

FSM SUPREME COURT



2022 ANNUAL REPORT



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1 INTRODUCTION

Article XI of the FSM Constitution created the judicial branch of the Federated States of Micronesia. The judicial power of the national government is vested in a Supreme Court and inferior courts established by statute. Art XI, Section 1.

The Supreme Court is a court of record and the highest court in the nation. It consists of the Chief Justice and not more than five associated justices. Each Justice is a member of the trial and appellate division. No justice may sit with the appellate division in a case he/she heard in the trial division. At least three justices shall hear and decide appeals. Decisions are made by a majority of those sitting. Art XI, Section 2.

The President appoints the Chief Justice and Associate Justice of the Supreme Court with the approval of 2/3 of Congress. Justices serve during good behavior. Art. XI, Section 3.

If the Chief Justice cannot to perform his duties, he shall appoint an associate justice to act in his stead. If the office is vacant, or the Chief Justice fails to make the appointment, the President shall appoint an associate justice to act as Chief Justice until the vacancy is filled or the Chief Justice resumes his duties. Art. XI, Section 4.

The qualifications and compensation of justices and other judges may be prescribed by statute. Compensation of judges may not be diminished during their terms of office unless all salaries prescribed by statute are reduced by a uniform percentage. Art. XI, Section 5.

The trial division of the Supreme Court has original and exclusive jurisdiction in cases affecting officials of foreign governments, disputes between states, admiralty or maritime cases, and in cases in which the national government is a party except where an interest in land is at issue. Art. XI, Section 6.

The appellate division of the Supreme Court may review cases heard in the national courts and cases heard in state or local courts if they require interpretation of this Constitution, national law, or a treaty. If a state constitution permits, the appellate division of the Supreme Court may review other cases on appeal from the highest state court in which a decision may be held. Art. XI, Section 7. Since 1981, the FSM Supreme Court has worked to anticipate and respond to the court needs and to support the Federated States of Micronesia's judicial systems. Through leadership and service, national and state perspectives on court issues, and collaborative work with the Chief Justices of the State Courts and other state court leaders, the FSM Supreme Court plays a crucial role in advancing and building public trust and confidence in the national court system.



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2 MESSAGE FROM ACTING CHIEF JUSTICE BEAULEEN CARL-WORSWICK



I welcome the publication of the FSM Supreme Court Annual Report 2022. This Annual Report provides an overview of the FSM Judiciary's operations highlighting the trends and changes developed during COVID-19 and as the FSM National Judiciary gradually returns to normal court operations in the year 2022.

As we enter year 2022, the Court strove to fulfill its constitutional role to serve the people through timely and fair administration of justice. This was amid strict governmental regulations imposed to protect the public health against the effects of the COVID-19 pandemic. The Court continued to invest in improving its technological capabilities to ensure continuity in the administration of justice pursuant to its mission call. The national courts situated in each state were fully equipped and upgraded with the necessary

digital technologies to allow court proceedings to be held via zoom and parties to appear before the Court from remote locations. Meetings, conferences, and trainings were also conducted online through zoom, including the 2022 FSM Law Day to commemorate the inauguration of the FSM Supreme Court and other significant legal and national events that occurred on July 12, 1981. On Law Day, high school students appeared from their home states to debate on a topic of national interest, which was videoed livestream and accessible to all viewers online.

The Court continued to gather data and manage its cases through the use of CTS, a case management program developed under the Pacific Justice Sector Program ("PJSP"), to assist Pacific Island judiciaries with management of their cases. Additionally, the Court measured its activities and performances through the use of Indicators known as the Cook Island Indicators (CII), working in partnership with other Pacific Island judiciaries to enable a high-standard court system. With CTS and CII, the Court saw some light drop in the number of cases filed in 2022 and finalization of cases; however, the clearance rate of cases disposed in 2022 were still greater than 100%, representing a positive outcome for year 2022.

The Court had its own challenges due to COVID-19. Nonetheless, COVID-19 brought an innovative change that allows virtual court appearances in all four states; thus, enhancing accessibility and delivery of justice to the people.

All in all, I wish to extend my gratitude to the justices and staff of the FSM Supreme Court, the Pacific Judicial Council ("PJC"), Pacific Justice Sector Program ("PJSP"), Pacific Judicial Strengthening Initiative ("PJSI"), and the state courts of Yap, Chuuk, Pohnpei and Kosrae for your continued support to the FSM Supreme Court.

Sincerely yours,

Beaulleen Carl-Worswick

Acting Chief Justice, FSM Supreme Court



3 JUSTICES OF THE FSM SUPREME COURT



Honorable Beauleen Carl-Worswick
Acting Chief Justice



Honorable Larry M. Wentworth
Associate Justice



Honorable Dennis L. Belcourt
Associate Justice

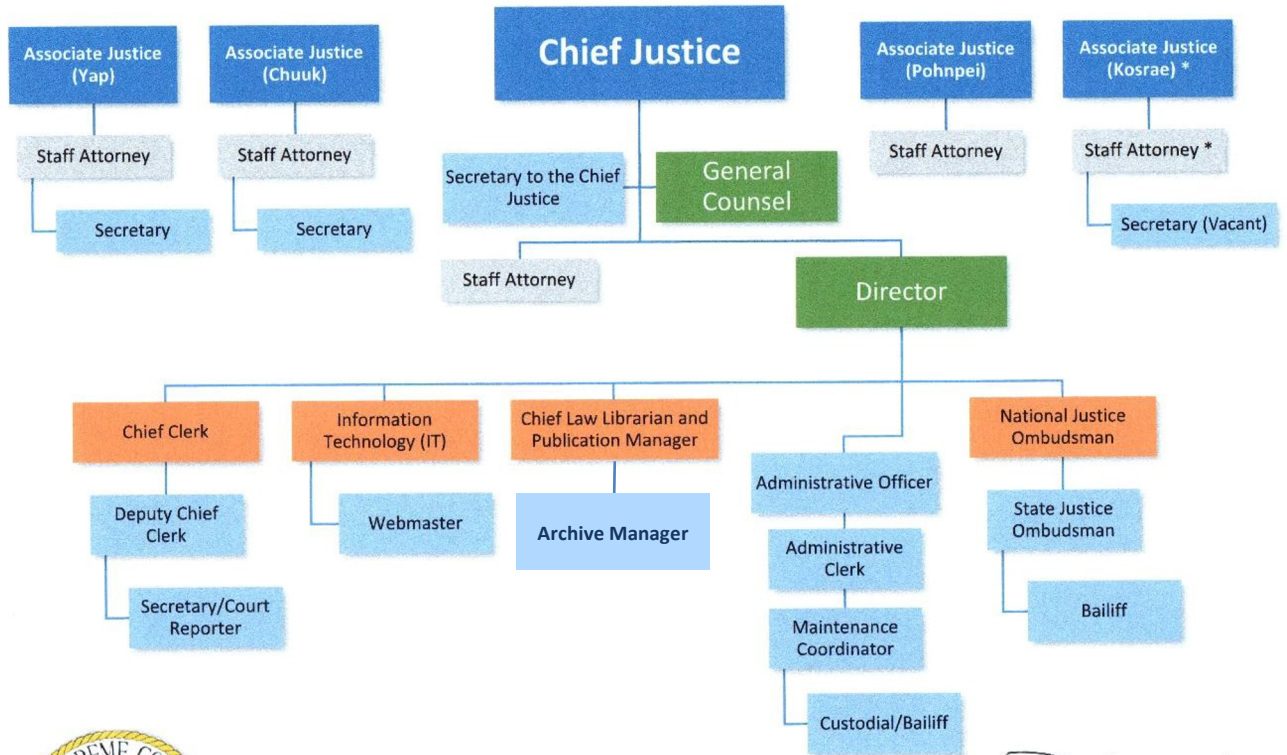


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4 FSM SUPREME COURT ORGANIZATIONAL CHART

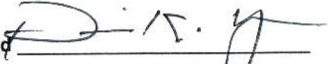
FSM Supreme Court Organizational Structure

August 17th, 2018



Legend

* Position not budgeted in the fiscal year

Approved 

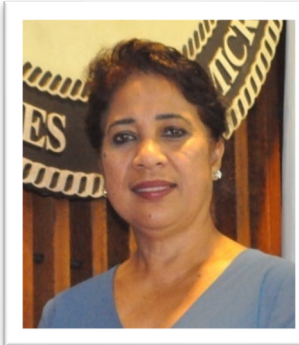
T.H. Dennis K. Yamase
Chief Justice

Date 8/17/18



5 STAFF OF THE FSM SUPREME COURT

5.1 POHNPEI STAFF



Emeliana Musrasrik-Carl
Director of Court
Administration

(Vacant)
General Counsel



LilyAnn H. Anson
Archive Manager



Sandy Albert
Chief Clerk



Johnny Peter
National Justice
Ombudsman



Teddy Hasgiulbung Chief
Law Librarian &
Publication Manager



Ivan Kadanged
IT Manager



Lorina Pernet
Secretary to Chief Justice



Enlet Jr. Enlet.
Staff Attorney



Carleila Carl Edgar
Staff Attorney



Craig Reffner
Staff Attorney



Altrickson Anson
Maintenance Supervisor



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Brenson Penias
State Justice Ombudsman-
PNI



Senda Helgen
Deputy Assistant Clerk



Joyleen Wichep
Secretary / Court Reporter



Mayleen David
Secretary / Court Reporter



Pihna Sohl
Administrative Officer



Cheryl-Ann Freeman
Administrative Assistant



Yondeavor Santos
Webmaster Assistant







Keske Jacob
Bailiff



Elimina Else
Custodial Worker Pohnpei



5.2 INTERNS

			
Nikita Jackson Intern	Dasko Sando Intern	Franky Ifamilik Intern	Debra Sohs Intern

5.3 CHUUK STAFF

			
Jefferson Teruo State Justice Ombudsman	Atrina Soichy Secretary to Associate Justice	Lovelynn Berdon Clerk of Court	Melissa Petrus Clerk of Court
			
Erick Berry Maintenance/Bailiff	Samuel Samuel Custodial	Rochella Dois Intern	



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5.4 YAP STAFF

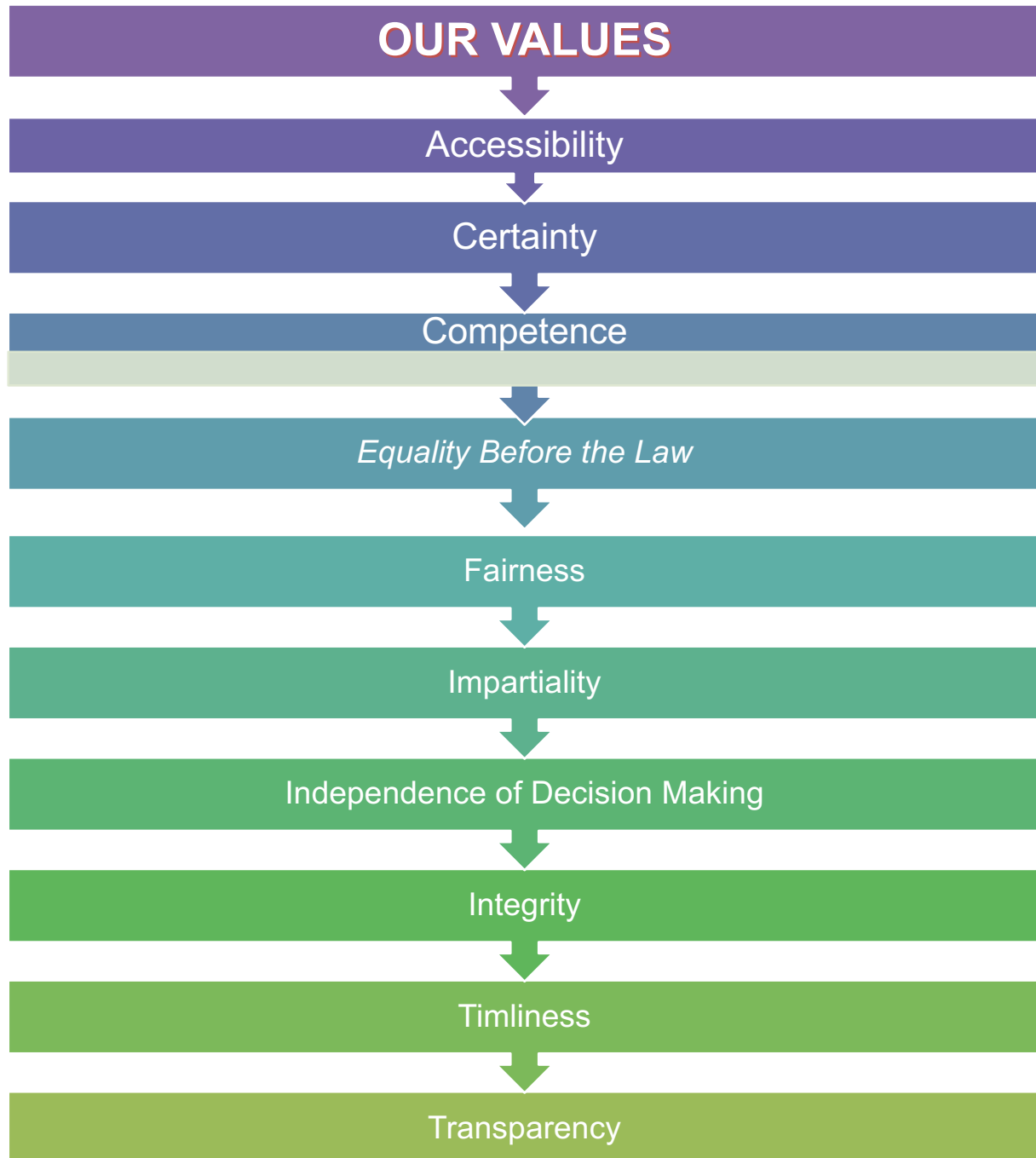
			
Peter Garangamau State Justice Ombudsman	Emiliani T. Gilpong Secretary to Associate Justice	Gregory Giltamag Maintenance / Bailiff	Rita Ylememog Custodial Worker

5.5 KOSRAE STAFF

			
Linson Waguk State Justice Ombudsman	Mela J Sigrah Clerk of Court	Arthy Fred Sigrah Bailiff/Custodial	



6 THE STRATEGIC PLAN OF THE FEDERATED STATES OF MICRONESIA (2017-2021)



6.1 OUR VISION

The FSM Supreme Court will conduct itself as an independent, fair, impartial, and properly managed co-equal branch of the FSM National Government in rendering justice to all.



