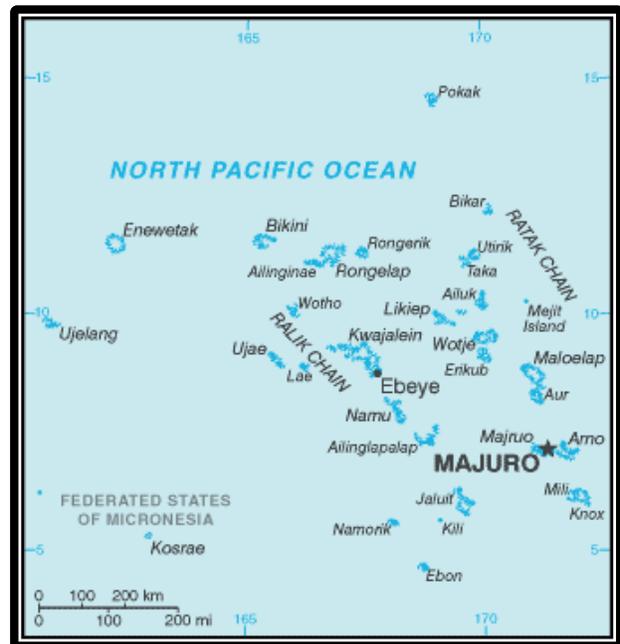
I. INTRODUCTION

The Republic of the Marshall Islands consists of two nearly parallel archipelagic island chains of 29 atolls and five separate islands—1,225 islands in all—located about half way between Hawaii and Australia. The Republic’s land area totals 70 square miles scattered over 750,000 square miles of the Western Pacific. As of July 2015, the estimated population of the Marshall Islands was approximately 52,993. However, estimates vary greatly.

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

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

Article VI, of the Constitution, provides for a judiciary “independent of the legislative and executive powers.” The RMI 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 RMI 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 RMI Judiciary is attached as Appendix 1, and a listing of RMI Judiciary personnel at the end of calendar year 2015 is attached as Appendix 2.

In the sections that follow, this report summarizes the RMI Judiciary's operations and accomplishments in calendar year 2015, as well as its challenges, including the need for financial support. These sections include the following:

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

II. SIGNIFICANT EVENTS AND ACCOMPLISHMENTS

The dedication and hard work of the judges and staff that serve the RMI Judiciary made 2015 a successful year. The most significant events and accomplishments include the following:

- Becoming a member of the Executive Committee of the International Consortium for Court Excellence, and
- Repair of the Majuro Courthouse roof.

A. Membership on the Executive Committee of the International Consortium for Court Excellence

In December 2015, the RMI Judiciary was appointed to the Executive Committee of the International Consortium of Court Excellence ("ICCE Executive Committee"). The International Consortium of Court Excellence ("Consortium") currently consists of over 25 international judicial institutions dedicated to promoting court excellence.

To promote court excellence, the Consortium has developed and refined the International Framework of Court Excellence ("Framework"), a quality management system that assists courts

improve their performance. Starting from internationally accepted core values, the Framework identifies Seven Areas of Court Excellence:

- Court Leadership and Management,
- Court Planning and Policies,
- Court Resources (Human, Material, and Financial),
- Court Proceedings and Processes,
- Client Needs and Satisfaction,
- Affordable and Accessible Court Services, and
- Public trust and Confidence (based upon Transparency and Accountability).

With these areas of excellence, the Framework employs a continuous improvement methodology. There are four fundamental activities in the Framework's quality cycle: self-assessment across all Seven Areas of Court Excellence; in-depth analysis to determine the areas in which the court can improve; development and deployment of a detailed court improvement plan; and monitoring implementation.

With assistance from the Federal Court of Australia funded by New Zealand, the RMI Judiciary in May of 2014 conducted a frank Framework self-assessment, determined how the RMI Judiciary could improve, and developed a detailed 27-page court improvement plan. The RMI Judiciary is in the process of implementing and monitoring the plan. The RMI Judiciary hopes that through this process it can achieve its goal of being an excellent small-island judiciary.

In recognition of the RMI Judiciary's efforts to fully implement the Framework, the founding members of the ICCE Executive Committee in December 2015 invited the RMI Judiciary to be a member of the ICCE Executive Committee for a term of two years with a possible extension for one additional year. As a member the ICCE Executive Committee, the RMI Judiciary is committed to supporting the work of the Consortium and promoting the use of the Framework.



The RMI Judiciary is ready and eager to be an ambassador for the ICCE and its Framework for court excellence.

B. Majuro Courthouse Roof Project

Also in December 2015, the RMI Judiciary completed re-roofing the Majuro Courthouse. The Majuro Courthouse's previous roof was built without

sufficient slope and with low quality roofing material. Over time, the salt spray had corroded the roof. In late 2014, the RMI Judiciary contracted for the replacement of the roof. Funding for the project comes mostly from court fees with \$20,000 from a Republic of China (Taipei) grant. The contract price was \$118,500.

III. THE COURTS: EFFICIENCY, QUALITY, AND ACCESSIBILITY

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

- The RMI Judiciary’s efficiency can be measured by annual clearance rates, 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 the fee structure, cases heard on circuit, free legal counsel, the availability of forms, and the accessibility of courthouses.

To these ends, the 2015 Annual Report reviews all five levels of the RMI Judiciary—the Supreme Court, the High Court, the Traditional Rights Court, the District Court, and the Community Courts. The review includes jurisdiction, staffing, and the work of the courts, 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.

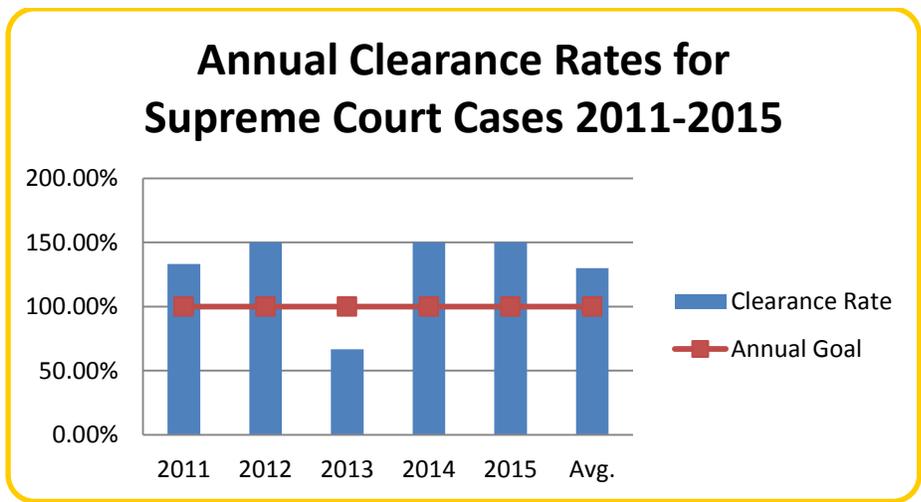
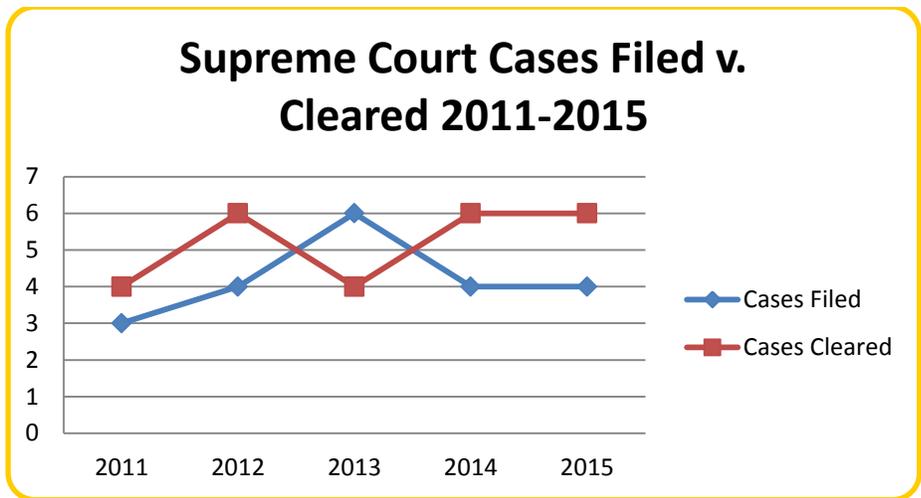
The Supreme Court consists of three justices: a chief justice and two associate justices. To date, all Supreme Court judges have been law-trained attorneys and most have been experienced judges. The current chief justice, Daniel N. Cadra, is a United States citizen appointed to a second 10-year term effective September 2013. Generally, associate justices have been pro tem judges from other jurisdictions — for example, 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 2015, the pro tem associate justices were two United States Federal Court judges from the Federal District Court in Hawaii: District Court Judge Michael Seabright and Magistrate Judge Barry Kurren. The Chief Clerk of the Courts, Ingrid K. Kabua, serves as the clerk of the Supreme Court.

The Supreme Court’s 2015 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 2015, there were six matters pending before the Supreme Court, and in 2015, another four matters were filed. The Supreme Court cleared six matters in 2015: three land cases, two election cases, and one citizenship case. By the end of 2015, four cases remained.

The Supreme Court’s goal is to maintain over time an annual clearance rate of 100%. As the table below shows, the Supreme Court has done this in four of the past five years. In 2015, with four cases filed and six cases cleared, the annual clearance rate was 150% (6/4). The five-year average clearance rate is over 100% at 130%. In the future, the RMI Judiciary anticipates that the Supreme Court’s annual clearance rate will drop, as the Supreme Court has cleared the backlog of appeal cases.

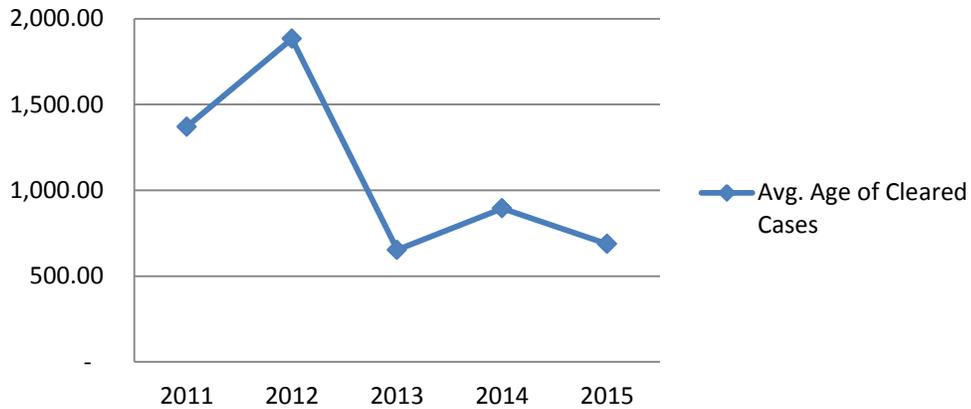
Annual Clearance Rates for Supreme Court Cases 2011-2015						
	2011	2012	2013	2014	2015	Avg.
Cases Filed	3	4	6	4	4	4.2
Cases Cleared	4	6	4	6	6	5.2
Clearance Rate	133.33%	150.00%	66.67%	150.00%	150.00%	130.00%
Annual Goal	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%



In addition to the annual clearance rate figure, the RMI Judiciary tracks the average age of Supreme Court cases. The average age of the six cases cleared in 2015 was 687 days. However, if one excludes the two oldest cases, the average duration for the remaining four cases was only 289 days. The five-year trend for the average age of cleared Supreme Court cases is set out below in the table and chart. The high figures in 2011, 2012, and 2014 are the result of efforts to clear out the backlog of old and abandoned appeals.

Average Age of Cleared Supreme Court Cases 2011-2015						
	2011	2012	2013	2014	2015	Avg.
Cases Cleared	4	6	4	6	6	5.2
Avg. Age of Cleared Cases	1,371.00	1,883.50	652.75	895.00	687.00	1,097.85

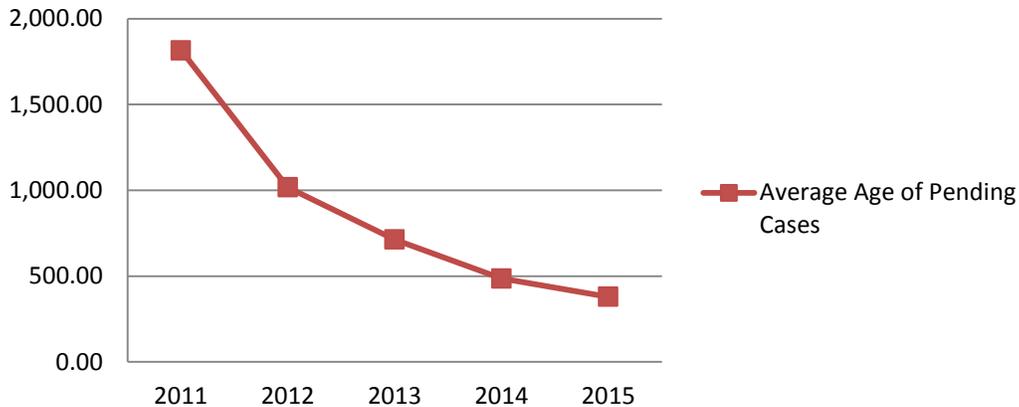
Average Age of Cleared Supreme Court Cases 2011-2015



In addition to both the clearance rate and average age of cleared cases, to track the Supreme Court’s efficiency the RMI Judiciary calculates the average age of pending cases. The average age of the four cases pending at the end of 2015 was 379.25 days. The five-year trend for the average age of pending Supreme Court cases is set out below in the table and chart. The reducing age of pending cases, from 1,815.13 days in 2011 to 379.25 days in 2015, reflects the Supreme Court continuing efforts to resolve pending cases quickly.

Average Age of Pending Supreme Court Cases 2011-2015					
	2011	2012	2013	2014	2015
Pending Cases	8	6	8	6	4
Average Age of Pending Cases	1,815.13	1,017.50	713.00	486.00	379.25

Average Age of Pending Supreme Court Cases 2011-2015



Beyond being efficient, the RMI Judiciary seeks to be accessible. With respect to accessibility to the Supreme Court, the RMI Judiciary has not received any complaints.

- In none of the cases pending in 2015 did the parties seek a fee waiver or legal aid. The filing fee for appeals is only \$50.
- Moreover, all the Supreme Court's decisions can be found on the RMI Judiciary's website, <http://rmicourts.org/>, under the heading Court Decisions and Digests.

