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IN THE SUPREME COURT OF GUAM

SUPREME COURT  
OF GUAM

<p>RE: ) ) ADOPTION OF THE GUAM ) RULES OF CIVIL PROCEDURE and ) LOCAL RULES OF THE ) SUPERIOR COURT OF GUAM )</p>	<p>Supreme Court Case No. PRM 06-006  PROMULGATION ORDER NO. 06-006-05</p>
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The Subcommittee on Rules of Civil Procedure and Rules of Court Revisions was created for the purpose of reviewing and proposing changes to the Rules of Civil Procedure for the Superior Court of Guam and the Rules of the Superior Court of Guam, located at Appendices A and B respectively of Title 7 of the Guam Code Annotated. On June 1, 2007 upon the recommendation of the Subcommittee, the Supreme Court under Promulgation Order No. 06-006-02 adopted the revised Guam Rules of Civil Procedure and Local Rules of the Superior Court of Guam. On December 5, 2007 the Clerk of Court for the Superior Court of Guam filed a report recommending that the Supreme Court promulgate amendments to Rules 1 and 5(g) of the Guam Rules of Civil Procedure and the proposed amendments were circulated to members of the Guam Bar Association for their review and comment. Comments on the proposed amendments were due on or before January 9, 2008.

At a special Subcommittee meeting on January 2, 2008, which also included other members of the Guam Bar, the proposed amendments were again presented with no comments received from the members of the Guam Bar present at the meeting. Only one written comment was received during the comment period which was in favor of the amendments with the additional suggestion that the Court eventually consider service by electronic means.

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1           Currently, Rule 5(g) of the Guam Rules of Civil Procedure states:

2           **Service By The Court.** The court may serve an attorney with orders, judgments,  
3 notices, or any other documents by depositing the same into a box maintained for  
4 that attorney at the clerk's office. Service shall be deemed complete upon depositing  
5 the same into the box.

6           In order to facilitate service by the court through an attorney's court box, Rule 5(g) must be  
7 amended to require the assignment of a court box to all active members of the Guam Bar and to  
8 allow the Clerk of the Superior Court to appropriately organize the court boxes. Moreover, because  
9 8 GCA Section 1.29 requires the filing and service of motions and other certain papers in criminal  
10 cases to be done in the manner provided in the civil actions, amendment of Rule 1 is necessary to  
11 clarify the application of Rule 5(g) to criminal cases.

12           Therefore, pursuant to the authority to "make and promulgate rules governing the  
13 administration of the judiciary and the practice and procedure in the courts of the judicial branch of  
14 Guam," 48 U.S.C. § 1424-1(a)(6), the Supreme Court hereby amends and restates Rules 1 and 5(g)  
15 of the Guam Rules of Civil Procedure to read as follows:

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17           **Rule 1. Scope of Rules**

18           These rules govern the procedure in all suits of a civil nature, including civil actions,  
19 domestic actions, special proceedings and criminal matters of which the court has  
20 jurisdiction. Their application to criminal matters are limited to Rules 5(g), 78, 79(c),  
21 84, 91 and 93. They shall be construed and administered to secure a just, speedy, and  
22 inexpensive determination of every action.

23           **Rule 5(g) Service by the Court.** The court may serve an attorney with orders,  
24 judgments, notices, or any other documents by depositing the same into a box  
25 maintained for that attorney at the Superior Court of Guam's Clerk of Court's office.  
26 Service shall be deemed complete upon depositing the same into the box. All active  
27 members of the Guam Bar Association engaged in the active practice of law on  
28 Guam and affiliated with a law office on Guam shall be assigned a court box. The  
Clerk of Court may organize the attorney court boxes as he deems appropriate to  
maximize efficiencies. This rule shall apply to civil cases as well as criminal cases  
as contemplated by Title 8 GCA Section 1.29(b).

1 The Rules, as amended and restated shall apply to all actions, cases and proceedings brought  
2 after the instant Promulgation Order takes effect and to all actions, cases and proceedings  
3 commenced prior to the effective date hereof and still pending, except to the extent that the  
4 application of the amended Rules to those pending actions, cases and proceedings would not be  
5 feasible, or would work injustice, in which event the prior valid Guam Rules of Civil Procedure shall  
6 apply.  
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8 SO ORDERED, this 12<sup>th</sup> day of February, 2008.  
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12 **KATHERINE A. MARAMAN**  
13 Justice Pro Tempore

  
**F. PHILIP CARBULLIDO**  
Associate Justice

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16 **ROBERT J. TORRES**  
Chief Justice  
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