



***TILJEK IM MOL
NAN EKAJET JIMWE***

COMMITTED TO JUSTICE

**THE STRATEGIC PLAN OF
THE JUDICIARY
OF THE
REPUBLIC OF THE MARSHALL ISLANDS
2007~2012**

TABLE OF CONTENTS

Letter from the Chief Justice.....	1
Values, Mission, and Vision Statements of the Republic of the Marshall Islands Judiciary.....	3
Our Values.	3
Mission Statement.....	4
Vision Statement.....	4
Strategic Goals.....	5
Strategic Goal 1: To Be Independent, Fair, Efficient, and Accountable.....	6
Strategic Goal 2: To Be Accessible to All.	8
Strategic Goal 3: To Enhance the Knowledge and Skills of the Judges, Court Staff, and Counsel.....	11
Strategic Goal 4: To Administer the Courts in Accordance with Sound Management Practices.	14
Strategic Goal 5: To Provide for and Maintain the Judiciary’s Facilities and Technology.....	16
Appendix A: Structure of the Marshall Islands Judiciary.....	18
Appendix B: Organizational Chart for the Marshall Islands Judiciary.....	22



HIGH COURT
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On behalf of the judiciary of the Republic of the Marshall Islands (Judiciary), I am pleased to present *Tiljek Im Mol Nan Ekajet Jimwe, Committed to Justice*, the Strategic Plan for the Republic of the Marshall Islands Judiciary, 2007-2012.

Like many courts around the world and throughout the United States, the Judiciary sees the need to engage in long range planning. In October 2006, the Judiciary sought assistance to develop the first strategic plan for the courts. During the week of January 9, 2007, judges, court staff, and various stakeholders participated in discussions and interviews concerning the Judiciary, its operations, strengths, and needs.

The resulting strategic plan identifies five major goals to be accomplished over the next five years: (1) to be independent, fair, efficient, and accountable; (2) to be accessible to all; (3) to enhance the knowledge, skills, and performance of judges, court staff, and counsel; (4) to administer the courts in accordance with sound management practices; and (5) to provide for and maintain the Judiciary's facilities and technology.

Each goal contains strategies and several specific action items. This is an extremely comprehensive strategic plan, especially given the limited resources of this island nation. However, the Judiciary is committed to providing the best service possible and will seek ways to implement this strategic plan's goals, strategies, and action items.

This strategic plan will serve to guide judges and court staff as they perform their responsibilities; it will also assist in determining how best to use available resources; and it will provide a way to measure the accomplishments of the courts as they strive to fulfill their mission. As the plan period proceeds, the Judiciary will monitor changes in the social, economic, and legal environment and will annually review the plan to assess progress and to make necessary changes.

This project was funded by a grant from the United States Department of the Interior and administered through the Pacific Islands Committee of the United States Ninth Circuit Judicial Council. The Marshall Islands Judiciary greatly appreciates this assistance.

Also, the Judiciary wishes to extend its special thanks to Professor John Barkai, William S. Richardson School of Law, University of Hawaii, and Judge Leslie Hayashi, District Court of

the First Circuit, State of Hawaii, for their extraordinary assistance in facilitating and drafting the strategic plan.

A handwritten signature in black ink, appearing to read 'C. Ingram', written over a horizontal line.

Carl B. Ingram
Chief Justice, High Court
Date: April 4, 2007

VALUES, MISSION, AND VISION STATEMENTS OF THE REPUBLIC OF THE MARSHALL ISLANDS JUDICIARY

Our Values:

Tomak, Jenok, im Aurok Ko Ad:

The Courts of the Marshall Islands hold the following values and desire to operate in a manner that is, and will be perceived as:

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

independent	<i>ejenolok im jutaklok ian make</i>
fair and impartial	<i>ej jermal jimwe ilo ejelok kalijeklok im jeb</i>
efficient	<i>ebolemen im tiljek ilo an kakke aikuij ko</i>
accountable	<i>etiljek, ekkeke, im maron uwak non jermal ko an</i>
accessible	<i>ebellok non aoleb armej</i>
competent	<i>ekakemooj im emmon an komane jermal eo an</i>
consistent	<i>ej jokkin wot juon an komane jermal eo an</i>
respectful	<i>ewor an kautiej armej</i>
service-oriented, and valuing custom and tradition.	<i>etiljek, jela nae, jela kunaan, im jela karejar iben armej: im ej kaurok im kautiej manit im men ko bwinnid im ad jolet.</i>

These values form the basis for the following Mission and Vision Statements.

