

VIRGIN ISLANDS RULES OF JUDICIAL ADMINISTRATION

SUPREME COURT RULE 101 Judicial Branch Administrative Office

Rule 101.1 Establishment

Under the administrative policies established by the Supreme Court of the Virgin Islands and the management authority of the Chief Justice of the Virgin Islands, there is established the Judicial Branch Administrative Office (“Administrative Office”), which shall be maintained at such places as directed by the Supreme Court.

Rule 101.2 Administrator of Courts

The Administrator of Courts (“Administrator”) shall supervise the Administrative Office and, subject to the authority of the Chief Justice and the Supreme Court, shall exercise the powers and perform the duties by law vested in and imposed upon the Administrative Office. The Administrator shall be appointed by and serve at the pleasure of the Chief Justice, and devote his or her full time to the duties of the position to the exclusion of engagement in any other business or profession for profit.

Rule 101.3 Duties of Administrative Office

In accordance with title 4, section 4(c) of the Virgin Islands Code, the Administrative Office shall perform the following functions:

(1) considering and evaluating the business of Virgin Islands courts and means of improving the administration of justice within the Virgin Islands court system and adopting policy and rules for the operations of all local Virgin Islands courts, including, personnel, procurement, facilities and property, financial, security, and travel, as well as developing, implementing, coordinating, and monitoring strategic plans as well as administrative and other policies;

(2) assisting the Chief Justice in preparing and publishing an annual report of the judicial branch and the Virgin Islands court system regarding the works of the courts, the performance of the duties enumerated in this section, and of any recommendations relating to the courts, as well as preparing a single annual budget request for the judicial branch, including funding for operations of the Supreme Court, the Superior Court, and the Judicial Council, to the President of the Legislature, with a copy to the Governor, on or before May 30 of each year;

(3) recommending to the Legislature of the Virgin Islands, as appropriate, changes to the organization, jurisdiction, operation, and procedures of the courts which are appropriate for legislative action, as well as any other changes that promote the effective and expeditious administration of the Judicial Branch and the Virgin Islands court system;

(4) establishing, coordinating, and monitoring compliance with general personnel policies for the Judicial Branch and all Virgin Islands court system personnel; however, justices, judges, and magistrate judges shall have full authority to control their personal chamber staff, subject to the general policies of the courts, as established by the Supreme Court. Law clerks and judicial secretaries constitute personal chamber staff.

(5) developing, implementing, coordinating, and enforcing all matters throughout the Judicial Branch relating to policies, standards, procedures, programs, and personnel with respect to the following areas:

(A) budgets, accounts, and auditing, including oversight of the expenditure of funds consistent with the Judicial Branch's budget;

(B) procurement and disbursement;

(C) jury management;

(D) the safety of justices, judges, magistrate judges, court personnel, court facilities, and members of the public using court facilities, as well as the orderly conduct of judicial proceedings and continuity of Judicial Branch operations;

(E) case and records management;

(F) information technology;

(G) continuing professional education, as are desirable and feasible for justices, judges, magistrate judges, and court personnel from the National Center for State Courts, National Judicial College, or other such providers;

(H) statistical and management information systems, including the collecting and analysis of quantitative and qualitative data and the evaluation of court system programs and services;

(I) library management; and

(J) procuring legal services to enforce any rights granted to the Virgin Islands court system or to represent individual judges, justices, magistrate judges, supervisors, and other court personnel in legal matters arising from performance of their official duties, provided that the Administrator of Courts may not personally serve as the attorney for any judicial officer or interfere with the attorney-client relationship.

