



KOSRAE STATE COURT
FEDERATED STATES OF MICRONESIA
POST OFFICE BOX KSC
KOSRAE, FM 96944
TELEPHONE: 691-370-3033/3185
FACSIMILE: 691-370-2870

Chief Justice Marge
No. 13-03
J&GO

May 25, 2023

The Honorable Semeon J. Phillip
Speaker, 13th Kosrae State Legislature
Tofol, Kosrae, FM 96944

RE: Nomination of a pool of Justices Pro Tempore for the Kosrae State Court

Dear Speaker Phillip,

I sincerely hope you are doing well. It is with great pleasure and honor that I present this proposal to nominate a pool of Justices Pro Tempore to serve in the Kosrae State Court.

I believe you may be already aware that the Kosrae State Court is currently facing a problem regarding the availability of judges.

In compliance with Section 6.1204 of the Kosrae State Code, I am proposing this nomination and am hoping that your prompt actions and further support can expedite this nomination so that hearing and deciding of cases in the State Court can continue uninterrupted. I am attaching a work history for each of the nominees, which should substantiate and support this nomination and give us confidence that they are all highly qualified to hear and decide cases and to serve the people of Kosrae. Additional attachment is a memo received from Attorney General Asher regarding legal opinion on the said issue.

Please accept my sincere thanks for your time and consideration. I would be happy to clarify and further comment to the matter where needed.

Sincerely,

Edmond H. Salik
Acting Chief Justice
Kosrae State Court

Xc: The Honorable Tulensa W. Palik, Governor
Hon. Robinson H. Timothy, Principal Judge, KLC

Rec'd 05/25/23
@ 10:30 am
Ket / HSD

CURRICULUM VITAE

For

Steve Y. George

2023

TRAININGS:

| | | |
|------|--|--|
| 1998 | Pacific Island Law Officers Meeting (PILOM), USP, Suva, Fiji | Advocacy/ Litigation Skills |
| | FSM Judicial Conference in Chuuk | Case flow management/ Alternative Dispute Resolution |
| 2005 | Kosrae Land Court | Ethics & Professional Responsibility; Legal research/ |
| | Mediation | Mediating Cases |
| | Public Defender Conference (Yap) | Case management/ Legal Research |
| 2006 | Pacific Drug and Law Enforcement Conference (Guam) | Drug Trafficking; Fugitive Protocol; Money Laundering- Organized Crimes; Arrest and Search Warrants. |
| 2007 | Public Defender Conference (Pohnpei) | Litigation and advocacy skills Training |
| 2008 | Regional Attorney Generals and Public Defenders Meeting | Drug Trafficking; Fugitive Protocols Arrest and Search Warrants |
| 2009 | Pacific International Crime Cooperation Workshop | Money Laundering |
| | Regional Forensic Science Symposium | Firearms; Violent Crimes scenes |
| 2011 | Regional Training Course on the Legal Implementation of the Ballast Water Management Convention (Fiji) | Particular Emphasis on Compliance Monitoring and Enforcement |
| 2014 | Pacific Judicial Council – Public Defender Training | Advocacy skills training |
| 2016 | Improving Litigation Skills | Advocacy skills training |
| | Advance Litigation Skills Program (PILON) Wellington, New Zealand | Litigation and Advocacy skills training |
| 2017 | 17 th FSM Judicial Conference | Case flow management; litigation skills |
| 2018 | Pacific Judicial Council – Public Defender Training – Guam | Advance Litigation and Advocacy skills training |
| 2022 | Pacific Judicial Council - American College of Trial Lawyers – Trial Practice Training Koror, Palau | |

