

**JUDICIARY OF GUAM  
ELECTRONIC FILING RULES<sup>1</sup>**

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<sup>1</sup> Adopted by the Supreme Court of Guam pursuant to Promulgation Order No. 15-001-01 (Oct. 2, 2015).

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**ELECTRONIC FILING RULES (INTERIM)**

**DIVISION I  
AUTHORITY AND SCOPE**

**EFR 1.1. Electronic Document Management System.**

**AUTHORITY:** These rules are adopted under the authority granted to the Supreme Court of Guam by the Organic Act of Guam, 48 U.S.C.A. § 1424-1(a)(6).

**EFR 1.2. Effective Date.**

These rules as adopted by the Supreme Court of Guam through Promulgation Order No. 15-001-01 shall govern the electronic filing of documents in cases commenced on or after the initiation of electronic filing in the Supreme Court and Superior Court of Guam, respectively.

**EFR 1.3. Scope.**

All cases pending prior to the effective date of these rules shall be subject to these rules.

**EFR 1.4. Relationship to Other Court Rules.**

To the extent these rules are inconsistent with any other rules of court or local rules of the judiciary, these rules shall govern in cases subject to electronic filing.

**DIVISION II  
DEFINITIONS**

**EFR 2.1. Definitions.**

The following terms, as used in these rules, shall be defined as follows:

(a) “Confidential information” means information excluded from public access by federal or Guam law or administrative rule, court rule, court order, or case law.

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(b) “Document” means a related and paginated grouping of information items contained in a record that can be in electronic or paper form.

(c) “Electronic” means technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities. For governmental agencies this may include alternate software to exchange electronic records with the court’s electronic document management system.

(d) “Electronic filing” means the electronic transmission of a document to the electronic document management system together with the production and transmission of a notice of electronic filing.

(e) “Electronic presentation” means the process by which a party may electronically give a document to the court for review or other court action. A document electronically presented to the court through the electronic document management system is not filed. Examples of documents that will be electronically presented include trial information presented to the court for approval, proposed orders, and documents to be viewed in-camera or proposed to be filed under seal.

(f) “Electronic record” means a record, file, or document created, generated, sent, communicated, received, or stored by electronic means.

(g) “Electronic service” means the electronic transmission of a notice to registered filers entitled to receive notice that they may view and download filed documents.

(h) “Governmental agency” means an executive, legislative, or judicial agency, department, board, commission, authority, institution, or instrumentality of the federal government or government of Guam.

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(i) “Hyperlink” means an electronic connection or reference to another place in the document or other cite authorized by the court which, when selected, shows the portion of the document or the citation to which the hyperlink refers.

(j) “Information” means document, text, images, sounds, codes, computer programs, software, databases, or the like.

(k) “Judicial branch” means all courts, all judicial officers, the Clerks of Court, and the offices of the courts of the Judiciary of Guam.

(l) “Jurisdictional deadline” means a deadline set by rule or statute that may not be extended or changed by the court.

(m) “Non-electronic filing” means a process by which a paper document or other non-electronic item is filed with the court and retained in non-electronic form. *See* EFR 3.15.

(n) “Non-registered filer” means a party who has received authorization to submit documents to the clerk for filing by non-electronic means. *See* EFR 3.2(b).

(o) “Notice of electronic filing” means a document generated by the electronic document management system when a document is electronically filed. The notice of electronic filing is sent by e-mail to the registered filing party and to any other registered filer who has entered an appearance in the case, notifying the parties that they may view and download filed documents.

(p) “Notice of electronic presentation” means a document generated by the electronic document management system when a document is electronically presented to

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the court. *See* EFR 2.1(e). The notice of electronic presentation is sent by e-mail to the party who electronically presented the document to the court to confirm its receipt.

When a proposed document, other than a document related to EFRs 7.3, 7.4, or 8.2, or a document that is proposed to be sealed is electronically presented to the court, the electronic document management system shall send a notice of electronic presentation to the e-mail address of all parties who are registered filers in the case, and they may view and download the proposed order and any motion to which it was attached.

(q) “Party” means a person or entity by or against whom a lawsuit is brought who has a right to control the lawsuit either personally or through someone appointed to protect the person’s interests.

(r) “PDF” means an electronic document filed in a portable document format which is readable by the free Adobe® Acrobat® Reader.

(s) “Protected information” means personal information, the nature of which warrants protection from unlimited public access. EFR 6.2 lists the type of information included in this definition.

(t) “Public access terminal” means a designated computer through which the public may view, print, and electronically file documents.

(u) “Public information” for purposes of these rules means documents or information that is not confidential or protected.

(v) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

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(w) “Registered filer” means an individual or entity whose login and password are used to electronically file documents. In cases in which the registered filer is a party or has entered an appearance, the registered filer will electronically serve and receive notice of most filed documents. A registered filer can also electronically view and download files. *See* EFR 3.5 (registration, logins, and passwords); EFR 3.17 (service of documents subsequent to original notice). *But see* EFR 3.16(c) (service of original notice).

(x) “Registered user” means an individual or entity that is registered to be able to electronically view and download information from electronic files that are not confidential or protected. Registered users may be required to pay a registration fee. *See* EFR 3.5(a)(3)(A) (specialized non-party user registration).

(y) “Remote access” means the ability to electronically search, view, copy, or download electronic documents in a court record without the need to physically visit a courthouse. Remote access to documents will be made available to registered filers and registered users. The level of remote access available to registered filers and registered users is determined by the status of the registered filer or user. *See* EFR 5.2.

(z) “Scanned document” means an electronic image created by scanning a paper document.

(aa) “Self-represented litigant” means a litigant who represents oneself without the assistance of a lawyer. An entity such as a partnership, association, or corporation, may be self-represented when it is otherwise authorized by law to be represented by an officer, employee, or non-lawyer representative. Except where these rules specifically indicate otherwise, the term “lawyer” includes self-represented litigants.

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(bb) “Signature”

(1) “Digital signature” means a complex string of electronic data that is embedded in an electronic document for the purposes of verifying document integrity and signer identity. It can also be used to ensure that the original content of the message or document that has been delivered is unchanged. A digital signature is in no way related to a digitized signature and has nothing to do with a signer’s name or handwritten signature.

(2) “Digitized signature” means a computerized representation of a person’s handwritten signature.

