



Territory of Guam

Territorion Guam

OFFICE OF THE GOVERNOR
UFISINAN I MAGA'LAHI
AGANA, GUAM 96910 U.S.A.

JUN 13 1989

The Honorable Ted S. Nelson
Acting Speaker
Twentieth Guam Legislature
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 296, which I have signed into law this date as
Public Law 20-28.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank F. Blas", with a long horizontal line extending to the right.

FRANK F. BLAS
Governor of Guam
Acting


Attachment

200306

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 296 (COR), "AN ACT TO ADD NEW CHAPTER III-B TO TITLE I OF THE CODE OF CIVIL PROCEDURE TO PROVIDE FOR A SMALL CLAIMS DIVISION OF THE SUPERIOR COURT WITH JURISDICTION OVER SMALL CLAIMS CASES, AND TO PERMIT SAID DIVISION TO HEAR CERTAIN UTILITIES DISPUTES AND LANDLORD-TENANT ACTIONS," was on the 30th day of May, 1989, duly and regularly passed.



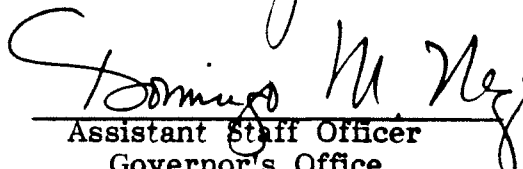
JOE T. SAN AGUSTIN
Speaker

Attested:




PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 2nd day of June, 1989,
at 4:00 o'clock p.m.



Domingo M. Nejo
Assistant Staff Officer
Governor's Office

APPROVED:



FRANK F. BLAS
Governor of Guam
Acting

Date: June 13, 1989

Public Law No. 20-28

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

Bill No. 296 (COR)
As further Substituted by the Committee
on Energy, Utilities and Consumer
Protection and the Committee on
Justice, Judiciary and Criminal
Justice 5/30/89

Introduced by:

D. Parkinson
T. S. Nelson
H. D. Dierking

M. C. Ruth
J. P. Aguon
E. P. Arriola
J. G. Bamba
M. Z. Bordallo
D. F. Brooks
E. R. Duenas
E. M. Espaldon
C. T. C. Gutierrez
P. C. Lujan
G. Mailloux
M. D. A. Manibusan
F. J. A. Quitugua
E. D. Reyes
J. T. San Agustin
F. R. Santos
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO ADD NEW CHAPTER III-B TO
TITLE I OF THE CODE OF CIVIL PROCEDURE
TO PROVIDE FOR A SMALL CLAIMS DIVISION
OF THE SUPERIOR COURT WITH
JURISDICTION OVER SMALL CLAIMS CASES,
AND TO PERMIT SAID DIVISION TO HEAR
CERTAIN UTILITIES DISPUTES AND
LANDLORD-TENANT ACTIONS.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:
2 The Legislature finds that due to high legal fees and the lack of
3 attorneys willing to take cases involving small amounts, the courts are
4 effectively unavailable to small claims litigants, and the current small claims
5 court system is inadequate to address this problem; accordingly,

1 Section 1. A new Chapter III-B is added to Title I of the Code of
2 Civil Procedure to read as follows:

3 "Chapter III-B

4 Small Claims Division

5 Section 100. Title. This Chapter may be cited as the Small
6 Claims Court Act. A Small Claims Division is created within the
7 Superior Court of Guam on the following terms and conditions:

8 (a) Jurisdiction. Any person having a claim of \$10,000 or
9 less may apply for relief through the Small Claim Division.
10 Counterclaims or cross-claims may also be filed for up to \$10,000.
11 If a bona fide counterclaim or cross-claim is in excess of \$10,000,
12 the matter shall be handled as a regular civil, or other case. No
13 attorney's fee may be awarded in small claim cases. Any person
14 having a claim against him or her for more than \$5,000 may make
15 a timely application to the court for transfer of the matter out of
16 the Small Claims Division to be handled as a regular civil or other
17 case within the Superior Court of Guam, which motion, if timely
18 made, shall be granted as a matter of right.

19 (b) Removal. Any person against whom a claim is filed in
20 the Small Claims Division may apply to the court for transfer of
21 the matter out of the Small Claims Division to the Superior Court
22 of Guam to be handled as a regular civil or other case. The
23 court may grant such a motion only upon a showing of significant
24 prejudice for the applicant if the matter continues in the Small
25 Claims Division, or a clear showing by the applicant that the
26 Small Claims Division is an inappropriate forum. The court may
27 consider the costs of pursuing a regular case and availability of
28 attorneys who might handle the matter as some of the deciding
29 factors. Such motions for discretionary transfer shall be
30 disfavored, and shall be granted only in exceptional cases.

