

STANDING COMMITTEE REPORT NO. 20-72

RE: C.R. NO. 20-83/J&GO

SUBJECT: TO CONFIRM THE NOMINATION OF MR. RICHARD R. HERMES

JULY 03, 2018

The Honorable Wesley W. Simina
Speaker, Twentieth Congress
Federated States of Micronesia
Fourth Special Session, 2018

Dear Mr. Speaker:

Your Committee on Judicial and Government Operations to
which was referred C.R. 20-83, entitled:

"A RESOLUTION TO CONFIRM THE NOMINATION OF MR. RICHARD
R. HERMES TO SERVE AS AN ASSOCIATE JUSTICE OF THE
SUPREME COURT OF THE FEDERATED STATES OF MICRONESIA.",

begs leave to report as follows:

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

Your Committee held a hearing on July 3, 2018. The
witnesses present included: the nominee Mr. Richard R.
Hermes, the Chief Justice of the FSM Supreme Court,
representatives from the FSM Supreme Court and the Office
of the President.

Your Chairman began the hearing by welcoming all witnesses
and the public to the hearing. Congressman Neth began the
questioning by asking how the nominee came to be nominated
for the position. Mr. Hermes indicated he left the FSM 10
years ago due to family obligations. He stayed in touch

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with his friends and associates in the FSM and through networking and letting people know of his desire to return to the FSM, he gained the knowledge of the vacancy and the Chief Justice suggested he submit his statement of interest, which he did.

Floor Leader Harper asked if the nominee was aware of the salary and Mr. Hermes indicated he was aware and accepted the salary and benefits. He also indicated that he planned to develop a means of supplementing the salary as it was a reduction from what he is currently making in private practice. He indicated that he has taught many legal classes and hoped to find something he could do remotely.

Several of the senators expressed interest in how long the nominee planned to stay in the FSM. Mr. Hermes indicated that this was his last career move and if appointed, he plans to remain in the FSM until retirement, possible at 65 or 70 years of age. He indicated he is currently 59 years old.

Senator Welly asked the nominee about conflict cases. Mr. Hermes shared his belief that he would have less conflict cases than someone who is a FSM citizen or has lived in the FSM for many years. He indicated that he does not have the extended family that local people would have which could create a large number of conflict cases.

Senator Welly also asked about the length of the appointment because in Kosrae the term is 6 years. Mr. Hermes expressed his confidence that he will have only positive reviews and would be re-appointed because he would be a fair and professional justice.

The nominee shared that in the interest of transparency, he wanted to disclose that he had a past working relationship with Senator Welly when he worked in Kosrae and also that Senator Figir's wife had worked for him when he worked in Yap.

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There was a lengthy discussion regarding the intersection of the law and local customs and traditions. The nominee indicated that he would have to learn the local customs and traditions. He pointed out that the Constitution requires that the culture and tradition must be considered and preserved as much as possible. Daniel Rescue Jr. pointed out that this issue has previously been handled by the courts by having expert witnesses, such as village chiefs or elders, testify as to what cultures and traditions would apply to the legal cases.

The Chief Justice indicated that the court had thoroughly vetted the nominee by reviewing his resume, letters of recommendation, writing sample and security clearances. The court supports the nominee without reservation. He stressed that the court has an immediate need to fill the vacancy, especially due to the high number of recusals the current justices have.

The Special Advisor to the President represented the President's Office and he indicated that the President was in support of the nominee based on his extensive experience and knowledge. He shared that the Nation would benefit if Mr. Hermes were to be confirmed.

The nominee has demonstrated that he has extensive legal experience, including many years of experience in the FSM. He comes highly recommended by past colleagues both in the FSM and from his private practice in the U.S. Mr. Hermes is dedicated, competent and has great integrity. All witnesses and the Committee have confidence in his ability.

The Committee was impressed with the nominee's testimony and endorsements by the witnesses during the hearing. In light of the positive comments by the witnesses and the lack of any negative comments regarding this individual, your Committee requests that this nominee be confirmed as an Associate Justice of the Supreme Court of the Federated States of Micronesia.

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JULY 03, 2018

Your Committee would like to offer the following technical amendment to C.R. No. 20-83 to read as follows:

1. Page 1, line 11, delete "Third Regular" and insert "Fourth Special" in lieu thereof.

Your Committee on Judicial and Governmental Operations is in accord with the intent and purpose of C.R. No. 20-83, and recommends its adoption in the form attached hereto as C.R. NO. 20-83, C.D.1.

Respectfully submitted,

/s/ Robson U. Romolow
Robson U. Romolow, chairman

/s/ Dion G. Neth
Dion G. Neth, vice chairman

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

/s/ Tiwiter Aritos
Tiwiter Aritos, member

/s/ Esmond B. Moses
Esmond B. Moses, member

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

/s/ Wesley W. Simina
Wesley W. Simina, member

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