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An Act to make provision with respect to the judiciary of the Republic, as established by Article VI of the Constitution of the Marshall Islands.

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	P.L.	2000-13
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PART I - PRELIMINARY

§201. Short Title.

This Chapter may be cited as the Judiciary Act 1983. [P.L. 1983-18, §13.]

§202. Interpretation.

(1) In this Chapter:

(a) “judge” means:

(i) the Chief Justice or another judge of the Supreme Court;

(ii) the Chief Justice or another judge of the High Court;

(iii) a judge of the Traditional Rights Court; or

(iv) the presiding judge or an associate judge of a Community Court, as the case requires, and includes an acting, temporary or ad hoc judge;

(b) “Rules of Court” means as appropriate, rules made under a provision of Division 4 of Part II of this Chapter.

(2) Expressions used in this Chapter that are also used in the Constitution of the Marshall Islands in relation to the judiciary have the same meaning as in the Constitution. [P.L. 1983-18, §2.]

§203. Independence of the judicial power.

Article VI, Section 1(1) of the Constitution of the Marshall Islands establishes the basis of the judicial system of the Republic by providing that “the judicial power of the Republic of the Marshall Islands shall be independent of the legislative and executive powers”, and accordingly this Chapter and every other law of the Republic shall be interpreted and applied in light of that principle. [P.L. 1983-18, §3.]

§204. The Constitutional provisions.

The judiciary is organized in accordance with the provisions of the Constitution of the Marshall Islands, and this Chapter shall be interpreted and applied as if those provisions were incorporated in it. [P.L. 1983-18, §4.]

PART II- THE SUPREME COURT AND

DIVISION I- PRELIMINARY**§205. The creation of the Supreme Court and the High Court.**

The Supreme Court and the High Court are established by Article VI of the Constitution of the Marshall Islands as the superior courts of record of the Republic. [P.L. 1983-18, §5.]

DIVISION 2- THE SUPREME COURT**§206. Organization of the Supreme Court; appointment; compensation; disqualification.**

(1) The Supreme Court shall be organized, and its members shall be appointed, shall hold office and may be suspended or removed from office, in accordance with Article VI, Sections 1(4) -

(10) and 2(1) of the Constitution of the Marshall Islands.

(2) The Supreme Court shall consist of three (3) members; a Chief Justice and two (2) associate judges.

(3) If any judge of the Supreme Court shall become disqualified in any case before that Court, the Cabinet, acting in accordance with Article VI, Section 1(5) and (10) of the Constitution of the Marshall Islands, may appoint a person to serve on such case in the place of the disqualified judge.

(4) The concurrence of two (2) or more judges shall be necessary to a determination of any appeals by the Supreme Court; provided, however, that a single judge may make all necessary orders concerning any appeal prior to the hearing and determination thereof, and may dismiss an appeal for failure to take any steps in accordance with the law or rules of procedure applicable in that behalf, or the request of the appellant.

(5) For the purpose of hearing and determining any appeal the Chief Justice or any Associate Justice of the High Court shall be eligible to act as a judge of the Supreme Court provided that he is otherwise qualified to do so.

(6) All sessions of the Supreme Court shall be held in Majuro, Marshall Islands.

(7) For the purposes of making rules of the Supreme Court the Chief Justice of the High Court shall be deemed to be a judge of the Supreme Court. [P.L. 1983-18, §6; amended by P.L. 1984-16, §2; P.L. 1984-21, §3; and P.L. 1984-29, §3.]

§207. Jurisdiction of the Supreme Court.

The jurisdiction of the Supreme Court is as provided in:

- (a) Article VI, Section 2 of the Constitution of the Marshall Islands (general jurisdiction);
- (b) this Chapter; and
- (c) any other law of the Republic. [P.L. 1983-18, §7.]

§208. Seal of the Supreme Court.

(1) There shall be a seal of the Supreme Court, which shall be of such design as the Chief Justice of the Supreme Court determines.

(2) The seal of the Supreme Court shall be kept in the custody of the Clerk of Courts. [P.L. 1983-18, §8.]

§209. Compensation.

In accordance with Article VI, Section 1(7) of the Constitution of the Marshall Islands, the compensation of judges of the Supreme Court shall be specifically prescribed by Act. [P.L. 1983-18, §9.]

DIVISION 3- THE HIGH COURT

§210. Organization of the High Court; appointment; compensation; disqualification.

(1) The High Court shall be organized, and its members shall be appointed, shall hold office and may be suspended or removed from office in accordance with Article VI, Sections 1(4)-(10) and 3 of the Constitution of the Marshall Islands.

(2) The High Court shall consist of a Chief Justice and other judges who shall be designated as Associate Justices of the High Court.

(3) If any judge of the High Court shall become disqualified in any case before that Court and there are no other judges thereof qualified to hear such case, the Cabinet, acting in accordance with Article VI, Section 1(5) and (10) of the Constitution of the Marshall Islands, may appoint a person to serve on such case in the place of the disqualified judge.

(4) A judge of the Supreme Court or of the High Court appointed as hereinbefore provided to replace a disqualified judge of, or otherwise fill a vacancy in, such court shall be paid such amount of compensation as may be agreed upon by the Chief Justice of the court concerned and such judge; provided, however, that the amount of compensation paid shall not exceed the pro rated salary of an Associate Justice of the High Court based upon the highest salary payable, plus air fare and per diem for those not already on site. [P.L. 1983-18, §10; amended by P.L. 1984-16, §2; P.L. 1984-21, §3; and P.L. 1984-29, §2.] [subsection (4) amended by P.L. 2003-90]

§211. Jurisdiction of the High Court.