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

Mission Statement:

Kottobar Eo:

The mission of the Courts of the Marshall Islands is to fairly and efficiently resolve disputes properly brought before them, discharging their judicial duties and responsibilities in accordance with the Constitution, laws, and customs of this unique island nation.

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

Vision Statement:

Ettonak Eo:

The Courts of the Marshall Islands will be independent, impartial, well-managed, and respected, providing justice to all who come before them.

Jikin Ekajet ko an Marshall Islands renaj jenolok im jutaklok make iair, jermal jimwe ilo ejelok kalijeklok im jeb, tiljek im bolemen air lolorjaki im komoni jermal ko air, im naj wor an arnej kautieji ilo air jembali edro ko air non komon im lelok ekajet jimwe non aoleb arnej ro rej itok imair.

STRATEGIC GOALS

ELMAKWOT IN KOTTOBAR IM MEJENKAJJIK KO

- 1. To be independent, fair, efficient, and accountable**

Bwe en maron jenolok im jutaklok ian, jermal jimwe ilo ejelok kalijeklok, bolemen, tiljek, im maron uwak non jermal ko an

- 2. To be accessible to all**

Bwe en bellok nan jabdrewot armej

- 3. To enhance the knowledge and skills of the judges, court staff, and counsel**

Non kolablok jelalokjen im kabel an dri ekajet ro, dri jermal ro an court, im dri kokabileklek ak lawyer ro ilo jikin ekajet ko

- 4. To administer the courts in accordance with sound management practices**

Non lolorjake bwe jikin ekajet ko ren jermal kin unin tel ko iumin manit im lajarak in jermal jimwe

- 5. To provide for and maintain the Judiciary's facilities and technology**

Non komon im kejbarok ak kokamonmonlok imon ekajet ko im kein jermal ko

STRATEGIC GOAL 1

To be independent, fair, efficient, and accountable

*Bwe en maron jenolok im jutaklok ian, jermal jimwe ilo ejelok
kalijeklok, bolemen, tiljek, im maron uwak non jermal ko an*

ISSUES:

The judiciary of the Republic of the Marshall Islands includes the Supreme Court, High Court, Traditional Rights Court, District Court, Community Courts, Judicial Service Commission, and court staff. A description of the Judiciary is attached as Appendix A and an organizational chart as Appendix B.

Maintaining the independence of the Judiciary remains a universal and paramount concern. Since the Judiciary has “neither the power of the sword nor the power of the purse,” to carry out its functions it is dependent upon obtaining and maintaining the trust and confidence of the public. It is important that those who appear before the courts understand the proper role of the courts and leave feeling they have been treated fairly, efficiently, and respectfully, especially given the importance that custom and tradition play in Marshallese society.

Providing more information about the Judiciary’s current operations is critical to increasing both visibility and accountability. One way to do this is to prepare and disseminate annual reports.

