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Supreme Court of Guam, Clerk of Court

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IN THE SUPREME COURT OF GUAM

RE:) Supreme Court of Guam
UPDATED ORDER RELATIVE TO) Administrative Order No. ADM20-239
COURT OPERATIONS UNDER)
EXIGENT CIRCUMSTANCES)
RELATED TO COVID-19)
(CORONAVIRUS))
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Because of the continued public health concerns arising from the COVID-19 (coronavirus) pandemic, *I Maga'hågan Guåhan* has issued a series of executive orders to stem the spread of the virus, including: Executive Order No. 2020-03, declaring a State of Emergency; Executive Order No. 2020-04, closing non-essential government operations through March 30, 2020; Executive Order No. 2020-05, prohibiting public gatherings and mandating social isolation; Executive Order No. 2020-06, extending the closure of non-essential government operations through April 13, 2020; Executive Order No. 2020-09, extending the public health emergency and the provisions outlined in Executive Order 2020-03 until May 5, 2020, and requiring the use of face masks by employees and patrons of all essential businesses and government agencies; Executive Order No. 2020-10, extending the limited operations of the Government of Guam through May 5, 2020; and Executive Order No. 2020-11, extending the public health emergency until May 30, 2020, and establishing the island's Pandemic Conditions of Readiness System. *I Maga'håga* also announced plans to start lifting some social isolation restrictions, including a staged re-opening of non-essential businesses and government operations, to be determined in the coming days as the pandemic situation continues to develop.

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1 In turn, the court, under its jurisdiction to issue orders in aid of its supervisory jurisdiction
2 over the Superior Court of Guam and all other courts of the judicial branch of Guam, has issued
3 several administrative orders to protect the public health, including: ADM20-210, closing the court
4 for all but essential services, postponing non-essential court matters including civil and criminal
5 trials, and deferring payment of filing fees, until March 30, 2020; ADM20-211, suspending all
6 grand jury proceedings until March 30, 2020; ADM20-214, extending the court closure for all but
7 essential services until April 15, 2020; and ADM20-220, further extending the court closure until
8 May 6, 2020.

9 The court recognizes that while social distancing measures imposed by *I Maga'hågan*
10 *Guåhan* have resulted in a downward trend of confirmed COVID-19 cases in Guam, the continued
11 increase of confirmed cases requires the continuation of measures to limit the transmission of the
12 disease. At the same time, the court knows of the need to expand its services to provide greater
13 access to justice in non-essential matters, while keeping at the forefront the need to protect the
14 health and safety of court employees, patrons, and the general public.

15 With these considerations in mind, the court issues this **UPDATED ORDER** in the interest
16 of the public health:

17 1. Effective from the date of this Updated Order, this Updated Order shall repeal
18 and replace Administrative Order Nos. ADM20-203, ADM20-206, ADM20-207,
19 ADM20-210, ADM20-211, ADM20-212, ADM20-214, and ADM20-220. To the extent
20 this Updated Order conflicts with any other existing administrative order of the court, this
21 Updated Order shall prevail.

22 2. The Supreme Court of Guam and Superior Court of Guam will continue to be
23 open to conduct court business, but until at least June 5, 2020, most court facilities—
24 specifically, the Guam Judicial Center in Hagåtña, the offices of the Probation Services
25 Division, and the Judicial Education Center—will remain closed to the general public,
26 except where entry is required to address essential matters that cannot be resolved
27 remotely (i.e., by telephone, videoconference, email, or comparable means, or through
28 the electronic filing system) because it is not practicable or would contravene the

1 protection of constitutional rights. Essential court operations shall continue at the Guam
2 Judicial Center in Hagåtña.

