

FSM NATIONAL JUDICIARY ANNUAL REPORT 2012

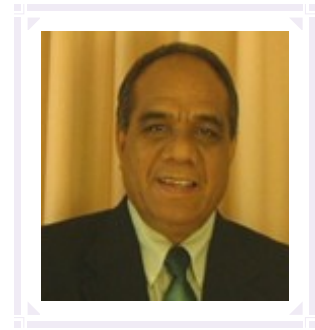
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Message from the Supreme Court



Chief Justice
Honorable Martin G. Yinug

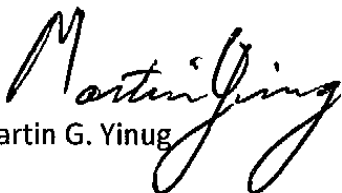


Director of Court Administration
Mr. Kapilly Capelle

We are happy to present the first Annual Report of the FSM Supreme Court for calendar year 2012. We want to thank all Supreme Court Justices and court staff for their dedication and hard work in making 2012 a successful year. We extend special thanks to the President, Vice-President, Speaker and all the members of the 17th FSM Congress for their continued support for the Judiciary Branch, without which the administration of justice for this nation in accordance with our constitution would be impossible.

As a public institution, the FSM Supreme Court is accountable to the people of this nation for the use of its resources. We recognize that the government of the FSM has entered into a new era of accountability, austerity, and transparency. As an independent and co-equal branch of the FSM National Government, the Judiciary will hold itself accountable for efficiently using our nation's limited resources to effectively carry out its constitutionally mandated responsibilities. With that goal in mind, the FSM Supreme Court unveiled its Five Year Strategic Plan (2012-2017) on July 12, 2012. The Plan is a roadmap designed to guide the development and progress of the Court going forward.

As envisioned in the Strategic Plan, the Annual Report can serve as a report card that will help measure the Court's progress towards realizing its goals. As ever, we remain committed to the assiduous performance of our role as an independent, impartial and properly managed co-equal branch of the FSM government in rendering justice to all.


Martin G. Yinug


Kapilly Capelle

Introduction

General information:

The Federated States of Micronesia (FSM) became autonomous and self-governing on May 10, 1979 and an independent sovereign nation on November 03, 1986. It was admitted to the United Nations on September 17, 1991. Formerly it had been a part of the Trust Territory of the Pacific Islands (TTPI). Although its total land mass is only 270 square miles, it is spread across more than one million square miles of the Western Pacific Ocean, (Fig.1). The FSM consists of four major island states (listed from west to east): Yap, Chuuk, Pohnpei, and Kosrae, and includes over 607 islands. Located just above the equator about 2,500 miles southwest of Hawai'i, about 1,800 miles north of eastern Australia and about 1,500 miles east of the Philippines. Its 2010 estimated total population was approximately 102,843 people, an overall decreased of about 0.4% since 2000. The populations of the states vary widely: Kosrae 6,616; Yap 11,377; Pohnpei 36,196; and Chuuk 48,654. (source: Office of FSM SBOC, 2010 census of population and housing).



Figure 1. Map of the Federated States of Micronesia

Government and Judiciary:

The FSM Constitution provides for three separate branches of the government - Executive, Legislative and Judiciary. It contains a Declaration of Rights, specifying basic standards of human rights consistent with international norms. It also contains a provision recognizing traditional rights. The State Governments under their Constitutions are structurally similar to the national government

The Executive Branch is headed by a President and Vice President who are appointed by Congress from amongst the four-year term senators. The Legislative Branch /Congress of the FSM is unicameral, with fourteen Senators, one from each state elected for a four-year term, and ten who serve two-year terms, whose seats are apportioned by population.

The Judicial Branch of the Federated States of Micronesia was created by Article XI of the FSM Constitution. The Constitution designates that the court consist of a chief justice, no more than five associate justices and two divisions: a trial division and an appellate division. Each justice serves in both divisions, and so long as a justice has not acted in a judicial capacity in a trial division matter, any of the court's justices may participate in cases brought before the appellate division. Currently there are 4 justices on the bench; Chief Justice and 3 Associate Justices. The trial division is regulated by Section 6 of Article XI of the Constitution. It is a court of limited jurisdiction; hearing matters affecting officials of

foreign governments, disputes between states, admiralty or maritime cases, and cases in which the national government is a party except where an interest in land is at issue. The trial division also has jurisdiction to hear cases arising under the FSM Constitution; national law or treaties; and in disputes between a state and a citizen of another state, between citizens of different states, and between a state or a citizen thereof, and a foreign state, citizen, or subject.

The appellate division is the highest court in the FSM and the court of last resort. It is regulated by Section 7 of Article XI of the FSM Constitution. It may hear and review matters litigated in its trial division, and Kosrae State or local courts. Matters litigated in Pohnpei, Chuuk or Yap States and local courts may be reviewed by the appellate division if they require interpretation of the national constitution, national law, or a treaty.

FSM Judiciary was inaugurated on July 12, 1981. Since inception, the Judiciary has been under the leadership of three chief justices.

Court's Mission, Vision and Values

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.

The Values:

These ten core values represent the FSM Supreme Court's organizational ideals and desired standards of behavior for its employees.

Accessibility

Certainty

Competence

Equality before the Law

Fairness

Impartiality

Independence of Decision Making

Integrity

Timeliness

Transparency

Past and Present Chief Justices



Chief Justice
Honorable Edward C. King
1981 to 1992

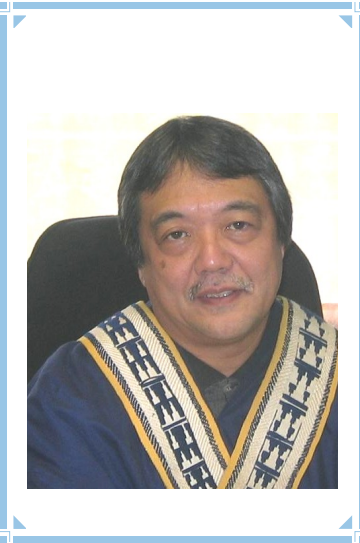


Chief Justice
Honorable Andon L. Amaraich
1992 to 2010



Chief Justice
Honorable Martin G. Yinug
2010 to Present

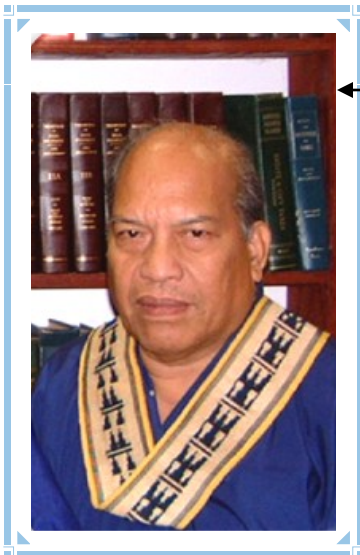
Associate Justices of the FSM Supreme Court



Honorable Dennis K. Yamase

Education: University of Hawaii
Richardson School of Law, Hawaii State
Juris Doctor -1986

Appointed to the Bench: 2002



Honorable Ready E. Johnny

Education: University of Papua
New Guinea, (PNG),
Bachelor of Laws-1987

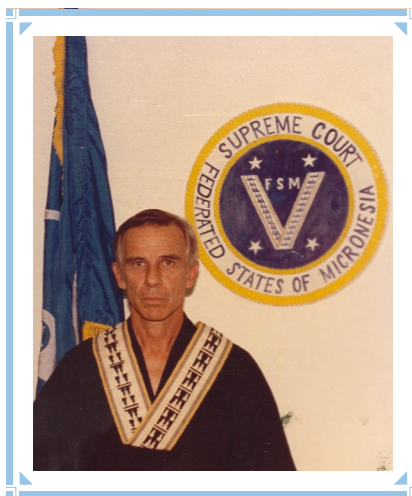
Appointed to the Bench: 2007



Honorable Beauleen Carl-Worswick

Education: Gonzaga University
School of Law, Washington State
Juris Doctor-1990

Appointed to the Bench: 2010



Honorable Richard H. Benson

Pro Tem Judge
(Retired FSMSC Justice -1981-2002)

Significant Developments in 2012

FSMSC Five-Year Strategic Plan (2012-2017):

On July 12, 2012 during the FSM Law Day opening ceremony in the State of Kosrae, Chief Justice Hon. Martin G. Yinug unveiled the FSM Supreme Court Five-Year Strategic Plan (2012 to 2017). The Plan articulated the statements of Mission, Vision and Values of the Court and proposed five strategic goals to guide its mission toward achieving its vision as follows:

Strategic Goal No. 1: Adopt and Implement Sound Management and Administrative Practices.