(1) The jurisdiction of the High Court is as provided in:

- (a) Article VI, Section 3 of the Constitution of the Marshall Islands (general jurisdiction);
- (b) Article II, Section 5 of the Constitution of the Marshall Islands (compensation for compulsory acquisition);
- (c) Article III, Section 1(8) of the Constitution of the Marshall Islands (membership of the Council of Iroij);
- (d) Article IV, Section 9 of the Constitution of the Marshall Islands (membership of the Nitijela);
- (e) Article XI of the Constitution of the Marshall Islands (relating to citizenship);
- (f) this Chapter; and
- (g) any other law of the Republic.

(2) In particular, the High Court has jurisdiction in probate, admiralty and maritime matters, and the adjudication of title to land or any interest in land.

(3) In addition, the High Court has the powers with regard to the determination of the size, membership and procedures of the Traditional Rights Court conferred by Article VI, Section 4(2) of the Constitution of the Marshall Islands and Section 223 of this Chapter. [P.L. 1983-18, §11.]

§212. Power of review.

(1) The High Court shall review on the record every final decision of the District Court or a Community Court in annulment, divorce and adoption cases for which no appeal has been taken.

(2) The High Court may, in its discretion, review on the record any other final decision of the District Court or a Community Court from which no appeal has been taken. [P.L. 1983-18, §12.]

§213. Exercise of jurisdiction of the High Court.

Unless otherwise directed by the Chief Justice of the High Court, and subject to the provisions of Article VI, Section 3(2) of the Constitution of the Marshall Islands and to any Act, the jurisdiction of the High Court may be exercised by a single judge of the Court. [P.L. 1983-18, §13.]

§214. Assessors.

(1) Subject to Subsection (2) of this Section, a judge presiding at the trial of any case in the

High Court may select one or more assessors to sit with him at the trial to advise him in regard to any customary law or traditional practice that may be involved, but not to participate in the determination of the case.

(2) Subsection (1) of this Section does not apply:

(a) in any proceedings in which, in accordance with Article VI, Section 4(4) of the Constitution of the Marshall Islands, the jurisdiction of the Traditional Rights Court has been invoked in the High Court and the High Court has given the necessary certificate under that Section; or

(b) to an appeal or second appeal from any proceedings in any other court in which that jurisdiction has been so involved and the certificate given. [P.L. 1983-18, §14.]

§215. Seal of the High Court.

(1) There shall be a seal of the High Court, which shall be of such design as the Chief Justice of the High Court determines.

(2) The seal of the High Court shall be kept in the custody of the Clerk of Courts. [P.L. 1983-18, §15.]

§216. Compensation.

In accordance with Article VI, Section 1(7) of the Constitution of the Marshall Islands, the compensation of judges of the High Court shall be specifically prescribed by Act. [P.L. 1983-18, §16.]

DIVISION 4- RULES OF COURT

§217. Rules of Court of the Supreme Court.

(1) Subject to any Act, the Chief Justice of the Supreme Court may adopt rules for :

(a) regulating the practice and procedure of that court, prescribing the fees to be paid with respect to any proceedings and generally for making provisions for the proper and effectual exercise of the jurisdiction of the court; and

(b) prescribing the laws of evidence in any court; provided that such rules may be different for different courts or for different kinds of proceedings or cases. [P.L. 1983-18, §17. [Modified by P.L. 2000-13, §2.]

§218. Rules of Court of the High Court.

(1) Subject to any Act, the Chief Justice of the High Court may adopt rules regulating;

(a) civil procedure;

(b) criminal procedure;

(c) the size, membership and procedures of the Traditional Rights Court, in accordance with Article VI, Section 4(2) of the Constitution of the Marshall Islands and Section 223 of this Chapter;

(d) the fees to be paid with respect to any proceedings in the High Court, the Traditional Rights Court and any subordinate court;

(e) the practice and procedure of the High Court, the Traditional Rights Court and any subordinate courts; and

(f) the proper and effectual exercise of the jurisdiction of any such court.

(2) Rules made under Subsection (1) of this Section may be different for different kinds of

proceedings or cases. [P.L. 1983-18, §18.] [P.L. 2000-13, §3 reinstating “Chief Justice of the High Court.”]

§219. Admission rules.

Subject to this Chapter and any other law the Chief Justice of the Supreme Court, with the concurrence of the Chief Justice of the High Court, or if the position of the Chief Justice of the High Court is vacant, then the Chief Justice of the Supreme Court acting alone, shall adopt rules that:

- (a) regulate the admission of persons to practice as an attorney at law or trial assistant before any court;
- (b) establish the standards of professional responsibility and conduct for any person practicing law in the Republic; and
- (c) provide for the discipline, including suspension or disbarment, of any person practicing law in the Republic; and

[P.L. 1983-18, §19; amended by P.L.1984-21, §5, substituting “Supreme Court” in place of “Chief Justice of the Supreme Court”, amended by P.L. 1991-112, §2 repealing §19 and enacting new §19, P.L. 1992-17 §.2(1)[amended by PL 2000-13 §4 to re-instate “Chief Justice” of the High/Supreme Court]

§220. Contents of rules.

(1) Without limiting the generality of the preceding provisions of this Division but subject to any Act, the Rules of Court may make provision for and with respect to:

- (a) the practice and procedure in the offices of court;
- (b) the service and execution of judgments of any court;
- (c) the service and execution within the Republic of process and judgments of foreign courts;
- (d) the issuance by the Supreme Court or the High Court of letters of request for the service in a foreign country of process of the courts of the Republic, or for the examination of witnesses in a foreign country;
- (e) the costs of and relating to proceedings in any court;
- (f) the methods of pleading;
- (g) the attendance of witnesses and the taking of evidence; and
- (h) the means by which particular facts may be proved, and the manner in which evidence of particular facts may be given, in any proceedings or in any application in connection with, or at any stage of, any proceedings.

(2) The Rules of Court may require or permit legal argument to be submitted in writing.

