

SUPREME COURT 2018 ANNUAL REPORT





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CONSTITUTIONAL MANDATE

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

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

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

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

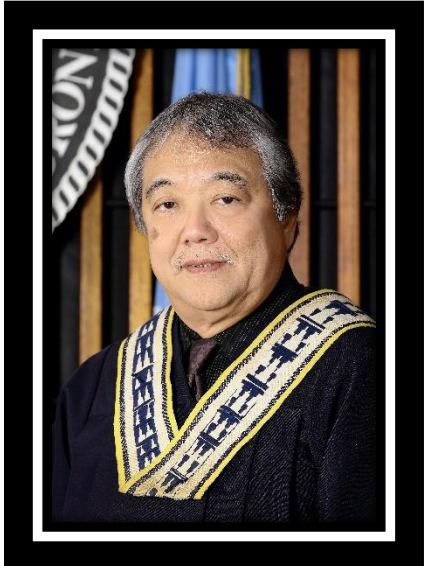
The qualifications and compensation of justices and other judges may be prescribed by statute. Compensation of judges may not be diminished during their terms of office unless all salaries prescribed by statute are reduced by a uniform percentage. Art. XI, Section 5.

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

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



MESSAGE FROM THE CHIEF JUSTICE



Honorable Dennis K. Yamase, Chief Justice

Supreme Court of the

Federated States of Micronesia

March 25, 2019

The key staff and staff of the FSM Supreme Court continues to provide Annual Statistical Reports beginning from 2014. The staff of the FSM Supreme Court, especially the Director of Court Administration, the Chief Clerk of Court, the Director of Information Technology System, and their staffs should be recognized for putting in

the hard work that it takes to produce this report. It is a tedious and time consuming effort, but the Court strives to produce this report in a more regular and consistent manner.

The importance of this report for the evaluation of the Court's performance and efficiency cannot be understated. This Annual Statistical Report 2018 contains data that are important to evaluate the Court's performance for this year. It is also a report by which the Court can plan for future improvements in its operations, especially in caseload management, the collection of important statistics, including disaggregated data, reversal rates, and the analysis of what the data indicates.

The process of gathering and analyzing information on court cases is an important task that keeps the Court knowledgeable of how it is performing. The reported outcomes provide the Court a better understanding of how the Court is doing based on established standards of court performance. Through the Pacific Judicial Strengthening Initiative (PJSI), the Court has adopted the *Cook Island indicators of court performance* (2015), along with an additional five indicators adopted in the Third Chief Justices' Leadership Forum in Auckland, New Zealand in April, 2018. Many of these indicators correspond to data sets in the statistical report.



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

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

The Court's staff is encouraged to continue working together to collect, analyze, and present these statistics, and to continue to expand the types and categories of data that are collected, including disaggregated data. For this Annual Statistical Report, disaggregated data on the parties involved in the lawsuit, the victim(s), and the gender of each, whether disabled or handicapped, have been included.

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

Sincerely yours,

/s/ Dennis K. Yamase

Chief Justice, FSM Supreme Court



JUSTICES OF THE COURT



CHIEF JUSTICE
DENNIS K YAMASE



ASSOCIATE JUSTICE
BEAULEEN CARL-WORSWICK



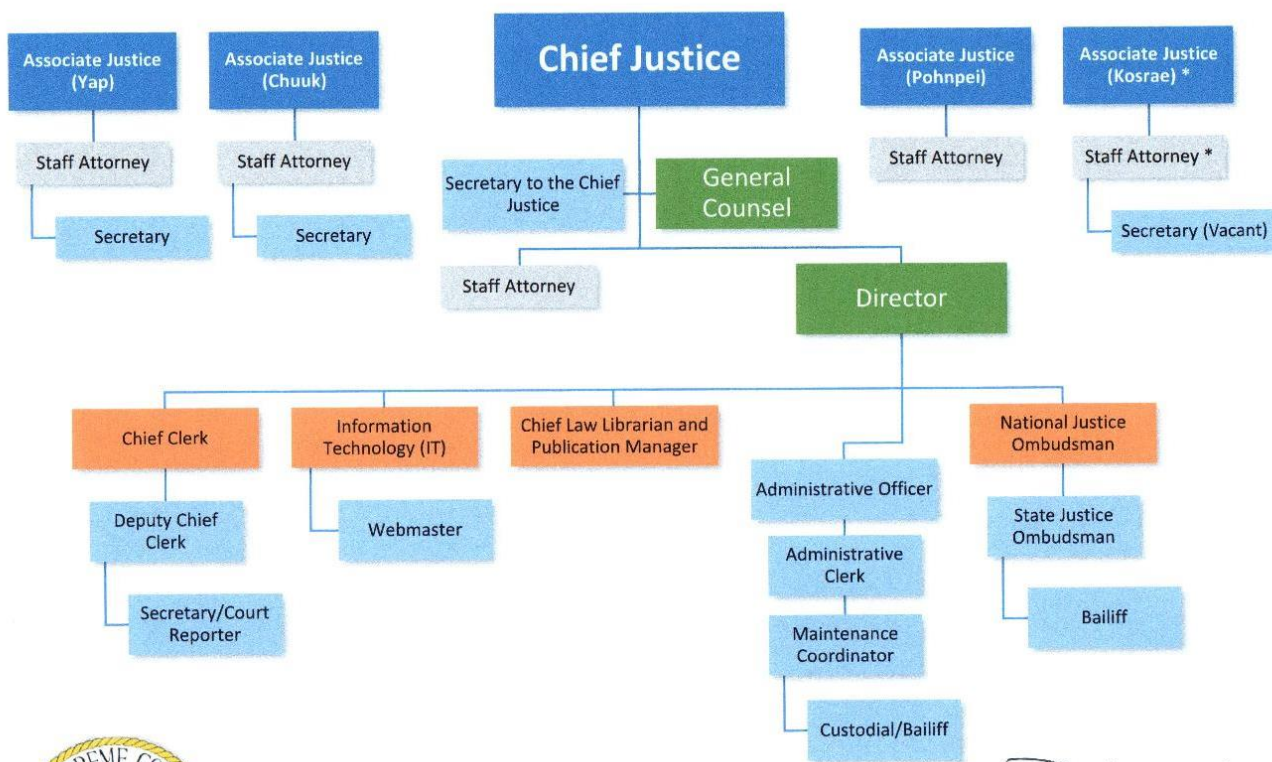
ASSOCIATE JUSTICE
LARRY WENTWORTH



FSM SUPREME COURT ORGANIZATIONAL CHART

FSM Supreme Court Organizational Structure

August 17th, 2018



Legend

* Position not budgeted in the fiscal year

Approved

T.H. Dennis K. Yamase
Chief Justice

Date

8/17/18



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STAFF OF THE COURT



Emeliana Musrasrik-Carl
Director of Court Administration



Tammy Davis
General Counsel



Sandy Albert
Chief Clerk



Belan Yoma
National Justice Ombudsman



Atarino Helleisar
Chief Law Librarian & Publication
Manager



Ivan Kadannged
IT Manager



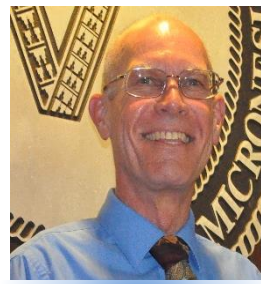
Teddy Hasgiulbung
Webmaster



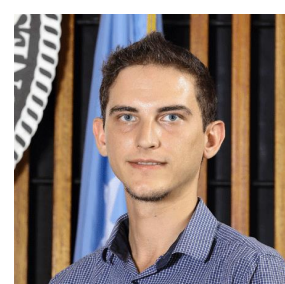
Enlet Enlet, Jr.
Staff Attorney



Carleila Carl-Edgar
Staff Attorney



Thomas Thiesen
Staff Attorney



Johnathan J. Abrams
Staff Attorney



Lorina Pernet
Secretary to Chief Justice



Emiliani T. Gilpong
Secretary to Associate Justice



Atrina Soichy
Secretary to Associate Justice



Senda Helgen
Deputy Assistant Clerk



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Pihna Sohl
Administrative Officer



Cheryl-Ann Freeman
Administrative Assistant



Altrickson Anson
Maintenance Supervisor



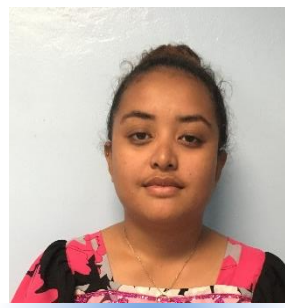
Joyleen Wichap
Secretary / Court Reporter



Yondeavor Santos
Webmaster Assistant



Mayleen David
Secretary / Court Reporter



Lovelynn Berden
Clerk of Court - Chuuk



Harry Narruhn
State Justice Ombudsman-TKK



Mary Helen Mori
Legal Intern



Johnny Peter
State Justice Ombudsman-PNI



Peter Garangmau
State Justice Ombudsman-YAP



Linson Waguk
State Justice Ombudsman-KSA



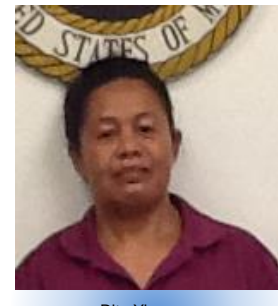
John Junior
Bailiff



Keske Jacob
Bailiff



Elimihma Else
Custodial Worker-Pohnpei



Rita Ylememog
Custodial Worker-Yap



Honorable Dennis K. Yamase
Chief Justice
Supreme Court of the Federated States of Micronesia
March 2019

I am proud of what the Supreme Court of the Federated States of Micronesia (FSM) has accomplished during the time period covered by its initial Strategic Plan (2012-2017). I am also very enthusiastic about presenting this second Strategic Plan (2018-2022) and seeing how the FSM Supreme Court can realize the goals that have been set for the Court in the coming years.

Looking back, the initial Strategic Plan was an invaluable tool to guide and encourage the Court to achieve the ambitious goals we set. In reviewing the previous plan and looking forward, we found that our values remain the same, and that in the big picture, all of our strategic goals also remain the same and accurately reflect our mission and values. However, as is the nature of creating a Strategic Plan in a changing environment, many of our specific action items have been achieved and thus removed from this Plan. At the same time, priorities and circumstances have changed and dictate that new initiatives be included in this second Plan.

We did achieve many of our initial action items. The staff of the FSM Supreme Court should be recognized for all of their hard work and focus over the last five years to insure that the Court met many of its stated objectives.

The Court has worked diligently to keep its technology updated and will continue to do so. The FSM Supreme Court has a new website, www.fsmsupremecourt.org, which is user friendly and compliments our Legal Information System (LIS) (www.fsmlaw.org) which contains updated laws, Court cases, and other legal resource material. In addition, our FSM Law Library created its own website and continues to actively operate according to its own comprehensive Strategic Plan. We continue to update our internet resources and will also pursue new technology to better the administration and functions of the Court. Specifically



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we will work on updating our video conferencing capabilities which are essential given our remote and dispersed geography.

This Strategic Plan also reflects several anticipated capital improvements that will make our Courts more accessible to the public, practicing attorneys, litigants, and victims. We are in the process of updating facilities to comply with the People with Disability Act, and also to create safe spaces for victims of human trafficking and domestic violence. In addition, we are seeking to expand our Court library in Palikir to accommodate new acquisitions, training facilities, meeting rooms, and file storage.

We also have made great strides in promoting professionalism in the judiciary and the legal profession in the FSM. We continue to partner with outside agencies including the Pacific Judicial Conference and the Pacific Judicial Strengthening Initiative (PJSI) to maximize available resources, and we have appreciably strengthened our judges and staff by taking advantage of toolkits, funding, and training. We continue to cultivate local legal talent by sponsoring activities like the annual Law Day Debate for high school students. We will continue to hire local legal interns, promote scholarships for Micronesian law students, and partner with the College of Micronesia to support their trial counsellor certificate program.

As we continue to meet the challenges of our four geographically separated and culturally unique States, we will continue to provide support to all of our field offices by conducting Court proceedings in all of the States, conducting monitoring visits, holding monthly meetings via teleconference, and collaborating to provide support and training for State and local courts.

