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## I. Message from the Acting Senior Judge of Land Court



Alii and greetings from the Land Court.

The Land Court's primary objective is to quickly and efficiently implement the land registration program. Due to the urgent need to register clear title to all public and private lands in Palau, this program has been deemed a national priority. Since the dawn of our nation, lawmakers have attempted to expedite the land registration process, beginning with the Palau Land Commission and the Land Claims Hearing Office. In 1996, the Olbil Era Kelulau passed the Land Claims Registration Act which created the Land Court to continue and, as was reasonably believed possible at the time, complete the land registration program within a period of two years.

The Land Court's enabling Act provided some significant changes to improve the pace of the land registration process. For one, the Act transferred the task of filing and monumentation of claims to the Bureau of Lands and Surveys. This allowed the Land Court to concentrate on its judicial function of adjudicating and making determinations regarding land ownership. Secondly, cases may now be heard by a single judge where previously three judges were required. The Act also streamlined the appeals process so that claimants may now appeal Land Court decisions directly to the Appellate Division of the Supreme Court. This eliminated previous lengthy process of first appealing to the Trial Division and then appealing to the Appellate Division for a final decision.

At its inception, the Land Court had four full-time judges. Shortly thereafter, the Judiciary enlisted eight part-time judges consisting of Palauan attorneys and trial counselors to hear land cases and assist in expediting the land registration program. Nevertheless, due to the unexpected volume of cases, the program could not be completed within the Land Court's initial two-year operational period. After a few extensions of the Land Court's term, the OEK finally removed the term deadline in 2017. Removing the deadline of operation eliminated the need for periodic legislative reauthorization, which at times contributed to the delay of the process.

The land registration program progresses steadily, even if not as quickly as we desire. On average, the Land Court issues 650 Certificates of Title a year. The total number of registered lands to date, both public and private, is 15,550 lots. This number represents approximately 53% of the total land mass of Palau, according to unofficial estimates obtained from the Bureau of Lands and Surveys. The number of parcels remaining to be registered is difficult to assess until claims are monumented and surveyed. It is my understanding, however, that a large portion of the 47% unregistered land is claimed to be public land. As public lands tend to be big parcels, this would mean that the number of parcels yet to be registered is less than the number of lands already registered.

In addition to its adjudicatory role, the Land Court also maintains records of all lands registered. This function of the Land Court has been greatly enhanced by utilizing new technology, including FTR TheRecord Manager (FTR) recorders in courtrooms and installation of the Judiciary Information System (JIS). The FTR provides quality audio recording of courtroom proceedings while the JIS enables the digitization of land records and cases as they are adjudicated and determined.

Consistent with the Judiciary's commitment to improving the quality and accessibility of its services, the Land Court's use of technology means that the public has easier access to land records. The record of lands registered from 2011 onwards can be readily accessed through the JIS, and can be reproduced and made available to any interested party. This record includes claim information, pleadings, orders, determinations of ownership, certificates of title and any document relating to the land that is filed or recorded with the courts. Meanwhile, records of land cases prior to 2011 are being scanned and uploaded to the JIS on a state by state basis, and will also be accessible by computer. Land records for the states of Kayangel, Ngarchelong and Ngardmau have been completely uploaded to the JIS, while work on the other states is ongoing. In addition to the documentary records,

audio cassette recordings of older land cases are being digitized and will also be accessible through the Judiciary Archives Department.

Another improvement in the progress of the land registration program is the acquisition and installation of a Map Scanner in the Land Registry at Ngerulmud. Before the map scanner was installed, maps were physically sent back and forth between the Land Court and the Bureau of Lands and Surveys during the verification and approval process required before a final cadastral plat is produced. Certificates of Title are based on the final cadastral plat and extra care at this stage is necessary to ensure accuracy. With the map scanner, the process of producing final cadastral plats is made easier and much more efficient. A scanned image of the map can be electronically sent between the agencies, saving time and resources. The map scanner technology also facilitates digital storage for final cadastral plats. This means that maps can now be viewed, reproduced and otherwise easily accessed through JIS while the actual maps are kept in protective storage.

The Land Court recognizes the importance of its mission to register clear title to all land in Palau, and remains committed to the completion of the land registration program. While the number of judges is reduced to just two full-time judges at present, the Land Court continues to explore different ways to efficiently and expeditiously accomplish its task. To this end, judges and staff have participated in training workshops aimed at promoting efficiency in the delivery of judicial services and improving case management practices and the timeliness of case disposal. These trainings have helped the court to deplete a backlog of old cases while managing new cases as they are filed.

The Land Court also recognizes that there is always room to improve its performance, and welcomes constructive comments and criticisms from the public, especially those who have participated in land registration proceedings. Comments, concerns or any questions regarding the operations of the Land Court may be addressed to Land Registrar Juanita Udui at [judui@palausupremecourt.net](mailto:judui@palausupremecourt.net).

Regards,

A handwritten signature in blue ink, appearing to read "Rose Mary Skebong".

Rose Mary Skebong  
Acting Senior Judge, Palau Land Court

## *Introduction*

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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 9 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.

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.

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 capital relocated in 2006 from Koror State to Melekeok State on the larger but less developed island of Babeldaob – the second largest island in Micronesia after Guam. Ngerulmud, the land in Melekeok where the new government buildings for the Executive, Legislative, and Judicial branch of the government was constructed is now the National Capitol.

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 13 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 2019 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.

## **II. Mission and Vision**

### **MISSION**

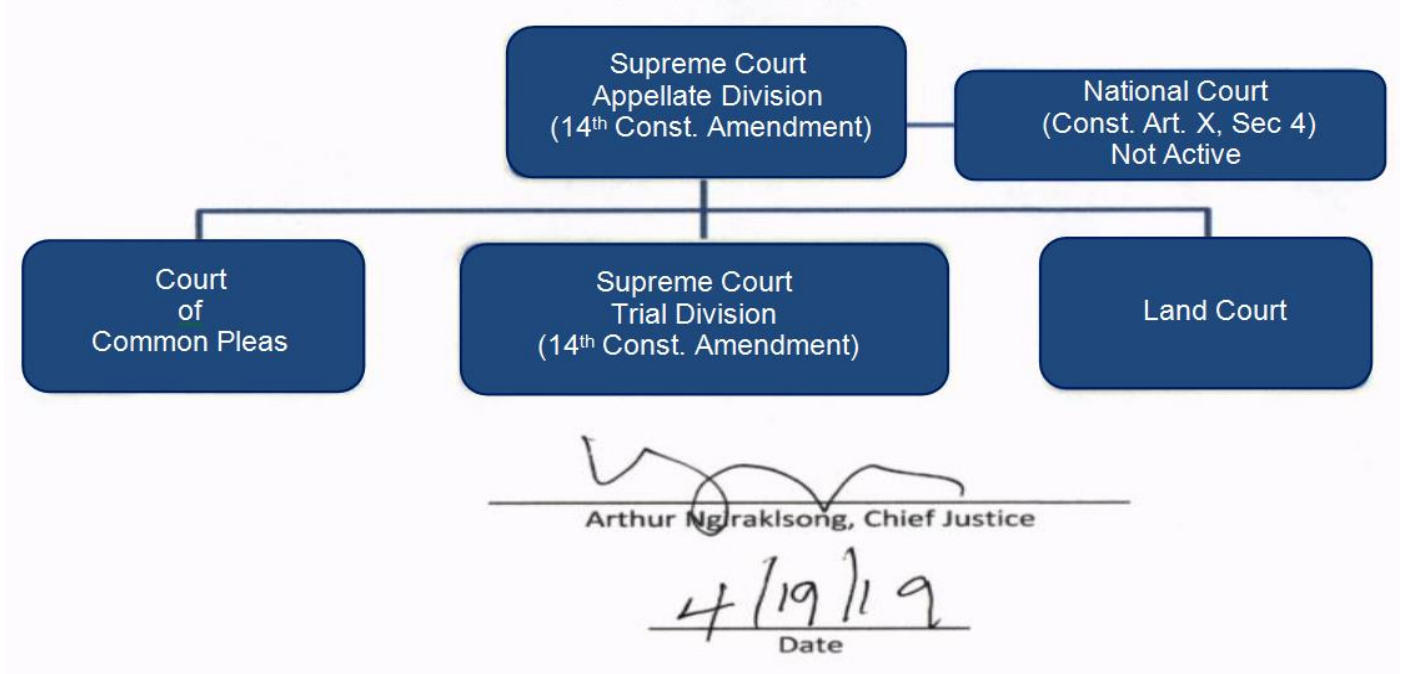
The mission of the Palau Judiciary is to preserve and enhance the rule of law by providing a just, efficient, and accessible mechanism for resolving disputes. The Judiciary will interpret and apply the law, as modified by custom and tradition, consistently, impartially, and independently, in order to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

### **VISION**

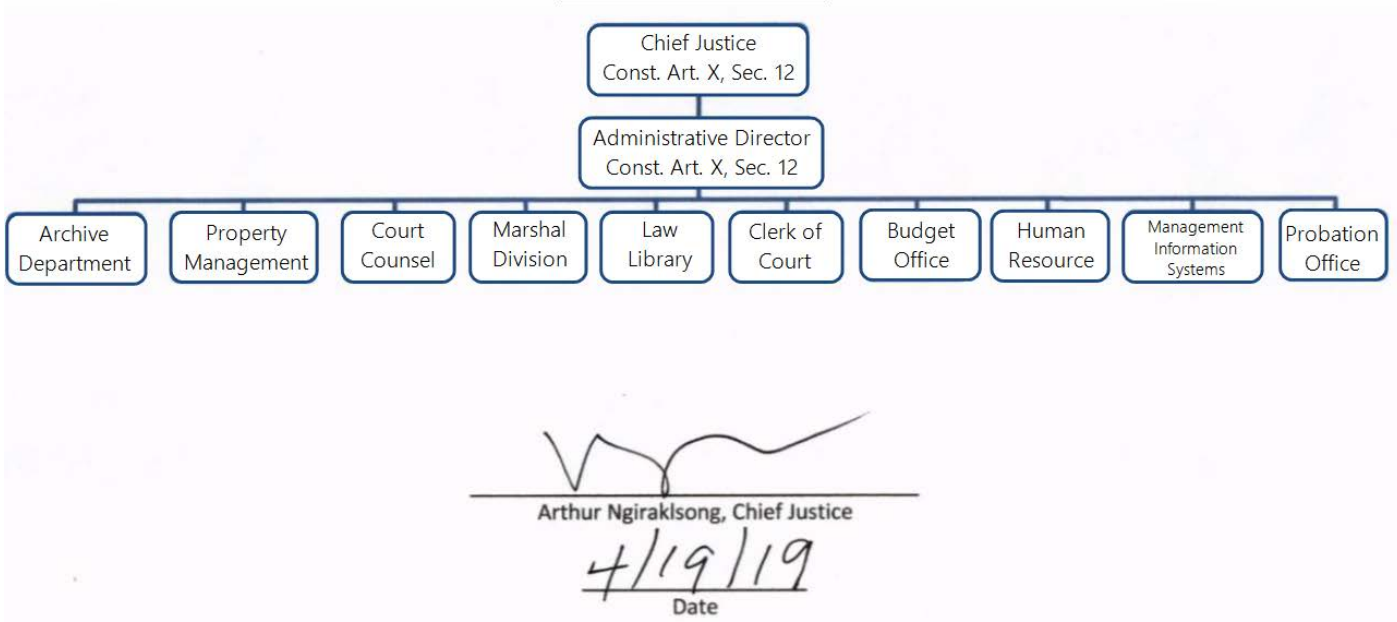
The Courts of the Republic of Palau will provide justice for all while maintaining the highest standards of performance, professionalism, and ethics. Recognizing the inherent dignity of every person who participates in the justice system, the Judiciary will treat each participant with respect and will 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.

### III. Organizational Chart – Palau Judiciary

#### COURTS



#### ADMINISTRATION



## **IV. About the Courts**

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

### **A. Supreme Court (Appellate Division and Trial Division)**

Article X of the Constitution vests the Supreme Court with power over all matters in law and equity and outlines its structure and operation. The Supreme Court is divided into an Appellate Division and a Trial Division. Cases are initially adjudicated by a single justice in the Trial Division. Appeals from Trial Division decisions are heard by panels of three different justices in the Appellate Division. The Appellate Division is a “court of last resort,” a superior court of record having appellate jurisdiction with final authority to adjudicate all cases and controversies properly brought before it. The Supreme Court also handles disciplinary matters (involving members of the Palau Bar) and other special proceedings.

The Supreme Court currently consists of the Chief Justice and two Associate Justices that sit in the Appellate Division; and a Presiding Justice and two Associate Justices that sit in the Trial Division. Additional Justices are appointed on an as-needed basis as Associate Justices Pro Tem or Part-Time Associate Justices to assist with the Court’s workload.

### **B. Court of Common Pleas**

The Court of Common Pleas was 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 cases involving land interests, regardless of the amount claimed or in dispute. (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.

### **C. Land Court**

The Land Court was established in 1996 and is vested with jurisdiction over civil cases involving the adjudication and certification of title to land. 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. Appeals from the Land Court go directly to the Appellate Division of the Supreme Court. The Land Court currently includes an Acting Senior Judge and one Associate Judge. Land Court proceedings are generally conducted in Palauan, although translation is available for non-Palauan speakers.

## **V. Judicial Nominating Commission**

The Judicial Nominating Commission (“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.

## VI. Palau Judiciary Highlights

### A. Conferences, Trainings, Workshops, and Events

**Pacific Judicial Council Court Clerk Leadership Training, Chuuk, FSM, April 8-10, 2019.** This training was attended by Clerks Sylver Swenny and Nicole Gabriel. Subject matters covered included procedural fairness and procedural justice, mindful leadership, effective team building, accountability & court performance and why performance is measured.



**US ARMY PACIFIC TRAINING, April 15-18, 2019.** Five Marshal Officers, Caine Tmekei, Harris M. Ubedei, Efrin B. Tellei, Uong Junior Ngararorou, and Irachel Malsol, attended training conducted by the US Army. Areas covered in the training included Vehicle Extraction, Speed Cuffing, Protective Service Detail and Familiarization of M-16, 9mm and M-4 Service Firearms. The training was held at the Ngeremlengui Old Age Center and also at the Shooting range.



**23rd SEAPAVAA Conference, June 25 – 30, 2019.** Ninety-one delegates from 25 countries and territories



in the Asia-Pacific region and beyond, comprised of archivists, librarians, academics, heritage professionals and international students of archival studies, amongst others, met in Noumea, New Caledonia to attend 23<sup>rd</sup> South East Asia Pacific Audio Visual Archive Association (SEAPAVAA) conference. The participation of delegates specifically from Tuvalu, Palau, the Marshall Islands, and Kiribati was significant as it promoted awareness and generated discussions on the situation of archiving in the Pacific. Law

Librarian, Halora Paulus, attended this conference. The conference was sponsored by REI Foundation Limited. Various topics were covered during the conference included link between memory and archive; work of historical memory in the age of digital transformation; role of the libraries in preserving cultural memory; and revisiting ethnographic collections.

**Pacific Regional Workshop on Legal Identity and Identity Security, Noumea, New Caledonia, July 8 – 10, 2019.**

The objective of the workshop, was to review progress and to build momentum towards the achievement of target 16.9 of the global sustainable development agenda (which commits states to achieving universal legal identity including birth registration). Efrechia Kazuma participated in this workshop and presented a country report on the status of civil registration, the role of ICT in capture and storage of records, and the use of data to confirm and or validate legal identity.