(6) approving bonds of fiduciary employees within the Virgin Islands court system;

(7) serving as a liaison between the Virgin Islands court system and the court systems of other state, federal and territorial jurisdictions, including but not limited to the District Court of the Virgin Islands and the United States Court of Appeals for the Third Circuit;

(8) developing, implementing, coordinating and enforcing programs, policies, and procedures designed to educate and liaise with the general public, the news media, the bar, the Legislature, and executive branch agencies, including development and dissemination of educational materials to better inform the public regarding the laws and judicial procedures governing the Virgin Islands, accessing the courts, and the responsibilities of litigants, witnesses, and jurors;

(9) employing, retaining, or contracting for the services of qualified specialists or experts,

as individuals or organizations, to advise and assist the judicial officers and employees of the Virgin Islands court system in the fulfillment of their duties;

(10) proposing the adoption of filing and other fees in the Virgin Islands court system;

(11) leasing, evicting, or suing on behalf of the Virgin Islands court system, relative to court properties, equipment, and facilities; and

(12) such additional duties as may be assigned by the Supreme Court or the Chief Justice.

Rule 101.4 Divisions

The Administrative Office shall be divided into the following divisions:

- (1) Facilities Management & Planning;
- (2) Human Resources Services;
- (3) Information Technology Services;
- (4) Procurement;
- (5) Marshal Service & Security;
- (6) Financial Services;
- (7) Court Policies & Standards; and
- (8) Such other divisions as may be determined by the Chief Justice or Supreme Court, including but not limited to Jury Operation, Probation/Pretrial Services, Court Reporting Services, and Law Library Operations.

With the approval of the Chief Justice, the Administrator may appoint and remove such personnel as may be necessary for each division of the Administrative Office to perform its duties.

Rule 101.5 Cooperation

All judicial officers and employees of the Virgin Islands Judiciary, as well as all arms of the Supreme Court, including the Virgin Islands Bar Association, Committee of Bar Examiners, Board of Professional Responsibility, Board on the Unauthorized Practice of Law, Commission on Judicial Conduct, and the Commission on Access to Justice, shall cooperate with all standing and special requests made by the Administrative Office for information and statistical data; provided, however, that no confidential or privileged information shall be disclosed in furtherance of this rule.

SUPREME COURT RULE 102 Office of the Virgin Islands Marshal

(a) There is established in the Judicial Branch of the Virgin Islands an Office of the Virgin Islands Marshal, which shall operate under the supervision, direction and control of the Chief Justice of the Virgin Islands. The Chief Justice shall appoint a Chief Marshal who shall administer the Office of the Virgin Islands Marshal, as well as such assistant and deputy marshals as the Chief Justice considers necessary for the proper administration and performance of duties and functions.

(b) It shall be the duty of the Office of the Virgin Islands Marshal to attend sessions of the Supreme Court of the Virgin Islands and the Superior Court of the Virgin Islands and preserve order; provide for the safety and security of all judicial officers, employees, patrons, property, and buildings; serve and execute process, writs, and orders issued under the laws of the Virgin Islands by the Supreme Court or the Superior Court; and perform such other duties as may be directed by the Chief Justice; provided, however, that a marshal assigned to a particular justice, judge, or magistrate judge shall be under the immediate direction of that judicial officer when performing specific duties at any particular time.

(c) The marshals of the Office of the Virgin Islands Marshal shall be peace officers as defined and provided by 5 V.I.C. § 3561, with the powers, duties, and obligations thereof, and are entitled to all benefits provided by law such peace officers. No person shall be eligible for appointment as a marshal unless he or she has successfully completed the training required for peace officers as established by the Government of the Virgin Islands, or equivalent training, and taken the oath of office required of officers of the Government of the Virgin Islands and of the Virgin Islands Judiciary.

(d) The Supreme Court may promulgate other rules, regulations, and procedures to govern the operations of the Office of the Virgin Islands Marshal.

SUPREME COURT RULE 103

Code of Conduct for Law Clerks

Rule 103.1. A LAW CLERK SHOULD UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY AND THE OFFICE

An independent and honorable judiciary is indispensable to justice in our society. A law clerk of the Virgin Islands Judicial Branch should observe high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Rule 103 should be construed and applied to further that objective. The standards of this Rule 103 shall not affect or preclude other more stringent standards required by court order, or by direction of the appointing judicial officer.

