

FILED

July 30, 2021
SCT-Adm-2021-0011
VERONICA HANDY, ESQUIRE
CLERK OF THE COURT

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

IN RE:

ADMIN ORDER. No. 2021-0011

**TEMPORARY SUSPENSION OF IN-PERSON
SERVICES AND PROCEEDINGS IN THE
JUDICIAL BRANCH OF THE VIRGIN
ISLANDS.**

NOTICE OF ENTRY OF JUDGMENT/ORDER

**TO: Justices of the Supreme Court
Judges & Magistrate Judges of the Superior Court
Judges & Magistrate Judges of the District Court
The Honorable Albert Bryan, Governor of the Virgin Islands
The Honorable Donna Frett-Gregory, President, 34th Legislature
Charlotte Perrell, Esq., President, V.I. Bar Association
Hinda Carbon, Executive Director, V.I. Bar Association
Denise Counts, Esq., Attorney General of the Virgin Islands
Samuel Joseph, Esq., Chief Public Defender
Regina D. Petersen, Administrator of Courts
Veronica J. Handy, Esq., Clerk of the Supreme Court
Tamara Charles, Clerk of the Superior Court
Glenda L. Lake, Esq., Clerk of the District Court
Supreme Court Law Clerks
Supreme Court Secretaries
News Media
Order Book**

Please take notice that on July 30, 2021, an **ORDER** dated July 30, 2021, was entered by the Clerk in the above-entitled matter.

Dated: July 30, 2021

**VERONICA J. HANDY, ESQ.
Clerk of the Court**

By:



**Natasha Illis
Deputy Clerk II**

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VERONICA HANDY, ESQUIRE
CLERK OF THE COURT

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

IN RE:)	ADMIN ORDER. No. 2021-0011
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TEMPORARY SUSPENSION OF IN-)	
PERSON SERVICES AND)	
PROCEEDINGS IN THE JUDICIAL)	
BRANCH OF THE VIRGIN ISLANDS.)	
)	

ADMINISTRATIVE ORDER

WHEREAS, this Court, in an administrative order entered on June 30, 2021, held that the Judicial Branch of the Virgin Islands would transition to the “Responsible Operations” phase of its COVID-19 reopening plan effective July 1, 2021, and among other things permitted the resumption of all in-person proceedings in the courts of the Virgin Islands, other than jury trials; and

WHEREAS, the Judicial Branch has continued to monitor the status of the COVID-19 pandemic both in the Virgin Islands and the United States; and

WHEREAS, there has been a recent surge in COVID-19 cases throughout the United States due to the emergence of the Delta variant, which reportedly is at least twice as transmissible as the original strain, and potentially more deadly; and

WHEREAS, the Virgin Islands Department of Health confirmed the presence of the Delta variant in the Territory on July 21, 2021, and has reported in an increase from 3,895 positive cases and 64 active cases on June 30, 2021, to 4,497 positive cases and 210 active cases on July 27, 2021, with 211 of those new positive cases occurring between July 20, 2021, and July 27, 2021; and has further announced that the number of hospitalizations in the Territory attributed to COVID-19 are now the greatest since the outset of the pandemic; and

WHEREAS, although the COVID-19 vaccine has been made available to all individuals

12 years of age and older, according to the Virgin Islands Department of Health, as of July 26, 2021, only 37,005 individuals—corresponding to 41.40% of the vaccine-eligible population—are fully vaccinated; and

WHEREAS, on July 29, 2021, the Governor of the Virgin Islands ordered the reinstatement of certain emergency measures, such as the suspension of the planned return to in-person education in public schools, due to this surge in COVID-19 infections and hospitalizations;

WHEREAS, in light of the serious public health threat presented by COVID-19, and particularly the Delta variant, as well as the changing conditions in the Territory, this Court has determined that it is appropriate for the Judicial Branch of the Virgin Islands to temporarily reinstate the suspension of all in-person services and proceedings in the courts of the Virgin Islands in order to ensure the safety of all judicial officers, court staff, and the public.