Aside from the Supreme Court's regular docket, in 2015, Supreme Court Chief Justice Cadra, together with High Court Chief Justice Carl B. Ingram, admitted one attorney to the practice of law in the Republic, an attorney working for the Office of the Attorney-General.

B. High Court

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



The High Court currently consists of a chief justice and one associate justice: in 2015, Chief Justice Carl B. Ingram and, for the first half of the year, Associate Justice Dinsmore Tuttle. Acting Associate Justice Plasman served part-time in the second half of 2015. All are law-trained attorneys, as have been all prior High Court judges, and



both attend at least one professional development seminar or workshops each year. Chief Justice Ingram was appointed to a second ten-year term commencing in October 2013. Associate Justice Dinsmore Tuttle was appointed to a 4-year term commencing in August 2014, but resigned effective May 31, 2015. All three justices are United States expatriates. However, Chief Justice Ingram has lived and worked in the Marshall Islands more than 37 years.

During the 34 years the RMI Judiciary has been in operation, one Marshallese attorney has served on the High Court bench. He served for over six years attaining the position of chief justice. Although highly respected, he left to become a member of the parliament, the Nitijela, which continues to attract many of the best Marshallese attorneys.

In addition to the two justices, the Chief Clerk of the Courts and four assistant clerks serve the High Court. The High Court's 2015 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 2015 statistics for civil cases (other than probate cases) cover the following:

- the number and nature of cases filed in 2015;
- the annual clearance rates for the past five years;
- the average age of cleared cases for the past five years;
- the average age of pending cases for the past five years;
- the percentage of cleared cases appealed and the percentage of cases overturned on appeal; and
- accessibility in terms of fee waiver, cases heard on circuit, legal aid, and forms.

a. Number and Nature of Cases Filed in 2015

In 2015, plaintiffs and petitioners filed 258 new civil cases (other than probate cases) in the High Court: 240 in Majuro and 18 in Ebeye.

The 240 civil cases filed in Majuro in 2015 breakdown as follows:

- Almost 71%, 170, involved family and personal status matters (including 67 customary adoptions, 42 guardianships, 21 legal adoptions, 11 divorce/child custody and support cases, 1 name-change case, 10 domestic violence cases, 1 removal/deportation case, 14 citizenship cases, and 3 applications for a writ of *habeas corpus*);
- 46 commercial cases (collection and contract);
- 13 land rights or lease cases;
- 4 admiralty/maritime cases;
- 3 election cases: and
- 4 other cases (tort case, declaratory judgments, writ of mandamus).

Of the 240 civil cases filed in Majuro in 2015, 202 were cleared in 2015, leaving 38 pending at the end of the year. The three largest categories of pending cases were as follows: 12 land or lease cases; 7 commercial cases; and 5 divorce/child custody and support cases.

Of the 18 civil cases filed in Ebeye in 2015, 12 were customary adoptions, 2 guardianships, 2 divorces, 1 name-change case, and 1 collection. Of the 18 cases filed, 13 were cleared in 2015, leaving 5 pending at the end of the year: 3 customary adoption cases; 1 divorce case; and 1 collection case.

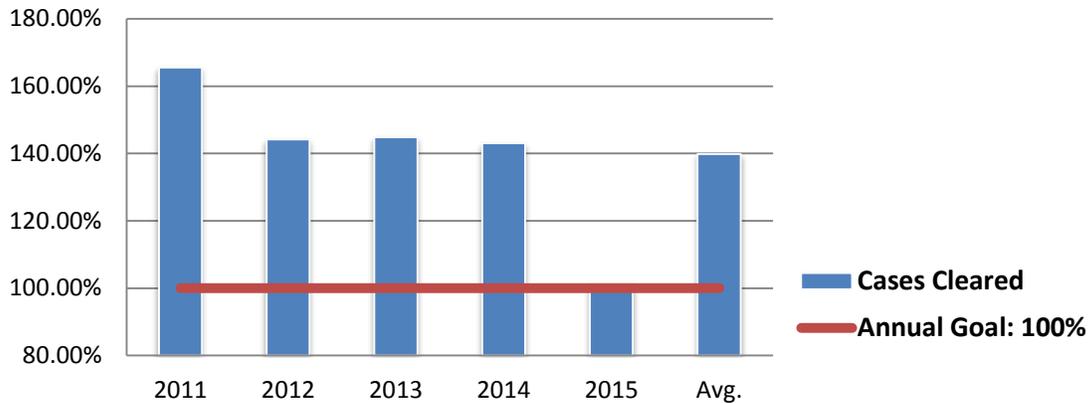
The High Court’s efficiency in handling its civil caseload also can be measured in terms of the annual clearance rates, the age of cleared cases, and the age of pending cases set forth below.

b. Annual Clearance Rates: 101.55% in 2015

In 2015, the High Court clearance rate for civil cases was 101.55%: 262 cases were cleared and 258 were filed. The High Court’s goal is to maintain an annual clearance rate for civil cases of 100%, or better, for each year. As the table and chart below show, the High Court has done this over the past five years. Because the High Court has cleared most of its backlog of old and abandoned cases, the annual clearance rate has fallen to just over 100%.

Annual Clearances Rates for High Court Cases Cleared 2011 to 2015						
	2011	2012	2013	2014	2015	Avg.
Cases Cleared	426	373	404	402	262	373
Cases Filed	258	258	281	281	258	267
Clearance Rate	165.50%	144.19%	144.84%	143.06%	101.55%	139.83%
Annual Goal: 100%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

Annual Clearance Rates for High Court Civil Cases 2011-2015

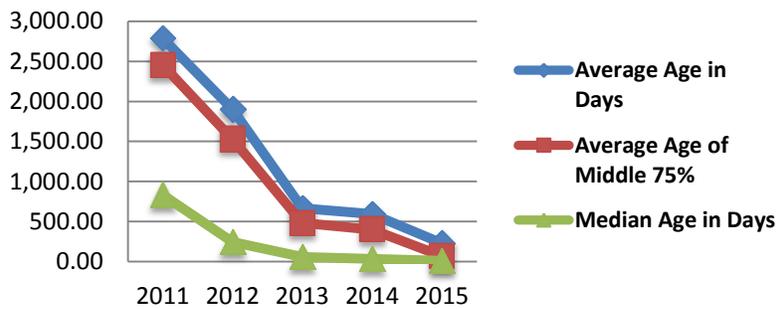


c. Average Age of Cleared Cases: 229.651 days in 2015

In addition to annual clearance rates, the efficiency of a case management system can be measured in the age of cleared cases. The table and chart below show that over the past five years the following have come down. This is due to the Court's backlog reduction policy.

Average Age of High Court Civil Cases Cleared 2011-2015					
	2011	2012	2013	2014	2015
Number of Cleared Cases	426	372	404	402	262
Average Age in Days	2,454.64	1,900.94	664.74	595.35	229.65
Average Age of Middle 75%	2,454.64	1,526.71	481.99	400.18	71.61
Median Age in Days	831.50	244.00	58.50	35.00	11.00

Average Age of High Court Civil Cases Cleared 2011-2015

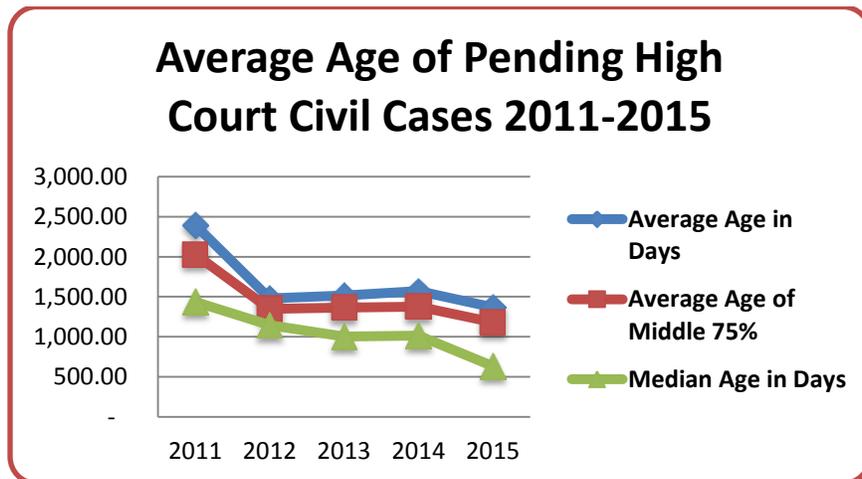


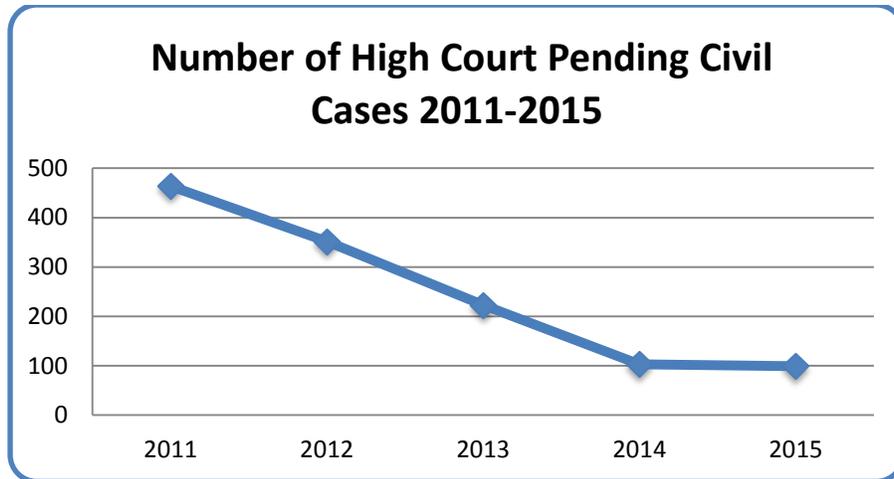
Starting in 2015, the goals for civil cases have been to achieve an annual clearance rate of 100%, or better, or to clear 70% of resolved civil cases within 120 days and 90% within 24 months. In 2015, the High Court was able to clear 83.98% of civil cases within 120 days and 95.31% within 24 months. The goals were met.

d. Average Age of Pending Cases: 1,357.87 days in 2015

To get the clearest picture of the health of one’s case management system, courts also can look at the number and the age of pending cases. In 2015, the number of pending cases and the age of pending cases remained flat, going down only slightly. This is the result of the High Court’s successful backlog reduction project. The High Court has reached a point where it can resolve about as many cases as they come in. As the table and chart below show, since 2012 the average age of the pending cases has remained flat and since 2014 the number of pending cases has remained flat. Of the 99 cases pending at the end of 2015, about 60% were land cases, which the Traditional Rights Court and the High Court are trying hard to resolve. In 2015, the High Court cleared the oldest case, a land case over 30 years old. That case is on appeal now.

Average Age of Pending High Court Cases 2011-2015					
	2011	2012	2013	2014	2015
Number of Pending Cases	464	352	223	103	99
Average Age in Days	2,392.44	1,480.87	1,515.52	1,569.88	1,368.81
Average Age of Middle 75%	2,027.48	1,348.35	1,364.58	1,376.09	1,182.38
Median Age in Days	1,434.50	1,144.50	1,002.00	1,017.00	633.00
% Reduction in Pending Cases	27.27%	24.14%	36.65%	53.81%	3.88%



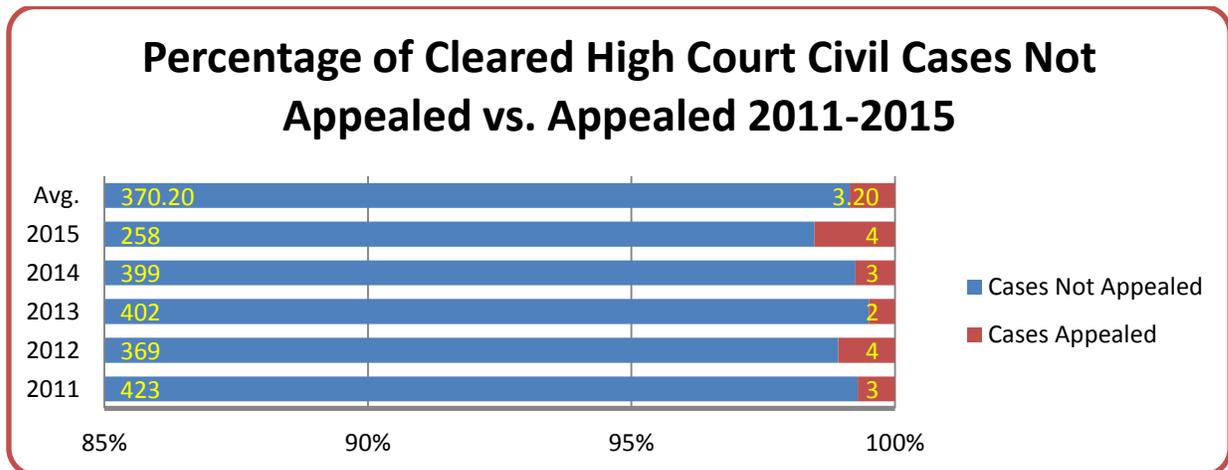


e. Appeals

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 cleared cases appealed and the percentage of cases overturned on appeal.

In 2015, the number and percentage of High Court civil cases appealed remained low. There were four cases appealed to the Supreme Court. That is, four appeals versus 262 cases cleared in the High Court, or 1.53%. Below is a table and chart showing the number of cleared cases appealed versus cleared cases not appealed over the past five years.

Cleared High Court Civil Cases Not Appealed v. Appealed 2011-2015						
	2011	2012	2013	2014	2015	Avg.
Cases Cleared	426	373	404	402	262	373.40
Cases Appealed	3	4	2	3	4	3.20
Cases Not Appealed	423	369	402	399	258	370.20



In 2015, no High Court civil cases from 2015, or from previous years, were overturned on appeal. The percentage of cases overturned on appeal was 0%.

f. Affordability and Accessibility: Fee Waiver; Cases Heard on Circuit; 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 on circuit, the availability of free legal service, and the availability of forms.

(i) Fee Waiver

Although, by rule and statute, fee waivers are available upon a showing of need, in 2015 no one requested a fee waiver in a High Court civil case. The filing fee for most types of High Court cases is only \$25, and in 2014, the fee for domestic violence case was repealed. To off-set the low basic fee, fees for admiralty cases, non-resident corporate cases, international adoptions, and citizenship cases are substantially higher.

