

J U D I C I A R Y   B U I L D I N G



# Palau Judiciary



*Court Annual Report  
2013*



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# Introduction

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## I. Message from the Chief Justice



Informing the public what we at the Palau Judiciary do is a job we take very seriously. The people have a right to know how their Judiciary is functioning. Providing this information is an ongoing and unending task which has to be done in various ways and through various means. The Republic as a whole benefits when its people are well informed, and the Judiciary has therefore made mass dissemination of this information one of its highest priorities.

To this end, the Judiciary has published two books on its pictorial history and, over the years, it has conducted outreach programs which provided visits and lectures by judges and Court staff to schools, agencies and communities.

The Judiciary recognizes that it has not been working alone in its quest to inform the public as to the operations of the third branch of the government. It has received significant help from the media and the Palau Bar Association. And to them, we say thank you.

The release of the first Annual Report is yet another way for the Court to reach out to all segments of society within, and even beyond, Palau. In this modern world, we are no longer just an “island.”

This inaugural Annual Report shows what the Judiciary has achieved this past year and what remains to be accomplished. The preparation of this Report involved contributions from all offices of the Court as well as the efforts of a significant number of Court personnel. I recognize their enthusiasm and commitment for the work done. I leave it to the public we serve, however, to evaluate the quality of the Judiciary’s performance.

Finally, we want to express our sincere appreciation to the Ninth Circuit Court of Appeals of the US Government and to the Pacific Judicial Development Programs (PJDP) for all of their assistance in providing training for staff and judges; conducting workshops to improve court performance, procedures and systems; and initiating projects on family violence and youth justice, and court annexed mediation. We express our appreciation to the governments of New Zealand, for funding PJDP, and to the Federal Court of Australia, for administering and implementing PJDP’s projects.

We invite everyone to tell us how we may improve our services to the public.

Ma next year.

A handwritten signature in black ink, appearing to read 'Arthur Ngiraklsong'.

Arthur Ngiraklsong  
Chief Justice

## II. Mission and Vision

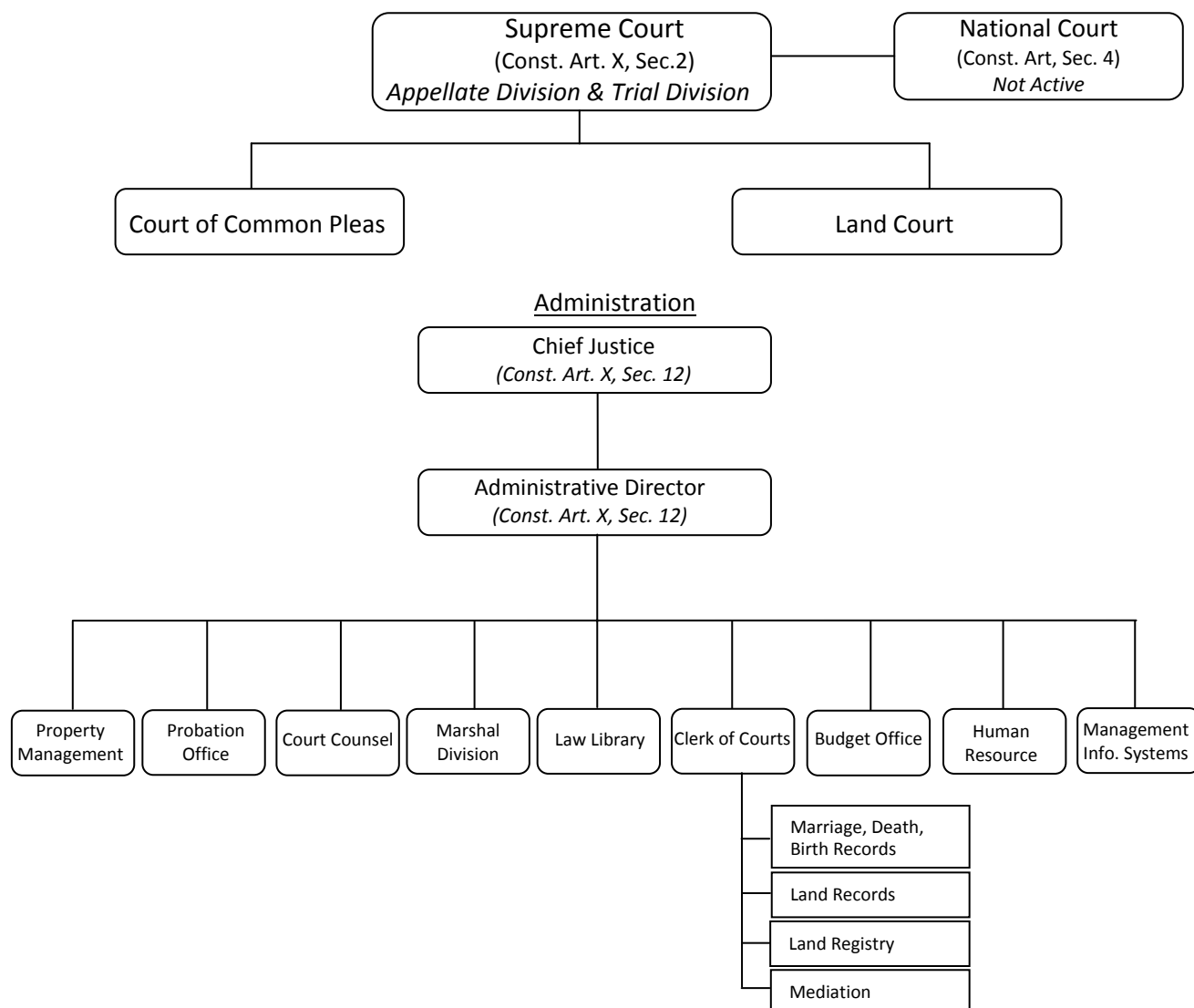
### MISSION

The Judiciary's purpose is to preserve and enhance the rule of law by providing a just, efficient, and accessible mechanism for resolving disputes. The Judiciary will interpret and apply law, as modified by custom and tradition, consistently, impartially, and independently to protect the rights and liberties guaranteed by the laws and constitution of the Republic of Palau.

### VISION

The Courts of the Republic of Palau will provide justice for all while maintaining the highest standards of performance, professionalism, and ethics. Recognizing the inherent dignity of every person who participates in the justice system, the Judiciary will treat each participant with respect and will strive to make the process understandable, affordable, and efficient. Through the thoughtful, impartial, and well-reasoned resolution of disputes, the Judiciary enhances the public trust and confidence in this independent branch of government.

## III. Palau Judiciary – Organizational Chart



# Special Feature

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## IV. First Palauan Women in the Judicial System

### A. First Palauan woman in Palau Bar/First Palauan Woman Attorney General

On May 1<sup>st</sup>, 1987, Ms. Ernestine Rengiil took the oath of office to become the first Palau woman to be a member of Palau Bar Association. Appointed by President Ngiratkel Etpison, Ms. Rengiil also became the first Palauan woman to become an Attorney General (AG) from October 4, 1992 to October 4, 1993. She also served a second term as an AG under the administration of President Johnson Toribiong from January 20, 2009 to January 19, 2013.



### B. First woman Associate Justice of the Palau Supreme Court



Appointed by President Kuniwo Nakamura, Kathleen M. Salii was sworn-in on September 1st, 2000, to be the first woman Associate Justice of the Palau Supreme Court.



### C. First woman Associate Judge of the Palau Land Court/First woman Senior Judge of Palau Land Court



Appointed by President Kuniwo Nakamura, Jerrlyn Udach Senior was sworn-in on June 15<sup>th</sup>, 1999 to become the first female Associate Judge of the Land Court. She was then appointed by President Tommy E. Remengesau Jr. to be the Senior Judge of the Land Court after the resignation of Senior Judge Cadra in 2003. Mrs. Senior took the oath of office to become the first woman Senior Judge of the Land Court on June 30, 2003.

### D. First woman Senior Judge of the Court of Common Pleas

Appointed by President Tommy E. Remengesau, Jr., Lourdes F. Materne was sworn in on June 30, 2003 to become the first woman Senior Judge of the Palau Court of Common Pleas. Materne is currently an Associate Justice of the Supreme Court.



# Overview of the Judiciary

## V. About the Courts



*Back (L-R): Associate Justice Lourdes F. Materne, Associate Justice Kathleen M. Salii, Associate Justice R. Ashby Pate, Associate Judge Salvador Ingereklii, and Associate Judge Rose Mary Skebong.  
Front (L-R): Senior Judge C. Quay Polloi, Chief Justice Arthur Ngiraklsong, and Senior Judge Honora E. R. Rudimch*

### A. Supreme Court (Trial Division and Appellate Division)



Chief Justice and three Associate Justices. Other judges are appointed to sit on an as-needed basis as Associate Justices Pro Tem or Part-Time Associate Justices.

*(L-R)AJ Salii, Part-time Associate Justice Foley, Part-Time Associate Justice Maraman, CJ Ngiraklsong, AJ Materne →*

Article X of the Constitution vests the Supreme Court with power over all matters in law and equity and outlines its structure and operation. The Supreme Court is divided into a Trial Division and an Appellate Division. Cases are initially adjudicated by a single justice in the Trial Division. Appeals from those decisions are heard by panels of three different justices in the Appellate Division. The Supreme Court also handles disciplinary and other special proceedings. The Supreme Court currently includes a





## B. Land Court

The Land Court was established in 1996 by act of the Olbiil Era Kelulau, 35 PNCA §§ 1301, and vested with



jurisdiction over civil cases involving the adjudication of title to land or any interest in land. Appeals from the Land Court go directly to the Appellate Division of the Supreme Court. The Land Court makes determinations with respect to the ownership of all lands within the Republic, including the return of land that became public as a result of its acquisition by previous occupying powers through

force, coercion, fraud, or without just compensation. The Land Court currently includes a Senior Judge and two Associate Judges. Land Court proceedings are generally conducted in Palauan, although translation is available for non-Palauan speakers.

## C. Court of Common Pleas

The Court of Common Pleas was established in 1982 by the Olbiil Era Kelulau, 4 PNCA §§203, to handle

common civil and criminal cases. The Court of Common Pleas has jurisdiction to hear civil cases worth \$10,000 or less (except adjudication of land interests) and all divorce and child support cases, regardless of the amount in controversy. Civil cases that come before the Court include name changes, family law matters, and estate settlement proceedings. The Court also hears small claims (worth \$3,000 or less) in less formal hearings. The Court of Common Pleas is assigned a criminal docket by the Chief Justice of the



Supreme Court and is authorized to hear cases where the maximum possible punishment will not exceed a \$10,000 fine or imprisonment for five years. Appeals from the Court of Common Pleas are filed directly with the Appellate Division of the Supreme Court.

Recently, the Court of Common Pleas has been designated by the Chief Justice to handle civil domestic abuse cases under the Family Protection Act (“FPA”) that was enacted in November of 2012. In order to meet the requirements of the FPA’s mandates, the Court has created forms and protocols to assure that the Court is available to assist persons seeking to orders of protection, both during the Court’s normal operating hours and during emergency after-hours situations in which an alleged victim of abuse needs immediate protection. The Court is also collaborating with other agencies, such as the Bureau of Public Safety, the Attorney General’s Office, the Ministry of Health, and the Ministry of Community and Cultural Affairs to successfully implement the FPA.



## VI. Judicial Nominating Commission

The Judicial Nominating Commission consists of seven members, all of whom must be citizens of Palau. The Chief Justice serves as the organization's Chairperson. Three members are elected from and by the Palau Bar Association. The other three are appointed by the President. Members must resign from their seats should they become candidates for political office.

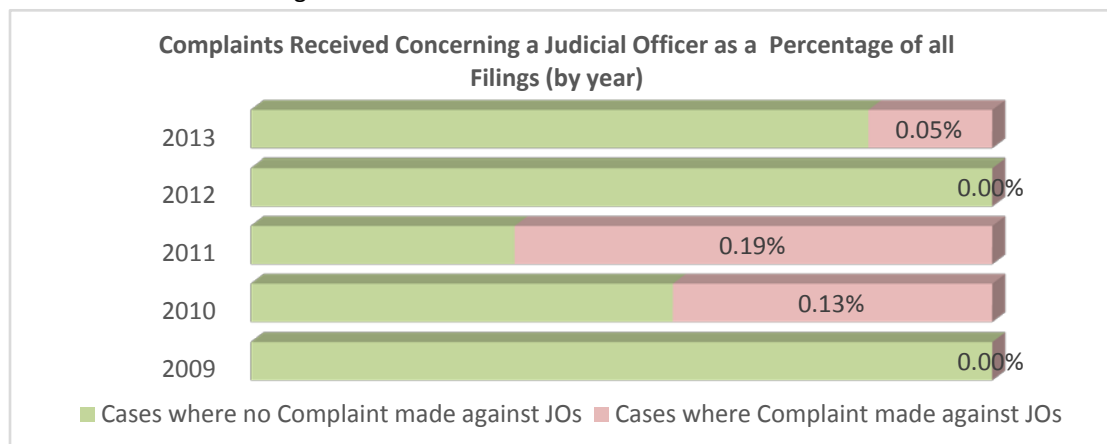
Whenever a vacancy for a Judge or Justice within the Palau Judiciary becomes available, the commission produces a list of seven nominees and presents the list to the President. This list is created using a secret ballot. Should there be a conflict of interest involving a member and a potential nominee, the member must recuse himself or herself from voting or discussions regarding such a Judicial Office. In addition, should a member become a potential nominee, that member must also recuse himself or herself. Among the qualities sought for such nominees are: integrity and moral courage; legal ability and experience; intelligence and wisdom; compassion and fairness; diligence and decisiveness; judicial temperament; and awareness of and sensitivity to Palauan culture. Every year, regardless of whether there is a Judicial Office vacancy, the JNC chairperson is required to call a meeting to review the commission's current rules and procedures, educate new members on current rules and procedures, and compose a list of seven potential nominees for Chief Justice should the current Chief Justice resign or pass away.

