



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

MAY 22 2000

The Honorable Joanne M. S. Brown
Legislative Secretary
I Mina'Bente Singko na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature
Suite 200
130 Aspal Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>Joanne M. S. Brown</u>
Time	<u>10:10am</u>
Date	<u>May 23, 2000</u>

Dear Legislative Secretary Brown:

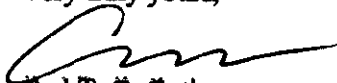
Enclosed please find Substitute Bill No. 379 COR), "AN ACT ADD §§43103 TO 43108 TO CHAPTER 43, DIVISION 3 OF TITLE 7 OF THE GUAM CODE ANNOTATED, RELATIVE TO ALTERNATIVE DISPUTE RESOLUTION; ENACTING NEW PROVISIONS RELATING TO MEDIATION; AND PROVIDING FOR AN EFFECTIVE DATE", which I have signed into law today as Public Law No. 25-132.

This legislation provides for a mediation program within the Superior Court of Guam. There are currently laws on the books providing for an Alternate Dispute Resolution Office, however, this legislation is more specific. This legislation also states that other types of dispute resolution may be used, as well as the type provided for in this program.

Any civil case, including domestic and custody cases, when the parties agree, can be referred to the Superior Court's mediation program. Mediators must be impartial, facilitate communication between the parties, deal with all parties including insurance companies, and must advocate settlement. The legislation specifies that mediators are not judges and have no authority to render decisions or force settlements. A mediator is prohibited from having a financial or personal interest in the matter at hand. Mediation is private, communications of the parties are privileged, no recordings of the sessions are to be made unless agreed to, no subpoenas or summons of these types of process can be served on a person attending a mediation session.

These procedures are to encourage parties to settle disputes without the time, expense, and personal toll that litigation requires. Decisions made during the mediation would be affirmed by decision of the court.

Very truly yours,


Carl T. C. Gutierrez
I Maga'Lahen Guåhan
Governor of Guam

Attachment: copy attached for signed bill or overridden bill
original attached for vetoed bill


cc: The Honorable Antonio R. Unpingco
Speaker

00942

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
2000 (SECOND) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 379 (COR) "AN ACT TO ADD §§43103 TO 43108 TO CHAPTER 43, DIVISION 3 OF TITLE 7 OF THE GUAM CODE ANNOTATED, RELATIVE TO ALTERNATIVE DISPUTE RESOLUTION; ENACTING NEW PROVISIONS RELATING TO MEDIATION; AND PROVIDING FOR AN EFFECTIVE DATE," was on the 11th day of May 2000, duly and regularly passed.



ANTONIO R. UNPINGCO
Speaker

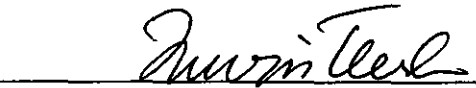
Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

.....

This Act was received by *I Maga'lahaen Guahan* this 16th day of May, 2000,
at 2:45 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: 5-22-00

Public Law No. 25-132

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
2000 (Second) Regular Session

Bill No. 379 (COR)

As substituted by the Committee
on Judiciary, Public Safety,
Consumer Protection and Human Resources
Development.

Introduced by:

J. C. Salas
K. S. Moylan
A. C. Lamorena, V
F. B. Aguon, Jr.
E. C. Bermudes
A. C. Blaz
J. M.S. Brown
E. B. Calvo
M. G. Camacho
Mark Forbes
L. F. Kasperbauer
C. A. Leon Guerrero
V. C. Pangelinan
S. A. Sanchez, II
A. R. Unpingco

**AN ACT TO ADD §§43103 TO 43108 TO CHAPTER
43, DIVISION 3 OF TITLE 7 OF THE GUAM CODE
ANNOTATED, RELATIVE TO ALTERNATIVE
DISPUTE RESOLUTION; ENACTING NEW
PROVISIONS RELATING TO MEDIATION; AND
PROVIDING FOR AN EFFECTIVE DATE.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

1 **Section 1. Legislative Findings and Intent.** Guam law relating to
2 alternative dispute resolution has been enacted piecemeal over the past three
3 (3) decades. The Civil Arbitration Law was enacted in March, 1970 by Public
4 Law Number 10-119 and codified in Chapter 42 of Title 7 of the Guam Code
5 Annotated as part of the Civil Procedure Code. Additional provisions were
6 enacted by Public Law Number 12-85. Chapter 43 was enacted by Public Law
7 Number 19-05 whereby the “Alternate Dispute Resolution Office” within the
8 Judicial Branch was created. That office is mandated to “*provide training and*
9 *services for mediation, conciliation, arbitration and other means of settling conflicts*
10 *or disputes among residents of Guam.*” Additional statutes relating to mediation
11 were enacted by Public Law Numbers 22-98 and 24-49. Existing Guam law is
12 principally procedural, providing little guidance with respect to what
13 mediation is, how it is meant to work, or what the role of a mediator should
14 be.

