

FSM SUPREME COURT ANNUAL REPORT 2014-2017



Compiled by Emeliana J. Musrasrik-Carl,

Director of Court Administration



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CONSTITUTIONAL MANDATE

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.

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.



FSM Supreme Court gavel

As an independent branch of the FSM National Government, the FSM Judiciary holds accountable its efficiency using the nation's limited resources to effectively carry out its constitutionally mandated responsibilities.



The FSM Supreme Court's Annual Report, structured around the five-years of the judicial branch's strategic development plan, provide a detailed account of the court system's activities, programs, initiatives, and developments throughout the preceding fiscal year. The annual report also supply court filings data as well as information about the structure of the FSM judiciary, the Court's budget and appropriations.

Justices neckpiece:

Traditionally made from hibiscus and banana fiber. Traditional designs depict the four pillars representing the FSM states: Pohnpei Chuuk, Yap and Kosrae. The color blue represents the Pacific Ocean. The overlap represents the transition from the Trust Territory of the Pacific Islands to the ratification of the FSM Constitution. The mirror image denotes the two sides in a case. The woven background represents a local mat which signifies the basic foundation of a family structure, a community, a state, a country and a nation.



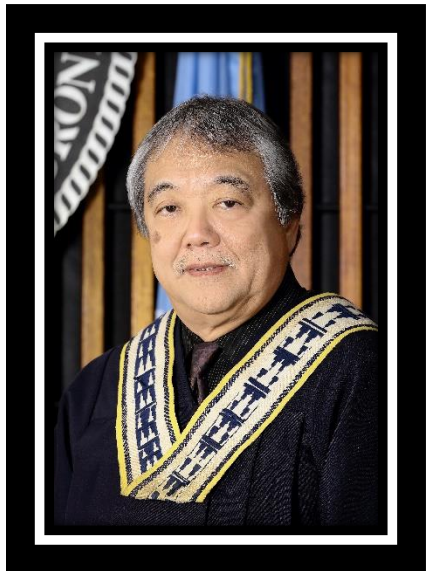


FSM Supreme Court – Palikir, FSM





MESSAGE FROM THE CHIEF JUSTICE



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

June 28, 2018

After a period of several years, the FSM Supreme Court has produced an Annual Statistical Report for the years 2014 to 2017, bringing it up to date with the filing of Annual Statistical Reports beginning in 2014.

The staff of the FSM Supreme Court, especially the Director of Court Administration and the Chief Clerk of Court and their staffs should be recognized for putting in the hard work that it takes to produce this report. It is a tedious and time consuming exercise, but the Court makes its pledge to produce this report in a more regular and timely manner from this point forward.

The importance of this report for the evaluation of the Court's performance, efficiency, and transparency cannot be understated. This Annual Statistical Report 2014-2017 contains data that are important to evaluate the Court's performance for these years. It is also a mechanism by which the Court can plan for future improvements in its operations, especially in case flow management, the collection of important statistics, including disaggregated data, reversal rates, and the analysis of what the data indicate.

The process of gathering and analyzing information on court cases and case-related data is an important management exercise that keeps the Court leaders abreast of what the Court is doing and how it is performing. The reported outcomes provide Court leaders a better understanding of how the Court is doing based on established standards of court performance. Through the Pacific Judicial Strengthening Initiative (PJSI), the Court has adopted the Cook Island indicators of court performance (2015), along with an additional five indicators adopted in the Third Chief Justices' Leadership Forum in Auckland, New Zealand in April, 2018.



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Should there be a need for improvements or changes in court procedures and services, it is best to base them upon facts and conclusions mainly drawn from information provided by this Annual Statistical Report. Internally, this report is critical for court management purposes. Externally, the report gives indications of the state of the Court's operations and services.

The 15 key performance indicators are universal measuring tools that are excellent guides for our Court. I am sure there may be other unique indicator(s) that are relevant to our own particular court operations, but whether key performance indicators are common or unique, the ultimate performance goal for all courts should be to ensure justice is done in accordance to the rule of law and in a timely, fair, and objective manner.

The Court's staff is encouraged to continue working together to collect, analyze, and present these statistics, and to continue to expand the types and categories of data that are collected, including disaggregated data. For this Annual Statistical Report, disaggregated data on the parties involved in the lawsuit, the victim(s), and the gender of each, have been included for the first time. Additionally, the results of a user survey that was conducted in May – June, 2018 have also been included.

For any judiciary, the collection, compilation, and examination of court statistics is a vital task that will allow a court to reflect upon its own performance and to make improvements, so that it will better serve the Court's numerous stakeholders and the general public. This will contribute much to the Court's accomplishment of its overall mission for the fair and objective administration of justice for all.

Sincerely yours,

/s/

Dennis K. Yamase

Chief Justice, FSM Supreme Court



JUSTICES OF THE COURT



CHIEF JUSTICE
DENNIS K YAMASE



ASSOCIATE JUSTICE
BEAULEEN CARL-WORSWICK



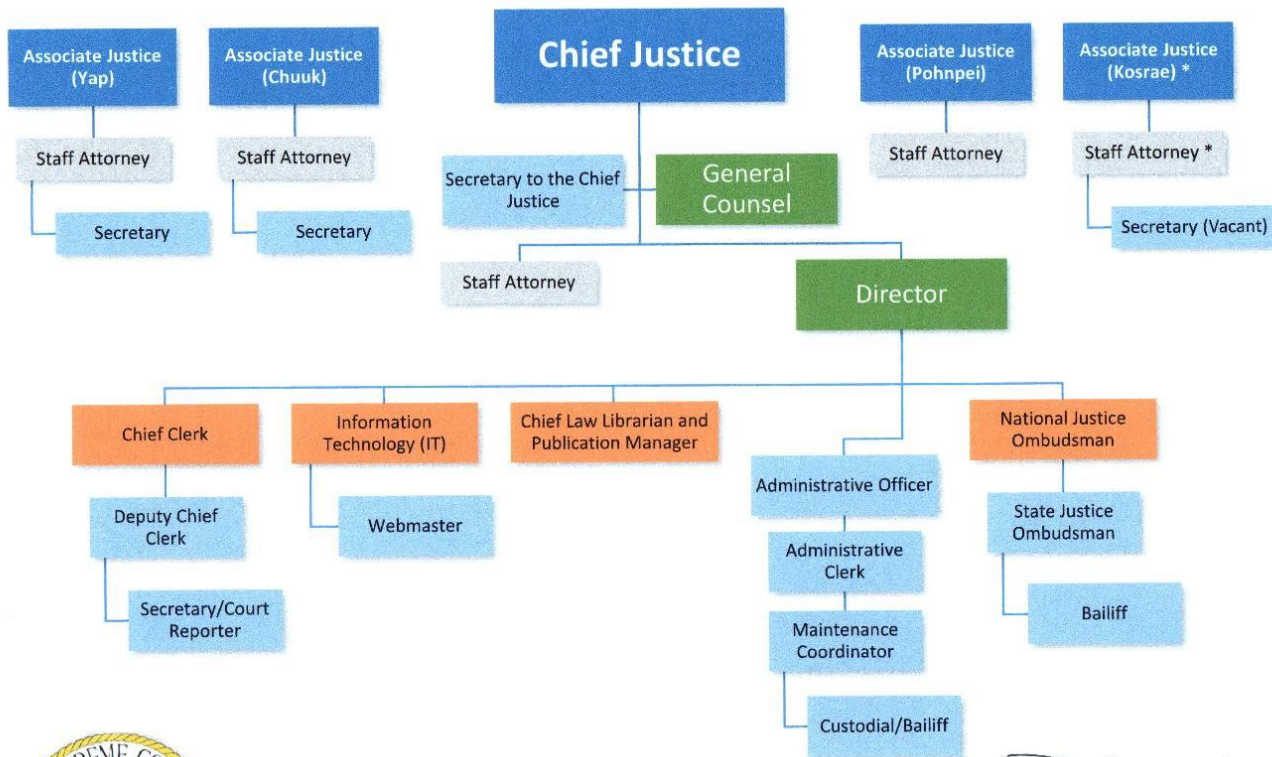
ASSOCIATE JUSTICE
LARRY WENTWORTH



FSM SUPREME COURT ORGANIZATIONAL CHART

FSM Supreme Court Organizational Structure

August 17th, 2018



Legend * Position not budgeted in the fiscal year

Approved T.H. Dennis K. Yamase
Chief Justice
Date 8/17/18



STAFF OF THE COURT



Emeliana Musrasrik-Carl
Director of Court Administration



Daniel Rescue Jr.
General Counsel



Sandy Albert
Chief Clerk



Belan Yoma
National Justice Ombudsman



Atarino Helleisar
Chief Law Librarian & Publication
Manager



Ivan Kadanaged
IT Manager



Johnathan J. Abrams
Staff Attorney



Carleila Carl-Edgar
Staff Attorney



Thomas Thiesen
Staff Attorney



Lorina Pernet
Secretary to Chief Justice



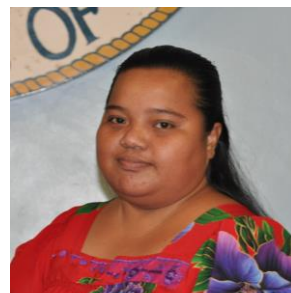
Emiliani T. Gilpong
Secretary to Associate Justice



Atrina Soichy
Secretary to Associate Justice



Pihna Sohl
Administrative Officer



Gina Nowell
Administrative Assistant-Chuuk



Cheryl-Ann Freeman
Administrative Assistant



Teddy Hasgjlubung
Webmaster





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Senda Helgen
Deputy Assistant Clerk



Joyleen Wichep
Secretary / Court Reporter



Mayleen David
Secretary / Court Reporter



Lovelynn Berden
Clerk of Court - Chuuk



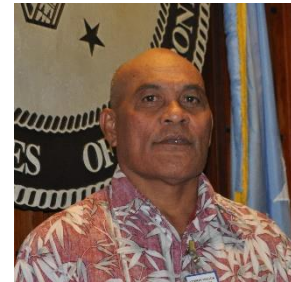
Harry Narruhn
State Justice Ombudsman-TKK



Johnny Peter
State Justice Ombudsman-PNI



Peter Garangmau
State Justice Ombudsman-YAP



Linson Waguk
State Justice Ombudsman-KSA



Keske Jacob
Bailiff



John Junior
Bailiff



Altrickson Anson
Maintenance Supervisor



Rita Ylememog
Custodial Worker-Yap



Elimihma Else
Custodial Worker-Pohnpei



(NAME??)
Custodial Worker-Chuuk



MISSION

- To serve the people of the Federated States of Micronesia through timely and fair administration of justice for all, by discharging its judicial duties and responsibilities in accordance with the Constitution, laws, custom and tradition of the Federated States of Micronesia.

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.

VALUE

- These 10 core values represent the FSM Supreme Court's organizational ideals and desired standards of behavior for its employees:
 1. Accessibility
 2. Certainty
 3. Competence
 4. Equality before the Law
 5. Fairness
 6. Impartiality
 7. Independence of Decision Making
 8. Integrity
 9. Timeliness
 10. Transparency



FSM JUDICIARY BASELINE REPORT

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

	TYPE	INDICATOR	2014	2015	2016	2017
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				
5	Access	Percentage of cases that are granted a court fee waiver				
6	Access	Percentage of cases disposed through a court circuit				
7	Access	Percentage of cases where party receives legal aid				
8	Complaints	Documented process for receiving and processing a complaint that is publicly available				
9	Complaints	Percentage of complaint received concerning				



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		a judicial officer				
10	Complaints	Percentage of complaints receiving concerning a court staff member				
11	Human Resources	Average number of cases per judicial officer				
12	PacLII	Average number of cases per court staff				
13	Judicial Transparency	Court produces or contributes to an Annual Report that is publicly available				
14	Judicial Transparency	Information on court services is publicly available				
15	Judicial Transparency	Judgments on PacLII				

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.



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FSM JUDICIARY'S BUDGET APPROPRIATIONS: 2014-2017

CATEGORIES	2014	2015	2016	2017
PERSONNEL	\$777,911	\$777,521	\$837,024	\$899,127
TRAVEL	\$147,015	\$147,015	\$157,791	\$161,525
CONTRACT SERVICES	\$120,300	\$166,094	\$177,694	\$178,025
OTHER CURRENT EXPENSES	\$175,305	\$190,806	\$190,806	\$182,694
FIXED ASSETS	\$ 49,000	\$ 30,000	\$ 36,100	\$ 32,000
TOTAL APPROPRIATION	\$1,269,532	\$1,311,436	\$1,399,415	\$1,453,371

The Five Strategic Goals

FSM Supreme Court identified five strategic goals. Listed below are deliverables under each goal:



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SJ1

- Adopt and implement sound management and administrative practices

SJ2

- Modernize technology, library resources, and court facilities

SJ3

- Meet the challenges of serving four geographically separated and culturally unique Pacific Island states

SJ4

- Promote professionalism in the Judiciary and the legal profession

SJ5

- Increase public understanding and maximize access to the court

JS1: ADOPT AND IMPLEMENT SOUND MANAGEMENT AND ADMINISTRATIVE PRACTICES FOR BOTH JUDICIAL AND OPERATIONAL RESPONSIBILITIES AND PROCESSES:

- ✓ **OnBase system updated in all four states;**
- ✓ **Staff training on OnBase system;**
- ✓ **Input on court filed documents on OnBase system in progress;**
- ✓ **FDR electronic system upgraded in four states;**
- ✓ **Workshop conducted on General Court Orders relating to management and administration; all staff attended**
- ✓ **Upgrade of Court equipment;**
- ✓ **Skype account created to better communication among the courts;**
- ✓ **Accounting system of the court is being monitored with reports to Chief Justice on a monthly basis;**

JS2: PROMOTE PROFESSIONALISM IN THE JUDICIARY AND LEGAL PROFESSION

- ✓ **Continue partnership with Pacific Judicial Council and Pacific Judicial Strengthening Initiative for training of justices and staff;**



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- ✓ Workshop on Office Etiquette, Proper Use of Telephone, Sexual Harassment in the workplace; Work Ethics, Code of Conduct for justices and staff;
- ✓ Staff trained and certified in CPR/ER;
- ✓ Justices and staff attended the New Zealand Institute of Judicial Studies;
- ✓ Justices and staff attended Environmental Law conference;
- ✓ Division head staff trained as Training of Trainers
- ✓ Administrative staff attended workshop on Financial Management Act;
- ✓ Justices and staff attended Judicial Conference;
- ✓ Continue to encourage FSM citizens to pursue law;
- ✓ Utilized FSM law student interns during school breaks;
- ✓ Continue administration of bi-annual FSM bar examination;
- ✓ Continue administration and sponsorship of annual FSM Law Day Debate for high school students;
- ✓ Continue partnership and collaboration with COM-FSM on on-going trial counsellor certificate program for FSM citizens;
- ✓ Create alternative dispute resolution mechanisms and certified staff in progress;
- ✓ Hiring of qualified Court justices and staff;
- ✓ Continue staff upgrade and cross training for staff;
- ✓ Transferred Secretary/Court Reporter position to Chuuk to accommodate influx of cases;
- ✓ Continue provide incentive awards to exemplary employees;
- ✓ Revised job descriptions to align with duties and responsibilities;
- ✓ Created new staff bi-annual Self Performance Evaluation;
- ✓ Adopted vehicle policy