## VII. Accountability: Code of Conduct and Complaints

The Judiciary's Code of Judicial Conduct was promulgated on March 1, 2011 by the Palau Supreme Court and amended on March 9, 2011. A copy of the Judicial Code of Conduct can be retrieved from the Palau Judiciary website: <http://www.palausupremecourt.net>, Rules & Other Publications, Judicial Code of Conduct. In 2013, there was only one complaint received against a judicial officer. After reviewing the complaint with his counsel, the judicial officer tendered his resignation. The Disciplinary Tribunal thereafter dismissed the complaint as the judicial officer was no longer an officer of the Court.

| Year          | Total Cases Filed | Complaints against *JOs | Year | Cases where no Complaint made against *JOs | Cases where Complaint made against *JOs |
|---------------|-------------------|-------------------------|------|--|---|
| 2009          | 1307              | 0                       | 2009 | 100.00%                                    | 0.00%                                   |
| 2010          | 774               | 1                       | 2010 | 99.87%                                     | 0.13%                                   |
| 2011          | 1035              | 2                       | 2011 | 99.81%                                     | 0.19%                                   |
| 2012          | 1983              | 0                       | 2012 | 100.00%                                    | 0.00%                                   |
| 2013          | 1997              | 1                       | 2013 | 99.95%                                     | 0.05%                                   |
| <b>Total:</b> | <b>7096</b>       | <b>4</b>                |      |  |   |

\*JOs – Judicial Officers – Judges



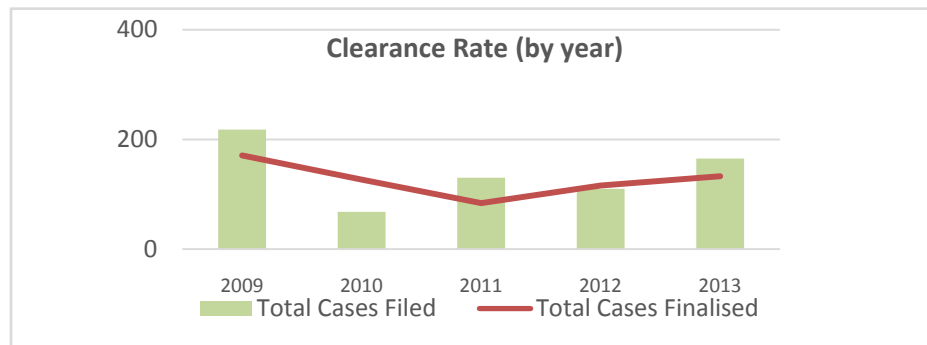
## VIII. Case Management

### A. Clearance Rate

The figure below shows that there were 165 cases filed in the Criminal Division in the 2013 reporting year. Of these 165 cases, 133 cases were finalized resulting in a clearance rate of 81%. There are currently 159 cases pending (this does not include cases pending prior to 2009).

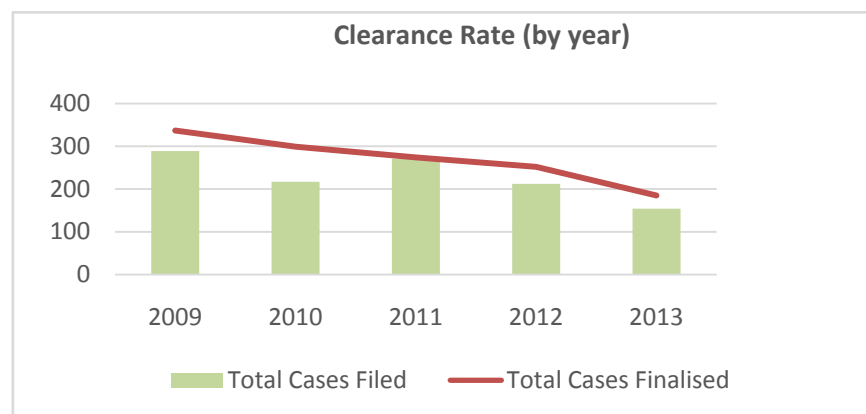
Criminal Cases (CR) - Average clearance rate for the last five years.

| Year          | Total Cases Filed | Total Cases Finalised | Total Cases Pending | Clearance Rate asa % |
|---------------|-------------------|-----------------------|---------------------|----------------------|
| <b>2009</b>   | 218               | 171                   | 146                 | 78.44%               |
| <b>2010</b>   | 68                | 127                   | 87                  | 186.76%              |
| <b>2011</b>   | 130               | 84                    | 133                 | 64.62%               |
| <b>2012</b>   | 110               | 116                   | 127                 | 105.45%              |
| <b>2013</b>   | 165               | 133                   | 159                 | 80.61%               |
| <b>Total:</b> | <b>691</b>        | <b>631</b>            | <b>159</b>          | <b>103.18%</b>       |



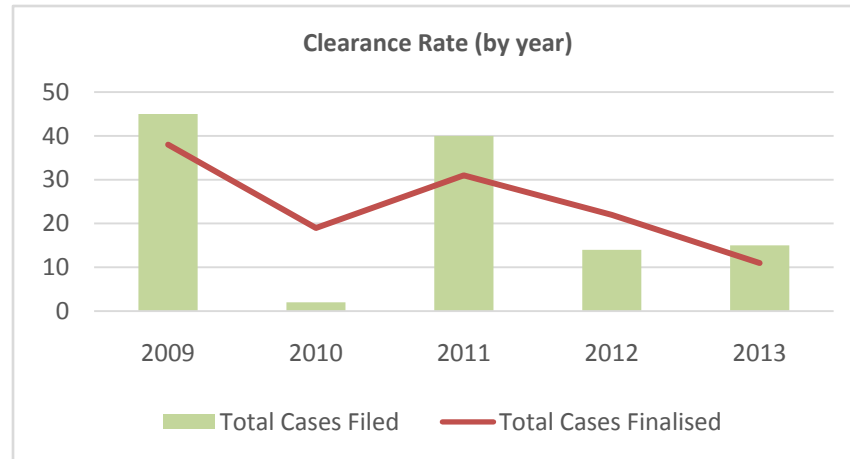
Civil Cases (CA) - Average Clearance Rate for the last five years.

| Year          | Total Cases Filed | Total Cases Finalised | Total Cases Pending | Clearance Rate asa % |
|---------------|-------------------|-----------------------|---------------------|----------------------|
| <b>2009</b>   | 289               | 337                   | 327                 | 116.61%              |
| <b>2010</b>   | 217               | 299                   | 245                 | 137.79%              |
| <b>2011</b>   | 271               | 274                   | 242                 | 101.11%              |
| <b>2012</b>   | 212               | 252                   | 202                 | 118.87%              |
| <b>2013</b>   | 154               | 185                   | 171                 | 120.13%              |
| <b>Total:</b> | <b>1143</b>       | <b>1347</b>           | <b>171</b>          | <b>118.90%</b>       |



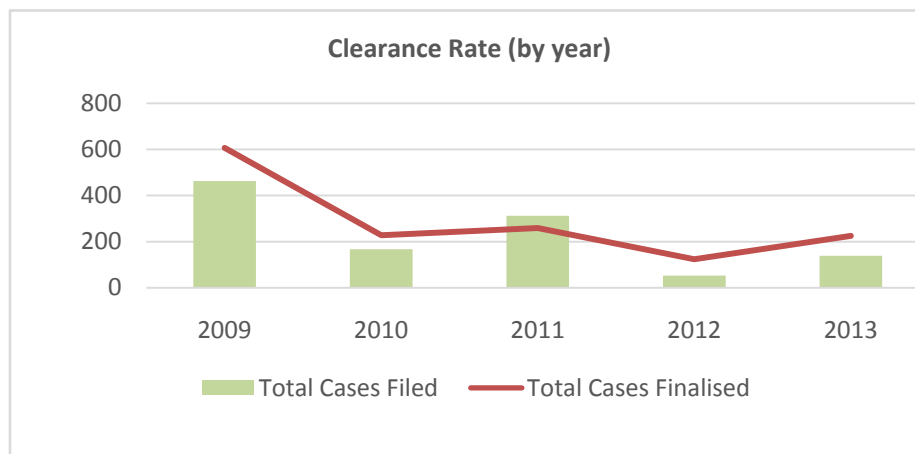
Juvenile Cases (JV)- Average Clearance Rate for the last 5 years

| Year          | Total Cases Filed | Total Cases Finalised | Total Cases Pending | Clearance Rate asa % |
|---------------|-------------------|-----------------------|---------------------|----------------------|
| 2009          | 45                | 38                    | 12                  | 84.44%               |
| 2010          | 2                 | 19                    | -5                  | 950.00%              |
| 2011          | 40                | 31                    | 4                   | 77.50%               |
| 2012          | 14                | 22                    | -4                  | 157.14%              |
| 2013          | 15                | 11                    | 0                   | 73.33%               |
| <b>Total:</b> | <b>116</b>        | <b>121</b>            | <b>0</b>            | <b>268.48%</b>       |



Land Court Cases (LC) - Average Clearance Rate for the last 5 years

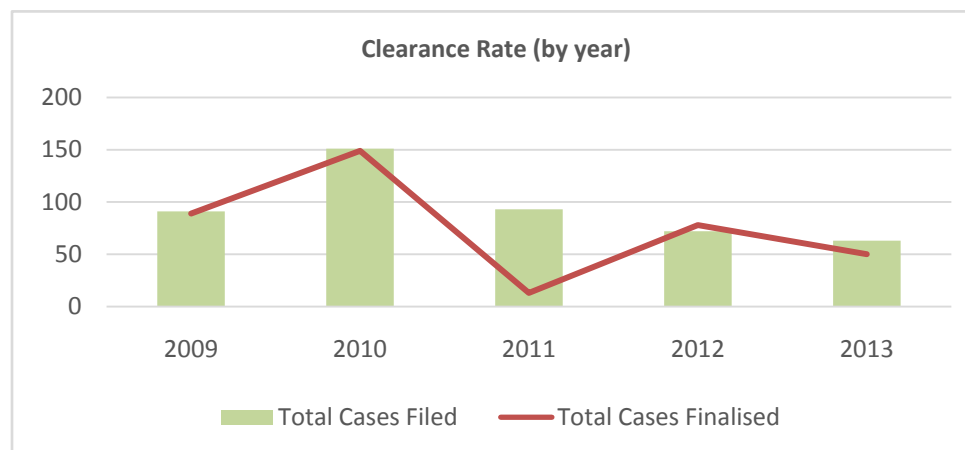
| Year          | Total Cases Filed | Total Cases Finalised | Total Cases Pending | Clearance Rate asa % |
|---------------|-------------------|-----------------------|---------------------|----------------------|
| 2009          | 463               | 607                   | 308                 | 131.10%              |
| 2010          | 167               | 228                   | 247                 | 136.53%              |
| 2011          | 312               | 259                   | 300                 | 83.01%               |
| 2012          | 53                | 124                   | 229                 | 233.96%              |
| 2013          | 139               | 225                   | 143                 | 161.87%              |
| <b>Total:</b> | <b>1134</b>       | <b>1443</b>           | <b>143</b>          | <b>149.29%</b>       |





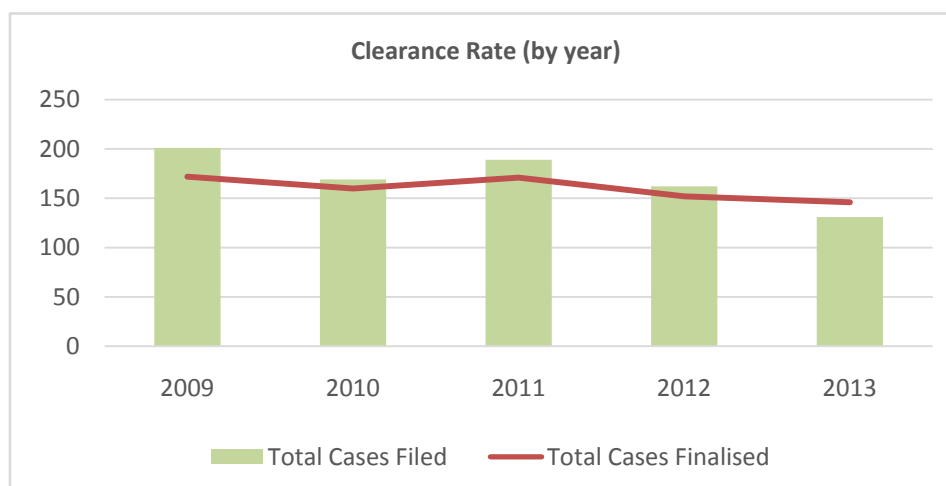
Small Claims (SC) – Average clearance rate for the last 5 years.

| Year          | Total Cases Filed | Total Cases Finalised | Total Cases Pending | Clearance Rate asa % |
|---------------|-------------------|-----------------------|---------------------|----------------------|
| 2009          | 91                | 89                    | 12                  | 97.80%               |
| 2010          | 151               | 149                   | 14                  | 98.68%               |
| 2011          | 93                | 13                    | 94                  | 13.98%               |
| 2012          | 72                | 78                    | 88                  | 108.33%              |
| 2013          | 63                | 50                    | 101                 | 79.37%               |
| <b>Total:</b> | <b>470</b>        | <b>379</b>            | <b>101</b>          | <b>79.63%</b>        |



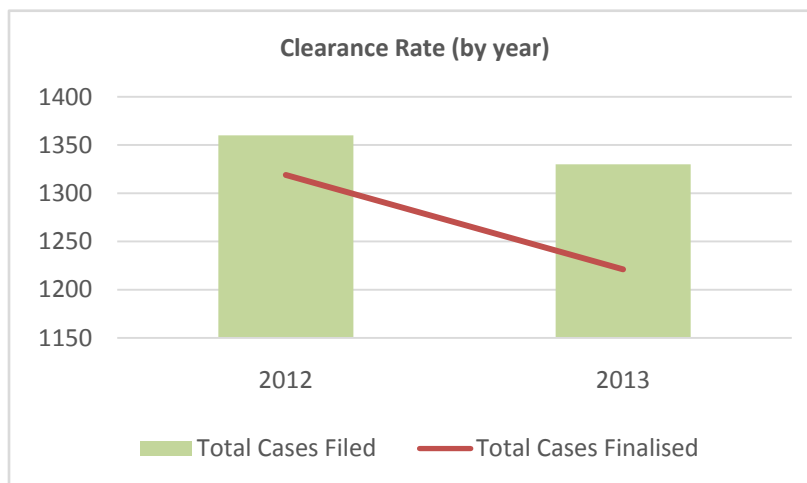
Common Pleas/Civil Action (CP/CA) – Average clearance rate for the last 5 years.

