



THE JUDICIARY OF THE REPUBLIC OF THE MARSHALL ISLANDS

2010 REPORT

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HIGH COURT
OF THE
REPUBLIC OF THE MARSHALL ISLANDS

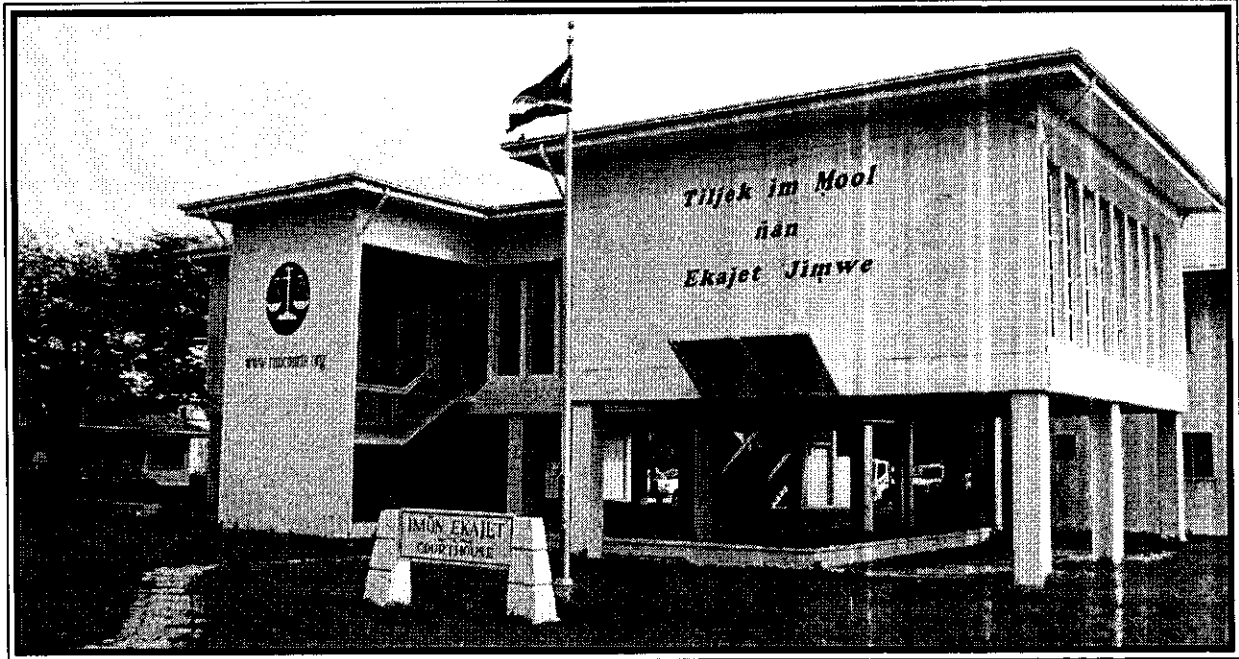
Post Office Box 13
Majuro, MH 96960
Marshall Islands
Tel: (011-692) 625-3201/3297
Fax: (011-692) 625-3323
Email: rmicourts@ntamar.net

I am pleased to present the 2010 Report of the Judiciary of the Republic of the Marshall Islands. This report reflects the dedication and hard work of the judges and staff that serve the Judiciary. They are committed to our mission, and I am proud and privileged to work with them. I greatly appreciate their expertise, dedication, and sacrifice.

On behalf of the Judiciary, I wish to express our sincere appreciation to the Nitijela and the House of Iroij for their continuing support of our budgetary and legislative requests. Also, I wish to express our profound thanks to the President, the Minister of Justice, and the other members of the Cabinet for their unflagging support for the Judiciary in 2010. We are committed to working with the Cabinet, the Nitijela, the House of Iroij in the years to come to build a Judiciary that will assure justice for all and the rule of law. Our search for excellence mandates that we work together in a spirit of respect and cooperation.

Attached to this letter, with the 2010 Report, is our Mission Statement and Vision Statement.

Carl B. Ingram
Chief Justice, High Court
Date: September 27, 2011



MISSION STATEMENT:

Kottobar Eo:

The mission of the Courts of the Marshall Islands is to fairly and efficiently resolve disputes properly brought before them, discharging their judicial duties and responsibilities in accordance with the Constitution, laws, and customs of this unique island nation.

Kottobar eo an Jikin Ekajet ko an Marshall Islands ej non jermal jimwe ilo ejelok kalijeklok im jeb ilo aoleb abnono ko rej itok imair, im non komane jermal in ekajet im edro ko air ekkar non Jemen-E eo, kakien ko, im manit ko an ailon kein ad im jej jenolok kaki jen lal ko jet ikijien manit im men ko bwinnid im ad jolet.

VISION STATEMENT:

Ettonak Eo:

The Courts of the Marshall Islands will be independent, impartial, well-managed, and respected, providing justice to all who come before them.

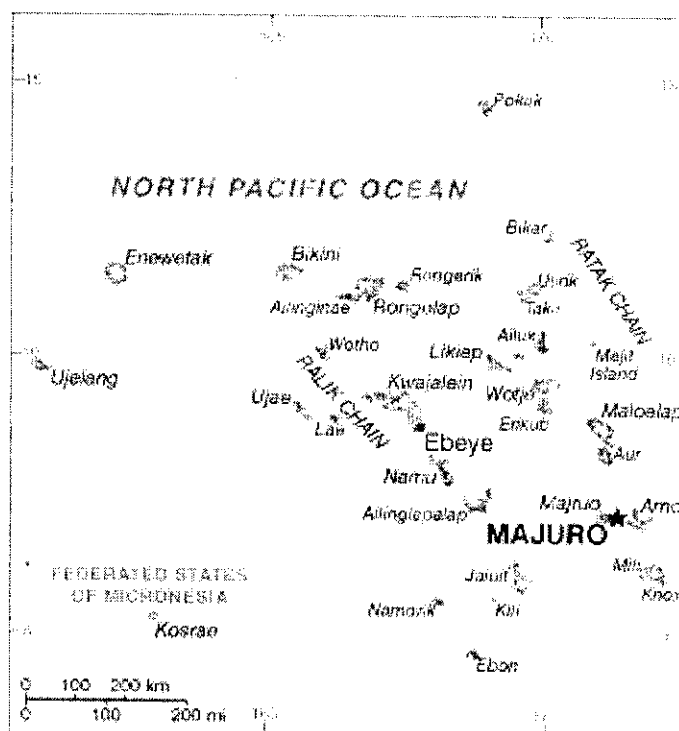
Jikin ekajet ko an Marshall Islands renaj jenolok im jutaklok make iair, jermal jimwe ilo ejelok kalijeklok im jeb, tiljek im bolemen aer lolorjaki im komani jermal ko air, im naj wor an armej kautieji ilo air jerbale edro ko air non komon im lelok ekajet jimwe non aoleb armej ro rej itok imair.

