

FELIX HENRY PROPOSAL FOR THE  
MICRONESIAN COLLEGE OF LAW

*Felix Henry*

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NEED:

As Micronesia develops economically and socially it will acquire an ever increasing need for trained lawyers. This need could be met by following the present practice of employing more and more American lawyers, but that solution has the drawback of leading Micronesia toward dependence rather than self-reliance. In addition, American lawyers have little understanding of the structure and basis of society and local customary law in Micronesia and are therefore crippled in the performance of their own function. In the law, probably more than in any other profession, to perform most effectively a person must have a deep understanding of the social conditions and pressures which help create the problems with which he is daily faced.

If the need for lawyers then can best be met by Micronesians, the question becomes how to most effectively train them. There are two alternatives. Young Micronesians could be sent to American or other foreign colleges and law schools and after graduation return to Micronesia and practice. This alternative has several disadvantages. First of all, it is terribly expensive and disruptive to the family life of the student to spend at least seven years in a foreign country. Secondly, foreign law schools are designed to train students to practice in a foreign country and not in Micronesia and therefore the student receives no training in Micronesian Customary law or for that matter in any other kind of Trust Territory law. Evidence of the impracticality of this alternative is the fact that only three Micronesians have been graduated from foreign law schools in nearly 25 years of Trusteeship.

The other alternative is to start a vocational law school in the Trust Territory geared to Micronesian legal structure and needs. Such a school could teach Trust Territory law rather than foreign law; it could provide many more lawyers at a much cheaper cost; and during the first few years it could concentrate on training the Micronesian Trust Assistants who, though they have received no formal legal training, nevertheless perform the vast majority of legal work in the Trust Territory.

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OFFICE OF THE ATTORNEY GENERAL  
The school would be small, approximately 20 to 30 students. It would teach a basic legal curriculum emphasizing a combination of standard American legal courses and Micronesian Customary law. Initially, the school would attempt to recruit as many practicing Trial Assistants as possible.

GOALS:

1. Upgrade the legal skills of Micronesians, particularly Trial Assistants,
2. Prepare graduates for the practice of law in the Trust Territory.
3. Develop teaching materials on Micronesian Customary law.
4. Transfer the control and functioning of the school over to Micronesians as soon as possible by recruiting students interested in teaching law rather than practicing, and encouraging the development of their legal education both in this school and other educational institutions.

DETAILS OF SCHOOL:

1. Classes will be conducted in Kolonia, Ponape Island in the Court House.
2. The term of the school will be two years. Four 11 week quarters will be taught per year with classes meeting for a total of six hours per week. Classes will be conducted in the late afternoon and evening depending upon the needs of the students.
3. To qualify, a student must be a High School graduate or the equivalent, possess a high degree of skill in the English language and show an aptitude for legal studies.
4. The initial class of approximately 40 students will consist of Trial Assistants, Legislators, Legislative personnel, Congressmen and Policemen.
5. The faculty and administrative personnel will consist of the following:
  - a) Phil Evans - Chief Public Defender,
  - b) Fred Ramp - Peace Corps attorney,
  - c) Hopefully the new Associate Justice of the High Court assigned to Ponape,
  - d) District Court Judge
  - e) Possibly the C.E.O. Lawyer
  - f) Part time secretary
6. The curriculum shall consist of the following courses:
  - a) Crimes - a basic study of criminal law and the criminal process.

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b. Substantive Procedure - a study of the process of litigation and the procedural protections given defendants - emphasizing the Bill of Rights of the Trust Territory.

c. Evidence - a basic study of the law involved in proving the facts of a case, concentrating on the admissability of evidence.

d. Trial Practice - the practical aspect of how to conduct a trial.

e. Pleading - the study of how to bring to the attention of the court the elements of the cause of action being tried.

f. Legal Research and Writing - a study of how to use the resource materials found in Micronesian law libraries and how to analyze and perform various types of legal writing most effectively and concisely.

g. Torts - the study of whether the law will compensate someone for wrong intentionally or unintentionally done.

h. Contracts - the study of the rights and remedies involved in written and oral agreements.

i. Constitutional Governments - a study of comparative Constitutional forms of government with a discussion and analysis of what elements of those governments would be beneficial to Micronesia.

j. Probate - the study of the disposition of property upon the death of someone.

k. Real Property - a general study of the law in Micronesia involved in land transactions emphasizing Micronesian Customary Law along with a discussion of the appropriateness of that law to the development of Micronesia.

l. Corporations - a general study of the law of business related legal entities, particularly Corporations, partnerships, unincorporated associations and cooperatives.

m. Agency - a study of the legal aspects of the relationships of employer/employee, and agent/principal.

n. Domestic Relations - the study of family law in Micronesia emphasizing customary law.

o. Trust Territory governmental structure.

p. Ethics - a study of the code of conduct required of lawyers in the United States for the protection of their clients and themselves and a discussion of what the ethical requirements should be for the developing Micronesian bar.

