

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

IN RE:) **ADMIN ORDER. No. 2021-0001**
)
EXTENSION OF TEMPORARY)
SUSPENSION OF ALL IN-PERSON)
PROCEEDINGS IN THE JUDICIAL)
BRANCH OF THE VIRGIN ISLANDS.)
_____)

ADMINISTRATIVE ORDER

WHEREAS, on December 9, 2020, the Judicial Branch facility at the R.H. Amphlett Leader Justice Center was ordered closed through December 13, 2020, with such closure subsequently extended through December 20, 2020, due to the Administrator of Courts certifying that due to a positive case of COVID-19 within the staff, and the required contact tracing and quarantine of impacted employees, it was not possible to operate the facility with sufficient personnel in a manner consistent with COVID-19 protocols; and

WHEREAS, this Court provided that all other Judicial Branch facilities remain open, and authorized the Administrator of Courts and Clerk of Court to temporarily re-assign personnel from the District of St. Thomas-St. John to assist with such hearings and other remote operations for the District of St. Croix if sufficient employees assigned to that district are unavailable to do so; and

WHEREAS, there had been 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; and

WHEREAS, after consultation with the Administrator of Courts and the Presiding Judge, this Court 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 has determined that a two-week extension of the December 17, 2020 administrative order is warranted in light of the recent increase in positive cases of COVID-19 within the Territory, with certain modifications to allow a limited number of previously scheduled in-person proceedings which are not amenable to a remote hearing to nevertheless occur as scheduled.

NOW, THEREFORE, IT IS HEREBY ORDERED that the following 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 BE EXTENDED, AS MODIFIED, SO AS TO REMAIN IN EFFECT THROUGH 11:59 p.m. on Sunday January 31, 2021** or until and unless modified by further Order of the Court:

1. Access to all Judicial Branch facilities shall be restricted to the public except when necessary to participate in a previously scheduled hearing, to file or receive a document in an emergency or expedited matter which is not subject to mandatory electronic filing and service, or to otherwise address an emergency matter. Judicial officers and their immediate staff are strongly encouraged to perform all work remotely but may utilize Judicial Branch facilities if they elect to do so. All court staff shall perform all work remotely, provided, however, that the Administrator of Courts, in consultation with the Chief Justice, the Presiding Judge, and senior staff, may designate appropriate employees to continue to work from a Judicial Branch facility to the extent necessary

- to ensure proper maintenance and security of that facility or to provide support to remote or previously scheduled in-person proceedings.
2. All previously scheduled remote hearings shall occur as scheduled. and any previously scheduled in-person hearings which do not require the introduction and weighing of evidence by the presiding judicial officer shall be conducted remotely unless ordered continued or modified by the presiding judicial officer. Previously scheduled in-person hearings in the Superior Court which require the introduction and weighing of evidence, or which are otherwise not amenable to being conducted remotely, may proceed as scheduled after the presiding judicial officer has consulted with and obtained the approval of the Presiding Judge, provided that the proceeding can be conducted in accordance with all pertinent health and safety orders, protocols, and administrative directives. Notwithstanding this limited authorization, judicial officers are encouraged to avoid conducting in-person proceedings during this period. In the event it is not possible to hear all previously scheduled in-person 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 by the Presiding Judge. 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.
 3. 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 filings. The Supreme Court and the Superior Court will continue to accept electronic filings and payments through the Virgin Islands Judiciary Electronic Filing System (VIJEFS) in all eligible cases. Any filings which cannot be made through the VIJEFS may be deposited into the drop boxes located at the exterior of the entrance at all Supreme Court and Superior Court buildings or mailed to the appropriate court. Any payments which cannot be made online may also be made by certified check or money orders deposited into the drop boxes or submitted through the mail. 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.

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 15th day of January, 2021.

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

ATTEST:

VERONICA J. HANDY, ESQ.
Clerk of the Court

By: /s/ Jessica Grant
Deputy Clerk

Dated: January 15, 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 Novelle Francis, President, 33rd 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

FILED

January 15, 2021
SCT-Adm-2021-0001
VERONICA HANDY, ESQUIRE
CLERK OF THE COURT

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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 Novelle Francis, President, 33rd Legislature
Charlotte Perrell, Esq., President, V.I. Bar Association
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Please take notice that on January 15, 2021 a(n) **ORDER** dated January 15, 2021 was entered by the Clerk in the above-entitled matter.

Dated: January 15, 2021

VERONICA J. HANDY, ESQ.
Clerk of the Court

By: /s/ Jessica Grant

Jessica Grant
Deputy Clerk II