31 (c) Fees. The filing fee for filing a complaint or
32 counterclaim or cross-claim in small claims cases shall be 1
33 percent of the amount claimed for the first \$1,000, and 2 percent
34 for all amounts thereafter; provided, that the total filing fee does

1 not exceed the cost of filing a civil case in the Superior Court of
2 Guam.

3 (d) Referees. Small claims cases may be heard by any
4 Judge of the Superior Court of Guam, or the Presiding Judge of
5 the Superior Court may appoint one or more small claims referees
6 from among member of the Guam Bar Association, with the
7 concurrence of the Judicial Council, to hear small claims cases
8 pursuant to court rules, who shall have the power of a Superior
9 Court Judge in respect to such small claims matters. Such
10 appointments for referees shall be for six months or less.
11 Incumbent referees may be reappointed by the Judicial Council for
12 additional terms of six months or less. Referees may be
13 disqualified from hearing a matter in the same manner as a Judge
14 of the Superior Court may be disqualified.

15 (e) Rules and Regulations. The Judicial Council shall
16 develop forms and rules and regulations for the Small Claims
17 Division, which shall not permit jury trials in small claims cases;
18 shall provide for expedited handling of small claims cases and the
19 collection of small claims judgments without the need that either
20 party have representation by an attorney; shall provide for
21 circumstances under which applicants may be represented by an
22 attorney and may limit or prohibit representation of parties by
23 attorneys in small claims; provided, however, that if one party is
24 represented by an attorney then the other party must be given
25 the opportunity to obtain an attorney, if such other party makes
26 an appearance; may provide for relaxed rules of evidence for
27 small claims litigants; as to proof of damages shall develop and
28 promulgate reasonable rules which are reasonable and fair, taking
29 into account common sense and practices in claims settlement, and
30 taking into account normal insurance industry practices used by
31 insurance adjusters in determining damages on Guam; shall
32 provide rules for appeal de novo to the Superior Court of Guam
33 as may be appropriate; shall provide for discovery upon prior
34 specific approval by the court; shall provide for declaratory type

1 or other relief in disputes over utility billings with provisions for
2 continuing utility service during the period of the dispute, and
3 with sanctions for bad faith disputes over utility billings; and
4 shall provide for such other matters as the Judicial Council deems
5 appropriate for the Small Claims Division. The rules may
6 prohibit, regulate or restrict the appearance by attorneys,
7 agents, and employees of the parties in the Small Claims Division.

8 (f) Jurisdiction over Housing Claims. The Small Claims
9 Division may hear rent and landlord-tenant disputes and may,
10 with or without bond, enjoin the eviction of the tenant pending
11 the outcome of any bona fide rent dispute or landlord-tenant
12 dispute, and may, as a part of its final order, make appropriate
13 orders of eviction.

14 (g) Mandatory Annual Review of Jurisdictional Limits. In
15 April of each year commencing with 1990, the Judicial Council
16 shall consider adjustment of the jurisdictional limits for the Small
17 Claims Division, and may adjust upwards the jurisdiction limits of
18 the amount of claims allowed in the Small Claims Division based
19 upon increases in the cost of living indices prepared by the Guam
20 Department of Commerce and the United States government, and
21 based upon the availability of attorneys to take small claims
22 cases."

SENATOR DON PARKINSON

MAJORITY LEADER
20th GUAM LEGISLATURE

CHAIRMAN, COMMITTEE ON ENERGY,
UTILITIES & CONSUMER PROTECTION

163 CHALAN SANTO PAPA STREET
AGANA, GUAM 96910

May 23, 1989

Honorable Joe T. San Agustin
Speaker, 20th Guam Legislature
163 Chalan Santo Papa
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Energy, Utilities and Consumer Protection jointly with the Committee on Justice, Judiciary and Criminal Justice wishes to report out its findings on BILL NO. 296(COR): A CONSUMER PROTECTION ACT TO PROVIDE FOR EXPANDED JURISDICTION SMALL CLAIMS CASES, TO INCREASE LIMITS FOR SMALL CLAIMS, AND TO PERMIT SMALL CLAIMS TO HEAR CERTAIN UTILITIES DISPUTES AND LANDLORD TENANT ACTIONS.