(ii) Cases Heard on Circuit

Of the 258 civil cases filed in 2015, 18 cases (6.98%) were Ebeye circuit cases. Of the 262 civil cases cleared in 2015, 13 cases (4.96%) were Ebeye circuit cases.

(iii) Free Legal Services

In 2015, the use of free legal services remained high. In 157 of the 258 civil cases filed in 2015 (60.85%), at least one of the parties was represented by the Micronesian Legal Services Corporation or the Office of the Public Defender, both of which provide legal assistance for free. Also in 2015, 10 potential plaintiffs were assigned a free court-appointed attorney for their claims. For FY 2015, the Nitijela appropriated \$49,600 to the RMI Judiciary to pay court-appointed attorneys to represent those who cannot afford an attorney and for conflict reasons cannot use the Micronesian Legal Services Corporation or the Office of the Public Defender.

(iv) Forms

The RMI Judiciary has long used forms in small claims cases, name-change petitions, and guardianship cases. Since 2013, the RMI Judiciary put forms on its website for confirmation of customary adoptions, name-change petitions, fee and cost waiver, domestic-violence temporary protection orders, guardianship petitions, and small claims cases.

2. Probate Cases

Set forth below are the High Court's 2015 case statistics for probate cases. These statistics cover the following:

- the number of probate cases filed in 2015;
- the annual clearance rates for the past five years;
- the average age of cleared cases for the past five years;
- the average age of pending cases at the end of 2015;
- the percentage of cleared cases appealed and the percentage of cases overturned on appeal; and
- accessibility in terms of fee waiver, cases heard on circuit, and legal aid.

a. Number of Cases

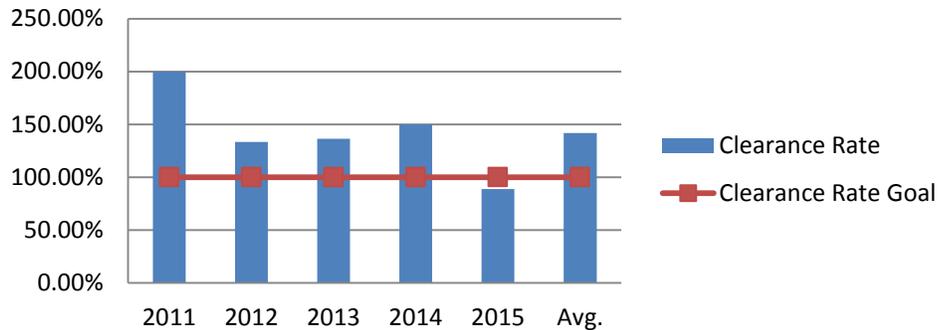
Nine cases were filed in 2015, up one from 8 filed in 2014. All 9 were filed in Majuro, none on Ebeye.

b. Clearance Rates: 88.89% in 2015

In 2015, the High Court cleared eight probate cases: for a 2015 clearance rate of 88.89% (8/9). The High Court's goal for probate cases is to maintain an annual clearance rate of 100%, or better, for each year. As the table and chart below shows, although the High Court missed its goal by one case in 2015, the High Court has achieved its goal for four of the past five years. The average annual clearance rate over the past five years is 141.72%.

Annual Clearance Rates for High Court Probate Cases 2011-2015						
	2011	2012	2013	2014	2015	Avg.
Cases Filed	2	9	11	8	9	7.80
Cases Cleared	4	12	15	12	8	10.20
Clearance Rate	200%	133.33%	136.36%	150%	88.89%	141.72%
Clearance Rate Goal	100%	100%	100%	100%	100%	100%

Annual Clearance Rates for High Court Probate Cases 2011-2015

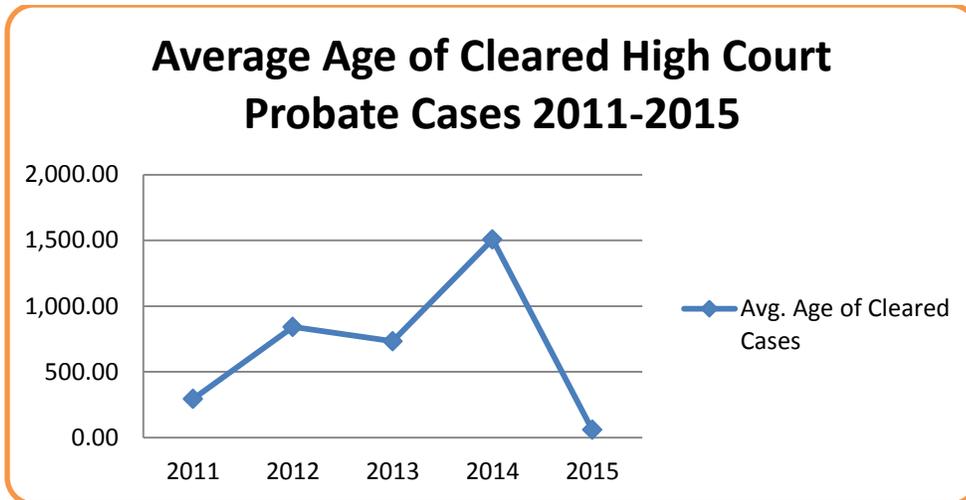


In addition to the goal of an annual clearance rate of 100% or better, the High Court seeks to clear 90% of probate cases filed in the year within 90 days. The High Court was able to clear the eight cases, 88.89% of its 2015 probate cases, in 90 days. The one case not cleared is delayed waiting for substitution for a sick petitioner and consents from beneficiaries of a deceased sibling.

c. Average Age of Cleared Cases: 58.75 days in 2015

The average age of the 8 probate cases cleared in 2015 was only 58.75 days, a historically low figure. This figure reflects the fact that the High Court and counsel eliminated the backlog of old cases 2014. Unless an objection is filed, most probate cases should be cleared within seven to 11 weeks of filing, 49 to 77 days. Below is the five-year trend for the average age of cleared probate cases.

Average Age of Cleared High Court Probate Cases 2011-2015					
	2011	2012	2013	2014	2015
Cases Cleared	4	12	15	12	8
Avg. Age of Cleared Cases	295.25	842.33	732.87	1,507.75	58.75



d. Average Age of Pending Case: 107 days in 2015

The age of the one probate case pending at the end of 2015, was 107 days.

e. Appeals

In 2015, no cleared probate cases were appealed, nor were any cases from previous years overturned on appeal. Accordingly, the percentage of cleared probate cases appealed was 0%, and the percentage of appealed probate cases overturned on appeal was 0%. This is consistent with results from the past four years.

f. Affordability and Accessibility: Fee Waiver; Cases Heard on Circuit; and Legal Aid

As noted above, affordability and accessibility to justice can be seen in the availability of fee waivers, the number of cases heard on circuit, and the availability of free legal service.

As with other civil cases, fee waiver is available in probate cases. However, in 2015 (as in recent years) no one requested a fee waiver in a probate case. The filing fee for probate cases is \$25, \$100 for estates over \$7,000.

Of the nine probate cases filed in 2015, none were Ebeye circuit case (0.0%). Of the eight probate cases cleared in 2015, none were Ebeye circuit cases (0.0%).

In five of the nine probate cases filed in 2015 (55.56%), the petitioner was represented by the Micronesian Legal Services Corporation (MLSC). In most years the figures are higher.

3. Criminal Cases

Set forth below are the High Court's 2015 case statistics for criminal cases. These statistics cover the following:

- the number and nature of criminal cases filed in 2015;
- the annual clearance rates for past five years;
- the average age of cleared cases for the past five years;
- the average age of pending cases at the end of 2015;
- the percentage of cleared cases appealed and the percentage of cleared cases overturned on appeal; and
- accessibility (fee waiver, cases heard on circuit, and legal aid).

a. Number and Nature of Cases

In 2015, the Office of the Attorney-General filed only 18 criminal cases in the High Court: 14 in Majuro and four in Ebeye.

The 14 criminal cases filed in Majuro in 2015 breakdown as follows: three murders; one manslaughter; one negligent homicide; two sexual assaults; two aggravated assaults; one bribery in official matters; two forgeries; two taking sharks; and one obstructing a fisheries observer. The four felony cases filed in Ebeye in 2015 breakdown as follows: two sexual assaults; and two assaults and batteries.

In the 14 Majuro cases, none of the defendants was a woman. In the four Ebeye cases, none of the defendants was a woman.

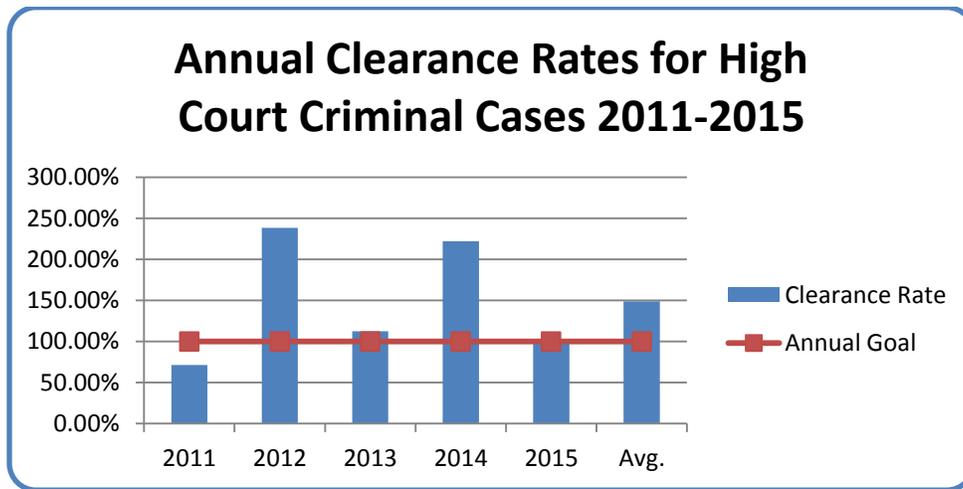
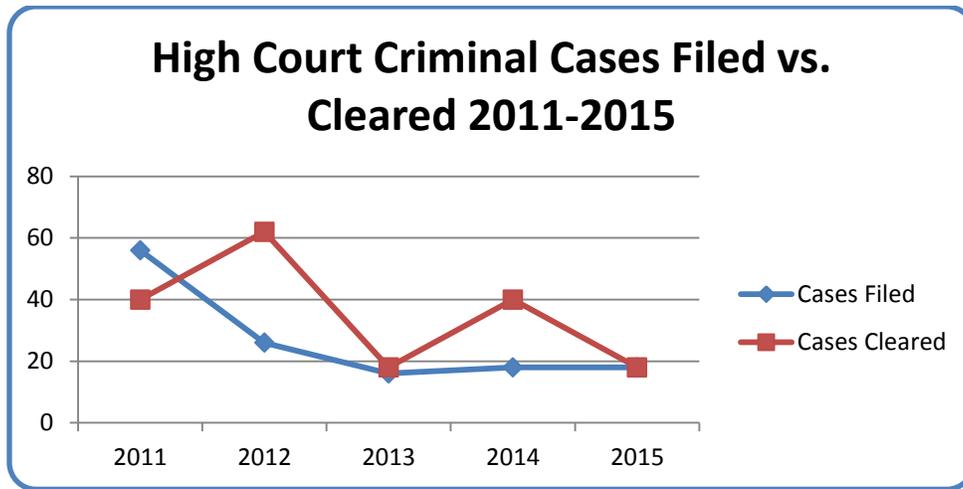
In the 14 Majuro cases, a woman was the victim in the two sexual assault cases and in one forgery case. In the four Ebeye cases, a woman was the victim in one sexual assault case and a minor female was the victim in a second sexual assault case. Counseling for victims of domestic violence and sexual violence is available through NGOs, including Youth-to-Youth in Health and Women United Together Marshall Islands.

b. Clearance Rates: 100% in 2015

In 2015, the High Court cleared 18 criminal cases from all years, the same as the number of cases filed in 2015, resulting in a 2015 clearance rate of 100% (18/18). This clearance rate matches the High Court's goal to maintain an annual clearance rate for criminal cases of 100%, or better, per year. As the chart below shows, the five-year average for the annual clearance

rates is above 100%, at 148.92%. In only one of the five years the clearance rate was below 100%.

Annual Clearance Rates for High Court Criminal Cases 2011-2015						
	2011	2012	2013	2014	2015	Avg.
Cases Filed	56	26	16	18	18	26.8
Cases Cleared	40	62	18	40	18	35.6
Clearance Rate	71.43%	238.46%	112.50%	222.22%	100.00%	148.92%
Annual Goal	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

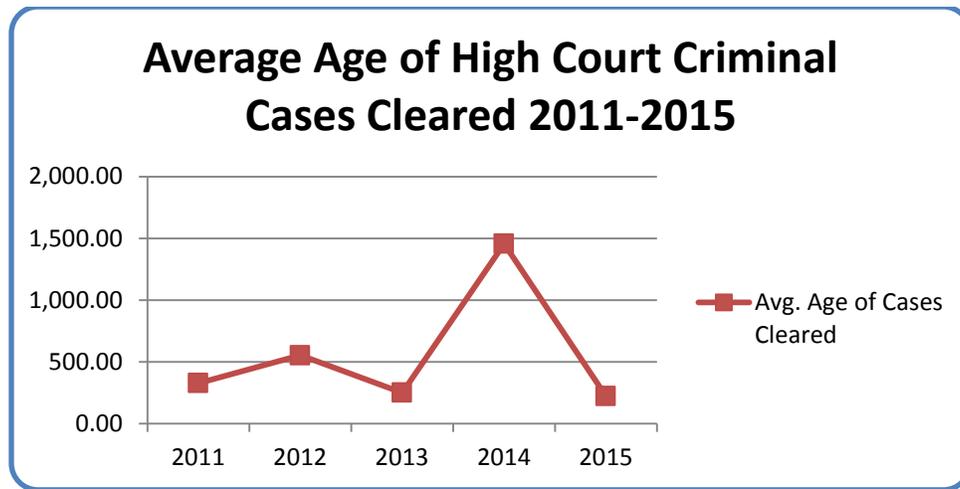


c. Average Age of Cleared Case: 220.67 days in 2015

The average age of the 18 High Court criminal cases cleared in 2015 was 220.67 days. The number of High Court criminal cases cleared in the past five years (2011-2015) and the average duration of cleared cases are as shown below. The high number of cleared cases and high

average age of cleared cases in 2012 is the result of clearing a large number of government fraud cases filed in 2011. The high average age of cases cleared in 2014 is the result of clearing very old and abandoned cases. The relatively low average of 220.67 days in 2015 is closer to what the High Court believes should be the norm.

