



THE JUDICIARY OF THE REPUBLIC OF THE MARSHALL ISLANDS

2019 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 2019 Annual Report for the Judiciary of the Republic of the Marshall Islands. As in past years, this report reflects the dedication and hard work of the judges and staff who serve the Judiciary, the Government, and the people of the Marshall Islands. It is my pleasure and a privilege to work with them.

On behalf of the Judiciary, I wish to express our sincere appreciation to the President, the Minister of Justice, and the other members of the Cabinet for their support in 2019. Also, I wish to express our profound thanks to the Nitijela and the House of Iroij for their continuing support of our budgetary and legislative requests. We are committed to working with the Cabinet, the Nitijela, and the House of Iroij in the years to come to maintain a judiciary that is fair and efficient, assuring justice and the rule of law for all. Our shared goals mandate that we work together in a spirit of respect and cooperation.

Submitted with the 2019 Annual Report are our updated Values, Mission Statement, and Vision Statement. For more information about the Judiciary, please contact me or the Chief Clerk of the Courts at the above address.

Sincerely yours,

Carl B. Ingram
Chief Justice, High Court
Date: August 26, 2020



Our Values:

Tomak, Jenok, im Aurok Ko Ad:

The Marshall Islands Judiciary holds the following values and desires to operate in a manner that is, and will be perceived as:

Jikin Ekajet ko an Marshall Islands rej debij im jermal wot iumin tomak, aurok eo, im konan eo non air jermal ilo wawein ko renaj koman bwe armej ren kalimjeklok ra eo an Jikin Ekajet bwe ej juon eo ej einwot in:

- accessible
- accountable
- competent
- consistent
- efficient
- fair and impartial
- independent
- respectful and
- service-oriented,

- valuing custom and tradition, as well as innovation.

*ebellok non aoleb armej
 etiljek, ekeke, 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 ak jeb
 ejenolok im jutaklok ian make
 ewor an kautiej armej im
 etiljek, jela nae, jela kunaan, im jela karejar
 iben armej,
 ej kaurok im kautiej manit im men ko bwinnid
 im ad jolet, ekoba lomnak im wawein jermal ko
 rekaal.*

These values form the basis for the Judiciary's Mission Statement and Vision.

Tomak im aurok kein rej ejaake bedbed eo non kottobar im ettonak kein ilal.

Mission Statement:

Kottobar Eo:

The mission of the courts of the Marshall Islands, the Judiciary, is to fairly, efficiently, and effectively resolve disputes properly brought before them, discharging their judicial duties and responsibilities in accordance with the Constitution, laws, and customs of this unique island nation, for the benefit of those who use the courts' services.

Kottobar eo an Jikin Ekajet ko an Marshall Islands ej non jermal jimwe ilo ejelok kalijeklok, bolemen im tiljek ilo an kakke aikuij ko ilo aoleb abnono ko rej itok imaer, im non komane jermal in ekajet im edro ko aer ekkar non Jemen-Ei eo, kakien ko, im manit ko an ailon kein ad im jej jenolok kaki jen lal ko jet ikijien manit im men ko bwinnid im ad jolet, non emmanlok eo an ro rej bok jiban jen jikin ekajet eo.

Vision:

Ettonak Eo:

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

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

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

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

- *Ra eo an jikin ekajet eo enaj kile, kautej, im karejar ippen ro rej kojerbal im bukot jiban jen jikin ekajet eo, ekoba dri-jerbal ro mottam, im enaj kotmene bwe armij renaj ukot tok ilo ejja wawein kein wot.*
- *Ra eo an jikin ekajet eo enaj komman bwe en drik wonen, bidodo, im ejelok aban non ro rej kojerbal im bok jiban jen jikin ekajet eo.*
- *Ra eo an jikin ekajet eo enaj bukot kojkan bwe en mokaj, emman, im jejjet wawein am bukot mejlan ailwaro im aikuj ko.*
- *Ra eo an jikin ekajet eo enaj komman jemlok non abnono ko, ilo an ejelok kibel jen ijoko jabrewot, bedbed wot ion menin kamol ko rej walok, im jen am melele kin kien im manit.*
- *Ra eo an jikin ekajet eo enaj kommani jerbal im eddro ko an court ekkar non jonak im wawein ko lal in ej kili im lori ikijen jerbal in tel, lolorjake, im bok eddro.*
- *Ra eo an jikin ekajet eo enaj bukot im kojerbal wawein im rebeltan jerbal ko rekaal bwe en emman lok am kake aikuj ko an ro rej kojerbal jikin ekajet eo, im bareinwot non am kolablok kabeel ibben dri-jerbal ro ilo jikin ekajet eo.*
- *Ra eo an jikin ekajet eo enaj lolorjake bwe jikin ekajet ko ren ainemmon im bolemeir, im bwe jitbon jerbal in ippen dron eo en wonmanlok wot.*

2019 REPORT OF THE JUDICIARY OF THE REPUBLIC OF THE MARSHALL ISLANDS

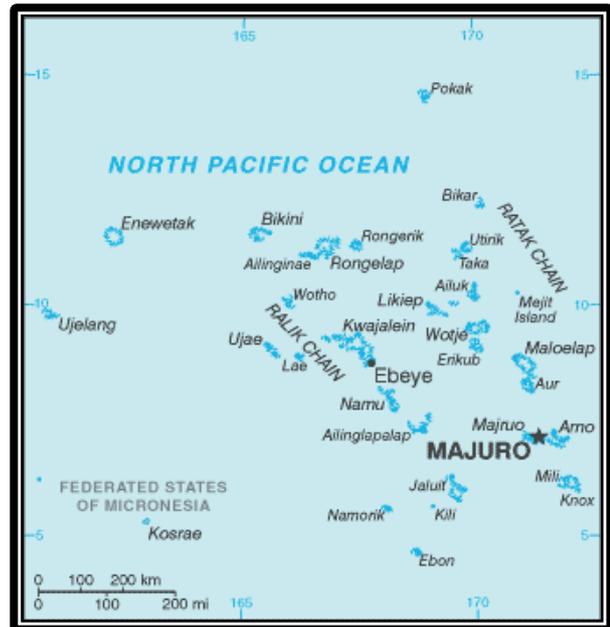
I. INTRODUCTION

The Republic of the Marshall Islands consists of two nearly parallel island chains of 29 atolls and five separate islands—1,225 islets in all—located about half way between Hawaii and Australia. The Republic’s land mass totals 70 square miles scattered over 822,784 square miles of the Pacific Ocean. As of January 1, 2019, the estimated population of the Marshall Islands was approximately 58,791. However, estimates vary greatly.

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

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

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



Judiciary is attached as Appendix 1, and a listing of Judiciary personnel at the end of calendar year 2019 is attached as Appendix 2.

In the sections that follow, this report summarizes the Judiciary's operations and accomplishments in calendar year 2019, as well as its challenges, including the need for financial support. These sections include the following:

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

II. SIGNIFICANT EVENTS AND ACCOMPLISHMENTS

The dedication and hard work of the judges and staff that serve the Judiciary made 2019 a successful year. The most significant events and accomplishments include the following:

- Adoption of the Strategic Plan of the Judiciary of the Republic of the Marshall Islands 2019- 2023
- Working on Case Tracking System; and
- Securing Funding for Third High Court Justice.

A. Strategic Plan of the Judiciary of the Republic of the Marshall Islands 2019-2023

In 2019, the Judiciary, developed, adopted, and published its strategic plan for 2019 through 2023, *Tiljek Im Mol Nan Ekajet Jimwe, Committed to Justice, 2019-2023*. This plan builds upon the Judiciary's 2007 and 2014 strategic plans, retaining strategic goals, strategies, and action items that remain relevant, deleting action items that have been performed and need not be repeated, and adding new goals, strategies, and action items to meet continuing and new challenges. This plan is the result of discussions in May through July 2019 among judges, court staff, and various stakeholders concerning the Judiciary, its operations, strengths, and needs.

The resulting strategic plan identifies seven major goals to be accomplished over the next five years:

- (1) to be fair, efficient, and effective;
- (2) to be affordable and accessible;
- (3) to be independent, yet transparent and accountable;
- (4) to manage the Judiciary's personnel in accordance with sound leadership and management practices;
- (5) to administer the Judiciary's buildings and equipment in accordance with sound management practices;
- (6) to manage the Judiciary's financial resources in accordance with sound financial practices; and
- (7) to identify, develop, and employ innovative approaches and best practices to achieve the Judiciary's strategic goals.

Each goal contains strategies and several specific action items. This is a comprehensive strategic plan, given the limited resources of this small island nation. However, the Judiciary is committed to providing court users with the best service possible and will seek ways to implement this strategic plan's goals, strategies, and action items.

This strategic plan will serve to guide judges and court staff as they perform their responsibilities; it will also assist in determining how best to use available resources; and it will provide a way to measure the accomplishments of the courts as they strive to fulfill their mission. As the plan period proceeds, the Judiciary will monitor changes in the social, economic, technological, and legal environment and will periodically review the plan to assess progress and to make necessary changes.

B. Case Tracking System

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

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

The CTS contains the following:

- details of the case, such as where it was filed, the date filed/finalized, the stage of case, the nature of the case etc.; plus
- details of the one or many parties involved, and their role, e.g., as applicant, plaintiff, defendant, ward, etc. It is also possible to add the counsel representing the party, and contact details. For the applicant/accused/victim etc. it will be possible to add the ‘demographic’ information of the person, e.g., gender, disability status; plus
- details of the charges laid against each accused, and the results/orders made; plus
- details of the court events (hearings) held for case – the day/time/location of the hearing, and its result; plus
- details of any actions/to-dos for a case.

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

The Judiciary hope to have the CTS installed and operating for at least the Supreme Court and the High Court by the end of March 2020. The District Court’s cases would be integrated once the system of operating and stable. The CTS represents a significant step forward in the efficient management of the Judiciary’s cases.

C. Funding for Third High Court Justice

Late in 2019, the Nitijela approved the Judiciary’s request to fund a third judge for the High Court. The addition of the third judge will permit the High Court to better serve the Republic. The High Court anticipates that it will be able to dispose of its cases faster, to service to Ebeye and the Outer Islands as needed, to update the Marshall Islands Law Reports, to offer continuing legal education course to the local bar, to engage in more outreach to the public, and the like.

III. THE COURTS: EFFICIENCY, QUALITY, AND ACCESSIBILITY

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

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

To these ends, the 2019 Annual Report reviews all five levels of the Judiciary—the Supreme Court, the High Court, the Traditional Rights Court, the District Court, and the Community Courts. The review includes the courts’ jurisdictions, staffing, and case statistics, as well as continuing professional development for judges and staff.

A. Supreme Court

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

(i) as of right from a final decision of the High Court in the exercise of its original jurisdiction;

(ii) as of right from a final decision of the High Court in the exercise of its appellate jurisdiction, but only if the case involves a substantial question of law as to the interpretation or effect of the Constitution; and

(iii) at the discretion of the Supreme Court from any final decision of any court.



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

The Supreme Court consists of three justices: a chief justice and two associate justices. To date, all Supreme Court judges have been law-trained attorneys and most have been experienced judges. The current chief justice, Daniel N. Cadra, is a United States citizen appointed to a second 10-year term effective September 2013. Generally, associate justices have been acting judges from other jurisdictions — the United States Ninth Circuit Court of Appeals, the United States Federal District Court in Hawaii, the Republic of Palau, the Commonwealth of the Northern Mariana Islands, and Canada. In 2019, the acting associate justices were two United States Federal Court judges: District Court Judge Michael Seabright from the Hawaii District and District Court Judge Richard Seeborg from Northern California. The Chief Clerk of the Courts, Ingrid K. Kabua, serves as the clerk of the Supreme Court.

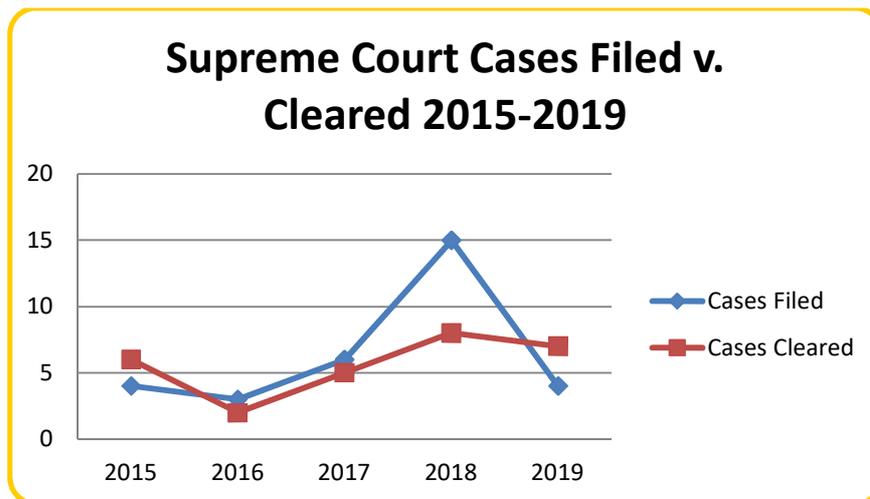
The Supreme Court’s 2019 case and workload are summarized below, including annual clearance rates, annual average age of cleared cases, and annual average age of pending cases.