JS3: MODERNIZE TECHNOLOGY, LIBRARY RESOURCES AND COURT FACILITIES

- ✓ Completed design and specification of new library for Court in Palikir. Awaiting funding;
- ✓ Secured a 50-year lease agreement for land where FSM Supreme Court, Chuuk is situated;
- ✓ Designed plan and specification of new Courthouse in Chuuk in progress.
- ✓ Continue partnership with Hawaii Judiciary on donated library books and materials;
- ✓ Reclassified Chief Law Librarian position to Publications Manager/Librarian;
- ✓ Renovations and upgrades for Court facilities in Pohnpei and Chuuk;
- ✓ Upgraded court PA systems in Pohnpei, Chuuk, Yap and Kosrae;
- ✓ Disposed of unused, inoperable court vehicles and equipment



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JS4: INCREASE PUBLIC UNDERSTANDING AND MAXIMIZE ACCESS TO THE COURT

- ✓ **Justices and Staff attended workshop on Access to Justice;**
- ✓ **Continue publication of Court reporter, digest and updater;**
- ✓ **Continue to update court website and upload court opinions online;**
- ✓ **Continue to issue court newsletters, via local newspaper, radio announcements and website;**
- ✓ **Public education and awareness programs on Access to Courts, legal rights, and court procedures in progress;**

JS5: MEET THE CHALLENGES OF SERVING FOUR GEOGRAPHICALLY SEPARATED AND CULTURALLY UNIQUE STATES

- ✓ **Continue to provide support to field offices;**
- ✓ **Court proceedings are held in all four states for easy access of litigants and clients;**
- ✓ **Continue monitoring visits by justices and division heads to field offices;**
- ✓ **Continue monthly meetings vis skype with justices and staff;**
- ✓ **Continue collaboration and partnership with US and State Courts for designated appellate justices;**
- ✓ **Continue collaboration with State Courts on available trainings and support;**

CLERKS OFFICE

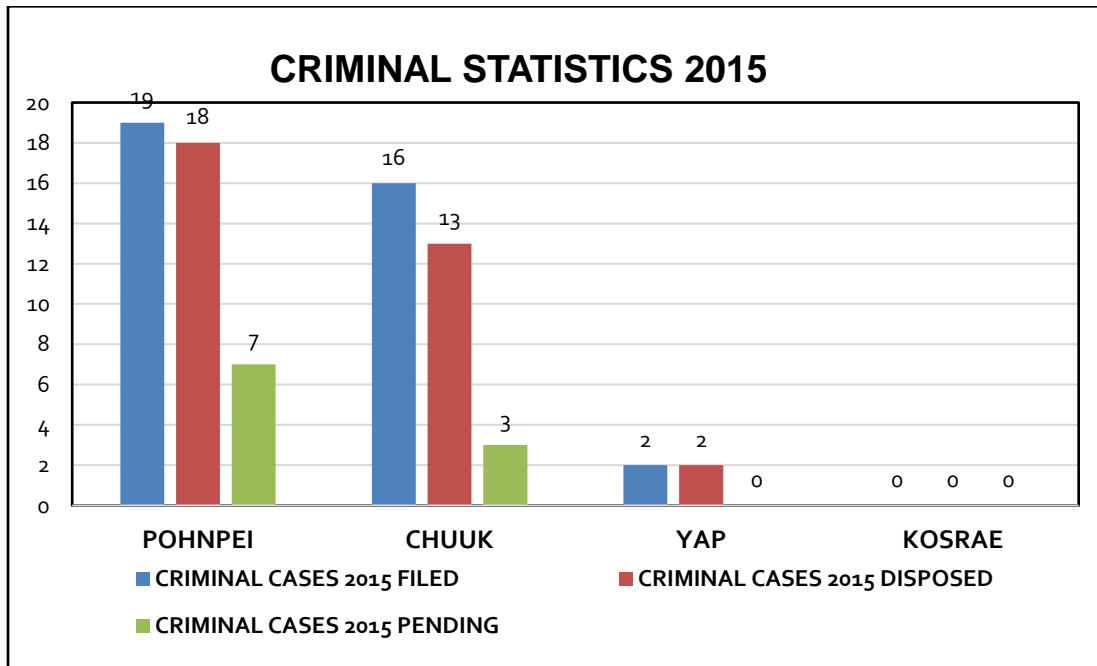
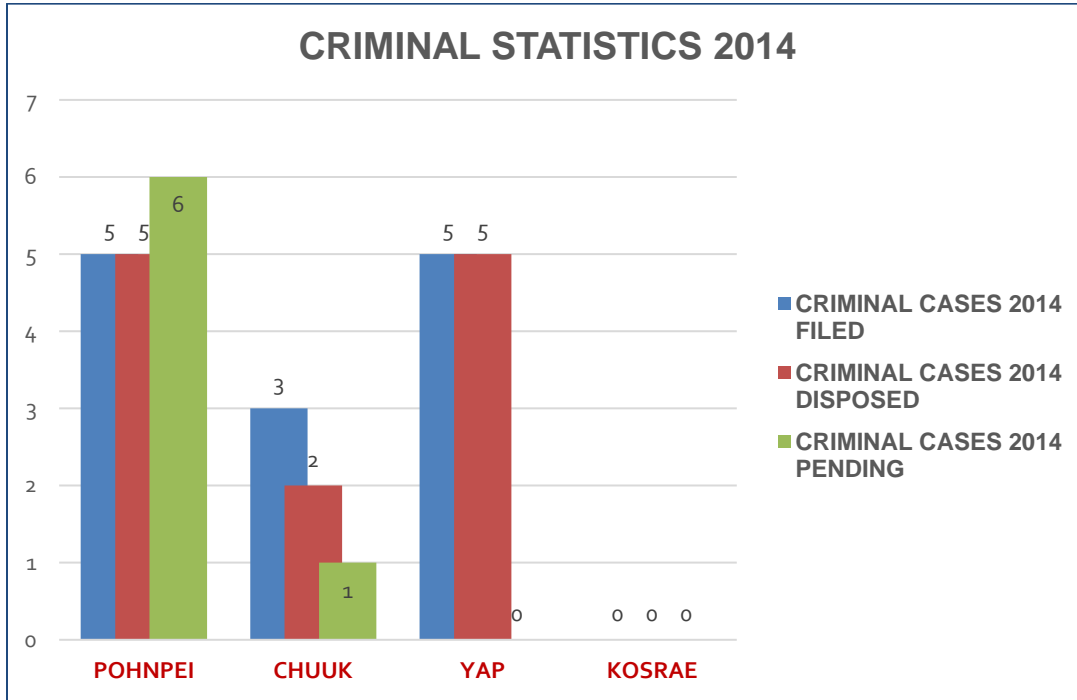
Role of Clerk

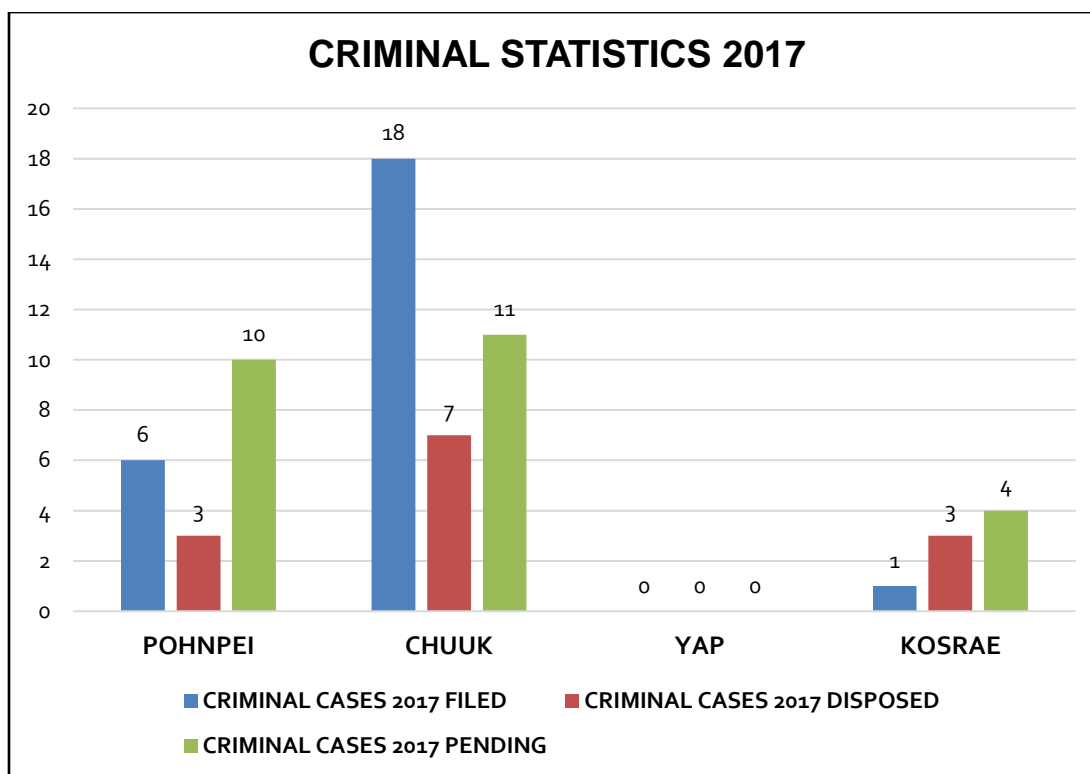
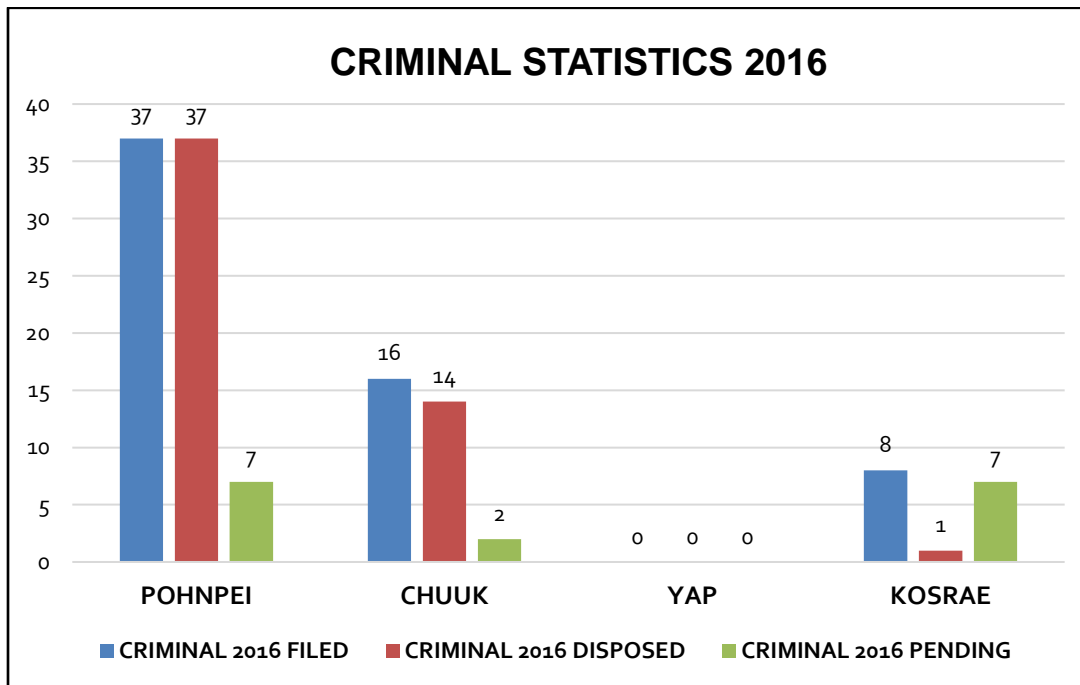
The Clerk of Courts office is the official keeper of the records for the FSM Supreme Court, including the trial and appellate cases. It is the custodian and protector of all property records in the judicial system. Additional duties include, but are not limited to: managing trial and appellate cases, court filings, approving Notaries Public, recording and transcription of court hearings, court scheduling, provides some of the most important checks-and-balances needed at the National, state and local court systems.



CRIMINAL STATISTICS 2014-2017

Tables below show the Criminal cases filed, disposed and pending from 2014-2017.