Average Age of High Court Criminal Cases Cleared 2011-2015					
	2011	2012	2013	2014	2015
Cases Cleared	40	62	18	40	18
Avg. Age of Cases Cleared	326.73	552.19	250.00	1,456.15	220.67



Commencing in 2015, the goal for criminal cases is to achieve an annual clearance rate of 100%, or better, or, in the alternative, to clear 90% of criminal cases in 18 months. However, government fraud cases may take longer to clear, as the fraud cases are more complex than most other criminal cases. Last year in 2015, the High Court cleared only 85.71% of resolved criminal cases within 18 months, but as noted above achieved a clearance rate of 100%.

d. Average Age of Pending Cases: 287 days in 2015

By the end of 2015, 8 criminal cases remained pending. The average age of the pending cases was 287 days. The High Court has encouraged the Attorney-General and defense counsel to resolve criminal cases without delay, particularly those that are more than a year old: two of the eight. Some cases are delayed because the defendants have fled the Republic for the United States or have fled Majuro or Ebeye for the outer islands.

e. Appeals

As an indication of the quality of High Court criminal decisions, in 2015 no High Court criminal cases were appealed. Accordingly the percentage of cases appealed was 0.0%. Also, no cases were overturned on appeal. The percentage of appealed criminal cases overturned on appeal was 0.0%. This is consistent with results from the past four years.

f. Affordability and Accessibility: Fee Waiver; Cases Heard on Circuit; and Legal Aid

Fee Waiver. To ensure accessibility to justice, the RMI 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. Also, to ensure accessibility, criminal cases are heard on circuit and criminal defendants have access to free legal counsel.

Cases Heard on Circuit. Of the 18 criminal cases filed in 2015, four cases (22.22%) were Ebeye circuit cases. Of the 18 criminal cases cleared in 2015, five cases (27.78%) were Ebeye circuit case.

Legal Aid. In 2015, as in other years, most criminal defendants were represented by the Office of the Public Defender or the Micronesian Legal Services Corporation. In 2015, the defendants received legal assistance at no cost in 16 of 18 cases (88.89%). In the remaining two cases, the defendants retained private counsel. These figures are typical of most years.

4. Juvenile Cases

Set forth below are the High Court's 2015 case statistics for juvenile cases. These statistics cover the following:

- the number and nature of juvenile cases filed in 2015;
- the annual clearance rates for past five years;
- the average age of cleared cases in 2015;
- the percentage of cleared cases appealed and the percentage of cleared cases overturned on appeal; and
- accessibility (fee waiver, cases heard on circuit, and legal aid).

a. Number and Nature of Cases

In 2015, the Office of the Attorney-General filed only two juvenile cases in the High Court: none in Majuro and two in Ebeye. 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 juvenile cases (underage drinking) are heard by the District Court, not the High Court. The two 2015 juvenile cases filed in Ebeye involved a sexual assault and a theft by taking.

b. Clearance Rates: 50% in 2015

In 2015, the High Court cleared one of the juvenile cases. The resulting clearance rate in 2015 was 50% (1/2). Because the High Court has so few juvenile cases (and in some years no juvenile cases), the annual clearance rate figures do not result in meaningful data for a five-year trend report. Accordingly, commencing 2015 the High Court’s goal for juvenile cases has been to achieve an annual clearance rate of 100% or to clear 80% of juvenile cases within six months of filing.

The annual clearance rates for juvenile cases for 2011 to 2015 are shown below.

Annual Clearance Rates for Juvenile Cases 2011-2015						
	2011	2012	2013	2014	2015	Avg.
Cases Filed	0	1	4	3	2	2.00
Cases Cleared	1	0	1	11	1	2.80
Clearance Rate	#DIV/0!	0.00%	25.00%	366.67%	50.00%	#DIV/0!
Clearance Rate Goal	100%	100%	100%	100%	100%	100%

c. Average Age of Cleared Cases: 49 days in 2015

As noted above, one of two juvenile cases was cleared in 2015. The age of the one cleared case was 49 days. The remaining case was 164 days old at the end of 2015. The one juvenile offender whose case was resolved was sentenced to house arrest for 12 months under the supervision of his uncle.

d. Appeals

As an indication of the quality of High Court juvenile decisions, in 2015 no High Court juvenile cases were appealed, nor were any cases from previous years overturned on appeal. Accordingly, the percentage of juvenile cases appealed and the percentage of appealed juvenile cases overturned on appeal were 0%. This is consistent with results from past years.

e. Affordability and Accessibility: Fee Waiver; Cases Heard on Circuit; and Legal Aid

To ensure accessibility to justice, the RMI Judiciary does not impose fees or court costs on juvenile offenders at the trial level. On appeal, a juvenile offender may apply for a fee waiver. Also, to ensure accessibility, juvenile cases are heard on circuit and juvenile offenders have access to free legal counsel.

Of the two juvenile cases filed in 2015, both cases (100%) were Ebeye circuit cases. Accordingly, the one case cleared was an Ebeye circuit case (100%).

In 2015, as in other years, most juvenile offenders were represented by the Office of the Public Defender, the Micronesian Legal Services Corporation, or a court-appointed attorney paid for by legal aid funds. In both cases filed in 2015, the defendants received legal assistance at no cost (100%). This percentage is typical of most years.

5. Caseloads for Judges and Clerks

The total number of all High Court cases filed in 2015 was 287. For the two High Court Justices this equates to an average caseload of 143.5 new cases for 2015. These figures are consistent with recent years, although the figures fluctuate:

- for 2015, 143.50 cases per justice;
- for 2014, 155 cases per justice;
- for 2013, 156 cases per justice;
- for 2012, 144 cases per justice; and
- for 2011, 157.50 cases per justice



Generally, cases are assigned between the two judges on an alternating basis.

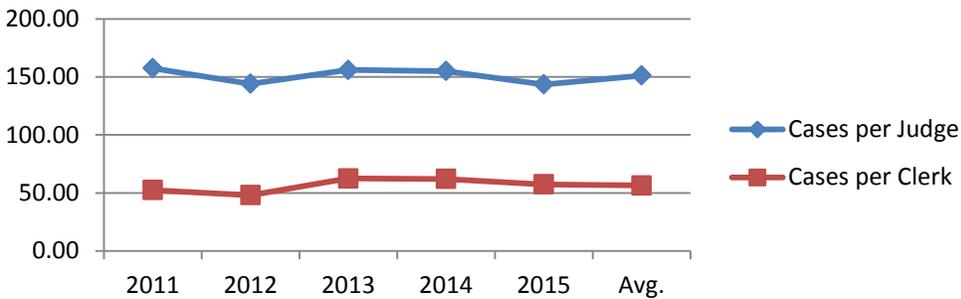
For the five clerks that regularly process High Court cases, their 2015 caseload included 57.4 new cases per clerk. As with the justices, the clerks' caseloads fluctuate from year-to-year within a limited range:

- for 2015, 57.40 cases per clerk;
- for 2014, 62 cases per clerk;
- for 2013, 62.40 cases per clerk;
- for 2012, 48 cases per clerk; and
- for 2011, 52.50 cases per clerk;

There is some specialization among the clerks, but all clerks handle most functions.

Average Caseload for High Court Justices and Clerks 2011-2015						
	2011	2012	2013	2014	2015	Avg.
Cases per Judge	157.50	144.00	156.00	155.00	143.50	151.20
Cases per Clerk	52.50	48.00	62.40	62.00	57.40	56.46

Average Caseload for High Court Justices and Clerks 2011-2015



6. Selected Decisions

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

C. Traditional Rights Court

Supporting the High Court at the trial level is the Traditional Rights Court (“TRC”). The TRC is a special-jurisdiction court of record consisting of three or more judges appointed for terms of four to ten years, not to exceed age 72, and are selected to include a fair representation of all classes of land rights: Iroijlaplap (high chief); where applicable, Irojedorik (lower chief); Alap (head of commoner/worker clan); and Dri Jerbal (commoner/worker).



In June 2010, the Cabinet appointed Chief Judge Walter K. Elbon (alap member) and Associate Judge Grace L. Leban (dri jerbal member) for terms of 10 years. In April 2013, the Cabinet appointed Nixon David (iroij member) for a 4-year term. All TRC judges are lay judges who receive specialized training.

One of the three TRC judges, Judge Leban, is a woman, the first woman to be appointed as a full-time TRC judge. The RMI Judiciary is committed to increasing the number of female judges. However, at the end of the year only three of the RMI Judiciary's approximately 30 judges are women: one Traditional Rights Court judge; and two Community Court judges.

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 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 2015, the TRC issued five decisions, as it did in 2014. As of June 2016, the TRC has issued four decisions. Approximately 22 cases are pending before the TRC and another ten cases are pending the outcome of land cases. In the second half of 2016 and the first quarter of 2017, the TRC has nine cases set for trial.

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

D. District Court

In addition to the TRC, 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 2015, the three incumbent judges were Presiding Judge Milton Zackios, Associate Judge Jimata M. Kabua, and Associate Judge A. Tarry Paul (Ebeye). Their 10-year terms expire in 2015, 2016, and 2019, respectively.

However, in August 2015, Associate Judge Jimata M. Kabua, resigned to become a member of the Council of Iroij. Kabua’s post was later filled by Judge Ablos Paul who had applied and was selected by the Judicial Service Commission for the Majuro post. Judge Fong Subillie was appointed in November 2015 as the new Ebeye associate judge. However, he passed away a month later after a sudden illness.



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
- (ii) in criminal cases involving offenses for which the maximum penalty does not exceed a fine of \$4,000 or imprisonment for a term of less than

three years, or both.

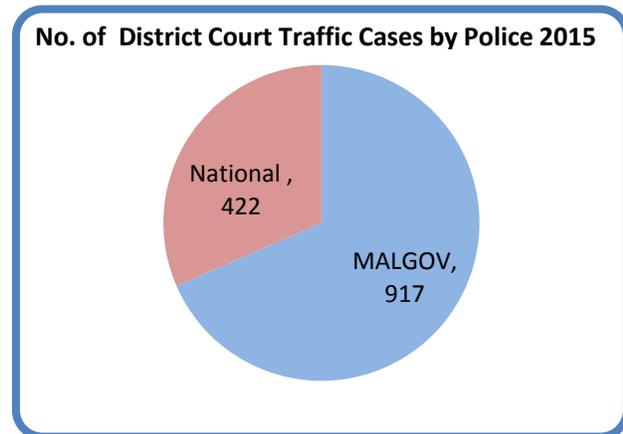
The District Court also has appellate jurisdiction to review any decision of a Community Court.

The District Court’s 2015 case statistics and case workload are set forth below.

1. Traffic Cases (Majuro)

The District Court’s 2015 statistics for Majuro traffic cases cover the following:

- the number and nature of cases filed in 2015;
- the annual clearance rates for the most recent four years;
- the average duration of cleared cases for the most recent four years;
- the percentage of cases appealed and the percentage of appealed cases overturned on appeal; and
- accessibility in terms of fee waiver, cases heard outside of Majuro (the Capital), legal aid, and forms.



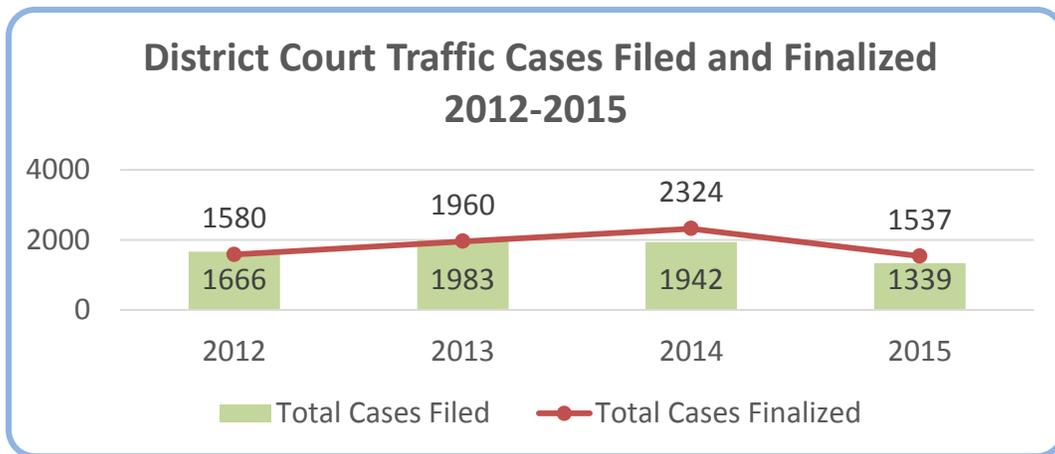
a. Number and Nature of Cases Filed in 2015

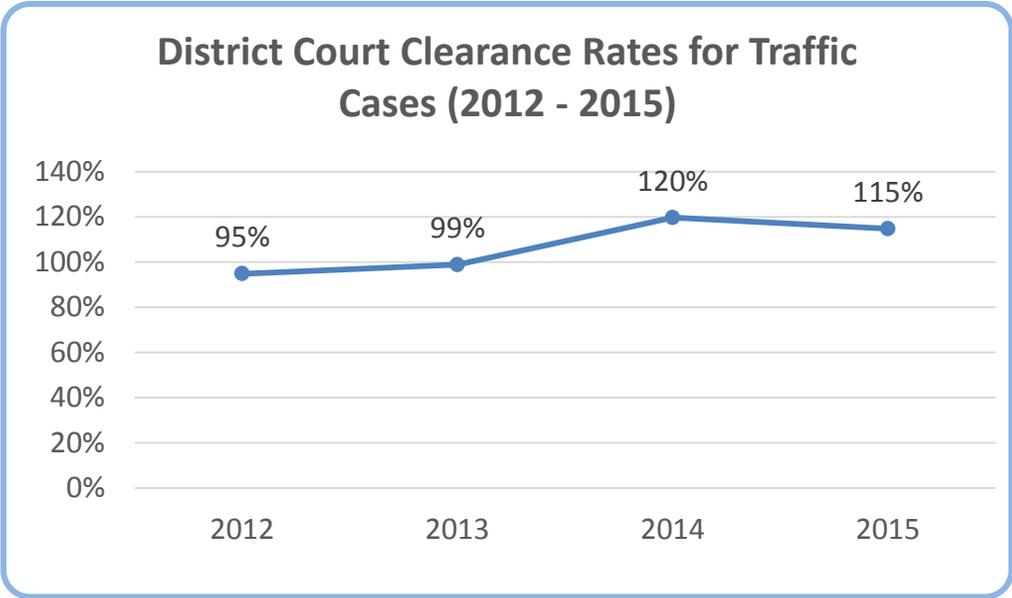
In 2015, the National Police and Majuro Atoll Local Government Police prosecutors filed in the District Court a total of 1,339 traffic cases in Majuro. Of the 1,339 traffic cases, a total of 153 cases involved DUI/Drunken Driving.