**Workshop on Midterm reporting of the Asia-Pacific Civil Registration Vital Statistics (CRVS), Noumea, New Caledonia, July 11, 2019**

The objective of this workshop was to support selected countries submit responses to midterm questionnaire in preparation for Ministerial Conference on CRVS. This workshop was attended by Efrechia Kazuma as well.

**Law Enforcement Investigative Skills Exchange Program, July 22 – 25, 2019**

The United States Air Force Office of Special Investigations conducted a workshop on Law Enforcement Investigative skills for various agencies within the Palau government on July 22 – 25, 2019. Three Judiciary Marshal Officers, Flavin Rubasch, Keith Ngirchomlei, and Harris Ubedei, attended this workshop. The workshop was held at the Marine Law Conference Room in Koror.



**ANTI-Global Terrorism, September 30 – October 12, 2019**

Marshal Efrin B. Tellei attended an Anti-Global Terrorism in several locations in the US, Washington DC, Anaheim CA, San Diego California, Louisville Kentucky, in October 2019. The training was conducted by the United States Department of State and Department of the Veterans Affairs.



**PJSI Regional Efficiency and Court Data Management Workshop, Port Vila,**



**Vanuatu, October 14-18, 2019.** Deputy Administrative Director Keiden Kintol, MIS Director Doran Inabo and Clerk of Courts Allison Sengebau participated in this workshop. The aims of the workshop included reviewing and refining the Data Management Plan developed in 2018, refine strategies to collect, monitor and manage court performance data and develop ICT plans for inclusion in the overall Data Management Plan.

**Pacific Judicial Council Court Interpreter Training, Pohnpei, FSM, November 4-6, 2019.** The topics of this training included the Role of the Interpreter and Ethics, Skills of Interpreting: Consecutive and Simultaneous Interpretation and Sight Translation; and discussions and group work on glossary building. Clerks Nicole Gabriel and Zonalynn Jonathan participated in this training. They stated that they really enjoyed the training not only because it was a very interactive hands on training but also because of the networking opportunity.

**Sight Translation and Simultaneous Interpreting: Techniques and Skills Webinar, Pablo Ringang Conference Room, Palau Supreme Court, November 11-13, 2019.**

The webinar covered techniques and skills in Consecutive and simultaneous interpreting such as memory retention, note-taking, visualization, deliver and voice control. Additional topics included the roles of the court interpreters, equal footing for LEP speakers and the Moral Code of Professional Responsibility for Interpreters. The webinar was attended by all courtroom clerks.



**International Training on Protocol and Security, November 18-21, 2019** A four-day training on Protocol and Security was held at the Palasia Hotel Conference room in November 2019. Marshal Keith Ngirchomlei attended the training. This training was conducted by Ministry of Foreign affairs of the Republic of Indonesia. Other attendees included personnel from various government agencies.

## ***The Courts' Work***

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The Palau Judiciary prides itself on operating ethically and efficiently, producing quality decisions and ensuring access to justice for all of Palau's citizens and residents. The indicators below measure the judiciary's performance. The clearance rate and average duration of case statistics measure how efficiently the courts are managing their case load. 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.

## VII. 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 Rules & Other Publications tab of the Palau Judiciary website: <http://www.palausupremecourt.net>.

In 2019, there were no complaints received against judicial officers.

Year	Total Cases Filed (all Case Types)	Complaints against *JOs	Cases where no Complaint made against *JOs	Cases where Complaint made against *JOs
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%
2019	2066	0	100.00%	0.00%

\*JO – Judicial Officers – Judges

There were no complaints made against Judiciary staff in 2019.

## VIII. Case Management, Clearance Rates, Average Duration

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

*Note: Some data in this report have been updated in the court's management system so there may be some differences in figures compared to the previous years' reports.*

### A. Supreme Court, Appellate Division

#### Criminal & Civil Appeals (CR/APP & CA/APP)

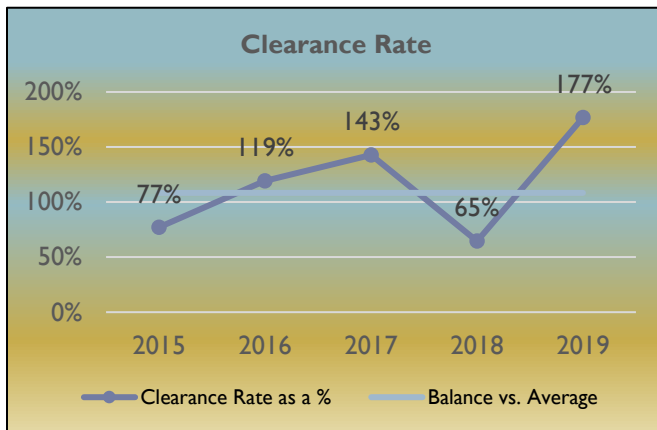
Year	Filed	Disposed	Pending	Clearance Rate
2015	35	27	40	77.14%
2016	26	31	35	119.23%
2017	28	40	23	142.86%
2018	62	40	45	64.52%
2019	30	53	22	176.67%

In 2019, the Appellate Division had thirty (30) new filings, less than half of the previous year's number. It disposed fifty-three (53) cases, the highest we've seen in the last five (5) years. At the end of 2019, there were twenty-two (22) pending appeal cases.

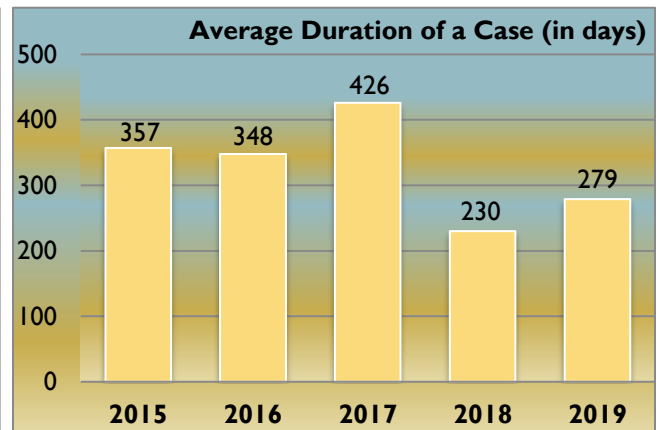
The types of cases appealed in 2019 are as follows:

Case Type	Disposed cases	# of cases appealed in 2019	# of cases NOT appealed	Percentage of cases appealed	Percentage of cases NOT appealed
<b>Civil Action</b>	184	15	169	8%	92%
<b>Land Court</b>	193	7	186	4%	96%
<b>Criminal</b>	228	4	224	2%	98%
<b>Common Plea/Civil Action</b>	106	2	104	2%	98%
<b>Citation</b>	1340	1	1339	0.075%	99.925%
<b>Small Claims</b>	58	1	57	2%	98%
<b>Juvenile Cases</b>	6	0	6	0%	100%

Clearance Rate



Average Duration



The cases disposed in the Appellate Division in 2019 had an average duration of two hundred and seventy-nine days (279). This includes the date the case is filed to the date an opinion or decision is issued.

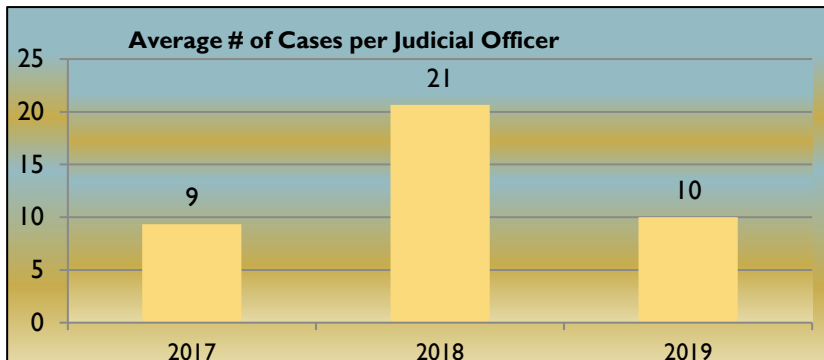
Overturn rate on Appeal

In 2019, fifty-three (53) appeal cases were disposed. The outcome disposition of the cases are as follows:

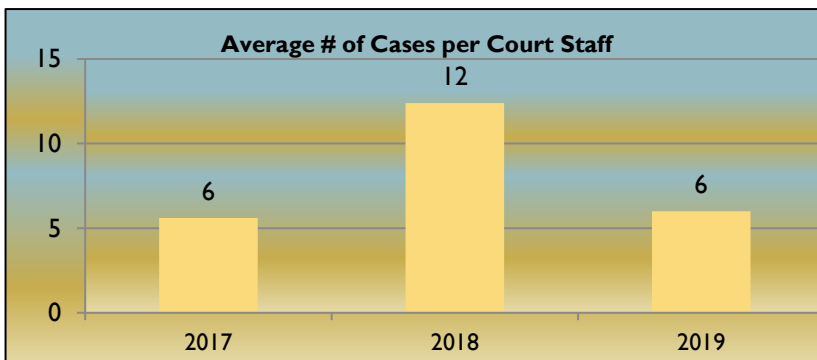
<b>Outcome</b>	<b>#</b>	<b>Percentage</b>
<b>Affirmed</b>	25	47%
<b>Dismissed</b>	14	26%
<b>Remanded</b>	12	23%
<b>Vacated</b>	2	4%

Average Number of Cases per Judicial Officer in the Supreme Court, Appellate Division

There are three (3) full time Judicial Officers in the Appellate Division.



Average Number of Cases per Appellate Clerk in the Supreme Court, Appellate Division



**B. Supreme Court, Trial Division**

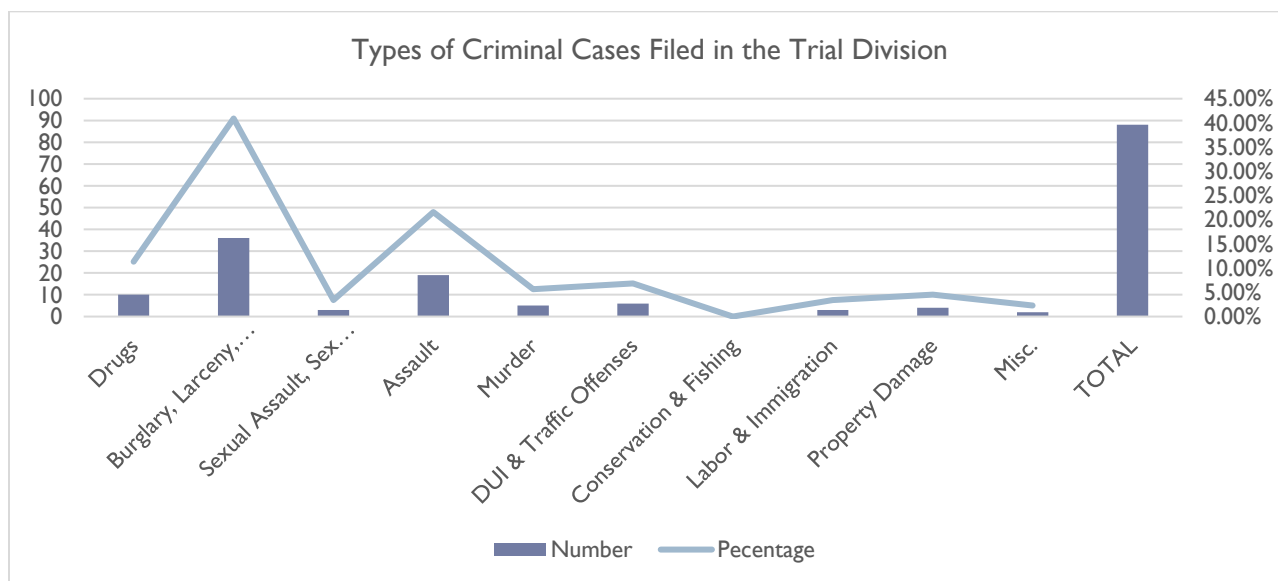
**Criminal Cases (CR)**

In 2019, eighty-eight (88) new criminal cases were filed and categorized as follows:

<b>TYPE OF CASE</b>	<b>NUMBER OF CASE FILED</b>
Drugs*	10

Burglary	36
Sexual Assault Offenses*	3
Assault*	19
Murder	5
DUI & Traffic Offenses	6
Conservation & Fishing	0
Labor and Immigration	3
Property Damage	4
Miscellaneous	2
<b>TOTAL</b>	<b>88</b>

\* Note: These cases include Family Protection Act charges



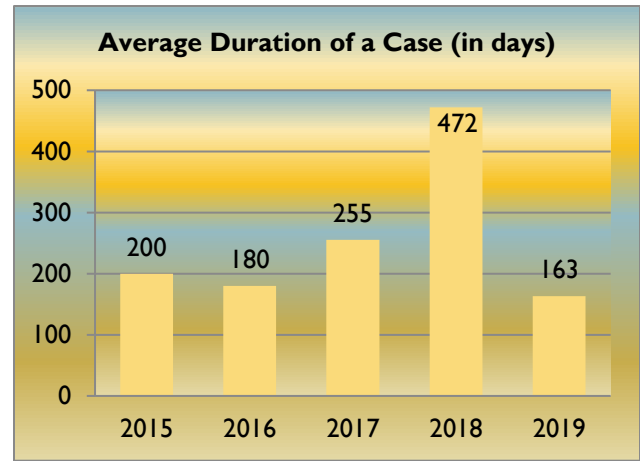
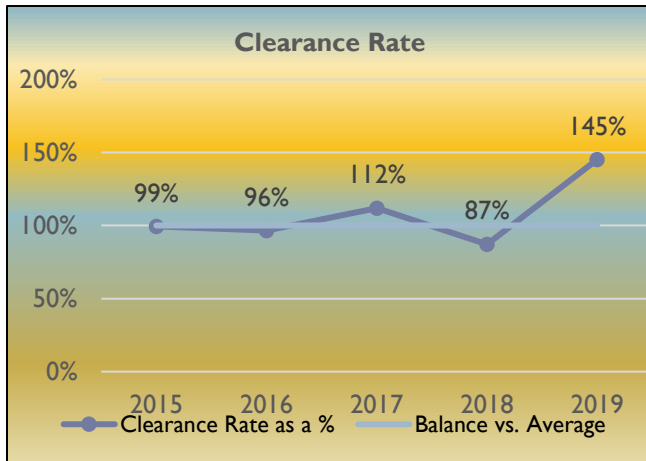
Overall, there were eighty-eight (88) new criminal cases filed; one hundred thirty-nine (139) disposed; and sixty-four (64) pending in the Trial Division.

