

3/21/69

APPENDIX 1

COURSE IN CIVIL PROCEDURE AND PLEADING, SPRING 1969

1. ORGANIZATION. Course was taught in two sections, with groups meeting in different villages to discuss the same material. This was necessary to get broad coverage of island of Kusaie. Length of course was ten weeks, one meeting a week for each section, two hours Micronesian time per meeting. Kusaie Municipal Bar Association served useful functions as sponsor, publicity agent, translator, and provider of transportation.
2. PARTICIPATION. The course was open to anyone interested, and total enrollment was 27, of whom about 12-14 could be expected to come in any given week. Breakdown of enrollees: public defender, clerk of court, two District Court judges (one of whom seldom attended), 4 registered trial assistants, 3 unregistered but practicing trial assistants, 7 high school students, 4 teachers, 5 other interested persons. Perhaps a half dozen other people would have attended if not for their job commitments in the afternoon, when the courses were taught; but other attenders would have been lost, since many were Government employees attending as part of their employment (or spare time during working hours, which seems to be common). Certificates of completion were promised to those who attended 75% of the meetings; these will be awarded to 9 persons when the Ponape Education Department finishes the printing job. These, again, are being offered in the name of the Bar Association.
3. METHOD AND CONTENT. The course included lecture by PC lawyer, translated into Kusaie by a member of the Bar Association; discussion, sometimes in Kusaie, sometimes through translation; study and practice preparation of pleadings by the members of the course. Readings were prescribed but not done. Concentration was on the Rules of Civil Procedure and related Code sections, with some reference to the Code forms and frequent reference to prepared samples. I concentrated on District Court procedure, since that is most relevant to Kusaie. Any resemblance to other curricula living or dead is purely accidental, except in those rare instances where the Code yields but one understanding.
4. MATERIALS USED. I prepared sample civil pleadings useful to illustrate local situations. These were translated by Bar Association members, dittoed, and given to students for present study and future reference. Bound copies will soon be placed in the Court office for public use. I shall send you English versions in about a month when I have access to copying equipment. My lecture material was drawn as needed from the Code and is too rough to be very useful to anyone else, though I can work it up if necessary and submit it. No other material was distributed to the students, and the translation problem would have limited its effectiveness in most cases.
5. SUPPORT RECEIVED. The Bar Association members were very helpful, though more as individuals than from any sense of responsibility to that organization. The public defender and judicial personnel of the local District Court contributed time for translation, help in logistics, and some lecturing. The local DISTAD Rep furnished the Bar Association with ditto equipment and supplies.
6. SUPPORT USEFUL BUT NOT RECEIVED. A standard outline and standard samples would have improved the quality of my teaching and reduced considerably the duplicative work, the wheel reinvention, of compiling a course from scratch.

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(Appendix 1, cont'd)

Translation of the Code, or at least the Civil Rules, was the biggest unfilled need. It is too big a job for the Bar Association; I think a little funding will be required to grease the local translation machine for such a serious and major undertaking. Without it most of this legal lore and education is doomed to disbelief and memory failure. Are you listening, judiciary, attorney general, public defender, and Internatural Legal Committee? Do you know that the Kusaie District Court judges cannot read your English rules?

I frequently have needed help on Code interpretation and questions relevant to this course; my inquiries to the Ponape District Court and Ponape High Court Justice have never even been acknowledged. I have never consulted the public defender or attorney general about civil procedure, but my questions about criminal procedure have always been answered very quickly and fully by District Attorney John McComish, the PC lawyer's friend. So in scoring support from the TT legal offices I would give the public defender no mark, the attorney general's liason a very high mark, and the judiciary a zero. With reference to those representatives above the Kusaie level, that is.

7. RESPONSE AND PROBLEMS. Attendance has been a problem throughout the course, but one easily anticipated. Interest has faded considerably after about the fifth week. Scheduling of meetings is very tricky because of the great number of unexpected events that can take precedence and upset the casual pace of life on Kusaie. Several meetings, for instance, had to be postponed because nobody showed up-- they forgot or had to attend a funeral or other event.