6.2 OUR MISSION

The mission of the Supreme Court of the Federated States of Micronesia is to serve the people through timely and fair administration of justice for all, by discharging its judicial duties and responsibilities in accordance with the Constitution, laws, and customs and traditions of our unique Pacific-Island Nation.

6.3 STRATEGIC GOALS

6.3.1 ADOPT AND IMPLEMENT SOUND MANAGEMENT AND ADMINISTRATIVE PRACTICE

Deliverables:

- ✓ The FSM Supreme Court continues to function by FSM Financial Management Regulations and laws of the nation;
- ✓ The FSM Supreme Court continues to conduct itself as an independent, fair, impartial and adequately managed co-equal branch of the FSM National Government in rendering justice to all.
- ✓ The FSM Supreme Court continues to comply with the *Cook Island Indicators*.

6.3.2 MODERNIZE TECHNOLOGY, LIBRARY RESOURCES, AND COURT FACILITIES

Deliverables:

- ✓ FSM Supreme Court Palikir and all field offices are equipped with fast internet service;
- ✓ Office computers are upgraded to modern software
- ✓ Video conferencing equipment are installed in all field offices
- ✓ FSM Interim Reporters (Volumes 1-22) are updated and uploaded on PacLii;
- ✓ FSM Interim Reporters are available in soft bound copies;
- ✓ Archiving of closed cases (1981-current) are in progress;
- ✓ Courtroom renovations for Chuuk and Yap are completed;
- ✓ Disability parking are installed for Chuuk and Pohnpei offices;
- ✓ High Speed, multi-purpose copier/scanners available in offices;

6.3.3 MEET THE CHALLENGES OF SERVING FOUR GEOGRAPHICALLY SEPARATED AND CULTURALLY UNIQUE PACIFIC-ISLAND STATES

Deliverables:

- ✓ Court calendar is updated daily and available on FSM Supreme Court website;
- ✓ Monitoring trips will continue upon opening of borders, due to COVID-19;
- ✓ Virtual trainings are continuous for justices and staff;
- ✓ Annual Reports available on court website;
- ✓ FSM Supreme Court Reporters, Digest and Updaters are available on Court website;
- ✓ Continued partnership with state courts, PJSI, PJC, private consultants on training and other court related matters.



6.3.4 PROMOTE PROFESSIONALISM IN THE JUDICIARY AND THE LEGAL PROFESSION

Deliverables:

- ✓ In 2022, the FSM Supreme Court conducted trainings on anti-human trafficking, financial management regulations, court trend reporting, court performance, access to justice, Chief Justice Leadership forum, video conferencing, staff development, SDG webinar, court security, national Law Day, FSM judicial conference, difficult conversation, digital solutions, judicial ethics, and family violence;
- ✓ FSM National Law Day debates are conducted annually;
- ✓ FSM continues to partner with COM-FSM; high schools in the FSM for legal programs;
- ✓ FSM Supreme Court staff continues undertaking on-line courses with University of South Pacific through funding by PJSI;
- ✓ Cross trainings and In-house trainings are conducted for staff upgrade.

6.3.5 INCREASE PUBLIC UNDERSTANDING AND MAXIMIZE ACCESS TO THE COURT

Deliverables:

- ✓ Court proceedings are conducted virtually through video conferencing and telephonic hearings due to COVID-19 travel restrictions;
- ✓ Court judgements are available on Court's website;
- ✓ Continued awareness raising events on Access to justice and Enabling Rights for legal practitioners, government, women & youth, people with disabilities, NGOs and civil society.

6.3.6 AFTERWORD

This strategic plan of the Supreme Court of the Federated States of Micronesia was put together with the input of all of the Justices and staff of the court. The strategic plan includes the court's mission, vision, and value statements. It includes strategic goals and action items that provide the court with a focused set of objectives to improve court operations over the next five years.

It is envisioned that this Strategic Plan will also assist in yearly budget preparations based on performance-based budgeting. It should also provide support for seeking special grants and supplemental funding for special court projects not funded in the regular operations budget for the court.

This strategic plan embodies the collective thinking of everyone working to improve the Court's operations in order to better serve the people of the Federated States of Micronesia in carrying out the Court's mission for the fair administration of justice for all.



7 ADMINISTRATION

7.1 ROLE OF COURT ADMINISTRATION

The primary role of the Court Administration is to facilitate the administrative functions of the court under the general guidance of the Chief Justice. The Court Administrator has a responsibility to identify and implement initiatives that increase the publics' understanding of the judicial system and provide for equal access to justice for all. Administrators also ensure that the independence of the judiciary as the third and independent branch of government is maintained while cultivating relationships with other branches of the government.



Figure 1: Monthly Staff Meeting

7.2 FSM JUDICIARY'S 4-YEAR BUDGET APPROPRIATIONS: FY 2019-2022

Categories	FY2019	FY2020	FY2021	FY2022
Personnel	\$ 905,453	\$1,026,561	\$1,067,561	\$1,343,038
Travel	\$ 161,525	\$ 185,974	\$ 55,793	\$50,214
Contract Services	\$ 184,194	\$ 213,100	\$ 237,300	\$394,300
Other Current Expenses	\$ 174,808	\$ 155,388	\$ 176,315	\$228,050
Fixed Assets	\$ 32,000	\$ 143,000	\$ 54,000	\$60,000
Total appropriation	\$1,457,980	\$1,724,023	\$1,590,969	\$2,075,602



8 COOK ISLAND INDICATORS

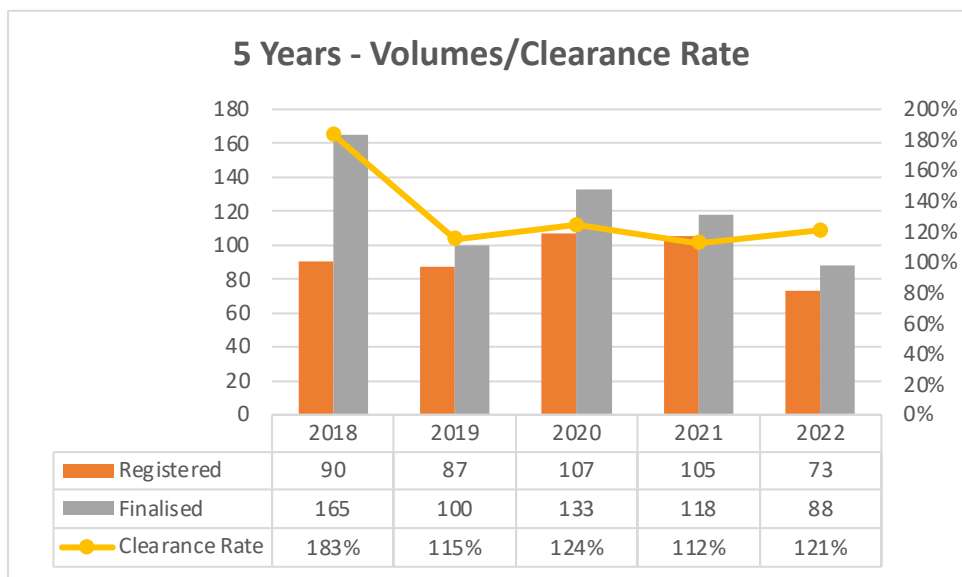
The Cook Island Indicators (CIIs) were developed some years in consultation with the Chief Justices of the Pacific, under the umbrella of the PJSI program. They serve as a guide to what should be measured and reported on in such a Report as this.

Specific performance figures for each case type e.g. civil matters, are included in the Appendices as well as how the Court is progressing in it’s ability to report against the 20 CIIs.

8.1 INDICATOR 1: CASE MANAGEMENT INFORMATION: CLEARANCE RATE



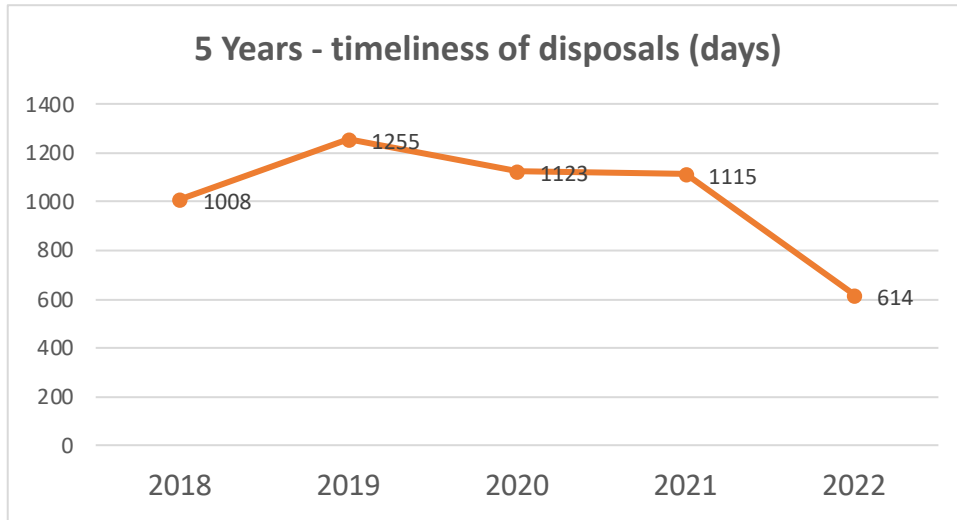
The following data has been extracted from our Case Tracking System (CTS) as at end December 2023. Some previous years’ figures may have changed slightly with our data clean-up program.



The 2022 calendar year saw a slight drop in new/registered cases for the country, and while finalizations also dropped, they still exceed the number of new cases, thus Clearance Rate greater than 100%, and the number of pending cases reduced. This is a very positive outcome for the year, and across the last 5 years, a Clearance Rate of 131% is excellent.

