

1/6/70

PROPOSED PROGRAM FOR UTILIZATION OF PEACE CORPS
PERSONNEL IN LEGAL EDUCATION FOR
THE TRUST TERRITORY JUDICIAL BRANCH - 1970

I. SUMMARY

This program is designed to assist the Trust Territory Judiciary provide a basis and beginning for upgrading the judicial system and institute legal education for those already involved in the operation of the present judicial system. American jurisprudence has been adopted as the basis for the legal system throughout Micronesia. The shortage of all phases of skilled, trained practitioners with knowledge of the American legal system has imposed an awesome burden on those whose duty it is to carry out the administration of justice. In all of Micronesia, there are only three citizens of the Trust Territory competent, by virtue of completion of the prescribed studies in a law school teaching American jurisprudence, of practicing law.

The Trust Territory Judiciary is asking Peace Corps to provide five (5) experienced practitioners of law, one for each of five districts, to help, assist and educate those Micronesian judges involved in and with the functions of the legal system of Micronesia, and two (2) persons experienced primarily as Clerks of Courts to assist in on-the-job training of Micronesian court personnel, other than judges.

It is requested that the five lawyers in this project be senior in all respects. In maturity, experience, in age and ability. That they be qualified in the legal profession by virtue of their past experience as judges or professors of law at an American law school. It is also recognized that in order to obtain the qualifications and quality sought, the term of volunteer service might be reduced to less than two years. We feel that even one year's service by the type of persons we have in mind would be of inestimable benefit.

The Trust Territory Judiciary would confer upon these several volunteers such authority and recognition as would fit their capacity in the Judiciary in order that they might effectively be of assistance in the education and training of present Micronesian members of the Judiciary.

The primary role and principal responsibility of the seven learned and experienced volunteers would be to teach, to educate those members of the District Court: Judges, Clerks, Defenders, Prosecutors, Trial Assistants, and Sheriffs the arts of legal practice and the techniques of American Jurisprudence. This would be effectively accomplished by observation and review, by participation in the actual operation of the court and judiciary and by law seminar and educational instruction in classroom situations. The needs of the particular District system would be determined from the need as established by Judiciary and the volunteer in such a manner that his previous experience would serve to improve the system.

The American Judiciary system is in fact the judicial system of Micronesia. Budgetary and resource considerations limit the Trust Territory's scope of availability of assistance to overcome the problem areas in upgrading the operation of the Judiciary while at the same time functioning in a manner that effectively permits the full implementation of Justice. Peace Corps volunteers in this program will permit the Judiciary to concentrate on the upgrading and education of the Micronesian members of the Judiciary in the skills necessary to effectively administer law and justice in the Trust Territory.

Implementation Schedule

(In all probability would be carried out on an individual basis as the particularly requested volunteers became available)

Suggest three week period of training and orientation be conducted in Washington, D.C. as the volunteers will have the highest possible skill training before entering Peace Corps.

A two-week period of orientation in Saipan with the Trust Territory Chief Justice and Associate Justices of the High Court for the determination of specific assignments.

Language training will be discussed under training.

II. PROJECT GOALS

The specific needs of the Judiciary in Micronesia that would be met by this program would be the input of knowledge and skill in the art of American jurisprudence on a sustained day to day basis at the District level with the sole purpose of upgrading and improving the Court system, the employees and officials of the system. The Micronesians presently sitting as District Judges, Court Clerks and in other offices of the Judiciary at the District level do not have the formal training in law that is required for an effective judicial system under the American legal system. There are a number of Micronesians enrolled in pre-law and law schools in the United States. Until such time as they complete their studies and return to Micronesia, this program's goal is to help those charged with the administration of Justice attain a maximum capacity of legal knowledge and technique. Trust Territory Judiciary is presently engaged in identifying students with an aptitude for law school in an effort to encourage more Micronesians to enter the field of law. Scholarships for United States law schools are available through the Trust Territory scholarship program and the fulfillment of this program specifically will permit a larger portion of the legal education and training budget to be spent on scholarships.

