



Court Annual Report 2018



Presidential Proclamation No. 18-227
*Declaring the year 2018 as the Year of Good Health and
calling for a national effort to promote better health and
well-being in our Republic of Palau*



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II. Message from the Senior Judge of the Court of Common Pleas



Alii from the Court of Common Pleas. The Court of Common Pleas is a court created by statute in 1981 and officially established in 1982 to handle common civil and criminal cases. Over the years it has become the busiest court with cases doubling over the past couple of years from an average of 600 cases heard to over 1,000 cases per year. But, we at the Judiciary recognize that it is not the numbers that matter, but the accessibility, efficiency, and quality of the delivery of justice. To that end, the Judiciary with the assistance of the Pacific Judicial Strengthening Initiative (“PJSI”) held several training workshops this past year with a goal to achieve sustainable improvements in the efficiency of case flow and case management

for each of the courts. A toolkit was created to guide the courts by establishing time goals for the different types of cases, and to manage and control the adjournment of cases. Tracking systems were also created to allow caseload audits and case progression reviews. Finally, to address gaps in the filing and assignment of cases, as a result of the separation of the Supreme Court justices, internal designations and amendments to the Rules of Criminal Procedures were made to assure the efficient filing and processing of cases in the trial courts. To address accessibility, the courts were introduced to video conferencing and guidelines for video conferencing between courtrooms and remote sites were drafted.

The Judiciary continues to take its role in informing the public of what it does seriously and has added additional narratives to this year’s Annual Report to explain some of the data. Additional categories such as the overturn rate of appeals and the average case load per judicial officer and staff have also been included. Also added are the sex segregated data for Juvenile cases filed in the Court of Common Pleas and common family law cases, including those of domestic violence, which data reveals is becoming an increasing concern. Also included for such cases is the outcome data.

Our work is not over though, and we continue to invite the public to tell us how we may improve our services. Your comments and concerns may be addressed to our new special assistant to the Chief Justice, Ryobch Luii, at rluii@palausupremecourt.net.

Regards,

A handwritten signature in blue ink, appearing to read 'Honora E. R. Rudimch', written over a light blue background.

Honora E. R. Rudimch
Senior Judge, Court of Common Pleas

Introduction

The Republic of Palau is an island nation located in the western Pacific Ocean, roughly 500 miles southeast of the Philippines. Geographically, Palau constitutes part of the Caroline Islands chain and is part of the larger island group of Micronesia. Palau consists of more than 340 islands, only nine of which are permanently inhabited. The land area of Palau totals approximately 460 square kilometers (178 square miles), about 2.5 times the size of Washington, D.C. According to the 2005 population census, Palau's population was 19,907 (Palau did not conduct a 2010 census). Current estimates put Palau's population at approximately 21,000. About 70% of Palauans live in the former capital city of Koror on Koror Island. The National Capitol relocated in 2006 from Koror to a newly constructed complex in Ngerulmud, Melekeok State on the larger but less developed island of Babeldaob.

In 1978, after more than three decades of United States administration under the United Nations Trust Territory of the Pacific Islands (TTPI), Palau, as part of a process toward self-government, voted against joining the Federated States of Micronesia and opted for independent status. Palau adopted its own constitution and became the Republic of Palau in 1981. It signed a Compact of Free Association with the United States in 1982 and the Compact was ratified in 1993. Palau gained full sovereignty when the Compact went into effect on October 1, 1994, concluding Palau's transition from trusteeship to independence.

Palau is a multi-party democratic republic with directly elected executive and legislative branches. The President is both head of state and head of government. Executive power is exercised by the President while legislative power is vested in the Palau National Congress (the Olbiil era Kelulau). The Palau National Congress has two houses - the Senate (with thirteen members elected nationwide), and the House of Delegates (made up of 16 members, one from each of Palau's 16 states). There is also a Council of Chiefs, comprising the highest traditional chiefs from each of the

16 states. The Council of Chiefs serves as an advisory board to the President on matters concerning traditional laws and customs. Article X of the Constitution of the Republic of Palau provides for a judiciary “independent of the legislative and executive powers.”

This Annual Report summarizes the Judiciary’s operations and accomplishments in the 2018 calendar year, as well as its challenges going forward. The Annual Report is intended to inform the public about what the Palau Judiciary does and how it functions.

III. **Mission and Vision**

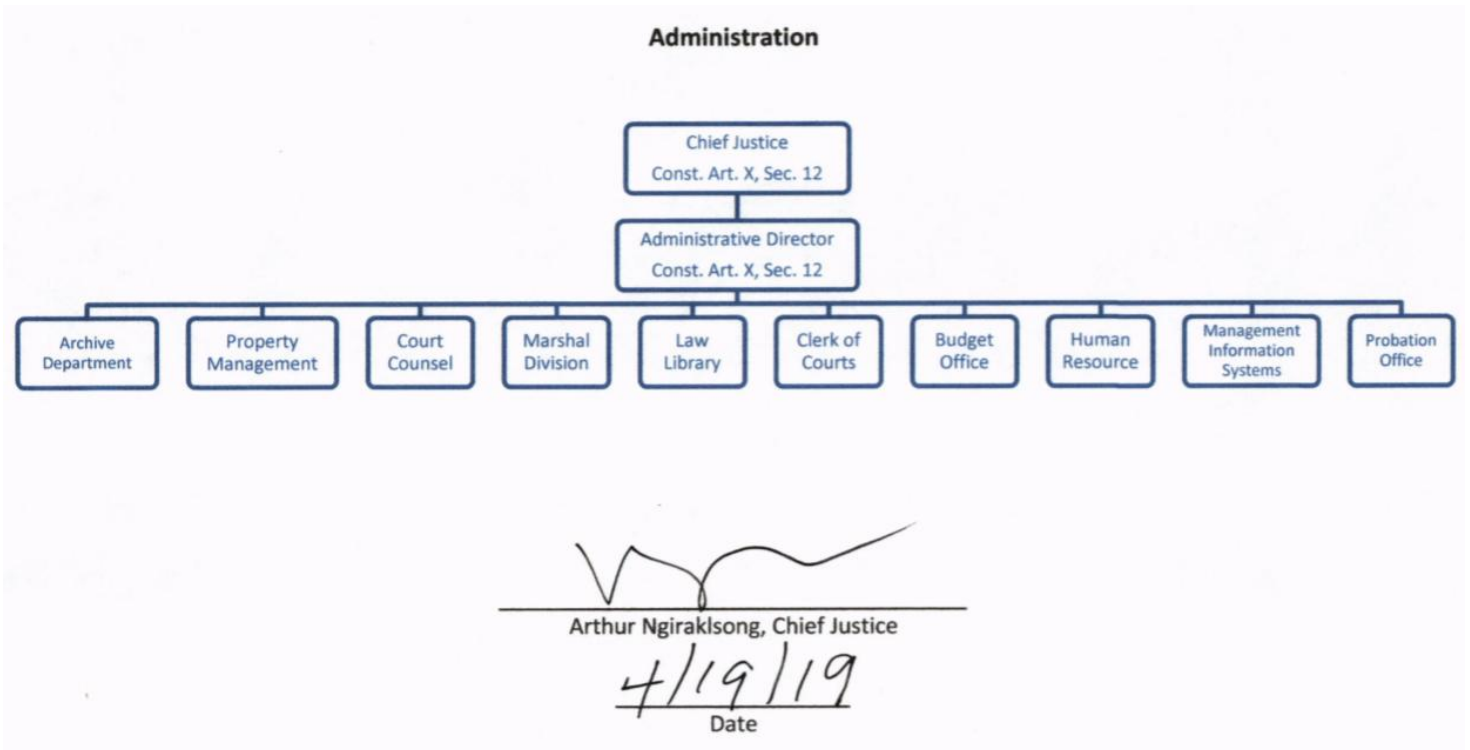
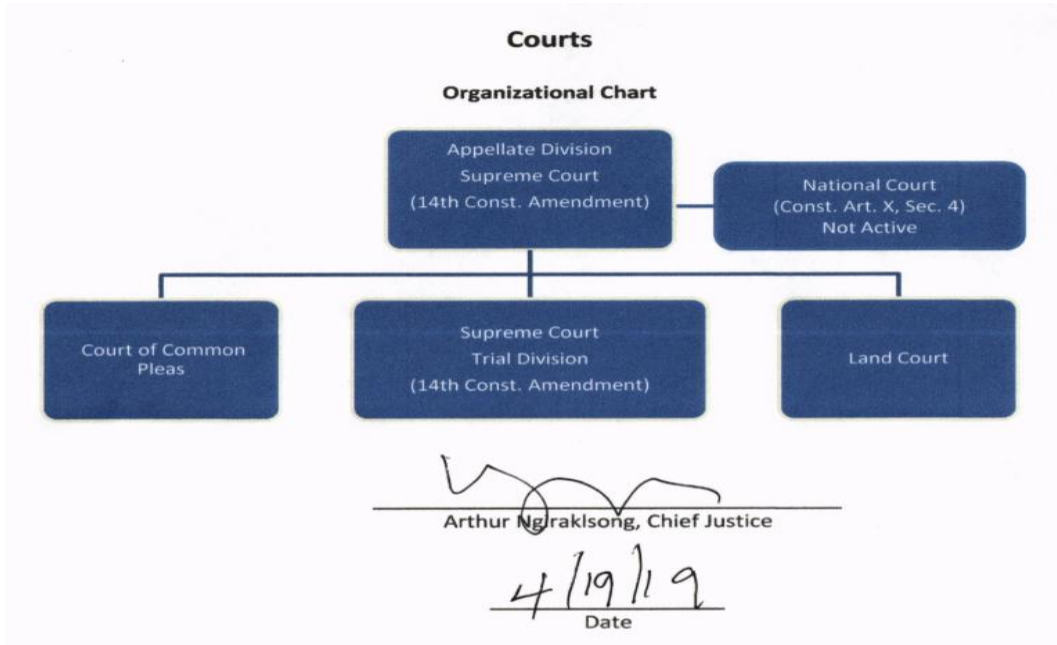
MISSION

The mission of the Palau Judiciary is to preserve and enhance the rule of law by providing a just, efficient, and accessible mechanism for resolving disputes. The Judiciary will interpret and apply the law, as modified by custom and tradition, consistently, impartially, and independently, in order to protect the rights and liberties guaranteed by the laws and Constitution of the Republic of Palau.

VISION

The Courts of the Republic of Palau will provide justice for all while maintaining the highest standards of performance, professionalism, and ethics. Recognizing the inherent dignity of every person who participates in the justice system, the Judiciary will treat each participant with respect and will strive to make the process understandable, affordable, and efficient. Through the thoughtful, impartial, and well-reasoned resolution of disputes, the Judiciary enhances the public trust and confidence in this independent branch of government.

IV. Organizational Chart – Palau Judiciary



Overview of the Judiciary

V. About the Courts

The Palau Judiciary consists of the Supreme Court (Trial Division and Appellate Division), the Land Court, the Court of Common Pleas, and the associated administrative sections that provide various services to the courts.

A. Supreme Court (Trial Division and Appellate Division)

Article X of the Palau Constitution vests the Supreme Court with judicial powers and provides for its operation. The Supreme Court is divided into a Trial Division and an Appellate Division. Cases are adjudicated by a single justice in the Trial Division and appeals are heard by a panel of three justices of the Appellate Division. The Trial Division has jurisdiction over all matters in law and equity. The Appellate Division has jurisdiction to review all decisions of the Trial Division and decisions of lower courts. There are five non-resident associate justices of the Appellate Division who are appointed to serve in case of conflict of interest of resident justices of the Appellate Division.



B. Land Court

The Land Court was established in 1996 and is vested with jurisdiction over civil cases involving the adjudication of title to land or any interest in land. Appeals from the Land Court go directly to the Appellate Division of the Supreme Court. The Land Court makes determinations with respect to the ownership of all lands within the Republic, including the return of land that became public as a result of its acquisition by previous occupying powers through force, coercion, fraud, or without just compensation. The Land Court currently has an acting Senior Judge and one Associate Judge. Land Court proceedings are generally conducted in Palauan, although translation is available for non-Palauan speakers.

C. Court of Common Pleas

The Court of Common Pleas is a court created by statute in 1981 and officially established in 1982 to handle common civil and criminal cases. It has jurisdiction to hear civil cases where the amount claimed or in dispute is \$10,000 or less. It does not, however, adjudicate land ownership, except for immediate possession. (Land cases are heard in the Land Court—See previous section). The Court of Common Pleas also hears divorce and child support cases, regardless of the amount in controversy. Generally, the civil cases that come before the Court include name changes, family law matters, and simple estate settlement proceedings. The Court also hears small claims, where the amount claimed is \$3,000 or less, in less formal hearings. The Court of Common Pleas may also adjudicate criminal cases. Prior to July of 2017, criminal cases were assigned to the Court of Common Pleas by the Chief Justice. Since the separation of the justices from the trial division and the appellate division, rules of criminal procedures were amended and now cases involving minor offenses defined by statute as misdemeanor, petty misdemeanor, or violations are filed and tried in the first instance in the Court of Common Pleas. Appeals from cases adjudicated by the Court of Common Pleas are filed directly with the Appellate Division of the Supreme Court.

