

Pacific Islands Committee

NEWSLETTER

WINTER 2015



A WORD FROM THE CHAIR

Welcome to the inaugural newsletter of the Ninth Circuit Pacific Islands Committee. We plan to publish the newsletter once or twice a year to keep our Ninth Circuit colleagues informed about the work of the committee. We hope you find the newsletter interesting and welcome your comments and suggestions.



Consuelo B. Marshall, Senior District Judge

For those of you not familiar with the Pacific Islands Committee, our mission is to help improve the administration of justice in the U.S. territories of Guam and American Samoa, the Commonwealth of the Northern Mariana Islands, the republics of Palau and the Marshall Islands, and the Federated States of Micronesia. Working almost exclusively with the state-level courts of these jurisdictions, we develop and present a variety of judicial education and court professional training programs using grants from the U.S. Department of the Interior. We also collaborate with the Pacific Judicial Council, an organization made up of judicial officers from a number of island nations.

2014 was a particularly busy year for the committee. In March, committee members participated in the 21st Pacific Judicial Conference, a gathering of the chief justices from island jurisdictions in the north and south Pacific Ocean. Ninth-Circuit Judge Richard R. Clifton of Honolulu, Chief District Judge Frances Marie Tydingco-Gatewood of the District of Guam and I traveled to New Zealand to participate in the biannual conference, which was chaired by the chief justice of New Zealand with some administrative assistance from the federal courts in Australia.

Judge Clifton discussed the appellate courts of the Pacific and whether there should be a regional final court of appeals. Judge Tydingco-Gatewood talked about use of alternative dispute resolution programs. I was a panelist on a program segment titled "Pulling the Threads Together," which focused on judicial education and administration in the Pacific. Of particular interest to our audience was how to share resources and experiences with the programs funded by the federal courts of Australia.

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Ninth Circuit, Law School Organize Legal Training

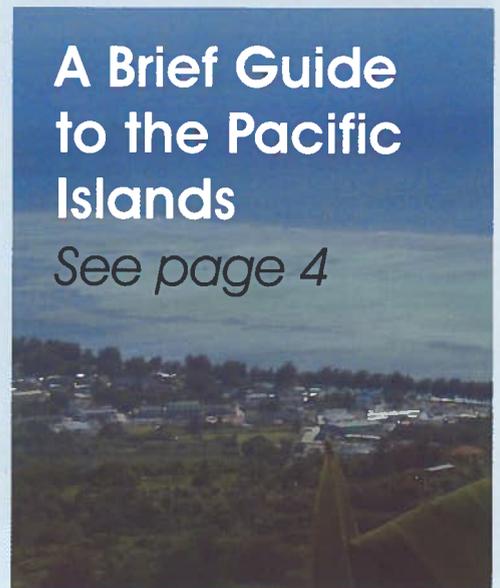
Fourteen Pacific Island judges traveled to Honolulu in July to attend the Pacific Islands Legal Institute. The intensive, week-long legal training at the University of Hawaii, Manoa, William S. Richardson School of Law, was designed for prominent members of island communities who sit as judges but do not have law degrees.

"The judges never had a chance to attend law school so this training is intended to assist them to learn

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A Brief Guide to the Pacific Islands

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Pacific Islands Committee members and guests posed for a photo at the Ninth Circuit Judicial Conference last July. Front row, from left, Sally Pym, committee staff; Chief District Judge Ramona Villagomez Manglona of the District of the Northern Mariana Islands; Senior District Judge Consuelo B. Marshall of the Central District of California, committee chair; Chief District Judge Frances Marie Tydingco-Gatewood of the District of Guam; and Chief Justice Arthur Ngiraklsong of the Supreme Court of Palau. Back row, from left, Senior Circuit Judges J. Clifford Wallace and Alfred T. Goodwin; Chief Justice Daniel Cadra of the Supreme Court of the Republic of the Marshall Islands; Senior District Judge John C. Coughenour of the Western District of Washington; Justice F. Philip Carbullido of the Supreme Court of Guam; Magistrate Judge Jan M. Adler of the Southern District of California. Not present: Circuit Judge Richard R. Clifton; Senior Circuit Judge Mary M. Schroeder; and Circuit and Court of Appeals Executive Cathy Catterson.

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This summer, the Ninth Circuit contracted with the University of Hawaii's Richardson School of Law to organize and conduct the third Pacific Islands Legal Institute for island judges not having prior legal training. Fourteen judges attended the seminar, which was held July 21-25, 2014, at the law school campus in Honolulu. Professor John Barkai, who has considerable experience in the islands and who knew several of the judges personally, taught evidence in this first session. Another session focusing on decision making will be held in Majuro in the Marshall Islands.

