

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

MISCELLANEOUS RULES

UPDATED THROUGH PROMULGATION ORDER NO. 06-006-28 (DEC. 30, 2024)

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

MISCELLANEOUS RULES

Effective October 2, 2007

NOTE: Pursuant to the authority granted by 1 GCA § 1606, numbers and/or letters in these Miscellaneous Rules were altered to adhere to the Compiler's alpha-numeric scheme. (May 22, 2014)

Indigent Defense

- MR 1.1. Appointment of Counsel for Indigent Defendants.
- MR 1.1.1. Representation.
- MR 1.1.2. Determination of Need.
- MR 1.1.3. Manner of Appointment.
- MR 1.1.4. Investigative, Expert and Interpretative and Paralegal Services.
- MR 1.1.5. Compensation.

Post Judgment Appearance and Violations

- MR 1.2. Post Judgment Appearance and Violations.

Calendaring by Judges

- MR 1.3. Calendaring by Judges.

Collection Court

- MR 1.4. Collection Court - Pilot Program.

Family Violence Orders of Protection

- MR 2.1. Family Violence Orders of Protection.
- MR 2.1.1. Jurisdiction.
- MR 2.1.2. Assignment of Order of Protection Cases.
- MR 2.1.3. Petition.
- MR 2.1.4. Hearings and Notice.
- MR 2.1.5. Relief.
- MR 2.1.6. Service of Orders.
- MR 2.1.7. Standard of Review.
- MR 2.1.8. Contempt.
- MR 2.1.9. Firearms.
- MR 2.1.10. Enforcement of Orders of Protection.
- MR 2.1.11. Protective Order Registry.

Video Conferencing

- MR 3.1. Video Conferencing.

Court-Referred Mediation Rules

- MR 4.1. Title.
- MR 4.1.1. Purpose.
- MR 4.1.2. Scope and Application.
- MR 4.1.3. Definitions.
- MR 4.1.4. Mediation Costs and Fees.
- MR 4.1.5. Case Management Review for Mediation.
- MR 4.1.6. Attorney Certification.
- MR 4.1.7. Parties Duty to Confer and Report.

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

- MR 4.1.8. Mediation Referral Procedures.
- MR 4.1.9. Order for Mediation.
- MR 4.1.10. Relief from Judicially Referred Mediation.
- MR 4.1.11. Financial Accommodations for Indigent Parties.
- MR 4.1.12. Sanctions for Nonappearance of Party at Scheduled Session.
- MR 4.1.13. Conduct of Mediation.
- MR 4.1.14. Confidentiality.
- MR 4.1.15. Evidence Admissible.
- MR 4.1.16. Evidence Not Admissible.
- MR 4.1.17. Stipulate Extension of Mediation – Limited.
- MR 4.1.18. Termination or Conclusion of Mediation Services.
- MR 4.1.19. Mediator’s Statement.
- MR 4.1.20. Stipulated Judgment of Mediation – Enforcement.
- MR 4.1.21. Qualification of Mediator.
- MR 4.1.22. Standards of Conduct of Mediators.
- MR 4.1.23. Data Collection Requirements.
- MR 4.1.24. Judicial Time Standard Tolled.
- MR 4.1.25. Juvenile Proceedings.

Small Claims

- MR 5.1. Small Claims Rules and Procedures.

Records Retention

- MR 6.1. Records Retention.

Relief from Disabilities

- MR 7.1. Relief from Disabilities.

FORMS

Rules of Procedure and Forms are available on the Judiciary of Guam website at <https://www.guamcourts.org/Rules-of-Procedure/Superior-Court-Rules-of-Procedure.html>.

Forms for Miscellaneous Rules are available at: https://www.guamcourts.org/Rules-of-Procedure/images/Misc-Rules-Forms_20240118.pdf

Miscellaneous Rule 1.1 - Appointment of Counsel for Indigent Defendants

Forms are also available at <https://www.guamcourts.org/Indigent-Defense/Indigent-Defense.html>

1. Financial Declaration
2. Private Attorney Panel
3. Private Attorney Panel Application

Miscellaneous Rule 1.4 - Court Collections Program

1. Notice of Conversion of Case to Collection Court Docket under 9 GCA § 80.56.
2. Collection Order.

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

Miscellaneous Rule 2.1 - Family Violence Orders of Protections

1. Forms are also available at <https://www.guamcourts.org/Forms/Judiciary-of-Guam-Forms.html>.
Petition for Temporary Order of Protection and Order to Show Cause, FORM A1
2. Marshals Service Information Form, FORM A2
3. Order to Show Cause Temporary Order of Protection, FORM A3
4. Order of Protection Docketing Statement, FORM A4
5. Order of Protection, FORM B1
6. Order of Protection, FORM B2
7. Temporary Order of Protection (Continued), FORM B3
8. Petition/Motion to Dismiss, Extend, or Modify Other Conditions of Order of Protection, FORM C
9. Motion and Affidavit and Order to Show Cause for Violating Order of Protection, FORM D

Miscellaneous Rule 3.1 - Video Conferencing

1. Standard Operating Procedures for Video Conferencing Magistrate Hearing.
2. Flowchart.
3. Order of Conditional Release and Appearance Bond.

Miscellaneous Rule 4.1 - Court-Referred Mediation Rules

Model Standards for Conduct of Mediators. (Available on the American Arbitration Assn. website - <https://www.adr.org/Mediation>)

1. B1. Mediation Certification B2. Order for Mediation
2. B3. Statement Requesting Relief from Order for Mediation
3. B4. Order for Relief from Order for Mediation
4. B5. Statement of Financial Indigence
5. B6. Order Regarding Indigent Status
6. B7. Order to Show Cause Regarding Failure to Mediate
7. B8. Mediator's Statement
8. B9. Stipulated Judgment Upon Mediation

Miscellaneous Rule 5.1 - Small Claims

Small Claims Rules and Procedures and Small Claims Court Forms are available at <https://www.guamcourts.org/Small-Claims-Court/Small-Claims-Court.html>)

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

INDIGENT DEFENSE

MR 1.1. Appointment of Counsel for Indigent Defendants.

NOTE: These rules were adopted by the Judicial Council in 1981 and published as the Rules for Appointment of Counsel for Indigent Defendants in the Guam Bar Journal, RAINY SEASON - 1981, Volumes 3 and 4. On November 19, 2002, in Promulgation Order 02-009, the Supreme Court of Guam amended and revised these rules as Rule 13 of the Rules of the Superior Court of Guam. On May 3, 2007, in Promulgation Order 06-006-01, the Supreme Court re-codified this rule as MR 1.1 of the Miscellaneous Rules of the Local Rules of the Superior Court of Guam. Amendments to these rules are herein indicated.

MR 1.1.1. Representation.

(a) Mandatory. The court shall appoint counsel for a person financially unable to obtain adequate representation who is:

(1) charged with

(A) a felony;

(B) a misdemeanor;

(C) a petty misdemeanor except those filed in Traffic Court

(D) juvenile delinquency for the commission of an act which, if committed by an adult, would be considered a felony or misdemeanor; or,

(E) a violation of probation or faces modification, reduction, or enlargement of a condition, or extension or revocation of a term of probation;

(2) in custody as a material witness;

(3) under arrest, when representation is required by law; or,

(4) entitled to appointment of counsel under the Sixth Amendment to the United States Constitution, or facing loss of liberty and Guam law, the United States Constitution, or the applicable provisions of the Organic Act, require the appointment of counsel.

(b) Discretionary. The court may appoint counsel for a person who is financially unable to obtain representation who is:

(1) charged with civil or criminal contempt and facing loss of liberty;

(2) seeking collateral relief from a judgment in a criminal matter; or,

(3) a person whose rights under the United States Constitution (or the Organic Act) may be substantially infringed without the appointment of counsel.

SOURCE: Added by Sup. Ct. of Guam Prom. Order No. PRM02-009 (Nov. 19, 2002).

MR 1.1.2. Determination of Need.

(a) Determination. Before the appointment of counsel under these Rules, the court shall inquire into, and make a finding, as to whether the person is financially able to obtain adequate representation. The court shall inquire as to the information requested in the Financial Declaration (a copy of which is attached hereto as Appendix A). All statements by the person in such inquiry shall be under penalty of perjury. All persons seeking counsel under these Rules shall submit the Financial Declaration to the court. The court may appoint counsel subject to the submission of the Financial Declaration. The court shall not appoint counsel unless a Financial Declaration is submitted.

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

(b) Need. The court shall determine the person's ability to obtain adequate representation according to the financial guidelines then in effect established by the Public Defender Service Corporation.

(c) Redetermination.

(1) If, at any stage of the proceedings, the court determines pursuant to these Rules, that a party, who previously had not had counsel appointed, has become financially unable to obtain adequate representation, the court may then appoint counsel for that person.

(2) If at any time after appointment under these Rules, counsel obtains information that the person is now financially able to make payment, in whole or in part, for legal or other services in connection with his or her representation, and the source of such information is not protected as a privileged communication, counsel shall so advise the court.

SOURCE: Added by Sup. Ct. of Guam Prom. Order No. PRM02-009 (Nov. 19, 2002).

NOTE: The Financial Declaration is also available on the Supreme Court's website at <http://www.guamcourts.org/Indigent-Defense/Indigent-Defense.html>.

MR 1.1.3. Manner of Appointment.

(a) Priority. The Chief Justice and each Judge of the Superior Court shall appoint counsel in the order set forth below:

(1) The Public Defender Service Corporation;

(2) The Alternate Public Defender Office;

(3) The Private Attorney Panel; and

(4) Active members of the Guam Bar Association, from a membership list as approved by the Supreme Court.

The Chief Justice or a Judge of the Superior Court may, appoint counsel in derogation of the order set forth above for good cause shown, such good cause to be entered on the record. The Chief Justice or a Judge of the Superior Court shall ordinarily appoint the same lawyer or law firms for the same client when said client has more than one pending matter.

More than one attorney may be appointed in any case determined by the Chief Justice or the Judge of the Superior Court assigned to the case to be extremely difficult, giving due consideration to the seriousness of the possible penalty and to the unique and complex nature of the litigation.

(b) Private Attorney Panel.

(1) Formation of a Standing Committee to Oversee the Private Attorney Panel.

(A) The Supreme Court of Guam shall create a Standing Committee to oversee the Private Attorney Panel ("PAP"). The PAP attorneys approved at the time of this promulgation are identified in Appendix B (see PAP List on the Supreme Court's website at <http://www.guamcourts.org/Indigent-Defense/Indigent-Defense.html>). The Standing Committee shall consist of five (5) attorneys, each a voting member, who possess sufficient experience and interest in the local criminal justice system to administer the PAP.

(B) The Public Defender of Guam, or his or her representative, will be a permanent voting member of the Standing Committee. The Clerks of the Superior and Supreme Courts of Guam, or their respective designees, and the Chairperson of the Judiciary's Subcommittee on Indigent Defense shall be ex officio, non-voting members of the Standing Committee.

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

(C) In addition to the Public Defender, or his or her representative, two (2) of the members of the Standing Committee will be appointed by the Chief Justice for a one-year term and the remaining two (2) members for a two-year term. Thereafter, appointments will be made for two-year terms. The Standing Committee will be permitted to use the staff of the Clerk's Office of the Supreme and Superior Court for clerical and record-keeping matters for respective trial and appellate matters.

(D) The Standing Committee shall elect from its members a chairperson, who shall preside over its meetings and serve as the liaison between the PAP, the Judiciary and the community.

(E) The Standing Committee shall meet formally at least once per year. In addition to reviewing and determining PAP membership, the Standing Committee shall identify and define any operating difficulties encountered in the administration of the PAP and make recommendations to the Supreme Court for appropriate changes to this rule.

(F) The Standing Committee shall also coordinate with the Public Defender Service Corporation of Guam in providing training for the PAP. Such training shall include correspondence with PAP attorneys on substantive and procedural changes in the law, local rules, and other matters affecting the PAP attorneys, and shall also include regularly scheduled seminars for PAP attorneys, and if possible, the private bar.

(2) Formation of the Private Attorney Panel.

(A) Pursuant to the terms of this Rule, PAP attorneys shall be members of the Guam Bar Association. In addition to bar membership, the PAP attorneys should have when applicable, prior criminal trial experience, significant involvement in serious or complex criminal cases, knowledge of the Rules of Criminal Procedure and the bail statutes, knowledge of other relevant areas of criminal practice, clinical experience or participation in trial advocacy programs, prior juvenile, *guardian ad litem*, and or appellate experience.

(B) The PAP shall consist of attorneys recommended and approved by a majority of the Standing Committee.

(C) An attorney who is interested in becoming a member of the PAP shall complete and submit the attached Private Attorney Panel Application (Appendix C).

(D) The Standing Committee shall review each application, and determine whether the applicant possesses the qualifications required for the PAP, and if so, approve the application. If the applicant does not possess the necessary qualifications, the Standing Committee shall place the applicant on a pending applications list, which will include those attorneys requiring more training prior to being placed on the regular PAP list.

