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CNMI SUPREME COURT
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Gretchen Smith

IN THE
SUPREME COURT
OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

**IN RE COURT OPERATIONS AND PROCEEDINGS
IN RESPONSE TO NOVEL CORONAVIRUS DISEASE**

SUPREME COURT NO. 2020-ADM-0013-MSC

COVID-19 ORDER NO. 5
(Effective August 1, 2020, to September 4, 2020)

¶ 1 On July 2, 2020, this Court entered Administrative Order No. 2020-ADM-0011-MSC concerning the Judiciary's COVID-19 precautionary measures. The CNMI continues to maintain Community Vulnerability Level Blue, which permits the gradual reopening of the CNMI to travelers and allows for gatherings of no more than 25 people in a single space. The evolving circumstances surrounding COVID-19 and the demand for judicial services continue to warrant resuming particular operations to the public. Under the Supreme Court's inherent and supervisory powers in Article IV, Section 3 of the NMI Constitution and 1 CMC § 3401(a), the Court **ORDERS** the following:

I. GENERAL ADMINISTRATIVE MATTERS

A. Courthouses and Facilities Open on Limited Basis. The following courthouses and facilities will be open for limited purposes through Friday, September 4, 2020:

- (1) Guma' Hustisia, Susupe, Saipan;
- (2) Kotten Tinian, San Jose, Tinian;
- (3) Centron Hustisia, Sinapalo, Rota;
- (4) Marianas Business Plaza, Susupe, Saipan;
- (5) Drug Court, Chalan Kanoa, Saipan;

- (6) Office of Adult Probation Supervision Satellite Office, Susupe, Saipan; and
- (7) Law Revision Commission, Susupe, Saipan.

B. Continuity of Operations.

- (1) **Proceedings.** Justices and judges are charged with the responsibility of ensuring that core constitutional functions and rights are protected. In doing so, the Court urges all justices and judges to use technologies readily available, including electronic filing (“e-filing”), teleconferencing, and video conferencing. In-person court proceedings shall be limited as much as possible.
- (2) **Staff.** A number of Judiciary employees continue to work within the courthouses and judicial facilities on a limited basis. Other staff continue to telework at designated sites. To ensure the continuity of judicial services either remotely or within Judiciary facilities, court staff continue to receive direction from their supervisors on tasks and reporting requirements to effectuate court operations.
- (3) **Remote Technology Access.** The courthouses are equipped with remote communication technologies available for both represented and self-represented litigants. Access may be arranged in advance of the hearing.
- (4) **Photographing, Recording, and Broadcasting.** All persons shall conform to the provisions of Rule 53 of the Rules of Practice.

II. SUPREME COURT

- A. Electronic Filing.** All e-filing and service deadlines and procedures remain in effect.
- B. Oral Argument.** Third quarter oral argument scheduled between August 17–28, 2020 will proceed as scheduled. The Clerk of the Supreme Court shall make all necessary arrangements in light of COVID-19 precautionary measures and inform parties scheduled for oral argument as soon as practicable.

III. SUPERIOR COURT

- A. Superior Court Actions and Matters** scheduled between Monday, August 3, 2020, and Friday, September 4, 2020.
 - (1) **Remote Proceedings.** All matters shall be heard telephonically or by video conference where practicable.
 - (2) **In-Person Appearances.** The Superior Court judge presiding over a matter may schedule proceedings requiring in-person appearances.

(3) **Trials.** Bench trials may be heard where practicable. Jury trials may resume at the discretion of the Superior Court judge presiding over the matter.

B. Filing & Service between Saturday, August 1, 2020, and Friday, September 4, 2020.

(1) Unless otherwise ordered, all existing filing deadlines remain in effect.

(2) Instead of in-person filings, all **criminal, civil, and small claims case filings** will be accepted by the following methods:

a. E-filing through File & Serve*Xpress*;

b. If e-filing is impossible or unavailable, documents may be submitted via email at Superior.Court@NMIJudiciary.com or by U.S. registered mail to:

CNMI Superior Court
Clerk of the Superior Court
P.O. Box 500307
Saipan, MP 96950

(3) Filing fees shall be paid online. If court users cannot do so, payment may be made at the Judiciary Cashier's Office.

(4) Service of documents shall conform to the NMI Rules of Practice, NMI Rules of Civil Procedure, and the NMI Rules for Electronic Filing & Service.

IV. OTHER JUDICIARY OPERATIONS

A. Budget & Finance/Cashier's Office. The Cashier's Office will continue with regular business hours.

B. Records. All requests for transcripts (audio or written), document processing, or record certification in the Clerk of the Superior Court, Family Court Division, Office of Adult Probation, Drug Court, and the Commonwealth Recorder's Office will be accepted by the following methods:

(1) By email to Superior.Court@NMIJudiciary.com;

(2) If the electronic submission of documents is impossible, documents may be submitted by U.S. registered mail at:

CNMI Superior Court
P.O. Box 500307
Saipan, MP 96950

C. Reviewing Documents. If electronic or remote submission or review of documents is not practicable, persons may schedule an appointment to conduct in-person submission or review. Persons interested may request an appointment by telephone at (670) 236-9703 or by email at Superior.Court@NMIJudiciary.com.

V. PUBLIC HEALTH MEASURES

- A. The Court remains cognizant of the need to protect the health and safety of court employees and the general public. All operations shall conform to precautionary health measures such as limiting courtroom occupants to no more than twenty-five (25), wearing face masks, and practicing social distancing of no less than six feet.
- B. Persons with apparent symptoms of COVID-19 such as a fever of over 100.4 degrees Fahrenheit or 38 degrees Celsius, severe cough, or shortness of breath may be prohibited from entering the facilities.
- C. Persons who have likely been exposed to COVID-19 shall not enter the facilities. A person who has likely been exposed to COVID-19 who has business before the courts shall contact the Office of the Clerk of the Supreme Court or the Clerk of the Superior Court by telephone or other remote means, inform court personnel of the nature of his or her business before the court, and receive further instruction. For purposes of this Order, a person who has likely been exposed to COVID-19 is defined as any person who:
- (1) Has traveled to a country identified by the Centers for Disease Control and Prevention as having a COVID-19 outbreak within the last 14 days;
 - (2) Has been directed to quarantine, isolate, or self-monitor;
 - (3) Has been diagnosed with COVID-19; or
 - (4) Resides with or has been in close contact with any person in the above-mentioned categories.

¶ 2

This Order will be revised as circumstances warrant.

SO ORDERED this 31st day of July, 2020.

 /s/
ALEXANDRO C. CASTRO
Chief Justice

 /s/
JOHN A. MANGLONA
Associate Justice

 /s/
PERRY B. INOS
Associate Justice