



Palau Judiciary

Court Annual Report 2016

Year of the Youth

Presidential Proclamation No. 16-167:
Declaring the year 2016 as the Year of Youth for
the Republic of Palau.

“Empowering the Youth, Securing our Future”

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II. Message from the Chief Justice

The Fourteenth Constitutional Amendment states that “when the Olbiil Era Kelulau [National Congress] appropriates funds for additional justices to serve on the Appellate Division, the Chief Justice shall implement the separation of the Justices of the Appellate Division and provide rules and regulations therefore.”

The Olbiil Era Kelulau appropriated the funds necessary to implement the Fourteenth Amendment on February 5, 2016. Work to implement the Amendment picked up speed when funds were made available.

Proposed rules to implement the Amendment were reviewed by the general public and the Palau Bar Association. A Senate Committee of the Olbiil Era Kelulau held a hearing on the proposed rules with the Chief Justice. New Justices for the Appellate Division and the Presiding Justice of the Trial Division were appointed by President Tommy Remengesau, Jr.

We thank all who took the time to review the proposed rules and submit their comments. The comments were most helpful in raising the necessary factual and legal issues for consideration.

On January 15, 2017, the Chief Justice, pursuant to the Fourteenth Constitutional Amendment, issued the rules and regulations implementing the separating of the Justices of the Appellate Division. It has been a little over a year since the Fourteenth Amendment has been in effect and so far, so good.

Ma Uriul,

Arthur Ngiraklsong

Chief Justice

Introduction

The Republic of Palau is an island nation located in the western Pacific Ocean roughly 500 miles southeast of the Philippines. Geographically, Palau constitutes part of the Caroline Island chain and is part of the larger island group of Micronesia. Palau consists of more than 340 islands, of which only 9 are permanently inhabited. The land area of Palau totals approximately 460 square kilometers (178 square miles), about 2.5 times the size of Washington, D.C. According to the 2005 population census, Palau's population was 19,907 (Palau did not conduct a 2010 census). Current estimates put Palau's population at approximately 21,000. About 70% of Palauans live in the former capital city of Koror on Koror Island. The capital relocated in 2006 from Koror to a newly constructed complex in Melekeok State on the larger but less developed island of Babeldaob – the second largest island in Micronesia after Guam.

In 1978, after more than three decades of United States administration under the United Nations Trust Territory of the Pacific Islands (TTPI), Palau, as part of a process toward self- government, voted against joining the Federated States of Micronesia and opted for independent status. Palau adopted its own constitution and became the Republic of Palau in 1981. It signed a compact of free association with the United States in 1982 and the Compact was ratified in 1993. Palau gained full sovereignty when the Compact went into effect on October 1, 1994, concluding Palau's transition from trusteeship to independence.

Palau is a multi-party democratic republic with directly elected executive and legislative branches. The President is both head of state and head of government. Executive power is exercised by the government while legislative power is vested in both the government and the Palau National Congress (the Olbiil era Kelulau). The Palau National Congress has two houses – the Senate with nine members elected nationwide and the House of Delegates made up of 16 members, one from each of Palau's 16 states. There is also a Council of Chiefs, comprising the highest traditional chiefs from each of the 16 states. The Council of Chiefs serves as an advisory board to the President on matters concerning traditional laws and customs. Article X of the Constitution of the Republic of Palau provides for a judiciary “independent of the legislative and executive powers.”

This Annual Report summarizes the Judiciary's operations and accomplishments in the 2016 calendar year, as well as its challenges going forward. The Annual Report is intended to inform the public about what the Palau Judiciary does and how it functions.

III. Mission and Vision

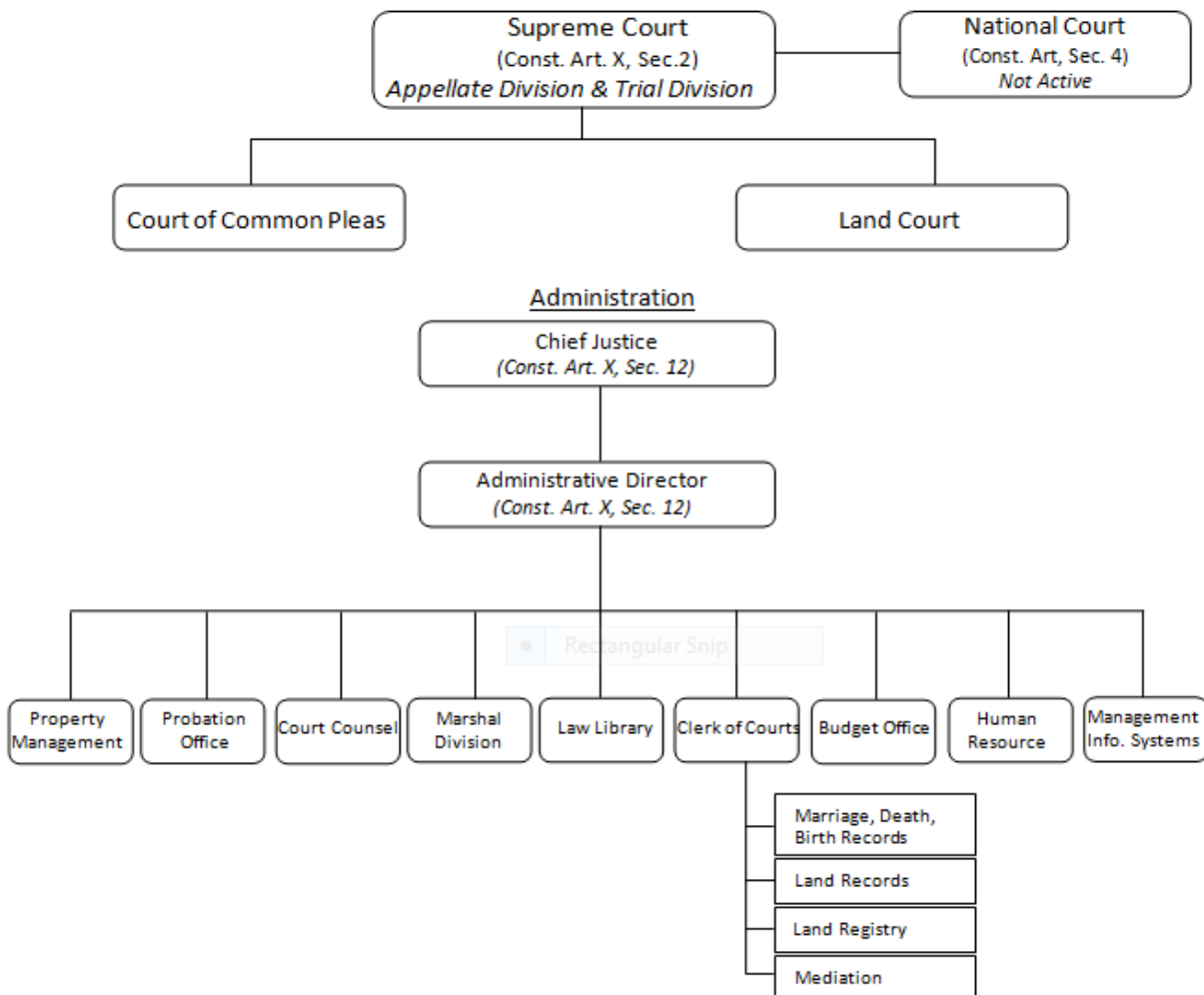
MISSION

The mission of the Palau Judiciary 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 the 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.

IV. Palau Judiciary Organizational Chart



Overview of the Judiciary

V. About the Courts

The Palau Judiciary consists of the Supreme Court (Trial Division and Appellate Division), the Land Court, the Court of Common Pleas, and associated administrative sections that provide various services to the courts.

A. Supreme Court (Trial Division and Appellate Division)

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 Trial Division decisions are heard by panels of three different justices in the Appellate Division. The Appellate Division is a "court of last resort," a superior court of record having appellate jurisdiction with final authority to adjudicate all cases and controversies properly brought before it. The Supreme Court also handles disciplinary and other special proceedings.

On October 28, 2016, additional justices were sworn in to serve on the appellate division.

The Supreme Court currently consists of a Chief Justice and four Associate Justices. Additional judges are appointed on an as-needed basis as Associate Justices Pro Tem or Part-Time Associate Justices to assist with the Court's workload.

B. Land Court

The Land Court was established in 1996 and is 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 to handle "common" civil and criminal cases. It has jurisdiction to hear civil cases where the amount claimed or in dispute is \$10,000 or less. It does not, however, adjudicate cases involving land interests, no matter what the amount claimed or in dispute is. Land cases are heard in the Land Court. The Court of Common Pleas also hears all divorce and child support cases, regardless of the amount in controversy. Generally, the civil cases that come before the Court include name changes, family law matters, and simple estate settlement proceedings. The Court also hears small claims, where the amount claimed is \$3,000 or less, in less formal hearings. The Court of Common Pleas may also adjudicate criminal cases. Criminal cases are assigned to the Court of Common Pleas by the Chief Justice of the Supreme Court and the maximum

possible punishment for criminal cases heard in the Court of Common Pleas shall not exceed a \$10,000 fine or imprisonment for five years. Appeals from cases adjudicated by the Court of Common Pleas are filed directly with the Appellate Division of the Supreme Court.

The Chief Justice of the Supreme Court has also designated the Court of Common Pleas to handle civil domestic abuse cases brought under the Family Protection Act ("FPA") enacted in November 2012. 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 orders of protection, both during the Court's normal operating hours and during after-hours, if a victim of abuse needs immediate protection. The Court is also collaborating with other agencies, including 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's mandates.

VI. Judicial Nominating Commission

The Judicial Nominating Commission (the "JNC") consists of seven members, all of whom must be citizens of Palau. The Chief Justice serves as the JNC's Chairperson. Three members are elected from and by the Palau Bar Association and the final three members are appointed by the President of Palau. If a JNC member becomes a candidate for political office, they must resign their seat on the JNC.