Year	Filed	Disposed	Pending	Clearance Rate
2015	132	130	121	99.40%

<b>2016</b>	116	125	127	96.49%
<b>2017</b>	102	137	102	111.90%
<b>2018</b>	124	98	135	87.16%
<b>2019</b>	88	139	64	145.22%

Clearance Rate

Average Duration

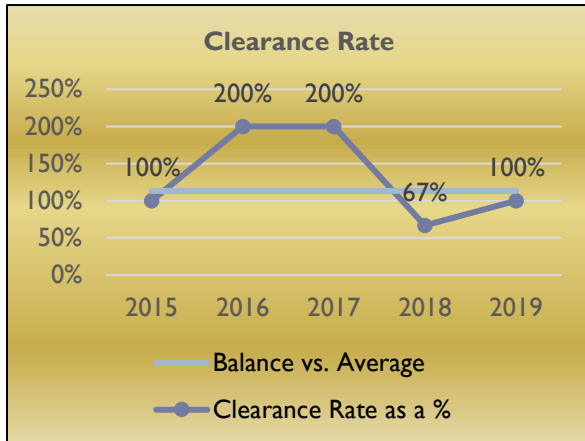


Juvenile Cases (JV)

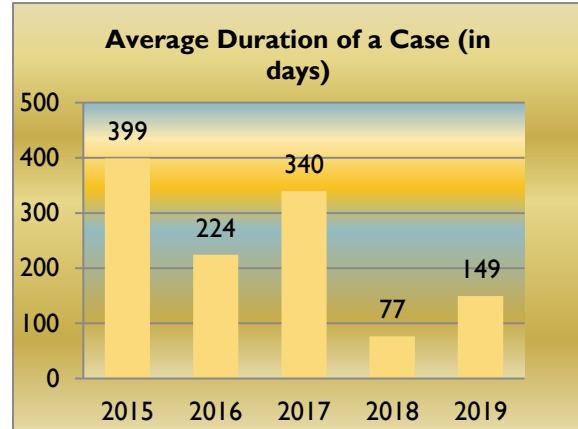
In 2019, only two (2) felony cases were filed against Juveniles in the Trial Division. Of these cases, one (1) was a boy and one (1) was a girl. One (1) of the cases received a punishment that included incarceration and the other was dismissed. The Public Defender’s Office represented one (1) of the Juveniles and the other was appointed counsel by the court. **TO SEE THE OUTCOME TRENDS FOR THESE TYPES OF CASES, SEE COURT OF COMMON PLEAS - SECTION C BELOW.**

Year	Filed	Disposed	Pending	Clearance Rate
<b>2015</b>	14	14	8	100.00%
<b>2016</b>	5	11	2	200.00%
<b>2017</b>	1	3	0	200.00%
<b>2018</b>	5	2	3	66.67%
<b>2019</b>	2	2	3	100.00%

Clearance Rate



Average Duration

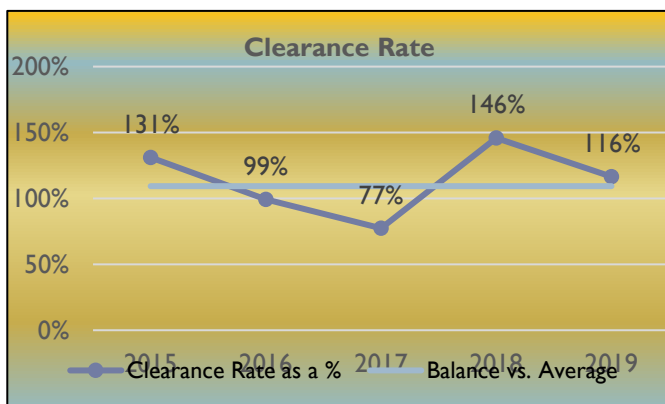


Civil Cases (CA)

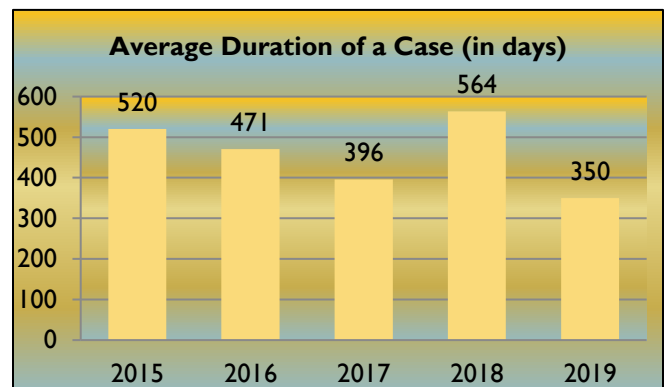
In 2019, one hundred-fifty (158) new civil cases were filed in the Trial Division, and one hundred eighty-four (184) cases disposed.

Year	Filed	Disposed	Pending	Clearance Rate
2015	132	173	176	131.06%
2016	122	121	177	99.18%
2017	349	270	256	77.36%
2018	179	261	174	145.81%
2019	158	184	148	116.46%

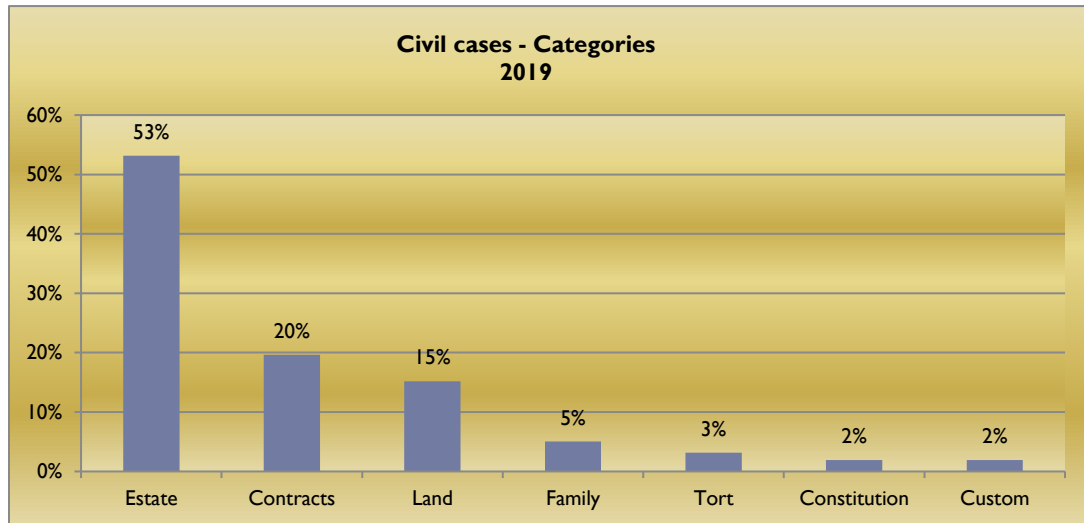
Clearance Rate



Average Duration



Of the one hundred-fifty (158) new civil cases filed, eighty-four (84) or 53% were estate cases, thirty-one (31) or 20% were contract cases, twenty-four (24) or 15% were land matters, eight (8) or 5% were family law cases, five (5) or 3% were tort cases, three (3) or 2% were constitutional matters, and three (3) or 2% were custom cases.



**Family Cases (Divorce, Child Custody and/or Child Support)**

Of the family law cases, three (3) were divorce and child custody and/or support cases. None requested a fee waiver and all plaintiffs were represented by an attorney.

**In 2019, the Judiciary began compiling the applicant’s residence. Of the three (3) family law cases, two (2) or 67% of the cases, the applicants were from the urban area. For the remaining case, it is not known where the applicant resides.**

Year	Total Cases Filed	Fee Waiver Requested	Fee Waiver Granted	Fee Waiver Denied	% of Applicant from Urban Area	% of Applicant from Rural Area	% of Applicant from Outer Islands
2019	3	0	N/A	N/A	67%	29.03%	0.0%

In the previous years, we combined family related cases for both Trial Division and the Court of Common Pleas. This year’s annual report, we have categorized the cases under each court. **TO SEE THE TRENDS FOR THESE TYPES OF CASES HOWEVER, SEE COURT OF COMMON PLEAS - SECTION C BELOW.**

## Civil Action/Domestic Abuse Cases (CADA) Filed Under the Family Protection Act (FPA)

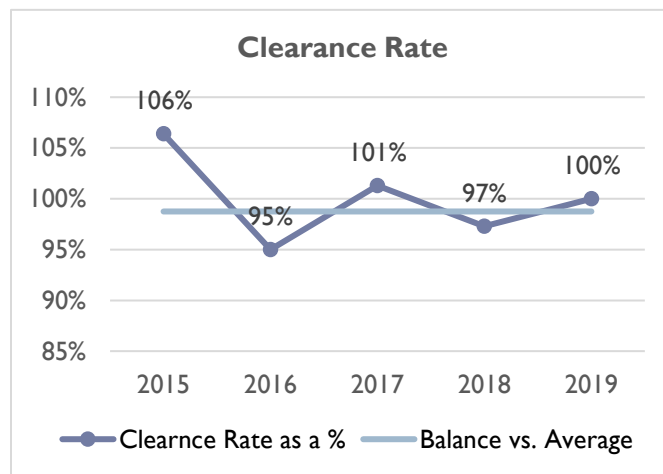
Civil Domestic Abuse Protective Order cases are filed in the first instance in the Court of Common Pleas, but if there is a conflict or the presiding judge is unavailable, the case will be filed with the Trial Division of the Supreme Court.

In 2019, there were twenty-six (26) Civil Action/Domestic Abuse Cases filed in the Trial Division, with a clearance rate of 100%. Over the last five years, the number of CADA cases has slightly decreased.

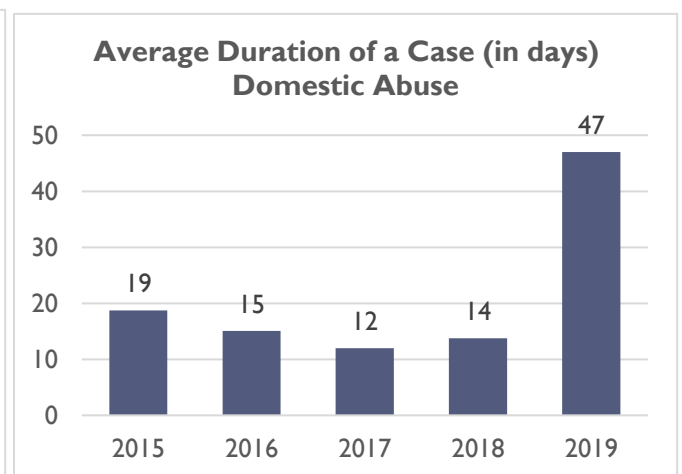
In the previous years, we combined the CADA cases for both Trial Division and the Court of Common Pleas. This year's annual report, we have categorized the cases under each court. **TO SEE THE TRENDS FOR THESE TYPES OF CASES HOWEVER, SEE COURT OF COMMON PLEAS - SECTION C BELOW.**

Year	Filed	Finalized	Pending	Clearance Rate as a %
2015	47	50	0	106.38%
2016	60	57	3	95.00%
2017	78	79	2	101.28%
2018	74	72	4	97.30%
2019 – Trial Division only	26	26	0	100.00%

Clearance Rate



Average Duration



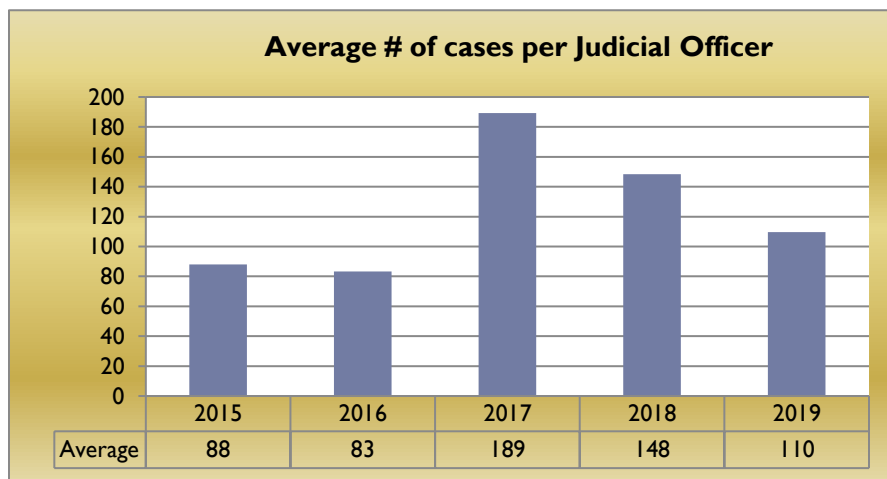
### Criminal Charges Filed Under the Family Protection Act (FPA)

Criminal charges filed pursuant to the Family Protection Act are filed in both the Trial Division and the Court of Common Pleas, depending on whether they are felony or misdemeanor charges.

In 2019, there were three (3) cases filed under the FPA in the Trial Division. **TO SEE THE TRENDS FOR THESE TYPES OF CASES SEE COURT OF COMMON PLEAS - SECTION C BELOW.**

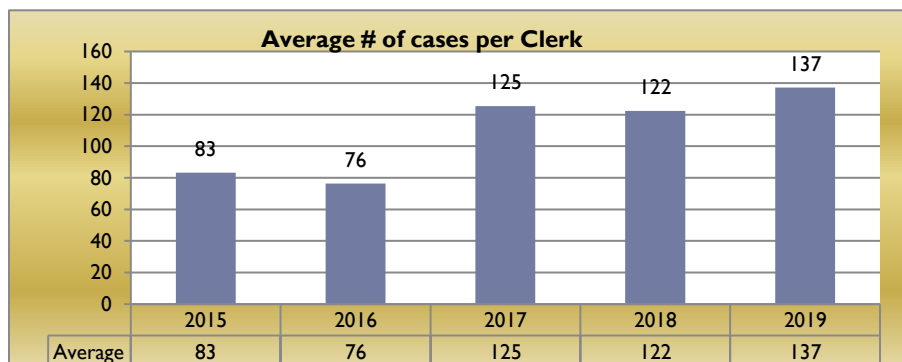
### Average Number of Cases per Judicial Officer in Supreme Court, Trial Division

In 2019, there were three (3) Judicial Officers in the Trial Division. The average number of cases is 110 per Judicial Official.



### Average Number of Cases per Clerk in Supreme Court, Trial Division

The Clerk staff handle case all in all trial courts - the Supreme Court - Trial Division, Court of Common Pleas, and Land Court.



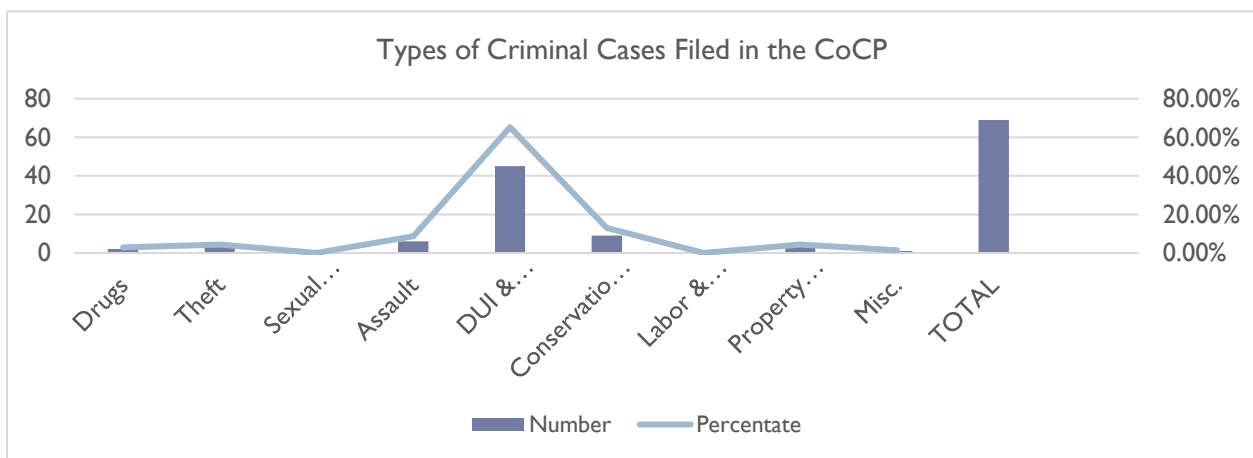
## C. Court of Common Pleas

### Criminal Cases (CR)

In 2019, there were sixty-nine (69) criminal cases filed in the Court of Common Pleas (“CoCP”). A majority of the criminal cases filed were Driving Under the Influence of Intoxicating Liquor (“DUI”) and other Traffic Offenses.