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q. Personal Property and Secured Transactions - a study of the legal rights and duties involved in property other than land.

r. Foot Court - conduct of practice trials.

s. Administrative law - the study of the legal rights and remedies involved in a citizens relationship to administrative agencies such as the departments of the Trust Territory government.

t. Tax - a study of tax law in Micronesia.

u. Equity - the study of an extraordinary set of remedies found most commonly in the areas of Tort, Contract and Real Property.

v. Office Practice - the study of how to conduct an office most efficiently.

w. Trusts - a study of the duties of one who holds the property of another.

7. Grading and Testing procedures - At least one test per course per quarter will be conducted and on the basis of that test and the students participation in class the grade of either unsatisfactory, satisfactory or excellent will be given. A student who has received a grade of unsatisfactory will not be certified as a graduate of the school until after he has repeated the course satisfactorily.

8. Books will be provided for each course by the school and will be the property of the student. Approximately two books will be required for each student for each course in addition to various reference books such as dictionaries and horn book sets determined to be of particular value.

9. Initially the Court Room and Library in the Court House will be used as the classroom and library facility.

10. Trial Assistants, most of whom are employed by the Trust Territory government are required to participate in the private practice of law outside of there regular employment in order to make enough money to live comfortably. Actively participating in the school here proposed will eliminate most of that outside income even if classes are conducted partly during the time allocated to the employees regular job because of the requirements of outside study. Therefore in order to make the school a success it will probably be necessary to offset that loss of income by providing a weekly stipend.

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11. The faculty and prospective students have decided to conduct a one month trial run of the school during the month of October, 1970 to determine the feasibility of continuing the school. During this period Phil Evans and Fred Ramp will conduct two basic introductory courses without textbooks and in the process, evaluate the students and in turn be evaluated by them.

FINANCING ESTIMATES: - Needed to complete a two year program with 20 students.

**BOOKS:**

Casebooks - \$300 per student -	\$6000
Textbooks - \$300 per student -	\$6000
Sets - \$150 per student	<u>\$3000</u>
TWO YEAR TOTAL	\$15,000
ONE YEAR TOTAL	\$ 7,500

**STUDENT:**

\$15 per week per student -	
44 weeks of school per year	
\$660 per student per year	
TWO YEAR TOTAL	\$26,400
ONE YEAR TOTAL	<u>\$13,200</u>

**STAFF:**

One part-time secretary - \$2400 per year	
TWO YEAR TOTAL	\$4800
ONE YEAR TOTAL	<u>\$2400</u>

**FACULTY:**

Two or Three American Lawyers	\$0
Possibly one Assoc. Justice of High Court	\$0
One or two District Court Judges	\$0

**SUPPLIES AND MISCELLANEOUS:**

One typewriter	\$600
mimeograph machine	\$300
Furniture	\$1000
Miscellaneous Supplies - \$500 per year	<u>\$1000</u>
TWO YEAR TOTAL	\$2900
ONE YEAR TOTAL	\$2400

TOTAL COST OF COMPLETING VOCATIONAL LAW COURSE CONSISTING OF 20 COURSES TO BE TAUGHT OVER A TWO YEAR PERIOD.

TWO YEAR TOTAL	\$48,700
ONE YEAR TOTAL	\$25,500

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In order to begin formal classes with text books as scheduled on

November 1, 1970, the following books will be required:

BOOKS: \$65 per student	\$1950
AIR FREIGHT: \$25 per student	\$ 750

In addition, the following expenditures are necessary to help insure the success of the school:

STIPEND: - 1 quarter (11 weeks)	\$4950
STAFF: - part time secretary (3 mo)	\$ 600
SUPPLIES: - Miscellaneous supplies (3 mo)	\$ 125

TOTAL NEEDED BY 11/1/70           \$8375

Note: The present estimate of the enrollment for the first quarter beginning November 1, 1970 is 30 students.

Prepared by

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