(3) “Electronic signature” means an electronic symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

**DIVISION III  
GENERAL PROVISIONS**

**EFR 3.1. Electronic Document Management System.**

(a) Unless otherwise required or authorized by these rules, all documents in cases commenced on or after the initiation of electronic filing in the Superior Court and Supreme Court of Guam, which the filer intends to be filed electronically, must be filed using the court’s electronic document management system.

(b) The Clerk of each Court is responsible for maintaining an electronic case file in the respective court’s electronic document management system for all cases filed under these rules, receiving case filings into the electronic document management system by electronic

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transmission, and scanning documents into the electronic document management system for nonregistered parties.

**EFR 3.2. Electronic Filing Permitted.**

(a) Electronic Filing Permitted. All lawyers authorized to practice law in Guam, all lawyers admitted *pro hac vice*, see Rule 8 of the Guam Rules Governing Admission to the Practice of Law, and all self-represented litigants may register as provided in EFR 3.5(a) to participate in the electronic document management system.

(b) Reserved.

(c) Reserved.

**EFR 3.3. Reserved.**

**EFR 3.4. Official Court Record.**

(a) Court Record. The official court record for all cases includes the following:

(1) Electronic Files. The electronic files maintained in the court's electronic document management system.

(2) Paper Documents. Filings maintained by the clerk in paper form when permitted by these rules.

(3) Exhibits and All Other Materials. Exhibits and all other materials filed with or delivered to the court and maintained by the clerk.

(b) Reserved.

**EFR 3.5. Registration, Login, and Passwords.**

(a) Registration.

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(1) Registration Required. User registration is required to file documents in a case governed by these rules, *see* EFR 3.1(a), to download documents filed in the electronic document management system, and to remotely access documents filed in the electronic document management system.

(2) How to Register. To register, filers, users, and self-represented litigants, *see* EFR 2.1 (definitions of “registered filer,” “registered user,” and “self-represented litigant”), must complete the registration form located at the website [www.guamcourts.org](http://www.guamcourts.org) and obtain a login and password for the electronic document management system.

(A) Special Requirements for *Pro Hac Vice* Registration. Before registering to use the electronic document management system, an out-of-jurisdiction lawyer must first be admitted *pro hac vice* pursuant to the Guam Rules Governing Admission to the Practice of Law. If admitted *pro hac vice*, the out-of-jurisdiction lawyer shall complete the registration process located at [www.guamcourts.org](http://www.guamcourts.org).

(3) Reserved.

(4) Registration Complete. When the registration process is completed and a login and password are assigned, the individual or entity may utilize the electronic document management system.

(5) Changing Passwords. Once registered, individuals or entities may change their password. If the registered individual or entity believes the security of an existing password has been compromised, the registered individual or entity must change the

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password immediately and notify the clerk. *See* EFR 3.5(b)(4). The court may require password changes periodically.

(6) Changes in Filer's Contact Information. If a registered filer's e-mail address, mailing address, or telephone number changes, the filer must promptly make the necessary changes to the registered filer's information contained in the registration system. The filer may make the changes on the registration by contacting the Supreme Court Clerk of Court. The filer shall provide notice of changes in contact information to any non-registered filer in every active case.

(7) Duties of Registered Filer. Each registered filer shall ensure that the filer's electronic document management system e-mail account information is current, that the account is monitored regularly, and that e-mail notices sent to the account are timely opened.

(8) Withdrawal from Participation. A registered individual or entity may withdraw from participation in the electronic document management system by contacting the Clerk of Court. Upon withdrawal, the registered filer's login and password will be canceled and the registered filer's name will be deleted from any applicable electronic service list. A withdrawal from participation in the electronic document management system by a registered filer is not a withdrawal from a case. The withdrawing registered filer shall notify all parties in any active case of their withdrawal from participation.

(b) Logins and Passwords. To file documents in a court utilizing the electronic document management system, a filer must use a login and password.

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(1) A registered filer is responsible for all documents filed with the filer's login and password.

(2) A registered filer shall not knowingly cause or permit the registered filer's login or password to be used by any other person except:

(A) A registered lawyer may cause or permit the lawyer's login and password to be used by an authorized member or staff of the lawyer's law office.

(B) The registered filer for an entity may cause or permit its registered filer's login and password to be used by an authorized member or staff of the entity.

(3) Any electronic filing, downloading, or viewing of an electronic file made by use of a login and password shall be deemed to be made with the authorization of the person registered to use the login and password, unless and until otherwise determined by the court before which the matter is pending.

(4) If a login or password is lost, misappropriated, misused, or compromised in any way, the person registered to use that login or password must promptly notify the Clerks of Court. For system security reasons, a registration may be immediately suspended. The registered individual or entity may apply for a new password and login by completing a new registration. If a login and password have been lost, misappropriated, misused, or compromised in any way, the court may cancel the registration.

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(5) For good cause, the court may refuse to allow a user or a filer to electronically file or download information in the electronic document management system. The affected user or filer may file an application with the court to re-register.

**EFR 3.6. Signatures.**

(a) Registered Filer. A registered filer's login and password required for submission of documents to the electronic document management system serve as the registered filer's signature on all electronic documents filed with the court. They also serve as a signature for purposes of Rule 11 of the Guam Rules of Civil Procedure, any other applicable Superior Court or Supreme Court Rule, and any other purpose for which a signature is required in connection with proceedings before the court. All documents filed electronically must include a signature block in the form set out in EFR 3.6(d).

(b) Non-electronic Signature. If a document contains a non-electronic signature, the original document must be scanned before it is electronically filed in the electronic document management system.

(c) Documents Requiring Oaths, Affirmations, or Verifications. Any document requiring a signature be made under oath or affirmation or with verification may either be signed non-electronically and scanned into the electronic document management system, or be signed by any alternative method approved by the Court.

(d) Format. Any filing requiring a signature must be signed, with either an actual signature, the symbol “/s/,” a digital signature, or a digitized signature. *See* EFR 2.1(bb).

(1) The following information about the person signing the filing, if applicable, must appear under the person's signature:

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- (A) Name;
- (B) Law firm;
- (C) Mailing address;
- (D) Telephone number; and
- (E) E-mail address.

