

Palau Judiciary

Court Annual Report 2017

Presidential Proclamation No. 17-201

*Declaring the 2017 to be the "Year of the Family" for the
Republic of Palau*



The Judiciary Family



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II. Message from the Trial Division's Presiding Justice



The year 2017 marked the official separation of the justices of our Supreme Court. As of last year, the associate justices of the Trial Division no longer serve a dual role (as both trial and appellate justices), as they did before the implementation of the 14th Amendment to the Palau Constitution. As a result of the actual separation, the associate justices of the trial division - Kathleen M Salii, Lourdes F Materne, and Oldiais Ngiraikelau - now dedicate the vast majority of their time doing trial work.

Last year also saw Chief Justice Arthur Ngiraklsong step down as the administrative judge for the Trial Division. That responsibility now lies with the Presiding Justice. Despite his departure, Chief Justice Ngiraklsong remains the administrative head of the entire judiciary.

Since the Trial Division associate justices no longer do appellate work, they now can devote more time to their trial work, which allows them to issue most of their decisions in a timely manner. This increased efficiency is important because people who come to court do so to resolve a dispute or seek justice for a wrong that has been committed against them. When the court drags its feet in issuing a decision, it essentially denies justice to these people. I am happy to report that since the separation of the justices, the Trial Division justices have performed well in issuing their decisions in a timely fashion. As always, the Trial Division strives to improve its services and continues in its efforts to make the court easily accessible to all.

You should not be satisfied with my claim that the Trial Division justices are doing their work well. The people best suited to measure the Trial Division's performance are those who regularly employ its services. These include the attorneys, litigants, and general public. In recognition of that fact, I invite you to write to the Trial Division with any comments, constructive criticisms, concerns, and issues you may have regarding any aspect of our services or performance. Please address your comments, issues, or concerns to the Presiding Justice's chamber clerk, Lue Dee Dechol Kotaro, at lkotaro@palausupremecourt.net.

Oldiais Ngiraikelau

Presiding Justice, Trial Division

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 Islands chain and is part of the larger island group of Micronesia. Palau consists of more than 340 islands, only 9 of which 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 President while legislative power is vested in 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 2017 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

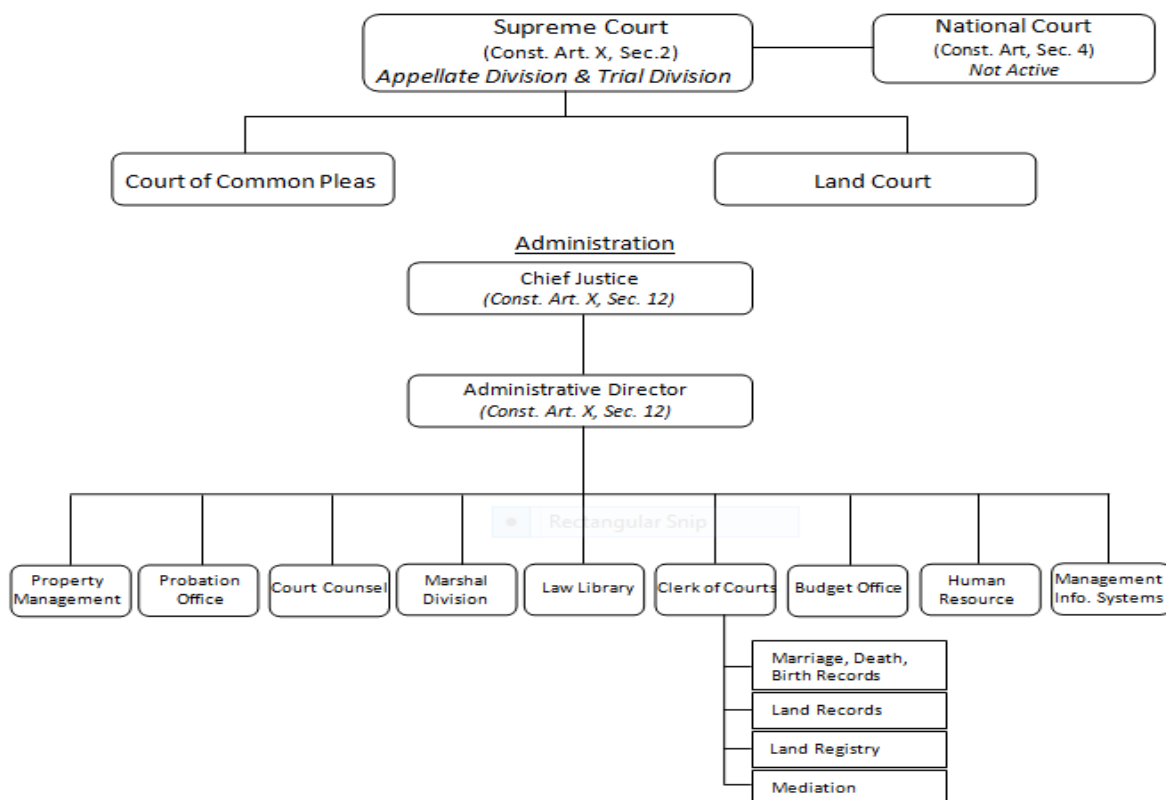
MISSION

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, in order 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. Organizational Chart – Palau Judiciary



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 the 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 matters (involving members of the Palau Bar) and other special proceedings.

The Supreme Court currently consists of a Chief Justice, a Presiding Judge of the Trial Division, 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, regardless of the amount claimed or in dispute. (Land cases are heard in the Land Court—See previous section). 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”), which was 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 always available to assist persons seeking orders of protection, both during the Court’s normal operating hours and during after-hours, if victims of abuse need 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

2017 Mechesil Belau Conference

14 September 2017 - Ngara Chamayong Cultural Center

Senior Judge Rudimch did a presentation on the data regarding Civil Domestic Abuse Cases and the Criminal Charges filed pursuant to the FPA

- **2017 Pacific Education Conference**

17 July 2017 – PCC Campus

Senior Judge Rudimch did a presentation on What is Domestic Violence; Your Rights and Duties; the Prevalence of DV in Palau; What You Can Do to Protect Yourself? 16 Things you can do to Help End Violence

- **“Healthy Family . . . A Foundation of Child Success”** – Hosted by the Ministry of Health and Ministry of Education

14 June 2017 – Emmaus-Bethania Campus

Senior Judge Rudimch gave a presentation entitled *What is Domestic Violence; Your Rights and Duties; the Prevalence of DV in Palau; What You Can Do to Protect Yourself; 16 Things you can do to Help End Violence*

- **International Women’s Day** – Hosted by Senator J. Uduch S. Senior in collaboration with Koror State Government and Koror State Rangers

8 March 2017 at the Koror State Assembly Hall



Domestic Violence for International Women’s Day hosted by Koror State Rangers and Senator U. Sengebau Senior. Senior Judge Rudimch presented on the prevalence and dynamics of domestic abuse

Trainings and Workshops

- **Airai Women FPA Presentation**
29 November 2017 – Aira Center



Senior Judge Rudimch gave a presentation entitled *What is Domestic Violence; Your Rights and Duties; the Prevalence of DV in Palau; What You Can Do to Protect Yourself? 16 Things you can do to Help End Violence.*



- **“I ♥ My Family” Family Protection Workshop** - FPA Stakeholders
(MCCA, Judiciary, MOH, MOJ) in collaboration with all Head Start Schools in Palau.



22 February – 15 May, 2017

Senior Judge Rudimch gave a presentation entitled *What is Domestic Violence; Your Rights and Duties; the Prevalence of DV in Palau; What You Can Do to Protect Yourself; 16 Things you can do to Help End Violence.* Some sessions were broadcasted live on the radio.

Senior Judge Rudimch at the End-to-End
Technology Training in Singapore – July 10-14,
2017



Feb 20 - 24, 2017, Port Vila, Vanuatu – Pacific Judicial Strengthening Initiative (PJSI) Project Management and Evaluation Workshop attended by Allison I. Sengebau. Purpose of the workshop was to strengthen capacity in designing, implementing, monitoring and evaluating projects.

June 12 - 23, 2017, Rarotonga, Cook Islands, PJSI Training of Trainers Workshop attended by Sherwin Yamanguchi and Clarinda Alexander. The aim of the workshop was capacity building, so that participants could acquire the knowledge and skills necessary to conduct trainings and help improve the quality of justice in their jurisdictions.



Court Staff Trainings:

June 28 - 29, 2017 - Trainings for Clerks and Marshals on Judiciary Information System (JIS) related issues conducted by MIS

September 21, 2017 - Training for Land Court secretaries regarding case status and other changes made to JIS pursuant to a PJSI sponsored *Timeliness and Efficiency Workshop* conducted by Ms. Jennifer Akers.

October 11, 2017 - Training on Clerks Office Procedures conducted by Sherwin Yamanguchi for the Ngerulmud Office staff. Subject matters included notary process, birth, death and marriage certificate issuance, land recordation, etc.,

October 23 - November 13, 2017 - Office Management, Administration & Etiquette Training conducted by Ms. Sandra S. Pierantozzi . This training was conducted daily from

5:30 -
6:30 pm
and
attended



by eighteen staff members. It was a refresher course aimed at improving and upgrading the administrative skills of the staff.



Syringa Gulibert, the assistant librarian/archivist and other court staff who completed this 3-week training received a certificate in Office Management and Administration.