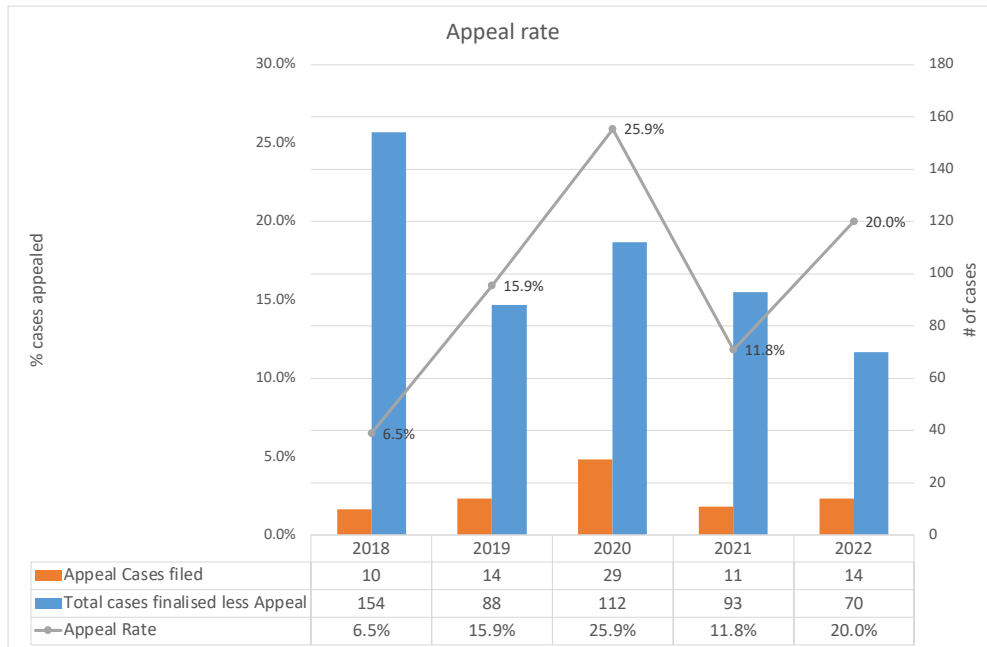


8.2 INDICATOR 2: CASE MANAGEMENT INFORMATION: AVERAGE DURATION OF A CASE

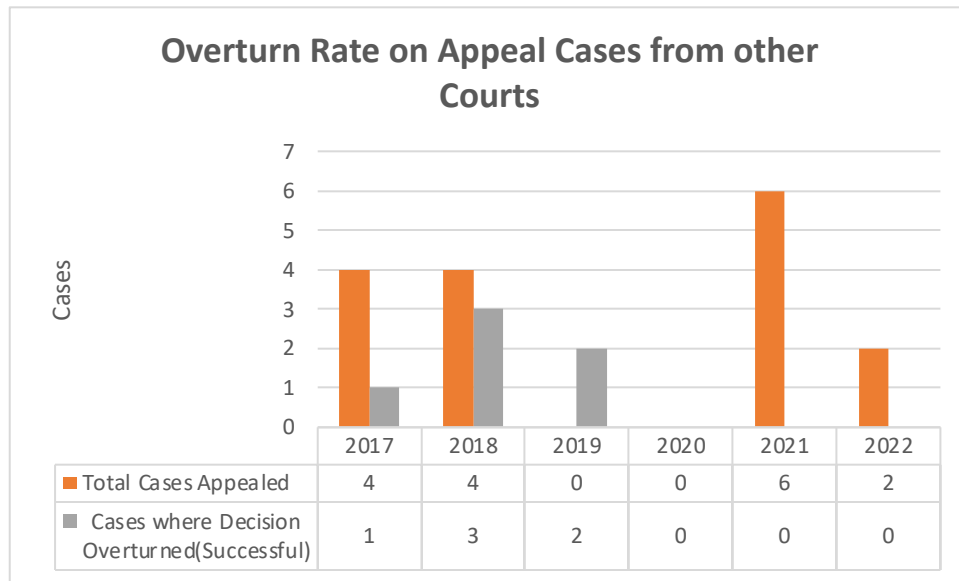


The average time taken to finalize matters in the Court (in days) has been declining over the last 4 years, and this is a very positive trend and result. There is still more to do with our active case management approach that we hope will further reduce the time taken to finalize matters.

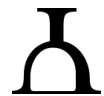
8.3 INDICATOR 3: APPEALS: PERCENTAGE OF APPEALS



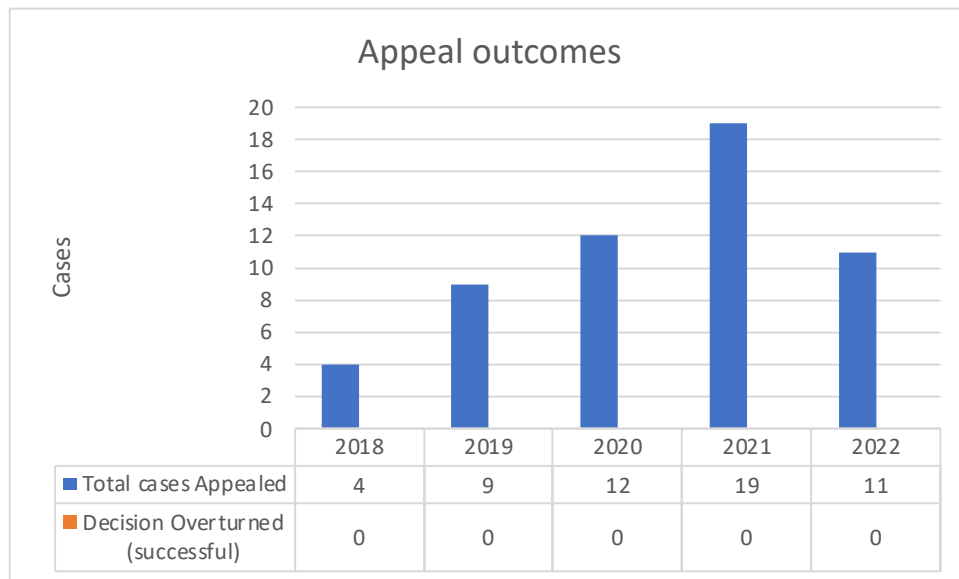
In the past five years 16% cases, on average, were appealed from all types of finalized cases, from all jurisdictions including national and state courts.



8.4 INDICATOR 4: APPEALS: OVERTURN RATE ON APPEALS



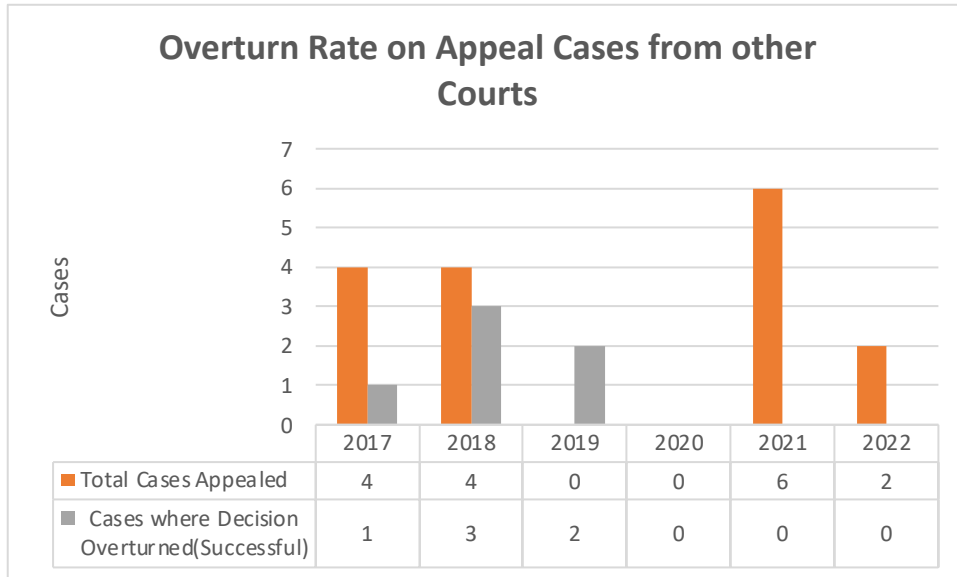
The trend of no over-turned decisions continues:



11 appeal cases closed in 2022 – all dismissed.



8.4.1 OVERTURN RATE ON APPEAL CASES FROM OTHER COURTS



8.5 INDICATOR 5: ACCESS: PERCENTAGE OF CASES THAT ARE GRANTED A COURT FEE WAIVER

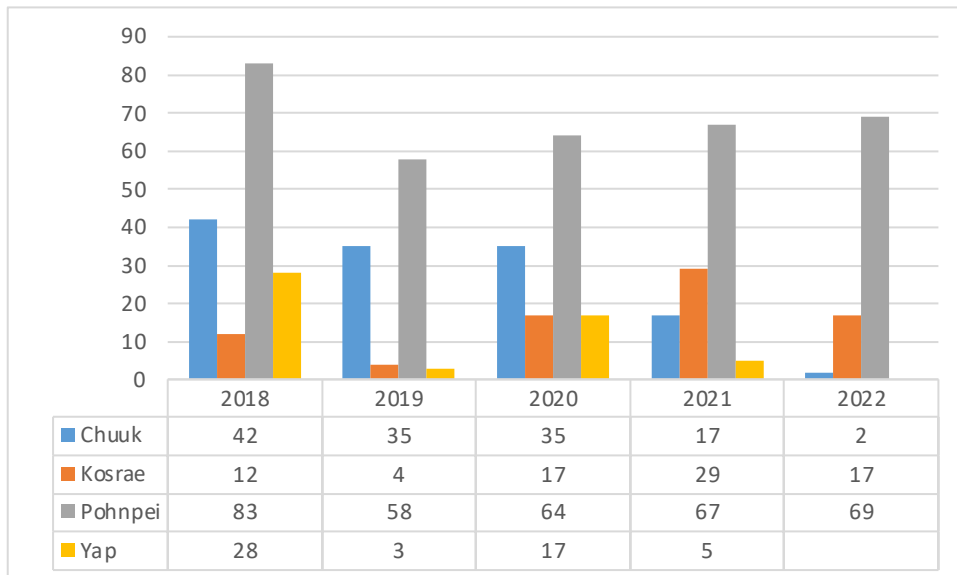


FSM Supreme Court does not impose filing fees; therefore, fee waivers do not apply to FSMSC cases.

8.6 INDICATOR 6: ACCESS: PERCENTAGE OF CASES DISPOSED THROUGH A CIRCUIT OR ISLAND COURT

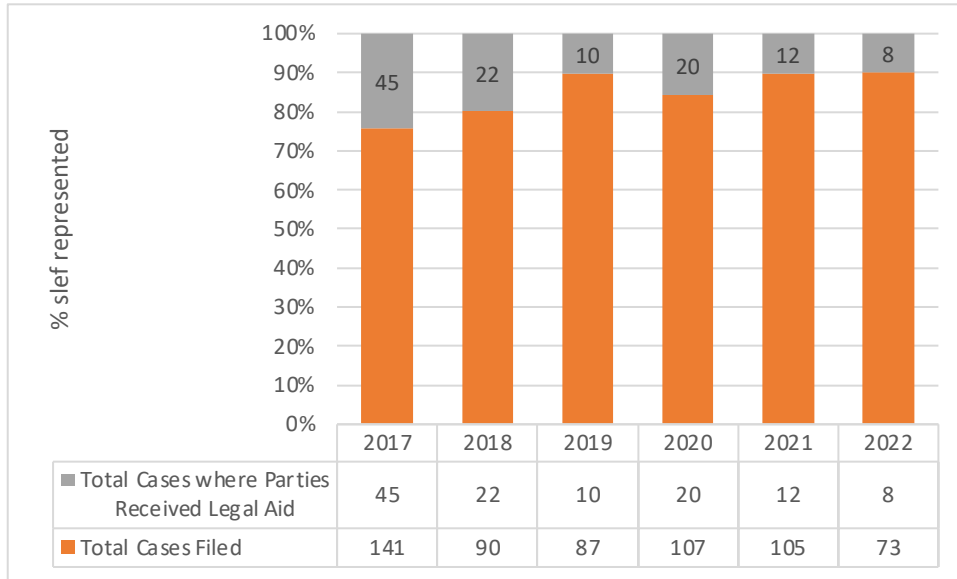


This Court does not run 'circuits' like many other jurisdictions/countries, but rather we track by State, where the cases are filed/disposed e.g. Chuuk, Yap, Pohnpei and Kosrae.





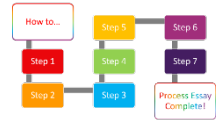
8.7 INDICATOR 7: ACCESS: PERCENTAGE OF CASES WHERE A PARTY RECEIVES LEGAL AID



In the past 6 years, 19.4% of the 603 cases filed, parties received legal aid. This has dropped to 11% in 2022.



8.8 INDICATOR 8: COMPLAINTS: DOCUMENTED PROCESS FOR RECEIVING AND PROCESSING A COMPLAINT THAT IS PUBLICLY AVAILABLE



THE SUPREME COURT OF THE
FEDERATED STATES OF MICRONESIA

GENERAL COURT ORDER) GCO No. 2017-001
)
Trial and Appellate Divisions)

**TIMELINE STANDARDS FOR THE
SUPREME COURT OF THE FEDERATED STATES OF MICRONESIA**

Pursuant to the authority granted to the Chief Justice of the FSM Supreme Court in art. XI, sec. 9 of the Constitution and section 117 of title 4 of the Judiciary Act of the Code of the Federated States of Micronesia (4 F.S.M.C. sec. 117), and in conformity with

Action Item 1.2(b) and 1.6(a) and (d) of the Strategic Plan (2012 to 2017) of the FSM Supreme Court, which empowers the FSM Supreme Court to develop timelines and standards for management of all cases from filing to disposition, and to set specific limits on how long a legal matter may be left pending without justification.

In recognition of the need to dispose of cases in a timely and efficient manner, to ensure that the administration of justice to the public is not unduly delayed, to maintain a proficient and well-organized court docket, and after a survey of other judiciary timeline standards of jurisdictions in similarly situated Pacific-island nations, and after a two (2) year provisional period,

NOW THEREFORE IT IS HEREBY ORDERED, that the following Timeline Standards are HEREBY ADOPTED:

All of the FSM Supreme Court’s Justices and staff shall adhere to the following Timeline Standards for matters pending before the Court.

TIMELINE STANDARDS FOR THE FSM SUPREME COURT
(Promulgated April, 2017)

1. Definitions:

- (a) *Appeal case*: is a matter filed in the Appellate Division of the FSM Supreme Court, initiated by the filing of a Notice of Appeal until an Opinion is rendered by the Appellate Division.
- (b) *Attorney disciplinary case*: is a matter filed pursuant to the FSM Disciplinary Rules and Procedures, initiated by the filing of a complaint until a judgment or conviction is rendered by the court.
- (c) *Civil case*: is a civil dispute between parties initiated by the filing of a civil matter with Trial Division until judgment is rendered by the Trial Division of the court. The timeline for



8.9 INDICATOR 9: COMPLAINTS: PERCENTAGE OF COMPLAINTS RECEIVED CONCERNING A JUDICIAL OFFICER



In 2018, there were 5 complaints filed against a judicial officer, but none have been received since.