Of the 1339 traffic cases filed in Majuro in 2015, 1,241 were cleared in 2015, leaving 98 pending at the end of the year. Some cases are delayed because the defendants have fled the Republic for the United States or have fled Majuro for the outer islands or gave false addresses.

b. Clearance Rates: 114.79% in 2015

The District Court’s efficiency can be measured by case clearance rates. The District Court’s 2015 annual clearance rate for traffic cases was 114.79% (1,537/1,339). During 2015, the District Court, counsel, and parties closed 1,241 2015 cases and 296 cases from previous years (2013-2014). And as noted above, the government filed 1,339 new cases in 2015. The District Court’s goal is to maintain an annual clearance rate for traffic cases of 100% or better, for each year. As a result of its efforts to process cases without undue delay, the District Court was able to gradually increase its clearance rate as shown below.



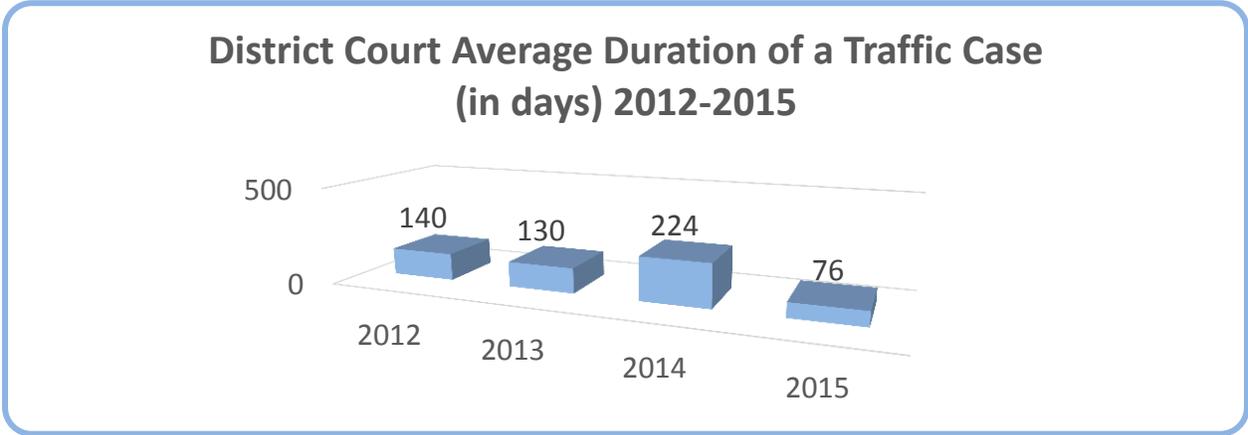


The District Court each month dismisses without prejudice abandoned cases that have been pending six months or more.

c. Average Duration of Traffic Cases Cleared in 2015

The average duration of District Court traffic cases cleared in 2015 was 76 days. A total of 41 2013 cases and 255, 2014 cases were cleared in 2015. Excluding cases from earlier years cleared in 2015, the average duration of 2015 traffic cases cleared in 2015 is only 23 days.

For Majuro District Court traffic cases filed in the four years (2012-2015), the average durations 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 2015, none of the 1,537 District Court traffic cases cleared in 2015 were appealed to the High Court. Similarly, in 2012, 2013, and 2014, no traffic cases were appealed.

Furthermore, in 2015, there were no District Court traffic cases or decisions overturned from any year on appeal.

e. Affordability and Accessibility: Fee Waiver; 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 Waiver

As there is no filing fee for traffic cases, fee waiver is not applicable.

(ii) Cases Heard on Ebeye

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

(iii) Free Legal Services

At the District Court level, most traffic offenders are self-represented. Only in more serious cases, such as those involving DUI, do they seek legal assistance and representation by the Micronesian Legal Services Corporation or the Office of the Public Defender, which both provide free legal assistance. Of the 1,339 traffic cases filed in 2015, only 79 defendants (5.9%) were represented by the Office of the Public Defender, 1,254 represented themselves (93.6%), and 2 were represented by private counsel (0.15%).

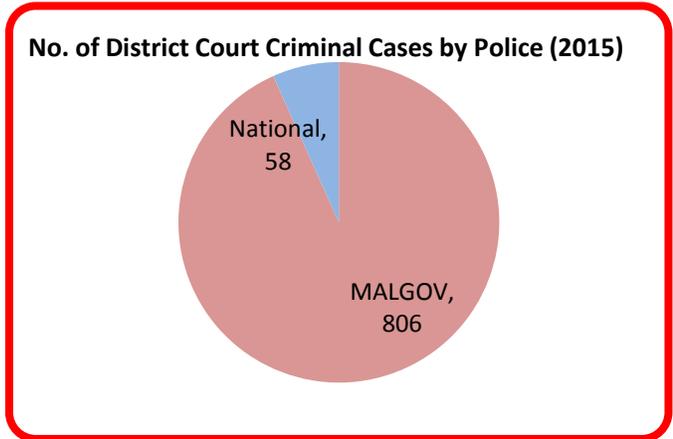
(iv) Forms

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 2015 statistics for Majuro criminal cases cover the following:

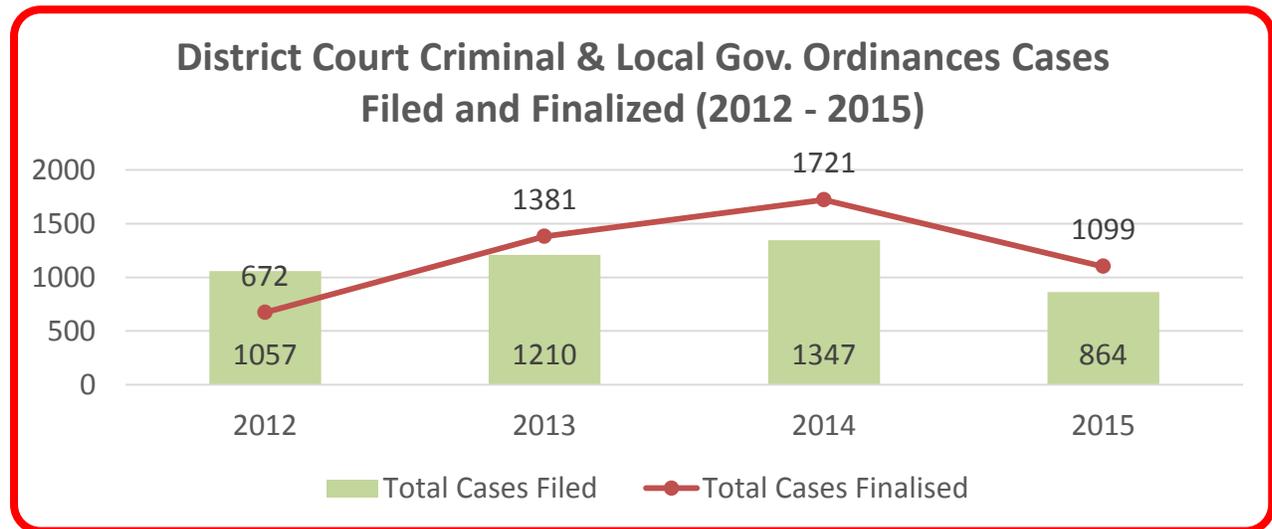
- the number and nature of cases filed in 2015;
- the annual clearance rates for the most recent four years;
- the average duration of cleared cases in the most recent four years;
- the percentage of cases appealed and the percentage of appealed cases overturned on appeal; and
- accessibility in terms of fee waiver, cases heard outside of Majuro, legal aid, and forms.

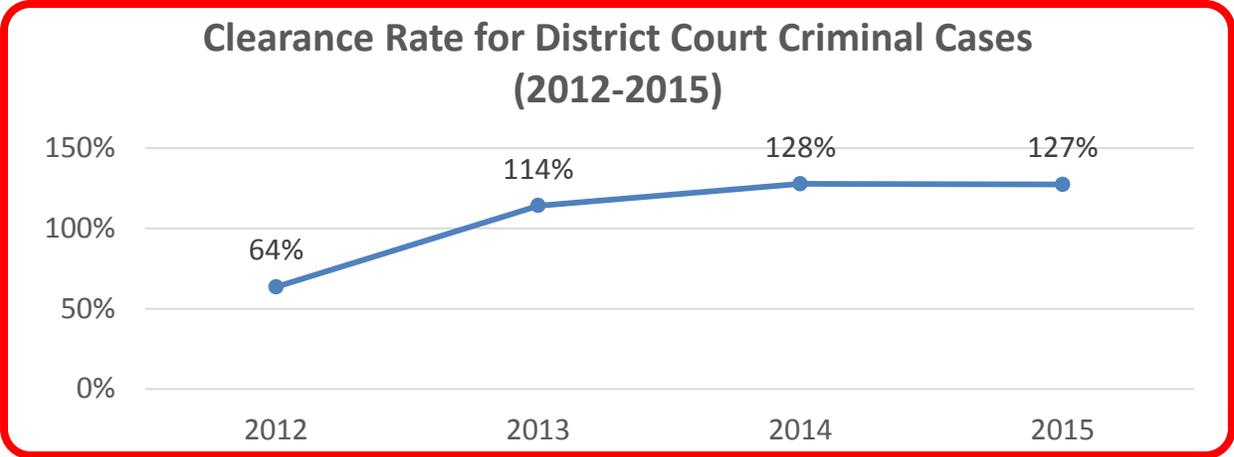


a. Number and Nature of Cases Filed in 2015

In 2015, the National Police and Majuro Atoll Local Government Police prosecutors filed in the District Court a total of 864 criminal cases in Majuro.

Of the 864 criminal cases, 843 were cleared in 2015, leaving 21 pending at the end of the year. The 21 cases remained pending due to serious nature, police having difficulty locating defendants who either relocated to the United States or to the outer islands of the Republic or gave false addresses.



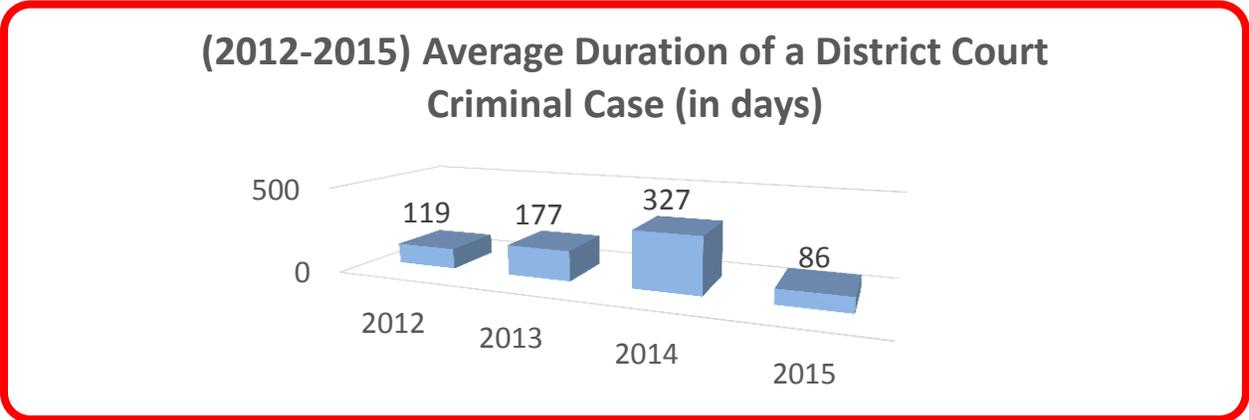


b. Clearance Rates: 127% in 2015

The District Court’s 2015 annual clearance rate for criminal cases was 127.31 % (1099/864). During 2015, the District Court, counsel, and parties closed 843 2015 cases and 256 cases from previous years (2010-2014). As noted above, the government filed 864 new cases in 2015. The District Court’s goal is to maintain an annual clearance rate for criminal cases of 100% or better, for each year.

c. Average Duration of Cleared Criminal Cases: 86 days in 2015

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 2015 was 86 days. Excluding the 256 cases from earlier years cleared in 2015, the average duration of 2015 criminal cases cleared in 2015 is only 25 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 2015, none of the 1,099 District Court criminal cases cleared in 2015 were appealed to the High Court. Also in 2015, there were no District Court criminal cases or decisions from any years overturned. This is the same for previous years.

e. Affordability and Accessibility: Fee Waiver; 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 Waiver

As there is no filing fee for criminal cases, fee waiver is not applicable.

(ii) Cases Heard on Ebeye

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

(iii) Free Legal Services

At the District Court level, most defendants are self-represented. Only in more serious cases, such as those involving selling alcohol to minors and assault and battery, do defendants seek legal assistance and representation by the Micronesian Legal Services Corporation or the Office of the Public Defender, which both provide free legal assistance. Of the 864 criminal cases filed in 2015, only 27 defendants (3.12%) were represented by the Office of the Public Defender, 836 represented themselves (96.76%), and 1 was represented by private counsel (0.12%)..

(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.

