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IN THE SUPREME COURT OF GUAM

RE:)	Supreme Court of Guam
SECOND UPDATED ORDER)	Administrative Order No. ADM20-260
RELATIVE TO 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; Executive Order No. 2020-11, extending the public health emergency until May 30, 2020, and establishing the island's Pandemic Conditions of Readiness System; and Executive Order No. 2020-16, extending the public health emergency until June 29, 2020, lifting additional social restrictions, and ordering the recommencement of public operations for all government of Guam offices, agencies and departments effective June 1, 2020.

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, the most recent of such orders being
4 ADM20-239, which, among other things, extended the court closure for all but essential services
5 until June 5, 2020, and included a provision for the reopening of the Northern Court Satellite in
6 Dededo for a limited set of transactions; and ADM20-254, which included a provision for the
7 reopening of the Guam Judicial Center in Hagåtña for a limited set of transactions beginning June
8 3, 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 ongoing
11 threat to public health requires the continuation of measures to limit the transmission of COVID-
12 19. At the same time, the court recognizes the need to expand its services to provide greater access
13 to justice in non-essential matters, while keeping at the forefront the need to protect the health and
14 safety of court employees, patrons, and the general public.

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

17 1. Effective from the date of this Second Updated Order, this Second Updated
18 Order shall repeal and replace Administrative Order No. ADM20-239. To the extent this
19 Second Updated Order conflicts with any other existing administrative order of the court,
20 this Second Updated Order shall prevail.

21 2. The Supreme Court of Guam and Superior Court of Guam will continue to be
22 open to conduct court business, but all court facilities—including the Guam Judicial
23 Center in Hagåtña, the Northern Court Satellite in Dededo, the offices of the Probation
24 Services Division, and the Judicial Education Center—will remain closed to the general
25 public, except where entry is required to address the following matters:

26 a. Essential matters that cannot be resolved remotely (i.e., by telephone,
27 videoconference, email, or comparable means, or through the electronic
28 filing system) because it is not practicable or would contravene the

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

3 b. During the hours of 10:00 a.m. to 3:00 p.m., Monday to Friday, the
4 following transactions:

- 5 i. Payment of traffic citations;
- 6 ii. Payment of case-related obligations, including bail, restitution,
7 and fines and fees; and
- 8 iii. Requests for traffic and court clearances;

9 c. Non-essential matters as scheduled by the court and which cannot be
10 resolved remotely (i.e., by telephone, videoconference, email, or
11 comparable means, or through the electronic filing system) because it is
12 not practicable or would contravene the protection of constitutional rights;

13 d. In-person appointments with the Probation Services Division as scheduled
14 by the division; and

15 e. In-person appointments with the Client Services and Family Counseling
16 Division as scheduled by the division.

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

- 22 a. Magistrate proceedings;
- 23 b. Writs of habeas corpus;
- 24 c. Preliminary hearings for detained juveniles;
- 25 d. Persons In Need of Services (PINS) petitions;
- 26 e. Civil protection orders;
- 27 f. Temporary restraining orders;
- 28 g. Search warrants;

- 1 h. Warrant returns;
- 2 i. Emergency guardianships;
- 3 j. Probation pretrial services;
- 4 k. Probation post-judgment services involving high-risk offenders;
- 5 l. Quarantine and isolation petitions and related proceedings;
- 6 m. Other court proceedings under the Emergency Health Powers Act codified
- 7 in Title 10, Chapter 19 of the Guam Code Annotated; and
- 8 n. Any other locally or federally mandated hearings.

9 4. In addition to essential matters, courts will review their docket of pending
10 cases, assess matters that can be advanced or resolved through remote court conferencing,
11 and schedule and hold conferences in such matters upon its own initiative, and where
12 appropriate at the request of parties. Courts should limit in-person contact as much as
13 possible by using available technologies, including alternative means of filing,
14 teleconferencing, video conferencing (e.g., Zoom), and use of email to reasonably ensure
15 the health and safety of all participants.

16 The following are appropriate for hearings on a virtual platform:

- 17 a. Status, case management, and pretrial conferences in all case types;
- 18 b. Non-evidentiary and evidentiary motion hearings in all case types;
- 19 c. Arraignments and pleas in criminal cases;
- 20 d. Hearings in juvenile delinquency cases;
- 21 e. Hearings in traffic cases;
- 22 f. Problem-solving court staffings and hearings;
- 23 g. Probate petitions and guardianship petitions;
- 24 h. Non-jury trials in all case types, except for criminal, juvenile delinquency,
25 and termination of parental rights petitions in dependency cases unless the
26 parties in an excepted case agree to conduct a virtual non-jury trial;
- 27 i. Settlement conferences held by the magistrate judges and the referee.

1 Such hearings shall be conducted using telephonic or electronic means available
2 unless a judicial officer determines that the remote conduct of the proceeding:

- 3 a. Is inconsistent with the Organic Act of Guam, a statute, or a rule of court
4 that has not been suspended by administrative order; or
- 5 b. Would be infeasible because the participants lack the resources necessary
6 to conduct the proceeding.

