

THE SUPREME COURT OF THE  
FEDERATED STATES OF MICRONESIA

GENERAL COURT ORDER )  
 )  
Trial and Appellate Divisions )

GCO No. 2017-005

**THE CODE OF JUDICIAL CONDUCT  
FOR THE SUPREME COURT OF THE  
FEDERATED STATES OF MICRONESIA**

**Promulgated June 19, 2017**

***PREAMBLE***

WHEREAS, the Constitution of the Federated States of Micronesia establishes a democratic form of government that recognizes and protects fundamental and traditional rights;

WHEREAS, a competent, independent, and impartial Judiciary is essential for the courts to uphold and protect the Constitution and the rule of law;

WHEREAS, public confidence in the judicial system and in the moral authority and integrity of the Judiciary is of utmost importance to the Nation's democracy and the system of checks and balances between the three main branches of government;

WHEREAS, it is essential that judges, individually and collectively, respect and honor the judicial office as a public trust and strive to enhance and maintain confidence in the Judiciary; and

WHEREAS, the primary responsibility for the promotion and maintenance of high standards of judicial conduct lies with the Judiciary;

NOW, THEREFORE, pursuant to the authority vested in the Judiciary under Article XI, Section 9 of the Constitution and 4 F.S.M.C. 122 on Judicial Ethics, the following Code of Judicial Conduct ("Code") for the judges of the Supreme Court of the Federated States of Micronesia is hereby adopted.

**Commentary:** This Code is intended to establish standards of ethical conduct for Justices of the Supreme Court of the Federated States of Micronesia. The Code is designed to provide guidance to judges and to create a framework for the Judiciary to regulate judicial conduct.

The Code presupposes that judges are accountable for their conduct and must maintain the highest ethical standards. The Code is intended to supplement and not to derogate from existing rules of law and conduct that bind the judges by applicable law.

Whether disciplinary measures should be applied in a particular case shall be determined through a reasonable and reasoned application of this Code, and should depend upon factors such as the seriousness of the offense, the facts and circumstances of the offense, the extent of any

pattern of improper activity, whether there have been prior violations, and the effect of the improper activity upon the judicial system. The Code is not designed or intended as a basis for civil liability or criminal prosecution. The Code's purpose would be subverted if the Code were invoked by lawyers or parties for tactical advantage in a specific proceeding or to take action in retaliation for a court decision.

## **ARTICLE 1: INDEPENDENCE**

**Judicial independence is a prerequisite to the rule of law and to a fair trial.  
A judge must therefore uphold and exemplify judicial independence  
in both its individual and institutional aspects.**

### **Sections:**

1.1 A judge must exercise the judicial function independently on the basis of the judge's assessment of the facts and in accordance with a thorough understanding of the applicable law, without regard to any outside influences, inducements, pressures, threats or interference, direct or indirect, from any source or for any reason.

1.2 In performing judicial functions, a judge must be independent in relation to society in general and in relation to the particular parties to a dispute that the judge is to adjudicate.

1.3 A judge must not only be free from inappropriate connections with, and influence by, the executive and legislative branches of government, but must also appear to a reasonable observer to be free therefrom.

1.4 With respect to decisions a judge is obligated to make independently in performing judicial duties, a judge must exercise judgment independent of judicial colleagues. With respect to litigation or a dispute pending before another court or administrative agency, a judge likewise must refrain from influencing the outcome except as permitted by this Code or otherwise.

1.5 A judge must encourage and uphold safeguards for the discharge of judicial duties in order to maintain and enhance the institutional and operational independence of the Judiciary.

1.6 A judge must exhibit and promote high standards of judicial conduct in order to reinforce public confidence in the Judiciary, which is fundamental to the maintenance of judicial independence.