TYPE OF CASE	NUMBER OF CASE FILED
Drugs	2
Theft	3
Sexual Assault Offenses	0
Assault	6
DUI & Traffic Offenses	45
Conservation & Fishing	9
Labor and Immigration	0
Property Damage	3
Miscellaneous	1
<b>TOTAL</b>	<b>69</b>

**Note: There were no criminal cases filed in the CoCP involving the Family Protection Act. Those charges were mainly filed as Citations.**

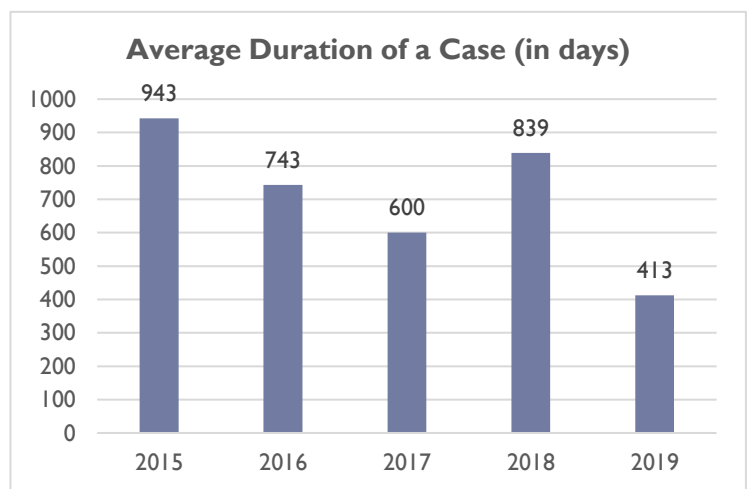
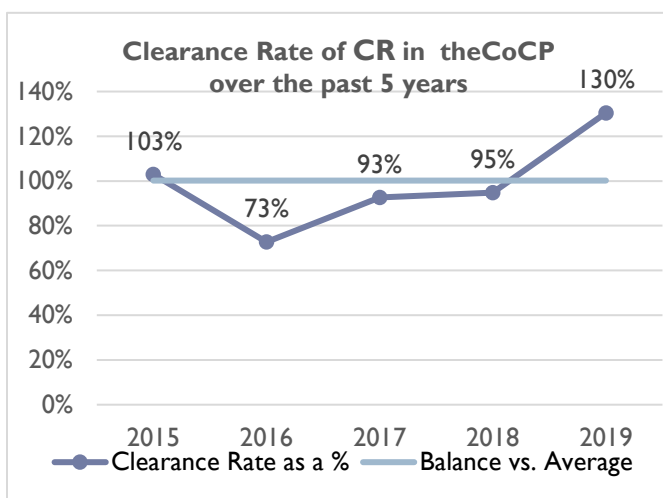


In 2019, there were sixty-nine (69) new criminal cases filed; eighty-nine (89) disposed; and nine (9) pending

Year	Filed	Disposed	Pending	Clearance Rate
2015	34	35	0	102.94%
2016	55	40	15	72.73%
2017	108	100	23	92.59%
2018	133	126	30	94.74%
2019	69	89	9	130.43%

Clearance Rate

Average Duration



The average duration of a criminal case in the CoCP has been high over the years due to continued updating of the case management systems, where the cases were not updated in the database, or were finally closed administratively as the defendants had left the Republic prior to arraignment. In addition, some criminal cases were placed on deferred judgments on average for a year pursuant to the Penal Code. In these cases, the defendants would be placed on probation and if they successfully complete the term, the cases ultimately would be dismissed. These cases remained pending and therefore affected the average duration of days for the criminal cases.

Citations

There were one thousand two hundred sixteen (1,216) citations filed in 2019. The citations are filed in the first instance in the Court of Common Pleas (“CoCP”). If the CoCP Judge has a conflict, a Justice from the Trial Division is designated to preside over the case. Citations comprise the majority of the CoCP’s case load, and are heard weekly. A citation, depending on the charge, may be paid at the Office of the Clerk of Courts if an offender

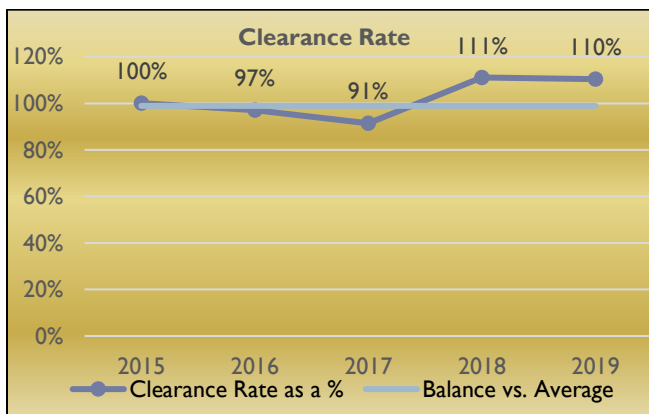
does not contest the charge(s). The below figure shows the number of paid citations for the past five (5) years. Certain types of offenses cannot be paid directly, however, and the offender must appear before the Court.

Year	# of Paid Citations
2015	575
2016	506
2017	946
2018	514
2019	293

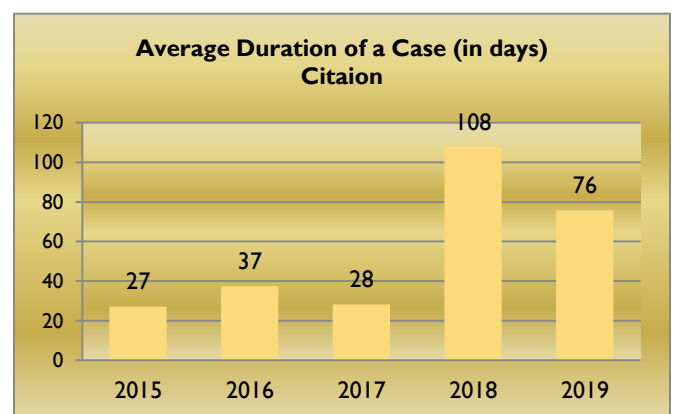
Year	Filed	Disposed	Pending	Clearance Rate
2015	1268	1269	225	100.08%
2016	1158	1124	259	97.06%
2017	2190	2002	447	91.42%
2018	1700	1889	258	111.12%
2019	1216	1340	132	110.38%

Out of the 1,216 citation filed, 647 of them were traffic offenses, 532 were criminal offense, and 37 were combination of Traffic and Criminal offenses.

Clearance Rate



Average Duration



Below is the breakdown of the different type of Citations filed and Disposed for 2019:

	Filed	Disposed
Airai State Government (ASG)	3	3

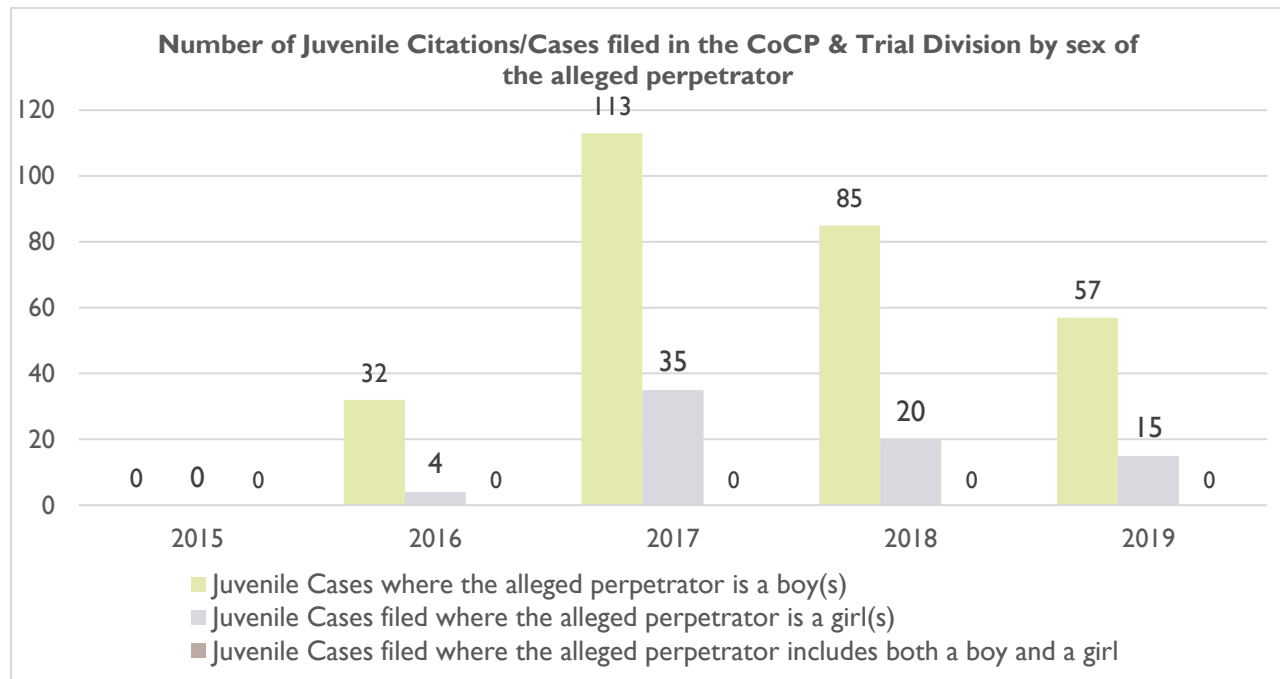
Div. of Revenue & Taxation (DRT)	3	3
Koror State Government (KSG)	16	16
Republic of Palau (ROP)	1103	1217
Marijuana Citations (MCC)	22	22
Juvenile Citations (JTC & JDC)	66	71
Water Safety Citations (WSC)	3	4

### Juvenile Citations and Cases

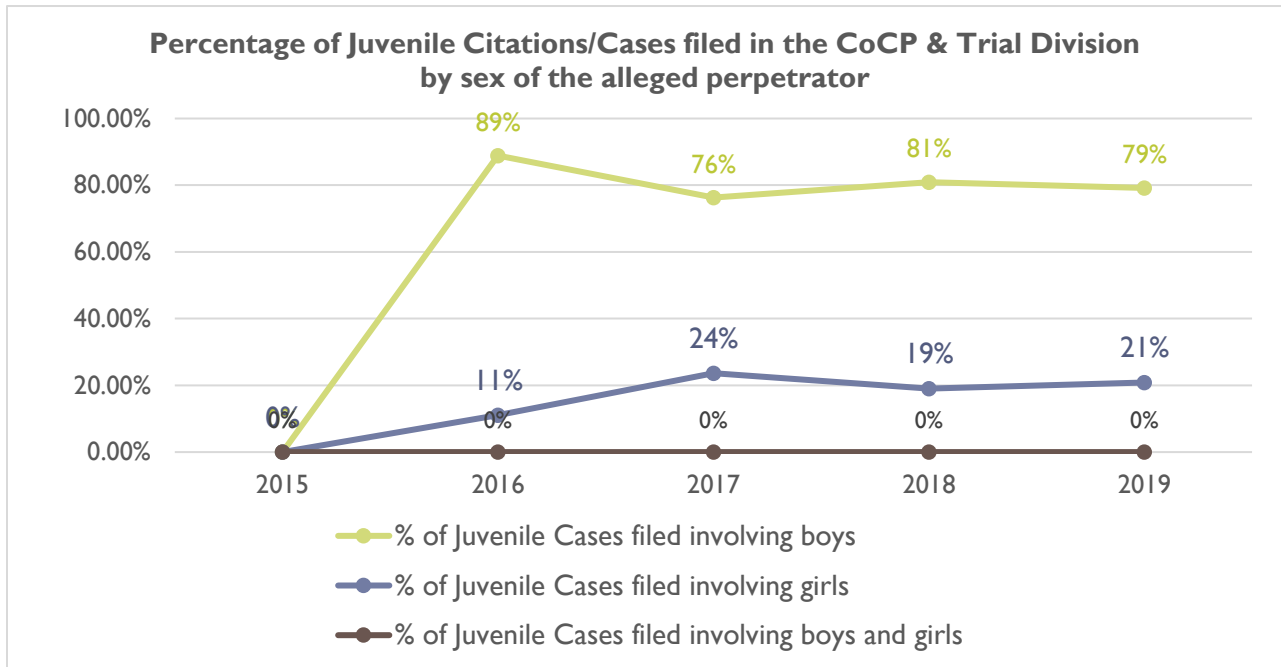
Juveniles continue to be offered the deferred adjudication process under the Penal Code in cases where the court determines that justice and the welfare of society do not require that an accused incur the penalty imposed by law. The procedure can only be offered once and cannot be used in serious offenses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

In 2019, there were sixty-six (66) citations issued against juveniles. There were also four (4) Juvenile misdemeanor cases filed in the Court of Common Pleas (“CoCP”). The total citations and cases against Juveniles were seventy (70). The number has been decreasing for the last two years. In addition to the cases filed in CoCP, there were two (2) felony cases filed against Juveniles in the Trial Division.

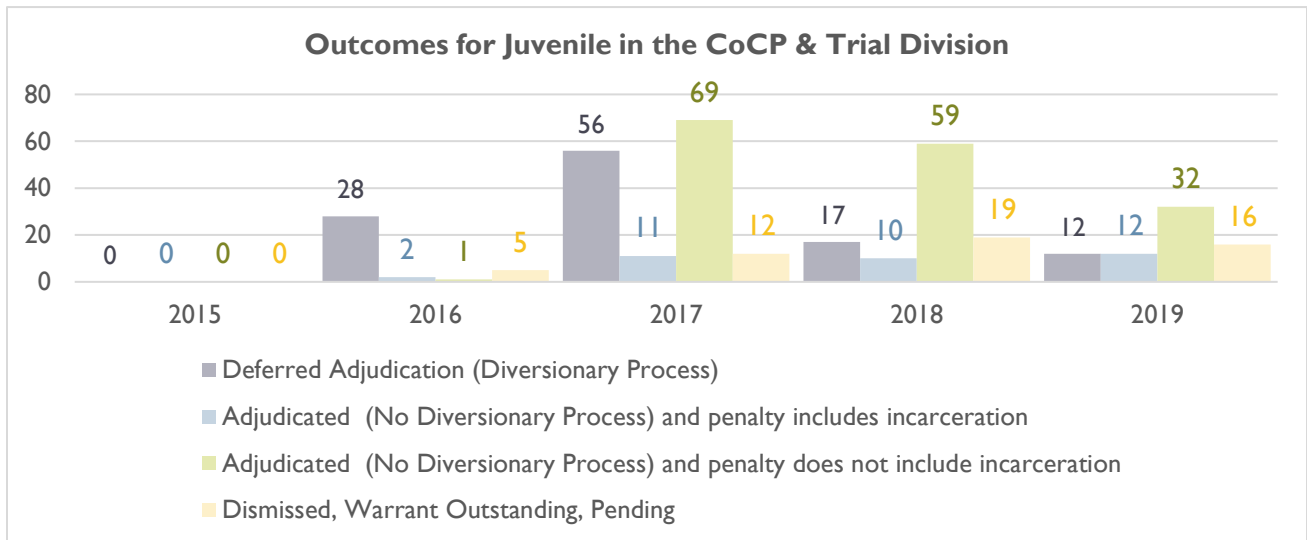
Of these citations and cases filed in both the **CoCP and the Trial Division**, 57 were boys and 15 were girls.