| Year          | Total Cases Filed | Total Cases Finalised | Total Cases Pending | Clearance Rate asa % |
|---------------|-------------------|-----------------------|---------------------|----------------------|
| 2009          | 201               | 172                   | 54                  | 85.57%               |
| 2010          | 169               | 160                   | 63                  | 94.67%               |
| 2011          | 189               | 171                   | 81                  | 90.48%               |
| 2012          | 162               | 152                   | 91                  | 93.83%               |
| 2013          | 131               | 146                   | 76                  | 111.45%              |
| <b>Total:</b> | <b>852</b>        | <b>801</b>            | <b>76</b>           | <b>95.20%</b>        |



Citations – Average clearance rate for the last 2 years.

| Year          | Total Cases Filed | Total Cases Finalised | Total Cases Pending | Clearance Rate asa % |
|---------------|-------------------|-----------------------|---------------------|----------------------|
| 2012          | 1360              | 1319                  | 41                  | 96.99%               |
| 2013          | 1330              | 1221                  | 150                 | 91.80%               |
| <b>Total:</b> | <b>2690</b>       | <b>2540</b>           | <b>150</b>          | <b>94.39%</b>        |

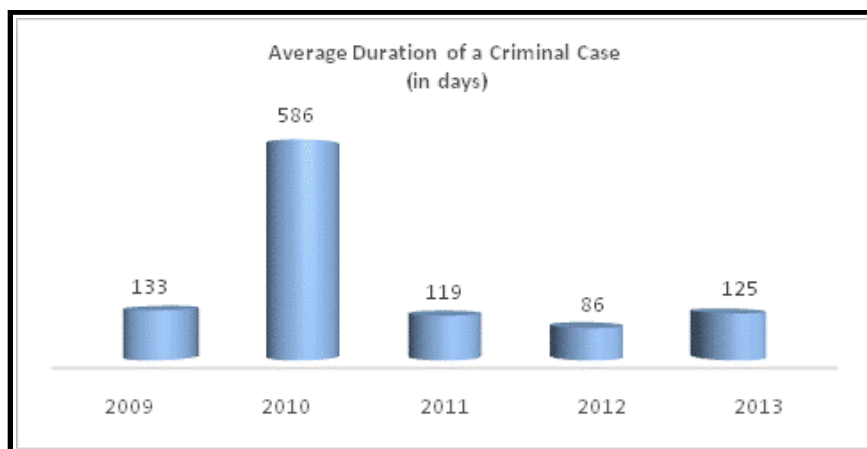


## B.Average Duration of a Case

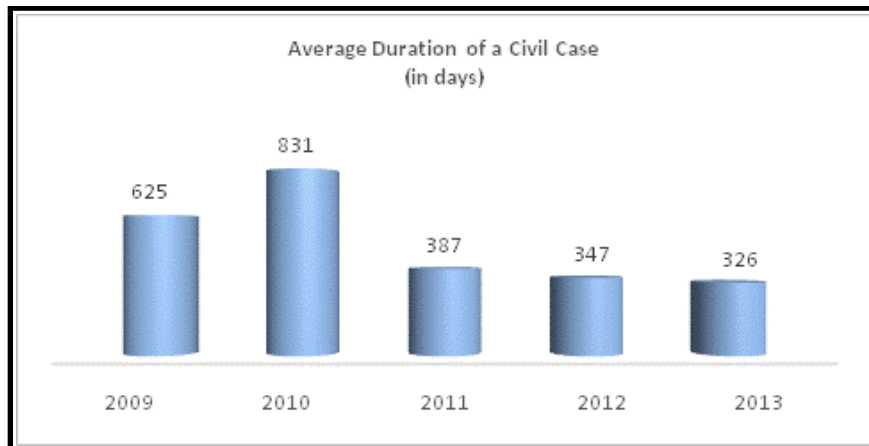
The average duration of a case shows how long each case takes on average takes to finalize in the Palau courts. Figures below indicate the average time a case spends in each court. For the cases disposed in 2013, it took on average 125 days to dispose a Criminal case, 326 days to dispose a Civil case, 105 days for a Juvenile case, 50 days to clear a Small Claims case, 738 days to clear a Land Court case, 88 days to clear a Common Plea case, and 28 days to clear a Citations case. The Palau Supreme Court does not have a current time standard for the average duration of a case.

The following figures show the average duration of a case for each case type over the past 5 years.