(2) Filers are responsible for promptly updating the information in EFR 3.6(d)(1)(A) through (E) on the electronic document management system. Non-registered filers are responsible for informing the court of any changes in this information with respect to all cases in which they have appeared.

(e) Multiple Signatures. The following procedure applies to a document containing two or more signatures:

(1) By filing the document the registered filer confirms that the content of the document is acceptable to all persons signing the document and all such persons consent to having their signatures appear on the document.

(2) After following the requirements of EFR 3.6(e)(1), the registered filer must either:

(A) Scan the original document, with all of the signatures attached and file the document electronically; or

(B) Electronically file the document in portable document format (“PDF”) format using the signature format as set out in EFR 3.6(d).

(f) Disputing Authenticity. A lawyer or a party who disputes the authenticity of any signature on an electronically-filed document must file an objection to the signature within 30

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days after the lawyer or party knew or should have known the signature is not authentic. A signature will be presumed authentic unless otherwise determined by the court before which the matter is pending.

**EFR 3.7. Electronic Filing.**

(a) Filing. The electronic transmission of a document to the electronic document management system consistent with the procedures specified in these rules, together with the production and transmission of a notice of electronic filing, constitute filing of the document. A copy of the notice of electronic filing will be provided to non-registered filers upon request to the respective Clerk of Court.

(b) E-mailing or Faxing Documents does not Constitute Electronic Filing of the document. E-mailing or faxing a document to the clerk or to the court will not generate a notice of electronic filing and does not constitute “electronic filing” of the document.

(c) Alternative Methods for Authorized Governmental Agencies. Certain governmental agencies will be allowed to file documents and transfer data by a court-approved alternative method of transferring the document or data from the agency’s electronic system to the court’s electronic document management system. This alternative method for filing or presenting documents will enable correct routing and docket entry of the documents. The alternative method will also allow for requests for expedited relief and requests to seal documents where appropriate.

**EFR 3.8. Electronic File Stamp.**

Each electronically filed document shall receive an electronic file stamp consistent with the notice of electronic filing. The file stamp shall merge with the electronic document and be

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visible when the document is printed and viewed online. Electronic documents are not officially filed until affixed with the electronic filing stamp. Filings so endorsed shall have the same force and effect as documents time stamped in a non-electronic manner.

**EFR 3.9. Docket Entries.**

(a) Docket Text. A registered filer electronically filing a document will be required to designate an accurate title describing the document, such as “Motion for Summary Judgment” or “Memorandum of Points and Authorities.”

(b) Court Responsibility. The court is responsible for the accuracy of all docket entries.

(c) Correcting Docket Entries.

(1) Clerk to Correct Docket Entries. Once a document is submitted into the electronic document management system, only the clerk may make corrections to the docket.

(2) Errors Discovered by Filer. If a filer discovers an error in the electronic filing or docketing of a document, the filer shall contact the clerk as soon as possible. When contacting the clerk, the filer shall have available the case number of the document that was filed or docketed erroneously. The clerk will research the error and advise the filing party how the error will be addressed by the clerk and what further action by the filer, if any, is required to address the error. A filer shall not re-file or attempt to re-file a document that has been erroneously filed or docketed unless specifically directed to do so by the clerk.

(3) Errors Discovered by Clerk. If errors in the filing or docketing of a document are discovered by the clerk, the clerk will ordinarily notify the filer of the error and

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advise the filer of what further action, if any, is required to address the error. The clerk may return the submission with an explanation of the error and instructions to correct the filing. In such instances, it shall be the responsibility of the filer to keep a record of the notice generated by the electronic filing management system to verify the date and time of the original submission. If the error is a minor one, the clerk may, with or without notifying the parties, either correct or disregard the error.

**EFR 3.10. Payment of Fees.**

(a) All applicable fees shall be paid by court-approved electronic means unless otherwise allowed.

(b) Applications to proceed without the prepayment of filing fees shall be supported by an affidavit. *See, e.g.*, MR 1.1; Guam R. App. P. 9. The application and supporting affidavit may be submitted to the clerk non-electronically.

(c) Waiver of Fees. If allowed by Rule 9 of the Guam Rules of Appellate Procedure, other applicable rules, or by order of the court, fees may be waived.

**EFR 3.11. Date and Time of Filing, Deadlines, and System Unavailability.**

(a) Date and Time of Filing, Deadlines.

(1) An electronic filing can be made any day of the week, including holidays and weekends, and any time of the day the electronic document management system is available. However, the expanded availability of electronic filing shall not affect the provisions for extension of deadlines under the criteria set forth in Rule 6 of the Guam Rules of Civil Procedure, 1 GCA § 709, and Rule 17 of the Guam Rules of Appellate Procedure. When a document is filed using the electronic document management system,

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the system will generate a notice of electronic filing. The notice of electronic filing will record the date and time of the filing of the document in local time for Guam. This will be the official filing date and time of the document regardless of when the filer actually transmitted the document.

(2) A document is timely filed if it is filed at or before 11:59 p.m. Chamorro Standard Time on the date the filing is due.

(3) If there is a deadline established in these rules that is different from a deadline established by a court order in a particular case, the deadline established in the court order controls.

(b) System Unavailable.

(1) Some deadlines are jurisdictional and cannot be extended. The filer must ensure, by whatever means necessary, that a document is timely filed to comply with jurisdictional deadlines. A technical failure, including a failure of the electronic document management system, will not excuse a failure to comply with a jurisdictional deadline.

(2) If a filer is unable to meet a non-jurisdictional deadline due to a technical failure, the filer must file the document using the soonest available electronic or non-electronic means. The filing will not be considered untimely unless determined to be untimely by the court after an opportunity to be heard.

**EFR 3.12. Format of Electronic Documents.**

(a) Generally. All documents shall be formatted in accordance with the applicable rules governing formatting of paper documents. *See, e.g.*, Guam R. Civ. P. 10; Guam R. App. P. 6(g);

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Guam Super. Ct. Gen. R. 5.1. A document must be converted to a PDF and be in Optical Character Recognition (OCR) format before the document is filed in the electronic document management system. The registered filer shall ensure that the filing is an accurate representation of the document and is complete and readable.

(b) Reserved.

**EFR 3.13. Electronic Attachment of Other Electronic Documents.**

(a) The following documents shall be electronically attached to another document without a separate cover sheet:

(1) A proposed document, such as an amended complaint, shall be electronically attached to a motion for leave to file that document. If the court grants the motion, the clerk shall file and docket the documents.