We continue these efforts, as set forth in this new Strategic Plan, in the hope of continuing to meet our mission to deliver timely and fair administration of justice for all and meeting our vision to be an independent, fair, impartial, and properly managed co-equal branch of the National Government in rendering justice to all.



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

STRATEGIC GOALS SUMMARY

Introduction

Over the last 37 years, the Supreme Court of the Federated States of Micronesia (FSM Supreme Court) has been working diligently to better itself by continuously updating its facilities and processes to meet the challenging circumstances the FSM faces as a diverse and geographically dispersed nation. The FSM Supreme Court faces unique and distinct challenges that require innovative solutions.

The FSM Supreme Court's first Strategic Plan covered years 2012-2017. The values, mission, and vision expressed in that Plan remain largely the same. However, the nature of strategic planning is that it requires constant review and re-evaluation as previously set goals are met and new strategies and technologies emerge to most effectively administer justice within each of the States in the FSM.

To this end, the Justices and Staff of the FSM Supreme Court participated in a comprehensive review of the Court's 2012-2017 Strategic Plan. This review revealed that many of the projects and goals envisioned by the Court were completed, and that the FSM Supreme Court's first Strategic Plan provided a particularly useful and practical roadmap. The review also allowed the Court to identify goals that need renewed attention, as well as new challenges that require the Court's focus. The 2018-2022 Strategic Plan is a result of an item by item review of the previous Strategic Plan along with in depth discussions among Justices, Staff and stakeholders. Based on our collective resolve, we aspire to abide by a set of standards of behavior that will guide what we do to lead us toward and/or achieve what we believe the highest court of this nation should be.



Our Values

Accessibility

Certainty

Competence

Equality before the Law

Fairness

Impartiality

Independence of Decision Making

Integrity

Timeliness

Transparency

Our 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.

Our Vision

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

Strategic Goals Summary

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

1. Improve case administration



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Action Items:

- a) By October 2019, with the assistance of the Chief Clerk and General Counsel the Chief Justice shall establish a written policy which streamlines the debt collection process. This policy will identify what role the Court should play in the collection process.
- b) By October, 2019 the Chief Clerk shall create, adopt, and disseminate a retention schedule setting forth how long closed case files should be kept.

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

Action Items:

- a) The Chief Clerk and the General Counsel shall quarterly review and report to the Chief Justice the Court's progress in complying with the Timeline Standards set forth in General Court Order 2017-001 for management of all cases from filing to disposition.
- b) During the fourth week of January every year the Chief Justice, Associate Justices, Chief Clerk, General Counsel and Secretary for the Chief Justice shall convene a meeting where the justices shall review how many of their assigned legal cases were decided within the time limits prescribed for disposition of legal actions and deciding pending motions.
- c) Before submission of the Fiscal Year Budget for 2021, the Director of Court Administration and Information Technology Manager shall work together with the Chief Clerk to identify Case Management Software that is affordable and compatible with the needs of the Court. The Director of Court Administration and Chief Justice shall ensure that this item is included in the Court's 2021 Budget submission.
- d) Within six months of receiving approval to purchase new Case Management Software, the Information Technology Manager shall install the Software in each of the Court offices and insure that Court clerks, attorneys, the Chief Justice and Associate Justices are all fully trained in its use.



3. Improve the case assignment and scheduling system

Action Items:

- a) Within three months after this plan is signed, the Chief Justice, Associate Justices, Chief Clerk and General Counsel shall meet and develop a written plan that outlines a system of case assignment, workload, calendaring and docket management.
- b) The Chief Clerk shall schedule appellate arguments twice a year.

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

Action Items:

- a) By October 1, 2019 the Chief Clerk and General Counsel shall develop guidelines and procedures for scanning all remaining closed case files.
- b) The Chief Clerk, General Counsel, and Director of Court Administration shall insure that each Court office has a working high speed scanner so that each Clerk's office can perform the above functions. The Chief Clerk, General Counsel and Director of Court Administration shall meet as needed to discuss whether the Clerks' offices require any short term contracts to complete this project most expeditiously.
- c) By January 2020 the General Counsel shall work with the Information Technology Manager and the Webmasters to create an electronically searchable database which allows the public to search the cases published in the FSM Reporter.
- d) By January 2020 the Chief Justice shall determine whether a policy and guidelines are necessary to scan outgoing and incoming official correspondence to create a digital archive of these documents for the Court.

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



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Action Items:

- a) By January 2021 the Chief Justice shall cause a system to be created which allows the Chief Clerk to maintain a master calendar for all pending cases, which shall be accessible in all states.
- b) By July 2021 the Chief Clerk shall include the status, any pending motions, and any hearing date or filing deadline for each case on the internal Court calendar.

6. Review and amend court rules

Action Items:

- a) The Court's key staff shall convene an annual meeting where they review existing Court rules and propose any necessary amendments.

7. Review and amend current court forms and create new forms if necessary

Action Items:

- a) The Chief Clerk and General Counsel shall meet as needed to review and discuss the need to amend the Court's forms or create new forms.
- b) The Chief Clerk and General Counsel shall specifically focus on forms that enable pro-se litigants to better access the Courts and provide information to assist pro-se litigants understand Court cases and procedures.

8. Develop effective communications among Court personnel

Action Items:

- a) The Court's key staff and Chief Justice shall conduct monthly staff meetings to discuss Court operations.
- b) Staff in the FSM Courts outside of Pohnpei shall have input and access to these meetings and information by participating in the meetings using Skype or other appropriate systems.



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9. Consider creating alternative dispute resolution (ADR) programs

Action Items:

- a) The Chief Justice shall by January 01, 2020 designate the members of a three person Alternative Dispute Resolution Commission.
- b) This Commission shall meet quarterly and report to the Chief Justice on its goals and progress.

10. Make wise use of the Court's financial resources

Action Items:

- a) The Director of Court Administration and the General Counsel shall meet as needed with the Chief Justice to insure Court compliance with all FSM Financial Management Regulations and amendments. The Court shall adhere to internal budget allocations on line-item expenses such as travel, communications and utilities.
- b) The Court Justices and staff shall plan activities, including travel, functions, meetings, and purchases at least one month in advance.

2. Modernize Technology, Library Resources and Court Facilities

Issue Statement:

The FSM Supreme Court continues to be hampered by outdated technology. While the Court has taken great strides by installing high speed internet in its Court facilities where available this specific project needs to be finalized. Online legal research is still limited in Kosrae and the other Court offices require better database systems and physical facilities to improve the standard of service we provide the public and practicing attorneys.

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

Action Items:

- a) Members of the Court's key staff shall be designated to compile a list of the Court's technical issues regarding hardware, software and FSM Telecommunication support capabilities and problems



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each quarter. The list shall be provided to the Court Administrator in order to determine appropriate infrastructure and cost.

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

Action Items:

- a) The FSM Legal Information System (LIS) shall be fully updated to reflect all current case law and legislation. Cases and Codes already loaded on the LIS should be updated so that they are uniformly formatted and provide the public and practicing attorneys with practical legal research resources.

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

Action Items:

- a) A member of the Court's staff in each of the States shall annually, one month before the end of the fiscal year, provide a list to the Director of Administration of the Court's electrical protection needs.

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

Action Items:

- a) One month prior to the end of the fiscal year, each of the State Justice Ombudsmen outside of Pohnpei (Kosrae, Chuuk, and Yap) shall provide the Court Administrator with a list of materials which ensures that the courtroom facilities are adequate to perform Court functions in all states. The Court Administrator shall plan for renovations where necessary.
- b) All Court facilities shall be upgraded to comply with the People with Disability Act.
- c) The Court shall upgrade all library facilities on a rotating basis, beginning with the FSM Court's main library in Pohnpei. Seek funding for a stand-alone Court annex so that the library can expand and incorporate training facilities, meeting rooms, and private areas for victims of trafficking and domestic violence (to comply with the Anti-Human Trafficking Act).



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- d) Continue work to build a new FSM Courthouse in Chuuk.
- e) Work with State Courts in Kosrae and Yap to evaluate renovations to shared facilities and determine how the FSM Court can help improve those facilities to best serve the public and practicing attorneys.

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

Action Items:

- a) The Court Librarian shall acquire multiple hardcopy sets of the FSM Reporter and Digest and insure that all of the Court libraries are updated.
- b) The Chief Justice shall annually designate a member of the Court's key staff to transfer FSM Reporters to CDs, jump drives, and other electronic media that can be used when the internet is not working.
- c) The Court Librarian shall continue to strike a balance between obtaining hardcopies of materials and electronic resources and maximize the Library's capability to obtain legal research resources in Court offices throughout the FSM. The Library's plan shall show how the Court will:
 - 1. Obtain access to treatises, law review articles, and law from other jurisdictions, using free access to resources whenever practical and efficient. Obtain access to legal resources from other Pacific Island Nations such as the Republic of Palau (ROP), the Republic of the Marshall Islands (RMI), American Samoa and the Commonwealth of the Northern Marianas Islands (CNMI) that might be relevant to the legal issues in the FSM.
 - 2. Ensure that recent amendments to national and state laws and codes are available to Court personnel and the public.
 - 3. Build a core collection of hardcopy legal materials in each state to serve the legal needs of the FSM Supreme Court and the public. These resources may include treatises, hornbooks, and outlines which summarize the law.
- d) The Court librarian shall submit an annual report to the Chief Justice which existing law library resources in each state and



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remove those that are not relevant or useful. The librarian should carry this out while seeking input from the justices, attorneys, legal agencies, and state governments. .

- e) The Court librarian shall seek donations of current books from legal publishing companies and avoid accepting donations of old hardcopies of books that are not useful and take up precious space. The Court Librarian shall prepare an annual report to the Chief Justice and Court Administrator to summarize efforts and progress.
- f) The Court librarian shall continue to evaluate circulation policies for hardcopy resources and develop a security system for certain resources. This may require a "closed shelf" section of the library.
- g) The Court Librarian shall provide training on how to use a library and how to do legal research on an as needed basis.

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

Issue Statement:

Since the Federated States of Micronesia comprises the four states of Chuuk, Kosrae, Pohnpei and Yap, resources and responsibilities must span and be spread among long distances. This presents various challenges. Coordination of work, staffing and resources must occur within each state and also on the national level. The majority of the coordination occurs through key personnel located in Pohnpei, such as the Director of Court Administration, the Chief Clerk of Courts, the General Counsel and the National Justice Ombudsman. The national capital is located in Palikir, Pohnpei where the main offices of the three branches of the national government sit. Travel among the four states is limited to 2-3 flights per week in each direction and is costly. The culture and traditions of each state are unique and within the states of Chuuk, Pohnpei, and Yap are numerous islands with their own unique cultures and traditions. For each of these three states, people living in the outer islands are considered part of the state and community, but the islands are spread across vast distances geographically, can be quite distant from the state capitals, and may be difficult to access.

- 1. Continue to update high-speed internet and video conferencing technologies to the extent possible in each state and in each remote**



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location of each state to the extent possible and as is as necessary to conduct Court business

Action Items:

- a) The Court's key staff shall meet quarterly to discuss the issues raised above.

4. Promote Professionalism in the Judiciary and the Legal Profession

1. Continue to train and professionalize the Judiciary

Action Items:

- a) The Chief Justice shall follow and/or modify the Judicial Education Development Plan (JEDP) for the Judiciaries of the Federated States of Micronesia, Ten Year Plan (2008-2017).
- b) The Chief Clerk, Director of Court Administration and General Counsel shall annually provide staff cross-training on common staff duties so that with limited Court personnel, staff can cover for other employees when they are not available.
- c) The Chief Clerk shall, one month before the end of the fiscal year provide the Chief Justice and Director of Court Administration with a report detailing needs and efforts under this section.