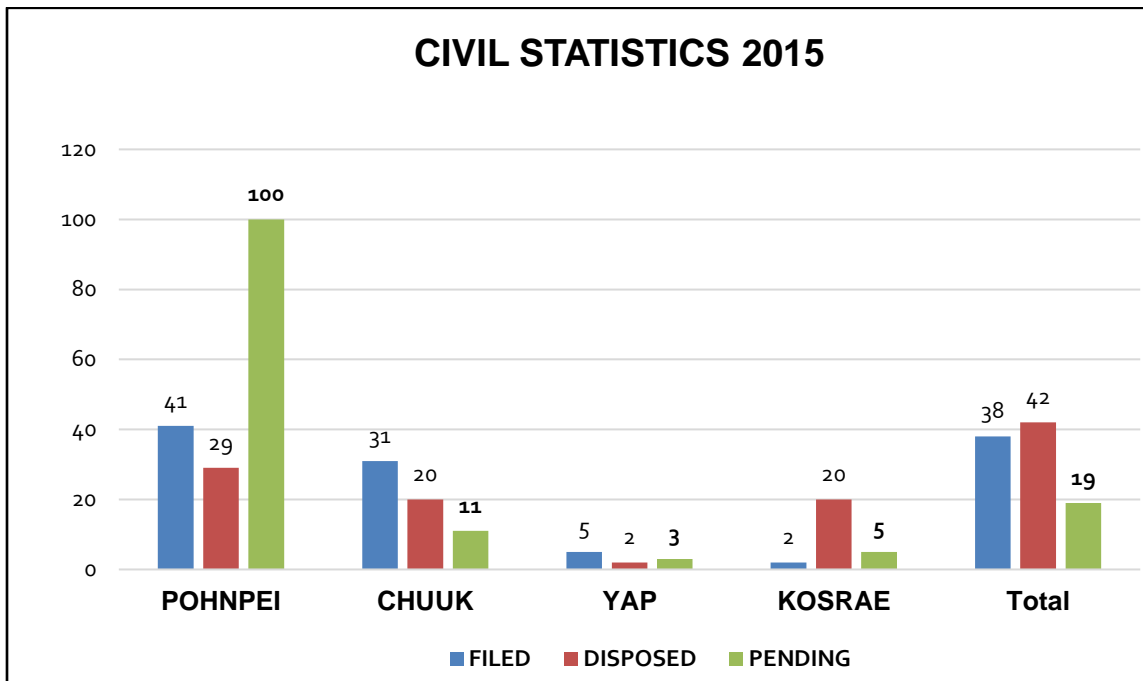
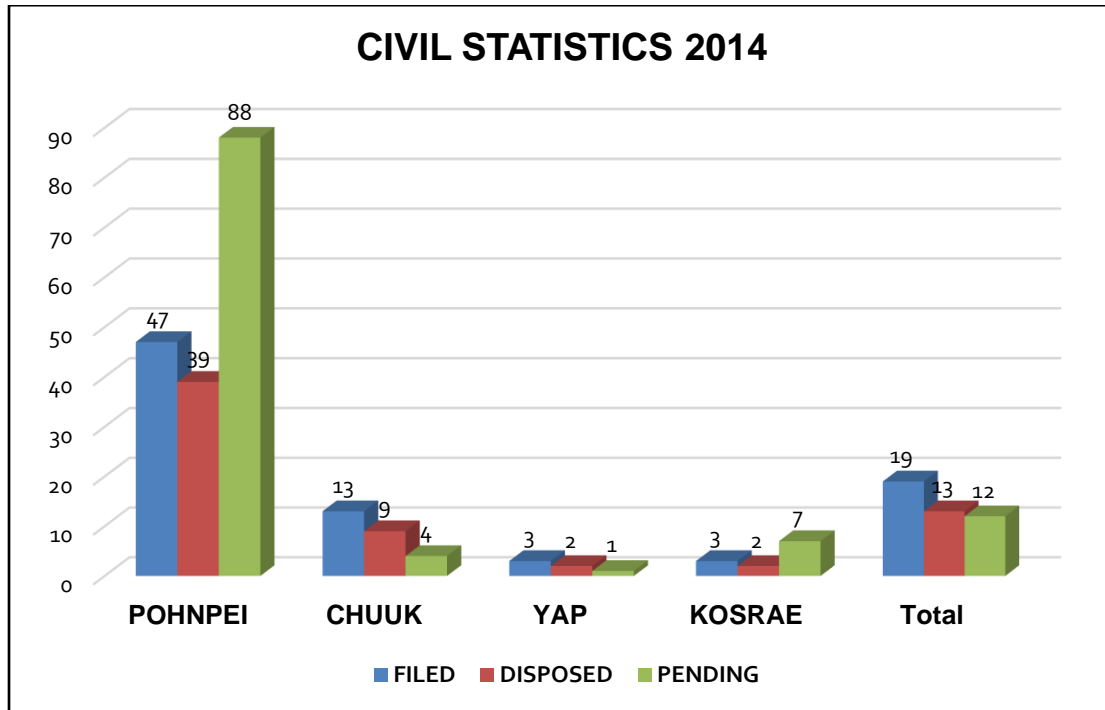


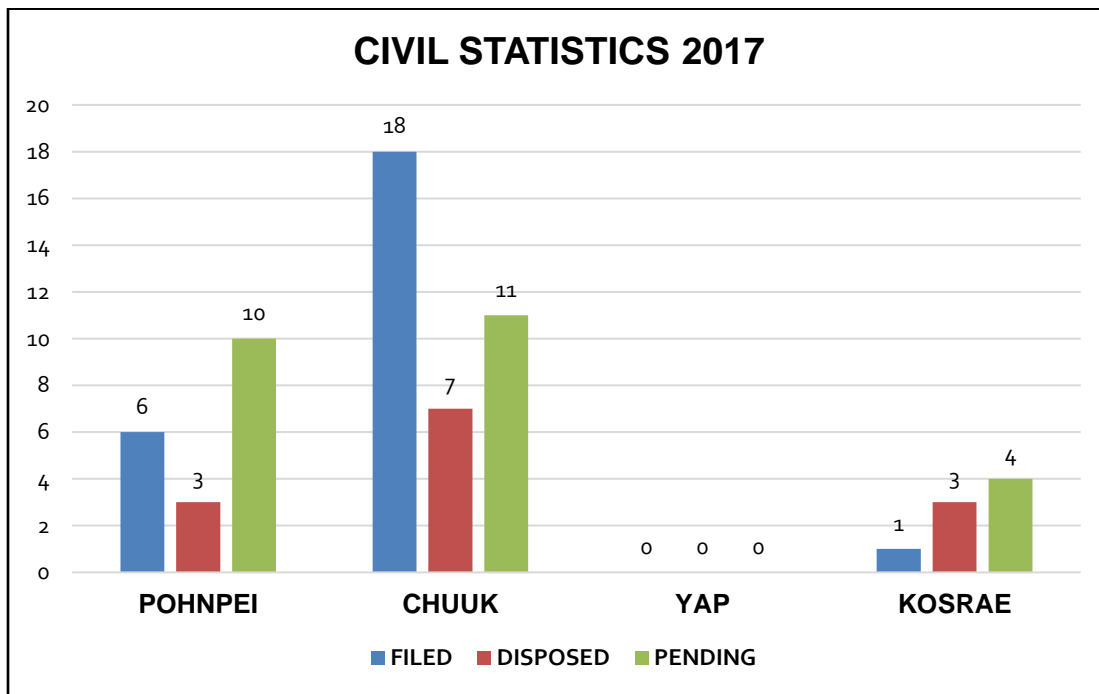
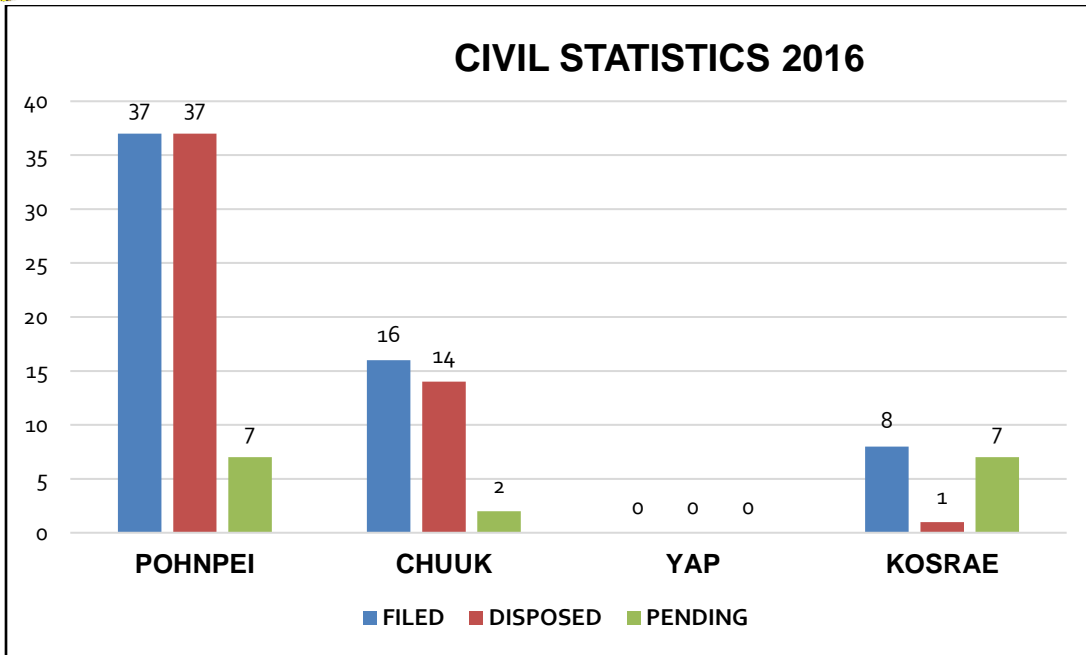




CIVIL STATISTICS 2014-2017

Tables below show the number of Civil cases filed, disposed and pending from 2014-2017







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Table below shows the number of Pohnpei appellate cases filed, disposed and pending from 2014-2017

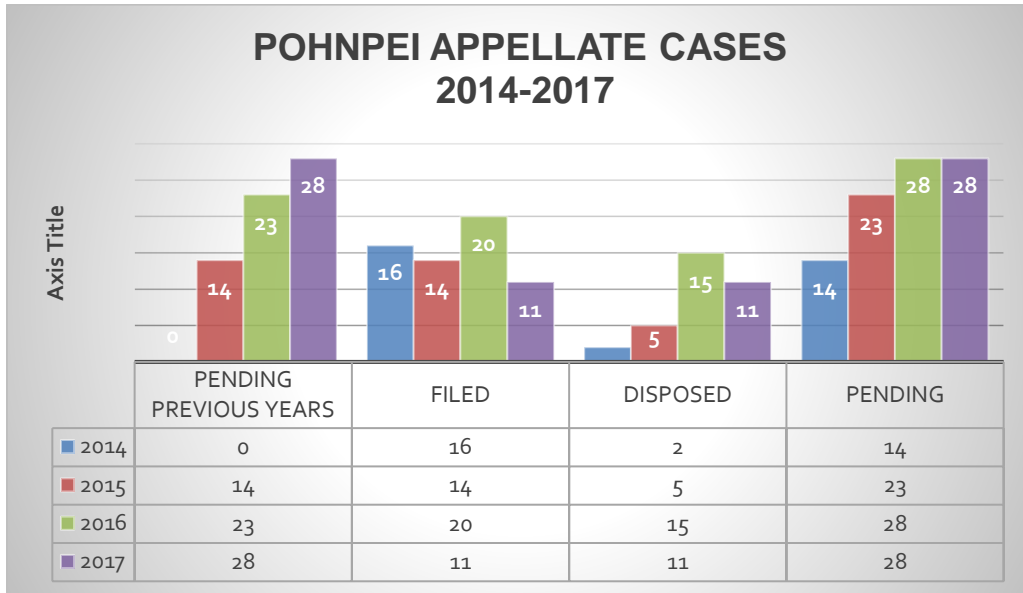
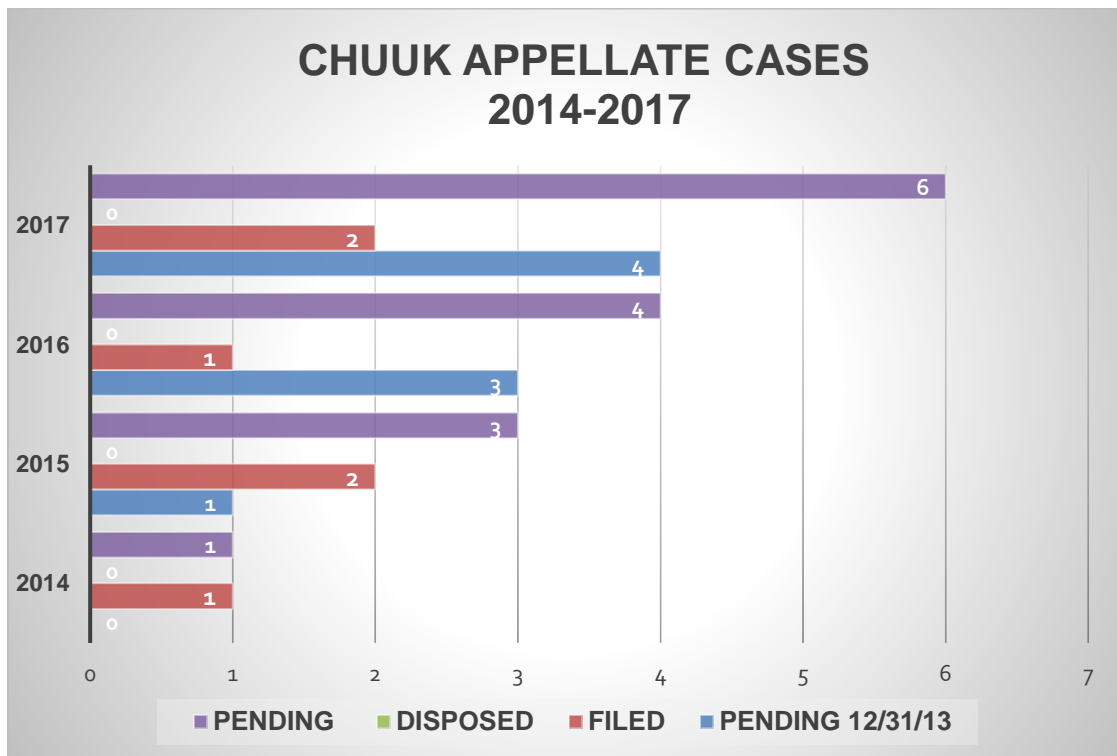


Table below show the total number of Chuuk appellate cases filed, disposed and pending from 2014-2017





FSM SUPREME COURT 2017 ANNUAL REPORT

Table below shows the total number of Yap appellate cases filed, disposed and pending from 2014-2017

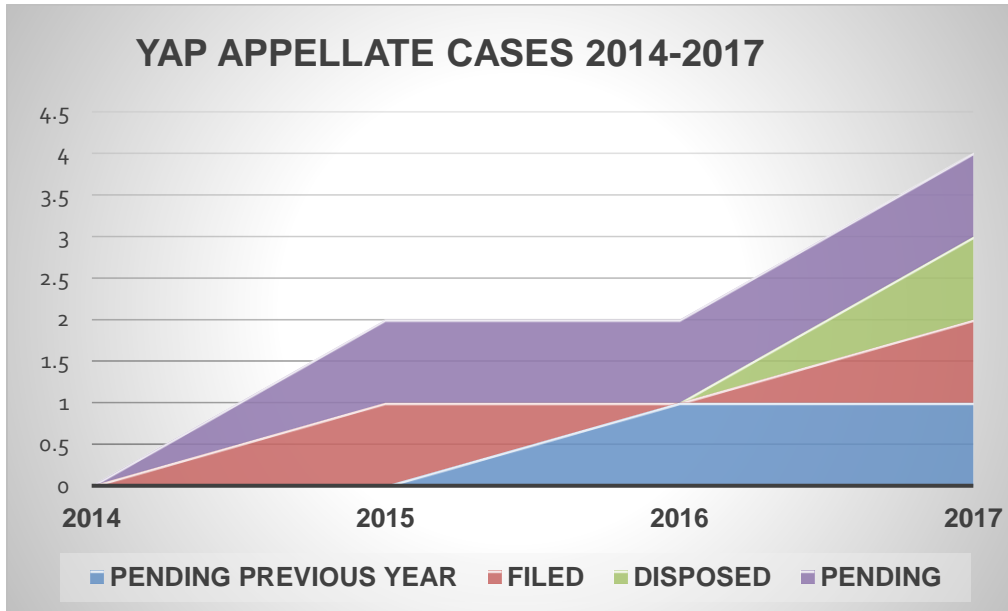


Table below shows the total number of Kosrae appellate cases filed, disposed and pending from 2014-2017