(2) Any item that would normally be included as an exhibit to a paper-filed document shall be electronically attached as an exhibit to the applicable electronic document.

(b) Documents that would be filed separately if the documents were filed as paper documents shall each be filed separately with a separate cover sheet. Examples of such documents include a petition for dissolution of marriage, a motion for temporary support, and a financial affidavit.

**EFR 3.14. Hyperlinks and Other Electronic Navigational Aids.**

(a) Hyperlinks and other electronic navigational aids may be included in an electronically filed document as an aid to the court. Each hyperlink must contain a text reference to the target of the link.

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(b) Although hyperlinks may be included in a document as an aid to the court, the material referred to by the hyperlinks are not considered part of the official record or filing unless already part of the record in the case.

(c) Hyperlinks to cited authority may not replace standard citation format for constitutional citations, statutes, cases, rules, or other similarly cited materials.

(d) Hyperlinks may be used to provide an electronic link to other portions of the same document or other portions of the court file.

**EFR 3.15. Reserved.**

**EFR 3.16. Summons.**

(a) Form of Summons. When a party electronically files a new case, the party shall attach a summons in the form required by Rule 4 of the Guam Rules of Civil Procedure to the complaint, petition, or other document instituting the action. In addition to the information required by Rule 4, the summons must:

(1) State that the case has been filed utilizing electronic filing.

(2) Direct the other party to EFR 1.1 for general rules and information on electronic filing.

(3) Refer the other party to the rules in Division IV herein regarding the protection of personal information in court filings.

(b) Clerk's Affixing of Electronic Seal on Summons. After a complaint is filed, the clerk shall affix an electronic seal on the summons and electronically return a sealed and signed summons back to the registered filer.

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(c) Service of Summons. The summons must be served upon the party against whom an action has been filed in accordance with the Guam Rules of Civil Procedure.

(d) Return of Service. After the summons is served, the return of service must be scanned and electronically filed.

**EFR 3.17. Service of Documents Subsequent to Summons or Other Original Filing.**

(a) Service of Documents by Registered Filers.

(1) Electronic Distribution of Electronically Filed Documents.

(A) A filer's completion of the registration process, *see* EFR 3.5(a), constitutes a request for, and consent to, electronic service of court-generated documents, and documents filed electronically by other parties.

(B) When a document is electronically filed, it will be served through the electronic document management system to all parties who are registered filers. *See* EFR 2.1(g) (definition of "electronic service"). Electronic service cannot be used to serve an original notice. Documents that require personal service to confer jurisdiction as a matter of law may not be served electronically. The electronic document management system serves parties by sending them a notice of electronic filing. *See* EFR 2.1(o) (definition of "notice of electronic filing"). The notice of electronic filing along with the posting of the documents on the electronic document management system constitutes service of the document for purposes of the Guam Rules of Civil Procedure and the Guam Rules of Appellate Procedure. *But see* EFR 2.1(g). No other service on those parties is required.

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Electronic service is not effective if the filer learns the notice of electronic filing was not transmitted to a party.

(2) Service on Parties who are Non-registered Filers. Parties must serve a paper copy of any filed document on a person entitled to service who is not a registered filer in the manner required by Rule 5 of the Guam Rules of Civil Procedure, Rule 10 of the Guam Rules of Appellate Procedure, and 8 GCA § 1.29, unless otherwise agreed by the parties. When serving paper copies of documents that have been filed electronically, the filer must include a copy of the notice of electronic filing.

(b) Service of Documents Filed by Non-Registered Filers. Non-registered filers must serve a paper copy of documents filed with the court on all persons entitled to service in the manner required by Rule 5 of the Guam Rules of Civil Procedure, Rule 10 of the Guam Rules of Appellate Procedure, and 8 GCA § 1.29.

**EFR 3.18. Proof of Service.**

Proof of service shall be filed for all documents not served by the electronic document management system. These include documents that must be served on parties who are non-registered filers, documents that must be served on persons or entities seeking to intervene in a confidential case, persons or entities filing documents pursuant to EFR 3.21(b), and service of discovery materials. *See, e.g.*, EFR 3.17(a)(2); EFR 3.21(a)(3); EFR 3.21(b)(3); EFR 4.1(a)(1). Proof of service shall be filed promptly and shall show the date and manner of service. Proof of service may be included on the last page of the document.

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**EFR 3.19. Time after Electronic Service.**

When service of a document is made by electronic means, the time to respond shall be computed in the same manner as required by Rule 6(e) of the Guam Rules of Civil Procedure, 8 GCA 1.25, and Rule 11(c) of the Guam Rules of Appellate Procedure.

**EFR 3.20. Court-Generated Documents.**

(a) Electronic Filing of Court-Generated Documents. Court-generated documents issued in cases governed by this chapter, *see* EFR 1.2, may be electronically filed.

(b) Service of Court-Generated Documents.

(1) Electronic Notice and Service. The electronic document management system will electronically serve any court-generated document to all registered filers entitled to service. *See* EFR 2.1(g) (definition of “electronic service”). Electronic service of the notice of electronic filing upon a registered filer constitutes service of the document.

(2) Non-Electronic Notice and Service. The clerk shall mail paper copies of electronically-filed court-generated documents to non-registered filers. The clerk shall not mail paper copies of court-generated documents to non-registered parties, including criminal defendants, who are represented by counsel unless otherwise required by the rules or specifically required by court order. The clerk shall include a copy of the notice of electronic filing with the paper copy of the document.

**EFR 3.21. Filing in Confidential Cases by a Potential Intervenor or by a Non-Party.**

(a) Potential Intervenor.

(1) Manner in Which to Intervene. A person or entity seeking to intervene in a case deemed confidential by law, rule, or court order shall file non-electronically under

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EFR 3.2(b), unless authorized to electronically file the motion to intervene and all related documents.

(2) Access to File. Until the court grants the motion to intervene, the person or entity seeking to intervene is not allowed to download or view any part of the confidential file, nor will the person or entity receive a notice of electronic filing of any document filed in the case.