Rule 103.2. A LAW CLERK SHOULD AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL ACTIVITIES

A. A law clerk should not engage in any activities that would put into question the propriety of the law clerk's conduct in carrying out the duties of the office. A law clerk should not allow family, social, or other relationships to influence official conduct or judgment. A law clerk should not lend the prestige of the office to advance the private interests of others; nor should the law clerk permit others to convey the impression that they are in a special position to influence the law clerk.

B. A law clerk should avoid unauthorized contact with attorneys or parties about cases before the court, and should immediately inform the appointing judicial officer of any such contact. A law clerk should never communicate to attorneys or parties in a pending case the law clerk's

opinion or attitude toward the issues pending before the judicial officer. A law clerk should not give advice to attorneys or parties on matters of substantive law. A law clerk should be particularly careful to treat all attorneys and parties equally.

Rule 103.3. A LAW CLERK SHOULD PERFORM THE DUTIES OF THE OFFICE IMPARTIALLY AND DILIGENTLY

The official duties of a law clerk take precedence over all other activities. Official duties include all the duties of the office prescribed by the court in which the law clerk serves, and by the appointing judicial officer, including legal research and writing. In the performance of these duties, the following standards apply:

A. A law clerk should respect and comply with the law. A law clerk's conduct should at all times promote public confidence in the integrity and impartiality of the judiciary and of the office.

B. A law clerk should maintain professional competence in the profession. A law clerk should be dignified, courteous, and fair to all persons with whom the law clerk deals in the law clerk's official capacity. A law clerk should diligently discharge the responsibilities of the office. A law clerk should bear in mind the obligation to treat fairly and courteously the general public as well as the legal profession.

C.

(1) The relationship between a judicial officer and law clerk is essentially a confidential one. Except as authorized in paragraph (C)(3), a law clerk should not disclose to any person any confidential information received in the course of the law clerk's duties, nor should the law clerk use such information for personal gain. A law clerk should avoid comment on the process of decision making, including the extent of the law clerk's involvement. This duty extends beyond the term of clerkship.

(2) A law clerk enjoys a unique relationship with a judicial officer. While a law clerk must be aware of the proper respect due a judicial officer, a law clerk should not fear expressing a contrary opinion when personal opinions are asked. A law clerk is always an assistant to the judicial officer, who has the ultimate authority and responsibility in deciding a case. Without sacrificing intellectual honesty, a law clerk must accept the decision of the judicial officer.

(3) A law clerk should abstain from public comment about a pending or impending proceeding in the court in which the law clerk serves, except to the extent authorized by the appointing or other assigned judicial officer.

D. A law clerk should promptly inform the appointing judicial officer of any circumstance that might serve as a basis for disqualification of the law clerk or judicial officer, including, but not limited to, any relationship or association of the law clerk with any person or entity interested in a case in any way.

E. A law clerk should discuss any questions or interpretation or applicability of this Rule 103

with the appointing judicial officer.

Rule 103.4. A LAW CLERK MAY ENGAGE IN ACTIVITIES TO IMPROVE THE LAW, THE LEGAL SYSTEM, AND THE ADMINISTRATION OF JUSTICE

A law clerk, subject to the proper performance of official duties, may engage in the following law-related activities:

A. A law clerk may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.

B. A law clerk may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. A law clerk may assist such an organization in raising funds and may participate in their management and investment but should not personally participate in public fund-raising activities. A law clerk may make recommendations to public and private fund-granting agencies on projects and programs concerning the law, the legal profession, and the administration of justice.

C. A law clerk may promote the development of professional organizations and foster the interchange of technical information and experience with others in the profession. A law clerk may be available to the public at large for speaking engagements and public appearances designed to enhance the public's knowledge of the operation of the court system.

Rule 103.5. A LAW CLERK SHOULD REGULATE EXTRA-OFFICIAL ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT WITH OFFICIAL DUTIES

A. *Avocational Activities.* A law clerk may write, lecture, teach and speak on nonlegal subjects and engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of the office or interfere with the performance of official duties.

B. *Civic and Charitable Activities.* A law clerk may participate in civic and charitable activities that do not detract from the dignity of the office or interfere with the performance of official duties. A law clerk may serve as an officer, director, trustee or nonlegal advisor of an educational, religious, charitable, fraternal, or civic organization and solicit funds for any such organization subject to the following limitations:

(1) A law clerk should not use or permit the use of the prestige of the office in the solicitation of funds.