When a vacancy for a Judge or Justice within the Palau Judiciary becomes available, the JNC produces a list of seven nominees and presents the list to the President. The list of nominees is created using a secret ballot. If there is a conflict of interest involving a JNC member and a potential nominee, the JNC member must recuse himself or herself from voting or discussions regarding the nominee. In addition, should a JNC member become a potential nominee, that member must also recuse himself or herself. The qualities sought in judicial nominees include: 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. Palau Judiciary Highlights

A. Conferences, Trainings, Workshops, and Events

Conferences

- Pacific Judicial Strengthening Initiative (PJSI) Leadership Conference attended by Chief Justice Arthur Ngiraklsong from September 05 to 10, 2016 at Port Moresby, New Guinea
- Pacific Judicial Council Conference attended by Chief Justice Arthur Ngiraklsong from September 11 to 16, 2016 at Port Moresby, New Guinea

- Pacific Judicial Council (PJC) Domestic Violence Conference attended by Associate Justice Kathleen M. Salii, Senior Judge Honora E. Remengesau Rudimch, Associate Judge Rose Mary Skebong and FPA Clerk Myla Makka Oimei from September 19-23, 2016 in Guam



- Appellate Judges Education Institute 2016 Summit attended by Chief Justice Arthur Ngiraklsong from November 10-13, 2016 in Philadelphia, Pennsylvania
- 26th Annual Conference for Pacific Islands Association of Libraries, Archives, and Museums (PIALA) attended by Assistant Librarian/Archivist Syringa Gulibert in November, 2016 at Yap State, FSM

Trainings and Workshops

- Pacific Judicial Council Court Security Training attended by Associate Judge Salvador Ingereklii from January 19-21, 2016 in Saipan, CNMI
- Pacific Judicial Strengthening Initiative Design Consultation Workshop attended by Human Resource Specialist Hasinta Tabelual February 23-24, 2016 in Auckland, New Zealand
- Pacific Judicial Council 2016 Information Technology Training attended by Associate Judge Rose Mary Skebong from May 31 – June 02, 2016 in Guam

- Pacific Island Legal Institute attended by Associate Judge Salvador Ingereklii July 23-31, 2016 at Hilo, Hawaii
- PJC Court Administrator Training attended by Chief Clerk Allison I. Sengebau and MIS Director Doran M. Inabo from November 30 to December 2, 2016 in Yap State, FSM.

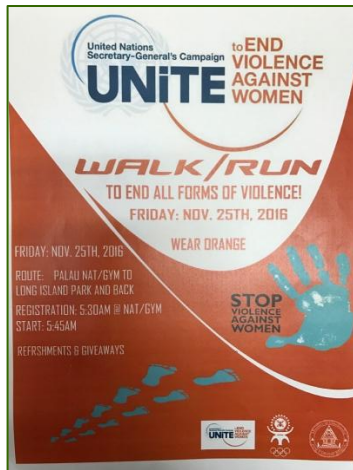
Events

16 Days of Activism in Palau to End All Forms of Violence **25 Nov - 10 Dec 2016**

The Palau Judiciary as a stakeholder in the Family Protection Act process and in collaboration with the Ministry of Community & Cultural Affairs (MCCA), Youth Justice Working Group (YJWG), Ministry of Health (MOH), and the UN Joint Office, participated in the “16 Days of Activism in Palau to End All Forms of Violence Campaign.”

The campaign was launched with an “Awareness Walk/Run” on November 25, 2016, followed by a “Dialogue with the Youth” on November 30, 2016 held at the Palau Community College (PCC) campus with PCC students and staff. Thereafter, small inter-agency brown bag sessions were held with the following – YJWG and Head Start Family & Community counselors; Judiciary staff; MCCA and Palau National Olympic Committee (PNOC) staff; and members and representatives of various community groups from Koror and Airai from December 2-7, 2016. Oceania Television (OTV) in partnership with the key agencies also ran films regarding domestic violence every evening during the 16 days. The campaign concluded on December 10, 2016, which was International Human Rights Day. The key agencies in collaboration with Koror State Youth Council, Koror State Government, Palau Track & Field Association, PNOC, and the United States Embassy held the 1st Koror Kolor Run, where about 200 participants attended.

With the launch, Palau joined the global UNiTE campaign led by the United Nations to raise awareness to end violence against women and girls towards the fulfillment of the 2030 Agenda for Sustainable Development. The key agency partners used this campaign as an opportunity to raise awareness in the community about the problem and challenges we have with gender-based violence, as well as, an opportunity to inform the public about the support services available for individuals and families and strengthen the collaboration efforts between the various agencies and community organizations.



25 Nov – Kick Off 16 Days of Activism against All Forms of Violence



30 Nov – Dialogue with the Youth at PCC



2 Dec – YJWG & Head Start Brown Bag Session



5 Dec – Judiciary Staff Brown Bag Session



6 Dec – MCCA/PNOC Brown Bag Session



7 Dec – Community Groups/NGOs Brown Bag Session



10 Dec – Koror Kolor Run (Conclude 16 Days of Activism Against All Forms of Violence/Human Rights Day)

The Courts' Work

The Palau Judiciary prides itself on operating ethically and efficiently, producing quality decisions and ensuring access to justice for all of Palau's citizens. The indicators below measure the judiciary's performance. The clearance rate and average duration of a case measure how efficiently the courts are managing their case loads. The quality of decisions can be evaluated by the number of decisions appealed and, more importantly, the number of decisions overturned on appeal. And finally, access to justice can be gauged by looking at the fee structure, availability of free legal counsel and accessibility of forms and court services.

The information in the following pages provides details about how well the judiciary is doing regarding these indicators.

VIII. 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 2015, two complaints were received against judicial officers.

Year	Total Cases Filed(all Case Types)	Complaints against *JOs	Cases where no Complaint made against *JOs	Cases where Complaint made against *JOs
2012	1983	0	100.00%	0.00%
2013	1997	1	99.95%	0.05%
2014	1983	2	99.90%	0.10%
2015	2002	2	99.90%	0.10%
2016	1827	0	100.00%	0.00%

*JO – Judicial Officers - Judges

There were no cases filed against a judicial officer in 2016.

There were no complaints made against Judiciary staff in 2016.

IX. Case Management and Clearance Rates

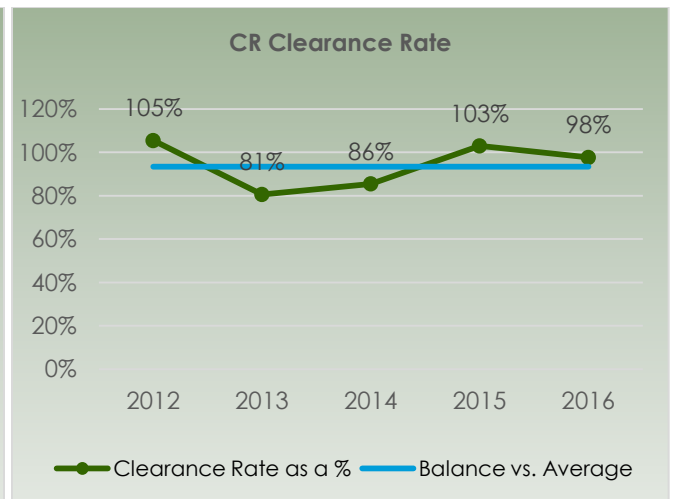
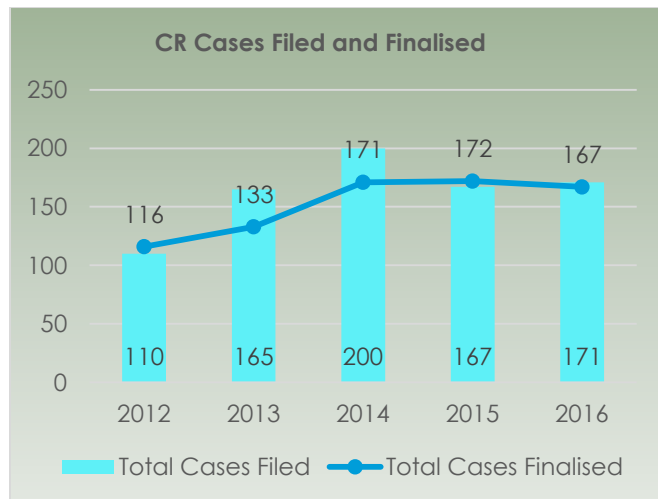
The Palau Judiciary recognizes its obligation to dispose of cases before it in a reasonable time. Accordingly, the Court seeks to finalize cases in a timely manner. The “clearance rate” reflects cases “cleared” or finalized as a percentage of (in relation to) the total number of cases filed. Where clearance rates have declined, this reflects a comparable decline in the overall number of cases filed.

A. Supreme Court

1. Trial Division

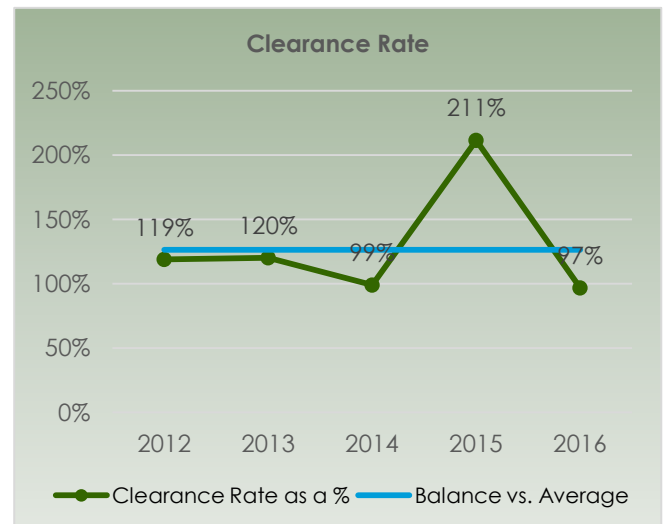
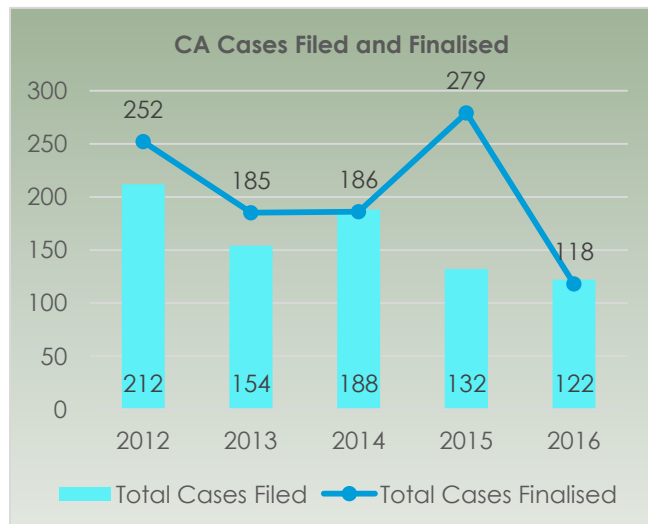
Criminal Cases (CR)

