

# Pacific Islands Committee NEWSLETTER

WINTER 2020



## Pacific Judicial Council Holds Well-Received Biennial Conference

The Pacific Judicial Council's Biennial Conference took place in Guam this past September and featured many presentations of great interest to the audience. The Pacific Islands Committee was able to sponsor presenter travel and expenses for 26 judges and court administrators from the territories and Freely Associated States, thanks to Compact and Technical Assistance grants from the U.S. Department of the Interior. Attorneys from the PJC jurisdictions attended the Biennial Conference for a nominal registration fee; 65 attorneys attended all or part of the four-day event.

Dr. Lisa Callahan facilitated a program on "How Being Trauma-Informed Improves Judicial Decision Making." This session focused on practical court-based and evidence-based steps and tools that justice professionals can implement, including screening and assessment tools, readiness assessment tools, and other strategies for implementing trauma-informed practices in the courtroom.

Professor Kathleen Burch presented an insightful U.S. Supreme Court update that was well received because of the unique way that she connected her analysis of the high court's decisions to the courts in this region. Before entering academia, Professor Burch served as Assistant Attorney General in Yap, Micronesia, for six years.

Other sessions included a program about "Mindfulness

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*Hon. M. Margaret McKeown, Circuit Judge, Ninth Circuit Court of Appeals*

## The Importance of Court Interpreters



*Court interpreters in Guam*

Court interpreters play a critical role in the judicial system. The presence and participation of court interpreters allow persons of Limited English Proficiency (LEP) and those who are Deaf and Hard of Hearing (DHH) to fully and fairly engage in all aspects of their judicial proceedings. As they interpret one language to another, court interpreters make it possible to safeguard constitutional and fundamental rights of fairness and due process for everyone. Unsurprisingly, court interpreters have proven to be a vital tool in the administration of justice. By positioning the LEP or DHH person as closely as linguistically possible to an English speaker, court interpreters help to level the legal playing field and ensure equal and quality participation throughout the judicial process.



*Hon. Arthur R. Barcinas, Judge, Superior Court of Guam*

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**A Legacy of Service**

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# Associate Justice Kathleen M. Salii of the Palau Supreme Court: A Legacy of Service

The start of the new millennium brought with it many changes, including to the Supreme Court of Palau. On September 1, 2000, then-President Kuniwo Nakamura swore in Kathleen Meu Salii as the first Palauan woman on the Supreme Court. Justice Salii's appointment was a watershed day for women lawyers in Palau and in the Pacific; it was also, for her, the culmination of a notable career of service to her country.



*Hon. Michael W. Mosman, District Judge, District of Oregon*



*Associate Justice Kathleen M. Salii*

Justice Salii's path to the Supreme Court was not a straight line. Instead, there were many twists and turns across the Pacific – and even a time in Denver, Colorado. All along the way, however, she says she always knew she would return to Palau. "For my family, this is home...it doesn't even cross our minds to leave."

Justice Salii was born in Palau in 1965. This was during what might be called the early part of Palau's journey, along with other Pacific Islands under the TTPI, toward sovereignty and independence. In the early 1970s her family relocated to Saipan, where both of her parents worked for the TTPI during the years of the Micronesian Political Status Commission. She and her siblings attended elementary and middle school in Saipan, in a family that inculcated a love of reading and education in all their children.

Justice Salii's high school and college years coincided with a tumultuous period in Palau's history, when Palauans were debating and voting on becoming an independent republic. Palauans held at least seven referenda on whether to adopt the Compact of Free Association with the United States. It was eventually ratified and Palauans drafted and ratified the world's first constitution to declare a country a Nuclear Free Zone.

All these changes were accompanied by violent protests, threats against community leaders, fire bombs and murders. To keep their children away during these turbulent times, Justice Salii's parents chose to have her and her siblings attend high school and college in Hawaii, where Justice Salii graduated with a Bachelor of Arts in English from the University of Hawaii. These years away from her childhood home in Palau gave her an expansive view of her place in the world but also settled in her a determination to return.