The Chief Justice of the Supreme Court has also designated the Court of Common Pleas to handle civil domestic abuse cases brought under the Family Protection Act (“FPA”), which was enacted in November 2012. To meet the requirements of the FPA’s mandates, the Court has created forms and protocols to assure that the Court is always available to assist persons seeking orders of protection, both during the Court’s normal operating hours and during after-hours, if victims of abuse needs immediate protection. The Court is also collaborating with other agencies, including the Bureau of Public Safety, the Attorney General’s Office, the Ministry of Health, and the Ministry of Community and Cultural Affairs, to successfully implement the FPA’s mandates.

VI. **Judicial Nominating Commission**

The Judicial Nominating Commission (the “JNC”) consists of seven members, all of whom must be citizens of Palau. The Chief Justice serves as the JNC’s Chairperson. Three members are elected from and by the Palau Bar Association and the final three members are appointed by the President of Palau. If a JNC member becomes a candidate for political office, they must resign their seat on the JNC.

When a vacancy for a Judge or Justice within the Palau Judiciary becomes available, the JNC produces a list of seven nominees and presents the list to the President. The list of nominees is created using a secret ballot. If there is a conflict of interest involving a JNC member and a potential nominee, the JNC member must recuse himself or herself from voting or discussions regarding the nominee. In addition, should a JNC member become a potential nominee, that member must also recuse himself or herself. The qualities sought in judicial nominees include: integrity and moral courage; legal ability and experience; intelligence and wisdom; compassion and fairness; diligence and decisiveness; judicial temperament; and awareness of and sensitivity to Palauan culture. Every year, regardless of whether there is a Judicial Office vacancy, the JNC chairperson is required to call a

meeting to review the commission’s current rules and procedures, educate new members on current rules and procedures, and compose a list of seven potential nominees for Chief Justice should the current Chief Justice resign or pass away.

VII. Palau Judiciary Highlights

A. Conferences, Trainings, Workshops, and Events

Trainings and Workshops

Advanced Mediation Training – March 13 – 18, Saipan, CNMI. Clerk Sherwin Yamanguchi attended this training. The purpose of this training was to deepen the understanding of mediation, advanced mediation concept, and to continue to build mediation skills. Clerk Yamanguchi returned with the following report, *“The advanced mediation training was very comprehensive and enlightening. This would be my third mediation training and I thank PJC for this training. I came to this training with hopes that I will learn about breaking an impasse but I returned home with a lot more knowledge than I expected. I never knew that it’s much better to avoid impasse instead of breaking it. Maybe it’s because of my old brain as the lessons on neuroscience and behavioral science indicates. Using eliciting techniques to acquire more data as compared to asking direct questions and understanding the five conflict styles has broadened my knowledge of the tools available for mediators. The training included various techniques of breaking an impasse ranging from bridging the gap to bargaining. Trainers are expert mediators with years of experience that they happily shared with us, which is a big bonus to be able learn their years of experience in just three days.”* Clerk Yamaguchi rated the training as Very Valuable.

Introduction to Excel – March 21, 2018. Ms. Ltelatk H. Fritz of SBDC Palau conducted a two-hour training on Excel to twelve Judiciary staff at The Penthouse Hotel Conference Room in Ikelau, Koror Palau. Participants learned or refreshed their skills on how to use Microsoft Excel. They were able to learn to do simple math calculations, create simple formulas, and use cell referencing in Excel. Participants also learned how to prepare a spread sheet for printing.



Overview of the Court system, Guam Superior Court, May 16 –18, 2018, and July 9–11, 2018 conducted by Guam Superior Court Management team.



This overview workshop was aimed at the Clerks, Probation Officers and Marshals to provide insight into the Guam Judicial system and processes. Attendees were able to observe various ministerial divisions and court proceedings and to participate in a mock jury trial selection process. Court Marshals training included take down techniques, expandable baton certification and recertification.

Code of Conduct Training – This was a refresher course on the 6 canons of the Palau Judiciary Employee Code of Conduct. The training was held on June 22, 2018 and was conducted by the Court’s Human Resource Specialist, Hasinta Tabelual. The training included a discussion on appropriate use of social media.. In attendance with staff were Presiding Justice Ngiraikeleau, Associate Justices Salii and Materne, Senior Judge Rudimch and Acting Senior Judge Skebong, who not only were able to clarify issues raised by staff but also affirmed the Judiciary's commitment to ensure that staff behavior and actions be guided by the code to ensure public trust and confidence.

How Being Trauma Informed Improves Criminal Justice System Responses, June 25 – 26, 2018 Guam. Probation Officer Persilla Rengiil attended the training. The goal of the training was to increase the understanding of trauma and to create awareness of the impact of trauma on behavior, understand how vicarious trauma affects court professionals, and to develop trauma-informed responses that avoid re-traumatization, increase safety, reduce recidivism, and promote recovery. The training was hosted by SMAHSA’s GAINS Center for Behavioral Health and Justice Transformation.



Video Conferencing Workshop, July 16 – 20, 2018 with Mr. Anthony Lansdell from PJSI. The goal of this workshop was to establish an operational manual for the use of Video Conferencing in the courtroom. Series of workshops were conducted with the staff and the judges. A meeting was also held with the Ministry of Justice’s Director of the Bureau of Public Safety and the Division of Corrections; they were very supportive of the use of Video conferencing. During Mr. Lansdell’s visit, he also introduced the court to the use of a Court Dashboard, which provides a web-based visual display of the Court’s key performance indicators and other data.

Pacific Judicial Council Court Clerk Training – August 6 –8, 2018 Pohnpei, FSM. This training was attended by Chief Appellate Clerk Vernice Rechebei and Courtroom Clerk Interpreter Bris Ulechong. Subject matter covered included Purposes of Courts, Role of the Clerk: Authorities and Duties, Social Media for Court Clerks, Legal Advice vs. Legal Information, and the role of courts in the community.

Court Efficiency Workshop – On August 13 – 17, 2018, the Judiciary and PJSI hosted an array of efficiency workshops. These workshops followed up on an earlier workshop in June 2017. The aim of these workshops is to continue to promote procedural justice by focusing on the monitoring and controlling of caseload to achieve timely and efficient court performance. Participants included judges and court personnel from all courts as well as the management team who participated in interactive sessions to review efficiency and develop continuous improvement plans for the courts.



The series of workshops is one of many held by the PJSI within the Pacific and is funded by the New Zealand Ministry of Foreign Affairs and Trade, which has supported promoting the rule of law across the Pacific over recent years. An efficiency expert, Ms. Jennifer Akers of PJSI facilitated these Efficiency Workshops.

Regional Judiciary Leadership Workshop II – September 19 – 21, 2018, Auckland New Zealand. The workshop was attended by Associate Justice Kathleen M. Salii, MIS Director Doran Inabo and Clerk of Court Allison I. Sengebau. The goals of the workshop included learning and understanding key leadership concepts and refining the Leadership Action Plan developed at a workshop held the previous year. The group opted to develop an Information and Communication Technology Plan for the MIS staff that will provide guidelines and timeframes on maintenance, upkeep and upgrading of hardware and software to ensure smooth and efficient database operation.



Pacific Judicial Strengthening Initiative Gender and Family Violence Workshop – Nov. 14 – 21, 2018.



From November 12 to 23, 2018, the Judiciary worked with Dr. Abby McLeod and Mr. Tevita Seruilumi from the PJSI to improve court responses to victims of family violence. During the first two days of their visit, Dr. McLeod and Mr. Seruilumi met with external stakeholders from different government agencies, to develop an understanding of their view on current court responses to family violence. Afterwards, different workshops were held with the judges, lawyers, and the judiciary staff to explore key

issues relating to family violence and good practices in the provision of court responses to the victims of family violence.

Building Capacity in Managing Court Data Regional Workshop – Port Moresby, Papua New Guinea, November 26–30, 2018. The Palau Judiciary was represented at this workshop by MIS Director Doran Inabo and Clerk of Court Allison Sengebau. One of the goals of the workshop was to learn better ways of collecting and managing relevant data to produce better and more informative annual reports in line with the Cook Island Indicators. The Court also had an opportunity to present its journey to a more efficient court based on an Efficiency and Timeliness workshop conducted by the Pacific Judicial Strengthening Initiative in 2017.

The Courts' Work

The Palau Judiciary prides itself on operating ethically and efficiently, producing quality decisions and ensuring access to justice for all of Palau's citizens. The indicators below measure the judiciary's performance. The clearance rate and average duration of a case statistics measure how efficiently the courts are managing their case loads. The quality of decisions can be evaluated by the number of decisions appealed and, more importantly, the number of decisions overturned on appeal. And finally, access to justice can be gauged by looking at the fee structure, availability of free legal counsel, and accessibility of forms and court services.

The information in the following pages provides details about how well the judiciary is doing regarding these indicators.

VIII. **Accountability: Code of Conduct and Complaints**

The Judiciary’s Code of Judicial Conduct was promulgated on March 1, 2011 by the Palau Supreme Court and amended on March 9, 2011. A copy of the Judicial Code of Conduct can be retrieved from the Palau Judiciary website: <http://www.palausupremecourt.net>, Rules & Other Publications, Judicial Code of Conduct. In 2018, two complaints were received against judicial officers. One was dismissed and one was disposed following a hearing.

| Year | Total Cases Filed(all Case Types) | Complaints against *JOs | Cases where no Complaint made against *JOs | Cases where Complaint made against *JOs |
|------|-----------------------------------|-------------------------|--|---|
| 2014 | 2123 | 2 | 99.91% | 0.09% |
| 2015 | 2067 | 2 | 99.90% | 0.10% |
| 2016 | 1872 | 0 | 100.00% | 0.00% |
| 2017 | 3224 | 0 | 100.00% | 0.00% |
| 2018 | 2773 | 2 | 99.96% | 0.04% |

**JO - Judicial Officers - Judges*

There were no complaints made against Judiciary staff in 2018.

IX. **Case Management, Clearance Rates, Average Duration**

The Palau Judiciary recognizes its obligation to dispose of cases before it in a reasonable time. Accordingly, the Court seeks to finalise cases in a timely manner. The “clearance rate” reflects cases “cleared” or finalised as a percentage of (in relation to) the total number of cases filed.

A. Supreme Court

1. Trial Division

Criminal Cases (CR)

The Trial Division criminal cases comprise of misdemeanors and felonies and has concurrent jurisdiction with the Court of Common Pleas. While the number of cases filed increases each year, the clearance rate remains relatively high.

Clearance Rate:

| Year | Filed | Disposed | Pending | Clearance Rate as a % |
|------|-------|----------|---------|-----------------------|
| 2014 | 150 | 118 | 121 | 78.67% |
| 2015 | 82 | 130 | 73 | 158.54% |
| 2016 | 116 | 125 | 64 | 107.76% |
| 2017 | 102 | 137 | 29 | 134.31% |
| 2018 | 120 | 100 | 49 | 83.33% |

Average Duration:

| <u>Year</u> | <u>Average # of Days to dispose a case</u> |
|-------------|--|
| 2014 | 176.42 |
| 2015 | 200.00 |
| 2016 | 180.05 |
| 2017 | 255.46 |
| 2018 | 182.00 |

The main reason for the increase in average number of days to disposal of a criminal case in 2018 was due in large part to clearing up of our data base to correctly reflect those cases that had been disposed in prior years but were not properly recorded. Additionally, cases that were deferred for a certain time period were dismissed after the deferral period.

Juvenile Cases (JV)

Clearance Rate:

| Year | Total Cases Filed | Total Cases Finalised | Total Cases Pending | Clearance Rate as a % |
|------|-------------------|-----------------------|---------------------|-----------------------|
| 2014 | 10 | 11 | 8 | 110.00% |
| 2015 | 14 | 14 | 8 | 100.00% |
| 2016 | 6 | 12 | 2 | 200.00% |
| 2017 | 2 | 4 | 0 | 200.00% |
| 2018 | 9 | 6 | 3 | 66.67% |

Average Duration:

| Year | Total Cases Finalised | Average Days Disposal Time |
|------|-----------------------|----------------------------|
| 2014 | 11 | 376.64 |
| 2015 | 14 | 398.79 |
| 2016 | 12 | 224.08 |
| 2017 | 4 | 339.50 |
| 2018 | 6 | 76.67 |

Civil Cases (CA)

The Trial Division civil docket includes estate matters, customary disputes, contract disputes, land ownership disputes, election challenges, and constitutional law matters.

