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IN THE SUPREME COURT OF GUAM

RE:) Supreme Court of Guam
EIGHTH UPDATED ORDER) Administrative Order No. ADM20-408
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. The most recent of such orders, Executive Order No. 2020-31, extends the stay-at-home directive and continues the suspension of most government operations until 12:00 p.m. on September 18, 2020.

In line with the various executive orders, the court, under its jurisdiction to issue orders in aid of its supervisory jurisdiction over the Superior Court of Guam and all other courts of the judicial branch of Guam, has issued several administrative orders to protect the public health. On September 4, 2020, the court issued Administrative Order No. ADM20-406, which continued the suspension of in-person court operations except for limited business transactions at the Northern Court Satellite and essential matters that cannot be resolved remotely. Additionally, the order authorized the hearing of non-essential matters through remote court conferencing.

The court recognizes that the growing number of confirmed COVID-19 cases in Guam and its resulting strain on the island's healthcare system require continued efforts to limit the transmission of the disease. At the same time, the court recognizes that it must expand its services to the extent possible, keeping at the forefront the need to protect the health and safety of court

1 employees, patrons, and the general public. With these considerations in mind, the court issues
2 this **EIGHTH UPDATED ORDER** regarding the suspension of certain court operations to protect
3 the public health by reducing the risk of exposure to COVID-19 and slowing the spread of the
4 disease:

5 1. Effective September 11, 2020, this Eighth Updated Order shall repeal and
6 replace Administrative Order No. ADM20-406. To the extent this Eighth Updated Order
7 conflicts with any other existing administrative order of the court, this Eighth Updated
8 Order shall prevail.

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

- 14 a. Essential matters that cannot be resolved remotely (i.e., by telephone,
15 videoconference, email, or comparable means, or through the electronic
16 filing system) because it is not practicable or would contravene the
17 protection of constitutional rights. Essential court operations shall
18 continue at the Guam Judicial Center in Hagåtña;
- 19 b. During the hours of 10:00 a.m. to 3:00 p.m., Monday to Friday at the
20 Northern Court Satellite in Dededo, the following transactions:
- 21 i. Payment of traffic citations;
- 22 ii. Payment of case-related obligations, including bail, restitution,
23 and fines and fees; and
- 24 iii. Requests for traffic and court clearances;
- 25 c. In-person essential appointments with the Probation Services Division as
26 scheduled by the division and approved by the Administrator of the Courts;
27 and
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1 d. In-person essential appointments with the Client Services and Family
2 Counseling Division as scheduled by the division and approved by the
3 Administrator of the Courts.

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

- 9 a. Magistrate proceedings;
- 10 b. Preliminary hearings for detained juveniles;
- 11 c. Hearings for temporary orders of custody requested by Child Protective
12 Services;
- 13 d. Civil protection orders;
- 14 e. Temporary restraining orders when necessary for the protection of the
15 safety and welfare of a person or persons;
- 16 f. Search warrants;
- 17 g. Criminal warrant returns and non-criminal warrant returns executed on a
18 person with a criminal warrant or who has otherwise been detained;
- 19 h. Emergency guardianships;
- 20 i. Probation pretrial services;
- 21 j. Probation post-judgment services involving high-risk offenders;
- 22 k. Quarantine and isolation petitions and related proceedings;
- 23 l. Other court proceedings under the Emergency Health Powers Act codified
24 in Title 10, Chapter 19 of the Guam Code Annotated; and
- 25 m. Any other locally or federally mandated hearings.

26 4. In addition to essential matters, courts will review their docket of pending
27 cases, assess matters that can be advanced or resolved through remote court conferencing,
28 and schedule and hold conferences in such matters upon its own initiative, and where

1 appropriate at the request of parties. No non-essential proceedings shall be heard in
2 person. In the event a non-essential proceeding scheduled to be heard before September
3 22, 2020, cannot be heard through video conferencing or telephonic means, such matter
4 shall be rescheduled.