3 3. The following essential matters shall continue to be scheduled and heard in
4 keeping with the urgency of those matters and consistent with statutory requirements,
5 either in person as provided in paragraph 2 or remotely by video conferencing or
6 telephonic appearance, with the court to notify all participants necessary to the
7 proceeding:

- 8 a. Magistrate proceedings;
- 9 b. Writs of habeas corpus;
- 10 c. Preliminary hearings for detained juveniles;
- 11 d. Persons In Need of Services (PINS) petitions;
- 12 e. Civil protection orders;
- 13 f. Temporary restraining orders;
- 14 g. Search warrants;
- 15 h. Warrant returns;
- 16 i. Emergency guardianships;
- 17 j. Probation pretrial services;
- 18 k. Probation post-judgment services involving high-risk offenders;
- 19 l. Quarantine and isolation petitions and related proceedings;
- 20 m. Other court proceedings under the Emergency Health Powers Act codified
21 in Title 10, Chapter 19 of the Guam Code Annotated; and
- 22 n. Any other locally or federally mandated hearings.

23 4. In addition to essential matters, courts will review their docket of pending
24 cases, assess matters that can be advanced or resolved through remote court conferencing,
25 and schedule and hold conferences in such matters upon its own initiative, and where
26 appropriate at the request of parties. No non-essential proceedings shall be heard in
27 person.

1 5. All other Supreme Court and Superior Court matters scheduled to be heard
2 before June 5, 2020, are postponed pending further order of the applicable court. These
3 include, but are not limited to, criminal and civil trials, arraignments, appellate arguments,
4 motion hearings, probate proceedings, and child support hearings.

5 6. Where a jury trial is postponed because of this Updated Order or any prior
6 administrative order, the parties may seek a conference with the court to address matters
7 arising from the postponement. Such conference should be conducted by teleconference
8 or videoconference, where practicable. In criminal cases, where appropriate, a defendant
9 may ask the court for reconsideration of bail or conditions of release. Nothing in this
10 Updated Order addresses the disposition of such requests for reconsideration.

11 7. No new grand juries shall be empaneled before June 5, 2020. Grand juries
12 whose terms expire on or before June 5, 2020, shall be extended until that date. No
13 orientation of new jurors shall take place before June 5, 2020. All active petit jurors shall
14 serve to the full extent of the law.

15 8. All grand jury proceedings are suspended until no earlier than June 5, 2020.
16 The time periods for a preliminary examination and for filing an indictment are tolled
17 during this period.

18 9. Any temporary restraining order, injunction, civil protection order, or stay set
19 to expire on or after March 23, 2020, in any criminal or civil matter, shall automatically
20 be extended under the same terms for fourteen (14) days or up to June 5, 2020, whichever
21 is longer, unless the Presiding Judge, or a judge who issued the order, terminates or
22 modifies the temporary restraining order, injunction, or stay.

23 10. Defendants serving weekend sentences at the Department of Corrections will
24 have their weekend sentences suspended until at least June 5, 2020.

25 11. Defendants sentenced and set to commence serving on weekends will have
26 their time start no earlier than June 5, 2020.

27 12. Defendants sentenced with delayed confinement to report to the Department
28 of Corrections will have their delays extended until at least June 5, 2020.

1 13. Upon showing exceptional circumstances, a party may seek an exception to
2 this Updated Order by motion to the court in which the matter is pending. Exceptions
3 shall be granted only upon the approval of the judge presiding over the matter and the
4 Presiding Judge, or the Chief Justice, as applicable, but in no event shall a jury
5 empanelment or jury trial occur during this time due to the inherent risk involved in doing
6 so.

7 14. Unless otherwise specifically ordered by the applicable court, all filing
8 deadlines—including statutory filing deadlines—shall be tolled from March 27, 2020,
9 until June 5, 2020. Any court filing due during this period shall be deemed timely filed
10 if filed when the court opens for regular business on June 5, 2020.

11 15. Under Guam law and court rules, the court is deemed always open for filing
12 any proper paper, issuing and returning process, making a motion, and entering an order.
13 *See* 8 GCA § 1.31; Guam R. Civ. P. 77(a); Guam R. App. P. 31(a)(2). Instead of in-
14 person contact, filings will be accepted by the following methods:

- 15 a. E-filing
- 16 b. If e-filing is unavailable, pleadings may be filed by email to the respective
17 Clerk’s Office: efile@guamcourts.org for Superior Court filings and
18 efile@guamsupremecourt.com for Supreme Court filings.
- 19 c. Facsimile in accordance with court rules
- 20 d. Postal mail
- 21 e. Designated drop boxes at the Judiciary

22 16. Any filing that requires payment of a filing fee should be paid online if
23 available, but if court users cannot do so, filing fees will be deferred until June 5, 2020.
24 Clerk’s Office personnel will be available by telephone to answer questions regarding
25 filing methods and fees.

