

CHAPTER 2.

ALL ATOLLS ACCESS TO JUSTICE (NUCLEAR CLAIMS)

ARRANGEMENT OF SECTIONS

Section.

§201. Short Title

§202. Definitions.

§203. Purpose.

§204. Non-espousal and other matters relating to claims.

§205. Undertaking by the firms to represent atolls.

§206. Undertaking by the Government to honor payment of fees.

§207. Limitation of liability of the Government in respect of payment of fees.

§208. Submission to arbitration.

§209. Severability.

§210. Effective date.

An Act to allow all claimants from all atolls in the Republic of the Marshall Islands to obtain just compensation and counsel in proceedings relating to nuclear testing damage.

Commencement: **December 5, 2007**

Source: **P. L. 2006-69**

§201. Short Title.

This Chapter may be cited as the “All Atoll Access to Justice Act, 2006.”

§202. Definitions.

In this Chapter , unless the context otherwise requires: (a) “atoll” or “atolls” refers to any atoll or island in the Republic of the Marshall Islands:

(b)“client agreement” means an agreement between the claimants of an atoll and a law firm, in which the firm agrees to provide legal services in respect of a claim and the claimants agree to pay specified fees and expenses when recovery has been made;

(c)“claim” means a cause of action in a Court within the U.S. jurisdiction, made by or on behalf of the claimants of an atoll for the purpose of obtaining compensation under the Constitution and laws of the United States for property damage and the taking of property, excluding health care, resulting in whole or in part from the use of the Republic of the Marshall Islands as a test site for weapons testing commencing in

January, 1946;

(d) “claimant” means a person or entity holding a claim;

(e) “compensation for a claim” means any thing of value provided by the United States in whole or in part, directly or indirectly, in respect of, based upon, relating to, or arising from a claim;

(f) “Government” means Government of the Republic of the Marshall Islands;

(g) “the firms” means any law firm or firms, whether individually or jointly, representing claimants of an atoll pursuant to a client agreement;

(h) “the clients” means the claimants of an atoll who have entered into a client agreement;

(i) “the United States” means the Government of the United States of America, or any agency, department, instrumentality, agent, representative, court, trust or branch thereof.

§203. Purpose.

The purpose of this Chapter is to assure claimants that their claims will not be espoused and that they will have access to counsel to pursue their claims.

§204. Non-espousal and other matters relating to claims.

(1) The Government shall not, without prior consultation espouse, release, waive, terminate, extinguish, or otherwise impair, directly or indirectly, in whole or in part, claims made by or on behalf of a claimant.

(2) The Government recognizes the right of claimants to their claims and shall assert no right to those claims.

§205. Undertaking by the firms to represent atolls.

(1) The firms undertake to prepare claims and represent the clients in litigation in the courts of the United States and in related proceedings for the purpose of obtaining compensation under the Constitution and laws of the United States for property damage and the taking of their property, excluding health care, resulting in whole or in part from the use of the Republic of the Marshall Islands as a test site for weapons testing, commencing in January 1946.

(2) The firms and the clients shall enter into client agreements specifying the particular

terms of the firms' undertakings to prepare claims and represent the clients.

§206. Undertaking by the Government to honour payment of fees.

In the event that compensation for a claim is received by the Government from the United States Government, the Government may assist in remittance of any compensation due to the claimants, subject to law.

§207. Limitation of liability of the Government in respect of payment of fees.

(1) To the extent that compensation for a claim is received by the clients, by the people of an atoll, or by some other entity on behalf of the atoll, from the United States, the Government shall not be liable for payment of any fees or expenses due in respect of that compensation from the claimants pursuant to any client agreement.

(2) In the event that no compensation for a claim is received by the Government, the Government shall not be liable for payment of any fees or expenses due from the claimants pursuant to any client agreement.

(4) In the event that the Government receives compensation and benefits, excluding but not limited to health care, from the United States Government that directly affects the claims and are directly related to the firms' efforts in connection with the claims, the Government shall be liable for payment of any compensation due to the claimants, subject to law.

(5) Nothing in this Chapter shall be construed as impairing or modifying any Local Government agreement between land owners, law firms representing land owners and the Local Government concerned.

§208. Submission to arbitration.

Where any dispute or controversy between the law firms and the clients arises out of or in relation to this Chapter, the law firms and the clients shall submit to arbitration in accordance with the terms of their client agreements.

§209. Severability.

Should any term of this Chapter be held to be Constitutionally or otherwise invalid, such term shall be severed and shall not affect the enforceability of the remaining terms of the Chapter.

§210. Effective date.

This Chapter shall take effect upon certification in accordance with Article IV Section 21 of the Constitution and the Rules of Procedures of the Nitijela.