As to the substance of the course, examples and illustrations seem to be absolutely essential to communication and interest; unfortunately, it is in the nature of civil procedure that even the examples tend to be dull. Some difficult problems of interpretation and practice linger unsolved after the course; could MILE include some advisory service and perhaps a Code reform committee to clean up some of the mysteries?

A further problem with getting older people to participate. Several experienced trial assistants and former legal personnel shyed away from the course, apparently in part because they were afraid of being shown up in class discussion, written exercises, and tests. This fear could possibly be met by careful structuring of the course and tact in presentation and questioning, but I think to an extent it is insurmountable. Perhaps those who are afraid to test their skills will soon be replaced anyhow; but it is a shame for them to miss the chance at education.

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APPENDIX 2

COURSE IN CRIMINAL OFFENSES, KUSAIE, SPRING 1969

1. ORGANIZATION. This course was also under the sponsorship of the Kusaie Municipal Bar Association. As PC lawyer I did all the teaching. Meetings were held one afternoon a week, 1½ hours, for seven weeks.

2. PARTICIPATION. The course was interested to anyone interested, and total enrollment was 13. Breakdown: public defender, clerk of court, two District Court judges, assistant prosecutor(acting), one other policeman, 6 high school students, and one other interested person. Little response was expected from local trial assistants, since their work is almost all civil. I did expect full participation by the constabulary, but the lower ranks apparently were neither interested nor encouraged to attend. Of the enrollees six or seven will receive the Bar Association's certificate for 75% attendance.

3. METHOD AND CONTENT. The course was taught almost entirely by lecture, in translation when non-English speakers were present. Profuse examples and discussion of them was used to bring the crimes down to earth. There were no tests or written exercises.

Emphasis in the course was on the elements of criminal offenses in Ch. 6 of the Code. Also discussed were the nature of a criminal act, how to charge a criminal offense, alternative and lesser included offenses, affirmative defenses, and double jeopardy. *T.T. cases used where relevant.*

4. MATERIALS USED. The English-language outline on Criminal law prepared by Kelly Reynolds PCV Ponape was distributed to all students and was, with modifications, the basis for lectures. Study of the outline was assigned but neglected. The Trust Territory Code was cited heavily for the elements of offenses. A set of stick-figure drawings was used with apparent good effect to illustrate motive, intent, preparation, attempt, completed crime; and used as the basis for discussion of the difficulties inherent in these categories. The Reynolds outline must already be in your file; if not I can supply it. It is a good basic study device but needs a few corrections and expansion to include more offenses and more examples. My stick figures are hardly worth submitting.

5. SUPPORT RECEIVED. The outline used was run off in Ponape by I know not whom. Locally the public defender and clerk of court provided translation assistance, publicity, and a meeting place.

6. SUPPORT USEFUL BUT NOT RECEIVED. No other support was sought from any source for this course. A more complete outline would be useful, of course.

7. RESPONSE AND PROBLEMS. This course was taught at the same time as Civil Procedure and received much less effort on my part. I think it can be prepared and taught with relatively low time investment once the outline is available. The legal personnel seem much more at home with the search for elements of an offense than they do with more abstract concepts in other fields, and the richness of possible examples keeps interest up.

This course may be low on the priority list, because even untrained people can often figure out the elements of offenses as they arise. I think that much emphasis needs to be placed on the tougher conceptual questions: what is intent, when is an act criminal, what constitutes an attempt, what are lesser included offenses, what different charges may be brought and proved in the same facts.

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APPENDIX 3

COURSES TO BE TAUGHT IN PATS COMMUNITY LEADERSHIP TRAINING PROGRAM,
JUNE 1969

Course 164: COMMUNITY LAW

A study of law as it affects the community, with particular reference to taxation and other revenue acts, control of community expenditure, and the economic impact of these laws.

3 weeks- 2 class hours daily

Course 165: BASIC COMMERCIAL LAW

Commercial law, including an explanation of contract law, cooperative and corporation law, and the meaning of these laws for local enterprise.

3 weeks- 2 class hours daily

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