



NEWSLETTER

Volume I Issue 3

December 31, 2008

Seal of the Supreme Court of the FSM

- The seal above represents many things of the ways of the Micronesian people. The "V" sign in the center of it is a star point; which signifies "star path navigators; a traditional and contemporary symbol common to all four FSM Island States; and, it also represents a mountain; and ocean waves.

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Pacific Judicial Development Program Executive Committee (PJDP) PEC) Emergency Meeting

Auckland, NZ, October 20, 2008

The meeting was urgently called by the interim program management/managing donor, NZAID, to salvage a deteriorating situation that brought the program to a complete standstill on July 01, 2008. Chief Justice Andon L. Amaraich and all members of the Committee were called to Auckland at the expense of PJDP to attend the meeting from October 20-21, 2008. The meeting was attended by Chief Justice Patu F M Saplou of Samoa (Chairman), Chief Justice Andon L. Amaraich of FSM, Chief Justice Vincent Lunabek of Vanuatu, Sr. Justice of Peace John Kennings of the Cook Islands, Chief Registrar Manakovi Pahulu of Tonga Judiciary, Mr. Mark Ramsdan of NZAID and Ms. Romaine Kwesius sitting in for AUSAID. Also in attendance were Mr. Cameron Cowen, technical consultant, Ms. Ranmali Fernando, NZAID staff and PJDP Coordinator Kapilly Capelle of the FSM Supreme Court.

Prior to that meeting, a statement was issued by the Pacific Island Countries (PIC) PEC members advising all of the 15 member Countries/stakeholders of the situation. "The Pacific Islands members of the Programme Executive Committee ("PEC") of the Pacific Judicial Development Programme ("PJDP") wishes to advise the regions of the Pacific that the current hiatus in the PJDP programme is not being treated lightly and the meeting of the PEC, scheduled for 20th October, 2008, in Auckland, New Zealand, will be addressing all matters relative to the programme in an effort to get matters back on track and the delivery of the programme as provided in the annual plan."

The statement went on to express the PIC PEC members' frustration over the situation to the extent that they wanted and have independently approached the other donor agency, AUSAID, to consider taking over the management responsibilities of the programme from NZAID. Their concern was exasperated by an extended hiatus that was detrimental to the programme.

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Networking and FTR Training in Chuuk

The FSM Supreme Court conducted a Networking and FTR training in Weno, Chuuk from November 11th to November 13th 2008. Instructors for the training were FSM Director of Court Administration Kapilly Capelle and Chief Clerk Kohsak Keller from the FSM Supreme Court. The Supreme Court and the participants of the training were fortunate to have the Director of Court Administration for Yap State Court,



Chief Justice Andon Amaraich, Associate Justice Ready Johnny, and Director Capelle with training participants.

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Participants getting some hands-on exercise on the new recorder

Mr. Andy Choor, also as an instructor for the training. Director Andy Choor has extensive experience with the new recording systems.

Participants of the training were FSM Supreme Court Staffs from Pohnpei, Chuuk, and Yap. As part of the FSM Supreme Court's effort in working with other Courts, an invitation was extended to our neighboring friends, the Republic of the Marshall Islands, to participate. Mr. Hainrick Moore and Mr. Travis Joe, both from the Marshall Islands High Court, attended the training.

The training was organized and funded by the FSM Supreme Court and the Department of Interior through the U.S. Ninth Circuit Court of Appeals using Compact II Judicial funding and the various equipments were paid by the FSM Supreme Court. During the three day training, participants were exposed to basic usage features of the new networking systems in the FSM Supreme Court of

Pohnpei, Chuuk and Yap. Participants were also trained on how to use and maintain the newly installed FTR (For The Record) Recording Systems in the FSM Supreme Courts. Day one of the training concentrated on the Computer Network Systems. Participants learn the different types of networks, the advantages, the disadvantages of networking, and many other important features of the newly created network. By the end of the day, participants were able to do basic things like file sharing and adding network printers.

Day two and three of the training, participants were trained on using the FTR Recording Systems. FTR Recording Systems is a digital recording machine that allows audios that are recorded in court proceedings to be digitally archived into computer file servers. With this new system, browsing and accessing of audios is much easier.