4. Academic Achievements

CV/RESUME

Name: Gerson A. Jackson

Contact Details: Tel. Nos. (691)370-2087, Mobile, 970-9007

Email Address: gajackson12@gmail.com

Date of Birth: March 30, 1953

| | | |
|-----------------------|---|-----------------------------------|
| Education Background: | Tafunsak Elementary School | 1961-1969 |
| | Kosrae High School(YEKULA) | 1969-1973 |
| | Maunaolu College(Maui, Hawaii) (AS Degree-General Studies) | 1973-1975 |
| | United States International University(USIU) San Diego, CA., USA, BS Degree-Political Science with emphasis in International Law/Relations | 1975-1977 |
| | U.S.I.U., San Diego, CA., USA, Masters Degree- Management with emphasis in Organizational Development and International Business Administration | 1977-1979 |
| Other Trainings: | UN-Multinational Corporations Seminars | |
| | ADB- Strategic Plans Implementation | |
| | DOI-Interpreting Critical Issues in Resource Management | |
| | SPC- DSM Workshops (3) | |
| Employment History: | Director, Dept. of Resources & Economic Affairs(KSG) | April 2, 2019 To Jan. 30, 2023 |
| | Special Consultant, FSM President's Office, | June 12, 2017 to March, 2019 |
| | Part-time Instructor, COM/FSM, Kosrae Campus, | August 2016 to May 2017 |
| | Climate Change Program Director, Ayuda Foundation(Guam), | May 2016 to March 2017 |
| | Consultant/Adviser, KIRMA | 11/2015-2017 |
| | Consultant/Adviser(TMG, KPA.) | 10/2015-2017 |
| | FSM Ambassador, PIF Countries(Fiji) | 11/2011-08/2015 |
| | FSM Consul General(Guam) | 04/2008-10/2011 |
| | Assistant Attorney General(Kosrae State) | Jan. to March 2008 |
| | Lt. Governor, Kosrae State, FSM | Jan. 1995-Jan. 2007 |
| | Director, Office of Planning & Budget, KSG | 1992-1994 |
| | Director, Dept. of R & D, Kosrae State | 1981-1992 |

Past/Present Assignments & Affiliations:

Member, RISC(MIF)
Member, RISC(Pacific Region)
State Focal Point/POC, BPM
Registered Consultant, ADB
Member, IUCN-CEESP
Specialist Adviser, PPSCC
Member, PIF-SSCR
Member, FSM-JCRP
President, Kosrae State Bar Association
Member, SPC Governance Review Committee(Fiji).
Chairman, Senior Officials Committee, PIDF(Fiji).
Chairman, Center for Micronesians Empowerment, Guam.
Member, Chairman, FSM Compact Management Board.
Member, Chairman, FSM IPIC.
Member, BOD, PIDB.
Chairman, BOD, MPC.
Chairman, KEPIC.
Delegate/Committee Chair, First Kosrae State Con-Con.
Delegate/Chairman, First Tafunsak Muni. Con-Con.
Delegate, 1st, 2nd and 3rd FSM Economic Summits.
Member, Vice Chair, FSM-MMA.
Board Member, FSMDB.
Board Member, FSM-CDA.
Board Member, FSM-NFC.
Member, Vice Chair, Chairman, FSM-JCN.
Delegation Head, 1st, 2nd and 3rd MTLC.
Chairman, 1st, 2nd and 3rd Kosrae State Economic Summits.
Chairman, 1st, 2nd and 3rd Kosrae State Leadership Conferences.
Chairman, Pacific Tuna Industry Inc.(PTI)
Chairman, Kosrae State Projects Commission.
Trial Counselor, Kosrae State Court/Land Commission/Land Court.
Board Member, MRCS, Kosrae Chapter
Board Member, Kosrae Chamber of Commerce

Rensley A. Sigrah

Kosrae, FSM

Bio-Data

Birth

March 02, 1955

Marital Status

Married with 5 Children

Gender

Male

Education

M.S. in Management and Organizational Dev.

U.S. International University

San Diego, California

1979

B.S. Business Administration

U.S. International University

San Diego, California

1977

Work Experiences

Director/Governor's Financial Consultant

Department of Finance and Administration

Kosrae State

March 2019 to March 2023

This assignment oversees all fiscal matters for our island state. All tax processes, budget processes, accounting processes, and human resource managements fall within the purview of the Department of Administration and Finance. We are responsible to do budget forecasts, planning and resource allocations, asset management, and financial accounting for the State. Affairs of over 500 employees are managed and cared for by this Department. The State of Kosrae

Audit Consultant

Kosrae State Public Auditor's Office

2008 to 2010

Advised and prepared this Office for their first ever peer review which they passed with no deficiencies. Part of this consultation work included preparing and writing up an audit manual, training auditors, and staff on its use. This manual with the required trainings were completed on time. Because of prevalent needs existing in this Office this consultancy service was extended on a voluntary basis for a longer period.