Strategy 1.1

Ensure the Judiciary remains an independent branch of government

Action Items

Educate the public on the role and importance of an independent judiciary and the law [Y 1-5]

Discuss with political, traditional, church, and community leaders the role of the courts and the law [Y 1-5]

Strategy 1.2

Be, and appear to be, fair and impartial

Action Item

Include workshops and seminars for judges and court staff on the role of the judiciary and public perception [Y 1-5]

Strategy 1.3

Make the courts more efficient

Action Items

- Examine with counsel current scheduling practices with a view to moving cases more quickly to resolution and to reducing continuances [Y 1]
- Establish guidelines for case adjudication and disposition [Y 2]
- Identify and resolve cases in which no activity has occurred for more than one year [Y 2-4]
- Encourage the decriminalization of traffic offenses [Y 2]
- Seek funding for a court probation officer to monitor compliance with probated sentences (e.g., house arrest, community service, restitution, traditional apology, etc.) [Y 2]

Strategy 1.4

Examine ways the courts can be more accountable and visible

Action Items

- Develop, update, and disseminate annual reports which include: [Y 1-5]
 - Descriptions of the courts
 - Organizational chart for the Judiciary
 - Statistics for all courts
 - Training initiatives
 - Status of infrastructure
 - Other matters, including accomplishments and challenges
- Encourage courthouse visits by teachers and students [Y 1-5]
- Visit schools to explain the role of the courts and the law [Y 1-5]
- Meet with other community groups (such as chambers of commerce, women's groups, church groups, etc.) to discuss the role of the courts and the law [Y 1-5]
- Develop, implement, and publicize a code of conduct for judges, including a complaint procedure [Y 2-3]
- Develop, implement, and publicize a code of conduct for court staff, including a complaint procedure [Y 2-3]
- Consider other ways to be more visible, including radio programs [Y 2-5]
- Explore alternative ways to disseminate the courts' opinions and decisions, particularly Supreme Court and Traditional Rights Court decisions [Y 3]

STRATEGIC GOAL 2

To be accessible to all

Bwe en bellok nan jabdrewot armej

ISSUES:

Access to justice presents challenges for any court system, but when the geography of the Marshall Islands is considered, the challenges increase exponentially. The Republic of the Marshall Islands consist of 29 atolls and 5 separate islands, 1,225 islands in all, spread out over thousands of square miles. Many atolls do not have telephone service and the only forms of communication are radio and mail.

Creating a judicial presence across the Republic is an important goal for the Judiciary. Courthouses are located in the major population centers on Uliga Island, Majuro Atoll; Ebeye Island, Kwajalein Atoll; and Jabwor Island, Jaluit Atoll. However, the cost of maintaining a courthouse on every populated atoll is prohibitive. In less populated areas, Community Court judges hold court in local government buildings.

In addition, like in other jurisdictions, there is a lack of sufficient legal representation. The Office of the Public Defender and the Micronesian Legal Services Corporation are the two main providers of legal representation to the public. Given the close-knit nature of the community they serve, the organizations often experience conflicts of interest that prevent them from representing all who seek their services. Unfortunately, a fund through which private attorneys could be appointed and paid in conflict situations has been discontinued, and the number of private attorneys and trial assistants is few.

The public is represented by attorneys who have graduated from law school or trial assistants who have not. Although trial assistants historically have provided legal representation for many clients, it is hoped that more law school graduates will serve the Republic in the future. Over time, the number of foreign lawyers who have come to live and work in the private sector has decreased and now number four to five. More recently, Marshallese and other Pacific Island high school graduates have obtained law degrees at four-year undergraduate legal programs in the South Pacific. In recent years, only one Marshallese student has graduated from a four-year college and three-year law school program in the United States.

Due to limited legal assistance and the inability to retain private counsel, many court users are forced to represent themselves. Providing specific materials and legal forms for *pro se* litigants is an important way to provide access. In addition, certain individuals coming to the courts have special needs, especially with respect to the interpretation of court proceedings and the translation of documents into Marshallese, English, or other languages. For example, the Republic currently is experiencing an influx of Chinese nationals. As globalization continues, there will be other language needs as well. Providing information and assistance to these specific groups is an important part of making the courts accessible.

