

NEWSLETTER

Volume II Issue I

March 31, 2018



Seal of the Supreme Court of the FSM

- The seal above represents many things of the ways of the Micronesian people. The "V" sign in the center of it is a star point; which signifies "star path navigators; a traditional and contemporary symbol common to all four FSM Island States; and, it also represents a mountain; and ocean waves.

Inside this issue:

<i>PJC Environmental Law and Science Conference</i>	2
<i>FSM Bar's New Members</i>	2
<i>CPR Training for Court staff</i>	3
<i>Personal</i>	3
<i>Tribute to the late Hon. Ready Johnny, Associate Justice</i>	4
<i>FSM Supreme Court Library news</i>	5
<i>About the Law</i>	5

Welcome

We are pleased to announce the relaunching of the FSM Supreme Court's published newsletter. It is our hope that you will find the information in this Newsletter and future issues both interesting and informative as we attempt to keep you updated on some of the Court's recent events and activities.

It is intended that through this and future issues, we will be able to keep the public abreast of the activities and function of the court system. Not only that we want to keep you well informed but also to promote the understanding of how the court functions and how it improves its staff and justices through training and conferences so that we can be better capable to serve you. These newsletters can also be utilized as resourceful tools for the young ones especially those who are planning to pursue careers in the legal fields.

So, enjoy your time as you gaze through these articles. We will be more than happy to hear any suggestions or comments from you for the improvement of future articles.

Thank You

Trial Counselors Certificate of Achievement Program

In Summer, 2017, a group of 10 students from the College of Micronesia-FSM graduated at the FSM Supreme Court to celebrate their accomplishments in the Trial Counseling Program. One of our own Staff from the FSM Supreme Court was also one of the ten individuals. Mr. Atarino A. Helieisar, who is currently the Chief Law Librarian / Publication Manager at the FSM Supreme Court, completed the Program as well.

The FSM Supreme Court welcomes and celebrates with the COM-FSM administrators, faculty, staff, family members, friends and the community the completion of these ten individual students with full support on whatever plans that the court can do to make sure they are successful in their future endeavor. Mr. Mayson Wiley, was the keynote speaker for this year's graduation. Mr. Wiley was one of the few instructors for this Program and at the same time he was the Executive Director of the Center for Entrepreneurship at the COM-FSM National Campus. The Col-

Continue on page 7

2018 FSM National Law Day

The FSM National Law Day is one of the court's annually sponsored programs that features high school students representing their states of Chuuk, Kosrae, Pohnpei and Yap in debates on issues of national significance. The purpose of the Law Day when it was first organized

and held in 1991 was to commemorate the 10 anniversary of the Court by involving high school students and the general public in discussion of issues important to the Federated States of Micronesia as a developing nation. The FSM National Law Day has become an important annu-

al activity of the court. Since its inception on July 12, 1991, hundreds of high School students from the four states have already been involved in the event and close to half a million dollars in scholarship funds have been issued. For the past twenty

Continue on page 7

PJC Environmental Law and Science Conference



Members of the Pacific Judicial Council (PJC), the island's legal community, environmental experts, and scientists throughout the region gathered for the 2017 PJC Environmental Law and Science Conference

from November 13 to 17, 2017 at the Guam Hyatt Regency Hotel. The conference was to help strengthen the participants' knowledge of current pressing environmental issues such as global warming, sea level rise, and coral reef die-offs. The weeklong conference featured a series of presentations and panel discussions on island-sustainability challenges in the region, the effects of climate change, policy and legal response options, the decline of coral reefs and its impact, environmental litigation, marine fisheries protection, marine law enforcement, marine-protected areas, and other conservation measures. The conference was organized and coordinated

by the Hon. Frances Tydingco-Gatewood Chief Judge of the U.S. District Court for Guam, Chief Justice Dennis K. Yamase of the FSM Supreme Court, Marine Biology Professor Robert H. Richmond, Ph.D from the University of Hawai'i at Manoa, and the PJC. The PJC is comprised of judges of Guam, the CNMI, American Samoa, the Republic of Palau, and the Federated States of Micronesia.