The training successfully ended with a graduation ceremony and a reception at the High Tide Restaurant. Present during the closing reception were Chief Justice Andon Amaraich of the FSM Supreme Court, Mrs. Amaraich, Chief Justice Camilo Nokat of the Chuuk State Supreme Court, Associate Justice Midasy Aisek of the Chuuk State Supreme Court, Kapilly Capelle, Kohsak Keller, Andy Choor, and the eleven participants. In his brief remarks at the closing reception, Chief Justice Andon Amaraich highlighted the importance of efficient and effective record keeping in the

Courts as Court of Records. With this new recording technology, FTR Recording Systems, we should be able to serve the public more efficiently and effectively. Both Chief Justices Nokat and Amaraich made special mention of the fact that the entire training was conducted by FSM Court Personnel without outside experts. They also thanked the participants from the Republic of the Marshall Islands and assured them that if they need assistance with their recording systems, the FSM will be happy to assist.

Participants:

1. Harry Narruhn- State Justice Ombudsman, FSM Supreme Court Chuuk.
2. Rolina Otto- Asst. Clerk, FSM Supreme Court Chuuk
3. Israel Yoshinobu- Webmaster, FSM Supreme Chuuk
4. Senda Helgen- Asst. Clerk, FSM Supreme Court Palikir
5. Sandy Albert- Asst. Clerk, FSM Supreme Court Palikir
6. Joyleen Wichep- Asst. Clerk, FSM Supreme Court Palikir
7. Belan Yoma- State Justice Ombudsman, FSM Supreme Court Palikir
8. Georgia Rungun- Asst. Clerk, FSM Supreme Court Yap
9. Keske Jacob- Chief Maintenance, FSM Supreme Court Palikir
10. Hainrick Moore- Asst. Clerk, High Court of the Marshall Islands
11. Travis Joe- Asst. Clerk, High Court of the Marshall Islands



Participants in training room



Chief Justice Camillo Nokat giving remarks at the Closing Reception

Appeal Case C2-2004

The Appellate Division affirmed the Trial Court's decision in appeal case C2-2004 on November 24, 2008. The appellant appealed the trial court's decision finding him guilty of authorizing expenditures in violation of title 55 of the FSM Code, Section 221. He argued that the trial court made an error by failing to recognize one of his witnesses as an expert witness and further by concluding that the trial court erred when it found that the testimony of the said witness should be given little or no weight. He further argued that there was not enough evidence presented at trial for the court to conclude that he had authorized expenditures. The

appellate court found no error with the trial court's decision. The appellate court noted that the trial court records did not show the witness was an expert witness and the trial judge, and not the witness, "has the responsibility and discretion to determine whether a witness is qualified as an expert." The appellate panel was divided on this issue. Because the qualification of the witness was never presented at trial, the majority found the trial court did not abuse its discretion in declining to treat the witness as an expert. However, Temporary Associate Justice Judah C. Johnny disagreed with the majority and dissented noting he has problem with the holding discussed in the issue of the witness.

All the justices of the appellate court found to be proper the trial court's decision on the issue of insufficiency of the evidence that the appellant improperly authorized expenditures of government funds. The majority of the court concluded that based on the evidence and applying the appropriate standard of review, the trial court did not abuse its discretion or err in its treatment of the witness' testimony.

The panel in this appeal was comprised of Temporary Associate Justice Richard H. Benson, Temporary Associate Justice Judah C. Johnny and Temporary Associate Justice Aliksa B. Aliksa.

Fairness hearing in Civil Action 2003-3002

In early December 2008, a fairness hearing on a propose distribution formula of the money judgment rendered by the trial court and affirmed by the appellate court in "the people of the Municipalities of Rull and Gilman, Yap State, by and through John Mafel representing Chief Andrew Reupong, Chief Thomas Galgnin and Chief James Limar against M/V Kyowa Violet, et. al. was held at the FSM Supreme Court in Yap State in order to allow for an opportunity for the named plaintiffs and the class of people involved in this case to speak on fairness issues regarding the distribution of the money. As it was the purpose of the hearing, the court afforded opportunities to the named plaintiffs and the people involved to speak. The only person who spoke on the distribution of the money judgment was Mr. John Mafel. Mr. Mafel informed the court that the share of the money due him will not be distributed to him, instead, his share will be distributed among his people.