2. Complete regular performance evaluations to review productivity of Court staff and make recommendations for awards and other incentives

Action Items:

- a) The Director of Court Administration will insure that annual performance evaluations and other administrative paperwork is prepared as needed, including
 - 1. Performance instruments, incentives, and corrective measures
 - 2. Successive planning for future recruitment

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



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Action Items:

- a) The Chief Justice shall establish a rotating system of assignment for writing and grading the examination. The system shall consist of the following:
 - 1. deadlines for reviewing and approving each proposed written examination prior to applicants sitting for the examination; and,
 - 2. deadlines for when grading of the examination shall be completed and the scores distributed to the applicants.
- d) The Chief Clerk and General Counsel shall develop a system to improve communication between the Court and practicing bar through meetings between the justices and local practitioners.
- e) The Director of Court Administration shall facilitate efforts of Micronesians to seek funding and attend law school and become members of the FSM Bar.

5. Increase Public Understanding and Access to the Courts

1. Inform the public about their legal rights, court activities, and developments in the law and legal system

Action Items:

- a) The Director of Court Administration and General Counsel shall work together to implement public education projects about the law by using local media, creating free materials such as pamphlets or brochures, and working with community organizations in each of the four states.
- b) The Director of Court Administration and General Counsel shall implement the Court's established outreach program to make legal information more widely available to the public and add projects as needed. In conjunction with this plan, the Court will actively seek funding from all sources. This program shall include:



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1. creating programs such as school mock trial programs, Court visits by school children, and town hall informational meetings,
2. sponsoring the FSM Law Day Debates,
3. conducting Gender and Family Violence Workshops in the four states,
4. conducting public/stakeholder surveys regarding Access to Justice,
5. sponsoring or supporting Bar Exam Review courses as needed in the four states,
6. conducting training for Court staff on case management data technology, video conferencing, and Court technology (for Justices and administrators) to strengthen our ability to support public access to the Courts through use of technology,
7. conducting training for the Clerks of Court to enhance efficiency and customer service,
8. exploring alternative dispute resolution and mediation options to offer alternatives to Court litigation to the public,
9. publishing an annual report for Court activities, accomplishments, and challenges.

2. Provide greater access to court for self-represented (pro-se) litigants

Action Items:

- a) The General Counsel and staff attorneys shall work with the state courts and translators to develop manuals, guides, and brochures for self-represented litigants and make this information available on the Court website.
- b) The Court attorneys shall work with the state courts and local community groups to disseminate this information in the local languages to the extent possible.



Afterword

This strategic plan of the Supreme Court of the Federated States of Micronesia was put together with the input of all of the Justices and staff of the court. The strategic plan includes the court's mission, vision, and value statements. It includes strategic goals and action items that provide the court with a focused set of objectives to improve court operations over the next five years.

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

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

FSM Supreme Court's 2018 Deliverables based on Five-Year Strategic Goals from 2015 to 2018:

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

- ✓ **Compliance with FSM Financial Management Regulations;**
- ✓ **Upgrade court facilities for victims of trafficking and domestic violence (in progress) – Anti-Human Trafficking Act**
- ✓ **Improve Court's Administrative Manual and Procedures**

JS2: PROMOTE PROFESSIONALISM IN THE JUDICIARY AND LEGAL PROFESSION

- ✓ **Partnership with Pacific Judicial Council and Pacific Judicial Strengthening Initiative for training of justices and staff;**
- ✓ **New Associate Justice (Yap)**
- ✓ **FSM law interns**
- ✓ **Bi-annual FSM bar examination (March and August)**



FSM SUPREME COURT 2018 ANNUAL REPORT

- ✓ Annual FSM Law Day Debate for high school students;
- ✓ Partnership and collaboration with COM-FSM for trial counsellor certificate program;
- ✓ Staff upgrade and cross training for staff;

JS3: MODERNIZE TECHNOLOGY, LIBRARY RESOURCES AND COURT FACILITIES

- ✓ New FSM Supreme Court website
- ✓ FSM Legal Information System (in progress)
- ✓ Video Conferencing System;
- ✓ Case Management Tracking system;
- ✓ Backup FTR court recording system;
- ✓ Office renovation in Kosrae;
- ✓ Upgrade court facilities in compliance with People with Disability Act (in progress)

JS4: INCREASE PUBLIC UNDERSTANDING AND MAXIMIZE ACCESS TO THE COURT

- ✓ Conduct Access to Justice public survey;
- ✓ Code of Judicial Ethics and Conduct;
- ✓ Gender and Family Violence Workshop, Pohnpei and Kosrae
- ✓ Activity Preparation & Refresher Training-of-Trainers Workshop for staff – Pohnpei and Chuuk
- ✓ Bar Exam Review Course
- ✓ Case management data technology workshop
- ✓ Video Conferencing Workshop
- ✓ Clerk of Courts Training
- ✓ Court Technology for Justices and Administrators
- ✓ Alternative Dispute Resolution
- ✓ Mediation
- ✓ Chief Justice's Conference
- ✓ CRP/First Responder Training for Kosrae staff
- ✓ Enabling Rights and Unrepresented Litigants (Toolkits translated in four languages;

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

- ✓ Provide support to field offices;
- ✓ Court proceedings held in all four states to provide easy access of litigants and clients;
- ✓ Monitoring visits by justices and division heads to field offices;



FSM SUPREME COURT 2018 ANNUAL REPORT

- ✓ Monthly meetings vis skype with justices and staff;
- ✓ Collaboration and partnership with US and State Courts for designated appellate justices;
- ✓ Collaboration with State and local courts on available trainings and support;
- ✓ Implementation of video conferencing in the Court to reduce cost, easy access to court parties and unrepresented litigants (in progress)

ADMINISTRATION

ROLE OF COURT ADMINISTRATION

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

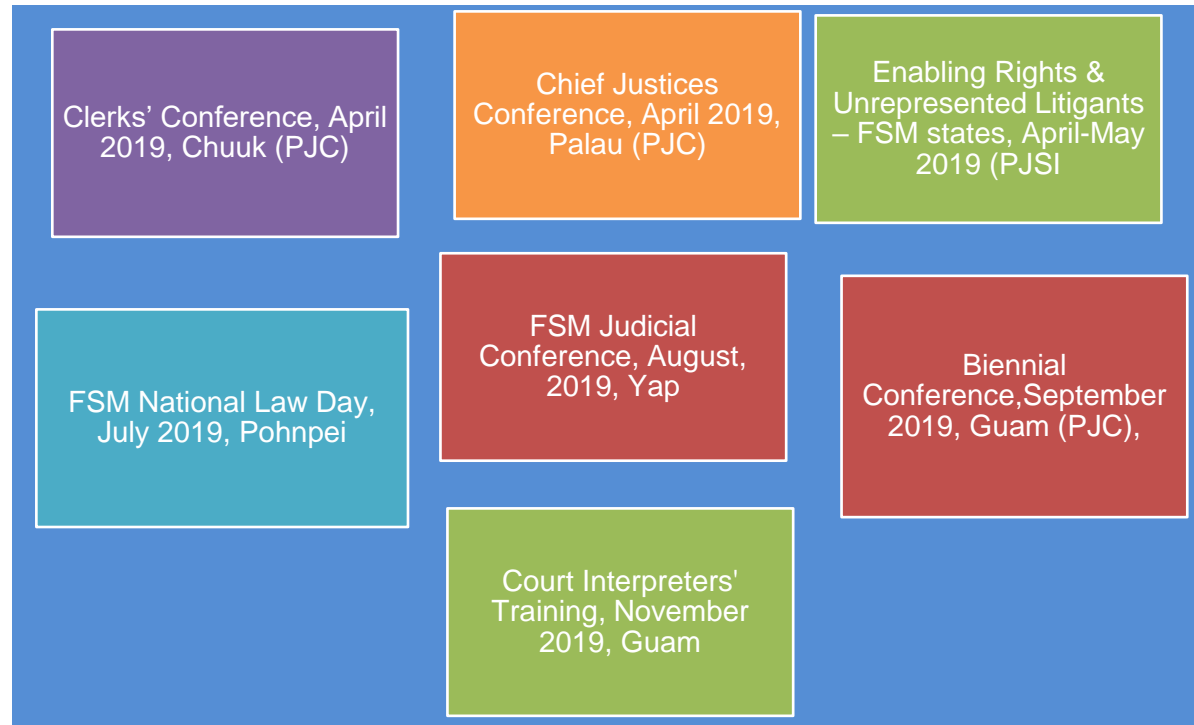
FSM JUDICIARY'S BUDGET APPROPRIATIONS: 2015-2018

CATEGORIES	2015	2016	2017	2018
PERSONNEL	\$777,521	\$837,024	\$899,127	\$ 905,453
TRAVEL	\$147,015	\$157,791	\$161,525	\$ 161,525
CONTRACT SERVICES	\$166,094	\$177,694	\$178,025	\$ 184,194
OTHER CURRENT EXPENSES	\$190,806	\$190,806	\$182,694	\$ 174,808
FIXED ASSETS	\$ 30,000	\$ 36,100	\$ 32,000	\$ 32,000
TOTAL APPROPRIATION	\$1,311,436	\$1,399,415	\$1,453,371	\$1,457,980



FSM SUPREME COURT 2018 ANNUAL REPORT

UPCOMING TRAININGS/WORKSHOP IN 2019



CLERKS OFFICE

Role of Clerk

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



FSM JUDICIARY BASELINE REPORT

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

	TYPE	INDICATORS	2018
1	Case Management Information	Case finalization clearance rate	
2	Case Management Information	Average duration of a case	
3	Appeals	The percentage of appeals	
4	Appeals	Overturn rate on appeal	
5	Access (Not Applicable to FSM)	Percentage of cases that are granted a court fee waiver	
6	Access	Percentage of cases disposed through a court circuit	
7	Access	Percentage of cases where party receives legal aid	
8	Complaints	Documented process for receiving and processing a complaint that is publicly available	
9	Complaints	Percentage of complaint received concerning a judicial officer	
10	Complaints (No reported cases)	Percentage of complaints receiving concerning a court staff member	
11	Human Resources	Average number of cases per judicial officer	



FSM SUPREME COURT 2018 ANNUAL REPORT

12	PacLII	Average number of cases per court staff	
13	Judicial Transparency	Court produces or contributes to an Annual Report that is publicly available	
14	Judicial Transparency	Information on court services is publicly available	
15	Judicial Transparency	Judgments on PacLII	

STATISTICAL REPORT 2014-2018

CRIMINAL STATISTICS 2014-2018

Overall Criminal Statistics

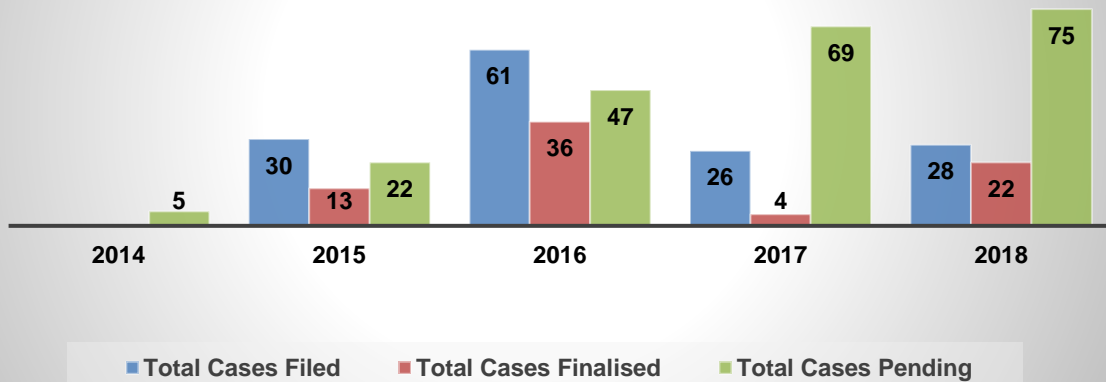
Year	Total Cases Filed	Total Cases Finalized	Total Cases Pending	Clearance Rate as a %
2014			5	
2015	30	13	22	43.33%
2016	61	36	47	59.02%
2017	26	4	69	15.38%
2018	28	22	75	78.57%
Total:	145	75	75	51.72%

Total criminal cases filed from 2014 to 2018 is 145, 75 Disposed and 75 Pending. Total clearance rate is 51.72%