Participants of the conference included judges, scientists, professors, environmentalists, law makers from the region, environmental conservation groups, and many other stake holders. From the FSM, NORMA Executive Director Eugene

(see PJC Conference on p.9)

FSM Bar's New Members Admitted

SPECIAL PROCEEDING

FSM SUPREME COURT, PALIKIR POHNPEI-
On June 8, 2017 at 3:00 p.m. in Palikir, Pohnpei, a special proceeding was held and Chief Justice, Honorable Dennis K. Yamase administered oath of admission to the FSM bar to Ms. Josephine Leben James and Ms. Heather M. Lee. Attorney Pole Atanraoi-Reim appeared and moved for the admission of Ms. Josephine Leben James while Attorney Jonathan Abrames appeared for Ms. Heather M. Lee.

Family, colleagues, and friends filled the Courtroom to bear witness as Ms. James and Ms. Lee received their oath of admission to practice law in the nation's highest court.

Ms. Josephine Leben James undertook legal secretarial courses at the Tigard, Oregon, United States. She received her Associate of Applied Science in Legal Secretary from Portland Community College. Ms. James started working with the FSM Department of Justice as a Law Clerk in 2007. In 2008, she took the trial counselor courses offered at the College of Micronesia-FSM and received her trial counselor certificate in 2010. In 2011, she furthered her studies in law at the University of the South Pacific in Vanuatu and graduated in 2014 upon attainment of her L.L.B or Bachelors of Laws Degree. She also completed her Professional Diploma in legal practice from the University of the South Pacific in Vanuatu, in 2015. She returned to Pohnpei and continued working with the FSM Department of Justice as a Legal Assistant. Ms. Lebehn's education achievement at the University of Vanuatu was made possible with the scholarship provided by the Australian Government through their embassy in Pohnpei. She took her oath to become a member of the FSM Bar Association after she took and passed the bar exam.

After that, she was a legal intern in the Office of the Chief Counsel at U.S. Immigration and Customs Enforcement in Portland, Oregon. Ms. Lee graduated with honors in a bachelor of arts in French from Montana State University where she was a McNair Scholar recipient. She acquired her juris doctorate degree with a certificate of concentration in international law from Case Western Reserve University School of Law followed by a postgraduate diploma in international business law from Middlesex University in London, England. Ms. Lee is an active member in good standing of the Oregon bar in the United States. She took her oath to become a member of the FSM Bar after she took and pass the bar exam.

Ms. Heather M. Lee, had worked for Pohnpei State Supreme Court as a staff attorney since February of 2016. Before working with the Pohnpei Supreme Court, Ms. Heather M. Lee worked as legal intern at the Catholic Charities Legal Services Program in Las Cruces, New Mexico.

After hearing the presentation of both motions by Mrs. Atanaraoi-Reim and Mr. Abrams, the court granted its consent to their motions.

Honorable Dennis K. Yamase congratulated the new bar members reminding them that the court may need them in future projects in strengthening and improving the services of the judiciary system. The Court recognizes everyone in attendance at the special proceeding.

Emergency First Aid (FA) and Cardio Pulmonary Resuscitation (CPR) Training.

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 that provides basic life support training, and MRCS have experience and well-trained instructors.

The two days training was attended by seventeen participants, which include FSM Supreme Court Associate Justice, The Honorable Beaulen Carl-Worswick, FSM Supreme Court staff, and representatives of Pohnpei Surf club. Topics discussed during the training are Assessment of Emergency Scene, Primary Assessment, Resuscitation,

Bleeding and Shock, Medical Conditions, Muscle and Bone Injuries, Burns and poisons, and heat conditions.

The training was conducted by Mr. Morgan David of the MRCS and it was a two full day intense training. Participants who passes the training will be certified to perform CPR and certified Emergency First Aid responder. The FSM Supreme Court wishes thank the Pohnpei Micronesian Red Cross Society for their support in making this training possible. FSM Supreme Court look forward in working with MRCS to provide the same training to the FSM Supreme Court offices in the other FSM states.