(2) A law clerk should not personally solicit court personnel to contribute to or participate in any civic or charitable activity, but may call their attention to a general fund-raising campaign such as the United Way.

(3) A law clerk should not personally solicit funds from lawyers or persons likely to come before the court in which the law clerk serves.

C. *Financial Activities.*

(1) A law clerk should refrain from financial and business dealings that tend to detract from the dignity of the office, interfere with the proper performance of official duties, exploit the law clerk's position, or involve the law clerk in frequent transactions with individuals likely to come in contact with the law clerk or the court in which the law clerk serves.

(2) Neither a law clerk nor the law clerk's spouse, domestic partner, or child should solicit or accept a gift, bequest, favor, or loan from anyone except for:

(a) a gift of incident to a public testimonial, books, tapes and other resource materials supplied by publishers on a complimentary basis for official use; or an invitation to the law clerk and a family member to attend a bar-related function or an activity devoted to the improvement of the law, the legal system, or the administration of justice;

(b) a gift, award, or benefit incident to the business, profession or other separate activity of a spouse or other individual residing in the law clerk's household, including gifts, awards, and benefits for the use of both that individual and the law clerk, provided the gift, award or benefit could not reasonably be perceived as intended to influence the law clerk in the performance of official duties;

(c) ordinary social hospitality;

(d) a gift from a relative or friend for a special occasion, such as a wedding, anniversary or birthday, if the gift is fairly commensurate with the occasion and the relationship;

(e) a gift, bequest, favor or loan from a relative or close personal friend whose appearance or interest in a case would in any event require that the law clerk take no official action with respect to the case;

(f) a loan from a lending institution in its regular course of business on the same terms generally available to persons who are not law clerks;

(g) a scholarship or fellowship awarded on the same terms and based on the same criteria applied to other applicants; or

(h) any other gift, bequest, favor or loan, only if:

(i) the donor has not sought or is not seeking to do business with the court or other entity served by the law clerk; or

(ii) the donor is not a party or other person who has had or is likely to have an interest in the performance of the law clerk's official duties.

D. *Outside Practice of Law.* A law clerk shall not practice law in any federal, state, territorial or local court, or undertake to perform legal services, whether or not for remuneration, except in

the performance of official court duties. This prohibition, however, shall not be construed to preclude the performance of routine legal work necessary to management of the personal affairs of the law clerk, the law clerk's spouse or domestic partner, or a member of the law clerk's family, so long as:

- (1) Such work is done without compensation or for nominal compensation;
- (2) It does not require any act that would suggest that the position of law clerk is being misused, that preferential treatment is being sought by virtue of the holding of that position, or that would otherwise be inconsistent with the law clerk's primary responsibility to the court; and
- (3) Such activity does not have actual conflict or appear in conflict with court duties or will not reflect adversely on the court or create the appearance of impropriety.

For purposes of this Rule, a law clerk's "family" refers to any relative by blood, marriage, or civil union within the third degree of relationship, including parents, children, grandparents, grandchildren, great grandparents, great grandchildren, brothers, sisters, aunts, uncles, nieces, and nephews.

E. *Future Employment.* During the clerkship, a law clerk may seek and obtain employment to commence after the completion of the clerkship. A law clerk is not disqualified per se from working on a case in which a prospective employer is involved. If any lawyer, law firm or entity with whom a law clerk is seeking or has obtained future employment appears in any matter pending before the appointing judicial officer or the court in which the judicial officer sits, the law clerk should promptly bring this fact to the attention of the appointing judicial officer, and the extent of the law clerk's performance of duties in connection with such matter will be determined by the appointing judicial officer. A law clerk may not accept the payment of any bonuses or moving expenses until the end of the clerkship. However, during the tenure of the clerkship, a law clerk may have the expenses of travelling to and from an interview reimbursed. A law clerk may also be reimbursed by a future employer for the expenses of taking a bar examination and a bar review course. A law clerk shall promptly inform the appointing judicial officer of all such payments under this section. A law clerk should ascertain and observe any limitations imposed by the appointing judicial officer or the Supreme Court of the Virgin Islands or the Superior Court of the Virgin Islands, as the case may be, concerning the practice of law by a former law clerk before the judicial officer or the court. See Virgin Islands Rules of Professional Conduct 211.1.11(c) and 211.1.12(b).