(3) Service. The documents filed by a person or entity seeking to intervene shall be served pursuant to EFRs 3.17(a)(1)(A) and 3.17(a)(2). The person or entity seeking to intervene is, according to EFR 3.17(a)(2), required to serve a paper copy of the document on parties who are non-registered filers. If the court or a party files a document related to the motion to intervene, a paper copy of the document shall be served on the potential intervenor in the same manner as a non-registered filer. *See* EFR 3.17(a)(2); EFR 3.20(b)(2). If the motion to intervene is granted, the intervenor will subsequently be served copies of filed documents pursuant to EFRs 3.17 and 3.20(b).

(b) Filing in Confidential Cases by a Person or Entity Who is not a Party and is not Attempting to Intervene in the Case. An example of a filing of this nature is a person or entity who files a motion to quash a subpoena.

(1) Filing. A person or entity seeking to file documents in a case deemed confidential by law, rule, or court order shall file non-electronically, unless authorized to electronically file the documents.

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(2) Access to File. The person or entity is not allowed to download or view any part of the confidential file, nor will the person or entity receive a notice of electronic filing of any document filed in the case.

(3) Service. The documents filed by a non-party person or entity shall be served pursuant to EFRs 3.17(a)(1) and 3.17(a)(2). The non-party person or entity is, according to EFR 3.17(a)(2), required to serve a paper copy of the document on parties who are non-registered filers. If the court or a party files a document related to the documents filed by the non-party person or entity, a paper copy of the document shall be served on the non-party person or entity in the same manner as a non-registered filer. *See* EFR 3.17(a)(2); EFR 3.20(b)(2).

**EFR 3.22. Limited Appearance.**

(a) Entry of Appearance. An attorney whose role in a case is limited to one or more matters shall file a document labeled “Limited Appearance.” Upon the filing of this document, the attorney will receive electronic service of filed documents pursuant to EFRs 3.17 and 3.20(b). *See generally* Guam R. Civ. P. 5(b).

(b) Termination of Limited Appearance. At the conclusion of the matters covered by the limited appearance, the attorney shall file a notice of completion of limited appearance. Upon the filing of this notice, the attorney will no longer receive electronic service of filed documents.

(c) Service on Litigant. During the course of the limited appearance, the litigant, on whose behalf the attorney has entered a limited appearance, shall continue to receive service of all documents pursuant to EFRs 3.17 and 3.20(b).

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**DIVISION IV  
SPECIFIC TYPES OF DOCUMENTS**

**EFR 4.1. Service of Discovery Materials.**

(a) Service. Requests for discovery, responses to discovery, and notices of deposition may be served by e-mail to a registered filer.

(b) Time Service Occurs. When service is made by e-mail, the time to respond shall be computed in the same manner as required by Rule 5 of the Guam Rules of Civil Procedure.

**EFR 4.2. Transcripts of Court Proceedings.**

Transcripts may be filed electronically in a secure format in accordance with Rule 3(b) of the Guam Rules of Appellate Procedure and EFR 6.1.

**EFR 4.3. Expedited Relief.**

Requests for expedited relief may be filed electronically in the same manner as other documents. The moving party shall contact the clerk's office by telephone to alert the court to the filing and the expedited nature of the request.

**EFR 4.4. Briefs.**

Legal briefs and memoranda may be electronically filed.

**EFR 4.5. Documents to be Filed Under Seal.**

(a) Motions to Seal. A party seeking to file under seal documents that are not deemed confidential by statute or rule shall file a motion to seal the document. The document sought to be filed under seal must not be attached to the motion or it will be part of the public case file. The document may be filed under seal only after the motion is granted.

(b) Documents Filed Subsequent to Order to Seal. If the court enters a protective order or an order directing or permitting the filing of documents under seal, the parties shall, without

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further order from the court, file under seal all documents covered by the order. The parties shall also file under seal all documents referring to or disclosing confidential information in the sealed documents.

(c) System-Sealed Documents. Certain categories of documents are sealed within the electronic document management system without a motion by a party or an order of the court. A current list of system-sealed filings is available from the clerk and is available on the court's website at [www.guamcourts.org](http://www.guamcourts.org). For such documents, no motion for leave to file under seal is necessary.

(d) Access to Sealed Documents and Docket Entries. Access to documents filed under seal is managed by the electronic document management system in three different ways:

(1) Some documents are available for viewing only by the parties and the court, but are referenced in a docket entry available to the public. An example includes a document filed under seal pursuant to this rule.

(2) Some documents are available for viewing only by the parties and the court, and are not referenced in a docket entry available to the public. An example includes a filing in a "person(s) in need of services" case.

(3) Some documents are available for viewing only by the court, and are not referenced in a docket entry available to the parties or the public. Examples of these documents include applications for search warrants and search warrants that have not been executed.

In civil cases, most documents filed under seal are referenced in a docket entry available to the public, but are available for viewing only by the parties and the court.

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(e) Paper Documents. Paper documents must conform to the privacy rules that apply to electronic documents.

**EFR 4.6. In-Camera Inspection.**

Material may be electronically presented to the court for in-camera inspection. After the court has examined the material and has entered an order concerning the issues raised by the material, the electronically presented material will be filed and sealed.

**EFR 4.7. Subpoenas.**

The Clerk of Court may electronically provide subpoenas to a registered filer. *See* EFR 2.1(o) (“notice of electronic filing); EFR 2.1(p) (“notice of electronic presentation”).

**EFR 4.8. Certification of Documents by the Clerk.**

Certified copies of electronically filed documents may be obtained non-electronically. The fee for a certified copy will be in accordance with the fee schedule established by the Judicial Council of Guam.

**EFR 4.9. Proposed Orders.**

If a proposed order is electronically presented, *see* EFR 2.1(e) (definition of “electronic presentation”), it may be electronically attached to a motion or presented without a motion. The proposed order shall be submitted in an editable format capable of being read by Microsoft Word. Examples of formats capable of being read by Microsoft Word are: .doc-Microsoft Word 95-2003, .docx-Microsoft Word 2007 and 2010. See Rule 16(a)(5) of the Guam Rules of Appellate Procedure and General Rule 5.1 of the Local Rules of the Superior Court of Guam for further guidance on acceptable fonts and typeface.

