
*The Judiciaries of the
Federated States of Micronesia*

**JUDICIAL EDUCATION DEVELOPMENT PLAN
FOR THE JUDICIARIES OF THE
FEDERATED STATES OF MICRONESIA**

**EXECUTIVE SUMMARY
AND 10 YEAR PLAN (2008-2017)
FIRST REVISION**

*Adopted by the
FSM Judicial Education Council
June _____, 2008*

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I. INTRODUCTION

This Judicial Education Development Plan (JEDP) for the judiciaries of the Federated States of Micronesia (FSM) was submitted and approved by the Judicial Education Commission composed of the Chief Justices of the Supreme Court of the Federated States of Micronesia (FSM) and the state courts of Chuuk, Kosrae, Pohnpei, and Yap (Supreme Court) and the stakeholders of the plan. This JEDP includes an executive summary, outputs for the plan and a detailed plan proposal projected over ten years, from 2008 to 2017. This is the first revision of the plan since the original plan in 2008. The JEDP was prepared by the JEDP Working Group headed by Associate Justice Dennis K. Yamase, FSM Supreme Court.

It is hoped that this JEDP will provide the comprehensive and professional development for judicial officers and staff of the judiciaries of the FSM, as well as other legal practitioners and law enforcement officers, for the other legal practitioners and law enforcement officers. In carrying out the JEDP, the judiciaries of the FSM will continue to uphold the rule of law and act as the guardians of human rights, judicial independence, good governance, transparency, and accountability throughout the nation.

held in the fall held in the fall and spring of each year. Judges in held in the fall and spring of each year have also offered to have new judges sit with some of the court procedures from the bench.

Training for new appellate judges can also be taken at the National Judicial Training for new appellate judges can also be taken at the National Judicial a local training program could be established for a local training program could be established for dynamics, dynamics, ethics, logic, dynamics, ethics, logic, ADR for appellate judges, inherent power review.

In addition to the aforementioned training programs, new judges for the land courts municipal courts can be provided training by municipal courts can be provided training by basic topics such as judicial independence and ethics, court process and procedure basic topics such as evidence, due process, case flow management, decision making, drafting orders, and other fundamental subjects. These training programs can other fundamental subjects. These training programs can local trainers, local trainers, with assistance from outside experts, as was done with the training (Parts 1 and 2) in Kosrae.

New staff training can be executed by certified New staff training can be executed by certified selected outside training programs on a case by case basis.

2. *Upgrading Judicial Skills.* Continuing. Continuing education. Continuing education and skills upgrade prepared and delivered for the courts, courts, yearly upgrade training would be addressed by training programs held at the biennial FSM Judicial Conference biennial FSM Judicial Conference and the biennial Additional training for judges and staff that address specific the FSM could be requested and evaluated on a case by case basis. law trained and non-law trained judges of the national, state, and municipal courts can propose attending specific propose attending specific classes at the training programs on a case by case basis.

This output also includes training for trainers components to This output also includes training for trained and certified local judge and staff trained and certified local judge and staff training will be identified through training needs analysis and executed on a yearly case by case basis.

This output would also include skill upgrade training for other legal practitioners, police, public safety other legal practitioners, police at all levels of government.

While some proposed training in the 10 year plan may appear repetitive these may deal

with different aspects of such topics as judicial law, law, and others. Due to the high level of such as conflict of interest situations in which island judges often find such as conflict of

A future goal may be to establish support for such a project and sufficient funding become available.

3. Community Contexts for Justice. Awareness programs for judicial officers and staff developed and delivered at a nation-wide level on recent practice, including, but not limited to, such areas as:
 - " mediation (basic mediation skills), alternative dispute resolution, and restorative justice for juvenile (diversion process) and criminal justice;
 - " developing alternatives to imprisonment;
 - " application and impacts of custom and tradition; and
 - " emerging national and international themes such as transnational crime, money laundering, extrajurisdictional crime, money laundering, trafficking, copyright infringement, and bankruptcy law.

Many of these topics could be addressed at the biennial FSM Judicial Conference. Trainers could be certified locally and brought in to do specific training for judges and staff.

4. Judicial Independence and Ethics. Training activities that promote, develop, and reinforce the rule of law, judicial independence, judicial ethics, and separation of powers principles. Due to its importance, it is recommended that these topics be discussed at least every other year at the biennial FSM Judicial Conference. Trainers could deliver training programs on these topics and brought in to do presentations. While some of these topics can be addressed during different years.
5. Judicial Processes and Systems. Support and capacity building. Support and capacity building for processes and systems in each judiciary. For processes and systems of court, court filing procedures, court forms, electronic court filing, and training of those who administer them.

Training in these areas could be organized in the FSM or through outside expert assistance or judges and staff from outside the FSM if the topics require specific expertise not found within the FSM.

Should support and funding permit, training should be provided for prosecutors and public defenders. There are training

conducted specifically for these supported to attend these trainings or training within the FSM utilizing local and/or outside experts to conduct the programs.

6. Information and Communication Exchange. Information databases with. Information decisions, administrative information, statutes, and of FSM judiciaries.

Use of computers and the internet is crucial in this area and the FSM Supreme Court is already extensively utilizing these resources to share maintaining the FSM Legal Information System (LIS) and by designing an FSM Supreme Court website. State courts could be websites. In the future, electronic Supreme Court. Computer and website training is needed for both judges and staff.

Technology related training programs can be organized within local trainers and other experts found within or outside the FSM.

7. Educational Development Delivery. Effective structure and organization. plan, produce, and deliver training programs for judicial officers and court staff consistent with the JEDP. An organized and deliberate effort must be made to certify local judge and staff trainers. This is necessitated by the fact that judges and staff do not speak english and must speak the local language.

Currently, three judges and one staff have been certified through the training for trainer program of the PJDP. A second group of trainers should go through the same three level program and become certified as possible. With a pool of certified local trainers more training programs developed and implemented that reach the judges and staff of the land courts. During 2008 the Regional Training Team (RTT) is in conducting training programs. An induction for training program 2008.

8. Organizational Structure. An effective organizational structure operating. An effective review, approval, and execution of the JEDP. This structure should be following: further policy development over time; net coordination between the judiciaries and other government sectors and facilitate efficient execution of the individual components and facilitate JEDP. See Section III of this report on Implementation and Coordination of JEDP.

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(recommended to be extended to Yap as soon as possible). D
Supreme Court, College of Micronesia FSM. Students pay regular tuition for classes at the
COM FSM. In Spring semester, 2008 courses in Legal Research and Writing and Contracts is being
taught at COM-FSM Palikir campus. Instructors for spring, 2008 are
FSM Supreme Court. Instructors for summer, 2008 are
Defender.

Probation and Parole Officer Training Yearly training for justice ombudsmen, justice officers, and parole board members sponsored by the American Probation and Parole Association (APPA). Training topics are changed yearly. Location: Rotating offices of the APPA, may be proposed for Pohnpei in 2008. This training was not conducted in 2007, but hopefully will be resumed in 2008. Date: Late summer/early fall. Support: APPA grants by other U.S. agencies.

Staff Training for Clerks Followup training to program run in October, 2006. Carried out by Chief Clerk of Court and Director of Pohnpei. Date: Late fall/early winter, 2008. Support: Pohnpei. Date: Late fall/early winter, 2008. Support: Compact II judicial training funds.

Staff Training At least yearly training program for staff. Topics would be selected based on training needs analysis, could include computer training, management, telephone etiquette, etc. would be conducted by local certified staff trainers, with outside experts assist if necessary. Location: To be identified. Date: Fall every year. Support: Compact II judicial training funds.

YEAR TWO (2009)

Land Court Training, Part 1 (Chuuk or Yap) New land court judge training for judges should be conducted in Chuuk State and/or Yap State convert its Land Commission/municipal court into a Land Court. Training would be similar to training conducted in Kosrae matters as judicial ethics and independence, evidence taking and evidentiary rulings, and mock trials. Date: Spring, 2009. Support: Chuuk State Supreme Court (trainer), FSM Supreme Court (logistics), FSM Supreme Court (equipment and supplies), Judiciary of New Zealand. Date: Spring, 2009. Support: Compact II judicial training funds.

Drafting Routine Orders and Correspondence Drafting routine orders of the court and correspondence. All local trainers from Kosrae State Supreme Court. Location: Kosrae. Date: Spring, 2009.

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Court, and Compact II judicial training funds.

Municipal and Court of Land Tenure Judges Training (Part 2, Municipal and Court of Land Tenure Judges Training) court of land tenure judges on topics deemed necessary by the court and land court. This training would be follow-up to Part 1. Location: land court. This training would be followed in 2009. Support: Compact II judicial training funds, PJDP, and municipal court and court of land tenure.