8.10 INDICATOR 10: COMPLAINTS: PERCENTAGE OF COMPLAINTS RECEIVED CONCERNING A COURT STAFF MEMBER

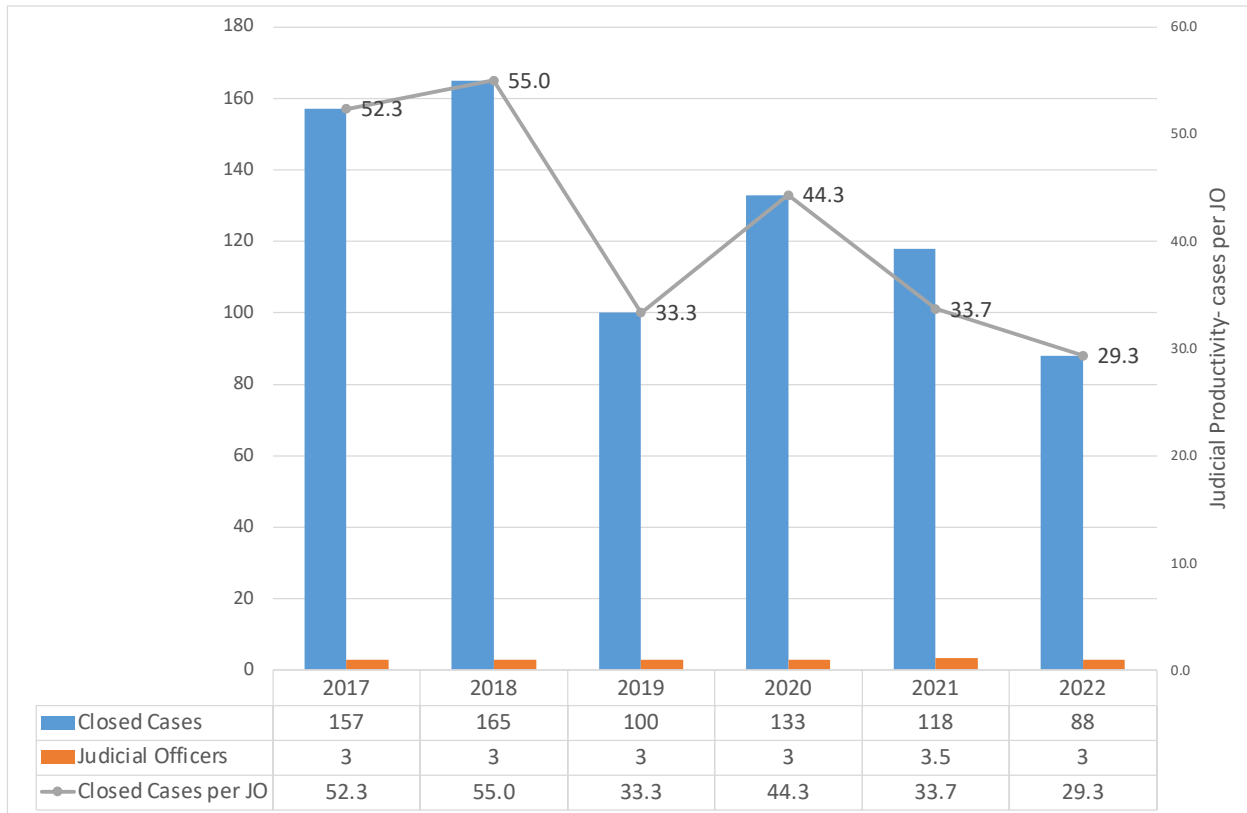


In the past five years no complaints were filed against a court officer or court staff.

8.11 INDICATOR 11: HUMAN RESOURCES: AVERAGE NUMBER OF CLOSED CASES PER JUDICIAL OFFICER



This indicators reflects the productivity (output) per judicial officer, and is very dependent on reflecting the true number of judicial officers available throughout the year. For example, with such a small # of permanent judges, should one be unavailable for say half of the year, this affects the %/# significantly.

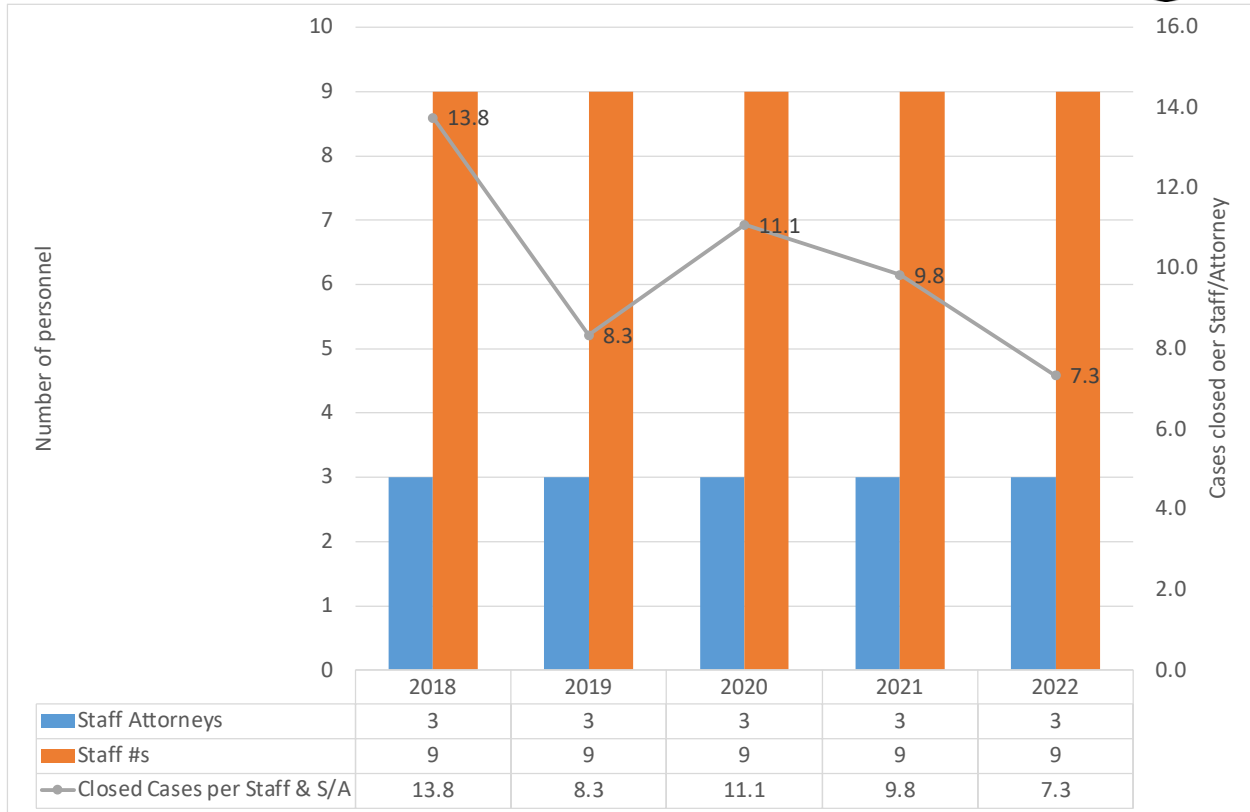


The overall average number of cases per judicial officer for the last five years has been slightly dropping, primarily due to the complexity of cases before the court.



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8.12 INDICATOR 12: HUMAN RESOURCES: AVERAGE NUMBER OF CASES PER COURT STAFF



In 2022, an average of just over 7 cases per staff attorneys/staff.

8.13 INDICATOR 13: JUDICIAL TRANSPARENCY: COURT PRODUCES OR CONTRIBUTES TO AN ANNUAL REPORT THAT IS PUBLICLY AVAILABLE IN THE FOLLOWING YEAR



The FSM Supreme Court Annual Reports are produced annually and available on the Court's website: fsmsupremecourt.org.



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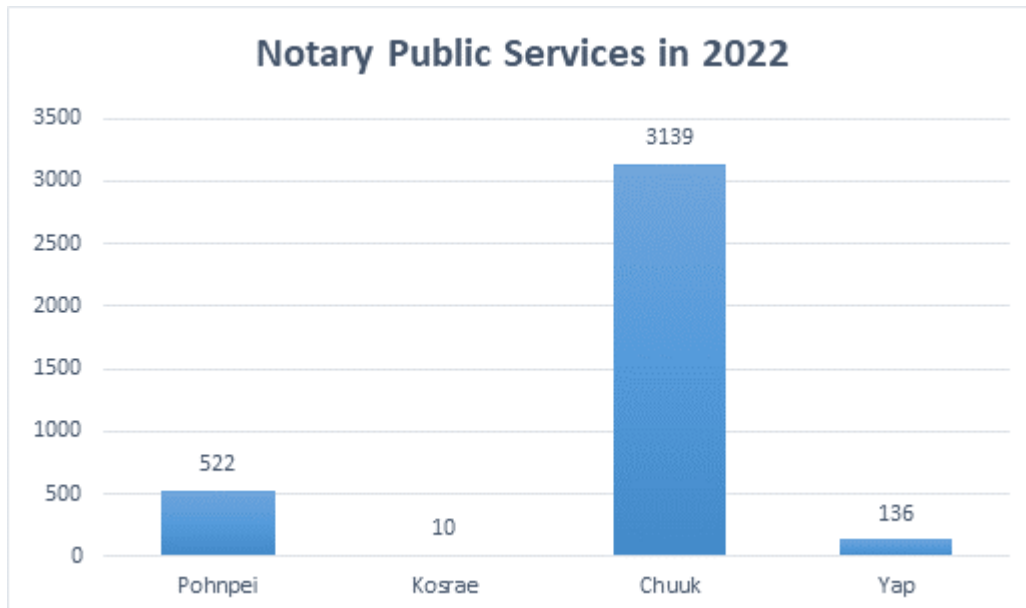


8.14 INDICATOR 14: JUDICIAL TRANSPARENCY: COURT SERVICES INFORMATION

Court services is publicly available on the FSM Supreme Court website.

SERVICES PROVIDED THROUGH NOTARY PUBLIC IN 2022

In 2022, the Clerk's office provided 3,807 notary public services.



8.15 INDICATOR 15: JUDICIAL TRANSPARENCY: PUBLICATION OF COURT OPINIONS

FSM SUPREME COURT INTERIM REPORTERS

AVAILABLE ONLINE

The FSM Supreme Court Interim Reporters are available on the Court’s website: <http://fsmmlaw.org/fsm/decisions/index.htm> known as the FSM Legal information System. The Reporters now available from Volumes 1 through 22.

The following table shows the Reporters, the Volumes and the years they correspond.

Volume 1	Volume 2	Volume 3	Volume 4	Volume 5
1981 -1984	1985 - 1986	1986 - 1988	1989 - 1990	1991 - 1992
Volume 6	Volume 7	Volume 8	Volume 9	Volume 10
1993 -1994	1995 - 1996	1997 - 1998	1999 - 2000	2001 - 2002
Volume 11	Volume 12	Volume 13	Volume 14	Volume 15
2002 - 2003	2003 - 2004	2004 - 2005	2006 - 2007	2007 - 2008
Volume 16	Volume 17	Volume 18	Volume 19	Volume 20
2008 -2009	2010 -2011	2011 - 2013	2013 - 2015	2015 - 2016
Volume 21	Volume 22			
2016 -2018	2018 -2019			



8.16 INDICATOR 16: CASE MANAGEMENT: AVERAGE AGE OF THE PENDING CASELOAD



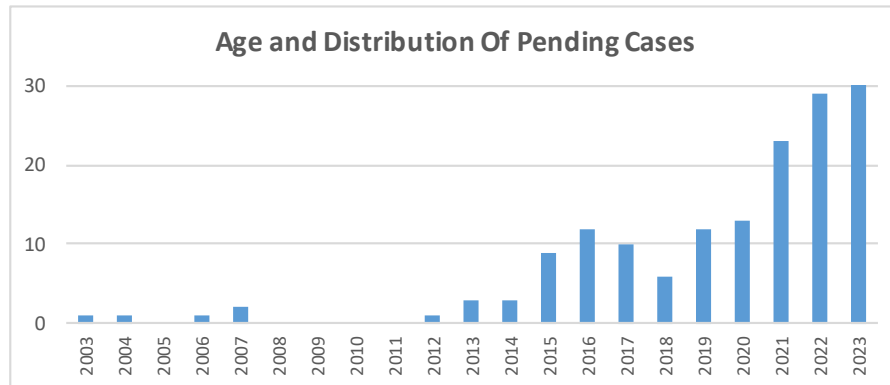
The Pending workload as detailed below is as at the time of the production of this Annual Report e.g. end December 2023.

The number of pending cases sits at 179, with an average age of 1,340 days, or approximately 4 years. This is very much due to some very old, very complex matters that have been with court for many years.

At the current rate of disposing cases (finalizations per year), the Pending to Disposal Ratio is just over 2, reflecting just over 2 years worth of work on hand – at the current rate of finalizations. This is greatly reduced from several years ago when it used to be as high as 5.