Strategic Goal No. 2: Modernize Technology, Library Resources and Court Facilities.

Strategic Goal No. 3: Meet the Challenges of Four Geographically Separated and Culturally Unique Pacific-Island States.

Strategic Goal No. 4: Promote Professionalism in the Judiciary and the Legal Profession.

Strategic Goal No. 5: Increase Public Understanding and Access to the Courts.

2012 Appellate Rulings:

Damarlane v. Pohnpei Transport Authority, Appeal Case No. P1-2011 and P6-2011 (2012)

Summary: Rule 11 sanctions against Plaintiff, requiring the payment of attorney fees were affirmed when the Plaintiff sought to have Defendant held in contempt for failing to comply with a interlocutory order which had been dissolved by the Court's dissolution of the underlying preliminary injunction.

Notable holdings: Under Rule 11 a good faith argument that is purely frivolous is sanctionable. at 8.

Although Rule 11 sanctions cannot be imposed for merely being wrong about the law, Rule 11 sanctions cannot be avoided under the guise of a pure heart and an empty head.

The order the Plaintiff sought to enforce was interlocutory and did not survive the 1995 amended judgment but were overruled, superseded, or made irrelevant by it, by the dissolution of the preliminary injunction, and by our affirmance of those decisions. They therefore ceased to be valid, subsisting orders. Id.

Iriarte v. Individual Assurance Co., Appeal Case No. P3-2011 (2012)

Summary: A foreign corporation's local agents were held liable for cashing checks listing the foreign corporation as the designee.

Under the strict liability theory of conversion, it required that the store reimburse the corporation for the value of the checks that were not provided to the corporation's shareholders.

Notable holdings: Since handling Appellee's premium checks was within the scope of their agency and since the Appellants did not exercise the "utmost good faith, loyalty, and honesty" toward Appellee when they were Appellee's agents because they did not immediately remit all premium checks to Appellee, the Appellants breached the fiduciary duty owed to Appellee. at 16.

Since checks with corporate payees are normally deposited in a corporate bank account and not negotiated for cash or endorsed over to another person . . . one who pays out on such a check does so at his own peril. at 21.

The Appeals Court holds that, as a matter of law, no individual can ever have the apparent authority to cash a check that has a corporation as the payee. It further holds that, as a matter of law, any business that cashes such a check with a corporate payee is not engaged in a commercially reasonable business practice. at 27.

Case Management

The first strategic goal of the FSM Supreme Court Strategic Plan is to adopt and implement sound management and administrative practices with regards to case management, the primary responsibility of courts. This goal underscores improvement of case administration by improving the efficiency of case filing, case tracking, case collection processes, and case assignment practices, and establishing an effective time standard policy for case disposition.

The efficiency and effectiveness or soundness of a court's case management system is a primary indicator of measuring performance. Efficiency and effectiveness of case management is measured by several performance indicators among which clearance rate and case disposition time are most useful. Clearance rate is measured by percentage of cases filed over cases closed or disposed in a given period. Disposition time is a measurement of case disposition against an established time standard policy. Since FSM Supreme Court has yet to adopt a time standard policy, disposition rate in this report will be based on real time; when a case was filed until it was disposed/closed.

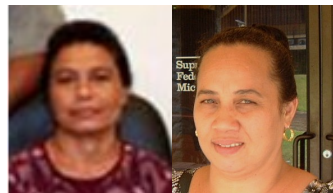
To help establish a basis for measuring FSM Supreme Court's performance through its case management system, a data baseline on the number and types of cases filed and disposed/closed during calendar years 2010 , 2011, 2012, and including cases pending as of December 31, 2009 were gathered and analyzed. The data were grouped into three different categories, Criminal, Civil and Appellate as tabulated in Tables 1, 2 and 3 respectively. Data for each category was analyzed for clearance rate and disposition time, by year and by court, as of December 31, 2012.

Clerk's Division Staff, Staff Attorneys/Law Clerks

Clerks/Court Reporters



Mr. Kohsak Keller
Chief Clerk of Courts



l– Ms.Georgia Rungun (Yap)
r– Mrs. Sandy Albert (Pohnpei)



l– Ms.Joyleen Wichap (Pohnpei)
r– Mrs.Atrina Soichy (Chuuk)



l– Ms.Kathy Nakasone (Pohnpei)
r–Ms.Xyanne Sinos (Chuuk)

Staff Attorneys/Law Clerks



Mr. Larry Wentworth
Specialized Attorney
(Chuuk)

Ms. Yoslyn Sigrah
Staff Attorney/Law Clerk
(Pohnpei)



Mr. Daniel Rescue Jr.
Staff Attorney/Law Clerk
(Pohnpei)



Mr. Yoav Sered
Staff Attorney/Law Clerk
(Yap)



Table 1. Criminal Cases (2009-2012)

STATES 2009	12/31/2009	2010	1210	2011	2011	2012	12/31/2012
	PENDING	CLOSED	PENDING	CLOSED	PENDING	CLOSED	PENDING
CHUUK	13	6	7	0	7	0	7
KOSRAE	1	0	1	1	0	0	0
POHNPEI	5	1	4	2	2	0	2
YAP	1	1	0	0	0	0	0
Total >>	20	8	12	3	9	0	9
STATES 2010	12/31/2010	2010	1210	2011	2011	2012	12/31/2012
	FILED	CLOSED	PENDING	CLOSED	PENDING	CLOSED	PENDING
CHUUK	6	1	5	5	0	0	0
KOSRAE	0	0	0	0	0	1	0
POHNPEI	2	0	2	1	1	0	0
YAP	1	1	0	0	0	0	0
Total>>	9	2	7	6	1	1	0
STATES 2011	2011	2011	2011	2012	12/31/2012		
	FILED	CLOSED	PENDING	CLOSED	PENDING		
CHUUK	10	2	8	8	0		
KOSRAE	0	0	0	0	0		
POHNPEI	3	0	3	2	1		
YAP	0	0	0	0	0		
Total>>	13	2	11	10	1		
STATES 2012	2012	2012	12/31/2012				
	FILED	CLOSED	PENDING				
CHUUK	10	8	2				
KOSRAE	0	0	0				
POHNPEI	2	1	1				
YAP	0	0	0				
Total>>	12	9	3				

In 2012, 12 cases were filed. The clearance rate for the year was 75%, 9 of the 12 cases filed were disposed. 25% (3) of the cases remained pending at the year's end . It is also important to note that 1 of these pending cases (in Pohnpei) was another case where the defendant had fled the country.

In summary, all criminal cases filed in 2010, 2011 and 2012 and including criminal cases pending in 2009 were 55 in total. On average, the clearance rate for criminal cases as of 12/31/2012 was 75%, 41 of 54 cases were disposed, and 13 cases or 25% remained unsolved. It is important to note that 11 of the unsolved cases were awaiting extradition of defendants to the FSM. FSM Supreme Court has no jurisdiction over arrest and extradition of defendants who had fled the country.