Events

On October 28, 2016, President Tommy Remengesau, Jr., administered the



oath of office to two new Associates Justices. The incoming Justices, John Kyoshi Rechucher and R. Barrie Michelsen, were sworn in before an assembled audience of government officials, High Chiefs, family, friends, and other guests. Justices Rechucher



and Michelsen will serve in the Appellate Division of the Supreme Court of the Republic.

On July 15, 2016, President Tommy Remengesau Jr., appointed Oldiais Ngiraikelau to the position of Associate Justice of the Trial Division of the Supreme Court of the Republic of Palau.



Mr. Ngiraikelau was sworn in by President Tommy Remengesau, Jr. on January 6, 2017 and was appointed by Chief Justice Arthur Ngiraklsong as Presiding Justice of the Trial Division of the Palau Supreme Court.

On March 14, 2017, Federated States of Micronesia Chief Justice Dennis K. Yamase was sworn in as Associate Justice of the Appellate Division by Vice President Raynold Oilouch. Associate Justice Yamase joined the Appellate Division as a non resident justice who will serve when a conflict of interest is encountered by the Resident Justices of the Appellate Divisio



On May 22, 2017, Chief Justice Alexandro C. Castro of the Commonwealth of the Northern Mariana Islands (CNMI) was sworn in as an Associate Justice of the Appellate Division by President Tommy E. Remengesau, Jr. Associate Justice Castro joins the Appellate Division as a non-resident justice who will serve when a resident justice has conflict

of interest.

On July 03, 2017, Kevin Bennardo, Clinical Associate Professor of Law at the University of North Carolina School of Law was sworn in as an Associate Justice of the Appellate Division by Vice President Raynold B. Oilouch. After taking his oath of office, Associate Justice Bennardo was welcomed to the appellate bench by Chief Justice Ngiraklsong in a special session of the Appellate Division.



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 statistics 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*.

Year	Total Cases Filed(all Case Types)	Complaints against *JOs	Cases where no Complaint made against *JOs	Cases where Complaint made against *JOs
2014	1983	2	99.90%	0.10%
2015	2002	2	99.90%	0.10%
2016	1827	0	100.00%	0.00%
2017	3115	0	100.00%	0.00%

*JO – Judicial Officers – Judges

There were no cases filed against a judicial officer in 2017.

There were 2 complaints made against Judiciary staff in 2017. Cases were filed against the court employee involved and were later dismissed for lack of jurisdiction.

IX. Case Management, Clearance Rates, Average Duration

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.

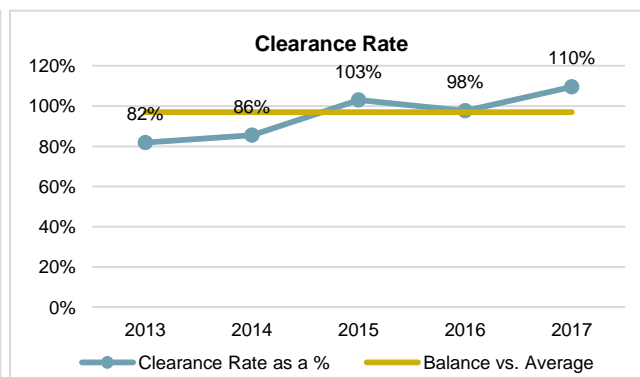
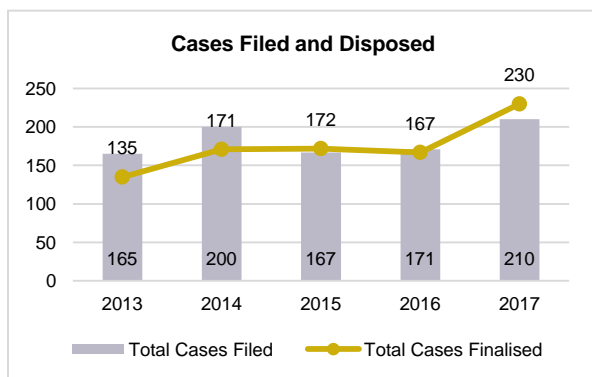
A. Supreme Court

1. Trial Division

Criminal Cases (CR)

Clearance Rate

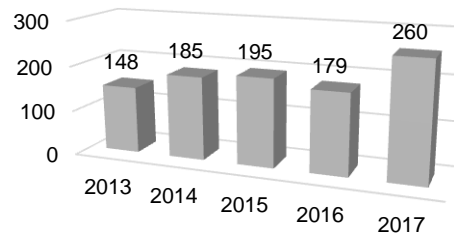
Year	Filed	Disposed	Clearance Rate as a %
2013	165	135	81.82%
2014	200	171	85.50%
2015	167	172	102.99%
2016	171	167	97.66%
2017	210	230	109.52%



Average Duration

Year	Cases Disposed	Average Days Disposal Time
13	135	148.34
2014	171	184.71
2015	172	195.02
2016	167	179.26
2017	230	259.88

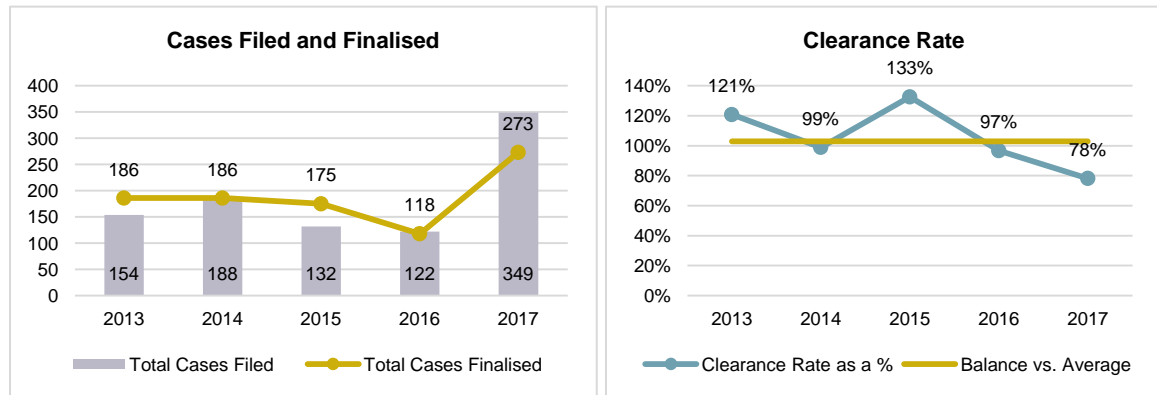
Average Duration of a Case (in days)



Civil Cases (CA)

Clearance Rate

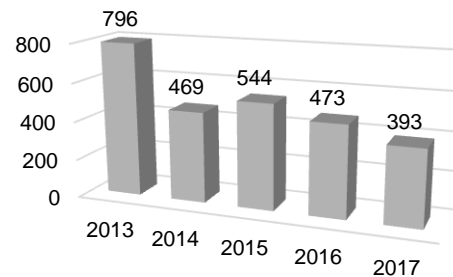
Year	Filed	Disposed	Clearance Rate as a %
2013	154	186	120.78%
2014	188	186	98.94%
2015	132	175	132.58%
2016	122	118	96.72%
2017	349	273	78.22%



Average Duration

Year	# of Disposed Cases	Average # of Days – Disposal Time
2013	186	796.06
2014	186	469.34
2015	175	544.16
2016	118	473.31
2017	273	392.60

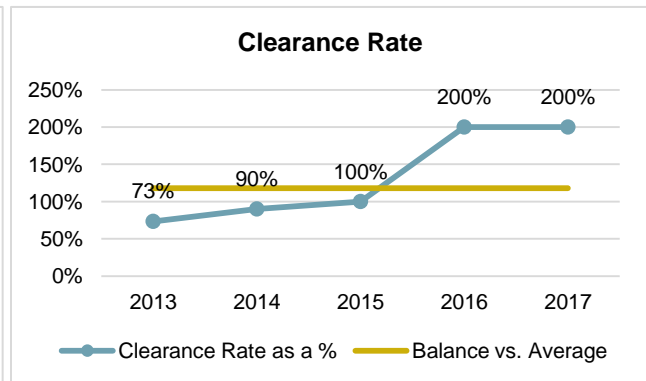
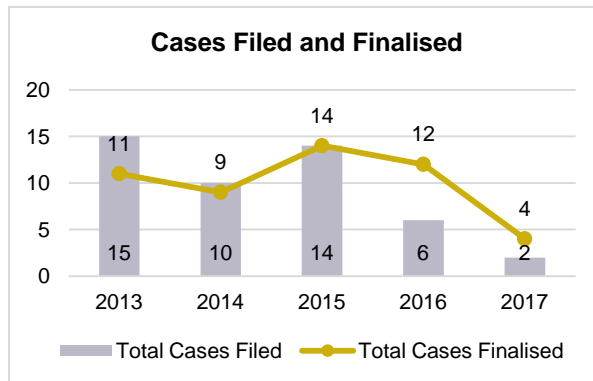
Average Duration of a Case (in days)



Juvenile Cases (JV)

Clearance Rate

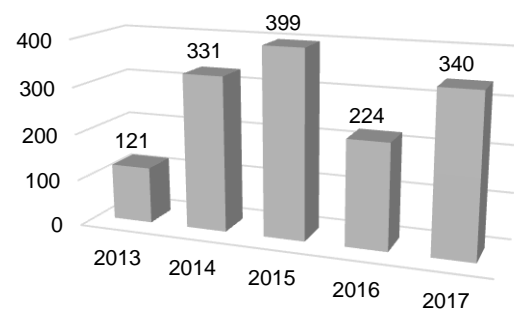
Year	Filed	Disposed	Clearance Rate as a %
2013	15	11	73.33%
2014	10	9	90.00%
2015	14	14	100.00%
2016	6	12	200.00%
2017	2	4	200.00%