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**EFR 4.10. Reserved.**

**EFR 4.11. Original Documents.**

Where the law requires the filing of an original document, such as a mortgage document, birth certificate, foreign judgment or other certified or verified document, the filer shall scan the original document and file the scanned document in the electronic document management system. The filer shall retain the original document for a period of no less than two years after the conclusion of the case or the conclusion of an appeal, whichever is later, unless a longer retention period is required by law. The filer shall immediately deliver the original document to the court upon request of the court or the other party for inspection and preservation, if necessary.

**EFR 4.12. Exhibits.**

Exhibits offered at trials or hearings that are capable of being maintained in an electronic format may, unless otherwise ordered by the court, be maintained electronically for purposes of the official court record. For example, photographs may be converted into digital images.

**DIVISION V  
PUBLIC ACCESS**

**EFR 5.1. General Rule.**

All filed court documents are public unless confidential, protected, or sealed. The fact that a case is electronically filed has no effect on the scope of what is accessible to the public. Access to information in the court file will depend on the nature of the information and the level of authorization of those seeking to access the file.

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**EFR 5.2. Access to Electronic Court Files.**

(a) Registered Filers.

(1) Reserved.

(2) Lawyer Admitted *Pro Hac Vice*. All lawyers admitted *pro hac vice*, see Rule 8 of the Guam Rules Governing Admission to the Practice of Law, shall have remote access only to the documents filed in the cases in which the lawyer has been admitted *pro hac vice*.

(3) Lawyers, Self-Represented Litigants, and Parties to an Action. Lawyers, self-represented litigants, and parties to an action who have registered and obtained a login and password shall have remote access only to the documents filed in the cases in which they are involved as parties or as lawyers.

(b) Reserved.

(c) Reserved.

(d) Reserved.

**EFR 5.3. Reserved.**

**DIVISION VI  
PROTECTION OF PERSONAL PRIVACY**

**EFR 6.1. Responsibility to Redact or Mask Protected or Confidential Information.**

(a) Responsibility of Filer, Generally. It is the responsibility of the filer to ensure that protected information as defined by EFR 6.2 is omitted or redacted from documents before the documents are filed. The Clerk of Court will not review filings to determine whether appropriate

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omissions or redactions have been made. The clerk will not, on the clerk's own initiative, redact documents or seal documents containing protected information.

(b) Transcripts. At the time a transcript is filed, the court reporter shall, in accordance with directives established by the Administrator of the Courts, designate information that is included in the list of protected information in EFR 6.2. After the court reporter has filed a Notice of Redacted Information, each party shall, within 10 days from the date of the filing of the Notice of Redacted Information, review the designated material and, if necessary, request additional designation of protected information or note where information was improperly redacted. The parties shall use the "Stipulation Re: Transcript Redaction" form attached. Any disagreement as to whether information should be so designated shall be decided by the court before which the matter is pending. The transcript will not be subject to public access until any requests for additional designation have been resolved. The system will not allow viewing of the protected information by those without proper access.

A failure to respond within 10 days from the date the Notice of Redacted Information is filed will be deemed an agreement that the transcript has been properly redacted. The parties to the action are responsible for ensuring the appropriate information is designated as protected material.

(c) Exhibits. At the conclusion of the hearing or trial, the parties shall designate protected information included in the exhibits. Any disagreement as to whether information should be so designated shall be decided by the court. The system will not allow viewing of the protected information by those without proper access.

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**EFR 6.2. Protected Information.**

Protected information includes the following:

- (a) Social security numbers;
- (b) Financial account numbers;
- (c) Dates of birth.
- (d) Names of minor children;
- (e) Individual taxpayer identification numbers;
- (f) Personal identification numbers;
- (g) Other unique identifying numbers;
- (h) Names of victims of sex crimes;
- (i) Any other information protected by law.

**EFR 6.3. Omission and Redaction Requirements.**

(a) Protected Information not Required and not Material. A party shall omit protected information from documents filed with the court when the information is not required by law and is not material to the proceedings.

(b) Protected Information that is Required or Material. When protected information is required by law to be included or is material to the case, a party shall record the protected information on a separate protected information form. *See* EFR 6.6. The party shall redact the protected information, *see* EFR 6.5 (manner in which to redact protected information), from any other document before filing the document with the court.

(c) Confidential or Sealed Documents. Parties are not required to redact protected information from documents deemed confidential by statute, rule, or court order; however,

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redaction is required for materials that are initially confidential but which later become public, such as documents in dissolution proceedings.

(d) Full Disclosure Allowed. A party may disclose protected information only when full disclosure of that information is an essential or required component of the document, for example, when a writ of execution requires a full financial account number.

**EFR 6.4. Information that May be Redacted.**

A party may redact the following information from publicly available documents unless the information is material to the proceedings or disclosure is otherwise required by law:

- (a) Driver's license numbers;
- (b) Information concerning medical treatment or diagnosis;
- (c) Employment history;
- (d) Personal financial information;
- (e) Proprietary or trade secret information;
- (f) Information concerning a person's cooperation with the government;
- (g) Information concerning crime victims;
- (h) Sensitive security information;
- (i) Home addresses.

**EFR 6.5. Manner in Which to Redact Protected Information.**

When protected information is required or is material to the case, only a portion of the protected information should be used. By way of example, and not limitation:

- (a) If a Social Security number must be included in a document, only the last four digits of that number should be used.

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(b) If financial account numbers are relevant, only incomplete numbers should be recited in the document.

(c) If an individual's date of birth is necessary, only the year should be used.

(d) If a minor child must be mentioned, only that child's initials should be used.

**EFR 6.6. Protected Information Form.**

(a) Protected Information Form Required. When a party is required to include protected information in a filed document, the party shall file a protected information form. A copy of the form can be found at [www.guamcourts.org](http://www.guamcourts.org). The protected information form shall contain the protected information in its entirety as well as the redacted version of the information used in the filed document. All references in the case to the redacted information included in the protected information form shall be construed to refer to the corresponding complete protected information. The protected information form shall be confidential.

(c) Supplementing Protected Information Form. When new information is needed to supplement the record, or if information already contained in the protected information form needs to be updated or corrected, the parties shall file an updated protected information form reflecting all previously disclosed protected information plus any additions, changes, or corrections.

**EFR 6.7. Orders and Other Court-Generated Documents.**

All orders and other court-generated documents shall follow the omission and redaction requirements in EFR 6.3. Orders and other court-generated documents will use the redacted version of the protected information found in the protected information form filed by the parties.