Training for Trainers, Level 3 Training for trainers conducted by Pacific Judicial Education Program (PJDP). Third and final level of three level program. Certification program for those that complete all three levels. Participants from Pohnpei, Chuuk, and other organizations completed Level 1 in late 2007. Level 2 completed Level 1 in late 2007. Level 3 conducted in Nadi, Fiji, but that location may be changed. Date: PJDP five year program beginning in 2007 funded primarily by AusAID and NZAID.

Land Court Judges Training (Kosrae) Training for new and old land court judges in independence and ethics, basic court processes and procedures, etc. This training would take into account those trainings conducted in 2007. Location: judges in Kosrae. Location: Kosrae. Support: Compact II judicial training funds, PJDP, state court in which municipality sits, and land court.

Pacific Judicial Conference Includes judge and court staff skill upgrade training in identified by the Pacific Judicial Council. Generally held once every two years among jurisdictions of the PJC. Last meeting held in November, 2007 in Yap. Support: PJC, Compact II judicial training funds and hosting judiciary.

COM FSM Trial Counselor Program Ongoing 30 credit hour program for counselors under the COM FSM. Upon completion sit for the FSM Supreme Court Bar examination. Location: Chuuk, Kosrae, Pohnpei, and Ysiting (recommended to be extended to Yap as soon as recommended to be extended to Yap). Support: COM FSM. Students pay regular tuition for classes at the COM FSM. In Spring semester, 2008 courses in Legal Research and Writing and Contract Law being taught at COM-FSM Palikir being taught at COM-FSM Palikir campus being taught at COM-FSM Palikir attorneys serving as instructors.

Probation and Parole Officers Training Probation and Parole Officers Training sponsored by the American Probation and Parole Association (APPA). Training topics are changed yearly. Location: Rotating among jurisdictions of the APPA. Date: Late fall, 2009. Support: APPA, DOI, and grants by other U.S. agencies.

Staff Training At least yearly training program for staff. Topics to be determined.

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(trainer/expert), Compact II judicial training funds.

Pacific Judicial Conference Includes judge and court staff skill updates identified by the Pacific Judicial Council. Includes judge and court staff skill updates identified by the Pacific Judicial Council. Includes judge and court staff skill updates among jurisdictions of the PJC. Date: To be determined. Support: among jurisdictions of the PJC. Date: funds, PJC, and hosting judiciary.

Staff Training At least yearly training program for staff. At least yearly training program for staff. Topics training needs analysis. Training would be conducted by local certified experts and trainers brought in to assist if necessary. Location: wherever specific training need is identified. Date: training funds, local court funding, and other appropriate sources.

COM FSM Trial Counselor Program Ongoing 30 credit hour program for the certification of counselors under the COM FSM. Upon completion and certification sit for the FSM Supreme Court Bar examination. Support: FSM Supreme Court, College of Mic at the COM FSM. In Spring semester, 2008 courses in Legal Research and Writing is being taught at COM-FSM Palikir campus. Instructors for spring, 2008 are two staff with the FSM Supreme Court.

Probation and Parole Officer Training Yearly training for justice officers, and parole board members sponsored by the American Probation and (APPA). Training topics are changed yearly. Location: Rotated of the APPA. Date: Late fall, 2011. Support: APPA, DOI, and grants by other U.S. agencies.

Staff Training At least yearly training program for staff. Topics would include computer training, management, telephone etiquette, interaction with public, ethics, security, and other management, would be conducted by local certified staff trainers, with outside experts and assist if necessary. Location: To be rotated among the states or where identified. Date: Fall every year. Support: identified. Date: Fall every sources.

Mediation and ADR Training Yearly follow-up training program for dispute resolution techniques. This would provide an opportunity to observe and would provide an opportunity to observe and would provide an opportunity to observe. Location: To be rotated among the states with Location: To be rotated among the states with Location: 2011. Support: Compact II judicial training funds, PJDP, and local court w2011. Support: Compact conducted.

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(APPA). (APPA). Training topics are (APPA). Training topics are changed (APPA). Training topics are changed yearly of the APPA. Date: of the APPA. Date: Fall, 2012. Support: APPA, Department of Interior, and grants by of the agencies.

Mediation and ADR Training Yearly follow-up training program on mediation and dispute resolution techniques. This would provide an opportunity to observe mediation conducted by professional mediators and would provide an opportunity to observe mediation conducted by professional mediators. Location: To be rotated among the states. Date: Late fall, 2012. Support: APPA, Department of Interior, and grants by of the agencies, PJD, and local court where training is conducted.

Training for Prosecutors and Public Defenders Training program for priority subjects as identified through a training needs analysis of prosecutors, public defenders, and judges. Topics could include a litigation workshop, introducing evidence, and court procedure and rules. Trainers or experts could be brought in to conduct this training. Date: Fall, 2012. Support: Compact II training funds, DOJ, and other grants.

Training for Police, Public Safety, and Marine Surveillance Officers Training program for priority subjects as identified through a training needs analysis of police, public safety, or marine surveillance officers. Possible topics could include basic safety, or marine surveillance of search, seizure, and arrests procedures, evidence search, seizure, and arrests procedures. Trainers or experts could be brought in to conduct this training. Local certified trainers could assist on certain subjects. Date: This training could be conducted every other year. Support: Compact II training funds, DOI, and other U.S. grants.

YEAR SIX (Year 2013)

Municipal Court New Judges Training Training for new municipal judges on independence and ethics, basic court processes and procedures, constitutional law, and ethics. Since new judges are joining the judiciaries continual training for the new judges are necessary. Location: To be rotated among the states. Support: Compact II training funds, PJD, state court in which municipality sits, and municipal court(s) being trained.

Pacific Judicial Conference Includes judge and court staff skill development. Identified by the Pacific Judicial Council. Generally held once every two years among jurisdictions of the PJC. Date: To be determined. Support: Compact II training funds, 9th Circuit Court of Appeals, DOI, and hosting judiciary.

Mediation and ADR Training Yearly follow-up training program on mediation and dispute resolution techniques. This would provide an opportunity to observe mediation conducted by professional mediators and would provide an opportunity to observe mediation conducted by professional mediators.

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training funds, PJDP, state court in which municipality sits, and municipal court(s) being trained.

Staff Training At least yearly training program for staff. Topics would be selected through a training needs analysis, could include computer training, word processing, telephone etiquette, interaction with public, ethics, management, telephone etiquette, and conflict resolution. Training would be conducted by local certified staff trainers, with outside experts and trainers by assist if necessary. Location: To be rotated among the states or where specific identified. Date: Fall every year. Support: Compact II judicial training funds identified. Date: Fall every year. Sources:

Probation and Parole Officer Training Yearly training for judges, officers, and parole board members sponsored by the American Probation and Parole Association (APPA). Training topics are changed yearly. Training topics are changed yearly. (APPA). Date: Fall, 2014. Support: APPA, DOI, and grants by other U.S. agencies.

Mediation and ADR Training Yearly follow-up training for judges, mediators, and ADR practitioners. This would be follow-up training for dispute resolution techniques. This would be follow-up training for dispute resolution techniques. This would be follow-up training for dispute resolution techniques. This would be follow-up training for dispute resolution techniques. This would be follow-up training for dispute resolution techniques. Location: To be rotated among the states. Date: Late fall, 2014. Support: Compact II judicial training funds, PJDP, and local court where training is conducted.

COM FSM Trial Counselor Program Ongoing 30 credit hour program for the certification of counselors under the COM FSM. Counselors under the COM FSM. Upon completion and certification sit for the FSM Supreme Court Bar examination. Location: All states. Counselors sit for the FSM Supreme Court Bar examination. Support: FSM Supreme Court, College of Micronesia FSM. Students pay regular tuition for classes at the COM FSM. In Spring semester, 2008 courses in Legal Research and Writing and Conflict Resolution are being taught at COM-FSM Palikir campus. Instructors for spring, 2008 are two staff attorneys being taught at COM-FSM Palikir campus. Support: FSM Supreme Court.

Training for Prosecutors and Public Defenders Training program for priority subjects as identified through a training needs analysis of prosecutors, public defenders, and judges. Topics could include a litigation workshop, introducing evidence, and court procedure and rules. Trainers or experts could be brought in to conduct this training. Location: Agreed upon. Date: Fall, 2014. Support: Compact II judicial training funds, PJDP, and other grants.

Training for Police, Public Safety, and Marine Surveillance Officers Training program for priority subjects as identified through a training needs analysis of police, public safety, or marine surveillance officers. Possible topics could include search, seizure, and arrests procedures, evidence gathering, research, seizure, and arrests procedures, evidence gathering, research, seizure, and arrests procedures, evidence gathering, research, seizure, and arrests procedures. Trainers or experts could be brought in to conduct this training. Location: Agreed upon. Date: Fall, 2014. Support: Compact II judicial training funds, PJDP, and other grants.

