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JAN 19 2007

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SUPREME COURT OF GUAM
By: CLERK OF COURT

IN THE SUPREME COURT OF GUAM

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7 **RE:**) Supreme Court Case No. PRM06-005
8)
9 **EXTENSION OF THE**)
10 **MEDIATION PILOT**)
11 **PROGRAM AND AMENDMENT**)
12 **OF THE PROGRAM'S**)
13 **INTERIM RULES**)
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**PROMULGATION ORDER
NO. 06-005-02**

On July 19, 2006 this Court, through Promulgation Order 06-005-01 in the above captioned action, established the Mediation Pilot Program for Civil Actions in the Superior Court of Guam (“the Pilot Program”) and adopted the Interim Rules for the Pilot Program (“the Rules”). The Rules were to remain effective for a period of six (6) months unless otherwise ordered by this Court. The Court is of the position that a proper evaluation of the Pilot Program warrants a six (6) month extension. Therefore, the Rules, as amended herein, shall remain effective for a period of six (6) months after January 19, 2007 unless otherwise ordered by this Court.

Additionally, it has come to the Court’s attention that the Program may operate more efficiently regarding referral of civil cases to mediation if judges assigned to specific cases determine whether the case should be referred to mediation. Therefore the Rules are hereby amended to delete the references to an Assignment Judge and Alternative Assignment Judge. The authority to refer cases to mediation under the Pilot Program is herein transferred to the individual Superior Court Judge assigned the case under the Judiciary’s case assignment system.

Thus the Court hereby adopts and promulgates the following amendment of the relevant *Interim Rules for the Mediation Pilot Program for Civil Actions*.

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5 **Rule 1. Administration.**

6 The Mediation Pilot Program for Civil Actions (“Civil Pilot Program”) shall be administered on a
7 case-by-case basis by the Judge assigned to each civil case that may become enrolled in the Civil
8 Pilot Program.

9 **Rule 3. Selection of Cases for Pilot Program**

10 (a) Each judge of the Superior Court of Guam shall review all civil files assigned to them and
11 make a preliminary determination of which civil actions are appropriate for referral to
12 mediation, giving consideration to such factors as the subject matter of the case, the amount
13 in controversy, the complexity of the case, the number of parties, the interests of the parties,
14 the availability of mediation, and the likelihood of settlement by a mediator. The cases
15 selected shall be preliminarily referred to the Civil Pilot Program by the assigned judge and
16 an order shall issue indicating that the case has been preliminarily selected for inclusion in
17 the Civil Pilot Program.

18 (b) Parties who are preliminarily referred to the Civil Pilot Program shall serve and file an early
19 mediation Status Conference Statement with the Superior Court of Guam within fifteen (15)
20 days of the filing of the order preliminarily referring the case to the Civil Pilot Program. This
21 Status Conference Statement shall include a discussion of the appropriateness of the case for
22 referral to mediation. If a party believes a case should be removed from the Civil Pilot
23 Program, they shall include in the Status Conference Statement an express Request to
24 Remove which shall include a summary of the facts which support their contentions. The
25 assigned judge who preliminarily referred a case to the Civil Pilot Program shall make all
26 final determinations regarding such referral and may hold a conference on the issue of the
27 referral at his or her discretion.

28 **Rule 4. Referral for Mediation**

(a) Within fifteen (15) days of the deadline for the parties to file the Status Conference
Statements required by these Rules, the relevant assigned judge shall issue an order either
referring the case to mediation or stating that the case is not appropriate for mediation and
referring it back to the assigned judge. An order referring a case to mediation shall do so as
provided herein:

(1) For actions in which the amount in controversy is greater than fifty thousand
dollars (\$50,000.00), the matter shall be referred to the Guam International
Arbitration Center (“GIAC”).

(2) For actions in which the amount in controversy is fifty thousand dollars
(\$50,000.00) or less, the matter shall be referred to Inafa’ Maolek.

(b) If an order refers a case to mediation, the order shall include contact information for the
parties as well as the name, address and telephone number of the mediation organization
designated by the court. Further, the order may include the date and time of the first
mediation conference and may stay the Superior Court case pursuant to Rule 6. The

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respective mediation organization shall appoint a qualified mediator as provided herein and shall issue a scheduling order.

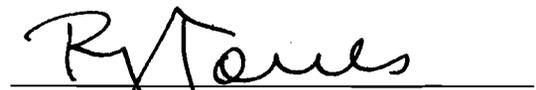
3. If the parties reach either an entire or partial agreement, notice of the agreement shall be filed with the court by the mediator consistent with Rule 8 herein. If the parties fail to reach an agreement, the parties shall first determine if successive mediation is appropriate, and if so, they shall stipulate to successive mediation to be held within fifteen (15) days of the stipulation. The stipulation must be filed with the court. If, however, the parties determine that successive mediation is not appropriate, the mediator shall file a notice with the court indicating such and the parties shall return to court for a progress hearing. If the parties experience a breakdown of an existing mediation, the mediator shall file a notice with the court indicating such and the parties shall return to court for a progress hearing.

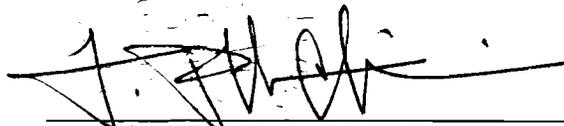
Rule 13. Mediation Pilot Program Data Collection Requirements

All parties, counsel and mediators participating in the Pilot Program shall complete any questionnaires provided to them by the mediator, mediator organization, the relevant assigned judge or the Supreme Court.

SO ORDERED this 19th day of January, 2007.


ELIZABETH BARRETT-ANDERSON
Justice Pro Tempore


ROBERT J. TORRES
Associate Justice


F. PHILIP CARBULLIDO
Chief Justice

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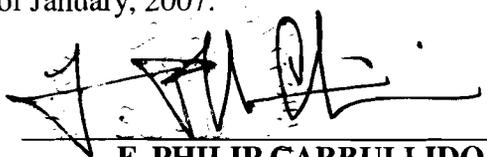
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INTERIM RULES)	

Pursuant to Title 7 GCA § 6108(a), Judge Elizabeth Barrett-Anderson is hereby appointed Justice *Pro Tempore* in the above-captioned case. This appointment shall remain in effect until the final disposition of this matter.

SO ORDERED, this 19th day of January, 2007.



F. PHILIP CARBULLIDO
Chief Justice

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