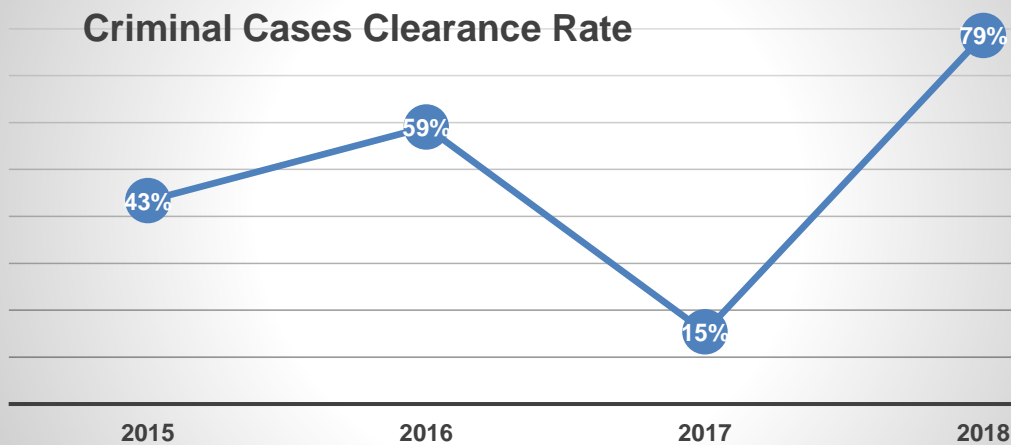
FSM SUPREME COURT 2018 ANNUAL REPORT

Criminal Cases Filed, Finalized and Pending



Criminal Clearance Rate

Criminal Cases Clearance Rate



The FSM Judiciary average clearance rate for criminal cases is 51%. The Court lost one of its associate justices in 2017, resulting in a decrease in the clearance rate to 15%.

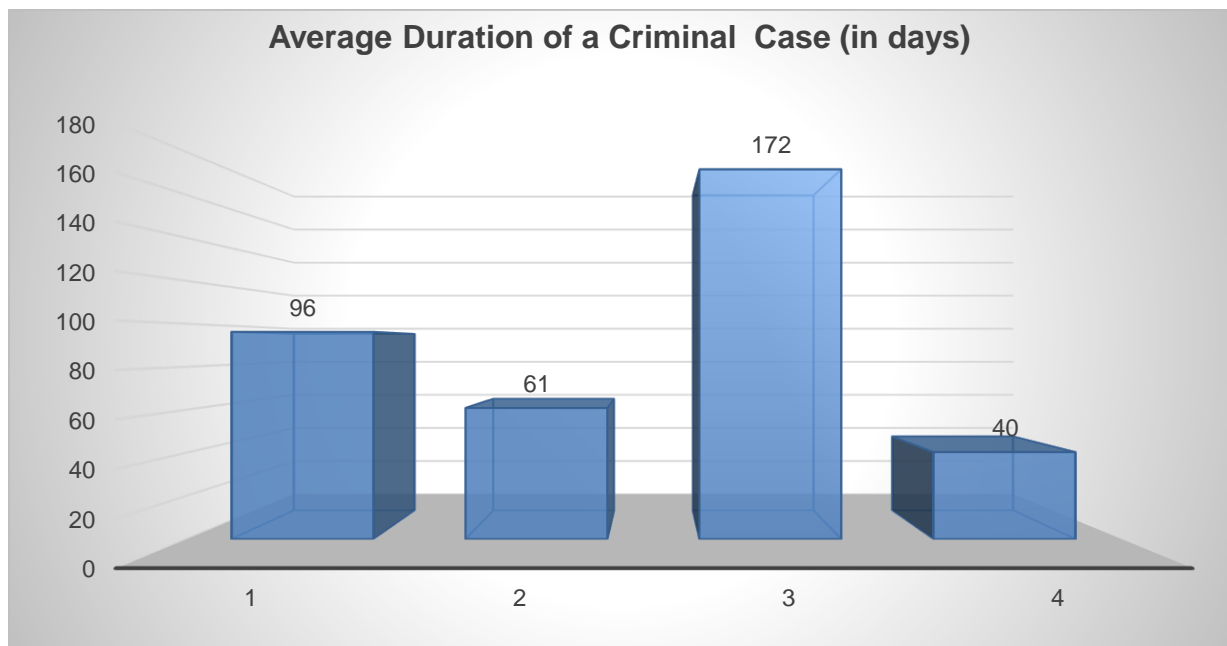


FSM SUPREME COURT 2018 ANNUAL REPORT

Average Duration for Criminal Cases

Year	Total Criminal Cases Finalized	Total Duration of Criminal cases (in days)
2015	13	1251
2016	36	2191
2017	4	687
2018	22	888
Total:	75	5017

Year	Average Days Disposal Time
2015	96.23
2016	60.86
2017	171.75
2018	40.36
Total:	66.89



The average days for disposition of criminal cases from 2015 to 2018 is 66.89 days

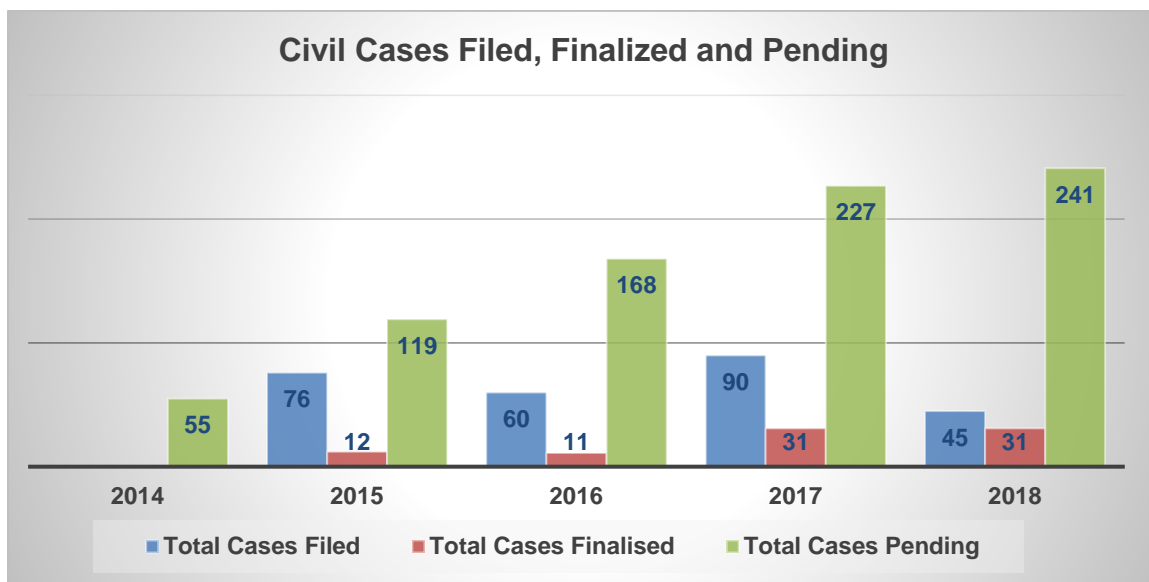


CIVIL STATISTICS 2014-2018

Overall Civil Statistics

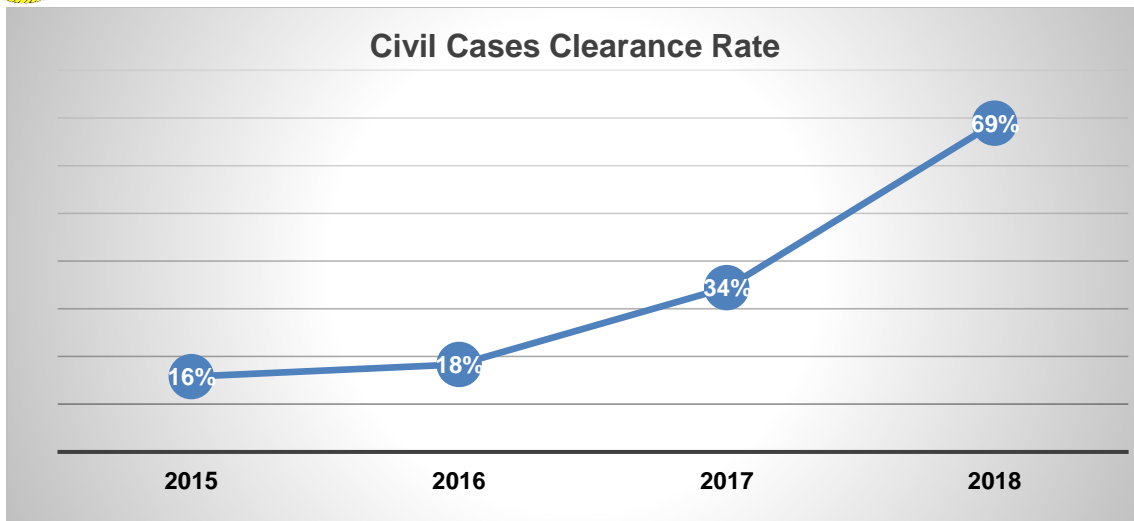
Year	Total Cases Filed	Total Cases Finalized	Total Cases Pending	Clearance Rate as a %
2014			55	
2015	76	12	119	15.79%
2016	60	11	168	18.33%
2017	90	31	227	34.44%
2018	45	31	241	68.89%
Total:	271	85	241	31.37%

The total civil cases filed from 2015 to 2018 is 271, disposed 85 and 241 pending. Total clearance rate for civil cases is 31.37%.





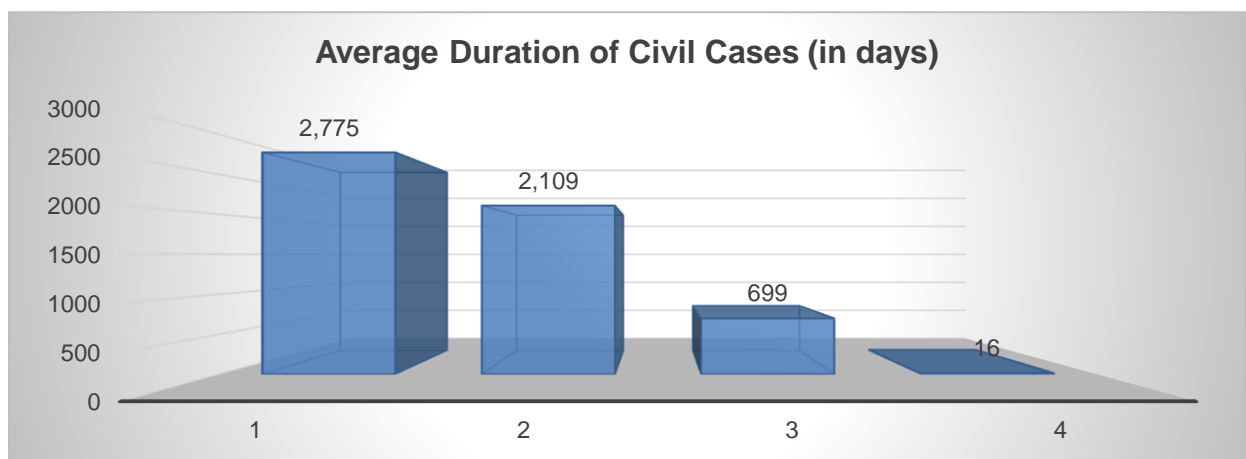
FSM SUPREME COURT 2018 ANNUAL REPORT



The average clearance rate in civil cases from 2015 to 2016 is 18.33%, due to the passing of two of its justices and limited staff attorneys. The Court has recently hired new staff attorneys between 2017 and 2018, resulting in higher clearance rate.