Clearance Rate:

| Year | Cases Filed | Cases Disposed | Pending | Clearance Rate as a % |
|------|-------------|----------------|---------|-----------------------|
| 2014 | 188 | 186 | 217 | 98.94% |
| 2015 | 132 | 173 | 176 | 131.06% |
| 2016 | 122 | 121 | 177 | 99.18% |
| 2017 | 349 | 270 | 256 | 77.36% |
| 2018 | 179 | 261 | 174 | 145.81% |

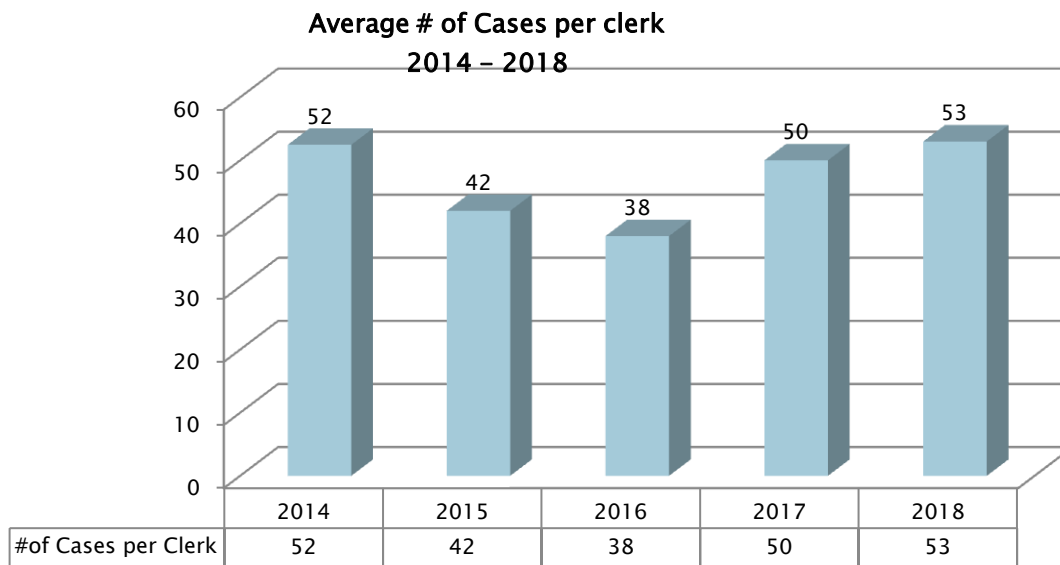
Average Duration:

| Year | Average Days Disposal Time |
|------|----------------------------|
| 2014 | 469.34 |
| 2015 | 520.32 |
| 2016 | 470.92 |
| 2017 | 395.74 |
| 2018 | 563.83 |

The main reason for the increase in average duration days of a case was due in large part to clearing up of the data base to correctly reflect the status cases that had been disposed in prior years but were not recorded accurately. In other cases, long duration rates were directly attributable to the nature of the complexity of the cases, such as multi-party complex civil contract cases, some customary clan title disputes, or estate proceedings; other cases involved parties that were off-island and/or self-represented.

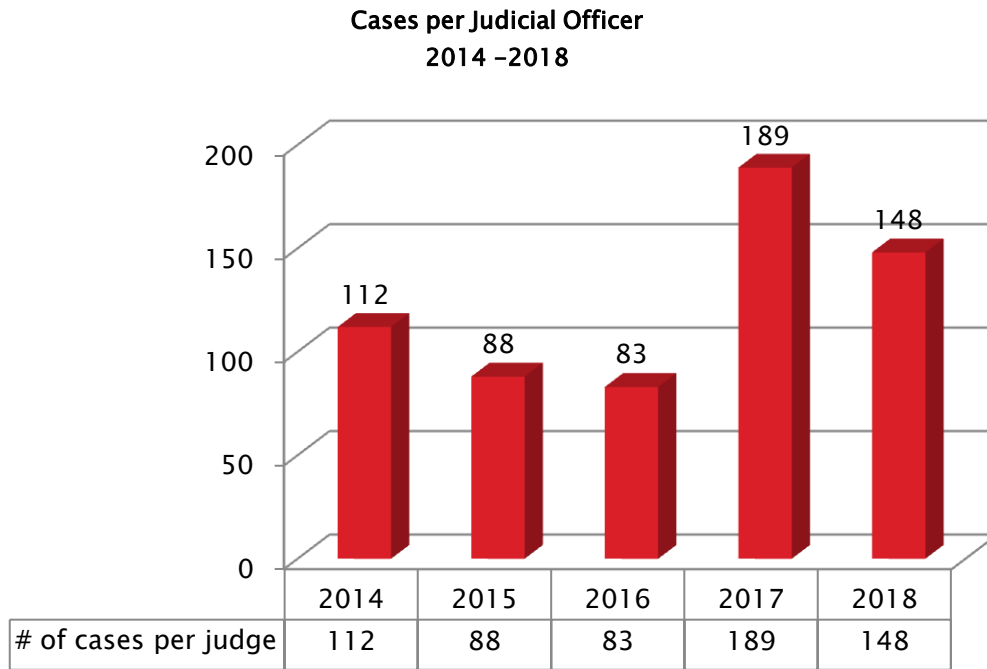
a) Average Number of Cases per Court Clerk (Trial Division)

The average number of cases per clerk comes from summing up the total number of cases filed divided by the number of clerks that process the cases.



b) Average Number of Cases per Judge (Trial Division)

This average is derived from summing up all cases filed divided by the number of judicial officers.



2. Appellate Division

Criminal & Civil Appeal

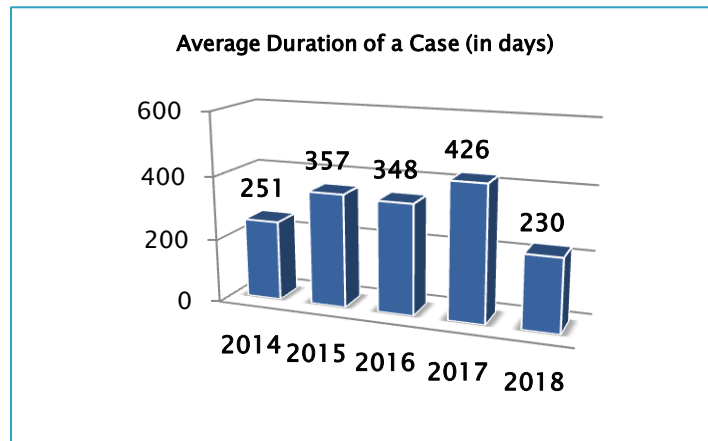
Criminal appeals include cases from both the Trial Division and the Court of Common Pleas. Civil appeals include cases from the Trial Division, Court of Common Pleas, and Land Court.

Clearance Rate:

| Year | Total Cases Filed | Total Cases Finalised | Total Cases Pending | Clearance Rate as a % |
|------|-------------------|-----------------------|---------------------|-----------------------|
| 2014 | 42 | 29 | 32 | 69.05% |
| 2015 | 35 | 27 | 40 | 77.14% |
| 2016 | 26 | 31 | 35 | 119.23% |
| 2017 | 28 | 40 | 23 | 142.86% |
| 2018 | 62 | 40 | 45 | 64.52% |

Average Duration:

Average number of days for an Appeal case from filing to disposal in 2018 is two hundred thirty (230) days.

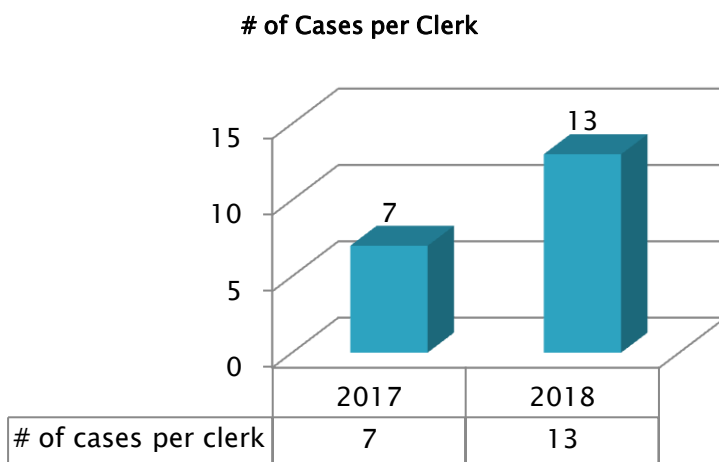


a) Overturn rate on Appeal in 2018

In 2018, twenty seven (27) appeals were disposed. Fourteen (14) of them were civil cases, eleven (11) were land cases, and two were small claims cases. Sixteen (16) cases or 59 % of the trial division decisions were affirmed, One (1) or 3% were affirmed in part and overturned in part, and 2 or 7% of them were overturned.

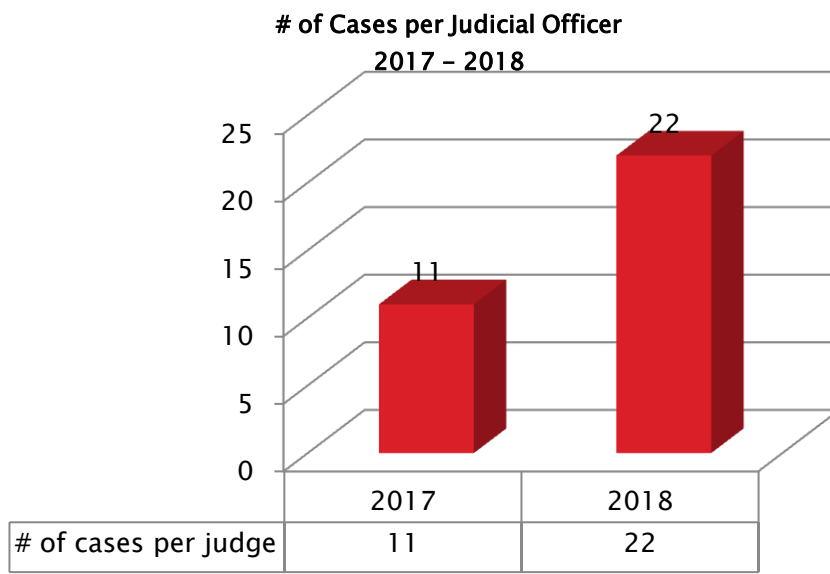
b) Average Number of Cases per Court Clerk in Appellate Division

This average is derived from dividing the number of cases filed by the number of clerks.



c) Average Number of Cases per Judge in Appellate Division

This number is derived from dividing the number of cases filed by the number of judicial officers.



B. Land Court

Note: Some of the data in this report has been updated in the court’s management system, so there may be some differences in figures compared to the previous years’ reports.

Land Court Cases (LC)

Clearance Rate:

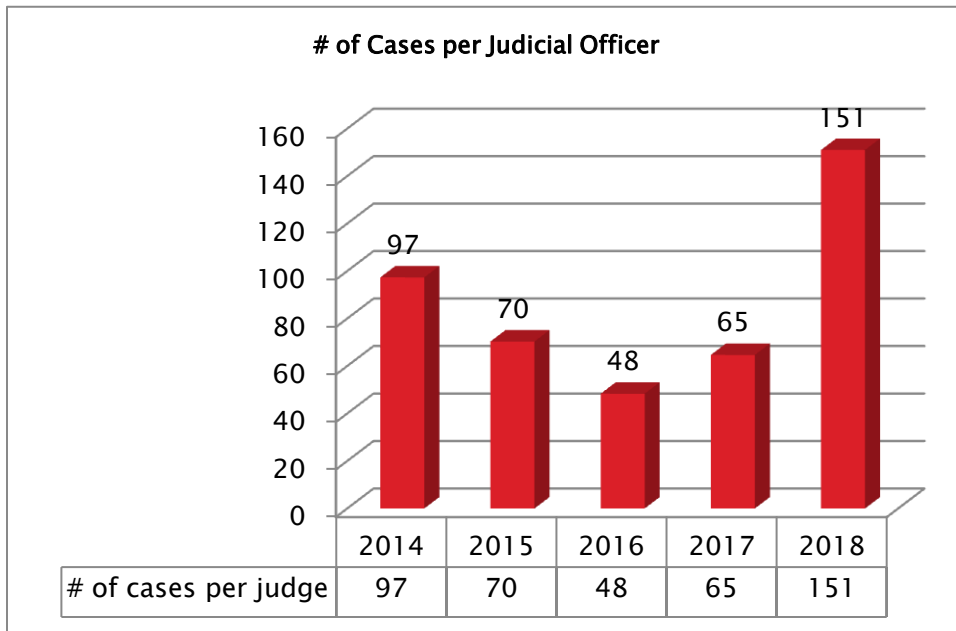
| Year | Total Cases Filed | Total Cases Finalised | Total Cases Pending | Clearance Rate as a % |
|------|-------------------|-----------------------|---------------------|-----------------------|
| 2014 | 292 | 153 | 597 | 52.40% |
| 2015 | 211 | 275 | 533 | 130.33% |
| 2016 | 145 | 88 | 590 | 60.69% |
| 2017 | 194 | 334 | 450 | 172.16% |
| 2018 | 302 | 267 | 485 | 88.41% |

Average Duration:

| Year | Average Days Disposal Time |
|------|----------------------------|
| 2014 | 1398.50 |
| 2015 | 969.90 |
| 2016 | 872.82 |
| 2017 | 1148.37 |
| 2018 | 1738.30 |

In 2018, Land Court was able to implement some of the recommendations by a court efficiency expert, Ms. Jennifer Akers and cleared some of its old cases. Overall, the average number of days to clear a case in 2018 for Land Court was one thousand seven hundred thirty eight (1,738) days.

a) Average number of cases per judicial officer in the Land Court



The increase in case load per judicial officer at Land Court for 2018 is due to the resignation and re-assignment of the Senior Judge's caseload between the two remaining judicial officers.

C. Court of Common Pleas (COCP)

Small Claims (SM)

The majority of Small Claims cases are debt collection cases.