*See* EFR 6.6.

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**EFR 6.8. Improperly Included Protected Information.**

(a) A party may move to redact improperly included protected information from a filed document and may request an immediate order to temporarily seal the document pending notice and opportunity to be heard by all parties.

(b) If, after all parties have been provided an opportunity to be heard, the court finds protected information was improperly included in a filed document, the court may seal the document and may cause a properly redacted document to be filed.

**EFR 6.9. Sanctions.**

If a party knowingly files documents containing unredacted protected information, the court, upon its own motion or upon the motion of any party, may impose sanctions, which may include an order requiring a violator to pay a party all damages and reasonable expenses, costs, and attorney fees incurred because a party knowingly filed documents containing unredacted protected information.

**DIVISION VII  
CRIMINAL CASES**

**EFR 7.1. Criminal Cases and the Electronic Document Management System.**

(a) Use of Electronic Document Management System. Criminal cases may be opened using the electronic document management system. All filings made in criminal cases may be done through the electronic document management system.

(b) Applicability of other EFR 1.1 Rules to Criminal Cases. The rules in Divisions I through VI, including rules pertaining to the protection of personal privacy, apply in criminal cases.

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**EFR 7.2. Warrants and Other Similar Applications.**

When made during regular court hours, applications for search warrants, arrest warrants, and other similar applications may, if at all possible, be electronically presented to the court. Applications made when the courthouse is closed may be presented to the court in paper form and shall later be scanned into the electronic document management system.

**EFR 7.3. Documents Initiating Criminal Cases.**

(a) Charging Documents such as Complaints, Indictments and Informations.

(1) Complaints. A Complaint containing the signature of the prosecutor, an arresting officer, or other person shall be transmitted to the electronic document management system in such a manner as to legibly reproduce an unaltered image of the required signature or display a realistic visual image of the signature. A Complaint may be electronically filed in the electronic document management system.

(2) Indictments. An Indictment containing a signature of the foreperson of the grand jury shall be scanned before it is electronically filed in the electronic document management system.

(3) Informations. An Information containing the signature of the prosecutor shall be transmitted to the electronic document management system in such a manner as to reproduce legibly an unaltered image of the required signature or display a realistic visual image of the signature. An Information may be electronically filed in the electronic document management system.

(b) Traffic Tickets and Similar Citations. A traffic ticket or similar citation containing the signature of an arresting officer or other person shall be transmitted to the electronic

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document management system in such a manner as to legibly reproduce an unaltered image of the required signature or display a realistic visual image of the signature. A traffic ticket or similar citation may be transmitted to the electronic document management system.

**EFR 7.4. Signature of Defendant.**

When a defendant's signature is required on a document, the defendant's signature shall be placed on the document in one of the following ways:

(a) Non-Electronic Signature. A defendant may sign a document non-electronically, such as with the use of pen on paper. The document signed in this manner shall be scanned before it is electronically filed in the electronic document management system.

(b) Computer Tablet Signature. A defendant may electronically sign a document by use of computer tablet or similar technology.

(c) Login and Password. A defendant who is a registered filer may sign the document by use of the defendant's login and password, using the signature format as set out in EFR 3.6(d).

**EFR 7.5. Reserved.**

**EFR 7.6. Written Plea Agreements.**

Written plea agreements may be electronically presented to the court. If the plea is accepted, the electronically presented plea agreement shall be filed.

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**DIVISION VIII  
JUVENILE CASES**

**EFR 8.1. Juvenile Cases and the Electronic Document Management System.**

(a) Use of Electronic Document Management System. All Juvenile Proceedings, Juvenile Delinquency, Juvenile Drug Court, Guardianship, and Adoption cases may be opened using the electronic document management system. All filings made in these cases may be done through the electronic document management system, in accordance with EFR 4.5.

(b) Applicability of Electronic Document Management Rules to Juvenile Cases. The rules in Divisions I through VI, including rules pertaining to the protection of personal privacy, apply in delinquency, truancy, persons in need of service, termination of parental rights, guardianship, and adoption cases.

**EFR 8.2. Emergency Applications.**

When made during regular court hours, applications for emergency orders may, if at all possible, be electronically presented to the court. Applications made when the courthouse is closed may be electronically presented to the court on a computer tablet or similar electronic device capable of allowing the court to modify the documents and capable of accepting a judge's signature. If the applicant does not have immediate access to such technology, the application shall be presented to the court in paper form and shall later be scanned into the electronic document management system. Examples of emergency applications include applications for placement in shelter care, placement in detention, requests for emergency medical care, and removal from parental custody.

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**EFR 8.3. Signatures.**

When the signature of a parent, guardian, custodian, child, as defined in 19 GCA Chapter 4, or adult within the jurisdiction of the juvenile court is required on a document, the signature shall be placed on the document in one of the following ways:

(a) Non-Electronic Signature. The person may sign a document non-electronically, such as with the use of pen on paper. The document signed in this manner shall be scanned before it is electronically filed in the electronic document management system.

(b) Computer Tablet Signature. The person may electronically sign a document by use of computer tablet or similar technology.

(c) Login and Password. If the person is a registered filer, the person may sign the document by use of the person's login and password, using the signature format as set out in EFR 3.6(d).

**EFR 8.4. Dispositional Orders.**

Written dispositional orders may be electronically presented to the court but need not be filed prior to an answering. If the dispositional order is accepted, the electronically presented dispositional order shall be filed.

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**DIVISION IX  
APPEALS AND ORIGINAL JURISDICTION MATTERS  
BEFORE THE SUPREME COURT OF GUAM**

**EFR 9.1. Applicability of Electronic Filing Requirements to Cases before the Supreme Court.**

(a) Appeals Commenced on or after October 2, 2015. The rules in Division IX of this chapter govern the electronic filing of documents in Supreme Court cases commenced on or after October 2, 2015.

(b) Conversion Upon Court Approval. The Supreme Court, upon its own motion or upon motion of a party, may order the conversion of a pending Supreme Court case to electronic filing at any stage of the proceedings.

**EFR 9.2. Applicability of Rules in Divisions I through VI to Supreme Court Cases.**

The rules in Divisions I through VI, including rules pertaining to the protection of personal privacy, apply in Supreme Court cases.