Like the High Court, the Supreme Court has been affected by the increasing number of complex cases involving corporate, maritime, and enforcement of foreign judgment cases. At the beginning of 2019, there were 13 matters pending before the Supreme Court, and in 2019, another four matters were filed. In 2019, the Supreme Court disposed of seven matters. The

Supreme Court affirmed six High Court decisions and decided an election case removed to the Supreme Court by the High Court to address constitution question of public importance. By the end of 2019, 10 cases remained. The Supreme Court cancelled its March 2020 session due to the COVID-19 pandemic and RMI closing its borders.

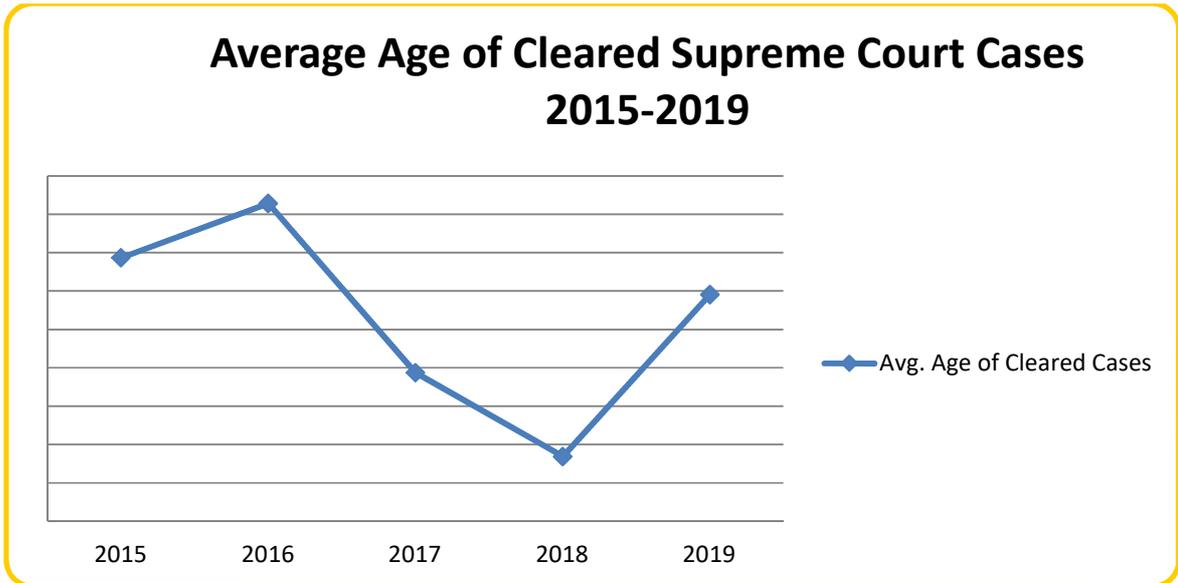
The Supreme Court’s goal is to maintain an average annual clearance rate of 100% over five years. As the table below shows, the Supreme Court's five-year average clearance rate is over 100% at 105.67%. The Supreme Court achieved an annual clearance rate of 100% in two of the past five years. In 2019, with 4 cases filed and 7 cases cleared, the annual clearance rate was 175% (7/4). The Judiciary anticipates that the Supreme Court’s average annual clearance rate will continue to fluctuate around 100%.

Annual Clearance Rates for Supreme Court Cases 2015-2019						
	2015	2016	2017	2018	2019	Avg.
Cases Filed	4	3	6	15	4	6.4
Cases Cleared	6	2	5	8	7	5.6
Clearance Rate	150.00%	66.67%	83.33%	53.33%	175.00%	105.67%
Annual Goal	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%



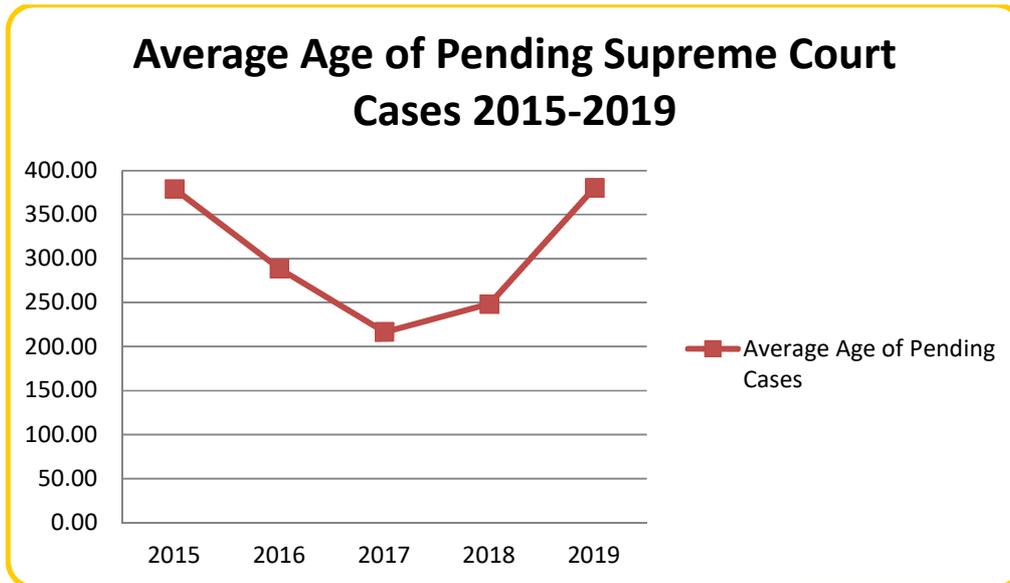
In addition to the annual clearance rate figure, the Judiciary tracks the average age of cleared Supreme Court cases. The average age of the seven cases cleared in 2019 was 590.86 days. The five-year trend for the average age of cleared Supreme Court cases is set forth below in the table and chart. The upturn in the 2019 age of cleared cases is the result of clearing two older cases (one filed in 2016 and the other in 2017) that were delayed because counsel had not fully briefed the cases in time for the 2018 Supreme Court session.

Average Age of Cleared Supreme Court Cases 2015-2019					
	2015	2016	2017	2018	2019
Cases Cleared	6	2	5	8	7
Avg. Age of Cleared Cases	687.00	828.50	387.20	168.88	590.86



In addition to both the clearance rate and average age of cleared cases, to track the Supreme Court’s efficiency, the Judiciary calculates the average age of pending cases. The average age of the 10 cases pending at the end of 2019 was 380.50 days. The five-year trend for the average age of pending Supreme Court cases is set forth below in the table and chart. The increase in the age of pending cases is due to the high number of appeal cases filed in 2018. The Supreme Court is planning to conduct two sessions in 2019 to reduce the number of pending cases quickly.

Average Age of Pending Supreme Court Cases 2015-2019					
	2015	2016	2017	2018	2019
Pending Cases	4	5	6	13	10
Average Age of Pending Cases	379.25	288.60	216.50	248.46	380.50



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

- In none of the cases pending in 2019 did the parties seek a fee waiver or legal aid. The filing fee for most appeals is only \$100, and the availability of fee waivers was widely publicized. The filing fee is \$1,000 for appeals involving a non-resident entity, a foreign entity, or a foreign maritime entity, or the case involves the enforcement of a foreign judgment, arbitration award, or the like.
- In 2019, the Supreme Court tracked the gender of appellees and appellants. Most of the appellants and appellees were males and business entities. Six were women. The gender disaggregation does not reveal any particular pattern or trend, other than to confirm that women have equal access to the courts.
- In 2019, the Supreme Court tracked the disability status of litigants. In four appeals filed only one litigant, an elderly woman, was disabled. However, no hearings were held in the case.
- All the Supreme Court’s decisions can be found on the Judiciary’s website, <http://rmicourts.org/>, under the heading Court Decisions and Digests.

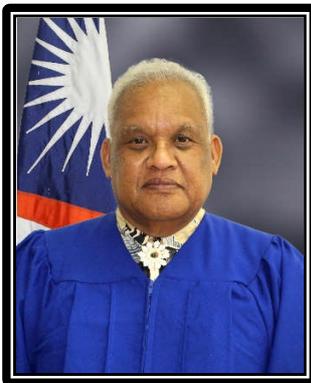
Aside from the Supreme Court’s regular docket, in 2019, Supreme Court Chief Justice Cadra, together with High Court Chief Justice Carl B. Ingram, admitted 7 attorneys to the practice of law in the Republic: one member of the Office of the Attorney-General and 6 private attorneys. The Marshall Islands annual bar examination was administered in July to 7 non-resident attorneys.

B. High Court

The High Court is the highest court at the trial level. It is a superior court of record having general jurisdiction over controversies of law and fact in the Marshall Islands. The High Court has original jurisdiction over all cases properly filed with it, appellate jurisdiction over cases originally filed in subordinate courts, and, unless otherwise provided by law, jurisdiction to review the legality of any final decision of a government agency.



In 2019, the High Court included a chief justice and one associate justice in 2019: Chief Justice Carl B. Ingram; and Associate Justice Witten T. Philippo. Both are law-trained attorneys, as have been all prior High Court judges, and attend at least one professional development seminar or workshop each year.



Chief Justice Ingram was appointed to a second ten-year term expiring in October 2023. Associate Justice Philippo, as a citizen of the Republic was appointed until age 72 (January 31, 2030). Although Chief Justice Ingram is a United States citizen, he has lived and worked in the Marshall Islands since 1979. In 2020, the High Court hopes to add a third justice.

In addition to the two justices, the High Court is served by a chief clerk of the courts and four assistant clerks. The High Court's 2019 case statistics for civil cases, probate cases, criminal cases, juvenile cases, and caseloads are set forth below.

1. Civil Cases (other than Probate Cases)

The High Court's 2019 statistics for civil cases (other than probate cases) cover the following:

- the number and nature of cases filed;
- the five-year average annual clearance rate;
- the time standards: 70% of cases cleared to be cleared within 120 days and 90% cleared within 24 months;
- the average age of cleared cases at the end of the year and the five-year trend;
- the average age of pending cases at the end of the year and the five-year trend;
- the percentage of cleared cases appealed and the percentage of cases overturned on appeal; and

- affordability and accessibility in terms of fee waivers, low fees for vulnerable parties, cases heard on circuit, legal aid, forms, and access for women and those with disabilities.

a. Number and Nature of Cases Filed

In 2019, plaintiffs and petitioners filed 251 new civil cases in the High Court: 205 in Majuro and 46 in Ebeye. This is 100 less cases than were filed in 2018. This reduction in civil cases may reflect the continuing migration of Marshallese to the United States.

The 205 civil cases filed in Majuro in 2019 breakdown as follows:

- Almost 75.12%, 154, involved family and personal status matters (including 80 customary adoptions, 28 guardianships, 17 citizenship cases, 12 divorce/child custody and support cases, six domestic violence cases seeking protection orders, two legal adoptions, nine name-change cases, and no removal/deportation cases);
- 37 commercial cases (32 collection, four corporate cases, no contracts, and one enforcement of foreign arbitration case);
- 6 land cases (three land rights cases and three land rights and building case); and
- 8 other cases (four election cases, three cases for declaratory or injunctive relief, and one tort case.

Of the 205 civil cases filed in Majuro in 2019, 166 were cleared in 2019, leaving 39 pending at the end of the year. The four largest categories of pending cases were as follows: 12 collection, five divorce/child custody and support cases; five citizenship cases; and five land or lease cases.

Of the 46 civil cases filed in Ebeye in 2019, 33 were customary adoptions, eight were collection cases, four were guardianship cases, and one was a name change case. Of the 46 cases filed, 36 were cleared in 2019, leaving 10 2019 cases pending at the end of the year: eight collection cases; one customary adoption case; and one guardianship case.

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

The High Court also tracks the disability status of litigants. The most common disability is difficulty walking. In 2019, no Court users fell into this category in 2019. When litigants, attorneys, or witnesses cannot easily climb stairs, their cases are heard in a ground floor courtroom, and land rights cases, which involve older litigants and witnesses, are as a rule heard in a ground floor courtroom. Also, witness depositions are used, particularly if the witness is

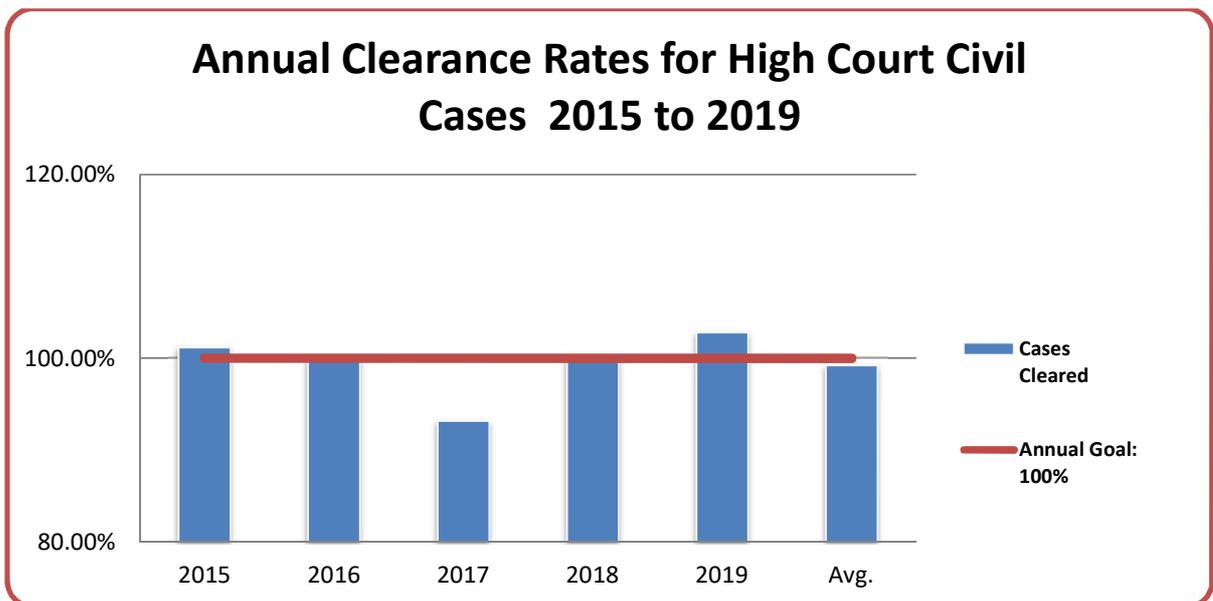
home or hospital bound. Except as noted, disaggregation by disability status does not reveal any particular pattern.