THE JUDICIARY OF THE REPUBLIC OF THE MARSHALL ISLANDS 2010 REPORT

I. INTRODUCTION

The Republic of the Marshall Islands (“Marshall Islands”) consists of two nearly parallel archipelagic island chains of 29 atolls and 5 separate islands, 1,225 islands in all, about half way between Hawaii and Australia. The land area of the Marshall Islands totals 181.3 sq km (70 sq mi), about the size of Washington, D.C. The lagoon waters total another 11,673 sq km (4,506.95 sq mi). As of July 2010, the estimated population of the Marshall Islands was 65,859.

The Marshall Islands commenced constitutional government on May 1, 1979. After almost four decades of United States administration under the United Nations Trust Territory of the Pacific Islands (TTPI), the Marshall Islands attained independence on October 21, 1986.



The Marshall Islands has a Westminster-style government with a 33-member parliament, the Nitijela, which elects from its members a president, who in turn selects from the Nitijela and the House of Iroij, the parliament, a cabinet. The Constitution vests legislative authority in the Nitijela, executive authority in the Cabinet, and judicial authority in an independent judiciary.

The Marshall Islands judiciary (“Judiciary”) includes the Supreme Court, the High Court, the Traditional Rights Court, the District Court, and Community Courts, as well as the Judicial Service Commission and court staff. The Judiciary officially commenced operation on March 3, 1982, assuming judicial functions in the Marshall Islands that had been discharged by TTPI courts. An organizational chart of the Judiciary is attached as Appendix 1. A listing of Judiciary personnel for calendar year 2010 is attached as Appendix 2.

This report summarizes the operations and accomplishments of the Judiciary in calendar year 2010 as well as the challenges it faces. The Judiciary’s need for additional funds for infrastructure and salaries is included at the end of the report.

II. THE COURTS AND THEIR WORK

A. Supreme Court

The Supreme Court is a superior court of record having appellate jurisdiction with final authority to adjudicate all cases and controversies properly brought before it. The Supreme Court consists of a chief justice and two associate justices. To date, all supreme court judges have been law-trained attorneys and most have been experienced judges. The current chief justice, Daniel N. Cadra, is a United States expatriate appointed to a 10-year term in October 2003. Any Marshallese citizen appointed to the Supreme Court would be appointed to serve until age 72. Generally, associate justices have been pro tem judges from other jurisdictions, e.g., the United States Ninth Circuit Court of Appeals, the United States Federal District Court in Hawaii, the Republic of Palau, the Commonwealth of the Northern Mariana Islands, and Canada. In 2010, the pro tem judges were two United States Federal Court judges from the Federal District Court in Hawaii, District Court Judge Michael Seabright and Magistrate Judge Barry Kurren.

An appeal lies to the Supreme Court (i) as of right from a final decision of the High Court in the exercise of its original jurisdiction; (ii) as of right from a final decision of the High Court in the exercise of its appellate jurisdiction, but only if the case involves a substantial question of law as to the interpretation or effect of the Constitution; and (iii) at the discretion of the Supreme Court from any final decision of any court. Also, the High Court may remove to the Supreme Court questions arising as to the interpretation or effect of the Constitution.

In 2010, the Supreme Court disposed of nine appeals. The Supreme Court's decisions can be found on the Judiciary's website, <http://rmicourts.org/>. At the end of 2010, seven cases were pending before the Supreme Court. Four matters were considered by the Supreme Court at its April 2011 session: (i) upon stipulation by counsel, a Bikini/Kili election case was abated pending the results of a 2011 Bikini/Kili Constitution Referendum; (ii) one case was decided; (iii) in one case, a Nuclear Tribunal case, counsel has discontinued the matter; and (iv) the remaining case, a land case, is to be briefed by the parties. Later in 2011, on motion by counsel the court dismissed an old pending appeal.

In 2010, Supreme Court Chief Justice Cadra, together with High Court Chief Justice Carl Ingram, admitted three attorneys to the practice of law in the Republic: a citizen of the Marshallese Islands going into private practice; an assistant attorney general; and an attorney for the Micronesia Legal Services Corporation.

B. High Court

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

government agency.

The High Court currently consists of a chief justice and one associate justice: Chief Justice Carl B. Ingram; and Associate Justice James H. Plasman. Both are law-trained attorneys, as have been all prior High Court judges, and both attend at least one professional development seminar each year. Chief Justice Ingram was appointed to a ten-year term commencing in October 2003. Associate Justice Plasman was appointed to a 4-year term commencing in January 2008. Both are United States expatriates with more than 25-years experience in the Marshall Islands. Any Marshallese citizen appointed to the High Court would be appointed to serve until age 72.

The High Court's 2010 case statistics are set forth below.

