



IN THE SUPREME COURT OF GUAM

RE:) Supreme Court of Guam
) Administrative Order No. ADM20-213
RELATIVE TO THE)
SUSPENSION OF JUDICIAL)
COUNCIL RULE 1.07 AND)
ADOPTION OF INTERIM)
MEASURES UNDER EXIGENT)
CIRCUMSTANCES RELATED TO)
COVID-19 (CORONAVIRUS))

Because of 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: 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; and Executive Order No. 2020-06, extending the closure of non-essential government operations and suspending certain provisions of the Open Government Law under Title 5, Chapter 8 of the Guam Code Annotated through April 13, 2020. The court, in accordance with its jurisdiction to issue orders necessary for the supervision of the judicial branch of Guam and to make and promulgate rules governing the administration of the judiciary, issues this **ORDER** regarding the suspension of Rule 1.07 of the Judicial Council Rules of Conduct and Operation (2003) and the adoption of interim emergency measures for meetings of the Judicial Council, to protect the public health by reducing the risk of exposure to the coronavirus and slowing the spread of the disease:

(1) Rule 1.07 of the Judicial Council Rules of Conduct and Operation currently provides:

1.07 Method of Voting. Each member shall be entitled to one vote on each matter, motion or question submitted to a vote at a meeting of the Council. No proxy shall be valid. However, if a member of the Council is off island during a Council meeting, he or she may participate by conference call as if physically present.

1 This rule is hereby suspended, and interim emergency Rule 1.07 is adopted as follows:

2 **ER 1.07 Method of Voting.** Each member shall be entitled to one vote on
3 each matter, motion or question submitted to a vote at a meeting of the Council.
4 No proxy shall be valid. However, the meeting may be conducted through the use
5 of, and each member may participate in the meeting by, conference call,
6 videoconference, or other suitable technology, on condition that anyone taking
7 part can be identified, that their identification is duly recorded in the minutes, that
8 they can follow the proceedings, that they can speak in real time on the topics
9 being discussed, and that the spirit and intent of the Open Government Law
10 codified under Title 5, Chapter 8 of the Guam Code Annotated, are observed.
11 The member's location and means of attendance shall be noted on the agenda and
12 recorded in the minutes. Such participation by a member in a meeting shall
13 constitute presence in person at such meeting for all purposes including
14 establishment of a quorum.

15 (2) All rules of procedure, court orders, and opinions applicable to Judicial Council
16 proceedings that limit or prohibit the use of communication equipment for the conducting of
17 proceedings by remote electronic means are suspended from the close of business on
18 Wednesday, March 25, 2020, until the close of business on Friday, May 1, 2020, or as provided
19 by subsequent order.

20 (3) This interim emergency rule is consistent with Public Law 34-133 which expressed
21 concerns about Government Boards and Commissions having enough members present to move
22 actions forward and authorizes the use of video teleconferencing applications at meetings to
23 guarantee a quorum, for convenience, and to allow members to participate from home or when
24 traveling. This interim rule shall remain in effect until further order.

25 **SO ORDERED** this 25th day of March, 2020.

26 /s/
27 _____
28 **ROBERT J. TORRES**
Associate Justice

 /s/

KATHERINE A. MARAMAN
Associate Justice

 /s/

F. PHILIP CARBULLIDO
Chief Justice