Average Duration of Civil Cases in Days 2015-2018

Year	Total Civil Cases Finalized	Total Duration of Civil Cases (in days)	Year	Average Days Disposal Time
2015	12	33304	2015	2775.33
2016	11	23202	2016	2109.27
2017	31	21655	2017	698.55
2018	31	501	2018	16.16
Total:	85	78662	Total:	925.44



The average days of disposition in civil cases from 2015 to 2018 is 925.44 days

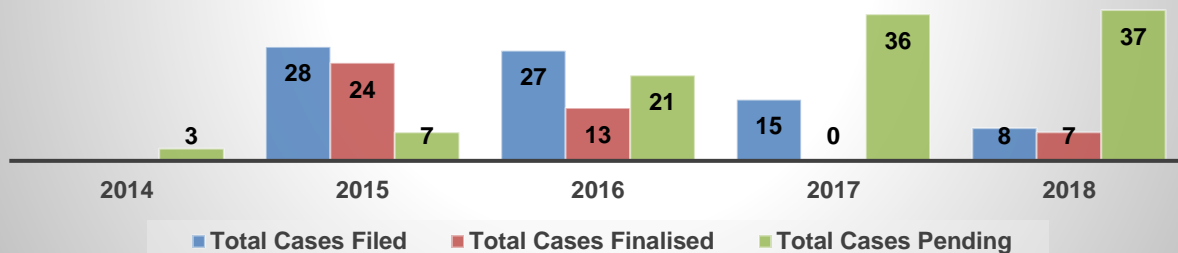


APPELLATE STATISTICS

Year	Total Cases Filed	Total Cases Finalized	Total Cases Pending	Clearance Rate as a %
2014			3	
2015	28	24	7	85.71%
2016	27	13	21	48.15%
2017	15	0	36	0.00%
2018	8	7	37	87.50%
Total:	78	44	37	56.41%

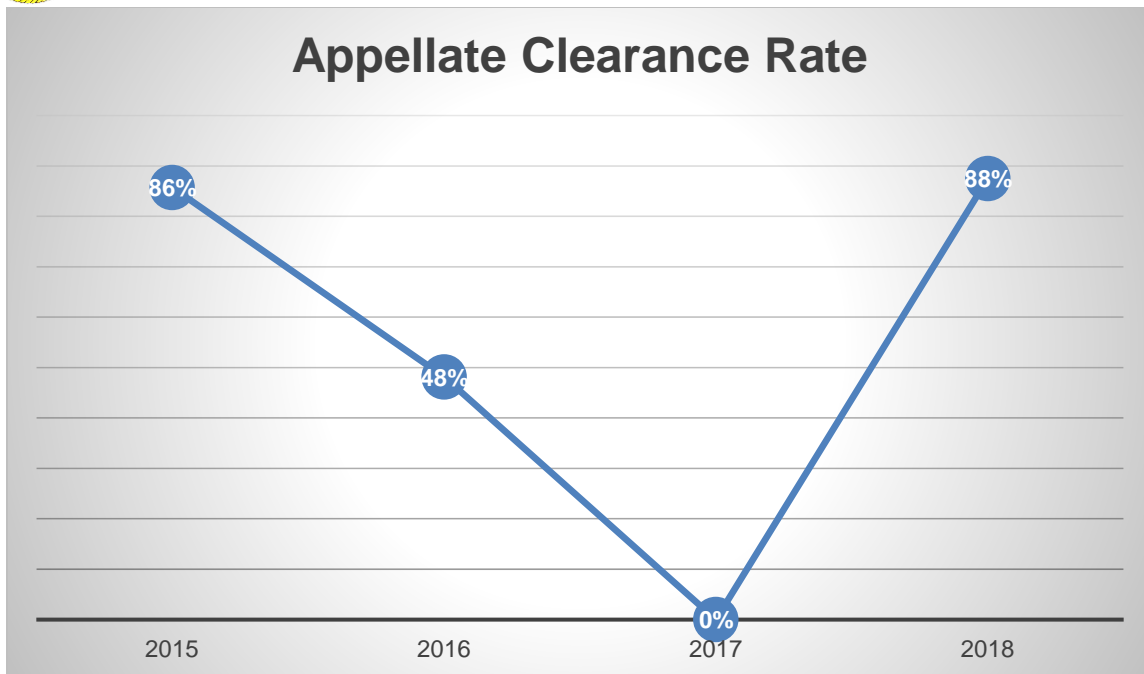
The total appellate cases filed from 2014 to 2018 is 81, total finalized is 44 and total pending 37, with an average clearance rate of 56.41%. (Note: Some cases are consolidated into one, however, this report captures the actual case numbers assigned)

Appellate Statistical Report, 2014-2018





FSM SUPREME COURT 2018 ANNUAL REPORT



Appellate Clearance Rate is 56.4%. Shortage of justices and staff attorneys resulted in delays in disposition of appellate cases. Designated appellate justices are from other jurisdictions.

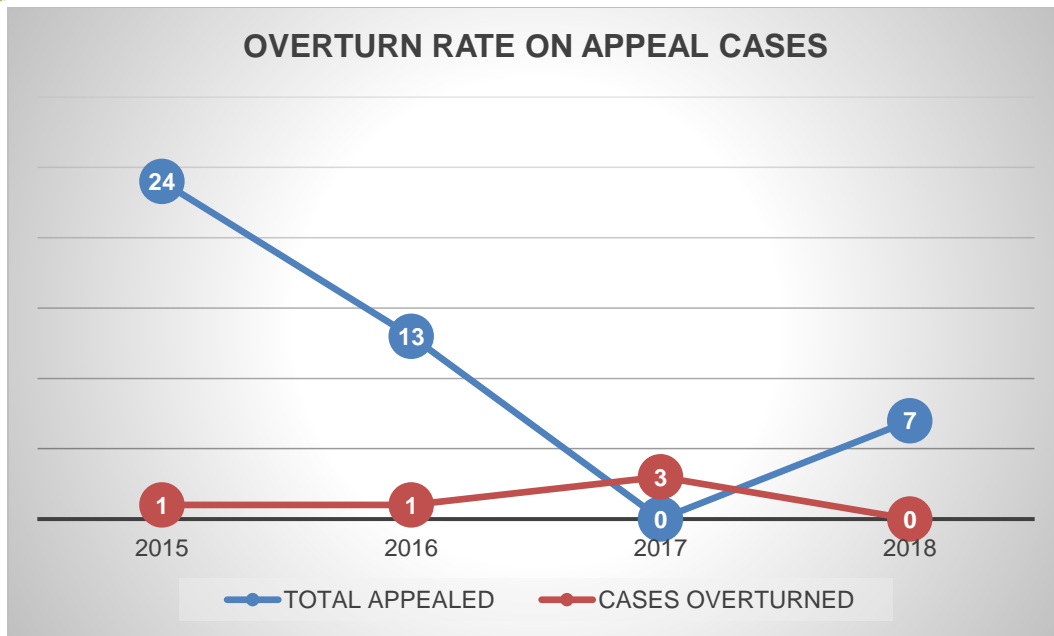
Overturn Rate on Appeal

Year	Total Cases Appealed	Cases where Decision Overturned (successful)
2015	24	1
2016	13	1
2017	0	3
2018	7	0
Total:	44	5

Year	Unsuccessful Appeals	Successful Appeals
2015	95.83%	4.17%
2016	92.31%	7.69%
2017	#DIV/0!	#DIV/0!
2018	100.00%	0.00%
Total:	88.64%	11.36%

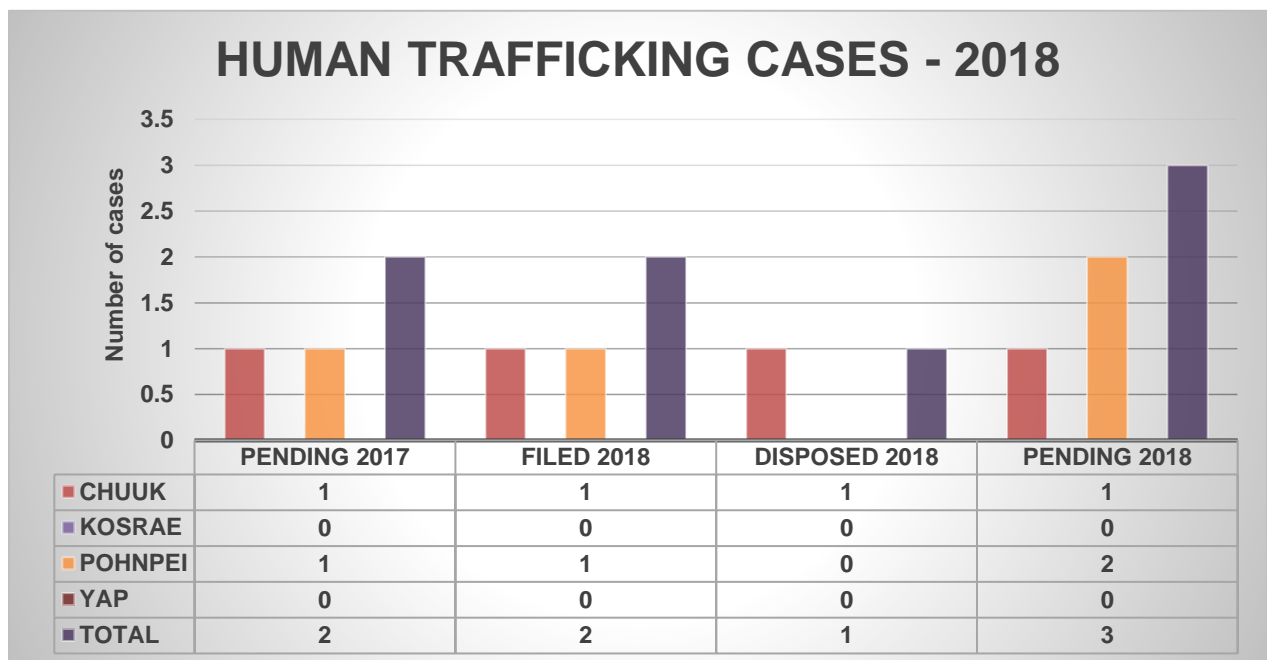


FSM SUPREME COURT 2018 ANNUAL REPORT



Total overturn rate on appeal cases is 11.36%

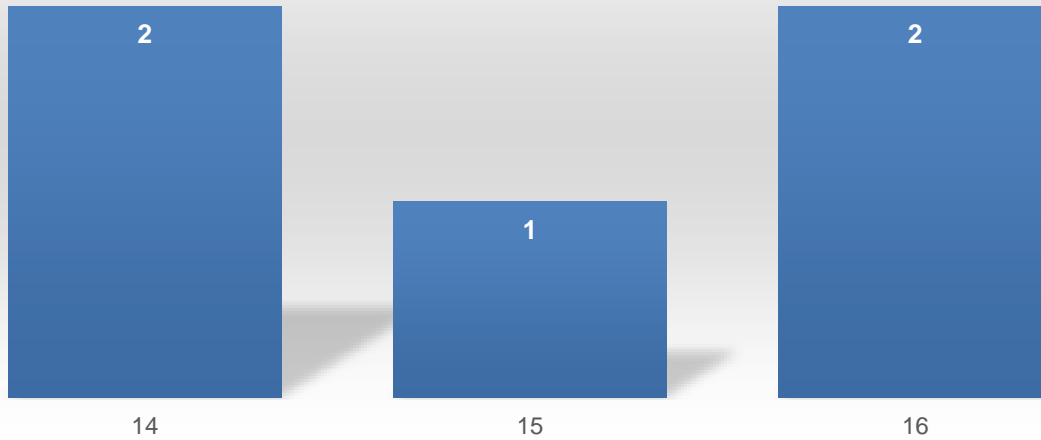
HUMAN TRAFFICKING CASES, 2018



Total number of human trafficking cases pending from 2017 were 2 cases. In 2018, 1 case was filed, none disposed and 3 pending as of December 31, 2018