Clearance Rate:

| Year | Total Cases Filed | Total Cases Finalised | Total Cases Pending | Clearance Rate as a % |
|------|-------------------|-----------------------|---------------------|-----------------------|
| 2014 | 87 | 95 | 44 | 109.20% |
| 2015 | 58 | 59 | 43 | 101.72% |
| 2016 | 54 | 45 | 52 | 83.33% |
| 2017 | 67 | 73 | 46 | 108.96% |
| 2018 | 57 | 65 | 38 | 114.04% |

Average Duration:

| Year | Total Cases Finalised | Average Days Disposal Time |
|------|-----------------------|----------------------------|
| 2014 | 95 | 57.67 |
| 2015 | 59 | 41.36 |
| 2016 | 45 | 104.24 |
| 2017 | 73 | 54.03 |
| 2018 | 65 | 145.40 |

The Court of Common Pleas in the handling of Small claims had a clearance rate of 114%, slightly higher than the five trend. The average number of days that a small claims case took from filing to finalization was 145 days.

Common Plea/Civil Action (CP/CA)

Common Pleas/Civil Action cases are civil cases filed in the Court of Common Pleas. They comprise mainly of adoptions, guardianships, divorce, child support, child custody, simple estates, name changes, and corrections of birth certificates.

Clearance Rate:

| Year | Total Cases Filed | Total Cases Finalised | Total Cases Pending | Clearance Rate as a % |
|------|-------------------|-----------------------|---------------------|-----------------------|
| 2014 | 134 | 131 | 32 | 97.76% |
| 2015 | 136 | 148 | 20 | 108.82% |
| 2016 | 131 | 133 | 18 | 101.53% |
| 2017 | 106 | 99 | 25 | 93.40% |
| 2018 | 141 | 146 | 20 | 103.55% |

Average Duration:

| Year | Disposed CP/CA | Average Days Disposal Time |
|------|----------------|----------------------------|
| 2014 | 131 | 80.76 |
| 2015 | 148 | 76.96 |
| 2016 | 133 | 65.89 |
| 2017 | 99 | 60.74 |
| 2018 | 146 | 123.16 |

In 2018, the number of Common Pleas/Civil Action cases filed increased to 141 cases in 2018. The court maintained a clearance rate of 104%, the average for the previous five years.

Family Cases

A majority of the family cases, such as divorce, child support, or child custody cases are filed in the Court of Common Pleas, but may also be filed in the Supreme Court Trial Division. Below is the trend for these cases based on the sex of the applicant party for cases filed in both Court of Common Pleas and the Trial Division.

a) *Family Cases filed in the Trial Division and Court of Common Pleas (by sex of the applicant party)*

| Year | Family Cases filed in the Trial Division and Court of Common Pleas where the applicant party is Female | Family Cases filed in the Trial Division and Court of Common Pleas where the applicant party is male | Family Cases filed in the Trial Division and Court of Common Pleas where the applicant party JOINT | Total Family Cases filed in the Trial Division and Court of Common Pleas | % of Family Cases filed in the Trial Division and Court of Common Pleas where the applicant is Female | % of Family Cases filed in the Trial Division and Court of Common Pleas where the applicant is Male |
|------|--|--|--|--|---|---|
| 2014 | 16 | 9 | | 25 | 64.00% | 36.00% |
| 2015 | 22 | 9 | | 31 | 70.97% | 29.03% |
| 2016 | 36 | 7 | | 43 | 83.72% | 16.28% |
| 2017 | 21 | 6 | 2 | 27 | 77.78% | 22.22% |
| 2018 | 31 | 7 | 2 | 38 | 81.58% | 18.42% |

Civil Action/Domestic Abuse Cases (CADA)

Family Protection Act Cases

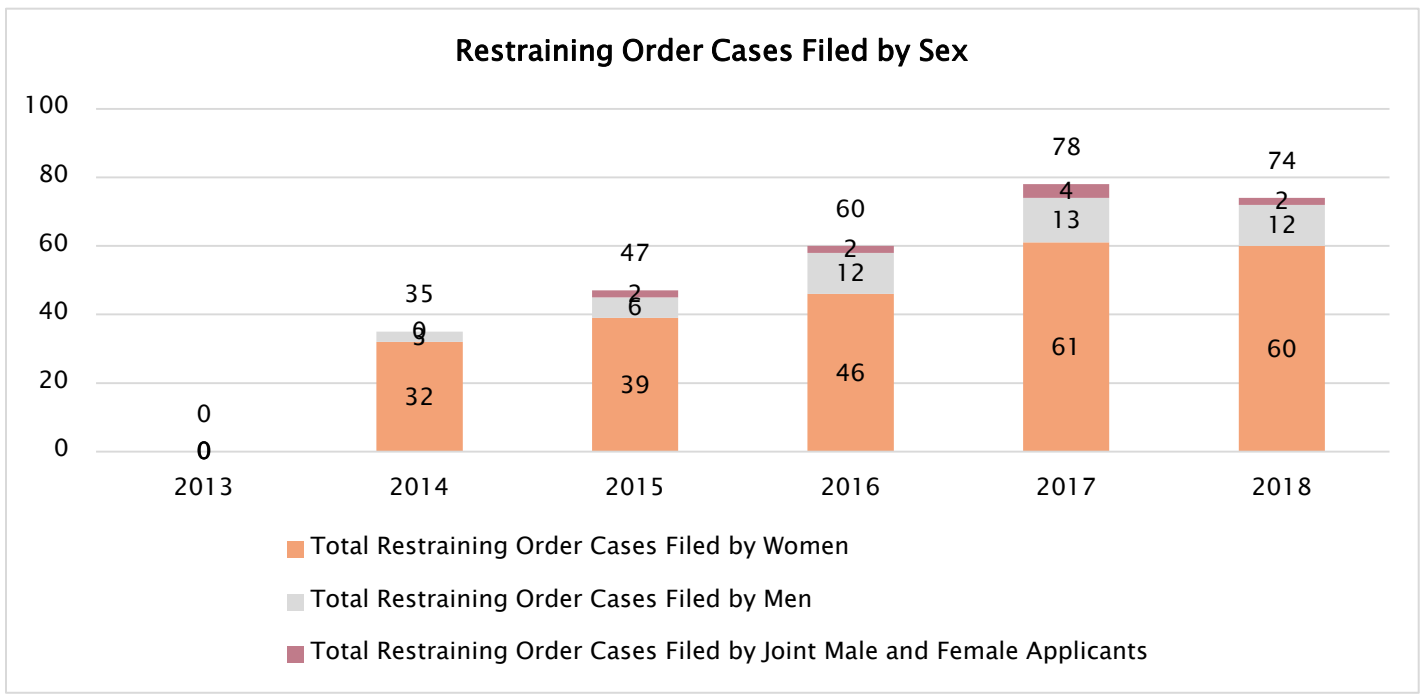
Civil Action/Domestic Abuse cases are civil protective order cases under the Family Protection Act that are generally filed in the first instance in the Court of Common Pleas, unless there is a conflict or the Senior Judge is unavailable, in which case they can be filed with the Trial Division of the Supreme Court.

Clearance Rate:

| Year | Total Cases Filed | Total Cases Finalised | Total Cases Pending | Clearance Rate as a % |
|------|-------------------|-----------------------|---------------------|-----------------------|
| 2014 | 35 | 32 | 3 | 91.43% |
| 2015 | 47 | 50 | 0 | 106.38% |
| 2016 | 60 | 57 | 3 | 95.00% |
| 2017 | 78 | 79 | 2 | 101.28% |
| 2018 | 74 | 74 | 2 | 100.00% |

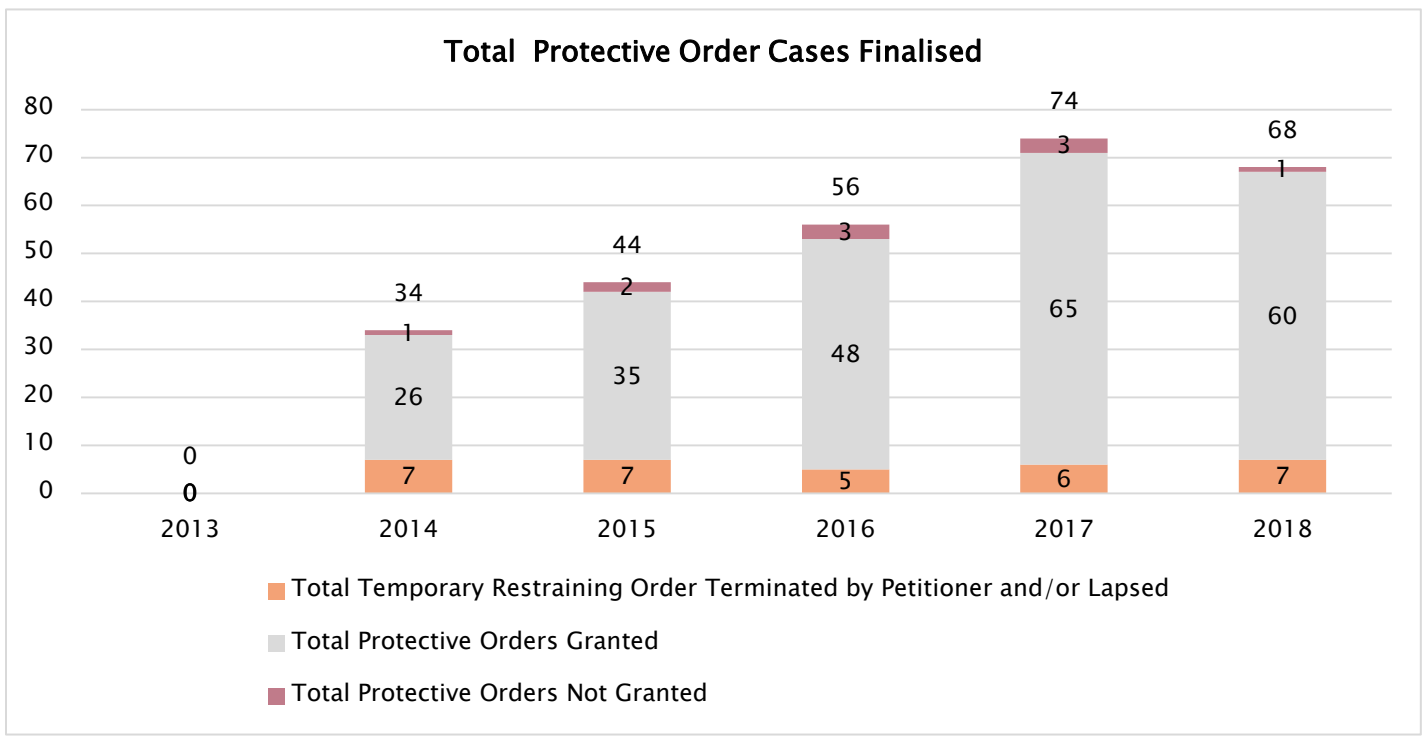
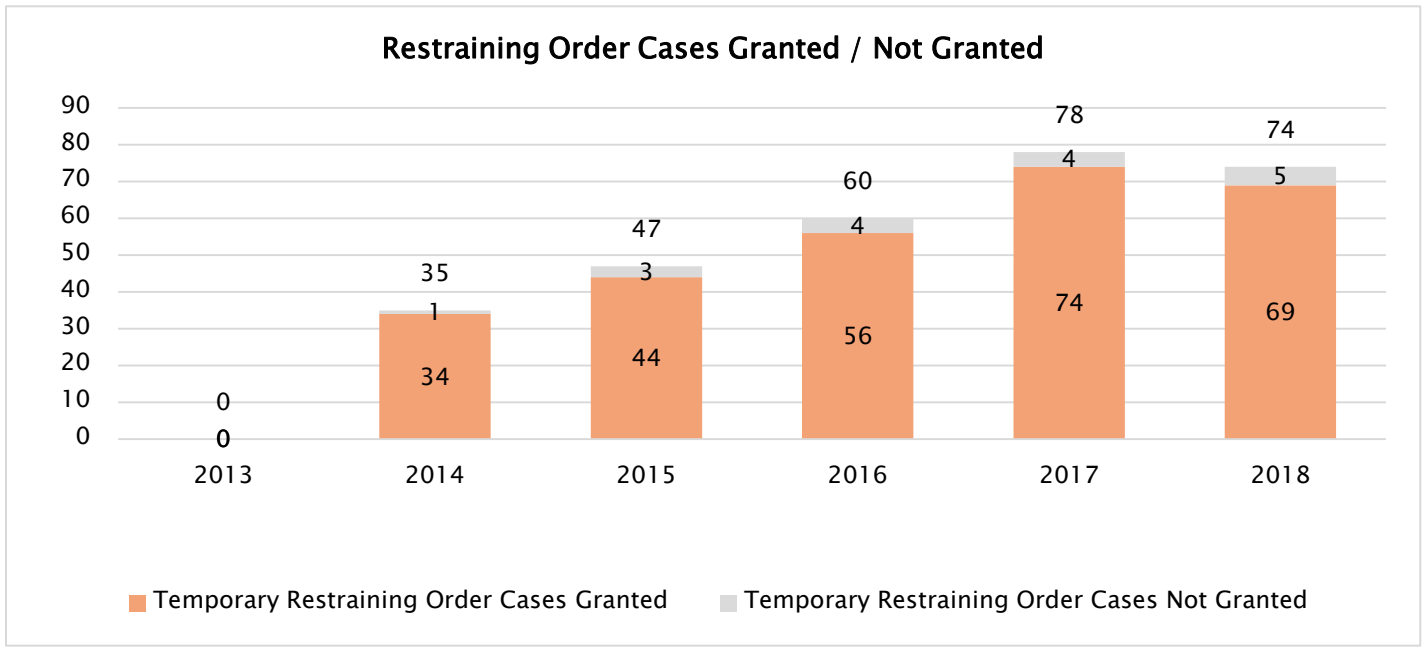
Average Duration:

| Year | Total Cases Finalised | Average Days Disposal Time |
|------|-----------------------|----------------------------|
| 2014 | 32 | 13.63 |
| 2015 | 50 | 18.72 |
| 2016 | 57 | 15.09 |
| 2017 | 79 | 11.97 |
| 2018 | 72 | 13.78 |



In 2018, the number of Civil Action/Domestic Abuse cases filed was 74 cases and the clearance rate for these cases was 100%. Of the 74, eight were filed in the Trial Division due to conflict or unavailability of the Court of Common Pleas judge. 60 of the cases were filed by women, 12 were filed by men, and two were filed jointly. Over the last five years, the number of Civil Action/Domestic Abuse cases has doubled.