Governor (two four-year terms)

State of Kosrae

1999 to 2007

This being the seat of Government put me in direct oversight of all affairs of this island-state and its citizens. It was an unprecedented joy and honor. During these two terms many major infrastructure projects were brought to the front and implementations started. A short list of these included road pavements, numerous new offices, elementary, and high school classrooms were approved, and funded with some constructions implemented. Additionally new education policies, environmental laws, and regulations were passed and put to use. Deficits were drastically improved from previous periods during this time.

Public Auditor

FSM National Government

1996 to 1998

This Office was in charge of all audits of funds of the National Treasury, and was the designated contracting office for all audits of Compact Funds, and U.S. Federal Funds. Our engagements were in all types of audits but a more major bulk of our resources were directed at doing performance audits. Early departure from this assignment was necessary because of my election to the Governor's seat in Kosrae in 1999.

received outstanding audit performance ratings during this assignment including unqualified opinions, budget surpluses, and zero questioned costs.

Asides from normal duties in DOFA I was a key advisor to our Governor on complex issues, traveling and joining meetings with our Governor on high level issues requiring expert opinions and interventions.

Finance/ Tax Consultant

Department of Finance and Treasury

FSM National Government

2016 to 2018

Duties in this assignment included advising, and offering expert analyses to the Assistant Secretary of Customs and Tax, and the Secretary of The Department of Finance on all tax matters. I advised and reviewed matters to be brought before Congress, or for our Courts in areas of customs and taxation. It was also part of this assignment to review and institute administrative changes to improve revenue collections. Tax revenues have been on an upward trend, credit to changes which have been implemented during this period. Manuals of Operation, Standard Operational Procedures (SOP's) required under this assignment have already been started to get published with still more envisioned/planned to be produced. Additionally a major overhaul of the entire CTA workforce was effectuated during this period addressing pay structures, and duties. Appropriate cross training of staffs to be responsive to this change have started, including establishing an MBO approach to most of the work in this office.

Finance/Tax Consultant

Department of Finance and Treasury

FSM National Government

2012 to 2015

Led a team of professionals in completing a modern taxation plan, staging and preparing complete and formal start-up processes for a new Authority to run it independently for the Nation. This task included a tax system (the VAT) to replace the current system, educating governments of all levels, tax payers, and the general public on how this system would work, overhauling all operations not aligned with this change, and re-directing/re-training all employees on all changes that would occur because of this plan. Principals that were involved in this assignment were two economists, one lawyer, and two support staff. After thirteen years and countless man-hours in seminars, and community meetings this project was ready for implementation in 2015.

Assistant General Manager

Kosrae Utilities Authority

1995 to 1996

This post provided an opportunity for me run a power operation side by side with expatriate professionals in the field. Two most major shifts occurred during this period: (1) a major upgrade to larger engines effectively increasing fuel efficiency, and dependability; (2) delinquency problems dropped drastically for payers of electricity after a new campaign to collect debts was executed during this period. Additionally local staffs were trained in assembling and installing the larger engines (above) localizing expertise for KUA.

Director of Finance and Treasury

Kosrae State Government

1980 to 1995

All financial responsibilities of the State Government were placed in this Department. Computerization and general modernization of all financial processes began this period when former TTPI dispersed and passed on all financial duties to the different Governments in Micronesia. A Treasury was established, budget procedures, and accounting systems developed. The Director was responsible also to train staffs of all specialties, and prepare for audits. The first audit laws, and our Financial Management Act were among milestones created for Kosrae during this period formalizing accounting requirements. Additionally, though they were constitutionally independent it was also among the Director's duties to provide financial advises, and set up accounting records for our four different Municipal Governments. All these were provided with satisfaction.

Deputy Director of The Department of Education

Kosrae State

1979 to 1980

This assignment involved direct management of all Departmental Affairs under supervision and direction of the Director. Review of student performances, teachers' review and evaluations, curriculum review and alignments, budget preparations, parental involvements were up front in the assignments of this position.

Boards and other Honors

Past member of the Boards of Director for Vital Corporation

Past member of the Boards of Director for Kosrae Utilities Auth.