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

b. Annual Clearance Rate and the Five-Year Trend

In 2019, the High Court recorded an annual clearance rate of 102.39% for civil cases: 258 cases were cleared and 251 were filed. However, the High Court’s clearance goal is to maintain a five-year annual average clearance rate of 100%. As the table and chart below show, the High Court just missed its goal. The five-year annual average clearance rate is 99.19%. The High Court expects the five-year average to remain within 5% of the 100% goal.

Annual Clearances Rates for High Court Cases Cleared 2015 to 2019						
	2015	2016	2017	2018	2019	Avg.
Cases Filed	258	280	337	351	251	295.40
Cases Cleared	261	280	314	352	258	293.00
Clearance Rate	101.16%	100.00%	93.18%	100.28%	102.79%	99.19%
Annual Goal: 100%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%



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

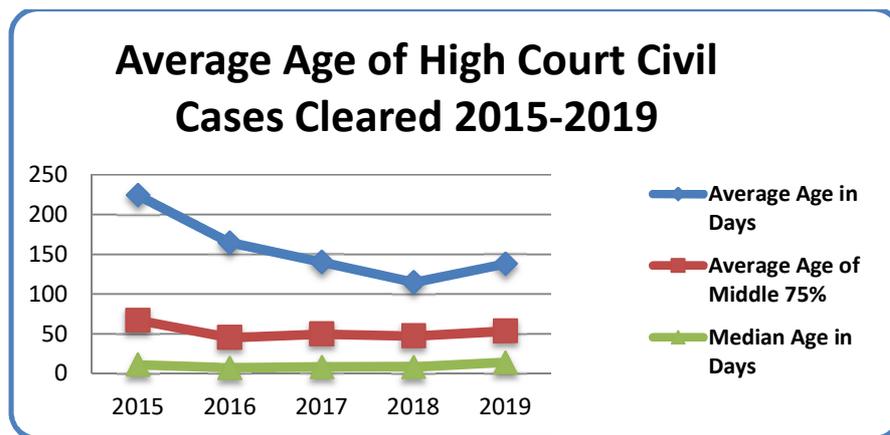
In 2019, the High Court sought not only to meet its clearance goal but also to meet its time standard goal: to clear 70% of its resolved civil cases within 120 days and 90% within 24 months

(730 days). The High Court met its time standards for general civil cases. The High Court cleared 82.56% (213/258) of cleared civil cases within 120 days and 95.35% (246/258) within 24 months. As shown below, successfully meeting time standards has led to a reduction in the average age of cleared cases.

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

In 2019, the average age of cleared cases was 137.95 days. The table and chart below show that, over the past five years, the average age of cleared cases had come down steadily but in 2019 went up slightly. This is due to the clearance of two very old cases and non-resident cases that take much longer to resolve than domestic cases.

Average Age of High Court Civil Cases Cleared 2015-2019					
	2015	2016	2017	2018	2019
Number of Cleared Cases	261	281	314	351	255
Average Age in Days	224.13	164.60	140.14	114.70	137.95
Average Age of Middle 75%	66.79	45.13	49.38	47.03	53.25
Median Age in Days	11.00	7.00	8.00	8.00	14.00



Just as the average age of cleared cases as gone up slightly, so as the average age of pending cases.

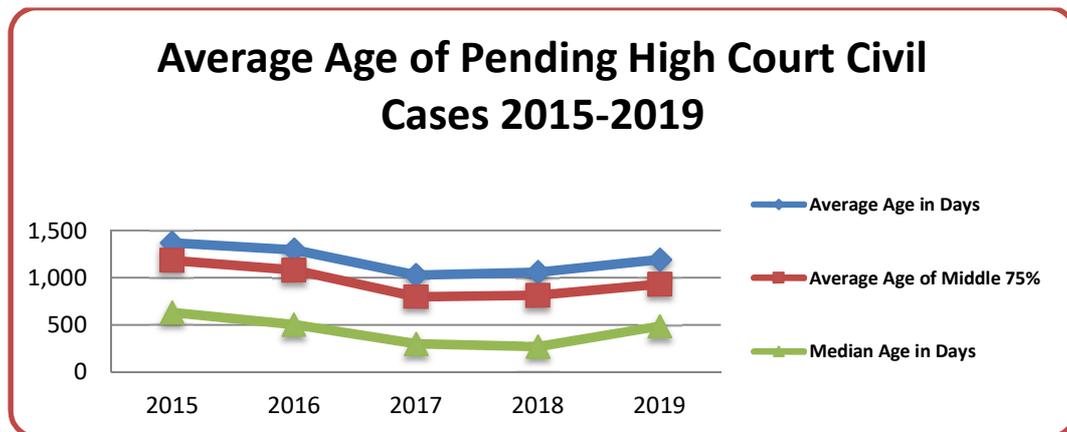
e. Average Age of Pending Cases at the End of the Year and the Five-Year Trend

In 2019, the number of pending cases went down from 123 in 2018 to 115. However, the age of pending cases went up: from 1,058 days in 2018 to 1,192 days in 2019. This increase is the result of complex non-resident corporate and maritime matters being filed in the High Court. Although these cases are low in number, they take many months, if not years, to complete.

However, as noted above, the number of pending cases has gone down slightly. Of the 115 cases pending at the end of 2019, approximately 51% were land cases. The High Court and the

Traditional Rights Court are working hard to resolve the land cases without undue delay while affording the parties an opportunity to be heard.

Average Age of Pending High Court Cases 2015-2019					
	2015	2016	2017	2018	2019
Number of Pending Cases	99	98	121	123	115
Average Age in Days	1,369	1,295	1,027	1,058	1,192
Average Age of Middle 75%	1,182	0	798	813	931
Median Age in Days	633	504	300	270	487
% Reduction in Pndg Cases	-3.88%	-1.01%	0.23	1.65%	-6.50%



f. Appeals

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

Last year, 2018, saw the highest number of civil appeals in the 37-year history of the Judiciary: 13 (plus one criminal appeal and one juvenile appeal). In 2019, the number and percentage of High Court civil cases appealed dropped back to normal: three appeals (plus one removal from the High Court). Of the four cases appealed to the Supreme Court two were land cases, one election case removed from the High Court, and one an enforcement of foreign judgment case. That is, three appeals versus 258 cases cleared in the High Court, or 1.16%. 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 2015-2019						
	2015	2016	2017	2018	2019	Avg.
Cases Cleared	261	281	314	352	258	293.20
Cases Appealed	4	2	6	13	3	5.60
% of Cases Appealed	1.53%	0.71%	1.91%	3.69%	1.16%	1.80%
Cases Not Appealed	257	279	308	339	255	287.60
% of Cases Not Appealed	98.47%	99.29%	98.09%	96.31%	98.84%	98.20%

In 2019, no High Court civil cases from 2019, or from previous years, were overturned on appeal. The percentage of cases overturned on appeal was 0%. However, one civil case, an election case, was affirmed on other grounds.

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

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

- By rule and statute, fee waivers are available upon a showing of need. In 2019, as in 2018, the High Court continued to aggressively published fee waiver rules, however, no one requested a fee waiver in a High Court civil case.
- The filing fee for most types of High Court civil cases remained low: only \$25. And in 2016, the filing fee for child custody and support cases (usually filed by single mothers) was reduced from \$25 to \$5. To off-set the low fees for most users, fees for admiralty cases, enforcement of foreign judgments, non-resident corporate cases, international adoptions, and citizenship cases are substantially higher.
- In 2019, a number of High Court cases were heard on the Ebeye circuit. Of the 251 civil cases filed in 2019, 46 cases (18.33%) were Ebeye circuit cases. Of the 258 civil cases cleared in 2019, 41 cases (15.89%) were Ebeye circuit cases.
- In 2019, the use of free legal services remained high. In 162 of the 257 civil cases filed in 2019 (63,04%), 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 2019, 18 potential plaintiffs were assigned a free court-appointed attorney for their claims. For FY 2019, the Nitijela appropriated \$15,000 to the Judiciary to pay court-appointed attorneys to represent those who cannot afford an attorney and for conflict reasons cannot use the Micronesian Legal Services Corporation or the Office of the Public Defender. The Judiciary collected another \$45,000 in FY

2019 for the court-appointed attorneys from private counsel who wished to opt-out of taking court-appointed cases.

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

2. Probate Cases

Set forth below are the High Court's 2019 case statistics for probate cases, covering:

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

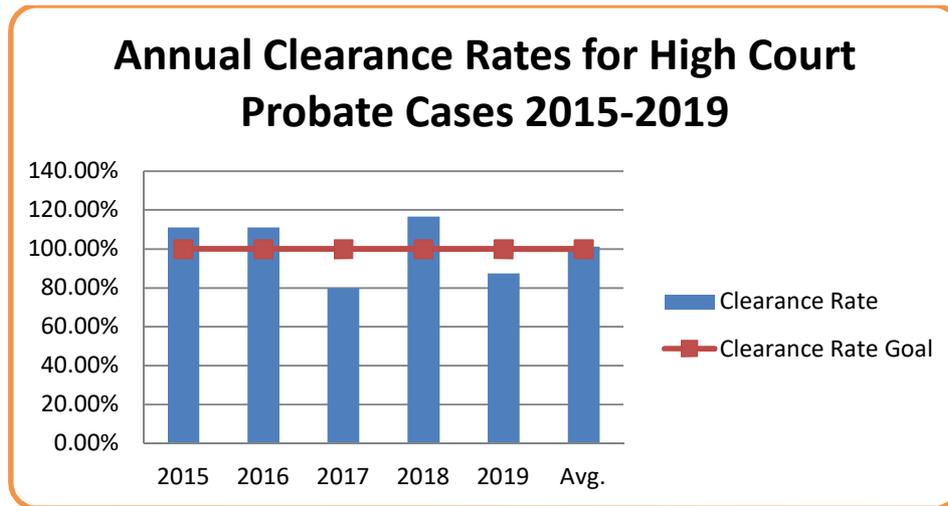
a. Number of Probate Cases

Eight probate cases were filed in 2019, two more than in 2017. All eight cases were filed in Majuro. None were filed in Ebeye, although one case was heard in Ebeye.

c. Annual Clearance Rate and the Five-Year Trend

In 2019, the High Court cleared six of the eight Majuro probate cases filed in 2019 and one Majuro case filed in 2018, for an annual clearance rate of 87.5% (7/8). Since the backlog in probate cases was eliminated in 2014, the High Court's goal for probate cases is to maintain an average annual clearance rate of 100% over five years. As the table and chart below show, the High Court has achieved its goal. The average annual clearance rate over the past five years is 101.28%. Given the relatively low number of probate cases filed each year, the annual clearance rate should fluctuate around 100%.

Annual Clearance Rates for High Court Probate Cases 2015-2019						
	2015	2016	2017	2018	2019	Avg.
Cases Filed	9	9	10	6	8	8.40
Cases Cleared	10	10	8	7	7	8.40
Clearance Rate	111.11%	111.11%	80.00%	116.67%	87.50%	101.28%
Clearance Rate Goal	100%	100%	100%	100%	100%	100%



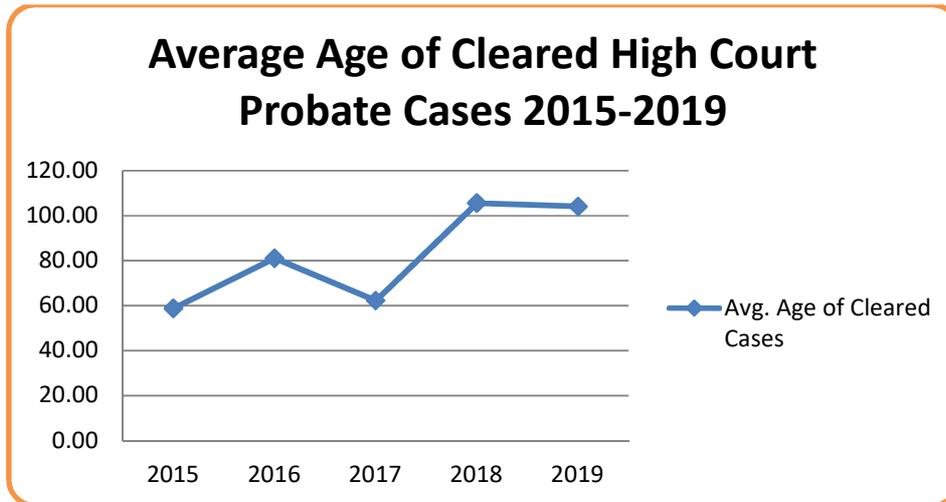
c. Time Standard: 90% of Cleared Cases Cleared within 90 Days of the Date Filed

In addition to the five-year average annual clearance rate goal of 100%, the High Court seeks annually to clear 90% of cleared probate cases within 90 days. Of the seven probate cases cleared in 2019, the High Court was able to clear only five, 71.43%, within 90 days. One case took 334 days to complete and another took 130 days to complete. All the remaining cases were closed in 70 days or less.

