



# Supreme Court of Guam

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**HON. F. PHILIP CARBULLIDO**  
CHIEF JUSTICE

**HANNAH G. ARROYO**  
CLERK OF COURT

January 21, 2022

To: All Guam Bar Association Members

Re: **Notice and Opportunity to Comment on Proposed Amended Rule MR 6.1**

Dear GBA Members:

The Supreme Court of Guam is considering adopting amendments to Local Rules of the Superior Court Guam, Miscellaneous Rule 6.1, Records Retention.

Written comments on the proposed amendments will be accepted through **Thursday, February 3, 2022**, and may be sent by email to Hannah G. Arroyo, Clerk of Court for the Supreme Court of Guam, at [hgutierrezarroyo@guamcourts.gov](mailto:hgutierrezarroyo@guamcourts.gov), or to the following address:

Hannah G. Arroyo, Clerk of Court  
Supreme Court of Guam  
Suite 300, Guam Judicial Center  
120 West O'Brien Drive  
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**Proposed Amended Rule**  
**Local Rules of the Superior Court of Guam, Miscellaneous Rule 6.1**

**MR 6.1. Records Retention.**

(a) Supreme Court of Guam. Title 7 GCA § 7120 and Miscellaneous Rule 6.1 of the Local Rules of Court govern the retention periods and disposition of court records. The record retention and disposition periods provided in this section are effective \_\_\_\_\_, and apply to all court records in existence. Case records may be preserved on paper, microfilm, or as electronic documents. The paper records, microfilm or electronic documents are the official record of the court. The Clerk may certify a copy of the paper case records, a printed copy of microfilm or a printed electronic copy of an electronic document as a true and correct copy of the document in the record of the court.

<b>Case Type</b>	<b>Retention Period</b> (Original copy destroyed after expiration of period and/or microfilming/conversion to electronic document)	<b>Disposition</b>
Appellate Procedure	6 months after case is closed.	Microfilm or convert to electronic document; retain microfilm or electronic indefinitely unless otherwise ordered by the court.
Attorney Discipline	6 months after case is closed.	Microfilm or convert to electronic document; retain microfilm or electronic indefinitely unless otherwise ordered by the court.
Certified Question	6 months after case is closed.	Microfilm or convert to electronic document; retain microfilm or electronic indefinitely unless otherwise ordered by the court.
Civil Case	6 months after case is closed.	Microfilm or convert to electronic document; retain microfilm or electronic indefinitely unless otherwise ordered by the court.
Criminal Case	6 months after case is closed.	Microfilm or convert to electronic document; retain microfilm or electronic indefinitely unless otherwise ordered by the court.
Pro Hac Vice	6 months after case is closed.	Microfilm or convert to electronic document; retain microfilm or electronic indefinitely unless otherwise ordered by the court.
Promulgation Order	At least 6 months after order is entered.	Microfilm or convert to electronic document; retain microfilm or electronic indefinitely unless otherwise ordered by the court.

Writ of Habeas Corpus	6 months after case is closed.	Microfilm or convert to electronic document; retain microfilm or electronic indefinitely unless otherwise ordered by the court.
Writ of Mandamus	6 months after case is closed.	Microfilm or convert to electronic document; retain microfilm or electronic indefinitely unless otherwise ordered by the court.
Writ of Prohibition	6 months after case is closed.	Microfilm or convert to electronic document; retain microfilm or electronic indefinitely unless otherwise ordered by the court.
Writ of Certiorari	6 months after case is closed.	Microfilm or convert to electronic document; retain microfilm or electronic indefinitely unless otherwise ordered by the court.

(b) Superior Court of Guam. Title 7 GCA § 7120 and Miscellaneous Rule 6.1 of the Local Rules of Court govern the retention periods and disposition of court records. The record retention and disposition periods provided in this section are effective \_\_\_\_\_, and apply to all court records in existence. Case records may be preserved on paper, microfilm, or as electronic documents. The paper records, microfilm or electronic documents are the official record of the court. The Clerk may certify a copy of the paper case records, a printed copy of microfilm or a printed electronic copy of an electronic document as a true and correct copy of the document in the record of the court.