The judgment in this case plus interests totaled \$4,062,000, one of the largest money judgments awarded in the FSM, if not the largest. Of this total, \$1,854,000 went to the attorneys and costs, and the remaining portion in the amount of \$2,208,000 was deposited in a trust account pending distribution. This amount will be divided between the named plaintiffs and the people of the Municipalities of Rull and Gilman involved based on households. The court approved the proposed formula and the money will be distributed soon.

First Pacific Judicial Council Regional Training Conference for Prosecutors and Defense Counsels

On November 18-20, 2008, Pacific Judicial Council (PJC) organized and conducted its first regional training workshop for prosecutors and defense counsels from Pacific insular jurisdictions in Agana, Guam. Representing FSM and the FSM States were: FSM-Mr. Joey Sapelalut, Chief FSM Public Defender, Mr. Asher Johnson, FSM Assistant Attorney General, Kosrae-Mr. Snyder H. Simon, Trial Counselor (Kosrae State AG's office) and Mr. Steve Y. George (Public Defender), Chuuk- Mr. Joses R. Gallen, Esq. (Chuuk State AG) and Ms. Kachie Sana PD, Yap- Mr. Joseph Fatamag Pagal (Yap State Assistant AG) and Mr. Anselm Fillmed (Public Defender) and Pohnpei- Mr. Benskin Etse (Public Defender) and Mr. Dickson Santos, Trial Counselor (Pohnpei AG's Office).

The Chief Justices of the FSM and State Judiciaries supported this training because of the important roles and responsibilities they play in the delivery and administration of justice in this country. This training was organized as an attempt to improve skills and knowledge of the legal practioners in all the island jurisdictions with the objective to advocate justice and rule of law in the island communities. The participants were sponsored by the FSM and State Judiciaries and funded by the FSM Compact II Judicial Training Funds.

The training workshop topics were Ethics inside and outside of Courtroom, Family Law and Domestic Violence, Criminal Investigation (Sex, Firearms and Drugs), Trial Preparation and Advocacy, Juvenile Justice, Justice on Terrorism, Stress and Wellness.

Comments from participants varied, some supported it, others were not so positive. The comments are valuable in assessing how trainings for these important judicial officers can be best tailored in the future to assist them in their jobs better which will in turn make administration of justice delivered in accordance with the rule of law.

First FSM and Local Courts Clerks Training

In December 2008, the newly hired Clerks of the FSM Supreme Court, Clerks from Pohnpei and Kosrae Court of Land Tenure, Clerks from Chuuk State Supreme Court, and Clerks from the Municipal Courts of Pohnpei attended a training for National, State, and Local Court Clerks at Yvonne's Hotel Conference Room. The training was funded by the FSM Supreme Court and the U.S. Department of Interior through the U.S. Ninth Circuit Court of Appeals using Compact II Judicial Training funds. The training was from the 8th to the 12th of December and featured lectures, site visit, guest speakers, and hands on practical exercises on important subjects and topics to the Courts throughout the FSM. The training was on customer service; in-court duties; ethics for court staff; accepting, processing and filing of documents; process of handling and issuing Court Orders; management and custodian of Court Records; administering Oaths; and notarizing. Instructors for the training were Mr. Kapilly Capelle, Director of Administration FSM Supreme Court; Mr. Kohsak Keller, Chief Clerk FSM Supreme Court and Mr. John William, National Justice Ombudsman FSM Supreme Court.

Day one of the training began with a short opening ceremony with the presence of Chief Justice Andon Amaraich, Chief Justice of Pohnpei Supreme Court Judah C. Johnny, Associate Justices Benjamin Rodriquez, and Chief Justice of Walberg Hadley. The short ceremony began with a short opening remark given by Chief Justice Judah C. Johnny in which he welcomed all participants to Pohnpei State and urged participants to fully participate and engage in fruitful discussions. Chief Justice Amaraich highlighted the significant role that clerks play in the court and urged all the participants to make the most out of the training. As Court of Records, it is important that records are well kept and maintained, and the care of Court Records is one of the major responsibilities of Clerks.

During the week long training, participants also had the opportunity for a site-visit to the Pohnpei Supreme Court during which they were able to observe the preparation



of Court Rooms prior to hearings. They also had the chance to sit in a real hearing presided by Associate Justice Benjamin Rodriquez. Aside from site-visits, participants listened to guest speakers who covered various topics. Guest Speakers included Justices Hon. Benjamin Rodriquez, Hon. Walberg Hadley, Chief Clerk of Pohnpei Supreme Court Leon Felix, and General Counsel for the FSM Supreme Court Mr. Ben Weber.