## **ARTICLE 2: IMPARTIALITY**

**Impartiality is essential to the proper discharge of the judicial office.  
Impartiality is essential not only to the decision itself, but  
also to the process by which the decision is made.**

### **Sections:**

2.1 A judge must perform his or her judicial duties without fear, favor, bias, or prejudice.

2.2 A judge must ensure that his or her conduct, both professional and personal, maintains and enhances the confidence of the public, lawyers, and parties in the impartiality of the judge and of the Judiciary.

2.3 A judge must, so far as is reasonable, conduct himself or herself as to minimize the occasions on which it will be necessary for the judge to be disqualified from hearing or deciding cases.

2.4 With respect to pending or impending cases:

2.4.1 A judge must not knowingly, while a proceeding is before, or reasonably could come before, the judge, make any comment including through social media platforms, that might reasonably be expected to affect the outcome of such proceeding or impair the fairness of the process. Nor shall the judge make any comment in public or otherwise that might affect the fair trial of any person or issue.

2.4.2 A judge must require court staff and others subject to the judge's direction and control to refrain from making statements that the judge would be prohibited from making by paragraph 2.4.1.

2.4.3 Notwithstanding the restriction in paragraph 2.4.1, a judge may make public statements in the course of official duties, may explain court procedures, and may comment on any proceeding in which the judge is a party in a personal capacity.

2.4.4 Subject to the requirements of paragraph 2.4.1, a judge may respond directly or through a third party to allegations in the media or elsewhere concerning the judge's conduct in a matter.

2.5 A judge must disqualify himself or herself from participating in any proceedings in which the judge is unable to decide the matter impartially or in which it may appear to a reasonable observer that the judge is unable to decide the matter impartially. Such proceedings include, but are not limited to, instances where:

2.5.1 the judge has actual bias or prejudice concerning a party or lawyer or personal knowledge of disputed evidentiary facts concerning the proceedings, other than knowledge of facts commonly known by members of the public;

2.5.2 the judge previously served as a lawyer or was a material witness in the matter in controversy;

2.5.3 the judge has, or knows that a member of the judge's family has, a pecuniary or proprietary interest in the outcome of the matter in controversy that is other than *de minimis* or that is other than an interest commonly held by members of the public;

2.5.4 the judge's ruling in a lower court is the subject of review; or

2.5.5 the judge is related within the third degree, either by consanguinity or affinity, to a party, lawyer, or material witness. Notwithstanding the above, disqualification shall not be required:

(i) if constituting another tribunal to deal with the case is not practical;

(ii) if, because of urgent circumstances, failure to act could lead to a serious miscarriage of justice;

(iii) merely because a lawyer or party files against the judge a motion for recusal, a complaint, a lawsuit, or the like; or

(iv) other than for actual bias, if after the basis of disqualification is disclosed on the record, all parties and lawyers, independent of the judge's participation, agree in writing that the reason for the potential disqualification is immaterial or unsubstantial. The agreement, signed by all parties and lawyers, must be incorporated in the record of the proceedings.

### **ARTICLE 3: INTEGRITY**

**Integrity is essential to the proper discharge of the judicial office.**

#### **Sections:**

3.1 A judge must ensure that his or her conduct, both professional and personal, is above reproach in the view of a reasonable observer.

3.2 A judge's behavior and conduct must reaffirm the public's faith in the Judiciary's integrity. Justice must not merely be done but must also be seen to be done.

3.3 A judge having knowledge that conduct by another judge, court staff, or a lawyer violates applicable codes of conduct should take appropriate action. In the case of minor matters: if the offending person is a judge, such appropriate action includes calling his or her attention to such minor infraction; and if the offending person is court staff or a lawyer, a private admonition may be given. In the case of serious misconduct by a judge, court staff, or lawyer, the appropriate action may include referral to the appropriate disciplinary authority.

3.4 A judge having a reasonable belief that the performance of another judge, court staff, or a lawyer is impaired by drugs or alcohol, or by a mental, emotional, or physical condition, should take appropriate action, which may include a confidential referral to an assistance program, medical facility, or referral to the appropriate disciplinary authority.

