

FSM SUPREME  
COURT 2019  
ANNUAL REPORT





## **TABLE OF CONTENTS**

<b>CONTENTS</b>	<b>PAGE NUMBER(S)</b>
<b>Cover page</b>	<b>1</b>
<b>Table of Contents</b>	<b>2-3</b>
<b>Introduction</b>	<b>4-5</b>
<b>Message from Chief Justice Dennis K. Yamase</b>	<b>6-7</b>
<b>Justices of the FSM Supreme Court</b>	<b>8</b>
<b>FSM Supreme Court Organizational Chart</b>	<b>9</b>
<b>Staff of the FSM Supreme Court</b>	<b>10-11</b>
<b>Strategic Plan of the Court (2018-2022) &amp; Deliverable in 2019</b>	<b>12-19</b>
<b>Administration – Role of Court Administration</b>	<b>18</b>
<b>FSM Judiciary’s Budget Appropriation Fiscal Years 2016-2020</b>	<b>19</b>
<b>Upcoming Events in 2020</b>	<b>20</b>
<b>FSM Judiciary Baseline Report – Cook Island Indicators</b>	<b>20-22</b>
➤ <b>Indicator 1: Case Management Information: Clearance Rate</b>	<b>22-26</b>
➤ <b>Indicators 2 &amp; 16: Case Management Information: Average Duration of a Case and Average Age of Pending Cases</b>	<b>26-27</b>
➤ <b>Indicator 3: Appeals: Percentage of Appeals</b>	<b>28</b>
➤ <b>Indicator 4: Appeals: Overturn Rate on Appeal</b>	<b>28--29</b>
➤ <b>Indicator 5: Access: Percentage of Cases that are Granted a Court Fee Waiver</b>	<b>30</b>
➤ <b>Indicator 6: Access: Percentage of Cases Disposed Through a Circuit or Island Court</b>	<b>31</b>
➤ <b>Indicator 7: Access: Percentage of Cases Where a Party Receives Legal Aid</b>	<b>32</b>
➤ <b>Indicator 8: Complaints: Documented Process for Receiving and Processing a Complaint that is Publicly Available</b>	<b>32-34</b>
➤ <b>Indicator 9: Complaints: Percentage of Complaints Received Concerning a Judicial Officer</b>	<b>35-36</b>
➤ <b>Indicator 10: Complaints: Percentage of Complaints Received Concerning a Court Staff Member</b>	<b>36-37</b>
➤ <b>Indicator 11: Human Resources: Average Number of Cases Per Judicial Officer</b>	<b>37-38</b>
➤ <b>Indicator 12: Human Resources: Average Number of Cases Per Court Staff</b>	<b>38-39</b>



## FSM SUPREME COURT 2019 ANNUAL REPORT

➤ <b>Indicator 13: Judicial Transparency: Court produces or contributes to an Annual Report that is publicly available in the following year</b>	<b>39</b>
➤ <b>Indicator 14: Judicial Transparency: Court Services Information</b> ➤ <b>Notary Services : 2019 statistics</b>	<b>39-40</b>
➤ <b>Indicator 15: Judicial Transparency: Publication of Judgments</b>	<b>41</b>
➤ <b>Indicator 16: Case Management: Average Age of the Pending Caseload (See Indicator 2)</b>	<b>42</b>
➤ <b>Indicator 17: Case Management: Percentage of complaints that have been handled within an agreed timeframe (See GCO on Time Standard under Indicator 8)</b>	<b>42</b>
➤ <b>Indicator 18: Judicial Transparency: Total number of compliments and positive feedback received by the court: FSM Supreme Court Performance Survey 2019</b>	<b>42-47</b>
➤ <b>Indicator 19: Human Resources: The range of training and development opportunities:</b>	<b>48-49</b>
➤ <b>Indicator 20: Human Resources: The Percentage Use of Courtroom</b>	<b>49</b>
<b>Human Trafficking Disaggregated data (2015-2019)</b>	<b>50-51</b>
<b>Justice Ombudsman Division</b>	<b>52-54</b>
<b>Library and Publications</b>	<b>54-59</b>
<b>Associate Justice Beauleen Carl-Worswick featured in “FSM Inspirational Women” (2019)</b>	<b>60</b>
<b>A Tribute to late Honorable Camilo Noket, Chief Justice Chuuk State Court</b>	<b>61-63</b>
<b>FSM National Judiciary Emergency Order No. 1 for COVID-19</b>	<b>64-67</b>
<b>Infrastructure Improvements</b>	<b>68-69</b>
<b>Contact Us</b>	<b>70</b>



## Introduction

**The Judicial Branch of the Federated States of Micronesia was created by Article XI of the FSM Constitution. The judicial power of the national government is vested in a Supreme Court and inferior courts established by statute. Art XI, Section 1.**

**The Supreme Court is a court of record and the highest court in the nation. It consists of the Chief Justice and not more than five associated justices. Each justice is a member of both the trial division and the appellate division, except that sessions of the trial division may be held by one justice. No justice may sit with the appellate division in a case heard by him in the trial division. At least three justices shall hear and decide appeals. Decision is by a majority of those sitting. Art XI, Section 2.**

**The Chief Justice and associate justices of the Supreme Court are appointed by the President with the approval of 2/3 of Congress. Justices serve during good behavior. Art. XI, Section 3.**

**If the Chief Justice is unable to perform his duties he shall appoint an associate justice to act in his stead. If the office is vacant, or the Chief Justice fails to make the appointment, the President shall appoint an associate justice to act as Chief Justice until the vacancy is filled or the Chief Justice resumes his duties. Art. XI, Section 4.**

**The qualifications and compensation of justices and other judges may be prescribed by statute. Compensation of judges may not be**





**diminished during their terms of office unless all salaries prescribed by statute are reduced by a uniform percentage. Art. XI, Section 5.**

**The trial division of the Supreme Court has original and exclusive jurisdiction in cases affecting officials of foreign governments, disputes between states, admiralty or maritime cases, and in cases in which the national government is a party except where an interest in land is at issue. Art. XI, Section 6.**

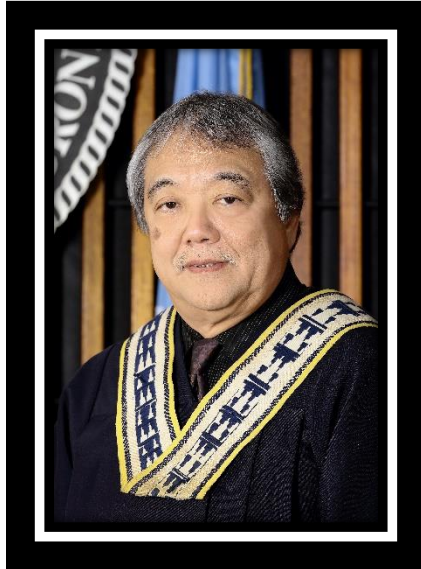
**The appellate division of the Supreme Court may review cases heard in the national courts, and cases heard in state or local courts if they require interpretation of this Constitution, national law, or a treaty. If a state constitution permits, the appellate division of the Supreme Court may review other cases on appeal from the highest state court in which a decision may be had. Art. XI, Section 7.**

**Since 1981, the FSM Supreme Court has worked to anticipate and to respond to the needs of the courts and to support the Federated States of Micronesia's judicial systems.**

**Through the leadership and service, national and state perspectives on court issues, and collaborative work with the Chief Justices of the State Courts and other state court leaders, the FSM Supreme Court plays a crucial role in advancing and building public trust and confidence in the national court system.**



# **2019 ANNUAL REPORT MESSAGE BY CHIEF JUSTICE DENNIS K. YAMASE**



## **Supreme Court of the Federated States of Micronesia**

**Greetings from the FSM Supreme Court. The last year was challenging and rewarding in many ways, as the FSM Supreme Court has achieved so much in terms of meeting its goals with respect to technology, physical infrastructure upgrades, and case tracking.**

**At the same time we have experienced disruptions to our operations caused by the global pandemic that envelops all of us right now. This Annual Report intends to highlight innovations on several fronts by our courts, along with our efforts to adapt to the situation involved with the uncertainties brought on by the COVID-19 health crisis. The court is taking steps in ensuring safety of all court employees and court users. A General Court Order was issued and we are following guidelines from FSM/State COVID-19 Task forces, World Health Organization (WHO), and Center for Disease Control (CDC) recommendations.**

**With the assistance of new technology, remote interactions out of necessity, and interruptions from the global pandemic, it has been an interesting and productive year for the FSM Courts. There have been unavoidable delays in certain cases because of travel and other restrictions, but the core functions of the court have continued to operate and provide service to the people and the nation. We have worked closely with the Pacific Judicial Strengthening Initiative (PJSI) the Pacific Judicial Council (PJC) and our other partners who continue to provide crucial assistance.**

**On a positive note, the court is in compliance with all of the 20 Cook Island Indicators. We have a number of other success stories as well: The court transitioned from the Dash Board (for cases) to a Case Tracking System; a system provided for by PJSI. We want to thank our partners (New Zealand and the Court of Australia), and PJSI for their continued support. We are increasingly conducting court hearings through video conferencing due to travel restrictions**



## FSM SUPREME COURT 2019 ANNUAL REPORT

from the COVID-19 pandemic, and the justices, staff and parties are becoming increasingly comfortable and familiar with the technology and platforms available to achieve this. The Court will be hosting the 2020 National Law Day Debate through video conferencing for the first time due to travel restrictions.

With funding from our last annual budget, we were also able to make our courts more accessible to the people with disabilities by adding parking spaces and ramps where appropriate. We were disappointed that some of our in person conferences and trainings had to be cancelled, e.g., on gender and family issues, but we continue to hold individual and group sessions online within the courts and with outside participants including PJSI.

The key staff of the FSM Supreme Court continue to provide Annual Statistical Reports and are working to upgrade data input using more sophisticated software and more specific aggregate data capabilities. The staff of the FSM Supreme Court, especially the Director of Court Administration, the Chief Clerk of Court, the Director of Information Technology System, and their staff should be recognized for putting in the hard work that it takes to produce this report. It is a tedious and time consuming effort, but the Court strives to produce this report in a more regular and consistent manner. The importance of this report for the evaluation of the Court's performance and efficiency cannot be understated. This Annual Statistical Report 2019 contains data that are important to evaluate the Court's performance for this year.

The court continues to plan for future improvements in its operations, especially in case flow management, the collection of important statistics, and based upon the analysis of what our data indicates, we will work to improve our facilities, including our libraries, courtrooms, and storage facilities. This will contribute to the court's accomplishment of its overall mission for the fair and objective administration of justice for all.

Sincerely yours,

Sincerely yours,

*Isi Dennis K. Yamase*

**Chief Justice, FSM Supreme Court**





# JUSTICES OF THE FSM SUPREME COURT



CHIEF JUSTICE  
DENNIS K YAMASE



ASSOCIATE JUSTICE  
BEAULEEN CARL-WORSWICK



ASSOCIATE JUSTICE  
LARRY WENTWORTH







STAFF OF THE FSM SUPREME COURT



Emeliana Musrasrik-Carl  
Director of Court Administration



Tammy Davis  
General Counsel



Sandy Albert  
Chief Clerk



Belan Yoma  
National Justice Ombudsman



Atarino Helleisar  
Chief Law Librarian & Publication  
Manager



Ivan Kadannged  
IT Manager



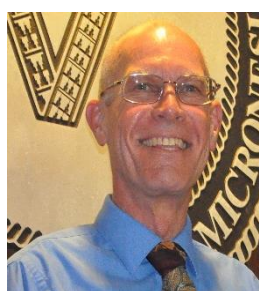
Teddy Hasgiulbung  
Webmaster



Enlet Enlet, Jr.  
Staff Attorney



Carleila Carl-Edgar  
Staff Attorney



Thomas Thiesen  
Staff Attorney



Craig Reffner  
Staff Attorney



Lorina Pernet  
Secretary to Chief Justice



Emiliani Gilbong  
Secretary to Associate Justice



Atrina Soichy  
Secretary to Associate Justice



Senda Helgen  
Deputy Assistant Clerk





# FSM SUPREME COURT 2019 ANNUAL REPORT



Pihna Sohl  
Administrative Officer



Cheryl-Ann Freeman  
Administrative Assistant



Altrickson Anson  
Maintenance Supervisor



Joyleen Wichep  
Secretary / Court Reporter



Yondeavor Santos  
Webmaster Assistant



Mayleen David  
Secretary / Court Reporter



Lovelynn Berden  
Clerk of Court - Chuuk



Harry Narruhn  
State Justice Ombudsman-TKK



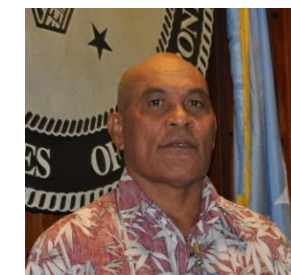
Johnny Peter  
State Justice Ombudsman-PNI



Keske Jacob  
Bailliff



Peter Garangmau  
State Justice Ombudsman-YAP



Linson Waguk  
State Justice Ombudsman-KSA



Eric Berry  
Bailliff



Elimihma Else  
Custodial Worker-Pohnpei



Rita Yememog  
Custodial Worker-Yap



THE STRATEGIC PLAN  
OF THE FEDERATED STATES OF MICRONESIA  
(2018-2022)

OUR VALUES

Accessibility

Certainty

Competence

*Equality before the Law*

Fairness

Impartiality

Independence of Decision Making

Integrity

Timeliness

Transparency



## THE MISSION

The mission of the Supreme Court of the Federated States of Micronesia is to serve the people through timely and fair administration of justice for all, by discharging its judicial duties and responsibilities in accordance with the Constitution, laws, and customs and traditions of our unique Pacific-Island Nation.

## THE VISION

The FSM Supreme Court will conduct itself as an independent, fair, impartial, and properly managed co-equal branch of the FSM National Government in rendering justice to all.

### Strategic Goals Summary

#### I. Adopt and implement sound management and administrative practices for judicial and operational responsibilities

##### 1. Improve case administration

#### Deliverables:

- ✓ The FSM Supreme Court continues to conduct itself independently, with fair and impartial manner;
- ✓ In compliance with Financial Management Regulations
- ✓ A retention schedule of closed cases is currently being reviewed.
- ✓ Closed cases were scanned for archiving.

##### 2. Improve the case management system to track cases and increase timeliness of decisions

#### Deliverables:

- ✓ The Court currently uses the Dashboard to track case management. The Court foresees upgrading its infrastructure to a case tracking system.
- ✓ Staff attended trainings on case management sponsored by PJSI.

##### 3. Improve the case assignment and scheduling system





## FSM SUPREME COURT 2019 ANNUAL REPORT

### Deliverables:

- ✓ The Court continues to find ways to improve its case management system and continues to train staff
- ✓ Court calendar is available on FSM Supreme Court website

#### 4. Develop a plan to complete digital and physical archiving of closed case files:

### Deliverables:

- ✓ A new position, Archive Manager, is pending approval by FSM Congress in Judiciary's FY 2021 budget request.
- ✓ The Court utilizes student interns to digitize and archive closed cases.
- ✓ High speed scanner and copiers were purchased to help the project;

#### 5. Develop an internal electronic court calendar incorporating all active/pending cases and identifying deadlines and filings.

### Deliverables:

- ✓ The Court's calendar is updated daily and available online on FSM Supreme Court website: [fmsupremecourt.org](http://fmsupremecourt.org).

#### a. Review and amend court rules

### Deliverables:

- ✓ Court rules are reviewed by the Court and amended when necessary.

#### b. Review and amend current court forms and create new forms if necessary

### Deliverables:

- ✓ The Chief Clerk and General Counsel, when necessary, meet to review and discuss the need ways to improve the Court's forms.



## FSM SUPREME COURT 2019 ANNUAL REPORT

- ✓ Designated staff attorneys and Clerk's Office work on providing information and creating forms for pro-se litigants for better access to justice

### c. Develop effective communications among Court personnel

#### Deliverables:

- ✓ The Court continues to hold monthly meeting to discuss court needs. Field offices attend monthly meeting through Skype and/or video conference.
- ✓ Communication, within offices and among staff, is high priority within the Judiciary

### d. Consider creating alternative dispute resolution (ADR) programs

#### Deliverables:

- ✓ Court staff attending ADR trainings and in process of developing procedures on handling of cases requiring ADR

### e. Make wise use of the Court's financial resources

#### Deliverables:

- ✓ The Court continues to ensure that allocated funds are in compliance with the FSM Financial Management Regulation.
- ✓ In-house policies are implemented to improve handling of fines, fees, and restitutions.

### f. Modernize Technology, Library Resources and Court Facilities

The FSM Supreme Court continues to find ways to upgrade its technology and facilities. While the Court has taken great strides by installing high speed internet in the Court facilities where needed. The slow internet affects online legal research and quick access to online case management system.

### g. Provide high-speed internet and wireless internet connections in all FSM Supreme Court offices



## FSM SUPREME COURT 2019 ANNUAL REPORT

### Deliverables:

- ✓ The FSM Supreme Court have increased its internet access in Pohnpei, Chuuk Yap and Kosrae.
- ✓ All divisions within the Court are equipped with necessary tools and computer equipment needed.

### h. Develop an FSM Supreme Court Website and update the FSM Legal Information System web page

### Deliverables:

- ✓ The FSM Legal Information System (LIS) is updated with current caselaws and legislations. Court decisions and Codes are available on the LIS and Court website with easy access

### i. Ensure Court offices have backup power and surge protection for electrical equipment

### Deliverables:

- ✓ The Court offices and staff are provided backup power surge protections to safeguard office computers and equipment.
- ✓ Pohnpei and Chuuk offices have backup power generators.

