

STANDING COMMITTEE REPORT NO. 19-29

RE: C.R. NO. 19-43/J&GO

SUBJECT: TO CONFIRM THE NOMINATION OF MS. LORRIE
JOHNSON-ASHER, ESQ. TO SERVE AS THE
PUBLIC DEFENDER OF THE FEDERATED STATES
OF MICRONESIA

JULY 17, 2015

The Honorable Wesley W. Simina
Speaker, Nineteenth Congress
Federated States of Micronesia
First Special Session, 2015

Dear Mr. Speaker:

Your Committee on Judiciary and Governmental Operations, to which was referred C.R. No. 19-43, entitled:

"A RESOLUTION TO CONFIRM THE NOMINATION OF MS. LORRIE
JOHNSON-ASHER, ESQ. TO SERVE AS 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.

Ms. Lorrie Johnson-Asher, Esq. has been nominated by the President for the position of the Public Defender of the Federated States of Micronesia. This nomination is subject to the advice and consent of Congress pursuant to Section 2(d), Article X, of the Constitution and title 2, section 207(1) of the Code of the Federated States of Micronesia.

Education and Work Experience

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The nominee is a 2002 graduate of the University of the South Pacific School of Law, from which he received the LL.B degree. She also received her LL.M degree from the William S. Richardson School of Law at the University of Hawaii in 2010.

The nominee is a member in good standing of the FSM Bar and currently serves as a staff attorney in the Office of the FSM Public Defender.

Prior to her current position, the nominee served as the Attorney General for Kosrae State from December 2013 to March 2015, Acting Attorney General from September to December 2013, and as Assistant Attorney General from January to September 2013. She also served as Assistant Attorney General in the FSM Department of Justice from 2008 to 2012 and as Assistant Attorney General in Pohnpei State from 2006 to 2008.

Public Hearing

Your Committee held a public hearing regarding this nomination on July 16, 2015. In addition to the nominee, a representative from the Office of the President and many staff members from the Office of the Public Defender were in attendance. Also present was former Attorney General Marstella Jack.

Statements of the Nominee

After welcoming the nominee, your Committee provided the nominee with an opportunity to make an opening statement. The nominee thanked your Committee for the opportunity to explain why she should be confirmed. In her short tenure at the Office of the Public Defender, she has seen great opportunities for improvement. This was the reason that she herself had approached the President to express her interest in the position. She indicated she would be happy to answer any questions.

Senator Nathan indicated that based upon his review of her resume, she possesses the necessary skills and expertise to fill the

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position. He indicated that she would be the second female to serve as the Public Defender.

Senator Romolow stated that based upon her credentials she possesses the caliber of experience and knowledge to fill the position. He commented that the nominee's level of confidence in her ability to do the job was demonstrated by the fact that she approached the President to express her interest. However, he asked her to comment upon the revolving door between the Office of the Public Defender and the Attorney General's office: how would she deal with potential conflicts of interest? The nominee responded that all attorneys are governed by the Rules of Professional Conduct, which provide explicit guidance in dealing with conflicts of interest. All of her current cases are conflict free cases.

Senator Martin again welcomed the nominee to the Committee. Senator Martin asked the nominee to elaborate on her reasons for approaching the President to be nominated. The nominee clarified that she approached the President to express that she is available. She indicated that "I love my country," and she felt that she wanted to give back to the country by continuing to serve.

Senator Martin asked the nominee to comment on her personal circumstances. She indicated that her husband currently works with the legislature of Kosrae, but that he has been offered a job on Pohnpei with the Department of Justice. The nominee indicated that there would be no conflicts with her handling criminal cases while her husband handles civil cases. She indicated that she and her husband are in the process of transitioning to full time residency on Pohnpei.

Senator Figir asked the nominee to offer her comments about dealing with "repeat offenders." The nominee indicated that there should be more programs to help rehabilitate repeat offenders, but she is still getting a handle on what services are available. The nominee

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indicated that perhaps greater use of more extensive sentences might be a useful deterrent to repeat offending. Senator Figir asked the nominee if she believes in rehabilitation programs for these offenders and what types of rehabilitation might she pursue. The nominee indicated yes and that society plays a large role in why the repeat offenders keep offending. From what the nominee has observed, the conduct sometimes stems from lack of opportunity and that perhaps they need a reason to have more confidence and a chance to offer something positive to society.

Senator Figir asked the nominee if she could comment on why she appeared to change jobs frequently. Senator Figir asked the nominee if she has the temperament for this position. The nominee indicated that this would not be her first time managing an office and a budget. She indicated that especially her experience as acting Attorney General in Kosrae would serve her well. She indicated that the office currently has 20 employees including 11 attorneys/trial counselors. She indicated that one of her goals would be to ensure that all 11 would receive the training necessary to be admitted before the FSM Supreme Court and all the State courts of the Nation.

Senator Figir commented that the FSM needs attorneys, and he asked the nominee if she would advocate to create a pipeline for new FSM attorneys. She indicated that upon her review of the FY 2015 budget she noticed that the Office of the Public Defender currently does not have a summer intern program to encourage young people to pursue a legal career. She would like to establish one if confirmed.

Senator Nathan asked the nominee if she currently has her own firm and/or cases. The nominee stated that she does not. Senator Nathan asked her if she were to be confirmed would she be interested in pursuing private cases. The nominee stated that she is not interested, she would not have the time, and it would be contrary to an existing Presidential directive.

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In closing, the nominee stated that she would like to thank your Committee for the opportunity to appear and present herself along with her staff.

Statements of Other Interested Witnesses

The representative from the Office of the President stated that he has known the nominee for over five years. He stated that the nominee has the education and experience to fill the position.

A colleague of the nominee from the Office of the Public Defender addressed your Committee to express his support of the nominee. He was very familiar with her having worked with the nominee at the Department of Justice in the past. He indicated that the Office of the Public Defender supports this nomination. He stated that she has been successfully making the transition to defense work during her short time at the Office of the Public Defender.

Former Attorney General Marstella Jack then addressed your Committee to explain her reasons for fully supporting the nominee. First, she indicated that she had consulted with the nominee to troubleshoot any potential impediments to pursuing the nomination. She encouraged the nominee to offer to serve the new administration and the FSM. Second, the nominee is a local FSM attorney and she understands the people, the culture, and the human relationships that are so important when dealing with criminal defendants. Third, the fact that the nominee returned to national government service demonstrates her commitment to the success of the FSM.

Conclusion

Your Committee is satisfied with the qualifications and dedication of the nominee and appreciated her responses to its questions.

Your Committee on Judiciary and Governmental Operations is in accord with the intent and purpose of C.R. No. 19-43 and recommends its

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adoption in the form attached hereto.

Respectfully submitted,

/s/ Tiwiter Aritos
Tiwiter Aritos, Chairman

/s/ Robson Romolow
Robson Romolow, Vice Chairman

/s/ Isaac V. Figir
Isaac V. Figir, Member

/s/ Berney Martin
Berney Martin, Member

/s/ Wesley W. Simina
Wesley W. Simina, Member

/s/ Paliknoa K. Welly
Paliknoa K. Welly, Member

/s/ Ferny S. Perman
Ferny S. Perman, Member