Personnel

FSM SUPREME COURT NEW HIRING

[Two new employees came on board in October 2017.](#) Mrs. Carleila C. Edgar was hire and came on board on October 16, 2017, as FSM Supreme Court Staff Attorney IV. Prior to her hiring, she was a Staff Attorney for Pohnpei State Legislature. Mrs. Carleila C. Edgar received her Juris Doctor, in spring of 2013 from Jacksonville, Florida.

Cheryl-Ann M. Freeman was hired as an Administrative Clerk II on October 3, 2017. Ms. Cherlyl-Ann M Freeman gains work experience from his service at the United Airline, customer service at Blue Plate Café, and work-study for the Wene Elementary School. Ms. Cherlyl-Ann M Freeman earns her Associate of Science Degree in 2016 from College of Micronesia (COM-FSM).

The FSM Supreme Court welcome the two newly hired staff onboard.



**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, 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 steadying 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.

The 27th PIALA Annual Conference in Pohnpei State, Federated States of Micronesia November 13-17, 2017



Mr. Atarino Helieisar, Publication Manager/Librarian for the FSM Supreme Court shared that “My experiences as the Past PIALA President (2008-2015), *the best part of the annual conference was the energy generated by having so many librarians, archivists, museum curators and educators under one roof.*” The opportunity to talk face-to-face with librarians from all over the Pacific mostly here in Micronesia

convinced me that, regardless of library type, we all share a common commitment to provide our library patrons the best possible access to information.

In November, 2017, the 27th Pacific Islands Association of Libraries, Archives, and Museums (PIALA) Annual Conference was hosted by the Libraries, Archives & Museums of Pohnpei (LAMP) Association in partnership with the Pohnpei State Governor’s Office and the College of Micronesia - FSM with the theme “*Innovating Together: Enabling Libraries, Archives, and Museums for Sustainable Development*”.

The PIALA annual conference was designed by librarians, archivists, museum curators and educators for information professionals. The conference is the premier educational conference for information professionals and nearly 90 librarians, archivists, museum curators, and educators from across the Pacific and close to 30 educational opportunities, abundant social functions, tours of libraries, and the chance to learn what librarians are doing in their libraries took place. The conference brought together participants from the islands of Palau, Republic of Marshall Islands, Solomon Islands, Kiribati, Northern Marianas, Guam, and the FSM states of Chuuk, Kosrae, Yap, and Pohnpei.

FSM Supreme Court Law Library Donated Legal Books to the Local Courts in Pohnpei:

The FSM Supreme Court Law Library continues to donate legal books to the local Courts in Pohnpei. This year, more than fifty (50) boxes of legal materials will be heading to the Kolonia Town Court. The legal books will be a great resource for in the courtroom, but they will also be useful to the public for research. If the Kolonia Town Court utilized these books, anyone working for the Kolonia Town Government will have access to the law, not just judges and staff from the Kolonia Town Court.

The FSM Supreme Court law library will continue to work very closely with the local courts here in Pohnpei and in the other States whenever this kind of donations are available.

FSM Supreme Court Law Library(s) (FSMSCLL) Received Donated Legal Books from the U.S. Court Branch Library in Honolulu, Hawaii:

This year, more than fifty (50) boxes of donated legal materials received at the FSM Supreme Court Law Libraries in both in Palikir, Pohnpei and the shared court law library at the Kosrae State Court in Tofol, Kosrae State.

All this legal materials were from the U.S. Court Branch Library in Honolulu, Hawaii. These lawbooks are being donated to our court libraries at no cost to us. We are so lucky to have the US Court Branch Library in Hawaii to be a donor on these very expensive legal books. Their generous donations will go to good use. They will be extremely useful to all users. The donations allow us to maintain our law libraries full of the current law books and most up-to-date resources that our judges, staff and bar members need for their research.





Hon. Larry Wentworth, Associate Justice of the FSM Supreme Court

On October 5, 2016 a new Associate Justice of the FSM Supreme Court was sworn in at a ceremony held at the FSM Supreme Court in Weno, Chuuk. Larry Wentworth was nominated as an Associate Justice of the FSM Supreme Court by His Excellency Peter M. Christian, President of the Federated States of Micronesia, on June 2, 2016 and was confirmed by the 19th FSM Congress on August 2, 2016.