## **ARTICLE 4: PROPRIETY**

### **Propriety, and the appearance of propriety, are essential to the performance of all of the activities of a judge.**

#### **Sections:**

- 4.1 A judge must avoid impropriety and the appearance of impropriety in all of the judge's activities, both professional and personal.
- 4.2 As a subject of constant public scrutiny, a judge must accept personal restrictions that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly. In particular, a judge must conduct himself or herself in a way that is consistent with the dignity of the judicial office and the laws of the Federated States of Micronesia.
- 4.3 A judge must, in his or her personal relations with lawyers who practice regularly in the judge's court, avoid situations that might reasonably give rise to the suspicion or appearance of favoritism or partiality.
- 4.4 A judge must not participate in the determination of a case in which any member of the judge's family represents a party or is associated in any manner with the litigation. The fact that a lawyer in a proceeding is affiliated with a law firm with which a lawyer-relative of the judge is affiliated does not of itself disqualify the judge.
- 4.5 A judge, like any other citizen, is entitled to freedom of expression, belief, association, and assembly, but in exercising such rights, a judge must always conduct himself or herself in such a manner as to preserve the judicial office's dignity and the Judiciary's impartiality and independence. To this end, a judge should not hold membership in any organization that practices invidious discrimination on the basis of race, sex, religion, or national origin.
- 4.6 A judge must inform himself or herself about the judge's personal and fiduciary financial interests and must make reasonable efforts to be informed about the financial interests of members of the judge's family, so as to anticipate and remedy potential conflicts affecting disqualification.
- 4.7 A judge must not allow family, social, or other relationships to improperly influence the judge's judicial conduct and judgment.
- 4.8 A judge must not abuse the prestige of the judicial office to advance the private interests of the judge, a member of the judge's family, or of anyone else, nor shall a judge convey or permit others to convey the impression that anyone is in a special position to improperly influence the judge in the performance of judicial duties. A judge may provide a reference or recommendation for an individual based upon the judge's personal knowledge. The judge may use official letterhead, if the judge indicates that the reference is personal and if there is no likelihood that the use of the letterhead would reasonably be perceived as an attempt to exert pressure by reason of the judicial office.
- 4.9 Confidential information acquired by a judge in the judge's judicial capacity must not be used or disclosed by the judge for any purpose other than the judge's judicial duties.

4.10 Subject to the proper performance of judicial duties, a judge may:

4.10.1 write, lecture, teach, and participate in activities concerning the law, the legal system, the administration of justice or related matters;

4.10.2 appear at a public hearing before an official body concerned with matters relating to the law, the legal system, the administration of justice or related matters;

4.10.3 serve as a member of an official body, or other government commission, committee or advisory body, if such membership is not inconsistent with the perceived impartiality and political neutrality of a judge;

4.10.4 participate in educational, religious, charitable, fraternal, or civic organizations and activities not conducted for profit; provided, however, a judge shall not solicit for contributions in or in relation to the Federated States of Micronesia, although serving as an usher, food server or preparer, and the like at a fund-raising event is not solicitation;

4.10.5 hold and exercise rights and titles under customary law and traditional practice and participate in customary family activities and events; provided the judge does not abuse the prestige of office to influence customary, family, or community affairs; or

4.10.6 engage in other activities if such activities do not detract from the judicial office's dignity or otherwise interfere with the performance of judicial duties.

4.11 A judge, other than a temporary or acting judge and except as otherwise provided by law, shall not:

4.11.1 act as an arbitrator or a mediator or perform other judicial functions in relation to the Federated States of Micronesia apart from the judge's official duties; or

4.11.2 practice law in relation to the Federated States of Micronesia while the holder of judicial office. Provided, however, a judge may act *pro se* and may, without compensation, give legal advice to and draft or review documents for a member of the judge's family, but is prohibited from serving as the family member's lawyer in any forum.