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

- 6 a. Status, case management, and pretrial conferences in all case types;
- 7 b. Non-evidentiary and evidentiary motion hearings in all case types;
- 8 c. Arraignments and pleas in criminal cases;
- 9 d. Hearings in juvenile delinquency cases;
- 10 e. Hearings in traffic cases;
- 11 f. Problem-solving court staffings and hearings;
- 12 g. Probate petitions and guardianship petitions;
- 13 h. Non-jury trials in all case types, except for criminal, juvenile delinquency,
14 and termination of parental rights petitions in dependency cases unless the
15 parties in an excepted case agree to conduct a virtual non-jury trial;
- 16 i. Settlement conferences held by the magistrates and the referee.

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

- 19 a. Criminal, with those in custody having the highest priority
- 20 b. Juvenile
- 21 c. Civil Protection Orders
- 22 d. Mental Health
- 23 e. Domestic and Guardianship
- 24 f. Probate
- 25 g. Civil
- 26 h. Other case types

27 5. Criminal and civil jury trials scheduled to be heard between August 21, 2020,
28 and September 21, 2020, are postponed and shall not be heard before September 22, 2020.

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

7 6. Until September 22, 2020, at 8:00 a.m., in the event that any law enforcement
8 makes contact with a person who has only a non-criminal warrant, that person may be
9 released on the non-criminal warrant and the non-criminal warrant shall remain active. If
10 the person has both a criminal warrant and non-criminal warrant, law enforcement shall
11 execute the return on both warrants.

12 7. No new grand juries shall be empaneled before September 22, 2020. Grand
13 juries whose terms expire on or before September 22, 2020, shall be extended until that
14 date. No orientation of new jurors shall take place before September 22, 2020. All active
15 petit jurors and grand jurors shall serve to the full extent of the law.

16 8. All grand jury proceedings are suspended until no earlier than September 22,
17 2020. The time periods for a preliminary examination and for filing an indictment are
18 tolled until December 14, 2020.

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

24 10. Orders granting Child Protective Services the custody of any minor shall not
25 expire before September 22, 2020.

26 11. Defendants serving weekend sentences at the Department of Corrections will
27 have their weekend sentences suspended until at least September 26, 2020, unless
28 otherwise ordered by the assigned Superior Court judge.

1 12. Defendants sentenced and set to commence serving on weekends will have
2 their time start no earlier than September 26, 2020, unless otherwise ordered by the
3 assigned Superior Court judge.

4 13. Defendants sentenced with delayed confinement to report to the Department
5 of Corrections will have their delays extended until at least September 26, 2020, unless
6 otherwise ordered by the assigned Superior Court judge.

7 14. With the exception of the filing of indictments, all filing deadlines—including
8 statutory filing deadlines—shall be tolled from August 16, 2020, until October 5, 2020,
9 unless otherwise specifically ordered by the applicable court. Any court filing due
10 during this period shall be deemed timely filed if filed on October 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
- 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 September 22,
24 2020. Clerk’s Office personnel will be available by telephone to answer questions
25 regarding filing methods and fees.

26 17. Until at least September 22, 2020, the Clerks of Court and parties shall serve
27 documents through electronic means or by mail, except for those limited instances in
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1 which personal service is required. Attorneys are encouraged to provide a dedicated
2 email address for the service of documents.

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

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

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

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

- 22 a. Persons diagnosed with or have had contact with anyone who has been
23 diagnosed with COVID-19 and have yet to be released from quarantine or
24 isolation by a medical provider or the Department of Public Health and
25 Social Services (DPHSS);
- 26 b. Persons with any acute respiratory illness symptoms (i.e., cough, shortness
27 of breath, headaches), flu-like symptoms, fever, or sneezing;
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- c. Persons asked to self-quarantine or self-isolate 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 or self-isolate;
- d. Persons who have been in a country with confirmed COVID-19 cases within the last fourteen (14) days; 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 Eighth 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 Eighth Updated Order serve the ends of justice, protect the health and safety of criminal defendants, attorneys, court employees, and those called to jury service, 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 December 14, 2020.

1 25. This Eighth Updated Order will be revised as circumstances warrant.
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3 **SO ORDERED** this 11th day of September 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

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