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assist on certain subjects. Date: This training could be assist on certain subjects. Date: This training could be assist on certain subjects. Date: This training could be assist on certain subjects. Support: Support: Compact II training funds, DOI Support: Compact II training funds, DOI grants, local police, public offices, and other U.S. grants.

YEAR EIGHT (Year 2015)

Municipal Court New Judges Training Training for new judges on independence and ethics, basic court processes and procedures, constitutional independence and ethics. Since new judges are joining the judiciaries continual training for the new judges are necessary. Location: To be rotated among the states. Date: Late spring, Location: To be rotated among the states. Support: Compact II training funds, PJDP, state court in which municipality sits, and municipal court(s) being trained.

Mediation and ADR Training Yearly follow-up training for dispute resolution techniques. This would provide an opportunity to observe mediation. Location: To be rotated among the states. Date: To be determined. Support: Compact II training funds, PJDP, and local court where training is conducted.

Probation and Parole Officer Training Yearly training for justice ombudsman, probation officers, and parole board members sponsored by the American Probation and Parole Association (APPA). Training topics are changed yearly. Location: Rotated among the states. Date: Spring, 2015. Support: APPA, DOI, and grants by other U.S. agencies.

Pacific Judicial Conference Includes judge and court staff skill upgrade training in subjects identified by the Pacific Judicial Council. Generally held once a year among jurisdictions of the PJC. Date: To be determined. Support: Compact II training funds, 9th Circuit Court of Appeals, DOI, and hosting judiciary.

COM FSM Trial Counselor Program Ongoing 30 credit hour program for the certification of trial counselors under the COM FSM. Upon completion and certification counselors sit for the FSM Supreme Court Bar examination. Location: sit for the FSM Supreme Court Bar examination. Support: FSM Supreme Court, College of Micronesia. In Spring semester, 2008 courses in Legal Studies is being taught at COM-FSM Palikir campus. Instructed with the FSM Supreme Court.

Staff Training At least yearly training program for staff. Topics would be identified through training needs analysis, could include computer training, management, telephone etiquette, interaction with public, ethics, security, and others. Training would be conducted by local certified staff trainers, with outside experts and trainers brought in if necessary. Location: To be rotated among the states or where staff is located. Date: identified. Date: Fall every year. Support: Compact II judicial training funds.

sources.

YEAR NINE (Year 2016)

FSM Judicial Conference Includes judge and staff skill upgrade training in subject identified. Usually conducted yearly and rotated among judiciary. Location: Kosrae. Date: Proposed late November. FSM Judicial Conference Includes judge and staff skill upgrade training in subject identified. Usually conducted yearly and rotated among judiciary. Location: Kosrae. Date: Proposed late November. judicial training funds and hosting judiciary.

Municipal Court New Judges Training Training for new judges on independence and ethics, basic court processes. Since new judges are joining the judiciaries continual training for the new judges are necessary. Location: To be rotated among the states. Municipal Court New Judges Training Training for new judges on independence and ethics, basic court processes. Since new judges are joining the judiciaries continual training for the new judges are necessary. Location: To be rotated among the states. training funds, PJDP, state court in which municipality sits, and municipal court(s) being trained.

Mediation and ADR Training Yearly follow-up training program on dispute resolution techniques. This would provide an opportunity to observe and would provide an opportunity to observe and would provide an opportunity to observe. Location: To be rotated among the states. Date: Late fall, 2016. Support: Compact training funds, PJDP, and local court where training is conducted.

Probation and Parole Officer Training Yearly training for justice ombudsmen, officers, and parole board members sponsored by the American Probation and Parole Association (APPA). Training topics are changed yearly. Location: Rotated among the states. Date: Fall, 2016. Support: APPA, DOI, and grants by other U.S. agencies.

COM FSM Trial Counselor Program Ongoing 30 credit hour program for counselors under the COM FSM. Upon completion sit for the FSM Supreme Court Bar examination. Location: COM FSM. Support: FSM Supreme Court, College of Micronesia FSM. Students pay registration fees at the COM FSM. In Spring semester, 2008 courses in Legal Research and Legal Writing are being taught at COM-FSM Palikir campus. Instructors for spring, 2008 are two staff attorneys with the FSM Supreme Court.

Staff Training At least yearly training program for staff. Training needs analysis, could include computer training, word processing, database creation and management, telephone etiquette, interaction with public. Training would be conducted by local certified staff trainers or consultants if necessary. Location: To be rotated among the states. Date: Identified. Support: Compact II judicial training funds.

YEAR TEN (Year 2017)

Pacific Pacific Judicial Conference Includes judge and court staff skill upgrade training in identified by the Pacific Judicial Council. Generally held once every two identified by the Pacific Judicial among jurisdictions of the PJC. Date: To be determined. Support: among jurisdictions of the PJC. Date: funds, 9th Circuit Court of Appeals, DOI, and hosting judiciary.

Municipal Municipal Court New Judges Training Training for new municipal independence and ethics, basic court processes and independence and ethics, basic court processes and Since new judges are joining the judiciaries continual training for the new judges are necessary. Location: To be rotated among the states. Date: Late spring, 2017. Support: Location: To be rotated among training funds, PJDP, state court in which municipality sits, and municipal court(s) being trained.

Mediation Mediation and ADR Training Yearly training program on resolution techniques. This would be follow-up training resolution techniques. This would be follow-up would provide an opportunity to observe mediation conducted by professional mediators. Location: To be rotated among the states. Date: Late fall, 2017. Support: To be rotated among the states. Date: Late fall, PJDP, and local court where training is conducted.

Probation Probation Probation Probation and Probation and Probation and Parole Probation and Parole Officer Training officers, and parole officers, and parole board members sponsored by officers, and parole board members (APPA). (APPA). Training topics are (APPA). Training topics are changed (APPA). Training topics are changed yearly of the APPA. Date: Fall, 2017. Support: APPA, DOI, and grants by other U.S. agencies.

COM FSM COM FSM Trial Counselor Program Ongoing 30 credit hour Ongoing 30 credit hour program Counselors sit for the FSM Supreme Court Bar examination. Location: All states. Date: Counselors sit for the FSM Supreme Court Bar examination. Support: FSM Supreme Court, College of Micronesia FSM. Students at the COM FSM. In Spring semester, 2008 courses in Legal Research and Writing is being taught at COM-FSM Palikir campus. Instructors for is being taught at COM-FSM Palikir campus. In with the FSM Supreme Court.

Staff Staff Training At least yearly At least yearly training program for staff. Topics At least yearly training training needs analysis, could include computer training needs analysis, could include computer training management, telephone management, telephone etiquette, interaction with public, etc would be conducted by local certified staff trainers, with outside assistance if necessary. Location: To be rotated among the states or where specific training needs identified. Date: Fall every year. Support: sources.

Training Training for Prosecutors and Public Defenders Training program for priority Training program for priority through a training needs analysis of prosecutors, public defenders, and MLSC attorneys. through

topicsttopics could include a litigation workshop, introducing evidence, and court procedure and rules.

TrainersTrainers or experts could be brought in to conduct this trainTrainers or experts could be brought in to c
agreedagreed upon. Date:agreed upon. Date: Fall,agreed upon. Date: Fall, 2017. Support: Compact II judicial
public defender offices, national and state courts, and other grants.

TrainingTraining for Police, Public Safety, and Marine Surveillance Officers Training Training program for p
subjectssubjects as identified through a training needs analysis of the respective group osubjects as identified
safety,safety, orsafety, or marine surveillance officers. Possible topics could include basic lawsafety, or marine su
search,search, seizure, and arrests procedures, search, seizure, and arrests procedures, evidsearch, seizure, and a
TrainersTrainers or experts could be brought inTrainers or experts could be brought in to conduct this training. Tr
assistassist on certain subjects. Date: This training could be conduassist on certain subjects. Date: This tr
Support:Support: Compact II judicial training funds, DOI gSupport: Compact II judicial training funds, DOI
surveillance offices, and other U.S. grants.

III. Implementation and Coordination of JEDP

1. Stakeholders.

The key stakeholders in the management and delivery of the JEDP will be the:

- " **Chief Justices** who are the judicial constitutional officers of the respective judiciaries.
- " **Judicial Education Council (JEC)** that is made up of the Chief Justices of the FSM Supreme Court and the state courts, and the National Training Coordinator.
- " **National and State Training Coordinators** who are appointed by the Chief Justices who will convene, direct, and motivate the programs under the JEDP.
- " **FSM Judicial Conference (FSMJC)** that is the biennial meeting of judicial officers and court staff from around the FSM and court staff from around the activities of the judiciaries of the FSM.
- " **Faculty of trainers, educators, and experts** who would be consulted and coordinate training programs.

2. Implementation and Coordination

The policy making body for final approval and coordination is the Judicial Education Council (JEC) which is made up of the Chief Justices of the FSM Supreme Court and the four FSM state courts of Chuuk, Kosrae, Pohnpei, and the National Training Coordinator with expertise in training is included on the JEC.