Average Duration

Year	# of Disposed Cases	Average # of Days – Disposal Time
2013	11	120.82
2014	9	330.89
2015	14	398.79
2016	12	224.08
2017	4	339.50

Average Duration of a Case (in days)

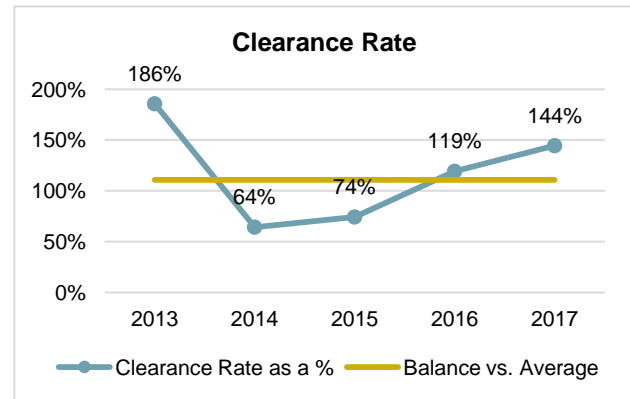
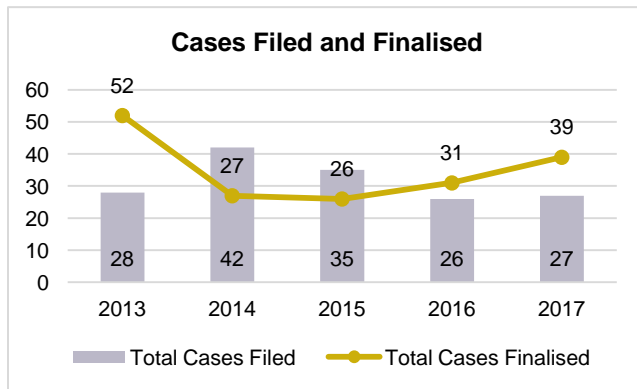


2. Appellate Division

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

Clearance Rate

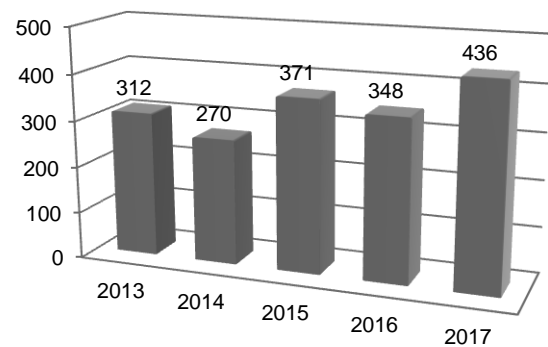
Year	Filed	Disposed	Clearance rate as a %
2013	28	52	185.71%
2014	42	27	64.29%
2015	35	26	74.29%
2016	26	31	119.23%
2017	27	39	144.44%



Average Duration

Year	Total Cases Finalised	Average Days Disposal Time
2013	52	312.04
2014	27	269.85
2015	26	371.04
2016	31	347.81
2017	39	436.21

Average Duration of a Case (in days)



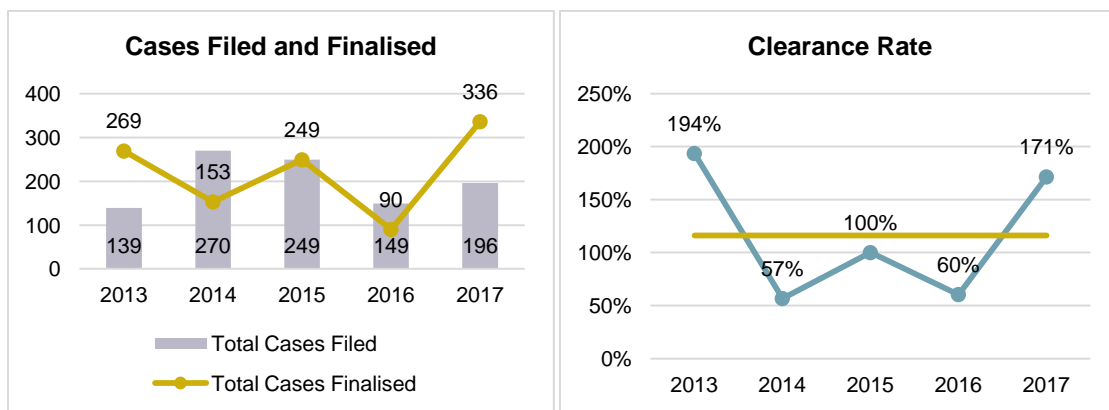
3. Land Court

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.

Land Court Cases (LC)

Clearance Rate

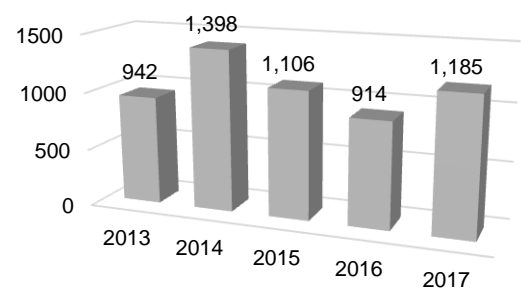
Year	Filed	Disposed	Clearance Rate as a %
2013	139	269	193.53%
2014	270	153	56.67%
2015	249	249	100.00%
2016	149	90	60.40%
2017	196	336	171.43%



Average Duration

Year	Total Cases Finalised	Average Days Disposal Time
2013	269	942.06
2014	153	1398.50
2015	249	1106.43
2016	90	913.94
2017	336	1185.05
Total:	1225	1105.73

Average Duration of a Case (in days)

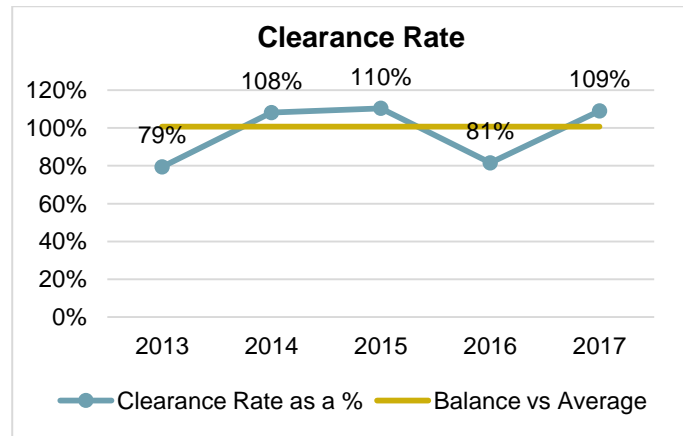
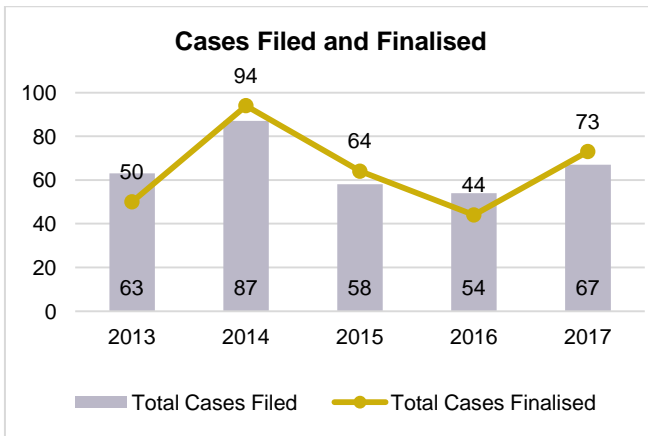


B. Court of Common Pleas

Small Claims (SM)

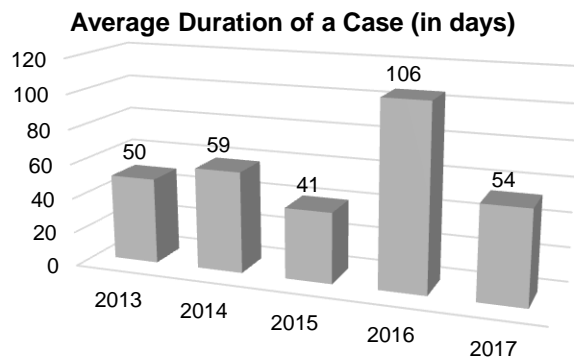
Clearance Rate

Year	Filed	Disposed	Clearance Rate as a %
2013	63	50	79.37%
2014	87	94	108.05%
2015	58	64	110.34%
2016	54	44	81.48%
2017	67	73	108.96%



Average Duration

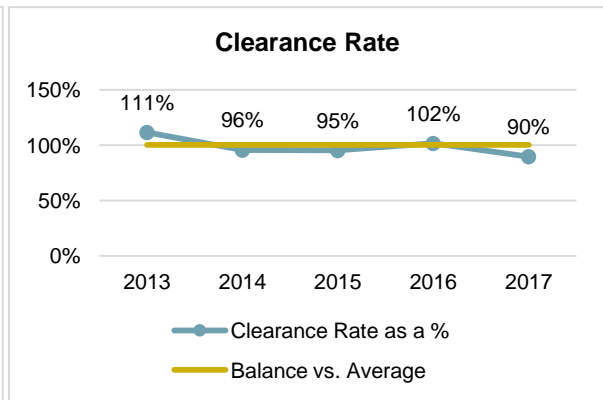
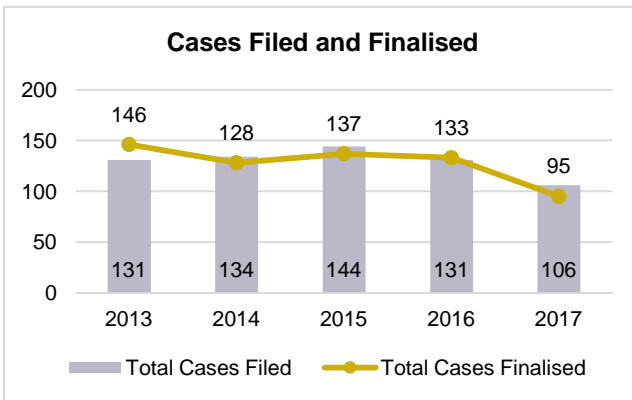
Year	Total Cases Finalised	Average Days Disposal Time
2013	50	49.72
2014	94	58.64
2015	64	40.86
2016	44	105.82
2017	73	54.03