(3) The Rules of Court shall address the steps the Court will take when a question is raised as to;

- (a) the competency of a party in making decisions and directing their counsel with regard to a given case or particular matter; or
- (b) the competency of counsel with respect to the handling of a particular matter or issue. [P.L. 1983-18, §20; amended by P.L. 1992-17, §2 (2).]

§221. Inconsistency with statutes.

In the event of any inconsistency between the Rules of Court and any Act of the Nitijela, the Act of the Nitijela shall control. [P.L. 1983-18, §21; amended by P.L. 1997-44, §2(1).]

PART III - THE TRADITIONAL RIGHTS COURT

§222. Creation of the Traditional Rights Court.

The Traditional Rights Court is established by Article VI, Sections 1(1) and 4 of the Constitution of the Marshall Islands as a Court of record. [P.L. 1983-18, §22.]

§223. Organization of the Traditional Rights Court; appointments; suspension; removal; authority.

(1) The Traditional Rights Court shall be organized, and its members shall be appointed, shall hold office, and may be suspended or removed from office, in accordance with Article VI, Section 4(1) and (2) of the Constitution of the Marshall Islands and with determinations of the High Court under Section 4(2) of that Article.

(2) The power of the Traditional Rights Court under Article VI, Section 4(2) of the Constitution of the Marshall Islands shall be exercised by Rules of court made under Section 218 of this Chapter. [P.L. 1983-18, §23.]

§224. Jurisdiction of the Traditional Rights Court.

The jurisdiction of the Traditional Rights Court is as provided in:

- (a) Article VI, Section 4(3)-(5) of the Constitution of the Marshall Islands; and
- (b) Article II, Section 5(7) of the Constitution of the Marshall Islands, as limited by Section 5(9) thereof. [P.L. 1983-18, §24.]

§225. Compensation.

The compensation of judges of the Traditional Rights Court shall be fixed by or under Act. [P.L. 1983-18, §25.]

PART IV - THE DISTRICT COURT**§226. The creation of the District Court.**

In accordance with Article VI, Section 1(1) of the Constitution of the Marshall Islands, a District Court for the Republic is hereby established. [P.L. 1983-18, §26.]

§227. Organization of the District Court.

(1) The District Court shall consist of a presiding judge and such number (if any) of associate judges as is determined by the Judicial Service Commission.

(2) A judge of the District Court shall be appointed by the Judicial Service Commission for a term of ten (10) years, and may be removed from office by it on the ground of clear failure or inability faithfully to discharge the duties of the office, for the commission of treason, bribery, or other high crime or abuse inconsistent with the authority of his office.

(3) Whenever the office of a judge of the District Court, having previously been filled, is temporarily vacant, or any such judge is disabled from performing the duties of his office, the Judicial Service Commission may appoint an acting judge to discharge the duties of the office for the duration of the vacancy or disability.

(4) A judge of the District Court shall be a person qualified by education, experience, and character to discharge judicial office; provided, that preference shall be given for experience in the Republic as an attorney, trial assistant, or clerk of the courts. [P.L. 1983-18, §27; amended by P.L. 1986-30,

§2, amending subsection (4).][amended by P.L. 2005-22]

§228. Original jurisdiction of the District Court.

(1) The District Court has original jurisdiction concurrently with the High Court:

(a) subject to Subsection (2) of this Section, in all civil cases, including proceedings for change of name, where the amount claimed or the value of the property involved does not exceed \$10,000 except:"

(i) matters referred to in Section 211 (l)(b) & (e) of this Chapter, in which jurisdiction is vested by the Constitution of the Marshall Islands in the High Court;

(ii) admiralty and maritime matters;

(iii) cases of adjudication of title to land or interest in land (other than the right to immediate possession); and

(iv) any other matters where by any Act the District Court has no jurisdiction;

(b) in all criminal cases involving offenses against any law of the Republic, for which the maximum penalty does not exceed a fine of \$4,000 or imprisonment for a term three (3) years, or both; and

(c) in any other case in which jurisdiction is conferred on the District Court by or under any law of the Republic.

(2) Notwithstanding anything in Subsection (1)(a) of this Section, the District Court has jurisdiction:

(a) to award alimony and support for children in divorce cases and in separate support and separate maintenance cases, and support for the children of unmarried parents, regardless of the limitation set forth in Subsection 228(1)(a) above; and

(b) to include in any such award land or an interest in land owned by any party to the case; provided, however, that this Paragraph (b) does not include jurisdiction to adjudicate the validity of a claim to ownership of the land or interest therein.

(3) Notwithstanding anything in Subsections (1) and (2) of this Section, the presiding judge may exercise and perform all the powers and functions of a judge of the High Court in any case or matter assigned to him by the Chief Justice of the High Court.

(4) Each judge shall have jurisdiction over the entire Republic. The Chief Justice of the High Court may assign judges to different geographical areas whenever he deems it expedient so to do, and may, in like manner, change them as he may deem necessary. Any judge so assigned shall travel to such area and hold court therein as directed by the Chief Justice of the High Court. [P.L. 1983-18, §28; amended by P.L. 1986-30, §4, increasing civil jurisdiction to \$5,000 and by inserting new subsections (3) and(4).][Subsections (1)(a) (b) and (2)(a) amended by P.L. 2003-90]

§229. Appellate jurisdiction of the District Court.

The District Court has jurisdiction to review any decision of a Community Court. [P.L. 1983-18, §29.]

§230. Records of cases.

The presiding judge of the District Court shall promptly make and file with the Clerk of Courts a record of each case decided by the Court, or cause a record to be so made and filed. [P.L. 1983-18, §30.]

§231. Compensation.