26 17. During the court closure, the Clerks of Court and parties shall serve
27 documents through electronic means or by mail, except for those limited instances in
28 which personal service is required.

1 18. Any court rule that impedes the court’s ability to use technologies to eliminate
2 or limit in-person contact in the conduct of court business is suspended until June 5, 2020,
3 except such suspension is subject to constitutional requirements.

4 19. Beginning May 11, 2020, the Northern Court Satellite in Dededo shall open
5 to the public for a limited set of transactions, namely:

- 6 a. Payment of traffic citations;
- 7 b. Payment of case-related obligations, including bail, restitution, and fines
8 and fees; and
- 9 c. Requests for traffic and court clearances.

10 20. Individuals entering a Judiciary of Guam facility for any purpose, such as to
11 appear in an essential matter at the Guam Judicial Center in Hagåtña or to conduct a
12 transaction at the Northern Court Satellite in Dededo, shall wear face masks and adhere
13 to social distancing guidelines, including maintaining a distance of at least six (6) feet
14 from other individuals in the courthouse. Judiciary personnel will enforce these
15 restrictions to protect the health and safety of court patrons and employees.

16 21. The following persons shall not enter the Guam Judicial Center in Hagåtña,
17 the Northern Court Satellite in Dededo, or any Judiciary of Guam facility, including, but
18 not limited to, probation offices and the Judicial Education Center:

- 19 a. Persons diagnosed with or have had contact with anyone who has been
20 diagnosed with COVID-19 and have yet to be released from isolation by a
21 medical provider or the Department of Public Health and Social Services
22 (DPHSS);
- 23 b. Persons with any acute respiratory illness symptoms (i.e., cough, shortness
24 of breath, headaches) flu-like symptoms, fever, or sneezing;
- 25 c. Persons asked to self-quarantine by any doctor, hospital, board of health,
26 or other medical provider or health agency, or who reside with anyone who
27 has been asked to self-quarantine;

- d. Persons who have been in a country with confirmed COVID-19 cases within the last fourteen (14) days and do not possess a DPHSS-recognized and certified document that attests that they are not infected with COVID-19; and
- e. Persons who reside or have had close contact with someone who has traveled to these countries in the last fourteen (14) days.

22. Anyone trying to enter in violation of this Updated Order will be denied entry by Judiciary marshals, probation officers, or other security personnel.

23. If you are scheduled to appear in person and fall into any of the categories listed in paragraph 21, you should proceed as follows:

- a. If you are represented by an attorney, please contact your attorney.
- b. If you have no attorney and are seeking emergency relief, please call the Clerk’s Office of the court in which you are seeking relief.
- c. If you are an attorney scheduled to appear before a judge, please contact that section or team directly by telephone.
- d. If you are scheduled to meet with a probation officer, please contact the probation officer or applicable probation section directly by telephone.
- e. If in doubt as to whom you should contact, please call the Clerk’s Office of the court in which you are scheduled to appear.

24. The continuances occasioned by this Updated Order serve the ends of justice and outweigh the best interest of the public and the defendant in a speedy trial. Therefore, the time periods of such continuances shall be excluded from speedy trial computations under 8 GCA § 80.60, and the time periods for a preliminary examination and for filing an indictment are tolled for this period.

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1 25. This Updated Order will be revised as circumstances warrant.
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3 **SO ORDERED** this 4th day of May, 2020.
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6 _____
7 */s/*
8 **ROBERT J. TORRES**
9 Associate Justice

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8 **KATHERINE A. MARAMAN**
9 Associate Justice

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11 */s/*
12 **F. PHILIP CARBULLIDO**
13 Chief Justice