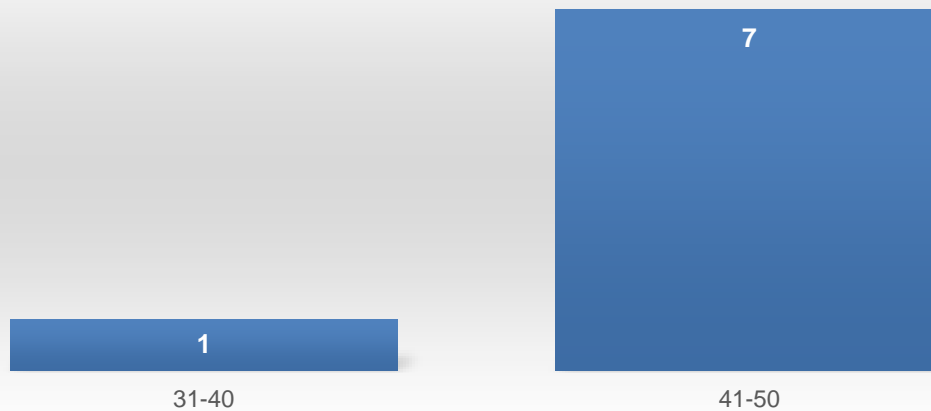


VICTIMS BY AGE



All victims in the human trafficking cases are minors, from 14-16 years old

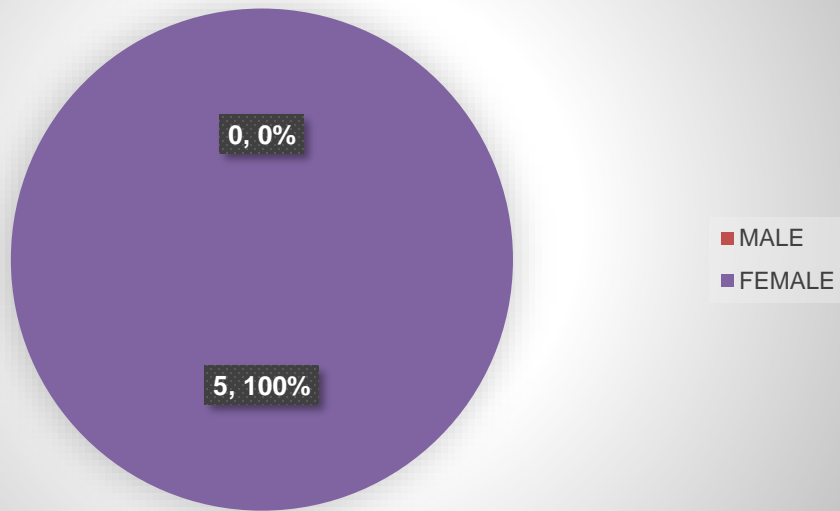
DEFENDANTS BY AGE



Defendants in human trafficking cases ranges from age 30-50

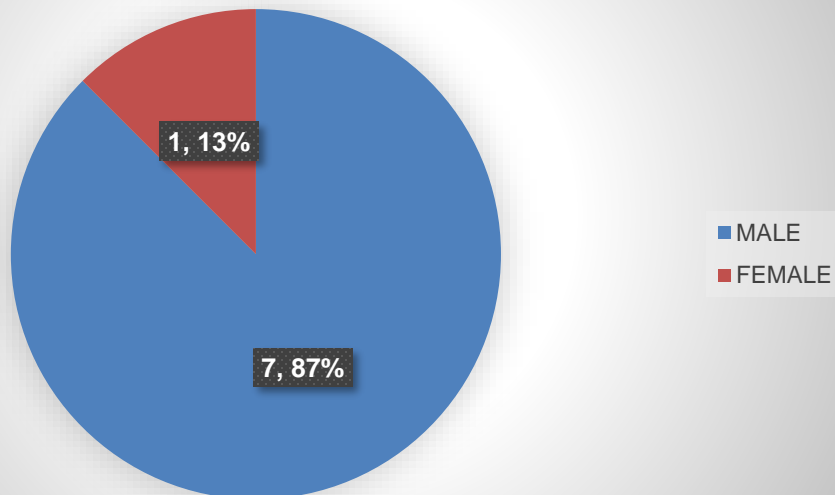


VICTIMS BY GENDER



All victims in human trafficking cases filed are Females

DEFENDANTS BY GENDER



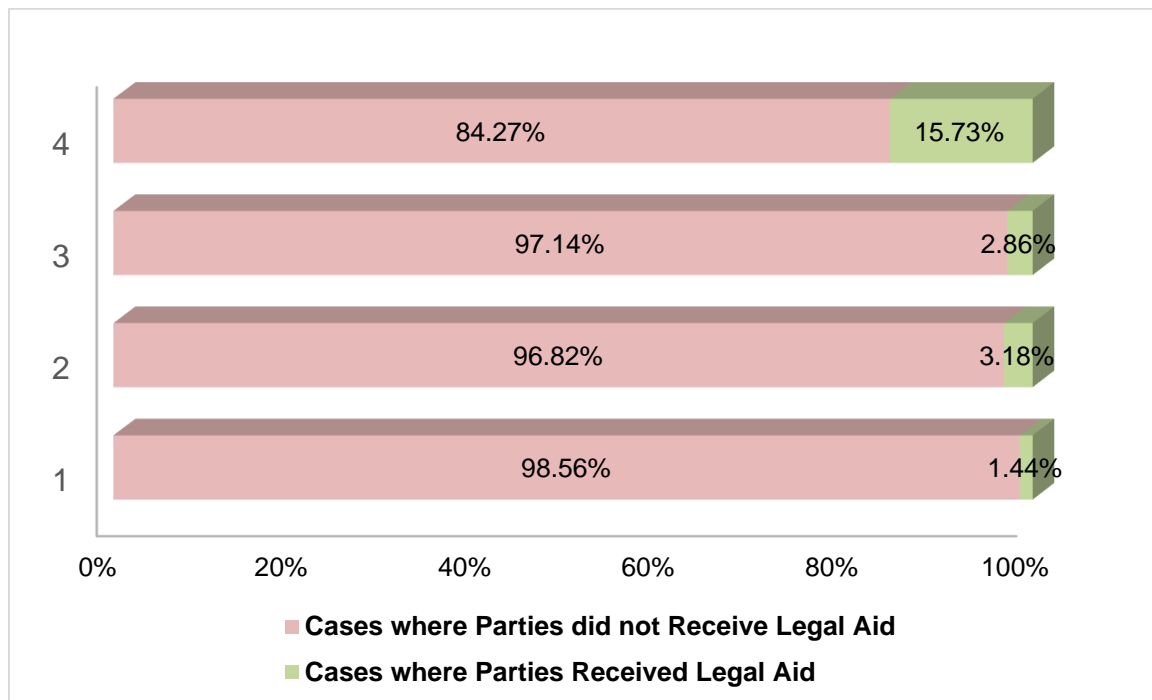
In the human trafficking cases filed, 7 are Male and 1 Female



FSM SUPREME COURT 2018 ANNUAL REPORT

CASES WHERE PARTIES RECEIVED LEGAL AID: 2015-2018

Year	Total Cases Filed	Total Cases where Parties Received Legal Aid	Year	Cases where Parties did not Receive Legal Aid	Cases where Parties Received Legal Aid
2015	139	2	2015	98.56%	1.44%
2016	157	5	2016	96.82%	3.18%
2017	140	4	2017	97.14%	2.86%
2018	89	14	2018	84.27%	15.73%
Total:	525	25	Total:	95.24%	4.76%



There are no pro-se litigant cases

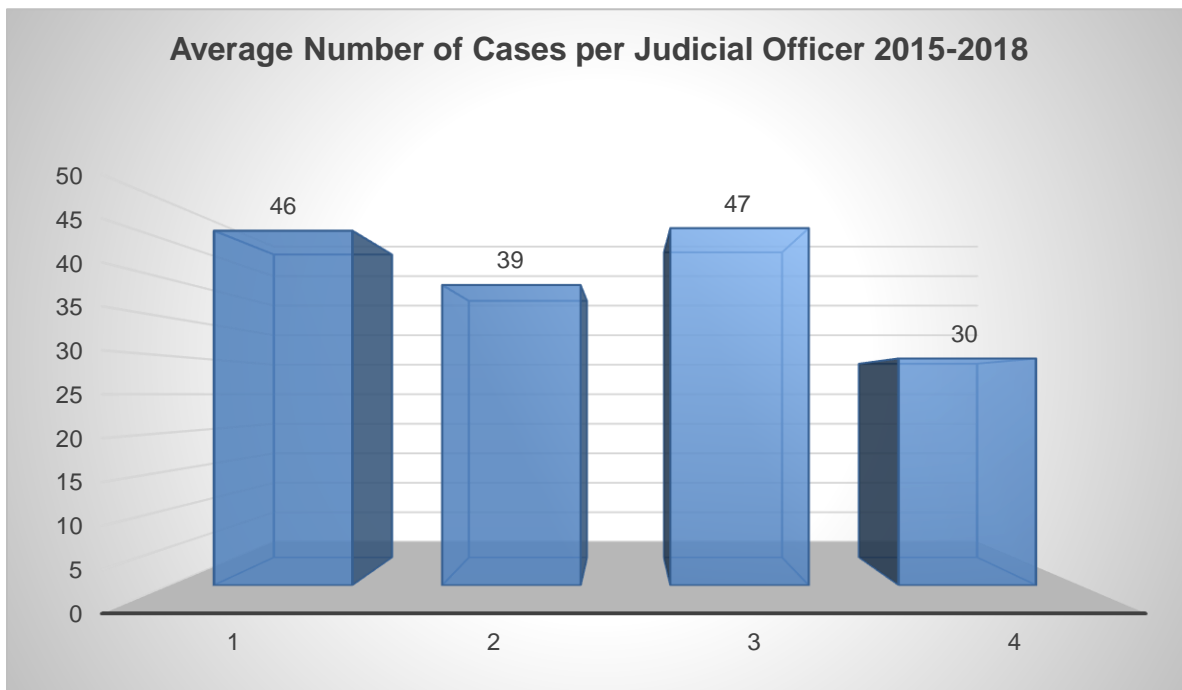


FSM SUPREME COURT 2018 ANNUAL REPORT

AVERAGE NUMBER OF CASES PER JUDICIAL OFFICER

Court	Total Cases Filed	Total JO Numbers
2015	139	3
2016	157	4
2017	140	3
2018	89	3
Total:	525	13

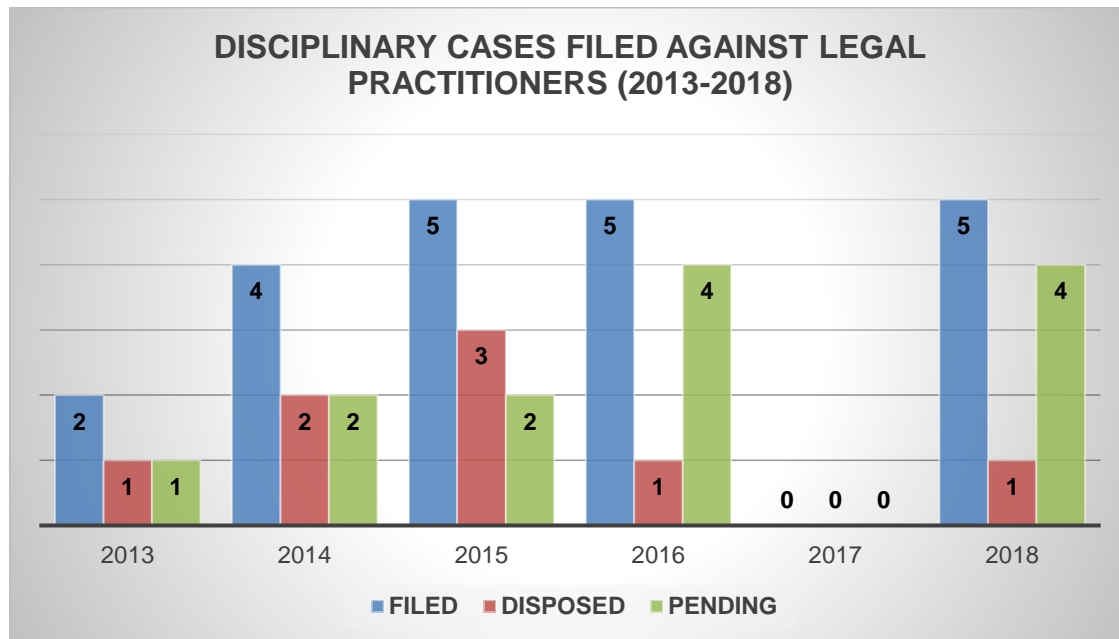
Year	Average Number of Cases per Judicial Officer
2015	46
2016	39
2017	47
2018	30
Total:	40