Rule 103.6. A LAW CLERK SHOULD REGULARLY FILE ANY REQUIRED REPORTS OF COMPENSATION RECEIVED FOR ALL EXTRA-OFFICIAL ACTIVITIES

A law clerk may receive compensation and reimbursement of expenses for all extra-official activities permitted by this Rule 103, if the source of such payments does not influence or give the appearance of influencing the law clerk in the performance of official duties or otherwise give the appearance of impropriety, subject to the following restrictions:

A. *Compensation.* Compensation should not exceed a reasonable amount nor should it exceed that normally received by others for the same activity.

B. *Expense Reimbursement.* Expense reimbursement should be limited to the actual cost of travel, food, and lodging reasonably incurred by a law clerk and, where appropriate to the occasion, by the law clerk's spouse. Any payment in excess of such an amount is compensation.

C. *Public Reports.* A law clerk should make and file such reports as may be prescribed by law.

Notwithstanding the above, a law clerk shall not receive any salary, or any supplementation of salary, as compensation for official services from any source other than the Government of the Virgin Islands.

Rule 103.7. A LAW CLERK SHOULD REFRAIN FROM POLITICAL ACTIVITY

A law clerk should refrain from political activity; a law clerk should not act as a leader or hold office in a political organization; a law clerk should not make speeches for or publicly endorse a political organization or candidate; a law clerk should not solicit funds for or contribute to a political organization, candidate, or event; a law clerk should not become a candidate for political or public office; a law clerk may register to vote, vote in any primary or general election for the candidate of his or her choice, but should not otherwise engage in political activities.

SUPREME COURT RULE 104

Rules Governing the Appointment of Retired Judicial Officers

The Supreme Court of the Virgin Islands, in order to effectuate the provisions of 4 V.I.C. §§ 24 and 74a, adopts the following procedure to appoint and assign senior or retired judicial officers for temporary service within the Virgin Islands Judiciary.

Rule 104.1 Utilization of Retired Judicial Officers

(a) The Chief Justice of the Virgin Islands may temporarily assign a retired judicial officer to one or more specific cases, for a specific period of time, or for a special circumstance, such as consideration of a particular type of docket. For purposes of this Rule, a "retired judicial officer" is any senior, retired, or former judicial officer who is eligible to be recalled or designated for temporary service under sections 24 or 74a of title 4 of the Virgin Islands Code.

(b) The Administrator of Courts shall maintain for the Chief Justice a roster of retired judicial officers who are willing and able to undertake judicial duties within the Virgin Islands Judiciary when designated and assigned as provided in this Rule.

Rule 104.2 Utilization of Retired Judicial Officers: Supreme Court

Whenever a justice is unable to hear a case due to recusal, illness, absence or other reasons, the Chief Justice shall appoint a retired judicial officer in accordance with Section 10.3 of the

Internal Operating Procedures of the Supreme Court.

Rule 104.3 Utilization of Retired Judicial Officers: Superior Court

(a) The Presiding Judge of the Superior Court of the Virgin Islands may request the Chief Justice to temporarily assign a retired judicial officer to hold court pursuant to this Rule and for any of the following reasons:

(1) The Superior Court, or a district or division thereof, has an overburdened docket or anticipates an extended trial that will disrupt its docket;

(2) A judge has recused from one or more specific cases and assigning the case to another active judge is not possible or not further the interests of judicial economy;

(3) A judge will be temporarily absent due to illness or inability to attend to judicial duties, a personal or family emergency that interferes with the performance of judicial duties, the taking of a reasonable vacation or attendance at a continuing legal education conference, seminar, or workshop, and the judge cannot reasonably schedule his or her docket to eliminate the need for a replacement during the absence;

(4) a permanent vacancy exists on the Superior Court that has not yet been filled in accordance with title 4, section 72(a) of the Virgin Islands Code; or

(5) any extraordinary circumstance approved by the Chief Justice.

