clerks@guamlegislature.org

From: Speaker's Office <speaker@guamlegislature.org>
Sent: Monday, October 19, 2020 9:18 AM
To: Clerks Office
Cc: Rennae Meno
Subject: M&C Fwd: Letter from Chief Justice F. Philip Carbullido
Attachments: Letter to Senator Terlaje re Proposed Legislation on Preservation and Disposition of Court Records.pdf; Judicial Council Resolution 20-030 re Proposed Legislation on Preservation and Disposition of Court Records.pdf

10/16/20	1:49 PM	10/16/20	Letter from Chief Justice F. Philip Carbullido dated October 16, 2020.*	Judiciary of Guam	35GL-20-2304

Sinseru yan Minagåhet,

Office of the Speaker • Tina Rose Muña Barnes
Committee on Public Accountability, Human Resources & the Guam Buildup

35th Guam Legislature
I Mina'trentai Singko na Liheslaturan Guåhan

Guam Congress Building | 163 Chalan Santo Papa | Hagatna, GU 96910
T: (671) 477-2520/1
speaker@guamlegislature.org

This e-mail message is intended only for the use of the individual or entity named above and may contain confidential and privileged information. If you are not the intended recipient, any disclosure, copying, distribution or use of the information contained in this transmission is strictly PROHIBITED. If you have received this transmission in error, please immediately notify us by replying to speaker@guamlegislature.org and delete the message immediately. Thank you very much.

Gumai pribilehu yan konfedensia este siha na mensåhi. Solo espesiåtmente para hågu ma entensioña pat ma aturisa para unrisibi. Sen prubidu kumu ti un ma aturisa para manribisa, na'setbe, pat mandespåtcha. Yanggen lachi rinisibu-mu nu este na mensåhi , put fabot ago' guatu gi I numa'huyong gi as speaker@guamlegislature.org yan despues destrosa todu siha I kopian mensåhi. Si Yu'os ma'åse'.

---------- Forwarded message ---------
From: **Petrina M. Ula** <pula@guamsupremecourt.com>
Date: Fri, Oct 16, 2020 at 1:49 PM
Subject: Letter from Chief Justice F. Philip Carbullido
To: Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Cc: Speaker's Office <speaker@guamlegislature.org>, Honorable F. Philip Carbullido <fpcarbullido@guamsupremecourt.com>

Hafa Adai, Senator Terlaje,

Please see the attached letter with an enclosure from Chief Justice F. Philip Carbullido. I respectfully request a reply to confirm receipt of the attached documents. Please also let me know if you have any difficulty opening the attachments.

Warmest Regards,

Petrina "Trina" Ula

Chamber Clerk to the ***Honorable F. Philip Carbullido, Chief Justice of Guam***

Supreme Court of Guam

Guam Judicial Center

120 West O'Brien Drive, Suite 300, Hagåtña, Guam 96910-5174

t: 1(671) 475-3413

f: 1(671) 475-3140

e: pula@guamsupremecourt.com

P Please consider the environment before printing this email.

Confidentiality Notice: The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution, or duplication of this communication is strictly prohibited. If you are not the intended recipient, please notify me immediately at **pula@guamsupremecourt.com** or by telephone at **(671)475-3413** and destroy all copies of the original message.

The Judiciary of Guam is an Equal Opportunity Employer and Provider.

JUDICIARY OF GUAM

Administrative Office of the Courts
Guam Judicial Center • 120 West O'Brien Dr • Hagåtña, Gu. 96910
Tel: (671) 475-3544 • Fax: (671) 477-3184

HON. F. PHILIP CARBULLIDO
CHIEF JUSTICE

HON. ALBERTO C. LAMORENA III
PRESIDING JUDGE

KRISTINA L. BAIRD
ADMINISTRATOR OF THE COURTS

October 16, 2020

The Honorable Therese M. Terlaje
Chairperson, Committee on Health, Tourism, Historic Preservation, Land and Justice
I Mina 'Trentai Cinco Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

RE: Proposed Legislation Regarding the Preservation and Disposition of Court Documents

Håfa Adai, Senator Terlaje,

The Judiciary of Guam is in the process of implementing a Judiciary-wide electronic document management system, intended to reduce the need for costly physical storage of documents. Utilizing such a system, not only reduces the Judiciary's financial obligations at a time when fiscal prudence is necessary, but also enhances accessibility to court documents for patrons, Judiciary staff, and stakeholders.

Section 7120 of 7 Guam Code Annotated, as presently written, prevents the Judiciary from determining how best to permanently store copies of court records and from fully implementing the planned electronic system. Therefore, the Judiciary proposes amending Section 7120 of Title 7 Guam Code Annotated on the Preservation and Disposition of Court Records as outlined on the attached Judicial Council Resolution No. 20-030.

Should you have any questions, please feel free to contact me.