Strategy 2.1

Make the courts easier to use and understand

Action Items

- Maintain and disseminate a glossary of legal terms in Marshallese [Y 1-5]
- Translate specific court forms into Marshallese, English, and other community languages [Y 2-4]
- Review the legal needs of non-citizen groups [Y 2-5]

Strategy 2.2

Increase access to legal representation within the nation

Action Items

- Encourage Marshallese to enter the legal profession [Y 1-5]
- Encourage Marshallese law students to complete school and return to the Republic as attorneys [Y 1-5]
- Study how to provide more legal assistance [Y 2-5]

Strategy 2.3

Increase the number of Marshallese attorneys and women in the Judiciary

Action Items

- Encourage Marshallese attorneys and women to become judges [Y 2-5]
- Attend bar association and women's groups meetings to discuss the work of judges and the law [Y 2-5]

Strategy 2.4

Meet the legal needs of the outer islands

Action Items

- Renew efforts to fill existing Community Court vacancies (several communities have not recommended candidates for appointment as judges) [Y 1]
- Review the operation of Community Courts and require periodic reports [Y 2]
- Institute radio conferences with the Community Court judges [Y 2]
- Request statutory changes to allow Community Court judges to remain in office after their terms expire until replacements are appointed [Y 2]
- Examine ways to create a greater judicial presence on outer islands in coordination with other stakeholders (e.g., political and community leaders, the Attorney-General, the Public Defender, and the Micronesian Legal Services Corporation) [Y 2-5]

Strategy 2.5

Provide assistance for *pro se* litigants

Action Item

Create forms and checklists for *pro se* litigants to use in prosecuting or defending their cases (e.g, confirmation of customary adoptions or divorces, legal divorces, guardianships, and changes of name) [Y 3]

STRATEGIC GOAL 3

To enhance the knowledge and skills of the judges, court staff, and counsel

Non kolablok jelalokjen im kabel an dri ekajet ro, dri jermal ro an court, im dri kokabileklek ak lawyer ro ilo jikin ekajet ko

ISSUES:

Because continuing professional education and development is essential for any judiciary, the Marshall Islands Judiciary has identified the development of and attendance at seminars and workshops for judges, court staff, and counsel as important elements of its mission.

In recent years, judges of the Supreme Court, High Court, Traditional Rights Court, and District Court have attended workshops and seminars. However, to maintain a professional judiciary, continuing professional education is needed for both the Supreme Court's and the High Court's law-trained judges and the Traditional Rights Court's and the District Court's lay-judges. Moreover, training for the Community Court judges has been limited and sporadic. Following appointment, some Community Court judges travel to Majuro to observe District Court proceedings and to be trained by a District Court judge. In addition, a few Community Court judges receive basic training while in Majuro for other reasons. However, the Judiciary does not have a regular on-going training or mentor program for the Community Court judges. Enhanced training for the Community Court judges is essential.

Because the public comes into contact with the court staff more often than it does with the judges, staff professionalism is an essential aspect of creating and maintaining the image that the courts can and will provide justice. In this connection, court staff have requested training on the proper way to handle certain situations, especially those that raise ethical issues. Staff training has been sporadic and sometimes not completely relevant to the existing operations. Thus, staff training is another area of paramount interest.

Basic and continuing legal education for attorneys and trial assistants, although needed, has been sporadic. Most, but not all, counsel welcome continuing professional development courses. In larger jurisdictions, a bar association or law society would provide such courses, but currently the Marshall Islands Bar Association is inactive. Some attorneys have expressed a desire to form a bar association or law society.

Strategy 3.1

Continue and increase judicial training

Action Items

Provide training relevant to all courts, such as: [Y 1-5]

The role of courts

Ethics

Decision making

Opinion writing

Evidence rulings

Demeanor and courtroom control

Mediation and settlement

Cultural competency

Community outreach

Provide workshops and seminars for the Supreme Court and High Court on core functions and current trends [Y 1-5]

Provide training relevant to the unique nature of the Traditional Rights Court [Y 1-5]

Provide training for District Court judges on the cases they handle: [Y 1-5]

Small claims

Other civil cases

Traffic

Criminal

Provide training on Majuro, Ebeye, and the outer islands for Community Court judges [Y 1-5]

Provide various training options including in-country training, visits to courts in other jurisdictions, computer program/video conferencing/web-based and other types of courses [Y 1-5]