(b) The request of the Presiding Judge shall be in writing, state the reason for the request, and recommend the type and length of assignment requested; provided, however, that the Presiding Judge may request the assignment of a retired judicial officer by telephone or other means if time is of the essence and the request is subsequently confirmed in writing.

(c) The Presiding Judge may request that the Chief Justice assign a specific retired judicial officer who has expressed a willingness to accept the assignment. However, if the Presiding Judge has recused from the case, the Presiding Judge may not request that a specific retired judicial officer be assigned to that case. The Chief Justice is not required to assign a specific retired judicial officer requested by the Presiding Judge.

(d) Nothing in this Rule shall preclude the Chief Justice from exercising his or her authority under sections 24 or 74a of title 4 of the Virgin Islands Code to assign a retired judicial officer to the Superior Court in the absence of a request from the Presiding Judge.

Rule 104.4 Designation Order

The Chief Justice shall sign a designation order each time a retired judicial officer is assigned for temporary service within the Virgin Islands Judiciary. If the assignment is for one or more specific cases, it shall state the case caption(s), case number(s), and any other pertinent identifying information. If the assignment is for a specific period of time, it shall state the dates the assignment shall be in effect. If the assignment is for a specific circumstance not covered by a specific case or for a specific period of time, it shall state the special circumstance.

The designation order shall be filed with the Clerk of the Supreme Court, who shall assign it a miscellaneous case number and promptly transmit a copy to the Clerk of the Superior Court, the Presiding Judge, all judicial officers, and all counsel and unrepresented parties in any pending

cases to which the retired judicial officer has been assigned.

Rule 104.5 Powers; Duration of Assignment

(a) Except as provided in subsections (b) and (c) of this Rule 104.5, a retired judicial officer duly assigned under this Rule shall have all the powers of a judicial officer of the court to which he or she is assigned.

(b) When a retired judicial officer is assigned to one or more specific cases, or to a specific circumstance, the assignment shall continue until its conclusion, including any post-judgment proceedings, unless and until the assignment is rescinded by the Chief Justice. If case assigned to a retired judicial officer is appealed and subsequently remanded for further proceedings, the retired judicial officer may continue to preside over the case on remand without the need for a new designation order, provided that he or she still remains eligible under sections 24 or sections 74a of title 4 of the Virgin Islands Code. A retired judicial officer who has been assigned only to one or more specific cases, or to a specific circumstance, may not exercise any other judicial duties unless a new designation order has been issued expanding the assignment.

(c) When a retired judicial officer is assigned to a court for a specific period of time, the retired judicial officer shall hear cases in the same manner as other judges assigned to that court (or, if applicable, the assigned district or division). If one or more matters presented to the retired judicial officer is not concluded by the end of the time period, the Chief Justice may enter a new designation order permitting the retired judicial officer to conclude the matter(s).

Rule 104.6 Expenses; Per Diem; Office Supplies

(a) A retired judicial officer who has been temporarily assigned to serve in the Virgin Islands Judiciary shall be reimbursed for his or her reasonable expenses actually incurred in conjunction with their service, and shall receive a per-diem allowance equivalent to 1/260 of the annual salary of a judicial officer on the assigned court.

(b) No retired judicial officer may receive a per-diem allowance unless he or she has devoted at least two hours to their duties for the day the per-diem is claimed.

(c) The Administrator of Courts shall insure that, when performing the assigned duties of judicial officer under this Rule, a retired judicial officer be provided with office space, support staff, a telephone, and appropriate supplies as needed, provided that the retired judicial officer has not already received office space, support staff, and appropriate supplies in conjunction with another judicial appointment.

