



# AMERICAN SAMOA

BAR ASSOCIATION

PO Box 23  
Pago Pago, AS 96799

MINUTES  
November 17, 2011  
Deluxe Café - Tafuna

I. Opening: Meeting called to order at 5:45pm by President Sean Morrison at Deluxe Cafe with ten members present:

1. Sean Morrison (President)
2. Kevin Kornegay (Treasurer)
3. Charlie Alailima
4. Camille Philippe
5. Michael White
6. Leslie Cardin
7. Marian Rapoza
8. Jay Sayles
9. Lawrence Wilson
10. Kelly Dixon
11. Bensy Benjamin
12. Sarah Sayles

II. Minutes for both 7/2011 and 9/2011 discussed. Motion to approve both minutes adopted unanimously.

III. Agenda proposed. Motion to adopt agenda passed.

IV. Officers' Reports

1. President

- Presented a demonstration of the new website. The Bar is working through the Information Technology Department (ITD) to build the new site using \$30k in ARRA funds. Koa Hills is the company selected to build the site. They will be using Joomla to create a content management system.
- Currently, just the wireframe and some design was available. While some changes to the layout will take place, everyone approved of the progress to date.
- The site will have increased search functions for the legal resource section, including topic searches based on the digest.
- It was suggested to add a boolean search.

- It was suggested that the bar work with ASG to digitalize records from the Registrar as well as the laws.
- There was discussion of putting the bar application on-line. It had been posted before, but ran into some friction with the Court, and Terry Fielding in particular. CJ believes that nobody can apply until they are on island, and they were upset in the past when the application was posted.

2. Treasurer: (nothing new to report)

## V. Committee Reports

### 1. CLE Committee

- The brown bag lunch with Judge Ward went extremely well. Ward gave an overview of the case law dealing with traffic stops. The event was very well attended by the bar, and Ward has indicated his willingness to do it again in the future.
- It would be helpful to video the talks, to post on the website.
- The Secretary will put together a package for possible CLE credit in individuals' home states.

### 2. Law Reform Committee

- The Committee will be reviewing the business laws of the territory.
- The President recently had a letter to the editor in Samoa News describing the need for updated business laws.
- There is still trouble getting the Fono to adopt any of the Title 46 reforms.
- A possibility is to do a PSA on television. Lawrence can help as he makes videos for the college.

### 3. Christmas Party Committee

- The party will either be at Roy Hall's Turtle & Shark on Dec. 17 or Moana o Sina on Dec. 10. Invitations need to go out immediately.

### 4. Mock Trial Committee

- Lawrence is willing to run this from the college side.
- This will be done through ASCC with ASCC students.
- It can be set up in a three step show, where it starts as a murder scene on campus. A few days later, an investigation occurs. A few days after that, there's the mock trial.
- Concern was raised about the amount of work, and who all would be doing which parts. However, all agreed the whole package was a good idea.
- The event must be put in motion next semester, which means all planning needs to occur before the end of the year.
- The mock trial should occur towards the end of April, to be near the Annual Meeting, but ASCC has finals the first week of May.
- Lawrence will be putting together a work plan.

## VI. New Business

CJ's Memo on Expediting Cases

CJ issued a memo to the bar about ways the judicial process could be streamlined. The memo had a number of suggestions, as discussed below. The media has been talking about this memo and it is important that the bar respond.

#### 1. Mediation

- The bar already has a mediation committee. This topic began with a discussion with Judge Ward. While the committee has been silent for a while, the work has begun. Currently, the committee received CJ's proposed rules from 2000, and the bar's responses. The rules are not what we'd like to see, and the committee will need to put together our own proposed rules.
- It was pointed out that there are many different types of mediation, and the bar needs to pinpoint what we'll be going for.

#### 2. Schedules

- The memo suggested that the attorneys and judges in a case establish a schedule of completion for certain cases.
- While a schedule could work for some commercial matters and small family matters, it will not work for lands & titles.
- Often, the fact that a L&T case is sitting leads to cooler heads and a peaceful settlement.
- The court often feels that a L&T case is "not ready" when it is filed, but case usually happens due to an immediate problem like building on land.
- The court can help eliminate a large backlog by:
  - i. Dismissing cases that have no merit, or have not been prosecuted; and
  - ii. Issue decisions in a timely manner.

#### 3. Family, Drug, and Alcohol Court

- The memo suggests moving more cases to the FDA court for quicker resolution.
- The bar has no problem with the FDA court, or moving cases there.
- However, a true FDA court NEEDS counselors and a team for compliance and help. AmSam does not have any of this back up personnel. DOI needs to be aware that a full FDA court is necessary to have any real effect.

#### 4. Friend of the Court Office

- The memo discusses creating a friend of the court office to help pro se litigants.
- The bar agrees that this would be beneficial.
- The legal aid has money set aside and can get started when it completes its 501c3 application. Legal aid would be a great place to house a FOC office.
- Funding for the FOC office should come from local funds first, and seek federal funds only for additional resources. There is a risk that federal funds will be allocated to start the organization, but will go away, leaving the organization to

die. If it is funded locally first, there is a clear indication that the territory wishes to have a permanent office.

- Other ways to help pro se litigants include:
  - i. Simplifying court procedures for pro se matters (divorce, small claims, etc)
  - ii. Publish more forms for general use
  - iii. Publish procedural guides that will help pro se litigants identify what and when things need to be filed.

#### 5. Other Suggestions

- The bar discussed other ideas to improve the expediency of the court system.
- All of the suggestions came down to modernizing the court technology.
- The court will be making a website, but the features and functionality are still unclear.
- Suggestions included:
  - i. Allow closed circuit or teleconferences for cases involving off-island parties. This could really help when parties or attorneys are off-island for smaller motion hearings and status updates.
  - ii. Digitize the court records for easier access. Court filings should be publically available online.
  - iii. Institute an e-filing system.

The president will take the responses and compile a letter to CJ in response to the memo.

VII. Meeting adjourned at 7:38pm.