Year	Filed	Finalised	Pending	Clearance Rate as a %
2012	110	116	66	105.45%
2013	165	133	98	80.61%
2014	200	171	127	85.50%
2015	167	172	122	102.99%
2016	171	167	126	97.66%



Civil Cases (CA)

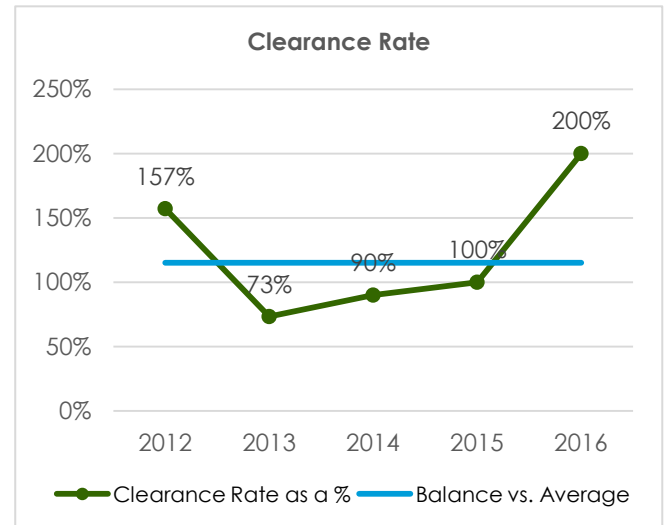
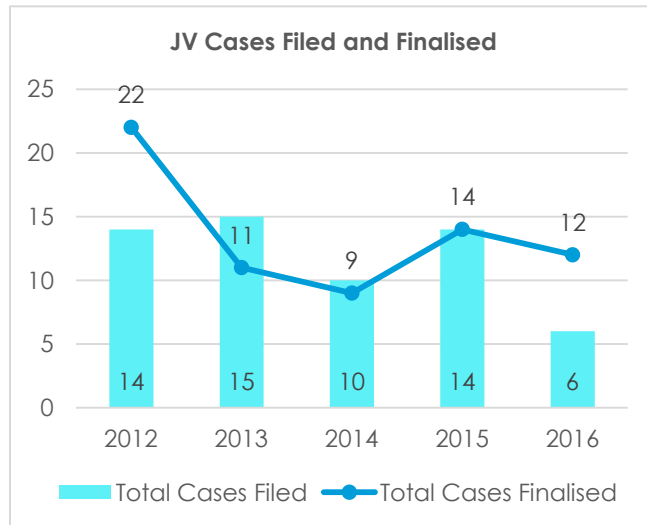
Year	Filed	Finalised	Pending	Clearance Rate as a %
2012	212	252	235	118.87%
2013	154	185	204	120.13%
2014	188	186	206	98.94%
2015	132	279	59	211.36%
2016	122	118	63	96.72%



Juvenile Cases (JV)

Year	Filed	Finalised	Pending	Clearance Rate as a %
2012	14	22	8	157.14%

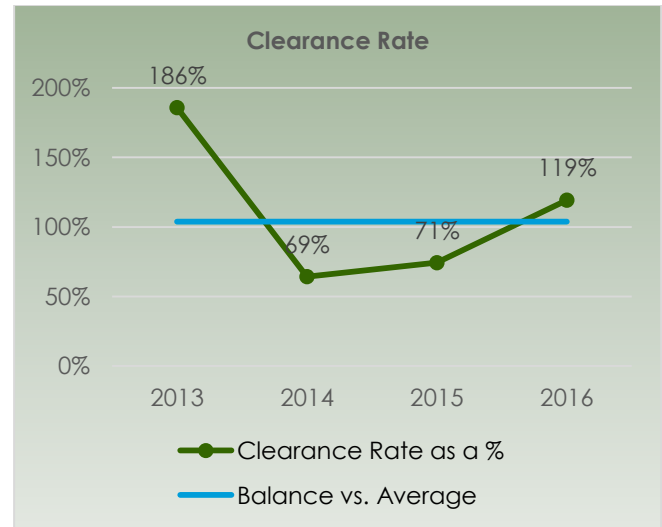
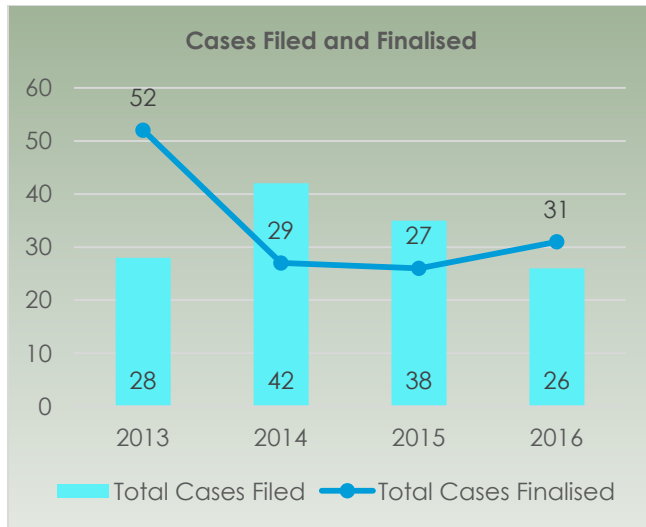
2013	15	11	12	73.33%
2014	10	9	13	90.00%
2015	14	14	13	100.00%
2016	6	12	7	200.00%



2. Appellate Division

Criminal & Civil Appeal (CR/APP & CA/APP)

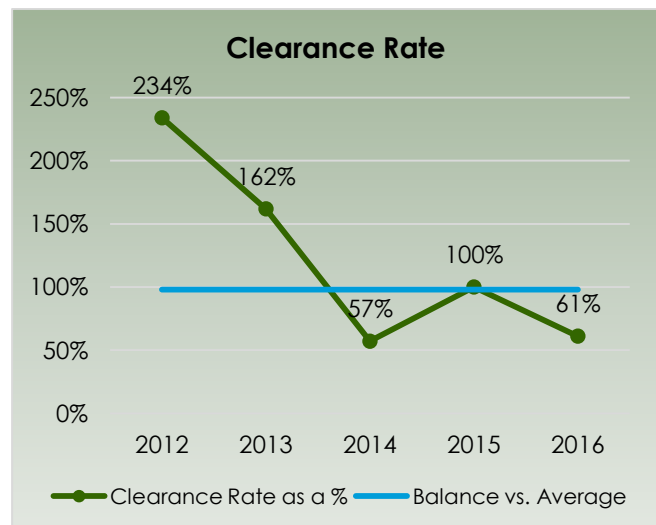
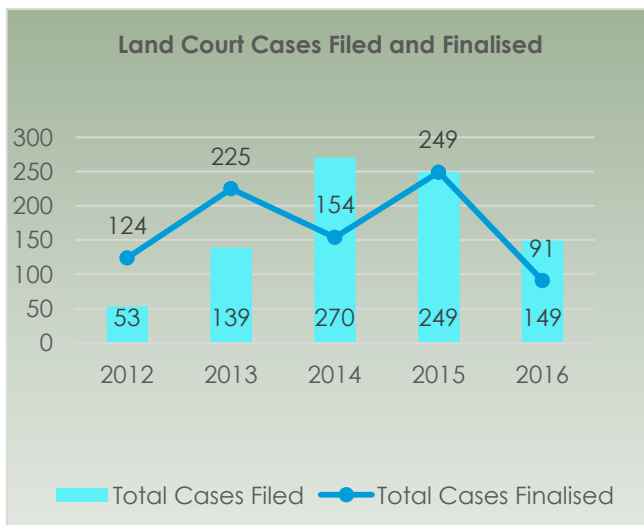
Year	Filed	Finalised	Pending	Clearance Rate as a %
2013	28	52	6	185.71%
2014	42	29	19	69.05%
2015	38	27	30	71.0%
2016	26	31	25	119.23%



3. Land Court

Year	Filed	Finalised	Pending	Clearance Rate as a %
2012	53	124	507	233.96%
2013	139	225	421	161.87%
2014	270	154	537	57.04%
2015	249	249	537	100.00%
2016	149	91	595	61.07%

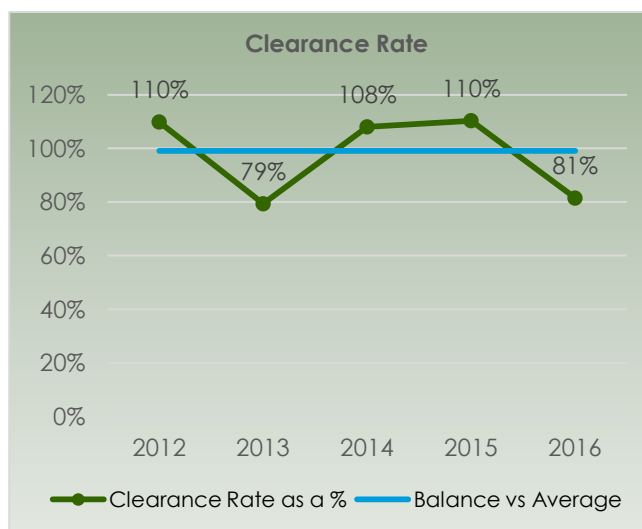
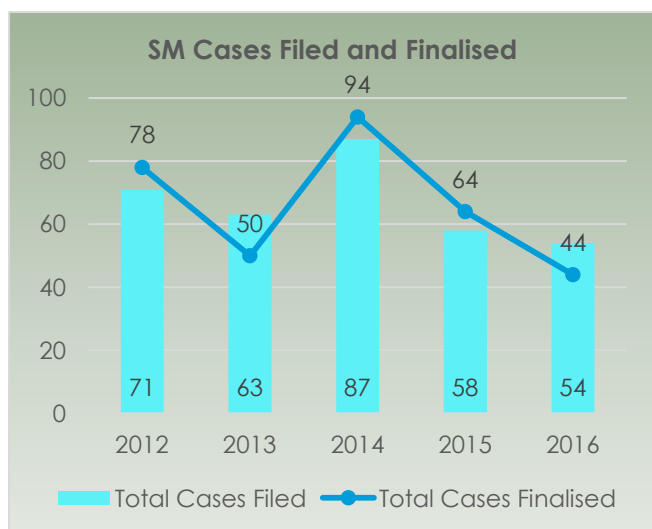
Note: Some data in this report have been updated in the court's management system so there may be some differences in figures compared to the previous years' reports.