(E) Each approved application shall be distributed to all Justices and Judges, who shall have 14 days to review and comment on the application. Those reviewing the application shall identify the individuals who should not be included on the PAP, and shall state the reason(s) for such recommendation. The reason(s) should be based on the following factors:

- (i) a perceived lack of competence or knowledge;
- (ii) a perceived lack of interest and motivation;
- (iii) a perceived lack of training;
- (iv) an unwillingness to make the necessary commitment to the PAP; or

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

(v) a lack of willingness to provide the quality of representation deemed necessary. The person making the recommendation should be as specific as possible concerning the reasons, with all such recommendations being confidential.

(F) After the 14-day review period, whether or not comments or recommendations are received, each application shall be transmitted to the Chief Justice who shall review each application, comments and recommendations and approve or disapprove the application.

(G) The final PAP shall consist of approximately 10 - 15 members in each of the following five (5) categories:

- (i) Criminal Felony;
- (ii) Criminal Misdemeanor;
- (iii) Juvenile;
- (iv) *Guardian Ad Litem*; and
- (v) Appellate.

(H) Creation of a Pending Applications List.

(i) A "Pending Applications List" shall be established, consisting of lawyers who have applied for membership on the PAP and who do not yet possess sufficient skill, knowledge or experience to be on the PAP. Pending final approval of their applications, such attorneys shall receive training and shall serve, without compensation, in a second chair capacity to a PAP attorney on a given case, or aspects of a given case, including, but not limited to, bail hearings, sentencing proceedings, and appellate arguments.

(ii) Each Clerk's Office and the Standing Committee shall maintain the pending applications list. PAP attorneys will be advised of the existence of such a list and will be expected to contact the appropriate Clerk's Office or a Standing Committee member to obtain the names of people seeking to serve in a second chair capacity. The Standing Committee shall then periodically review the pending applications list and make recommendations to the Supreme Court Justices or Superior Court Judges, whichever is applicable, as to which attorneys should be moved onto the regular PAP.

(3) Adding and Removing Attorneys from the Private Attorney Panel.

(A) Additions.

(i) The Standing Committee shall monitor the operation of the PAP to determine whether it meets the needs of current case load requirements. Additions to the PAP shall be made through the approval of new applications and by moving attorneys from the pending applications list to the regular PAP. New applications shall be collected by each Clerk's Office and referred to the Standing Committee for periodic review.

(ii) By majority vote, the Standing Committee shall decide which applicants need further training, thereby remaining on the pending applications list, and which ones are to be referred to the Supreme Court Justices or Superior Court Judges, whichever is applicable, for inclusion on the PAP. Final decisions on inclusion will be made by the Chief Justice.

(B) Suspensions. Attorneys who have been suspended or disbarred from a court of any state, territory, commonwealth or possession of the United States and who are the subject of reciprocal discipline pursuant to the Supreme Court of Guam Rules for the Discipline of Attorneys, or who

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

are presented for discipline in the Supreme Court of Guam, shall be suspended from the list pending disposition of the ethics proceedings. If the attorney is counsel of record in a pending case, the trial Judge or the Chief Justice shall be notified by their respective Clerk's Office. If the attorney is suspended or disbarred, the attorney shall be removed from the PAP, and will be eligible to reapply only if he or she later becomes a member Guam Bar Association in good standing.

(C) Removals.

(i) Any complaints about the performance or commitment of a PAP attorney shall be referred to the Standing Committee. The Standing Committee shall also take notice of such deficiencies on its own and make recommendations to the Chief Justice for removal from the PAP. At the request of a Justice, Judge, Clerk of each court, or individual Standing Committee member, the Standing Committee shall review complaints about a PAP member. The receipt and handling of complaints will be confidential.

(ii) The PAP attorney shall be notified of any complaint, and shall have the right to request a hearing before the Standing Committee. At the hearing, the attorney shall have all due process rights, including representation by counsel, the right to be informed of the nature of the complaint and the right to present testimony on his or her behalf. A recommendation for or against removal shall be by majority vote and forwarded to the Chief Justice for appropriate action. Removal of the attorney from the PAP shall be by the Chief Justice.

(D) Resignations.

(i) Any member of the PAP who desires to voluntarily resign from the PAP, shall submit a written request to the Chief Justice setting forth reasons and justification for such resignation. The Chief Justice shall determine whether the resignation will have a detrimental effect on the ability of the court to appoint counsel before allowing the member to resign.

(ii) Any member of the PAP who is subject to suspension or removal from the PAP pursuant to this rule shall not be permitted to request resignation from the PAP until the suspension or removal issue is decided.

(4) Assignment of Cases to the Private Attorney Panel.

(A) The Chief Justice of the Supreme Court and the Judges of the Superior Court shall be responsible for overseeing the assignment of cases to PAP attorneys in the respective courts. Assignments shall be made on a rotational basis, except under circumstances where a Judge or Justice for good cause directs otherwise. PAP attorneys may refuse or "pass" an appointment when unavailable to assume the case due to scheduling conflicts, workload, or other good cause. Reasons for passing appointment shall be given to the Chief Justice of the Supreme Court or the Judge of the Superior Court overseeing the case, and passing may not be done more than three times during a calendar year. Upon an appointment, the PAP attorney shall immediately determine if a conflict of interest exists preventing representation and inform the court. No payment shall be made by the court for the determination of a conflict. PAP attorneys shall not charge the court for determining whether a conflict exists.

(B) The respective Clerk's Offices of the Supreme Court and Superior Court and each respective courtroom clerk of the Superior Court shall maintain a master computer generated list of PAP appointments, which will include the date of each appointment, the case name, the date of each pass by a PAP attorney, and the reason for each pass.

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

(C) If the Chief Justice of the Supreme Court or a Judge of the Superior Court determines that a PAP attorney has repeatedly passed assignments, the Chief Justice of the Supreme Court or a Judge of the Superior Court may refer the name of the attorney to the Standing Committee. The Standing Committee shall then consider the information provided by the Chief Justice of the Supreme Court or a Judge of the Superior Court and make such further inquiry or recommendation to the Chief Justice as it deems appropriate, including removal from the PAP.

(D) Each of the respective Clerk's Offices of the Supreme Court and the Superior Court shall also maintain a public record of assignments to the Public Defender Service Corporation of Guam, Alternate Public Defender, the PAP, and active members of the Guam Bar Association as well as current statistical data reflecting the proration of appointments.

(E) The Public Defender Service Corporation of Guam will make such arrangements with local investigative and police agencies as will adequately assure that at the earliest practicable stage, persons arrested under circumstances where representation is required by law may promptly have counsel furnished to them.

(5) Rotation of Appointments. All appointments shall be made in an orderly manner to ensure fair distribution of appointments amongst PAP members. Appointments from the PAP shall, unless the Chief Justice or Judge for good cause determines otherwise, be in alphabetical order, but the next qualified attorney may be appointed when the court determines that:

- (A) there is a conflict of interest;
- (B) the attorney lacks sufficient experience in a serious felony matter;
- (C) the attorney is unavailable to promptly handle the matter; or
- (D) an immediate appointment of counsel is required.

(c) Records.

(1) The Clerk of the Supreme Court and Clerk of the Superior Court shall each maintain:

- (A) a master computer generated list of all attorneys on the Panel;
- (B) a master computer generated list for the public record of all appointments, including the numbers and types of cases as assigned to the various law firms and attorneys described in MR 1.1.3(a) and (b) above; and,
- (C) current data on the status of invoices and payment for all court appointments.

(2) The Public Defender and the Alternate Public Defender shall prepare monthly reports on court appointments and submit such reports to the Administrator of the Courts.

(d) Counsel appointed under these Rules shall, unless excused by order of the court, continue to act for the person throughout the proceedings in this court. Appointed counsel is expected to appear personally at all proceedings, with substitutions or the filing of additional appearance permitted only with leave of the court. The judge before whom a case is pending may, in the interest of justice substitute one appointed counsel for another at any stage of the proceedings. With respect to appointed counsel who is a partner, shareholder or member of a law firm, an attorney affiliated with such law firm may participate and appear without leave of the court on behalf of such appointed counsel in any proceeding in this court, provided, however, that appointed counsel shall exercise actual supervisory control and authority over the performance of such appearing attorney, and remain responsible and accountable for the conduct of the case. Notwithstanding the foregoing, a judge may in his or her discretion require the appointed counsel to

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

personally appear at a particular hearing should the judge deem that the circumstances of the case require appointed counsel's appearance.

In all criminal cases, trial counsel shall advise the defendant of the right to appeal and of the right to counsel on appeal. If requested to do so by the defendant in a criminal case, trial counsel shall file a timely Notice of Appeal in the Superior Court of Guam, and shall simultaneously file a motion for the appointment of appellate counsel with the Supreme Court of Guam. A copy of the Notice of Appeal should be attached to the motion for appointment of appellate counsel. Such motion shall indicate whether

- (1) trial counsel is a member of the appellate panel, and
- (2) whether trial counsel wishes to remain as appellate counsel.

Upon the filing of such motion, the Supreme Court shall issue an order appointing appellate counsel for all appellate proceedings from the list of attorneys on the approved appellate panel. There is therefore no requirement that trial counsel be automatically appointed as appellate counsel, should an appeal be taken. Upon appointment, appellate counsel shall represent the defendant, until the matter, including appeals or review by *certiorari*, is closed; until substitute counsel has filed a notice of appearance; until an order has been entered allowing or requiring the person represented to proceed *pro se*; until the appointment is terminated by court order; or until the attorney is relieved by the court.

SOURCE: Added by Sup. Ct. of Guam Prom. Order No. PRM02-009 (Nov. 19, 2002), amended by PRM04-003 (Feb. 27, 2004). MR 13.3 (C)(2), (3) & (4), (D) and (E), amended and renumbered, respectively, by PRM04-004 (Mar. 9, 2004). Repealed and reenacted by PRM05-004 (May 3, 2005). MR 1.1.3 (A)(2), (B)(1)(a-b), (B)(2)(d-f), (B)(3)(a)(ii), (B)(3)(c), (B)(4)(d), (C)(2), and (B)(3)(d), amended and added, respectively, by PRM06-006-03 (Oct. 2, 2007). MR 1.1.3(B)(1)(d) amended by PRM06-006-06 (July 16, 2008). MR 1.1.3(D) amended by PRM06-006-07 (July 28, 2009) and PRM06-006-08 (Feb. 15, 2010). MR 1.1.3(B)(2)(g) amended by PRM 06-006-13 (Apr. 2, 2012). MR 1.1.3(a)(3) suspended for six months by PRM06-006-25 (Nov. 17, 2023). MR 1.1.3(a)(4) amended by PRM06-006-25 (Nov. 17, 2023).

NOTE: The Private Attorney Panel Application is available at <http://www.guamcourts.org/Indigent-Defense/Indigent-Defense.html>. Subsection designations modified to adhere to the Compiler's general codification scheme pursuant to the authority granted by 1 GCA § 1606.

MR 1.1.4. Investigative, Expert, Interpretative and Paralegal Services.

(a) The court may authorize counsel appointed under these Rules to retain the services of investigators, experts and interpreters upon a showing that such services are necessary for adequate representation of the person. The hourly rate for investigators, experts and interpreters shall not be less than \$25.00.

(b) Prior to retaining the services of investigators, experts or interpreters, counsel appointed under these Rules shall submit an application for approval of such services by the court. Failure to obtain approval prior to retaining such services may bar payment or reimbursement from the court for same, absent a finding by the court of sufficiently compelling circumstances.

(c) Where counsel has received prior authorization for investigators, experts and interpreters, the maximum total shall not exceed \$2,000.00. Counsel appointed under these rules may apply to the Administrator of the Courts to exceed this maximum. Counsel must demonstrate extraordinary circumstances and good cause to justify an exception to the maximum. Approval of any amount in excess of the limit herein shall be approved by the Administrator of the Courts. The Superior Court Judge presiding over the case may provide input in this regard.

(d) An investigator shall not be paid for time in court unless called as a witness in the case.

(e) The total cost of all services obtained without prior authorization may not exceed a total of \$250.00 and expenses reasonably incurred.

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

(f) An attorney appointed under these rules may, in her discretion, use the services of a paralegal. A paralegal hired under these rules shall not be paid more than \$45.00 per hour and such services shall not be separately charged to the court.

SOURCE: Added by Sup. Ct. of Guam Prom. Order No. PRM02-009 (Nov. 19, 2002). MR 1.1.4(c) amended by PRM06-006-23 (Mar. 27, 2023) (effective Apr. 1, 2023 through Dec. 31, 2023); amendment extended through June 30, 2024 by PRM06-006-26 (Dec. 19, 2023), through Dec. 31, 2024 by PRM06-006-27 (July 1, 2024 *nunc pro tunc* to June 30, 2024), and through June 30, 2025 by PRM06-006-28 (Dec 30, 2024).

2023 NOTE: Pursuant to Prom. Order No. PRM06-006-23, the amendment to MR 1.1.4(c):

shall be effective as of April 1, 2023, shall expire on December 31, 2023, unless extended by further order of the court. For cases currently pending as of April 1, 2023, the new hourly rates will be effective for all hours done on or after April 1, 2023, and maximum compensation amounts will be adjusted as follows: if over fifty percent of the work on a matter was done before April 1, 2023, then the former cap shall apply and if over fifty percent of the work on a matter was done after April 1, 2023, then the new cap shall apply.