The JEC would approve policies under the JEDP, provide approval for programs consistent with the JEDP, approve funding and training programs consistent with the JEDP, and in the administration of specific programs by authorizing court staff within the administration to assist in specific tasks necessary to carry out the training program.

A particular training program, whether included in the JEDP

the request of any member of the JEC to meet the specific needs of the staff or legal practitioner group. The NTC or other local trainer qualified to carry out the program could also propose to the JEC that a specific program be conducted. The execution of the program to be approved by the JEC. A training needs analysis for a training program and its content, but need not be an absolute requirement.

The development and execution of a training program should follow this general sequence:

- (1) **training needs analysis** – identify training gaps and needs of particular group;
- (2) **planning, designing, and budgeting** – session designs, and budgeting, including program at a glance, daily programs, and detailed lesson plans;
- (3) **delivery of training** – actual execution of training program; and
- (4) **evaluation** – for daily sessions and for training program as a whole.

For a more detailed discussion and examples of the program is formulated and carried out, see Appendix C – Training Process Examples.

After a training program is approved, the JEC staff should also appoint one person to be the lead staff to execute the program. The lead staff would be from the court at the training program location.

To assist coordination, it is also recommended that each state appoint a State Coordinator (STC). The STC for each state should be someone with experience who would be expected to lead the coordination for any training programs.

as the liaison between the local court at the location of the
or entities.

The following are some implementation strategies for the JEDP:

- " **Judicial ownership** the program should be judge-led the program should be judge-led judicial independence and credibility.
- " **Program approach** use a flexible use a flexible program a use a flexible program encourages and develops greater judicial independence and credibility approach that utilizes the best available input approach that utilizes the best available input Australia, Australia, and the U.S. and also builds on strong long-term linkages within Australia, and the U.S.
- " **Use of existing resource and expertise in the region** all reasonable efforts should be made to maximize the use of resources and recognize the expertise that exists in the FSM and other Pacific-island judiciaries.
- " **FSM wide cooperation and motivation** the FSM judiciary s will act collectively to improve judicial governance and make productive use of scarce resources.

A specific judiciary s needs can be discussed during the annual FSMJC with an idea of formulating and finalizing a plan for the upcoming calendar year. The NTC produce an annual educational plan using the 10 year plan in the produce an annual educational plan should be incorporated into the JEDP after receiving input should be incorporated into the JEDP after receiving JEC.

IV. Sources of Funding and Trainers

1.1. Judiciary s Budgets The budgets of The budgets of the FSM Supreme Court and the state courts must T toto support some training expenses that cannot support some training expenses that cannot be covered from ot mustmust also contribute administrative and staff time for the coordinmust also contribute administrative and s NTCNTC and theNTC and the state STC would likelyNTC and the state STC would likely be national and state cou courtscourts would be expected to make thecourts would be expected to make the training coordinator responsibility forfor that employee. Responsibilities in this area would include, but not be limited to, arranging facilities, travel, and other logistical arrangements for training programs.

TheThe national and stateThe national and state courts would also be expected to allow use of facilities and necessarynecessary to conduct the training progrannecessary to conduct the training program. They wnecessary participants of the training program for presentation of certificates of completion.

2.2. 2. Compact II Judicial2. Compact II Judicial Training Funds The Compact II includes yearly allocation forfor judicial training for the twenty year for judicial training for the twenty year durationfor judicial training Republic of theRepublic of the Marshall IslandsRepublic of the Marshall Islands (RMI). These funds may be us prograprogramsprograms ofprograms of the JEDP. Allocation of funds between the FSM and the RMI is still a issue that should be resolved as soon as possible.

3.3. 9th Circuit Court of Appeals, Department of Circuit Court of Appeals, Department of Interior CourtCourt ofCourt of Appeals (9th Circuit) and the Department of Interior (DOI) have contributed to the continued trainingtraining of judges and their staff through the Pacific Judicial Conference (PJC). training of judges and their CompaCompactCompact II provides for judicial training funds on a yearly basis, our participation at the PJC wi

likely likely come out of likely come out of that fund. likely come out of that fund. Both the 9th Circuit and training programs in the FSM on a case by case basis.

4.4. Pacific Judicial Development Program (PJDP) This is the new program that has emerged from the former Pacific Judicial Education Program (PJEP). It is cosponsored by NZAID and conducts numerous training programs throughout the small Pacific-island countries. The most important program currently is the training for trainers which will lead to certification of local trainers who can go back and train locally.

5.5. Australia (AusAID) and New Zealand (NZAID) These countries support to individual programs by funding equipment and supplies, as well as funding local participants at countries.

6. National Judicial College (NJC) This judicial college located in Reno, U.S. can also be a source of trainers for our local programs. The NJC has also in the past arranged for funding to be applied for local participation at some of their judicial college programs.

V. Monitoring, Evaluation, and Audit

Monitoring of training programs conducted pursuant to this JEDP should be conducted under the supervision of the National Training Coordinator or the National Training Coordinator(s) where the training is located. Following the training, Justices should require a detailed completion report by one of the coordinators of the training.

Evaluations should be conducted during each day of a training program and an evaluation of the entire program after the completion of the program. An evaluation should be made at the conclusion of each training program and should be made a part of the completion report. Evaluations are crucial for improving training programs and must be required.

Appropriate audits should be conducted by the lead court and/or the training with funding support. Audits should be conducted by the training location.

VI. Brief Description of FSM

The Federated States of Micronesia is an independent, sovereign state consisting of the states of Chuuk, Kosrae, Pohnpei, and Yap.² The FSM formed its own constitutional government on May 10, 1979³ and is in a relationship of free association with the United States (U.S.) under a Compact of Free Association (Compact).⁴ Parts of the Compact were put into effect, and are referred to as Compact II.⁵

1. Geography

The FSM is comprised of approximately 607 small islands in the western Pacific Ocean, just north of the equator⁶ about 2,500 miles southwest of Hawaii and about 1,800 miles southeast of eastern Australia above Papua New Guinea (see Appendix A(1)). The FSM has a total population of 60 to 70 of these islands are inhabited with the FSM having a total population of approximately 110,000.

¹ The FSM was admitted to the United Nations on September 17, 1991.

² FSM Const., art. I and art. VIII.

³ The date the Constitution of the Federated States of Micronesia formally came into effect.

⁴ The FSM entered into a Compact of Free Association with the United States on Nov. 3, 1986. See Proclamation of President Tosiwo Nakayama, Nov. 3, 1986; Proclamation 5564. 51 Fed. Reg. 40,399 (Nov. 3, 1986)(reprinted in 48 U.S.C.A. § 1801 (West 2001)). The Compact provides for U.S. economic assistance to the FSM, U.S. defense of the FSM, and other benefits in exchange for U.S. defense and certain other operating rights in the FSM, denial of access to FSM territory by other nations, and other agreements, <http://www.fsmlaw.org/compact/index.htm>.

⁵ Background information and the full text of the provisions of Compact II can be found at the website of the Joint Committee on Compact Economic Negotiations, <http://www.fm/jcn/>.

⁶ The islands comprising the FSM are located between 0 and 14 degrees north latitude and 136 and 166 degrees east longitude.

The executive branch of the national government is headed by a President and a Vice President, while the executive branches of the state governments have Lieutenant Governors. The executive branches of the national and state governments have primary power and responsibility to execute and implement the laws of their

The legislative branches of both the national and state governments are unicameral legislatures, with the exception of the State of Chuuk which has a senate and house of representatives. The legislative branches of the national and state governments, with the exception of the State of Chuuk, have the Speaker. The national legislature is known as the Congress of the Federated States of Micronesia (FSM Congress) and is comprised of fourteen Senators.¹⁰ The legislative and state governments have the primary power and responsibility to enact laws.

The judiciaries of the national and the state governments are each established with varying numbers of Associate Justices. The national judiciary is the High Court of the Federated States of Micronesia and is a court of limited jurisdiction with both trial and appellate divisions. The state courts are established as the Chuuk State Court, the Pohnpei State Court, the Pohnpei Supreme Court, and the Yap State Court. The judicial branches of the national, state, and municipal governments have the primary power and responsibility to interpret the laws of their

⁹ The Senate of the legislature of the State of Chuuk is headed by a President and Vice President and the House of Representatives is headed by a Speaker and Vice Speaker.

¹⁰ The State of Chuuk is represented by six senators, the State of Pohnpei has four senators, and the states of Kosrae and Yap each have two senators.

jurisdictions.

The FSM national government has national powers which are delegated to it in the FSM Constitution and such powers are beyond the power of a state to control.¹¹ These powers include, but are not limited to: national affairs; national defense; immigration; citizenship and naturalization; taxes; national on imports; income taxes; regulation of currency, banking, bankruptcy; patents and copyrights; navigation and shipping; national postal national public service system; ownership, exploration, and exploitation of the marine space beyond twelve miles of island baselines; national

The state governments possess the powers prohibited to the states.¹³ These powers include, but are not limited to: protection and promotion of public health; public education and systems of social security and public welfare; traditions, customs, and elections; appropriation of public funds; and recognition and establishment

The powers of the municipal governments are The municipalities have enacted their own constitutions or charters setting duties consistent with their respective state constitutions and laws.

