



# **THE JUDICIARY OF THE REPUBLIC OF THE MARSHALL ISLANDS**

## **2014 ANNUAL REPORT**

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**HIGH COURT**  
of the  
**Republic of the Marshall Islands**

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Iokwe, I am pleased to present the 2014 Annual Report for the Judiciary of the Republic of the Marshall Islands. This report reflects the dedication and hard work of the judges and staff who serve the Judiciary, the Government, and the people of the Marshall Islands. It is a pleasure and a privilege to work with them.

On behalf of the Judiciary, I wish to express our sincere appreciation to the President, the Minister of Justice, and the other members of the Cabinet for their support in 2014. Also, I wish to express our profound thanks to the Nitijela and the House of Iroij for their continuing support of our budgetary and legislative requests. We are committed to working with the Cabinet, the Nitijela, and the House of Iroij in the years to come to maintain a judiciary that is fair, efficient, and effective, assuring justice and the rule of law for all. Our shared goals mandate that we work together in a spirit of respect and cooperation.

Submitted with the 2014 Annual Report are our Values, Mission Statement, and updated Vision. For more information about the Judiciary, please contact me or the Chief Clerk of the Courts at the above address.

Sincerely yours,

---

Carl B. Ingram  
Chief Justice, High Court  
Date: June 18, 2015



## **Our Values:**

### ***Tomak, Jenok, im Aurok Ko Ad:***

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

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

- accessible
- accountable
- competent
- consistent
- efficient
- fair and impartial
- independent
- respectful
- service-oriented, and
- valuing custom and tradition, as well as innovation.

*ebellok non aoleb armej etiljek, ekkeke, im maron uwak non jermal ko an ekakemooj im emmon an komane jermal eo an ej jokkin wot juon an komane jermal eo an ebolemen im tiljek ilo an kakke aikuij ko ej jermal jimwe ilo ejelok kalijeklok im jeb ejenolok im jutaklok ian make ewor an kautiej armej etiljek, jela nae, jela kunaan, im jela karejar iben armej: im ej kaurok im kautiej manit im men ko bwinnid im ad jolet, ekoba lomnak im wawein jermal ko rekaal.*

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

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

## **Mission Statement:**

### ***Kottobar Eo:***

The mission of the courts of the Marshall Islands, the Judiciary, is to fairly 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, for the benefit of those who use the courts' services.

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

## **Vision:**

### ***Ettonak Eo:***

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

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

We understand that these are ambitious goals. However, recent history indicates that they are within our grasp.

*Ra eo an jikin ekajet eo an Marshall Islands enaj juon raan jikin ekajet non ailin jidrik kein ad, eo im ebed liki im tomak eo an armij ro ie.*

- *Kem naj jermal jimwe ilo ejelok am kalijeklok.*

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

*Kem melele ke kottobar kein rellap. Ijowotke, ilo ad reiliklok non jerbal ko emoj am tobari, ewor am kejatdrikdrik bwe renaj tobrak.*

# 2014 REPORT OF THE JUDICIARY OF THE REPUBLIC OF THE MARSHALL ISLANDS

## I. INTRODUCTION

The Republic of the Marshall Islands consists of two nearly parallel archipelagic island chains of 29 atolls and five separate islands—1,225 islands in all—located about half way between Hawaii and Australia. The Republic’s land area totals 70 square miles scattered over 750,000 square miles of the Western Pacific. As of July 2014, the estimated population of the Marshall Islands was 55,000. However, estimates vary greatly.

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

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

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





RMI Judiciary is attached as Appendix 1, and a listing of RMI Judiciary personnel at the end of calendar year 2014 is attached as Appendix 2.

In the sections that follow, this report summarizes the RMI Judiciary's operations and accomplishments in calendar year 2014, as well as its challenges, including the need for financial support. These sections include the following:

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

## **II. SIGNIFICANT EVENTS AND ACCOMPLISHMENTS**

The dedication and hard work of the judges and staff that serve the RMI Judiciary made 2014 a successful year. The most significant events and accomplishments include the following:

- Becoming a member of the International Consortium for Court Excellence,
- Contracting for repair of the roof of the Majuro Courthouse,
- Completing a second Court User Survey, and
- Developing and adopting trial court time goals.

### **A. Membership in the International Consortium for Court Excellence**

In August 2014, the RMI Judiciary was accepted as a member of the International consortium of Court Excellence (ICCE). The ICCE currently consists of over 30 international judicial institutions dedicated to promoting court excellence.

To promote court excellence, the ICCE has developed and refined the International Framework of Court Excellence (IFCE), a quality management system that assists courts improve their performance. Starting with internationally accepted core values, the Framework identifies Seven Areas of Court Excellence:

- Court Leadership and Management,
- Court Planning and Policies,
- Court Resources (Human, Material, and Financial),
- Court Proceedings and Processes,
- Client Needs and Satisfaction,
- Affordable and Accessible Court Services, and
- Public trust and Confidence.

The Framework employs a continuous improvement methodology. There are four fundamental activities in the Framework's quality cycle: self-assessment across all Seven Areas

of Court Excellence; in-depth analysis to determine the areas in which the court can improve; development and deployment of a detailed court improvement plan; and monitoring implementation.

With assistance from the Federal Court of Australia funded by New Zealand, the RMI Judiciary in May of 2014 conducted a frank IFCE self-assessment, determined how the RMI Judiciary could improve, developed a detailed 27 page court improvement plan, and is in the process of implementing and monitoring the plan. The RMI Judiciary hopes that through this process it can achieve its goal of beginning an excellence small-island judiciary.

## **B. Majuro Courthouse Roof Project**

Because the Majuro Courthouse roof was built without sufficient slope and with low quality roofing, the salt spray has over time badly corroded the existing roof. In late 2014, the RMI Judiciary contracted for the replacement of the roof. Funding for the project comes mostly from court fees with some assistance from a Republic of China (Taipei) grant. The contract price is \$118,500.

## **C. 2014 Court User Survey**

Over two weeks from November 10 to 28, 2014, the Judiciary conducted an access and fairness user survey at both the Majuro Courthouse and the Ebeye Courthouse. The Majuro Courthouse had 47 survey participants, and the Ebeye Courthouse had 14. The survey results are attached as Appendix 3.

We were pleased to learn that, as in past years, court users rate the Judiciary high on both access and fairness. For example, in response to the questionnaire prompt “I was able to get my court business done in a reasonable amount of time,” 100% of Majuro respondents said yes. In response to the questionnaire prompt “Court staff paid attention to my needs,” 100% of the Majuro respondents said yes. In response to the questionnaire prompt “I was treated with courtesy and respect,” 100% of the Majuro respondents said yes. The results in Ebeye were similar.

Generally, court users gave the Judiciary high marks in timeliness, safety and security, responsiveness to information requests, respect, clear signs, fair and reasonable outcomes, equality of treatment, and clarity in delivery of services. However, the Ebeye responses indicate that more signs are required at the Ebeye Courthouse. This issue will be addressed in 2015.

## **D. Trial Court Time Goals**

In mid-April 2014, PJDP consultant Jenifer Ehmann, funded by New Zealand aid, came to Majuro and conducted a three-week workshop on time goals and delay reduction measures. During the course of the workshop, consultant Ehmann worked with judges, staff, attorneys, and police to develop time goals and delay reduction measures for various types of cases for the High

Court, the Traditional Rights Court, and the District Court, as well as a checklist of timeliness indicators.

Provisional High Court's time goals include the following:

- All civil cases (except probate): clear 70% within 120 days and 90% within 24 months, and for internal guidance;
  - Civil cases involving family and personal status: clear 80% within 90 days and 90% within 365 days;
  - General civil matters (including commercial matters): clear 70% within 18 months;
  - Land cases: clear 70% within 18 months, plus the time taken by the TRC and time to produce a transcript for counsel, if they request one;
  - Maritime/Admiralty cases: No time goal; RMI maritime cases tend to be held in abeyance pending the resolution of related cases on other jurisdictions;
- Probate cases: clear 90% within 90 days;
- Criminal cases: clear 90% within 18 months; and
- Juvenile cases: clear 80% within 180 days.

The Traditional Rights Court provisional time goal was to clear case 50% of cases within 12 months of referral subject to trial date availability. However, the TRC is facing a backlog of at least three years.

The District Court's provisional time goals included the following:

- Criminal cases: clear 80% in 30 days and 100% in 120 days;
- Traffic cases: clear 80% in 30 days and 100% in 180 days;
- Juvenile cases: clear 100% in 21 days (not in detention);
- Domestic Violence matters: clear 90% in 48 hours and 100% in 14 days; and
- Small Claims cases: clear 80% in 30 days and 100% in 45 days.

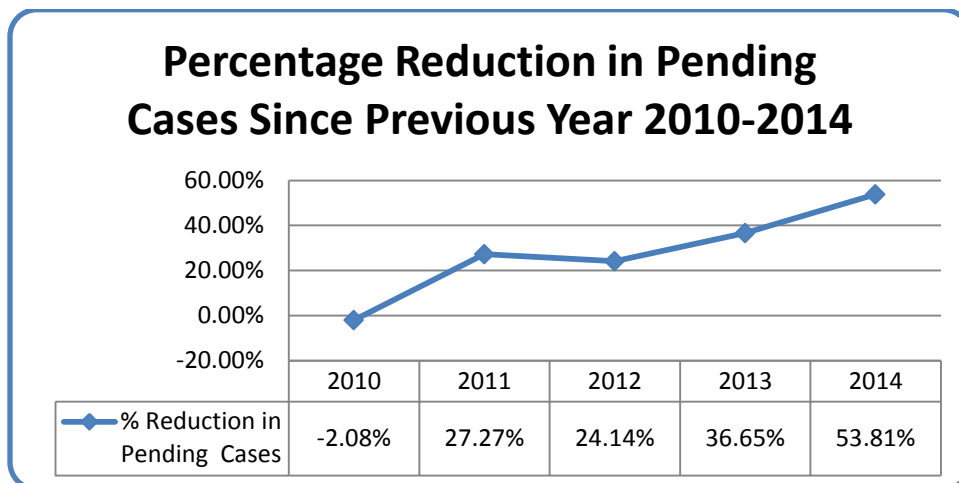
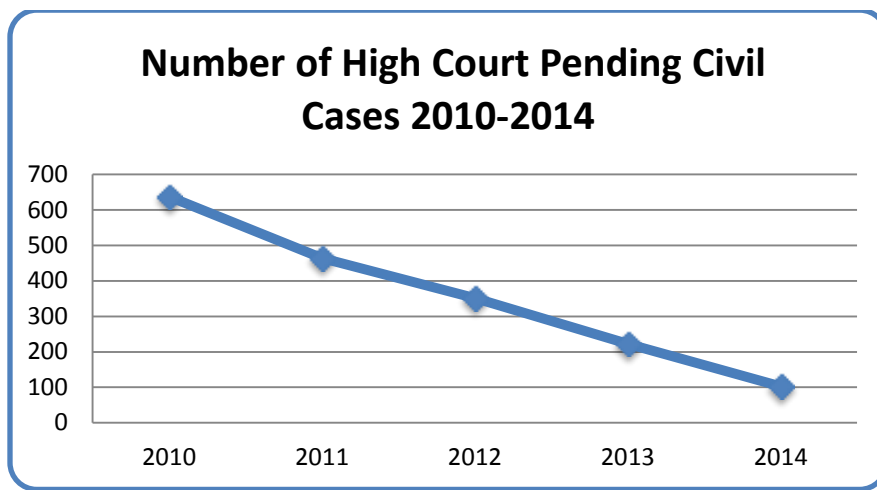
In addition to the time goals, consultant Ehmann also helped develop delay reduction measures appropriate for the courts. For all courts, the RMI Judiciary has employed the following three delay reduction measures:

- (i) continuance policy to reduce excessive delay due to requests for continuances,
- (ii) scheduling "next actions" with dates certain for all pending cases, and
- (iii) a checklist of timeliness indicators for the RMI Judiciary as a whole.

For the High Court, the delay reduction measures also included the following: fixed times for filing oppositions to motion and replies; pages limits on motions, oppositions, and replies; earlier pre-trial conferences; and expedited procedures for citizenship cases. For the TRC, the delay reductions measures also included the following: pre-trial conference notice that requires counsel be ready to discuss their cases; differentiating between complex and more simple cases, using simple cases as filler when scheduled cases are delayed; and more certain scheduling of trials. For the District Court the delay reduction measures also included a system of calendaring 12 defended hearing matters per day, instead of only two.

Combining the High Court’s existing backlog reduction efforts with the new delay reduction measures has assisted the High Court reduce the number of pending cases to lows not experienced since the very first days of the RMI Judiciary. As the table and chart below show, the High Court has reduced pending civil cases from 638 in 2010 to 103 by the end of 2014 with a reduction of over 53% from 2013 to 2014.

<b>Pending High Court Cases 2010-2014</b>					
<b>Year</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
<b>Number of Cases</b>	638	464	352	223	103



### III. THE COURTS: EFFICIENCY, QUALITY, AND ACCESSIBILITY

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

- The RMI Judiciary’s efficiency can be measured by annual clearance rates, age of cleared cases, and age of pending cases.
- The quality of decisions can be measured by appeals and cases overturned on appeal.
- Accessibility can be measured by the fee structure, cases heard on circuit, free legal counsel, the availability of forms, and the accessibility of courthouses.

To these ends, the 2014 Annual Report reviews all five levels of the RMI Judiciary—the Supreme Court, the High Court, the Traditional Rights Court, the District Court, and the Community Courts. The review includes jurisdiction, staffing, and the work of the courts, as well as continuing professional development for judges and staff.

#### A. Supreme Court

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

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

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



The Supreme Court consists of three justices: a chief justice and two associate justices. To date, all Supreme Court judges have been law-trained attorneys and most have been experienced judges. The current chief justice, Daniel N. Cadra, is a United States citizen appointed to a second 10-year term effective September 2013. Generally, associate justices have been pro tem judges from other jurisdictions—for example, 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 2014, the pro tem associate justices were two United States Federal Court judges from the Federal District Court in Hawaii:

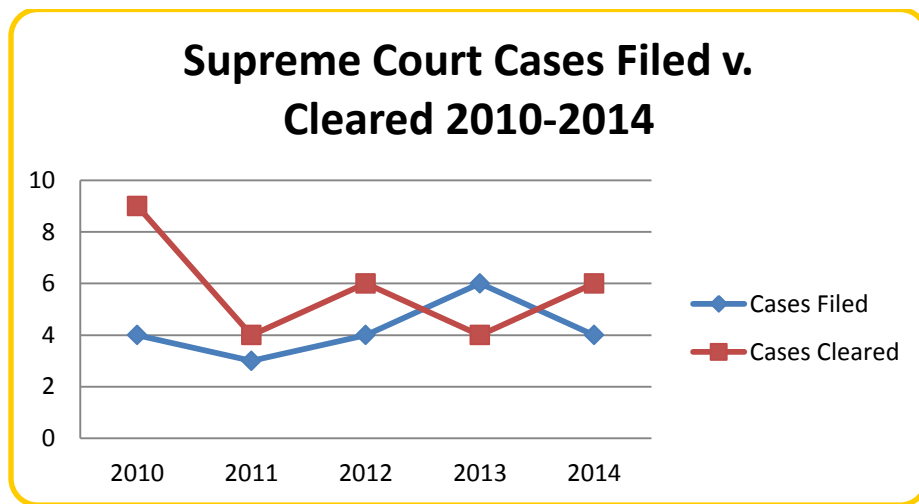
District Court Judge Michael Seabright and Magistrate Judge Barry Kurren. The Chief Clerk of the Courts, Ingrid K. Kabua, serves as the clerk of the Supreme Court.

The Supreme Court’s 2014 case and workload are summarized below, including annual clearance rates, annual average age of cleared cases, and annual average age of pending cases.

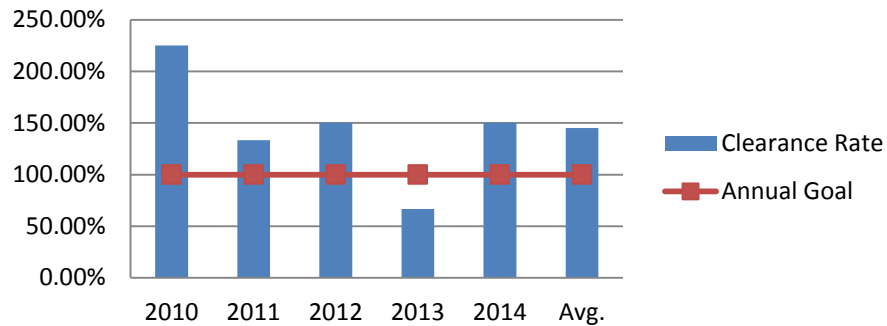
At the beginning of 2014, there were eight matters pending before the Supreme Court, and in 2014, another four matters were filed. The Supreme Court cleared six matters in 2014: two corporate cases; one election case; two citizenship cases; and one writ. By the end of 2014, six cases remained.

The Supreme Court’s goal is to maintain over time an annual clearance rate of 100%. As the table below shows, the Supreme Court has done this in four of the past five years. In 2014, with four cases filed and six cases cleared, the annual clearance rate was 150% (6/4). The five-year average clearance rate is over 100% at 145%.

<b>Annual Clearance Rates for Supreme Court Cases 2010-2014</b>						
	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>Avg.</b>
<b>Cases Filed</b>	4	3	4	6	4	4.2
<b>Cases Cleared</b>	9	4	6	4	6	5.8
<b>Clearance Rate</b>	225.00%	133.33%	150.00%	66.67%	150.00%	145.00%
<b>Annual Goal</b>	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

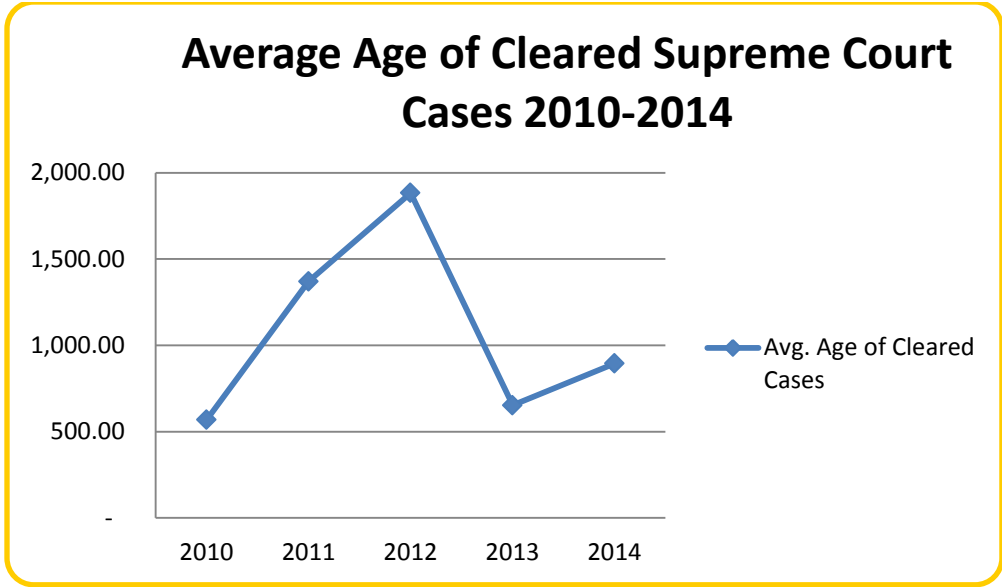


### Annual Clearance Rates for Supreme Court Cases 2010-2014



In addition to the annual clearance rate figure, the RMI Judiciary tracks the average age of Supreme Court cases. The average age of the six cases cleared in 2014 was 895 days. However, if one excludes the two oldest abandoned cases, the average duration for the remaining four cases was only 480 days. The five-year trend for the average age of cleared Supreme Court cases is set out below in the table and chart. The high figures in 2011, 2012, and 2014 are results of efforts to clear out the backlog of old and abandoned appeals.