Prior to PRM06-006-23, MR 1.1.4 provided for a maximum compensation of \$1,500.00.

MR 1.1.5. Compensation.

(a) Unless otherwise provided for, the hourly rate for legal services by counsel appointed under these Rules shall be \$150.00 per hour for legal services rendered in and out of the courtroom, subject to the following maximums:

(1) Not more than \$25,000.00 shall be paid in cases where the defendant faces life imprisonment (without the imposition of an Extended Term under 9 GCA § 80.32).

(2) Not more than \$20,000.00 for First Degree Felonies other than those compensated under category (1).

(3) Not more than \$10,000.00 for Second Degree Felonies.

(4) Not more than \$7,500.00 for Third Degree Felonies.

(5) Not more than \$3,600.00 shall be paid for misdemeanors.

(6) Not more than \$3,150.00 shall be paid for habeas corpus proceedings.

(7) Not more than \$3,150.00 shall be paid for juvenile delinquency cases.

(8) Not more than \$7,500.00 for attorneys appointed in juvenile special proceedings cases or appointed to provide *guardian ad litem* services.

(9) Not more than \$10,000.00 shall be paid for each level of appeal in a particular case.

For First Degree Felonies in which the court appoints more than one attorney, not more than \$30,000.00 total will be paid, to be divided among the attorneys. For any other case in which the court appoints more than one attorney, the cap and hourly rates will remain the same, to be divided among the attorneys.

In the event an attorney is appointed in separate cases that are fully or partially consolidated, the attorney may not submit duplicative billings in multiple cases for the same hours worked. Instead, the attorney should divide the hours worked by the number of cases in which the hours will be claimed, and apply the appropriate fraction in the billings for each case.

Counsel appointed under these rules may apply to the Administrator of the Courts to exceed these maximums and/or contest whether the appropriate maximum has been identified for a specific case. Counsel must demonstrate extraordinary circumstances and good cause to justify an exception to the maximums. Approval of any amount in excess of the limits herein shall be approved by the Administrator of the Courts.

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

The Superior Court Judge presiding over the case may provide input in this regard. In determining whether the circumstances of a particular case are extraordinary, the Administrator of the Courts shall consider the following non-exhaustive list of factors:

- (i) Multiple defendants
- (ii) Joint or separate trials with co-defendants
- (iii) Multiple incidents (including multiple victims in separate incidents)
- (iv) Mistrials and re-trial(s)
- (v) Substitution of trial counsel; additional trial proceedings or phases (e.g., grand jury, competency phase, sanity phase)
- (vi) Multiple special circumstances
- (vii) Prior convictions or unadjudicated conduct admitted at penalty phase
- (viii) Prosecution's use of informants
- (ix) Extensive litigation of the admissibility of evidence
- (x) Forensic testing, analysis, and evidence (e.g., DNA, hair, fingerprint, blood, ballistics) introduced at trial or necessary for habeas investigation
- (xi) Mentally ill or mentally impaired defendants
- (xii) Non-English-speaking defendant or witnesses
- (xiii) Minimal guilt and/or penalty phase investigation done for trial
- (xiv) Investigation requirements in multiple locations, requiring travel
- (xv) Extended elapsed time since offenses/trial
- (xvi) Necessity of expert witnesses
- (xvii) Necessity of using some fees to cover investigative and incidental expenses
- (xviii) Length of record
- (xix) Number of trial witnesses

No single factor is dispositive, and the Administrator of the Courts shall weigh all factors in determining whether the representation in any particular case is extraordinary.

(b) Application for payment by appointed counsel shall be submitted on the appropriate voucher form to the Clerks of the Superior Court and Supreme Court, whichever is applicable. Appointed counsel shall submit vouchers on a monthly basis. The Clerks for each court shall not approve payments unless vouchers are submitted as herein provided. The Administrator of the Courts shall have sixty (60) days to act on the submitted voucher. Failure to act within the sixty-day time period shall be deemed an approval of the submitted voucher.

(c) Court Interpreter Compensation.

(1) REGISTERED BLOCK PAY – Non-Trial Hearings:

(A) \$60.00 per HALF DAY BLOCK - Morning Block 9:00 a.m. – 12:00 p.m.; Afternoon Block 1:30 p.m. to 5:00 p.m. Compensation for a Half Day Block will be paid in full even if the interpreter only works for a fraction of a Half Day Block.

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

(B) \$90.00 per FULL DAY BLOCK - Morning Block plus same day Afternoon Block. Compensation for a Full Day Block will be paid in full so long as the interpreter works for any fraction of both the Morning Block and Afternoon Block of a given day.

(C) \$16.00 per hour after 5:00 p.m., compensated at $\frac{1}{4}$ fractions of the hour.

(2) REGISTERED BLOCK PAY – Trial

(A) \$80.00 per HALF DAY BLOCK - Morning Block 9:00 a.m. – 12:00 p.m.; Afternoon Block 1:30 p.m. to 5:00 p.m. Compensation for a Half Day Block will be paid in full even if the interpreter only works for a fraction of a Half Day Block.

(B) \$110.00 per FULL DAY BLOCK - Morning Block plus same day Afternoon Block. Compensation for a Full Day Block will be paid in full so long as the interpreter works for any fraction of both the Morning Block and Afternoon Block of a given day.

(C) \$20.00 per hour after 5:00 p.m., compensated at $\frac{1}{4}$ fractions of the hour.

(3) REGISTERED NON-BLOCK PAY – Non-Courtroom Matters (office appointments/visits to the Department of Corrections)

(A) \$28.00 per hour, compensated at $\frac{1}{4}$ fractions of the hour.

(4) UNREGISTERED NON-BLOCK PAY - All matters.

(A) \$16.00 per Hour, not to exceed \$60.00 per day, including after 5:00 p.m. Unregistered interpreters may be compensated for waiting time in addition to actual interpreting time. Calculations should be made to the nearest $\frac{1}{4}$ fraction of the hour.

(5) APPEARANCE FEE. The following compensation shall apply to a courtroom hearing, or non-courtroom matter/appointment that is cancelled due to no fault of the interpreter, and the interpreter appeared in conformity with his/her scheduled assignment.

(A) Courtroom Appearance Fee - \$30.00

(B) Appointment Appearance Fee - \$12.00

SOURCE: Added by Sup. Ct. of Guam Prom. Order No. PRM02-009 (Nov. 19, 2002). MR 13.5(A) and (C) repealed and reenacted by PRM04-003 (Feb. 27, 2004), and amended by PRM05-004. MR 1.1.5(a)(5) added by PRM06-006-03 (Oct. 2, 2007). MR 1.1.5(a)(1) amended by PRM06-006-06 (July 16, 2008). MR 1.1.5(a)(4) amended by PRM06-006-07 (July 28, 2009). MR 1.1.5(d) adopted pursuant to PRM13-001-01 (Mar. 6, 2013) and amended by PRM13-001-03 (July 1, 2013). MR 1.1.5 amended by PRM06-006-20 (Apr. 14, 2022) (effective May 1, 2022). MR 1.1.5(a) amended by PRM06-006-23 (Mar. 27, 2023) (effective Apr. 1, 2023 through Dec. 31, 2023); amendment extended through June 30, 2024 by PRM06-006-26 (Dec. 19, 2023), through Dec. 31, 2024 by PRM06-006-27 (July 1, 2024 *nunc pro tunc* to June 30, 2024), and through June 30, 2025 by PRM06-006-28 (Dec 30, 2024).

2023 NOTE: Pursuant to Prom. Order No. PRM06-006-23, the amendment to MR 1.1.5(a):

shall be effective as of April 1, 2023, shall expire on December 31, 2023, unless extended by further order of the court. For cases currently pending as of April 1, 2023, the new hourly rates will be effective for all hours done on or after April 1, 2023, and maximum compensation amounts will be adjusted as follows: if over fifty percent of the work on a matter was done before April 1, 2023, then the former cap shall apply and if over fifty percent of the work on a matter was done after April 1, 2023, then the new cap shall apply.

Prior to PRM06-006-23, MR 1.1.5 provided for an hourly rate of \$100 per hour for appointed legal counsel, and a maximum compensation amount of \$3,500.00 for misdemeanor cases.

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

POST JUDGMENT APPEARANCE AND VIOLATIONS

MR 1.2. Post Judgment Appearance and Violations.

(a) When an indigent defendant has been placed on probation as provided for in 9 GCA § 80.64, and a judgment of conviction, or an order on deferred plea has been docketed by the Clerk of Court, or defendant is released pursuant to a suspended sentence, right to indigent counsel and representation shall automatically terminate on entry of the judgment (including the amount of restitution, if any), and counsel shall not be required to appear at post judgment hearings, unless a summons or warrant is noticed as provided for herein.

(b) During the period of defendant's probation, if the Probation Division of the Superior Court determines that it appears a defendant has violated a condition of his probation, release or suspended sentence, the Violation Report, including a Declaration of the probation officer describing the nature of the alleged violation, and the facts in support of the probable cause determination of the alleged violation, shall be filed with the Court. Probation may submit a proposed warrant directly to the Court with the Report and Declaration in extreme circumstances. A copy of the Violation Report, together with a proposed unsigned Summons on Violation, shall be served on the Attorney General's Office Prosecution Division.

(c) The Prosecution Division of the Attorney General's Office will decide on the basis of the filed report whether there are grounds to proceed to revoke conditions of probation or release, and/or recommend immediate imposition of defendant's suspended sentence. If the Attorney General declines to act on the Report of Violation, no hearing will be set unless otherwise ordered by the court under 9 GCA § 80.66(a)(1).

(d) If the Attorney General elects to proceed on the Report of Violation, the Attorney General shall submit the Summons on Violation to the court indicating that the Attorney General wishes to proceed with a violation hearing. On the submission of the unsigned Summons on Violation, the Court shall set the matter for a violation hearing pursuant to 9 GCA § 80.66 for the appearance of the defendant at hearing. The filing of the Summons or Warrant tolls the period of probation (9 GCA § 80.66). Copies of the Summons or Warrant shall be served on prior counsel of record.

(e) If counsel for an indigent defendant has been relieved as counsel pursuant to the provisions of Rule 1.2(A), then if the court issues a summons or warrant, indigent counsel shall be re-appointed to represent the defendant for purposes of assistance at the violation hearing. Appointment shall cease upon resolution of the violation unless otherwise ordered.

SOURCE: Adopted pursuant to Promulgation Order No. PRM06-006-09, Mar. 19, 2010.

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

CALENDARING BY JUDGES

MR 1.3. Calendaring by Judges.

Superior Court Judges are encouraged to arrange their criminal calendars with the following principle in mind: Judges are asked to designate particular days on which different criminal proceedings will be called. For example, arraignments, trial settings, guilty pleas, violation hearings, and discovery motions can all be scheduled for different days.

SOURCE: Adopted pursuant to Promulgation Order No. PRM06-006-09, Mar. 19, 2010.

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

COLLECTION COURT

MR 1.4. Collection Court – Pilot Program

In an effort to minimize the time and judicial resources dedicated to post-judgment fine and restitution issues in criminal cases, the following Post-Judgment Collection Court Procedure pursuant to 9 GCA § 80.56 shall be implemented for one year as a pilot program:

(a) Opening of Collection Court Case. Pursuant to 9 GCA § 80.56(c), when a criminal defendant's probation expires, the unpaid balance of any fine or restitution shall give rise to a related criminal-collections case to be opened by the Clerk of Court. A case removing unpaid fines or restitution from the underlying criminal case to an ancillary criminal-collections case shall be given a new enumeration by the Clerk of Court in the manner of: "RS 0 - ." This will indicate that it is a criminal case with unresolved fine or restitution issues that has been converted to an uncollected criminal-collections case. The Clerk of Court is authorized to open this new ancillary case without filing fees. The Clerk of Court shall open such case at any time that he is notified either by the Judge or by a representative of the Probation Services Division that a fine or restitution remains unpaid and the case is within 90 days of expiration of probation. Such notification shall be provided in the form attached to this Rule as "Form 1: Notification of Conversion of case to Collection Court Docket under 9 GCA § 80.56." Within 90 days of receipt of "Notification of Conversion to Collection Court" and before the expiration of defendant's probation, the judge shall direct defendant to attend Criminal-Collection Court in an order which the defendant is ordered to pay a certain dollar amount toward the total fines, restitution or costs each month. The due date shall be set for the first of each month. The Criminal-Collection-Court Order will include a list of court dates the defendant must appear for if the defendant's payments become delinquent. The Order shall also contain guidelines within to which the defendant must adhere. The defendant must read and acknowledge receipt of the Order in writing before leaving the courtroom. The Order may be in the form of a Stipulated Order and Judgment.

(b) Assignment to Magistrate Judge and Representation of Parties. All cases opened under this new docket known as the "RS Docket" shall be assigned to the Superior Court of Guam Magistrate pursuant to 7 GCA § 4401(c)(4), authorizing a Superior Court Magistrate to hear "post judgment civil matters relating to the execution of judgment . . .". Cases in the "RS Docket" shall be calendared by the Clerk of Court on the calendar of the Magistrate Judge, who may schedule them at any time deemed suitable by the Magistrate or his staff.

(c) Procedure of Collection Court.