The success of this program will be judged by the improvement of the judicial system after the influence of the learned volunteer has effectively been demonstrated over a period of time.

This program is an expansion of the Micronesia lawyers program based on the success of the previous volunteer experience working in the Judiciary court system. Retired Judge Robert Clifton of the Los Angeles Superior Court served with distinction as a Peace Corps volunteer for two years with the Trust Territory Judiciary as a Temporary Judge of the High Court. He was available for service as a judge and as a consultant to the courts of Micronesia. The upgrading of the court system is vital to the establishment of good government in Micronesia by Micronesians.

III. VOLUNTEER JOB DESCRIPTION

The volunteers in this program would be working under the direct supervision and authority of the Chief Justice of the High Court, Trust Territory of the Pacific Islands. With and under the direction of the Chief Justice, the volunteers will call upon their special and particular knowledge of law and American jurisprudence to effect the highest standard of operation of the court system and all its allied divisions.

- a. The volunteer lawyers or law professors will sit with the District Court Judge during sessions of the court and discuss the various points of law, techniques and procedures with the Judge.
- b. The volunteer will organize and conduct seminars and classes in law, procedure, techniques and review for judges, magistrates, prosecutors, defenders and trial assistants.
- c. They will teach by on-the-job instruction and by classroom instruction for the benefit of Court Clerks, assistant clerks, reporters and other members of the court the common accepted practices of filing, coding and use of code and statute books, papers and documents.
- d. The volunteers will assist the Judges and Clerks in writing, demonstrating the proper form and procedure, opinions, decisions, writs and appeals.
- e. The volunteers will be special emissaries of the Chief Justice of the High Court to the District Courts with the specific task of implementing legal training as needed in the particular District to which the volunteer is assigned.
- f. The volunteer will receive all necessary support for his function from the Trust Territory Judiciary.
- g. English is the legal language of Micronesia. Although all court proceedings are supposed to be conducted in English and this is the goal of the legal system, it will be necessary for language training to be included in the preparation of the volunteer for the job. In this particular program language will be handled on an individual basis with the District the volunteer is assigned.

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- h. Age automatically assumes respect in the Trust Territory and with the knowledge and skills requested in this program, these are assured situations.
- i. Volunteers will be assigned to District Courts located in the District Centers. The necessity of travel to the outer islands and outside of District Center will be at the discretion of the volunteer on as needed basis. Each Volunteer will be assigned to a District Court.
- j. It is anticipated that the two (2) volunteers qualified as Clerks of Courts will be required to stay in a district for extended periods of 30 days or more to assist and train Clerks of Courts and other judiciary clerical personnel.

IV. SELECTION CRITERIA

The volunteers in this program will be of the highest skill order and have a maximum of experience. They will be the elder statesmen of the legal profession or the teachers of law. Their knowledge gained from their experience is what they will pass on to the Micronesian in a budding legal system. To recruit this type of person it may be necessary to reduce the term of service to one year or eighteen months. These particular assignments should be filled with retired judges of the American court system, retired law school professors, law school professors on their sabbatical leaves, experienced senior attorneys with an abundance of experience, and retired Clerks of Courts.

- a. The Trust Territory Chief Justice requests experience, maturity, age, and ability as the prime requisites for these volunteers.
- b. Language instruction will be given in-country; no previous facility for language required. English is the legal language.
- c. Mandatory skill requirements are: senior, experienced practitioner of law in the courts of the United States, retired judge, law school instructor or law school instructor on sabbatical leave, and experienced Clerk of Courts or Assistant Clerk of Courts.
- d. Sex and marital status have no bearing on the assignment as long as wives or husbands are volunteers and can serve in other Peace Corps programs.


R. K. SHOECRAFT
Chief Justice

January 6, 1970

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