She returned to Palau briefly in 1988 following the death of her father to be home with her mother. For the next two years she worked at her uncle's law office, helping with a

wide variety of cases. He encouraged her to try something new with law school, and not limit herself to the University of Hawaii, or even schools in California where she'd been accepted. He was a proud alum of the University of Denver (Sturm) College of Law, and she elected to attend law school there. She and her now-husband moved to Denver; he worked while she was a full-time student.

Despite her many years away from home, Denver was still something of a culture shock. The biggest adjustment may have been the weather and the chance for the first time to enjoy four seasons. Once she graduated and passed the Colorado bar exam, they headed back to Palau – this time for good.

Upon returning to Palau, Justice Salii became an assistant attorney general, handling a wide variety of cases including regulatory and criminal matters, and culminating in her service as acting attorney general in 1997 and 1998. After a brief stint back in private practice, she was appointed to the Supreme Court.

Her service on the Supreme Court presents some challenges common to all judges and some that are unique to Palau. Like judges everywhere, she must resolve difficult questions, often of great public importance, in a fair and forthright manner. Like judges everywhere, she must balance the strains of a demanding, sometimes isolating job, with the needs of her family, including her two daughters Rimuu, now 23, and Bars, 16.

But for Justice Salii, all this must be done in the fishbowl of a small island nation of about 21,000 people. As she puts it, "it is not uncommon to preside over a short trial one

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## INTERPRETERS CONTINUED FROM PAGE 1

Court interpreters are equally important to judges. Court interpreters enable the judge, or even the fact finder, to respond in the same manner to all participants. Similarly, court interpreters are able to interpret important questions, statements, or rulings from a judge by communicating the legal language of the court proceedings. In doing so, court interpreters ensure the LEP or DHH person is not left to any disadvantages or surprises.

As of 2018, a total of 107 interpreters are registered with the Judiciary of Guam. Out of this number, 69 are actively employed. Combined, these active registered interpreters with the Judiciary of Guam offer court interpreting services in more than 20 languages, including the following:

Language(s) Offered	Number of Active Registered Interpreters
American Sign Language	2
Cantonese Chinese	1
Chamorro	1
Chuukese/Lagoon and Outer Lagoon	13
Italian	2
Japanese	5
Korean	10
Kosraen	2
Mandarin Chinese	5
Marshallese	1
Palauan	2
Pohnpeian	5
Russian	1
Tagalog/Ilocano	10
Yapese/Ulithian/Satawalese/Woleaian	5

The Judiciary of Guam provides court interpreter services in all courtrooms, for probation-related services, attorney appointments, and client counseling. Court interpreter services are also provided for witnesses or victims, as needed, as well as for other services outside of the courthouse. In addition to services for indigent defendants, court interpreter services are utilized in personal injury, domestic, and small claims cases. As of 2018, the Judiciary of Guam has proudly offered interpreter services in more than 7,734 court hearings and in over 1,184 non-courtroom matters.

Court interpreting is a highly specialized discipline that requires a deep understanding of both the source language and target language. However, court interpreters must provide more than mere word-for-word translations. Court interpreters also must have a basic understanding

of the judicial system and possess rudimentary knowledge of legal terminologies to ensure the LEP or DHH person fully understands the court proceedings before them. Further, court interpreters must interpret carefully and translate as close to the target language as possible without compromising accuracy of the intended meaning. Thus, court interpreters must be highly trained and skilled in both translation and the legal process.

The Judiciary of Guam strives to maintain a high standard of interpreting services by offering quarterly training for new recruits and semi-annual refresher courses for registered court interpreters. Refresher training is required by the Judiciary of Guam to ensure that highly skilled and qualified court interpreters are always available at the judiciary. In 2018, Chief Justice Katherine A. Maraman of the Supreme Court of Guam administered the Oath of Interpreter to 19 new court interpreters who completed the two-day court interpreter basic skills training. Additionally, 18 registered court interpreters completed the required refresher training in 2018 to remain qualified and able to renew their registration. Projects this past year included hiring a language access manager for the Judiciary of Guam.