(1) If a defendant is delinquent, the defendant must appear for court to explain to the Magistrate why he or she is unable to make the payments in a timely manner. The Assistant Attorney General may discuss the case with the defendant, and try to work out a better plan. The Magistrate may consider options to avoid the defendant's further delinquency but nonetheless shall order the defendant to meet his or her obligation.

(2) If the defendant does not appear in court, the Magistrate will either reset to the next Collection Court date or issue a summons or a recommendation for a warrant of arrest under Administrative Rule 10-001 and assess court costs or fees accordingly. When a warrant of arrest is issued, the court shall set cash bail in an amount equal to the balance due or \$250.00, whichever is less.

SOURCE: Adopted pursuant to Promulgation Order No. PRM06-006-09, Mar. 19, 2010.

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

FAMILY VIOLENCE ORDERS OF PROTECTION

MR 2.1. Family Violence Orders of Protection.

Authority. These rules shall govern the Order of Protection process in the Superior Court, for all persons as defined under 9 GCA § 30.10(b), and 7 GCA § 40101(d), who seek an order of the Court for exigent and immediate relief from abuse or the threat of abuse by a family or household member.

SOURCE: Adopted as Rule 14 of the Rules of the Superior Court of Guam by Prom. Order No. PRM 06-003 (Mar. 31, 2006). Renumbered by the Compiler to adhere to the numbering scheme for the Rules of the Superior Court of Guam. Incorporated to the Local Rules as MR 2.1 et seq. pursuant to Prom. Order No. PRM 06-006-02 (May 31, 2007), which adopted the revised Local Rules of the Superior Court of Guam. Forms to be used with these rules were adopted by Prom. Order No. 06-006-04 (Jan. 9, 2008), as Exhibits A-D. Prom. Order No. PRM 06-006-18 (May 14, 2015) amended MR 2.1 et seq., and adopted Pro Se Order of Protection Instructions and the following forms: Form A1, Form A2, Form A3, Form A4, Form B1, Form B2, Form B3, Form C, and Form D; effective June 1, 2015.

2023 NOTE: The rules adopted in Prom. Order No. PRM 06-006-18 (May 14, 2015) included Source and Compiler Notes; certain annotations have been updated, amended and/or omitted.

MR 2.1.1. Jurisdiction.

Limitation of Process. The following Rules shall apply to the Order of Protection process for all persons as defined under 9 GCA § 30.10(b), and 7 GCA § 40101(d), who seek an order of the Superior Court for exigent and immediate relief from abuse or the threat of abuse by a family or household member. This process does not apply to protection cases filed by the government in cases designated Persons In Need of Services; Beyond Control; and Adult Protection.

2023 NOTE: When adopted by Prom. Order No. PRM 06-003 (Mar. 31, 2006), Rule 1.01 Limitation of Process erroneously referred to 7 GCA § 40105(d). This manifest error was corrected to “7 GCA § 40101(d)” pursuant to the authority of 1 GCA § 1606.

MR 2.1.2. Assignment of Order of Protection Cases.

All *ex parte* applications for Temporary Orders of Protection and Permanent Orders of Protection Cases or Orders to Show Cause, shall be assigned to the Family Violence Court. Consistent with the concept of One-Judge-One Family, any domestic case involving a party or parties who are also involved in an Order of Protection Case shall be assigned, or reassigned, to the Family Violence Court.

2023 NOTE: Prom. Order No. PRM 06-006-18 (May 14, 2015) indicated the Source of this provision as Administrative Rule No. 14-001 (Feb. 21, 2014) (Regarding Amended Trial Court Case Assignment Procedures), effective Mar. 1 2014.

MR 2.1.3. Petition.

(a) Petition for Order of Protection.

(1) A Petition for an Order of Protection shall be filed with the Clerk of Court at the Courts and Ministerial Division of the Superior Court of Guam.

(2) The new designation for a Petition of an Order of Protection shall be “Protective Order - PO Case #00-0000.” Plaintiff shall be the “Petitioner.” Defendant shall be the “Respondent.”

(3) A Petition must be made under oath, and contain detailed facts and information to assist the Court in making a determination of the basis for the petition.

(b) Separate Actions. A Petition for an Order of Protection may be filed separately, filed concurrently with another case, or subsequent to another existing case. All cases involving the same parties shall be automatically consolidated by the Clerk of Court for assignment.

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

(c) Costs. A Petition for an Order of Protection shall be filed without cost. This fee exemption applies only to Petitions for Orders of Protection. The fee exemption is not available for any concurrent or subsequent filing of a related domestic, child custody, or child support action. Fees must be paid for related domestic, child custody, or child support actions, even if filed at the same time as the Petition for Order of Protection.

(d) Clerk Office Open. The Clerk's Office shall be open and available to assist any person seeking an Order of Protection Monday through Friday from 8:00 a.m. to 5:00 p.m. If the Court is not open for regular business hours, or on the weekend, a petition may be heard by the magistrate judge, or any judge available on duty.

2024 NOTE: Past publications state 19 GCA § 14104 as the source for subsection (c).

MR 2.1.4. Hearings and Notice.

(a) *Ex Parte* Application for Temporary Order of Protection.

(1) An *ex parte* application for an Order of Protection shall be heard each day pursuant to these Rules. A declaration regarding notice to the Respondent is required only in cases where Respondent is represented by counsel. In cases where Respondent is represented by counsel, it shall be the duty of Petitioner's counsel to file a declaration containing the following:

(A) that a good faith effort has been made to advise counsel for all other parties, if known, of the date, time and substance of the proposed *ex parte* application or the reasons supporting the claim that notice should not be required, and

(B) the efforts to contact other counsel or the parties and whether any other counsel or party, after such advice, opposes the application or has requested to be present when the application is presented to the court, and if not filed in accordance with this rule, reasons why the *ex parte* application has not been timely filed.

Notice is not required to be served on a pro se Respondent if such notice would further endanger the safety and welfare of the Petitioner and/or minor child/ren. The Clerk of Court will transmit the petition for immediate review and hearing at such times designated by the *Ex Parte* judge, or any available judge should the *Ex Parte* judge not be available.

(2) An *ex parte* application for a Temporary Order of Protection and a request for a Show Cause hearing for a Permanent Order of Protection shall be filed together with a Petition and Affidavit for Temporary Order of Protection subscribed under oath by the Petitioner.

(3) The Judge after review of the Petition and Affidavit, if the Judge deems a hearing necessary, may require the Petitioner to respond to any questions from the Court at and *ex Parte* hearing. If the Petitioner is not present at the *ex parte* hearing and is instead represented by an attorney, the Court may accept the Affidavit of the Petitioner as establishing grounds for issuance of the Temporary Order of Protection.

SOURCE: 19 GCA § 14101. Adopted by Prom. Order No. PRM 06-006-01 (May 3, 2007). Revised and amended by Prom. Order No. 06-006-02 (May 31, 2007). Subsection (a)(1) amended by Prom. Order No. PRM 06-006-18-01 (July 18, 2022) (amendment made to the prior number MR 2.1.3).

2022 COMPILER NOTE: According to the Subcommittee on Rules of Civil Procedure, the amendment to subsection (a) clarifies the *ex parte* procedure for temporary orders or protection accordance with the *ex parte* procedures contained in the amendments to Rule 7.1(j).

(4) Upon grant of the Temporary Order of Protection, the Clerk of Court shall set the matter for a Show Cause Hearing for a Permanent of Protection no later than ten (10) calendar days from date of the issuance of the Temporary Order of Protection.

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

SOURCES: 7 GCA § 40105(b) and § 20301.

(b) Final Orders of Protection/Show Cause Hearing.

(1) All Show Cause Hearings for Permanent Orders of Protection shall be heard by the Family Violence Court Judge, the *Ex Parte* Judge should the Family Violence Court Judge be unavailable, or any other available judge should the *Ex Parte* Judge be unavailable.

(2) All Show Cause hearings shall be heard no later than ten (10) calendar days after issuance of the Temporary Order of Protection, and shall be calendared at such times as designated by the Court.

(3) The Respondent shall be ordered to appear before the Court at the times and dates specified in the Temporary Order of Protection. Failure to appear may subject the Respondent to contempt charges. If the Respondent fails to appear at the hearing after being properly served and noticed, the case may proceed by default.

(4) The Court shall inform the Respondent of his right to seek assistance of an attorney at his own expense. If the Respondent desires to obtain assistance of an attorney, the Court may continue the Show Cause hearing for a reasonable period to afford the Respondent an opportunity to obtain counsel and may enter a continued Temporary Order of Protection in the interim. A Temporary Order of Protection may be modified, may continue as a temporary order, or may be made permanent as deemed appropriate by the Court.

(5) After taking testimony and evidence at the Show Cause hearing, and upon a showing of proof by a preponderance of the evidence as to the truth of the allegations in the Petition, the Judge may issue an Order of Protection for such periods as authorized by law, or may approve any consent agreement to bring about cessation of abuse of the Petitioner or minor child/ren. Any Order of Protection or approved consent agreement shall be for a fixed period of time as the Court deems appropriate. The Court may amend its order or agreement at any time upon subsequent petition or motion filed by either party.

(6) Mutual restraining orders, either stipulated to by the parties or issued by the court, are prohibited unless:

(A) based on a cross or counter petition or complaint, or

(B) the Court has made specific findings that each party was entitled to such an order, including detailed findings of fact indicating that both spouses acted primarily as aggressors and that neither acted primarily in self-defense.

SOURCE: 7 GCA § 40105(b); 18 U.S.C. § 2265(c).

MR 2.1.5. Relief.

(a) The Court shall be empowered to grant protection by appropriate order or approve any consent agreement to bring about a cessation of abuse of the Petitioner or minor children, which are not limited to but may include:

(1) directing the Respondent to refrain from abusing the Petitioner or minor children;

(2) granting possession of the residence or household to the Petitioner to the exclusion of the Respondent by evicting the Respondent or restoring possession to the Petitioner when the residence or household is jointly owned or leased by the parties;

(3) When the Respondent has a duty to support the Petitioner or minor children living in the residence or household and the Respondent is the sole owner or lessee, granting possession to the Petitioner of the residence or household to the exclusion of the Respondent by evicting the Respondent

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

to restoring possession to the Petitioner or by consent agreement allowing the Respondent to provide suitable, alternative housing; or

(4) awarding temporary custody or establishing temporary visitation rights with regard to minor children.

SOURCES: 7 GCA § 40105(a); and 19 GCA § 8404.

MR 2.1.6. Service of Orders.

Service of Orders of Protection and Show Cause Orders. The Marshals Division of the Superior Court of Guam will serve all Orders of Protection and Show Cause Orders upon order of the Court, or at the request of the Petitioner. The Petitioner or his/her attorney should provide complete and detailed information on the whereabouts of the Respondent. If the Respondent is incarcerated the Petitioner should notify the Marshals of the date of arrest.

2013 NOTE: Subsection designation was removed to adhere to the Compiler's general codification scheme pursuant to the authority granted by 1 GCA § 1606.

MR 2.1.7. Standard of Review.

(a) Burden of Proof.

(1) The burden of proof is upon the Petitioner who seeks an Order of Protection to prove by a preponderance of the evidence the truth of the allegations stated in the petition.

(2) Immediate and present danger to the Petitioner or minor child/ren shall constitute good cause for the issuance of a Temporary Order of Protection in an *ex parte* proceeding.

(3) The Rules of Evidence do not apply to *ex parte* hearings for Temporary Orders of Protection; however, The Rules of Evidence are applicable to Permanent Orders of Protection.

(b) Additional Evidence Required on *Ex Parte* Application.

(1) A party seeking removal of another party from the family residence under MR 2.1.5 (a)(2) on *ex parte* application must provide, to the satisfaction of the Court, proof of ownership of the family residence or leasehold.

(2) A party seeking temporary custody of minor children of the parties under MR 2.1.5.(a)(4) on *ex parte* application must provide proof, by a preponderance of the evidence, of immediate and present danger of abuse to the minor children.

2024 NOTE: Past publications state the sources for this rule as follows: 7 GCA § 40104(a) for subsection (a)(1); 7 GCA § 40104(b) for subsection (a)(2); 7 GCA § 40104(a) as the source for subsection (a)(3); 7 GCA § 40105 for subsection (b)(1); and 7 GCA § 40104(b) for subsection (b)(2).

MR 2.1.8. Contempt.

(a) Contempt.

(1) Upon violation of an Order of Protection, or a court-approved consent agreement of the parties, the Court may hold the Respondent in contempt, as follows:

(A) If the judge certifies that he or she saw or heard conduct constituting contempt and it was committed in the actual presence of the Court, and any person found guilty of such contempt may be punished summarily by a fine not exceeding \$25.00 or by imprisonment not exceeding five days or by both. The order of contempt shall recite the facts and shall be signed by the judge and entered of record.

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

(B) Other than as provided by subsection (A), civil and criminal contempt shall be prosecuted on notice and a hearing. Any person found guilty of contempt, other than as provided by subsection (A), may be subject to the same penalty as a person found guilty of a petty misdemeanor, which is, a definite term set by the Court not to exceed sixty (60) days imprisonment and fine not to exceed \$500.

SOURCE: 7 GCA §§ 40109, 34101(a) and (b); 9 GCA § 80.34. *People v. Torres*, 2008 Guam 26.