4.12 A judge may form or join associations of judges or participate in other organizations representing the interests of judges. A judge may join associations of lawyers or the judicial division of associations of lawyers, provided that being a member of such an association or division would not to the reasonable observer create an impression of favoritism or partiality, and provided that such participation is not in violation of other provisions of this Code.

4.13 A judge and members of the judge's family, must neither ask for, nor accept, any gift, bequest, loan, or favor in relation to any action or inaction by the judge in connection with the performance of judicial duties.

4.14 A judge must not knowingly permit court staff or others subject to the judge's influence, direction or authority, to ask for, or accept, any gift, bequest, loan, or favor in relation to any action or inaction in connection with his or her duties or functions.

4.15 Subject to law and to any legal requirements of public disclosure, a judge may receive a customary and traditional gift (e.g., gifts of food, mats, fans, etc. at funerals, birthday parties, graduations, investitures, and similar occasions) or a token gift, award, or benefit as appropriate to the occasion on which it is made provided that such gift, award, or benefit could not reasonably be perceived as intended to influence the judge in the performance of judicial duties or otherwise give rise to an appearance of partiality.

#### 4.16 *Ex Parte* Communications

4.16.1 A judge must not initiate, permit, or consider *ex parte* communications, or consider other communications made to the judge outside the presence of all the parties or their lawyers, concerning a pending or impending matter, except as follows:

4.16.1.1 When circumstances require it, *ex parte* communication for scheduling, administrative, or emergency purposes, which does not address substantive matters, is permitted, provided:

4.16.1.1.1 the judge reasonably believes that no party will gain a procedural, substantive, or tactical advantage as a result of the *ex parte* communication; and

4.16.1.1.2 the judge makes provision promptly to notify all other parties of the substance of the *ex parte* communication, and gives the parties an opportunity to respond.

4.16.1.2 A judge may obtain the written advice of a disinterested expert on the law applicable to a proceeding before the judge, if the judge gives advance notice to the parties of the person to be consulted and the subject matter of the advice to be solicited, and affords the parties a reasonable opportunity to object and respond to the notice and to the advice received.

4.16.1.3 A judge may consult with court staff whose functions are to aid the judge in carrying out the judge's adjudicative responsibilities, or with other judges, including judges of other jurisdictions, provided the judge makes reasonable efforts to avoid receiving factual information that is not part of the record, and does not abrogate the responsibility to personally decide the matter.

4.16.1.4 A judge may, with the parties' consent, confer separately with the parties and their lawyers in an effort to settle matters pending before the judge.

4.16.1.5 A judge may initiate, permit, or consider any *ex parte* communication when expressly authorized by law to do so.

4.16.2 If a judge inadvertently receives an unauthorized *ex parte* communication bearing upon the substance of a matter, the judge must make provision promptly to notify the parties of the substance of the communication and provide the parties with an opportunity to respond.

4.16.3 A judge must not investigate facts in a matter independently and must consider only the evidence presented and any facts that may properly be judicially noticed.

4.16.4 A judge must make reasonable efforts, including providing appropriate supervision, to ensure that this provision is not violated by court staff and others subject to the judge's direction and control.

#### 4.17 Political Activity

##### 4.17.1 A judge must not:

4.17.1.1 act as a leader or hold any office in a political organization;

4.17.1.2 make speeches for a political organization or candidate or publicly endorse or oppose a candidate for public office; or

4.17.1.3 solicit funds for or pay an assessment or make a contribution to a political organization or candidate, attend political gatherings, or purchase tickets for political party dinners, or other functions.

4.17.2 A judge must resign the judicial office when the judge becomes a candidate in an election for any office.

4.17.3 A judge must not engage in any other political activity with respect to the Federated States of Micronesia; provided, however, this should not prevent a judge from registering to vote, joining a particular political party, voting, or engaging in the activities described in paragraph 4.10.