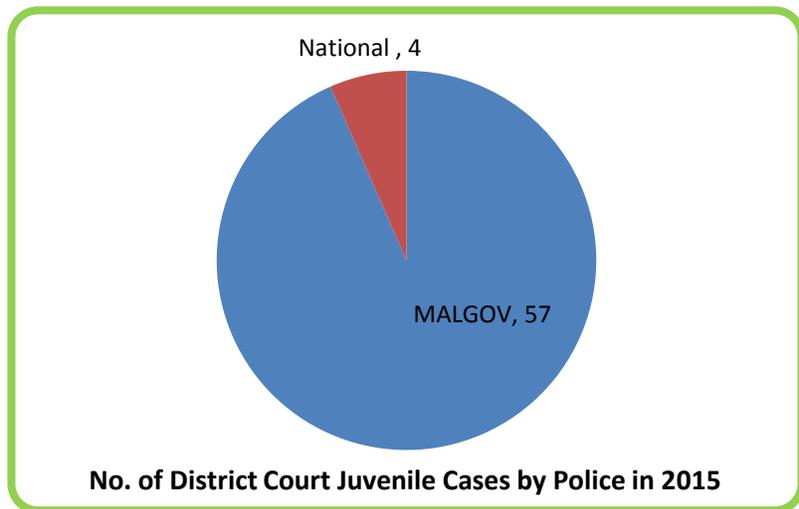
3. Juvenile Cases (Majuro)

The District Court's 2015 statistics for juvenile cases cover the following:

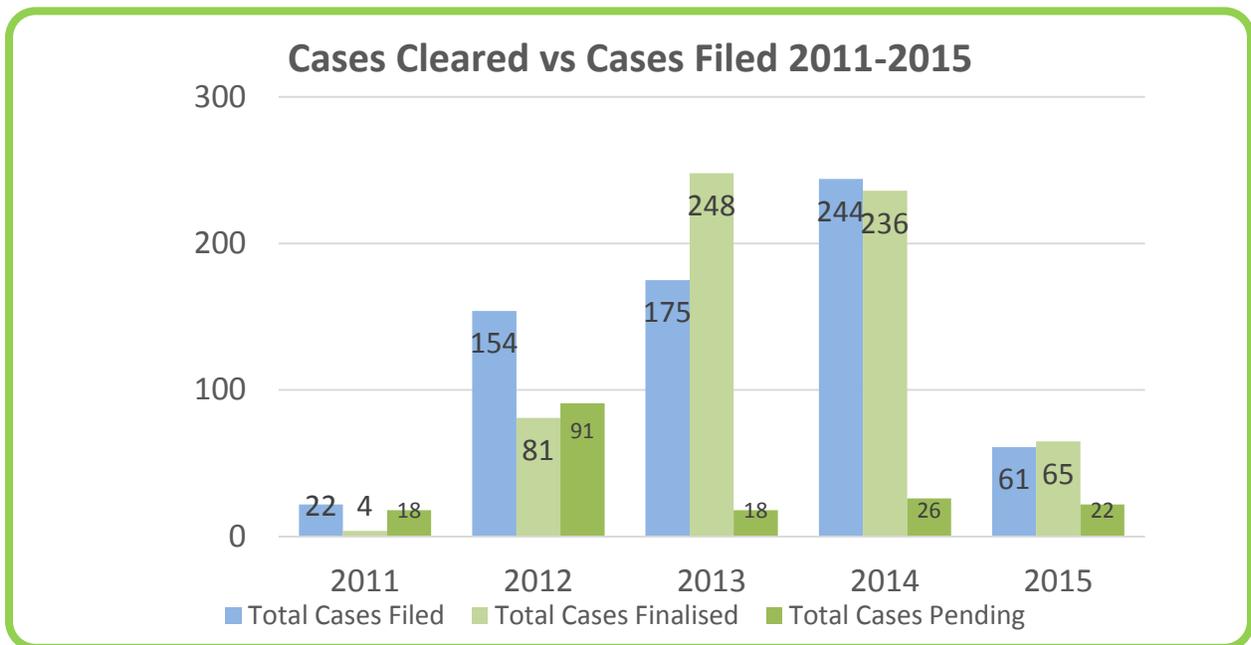
- the number and nature of cases filed in 2015;
- the annual clearance rates for the most recent five years;
- the average duration of cleared cases;
- the percentage of cases appealed and the percentage of cases overturned on appeal; and
- accessibility in terms of fee waiver, cases heard outside of Majuro, legal aid, and forms.

a. Number and Nature of Cases Filed in 2015

In 2015, the National Police and Majuro Atoll Local Government Police prosecutors filed in the District Court a total of 61 juvenile cases in Majuro. A total of 17 cases involved curfew violations, 27 involved underage drinking and alcohol related charges, 14 cases involved traffic related charges, and 3 other cases¹.



Of the 61 juvenile cases filed in Majuro in 2015, 39 were cleared in 2015, leaving 22 pending at the end of the year. As of June 30, 2016, all 22 cases have been cleared.



¹ Other cases: Underage Selling Cigarettes to Underage, Hours of Operation of Store by Underage

b. Clearance Rates: 106.56 % in 2015

The District Court’s efficiency in handling juvenile cases can be measured by case clearance rates. The District Court’s 2015 annual clearance rate for juvenile cases was 106.56% (65/61). During 2015, the District Court, counsel, and parties closed 26 cases from 2014. And as noted below, 61 new cases were filed in 2015. The District Court’s goal is to maintain an annual clearance rate for juvenile cases of 100% or better, for each year. As a result of its efforts to process cases without undue delay, the District Court was able to gradually increase its clearance rate as shown below.

Year	Total Cases Filed	Total Cases Finalized	Total Cases Pending	Clearance Rate as a %
2012	154	81	91	52.60%
2013	175	248	18	141.71%
2014	244	236	26	96.72%
2015	61	65	22	106.56%
Total:	656	634	22	96.65%

Also the above chart shows, from cases filed in 2012 through 2015, 22 cases remained pending. The District Court each month dismisses without prejudice abandoned cases that have been pending six months or more. As of June 30, 2016, all 22 cases have been cleared.

c. Average Duration of Cleared Juvenile Cases: 219.02 days in 2015

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 2015 was 219.02 days. Excluding the 26 cases from 2014 cleared in 2015, the average duration of 2015 juvenile cases cleared in 2015 is 144.54 days. This high figure is due to 24 of the juvenile cases cleared in 2015 being dismissed after more than 6 months due to the failure to prosecute. Most juvenile matters are dealt with and cleared in less than a month.

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 2015, none of the 65 District Court juvenile cases cleared in 2015 were appealed to the High Court. Similarly, in 2011, 2012, 2013, and 2014 no juvenile cases were appealed.

Furthermore, in 2015, there were no District Court juvenile cases or decisions from any years overturned on appeal.

e. Affordability and Accessibility: Fee Waiver; 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 Waiver

As there is no filing fee for juvenile cases, fee waiver is not applicable.

(ii) Cases Heard on Ebeye

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

(iii) Free Legal Services

At the District Court level, most juvenile offenders are self-represented. Only in more serious cases do they seek legal assistance and representation by the Micronesian Legal Services Corporation or the Office of the Public Defender, which both provide free legal assistance. Of the 61 juvenile cases filed in 2015, only one juvenile offender (1.64%) was represented by the Office of the Public Defender. In 2014 and 2013, the Office of the Public Defender represented no juvenile offenders; one in 2012; and 5 in 2011.

(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 they 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 2015 statistics for Majuro small claims cases cover the following:

- the number and nature of cases filed in 2015;
- 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 waiver, cases heard outside of Majuro, legal aid, and forms.

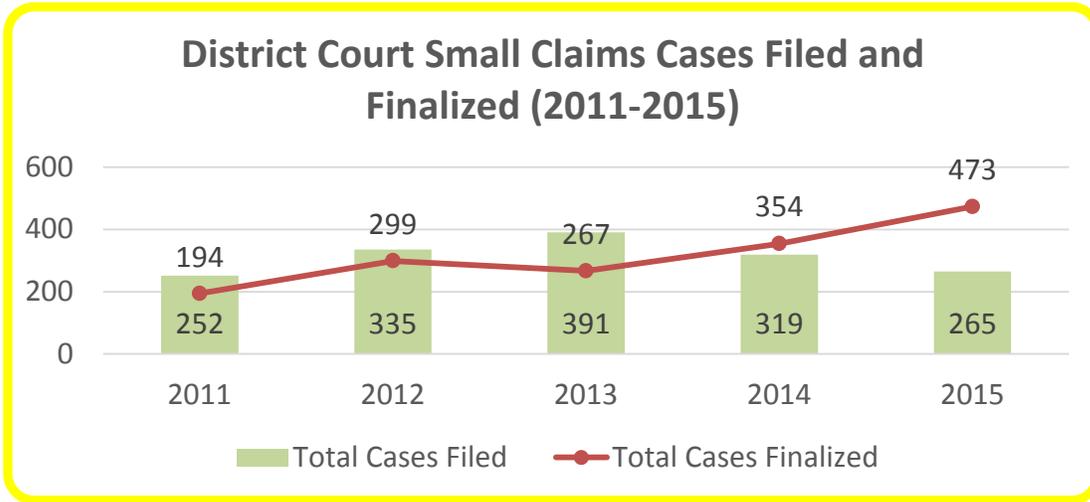
a. Number of Cases Filed in 2015

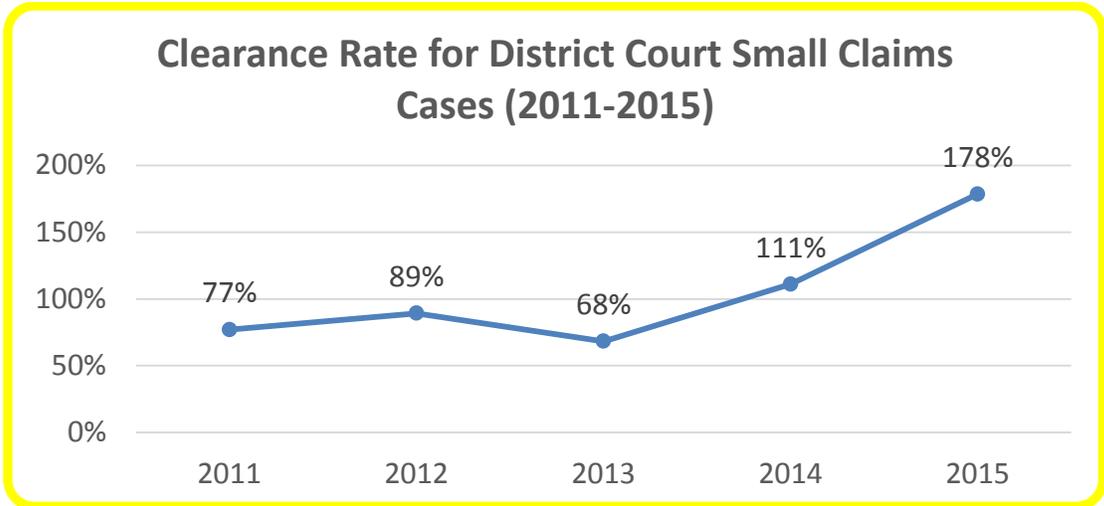
In 2015, a total of 265 small claims cases were filed in Majuro.

Of the 265 small claims cases filed in Majuro in 2015, 211 were cleared in 2015, leaving 54 pending at the end of the year. Cases that remained pending at the end of the year involved defendants who either reside in the outer islands, moved to the United States, or cannot be located.

b. Clearance Rates: 178% in 2015

The District Court’s 2015 annual clearance rate for small claims cases was 178% (473/265). During 2015, the District Court, counsel, and parties closed 211 2015 cases and 262 cases from previous years (2012-2014). And as noted below, 265 new cases were filed in 2015. The District Court’s goal is to maintain an annual clearance rate for small claims cases of 100% or better, for each year.



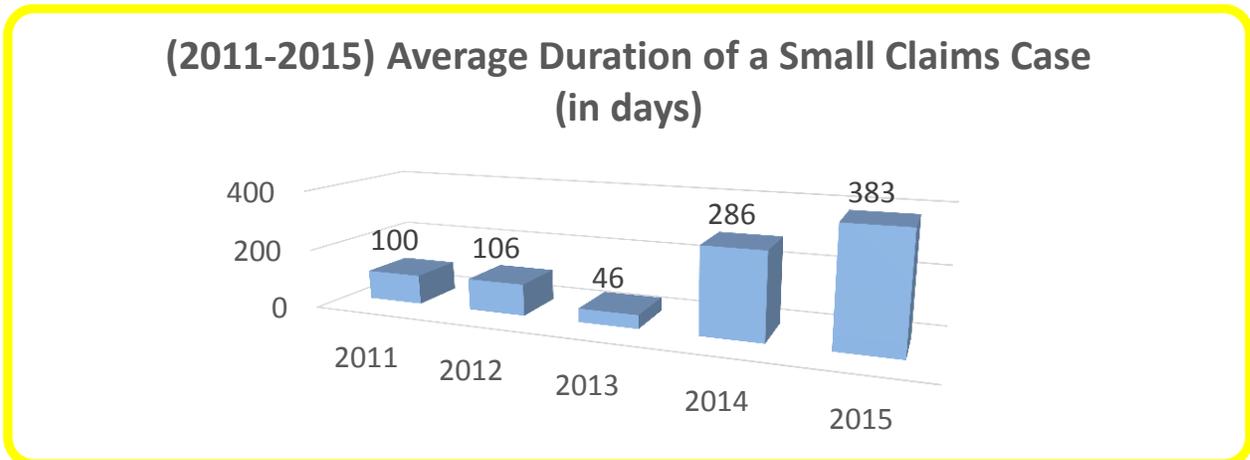


c. Average Duration of Cleared Small Claims Cases: 383 days in 2015

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

The average duration of District Court small claims cases cleared in 2015 was 383 days. A total of 262 cases were cleared in 2015 from earlier years (2012-2014). Excluding these cases, the average duration of the 2015 small claims cases cleared in 2015 is only 33 days.

For Majuro District Court small claims cases cleared in the past five years (2011-2015), 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 2015, none of the 473 District Court small claims cases cleared in 2015 were appealed to the High Court. Similarly, in 2011, 2012, 2013, and 2014 no small claims cases were appealed.

Furthermore, in 2015, there was no District Court small claims cases or decisions from any years overturned on appeal.

e. Affordability and Accessibility: Fee Waiver; 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 Waiver

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 2015 District Court small claims cases. The filing fee for small claims cases remains low at only \$5 dollars.

(ii) Cases Heard on Ebeye

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

(iii) Free Legal Services

At the District Court level, most plaintiffs and defendants in small claims cases are self-represented. Only in a few cases do defendants seek legal assistance and representation by the Micronesian Legal Services Corporation or the Office of the Public Defender, which both provide free legal assistance. Of the 265 small claims cases filed in 2015, none of the defendants (0%) were represented by the Micronesian Legal Services Corporation or the Public Defender. All appeared *pro se*.

(iv) Forms

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

In summary, a total of 2,529 cases were filed in the Majuro District Court: 1339 traffic cases; 864 criminal and local government ordinance cases; 61 juvenile case; 265 small claims cases; and no other civil cases.

5. Caseload for Judges and the Clerks.

In 2015, the average number of new cases heard by the two District Court judges in Majuro was 1,264.5 cases, and the average number of new cases per court clerk (one from the RMI Judiciary and two from Majuro Atoll Local Government) was 843.