MR 2.1.9. Firearms.

(a) Surrender of Firearms and/or Ammunition.

(1) The Court shall require a Respondent subject to an Order of Protection to immediately surrender all firearms and/or ammunition to the Marshals of the Court, or other law enforcement officers.

(2) The Court may issue to the Marshals such search warrants as are necessary to effect the federal statute, the Gun Control Act of 1996, 18 U.S.C. § 922(g)(9). The Court may find probable cause determination based on the allegations contained in the Petition and Affidavit of the Petitioner, or evidence presented at hearing.

(3) Any firearms and/or ammunition seized by the Marshals shall comply with Standard Operating Procedures of the Superior Court of Guam Marshals Division for the seizure, storage and return of all firearms and/or ammunition seized in all protection from abuse cases. Any firearm seized by any other law enforcement officer shall comply with that department's standard operating procedure for the seizure, storage and return of all firearms and/or ammunition seized.

SOURCE: 18 U.S.C. § 922(g)(8), (9).

(b) Federal Firearm Prohibition. An Order for Protection must meet the requirements to satisfy the requirements of a "Qualifying Protection Order" under the federal firearm prohibitions:

(1) the Respondent must have received notice of the hearing,

(2) the Respondent must have had an opportunity to participate in the hearing,

(3) include a finding that the Respondent represents a credible threat to the physical safety of the Petitioner or child; or by its terms, explicitly prohibit the actual, attempted, or threatened use of physical force against the Petitioner or child.

SOURCE: 18 U.S.C. § 922(g)(8).

(c) Release of Firearms and/or Ammunition.

(1) Any firearm and/or ammunition that has been surrendered pursuant to MR 2.1.9(a) shall not be released to a Respondent who is subject to an Order of Protection as set forth in MR 2.1.9(b), until the Respondent obtains a court order granting such release.

NOTE: Pursuant to the authority granted by 1 GCA § 1606, the reference to Rule 14 was altered to reflect its adoption in the Miscellaneous Rules of Local Rules of the Superior Court of Guam

(2) The Respondent or other registered owner may request, by motion to the assigned judge, for the release of any firearm and/or ammunition surrendered pursuant to MR 2.1.9(a). Such motion shall be made after the expiration of the Order for Protection.

(3) At the hearing, the judge shall consider the following:

(A) Has the Order for Protection has been extended or made permanent;

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

(B) Is the Respondent subject to any court order that precludes the ownership or possession of firearms and/or ammunition;

(C) The ownership and registration status of the firearm and/or ammunition;

(D) Any other factor which, in the sound discretion of the court will justify the release or other disposition of the firearm(s) or ammunition, including but not limited to, the grounds for Respondent's request for release, possible danger for the victim(s), and employment purposes.

(4) No firearm shall be released by any Judiciary Marshal pursuant to this rule unless the Respondent complies with the applicable statutes regarding registration, Chapter 60 of Title 10 of the GCA.

(5) The Judiciary shall not be held liable for alleged damage or deterioration due to the storage, transportation of any firearm that was surrendered to the Marshals pursuant to MR 2.1.9(a).

MR 2.1.10. Enforcement of Orders of Protection.

(a) Orders of Protection. Orders of Protection issued by the courts of Guam shall be certified by the Clerk of the Superior Court of Guam, and shall be accorded full faith and credit in all jurisdictions in the United States, including territories, tribes and commonwealths.

(b) Foreign Orders of Protection.

(1) A certified copy of an order for protection or restraining order issued in another state or jurisdiction may be filed with the Clerk of Court of the Superior Court of Guam. The Clerk of Court shall take the same action upon foreign orders as is taken with orders issued by a court of Guam.

(2) Any valid protection order relating to abuse or domestic violence issued in another state, territory, tribe, or commonwealth of the United States, and filed with the Clerk of Court in accordance with subsection MR 2.1., shall be afforded full faith and credit by the courts of Guam and enforced as if issued by a court of Guam.

(3) At the request of a court of another state, or of a person who is affected by or has a legitimate interest in a foreign order for protection, the Clerk of Court shall certify and forward a copy of the foreign order to the requesting party at no cost.

2024 NOTE: Past publications state the sources for this rule as follows: 19 GCA § 14105 (a) for subsection (b)(1); 19 GCA § 14105 (b) for subsection (b)(2); and 19 GCA § 14105 (c)(2) for subsection (b)(3).

MR 2.1.11. Protective Order Registry.

(a) Registry. The Clerk of the Superior Court of Guam shall maintain a registry of all orders of protection and restraining orders which are:

(1) issued by the courts of Guam. Such orders shall be included in the registry within 24 hours after they are issued.

(2) issued by a court in another state, territory, tribe, or commonwealth of the United States, which has been and filed with the Clerk of Court in accordance with MR 2.1.10(b)(1). Such orders shall be included in the registry within 24 hours after a certified copy of the foreign order is filed with the Clerk of Court.

(b) Availability of Information. Upon request, the information contained in the registry shall be available at all times to a court, law enforcement agency, and other governmental agency.

2024 NOTE: Past publications state 19 GCA § 14105(c)(1) and § 14106(a) as the source for subsection (a), and 19 GCA § 14106 as the source for subsection (b).

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

VIDEO CONFERENCING

SOURCE: Adopted as Interim Rule 15 by Sup. Ct. Prom. Order No. 06-004 for 30 days (Mar. 31, 2006), extended a minimum of 30 days by Sup. Ct. Prom. Order No. 06-004-1 (Aug. 9, 2006), adopted as Rule 15 by Sup. Ct. Prom. Order No. 06-004-2 (Oct. 13, 2006), effective immediately. Adopted as Miscellaneous Rule (“MR”) 3.1 of the Local Rules of the Superior Court by Sup. Ct. Prom. Order No. 06-006-01 (May 3, 2007). Amended by Sup. Ct. Prom Order No. 06-004-03 (Feb. 27, 2015), effective Mar. 2, 2015.

MR 3.1. Video Conferencing.

(a) Video Conferencing in Certain Adult Criminal Proceedings.

(1) The trial court may, except as provided in section (3), use video conferencing technology in the following proceedings:

- (A) First appearances as defined by 8 GCA § 45.30;
- (B) Arraignments as defined by 8 GCA § 60.10;
- (C) Bail determination hearings as defined by 8 GCA §§ 40.10, .50;
- (D) Pretrial conferences as defined by 8 GCA § 80.10;
- (E) Criminal trial settings; and
- (F) Other pretrial motion hearings as defined by 8 GCA § 65.20.

(2) A record of any proceeding conducted by video conference shall be made in the same manner as all such similar proceedings not conducted by video conference. However, the court may, upon its own motion or motion of a party, record a proceeding with an audio visual recording system.

The courtroom shall be accessible to the public to the same extent as such proceedings would be if not conducted by video conference.

(3) The trial court may order the personal appearance of a defendant in court for a proceeding governed by section (1) upon a finding of good cause.

(b) Video Conferencing in Certain Juvenile Proceedings.

(1) The Family Court may, except as provided in section (3), use video conferencing technology in the following proceedings:

- (A) Preliminary hearings pursuant to Guam Fam. Ct. R. 23;
- (B) Answers as defined by Guam Fam. Ct. R. 10; and
- (C) Other prehearing motions.

(2) A record of any proceeding conducted by video conference shall be made in the same manner as all such similar proceedings not conducted by video conference. However, the court may, upon its own motion or motion of a party, record a proceeding with an audio visual recording system.

Pursuant to 19 GCA § 5112(a), the general public shall be excluded from hearings. The Family Court, however, may admit persons it finds have a direct interest in the case or in the work of the court into the courtroom.

(3) The Family Court may order the personal appearance of a juvenile in court for a proceeding governed by section (1) upon a finding of good cause.

(c) Video Conferencing Standards.

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

(1) All participants must be able to see, hear and communicate with each other simultaneously.

(2) All participants must be able to see, hear and otherwise observe any physical evidence or exhibits presented during the proceeding either by video, PDF, facsimile, or other method.

(3) Video quality must be adequate to allow participants to observe each other's demeanor and nonverbal communications.

(4) Each location must provide parties with a means of communicating fully and confidentially with counsel.

(5) In interpreted proceedings, the court may order that the interpreter be available to interpret when necessary subject to Guam Super. Ct. R. MR 1.1.4.

(6) Equipment for the immediate transmission of documents or papers, including but not limited to facsimile equipment and computers, must be made available.

(d) Standard Operating Procedures. The Subcommittee on the Proposed Rules and Procedures for Video Conferencing shall develop a set of Standard Operating Procedures necessary to implement the use of video conferencing technology in proceedings authorized by this rule. The Subcommittee, or other authorized body, may update and amend the Standard Operating Procedures as may be required.

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

COURT-REFERRED MEDIATION RULES

SOURCE: Adopted as Interim Rule 16 of the Rules of the Superior Court of Guam by Promulgation Order No. 06-005-01 (July 20, 2006), extended and amended by Promulgation Order No. 06-005-02 (Jan. 19, 2007), Promulgation Order No. 06-005-03 (Jul 5, 2007), Promulgation Order No. 06-005-04 (Dec 23, 2013), Promulgation Order No. 06-005-05 (Dec 26, 2013). Adopted as Permanent Court-Referred Mediation Rules by Promulgation Order No. 06-005-06 (May 21, 2014).

MR 4.1. Title.

These rules shall be referred to as the Superior Court of Guam’s Court-Referred Mediation Rules.

MR 4.1.1. Purpose.

The Judiciary of Guam desires to encourage the prompt and equitable resolution of disputes, to reduce financial and emotional burdens of lengthy litigation, to promote restorative justice and peer mediation, and to resolve cases within recommended judicial time standards and these Rules support these principles.

MR 4.1.2. Scope and Application.

These Rules apply to all parties involved in non-criminal cases and have limited application in juvenile proceedings.

MR 4.1.3. Definitions.

(a) “Mediation” means a process in which a neutral person or organization facilitates communication between the disputants to assist in reaching a mutually acceptable agreement.

(b) “Mediation costs” include the following, unless otherwise ordered or agreed between the parties to the mediation:

- (1) A reasonable fee to be paid to the mediator or mediators;
- (2) The travel and other reasonable expenses of the mediator or mediators;
- (3) The travel and other reasonable expenses of witnesses requested by the mediator or mediators with the consent of the parties;
- (4) The cost of any expert advice requested by the mediation or mediators with the consent of the parties; and
- (5) The costs of any court or other institution’s administration of the mediation.

MR 4.1.4. Mediation Costs and Fees.

(a) Mediation should be accessible to all parties. Except for peer mediation, restorative justice, or court-ordered mediation in matters involving custody and visitation, mediation costs and fees shall be paid by the parties in equal proportions unless otherwise agreed to with the mediation service provider and parties. No party may offer or give a Mediator any gift without the consent of all the parties. A party may request the judge to be granted financial accommodation due to indigence as provided for below.

(b) Any and all fees charged by the mediator shall be in accordance with a fee structure approved by the Chief Justice and made a part of the service provider agreement entered into between the Judiciary of Guam and the mediation service provider. Compensation shall be paid directly to the mediation service provider or as otherwise directed by the mediation service provider. Failure of a party to make payments due may result, upon motion or application, in the issuance of an order to pay, and imposition of sanctions. The Judiciary of Guam shall not be responsible for the collection or payment of any mediation fees or costs.

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

MR 4.1.5. Case Management Review for Mediation.

At any time after a case is filed, parties may agree by stipulation or the assigned judge may initiate mediation. The assigned judge may undertake a case management review for mediation at any time, in the discretion of the assigned judge including but not limited to, after the filing of last responsive pleading, at the scheduling conference, on the discovery deadline, and/or at the first pretrial conference.

MR 4.1.6. Attorney Certification.

Prior to the filing under CVR 16.1 of a Proposed Scheduling Order and a Proposed Discovery Plan, and no later than seventy-five (75) days after filing of the initial complaint, the attorneys are required to file a written certification regarding mediation, using Form B1.

MR 4.1.7. Parties' Duty to Confer and Report.

The parties shall meet and confer about whether they might benefit from mediation services, and the most appropriate time for mediation to be conducted. In every Proposed Scheduling Order and Proposed Discovery Plan parties must report their shared or separate views about the possible benefits of mediation in the particular case, and when mediation should occur.

MR 4.1.8. Mediation Referral Procedures.

The following procedures govern referral of a case to mediation services:

(a) Judicial Referral. All judges should conduct regular review of their case dockets for mediation referral. Consideration should include factors such as the age of the case, subject matter, the amount in controversy, the complexity of issues, the number of parties, prior referrals, and the likelihood of settlement. Prior to referral, the assigned judge may discuss with the parties the prospects for settlement of the case through mediation services.

(b) Stipulation of Parties. The parties may agree to engage in mediation by stipulation requesting the assigned judge to issue an Order of Mediation to an appropriate mediation service provider selected by the parties, or as determined appropriate by the assigned judge.

MR 4.1.9. Order For Mediation.

(a) An Order for Mediation, using Form B2, shall be issued requiring the parties to commence mediation promptly, appointing a designated mediation service provider, and ordering the parties to contact the mediation service provider promptly.