The charts below show the trends of the outcomes of the Civil Action/Domestic Abuses cases since 2014. In 2018, 69 cases (or 93%) of the Temporary Restraining Orders were granted. For final protective orders, 60 (or 88%) were granted, seven (or 10%) lapsed or were terminated by the Petitioner, and one (or 1%) were denied.



Criminal Cases

Criminal cases filed in the Court of Common Pleas are offenses defined by statute as misdemeanors, petty misdemeanors, or violations where the maximum penalty of imprisonment is not more than one year.

Clearance Rate:

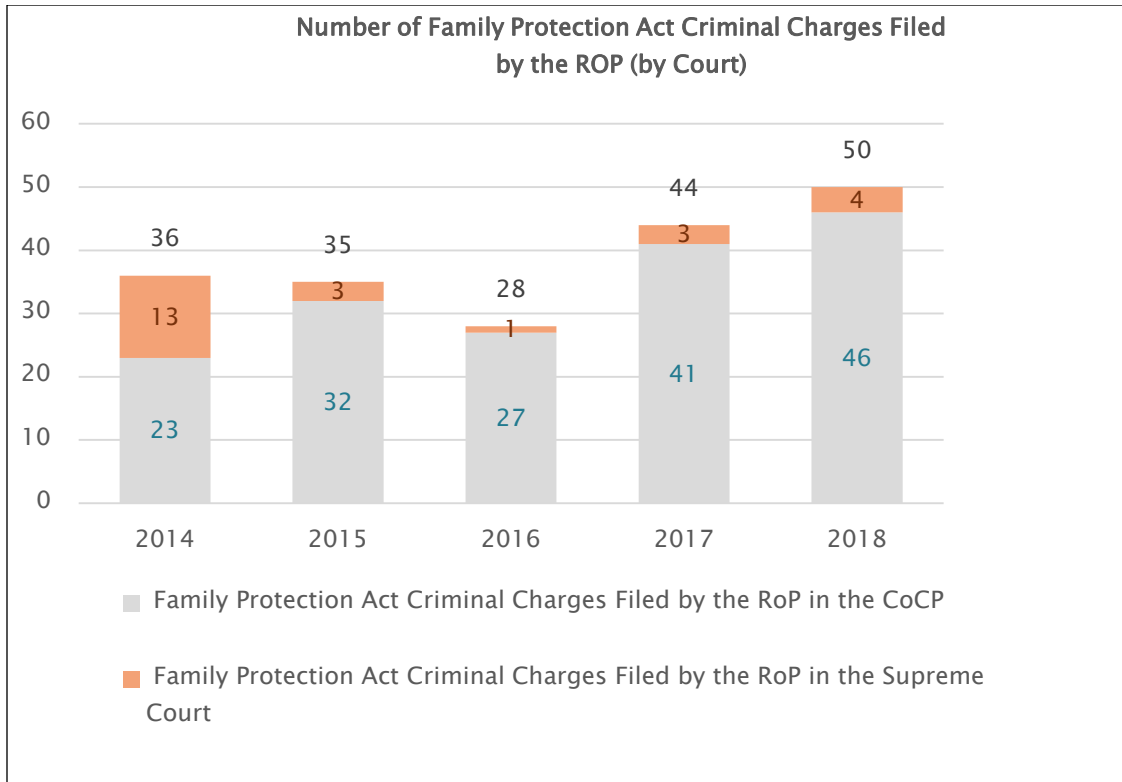
| Year | Total Cases Filed | Total Cases Finalised | Clearance Rate as a % |
|------|-------------------|-----------------------|-----------------------|
| 2014 | 53 | 54 | 101.89% |
| 2015 | 34 | 35 | 102.94% |
| 2016 | 55 | 40 | 72.73% |
| 2017 | 108 | 98 | 90.74% |
| 2018 | 137 | 124 | 90.51% |

Average Duration:

| Year | Average Days Disposal Time |
|------|----------------------------|
| 2014 | 111.91 |
| 2015 | 195.14 |
| 2016 | 80.83 |
| 2017 | 95.41 |
| 2018 | 108.59 |

Family Protection Act Criminal Charges

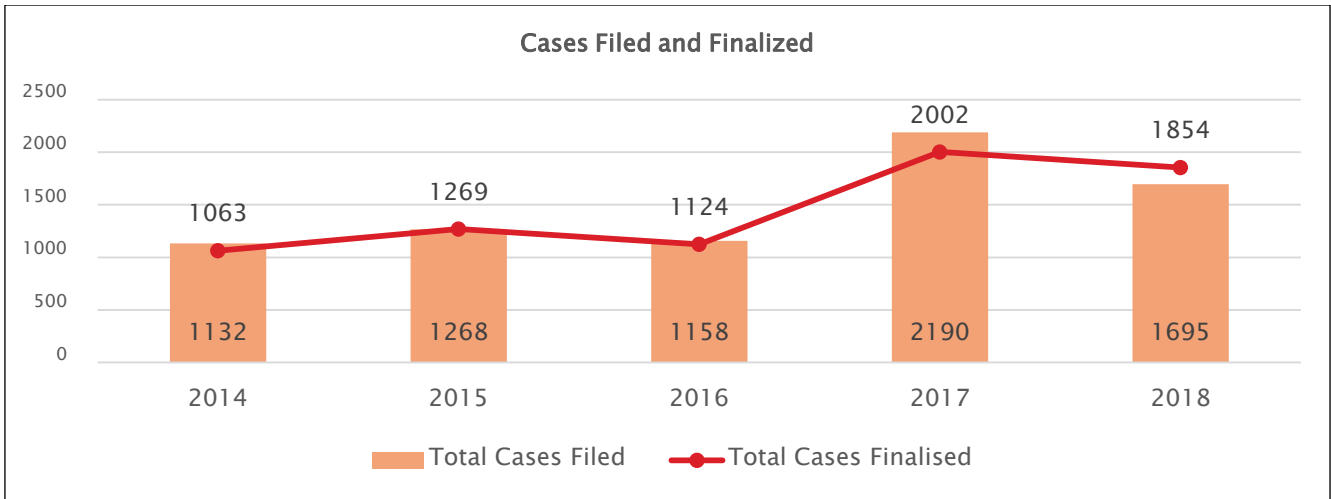
Criminal cases filed pursuant to the Family Protection Act are heard in both the Trial Division of the Supreme Court and the Court of Common Pleas. A majority of them are filed in the Court of Common Pleas and have doubled in the last five years. The data below summarizes the trend in the cases filed from 2014–2018.



Citations

There were 1,695 citations filed in 2018. Citations comprise the majority of the Court of Common Pleas case load, and are heard weekly. For certain offenses, the citation may be paid directly at the Office of the Clerk of Courts if an offender does not contest the charge(s). The below figure shows the number of these paid citations for the past five years, and those where the offender appeared before the Court.

| Year | # of Paid Citations | Citations heard by the Court |
|------|---------------------|------------------------------|
| 2014 | 530 | 602 |
| 2015 | 575 | 694 |
| 2016 | 506 | 652 |
| 2017 | 946 | 1244 |
| 2018 | 514 | 1181 |



Clearance Rate:

| Year | Total Cases Filed | Total Cases Finalised | Total Cases Pending | Clearance Rate as a % |
|-------------|-------------------|-----------------------|---------------------|-----------------------|
| 2014 | 1132 | 1063 | 226 | 93.90% |
| 2015 | 1269 | 1269 | 226 | 100.00% |
| 2016 | 1158 | 1124 | 259 | 97.06% |
| 2017 | 2190 | 2002 | 447 | 91.42% |
| 2018 | 1695 | 1854 | 288 | 109.38% |

Average Duration:

| Year | Total Cases Finalised | Average Days Disposal Time |
|-------------|-----------------------|----------------------------|
| 2014 | 1063 | 34.68 |
| 2015 | 1269 | 27.12 |
| 2016 | 1124 | 37.84 |
| 2017 | 2002 | 30.17 |
| 2018 | 1854 | 105.02 |

Below is the breakdown of each different type of Citations filed and Disposed for 2018:

| Citation Type | Filed | Disposed |
|-------------------------------------|-------|----------|
| ABC Board (ABC) | 2 | 2 |
| Ngerchelongs State Government (NSG) | 2 | 2 |
| Div. of Revenue & Taxation(DRT) | 5 | 6 |
| Koror State Government (KSG) | 27 | 25 |
| Republic of Palau (ROP) | 1541 | 1661 |
| Marijuana Citations (MCC) | 8 | 12 |
| Juvenile Citations (JTC & JDC) | 101 | 130 |
| Water Safety Citations (WSC) | 9 | 16 |
| Airai State Government (ASG) | 0 | 0 |
| Environmental Health Citation (EHC) | 0 | 0 |

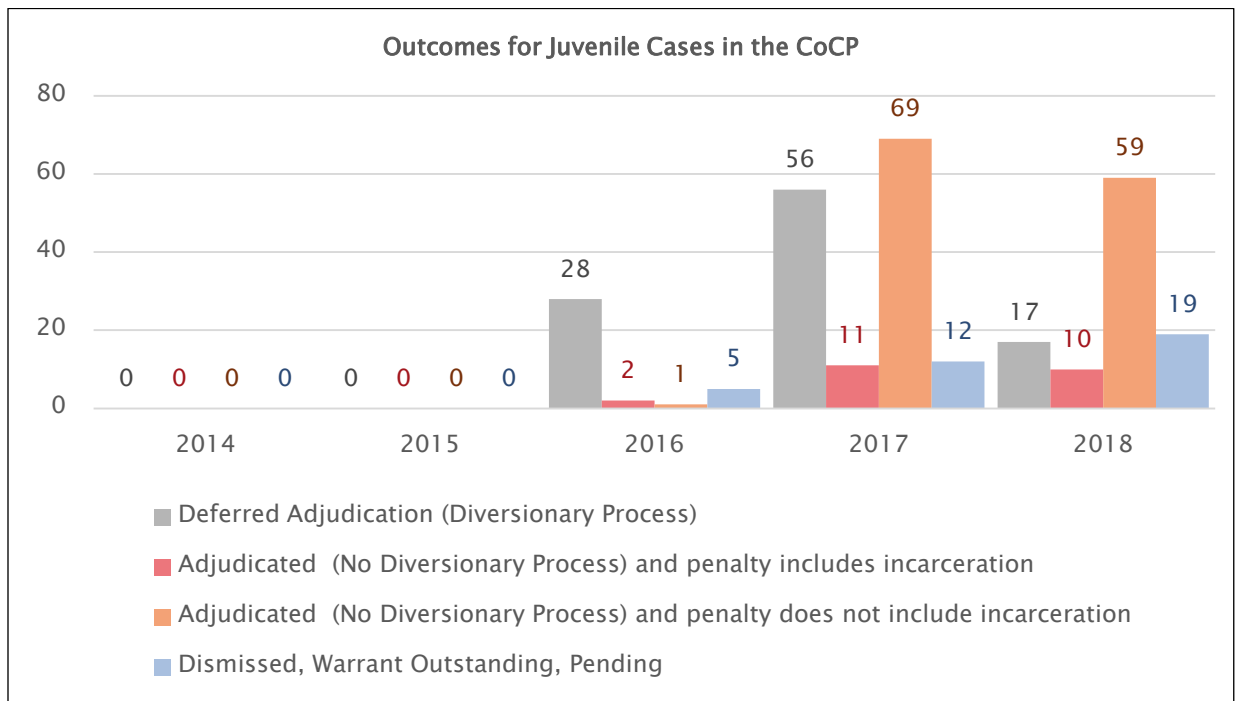
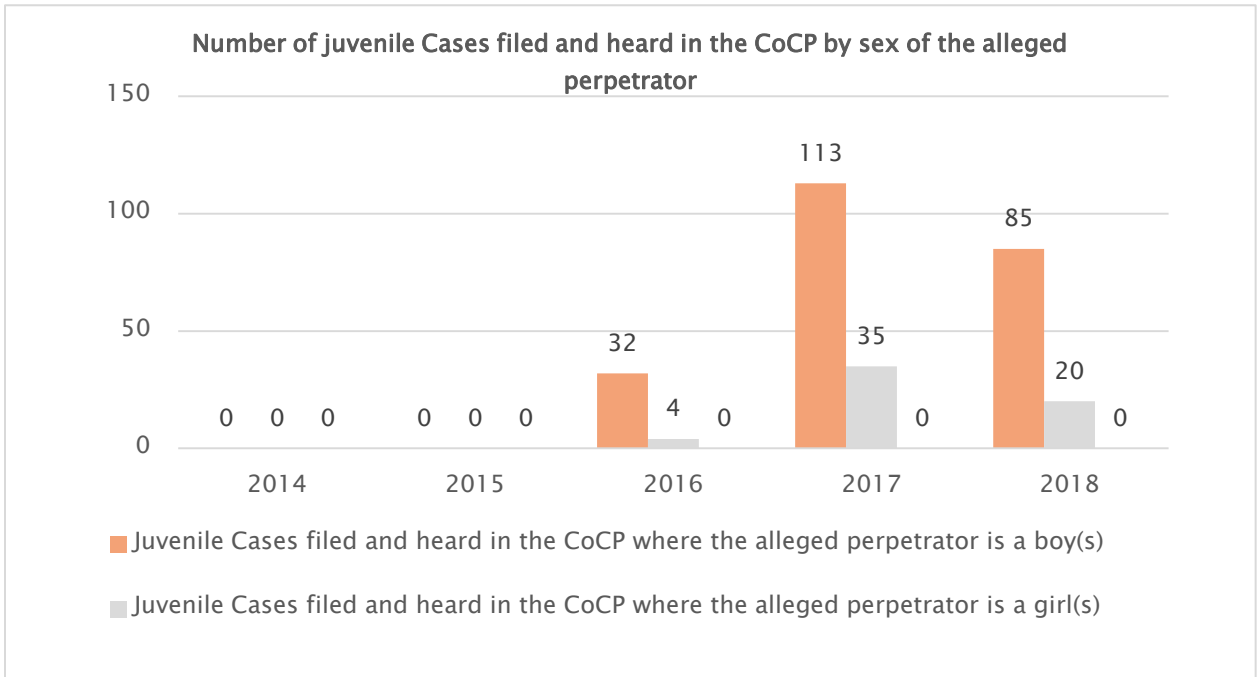
| 2014 to 2018 Citations | | | | | | | | | | | |
|-------------------------------|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|
| | ABC | DRT | JDC | JTC | KSG | MCC | WSC | ROP | ASG | EHC | NSG |
| 2014 | 3 | 2 | 31 | 15 | 3 | 8 | 9 | 1056 | | | |
| 2015 | 13 | 3 | 28 | 11 | 18 | 6 | 41 | 1146 | 2 | | |
| 2016 | 4 | | 28 | 8 | 2 | | | 1056 | 7 | 1 | |
| 2017 | 7 | 10 | 133 | 19 | 34 | 15 | 23 | 1948 | 1 | | |
| 2018 | 2 | 5 | 80 | 21 | 27 | 8 | 9 | 1541 | | | 2 |

