

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

IN RE:)	ADMIN ORDER. No. 2021-0013
RESUMPTION OF IN-PERSON)	
PROCEEDINGS AND JURY TRIALS 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 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; and

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 issued an administrative order on July 30, 2021 which temporarily reinstated 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; and

WHEREAS, despite the continued presence and spread of the Delta variant, the Judicial Branch has concluded that it is appropriate to begin a controlled transition to in-person proceedings, with the goal of being able to safely resume in-person jury trials on October 4, 2021;

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 August 2, 2021, **SHALL EXPIRE at 11:59 p.m. on Monday September 6, 2021**, and **SHALL BE REPLACED effective at 12:00 a.m. on Tuesday September 7, 2021**, with the following new measures:

1. All proceedings in the Supreme Court of the Virgin Islands, as well as proceedings before the Board on Professional Responsibility, the Commission on Judicial Conduct, the Board on the Unauthorized Practice of Law, the Committee of Bar Examiners, and

the Office of Disciplinary Counsel, may be held in-person with the approval of the Chief Justice. All proceedings in the Superior Court of the Virgin Islands, excluding jury trials, may be held in-person subject to the approval of the Presiding Judge in consultation with the Administrator of Courts. All in-person proceedings must be conducted in accordance with all pertinent health and safety orders, protocols, and administrative directives, including room capacity limits and social distancing. The Chief Justice or Presiding Judge, as appropriate, with the assistance of the Administrator of Courts, shall coordinate the scheduling of cases on calendars, to adhere strictly to the allotted time, and to take other measures 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 the presiding judicial officer issues an appropriate order directing that it be heard in-person; and
- 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, particularly upon the request of the parties, or if an attorney, party, witness, or other necessary participant is not physically present in the U.S. Virgin Islands or belongs to a vulnerable population who cannot be vaccinated or has been encouraged by public health authorities to remain at home.

2. The stay on in-person jury trials shall be lifted effective October 4, 2021. Such trials

- shall be on staggered schedules coordinated and approved by the Presiding Judge with the assistance of the Administrative Judge and the Clerk of the Superior Court, so as to minimize the number of individuals congregating in Judicial Branch facilities. All jury trials shall be conducted in accordance with all pertinent health and safety orders, protocols, and administrative directives, including room capacity limits, social distancing, and the wearing of face masks or other personal protective equipment. The Administrator of Courts may issue further guidelines to govern such proceedings, to be guided by the report of the Task Force on the Resumption of Jury Trials.
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, 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.

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 31st day of August, 2021.

/s/ Rhys S. Hodge

RHYS S. HODGE
Chief Justice

ATTEST:

VERONICA J. HANDY, ESQ.
Clerk of the Court

By: /s/ Kendra Eubanks
Deputy Clerk

Dated: August 31, 2021

Copies 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

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IN RE:

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

ADMIN ORDER. No. 2021-0013

NOTICE OF ENTRY OF JUDGMENT/ORDER

**TO: Justices of the Supreme Court
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Judges & Magistrate Judges of the District Court
The Honorable Albert Bryan, Governor of the Virgin Islands
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Please take notice that on August 31, 2021, a(n) **ORDER** dated August 31, 2021, was entered by the Clerk in the above-entitled matter.

Dated: August 31, 2021

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

By: /s/ Kendra Eubanks

Deputy Clerk II