Average Age of Cleared Supreme Court Cases 2010-2014						
	2010	2011	2012	2013	2014	Avg.
Cases Cleared	9	4	6	4	6	5.8
Avg. Age of Cleared Cases	569.78	1,371.00	1,883.50	652.75	895.00	1,074.41

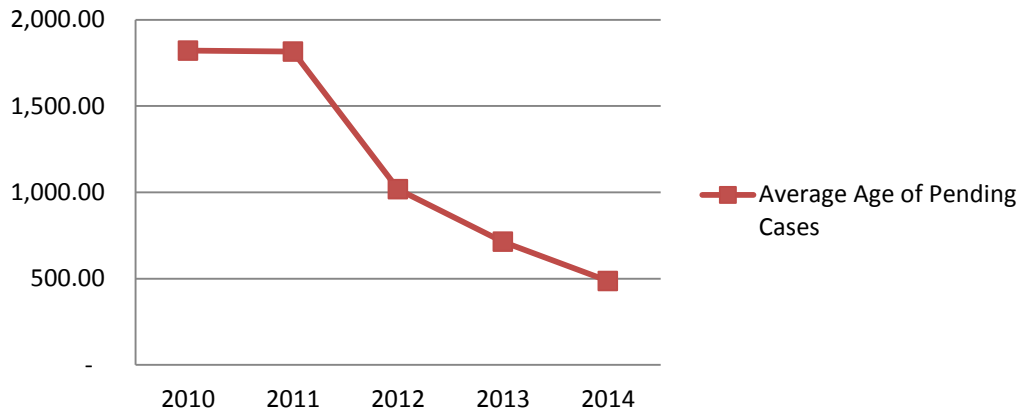


In addition to both the clearance rate and average age of cleared cases, to track the Supreme Court’s efficiency the RMI Judiciary calculates the average age of pending cases. The average age of the six cases pending at the end of 2014 was 486 days. The five-year trend for the average age of pending Supreme Court cases is set out below in the table and chart. The reducing age of pending cases, from 1,821.22 days in 2010 to 486.00 days in 2014, reflects the Supreme Court efforts to resolve pending cases quickly.

Average Age of Pending Supreme Court Cases 2010-2014					
	2010	2011	2012	2013	2014
<b>Pending Cases</b>	9	8	6	8	6
<b>Average Age of Pending Cases</b>	1,821.22	1,815.13	1,017.50	713.00	486.00



## Average Age of Pending Supreme Court Cases 2010-2014



Beyond being efficient, the RMI Judiciary seeks to be accessible. With respect to accessibility to the Supreme Court, the RMI Judiciary has not received any complaints.

- In none of the cases pending in 2014 did the parties seek a fee waiver or legal aid. The filing fee for appeals is only \$50.00.
- Moreover, all the Supreme Court's decisions can be found on the RMI Judiciary's website, <http://rmicourts.org/>, under the heading Court Decisions and Digests. The RMI Judiciary updated the Marshall Islands Law Report with its Supreme Court decisions in February 2015.

Aside from the Supreme Court's regular docket, in 2014, Supreme Court Chief Justice Cadra, together with High Court Chief Justice Carl B. Ingram, admitted seven attorneys to the practice of law in the Republic: four working for the Office of the Attorney-General; one working for the Office of the Public Defender; one working for the Micronesia Legal Services Corporation; and one private attorney. The justices also admitted to practice one trial assistant to work for MLSC on Ebeye.

### B. High Court

The High Court is the highest court at the trial level. 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: in 2014, Chief Justice Carl B. Ingram and, for the first half of the year, Associate Justice James Plasman and, for the second half of the year, Associate Justice Dinsmore Tuttle. All are law-trained attorneys,



as have been all prior High Court judges, and both attend at least one professional development seminar or workshops each year. Chief Justice Ingram was appointed to a second ten-year term commencing in October 2013. Associate Justice Plasman resigned in 2014 and worked part-time until a replacement could arrive. Associate Justice Dinsmore Tuttle was appointed to a 4-year term commencing in August 2014. All three justices are United States expatriates. However, Chief Justice Ingram has lived and worked in the Marshall Islands more than 35 years.

During the 32 years the RMI Judiciary has been in operation, one Marshallese attorney has served on the High Court bench. He served for over six years attaining the position of chief justice. Although highly respected, he left to become a member of the parliament, the Nitijela, which continues to attract many of the best Marshallese attorneys.

In addition to the two justices, the Chief Clerk of the Courts and four assistant clerks serve the High Court. The High Court's 2014 statistics for civil cases, probate cases, criminal cases, juvenile cases, and caseloads are set forth below.

## **1. Civil Cases (other than Probate Cases)**

The High Court's 2014 statistics for civil cases (other than probate cases) cover the following:

- the number and nature of cases filed in 2014;
- the annual clearance rates for the past five years;
- the average age of cleared cases for the past five years;
- the average age of pending cases for the past five years;
- the percentage of cases appealed and the percentage of cases overturned on appeal; and
- accessibility in terms of fee waiver, cases heard on circuit, legal aid, and forms.

### **a. Number and Nature of Cases Filed in 2014**

In 2014, plaintiffs and petitioners filed 281 new civil cases (other than probate cases) in the High Court: 268 in Majuro and 13 in Ebeye.

The 268 civil cases filed in Majuro in 2014 breakdown as follows:

- Almost 75%, 213, involved family and personal status matters (including 67 customary adoptions, 50 guardianships/personal representative, 34 legal adoptions, 18 divorce/child custody and support cases, 17 name-change cases, 9 domestic violence cases, 4

removal/deportation cases, 13 citizenship cases, and 1 application for a writ of *habeas corpus*);

- 39 commercial cases (collection, insurance, contract, and usury);
- 8 land rights or land lease cases;
- 5 maritime/admiralty cases; and
- 3 other cases (declaratory judgments).

Of the 268 civil cases filed in Majuro in 2014, 238 were cleared in 2014, leaving 30 pending at the end of the year. The three largest categories of pending cases were as follows: 9 commercial cases; 6 land or lease cases; and 5 maritime/admiralty cases.

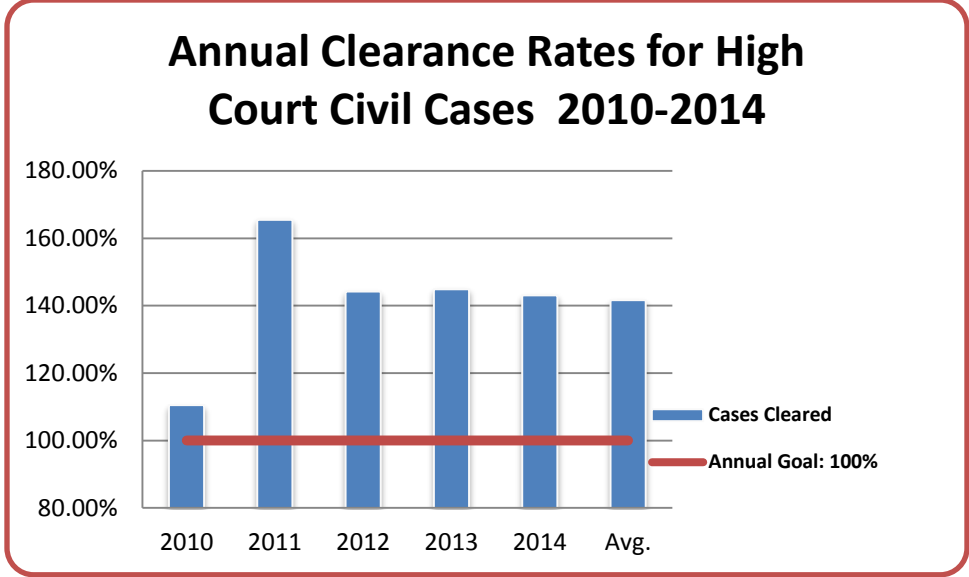
Of the 13 civil cases filed in Ebeye in 2014, all were customary adoption cases and by the end of 2014 all were cleared.

The High Court’s efficiency in handling its civil caseload also can be measured in terms of the annual clearance rates, the age of cleared cases, and the age of pending cases set forth below.

**b. Annual Clearance Rates: 143.06% in 2014**

In 2014, the High Court clearance rate for civil cases was 143.06%: 402 cases were cleared and 281 were filed. The High Court’s goal is to maintain an annual clearance rate for civil cases of 100%, or better, for each year. As the table and chart below show, the High Court has done this over the past five years.

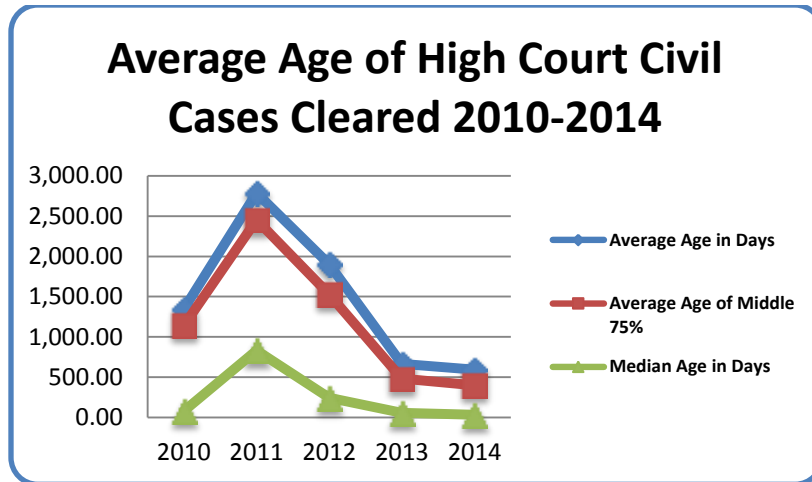
<b>Annual Clearances Rates for High Court Cases Cleared 2010 to 2014</b>						
	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>Avg.</b>
<b>Cases Cleared</b>	252	426	372	404	402	371.20
<b>Cases Filed</b>	228	258	258	281	281	261.20
<b>Clearance Rate</b>	110.53%	165.50%	144.19%	144.84%	143.06%	141.62%
<b>Annual Goal: 100%</b>	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%



**c. Average Age of Cleared Cases: 595.35 days in 2014**

In addition to annual clearance rates, the efficiency of a case management system can be measured in the age of cleared cases. The table and chart below show that over the past four years the following have come down. This is due to the Court’s backlog reduction policy.

<b>Average Age of High court Civil Cases Cleared 2010-2014</b>					
	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
<b>Number of Cleared Cases</b>	252	426	372	404	402
<b>Average Age in Days</b>	1,348.21	2,788.48	1,900.94	664.74	595.35
<b>Average Age of Middle 75%</b>	1,142.86	2,454.64	1,526.71	481.99	400.18
<b>Median Age in Days</b>	83.00	831.50	244.00	58.50	35.00

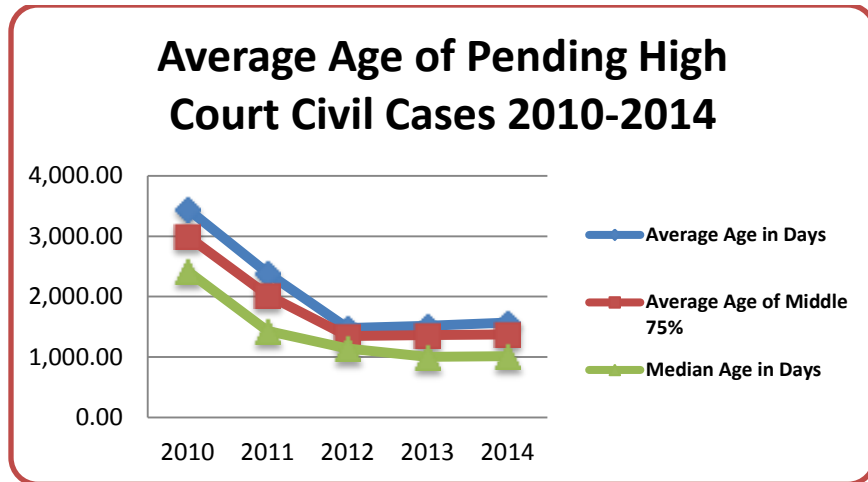


Starting in 2015, the goal for civil cases will be to achieve an annual clearance rate of 100%, or better, or to clear 70% of civil cases within 120 days and 90% within 24 months. In 2014, the High Court was able to clear 79% of civil cases within 120 days and more than 94% within 24 months.

**d. Average Age of Pending Cases: 1,569.88 days in 2014**

To get the clearest picture of the health of one’s case management system, courts also can look at the number and the age of pending cases. That is, although the number of pending cases may be going down, the age of pending cases can remain flat or go up. This can result if a court is towards the end of a successful backlog reduction project and the only cases left are the ones that are very hard to move. As the table and chart below show, since 2012 the average age of the pending cases has remained flat, although the number of pending cases has declined significantly. Of the 103 cases pending at the end of 2014, about 60% were land cases, which the High Court is trying hard to move along to completion. In 2015, the High Court cleared the oldest case, a land case over 30 years old.

<b>Average Age of Pending High Court Cases 2010-2014</b>					
	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
<b>Number of Pending Cases</b>	638	464	352	223	103
<b>Average Age in Days</b>	3,451.52	2,392.44	1,480.87	1,515.52	1,569.88
<b>Average Age of Middle 75%</b>	3,002.95	2,027.48	1,348.35	1,364.58	1,376.09
<b>Median Age in Days</b>	2,424.00	1,434.50	1,144.50	1,002.00	1,017.00
<b>% Reduction in Pending Cases</b>	-2.08%	27.27%	24.14%	36.65%	53.81%



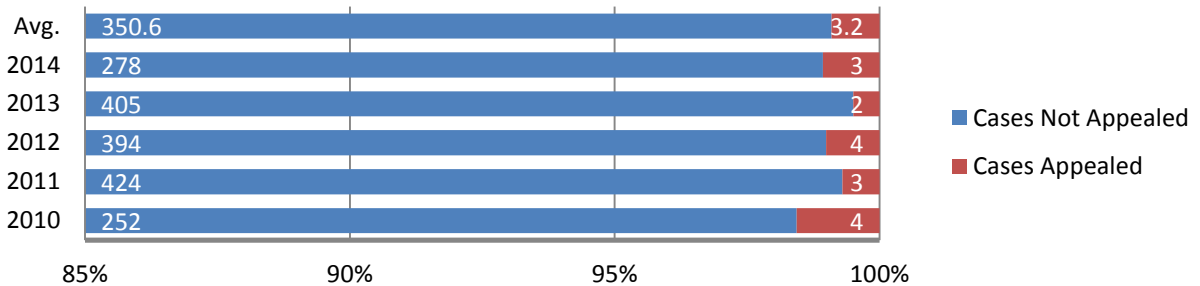
#### e. Appeals

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

In 2014, the number and percentage of High Court civil cases appealed remained low. There were three appeals to the Supreme Court. That is, three appeals versus 281 cases filed in the High Court, or 1.07%. Below is a table and chart showing the number of appealed versus not appealed cases over the past five years.

<b>High Court Civil Cases Not Appealed v. Appealed 2010-2014</b>						
	2010	2011	2012	2013	2014	Avg.
<b>Cases Filed</b>	256	427	398	407	281	353.8
<b>Cases Appealed</b>	4	3	4	2	3	3.2
<b>Cases Not Appealed</b>	252	424	394	405	278	350.6

## Percentage of High Court Civil Cases Not Appealed vs. Appealed 2010-2014



In 2014, no High Court civil cases from 2014, or from previous years, were overturned on appeal. The percentage of cases overturned on appeal was 0%.

### **f. Affordability and Accessibility: Fee Waiver; Cases Heard on Circuit; Legal Aid; and Forms**

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

#### **(i) Fee Waiver**

Although, by rule and statute, fee waivers are available upon a showing of need, in 2014 no one requested a fee waiver in a High Court civil case. The filing fee for most types of High Court cases is only \$25.00, and in 2014, the fee for domestic violence case was repealed. To offset the low basic fee, fees for admiralty cases, non-resident corporate cases, international adoptions, and citizenship cases are substantially higher.

#### **(ii) Cases Heard on Circuit**

Of the 281 civil cases filed in 2014, 13 cases (4.62%) were Ebeye circuit cases. Of the 402 civil cases cleared in 2014, 54 cases (13.43%) were Ebeye circuit cases.

#### **(iii) Free Legal Services**

In 2014, the use of free legal services remained high. In 164 of the 281 civil cases filed in 2014 (58.36%), at least one of the parties was represented by the Micronesian Legal Services Corporation or the Office of the Public Defender, both of which provide legal assistance for free. Also in 2014, one petitioner was assigned a free court-appointed attorney for a potential land

case. For FY 2014, the Nitijela appropriated \$40,000 to the RMI Judiciary to pay court-appointed attorneys to represent those who cannot afford an attorney and for conflict reasons cannot use the Micronesian Legal Services Corporation or the Office of the Public Defender.

**(iv) Forms**

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

**2. Probate Cases**

Set forth below are the High Court’s 2014 case statistics for probate cases. These statistics cover the following:

- the number of probate cases filed in 2014;
- the annual clearance rates for the past five years;
- the average age of cleared cases for the past five years;
- the number and average age of pending cases at the end of 2014;
- the percentage of cases appealed and the percentage of cases overturned on appeal; and
- accessibility in terms of fee waiver, cases heard on circuit, and legal aid.

**a. Number of Cases**

Eight cases were filed in 2014, down from 11 filed in 2013: seven in Majuro and one in Ebeye.