The Clerks Training concluded on the 12th of December with a graduation ceremony and dinner reception at the Nihco Marine Park.

PJDP PEC continued from p. 1

Prior to that meeting, a review of the programme was undertaken by the managing donor, NZAID, to analyse and ascertain the issues and recommend solutions for PEC to review and to implement to get the program back on track. The PIC PEC members met before the meeting to deliberate on issues they felt important for the interest of their island countries. The issues of "program ownership" and "new management structure" were discussed. It was made clear during the meeting that it would not be possible for AUSAID to take over the management responsibility. However, the PIC PEC members agreed to play a more active role as owners of the program. In addition there was a general

consensus among the PIC PEC members as to the type of management structure they would like if the program is to continue. Despite the problem, the PIC PEC members viewed it as a valuable experience to learn from and with the knowledge gained from the past 2½ years of the program they were optimistic to continue working with the donors to get things back on track.

A new management structure was adopted for implementation. As a result, new terms of references are presently being reviewed for both the governing board, PEC, and the new management structure. In addition, PEC was able to approve some interim training activities for the region. The approved activities were few and FSM was very fortunate to be

given a training opportunity for a Decision Making/Judgment Writing workshop to be conducted by PJDP Training consultant in March 2009.

As of this writing, resumes for the interested applicants are being reviewed for the management position of the program. NZAID, as the managing donor, is searching to hire the new management and develop the annual program plans to get PJDP fully engaged in its mission of judicial training and capacity building for the PIC judiciaries. Having learned from the unfortunate closing-down of the program recently, it is expected that the PEC will have more direct roles in the management of the program.

2008 Annual Conference of Pacific Islands Association of Libraries, Archives and Museums

The FSM Supreme Court Law Librarian, Mr. Atarino Helieisar, attended the 2008 Annual Conference of Pacific Islands Association of Libraries, Archives and Museums held in the FSM State of Yap on November 17-22.

The membership has grown to over 100 individuals and 42 institutions representing countries including Australia, New Zealand, New Caledonia, Japan, Tonga, Fiji, Papua New Guinea, the United Kingdom, Kiribati, Singapore, Tuvalu, Canada, Federated States of Micronesia (Island state of Yap, Chuuk, Pohnpei, and Kosrae), Republic of Palau, Republic of the Marshall Islands, American Samoa, Hawaii, Territories of Guam, and the continental United States.

On "*The New Beginnings: The Library as an Information and Resource Basket*," presentations concentrated on various topics, efforts to Improve Learning in Micronesia, Pacific Language Early Readers, Finding Information in a "Sea of Islands," basic cataloging, government documents, Collection in the 21st Century, managing small resources, collaboration with your administrator, Internet Literacy for Librarians, fundraising activities, inventory, Hawaii-Pacific Law Libraries, and grant writing.

Pohnpei will be the host for the PIALA Annual Conference in 2009. The new PIALA Officers for

2008 to 2010 are Mr. Atarino Helieisar (President / FSM Supreme Court Law Library (Pohnpei), Mr. Michael Williams (Vice-President) / Rose Mackwelung Library (Kosrae), Ms. Grace Merong (Secretary / Palau Community College Library (Republic of Palau)), and Ms. Lydia Tibon (Treasurer / University of the South Pacific Library (Republic of the Marshall Islands)).

PIALA advocates the nurturing of a strong reading, listening, viewing and creative community. Each of the libraries represented in PIALA, with proper community and political support, can be a major force for changes in their immediate community. As PIALA members participate in their local communities, and support the actions of community leaders, they bring a wide range of knowledge and information to play in local decision making.

Many of the judiciary work requires legal resources and legal research. Lawyers and Judges need a law library and a skilled librarian. The membership of the FSM Supreme Court Law Libraries will tremendously benefit from the many trainings and networking opportunities given by PIALA for all the increase knowledge of cataloging, references, free electronic resources, online indexes such as EBSCOhost which is an online research database named after the founder, Elton Bryson Stephens Company, and special Pacific-Islands resources. The skills obtained from PIALA, will improve the services to make work easier and

make the FSM Supreme Court Law Library(s) more effective.