COMMITTEE ON JUSTICE, JUDICIARY
AND CRIMINAL JUSTICE

COMMITTEE ON ENERGY, UTILITIES
AND CONSUMER PROTECTION

TO PASS: _____ -9- _____

TO PASS: _____ -10- _____

NOT TO PASS: _____ -0- _____

NOT TO PASS: _____ -0- _____

ABSTENTIONS: _____ -0- _____

ABSTENTIONS: _____ -0- _____

REPORT OUT ONLY: _____ -1- _____

REPORT OUT ONLY: _____ -2- _____

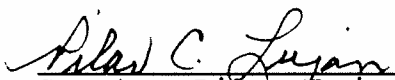
OFF-ISLAND: _____ -1- _____

OFF-ISLAND: _____ -1- _____


A copy of the Committee Report and all pertinent documents are attached for your information.

Sincerely,

Sincerely,



Senator Pilar Lujan
Chairwoman, Committee on
Justice, Judiciary and
Criminal Justice



Senator Don Parkinson
Chairman, Committee on
Energy, Utilities and
Consumer Protection

**COMMITTEE ON ENERGY, UTILITIES AND
CONSUMER PROTECTION**

VOTING SHEET ON:

**BILL NO. 296(COR): A CONSUMER PROTECTION ACT
TO PROVIDE FOR EXPANDED JURISDICTION
SMALL CLAIMS CASES, TO INCREASE LIMITS FOR
SMALL CLAIMS, AND TO PERMIT SMALL CLAIMS
TO HEAR CERTAIN UTILITIES DISPUTES AND LANDLORD
TENANT ACTIONS.**

| <u>COMMITTEE MEMBERS:</u> | <u>INITIAL</u> | <u>TO PASS:</u> | <u>NOT TO PASS:</u> | <u>REPORT OUT:</u> |
|---------------------------|----------------|-----------------|---------------------|----------------------|
| Sen. Don Parkinson | <i>DP</i> | ✓ | | |
| Sen. Herminia Dierking | <i>HD</i> | ✓ | | |
| Sen. George Bamba | <i>GB</i> | ✓ | | |
| Sen. Madeleine Bordallo | <i>MB</i> | ✓ | | |
| Sen. Doris Brooks | | | | <i>DB ✓</i> |
| Sen. Gordon Mailloux | <i>GM</i> | ✓ | | |
| Sen. Marilyn Manibusan | <i>MM</i> | ✓ | | |
| Sen. Ted Nelson | | | | |
| Sen. Franklin Quitugua | <i>FQ</i> | ✓ | | |
| Sen. Martha Ruth | <i>MR</i> | ✓ 5/24/89 | | |
| Sen. Frank Santos | | | | |
| Sen. Antonio Unpingco | | | | <i>no report - P</i> |
| Spkr. Joe T. San Agustin | <i>JA</i> | ✓ | | |

**COMMITTEE ON JUSTICE, JUDICIARY
AND CRIMINAL JUSTICE**

VOTING SHEET ON:

**BILL NO. 296(COR): A CONSUMER PROTECTION ACT
TO PROVIDE FOR EXPANDED JURISDICTION
SMALL CLAIMS CASES, TO INCREASE LIMITS FOR
SMALL CLAIMS, AND TO PERMIT SMALL CLAIMS
TO HEAR CERTAIN UTILITIES DISPUTES AND LANDLORD
TENANT ACTIONS.**

| <u>COMMITTEE MEMBERS:</u> | <u>INITIAL</u> | <u>TO PASS:</u> | <u>NOT TO PASS:</u> | <u>REPORT OUT:</u> |
|---------------------------|----------------|-----------------|---------------------|--------------------|
| Sen. Pilar Lujan | <i>PL</i> | ✓ | | |
| Sen. Frank Santos | | | | |
| Sen. Arriola | <i>EA</i> | ✓ | | |
| Sen. Madeleine Bordallo | <i>MAB</i> | ✓ | | |
| Sen. Herminia Dierking | <i>D</i> | ✓ | | |
| Sen. Eddie Duenas | <i>ED</i> | ✓ | | |
| Sen. Gordon Mailloux | <i>G</i> | ✓ | | |
| Sen. Ted Nelson | <i>TN</i> | ✓ | | |
| Sen. Edward Reyes | <i>ER</i> | ✓ | | |
| Sen. Martha Ruth | <i>M Ruth</i> | ✓ 5/24/89 | | |
| Sen. Antonio Unpingco | <i>AU</i> | | | <i>No marking</i> |