1. Civil Cases (other than Probate)

CIVIL	CY 2006 CASES			Status in CY 2007		Status in CY 2008		Status in CY 2009		Status in CY 2010	
	Filed	Disposed	Pending	Disposed	Pending	Disposed	Pending	Disposed	Pending	Disposed	Pending
Island											
Majuro	166	83	83	18	65	36	29	11	18	1	17
Ebeye	34	12	22	10	12	1	11	0	11	0	11

CIVIL	CY 2007 CASES			Status in CY 2008		Status in CY 2009		Status in CY 2010	
	Filed	Disposed	Pending	Disposed	Pending	Disposed	Pending	Disposed	Pending
Island									
Majuro	225	129	96	45	51	14	37	2	35
Ebeye	58	46	12	0	12	1	11	0	11

CIVIL	CY 2008 CASES			Status in CY 2009		Status in CY 2010	
	Filed	Disposed	Pending	Disposed	Pending	Disposed	Pending
Island							
Majuro	242	147	99	33	62	8	54
Ebeye	31	6	25	7	18	0	18

CIVIL	CY 2009 CASES			Status in CY 2010	
	Filed	Disposed	Pending	Disposed	Pending
Island					
Majuro	257	161	96	35	61
Ebeye	23	10	13	0	13

During the 5-year period (2006-2010):

Total Cases Filed: 1252

Total Disposed: 953

Total Pending: 311

Disposition Rate:
75.40%

* As of 12/31/2010

CIVIL	CY 2010 CASES		
	Filed	Disposed	Pending
Island			
Majuro	215	128	87
Ebeye	13	4	9

The five-year disposition rate for civil cases (other than probates) is 75.40%. This is an increase in 4% over 2009's figure of 79%. The High Court regularly encourages counsel to resolve pending cases. Of the 311 pending civil cases filed from 2006 to 2010, the two largest categories are collection cases, 54, and land cases, 52.

Of the 215 civil cases filed in Majuro in 2010, 129 involved domestic matters (that is, customary adoptions, legal adoptions, divorces, child custody and support, guardianships, name changes, and appointments of personal representations); 17 citizenship cases; 33 collection cases; and 8 land rights or land lease cases. Of the 87 pending Majuro cases filed in 2010, 11 were collection cases and 15 were citizenship. Of the thirteen civil cases filed in Ebeye in 2010, three were collections cases, one was a citizenship case, and nine were domestic matters.

2. Probate Cases

PROBATE	CY 2006 CASES			Status in CY 2007		Status in CY 2008		Status in CY 2009		Status in CY 2010	
	Filed	Disposed	Pending	Disposed	Pending	Disposed	Pending	Disposed	Pending	Disposed	Pending
Island											
Majuro	14	9	5	5	0	0	0	0	0	0	0
Ebeye	4	3	1	0	1	1	0	0	0	0	0

PROBATE	CY 2007 CASES			Status in CY 2008		Status in CY 2009		Status in CY 2010	
	Filed	Disposed	Pending	Disposed	Pending	Disposed	Pending	Disposed	Pending
Island									
Majuro	21	13	8	5	3	0	3	0	3
Ebeye	0	0	0	0	0	0	0	0	0

PROBATE	CY 2008 CASES			Status in CY 2009		Status in CY 2010	
	Filed	Disposed	Pending	Disposed	Pending	Disposed	Pending
Island							
Majuro	20	16	4	4	0	0	0
Ebeye	2	1	1	0	1	0	1

PROBATE	CY 2009 CASES			Status in CY 2010	
	Filed	Disposed	Pending	Disposed	Pending
Island					
Majuro	11	8	3	2	1
Ebeye	0	0	0	0	0

During the 5-year period (2006-2010):

Total Cases Filed: 76

Total Disposed: 67

Total Pending: 9

Disposition Rate: 88%

* As of 12/31/2010

PROBATE	CY 2010 CASES		
	Filed	Disposed	Pending
Island			
Majuro	4	0	4
Ebeye	0	0	0

The High Court's five-year disposition rate for probate cases is 88%. Since 2006, only nine probate matters remain pending: three cases involve one family. Only four probate cases were filed in 2010. The High Court will encourage counsel to resolve all nine cases in 2011.

3. Criminal Cases

CRIMINAL	CY 2006 CASES			Status in CY 2007		Status in CY 2008		Status in CY 2009		Status in CY 2010	
	Filed	Disposed	Pending	Disposed	Pending	Disposed	Pending	Disposed	Pending	Disposed	Pending
Island											
Majuro	100	48	52	20	32	28	4	2	2	2	0
Ebeye	4	3	1	0	0	0	0	0	0	0	0

CRIMINAL	CY 2007 CASES			Status in CY 2008		Status in CY 2009		Status in CY 2010	
	Filed	Disposed	Pending	Disposed	Pending	Disposed	Pending	Disposed	Pending
Island									
Majuro	29	9	20	13	7	2	5	3	2
Ebeye	9	7	2	1	1	0	1	0	1

CRIMINAL	CY 2008 CASES			Status in CY 2009		Status in CY 2010	
	Filed	Disposed	Pending	Disposed	Pending	Disposed	Pending
Island							
Majuro	27	10	17	13	4	1	3
Ebeye	19	10	9	1	8	1	7

CRIMINAL	CY 2009 CASES			Status in CY 2010	
	Filed	Disposed	Pending	Disposed	Pending
Island					
Majuro	17	13	4	4	0
Ebeye	10	5	5	2	3

During the 5-year period (2006-2010):

Total Cases Filed: 254

Total Disposed: 213

Total Pending: 41

Disposition Rate: 84%

* As of 12/31/2010

CRIMINAL	CY 2010 CASES		
	Filed	Disposed	Pending
Island			
Majuro	34	14	20
Ebeye	5	1	4

The five-year disposition rate for criminal cases is 84%, 5% less than last year's 89%.

Of the 34 cases filed in Majuro in 2010, six involved assaultive behavior (other than sexual assaults), seven sexual assaults, two burglary, five theft (larceny, cheating, or receive of stolen property), two forgery; one obstructing justice, three drunk or reckless driving, one promoting prostitution, three labor violations, and four escapes. Of the five felony cases filed in Ebeye in 2010, three involved assaultive behavior, 1 involved trespass, and one involved sexual assault.

At the end of 2010, there were approximately 41 pending criminal cases. The High Court has encouraged the A-G and defense counsel to resolve criminal cases that are more than a year old, about 15. Some cases have not been resolved because the defendant has fled the Republic or Majuro.