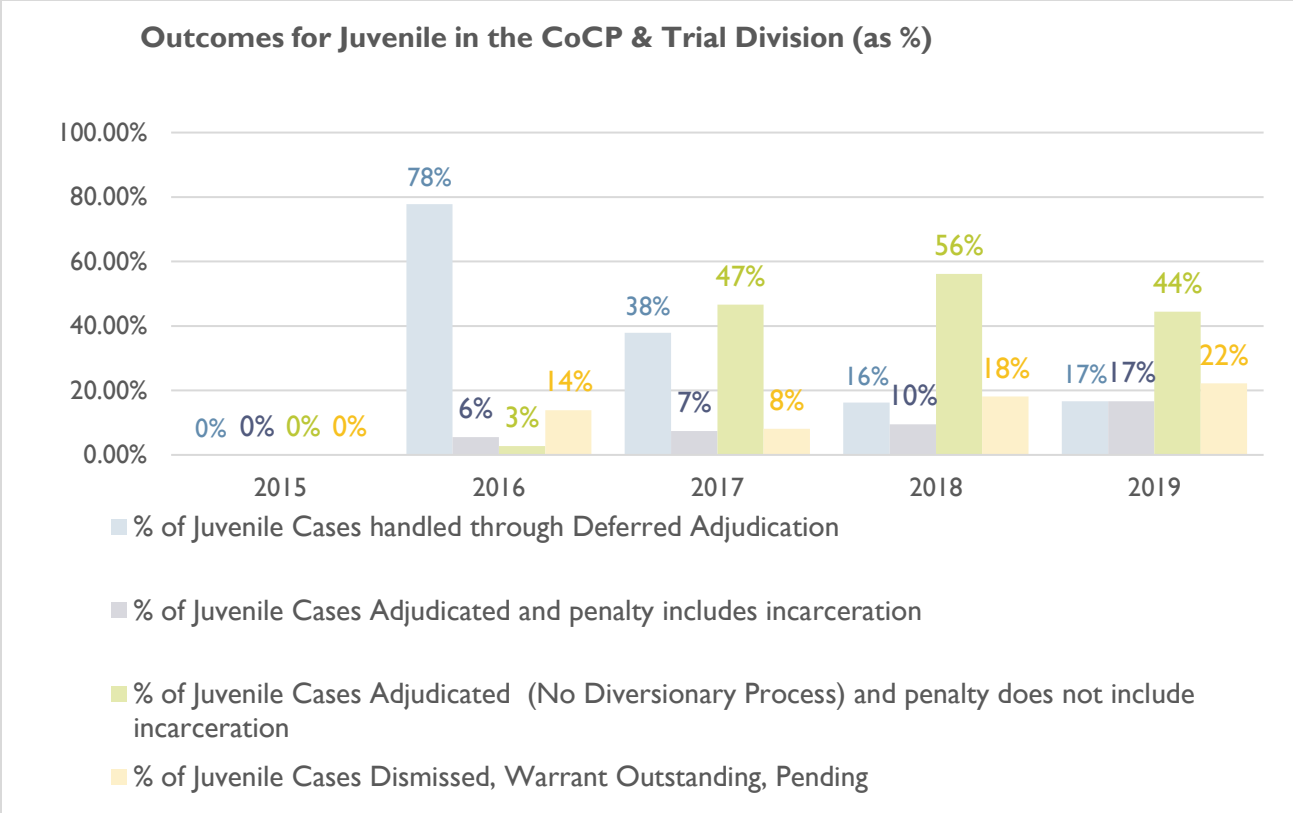


There was a 2% increase in the number of girls, and a 2% decrease in the number of boys from 2018 to 2019.



In 2019, twelve (12) cases or 17% went through the deferred adjudication process, while thirty-two (32) or 44% of the cases received probation, a fine, or community service. Twelve (12) or 17% of the cases received a punishment that included incarceration. Sixteen (16) or 22% were dismissed, pending, or have outstanding warrants. The Public Defenders' Office or court appointed counsels represented all the juveniles. All juvenile records are sealed from the public.





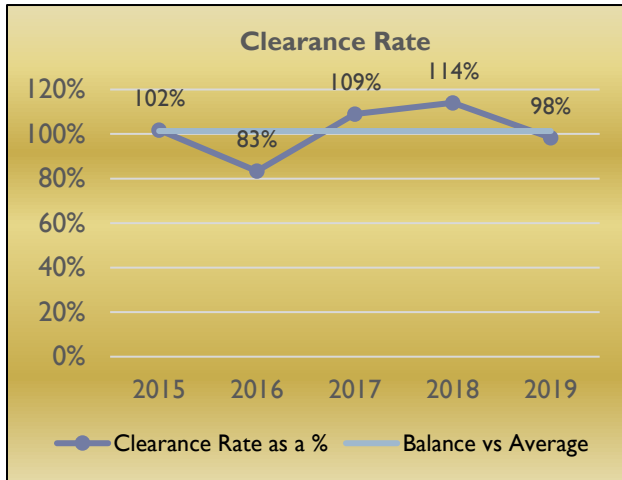
The Palau Judiciary continues to recognize the importance of improving the system of Juvenile Justice and entered into an Amended Memorandum of Understanding Concerning Juvenile Procedures on November 28, 2017 with the other major stakeholders (Bureau of Public Safety/Narcotics Enforcement Agency, Attorney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

**Small Claims (SM)**

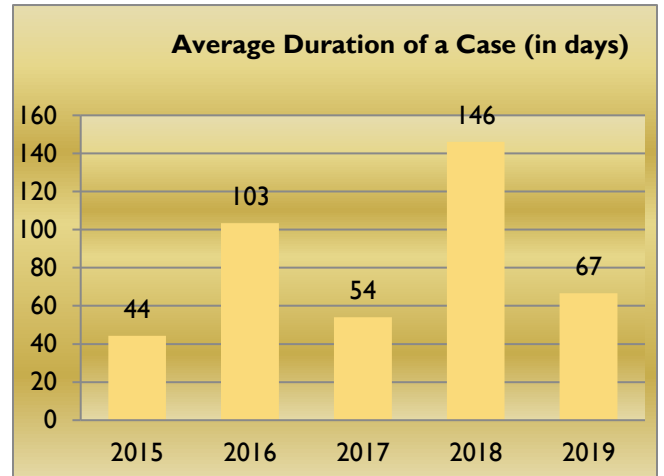
Small Claims cases are monetary claims of up to \$3,000 and are filed in the first instance in the Court of Common Pleas. In 2019 there were fifty-nine (59) cases filed, with a clearance rate of 98%.

Year	Filed	Disposed	Pending	Clearance Rate
2015	58	59	43	101.72%
2016	54	45	52	83.33%
2017	67	73	46	108.96%
2018	57	65	38	114.04%
2019	59	58	39	98.31%

Clearance Rate



Average Duration



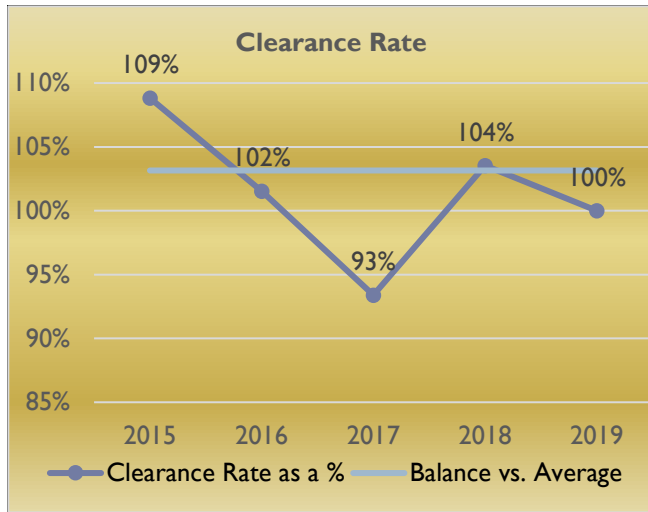
After updating a lot of old cases in the database the previous year, in 2019 the average duration of a small claims case dropped from one-hundred forty-six (146) days to sixty-seven (67) days.

**Common Pleas/Civil Action (CP/CA)**

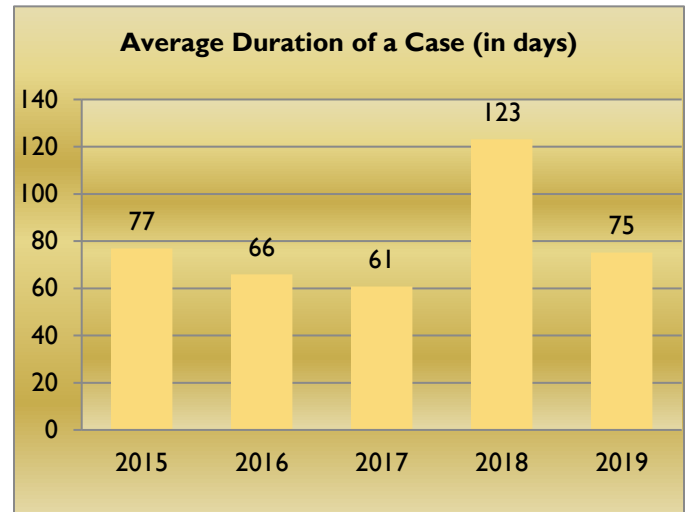
The Court of Common Pleas hears civil cases. They are designated as Common Pleas/Civil Action cases and comprise mainly of divorce, child support, child custody, adoptions, guardianships, simple estates and correction of birth certificate matters. In 2019, there were one hundred six (106) new cases filed, with the same number disposed.

Year	Filed	Disposed	Pending	Clearance Rate
2015	136	148	20	108.82%
2016	131	133	18	101.53%
2017	106	99	25	93.40%
2018	141	146	20	103.55%
2019	106	106	20	100.00%

Clearance Rate



Average Duration



**Family Cases (Divorce, Child Custody and/or Child Support)**

Of the civil cases filed in the Court of Common Pleas (“CoCP”), thirty (30) were family related cases, specifically divorce, child custody and/or child support. Five (5) of these cases requested fee waivers, with four (4) being granted and one (1) denied.

**In 2019, the Judiciary began compiling the applicant’s residence. In 90% of these cases, the applicants were from urban areas, while 10% were from rural areas. There were no cases filed by applicants from the outer islands.**

Year	Total Cases Filed	Fee Waiver Requested	Fee Waiver Granted	Fee Waiver Denied	% of Applicant from Urban Area	% of Applicant from Rural Area	% of Applicant from Outer Islands
2019	30	5	4	1	90%	10%	0.0%

Of the 30 cases, twenty (20) were filed by female applicants and ten (10) were filed by male applicants. There were no joint applicants.

Below is a breakdown of the cases by sex of the applicants for all family cases filed **in both the CoCP and the Trial Division:**

Year	Female Applicant	Male Applicant	Joint Applicant	Total	% of Female Applicant	% of Male Applicant	% of Joint Applicant

<b>2015</b>	22	9		31	70.97%	29.03%	
<b>2016</b>	36	7		43	83.72%	16.28%	
<b>2017</b>	21	6	2	29	72.41%	20.69%	6.90%
<b>2018</b>	33	8	2	42	78.57%	19.05%	2.38%
<b>2019</b>	21	12	0	33	63.64%	36.36%	0.00%

**Civil Action/Domestic Abuse Cases (CADA) Filed Under the Family Protection Act**

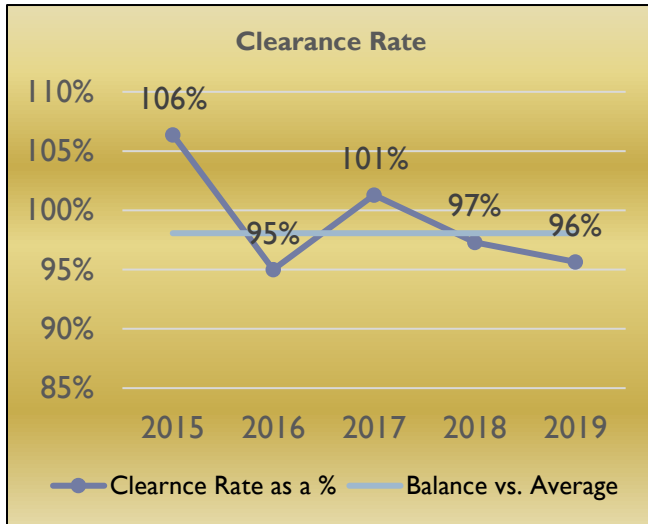
Civil Action/Domestic Abuse (CADA) cases are civil domestic abuse protective order cases. In 2019, there were forty-three (43) CADA cases filed in the Court of Common Pleas (“CoCP”), with a clearance rate at 96%. Over the last five years, the number of CADA cases has slightly decreased.

These cases are filed in the first instance in the CoCP, but if there is a conflict or the presiding judge is unavailable, the case can be filed with the Trial Division of the Supreme Court.

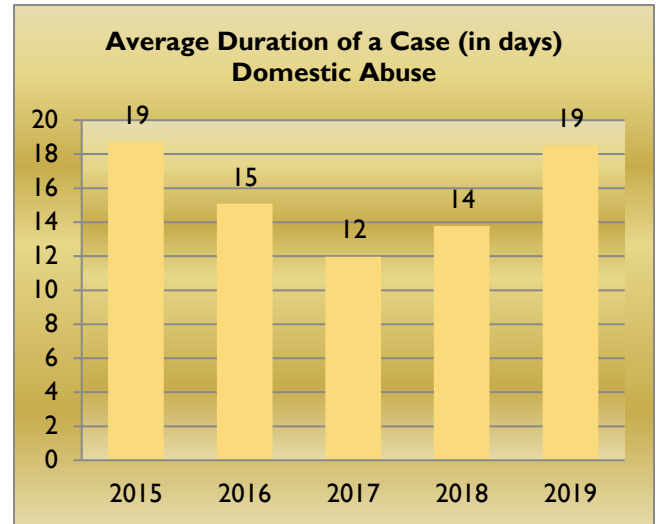
In the previous years, we combined the CADA cases for both the CoCP and the Trial Division. This year’s annual report, we have separated the cases and placed the information for the cases filed in each court under that court’s section. **TO SEE THE TRENDS FOR THESE TYPES OF CASES HOWEVER, SEE CHARTS/GRAPHS BELOW.**

<b>Year</b>	<b>Filed</b>	<b>Disposed</b>	<b>Pending</b>	<b>Clearance Rate</b>
<b>2015</b>	47	50	0	106.38%
<b>2016</b>	60	57	3	95.00%
<b>2017</b>	78	79	2	101.28%
<b>2018</b>	74	72	2	97.30%
<b>2019 – CoCP only</b>	43	39	4	95.65%