The average number of cases per judicial officer from 2015 to 2018 is 40

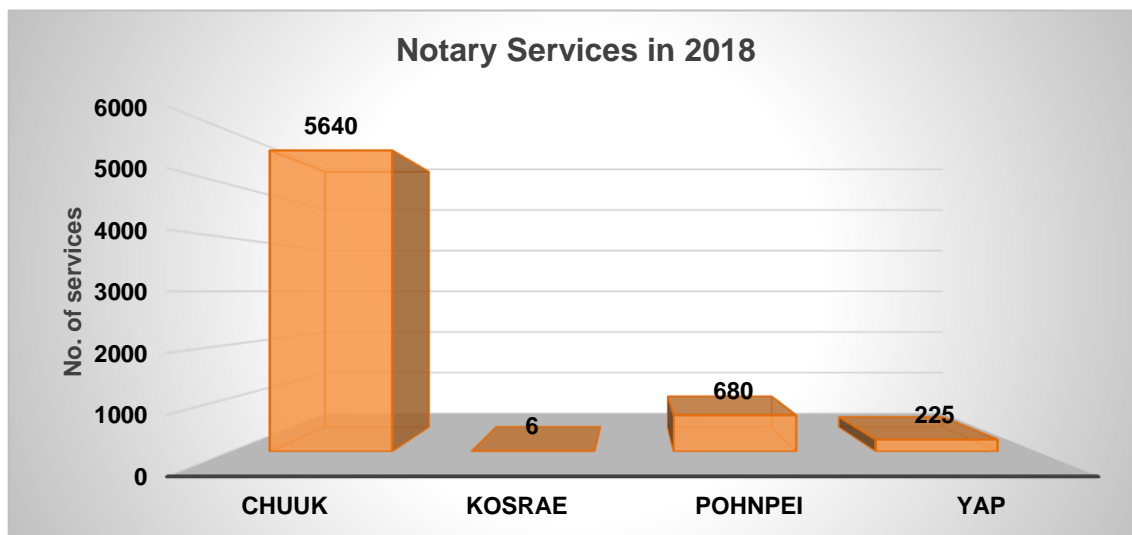


CASES FILED AGAINST LEGAL PRACTITIONERS



Between 2013 and 2018, there were 21 disciplinary cases filed against legal practitioners, 8 disposed and 13 pending. There are currently no cases filed against judicial officers of the court.

SERVICES PROVIDED THROUGH NOTARY PUBLIC



In 2018, the court provided notary services to 6,551 people. Notary service is free for the general public.



FSM SUPREME COURT HOLDS TRAINING OF TRAINERS WORKSHOPS
IN POHNPEI AND CHUUK: JULY-AUGUST 2018



Front Row (left to right): Joyleen Wichep, Secretary/Court Reporter; Shrue Lonno, Chief Clerk of Courts, Lovelynn Berdon, Secretary/Court Report, Mayleen David, Secretary/Court Reporter, Cheryl Freeman, Administrative Assistant, Carleila Carl-Edgar, Staff Attorney, Emeliana J. Musrasrik-Carl, Director of Court Administration, Anstain Ioanis, Chief Clerk of Courts, Senda Helgen, Deputy Chief Clerk, Johnny Peter, State Justice Ombudsman, Peter Garangmau, State Justice Ombudsman

Back Row (left to right): Name - Role; Name – JJ Abrams, Staff Attorney, Craig Reffner, Asst. Secretary of Justice, Harry Naruuhn, State Justice Ombudsman, Atariano Helieisar, Chief Librarian/Publications, Jackson Luke, Probation Officer, Belan Yoma, National Justice Ombudsman, Linson Waguk, State Justice Ombudsman

Not shown: Daniel Rescue, Jr. , General Counsel, David Alfons, Administrative Assistant,



Front Row (left to right): Name - Position; Mr. Lorenz Metzner-(Trainer); Gina Nowell – (Secretary Court Reporter - FSM Court); Emeliena J. Musrasrik- Carl – (Director of Court Administration –FSM Court); Atrina Mori Soichy – (Secretary to Justice – FSM Court); Lucille Sain – Pacific Youth Board Member &(PREL); Achipen Martinez (Legal Assistant – Department of Justice); Joanne Nakamura –(Assistant Chief Clerk of Court – Chuuk State Supreme Court) ; Richella Dois – (FSM Supreme Court Intern) and Jayleen Irons (FSM Supreme Court Intern)

JUSTICE OMBUDSMAN DIVISION

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

The Ombudsman's mission as probation officers of the FSM Supreme Court is to provide safety to probation crimes victims and the community through enforcement of court orders and probation conditions, to address offenders' rehabilitation needs, and to reduce recidivism.

Goals

First, to incorporate law enforcement and community supervision strategies by responding & employing innovative, best practices, and services for victims and offenders on rehabilitative needs.

Second, to provide adequate community supervision services.



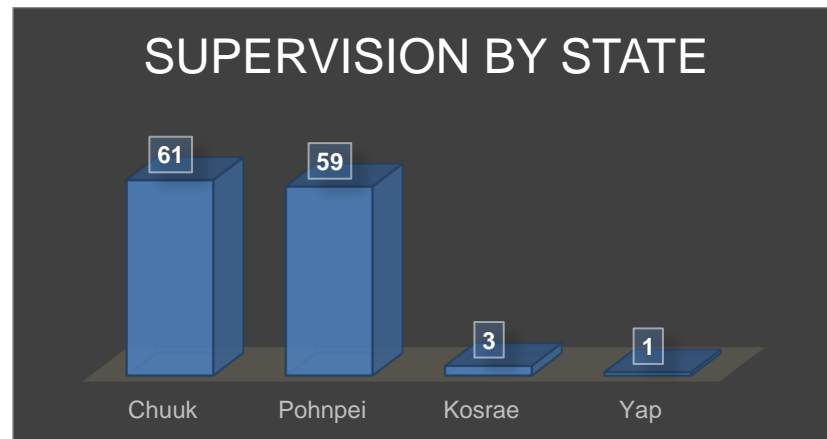
FSM SUPREME COURT 2018 ANNUAL REPORT

Third, annually trained probation officers become efficient in their jobs.

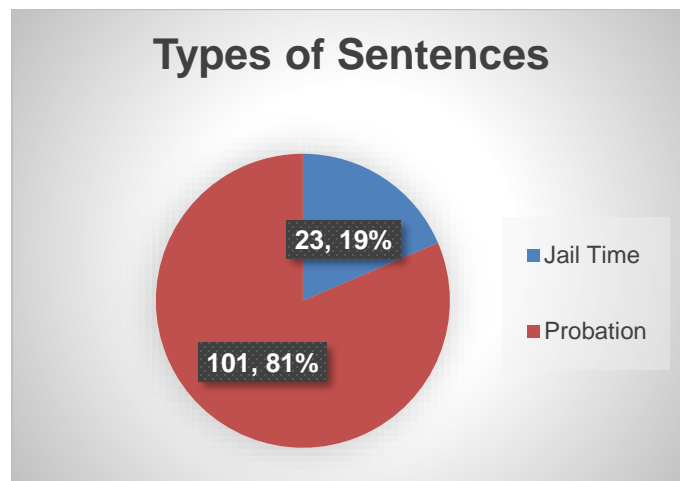
Lastly, collaborate with probation officers in the four State Courts within the FSM and the neighboring jurisdictions in sharing of resources and capacity building in order to promote efficient and effective probation services in our unique islands communities.

NUMBER OF CASES UNDER COURT SUPERVISION, TYPES OF SENTENCES, PROBATIONERS BY GENDER, TYPES OF OFENSES

During the calendar year 2018, there were 124 defendants under the supervision of the Office of the Ombudsman. Chuuk Justice Ombudsman supervised 61, Pohnpei 59, Kosrae 3, and Yap 1.



Number of defendants under supervision of Ombudsman in each State

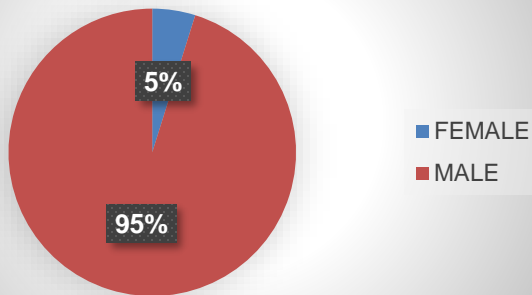


Of the 124 currently under Court Order, 23 are serving Jail time and 101 on Probation



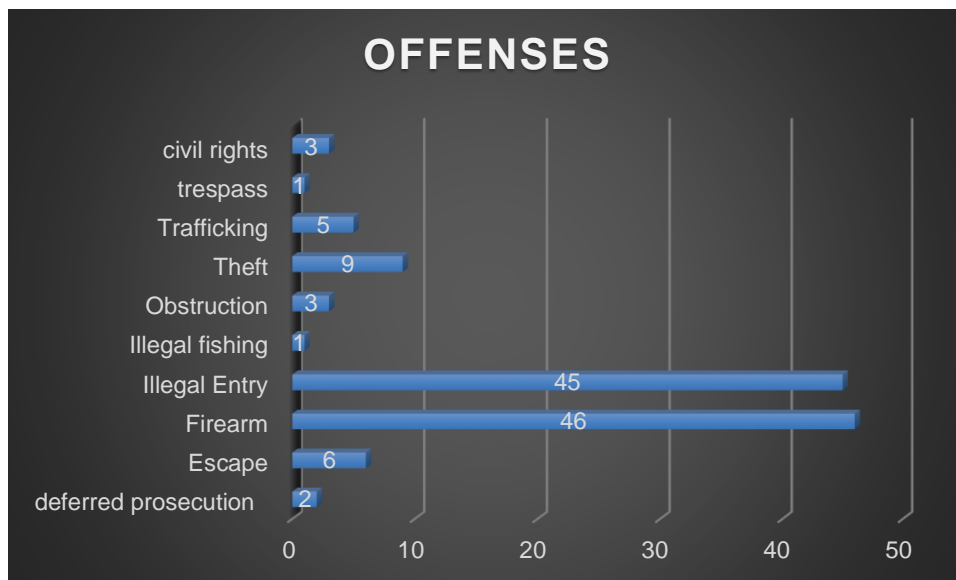
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PROBATIONERS BY GENDER



Of the 124 under Court Order, 6 are Female and 118 Male

Types of Offenses



Other Events:

Mock Trials

On July 6, 2018, the FSM Judiciary in collaboration with COM-FSM, sponsored mock trials for the students enrolled under the Trial Counselor Certificate Program. The mock trial is a prerequisite to completing the program. Students received hands-on experience, presenting in front of real justices, using court procedures, legal research and arguments.



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FSM SUPREME COURT, PALIKIR, POHNPEI – On July 12, 2018 Pohnpei Talent Search Program students from the public schools in Pohnpei, visited the Supreme Court of the FSM office in Palikir, Pohnpei. The students were briefed on the role of the Judiciary, its functions and responsibilities. Students toured the Court facility.



On July 29, 2018, the FSM Supreme was visited by 71 students representing various elementary schools in Pohnpei. The students were interested in learning about the FSM Judiciary.



DIVISION OF LAW

Access to Justice: *Enabling Rights*

The FSM Constitution invests the judiciary – that is, the FSM Supreme Court – with the responsibility of administering justice fairly. The Court exercises this responsibility by enabling rights of all persons before the courts. The principle of fair justice is, or at least should be, at the heart of the complex laws and procedures in a justice system. It upholds the fundamental norm of equal treatment of all who come before the courts.

Citizens come before the courts seeking justice by exercising their legal rights, which are enshrined in the Constitution and law. These rights specify interests and duties that are protected and enforced by law. An independent judge applies the law in the hearing of cases to decide the existence of these rights and duties based on a fair procedure of administering justice. If a person is unable to access or use their legal rights, then it is not possible for the courts to perform their role of administering justice fairly and effectively.