At the closing ceremony of the Conference, President Helieisar thanked the leadership of the state of Yap for hosting the conference and, encouraged librarians, archivists and curators to work together in advocating the needs of the libraries, archives and museums in the Pacific, especially here in Micronesia. He also asked for government leaders, Non-Governmental Organizations, and the communities to support libraries in order to make sure that the young generations have a place to read, rest and access information across the globe while considering the libraries as second home for them.



Atarino Heliaser addressing the 2008 PIALA Conference in Yap

U.S. Ambassador's visit to the FSM Supreme Court

The U.S. Ambassador to the FSM, Her Excellency Miriam K. Hughes, and the Deputy Chief of Mission, Mr. William Douglas visited the Supreme Court in September 2008 where the Ambassador Hughes and Mr. Douglas met with Associate Justice Dennis K. Yamase. The Ambassador commented about the success of the medical team of doctors that re-

cently visited the FSM States aboard the Mercy Hospital ship and Justice Yamase's successful efforts in maintaining the FSM Legal Information System website on line.

In response to inquiries, Justice Yamase explained that the FSM Supreme Court has both a trial and appellate divisions and it is a court of last resort. The FSM Supreme court has limited jurisdiction in criminal matters. The court currently has one Chief Justice and three Associate Jus-

tices. One justice sits at the trial level and three justices comprise an appellate panel. In the event of a conflict of interest in appeals, the Chief Justice appoints a temporary justice usually from the FSM States judiciaries, but he can also appoint a temporary justice from other Pacific courts and the U.S. Ninth Circuit Court of Appeals as he has done in the past.

Thanksgiving Celebration

The FSM Supreme Court held its Thanksgiving luncheon on November 28, 2008 in celebration of Thanksgiving; and to also officially welcome Patti Brewer and her family to the Supreme Court. The luncheon was also a celebration of the President's proclamation declaring the last Thursday of November of each year a national day of prayer held on November 27th. Chief Justice Amaraich said that the President's proclama-

tion is a milestone in the history of this nation. He went further saying to the court staffs not to forget that everyone has something to be grateful about; and to "remember to always be grateful." The Chief Justice said that the declaration of the national day of prayer was good for the Federated States of Micronesia because it is a day that all should remember to be thankful, even though the declaration came short of declaring that day a FSM official holiday.

The Chief Justice also welcomed Mrs. Patti Brewer and her

family to the court. Patti is the newest staff attorney for the FSM Supreme Court. She joined the court after many years of legal practice in the States of Maine and Washington. Patti was an Administrative Law Judge for the Washington Department of Revenue for one year and two years as Hearing Judge for the Washington Court of Tax Appeals. She spent many years in private law practice in the State of Maine. Patti also worked for the Kosrae State Legislature in the past for two years.



Chief Justice Amaraich giving his remarks at the First FSM National Prayer Day

National Prayer

On November 27, Chief Justice Andon Amaraich and Associate Justice Dennis K. Yamase attended the 1st FSM National Prayer Ceremony at the FSM National Government Central Facilities in Palikir. Pre-

intends to allow leaders and citizens of this nation a time of fellowships and relationship building among ourselves and god. As stated by President Mori, "Other than our opening and closing prayers, this day is a time to strengthen our relationship with God,

sent at this historic event were President Mori, Vice President Alik,

Speaker Figir, Chief Justice Amaraich, Governor Ehsa, Members of the Diplomatic Corp, key staffs of National and Pohnpei State Governments, members of the Church Community and many more. The National Prayer Day was an initiative by President Mori's administration which

with our fellow leaders, and with our family, friends, relatives and our constituents."

During the event, statements were also given by Speaker Figir, Chief Justice Amaraich, Reverend Bender Enicar, and Father Francis X. Hezel, congratulating the President for taking this very important new step. The National Prayer Day is a good thing for the Country.

The President formally declared the last Thursday of November as FSM National Prayer Day. The National Prayer Day is a day for us to acknowledge the blessings that our Almighty father has given us, the People of the Federated States of Micronesia, and the significant role of Christianity in the peaceful coexistence of people with diverse cultures. And "Reaffirming, our common desire to maintain this nation a nation firmly stands for religious values and virtue".