7 When scheduling hearings, it is recommended that the courts prioritize matters in
8 the following order:

- 9 a. Criminal, with those in custody having the highest priority
- 10 b. Juvenile
- 11 c. Civil Protection Orders
- 12 d. Mental Health
- 13 e. Domestic and Guardianship
- 14 f. Probate
- 15 g. Civil
- 16 h. Other case types

17 5. Criminal and civil jury trials scheduled to be heard before August 1, 2020, are
18 postponed pending further order of the applicable court, and in no event shall be heard
19 before August 1, 2020. Where a jury trial is postponed because of this Second Updated
20 Order or any prior administrative order, the parties may seek a conference with the court
21 to address matters arising from the postponement. Such conference should be conducted
22 by teleconference or videoconference, where practicable. In criminal cases, where
23 appropriate, a defendant may ask the court for reconsideration of bail or conditions of
24 release. Nothing in this Second Updated Order addresses the disposition of such requests
25 for reconsideration.

26 6. Notwithstanding paragraph 5 above, any pending criminal jury trial in which
27 the jury has already been empaneled may proceed at the discretion of the judge presiding
28 over the trial.

1 7. 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, bench trials, arraignments, appellate arguments, motion
4 hearings, probate proceedings, and child support hearings.

5 8. No new grand juries shall be empaneled before July 2, 2020. No orientation
6 of new jurors shall take place before July 2, 2020. All active petit jurors and grand jurors
7 shall serve to the full extent of the law. To prevent the spread of the virus and to ensure
8 the safety of the jurors and court staff, and to determine the availability of jurors, all active
9 petit jurors and grand jurors must complete a screening questionnaire issued by the Jury
10 Commissioner.

11 9. All grand jury proceedings are suspended until no earlier than July 2, 2020.
12 The Presiding Judge shall meet with criminal justice system stakeholders to coordinate
13 the convening of grand jury proceedings with such conditions as may be necessary to
14 minimize risk to members of the grand jury, court personnel, and witnesses. Further, the
15 Presiding Judge is authorized to set a schedule of phased-in grand jury proceedings. The
16 time periods for a preliminary examination and for filing an indictment are tolled until
17 November 3, 2020.

18 10. 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 July 1, 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 11. Defendants serving weekend sentences at the Department of Corrections will
24 have their weekend sentences suspended until at least July 4, 2020, unless otherwise
25 ordered by the assigned Superior Court judge.

26 12. Defendants sentenced and set to commence serving on weekends will have
27 their time start no earlier than July 4, 2020, unless otherwise ordered by the assigned
28 Superior Court judge.

1 13. Defendants sentenced with delayed confinement to report to the Department
2 of Corrections will have their delays extended until at least July 1, 2020, unless otherwise
3 ordered by the assigned Superior Court judge.

4 14. Upon showing exceptional circumstances, a party may seek an exception to
5 this Second Updated Order by motion to the court in which the matter is pending.
6 Exceptions shall be granted only upon the approval of the judge presiding over the matter
7 and the Presiding Judge, or the Chief Justice, as applicable, but in no event shall a jury
8 empanelment or new jury trial occur before August 1, 2020, due to the inherent risk
9 involved in doing so.

10 15. With the exception of the filing of indictments, all filing deadlines—including
11 statutory filing deadlines—shall be tolled from March 27, 2020, until June 29, 2020,
12 unless otherwise specifically ordered by the applicable court. Any court filing due
13 during this period shall be deemed timely filed if filed on June 29, 2020.

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

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

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

1 18. The Clerks of Court and parties shall continue to serve documents through
2 electronic means or by mail, except for those limited instances in which personal service
3 is required. Attorneys are encouraged to provide a dedicated email address for the service
4 of documents.

5 19. Any court rule that impedes the court's ability to use technologies to eliminate
6 or limit in-person contact in the conduct of court business is suspended until December
7 31, 2020, except such suspension is subject to constitutional requirements.

8 20. Members of the public or media who would like to access court proceedings
9 should contact the court's Public Information Officer, Kristina Blaz, by email at
10 kblaz@guamcourts.org. To the extent logistically possible, the court shall provide public
11 access by video or audio to court proceedings typically open to the public to maximize
12 the public's ability to observe these proceedings.

13 21. Individuals entering a Judiciary of Guam facility for any purpose shall wear
14 face masks or other appropriate face coverings and adhere to social distancing guidelines,
15 including maintaining a distance of at least six (6) feet from other individuals in the
16 courthouse except for those residing in the same household. Persons seeking entry shall
17 also be subject to a non-contact temperature test and questioning related to COVID-19.
18 Judiciary personnel will enforce these restrictions to protect the health and safety of court
19 patrons and employees.

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

- 23 a. Persons diagnosed with or have had contact with anyone who has been
24 diagnosed with COVID-19 and have yet to be released from isolation by a
25 medical provider or the Department of Public Health and Social Services
26 (DPHSS);
- 27 b. Persons with any acute respiratory illness symptoms (i.e., cough, shortness
28 of breath, headaches) flu-like symptoms, fever, or sneezing;

- c. Persons asked to self-quarantine by any doctor, hospital, board of health, or other medical provider or health agency, or who reside with anyone who has been asked to self-quarantine;
- d. Persons who have been in a country with confirmed COVID-19 cases within the last thirty (30) 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 thirty (30) days.

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

24. If you are scheduled to appear in person and fall into any of the categories listed in paragraph 22, 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.

25. The continuances occasioned by this Second 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. All time periods involving the speedy trial procedure in criminal proceedings are tolled until November 3, 2020.

1 26. This Second Updated Order will be revised as circumstances warrant.

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3 **SO ORDERED** this 3rd day of June, 2020.

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6 _____
7 */s/*
8 **ROBERT J. TORRES**
9 Associate Justice

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7 */s/*
8 **KATHERINE A. MARAMAN**
9 Associate Justice

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