Pending Workload

Current Pending	179	CASES
Average Age of Pending	1340	DAYS
Pending to Disposal Ratio (PDR)	2.0	



8.17 INDICATOR 17: CASE MANAGEMENT: PERCENTAGE OF COMPLAINTS THAT HAVE BEEN HANDLED WITHIN AN AGREED TIMEFRAME



See GCO on Time Standard under Indicator 8

8.18 INDICATOR 18: JUDICIAL TRANSPARENCY: TOTAL NUMBER OF COMPLIMENTS AND POSITIVE FEEDBACK RECEIVED BY THE COURT



See Customer Survey Appendix 16.3



8.19 INDICATOR 19: HUMAN RESOURCES: THE RANGE OF TRAINING AND DEVELOPMENT OPPORTUNITIES

FSM SUPREME COURT PROVIDES ACCESS TO JUSTICE TRAINING AT POHNPEI INTERNATIONAL WOMEN'S DAY, MARCH 8, 2022.





OUR LADY OF MERCY CATHOLIC HIGH SCHOOL SENIORS VISIT FSM SUPREME COURT





FSM SUPREME COURT 2022 ANNUAL REPORT

8.19.1 TRAININGS/EVENTS PARTICIPATED IN 2022

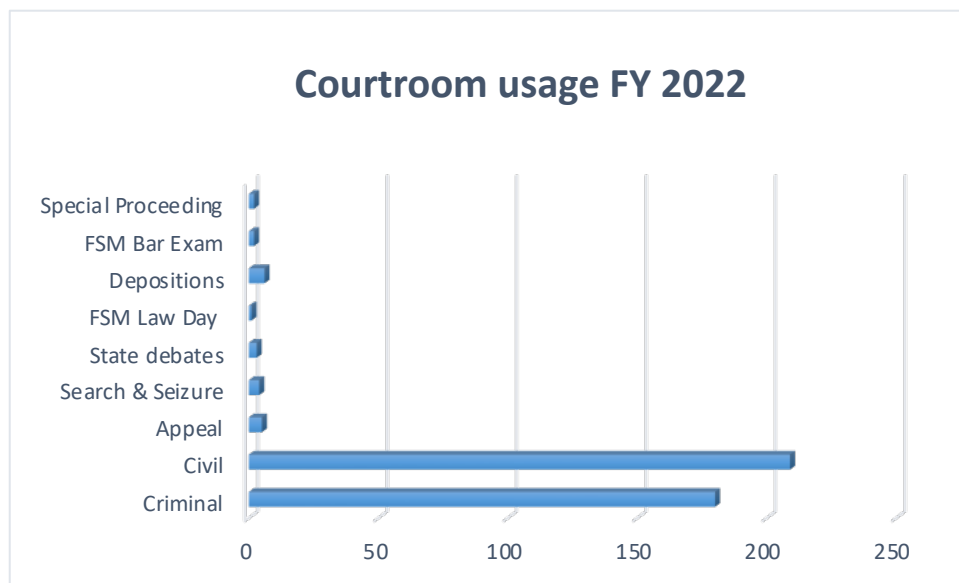
Month	Type of Events/Training	Sponsor(s)
January	Financial Management Act	FSM National Government
January	Chuuk Judicial Conference	Chuuk State Court – virtual and in-person
March/August	FSM Bar Examination	FSM Judiciary
March	Access to Justice	International Women’s Day (Pohnpei Women Council)
April	Wellbeing Seminar	PJSP
May	Effective Database System	PJSP
July	National Law Day Debate	FSM Judiciary
September	2022 NMI Annual Conference	PJC (Saipan)
October	Family Protection Order	PJC
October	Settlement Conference – Mediation	PJC (Saipan)
October	Judicial Conference for lay justices	PJC
October	PJC Annual Conference	PJC
November	Trial Practice Training	PJC (Palau)
November	18 th Conference of Chief Justices of Asia Pacific	PJSP (Virtual)
December	Court Security-Marshalls	PJC (Guam)
December	Family Violence	PJC (Guam)



8.20 INDICATOR 20: HUMAN RESOURCES: THE PERCENTAGE USE OF COURTROOM

This is a difficult indicator to measure as intended, i.e. the % use of a courtroom throughout the day/week/month/year. The Court schedules matters as needed and makes use of video conferencing as much as possible to reduce the cost and inconvenience for both the parties and the court itself.

Clerk’s are responsible for the recordings of all proceeding. In 2022, a total of 398 hearings were held throughout the 4 States. Other proceedings which utilizes the FSM Supreme Courtrooms were State debates, FSM Law Day, Depositions, FSM Bar Exam, and Special proceedings for new FSM Bar Members.



FSM Supreme Court website shows a master court calendar of scheduled cases that is accessible in all four states. Clerks in each state are responsible for updating the online calendar on a weekly basis.



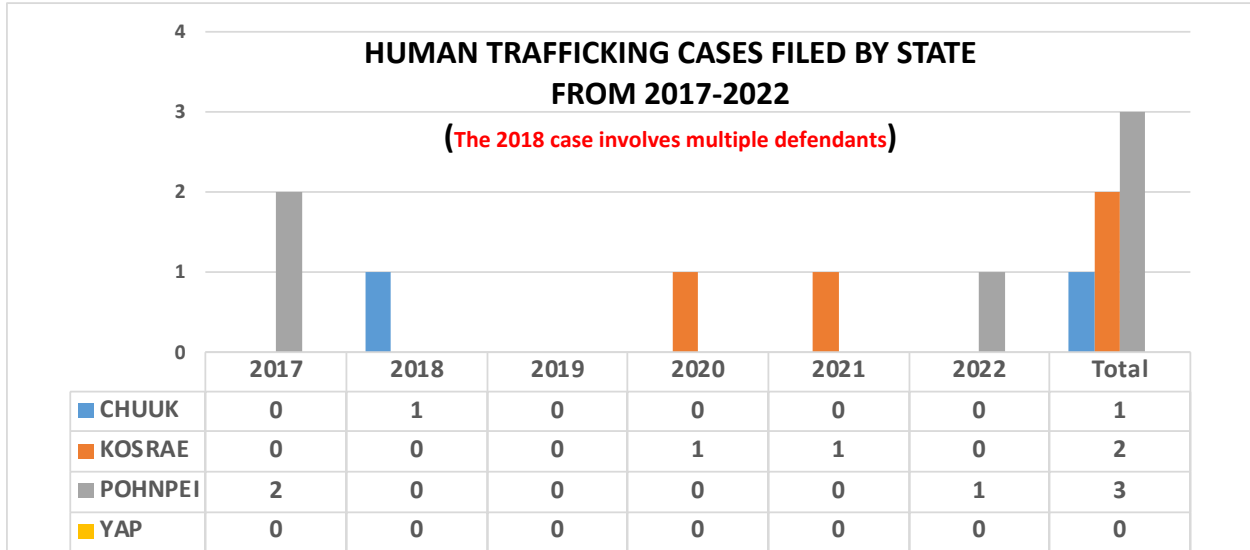
FSM SUPREME COURT 2022 ANNUAL REPORT

The screenshot displays a web browser window with the URL 'https://supremecourt.fsm'. The page title is 'FSM Supreme Court Petition Trial Division'. The main content is a calendar for January 2022. The calendar is organized into a grid with columns for days of the week and rows for dates. The calendar shows several court events, including 'Petition Trial Division' and 'Petition Trial Division' on various dates. The calendar also includes a sidebar with navigation options like 'Home', 'About', 'Contact', and 'Calendar'. The bottom of the page features a green footer with social media icons for Facebook and YouTube.

Day	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31		
Monday																																	
Tuesday																																	
Wednesday																																	
Thursday																																	
Friday																																	
Saturday																																	
Sunday																																	



9 HUMAN TRAFFICKING CASES



Case details:

- There were a total of 6 human trafficking cases filed with the Court since 2017-2022. The 2018 case involved multiple defendants and multiple victims.
- Three of the human trafficking cases filed are CLOSED. Defendants were convicted and sentenced with jail terms. One case was acquitted, and two cases pending.

Defendant details:

- All 7 defendants are over the age of 18.
- Six of the defendants were males and one female.
- Four of the defendants are FSM citizens, and the other three are from outside of the FSM.

Victim details:

- All 8 victims are females.
- All victims age ranges between 14 and 18.
- All 8 victims are from the FSM.



FSM SUPREME COURT 2022 ANNUAL REPORT

10 FSM NATIONAL LAW DAY 2022

FSM SUPREME COURT CELEBRATES ITS 41ST YEAR ANNIVERSARY JULY 12, 2022 THROUGH NATIONAL LAW DAY DEBATE:





FSM SUPREME COURT 2022 ANNUAL REPORT

11 CLERK OF COURT DIVISION

The Clerk’s Office is the official keeper of the records for the FSM Supreme Court, including the Trial and Appellate cases. It is the custodian and protector of all property records in the judicial system. Additional duties include but are not limited to managing trial and appellate cases, court filings, notary public, recording and transcription of court proceedings and court scheduling

FSM Supreme Court now has what is called Case Tracking System. This system is maintained and updated by the clerks. All documents received are digitized. The CTS allows both pending and closed cases accessed in all four states. Information uploaded onto the system provides data and graphs used for the Annual Reporting, specifically on cases.

The screenshot displays the Case Tracking System interface. On the left is a navigation menu with options like 'Search for Parties', 'Administration', and 'Export All to Excel'. The main content area shows 'Case Information' for Case No. 2022-00078 SCAI/PNI, including details on jurisdiction, case title, date filed, and status. Below this is a 'Judicial Officers' table listing four officers with their titles and case dates.

Case Information						
Case No.	2022-00078 SCAI/PNI	Jurisdiction	FSM Supreme Court	Case Type	Appeal	
Sub-Case Type	N/A	Case Title	Erick Paul v. Auset Lambert, Election Director of Government of Federated States of Micronesia, Esmond Moses		Location	Pohnpei
Village	N/A	Case Description	N/A	Case Complexity	N/A	
Date Filed	12/23/2022	Final Outcome	Mandate	Date Disposed	03/06/2023	
Stage	Case Closed	Date Due Time Standards	06/15/2024 540 days	Status	Completed in 73 days	
Comments	N/A					
Judicial Officers						
Judicial Officer	Bealeen Carl-Worswick	Title	Associate Justice	Date on Case	12/23/2022-03/06/2023	
Judicial Officer	Larry Wentworth	Title	Associate Justice	Date on Case	12/23/2022-03/06/2023	
Judicial Officer	Cyprilan Manmaw	Title	Temporary Justice	Date on Case	12/27/2022-03/06/2023	
Judicial Officer	Craig D. Reffner	Title	Staff Attorney	Date on Case	12/23/2022-03/06/2023	

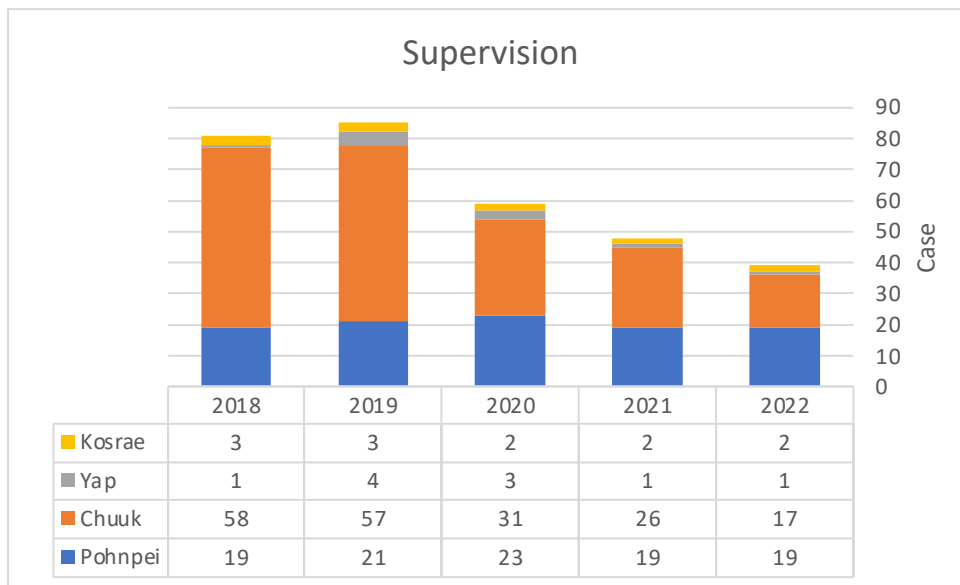


12 JUSTICE OMBUDSMAN DIVISION

12.1 THE OMBUDSMAN DIVISION

The Justice Ombudsmen serve as Probation Officers, Court Marshals, and Court Interpreters. The Ombudsmen are tasked with supervising all defendants released on probation and/or on suspended sentence and under pre-trial releases. Such supervisions encompass a range of responsibilities including:

1. Scheduling and meeting with offenders;
2. Monitoring of offenders' compliance to terms and conditions of release/suspended sentences;
3. Prepare pre-sentence investigation reports to assist with determining proper sentences for offenders;
4. Prepare and submit to the Court revocation requests when probationers or pretrial release defendants have violated conditions of releases; and.
5. Maintain and secure statements and other records of probationers under supervision.