Common Plea/Civil Action (CP/CA)

Clearance Rate

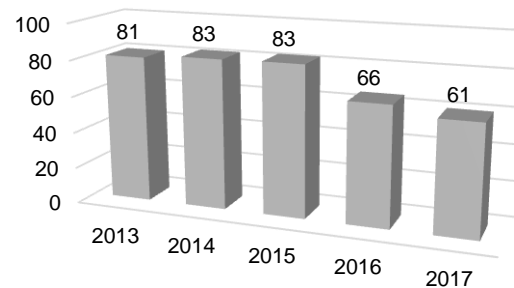
Year	Filed	Disposed	Clearance Rate as a %
2013	131	146	111.45%
2014	134	128	95.52%
2015	144	137	95.14%
2016	131	133	101.53%
2017	106	95	89.62%



Average Duration

Year	Total Cases Finalised	Average Days Disposal Time
2013	146	80.69
2014	128	82.65
2015	137	83.14
2016	133	65.89
2017	95	60.83

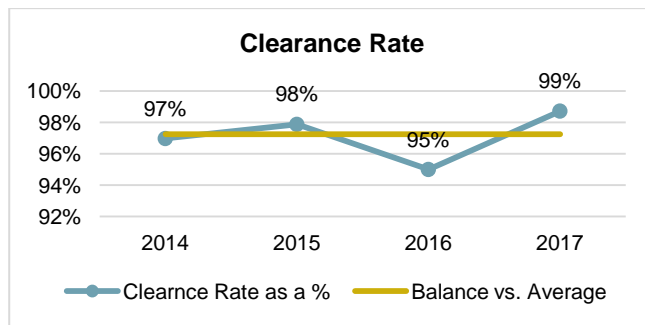
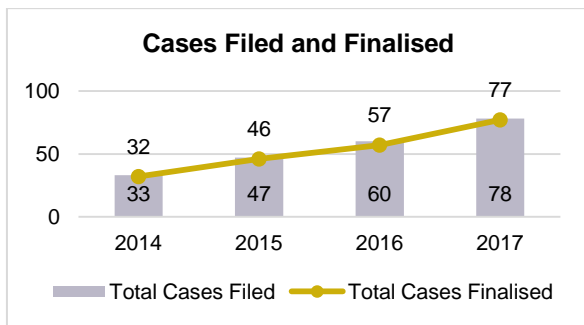
Average Duration of a Case (in days)



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

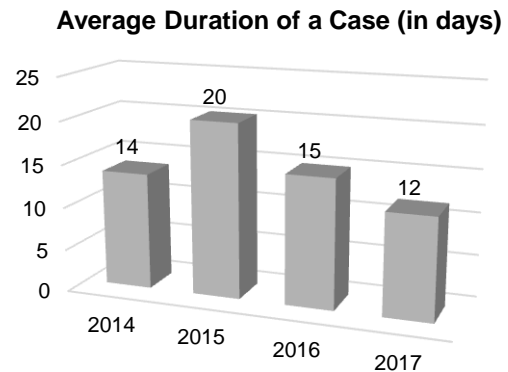
Clearance Rate

Year	Filed	Disposed	Clearance Rate as a %
2014	33	32	96.97%
2015	47	46	97.87%
2016	60	57	95.00%
2017	78	77	98.72%



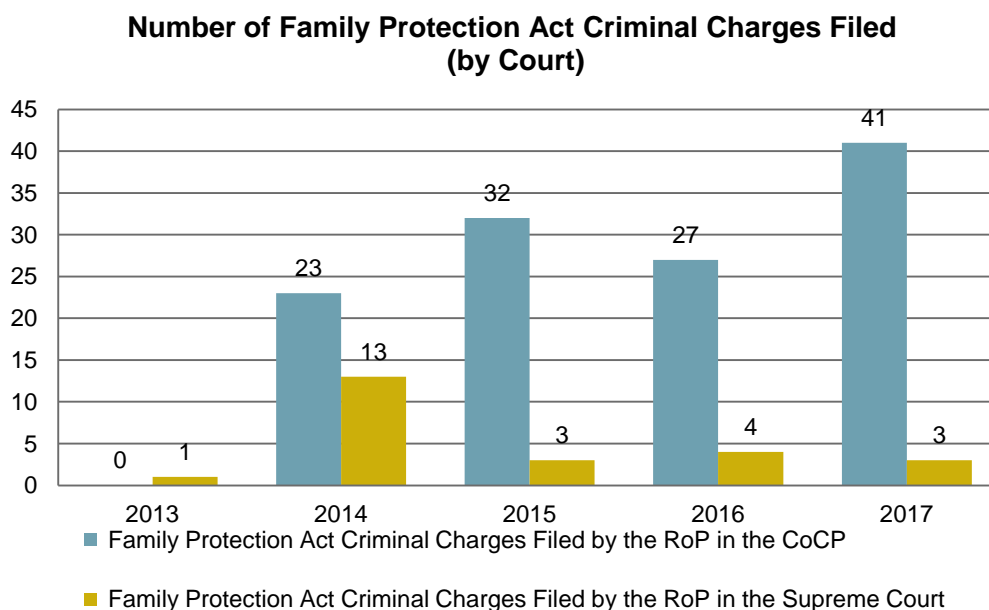
Average Duration

Year	Total Cases Finalised	Average Days Disposal Time
2014	32	13.63
2015	46	20.35
2016	57	15.09
2017	77	11.91



Criminal and Civil Cases Filed Under the Family Protection Act

Criminal cases filed pursuant to the Family Protection Act are heard in both the Trial Division of the Supreme Court and the Court of Common Pleas. The data below summarises the trend in the cases filed from 2013-2017.

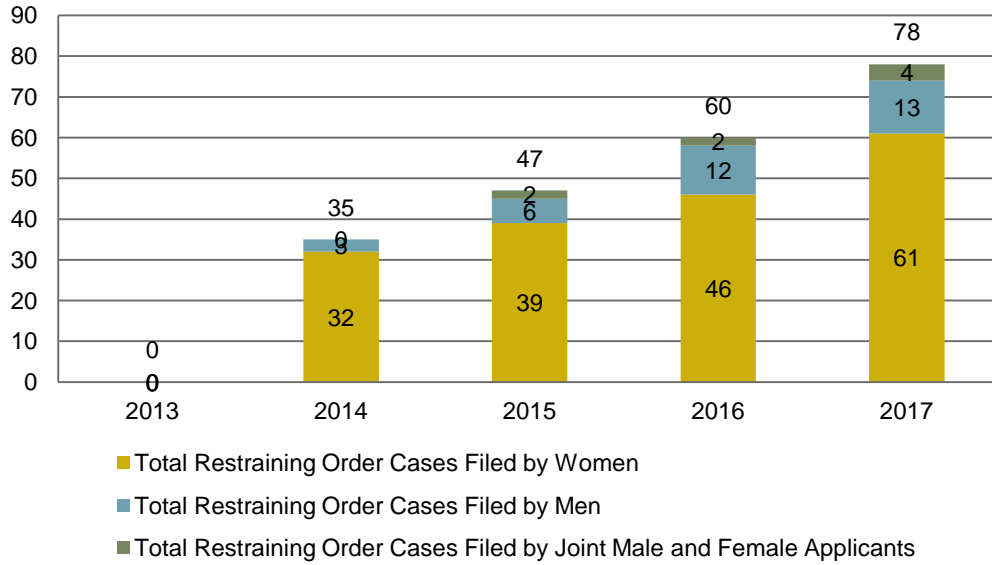


The number of cases filed in 2017 have almost doubled in the Court of Common Pleas.

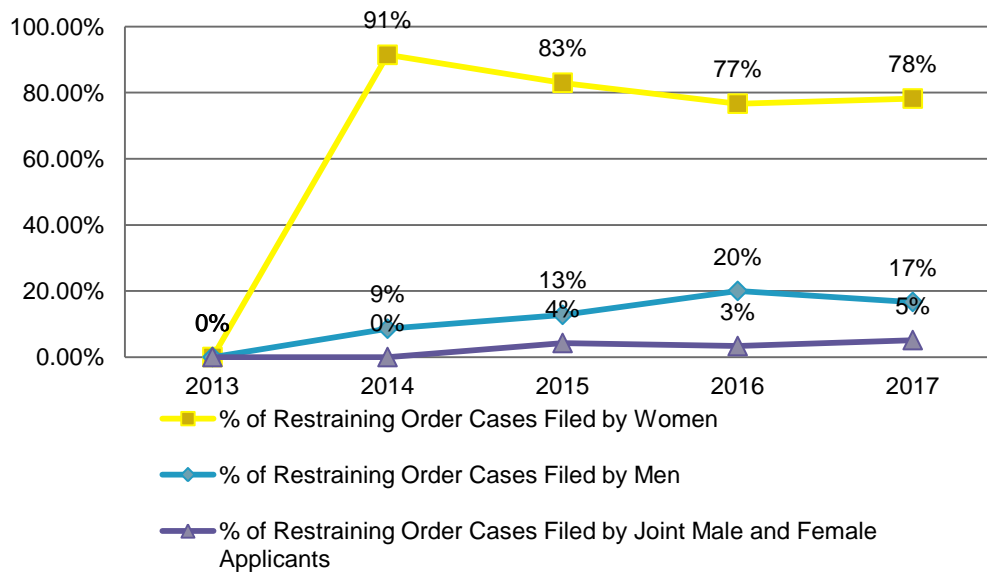
Civil Domestic Abuse Protective Order cases on the other hand are filed in the first instance in the Court of Common Pleas, but will be transferred to the Trial Division of the Supreme Court if there is a conflict or the Senior Judge is unavailable.