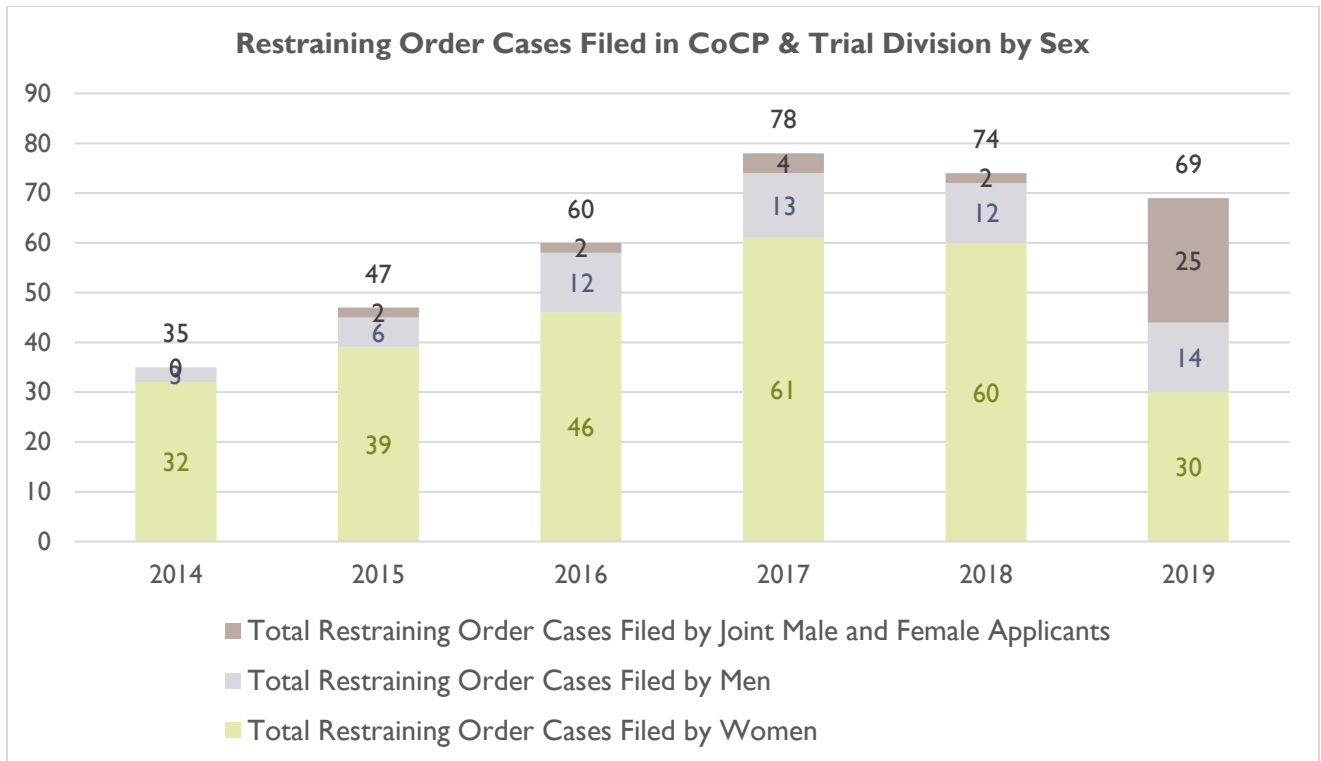
Clearance Rate

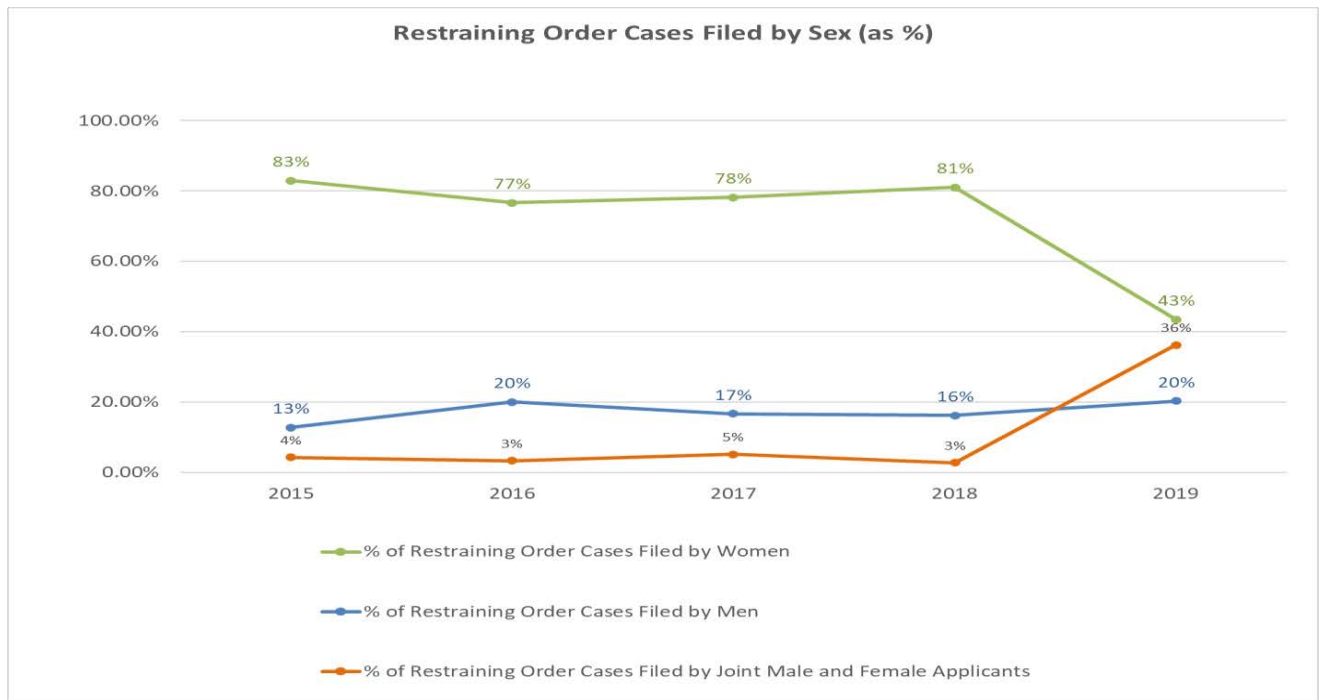


Average Duration



In 2019, the total cases filed in both the **CoCP** and the **Trial Division** involving CADA case was 69. Of these cases, thirty (30) or 43% were filed by women, fourteen (14) or 20% were filed by men, and twenty-five (25) or 36% were jointly filed.





**In 2019, we began compiling the applicant’s residence, and whether the case involves children and/or people with disabilities. Below is a breakdown for all CADA cases filed in both CoCP and the Trial Division under these new categories:**

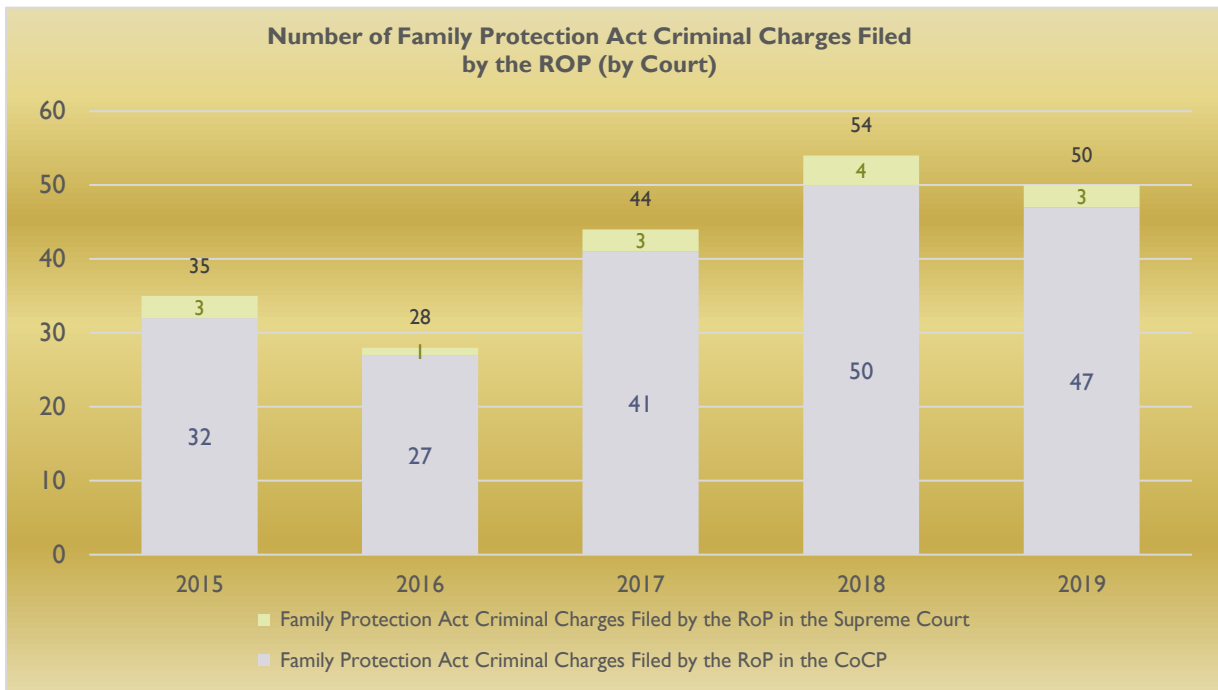
Year	Total Cases Filed	Cases Involving Children	% of Cases Involving Children	Cases Involving People with Disabilities	% of Cases Involving People with Disabilities	% of Applicant from Urban Area	% of Applicant from Rural Area	% of Applicant from Outer Islands
2019	69	21	30%	12	17%	84%	12%	4%

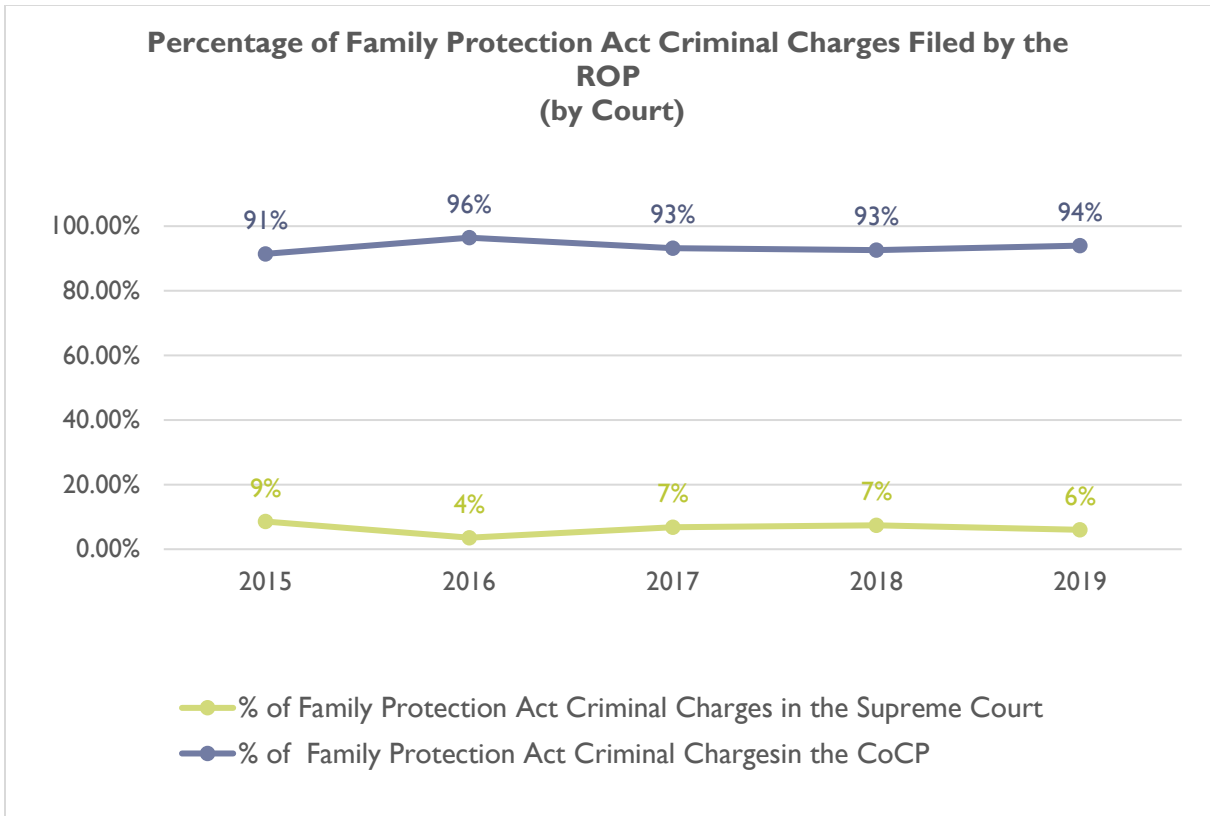
### **Criminal Charges Filed Under the Family Protection Act**

Criminal charges filed pursuant to the Family Protection Act (“FPA”) are filed in both the Trial Division of the Supreme Court and the Court of Common Pleas (“CoCP”), depending on whether they are felony or misdemeanor charges. The data below summarizes the trend in the cases filed from 2015-2019.

The number of criminal charges under the FPA filed in the CoCP has doubled in the last five (5) years but slightly decreased in the past couple of years.

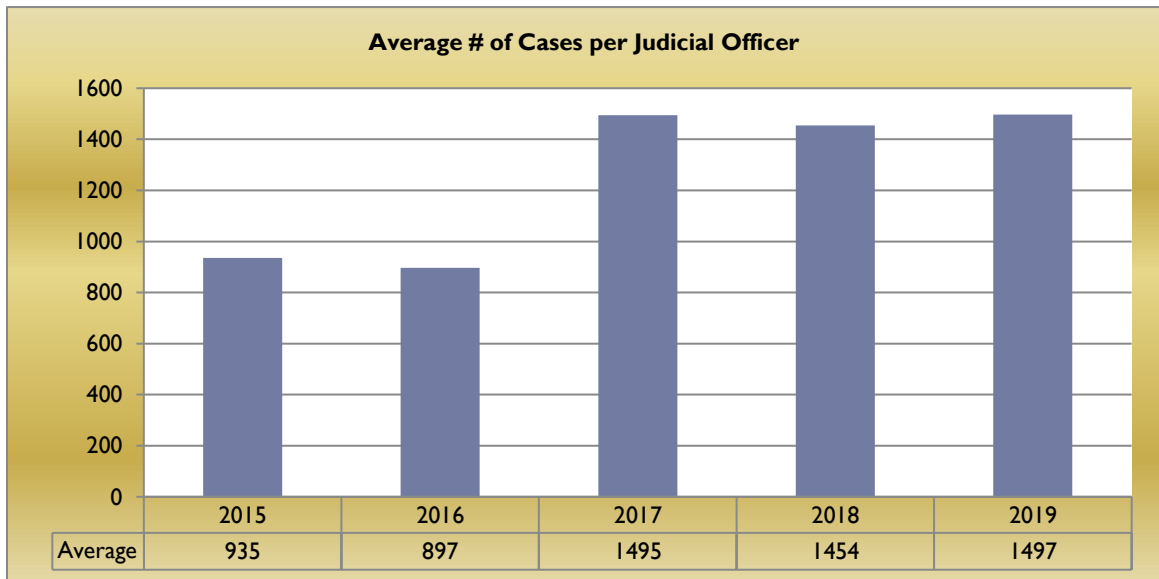
Year	Filed in the Supreme Court	Filed in the Court of Common Pleas	Total FPA Criminal Charges Filed	% of FPA Criminal Charges in the Supreme Court	% of FPA Criminal Charges in the CoCP
2015	3	32	35	8.57%	91.43%
2016	1	27	28	3.57%	96.43%
2017	3	41	44	6.82%	93.18%
2018	4	50	54	7.41%	92.59%
2019	3	47	50	6.00%	94.00%





Average Number of Cases per Judicial Officer in the Court of Common Pleas

There is currently only one Judicial Officer in the Court of Common Pleas that handles all of the caseload.



