



**SUPREME COURT
of the
FEDERATED STATES OF MICRONESIA**

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**FSM NATIONAL JUDICIARY
EMERGENCY ORDER No. 01
Issued April 3, 2020**

The FSM National Judiciary is carefully monitoring the Coronavirus (COVID-19) situation throughout the Nation. This Emergency Order No. 01 focuses on fulfilling three key responsibilities of the FSM Supreme Court: (1) to protect the health and safety of court users, judicial branch employees, and the public who utilize court facilities and services; (2) to maintain all critical judicial branch functions; and (3) to provide appropriate judicial input to the process of protecting the health, safety, and welfare of the public during this critical time.

The FSM National Government and States have been preparing and responding to this pandemic situation. We will collaborate with the state public health partners, as well as the National and State COVID-19 Task Forces to closely monitor the situation to ensure the health and safety of our court judiciary community, court stakeholders, and the public.

The FSM Supreme Court courthouses must remain open for various necessary functions, but everyone should reduce trips to the courts to help reduce community transmission of COVID-19 and further protect employees of the courts who must interact with and serve the public.

Clerks' Office Remains Open

It is imperative that the FSM Supreme Court Clerks' offices and courts in each state remain available for urgent and emergency matters, or for other proceedings which cannot be conducted remotely. Our Courts currently have the capability to conduct teleconferences when appropriate. Justices and Clerks are advised to extend teleworking options to the degree possible to reduce the risk of transmission of COVID-19. You should consider what options are available to you and use them to the greatest extent feasible. The Court's current office hours will be reduced as follows:

Monday to Friday: 9:00 a.m. to 4:00 p.m. (not including FSM Holidays).

Court's Telephone Numbers: Pohnpei -- (691)-320-2357/2763; Chuuk -- (691) 330-2908/2397; Yap -- (691) 350-2159; Kosrae -- (691) 370-3185.

Extension of Court System Deadlines

The Court is extending filing deadlines and further curtailing other court processes. Any pleadings, motions, notices, discovery, and other documents and papers due to be filed from April 3, 2020 to April 30, 2020 will be deemed timely filed if received before the close of business on Friday, May 22, 2020. This deadline may be extended in writing at a later date. This requirement does not apply to documents and papers due to be filed or acts due to be done in the Appellate Division.

Teleconferencing & Videoconferencing Allowed

The FSM Judiciary will allow or require anyone involved in any civil hearing, deposition or other proceeding of any kind, including a party, attorney, or witness to participate remotely, such as by teleconferencing, videoconferencing, or other means. A request to do this must be filed with the Court at least three days in advance of the hearing or proceeding.

The Court will require every participant in a proceeding to alert the Court if the participant has, or knows of another participant who has, COVID-19 or flu-like symptoms, or a fever, cough, or sneezing.

The Court will take any other reasonable action to avoid exposing court proceedings and the general public to the threat of COVID-19.

E-Filing

The Court accepts e-filing by FSM Bar members. If you have not been registered for e-filing, it is recommended that you do so now by contacting the Clerks' Office.

Preparation and Response

While there is currently no need for alarm, courts should prepare now to ensure a proper response if an outbreak of COVID-19 occurs in the FSM.

- Courts should consider and identify who is authorized to make decisions in an emergency including evacuation (partial or total) and the closing of court operations.
- Courts should consider which functions are essential and must continue if an outbreak occurs.
 - Essential functions are typically divided into those that are necessary in the first 7 days, 7-30 days, 30-90 days, and 90+ days.

- Examples of essential functions that must occur in the first 7 days include: criminal proceedings, such as initial appearances, temporary restraining orders, juvenile detention hearings, and family violence protective orders.
- Courts are encouraged to delay non-essential functions in the event of an outbreak and to reduce the need for large numbers of possibly infected people to congregate.
- Courts should consider which staff are essential and which staff could stay home if court functions are to be discontinued or reduced.
- Courts should prepare now for the possibility of permitting staff to work remotely, including considering the technology needs for that to occur.
- Courts should consider which proceedings could occur by telephonic or video remote appearances. This may include using “low-tech” solutions such as teleconferencing, Facetime, Skype, or some other common remote appearance tool.
 - Courts should plan how to notify self-represented litigants, witnesses, and others of the remote appearance technology.
 - Some courts have begun to place wording on orders setting hearing and docket notices reminding attorneys/parties to contact the court if they are ill.
- Courts should consider how to promptly communicate the activation of plans to judges, courts staff, and the public.
 - Some courts have posted notices or entered orders encouraging or requiring attorneys and parties to notify the court if they (or their clients) are experiencing symptoms.

Important Personal Protection/Prevention Recommendations

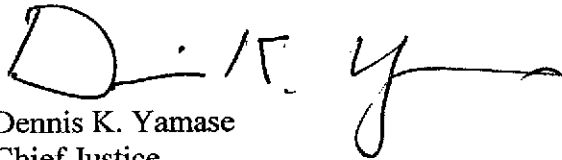
The most important steps in responding to the virus is prevention. The United States Center for Disease Control (CDC) has issued the following prevention tips:

- Avoid close contact with people who are sick.
It is recommended that you maintain at least 6-8 feet between you and a person who is symptomatic to reduce the risk of spread of the COVID-19;
- Avoid touching your eyes, nose, and mouth.
- Stay home when you are sick.
Judges, court employees, attorneys or litigants who are sick should be encouraged to stay home and seek medical attention.
- Cover your cough or sneeze with a tissue (or into your arm if a tissue is not available); then throw the tissue in the trash.
- Clean and disinfect frequently touched objects and surfaces using a household cleaning spray or wipe.

- While some might think that the use of a facemask is necessary or advisable, the CDC does not recommend the use of a mask for people who are well, as they are less effective at
- preventing infection and are in short supply for health care workers. However, the CDC
- has recommended that Courts consider providing facemasks to individuals who are showing symptoms of COVID-19 to help avoid spread of the virus to others.
- Wash your hand often with soap and water for at least 20 seconds, especially after going to the bathroom, before eating and after blowing your nose, coughing or sneezing.
- Practice good personal hygiene.

With the cooperation of Court employees, Court users, and the general public we can prevent the entry and spread of COVID-19 in the FSM. We ask for the assistance of everyone in this effort and together we will prevent the entry and spread of the virus.

Thank you, stay healthy, and best regards,

A handwritten signature in black ink, appearing to read "D. K. Yamase". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Dennis K. Yamase
Chief Justice
Supreme Court of the Federated States of Micronesia