15 *I Liheslaturan Guåhan* finds that passage of a comprehensive mediation
16 law on the eve of the new millennium is both fitting and timely. A new
17 statutory framework for mediation will provide a contemporary legal base for
18 greater use of that type of out-of-court conflict resolution during a period that
19 is expected to involve increased commercial activity and business growth on
20 Guam. And, during the present time of economic stress in both the public
21 and private sectors, the avoidance, when feasible, of costly litigation in an
22 overburdened Court system, is to be encouraged.

23 **Section 2.** Sections 43103 – 43108 are hereby *added* to Chapter 43,
24 Division 3 of Title 7 of the Guam Code Annotated to read as follows.

1 **"Section 43103. Short Title.** This Act shall be known
2 as the '*Guam Millennium Mediation Act.*'

3 **Section 43104. Referral of Case for Mediation.** The Superior
4 Court, by agreement of the parties, may refer any civil case, including
5 any domestic relations or custody case, or any portion thereof for
6 mediation.

7 A referral to mediation may be made at any time while a civil case
8 is pending. The order of referral to mediation shall be entered on a
9 standard form consistent with the form set forth in §43108 of this
10 Chapter.

11 **Section 43105. Court-ordered Mediation Provisions.** The
12 following provisions shall apply to any mediation ordered by the Court
13 pursuant to §43104 of this Chapter:

14 (a) Mediation shall be a process in which impartial
15 persons, the mediators, facilitate communication between
16 disputing parties to promote understanding, reconciliation and
17 settlement. Participants shall include the mediators; the parties;
18 and insurance companies or their representatives. The mediators
19 may meet with participants together or individually.

20 (b) A mediator shall be an advocate for settlement and use
21 the mediation process to help the parties fully explore any
22 potential areas of agreement. A mediator shall *not* serve as a
23 judge and shall *not* have authority to render any decisions on any
24 disputed issues, or to force a settlement between the parties.

1 (c) The parties shall be responsible for negotiating any
2 resolution to a dispute. Parties shall participate in mediation in
3 good faith, and put forth their best efforts with the intention to
4 settle all issues, *if possible*. *If* the parties are unable to settle all
5 issues, they shall attempt to settle as many issues as possible.

6 (d) No person with any financial or personal interest in
7 the result of mediation shall serve as a mediator. Before agreeing
8 to mediate a dispute, the mediators shall disclose any
9 circumstances likely to create a presumption of bias or prevent a
10 prompt meeting with the parties.

11 (e) Mediation sessions shall be private. Persons other
12 than the parties, and their representatives, may attend *only* with
13 the consent of the parties, and the mediators.

14 (f) *Except* as otherwise provided by §505 of Title 6 of the
15 Guam Code Annotated for privileged communications, any
16 communication relating to the subject matter of the dispute made
17 during the mediation process by a participant, or any other person
18 present at the mediation, shall be a confidential communication.
19 No admission, representation, statement, or other confidential
20 communication made in setting up or in conducting the mediation
21 shall be admissible as evidence or subject to discovery, *except* that,
22 no fact independently discoverable shall be non-discoverable
23 solely by virtue of having been disclosed in such confidential
24 communication. There shall be no stenographic or electronic
25 record, including audio or video, of the mediation process, *unless*

1 it is agreed upon by the parties and the mediators, and it is *not*
2 otherwise prohibited by law. No participant in the mediation
3 proceeding, including the mediators, shall be subpoenaed or
4 otherwise compelled to disclose any matter disclosed in the
5 process of setting up or conducting the mediation proceeding.

6 (g) No subpoena, summons, complaint, petition, citation
7 or other process of any kind may be served upon any person who
8 is at or near the site of any mediation session and is there because
9 of the mediation.

10 **Section 43106. List of Qualified Mediators.** Each Superior
11 Court of Guam Judge shall maintain a list of qualified mediators. In
12 order to be placed on any such list, a person shall successfully complete
13 any training prescribed by the Judicial Council.