#### 4.18 Reporting Requirements

4.18.1 A full-time judge and the Chief Justice of the Supreme Court must publicly report the amount or value of:

4.18.1.1 compensation received for extrajudicial activities as permitted by Rule 4.10;

4.18.1.2 gifts and other things of value as permitted by Rule 4.15, other than gifts from family members and customary and traditional gifts, unless the value of such items, alone or in the aggregate with other items received from the same source in the same calendar year, does not exceed \$100.00; and

4.18.1.3 reimbursement or payment of expenses and waiver of fees or charges for travel, food, lodging, or other incidental expenses, or a waiver or partial waiver of fees or charges for registration, tuition, and similar items, from sources other than the Government of the Federated States of Micronesia or its donor countries and agencies, if the expenses or charges are associated with the judge's participation in extrajudicial activities permitted by this Code, unless the amount of reimbursement or waiver, alone or in the aggregate with other reimbursements or waivers received from the same source in the same calendar year, does not exceed \$1,000.00.

4.18.2 When public reporting is required by paragraph 4.18.1, a judge must report the date, place, and nature of the activity for which the judge received any compensation; the description of any gift, loan, bequest, benefit, or other thing of value accepted; and the source of reimbursement of expenses or waiver or partial waiver of fees or charges.

4.18.3 The public report required by paragraph 4.18.1 must be made at least annually, except that for reimbursement or payment of expenses and waiver or partial waiver of fees or charges, the report must be made within thirty days following the conclusion of the event or program.



4.18.4 Reports made in compliance with this paragraph must be filed as public documents in the office of the Clerk of Courts.

4.19 A judge should not use to any substantial degree judicial chambers, resources, or staff to engage in extrajudicial activities permitted under this Code. This paragraph does not apply to activities engaged in for or sponsored by the Judiciary.

## **ARTICLE 5: EQUALITY**

**Ensuring equality of treatment to all before the courts  
is essential to the due performance of the judicial office.**

### **Sections:**

5.1 A judge must perform the duties of judicial office, including administrative duties, without bias or prejudice.

5.2 A judge must not, in the performance of judicial duties, by words or conduct, manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon gender, race, language, religion, political or other opinion, national or social origin, place of birth, family status or descent, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and must not permit court staff, court officials, or others subject to the judge's direction and control to do so.

5.3 A judge must require lawyers in proceedings before the court to refrain from manifesting bias or prejudice, or engaging in harassment, based upon attributes including but not limited to gender, race, language, religion, political or other opinion, national or social origin, place of birth, family status or descent, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, against parties, witnesses, lawyers, or others.

5.4 The restrictions of paragraphs 5.2 and 5.3 do not preclude judges or lawyers from making legitimate reference to the listed factors, or similar factors, when they are relevant to an issue in a proceeding.

## **ARTICLE 6: COMPETENCE AND DILIGENCE**

**Competence and diligence are prerequisites  
to the due performance of judicial office.**

### **Sections:**

6.1 The judicial duties of a full-time judge take precedence over all other activities.

6.2 Except as otherwise provided by this Code or other law, a judge must devote the judge's professional activity to judicial duties, which include not only the performance of judicial

functions and responsibilities in court and the making of decisions, but also other tasks relevant to the judicial office or the court's operations.

6.3 A judge must take reasonable steps to maintain and enhance the judge's knowledge, skills, and personal qualities necessary for the proper performance of judicial duties, taking advantage for this purpose of the training and other facilities that should be made available, under judicial control, to judges.

6.4 A judge must perform all judicial duties, including the delivery of decisions, efficiently, fairly, and with reasonable promptness, while according to every party and lawyer the right to be heard.

6.5 A judge must hear and decide matters assigned to the judge, except when disqualification is required by paragraph 2.5 or other law.

6.6 A judge must maintain order and decorum in all proceedings before the court and be patient, dignified, and courteous in relation to parties, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity. The judge must require similar conduct of lawyers, parties, court staff, and others subject to the judge's influence, direction, or control.