4. Juvenile Cases

JUVENILE	CY 2006 CASES			Status in CY 2007		Status in CY 2008		Status in CY 2009		Status in CY 2010	
	Filed	Disposed	Pending	Disposed	Pending	Disposed	Pending	Disposed	Pending	Disposed	Pending
Island											
Majuro	7	4	3	3	0	0	0	0	0	0	0
Ebeye	0	0	0	0	0	0	0	0	0	0	0

JUVENILE	CY 2007 CASES			Status in CY 2008		Status in CY 2009		Status in CY 2010	
	Filed	Disposed	Pending	Disposed	Pending	Disposed	Pending	Disposed	Pending
Island									
Majuro	1	1	0	0	0	0	0	0	0
Ebeye	0	0	0	0	0	0	0	0	0

JUVENILE	CY 2008 CASES			Status in CY 2009		Status in CY 2010	
	Filed	Disposed	Pending	Disposed	Pending	Disposed	Pending
Island							
Majuro	2	2	0	0	0	0	0
Ebeye	0	0	0	0	0	0	0

JUVENILE	CY 2009 CASES			Status in CY 2010	
	Filed	Disposed	Pending	Disposed	Pending
Island					
Majuro	0	0	0	0	0
Ebeye	2	1	1	1	0

During the 5-year period (2006-2010):

Total Cases Filed: 13

Total Disposed: 13

Total Pending: 0

Disposition Rate: 100%

* As of 12/31/2010

JUVENILE	CY 2010 CASES		
	Filed	Disposed	Pending
Island			
Majuro	1	1	0
Ebeye	0	0	0

The five-year disposition rate for juvenile cases is 100%. Since 2006, when the Republic filed seven juvenile cases, the Republic has filed only one or two juvenile cases per year.

C. Traditional Rights Court

The Traditional Rights Court (“TRC”) is a court of record consisting of three or more judges appointed for terms of four to ten years and selected to include a fair representation of all classes of land rights: IroiJlapp (high chief); where applicable, IroiJedrik (lower chief); Alap (head of commoner/worker clan); and Dri Jerbal (commoner/worker).

In June 2010, the Cabinet upon recommendation from the Judicial Service Commission appointed the current judges: Chief Judge Walter K. Elbon (alap member) for a term of 10 years; Associate Judge Botlang Loeak (iroij member) for a term of 4 years; and Associate Judge Grace L. Leban (dri jerbal member) for a term of 10 years. All are lay judges who receive specialized training.

The jurisdiction of the TRC is limited to questions relating to titles to land rights or other legal interests depending wholly or partly on customary law and traditional practices. The jurisdiction of the TRC may be invoked as of right upon application by a party to a pending High Court proceeding, provided the High Court judge certifies that a substantial question has arisen within the jurisdiction of the TRC.

Customary law questions certified by the High Court are decided by the TRC panel and reported back to the High Court. Upon request by the TRC's presiding judge, a party, or the referring High Court judge, the Chief Justice of the High Court can appoint a High Court or District Court judge to sit with the TRC to make procedural and evidentiary rulings. In such joint-hearing cases, the High Court or District Court judge does not participate with the TRC in deliberations on its opinion, but may in the presence of the parties or their counsel answer questions of law or procedure posed by the TRC. The TRC's jurisdiction also includes the rendering of an opinion on whether compensation for the taking of land rights in eminent domain proceedings is just.

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

D. District Court

The District Court is a court of record. It consists of a presiding judge and two associate judges appointed for 10-year terms. At the end of 2010, the three incumbent judges were Presiding Judge Milton Zackios, Associate Judge Jimata Kabua, and Associate Judge Ablos Tarry Paul (Ebeye). Their 10-year terms expire in 2015, 2016, and 2019 respectively.

The current District Court judges are lay judges who receive specialized training. The District Court has original jurisdiction concurrent with the High Court (i) in civil cases where the amount claimed or the value of the property involved does not exceed \$10,000 (excluding matters within the exclusive jurisdiction of the High Court by Constitution or statute, such as land title cases and admiralty and maritime matters) and (ii) in criminal cases involving offenses for which the maximum penalty does not exceed a fine of \$4,000 or imprisonment for a term of less than three years, or both. The District Court also has appellate jurisdiction to review any decision of a Community Court.

The District Court's 2010 case statistics are set forth below.

1. Majuro. In Majuro in 2010, 1,535 cases were filed in the District Court: 263 small claims cases (224 disposed and 39 pending); no other civil cases; 1,068 traffic cases (970 disposed and 98 pending); and 204 other criminal cases and local government ordinance cases (131 disposed and 73 pending).

2. Ebeye. In Ebeye in 2010, 221 cases were filed in the District Court: 61 small claim cases (61 disposed and none pending); no other civil cases; 37 traffic cases (25 disposed and 12 pending); 4 other criminal cases (4 disposed); and 119 local government ordinance cases (119 disposed).

E. Community Courts

A Community Court is a court of record for a local government area, of which there are 24. Each Community Court consists of a presiding judge and such number of associate judges, if any, as the Judicial Service Commission may appoint. Appointments are made for 4-year terms. Community Court judges are lay judges with limited training. A Community Court has original jurisdiction concurrent with the High Court and the District Court within its local government area (i) in all civil cases where the amount claimed or the value of the property involved does not exceed \$200 (excluding matters within the exclusive jurisdiction of the High Court by Constitution or statute, such as land title cases and admiralty and maritime matters) and (ii) in all criminal cases involving offenses for which the maximum penalty does not exceed a fine of \$400 or imprisonment for a term not exceeding six months, or both.

At the end of 2010, there were 23 serving Community Court judges. Since January 1, 2010, the Commission has appointed another judge, bringing the total up to 24. Currently, there are six vacancies for which the Commission is waiting recommendations from local government councils: Arno (2); Enewetak (1); Rongelap (1); Wotho (1); and unallocated (1).

Community court judges receive training when they come to Majuro for summer church conferences and on other occasions. The Judiciary encourages all Community Court judges who are in Majuro for other business to stop by the courthouse and arrange for training opportunities with the District Court judges.

F. Travel to the Outer Islands and Ebeye

The Judiciary continues to travel to the outer islands on an as-needed basis.