14 **Section 43107. Mediation Provisions *Not* Exclusive.** Nothing
15 in this Act shall preclude the parties from agreeing:

16 (a) to participate in any alternative dispute resolution
17 process, including mediation, independent of this Act or any
18 related Court order; *or*

19 (b) to select a mediator *not* identified on any list of
20 qualified mediators maintained by the Superior Court of Guam.

21 **Section 43108 Form for Mediation Order.** The form for
22 ordering mediation shall be substantially as follows:

23 **'IN THE SUPERIOR COURT OF GUAM.**

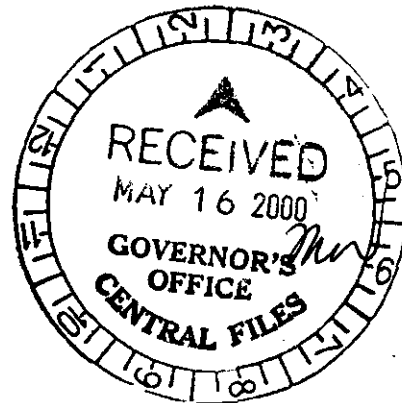


COPY

MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
TWENTY-FIFTH GUAM LEGISLATURE
155 Hesler Street, Hagåtña, Guam 96910

May 16, 2000

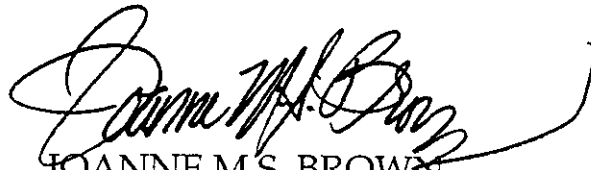
The Honorable Carl T.C. Gutierrez
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910



Dear *Maga'lahi* Gutierrez:

Transmitted herewith are Substitute Bill Nos. 410(COR) and 379(COR) and Bill Nos. 283(COR), 367(COR) and 405(COR) which were passed by *I Mina'Bente Singko Na Liheslaturan Guåhan* on May 11, 2000.

Sincerely,

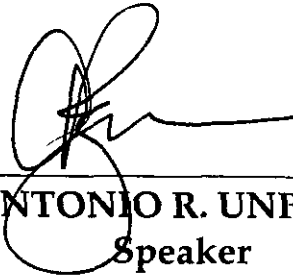

JOANNE M.S. BROWN
Senator and Legislative Secretary

Enclosure (5)

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
2000 (SECOND) Regular Session

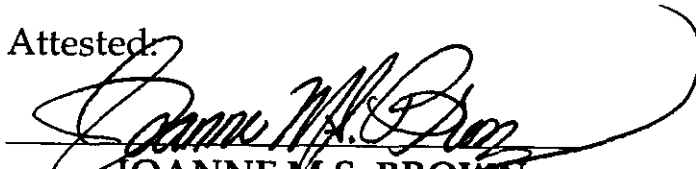
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ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahen Guahan* this 16th day of May, 2000,
at 2:45 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahen Guahan

Date: _____

Public Law No. _____

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
2000 (Second) Regular Session

Bill No. 379 (COR)

As substituted by the Committee
on Judiciary, Public Safety,
Consumer Protection and Human Resources
Development.

Introduced by:

J. C. Salas
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F. B. Aguon, Jr.
E. C. Bermudes
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CLERK OF THE LEGISLATURE
TRANSMISSION CHECKLIST TO I MAGA'LAHEN GUAHAN

(Included in File w/ All Bills Transmitted)

BILL NO. 379 (ea)

FINAL PROOF-READING OF BLUEBACK COPY

Initialed by:

and Date:

- EXHIBITS ATTACHED *None*
- CONFIRM NUMBER OF PAGES *6*
- CAPTION ON CERTIFICATION MATCHES BILL CAPTION
- ENGROSSED SIGN "*" REMOVED FROM BILL
- 15 SENATORS IN SPONSORSHIP OR CONFIRM OTHERWISE
- CERTIFICATION SIGNED BY SPEAKER & LEGIS. SECRETARY
- EMERGENCY DECLARATION, if any *NO*

Confirmed By: *sc / gr*

Dated: *2/10*

- HAND CARRY BILL IN BLUEBACK (ORIGINAL & COPY)
TO THE GOVERNOR. (DANNY, ROBERT OR OTHERS)
- ACKNOWLEDGED COPY W/ ORIGINAL BLUEBACK
PLACED ON CLERK'S DESK. (Same copy given to Susan)
- FILED by: Danny, Robert or others

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
2000 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 379 (COR) "AN ACT TO ADD §§43103 TO 43108 TO CHAPTER 43, DIVISION 3 OF TITLE 7 OF THE GUAM CODE ANNOTATED, RELATIVE TO ALTERNATIVE DISPUTE RESOLUTION; ENACTING NEW PROVISIONS RELATING TO MEDIATION; AND PROVIDING FOR AN EFFECTIVE DATE," was on the 11th day of May 2000, duly and regularly passed.