### j. Court facilities must be adequate to perform judiciary functions in all FSM States

### Deliverables:

- ✓ A request for Capitol Improvement Project (CIP) was submitted to FSM President and FSM Congress for a training and resource center for the Court facility in Pohnpei. Work is still underway for scope and specifications of the project.
- ✓ People with Disability parking was installed for Pohnpei office.
- ✓ Interior designs and improvements for Pohnpei.
- ✓ Solar lights surrounding the Court premises in Pohnpei installed
- ✓ Courtroom renovation for Chuuk office completed. Clerk's renovation is underway.
- ✓ Office renovation and improvement completed for Kosrae court.
- ✓ Renovations for Yap Office is awaiting funding approval.





## FSM SUPREME COURT 2019 ANNUAL REPORT

### k. Library resources must serve court needs and be a legal resource for the community

#### Deliverables:

- ✓ Three new desktop computers are available for the Court library in Pohnpei;
- ✓ New high speed multi-purpose copier, scanner and printer available in Pohnpei library
- ✓ FSM Reporters and Digests are updated and available online.
- ✓ Bind FSM Reporters are expected to be available for court users by December 2020.
- ✓ The Court continues to support the state courts and local courts by donating used library books and library materials.
- ✓ The Court assisted the Pohnpei State Supreme Court by donating an electronic recording system and laptops for court justices after the Pohnpei State Court building was burned down

### II. Meet the Challenges of Four Geographically Separated and Culturally Unique Pacific-Island States

#### Deliverables:

- ✓ The Court upgraded its internet accessibility and speed in all the states;
- ✓ Video conferencing is incorporated as part of the court recording system;
- ✓ Justices and staff are trained on use of the video conferencing
- ✓ Continue to update high-speed internet and video conferencing technologies to the extent possible in each state.

### III. Promote Professionalism in the Judiciary and the Legal Profession

- ✓ Continue to train and professionalize the Judiciary.
- ✓ Complete regular performance evaluation to review productivity of the court staff and make recommendations for awards and other incentives

#### Deliverables:

- ✓ The FSM Supreme Court was rated among the top three performing Courts in the Pacific (PJSI Trend Report)
- ✓ Internal audit conducted on court personnel duties and responsibilities vs. performances;



## FSM SUPREME COURT 2019 ANNUAL REPORT

- ✓ Incentive awards were given to all staff during the Court Christmas party.
- ✓ The Court was approved five new positions in the FY 2020 Budget. Positions included 3 Interns, a Secretary/Court Reporter for Kosrae, and Bailiff/Maintenance for Kosrae.

### 1. The Court shall actively seek a role to assist in the organization of the FSM bar

#### Deliverables:

- ✓ The Court continues to celebrate annual National Law Day in July, hosting debates among high schools in the FSM. Scholarship awards were provided to debaters and alternate debaters.
- ✓ The Court continues to collaborate with COM-FSM in administering the Trial Counselor certificate program. This program is a prerequisite to taking the FSM bar examination.
- ✓ The FSM Bar examination is administered bi-annually, in March and August of every year. Qualified FSM citizens are encouraged to take the FSM bar examination.
- ✓ Court staff attended trainings on Alternative Dispute Resolution.
- ✓ Court staff attended case management training hosted by PJSI
- ✓ Court Annual Reports are published every year and available online: [fmsupremecourt.org](http://fmsupremecourt.org)

### IV. Increase Public Understanding and Access to the Courts

- Inform the public about their legal rights, court activities, and developments in the law and legal system
- Provide greater access to court for self-represented (pro-se) litigants

#### Deliverables:

- ✓ In 2019, FSM conducted an FSM wide training on Gender and Domestic Violence, Access to Justice and Training of Trainers. These projects are co-funded by the FSM Judiciary and the Pacific Judicial Strengthening Initiative (PJSI);

#### Afterword

This strategic plan of the Supreme Court of the Federated States of Micronesia was put together with the input of all of the Justices and staff of the court. The



## FSM SUPREME COURT 2019 ANNUAL REPORT

strategic plan includes the court’s mission, vision, and value statements. It includes strategic goals and action items that provide the court with a focused set of objectives to improve court operations over the next five years.

It is envisioned that this Strategic Plan will also assist in yearly budget preparations based on performance based budgeting. It should also provide support for seeking special grants and supplemental funding for special court projects not funded in the regular operations budget for the court.

This strategic plan embodies the collective thinking of everyone working to improve the Court’s operations in order to better serve the people of the Federated States of Micronesia in carrying out the Court’s mission for the fair administration of justice for all.

### ADMINISTRATION

#### ROLE OF COURT ADMINISTRATION

The primary role of the Court Administration is to facilitate the administrative functions of the court under the general guidance of the Chief Justice. The Court Administrator has a responsibility to identify and implement initiatives that increase the public’s understanding of the judicial system and provide for equal access to justice for all. Administrators also ensure that the independence of the judiciary as the third and independent branch of government is maintained while cultivating relationships with other branches of the government.

#### FSM JUDICIARY’S BUDGET APPROPRIATIONS: FY 2016-2019

CATEGORIES	FY2016	FY2017	FY2018	FY2019	FY2020
PERSONNEL	\$777,521	\$837,024	\$899,127	\$ 905,453	\$1,026,561
TRAVEL	\$147,015	\$157,791	\$161,525	\$ 161,525	\$ 185,974
CONTRACT SERVICES	\$166,094	\$177,694	\$178,025	\$ 184,194	\$ 213,100
OTHER CURRENT EXPENSES	\$190,806	\$190,806	\$182,694	\$ 174,808	\$ 155,388
FIXED ASSETS	\$ 30,000	\$ 36,100	\$ 32,000	\$ 32,000	\$ 143,000
TOTAL APPROPRIATION	\$1,311,436	\$1,399,415	\$1,453,371	\$1,457,980	\$1,724,023



## FSM SUPREME COURT 2019 ANNUAL REPORT

### UPCOMING EVENTS IN 2020

FSM National  
Law Day  
Debate -  
September 1,  
2020 via  
Video  
Conferencing





FSM  
Supreme  
Court Bar  
Exam,  
March 5,  
2020

FSM  
Supreme  
Court Bar  
Exam,  
October  
1, 2020

### COOK ISLAND INDICATORS

#### FSM JUDICIARY BASELINE REPORT COOK ISLAND INDICATORS

Note: **Green** – Fully Completed **Orange** – Partially completed **Red**-Incomplete

	TYPE	INDICATORS	2019
1	Case Management Information	Case finalization clearance rate	
2	Case Management Information	Average duration of a case	
3	Appeals	The percentage of appeals	
4	Appeals	Overturn rate on appeal	



## FSM SUPREME COURT 2019 ANNUAL REPORT

<b>5</b>	<b>Access</b>	Percentage of cases that are granted a court fee waiver	
<b>6</b>	<b>Access</b>	Percentage of cases disposed through a court circuit	
<b>7</b>	<b>Access</b>	Percentage of cases where party receives legal aid	
<b>8</b>	<b>Complaints</b>	Documented process for receiving and processing a complaint that is publicly available	
<b>9</b>	<b>Complaints</b>	Percentage of complaint received concerning a judicial officer	
<b>10</b>	<b>Complaints</b>	Percentage of complaints receiving concerning a court staff member	
<b>11</b>	<b>Human Resources</b>	Average number of cases per judicial officer	
<b>12</b>	<b>Human Resources</b>	Average number of cases per court staff	
<b>13</b>	<b>Judicial Transparency</b>	Court produces or contributes to an Annual Report that is publicly available	
<b>14</b>	<b>Judicial Transparency</b>	Information on Court services is publicly available	
<b>15</b>	<b>Judicial Transparency</b>	Judgments on PacLII	
<b>16</b>	<b>Case Management Information</b>	Average Age of Pending Caseload	
<b>17</b>	<b>Case Management Information</b>	Percentage of complaints that have been handled within an agreed timeframe	
<b>18</b>	<b>Judicial Transparency</b>	Total number of compliments and	





## FSM SUPREME COURT 2019 ANNUAL REPORT

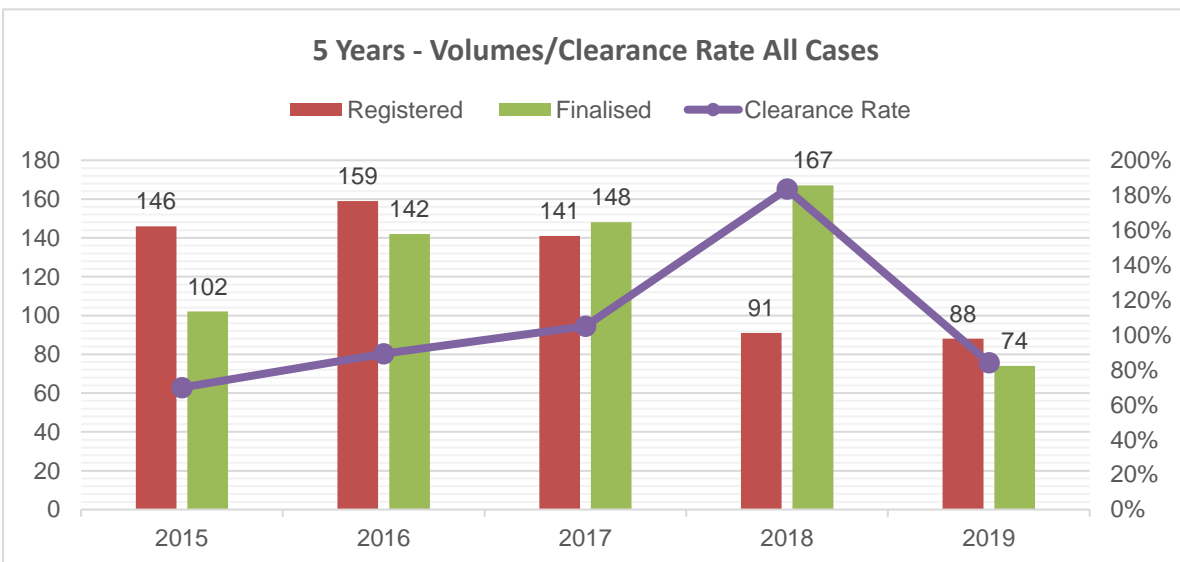
		positive feedback received by the court	
19	Human Resources	The range of training and development opportunities	
20	Human Resources	The percentage use rate of courtrooms	

### INDICATORS & STATISTICAL REPORTS FROM 2015-2019



#### **Indicator 1: Case Management Information: Clearance Rate**

#### Clearance Rate on All Types of Cases



Previous 5 Calendar Years-All Cases	Registered	Finalised	Clearance Rate
2015	146	102	70%
2016	159	142	89%
2017	141	148	105%



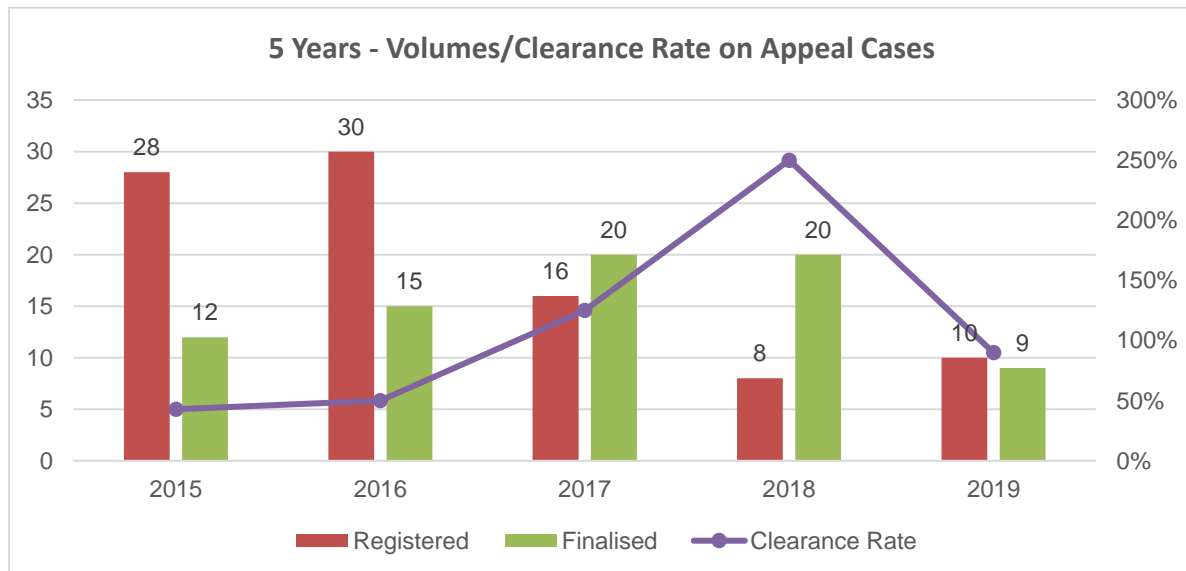


## FSM SUPREME COURT 2019 ANNUAL REPORT

<b>2018</b>	91	167	184%
<b>2019</b>	88	74	84%
<b>Total/clearance rate</b>	625	633	101%

The total clearance rate on all types of cases in 2019 is 84%, compared to 184% in 2018. The Court maintains an overall average of 101% on clearance rate on all types of cases for the last five years (2015-2019).

### Clearance Rate on Appeal Cases



Previous 5 Calendar Years-Appeal Cases	Registered	Finalised	Clearance Rate
<b>2015</b>	28	12	43%
<b>2016</b>	30	15	50%
<b>2017</b>	16	20	125%
<b>2018</b>	8	20	250%
<b>2019</b>	10	9	90%
<b>Total/clearance rate</b>	92	76	83%

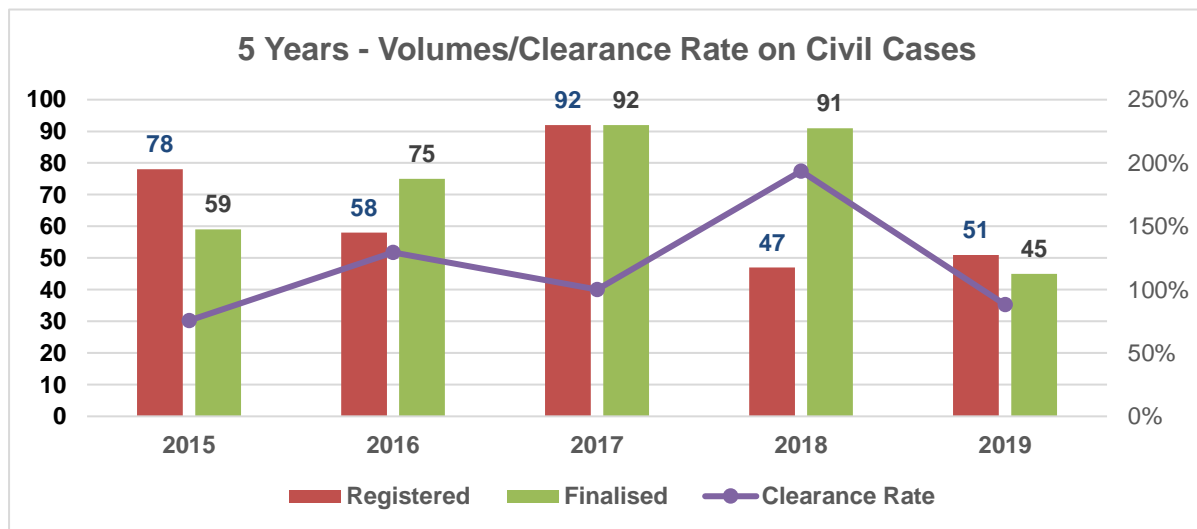


**Pending Workload-Appeal Cases**

Current Pending	45	CASES
Average Age of Pending	1062	DAYS
<b>Pending to Disposal Ratio (PDR)</b>	<b>2.3</b>	
(target - less than 1)		

The clearance rate on appeal cases in 2019 was 90%, compared to 250% in 2018, resulting in a total clearance average rate of 83% for the past five years (2015-2019). The FSM Supreme Court is the appellate court for Kosrae State Court, pursuant to Kosrae State Constitution.

**Clearance Rate on Civil Cases**



Previous 5 Calendar Years-Civil Cases	Registered	Finalised	Clearance Rate
<b>2015</b>	78	59	76%
<b>2016</b>	58	75	129%
<b>2017</b>	92	92	100%
<b>2018</b>	47	91	194%
<b>2019</b>	51	45	88%
<b>Total/clearance rate</b>	326	362	111%

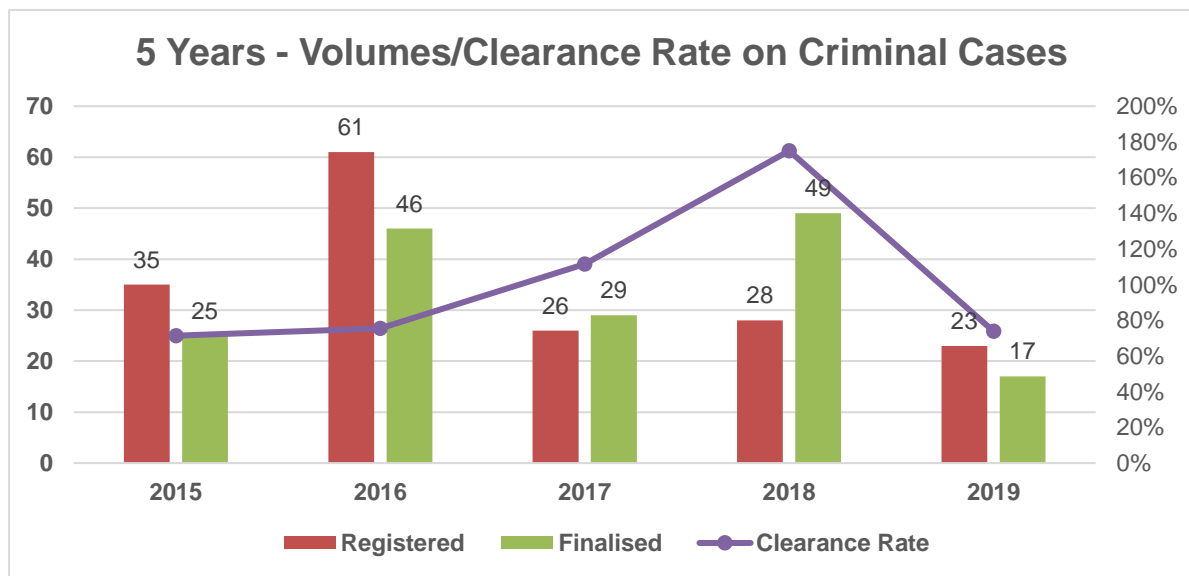


**Pending Workload-Civil Cases**

Current Pending	184	CASES
Average Age of Pending	1461	DAYS
<b>Pending to Disposal Ratio (PDR)</b>	<b>2.0</b>	
(target - less than 1)		

The clearance rate for civil cases in 2019 was 88%, compared to 194% in 2018. This resulted in a total average rate of 111% for the past five years (2015-2019).