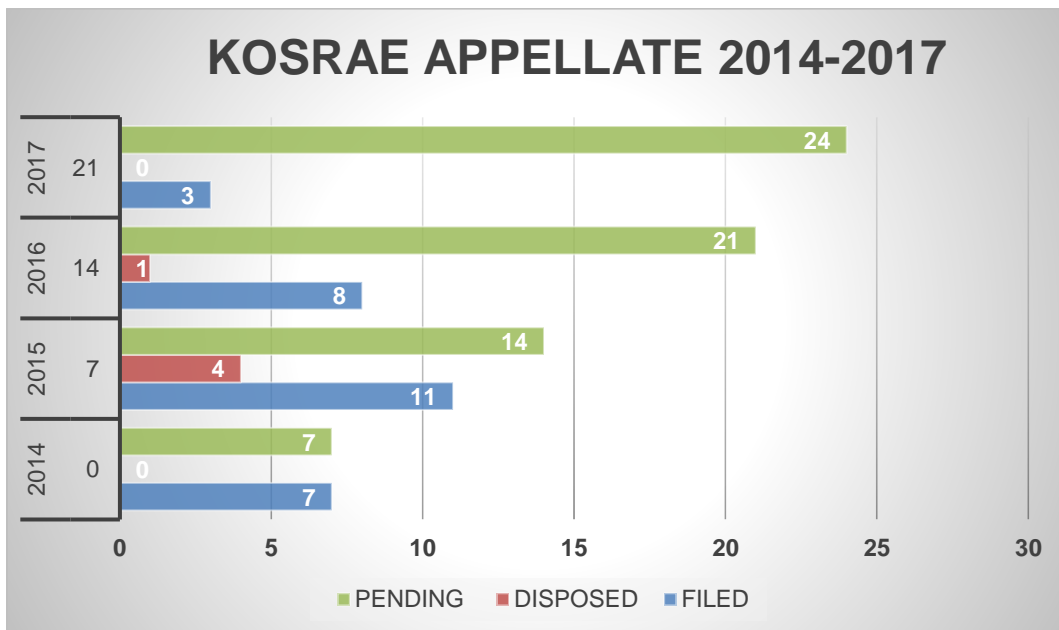
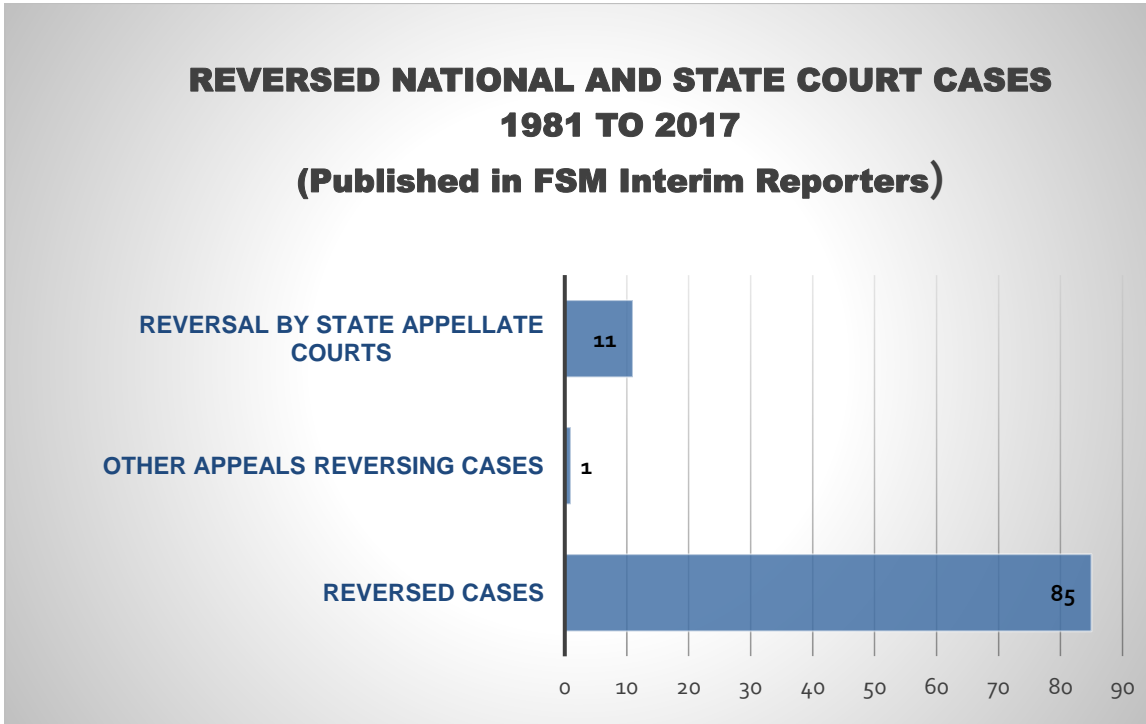




Table below shows the number of reversed FSM and State appellate cases from 1981-2017. Appellate opinions are published in the FSM Interim Reporters and FSM Digest/Updaters.



FSM National Law Day debate students with campaign message to Stop Human Trafficking





The Role of the FSM Supreme Court in Combatting Trafficking in Persons

“Trafficking in persons” shall mean the **recruitment, transportation**, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of **coercion**, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve

the consent of a person having control over another person, for the **purpose of exploitation. FSM Public Law 17-38, Trafficking in Persons Act**

Exploitation shall include, at a minimum:

The Prostitution of Others, or other forms of sexual exploitation, force labour or services, slavery or practices similar to slavery, servitude, or the removal of organs.

NATIONAL ANTI-HUMAN TRAFFICKING DAY 22 JANUARY 2014

Adrienne Gallen, Junior, Our Lady of Mercy Catholic High School

STOP TRAFFICKING OUR PEOPLE

Visit your local IOM (International Organization For Migration) office or access our online resources

Contact us at: micronesiaenquiries@iom.int or visit www.micronesia.iom.int

National Anti-Human Trafficking Day supported by:

In collaboration with:

In association with:

The BlueHeart is an international UN campaign co-ordinate by UNODC



FSM JUDICIARY HOLD CONFERENCE ON HUMAN TRAFFICKING

In February 2017, FSM Supreme Court, in partnership with Kosrae State Court, held a Judicial Conference in the State of Kosrae. The conference targets National, State and local judges. A representative from the International Organization for Migration (IOM) gave an awareness raising on anti-human trafficking to more than 75 participants who attended the conference. The FSM Judiciary stresses the need for an efficient judicial system and therefore focuses these conferences on increasing the efficiency of the judges' work, including their administrative tasks. The pre-test and post-test results show a 65% increase in knowledge gained on the issue of human trafficking by participants.



FSM Supreme Court hosted its bi-annual Judicial Conference in Tofol, Kosrae from February 22-24, 2017. Judge Dan Ryan, Judge Consuelo Marshall, and Professor Elizabeth Spahn were the key presenters during the conference. The training also featured a separate track for court security