The compensation of judges of the District Court shall be fixed by Act. [P.L. 1983-18, S31.] The amendments by P.L. 2003-78 raising the salary of the Presiding Judge and the Associate judges to \$33,000 and \$30,000 respectively are codified (appropriately) under 27 MIRC Ch. 4 §402]

PART V - COMMUNITY COURTS

§232. The creation of Community Courts.

In accordance with Article VI, Section 1(1) of the Constitution of the Marshall Islands, a Community Court is, subject to Section 235 of this Chapter, hereby established for each local government area within the meaning of the Local Government Act 1980, 4 MIRC 1. [P.L. 1983-18, §32.]

§233. Organization of Community Courts.

(1) Each Community Court shall consist of a presiding judge and such number (if any) of associate judges as is determined by the Judicial Service Commission.

(2) A judge of a Community Court shall be appointed by the Judicial Service Commission for a term not exceeding four (4) years specified by the Commission, and may be removed from office by it for cause.

(3) Whenever the office of a judge of a Community Court, having previously been filled is temporarily vacant, or any such judge is disabled from performing the duties of his office, the Judicial Service Commission may appoint an acting judge to discharge the duties of the office for the duration of the vacancy or disability.

(4) In making any appointment to a Community Court the Judicial Service Commission may consider, amongst other things, the wishes of the people of the local government area, as expressed through their local government or in any other manner acceptable to the Commission.

(5) A judge of a Community Court need not have legal training or experience. [P.L. 1983-18, §33.]

§234. Jurisdiction of Community Courts.

(1) The area of jurisdiction of a Community Court extends over the local government area for which it was established, but nothing in this Subsection prevents the service or execution of process outside that area.

(2) A Community Court has original jurisdiction concurrently with the High Court and the District Court:

(a) in all civil cases (not including divorce, adoption or change of name), where the amount claimed or the value of the property involved does not exceed \$200, except:

(i) matters referred to in Section 211(1)(b)-(e) of this Chapter, in which jurisdiction is vested by the Constitution of the Marshall Islands, in the High Court;

(ii) admiralty and maritime matters;

(iii) cases of adjudication of title to land or interest in land (other than the right to immediate possession); and

(iv) any other matters where by Act a Community Court has no jurisdiction;

(b) in all criminal cases involving offenses against any law of the Republic, for

which the maximum penalty does not exceed a fine of \$400 or imprisonment for a term of six (6) months, or both; and

(c) in cases of contempt of court, in accordance with Part VIII of this Chapter; and;

(d) in any other case in which jurisdiction is conferred on a Community Court by or under any law of the Republic. [P.L. 1983-18, §34.][subsection (2) (a) & (b) amended by P.L. 2003-90]

§235. Effect of change in local governments.

(1) If at any time there is an amalgamation of two or more local governments under Section 121 of the Local Government Act 1980 (4MIRC 1), or a transfer or exchange of areas between two local governments under Section 122 of that Act, the Judicial Service Commission shall make such orders as it thinks necessary to:

(a) reorganize the Community Courts for the local government areas concerned;

(b) transfer judges as between those Courts and, if necessary, appoint new judges;

and

(c) dispose of matters before those Courts, and apply this Chapter to the changed circumstances.

(2) Until an order is made under Paragraph (a) of this Section the Community Courts for the local government areas concerned shall continue in operation as though the amalgamation, transfer or exchange had not taken place. [P.L. 1983-18, §35.]

§236. Judge of one Community Court sitting with another.

(1) Subject to the Rules of Court regulating Community Courts and any directions of the Chief Justice of the High Court, a judge of a Community Court may, at the invitation of the presiding judge of another Community Court, sit as an associate judge of that Court, either for a particular case or over a specified period.

(2) A judge of a Community Court sitting as an associate judge of another Community Court under Subsection (1) of this Section shall, for all purposes other than compensation, be deemed to be a judge of both Courts. [P.L. 1983-18, §36.]

§237. Process.

Process and reports of service of a Community Court may be oral if the Court thinks it best, but oral process is effective only within the territorial area of jurisdiction of the Court. [P.L. 1983-18, §37.]

§238. Records of cases.

The presiding judge of a Community Court shall promptly make and file with the Clerk of Courts a record of each case decided by the Court, or cause a record to be so made and filed. [P.L. 1983-18, §38.]

§239. Compensation.

The compensation of judges of Community Courts shall be fixed by or under Act. [P.L. 1983-18, §39.]

PART VI- CONCURRENT JURISDICTION

§240. The High Court.

(1) Except as provided by this or any other Act, the High Court has original jurisdiction concurrently with the District Court and Community Courts in all cases within the jurisdiction of the District Court or Community Courts, as provided by Sections 228 and 234 of this Chapter.

(2) The concurrent jurisdiction of the High Court referred to in Subsection (1) of this Section need not be exercised in any case that it determines can be promptly and properly tried in the District Court, or in a Community Court having jurisdiction, and the High Court may transfer the case to that other court for trial and determination. [P.L. 1983-18, §40.]

§241. The District Court.

(1) Except as provided by this or any other Act, the District Court has original jurisdiction concurrently with Community Courts in all cases within the jurisdiction of Community Courts, as provided by Section 234 of this Chapter.

(2) The concurrent jurisdiction of the District Court referred to in Subsection (1) of this Section shall be exercised by that Court in any case that can be heard by it with convenience to the parties and witnesses and without undue delay.

(3) A failure to comply with Subsection (2) of this Section in any case does not invalidate any proceedings in or decision of a Community Court on the case. [P.L. 1983-18, §41.]

§242. Transfer of cases.

(1) This Section applies to cases in which the courts concerned have concurrent jurisdiction, but does not apply to cases on appeal.

(2) Any case brought in the High Court or in the District Court may be transferred by the court in which it has been brought to any other court that has jurisdiction to hear it.

(3) Any case brought in a Community Court may be transferred by that Court to the High Court or the District Court, with the consent of the High Court or the District Court, as the case may be.