ANTONIO R. UNPINGCO
Speaker

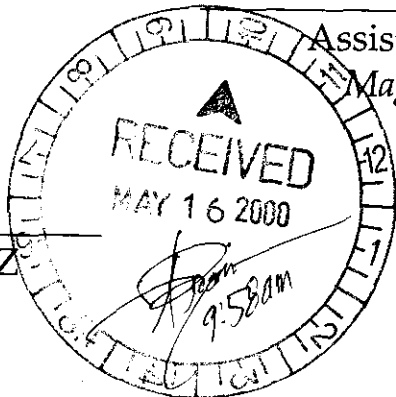
Attested:

JOANNE M.S. BROWN
Senator and Legislative Secretary

.....
This Act was received by *I Maga'lahen Guahan* this _____ day of _____, 2000,
at _____ o'clock _____ M.

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahen Guahan



Assistant Staff Officer
Maga'lahi's Office

Date: _____

Public Law No. _____

Office of the Speaker
ANTONIO R. UNPINGCO

Date: 05-15-00

Time: 11:05

Rec'd by: _____
Print Name: Antonio R. Unpingco

I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

2000 (SECOND) Regular Session

Date: 5/11/00 *6*

VOTING SHEET

5 Bill No. 379 (COR)

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
AGUON, Frank B., Jr.	✓				
BERMUDES, Eulogio C.	11 ✓				
BLAZ, Anthony C.	1 ✓				
BROWN, Joanne M.S.	✓				
CALVO, Eduardo B.	✓				
CAMACHO, Marcel G.	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LAMORENA, Alberto C., V	✓				
LEON GUERRERO, Carlotta A.	✓				
MOYLAN, Kaleo Scott	✓				
PANGELINAN, Vicente C.	✓				
SALAS, John C.	✓				
SANCHEZ, Simon A., II					EA
UNPINGCO, Antonio R.	✓				

TOTAL 14 0 0 0 1EA

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



COPY

MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
TWENTY-FIFTH GUAM LEGISLATURE
155 Hesler Street, Hagåtña, Guam 96910

May 5, 2000
(DATE)

Memorandum

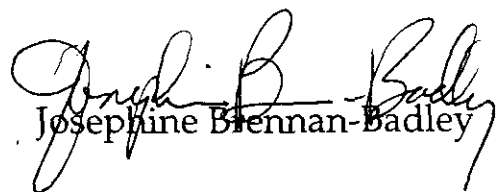
To: Senator John C. Salas

From: Clerk of the Legislature

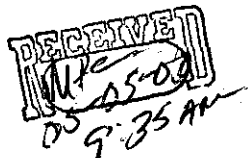
Subject: Report on Bill No. 379

Pursuant to §7.04 of Rule VII of the 25th Standing Rules, transmitted herewith is a copy of the Committee Report on Bill No. 379 for which you are the prime sponsor.

Should you have any questions or need further information, please call the undersigned at 472-3464/5.


Josephine Brennan-Badley

Attachment





✓

**COMMITTEE ON JUDICIARY, PUBLIC SAFETY,
CONSUMER PROTECTION, AND HUMAN RESOURCES
DEVELOPMENT**
I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

JOHN CAMACHO SALAS, CHAIRMAN

April 26, 2000

Honorable Speaker Antonio R. Unpingco, Speaker
Mina' Bente Singko Na Liheslaturan Guahan
155 Hessler Street
Hagatna, Guam 96910

Dear Mr. Speaker:

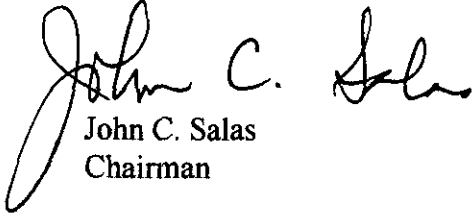
The Committee on Judiciary, Public Safety, Consumer Protection and Human Resources Development t
which was referred Bill No. 379 has had the same under consideration and now wishes to report back the
same with recommendation **TO DO PASS**.

The Committee votes are as follows:

To Do Pass	<u>4</u>
No To Pass	<u>0</u>
Abstain	<u>0</u>
Other	<u>0</u>

A copy of the Committee's report and other pertinent documents are attached for your reference and
information.