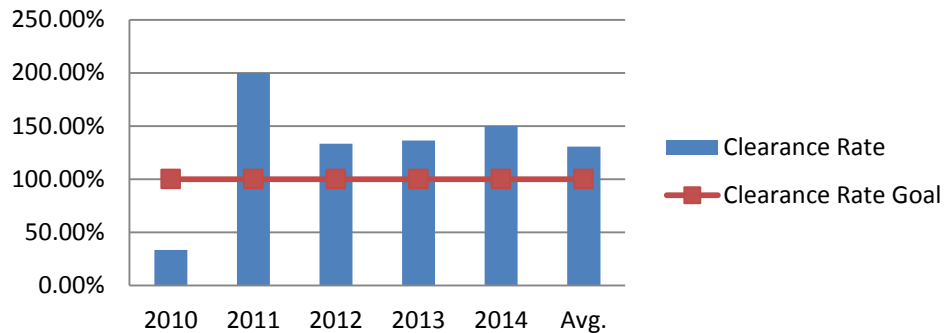
**b. Clearance Rates: 150% in 2014**

In 2014, the High Court cleared twelve probate cases: six of the eight 2014 probate cases plus six cases from previous years for a 2014 clearance rate of 150% (12/8). The High Court’s goal for probate cases is to maintain an annual clearance rate of 100%, or better, for each year. As the table and chart below shows, the High Court has achieved its goal for four of the past five years.

<b>Annual Clearance Rates for High Court Probate Cases 2010-2014</b>						
	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>Avg.</b>
<b>Cases Filed</b>	6	2	9	11	8	7.20
<b>Cases Cleared</b>	2	4	12	15	12	9.00
<b>Clearance Rate</b>	33.33%	200.00%	133.33%	136.36%	150.00%	130.61%
<b>Clearance Rate Goal</b>	100%	100%	100%	100%	100%	100%



### Annual Clearance Rates for High Court Probate Cases 2010-2014



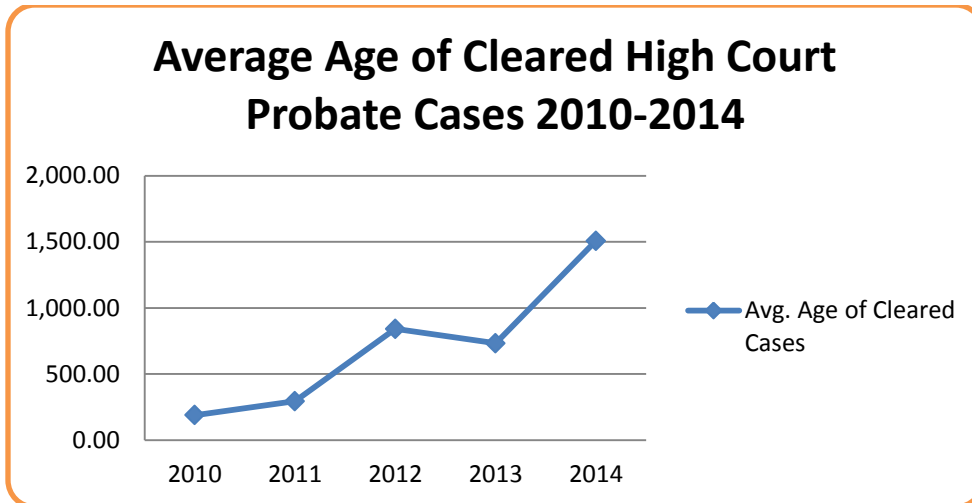
Starting in 2015, the goal for probate cases will be to achieve an annual clearance rate of 100% or better or to clear 90% of probate cases filed in the year within 90 days. The High Court was able to clear 90% of its 2013 probate cases in 90 days, but not for its 2014 cases. The High Court only cleared 80% of its 2014 probate cases in 90 days. Two cases were delayed waiting for confirmation of consents from beneficiaries overseas.

**c. Average Age of Cleared Cases: 1,507.75 days in 2014**

The average age of the twelve probate cases cleared in 2014 was very high at 1,507.75 days. However, if one does not count the five old and abandoned cases, the average duration of the remaining seven probate cases cleared in 2014 was only 51.50 days.

Unless an objection is filed, most probate cases should be cleared within 7 to 11 weeks of filing, 49 to 77 days. Below is the five-year trend for the average age of cleared probate cases. The average ages are high over the past three years, as the Court has been successfully at getting counsel to resolve old and abandoned cases. All the old cases have been resolved.

<b>Average Age of Cleared High Court Probate Cases 2010-2014</b>					
	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
<b>Cases Cleared</b>	2	4	12	15	12
<b>Avg. Age of Cleared Cases</b>	189.50	295.25	842.33	732.87	1,507.75



**d. Average Age of Pending Case: 35 days in 2014**

The average age of the two probate cases pending at the end of 2014, was 113.

**e. Appeals**

In 2014, no probate cases were appealed, nor were any cases from previous years overturned on appeal. Accordingly, the percentage of probate cases appealed was 0%, and the percentage of appealed probate cases overturned on appeal was 0%. This is consistent with results from the past four years.

**f. Affordability and Accessibility: Fee Waiver; Cases Heard on Circuit; and Legal Aid**

As noted above, affordability and accessibility to justice can be seen in the availability of fee waivers, the number of cases heard on circuit, and the availability of free legal service.

As with other civil cases, fee waiver is available in probate cases. However, in 2014 (as in recent years) no one requested a fee waiver in a probate case. The filing fee for probate cases is \$25, \$100 for estates over \$7,000.

Of the eight probate cases filed in 2014, one was an Ebeye circuit case (12.5%). Of the twelve probate cases cleared in 2014 (from all years), three were from Ebeye circuit cases (25%). In five of the eight probate cases filed in 2014 (62.5%), the petitioner was represented by the Micronesian Legal Services Corporation (MLSC). In most years the figures are higher, as all but a very few probates are done by MLSC.

### **3. Criminal Cases**

Set forth below are the High Court's 2014 case statistics for criminal cases. These statistics cover the following:

- the number and nature of criminal cases filed in 2014;
- the annual clearance rates for past five years;
- the average age of cleared cases for the past five years;
- the number and average age of pending cases at the end of 2014;
- the percentage of cases appealed and the percentage of cases overturned on appeal; and
- accessibility (fee waiver, cases heard on circuit, and legal aid).

#### **a. Number and Nature of Cases**

In 2014, the Office of the Attorney-General filed only 18 criminal cases in the High Court: 10 in Majuro and eight in Ebeye.

The 10 criminal cases filed in Majuro in 2014 breakdown as follows: one murder; one manslaughter and sexual assault; four briberies; one aggravated assault; one forgery; one perjury; and one unlawful alien. The eight felony cases filed in Ebeye in 2014 breakdown as follows: five burglaries and theft; one sexual assault; one aggravated assault; and one assault.

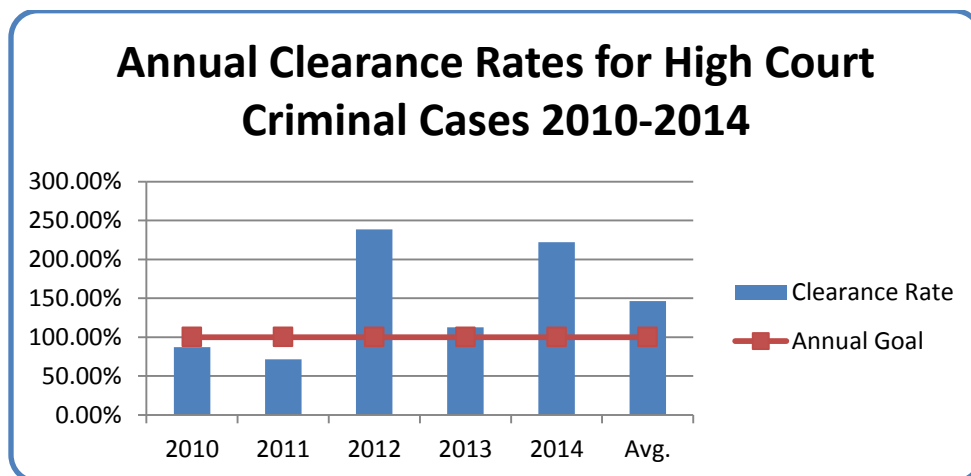
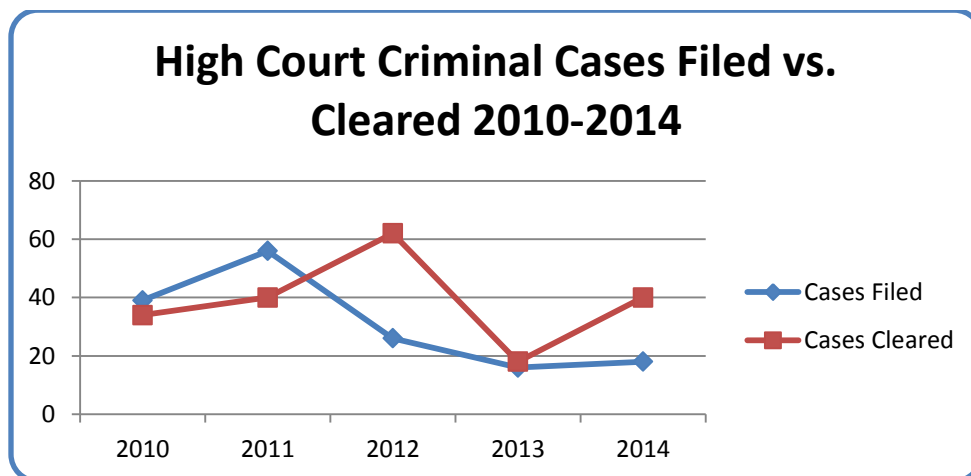
In the 10 Majuro cases, the defendant was a woman in only one case, the forgery case. In none of the eight Ebeye cases was the defendant a woman.

In the 10 Majuro cases, a woman was the victim in two cases, and in the eight Ebeye cases, a woman was the victim in one case. The Majuro cases were an aggravated assault and a sexual assault. The Ebeye case was a sexual assault. Counseling for victims of domestic violence and sexual violence is available through NGOs, including Youth-to-Youth in Health and Women United Together Marshall Islands.

#### **b. Clearance Rates: 222.22% in 2014**

In 2014, the High Court cleared 40 criminal cases from all years, 22 more than the 18 cases filed in 2014, resulting in a 2014 clearance rate of 222.22% (40/18). This clearance rate is in line with the High Court's goal to maintain an annual clearance rate for criminal cases of 100%, or better, per year.

Annual Clearance Rates for High Court Criminal Cases 2010-2014						
	2010	2011	2012	2013	2014	Avg.
Cases Filed	39	56	26	16	18	31
Cases Cleared	34	40	62	18	40	38.8
Clearance Rate	87.18%	71.43%	238.46%	112.50%	222.22%	146.36%
Annual Goal	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

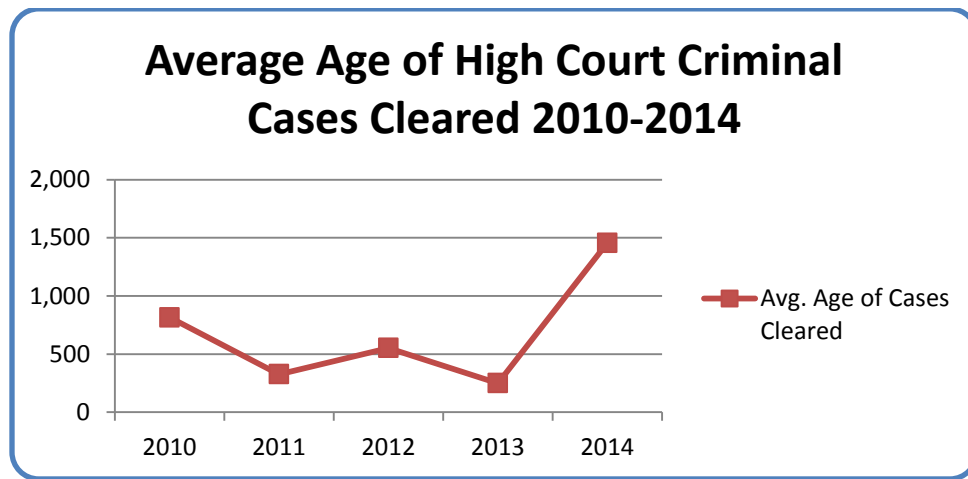


**c. Average Age of Cleared Case: 1,456.00 days in 2014**

The average age of High Court criminal cases cleared in 2014 was 1,456.00 days. The number of High Court criminal cases cleared in the past five years (2010-2014) and the average duration of cleared cases are as shown below. The high number of cleared cases and average age

of cleared cases in 2012 is the result of clearing a large number of government fraud cases filed in 2011. The high average age of cases cleared in 2014 is the result of clearing very old and abandoned cases.

<b>Average Age of High Court Criminal Cases Cleared 2010-2014</b>					
	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
<b>Cases Cleared</b>	34	40	62	18	40
<b>Avg. Age of Cases Cleared</b>	815.00	327.00	552.00	250.00	1,456.00



Commencing in 2015, the goal for criminal cases will be to achieve an annual clearance rate of 100%, or better, or to clear 90% of criminal cases in 18 months. If, however, there are more government fraud cases, it may take longer to clear the cases as the fraud cases are more complex than most other criminal cases. In 2013, the High Court cleared 88% of criminal cases within 18 months and cleared 90% of 2014 criminal cases 18 months.

**d. Average of Pending Cases: 404.75 days in 2014**

By the end of 2014, eight criminal cases remained pending. The average age of the pending cases was 404.75 days. The High Court has encouraged the Attorney-General and defense counsel to resolve criminal cases without delay, particularly those that are more than a year old, three of the eight. Some cases are delayed because the defendants have fled the Republic for the United States or have fled Majuro or Ebeye for the outer islands.

**e. Appeals**

As an indication of the quality of High Court criminal decisions, in 2014 only one High Court criminal cases was appealed. Accordingly the percentage of cases appealed was 5.56%

(1/18). However, no cases were overturned on appeal. The percentage of appealed criminal cases overturned on appeal was 0%. This is consistent with results from the past four years.

#### **f. Affordability and Accessibility: Fee Waiver; Cases Heard on Circuit; and Legal Aid**

*Fee Waiver.* To ensure accessibility to justice, the RMI Judiciary does not impose fees on criminal defendants at the trial level. On appeal, a defendant may apply for waiver of the filing fee and transcript costs. Also, to ensure accessibility, criminal cases are heard on circuit and criminal defendants have access to free legal counsel.

*Cases Heard on Circuit.* Of the 18 criminal cases filed in 2014, eight cases (44.44%) were Ebeye circuit cases. Of the 40 criminal cases cleared in 2014, 20 cases (50%) were Ebeye circuit cases.

*Legal Aid.* In 2014, as in other years, most criminal defendants were represented by the Office of the Public Defender and the Micronesian Legal Services Corporation. In 2014, the defendants received legal assistance at no cost in 13 of 18 cases (72.22%). In the remaining five cases, the defendant retained private counsel. This percentage of free legal assistance is a little lower than in most years due to the higher number of government fraud cases. Defendants in government fraud cases are more likely to hire private counsel to represent them than not.

#### **4. Juvenile Cases**

Set forth below are the High Court's 2014 case statistics for juvenile cases. These statistics cover the following:

- the number and nature of juvenile cases filed in 2014;
- the annual clearance rates for past five years;
- the average age of cleared cases in 2014;
- the percentage of cases appealed and the percentage of cases overturned on appeal; and
- accessibility (fee waiver, cases heard on circuit, and legal aid).

##### **a. Number and Nature of Cases**

In 2014, the Office of the Attorney-General filed only three juvenile cases in the High Court: none in Majuro and three in Ebeye. Since 2006, when the Republic filed seven juvenile cases in Majuro, the Republic has filed no more than four High Court juvenile cases in a year. Most juvenile cases (underage drinking) are heard by the District Court, not the High Court.

The three 2014 juvenile cases filed in in Ebeye involved burglary of a store.

**b. Clearance Rates: 366.67% in 2014**

In 2014, the High Court cleared eleven juvenile cases: three cases from 2014; three cases from 2013; and five older cases that the Republic had abandoned. The resulting clearance rate in 2014 was 366.67% (11/3). Because the High Court has so few juvenile cases (and in some years no juvenile cases), the annual clearance rate figures do not result in meaningful data for a five-year trend report. Accordingly, commencing in 2015 the High Court’s goal for juvenile cases will be to achieve an annual clearance rate of 100% or to clear 80% of juvenile cases within six months of filing.

The annual clearance rates for juvenile cases for 2010 to 2014 are shown below.

<b>Annual Clearance Rates for Juvenile Cases 2010-2014</b>						
	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>Avg.</b>
<b>Cases Filed</b>	1	0	1	4	3	1.80
<b>Cases Cleared</b>	0	1	0	1	11	2.60
<b>Clearance Rate</b>	0.00%	#DIV/0!	0.00%	25.00%	366.67%	#DIV/0!
<b>Clearance Rate Goal</b>	100%	100%	100%	100%	100%	100%

By the end of 2014, no juvenile cases remained pending.

**c. Average Age of Cleared Cases: 1,554.73 days in 2014**

As noted above, eleven juveniles case were cleared in 2014, including five very old ones from 2001 through 2012. Because old and abandoned cases were dismissed this year, the average age of cleared juvenile cases very high, 1,554.73 days. The average age of the three 2013 was 224 days and the average age of the three 2014 cases was zero days. The 2013 cases took longer to clear than the target duration of 180 days, because it took time to arrange counseling programs for the juveniles to attend. Youth-to-Youth-in Health kindly agreed to provide counseling programs for two of the juveniles. Without YTYIH, there would be no viable options. The 2014 cases were less serious, and so did not take long to resolve. The three juveniles were sentenced to community service.

**d. Appeals**

As an indication of the quality of High Court juvenile decisions, in 2014 no High Court juvenile cases were appealed, nor were any cases from previous years overturned on appeal. Accordingly, the percentage of juvenile cases appealed and the percentage of appealed juvenile cases overturned on appeal was 0%. This is consistent with results from past years.

### **e. Affordability and Accessibility: Fee Waiver; Cases Heard on Circuit; and Legal Aid**

To ensure accessibility to justice, the RMI Judiciary does not impose fees on juvenile defendants at the trial level. On appeal, a defendant may apply for a fee waiver. Also, to ensure accessibility, juvenile cases are heard on circuit and juvenile defendants have access to free legal counsel.

Of the three juvenile cases filed in 2014, all three cases (100%) were Ebeye circuit cases. Of the eleven juvenile cases cleared in 2014, ten were Ebeye circuit case (90.91%).

In 2014, as in other years, most juvenile defendants were represented by the Office of the Public Defender, the Micronesian Legal Services Corporation, or a court-appointed attorney paid for by legal aid funds. In all three cases filed in 2014, the defendants received legal assistance at no cost (100%). This percentage is typical of most years.