(4) By order of the High Court, any case pending in the District Court may be transferred to the High Court, or if the case was brought in a Community Court to the High Court or the District Court.

(5) Upon receiving a certified copy of an order under Subsection (4) of this Section the court in which the case was pending shall take no further action on the merits of the case but may make any orders of a temporary nature that justice requires and that are not inconsistent with any order of the High Court. [P.L. 1983-18, §42.]

PART VII- EXTRATERRITORIALITYDIVISION 1- GENERAL**§243. Interpretation of Part VII.**

In this Part, “Marshall Islands vessel or aircraft” means a vessel or aircraft:

(a) belonging in whole or in part to the Republic, any citizen or permanent resident of the Republic, or any association, partnership, company, corporation or other entity organized under the laws of the Republic:

- (b) on lease to, rented by or under charter to any person or entity referred to in Paragraph (a) of this Section: or
- (c) documented under a law of the Republic. [P.L. 1983-18, §43.]

§244. Extraterritorial jurisdiction generally.

The courts of the Republic have extraterritorial jurisdiction:

- (a) as provided by this Part; and
- (b) as provided or required by any law having extraterritorial effect, making an act or omission outside the Republic an offense or justiciable within the Republic, but subject to the provisions of that law. [P.L. 1983-18, §44.]

§245. Offenses committed outside the jurisdiction.

The jurisdiction of the courts of the Republic extends to all offenses against the laws of the Republic committed by any person on a Marshall Islands vessel or aircraft outside the territorial limits of the Republic. [P.L. 1983-18, §45.]

§246. Offenses committed partly within and partly outside the jurisdiction.

When an act or omission which, if done or made wholly within the territorial limits of the Republic or a local government area, would be an offense, every person who within those limits or that area does or makes any part of that act or omission may be dealt with as though the act or omission had been done or made wholly within those limits or that area as the case may be. [P.L. 1983-18, §46.]

§247. Application of laws on Marshall Islands vessels and aircraft.

Except where the contrary intention appears in any such law, the criminal laws of the Republic apply outside the territorial limits of the Republic to all persons on board a Marshall Islands vessel or aircraft. [P.L. 1983-18, §47.]

§248. Application of foreign law.

The criminal law of any jurisdiction that is applicable under any law of the Republic or under international law, may be enforced by a court of the Republic, in the trial of any offenses committed outside the territorial limits of the Republic that are triable by that court when, in the opinion of the court, justice and comity will be aided by its enforcement. [P.L. 1983-18, §48.]

§249. Place of trial.

The trial of a person for an offense committed outside the territorial limits of the Republic may be held before any court of the Republic that is competent to try him for the offense, and in whose territorial jurisdiction he is found, resides, or into whose territorial jurisdiction he is first brought. [P.L. 1983-18, §49.]

§250. Effect of previous trial.

A person shall not be tried by a court of the Republic for an offense committed outside the territorial limits of the Republic if he has already been lawfully tried on the merits of substantially the same offense by a court of another jurisdiction. [P.L. 1983-18, §50.]

DIVISION 2- CIVIL JURISDICTION OVER NONRESIDENT**§251. Persons subject to civil jurisdiction.**

- (1) Any person, corporation or legal entity who, in person or through an agent or servant
- (a) transacts business within the territorial limits of the Republic;
 - (b) operates a motor vehicle within those limits;
 - (c) operates a vessel or aircraft within the territorial waters or airspace of the Republic;
 - (d) commits a tortious act within the territorial limits of the Republic;
 - (e) contracts to insure any person or property located within the territorial limits of the Republic at the time of entry into the contract;
 - (f) contracts to insure against any risk within the territorial limits of the Republic;
 - (g) owns, uses, occupies or possesses any land or interest in land within those limits;
 - (h) enters into an express or implied contract with a resident of the Republic, which is to be performed wholly or partly, by either party, within the territorial limits of the Republic;
 - (i) acts within the territorial limits of the Republic as director, manager, trustee or other officer of a corporation organized under the laws of the Republic;
 - (j) acts within those limits as executor, guardian, trustee or administrator of an estate in the Republic;
 - (k) causes injury to a person or property within the territorial limits of the Republic arising out of an act or omission outside those limits, if, at the time of injury:
 - (i) he was engaged in solicitation or sales activity within the territorial limits of the Republic; or
 - (ii) products, materials or things processed, serviced or manufactured by him were used or consumed within those limits;
 - (l) violates the provisions of Title 20, Chapter 4, Section 403, of the Consumer Protection Act;
 - (m) manufactures a product which is used or consumed within the territorial limits of the Republic; or
 - (n) commits an act of commission or omission of deceit, fraud or misrepresentation which is intended to affect, and does affect persons in the Republic; is subject to the civil jurisdiction of the courts of the Republic as to any cause of action arising from any of those matters.
- (2) A person who has lived in a marital relationship within the territorial limits of the Republic is subject to the jurisdiction of the courts of the Republic as to alimony, child support and property rights under the laws of the Republic relating to domestic relations, marriage, annulment and divorce, adoption, reciprocal enforcement of support, child abuse and family law generally, notwithstanding his departure from the Republic, if the other party to the relationship continues to reside in the Republic. [P.L. 1983-18, §51; amended by P.L. 1997-44, §2(l); P.L. 1998-78, §3.]

§252. Personal service outside the Republic.

- (1) Service of process may be made upon any person subject to the jurisdiction of a court of the Republic under this Division by personally serving the process on him outside the territorial limits of the Republic.

(2) Service shall be made, in the same manner as service is made within the territorial limits of the Republic, by any officer or person authorized to serve process in the jurisdiction where service is made.

(3) An affidavit of service shall be filed with the court issuing the process, stating the time, manner and place of service.

(4) Service under this Section has the same force and effect as service within the territorial limits of the Republic. [P.L. 1983-18, §52.]