Hon. Larry Wentworth was born in Knoxville, Tennessee, United States of America and he was raised in New York, Illinois, Connecticut and Massachusetts. Mr. Wentworth, attended Thayer Academy in Braintree,

in his class of 250. Hon. Wentworth has written articles which includes, "*The International Status and Personality of Micronesian Political Entities*" which was published in the ILSA Journal of International Law (1992). The XYZ Affair of Massachusetts Prosecutorial Misconduct: The Curious Case of Commonwealth v. Lewin - ... published in the New England Law Review in 1991; and A Brief Historical Outline of the Treatment of National Minorities in the People's Republic of China published in the Twin Bridge Journal Of Asian Studies (1975).

Hon. Larry Wentworth has been with the FSM Supreme Court for

24 years. He was hired to the Court in 1992 by the late Chief Justice Amaraich as a staff attorney, a capacity he served under numerous Justices until his nomination in June of this year. During his time as staff attorney in Chuuk, Mr. Wentworth also compiled, assembled, edited and drafted the headnotes for opinions published in the FSM Reports (formerly FSM Interim Reporter) from mid-1992 until now. He also compiled and maintained the Digest, Updater, and Table of Cases, research tools connected to the FSM Reports.

The Oath of Office was administered to Hon. Wentworth by Chief Justice Dennis K. Yamase of the FSM Supreme Court. The ceremony was attended and witnessed by the Justices of the FSM Supreme Court, Vice President of the FSM Hon. Yosiwo P. George, members of the Executive cabinet, Lt. Governor of Chuuk and Members of the Chuuk legislature, State Chief Justices and Associate Justices, and family and friends of Hon Larry Wentworth.



FSM SUPREME COURT INTERNSHIP

As part of the Court's effort in promoting more young individuals to pursue a career in the legal community, the court accepted an internship application for Mr. Robert Nakasone Jr. Mr. Nakasone started his intern at the FSM Supreme Court in Palikir Pohnpei on November 13, 2017 and it

ended on January 19, 2018. He is currently a 3rd year student at the University of the South Pacific School of Law at the Emalus Campus in Vanuatu. Mr. Nakasone will be graduating from the USP Law School in December 2019 with an LLB (Bachelor of Law). After law school, he intends to come back to the FSM and work. Prior to attending the University of the South Pacific School of Law, Mr. Nakasone attend the College of Micronesia where he graduated in spring of 2015 with an Associate of Arts Degree in Micronesia Studies, Mr. was also a trail counselor student at the College of Micronesia.

During his internship at the Court, Mr. Nakasone was assigned to the office of the General Counsel. He was assisting the FSM Supreme Court Law Clerks in doing legal research, drafting Court orders and sitting Court proceedings. The FSM Supreme Court wants to thank Mr. Robert Nakasone Jr. for deciding to do his internship at the Court and wishes him the best in his studies. The Court encourages those who are interested in this internship program at the Court to contact us.

LAW DAY

(continued from page 1)

ty seven years, the Federated States of Micronesia, through the Supreme Court, has been providing the opportunity to high school students to participate in the development of our nation through debates on issues important to the FSM, and the same opportunity to the general public to be involved in these discussions as well. A coordinating committee is appointed each year by the Chief Justice to organize the law day. This year's topic 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".

Each year, the court pays to send the student debaters to the venue of the debates and provides scholarship awards to the debaters upon completion of the debates.

The venue for the 2018 FSM National Law Day is Yap State. The ceremonies and debates will be broadcast live throughout the Federated States of Micronesia on Thursday, July 12, 2018 starting at 9:00 a.m.. The debates will be held at the Yap State Small Business Development Center in Colonia, Yap. Please come and join us in Colonia Yap or tune in to the live radio broadcast.

