



Supreme Court
of the
Republic of Palau

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COVID-19 ADMINISTRATIVE DIRECTIVE NO. 20-02

**Administrative Directive Regarding Coronavirus
and Court Operations**

On March 17, 2020, President Remengesau entered Executive Order No. 437 directing all government agencies to prevent and prepare for the arrival of 2019 Novel Coronavirus. Consistent with recommendations from the Ministry of Health and the Office of the President and various international medical communities, including the World Health Organization, the Judiciary implemented a mitigation plan last week to protect the health of court staff and visitors by minimizing the risk of spreading COVID-19 in the courts by issuing Administrative Directive No. 20-01.

The next step in the Judiciary's mitigation plan is to further shrink the number of people in the courts' facilities each day to further assist in the effort to halt the spread of COVID-19. Therefore, effective as of the date of this Directive until **April 17, 2020**, the Judiciary will suspend normal court operations, with the exceptions noted below. Judiciary employees will receive direction from their supervisor as to work reporting requirements. This plan is in line with the preventive measures recommended by the Minister of Health to combat the potential spread of COVID-19 in the Republic.

A. Court Facilities

The Court facilities in Koror and Ngerulmud, including the Clerk's Offices, will be open, during normal business hours, for courtroom operations authorized by this Administrative Directive, subject to the conditions outlined in Administrative Direction 20-01. The receipt, filing, and docketing of documents in all criminal and civil cases will continue as scheduled, except that deadlines for the filing of transcripts will be tolled until **April 17, 2020**. Filings shall be made through the e-filing system, if possible. Individuals with legitimate court business who are ill, caring for someone who is ill, or are otherwise in a high-risk category, shall call the Clerk of Court or other appropriate court personnel to request an appropriate accommodation, if necessary.

B. In-Court Hearings and Proceedings

In-court judicial operations and hearings will generally be restricted to the following matters:

1. First appearance and arraignments;
2. The issuance of search warrants, arrest warrants, and criminal complaints;
3. Changes of plea where the presiding Justice or Judge determines that there is a liberty interest, public safety, or other case-specific compelling reason that makes an immediate change of plea necessary;
4. Criminal sentencings where the defendant is in custody and the presiding Justice or Judge determines that there is a liberty interest, public safety, or other compelling reason that makes an immediate sentencing necessary;
5. Probation revocations proceedings where the presiding Justice or Judge determines that there is a liberty interest, public safety, or other case-specific compelling reason that makes an immediate change of plea necessary;
6. Bail proceedings;
7. Protective order cases, emergency temporary restraining order cases, and cases in which a party is seeking any form of temporary injunctive relief;
8. Emergency child custody or protection cases; and
9. Proceedings regarding public health matters.

Courtroom attendance shall be limited to the attorneys, parties, necessary witnesses, and members of the press. Further access to a proceeding will be permitted only with the express prior permission of the presiding Justice or Judge.

All previously scheduled in-court proceedings, including civil, traffic, and criminal bench and jury trials, are continued and will be rescheduled, unless they satisfy one or more of the criteria set forth above.

C. Exceptions

In any criminal proceeding where the defendant is incarcerated or there are speedy trial considerations, the presiding Justice or Judge shall exercise his or her discretion in regard to determining whether a continuance is appropriate.

If the presiding Justice or Judge determines that a jury trial cannot be continued, the Justice or Judge shall excuse or postpone jury service for any juror who is ill, caring for someone who is ill, or is in a high-risk category.

Any Justice or Judge presiding over any criminal and civil proceeding may take such actions consistent with this Directive, including requesting relief from the requirements of this Directive from the Acting Chief Justice, as may be lawful and necessary to ensure the fairness of the proceedings, and to protect and preserve constitutional and statutory rights.

If any party contends that there are urgent and compelling reasons for immediate judicial action in any case that is otherwise being continued pursuant to this Directive, the person or attorney should immediately file a written motion, which must be served on the other party or parties, explaining why the particular case must be ruled on immediately. If any party objects to the motion, it must file its written opposition within forty-eight (48) hours after the motion is filed. The court will rule on the motion expeditiously.

D. Term of Directive

This Directive is made pursuant to my authority as the Acting Chief Justice and Administrative Head of the unified judicial system under Section 12, Article 10 of the Palau Constitution, and may be extended for additional periods not to exceed 21 calendar days, consistent with guidance from the Ministry of Health and Office of the President.

Entered: 03/24/2020


John K. Rechucher
Acting Chief Justice