SUPREME COURT RULE 105 Stenographic Record of Proceedings

(a) At the request of any party to a proceeding before the court or upon the direction of the judge, the reporter-secretary shall prepare a transcript thereof, attach to the transcript an official certificate, and deliver the same to the party or judge making the request. The reporter-secretary

shall also promptly deliver to the court for its record a certified copy of any transcript so made. The reporter may charge and collect fees for transcripts requested by the parties at rates prescribed by the court; provided, however that:

(1) in accordance with title 4, section 513(b) of the Virgin Islands Code, in any proceeding in forma pauperis, the fees of the reporter for transcripts shall be paid by the Government of the Virgin Islands under the same circumstances as the fees of the reporter of the district court are paid by the United States in like proceedings under section 753 of title 28 of the United States; and

(2) in accordance with title 4, section 3503(b) of the Virgin Islands Code, attorneys-at-law appointed to represent defendants financially unable to employ counsel may be allowed the expense of necessary transcripts, the costs of transcripts, which shall be paid out of money appropriated for that purpose by law, except that in accordance with Supreme Court Rule 210.4(j), neither the Judicial Branch Administrative Office nor any court of the Virgin Islands shall reimburse the Office of the Territorial Public Defender for such transcripts.

(b) At the request of any party to a proceeding before the court, the clerk of court shall provide electronic transcripts of the proceedings, if such proceedings were digitally recorded. The requesting party shall pay a fee for such electronic transcript in an amount set by the court. Upon payment of the designated fee, the clerk of court shall submit copies of the transcript, to be distributed as follows: One electronic transcript copy shall be submitted to the requesting party, one to each opposing party, and one to the case file. An additional fee may be charged if more than five electronic copies are required.

(c) If stenographically reported testimony at a hearing or trial is admissible in evidence at a later trial, the testimony may be proved by a transcript certified by the person who recorded it.

SUPREME COURT RULE 106

Public Domain Citation System

(a) **Purpose.** Given the increasing amount of legal research being conducted via the internet and other electronic resources and the desire to promote equal access to the Virgin Islands' system of justice, the Virgin Islands Judiciary has adopted this universal public domain citation format that will support the use of Virgin Islands case law in both book and electronic formats.

(b) **Scope.** Attorneys and self-represented parties will be permitted—but not required—to use the public domain citation format instead of or in addition to citing to the *Virgin Islands Reporter* when citing to a decision of the Supreme Court of the Virgin Islands or the Superior Court of the Virgin Islands. Irrespective of which citation format is used, a parallel citation to the other format is not required to be included as part of the citation.

(c) **Duties of Clerks.** The Clerk of the Supreme Court and the Clerk of the Superior Court shall jointly administer this rule. Effective January 1, 2019, all opinions of the Supreme Court of the Virgin Islands and the Superior Court of the Virgin Islands shall be promptly posted to the websites maintained by the Judicial Branch of the Virgin Islands by the clerk of each respective court after the opinion is assigned a citation format in accordance with sections (d) through (g) of

this Rule. As used in this Rule, “opinion” shall not include orders or judgments, findings of fact and conclusions of law, or similar documents, whether or not they accompany an opinion, but shall include an “opinion” that is designated as not for publication or non-precedential.

(d) **Citation Format.** Beginning January 1, 2019, the Clerk of the Supreme Court and the Clerk of the Superior Court shall assign to all opinions a citation that shall include:

1. The calendar year in which the opinion is announced;
2. Followed by the court designator “VI” for opinions announced by the Virgin Islands Supreme Court, or followed by the court designator “VI Super” for opinions announced by the Virgin Islands Superior Court; and
3. Followed by a consecutive Arabic numeral, beginning in each new calendar year with the number “1”; for example: “2019 VI 1” for the first published opinion announced by the Virgin Islands Supreme Court in 2019, and “2019 VI Super 1” for the first published opinion announced by the Virgin Islands Superior Court in 2019. Unpublished opinions shall be separately numbered, with a “U” following the Arabic numeral; for example: “2019 VI 1U” for the first unpublished opinion announced by the Virgin Islands Supreme Court in 2019, and “2019 VI Super 1U” for the first unpublished opinion announced by the Virgin Islands Superior Court in 2019.