¹¹ FSM Const., art. VIII, § 1.

¹² FSM Const., art. IX, § 2.

¹³ FSM Const., art. VIII, § 2.

¹⁴ FSM Const., art. IX, § 3.

VII. Judiciaries of FSM and Sources of Law

1. Judiciaries

A. FSM Supreme Court

The FSM Supreme Court may have up to five justices notThe FSM Supreme Court may have up to five of June, 2008 the Supreme Court has a Chief Justice and three Associate Justices. The FSM Supreme Court has a courtroom and office in each Supreme Court has a courtroom and office in Palikir, in Palikir, Pohnpei where the Chief Justice sits. It currently has resident Associate Justices in the states of Pohnpei, Chuuk, and Yap.

Each justice of the FSM Supreme Court is a member of the trial division except that sessions of the trial division may be held in the appellate division in a case heard by him in the appellate division in order to decide appeals. Decision is by a majority of those sitting.¹⁶

The trial division of the Supreme Court has original jurisdiction in cases affecting officials of foreign governments, disputes between states, and in cases in which the national government is a party. The trial division of the Supreme Court, has concurrent original jurisdiction in cases arising under the Constitution; national law or treaties; and in disputes between citizens of different states, and between a state or a citizen and a citizen of different states.

¹⁵ FSM Const., art. XI, § 2

¹⁶ FSM Const., art. XI, § 2

in such lengthy consideration of disputed claims which may delay the registration program.²¹

²¹ Chuuk State Law No. 07-04-06 (Chuuk State Land Commission Act of 2004).

C. Kosrae State and Land Courts

The Kosrae State Court consists of a Chief Justice and two Associate Justices, one for the trial and appellate divisions. As of June, 2008, the Court has a Chief Justice and two Associate Justices. The Kosrae State Court courthouse is located in Tofol where the state capital is located.

The Kosrae State Court has original and exclusive jurisdiction of inferior courts and review all decisions of inferior courts. Decisions of the highest division of the FSM Supreme Court are appealed to the appellate division of the FSM Supreme Court. The Kosrae State Court is a unified judicial system for operation and administration.²²

The Kosrae Land Court is established as an inferior court, within the Kosrae judicial system, for the purposes of title investigation, title determination, and to provide one system of filing all recorded interests in lands and to provide one system of filing all recorded interests in lands. The Land Court has a Principal Land Court Justice and not more than two Associate Land Court Justices. As of June, 2008, the Land Court has a Principal Justice and one Associate Justice. The Land Court extends throughout the State and include all matters concerning interests therein.²³

In Kosrae, four municipalities are recognized under tit. 8, State Code. There are no municipal courts in Kosrae as the Kosrae State Court is the unified judicial system for operation and administration.

²² Kosrae Const., art. VI, § 6.

²³ Tit. 11, part 1, chap. 6, Kosrae State Code.

judiciary for Kosrae.

D. Pohnpei Supreme and Municipal Courts; Court of Land Tenure

The Pohnpei Supreme Court may consist of a Chief Justice and three Justices.²⁴ As of June, 2008, the Pohnpei Supreme Court has three Justices. Each Justice is a member of both the trial and appellate divisions, but a Justice who has heard a case in the trial division may not participate in the appellate division. The Pohnpei Supreme Court courthouse is located in Kolonia where the state capital is located.

The Pohnpei Supreme Court is a court of original jurisdiction over all civil and criminal matters of Pohnpei and appellate jurisdiction over the courts of Pohnpei. No appeal on any matter relating to the Constitution, Pohnpei law, or a matter made to any other court, except the Pohnpei Supreme Court.²⁵

Land matters in Pohnpei are dealt with by the Pohnpei Court of Land Tenure within the judiciary branch of the Pohnpei Government. The Court of Land Tenure has a Principal Judge and not more than two associate judges. This court is authorized to determine claims of ownership, heirship, interest, right, and boundary to land within Pohnpei. The court is to inquire and determine whether any person has a right to land within Pohnpei.

²⁴ Pohnpei Const., art. 10, § 3.

²⁵ Pohnpei Const., art. 10, § 4.

requirements of the Pohnpei Constitution. The primary requirements of the Pohnpei Constitution. The manner in which the court determines to be in the determination and registration of title and other property determination and registration of title and other practical within such registration areas as the court may designate.

In Pohnpei, 11 municipalities are recognized. Each municipality has a municipal court.

E. Yap State and Municipal Courts

The Yap State Court may consist of a Chief Justice and two Associate Justices. The Yap State Court may consist of both the trial and appellate divisions.²⁶ As of June, 2008, the Court has a Chief Justice and two Associate Justices. The Yap State Court courthouse is located in Colonia where the courthouse is located.

The Yap State Court shall have original jurisdiction. The Yap State Court shall have original jurisdiction. Court decisions shall be consistent with the Yap Constitution, state traditions and customs, social and geographical configuration of Yap.²⁸ Yap has established a court that gives due recognition to the traditions and customs of the people and provides for a means of resolving disputes where traditional

²⁶ Yap Const., art. VII, § 2.

²⁷ Yap Const., art. VII, § 5.

²⁸ Yap Const., art. VII, § 7.

publications to those set forth above, with each state having its own corresponding collections of regulations, rules of procedure and state court decisions. The Pohnpei Supreme Court and state court division decisions in its own Pohnpei Supreme Court Reports.³⁹ The Chuuk State Supreme Court has published some of its appellate division decisions in its own Reports.⁴⁰ The state courts of Chuuk, Kosrae, and Yap also publish selected Supreme Court Interim Reporter.

³⁸ The Kosrae State Code was originally enacted in 1985 and was revised in 1997, <http://www.fsmlaw.org/kosrae/code/index.htm>. The Yap State Code was originally enacted in 1988 and has been updated three times, <http://www.fsmlaw.org/yap/code/index.htm>. The states of Pohnpei and Chuuk have draft codes in various stages of completion and review by their respective legislatures. The draft code for Chuuk can be accessed at <http://www.fsmlaw.org/chuuk/code/index.htm>. Information on the draft code for Pohnpei can be accessed at <http://www.fsmlaw.org/pohnpei/code/index.htm>.

³⁹ The Pohnpei Supreme Court Reports (cited as ___ P.S.Ct.R ___) was established in 1989 and has six volumes of selected trial and appellate division decisions beginning from March 21, 1984, <http://www.fsmlaw.org/pohnpei/decisions/index.htm>.

⁴⁰ The Chuuk State Supreme Court Reports (cited as ___ CSR ___ [Year]) was established in 1994 and has one volume of selected appellate division decisions beginning from August 23, 1994, <http://www.fsmlaw.org/chuuk/decisions/index.htm>.

VIII. JUDICIAL PERSONNEL AND LEGAL PRACTITIONERS

1. Personnel of FSM Judiciaries

The FSM Supreme Court and each of the state courts have court staff including the FSM Supreme Court limited to the following: director of administration; chief clerk of courts and assistant clerk of court; court reporters; staff attorneys or law clerks; bailiffs, and administrative, maintenance, and other support staff. The FSM Supreme Court also has a national justice ombudsman in each of the states and a chief legal officer in its general counsel.

Personnel of the municipal courts Personnel of the municipal courts must have at least a clerk, secretary, and maintenance staff at a minimum.

2. Legal and Law Enforcement Personnel of Government Depts and Agencies

A. Attorney General and Prosecutors

The national government has a Department of Justice (DOJ) with offices of the attorney general that have prosecutors dealing with civil matters, advising government agencies, drafting memorandum, regulation, and legislation. The FSM DOJ has its main office at the national capitol in Palikir, Pohnpei.

The national, state, and municipal governments also have marine surveillance officers (See Appendix D – Personnel).

B. Public Defender

The national government has an Office of the Public Defender (OPD) that provides legal representation to indigent defendants.

services to citizens being criminally prosecuted by the governments of the FSM and its states. services to citizens
main office of the OPD is at the national main office of the OPD is at the national capitol in Palikir, Pohnpei. Am
located in each state of the FSM.

C. Micronesian Legal Services Corporation (MLSC)

The Micronesian Legal Services Corporation provides free legal services to citizens who otherwise
The Micronesian Legal Services Corporation provides free legal services to citizens who otherwise
otherwise afford an attorney. MLSC deals primarily with civil matters, including, but not limited
to adoptions, land disputes, contract, and employment matters. MLSC also deals with cases
to adoptions, land disputes, contract, and employment matters. MLSC also deals with cases
involve one Chuukese resident against another Chuukese resident. MLSC also deals with cases
involve one Chuukese resident against another Chuukese resident. MLSC also deals with cases
such as cases involving elections.