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

The average age of the seven probate cases cleared in 2019 was 104.14 days. Delays occurred in two cases, which involved off-island counsel. Absent an objection or delays by the petitioner and counsel, most probate cases are cleared within seven to 11 weeks of filing, *i.e.*, within 49 to 77 days. Below is the five-year trend for the average age of cleared probate cases. The High Court is able to clear most probate cases within 90 days.

Average Age of Cleared High Court Probate Cases 2015-2019					
	2015	2016	2017	2018	2019
Cases Cleared	10	10	9	7	7
Avg. Age of Cleared Cases	58.75	81.10	62.25	105.57	104.14



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

At the end of 2019, only two probate cases were pending, one for 96 days and one for 50 days, for an average age of 73 days. The first case is awaiting a consent from senior family members. Both cases should be resolved in 2020.

f. Appeals

In 2019, no cleared probate cases were appealed, nor were any cases from previous years overturned on appeal. Accordingly, the percentage of cleared probate cases appealed was 0%, and the percentage of appealed probate cases overturned on appeal was 0%. This has been the case for more than the past five years.

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

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

- As with other civil cases, fee waivers are available in probate cases. However, in 2019 (as in recent years) no one requested a fee waiver in a probate case. In 2019, the High Court widely published notice of the waivers, as it did in 2018.
- In 2019, the fees for probate cases remained low. The filing fee for probate cases is \$25, \$100 for estates over \$7,000.

- Of the eight probate cases filed in 2019, one was heard on Ebeye (12.5%). Of the seven probate cases cleared in 2019, none were heard on the Ebeye circuit. The one case heard on Ebeye was pending at the end of 2019.
- In four of the eight probate cases filed in 2019 (50%), the petitioner was represented by the Micronesian Legal Services Corporation (MLSC). This figure is a little lower than usual. In 2019, the four larger probate cases were filed by private counsel. Often MLSC moves its cases faster without delays, as MLSC is familiar with the process.
- The 2019 probate statistics disaggregated by gender do not reveal a pattern or trend: four of the eight petitioners were women and four were men. Usually, the petitioner will be the surviving spouse, the eldest surviving child, or, failing either, the most senior surviving child present in Majuro. In 2019, none of the probate petitioners or objectors were a disabled person, as almost always the family selects a representative who is both physically and mentally in good health.

3. Criminal Cases

Set forth below are the High Court's 2019 case statistics for criminal cases. These statistics cover the following:

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

a. Number and Nature of Cases

In 2019, the Office of the Attorney-General filed 21 criminal cases in the High Court: 19 in Majuro and two cases in Ebeye. This is five less than in 2018.

The 19 criminal cases filed in Majuro in 2019 breakdown (by most serious offense charged) as follows: one murder; one sexual assault in the first degree, one aggravated assault (which was incident to domestic violence); three burglaries; one trafficking in persons two reckless driving; four sexual assaults (in the second, third, or fourth degree); two thefts; one escape; unlawful importation of narcotic drugs; one criminal mischief; and one appeal from the District Court. In the 19 Majuro cases, two of the defendants were women. The women were charged with trafficking in persons, taking a pregnant woman out of the country to give up her baby up for adoption. None of the defendants were disabled persons.

Of the 19 Majuro cases, females were the victims in 10 cases: one aggravated assault/domestic violence; five sexual assaults (four cases involved the same woman); one reckless driving; one burglary; one trafficking in persons; and one theft. In the 2 Ebeye cases, none of the victims was a woman. 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.

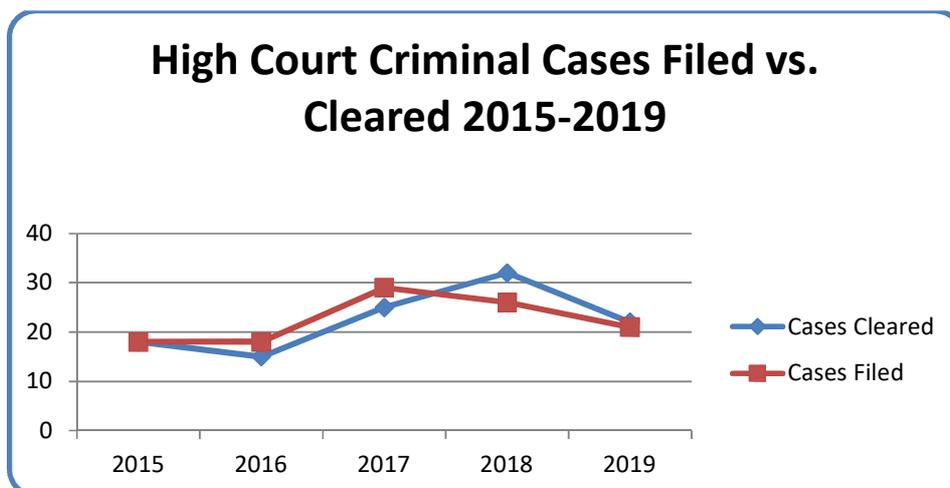
The two felony cases filed in Ebeye in 2019 breakdown (by most serious offense charged) as follows: one burglary; and one assault. In the two Ebeye cases, none of the defendants was a woman or a disabled person.

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

b. Clearance Rates

The High Court’s clearance goal for criminal cases is a five-year average annual clearance rate of 100%. As the chart below shows, the five-year average for the annual clearance rates is 100%. In three of the past five years the annual clearance rate was 100% or better. In 2019, the High Court cleared 22 criminal cases from all years, resulting in a 2019 clearance rate of 104.76% (22/21). The High Court expects the average annual clearance rate for criminal cases to continue to fluctuate around 100%.

Annual Clearance Rates for High Court Criminal Cases 2015-2019						
	2015	2016	2017	2018	2019	Avg.
Cases Filed	18	18	29	26	21	22.4
Cases Cleared	18	15	25	32	22	22.4
Clearance Rate	100.00%	83.33%	86.21%	123.08%	104.76%	100.00%
Annual Goal	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%



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

In addition to the annual clearance rate, the High Court seeks to clear 90% of the cleared criminal cases within 18 months (540 days) of the date filed. In 2019, the High Court cleared all 22 of the 22 cleared cases (100%) within 18 months.

d. Average Age of Cleared Cases

The average age of the 22 High Court criminal cases cleared in 2019 was 161.13 days, down from 178.31 days in 2018. The number of High Court criminal cases cleared in the past five years (*i.e.*, 2015-2019) and the average duration of cleared cases are as shown below. The lower average duration is the result of the High Court, the prosecutors, and defense counsel's efforts to reduce delay.

Average Age of High Court Criminal Cases Cleared 2015-2019					
	2015	2016	2017	2018	2019
Cases Cleared	18	15	25	32	22
Avg. Age of Cases Cleared	216.72	197.00	202.76	178.31	161.13

e. Average Age of Pending Cases

By the end of 2019, 7 criminal cases remained pending: down one from the end of 2018. However, the average age of the pending cases was 212.43 days: up slightly from 204.88 days at the end of 2018. The High Court has encouraged the prosecutors and defense counsel to resolve older criminal cases, particularly order cases. At the end of 2019, none of the remaining 7 cases was more than 341 days old.

Average Age of High Court Criminal Cases Pending 2015-2019					
	2015	2016	2017	2018	2019
Cases Pending	8	10	14	8	7
Avg. Age of Pending Cases	287.00	221.40	139.00	204.88	212.43

f. Appeals

As an indication of the quality of High Court criminal decisions, in 2019 no High Court criminal cases were appealed. Accordingly, the percentage of cases appealed was 0.0%. Also, no cases from any years were overturned on appeal. The percentage of appealed criminal cases overturned on appeal was 0.0%. This is consistent with results from the past five years. On criminal appeal case is pending from 2018 and is scheduled to be heard in March 2020.

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

The Judiciary seeks to ensure its users affordability and accessible criminal justice through the absence of fees and the availability of fee waivers, circuit court sessions, and free legal representation. In the 2018 criminal appeal, the High Court waived the cost of the transcript.

That is, the Judiciary does not impose fees or court costs on criminal defendants at the trial level. And on appeal, a defendant may apply for waiver of the filing fee and transcript costs.

More serious felony cases are heard on circuit with a High Court justice and clerk traveling from Majuro to the island where the crime allegedly occurred, unless the party opt to try the case in Majuro. Of the 21 criminal cases filed in 2019, two cases (9.52%) were Ebeye circuit cases. Of the 22 criminal cases cleared in 2019, three cases (13.64%) were Ebeye circuit cases.

Finally, criminal defendants have access to free legal counsel. In 2019, as in other years, all or most criminal defendants were represented by the Office of the Public Defender, the Micronesian Legal Services Corporation, or by private counsel paid by the Legal Aid Fund. In 2019, the defendants received legal assistance at no cost from the Office of the Public Defender in all but one case. In that one case, the defendant was represented by private counsel paid by the Legal Aid Fund. Also, at the end of the year, one defendant switched to private counsel, a relative. This high use of free counsel in criminal cases is typical of most years.

4. Juvenile Cases

In 2019, the Office of the Attorney-General filed three juvenile cases in the High Court (one case had two offenders). Since 2006, when the Republic filed seven juvenile cases in Majuro, the Republic has filed no more than four High Court juvenile cases in a year. Most other juvenile cases (underage drinking) are heard by the District Court, a limited jurisdiction trial

court. In recent years, all juvenile offenders were boys. None of the juveniles has been identified as disabled.

The High Court's clearance goal for juvenile cases is to average 100% per year over five years. However, as a result of the low number of juvenile cases being filed in the High Court, there is no meaningful five-year trend to report. In 2019, the High Court cleared all three juvenile cases, and no juvenile cases are pending from previous years.

Also, the High Court seeks to clear 80% of juvenile cases within 180 days of filing. The average age of the three cases cleared in 2019 was 97.2 days. All of the cases were cleared within 180 days.

As noted in the 2018 Annual Report, the one juvenile case the High Court decided in 2018 was appealed. That case is still pending before the Supreme Court and is scheduled to be heard in March 2020. In that appeal, the court waived the cost of the trial transcript.

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

5. Caseloads for Judges and Clerks

The total number of all High Court cases filed in 2019 was 284, 99 less than in 2018. For the two High Court Justices, this equates to an average caseload of 142 new cases in 2019. These figures are a bit lower than in recent years. Generally, cases are assigned between the two judges on an alternating basis, subject to conflicts, cases involving the same issues, and absences from country.

For the five clerks that regularly process High Court cases, their 2019 caseload included 56.80 new cases per clerk. As with the justices, the clerks' caseloads fluctuate from year-to-year within a limited range, although the figure for 2019 was lower. There is some specialization among the clerks, such as finance and IT, but all clerks handle most functions.

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

Average Caseload for High Court Justices and Clerks 2015-2019					
	2015	2016	2017	2018	2019
Cases per Judge	143.50	153.50	188.50	191.50	142.00
Cases per Clerk	57.40	61.40	75.40	76.60	56.80

6. Selected Decisions

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

C. Traditional Rights Court

Supporting the High Court at the trial level is the Traditional Rights Court (“TRC”). The TRC is a special-jurisdiction court of record consisting of three or more judges appointed for terms of four to ten years, not to exceed age 72, and selected to include a fair representation of all classes of land rights: Irojlaplap (high chief); where applicable, Irojdedrik (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 (Iroj member) for a 4-year term, and in March 2017 reappointed Judge David for a second four-year term. All TRC judges are lay judges who receive specialized training.

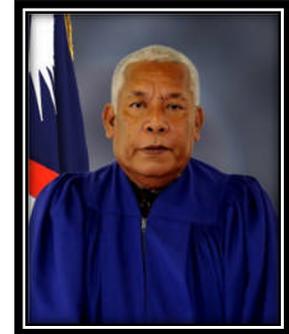


One of the three TRC judges, Judge Leban, is a woman, the first woman to be appointed as a full-time TRC judge. The Judiciary is committed to increasing the number of female judges. However, at the end of the year only three of the Judiciary’s approximately 30 judges were women: one Traditional Rights 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 the High Court or District Court judge may in the presence of the parties or their counsel answer questions of law or procedure posed by the TRC. The TRC's jurisdiction also includes rendering an opinion on whether compensation for the taking of land rights in eminent domain proceedings is just.