Sincerely,


John C. Salas
Chairman



25th GUAM LEGISLATURE

SENATOR JOHN CAMACHO SALAS CHAIRMAN

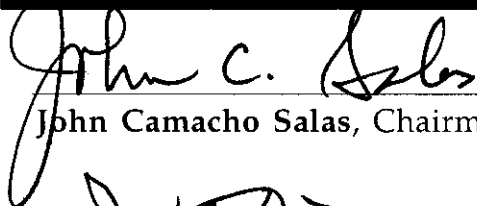
COMMITTEE ON JUDICIARY, PUBLIC SAFETY, CONSUMER PROTECTION AND HUMAN RESOURCES DEVELOPMENT

VOTING SHEET


BILL NUMBER 379

TITLE AN ACT TO ADD NEW SECTIONS 43103 TO 43108 TO CHAPTER 43 OF TITLE 7
GUAM CODE ANNOTATED, RELATIVE TO ALTERNATIVE DISPUTE RESOLUTION;
ENACTING NEW PROVISIONS RELATING TO MEDIATION; AND PROVIDING AN
EFFECTIVE DATE

	TO DO PASS	NOT TO PASS	ABSTAIN	INACTIVE FILE
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John Camacho Salas, Chairman

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Kaleo S. Moylan, Vice-Chairman

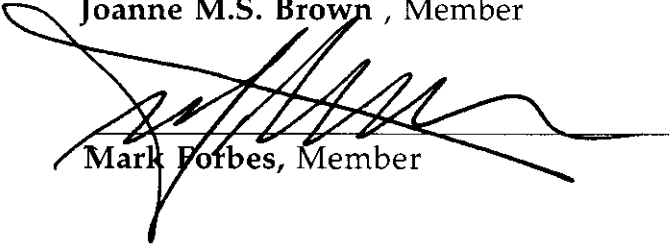
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Frank B. Aguon, Jr., Member

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Joanne M.S. Brown, Member

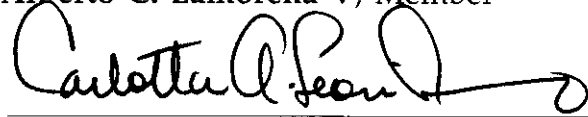
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Mark Forbes, Member

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Alberto C. Lamorena V, Member

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Carlotta A. Leon Guerrero, Member

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Antonio R. Unpingco, Ex-Officio

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Committee on Judiciary, Public Safety, Consumer Protection, and
Human Resources Development
Committee Report on Bill 379
Publicly Heard April 24, 2000

Bill 379: An act to add new sections 43103 to 43108 to chapter 43 of title 7 Guam Code Annotated, relative to alternative dispute resolution; enacting new provisions relating to mediation; and providing an effective date.

I. ATTENDANCE

- Senator John C. Salas, Chairman
- Senator Carlotta A. Leon Guerrero, member
- Senator Alberto C. Lamorena, member
- Senator Frank B. Aguon Jr., member
- Senator Vicente C. Pangelinan

II. MAIN SPONSORS

Senator John C. Salas

III. TESTIMONY

Patrick Wolff, Attorney and Founder of Ina'Fa Maolek, stated that the bill has good intentions and a few changes would needed to be made.

Chairman Salas, stated that the committee would look over the bill and make the changes.

Senator Leon Guerrero, asked Attorney Wolff if the mediation process was to be used to settle employee grievances. Would it be stepping on the Civil Service Hearings.

Attorney Wolff, stated that the Bill is not written to step on the Civil Service Commissions duty. He stated that the mediation process could be used before going to the Civil Service Commission for a ruling.

V. COMMITTEE RECOMMENDATION

The Committee recommends **TO DO PASS** Bill 379 as substituted.

MINA BENTE SINGKO NA LIHESLATURAN GUAHAN
2000 (Second) Regular Session

Bill No. 379

As substituted by the Committee on Judiciary,
Public Safety, Consumer Protection & Human Resources
Development

Introduced by:

J.C. Salas
K.S.Moylan
A.C. Lamorena

**AN ACT TO ADD NEW SECTIONS 43103 TO
43108 TO CHAPTER 43 OF TITLE 7 GUAM CODE
ANNOTATED RELATIVE TO ALTERNATIVE
DISPUTE RESOLUTION; ENACTING NEW
PROVISIONS RELATING TO MEDIATION; AND
PROVIDING AN EFFECTIVE DATE.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** Guam law relating to alternative
3 dispute resolution has been enacted piecemeal over the past three decades. The
4 Civil Arbitration Law was enacted in March 1970 by Public Law 10-119 and codified
5 in 7 GCA Chapter 42 as part of the Civil Procedure Code. Additional provisions were
6 enacted by Public Law 12-85. Chapter 43 was enacted by Public Law 19-05 whereby the
7 "Alternate Dispute Resolution Office" within the Judicial Branch was created. That
8 office is mandated to "provide training and services for mediation, conciliation,
9 arbitration and other means of settling conflicts or disputes among resident of
10 Guam." Additional statutes relating to mediation were enacted by Public Laws 22-98
11 and 24-49. Existing Guam law is principally procedural, providing little guidance
12 with respect to what mediation is, how it is meant to work, or what the role of a
13 mediator should be.

14 *I Liheslaturan Guahan* finds that passage of a comprehensive mediation law on
15 the eve of the New Millennium is both fitting and timely. A new statutory

1 framework for mediation will provide a contemporary legal base for greater use of
2 that type of out-of-court conflict resolution during a period that is expected to
3 involve increased commercial activity and business growth in Guam. And, during
4 the present time of economic stress in both the public and private sectors, the
5 avoidance, when feasible, of costly litigation in an overburdened court system, is to
6 be encouraged.

7 **Section 2.** The following sections are added to 7 GCA Chapter 43.

8 **§43103. Short Title.** This Act shall be known as the 'Guam Millennium
9 Mediation Act'.

10 **§43104. Referral of Case for Mediation.** The Superior Court, by agreement of
11 the parties, may refer any civil case, including any domestic relations or custody
12 case, or any portion thereof for mediation.

13 A referral to mediation may be made at any time while a civil case is pending.
14 The order of referral to mediation shall be entered on a standard form consistent
15 with the form set forth in §43108 of this Chapter.

16 **§43105. Court-ordered mediation provisions.** The following provisions
17 shall apply to any mediation ordered by the court pursuant to §43104 of this Chapter:

18 (a) Mediation shall be a process in which impartial persons, the
19 mediators, facilitate communication between disputing parties to promote
20 understanding, reconciliation, and settlement. Participants shall include the
21 mediators, the parties, ~~interested non-parties such as~~ and insurance companies or
22 their representatives, ~~and all others present~~. The mediators may meet with
23 participants together or individually.

24 (b) A mediator shall be an advocate for settlement and use the
25 mediation process to help the parties fully explore any potential areas of agreement.
26 A mediator shall not serve as a judge and shall not have authority to render any
27 decisions on any disputed issues or to force a settlement between the parties.

28 (c) The parties shall be responsible for negotiating any resolution to a
29 dispute. Parties shall participate in mediation in good faith, and put forth their best
30 efforts with the intention to settle all issues, if possible. If the parties are unable to
31 settle all issues, they shall attempt to settle as many issues as possible.

1 (d) No person with any financial or personal interest in the result of
2 mediation shall serve as a mediator. Before agreeing to mediate a dispute, the
3 mediators shall disclose any circumstances likely to create a resumption of bias or
4 prevent a prompt meeting with the parties.

5 (e) Mediation sessions shall be private. Persons other than the parties
6 and ~~interested non-parties~~ their representatives may attend only with the consent of
7 the parties, ~~interested non-parties~~, and the mediators.

8 (f) Except as otherwise provided by 6 GCA §505 for privileged
9 communications, any communication relating to the subject matter of the dispute
10 made during the mediation process by a participant or any other person present at
11 the mediation shall be a confidential communication. No admission,
12 representation, statement, or other confidential communication made in setting up
13 or in conducting the mediation shall be admissible as evidence or subject to
14 discovery, except that, no fact independently discoverable shall be nondiscoverable
15 solely by virtue of having been disclosed in such confidential communication.
16 There shall be no stenographic or electronic record, including audio or video, of the
17 mediation process, unless it is agreed upon by the parties, ~~interested non-parties~~,
18 and the mediators, and it is not otherwise prohibited by law. No participant in the
19 mediation proceeding, including the mediators, shall be subpoenaed or otherwise
20 compelled to disclose any matter disclosed in the process of setting up or conducting
21 the mediation proceeding.

22 (g) No subpoena, summons, complaint, petition, citation, or other
23 process of any kind may be served upon any person who is at or near the site of any
24 mediation session and is there because of the mediation.

25 **§43106. List of Qualified Mediators.** Each Superior Court Judge shall
26 maintain a list of qualified mediators. In order to be placed on any such list, a person
27 shall successfully complete any training prescribed by the Judicial Council.