Table1 and Figure 2 show the clearance rate for the criminal cases pending in 2009 was 55% as of 12/31/2012. There were 20 cases pending and as of 12/31/13, 11 of them were disposed/closed. Nine cases (45%) remained unresolved. The reason was: all defendants of these 9 cases had fled the country. It was impossible to dispose the cases until the defendants were to be arrested and extradited to the FSM.

In 2010, 9 criminal cases were filed. By 12/31/2012 all cases or 100% of the cases were disposed/closed.

In 2011, 13 cases were filed. The clearance rate for that year, as of 12/31/12, was 92%. 12 cases (92%) were disposed and 1 case (8%) remained pending. This case was another matter pending extradition of the defendant to the FSM.

Figure 2. Criminal Cases clearance rate by year

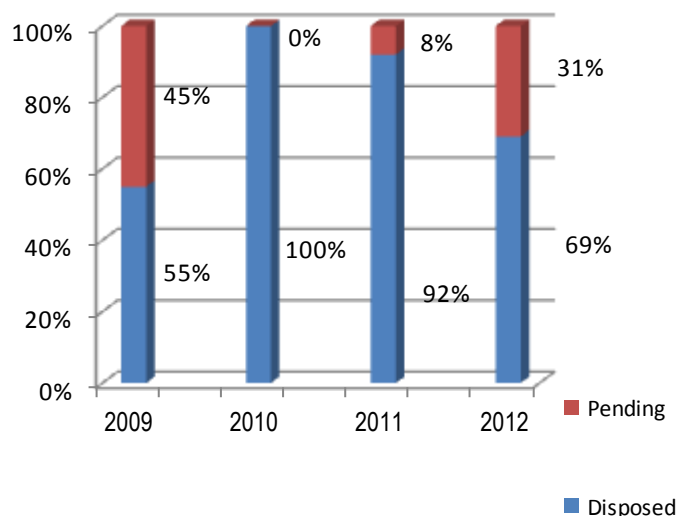


Table 2. Civil Cases (2009 to 2012)

Table 2 and Figure 3 show that there were 101 civil cases pending on 12/31/2009. By 12/31/2012, 82 cases or (81%) were closed/disposed and 19 (19%) remained unresolved.

In 2010, 84 civil cases were filed and the clearance rate for that year, as of 12/31/2012, was 86%; 72 of the 84 cases were disposed. The remaining 12 cases (14%) were unresolved.

In 2011, 62 cases were filed. By 12/31/2012, 43 of the 62 cases were disposed, a clearance rate of 69%. 19 cases (31%) remained pending.

In 2012, 92 cases were filed. The clearance rate was 39% or 36 of the 92 cases filed were disposed. 56 cases (61%) remained pending at the end of the year.

In summary, there were 339 civil cases filed in 2010, 2011, 2012, including cases pending in 2009. As of 12/31/2013, 234 cases were disposed and 105 cases remained pending. The average clearance rate was 69%.

STATES 2009	12/312009	2010	1210	2011	2011	2012	12/31/12
	PENDING	CLOSED	PENDING	CLOSED	PENDING	CLOSED	PENDING
CHUUK	21	12	9	1	8	4	4
KOSRAE	5	4	1	0	1	0	1
POHNPEI	67	31	36	13	23	9	14
YAP	8	6	2	1	1	1	0
TOTAL>>	101	53	48	15	33	14	19
STATES 2010	2010	2010	12/10	2011	2011	2012	12/31/12
	FILED	CLOSED	PENDING	CLOSED	PENDING	CLOSED	PENDING
CHUUK	37	5	32	13	19	19	0
KOSRAE	4	2	2	0	2	1	1
POHNPEI	35	6	29	11	18	7	11
YAP	8	5	3	3	0	0	0
TOTAL>>	84	18	66	27	39	27	12
STATES 2011	2011	2011	2011	2012	12/31/12		
	FILED	CLOSED	PENDING	CLOSED	PENDING		
CHUUK	11	2	9	6	3		
KOSRAE	7	2	5	3	2		
POHNPEI	40	13	27	14	13		
YAP	4	1	3	2	1		
TOTAL>	62	18	44	25	19		
STATES 2012	2012	2012	12/31/12				
	FILED	CLOSED	PENDING				
CHUUK	35	26	9				
KOSRAE	10	4	6				
POHNPEI	42	4	38				
YAP	5	2	3				
TOTAL>	92	36	56				

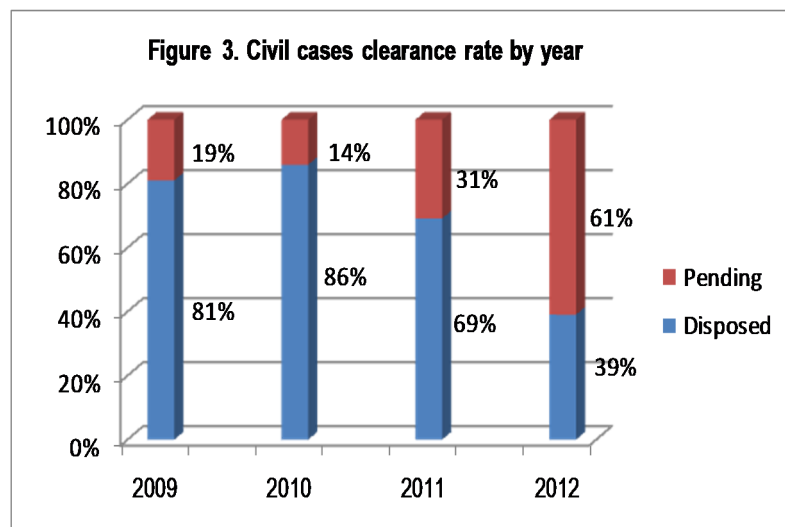


Table 3. Appellate Cases (2009 to 2012)

STATES 2009	12/31/2009 PENDING	2010 CLOSED	12/31/2010 PENDING	2011 CLOSED	2011 PENDING	2012 CLOSED	12/31/2012 PENDING
CHUUK	5	3	2	2	0	0	0
KOSRAE	9	7	2	2	0	0	0
POHNPEI	8	3	5	4	1	1	0
YAP	0	0	0	0	0	0	0
TOTAL>>	22	13	9	8	1	1	0
STATES 2010	2010 FILED	2010 CLOSED	12/31/10 PENDING	2011 CLOSED	2011 PENDING	2012 CLOSED	12/31/2012 PENDING
CHUUK	2	0	2	2	0	0	0
KOSRAE	3	0	3	3	0	0	0
POHNPEI	5	0	5	2	3	1	2
YAP	0	0	0	0	0	0	0
TOTAL>>	10	0	10	7	3	1	2
STATES 2011	2011 FILED FILED	2011 CLOSED	2011 PENDING	2012 CLOSED	12/31/2012 PENDING		
CHUUK	1	1	0	0	0		
KOSRAE	3	1	2	0	2		
POHNPEI	8	0	8	5	3		
YAP	0	0	0	0	0		
Total>>	12	2	10	5	5		
STATES 2012	2012 FILED	2012 CLOSED	12/31/2012 PENDING				
CHUUK	1	0	1				
KOSRAE	3	0	3				
POHNPEI	7	2	5				
YAP	0	0	0				
Total>>	11	2	9				

On December 31, 2009 there were 22 appeal cases pending. As of 12/31/12 the clearance rate was 100%. All cases pending then were closed/disposed.