B. Court of Common Pleas

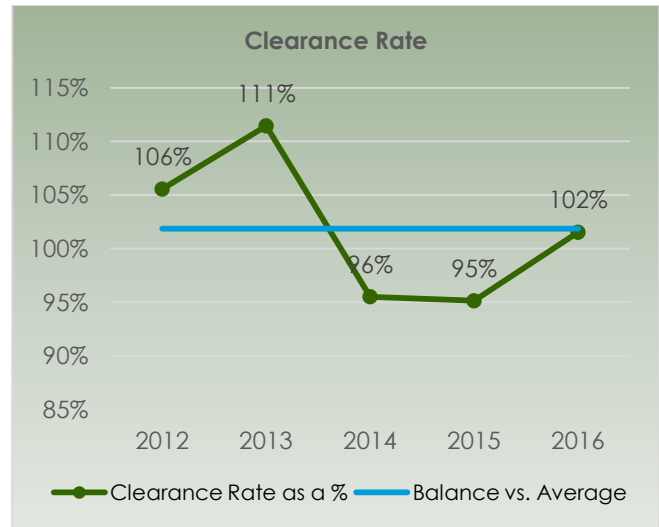
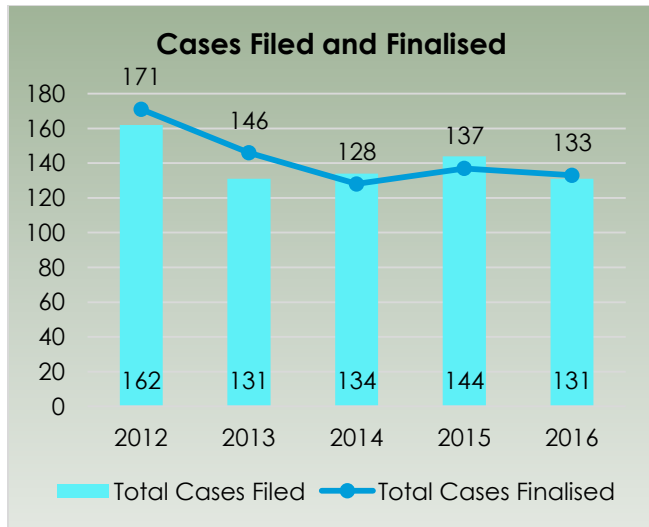
Small Claims (SM)

Year	Filed	Finalised	Pending	Clearance Rate as a %
2012	71	78	59	109.86%
2013	63	50	72	79.37%
2014	87	94	65	108.05%
2015	58	64	59	110.34%
2016	54	44	69	81.48%



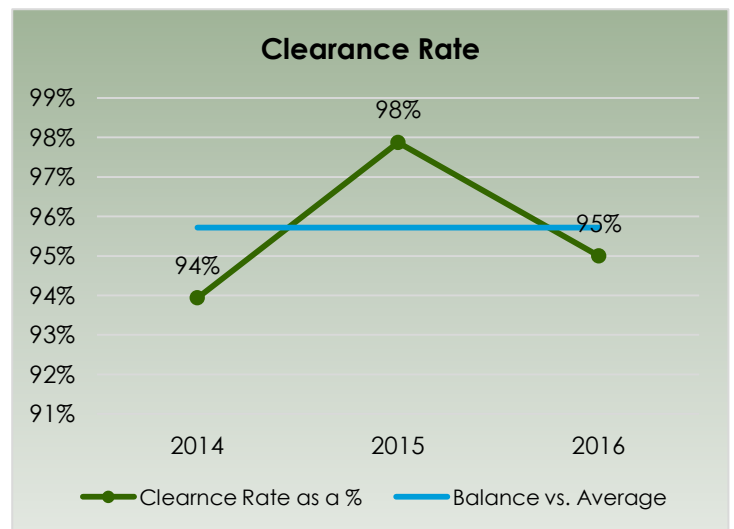
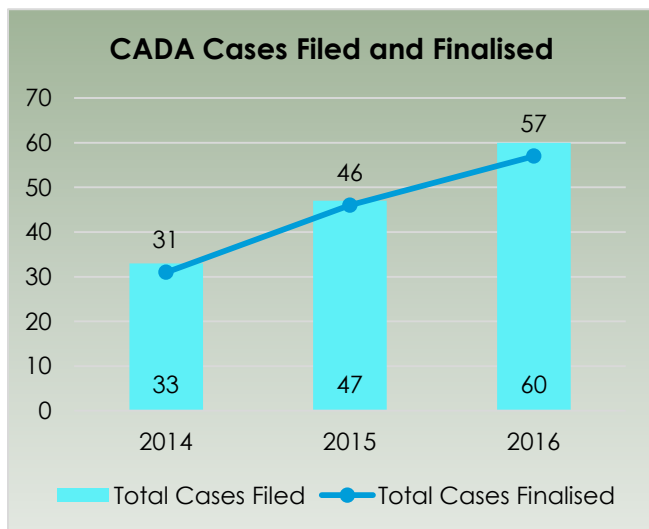
Common Plea/Civil Action (CP/CA)

Year	Filed	Finalised	Pending	Clearance Rate as a %
2012	162	171	17	105.56%
2013	131	146	2	111.45%
2014	134	128	8	95.52%
2015	144	137	15	95.14%
2016	131	133	13	101.53%



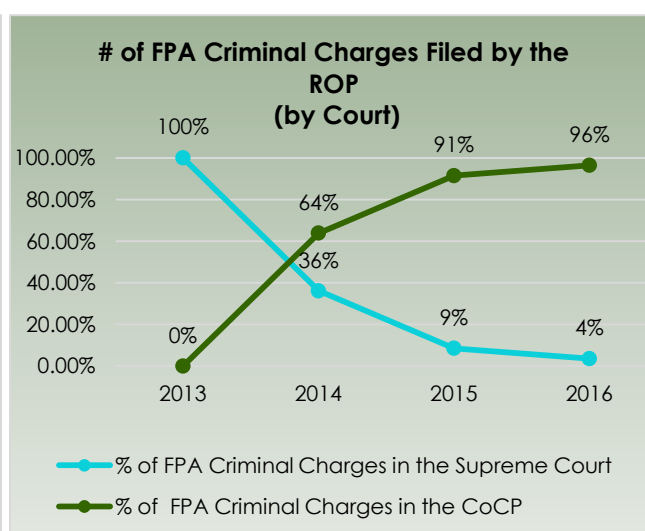
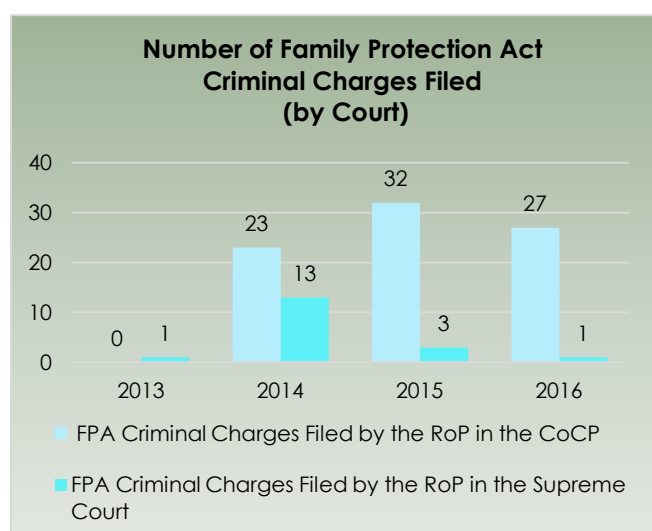
Civil Action/Domestic Abuse Cases (CADA) Family Protection Act Cases

Year	Filed	Finalised	Pending	Clearance Rate as a %
2014	33	31	2	93.94%
2015	47	46	3	97.87%
2016	60	57	6	95.00%



Family Protection Act (FPA) Criminal Charges (Filed by the ROP)

Year	FPA Criminal Charges Filed by the RoP in the Supreme Court	FPA Criminal Charges Filed by the RoP in the CoCP	Total FPA Criminal Charges Filed	% of FPA Criminal Charges in the Supreme Court	% of FPA Criminal Charges in the CoCP
2013	1	0	1	100.00%	0.00%
2014	13	23	36	36.11%	63.89%
2015	3	32	35	8.57%	91.43%
2016	1	27	28	3.57%	96.43%
Total:	18	82	100	18.00%	82.00%