### **5. Caseloads for Judges and Clerks**

The total number of all High Court cases filed in 2014 was 310. For the two High Court Justices this equates to an average caseload of 155.00 new cases for 2014. These figures are consistent with recent years, although the figures fluctuate:

- for 2014, 155.00 cases per justice;
- for 2013, 156.00 cases per justice;
- for 2012, 144.00 cases per justice;
- for 2011, 157.50 cases per justice; and
- for 2010, 136.00 cases per justice.

Generally, cases are assigned between the two judges on an alternating basis.



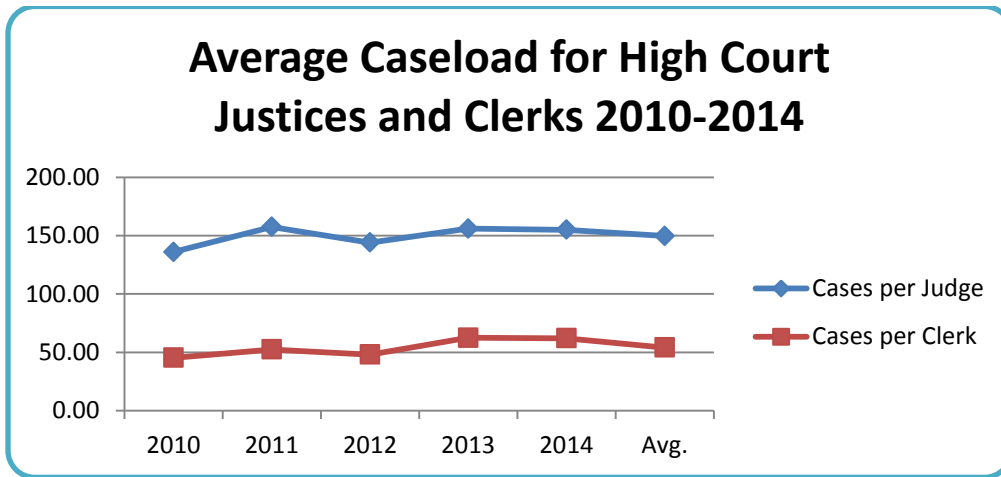
For the five clerks that regularly process High Court cases, their 2014 caseload included 62.00 new cases per clerk. As with the justices, the clerks' caseloads fluctuate from year-to-year within a limited range:

- for 2014, 62.00 cases per clerk;
- for 2013, 62.40 cases per clerk;
- for 2012, 48.00 cases per clerk;
- for 2011, 52.50 cases per clerk; and
- for 2010, 45.33 cases per clerk.

There is some specialization among the clerks, but all clerks handle most functions.



<b>Average Caseload for High Court Justices and Clerks 2010-2014</b>						
	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>Avg.</b>
<b>Cases per Judge</b>	136.00	157.50	144.00	156.00	155.00	149.70
<b>Cases per Clerk</b>	45.33	52.50	48.00	62.40	62.00	54.05



## 6. Selected Decisions

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

## C. Traditional Rights Court

Supporting the High Court at the trial level is the Traditional Rights Court (“TRC”). The TRC is a special-jurisdiction court of record consisting of three or more judges appointed for terms of four to ten years, not to exceed age 72, and are selected to include a fair representation of all classes of land rights: Iroijlaplap (high



chief); where applicable, Irojedrik (lower chief); Alap (head of commoner/worker clan); and Dri Jerbal (commoner/worker).

In June 2010, the Cabinet appointed Chief Judge Walter K. Elbon (alap member) and Associate Judge Grace L. Leban (dri jerbal member) for terms of 10 years. In April 2013, the Cabinet appointed Nixon David (iroij member) for a 4-year term. All TRC judges are lay judges who receive specialized training.

One of the three TRC judges, Judge Leban, is a woman, the first woman to be appointed as a full-time TRC judge. The RMI Judiciary is committed to increasing the number of female judges. However, only four of the RMI Judiciary's approximately 30 judges are women: one High Court justice; one Traditional Rights Court judge; and two Community Court judges.

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



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

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

In 2014, the TRC issued five decisions. As of the date of this report, approximately 28 cases are pending before the TRC and are under active review. Another 10 cases are pending the outcome of cases before the TRC. In 2015, the TRC has set 11 cases for trial.

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

## D. District Court

In addition to the TRC, District Court is below the High Court at the trial level. The District Court is a limited-jurisdiction court of record. It consists of a presiding judge and two associate judges appointed for 10-year terms, not to exceed age 72. At the end of 2014, the three incumbent judges were Presiding Judge Milton Zackios, Associate Judge Jimata M. Kabua, and Associate Judge A. 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.

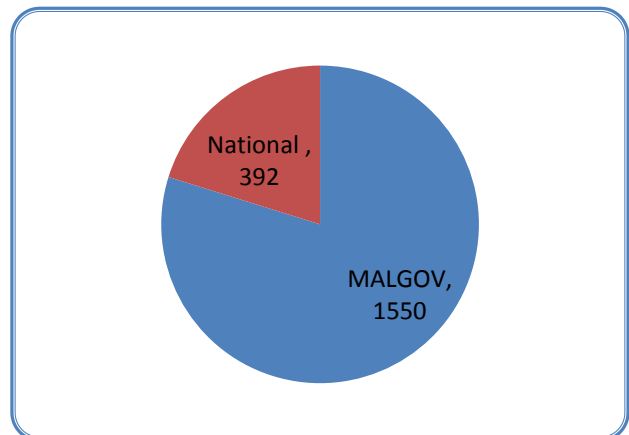
The District Court also has appellate jurisdiction to review any decision of a Community Court.

The District Court's 2014 case statistics and case workload are set forth below.

### 1. Traffic Cases (Majuro)

The District Court's 2014 statistics for Majuro traffic cases cover the following:

- the number and nature of cases filed in 2014;
- the annual clearance rates for the most recent three years;
- the average duration of cleared cases for the most recent three years;
- the percentage of cases appealed and the percentage of appealed cases overturned on appeal; and
- accessibility in terms of fee waiver, cases heard outside of Majuro (the Capital), legal aid, and forms.



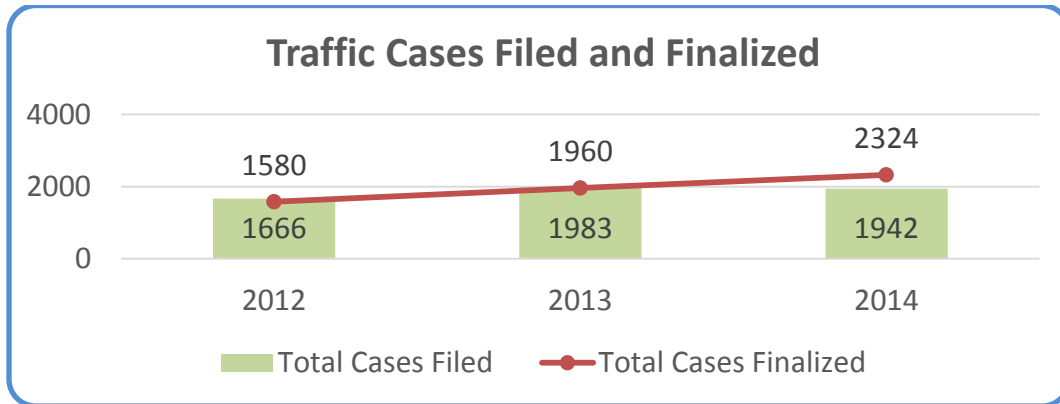
**a. Number and Nature of Cases Filed in 2014**

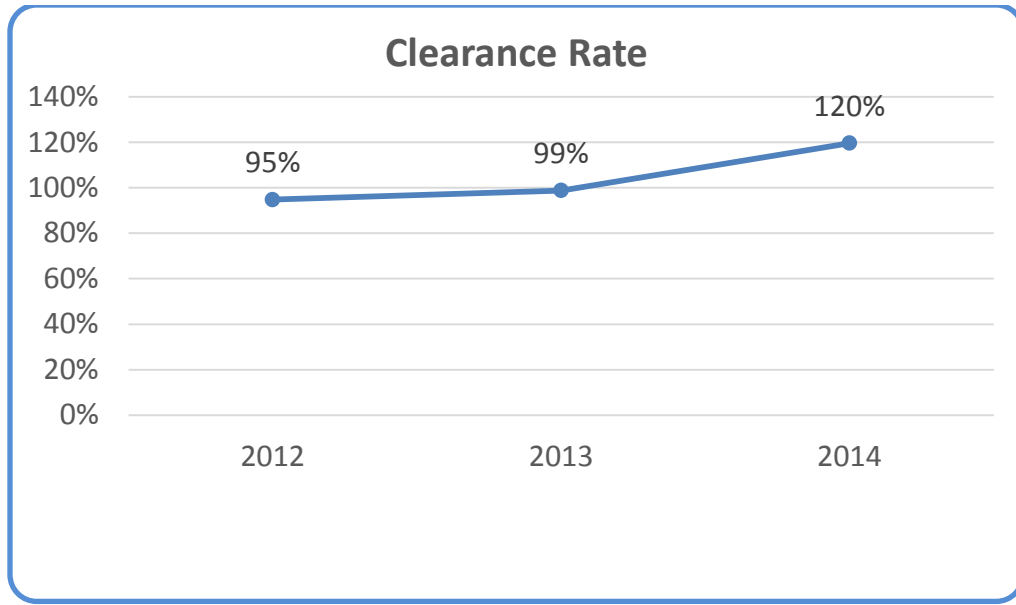
In 2014, the National Police and Majuro Atoll Local Government Police prosecutors filed in the District Court a total of 1,942 traffic cases in Majuro. Of the 1942 traffic cases, a total of 203 cases involved DUI/Drunken Driving.

Of the 1,942 traffic cases filed in Majuro in 2014, 1,667 were cleared in 2014, leaving 275 pending at the end of the year. A large number of cases remained pending at the end of the year because police had difficulty locating defendants who relocated to the United States or to the outer islands of the Republic or who gave false addresses.

**b. Clearance Rates: 119.67% in 2014**

The District Court’s efficiency can be measured by case clearance rates. The District Court’s 2014 annual clearance rate for traffic cases was 119.67% (2,324/1,942). During 2014, the District Court, counsel, and parties closed 1,667 2014 cases and 657 cases from previous years (2010-2013). And as noted above, the government filed 1,942 new cases in 2014. The District Court’s goal is to maintain an annual clearance rate for traffic cases of 100% or better, for each year. As a result of its efforts to process cases without undue delay, the District Court was able to gradually increase its clearance rate as shown below.



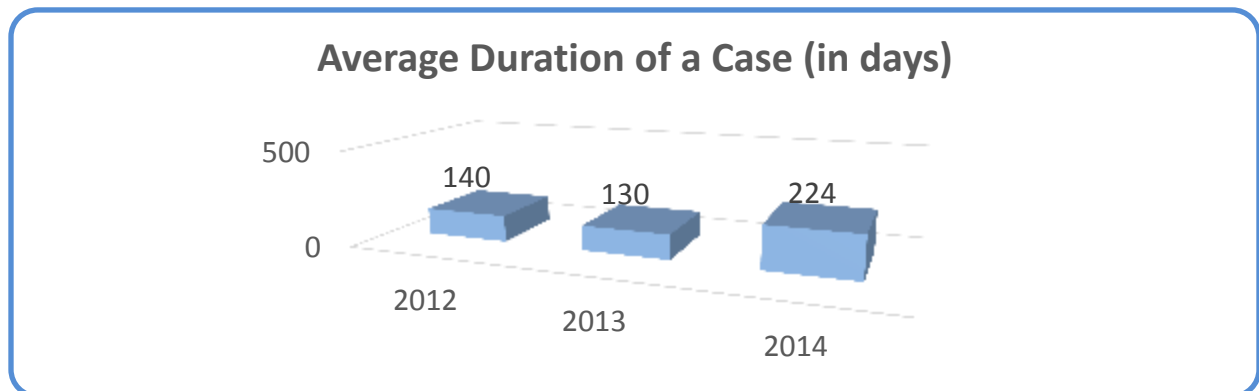


The District Court each month dismisses without prejudice abandoned cases that have been pending six months or more.

**c. Average Duration of Traffic Cases Cleared in 2014**

The average duration of District Court traffic cases cleared in 2014 was 224 days. A total of 184 2010 cases were cleared in 2014. Excluding cases from earlier years cleared in 2014, the average duration of 2014 traffic cases cleared in 2014 is only 51 days.

For Majuro District Court traffic cases filed in the past three years (2012-2014), the average durations of cleared cases in days were as follows:



#### **d. Appeals**

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

In 2014, none of the 2324 District Court traffic cases cleared in 2014 were appealed to the High Court. Similarly, in 2012 and 2013, no traffic cases were appealed.

Furthermore, in 2014, there were no District Court traffic cases or decisions overturned from any year on appeal.

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

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

##### **(i) Fee Waiver**

As there is no filing fee for traffic cases, fee waiver is not applicable.

##### **(ii) Cases Heard on Ebeye**

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

##### **(iii) Free Legal Services**

At the District Court level, most traffic offenders are self-represented. Only in more serious cases, such as those involving DUI, do they seek legal assistance and representation by the Micronesian Legal Services Corporation or the Office of the Public Defender, which both provide free legal assistance. Of the 1,942 traffic cases filed in 2014, only 139 defendants (7.16%) were represented by the Office of the Public Defender.

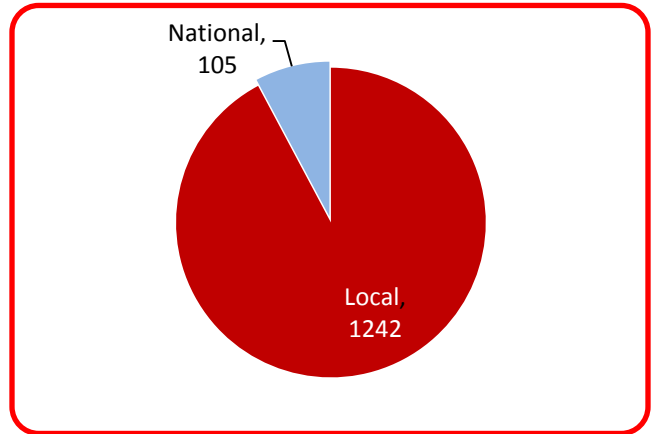
##### **(iv) Forms**

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

## 2. Criminal Cases (Majuro)

The District Court's 2014 statistics for Majuro criminal cases cover the following:

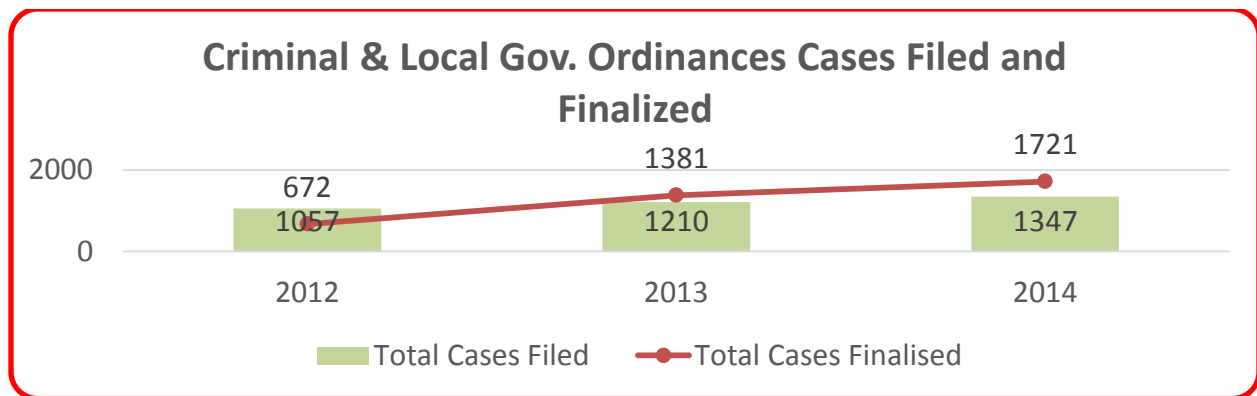
- the number and nature of cases filed in 2014;
- the annual clearance rates for the most recent three years;
- the average duration of cleared cases in the most recent three years;
- the percentage of cases appealed and the percentage of appealed cases overturned on appeal; and
- accessibility in terms of fee waiver, cases heard outside of Majuro, legal aid, and forms.

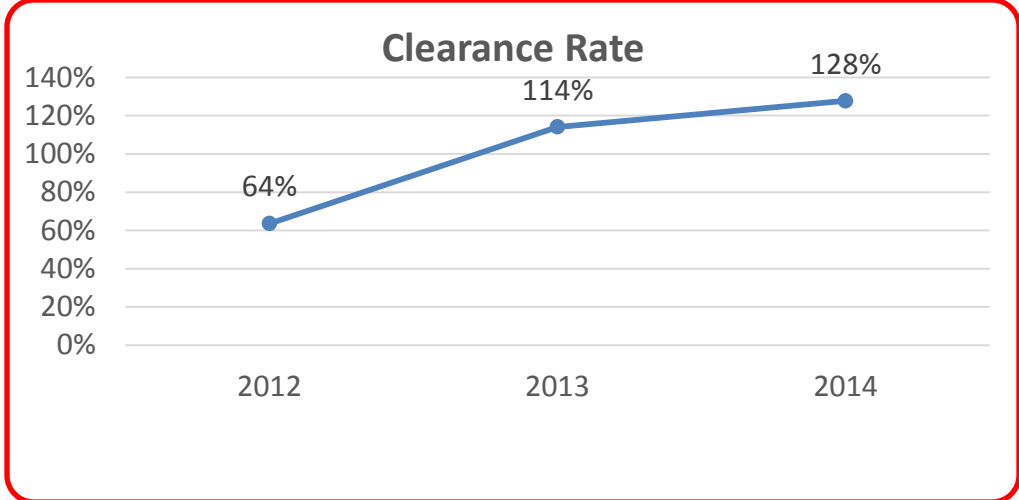


### a. Number and Nature of Cases Filed in 2014

In 2014, the National Police and Majuro Atoll Local Government Police prosecutors filed in the District Court a total of 1,347 criminal cases in Majuro.

Of the 1,347 criminal cases, 1132 were cleared in 2014, leaving 215 pending at the end of the year. The 215 cases remained pending due to police having difficulty locating defendants who either relocated to the United States or to the outer islands of the Republic or gave false addresses.