§253. Default judgments.

(1) No default judgment shall be entered before the expiration of the period of thirty (30) days after service of the relevant process under Section 252 of this Chapter.

(2) A default judgment entered on service made under this Division may be set aside only on a showing that would be timely and sufficient to set aside a default judgment entered upon personal service within the territorial limits of the Republic. [P.L. 1983-18, §53.]

§254. Limits of jurisdiction.

Only causes of action referred to in Section 251 of this Chapter may be asserted against a person in proceedings in which jurisdiction against him is based on this Division. [P.L. 1983-18, §54.]

§255. Saving of other methods of service.

Nothing in this Division limits or affects the right to serve process in any other manner provided by law or by the Rules of Court, or allowed by order of the court concerned. [P.L. 1983-18, §55.]

PART VIII- CONTEMPT OF COURT

§256. Interpretation of contempt of court.

(1) Contempt of court is:

(a) any intentional obstruction of the administration of justice by any person;

(b) any intentional disobedience of, or resistance to, the lawful writ, process, order, rule, decree or command of a court;

(c) any intentional representation by an attorney or trial assistant (whether or not formally admitted as such under the Rules of Court), or any other person acting as or holding himself out to be such an attorney or trial assistant, that he speaks for or represents a court or a judge in any official matter unless specifically authorized by the court or judge to do so;

(d) any intentional interference with the operation or function of a court, by open defiance of an order of the court, in or near the courtroom;

(e) any disturbance of the peace and good order of a courtroom by loud noise, interruption, profane language or refusing to leave the courtroom or the court building or premises when lawfully ordered by an official of the court to leave, or any similar disturbance;

(f) any refusal by a witness to answer any lawful question after having been lawfully ordered by the court to answer;

(g) any interference with an official of a court in the pursuit of his official duties;

(h) subject to Subsection (2) of this Section, any disrespectful or disgraceful conduct

directed to a judge, juror or assessor because of any decision or action at the trial of any case, or at any type of judicial hearing or conference; or

(i) subject to Subsection (2) of this Section, any oral or written charge that a judge, juror or assessor, in his capacity as such, is corrupt.

(2) Subsection (1) (h) and (i) of this Section does not apply with respect to any proper language in, or any proper conduct related to, any petition or other lawful means of seeking relief from any alleged misconduct of a court, judge, jury, juror or assessor.

(3) Subsection (1) of this Section applies even when the act concerned is done by an official of a court, and whether such an act is done in an official or in a private capacity.

(4) Motive is irrelevant, except in considering whether or not to proceed with a formal charge, and in connection with any penalty.

(5) In Subsection (1) of this Section, a reference to a courtroom includes a reference to any place, whether or not in a building, where a court is sitting or is accustomed to sit. [P.L. 1983-18, §56.]

§257. Charge of contempt; general.

(1) By Article VI, Section 1(3) of the Constitution of the Marshall Islands, any court, other than the Traditional Rights Court, may punish a contempt of court.

(2) Accordingly, this Section does not apply to contempt of the Traditional Rights

(3) If a contempt of court is committed in the sight or hearing of the court and is of such a nature that the court should deal with it immediately, the court may try the contempt summarily and informally.

(4) In other cases a charge of the offense of contempt of court shall be laid and dealt with in the same way as other charges of offenses. [P.L. 1983-18, §57.]

§258. Contempt of the Traditional Rights Court.

In the case of contempt of the Traditional Rights Court, that Court shall cite the offender for a contempt of court and refer the matter to the High Court and the High Court shall deal with the matter in the same way that it would deal with a contempt of court in the High Court. [P.L. 1983-18, §58.]

§259. Penalty for contempt.

A person who is guilty of a contempt of court, or who intentionally aids in a contempt of court, shall be guilty of a misdemeanor and shall upon conviction be liable to a fine not exceeding \$500 or to a term of imprisonment not exceeding six (6) months, or both. [P.L. 1983-18, §59.]

§260. Civil contempt.

Subject to Article II, Section 6(3) of the Constitution of the Marshall Islands, if a contempt of court consists of a refusal to comply with any writ, process, order, decree or command of a court and the offender persists in his refusal, the court may, in addition to any penalty that may be imposed under Section 259 of this Chapter, imprison him or assess daily fines against him, or both, until he complies with the writ, process, order, decree or command. [P.L. 1983-18, §60.]

PART IX - CONCILIATION JURISDICTION

§261. Settlement of disputes.

(1) This Section does not apply to matters referred to in Section 21 1(l)(b)-(e) of this Chapter, in which jurisdiction is vested by the Constitution of the Marshall Islands in the High Court, or to criminal proceedings (although it applies to any civil dispute consequent on an offense).

(2) Unless the High Court orders otherwise, the District Court or a Community Court may, at the request of a party to a dispute, endeavor to effect an amicable settlement of the dispute, and for that purpose may invite the parties to appear before a judge of the court for an informal hearing.

(3) In the case of a request to a Community Court, the request shall be made to the Community Court within whose area the other party, or the majority of the other parties, had or have his or their usual place or places of business or employment.

(4) If an arrangement in settlement of the dispute is reached the judge shall reduce it into writing, and his report of the settlement, when signed by the parties, has the effect of a judgment of the court and may be enforced as such.

(5) This Section applies even though the subject matter of the dispute or of the settlement agreement is beyond (whether in amount or otherwise, but subject to Subsection (1) of this Section) the jurisdiction of the court for purposes other than conciliation.

(6) Rules of Court of the High Court may make provision with respect to the jurisdiction conferred by this Part. [P.L. 1983-18, §61.]

PART X - COURTS GENERALLY

§262. Enforcement of the Constitution of the Marshall Islands.