Juvenile Citations & Cases

Juveniles continue to be offered the deferred adjudication process under the Penal Code in cases where the court determines that justice and the welfare of society do not require that an accused incur the penalty imposed by law. The procedure can only be offered once and cannot be used in serious offenses against another person.

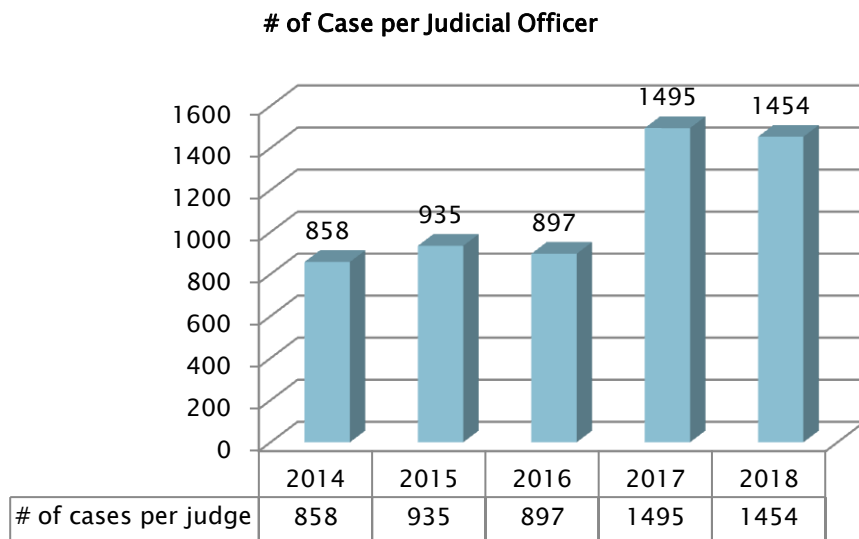
In 2018, there were 101 Juvenile citations and four Juvenile cases issued against juveniles. This was a decrease in numbers compared to the 152 filed in 2017. Of these cases, 85 were boys and 20 were girls. 17 cases went through the deferred adjudication process, while 69 of the cases received probation, a fine, or community service. 10 of the cases received a punishment that included incarceration. The Public Defenders’ Office represented all the juveniles.

Although the percentage of juveniles with a record of their juvenile delinquency increased compared to 2017, all juvenile records are still sealed from the public.



The Palau Judiciary continues to recognize the importance of improving the system of Juvenile Justice and entered into an Amended Memorandum of Understanding Concerning Juvenile Procedures on November 28, 2017 with the other major stakeholders (Bureau of Public Safety/Narcotics Enforcement Agency, Attorney General’s Office, and the Public Defender’s Office) to further clarify the procedures and re-enforce the commitment to improve the Juvenile system.

b) Average number of cases per judicial officer (COCP)



I. Accessibility and Fairness

The Judiciary strives to make the courts accessible to all. As part of this effort, it provides fee waivers, conducts regular public surveys, and maintains a website where members of the public can find rules, publications, court calendars, forms, information on selected cases, information about fees, and press releases. Please visit us at: <http://www.palausupremecourt.net>.

The court also offers services for disabled patrons. Ramps are available for wheelchairs, hearings can be moved to a ground floor level courtroom to accommodate litigants who are not able to climb stairs, and, if necessary, clerks can notarize documents in the parking lot.

A. Free Legal Aid

Legal aids are available for parties who can't afford an attorney. The office of the Public Defender (PD) and Micronesian Legal Service Corporation (MLSC) provide such services. In some cases, the court may appoint an attorney. Some parties choose to be self-represented (Pro Se). Instructions for self-representation are available at the Clerks' Office. Below is a summary of number of litigants who received free legal aides.

| Case Type | 2018 | | | |
|----------------|--------------------|-------------------|-----------------|-------------------|
| | PD | MLSC | Court Appointed | Pro Se |
| Civil Action | 6 | 88 | | 119 |
| Common Pleas | 8 | 99 | | 83 |
| Criminal | 191 | 0 | | 45 |
| Citation | 956 | 11 | 2 | 191 |
| Juvenile | 8 | 0 | | 1 |
| Domestic Abuse | 1 | 0 | | 156 |
| Small Claims | 1 | 2 | | 121 |
| Total | <u>1171</u> | <u>200</u> | <u>2</u> | <u>716</u> |

| Case Type | Year | | | | |
|-------------------------------------|------------|------------|------------|-------------|-------------|
| | 2014 | 2015 | 2016 | 2017 | 2018 |
| Civil Action | 51 | 48 | 40 | 164 | 94 |
| Common Pleas | 63 | 78 | 81 | 66 | 107 |
| Criminal | 191 | 180 | 165 | 201 | 191 |
| Citation | 486 | 371 | 547 | 994 | 969 |
| Juvenile | 10 | 14 | 5 | 5 | 8 |
| Domestic Abuse | 1 | 4 | 4 | 2 | 1 |
| Small Claims | 0 | 0 | 1 | 3 | 3 |
| Total | 802 | 695 | 843 | 1435 | 1373 |
| Self Represented Litigants (Pro Se) | 861 | 415 | 565 | 1191 | 716 |

B. Court Fee Waiver

A lack of money should never be a barrier to justice. Accordingly, another way that the Court ensures access to justice for all is to provide fee waivers to parties who cannot afford the costs associated with filing a lawsuit. Fees may be waived by the court of proper jurisdiction if the Petitioner or Plaintiff requests such a waiver using the appropriate form. The fee waiver form is available at the Office of the Clerk of Court and on the Judiciary website under *Forms*. (<http://www.palausupremecourt.net>).



After publicizing the court fee waiver provisions by a notice in the Court Registry and information to the Micronesian Legal Services Corporation, in 2018 the court received fifteen (15) court fee waiver applications and eleven (11) of them were granted. 12 of the fee waiver applications were brought by MLSC on behalf of their clients and 1 was filed by the Public Defender on behalf of his client, the remainders were brought by the applicants.

Court fee waivers was granted in 9 family law matters, representing 23% of the 40 family law cases filed in 2018, as well as two name change cases. 10 female applicants benefited from receiving a court fee waiver in order to bring their case to court and 1 male applicant.

State governments, government agencies, semi-government agencies, authorities, commissions, and boards are not required to pay the filing fee but are charged the usual fees for service of papers by the Marshals.

X. Court Offices and Departments

A. Administrative Office

The Judiciary Administrative Office is the administrative agency of the Palau Judiciary. Article X, Section 12 of the Republic of Palau Constitution states that the Chief Justice of the Supreme Court shall be the administrative head of the unified judicial system. The Chief Justice shall appoint with the approval of the Associate Justices, an administrative director to supervise the administrative operation of the judicial system.

The Administrative Office is responsible for the overall management, services, and support provided to the Palau Judiciary. Services provided include support for the office and court personnel systems; court security; budget; fiscal; contracts; project management; facilities operations; and publications.

B. Office of the Chief Justice

The Office of the Chief Justice serves as the focal point of all incoming and outgoing activities of the Palau Judiciary. Special Assistant to the Chief Justice and Chamber's Administrator are responsible for updating the Chief Justice on the progress of all assigned matters. This office oversees the administrative functions of the Judiciary and coordinates with other offices.

C. Office of the Clerk of Courts

1. Koror – Trial Division, Land Court, Court of Common Pleas

The Office of the Clerk of Courts is the largest division within the Court and is the primary point of contact for persons interacting with the Judiciary. The main purpose of the office is to provide administrative support to the judges and service the public. It is responsible for the overall management of cases within the judiciary from initial filing to final disposition. The Clerk of Courts oversees a number of sections with important functions vital to its operations: Vital statistics, Land Records, Land Registry and Mediation. It also receives and disburses court related funds such as

finances and restitutions. The Clerk's Office also handles a variety of miscellaneous services such as certification and notarization of documents.

a) Birth, Death, and Marriage Records

Birth Records

Three hundred and fifty four (354) birth certificates were recorded at the Office of the Clerk of Courts in 2018.

| 2018 | JAN | FEB | MAR | APR | MAY | JUNE | JULY | AUG | SEPT | OCT | NOV | DEC | TOTAL |
|--------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|
| REGULAR | 17 | 11 | 28 | 15 | 9 | 17 | 20 | 21 | 17 | 19 | 14 | 15 | 203 |
| OUTSIDE | 11 | 6 | 0 | 7 | 24 | 11 | 45 | 19 | 0 | 13 | 10 | 5 | 151 |
| LATE BIRTH | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 28 | 17 | 28 | 22 | 33 | 28 | 65 | 40 | 17 | 32 | 24 | 20 | 354 |

Death Records

One hundred and twenty-one (121) death certificates were recorded at the Office of the Clerk of Courts in 2018.

| 2018 | JAN | FEB | MAR | APR | MAY | JUN | JULY | AUG | SEPT | OCT | NOV | DEC | TOTAL |
|--------------|-----------|----------|-----------|-----------|-----------|-----------|-----------|----------|----------|----------|----------|-----------|------------|
| DOMESTIC | 13 | 7 | 11 | 13 | 12 | 7 | 11 | 7 | 7 | 8 | 9 | 10 | 115 |
| FOREIGN | 1 | 0 | 0 | 0 | 0 | 4 | 0 | 0 | 0 | 1 | 0 | 0 | 6 |
| TOTAL | 14 | 7 | 11 | 13 | 12 | 11 | 11 | 7 | 7 | 9 | 9 | 10 | 121 |

Marriage Records

Eighty-nine (89) marriage certificates were recorded at the Office of the Clerk of Courts in 2018.

| | JAN | FEB | MAR | APR | MAY | JUNE | JULY | AUG | SEPT | OCT | NOV | DEC | |
|--------------|----------|----------|-----------|----------|----------|----------|-----------|----------|----------|----------|----------|----------|-----------|
| LOCAL | 1 | 1 | 4 | 1 | 1 | 2 | 3 | 1 | 1 | 0 | 1 | 2 | |
| CUSTOMARY | 0 | 1 | 3 | 1 | 3 | 1 | 1 | 1 | 2 | 2 | 2 | 3 | |
| FOREIGN | 3 | 4 | 4 | 1 | 3 | 3 | 7 | 7 | 5 | 5 | 5 | 4 | |
| TOTAL | 4 | 6 | 11 | 3 | 7 | 6 | 11 | 9 | 8 | 7 | 8 | 9 | 89 |

b) Land Records

One thousand nine hundred sixteen (1,916) land records were recorded at the Office of the Clerk in 2018.