Late in the year, at the request of the chief justice of the Supreme Court of Palau, the committee helped train the Palau bench and bar on the interpretation and implementation of the new criminal code enacted by the Palau legislature in 2014. In conducting the training, I was joined by then-U.S. Attorney André Birotte, Jr., who was subsequently appointed a district judge on the Central District of California bench, and Sean Kennedy, the former federal public defender for the Central District. Over three days, we made presentations comparing the new and old codes, identifying new crimes, elements of offenses, and sentencing.

Another major event was the biannual meeting of the Pacific Judicial Council, a non-profit organization comprised of six jurisdictions that provides training to chief justices and presiding judges. Twenty-two chief justices and court administrators attended this year's gathering, which was held in Colonia, Yap. The program focused on leadership and featured Professor Maureen Conner of Michigan State University.

I also want to make note of the efforts of Ninth Circuit Senior Judge Mary M. Schroeder, another committee member, who is seeking funding for domestic violence programs in Kosrae, one of the Federated States of Micronesia. The island just passed its first domestic violence law, and Judge Schroeder hopes that funding will be made available to provide training on domestic violence to the local community.

Finally, I want to thank Ninth Circuit Senior Judge J. Clifford Wallace, who served as chair and/or member of the committee from 2000 to 2007. Judge Wallace helped secure nearly \$500,000 in annual grants, which make these educational programs possible. Without his hard work, connections, and perseverance, the courts in the Pacific would not have benefited from 10 years of judicial and administrative training which has helped improve the courts in the Pacific.

LEGAL TRAINING CONTINUED FROM PAGE 1

together and strengthen the rule of law in the Pacific,” said Minara Mordecai, director of special projects for Richardson Law School.

Participants included judges from the republics of Palau and the Marshall Islands; American Samoa, a United States territory; and the Federated States of Micronesia.

The institute was administered by the Ninth Circuit Pacific Islands Committee and funded through a grant from the U.S. Department of the Interior. Senior District Judge Consuelo B. Marshall, who chairs the committee, was in attendance. Sally Pym, education specialist for the Ninth Circuit’s Pacific Islands Judicial Program, was among the organizers.

“The idea of the institute is to replicate in an intensive way what a lawyer might get in training in the first year of law school,” said Pym. “It gives them the basics. Some of the judges have served on the bench for many years and some are new. One of them has been judging only three months.”

The institute was the first collaboration between the Ninth Circuit and Richardson Law School. Future partnerships and additional training sessions are planned in the future.



The Pacific Islands

The Pacific Islands Committee assists the local judiciaries in six governmental entities. Guam and American Samoa have existed as United States territories for more than a century. The Commonwealth of the Northern Mariana Islands, the republics of Palau and the Marshall Islands, and the Federated States of Micronesia were previously parts of the Trust Territory of the Pacific Islands established by the United Nations after World War II. The U.S. administered the trust until 1986, when

Palau, the Marshall Islands and Micronesia attained their independence through a Compact of Free Association. Rather than independence, the Northern Mariana Islands established a political union with the U.S. while remaining self-governing with locally-elected political leaders. Legal systems in some of the islands are a mix of common law and customary law and sometimes use U.S. law as guidance. All of the islands have local court systems. The Northern Mariana Islands and the "organized" territory of Guam also have federal courts, while the "unorganized" territory of American Samoa has a high court whose chief justice and associate chief justice are appointed by the secretary of the U.S. Department of the Interior.



1. American Samoa (South Pacific)



U.S. territory since 1900
 Highest local court:
 High Court of American Samoa
 *Population: 54,517

2. Guam (North Pacific)



U.S. territory since 1898
 Highest local court: Supreme Court of Guam
 *Population: 161,000

3. Republic of the Marshall Islands



Attained independence 1986
 Highest court: Supreme Court
 *Population: 70,983

4. Federated States of Micronesia



Attained independence in 1986
 Highest court:
 Supreme Court of FSM
 *Population: 105,681

5. Northern Mariana Islands



Commonwealth established 1976
 Highest local court:
 Supreme Court of CNMI
 *Population: 51,483

6. Republic of Palau



Attained independence in 1994
 Highest court: Supreme Court of Palau
 *Population: 21,186

* CIA, The World Factbook, Estimate July 2014



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