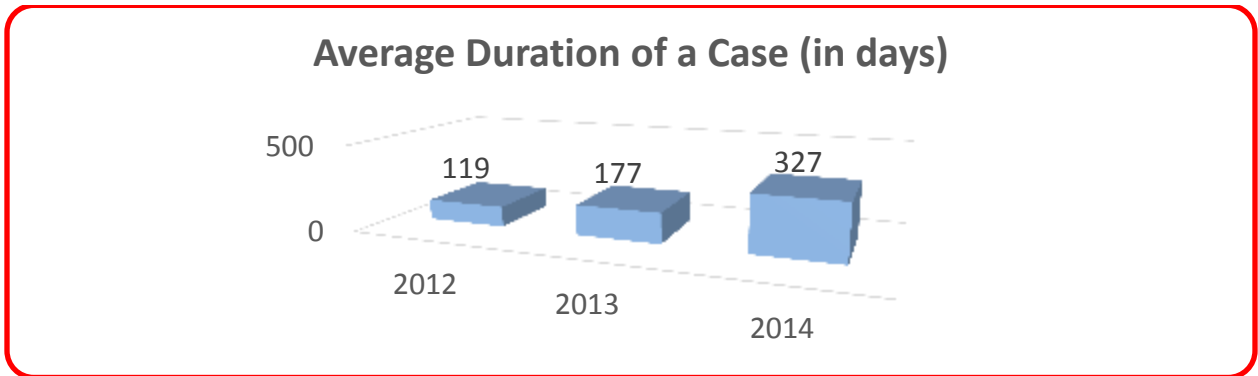


**b. Clearance Rates: 127.76% in 2014**

The District Court’s 2014 annual clearance rate for criminal cases was 127.76 % (1,721/1,347). During 2014, the District Court, counsel, and parties closed 1132 2014 cases and 589 cases from previous years (2010-2013). As noted below, the government filed 1,347 new cases in 2014. The District Court’s goal is to maintain an annual clearance rate for criminal cases of 100% or better, for each year.

**c. Average Duration of Cleared Criminal Cases: 327 days in 2014**

In addition to annual clearance rates, the efficiency of a case management system can be measured by the age of cleared cases. The average duration of District Court criminal cases cleared in 2014 was 327 days. Excluding the 589 cases from earlier years cleared in 2014, the average duration of 2014 criminal cases cleared in 2014 is only 69 days.





#### **d. Appeals**

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

In 2014, none of the 1,347 District Court criminal cases cleared in 2014 were appealed to the High Court. Also in 2014, there were no District Court criminal cases or decisions from any years overturned. This is the same for previous years.

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

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

##### **(i) Fee Waiver**

As there is no filing fee for criminal cases, fee waiver is not applicable.

##### **(ii) Cases Heard on Ebeye**

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

##### **(iii) Free Legal Services**

At the District Court level, most defendants are self-represented. Only in more serious cases, such as those involving selling alcohol to minors and assault and battery, do defendants seek legal assistance and representation by the Micronesian Legal Services Corporation or the Office of the Public Defender, which both provide free legal assistance. Of the 1,347 criminal cases filed in 2014, only 20 defendants (1.65%) were represented by the Office of the Public Defender.

##### **(iv) Forms**

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

### **3. Juvenile Cases (Majuro)**

The District Court's 2014 statistics for juvenile cases cover the following:

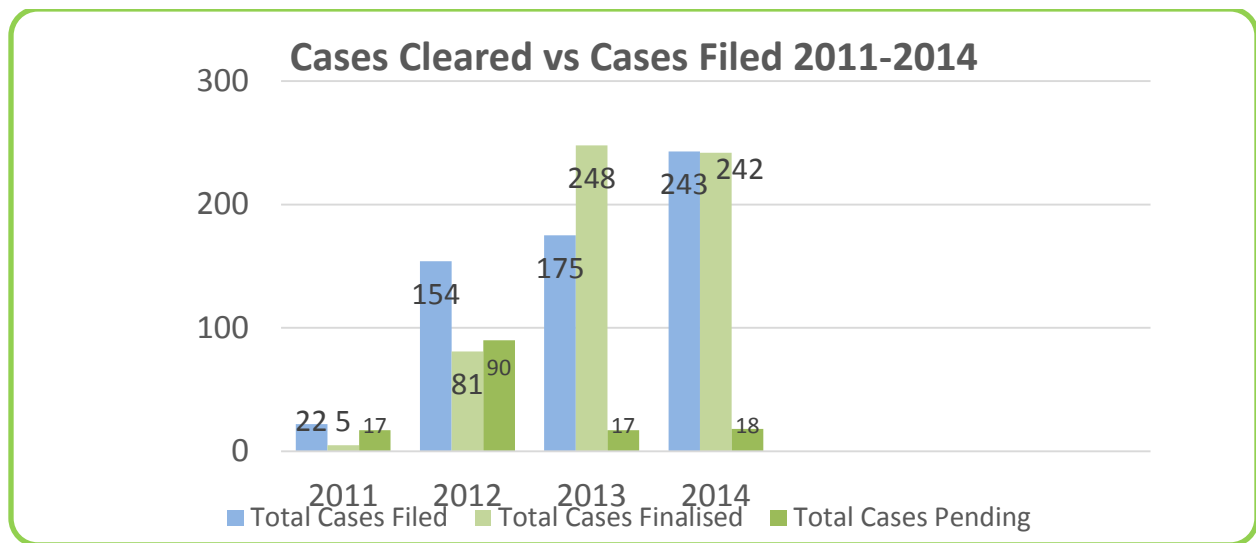
- the number and nature of cases filed in 2014;

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

**a. Number and Nature of Cases Filed in 2014**

In 2014, the National Police and Majuro Atoll Local Government Police prosecutors filed in the District Court a total of 243 juvenile cases in Majuro. A total of 165 cases involved curfew violations, 54 involved underage drinking and alcohol related charges, 17 cases involved traffic related charges, 2 involved littering, and 5 other cases<sup>1</sup>.

Of the 243 juvenile cases filed in Majuro in 2014, 224 were cleared in 2014, leaving 19 pending at the end of the year. In 2015, 18 cases were cleared leaving 1 pending case.



**b. Clearance Rates: 99.59% in 2014**

The District Court’s efficiency in handling juvenile cases can be measured by case clearance rates. The District Court’s 2014 annual clearance rate for juvenile cases was 99.59% (242/243). During 2014, the District Court, counsel, and parties closed 18 cases from 2013. And as noted below, 243 new cases were filed in 2014. The District Court’s goal is to maintain an annual clearance rate for juvenile cases of 100% or better, for each year. As a result of its efforts to process cases without undue delay, the District Court was able to gradually increase its clearance rate as shown below.

<sup>1</sup> Other cases: Underage Selling Cigarettes to Underage, Hours of Operation of Store by Underage

Year	Total Cases Filed	Total Cases Finalized	Total Cases Pending	Clearance Rate	Average Days Disposal Time
2011	22	5	17	22.73%	229.20
2012	154	81	90	52.60%	179.94
2013	175	248	17	141.17%	214.10
2014	243	242	18	99.59%	122.19
<b>Total:</b>	<b>594</b>	<b>576</b>	<b>18</b>	<b>96.97%</b>	<b>186.36</b>

Also the above chart shows, from cases filed in 2011 through 2014, 18 cases remained pending. The District Court each month dismisses without prejudice abandoned cases that have been pending six months or more.

**c. Average Duration of Cleared Juvenile Cases: 122.19 in 2014**

In addition to annual clearance rates, the efficiency of a case management system can be measured by the age of cleared cases. The average age of District Court juvenile cases cleared in 2014 was 122.19 days. District Court juvenile cases cleared in the past four years (2011-2014), the average durations of cleared cases in days are as shown above.

**d. Appeals**

The quality of judgments can be measured in two ways: the percentage of cases appealed and the percentage of appealed cases overturned on appeal.

In 2014, none of the 242 District Court juvenile cases cleared in 2014 were appealed to the High Court. Similarly, in 2011, 2012, and 2013 no juvenile cases were appealed.

Furthermore, in 2014, there were no District Court juvenile cases or decisions from any years overturned on appeal.

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

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

**(i) Fee Waiver**

As there is no filing fee for juvenile cases, fee waiver is not applicable.

**(ii) Cases Heard on Ebeye**

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

**(iii) Free Legal Services**

At the District Court level, most juvenile offenders are self-represented. Only in more serious cases do they seek legal assistance and representation by the Micronesian Legal Services Corporation or the Office of the Public Defender, which both provide free legal assistance. Of the 243 juvenile cases filed in 2014, no juvenile offenders (0%) were represented by the Office of the Public Defender. This was also the case in 2013. The Office of the Public Defender represented 5 juvenile offenders in 2011 and one in 2012.

**(iv) Forms**

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

**4. Small Claims Cases (Majuro)**

The District Court's 2014 statistics for Majuro small claims cases cover the following:

- the number and nature of cases filed in 2014;
- the annual clearance rates for the most recent four years;
- the average duration of cleared cases;
- the percentage of cases appealed and the percentage of cases overturned on appeal; and
- accessibility in terms of fee waiver, cases heard outside of Majuro, legal aid, and forms.

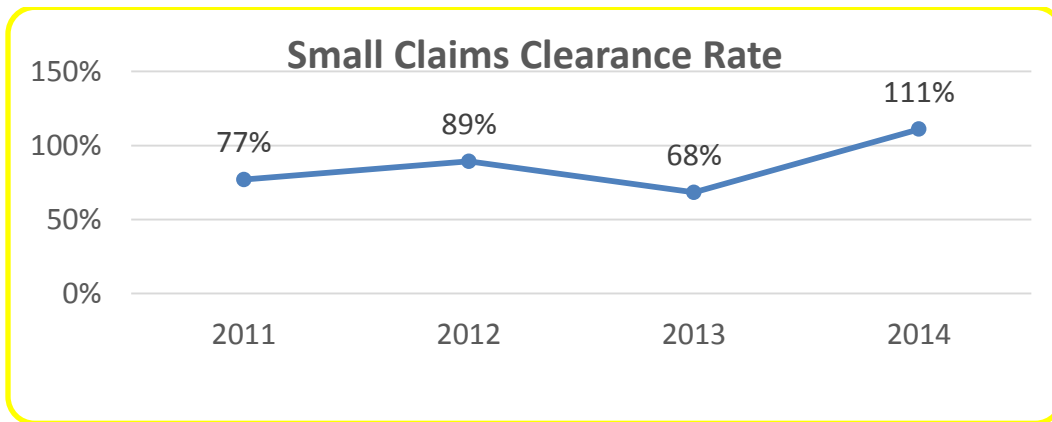
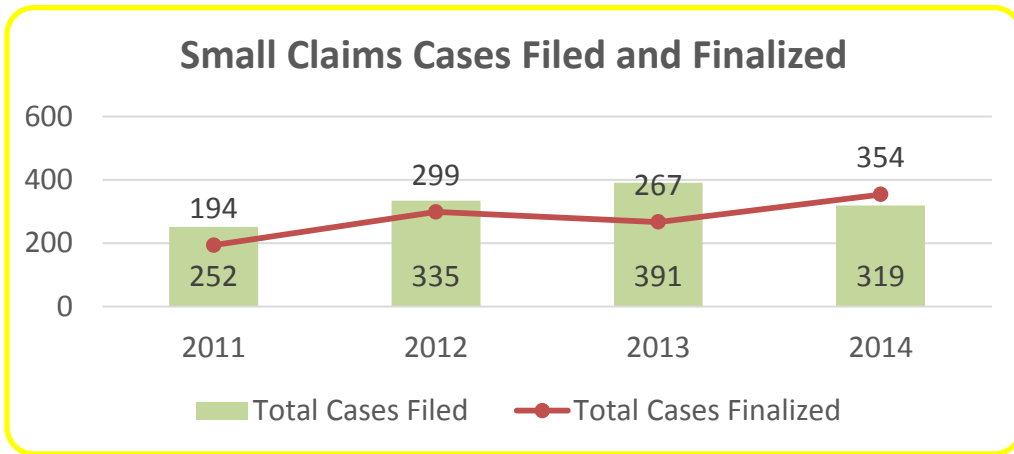
**a. Number of Cases Filed in 2014**

In 2014, a total of 319 small claims cases were filed in Majuro.

Of the 319 small claims cases filed in Majuro in 2014, 228 were cleared in 2014, leaving 91 pending at the end of the year. Cases that remained pending at the end of the year involved defendants who either reside in the outer islands, moved to the United States, or cannot be located.

**b. Clearance Rates: 111% in 2014**

The District Court’s 2014 annual clearance rate for small claims cases was 111% (354/319). During 2014, the District Court, counsel, and parties closed 228 2014 cases and 126 cases from previous years (2010-2013). And as noted below, 319 new cases were filed in 2014. The District Court’s goal is to maintain an annual clearance rate for small claims cases of 100% or better, for each year.

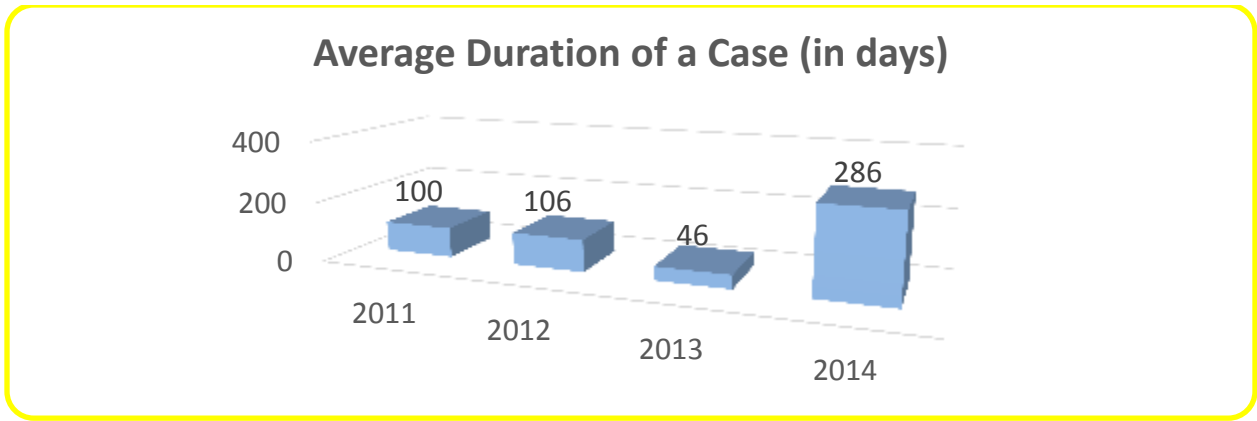


**c. Average Duration of Cleared Small Claims Cases: 286 days in 2014**

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

The average duration of District Court small claims cases cleared in 2014 was 286 days. A total of 126 cases were cleared in 2014 from earlier years (2010-2013). Excluding these cases, the average duration of the 2014 small claims cases cleared in 2014 is only 39 days.

For Majuro District Court small claims cases cleared in the past four years (2011-2014), the average duration of cleared cases in days were as follows:



#### **d. Appeals**

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

In 2014, none of the 354 District Court small claims cases cleared in 2014 were appealed to the High Court. Similarly, in 2011, 2012, and 2013 no small claims cases were appealed.

Furthermore, in 2014, there was no District Court small claims cases or decisions from any years overturned on appeal.

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

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

##### **(i) Fee Waiver**

Although, by rule and statute, fee waivers are available upon a showing of need, plaintiffs did not request a fee waiver in any of the 2014 District Court small claims cases. The filing fee for small claims cases remains low at only \$5.00 dollars.

## **(ii) Cases Heard on Ebeye**

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

## **(iii) Free Legal Services**

At the District Court level, most plaintiffs and defendants in small claims cases are self-represented. Only in a few cases do defendants seek legal assistance and representation by the Micronesian Legal Services Corporation or the Office of the Public Defender, which both provide free legal assistance. Of the 319 small claims cases filed in 2014, only 6 defendants (1.8%) were represented by the Micronesian Legal Services Corporation or the Public Defender. Others appeared *pro se*.

## **(iv) Forms**

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

In summary, a total of 3,851 cases were filed in the Majuro District Court: 1,942 traffic cases; 1,347 criminal and local government ordinance cases; 243 juvenile case; 319 small claims cases; and no other civil cases.

## **5. Caseload for Judges and the Clerks.**

In 2014, the average number of new cases heard by the two District Court judges in Majuro was 1,925.5 cases, and the average number of new cases per court clerk (two from the RMI Judiciary and two from Majuro Atoll Local Government) was 962.75

## **6. Ebeye.**

In 2014 on Ebeye, 546 cases were filed in the District Court: 39 small claim cases (33 cleared and 6 pending); 65 traffic cases (65 cleared and 0 pending); 7 juvenile cases (7 disposed and 0 pending); 54 criminal cases (54 cleared and 0 pending); and 381 local government ordinance cases (378 cleared and 3 pending).

The average number of cases heard per District Court judge in Ebeye was 546, and the average number of cases per court clerk was the same.



No 2014 Ebeye District Court cases were appealed or overturned on appeal.

In all Ebeye District Court small claims cases, local government ordinance cases, and juvenile cases, the parties were self-represented. The PD represented the defendant in 22 of the 65 traffic cases that were cleared (34%), in 1 of the 54 criminal cases that were cleared (1.85%).

## E. Community Courts



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

Community Court has original jurisdiction concurrent with the High Court and the District Court within its local government area

- (i) in all civil cases where the amount claimed or the value of the property involved does not exceed \$1,000 (excluding matters within the exclusive jurisdiction of the High Court by Constitution or statute, such as land title cases and admiralty and maritime matters) and
- (ii) in all criminal cases involving offenses for which the maximum penalty does not exceed a fine of \$400 or imprisonment for a term not exceeding six months, or both.



At the end of 2014, there were 21 serving Community Court judges and nine vacancies. At the date of this report, there are eight vacancies for which the Commission is waiting recommendations from local government councils: Enewetak (1); Jaluit (1); Lib (1); Likiep (1); Namu (1); Rongelap (1); Wotje (1) and unallocated (1).

Community court judges receive training when they come to Majuro for biennial summer conferences and on other occasions. The RMI 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. In 2014, the RMI Judiciary held a one-week workshop for Community Court judges. The RMI Judiciary intends to continue providing trainings for Community Court judges every two years.



## F. Travel to the Outer Islands and Ebeye

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

The RMI Judiciary believes that if the offices of the Attorney-General, the Public Defender, and the Micronesian Legal Services Corporation were to station attorneys on Ebeye full time, there would be enough work to justify a third High Court judge. Currently, the High Court travels to Ebeye once every quarter if cases are ready to proceed. The additional personnel cost for a third High Court judge would be about \$120,000. The RMI Judiciary would seek a budget increase to cover this cost and related expenses (for example, recruitment costs and the one-time cost of constructing chambers for a High Court judge on Ebeye). Also, a third High Court judge is needed to relieve the heavy administrative burden on the two existing High Court judges.