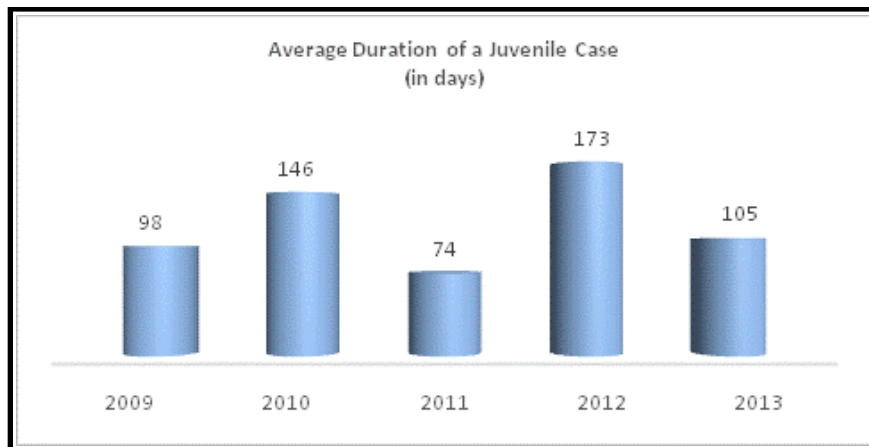
### Criminal Cases



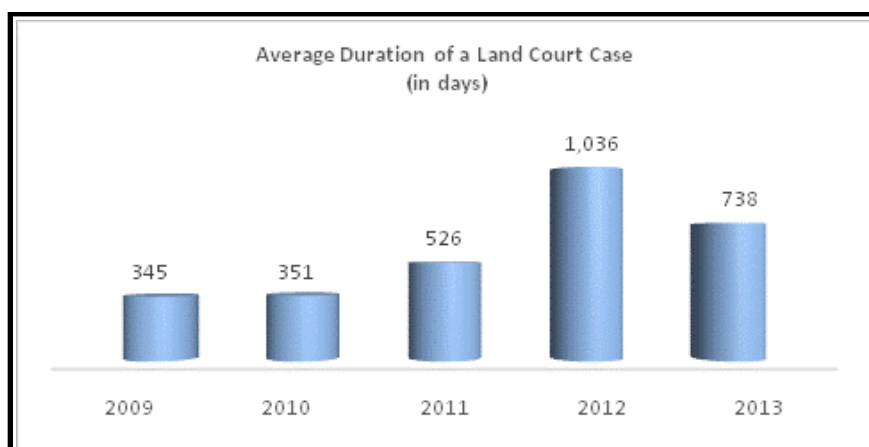
### Civil Cases



### Juvenile Cases

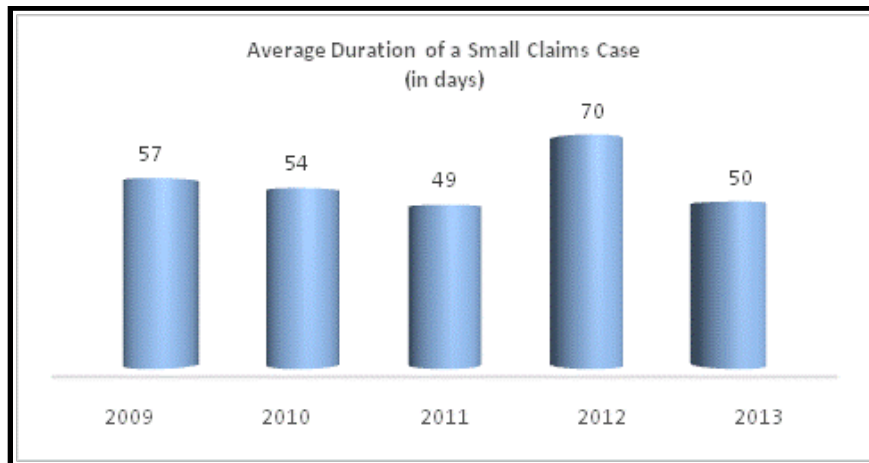


### Land Court Cases

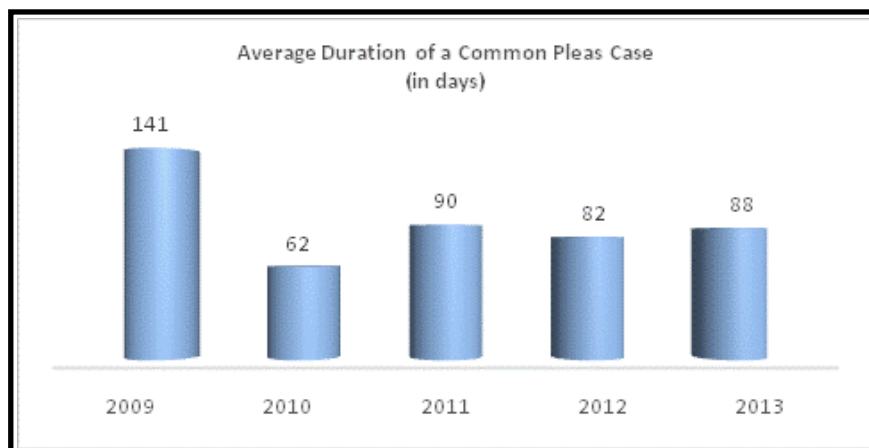




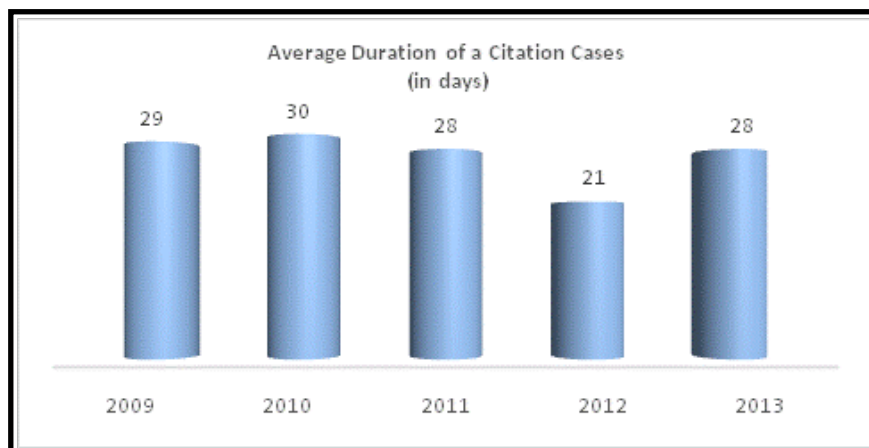
### Small Claims Cases



### Common Pleas Cases



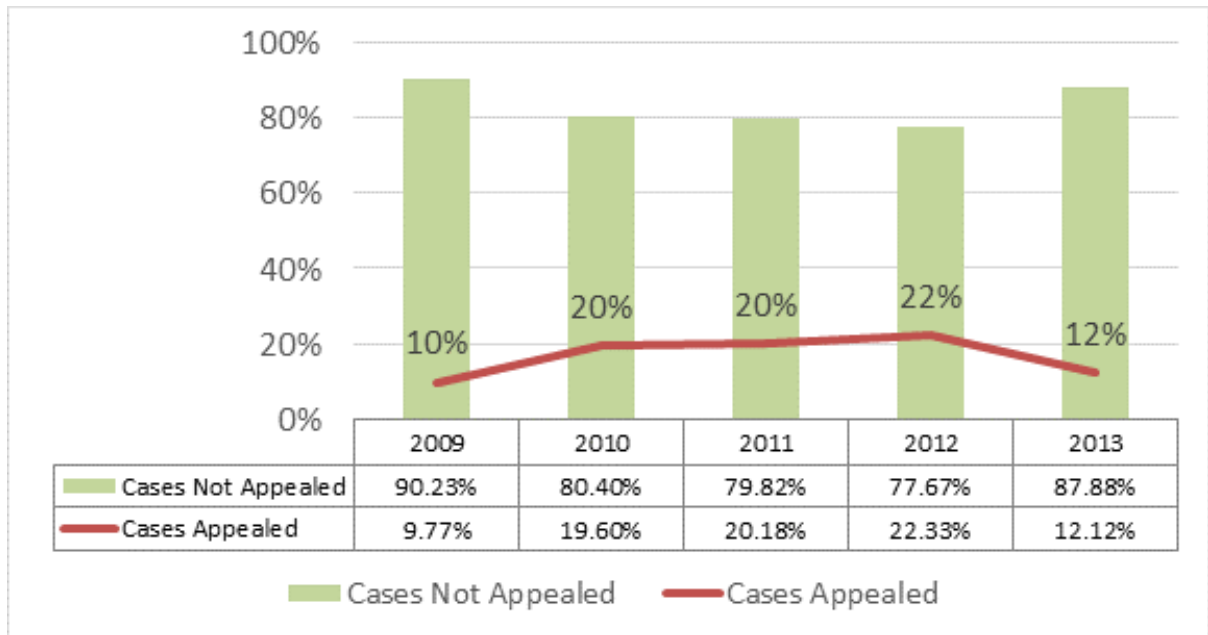
### Citations Cases



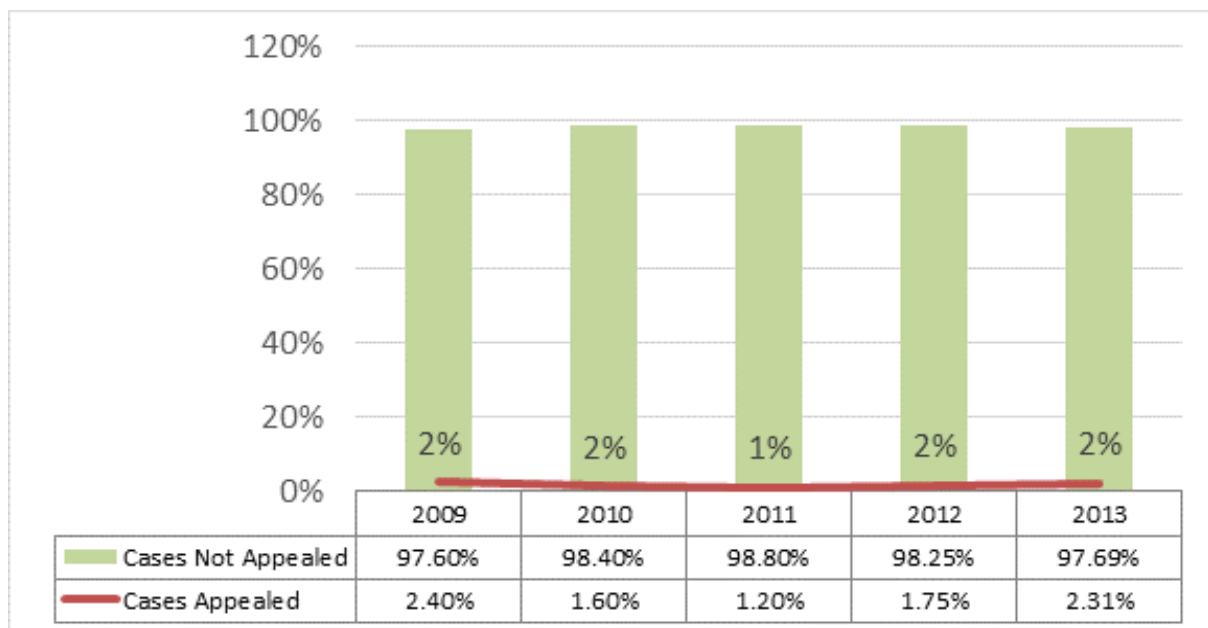
## C. Percentage of Appeals

### Criminal Appeals

The current rate of appeal in the Criminal Division Palau Supreme Court is two per cent, for every 100 decisions, two decisions are appealed. Figure below shows that the trend in relation to appeals in the Criminal Courts has remained stable at two per cent for the past five years.



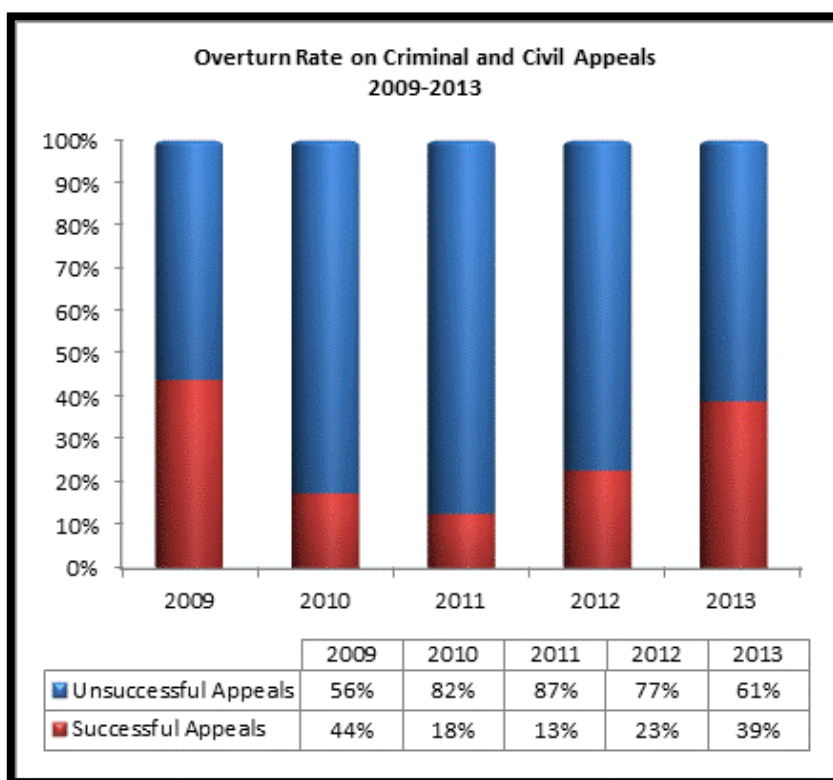
### Civil Appeals



#### D. Overturn rate on Appeal - Percentage of Successful Appeals/Original Decision Overturned in whole or in part.

##### Criminal and Civil Appeals

The figure below shows comparative chart of Overturn Rate of all appealed decisions over the last five years. In 2013, 133 Criminal cases were finalized and 3 of them went on to the Appellate Court but only one of those decisions was overturned, successful outcome. For Civil cases, 185 cases were finalized and 20 of them went to the Appellate court, 8 of them had successful outcomes.



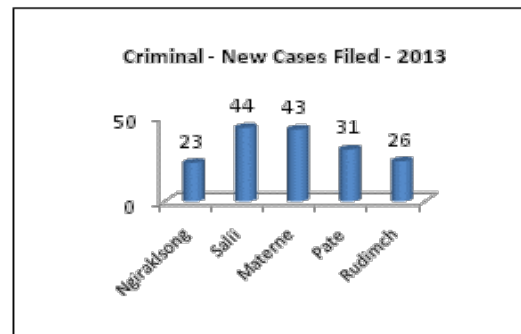
| Year | Total Cases<br>Appealed- Criminal<br>and Civil Cases | Overturned Decisions |       | Overturned<br>(Successful) | Unsuccessful<br>Appeals |
|------|--|----------------------|-------|----------------------------|-------------------------|
|      |  | Criminal             | Civil |                            |                         |
| 2009 | 34   | 2                    | 13    | 15                         | 19                      |
| 2010 | 51   | 1                    | 8     | 9                          | 42                      |
| 2011 | 47   | 1                    | 5     | 6                          | 41                      |
| 2012 | 48   | 0                    | 11    | 11                         | 37                      |
| 2013 | 23   | 1                    | 8     | 9                          | 14                      |



## E. Number of Cases Assigned to Each Judge in 2013

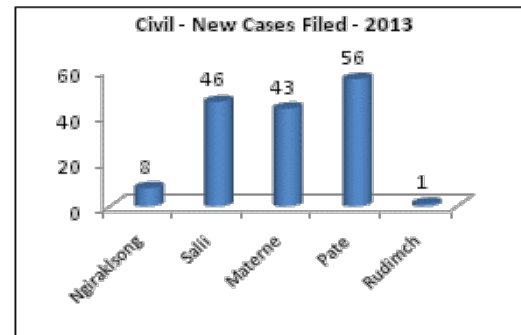
### Criminal Cases:

|             |    |
|-------------|----|
| Ngiraklsong | 23 |
| Salii       | 44 |
| Materne     | 43 |
| Pate        | 31 |
| Rudimch     | 26 |



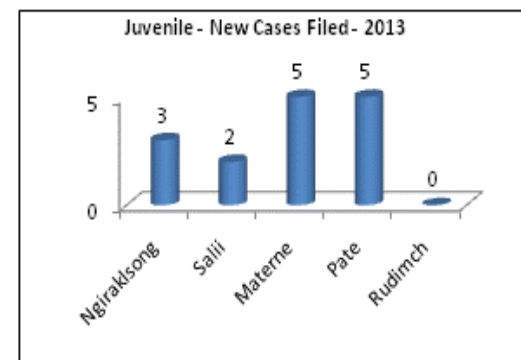
### Civil Cases:

|             |    |
|-------------|----|
| Ngiraklsong | 8  |
| Salii       | 46 |
| Materne     | 43 |
| Pate        | 56 |
| Rudimch     | 1  |



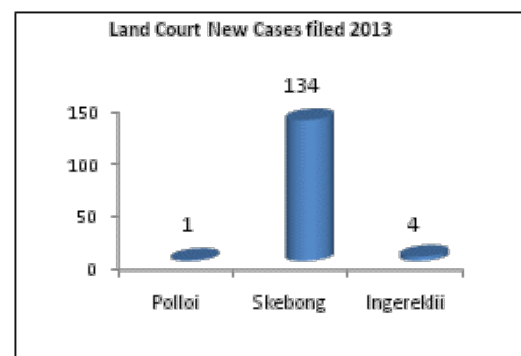
### Juvenile Cases:

|             |   |
|-------------|---|
| Ngiraklsong | 3 |
| Salii       | 2 |
| Materne     | 5 |
| Pate        | 5 |
| Rudimch     | 0 |



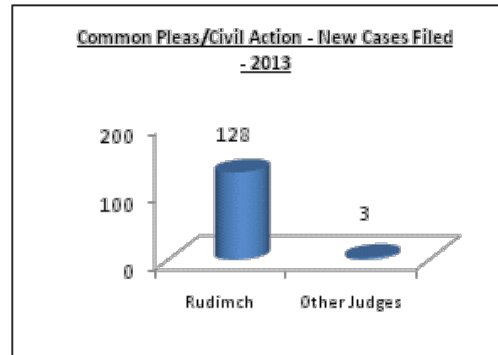
### Land Court:

|            |     |
|------------|-----|
| Polloi     | 1   |
| Skebong    | 134 |
| Ingereldii | 4   |



#### Common Pleas/Civil Action

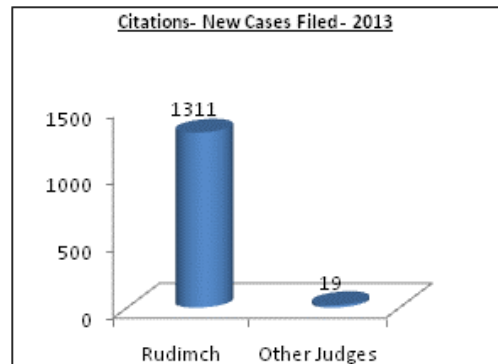
|              |     |
|--------------|-----|
| Rudimch      | 128 |
| Other Judges | 3   |



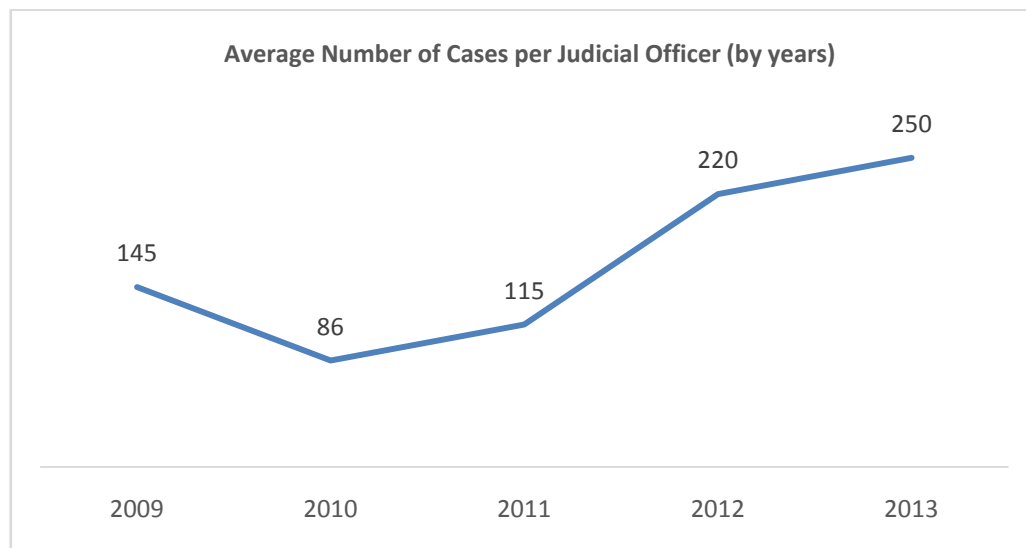
#### Citations

|              |       |
|--------------|-------|
| Rudimch      | 1,311 |
| Other Judges | 19    |

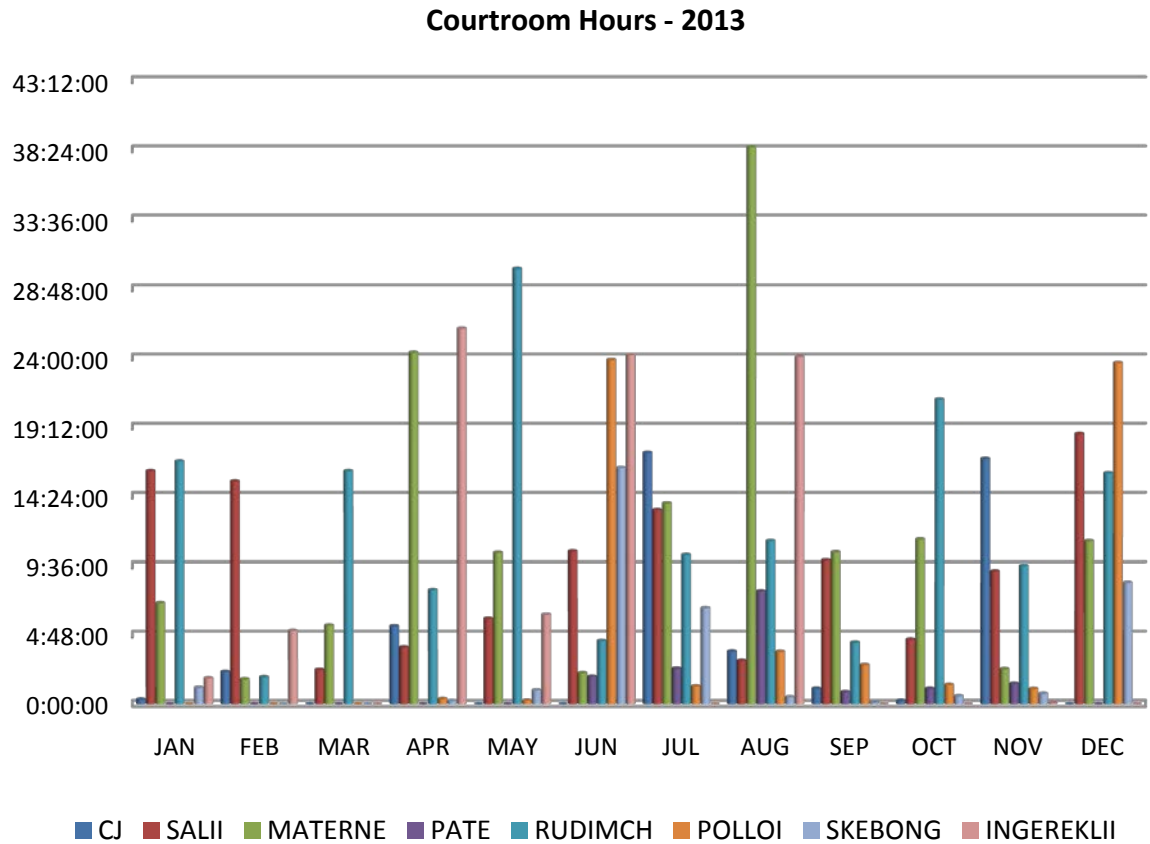
Citations are handled by the Court of Common Pleas and are heard every week. If there is a conflict, they will be assigned to a different judge. A citation can be paid at the Office of the Clerk of Courts if an offender does not contest the charge(s). However, there are certain types that cannot be paid directly and offender must appear before the court. Below are the various types:



- TCC – Traffic violations and some misdemeanor charges.
- JTC & JDC – Juvenile Citations
- MCC – Marijuana
- K SG – Koror State Government
- ABC – ABC Board
- DRT – Division of Revenue and Taxation



## F. Courtroom Hours



### Total Courtroom hours

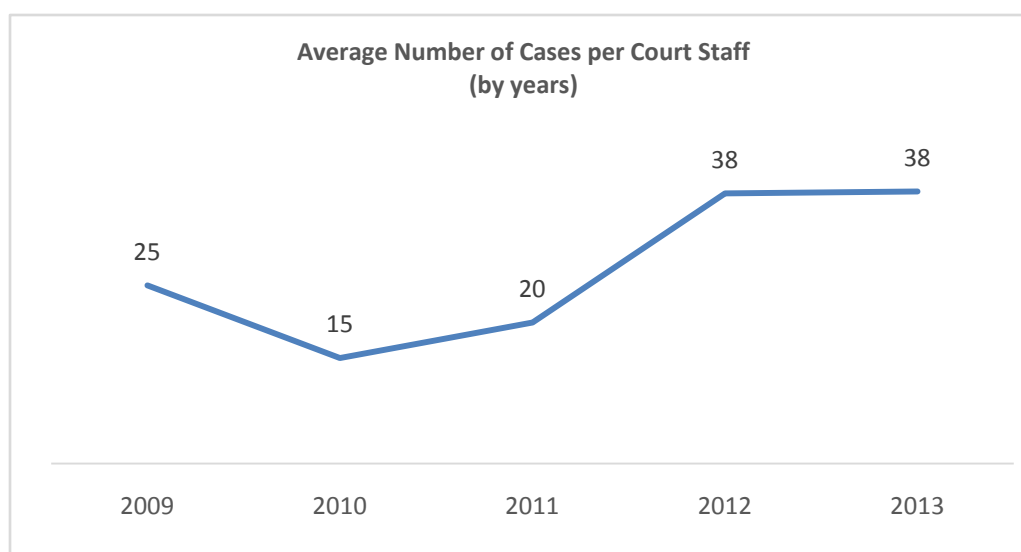
|                             | <u>Hours</u> |
|-----------------------------|--------------|
| Chief Justice Ngiraklsong   | 47:25:13     |
| Associate Justice Salii     | 113:21:05    |
| Associate Justice Materne   | 139:25:25    |
| Associate Justice Pate      | 15:36:04     |
| Senior Judge Rudimch        | 150:00:10    |
| Senior Judge Polloi         | 58:10:13     |
| Associate Judge Skebong     | 35:42:12     |
| Associated Judge Ingereklii | 87:31:05     |



## G. Court Staff Resources – Average number of cases per court staff

In 2013, a total of 1997 new cases were filed in the Palau Supreme. During the year, there was a total of 52 court staff tasked with processing these applications which equates to a total of 38 applications per staff member. While the number of staff has remained the same for the past five years, the rate of filings has increased since 2009.

| Year | Total Cases Filed | Total CS Numbers | Year | Average Number of Cases per Court Staff |
|------|-------------------|------------------|------|---|
| 2009 | 1307              | 52               | 2009 | 25                                      |
| 2010 | 774               | 52               | 2010 | 15                                      |
| 2011 | 1035              | 52               | 2011 | 20                                      |
| 2012 | 1983              | 52               | 2012 | 38                                      |
| 2013 | 1997              | 52               | 2013 | 38                                      |



## H. Nature of Cases Filed and Disposed in 2013

| <b>Criminal Cases/FILED</b>               | <b>No. of Cases</b> | <b>Criminal Cases/DISPOSED</b>            | <b>No. of Cases</b> |
|---|---------------------|---|---------------------|
| Abuse of Family/Household Member          | 1                   | Aggravated Assault                        | 18                  |
| Affray                                    | 2                   | Ammunition Law                            | 1                   |
| Aggravated Assault                        | 28                  | Assault and Battery with Dangerous Weapon | 29                  |
| Ammunition Law                            | 1                   | Arson                                     | 3                   |
| Arson                                     | 3                   | Assault                                   | 13                  |
| Assault                                   | 15                  | Assault and Battery                       | 23                  |
| Assault and Battery                       | 24                  | Bird Violations                           | 2                   |
| Assault and Battery with Dangerous Weapon | 24                  | Burglary                                  | 21                  |
| Birds                                     | 2                   | Cheating                                  | 9                   |
| Bribery                                   | 4                   | Child Sexual Abuse                        | 3                   |
| Burglary                                  | 29                  | Communications Law Violation              | 1                   |

|                                    |    |   |    |
|------------------------------------|----|---|----|
| Cheating                           | 6  | Conspiracy to Defraud Government                      | 1  |
| Child Sexual Abuse                 | 1  | Disturbing the Peace                                  | 14 |
| Conspiracy to Defraud Government   | 2  | Driving Without Driver's License                      | 2  |
| Disturbing the Peace               | 13 | Driving Without Owner's Consent                       | 1  |
| Driving Under Influence (DUI)      | 30 | Drug Possession (Methamphetamine)                     | 1  |
| Driving Without Driver's License   | 1  | Drug Possession (Marijuana)                           | 2  |
| Driving Without Owner's Consent    | 1  | Drug Trafficking (Methamphetamine)                    | 1  |
| Drug Possession (Marijuana)        | 2  | Drug Trafficking (Marijuana)                          | 8  |
| Drug Possession (Methamphetamine)  | 2  | Drunk and Disorderly Driving Under Influence of (DUI) | 4  |
| Drug Trafficking (Marijuana)       | 7  |   | 25 |
| Drug Trafficking (Methamphetamine) | 3  | Embezzlement  | 4  |
| Drunk and Disorderly               | 4  | Escape  | 5  |
| Embezzlement                       | 3  | Social Security Violations                            | 2  |
| Escape                             | 8  | Tax Violations  | 1  |
| FIAC Violations                    | 2  | Fail to Report Injury/Death                           | 1  |
| Firearms Violation                 | 1  | False Statement to Value of Goods                     | 2  |
| Fishing Violations                 | 12 | Firearms Violation                                    | 1  |
| Forgery                            | 2  | Fishing Violations                                    | 8  |
| Grand Larceny                      | 30 | Forgery   | 1  |
| Hit and Run                        | 5  | Grand Larceny   | 42 |
| Human Trafficking                  | 6  | Hit and Run   | 5  |
| Immigration Laws Violation         | 1  | Immigration Laws Violation                            | 1  |
| Labor Laws Violation               | 2  | Kidnapping  | 1  |
| Malicious Mischief                 | 15 | Labor Laws Violation                                  | 2  |
| Misconduct in Public Office        | 3  | Malicious Mischief                                    | 13 |
| Money Laundering                   | 3  | Mayhem  | 2  |
| Murder First Degree                | 3  | Minor On Premises                                     | 1  |
| Murder Second Degree               | 7  | Money Laundering                                      | 6  |
| Negligent Driving                  | 27 | Murder First Degree                                   | 1  |
| Obedience to Police Officer        | 1  | Murder Second Degree                                  | 5  |
| Obstructing Justice                | 7  | Negligent Driving                                     | 22 |
| Petit Larceny                      | 3  | Obedience to Police Officers                          | 1  |
| Prostitution Laws Violations       | 14 | Obstructing Justice                                   | 4  |
| Receiving Stolen Goods             | 4  | Petit Larceny   | 2  |
| Reckless Driving                   | 30 | Provide Alcohol to Minors                             | 1  |
| Resident Worker Laws Violation     | 1  | Receiving Stolen Goods                                | 1  |
| Riot                               | 1  | Reckless Driving                                      | 26 |

|                                   |   |
|-----------------------------------|---|
| Robbery                           | 6 |
| Sexual Harassment                 | 1 |
| Smuggling Goods Into the Republic | 1 |
| Trespass                          | 3 |
| Use of Alcohol by a Minor         | 5 |
| Voluntary Manslaughter            | 2 |

|                                 |   |
|---------------------------------|---|
| Robbery                         | 4 |
| Smuggle Goods Into the Republic | 2 |
| Trespass                        | 5 |
| Use of Alcohol by a Minor       | 5 |
| Voluntary Manslaughter          | 2 |

#### **Civil Cases Filed in 2013**

| <b><u>Nature</u></b>     | <b><u>No. of Cases</u></b> |
|--------------------------|----------------------------|
| Adoption                 | 1                          |
| Breach of Contract       | 5                          |
| Chief Title              | 2                          |
| Debt                     | 61                         |
| Declaratory Judgment     | 9                          |
| Defamation               | 1                          |
| Divorce                  | 1                          |
| Employment               | 1                          |
| Environmental Protection | 1                          |
| Estate                   | 2                          |
| Fishing Violation        | 46                         |
| Fraud                    | 1                          |
| Grievance                | 1                          |
| Injunction               | 1                          |
| Labor Law                | 4                          |
| Land Matter              | 1                          |
| Maritime                 | 12                         |
| Property                 | 1                          |
| Trespass                 | 1                          |

#### **Civil Cases Disposed in 2013**

| <b><u>Nature</u></b>     | <b><u>No. of Cases</u></b> |
|--------------------------|----------------------------|
| Adoption                 | 1                          |
| Breach of Contract       | 5                          |
| Chief Title              | 1                          |
| Child Custody            | 1                          |
| Constitutional Conflict  | 1                          |
| Damage                   | 1                          |
| Debt                     | 85                         |
| Declaratory Judgment     | 6                          |
| Defamation               | 2                          |
| Divorce                  | 1                          |
| Encroachment             | 1                          |
| Environmental Protection | 2                          |
| Estate                   | 55                         |
| Fiduciary Duty           | 1                          |
| Fishing Violation        | 2                          |
| Foreign Investment       | 1                          |
| Guardianship             | 1                          |
| Injunctive Relief        | 3                          |
| Land Matter              | 13                         |
| Property                 | 2                          |
| Termination              | 1                          |
| Trespass                 | 3                          |

#### **Common Pleas Cases Filed in 2013**

| <b><u>Nature</u></b> | <b><u>No. of Cases</u></b> |
|----------------------|----------------------------|
| Adoption             | 20                         |
| Birth Correction     | 7                          |
| Child Custody        | 4                          |
| Child Support        | 3                          |
| Customary Marriage   | 6                          |
| Debt                 | 1                          |
| Declaratory Judgment | 10                         |

#### **Common Pleas Cases Disposed in 2013**

| <b><u>Nature</u></b> | <b><u>No. of Cases</u></b> |
|----------------------|----------------------------|
| Adoption             | 16                         |
| Birth Correction     | 5                          |
| Child Custody        | 7                          |
| Child Support        | 4                          |
| Customary Marriage   | 5                          |
| Damage               | 1                          |
| Debt                 | 2                          |

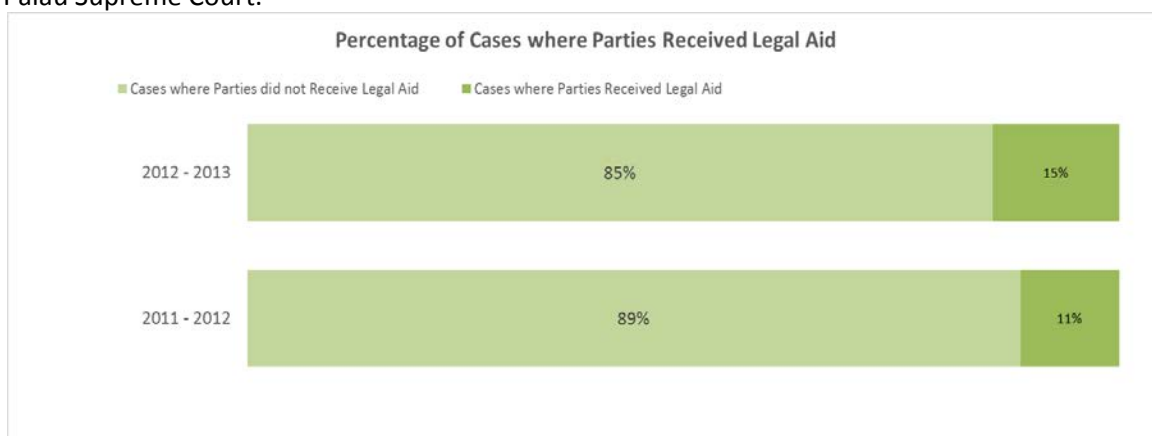
|               |    |                      |    |
|---------------|----|----------------------|----|
| Divorce       | 29 | Declaratory Judgment | 7  |
| Estate        | 23 | Divorce              | 33 |
| Guardianship  | 9  | Estate               | 24 |
| Name Change   | 18 | Guardianship         | 10 |
| Paternity     | 1  | Name Change          | 20 |
| Prior Service | 1  | Paternity            | 1  |

## IX. Accessibility and Fairness

The Judiciary strives to make the Court accessible to all. As part of this effort, it provides fee waivers, conducts annual public surveys, and has created a Judiciary website, where members of the public can find rules, publications, court calendars, forms, information on selected cases, information about fees, and press releases. Please visit us at: <http://www.palausupremecourt.net>. Additionally, Judiciary uploads

### A. Free Legal Aid

In 2013, only 15 % of cases received legal aid in the Criminal, Common and Civil divisions of the Palau Supreme Court.



