



Republic of the Marshall Islands  
*Jepilpilin Ke Ejukaan*

# JUDICIARY COMPENSATION (AMENDMENT) ACT 2016

Introduced by:

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MINISTER THOMAS HEINE

Approved:

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PRINTED NAME

SIGNATURE



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**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS  
37TH CONSTITUTIONAL REGULAR SESSION, 2016**



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NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS  
37TH CONSTITUTIONAL REGULAR SESSION, 2016



Republic of the Marshall Islands  
*Jepilpilin Ke Ejukaan*

## JUDICIARY COMPENSATION (AMENDMENT) ACT 2016

A BILL FOR AN ACT to amend §402(1) of the *Judiciary Compensation Act 1983*, 27 MIRC Chp. 4, to increase the salaries for High Court justices to take into account inflation and comparable salaries.

BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

### §1. Short Title.

This Act may be cited as the Judiciary Compensation (Amendment) Act 2016.

### §2. Amendment.

Section 402(1) of the *Judiciary Compensation Act 1983*, 27 MIRC Chp. 4, is amended to increase the annual salaries of the Chief Justice of the High Court and Associate Justices of the High Court to take into account inflation and comparable salaries, as follows:

Chief Justice of the High Court	\$70,000	<u>\$90,000</u>
Associate Justices of the High Court	\$60,000	<u>\$80,000</u>

### §3. Effective Date.

This Act shall take effect on the date of certification in accordance with Article IV, Section 21 of the Constitution.

**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS  
37TH CONSTITUTIONAL REGULAR SESSION, 2016**

**JUDICIARY COMPENSATION (AMENDMENT) ACT 2016**

**SIGNATURES**

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**DATE:** \_\_\_\_\_ **INTRODUCED BY** \_\_\_\_\_  
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NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS  
37TH CONSTITUTIONAL REGULAR SESSION, 2016

**JUDICIARY COMPENSATION (AMENDMENT) ACT 2016**

**BILL SUMMARY**

This Bill proposes to amend the Judiciary Compensation Act 1983 to increase the salaries of High Court judges to take into account inflation and comparable salaries and to make employment as a justice of the High Court more attractive.

The current salaries of High Court justices (\$70,000 per annum for the chief justice and \$60,000 per annum for associate justices) lag behind salaries for comparable law-trained judges in Palau, American Samoa, the Northern Mariana Islands, and Guam (\$90,000 to \$125,000 for presiding judges or chief justices). The RMI Judiciary, while recognizing current fiscal constraints, seeks the salary adjustment to take into account inflation and comparable salaries: \$90,000 for the chief Justice and \$80,000 for associate justices of the High Court.

In this regard, the RMI Judiciary respectfully asks the Cabinet and the Nitijela to appoint a Nitijela committee to examine judicial compensation. The lack of competitive salaries is making it difficult for the Judicial Service Commission to attract candidates for the High Court and to prepare for the future.

With notice in March 2015 of Justice Tuttle's resignation, the Judicial Service Commission set out to recruit a replacement. However, after a 60-day notice period, the Commission received only two timely applications. Neither applicant had prior judicial experience. After a second 60-day announcement period, the Commission had a total of only three applications. And Samuel Bailey whom the Commission had nominated for the Associate Justice position, and the Cabinet has approved for appointment, has recently withdrawn for a better offer as an administrative judge with the USDA. Such has put the Judiciary in a very difficult position for recruitment.

In 2014, the Commission had received more than 12 applications in response to its vacancy announcement: two of which were from retired judges. Some suggest that in 2015 attorneys were finding more work in the private sector. Whatever the reason, employment as a justice of the High Court is not as attractive now as in 2014. For almost 20 years, no Marshallese has applied to be a justice of the High Court.

This bill is a matter of some urgency for the High Court.

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