Any court of general jurisdiction resolving a case or controversy implicating a provision of the Constitution of the Marshall Islands has power, in accordance with Article I, Section 4(b) of the Constitution of the Marshall Islands, to make all orders necessary and appropriate to secure full compliance with the provision and full enjoyment of its benefits. [P.L. 1983-18, §62.]

§263. Procedural and subsidiary powers.

In accordance with Article VI, Section 1(2) and (3) of the Constitution of the Marshall Islands

(a) all courts have power to issue writs and other process, not inconsistent with law, as are required for the due administration of justice and the enforcement of the Constitution of the Marshall Islands; and

(b) all courts except the Traditional Rights Court may:

(i) grant bail;

(ii) accept and forfeit security for bail;

(iii) make orders for the attendance of witnesses, with or without documents;

and

(iv) make orders for the disposal of exhibits. [P.L. 1983-18, §63.]

§264. Jurisdiction over person and offenses.

(1) A court may exercise personal jurisdiction in civil cases over persons residing or found within the territorial limits of the Republic who have been duly summoned or voluntarily appear.

(2) Criminal cases may be prosecuted and tried only:

(a) in a court having territorial jurisdiction over the place where the crime was committed; or

(b) in accordance with Part VII. [P.L. 1983-18, §64; amended by P.L. 1997-44, §2(1).]

§265. Sessions of Courts.

(1) Each court shall convene from time to time as may be necessary for the efficient disposition of its duties.

(2) The Supreme Court shall sit at such times and places as are determined by the Chief Justice of the Supreme Court, but unless the Chief Justice certifies that urgent or cogent reasons require that it sits elsewhere all sessions shall be held at the Courthouse on Majuro.

(3) The High Court shall sit at such times and places as are prescribed by the Rules of Court, and at such other times and places as are determined by the Chief Justice of the High Court.

(4) As required by Article VI, Section 4(1) of the Constitution of the Marshall Islands, the Traditional Rights Court shall sit at such times and places as to ensure fair and knowledgeable exercise of its jurisdiction, and in accordance with the Rules of Court.

(5) District Courts and Community Courts shall sit at such times and places as are prescribed by or under the Rules of Court and at such other times and places as the respective presiding judges, with the approval of the Chief Justice of the High Court, determine.

(6) As far as practicable, notice shall be given to the public generally, and to all persons affected, of any special sessions or altered times and places of sitting.

(7) All sessions of a court shall be held in public except where otherwise ordered by the court for good cause. [P.L. 1983-18, §65.]

§266. Power of courts on appeal or review.

(1) The Supreme Court on appeal, the High Court on appeal or review, and the District Court on appeal, may:

- (a) affirm, modify, set aside or reverse the decision appealed from or reviewed; or
- (b) remand the case with directions for a new trial or for the entry of judgment.

(2) The findings of fact of the High Court in cases tried by it shall not be set aside by the Supreme Court unless clearly erroneous, but in all other cases the appellate or reviewing court may review the facts as well as the law.

(3) In a criminal case, the appellate or reviewing court may:

- (a) set aside a conviction (but not a finding of not guilty);
- (b) commute or reduce (but not increase), or suspend the execution of, a sentence; or
- (c) if the defendant has appealed or requested a new trial, order a new trial.

However, if the Government of the Marshall Islands appeals under Section 232 of the Civil Procedure Act, the power of the appellate court is limited to a reversal of any determination of the invalidity of any written enactment intended to have the force and effect of law.

(4) Execution of the judgment, order or sentence of a court will not be stayed pending review or the hearing and determination of an appeal unless:

- (a) the appellate or reviewing court, or the trial court, for cause shown, orders a stay, on such terms as it fixes; or
- (b) as otherwise provided by law. [P.L. 1983-18, §66.]

§267. Disqualification of judges.

(1) Under Article VI, Section 1(6) of the Constitution of the Marshall Islands no judge shall take part in the decision of any case in which he has previously played a role or with respect to

which he is otherwise disabled by any conflict of interest.

(2) To the extent to which it may be doubtful whether the prohibition set out in Subsection (1) of this Section applies under the Constitution of the Marshall Islands to courts other than the Supreme Court and the High Court, and to remove any such doubt, it is hereby declared that the prohibition extends, either by virtue of the Constitution or in default by virtue of this Chapter, to all courts.

(3) The Rules of Court may give examples of cases in which a judge might, or might not, be disqualified and of cases in which he should, or need not, disqualify himself. [P.L. 1983-18, §67.]

§268. Outside employment.

(1) Subject to Subsections (3), (4), and (5) of this Section, no judge may be:

- (a) a member of the Nitijela
- (b) a member of a local government,
- (c) a member, officer or employee of a public corporation or statutory authority; or
- (d) an officer, employee or consultant of the Government of the Marshall Islands or of a local government.

(2) No judge may engage in the private practice of law.

(3) Subsection (1)(c) of this Section does not prevent a judge from holding office, ex-officio, as head of a local government.

(4) Subsection (1)(d) of this Section does not prevent a judge, with his own consent and the approval of the Judicial Service Commission, from being a member of a commission, committee, board or similar body set up by statute or for a specific purpose, in cases where his judicial qualifications are relevant and in which his judicial independence will not be, or appear to be compromised.

(5) The prohibition against the private practice of law contained in Subsection (2) of this Section does not apply to:

- (a) the teaching of law or legal research:

or;

- (b) the private practice of law (otherwise than in matters related to the Republic) by a judge of the Supreme Court who, as part of his conditions of employment, is principally resident outside the Republic, or by a temporary or ad hoc judge.

(6) Paragraphs (1)(c) and (1)(d) of this Section do not prevent a justice of the High Court from serving pro tem as a member of the Nuclear Claims Tribunal upon designation by the Chief Justice of the High Court at the request of the Chairman of the Nuclear Claims Tribunal. [P.L. 1983-18, §68.][new subsection (6) inserted by P.L. 2003-90]

PART XI- ADMINISTRATION

§269. Administrative supervision, etc.