The FSM Supreme Court recognizes that there are barriers that prevent many citizens to accessing and exercising their rights. To name a few, these common barriers may be geographical, financial, socio-cultural, limited resources (legal representation) or educational (awareness and knowledge of the justice system). These often make people feel uncertain and unconfident in exercising their legal rights. Sometimes people are also unaware or unclear about the role of the courts and how they work. No matter how needy they are, these people are unlikely to approach the courts for help.

The interest of administration of justice in a fair and equal manner requires the courts to proactively ensure that all peoples can access and use their legal rights effectively. The courts lose public trust when they exclude, marginalize or disable citizens from exercising their lawful rights. While it is not within the purview of the courts to solve all of the problems, they do have a significant role to ensure citizens and all people who come before them have access to justice and are able to know and exercise their legal rights.

The FSM Supreme Court is committed to its constitutional mandate in upholding justice in a manner that is fair and equal for all who come before it seeking justice. The Court, while independent to maintain integrity, strives to provide services and information that enables the general public and litigants – both represented and unrepresented parties – to understand their legal rights under law and the Constitution and to be able to exercise them effectively. It is the Court's solemn duty to ensure that principles of



FSM SUPREME COURT 2018 ANNUAL REPORT

fairness, equal justice and due process are protected by enabling rights penned in the FSM Constitution and the protective laws of our nation.

In addressing the various barriers that hinders the public from fully understanding and accessing justice, the FSM Supreme Court wishes to continue its collaboration with partners and stakeholders and to forge meaningful partnerships with government and non-government organizations. In fact, the Court has been working hard, together with various organizations and entities, in conducting and sponsoring key trainings for its staff and other interested parties in order to provide awareness and clear understanding of its roles and duties within the community. The Court's commitment to equal and fair treatment of all people under the law is evident in its endeavor to deliver accessible and timely justice and community engagement and collaboration.



2018 FSM National Law Day Debate – Yap. Team Champion: State of Pohnpei, Second Place: Team Chuuk. Third Places: Team Kosrae and Team Yap Front row: Chief Justice Dennis K. Yamase, Vice President Yosiwo George, Second Lady, Mrs. George, Mrs. Romolow, FSM Congress Representative Robson Romolow. Back Row: Debaters and coaches



FSM SUPREME COURT 2018 ANNUAL REPORT

ADMISSION OF NEW MEMBERS TO THE FSM BAR



LIBRARY AND PUBLICATIONS

FSM SUPREME COURT LAW LIBRARY(S) (FSMSCLL)

KASELEHLIE, RANALLIM, MOGETHIN, AND LENWO!

2018 was a year of substantial progress for the FSM Supreme Court Law Library. During the year our two main priorities were: expanding and improving our services to our customers, and expanding and improving our division capability to develop and deliver those services effectively and efficiently. Throughout the year, the FSMSCLL received positive feedback on its own website at from users for continuing to deliver a range of essential and highly valued legal information services to the judiciary, legal profession and public throughout the FSM and beyond. The unique blend of services provided by



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our Law Libraries include, without limitation, service support of education, and providing inviting learning space for collaboration and research.

OVERVIEW

About the FSM Supreme Court Law Library(s) (FSMSCLL)



The FSMSCLL is composed of a total of four libraries. The main library is located in Palikir, Pohnpei, and one library located in each of the three FSM Supreme Court Offices located in the states of Chuuk, Yap and Kosrae. The two law libraries located in both Yap and Kosrae are shared and operated by both the FSM and the State Courts.

With the generous donations and support received from members of the judiciary, legal profession, family members, and other law libraries in the Pacific, our collections of legal materials continue to grow. These materials enrich the library's legal collections and are used by researchers to improve users' collective understanding of FSM's laws and beyond. FSMSCLL gratefully acknowledges the generosity of its donors and benefactors who have supported our law libraries throughout the year.

This year, the FSMSCLL in Palikir, Pohnpei was re-arranged to create more friendly open study seating with new additional study-carrels and two new desktop computers with Wi-Fi for legal research.

OUR LAW LIBRARY

Our mission

To ensure that the FSMSCLL provide current and comprehensive legal reference and information services to the judiciary, bar members and the general public throughout the four FSM States.



Our vision

To assume the leading role in supporting the legal research activities of the judiciary, bar members, staff and its large community by:

1. Creating access to local, state, national, and international legal information;
2. Developing and publishing electronic and other legal information products for the benefit of judges, bar members, staff and the community;



FSM SUPREME COURT 2018 ANNUAL REPORT

3. Designing information and communication systems linking the FSM Supreme Court website(s) to state, national, regional, and international sources;
4. Providing assistance to the Trial Counselors' Program and others in the process of legal research and information retrieval while utilizing a variety of methods and formats; and
5. Serving as the legal information resource center for the citizens of the Federated States of Micronesia.

Our values

- **Customer focus:** we serve our customers by continually developing and improving services and collections to meet their changing needs
- **Professionalism:** we comply with professional standards and strive for excellence
- **Accountability:** we act with integrity, deliver cost-effective services, and are financially responsible and accountable to our stakeholders
- **Respect:** we treat everyone, including colleagues, fairly and with respect

Our services

- Developing, maintaining and maximizing access to library collections
- Providing reference, research and training assistance
- Publishing judgments and other content produced by the FSM Supreme Court or the library to maximize access and usability
- Educating students and other community members about the FSM legal system



Our new FSMSCLL Strategic Plan for 2018-2022 will serve as the navigational compass for its continuing voyage towards excellence.

For more information on the FSM Supreme Court Law Library (FSMSCLL), visit us at <https://lawlibrary.wixsite.com/fmsccll> or go straight to our 2018 FSMSCLL Annual Report available online on more details, activities and statistics that reflect the number of individuals utilizing our services within our law libraries at https://docs.wixstatic.com/ugd/d7cb25_2f9880d696ef497680b935b7715d6ccf.pdf.



FSM SUPREME COURT 2018 ANNUAL REPORT

Address and Phone:
Court

Operating Hours: FSM Supreme

Law Library

P.O. Box PS J

Monday - Friday

Pohnpei, FM 96941

- 8:00 a.m. – 5:00 p.m.

Phone: (691) 320-2763/64

Weekends & Holidays

- Closed

Email: lawlibrary@fsmcourtsupremecourt.org



The FSM Supreme Court in August, 2018, launched a new website to replace the old version, the: ***fsmcourtsupremecourt.org***.

The *fsmcourtsupremecourt.org*, known as “FSM Legal Information System” or “FSMLIS” is now under development or upgrading to the new platform, and expected to be completed later this year. The purpose of the website is for legal research and to provide accessibility to the general public on legal materials in the FSM

Figure 1. The new FSM Supreme Court website, fsmcourtsupremecourt.org

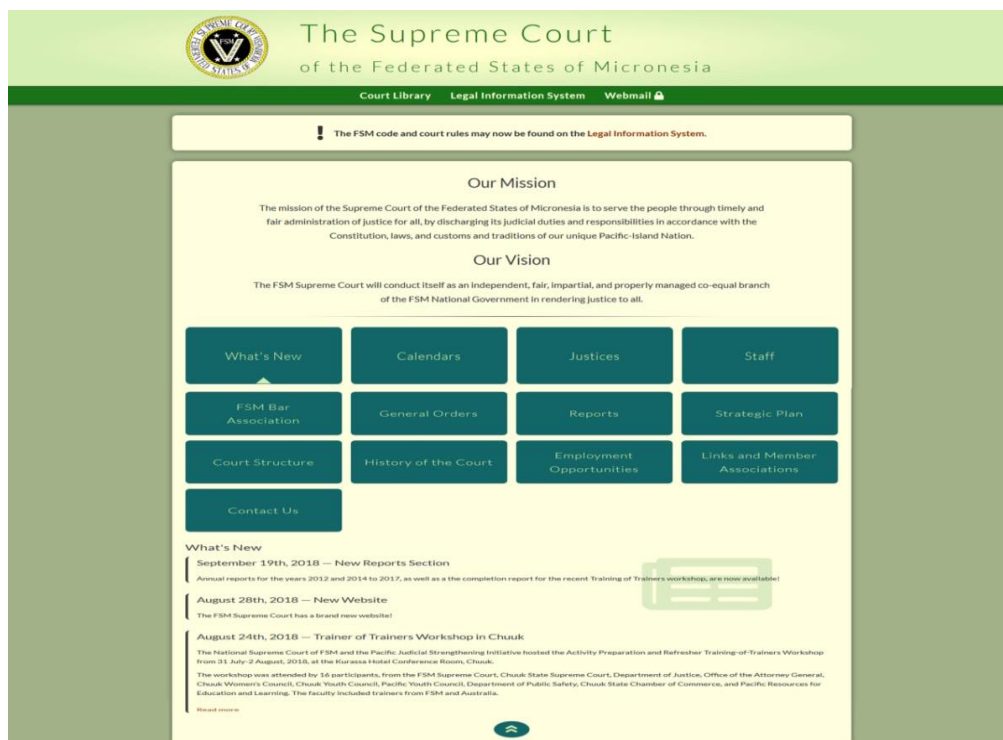
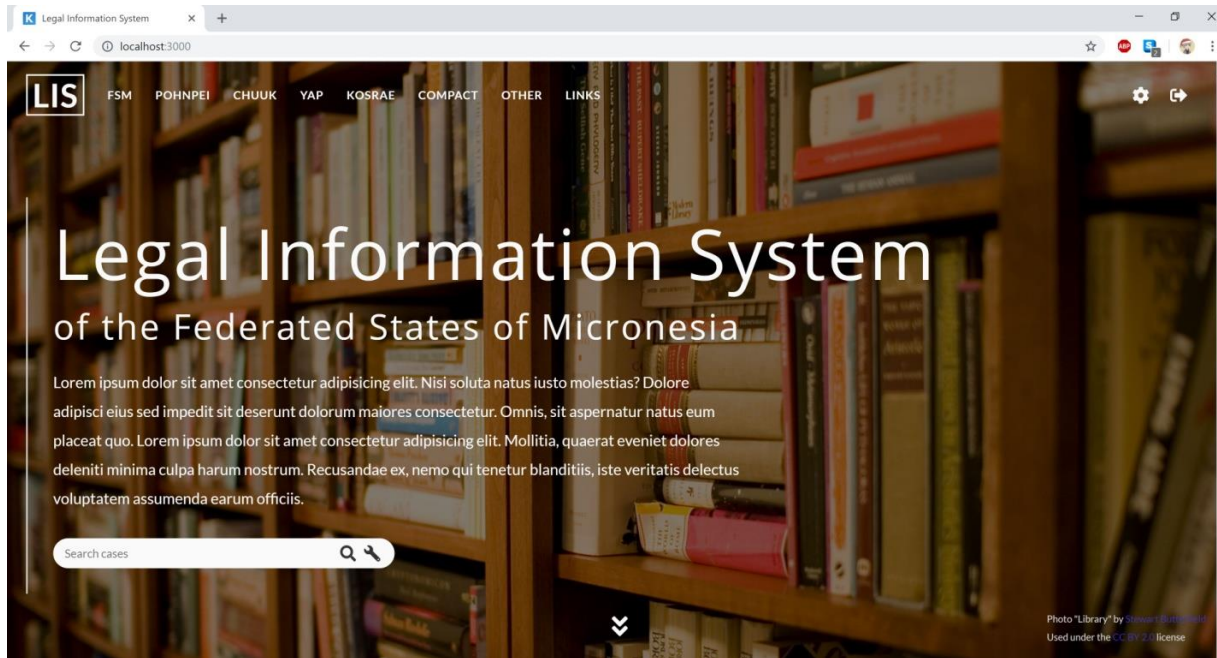




Figure 2. The new FSMLIS that is still under development.



USED LIBRARY BOOKS DONATED

The FSM Judiciary in 2018, donated used library books to the Kitti Municipal Court , Kolonia Town Court and local bar members



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