(b) Designated Mediation Service Provider. An Order for Mediation shall refer the parties to a mediation service provider approved by the Chief Justice of the Supreme Court of Guam, unless the parties agree by stipulation to mediation not covered by these rules.

(c) Stay of Proceedings. A stay of all proceedings, a portion of the proceedings or of discovery may be ordered when the assigned judge determines a stay would be beneficial, otherwise no stay should be entered while a case is in mediation. All applicable limitation periods, including periods of prescription, shall be tolled or extended upon commencement of mediation, and shall remain tolled until the tenth (10th) day following the termination of mediation.

(d) Contact Information Required. The Order for Mediation shall include the name, address and telephone number of the mediation services provider designated by the assigned judge to conduct mediation in the case. It shall also include the names and contact information of the attorneys or self-represented litigants participating in mediation.

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

(e) Hearing on Status of Mediation. The Order for Mediation shall provide for a hearing on the status of mediation services within sixty (60) days of the date the order is issued. The hearing may be continued where the parties have agreed to extend mediation services as herein provided.

MR 4.1.10. Relief from Judicially Referred Mediation.

(a) When an assigned judge has referred a case to mediation absent a stipulation of the parties, a party may file a “Statement Requesting Relief from Order for Mediation” using Form B3, seeking return of the case to the assigned judge’s regular docket.

(b) The Statement must be filed within ten (10) calendar days of the date of filing the Order for Mediation, and must provide the reason(s), supported by relevant facts, why the party believes the case is not then appropriate for mediation.

(c) If the assigned judge agrees that the case should be removed from mediation an Order For Relief From Mediation shall issue using Form B4 within 15 days of the filing of the Form B3 Statement Requesting Relief from Order for Mediation. The assigned judge may hold a hearing on the issue at his or her discretion. Absent such an order, the case shall remain in mediation. Unless and until an order removing a case from mediation is filed, the mediation process shall continue notwithstanding the filing of the Statement Requesting Relief from Order for Mediation.

MR 4.1.11. Financial Accommodation for Indigent Parties.

(a) The Judiciary recognizes that certain parties may not have the financial resources to pay for the costs and fees of mediation and does not want financial considerations alone to prevent parties from participating in court referred mediation. Therefore the Judiciary will permit parties to request indigent status.

(b) A party requesting indigent status shall file a Statement of Financial Indigence using Form B5 no later than five (5) business days after filing of the Order for Mediation.

(c) No party shall qualify for indigent status if represented by an attorney, except for pro bono or non-profit legal service representation for which the party pays no attorney fees. Financial qualification for indigent status shall be based on the same financial guidelines for eligibility for indigent representation in criminal cases in the Superior Court of Guam.

(d) The assigned Judge shall make a determination on a party’s indigent status request, within ten (10) calendar days of the request, using Form B6.

(e) If indigent status is approved, the judge shall refer the indigent party to an appropriate mediation service provider, issuing an amended Order for Mediation using Form B2, where financial accommodations are available.

MR 4.1.12. Sanctions for Nonappearance of Party at Scheduled Session.

A party who fails to appear at mediation without good cause may be subject to contempt and sanctions upon the issuance of an Order to Show Cause by the judge assigned to the case using Form B7. Sanctions may be imposed on attorneys or parties and may include payment of mediation costs and fees incurred for the scheduled mediation session(s), as well as other costs and fees, including attorney’s fees, of the party appearing for the scheduled session(s).

MR 4.1.13. Conduct of Mediation.

(a) Mediation is deemed to have commenced upon the filing of the Form B2 Order for Mediation.

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

(b) **Scheduling Pre-Mediation Conference.** The parties, and the attorneys primarily responsible for the litigation, shall promptly, after receiving an Order for Mediation, contact the designated mediation service provider to schedule a pre-mediation conference/teleconference with the mediator, at which all parties or their counsel must participate, to establish the date, time and place for mediation, the procedures to be followed in mediation, and the names of all persons who will be attending mediation sessions.

(c) **Mediation Statements.** Counsel should be prepared to discuss the following:

(1) Identity, by name and title or status of:

(A) Person(s) with decision making authority, who, in addition to counsel, will attend the mediation as representative(s) of the party; and

(B) Person(s) connected with a party opponent whose presence might substantially improve the utility of the mediation or the prospects for settlement;

(2) Brief description of the substance of the suit, addressing the party's views of the key liability issues and damages and discussing the key evidence;

(3) Identify the discovery or motions that promise to contribute most to equipping the parties for meaningful settlement negotiations;

(4) Except to the extent prohibited by applicable laws of privilege, describe the history and current status of any settlement negotiations;

(5) Provide additional information about any needs, interests or other considerations not described elsewhere in the statement that might be pertinent to settlement; and

(6) Include copies of documents likely to make the mediation more productive or to materially advance settlement prospects.

SOURCE: U.S. Dist. Ct. Northern Dist. of Calif. ADR Local Rule 6-7.

MR 4.1.14. Confidentiality.

(a) Notwithstanding Guam Rule of Evidence 504.2, no information used or discussed in mediation shall be communicated to the assigned judge, unless expressly consented to by all parties. No writing of the mediator, except the Mediator's Statement as required by the Court to be filed, shall be disclosed to the parties, the public, or anyone other than the mediator, unless all parties consent to the disclosure. All information disclosed, admissions of the parties, and documents produced in mediation shall be inadmissible and protected from disclosure at all times before, during, or after mediation, except as permitted by law or these Rules.

(b) A mediator has the duty to disclose to the proper authorities information obtained in mediation which the mediator reasonably believes will prevent a participant from committing a criminal or illegal act likely to result in death or serious bodily injury. No mediator may be required to participate in any subsequent hearing or trial of the mediated matter or appear as a witness or counsel for any person in the same or related matter.

MR 4.1.15. Evidence Admissible.

Evidence which is admissible or subject to discovery outside mediation shall not become inadmissible or protected from disclosure solely by reason of its use in mediation.

MR 4.1.16. Evidence Not Admissible.

Evidence which is inadmissible or not otherwise subject to discovery outside of mediation which is disclosed during mediation proceedings, or any admission made by the parties or document produced in the

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

course of mediation, shall not become admissible in evidence at a later trial in the case, nor can any disclosure therein made be compelled in any civil or criminal action, except upon consent of all the parties.

MR 4.1.17. Stipulated Extension of Mediation – Limited.

In the event the parties are unable to commence mediation or reach any agreement within sixty (60) calendar days of the filing of the Order for Mediation, the parties may agree that continued mediation is appropriate. The parties may stipulate to successive mediation to be commenced within ninety (90) calendar days of the filing of the Order for Mediation without further approval of the assigned judge. Notice of any such successive mediation shall be promptly provided to the assigned judge through the Mediation Service Provider's filing of a Mediator's Statement, using Form B8. No further extensions of mediation are permitted without approval of the assigned judge.

MR 4.1.18. Termination or Conclusion of Mediation Services.

Mediation may be terminated or concluded at any time as follows:

- (a) A written declaration by the mediator that mediation efforts are not currently justified;
- (b) A written declaration by all the parties that mediation is terminated by mutual agreement of all the parties, or terminated as to particular parties; or
- (c) Signing of a mediation settlement agreement by all parties to that agreement.

MR 4.1.19. Mediator's Statement.

Within ten (10) calendar days of the completion of mediation services, or termination of mediation by all the parties, Form B8 -- Mediator's Statement shall be filed with the Court by the Mediation Services Provider advising the assigned judge of the outcome of the mediation.

MR 4.1.20. Stipulated Judgment Upon Mediation – Enforcement.

The parties may submit, and the assigned judge may enter, a Stipulated Judgment Upon Mediation, using Form B9, and which thereafter may be enforced as any Superior Court of Guam judgment may be enforced.

MR 4.1.21. Qualification of Mediators.

The Chief Justice of the Guam Supreme Court shall approve all mediators who are engaged by mediation service providers at the time the Judiciary enters into an agreement with the mediation service provider. Mediation service providers who are engaged at the time of the adoption of these Rules are deemed approved. All mediators engaged by an approved mediation service provider shall be deemed approved by the Chief Justice. Additional qualification, training and experience may be required of mediators from time to time by the Supreme Court. In the absence of training qualifications it shall be the duty and responsibility of the mediation service provider to exercise all proper due diligence to ensure the qualifications of all mediators it engages.

MR 4.1.22. Standards of Conduct for Mediators.

The ethical standards applicable to mediation service providers, and mediators, shall be the 2005 Model Standards of Conduct for Mediators. Attached as Appendix A.

MR 4.1.23. Data Collection Requirements.

The Clerk of Court shall collect all data pertaining to all Orders for Mediation, and Mediator's Statements, and shall report to the Chief Justice within a reasonable time following the end of each calendar year regarding mediation services within the Superior Court of Guam during the prior year.

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

MR 4.1.24. Judicial Time Standards Tolloed.

The aging of a case referred to mediation shall be tolled for case age time standard purposes until such time as mediation ends. Tolling commences from date of the issuance of the Order for Mediation and ends when the assigned judge determines mediation has concluded or terminated.

MR 4.1.25. Juvenile Proceedings.

(a) These rules do not strictly apply to juvenile special proceedings including, but not limited to, PINS, beyond control, truancy, guardianship, and delinquency cases. Judges may exercise discretion and order mediation in such proceedings.

(b) These rules do not strictly apply to juvenile delinquency proceedings. Judges may exercise discretion and order mediation, peer mediation, or restorative justice in juvenile delinquency proceedings.

(c) For juvenile proceedings, the judge may refer such cases to appropriate government or non-government programs or to the mediators approved by the Chief Justice.

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

SMALL CLAIMS

MR 5.1. Small Claim Rules and Procedures.

These rules and procedures shall be known and may be cited as “The Small Claims Rules and Procedures.”

NOTE: Formerly Rule 92 of the Guam Rules of Civil Procedure. Adopted and made part of the Miscellaneous Rules of the Local Rules of the Superior Court of Guam by Supreme Court Promulgation Order Nos. 06-006-02 and 10. Except where otherwise indicated, these rules were approved and adopted by the Judicial Council on May 19, 1999 and effective June 1, 1999.

MR 5.1.1. Authority to Waive Compliance.

The Small Claims judge or referee has the authority to waive compliance with the Small Claims Rules and Procedures in order to effectuate substantial justice between the parties.

MR 5.1.2. Small Claims Division.

A Small Claims Division is created within the Superior Court of Guam pursuant 48 U.S.C. § 1424(a)(2) and Guam Public Law 20-028 (June 13, 1989).

MR 5.1.3. Definitions.

Unless the context indicates otherwise:

(a) “Plaintiff” means the party who has filed a Small Claims action; the term includes a defendant who has filed a claim against a plaintiff.

(b) “Defendant” means the party against whom the plaintiff has filed a Small Claims action; the term includes a plaintiff against whom a defendant has filed a claim.

(c) “Judgment Creditor” means the party, whether plaintiff or defendant, in whose favor a money judgment has been rendered.

(d) “Judgment Debtor” means the party, whether plaintiff or defendant, against whom a money judgment has been rendered.

(e) “Person” means an individual, corporation, partnership, limited liability company, firm, association, or other entity.

(f) “Individual” means a natural person.

(g) “Party” means a plaintiff or defendant.

(h) “Motion” means a party’s written or oral request to the court for an order or other action; the term includes an informal written request to the court, such as a letter.

(i) “Declaration” means a written statement signed by an individual which includes the date and place of signing, and a statement under penalty of perjury that its contents are true and correct.

(j) “Good cause” means circumstances sufficient to justify the requested order or other action, as determined by the judge or referee.

(k) “Mail” means first-class mail with postage fully prepaid, unless stated otherwise.

MR 5.1.4. Jurisdiction.

Any person having a claim of ten thousand (\$10,000.00) dollars or less may apply for relief through the Small Claims Division. Counterclaims or cross-claims may also be filed for up to ten thousand

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

(\$10,000.00) dollars. If a bona-fide counterclaim or cross-claim is in excess of ten thousand (\$10,000.00) dollars, the matter shall be handled as a regular civil or other case. Any person having a claim against him or her for more than five thousand (\$5,000.00) dollars may make a timely application to the court for transfer of the matter out of the Small Claims Division to be handled as a regular civil or other case within the Superior Court of Guam, which motion, if timely made, shall be granted as a matter of right.

MR 5.1.5. No Right to a Jury Trial.

Parties who file their case in the Small Claims Division or who appeal their case are not entitled to a jury trial.

MR 5.1.6. Removal.

Any person against whom a claim is filed in the Small Claims Division may apply to the Court for transfer of the matter out of the Small Claims Division to the Superior Court of Guam to be handled as a regular civil or other case. The court may grant such a motion only upon a showing of significant prejudice for the applicant if the matter continues in the Small Claims Division, or a clear showing by the applicant that the Small Claims Division is an inappropriate forum. The court may consider the costs of pursuing a regular case and availability of attorneys who might handle the matter as some of the deciding factors. Such motion for discretionary transfer shall be disfavored, and shall be granted only in exceptional cases.

MR 5.1.7. Court Sessions; Schedules.

Sessions of the Small Claims Court may be scheduled at any time and on any day, including Saturdays, but excluding other Government of Guam holidays. They may also be scheduled at any public building within Guam, including places outside the courthouse.