Court security training in partnership with Guam Superior Court Court-Marshalls

HUMAN TRAFFICKING STATISTICS 2017

Table below shows the number of human trafficking cases filed in 2017

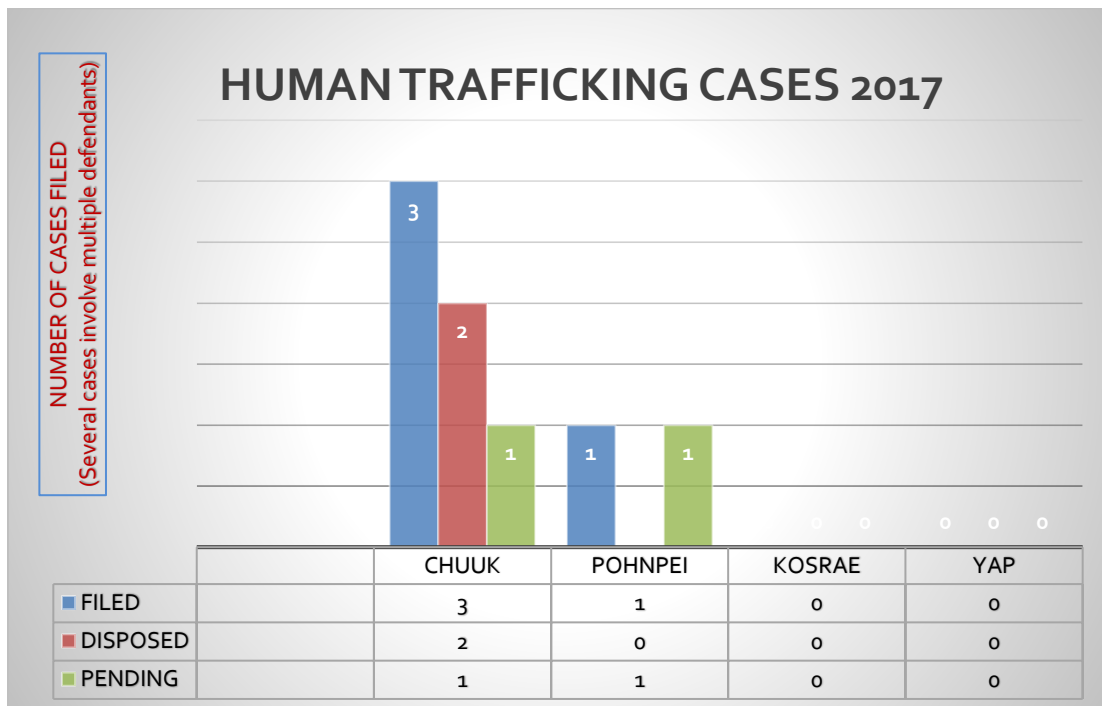




Table below shows the number of human trafficking victims by Gender

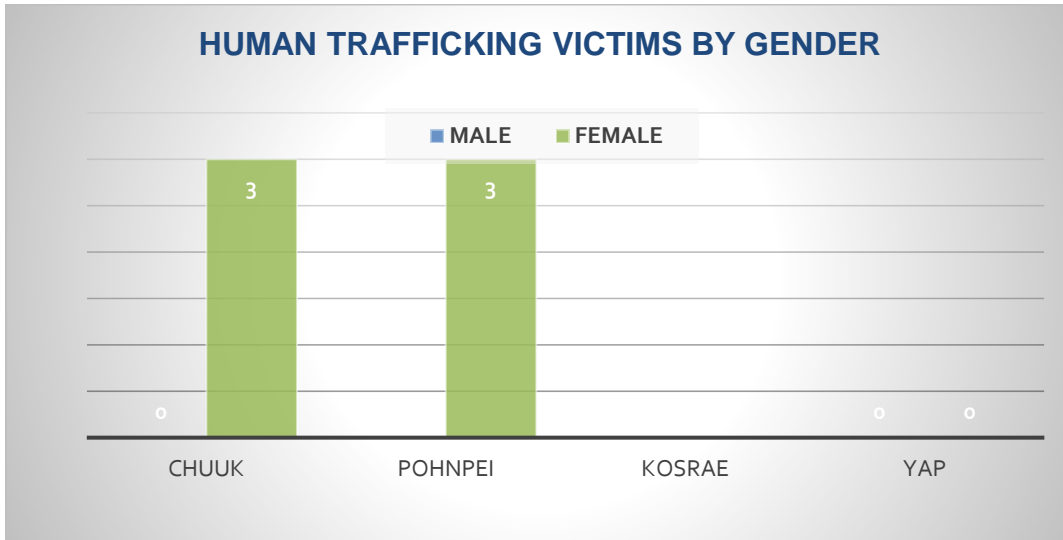


Table below shows the number of human trafficking defendants by Gender

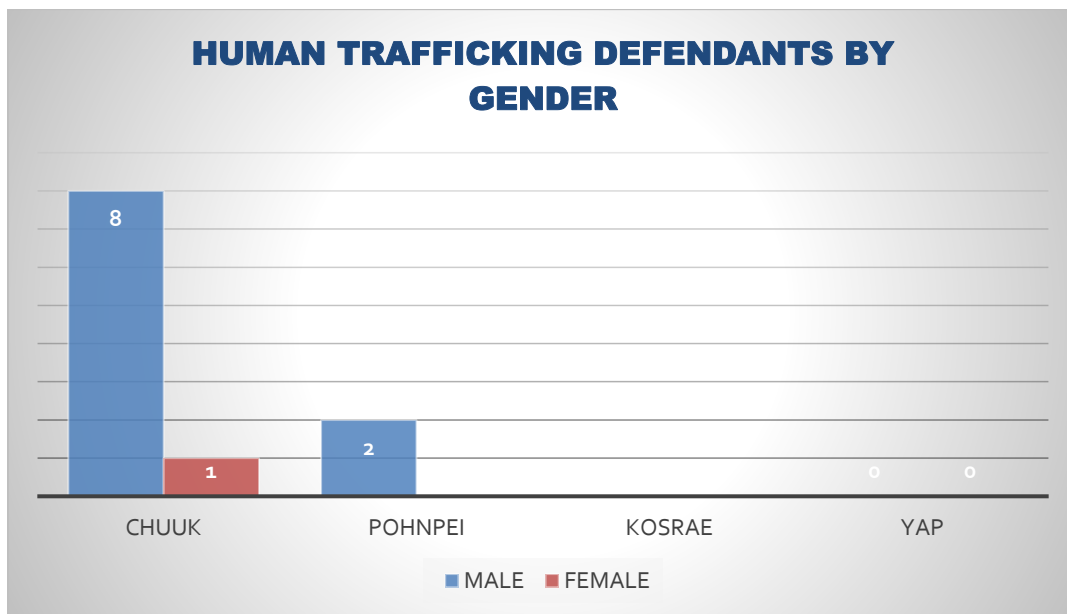




Table below shows the number of human trafficking victims by Age

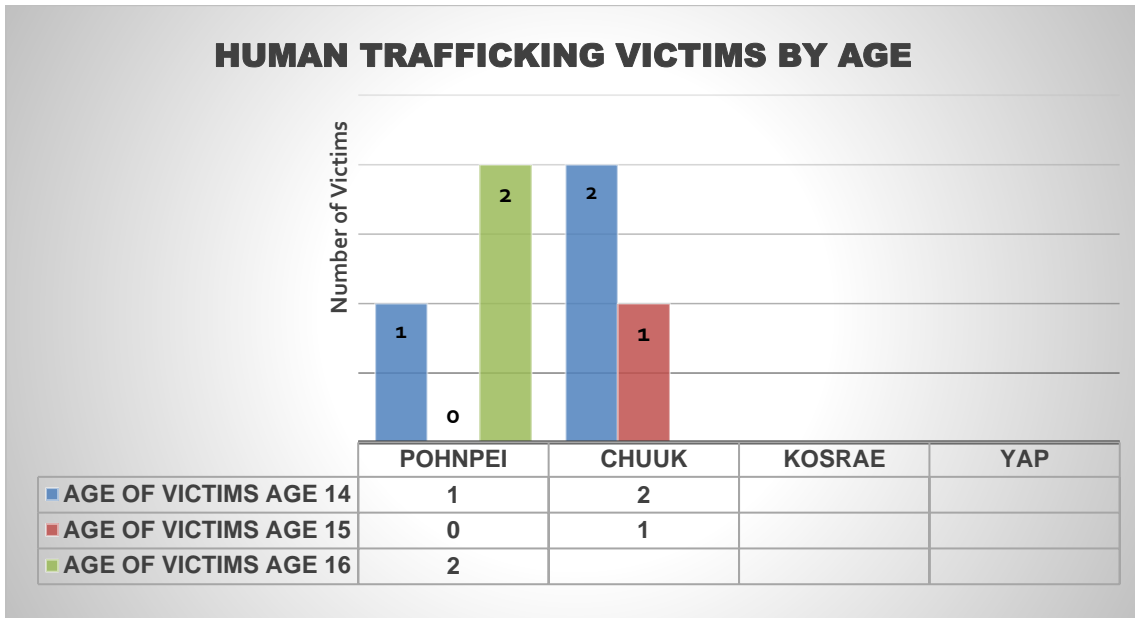
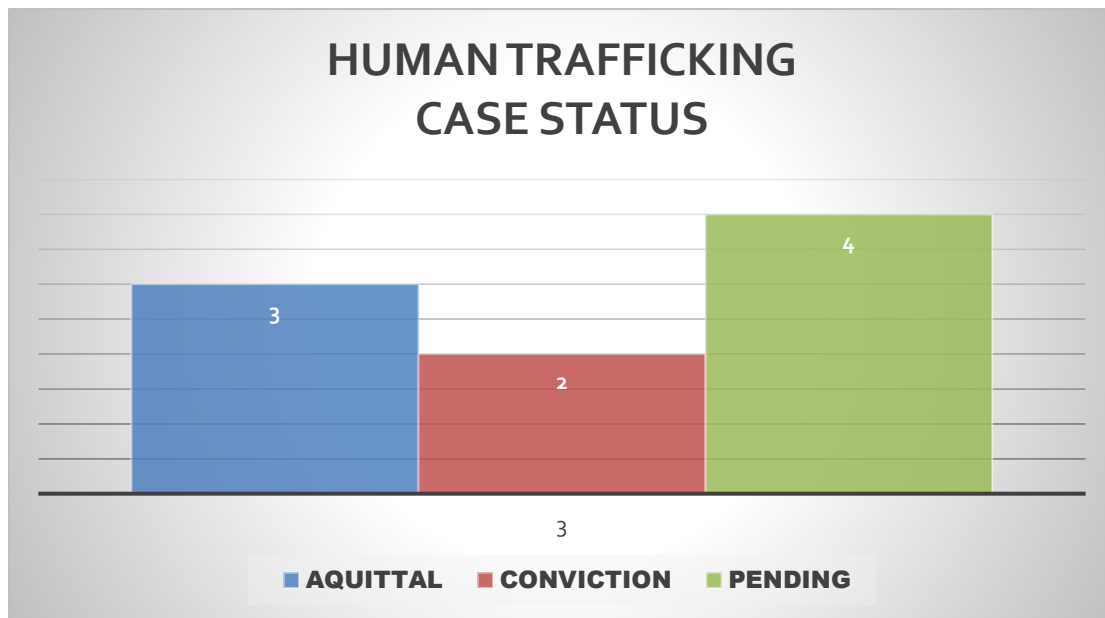


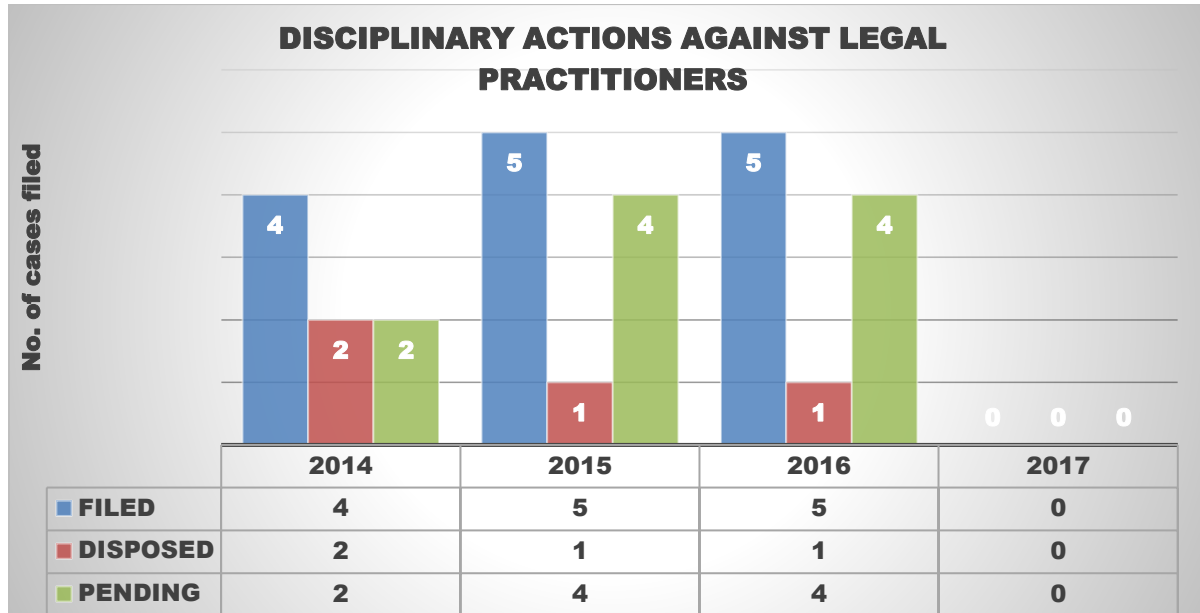
Table below shows the human trafficking case status: Acquittal, Conviction & Pending





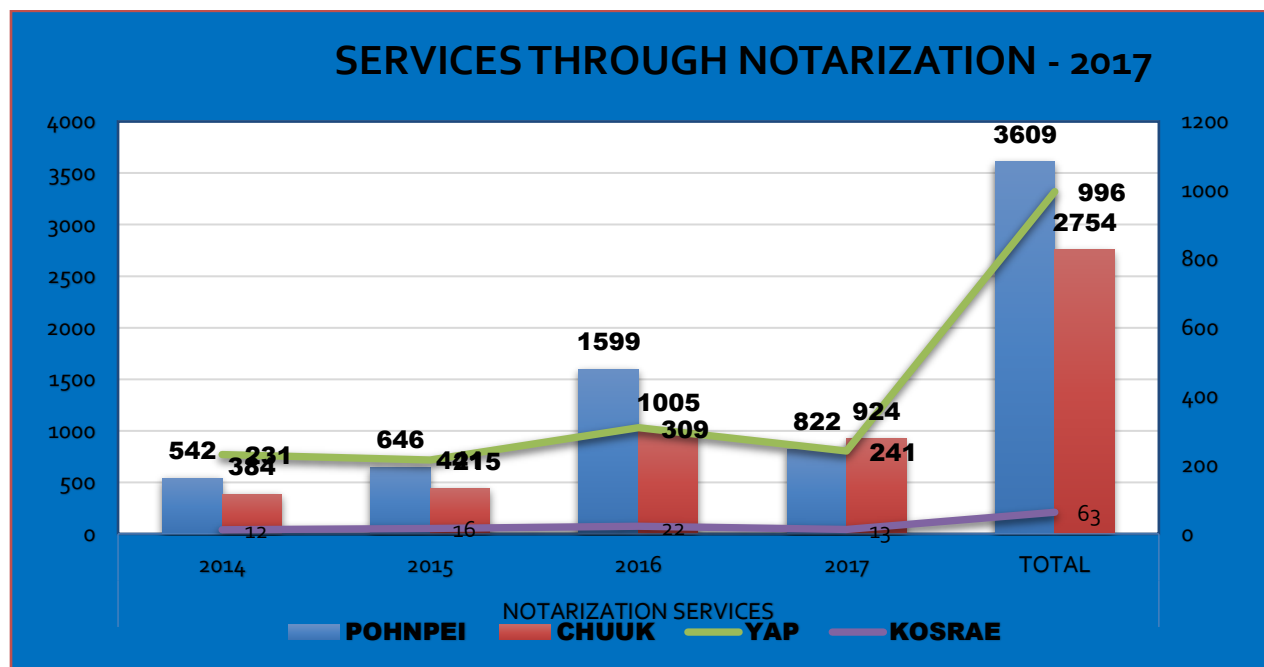
CASES FILED AGAINST JUDICIAL OFFICERS

Table below shows the number of disciplinary cases filed against legal practitioners from 2014-2017



SERVICES PROVIDED THROUGH NOTARY PUBLIC

The Table below shows 7,217 services provided through notarization by the Court from 2014-2017.





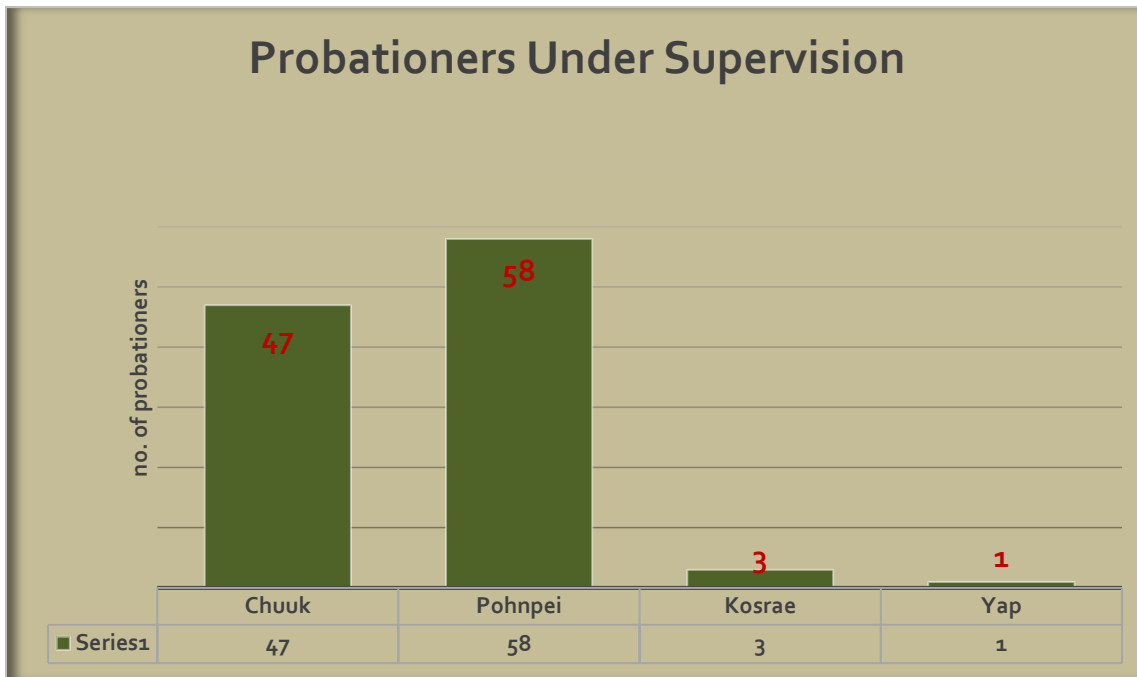
JUSTICE OMBUDSMAN

Role of Ombudsman

The Ombudsman Division’s primary role is to carryout probation officer functions for the Court. It also provides assistance in translation or interpretation of Court proceedings, and serve as bailiffs. Ombudsman of the FSM Supreme Court are empowered to serve as Assistant Clerk of Courts.

The Ombudsman’s main 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. The FSM Supreme Court Ombudsman monitors offenders who are on probation by utilizing enforcement and community supervision strategies that deemed suitable and best practices for FSM and its unique diverse communities.

Table below shows the number of probationers under each state (2017 data)