Human Trafficking

On October 27, 2017 the Honorable Larry M. Wentworth Associate Justice of the Federated States of Micronesia Supreme Court convicted defendant Cortez Benedicto and defendant Rieta Eram in Criminal Case No. 2015-1513. Defendant Cortez Benedicto, has been convicted upon his plea of not guilty to Count I of the Criminal Information, human trafficking, Title 11 of the Federated States of Micronesia Code (F.S.M.C.) Section 615, and has been convicted on his plea of not guilty to Count IV of the Criminal Information, trafficking in children, Title 11 of the Federated States of Micronesia Code Section 616, but was acquitted to Count V, aggravated human trafficking, Title 11 of the Federated States of Micronesia Code Section 617 (12) and (13). Defendant Rieta Eram, been convicted upon her plea of not guilty to Count III of the Criminal Information, human trafficking, Title 11 of the Federate States of Micronesia Code and Count VII of the Criminal

Information, aggravated human trafficking of Title 11 of the Federated States of Micronesia Code Section 617 (12).

Starting Monday, October 30, 2017, the defendant, Cortez Benedicto, is committed to the custody of the Chuuk Department of Public Safety for imprisonment for a period of fifteen (15) months, suspended, except for weekends from 6:00 p.m., each Saturday night to 6:00 a.m. each Monday morning, and placed on probation for the rest of the fifteen months. Regarding the suspended portion of the sentence, defendant Cortez Benedicto, shall be placed on probation with certain condition:

1). He shall not violate any laws of the Federated States of Micronesia, Chuuk State and

Municipal, to which he is subject to;

2). He shall report to the State Justice Ombudsman Harry Narruhn every month or as directed

Trial Counselors (continued from page 1)

lege of Micronesia Trial Counselors 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. As Chief Law Librarian / Publication Manager, Mr. Helieisar assists users of the FSM Supreme Court's Law Library. Such users include judges, practicing attorneys, members of the FSM Bar and the general public. The courses offered by the Trial Counselors Certificate Program proved useful for Mr. Helieisar and the Judiciary in the past.

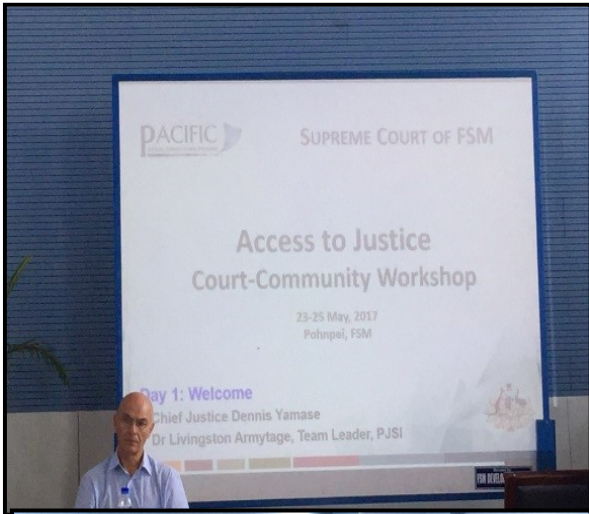


by the state justice ombudsman;
3). He shall not leave Chuuk State without the court's permission;
4). He shall not have any contact with the witness-victim in this case; and
5). When not working, he is confined to the GPPC Construction camp in Mwan Village on Weno Island.

Defendant Cortez Benedicto shall, no later than March 30, 2017, pay fine of \$5,000.00, and if not paid in a lump sum, must pay no less than \$200.00 each pay period until paid.

Concerning defendant Rieta Eram, starting October 27, 2017, is committed to the custody of the Chuuk Department of Public Safety for imprisonment for a period of fifteen (15) months, suspended, and placed on probation. Rieta Eram shall be placed on probation with certain conditions same as defendant Benedicto except she will not

ACCESS TO JUSTICE/ENABLING RIGHTS WORKSHOP HELD



The FSM Supreme Court, with the support of the Pacific Judicial Strengthening Initiative (PJSI), conducted a three (3) day Access to Justice/Enabling Rights Workshop from May 23-25, 2017 at the Governor's Conference room in Kolonia, Pohnpei. A week prior to the workshop, from May 15-20, FSM Supreme Court staff including General Counsel Danny Rescue, Jr., Acting Director Atarino Helieisar, and Pohnpei State Justice Ombudsman Johnny Peter, along with PJSI Technical Director Dr. Livingston Armytage, went out to various offices, agencies, outer islands, and municipalities in Pohnpei to conduct an Access to Justice Assessment.