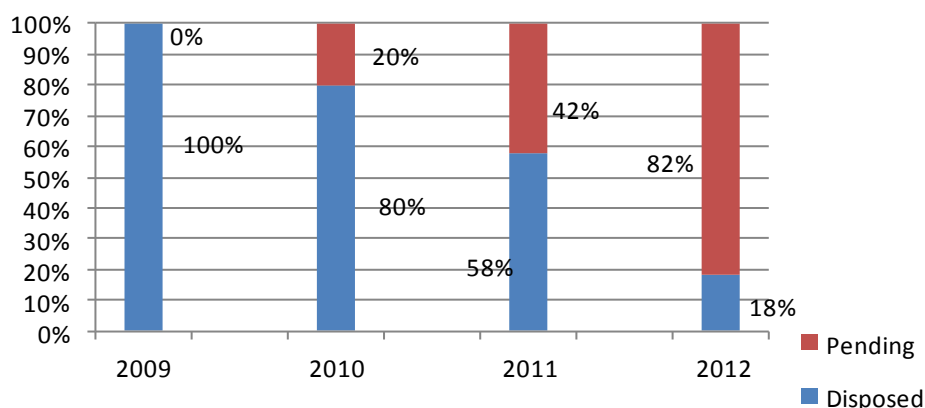
In 2010, 10 appeal cases were filed. The clearance rate for those cases as of 12/31/2012 was 80%, 8 of 10 were disposed and 20% or 2 cases remained pending.

In 2011, 12 cases were filed. The clearance rate as of 12/31/12 was 58%, 7 of the 12 cases were closed and 42% or 5 cases remained unresolved or pending.

In 2012, 11 cases were filed. The clearance rate was 18%. Two cases were disposed, 82% (9 cases) remained pending.

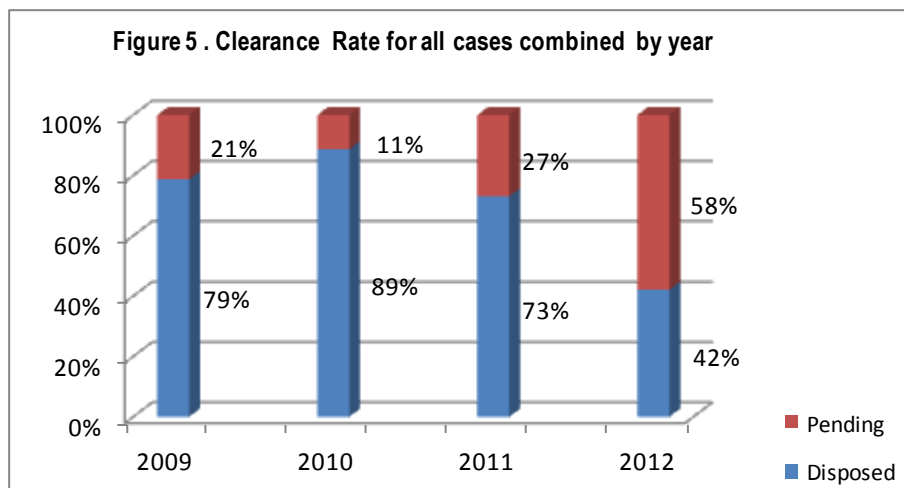
For all appeal cases filed in 2010, 2011 and 2012 including appeal cases pending in 2009, the clearance rate was 71%. Thirty-nine of 55 cases were resolved and 16 cases remained pending as of 12/31/2012.

Figure 4. Appeal Cases clearance rate by year



All Cases Combined by Year. Figure 5 shows all three types of cases, combined by percentage, on disposed and pending for each year. The clearance rates as of 12/31/2012 were: 79% for 2009, 89% for 2010, 73% for 2011 and 43% for 2012.

It is important to note that 100% of all appeal cases pending in 2009 and 100% and 92% of criminal cases filed in 2010 and 2011 respectively were disposed/closed as of 12/31/2012. In 2011, 1 case or 8% of the cases was pending. This case was awaiting extradition of the defendant that fled the country.



It is equally important to note that though 45% or 9 of the criminal cases pending in 2009 were still pending as of 12/31/2012, all of these case were awaiting extradition of defendants to the FSM.

Overall, the disposition rate for criminal cases over the three year period was higher on average compared to civil and appeal cases.

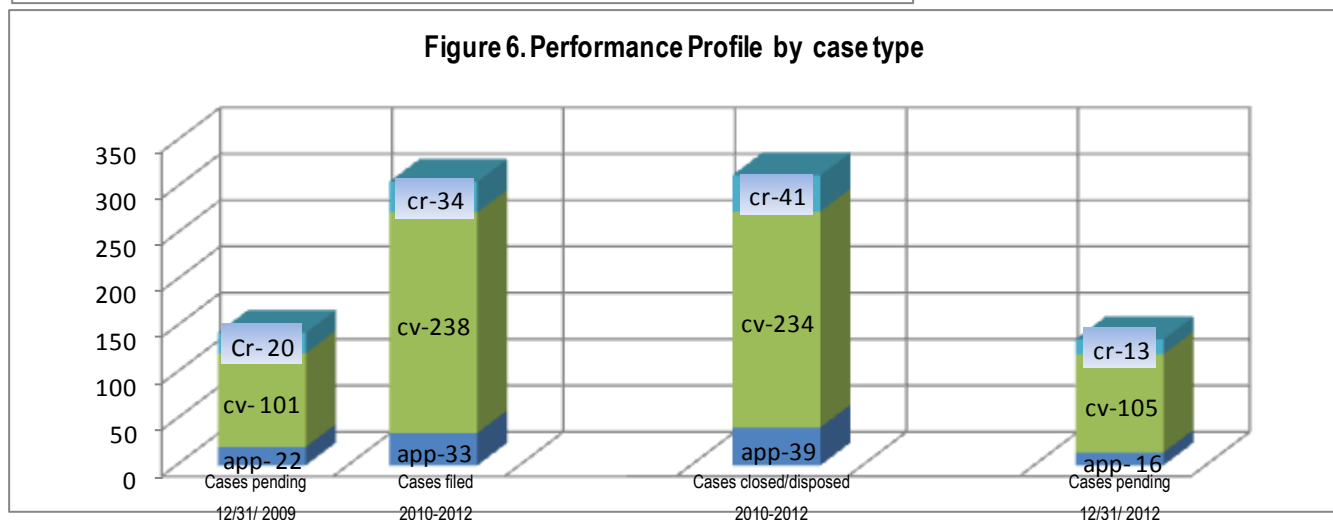
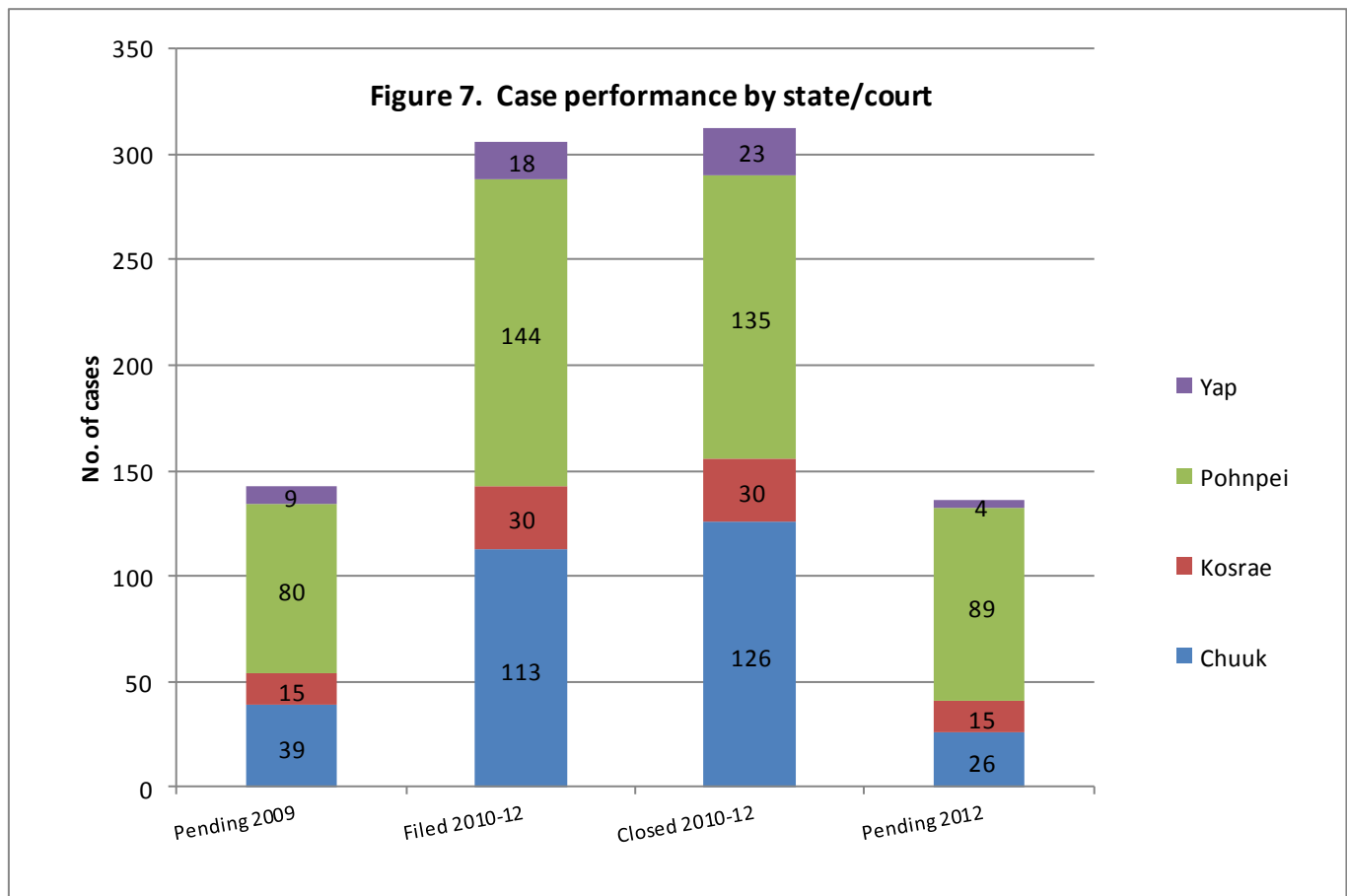