Out of a total of 1997 filings, the follow chart shows that 101 parties received legal aid in criminal cases, 66 parties in Common Pleas cases, and 28 parties in civil cases.

| Type of Legal Aid         | Criminal Case | Common Pleas | Civil Cases |
|---------------------------|---------------|--------------|-------------|
| Public Defender (PD)      | 81            | -            | -           |
| Court Appointed           | 6             | -            | -           |
| PD & Court Appointed      | 14            | -            | -           |
| Private                   | 5             | 11           | 158         |
| Private & PD              | 1             |              |             |
| MLSC                      | -             | 66           | 28          |
| Pro Se (Self Represented) | -             | 81           | 20          |
| Government                | -             | -            | 7           |

| Year   | Total Cases Filed | Total Cases where Party/-ies Received Legal Aid | Year   | Cases where Parties did not Receive Legal Aid | Cases where Parties Received Legal Aid | Year | Cases where Parties did not Receive Legal Aid | Cases where Parties Received Legal Aid |
|--------|-------------------|---|--------|---|--|------|---|--|
| 2012   | 1983              | 203   | 2012   | 1780  | 203                                    | 2012 | 88.60%  | 11.40%                                 |
| 2013   | 1997              | 254   | 2013   | 1743  | 254                                    | 2013 | 85.43%  | 14.57%                                 |
| Total: | 3980              | 457   | Total: | 3523  | 457                                    |      |   |  |

## B. Court Fee Waiver

### No fees were waived in 2013.

Fees may be waived by the court of proper jurisdiction if the Petitioner or Plaintiff requests such a waiver using the appropriate form. The fee waiver form is available at the Office of the Clerk of Court and on the Judiciary Website under Forms. (<http://palausupremecourt.net>).

State governments, government agencies, semi-government agencies, authorities, commissions, and boards are not required to pay the filing fee but will be charged the usual fees for service of papers by the Marshals.

## C. Publication of Judgments

The Palau Judiciary regularly publish case judgments on the Pacific Islands Legal Information Institute (PACLI). In 2013, thirty-eight (38) Palau case judgments were uploaded to the PACLI website. These judgments can be accessed here: <http://www.pacii.org/pw/cases/PWSC/2013>.

Cases for the 2011 and 2013 are also available on the PACLI website.

Judiciary also publishes some of its notable landmark cases on its website under Cases & Judgments. Please see <http://palausupremecourt.net/doc/NotableCases2013.pdf>

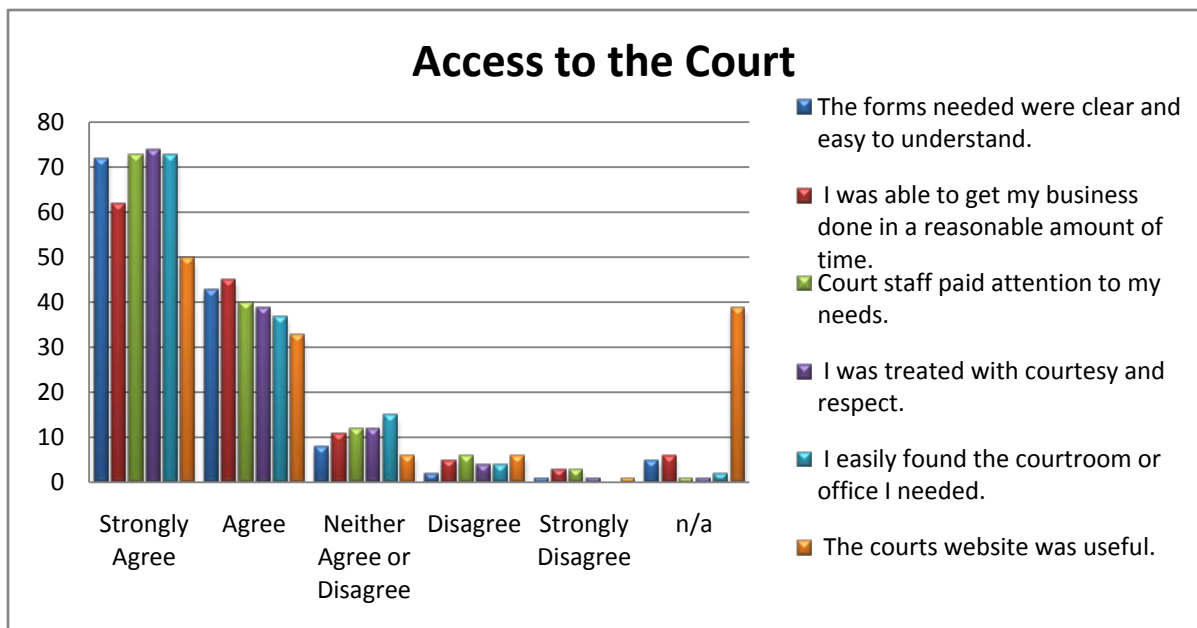
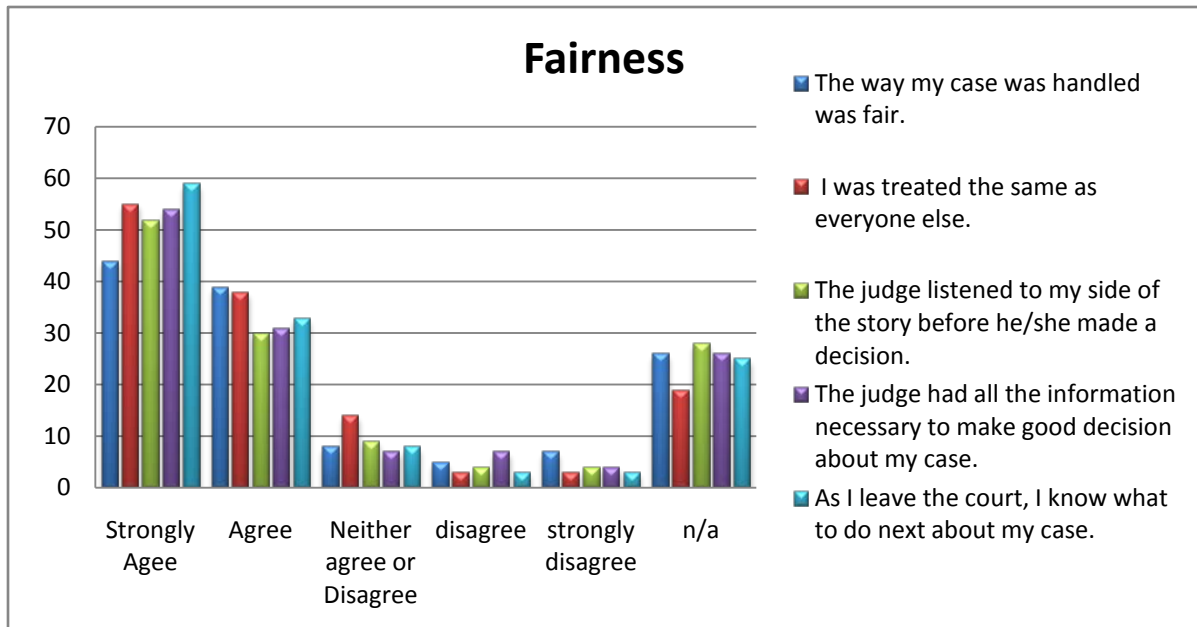


## D. Access and Fairness Public Survey

Since 2012, the Judiciary has conducted a yearly public survey on accessibility and fairness. As a result of the first survey, the Office of the Clerk of Court is now open during lunch time for service. In April 2013, the Judiciary held its second public survey. Over a hundred members of the public took this survey.

The survey inquired about court accessibility and fairness, as well as the usefulness of the Judiciary website. Nineteen people said that they found the website to be useful, eighteen said that they liked the website, two said that the website was not useful and two said they did not like the website. A majority of the people who took the survey have never accessed the Judiciary website.

Below are summaries of the accessibility and fairness section of the survey.



Other topics raised by the public included:

1. Need more parking spaces.
2. Too many employees parking in the parking spaces.
3. Need escalator.

To address some of these issues, the Court, with the help of the Civic Action Team (CAT 6-01), built a new parking lot behind the Ikesakes Law Library. The Court held a ribbon-cutting ceremony for its new parking lot on December 20, 2013.



## **X. Court Offices, Departments, and Technology**

### **A. Office of the Clerk of Courts**

The Office of the Clerk of Courts is the largest division within the Court. The purpose of the Office is to provide clerical assistance and support to Judges and the public. The Office processes all documents filed with the Court, including civil and criminal cases and appeals, traffic and other citations, warrants, and jury summons. It handles vital statistics, such as birth, death, and marriage certificates, and land transaction documents. The Office receives and disburses funds related to court cases such as fines, restitution, and child support payments. The deputy clerks also work in the courtroom to record proceedings and provide interpretation when necessary. And finally, the Clerk of Courts handles a variety of miscellaneous services, from the certification of documents to fielding inquiries from parties, attorneys, and the public about court cases or procedures.

#### **1. Birth Records**

Four hundred and nine (409) birth certificates were recorded at the Office of the Clerk of Courts in year 2013.

|            | JAN | FEB | MAR | APRIL | MAY | JUNE | JULY | AUG | SEPT | OCT | NOV | DEC |
|------------|-----|-----|-----|-------|-----|------|------|-----|------|-----|-----|-----|
| REGULAR    | 21  | 22  | 14  | 19    | 27  | 21   | 36   | 26  | 11   | 17  | 8   | 13  |
| OUTSIDE    | 7   | 16  | 11  | 17    | 15  | 10   | 32   | 13  | 15   | 11  | 7   | 16  |
| LATE BIRTH | 0   | 0   | 0   | 0     | 0   | 0    | 1    | 1   | 1    | 0   | 1   | 0   |

#### **2. Death Records**

One hundred and fifty nine (159) death certificates were recorded at the office of the Clerk of Courts in year 2013.

|          | JAN | FEB | MAR | APRIL | MAY | JUN | JULY | AUG | SEPT | OCT | NOV | DEC |
|----------|-----|-----|-----|-------|-----|-----|------|-----|------|-----|-----|-----|
| DOMESTIC | 17  | 8   | 13  | 19    | 8   | 17  | 9    | 12  | 8    | 14  | 13  | 22  |
| FOREIGN  | 1   | 1   | 1   | 3     | 1   | 0   | 1    | 2   | 0    | 1   | 1   | 0   |

### 3. Marriage Records

One hundred and one (101) marriage certificates were filed at the Office of the Clerk of Courts in year 2013.

|             | JAN | FEB | MARCH | APRIL | MAY | JUNE | JULY | AUG | SEPT | OCT | NOV | DEC |
|-------------|-----|-----|-------|-------|-----|------|------|-----|------|-----|-----|-----|
| CITIZEN     | 0   | 2   | 1     | 3     | 1   | 2    | 0    | 0   | 1    | 1   | 1   | 2   |
| NON-CITIZEN | 6   | 7   | 8     | 5     | 3   | 4    | 6    | 2   | 1    | 4   | 3   | 2   |
| CUSTOMARY   | 1   | 4   | 0     | 2     | 3   | 4    | 2    | 3   | 1    | 3   | 2   | 5   |
| FOREIGN     | 0   | 0   | 0     | 1     | 1   | 0    | 0    | 1   | 1    | 1   | 1   | 0   |

### 4. Land Records

One thousand two hundred sixty six (1,266) land records were recorded at the Office of the Clerk of Courts in year 2013.

|                                 | JAN       | FEB       | MARCH     | APRIL     | MAY       | JUNE      | JULY       | AUG        | SEPT       | OCT       | NOV       | DEC        |
|---------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|------------|------------|------------|-----------|-----------|------------|
| Certificate of Title (CT)       | 11        | 19        | 9         | 14        | 26        | 16        | 84         | 94         | 26         | 19        | 59        | 117        |
| Determination of Ownership (DO) | 6         | 3         | 7         | 8         | 8         | 8         | 19         | 164        | 24         | 1         | 1         | 11         |
| LAND USE RIGHT                  | 5         | 5         | 0         | 2         | 4         | 3         | 2          | 0          | 3          | 1         | 1         | 2          |
| DEED                            | 14        | 9         | 3         | 18        | 14        | 10        | 25         | 23         | 14         | 5         | 13        | 10         |
| LEASE                           | 24        | 23        | 21        | 17        | 10        | 13        | 7          | 22         | 26         | 4         | 12        | 9          |
| MORTGAGE                        | 18        | 12        | 16        | 5         | 15        | 4         | 8          | 12         | 11         | 2         | 7         | 7          |
| OTHERS                          | 3         | 3         | 0         | 1         | 4         | 5         | 2          | 2          | 1          | 0         | 0         | 0          |
| <b>MONTHLY TOTAL</b>            | <b>81</b> | <b>74</b> | <b>56</b> | <b>65</b> | <b>81</b> | <b>59</b> | <b>147</b> | <b>317</b> | <b>105</b> | <b>32</b> | <b>93</b> | <b>156</b> |

### 5. Land Registry

The Registrar records all documents that transfer title to land and supervises the operation of the Central Land Registry Section. The Central Land Registry Section is the repository for all property plats and final cadastral maps, certificates of title, determinations of ownership, and other land-related documents.