28 **§43107. Mediation Provisions Not Exclusive.** Nothing in this Act shall
29 preclude the parties from agreeing:

30 (a) To participate in any alternative dispute resolution process,
31 including mediation, independent of this Act or any related court order; or

1 (b) To select a mediator not identified on any list of qualified mediators
2 maintained by the Superior Court.

3 **§43108. Form for Mediation Order.** The form for ordering mediation shall be
4 substantially as follows:

5 **IN THE SUPERIOR COURT OF GUAM**

6 **Order of Referral to Mediation**

7 This case is ordered to mediation pursuant to the Guam
8 Millennium Mediation Act. Parties and legal counsel shall proceed in
9 good faith to ~~resolve this case~~ encourage the mediation process. The
10 parties shall contact the mediators selected by the court within five (5)
11 business days to make arrangements for the mediation proceeding.
12 Mediation shall be completed within ____ days from the date of this
13 order. Mediation shall be attended by persons with full settlement
14 authority. Both parties shall participate in mediation; attorneys may
15 participate as agreed by the parties and the mediators. Named parties
16 shall be present, except for a named party who has no interest in the
17 outcome and no settlement authority. Each party who is represented by
18 legal counsel may be accompanied at mediation by an attorney who is
19 fully familiar with the case. In addition, any ~~interested non-party~~
20 insurance company or other entity that is contractually required to
21 defend or to pay damages, shall be represented by a person with full
22 settlement authority.”

23 **Section 3.** This Act shall become effective on enactment.

Ro - For Schedule



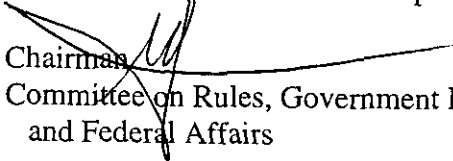
MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
Kumitean Areklamento, Refotman Gubetnamento Siha, Inetnon di Nuebu, yan Asunton Fidirat

*Senator Mark Forbes, Chairman
Kabisiyon Mayurát*

12 JAN 2000

MEMORANDUM

TO: Chairman
Committee on Judiciary, Public Safety, Consumer Protection
and Human Resources Development

FROM: 
Chairman
Committee on Rules, Government Reform, Reorganization
and Federal Affairs

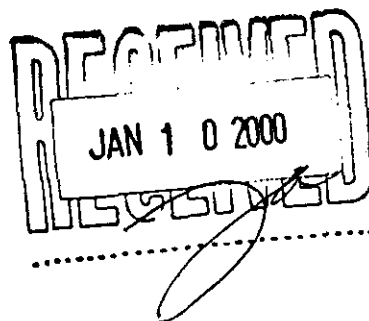
SUBJECT: Principal Referral – Bill No. 379

The above bill is referred to your Committee as the Principal Committee. In accordance with Section 6.04.05. of the Standing Rules, your Committee "shall be the Committee to perform the public hearing and have the authority to amend or substitute the bill, as well as report the bill out to the Body." It is recommended that you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

MARK FORBES

Attachment





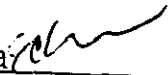
Introduced

JAN 10 2000

MINA BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

Bill No. 379 (COR)

Introduced by:

J.C. Salas 
K.S. Moylan 
A.C. Lamorena 

AN ACT TO ADD NEW SECTIONS 43103 TO
43108 TO CHAPTER 43 OF TITLE 7 GUAM CODE
ANNOTATED, RELATIVE TO ALTERNATIVE
DISPUTE RESOLUTION; ENACTING NEW
PROVISIONS RELATING TO MEDIATION; AND
PROVIDING AN EFFECTIVE DATE.

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35 consent of the parties, interested non-parties, and the mediators.

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8 familiar with the case. In addition, any interested non-party
9 insurance company or other entity that is contractually required to defend
10 or to pay damages, shall be represented by a person with full settlement
11 authority."

12 **Section 3.** This Act shall become effective on January 1, 2000.