MR 5.1.8. Filing Fees.

(a) The filing fee for filing a complaint or counterclaim or cross-claim in Small Claims cases shall be one (1%) percent of the amount claimed for the first one thousand (\$1,000.00) dollars and two (2%) percent for all amounts thereafter, provided, that the total filing fee does not exceed the cost of filing a civil case in the Superior Court of Guam.

(b) If the case is removed from the Small Claims Division to the Superior Court, the party requesting removal shall pay the filing fee for a civil case filed at Superior Court.

2024 NOTE: Subsection designations added by the Compiler.

MR 5.1.9. Attorneys.

(a) Pro Se. Parties filing or defending a claim in the Small Claims Division need not hire an attorney and are encouraged to appear on their own behalf. However, if one party is represented by an attorney then the other party shall be given an opportunity to obtain an attorney. The court shall have the discretion to set time limitations for a party to hire an attorney. The parties shall have the right to offer evidence in their behalf by witnesses. The court may also informally make any investigation of the controversy between the parties. The court may give judgment and make such orders as to time of payment or otherwise as may, by him, be deemed to be right and just and, in an action against several defendants, may, in his discretion, give judgment against one or more of them, leaving the action to proceed against the others, whenever a separate judgment is proper.

(b) Attorney's Fees. No attorney's fee may be awarded in Small Claims cases unless expressly authorized by statute or in contract cases as stated in the contract, and only at the discretion of the court.

(c) Representation by Persons who are not Attorney's. Representation by persons who are not attorney's will be subject to the following provisions:

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

(1) A bona fide full time employee, officer or director of a corporation may represent such corporation in Small Claims court.

(2) Persons who are not attorneys and are not subject to subsection (1) above shall not represent or advise any other person in Small Claims court.

(3) No claim shall be filed or presented by the assignee of such claim, unless the assignee is an attorney admitted to practice law in Guam and the assignor is not a resident of Guam.

MR 5.1.10. Referee.

(a) Appointments. Small Claims cases may be heard by any Judge of the Superior Court of Guam, a magistrate appointed under 7 GCA § 4401 or the Chief Justice may appoint one or more Small Claims Referees from among members of the Guam Bar Association, to hear Small Claims cases pursuant to court rules, who shall have the power of a Superior Court Judge in respect to such Small Claims matters. Such appointments shall be for six months or less. Incumbent Referees may be reappointed by the Chief Justice for additional terms of six months or less. Referees may be disqualified from hearing a matter in the same manner as a Judge of the Superior Court may be disqualified.

As used in this Rule, Referees may be referred to as “Judge” or “Judicial Officer”.

(b) Civil Liability of Small Claims Referees. No referee shall be liable in a civil action for damages by reason of any judicial action or judgment rendered by him or her.

(c) Contempt Powers of Small Claims Referees. Pursuant to 7 GCA, § 7119, Small Claims Referees are judicial officers whose powers include, but are not limited to, the powers as stated in 7 GCA, § 7111, and powers of contempt as stated in 7 GCA, § 7112.

(d) Injunctions: What is, and Who May Grant it. An injunction is a writ or order requiring a person to refrain from a particular act. It may be granted by the court in which the action is brought, by a judge, or by a Small Claims Referee thereof, and when granted by a judge or Small Claims Referee it may be enforced as an order of the court. The provisions in Title 7 relating to injunctions and the procedures in CVR 65 of the Guam Rules of Civil Procedure apply to the Small Claims Division.

MR 5.1.11. Law Clerks Authorized.

The Small Claims Division may use law clerks to assist the court with legal research of Small Claims cases.

MR 5.1.12. *Ex Parte* Applications Before Small Claims Referee.

All applications for *ex parte* orders may be heard in open court at a time to be prescribed by the judge or referee. Such applications shall be accompanied by a declaration containing the following:

(a) Name of the opposing party and their counsel, if any;

(b) That good faith effort has been made to advise the opposing party or their counsel, of the date, time, place and substance of the *ex parte* application, or there as on supporting the claim that notice should not be required;

(c) Who opposes the application;

(d) Which party or counsel expresses an intention to be present at the time the application will be presented to the court.

This rule does not apply to an application for an alternative writ of mandate, prohibition or review, or a subpoena.

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

MR 5.1.13. *Ex Parte* Communications.

(a) No one shall directly or indirectly communicate with a Judge, Referee or Judicial Officer, the Judge's chamber personnel (including law clerks), the Clerk of Court, or the Clerk's Deputies and Assistants about any matter pending with the court except:

- (1) In open court; or
- (2) With the consent of all other parties or their counsel in such matters; or
- (3) In the presence of all other parties or their counsel in such matters; or
- (4) By means of motions, or other papers provided for or allowed by rule or law.

(b) Nothing in this Rule shall prevent the Clerk of Court from entertaining questions or complaints.

(c) The practice of writing a letter to a judge or judicial officer (even when the opposing party or their counsel receives copies of such letter) is expressly prohibited.

2025 NOTE: Subsection designations modified pursuant to the authority of 1 GCA § 1606.

MR 5.1.14. Court Records.

The Clerk shall establish and maintain a Small Claims Division docket and enter herein:

- (a) The title of every action;
- (b) The sum of money claimed;
- (c) The date of issuance of the summons;
- (d) The judgment of the Court and when required;
- (e) The date of receipt of a motion for a new trial, if any be filed, and the payment of the fee.

MR 5.1.15. Docketing Statement.

No complaint or declaration is acceptable for filing unless accompanied by a properly executed docketing statement. The Clerk of Court shall prescribe the form of the docketing statement and shall make such forms available.

MR 5.1.16. Commencement of Action; Forms; Necessary Information.

(a) A plaintiff may commence a Small Claims action by filing a complaint or declaration under oath with the Small Claims court. The plaintiff must submit enough copies of the complaint or declaration for the following: the court, the plaintiff, and each named defendant.

(b) The complaint or declaration shall be a simple nontechnical form approved by the Judicial Council. The complaint or declaration shall set forth

- (1) the name and address of the defendant, if known;
- (2) the amount and basis of the claim;
- (3) that the plaintiff, where possible has demanded payment and, in applicable cases, possession of the property;
- (4) that the defendant failed or refused to pay, and, where applicable, has refused to surrender the property; and
- (5) that the plaintiff understands that the judgment on his or her claim will be conclusive and without a right of appeal.

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

(c) The form and accompanying instructions shall include information that the plaintiff

- (1) need not be represented by an attorney,
- (2) has no right of appeal on his or her claim, and

(3) may ask the court to waive fees for filing and serving the claim on the grounds that the plaintiff is unable to pay them, using the forms approved by the Judicial Council for that purpose.

MR 5.1.17. Summons; Service.

The plaintiff shall also submit a summons with the complaint or declaration for each defendant named in the complaint or declaration. The Clerk shall sign the summons and immediately thereafter shall cause the summons and a copy of the complaint or declaration to be served by the Marshal upon each named defendant. The Clerk shall then attach to the original complaint or declaration for the Marshal's return of service.

MR 5.1.18. Counterclaim.

The defendant in any such action may file a verified answer stating any new matter which shall constitute a counterclaim; a copy of such answer shall be delivered to the plaintiff in person not later than forty-eight (48) hours prior the hour set for the appearance of the defendant in such action. The applicable provisions of the Guam Rules of Civil Procedure relating to counterclaims is hereby made applicable to the Small Claims Division of the Superior Court except as herein provided in this Rule.

MR 5.1.19. Time for Appearance.

(a) Order for Plaintiff to Appear and Approve Claim: Application for New Order for Appearance of Defendant. The date for the appearance of the defendant as provided in the summons endorsed on the affidavit shall not be more than thirty (30) days nor less than twenty (20) days from the date of said summons.

(b) When the Clerk has fixed the date and time for the appearance of the defendant, he shall inform the plaintiff of said date and time, order the plaintiff to appear and to have with him his books, papers and witnesses necessary to prove his claim. If the summons is not served upon the defendant at least five (5) days prior to the appearance date, the court must, upon request of an appearing defendant, continue the date of the hearing for not less than ten (10) days, and in such case, the Clerk shall inform the plaintiff of the new date set for the hearing.

(c) If the summons is not served upon the defendant prior to the appearance date, the plaintiff may apply to the judge, referee or clerk for a new summons setting a new date for the appearance of the defendant which shall not be more than thirty (30) days nor less than twenty (20) days from the date of the new summons.

2024 NOTE: Subsection designations added by the Compiler. MR 5.1.20. Mandatory Mediation.

MR 5.1.2. Mandatory Mediation.

Upon the timely request of any party to a Small Claims action or upon the court's own initiative, the court may order and structure mandatory mediation between the parties.

MR 5.1.21. Motion Practice.

(a) Calendaring and Service. A motion shall be served not later than five (5) days before the time set for hearing. The court may allow the non-moving party five (5) or more days to review the motion and file a response to the motion. If the non-moving party waives any response time allowed by the court, the court

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

may hear the matter immediately. If the non-moving party does not waive the response time allowed by the court, then the court shall set the next hearing date not less than five (5) days from that hearing date.

(b) Reply and Supplemental Memorandum. Unless the court otherwise orders, no reply or supplemental memoranda shall be filed,

(c) Further Proceedings on Motion under Advisement. No motion addressing the a lack of a decision may be filed with the court prior to the expiration of fourteen (14)calendar days from the last hearing on a motion.

(d) Proposed Orders.

(1) A moving party and each party opposing a motion may prepare, or may be read to prepare by the court, a proposed order for submission to the court. Prior to the commencement of the hearing, the parties should exchange proposed orders and be prepared to discuss the appropriateness of those orders should the court rule from the bench.

(2) In lieu of the proposed order described above, a party may submit a statement containing language which the court could adopt in fashioning its own order.

(3) For the purposes of this rule, a warrant of arrest is an order.

(e) Orders. After a hearing the court may require the prevailing party to prepare an order which is consistent with the ruling of the court in that matter. The prevailing party shall expeditiously submit the order to the opposing party for his review and signature who shall then expeditiously return the order to the prevailing party. The order shall then be expeditiously submitted to the court for its final approval, signature and filing. In the event that the parties are unable to agree upon the wording of the order, then a hearing shall be requested by the party required to prepare the order.

MR 5.1.22. Continuance.

Hearings may be continued upon the filing of a written stipulation signed by the parties and their respective attorneys, if any. If after exercising due diligence a party's signature cannot be obtained by his counsel, the attorney shall submit with the stipulation an affidavit stating the reasons why the signature could not be obtained. The court after reviewing the affidavit may then accept the stipulation for further consideration. Stipulations shall include a proposed date for the continued hearing and are subject to the approval of the court. Stipulations for continuances shall not be treated as *ex parte* applications.

MR 5.1.23. Discovery.

Discovery is permitted in Small Claims actions upon prior approval by the court which may include reasonable interrogatories, request for production of documents, request for admissions, and depositions.

MR 5.1.24. Rules of Evidence.

For purposes of Small Claims cases, the court may relax the Guam Rules of Evidence, including the rules relating to proof of damages, in order to effectuate the purpose of the Small Claims Court.

MR 5.1.25. Utilities Disputes.

The Small Claims Court shall have the ability to issue declaratory rulings or other forms of relief as is just in disputes over utility billings. The court may provide for continued utility services pending it final decision and sanction parties pursuant to its contempt powers for bad faith disputes over utility billings.

MR 5.1.26. Filing.

(a) Untimely Filing. Absent good cause shown, papers not timely filed shall be disregarded by the court.

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

(b) Photocopied Facsimiles Accepted. Legible photocopies of electronically transmitted papers are acceptable for filing. A cover sheet may be used when necessary to comply with GRCP, Rules 10 and 11.

MR 5.1.27. Payment of Judgment.

If the judgment be against the defendant, or against the plaintiff upon the defendant's counterclaim, such judgment shall be paid forthwith or at the time and upon such terms and conditions as the judge may prescribe.

MR 5.1.28. Proof of Service after Judgment.

The absence of proof of service at the time of any hearing at which the party seeks post-judgment relief with the attendance of a person shall be deemed non-service.

MR 5.1.29. Motion for a New Trial.

The judgment of the court shall be conclusive upon the plaintiff and upon the defendant upon the counterclaim, but if the defendant as to the claim or the plaintiff as to the counterclaim is dissatisfied, he may, within ten (10) days of the entry of the judgment against him, make a motion for a new trial. Upon the filing of such motion for a new trial, the moving party shall pay the same fees as are charged for the filing of an original action in the Superior Court.

MR 5.1.30. Statement on Motion for a New Trial.

The motion for a new trial shall be filed by completing Form 3 following, and filing the same with the Clerk. The Clerk shall thereupon enter the case in the regular docket of the Superior Court.

MR 5.1.31. Trial *De Novo*.

Upon the payment of the filing fee and the completion and filing of the form set forth above, the right to a new trial is absolute and a trial *de novo* shall be granted in the Superior Court under the rules of the Superior Court excepting that no further pleadings shall be required of either party.

MR 5.1.32. Abstract of Judgment.

If no motion for a new trial is filed and the prevailing party is not paid the amount of the judgment according to the terms and conditions thereof, the Clerk shall, upon application by the prevailing party, certify such judgment in the form set forth in Form 4 following.