**Clearance Rate on Criminal Cases**



Previous 5 Calendar Years-Criminal Cases	Registered	Finalised	Clearance Rate
2015	35	25	71%
2016	61	46	75%
2017	26	29	112%
2018	28	49	175%
<b>2019</b>	23	17	74%
<b>Total/clearance rate</b>	173	166	96%



## FSM SUPREME COURT 2019 ANNUAL REPORT

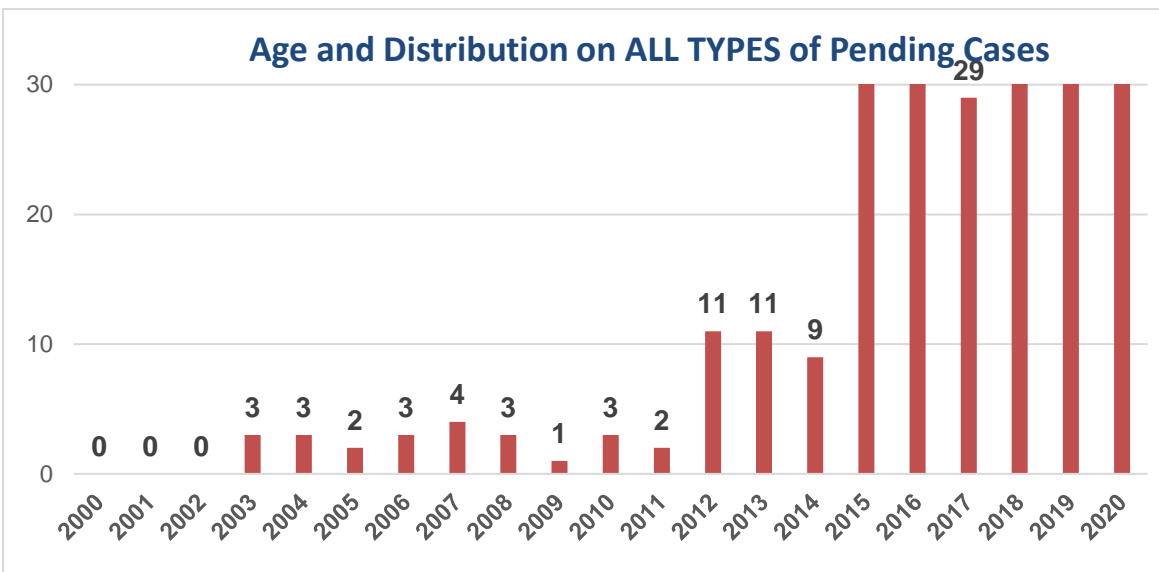
### Pending Workload-Criminal Cases

Current Pending	40	CASES
Average Age of Pending	1706	DAYS
<b>Pending to Disposal Ratio (PDR)</b>	<b>0.8</b>	
(target - less than 1)		

In 2019, the clearance rate for criminal cases was 74%. In 2018, the criminal clearance rate was 175%, resulting in an overall clearance rate of 96% for the past five years (2015-2019).



### Indicators 2 & 16: Case Management Information: Average Duration of a Case and Average Age of Pending Cases



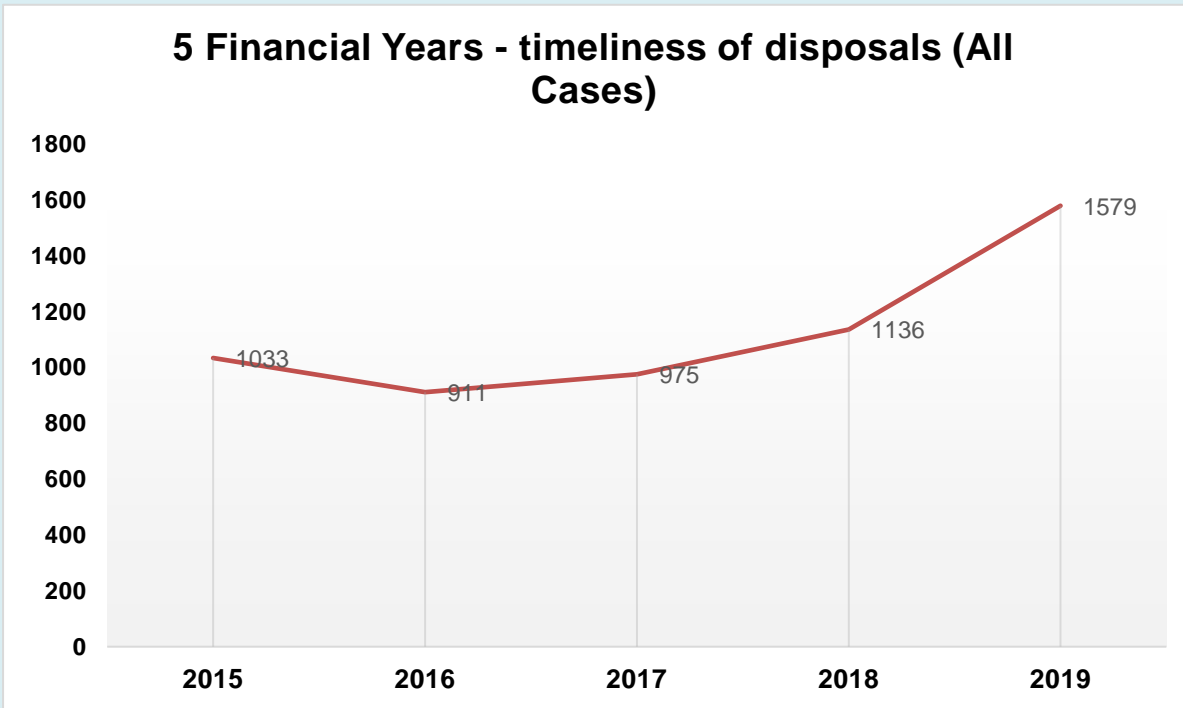
### Pending Workload-ALL TYPE of CASES

Current Pending	286	CASES
Average Age of Pending	1458	DAYS
<b>Pending to Disposal Ratio (PDR)</b>	<b>1.7</b>	
(target - less than 1)		



The FSM Supreme Court averages 1,458 days on age of pending cases, with a Pending to Disposal Ratio of 1.7. The newly installed Case Tracking System detected few pending cases from 2003.

### 5 Financial Years - timeliness of disposals (All Cases)



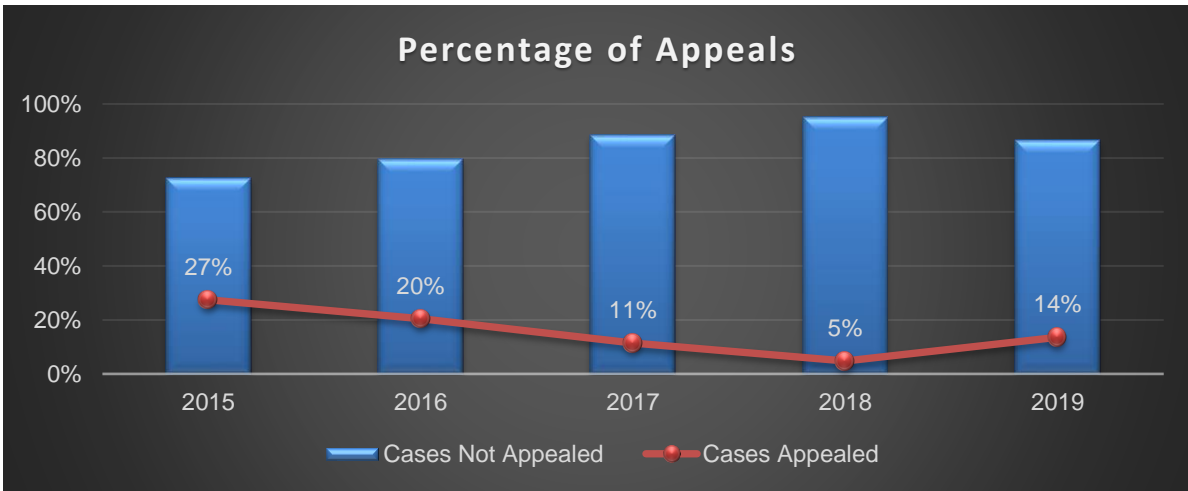
### Previous 5 Calendar Years-All Types of Cases

2015	1033
2016	911
2017	975
2018	1136
2019	1579
<b>Average of the 5 years</b>	<b>1083</b>

The average timeliness of disposals of All Cases since 2015 was 1,083. For 2019, the average timeliness of disposals was 1,579 days.



**Indicator 3: Appeals: Percentage of Appeals**



Year	Total Cases Finalised	Total Cases Appealed
2015	102	28
2016	142	29
2017	148	17
2018	167	8
2019	74	10
<b>Total:</b>	<b>633</b>	<b>92</b>

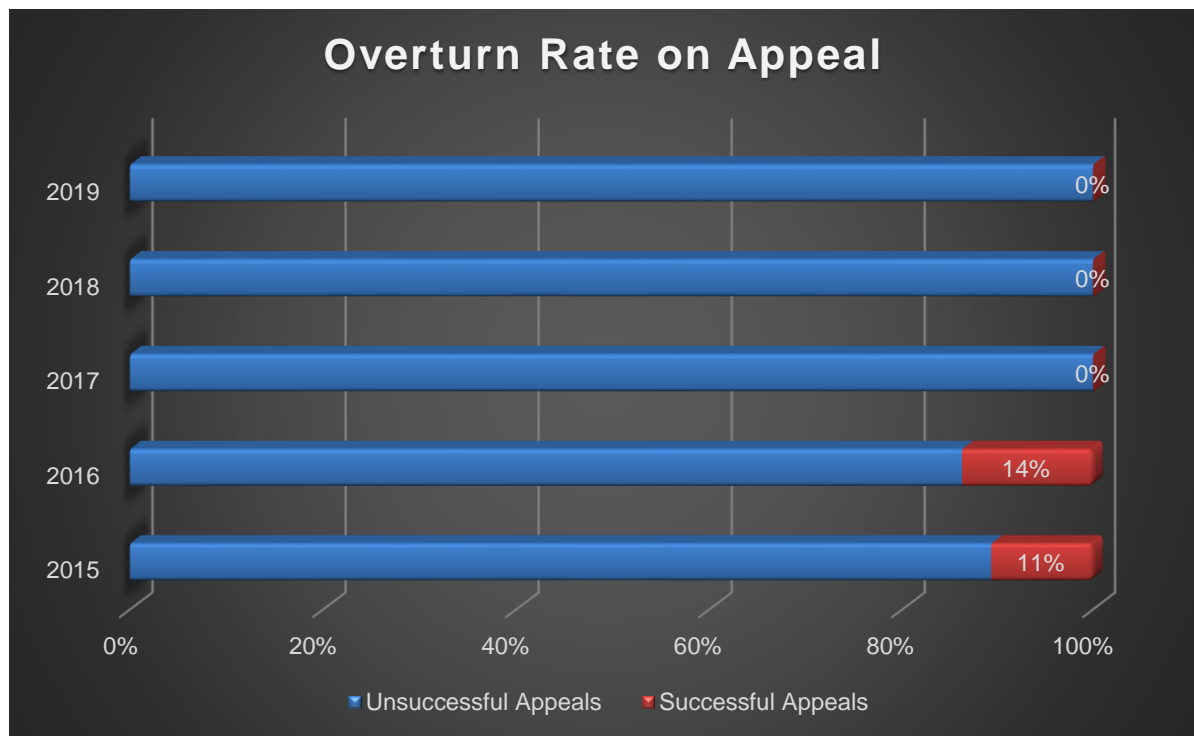
Year	Cases Not Appealed	Cases Appealed
2015	72.55%	27.45%
2016	79.58%	20.42%
2017	88.51%	11.49%
2018	95.21%	4.79%
2019	86.49%	13.51%
<b>Total:</b>	<b>85.47%</b>	<b>14.53%</b>

In 2019, 13.51% of appellate cases were appealed, an increase of about 8.7% from 2018. The FSM Supreme Court serves as the Appellate Court for Kosrae State Court, pursuant to the Kosrae State Constitution.



**Indicator 4: Appeals: Overturn Rate on Appeal**





Year	Total Cases Appealed	Cases where Decision Overturned (successful)
2015	28	3
2016	29	4
2017	17	0
2018	8	0
2019	10	0
<b>Total:</b>	<b>92</b>	<b>7</b>

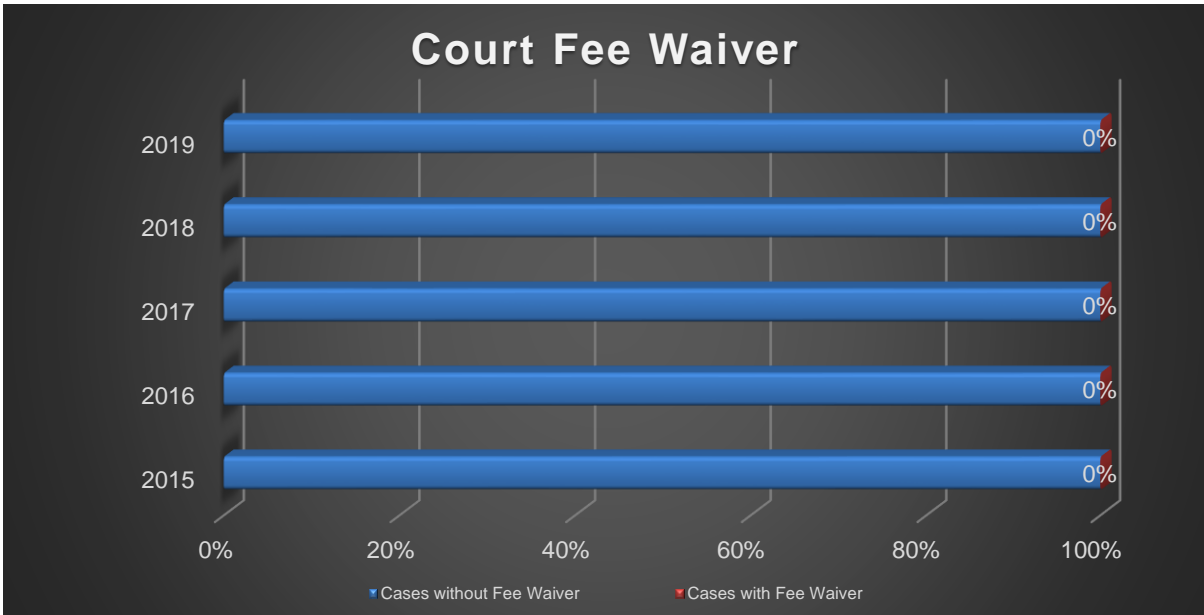
Year	Unsuccessful Appeals	Successful Appeals
2015	89.29%	10.71%
2016	86.21%	13.79%
2017	100.00%	0.00%
2018	100.00%	0.00%
2019	100.00%	0.00%
<b>Total:</b>	<b>92.39%</b>	<b>7.61%</b>

**There were no overturned appellate cases in 2019. The seven overturned cases were from 2015 and 2016.**



INDICATOR 5: 138461529

**Indicator 5: Access: Percentage of Cases that are Granted a Court Fee Waiver**



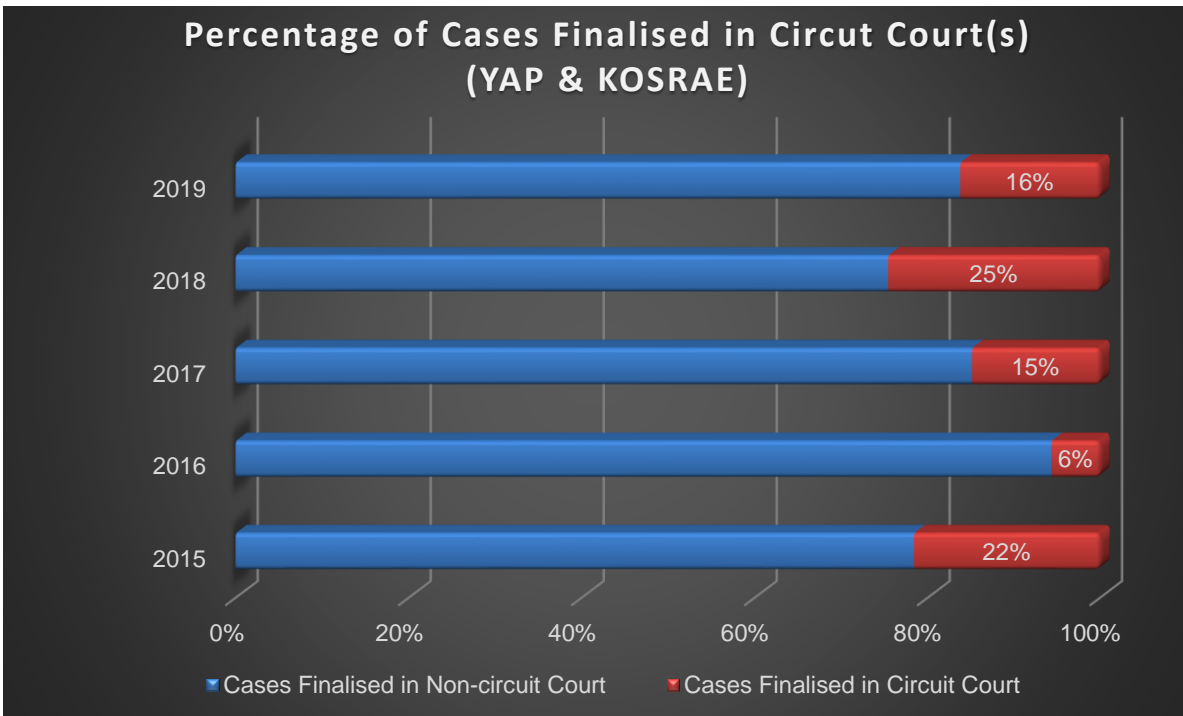
Year	Total Cases Filed	Total Cases where Fees were Waived
2015	148	0
2016	158	0
2017	143	0
2018	91	0
2019	85	0
<b>Total:</b>	<b>625</b>	<b>0</b>

Year	Cases without Fee Waiver	Cases with Fee Waiver
2015	100.00%	0.00%
2016	100.00%	0.00%
2017	100.00%	0.00%
2018	100.00%	0.00%
2019	100.00%	0.00%
<b>Total:</b>	<b>100.00%</b>	<b>0.00%</b>

The FSM Supreme Court for the past five years, have no cases where fees were waived and no cases without fee waivers.