**REPORT OF THE COMMITTEE ON ENERGY,
UTILITIES AND CONSUMER PROTECTION ON
BILL NO. 296(COR): A CONSUMER PROTECTION
ACT TO PROVIDE FOR EXPANDED JURISDICTION
SMALL CLAIMS CASES, TO INCREASE LIMITS FOR
SMALL CLAIMS, AND TO PERMIT SMALL CLAIMS TO
HEAR CERTAIN UTILITIES DISPUTES AND LANDLORD
TENANT ACTIONS.**

PREFACE

The Committee on Energy, Utilities and Consumer Protection with the Committee on Justice, Judiciary and Criminal Justice held a joint public hearing on Friday, May 12, 1989 at 9:30 a.m. in the Legislative Session Hall on **BILL NO. 296(COR): A CONSUMER PROTECTION ACT TO PROVIDE FOR EXPANDED JURISDICTION SMALL CLAIMS CASES, TO INCREASE LIMITS FOR SMALL CLAIMS, AND TO PERMIT SMALL CLAIMS TO HEAR CERTAIN UTILITIES DISPUTES AND LANDLORD TENANT ACTIONS.** Committee Members present were Senator Don Parkinson, Chairman, CEUCP; Senator Pilar Lujan, Chairwoman, CJJCJ; and Senator Nelson, member.

TESTIMONY

During the public hearing Senator Don Parkinson also an Attorney in Guam and the Sponsor of Bill No. 296 verbally testified before the Committee stating that the reasons for the increase is primarily because attorney's will not take small claims cases with low amounts. The attorney fees on the island ranges between \$75.00 to \$200.00 per hour and if the claim is not a large amount there is no attorney willing to take the small claim case. Currently the limits on the claims are too low, as low as \$1,000.00. The current Bill also allows the Small Claims Court to hear rent and landlord disputes.

Senator Lujan asked Senator Parkinson whether the current fee is \$1,000 and Senator Parkinson replied 'yes'. Senator Lujan also asked whether landlords are currently able to evict their tenants? Senator Parkinson responded, that the only way the eviction can take place is to get a court order of the eviction.

Although the Superior Court of Guam was invited to attend the public hearing and voice their opinion, no one

appeared nor submitted any testimony.

COMMITTEE FINDINGS AND RECOMMENDATIONS

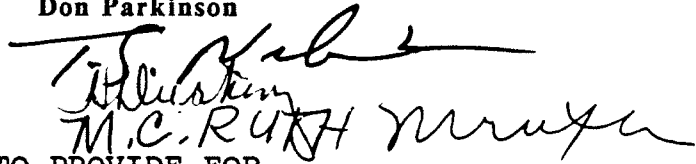
The Committee on Energy, Utilities and Consumer Protection with the Committee on Justice, Judiciary and Criminal Justice finds that due to high legal fees and attorneys not willing to take small claims cases with small amounts, the current limit should be raised from \$1000.00 to \$10,000.00. The current Small Claims Court System is inadequate to deal with problems of shortage of attorneys taking small claims litigants therefore, the creation of a Small Claims Division within the Superior Court of Guam is necessary. The Small Claims Division will cover persons having claims of \$10,000.00 or less and the Bill also permits the option of transferring out of the Small Claims Division to the Superior Court of Guam. Therefore, the Committee on Energy, Utilities and Consumer Protection jointly with the Committee on Justice, Judiciary and Criminal Justice recommends that Bill No. 296 be passed by the 20th Guam Legislature.

**TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session**

Bill No. 296 (COR)
As Substituted by the Committee on
Energy, Utilities and Consumer Protection
and the Committee on Justice, Judiciary and
Criminal Justice

Introduced By:

Don Parkinson



A CONSUMER PROTECTION ACT TO PROVIDE FOR
EXPANDED JURISDICTION SMALL CLAIMS CASES,
TO INCREASE LIMITS FOR SMALL CLAIMS, AND TO
PERMIT SMALL CLAIMS TO HEAR CERTAIN UTILITIES
DISPUTES AND LANDLORD TENANT ACTIONS.

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

The Legislature finds that due to high legal fees and each
of attorneys willing to take cases involving small amounts that
the courts are effectively unavailable to small claims litigants,
and that the current small claims court system is inadequate to
deal with this problem.