If, however, the Government cannot afford to station attorneys full-time on Ebeye, the RMI Judiciary would request that at the very least the Office of the Attorney-General and Office of the Public Defender receive funding to employ trial assistants on Ebeye. This was the practice until relatively recently. Defendants brought before the District Court on Ebeye on criminal charges have a constitutional right to legal counsel. Late in 2014, MLSC reopened its Ebeye office and staffed it with a trial assistant.

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

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



**1. Majuro.** In 2014 on Majuro, the High Court and the District Court processed 300 delayed registrations of birth, one delayed registrations of death, and performed 39 marriages. The clerks notarized 672 documents, of which 13 were notarized off site to accommodate disabled persons. Upon request, clerks will go to the hospital or homes to notarize documents for those who cannot make it to the courthouses. Also, the clerks issued seven apostille certifications, 112 criminal record checks and 104 corporate litigation checks.

**2. Ebeye.** In 2014 on Ebeye, the District Court processed 30 delayed registrations of birth, no delayed registrations of death, and performed 21 marriages. The Ebeye clerk also notarized 441 documents.

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

<b>Birth, Deaths, Etc. 2010-2014</b>					
	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
<b>Births</b>	253	289	233	324	330
<b>Deaths</b>	3	4	3	13	1
<b>Marriages</b>	57	49	77	84	60
<b>Notarizations</b>	809	962	967	770	1113
<b>Apostille Certifications</b>	13	13	16	4	7
<b>Criminal Checks</b>	72	92	110	72	112
<b>Corporate Checks</b>	0	6	33	146	104

## H. Court Staff



In 2014, the RMI Judiciary's staff included the following: a chief clerk of the courts, six assistant clerks (one in Ebeye), four bailiffs (seconded from the National Police), and one maintenance worker. The chief clerk and four of the six assistant clerks are women. A listing of the judiciary

personnel is attached as Appendix 2.



In addition to their administrative responsibilities, the clerks also serve as interpreters from Marshallese to English and English to Marshallese. The Office of the Attorney-General has a Chinese translator on staff provided by the Republic of China (Taipei) Embassy. The clerks also assist unrepresented court users complete forms.

The Office of the Clerk of the Courts is open 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m., Monday through Friday, except holidays. In case of emergencies, the courts will open on weekends and holidays. The contact information for the Majuro and the Ebeye Courthouses is as follows:

Majuro Courthouse  
P.O. Box B  
Majuro, MH 96960  
Tel.: (011-692) 625-3201/3297  
Fax: (011-692) 625-3323  
Email: [Marshall.Islands.Judiciary@gmail.com](mailto:Marshall.Islands.Judiciary@gmail.com)

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

Ebeye Courthouse  
P.O. Box 5944  
Ebeye, Kwajalein Atoll, MH 96970  
Tel.: (011-692) 329-4032  
Fax: (011-692) 329-3032

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

## **I. Professional Development and Regional Conferences**

Managing the RMI Judiciary's personnel in accordance with sound leadership and management practices is the fourth goal of the RMI Judiciary's 2014-2018 Strategic Plan. Consistent with this goal, Strategies 4.1, 4.2, and 4.3, and internationally recognized practice, in 2014 the RMI Judiciary organized and facilitated professional development opportunities for both judges and court staff. All permanent justices and judges of the Supreme Court, the High Court, the Traditional Rights Court, and the District Court attended such workshops and conferences. Twenty-four of the twenty-seven Community Court judges attended a week-long biennial workshop. And five of the seven clerks attended professional development workshops. The participants found that the programs met or exceeded their expectations, and addressed recognized training needs. Funding for such programs came from the RMI Judiciary's annual operating budget, the Compact of Free Association, New Zealand, and Australia. The RMI Judiciary's 2014 professional development activities are set forth below.



In February 2014, three judges (Traditional Rights Court Chief Judge Walter Elbon and Associate Judge Grace Leban and District Court Presiding Judge Milton Zackios) attended a Pacific Judiciary Development Program (PJDP) workshop funded by New Zealand and conducted by Professor James Raymond on how to train others on decision writing. This workshop was designed to help the judges deliver writing courses to Community Court judges and to develop outlines for their own cases.

In early March 2014, Chief Justice Ingram attended the PJDP's 6th Chief Justices' Leadership Workshop held in Auckland, New Zealand. As is the practice, the workshop opened with a report from the PJDP Implementation Team on the progress of the PJDP's programs and a report from the national coordinators (of which Chief Clerk Ingrid Kabua was one). Thereafter, the chief justices reviewed the various PJDP



programs with the program consultants and the suggestions from the national coordinators and approved a schedule for delivery of the projects over the next year. In 2014, the Marshall Islands benefited from workshops on time standards, the International Framework on Court Excellence, and legal writing.

In mid-March 2014, High Court Chief Justice Carl Ingram attended the 21<sup>th</sup> Pacific Judicial Conference, held in Auckland, New Zealand. The 2014 PJC included sessions on the following: youth justice; domestic violence; ADR; SRL; judging in times of constitutional crisis; written constitutions, human rights, and customary law; and a regional final court of appeal for the South Pacific.



In mid-April 2014, PJDP consultant Jenifer Ehmann, funded by New Zealand aid, came to Majuro and conducted a three-week workshop on time standards and delay reduction measures. During the course of the workshop, consultant Ehmann worked with judges, staff, attorneys, and police to develop time standards for various types of cases for the High Court, the Traditional Rights Court, and the District Court. For example, the High Court's time goals include clearing 70% of civil cases within 120 days and 90% within 24 months (with time goals for sub-categories of civil cases involving family and personal status, general civil including commercial cases, land cases; and maritime and admiralty cases); 90% of probate cases within 90 days; 90% of criminal cases within 18 months; and 80% of juveniles cases within 180 days. In addition to the time goals, consultant Ehmann also helped develop delay reduction measures appropriate for the courts. For all courts, the delay reduction measures included the development of a continuance policy to reduce excessive delay do to requests for continuances and the tracking "next actions" for pending cases. For the High Court, the delay reduction measures also included expedited procedures for citizenship cases and fixed time and page limits for motions, oppositions, and replies. By the end of 2014, the time goals and delay reduction measures had assisted the Judiciary reduce the number of pending cases to numbers not experienced since the very early dates of the RMI Judiciary in the 1980s.

In late April and early May 2014, the three judges of the Traditional Rights Court (Chief Judge Walter Elbon, Associate Judge David Nixon, and Associate Judge Grace Leban) attended the National Judicial College Court course "Conducting the Trial." The NJC designed this program as a refresher course for general jurisdiction and special court judges (such as the TRC judges). After attending this course, the TRC judges were able to take a more proactive role in handling trials and use appropriate and effective courtroom techniques. This course is important to our TRC judges, who sometimes feel at a disadvantage with law-trained counsel appearing before them.

In late May 2014, under a PJDP responsive fund request, Elizabeth Connolly, Manager of Policy and Planning for the Federal Court of Australia, came to Majuro and conducted a week-long workshop on implementing the International Framework for Court Excellent, a seven-factor



quality management matrix developed by the International Consortium for Court Excellence. In the course of the workshop, the RMI Judiciary conducted a frank self-assessment and developed a draft court improvement plan. Subsequently, the RMI Judiciary finalized and adopted the court improvement plan, applied for membership in the ICCE, and was accepted. ICCE membership promises to advance the RMI Judiciary down the path to court excellence.

In mid-July 2014, Supreme Court Chief Justice Daniel Cadra attended the 2014 Ninth Circuit Judicial Conference held in Monterey, California. The theme of the 2014 Ninth Circuit Judicial Conference was “Access to Justice” and included the following sessions: Supreme Court Review; Opening Program; Access to Justice in Civil Cases 50 Years After Gideon; Shining a Light on the Hidden Recesses of Our Brains: Are we subject to implicit bias and what can we do about that?; Bench/Bar Program; What Makes the Constitution Work (or Not)?; The Crisis in Legal Education and Its Impact on the Courts.

In late July 2014, two judges of the TRC (Chief Judge Walter Elbon and Associate Judge Grace Leban) and three judges of the District Court (Presiding Judge Milton Zackios and Associate Judges Jimata Kabua and Tarry Paul) attended the Pacific Islands Legal Institution’s Evidence Course held in Honolulu, Hawaii. This course provided our lay judges with the fundamentals of evidence.



In early August 2014, the RMI Judiciary brought 25 Community Court Judges and one District Court Judge (trainer) into Majuro for a five-day training session for Community Court Judges. The training was held at the Majuro Courthouse. District Court judges delivered presentations on court procedures, judicial ethics, and judicial skills.

In late August 2014, Chief Clerk Ingrid K. Kabua and Assistant Clerk Travis Joe, who are responsible for the RMI Judiciary’s finances, attended the 2014 25<sup>th</sup> Annual Conference of the Association of Pacific Islands Public Auditors (“APIPA”) held in Pago Pago, American Samoa. The 2014 APIPA conference offered four tracks: Audit, Audit Supervisor, Finance, and Advanced Finance. The two clerks took the Finance track, which included the following courses: Governmental Accounting for the Faint of Heart; and Leadership Island Style.

In early September 2014, under PJDP funding, Professor James Raymond came to Majuro and conducted a week-long workshop on decision making and decision writing. The workshop was attended by judges of the High Court, the Traditional Rights Court, and the District Court, as well as counsel from the Office of the Attorney-General, the Office of the Public Defender, the Micronesian Legal Services Corporation, Majuro Atoll Local Government, Kwajalein Atoll



Local Government, and private trial assistants. “The Raymond Method” of decision making and writing has three essential components: a model for organizing a judgment (based upon a “shotgun house” metaphor); a five-step process for constructing a judgment; and a checklist for evaluating judgments. Participants found this workshop to be one of the best on decision making and writing and one of the best overall. Professor also provided participants with a guide on how to teach “The Raymond Method” to others.



In early October 2014, the District Court judges (Presiding Judge Milton Zackios and Associate Judge A. Tarry Paul) attended the National Judicial College course “Enhancing Judicial Bench Skills” held in Orlando, Florida. This is a practical course for judges who want to take a fresh look at the judge’s role on the bench, from civility to contempt. Having taken the course, our judges are able to demonstrate effective communication behaviors on the bench; more effectively make and protect the record; deal with difficult people in the courtroom, and apply contempt powers from the bench with confidence and restraint; avoid bias and the appearance of bias; improve their decision-making skills; better address matters of courtroom security; work with self-represented litigants ethically and effectively; and better manage the effects of judicial stress.



Also in early October 2014, Associate Justice Dinsmore Tuttle attended the National Judiciary College course “Civil Mediation” held in Reno, Nevada. Mediation is an important option in every court system. The judge with this skill set opens opportunities. This five-day, 40-hour course is hands on, interactive, fast-paced and practical. Simulations, interpersonal skill development and role play enable participants to integrate communication and problem solving techniques for effective mediation management; thus avoiding classic errors. Within only a few weeks of returning to

Majuro, Judge Tuttle was able to successfully employ her new skills in resolving a local case.

In late October 2014, Chief Clerk of the Courts and RMI Judiciary National Coordinator Ingrid K. Kabua attended the PJDP-sponsored 6<sup>th</sup> National Coordinator’s Leadership Workshop held in Cook Islands. The intention of the meeting was to provide an opportunity to confirm and coordinate PJDP activities on a regional and bi-lateral basis; to provide an overview of the progress of activities and toolkits; and to enable interaction, exchange and building capacity to continue leading judicial development nationally.



## **J. Court Rules and Relevant Statutes**

To enhance access to justice, the RMI Judiciary regularly reviews and amends or seeks amendment of its rules of procedure and evidence. Over the past 10 years, the RMI Judiciary has proposed or adopted 20 sets of amendments.

In 2014, the RMI Judiciary sought passage of the following five bills:

- a bill setting the term of Traditional Rights Court judges at 10 years or age 72, whichever first occurs (but as passed the term for TRC judges was set at four to 10-year term or age 72, whichever first occurs);
- a bill setting the term of District Court judges at 10 years or age 72, whichever first occurs;
- a bill regarding legal representation for the RMI Judiciary and the use of local counsel as pro tem judges;
- a bill increasing the term and jurisdiction of Community Court judges from four to six years and setting an age limit of 72 years; and
- a bill amending the legal profession act to provide for police prosecutors and other matters.

The Nitijela, the parliament, passed all but the bill regarding the District Court judges in 2014. In January 2015, the Nitijela passes the bill for the District Court judges. The three bills setting an age limit of 72 years for lower court judges is consistent with the Constitution limit for Supreme Court and High Court judges, and permits the Judicial Service Commission to consider appointing judges who are in the mid to late 60s but who could not be expected to complete a full term.

Also in 2014, the RMI Judiciary amended the Rules of Civil Procedures to avoid undue delay by setting default time limits for oppositions to motions and replies to oppositions, setting a time limit for pre-trial conferences, and providing procedures to speed up the consideration of citizenship cases.

## **IV. THE JUDICIAL SERVICE COMMISSION: JUDICIAL APPOINTMENTS**

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

In 2014, the Commission nominated to the Cabinet the following: for appointment, one acting High Court Associate; for re-appointment, two Supreme Court pro tem justices; and for appointment, one permanent High Court Associate Justice. Also, the Commission appointed or renewed the appointments of eight Community Court judges.

## **V. ACCOUNTABILITY: CODES OF CONDUCT AND COMPLAINTS**

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

With respect to judicial conduct, the RMI Judiciary has adopted the Marshall Islands Code of Judicial Conduct 2008 (revised February 16, 2012). The Code is based principally upon the Bangalore Principles and the American Bar Association Code of Judicial Conduct. A copy of the RMI Judiciary's code can be found on its website, [www.rmicourts.org/](http://www.rmicourts.org/) under the heading "The Marshall Islands and Its RMI Judiciary." The provisions for lodging and processing complaints against judges start on page 12 of the code. In 2014, no complaints were lodged against judges.

In the past five years, only three complaints have been lodged against judges. Those three complaints, lodged by related self-represented parties against a single judge, were dismissed as without merit. The proper remedy for parties who are dissatisfied with a judge's decision is to appeal the judge's decision. Dissatisfaction with a judge's decision is not grounds for filing a complaint against the judge. Over the past five years, the percentage of complaints per case filed has been less than 1% for all courts and all judges.

With respect to attorney conduct, the RMI Judiciary has adopted the American Bar Association Rules of Professional Responsibility. Provisions for lodging and processing complaints against attorneys can be found on the RMI Judiciary's website under the heading "Rules of Admission and Practice." The Supreme Court and High Court have appointed an attorney-committee to hear complaints. In 2014, no complaints were lodged against attorneys. From 2013 there were four complaints pending review by the attorney-committee. The Chief Justice of the High Court has encouraged the committee to resolve the complaints as soon as they can.

With respect to court staff, the RMI Judiciary maintains a complaint box at the courthouses. In 2014, no complaints were lodged against court staff. Nor have there been any complaints lodged against court staff within the past five years.



## **VI. FACILITIES, TECHNOLOGY, AND THE LIBRARY**

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

### **A. Facilities**

Over the past five years, the RMI Judiciary, with the help of the Cabinet and the Nitijela, has renovated the Majuro Courthouse and the Ebeye Courthouse to make them safe, secure, and accessible. The projects have included renovating the Ebeye Courthouse, adding a ground-floor courtroom at Majuro Courthouse, renovating of the chambers of the Traditional Rights Court in Majuro, and repainting the Majuro Courthouse. Funding has come from revenues collected by the RMI Judiciary and special grants from Republic of China (Taipei).

In 2014, the RMI Judiciary contracted for the re-roofing the Majuro Courthouse and is seeking funds to install solar panels for both the Majuro and Ebeye courthouses. The re-roofing project should be completed mid-2015.

### **B. Technology**

The courthouses on Majuro and Ebeye are equipped with computers, printers, faxes, and photocopiers and have Internet access (@ 3.0 MPs in Majuro and 1.5 MPs in Ebeye). The courts permit the filing and service of documents via email attachment. The computers in Majuro are linked together in a network, and the Majuro Courthouse has three scanners with OSC software permitting the courts to scan documents and send them almost anywhere in the world. Over the past three years, the RMI Judiciary has replaced all of its older computers. However, software updates remain a critical need and from time-to-time computers crash and must be replaced.



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

### **C. The Library**

The RMI Judiciary has a small, but functional, law library which includes hard copies of the following: United States Supreme Court cases through 2008; American Law Reports First, Second, Third, Fourth, part of Fifth, and Federal; LaFave 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; and others. Also, the RMI Judiciary has up to date online access to United States case law and secondary sources through a WestLaw Internet subscription.

## VII. SALARIES AND COMPENSATION



At current pay levels, the RMI Judiciary is having difficulty retaining and attracting qualified personnel at all levels. 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 RMI Judiciary cannot function. To stay competitive, the RMI Judiciary needs to increase pay levels, particularly 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 RMI Judiciary asked that the salaries of the chief justice and the associate justice of the High Court be increased to \$90,000 and \$80,000, 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 RMI Judiciary, while recognizing current fiscal constraints, seeks the salary adjustment to account for inflation. The RMI Judiciary respectfully asks the Cabinet and the Nitijela to appoint a Nitijela committee to examine judicial compensation.

## VIII. THE ANNUAL BUDGET AND AUDIT REPORT

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

For FY 2014, the Nitijela appropriated \$1,022,607 for the RMI Judiciary: \$619,733 for salaries and wages and \$402,874 for all others. Less audit expenses of \$8,639 paid out by the Ministry of Finance, a total of \$394,235 was paid to the RMI Judiciary for its operational funds.