**EFR 9.3. Use of Electronic Document Management System for Supreme Court Cases.**

(a) Electronic Filing Permitted. All lawyers authorized to practice in Guam, all lawyers admitted *pro hac vice*, see Guam R. App. P. 8, and all self-represented litigants may register under EFR 3.5 to participate in the electronic document management system. If a lawyer or self-represented litigant has previously registered to participate at the Superior Court or Supreme Court level then no additional registration is required. As provided in this chapter, registered filers may electronically submit all documents to be filed with the court unless otherwise required or authorized by these rules.

(b) Reserved.

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**EFR 9.4. Reserved.**

**EFR 9.5. Reserved.**

**EFR 9.6. Filings Requiring Expedited Consideration.**

If a filing requires expedited consideration, the filing party shall state the circumstances in the special filing instructions to the clerk, including the date of any impending Superior Court trial or hearing. *See* Guam R. App. P. 6(e).

**EFR 9.7. Initiation of Appeal from Final Orders or Judgments Appealable as a Matter of Right.**

(a) Filing of Notice of Appeal in Superior Court and Service on Other Required Parties. The notice of appeal from a final order or judgment, *see* Guam R. App. P. 3, shall be filed with the Clerk of the Superior Court where the order or judgment was entered. Until the commencement of electronic filing in the Superior Court, the notice of appeal shall be filed and served on the other parties in the conventional manner pursuant to Rule 5 of the Guam Rules of Civil Procedure.

(b) Reserved.

(c) Reserved.

**EFR 9.8. Applications for Interlocutory Appeal, Certification of Questions of Law, and Other Original Jurisdiction Matters.**

(a) Initiation. Applications for interlocutory appeal, certification of questions of law, or extraordinary writs, *see generally* Guam R. App. P. 4.2 (interlocutory), 20 (certification proceedings), 24 (writs of mandamus, prohibition, and other extraordinary writs), 25 (writs of habeas corpus), or the initiation of attorney discipline and judicial discipline matters, may be electronically filed with the Clerk of the Supreme Court. The filer must be registered to file

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documents in the electronic document management system before electronically filing the document initiating the appellate court case with the Clerk of the Supreme Court. *See* EFR 3.5 (registration); EFR 9.3(a) (if previously registered no additional registration required).

(b) Service.

(1) Parties to be served. The filer shall serve the required parties. *See* Guam R. App. P. 4.2(a)(1) (interlocutory), 20 (certified questions of law).

(2) Method of service. The filer shall electronically serve registered filers pursuant to EFR 3.17(a)(1). The filer shall serve nonregistered (exempted) filers and not-yet-registered filers pursuant to EFR 3.17(a)(2).

(c) Reserved.

**EFR 9.9. Facsimile (Fax) Transmission or Email Transmission Does Not Constitute Filing.**

Transmitting a document to the Clerk of the Supreme Court or to the court by fax or email will not generate a notice of electronic filing and does not constitute electronic filing of the document. *See* EFR 2.1(o) (definition of “notice of electronic filing”); EFR 2.1(d) (electronic filing).

**EFR 9.10. Service of Documents Subsequent to Notice of Appeal, Application for Interlocutory Review, or Similar Initiating Document.**

Service of documents filed subsequent to the notice of appeal, application for interlocutory review, or similar initiating document (e.g., writs, attorney discipline, or judicial discipline proceedings) shall follow EFRs 3.17 and 3.20(b). However, when serving a paper document on a nonregistered filer client, counsel is not required to include a copy of the notice of electronic filing.

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**EFR 9.11. Number of Copies Filed or Served.**

(a) Number of Copies to be Filed. Except as the Supreme Court otherwise orders in a particular case, when the Guam Rules of Appellate Procedure require multiple copies of any document be filed, *see, e.g.*, Guam R. App. P. 17(b), the party shall electronically file only one copy of the document.

(b) Number of Copies to be Served. When the Guam Rules of Appellate Procedure require service of a document upon counsel or a party, service shall be accomplished pursuant to EFR 9.10. When a document is served through the electronic document management system, no additional service is required. Nonregistered parties to an appeal shall be served one paper copy by the filer.

**EFR 9.12. Transcripts of Proceedings.**

The reporter shall electronically file the original of the transcript with the Clerk of the Superior Court.

**EFR 9.13. Pro Se Briefs.**

Pro Se Briefs or Excerpts of Record. Any criminal defendant or applicant for postconviction relief, who is a nonregistered filer, may submit a pro se brief or excerpts of record to the Clerk of the Supreme Court to be scanned and electronically filed. *See* EFR 2.1(n) (definition of “nonregistered filer”); EFR 3.3 (submission of paper documents for scanning).

**EFR 9.14. References in Briefs, Motions, and Other Documents Submitted to the Court.**

(a) Hyperlinks and Other Electronic Navigational Aids.

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(1) Hyperlinks and other electronic navigational aids may be included in an electronically filed document as an aid to the court. Each hyperlink or other electronic navigational aid must contain a text reference to the target of the link.

(2) Material linked by a hyperlink or other electronic navigational aid is not considered part of the document being filed.

(3) Hyperlinks to cited authority may not replace standard citation format for constitutional citations, statutes, cases, rules, or other similarly cited materials.

(4) A party may not use hyperlinks or other electronic navigational aids to circumvent the page limitations in Rule 16(a)(7) of the Guam Rules of Appellate Procedure.

(b) References to the Record in Briefs. All briefs shall comply with the requirements of Rules 13 (briefs) and 16 (references in briefs to the record) of the Guam Rules of Appellate Procedure. However, references made in a brief to a part of the record shall include a citation to the page or pages of the excerpts of record at which those parts appear.

**EFR 9.15. Excerpts of Record.**

Excerpts of Record Required. An excerpt of record is required in appeals governed by this chapter. An excerpt of record shall comply with the requirements of Rule 15 of the Guam Rules of Appellate Procedure except as otherwise provided by these rules.

**EFR 9.16. Color of Front Covers.**

Rules requiring colored front covers shall not apply to briefs filed electronically. *See, e.g.,* Guam R. App. P. 16(a)(2), 13.2(d).

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**EFR 9.17. Attachment to Motions.**

The supporting documents to a motion shall be electronically attached as an “attachment” to the motion. *See* Guam R. App. P. 6(a)(2)(B); EFR 3.13.