Section_____. A new section_____ is added to_____, to read
as follows:

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Section____. A Small Claims Division is created within the Superior Court of Guam on the following terms and conditions:

a. Any person having a claim of \$10,000.00 or less may apply for relief through the Small Claim Division. Counterclaims or cross claims may also be filed for up to \$10,000.00. No attorney fee will be awarded in small claims cases. Any person having a claim against him or her for more that \$5,000.00 may make a timely application to the Court for transfer of the matter out of the Small Claims Division to be handled as a regular, civil or other case within the Superior Court of Guam, which motion, it timely made, shall be granted as a matter of right.

b. Any person against whom a claim is filed in the small claims division may apply to the court for transfer of the matter out of the Small Claims Division to Superior Court of Guam to be handled as a regular civil, or other case. The Court may grant such a motion only upon a showing of significant prejudice for the applicant if the matter continues in small claims division, or a clear showing by the applicant that the small claims division is an inappropriate forum. The court may consider the costs of pursuing a regular case and availability of attorneys who might handle the matter as some of the factors. Such motions for discretionary transfer shall be disfavored, and shall be granted only in exceptional cases.

c. The filing fee for filing a complaint or counterclaim or cross-claim in small claims cases shall be 1 percent of the amount claimed for the first \$1,000.00, and 2 percent for all amounts thereafter, provided that the total filing fee does not exceed the cost of filing a civil case in the Superior Court of Guam.

d. Small claims cases may be heard by any Judge of the Superior Court of Guam, or the Judicial Council may appoint one or more small claims referees from among members of the Guam Bar Association to hear small claims cases pursuant to court rules. Such appointments for referees shall be for six months or less. Incumbent referees may be reappointed by the Judicial Council for six months or less.

e. The Judicial Council shall develop forms and rules and regulations for the Small Claims Division. The rules and regulations for the Small Claims Division shall provide for expedited handling of small claims cases and the collection of small claims judgements without the need that either party have representation by an attorney; shall provide for circumstances under which applicants may be represented by attorney; may provide for relaxed rules of evidence for small claims litigants; as to proof of damages shall develop reasonable rules which are reasonable and fair, taking into account common sense and practices in claims, and taking into account normal insurance

industry practices in determining damages on Guam used by insurance adjusters; may provide rules for appeal de novo into the Superior Court of Guam as may be appropriate; shall provide for discovery upon prior specific approval by the court; shall provide for declaratory type or other relief in dispute over utility billings with provisions for continuing utility service during the period of the dispute, and with sanctions for bad faith disputes over utility billings; and shall provide for such other matters as the Judicial Council deems appropriate for the small claims division. The rules may prohibit or restrict the appearance by attorneys in the Small Claim Division.

f. The Small claims court may hear rent and landlord tenant disputes and may, with or without bond, enjoin the eviction of the tenant pending the outcome of any bona fide rent dispute or landlord tenant dispute, and may, as a part of its final order, make appropriate orders of eviction.

g. In April of each year commencing with 1989, the Judicial Council shall consider adjustment of the jurisdictional limits for small claims division, and may adjust upwards the jurisdiction limits of the amounts of claims allowed in small claims court based upon increases in the cost of living indexes prepared by the Guam Department of Commerce and the United States Government, and based upon the availability of Attorneys to take small claims cases.

**TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session**

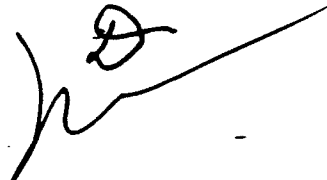
Introduced

Bill No. 296(cod)

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Introduced By:

Don Parkinson



**A CONSUMER PROTECTION ACT TO PROVIDE FOR
EXPANDED JURISDICTION SMALL CLAIMS CASES,
TO INCREASE LIMITS FOR SMALL CLAIMS, AND TO
PERMIT SMALL CLAIMS TO HEAR CERTAIN UTILITIES
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ECUP-
505

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

The Legislature finds that due to high legal fees and each of attorneys willing to take cases involving small amounts that the courts are effectively unavailable to small claims litigants, and that the current small claims court system is inadequate to deal with this problem.