NOW, THEREFORE, IT IS HEREBY ORDERED that **effective at 12:00 a.m. on Monday August 2, 2021**, the June 30, 2021 administrative order **SHALL BE MODIFIED** to encompass the following temporary emergency measures, which **shall remain in effect through 11:59 p.m. on Tuesday August 31, 2021**, unless modified or extended by further order of this Court:

1. All in-person proceedings scheduled to occur on or after August 2, 2021 and on or before August 31, 2021, in all the courts of the Virgin Islands, as well as all in-person proceedings before the Board on Professional Responsibility, the Commission on Judicial Conduct, the Board on the Unauthorized Practice of Law, and the Office of Disciplinary Counsel, as well as all in-person due process hearings before the Committee of Bar Examiners, shall occur as scheduled, but shall be converted to remote hearings. In the event it is not possible to hear all such proceedings remotely at their

scheduled times, judicial officers and clerks shall give calendar preference to criminal, juvenile, and abuse/neglect proceedings, as well as matters designated as emergencies. Judicial officers and court staff shall work expeditiously to identify any conflicts and to give prompt notice to the parties of any scheduling changes. Any such delays attributable to the COVID-19 emergency shall not be attributed to any party for purposes of determining unnecessary delay under Rule 48 of the Virgin Islands Rules of Criminal Procedure, the Speedy Trial Clause of the United States Constitution, or other authorities. Notwithstanding this provision, the Presiding Judge or the Administrative Judge may, in his or her discretion, permit a judge or magistrate judge of the respective districts of the Superior Court to hold an in-person proceeding, other than a jury trial, during this period, provided that the proceeding is necessary and is not amenable to being conducted remotely.

2. The Office of the Clerk of the Supreme Court and the Office of the Clerk of the Superior Court shall remain open for the acceptance of electronic filings through the Virgin Islands Judiciary Electronic Filing System. Documents which may not be electronically filed, or which are to be filed by individuals exempt from mandatory electronic filing, may be deposited into drop boxes located at the exterior of the entrance at all Supreme Court and Superior Court buildings. Any payments which cannot be made online may also be made by certified check or money orders deposited into the drop boxes. Each Clerk's Office shall maintain staff schedules to ensure prompt processing of electronic and conventional filings and payments, and to otherwise support remote operations. Unless otherwise directed by the Chief Justice, the Presiding Judge, or the Administrator of Courts, all other in-person services

provided by the Judicial Branch shall be suspended and provided only remotely.

3. The Administrator of Courts, in consultation with the Chief Justice, the Presiding Judge, and senior staff, shall designate appropriate employees whose job duties are essential to the operations of the Judicial Branch to continue to work from a Judicial Branch facility, and determine or otherwise implement staggered shifts, and/or alternating work to support court operations consistent with this order. All other employees shall work remotely consistent with telework policies and protocols adopted by the Judicial Branch Administrative Office.
4. The Administrator of Courts may order the closure of some or all Judicial Branch facilities to the public and to non-essential employees, but shall ensure that the courts remain open for the purpose of conducting any official business authorized by this order. Any individual seeking to enter a Judicial Branch facility must abide by all health and safety protocols adopted by the Administrator of Courts, including those pertaining to the wearing of face masks.

It is further

ORDERED that litigants, attorneys, and the public are **ADVISED** that all filing and other deadlines **SHALL REMAIN IN EFFECT**, and are not automatically suspended, tolled, or extended by virtue of this order. Any individual whose personal circumstances require an extension of time or other accommodation is urged to file an appropriate motion with the court in which the matter is pending. The suspension or modification of the provisions of the Virgin Islands Rules of Civil Procedure, Virgin Islands Rules of Criminal Procedure, Virgin Islands Rules of Family Division Procedure, Virgin Islands Rules for Probate and Fiduciary Proceedings, and the Virgin Islands Supreme Court Rules previously ordered in the May 28, 2020 Administrative Order

SHALL REMAIN IN EFFECT to the extent not inconsistent with this Order. It is further

ORDERED that all orders, protocols, and administrative directives issued by the Presiding Judge and the Administrator of Courts **SHALL REMAIN IN EFFECT** to the extent they are not inconsistent with this Order. It is further

ORDERED that copies of this order be directed to the appropriate parties.

SO ORDERED this 30th day of July, 2021.

/s/ Rhys S. Hodge
RHYS S. HODGE
Chief Justice

ATTEST:

VERONICA J. HANDY, ESQ.
Clerk of the Court

By: 

Deputy Clerk

Dated: 7/30/2021

Copies to:

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