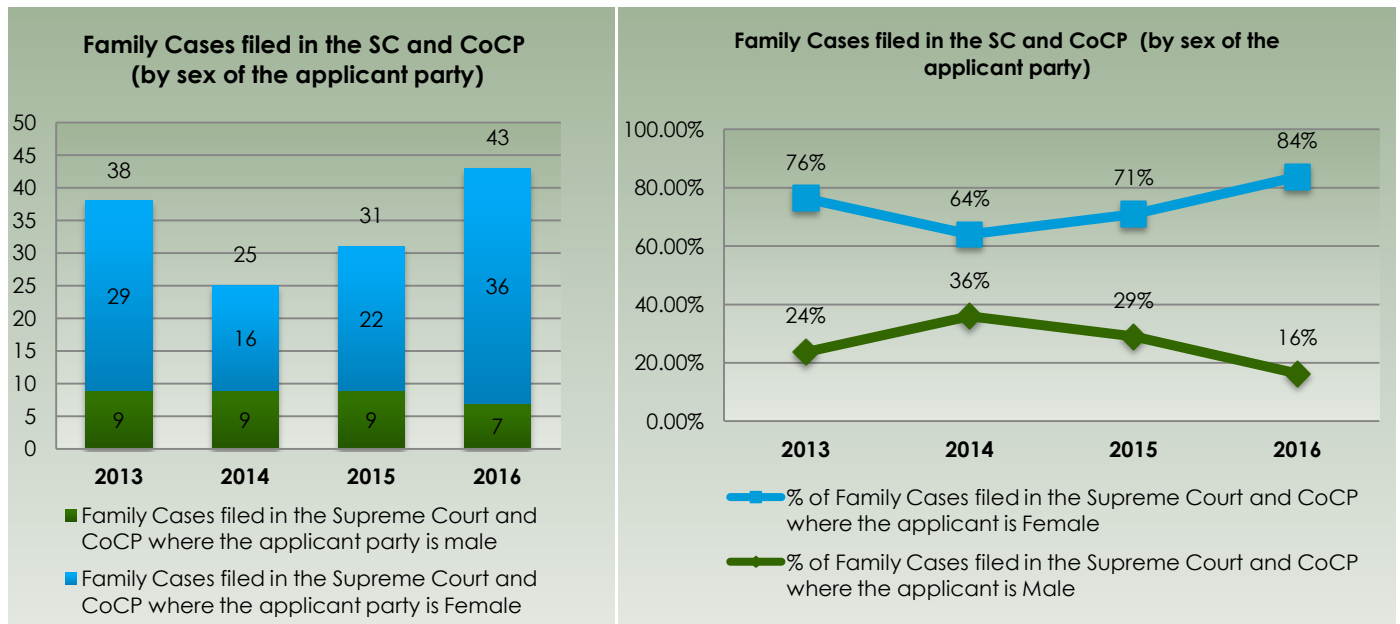


Palau Judiciary: Overview of Family Law and Family Protection Act cases 2013-2016

Family law and Family Protection Act cases are heard in both the Supreme Court (SC) and Court of Common Pleas (CoCP). The data below summarizes trends in these cases from 2013-2016.

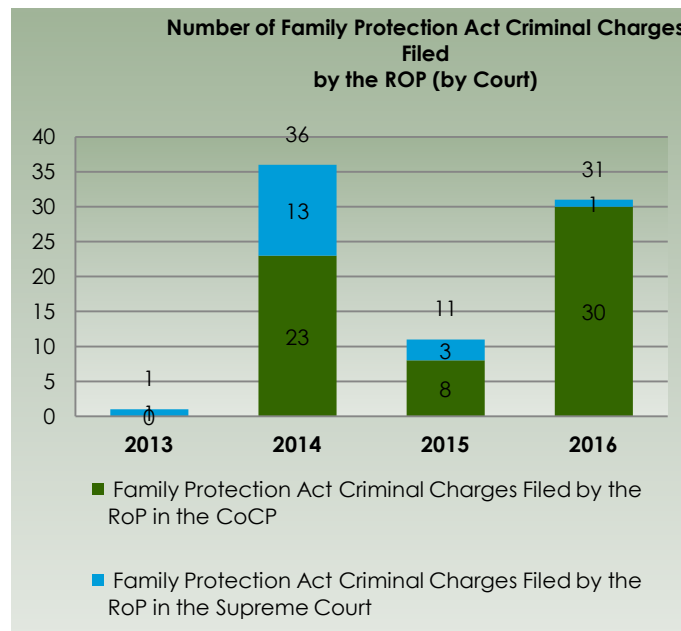
Family Law Cases 2013-2016

Between 2013 and 2016, women filed three quarters of all family law cases (divorce, child custody and child support) in Palau in both the Supreme Court and Court of Common Pleas.



Family Protection Act criminal cases 2013-2016

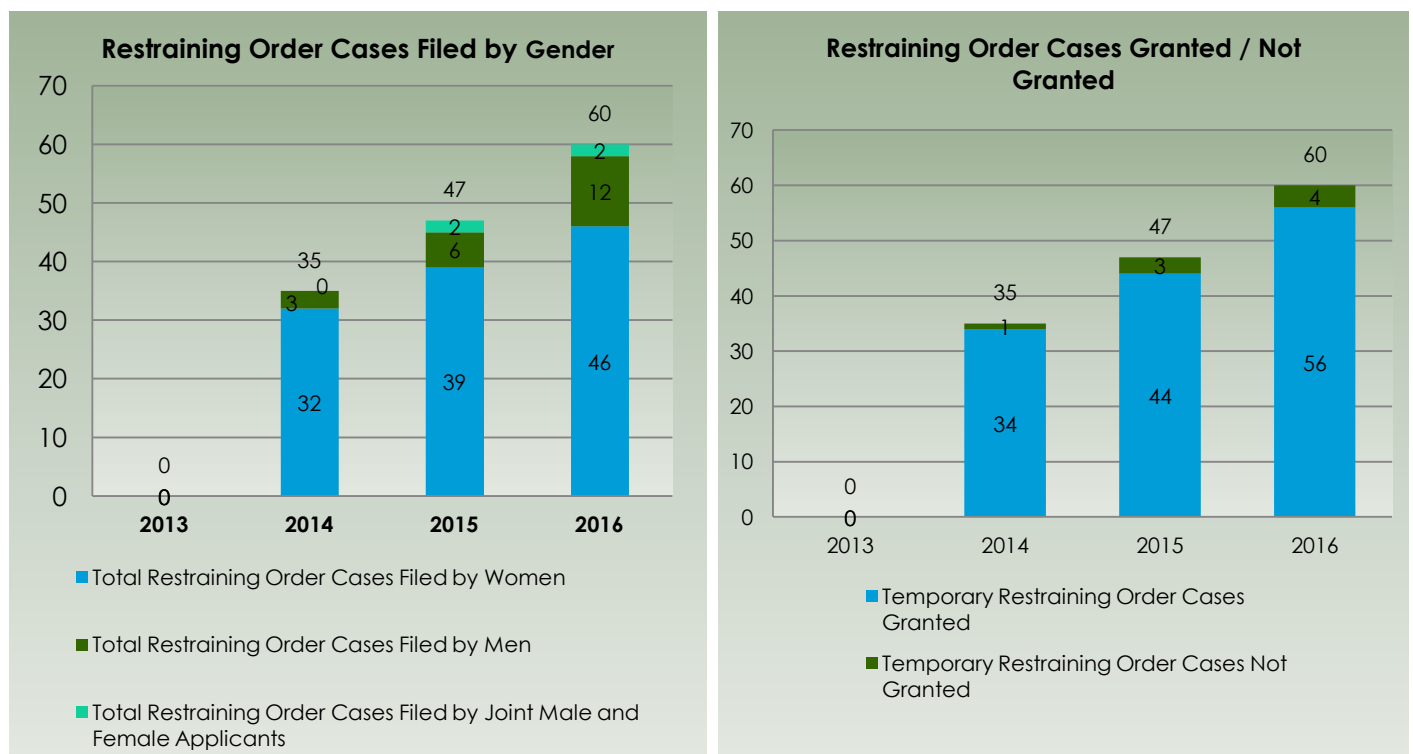
There was one Family Protection Act criminal charges filed by the Republic of Palau in the Supreme Court in 2013 compared with 31 cases filed in the CoCP and Supreme Court in 2016.



Family Protection Act domestic violence restraining order cases 2013-2016

Domestic Abuse Restraining Order Cases have risen from 0 in 2013 to 60 cases in 2016.

- 82% are filed by women
- 15% by men
- 3% by multiple victims
- 94% of temporary Restraining orders are granted.
- 81% of Final Protective Orders are granted, 14% lapse or are terminated by the petitioner and only 5% of Final Protective Orders are not granted

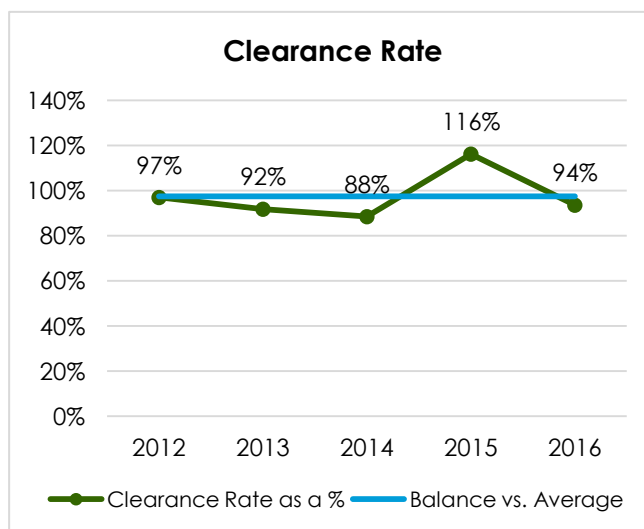
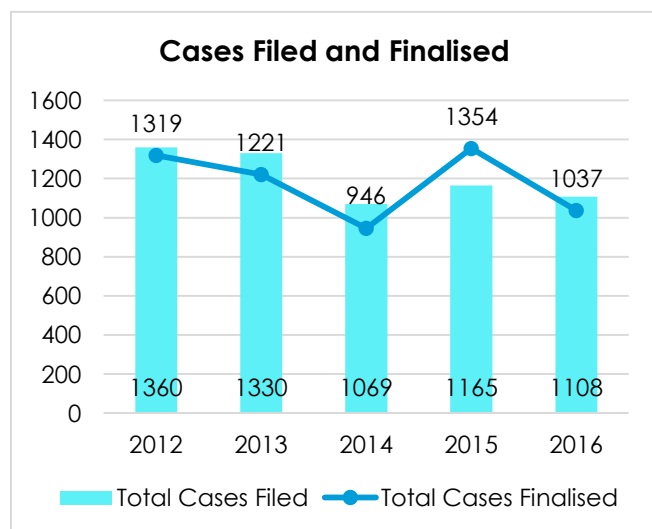


Citations (ABC, ASG, DRT, EHC, KSG, ROP, MCC, JTC, JDC, WSC)

There were one thousand one hundred eight (1,108) citations filed in 2016. Larger number of these cases were heard in the Court of Common Pleas (COCP). Where there is a conflict with the COCP judge, a case is transferred to a judge in the Supreme Court.

The majority of cases handled by the COCP is Citations and are heard weekly. A citation can be paid at the Office of the Clerk of Courts if an offender does not contest the charge(s). Certain types of Citations cannot be paid directly, however, and the offender must appear before the court.