**Indicator 6: Access: Percentage of Cases Disposed Through a Circuit or Island Court**



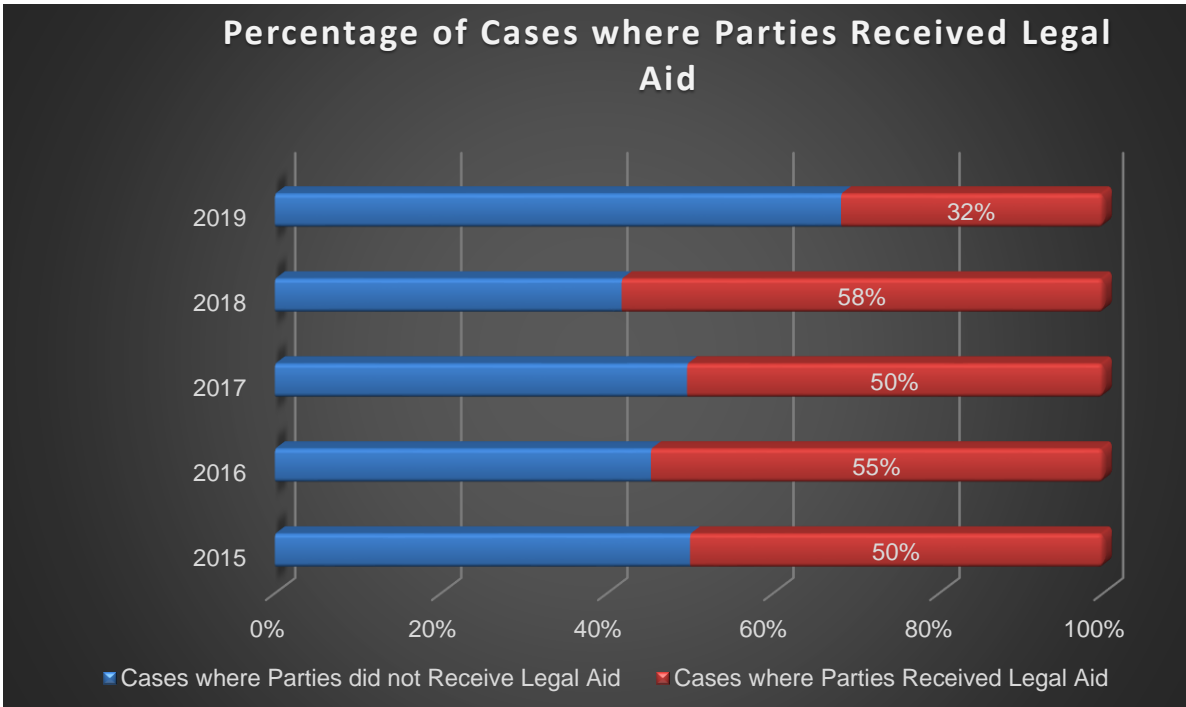
Court	Total Cases Finalised	Total Cases Finalised in Circuit Court(s)
2015	102	22
2016	142	8
2017	148	22
2018	167	41
2019	74	12
<b>Total:</b>	<b>633</b>	<b>105</b>

Year	Cases Finalised in Non-circuit Court	Cases Finalised in Circuit Court
2015	78.43%	21.57%
2016	94.37%	5.63%
2017	85.14%	14.86%
2018	75.45%	24.55%
2019	83.78%	16.22%
<b>Total:</b>	<b>83.41%</b>	<b>16.59%</b>

**In 2019, 16.22% of finalized cases were in circuit courts while 83.78% were finalized in non-circuit courts. A newly confirmed justice is expected to fill one of the non-circuit courts in 2020.**



**Indicator 7: Access: Percentage of Cases Where a Party Receives Legal Aid**



Year	Total Cases Filed	Total Cases where Party/-ies Received Legal Aid
2015	146	73
2016	159	87
2017	141	71
2018	91	53
2019	88	28
<b>Total:</b>	<b>625</b>	<b>312</b>

Year	Cases where Parties did not Receive Legal Aid	Cases where Parties Received Legal Aid
2015	50.00%	50.00%
2016	45.28%	54.72%
2017	49.65%	50.35%
2018	41.76%	58.24%
2019	68.18%	31.82%
<b>Total:</b>	<b>50.08%</b>	<b>49.92%</b>

**In 2019, 68.18% of court parties did not receive legal aid, while 31.82% received assistance of legal aid. On a five year average, 50.08% of parties did not receive legal aid while the other 49.92% received assistance of legal aid.**



Indicator 8: Complaints: Documented Process for Receiving and Processing a Complaint That is Publicly Available

THE SUPREME COURT OF THE FEDERATED STATES OF MICRONESIA

GENERAL COURT ORDER ) GCO No. 2017-001
Trial and Appellate Divisions )

TIMELINE STANDARDS FOR THE SUPREME COURT OF THE FEDERATED STATES OF MICRONESIA

Pursuant to the authority granted to the Chief Justice of the FSM Supreme Court in art. XI, sec. 9 of the Constitution and section 117 of title 4 of the Judiciary Act of the Code of the Federated States of Micronesia (4 F.S.M.C. sec. 117), and in conformity with

Action Item 1.2(b) and 1.6(a) and (d) of the Strategic Plan (2012 to 2017) of the FSM Supreme Court, which empowers the FSM Supreme Court to develop timelines and standards for management of all cases from filing to disposition, and to set specific limits on how long a legal matter may be left pending without justification.

In recognition of the need to dispose of cases in a timely and efficient manner, to ensure that the administration of justice to the public is not unduly delayed, to maintain a proficient and well-organized court docket, and after a survey of other judiciary timeline standards of jurisdictions in similarly situated Pacific-island nations, and after a two (2) year provisional period,

NOW THEREFORE IT IS HEREBY ORDERED, that the following Timeline Standards are HEREBY ADOPTED:

All of the FSM Supreme Court's Justices and staff shall adhere to the following Timeline Standards for matters pending before the Court.

TIMELINE STANDARDS FOR THE FSM SUPREME COURT (Promulgated April, 2017)

1. Definitions:

- (a) Appeal case: is a matter filed in the Appellate Division of the FSM Supreme Court, initiated by the filing of a Notice of Appeal until an Opinion is rendered by the Appellate Division.
(b) Attorney disciplinary case: is a matter filed pursuant to the FSM Disciplinary Rules and Procedures, initiated by the filing of a complaint until a judgment or conviction is rendered by the court.
(c) Civil case: is a civil dispute between parties initiated by the filing of a civil matter with Trial Division until judgment is rendered by the Trial Division of the court. The timeline for





civil cases does not include post judgment matters, bankruptcy matters, or disciplinary matters.

(d) *Criminal case*: is a matter where charges are brought against an individual by the Government of the Federated States of Micronesia in the Trial Division of the court, from the time a complaint/information is filed until a conviction or dismissal is entered by the court. The timeline for criminal cases does not include post-conviction matters, including revocation hearings and monitoring proceedings.

(e) *Matter taken under advisement*: are matters that are heard in open court, and the court does not make a ruling before the conclusion of the hearing.

(f) *Pending motion*: does not include non-substantive motions, such as motions for enlargement of time and motions to reschedule matters.

### 2. Review:

(a) Judges, attorneys, and committee members shall meet at least every six months and review how many of their cases were decided within the time limits prescribed under the standards. The Chief Clerk shall provide statistical data during this meeting to assist in the review.

### 3. Timelines: The following are the time standards for cases in the FSM Supreme Court:

- (a) Civil Case Disposition: 21 months
- (b) Criminal Case Disposition: 9 months
- (c) Appeal Case Disposition: 24 months
- (d) Attorney Disciplinary Case Disposition: 15 months
- (e) Pending motions: 6 months

The timeline standard for a pending motion shall begin when responsive papers have been filed, or when the time to respond has lapsed, or when the hearing on the motion has concluded.

- (f) Matters taken under advisement: 4 months

The timeline standard shall begin at the conclusion of the hearing.

4. **Deadlines and Monitoring:** Deadlines shall be monitored by publishing an annual public report on the FSM Supreme Court website, in the court newsletter or a newspaper of general circulation.

5. **Compliance Committee:** A committee, consisting of three members, shall oversee compliance with these Timeline Standards. The members of the committee are: the General



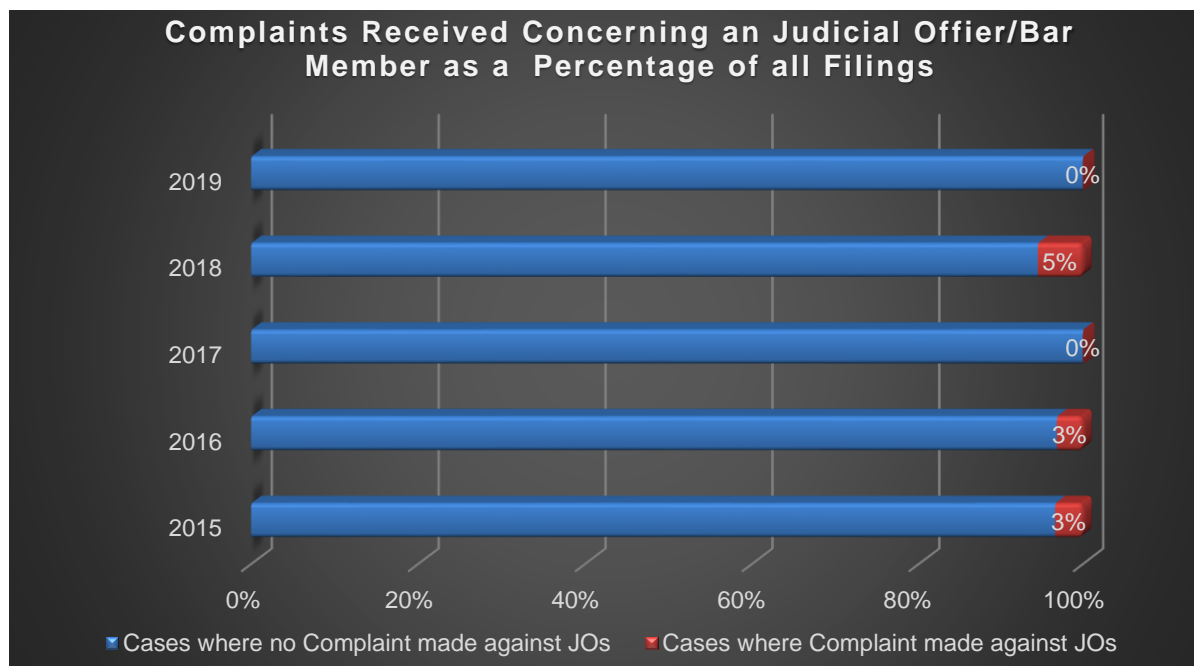


The FSM Supreme Court in April 2017, issued General Court order No. 2017-001, setting timeline standards for Trial and Appellate Divisions.



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**Indicator 9: Complaints: Percentage of Complaints Received Concerning a Judicial Officer**



Year	Total Cases Filed	Complaints against JOs
2015	148	5
2016	158	5
2017	143	0
2018	91	5
2019	85	0

Year	Cases where no Complaint made against JOs	Cases where Complaint made against JOs
2015	96.62%	3.38%
2016	96.84%	3.16%
2017	100.00%	0.00%
2018	94.51%	5.49%
2019	100.00%	0.00%



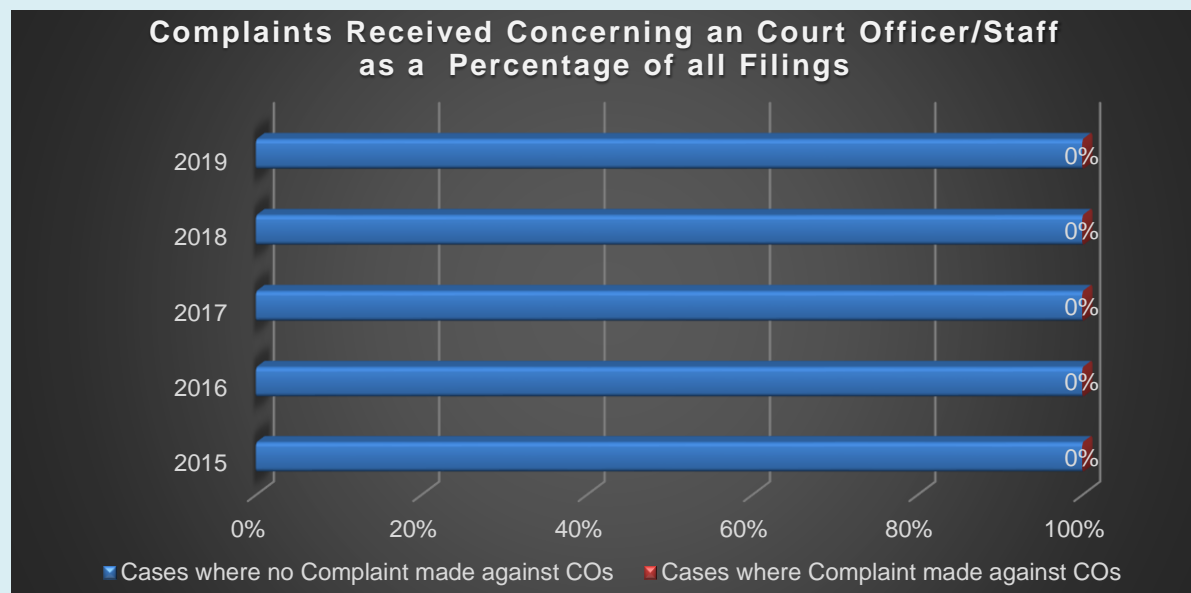
## FSM SUPREME COURT 2019 ANNUAL REPORT

<b>Total:</b>	625	15	<b>Total:</b>	97.60%	2.40%
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There were no complaints filed against a judicial officer/bar member in 2019. There were 15 complaints filed against bar members since 2015.



### Indicator 10: Complaints: Percentage of Complaints Received Concerning a Court Staff Member



Year	Total Cases Filed	Complaints against COs
2015	148	0
2016	158	0
2017	143	0

Year	Cases where no Complaint made against COs	Cases where Complaint made against COs
2015	100.00%	0.00%
2016	100.00%	0.00%
2017	100.00%	0.00%



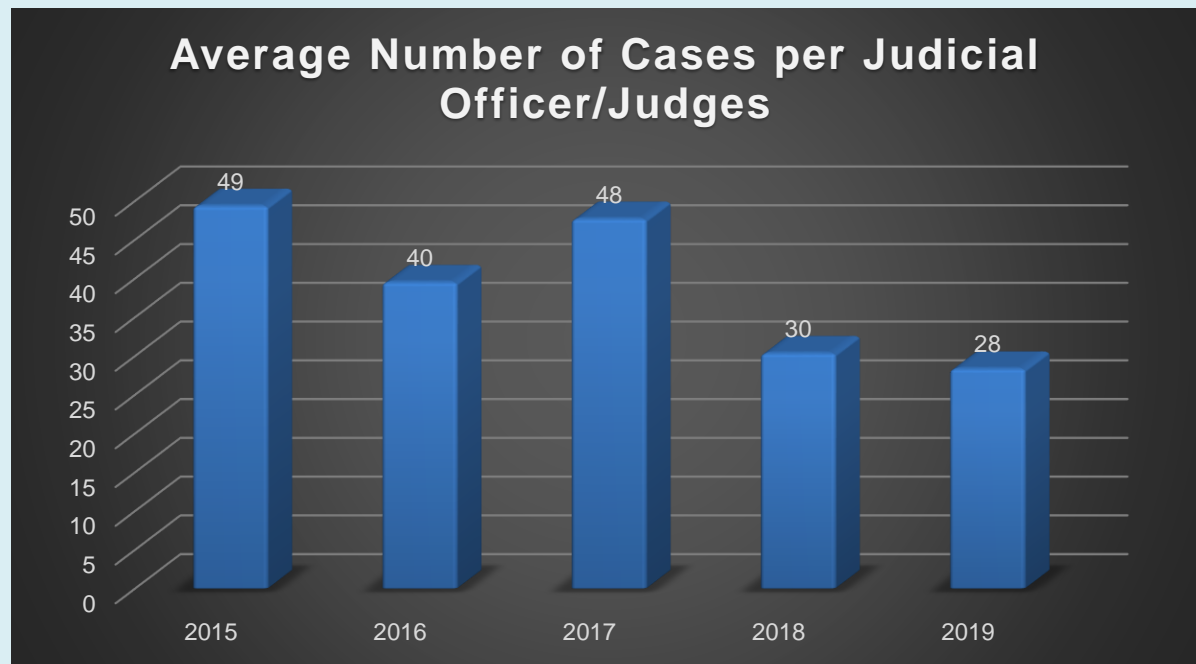
## FSM SUPREME COURT 2019 ANNUAL REPORT

<b>2018</b>	91	0	<b>2018</b>	100.00%	0.00%
<b>2019</b>	85	0	<b>2019</b>	100.00%	0.00%
<b>Total:</b>	<b>625</b>	<b>0</b>	<b>Total:</b>	<b>100.00%</b>	<b>0.00%</b>

There were no cases filed against a court officer or court staff in 2019. There were no cases filed against a court officer or staff since 2015.