Figure 6 depicts all cases that were processed through the courts during 2010 to 2012 period, including cases pending at the end of calendar year 2009.

In 2009 , there were 143 cases pending (20 criminal, 101 civil and 22 appeals cases). From 2010 to 2012 a total of 305 cases were filed (34 criminal, 238 civil and 33 appeal cases). During the same period 314 total number of case were disposed/closed (41 criminal, 234 civil and 39 appeal cases). At the end of calendar year 2012, there were 134 cases pending on the dockets (13 criminal, 105 civil and 16 appeal cases). Of the thirteen criminal cases pending, 11 of them were awaiting extradition of defendants to the FSM, a responsibility that falls outside of FSM Supreme Court's authority.

Absent cases pending at the end of 2009 and subsequently disposed, total cases filed during the reported period (2010 to 2012) were 305 and of that number 198 cases were disposed as of 12/31/2012. Thus the average clearance rate for the 3 year period was 65%: By year (2010-89%, 2011-73% and 2012-43%) and by case type (Appeal-52% , Criminal-87% and Civil-65%).



All Cases Combined by State/Court. Figure 7 shows all case types combined by status and by states/courts. This profile compares caseflow activities of each state for the period under review (end of 2009 to end of 2012).

On December 31, 2009, 39 cases of all types were pending in Chuuk, 15 in Kosrae, 80 in Pohnpei and 9 in Yap—a combined total of 143 cases pending. For the three-year-period thereafter (2010 to 2012), 113 cases were filed in Chuuk, 30 in Kosrae, 144 in Pohnpei, and 18 in Yap—a combined total of 305 cases filed. During the same period, 126 cases in Chuuk were closed/disposed, 30 in Kosrae, 135 in Pohnpei, and 23 in Yap—a combined total of 314 cases were disposed/closed. On December 31, 2012, 26 cases in Chuuk, 15 in Kosrae, 89 in Pohnpei, and 4 in Yap, or a total of 134 cases were pending.

In summary, 143 cases were reported pending at the end of 2009 and 305 cases were filed between 2010 and 2012, a combined total of 448 cases were on the court dockets for disposal during the period. The distribution by States was: 34% of all cases or 152 cases were Chuuk cases, 10% or 45 cases for Kosrae, 50% or 224 cases for Pohnpei, and 6% or 27 cases for Yap. Of that combined total (448), 314 cases were disposed/closed and 134 cases were pending as of 12/31/2012. Therefore the overall clearance rate for all courts combined was 70%. As for each court, the clearance rates as of 12/31/2012 were: Chuuk-83%, Kosrae-67%, Pohnpei-60%, and Yap-85%.

Ombudsman Division Services

This division is responsible to develop and coordinate social services and alternative correctional programs for offenders under the general supervision of the Justices. It involves supervision of sentencing based on judgments and orders. It monitors convicted offenders under incarceration. It also assists in development of restitution, and oversees community service programs, community support arrangements, and implementation of programs for convicted probationers. In addition, its other duties include case studies and preparation of pre-sentence and progress reports for the court on offenders, development of alternative dispute resolution mechanisms, especially in cases related to local customs and traditions. It also serves as the liaison office between the courts, government agencies, public, law enforcement and correction agencies.

In 2012 the reported violations that led to convictions were: illegal use and/or possession of firearms, theft of government funds and possession, use and distribution of illegal drugs (marijuana) .

About 60% of all convictions reported were firearms violations. 85% all convictions were from Chuuk.

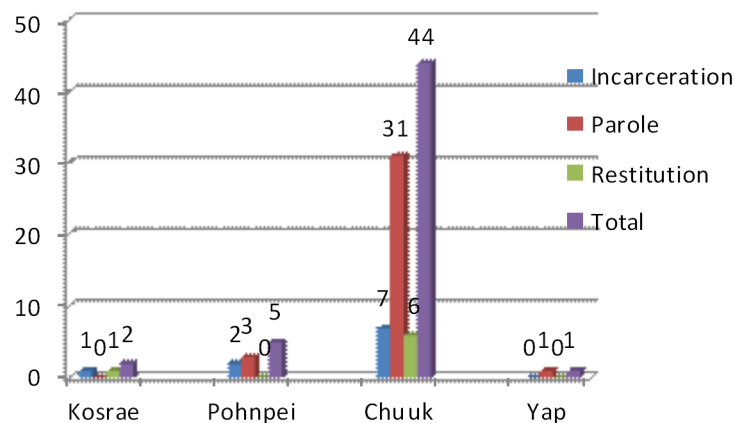
Table 4. Types of Sentencing by State

STATES>>	KOSRAE	POHNPEI	CHUUK	YAP
Incarceration	1	2	7	0
Probation	0	3	31	1
Restitution	1	0	6	0



Mr. Belan Yoma
National Justice Ombudsman

Figure 8. Sentencing types by State



State Justice Ombudsmen



Mr. Harry Narruhn (Chuuk)



Mr. Leo Kennufmed (Yap)



Mr. Linson Waguk (Kosrae)



Mr. Johnny Peter (Pohnpei)

Operations and Support Information

A. Budget and Revenue Information

FY2012 Operations Budget

	Appropriation	Expenditure
Personnel	\$ 757,415.00	\$ 711,000.00
Travel	\$ 147,015.00	\$ 147,015.00
Contract Services	\$ 120,300.00	\$ 120,300.00
Consumable Goods	\$ 175,306.00	\$ 175,306.00
Fixed Assets	\$ 76,000.00	\$ 76,000.00
Total>	\$ 1,276,036.00	\$ 1,229,621.00
Revenue Source: Local Tax Revenue	100%	

FY2012 Capital Improvement Projects

	Appropriation	Expenditure
FSMSC, Kosrae courthouse	\$ 65,964.00	In progress
FSMSC, Pohnpei courthouse	\$ 55,000.00	In progress
FSMSC, Chuuk courthouse	\$ 9,900.00	In progress
FSMSC, Yap courthouse	\$ 12,474.00	In progress
Total>	\$ 143,338.00	
Revenue Source: Local Tax Revenue	100%	

A total of \$1,276,036 was appropriated by the 17th FSM Congress for the operation of the FSM Judiciary Branch in fiscal year 2012.