MLSC gets its funding support from the U.S. legal aid society, the FSM state legislatures, and the
MLSC gets its funding support from the U.S. legal aid society, the FSM state legislatures, and the
FSM state legislatures. The FSM Congress makes yearly appropriations to the MLSC in
FSM state legislatures. The FSM Congress makes yearly appropriations to the MLSC in
in each state. The state legislatures make yearly appropriations to the MLSC in each state.
in each state. The state legislatures make yearly appropriations to the MLSC in each state.
state.

3. Private Legal Practitioners

A. Attorneys

For appearance in the FSM Supreme Court, attorneys are those who have passed the FSM
bar examination or who were grandfathered in under Trust Territory High Court attorney
bar examination or who were grandfathered in under Trust Territory High Court attorney
certification. The FSM bar examination is administered twice a year. The FSM bar examination is administered
certification. The FSM bar examination is administered twice a year. The FSM bar examination is administered
a five hour exam.⁴¹

⁴¹ Rules of Admission to Practice Before the Supreme Court of the Federated States of
Micronesia (Rules of Admission), Adopted June 30, 1981.

IX. Acronyms, Abbreviations, and Definitions

1. Acronyms and Abbreviations

APPA American Probation and Parole Association

AusAID Australian Agency for International Development

Compact Compact of Free Association between the United States and the Compact of Free Association
Micronesia

Compact II Renegotiated Compact of Free Association

DOI U.S. Department of Interior

FSM Federated States of Micronesia

FSMJC Federated States of Micronesia Judicial Conference

ICM Institute of Court Management

JEDP Judicial Education Development Plan

JEC Judicial Education Council

LIS FSM Legal Information System (Website contains decisions of the FSM and its states. Maintained by the FSM Supreme Court.)

MLSC Micronesian Legal Services Corporation

NACM National Association of Court Management

NJC National Judicial College, Reno, U.S.

NTC National Training Coordinator

NZAID New Zealand Agency for International Development

PJC Pacific Judicial Conference

PJDP Pacific Judicial Development Programme

PJEP Pacific Judicial Education Programme (Predecessor program to PJDP from 1999-2004)

RMI Republic of the Marshall Islands

STC State Training Coordinator (Coordinator assigned by FSM State)

U.S. United States of America

2. Definitions

Court a part of the government, belonging to a part of the government, belonging to a part of the application of the laws to controversies brought before it and the public administration of justice.

FSM States includes Chuuk, Kosrae, Pohnpei, and Yap.

Governance the exercise of the exercise of authority or power to manage an nation s resources and affairs. t comprised comprised of the mechanisms, processes, and inst comprised of the mechanisms, processes, and articulate articulate their interests, exercise their articulate their interests, exercise their rights, meet their obligation

Judicial officer judge, judge, justice, master, or registrar, judge, justice, master, or registrar, and include in performance of judicial functions legally conferred by a state or government.

National Training Coordinator a staff person who is also a trainer appointed a staff person who is also of the FSM Supreme Court to sit on the Judicial Education Council.

Primary stakeholders those people and groups ultimately affected by the JEDP such as litigants, litigants, men, litigants, men, women, and children of the FSM who litigants, men, women, and children of crimes, crimes, and others seeking access crimes, and others seeking access to justice. They are the ultimate crimes, in the courts.

Secondary stakeholders those people or institutions who are intermedi delivering delivering services to delivering services to primary stakeholders such as delivering services to primary s in the law and justice system.

State Training Coordinators a a staff person who is also a trainer appointed a staff person who is also a the respective state court to coordinate training programs executed in that state.

X. APPENDIX A(1)

Map of Federated States of Micronesia



APPENDIX A(2)

Map of Chuuk Lagoon



APPENDIX A(3)

Map of Kosrae



APPENDIX A(4)

Map of Pohnpei Island



APPENDIX A(5)

Map of Yap (Main Islands)



APPENDIX B

Training Process and Examples

The following appendix contains documents describing the training documents from two training programs that were delivered in the FSM on the Kosrae Land Court Training that was conducted in Kosrae in on the Kosrae Land Court Training that Workshop for Assistant Clerks of Court that was conducted in Chuuk programs were almost exclusively coordinated and through the Training for Trainers program started by the PJEP and now continuing PJDP.

The training documents contained in this appendix are as follows:

1. **Diagram of Training Process** from Training and Judicial Education Council diagram.
2. **Basic Steps in Carrying Out a Training Needs Analysis/Assessment**
3. **Training Needs Analysis Summary**
4. **Rationale Summary**
5. **Training Proposal Example** Priority Training Workshop for PJEP for Kosrae Land Court Training, entitled Land Court/Commission Proceedings and the Administration of Justice . Includes budgeting for training.
6. **Sessions at a Glance** for Workshop for Assistant Clerks of Court.
7. **Daily Program** for Workshop for Assistant Clerks of Court.
8. **Evaluation/Completion Report** on on on K

APPENDIX C

ACCOMPLISHMENTS UNDER THE JEDP

The following are excerpts of a report by FSM member of the JEDP Working Group, Kapilly Capelle, reporting on FSM JEDP from October, 2005 to March, 2008.

I. Foreword

In August 2005, the FSM Judiciary Education Committee (JEC) met in Pohnpei and approved a judicial education development plan for the justices/judges and State and Municipal Judiciaries and other professionals of State and Municipal Judiciaries and organizations in the FSM.

The draft plan was called the FSM Judicial Education Plan. The draft plan was developed by a national drafting committee headed by Justice Dennis K. Yamase with the following members: Administration, Kohsak Administration, Kohsak Keller, Chief Clerk of Courts and John Ombudsman.

The JEDP was designed as a guiding tool to assist the JEC in providing training programs most appropriate, suitable and relevant to the procedural and substantive knowledge and skills of judicial officials of the FSM, States, and Municipal governments. The duration of the

training programs proposed for the first five years contemplated under the Plan. The subsequent years programs were to be developed based on learned experiences, emerging training needs, and other circumstances learned experiences, emerging training needs, and other circumstances appropriate and relevant for capacity building of its judiciaries.

This report reviews the training activities initially projected up to March 31, 2008, a period of 2.5 years. This report reviews the training activities that were actually conducted and completed within this time period: from October 31, 2008, a period of 2.5 years.

The funding sources available to the FSM for training within the past two years are as follows:

1. Compact II training fund
2. Pacific Judicial Development Program (PJDP)
3. FSM Government Appropriations
4. DOI
5. Forum Agency
6. NZAid
7. Others: AusAid, JTPA, etc.

II. FSM Judicial Education Committee (JEC)

The FSM JEC members are the Chief Justices of the FSM Supreme Court and the Justices of the Courts. This committee has the oversight responsibility for the training programs of the Courts. This committee has the oversight responsibility for the training programs of the Courts.

approving training programs that are relevant and important for the judicial education of the judges and the staff of the national, state, and municipal judiciaries.

The current members are:

1. Chief Justice, Hon. Andon L. Amaraich, FSM Supreme Court
2. Chief Justice, Hon. Judah C. Johnny, Pohnpei Supreme Court
3. Chief Justice, Hon. Aliksa B. Aliksa, Kosrae State Court
4. Chief Justice, Hon. Camillo Noket, Chuuk State Supreme Court
5. Chief Justice, Hon. Cyprian Manmaw, Yap State Court

III. FY 2006, 2007, and First Half of 2008

Programs at a Glance and Summary Reports

A. The following were proposed and approved for 2005.

A.1. YEAR ONE (October 2005 to September 2006)

1. Certification of Trainers Completion of Level 3 Training of Trainers program under the PJDP for three judges and one staff.
2. Court Staff Training and Training for Trainers
3. FSM Judicial Conference
4. Staff Training for Clerks Part 2
5. Land Court Training, Part 2

6. Training for Trainers, Level 1 (PJDP). First level of three level program.
7. Land Court Training, Part 1 Land Court training for new judges from Pohnpei
8. Staff Training At least yearly training program for staff.
9. COM-FSM Trial Counselor Program
certification of trial counselors under the COM-FSM.
10. Probation and Parole Officer Training
11. Municipal Court Judges Training

A.2 YEAR TWO (October 2006 to September 2007)

12. Pacific Judicial Conference
subjects to be identified by the Pacific Judicial Council.
13. FSM Judicial Conference
14. Training for Trainers, Level 2 (PJDP). Second level of three level program.
15. Land Court Training, Part 2
16. Staff Training Topics would be selected based upon a training needs analysis.
17. COM-FSM Trial Counselor Program
18. Probation and Parole Officer Training
19. Municipal Court Judges Training
20. Training for Prosecutors and Public Defenders
21. Training for Police, Public Safety, and Marine Surveillance Officers

A.3 YEAR THREE (October 2007 to September 2008)

(note: this report covers only up to March 3, 2008)

1. FSM Judicial Conference
2. Training for trainers conducted by Pacific Judicial Development Program (PJDP)
3. Staff Training
4. COM-FSM Trial Counselor Program
5. Probation and Parole Officer Training
6. Municipal court Judges Training

B. The following training programs were completed by March 31, 2008.

B.1 YEAR ONE

1. Certification of Trainers Completion of Level 3 Training of Trainers program under the PJEP (PJDP predecessor) of three judges and one staff. AJs Yamase and FSM Supreme Court Chief Clerk Keller completed level III and were certified as judicial educators by the Australian International labor organization. The program was completed on October 12, 2008. These certified judges and staff are the local judicial educators for the FSM.