The Judiciary believes that if the offices of the A-G, the Public Defender (“PD”), and the Micronesian Legal Services Corporation (“MLSC”) were to station attorneys on Ebeye full time, there would be enough work to justify stationing a third High Court judge in Ebeye. Currently, the High Court travels to Ebeye once every two months if cases are ready to proceed. The additional personnel cost for a third High Court judge would be about \$100,000. The Judiciary would seek a budget increase to cover this cost and related expenses (e.g., recruitment costs and the one time cost of constructing chambers for a High Court judge on Ebeye). A High Court judge on Ebeye could, when the need arises, more easily hold trials on the northern atolls. Also, a third High Court judge is needed to relieve the heavy administrative burden on the two existing High Court judges.

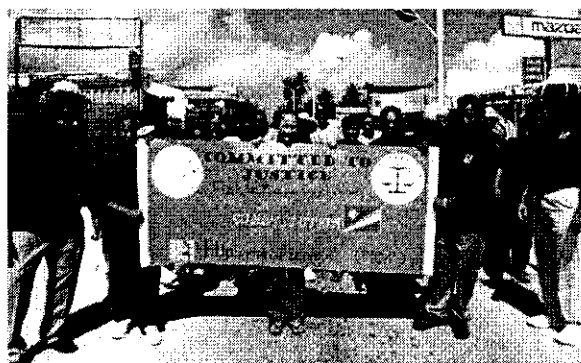
G. Births, Deaths, Marriages, and Notarizations

1. **Majuro.** In Majuro in 2010, the High Court and the District Court processed 248 delayed registrations of birth, three delayed registrations of death, and performed 51 marriages. The clerks notarized 704 documents.

2. **Ebeye.** In Ebeye in 2010, the High Court and the District Court processed five delayed registrations of birth, no delayed registrations of death, and performed six marriages. The clerk notarized 105 documents.



H. Court Staff



The Judiciary's staff include: a chief clerk of the courts, six assistant clerks (one in Ebeye), three bailiffs (seconded from the National Police), and one maintenance worker. The clerks also serve as interpreters from Marshallese to English and English to Marshallese. The Office of the Attorney-General had a Chinese translator on staff, provided by the Republic of China (Taiwan) Embassy.

A listing of the judiciary personnel is attached as Appendix 1.

I. Training and Regional Conferences

Consistent with internationally recognized practice, in 2010 the Judiciary provided and facilitated professional development training for the judges, court staff, and counsel. Funding for training came from the Judiciary's annual operating budget, the United States Department of the Interior ("DOI"), Australia ("AUSAID"), and New Zealand ("NZ AID"). The Judiciary's 2010 training activities are set forth below.

Jane Rokita, Application Developer, Ninth Circuit Office of the Circuit Executive, traveled to Majuro and from January 25-29, 2010, trained court staff on Access 2007 and assisted in the re-design of the High Court's database. The training was conducted at the High Court and included (1) an introduction to access and creating tables; (2) work with relationships and tables; (3) queries; (4) additional queries and importing/exporting objects and data; (5) creating forms; (6) creating reports; (7) automating Access databases; and (8) database maintenance and deployment.

In February 2010, High Court Associate Justice Plasman and Deputy Chief Clerk of the Courts Ingrid Kabua attended an AUSAID funded Pacific Islands workshop on developing and

implementing court-annexed mediation. The workshop was organized and hosted by the Federal Court of Australia. There were twelve participants from six island countries. Deputy Registrars of the Federal Court Heather Baldwin and Julian Hetyey lead the workshop. The workshop included lectures and role plays to maximize participation by all the delegates. The presentations served as an excellent refresher course in mediation, covering in detail and through role plays the seven stages of mediation taught in Australia. The delegates also gave reports on the status of mediation in their countries and their objectives for the future.

District Court Chief Judge Milton Zackios attended the May 17-20, 2010, National Judicial College course "Traffic Issues in the 21 st Century." He was exposed to a wide range of cutting edge issues that affect traffic courts such as legal and technology concerns in a traffic stop; the uniqueness of commercial vehicle and motorcycle cases; and crafting effective sentences for "special" defendants, i.e., the immigrant and the older or younger driver. One day was devoted to impaired driving issues -pharmacology, assessment, and sentencing.

John T. Salatii of LAWriters travels to Majuro and from May 31 to June 4, 2010, conducted a week-long writing course for judges and attorneys. Program topics include the following: understanding the stages of intellectual growth of all legal writers; using "legal reasoning" to grasp "writing reasoning"; achieving "super-clarity"; making your logic visible; imposing coherence on details; controlling the nuances; and judicial "style" and judicial "character."

High Court Associate Justice James Plasman attended the June 7-11,2010, National Judicial College course "Civil Mediation." Participants who complete the course are eligible for certification in states that require a 40-hour education program for certification. They are able to conduct a mediation session; outline common standards of conduct and ethical considerations for mediators; handle special problems and avoid classic errors; and summarize the interpersonal dynamics of mediation.

High Court Chief Justice Carl Ingram attended the July 12-15, 2010, National Judicial College course "Decision Making." Participants who complete the course are familiar with the factors that affect the decision-making process and assist judges in the analysis of their own thinking and style. Also, they are able to recognize their own decision-making styles; identify issues of fairness and equity; examine the use of judicial discretion; explore issues of credibility; analyze conflicts of interest and ethical dilemmas; recognize the factors that can cause an appellate court to overturn a decision; and write and communicate decisions more clearly.

Assistant Clerk of the Court Nikki Holly, who served as the Judiciary's finance officer, attended the Pohnpei July 19-23, 2010, 21th Annual Conference of the Association of Pacific Islands Public Auditors ("APIPA"). The 2010 APIPA conference offered two courses in the plenary sessions, "Strengthening Accountability and Transparency through Performance Auditing" and "The Prevention and Detection of Fraud" and 21 courses on four tracks. Assistant Clerk Holly took the three courses offered under the Finance Track.

Community Court Judges attended a five-day training session for Community Court Judges.

