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CLERK OF COURT

By: 

IN THE SUPERIOR COURT OF GUAM

RE:) Administrative Order ADM001-20
)
UNIFORM PROCEDURES)
FOR REMOTE) ORDER
PROCEEDINGS USING THE)
ZOOM APPLICATION IN THE)
SUPERIOR COURT OF GUAM)

Pursuant to the authority vested in the Presiding Judge as set forth in Title 7, Guam Code Annotated, Section 4103 compelling the Presiding Judge of the Superior Court of Guam to “prescribe the order of business . . . in conformance with the rules and regulations promulgated by the Supreme Court,” **IT IS HEREBY ORDERED** that:

Anyone involved in any hearing or other proceeding of any kind – including but not limited to a party, attorney, or witness, but not including a juror – must participate in the proceeding remotely by teleconferencing, videoconferencing, or Zoom unless otherwise ordered.

For remote proceedings, the parties, attorneys, witnesses, and any other persons attending proceedings by teleconferencing, videoconferencing, or Zoom, must comply with the following procedures:

1) Notification of Information for Remote Proceeding

- a. When the court proceeding is scheduled, the Court will issue a filed notice or e-mail the parties (through their attorneys if represented) the information needed to attend the proceeding by Zoom or by telephone.
- b. Each attorney shall communicate this information to the attorney’s clients and witnesses, including any witnesses the attorney subpoenaed for the proceeding, and must provide each such person with a copy of this order.

- 1 c. Each self-represented party must communicate this information to the party's
2 witnesses, including any witnesses the party subpoenaed for the proceeding, and
3 must provide each such person with a copy of this order.
- 4 d. To comply with the open courts provisions of the Organic Act of Guam and United
5 States Constitution, the Superior Court will develop procedures where members
6 of the public can observe the proceedings.

7 **2) Use of Real Names**

8 In all communications with the Court and during the court proceedings, including
9 when joining a Zoom meeting or conference call, each party, attorney, witness, or other
10 person attending the proceeding must use that person's real name when identifying him
11 or herself.

12 **3) If Interpreter Needed**

13 A party or attorney acting on a party's behalf must contact the Language Access
14 Manager or Courtroom Chamber Clerk as soon as possible after the court proceeding is
15 scheduled if the party knows an interpreter will be needed.

16 **4) Necessary Hardware and Software for Zoom proceedings**

- 17 a. If the Court is holding the proceeding through Zoom, if a hearing attendee does
18 not already have a Zoom account, at least forty-eight (48) hours before the
19 proceeding, he or she must create a Zoom account at <https://zoom.us/home> and
20 download and install the Zoom app on the device (for example, computer, tablet,
21 smart phone) the person will use to communicate with the Court during the
22 proceeding.
- 23 b. The person must create the account using the person's real name and a
24 working/active e-mail address.
- 25 c. For each attorney, that e-mail address shall be the same as the one provided to the
26 Court for service/notice.
- 27 d. The device to be used must have functional speakers, a video camera, and a
28 microphone and an Internet connection. If a person, including a witness, knows he

1 or she cannot attend the proceeding by video, that person or, if represented, the
2 person's attorney shall notify the Courtroom/Chamber Clerk as soon as possible,
3 or at least twenty-four hours (24) before the proceeding.

4 e. Each attorney shall appear by video at the proceeding unless otherwise permitted.

5 f. If needed, attorneys and parties may utilize the Guam Law Library's private
6 conference room which accommodates two to three persons. The attorneys and
7 parties must provide their own electronic equipment but may utilize the Library's
8 internet connection free of charge. Use of the Library's conference room is
9 available by prior appointment only.

10
11 **5) Submission of Exhibits to Court Coordinator and Parties for Proceedings other than
Trials**

12 In proceedings other than trials, to be potentially admissible into evidence, all
13 exhibits, except rebuttal exhibits, must be e-mailed to the Courtroom/Chamber Clerk and
14 all parties not later than 3:00 p.m. the day before the court proceeding. If the day of the
15 proceeding is a Monday or court holiday, the deadline will be 3:00 p.m. on the weekday
16 that is not a court holiday and that immediately precedes the day of the proceeding. The
17 subject line of the e-mail shall state the full case number and state the name of the party,
18 as well as the date of the court proceeding, for example, "Civil Case No. CV000-00;
19 Petitioner's Exhibits; May 8, 2020." A judicial officer may, in the alternative, establish a
20 Google Drive folder for the submission of exhibits depending on the volume, size, or
21 sensitive nature of the exhibits.