When training consists of visits to other jurisdictions, ensure that the jurisdiction is relevant to the Marshall Islands [Y 1-5]

Strategy 3.2

Develop materials to support the judicial function

Action Items

Research available resources (obtaining materials from other jurisdictions, web based materials, etc.) [Y 1-5]

Provide additional resources when needed, such as Blacks Law Dictionary, the Revised Marshall Islands Code, recent court decisions, and recent legislation and ordinances, as well as identify other potential resources [Y 1-5]

Develop bench books for the High Court, Traditional Rights Court, District Court,

and Community Courts [Y 2-5]
Develop written policies on judge disqualification and recusal [Y 2]

Strategy 3.3

Continue, increase, and enhance staff training

Action Items

- Provide staff training, including training in the following areas: [Y 1-5]
 - Interpreter training
 - Ethics training
 - Managing and maintaining court records
 - How to deal with the public, attorneys, judges, and difficult situations
 - Duties and responsibilities of bailiffs
- Provide opportunities to visit relevant courts in other jurisdictions [Y 1-5]

Strategy 3.4

Continue training for attorneys and trial assistants to improve legal practice and representation

Action Items

- Provide continuing legal education in the following areas: [Y 1-5]
 - customary law, contracts, torts, property, criminal law, criminal procedure, constitutional law, ethics, trial advocacy, motion practice, legal writing and research, mediation, and settlement
- Update rules on the admission to practice law and on the practice of law [Y 1]
- Require successful completion of a bar examination or a professional diploma of legal practice course of law graduates with only an undergraduate law degree who have not been admitted elsewhere [Y 1]
- Ensure compliance with rules of professional conduct [Y 1-5]
- Encourage timely appearances by counsel [Y 1-5]
- Create and publicize a dress code for counsel appearing in court [Y 1]
- Update the Marshall Islands bar examination [Y 2]
- Consider instituting mandatory continuing legal education [Y 2]
- Create and publicize a procedure for the public's complaints against attorneys [Y 2]

STRATEGIC GOAL 4

To administer the courts in accordance with sound management practices

Non lolorjake bwe jikin ekajet ko ren jermal kin unin tel ko iumin manit im lajarak in jermal jimwe

ISSUES:

Courts universally face limited resources and thus by necessity must develop and operate under sound management practices.

The Judiciary is committed to providing outstanding public service. To that end, it has identified conducting an assessment of current office practices and procedures as an important action item. Once the assessment is completed, specific procedures can be established and office manuals can be developed. Establishing specific procedures for court staff in terms of delivering services to the public is essential in carrying out the work of the courts. Fostering good communication, holding regular staff meetings, and encouraging a harmonious working environment for staff will result in greater productivity.

Being able to store, retrieve, and retain court records is an important function of this institution. An assessment of current procedures would assist in identifying features necessary to improve the current system.

Strategy 4.1

Develop policies for excellent administration and develop an exemplary administrative team

Action Items

- Conduct regular staff meetings [Y 1]
- Work to reduce and resolve conflicts among staff [Y 1-5]
- Develop and promote a teamwork approach to administration [Y 1-5]
- Foster better communication among staff members to obtain consistency and to share ideas and knowledge [Y 1-5]
- Engage an outside expert to assess current office practices and procedures and to suggest improvements [Y 1]
- Develop a manual for clerks setting forth duties and procedures [Y 1-2]
- Review job descriptions [Y 2]
- Create a personnel manual that includes [Y 2]
 - All court staff and an organizational chart
 - Appointment procedures, status, and tenure
 - Pay grades, personnel evaluations, salary review

General terms and conditions of employment
Code of ethics
Dress code
Develop a performance based budget [Year 2]
Develop standard requirements for service of process [Y 2]