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

In 2019, the TRC issued decisions in four cases, five less than in 2018. At the end of 2019, approximately 17 cases were pending before the TRC and another nine were pending the outcome of other land cases.

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

D. District Court



In addition to the TRC, the District Court is below the High Court at the trial level. The District Court is a limited-jurisdiction court of record. It consists of a presiding judge and two associate judges appointed for 10-year terms, not to exceed age 72. In 2019, the three incumbent judges were Presiding Judge Ablos Tarry Paul, Associate Judge Caios Lucky, and Associate Judge Davidson T. Jajo (Ebeye). Their 10-year terms expire in 2028, 2027, and 2026,



respectively.

The current District Court judges are lay judges who receive specialized training. The District Court has original jurisdiction concurrent with the High Court:

- (i) in civil cases where the amount claimed or the value of the property involved does not exceed \$10,000 (excluding matters within the exclusive jurisdiction of the High Court by Constitution or statute, such as land title cases and admiralty and maritime matters) and small claim cases not exceeding \$2,500.
- (ii) in criminal cases involving offenses for which the maximum penalty does not exceed a fine of \$4,000 or imprisonment for a term of less than three years, or both.

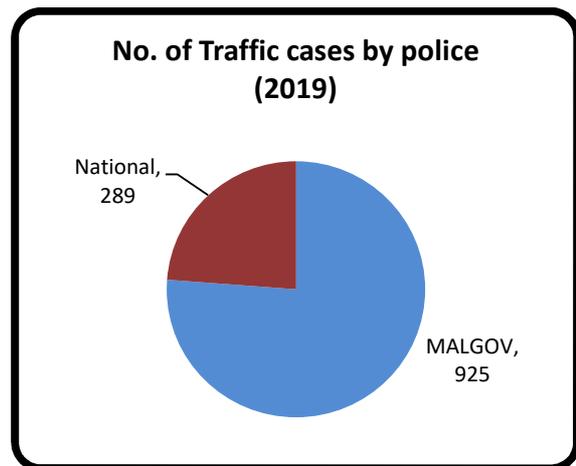
The District Court also has appellate jurisdiction to review any decision of a Community Court.

The District Court's 2019 case statistics and case workload are set forth below.

1. Traffic Cases (Majuro)

The District Court's 2019 statistics for Majuro traffic cases cover the following:

- the number and nature of cases filed in 2019;
- the annual clearance rates for the most recent five years;
- the average duration of cleared cases for the most recent five years;
- the percentage of cases appealed and the percentage of appealed cases overturned on appeal; and
- affordability and accessibility in terms of fee waivers, cases heard outside of Majuro (the Capital), legal aid, and forms.



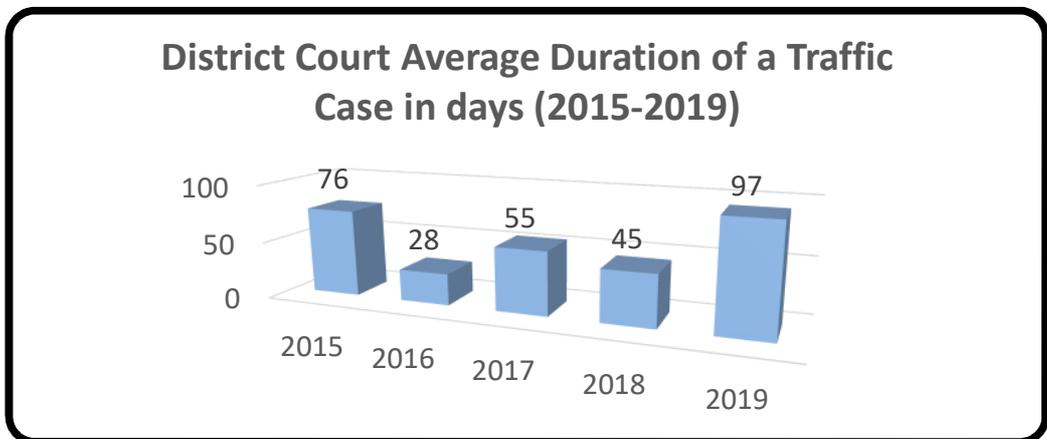
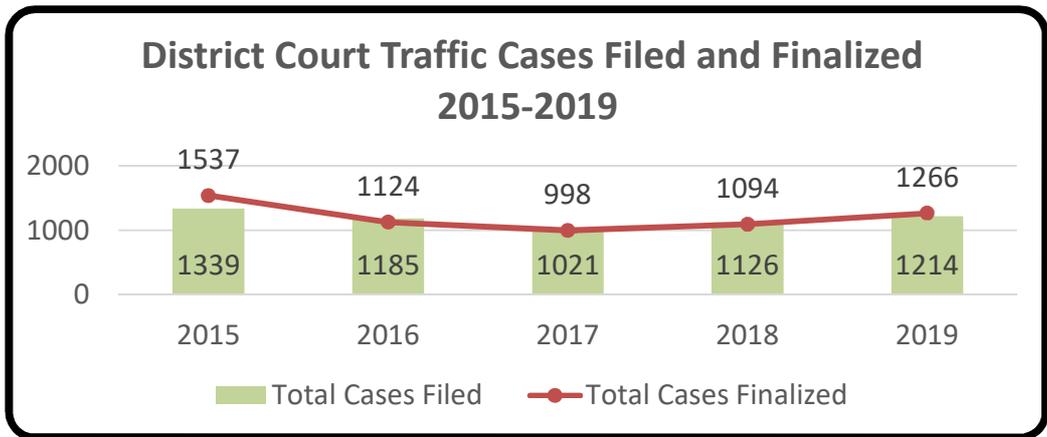
a. Number and Nature of Cases Filed

In 2019, the National Police and Majuro Atoll Local Government Police prosecutors filed in the District Court a total of 1,214 traffic cases in Majuro. Of the 1,214 traffic cases, a total of 151 cases involved DUI/Drunken Driving.

Of the 1,214 traffic cases filed in Majuro in 2019, 1094 were cleared in 2019, leaving 120 pending at the end of the year. Some cases are delayed because the defendants gave false addresses or have fled the Republic for the United States or have fled Majuro for the outer islands.

b. Clearance Rates

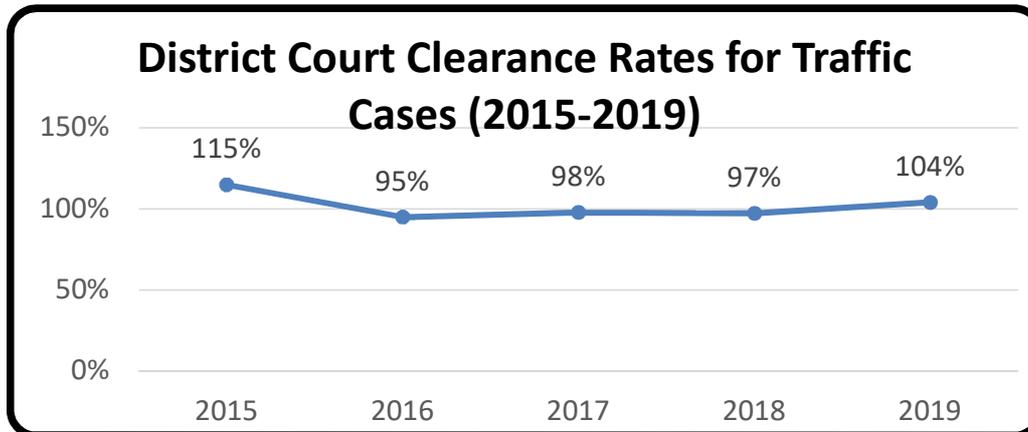
The District Court's efficiency can be measured by case clearance rates. The District Court's 2019 annual clearance rate for traffic cases was 104% (finalized/filed). During 2019, the District Court, counsel, and parties closed 1,094 2019 cases and 172 cases from previous years (2014-2018). And as noted above, the government filed 1214 new cases in 2019. The District Court's goal is to maintain an annual clearance rate for traffic cases of 100% or better, for each year.



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

c. Average Duration of Traffic Cases Cleared

The average duration of District Court traffic cases cleared in 2019 was 97 days. A total of 1094 2019 cases, 108 2018 cases, 40 2017 cases, 11 2016 cases, 1 2015 case, and 12 2014 cases were cleared in 2019. Excluding cases from earlier years cleared in 2019, the average duration of 2019 traffic cases cleared in 2019 is only 20 days.



For Majuro District Court traffic cases filed in the five years (2015-2019), the average durations of cleared cases in days are as follows:

d. Appeals

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

In 2019, none of the 1266 District Court traffic cases cleared in 2019 were appealed to the High Court. Similarly, in 2014, 2015, 2016, 2017, and 2018 no traffic cases were appealed.

Furthermore, in 2019, there were no District Court traffic cases or decisions overturned from any year on appeal.

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

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

(i) Fee Waivers

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

(ii) Cases Heard on Ebeye

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

(iii) Free Legal Services

At the District Court level, most traffic offenders are self-represented. Only in more serious cases, such as those involving DUI, do they seek legal assistance and representation by the Micronesian Legal Services Corporation or the Office of the Public Defender, which both provide free legal assistance. Of the 1214 traffic cases filed in 2019, only 107 defendants (8.6%) were represented by the Office of the Public Defender, 1118 represented themselves (91.3%), and 1 was represented by private counsel (0.1%).¹

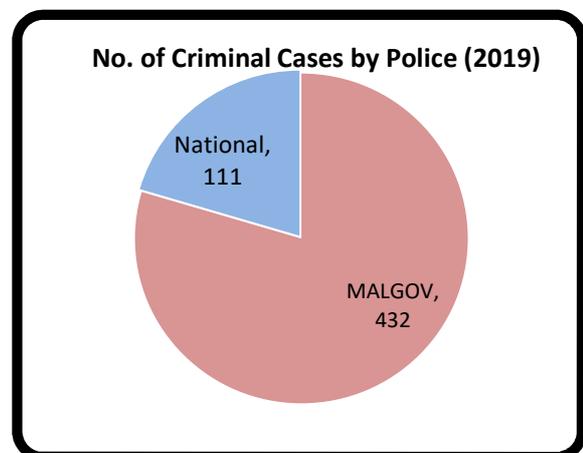
(iv) Forms

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

2. Criminal Cases (Majuro)

The District Court's 2019 statistics for Majuro criminal cases cover the following:

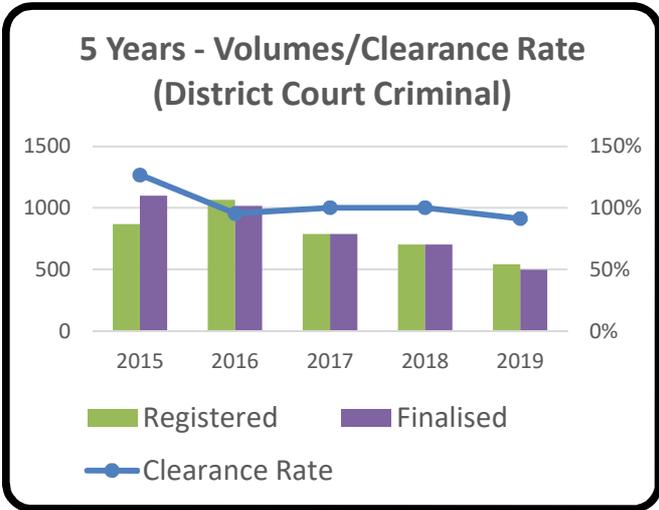
- the number and nature of cases filed in 2019;
- the annual clearance rates for the most recent five years;
- the average duration of cleared cases in the most recent five years;
- the percentage of cases appealed and the percentage of appealed cases overturned on appeal; and
- accessibility in terms of fee waivers, cases heard outside of Majuro, legal aid, and forms.



a. Number and Nature of Cases Filed

In 2019, the National Police and Majuro Atoll Local Government Police prosecutors filed in the District Court a total of 543 criminal cases in Majuro.

¹ Six cases had two defendants



Of the 543 criminal cases, 433 were cleared in 2019, leaving 110 pending at the end of the year. The 110 cases remained pending due to serious nature, to 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

The District Court’s 2019 annual clearance rate for criminal cases was 91%. During 2019, the District Court, counsel, and parties closed 433 2019

cases, 50 2018 cases, 6 2017 cases, 5 2016 cases, and 1 case from 2015. As noted above, the government filed 543 new cases in 2019. The District Court’s goal is to maintain an annual clearance rate for criminal cases of 100% or better, for each year.