Five hundred thirty three (533) Certificates of Title were issued in year 2013.

|                         | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC |
|-------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| CT issued based on DO   | 0   | 0   | 0   | 0   | 1   | 0   | 73  | 27  | 10  | 7   | 41  | 101 |
| Transfer by Court Order | 5   | 6   | 1   | 3   | 3   | 7   | 17  | 8   | 7   | 38  | 1   | 4   |
| Transfer by Deed        | 5   | 13  | 8   | 16  | 13  | 6   | 18  | 17  | 16  | 8   | 14  | 4   |
| Replacement             | 1   | 0   | 0   | 0   | 0   | 0   | 1   | 7   | 0   | 0   | 0   | 0   |
| Re-Issue                | 0   | 0   | 0   | 0   | 0   | 0   | 2   | 3   | 1   | 0   | 1   | 4   |

In addition to the Certificates of Title mentioned above, one thousand twenty six (1,026) land documents were recorded with the Land Registry.

|       | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC |
|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Deeds | 15  | 10  | 5   | 14  | 12  | 10  | 24  | 17  | 13  | 5   | 10  | 10  |

|                      |    |    |    |    |    |    |     |    |    |    |    |     |
|----------------------|----|----|----|----|----|----|-----|----|----|----|----|-----|
| Mortgages            | 5  | 9  | 12 | 3  | 9  | 2  | 4   | 6  | 4  | 3  | 7  | 3   |
| Certificate of Title | 11 | 19 | 9  | 19 | 17 | 16 | 113 | 65 | 35 | 53 | 59 | 117 |
| Finalized Maps       | 0  | 0  | 0  | 0  | 0  | 10 | 14  | 2  | 2  | 2  | 25 | 14  |
| Miscellaneous        | 14 | 18 | 16 | 18 | 20 | 21 | 8   | 26 | 27 | 20 | 12 | 12  |

## 6. Land Court Mediation

None of the one hundred and thirty nine (139) new Land Court cases filed in 2013 went to mediation.

## 7. Supreme Court Mediation

Pursuant to Article X, section 14, of the Constitution of the Republic of Palau, the Supreme Court added "Rule 72: Initiation of Mediation Procedures" to the Rules of Civil Procedures on February 27, 2013. Mediation is an extrajudicial procedure for resolving civil disputes. A mediator facilitates negotiation between parties and assists them in trying to reach a settlement, but does not have the authority to impose a settlement upon the parties. The mediators are court staff and some local attorneys (acting pro bono).

In 2013, ten civil cases were referred to mediation. Two of them were successfully resolved. Five cases did not have a successful mediation and three cases were still pending mediation in 2013.

The Court strongly encourages people who have legal disputes to use the Supreme Court's Mediation Program to resolve their differences.

## B. Marshal Division

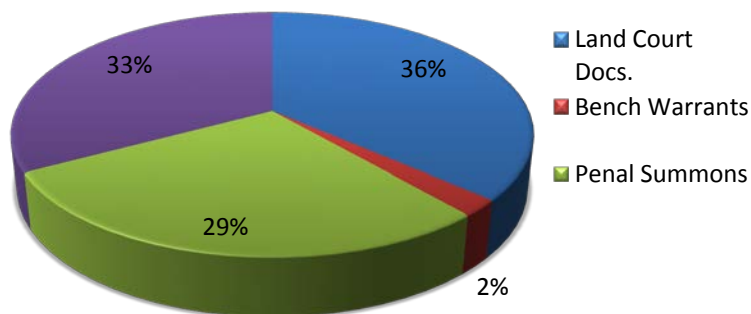
The Marshal Division was created in 1998 through legislation codified at 4 PNC § 502. The marshals are responsible for serving court documents, executing bench warrants, acting as bailiffs, and providing security for all of the courts. The marshals are also authorized to make court-ordered arrests.

### Served Documents:

This division served a total of seven thousand three hundred and forty three (7,343) documents in 2013.

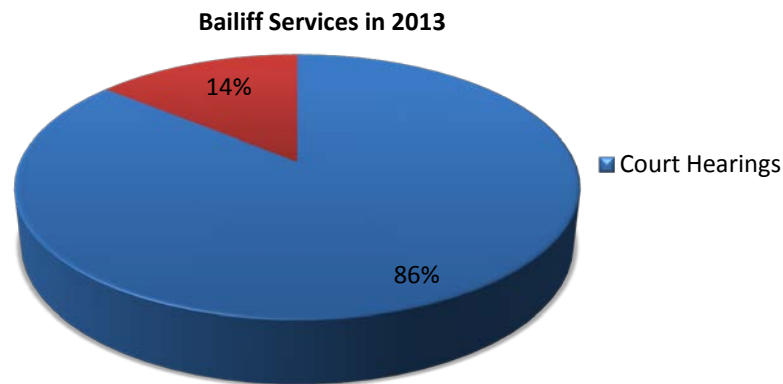
|                  | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC | TOTAL |
|------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
| Land Court Docs. | 96  | 211 | 102 | 236 | 251 | 239 | 267 | 296 | 172 | 181 | 198 | 430 | 2679  |
| Bench Warrants   | 10  | 12  | 15  | 10  | 10  | 6   | 24  | 16  | 12  | 8   | 23  | 12  | 158   |
| Penal Summons    | 118 | 154 | 178 | 151 | 223 | 144 | 199 | 178 | 186 | 261 | 144 | 156 | 2092  |
| Summons          | 177 | 152 | 143 | 165 | 194 | 284 | 312 | 212 | 122 | 220 | 225 | 208 | 2414  |

Documents Served in 2013



#### Bailiff Services:

|                     | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC | TOTAL |
|---------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
| Court Hearings      | 97  | 71  | 90  | 100 | 172 | 121 | 147 | 113 | 136 | 103 | 105 | 152 | 1407  |
| Land Court Hearings | 2   | 10  | 24  | 23  | 22  | 54  | 20  | 20  | 23  | 8   | 7   | 17  | 230   |



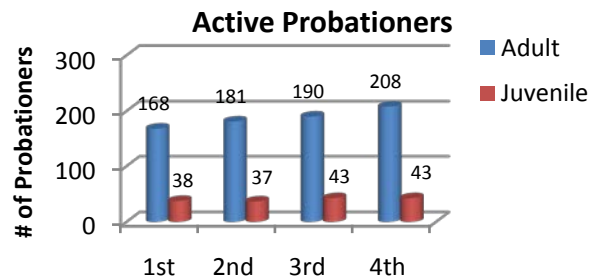
Additional services rendered by the marshals include night monitoring of probationers and the judges' residences.

#### C. Probation Office

The Office of Probation monitors and submits reports on criminal offenders sentenced to probation. The Office seeks to ensure that the terms and conditions of probation are met by providing educational and job placement assistance and counseling. The Office of Probation also prepares and submits pre-sentencing reports to the Court to assist with determining appropriate sentence of criminal offenders.

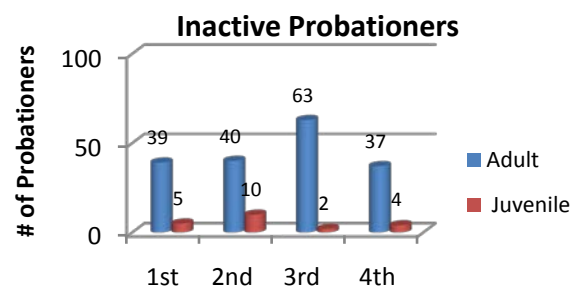
##### Active Probationers

|          | 1 <sup>st</sup> qtr. | 2 <sup>nd</sup> qtr. | 3 <sup>rd</sup> qtr. | 4 <sup>th</sup> qtr. |
|----------|----------------------|----------------------|----------------------|----------------------|
| Adult    | 168                  | 181                  | 190                  | 208                  |
| Juvenile | 38                   | 37                   | 43                   | 43                   |



##### Inactive Probationers

|          | 1 <sup>st</sup> qtr. | 2 <sup>nd</sup> qtr. | 3 <sup>rd</sup> qtr. | 4 <sup>th</sup> qtr. |
|----------|----------------------|----------------------|----------------------|----------------------|
| Adult    | 39                   | 40                   | 63                   | 37                   |
| Juvenile | 5                    | 10                   | 2                    | 4                    |





## D. Law Library

The Singichi Ikesakes Law Library houses over 16,000 legal volumes, including all sources of Palauan Law, international law reporters, and an array of treatises and reference books. The library provides ample reading space and therefore research materials cannot be removed or checked out. Photocopying is available at the rate of fifteen cents per page. The law library is open to the public from 7:30am to 4:30pm Monday through Friday. Arrangements may be made with the law librarian, no later than 3:30pm on Thursday, to use the law library during weekend hours, but the requester will be charged for personnel overtime.

The Moses Mokoll Memorial Law Library, located in Melekeok, is open from 7:30 a.m. to 4:30 p.m. Monday through Friday only.

Because of the quick deterioration of documents and lack of storage space, an archiving project is in progress. The Judiciary aims to have all documents scanned and available electronically. Many files have already been scanned and are now stored in an easily accessible database.

## E. Technology – Management Information Systems (MIS)

The MIS Division provides the Judiciary with computer resources. The Division maintains a networked database that provides ready access to records and cases to all court staff. Members of the public are welcome to access court records electronically at the Office of the Clerk of Courts, located in Judge Pablo Ringang Building in the Court Complex in Koror and at the Judiciary Building at Ngerulmud Melekeok.

With substantial financial assistance from the Taiwan government, the Judiciary was able to launch its new Judiciary Information Systems (JIS) in November 2011. JIS is a web-based database program and is accessible at both the Koror and Melekeok Judiciary locations.

## F. Facility and Property Management

The Property Management Office maintains the Court's buildings and grounds, maintains an inventory of the Court's property, and procures supplies for use in the administration of the Judiciary.

Currently, the Judiciary is preparing to build a new Clerk of Courts Building. This new building will also house the chambers and courtroom for the Court of Common Pleas. There will also be designated areas to serve victims of domestic violence cases and host mediation sessions.

## G. Budget Office

The Budget Office is responsible for managing the financial resources of the Judiciary in accordance with the laws, regulations, and policies of the Republic of Palau.

The Budget Office oversees the following: (1) financial statements and reporting; (2) cash receipts; (3) accounts receivable; (4) cash disbursements; (5) accounts payable; (6) appropriations; (7) audit; (8) revenue forecast; (9) seek grants; and (10) budget. The Office provides a comprehensive financial management system that is efficient, effective, independent, and accountable.

## H. Office of the Court Counsels

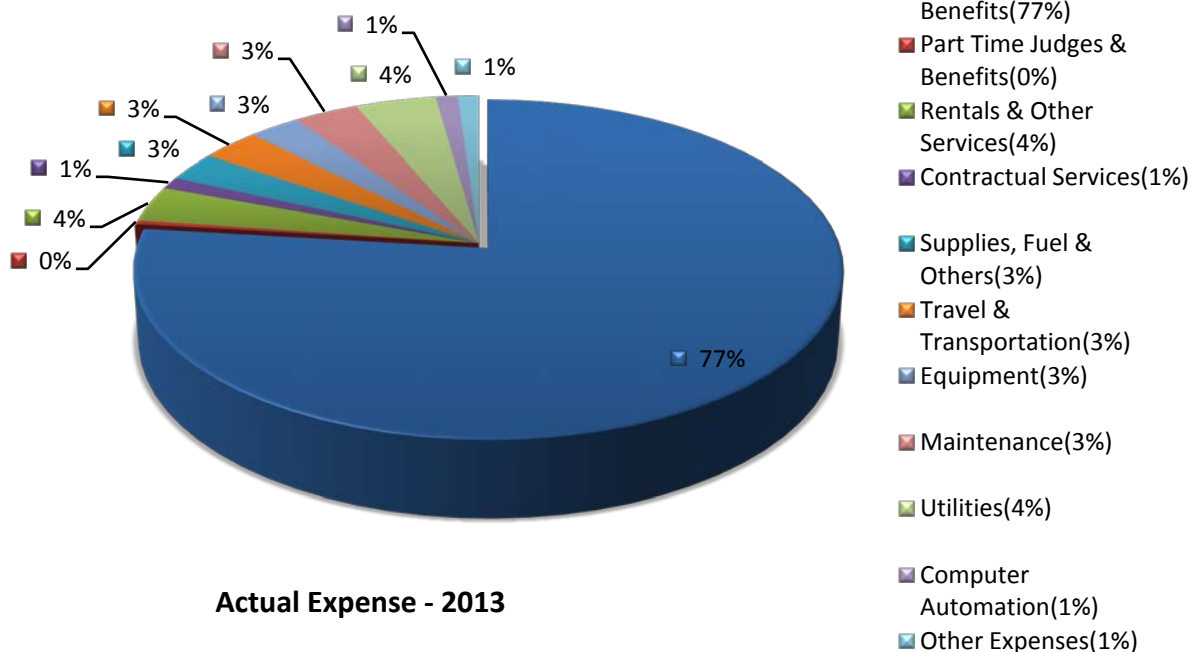
The Office of the Court Counsel is primarily responsible for assisting the Justices and Judges with legal research related to cases that come before the Court. In addition, Court Counsels assist in preparing court publications and provide advice on the legality of administrative operations. The Office consists of three attorneys under contract for one year and recruited from the law clerks of U.S. federal and state courts.

## I. Human Resource Office

The Human Resource office is responsible for overseeing personnel matters, including hiring, performance evaluations, pay raises, and training for staff. The Office also maintains personnel files for every Judiciary employee and processes contracts for those employees who are hired on a contractual basis.