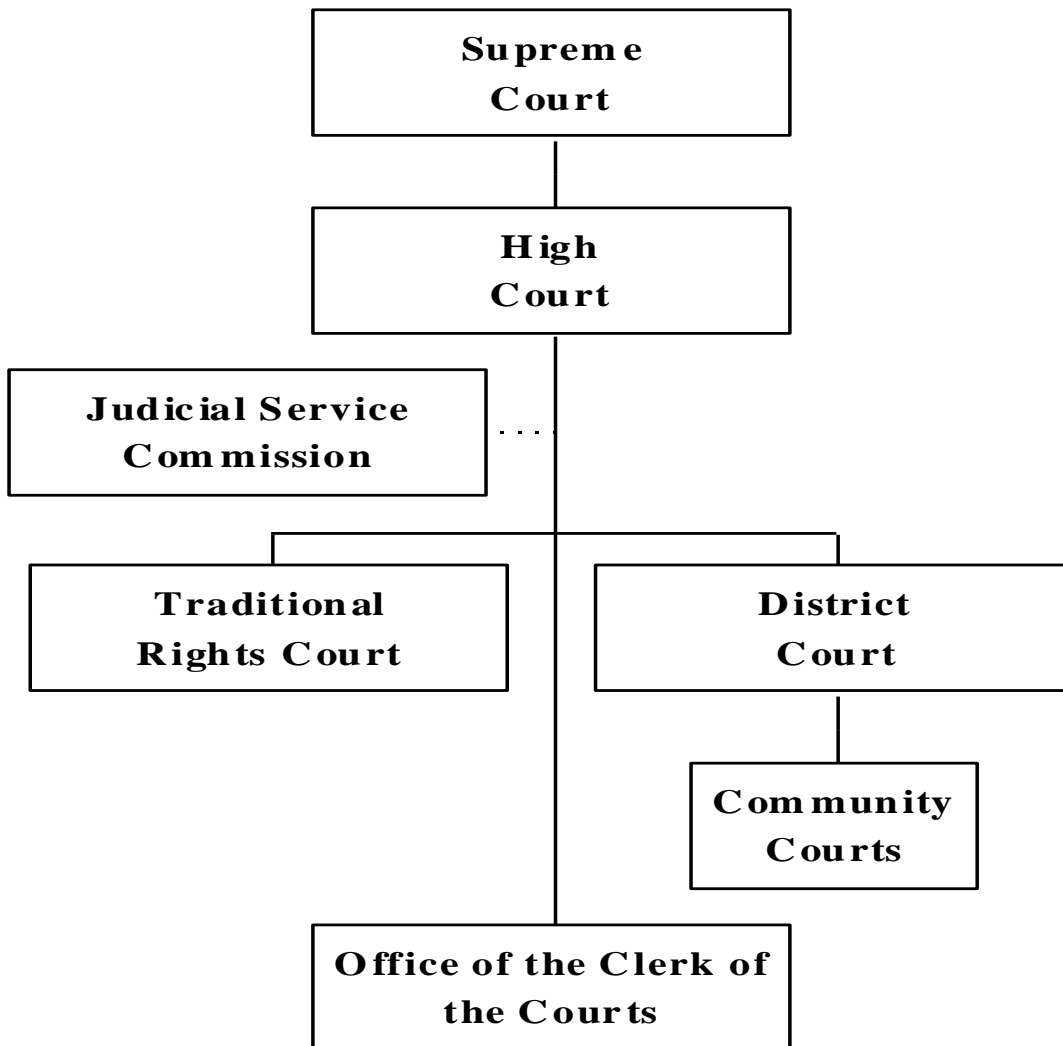


Of the \$1,022,607 Nitijela appropriation for FY2014, the RMI Judiciary expended \$977,448. The unexpended balance of \$45,159 is attributable to unexpended salaries in the High Court and vacant Community Court judge positions. However, of the money the RMI Judiciary did spend, a Deloitte and Touche audit confirms that the RMI Judiciary spent the money well.

Deloitte reported a clean audit with no unresolved findings for FY 2014. Attached as Appendix 4 is the statement of revenues, expenditures, and changes in the RMI Judiciary Fund balance, (Years ended September 30, 2014 and 2013) and the Balance Sheets (September 30, 2014 and 2013).

The RMI Judiciary by act has its own special revenue fund (“RMI Judiciary Fund”). Court fines and fees (excluding national criminal fines) collected by the Office of the Clerk of the Courts are deposited into this fund. As highlighted in the Significant Events or Accomplishments section of this report (page 7), funding for re-roofing the Majuro Courthouse was made possible through the RMI Judiciary Fund. Fines and fees collected by the Office of the Clerk of the Courts and deposited into the RMI Judiciary Fund in FY 2014 totaled \$62,387. The fund balance at the end of the year, \$243,111, and all monies collected to date will be used to fund the re-roofing of the Majuro Courthouse and to help fund solar panels for both Majuro and Ebeye. However, additional funding from the Nitijela will be needed to complete the solar-power project.

**ORGANIZATIONAL CHART  
FOR THE  
MARSHALL ISLANDS JUDICIARY**



**JUDICIARY PERSONNEL**

**Justices and Judges**

Supreme Court Chief Justice Daniel N. Cadra (9/21/13-9/20/23)

High Court Chief Justice Carl B. Ingram (10/5/13-10/4/23)

High Court Associate Justice Dinsmore Tuttle (8/4/14-8/13/18)

Traditional Rights Court Chief Judge Walter K. Elbon (7/04/10-7/03/20)

Traditional Rights Court Associate Justice Nixon David (4/7/13-4/6/17)

Traditional Rights Court Associate Justice Grace L. Leban (7/04/10-7/03/20)

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 A. Tarry Paul (Ebeye) (7/5/09-7/4/19)

Ailinglaplap Community Court Presiding Judge Canover Katol (5/4/14-5/3/18)

Ailinglaplap Community Court Associate Judge Mannu Rakin (7/13/14-7/12/18)

Ailinglaplap Community Court Associate Judge Clandon Katjang (5/4/14-5/3/18)

Ailuk Community Court Presiding Judge Tilly Menua (2/9/14-2/8/18)

Arno Community Court Presiding Judge Toko Botla (12/2/12-12/1/16)

Arno Community Court Associate Judge Thompson Joseph (12/2/12-12/1/16)

Arno Community Court Associate Judge Batle Latdrik (2/9/14-2/8/18)

Aur Community Court Presiding Judge Benty Jikrok (3/3/13-3/2/17)

Bikini and Kili Community Court Presiding Judge Jiton Leer (8/25/13-8/24/17)

Ebon Community Court Presiding Judge Aaron Silk (9/23/12-9/22/16)

Enewetak and Ujelang Community Court Presiding Judge (vacant)

Jabat Community Court Presiding Judge Tari Jamodre (7/29/12-7/28/16)

Jaluit Community Court Presiding Judge Hertina Mejjena (7/13/14-7/12/18)

Jaluit Community Court Associate Judge (vacant)

Lae Community Court Presiding Judge John Braind (3/3/13-3/2/17)

Lib Community Court Presiding Judge (vacant)

Likiep Community Court Presiding Judge (vacant)

Maloelap Community Court Presiding Judge Wilton Swain (7/30/11-7/29/15)

Maloelap Community Court Associate Judge Belji Beljejar (7/30/11-7/29/15)

Mejit Community Court Presiding Judge (vacant)

Mili Community Court Presiding Judge Mack Lajinna (9/23/12-9/22/16)

Namdrik Community Court Presiding Judge Reio Lolin (7/13/14-7/12/18)

Namu Community Court Presiding Judge (vacant)

Rongelap Community Court Presiding Judge (vacant)

Ujae Community Court Presiding Judge Area Jibbwa (7/13/14-7/12/18)  
Utrik Community Court Presiding Judge Jackel Moore (11/17/13-11/16/17)  
Wotho Community Court Presiding Judge Carlmai Antibas (9/23/12-9/22/16)  
Wotje Community Court Presiding Judge Lincoln Lakjohn (3/18/12-3/17/16)  
Wotje Community Court Associate Judge (vacant)  
Unallocated (vacant)

### **Judicial Service Commission**

High Court Chief Justice Carl B. Ingram, Chair  
Attorney-General Natan Brechtefeld, 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 Tanya Lomae  
Assistant Clerk of the Courts Ronna Helkena  
Assistant Clerk of the Courts Cindy Wase  
Bailiff Junior Borran, Lieutenant  
Bailiff Jukku Benjamin, Sergeant  
Bailiff Valentin Boon, Police Officer III  
Bailiff Nang Jack, Police Officer I  
Maintenance James Milne

# Access & Fairness Survey – Majuro & Ebeye Courthouses

Friday, February 27, 2015

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The Judiciary conducted an access and fairness user survey over three weeks from November 10 to 28, 2014 at the Majuro Courthouse and also at the Ebeye Courthouse from November 24 to December 5, 2014. The Majuro Courthouse had 47 survey participants and the Ebeye Courthouse had 14.

We were pleased to learn that, as in past years, court users rate the Judiciary high on both access and fairness. For example, in response to the questionnaire prompt "I was able to get my court business done in a reasonable amount of time," 100% of Majuro residents said yes. In response to the questionnaire prompt "Court staff paid attention to my needs," 100% of the Majuro residents said yes. In response to the questionnaire prompt "I was treated with courtesy and respect," 100% of the Majuro respondents said yes. The results in Ebeye were similar.

Generally, court users gave the Judiciary high marks in timeliness, safety and security, responsiveness to information requests, respect, clear signs, fair and reasonable outcomes, equality of treatment, and clarity in delivery of services. However, more signs are required at the Ebeye Courthouse. This will be addressed in early 2015.

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# Majuro Results

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**47**

Total Responses

Date Created: Wednesday, January 14, 2015

Complete Responses: 47

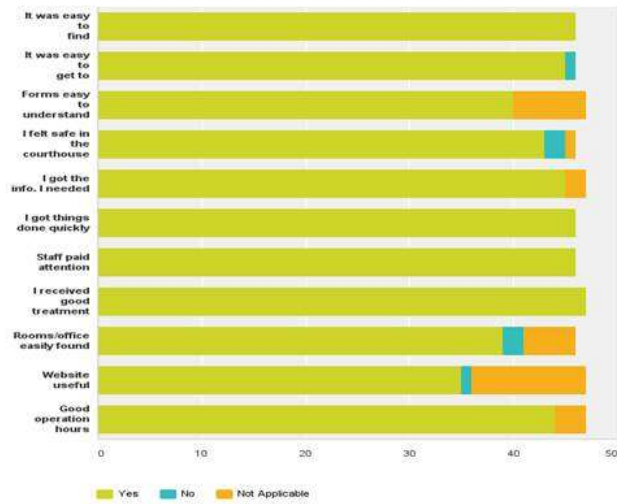
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Powered by  SurveyMonkey



## Q1: When you came to the Courthouse today:

Answered: 47 Skipped: 0



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## Q1: When you came to the Courthouse today:

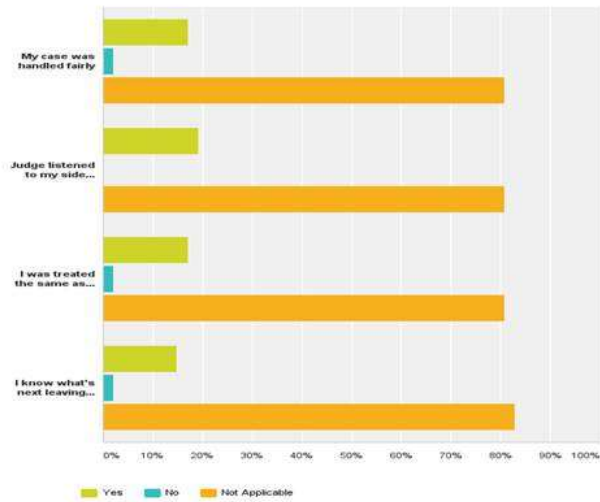
Answered: 47 Skipped: 0

	Yes	No	Not Applicable	Total Respondents
Finding the courthouse was easy	46	0	0	46
Getting to the court was easy	45	1	0	46
The forms I needed were clear & easy to understand	40	0	7	47
I felt safe in the courthouse	43	2	1	46
I was able to to get the information I needed	45	0	2	47
I was able to get my court business done in a reasonable amount of time	46	0	0	46
Court staff paid attention to my needs	46	0	0	46
I was treated with courtesy and respect	47	0	0	47
I easily found the courtroom or office I needed	39	2	5	46
I checked the Court's website and it was useful	35	1	11	47
The Court's hours of operation made it easy for me to do my business	44	0	3	47

Powered by SurveyMonkey

## Q2: If you saw a judge today:

Answered: 47 Skipped: 0



Powered by SurveyMonkey

## Q2: If you saw a judge today:

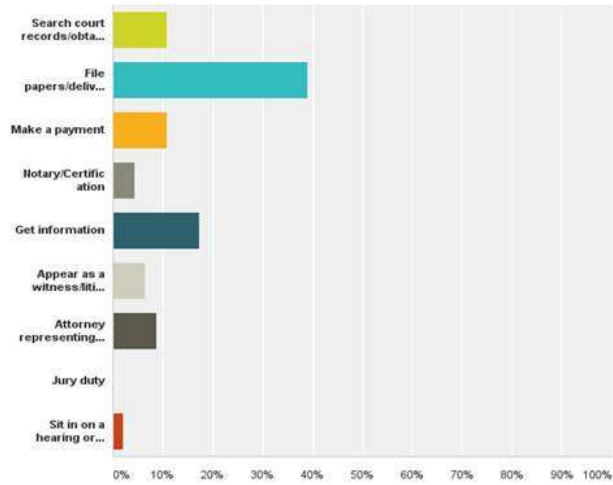
Answered: 47 Skipped: 0

	Yes	No	Not Applicable	Total Respondents
My case was handled fairly	17.02% 8	2.13% 1	80.85% 38	47
Judge listened to my side before making decision	19.15% 9	0.00% 0	80.85% 38	47
I was treated the same as everyone else	17.02% 8	2.13% 1	80.85% 38	47
I know what's next leaving the court	14.89% 7	2.13% 1	82.98% 39	47

Powered by SurveyMonkey

### Q3: What did you do at the court today?

Answered: 46 Skipped: 1



Powered by SurveyMonkey

### Q3: What did you do at the court today?

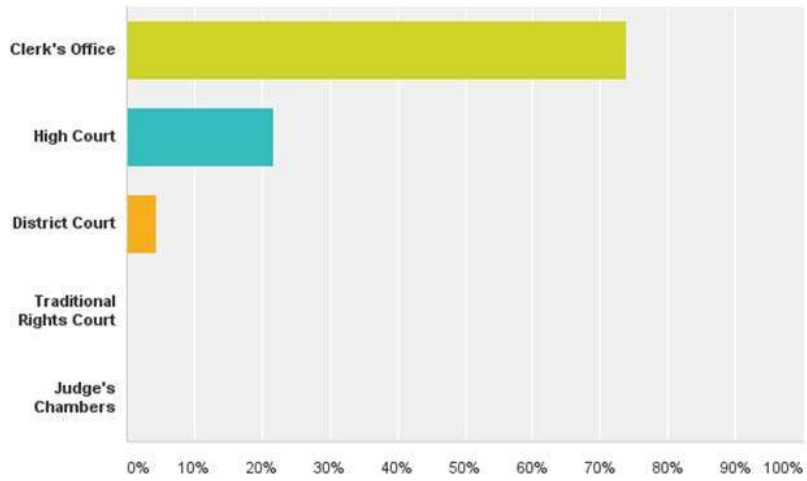
Answered: 46 Skipped: 1

Answer Choices	Responses
Search court records/obtain documents	10.87% 5
File papers/deliver documents	39.13% 18
Make a payment	10.87% 5
Notary/Certification	4.35% 2
Get information	17.39% 8
Appear as a witness/litigant	6.52% 3
Attorney representing a client	8.70% 4
Jury duty	0.00% 0
Sit in on a hearing or trial	2.17% 1
<b>Total</b>	<b>46</b>

Powered by SurveyMonkey

#### Q4: Where did you go to today?

Answered: 46 Skipped: 1



Powered by SurveyMonkey

#### Q4: Where did you go to today?

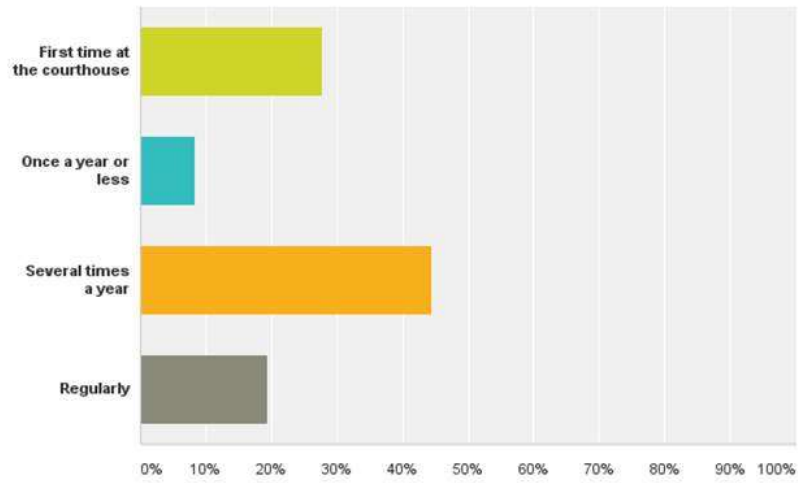
Answered: 46 Skipped: 1

Answer Choices	Responses
Clerk's Office	73.91% 34
High Court	21.74% 10
District Court	4.35% 2
Traditional Rights Court	0.00% 0
Judge's Chambers	0.00% 0
<b>Total</b>	<b>46</b>

Powered by SurveyMonkey

## Q5: How often are you at the Courthouse?

Answered: 36 Skipped: 11



Powered by SurveyMonkey

## Q5: How often are you at the Courthouse?

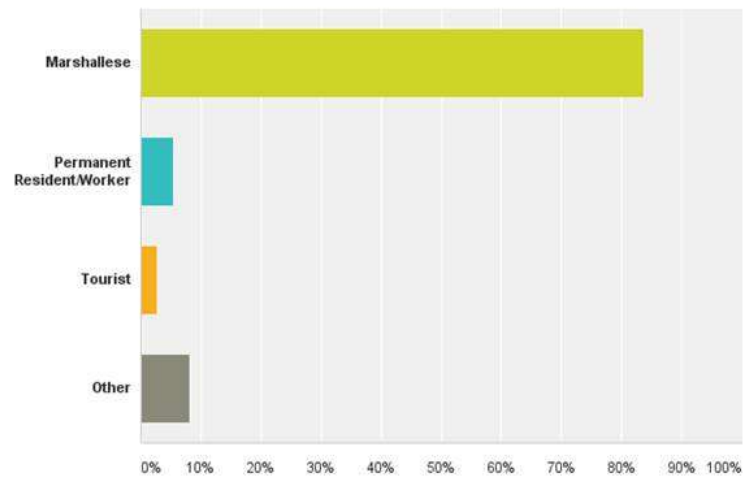
Answered: 36 Skipped: 11

Answer Choices	Responses
First time at the courthouse	27.78% 10
Once a year or less	8.33% 3
Several times a year	44.44% 16
Regularly	19.44% 7
<b>Total</b>	<b>36</b>

Powered by SurveyMonkey

## Q6: How do you identify yourself?

Answered: 37 Skipped: 10



Powered by SurveyMonkey

## Q6: How do you identify yourself?

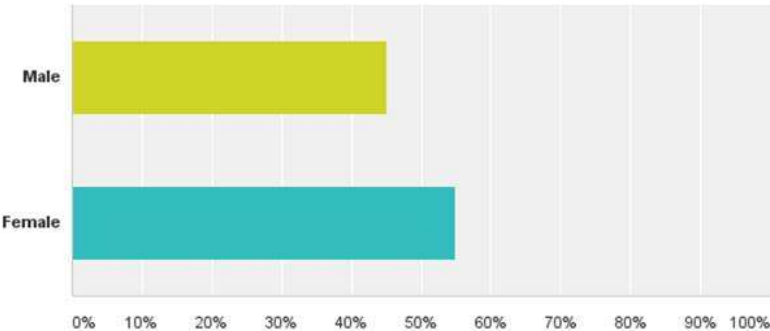
Answered: 37 Skipped: 10

Answer Choices	Responses
Marshallese	83.78% 31
Permanent Resident/Worker	5.41% 2
Tourist	2.70% 1
Other	8.11% 3
<b>Total</b>	<b>37</b>

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### Q7: What is your gender?