The training was held in the Majuro Courthouse from August 2-6, 2010. High Court judges, District Court judges, and a senior court staff delivered presentations that encompass court procedures, judicial ethics, and judicial skills. The training is consistent with the Judiciary's Strategic Plan, Strategic Goal 3: To enhance the knowledge and skills of the judges, court staff, and counsel (Action Item 3.1: Continue and increase judicial training.)

District Court Associate Judge Tarry Paul attended the August 9-19, 2010, National Judicial College course "Special Court Jurisdiction." Specifically designed for judges without formal law school training, the course enables participants to handle small claims, traffic court and misdemeanor cases more proficiently. It also provides them with the skills to conduct criminal hearings and trials in compliance with constitutional and statutory standards; make appropriate evidentiary rulings; communicate effectively in court and with the media; recognize the psychological profiles of offenders in court; manage self-represented litigants in criminal and civil cases; appropriately sanction direct and indirect contempt; control potential courtroom disruptions; make appropriate decisions in small claims cases; analyze the principles of damages and restitution in civil cases; and apply legal reasoning to analyze the facts of a case.

In September, Justice Ingram attended a three-day workshop in Palau to set the goals and objections of the re-started Pacific Judicial Development Project funded by AUSAID and NZAID. Justice Ingram pushed for train-of-trainers programs.

High Court Associate Justice James Plasman attended the October 4-6, 2010, Asia-Pacific Court Conference and participated in sessions on recent developments in court excellence, access to justice, developing court policies, defining a quality judiciary, special topics in judicial administration, and judicial reform.

High Court Chief Justice Carl Ingram attended the October 18-21, 2010, National Judicial College course "Dispute Resolution Skills." Participants received information on the newest methods of dispute resolution including judicial settlement methods, mediation for family and civil cases, summary jury trials and other innovative devices used to solve disputes more rapidly. Participants will also practice skill-building exercises. After attending this course, Justice Ingram was better able to define and use various dispute resolution methods; evaluate and decide which dispute resolution device is appropriate for each individual case; and recognize those cases that are not appropriate for alternative dispute resolution.

Supreme Court Chief Justice Daniel Cadra attended the October 25-28, 2010, Asia Pacific Judicial Reform Forum on "Using Technology to Improve Court Performance." There he and other participants received information on recent technological innovations and how technology can improve efficiency in the courthouse.

In November 2010, the Judiciary brought another 14 Community Court Judges to Majuro for a five-day training session for Community Court Judges. The training was held at the Majuro Courthouse from November 22-26, 2010. High Court judges, District Court judges, and a senior court staff delivered presentations that encompass court procedures, judicial ethics, and judicial

skills.

In December, Justice Ingram attended a Human Rights Workshop in New Zealand that focused on the right to an independent, an impartial, and a competent judiciary. Justice Ingram gave a presentation on the Marshall Islands Code of Judicial Conduct.

J. Court Rules and Statutes

In 2010, the Judiciary did not amend the rules of procedure or request passage of law regarding the operation of the courts.

IV. JUDICIAL SERVICE COMMISSION

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

In 2010, the JSC nominated pro tem judges for the Supreme Court, and appointed or renewed four community court judges. Also, the JSC also considered four complaints against judges. The Commission dismissed three as being without merit. The fourth complaint was a judge reporting on himself. This matter was addressed by discussions with the presiding judge.

V. ATTORNEY DISCIPLINARY ACTIONS

There were two complaints filed against attorneys in 2010. One claim was resolved by the attorneys withdrawal from a case, and the second was resolved by the High Court’s disqualification of the attorney from the case.

VI. BUILDINGS AND MAINTENANCE

In February 2009, the Judiciary and the Ministry of Justice signed a \$140,000 contract to repair and remodel the Ebeye Courthouse and Police Station Building. In 2010 the project was completed. Work at the Ebeye Courthouse included the following:

- removing & replacing the existing tiles with non-skid ceramic tiles;

- removing & replacing existing glass windows & installation of window security screens
- repairing/replacing of courtroom corroded roofing & courtroom benches
- removing & replacing damaged exterior wooden walls
- painting of walls (interior/exterior) & ceiling
- installation of split type ac units
- removing & replacing electrical fixtures with energy efficient bulbs/lights
- removing & replacing toilet set, lavatory, bathroom ceramic tiles, and plumbing work
- installation of glass wall/partition at front counter (clerk's office)
- general exterior repair including work on court room terrace
- installation of exterior security lights

The Judiciary takes this opportunity to renew its request for a ground-level courtroom in Majuro. In 2006, the Facilities Engineering Division of the Ministry of Public Works (FED), at the request of the Judiciary, prepared a proposal for an extension to the Majuro Courthouse to add a ground-floor courtroom with second-floor offices for the TRC and District Court. The estimated cost of the construction project was \$530,508 in 2006 dollars. The Majuro Courthouse was designed more than 30 years ago for one High Court judge, one District Court judge, and limited support staff. It was not designed to house its current occupants: two High Court Judges, three TRC judges, two District Court judges, and their staff. The three TRC judges are housed in a small office designed for one prosecutor, and the District Court's court room is a small office designed for one public defender. These cramped quarters are inadequate for the judges and the public. Furthermore, the Judiciary's two full-sized court rooms are on the second floor and not readily accessible by older people and those who cannot easily walk up stairs. This is an unacceptable situation for most TRC cases. If the Majuro Courthouse were to be built today, courtrooms and the clerk's offices would be on the ground floor, accessible to the public. Without an elevator, it would be illegal in United States jurisdictions to build the Courthouse as it is currently configured. Each year since 2006, the Judiciary has renewed its request for funds to construct this much needed extension.

As an alternative, the Judiciary has sought to purchase the Senior Center located next to the Majuro Courthouse. Over the past two years, the Senior Center rarely has been use or even occupied.

VII. TECHNOLOGY

The courthouses on Majuro and Ebeye are equipped with computers, printers, faxes, and photocopiers and have Internet access (@ 256kps in Majuro in 2010) and email service. The courts permit the filing and service of documents via fax and email attachment. The computers in Majuro are linked together in a network, and the Majuro Courthouse has a scanner with OSC software



permitting the courts to scan documents and send them almost anywhere in the world. Over the past three years the Judiciary has replaced all of its older computers. In 2010, the Judiciary replaced six computers that were more than 8 years old. Upgrade of computers and software is a critical need, as from time-to-time the hard drives or motherboards of the older computers crash.