Senseramente,

F. Philip Carbullido
Chief Justice

CC: Hon. Tina Muña Barnes, Speaker, *I Mina 'Trentai Cinco Na Liheslaturan Guåhan*

Enclosure: Judicial Council Resolution 20-030

BEFORE THE 2020 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. 20-030

RELATIVE TO APPROVING PROPOSED LEGISLATION AMENDING SECTION 7120 OF TITLE 7 GUAM CODE ANNOTATED ON THE PRESERVATION AND DISPOSITION OF COURT RECORDS

WHEREAS, the Judiciary of Guam (the "Judiciary") is in the process of implementing a Judiciary-wide document management system, which is intended to reduce the need for the costly physical storage of documents and enhance accessibility to court documents; and

WHEREAS, the Judiciary documents are generally divided into two categories for preservation and storage: (1) court documents are governed by 7 GCA § 7120 and Miscellaneous Rule 6.1 of the Local Rules of the Superior Court of Guam; and (2) non-court documents are governed by the Record Retention Policy approved in Judicial Council Resolution No. JC07-027; and

WHEREAS, 7 GCA § 7120(c) prohibits the destruction of an original court document even if such an original document has been copied to a photograph or microphotograph, or reproduced on film or in computerized form; and

WHEREAS, the costs to the Judiciary for the physical storage of original court records have become very prohibitive as the volume of such documents continues to grow; and

WHEREAS, technology is available to ensure the safe permanent storage of electronic copies of court records; and

WHEREAS, 7 GCA § 7120, as presently written, prevents the Judiciary from determining how to best permanently store copies of court records and from fully implementing the planned document management system.

NOW, THEREFORE, BE IT RESOLVED, that the Judicial Council hereby approves the proposed legislation in Exhibit A, and.

BE IT FURTHER RESOLVED, that the Chief Justice is hereby requested to transmit the proposed legislation in Exhibit A hereto to the Legislature for its consideration.

DULY ADOPTED this 15th day of October, 2020 at a duly noticed meeting of the Judicial Council of Guam.

F. PHILIP CARBULLIDO, Chairman

Dated: 10-16-2020

ATTEST:

Petrina Ula, Executive Secretary

Dated: OCTOBER 15, 2020

EXHIBIT A

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

Bill No.

Introduced by:

AN ACT TO AMEND SECTION 7120 OF TITLE 7 OF THE GUAM CODE ANNOTATED RELATIVE TO THE PRESERVATION AND DISPOSITION OF COURT RECORDS

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Intent. It is the intent of *I Liheslaturan Guåhan* to provide that the appropriate disposition and preservation of court records be governed by court rules and policies promulgated by the Supreme Court of Guam, and any laws that apply specifically to certain types of cases and/or certain types of court records.

Section 2. Section 7120 of Title 7 of the Guam Code Annotated is hereby *amended* as follows:

(a) The clerk of the Superior Court and of the Supreme Court, respectively, may cause any record, paper or document in their ~~his~~ care and custody, to be photographed, microphotographed, or otherwise reproduced on film or in ~~computerized~~ digitized form. The storage media shall be durable and the document as recorded shall be one which accurately reproduces the original thereof in all material details.

(b) Such photograph, or microphotograph or digitized reproduction shall be deemed to be an original record for all purposes, including introduction in evidence in all courts or administrative agencies. A transcript, exemplification, facsimile, or certified copy thereof shall, for all purposes recited herein, be deemed to be a ~~transcript, exemplification, facsimile, or certified copy thereof shall for purposes recited herein, be deemed to be a~~ transcript, exemplification, facsimile, or certified copy of the original record.

(c) Such photograph, or microphotograph or reproduction shall be placed in safe, conveniently accessible files, or in safe computer storage, and the clerk shall make provisions for preserving the same, and for the public's examining, copying and using the same. The original record, paper or document ~~shall not be destroyed but~~ shall be preserved or disposed of in accordance with rules of court and policies promulgated by the Supreme Court of Guam and applicable law.

(d) The ~~Judicial Council shall~~ Supreme Court of Guam may promulgate ~~regulations~~ rules to effectuate this section; provided, that ~~the existing Rule 93 of the Guam Rules of Civil Procedure~~ any existing rule promulgated by the Supreme Court of Guam shall be deemed to be in compliance with this section and no additional rules need to be promulgated to enforce this section.

~~(e) (1) When the clerk so establishes computerized storage of records and papers not originally kept in computerized form, he shall keep a parallel microfilm or photographic storage of the same records until such time as established national standards, properly followed, will give the same degree of permanency to the electronic storage as is required for the microfilmed records of a similar category.~~

~~(2) The documents retrieved from electronic storage of non-electronic originals shall be deemed to be as admissible as records reproduced from any other means of storage provided for in this section.~~