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EXECUTIVE DIRECTOR
Benjamin D. Tured

Central Office

1218 Capitol Hill
P.O. Box 500269
Saipan MP 96950
Tel: 670-322-6472/73
Fax: 670-322-7101
E-mail: co@mlscnet.org

Chuuk Office

P.O. Box D
Weno, Chuuk FM 96942
Tel: 691-330-2597/5597
Fax: 691-330-4445
E-mail: derenkonman@mlscnet.org

Ebeye Office

P.O. Box 5189
Ebeye, Kwajalein
Marshall Islands MH 96970
Tel: 692-329-8060
Fax: 692-329-7060
E-mail: jakeang@mlscnet.org

Kosrae Office

P.O. Box 38
Lelu, Kosrae FM 96944
Tel: 691-370-3032
Fax: 691-370-2232
E-mail: cpalsis@mlscnet.org

Majuro Office

P.O. Box 198
Majuro, Marshall Islands
MH 96960
Tel: 692-625-8227/28
Fax: 692-625-5119
E-mail: t.manase@mlscnet.org

Marianas Office

P.O. Box 500826
Saipan MP 96950
Tel: 670-234-6243/7729
Fax: 670-235-6101
E-mail: janemack@mlscnet.org

Palau Office

P.O. Box 57
Koror, Palau PW 96940
Tel: 680-488-2473/74
Fax: 680-488-1899
E-mail: ronledgerwood@mlscnet.org

Pohnpei Office

P.O. Box 129
Kolonias, Pohnpei FM 96941
Tel: 691-320-2404/3762
Fax: 691-320-2164
E-mail: tino@mlscnet.org

Yap Office

P.O. Box 206
Colonia, Yap FM 96943
Tel: 691-350-2193
Fax: 691-350-2467
E-mail: jmootmag@mlscnet.org

Ms. Stephanie Edelstein
3333 K Street, NW 3rd Floor
Washington, D.C. 2007-3522

Response to Draft for Program Quality Assessment to Micronesian Legal Services, Inc. (Recipient # 952000)

Dear Stephanie:

Let me first say that on behalf of MLSC staff and our Board of Directors, I thank you and the other members of the team for your professionalism and understanding in the course of accomplishing the Program Quality Assessment. As you know, doing the assessment remotely posed some challenges. We all very much appreciated your consideration and good humor in dealing with them. Not the least of the things we appreciated was your willingness to work during the evening hours in Washington in order to accommodate the time difference between Washington and the various parts of our service area.

Janet LaBella's July 11, 2011, cover letter to the draft requests that we advise you of factual inaccuracies in the report. At least one of the following comments may point to what is strictly speaking a mistake of fact. Most, however, are clarifications relative to the points made. Overall I do not believe that any of the following concerns are material to any of the recommendations made in the report, but from our perspective the comments may provide a bit of additional focus. Thus I would leave to you how much of the following to incorporate in the final report. As context for the comments, I have in some instances provided background/points of interest that I thought might give additional insight, but of course these are not intended for inclusion in the report.

We raise the following points.

1. Page 2, paragraph 2, second and third sentences. The following four sentences as a replacement for the two referenced ones may flesh out the differences in the jurisdictions in our service area:

Each jurisdiction has its own government and court system. In the CNMI, since it is a U.S. commonwealth, both United States statutory and common law generally govern. In the Marshalls, the FSM, and Palau, U.S. statutory law does not apply, but U.S. common law is looked to as precedent. In addition, each jurisdiction and each island state within the FSM has at least one local language of its own.

2. Page 2, third paragraph, first sentence. Adding "administered as one office – Ebeye has two staff" in parentheses where shown may make the point that Ebeye is a suboffice of Majuro:

MLSC has a central administrative office in Saipan, CNMI, and eight service offices: in the states of Yap, Chuuk, Pohnpei, and Kosrae in the FSM; in Majuro and Ebeye in the Marshall Islands (administered as one office – Ebeye has two staff); on Koror in Palau, and on Saipan in the CNMI.