(1) For Records Prior to 2011.

<b>Record Title</b>	<b>Retention Period</b> (Original copy destroyed after expiration of period and/or microfilming/conversion to electronic document)	<b>Disposition</b>
<b>A. Case Files (Paper)</b>		
Adoption (AT)	5 years	Microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
Child Support (CS)	3 years	Convert complaint, final order or judgment to electronic document; retain electronic document indefinitely unless otherwise ordered by the court

Civil (CV)	5 years	Convert complaint, final order, or judgment to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Criminal Felony (CF)	7 years	Convert complaint, indictment, information, plea agreement, final order, and judgment to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Criminal Misdemeanor (CM)	7 years	Convert complaint, information, plea agreement, final order, and judgment to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Domestic (DM)		
1. Divorce	5 years	Convert complaint, settlement agreement, interlocutory judgment, and final decree, or final order to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
2. All Others	5 years	Convert complaint, judgment, or final order to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Foreign Order (FO)	5 years	Convert complaint, foreign judgment, and final order; retain electronic document indefinitely unless otherwise ordered by the court
Juvenile Delinquency (JD)	5 years	Destroy pursuant to 19 GCA § 5124
Juvenile Proceedings (JP)	5 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court;  Destroy pursuant to 19 GCA § 5124

Land Registration (LR)	7 years	Convert to microfilm or electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
Probate (PR)	7 years	Convert to microfilm or electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
Special Proceedings (SP)	5 years	Convert petition, final order, and judgment to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Protective Order (PO)	3 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Restitution (RS)	1 year	Convert collection order and final order to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Small Claims (SD)	2 years	Destroy
Traffic	2 years	Destroy
Marriages (SPM)	1 year	Destroy
<b>B. Other Records</b>	<b>Retention Period</b> (Original copy destroyed after expiration of period and/or microfilming/conversion to electronic document)	<b>Disposition</b>
Original Wills	Permanent	Permanent

Exhibits	Return to party submitting after time for appeal has passed	Return to party submitting after time for appeal has passed
Jury Records		
1. Juror Lists	4 years after the master jury wheel is emptied	Destroy
2. Grand Jury Voting Sheets	3 years	Destroy
3. Trial Questionnaires	3 years	Destroy
Court Recordings	10 years	Destroy
1. Cassette Tapes		
2. DVD Audio recordings		
Search Warrants	5 years	Destroy
Docket Sheets	2 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Cardex File	2 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court

(2) For Records from 2011 to Present.

<b>Record Title</b>	<b>Retention Period</b> (Original copy destroyed after expiration of period and/or microfilming/conversion to electronic document)	<b>Disposition</b>
<b>A. Case Files (Paper)</b>		
Adoption (AT)	5 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court

Child Support (CS)	3 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Civil (CV)	5 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Criminal Felony (CF)	7 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Criminal Misdemeanor (CM)	7 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Domestic (DM)	5 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Foreign Order (FO)	5 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Juvenile Delinquency (JD)	5 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Juvenile Proceedings (JP)	5 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Land Registration (LR)	7 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Probate (PR)	7 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Special Proceedings (SP)	5 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Protective Orders (PO)	5 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court

Restitution (RS)	1 year	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Small Claims (SD)	3 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Traffic	3 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Marriages (SPM)	1 year	Destroy
<b>B. Other Records</b>	<b>Retention Period</b> (Original copy destroyed after expiration of period and/or microfilming/conversion to electronic document)	<b>Disposition</b>
Original Wills	Permanent	Permanent
Exhibits	Return to party submitting after time for appeal has passed unless electronically presented pursuant to EFR 4.12	Return to party submitting after time for appeal has passed unless electronically presented pursuant to EFR 4.12
Jury Records 1. Juror Lists	4 years after the master jury wheel is emptied	Destroy
2. Grand Jury Voting Sheets	3 years	Destroy
3. Trial Questionnaires	3 years	Destroy
Audio and electronic recordings of official court proceedings	10 years	Destroy
Search Warrants	5 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court
Arrest Warrants	5 years	Convert to electronic document; retain electronic document indefinitely unless otherwise ordered by the court