22 **6) Format of Exhibits**

23 a. The title of each exhibit file shall state the name of the exhibit, for example,
24 "Petitioner Exhibit 1."

25 b. Each exhibit must be in PDF format, unless it is an image file or audio or video
26 recording file.

27 c. Each image file shall be either in PDF format or JPG format.

28 d. All audio recordings and video recordings must be in MP3 or MP4 format.

1 e. A party wanting to offer any exhibits that contain any unredacted “personal
2 identifying information” or “sensitive personal information,” shall label the title
3 of the file as “CONFIDENTIAL” or “UNDER SEAL” and may request that the
4 Court provide an access-limited Google Drive folder to upload the exhibit.

5 **7) Exhibits with Rebuttal or Unanticipated Evidence**

6 During a proceeding, with the permission of the Court, a party may offer an exhibit
7 with rebuttal evidence or an exhibit with evidence that the party could not have reasonably
8 anticipated or submitted prior to the proceeding through the Chat/File feature in Zoom or
9 by e- mail to the Court and all parties if the proceeding is by telephone only.

10 **8) Documents Local Rules Require for Child Support Proceedings**

11 In child support proceedings, not later than 3:00 p.m. the day before the court
12 proceeding, each party must e-mail the Courtroom Clerk and the other parties with all
13 documents required by this Court’s local rules for child support proceedings, for example,
14 financial information statement, pay statements, and tax returns. The titles of these files
15 must name the party and the documents (for example, Plaintiff’s Financial Information
16 Sheet). A party may redact personal identifying information and sensitive personal
17 information from these documents before submitting them.

18 **9) Opening in Zoom App**

19 If the Court is holding the proceeding through Zoom, before the proceeding begins,
20 when a person attempts to join the Zoom meeting from the Zoom webpage, the webpage
21 will ask whether to open the Zoom app. Each person must instruct Zoom to open in the
22 Zoom app and allow it to install the program and not rely on the web browser. In this way,
23 the attorneys and parties will have the means to communicate confidentially in private
24 breakout rooms unavailable on the plug-in version of Zoom.

25 **10) Dress Codes**

26 If the Court is holding the proceeding through Zoom and unless the Court orders
27 otherwise for that proceeding, attorneys shall dress in the same business attire as if the
28 proceeding were held in the courtroom. Parties and witnesses shall dress in the manner

1 they would if they were attending court in person, unless required for health reasons not
2 to do so. Each attorney shall ensure that the attorney's clients and witnesses are aware of
3 and comply with this dress code. If the Court is holding the proceeding only by telephone,
4 these dress codes will not apply.

5 **11) Joining Proceeding by Zoom Before Its Scheduled Start**

6 The parties, attorneys, witnesses, and all other persons attending the proceedings
7 shall join the proceeding by Zoom by clicking on the Zoom link sent by the Court or by
8 joining the conference call number sent by the Court at least five minutes before the
9 proceeding is scheduled to begin.

10 **12) Court Bringing Parties, Attorneys, and Witnesses into Virtual Courtroom**

11 If the Court is holding the proceeding through Zoom, when each person joins the
12 meeting, the person will appear in a virtual waiting room with all other parties, attorneys,
13 and witnesses. There may be several cases set on the docket at the same time. When this
14 case is called, the Court will bring the attorneys and clients into the virtual courtroom, in
15 turn. When the Court brings the attorneys and clients into the virtual courtroom, their
16 videos will automatically be on and their audios muted until the proceeding begins. If the
17 Court is holding the proceeding through Zoom, the attorneys shall appear on video at all
18 times during the proceeding, except when the Court recesses the proceeding.

19 **13) Requirements for Witnesses to Be Able to Testify Remotely**

20 When taking the oath to testify and when testifying, each witness shall appear on
21 video unless the witness is in the presence of a notary public, identified to the Court, who
22 can verify the identity of the witness, in which case the witness may testify through Zoom
23 only on audio or may testify in a proceeding conducted solely by telephone. Otherwise,
24 all other potential witnesses who are not on video through Zoom may not testify.