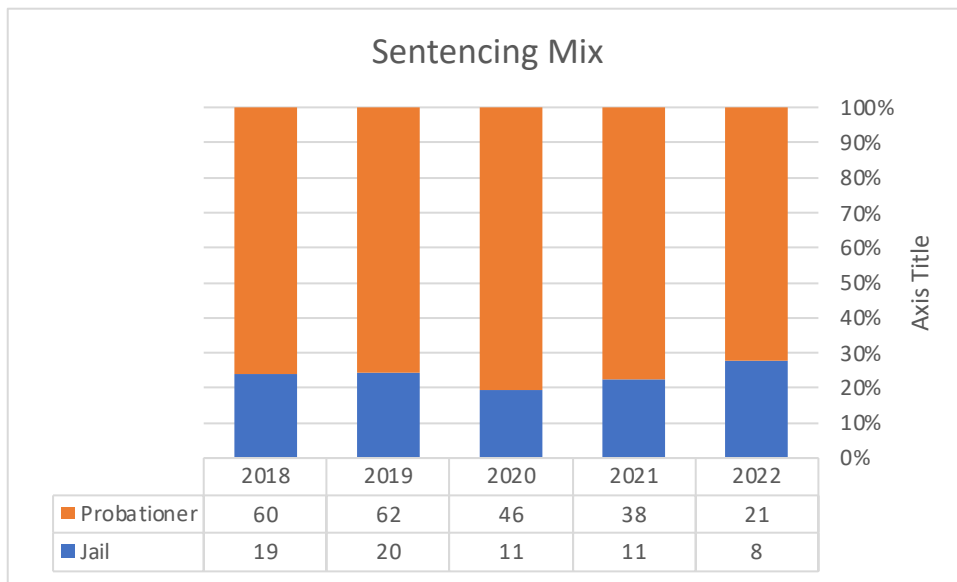
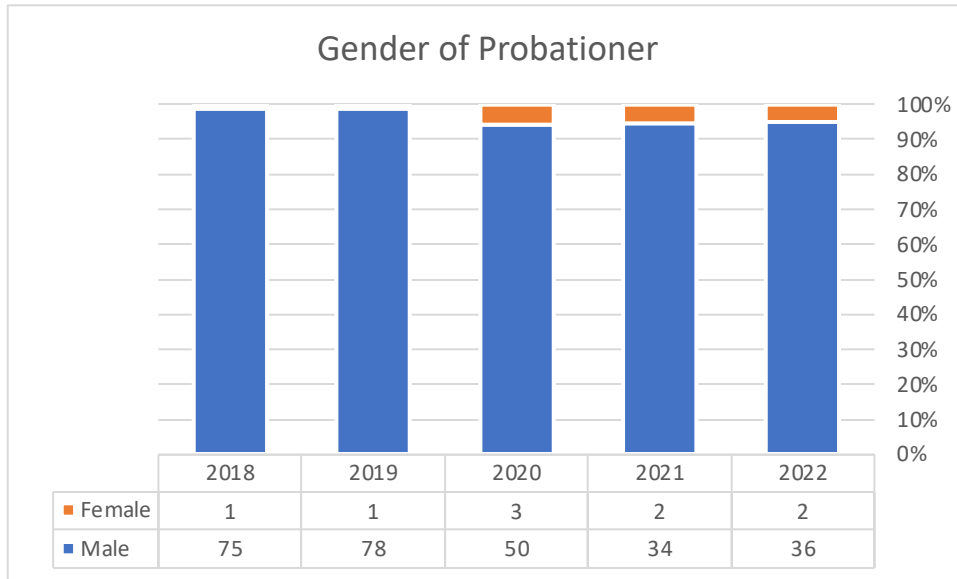


In 2022, the Ombudsman Office supervised 39 probationers, a slight decrease from 2021.

95% of all the probationers under the supervision of the Ombudsmen are males in 2022.



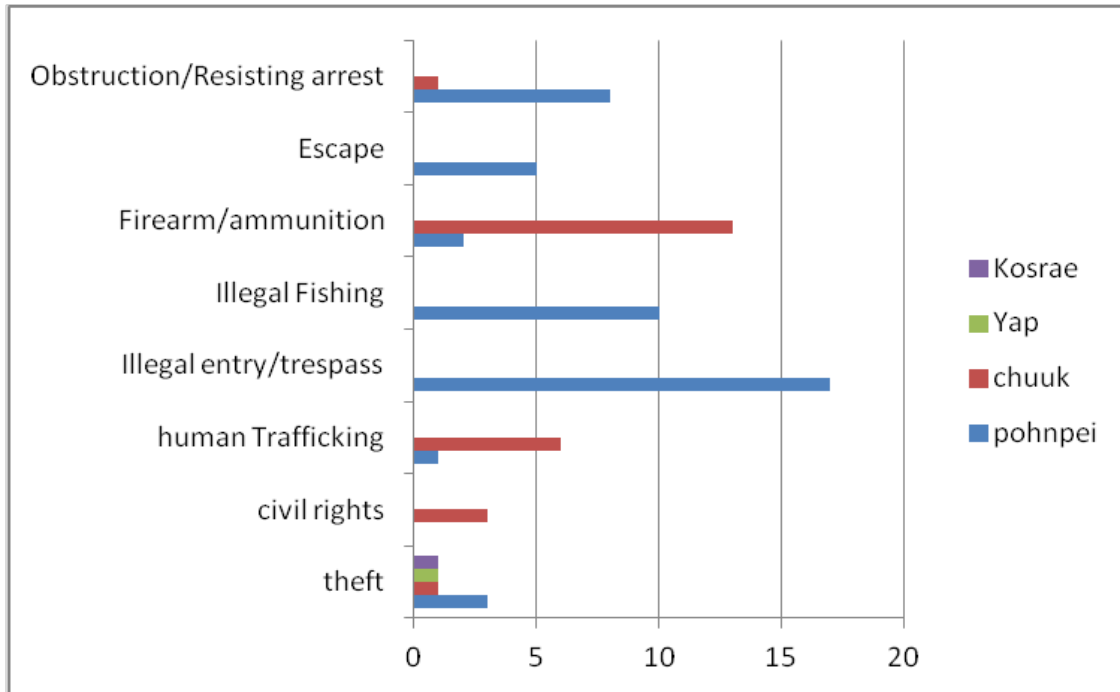
FSM SUPREME COURT 2022 ANNUAL REPORT



72% of Offenders are serving Probation while 28% are serving jail term for 2022.



12.2 TYPES OF CONVICTIONS BY STATES





13 LIBRARY AND PUBLICATIONS

13.1 FSM SUPREME COURT LAW LIBRARIES (FSMSCLL)

13.1.1 MISSION

To ensure that the FSMSCLL provide current and Comprehensive Legal Reference and Information Services to the Judiciary, Bar Members and the General Public throughout the four FSM States.



13.1.2 VISION

To assume the leading role in supporting the Legal Research Activities of the Judiciary, Bar Members, Staff and its Large Community by:

1. Creating Access to Local, State, National and International Legal Information;
2. Developing and Publishing Electronic and other Legal Information products for benefit of Judges, Bar Members, Staff and the Community;
3. Designing Information and Communication Systems linking the FSM Supreme Court Website(s) to State, National, Regional and International Sources;
4. Providing assistance to the Trail Counselors' Program and others in the process of Legal Research and Information retrieval while utilizing a variety of methods and formats; and
5. Serving as the Legal Information Resource Center for the citizens of the Federated States of Micronesia

13.1.3 SERVICES

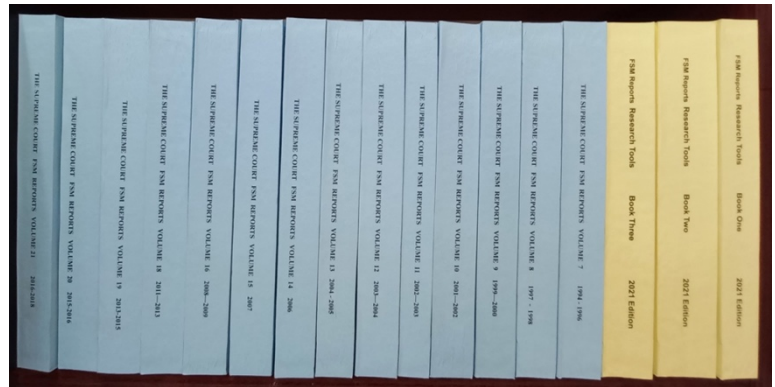
The Services of the FSM Supreme Court Library is available for Legal Research, Studying using the library materials such as books, computers and other equipment's.





13.1.4 PUBLICATIONS

The FSM Supreme Court first published in 1981 its FSM Interim Reporters and Digest / Updater. Recently, a conversion of this 3-ring binders to a soft bound copy has been the ongoing project. The FSM reports includes the official reports on the series of bound case decisions. Reports are available online on the Legal Information System (LIS), fsmlaw.org, and also in soft bound in all the four FSMSCLL in Yap, Chuuk, Kosrae and Pohnpei.



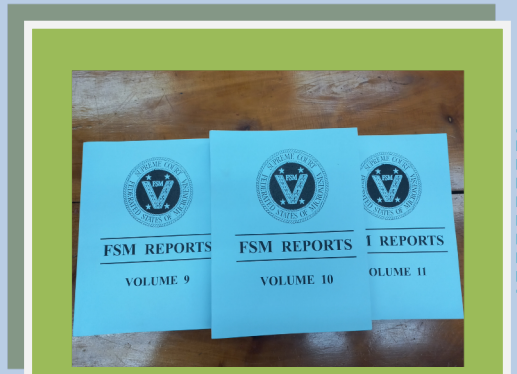
Picture of the FSM Reports "before" (3-ring binders) and "now" soft bound copy

FSM Reporters

Volumes:	Correspondence Year:
FSM Reporter Volume 1	1981 - 1984
FSM Reporter Volume 2	1985 - 1986
FSM Reporter Volume 3	1987 - 1988
FSM Reporter Volume 4	1989 - 1990
FSM Reporter Volume 5	1991 - 1992
FSM Reporter Volume 6	1993 - 1994
FSM Reporter Volume 7	1995 - 1996
FSM Reporter Volume 8	1997 - 1998
FSM Reporter Volume 9	1999 - 2000
FSM Reporter Volume 10	2001 - 2002
FSM Reporter Volume 11	2002 - 2003
FSM Reporter Volume 12	2003 - 2004
FSM Reporter Volume 13	2004 - 2005
FSM Reporter Volume 14	2006 - 2007
FSM Reporter Volume 15	2007 - 2008
FSM Reporter Volume 16	2008 - 2009
FSM Reporter Volume 17	2010 - 2011
FSM Reporter Volume 18	2011 - 2013
FSM Reporter Volume 20	2015 - 2016
FSM Reporter Volume 21	2016 - 2018
FSM Reporter Volume 22	2018 - 2020



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FSM Digest (FSM Reporters Research Tools)

FSM Research Tool Book 1

Appellate Review - Standard - Civil Cases

FSM Research Tool Book 3

Insurance - Lapse and Cancellation

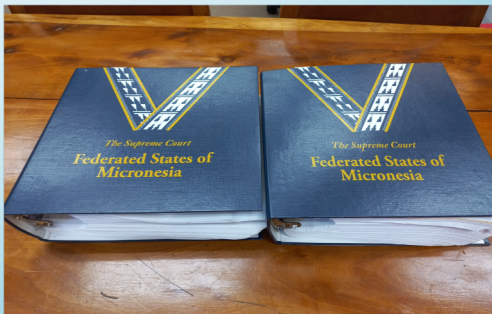
FSM Research Tool Book 2

Constitutional Law - Supremacy Clause

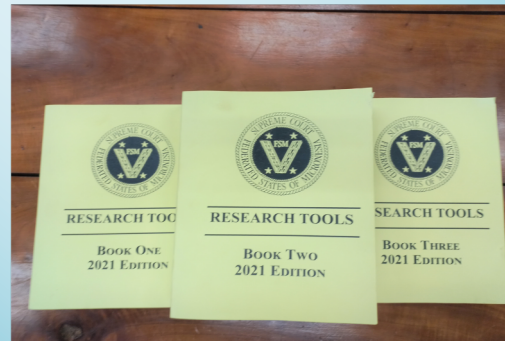
FSM Research Tool Book 4

Weapons - Weapons Control Act

Before



Now



Shows the 4 volumes of the FSM Reports Research Tools, (FSM Digest), and the topics that can be found in each book. Pictures of the FSM Reports Research Tool "before" (3-ring binders) and "now" the soft bound copy.

13.1.5 ARCHIVING SECTION

The Archive Project was established to provide a Systematic and Strategic approach to create and control a comprehensive organization of court records system for safety and preservation and avail the record electronically for public research. The goal of the special project is to ensure that court cases from Trail Division, Appellate Divisions, and other cases such as Criminal and Civil cases and any other courts important documents that are designated as "disposed" are collected, maintained and archived. The Archive Division is a new sub-division under the FSMSCLL.