In addition, \$143,000.00 was appropriated for facilities renovation and improvements in each of the 4 Courthouses in all 4 States. The allocations were based on assessed renovation needs for each facility.

Administration Staff



Mr. Samuel Bailey
General Counsel



Ms. Lorina Pernet
Secretary to
Chief Justice



Ms. Pihna P. Sohl
Administrative Officer



Mr. Israel Yoshinobu
Webmaster

B. Court Personnel

Employment groups**	A	B	C	D	Total
Appellate Division	4	4	12	11	31
Trial Division	Same	Same	Same	Same	Same
Gender (M/F)	3/1	3/1	6/6	6/5	18/13

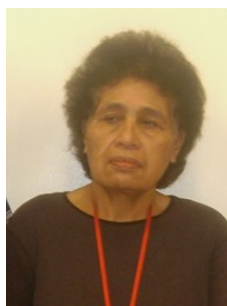
**A- Justices, B-Staff Attorneys/Law Clerks, C-Clerks and Justice Ombudsman, D-Administration and Support Staff

In 2012, 31 positions were authorized for the FSM National Judiciary. 8 positions were exempt positions, (4 justice positions, general counsel, secretary to chief justice, director and specialized attorney). The remaining 25 positions were classified public service positions: (7 clerk/assistant clerks/court reporters, 3 staff attorneys/law clerks, 1 administrative officer, 5 ombudsmen, 1 law librarian, 1 webmaster and 1 position for information technology (IT) and 4 maintenance and custodian staff)

Facility Maintenance, Housekeeping/Custodial Staff



Mr. Keske Jacob
Maintenance Supervisor



Ms. Joanne Pinanug
Custodian (Yap)



Mr. Rohro Hellan
Custodian (Pohnpei)



Mr. Inos Andon
Custodian (Chuuk)



Ms. Mohna Semens
Housekeeper (Pohnpei)

C. Law Library Services

The FSM Supreme Court Law Libraries (FSMSCLL) strive to provide access to legal information to all patrons who come through the door. Our mission 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. To accomplish this goal, the libraries acquire and make available primary and secondary legal resources in print, CD-ROMs, online services, and Internet access.

Locations and Hours:

FSM Supreme Court

Main Office

Palikir, Pohnpei FM 96941

Phone: (691) 320-2763/2764

Fax: (691) 320-2756

E-mail: fsmsupcourtlawlibrary@gmail.com

*Open to the public: Monday – Friday 8:00 a.m. - 5:00 p.m.
Closed on weekends and holidays.*

FSM Supreme Court Office

Weno, Chuuk FM 96942

Phone: (691) 330-2396

FSM Supreme Court Office

Colonia, Yap FM 96943

Phone: (691) 350-2159

FSM Supreme Court Office

Chief Law Librarian

Tofol, Kosrae FM 96944

Phone: (691) 370-3185



Mr. Atarino Helieisar

Chief Law Librarian

About the Law Libraries:

The FSM Supreme Court Law Libraries (FSMSCLL) were composed of a total 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 Chuuk, Yap and Kosrae. The two law libraries located in both the State of Yap and Kosrae are shared and operated by both the FSM and the State Courts. These law libraries provide valuable services and resources to support the work of the judges, law clerks, bar members, their staff, and the public throughout the four FSM States and beyond. These collections are open to the public anytime the libraries are open. The libraries are self-served; staff can assist in finding materials but cannot give legal advice or interpretations. The main FSM Supreme Court Law Library in Palikir, Pohnpei houses over 10,000 legal volumes, including most sources of FSM Laws, Trust Territory Reports, Trust Territory Code, FSM Congress Journals, Journals of the Micronesian Constitutional Conventions, Pohnpeian, Chuukese, Yapese and Kosraean Laws, FSM local government laws and constitutions, U.S. law reporters, and an array of treatises and reference books. Many of the legal resources are available in electronic format. The FSM Supreme Court Law Libraries have access to WestlawNext online, but availability is limited to only judges, law clerks and some key staff members.

FSM Supreme Court Publications

The Law Library issues its own publications in hard copies and most of them are also available in electronic format. These publications can be accessed for free on the FSM-Legal Information System

(LIS) website and soon to be FSM Supreme Court new website. The hard copy publications can be acquired at the main FSM Supreme Court Law Library in Palikir, Pohnpei. Inquiries for more information can be done by phone to (691) 320-2763/2764 or via email at fsmsupcourtlawlibrary@gmail.com.

FSM Supreme Court Publications:

FSM Interim Reporter:

The FSM Interim Reporters Volume 1-17 & Vol. 18 (pages 1-198).

Digest, Updater and Table of Cases:

The latest on the Digest, Updater and Table of Cases is Edition 2010, which covers volumes 1-16 and pages 1-91 of volume 17.

Digest 2012 Edition is now available in electronic format.

Rules of the FSM Supreme Court:

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

FSM Supreme Court News letter:

Volume 1 Issue No.1-5

FSM Bar Exams (Questions & Answers)

Year 1994—2012

FSM Five-Year Strategic Plan (2012-2017)

FSM Legal Information System (FSM-LIS) Website

The websites links found on FSM-LIS website, www.fsmlaw.org, have been found to be the most useful when conducting free legal research on laws of the Federated States of Micronesia, the four FSM States (Pohnpei, Chuuk, Yap and Kosrae) and other Pacific laws on the Internet. Copies of the FSM Legal Information System Website is also available on CD-ROM for off-line users especially for places where internet access is limited or absent. Many find CD-ROMs very useful when the power is off or especially when the internet is down.

MEMBERSHIP

Memberships include *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*.

Library Automation Program:

This program is intended to provide users and administrators ease of access to library collection and online resources through automated and computerized search capabilities. Consultation and scoping started in 2012. Based on the result of the consultation a program will be designed that suits the content, quantity and configuration of the library collection. It is projected to be launched in FY 2014.

D. Special Development Projects

There were three special projects planned in 2011 and implemented in 2012: 1)FSMSC 5-Year Strategic Plan, 2) Facilities maintenance and renovation for all 4 Court buildings and 3) Technology Infrastructure Improvement.

1. FSMSC 5-Year Strategic Plan.

The Justices and Staff of the FSM Supreme Court, and other stakeholders, held meetings from July 19-22, 2011 to discuss, review and reevaluate the purpose and goals of the administration of justice by the highest court of the nation and developed a draft strategic plan as a roadmap to guide its mission of improving justice for all people in the FSM.

Further refinements, revisions, and editing of the draft strategic plan took place over nearly a year, culminating in the adoption of a final Strategic Plan for the Court for the years 2012 to 2017. On July 12, 2012, Chief Justice Hon. Martin G. Yinug unveiled the Plan for implementation during the opening ceremony of the FSM Law Day in Tofol , Kosrae.



2. Facilities Maintenance and Renovation:

FSM PL 17-19 appropriated in FY2012 \$143,338.00 for the renovation and upgrade of all four FSMSC facilities in the states. The breakdown for each court follows:

Kosrae- \$65,964.00-under review with the President's Contract Review Committee. The scope is to fix all the leaks in the roofing, completely remove damaged and install a new ceiling, remove and retile the entire floor, replace the termite-invested trellis bar and the witness stand, overhaul the entire electrical system and repaint the interior of the entire courtroom.

Pohnpei- \$55,000.00– commenced with completion target date of early 03/2013. To install security grills for all windows of the court building to prevent break-ins and to eliminate risk of theft of valuable office equipments , furniture and important documents for the court.