Strategy 4.2

Provide outstanding service to the public

Action Items

Create name tags for court staff [Y 1]
Create a staff roster for emergency and weekend contact (including judges) [Y 1]
Post the fees on the notice board [Y 1]
Develop a policy to provide courteous service to public [Y 1]
Ensure timely court appearances by staff [Y 1]
Create a policy statement based on the law and ethical standards regarding clerks providing information to the public [Y 2]
Create and publicize a procedure for the public to express their satisfaction or problems with court staff or court dealings [Y 2-4]

Strategy 4.3

Develop a system to organize, maintain, and retrieve court records

Action Items

Engage an outside expert to assess current document management practices and procedures and suggest improvements [Y 3]
Update procedures for document management [Y 3]
Review the possibility of scanning court documents (disposed cases and/or initial filings) [Y 3]
Develop traffic and criminal abstracts for defendants [Y 3]
Develop a file retention policy [Y 3-5]

STRATEGIC GOAL 5

To provide for and maintain the Judiciary's facilities and technology

Non komon im kejbarok ak kokamonmonlok imon ekajet ko im kein jermal ko

ISSUES:

The first impression that the public has of any judicial system is often determined by its facilities. At a minimum, the Judiciary's facilities must be properly maintained and able to accommodate all who appear before it. Furthermore, when members of the public have special needs, the courts must also be able to accommodate those needs.

Emerging technologies allow courts to provide additional services to the public. However, new technologies create their own set of challenges, the most obvious being additional cost and necessary training. To benefit from and meet the challenges of new technologies, the Judiciary must include technology in its overall plan.

Strategy 5.1

Maintain the Judiciary's facilities to support its work and to maintain a positive image of justice

Action Items

- Seek funds to maintain the courthouses so that they are functional, secure, safe, and accessible [Y 1-5]
- Seek funds to construct a larger, first floor courtroom in Majuro accessible to the public with disabilities [Y 1-3]
- Review whether more office space is needed for judges and staff to properly perform their duties [Y 2-3]
- Create sufficient waiting space for all participants in all courts [Y 3-4]
- Designate separate secure waiting areas for witnesses and criminal defendants [Y 3]

Strategy 5.2

Ensure the Judiciary's technology supports its mission

Action Items

- Review current technology needs and develop an overall plan [Y 1-2]
- Continue to seek high speed internet connection at reasonable cost [Y 1-5]
- Explore and implement a technological solution for victim testimony in sexual

assault cases so that victims (especially minors) are protected and defendant-s rights are protected [Y 2-3]

Ensure radio communication for all Community Court judges [Y 2-5]

Create and maintain a website [Y 2-5]

Place the Court Calendar online [Y 2-5]

Explore technology to scan and organize documents [Y 3]

STRUCTURE OF THE MARSHALL ISLANDS JUDICIARY

The Republic of the Marshall Islands consists of two nearly parallel archipelagic island chains of 29 atolls and 5 separate islands, 1,225 islands in all, about half way between Hawaii and Australia. The land area of the Marshall Islands totals 181.3 sq km (70 sq mi), about the size of Washington, DC. The lagoon waters total another 11,673 sq km (4,506.95 sq mi). As of July 2006, the estimated population of the Marshall Islands was 60,422.

After almost four decades under United States administration as part of the United Nations Trust Territory of the Pacific Islands (TTPI), the Marshall Islands on October 21, 1986, attained independence under the Compact of Free Association with the United States of America.

The Republic's judiciary (Judiciary) includes its Supreme Court, High Court, Traditional Rights Court, District Court, Community Courts (Const. Art. VI, Sec. 1(1)), Judicial Service Commission (Const. Art. VI, Sec. 5(1)), and court staff (27 MIRC 271). The Judiciary officially commenced operation on March 3, 1982, assuming judicial functions in the Marshall Islands that had been discharged by TTPI courts. See U.S. Department of the Interior Secretarial Order 3039, Section 5.