Most recently, court interpreters from the Judiciary of Guam participated in the Pacific Judicial Council's advanced interpreters training on the Island of Pohnpei. This exciting training gave many court interpreters the opportunity to improve their skills as well as acquire new skills in the interpreting process. The training provided opportunities to gain valuable knowledge, collaborate, and share information in an intensive workshop format. There were 37 court interpreters in attendance, representing all of the member jurisdictions of the Pacific Judicial Council from among the traditional, local and federal courts.

Training topics included the Role of the Interpreters In and Out of the Courtroom, Interpreters Ethics, Best Practices, and a greater understanding of the different approaches and use of interpreters in the various jurisdictions. The training focused on skills-building such as consecutive, simultaneous, sight interpreting and specialized interpreters note-taking skills. There were extensive hands-on activities and practice of these new skills and the various modes of interpreting by use of partnered and group activities. New to this training was the interpreters' ability to practice their skills with the use of individual headphones and electronic transmitters. The participants also were required to work with other interpreters in their same language to develop glossaries covering legal concepts and terms.

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## INTERPRETERS CONTINUED FROM PAGE 3

In sum, court interpreters serve as a vital resource to the Judiciary of Guam and to all courtrooms across the diverse Pacific. Navigating and understanding the legal system can be difficult, not just for LEP or DHH persons, but for anyone unfamiliar with the complicated rules and procedures of the judicial process. Court interpreters not only break down language barriers, they safeguard fairness throughout all judicial proceedings and ensure that all persons have equal participation in whatever role they occupy in the courtroom. ●

## LEGACY CONTINUED FROM PAGE 2

day, then run into either a party or a witness the next day in the grocery store.” Asked to describe the qualities of a good judge, she says that “in a smaller community like Palau, I personally rank courage as a key quality to have. It takes courage to make these difficult decisions, especially when such decisions are unpopular.” Also particular to Palau is the tension between statutory law and custom and tradition, both of which are recognized as legitimate sources for resolving disputes. While this can make for some hard cases, Justice Salii takes justifiable pride in the fact that “Palauan culture and values are still strong and remain very much a part of Palauan jurisprudence.”

Those values are not merely national; they are personal to Justice Salii and her family. As she says, “this is also what my husband and I have tried to let our daughters know: go to school, go travel and see the world, but never forget where you came from, and to remember that everyone has something to contribute to making Palau a great place to call home.” From her father’s service in the Congress of Micronesia and as President of Palau, to her own history-making career in the judiciary, Justice Salii is attempting to pass on this legacy of service to the islands she loves. ●

## CONFERENCE CONTINUED FROM PAGE 1



*Front row, l-r: Chief Justice Katherine Maraman, Guam Supreme Court; Presiding Judge Alberto Lamorena III, Superior Court of Guam; Judge M. Margaret McKeown; Chief Justice Camillo Noket, Chuuk State Supreme Court, President, Pacific Judicial Council; with attendees at the Biennial Conference.*

for Judges,” facilitated by retired Judge Ronald Greenberg, Superior Court of Alameda County (California); “Juvenile Justice Reform,” facilitated by John A. Tuell, executive director of the Robert F. Kennedy Children’s Action Corps; and “Accountability and Court Performance,” facilitated by Judge Arthur Barcinas and Clerk of Court Danielle Rosete of the Guam Judiciary. Finally, Yohance Edwards, director of Workplace Relations for the Ninth Circuit, and I facilitated a session on “Fostering a Respectful Workplace.”

While at the conference, I had the opportunity to attend the Pacific Judicial Council Board of Governors Meeting. This is the meeting where the council approves training priorities for the coming fiscal year. Its board of governors is comprised of chief justices from the territories of American Samoa, Guam, the Northern Mariana Islands, and the Freely Associated States of Micronesia and Palau. Upcoming training priorities include trial advocacy, technology, impaired driving, and training for probation officers. We also had a chance to look at ways of sharing training between jurisdictions and how to best deploy our limited resources.

The training needs of the Pacific Islands are unique and one size does not fit every island. Also, the vast distance and costs complicate training coordination. Russ Mathieson, our education specialist, does a great job of balancing these competing needs. ●



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