Year	Filed	Finalised	Pending	Clearance Rate as a %
2012	1360	1319	41	96.99%
2013	1330	1221	150	91.80%
2014	1069	946	273	88.49%
2015	1165	1354	84	116.22%
2016	1108	1037	155	93.59%



Below is a summary of citations handled in the Court of Common Pleas:

Citation Type	Filed	Disposed
ABC Board (ABC)	4	3

Airai State Government (ASG)	7	4
Environmental Health (EHC)	1	1
Koror State Government (KSG)	34	31
Republic of Palau (ROP)	969	437
Marijuana Citations (MCC)	8	6
Juvenile Citations (JTC & JDC)	34	36
Water Safety Citations (WSC)	11	13

In 2016 there were 969 ROP Citations, 437 of these were finalised in the COCP and 453 were paid directly to the clerk of courts.

Average Duration of a Case

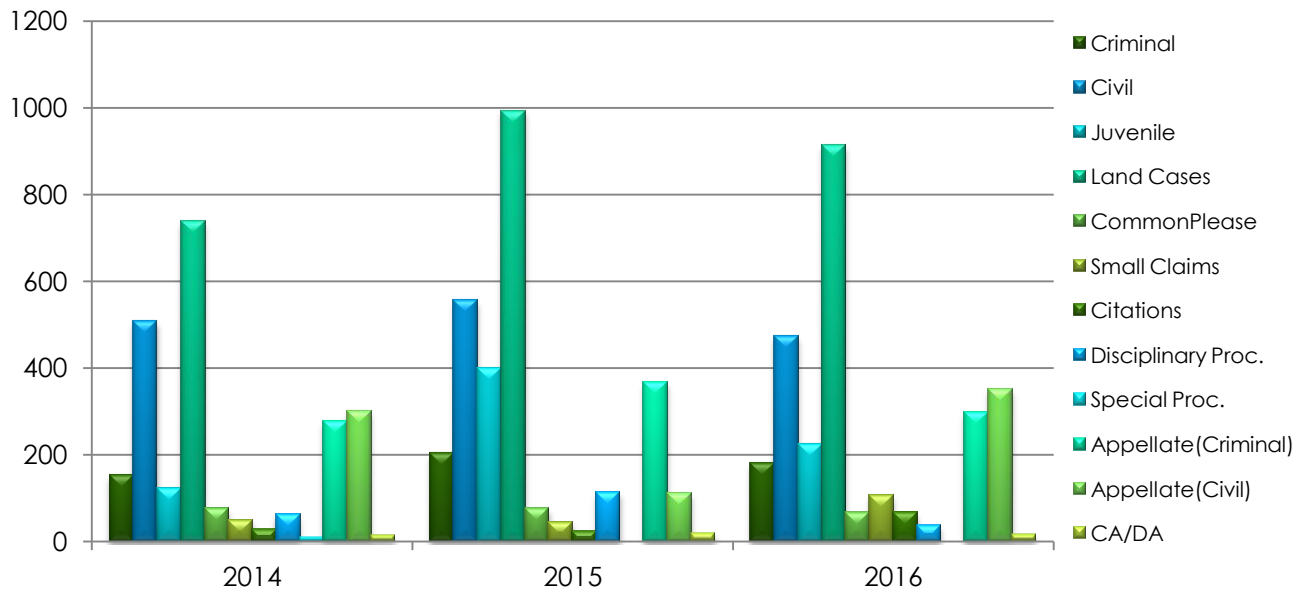
When rendering a decision in a matter, the Judiciary's goal is to provide such decisions in a timely manner. Because of the complexity of their work, however, Judges may not always announce their decisions immediately at the conclusion of a case and some decisions may be delivered at a later date.

The charts below provide details about the average duration, from filing to finalization for the different types of cases heard in the Supreme Court – Trial- Division, Land Court, Court of Common Pleas and Appellate Division.

Court	Case Type	Average Duration in Days
Trial Division:	Criminal	179
	Civil	473
	Juvenile	224
Land Court:	Land	914
Court of Common Pleas:	CPCA	66
	Small Claims	106
	Citations	67
	Juvenile Citations	148*
	CADA	15
Appellate:	Civil	297
	Criminal	351

Note: *Juvenile cases in the trial division has a longer duration in the best interest of the child(schooling and employment consideration), when these two cases are removed, the average duration is 148 days for juvenile cases

**Average Case Duration for each Case type in # of days
(2014 - 2016)**



Case Average Duration in # of days

	<u>2014</u>	<u>2015</u>	<u>2016</u>
Criminal	152	203	179
Civil	508	556	473
Juvenile	121	399	224
Land Cases	738	993	914
Common Pleas	76	77	66
Small Claims	50	45	106
Citations	28	25	67
Disciplinary Proceedings	63	113	38
Special Proceedings	9	0	0
Appellate(Criminal)	276	367	297
Appellate(Civil)	302	112	351
Domestic Abuse	14	19	15

I. Accessibility and Fairness

The Judiciary functions to make the courts and justice accessible to all. As part of this effort, it provides fee waivers, conducts annual public surveys, and has created a 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>.

The court also offers services for disabled patrons. Ramps are available for wheelchairs, hearings can be moved to a ground floor level courtroom to accommodate litigants who are not able to climb stairs, and also, if necessary, clerks are able to notarize documents at the parking lot.

A. Free Legal Aid

In 2016, more than 168 parties in criminal cases, 5 parties in juvenile case, 35 parties in Juvenile citations, 486 parties in citation cases, 47 parties in common pleas/civil cases, 4 parties in domestic abuse cases, and 38 parties in civil cases received free legal aid.

2016				
Case Type	Public Defender	MLSC	Court Appointed	Total
Civil	1	37	0	38
CADA	4	0	0	4
CPCA	0	47		47
Criminal	164		4	168
Citations	484		2	486
Juvenile Citations(COCP)	35	0	0	35
Juvenile(Supreme Court)	5	0	0	5
Total:	693	84	6	783

B. Court Fee Waiver

Lack of money should never be a barrier to justice. Accordingly, another way that the Court ensures access to justice for all is to provide fee waivers to parties who cannot afford the costs associated with filing a lawsuit. 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>).

No fee waivers were requested in 2016.

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.

X. Court Offices and Departments

A. Administrative Office



The Judiciary Administrative Office is the administrative agency of the Palau Judiciary. Article X, Section 12 of the Republic of Palau Constitution states that the Chief Justice of the Supreme Court shall be the administrative head of the unified judicial system. The Chief Justice shall appoint with the approval of the Associate Justices, an administrative director to supervise the administrative operation of the judicial system.

The Administrative Director is the highest position in the Judiciary Administration. Wandalynn T. Remeliik, our Deputy Administrative Director came on board in February, 2016.

The Administrative Office is responsible for the overall management, services and support provided to the Palau Judiciary. Services provided by administrative services include support of the office and court personnel systems; court security;

budget; fiscal; contracts; project management; facilities operations; and publications.

B. Office of the Chief Justice

The Office of the Chief Justice serves as the focal point of all incoming and outgoing activities of the Palau Judiciary. Special Assistant to the Chief Justice Luisa Kumangai and Chambers Administrator Usong Telei are responsible for updating the Chief Justice on the progress of all matters assigned. This office holds the administrative functions in the Judiciary and coordinates with other offices.

C. Office of the Clerk of Courts

The Clerk of Courts is the first point of contact for people seeking the Palau Judiciary's services. It is the largest department in the Judiciary which is responsible for the Court's case management; dockets; appeals and petitions; and accepts case filings, processing, disposing and distribution of all legal pleadings of the Court.

The Clerk of Court of the Palau Judiciary oversees a number of sections with important functions vital to its operations: Marriage, Death and Birth Records, Land Records, Land Registry and Mediation.



Allison Sengebau, Chief Clerk



From Left to Right:

*Courtroom Clerk Interpreter: Zonalynn Jonathan, Myla Oime, Sherene Adolf
Efreia Kazuma, Clerk II*

1. Birth, Death, and Marriage Records

Birth Records

Four hundred and thirty nine (439) birth certificates were recorded at the Office of the Clerk of Courts in 2016.



Dillaine Ueki, Clerk I

Office of the Clerk of Courts, Ngerulmud

2016	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	TOTAL
REGULAR	16	18	23	16	16	25	36	17	29	14	16	8	234
OUTSIDE	28	17	16	10	12	40	23	25	9	8	8	8	204
LATE BIRTH	0	0	0	0	0	0	0	0	1	0	0	0	1
TOTAL	44	35	39	26	28	65	59	43	38	22	24	16	439

Death Records

One hundred and sixty three (163) death certificates were recorded at the Office of the Clerk of Courts in 2016.

2016	JAN	FEB	MAR	APR	MAY	JUN	JULY	AUG	SEPT	OCT	NOV	DEC	TOTAL
DOMESTIC	13	11	10	10	11	15	14	20	17	7	11	12	151
FOREIGN	3	0	1	0	1	1	1	0	1	0	4	0	12
TOTAL	16	11	11	10	12	16	15	20	18	7	15	5	163

Marriage Records

One hundred and seventy seven (177) marriage certificates were recorded at the Office of the Clerk of Courts in 2016.

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	
CITIZEN	1	2	0	3	9	5	2	7	3	4	11	5	52
NON-CITIZEN	6	7	5	6	4	9	4	6	4	3	9	8	71
CUSTOMARY	2	3	3	3	6	3	2	2	3	4	6	4	41
FOREIGN	1	2	2	1	0	4	0	0	2	1	0	0	13
TOTAL	10	14	10	13	19	21	8	15	12	12	26	17	177

2. Land Records

One thousand five hundred eighty two (1,582) land records were recorded at the Office of the Clerk in 2016.

	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	YEARLY TOTAL
CT	36	33	51	37	60	57	44	82	42	25	20	23	510
D.O.	16	14	1	11	30	0	9	33	0	5	2	0	121
DEED	20	8	13	13	14	12	7	11	17	11	9	11	146
LEASE	18	19	30	22	18	17	21	38	26	13	13	13	248
MORTGAGE	6	6	3	13	13	7	8	12	10	15	7	6	106
LAND USE RIGHT	2	2	2	2	2	2	3	1	5	4	5	1	31
OTHERS	4	4	2	6	6	6	4	3	5	2	6	3	51
TOTAL	102	86	102	104	143	101	96	180	105	75	62	57	1582

3. Land Registry

This part of the Clerk of Courts' Office plays a vital role in land matters. The Registrar records all documents that transfer title to land and supervises the operation of the Land Registry Section. This section is the repository for all property plats and final cadastral maps, certificates of title, determinations of ownership, and other land-related documents.