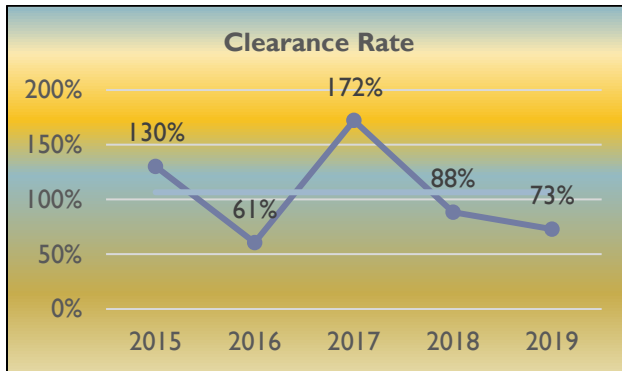
## D. Land Court

### Land Court Cases (LC)

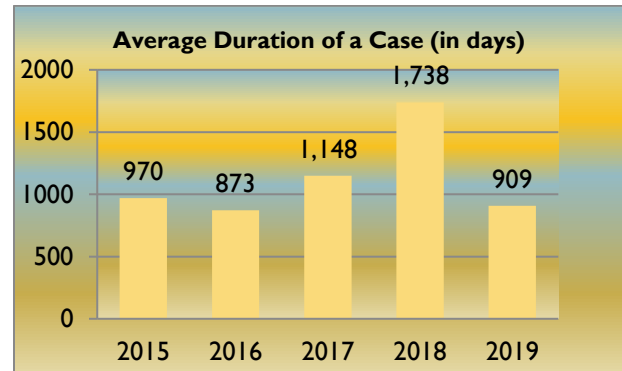
In 2019, two hundred and sixty-five (265) new land cases were filed in the Land Court.

Year	Filed	Disposed	Pending	Clearance Rate
2015	211	275	533	130.33%
2016	145	88	590	60.69%
2017	194	334	450	172.16%
2018	302	267	485	88.41%
2019	265	193	557	72.83%

#### Clearance Rate

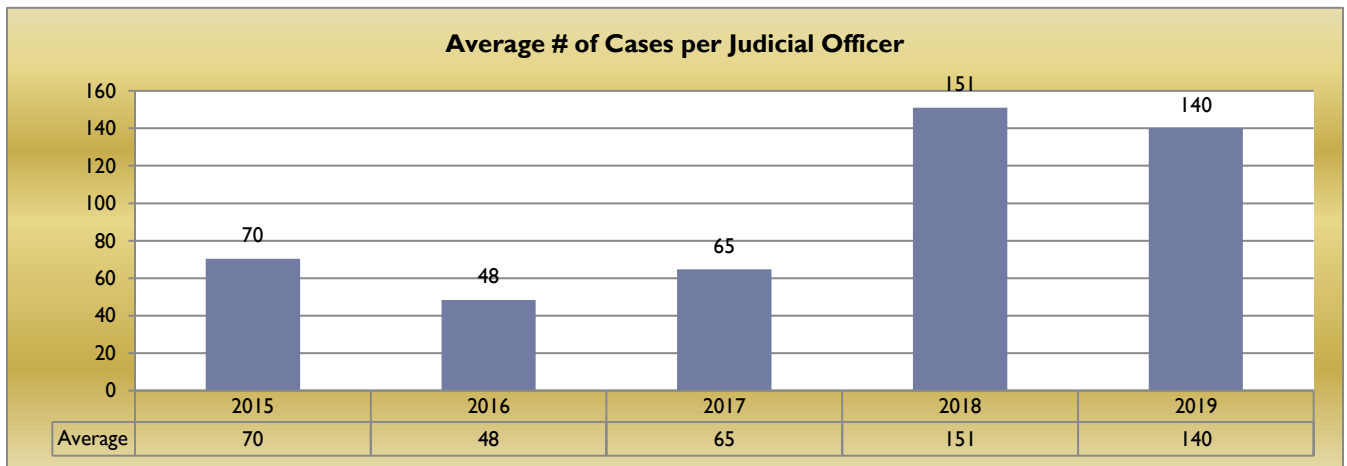


#### Average Duration



#### Average Number of Cases per Judicial Officer in Land Court

In 2019, the average of number of cases for each Judicial Officer in Land Court was one hundred and forty (140) cases. There are two (2) Judicial Officers in the Land Court.



## IX. Accessibility and Fairness

The Judiciary strives to make the courts accessible to all. As part of this effort, it provides fee waivers, conducts annual 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 Judiciary 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. The installation of an elevator to access the second floors of the Mamoru Nakamura and Pablo Ringang buildings is currently being constructed.

### 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 pro se parties are available at the Clerks' Office. Below is a summary of number of litigants who received free legal aides.

<b>2019</b>				
<b>Case Type</b>	<b>PD</b>	<b>MLSC</b>	<b>Court Appointed</b>	<b>Pro Se</b>
<b>Civil Action</b>	1	72		57
<b>Common Pleas</b>	0	65		75
<b>Criminal</b>	84	0	5	56
<b>Citation</b>	821	0	4	358
<b>Juvenile</b>	4	0	1	1
<b>Domestic Abuse</b>	0	1		145
<b>Small Claims</b>	0	0		125
<b>Total</b>	<b>909</b>	<b>138</b>	<b>10</b>	<b>818</b>

	2015	2016	2017	2018	2019
Civil Action	48	40	164	94	73
Common Pleas	78	81	66	107	65
Criminal	180	165	201	191	89
Citation	371	547	994	969	825
Juvenile	14	5	5	8	4
Domestic Abuse	4	4	2	1	1
Small Claims	0	1	3	3	0
<b>Total</b>	<b>695</b>	<b>843</b>	<b>1435</b>	<b>1373</b>	<b>1057</b>

Self Represented Litigants (Pro Se)	415	565	1191	716	818
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## B. Court Fee Waiver

A lack of money should never be a barrier to justice. As a result, one 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. 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>).

In 2019, the court received five (5) court fee waiver applications, with four (4) granted and one (1) denied. All the fee waiver applications were brought by MLSC on behalf of their clients.



The fee waivers were granted in four (4) family law matters, representing 7.5% of the 53 family law cases filed. The four (4) waivers were female applicants in a divorce and/or child support/custody proceeding.

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 in civil cases.

## *The Courts' Management, Support & Services*

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### 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 publication of decisions.

## **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. The 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. 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.

After four (4) years serving on the bench Justice R. Barrie Michelsen retired on April 4, 2019. President Tommy Remengesau Jr., appointed Gregory Dolin to the position of Associate Justice of the Appellate Division of the Supreme Court of the Republic of Palau on July 24, 2019. An investiture ceremony was held on January 07, 2020 in Courtroom 202 of the Judiciary complex in Ngerulmud.



### **2. Trial Division**

The Office of the Clerk of Courts is the largest department 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 judicial officers 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 fines 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

Four hundred twenty-eight (428) birth certificates were registered at the Office of the Clerk of Courts in 2019. Two hundred sixteen (216) of the births occurred locally while two hundred twelve (212) are births of Palauan citizens abroad but submitted for registration.

2019	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	Total
LOCAL	37	12	15	22	20	14	20	14	21	16	17	8	216
FOREIGN	21	13	22	19	25	19	34	8	13	7	22	9	212
TOTAL	58	25	37	41	45	33	54	22	34	23	39	17	428

Death Records

One hundred seventy-four (174) death certificates were registered at the Office of the Clerk of Courts in 2019. One hundred sixty-three (163) are deaths that occurred locally while eleven (11) are deaths that occurred abroad but submitted for registration.

2019	JAN	FEB	MAR	APR	MAY	JUN	JULY	AUG	SEPT	OCT	NOV	DEC	Total
LOCAL	16	15	8	12	11	14	11	14	10	24	11	17	163
FOREIGN	1	1	3	2	0	0	0	0	0	0	2	2	11
TOTAL	17	16	11	14	11	14	11	14	10	24	13	5	174

Marriage Records

One hundred forty-three (143) marriage certificates were recorded at the Office of the Clerk of Courts in 2019.

2019	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	Total
LOCAL	2	1	0	5	1	2	1	2	5	1	2	1	23
CUSTOMARY	6	10	10	3	4	4	3	6	3	5	6	3	63
FOREIGN	6	4	3	7	3	5	5	8	1	3	6	6	57
TOTAL	14	15	13	15	8	11	9	16	9	9	14	10	143

b) Land Records

One thousand eight hundred eighty (1,880) land records were recorded at the Office of the Clerk in 2019.

	JAN	FEB	MAR	APR	MAY	JUN	JULY	AUG	SEPT	OCT	NOV	DEC	TOTAL
CT	90	17	25	87	98	140	84	92	111	104	53	33	934
D.O.	4	23	8	10	13	18	32	30	9	39	5	4	195
DEED	16	17	8	29	23	25	13	17	24	33	21	8	234
LEASE	18	20	24	34	12	10	17	35	23	14	15	24	246
MORTGAGE	9	12	11	18	12	22	17	9	10	7	14	15	156
LAND USE RIGHT	9	7	8	4	3	7	3	2	2	7	3	5	60
OTHERS	0	7	1	2	10	4	11	5	4	5	4	2	55
<b>TOTAL</b>	<b>146</b>	<b>103</b>	<b>85</b>	<b>184</b>	<b>171</b>	<b>226</b>	<b>177</b>	<b>190</b>	<b>183</b>	<b>209</b>	<b>115</b>	<b>91</b>	<b>1880</b>

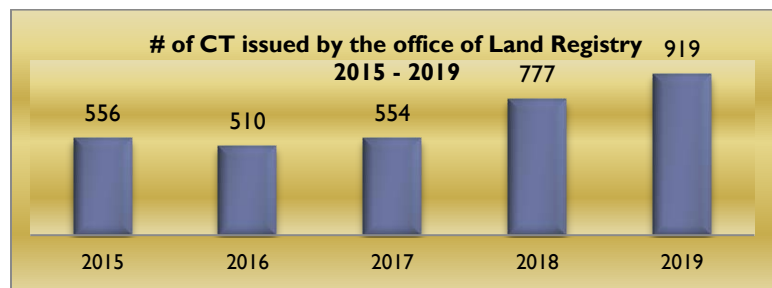
c) Land Registry

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 2019, nine hundred nineteen (919) Certificate of Titles (CT) were issued by the Land Registry.

2019	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	Total
CT issued based on DO	52	0	2	11	14	98	7	61	22	22	5	0	294
Transfer by Court Order	11	6	4	80	42	2	29	6	13	9	23	5	230
Transfer by Deed	11	9	12	16	22	30	54	13	108	23	19	19	336
Replacement/Lost Certificates	0	1	1	1	1	2	0	2	3	3	0	1	15
Re-Issue Change of Trustee/Name Change	0	0	1	0	0	0	1	0	2	0	1	1	6
Re-Issue - Parcel Split	3	1	8	0	4	1	0	1	5	4	6	5	38
<b>Total CT Issued</b>	<b>43</b>	<b>47</b>	<b>48</b>	<b>72</b>	<b>62</b>	<b>40</b>	<b>64</b>	<b>70</b>	<b>88</b>	<b>78</b>	<b>100</b>	<b>65</b>	<b>919</b>

Below is a trend chart showing the number of land certificate of title issued over the last five years.



In addition to the Certificates of Title mentioned above, five hundred eighty-seven (587) land documents were registered with the Land Registry in 2019.

2019	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
<b>Deeds</b>	22	14	11	21	27	21	19	10	26	27	18	11	<b>227</b>
<b>Mortgages</b>	4	4	5	4	13	12	10	6	8	6	10	8	<b>90</b>
<b>Finalized maps</b>	4	0	4	7	6	2	9	9	8	4	3	7	<b>63</b>
<b>Miscellaneous</b>	20	24	11	15	8	14	17	39	17	13	6	19	<b>203</b>
<b>Easement</b>	0	0	0	0	0	1	0	1	0	0	0	2	<b>4</b>
<b>TOTAL</b>	<b>50</b>	<b>42</b>	<b>31</b>	<b>47</b>	<b>54</b>	<b>50</b>	<b>55</b>	<b>65</b>	<b>59</b>	<b>50</b>	<b>37</b>	<b>47</b>	<b>587</b>

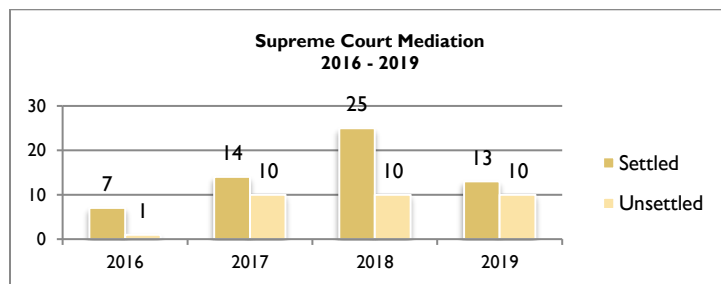
d) Land Court Mediation

In 2019, sixty-eight (68) of the new cases brought to Land Court were assigned to the Land Court Mediation section. Five (5) of them were partially resolved through mediation, forty-five (45) were fully resolved, seventeen (17) were not resolved and were returned to the judge, and one (1) is still pending result from the mediation.

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).

Twenty-three (23) new cases were assigned to the Supreme Court Mediation section, three (3) cases were carried over from the previous year. Thirteen (13) cases were settled through mediation, ten (10) were not able to settle, and three (3) are still on-going. There was a 50% success rate for the Supreme Court mediation program in 2019. The graph below shows a trend of cases that went through the Supreme Court Mediation program over the last four (4) years. The number of successful mediations has always been more than the unsuccessful.



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 2019, nineteen (19) of the new criminal cases filed qualified for jury trial. Of the twenty-eight (28) jury cases disposed in 2019, seventeen (17) plead out and didn’t go to trial, ten (10) were dismissed, and only two (2) cases proceeded to trial. The Jury section printed seven thousand ninety-three (7,093) jury summons. Three thousand seven hundred two (3,702) were executed. The judiciary continues to strive to improve its jury trial process and thanks everyone summoned for fulfilling their civic duty.

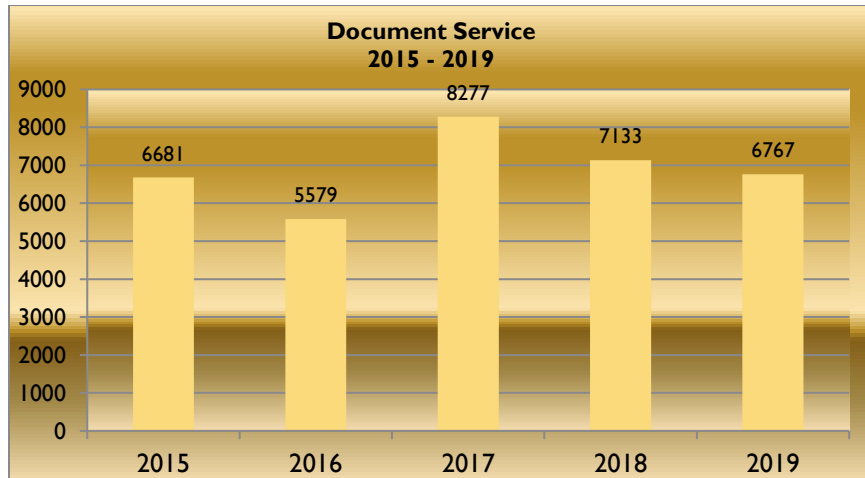
**D. Marshal Division**

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 2019 the Marshal Division served a total of six thousand seven hundred sixty-seven (6,767) documents.