FSM SUPREME COURT 2017 ANNUAL REPORT

Table below shows the types of sentences imposed on probationers

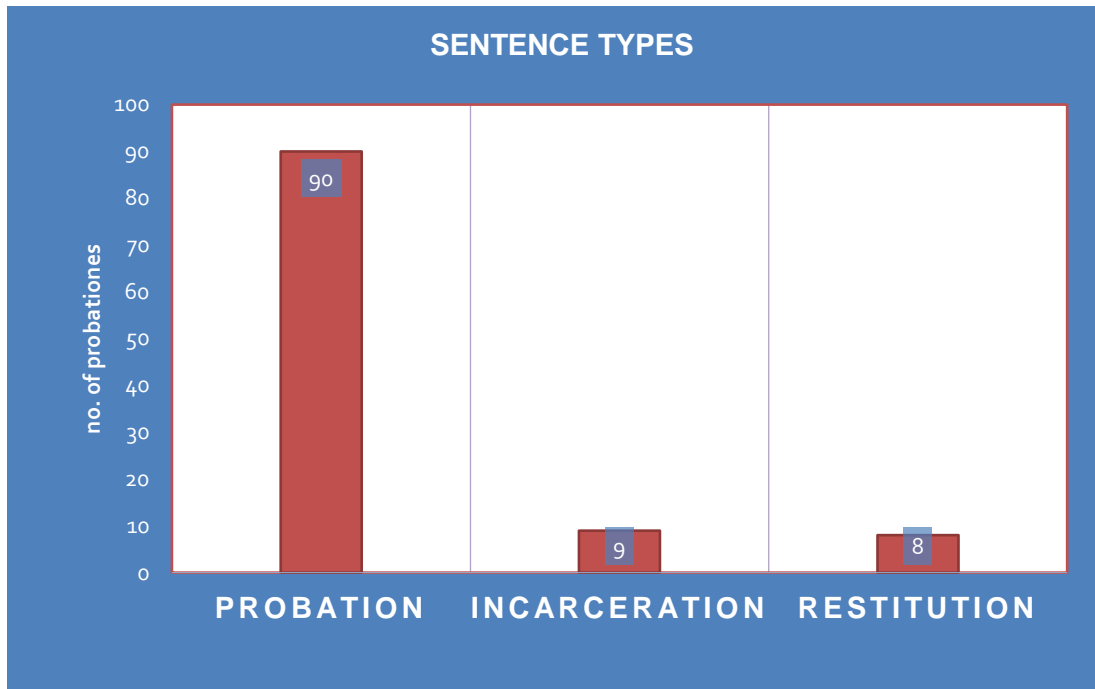


Table below shows the gender of offenders

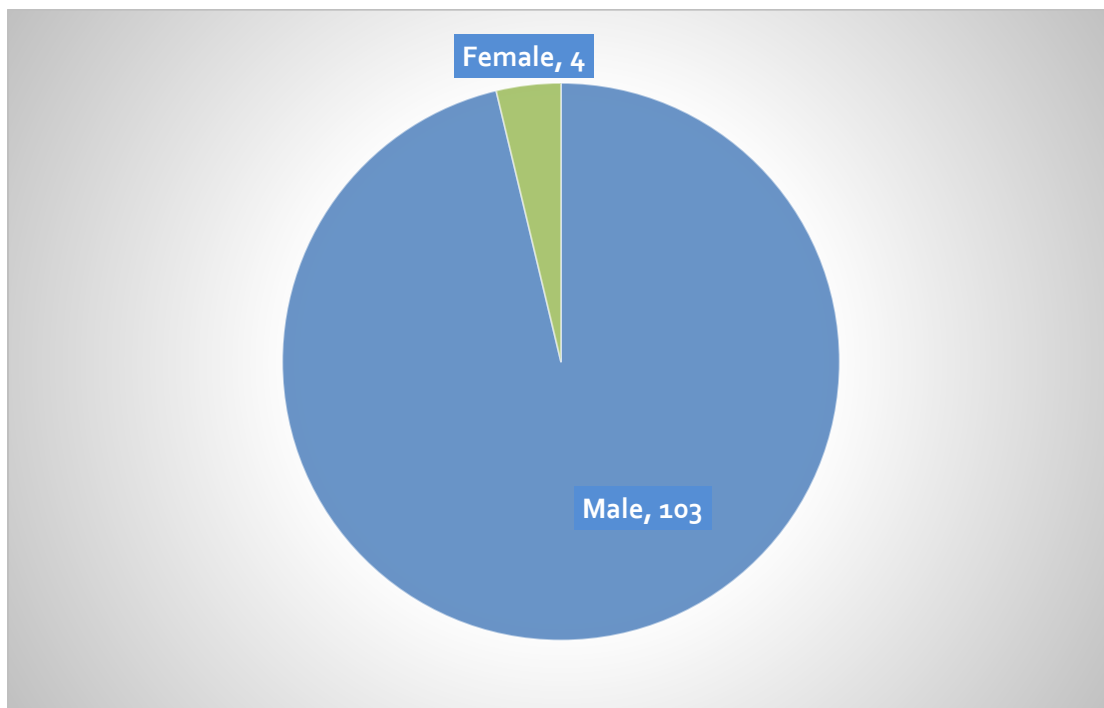
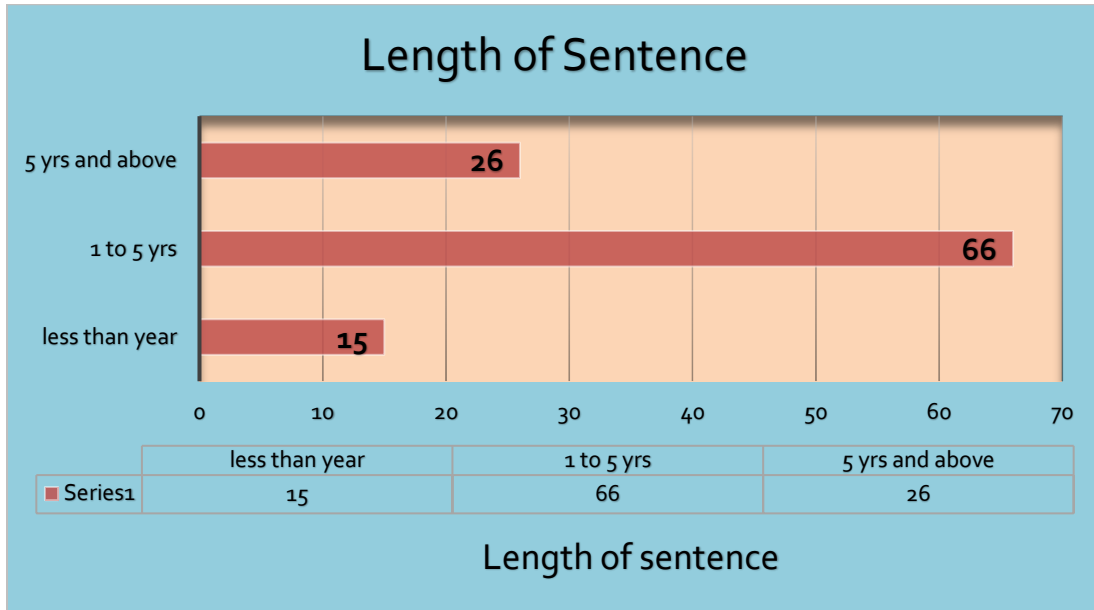




Table below shows the length of sentence imposed on offenders



FSM SUPREME COURT PROVIDES EMERGENCY FIRST AID (FA) AND CARDIO PULMONARY RESUSCITATION (CPR) TRAINING FOR ITS JUSTICES AND STAFF

The FSM Supreme Court completed its first Emergency First Aid (FA) and Cardio Pulmonary Resuscitation (CPR) Training on October 4-5, 2017 at the FSM Supreme Court Office, Palikir Pohnpei. Emergency First Aid (FA) and Cardio Pulmonary Resuscitation (CPR) training is a service provided by Micronesian Red Cross Society, a member of the International Federation of Red Cross. MRCS-Chuuk Chapter provided the same training for Chuuk court staff on December 11-13, 2017. Field offices in Kosrae and Yap will undergo the same training. Individuals who completed the course are now certified First Responders on CPR and FA.

Topics covered in the training include Assessment of Emergency Scene, Primary Assessment, Resuscitation, Bleeding and Shock, Medical Conditions, Muscle and Bone Injuries, Burns and poisons, and heat conditions.





FSM SUPREME COURT 2017 ANNUAL REPORT



Statistics indicate that 70-80% of cardiac arrest cases occur either in the home or at public places. In such cases, the person nearest at hand to the victim is often a bystander with no medical expertise. If those present at the scene are able to provide CPR to the victim promptly, the chances of survival are significantly increased. The FSM Supreme Court provides services to over 2,000 individuals on an annual basis. “Knowing how to perform first aid and CPR can mean the difference between life and death in an emergency situation.

You could save the life of someone you love”, says Emeliana Musrasrik-Carl, Director of Court Administration.



Chuuk Participants

ATTORNEYS DIVISION

The staff attorneys for the FSM Supreme Court conduct legal research and drafting for the Justices of the FSM Supreme Court. Attorneys also oversee trainings for staffs, conduct presentations at court related functions, and provide instructions for the College of Micronesia Trial Counselor’s Program.



2017 Access to Justice Conference

The FSM Supreme Court in partnership with the Pacific Judicial Strengthening Initiative, held an Access to Justice Conference on May 23-24, focused on issues regarding the accessibility of courts within the FSM.



On April 17, 2017, Staff Attorneys for the FSM Supreme Court conducted a briefing for Pohnpei municipal and state judges regarding the May 2017 Access to Justice Conference.





College of Micronesia-FSM Trial Counselor’s Program



Trial Counselor’s graduation ceremony hosted by the FSM Supreme Court in July 2016.

This certificate program provides training opportunities for current as well as aspiring and upcoming trial counselors to improve their skills and competency and to prepare them to be effective decision

makers in their respective courts. It also provides for networking and sharing among trial counselors. Classes are taught by local practicing attorneys including attorneys for the FSM Supreme Court.

WHAT THE COURT CAN DO FOR PRO SE LITIGANTS

All officers of the court - whether Clerks of Court or Judges - are each responsible to ensure that all people coming before the court receive equal treatment and a fair hearing.

Clerks of Court - are the public face of the justice system, and usually the first point of contact by members of the community.

Assistance will normally focus on answering general inquiries, providing and/or advising about the correct forms/documents that need to be completed to initiate a court process, providing referrals to other service providers where required, and providing explanations about court procedures. This assistance should include giving the person the tool-kit addressing the needs of Pro Se litigants.

Judges - usually encounter unrepresented litigants when they appear before them in court without a lawyer.

Assistance will normally focus on ensuring that they understand their right to legal representation and to explaining the relevant court proceedings in a manner that ensures a fair hearing for both parties. This assistance should include referring the person to the afore-mentioned tool-kit.



Caution: officers of the court are *not* allowed to provide legal advice on the legal merits of any particular case that comes before the court for hearing, because this could affect the impartiality - or the appearance of impartiality - of the hearing and damage public trust in the independence and fairness of the court. This means that you can explain how the court works, but *not* who is at fault or lose the case.

PRO SE (SELF-REPRESENTED) LITIGANTS

WHAT IS A PRO SE LITIGANT?

A *Pro Se* litigant is a person who pursues or defends a legal claim without legal representation. In other words, the person appears throughout the case without an attorney or lawyer.

Pro se is a Latin phrase meaning "for oneself" or "on one's own behalf."

FSM Supreme Court Strategic Plan

Under section 5.2 of the FSM Supreme Court Strategic Plan, the staff of the FSM Supreme Court shall assist in making the court accessible to *Pro Se* litigants.

On August 28 to September 1, 2017, the FSM Supreme Court went through a technical training for the On Base data management system



About OnBase:

OnBase is a flexible enterprise content management (ECM) solution that helps organizations manage documents and data to streamline business operations. Integrating with everyday business applications, OnBase provides instant access to critical information



when you need it, wherever you are. It is tailored for departments and comprehensive for the enterprise. OnBase gives you what you need today and evolves with you over time whether deployed via mobile, cloud or on-premises.

FSM SUPREME COURT CELEBRATE NATIONAL LAW DAY ON JULY 12

The FSM National Law Day, celebrated on July 12, every year, is one of the court’s annually sponsored programs that features high school students representing their states of Pohnpei, Chuuk, Kosrae, and Yap in debates on issues of national significance. Each year, schools within each of the four states in FSM compete in the state debates. Winners of the state debates are advanced to compete at the National Law Day debate.



The FSM National Law Day debate was organized to commemorate the National Judiciary’s anniversary, July 12 and to promote high school students interested in pursuing law. The debate was first organized in 1991 to celebrate the Court’s 10th year anniversary and to involve high school students and the general public in discussion on issues important to the Federated States of Micronesia. The year 2017 marks the 36th anniversary of the FSM Supreme Court and the National Law debate was held in the State of

Chuuk. All four FSM States competed and Team Kosrae won the championship.

Each year, the court, with the financial support of the FSM Congress, pays to send the student debaters and coaches, to the venue of the debates and provides scholarship awards to the debaters upon completion of the debates. The next National Law day debate will be held in the state of Yap on July 12, 2018. The event will be broadcast live in local radio stations throughout the FSM.



The debate topic for the 2018 FSM National Law Day is:

“NOW, THEREFORE, BE IT RESOLVED THAT, the Federated States of Micronesia shall ratify the 1951 United Nations Convention and its 1967 Protocol Relating to the Status of Refugees”.



2017 PROMULGATED GENERAL COURT ORDERS

GCO 2017-001

- Timeline Standards for the Supreme Court of The Federated States of Micronesia

GCO 2017-2002

- Unexcused and Excessive Absence and Tardiness Policy for Employees of the Supreme Court of the Federated States of Micronesia

GCO 2017-2003

- Code of Ethics for Employees of the Supreme Court of the Federated States of Micronesia

GCO 2017-2004

- Dress Code and Prohibited Items for the Supreme Court of the Federated States of Micronesia

GCO 2017-2005

- The Code of Judicial Conduct for the Supreme Court of the Federated States of Micronesia



LIBRARY AND PUBLICATIONS

**FSM SUPREME COURT
LAW LIBRARY(S) (FSMSCLL)**



Mr. Atarino A. Helieisar

Welcome to the FSM Supreme Court Law Library(s) (FSMSCLL) where we strive to provide access to legal information to all patrons who come through the door. This fiscal year 2017 was a year of many accomplishments and at the same time some challenges with room for improvements for the FSMSCLL.

MISSION STATEMENT:

The mission of the FSM Supreme Court Law Library(s) (FSMSCLL) is 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.

VISION STATEMENT:

Our vision for the FSM Supreme Court Law Library(s) (FSMSCLL) is to assume the leading role in supporting the legal research activities of the judiciary, bar members, staff and its large community by:

1. Creating access to local, state, national, and international legal information;
2. Developing and publishing electronic and other legal information products for the benefit of judges, bar members, staff and the community;
3. Designing information and communication systems linking the FSM Supreme Court website(s) to state, national, regional, and international sources;
4. Providing assistance for the Trial Counselors' Program and others in the process of legal research and information retrieval while utilizing a variety of methods and formats; and
5. Serving as the legal information resource center for the Citizens of the Federated States of Micronesia.



ABOUT THE FSM SUPREME COURT LAW LIBRARY(s) (FSMSCLL):

The FSM Supreme Court Law Library(s) (FSMSCLL) is composed of four libraries. The main law library is located in Palikir, Pohnpei at the FSM Supreme Court Main Office, and one library located in each of the three FSM Supreme Court Offices located in the states of Chuuk, Yap and Kosrae. The two law libraries located in both the Yap and Kosrae are shared and operated by both the FSM and the State Courts.

**THE FSM SUPREME COURT LAW LIBRARY
Palikir, Pohnpei State**



As more of the legal materials are now available online including on the FSM Supreme Court Library(s) website, the FSM Supreme Court Law Library in Palikir, Pohnpei redesigned the setup to create more space for visitors and its users. The space has been well received by staff, visitors and patrons of the law library.

FSM SUPREME COURT LAW LIBRARY(s) (FSMSCLL) WEBSITE:

Since the launching of the new FSMSCLL website at the end of 2014 at <http://lawlibrary.wixsite.com/fsmscll>, there is an increased number of library and website users. The new FSMSCLL website is linked to the main FSM Supreme Court website for easy access. This website contains up-to-date publications of the FSM Supreme Court that can be downloaded at no cost.

STATISTICS: (FSMSCLL, Palikir, Pohnpei)

FSMSCLL WEBSITE: SINCE 2015 TO 2017

HIT COUNTER:2, 300

CIRCULATION: FY 2015-2017

CHECKED OUT MATERIALS.....38

CHECKED IN MATERIALS 38



Donated Materials:

Metal Shelves, TV, VCR and other furniture

The donations were made available through the Reach-Out-Pacific (REPAC). Reach out Pacific (REPAC) is a Hawaii based non-profit organization that is dedicated to improving healthcare services and education in Micronesia. REPAC’s main operation is to collect surplus supplies from public and private institutions in Hawaii and then distribute these supplies to organizations in Micronesia.

International Law Book Facility (ILBF) in London, United Kingdom

The FSM Supreme Court Law Libraries (FSMSCLL) received ten (10) boxes of donated law books from the International Law Book Facility (ILBF). The ILBF is a small charity with a big impact. Its purpose is to ship good quality second-hand law books, donated by the UK legal community, to organizations and institutions across the globe who are involved in access to justice, pro bono, education and the administration of justice. The mission of the ILBF is to support the rule of law through sharing legal knowledge.

In 2017, more than hundred (100) boxes of donated law books were received at the FSM Supreme Court Law Libraries in Palikir, Pohnpei and the court law library in Tofol,



Kosrae. These donations were made available through the US Courts Library at the Ninth Circuit in San Francisco and US Court Branch Library in Hawaii, and the Law Library in Guam. These law books were donated at no cost to the FSM Supreme Court. The donations allowed the Court to upgrade its library with updated research materials for library users.

FSM SUPREME COURT PUBLICATIONS:

The FSMSCLL is available on the FSMSLL website. Hardcopies can be purchased at the FSM Supreme Court. Any of these publications can also be found on the Pacific Islands Legal Information Institute (PacLII) website at www.pacii.org.

FSM INTERIM REPORTER:

FSM INTERIM REPORTERS VOLUME 1-20 & VOL. 21 (PAGES 1-490).



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DIGEST, UPDATER AND TABLE OF CASES:

Available Digest, Updater and Table of Cases covers Edition 2017, Volumes 1-20, pages 1-109.