By establishing this new division, most of the court case files such as Criminal, Civil, etc., were stored properly in filing cabinets, and scan copy were stored in the archiving system. The FSM Supreme Court wishes to thank the individuals who have dedicated their time for this project. Mr. Franky Ifamilik, Ms. Nikita Jackson, Ms. Debra Sohs and Ms. Richelle Mori. Also thank you to Ms. LilyAn H. Anson who took in the full responsibility of looking over the project.



By their work and dedication, the picture above shows the improvement of the Court Archiving System.



13.1.6 NEW STAFF (ARCHIVE AND RECORD SPECIALIST)

The FSM Supreme Court is fortunate to have the newly hired Archive and Record Specialist to oversee the archiving project, Ms. LilyAn H. Anson. Ms. Anson graduated from the College of Micronesia-FSM, (COM-FSM), with an Associate of Science (A.S.) Degree in Business Administration and a Certificate of completion in Trial Counselor Program. Ms. Anson was working with the FSM Postal Services for 4 years as a postal clerk before joining the FSM Supreme Court as an intern in May of 2020.





13.1.7 SPECIAL PROJECT

The FSMSCLL started a new project in the mid- year 2021 to compile and organize documentation/filing of the 2014 FSM Code (Annotated), and the amending of the Public Laws for each title or sections of the code. Phase 1) of the project was to compile all these documents in 3-ring binders. Phase 2) is to convert all the documents collected into HTML format and upload to the FSM Supreme Court Research website, (fsmllaw.org) known as the LIS. Moreover,



new projects are in progress such as compilation of the FSM Regulation and other legal documents such as Attorney General Legal Opinions. Most of which this document will also be converted into HTML format and upload to the FSM Supreme Court research website.

13.1.8 ASSISTANCE / ACTIVITIES

In the late of year, 2022, few staffs of the FSM Supreme Court went to Kosrae to assist the Kosrae State Court by rearranging and reshelving of the books in the shared library between the FSM Supreme Court and the Kosrae State Court. The purpose of this rearrangement is to give better access to the library materials (books) and creating more spacing to be utilize for conferences such as small group meetings, video conferencing and other activities that can be utilizing by this small conference space.



Before:



After



13.1.9 SUBSCRIPTION TO WESTLAW (ONLINE LEGAL RESEARCH DATABASE)

The FSMSCLL continued its subscription with Westlaw on an annual bases and its purpose is to provide access to legal treatises and secondary sources, legal formats, legal news, U.S. federal and state case law and other legal resources.

This subscription supplements the library's existing collection of over 20,000 volumes in paper format in all the four (4) FSMSCLL branches and the Judiciary's online legal searchable case law database. The online research database for Westlaw is available to judges, staff attorneys, and staff of the FSM Supreme Court.

13.1.10 DONATIONS:

We are always grateful to each and every one of our supporters. The support and donations continues to give us an opportunity to enrich the collections of the FSMSCLL. The FSMSCLL gratefully appreciates and acknowledges the generosity of its donors and benefactors who have supported our law libraries.

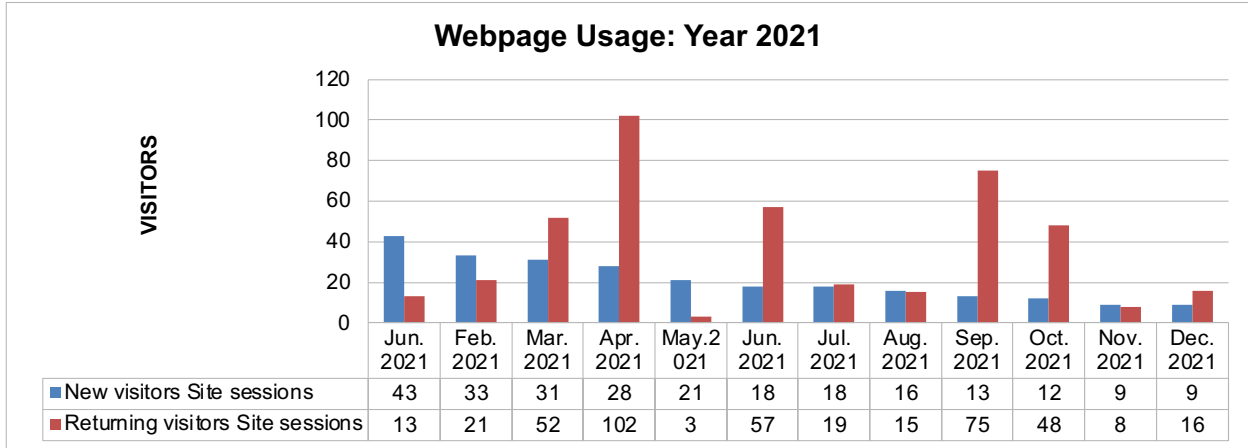


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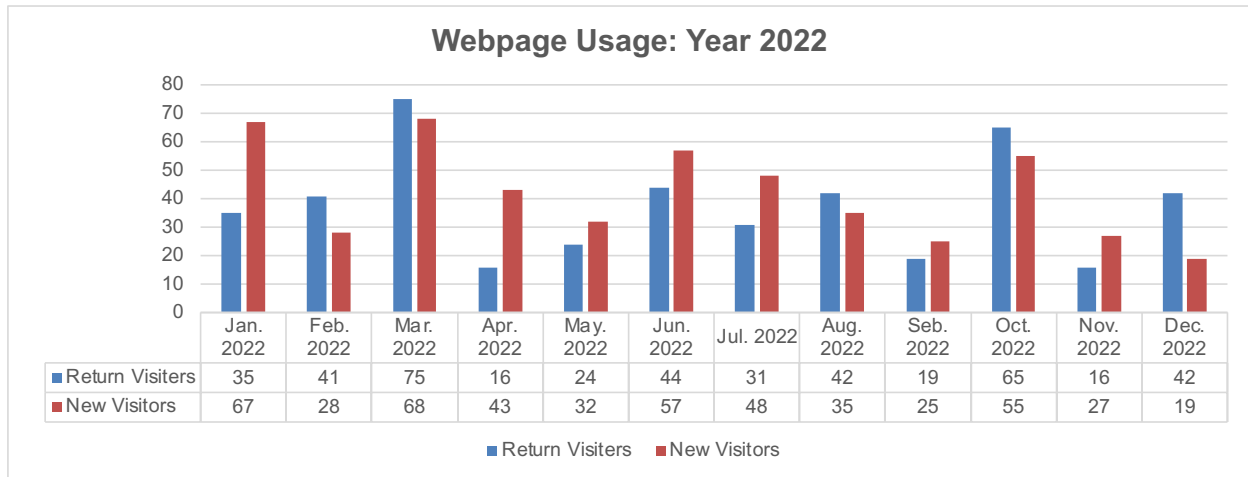
13.1.11 WEBSITE:

In the past few years, the usage of the FSMSCLL website as show an increase of public access to information about the FSM Supreme Court and other materials such as Laws and Publications. The Library and Publication Division maintain this website to improve the contents for the purpose of easy access and friendly use to the general public.

FSMSCLL webpage usage Count: Information Access



*This table show the usage/visitors of the FSMSCLL webpage in the year of 2021



*This table show the usage/visitors of the FSMSCLL webpage in the year of 2022



FSM SUPREME COURT 2022 ANNUAL REPORT

13.1.12 CONTACTS/ADDRESS

Chuuk Office
Tel: (691) 330-2397/2908
Email: lawlibrary@fsmsupremecourt.org

**Mailing Address: P.O.Box 601 Weno,
Chuuk FSM 96942**

Kosrae Office
Tel: (691) 370-3185
Email: lawlibrary@fsmsupremecourt.org

**Mailing Address: P.O.Box J Tofol,
Kosrae, FSM 96944**

Pohnpei, Palikir Office
Tel: (691) 320-2763/2764
Email: lawlibrary@fsmsupremecourt.org
Mailing Address: P.O.Box PS-J Palikir,
Pohnpei, FSM 96941

Yap Office
Tel: (691) 350-2159/3419
Email: lawlibrary@fsmsupremecourt.org
Mailing Address: P.O.Box 546 Colonia,
Yap, FSM 96943

Library Hours and Calendar:

Open (Weekdays)
Monday to Friday
8:00
a.m. to 5:00 p.m.

Close (Weekends)
Saturdays &
Sundays

Legal Holidays: CLOSE

January 01 – New Year
March 31 - Cultural Day
May 10 – Constitution Day
October 24 – United Nation Day
November 03 – Independence
November 11 – Veterans Day
November 23 – Presidents Day
December 25 - Christmas



14 INFRASTRUCTURE IMPROVEMENTS

14.1 YAP COURTROOM AND OFFICE RENOVATION





14.2 DISABILITY PARKING



Figure 2: FSM SUPREME COURT (POHNPEI) INSTALLED DISABILITY PARKING



15 CONTACT US



Pohnpei Office:
Phone: (691) 320-2357/2763/2764
Mailing Address:
P.O. Box PS-J
Palikir, FM 96941

Chuuk Office
Phone: (691) 330-2397
Mailing Address
P.O. Box 601 Weno, Chuuk, FM 96942

Yap Office
• Phone: (691) 350-2159
• Mailing Address
P.O. Box 546
• Colonia, Yap FM 96943

Kosrae Office
• Phone: (691) 370-3185
• Mailing Address
P.O. Box J Tofol, Kosrae, FSM
96944

For additional queries or feedback,
email:
webmaster@fsm-supremecourt.org



16 APPENDICES

16.1 COOK ISLAND INDICATORS STATUS

The Court has invested significant effort in being able to report on the Cook Island Indicators is proud of the green lights showing.

- **Green** – Fully Completed
- **Orange** – Partially completed
- **Red** – Incomplete

	Indicator	Description	2022
1	Case Management Information	Case finalization clearance rate	●
2	Case Management Information	Average duration of a case	●
3	Appeals	The percentage of appeals	●
4	Appeals	Overturn rate on appeal	●
5	Access	Percentage of cases that are granted a court fee waiver	●
6	Access	Percentage of cases disposed through a court circuit	●
7	Access	Percentage of cases where party receives legal aid	●
8	Complaints	Documented process for receiving and processing a complaint that is publicly available	●
9	Complaints	Percentage of complaint received concerning a judicial officer	●
10	Complaints	Percentage of complaints receiving concerning a court staff member	●
11	Human Resources	Average number of cases per judicial officer	●
12	Human Resources	Average number of cases per court staff	●
13	Judicial Transparency	Court produces or contributes to an Annual Report that is publicly available	●
14	Judicial Transparency	Information on Court services is publicly available	●
15	Judicial Transparency	Judgments on PacLII	●
16	Case Management Information	Average Age of Pending Caseload	●
17	Case Management Information	Percentage of complaints that have been handled within an agreed timeframe	●
18	Judicial Transparency	Total number of compliments and positive feedback received by the court	●
19	Human Resources	The range of training and development opportunities	●
20	Human Resources	The percentage use rate of courtrooms	●



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16.2 DETAILED CASE ANALYSIS

16.2.1 CRIMINAL CASES

Criminal SUPREME COURT PERFORMANCE REPORT

Date of Export: 19/1/2024

Calendar

Previous 5 Calendar Years	Registered	Finalised	Clearance Rate
2018	28	51	182%
2019	22	21	95%
2020	27	23	85%
2021	18	14	78%
2022	4	14	350%
Total/clearance rate	99	123	124%

Year	Registered	Finalised	Clearance Rate (%)
2018	28	51	182%
2019	22	21	95%
2020	27	23	85%
2021	18	14	78%
2022	4	14	350%

Pending Workload

Current Pending 30 CASES

Average Age of Pending 1594 DAYS

Pending to Disposal Ratio (PDR) 1.4 (target - less than 1)

Timeliness of Disposals

Average Age to dispose cases (days)

Previous 5 Calendar Years	Average Age (days)
2018	471
2019	582
2020	453
2021	584
2022	454
Average of the 5 years	497

Commentary:

The number of criminal matters filed in 2022 dropped significantly, while still finalizing similar #s to the previous year, thus Pending caseload dropped to 30 matters. The average age of these cases is of concern, and action will be taken in 2023 to address this delay, plus the # of matters without a future court action/appearance. Time to finalize criminal matters still remains on the higher than desired side, and again, reflects the complexity of the matters before the Court.