(1) The Chief Justice of the Supreme Court has administrative supervision over the Supreme Court.

(2) The Chief Judge of the Traditional Rights Court has administrative supervision over the Traditional Rights Court.

(3) The Chief Justice of the High Court has administrative supervision over all other courts. [P.L. 1983-18, §69; amended by P.L. 1995-135, §2.]

§270. Delegation.

(1) The Chief Justice of the Supreme Court, the Chief Justice of the High Court, or the Chief Judge of the Traditional Rights Court may, by written instrument, delegate all or any of his powers and functions (other than judicial powers and functions).

(2) A delegation under subsection (1) of this Section is revocable, in writing, at will, and no such delegation prevents the exercise of a power or the performance of a function by the delegating Chief Justice or Chief Judge. [P.L. 1983-18, §70; amended by P.L. 1995-135, §52.]

§271. Staff.

(1) The Chief Justice of the High Court shall appoint a Clerk of Courts for all courts.

(2) The Chief Justice of the High Court may appoint such assistant clerks of courts and other officials and employees of courts as he thinks necessary.

(3) The Chief Justice of the High Court may remove from office any official or employee appointed under Subsection (1) or (2) of this Section, for cause.

(4) The functions of each official or employee appointed under Subsection (1) or (2) of this Section are as determined by the Chief Justice of the High Court.

(5) The compensation and other conditions of employment of officials and employees appointed under Subsection (1) or (2) of this Section are as determined by the Chief Justice of the High Court. [P.L. 1983-18, §71.]

§272. Budgetary matters.

Budgetary requests for the judiciary, with supporting justification, shall be submitted by the Chief Justice of the High Court, with the approval of the Chief Justice of the Supreme Court, to the Cabinet through the Minister of Justice for its consideration. [P.L. 1983-18, §72; P.L.1989-58, §2, amending Section completely.]

PART XII - MISCELLANEOUS**§273. Authority to administer oaths.**

Each court, each judge and the Clerk of Courts may administer oaths and affirmations, take acknowledgments of deeds, mortgages and other instruments and perform all other functions and exercise all other powers of a notary public. [P.L. 1983-18, §73.]

§274. Authority to exercise powers of notaries public.

Each judge, the Clerk of Courts and an Assistant Clerk of Courts may administer oaths and affirmations, take acknowledgments of deeds, mortgages and other instruments and perform all other functions and exercise all other powers of a notary public. [P.L. 1983-18, §74.]

§275. Law reports.

(1) The Chief Justice of the High Court shall arrange for the printing and publication of:

(a) all final decisions of the Supreme Court;

(b) such other decisions of the Supreme Court as the Chief Justice of the Supreme Court orders; and

(c) such decisions and determinations of other courts as the Chief Justice of the High

Court orders.

(2) The format of the law reports shall be as determined by the Chief Justice of the High Court.

(3) If practicable, the law reports shall be published both in the Marshallese language and in the English language.

(4) By arrangement, the law reports may be published jointly with law reports of any other country approved for the purpose by the Chief Justice of the Supreme Court. [P.L. 1983-18, §75.]

§276. Rules of the Judicial Service Commission.

The Judicial Service Commission may make rules for regulating its procedures and generally for the better performance of its functions under Article VI, Section 5 and Article IV, Section 20 of the Constitution of the Marshall Islands, and any other law. [P.L. 1983-18, §76.]

§277. Judicial Robes.

All judges and justices, with the exception of Community Court judges, shall wear while conducting hearings, trials, or any other proceedings in court:

(1) traditionally-styled, judicial robes;

(2) dark blue in color, the same shade of blue as that of the official flag of the Republic of the Marshall Islands. [added by P.L. 1995-117, §2.]

§§278-279. Reserved.

PART XIII- TRANSITIONAL PROVISIONS

§280. Application of Part XIII.

The provisions of this Part apply notwithstanding anything in any other provision of this Chapter. [P.L. 1983-18, §77; previously numbered Section 277.]

§281. Courts generally.

In any law or document in effect before the effective date of this Chapter:

(a) a reference to the Appellate Division of the High Court for the Trust Territory shall be read as a reference to the Supreme Court;

(b) a reference to the Trial Division of the High Court for the Trust Territory shall be read as a reference to the High Court;

(c) a reference to the District Court or a District Court established under 5 TTC 1980 shall be read as a reference to the District Court established by this Chapter; and

(d) a reference to a community court established under 5 TTC 1980 shall be read as a reference to a Community Court established by this Chapter. [P.L. 1983-18, §78; previously numbered Section 278.]

§282. Rules of Court.

Until such time as Rules of Court are made under Division 4 of Part II, the rules made under 5 TTC 1980, Section 202, and the other laws regulating matters that may under this Chapter be regulated by the Rules of Court that were in effect immediately before the effective date of this Chapter continue to apply, with any necessary modifications. [P.L. 1983-18, §79; previously numbered

Section 279.]

§283. Judges and court officials.

(1) A judge of the former district court for the Republic of the Marshall Islands district, or of a community court established under 5 TTC 1980 for a local government area, in office immediately before the effective date of this Chapter shall be deemed to have been appointed to the equivalent office under this Chapter and may continue in office until the first occurrence of either of the following:

- (a) the end of the period of his appointment;
- (b) the end of the maximum period for which he might have been appointed on that date; or
- (c) a new appointment to that office is made under this Chapter.

(2) The Clerk of Courts and other officials and employees of courts in office immediately before the effective date of this Chapter shall be deemed to have been appointed under this Chapter, and on the same terms and conditions that applied immediately before that date (with any necessary modifications). [P.L. 1983-18, §80; previously numbered Section 280.]