In 2016, five hundred and fifty six (556) Certificate of Titles (CT) were issued by the office of the Land Registry



Juanita 'Ota' Udui, Land Title Registrar

2016	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
CT issued based on DO	0	16	24	35	22	11	54	2	1	5	0	2	172
Transfer by Court Order	4	2	7	1	8	39	14	30	2	13	1	10	131
Transfer by Deed	19	11	12	7	20	12	5	24	16	15	9	14	164
Replacement/Lost Certificates	2	0	2	0	0	0	1	0	0	0	0	0	5
Re-Issue (Change of Trustee/Name Change or Correction)	0	0	3	1	0	0	0	1	0	0	0	0	5
Re-Issue - Parcel Split	10	4	3	2	0	0	0	5	9	0	0	0	33
TOTAL	35	33	51	46	50	62	74	62	28	33	10	26	510

In addition to the Certificates of Title mentioned above, nine hundred twenty five (925) land documents were recorded with the Land Registry in 2016.

2016	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
Deeds	30	8	14	13	14	16	9	10	13	10	9	10	146
Mortgages	3	3	3	3	9	2	2	5	4	13	4	6	57
Certificate of Title	35	33	51	46	50	62	74	62	28	33	10	26	510
Finalized Maps	5	14	7	9	1	2	6	1	0	0	0	0	45

Miscellaneous	16	7	18	14	19	8	14	25	22	7	9	8	167
Easements	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	79	65	93	85	93	90	105	103	67	63	32	50	925

In line with the Judiciary's goal of digitizing all records, the Land Registry has been actively scanning and uploading case files. In 2016, the Land Registry has scanned and uploaded six hundred fifty-four (654) land case files.

4. Land Court Mediation

None of the one hundred and forty nine (149) new cases brought to Land Court were settled through mediation.

5. 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,



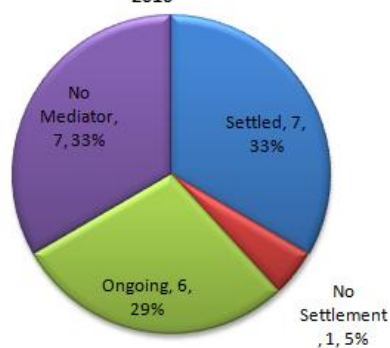
Sherwin Yamanguchi, Courtroom Clerk/Interpreter/Mediation Clerk

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. The mediator, however, does not have the authority to impose a settlement upon the parties. Mediators are court staff, judges, and some local attorneys (acting pro bono).

In 2016, there twenty-one (21) civil cases were the caseload of Supreme Court Mediation section, 5 of the 21 cases were assigned to mediation in 2014, 10 were assigned in 2015 and 6 were assigned to mediation in 2016.

Seven of the 21 cases were mediated and settled in 2016, and one was not settled and was moved back to trial court. Seven of the 21 cases were still pending an assignment of a mediator by the end of 2016, and 6 of them were still being mediated. The mediation program had a success rate of 87% in 2016.

Supreme Court Mediation Caseload
2016



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

A. Marshal Division

The Marshal Division was created in 1998. 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.

The Judiciary is a member of the Belau Employers & Educators Alliance (BEEA), starting February to May Four Palau High School namely Kemp Etpison, CJ Mira, Lizvette S. Lucky and Alomar T. Osima performed their school Practicum with the Marshals Division. With



Marshals from Left to Right: William Andrew, Bailey Eberdong, Flavin Rubasch, David Tarimel.

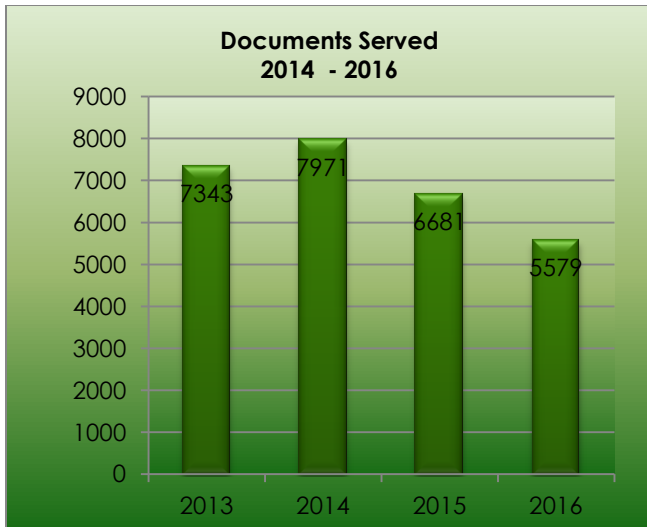
consented waiver form from their parents, they are allowed on the job training with the field

Marshals in the services of the newly enacted Family Protection Act (FPA) documents. These students also received hands on observation on Bailiffs operation inside the courtrooms, security details within the Judiciary compound and receiving and recording documents for service and stamp filing.

1. Documents Services

This division served a total of five thousand five hundred and seventy-nine (5,579) documents in 2016. In 2015 it served 7,971 documents.

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
Land Court Docs.	36	157	168	106	76	86	54	67	27	10	2	5	794
Bench Warrants	14	7	13	7	12	4	11	13	5	11	10	10	117
Penal Summons	214	167	231	277	252	174	236	160	156	189	179	217	2452
Summons	223	209	191	154	187	217	141	182	194	139	193	186	2216
Total:	487	540	603	544	527	481	442	422	382	349	384	418	5579



2. Bailiff Services

Marshals serve as courtroom bailiffs. They ensure that the courtroom is ready for court proceedings and maintain peace and order throughout proceedings.

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
Court Hearings	151	148	89	147	108	112	246	86	87	155	109	86	1138
Land Court Hearings	14	12	17	31	10	6	6	5	20	4	13	5	143
													1667

3. Custodial Services

Defendants and arrestees are held in the Marshal's holding cell while pending court process. Total number of persons held in custody for 2016 is four hundred and seventy-seven (477).

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
	37	53	47	48	43	37	28	19	50	34	53	28	
Total													477

4. Night Services

Additional services rendered by the marshals include night monitoring of probationers and the judges' residences. Two marshals are on duty every night.

Night Marshals are tasked to monitor and provide security services to the judicial buildings and properties including justices' and judges' residences. Additionally, they serve court documents, execute bench warrants, and monitor juvenile and adult probationers on curfew and on house arrests.



The Marshals

B. Probation Office



Introduction:

Probation Office supervises 328 probationers where 301 are Adults while 27 are Juveniles. There are four (4) Probation Officers including the Chief Probation Officer and one Probation Clerk.

The Probation Officers are Persilla Rengiil, Morales Ramarui, Sebelau Kual, Clara N. Rechebei the Chief Probation Officer and Alvera Azuma is the Probation Clerk.

Accomplishments:

Probation Office has had a history of being short staffed these past years. Toward the end of 2015 another Probation Officer resigned leaving only 2 Probation Officers to maintain 2 offices one in the capitol and the other in Koror.

This continued to 2016 and while vacancy announcement went out to hire additional Probation Officers, the decision was then made to merge Probation Office into one. In June of 2015, Probation Office in



Persilla Rengiil, Probation Officer

the capitol moved to Koror and the following year on July 25, 2016, two additional Probation Officers were hired.

By this time, Probation Office has already secured a small space and with 2 additional



Alvera Azuma, Probation Clerk

Probation Officers, we were able to procure 2 new desks, 2 new computers including 1 built-in printer and copier machine.

Unfortunately, the \$30,000.00 grant, funding provided by (PFS) Partnership for Success Grant Program that the Probation Office had hoped to fund outreach programs for Juveniles to include the outlying states has not materialized due to set of policies

mandated by the Federal Government regarding the transferring of funds from one agency to another.

Without this funding the Probation Office had not been able to procure a much needed vehicle to conduct the existing program of night monitoring of Juveniles and adult probationers to be extended to the outlying states.

Despite limited funding and resources the night monitoring was conducted but only within Koror but due to the unexpected resignation of another Probation staff in late 2015 the program stopped because of the shortage of the Probation Officers.

Now that Probation Office is permanently in Koror and has hired 2 additional Probation Officers, all efforts will be made to ensure continuous probation services for the large population residing in Koror while in the meantime and as much as possible to extend supervision to the outlying states with the assistance of the Court Marshals depending on the availability of their man power and the use of their vehicles.

With or without the grant, Probation Office aims to conduct the night monitoring again and a request has been forwarded to the Chief Justice awaiting his approval.

Probation Office is still a member of the Youth Service Team which is in partnership with other government and non-profit agencies and organizations and groups working

together to help the youth who are already in the Justice system as well as find ways to help prevent other youth from ending up in the system.

The Probation Office also work closely with the non-profit organization called Ngara Ubeng which assist in helping the probationers find employment and to pay fines and restitution.

The Ngara Ubeng is also assisting with the community service placement and monitoring hours for completion.

By Executive order of the President, Palau Judiciary is the member of the Palau Behavioral Health Advisory Council and through the approval of the Chief Justice the Chief Probation Officer is assigned to represent the Judiciary.

Through this partnership with the Palau Behavioral Health Advisory Council, probation officers are able to participate in trainings and workshops. Such opportunity came about in October 3 and 6 of 2016. One of the probation officers completed training and received certificates in "Phone Responder-Talk Line Specialist" and "Ensuring Safety and Providing For Well-Being Of Abuse and Neglect".

Another Probation Officer, Persilla Rengiil, enrolled in the Palau Community College Certificate Program which started in October of 2015 and completed the course in Clinical Counseling class in February of 2016. In March 2016, she took the test and ranked highest in the class of 14 students and was granted the International and Regional certification. In May of the same year, Ms. Rengiil joined the Palau Community College commencement exercise and received her certificates as Substance Abuse Treatment Counselor.

And the last but not least, Probation Office had an opportunity to host internship program for the University of Oregon student by the name of Sherlock Madlutk. Mr. Madlutk is a Criminal Justice major and is very much interested in the field of Probation. He did his internship at the Probation Office during the summer of 2016.