The domestic abuse protective order cases have continued to rise. The charts below present some the trends.

Restraining Order Cases Filed by Sex

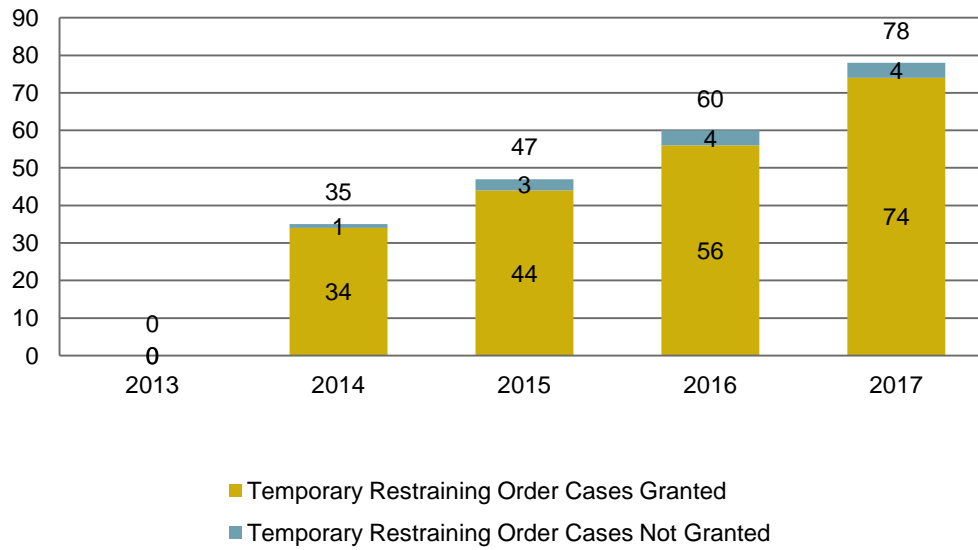


Restraining Order Cases Filed by Sex (as %)

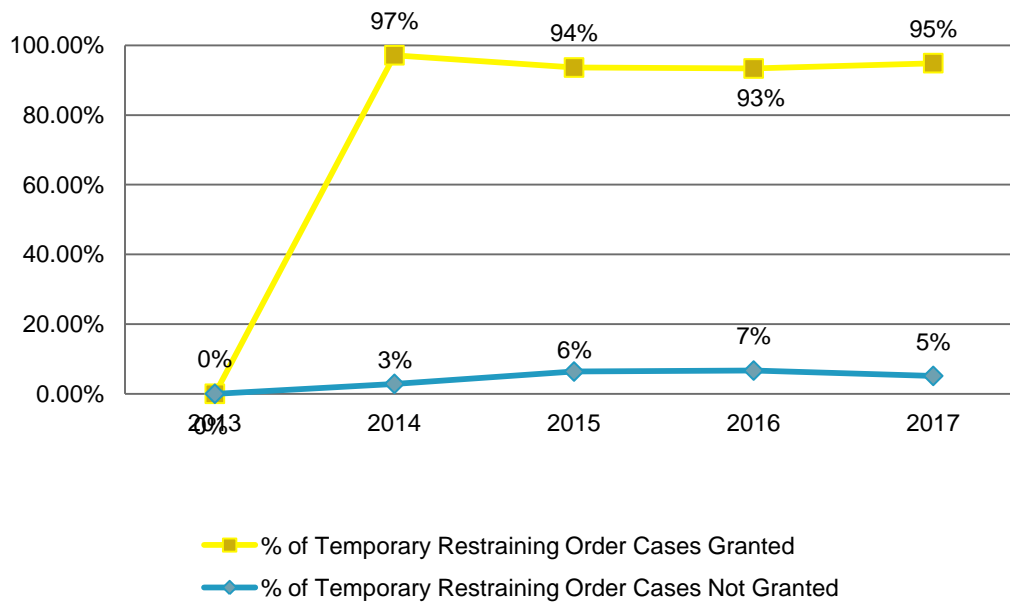


- 81% of the case since 2013 are filed by women
- 15% of the cases are filed by men
- 3% are filed by multiple victims

Restraining Order Cases Granted / Not Granted

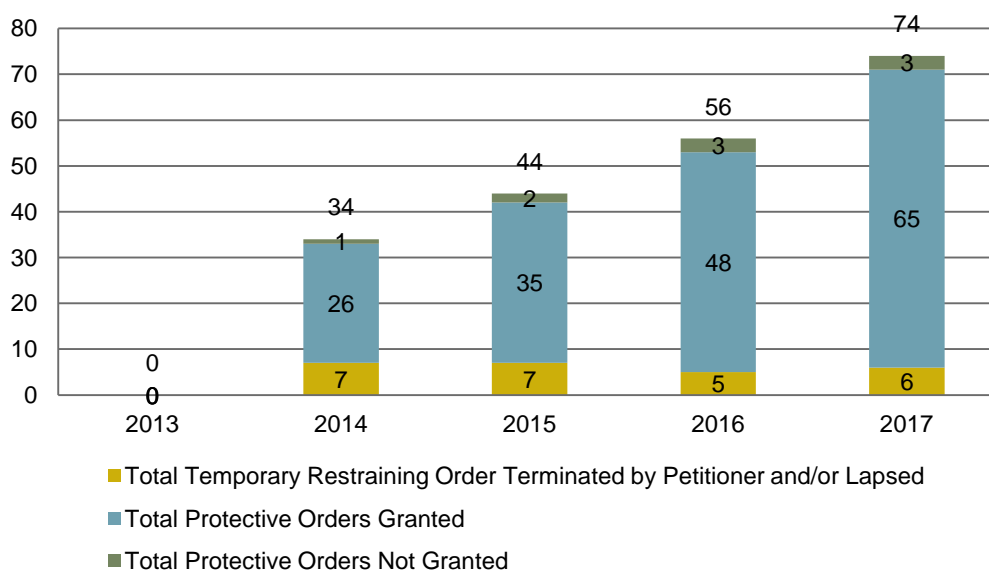


Restraining Order Cases Granted / Not Granted (as %)

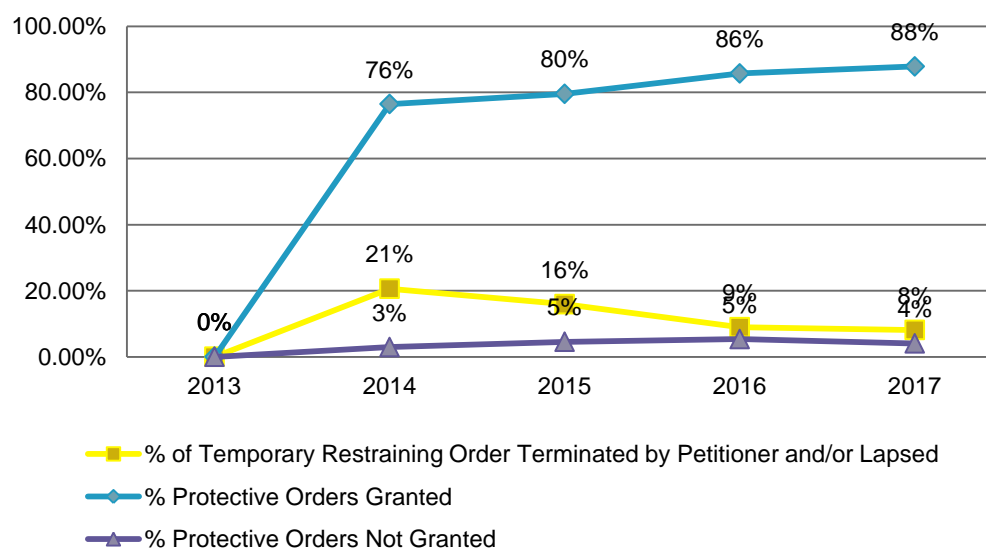


- 95% of the cases filed since 2013 were granted an initial temporary restraining order and only 5% were denied.

Total Protective Order Cases Finalised



Total Protective Order Cases Finalised (as %)



- 79% of the cases were granted a final protective order; only 4% were denied; while 11% of the cases were terminated by the Petitioner or lapsed.