Mina'Bente Singko na
Liheslaturan Guahan

SENATOR JOHN CAMACHO SALAS CHAIRMAN

COMMITTEE ON JUDICIARY, PUBLIC SAFETY, CONSUMER PROTECTION AND
HUMAN RESOURCES DEVELOPMENT

TESTIMONY SIGN IN SHEET

Thursday, January 20, 2000

Bill Number 379

Title AN ACT TO ADD NEW SECTIONS 43103 TO 43108 TO CHAPTER 43 OF TITLE 7 GUAM CODE ANNOTATED, RELATIVE TO ALTERNATIVE DISPUTE RESOLUTION; ENACTING NEW PROVISIONS RELATING TO MEDIATION; AND PROVIDING AN EFFECTIVE DATE

PATRICK WOLFF	Inafa Madek	<input checked="" type="checkbox"/> FOR	<input type="checkbox"/> WRITTEN
(H) 649-7502 (W) 475-1977	P.O. BOX CE Agaña, GUAM 96932	<input type="checkbox"/> AGAINST	<input checked="" type="checkbox"/> ORAL
		<input type="checkbox"/> FOR	<input type="checkbox"/> WRITTEN
		<input type="checkbox"/> AGAINST	<input type="checkbox"/> ORAL
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		<input type="checkbox"/> AGAINST	<input type="checkbox"/> ORAL
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		<input type="checkbox"/> AGAINST	<input type="checkbox"/> ORAL



COMMITTEE ON JUDICIARY, PUBLIC SAFETY,
CONSUMER PROTECTION, AND HUMAN RESOURCES
DEVELOPMENT

I MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN

JOHN CAMACHO SALAS, CHAIRMAN

PUBLIC HEARING AGENDA
Legislature's Public Hearing Room
Monday, April 24, 2000
9:00 am

CONFIRMATION:

Ms. Sheila S. Torres, to serve as the Director of Agency for Human Resources Development.

Mr. David M. Dell'Isola, to serve as the Director of Department of Labor.

BILLS:

Bill 379: An act to add new section 43103 to 43108 to Chapter 43 of Title 7 Guam Code Annotated, relative to alternative dispute resolution; enacting new provisions relating to mediation; and providing an effective date.


Bill 365: An act to amend 5 GCA §6208(b) and to add a new 5 GCA §6208.1, relative to maximizing the efficiency of review of Government claims by reducing the time in which the government must investigate and respond to claims for damages to motor vehicles filed against it, and to require notification to claimants of the basis for denial of any claims.

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MAHATRA QUIN
 MALMESLATURAN GUAMAN

Notice of Public Hearing
 Senator John Camacho Salas
 Chairman of the Committee on
 Judiciary, Public Safety, Consumer Protection & Human Resources Development

AGENDA:

CONFIRMATION OF MR. DAVID DELL'ISOLA, AS DIRECTOR OF DEPARTMENT OF LABOR

CONFIRMATION OF MS. SHEILA S. TORRES, AS DIRECTOR OF AGENCY FOR HUMAN RESOURCES DEVELOPMENT

BILL 365: AN ACT TO AMEND 5 GCA §6208(b) AND TO ADD A NEW 5 GCA §6208.1 RELATIVE TO MAXIMIZING THE EFFICIENCY OF REVIEW OF GOVERNMENT CLAIMS. BY REDUCING THE TIME IN WHICH THE GOVERNMENT MUST INVESTIGATE AND RESPOND TO CLAIMS FOR DAMAGES TO MOTOR VEHICLES FILED AGAINST IT, AND TO REQUIRE NOTIFICATIONS TO CLAIMANTS OF THE BASIS FOR DENIAL.

BILL 379: AN ACT TO ADD NEW SECTIONS 43103 TO 43108 TO CHAPTER 43 OF TITLE 7 GCA, RELATIVE TO ALTERNATIVE DISPUTE RESOLUTION; ENACTING NEW PROVISIONS RELATING TO MEDIATION; AND PROVIDING AN EFFECTIVE DATE.

9:00 AM Monday, April 24, 2000
Legislature's Public Hearing Room

address: 777 Sinajana Commercial Building, Route 4, Sinajana, Guam 96926
 telephone: 472-3431, fax: 472-3433 e-mail: jsalas@sensalas.guam.net
 website: KUENTOS-http://www.guam.net/sensalas TALAYA-http://www2.ite.net/senators/sensalas
 American Disabilities Association Coordinator: Rowena Bartonico tel: 472-3431

JAN 10 2000

Second

MINA BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

Bill No. 379 (COR)

Introduced by:

J.C. Salas *[Signature]*
K.S. Moylan *[Signature]*
A.C. Lamorena *[Signature]*

AN ACT TO ADD NEW SECTIONS 43103 TO 43108 TO CHAPTER 43 OF TITLE 7 GUAM CODE ANNOTATED, RELATIVE TO ALTERNATIVE DISPUTE RESOLUTION; ENACTING NEW PROVISIONS RELATING TO MEDIATION; AND PROVIDING AN EFFECTIVE DATE.

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