RULES OF THE FSM SUPREME COURT:

General Court Orders, Rules of Admission to Practice, Model Rules of Professional Conduct (MRPC), Disciplinary Rules and Procedures, Civil Procedure, Supplemental Rules for Certain Admiralty and Maritime, Criminal Procedure, Parole, Evidence, and Bankruptcy.

MEMBERSHIP:

The FSM Supreme Court Law Libraries' membership through the international, regional and local library associations open many doors for resource sharing and networking. Memberships include the International Association of Law Libraries (IALL), Pacific Regional Branch International Council on Archives (PARBICA), Pacific Islands Association of Libraries, Archives, and Museums (PIALA), American Association of Law Libraries (AALL), Hawaii-Pacific Law Libraries Initiatives (HPLLI), and Libraries, Archives and Museums of Pohnpei (LAMP) Inc. Association.

OUTREACH SERVICES:

FSMSCLL continues outreach services and professional development by conducting workshops and trainings on how to do legal research using the FSMSCLL website, and other Courts' websites. The targeted audiences included:

Court Judges and Staff

Trial Counseling Program at the College of Micronesia-FSM

The public, academic and special libraries

High School

INFORMATION TECHNOLOGY SYSTEM AND WEBSITE

FSM Supreme Court Information Technology (IT)

The FSM Supreme IT division is in charge of the Judiciary Technologies and Communications Equipment for Pohnpei, Chuuk, Yap and Kosrae. The IT division



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maintains and improves Supreme Court equipment, including office phones, computers and the server.

E-Filing

FSM Supreme Court implemented an electronic filing system, the OnBase, that connects the four FSM states together. OnBase improves the caseflow management systems. It is quicker and cheaper.

Courtroom

FSM Supreme Court has acquired a new recording system for its courtrooms. The “For the Record” software (FTR) comes with accessories that are essential for courtroom proceedings and transcriptions.

Connectivity

The FSM Judiciary, in all field offices, are connected to the ADSL, with high speed internet connections. This enhancement in internet has heightened the court’s operation through communications. The Court is able to conduct research, conferences, and share files online much quicker.

FSM Supreme Court website Overview

The FSM Supreme Court has two websites: the *fsmlaw.org*, known as “FSM Legal Information System – FSMLIS” and *fsmsupremecourt.org*.

FSM Legal Information System (FSMLIS)

The Legal Information System (LIS) provides public access to the laws, Constitutions, Court opinions.

FSM SUPREME COURT Website

The *fsmsupremecourt.org* provides information on court activities, events, court calendars and court related information.



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Home Page x +

fsmsupremecourt.org 80%

The Supreme Court of the Federated States of Micronesia

Webmail

SUPREME COURT RESOURCES

- Trial Division Filings
- Trial Division Orders
- Appellate Division Filings
- Appellate Division Orders
- Court Rules
- Legal Index
- FSM Code
- State Resources
- General Court Orders
- Court Library
- Forms

SUPREME COURT INFORMATION

- History of the Court
- Justices
- The Court's Staff
- Contacts
- Employment
- Links / Member Associations
- News

Google Custom Search

FSM Supreme Court Pohnpei Trial Division

Today	Mon	Tue	Wed	Thu	Fri	Sat	Sun
10	11	12	13	14	15	16	17
18	19	20	21	22	23	24	25
26	27	28	29	30	31	1 Jun	2

Events shown in time zone: Ponape

RECENT NOTICES AND DECISIONS

- [March 2018 Bar Notice \(NEW!\)](#)
- [NOTICE of Annual Registration For 2018 \(NEW!\)](#)
- [Staff Attorney Position Open](#)
- [Reestablished FSM Legal Information System](#)
- [The Honorable Dennis K. Yamase Takes Oath](#)
- [FSM Supreme Court Annual Report 2014](#)
- [Application for Admission to the FSM Bar](#)
- [Bar Exam Check List](#)
- [General Court Order 2014-04](#)
- [Chuuk State Supreme Court Website](#)
- [Press release for Chief Justice Yinug](#)
- [Time Standard for the FSM Supreme Court](#)
- [2012-2015 Strategic Plan](#)
- [FSM Supreme Court Annual Report 2016](#)

SUPREME COURT CALENDARS

- Yap Trial Division
- Chuuk Trial Division
- Pohnpei Trial Division
- Kosrae Trial Division
- Appellate Division
- Law Day Calendar
- Attorney Off Island Calendar

<p>SUPREME COURT RESOURCES</p> <ul style="list-style-type: none"> Trial Division Filings Trial Division Orders Appellate Division Filings Appellate Division Orders Court Rules Legal Index FSM Code State Resources General Court Orders Court Library Forms <p>SUPREME COURT INFORMATION</p> <ul style="list-style-type: none"> History of the Court Justices The Court's Staff Contacts Employment Links / Member Associations News 	<p>SUPREME COURT CALENDARS</p> <ul style="list-style-type: none"> Yap Trial Division Chuuk Trial Division Pohnpei Trial Division Kosrae Trial Division Appellate Division Law Day Calendar Attorney Off Island Calendar 	<p>RECENT NOTICES AND DECISIONS</p> <ul style="list-style-type: none"> March 2018 Bar Notice (NEW!) NOTICE of Annual Registration For 2018 (NEW!) Staff Attorney Position Open Reestablished FSM Legal Information System The Honorable Dennis K. Yamase Takes Oath FSM Supreme Court Annual Report 2014 Application for Admission to the FSM Bar Bar Exam Check List General Court Order 2014-04 Chuuk State Supreme Court Website Press release for Chief Justice Yinug Time Standard for the FSM Supreme Court 2012-2015 Strategic Plan FSM Supreme Court Annual Report 2016
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Legal Information System
OF THE
FEDERATED STATES OF MICRONESIA



[FSM National Gov't](#)

[State of Chuuk](#)

[State of Kosrae](#)

[State of Pohnpei](#)

[State of Yap](#)

[Compact of Free Association](#)

[Other Gov't. Authority Documents](#)

[Search the LIS web site](#)

[Related Links](#)

[Contact the LIS Project](#)

[Disclaimer](#)

- complete codification work to update the existing codes of the **FSM, Kosrae, and Yap**, and assist in the enactment and/or printing of new codes for **Chuuk** and **Pohnpei**;
- create an LIS web site containing the codes and constitutions that will be fully searchable, with links to other reference documents and related web sites, as well as containing cross-references within a document;
- post [FSM Supreme Court decisions](#), selected state court decisions and selected court rules from [Chuuk](#), [Kosrae](#), [Pohnpei](#), and [Yap](#) over the LIS web site;
- post selected regulations of the national and four state governments over the LIS web site;
- train local staff to update, improve, and expand upon the content of the LIS web site; and
- create a public education program on accessing the information provided by this web site.

ACCESS TO JUSTICE SURVEY

The FSM Supreme Court conducted an anonymous Access to Justice Survey with 107 samples from Pohnpei, Chuuk, Yap and Kosrae. The purpose of the survey is to gauge current levels of public trust and confidence in the FSM Supreme Court. The survey was conducted through telephone, face-to-face interviews and emails. The results are as follows:

1. Table below shows 67% of respondents Strongly Agree/Agree that their court businesses are done in a reasonable amount of time. 31% state their businesses are done in a Neutral manner of time while 2% Strongly Disagree/Disagree to having to their court businesses done in a reasonable amount of time.

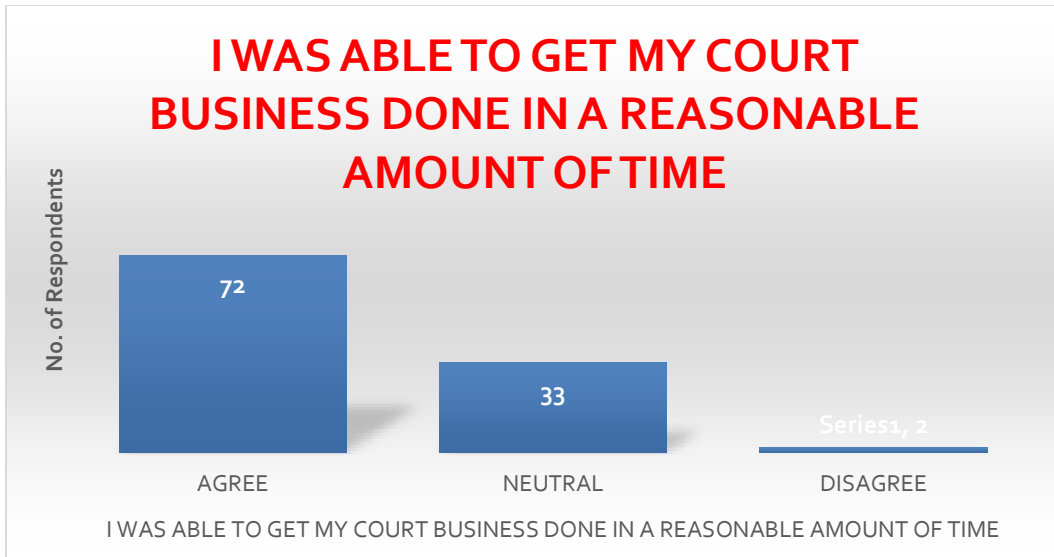
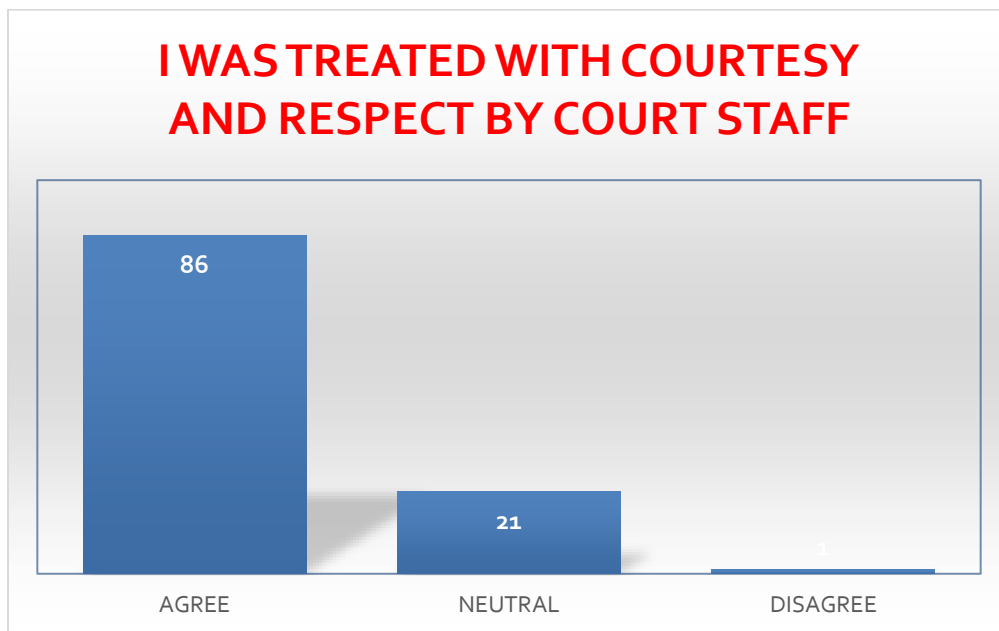


Table below shows 80% of Respondents Strongly Agree/Agree they were treated with Respect and Courtesy by Court Staff; while 19% rated Neutral and 1% Strongly Disagree/Disagree



The table below shows 47% of Respondents rated their cases were handled fairly, while 41% rated Neutral and 8% Disagree. 4% of Respondents specified “not applicable” in their surveys.



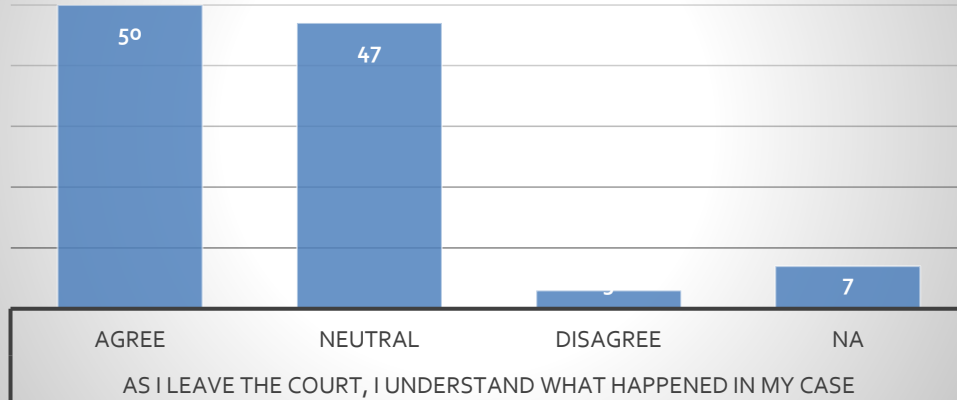
Table below shows 56% of Respondents Agree/Strongly Agree that Judges treated everyone with courtesy and respect, while 37% rated Neutral, 1% Strongly Disagree/Disagree and 6% indicated “Not Applicable”



The Table below shows 47% of Respondents understand what happened in their cases when they leave the Court. 44% rated Neutral and 2% are in Disagreement and 7% feel this question is not applicable to them.

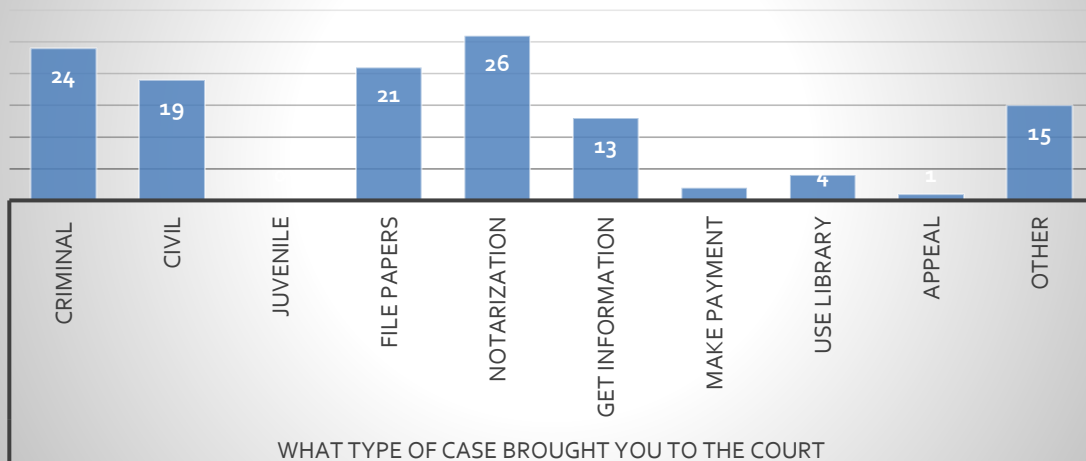


AS I LEAVE THE COURT, I UNDERSTAND WHAT HAPPENED IN MY CASE



The Table below show the type of cases that brought people to court. 22% of Respondents are brought to court for criminal matters, 18% for civil, 19% to file papers, 24% for notarization, 1% to make restitution payments, 3% to use the library, 1% for appellate cases, and 14% for Other purposes. It should be noted that some Respondents checked more than one answer.