25 **14) Witnesses Treated as Though in a Physical Courtroom**

26 Unless permitted by the Court or as provided below, a witness may not have access
27 to any electronic information or physical notes while testifying, just as if the witness were
28 on the witness stand in the courtroom. Except during a recess in the proceeding, no person

1 shall communicate, verbally or nonverbally, with a witness through any method except
2 the audio- visual or audio means shared with all the participants in the proceeding who
3 are present in the virtual courtroom. If Rule 615 of the Guam Rules of Evidence (“the
4 Rule”) is invoked, no one may communicate in any manner, including by telephone, text
5 message, or e-mail, with any witness placed under the Rule, except as permitted by the
6 Rule and then only during a recess in the proceeding. While placed under the Rule,
7 witnesses are prohibited from observing the proceeding through the Court’s live stream,
8 if made available, and from communicating with anyone who is observing the proceeding
9 through the Court’s live stream.

10 **15) Muting Microphones and Telephones**

11 All persons participating in the proceedings except the judge, the witness, and the
12 questioning attorney or questioning self-represented party shall keep their Zoom
13 microphone or telephone, as applicable, on mute unless speaking. The Court recognizes
14 that there may be a slight delay in an attorney or party unmuting their microphone or
15 telephone to make an objection. If attending the proceeding by telephone, a participant
16 shall not put the telephone on hold at any time during the proceeding.

17 **16) Communications between Attorneys and Clients during Proceedings**

18 If the Court is holding the proceeding through Zoom, the attorneys may
19 communicate with their clients using the private chat feature, hitting the “CHAT” button
20 and, at the bottom of the chat window, pulling down the recipient arrow and selecting the
21 client’s name. Attorneys shall not privately communicate with their clients while the
22 clients are testifying, including through text message, e-mail, or the Zoom chat function.
23 All communications between an attorney and a testifying client shall be through Zoom or
24 by telephone, as applicable, in a manner that all participants can hear and that a record
25 may be made.

1 **17) Disconnections and Poor Connections.**

2 If a participant is disconnected or has a poor connection during the hearing, the
3 participant shall attempt to reconnect. If the participant is unable to reconnect, he or she
4 shall call the courtroom for further instructions.

5 **18) Recesses**

6 The Court may recess the proceeding for breaks or to allow attorneys to confer
7 with their clients. If an attorney wishes to confer with a client, the attorney shall make that
8 request to the Court, identifying the client by name. The Court will send those video
9 streams into a confidential side-room to confer for a period set by the Court (i.e., break
10 out rooms). In a similar manner, attorneys or self- represented parties may ask the Court
11 to confer privately with one another. An attorney or self- represented party may ask the
12 Court to allow them to confer privately with a witness.

13 **19) NO RECORDING OF COURT PROCEEDING**

14 UNDER PENALTY OF CONTEMPT OF COURT, NO PERSON, OTHER
15 THAN THE COURTROOM CLERK, MAY RECORD A COURT PROCEEDING. THIS
16 PROHIBITION APPLIES TO MEMBERS OF THE PUBLIC WATCHING THE
17 PROCEEDINGS ON THE COURT'S LIVESTREAM AND TO PERSONS WITH THE
18 ABILITY TO RECORD THE ZOOM PROCEEDING. The recording in the courtroom
19 by the courtroom clerk shall be the only record of the court proceeding.

20 **20) Failure to Comply with Procedures**

21 Failure to comply with the procedures in this order without good cause may result,
22 as applicable, in the Court's not considering the party's arguments or exhibits or other
23 sanction as provided by the Court's local rules or inherent powers.

24 **21) Orders Apply to Agents**

25 No party, attorney, or witness may circumvent the terms of this order by having
26 another person perform a task prohibited for that party, attorney, or witness. For example,
27 if an attorney is prohibited from communicating with a witness during a proceeding, the
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1 attorney's legal assistant or other agent of the attorney may not communicate with that
2 witness during the proceeding.

3 **22) Duration of Order**

4 This order shall become effective immediately and shall continue unless otherwise
5 ordered.

6 **SO ORDERED** this 1st day of July 2020.

7
8 /s/

9 **HON. ALBERTO C. LAMORENA III**
10 Presiding Judge