## XI. Annual Budget - 2013

|                             |                 |
|-----------------------------|-----------------|
| Personnel & Benefits        | \$ 1,691,239.00 |
| Part Time Judges & Benefits | \$ 8,000.00     |
| Rentals & Other Services    | \$ 75,112.00    |
| Contractual Services        | \$ 25,000.00    |
| Supplies, POL & Others      | \$ 60,293.00    |
| Travel & Transportation     | \$ 67,000.00    |
| Equipment                   | \$ 59,000.00    |
| Maintenance                 | \$ 73,552.00    |
| Utilities                   | \$ 91,804.00    |
| Computer Automation         | \$ 25,000.00    |
| Other Expenses              | \$ 24,000.00    |
| TOTAL                       | \$ 2,200,000.00 |



## XII. Court Personnel (as of March 2014)

| <b><u>Name</u></b>                        | <b><u>Title</u></b>                          | <b><u>Length of Service with Judiciary</u></b> |
|---|--|--|
| <b><u>Justices/Judges</u></b>             |  |  |
| Arthur Ngiraklsong                        | Chief Justice                                | 27 yrs. & 5 mos.                               |
| Kathleen M. Salii                         | Associate Justice                            | 13 yrs. & 5 mos.                               |
| Mary Lourdes F. Materne                   | Associate Justice                            | 11 yrs. & 8 mos.                               |
| R. Ashby Pate                             | Associate Justice                            | 11 months                                      |
| Honora E.R. Rudimch                       | Senior Judge, COCP                           | 8 yrs. & 5 mos.                                |
| C. Quay Polloi                            | Senior Judge, Land Court                     | 6 yrs. & 5 mos.                                |
| Rose Mary Skebong                         | Associate Judge, Land Court                  | 10 yrs. & 9 mos.                               |
| Salvador Ingereklii                       | Associate Judge, Land Court                  | 10 yrs. & 9 mos.                               |
| <b><u>Part time Judges</u></b>            |  |  |
| Roman Bedor                               | Attorney Judge (Part-time)                   | -  |
| Oldiais Ngirakelau                        | Attorney Judge (Part-time)                   | -  |
| Grace Yano                                | Non-Attorney Judge (Part-time)               | -  |
| Daniel R. Foley                           | Part-Time Associate Justice                  | 1 year   |
| Katherine A. Maraman                      | Part-Time Associate Justice                  | 6 years  |
| <b><u>Court Counsels</u></b>              |  |  |
| Brian Quirk                               | Senior Court Counsel                         | 5 months                                       |
| Rebecca Earl                              | Court Counsel                                | 5 months                                       |
| Susan Reid                                | Court Counsel                                | 4 months                                       |
| <b><u>Office of the Chief Justice</u></b> |  |  |
| Luisa Kumangai                            | Chamber Administrator                        | 11 years                                       |
| Usong Telei                               | Chamber Clerk                                | 1 yr. & 4 mos.                                 |
| <b><u>Administration</u></b>              |  |  |
| Doran Inabo                               | Deputy Admin. Director                       | 9 yrs. & 7 mos.                                |
| Hasinta Tabelual                          | Human Resource Specialist                    | 11 yrs. & 3 mos.                               |
| Nikita Espangel                           | Administrative Clerk                         | 6 months                                       |
| <b><u>Budget Office</u></b>               |  |  |
| Rosalinda Ongalibang                      | Budget Officer/Grant Liaison Officer         | 20 yrs. & 9 mos.                               |
| Marcella April                            | Deputy Budget Officer                        | 22 yrs. & 2 mos.                               |
| Fuana Benhart                             | Administrative Assistant                     | 23 yrs. & 10 mos.                              |
| Lorena Miyuki                             | Accounting Technician/Cashier                | 18 yrs. & 4 mos.                               |
| <b><u>Clerk of Courts</u></b>             |  |  |
| Allison Sengebaw                          | Clerk of Courts                              | 17 yrs. & 8 mos.                               |
| Sherwin Yamanguchi                        | Deputy Clerk IV                              | 14 years                                       |
| Jelga Emiwo                               | Deputy Clerk V                               | 12 years & 2 mos.                              |
| Juanita Udui                              | Land Title Doc. Registrar                    | 24 yrs. & 3 mos.                               |
| Jovan Isaac                               | Case Management Coordinator                  | 9 yrs. & 11 mos.                               |
| Clarinda S. Alexander                     | Clerk V                                      | 24 yrs. & 3 mos.                               |
| Madeline Tengeluk                         | Deputy Clerk III (assigned to AJ Ingereklii) | 6 yrs. & 3 mos.                                |
| Raymond Ongino                            | Clerk V                                      | 15 years                                       |
| Myla M. Oimei                             | Deputy Clerk III                             | 6 yrs. & 3 mos.                                |
| Martha Iskawa                             | Clerk IV                                     | 24 yrs. & 6 mos.                               |
| Hadden Seklii                             | Deputy Clerk IV                              | 1 yr & 5 mos.                                  |
| Viola Stephanus                           | Clerk IV (assigned to SJ Rudimch)            | 10 yrs. & 11 mos.                              |
| Sandra Matsuda                            | Clerk IV (assigned to AJ Materne)            | 12 yrs. & 10 mos.                              |
| Sherene Adolf                             | Clerk I (assigned to AJ Skebong)             | 6 yrs & 3 mo                                   |
| Leoniza S. Chiokai                        | Land Title Doc. Technician                   | 12 yrs & 4 mo                                  |
| Ikrebai Blesam                            | Clerk IV (assigned to AJ Pate)               | 12 yrs. & 9 mos.                               |
| Petra Glenn                               | Clerk I (assigned to SJ Polloi)              | 11 yrs. & 2 mos.                               |
| Sylver Sweny                              | Deputy Clerk IV                              | New hire                                       |
| Efreca Kazuma                             | Clerk (WIA)                                  | Trainee  |
| Tyson Tkel                                | Deputy Clerk IV                              | New Hire                                       |

**Law Library**

|                  |                               |                  |
|------------------|-------------------------------|------------------|
| Lori Isao        | Law Librarian                 | 16 yrs. & 9 mos. |
| Syringa Gulibert | Asst. Law Librarian/Archivist | 2 months         |

**Marshal Division**

|                        |                   |                  |
|------------------------|-------------------|------------------|
| Florence J. A. Sokau   | Chief Marshal     | 7 yrs. & 10 mos. |
| Dave Tarimel           | Court Marshal III | 18 yrs. & 8 mos. |
| Jack Meltel            | Court Marshal III | 16 yrs. & 9 mos. |
| George Tulop           | Court Marshal III | 16 yrs. & 4 mos. |
| Renay Olikong          | Court Marshal III | 19 yrs & 2 mos.  |
| Flavin Rubasech        | Court Marshal II  | 14 yrs. & 5 mos. |
| Bailey Eberdong        | Court Marshal II  | 11 yrs. & 5 mos. |
| Romeo Reddin           | Court Marshal II  | 14 yrs. & 1 mo.  |
| Raldston K. Ngirengkoi | Court Marshal I   | 5 years          |
| Jr-Young Sikyang       | Court Marshal I   | 4yrs. & 6 mos.   |
| Neil Ringang           | Court Marshal I   | 3yrs. & 9 mos.   |
| Harumi Fabian          | Clerical Marshal  | 9 yrs. & 4 mos.  |

**Probation Office**

|                     |                         |                  |
|---------------------|-------------------------|------------------|
| Cleory Cleophas     | Chief Probation Officer | 3 yrs. & 11 mos. |
| Clara Rechebei      | Probation Officer       | 27 yrs. & 5 mos. |
| Persilla Rengil     | Probation Officer       | 9 yrs. & 6 mos.  |
| Vierra J. Toribiong | Probation Officer       | New hire         |
| Alvera Joy Azuma    | Probation Clerk         | 4 years          |

**Property Management**

|                  |                               |                  |
|------------------|-------------------------------|------------------|
| Clarence Masayos | Property Manager              | 3 yrs. & 10 mos. |
| Edward Tadao     | Maintenance Man/Boat Operator | 14years          |
| Nelson Ngiratmab | Maintenance Man               | 17 yrs. & 3 mos. |
| Paul Basilius    | Maintenance Man               | 13 years         |
| Noel I. Sadang   | Maintenance Man               | 5yrs. & 4mos.    |

**MIS**

|                 |                                    |           |
|-----------------|------------------------------------|-----------|
| Hiroto Yamazaki | JICA Volunteer – Computer Engineer | 10 months |
| Kereng Ikerdeu  | Computer Technician                | 4 months  |

**New Hires in 2013**

1. R. Ashby Pate – Associate Justice
  2. Brian Quirk – Court Counsel
  3. Rebecca Earl – Court Counsel
  4. Susan Reid – Court Counsel
- Note: Court Counsel are recruited each year to serve one-year contracts.*
5. Hiroto Yamazaki – JICA Volunteer for two years with Judiciary
  6. Kereng Ikerdeu – Computer Technician

**Left the Court in 2013**

1. Troy L. Payne – Court Counsel
2. Eli McCann – Court Counsel
3. Brian Spielmann – Court Counsel
4. Ronald Rdechor – Associate Judge of Land Court
5. Jellico Chin – IT Assistant
6. Estrada Kuartei – Deputy Clerk
7. Nadja Benhart – Deputy Clerk
8. Jessalyn De Leon – Chambers Administrator
9. Jurah Lynn Tellei - Clerk

### **XIII. Trainings, Outreach Programs and Other events**

#### **A. Family and Youth Violence Workshop**



(July 24-27, 2012)

In July 2012, a workshop funded by PJDP on Family and Youth Violence was held at the Koror State Assembly Hall. Topics included the definition of family violence, theories of family violence, community response, police practices, and the role of the Judiciary.

Over fifty participants from different government agencies attended this four-day workshop. Among the presenters were Chief Judge Peter Boshier of New Zealand, Inspector Samasoni Malaulau of New Zealand, Associate Justice Salii of the Palau Supreme Court, and Senior Judge Rudimch of the Palau Court of Common Pleas.

Just months after this workshop, the OEK enacted the Family Protection Act, which allows victims of domestic violence to seek protective orders from the Court.

#### **B. Mediation Training**

(January 14 – 18, 2013)

With the help of funding from AUS Aid, the Court was able to bring in a Mediation expert from the Federal Court of Australia, Deputy Registrar Chuan Ng. In January 2013, Mr. Ng conducted a four-day mediation training for attorneys, judges, court staff, and other members of the public.

Phase II of this training was held a year later, in January 2014. The second phase included one week of intense advanced mediation training, and Mr. Ng also collaborated with local attorneys to mediate several real cases.



#### **C. Judiciary Lunch and Learn**

(February 19 – 22 and March 19 – 20, 2013)

As a part of an in-house training for staff, a Lunch & Learn was held for a few days in February and March. The trainings included instruction on Microsoft Office 2007 and were conducted by Senior



Judge Polloi, Court Counsel Troy Payne, and Deputy Administrative Director Doran Inabo. The trainings were held in the Court conference room during lunch time, and sessions were tailored to the needs of each particular group of staff members.

#### D. Customer Service Training for Court Staff

(April 10 – 12, 2013)

On April 10 to 12, 2013, two representatives from the Ninth Circuit, Ms. Sally Pym and Ms. Janet Cornell conducted a customer service training for the Judiciary staff. The training taught staff about the components of good and bad service, customer expectations, barriers to providing good service, effective communication skills, and techniques for dealing with difficult customers. The training also encouraged staff to develop an action plan for personal improvement.

#### E. Jury Trial Workshop

(September 27-28, 2013)

Senior Judge Clifford Wallace of the United States Court of Appeals for the Ninth Circuit conducted a two-day workshop on jury trial proceedings. The workshop included instruction on criminal procedure and jury selection. About fifty people, including local attorneys, judges, and court staff, attended the training.



#### F. Training of Trainers (TOT)

(November 25-29, 2013)

This workshop was attended by twenty participants from around the Pacific region, including Palau, the Cook Islands, the Federated States of Micronesia, Kiribati, Papua New Guinea, Samoa, the Solomon Islands, Tonga, Tuvalu, and Vanuatu.

Funded by Pacific Judicial Development Programme (PJDP), this workshop aimed to help courts develop the capacity to create their own successful training programs.



## G. Outreach and Awareness Programs

The Judiciary participates in various types of outreach and awareness programs. The purpose of these programs is to inform the public about the services of the court and to answer questions.

### 1. Catholic Schools Week/Career Day

In December 2013, Senior Judge Polloi of the Land Court, Chief Marshal F. Johnny Sokau, and Chief Probation Officer Cleory Cleophas made presentations at Mindszenty High School about their careers as officers of the Court.

### 2. Belau Family and School Alliance(BFSA)

The Judiciary is an active member of BFSA. Through this alliance, the Judiciary regularly accepts students from the local high schools and the community college for job shadowing and internships. During the summer, the Court also hosts Summer Work Experience Program (SWEP) students. In November 2013, former Clerk of Courts Rosalinda Ongalibang spoke about the Office of the Clerk of Courts during a Belau Employer & School Alliance meeting.

### 3. Palau Community College Criminal Justice Class Presentation

In November 2013, Probation Officer Persilla Rengiil spoke to the Criminal Justice class at PCC about Juvenile Delinquency.

### 4. Live Radio Talk Show

On October 9, 2013, Deputy Clerks Sherwin Yamaguchi and Jelga Emiwo were invited to participate in a live radio talk show about jury trials on Palau Radio Wave. Jury trials are new to Palau, the first jury trial was held in September 2012 and the second was held in November 2013. As of March 2014, there have only been two jury trials held, ROP vs. Misech, and ROP v. Yano.

### 5. Police Academy Class Presentation

In November 2012, Marshal III Jack Meltel spoke to the Police Academy Class of 2012 about the duties and responsibilities of a Court Marshal.

### 6. Public Schools Teacher Conference

On July 25, 2012, Senior Judge C. Quay Polloi of the Palau Land Court spoke about the Palau Land Tenure and Owner Registration Program during a Public Schools Teacher Conference. .

### 7. School Awareness Week/Career Day

In March 2011, Associate Justice Salii, Marshal III David Tarimel, and the Judiciary's Human Resource Specialist, Hasinta Tabelual, spoke at Koror Elementary School about their work at the Judiciary.

### 8. Teachers' Training

In December 2005, the Judiciary responded to the request of the Ministry of Education for training on Palau Courts. Associate Justice Kathleen Salii, J. Uduch Sengebau Senior, a former Senior Judge of Land Court, and Palau Bar members Oldiais Ngiraikelau and Roman Bedor, conducted a training for civics, history and government teachers about the structure of the Palauan court system.

## H. Other Events

### 1. Swearing-In Ceremonies of New Judges in 2013

#### *(i) Part-time Associate Justice Daniel R. Foley*

Appointed by President Johnson Toribiong, Judge Daniel R. Foley from the Hawaii Intermediate Court of Appeal was sworn-in as a new Part-time Associate Justice for the Palau Supreme Court on January 11, 2013. Justice Foley's legal career began in 1974 as an associate in a law firm in Mann County, California. In 1975, he began an eight year tenure working in Micronesia. He served as legal counsel for various Micronesian governmental bodies, constitutional conventions, and organizations.

As a part-time Associate Justice, Justice Foley work primarily on appellate cases.



#### *(ii) Associate Justice R. Ashby Pate*

On May 17, 2013, a swearing-in ceremony was held for the newest Associate Justice for the Palau Supreme Court, Associate Justice R. Ashby Pate. Justice Pate replaced Justice Alexandra Foster, who left the Court in July 2012. Justice Pate is not new to the Palau Judiciary as he served as a Senior Court Counsel for the Supreme Court from 2009 to 2010.



**Koror Courthouse**



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