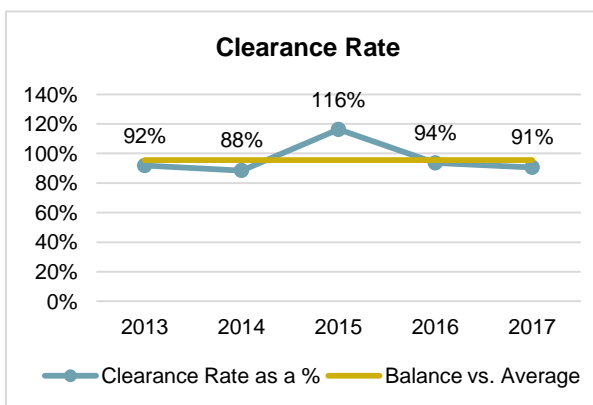
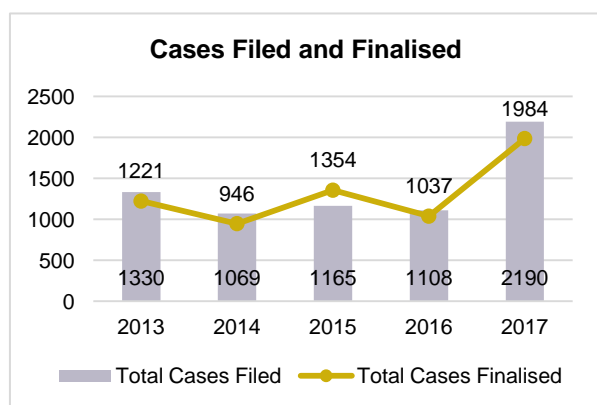
Citations (ABC, ASG, DRT, EHC, KSG, ROP, MCC, JTC, JDC, WSC)

There were two thousand one hundred ninety (2,190) citations filed in 2017. The large majority of these cases were heard in the Court of Common Pleas (COCP). If the COCP judge has a conflict, a case is transferred to a Justice in the Supreme Court.

Citations comprise the majority of the COCP's case load, 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 alleged offender must appear before the Court.

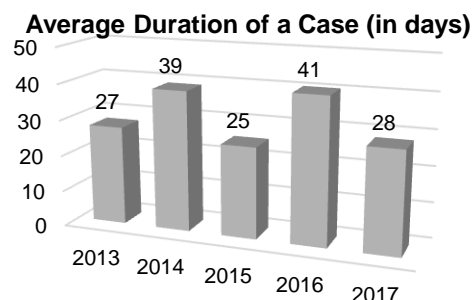
Clearance Rate

Year	Filed	Disposed	Clearance Rate as a %
2013	1330	1221	91.80%
2014	1069	946	88.49%
2015	1165	1354	116.22%
2016	1108	1037	93.59%
2017	2190	1984	90.59%



Average Duration

Year	Total Cases Finalised	Average Days Disposal Time
2013	1221	27.49
2014	946	38.99
2015	1354	25.39
2016	1037	40.56
2017	1984	28.39



Below is the breakdown of each different type of Citations filed and Disposed for 2017:

Citation Type	Filed	Disposed
ABC Board (ABC)	7	7
Airai State Government (ASG)	1	3
Div. of Revenue & Taxation(DRT)	10	8
Koror State Government (KSG)	34	30
Republic of Palau (ROP)	1948	1795
Marijuana Citations (MCC)	15	10
Juvenile Citations (JTC & JDC)	148	112
Water Safety Citations (WSC)	23	19

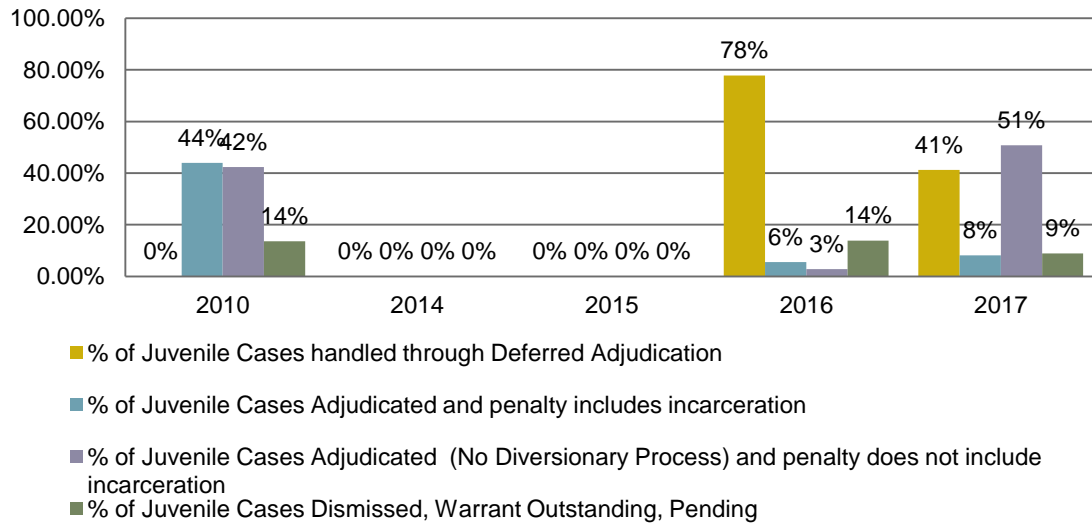
Juvenile Citations

Juveniles continue to be offered the deferred adjudication process under the Penal Code in cases where the court determines that justice and the welfare of society do not require that an accused incur the penalty imposed by law. The procedure can only be offered once and cannot be used in serious offenses against another person.

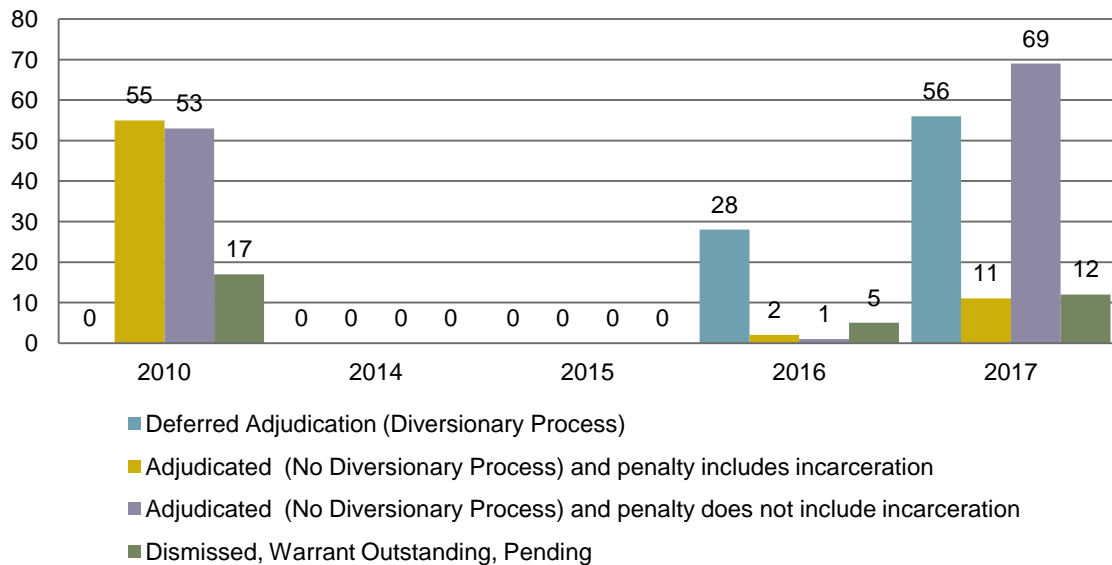
In 2017, there were 148 citations issued against juveniles. This was a drastic increase compared to the 34 filed in 2016. Of these citations, 113 were boys and 35 were girls. 56 cases or 41% went through the deferred adjudication process, while 69 or 51% of the cases received probation, a fine, or community service. 11 or 8% of the cases received a punishment that included incarceration. The Public Defenders Office represented all the juveniles.

Although the percentage of juveniles with a record of their juvenile delinquency increased compared to 2016, all juvenile records are still sealed from the public.

Outcomes for Juvenile Citations in the CoCP (as %)



Outcomes for Juvenile Cases in the CoCP



The Palau Judiciary continues to recognize the importance of improving the system of Juvenile Justice and entered into an Amended Memorandum of Understanding Concerning Juvenile Procedures on November 28, 2017 with the other major stakeholders (Bureau of Public Safety/Narcotics Enforcement Agency, Attorney General's Office, and the Public Defender's Office) to further clarify the procedures and re-enforce the commitment to improve the Juvenile system.

I. Accessibility and Fairness

The Judiciary strives to make the courts accessible to all. As part of this effort, it provides fee waivers, conducts annual public surveys, and maintains 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, if necessary, clerks can notarize documents in the parking lot.

A. Free Legal Aid

In 2017, about 170 parties in civil action(CA) cases, 51 parties in common pleas/civil action(CPCA) cases, 212 parties in criminal (CR) cases, 908 parties in Citation cases, 5 parties in juvenile cases and 3 parties in small claims cases received free legal aid.

2017				
Case Type	Public Defender	MLSC*	Court Appointed	Total
Civil	2	168	0	170
CPCA	0	51		51
Criminal	211		1	212
Citations	902		6	908
Juvenile	5			5
Small Claims		3		3
Total:	1120	222	7	1349
*Micronesian Legal Service Corporation				

B. Court Fee Waiver

A 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://www.palausupremecourt.net>).

In 2017, there were four (4) requests for fee waivers, three (3) were granted and one (1) was denied.

State governments, government agencies, semi-government agencies, authorities, commissions, and boards are not required to pay the filing fee but are 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.

The Administrative Office is responsible for the overall management, services, and support provided to the Palau Judiciary. Services provided include support for 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 assigned matters. This office oversees the administrative functions of the Judiciary and coordinates with other offices.