Section _____. A new section _____ is added to _____, to read as follows:

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b. Any person against whom a claim is filed in the small claims division may apply to the court for transfer of the matter out of the Small Claims Division to Superior Court of Guam to be handled as a regular civil, or other case. The Court may grant such a motion only upon a showing of significant prejudice for the applicant if the matter continues in small claims division, or a clear showing by the applicant that the small claims division is an inappropriate forum. The court may consider the costs of pursuing a regular case and availability of attorneys who might handle the matter as some of the factors. Such motions for discretionary transfer shall be disfavored, and shall be granted only in exceptional cases.

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d. Small claims cases may be heard by any Judge of the Superior Court of Guam, or the Judicial Council may appoint one or more small claims referees from among members of the Guam Bar Association to hear small claims cases pursuant to court rules. Such appointments for referees shall be for six months or less. Incumbent referees may be reappointed by the Judicial Council for six months or less.

e. The Judicial Council shall develop forms and rules and regulations for the Small Claims Division. The rules and regulations for the Small Claims Division shall provide for expedited handling of small claims cases and the collection of small claims judgements without the need that either party have representation by an attorney; shall provide for circumstances under which applicants may be represented by attorney; may provide for relaxed rules of evidence for small claims litigants; as to proof of damages shall develop reasonable rules which are reasonable and fair, taking into account common sense and practices in claims, and taking into account normal insurance

industry practices in determining damages on Guam used by insurance adjusters; may provide rules for appeal de novo into the Superior Court of Guam as may be appropriate; shall provide for discovery upon prior specific approval by the court; shall provide for declaratory type or other relief in dispute over utility billings with provisions for continuing utility service during the period of the dispute, and with sanctions for bad faith disputes over utility billings; and shall provide for such other matters as the Judicial Council deems appropriate for the small claims division. The rules may prohibit or restrict the appearance by attorneys in the Small Claim Division.

f. The Small claims court may hear rent and landlord tenant disputes and may, with or without bond, enjoin the eviction of the tenant pending the outcome of any bona fide rent dispute or landlord tenant dispute, and may, as a part of its final order, make appropriate orders of eviction.

g. In April of each year commencing with 1989, the Judicial Council shall consider adjustment of the jurisdictional limits for small claims division, and may adjust upwards the jurisdiction limits of the amounts of claims allowed in small claims court based upon increases in the cost of living indexes prepared by the Guam Department of Commerce and the United States Government, and based upon the availability of Attorneys to take small claims cases.

FEB 14 1989

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

Bill No. 296(COR)

Introduced By:

Don Parkinson



A CONSUMER PROTECTION ACT TO PROVIDE FOR
EXPANDED JURISDICTION SMALL CLAIMS CASES,
TO INCREASE LIMITS FOR SMALL CLAIMS, AND TO
PERMIT SMALL CLAIMS TO HEAR CERTAIN UTILITIES
DISPUTES AND LANDLORD TENANT ACTIONS.

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The Legislature finds that due to high legal fees and each
of attorneys willing to take cases involving small amounts that
the courts are effectively unavailable to small claims litigants,
and that the current small claims court system is inadequate to
deal with this problem.

Section_____. A new section_____ is added to_____, to read
as follows:

Section____. A Small Claims Division is created within the Superior Court of Guam on the following terms and conditions:

a. Any person having a claim of \$10,000.00 or less may apply for relief through the Small Claim Division. Counterclaims or cross claims may also be filed for up to \$10,000.00. Any person having a claim against him or her for more that \$5,000.00 may make a timely application to the Court for transfer of the matter out of the Small Claims Division to be handled as a regular, civil or other case within the Superior Court of Guam, which motion, it timely made, shall be granted as a matter of right.

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e. The Judicial Council shall develop forms and rules and regulations for the Small Claims Division. The rules and regulations for the Small Claims Division shall provide for expedited handling of small claims cases and the collection of small claims judgements without the need that either party have representation by an attorney; shall provide for circumstances under which applicants may be represented by attorney; may provide for relaxed rules of evidence for small claims litigants; as to proof of damages shall develop reasonable rules which are reasonable and fair, taking into account common sense and practices in claims, and taking into account normal insurance

industry practices in determining damages on Guam used by insurance adjusters; may provide rules for appeal de novo into the Superior Court of Guam as may be appropriate; shall provide for discovery upon prior specific approval by the court; shall provide for declaratory type or other relief in dispute over utility billings with provisions for continuing utility service during the period of the dispute, and with sanctions for bad faith disputes over utility billings; and shall provide for such other matters as the Judicial Council deems appropriate for the small claims division. The rules may prohibit or restrict the appearance by attorneys in the Small Claim Division.

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