Service Type	1ST QTR	2ND QTR	3RD QTR	4TH QTR	ANNUAL TOTAL
<b>Civil Cases</b>	689	696	565	688	<b>2638</b>
<b>Criminal Cases</b>	259	246	201	195	<b>901</b>
<b>Juvenile Cases</b>	56	48	20	61	<b>185</b>
<b>Juvenile Citation</b>	0	16	2	8	<b>26</b>
<b>Land Court</b>	413	352	389	270	<b>1424</b>
<b>Traffic Criminal Citation</b>	328	277	215	311	<b>1131</b>
<b>Bench Warrant</b>	56	51	54	21	<b>182</b>
<b>Certificate of Title</b>	21	61	68	54	<b>204</b>
<b>Map RQ</b>	14	15	18	12	<b>59</b>
<b>Letter</b>	3	4	4	6	<b>17</b>
<b>TOTAL</b>	<b>1839</b>	<b>1766</b>	<b>1536</b>	<b>1626</b>	<b>6767</b>

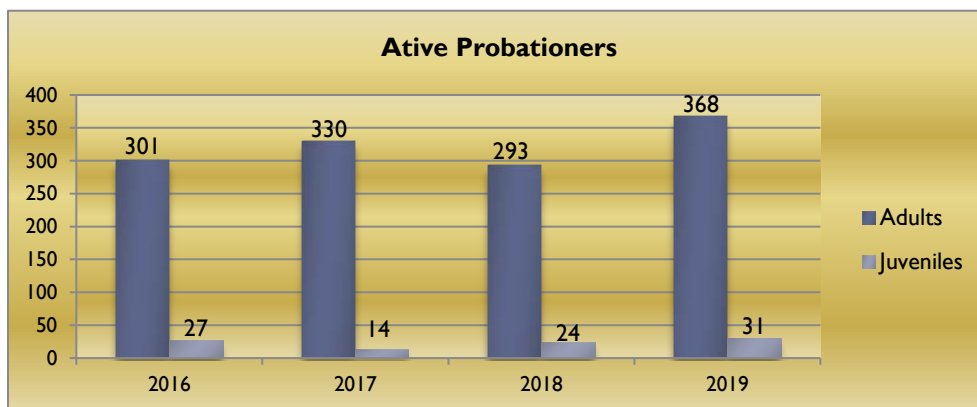


### E. Probation Office

The Probation Office monitors and submits reports on criminal offenders sentenced to probation. It seeks to ensure that the terms and conditions of probation are met by providing educational and job placement assistance and counseling. The Probation Office also prepares and submits Pre-Sentence Investigation reports to the Court to assist with determining the appropriate sentence of the criminal offenders.

In 2019, the Probation Office supervised three hundred ninety-nine (399) active probationers where three hundred sixty-eight (368) were adults and thirty-one (31) were juveniles. This is the highest number of probationers ever monitored compared to the previous years.

	2016	2017	2018	2019
<b>Adults</b>	301	330	293	368
<b>Juveniles</b>	27	14	24	31



In addition, there were twenty-eight (28) deferred adjudications: twenty (20) adult and eight (8) juvenile and thirty-six (36) unsupervised: thirty-one (31) adult and five (5) juvenile. These cases are not included in the total number

of probationers. The deferred adjudications are cases that are pending court judgment with set of conditions to comply and if fully compliant, the case would be dismissed by the Court and the individual will be deemed not an offender. The unsupervised are the cases that involve minimal interaction with the probation office only to ensure the compliance to the certain conditions set out by the court. The deferred adjudications are not included with the total number of probationers.

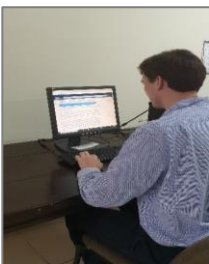
2019 was a busy year for the Probation Office with the completion of the Office Manual. There was no training or workshop attended but the office hosted an Upward Bound Student Chelsea Kertou on a summer practicum.

In addition, the Office of the Probation provided protocol assistance for the 19th Micronesian Presidential Submit from February 18 to 25. And finally, in October, we had an unexpected visit from Japan Embassy and JICA in Palau touring the Court building including our office to inspect it as it's one of the buildings that was built during the Japanese Administration that has stood the test of time.

Probation Office welcomes students from any high school, college or university who are interested in the field of probation to do their internship with the Palau Supreme Court.

## F. Law Library

The Law Libraries, Singichi Ikesakes Law Library in Koror and Moses 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.



Internet legal resources through Westlaw are now available in both law libraries. The subscription provides access to legal treatises and secondary sources, legal forms, legal news, U.S. federal and state case law and other legal resources

Patrons can access Westlaw from a computer in the Singichi Ikesakes Law Library in Koror and from a computer in the Court Gallery at the Judiciary in Ngerulmud, Melekeok from 7:30am -4:30pm Monday through Friday.

This new subscription supplements the library’s existing collection of over 15,000 volumes in paper format and the Judiciary’s online searchable Palauan case law database, which can be found on the Judiciary’s website: [www.palausupremecourt.net](http://www.palausupremecourt.net).



Palau Association of Libraries set-up Ngchesar State Library.

Patrons can use the computers at both libraries for Land Court title searches and to listen to court hearings. Photocopying is available at \$0.15 per copy for bar members and \$0.50 for the general public.

### G. Archive Department

The Archive Office was established in March 2019. The mission and vision of Archive Office is to provide a systematic and strategic approach to creating and controlling a comprehensive a records management system for preservation and organization of court closed case files (disposed) and to avail the record electronically for public research. The goal is to ensure that court cases from the Court of Common Pleas, Land Court, Trial Division, and Appellate Division that are designated as “Disposed” are collected, maintained, and archived.

With the help of WIOA Trainees and Archive Team the Archive Office was able to scan and digitize the following numbers of Trust Territory Cases and the Land Court Cassette Tapes in 2019.

<b>Description</b>	<b>1<sup>st</sup> Qtr.</b>	<b>2<sup>nd</sup> Qtr.</b>	<b>3<sup>rd</sup> Qtr.</b>	<b>4<sup>th</sup> Qtr.</b>
# of Trust Territory Case Files Scanned			1,550	2,231
# of Land Court Cassette Tapes digitized		272	939	556

### H. 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.

## I. 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.

### 1. Annual Budget

Expenditures	2017	2018	2019
Personal Services	\$ 2,210,408.00	\$ 2,433,148.00	\$ 2,435,082.00
Leased Housing & Recruit/Repatriation			\$ 98,733.00
Purchased Professional & Technical Services	\$ 26,339.00	-0-	\$ 29,216.00
Repair and Maintenance	\$ 259,469.00	\$ 156,423.00	\$ 235,819.00
Rentals	\$ 65,567.00	\$ 15,833.00	\$ 1,630.00
Other Purchased Services	\$ 63,765.00	\$ 68,499.00	\$ 37,976.00
Communications	\$ 79,238.00	\$ 23,917.00	\$ 44,681.00
Supplies	\$ 81,529.00	\$ 27,353.00	\$ 45,535.00
Utilities	\$ 76,260.00	\$ 37,687.00	\$ 57,839.00
Purchased Property	\$ 241,546.00	\$ 276,076.00	\$ 113,257.00
Other	\$ 42,379.00	\$ 147,139.00	\$ 90,811.00
<b>Total:</b>	<b>\$ 3,146,500.00</b>	<b>\$ 3,186,075.00</b>	<b>\$ 3,190,579.00</b>

## J. 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.

## K. Office of the Court Counsels

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 Counsels 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.

## L. 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. Human Resource office is constantly working to improve the quality of work by creating and implementing policies that will help the whole Judiciary to strive to become better.

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 work with the Workforce Innovation and Opportunity Act (WIOA) providing jobs, provide college internship programs through Palau National Scholarship Board (PNSB), and offer career support to students interested in working for the Palau Judiciary.

The Human Resource Office strives to ensure that the Judiciary is in compliance with all employee laws and regulation, advising management on employee-related matters, finding education and training for employees, and maintains the degree of equality and transparency in the workplace.

### Court Personnel (As of April 2020)

<b>Name</b>	<b>Title</b>	<b>Length of Service with Judiciary</b>
<b>Judges</b>		
Arthur Ngiraklsong	Chief Justice	33 years & 7 months
John K. Rechucher	Associate Justice	3 years & 5 months
Gregory Dolin	Associate Justice	3 months
Oldiais Ngiraikelau	Presiding Justice, Trial Division	3 years & 3 months
Kathleen M. Salii	Associate Justice	19 years & 7 months
Mary Lourdes F. Materne	Associate Justice	17 years & 10 months
Honora E.R. Rudimch	Senior Judge, Court of Common Pleas	14 years & 5 months
Rose Mary Skebong	Acting Senior Judge, Land Court	16 years & 11 months
Salvador Ingereklii	Associate Judge, Land Court	16 years & 11 months
<b>4 female and 5 male Judges</b>		

<b><u>Part-time Judges</u></b>		
Katherine A. Maraman	Part-Time Associate Justice	9 years
Daniel R. Foley	Part-Time Associate Justice	4 years
Dennis K. Yamase	Part-Time Associate Justice	2 years
Alexandro C. Castro	Part-Time Associate Justice	2 years
Kevin Bennardo	Part-Time Associate Justice	2 years
<b>1 female and 4 male Part-time Judges</b>		
<b><u>Court Counsels</u></b>		
Jack Dafoe	Senior Court Counsel	6 months
Lauren Gillespie	Court Counsel	7 months
Kate Marie Bell	Court Counsel	5 months
<b>2 females and 1 male in the Office of the Court Counsels</b>		
<b><u>Office of the Chief Justice</u></b>		
Ryobch Luii	Special Assistant to the Chief Justice	1 year & 1 month
Leia E. Taro	Chambers Administrator	2 years & 1 month
<b>1 female and 1 male in the Office of the Chief Justice</b>		
<b><u>Administration</u></b>		
Vacant	Deputy Administrative Director	-
<b><u>Human Resource</u></b>		
Alura Ngirengkoi	Human Resource Manager	5 months
Tkaki B. Mekreos	Internship Student	-
<b>1 female and 1 male in Human Resource Office</b>		
<b><u>Budget Office</u></b>		
Hasinta Idechong	Budget Officer	1 year
Lorena Miyuki	Accounts Specialist	23 & 2 months
Bridget Iyar	Senior Accounts Specialist	4 years & 10 months
Eden Benhart	Accounts Specialist	2 years & 6 months
<b>4 females and 0 male in the Budget Office</b>		
<b><u>Archive Department</u></b>		
Marcella April	Archivist	27 years
Doramae Ngiratregd	WIOA	-
Abel Noah	WIOA	-
Alofa Kotaro	WIOA	-
<b>3 females and 1 male in Archive Department</b>		
<b><u>Clerk of Courts – Trial Courts</u></b>		
Allison I. Sengebau	Clerk of Courts (Trial Division)	23 years & 10 months
Sherwin Yamanguchi	Courtroom Clerk Interpreter III	20 years & 1 months
Juanita E. Udui	Land Title Registrar	30 years & 5 month
Clarinda S. Alexander	Chamber Clerk (assigned to AJ Salii)	30 years & 5 month
Madeline Tengeluk	Case Management Coordinator	12 years & 5 months
Myla M. Oimei	Courtroom Clerk Interpreter I	12 years & 5 months
Viola Stephanus	Chamber Clerk (assigned to SJ Rudimch)	14 years & 11 months
Sherene Adolf	Courtroom Clerk Interpreter I	9 years & 10 months
Leoniza S. Chiokai	Land Title Doc. Technician	18 years & 6 months
Ikrebai Blesam	Clerk IV (assigned to AJ Materne)	18 years & 10 months
Lue Dee Kotaro	Courtroom Clerk Interpreter I	4 years & 11 months
Sylver Swenny	Courtroom Clerk Interpreter I	6 years & 2 months

Efrecia R. Kazuma	Clerk II	6 years & 8 months
Zonalynn Jonathan	Courtroom Clerk Interpreter I	4 years & 9 months
Bris Ulechong	Courtroom Clerk Interpreter I	3 years & 6 months
Biusech F. Tabelual	Chamber Clerk (assigned to PJ Ngiraikelau)	2 years & 11 months
Bodarylenn R. Ngiraibai	Clerk I	3 years & 5 months
Nicole K. Gabriel	Courtroom Clerk Interpreter I	1 year & 6 months
Jeremiah Ngiratreged	Clerk I	4 months
<b>15 females and 4 males in the Office of the Clerk of Courts – Trial Division</b>		
<b>Clerk of Courts – Appellate Division</b>		
Vernice Rechebei	Chief Clerk of Courts	3 years & 4 months
Lovey Alfonso	Deputy Appellate Clerk	3 years & 4 months
<b>2 females and 0 male in the Office of the Clerk of Courts – Appellate Division</b>		
<b>Law Library</b>		
Halora Paulus	Law Librarian	4 years & 9 months
Syringa Gulibert	Asst. Law Librarian/Archivist	6 years & 4 months
<b>1 female and 0 male in the Law Library</b>		
<b>Marshal Division</b>		
Florence J. A. Sokau	Chief Marshal	12 years & 6 months
Dave Tarimel	Court Marshal III	23 years & 6 months
Jack Meltel	Court Marshal III	22 years & 11 months
Caine Tmekei	Court Marshal II	5 years & 4 months
Flavin Rubasch	Court Marshal II	20 years & 7 months
Bailey Eberdong	Court Marshal II	17 years & 10 months
Raldston K. Ngirengkoi	Court Marshal II	11 years & 2 months
Neil Ringang	Court Marshal II	9 years & 11 months
William Andrew	Court Marshal I	4 years & 10 months
Irachel Malsol	Court Marshal I	2 years & 6 months
Keith Ngirchomlei	Court Marshal I	2 year & 6 months
Uong Junior Ngirarorou	Court Marshal I	1 year
Harris M. Ubedei	Court Marshal I	1 year
Efrin B. Tellei	Court Marshal I	1 year
<b>1 female and 13 males in the Marshal Division</b>		
<b>Probation Office</b>		
Clara Rechebei	Chief Probation Officer	33 years & 7 months
Persilla Rengiil	Probation Officer	13 years & 8 months
Sebelau Kual	Probation Officer	3 years & 9 months
Young Sikyang, Jr.	Probation Officer	10 years & 8 months
Alvera Joy Azuma	Probation Clerk	11 years & 3 months
Turang Rengiil	Internship student	
<b>5 females and 1 male in the Probation Office</b>		
<b>Property Management</b>		
Nikolas Ngirailid	Property Manager	4 months
John Mark Ngirmekur	Maintenance Technician I	5 years & 7 months
Edward Tadao	Maintenance Technician III	20 years & 2 months
Paul Basilius	Maintenance Technician II	19 years & 8 months
Noel I. Sadang	Maintenance Technician I	11 years & 7 months
Godwin Ngirmechaet	Maintenance Technician III	3 years 2 months
Taina Yano	Property Maintenance Clerk	1 year & 2 months
<b>1 female and 6 males in the Property Management Office</b>		
<b>MIS</b>		
Doran M. Inabo	MIS Director	18 years & 3 months

Rhine Remoket	Computer Technician	4 years 11 months
Knox O. Tkel	Senior Computer Technician	5 months
<b>2 females and 1 male in MIS</b>		