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normal business hours.

(C) "Electronic Filing" (e-file) means the electronic transmission of documents to the court, and from the court for the purposes of filing.

(D) "Electronic Service" (e-service) means the electronic transmission of documents to a party, attorney or representative under these rules.

(3) Scope of Rules

(A) As of the effective date of this rule, except as expressly provided herein, the Supreme Court of Guam shall accept electronic filing and service of pleadings and other documents designated in this rule as valid.

(B) Unless modified by approved stipulation or order of the court, all Guam Rules of Appellate Procedure, local rules, and orders of the court shall continue to apply to cases which are subject to electronic filing.

(C) The court and clerk's office may issue, file, and serve notices, orders, and other documents electronically, subject to the provisions of these rules.

(D) Prohibited E-file Documents. The following pleadings may not be e-filed shall be filed conventionally:

(i) Juvenile Cases

(ii) Sealed Documents

(E) The court may at any time mandate electronic filing and service of pleadings in designated cases. For designated cases, the court shall not accept or file any pleadings or instruments in paper form. Parties shall e-file a document either:

(i) By registering to use the EFSP;

(ii) In person, by electronically filing through the Public Access Terminal. Parties filing in this manner shall be responsible for furnishing the pleading or instrument on an formatted 3 ½" computer disk, CD ROM, or any other disk compatible with the clerk's office-system to be uploaded in person.

1 (4) Authorized Users

2 (A) For purposes of accessing the EFSP over the Internet, the following users are
3 authorized to register as EFSP users:

- 4 (i) Attorneys licensed to practice law in Guam
5 (ii) Pro hac vice attorneys
6 (iii) Justices, judges, and their staff
7 (iv) Court administrative staff, including technical support staff
8 (v) Pro se litigants

9 (B) The public, whether or not authorized to file documents through the EFSP, may
10 view all documents filed in the Supreme Court over the Internet through use of the
11 electronic Library accessible at www.guamsupremecourt.com.

12 (5) Effective Date

13 These rules shall become effective on April 29, 2004.

14 (6) Electronic Case File

15 The Clerk may maintain the original and official case file in electronic format.

16 (b) Filing and Service Procedures

17 (1) Registration Requirements

18 (A) Persons who are authorized users and who desire to e-file or e-serve shall register
19 with the Clerk of the Supreme Court. Upon receipt of a properly executed user
20 registration agreement, the Clerk shall assign to the user a confidential login and password
21 to the system. No attorney or other user shall knowingly authorize or permit his or her user
22 name or password to be utilized by anyone.

23 (B) Registered users of the system shall notify the Clerk within 10-days of any changes
24 in firm name, delivery address, fax number or email address.

25 (2) Time and Effect of E-Filing

26 Any pleading filed electronically shall be considered as filed with the court when the
27 transmission to the EFSP is received by the court. Any document e-filed and received by 11:59
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1 p.m. (Chamorro Standard Time, which is GMT + 10:00) shall be deemed filed on that date. The
2 EFSP is an agent of the court for the purpose of electronic filing, receipt, service and retrieval of
3 electronic documents. Upon completion of filing, the EFSP shall issue a confirmation receipt that
4 includes the date and time of receipt. The confirmation receipt shall serve as proof of filing. In the
5 event the court rejects the submitted documents following review, the documents shall not become
6 part of the official record and the filer will receive notification of the rejection. Users may be
7 required to re-file the instruments to meet necessary filing requirements.

8 (3) Format of Documents

9 (A) All electronically filed and served pleadings shall, to the extent practicable, be
10 formatted in accordance with the applicable rules governing formatting of paper pleadings,
11 subject to the following exception: the rules requiring that briefs or other documents contain
12 designated colored covers shall not apply to electronically filed documents.

13 (B) The electronic title of each pleading or other document shall include all information
14 required by the applicable rules governing the particular pleading or document.

15 (C) All motions, papers, and briefs, or other similar documents filed electronically with
16 the court, including all exhibits, attachments, and other like documents, whether
17 accompanying motions, papers, or briefs, or not, shall be filed in Portable Document
18 Format (PDF).

19 (D) If filing any document electronically, only one copy shall be electronically
20 transmitted to the court, and the original must be made available upon the court's request.

21 (4) Payment of Filing Fees

22 (A) Registered users shall pay statutory filing fees for e-filed documents electronically
23 to the Court through their EFSP. Filing fees are due and payable at the time of filing.