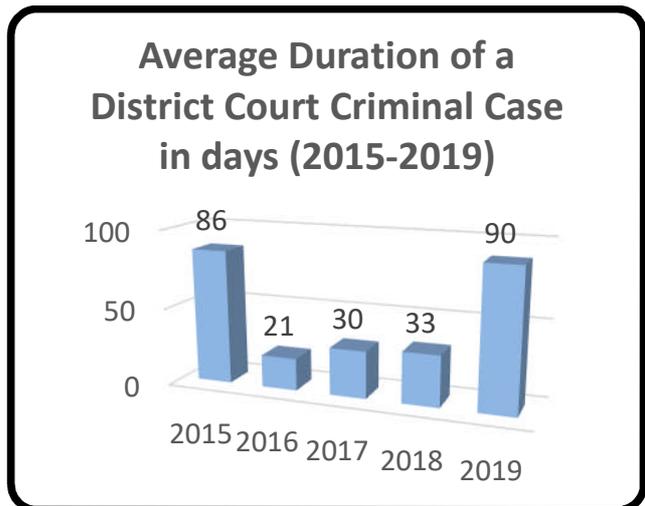
c. Average Duration of Cleared Criminal Cases

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 2019 was 90 days. Excluding the 62 from previous years (2015-2018), the average duration of 2019 criminal cases cleared in 2019 is only 23 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 2019, none of the District Court criminal cases cleared in 2019 were appealed to the High Court. Similarly, in 2013, 2014, 2015, 2016, 2017, and 2018 no criminal cases were appealed. Also, in 2019, there were no District Court criminal



cases or decisions from any years overturned.

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

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

(i) Fee Waivers

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

(ii) Cases Heard on Ebeye

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

(iii) Free Legal Services

At the District Court level, most defendants are self-represented. Only in more serious cases, such as those involving selling alcohol to minors and assault and battery, do defendants seek legal assistance and representation by the Micronesian Legal Services Corporation or the Office of the Public Defender, which both provide free legal assistance. Of the 543 criminal cases filed in 2019, 6 defendants (1.1%) were represented by the Office of the Public Defender, 536 represented themselves (98.7%), and one was represented by private counsel (0.2%).

(iv) Forms

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

3. Juvenile Cases (Majuro)

The District Court's 2019 statistics for juvenile cases cover the following:

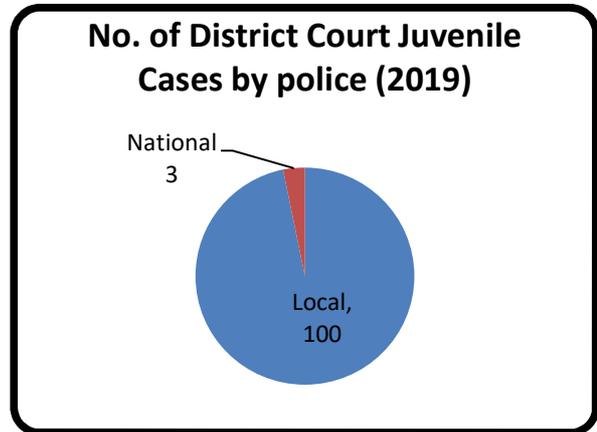
- the number and nature of cases filed in 2019;
- the annual clearance rates for the most recent five years;
- the average duration of cleared cases;
- the percentage of cases appealed and the percentage of cases overturned on appeal; and

- accessibility in terms of fee waivers, cases heard outside of Majuro, legal aid, and forms.

a. Number and Nature of Cases Filed

In 2019, the National Police and Majuro Atoll Local Government Police prosecutors filed in the District Court a total of 103 juvenile cases in Majuro. 62 cases involved curfew violations, 32 involved underage drinking and alcohol related charges, 9 cases involved traffic related charges, and 6 involved other cases².

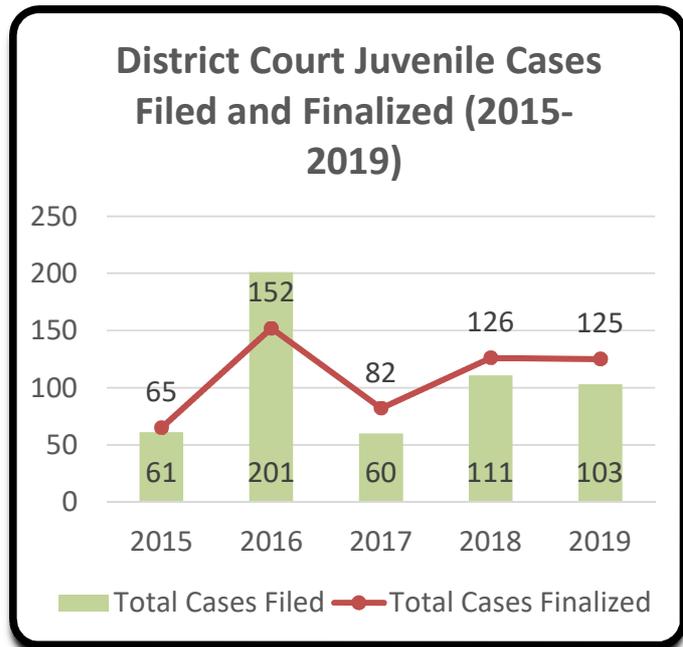
Of the 103 juvenile cases filed in Majuro in 2019, 94 were cleared in 2019, leaving 9 pending at the end of the year. As of August 17, 2020, 8 cases have been cleared. One case remains pending due to difficulty in bringing to court both the juvenile and parent(s).



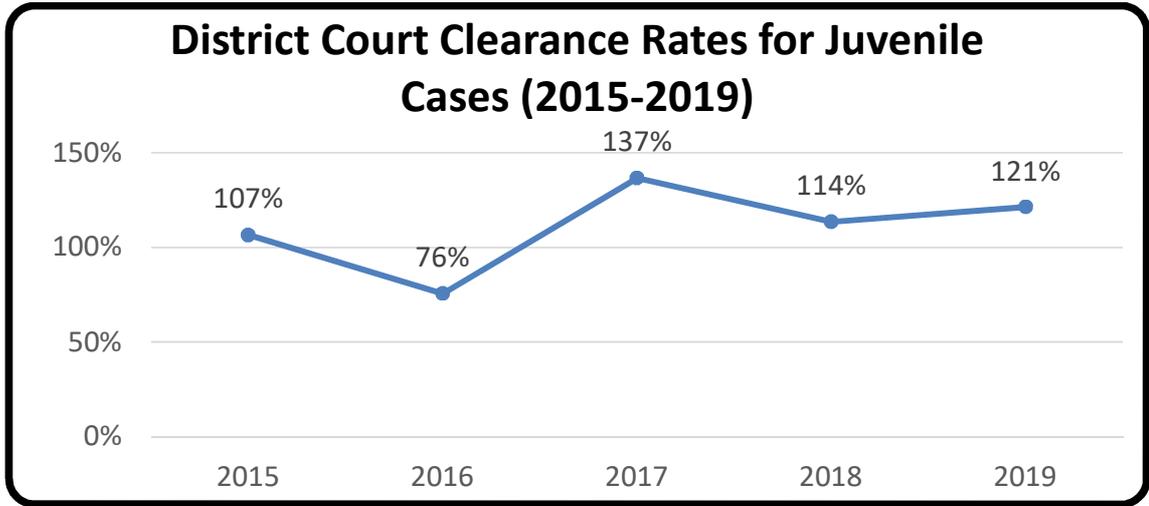
b. Clearance Rates

The District Court’s efficiency in handling juvenile cases can be measured by case clearance rates. The District Court’s 2019 annual clearance rate for juvenile cases was 121%. During 2019, the District Court, counsel, and parties closed 125 cases, 94 cases from 2019, 24 cases from 2018, and 7 2017 cases. And as noted below,

103 new cases were filed in 2019. 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.



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



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

c. Average Duration of Cleared Juvenile Cases

In addition to annual clearance rates, the efficiency of a case management system can be measured by the age of cleared cases. The average duration of District Court juvenile cases cleared in 2019 was 199 days. Excluding the 24 2018 cases and 7 2017 cases cleared in 2019, the average duration of 2019 juvenile cases cleared in 2019 is 156 days. This high figure is due to a large number of cases juvenile cleared in 2019 being dismissed after 6 months or due to the failure to prosecute.

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 2019, none of the 125 District Court juvenile cases cleared in 2019 were appealed to the High Court. Similarly, in 2013, 2014, 2015, 2016, 2017, and 2018 no juvenile cases were appealed.

Furthermore, in 2019, there were no District Court juvenile cases or decisions from earlier years overturned on appeal.

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

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

(i) Fee Waivers

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

(ii) Cases Heard on Ebeye

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

(iii) Free Legal Services

At the District Court level, most juvenile offenders are self-represented. Only in more serious cases do they seek legal assistance and representation by the Micronesian Legal Services Corporation or the Office of the Public Defender, which both provide free legal assistance. Of the 103 juvenile cases filed in 2019, none were represented by private counsel (0%), 101 represented themselves (98%), and 2 were represented by the Office of the Public Defender (2%). Similarly, in previous years, the number of juvenile offenders represented by the Office of the Public Defender or by private counsel has been very low. In 2019, only one juvenile offender was represented by private counsel and none were represented by the Office of the Public Defender.

(iv) Forms

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

4. Small Claims Cases (Majuro)

The District Court's 2019 statistics for Majuro small claims cases cover the following:

- the number and nature of cases filed in 2019;
- the annual clearance rates for the most recent five years;
- the average duration of cleared cases;

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

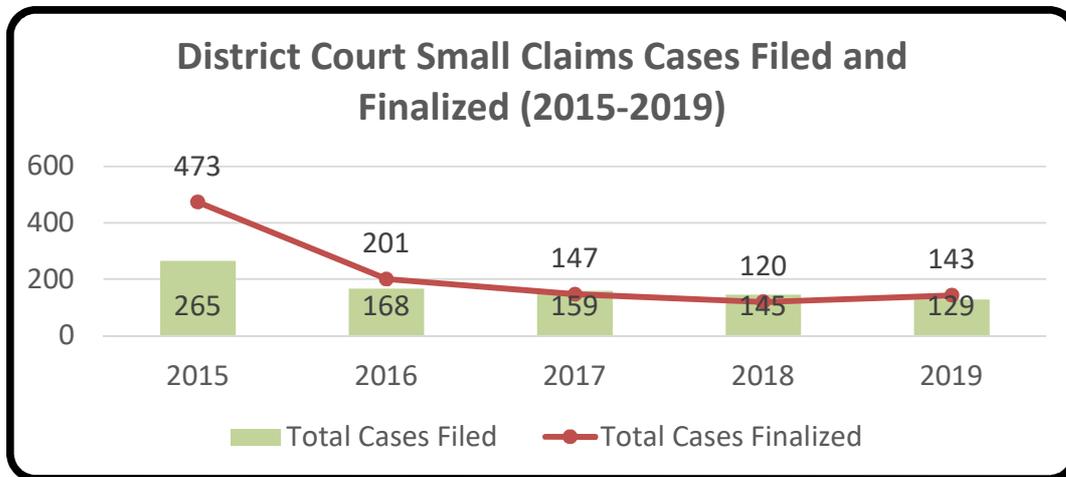
a. Number of Cases Filed

In 2019, a total of 129 small claims cases were filed in Majuro.

Of the 129 small claims cases filed in Majuro in 2019, 99 were cleared in 2019, leaving 30 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

The District Court’s 2019 annual clearance rate for small claims cases was 111%. During 2019, the District Court, counsel, and parties closed 99 2019 cases, 20 2018 cases, 15 2017 cases, and 9 2016 cases. And as noted in the chart below, 129 new cases were filed in 2019. The District Court’s goal is to maintain an annual clearance rate for small claims cases of 100% or better, for each year.



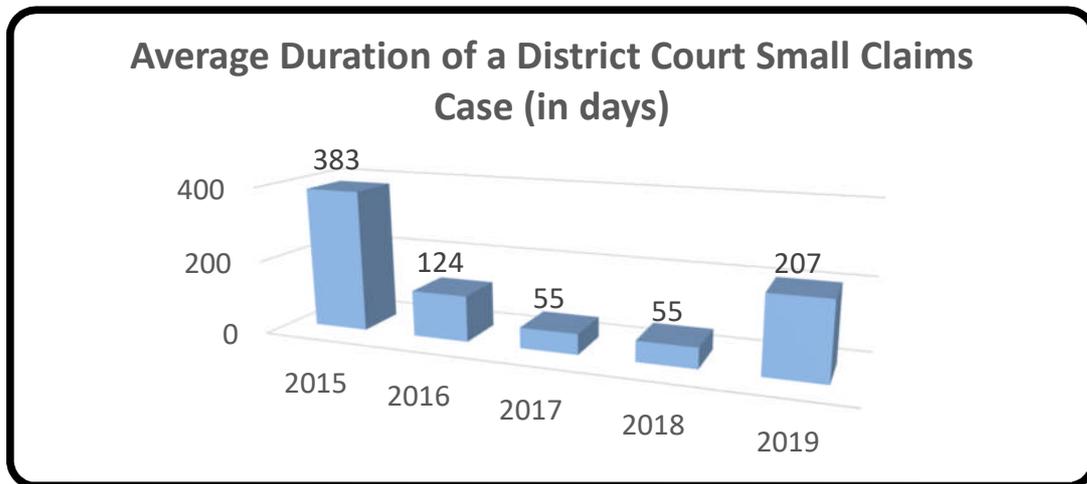
c. Average Duration of Cleared Small Claims Cases

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

The average duration of District Court small claims cases cleared in 2019 was 207 days. A total of 143 cases were cleared in 2019, 99 2019 cases, 20 2018 cases, 15 2017 cases, and 9 2016

cases. Excluding cases from earlier years cleared in 2019, the average duration of 2019 small claims cases cleared in 2019 is only 32 days.

