

FILED

December 27, 2021 09:42 PM

SCT-Adm-2021-0014
VERONICA HANDY, ESQUIRE
CLERK OF THE COURT

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

**IN RE:
TRANSITION TO VIRTUAL PROCEEDINGS
AND REMOTE WORK FOR THE JUDICIAL
BRANCH OF THE VIRGIN ISLANDS.**

ADMIN ORDER. No. 2021-0014

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
Alisha Udhwani, 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 December 27, 2021, a(n) **ORDER** dated December 27, 2021, was entered by the Clerk in the above-entitled matter.

Dated: December 27, 2021

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

By: /s/ Natasha Illis

Deputy Clerk II

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

IN RE:) **ADMIN ORDER. No. 2021-0014**
)
TRANSITION TO VIRTUAL)
PROCEEDINGS AND REMOTE WORK)
FOR THE JUDICIAL BRANCH OF THE)
VIRGIN ISLANDS.)

ADMINISTRATIVE ORDER

WHEREAS, on March 13, 2020, this Court issued an Administrative Order adopting precautionary measures in response to a novel coronavirus (“COVID-19”), which the United States Centers for Disease Control and Prevention (“CDC”) had determined presents a serious public health threat, and for which the President of the United States and the Governor of the Virgin Islands have declared a state of emergency; and

WHEREAS, also on March 13, 2020, the Governor of the Virgin Islands declared a state of emergency due to the serious threat posed by COVID-19, which remains in place to this day; and

WHEREAS, for more than a year, the Judicial Branch of the Virgin Islands has continued to closely monitor COVID-19, and issued updated administrative orders and directives based on guidance provided by the CDC, the United States Department of Health and Human Services, the Virgin Islands Department of Health, and other public health authorities; and

WHEREAS, due to an increase in the number of positive cases of COVID-19 within the Territory as well as in the mainland United States following the Thanksgiving holiday, and well-publicized concern that a similar or greater increase may occur in the wake of the Christmas and New Year’s holidays due to increased travel and family gatherings, this Court, after consultation with the Administrator of Courts and the Presiding Judge, issued a December 17, 2020

administrative order which reverted the Judiciary to the “Cautious Operations” stage due to the potential for increased spread of COVID-19 during the holiday season, and directed that all Judicial Branch facilities be temporarily closed to both the public and court staff from December 20, 2020, through January 18, 2021, as a precautionary measure to ensure the safety of all judicial officers, court staff, and the public; and

WHEREAS, after further consultation with the Administrator of Courts and the Presiding Judge, this Court issued administrative orders on January 15, 2021, January 29, 2021, February 26, 2021, March 30, 2021, and May 14, 2021, which respectively extended the temporary limited closure through January 31, 2021, February 28, 2021, March 31, 2021, May 15, 2021, and June 30, 2021, with certain modifications to permit the gradual resumption of operations to the “Cautious Access” phase; and

WHEREAS, on August 31, 2021, upon further consideration of the matter and after receipt of the recommendation of the Judicial Branch Task Force on Restarting Jury Trials, this Court determined that it was no longer appropriate to further extend the temporary emergency measures provided for in prior administrative orders, but to instead permit the resumption of in-person judicial proceedings effective September 1, 2021; and

WHEREAS, the Judicial Branch has continued to hold in-person proceedings from September 1, 2021, to the present in accordance with the September 1, 2021, administrative order; and

WHEREAS, due to the emergence of the COVID-19 omicron variant and the recent increase in the 7 day positivity rate to 11.6%, combined with renewed concerns of community spread due to holiday festivities and travel, this Court, after consultation with the Administrator of Courts and the Presiding Judge, and in conformance with the Governor’s pronouncement on

December 27, 2021, has determined, as a precautionary measure, that all in-person proceedings temporarily be suspended and that all Judicial Branch employees, to the maximum extent permitted due to their job duties, should transition to remote work on a temporary basis, so as to reduce the possibility of spread of COVID-19 in Judicial Branch facilities;

NOW, THEREFORE, IT IS HEREBY ORDERED that **from 12:00 a.m. on Tuesday December 28, 2021, to 11:59 p.m. on Sunday January 9, 2022**, all employees of the Judicial Branch of the Virgin Islands, to the maximum extent possible, shall perform their job duties remotely. The Administrator of Courts shall take appropriate action to implement this mandate, including identifying which employees must continue to perform their duties in Judicial Branch facilities and, if necessary, adopting additional protective measures for such employees. It is further

ORDERED that all jury trials, including jury selection proceedings, scheduled to occur during this period **SHALL BE RESCHEDULED** to dates to be determined by the Presiding Judge in consultation with the presiding judicial officer and the Administrator of Courts. All other in-person proceedings **SHALL BE CONVERTED to remote or virtual proceedings** at the previously scheduled times until and unless the presiding judicial officer directs that the **proceeding** be continued. Also, all programs and public activities of the Rising Stars Steel Orchestra scheduled during this period are cancelled. It is further

ORDERED that all Judicial Branch facilities shall continue to be open to judicial officers, court staff, attorneys, litigants, and members of the public for the purpose of conducting official business. All health and safety protocols previously adopted by the Administrator of Courts, including those pertaining to the wearing of face masks, shall continue to remain in effect until and unless modified by the Administrator of Courts or by further order of this Court. The

Administrator of Courts is directed to monitor the spread of the COVID-19 in the Territory and, in consultation with the Chief Justice and Presiding Judge, place further limitations on the in-person operations of the Judicial Branch as deemed necessary to limit the spread of the COVID-19 virus and to ensure the protection of court employees and public. 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, which shall be liberally granted. 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 27th day of December 2021.

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

ATTEST:

VERONICA J. HANDY, ESQ.
Clerk of the Court

By: /s/ Natasha Illis
Deputy Clerk

Dated: December 27, 2021

Copies to:
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Judges & Magistrate Judges of the Superior Court
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