Winner of "can you identify where this is?" is named

In the last issue of this newsletter dated September 30, 2008, we published a picture on page 8 inviting the general public to identify the picture. On November 25, 2008, the court received a letter from Ms. Daroleen Henry correctly identifying the photo as the retaining wall on the left side of the Chief Justice's parking area at his official residence in Palikir, Pohnpei. Ms. Henry did not mention the significance of the picture. The picture shows that the retaining wall is cracking and the water is steadily oozing through the cracks into the area. If not timely repaired, the cracks will weaken the wall. The attentions of readers are invited to "can you identify what this is?" in this issue.



Can You Identify where this is? And what is significant in this picture?

(FSM Supreme Court Personnel are prohibited from participating)



Write answer in letter format and address it to the Office of the Chief Justice. Letter should be able to identify

picture and tell the significance of the photo. (See last page for mailing address)

ABOUT THE LAW

The last “About the Law” segment began a discussion about the various discovery procedures allowed under the FSM Rules of Civil Procedure that the parties to a civil lawsuit may use to gather information about the opposing party’s case. Under current legal thinking, there are not supposed to be any surprises that surface during the trial of a case. Because the parties to a civil lawsuit are allowed to find out all relevant information about the opposing party’s case before trial using the various discovery techniques, each party in a trial should know what the other party will present at trial. Thus a dramatic fact that heavily favors one side or the other will come to light before trial, and may well cause the case to settle, thus eliminating the need for trial in the first place and saving judicial resources.

The prior “About the Law” segment discussed the discovery tool called an oral deposition under FSM Civil Rule 30. This segment continues with a discussion of other discovery techniques.

FSM Civil Rule 33 permits discovery by means of interrogatories, or questions, to the parties. “Interrogatory” comes from the same Latin word as the word “interrogate,” which is familiar from television shows where a hard-boiled police detective will “interrogate,” or ask questions of, a suspect in a criminal case. The party who receives the interrogatories must answer the questions fully under oath, unless the answering party objects to the question for some reason. In that case, the answering party must give the reason for the objection. If the party who prepared the interrogatories does not agree with the objection, which is usually the case, he or she then may ask the court to require the other party to answer the question that was objected to. The answers to the interrogatories must be served on the other party within 30 days after the interrogatories after the interrogatories were originally served on the answering party. “Served” means that they must be delivered in some manner to the party or the party’s attorney. Service is critical, because if something is not properly served, the other party will not know of its obligation to respond. Both the interrogatories and the answers must be signed by the party’s attorney if the party is represented by an attorney. The answers must also be signed by the person who answered the interrogatories. Both the interrogatories and the answers must be filed with the court. Interrogatories are a useful tool to find out the basic facts about an opposing party’s case.

The next discovery method permitted under Civil Rule 34 is a request for production of documents and a request to enter upon land of another for inspection or other purposes. Documents often play a critical role in litigation. The parties need to have copies of all the relevant documents, and under this rule, a party can request copies of them from the other party. A party who is required to produce documents has 30 days to do so. This rule also allows one party to request permission from another party to enter the party’s property for purposes of inspection. For example, in a case in which the boundary of property is in dispute, one party may request permission to enter the party’s property in order to have a better understanding of what is being claimed by the opposing party. Or, one party may need to enter onto the property if something that is involved in a lawsuit is not readily transportable. A party receiving a request for production or inspection has thirty days to respond that inspection will be permitted, unless specific objections are made. In that case, the party who is denied production or inspection may then request that the court intervene and determine whether the objections are valid. Both the requests for production and inspection and their answers must be signed by the attorneys and filed with the court.

A further discovery technique permitted under the Civil Rules is a request for a physical or mental examination of a party, or an individual who is in the legal custody or under control of a party, where that mental or physical condition is in controversy. This technique is used most frequently in lawsuits brought to recover damages for personal injuries which have resulted from the negligence of the opposing party. If a person is claiming large monetary damages from an opposing party, then the opposing party will want a doctor of his or her own choosing to examine the injured person to determine the accurate extent of the injuries. This rule differs from the other discovery rules in that the person wanting the examination must file a motion with the court. The motion must demonstrate good cause for granting the request. The court will then issue an order that specifies the time, place, and conditions of the examination.

The next “About the Law” segment will continue with a further discussion of the subject of discovery. To conclude this segment, it is useful to reemphasize the importance of discovery in a civil lawsuit. When the parties have completed all discovery as they should have under the civil rules, they will be fully prepared for trial because they have a complete understanding of both their own case, and that of the opposing party.

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