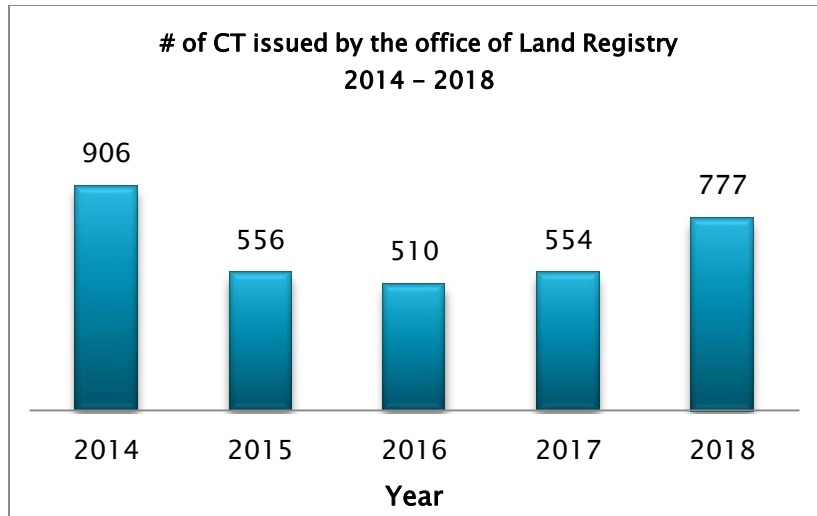
| | JAN | FEB | MAR | APRIL | MAY | JUNE | JULY | AUG | SEPT | OCT | NOV | DEC | TOTAL |
|----------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------|
| CT | 43 | 39 | 56 | 64 | 65 | 42 | 64 | 71 | 46 | 107 | 103 | 64 | 764 |
| D.O. | 92 | 44 | 21 | 47 | 36 | 46 | 13 | 18 | 4 | 60 | 7 | 18 | |
| DEED | 21 | 10 | 23 | 13 | 29 | 14 | 15 | 11 | 17 | 19 | 18 | 12 | 202 |
| LEASE | 26 | 21 | 23 | 56 | 25 | 22 | 17 | 22 | 20 | 25 | 24 | 20 | |
| MORTGAGE | 14 | 15 | 12 | 7 | 16 | 17 | 5 | 18 | 10 | 13 | 11 | 10 | 148 |
| LAND USE RIGHT | 0 | 2 | 0 | 9 | 8 | 3 | 9 | 1 | 5 | 6 | 5 | 8 | |
| OTHERS | 3 | 1 | 1 | 6 | 2 | 7 | 2 | 4 | 0 | 8 | 5 | 0 | 39 |
| TOTAL | 199 | 132 | 136 | 202 | 181 | 151 | 125 | 145 | 102 | 238 | 173 | 132 | 1916 |

c) Land Registry

This part of the Clerk of Courts' Office plays a vital role in land matters. The Registrar records all documents that transfer title to land and supervises the operation of the Land Registry Section. This section is the repository for all property plats and final cadastral maps, certificates of title, determinations of ownership, and other land-related documents.

In 2018, seven hundred seventy seven (777) Certificate of Titles (CT) were issued by the office of the Land Registry

| 2018 | Jan | Feb | March | April | May | June | July | August | Sept | Oct | Nov. | Dec. | Total |
|--|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|-----------|------------|
| CT issued based on DO | 0 | 33 | 0 | 5 | 20 | 2 | 40 | 43 | 43 | 40 | 66 | 13 | 305 |
| Transfer by Court Order | 15 | 7 | 7 | 20 | 12 | 26 | 11 | 18 | 24 | 5 | 12 | 21 | 178 |
| Transfer by Deed | 27 | 6 | 37 | 29 | 16 | 10 | 10 | 7 | 16 | 17 | 11 | 31 | 217 |
| Replacement/Lost Certificates | 0 | 0 | 0 | 8 | 6 | 2 | 1 | 1 | 1 | 2 | 0 | 0 | 21 |
| Re-Issue Change of Trustee/Name Change or Correction | 0 | 1 | 0 | 0 | 8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 9 |
| Re-Issue - Parcel Split | 1 | 0 | 4 | 10 | 0 | 0 | 2 | 1 | 4 | 14 | 11 | 0 | 47 |
| Total CT Issued | 43 | 47 | 48 | 72 | 62 | 40 | 64 | 70 | 88 | 78 | 100 | 65 | 777 |



In addition to the Certificates of Title mentioned above, five hundred eighty seven (587) land documents were recorded with the Land Registry in 2018.

| 2018 | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC | TOTAL |
|-----------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|
| Deeds | 20 | 7 | 21 | 15 | 28 | 12 | 16 | 8 | 14 | 16 | 16 | 9 | 182 |
| Mortgages | 9 | 4 | 10 | 5 | 12 | 10 | 6 | 7 | 16 | 10 | 6 | 8 | 103 |
| Finalised maps | 3 | 1 | 4 | 0 | 0 | 22 | 2 | 23 | 3 | 27 | 19 | 13 | 117 |
| Miscellaneous | 7 | 12 | 10 | 48 | 12 | 13 | 7 | 13 | 10 | 19 | 21 | 9 | 181 |
| Easement | 0 | 0 | 0 | 1 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 4 |
| TOTAL | 39 | 24 | 45 | 69 | 52 | 60 | 31 | 51 | 43 | 72 | 62 | 39 | 587 |

In line with the Judiciary’s goal of digitizing all records, the Land Registry has been actively scanning and uploading case files. In 2018, the Land Registry has scanned and uploaded four hundred ninety two (492) land case files.

d) Land Court Mediation

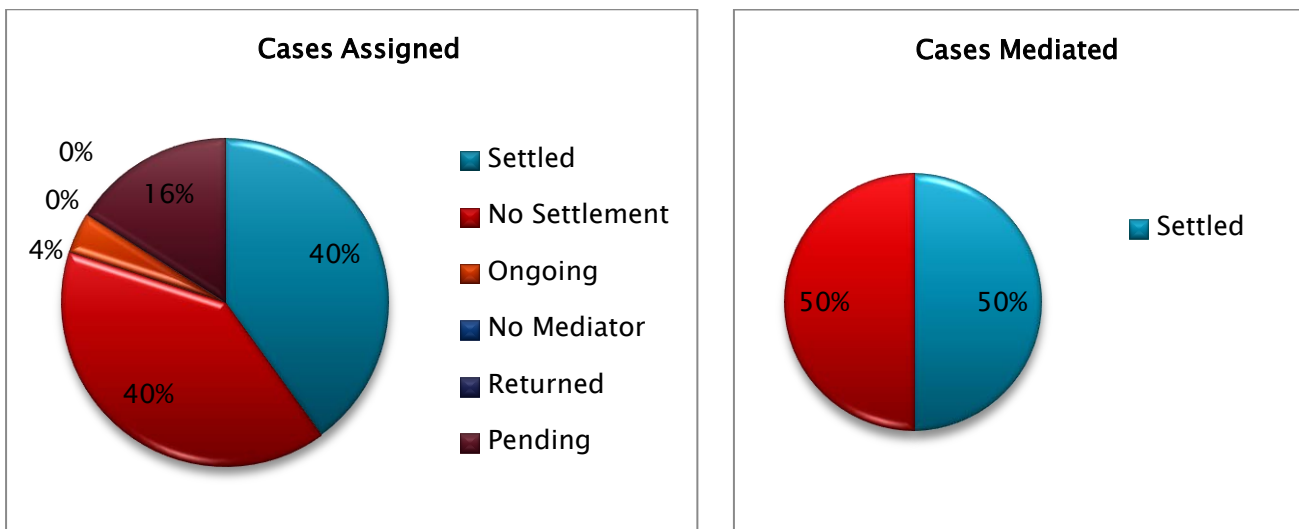
In 2018, forty- six (46) cases were assigned to land court mediation but none of them were resolved as they involved the state government.

e) Supreme Court Mediation

Pursuant to Article X, section 14, of the Constitution of the Republic of Palau, the Supreme Court added “Rule 72: Initiation of Mediation Procedures” to the Rules of Civil Procedures on February 27, 2013. Mediation is an extrajudicial procedure for resolving civil disputes. A mediator facilitates

negotiation between parties and assists them in trying to reach a settlement. The mediator, however, does not have the authority to impose a settlement upon the parties. Mediators are court staff, judges, and some local attorneys (acting pro bono).

In 2018 the caseload of the Supreme Court Mediation section consisted of twenty five (25) civil cases. Ten of the 25 cases were settled through mediation, 10 had no way of settling, one is still in an on-going mediation, and 4 are still waiting for scheduling.



Compared to last year's 58% success rate, there was only 50% success rate in 2018 for the Supreme Court mediation program.

The Court strongly encourages people who have legal disputes to use the Supreme Court's Mediation Program to resolve their differences.

f) Jury Section

In an effort to improve jury trial services, two additional courtrooms have been outfitted with jury boxes bringing the total number of courtrooms with jury boxes to four. And through the use of audiovisual equipment, the court is now able to accommodate a large group of people for voir dire

purposes. While voir dire is occurring in one courtroom the proceedings are projected live into another courtroom and the Judge and potential jurors are able to see and interact with each other. The 2018 jury statistics are as follows: In 2018, 26 new cases qualified for jury trial. Plea agreements between the Republic and the defendants were signed in fifteen (15) cases. Two cases were dismissed and five cases went to trial. Of the five cases that went to trial, two resulted in guilty verdicts on all counts while three resulted in guilty verdicts in some counts and acquittals or not guilty on other counts. There are 15 cases still pending. All in all, 12,732 jury summons were issued and 2,033 were executed.

The Judiciary continues to strive to improve its jury trial process and thanks all for fulfilling their civic duty when summoned as a juror.

2. Capitol – Appellate Division

The mission of the Clerk of the Appellate Court is to provide courteous, efficient, and professional service to the courts and public.

On February 5, 2016, President Tommy Remengesau Jr., signed into law Public Law no. 9-55, and it is through this law that the OEK appropriated funds "for the purposed of implementing the separation of personnel within the trial and appellate divisions by hiring new personnel for both divisions of the Palau Supreme Court." On December 15, 2016, the public was notified of revised proposed "Rules Implementing the Separation of the Justices" and invited to comment. "Rules Implementing the Separation of the Justices" was then promulgated January 5, 2017.

D. Marshal Division

The Marshal Division was created in 1998. The marshals are responsible for serving court documents, executing bench warrants, acting as bailiffs, and providing security for all of

the courts, and monitoring juvenile and adult probationers on curfew or house arrest. The marshals are also authorized to make court-ordered arrests.

When serving as courtroom bailiffs, marshals ensure that the courtroom is ready for court proceedings and maintain peace and order throughout proceedings. Additional services rendered by the marshals include night monitoring of probationers and the judges’ residences. Two marshals are on duty every night. Night Marshals are tasked to monitor and provide security services to the judicial buildings and properties including justices’ and judges’ residences.

In 2018 the Marshal Division served a total of seven thousand one hundred thirty-three (7,133) documents.

| Service Type | 1ST QTR | 2ND QTR | 3RD QTR | 4TH QTR | ANNUAL TOTAL |
|----------------------------------|----------------|----------------|----------------|----------------|---------------------|
| Civil Cases | 522 | 667 | 470 | 734 | 2393 |
| Criminal Cases | 272 | 279 | 266 | 285 | 1102 |
| Juvenile Cases | 114 | 100 | 92 | 67 | 373 |
| Juvenile Citation | 4 | 8 | 20 | 6 | 38 |
| Land Court | 519 | 323 | 304 | 248 | 1394 |
| Traffic Criminal Citation | 521 | 352 | 294 | 259 | 1426 |
| Bench Warrant | 53 | 39 | 39 | 41 | 172 |
| Certificate of Title | 29 | 24 | 61 | 78 | 192 |
| Map RQ | 6 | 5 | 9 | 13 | 33 |
| Letter | 5 | 3 | 2 | 0 | 10 |
| <i>TOTAL</i> | 2045 | 1800 | 1557 | 1731 | 7133 |

E. Probation Office

Probation Office supervised 317 active probationers: 293 adults and 24 Juveniles. In addition, supervised 53 deferred adjudications: 41 adults and 12 juveniles.

Conference, Training, Workshops and Events:

Conference

- Probation Office (PO) met with the Human Resource Personal/Employment Officer from the Ministry of Finance to seek job opportunities for probationers through the Prevention Grant on September 6, 2018.
- Probation Office had a surprise but productive meeting with a U.S. retired Police Officer from New York City affiliated with the Smith and Warren Company engaged in the business of selling badges and variety of accessories needed in the law Enforcement line of work on November 20, 2018.