3. Page 3, second line. We deployed Prime on schedule, so all offices now have it.
4. Page 3, fourth line of first full paragraph. As a point of clarification, there is no mail delivery service to street addresses anywhere in our service area. By way of background, it is always a trip to the post office for mail, and since in Chuuk there is only one post office to serve all the islands of the lagoon, it means a boat ride to the main commercial center on Weno for non-Weno residents. Pohnpei is a large island by Micronesian standards – 130 square miles – and a trip along the ring road to the post office in Kolonia or the single substation in Palikir from the more isolated communities can take an hour. There are no roads across the mountainous interior plateau, said to be one of the wettest places on earth in terms of precipitation.
5. Page 6, last full paragraph, first sentence. The sentence is certainly correct, but the following two sentences as a suggested replacement may expand the point a bit and give a flavor of the linguistic and cultural richness present in our service area. On the other hand, the default language in their respective areas for local people are Marshallese, Kosraean, Pohnpeian, Chuukese, Yapese, and Palauan, as you note, so the following may be beyond the overall scope of the draft.

The MLSC service area is home to speakers of over a dozen local languages and associated dialects and variants, including Marshallese, Kosraean, Pingelapese, Mokilese, Nukuoran, Mortlockese, Pohnpeian, Kapingamarangan, Chuukese, Chamorro, Carolinian, Yapese, Ulithian, Woleaian, Satawalese, Palauan, and Hatobeian. In addition, there are minority communities that speak the non-indigenous languages of Tagalog, Mandarin, Cantonese, Japanese, Korean, and Taiwanese.

A point of interest is the Chuuk continuum. It is said that across the expanse of the islands that make up the state of Chuuk, island A can understand the next island over, call it island B, and island B can understand the next island over, call it island C, but that island A cannot understand island C, and so forth. Also, Kapingamarangan, which I have included among the indigenous languages and is the only Polynesian language of the group, is spoken by the Kapingamrangi community on Pohnpei that was established there in about 1905 after a typhoon devastated the island of Kapingamarangi.

6. Page 7, middle paragraph, first sentence. The Yap office does not close for lunch, and has staggered lunch hours for staff to accommodate working people who find it convenient to come during lunch break. Thus the following might be a possible replacement for the first sentence:

Operating hours are relatively consistent throughout the program, with some offices open from 7:30 a.m. to 4:30 p.m., others open from 8:00 a.m to 5:00 p.m., and all closing for lunch at noon, with the exception of the Yap office, where staff take staggered lunch hours to accommodate appointments over the lunch hour for working people.

7. Page 7, middle paragraph, third sentence. It is only the Chuuk office where the general practice is to accept new, non-emergency cases on a quarterly basis, although the Marianas office only accepts new, non-emergency domestic relations cases on a quarterly basis. Majuro, Ebeye, Marianas (for all cases except domestic relations), and Yap do daily intake, while Kosrae does intake on Friday, Pohnpei on Monday, and Palau on Monday, Tuesday, and Wednesday. Might the following be a possible replacement for the third sentence?

Some offices report that intake is conducted whenever the office is open. However, one office does intake of new, non-emergency cases on a quarterly basis. Another office generally does daily intake, with the exception that the intake of new, non-emergency domestic relations cases is done on a quarterly basis. Emergencies and limited services cases are handled as they arise.

8. Page 11, second paragraph, last sentence. I might suggest "village and/or clan elders" in place of "tribal elders" as being more consistent with local usage.

9. Page 23, last full paragraph, second sentence. Our bar association contribution for 2010, all of which came from the CNMI Bar Association, was \$7,545. Since \$85,000 plus this amount of \$7,545 equals the \$92,545 figure, might this sentence have been intended to say: "Of the non-LSC funding, \$85,000 was derived from foundations and \$7,545 from the CNMI bar association, for a total of \$92,545?"

Once again, we thank you and the team for your time, attention, and courtesy in the course of the MLSC Program Quality Assessment.

Sincerely,

/s/ Ben Weber

Deputy Director/Acting Director