MR 5.1.33. Schedule of Fees.

NOTE: Adopted October 24, 2003, effective, December 01, 2003, by Promulgation Order No. PRM03-008, Supreme Court of Guam. Repealed December 22, 2003, by Promulgation Order No. PRM03-012. Reinstated April 30, 2004, effective, July 1, 2004, by Judicial Council Resolution No. JC04-010. [Pursuant to P.L. 27-031, the Supreme Court shall now defer matters pertaining to court fees to the Judicial Council]

(a) Small Claims Schedule of Fees (Based on Claim Amount)

Initial Claim Amount	
\$ 500.00	\$20.00
\$ 501.00 - \$ 2,000.00	\$30.00
\$ 2,000.00 - \$ 3,500.00	\$40.00
\$ 3,501.00 - \$ 5,000.00	\$50.00
\$ 5,001.00 - \$ 6,500.00	\$60.00
\$ 6,501.00 - \$ 8,000.00	\$70.00
\$ 8,001.00 - \$ 9,500.00	\$80.00
\$ 9,501.00 - \$ 10,000.00	\$90.00

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

(b) Small Claims Schedule of Fees.

Summons	\$ 4.00
Judgment Debtor Examination	\$ 10.00
Order to Show Cause	\$ 10.00
Writs	\$ 15.00
Confession of Judgment	\$ 15.00
Abstract of Judgment	\$ 5.00
Motion / Joinder for Summary Judgment	\$ 20.00
Counterclaim	Same as Initial Filing Claim
Any Motion Requiring a Hearing, Stipulation or Litigant Requesting to Continue Hearing	\$ 10.00

(c) Amended Declaration:

- (1) If amended claim amount does not exceed the initial claim amount, no fee is required.
- (2) If amended claim amount exceeds the initial claim amount, filing fee will be based on the difference of the claim.
- (3) If amendment is to add a defendant(s), fee is assessed as in summons.
- (4) Any other amendments, no fee is required.

MR 5.1.34. Cost.

The prevailing party in any action under this rule is entitled to costs of the action and also the costs of executing upon a judgment rendered therein.

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

RECORDS RETENTION

MR 6.1. Records Retention.

(a) Supreme Court of Guam. Title 7 GCA § 7120 and Miscellaneous Rule 6.1 of the Local Rules of Court govern the retention periods and disposition of court records. The record retention and disposition periods provided in this section are effective April 14, 2022, and apply to all court records in existence. Case records may be preserved on paper, microfilm, or as electronic documents. The paper records, microfilm or electronic documents are the official record of the court. The Clerk may certify a copy of the paper case records, a printed copy of microfilm or a printed electronic copy of an electronic document as a true and correct copy of the document in the record of the court.

Case Type	Retention Period (Original copy destroyed after expiration of period and/or microfilming/conversion to electronic document)	Disposition
Appellate Procedure	6 months after case is closed.	Microfilm or convert to electronic document; retain microfilm or electronic indefinitely unless otherwise ordered by the court.
Attorney Discipline	6 months after case is closed.	Microfilm or convert to electronic document; retain microfilm or electronic indefinitely unless otherwise ordered by the court.
Certified Question	6 months after case is closed.	Microfilm or convert to electronic document; retain microfilm or electronic indefinitely unless otherwise ordered by the court.
Civil Case	6 months after case is closed.	Microfilm or convert to electronic document; retain microfilm or electronic indefinitely unless otherwise ordered by the court.
Criminal Case	6 months after case is closed.	Microfilm or convert to electronic document; retain microfilm or electronic indefinitely unless otherwise ordered by the court.
<i>Pro Hac Vice</i>	6 months after case is closed.	Microfilm or convert to electronic document; retain microfilm or electronic indefinitely unless otherwise ordered by the court.
Promulgation Order	At least 6 months after order is entered.	Microfilm or convert to electronic document; retain microfilm or electronic indefinitely unless otherwise ordered by the court.

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

Writ of Habeas Corpus	6 months after case is closed.	Microfilm or convert to electronic document; retain microfilm or electronic indefinitely unless otherwise ordered by the court.
Writ of <i>Mandamus</i>	6 months after case is closed.	Microfilm or convert to electronic document; retain microfilm or electronic indefinitely unless otherwise ordered by the court.
Writ of Prohibition	6 months after case is closed.	Microfilm or convert to electronic document; retain microfilm or electronic indefinitely unless otherwise ordered by the court.
Writ of Certiorari	6 months after case is closed.	Microfilm or convert to electronic document; retain microfilm or electronic indefinitely unless otherwise ordered by the court.

(b) Superior Court of Guam. Title 7 GCA § 7120 and Miscellaneous Rule 6.1 of the Local Rules of Court govern the retention periods and disposition of court records. The record retention and disposition periods provided in this section are effective April 14, 2022, and apply to all court records in existence. Case records may be preserved on paper, microfilm, or as electronic documents. The paper records, microfilm or electronic documents are the official record of the court. The Clerk may certify a copy of the paper case records, a printed copy of microfilm or a printed electronic copy of an electronic document as a true and correct copy of the document in the record of the court.

(1) For Records Prior to 2011.

Record Title	Retention Period (Original copy destroyed after expiration of period and/or microfilming/conversion to electronic document)	Disposition
A. Case Files (Paper)		
Adoption (AT)	5 years	Microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
Child Support (CS)	3 years	Convert complaint, final order or judgment to electronic document; retain electronic document indefinitely unless otherwise ordered by the court

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

Civil (CV)	5 years	Convert complaint, final order, or judgment to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Criminal Felony (CF)	7 years	Convert complaint, indictment, information, plea agreement, final order, and judgment to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Criminal Misdemeanor (CM)	7 years	Convert complaint, information, plea agreement, final order, and judgment to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Domestic (DM) 1. Divorce	5 years	Convert complaint, settlement agreement, interlocutory judgment, and final decree, or final order to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
2. All Others	5 years	Convert complaint, judgment, or final order to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Foreign Order (FO)	5 years	Convert complaint, foreign judgment, and final order; retain electronic document indefinitely unless otherwise ordered by the court
Juvenile Delinquency (JD)	5 years	Destroy pursuant to 19 GCA § 5124
Juvenile Proceedings (JP)	5 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court; Destroy pursuant to 19 GCA § 5124

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

Land Registration (LR)	7 years	Convert to microfilm or electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
Probate (PR)	7 years	Convert to microfilm or electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
Special Proceedings (SP)	5 years	Convert petition, final order, and judgment to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Protective Order (PO)	3 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Restitution (RS)	1 year	Convert collection order and final order to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Small Claims (SD)	2 years	Destroy
Traffic	2 years	Destroy
Marriages (SPM)	1 year	Destroy

B. Other Records	Retention Period (Original copy destroyed after expiration of period and/or microfilming/conversion to electronic document)	Disposition
-------------------------	---	--------------------

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

Original Wills	Permanent	Permanent
Exhibits	Return to party submitting after time for appeal has passed	Return to party submitting after time for appeal has passed
Jury Records		
1. Juror Lists	4 years after the master jury wheel is emptied	Destroy
2. Grand Jury Voting Sheets	3 years	Destroy
3. Trial Questionnaires	3 years	Destroy
Court Recordings		
1. Cassette Tapes	10 years	Destroy
2. DVD Audio recordings		
Search Warrants	5 years	Destroy
Docket Sheets	2 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Cardex File	2 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court

(2) For Records from 2011 to Present.

Record Title	Retention Period (Original copy destroyed after expiration of period and/or microfilming/conversion to electronic document)	Disposition

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

A. Case Files (Paper)		
Adoption (AT)	5 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Child Support (CS)	3 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Civil (CV)	5 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Criminal Felony (CF)	7 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Criminal Misdemeanor (CM)	7 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Domestic (DM)	5 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Foreign Order (FO)	5 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Juvenile Delinquency (JD)	5 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Juvenile Proceedings (JP)	5 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Land Registration (LR)	7 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Probate (PR)	7 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Special Proceedings (SP)	5 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

Protective Orders (PO)	5 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Restitution (RS)	1 year	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Small Claims (SD)	3 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Traffic	3 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Marriages (SPM)	1 year	Destroy

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

B. Other Records	Retention Period (Original copy destroyed after expiration of period and/or microfilming/conversion to electronic document)	Disposition
Original Wills	Permanent	Permanent
Exhibits	Return to party submitting after time for appeal has passed unless electronically presented pursuant to EFR 4.12	Return to party submitting after time for appeal has passed unless electronically presented pursuant to EFR 4.12
Jury Records 1. Juror Lists	4 years after the master jury wheel is emptied	Destroy
2. Grand Jury Voting Sheets	3 years	Destroy
3. Trial Questionnaires	3 years	Destroy
Audio and electronic recordings of official court proceedings	10 years	Destroy
Search Warrants	5 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court

SOURCE: Guam Bar Committee. Amended pursuant to Promulgation Order No. PRM06-006-21 (April 14, 2022).

COMMENT: The Superior Court has been faced with questions of storage and disposal of records without any law or rule for guidance. This Rule provides necessary guidance, in accordance with applicable law, for the storage and disposal of all the papers accumulated by the court.

CROSS-REFERENCES: Public Law 22-124 enacted 7 GCA §7120, which provided the statutory guidance which was lacking when this Rule was adopted. Section 7120(d) confirmed and continued this Rule under it may be changed in due course.

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

RELIEF FROM DISABILITIES

MR 7.1. Relief from Disabilities.

(a) A person who has been involuntarily committed to a mental institution or otherwise formally adjudicated as mentally defective as defined in 27 C.F.R. § 478.11, may petition to the Superior Court of Guam for relief from the firearms prohibitions contained in 18 U.S.C. § 922 (d)(4), 18 U.S.C. § 922(g)(4), and 10 GCA § 60108(b)(4).

(1) The relief provided under this Rule shall only be from mental health adjudications or commitments which occurred within Guam.

(2) A Petition filed under this Rule must be served upon the Attorney General of Guam, who may object to and present evidence relevant to the relief sought by the Petitioner.

(b) The Superior Court of Guam must consider the Petitioner's request for relief.

(1) In the case of a civil commitment, the Superior Court of Guam shall accept for filing in the Special Proceedings case in which the person was found to have a mental defect, without cost, a Petition for Relief from Disabilities under 18 U.S.C. § 922 (d)(4), 18 U.S.C. § 922(g)(4), and 10 GCA § 60108(b)(4).

(2) In the case of a criminal defendant who has put his mental state at issue, the Superior Court of Guam shall accept for filing in the underlying criminal case or cases in which the criminal defendant put his mental state at issue and a finding of defective mental state was found, without cost, a Petition for Relief from Disabilities under 18 U.S.C. § 922(d)(4), 18 U.S.C. § 922(g)(4), and 10 GCA § 60108(b)(4).

(c) The court shall accord the petitioner all due process of law, including:

(1) Petitioner shall have an opportunity to submit evidence.

(2) Petitioner shall have the opportunity for a Judge of the Superior Court to review the evidence.

(3) Petitioner shall have a right to a record to be made of the matter, which shall be maintained for review.

(d) Record of proceedings.

(1) The court must receive and consider a proper record of how the mental disability was imposed in the first place, which will be contained in the record of the case in which the disability arose.

(2) This must include but is not limited to

(A) the circumstances regarding the firearm disability;

(B) the Petitioner's record, including at a minimum, Petitioner's mental health and criminal history records; and

(C) Petitioner's reputation, which may be developed on the record, at a minimum, through character witness statements, testimony, or other character evidence.

(e) The court must grant Petitioner's request for relief if, at the conclusion of the consideration of the evidence noted above, the court makes the following findings;

(1) the Petitioner will not be likely to act in a manner dangerous to public safety, and

(2) granting relief from disability will not be contrary to public interest.

**LOCAL RULES OF THE
SUPERIOR COURT OF GUAM**

(f) If the court denies relief, the Petitioner may not petition again for relief under this Rule until one (1) year after the date of the judgment.

(g) The Petitioner is entitled to *de novo* appellate review of a denied Petition in the Supreme Court of Guam.

(1) the Supreme Court of Guam may but is not required to give deference to the decision of the Superior Court in denying the Petition.

(2) The Supreme Court of Guam has the discretion to receive additional evidence necessary to conduct an adequate review.

(h) After a judgment granting restoration of rights under this Section has become final and the time period for appeal has passed without an appeal being filed, the Clerk of Court of the Superior Court shall, as soon as is practicable, but in no case later than ten (10) business days after the time period for appeal has passed without an appeal being filed, forward a copy of the judgment to the Marshal of the Court. The Marshal of the Court shall within fifteen (15) business days after receipt of the judgment revise the Petitioner's record in any information database that the Judiciary of Guam makes available to the National Instant Criminal Background Check System and shall notify the United States Attorney General for the purpose of reporting to the National Instant Criminal Background Check System that the basis for the disabilities imposed by 18 U.S.C. § 922(d)(4) and (g)(4) no longer applies.

SOURCE: New Rule MR7.1 adopted pursuant to Promulgation Order No. PRM06-006-12 (July 23, 2010). Amended by PRM No. 06-006-19 (Apr. 14, 2022).