6. Ebeye.

In 2015 on Ebeye, 306 cases were filed in the District Court: 61 small claim cases (59 cleared and 2 pending); 53 traffic cases (51 cleared and 2 pending); 111 juvenile cases (65 disposed and 46 pending); 5 criminal cases (4 cleared and 1 pending); and 76 local government ordinance cases (56 cleared and 20 pending).

The average number of cases heard per District Court judge in Ebeye was 306, and the average number of cases per court clerk was the same.



No 2015 Ebeye District Court cases were appealed or overturned on appeal.

In all Ebeye District Court small claims cases, local government ordinance cases, and juvenile cases, the parties were self-represented. The PD represented the defendant in 32 of the 51 traffic cases that were cleared (63%), and in 4 of the 4 criminal cases that were cleared (100%).

E. Community Courts

On the outer islands the RMI Judiciary has Community Courts. A Community Court is a limited-jurisdiction court of record for a local government area, of which there are 24. Each Community Court consists of a presiding judge and such number of associate judges, if any, as the Judicial Service Commission may appoint. Appointments are made for terms of up to six years, but not to exceed age 72. Community Court judges are lay judges with limited training. A Community Court has original jurisdiction concurrent with the High Court and the District Court within its local government area

(i) in all civil cases where the amount claimed or the value of the property involved does not exceed \$1,000 (excluding matters within the exclusive jurisdiction of the High Court by Constitution or statute, such as land title cases and admiralty and maritime matters) and

(ii) in all criminal cases involving offenses for which the maximum penalty does not exceed a fine of \$400 or imprisonment for a term not exceeding six months, or both.

At the end of 2015, there were 21 serving Community Court judges and nine vacancies. At the date of this report, there are eight vacancies for which the Commission is waiting recommendations from local government councils: Enewetak (1); Jaluit (1); Lib (1); Likiep (1); Maloelap (2); Rongelap (1); and unallocated (1).

Community court judges receive training when they come to Majuro for biennial summer conferences and on other occasions. The RMI 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. In 2014, the RMI Judiciary held a one-week workshop for Community Court judges. The RMI Judiciary intends to continue providing trainings for Community Court judges every two years.

F. Travel to the Outer Islands and Ebeye

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

The RMI Judiciary believes that if the offices of the Attorney-General, the Public Defender, and the Micronesian Legal Services Corporation were to station attorneys on Ebeye full time, there would be enough work to justify a third High Court judge. Currently, the High Court travels to Ebeye once every quarter if cases are ready to proceed. The additional personnel cost for a third High Court judge would be about \$120,000. The RMI Judiciary would seek a budget increase to cover this cost and related expenses (for example, recruitment costs and the one-time cost of constructing chambers for a High Court judge on Ebeye). Also, a third High Court judge is needed to relieve the heavy administrative burden on the two existing High Court judges.

If, however, the Government cannot afford to station attorneys full-time on Ebeye, the RMI Judiciary would request that at the very least the Office of the Attorney-General and Office of the Public Defender receive funding to employ trial assistants on Ebeye. This was the practice until relatively recently. Defendants brought before the District Court on Ebeye on criminal charges have a constitutional right to legal counsel. Late in 2014, MLSC reopened its Ebeye office and staffed it with a trial assistant.

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, 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 2015 on Majuro, the High Court and the District Court processed 266 delayed registrations of birth, one delayed registrations of death, and performed 42 marriages. The clerks notarized 513 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 make it to the courthouses. Also, the clerks issued 38 apostille certifications, 42 criminal record checks and 94 corporate litigation checks.

2. Ebeye. In 2015 on Ebeye, the District Court processed 61 delayed registrations of birth, no delayed registrations of death, and performed 18 marriages. The Ebeye clerk also notarized 517 documents.

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

Birth, Deaths, Etc. 2011-2015					
	2011	2012	2013	2014	2015
Births	289	233	324	330	327
Deaths	4	3	13	1	2
Marriages	49	77	84	60	60
Notarizations	962	967	770	1,113	1,030
Apostille Cert's	13	16	4	7	38
Criminal Checks	92	110	72	112	42
Corporate Checks	6	33	146	104	94

H. Court Staff



In 2015, the RMI Judiciary's staff included the following: a chief clerk of the courts, six assistant clerks (one in Ebeye), four bailiffs (seconded from the National Police), and one maintenance worker. The chief clerk and four of the six assistant clerks are women. A listing of the judiciary personnel 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 Office of the Attorney-General has a Chinese translator on staff provided by the Republic of China (Taipei) Embassy. The clerks also assist unrepresented court users complete forms.

The Office of the Clerk of the Courts is open 8:00 a.m. to noon and 1:00 p.m. to 5:00 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
Fax: (011-692) 625-3323
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
Fax: (011-692) 329-3032
Email: ebeyecourthouse@gmail.com

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

I. Professional Development and Regional Conferences

Managing the RMI Judiciary's personnel in accordance with sound leadership and management practices is the fourth goal of the RMI Judiciary's 2014-2018 Strategic Plan. Consistent with this goal, Strategies 4.1, 4.2, and 4.3, and internationally recognized practice, the RMI Judiciary in 2015 organized and facilitated professional development opportunities for both judges and court staff. All permanent justices and judges of the Supreme Court, the High Court, the Traditional Rights Court, and the District Court attended such workshops and conferences. Twenty-four of the twenty-seven Community Court judges observed the District while they were in Majuro for other reasons. And five of the seven clerks attended professional development workshops. The participants found that the programs met or exceeded their expectations, and addressed recognized training needs. Funding for such programs came from the RMI Judiciary's annual operating budget, the Compact of Free Association, New Zealand, and Australia. The RMI Judiciary's 2015 professional development activities are set forth below.

Supreme Court Chief Justice Daniel Cadra and High Court Chief Justice Carl B. Ingram attended the 2015 Ninth Circuit Judicial Mid-Winter Workshop held in Tucson, Arizona, from January 26-28, 2015. The topics presented include class actions suits, national security secrets, child pornography, recusal issues, statistics for judges, neuroscience, Supreme Court Review, IT Training for judges, copyright and trademark, and recent Ninth Circuit decisions.

Assistant Clerk of the Courts Travis Joe attended the Pacific Judicial Development Program (PJDP) Regional Capacity Building Training of Trainers Workshop (TOT) in Auckland, New Zealand from February 9-20, 2015. The objective of the TOT workshop is to allow participants

to acquire knowledge, skills and attitudes necessary to competently deliver and manage training programs that will build capacity in their own country and/or region.

The three Traditional Rights Court Judges, Chief Judge Walter Elbon, Associate Judge Nixon David, and Associate Judge Grace Leban, and the three District Court Judges, Presiding Judge Milton Zackios, Associate Judge Jimata Kabua, and Associate Judge A. Tarry Paul attended the second session of the Legal Institute for lay judges held in Majuro from March 23-27, 2015. The topics covered in the second session covered the following: exhibits, theory of a case, closing argument, cross examination, objections, direct examination, and opening statements.

Four court clerks and five others from the community attended interpreter training held in Majuro from May 18 to 22, 2015. The training included an introduction to ethical principles involved in court room interpretation and focus on hands-on skill building activities for staff involved in interpretation. An expert in interpreter training from the University of Hawaii at Manoa conducted the training with a certified Marshallese interpreter.



Two Marshall Islands District Court judges, Presiding Judge Milton Zackios and Associate Judge A. Tarry Paul, attended the National Judicial College Court course “Best Practices in Handling Cases with Self-Represented Litigants” held in Reno, Nevada, from July 13 to 16, 2015. In the last decade, self-representation has increased exponentially. Self-represented litigants now appear on court dockets in almost every case possible including civil, criminal felony, domestic relations, traffic, criminal misdemeanor, small claims, probate and administrative cases. Self-represented litigants pose a special problem for the judge presiding over the case because they are not keenly aware of courtroom procedures and evidence rules. After this course, participants are able to recognize when an indigent self-represented party may be entitled to court-appointed counsel; move a self-represented party civil docket expeditiously; use settlement techniques in cases involving self-represented litigants; recognize the limits on assisting self-represented parties; and apply innovative methods and strategies to ensure that these litigants have proper access to the justice system. After this program, participants are able to describe some of the best practices for managing these difficult cases.



The three Traditional Rights Court Judges, Chief Judge Walter Elbon, Associate Judge Nixon David, and Associate Judge Grace Leban, and the three District Court Judges, Presiding Judge Milton Zackios and Associate Judge A. Tarry Paul attended the third session of the Legal Institute for lay judges held

at the Richardson School of Law, Honolulu, Hawaii July 20-24, 2015. The topics covered in the third session included the following: foundational concepts, structuring legal problems for decision making, completing legal analysis and organizing opinions, making and justifying decisions on procedural issues, and judicial decision making.

Supreme Court Chief Justice Daniel Cadra and High Court Chief Justice Carl B. Ingram attended the 2015 Ninth Circuit Judicial Conference from July 13-15, 2014, in San Diego, California. The sessions they attended included the following: Supreme Court Review; Opening Ceremony; General Session presentation on cyber warfare; General Session's discussion on global demographics; Appellate Breakout Session; Lunch with the US Ambassador, Office of Global Criminal Justice; Pacific Islands Committee meeting; District Dinners; Human



trafficking; Mental illness and its impact on the law; A conversation with the Hon. Anthony Kennedy, Associate Justice of the United States Supreme Court; and Closing Remarks.

Chief Clerk of the Court Ingrid K. Kabua and Assistant Clerk of the Court Tanya Lomae attended the 2015 Annual Conference of the Association of Pacific Islands Public Auditors ("APIPA") held in Guam from August 3-7, 2015. The

2015 APIPA conference offered four tracks: Audit, Audit Supervisor, Finance, and Grant Management. The two clerks took the Finance track which includes the following courses: The Transparent Tidal Wave Approaches; Understanding How to Read and Interpret Financial Statements; Mapping Government Programs and Implementing Performance Management and Measures; GASB Update: There's Way More Than Just Pension Stuff Going On; and Ethics in the Workforce: Doing the Right Thing.

Traditional Rights Court Chief Judge Walter K. Elbon attended the National Judicial College Court course "Leadership for Judges" held in Reno, NV, from August 31 to September 3, 2015.

This workshop answers the following questions:

- How do leadership and management relate?
- Will principles that work in military and business settings really work in the justice sector?
- How can I motivate people when they won't receive any pay, raises, gifts, etc., for all of this extra work?
- I keep hearing about "mindful leadership." Is there really any benefit to "mindful leadership" or is this just some kind of passing fad?
- When I find a better way to do things, why is it so hard to get others to change?

The workshop provides leader judges with the answers to these questions and many others in a workshop setting where they can practice some of the techniques with beneficial feedback from their judicial colleagues and the experienced faculty members.

Traditional Rights Court Associate Judges Nixon David and Grace L. Leban to attend the National Judicial College Court course “Ethics, Fairness, and Security in Your Courtroom and Community” scheduled for October 19-22, 2015, in Reno. This course helps participants reduce bias and prejudice in their court, as well as apply security measures when engaging with the public.

High Court Chief Justice Carl Ingram attended the 16th Conference of Chief Justices of Asia and the Pacific held in Sydney, Australia, from November 6-9, 2015 (“CJ’s Conference”). Participants at the CJ’s Conference heard presentations and participate in discussions under the following topics: role in maintaining integrity of judicial systems; raising community awareness of the work of courts; how to eliminate backlog and enhance in trial and appellate courts; promoting mediation at an appellate level; alternative dispute resolution in trial courts; court control of budget, staff, and security; mutual recognition of judgments; understanding technology to improve personal efficiency; unconscious bias; and different ways to promote ongoing regional interaction. Chief Justice Ingram presented a commentary on the alternative dispute resolution paper.

Presiding Judge Milton Zackios and Associate District Court Judge A. Tarry Paul participated in the Fourth Session of the Pacific Islands Legal Institute for lay judges held in Palau between December 14 and 18, 2015. The course was presented by Kenneth Lawson, a profession of law at the University of Hawaii Richardson School of Law. The course covered criminal procedure, including probable cause, reasonable suspicion, right to counsel, rights to remain silence, police interrogation procedures. In July 2016, there will a follow-up course on criminal law.



J. Court Rules and Relevant Statutes

To enhance access to justice, the RMI Judiciary regularly reviews and amends or seeks amendments of its rules of procedure and evidence. Over the past 10 years, the RMI Judiciary has proposed or adopted 20 sets of amendments.

In January 2015, the Nitijela passed the bill to set an age limit for District Court judges at 72. Now District Court judges can be appointed for a term of 10 years or age 72, whichever first occurs. The age limit of 72 years is consistent with the constitutional age limit for Supreme Court justices and High Court justices and statutory age limits for Traditional Rights Court

judges and Community Court judges. It permits the Judicial Service Commission to consider appointing judges who are in their mid to late 60s, but who would not be expected to complete a full term.

Also in 2015, the RMI Judiciary drafted and circulated for comment amendments to the November 2000 Order for Implementation and Use of the Legal Aid Fund. The proposed amendments increase the fee paid attorneys, increase the limit on payments per case, and requires all active counsel to take Fund cases or pay an annual fee of \$1,500 to opt out. The amendments will be adopted in earlier 2016.

IV. THE JUDICIAL SERVICE COMMISSION: JUDICIAL APPOINTMENTS

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

In 2015, the Commission nominated to the Cabinet the following: for re-appointment, two Supreme Court pro tem justices; for appointment, one acting High Court Associate; and for appointment, one permanent High Court Associate Justice. Also, the Commission appointed two District Court judges (one of whom has died), and the Commission appointed or renewed the appointments of four Community Court judges.

V. ACCOUNTABILITY: CODES OF CONDUCT AND COMPLAINTS

The third goal of the RMI Judiciary's Strategic Plan includes "*to be accountable.*" To enhance its transparency and accountability, the RMI 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 RMI Judiciary has adopted the Marshall Islands Code of Judicial Conduct 2008 (revised February 16, 2012). The Code is based principally upon the Bangalore Principles and the American Bar Association Code of Judicial Conduct. A copy of the RMI Judiciary's code can be found on its website, www.rmicourts.org/ under the heading "The Marshall Islands and Its RMI Judiciary." The provisions for lodging and processing complaints against judges start on page 12 of the code.

In late 2015, a litigant lodged a complaint against a judge. The Judicial Service Commission will consider the complaint early in 2016. This is the only complaint in the past five years for all courts and all judges.