C. Office of the Clerk of Courts

1. Trial Division

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 and is responsible for overall case management, including maintaining the files for all types of cases (civil and criminal actions, petitions, special proceedings, small claims, etc); ; accepting new case filings, and processing, disposing and distributing all legal pleadings. 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.

a) Birth, Death, and Marriage Records

Birth Records

Three hundred and fifty two (352) birth certificates were recorded at the Office of the Clerk of Courts in 2017.

2017	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	TOTAL
REGULAR	13	18	43	16	18	17	5	22	7	19	14	4	196
OUTSIDE	17	12	7	12	19	14	23	22	4	13	10	0	153
LATE BIRTH	1	1	0	0	0	0	1	0	0	0	0	0	3
TOTAL	31	31	50	28	37	31	29	44	11	32	24	4	352

Death Records

One hundred and forty six (146) death certificates were recorded at the Office of the Clerk of Courts in 2017.

2017	JAN	FEB	MAR	APR	MAY	JUN	JULY	AUG	SEPT	OCT	NOV	DEC	TOTAL
DOMESTIC	6	22	12	12	18	10	8	16	16	10	8	1	139
FOREIGN	2	0	1	0	1	0	0	1	0	1	1	0	7
TOTAL	8	22	13	12	19	10	8	17	16	11	9	1	146

Marriage Records

One hundred and seventy seven (177) marriage certificates were recorded at the Office of the Clerk of Courts in 2017.

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	
CITIZEN	3	4	7	2	5	10	6	5	6	4	6	0	58
NON-CITIZEN	2	6	3	3	2	4	6	5	3	3	5	3	45
CUSTOMARY	5	3	6	3	5	8	7	4	6	4	6	4	61
FOREIGN	1	2	2	1	0	4	0	0	2	1	0	0	13
TOTAL	10	15	18	9	12	26	19	14	17	12	17	7	177

b) Land Records

One thousand five hundred fifty seven (1,557) land records were recorded at the Office of the Clerk in 2017.

	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	YEARLY TOTAL
CT	25	38	21	23	5	48	38	55	99	69	85	43	549
D.O.	0	0	0	4	1	33	56	37	105	59	32	47	374
DEED	10	9	22	14	6	15	19	12	5	17	16	9	154
LEASE	16	28	35	27	13	16	25	29	20	18	35	20	282
MORTGAGE	8	5	5	13	4	9	14	16	6	11	10	18	119

LAND USE RIGHT	3	1	4	3	1	2	4	6	3	5	3	3	38
OTHERS	3	4	15	2	0	3	0	1	5	6	1	1	41
TOTAL	65	85	102	86	30	126	156	156	243	185	182	141	1557

c) 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 2017, five hundred and fifty four (554) Certificate of Titles (CT) were issued by the office of the Land Registry

2017	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
CT issued based on DO	0	29	2	1	13	9	24	14	82	25	45	10	254
Transfer by Court Order	12	5	10	3	1	5	20	4	5	27	4	21	117
Transfer by Deed	10	3	6	19	9	4	11	24	12	14	13	4	129
Replacement/Lost Certificates	2	0	2	2	0	0	0	4	0	0	3	3	16
Re-Issue (Change of Trustee/Name Change or Correction)	0	0	0	0	1	0	1	0	0	1	0	0	3
Re-Issue - Parcel Split	0	1	0	0	7	2	2	3	0	10	5	5	35
TOTAL	24	38	20	25	31	20	58	49	99	77	70	43	554

In addition to the Certificates of Title mentioned above, four hundred twenty three (423) land documents were recorded with the Land Registry in 2017.

2017	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
Deeds	9	8	19	16	12	5	14	14	10	14	14	7	142
Mortgages	3	1	3	11	1	5	3	8	3	6	3	15	62
Finalized Maps	0	14	3	5	0	4	7	12	0	10	2	1	58
Miscellaneous	10	10	30	14	5	5	9	14	8	27	17	11	160
Easements	1	0	0	0	0	0	0	0	0	0	0	0	1
TOTAL	23	33	55	46	18	19	33	48	21	57	36	34	423

In line with the Judiciary's goal of digitizing all records, the Land Registry has been actively scanning and uploading case files. In 2017, the Land Registry has scanned and uploaded eight hundred thirteen (813) land case files.

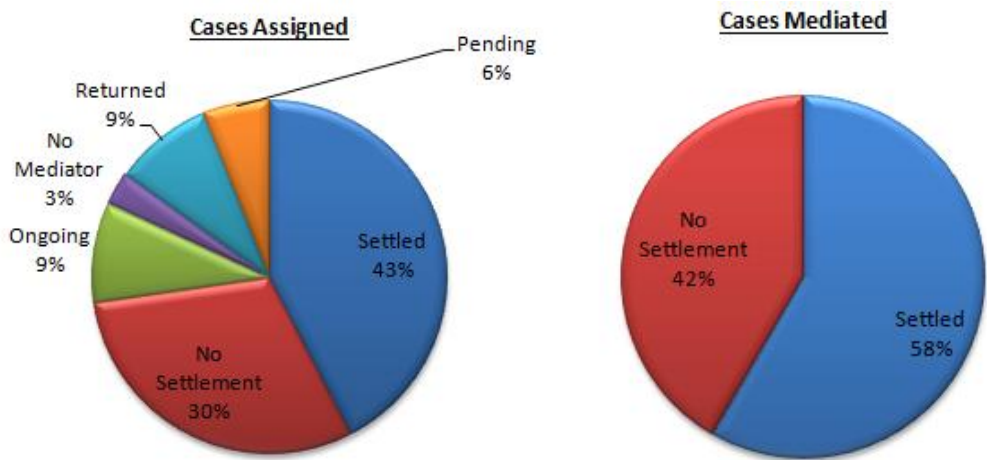
d) Land Court Mediation

In 2017, sixty eight (68) of the new cases brought to Land Court were assigned to the Land Court Mediation section. Five (5) of them were partially resolved through mediation, forty five (45) were fully resolved,

seventeen (17) were not resolved and were returned to the judge, and one (1) is still pending result from the mediation.

e) 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. 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 2017 the caseload of the Supreme Court Mediation section consisted of thirty-three (33) civil cases. Fourteen of the 33 cases were settled through mediation,10 had no way of settling, 3 are still Ongoing mediation, 1 case has no mediator, 3 cases were returned back to the judge, and 2 are still pending (looking a mediator or waiting for the parties to set a date) .



The mediation program had a success rate of 58% in 2017.

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

f) Jury Section

Providing for a jury trial for defendants accused of a criminal offense punishable by a sentence of twelve (12) years or more was one of the 22 proposed constitutional amendments at the November 2008 general election. The people voted and as a result it became the ninth amendment of the Constitution of the Republic of Palau. On January 8, 2010, RPPL 8-12, the law providing for jury trials was enacted. The Supreme Court was then tasked with promulgating rules and regulations to implement the act. On April 28, 2010 the Jury Trial Rules for the Courts of the Republic of Palau was promulgated.

In 2017, 16 cases were qualified for jury trial. Plea agreements between the Republic and the defendants were signed in ten (10) of the cases. Three of the cases were dismissed and two cases went to trial. Of the two cases that went to trial, one resulted in a guilty verdict and one resulted in an acquittal. One case is still pending. All in all, 7255 jury summons were issued and 1,439 were executed.

The judiciary continues to strive to improve its jury trial process and thanks all for fulfilling their civic duty when summoned as a juror.

2. Appellate Division

The mission of the Clerk of the Appellate Court is to provide courteous, efficient, and professional service to the courts and public.

On February 5, 2016, President Tommy Remengesau Jr., signed into law Public Law no. 9-55, and it is through this law that the OEK appropriated funds "for the purposed of implementing the separation of personnel within the trial and appellate divisions by hiring new personnel for both divisions of the Palau Supreme Court." On December 15, 2016, the public was notified of revised proposed "Rules Implementing the Separation of the Justices" and invited to comment. "Rules Implementing the Separation of the Justices" was then promulgated January 5, 2017.

The Appellate Division staff was completed with the hiring of the Chief and Deputy Appellate Clerks.

Three additional non-resident Appellate Justices (Dennis K. Yamase, Alexandro C. Castro, and Kevin Bennardo) were appointed as Part Time Associate Justices for the Appellate Division.

This new separated Appellate Court held its first Oral Argument on January 12, 2017 in



Vernice Rechebei
Chief Appellate Clerk



Courtroom 202 at Melekeok. It was presided over by Chief Justice Arthur Ngiraklsong. On the bench with him were Associate Justice John K. Rechucher and Associate Justice R. Barrie Michelsen.

D. 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, and monitoring juvenile and adult probationers on curfew or house arrest. The marshals are also authorized to make court-ordered arrests.

When serving as courtroom bailiffs, marshals ensure that the courtroom is ready for court proceedings and maintain peace and order throughout proceedings.

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.

E. Probation Office

In 2017, the Probation Office supervised 354 active probationers (330 adults and 24 Juveniles). Additionally, the Probation Office supervised 48 deferred adjudications (34 adults and 14 juveniles).

Highlights:

- In February, Probation Officers were assigned to each Judge.
- In July, Mr. Young Sikyang Jr. (formerly from the Marshall Division) became the new Probation Officer, replacing Morales S. Ramarui, who unexpectedly resigned in May 2017. Mr. Sikyang has been with the Palau Judiciary for 8 years. He recently graduated from Palau Community College in May 2016 with an AA degree in Criminal Justice.
- The Probation Office finally procured its own vehicle (a 4 door Japanese made sedan) and a new printer.