For Majuro District Court small claims cases cleared in the past five years (2015-2019), 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 2019, none of the 143 District Court small claims cases cleared in 2019 were appealed to the High Court. Similarly, in 2013, 2014, 2015, 2016, 2017, and 2018 no small claims cases were appealed.

Furthermore, in 2019, there was no District Court small claims cases or decisions from any years overturned on appeal.

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

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

(i) Fee Waivers

Although, by rule and statute, fee waivers are available upon a showing of need, plaintiffs did not request a fee waiver in any of the 2018 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 129 small claims cases filed in 2019, no defendants were represented by private counsel (1%), only 1 of the defendants (99%) were represented by the Micronesian Legal Services Corporation or the Public Defender. All others appeared *pro se*.

(iv) Forms

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

In summary, a total of 1,991 cases were filed in the Majuro District Court: 1,214 traffic cases; 543 criminal and local government ordinance cases; 103 juvenile cases; 129 small claims cases; and 2 other civil cases (a name change and a collection case).

5. Caseload for Judges and Clerks (Majuro)

In 2019, the average number of new cases heard by the two District Court judges in Majuro was 994.5 cases, and the average number of new cases per court clerk was the same.

6. Ebeye

In 2019 on Ebeye, 537 cases were filed in the District Court:

- 96 traffic cases (78 cleared and 18 pending);
- 9 criminal cases (8 cleared and 1 pending);
- 238 local government ordinance cases (197 cleared and 41 pending);
- 179 juvenile cases (179 cleared and 0 pending); and
- 15 small claim cases (10 cleared and 5 pending).



The average number of cases heard per District Court judge in Ebeye was 537, and the average number of cases per court clerk was 268.5 (one Judiciary clerk and one Kwajalein Atoll Local Government court clerk).

No 2019 Ebeye District Court cases were appealed or overturned on appeal.

In all Ebeye District Court small claims cases, traffic cases, criminal and local government ordinance cases, the parties were self-represented. The Office of the Public Defender represented only one defendant in the cases that were filed in 2019.

E. Community Courts

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

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

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

At the end of 2019, there were 22 serving Community Court judges and vacancies. At the date of this report, there are five vacancies for which the Commission is waiting recommendations from local government councils: Ailinglaplap (1); Enewetak (1); Lib (1); Rongelap (1); and unallocated (1).

Community court judges receive training when they come to Majuro for biennial summer conferences and on other occasions. The Judiciary encourages all Community Court judges who are in Majuro for other business to stop by the courthouse and arrange for training opportunities with the District Court judges. The Judiciary intends to continue providing such trainings for Community Court judges. The next training is scheduled for August 2021.

F. Travel to the Outer Islands and Ebeye

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

If the offices of the Attorney-General, the Public Defender, and the Micronesian Legal Services Corporation were to station attorneys on Ebeye full time, the Ebeye caseload would increase. Currently, the High Court travels to Ebeye once every quarter if cases are ready to proceed. With the planned hiring of a third High Court justice, the Judiciary could increase the circuit trips to Ebeye as needed.

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

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

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

1. Majuro. In 2019 on Majuro, the High Court and the District Court processed 228 delayed registrations of birth, 3 delayed registrations of death, and performed 35 marriages. The clerks notarized 546 documents, of which 16 were notarized off site to accommodate disabled persons. Upon request, clerks will go to the hospital or homes to notarize documents for those who cannot travel to the courthouses. Also, the clerks issued 3 apostille certifications, 35 criminal record checks and 202 corporate litigation checks.

2. Ebeye. In 2019 on Ebeye, the District Court processed 91 delayed registrations of birth, no delayed registrations of death, and performed 7 marriages. The Ebeye clerks also notarized 495 documents, of which 6 were notarized off site to accommodate disabled/sick persons and 7 were notarized off site at a chief's home/meeting.

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

Birth, Deaths, Etc. 2014-2018					
	2015	2016	2017	2018	2019
Births	327	336	355	350	319
Deaths	2	5	4	3	3
Marriages	60	40	64	40	42
Notarizations	1,030	1,206	974	1,314	1,041
Apostille Cert's	38	22	23	11	3
Criminal Checks	42	33	52	36	35
Corporate Checks	94	75	162	151	202

H. Court Staff

In 2019, the Judiciary's staff included the following: a chief clerk of the courts, six assistant clerks (one in Ebeye), three bailiffs (seconded from the National Police), and one maintenance worker. The chief clerk and four of the six assistant clerks were women. A listing of the judiciary personnel at the end of the year is attached as Appendix 2.

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

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



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

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

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

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

I. Professional Development and Regional Conferences



Managing the Judiciary’s personnel in accordance with sound leadership and management practices is the fourth goal of the Judiciary’s 2019-2023 Strategic Plan. Consistent with this goal, Strategies 4.1, 4.2, and 4.3, and internationally recognized practice, the Judiciary in 2019 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. Some of the Community Court judges observed the District Court’s proceedings while they were in Majuro for other reasons. One clerk attended a professional development workshop. The participants found that the programs met or exceeded their expectations, and addressed recognized training needs. Funding for such programs came from the Judiciary’s annual operating budget, the Compact of Free Association, New Zealand, and Australia. The Judiciary’s 2019 professional development activities are set forth below.

From January 7 through 11, 2019, Traditional Rights Court (“TRC”) Chief Judge Walter Elbon, Associate Judge Nixon David, and Associate Judge Grace Leban, and District Court (“DCT”) Associate Judges Davidson Jajo and Caios Lucky attended a workshop on decision making at the Richardson School of Law in Hawaii.

From February 20 to 22, 2019, District Court Associate Judges Caios Lucky and Davidson Jajo attended the Pacific Judicial Strengthening Initiatives (“PJSI”) Lay Judicial Officer Decision Making Workshop held in the Solomon Islands. The aim of the workshop was to develop writing and reasoning skills among lay judicial officers and develop subject matter and pedagogical expertise among the RTTs. The goals for the first objective were to provide specific methods for identifying, articulating, arranging, and analyzing legal issues; for writing effective beginnings and effective conclusions; for recognizing and avoiding common stylistic flaws in legal writing; and for coping with other tasks ancillary to the writing process.





From April 1 through 4, 2019, High Court Chief Justice Carl Ingram attended the Pacific Judicial Strengthen Initiative (“PJSI”) Chief Justices Leadership Forum in Palau, at which the chief justices of the 14 Pacific Islands Countries that the PJSI serves discussed the direction and their participation in the program, which includes for the Marshall Islands development and implementation of a case tracking system.

On April 16, 2019, Assistant Clerk of the Courts Tanya Lomae attended the Graduate School’s workshop on Ethical Decision Making for RMI Government Employees held at the Marshall Islands Resort Melele Room. The course objective is for employees to recognize ethical dilemmas and distinguish what is right versus what is wrong, and learning how to deal with such situations. Other ways of dealing with such matters were discussed and analyzed during the course. Enhancing knowledge in such courses like these will surely increase the practice of good ethical decision making of the court staff and discourage unethical practices.

From May 20 through 23, 2019, DCT Presiding Judge A. Tarry Paul attended the “Impaired Driving Case Essentials” course given at the NJC in Reno. Impaired driving cases are often very technical and involved cases, which require a lot of specialized knowledge on the part of not only the attorneys, but also the judges. In addition, the rate of recidivism with impaired motor vehicle offenders is high and judges should be well-equipped with the methods needed to reduce repeat offenders. This course is designed to provide judges with an overview of the impaired driving issue, and will provide insight into several pertinent areas, such as impairment detection methods, the pharmacological effects of drugs and alcohol on the human body, and effective sentencing methods.

From May 20 to 21, 2019, TRC Chief Judge Walter Elbon attended the “Advanced Civil Mediation” course given at the NJC in Denver, Colorado. This course was a highly interactive, fast-paced, skills-oriented program providing experienced professionals with new tools to further enhance their mediation skills. Using practical exercises, demonstrations, simulations, and lecture, course faculty shared strategies to overcome resistance to the mediation process, to deal with difficult personalities, to utilize advanced negotiation tactics and communication techniques, prevent and break impasses, and to recognize ethical challenges such as the unauthorized practice of law and dual representation. Attendance was restricted to individuals who have successfully completed a 40-hour mediation training program, which Chief Judge Elbon had.

From June 3 through 13, 2019, TRC Judge Grace Leban and District Court judges Caios Lucky and Davidson Jajo attended the “Special Court Jurisdiction” course given at the National Judicial College (“NJC”) in Reno, Nevada. "Special courts" are those courts with a limited jurisdiction - such as traffic court, misdemeanor courts, domestic violence court, or small claims

courts, to name a few. Special courts are also courts serving a particular population, such as tribal courts. During the course, judges received a solid foundation in caseload management, judicial writing, communications skills, evidence, legal reasoning, and more. The course helped judges gain confidence in knowing that they are properly following legal and procedural requirements in their role as judges.

From July 22 to 25, 2019, Supreme Court Chief Justice Daniel Cadra and High Court Chief



Justice Carl Ingram attended the 2019 Night Circuit Judicial Conference held in Spokane, Washington. The Conference sessions which both attended included the following: Opening Remarks; Supreme Court Review by Tom Goldstein; Domestic Violence Program; Media Coverage; Leadership in the Law; Student Loan Crisis; Millennials and the Judiciary; Civil Breakout Session; Behind Bars; Hacking the Public's Confidence in the Judiciary; PIC Meeting; Healthy Cognitive Functioning during the Aging Process; Women's Right to Vote in the West: Conversion with the Justice; and Closing Remarks.

From August 5 to 9, 2019, the Judiciary held a workshop at the Majuro Courthouse for 24 Community Court judges. TRC judges, DCT judges, and Court staff delivered presentations and courtroom procedure, judicial ethics, domestic violence, and judicial skills.

From September 16 through 20, 2019, High Court Chief Justice Carl Ingram attended the Pacific Judicial Council's 2019 Biennial Conference in Guam. The 2019 PJC Conference included sessions on the following: How Being Trauma-Informed Improves Judicial Decision-Making; Mindfulness Meditation; Juvenile Justice Reform; Accountability & Court Performance: Why Measure Performance; Supreme Court Update: Criminal Cases; Scientific Evidence; Fostering a Respectful Workplace; Supreme Court Update: Civil Cases; and Weapons Training for Judicial Officers.

From October 7 to 17, 2019, High Court Associate Justice Witten T. Philippo attended the "General Jurisdiction" course given by the NJC in Reno. The course is designed for the newer judge, and introduces judges to a variety of subjects and skills they will need and use in their judicial career. Both academic and experiential teaching techniques are used to provide judges with the solid, basic understanding of various topics, from ruling on evidence to handling the self-represented litigant. In addition to the substantive law sessions, judges learned about courtroom control, ethical pitfalls and solutions, effective communication techniques, and decision-making strategies. After the judges' nine days at NCJ, Justice Philippo had the tools and resources to face most courtroom situations with confidence.

From December 2 to 6, 2019, Traditional Rights Court ("TRC") Chief Judge Walter Elbon, Associate Judge Nixon David, and Associate Judge Grace Leban, and District Court ("DCT")

Chief Judge Ablos Paul and Associate Judges Davidson Jajo and Caios Lucky attended the Pacific Islands Legal Institute's Evidence Session at the William S. Richardson School of Law at the University of Hawaii. The workshop provided practical knowledge about the rules of evidence that govern trials, focusing on witness examination, impeachment, physical and demonstrative evidence, expert testimony, writings, relevance, judicial notice, and hearsay. Judges engaged in class discussions as well as hands-on exercises using rules of evidence.



J. Court Rules and Relevant Statutes

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

Over the past 10 years, the Judiciary has proposed more than 35 amendments to Acts. In 2019 the Nitijela considered two Acts proposed by Judiciary: the Judicial Compensation (Amendment) Act 2018 to increase the salary of District Court judges with law degrees; and the Domestic Violence Prevention and Protection (Amendment) Act 2018 to correct identified error and deficiencies in the existing act. The Nitijela adopted the Domestic Violence Prevention and Protection (Amendment) Act. However, the Nitijela did not act on the Judicial Compensation (Amendment Act) 2018. Accordingly, in January 2020 the Judiciary requested the Cabinet re-introduce the Act before the newly installed Nitijela.

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

IV. THE JUDICIAL SERVICE COMMISSION: JUDICIAL APPOINTMENTS

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

In 2019, the Commission nominated to the Cabinet for re-appointment, two Supreme Court acting justices and one High Court acting justice for conflict cases. Also, the Commission appointed a new associate judge of the District Court and one Community Court judge.

V. ACCOUNTABILITY: CODES OF CONDUCT AND COMPLAINTS

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

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

In 2019, two complaints were lodged against two District Court judges. The first turned out to be a complaint about an aggressive attorney, not the judge. The second complaint was about a judge chewing betel nut and tobacco. Both matters were solved by the High Court Chief Justice, with the concurrence with the Judicial Service Commission, counseling the subject judges. In the past five years, there has been only one other complaint about a District Court judge, a complaint in 2015 that was resolved to the satisfaction of the complainant. These complaints represent less than 0.1% of the District Court's caseload.