6.7 A judge must not engage in conduct incompatible with the diligent discharge of judicial duties.

6.8 Unless on leave, a full-time judge should be at the courthouse or otherwise discharging judicial duties during normal working hours. While in country, a trial judge should be available for emergencies 7 days a week.

6.9 A judge must cooperate with other judges and court staff in the administration of court business.

6.10 A judge may initiate and participate in community outreach activities for the purpose of promoting public understanding of and confidence in the administration of justice. In conducting such activities, the judge must act in a manner consistent with this Code.

## **ARTICLE 7: IMPLEMENTATION – PROCEDURES TO HANDLE COMPLAINTS AGAINST A JUSTICE**

### **Sections:**

7.1 This Code shall apply to all judges of the Supreme Court of the Federated States of Micronesia, except as expressly provided otherwise.

7.2 Anyone may complain to the Chief Justice about the conduct of a judge, including a violation of this Code. Upon receiving a complaint, the Chief Justice or his or her designee shall acknowledge receipt of the complaint, inform the subject judge, and conduct a preliminary examination of the complaint. If the complaint is against the Chief Justice, then the Chief Justice must immediately appoint a designee to act on the complaint. Following the preliminary examination, the Chief Justice or his or her designee shall dismiss the complaint if any of the following apply:

7.2.1 a Judicial Disciplinary Tribunal will not have jurisdiction over the complaint or the complainant;

7.2.2 the complaint has no bearing on judicial functions or duties;

7.2.3 the conduct complained of occurred at too remote a time to justify further consideration;

7.2.4 the complaint is frivolous, vexatious, or not in good faith;

7.2.5 the subject matter of the complaint is trivial;

7.2.6 the complaint is about a judicial decision or other judicial function that is directly related to the merits of a decision or procedural ruling;

7.2.7 the person who is the subject of the complaint is no longer or never was a judge of the Supreme Court of the Federated States of Micronesia;

7.2.8 the complaint was previously considered and there are no new grounds to justify further action; or

7.2.9 any other reason that justifies dismissal. If the Chief Justice or his or her designee dismisses a complaint, he or she must so inform the complainant, the subject judge, and the head of the court concerned.

7.3 If the Chief Justice or his or her designee determines that further action is justified, he or she must appoint a Judicial Disciplinary Counsel to investigate and prosecute the complaint before the Judicial Disciplinary Tribunal. If the Chief Justice or his or her designee appoints a Judicial Disciplinary Counsel, he or she must also empanel the Judicial Disciplinary Tribunal consisting of three judges.

7.4 Following the preliminary examination of the complaint by the Judicial Disciplinary Counsel as directed by the Tribunal, the Tribunal may still dismiss the complaint on the grounds stated in 7.2.1 to 7.2.9. This may be done with or without a hearing.

7.5 If the Tribunal determines that a hearing is necessary, it must direct the Judicial Disciplinary Counsel to file a complaint and serve a copy of the complaint to the subject judge, who must file his or her answer within 20 days. Failure to file a timely answer shall constitute an admission that the allegations in the complaint are true.

7.6 Except as otherwise provided herein, proceedings before the Judicial Disciplinary Tribunal shall be governed by the Supreme Court of the Federated States of Micronesia Rules of Civil Procedure and Rules of Evidence.

7.7 Fees and costs of the judicial disciplinary proceedings shall be paid by the Judiciary, unless the Tribunal includes payment of fees and costs as part of the sanction against the subject judge.

7.8. The standard of proof for establishing allegations of misconduct under the Code shall be clear and convincing evidence.