### Indicator 11: Human Resources: Average Number of Cases Per Judicial Officer



Court	Total Cases Filed	Total JO Numbers	Year	Average Number of Cases per Judicial Officer
<b>2015</b>	148	3	<b>2015</b>	49
<b>2016</b>	158	4	<b>2016</b>	40
<b>2017</b>	143	3	<b>2017</b>	48



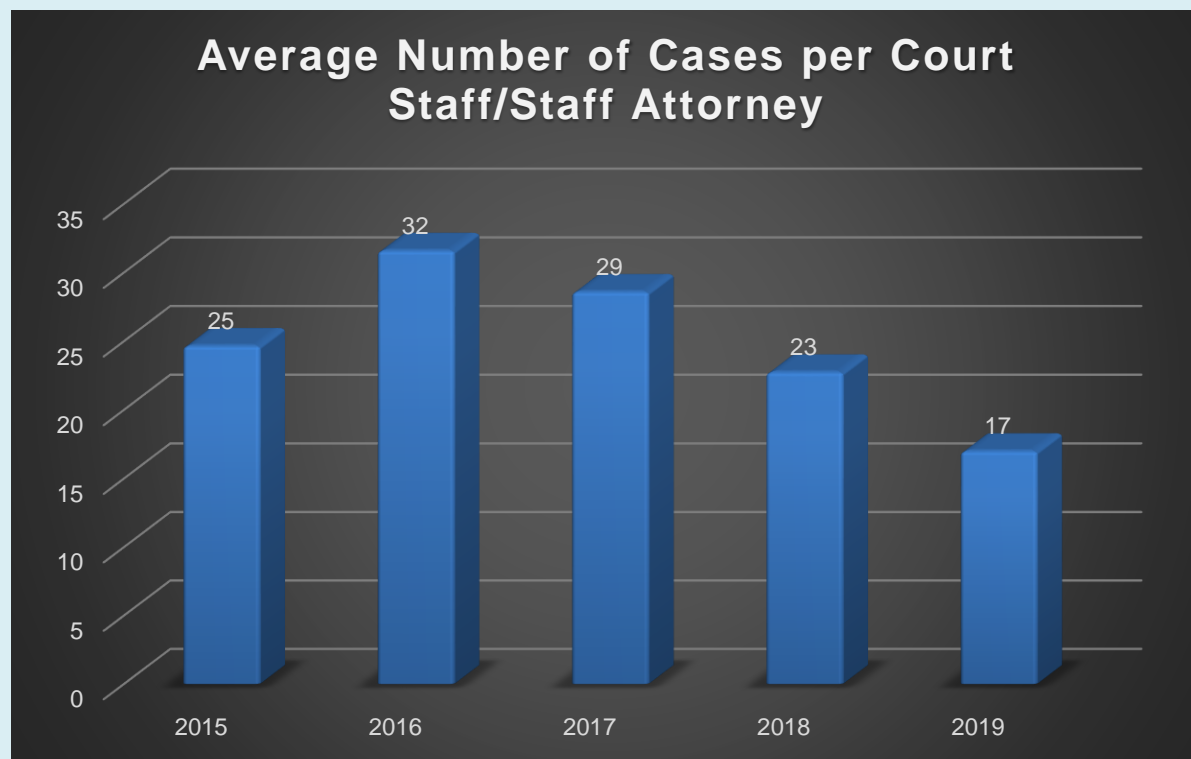
## FSM SUPREME COURT 2019 ANNUAL REPORT

<b>2018</b>	91	3	<b>2018</b>	30
<b>2019</b>	85	3	<b>2019</b>	28
<b>Total:</b>	<b>625</b>	<b>16</b>	<b>Total:</b>	<b>39</b>

In 2019, an average of 28 cases were assigned per judicial officer. The overall average number of cases per judicial officer, for the past five years, were 39.



### Indicator 12: Human Resources: Average Number of Cases Per Court Staff



Court	Total Cases Filed	Total CS Numbers	Year	Average Number of Cases per Court Staff
	148	6	2015	25



## FSM SUPREME COURT 2019 ANNUAL REPORT

2016	158	5	2016	32
2017	143	5	2017	29
2018	91	4	2018	23
2019	85	5	2019	17
<b>Total:</b>	<b>625</b>	<b>25</b>	<b>Total:</b>	<b>125</b>

The FSM Supreme Court averages about 17 cases per court staff in 2019, 23 cases per staff in 2018.



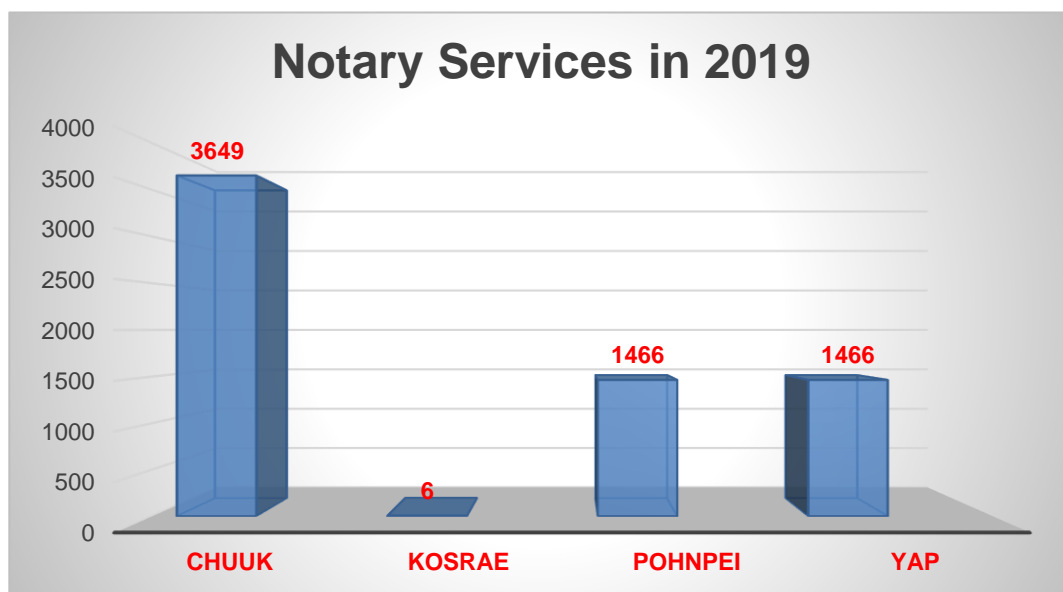
**Indicator 13: Judicial Transparency: Court produces or contributes to an Annual Report that is publicly available in the following year**

The FSM Supreme Court produces annual reports. Annual reports are available on the FSM Supreme Court website: [fmsupremecourt.org](http://fmsupremecourt.org).

**Indicator 14: Judicial Transparency: Court Services Information**

Court services is publicly available on the FSM Supreme Court website.

### SERVICES PROVIDED THROUGH NOTARY PUBLIC







## FSM SUPREME COURT 2019 ANNUAL REPORT

In 2019, the court provided 6,587 free notary services to the general public. In 2018, 6,551 notary services were provided free to the general public.



Student interns hired on short term contracts to assist in legal research and archiving of closed cases



New courtroom PA system





**Indicator 15: Judicial Transparency: Publication of Judgments**

**FSM SUPREME COURT INTERIM REPORTERS**

**AVAILABLE ONLINE**

The FSM Supreme Court Interim Reporters are available on the Court’s website: <http://fsmlaw.org/fsm/decisions/index.htm>, known as the FSM Legal information System. The Reporters now available from Volumes 1 through 22.

The following table shows the Reporters, the Volumes and the years they correspond.

<b>Volume 1</b>	<b>Volume 2</b>	<b>Volume 3</b>	<b>Volume 4</b>	<b>Volume 5</b>
1981 -1984	1985 - 1986	1986 - 1988	1989 - 1990	1991 - 1992
<b>Volume 6</b>	<b>Volume 7</b>	<b>Volume 8</b>	<b>Volume 9</b>	<b>Volume 10</b>
1993 -1994	1995 - 1996	1997 - 1998	1999 - 2000	2001 - 2002
<b>Volume 11</b>	<b>Volume 12</b>	<b>Volume 13</b>	<b>Volume 14</b>	<b>Volume 15</b>
2002 - 2003	2003 - 2004	2004 - 2005	2006 - 2007	2007 - 2008
<b>Volume 16</b>	<b>Volume 17</b>	<b>Volume 18</b>	<b>Volume 19</b>	<b>Volume 20</b>
2008 -2009	2010 -2011	2011 - 2013	2013 - 2015	2015 - 2016
<b>Volume 21</b>	<b>Volume 22</b>			
2016 -2018	2018 -2019			

Student intern working on archiving closed files





**Indicator 16: Case Management: Average Age of the Pending Caseload:**

The statistics on Average Age of Pending Caseload was provided under Indicator 2. See Indicator 2.

TIME frame

**Indicator 17: Case Management: Percentage of complaints that have been handled within an agreed timeframe**

(See GCO on Time Standard under Indicator 8)



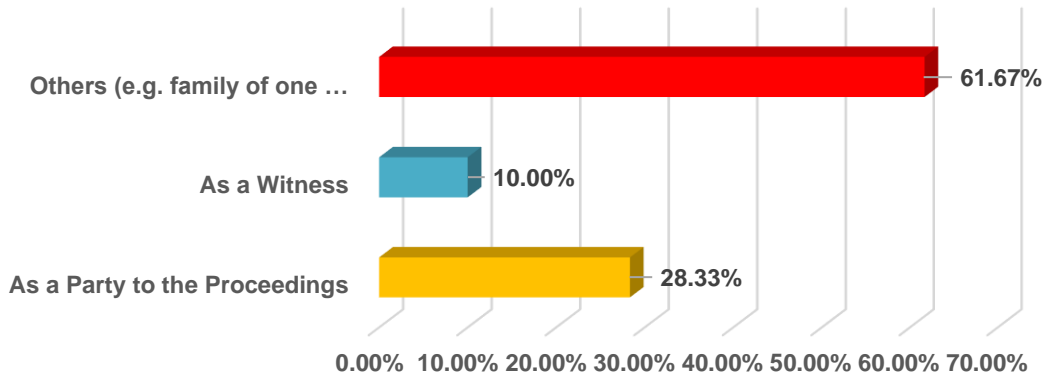
**Indicator 18: Judicial Transparency: Total number of compliments and positive feedback received by the court**

**2019 FSM Supreme Court Performance Survey**

The purpose of the Court Performance Survey is to gauge the public's perception of the Court system. The Survey was conducted through a Monkey Survey, Email, In-Person and Telephone. There were 61 Respondents.

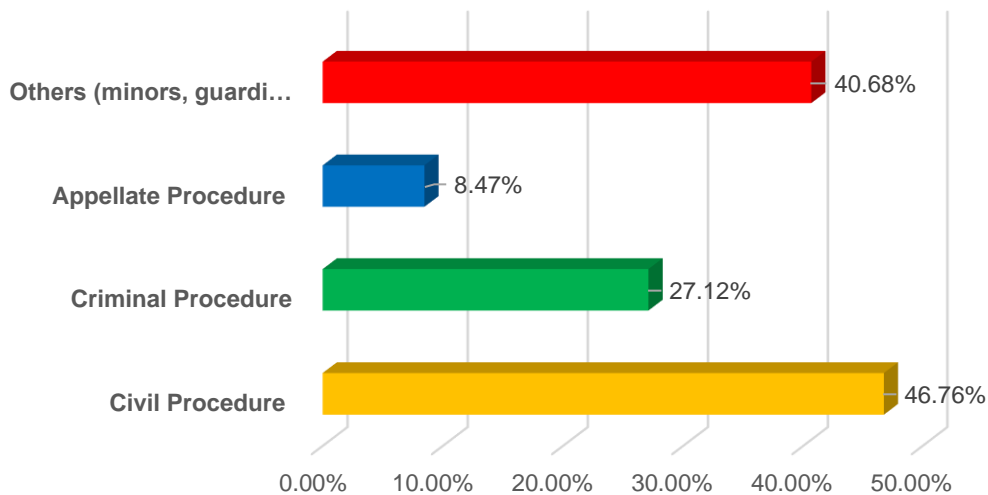


### Q1. In what capacity are you (were you) at the FSM Supreme Court?



61% of respondents who appeared in court were either family members or friends to party. 20% were parties to the proceedings while 10% were witnesses.

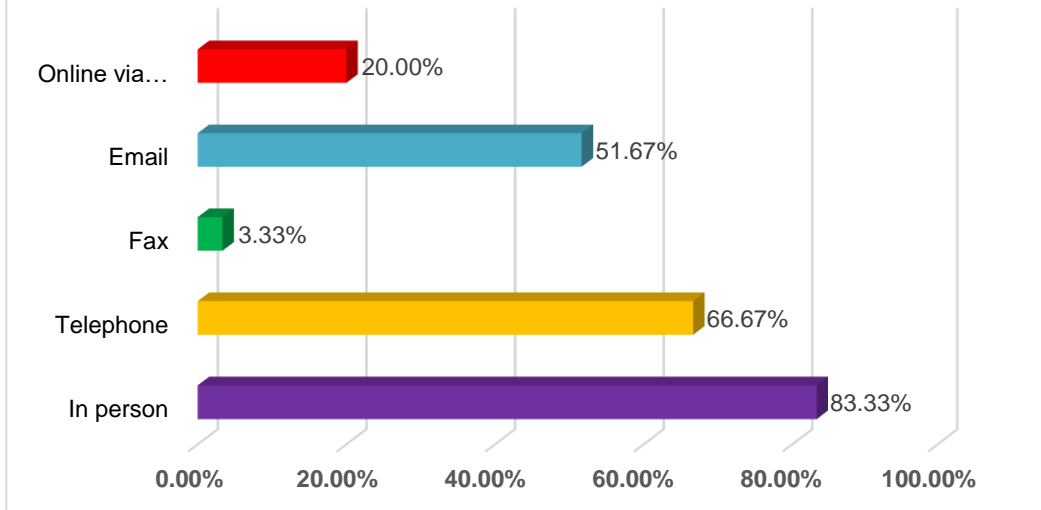
### Q2. On what type of procedure was the case for which you went to the court based?



46% of respondents appeared in court for civil matters, while 40% appeared for other purposes, 27% for criminal proceedings and 8% for appellate proceedings.

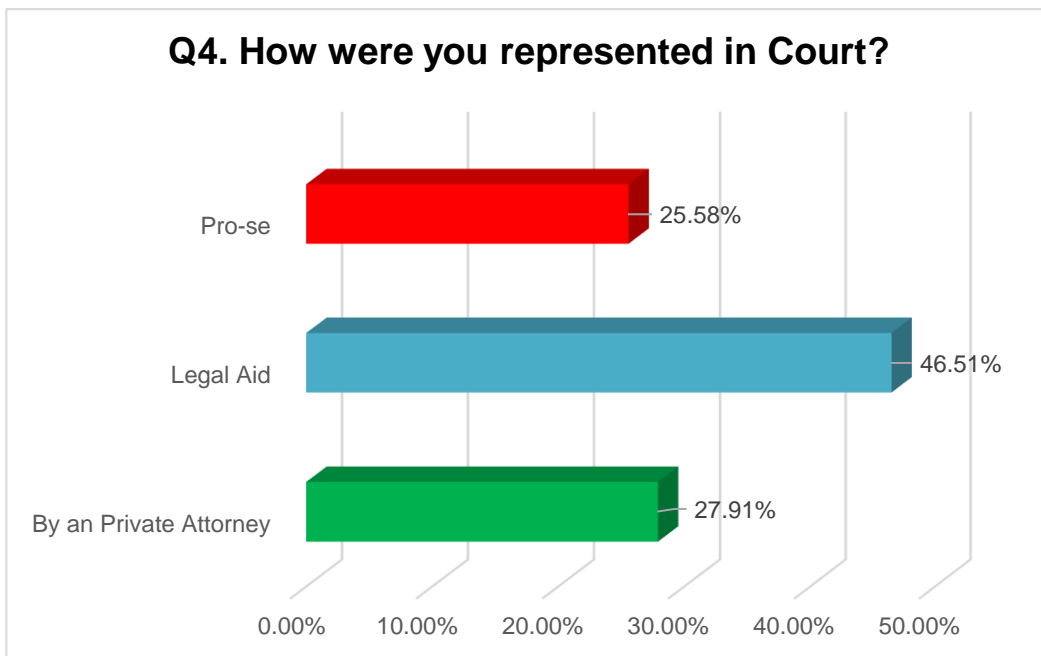


### Q3. What means of communication have you used to contact the court?



83% of court users appeared in person, another 66% used the telephone as means of communication with the court and another 51% by email.