Answered: 40 Skipped: 7



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### Q7: What is your gender?

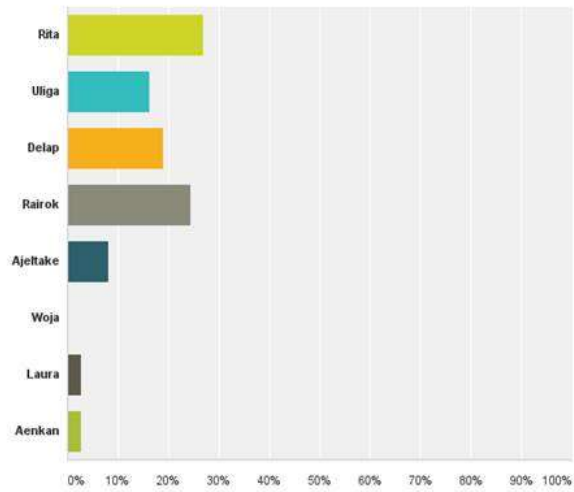
Answered: 40 Skipped: 7

Answer Choices	Responses	
Male	45.00%	18
Female	55.00%	22
<b>Total</b>		<b>40</b>

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## Q8: What village do you live in?

Answered: 37 Skipped: 10



Powered by SurveyMonkey

## Q8: What village do you live in?

Answered: 37 Skipped: 10

Answer Choices	Responses	
Rita	27.03%	10
Uliga	16.22%	6
Delap	18.92%	7
Rairok	24.32%	9
Ajeltake	8.11%	3
Woja	0.00%	0
Laura	2.70%	1
Aenkan	2.70%	1
<b>Total</b>		<b>37</b>

Powered by SurveyMonkey



## Q9: What could the Judiciary do better?

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This open ended question provided an opportunity for court users to comment and suggest ways the judiciary could improve.

Twenty of the surveys were left blank, three indicated they had no comment, and a total of 19 were satisfied and pleased with the work the judiciary is doing. Two court users specifically indicated they were pleased with the quick service of documents by the bailiffs and the good customer service by the clerks.

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## Ebeye Results

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# 14

Total Responses

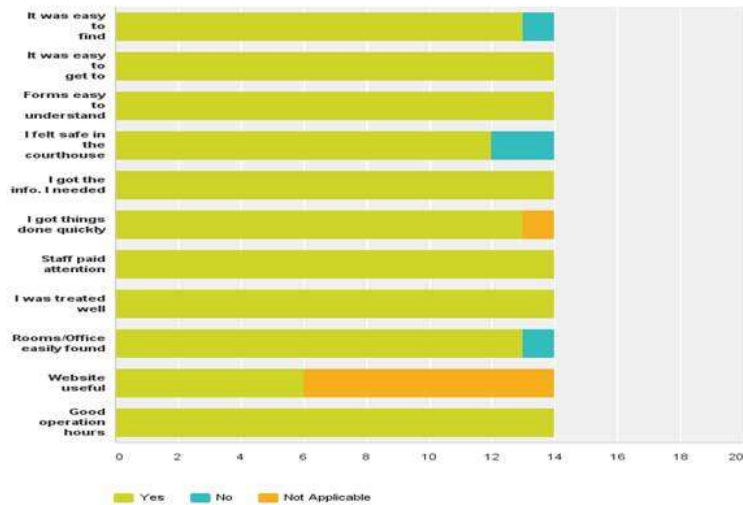
Survey dates: November 24 – December 5, 2015

Complete Responses: 14

Powered by  SurveyMonkey

## Q1: When you came to the Courthouse today:

Answered: 14 Skipped: 0



Powered by  SurveyMonkey

## Q1: When you came to the Courthouse today:

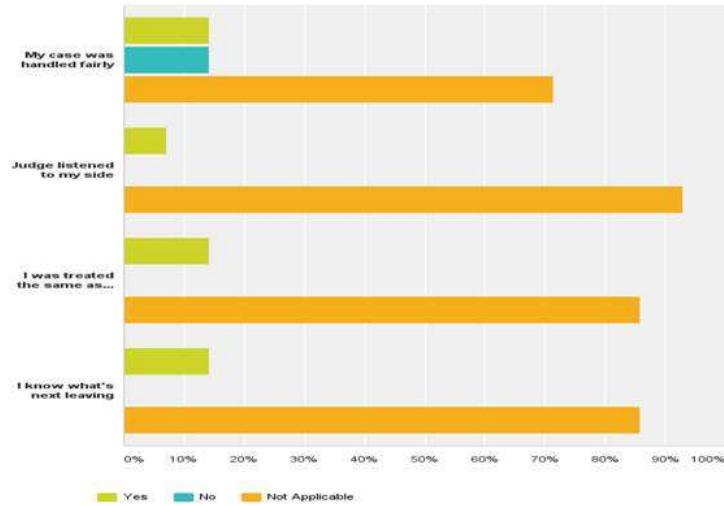
Answered: 14 Skipped: 0

	Yes	No	Not Applicable	Total Respondents
It was easy to find	92.86% 13	7.14% 1	0.00% 0	14
It was easy to get to	100.00% 14	0.00% 0	0.00% 0	14
Forms easy to understand	100.00% 14	0.00% 0	0.00% 0	14
I felt safe in the courthouse	85.71% 12	14.29% 2	0.00% 0	14
I got the info. I needed	100.00% 14	0.00% 0	0.00% 0	14
I got things done quickly	92.86% 13	0.00% 0	7.14% 1	14
Staff paid attention	100.00% 14	0.00% 0	0.00% 0	14
I was treated well	100.00% 14	0.00% 0	0.00% 0	14
Rooms/Office easily found	92.86% 13	7.14% 1	0.00% 0	14
Website useful	42.86% 6	0.00% 0	57.14% 8	14
Good operation hours	100.00% 14	0.00% 0	0.00% 0	14

Powered by  SurveyMonkey

## Q2: If you saw a judge today:

Answered: 14 Skipped: 0



Powered by  SurveyMonkey

## Q2: If you saw a judge today:

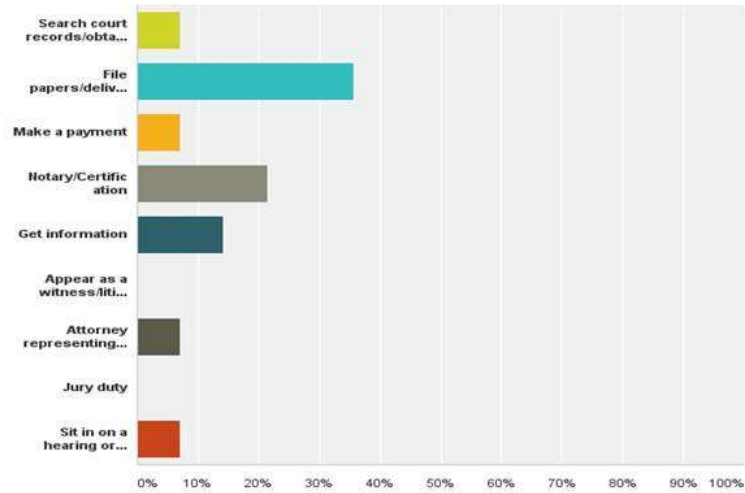
Answered: 14 Skipped: 0

	Yes	No	Not Applicable	Total Respondents
My case was handled fairly	14.29% 2	14.29% 2	71.43% 10	14
Judge listened to my side	7.14% 1	0.00% 0	92.86% 13	14
I was treated the same as others	14.29% 2	0.00% 0	85.71% 12	14
I know what's next leaving	14.29% 2	0.00% 0	85.71% 12	14

Powered by  SurveyMonkey

## Q3: What did you do at the court today?

Answered: 14 Skipped: 0



Powered by  SurveyMonkey

### Q3: What did you do at the court today?

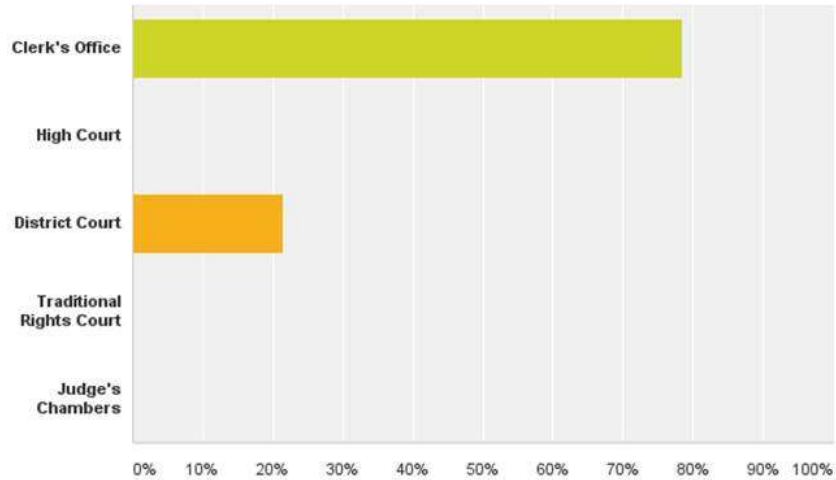
Answered: 14 Skipped: 0

Answer Choices	Responses
Search court records/obtain documents	7.14% 1
File papers/deliver documents	35.71% 5
Make a payment	7.14% 1
Notary/Certification	21.43% 3
Get information	14.29% 2
Appear as a witness/litigant	0.00% 0
Attorney representing a client	7.14% 1
Jury duty	0.00% 0
Sit in on a hearing or trial	7.14% 1
<b>Total</b>	<b>14</b>

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### Q4: Where did you go to today?

Answered: 14 Skipped: 0



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#### Q4: Where did you go to today?

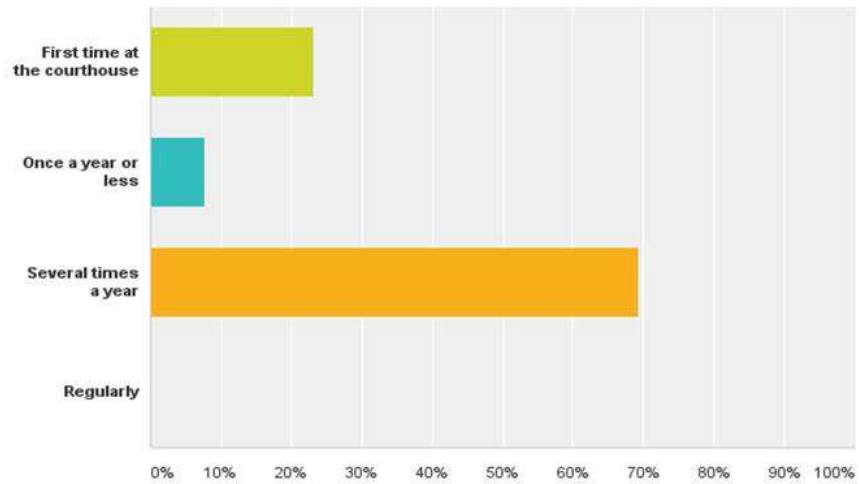
Answered: 14 Skipped: 0

Answer Choices	Responses	
Clerk's Office	78.57%	11
High Court	0.00%	0
District Court	21.43%	3
Traditional Rights Court	0.00%	0
Judge's Chambers	0.00%	0
<b>Total</b>		<b>14</b>

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#### Q5: How often are you at the Courthouse?

Answered: 13 Skipped: 1



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### Q5: How often are you at the Courthouse?

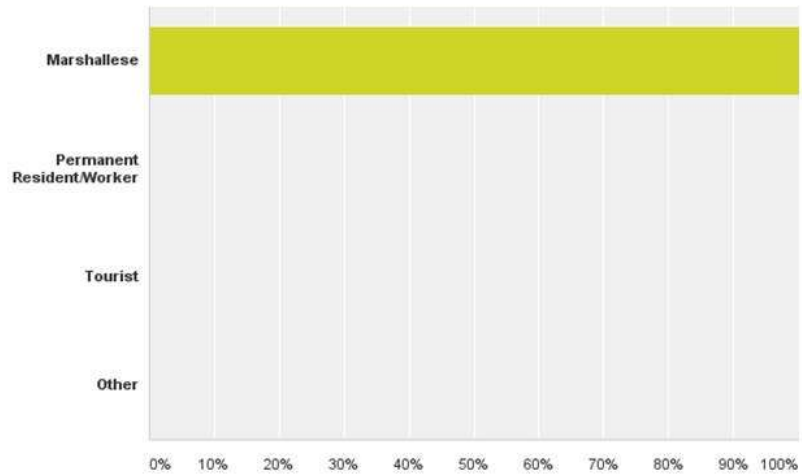
Answered: 13 Skipped: 1

Answer Choices	Responses	
First time at the courthouse	23.08%	3
Once a year or less	7.69%	1
Several times a year	69.23%	9
Regularly	0.00%	0
<b>Total</b>		<b>13</b>

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### Q6: How do you identify yourself?

Answered: 14 Skipped: 0



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### Q6: How do you identify yourself?

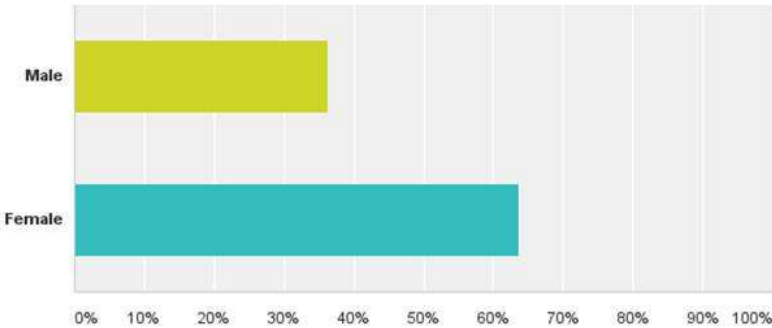
Answered: 14 Skipped: 0

Answer Choices	Responses
Marshallese	100.00% 14
Permanent Resident/Worker	0.00% 0
Tourist	0.00% 0
Other	0.00% 0
<b>Total</b>	<b>14</b>

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### Q7: What is your gender?

Answered: 11 Skipped: 3



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### Q7: What is your gender?

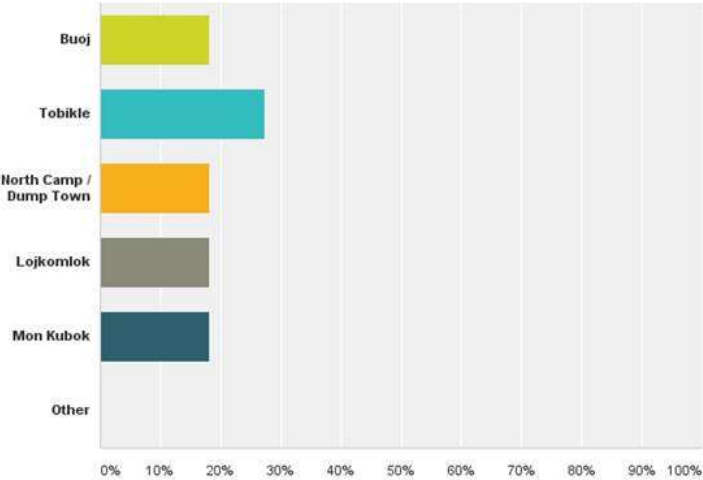
Answered: 11 Skipped: 3

Answer Choices	Responses	
Male	36.36%	4
Female	63.64%	7
<b>Total</b>		<b>11</b>

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### Q8: What weto do you live in?

Answered: 11 Skipped: 3



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## Q8: What weto do you live in?

Answered: 11 Skipped: 3

Answer Choices	Responses	
Buoj	18.18%	2
Tobikile	27.27%	3
North Camp / Dump Town	18.18%	2
Lojkomlok	18.18%	2
Mon Kubok	18.18%	2
Other	0.00%	0
<b>Total</b>		<b>11</b>

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## Q9: What could the Judiciary do better?

This open ended question provided an opportunity for court users to comment and suggest ways the judiciary could improve.

Three of the surveys were left blank, one had no comment, six indicated they were satisfied and pleased with the work the judiciary is doing. However, the remaining four surveys had suggestions in regard to the courthouse building itself. Three court users said there wasn't enough space and that the courthouse needed to be bigger and one suggested posting signs to indicate the courthouse and the national police offices as both are housed in one building.

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**Appendix 4**

**MARSHALL ISLANDS JUDICIARY FUND**

Statement of Revenues, Expenditures, and Changes in Fund Balance  
Year Ended September 30, 2014 and 2013

	<u>2014</u>	<u>2013</u>
Revenues:		
Nitijela appropriation	\$ 977,488	\$ 958,483
Fines and fees	62,387	47,427
Interest	681	1,024
Other	<u>31,597</u>	<u>27,666</u>
Total revenues	<u>1,072,113</u>	<u>1,034,600</u>
Expenditures:		
Salaries and wages	594,555	544,188
Utilities	80,291	94,549
Leased housing	68,040	69,600
Travel	65,378	42,781
Capital outlay	56,068	293,196
Communications	50,740	48,393
Supplies and materials	27,327	33,901
POL	11,492	12,852
Professional Services	7,915	3,100
Repairs and Maintenance	6,927	8,483
Miscellaneous	<u>23,868</u>	<u>17,528</u>
Total expenditures	<u>992,601</u>	<u>1,168,571</u>
Net change in fund balance	79,512	(133,971)
Fund balance at the beginning of the year	<u>163,599</u>	<u>297,570</u>
Fund balance at the end of the year	<u>\$ 243,111</u>	<u>\$ 163,599</u>

**MARSHALL ISLANDS JUDICIARY FUND**

Balance Sheets  
September 30, 2014 and 2013

	<u>ASSETS</u>	<u>2014</u>	<u>2013</u>
Cash		\$ <u>260,577</u>	\$ <u>201,248</u>

LIABILITIES AND FUND BALANCE

Liabilities:			
Accounts payable		\$ 6,124	\$ 2,949
Retention payable		<u>11,342</u>	<u>34,700</u>
Total liabilities		<u>17,466</u>	<u>37,649</u>
Contingency			
Fund Balance:			
Committed		<u>243,111</u>	<u>163,599</u>
Total liabilities and fund balance		<u>\$ 260,577</u>	<u>201,248</u>