With respect to attorney conduct, the RMI Judiciary has adopted the American Bar Association Rules of Professional Responsibility. Provisions for lodging and processing complaints against attorneys can be found on the RMI 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 2015, no complaints were lodged against attorneys. From 2013 there were four complaints pending review by the attorney-committee. The Chief Justice of the High Court has encouraged the committee to resolve the complaints as soon as they can.

With respect to court staff, the RMI Judiciary maintains a complaint box at the courthouses. In 2015, no complaints were lodged against court staff. Nor have there been any complaints lodged against court staff within the past five years.

VI. FACILITIES, TECHNOLOGY, AND THE LIBRARY

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

A. Facilities

Over the past five years, the RMI Judiciary, with the help of the Cabinet and the Nitijela, 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 Majuro Courthouse, renovating of the chambers of the Traditional Rights Court in Majuro, and repainting the Majuro Courthouse. Funding has come from revenues collected by the RMI Judiciary and special grants from Republic of China (Taipei).

In 2014, the RMI Judiciary contracted for the re-roofing the Majuro Courthouse and is seeking funds to install solar panels for both the Majuro and Ebeye courthouses. The re-roofing project was completed in December 2015.

B. Technology

The courthouses on Majuro and Ebeye are equipped with computers, printers, faxes, and photocopiers and have Internet access (@ 3.0 MPs in Majuro and 1.5 MPs in Ebeye). The courts permit the filing and service of documents via email attachment. The computers in Majuro are linked together in a network, and the Majuro Courthouse has three scanners with OSC software permitting the courts to scan documents and send them almost anywhere in the world. Over the past three years, the RMI Judiciary has replaced all but two of its older computers. However,

software updates remain a critical need and from time-to-time computers crash and must be replaced.

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



C. The Library

The RMI Judiciary has a small, but functional, law library which includes hard copies of the following: United States Supreme Court cases through 2008; American Law Reports First, Second, Third, Fourth, part of Fifth, and Federal; LaFave on Criminal Law, Criminal Procedure, and Search and Seizure; Wharton on Criminal Law and Criminal Procedure; American Jurisprudence 2nd; Wright and Miller on Federal Practice and Procedure; Moore’s Federal Practice; and others. Also, the RMI Judiciary has up to date online access to United States case law and secondary sources through a WestLaw Internet subscription.

VII. SALARIES AND COMPENSATION

At current pay levels, the RMI Judiciary is having difficulty retaining and attracting qualified personnel at all levels. This problem is particularly acute for assistant clerks of the courts at the lower pay levels, i.e., 8, 9, and 10. Finding qualified applicants who can translate Marshallese and English and who can perform other necessary tasks is proving increasingly difficult. Although many may be interested in working with the courts, when they find out that they have to translate in public their interest fades. Without qualified translators, the RMI



Judiciary cannot function. To stay competitive, the RMI Judiciary needs to increase pay levels, particularly for assistant clerks of the courts.

VIII. THE ANNUAL BUDGET AND AUDIT REPORT

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

For FY 2015, the Nitijela appropriated \$1,024,339 for the RMI Judiciary: \$657,659 for salaries and wages and \$366,680 for all others. Less audit expenses of \$8,949 paid out by the Ministry of Finance, a total of \$357,731 was paid to the RMI Judiciary for its operational funds.

Of the \$657,659 appropriated for personnel in FY 2015, the RMI Judiciary only expended \$574,324 because of vacancies and unexpended salaries in the High Court, District Court, and the Community Courts. The unspent personnel funds from FY 2015, \$83,335, remained in the General Fund with the Ministry of Finance. The vacancies in the High Court and District Court have been, or will be, filled in 2016.

Of the \$366,680 appropriated in FY 2015 for all other expenses, \$8,949 was retained by the Ministry of Finance for audit expenses and the RMI Judiciary expended or obligated the remaining \$357,731.

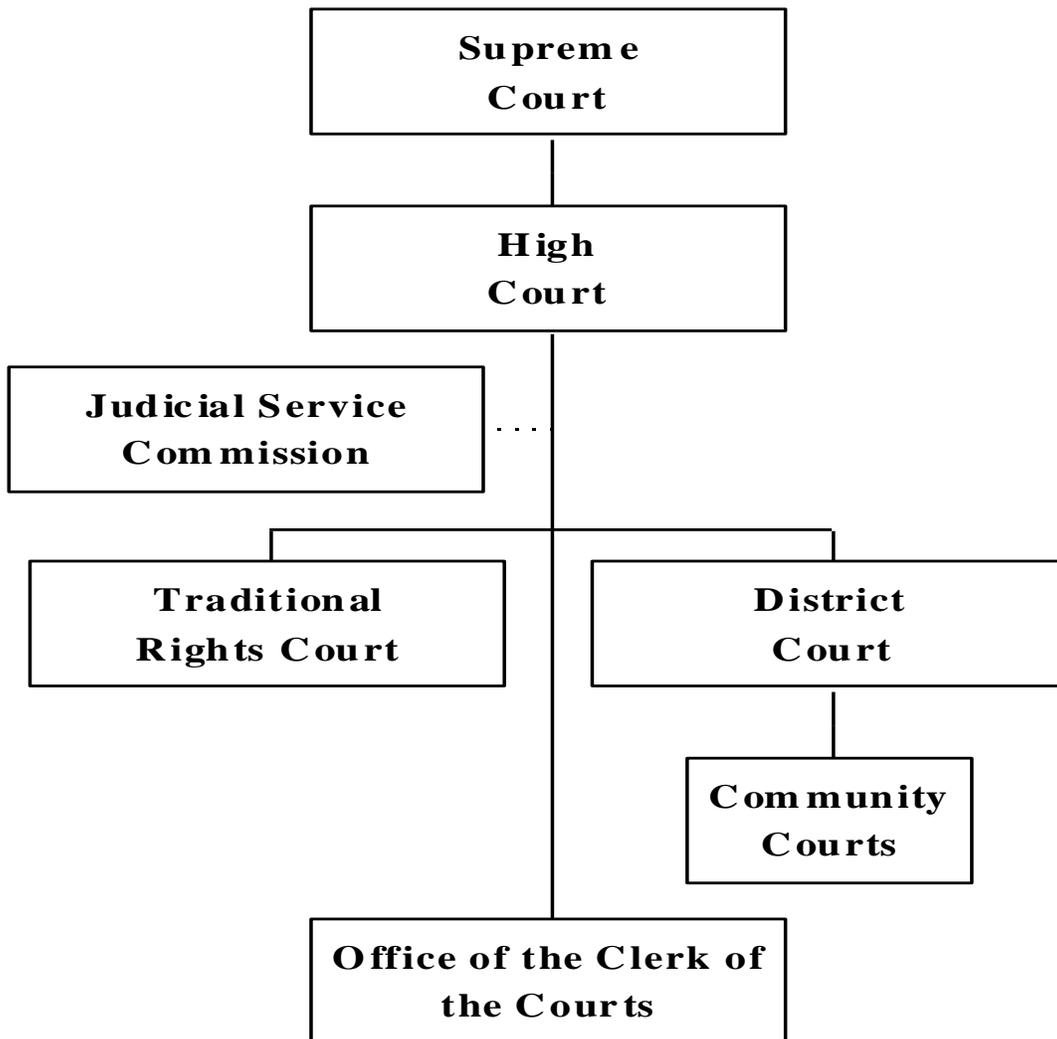
From operations funds, the RMI Judiciary has segregated moneys the Nitijela appropriated for the Legal Aid Fund. As of September 30, 2015, the RMI Judiciary had \$88,027 in its Legal Aid Fund account, much of which had been obligated for payment to attorneys to represent those that cannot offer an attorney and cannot be represented by the Micronesian Legal Aid Services Corporation and the Office of the Public Defender.



Apart for Nitijela appropriations, the RMI Judiciary by act has its own special revenue fund (“RMI 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 for other sources. Fines and fees collected by the Office of the Clerk of the Courts and deposited into the RMI Judiciary Fund in FY 2015 totaled \$48,302. As highlighted in the Significant Events or Accomplishments section of this report (page 5), funding for re-roofing the Majuro Courthouse was made possible through the RMI Judiciary Fund. The fund balance at the end of FY 2015, \$144,472, and monies collected in FY 2016 will be used to pay the retention payment for the re-roofing project, to purchase a replacement vehicle, to purchase and install a 100KW backup generator, and for a proposed renovation of the Ebeye Courthouse. The Ebeye Courthouse renovation project is in the planning stage and may need additional funding from the Nitijela.

For the Marshall Islands Judiciary Fund, Deloitte for FY 2015 reported a clean audit with no unresolved findings. Attached as Appendix 3 is the statement of revenues, expenditures, and changes in the RMI Judiciary Fund balance, (Years ended September 30, 2015 and 2014) and the Balance Sheets (September 30, 2015 and 2014).

**ORGANIZATIONAL CHART
FOR THE
MARSHALL ISLANDS JUDICIARY**



JUDICIARY PERSONNEL

Justices and Judges

Supreme Court Chief Justice Daniel N. Cadra (9/21/13-9/20/23)

High Court Chief Justice Carl B. Ingram (10/5/13-10/4/23)

High Court Associate Justice (vacant)

Traditional Rights Court Chief Judge Walter K. Elbon (7/04/10-7/03/20)

Traditional Rights Court Associate Justice Nixon David (4/7/13-4/6/17)

Traditional Rights Court Associate Justice Grace L. Leban (7/04/10-7/03/20)

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

Associate District Court Judge A. Tarry Paul (Ebeye) (7/5/09-7/4/19)

Associate District Court Judge (vacant)

Ailinglaplap Community Court Presiding Judge Canover Katol (5/4/14-5/3/18)

Ailinglaplap Community Court Associate Judge Clandon Katjang (5/4/14-5/3/18)

Ailinglaplap Community Court Associate Judge Mannu Rakin (7/13/14-7/12/18)

Ailuk Community Court Presiding Judge Tilly Menua (2/9/14-2/8/18)

Arno Community Court Presiding Judge Toko Botla (12/2/12-12/1/16)

Arno Community Court Associate Judge Thompson Joseph (12/2/12-12/1/16)

Arno Community Court Associate Judge Batle Latdrik (2/9/14-2/8/18)

Aur Community Court Presiding Judge Benty Jikrok (3/3/13-3/2/17)

Bikini and Kili Community Court Presiding Judge (vacant)

Ebon Community Court Presiding Judge Aaron Silk (9/23/12-9/22/16)

Enewetak and Ujelang Community Court Presiding Judge (vacant)

Jabat Community Court Presiding Judge Tari Jamodre (7/29/12-7/28/16)

Jaluit Community Court Presiding Judge Hertina Mejjena (7/13/14-7/12/18)

Jaluit Community Court Associate Judge (vacant)

Lae Community Court Presiding Judge John Braind (3/3/13-3/2/17)

Lib Community Court Presiding Judge (vacant)

Likiep Community Court Presiding Judge Riton Eradrik (3/18/12-3/17/16)

Maloelap Community Court Presiding Judge (vacant)

Maloelap Community Court Associate Judge (vacant)

Mejit Community Court Presiding Judge Rebecca John (1/25/15-1/24/21)

Mili Community Court Presiding Judge Mack Lajinna (9/23/12-9/22/16)

Namdrik Community Court Presiding Judge Reio Lolin (7/13/14-7/12/18)

Namu Community Court Presiding Judge (vacant)

Rongelap Community Court Presiding Judge (vacant)

Ujae Community Court Presiding Judge Area Jibbwa (7/13/14-7/12/18)
Utrik Community Court Presiding Judge Jackel Moore (11/17/13-11/16/17)
Wotho Community Court Presiding Judge Carlmai Antibas (9/23/12-9/22/16 and then 9/23/16-9/22/21)
Wotje Community Court Presiding Judge Lincoln Lakjohn (3/18/12-3/17/16 and then 3/18/16-3/17/21)
Wotje Community Court Associate Judge Mejawdrik Elbon (8/9/15-8/8/21)
Unallocated (vacant)

Judicial Service Commission

High Court Chief Justice Carl B. Ingram, Chair
Attorney-General Natan Brechtefeld, 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 Travis Joe
Assistant Clerk of the Courts Hainrick Moore
Assistant Clerk of the Courts Tanya Lomae
Assistant Clerk of the Courts Ronna Helkena
Assistant Clerk of the Courts Shenae Reimers
Bailiff Junior Borran, Lieutenant
Bailiff Jukku Benjamin, Sergeant
Bailiff Nang Jack, Police Officer I
Bailiff Moses Lautej, Police Officer I
Maintenance James Milne

Appendix 3

MARSHALL ISLANDS JUDICIARY FUND

Statement of Revenues, Expenditures, and Changes in Fund Balance Year Ended September 30, 2015 and 2014

	<u>2015</u>	<u>2014</u>
Revenues:		
Nitijela appropriation	\$ 943,390	\$ 977,448
Fines and fees	48,302	62,387
Interest	1,022	681
Other	<u>41,803</u>	<u>31,597</u>
Total revenues	<u>1,034,517</u>	<u>1,072,113</u>
Expenditures:		
Salaries, wages and benefits	574,324	594,555
Capital outlay	80,050	56,068
Leased housing	67,500	68,040
Utilities	54,344	80,291
Supplies and materials	48,377	27,327
Communications	44,290	50,740
Travel	32,658	65,378
Repairs and maintenance	17,508	6,927
Professional Services	12,582	7,915
POL	9,909	11,492
Miscellaneous	<u>20,507</u>	<u>23,868</u>
Total expenditures	<u>962,049</u>	<u>992,601</u>
Net change in fund balance	72,468	79,512
Fund balance at the beginning of the year	<u>243,111</u>	<u>163,599</u>
Fund balance at the end of the year	<u>\$ 315,579</u>	<u>\$ 243,111</u>

MARSHALL ISLANDS JUDICIARY FUND

Balance Sheets
September 30, 2015 and 2014

	<u>ASSETS</u>	<u>2015</u>	<u>2014</u>
Cash		\$ 326,752	\$ 260,577
 <u>LIABILITIES AND FUND BALANCE</u>			
Liabilities:			
Accounts payable		\$ 5,188	\$ 6,124
Retention payable		<u>5,985</u>	<u>11,342</u>
Total liabilities		<u>11,173</u>	<u>17,466</u>
Contingency			
Fund Balance:			
Committed		<u>315,579</u>	<u>243,111</u>
Total liabilities and fund balance		<u>\$ 326,752</u>	<u>\$ 260,577</u>

See accompanying notes to financial statements.