Probation Office welcomes any college or university students who are interested in the field of probation to do their internship. Anyone who is interested can contact

Wandalynn T. Remeliik, Deputy Administrative Director at email address: wtremeliik@palausupremecourt.net.

C. Law Library



Law Libraries, Singichi Ikesakes in Koror and Moses Mokoll in Ngerulmud services attorneys, judges and the general public. Currently housing over 14,000 volumes and current legal publications, the library aims to have most publications, Rules and Regulations available online. The Library also provide selected cases to PacLii to be available for research in the pacific region.

In addition to Carlos H. Salii Memorial library in Ikesakes at Koror, the court gallery in Ngerulmud is in progress to display the Court pictorial history.

Syringa Gulibert, the assistant librarian/archivist attended PIALA this year for enhancement as the library has an ongoing scanning project for archiving purpose.



"I left the conference with a package of new information, and a realization that in all aspects of life, everything depends on its history. We need road maps to reach our destinations and create better things for, not just our children but humanity in general. Libraries and

Archives contain frozen images of footprints from the past that we need to follow, in order to better our lives. Within support of improved technology and better budget, the future is limitless. I think it is an excellent justification to the value of Libraries and Archives around the world, especially our own country, which is already culturally challenged by the diversities we have been exposed to, that means we have to re-trace our steps to making sure our culture will not be lost, and by re-tracing, we have to go to the library."



PIALA 26th Annual Conference

D. Technology – Management Information Systems (MIS)

The MIS Division provides the Judiciary with computer technology resources. The Division maintains a networked database that provides ready access to records and cases to all court staff. Records are accessed quickly to serve the public more efficiently. A computer

station had been set up at the Singchi Ikesakes Law Library for the members of the public to do research on Land documents.



Rhine Remoket, Computer Technician



Doran Inabo, MIS Director

With substantial financial assistance from the Taiwan government, the Judiciary was able to launch its 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. The system aids the court in case and resource management and administrative services. The court continues to seek ways to utilize technology to provide better customer service and is researching ways and funding to expand the JIS system. In the year 2016, the Judiciary got another grant from Taiwan government to do a modification project to the existing information system and the court website.

E. Budget Office and Property Management

1. 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



Rose Ongalibang, Budget /Grant Liaison Officer



accountable.

2. Property Management Office



Property Management Office is a support section that procures supplies, materials, equipments and furniture for the Judiciary with the approval of the Chief Justice and in accordance with the procurement laws of the Republic of Palau. Our overall goal is to improve maintenance practices and inventor of the Judiciary's capitalized and non-capitalized assets for cost savings, accessibility and efficiency.

Numerous projects where completed in 2016.

The Palau Judiciary in Ngerulmud now has a fully integrated Conference Room and Gallery/Research Center for guests of the Judiciary to learn about the history and research on information available at the Court. A larger file room has been built for the safekeeping of court records and renovation to the Clerk of Courts Office.

In Koror, the roof of Courtroom 101 and the Law Library was replaced as well as renovation of the Land Court Offices and new signage for the Palau Judiciary Building.

F. 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 two to three attorneys under contract for one year and recruited from the law clerks of U.S. federal and state courts.



G. 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.

In trying to achieve the overall goal for the Human Resource Office to provide a well versed workforce of the Palau Judiciary, the Human Resource Specialist has partnered with Palau Community College to provide a cohort program for interested staff to further their education.

The Chief Justice Ngiraklsong continues to support and encourage court employees to continue their education. There are currently four (4) Marshals and one (1) Court Clerk attending the Palau Community College Cohort program in Criminal Justice and will be graduating in the Spring of 2017. The Judiciary continues to support them in their course of study.

In 2015, the Palau Judiciary endorsed the Judiciary Job Evaluation Users Guide commissioned by **BEHST Inc.** The User Guide established position evaluations and ranking guidelines for all the Judiciary civil service positions. This study also came with a Position Summary Evaluation Guide and a Salary Band Table that was used to grandfather employees into the new Pay levels and Job titles that were created. In the beginning of 2016, employee positions were reclassified to reflect position descriptions, titles and salaries as established.

As an active member of the Belau Educators and Employers Alliance (BEEA), we continue to support and accommodate the career pathways curriculum for high school students throughout the school year. We continue to participate in Summer Work Experience Program (SWEP), college internship programs and career support to students interested in working for the Palau Judiciary.

1. Court Personnel (As of September 2017)

<u>Name</u>	<u>Title</u>	<u>Length of Service with Judiciary</u>
<u>Judges</u>		
Arthur Ngiraklsong	Chief Justice	29 years & 6 months
John K. Rechucher	Associate Justice	
R. Barrie Michelsen	Associate Justice	
Kathleen M. Salii	Associate Justice	15 years & 6 months
Mary Lourdes F. Materne	Associate Justice	13 years & 9 months
Oldiais Ngiraikelau	Presiding Justice, Trial Division	
Honora E.R. Rudimch	Senior Judge, COCP	10 years & 4 months
C. Quay Polloi	Senior Judge, Land Court	8 years & 6 months
Rose Mary Skebong	Associate Judge, Land Court	12 years & 10 months
Salvador Ingereklii	Associate Judge, Land Court	12 years & 10 months
4 male Judges and 4 female Judges		

Part time Judges

Roman Bedor	Trial Counselor Judge (Part-time)	-
Grace Yano	Non-Attorney Judge (Part-time)	-
Daniel R. Foley	Part-Time Associate Justice	3 years
Katherine A. Maraman	Part-Time Associate Justice	8 years
Dennis K. Yamase	Part-Time Associate Justice	
Castro	Part-Time Associate Justice	
Kevin Bennardo	Part-Time Associate Justice	

3 male Part-time judges and 2 female Part-time judges**Court Counsels**

Peter Huffman	Senior Court Counsel	1 year
Jonathan Sabo	Court Counsel	11 months
Cheryl Friedman	Court Counsel	

2 male Court Counsels and 1 female**Office of the Chief Justice**

Luisa Kumangai	Special Assistant to the Chief Justice	13 years
Usong Telei	Chambers Administrator	3 year & 5 months

1 male and 1 female in the Office of the Chief Justice**Administration**

Wanda T. Remeliik	Deputy Administrative Director	1 year 6 months
Hasinta Tabelual	Human Resource Specialist	13 years & 4 months

2 females and no males in the Administration office**Budget Office**

Marcella April	Senior Budget Officer	24 years & 1 mo.
Lorena Miyuki	Accounts Specialist	21 years & 1 mo.
Bridget Iyar	Senior Accounts Specialist	9 months

4 females and no males in the Budget Office**Clerk of Courts**

Allison Sengebau	Clerk of Courts(Trial Division)	18 years & 7 months
Sherwin Yamanguchi	Courtroom_Clerk Interpreter III	14 years & 11 months
Juanita Udui	Land Title Registrar	25 years & 2 months
Clarinda S. Alexander	Chamber Clerk(assigned to AJ Salii)	25 years & 2 months
Raymond Ongino	Clerk III	15 years & 11 months
Madeline Tengelul	Case Management Coordinator	6 years & 3 months
Martha Iskawa	Clerk III	25 years & 5 months
Myla M. Oimei	Courtroom Clerk_Interpreter I	7 years & 2 months
Viola Stephanus	Chamber Clerk (assigned to SJ Rudimch)	11 years & 9 months
Dillaine Ueki	Clerk	13 years & 9 months
Sherene Adolf	Courtroom Clerk_Interpreter I	7 years & 6 months
Leoniza S. Chiokai	Land Title Doc. Technician	13 years & 3 months
Ikrebai Blesam	Clerk IV (assigned to AJ Materne)	13 years & 8 months
Petra Glenn	Clerk I (assigned to SJ Polloi)	12 years & 2 months
Lue Dee Kotaro	Courtroom Clerk _Interpreter I	10 months
Sylver Swenny	Courtroom Clerk _Interpreter I	1 year & 2 months
Efrecia Kazuma	Clerk II	1 year & 10 months
Zonalynn Jonathan	Courtroom Clerk _Interpreter I	12 months
Bris Ulechong	Clerk	
Biusech Tabelual	Chamber Clerk(assigned to PJ Ngiraikelau)	

Vernice Rechebei	Clerk of Courts (Appellate Division)
Lovey Alfonso	Clerk
Bodarlynn Ngirai bai	Chamber Clerk(Assigned to AJ Rechucher)

14 females and 4 males in the office of the Clerk of Courts

Law Library

Halora Paulus	Law Librarian	
Syringa Gulibert	Asst. Law Librarian/Archivist	2 year & 2 months

1 female and 0 males in the Law Library

Marshal Division

Florence J. A. Sokau	Chief Marshal	8 years & 11 months
Dave Tarimel	Court Marshal III	21 years & 3 months
Jack Meltel	Court Marshal III	18 years & 10 months
Caine Tmekei	Court Marshal II	1 year & 2 months
Flavin Rubasech	Court Marshal II	16 years & 6 months
Bailey Eberdong	Court Marshal II	13 years & 6 months
Romeo Reddin	Court Marshal III	16 years & 2 months
Raldston K. Ngirengkoi	Court Marshal II	7 years & 1 month
Neil Ringang	Court Marshal II	5 years & 10 months
William Andrew	Court Marshal I	10 months

10 males in the Marshal Division

Probation Office

Clara Rechebei	Chief Probation Officer	28 years & 3 months
Persilla Rengil	Probation Officer	9 years & 6 months
Sebelau	Probation Officer	1 year
Young Sikyang, Jr.	Probation Officer	
Alvera Joy Azuma	Probation Clerk	5 years

3 female and 2 male in Probation Office

Property Management

Rosalinda Ongalibang	Property Manager	24 years
John Mark Ngirmekur	Maintenance Technician I	5 years & 6 months
Edward Tadao	Maintenance Technician III	17 years & 1 months
Paul Basilius	Maintenance Technician II	15 years & 8 months
Noel I. Sadang	Maintenance Technician I	7 years & 5 months
O'Brien Ngemaes		
Godwin Ngirmechaet		

1 female and 5 males in Property Management

MIS

Doran Inabo	MIS Director	14 years & 2 months
Rhine Remoket	Computer Technician	2 years months
Earvin Wong	Computer Technician	1 month

1 female and 2 male in MIS