

STANDING COMMITTEE REPORT NO. 15-15

RE: C.R. NO. 15-21/J&GO

SUBJECT: CONFIRMING THE NOMINATION OF JULIUS JOEY  
SAPELALUT TO BE THE CHIEF OF THE OFFICE  
OF THE PUBLIC DEFENDER OF THE FEDERATED  
STATES OF MICRONESIA

JULY 18, 2007

The Honorable Isaac V. Figir  
Speaker, Fifteenth Congress  
Federated States of Micronesia  
First Special Session, 2007

Dear Mr. Speaker:

Your Committee on Judiciary and Governmental Operations ("J&GO"), to which was referred C.R. No. 15-21, entitled:

"A RESOLUTION CONFIRMING THE NOMINATION OF JULIUS  
JOEY SAPELALUT TO BE THE CHIEF OF THE OFFICE OF THE  
PUBLIC DEFENDER OF THE FEDERATED STATES OF  
MICRONESIA.",

begs leave to report as follows:

The intent and purpose of the resolution are expressed in its title.

Julius Joey Sapelalut has been nominated by the President for the position of Chief, Office of the Public Defender, Federated States of Micronesia. Title 2, section 207(1) of the Code of the Federated States of Micronesia sets out that this nomination is subject to the advice and consent of Congress.

Mr. Sapelalut is originally from the State of Yap. He is a graduate, in 2002, from the Appalachian School of Law, from which he received the degree of *Juris Doctor*. The Appalachian School of Law is an American Bar Association accredited private law school. Mr. Sapelalut has been qualified as an attorney with the Supreme Court of the Federated States of Micronesia since 2003. Mr. Sapelalut also holds a Bachelor of Science Degree from Texas Wesleyan University, conferred in 1995.

Mr. Sapelalut currently is employed, on contract, as Chief Litigator with the Chuuk State Office of the Attorney General. He has been in this position only since February 5, 2007. Before taking on his current position, he worked as a Staff Attorney with the Office of the Public Defender for four years, based in Pohnpei State. He represented criminal defendants and traveled frequently to Chuuk and Kosrae for his clients.

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Your committee met with the nominee on the morning of Saturday July 14, 2007. Present were Chairman Sitan, committee members Aritos, Neth, Paul, Primo and Welly, and Staff Attorney Lanctot. Attorney General Jack was in attendance, along with Harry Seymour from the Office of the Public Defender in Kosrae and Tino Donre from Micronesia Legal Services. Mr. Sapelalut also attended.

Nominee Sapelalut affirmed that he has indeed accepted the nomination. He has enjoyed his work with the Office of the Public Defender and accepted his current position with the Chuuk State AG's Office in order to experience criminal work from the point of view of the prosecutor.

Mr. Sapelalut said, if confirmed, he would do his best to uphold the Constitution of the FSM. He proposed that the Palikir office should function more like a central processing centre for Public Defender cases. The Chief should assure that all defendants with the office are assigned attorneys, including persons currently being held in Chuuk who are without legal representation. The nominee said, if confirmed, he intended to also act as defense counsel himself, rather than restrict his work to the running of the office.

Mr. Sapelalut said he intended to help with providing scholarships for FSM law students and would work together with the state delegations of Congress toward this end. He commented that the annual Law Day debates are a good use of funds to promote interest in legal studies among our FSM students but that scholarships for law students are an even better use of funds.

Chairman Sitan noted that the Public Defender's Office on Chuuk has inadequate staff. This is costly, as legal staff from Pohnpei, Kosrae and Yap must travel there to represent clients. Nominee Sapelalut agreed that one position at the Chuuk office is still vacant since the departure of Ready Johnny for the position of Associate Justice with the FSM Supreme Court. He said he would try to fill that position as soon as possible.

Chairman Nelson asked if there was potential for conflict, as the nominee is currently acting as the Chuuk State Chief Litigator. Mr. Sapelalut responded that he worked exclusively on firearms cases in

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Chuuk and that those particular defendants have already been assigned attorneys from the Public Defender's Office.

Mr. Harry Seymour said that he supports the nominee and that it is important to have Micronesians in policy-making positions, especially at the national level.

Mr. Tino Donre also said he supported the nomination of Mr. Sapelalut, although he added that he knows the nominee only as defense counsel and is not familiar with his abilities as an administrator.

Attorney General Jack stated that she fully supports the nomination of Mr. Sapelalut for Chief, Office of the Public Defender.

Your committee is satisfied with the qualifications and dedication of the nominee and particularly acknowledges that his four years as a staff attorney with the Office of the Public Defender have provided him with solid knowledge and experience of that office's needs.

Your Committee on Judiciary and Governmental Operations is in accord with the intent and purpose of C.R. No. 15-21 and recommends its adoption in the form attached hereto as C.R. No. 15-21.

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Respectfully submitted,

/s/ Peter Sitan  
Peter Sitan, chairman

/s/ Tiwiter Aritos  
Tiwiter Aritos, vice chairman

/s/ Isaac V. Figir  
Isaac V. Figir, member

/s/ Dohsis Halbert  
Dohsis Halbert, member

/s/ Moses A. Nelson  
Moses A. Nelson, member

/s/ Fredrico O. Primo  
Fredrico O. Primo, member

/s/ Paliknoa K. Welly  
Paliknoa K. Welly, member