This public domain citation shall appear on the title page of each opinion announced by the Supreme Court and by the Superior Court. All publishers of Virgin Islands Supreme Court and Virgin Islands Superior Court materials are requested to include this public domain citation within the heading of each Virgin Islands opinion they publish on or after January 1, 2019.

(e) **Numbered paragraphs.** Beginning with the first paragraph of text, each paragraph in every published opinion shall be numbered consecutively beginning with a “¶” symbol followed by an Arabic numeral—beginning with the number “1”—flush with the left margin, opposite the first word of the paragraph. Paragraph numbers shall continue consecutively throughout the text of the majority opinion and on through any concurrence or dissent. Footnotes and paragraphs within footnotes shall not be numbered, nor shall markers, captions, headings, or numerated titles that merely divide sections of opinions. Block-indented, single-spaced portions of a paragraph shall not be numbered as a separate paragraph. All publishers of Virgin Islands Supreme Court and Virgin Islands Superior Court materials are requested to include these paragraph numbers in each opinion they publish.

(f) **Modification, revision, or other substantive amendment.** In the case of opinions that are modified, revised, or otherwise substantively amended by subsequent order of the Supreme Court or of the Superior Court, the public domain citation of the modified, revised, or amended opinion shall be the same as the original public domain citation but followed by the letter “M”; for example, “2019 VI 1M” in the case of a modified Virgin Islands Supreme Court opinion, “2019 VI Super 1M” in the case of a modified Virgin Islands Superior Court opinion, and “2019 VI 1UM” in the case of a modified Virgin Islands Supreme Court opinion that is unpublished. In the event an opinion is modified, revised, or otherwise substantively amended more than once, the

public domain citation of any additional modified, revised, or amended opinion shall be the same as the original public domain citation but designated with the letter “M” followed by a hyphen and the appropriate Arabic numeral; for example: “2019 VI 1M-2” in the case of a Virgin Islands Supreme Court opinion modified a second time, and “2019 VI 1M-3” in the case of a Virgin Islands Supreme Court opinion modified a third time, and so on.

(g) **Withdrawn, vacated, and reissued opinions.** In the case of opinions that are withdrawn or vacated by a subsequent order of the Supreme Court or of the Superior Court, the public domain citation of the withdrawing or vacating order shall be the same as the original public domain citation but followed by the letter “W”; for example, “2019 VI 1W” in the case of a withdrawn or vacated Virgin Islands Supreme Court opinion, “2019 VI Super 1W” in the case of a withdrawn or vacated Virgin Islands Superior Court opinion, and “2019 VI 1UW” in the case of a withdrawn or vacated Virgin Islands Supreme Court opinion that is unpublished. In addition, the withdrawn or vacated opinion shall be removed from the electronic database of opinions maintained by the Supreme and Superior Courts, and all publishers of Virgin Islands Supreme Court and Virgin Islands Superior Court materials are requested to remove withdrawn or vacated opinions from their electronic databases. An opinion that is reissued in place of a withdrawn or vacated opinion shall be assigned the next consecutive number appropriate to the date on which the reissued opinion is announced.

(h) **Examples of proper public domain citation format.** The public domain citation format applies to opinions announced by the Virgin Islands Supreme Court and the Virgin Islands Superior Court on or after January 1, 2019. The following examples are not real cases and are used for illustrative purposes only:

Virgin Islands Supreme Court:

Primary citation:

Smith v. Jones, 2019 VI 22.

Primary citation with pinpoint citation:

Smith v. Jones, 2019 VI 22, ¶¶ 13–14.

Subsequent citation with pinpoint citation:

Smith, ¶¶ 13–14.

***Id.* citation with pinpoint citation:**

Id. at ¶¶ 13–14.

Virgin Islands Superior Court:

Primary citation:

Jones v. Smith, 2019 VI Super 35.

Primary citation with pinpoint citation:

Jones v. Smith, 2019 VI Super 35, ¶¶ 44–45.

Subsequent citation with pinpoint citation:

Jones, ¶¶44–45.

***Id.* citation with pinpoint citation:**

Id. at ¶¶44–45.