VIII. LIBRARY



The Judiciary has a small, but functional, law library which includes hard copies of the following: United States Supreme Court cases through 2006; American Law Reports First, Second, Third, Fourth, part of Fifth, and Federal; LaFave's on Criminal Law, Criminal Procedure, and Search and Seizure; Wharton on Criminal Law and Criminal Procedure; American Jurisprudence 2nd; Wright and Miller on Federal Practice and Procedure; Moore's Federal Practice; Corpus Juris Secundum (needs to be updated); and others. Also, the Judiciary has up to date access to United States caselaw and secondary sources through as WestLaw Internet subscription. Also, towards the end of each year, the United States Federal District Court in Hawaii (as part of the United States Ninth Circuit Court of Appeals' continuing support of the Marshall Islands Judiciary) ships to Majuro surplus volumes of the United States Supreme Court Reports.

IX. SALARIES AND COMPENSATION

At current pay levels, the Judiciary is having difficulty retaining and attracting qualified personnel at all levels. In 2009, the Nitijela hired away one of the Judiciary's senior clerks. This problem is particularly acute for assistant clerks of the courts at the lower pay levels, i.e., 8, 9, and 10. Finding qualified applicants who can translate Marshallese and English and who can perform other necessary tasks is proving increasingly difficult. Although many may be interested in working with the courts, when they find out that they have to translate in public their interest fades. Without qualified translators, the Judiciary cannot function. To stay competitive, the Judiciary needs to increase pay levels for assistant clerks of the courts.

Also, the salaries of High Court justices (\$70,000 per annum for the chief justice and \$60,000 per annum for the associate justice) lag behind salaries for comparable law-trained judges in Palau, American Samoa, the Northern Mariana Islands, and Guam (\$90,000 to \$125,000 for presiding judges or chief justices). In 2008, the Judiciary asked that the salaries of the chief justice and the associate justice of the High Court be increased to \$80,000 and \$70,000, respectively. These salaries are justified by the quality and quantity of work done, although they would still lag behind salaries paid in the above-named jurisdictions. The Judiciary seeks the salary adjustment to account for inflation since 1982. Also, with the Cabinet's 2009 recommendation of \$65,000 per annum for the attorney-general, annual salaries of \$80,000 and

\$70,000 for the chief justice and associate justice of the High Court would be appropriate and consistent.

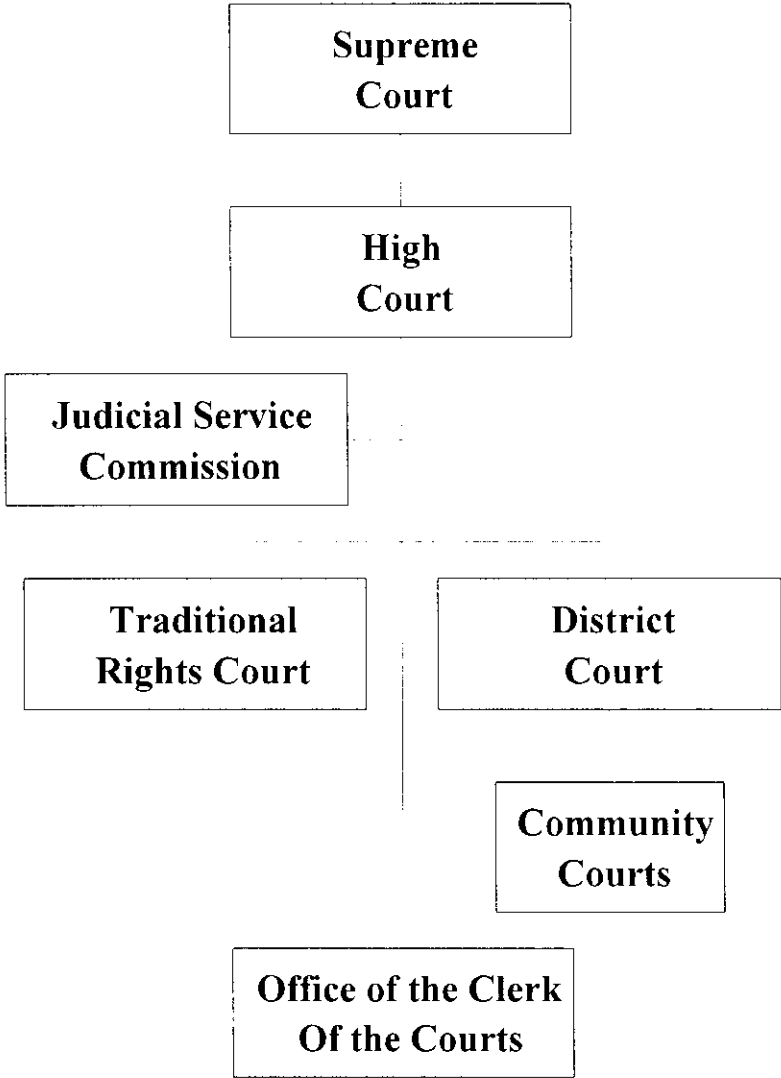
X. ANNUAL BUDGET

For FY 2010, the Nitijela appropriated \$925,604 for the Judiciary: \$526,630 for salaries and wages and \$398,974 for all others. The Judiciary was only able to access \$699,365.64. Throughout the fiscal year, the Ministry of Finance declined to process, or delayed processing, a number of the Judiciary’s purchase requisitions claiming the General Finance was “constrained.” If the Ministry of Finance would have released the funds, the Judiciary would have used them for much need repairs and equipment. A breakdown of the FY 2010 budget and expenditure is set forth below.