### Q4. How were you represented in Court?

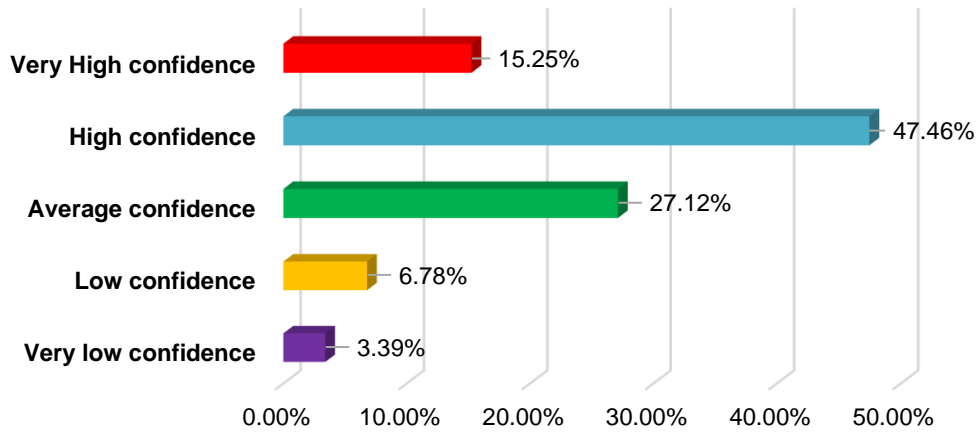


46% of Respondents stated they were represented by legal aids. About 27% were represented by private attorneys and 25% appeared pro se.



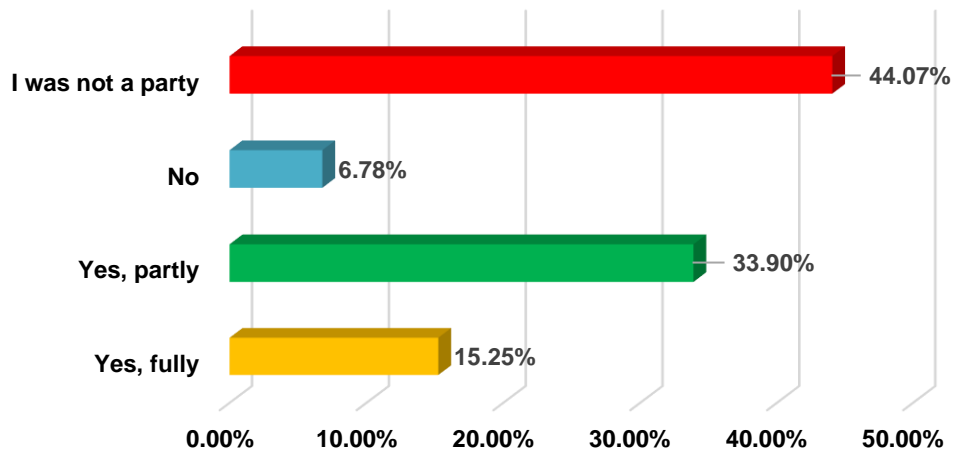


### Q5. What level of confidence do you have in the justice system?



About 62% of court users have high confidence of the justice system. About 27% have average confidence, and 9% have low confidence in the judicial system.

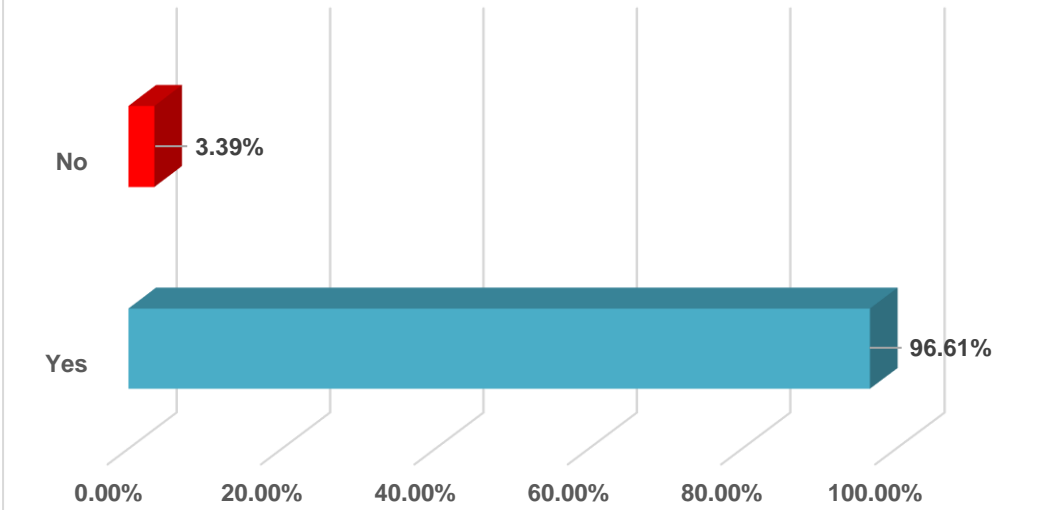
### Q6. If you were a party, and the decision was delivered, did the court find partially or fully in your favour?



About 33% of Respondents stated the Court’s decisions were partially in their favors, another 15% stated the decisions were fully in their favors and the remaining 6% were not in their favors. 44% were not parties in court decisions.

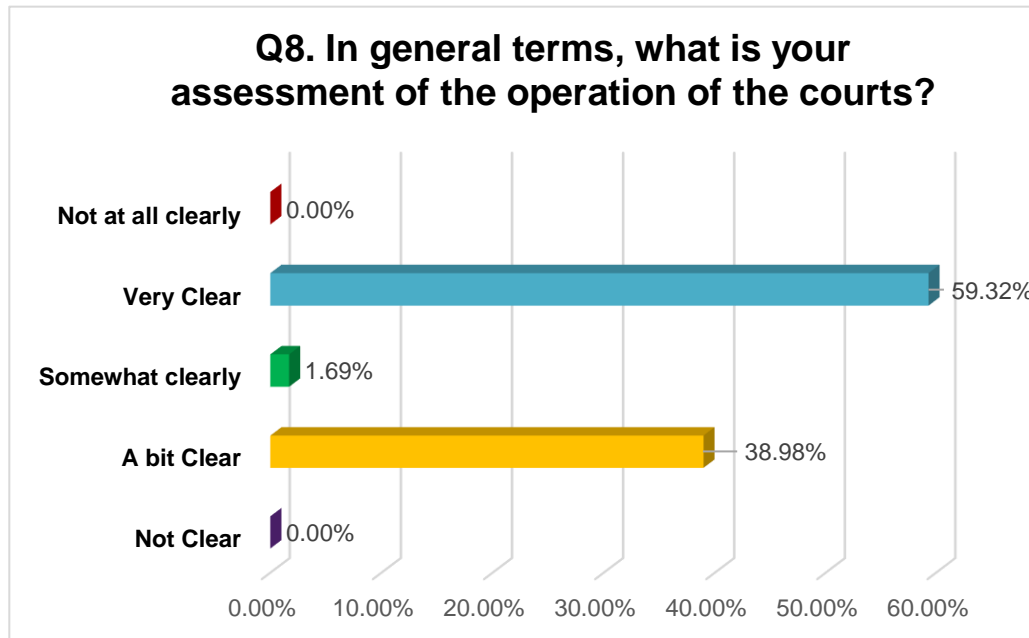


### Q7. Information provided by the court's information system was useful



96% of Respondents found the Court's Information System useful. 3% of Respondents did not find the Information System useful, due to unavailability of internet access.

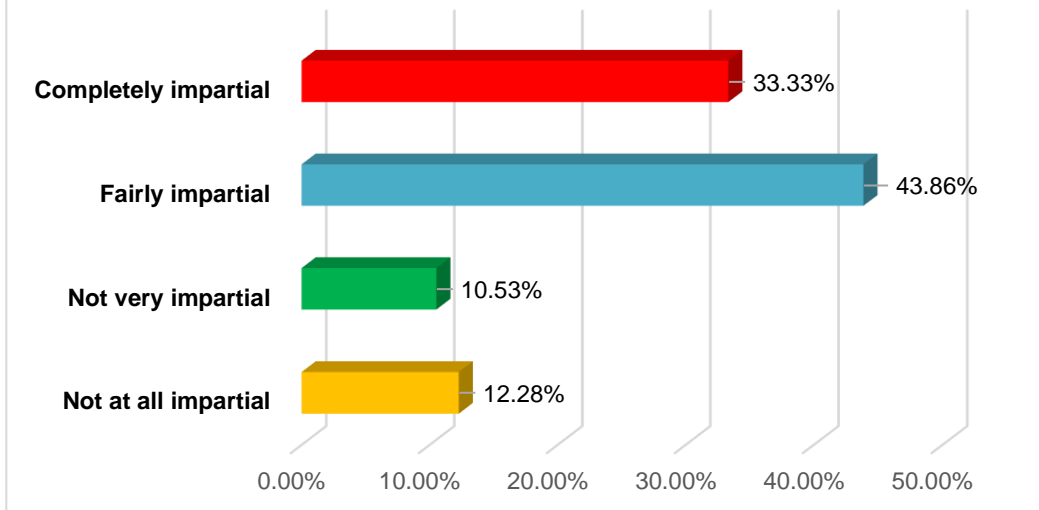
### Q8. In general terms, what is your assessment of the operation of the courts?



59% of Respondents in general terms, assessed the court's operation as "Very Clear", while 39% assessed the Court's operation as "Somewhat" or "A bit clear".

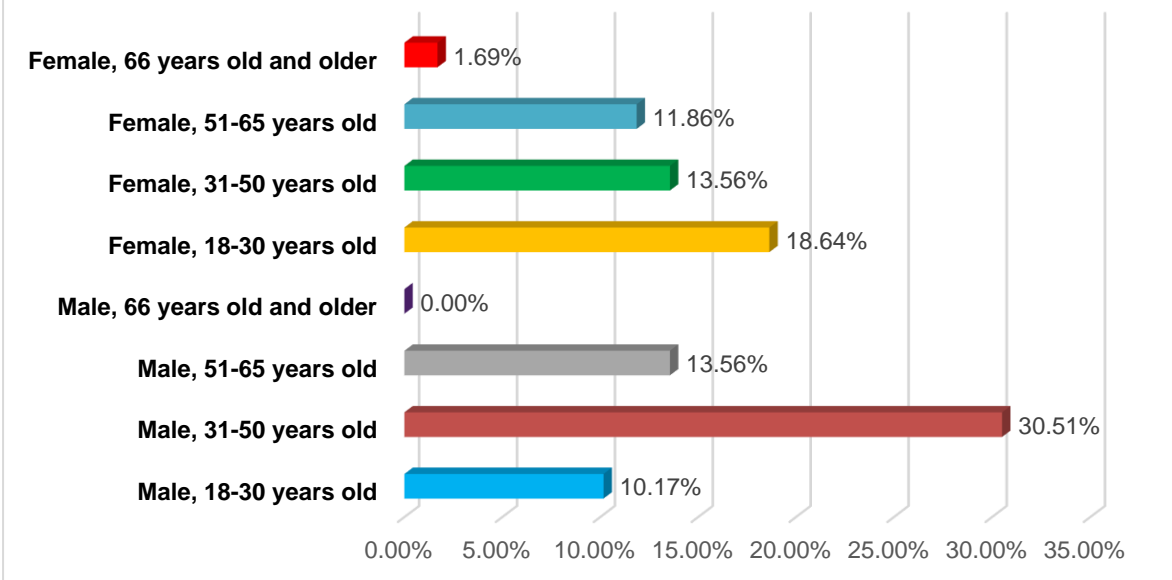


### Q9. What is your assessment of the judges' impartiality in conducting oral proceedings?



77% of Respondents rated the impartiality of judges' in conducting oral proceedings as either Completely Impartial or Fairly Impartial. The other 22% rated the impartiality of judges in conducting oral proceedings as "Not very Impartial" and "Not at all impartial".

### Q10. Gender and Age



The survey captured an almost equal number in Gender. On the age category, the highest age group include 30% Males 31-50 years of age, 18% Females 18-30 years of age, 13% Female age 31-50 and 31% Male 51-65 years old.



**Indicator 19: Human Resources: The range of training and development opportunities:**

**19TH FSM JUDICIAL CONFERENCE, YAP, AUGUST 2019**



The 19th FSM Judicial Conference was held in Colonia, Yap from August 19th to 22nd, 2019. The FSM Judicial Conference is an event that the FSM Supreme Court began in 1994 and the venue of the event rotates among the four states. Its purpose is to provide a forum whereby judicial officers and court staff would have the opportunity to come together to learn and share their experiences with one another and discuss issues that the judiciaries and stakeholders within the FSM are currently facing. For eleven consecutive years (1994-2005) the Conference was held annually and in 2006 to 2008, the Conference was not held due to limited budget. From 2009 to 2019, it has been on a Biennial basis.

This Year's judicial conference attracted close to fifty participants. Participants included Justices of the FSM Supreme Court, the four State Supreme Courts, municipal and land courts. Prosecutors, public defenders, and individuals from many different fields also participated in the conference. The topics that were covered during the four day conference included Human Trafficking, Environmental Law, Climate Change, Access to Justice and Enabling Rights reports for the FSM, Customs and Traditions in Courts, Evidence, Implicit Bias, and Court Security.

“Opportunities like this are rare, where we have all of the Courts in one place at the same time.” said Chief Justice Dennis K. Yamase. “I urge that we talk among ourselves, share issues that are facing our respective courts and then collectively, as a Court family, we can address these issues together. The topics that we are covering this week are current issues that are important not only to the National Court and all the Courts within the FSM, but also important to the FSM National Government and all the state





# FSM SUPREME COURT 2019 ANNUAL REPORT

Governments and this nation as a whole. Most of these topics and issues are impacting the people we serve.”

This Year’s conference was made possible with the collaboration of the FSM Supreme Court and the U.S. Ninth Circuit Court of Appeals and its Pacific Islands Committee, and the Yap State Court which is the host State Court for the 19th FSM Judicial Conference. The next FSM Judicial Conference is currently proposed to be held in 2021 and the venue will be in Chuuk.

## Indicator 20: Human Resources: The Percentage Use of Courtroom

FSM Supreme Court calendars are updated daily and available on the Court’s website: [fmsupremecourt.org](http://fmsupremecourt.org)

### Calendars

**FSM Supreme Court Pohnpei Trial Division**

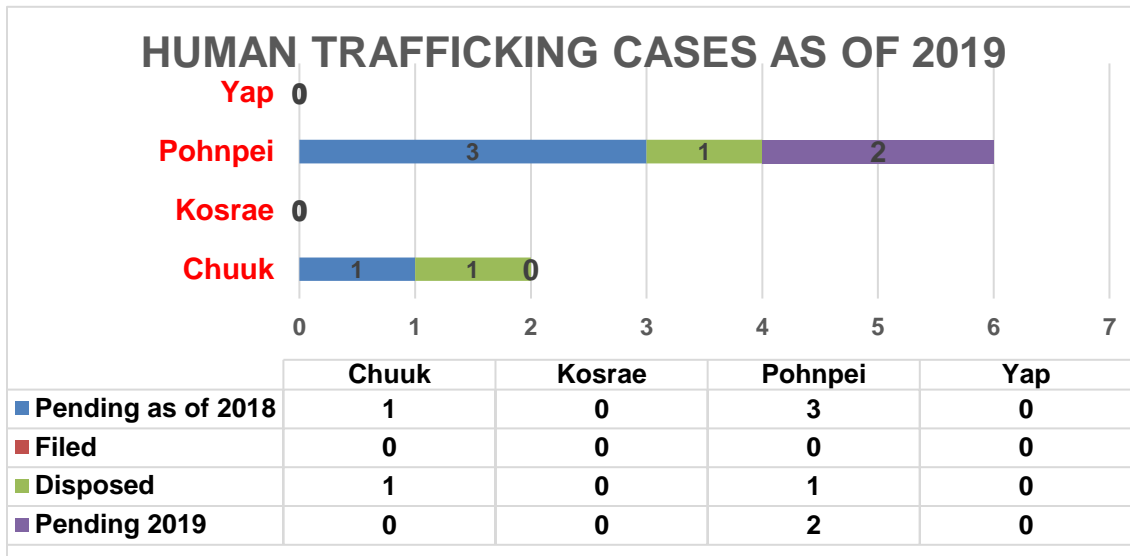
Today ◀ ▶ January 2019 ▼ Print Week Month Agenda

	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Pohnpei	31	1 Jan	2	3	4	5	6
Chuuk	7	8	9	10 10:00 RESERVED FOR I	11	12	13
Yap	14	15	16	17	18 13:00 COURT'S SPECI	19	20
Kosrae	09:30 Crim. No. 2017-5 10:00 Civ. Act. No. 201		10:00 Civil Action No. 2 10:00 DPA No. 003-201 14:00 Civil Action No. 2 14:30 Civil Action No. 2 14:30 Civil Action No. 2				
Off-Island	21	22	23 10:00 Reserved for dep	24	25	26	27
Law Day	28 10:00 Reserved for Dep	29 09:30 Civ. Act. No. 201	30 RESERVED FOR DEPO	31	1 Feb	2	3
Appellate							