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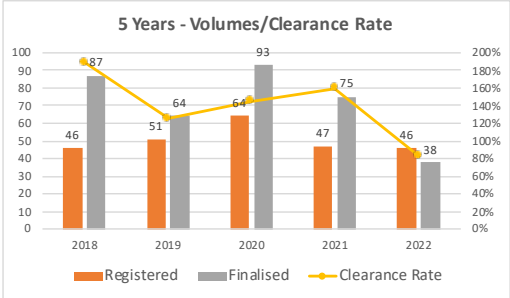
16.2.2 CIVIL CASES

Civil SUPREME COURT PERFORMANCE REPORT

Date of Export **19/1/2024**

Calendar

Previous 5 Calendar Years	Registered	Finalised	Clearance Rate
2018	46	87	189%
2019	51	64	125%
2020	64	93	145%
2021	47	75	160%
2022	46	38	83%
Total/clearance rate	254	357	141%

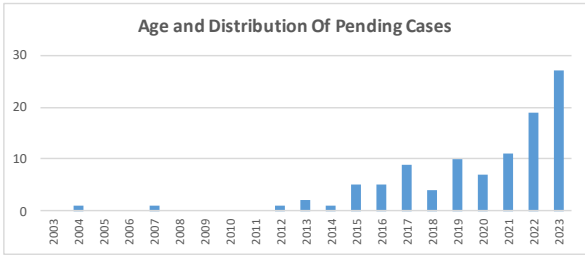


5 Years - Volumes/Clearance Rate

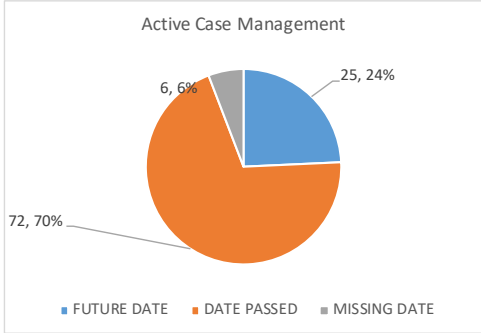
Year	Registered	Finalised	Clearance Rate
2018	46	87	189%
2019	51	64	125%
2020	64	93	145%
2021	47	75	160%
2022	46	38	83%

Pending Workload

Current Pending	103	CASES
Average Age of Pending	1351	DAYS
Pending to Disposal Ratio (PDR)	2.2	



Age and Distribution Of Pending Cases



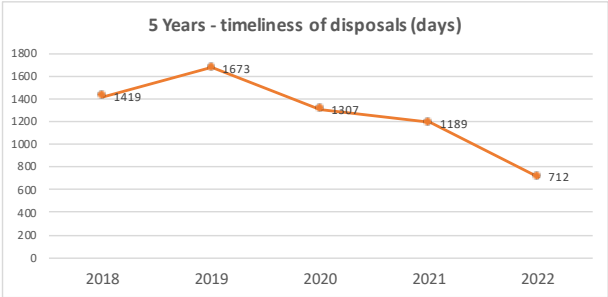
Active Case Management

Category	Count	Percentage
DATE PASSED	72	70%
FUTURE DATE	25	24%
MISSING DATE	6	6%

Timeliness of Disposals

Average Age to dispose cases (days)

Previous 5 Calendar Years	Average of the 5 years
2018	1419
2019	1673
2020	1307
2021	1189
2022	712



5 Years - timeliness of disposals (days)

Year	Average Age (days)
2018	1419
2019	1673
2020	1307
2021	1189
2022	712

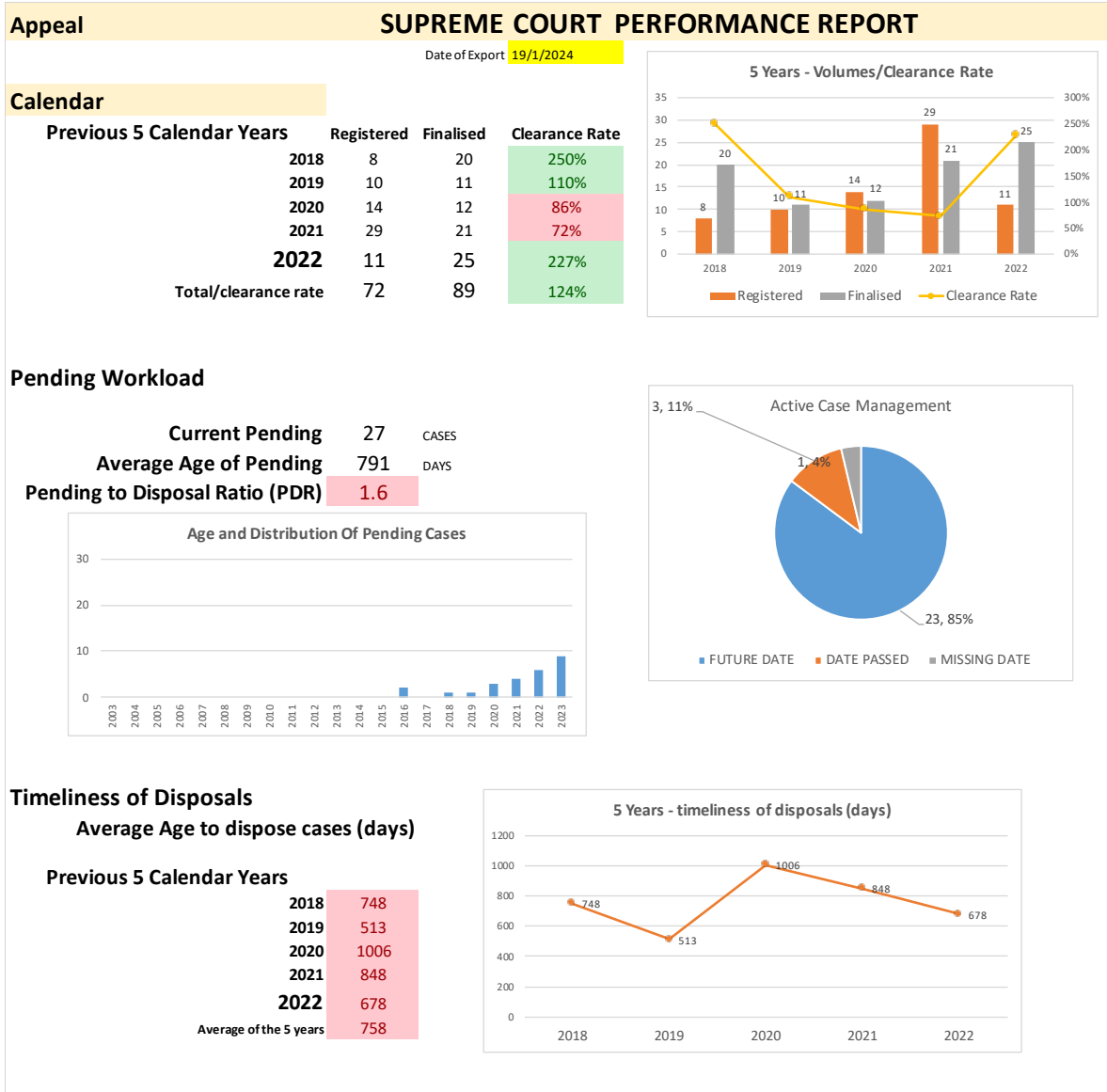
Commentary:

The number of civil matters filed in 2022 remained constant with previous years, while finalizing lower #s to the previous year(s), thus Pending caseload increased slightly to 103 matters. The average age of these cases is of concern, as is the PDR at 2.2 (equates to almost 2 years of work on hand), and action will be taken in 2023 to address this delay, plus the # of matters without a future court action/appearance. Time to finalize civil matters still remains on the higher than desired side, and again, reflects the complexity of the matters before the Court, but has been declining over recent years, a very positive trend.



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16.2.3 APPEAL CASES



Commentary:

The number of appeal matters filed in 2022 dropped significantly, while still finalizing similar #s to the previous year, thus Pending caseload dropped to 27 matters. The average age of these cases is of concern, and action will be taken in 2023 to address this delay, plus the # of matters without a future court action/appearance. The PDR of 1.6 reflects approximately one and half years worth of work on hand – slightly higher than desired. Time to finalize appeal matters still remains on the higher than desired side, but is reducing, and again, reflects the complexity of the appeals before the Court.

16.2.4 BANKRUPTCY CASES

There have been no Bankruptcy matters in the last 2 years.



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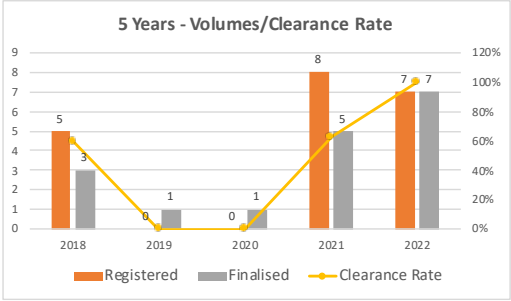
16.2.5 DISCIPLINARY CASES

Disciplinary SUPREME COURT PERFORMANCE REPORT

Date of Export 19/1/2024

Calendar

Previous 5 Calendar Years	Registered	Finalised	Clearance Rate
2018	5	3	60%
2019	0	1	60%
2020	0	1	60%
2021	8	5	63%
2022	7	7	100%
Total/clearance rate	20	17	85%

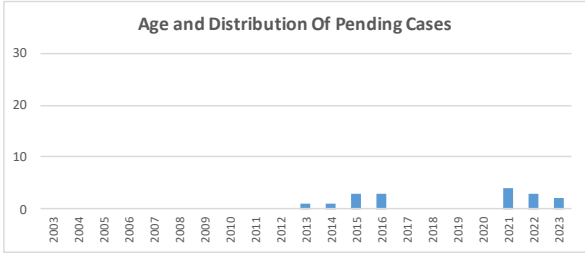


5 Years - Volumes/Clearance Rate

Year	Registered	Finalised	Clearance Rate (%)
2018	5	3	60%
2019	0	1	100%
2020	0	1	100%
2021	8	5	63%
2022	7	7	100%

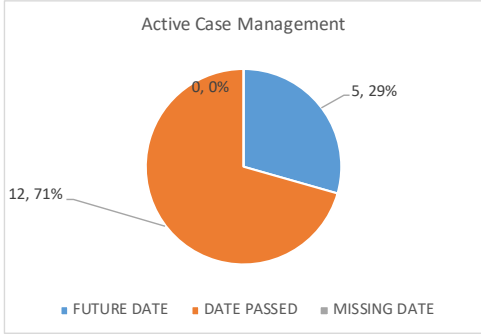
Pending Workload

Current Pending	17	CASES
Average Age of Pending	1803	DAYS
Pending to Disposal Ratio (PDR)	4.3	



Age and Distribution Of Pending Cases

Bar chart showing the number of pending cases by year from 2003 to 2023. The x-axis represents years from 2003 to 2023. The y-axis represents the number of cases, ranging from 0 to 30. There are very few cases shown, with a small cluster around 2021-2023.



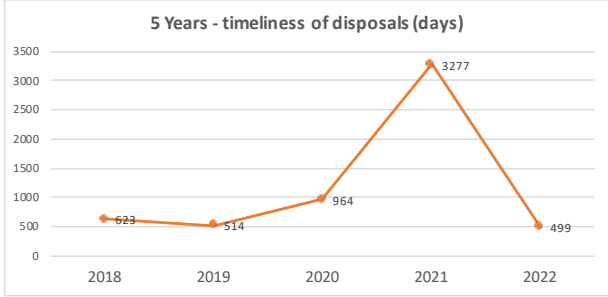
Active Case Management

Category	Count	Percentage
DATE PASSED	12	71%
FUTURE DATE	5	29%
MISSING DATE	0	0%

Timeliness of Disposals

Average Age to dispose cases (days)

Previous 5 Calendar Years	Average Age (days)
2018	623
2019	514
2020	964
2021	3277
2022	499
Average of the 5 years	1366



5 Years - timeliness of disposals (days)

Year	Average Age (days)
2018	623
2019	514
2020	964
2021	3277
2022	499

Commentary:

The number of disciplinary matters filed in 2022 were similar to 2021. There are a number of pending matters from many years ago and these will be investigated for their true status.

Caution must be taken when attempting to analyze such low numbers.



FSM SUPREME COURT 2022 ANNUAL REPORT

16.2.6 SEARCH WARRANTS

Search Warrant
SUPREME COURT PERFORMANCE REPORT

Date of Export 19/1/2024

Calendar

Previous 5 Calendar Years	Registered	Finalised	Clearance Rate
2018	3	3	100%
2019	4	3	75%
2020	2	3	150%
2021	3	3	100%
2022	5	4	80%
Total/clearance rate	17	16	94%

5 Years - Volumes/Clearance Rate

Year	Registered	Finalised	Clearance Rate
2018	3	3	100%
2019	4	3	75%
2020	2	3	150%
2021	3	3	100%
2022	5	4	80%

Pending Workload

Current Pending	2	CASES
Average Age of Pending	399	DAYS
Pending to Disposal Ratio (PDR)	0.7	

Age and Distribution Of Pending Cases

Active Case Management

Category	Count	Percentage
Future Date	2	100%
Date Passed	0	0%
Missing Date	0	0%

Timeliness of Disposals

Average Age to dispose cases (days)

Previous 5 Calendar Years	Average Age (Days)
2018	2
2019	9
2020	103
2021	10
2022	53
Average of the 5 years	37

5 Years - timeliness of disposals (days)

Year	Average Age (Days)
2018	2
2019	9
2020	103
2021	10
2022	53

Commentary:

The number of search warrants handled in 2022 were similar to 2021.

Caution must be taken when attempting to analyze such low numbers.



FSM SUPREME COURT 2022 ANNUAL REPORT

16.3 2021 FSM SUPREME COURT PERFORMANCE SURVEY

Last Survey was conducted in 2021 and is available in the 2021 Annual Report.