With respect to attorney conduct, the Judiciary has adopted the American Bar Association's Rules of Professional Conduct. Provisions for lodging and processing complaints against attorneys can be found on the Judiciary's website under the heading "Rules of Admission and Practice." The Supreme Court and High Court have appointed an attorney-committee to hear complaints. In 2019, no complaints were lodged or pending against attorneys.

With respect to court staff, the Judiciary maintains a complaint box at the courthouses. In 2019, 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 LIBRARY

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

A. Facilities

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

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

B. Technology

The courthouses on Majuro and Ebeye are equipped with computers, printers, and photocopiers and have Internet access at between 8 and 10 Mbps depending on the international connections. However, visiting counsel are urged to purchase Internet access from the local telecommunications company, the National Telecommunications Authority (“NTA”). Also, the courts permit the filing and service of documents via email attachment. The computers in Majuro are linked together in a network, and the Majuro Courthouse has three scanners with OSC software permitting the courts to scan documents and send them almost anywhere in the world. Unfortunately, in 2019, the Judiciary’s server was damaged by power outages and had to be replaced. For security, the Judiciary also purchased a second server to be housed off-site with the NTA. That service should be online in early 2020. Along with the second service, the Judiciary has installed a case tracking system to quickly provide case data for management, transparency, and accessibility.



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

C. Library

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

VII. ANNUAL BUDGET AND AUDIT REPORT

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

For FY 2019, the Nitijela appropriated \$1,086,678 for the Judiciary: \$754,041 for salaries and wages and \$332,637 for all others. Less audit expenses of \$8,625 paid out by the Ministry of Finance, a total of \$324,012 was paid to the Judiciary for its operational funds.



Of the \$754,041 appropriated for personnel in FY 2019, the Judiciary only expended \$694,451 because of vacancies and unexpended salaries in the High Court and the Community Courts. The unspent personnel funds from FY 2019, \$59,590, remained in the General Fund with the Ministry of Finance.

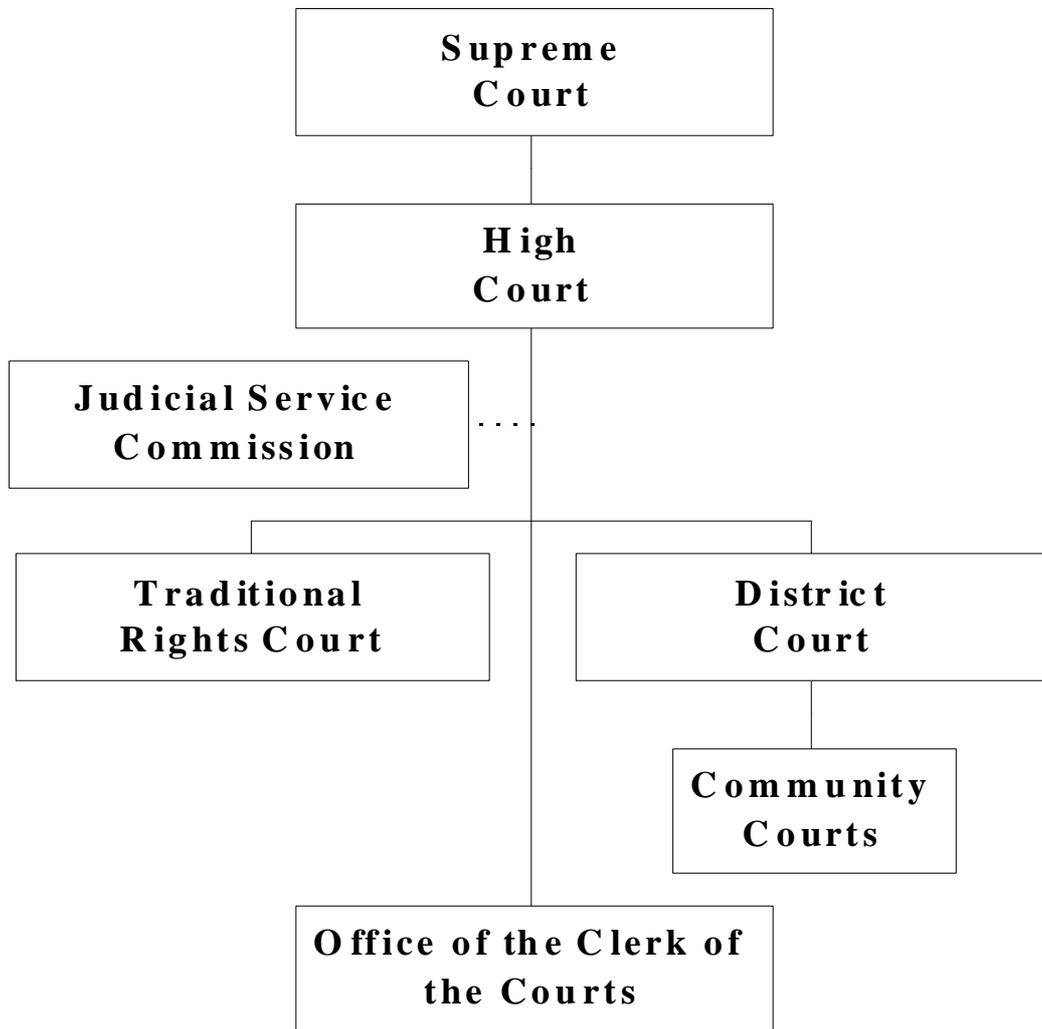
Of the \$324,012 appropriated in FY 2019 for all other expenses, \$8,625 was retained by the Ministry of Finance for audit expenses and the Judiciary expended or obligated the remaining \$324,012.

From operations funds, the Judiciary has segregated moneys the Nitijela appropriated for the Legal Aid Fund. As of September 30, 2019, the Judiciary had \$303,744.34 in its Legal Aid Fund account, much of which had been obligated for payment to attorneys to represent those who cannot offer an attorney and cannot be represented by the Micronesian Legal Aid Services Corporation and the Office of the Public Defender.

Apart from Nitijela appropriations, the Judiciary by Act has its own special revenue fund ("Judiciary Fund"). Court fines and fees (excluding national criminal fines and local government fines) collected by the Office of the Clerk of the Courts are deposited into this fund, as are funds from other sources. Collections by the Office of the Clerk of the Courts and deposited into the Judiciary Fund in FY 2019 totaled \$78,945. The fund balance at the end of FY 2019, \$229,051 and monies collected in FY 2020 will be reserved for a new Ebeye courthouse. The Ebeye Courthouse project is in the planning stage and most certainly will need much more additional funding.

For the Marshall Islands Judiciary Fund and Legal Aid Fund, Deloitte for FY 2019, reported a clean audit with no findings. Attached as Appendix 3 are the Balance Sheets for years ending September 30, 2019 and 2018, the statement of revenues, expenditures, and changes in the fund balance for years ended September 30, 2019 and 2018, and the statement of no audit findings.

**ORGANIZATIONAL CHART
FOR THE
MARSHALL ISLANDS JUDICIARY**



JUDICIARY PERSONNEL

Justices and Judges

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

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

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

High Court Associate Justice (vacant)

Traditional Rights Court Chief Judge Walter K. Elbon (07/04/10-07/03/20)

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

Traditional Rights Court Associate Justice Grace L. Leban (07/04/10-07/03/20)

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

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

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

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

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

Ailinglaplap Community Court Associate Judge (vacant)

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

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

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

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

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

Bikini and Kili Community Court Presiding Judge (vacant)

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

Enewetak and Ujelang Community Court Presiding Judge (vacant)

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

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

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

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

Lib Community Court Presiding Judge (vacant)

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

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

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

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

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

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

Namu Community Court Presiding Judge (vacant)

Rongelap Community Court Presiding Judge (vacant)
Ujae Community Court Presiding Judge Area Jibbwa (08/26/18-08/25/24)
Utrik Community Court Presiding Judge (vacant)
Wotho Community Court Presiding Judge Carlmai Antibas (9/23/16-9/22/22)
Wotje Community Court Presiding Judge Anjain Helbi, (5/ 27/18-5/26/24)
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 Richard G. Hickson, Member
Maria K. Fowler, Member Representing the Public

Staff

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

Appendix 3

FOR DISCUSSION PURPOSES
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MARSHALL ISLANDS JUDICIARY FUND

Balance Sheets
September 30, 2019 and 2018

	<u>2019</u>	<u>2018</u>
<u>ASSETS</u>		
Cash	\$ 530,445	\$ 471,257
Accounts receivable	17,452	2,146
Total assets	<u>\$ 547,897</u>	<u>\$ 473,403</u>
<u>LIABILITIES AND FUND BALANCE</u>		
Liabilities:		
Provision for legal assistance	\$ 25,865	\$ -
Unearned revenue	5,350	-
Other liabilities and accruals	18,392	925
Total liabilities	<u>49,607</u>	<u>925</u>
Contingencies		
Fund balance:		
Committed:		
Judicial operations	229,051	197,147
Legal aid	269,239	275,331
Total fund balance	<u>498,290</u>	<u>472,478</u>
Total liabilities and fund balance	<u>\$ 547,897</u>	<u>\$ 473,403</u>

See accompanying notes to financial statements.

MARSHALL ISLANDS JUDICIARY FUND

Statements of Revenues, Expenditures, and Changes in Fund Balance
Years Ended September 30, 2019 and 2018

	<u>2019</u>	<u>2018</u>
Revenues:		
Nitijela appropriation	\$ 1,018,463	\$ 1,006,252
Court fines and fees	114,910	129,334
Interest	2,522	2,322
Other	16,367	15,617
Total revenues	<u>1,152,262</u>	<u>1,153,525</u>
Expenditures:		
Salaries, wages and benefits	694,451	679,065
Professional services	87,243	40,774
Supplies and materials	76,144	48,167
Leased housing	71,250	72,000
Travel	65,350	42,473
Communications	46,629	45,244
Utilities	39,915	37,239
POL	12,736	10,802
Repairs and maintenance	12,082	6,362
Rentals	5,716	1,622
Food stuff	5,263	1,945
Insurance	4,861	5,554
Training	1,920	6,289
Subscriptions	1,592	5,060
Freight	1,009	1,500
Capital outlay	-	106,021
Miscellaneous	289	2,051
Total expenditures	<u>1,126,450</u>	<u>1,112,168</u>
Net change in fund balance	25,812	41,357
Fund balance at the beginning of the year	472,478	431,121
Fund balance at the end of the year	<u>\$ 498,290</u>	<u>\$ 472,478</u>

See accompanying notes to financial statements.

MARSHALL ISLANDS JUDICIARY FUND

Combining Statement of Revenues, Expenditures, and Changes in Fund Balance
Year Ended September 30, 2019

	Operations	Legal Aid	Total
Revenues:			
Nitijela appropriation	\$ 999,713	\$ 18,750	\$ 1,018,463
Court fines and fees	78,945	35,965	114,910
Interest	1,119	1,403	2,522
Other	16,367	-	16,367
Total revenues	1,096,144	56,118	1,152,262
Expenditures:			
Salaries, wages and benefits	694,451	-	694,451
Professional services	25,271	61,972	87,243
Supplies and materials	76,144	-	76,144
Leased housing	71,250	-	71,250
Travel	65,350	-	65,350
Communications	46,629	-	46,629
Utilities	39,915	-	39,915
POL	12,736	-	12,736
Repairs and maintenance	12,082	-	12,082
Rentals	5,716	-	5,716
Food stuff	5,263	-	5,263
Insurance	4,861	-	4,861
Training	1,920	-	1,920
Subscriptions	1,592	-	1,592
Freight	1,009	-	1,009
Miscellaneous	51	238	289
Total expenditures	1,064,240	62,210	1,126,450
Net change in fund balance	31,904	(6,092)	25,812
Fund balance at the beginning of the year	197,147	275,331	472,478
Fund balance at the end of the year	\$ 229,051	\$ 269,239	\$ 498,290

See accompanying independent auditors' report.

MARSHALL ISLANDS JUDICIARY FUND

Combining Balance Sheet
September 30, 2019

	<u>Operations</u>	<u>Legal Aid</u>	<u>Total</u>
<u>ASSETS</u>			
Cash	\$ 226,671	\$ 303,774	\$ 530,445
Accounts receivable	17,452	-	17,452
	<u>\$ 244,123</u>	<u>\$ 303,774</u>	<u>\$ 547,897</u>
<u>LIABILITIES AND FUND BALANCE</u>			
Liabilities:			
Provision for legal assistance	\$ -	\$ 25,865	\$ 25,865
Unearned revenue	5,350	-	5,350
Other liabilities and accruals	9,722	8,670	18,392
	<u>15,072</u>	<u>34,535</u>	<u>49,607</u>
Fund balance:			
Committed	<u>229,051</u>	<u>269,239</u>	<u>498,290</u>
Total liabilities and fund balance	<u>\$ 244,123</u>	<u>\$ 303,774</u>	<u>\$ 547,897</u>

See accompanying independent auditors' report.

**FOR DISCUSSION PURPOSES
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MARSHALL ISLANDS JUDICIARY FUND

Unresolved Prior Year Findings
Year Ended September 30, 2019

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