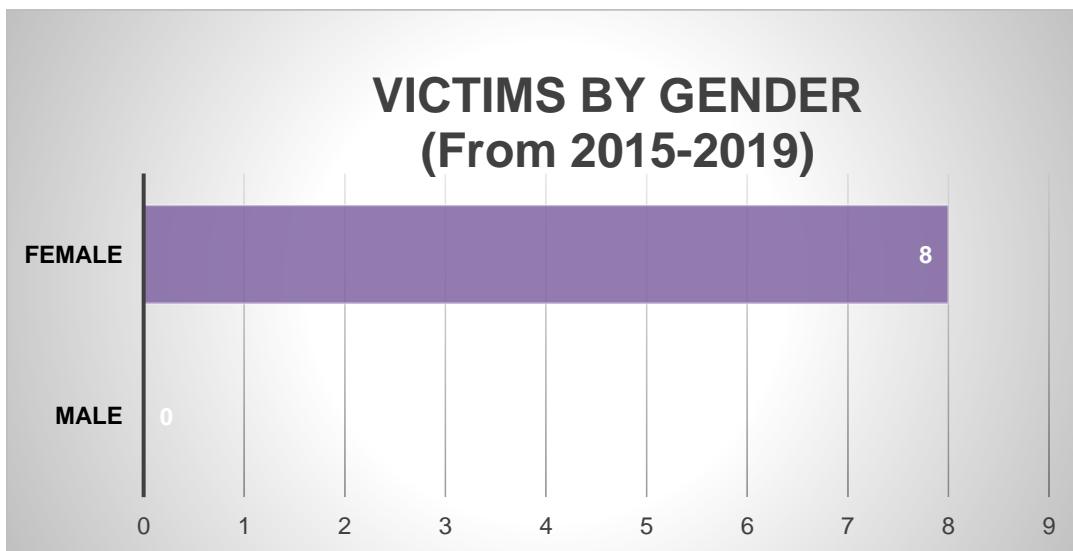
Events shown in time zone: Ponape Time Google Calendar



## HUMAN TRAFFICKING CASES: DISAGGREGATED DATA 2015-2019



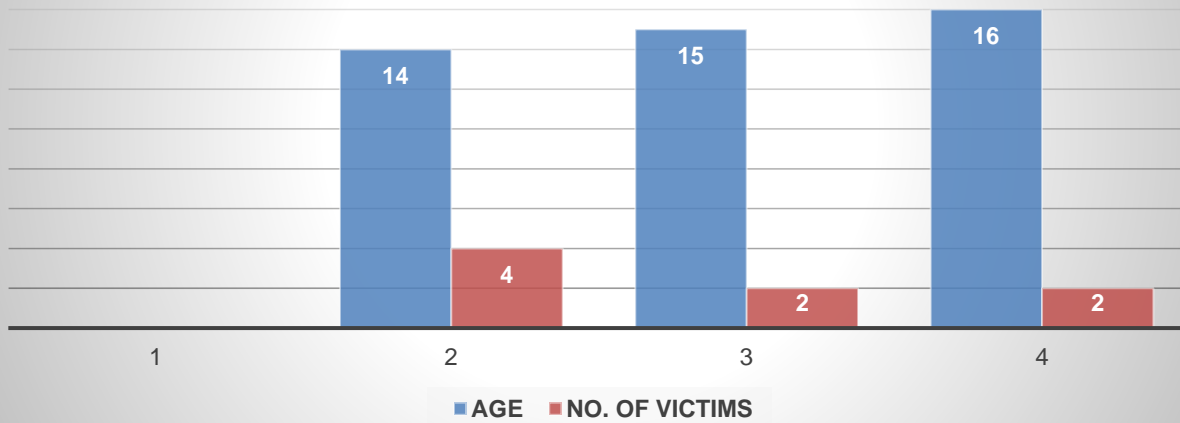
There were no Human Trafficking cases filed in 2019. There remains two pending cases from 2017-2018. Below are the disaggregated data:



**All victims in Human Trafficking cases were Females.**

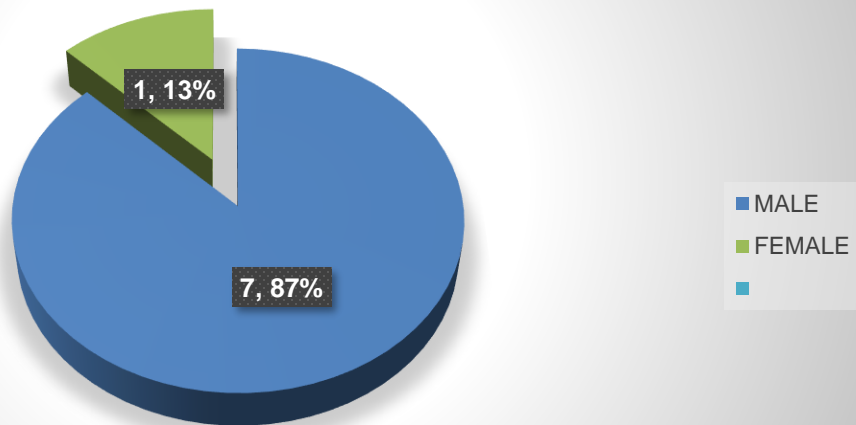


### VICTIMS BY AGE (2015-2019)



All victims in human trafficking cases were minors, ages 14 to 16.

### DEFENDANTS BY GENDER (2015-2019)



In Human Trafficking Cases filed since 2015, there were seven Male defendants and one Female defendant. Defendants' ages range from 30-50 years old. All defendants were either family members or known acquaintances of the victims.



## FSM SUPREME COURT 2019 ANNUAL REPORT

### FSM SUPREME COURT CONTINUES TO SUPPORT TRIAL COUNSELOR CERTIFICATE PROGRAMS FOR LOCAL PRACTITIONERS



## JUSTICE OMBUDSMAN DIVISION

### Role

The Ombudsman Division's primary roles within the FSM Judiciary is to carryout probation officer functions for the Court, provide assistance in translation or interpretation of Court proceedings, and serve as Court Marshals. Ombudsmen of the FSM Supreme Court are also empowered to serve as Assistant Clerk of Courts.

### Mission

The Ombudsman's mission as probation officers of the FSM Supreme Court is to provide safety to Probation Crimes Victims and the Community as a whole through Enforcement of Court Orders and Probation Conditions, to address offenders' rehabilitation needs, and to reduce recidivism.

### Goals

The goals of the Ombudsman Division are:

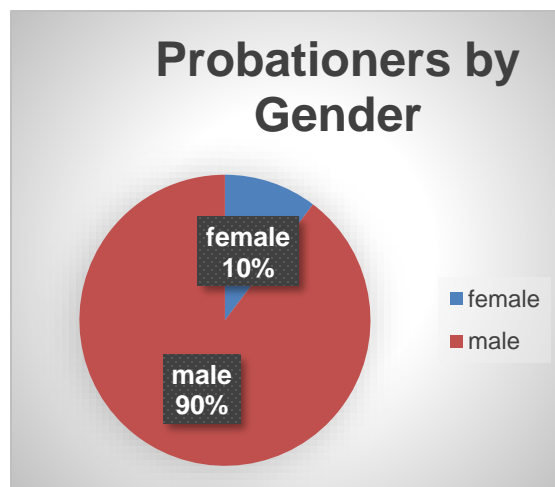
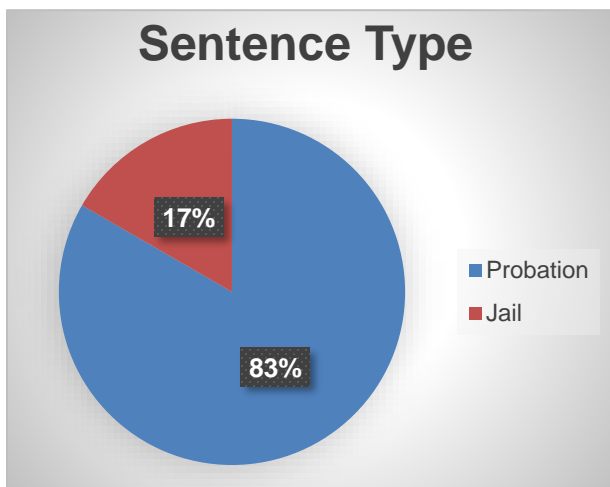
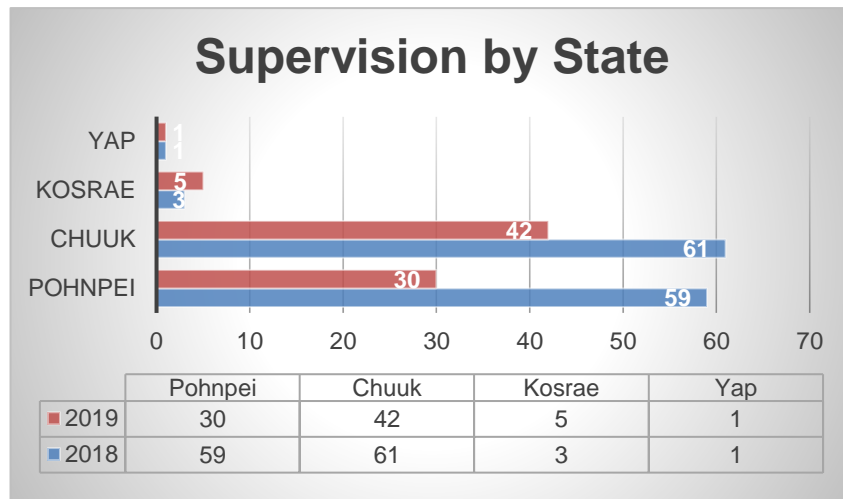




1. To incorporate law enforcement and community supervision strategies by responding & employing innovative, best practices, and services for victims and offenders on rehabilitative needs.
2. To provide adequate community supervision services.
3. To provide annual trainings for probation officers to execute their roles and functions effectively and efficiently.
4. To collaborate with Probation Officers in the four State Courts within the FSM and the neighboring Jurisdictions in sharing of resources and capacity building in order to promote efficient and effective probation services in our unique islands communities.

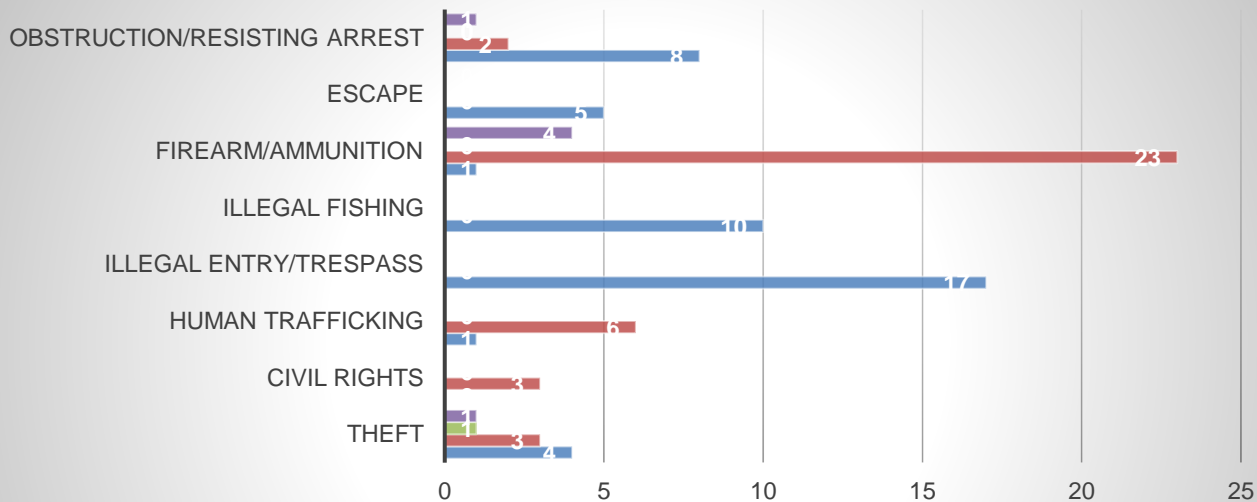
During the calendar year 2019, there were 78 defendants under the supervision of the Office of the Ombudsman. Chuuk Justice Ombudsman supervised 42, Pohnpei 30, Kosrae 5, and Yap 1. There is a 35% decrease in the number of cases

being monitored by the Ombudsmen's Division from 2018. This is due to defendants servicing their Court ordered sentences satisfactorily. Of the 78 defendants, 11 are serving their sentences in jail and 55 are serving their sentence on probation. 12 defendants were under pretrial release awaiting trial or sentencing.





### Offenses



	theft	civil rights	human Trafficking	Illegal entry/trespass	Illegal Fishing	Firearm/ammunition	Escape	Obstruction/Resisting arrest
■ Kosrae	1	0	0	0	0	4	0	1
■ Yap	1	0	0	0	0	0	0	0
■ chuuk	3	3	6	0	0	23	0	2
■ pohnpei	4	0	1	17	10	1	5	8

### LIBRARY AND PUBLICATIONS

#### FSM SUPREME COURT LAW LIBRARIES (FSMSCLL)

#### KASELEHLIE, RAN ALLIM, MOGETHIN, AND LEN WO!



2019 was a busy year, and a year of solid effort with good results. The FSM Supreme Court Law Libraries (FSMSCLL) continue to use every resource at our disposal to ensure we provide the highest standards of service to those in need of legal support. Reading through this annual report you will find an array of programs, events, partnerships and initiatives that go to the heart of our mission: To ensure that the FSMSCLL provide current and comprehensive legal reference and information services to the judiciary, bar members and the general public throughout the four FSM States. In line with our mission to provide free access to all persons interested in legal information is our goal to provide the best



## FSM SUPREME COURT 2019 ANNUAL REPORT

resources possible, so everyone may have access to justice. “The first duty of society is justice.”

These all show that the law libraries have never been more invigorated and involved. During the year our two main priorities were: expanding and improving our services to our customers, and expanding and improving our division capability to develop and deliver those services effectively and efficiently. We believe that people need timely access to relevant legal information to make sound legal arguments and wise legal decisions.

The FSMSCLLs are more than a place to study and research. Throughout all of our four branches in Pohnpei, Chuuk, Yap and Kosrae, it creates a community center where people can find answers, and lawyers and business people can network with each other and their clients.

Navigating the complexity of legal information can be intimidating. The FSMSCLL can help guide you to the right resources for your specific need. We are available onsite as well as online through the law library email at [lawlibrary@fsm-supremecourt.org](mailto:lawlibrary@fsm-supremecourt.org) for document delivery and reference questions.



We Love that:

- [#Law Libraries](#) are both trusted & radical.
- [#Law Libraries](#) are adapting to community needs.
- [#Law Libraries](#) are staffed by some pretty amazing people.
- [#Law Libraries](#) are part of the solution.

### Advancing the strategic plan

The FSMSCLL is driven by its Strategic Plan for 2018-2022 as the navigational compass for its continuing voyage towards excellence with its five main goals that include:

1. *Goal: Develop the Library’s Information Resources*
2. *Goal: Improve Access to Information Resources*
3. *Goal: Improve the Library Physical Facilities*
4. *Goal: Establish a Strong Presence and a Cooperative Relationship Within and With the Larger Community*
5. *Goal: Foster A Team-Based Workplace Environment*

### Library Strategic Plan



### Goal #1: Develop the Library’s Information Resources

**OBJECTIVE A: Select Information Resources in All Publication Formats.**



## FSM SUPREME COURT 2019 ANNUAL REPORT

The FSMSCLL’s collections in all the four FSM states (Pohnpei, Chuuk, Yap and Kosrae) continued to expand its services to all by making sure all its publications are available both in print and electronic formats. The libraries also continue to update and post all the decisions from volume 1 to 21 of the FSM Reports on our court websites including the Pacific Islands Legal Information Institute’s (PacLII) website at <http://www.pacii.org/countries/fm.html> for easy access.



This year the collections of the FSMSCLL are replenished with valuable donations. The donors are either natural and legal persons or institutions.



We are always grateful to each of our supporters, because received donations give us an opportunity to enrich the collections of the FSMSCLL. The FSMSCLL gratefully acknowledges the generosity of its donors and benefactors who have supported our law libraries through the year.

### **DONATIONS: Total volumes donated = 134**

Title	#	DONORS
Fundamentals of Trials Techniques (2d Ed.)	1	Tammy Davis, Esq.
Hawaii Appellate Reports	10	U.S. Courts Library (Honolulu)
Federal Land Use and Litigation (2017)	1	U.S. Courts Library (Honolulu)
Dobbs on Remedies	1	U.S. Courts Library (Honolulu)
McCormick on Evidence, 2nd ed.	1	U.S. Courts Library (Honolulu)
Federal Rules of Evidence Manual by Saltzburg, 3rd ed.	1	U.S. Courts Library (Honolulu)
Legal Writing Style by Weihofen	1	U.S. Courts Library (Honolulu)
Gilbert Outline on Federal Courts	2	U.S. Courts Library (Honolulu)





## FSM SUPREME COURT 2019 ANNUAL REPORT

Webster's New Collegiate Dictionary	1	U.S. Courts Library (Honolulu)
Physician's Desk Reference (2016)	1	U.S. Courts Library (Honolulu)
Public International Law in a Nutshell, 5th ed.	1	U.S. Courts Library (Honolulu)
Federal Disability Law in a Nutshell, 5th ed.	1	U.S. Courts Library (Honolulu)
Intellectual Property in a Nutshell	1	U.S. Courts Library (Honolulu)
Federal Reporter 3d – v.750-849 (FSMSCLL in Kosrae State)	99	U.S. Courts Library (Honolulu)
Proving Federal Crimes	1	U.S. Courts Library (Honolulu)

### Goal #2: Improve Access to Information Resources

#### OBJECTIVE A: Promote Library Resources.

**Outreach to PIALA & LAMP:** As a member of these two regional and local library associations, the FSMSCLL took advantage of its membership privileges by doing outreach at all levels for the *Pacific Association of Libraries, Archives, and Museums (PIALA)* and the *Libraries, Archives, and Museums of Pohnpei (LAMP) Association* to share with the librarians how to use the information and resources available at the court libraries and on the FSMSCLL's website. Librarians, archivists, museum curators, and the legal communities can use the information to



direct their users to resources available to help them with their legal questions.