Code No.	Description	Original Budget	Judiciary Actual Expenditure	Balance
1010	Salary & Wages Exp	160,000.00	160,000.10	-0.10
1011	Salary & Wages Mars.	366,630.00	285,046.40	81,583.60
1019	Ebeye Differential	9,683.00	8,535.29	1,147.71
1114	Personnel Benf.-Exp.	18,900.00	2,124.23	16,775.77
1115	Personnel Benf. Marsh	39,712.00	26,683.31	13,028.69
1116	Emp. Insurance Exp.	6,364.00	5,438.22	925.78
1510	Professional Service	6,000.00	1,484.65	4,515.35
1515	Audit Expense	5,055.00	5,553.00	-498.00
1520	Contractual Service	10,518.00	5,000.00	5,518.00
2020	Travel	18,760.00	10,096.00	8,664.00
2021	Int. Travel	21,000.00	21,213.65	-213.65
2110	COLA	14,870.50	17,964.50	-3,094.00
2115	Leased Housing	59,000.00	49,500.00	9,500.00
2125	Training & Staff Dev.	8,500.00	544.00	7,956.00
2205	Rentals	5,000.00	628.00	4,372.00
2215	Utilities	20,440.00	7,454.00	12,986.00
2305	Communication	18,000.00	20,152.03	-2,152.03
2315	Insurance	750.00	625.00	125.00
2320	Printing & Reproduction	2,500.00	1,162.00	1,338.00
2325	Repairs	10,000.00	11,350.61	-1,350.61
2330	Subscriptn, Dues, & Fees	3,000.00	52.00	2,948.00
2401	Freight	1,000.00	0.00	1,000.00
2405	Office/Comp. Supplies	1,500.00	1,353.03	146.97
2410	POL(Fuel)	22,721.50	18,000.00	4,721.50
2415	Food Stuff	1,500.00	939.50	560.50
2420	Books	4,000.00	1,556.0	2,444.00
2440	Equip & Tools	23,000.00	20,687.00	2,313.00
2445	Water	1,500.00	1,000.00	500.00
2450	Other Supplies & Mat.	10,000.00	9,706.62	293.38
3133	Furniture & Fixture	6,000.00	5,516.50	483.50
	<i>Judicial Fund</i>	49,700.00		49,700.00

TOTAL	925,604.00	699,365.64	226,238.36
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**ORGANIZATIONAL CHART
FOR THE
MARSHALL ISLANDS JUDICIARY**



COURT PERSONNEL

Justices and Judges

Supreme Court Chief Justice Daniel N. Cadra (9/21/03-9/20/13)

High Court Chief Justice Carl B. Ingram (10/5/03-10/4/13)

High Court Associate Justice James H. Plasman (1/7/08-1/6/12)

Traditional Rights Court Chief Judge Walter K. Elbon (7/04/010-7/03/20)

Traditional Rights Court Associate Justice Botlang A. Loeak (7/04/010-7/03/14)

Traditional Rights Court Associate Justice Grace L. Leban (7/04/010-7/03/20)

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

Associate District Court Judge Jimata M. Kabua (10/30/06-10/29/16)

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

Ailinglaplap Community Court Presiding Judge Langu Langidrik (2/14/10-2/13/14)

Ailinglaplap Community Court Associate Judge Kanobar Kati (2/14/10-2/13/14)

Ailinglaplap Community Court Associate Judge Mannu Rakin (5/8/10-5/7/14)

Ailuk Community Court Presiding Judge Elsiai Jetton (1/31/10-1/30/14)

Arno Community Court Presiding Judge (vacant)

Arno Community Court Associate Judge (vacant)

Arno Community Court Associate Judge Bokta Tarilang (5/12/09-5/11/13)

Aur Community Court Presiding Judge Bryant Tojar Tabto (4/13/08-4/12/12)

Bikini and Kili Community Court Presiding Judge Jiton Leer (5/12/09-5/11/13)

Ebon Community Court Presiding Judge Aaron Silk (7/9/08-7/8/12)

Enewetak and Ujelang Community Court Presiding Judge (vacant)

Jabat Community Court Presiding Judge Tari Jamodre (4/13/08-4/12/12)

Jaluit Community Court Associate Judge Yashuo Jerus (5/12/09-5/11/13)

Jaluit Community Court Associate Judge Tony Hertin (12/4/10-12/3/14)

Lae Community Court Presiding Judge John Braine (1/6/09-1/5/13)

Lib Community Court Presiding Judge Carol Bejang (12/4/10-12/3/14)

Likiep Community Court Presiding Judge Ambros Capelle (10/1/07-9/30/11)

Maloelap Community Court Presiding Judge (vacant)

Maloelap Community Court Associate Judge Wilton Swine (8/21/09-8/20/13)

Mejit Community Court Presiding Judge Eli Sam (4/13/08-4/12/12)

Mili Community Court Presiding Judge Michael Anmontha (7/9/08-7/8/12)

Namdrik Community Court Presiding Judge Reio Lolin (2/28/10-2/27/14)

Namu Community Court Presiding Judge Obet Joab (12/4/10-12/3/14)

Rongelap Community Court Presiding Judge (vacant)

Ujae Community Court Presiding Judge James Lautona (1/31/10-1/30/14)
Utrik Community Court Presiding Judge Enja Attari (12/19/08-12/18/12)
Wotho Community Court Presiding Judge (vacant)
Wotje Community Court Presiding Judge Moriso N. Johnny (12/4/10-12/3/14)
Wotje Community Court Associate Judge Abwi Nako (12/4/10-12/3/14)
Unallocated (vacant)

Judicial Service Commission

High Court Chief Justice Carl B. Ingram, Chair
Attorney-General Frederick Canavor, Member
Maria K. Fowler, Member Representing the Public

Staff

Chief Clerk of the Courts Ingrid K. Kabua
Assistant Clerk of the Courts Armen Bolkeim (Ebeye)
Assistant Clerk of the Courts Travis Joe
Assistant Clerk of the Courts Hainrick Moore
Assistant Clerk of the Courts Nikki Holly
Assistant Clerk of the Courts Sylvia Anuntak
Assistant Clerk of the Courts (vacant)
Bailiff Morrison Riklon
Bailiff Jikku Benjamin
Bailiff Valentin Boone
Maintenance Langmeto Peter