7.9 With respect to any hearing, the subject judge shall have the following rights:

- 7.9.1 to be promptly informed in detail of any accusation;
  - 7.9.2 to a hearing without undue delay;
  - 7.9.3 to adequate time to prepare a defense;
  - 7.9.4 to defend himself or herself in person or through a lawyer;
  - 7.9.5 to call, examine, and cross-examine witnesses; and
  - 7.9.6 to subpoena the appearance of witnesses and the production of documents and other things.
- 7.10 The Judicial Disciplinary Tribunal should render its decision within 40 days of the conclusion of the hearing. If the Tribunal is unable to issue its decision within 40 days, it must inform the parties of the reasons for the delay and the new date that the decision shall be issued. The Tribunal's decision is final.
- 7.11 If the Tribunal finds that the allegations of misconduct under the Code are true, it must impose an appropriate sanction or a combination of sanctions. Sanctions shall include, but not be limited to, the following:
- 7.11.1 a period of suspension from the bench with pay withheld until any requirements imposed by the Tribunal have been met;
  - 7.11.2 a period of probation;
  - 7.11.3 private censure;
  - 7.11.4 public censure;
  - 7.11.5 restitution;
  - 7.11.6 reimbursement of costs associated with the judicial disciplinary proceeding; and
  - 7.11.7 judicial conduct training.
- 7.12 In determining the type of sanctions to impose, the Tribunal must consider, among others, the following factors:
- 7.12.1 the length and character of the judge's public service;
  - 7.12.2 whether there is prior case law on point;
  - 7.12.3 the magnitude of the offense and harm suffered;
  - 7.12.4 whether the misconduct is an isolated incident or part of a pattern of misconduct;
  - 7.12.5 whether moral turpitude was involved; and
  - 7.12.6 the presence or absence of mitigating or aggravating circumstances.

## **ARTICLE 8: DEFINITIONS**

### **Sections:**

In this Code, unless the context otherwise permits or requires, the following meanings shall be attributed to the words used:

8.1 “Court staff” includes all court personnel other than judges.

8.2 “Judge” means any person exercising judicial power, however designated.

8.3 “Judge’s family” includes a judge’s spouse, son, daughter, son-in-law, daughter-in-law, and any other close relative or person who is a companion or employee of the judge and who lives in the judge’s household.

8.4 “Judge’s spouse” includes a domestic partner of the judge.

8.5 “Lawyer” includes trial counselors.

8.6 “FSM” means the Federated States of Micronesia.

8.7 “Reasonable observer” means an informed and fair-minded person.

## **ARTICLE 9: EFFECTIVE DATE, SUPREMACY, PURPOSE, INTERPRETATIONS, AND NAME**

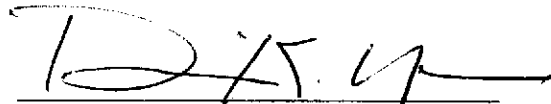
This Code may be cited as the FSM Supreme Court Code of Judicial Conduct and may be abbreviated as “CJC”. The undersigned hereby adopt the above FSM Supreme Court Code of Judicial Conduct and its provisions shall be effective as of the date set forth below.

9.1 In the event of conflict with any law, rule, regulation, or authority other than the Constitution of the Federated States of Micronesia or an FSM statute, this Code shall take precedence pursuant to Article XI, Section 9 of the Constitution.

9.2 This Code is intended to establish standards for the ethical conduct of judges. It is designed to provide guidance to judges and to afford the Judiciary a framework for regulating judicial conduct through the imposition of appropriate disciplinary action other than impeachment under Article IX, Section 7 of the Constitution.

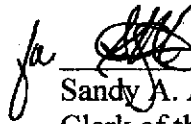
9.3 In interpreting and applying this Code, guidance may be sought from other relevant sources including the ABA Model Code of Judicial Conduct and comments on The Bangalore Principles of Judicial Conduct.

Entered on the 17<sup>th</sup> of June, 2017.



Dennis K. Yamase  
Chief Justice  
Supreme Court of the  
Federated States of Micronesia

ENTERED this 19<sup>th</sup> day of June, 2017.



Sandy A. Albert  
Clerk of the FSM Supreme Court