2. Court Staff Training and Training for Trainers - Staff Court Staff training for trainers. The program was completed on October 12, 2008. Participants were: Marciano Wakuk and Nora Sigrah from KSC, Goodwin Etse and

of the PJC courts. The rest were observers and support staff. This training was of the PJC courts. The rest were observers and the participating courts.

6. Legal Institute II session 1. Legal Institute II session 1. Legal Institute II is a special program of the National Judicial College (NJC) and the Department of Justice (DOJ) to train the non-law trained judges for the judiciaries of FAS and US territories. The general subject matter for this institute is substantive and procedural law conducted in Pohnpei. The subjects were Evidence and Legal procedure. There were 11 participants: 9 judges and two senior staff from FSM, Chuuk, Pohnpei and Kosrae. The date for the institute was from May 12-24, 2006. The program was conducted by NJC's adjunct faculty, Judge Dan Ryan and Professor Ron Hofer. The program was funded by a PIC/DOJ grant.

7. Special Jurisdiction Course. This course was offered at NJC in Reno, Nevada. The subject matter covered by the course were: Role of Judges, Evidence, Domestic Violence, Judicial Immunity and Understanding Yourself and Others. AJ Rodriguez of Pohnpei Supreme Court attended and the course ran from May 12-24, 2006. The training was funded by Compact II funds.

8. Mediation. This program was conducted in Fiji. The program was conducted by the Chief Clerk Keller of FSM. The date was from June 12-24, 2006. The program was funded by the Australian Federal Court and funded by AusAid.

9. Legal Institute II session 2. The venue was Kosrae. The subject matter was laws in the FSM. There were 9 participants: 6 judges, 2 senior staff from FSM, Pohnpei and Kosrae. The judges were from A. Samoa, Pohnpei and Kosrae. The program was funded by the Australian Federal Court and funded by AusAid.

FSM Judicial Education Development Plan (2008-2017)

Page 64

7-11,7-11, 206. It was conducted by NJC s adjunct faculty, Ju7-11, 206. It was conducted by NJC s adjunct fa
program was funded by the DOI grant and Compact II funds.

10. AmericanAmerican Pacific Probation Association (APPA) training IAmerican Pacific Probation
conferenceconference was sponsored by the APPA and the CNMconference was sponsored by the APPA and th
werewere 17 participants from the FSM. The participants represented thewere 17 participants from the FSM. Th
andand State Correction Divisions. They were Justice Ombudsmenand State Correction Divisions. They wer
Officers/WardensOfficers/Wardens and Court Marshals. The training topiOfficers/Wardens and Court Marsh
OfficersOfficers Safety, Courtroom Demeanor, Anger and Stress Management inOfficers Safety, Courtroom De
DrugDrug and Gambling. The training was conducted from September 4-8, 2006 in Saipan CNMI. The
trainerstrainers were from the US Mental Health and Substance Abuse program and CNMIHigh Court and
police department. The FSM s participation was funded by the Compact II funds.

COM-FSMCOM-FSM Trial Counselor***COM-FSM Trial Counselor Program -***COM-FSM Trial C
trialtrial counselors under the COM-FSM. Upontrial counselors under the COM-FSM. Upon completion and certifi
to sit for the FSM Supreme Courtto sit for the FSM Supreme Court to sit for the FSM Supreme Court Bar E
program.program. Support: FSM Supreme Court, College of Micronesia-FSM.program. Support: FSM Supreme
forfor classes at the Cfor classes at the COM-FSMfor classes at the COM-FSM. At the moment the program is
Pohnpei the problem is lack of instructors.

B.2 YEAR 2

1. LandLand Court Training, Part 2 It was aLand Court Training, Part 2 It was a follow up training t
May,May, 2005 forMay, 2005 for new land court judges, land court staff, and legalMay, 2005 for new land court ju

inin Kosrae, This training subject mattein Kosrae, This training subject matterin Kosrae, This training subje
rulings,rulings, due process considerations, decision making. It was conrulings, due process considerations, de
The trainersThe trainers were the local certified PJEP trainers (AJs Yamase and Rodriquez, CJ Aliksa)The trainee
expatriate,expatriate, Judge Epati from NZ. There were 17 participants: expatriate, Judge Epati from NZ. The
Court judges and Land Commissioners from all the States. The funding for the training was from
Compact II funds.

2. StaStaffStaff TraininStaff Training for Clerks This was a follow up training to program ran in A
20052005 for clerks of court, secretaries and court reporters. The training2005 for clerks of court, secretaries and
byby FSM Chief Clerk of Court, Law Clerk from Chuukby FSM Chief Clerk of Court, Law Clerk from Chuuk Office
SupremeSupreme Court. There were 23 total participants representing all State and FSMSupreme Court. There we
waswas Pohnpeiwas Pohnpei and the date was October 16-21, 2007. The training was supported by Compact
training funds.

3. OrientationOrientation forOrientation for New Judges. This training program was sponsored by the g
of NZ. AJ Rodriquez from the FSM attended that program from November 15-21, 2006 in NZ.

4. JudicialJudicial Independence and Evidence and Judge Skills. This training was conducted by
thethe US Federal Judicial Center and 9th Circuthe US Federal Judicial Center and 9th Circuit Districthe US
JanuaryJanuary 29-31, 2007. The training was attended byCJ s Amaraich,January 29-31, 2007. The training was a
GCGC Reffner of the FSMSC. The training was funded by ComGC Reffner of the FSMSC. The training
appropriation.

5. CourtCourt Court Leadership. This training was done in Kosrae for al the CJs of tCourt Leadersh
States.States. The instructors were Judge Fisher and Leo Papas oStates. The instructors were Judge Fisher and

2007. The program was funded by Compact II funds.

6. Administrators Administrators Training. Administrators Training. This Administrators Training. This 2005. 2005. It was conducted in 2005. It was conducted in Guam by ICM/NCSC 2005. It was conducted in Guam by of of training was from March 5-9, 2007. The subject matter for the training were Customer Service, Employee Employee Evaluation process Employee Evaluation process and Ethics for the court employees. All the State represented by 1 senior court staff (Administrators, Chief represented by 1 senior court staff (Administrators, Justice Ombudsman) FSM's participation was funded by Compact II funds.

7. ADR ADR Scoping: PJDP sponsored a scoping visit by Mr. Enoka ADR Scoping: PJDP sponsored from from the Federal Court of from the Federal Court of Australia. These visits were done in Kosrae and Pohnpei total total of 100 participants attended. The participants total of 100 participants attended. The participants leadership, leadership, legislators, members of leadership, legislators, members of the clergy, etc. The leadership, leadership, and to Pohnpei from March 17-21, 2007. The program was funded by PJDP.

8. Training Training for Trainers, Level 1 - Tra Training for Trainers, Level 1 - Tra Training for Tra Development Development Program (PJDP) in Chuuk from March 22-26. It was named Judicial Educators course. course. It is the second series of train the trainers course. It was facilitated and course. It is the second series Enoka Enoka Puni. The participants were from all State and FSM Courts and also the Judiciary Enoka Puni. The participants There were 9 FSM participants including There were 9 FSM participants including judges, administrators, prosecutors. The program was funded by PJDP.

9. Fisheries Fisheries Law: This training was hosted by Palau Judiciary and fun Fisheries Law: This Agency, CJ Amaraich represented the FSM. The training was from April 2-4, 2007.

10. Money Money Laundering and Terrorist Financing: This training was done Money Laundering and

by Palau Judiciary and funded by Forum Agency. CJ Amaraich and AJ Yinugby Palau Judiciary and funded by Forum Agency. The training was from May 8-11, 2007.

11. Special Jurisdiction Course. This course was offered at NJC in Reno, Nevada. The subject matter covered by the course were: Roles of Judges, Evidence, Domestic Violence, Judicial Immunity and Understanding Yourself and Others. Johnny of Pohnpei SSC attended the course from May 14-24, 2007. The training was funded by Pohnpei State Government WIA/JTPA program funds.