Training and Workshop

- One Probation Office staff attended the 31st Prevention Training to earn the requirements for re-certification of the Substance Abuse Counselor Certificate held at the Behavioral Health conference room from on January 31, 2018 from 8:30 to 11:30 am.
- Two Probation Office staff attended the Judiciary of Guam Training from May 16 to 18, 2018.
- One Probation Office staff attended the Judiciary of Guam Training from June 2018
- One Probation Office staff attended training in Guam: How Being Trauma Informed Improves Criminal Justice System Response “Train the Trainer Event” on June 22 to June 27, 2018 sponsored by SAMSHA.
- One Probation Office staff attended training conducted at PCC on Substance Abuse Prevention Skills Training (SAPST) from July 17 to September 4, 2018.
- Three Probation Office staff attended the Gender and Family Violence Workshop sponsored by PJSI at the Koror State Assembly and Pablo Ringang Conference Room from November 12 to 22, 2018.

Events

- One Probation Officer is trained in Protocol Assignments and was called to duty to assist with the Government’s protocol assignment during the Forum Economic Ministers Meeting that was hosted by Palau from April 25 to 27, 2018.

F. Law Library

The Law Libraries, Ikesakes Law Library in Koror and Mokoll Memorial Law Library in Ngerulmud, provide legal research materials for the growing needs of the Palau judicial system, practicing bar and general public. Housing over 15, 000 volumes, we strive to



provide access to comprehensive and current legal materials and resources in an efficient and timely manner. To improve their scope and purpose within Palau Judiciary, and their services to the public, the



Law Libraries continue to enhance operational efficiency through employee development and regular updates to their collections. The library is open from 7:30am to 4:30pm on weekdays and arrangements may be made with the law librarian to use the law library during weekend hours, but the requester will be charged for personnel overtime. Photocopying is available at \$0.15 per copy for bar members and \$0.50 for the general public.

G. Technology – Management Information Systems (MIS)

The MIS Division provides the Judiciary with computer technology resources. The Division maintains a networked database that provides ready access to records and cases to all court staff. Records are accessed quickly to serve the public more efficiently. The members of the public can also do research on Land documents through this database system at the Singichi Ikesakes Law Library. With substantial financial assistance from the Taiwan government, the Judiciary was able to launch its Judiciary Information Systems (JIS) in November 2011. JIS is a web-based database program and is accessible at both the Koror and Melekeok Judiciary locations. This system aids the court in case

management, resource management, and administrative services. The court continues to seek ways to utilize technology to provide better customer service.

H. Budget Office

The Budget Office is responsible for managing the financial resources of the Judiciary in accordance with the laws, regulations, and policies of the Republic of Palau.

The Budget Office oversees the following: (1) financial statements and reporting; (2) cash receipts; (3) accounts receivable; (4) cash disbursements; (5) accounts payable; (6) appropriations; (7) audit; (8) revenue forecasts; (9) grants; and (10) budget.

The office provides a comprehensive financial management system that is efficient, effective, independent, and accountable.

I. Annual Budget

| | <u>2016</u> | <u>2017</u> | <u>2018</u> |
|---|-----------------------|------------------------|------------------------|
| Personal Services | \$1,868,930.00 | \$ 2,210,408.00 | \$ 2,433,148.00 |
| Purchased Professional & Technical Services | \$ 2,020.00 | \$ 26,339.00 | -0- |
| Repair and Maintenance | \$ 385,985.00 | \$ 259,469.00 | \$ 156,423.00 |
| Rentals | \$ 41,193.00 | \$ 65,567.00 | \$ 15,833.00 |
| Other Purchased Services | \$ 72,209.00 | \$ 63,765.00 | \$ 68,499.00 |
| Communications | \$ 28,599.00 | \$ 79,238.00 | \$ 23,917.00 |
| Supplies | \$ 86,230.00 | \$ 81,529.00 | \$ 27,353.00 |
| Utilities | \$ 57,615.00 | \$ 76,260.00 | \$ 37,687.00 |
| Purchased Property | \$ 230,636.00 | \$ 241,546.00 | \$ 276,076.00 |
| Other | \$ 22,583.00 | \$ 42,379.00 | \$ 147,139.00 |
| Total: | \$2,796,000.00 | \$ 3,146,500.00 | \$ 3,186,075.00 |

I. Property Management Office

The Property Management Office is a support section that procures supplies, materials, equipment, and furniture for the Judiciary with the approval of the Chief Justice and in accordance with the procurement laws of the Republic of Palau. Our overall goal is to

improve the maintenance practices and inventory of the Judiciary's capitalized and non-capitalized assets for cost savings, accessibility and efficiency.

J. Office of the Court Counsel

The Office of the Court Counsel is primarily responsible for assisting the Justices and Judges with legal research related to cases that come before the Court. In addition, Court Counsel assist in preparing court publications and provide advice on the legality of administrative operations. The Office consists of two to three attorneys under one-year contracts who are recruited from federal and state courts in the U.S.

K. Human Resource Office

The Human Resource Office is responsible for overseeing personnel matters, including hiring, performance evaluations, pay raises, and training for staff. The Office also maintains personnel files for every Judiciary employee and processes contracts for those employees who are hired on a contractual basis.

In trying to achieve the Office's overall goal of providing a well versed workforce for the Palau Judiciary, the Human Resource Specialist has partnered with Palau Community College to provide a cohort program for interested staff to further their education. Chief Justice Ngiraklsong encourages court employees to continue their education.

As an active member of the Belau Educators and Employers Alliance (BEEA), we continue to support and accommodate the career pathways curriculum for high school students throughout the school year. We continue to participate in the Summer Work Experience Program (SWEP), provide college internship programs, and offer career support to students interested in working for the Palau Judiciary.

1. Court Personnel (As of December 2018)

| <u>Name</u> | <u>Title</u> | <u>Length of Service with Judiciary</u> |
|---|---|---|
| <u>Justices/Judges</u> | | |
| Arthur Ngiraklsong | Chief Justice | 32 years & 3 months |
| John K. Rechucher | Associate Justice | 2 years & 2 months |
| R. Barrie Michelsen | Associate Justice | 10 years & 5 months |
| Kathleen M. Salii | Associate Justice | 18 years & 3 months |
| Mary Lourdes F. Materne | Associate Justice | 16 years & 6 months |
| Oldiais Ngiraikelau | Presiding Justice, Trial Division | 1 year & 11 months |
| Honora E. Remengesau Rudimch | Senior Judge, Court of Common Pleas | 13 years & 1 month |
| Rose Mary Skebong | Associate Judge, Land Court | 15 years & 7 months |
| Salvador Ingereklii | Associate Judge, Land Court | 15 years & 7 months |
| 5 male Judges and 4 female Judges | | |
| <u>Part time Judges</u> | | |
| J. Roman Bedor | Trial Counselor Judge (Part-time) | 19 years |
| Grace Yano | Non-Attorney Judge (Part-time) | - |
| Daniel R. Foley | Part-Time Associate Justice | 3 years |
| Katherine A. Maraman | Part-Time Associate Justice | 8 years |
| Dennis K. Yamase | Part-Time Associate Justice | 1 year |
| Alexandro C. Castro | Part-Time Associate Justice | 1 year |
| Kevin Bennardo | Part-Time Associate Justice | 1 year |
| 5 male Part-time judges and 2 female Part-time judges | | |
| <u>Court Counsels</u> | | |
| Danielle Tucker | Senior Court Counsel | 5 months |
| Sara Banco | Court Counsel | 3 months |
| Kendra Hartmann | Court Counsel | 3 months |
| 3 female Court Counsels and no male | | |
| <u>Office of the Chief Justice</u> | | |
| Luisa F. Kumangai | Special Assistant to the Chief Justice | 15 years & 6 months |
| Leia E. Taro | Chamber Administrator | 9 months |
| 1 male and 1 female in the Office of the Chief Justice | | |

Administration

| | | |
|------------------|--------------------------------|---------------------|
| Hasinta Idechong | Deputy Administrative Director | 1 month |
| Hasinta Tabelual | Human Resource Specialist | 16 years & 6 months |

2 females and no males in the Administration office

Budget Office

| | | |
|----------------|----------------------------|---------------------|
| Marcella April | Senior Budget Officer | 27 years |
| Lorena Miyuki | Accounts Specialist | 23 years & 2 months |
| Bridget Iyar | Senior Accounts Specialist | 3 years & 6 months |
| Eden Benhart | Accounts Specialist | 1 year & 2 months |

4 females and no males in the Budget Office

Clerk of Courts – Trial Courts

| | | |
|--------------------------|---|----------------------|
| Allison I. Sengebau | Clerk of Courts (Trial Division) | 22 years & 6 months |
| Sherwin Yamanguchi | Courtroom Clerk/Interpreter III | 18 years & 10 months |
| Juanita E. Udui | Land Title Registrar | 29 years & 1 month |
| Clarinda S. Alexander | Chamber Clerk (assigned to Associate Justice Salii) | 29 years & 1 month |
| Madeline Tengeluk | Land Court Case Management Coordinator | 11 years & 1 month |
| Myla M. Oimei | Courtroom Clerk/Interpreter I | 11 years & 1 month |
| Viola Stephanus | Chamber Clerk (assigned to Senior Judge Rudimch) | 13 years & 8 months |
| Sherene Adolf | Courtroom Clerk/Interpreter I | 8 years & 6 months |
| Leoniza S. Chiokai | Land Title Documents Technician | 17 years & 2 months |
| Ikrebai Blesam | Clerk IV (assigned to Associate Justice Materne) | 17 years & 7 months |
| Lue Dee Kotaro | Courtroom Clerk/Interpreter I | 4 years & 7 months |
| Sylver Swenny | Courtroom Clerk/Interpreter I | 4 years & 10 months |
| Efrecia R. Kazuma | Clerk II | 4 years & 10 months |
| Zonalynn E. Jonathan | Courtroom Clerk/Interpreter I | 3 years & 7 months |
| Bris Ulechong | Courtroom Clerk/Interpreter I | 2 years & 2 months |
| Biusech F. Tabelual | Chamber Clerk (assigned to Presiding Justice Ngiraikelau) | 1 year & 7 months |
| Bodarylenn R. Ngirai bai | Clerk I | 2 years & 1 month |
| Nicole K. Gabriel | Courtroom Clerk/Interpreter I | 2 months |

13 females and 4 males in the office of the Clerk of Courts – Trial Division

Clerk of Courts – Appellate Division

| | | |
|------------------|-----------------------|--------------------|
| Vernice Rechebei | Chief Clerk of Courts | 1 year & 11 months |
|------------------|-----------------------|--------------------|

| | | |
|-----------------|---|--------------------|
| Lovey Alfonso | Deputy Appellate Clerk | 1 year & 10 months |
| Jaime N. Nagata | Chamber Clerk (assigned to Associate Justice Michelsen) | 1 year & 9 months |
| Renita Lomax | Chamber Clerk (assigned to Associate Justice Rechucher) | 1 year |

4 females and no males in the office of the Clerk of Courts – Appellate Division

Law Library

| | | |
|------------------|-------------------------------|---------------------|
| Halora Paulus | Law Librarian | 3 years & 6 months |
| Syringa Gulibert | Asst. Law Librarian/Archivist | 4 years & 11 months |

1 female and 0 males in the Law Library

Marshal Division

| | | |
|------------------------|-------------------|----------------------|
| Florence J. A. Sokau | Chief Marshal | 12 years & 6 months |
| Dave Tarimel | Court Marshal III | 23 years & 6 months |
| Jack Meltel | Court Marshal III | 21 years & 6 months |
| Caine Tmekei | Court Marshal II | 3 years & 11 months |
| Flavin Rubasch | Court Marshal II | 19 years & 3 months |
| Bailey Eberdong | Court Marshal II | 16 years & 3 months |
| Romeo Reddin | Court Marshal III | 18 years & 11 months |
| Raldston K. Ngirengkoi | Court Marshal II | 9 years & 10 months |
| Neil Ringang | Court Marshal II | 8 years & 6 months |
| William Andrew | Court Marshal I | 3 years & 6 months |
| Irachel Malsol | Court Marshal I | 1 year & 2 months |
| Keith Ngirchomlei | Court Marshal I | 1 year & 2 months |

10 males and 1 female in the Marshal Division

Probation Office

| | | |
|---------------------|-------------------------|---------------------|
| Clara N. Rechebei | Chief Probation Officer | 32 years & 3 months |
| Persilla A. Rengiil | Probation Officer | 12 years & 4 months |
| Sebelau Kual | Probation Officer | 2 years & 5 months |
| Young Sikyang, Jr. | Probation Officer | 9 years & 4 months |
| Alvera Joy Azuma | Probation Clerk | 8 years & 11 months |

4 female and 1 male in Probation Office

Property Management

| | | |
|----------------------|--|----------------------|
| Rosalinda Ongalibang | Property Manager/Grant Liaison Officer | 25 years & 6 months |
| John Mark Ngirmekur | Maintenance Technician I | 7 years & 6 months |
| Edward Tadao | Maintenance Technician III | 18 years & 10 months |
| Paul Basilius | Maintenance Technician II | 18 years & 6 months |
| Noel I. Sadang | Maintenance Technician I | 10 years & 2 months |

Godwin Ngirchemat Maintenance Technician III 1 year & 9 months

1 female and 5 males in Property Management

Management Information System

Doran Inabo MIS Director 13 years & 5 months

Rhine Remoket Computer Technician 3 years 7 months

Leilani Buck Computer Technician 4 months(Aug to Nov 2018)

2 females and 1 male in MIS