(a) ~~Definition. For the purpose of this Rule finality means the 31st day after the entry of judgment or order from which an appeal may lie, receipt of the mandate from an appellate court affirming a judgment or order or the 31st day after the court has dismissed an action for failure to prosecute.~~

(b) ~~Microfilming and Destruction. Records listed below shall be microfilmed at or after finality and the originals destroyed, or, in case of evidence, returned to the owners according to law, in accordance with the disposition table below.~~

<del>RECORD</del> <del>DESCRIPTION</del>	<del>FILING</del> <del>METHOD</del>	<del>DISPOSITION</del>
<del>CLERK'S OFFICE</del>		
<del>Client Case Files</del>	<del>Numerically</del>	
<del>1. Civil cases</del>		<del>Destroy originals 10 years after finality.</del>
<del>2. Small Claims</del>		<del>Destroy 5 yrs. after filing on microfilm.</del>
<del>3. Juvenile Cases</del>		<del>Records expunged when client becomes 18 yrs old; 10 yrs. hence, destroy in accord with 19 GCA 5124.</del>
<del>4. Domestic</del>		<del>Destroy cases 10 yrs. after finality; provided that cases with minor children not final until 10 years after youngest becomes 18.</del>
<del>5. All others</del>		<del>Destroy 10 yrs. after finality.</del>
<del>Client Cardex File</del>	<del>Alphabetically</del>	<del>Permanent</del>
<del>Docket Sheets</del>	<del>Numerically</del>	<del>Perm., transfer to storage 1 yr. after finality &amp; after micro filming.</del>
<del>Wills</del>	<del>Numerically</del>	<del>Permanent</del>
<del>Permanent Exhibits</del>	<del>By Subject</del>	
<del>1. Criminal</del>		<del>Transfer to proper law enforcement dept. after final judgment.</del>
<del>2. Civil</del>		<del>Return to submitting party after final judgment.</del>
<del>Decision Files</del>	<del>Chronological</del>	<del>Permanent</del>
<del>RECORD</del> <del>DESCRIPTION</del>	<del>FILING</del> <del>METHOD</del>	<del>DISPOSITION</del>
<del>Fee Collection</del>	<del>Chronological</del>	<del>Transfer to Reports Fin. Mgmt. Div. after 1 year.</del>
<del>Jury records, diskettes</del>	<del>Numerical/ chronological</del>	<del>Destroy after incl. 5 yrs. as per 7 GCA 22121.</del>

Crim. Appeal transcripts Numerical Destroy 19 yrs. After finality.  
transcripts

Correspondence; Subject Destroy after 3 years.  
subj. files re: admin. &  
clerk's office w/no historical  
or legal value.

**CALENDAR UNIT**

Master calendar diary Subject Destroy after 3 years.

Statistical reports Subject/ chronological Destroy after 3 years.

Computer aids/manuals Subject Destroy when no longer useful.

**COURT REPORTER'S UNIT**

Tapes of court Subject Permanent;  
hearings & proceedings transfer to storage after  
1 yr; destroy after 10 yrs.

Stenographic Subject Per.,; trans. notes to  
storage after 1 year

Grand Jury Numerical Perm., microfilm  
minute sheets

Correspondence; Subject/ Destroy after 3 years.  
subj. files re: chronological  
admin. & oper. of court  
reporting with no historical  
or legal value.

**SOURCE:** Guam Bar Committee.

**COMMENT:** The Superior Court has been faced with questions of storage and disposal of records without any law or rule for guidance. This Rule provides necessary guidance, in accordance with applicable law, for the storage and disposal of all the papers accumulated by the court.

**CROSS REFERENCES:** Public Law 22-124 enacted 7 GCA '7120, which provided the statutory guidance which was lacking when this Rule was adopted. Section 7120(d) confirmed and continued this Rule under it may be changed in due course.