24 (B) The EFSP may charge registered users additional fees to deliver, access and use
25 the service. These fees are payable to the court through the EFSP at the time of the filing
26 and are in addition to regular filing fees.
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1 (5) Signatures

2 (A) Every pleading, document and instrument electronically filed or served shall be
3 deemed to have been signed by the justice, judge, clerk, attorney or declarant and shall
4 bear a scanned facsimile or typographical signature of such person, along with the typed
5 name, address, telephone number, and Bar number of a signing attorney. Typographical
6 signatures shall be in the form of a conforming signature (“/s/”).

7 (B) In the case of a signatory who is a registered EFSP user, such document shall be
8 deemed signed provided that such document is filed using the User Name and Password
9 of the signatory.

10 (C) Documents containing signatures of third-parties (i.e., unopposed motions,
11 affidavits, stipulations, etc.) may also be filed electronically bearing a scanned or
12 typographical signature of the third party. In the case of a signatory who is not an EFSP
13 user, or who is an EFSP user but whose User Name and Password will not be utilized in
14 the electronic filing of the document, as in the case of documents requiring multiple
15 signatures, the filer of the document shall list thereon all the names of any other signatory
16 or signatories. The filer shall attest that concurrence in the filing of the document has been
17 obtained from each of the other signatories, or from the single signatory (in the case, e.g.,
18 of a declaration) which shall serve in lieu of their signature(s) on the document. The filer’s
19 attestation may be incorporated in the document itself, or take the form of a declaration to
20 be attached to the document.

21 (D) Any filing made under this rule shall bind the signatory as if the document were
22 physically signed and filed, and shall function as the signatory’s signature, whether for
23 purposes of Rule 21.1 of the Guam Rules of Appellate Procedure, to attest to the
24 truthfulness of an affidavit or declaration, or for any other purpose.

25 (E) Unless otherwise ordered by the court or clerk, a printed copy of all documents
26 filed or served electronically, including original signatures, shall be maintained by the party
27 filing the document and shall be made available, upon reasonable notice, for inspection by
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1 other counsel, the Clerk or Court. Parties shall retain originals until final disposition of the
2 case and the expiration of all appeal opportunities. From time to time, it may be necessary
3 to provide the Clerk with a hard copy of the electronically filed document.

4 (6) Electronic Service

5 (A) Delivery of e-service documents as permitted under these rules to other registered
6 users shall be considered as valid and effective service and shall have the same legal effect
7 as an original paper document. Recipients of e-service documents shall access their
8 documents through the EFSP.

9 (B) E-service is accomplished by use of the other party's or attorney's correct and
10 current electronic mail address as registered with the Clerk's office. A "Notice of
11 Electronic Filing" is generated automatically by the EFSP system upon completion of an
12 electronic filing. The "Notice of Electronic Filing" when e-mailed to the e-mail addresses
13 of record in the case acts as the proof of service.

14 (C) E-service shall be deemed complete when the transmission to the EFSP is
15 completed.

16 (D) For the purpose of computing time to respond to documents received via e-
17 service, any document served on a day or at a time when the court is not open for business
18 shall be deemed served at the time of next opening of the court for business. When a
19 document is e-served, the responding party shall be given one additional day, added to the
20 number of days provided by the applicable rule, to respond to the document.

21 (E) Parties who register with the Court to use the EFSP for filing documents to a case
22 shall consent to receive e-service documents, other than service of subpoenas.

23 (7) System or User Filing or Service Errors

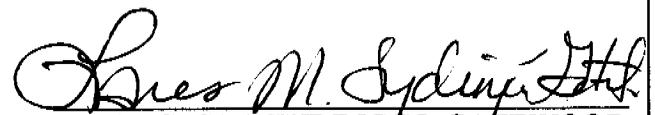
24 If the electronic filing or electronic service does not occur because of (1) an error in the
25 transmission of the document to the EFSP or served party which was unknown to the sending
26 party, (2) a failure to process the electronic document when received by the EFSP, (3) the party
27 was erroneously excluded from the service list, or (4) other technical problems experienced by the
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filer or recipient, the court may upon satisfactory proof enter an order permitting the document to be filed nunc pro tunc to the date it was first attempted to be filed electronically. Or in the case of service, the party shall, absent extraordinary circumstances, be entitled to an order extending the date for any response or period within which any right, duty or other act must be performed
SO ORDERED this 28th day of April, 2004.



ROBERT J. TORRES, JR.
Associate Justice



FRANCES M. TYDINGCO-GATEWOOD
Associate Justice



F. PHILIP CARBULLIDO
Chief Justice