An Access to Justice Assessment is a tool that can assist courts in planning their work, allocating resources and responding to community concerns. It can assist the courts to improve service delivery by identifying justice needs within the FSM, however, because of limitation on funding and time to conduct the study, only Pohnpei State was assessed. The Assessment provides people with an opportunity to give feedback on their needs and how the National, State, Land, and Municipal Courts are addressing those needs. They also provide the courts with an opportunity to evaluate this feedback and develop a plan of action, taking the views of users and potential users into consideration. The key aspect of the Assessment is not that they are conducted, but how the findings are used. The courts need to be committed to taking action to address community needs expressed in the Assessment and using the findings to improve court performance and increase the public's access to justice.



The first day of the workshop involved interested stakeholders and court users, and allowed them to give comments on obstacles that individuals may face when accessing courts in Pohnpei. The information gathered during the first day of the training supplemented the data gathered during the Assessments taken during the previous week. Judges and court staff from the FSM Supreme Court, Pohnpei State Court, Court of Land Tenure, and Municipal Courts were in attendance during day 1 of the training.



The second and third day of the workshop were limited to judges and court staff, who discussed the findings of the Assessments, reviewed the comments from the Assessments, and discussed ways to address issues regarding access to our courts. The topics of *pro se* litigants (individuals who appear before the court without an attorney), and enabling rights were also discussed in the three day training.

A main focus throughout the workshop was access to the courts for victims of domestic violence, child and spousal abuse, human trafficking, people with physical and mental disabilities, and the need for translation as a barrier to justice for many FSM citizens. As a result of the training, various court plans were developed to address the issues raised in regards to access to justice, which will be initiated in the coming months. Scheduled public awareness of people's rights and

community outreach efforts to explain court functions and procedures will be some of the first activities to be implemented by the courts in Pohnpei.

Environmental law & Science
(continued from p.2)

Director of External Division Ricky Carl presented at the Conference. On the last day of the conference, participants embarked on the Humatak Watershed Adventure through the La Sa Fu'a Watershed to discuss watershed connections

Pangelinan and Nature Conservancy,

and environmental threats. Participants also engaged in a watershed restoration demonstration.



Noah Idechong, Keynote Speaker



About the Law

When one person has a dispute with another, he may sue that person in a civil action for civil damages, which usually means that he is asking the court to order the other person to pay him money. This is different from a criminal action, when the state or national government brings a suit against someone and asks the court to find that person guilty of a crime and to punish him. All cases, whether civil or criminal, that are filed in the FSM Supreme Court are governed by applicable rules. Civil cases are governed by the FSM Rules of Civil Procedure and criminal cases are governed by the FSM Rules of Criminal Procedure.

A civil case, which may also be called a civil proceeding, is started when the person who claims to be the one who has suffered a loss or wrong files a document called a complaint with the court. This person who claims to be wronged is called the plaintiff. It is the plaintiff who initiates a case or a complaint, and not the court. The complaint sets out the basis of the plaintiff's claim, and also identifies the defendant, who is the person that the plaintiff claims has wronged him. The complaint tells the defendant what the plaintiff wants from the defendant and why. This is usually money. After the plaintiff files the complaint, he must see that the defendant receives a copy of the complaint. This is called serving the defendant. After the defendant has received a copy of the complaint, he then has twenty days in which to make sure that the plaintiff receives a copy of his response. This document is called an answer. The answer sets out the parts of the plaintiff's claim the defendant agrees with, and also sets out those parts of the plaintiff's claim that the defendant disagrees with. Then the court reads the complaint and the answer together, it then can determine generally what the case's issues are. At this point in the lawsuit, the parties are said to be "at issue."

FSM SUPREME COURT

P.O. Box PSJ
Palikir, Pohnpei 96941
Federated States of Micronesia

Phone: 691-320-2763
Fax: 691-320-2756
Email: njo@fsm-supremecourt.org
website:
www.fsm-supremecourt.org