Chuuk- \$9,900.00-commenced with a completion target date of early 04/2013. To replace the following for the courtroom: wooden justice bench, clerks station, witness stand, trellis bars and swing door to the courtroom; to replace wooden frames of the windows and the two door jambs.

Yap- \$12,474.00–commenced in January with a completion target date of mid 03/2013. To replace the roofing of the building for the FSM Supreme Court in Yap. To replace wooden bench and repaint stained walls and ceilings from roofing leakage in the courtroom.

3. Technology Infrastructure Improvement

The importance of improving communication and real-time interaction between and amongst all 4 courts of the FSMSC cannot be over emphasized given the FSM's geographic barriers. Thanks to technological innovation, the barriers of physical distance no longer pose challenges that cannot be overcome. With the assistance of court staff and IT experts from the US judiciaries, the project to improve the exchange of information, data, still images and videos between all 4 courts is currently underway. A budget of \$100,000.00 was submitted and as of 12/31/2012 pending before FSM Congress. It was recommended and endorsed for Congressional action by the Executive Budget Review Committee and the Congressional Committee on Judiciary & Governmental Operations.

The design concept depicted in Figure 9 below is the proposed infrastructure envisioned to serve the need of the FSM Supreme Court given its physical geographic configuration and the capacity to harness the current capability of information technology available in the FSM.

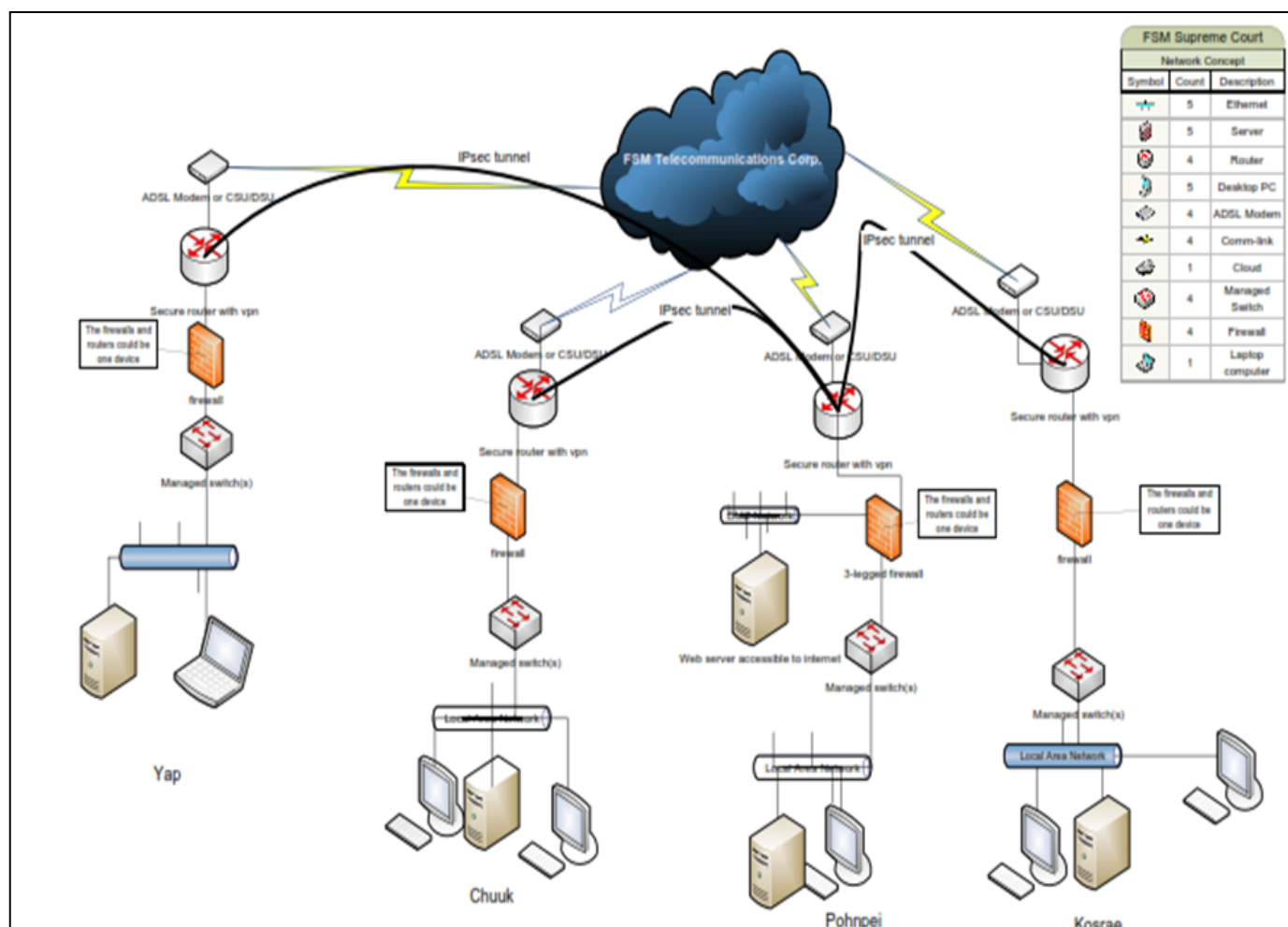


Figure 9

E. Human Resource Capacity Building Activities

- ▶ All Justices attended a workshop on Alternative Dispute Resolution in Guam during early part of 2012 fiscal year. It was sponsored by the Pacific Judicial Council (PJC).
- ▶ 4 Secretarial and Administrative Assistant staff attended a training on customer services and office operation in Guam in February 2012. The program was organized by the FSM Judicial Education Committee and funded by US 9th Circuit Court.
- ▶ Chief Law Librarian attended an international annual meeting and a workshop of World Library of Congress and International Federation of Library Associations and Institutions (IFLA) representing Pacific Island Association of Libraries and Archives (PIALA), as its President, in Helsinki, Finland in August 2012. His participation was sponsored by PIALA.
- ▶ Chief Justice Martin G. Yinug and Director Capelle attended a meeting and a court leadership workshop on International Framework for Court Excellence (IFCA) in Kosrae, FSM in March 2012 sponsored by PJC
- ▶ Four staff from FSMSC Clerks division attended a training in Pohnpei on a new court recording system (FTR), in June 2012 sponsored by Pacific Judicial Development Program (PJDP).
- ▶ Three Justice Ombudsmen from FSMSC attended a Court Security and Protocol training in Guam in August 2012 sponsored by PJC.
- ▶ A bi-annual judicial training workshop was held for all judges, lawyers and senior court staff of all courts (national, state and municipal) in Pohnpei in September 2012. The topics covered were on Court Leadership Skills, Contract and Torts Laws and Court Strategic Planning. It was organized by the FSM Judicial Education Committee and FSM Supreme Court. 56 participants from all courts including and other legal agencies participated. It was funded by US 9th Circuit Court.
- ▶ Associate Justice Yamase and Director Capelle attended a workshop on Advanced Regional Training Team in Papua New Guinea in late September 2012 sponsored by PJDP.
- ▶ Chief Justice Yinug attended a workshop on computer skills for judges in Guam in September 2012 sponsored by PJC.
- ▶ General Counsel Bailey and NJO Yoma attended a technical training on computer repair, trouble shooting, web design, networking and server management in Manila PI in November 2012 sponsored by FSM capacity building and US 9th Circuit Court.
- ▶ Associate Justice Yamase and Staff Attorney Daniel Rescue Jr. attended an international training conference at Cornell University in New York in October 2012 on Legal Information Systems-Law via Internet sponsored by US 9thCircuit. This is very important for the management of the FSM Legal Information resource website that is being used internationally by courts and academic institutions.
- ▶ Justice Ombudsman Johnny Peter attended a court interpreters training workshop for all judiciaries in this region held in Pohnpei in October 2012 sponsored by PJC to help court staff in court translation skills and process.
- ▶ Chief Justice Yinug attended two high level judicial leadership meetings in 2012; one in Maui in August with the US 9th Circuit judges and the other in Honiara, Solomon Islands in November for the 20th Pacific Judicial Conference of the Chief Justices representing 14 pacific island countries including Australia , New Zealand, and USA. The programs were sponsored by US 9th Circuit Court and PJC.

