

FILED

June 30, 2021
SCT-Adm-2021-0009
VERONICA HANDY, ESQUIRE
CLERK OF THE COURT

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

IN RE:

ADMIN ORDER. No. 2021-0009

**RESUMPTION OF IN-PERSON NON-JURY
PROCEEDINGS IN THE JUDICIAL BRANCH
OF THE VIRGIN ISLANDS.**

NOTICE OF ENTRY OF 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 June 30, 2021, a(n) **ORDER** dated June 30, 2021, was entered by the Clerk in the above-entitled matter.

Dated: June 30, 2021

VERONICA J. HANDY, ESQ.
Clerk of the Court

By:


Natasha Illis
Deputy Clerk II

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SCT-Adm-2021-0009
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CLERK OF THE COURT

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

IN RE:) **ADMIN ORDER. No. 2021-0009**
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RESUMPTION OF IN-PERSON NON-)
JURY PROCEEDINGS IN 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 March 19, 2021, recognizing the reduced number of COVID-19 cases in the Territory, as well as the growing percentage of Virgin Islands residents who have received the COVID-19 vaccination, this Court issued an administrative order establishing the Virgin Islands Judicial Branch Task Force on Restarting Jury Trials, and directed it to submit a report which recommends when, and under what conditions, jury trials may resume in the Superior Court of the Virgin Islands; and

WHEREAS, the Judicial Branch Task Force on Restarting Jury Trials timely submitted to this Court its recommendation for the resumption of jury trials, which is presently under study by this Court, the Superior Court, the Judicial Branch Administrative Office, and the Judicial Management Advisory Council, with the goal of having jury trials resume on or before September 30, 2021; and

WHEREAS, after further consideration of the matter and in light of the changing

conditions in the Territory, this Court has determined that it is appropriate for the Judicial Branch of the Virgin Islands to transition to the “Responsible Operations” phase of its reopening plan, and that therefore it is no longer necessary to further extend the temporary emergency measures provided for in prior administrative orders, but to instead permit the resumption of all in-person judicial proceedings other than jury trials;

NOW, THEREFORE, IT IS HEREBY ORDERED that the temporary emergency measures as to all Judicial Branch Facilities which previously went into effect at 12:00 a.m. on Sunday December 20, 2020, **SHALL EXPIRE at 11:59 p.m. on Wednesday June 30, 2021, and SHALL BE REPLACED effective at 12:00 a.m. on Thursday July 1, 2021,** with the following new measures:

1. All proceedings in all the courts of the Virgin Islands, excluding jury trials, as well as 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 due process hearings before the Committee of Bar Examiners, may be held in-person without the need for the approval of the Chief Justice, Presiding Judge, Administrative Judge, or Administrator of Courts. All in-person proceedings can be conducted in accordance with all pertinent health and safety orders, protocols, and administrative directives, including room capacity limits and social distancing. Judicial officers and court clerks will coordinate with the Presiding Judge to ensure that cases are sufficiently staggered on the calendar to minimize the number of individuals waiting in court or congregating in the buildings. Notwithstanding this authorization,
 - all proceedings already scheduled for a remote hearing as of the effective date

of this Order shall remain set for a remote hearing until and unless an appropriate order is issued directing that it be heard in-person; and

- the authority of the Presiding Judge to assign cases amongst the judges and magistrate judges of the Superior Court, prescribing the duties of the judges, and the times and places of holding court, remains unaffected.

2. All judicial officers, and court boards, commissions, and committees retain the discretion to schedule any matter, other than a jury trial, for a remote hearing, and are strongly encouraged to do so to the greatest extent possible.
3. All Judicial Branch facilities shall be open to judicial officers, court staff, attorneys, litigants, and members of the public for the purpose of conducting official business, and all Judicial Branch services shall be made available to the public in-person. All health and safety protocols previously adopted by the Administrator of Courts, attached Exhibit "A" to this order, shall continue to remain in effect until and unless modified by the Administrator of Courts or by further order of this Court.

It is further,

ORDERED that litigant, 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 June, 2021.

/s/ Rhys S. Hodge

RHYS S. HODGE

Chief Justice

ATTEST:

VERONICA J. HANDY, ESQ.

Clerk of the Court

By:


Deputy Clerk

Dated:


6/30/2021

Copies to:

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