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# FELLOWS HEAD TO SAIPAN FOR 2020 PACIFIC JUDICIAL CONFERENCE

We were aiming for Saipan. My own trip began with a twenty-hour flight from the East Coast with three segments of three, thirteen and four-and-a-half hours. If one flies through Seoul, as I did, you have to claim luggage there and check it on through. Arrivals of the Fellows varied from 8:30 a.m. on Saturday to 2:00 a.m. on Sunday.

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Upon our arrival on the island, we were picked up, regardless of the hour, by good humored, welcoming and smiling Pacific Judicial Council (PJC) officials, judges, and administrative staff, as well as Saipan Marshals. We arrived at the hotel where we stayed and where the conference was being held and were escorted to our rooms, collapsing for a few hours, trying to acclimate to the fourteen- to seventeen- hour time difference.

Our leader and the mastermind of this ACTL/PJC trip, as well as previous trips to Palau (2015) and Guam (2017), was **Brian O’Neill**, the lead plaintiffs’ class attorney in the Exxon Valdez Alaskan spill litigation, and his wife Ruth. Sadly, Brian and Ruth could not accompany us due to an illness, but Brian supported us throughout the planning by email and numerous telephone conferences. The week of the conference he Skyped in to make a special address to the more than 100 attendees, comprised of justices, judges, prosecutors, defenders, and private counsel from various Micronesian jurisdictions (American territories and independent nations). Brian’s address captivated, united, and motivated us, judges, lawyers, and ACTL presenters alike.

[**Editor’s Note:** Brian’s *In Memoriam* tribute will appear in Issue 94 of the *Journal*.]

The Sunday of the week when we started the conference began with a ten-minute flight for a trip to neighboring island, Tinian. Some of our group, who were greeted and gifted Tinian history books by the Tinian Mayor, toured the island where the atomic bombs that ended WWII were stored prior to being loaded onto the bombers that carried them to their final destinations. After the trip to Tinian, all College presenters met with our two hosts, Chief Justice

F. Philip Carbullido of Guam and Associate Justice John Manglona of the Supreme Court of the Northern Mariana Islands to review the agenda and the set-up for the conference. Afterwards, the Commonwealth of the Northern Mariana Islands (CNMI) Bar entertained attendees and presenters with food and drink. Each night included dinners featuring local cuisine sponsored by the Bar, judiciary, and the PJC, respectively.

The PJC is composed of Micronesian states that include three U.S. territories (American Samoa, Guam, and the Commonwealth of the Northern Marianas Islands), the independent country of Palau and the four island members of the Federated States of Micronesia: Yap, Pohnpei, Chuuk, and Kosrae. Each has its own judiciary, steeped not only in traditional island law but also reliant on U.S. precedential law. The U.S. Congress funds the PJC through the U.S. Department of the Interior. The ACTL began its conference partnership with the PJC in 2015 to further the rule of law, a standing tenet of the ACTL’s International Committee.

The first day of the 2020 conference, Monday, January 27, with attendance numbered close to forty people comprised primarily of judicial officials, consisted of presentations on judicial opinion writing, an overview of how to approach pro se litigant issues, human trafficking, and international criminal law issues dealing with extradition. The second day of the conference, when attorneys joined the judges, the conference number ballooned to well over 100 attendees. Presentations ranged from the Skype address by O’Neill to a U.S. Supreme Court review, mediation ethics, search and seizure law, examination of the justice/injustice dialectic or making the right choices and holding people



accountable, to civility and professionalism in the practice of law. The third day of the conference covered topics dealing with complicated civil case organization and presentation, climate change law, *Brady/Giglio* and other criminal law issues, expert testimony, the prosecution and defense of public figures, and the handling of domestic violence cases.

ACTL presenters hailed from across the United States. In no particular order we were from Montana (**Keith Strong**, a co-team leader for the event, and one of three Fellows who has been to all three ACTL/PJC events since 2015; and **Karen Townsend**, a former DA and judge, the interviewer of Jon Krakauer at the recent Annual Meeting in Vancouver, who was attending her second ACTL/PJC event); New Jersey (**Cathy Fleming**, a former federal prosecutor, former President of the National Association of Women Lawyers and a first time participant); Atlanta (**Bruce Maloy**, a seasoned trial lawyer who also is an Adjunct Professor of law at Emory University School of Law and a first time participant); San Francisco (**Harold McElhinny**, a veteran of

litigation on Saipan, lead trial counsel for Apple against Samsung Electronics in 2014, a personal friend of Justice Carbullido, and a first time participant), Pittsburgh (**Charlie Gibbons**, a civil litigator, former Chair of the Pennsylvania Supreme Court Evidence Committee and first time participant) and **Mickey Pohl**, listed as “Best Lawyer” in the Bet-the-Company litigation and another three time participant who, like Charlie, has been involved in major national civil litigation for years); Los Angeles (**Michal D. Schwartz**, a recipient of “Prosecutor of the Year” award from Mothers Against Drunk Driving (MADD) and first time participant who engaged attendees with LA City Attorney lessons he gathered over the years); Seattle (**Corrie Yackulic**, named a “Top 50” Washington Woman Lawyer by Super Lawyers four years in a row and a first-time attendee who unfortunately became ill just before her travels but was able to present through Zoom) and Charlotte (**Rick Glaser**, also a three-time attendee and co-team leader). All ACTL presenters privately paid for their own travel and

Mickey Pohl and Karen Townsend enjoy local cuisine during one of the dinners.



The three-day conference included justices, judges, prosecutors, defenders, and private counsel from various Micronesian jurisdictions.



Cathy Fleming provides remarks on the prosecution of public figures.



A WWII tank jutting out of the ocean, a remnant of combat gear left there since the U.S. invaded Saipan.

stay during this trip and the prior two trips made in partnership with the PJC.

Although the conference was the primary focus for all presenters and attendees, in addition to a Tinian tour, presenters were able to spend time with attendees at the various dinner events and breaks (learning as much from the attendees as from the presentations). We also toured the island of Saipan where we saw native boat making take place, Japanese bunkers created during World War II, were given a history of the U.S. invasion of the island during WWII, and witnessed the site where hundreds of local Japanese civilians were forced to jump off of “Suicide Cliff” by Japanese soldiers just prior to the U.S. taking control of the island. That dark history aside, it is a beautiful island with green hills, cliffs, and dramatic ocean views.

The ACTL Fellows awarded ACTL/PJC paperweights to Justices Carbullido and Manglona (as well to Brian O’Neill and June Carino, an assistant to Justice Carbullido) for their roles in making the conference a huge success. In re-

turn, the PJC showed its appreciation by gifting Trial Practice Training wooden plaques to all presenters.

This highly successful partnership between the ACTL and PJC has engendered good will towards the rule of law throughout the Micronesian islands. Each time Fellows have made this trip half-way around the world we have been made to feel “part of the family” by the PJC and local bars. We have made life-long friendships and have established enduring bonds that extend well beyond the mutual support and admiration for the rule of law. This series, borne out of an idea of Brian O’Neill and judges of the PJC, should continue to flourish with the support of the ACTL, PJC and individual attorneys and judges dedicated to concepts that no person or government is above the law and that no government or its officials can enforce laws that are unfair or unjust.

**Richard S. Glaser, Jr.**  
Charlotte, North Carolina



The entrance of a Japanese bunker created during World War II.



Presenters were gifted with Trial Practice Training wooden plaques.



During a tour of the island, Fellows saw native boat making.



Saipan is a beautiful island with green hills, cliffs, and dramatic ocean views