Community Outreached Activities

A. Law Day Debate 2012 : Topic: “Be it proposed that the Constitution of the FSM be amended to reduce the majority required for constitutional amendments to be adopted from 3/4 of the votes cast in 3/4 of the states to 2/3 of the votes cast in 3/4 of the states”.



Keynote Speaker : Hon. Isaac V. Figir
The Speaker, 17th FSM Congress



Chief Justice Hon. Martin G. Yinug



The state debating team champions for 2012 Law Day were: Kosrae High School from Kosrae, Seventh Day Adventist School from Pohnpei, Chuuk State High School from Chuuk and Yap High School from Yap.

The national champion for 2012 was team Chuuk represented by Chuuk State High.





↑ The Champs:
Chuuk High School

B. 2012 FSM High Schools Student Close-up Program



High School students from all over FSM visited and observed FSM Supreme Court in session. After an hearing the students gathered with Associate Justice Hon. Beaulen Carl-Worswick for a photo session.

C. Law Librarian Outreached Activities

Mr. Helieisar, Chief Law Librarian continued the outreach services and professional development throughout the year by giving presentations to students who were enrolled in the Trial Counseling Program at the College of Micronesia-FSM National Campus, local courts, workshops and public, on how to use the FSM Legal Information Website and the legal resources available from other legal websites in the Pacific. The Chief Law Librarian also continued to visit the high schools, municipal and state judiciaries in Pohnpei to update them on FSM-LIS website.

FSM Bar

FSM Bar Association. Chief Justice Hon. Martin G. Yinug designated FSMSC Staff Attorney Ms. Yoslyn G. Sigrah to organize a special committee to look into creation of an organized FSM Bar Association. The first meeting of the special committee was called on September 14, 2012. All interested FSM Bar members were encouraged to attend. The officers of the special committee were elected. Among other important agenda items of that meeting was an Inaugural FSM Bar Convention proposed for mid-year 2013. All members of the FSM Bar are encouraged to attend the convention. Specific details of that convention are forthcoming.



First meeting of the organizing committee for the FSM Bar Association.

FSM Bar Examination. The examination is administered twice a year by the FSM Supreme Court. The examination days are on first Thursday of March and August. The Office of the Chief Clerk of Courts oversees the administration of the examination.

There were couple of changes made to the examination policy and application in 2012. First, the deadline for filing application and supporting documents was amended from 30 days to 60 days before examination date. Secondly, the bar examination application was simplified for ease of use.

In 2012, 7 new bar members in all the States passed the examination and were admitted to practice law in the Supreme Court of the FSM.



Admission of new FSM Bar members in 2012 in Pohnpei by Justice Carl-Worswick

FSM Supreme Court Membership Organizations



Pacific Judicial Council

Suite 300 Guam Judicial Center • 120 West O'Brien Drive • Hagatña, Guam 96910-5174
Tel: (671) 475-3413 • Fax: (671) 475-3164
jcepeda@guamsupremecourt.com



PACIFIC JUDICIAL DEVELOPMENT PROGRAMME



Pacific Judicial Conference

Conference of Chief Justices of Asia and the Pacific



National Association for Court Management
Established 1985



International
Association For
Court Administration

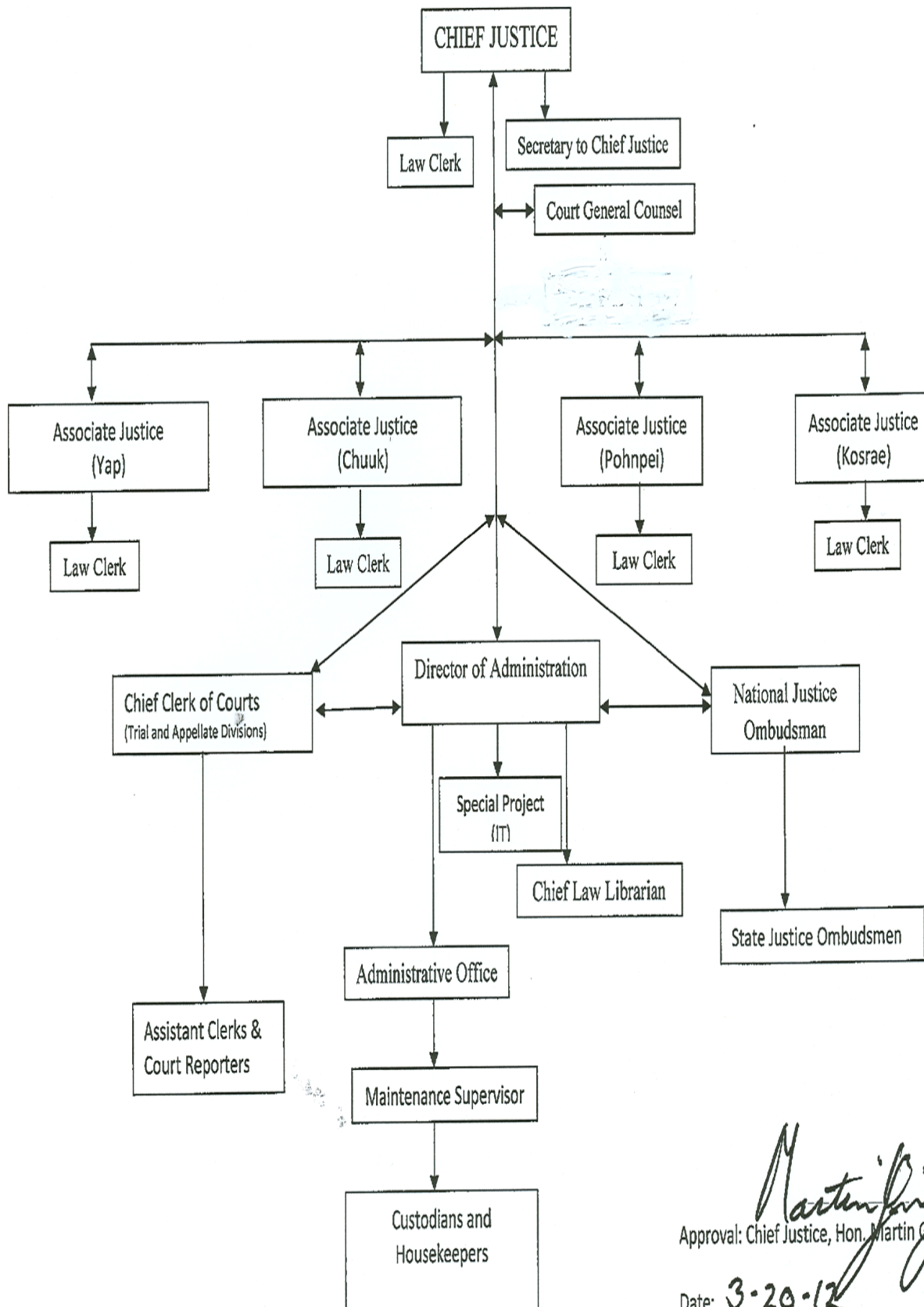


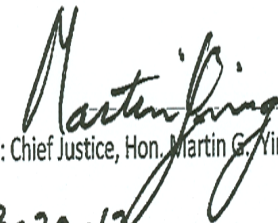
Pacific Islands Association of Libraries, Archives and Museums (PIALA)



International Association of Law Libraries

AMERICAN ASSOCIATION OF LAW LIBRARIES




 Approval: Chief Justice, Hon. Martin G. Yinug
 Date: 3-20-12

FSM Supreme Court Organizational Chart