12. Family and Law Training: This training was conducted in Chuuk from June 11-14, 2007. The topics covered were relevant to family matters. The instructors were Judge Puni, Justice Mere Pule of Fiji High Court and Sophia Harvey from Fiji. The participants were Justices and Judges from FSM and all 4 State Courts, local police and bar members of Chuuk. There were 26 participants. The training was funded by PJDP.

13. Decision Making/Judgment Writing. The training is currently offered in Chuuk. The subject matter is formulation, process and development of decision making. The participants were Chief Justices and Judges from FSMSC, all 4 State Courts, local court judges, land commissioners, local municipal judges, land court judges, land commissioners, local municipal judges. There are 30 participants. The training is funded by PJDP.

14. NJC General Jurisdiction: This course was offered at NJC. The subject matter covered by the course were: Role of Judges, Contempt and Trial Disruption, Evidence, Domestic Violence, Judicial Immunity and Understanding Yourself and Others. AJs Yamase, Johnny and Aisek attended the course from July 16-26, 2007. The training was funded by Comp

II JTF.

15. Domestic Violence: Hosted Domestic Violence: Hosted by PJC in Guam from August 3-7, 2007. A
CJ Johnny attended.

MunicipalMunicipal Court Judges Training - Municipal Court judges were pa***Municipal Co
Judicial Training Conference (11/05), ADR (3/07) and Decision Making Trains (6/07).

B.3 YEAR 3 (up to March 31,2008)

1. CoCourtCourt Management for Chief Judges and Court Administrators. This coCourt Manager
offeredoffered by NJC in Reno from October 8-offered by NJC in Reno from October 8-12, 2007.offered by N
TheThe team being the Presiding Judge and Administrator. The subject matters were PerThe team being
management,management, Budget Management, Organizational Managemmanagement, Budget Management,
participantsparticipants were the FSM, Pparticipants were the FSM, Pohnpeparticipants were the FSM, Po
successfullysuccessfully completed and received certificate of completion. This course is a 2 credit course
towardtoward atoward a Justice Master Degree program offered bytoward a Justice Master Degree program offer

II.

2. PJDPPJDP ADR Training in Kosrae November 20-24, 2007. ThiPJDP ADR Training in Ko
selected individuals in Kosrae to become certified in ADR. This training is funded by PJDP.

3. PJCPJC Conference for Judges only. It was conducted inPJCPJC Conference for Judges only. It was con
20072007 with the theme Honoring Jus2007 with the theme Honoring Justice and Res2007 with the theme
Leadership,Leadership, Constitutional Law,Leadership, Constitutional Law, COOPLeadership, Constitutional Law
NationalNational and State Court attended. From Pohnpei 4 municipal judges and 3National and State Court attend
Funded by DOI.

4. COM-TrialCOM-Trial Counselors ProCOM-Trial Counselors Program COM-Trial Counselor PohnpeiPohnpei Campus. InstructorsPohnpei Campus. Instructors are Mr. Ben Weber, Esq. And Mr. Seth Hanson are current staff attorneys for the FSM Supreme Court. Their time is donated to the program.

5. PJCPJC ExecutivePJC Executive Training in Yap Leadership: February 28-29, 2008. ItPJC Execut by FSM Compact II.

6. AdministratorsAdministrators Training:Administrators Training: This training was a follow-up of th 20072007 in Guam. It will be conducted2007 in Guam. It will be conducted in Pohnpei by ICM/NCSC managem ofof Guam consultants on Ethics. The date of training wilof Guam consultants on Ethics. The date of training mattermatter for the training are Court Process, Courtmatter for the training are Court Process, Court Leadership, C Ethics.Ethics. All the State and FSM CoEthics. All the State and FSM Courts wEthics. All the S (Adm(Admini(Administrators,(Administrators, Chief Clerk, Chief Probation Officers, Justice Ombudsman and FSM s participation was funded by Compact II funds. It will be funded by FSM Compact II.

IV. Summary Sheet

FSM JEDP Training/Workshop Registry

FY 2006

Dates	Venue	Training/Workshop topics	Trainers/Instructors	Types or names of trainees	#of FSM trainees	Funding Source	Budget Amount
Oct 1-12/05	Fiji	Judicial Educ ators III	PJEP-Judge Puni	Judges and Court Staff	4	PJEP	??
Oct 8-12/05	Guam	Train the Trainer-CF & Ethics	ICM/NCSC	Senior Court Staff	9	Compact II	\$25,200.00
Nov 11-14/05	Chuuk	ADR	Australia Federal Ct	Judges	23	AusAid	??
Nov 16-21/05	Pohnpei	11th Judicial Conference	NJC,FSMSC&St Cts	Sr.S Judges and staff	46	FSMSC	\$36,000.00

Dec-05

Jan-06

Feb26/06	Rota	Leadership training	NJC, PIC	CJs and Judges	7	DOI,FSMSC??
Mar 12-16/06	Pohn	Legal Institute II 1st session	NJC-Judge Ryan	Judges	9	DOI/PIC ??
May 12-24/06	Reno	Special Jurisdiction Training	NJC	Judge Rodriquez	1	Compact II \$6,424.00
June 27-30/06	Fiji	Mediation	Australia Federal Court	AJ Yamase and CC Keller	2	AusAid ??

Aug 7-11/06

V. Closing comments

TheThe FSM JEDP helps JEC guideThe FSM JEDP helps JEC guide development and formulationThe FS
evaluatesevaluates its training performance. Be being able to gauge performaevaluates its training perfor
ascertainedascertained by wayascertained by way of quality of servicesascertained by way of quality of services d
analysisanalysis of the inanalysis of the information can help JEC determine where and what areas to focus on
and/orand/or modify inand/or modify in accordance to the training needs of the judiciaries collectively, and/or mo
level.

ForFor the first threeFor the first three years a total of 27For the first three years a total of 27 training progra
forfor Year 1, 10 for Year 2, and 6 forfor Year 1, 10 for Year 2, and 6 for Year 3. for Year 1, 10 for Year 2, and 6 for
programs conducted under the FSM JEDP.

Performance

DuringDuring Year 1,During Year 1, 5 of the trainingDuring Year 1, 5 of the training programs were cond
werewere somehow fulfilled in partwerewere somehow fulfilled in part as part of additionalwerewere somehow fulfilled in
werewere postponewere postponed and conductewere postponed and conducted in Year 2 and were never cond
programsprograms administeprograms administereprograms administered that were not specifically planned. F

difficult if not impossible to ascertain. For the funds provided to FSM under the current Compact, a total of \$528,426.00 is available for expenditure. During the period in question, \$188,003.00 of that already reconciled and available for expenditure from that fund source, with a balance of \$340,423.00 is available as of March 31, 2008. With a conservative estimate for FY 2008, allocation for FY 2008 is most likely to be more. However, the 9th Circuit's figure disputed this amount due to differences in the understanding of the FY 2004 allocation. The amount according to the 9th Circuit.

For the funds provided to FSM under the current Compact, a total of \$528,426.00 is available for expenditure. During the period in question, \$188,003.00 of that already reconciled and available for expenditure from that fund source, with a balance of \$340,423.00 is available as of March 31, 2008. With a conservative estimate for FY 2008, allocation for FY 2008 is most likely to be more. However, the 9th Circuit's figure disputed this amount due to differences in the understanding of the FY 2004 allocation. The amount according to the 9th Circuit.

All other expenditures from other revenue sources are not known to us.

Regarding the Compact fund balance, the following table depicts the annual share revenue, actual expenditures, and proposed expenditures from FY 2005 to date.

Fiscal Year	FSM's Shares	Reconciled and Actual Expenditure up to of 10/07	Unreconciled and Projected Exps. Till 3/08
FY 2004	\$200,000.00*	\$160,133	0
FY 2005	\$157,997	\$ 27,870	\$130,127
FY 2006	\$160,585	0	\$ 3,380
FY 2007	\$165,677	0	0

FSM Judicial Education Development Plan (2008-2017)

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FY 2008	\$165,677**		
Total	\$849,936	\$188,003	\$133,507

*under dispute

**conservative estimate

With regard to participation and attendance, aWith regard to participation and attendance, aWith regard to participation and attendance, a
31%31% of that (138) judge31% of that (138) judge participants,31% of that (138) judge participants, 32% (140)
suchsuch as bar members, police, correction such as bar members, police, correction osuch as bar members,
leadersleaders etc. leaders etc. This shows that the purposeleaders etc. This shows that the purpose upon which F
inin providing training and education, not oin providing training and education, not only tin providing training
professionals of the legal and justice agencies, departments, and organizations in the FSM.

Approved on this _____ day of June, 2008.

Hon. Andon L. Amaraich
Chief Justice
FSM Supreme Court

Hon. Camillo Noket
Chief Justice
Chuuk State Supreme Court

Hon. Aliksa Aliksa
Chief Justice
Kosrae State Court

Hon. Judah Johnny
Chief Justice
Pohnpei Supreme Court

Hon. Cyprian Manmaw
Chief Justice
Yap State Court