Past member of US GFOA

Past member of SPASAI

Past and Current member of the Boards of Director for KT&S

Other Core Duties

Current Deacon in our Protestant Church

Past President, Christian Youth Endeavor Groups, Lelu

Past President of Kosrae Christian Endeavor Committee

CURRICULUM VITAE

Robinson H. Timothy

Malem, Kosrae
Federated States of Micronesia
Phones (Home): 370-2428
(Work): 370-3025
Email: rhtimothy.60@gmail.com

Mailing Address:

P.O. Box 261 Tofol
Kosrae, FSM 96944

Father: Hemul P. Timothy (deceased)
Mother (maiden name): Hilda H. Sigrah
(deceased)

EDUCATION BACKGROUND

- Bachelor of Arts Degree
Major: Secondary Education: Vocational/Technical Education: Civil Engineering Technology
University of Guam
Year 2000
Main Courses: General Education Required Courses, Secondary Education Courses, Vocational/Technical Education Courses, Civil Engineering Technology Courses
- Associate of Science Degree
Major: Elementary Education
Community College of Micronesia
Year 1993
Main Courses: Human Growth & Development, Psychology, Social Sciences, English Reading & Writing, Classroom Management, Lesson Delivery Strategies, Teaching Practicum Course
- General Studies
Grand Valley State College
Major: College General Requirement Courses
Years: 1979-1981

EMPLOYMENT HISTORY

- March, 2007 – Present
Principal Justice
Kosrae Land Court
Key Duties & Responsibilities: hold hearings, review evidence & make decisions, manage court operation, make decisions re court personnel and facility, review and approve court annual budgets, attend and participate in conferences and judicial trainings,

oversee land registry division, review and endorse certificates of land titles, review and approve subdivisions, make court orders as necessary

- August, 2004 – March, 2007
Administrator
Division of Survey & Mapping
Dept. of Agriculture, Land & Fisheries
Key Duties & Responsibilities: oversee duties of surveyors, prepare & submit annual division budgets, prepare weekly survey schedules, prepare & submit proposals for technical assistance, assist consultants, attend conferences and trainings
- June, 2000 – August, 2004
Principal Clerk
Kosrae Land Court
Key Duties & Responsibilities: prepare court hearing calendars, translate court documents, transcribe court proceedings, manage court roles of land assessors, assist judges in judicial adjudicative matters
- September, 1998 – June, 2000
Realty Specialist
Kosrae State Land Commission
Key Duties & Responsibilities: review findings & opinions of land registration teams prior to concurrence of commissioners, initiate and oversee land registration process, review and approve subdivisions of land, work with Division of Survey & Mapping for mapping needs
- Dec. 1988 – Sept. 1998
Classroom Teacher
Kosrae High School
Key Duties & Responsibilities: prepare and deliver lesson plans, attend staff meetings, participate in extra-curricular activities, attend PTA meetings

AWARDS

Alternative Dispute Resolution, Trial Advocacy, Land Law and Registration, Legal Training in Civil Procedure, Certificate to Practice Law (Trial Counselor/Kosrae State Bar)

TRAINING/WORKSHOPS, SEMINARS & CONFERENCES ATTENDED

Caseflow Management Training
Pacific Judicial Council
Guam
April 18-20, 2023

Evidence Workshop
Pacific Island Legal Institute
University of Hawaii School of Law

Honolulu, Hawaii
December 2-6, 2019

Judicial Code of Conduct and Ethics Workshop
FSM Supreme Court
Palikir, Pohnpei
August 28-31, 2018

Judicial Ethics and Professional Responsibility
University of Hawaii School of Law
Honolulu, Hawaii
January 8-12, 2018

17th FSM Judicial Conference in Kosrae
FSM Supreme Court
February 20-24, 2017

Court Administration Training
Pacific Judicial Council
Colonia, Yap
November 28, 2015 – December 02, 2016

Time Goals Workshop
Pacific Judicial Development Programme
Kosrae, FSM
May 16-19, 2014

Mediator Training
Federal Court of Australia International Programme
Kosrae, FSM
February 11-14, 2013

14th FSM Judicial Conference
Pohnpei, FSM
September 3-6, 2012

Essential Skills of Leadership and Communication
Watson Training & Development
September, 2012

Advanced Evidence Training
FSM Supreme Court
Palikir, Pohnpei
September 26-30, 2011

Local and Land Court Judges Training Program (Part II)

FSM Supreme Court
Palikir, Pohnpei
April 25-29, 2011

2009 Pacific Judicial Council Biennial Conference
Supreme Court of Guam
October 25-29, 2009

Municipal and Land Court Judges Training
FSM Supreme Court
Kolonias, Pohnpei
June 29 - July 3, 2009