Conference:

- 2 Probation Officers attended Social Work Conference sponsored by the Behavioral Health Division of the Ministry of Health with special guest Ms. Gregoria Rirou, from July 18 to 19, 2017.

Training and Workshop:

- 2 Probation Officers attended and completed the 2017 Pacific Judicial Council Probation Officer's Training in "Effective Community Supervision in the 21st Century" held in Guam from June 3 to 5, 2017
- Probation Officers attended PJSI Training at Pablo Ringang Conference Room on June 23, 2017
- 2 Probation Officers attended an Opioid Training for Palau STR Project with a special guest from UCLA, Victoria Norita, held on October 31, 2017.

Events:

- In partnership with the Upward Bound Program, the Probation Office hosted a Palau High School Senior as an intern for three months, from February to May, 2017.
- The Office assisted two PCC Cohort Master's Program candidates with their research on the topic of "Juvenile Delinquency in Palau" by holding discussions on February 15 and 21, 2017.
- A Probation Officer was a Guest Speaker at the 23rd National Law Enforcement Academy Training on June 27, 2017.

F. Law Library

The Singichi Ikesakes Law Library in Koror and Moses Mokoll Law Library in Ngerulmud welcome attorneys, judges, and the general public.

Together, these Libraries house over 14, 000 volumes, including many up-to-date legal publications. In the near future, the libraries aim to have most statutes, regulations, and judicial

decisions available online. The Libraries also send selected Palau cases to the Pacific Islands Legal Information Institute (PacLII) so that they are available for research in the Pacific Region.

The recent renovation of Ikesakes Library in Koror has given it a facelift, including new tiled flooring and a better display of Palauan artifacts in the Carlos H. Salii Memorial Library (located within the



Ikesakes Law Library). The Court Gallery in Ngerulmud now displays a pictorial history of the Palau Supreme Court, from its transition as the Trust Territory Court to the Palau Supreme Court, and includes the recent separation of the Trial and Appellate Divisions.

G. 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. The members of the public can also do research on Land documents through this database system at the Singchi Ikesakes Law Library.



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. This system aids the court in case management, resource management, and administrative services. The court continues to seek ways to utilize technology to provide better customer service.

In 2017, a big addition to the Judiciary website was completed, the [Decision Search Page](http://www.palausuprmecourt.net:8088/) (<http://www.palausuprmecourt.net:8088/>). The public is now able to access and do a text-search of all published court decisions on its website.

Also in 2017, MIS hosted an Information Technology (IT) Intern Student for the first time, Earvin Sinaichi Wong. Earvin completed a six-month internship as part of his Bachelor's Degree from Fiji National University in Suva. After his internship, Mr. Wong was hired as a permanent employee with the department as a Computer Technician. MIS welcomes students who wish to do their internship in IT. The Judiciary's office of Human Resource has all the relevant information and can be contacted at 767-2607.

H. 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 forecasts; (9) grants; and (10) budget.

The office provides a comprehensive financial management system that is efficient, effective, independent, and accountable.

2. Property Management Office

II. The Property Management Office is a support section that procures supplies, materials, equipment, 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 the maintenance practices and inventory of the Judiciary's capitalized and non-capitalized assets for cost savings, accessibility and efficiency.

I. 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 one-year contracts who are recruited from federal and state courts in the U.S.

J. 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 Office's overall goal of providing a well versed workforce for 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. Chief Justice Ngiraklsong encourages court employees to continue their education.

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 the Summer Work Experience Program (SWEP), provide college internship programs, and offer career support to students interested in working for the Palau Judiciary.

1. Court Personnel (As of March 2018)

<u>Name</u>	<u>Title</u>	<u>Length of Service with Judiciary</u>
<u>Judges</u>		
Arthur Ngiraklsong	Chief Justice	31 years & 6 months
John K. Rechucher	Associate Justice	1 year & 5 months

R. Barrie Michelsen	Associate Justice	9 years & 8 months
Kathleen M. Salii	Associate Justice	17 years & 6 months
Mary Lourdes F. Materne	Associate Justice	15 years & 10 months
Oldiais Ngiraikelau	Presiding Justice, Trial Division	1 year & 2 months
Honora E.R. Rudimch	Senior Judge, COCP	12 years & 4 months
Rose Mary Skebong	Associate Judge, Land Court	25 years & 10 months
Salvador Ingereklii	Associate Judge, Land Court	14 years & 10 months

5 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	4 years
Katherine A. Maraman	Part-Time Associate Justice	9 years
Dennis K. Yamase	Part-Time Associate Justice	1 year
Alexandro C. Castro	Part-Time Associate Justice	10 months
Kevin Bennardo	Part-Time Associate Justice	8 months

5 male Part-time judges and 2 female Part-time judges

Court Counsels

Weatherly Schwab	Senior Court Counsel	5 months
Cheryl Friedman	Court Counsel	7 months

2 female Court Counsels and no male

Office of the Chief Justice

Luisa Kumangai	Special Assistant to the Chief Justice	15 years & 9 months
Leia E. Taro	Chambers Administrator	2 weeks

2 females and no males in the Office of the Chief Justice

Administration

Hasinta Tabelual	Human Resource Specialist	14 years & 4 months
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1 female and no males in the Administration office

Budget Office

Marcella April	Senior Budget Officer	25 years & 1 mo.
Lorena Miyuki	Accounts Specialist	22 years & 1 mo.
Bridget Iyar	Senior Accounts Specialist	2 years & 5 months
Eden Benhart	Accounts Specialist	5 months

4 females and no males in the Budget Office

Clerk of Courts – Trial Division

Allison Sengebau	Clerk of Courts(Trial Division)	20 years & 3 months
Sherwin Yamanguchi	Courtroom Clerk Interpreter III	18 years & 1 months
Juanita Udui	Land Title Registrar	28 years & 4 months
Clarinda S. Alexander	Chamber Clerk(assigned to AJ Salii)	28 years & 4 months
Madeline Tengeluk	Case Management Coordinator	10 years & 4 months
Myla M. Oimei	Courtroom Clerk Interpreter I	10 years & 4 months
Viola Stephanus	Chamber Clerk (assigned to SJ Rudimch)	14 years & 11 months
Sherene Adolf	Courtroom Clerk Interpreter I	10 years & 4 months
Leoniza S. Chiokai	Land Title Doc. Technician	16 years & 5 months
Ikrebai Blesam	Clerk IV (assigned to AJ Materne)	16 years & 10 months
Lue Dee Kotaro	Courtroom Clerk Interpreter I	3 years & 6 months
Sylver Swenny	Courtroom Clerk Interpreter I	4 years & 1 month
Efrecia Kazuma	Clerk II	3 years & 10 months
Zonalynn Jonathan	Courtroom Clerk Interpreter I	2 years & 10 months
Bris Ulechong	Clerk	1 year & 5 months
Biusech Tabelual	Chamber Clerk(assigned to PJ Ngiraikelau)	10 months

Bodarylenn Ngiraibai	Clerk	1 year 4 months
Edward Anastacio	Courtroom Clerk-Interpreter I	4 month

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

Clerk of Court - Appellate Division

Vernice Rechebei	Appellate Chief Clerk of Court	1 year & 2 months
Lovey Alfonso	Clerk	1 year & 2 months
Jaime Nagata	Chamber Clerk(assigned to AJ Michelsen	6 months
Renita Lomax	Chamber Clerk(assigned to AJ Rechucher	3 months

4 female in Clerk of Court Appellate Division

Law Library

Halora Paulus	Law Librarian	2 years & 8 months
SyringaGulibert	Asst. Law Librarian/Archivist	4 year & 2 months

2 female and 0 males in the Law Library

Marshal Division

Florence J. A. Sokau	Chief Marshal	10 years & 11 months
Dave Tarimel	Court Marshal III	22 years & 9 months
Jack Meltel	Court Marshal III	20 years & 10 months
Caine Tmekei	Court Marshal II	3 year & 2 months
Flavin Rubasech	Court Marshal II	18 years & 6 months
Bailey Eberdong	Court Marshal II	15 years & 6 months
Romeo Reddin	Court Marshal III	18 years & 2 months
Raldston K. Ngirengkoi	Court Marshal II	9 years & 1 month
Neil Ringang	Court Marshal II	7 years & 10 months
William Andrew	Court Marshal I	2 years & 10 months
Irachel Malsol	Court Marshal I	5 months
Kieth Ngirchomlei	Court Marshal I	5 months

10 males and 1 female in the Marshal Division

Probation Office

Clara Rechebei	Chief Probation Officer	31 years & 6 months
Persilla Rengiil	Probation Officer	13 years & 7 months
Sebelau Kual	Probation Officer	1 years & 8 months
Young Sikyang, Jr.	Probation Officer	8 years 7 months
Alvera Joy Azuma	Probation Clerk	8 years & 2 months

3 female and 1 male in Probation Office

Property Management

Rosalinda Ongalibang	Property Manager	23 years & 10 months
John Mark Ngirmekur	Maintenance Technician I	6 years & 7 months
Edward Tadao	Maintenance Technician III	18 years & 1 month
Paul Basilius	Maintenance Technician II	17 years & 5 months
Noel I. Sadang	Maintenance Technician I	9 years & 5 months
O'Brien Ngemaes	Property Maintenance Clerk	5 months
Godwin Ngirchemat	Maintenance Technician III	1 year

1 female and 6 males in Property Management

MIS

Doran Inabo	MIS Director	13 years & 8 months
Rhine Remoket	Computer Technician	2 years 10 months
Earvin Wong	Computer Technician	7 months

1 female and 2 males in MIS