Supreme Court

The Supreme Court is a superior court of record having appellate jurisdiction with final authority to adjudicate all cases and controversies properly brought before it. Const. Art. VI, Sec. 2(1). The Supreme Court consists of a chief justice and two associate justices. To date, all supreme court judges have been law-trained attorneys and most have been experienced judges. The current chief justice, a non-citizen, was appointed to a 10-year term in October 2003. Any citizen appointed to the Supreme Court would receive a lifetime appointment, i.e., until age 72. Const. Art. VI, Sec. 1(4). Generally, associate justices have been pro tem judges from other jurisdictions, e.g., the United States Ninth Circuit Court of Appeals, the United States Federal District Court in Hawaii, the Republic of Palau, the Commonwealth of the Northern Mariana Islands, and Canada.

An appeal lies to the Supreme Court as of right from a final decision of the High Court in the exercise of its original jurisdiction; as of right from a final decision of the High Court in the exercise of its appellate jurisdiction, but only if the case involves a substantial question of law as to the interpretation or effect of the Constitution; and at the discretion of the Supreme Court

from any final decision of any court. Const. Art. VI, Sec. 2(2). Also, the High Court may remove to the Supreme Court questions arising as to the interpretation or effect of the Constitution. Const. Art. VI, Sec. 2(3).

High Court

The High Court is a superior court of record having general jurisdiction over controversies of law and fact in the Marshall Islands. Const. Art. VI, Sec. 3(1). The High Court currently consists of a chief justice and an associate justice. Both are law-trained attorneys, as have been all prior High Court judges, and both attend at least one professional development seminar each year. The current chief justice is a non-citizen but a 27-year resident of the Republic. He was appointed to a 10-year term in October 2003. The associate justice, also a non-citizen, was appointed to a 4-year term in December 2003. Any citizen appointed to the High Court would receive a lifetime appointment, i.e., until age 72. Const. Art. VI, Sec. 1(4). The High Court has original jurisdiction over all cases properly filed with it, appellate jurisdiction over cases originally filed in subordinate courts, and, unless otherwise provided by law, jurisdiction to review the legality of any final decision of a government agency. Const. Art. VI, Sec. 3(1).

Traditional Rights Court

The Traditional Rights Court (TRC) is a court of record consisting of three or more judges appointed for terms of four to ten years and selected to include a fair representation of all classes of land rights: Irojlaplap (high chief); where applicable, Irojedrik (lower chief); Alap (head of commoner/worker clan); and Dri Jerbal (commoner/worker). Const. Art. VI, Sec. 4(1). The current TRC judges are lay judges, who receive specialized legal training. In May 2005, the Cabinet upon recommendation from the Judicial Service Commission appointed a chief judge and two associate judges of the TRC for terms of four years.

The jurisdiction of the TRC is limited to questions relating to titles to land rights or other legal interests depending wholly or partly on customary law and traditional practices. Const. Art. VI, Sec. 4(3). The jurisdiction of the TRC may be invoked as of right upon application by a party to a pending High Court proceeding, provided the High Court certifies that a substantial question has arisen within the jurisdiction of the TRC. Const. Art. VI, Sec. 4(4). Customary law questions certified by the High Court are decided by the TRC sitting en banc and reported back to the High Court. Upon request by the TRC's presiding judge, a party, or the referring High Court judge, the Chief Justice of the High Court can appoint a High Court or District Court judge to sit with the TRC to make procedural and evidentiary rulings. In such joint-hearing cases, the High Court or District Court judge does not participate with the TRC in deliberations on its opinion, but may in the presence of all answer questions of law or procedure posed by the TRC. The TRC's jurisdiction also includes the rendering of an opinion on whether compensation for the taking of land rights in eminent domain proceedings is just. Const. Art. II, Sec. 5(7). The High Court is to give TRC decisions substantial weight, but TRC decisions are not binding unless the High Court concludes that justice so requires. Const. Art. VI, Sec. 4(5). The Supreme

Court has held this means the High Court is to review and adopt the TRC's findings unless the findings are clearly erroneous or contrary to law.

