

~~October 7, 1968~~

~~MEMORANDUM~~

~~TO : Major Walter, Director, TC/MICRONESIA~~

~~FROM : Sam Kallahan, TC~~

~~SUBJECT: Training of Micronesian Legal Personnel~~

by Norman Goldstein

While in Saipan, I have reviewed correspondence and documents of the past few years pertaining to the training and upgrading of the skills of the Micronesian personnel. In addition, I have met with some of the Trust Territory Legal Staff and Peace Corps Volunteer Lawyers. Based on these meetings coupled with my extensive and intensive two year stint in Truk, plus transient observation of Saipan, Pohnpei, Majuro and Saipan, while on vacation or on other business, I have come to some very general conclusions about training programs for Micronesian legal personnel.

One of the first points to be made is that the level of competence differs drastically from individual, district to district and department to department. It is not possible to make any generalizations about levels of proficiency in any area, which would be valid for all of Micronesia. A second point to be made is that the skills of the personnel in one office differ radically depending upon the experience and innate ability of the respective individuals. Whereas the District Prosecutor or Public Defender may be eminently qualified (on a relative basis) their respective assistants may fall far short in their ability to perform.

Notwithstanding the above profertory qualifications and remarks I believe that Micronesian legal personnel eligible for training should be considered on three levels of sophistication and that all training programs should take cognizance of these factors.

- A. Primary level - generally experienced legal departments head (District):
1. Presiding Judge
  2. Clerk of Courts
  3. Sheriff
  4. Prosecutor
  5. Public Defender

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Any stateside trained legal personnel working with such persons should be available on a consultant-type basis, whereby, as questions arise which any of the above persons feel is beyond their capability, they will feel free to approach the statesider. The advice to be rendered should be primarily on an ad hoc basis wherein the consultant would deal with the specific problem, by thoroughly analyzing it along with the advise; direct him to sources of information or educational tools (Am. Jur., various other legal reference works); and by teaching the overall ramifications of such a problem and the various methods of handling it to increase the skills and self-confidence of the Micronesian personnel.

**B. Secondary level - generally assistant department heads (District):**

1. Associate Judges
2. Ass't Clerks of Court
3. Deputy Sheriffs
4. Ass't Prosecutor
5. Ass't Public Defender

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On this level the statesider should be more aggressive in seeking to render advice to the Micronesians, perhaps by encouraging the Micronesians to visit with him on a regular basis, or perhaps by visiting the Micronesians in their office on a regular basis, so that there will be less of a barrier between the two. Here much of the work will be comparable to that done in Section A, but will undoubtedly more background and general type information and advice. Through the closer relationship with the second line persons, who generally have not benefitted from closely working with stateside trained personnel, a sorely needed competent second echelon, confident to step in at all times will be developed. As more personal type classes, could be conducted for all interested personnel.

**C. Tertiary level - other legal personnel**

1. Trial Assistants
2. Community Court Judges
3. Police Force

It is this level which should receive the concentrated efforts of a comprehensive training program. Possible subjects to be incorporated in a training program for these persons are as follows:

1. Rules of Evidence - through explanation of Rules of Evidence as presented in TF Code;
2. Rules of Procedure - again a painstakingly tedious explanatory process which is vitally necessary to improve the administration of justice; once again Rules are to be found in the Code.
3. Standard Forms - most forms have been translated into the vernacular; they should be explained thoroughly as to their applicability.
4. Jurisdiction - the powers or jurisdiction of the various legal bodies in the TF are thoroughly defined in the Code; the delineation of powers should be thoroughly explained.
5. Small Claims procedure - many of the cases on the Community Court level should be handled in accordance with the small claims procedure; an explanation of the advisability, value, and method of using this expeditious procedure should be made available
6. Elements - on this tertiary level there is still a ~~great~~ lack of comprehension as to the "elements" of an offense; this subject has often been dealt with but generally inadequately; emphasis should be devoted to those offenses over which the various persons have jurisdiction.

For this tertiary level, it is imperative that any training be conducted in conjunction with a local person. Far too often, explanations have been rendered in English which when translated into the vernacular lose all

meaning....Basic handbooks in the local language should be prepared (perhaps revised versions of the District Court Judge Training manual could be made available). It is on this level that training can be effectively conducted on a large scale with classes, etc.

Looking back over the experience of working within the legal programs of the Trust Territory, I am skeptical that any grandiose training programs should be planned or considered. The stateside trained personnel is here on such a transient basis (no offense intended), that anything more than sincere ad hoc type on-the-job training program is too difficult to schedule and consider.

Two other means of improving the public understanding of "Law" are:

1. Adult Education programs explaining any or all of the above matters in a simplified palatable manner.
2. High School Classes wherein students can take course in various subjects which would enable them to have a more thorough understanding of the Legal system in the TT, as well as possibly to be inspired enter a career in the "legal field" which would include college and ultimately professional training.

In addition of course, advice can and should be rendered to the various Legislative bodies, if sought.