WHAT TYPE OF CASE BROUGHT YOU TO THE COURT





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The Table below show the types of court users. 10% are either Plaintiffs or Defendants; 18% are Agency Workers, 16% are Attorneys/Prosecutors, 18% are Family or friend of a party, 6% are Witnesses and 38% indicated "Other". (Note: Some Respondents checked more than one category)

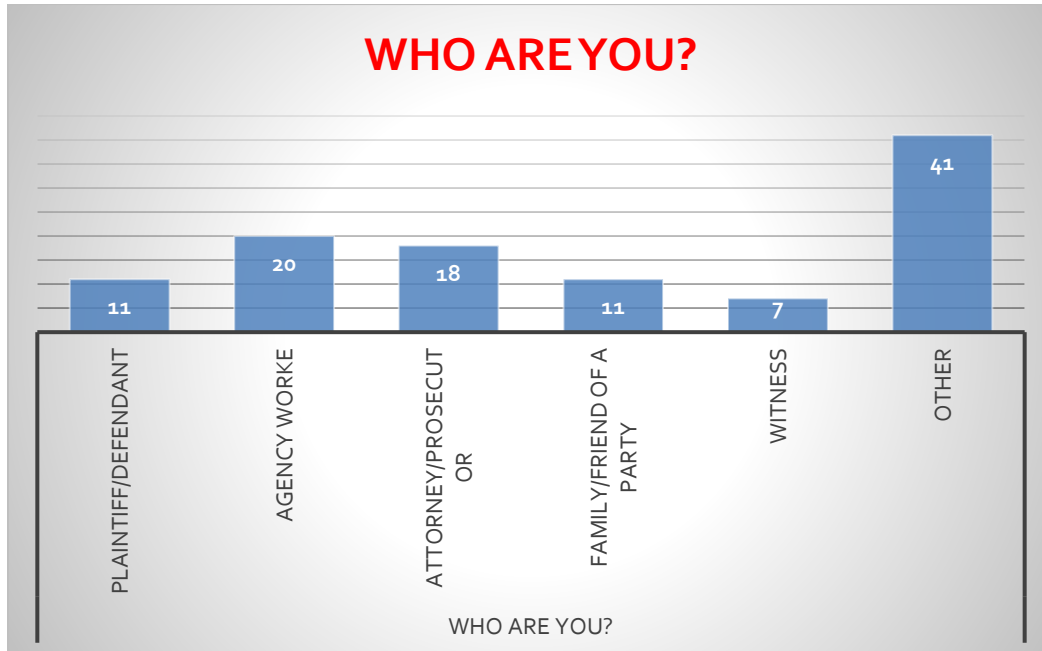


Table below show the Gender of Respondents. 55% Male and 45% Female

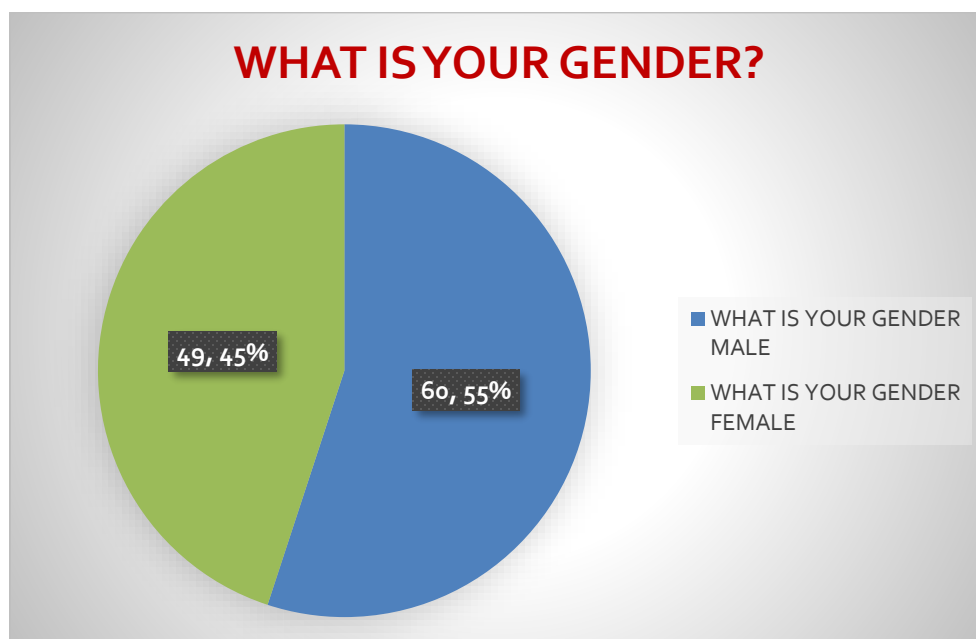




Table below show Respondents' view on the Court's online Information Technology System. 55% Agree that the System is Useful, 39% rated Neutral and 4% Disagree and remaining 2% did not fill out this section.

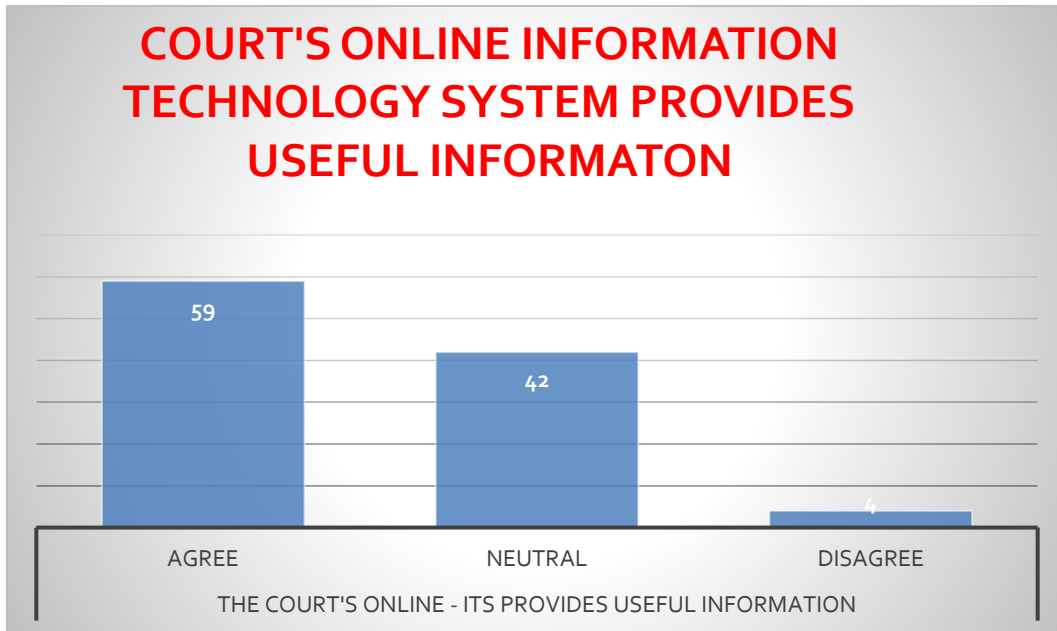
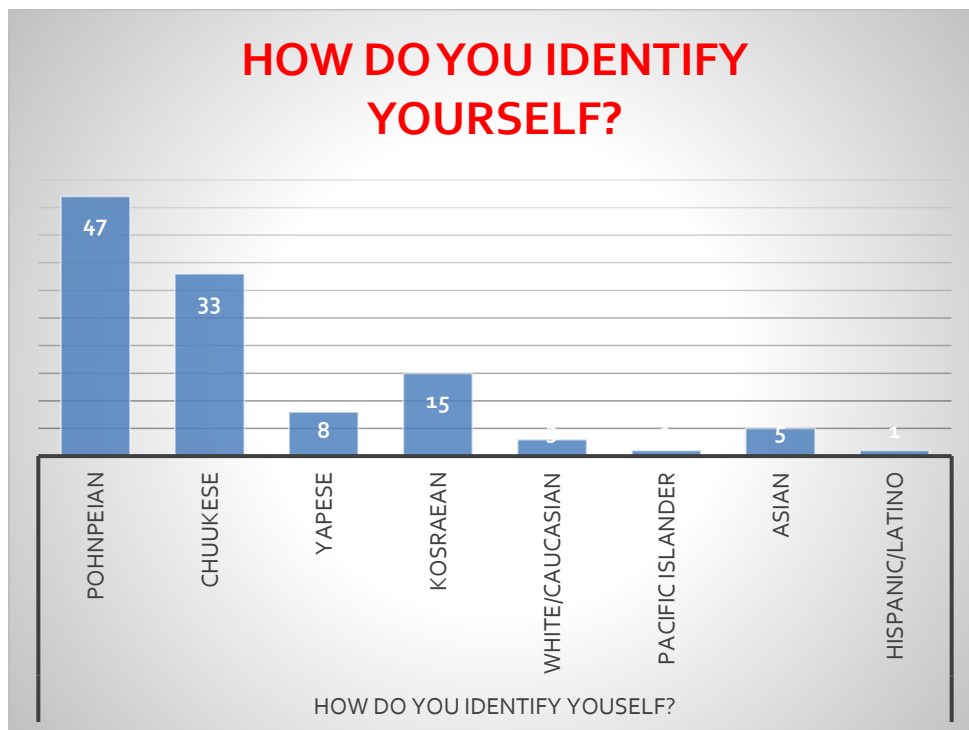


Table below show the Identification of Respondents. 43% are Pohnpeian, 30% Chuukese, 7% Yapese, 14% Kosraean, 2% White/Caucasian, 4% Asian, .09% Pacific Islander, .09% Hispanic/Latino





INFRASTRUCTURE PROJECTS



Work is in progress for expansion and renovation of the FSM Supreme Court in Pohnpei to include a new Law Library and Research Center.

The Court is working on project plans for renovation of the courthouse in Chuuk, featuring the addition of a second floor and expansion of existing courtroom.





TRIBUTE

IN MEMORY OF LATE ASSOCIATE JUSTICE READY E. JOHNNY



**A Tribute to the Honorable Ready E. Johnny
by the Honorable Dennis K. Yamase, Chief Justice
Supreme Court of the Federated States of
Micronesia
September 6, 2017**

The Supreme Court of the Federated States of Micronesia pays tribute to the Honorable Ready E. Johnny, Associate Justice of the FSM Supreme Court, who passed away at his home on August 15, 2017 after a long illness and after serving the FSM Supreme Court as Acting Chief Justice and as an Associate Justice for over a decade.

Associate Justice (AJ) Johnny was truly a son of Chuuk and the FSM. He was born on November 24, 1946 in the State of Chuuk. From Oneop Municipality, AJ Johnny resided in Neauo village, Weno for over 45 years. He attended elementary school on Namoluk island in the Mortlocks region, and later transferred to the Mission School in Tol, Faichuuk. After attending the Mission School, AJ Johnny attended and graduated from Chuuk High School. He received his Bachelor of Laws Degree from the University of Papua New Guinea in 1987.

Associate Justice Johnny had a long and impressive professional career, almost entirely in public service. He was a Staff Attorney for the FSM Public Defender's (PD) Office, directing the PD Office in Chuuk. Prior to this position, he served as the Chief of the Division of Litigation and the Attorney General for the Chuuk State Attorney General's Office. His work included being a prosecutor for the State of Chuuk for over 20 years. AJ Johnny also served as an Assistant Attorney General for the FSM National Government. He was a member of both the FSM Supreme Court Bar and the Chuuk State Bar.

On September 5, 2006 he was nominated by President Joseph J. Urusemal to be an Associate Justice of the FSM Supreme Court. On January 19, 2007, he was confirmed by the 14th FSM Congress to be Associate Justice. The investiture of the Honorable Ready E. Johnny, as an Associate Justice, was held on March 30,



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2007. With the passing of former Chief Justice Martin G. Yinug, Associate Justice Johnny served as the Acting Chief Justice for parts of 2014 and 2015.

For those who knew Associate Justice Johnny, many were impressed by his objectivity, fairness, calm demeanor, and level headed approach to the cases he presided over. He provided a very steady influence on the court, especially on appeal panels. Many observed that his balanced approach was a result of his years of experience as both a prosecutor, a public defender, and as an attorney for the Chuuk State Government and the FSM National Government. His broad experience allowed him to view things from different perspectives and gave him an objectivity that not all judges possess.

Ready E. Johnny honorably served his country in the capacity of Associate Justice of the FSM Supreme Court until his untimely passing on August 15, 2017. For a long time, he continued to assist the FSM Supreme Court with its work, even though he was suffering from a long and difficult illness. He showed true dedication and commitment to the work of the Court in doing so.

A State Funeral was held on August 23, 2017 at the FSM Supreme Court in Weno, Chuuk, which was attended by his family, colleagues and FSM Supreme Court staff, other dignitaries from the FSM National Government and the State of Chuuk. The late Associate Justice Johnny was then taken to Silo Protestant Church in Neauo Village for a church service, before being taken to his residence. Associate Justice Ready E. Johnny was laid to rest at his home on August 24, 2017.

Associate Justice Johnny was married to the late Sinter Year Johnny and they had 6 daughters, 1 son, 21 grandchildren, and 10 great grandchildren. The late Associate Justice Ready E. Johnny will be sorely missed by his family, friends, colleagues and staff of the FSM Supreme Court.



Passing of Director of Court Administration John William - May 4, 2017



The FSM Supreme Court mourns the passing of the Director of Court Administration, Mr. John William. Mr. William had served as the National Justice Ombudsman of the FSM Supreme Court during the tenure of the late Chief Justice Andon Amaraich, before serving as the Director under current Chief Justice Dennis Yamase. John is missed by the Justices, staff and friends of the FSM Judiciary.



FSM SUPREME COURT CONTACTS

FSM Supreme Court - Pohnpei
Phone: (691) 320-2357 / 2763 / 2764
Mailing Address: P.O. Box PS-J
Palikir Pohnpei, FSM 96941

FSM Supreme Court - Yap
Phone: (691) 350-2159
Mailing Address: P.O. Box 546
Colonia, Yap FSM 96943

FSM Supreme Court - Chuuk
Phone: (691) 330-2397
Mailing Address: P.O. Box 601
Weno, Chuuk, FSM 96942

FSM Supreme Court - Kosrae
Phone: (691) 370-3185
Mailing Address: P.O. Box J
Tofol, Kosrae, FSM 96944

FSM Supreme Court website: fsmlaw.org; fsm supremecourt.org

Director of Court Administration: Emeliana Musrasrik-Carl
email: emusrasrikcarl@fsm supremecourt.org
Phone: 691-320-2357

National Justice Ombudsman, Belan Yoma
email: njo@fsm supremecourt.org
Phone: 691-320-2357

Chief Law Librarian / Publication Manager: Atarino Helieisar
email: atarinoh@aim.com
Phone: 691-320-2357

Chief Clerk of Court: Sandy Albert
email: salbert@fsm supremecourt.org
Phone: 691-320-2357