12th FSM Judicial Conference
FSM Supreme Court
Colonia, Yap
August 3-6, 2009

Land Court Training Seminar
FSM Supreme Court
Kosrae, FSM
May 10-13, 2005

9th Annual FSM Judicial Conference
FSM Supreme Court
Pohnpei, FSM
February 10-14, 2003

8th Annual FSM Judicial Conference
FSM Supreme Court
Kosrae, FSM
November 6-9, 2001

Legal Training in Civil Procedure
Kosrae State Government
Kosrae, FSM
November 29 – February 07, 2001

What is the Law Training
Legal Education Program
Kosrae State and College of Micronesia
Kosrae, FSM
September 11 – November 01, 2000

SKILLS

Computer word processor, spreadsheet, excel programs

HOBBIES

Farming, fishing, carpentry



OFFICE OF THE ATTORNEY GENERAL

P.O. Box 870
Tofol, Kosrae FM 96944
Phone: (691) 370-3215/3043
Fax: (691) 370-2222

May 4, 2023

MEMORANDUM

TO: Chang B. William, Legal Counsel
Kosrae State Court

FROM: Johnson A. Asher, Attorney General
Kosrae State Government

Subject: Legal Opinion

Issue: *Whether or not it is legal to have more than one Justice Pro Tempore?*

The applicable law to the subject matter issue is Section 6.1204 of the Kosrae State Code of Laws. It states in its entirety:

"Section 6.1204. Justice pro tempore.

- (1) The Court proposes to the Legislature a person with the qualifications of a justice for the Legislature's approval by resolution of the Legislature to be available to serve as a justice pro tempore for a period of one year.*
- (2) The Court may appoint only an approved person as a justice pro tempore to exercise the powers of a justice in an action for which a justice is not lawfully available.*
- (3) Appointment is pursuant to a method of regular rotation established by rule.*
- (4) Unless a justice pro tempore dies, becomes disabled, resigns, or is absent from the State on non-judicial matters for three months, or his term expires, an appointment once made continues in effect until the entry of a final judgment or order in the designated matter and the expiration of the time for filing of a post-trial motion, or until final disposition of a post-trial motion. If, upon remand after appeal the same person is eligible for appointment as justice pro tempore, he continues as justice pro tempore in that matter. (emphasis added)"*

Subsection (1) of 6.1204 prescribed the legal avenue which the Court is required to take in order to secure a Justice pro tempore. That avenue is through the approval of the legislature of a person with the qualification of a justice.

Subsection (2) of 6.1204 limits the authority of the Court to appoint a Justice pro tempore to only those that have been approved by the Legislature through the legal avenue prescribed under Subsection (1).


Subsection (3) of 6.1204 speaks of the authority conferred to the Court to establish by Rule a method of regular rotation of appointment of Justice pro tempore.

The emphasis of Subsection (4) of 6.1204 is on the term or tenure of an appointment of a Justice pro tempore and the situations and/or events that may actuate the end of a tenure or appointment of a Justice pro tempore.

There is no explicit provision restricting the Court to have more than one Justice pro tempore. Additionally, there are pivotal implications from phrases like "method of regular rotation" for appointment by the Court of Justice pro tempore and "an appointment once made continues in effect until the entry of a final judgment or order in the designated matter", that one can reasonably deduce that the Court may appoint a Justice pro tempore for a particular case based on the area of expertise or experience. Put in another way, two or three Justices pro tempore may be appointed to deal with three different cases and appointment could be at the same time or otherwise based on the method of rotation and rules established by the Court.

The analysis above is consistent with certain legal principles, doctrines, or constitutional rights enshrined in our Constitutions to guide the duties, functions, mandates, and services of a judiciary system. For instance, the Right to Speedy Trial, Equal Protection of the Law, Due Process, and many others. It falls squarely within the ambit of the legal responsibility of the court to ascertain its judicial process, procedures, and capacity to effectively and efficiently adjudicate cases.

In short, it is legal for Kosrae State Court to have more than one Justice pro tempore. Feel free to contact me should you have any questions in connection herewith.



Johnson A. Asher

cc: Hon. Tulensa W. Palik, Governor
Hon. Lt. Governor Arthy G. Nena