**Legislative Outreach:** Outreach to local and state government officials reminds them of the law library's existence and what a valuable resource it is to its constituents. Part of the outreach is a new website made for the Kosrae State Legislative Branches that is now linked on the FSMSCLL website. The Kosrae State Legislative Branch website was created by the FSMSCLL Chief Law Librarian & Publication Manager Mr. Helieisar with the intention for their laws to be available and accessible to everyone.





**Visitors:** The orientation focused on touring the law library and the legal website to locate print and electronic materials to find answers to real life reference questions. The FSMSCLL strives to provide a welcoming environment where users feel comfortable asking staff for assistance in finding materials that address their specific legal issues.

**Library Brochures:** The FSMSCLL continues to publish monthly brochures on its activities and make them available on its website.

**Goal #3: Improve the Library Physical Facilities**

**OBJECTIVE A: Construct a New Law Library**

**Library Dream Meaning:** What does a new library mean in your dream? Seeing a new law library for the FSM Supreme Court is associated with knowledge, investigations, but also with the past. The dream for a separate FSMSCLL building is still ongoing as the FSMSCLL is working with the FSM National Government to secure funding to make this dream library come true.

**OBJECTIVE B: Make Law Library More Hospitable**

The unique blend of services provided by the FSMSCLL include, without limitation, service support of education and providing inviting learning spaces for collaboration and legal research.

During the second quarter of FY2019, the FSMSCLL hosted the quarterly meeting for all staff of the FSM Supreme Court. The objective of the quarterly staff meeting is to provide updates, deliver announcements, solicit feedback, share information and participate in a team environment. The meetings also used for a variety of administrative purposes, from exchanging information to making announcements and conducting team-building exercises.



**Goal #4: Establish a Strong Presence and a Cooperative Relationship Within and With the Larger Community**

**OBJECTIVE A: Increase Public Visibility-Locally, Regionally and Nationally**

The FSM Supreme Court Law Library was represented at several quarterly, annual and semi-annual events geared towards the legal community. The following events were attended:



## FSM SUPREME COURT 2019 ANNUAL REPORT

- New FSM Bar Member Swearing in Ceremonies (June, October & December)
- The Pacific Islands Association of Libraries, Archives, and Museums Annual Conference (November)
- The 19<sup>th</sup> FSM Judicial Conference (August)
- National Law Day Activities (July)
- Libraries, Archives, and Museums of Pohnpei Quarterly Meetings (March, June, September)

These events provide opportunities to distribute information about the law libraries' services and resources to new members of the legal community. In addition to attending these events, FSMSCLL regularly attends other events and monthly meetings sponsored by local library associations.

### Goal #5: Foster A Team-Based Workplace Environment

#### **OBJECTIVE A: Provide Instruction and Professional Development For Staff**



The law library is open five days a week, Monday – Friday for a total of 40 hours a week with one full time and six supporting staff assisting. The law library continues to collaborate with the College of Micronesia-FSM Work Study Program to students who are interested in pursuing various careers within the legal field such as that of law librarian, attorney, or paralegal.

An orientation for new staff was devised to introduce them to the law library with the objective of helping them to help themselves as soon as possible. The orientation includes a tour of the law library, a review of library rules and practices and the FSMSCLL website.

For more details on the operation, accomplishments and other activities for the FSMSCLL, they will be included on the 2019 FSMSCLL Annual Report available on its website. I would like to thank the FSM Supreme Court staff, all users, and the legal community that made 2019 another successful year for the FSM Supreme Court Law Libraries (FSMSCLL). With all of their continued involvement and support, I look forward to another successful year in 2020.



Address and Phone:  
P.O. Box PS J  
Pohnpei, FM 96941  
Phone:(691) 320-2763/64

Operating Hours:  
Monday - Friday  
8:00 a.m. – 5:00 p.m.

Weekends & Holidays  
Closed





ASSOCIATE JUSTICE BEAULEEN CARL-WORSWOCK  
FEATURED IN "FSM INSPIRATIONAL WOMEN" BOOK, 2019

# Beauleen Carl-Worswick

## POHNPEI State



**EDUCATION:** "After completing high school and college, my dream became a reality in 1987 when I was admitted to attend Gonzaga University School of Law in Washington State, U.S.A. As I face the inevitable uncertainty of attending law school, I had my share of fears and doubts like everyone else preparing to embark on an unknown destiny. Nonetheless, my mother said to me, "If it is your will, then I know you can do it". My mother's word of encouragement and vote of confidence in my ability to

succeed was an inspiration. It renewed my strength to pursue my dream against all odds as I had imagined them to be. I made up my mind then and I was determined to reach my goal. I worked hard in school. It was not easy but I had a goal to reach."

### My advice for young women:

**Set aside all imaginable barriers, to dream and rise to your full potential because you can do it – but never lose sight of Proverbs 1:7!**

### MY INSPIRATION:

"A short synopsis of my journey and inspiration in life began with a dream I had as a young girl. I was about nine (9) years old when my father was inducted in 1971 as a district court judge for the Ponape District Court during the Trust Territory period. My father was my inspiration — I aspired to walk in his footsteps, to become a lawyer someday. I started my journey in 1979 when I left Pohnpei to complete high school in Hawaii. At that time, my father shared with me a biblical quote, Proverbs 1:7, that says, "The fear of the LORD is the beginning of knowledge". He reminded me that "knowledge begins with our Lord GOD in heaven" and I must always remember it. This verse became my favorite quote and one I would share with our young generations."



### Words from Beauleen:

Looking back today, I am truly indebted to my parents, family and friends who were a part of my journey; my husband and children for their unwavering love and support in my role as a Justice of the FSM Supreme Court.





SUPREME COURT of the FEDERATED STATES OF MICRONESIA

BEAULEEN CARL WORSWICK Associate Justice

DENNIS K. YAMASE Chief Justice

LARRY WESTWORTH Associate Justice

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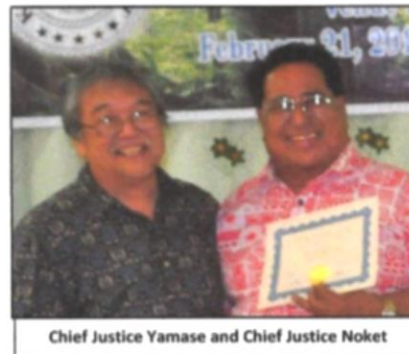
POHNPEI STATE P.O. Box PS-J Palikir Station Palikir, Pohnpei FM 96941 Ph: (691) 320-2357/2763/2764 FAX: (691) 320-2756

YAP STATE P.O. Box 546 Colonia, Yap FM 96943 Ph: (691) 350-2159 FAX: (691) 350-2336

A Tribute to The Honorable Camillo Noket, Chief Justice of the Chuuk State Supreme Court

By Chief Justice Dennis K. Yamase, FSM Supreme Court May 18, 2020

On Monday, May 11, 2020, the Supreme Court of the Federated States of Micronesia (FSM), received the very sad news of the passing of the Honorable Camillo Noket, Chief Justice (CJ) of the Chuuk State Supreme Court (CSSC) in Manila, Philippines on May 4, 2020.



Chief Justice Yamase and Chief Justice Noket

All of the FSM Supreme Court Justices and staff share in the sorrow of CJ Noket's unexpected and untimely passing. CJ Noket served on many FSM Supreme Court appeals when our constitutionally appointed Justices were unable to serve due to conflicts. In addition to being the Chief Justice of the Chuuk State Supreme Court (CSSC), CJ Noket was an important and integral part of our Court as well, and we will all miss him greatly.

CJ Noket accomplished so much as the Chief Justice of the Chuuk State Supreme Court. I remember when he first took over the leadership of the CSSC in 2006. The Court had been struggling with a lack of leadership and was encountering problems of corruption. As soon as CJ Noket took over as Chief Justice, he took strong and effective action to immediately prevent any more unethical conduct in his court. In a very short time he dealt with the problem and stopped it completely. I credit him for taking this action and setting his court's operations back on track. Only a man with strong leadership skills and the respect of his community could have taken this kind of decisive and effective action.





Recently, Chief Justice Noket had undertaken a new and important project to upgrade his court's facilities. He had renovated most, if not all, of the court's courtrooms, offices, and meeting rooms. When he opened his newly renovated court facilities those of us who were there marveled at the changes he had managed to make. It was like a brand new court building. It was only with his vision and expectations for the future of his court that he had managed to accomplish so much, so quickly, with so little.

For many years, CJ Noket had exhibited his leadership skills as the Federated States of Micronesia Attorney General, the Directing Attorney of Micronesian Legal Services Corporation (MLSC) office in Chuuk State, and as a member and President of the Pacific Judicial Council (PJC). At the time of his passing he was serving as the President of the PJC.

As President, he worked very hard to help organize and conduct numerous training programs for the judges of our immediate area in the Pacific. He himself attended many training programs of the PJC, the National Judicial College (NJC), the Micronesian Legal Services Corporation (MLSC), the Pacific Judicial Strengthening Initiative (PJSI)(run by the Federal Court of Australia and with funding support by New Zealand), the University of Hawai'i Richardson School of Law, the American College of Trial Lawyers, and the FSM Supreme Court.

Chief Justice Noket understood the importance of continued legal education to help advance the skills of the judges and attorneys in the region. Especially those who like himself had not had the benefit of a formal legal education. He had himself benefited from these kinds of programs in being the first FSM citizen who had passed the FSM Bar Exam without having graduated from a law school. He was also the first FSM citizen trial assistant to be admitted to practice law before the Trust Territory High Court as an attorney by Chief Justice Alex R. Munson.

He was the FSM Attorney General at a time when I was the Legislative Counsel of the FSM Congress and it was during this time that I got to know CJ Noket well and I came to respect his actions as the Nation's top law enforcement officer. Even though he and I might have disagreed at times, I always found that his actions as the Attorney General were sound and fair. He was always a very level headed leader and always carefully considered both sides of an issue before making a decision.





I think it was CJ Noket's various experiences that made him such an effective leader for his court and his beloved State of Chuuk. He had worked for many years in both the executive and judicial branches of his state and the national government, he had headed the MLSC office in Chuuk for many years, and he was a high traditional leader. All of these experiences helped to hone his skills as an effective leader and judge for the State of Chuuk and the FSM.

I will be one of his many friends who will miss his leadership and sense of humor dearly. Very simply, things will not be the same without him. To his wife Anna and family, and the people of Chuuk, my Court and I, express our sincere condolences and we share in your sorrow over the loss of a great judge and leader.



# FSM SUPREME COURT 2019 ANNUAL REPORT

## FSM NATIONAL JUDICIARY ISSUES EMERGENCY ORDER NO. 1 FOR COVID-19



### SUPREME COURT of the FEDERATED STATES OF MICRONESIA

BEAULEEN CARL-WORSWICK  
Associate Justice

DENNIS K. YAMASE  
Chief Justice

LARRY WENTWORTH  
Associate Justice

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### FSM NATIONAL JUDICIARY EMERGENCY ORDER No. 01 Issued April 3, 2020

The FSM National Judiciary is carefully monitoring the Coronavirus (COVID-19) situation throughout the Nation. This Emergency Order No. 01 focuses on fulfilling three key responsibilities of the FSM Supreme Court: (1) to protect the health and safety of court users, judicial branch employees, and the public who utilize court facilities and services; (2) to maintain all critical judicial branch functions; and (3) to provide appropriate judicial input to the process of protecting the health, safety, and welfare of the public during this critical time.

The FSM National Government and States have been preparing and responding to this pandemic situation. We will collaborate with the state public health partners, as well as the National and State COVID-19 Task Forces to closely monitor the situation to ensure the health and safety of our court judiciary community, court stakeholders, and the public.

The FSM Supreme Court courthouses must remain open for various necessary functions, but everyone should reduce trips to the courts to help reduce community transmission of COVID-19 and further protect employees of the courts who must interact with and serve the public.

#### Clerks' Office Remains Open

It is imperative that the FSM Supreme Court Clerks' offices and courts in each state remain available for urgent and emergency matters, or for other proceedings which cannot be conducted remotely. Our Courts currently have the capability to conduct teleconferences when appropriate. Justices and Clerks are advised to extend teleworking options to the degree possible to reduce the risk of transmission of COVID-19. You should consider what options are available to you and use them to the greatest extent feasible. The Court's current office hours will be reduced as follows:

Monday to Friday: 9:00 a.m. to 4:00 p.m. (not including FSM Holidays).



Court's Telephone Numbers: Pohnpei -- (691)-320-2357/2763; Chuuk -- (691) 330-2908/2397; Yap -- (691) 350-2159; Kosrae -- (691) 370-3185.

### **Extension of Court System Deadlines**

The Court is extending filing deadlines and further curtailing other court processes. Any pleadings, motions, notices, discovery, and other documents and papers due to be filed from April 3, 2020 to April 30, 2020 will be deemed timely filed if received before the close of business on Friday, May 22, 2020. This deadline may be extended in writing at a later date. This requirement does not apply to documents and papers due to be filed or acts due to be done in the Appellate Division.

### **Teleconferencing & Videoconferencing Allowed**

The FSM Judiciary will allow or require anyone involved in any civil hearing, deposition or other proceeding of any kind, including a party, attorney, or witness to participate remotely, such as by teleconferencing, videoconferencing, or other means. A request to do this must be filed with the Court at least three days in advance of the hearing or proceeding.

The Court will require every participant in a proceeding to alert the Court if the participant has, or knows of another participant who has, COVID-19 or flu-like symptoms, or a fever, cough, or sneezing.

The Court will take any other reasonable action to avoid exposing court proceedings and the general public to the threat of COVID-19.

### **E-Filing**

The Court accepts e-filing by FSM Bar members. If you have not been registered for e-filing, it is recommended that you do so now by contacting the Clerks' Office.

### **Preparation and Response**

While there is currently no need for alarm, courts should prepare now to ensure a proper response if an outbreak of COVID-19 occurs in the FSM.

- Courts should consider and identify who is authorized to make decisions in an emergency including evacuation (partial or total) and the closing of court operations.
- Courts should consider which functions are essential and must continue if an outbreak occurs.
  - Essential functions are typically divided into those that are necessary in the first 7 days, 7-30 days, 30-90 days, and 90+ days.



- Examples of essential functions that must occur in the first 7 days include: criminal proceedings, such as initial appearances, temporary restraining orders, juvenile detention hearings, and family violence protective orders.
- Courts are encouraged to delay non-essential functions in the event of an outbreak and to reduce the need for large numbers of possibly infected people to congregate.
- Courts should consider which staff are essential and which staff could stay home if court functions are to be discontinued or reduced.
- Courts should prepare now for the possibility of permitting staff to work remotely, including considering the technology needs for that to occur.
- Courts should consider which proceedings could occur by telephonic or video remote appearances. This may include using “low-tech” solutions such as teleconferencing, Facetime, Skype, or some other common remote appearance tool.
  - Courts should plan how to notify self-represented litigants, witnesses, and others of the remote appearance technology.
  - Some courts have begun to place wording on orders setting hearing and docket notices reminding attorneys/parties to contact the court if they are ill.
- Courts should consider how to promptly communicate the activation of plans to judges, courts staff, and the public.
  - Some courts have posted notices or entered orders encouraging or requiring attorneys and parties to notify the court if they (or their clients) are experiencing symptoms.

### **Important Personal Protection/Prevention Recommendations**

The most important steps in responding to the virus is prevention. The United States Center for Disease Control (CDC) has issued the following prevention tips:

- Avoid close contact with people who are sick.  
It is recommended that you maintain at least 6-8 feet between you and a person who is symptomatic to reduce the risk of spread of the COVID-19;
- Avoid touching your eyes, nose, and mouth.
- Stay home when you are sick.  
Judges, court employees, attorneys or litigants who are sick should be encouraged to stay home and seek medical attention.
- Cover your cough or sneeze with a tissue (or into your arm if a tissue is not available); then throw the tissue in the trash.
- Clean and disinfect frequently touched objects and surfaces using a household cleaning spray or wipe.





## FSM SUPREME COURT 2019 ANNUAL REPORT

- While some might think that the use of a facemask is necessary or advisable, the CDC does not recommend the use of a mask for people who are well, as they are less effective at preventing infection and are in short supply for health care workers. However, the CDC has recommended that Courts consider providing facemasks to individuals who are showing symptoms of COVID-19 to help avoid spread of the virus to others.
- Wash your hand often with soap and water for at least 20 seconds, especially after going to the bathroom, before eating and after blowing your nose, coughing or sneezing.
- Practice good personal hygiene.

With the cooperation of Court employees, Court users, and the general public we can prevent the entry and spread of COVID-19 in the FSM. We ask for the assistance of everyone in this effort and together we will prevent the entry and spread of the virus.

Thank you, stay healthy, and best regards,

A handwritten signature in black ink, appearing to read "D. K. Yamase".

Dennis K. Yamase  
Chief Justice  
Supreme Court of the Federated States of Micronesia





**INFRASTRUCTURE IMPROVEMENTS**

**IMPROVED LIGHTING SURROUNDING COURT PREMISES; SIGNAGE**







**OVERHANG PARKING; DISABILITY PARKING**





## **CONTACT US:**

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**Mailing Address**

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**•Mailing Address  
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96944**

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[webmaster@fsm-supremecourt.org](mailto:webmaster@fsm-supremecourt.org)**