District Court

The District Court is a court of record. 27 MIRC 226 and 230. It consists of a presiding judge and two associate judges appointed for 10-year terms. 27 MIRC 227(2). The current District Court judges are lay judges who receive specialized legal training. The District Court has original jurisdiction concurrent with the High Court (i) in civil cases where the amount claimed or the value of the property involved does not exceed \$10,000 (excluding matters within the exclusive jurisdiction of the High Court by Constitution or statute, land title cases, and admiralty and maritime matters) and (ii) in criminal cases involving offenses for which the maximum penalty does not exceed a fine of \$4,000 or imprisonment for a term of less than three years, or both. 27 MIRC 228. The District Court also has appellate jurisdiction to review any decision of a Community Court. 27 MIRC 229.

Community Courts

A Community Court is a court of record for a local government area, of which there are 24. 27 MIRC 232 and 238. Each Community Court consists of a presiding judge and such number of associate judges, if any, as the Judicial Service Commission may appoint. 27 MIRC 233(1). Appointments are made for 4-year terms. 27 MIRC 233(2). Community Court judges are lay judges with limited legal training. A Community Court has original jurisdiction concurrent with the High Court and the District Court within its atoll (i) in all civil cases where the amount claimed or the value of the property involved does not exceed \$200 (excluding matters within the exclusive jurisdiction of the High Court by Constitution or statute, land title cases, and admiralty and maritime matters) and (ii) in all criminal cases involving offenses for which the maximum penalty does not exceed a fine of \$400 or imprisonment for a term not exceeding six months, or both. 27 MIRC 234.

Judicial Service Commission

Along with the courts, the Constitution provides for a Judicial Service Commission (JSC) that consists of the Chief Justice of the High Court, as chair, the Attorney-General, and a private citizen selected by the Cabinet. Const. Art. VI, Sec. 5(1). The JSC nominates to Cabinet candidates for appointment as Supreme Court, High Court, and TRC judges, and the JSC appoints judges to the District Court and the Community Courts. Const. Art. VI, Sec. 5(3); 27 MIRC 227(2); and 27 MIRC 233(2). In appointing Community Court judges, the JSC takes into consideration the wishes of the local communities as expressed through their local government councils. 27 MIRC 233(4). The JSC also may make recommendations to the Nitijela regarding the qualifications of judges. Const. Art. VI, Sec. 5(3)(b). In the exercise of its functions and powers, the JSC shall not receive any direction from the Cabinet or from any other authority or person, but shall act independently. Const. Art. VI, Sec. 5(4). The JSC may make rules for

regulating its procedures and generally for the better performance of its functions. 27 MIRC 276.

Court Staff

The judiciary's staff includes a chief clerk of the courts, a deputy chief clerk, eight assistant clerks, one law clerk, three bailiffs (seconded from the National Police), and one maintenance worker. The clerks of court also serve as translators from Marshallese to English and English to Marshallese.

Infrastructure, Technology, Library

The judiciary has three courthouses: the main courthouse is on Majuro; and two smaller courthouses are located on Ebeye and Jaluit. When necessary, cases are heard on outer islands in local government buildings.

The courthouses on Majuro and Ebeye are equipped with computers, printers, faxes, and photocopiers and have Internet access (@ 64kps in Majuro) and email service. Filing and service via fax and email attachment are permitted. The computers in Majuro are linked together in a network, and the Majuro courthouse has a scanner with OSC software.

The Judiciary has a small, but functional law library which includes hard copies of the following: United States Supreme Court cases through 1997; American Law Reports First, Second, Third, Fourth, part of Fifth, and Federal; LaFave's on Criminal Law, Criminal Procedure, and Search and Seizure; Warton on Criminal Law and Criminal Procedure; American Juris Prudence 2nd; Wright and Miller on Federal Practice and Procedure; Moore's Federal Practice (needs to be updated); Corpus Juris Secundum (needs to be updated); and others. Also, Judiciary has access to United States federal statutes and Supreme Court, Court of Appeals, and District Court cases and to state statutes and supreme court cases through Loislaw® over the Internet.

**ORGANIZATIONAL CHART
FOR THE
MARSHALL ISLANDS JUDICIARY**

