

## IN THE SUPREME COURT OF THE VIRGIN ISLANDS

IN RE:	)	ADMIN ORDER. No. 2020-0017
CONTINUATION OF SUSPENSION OF	)	
NON-ESSENTIAL JUDICIAL BRANCH	)	
SERVICES IN RESPONSE TO	)	
CORONAVIRUS DISEASE 2019 (COVID-	)	
19).	)	
_____	)	

### ADMINISTRATIVE ORDER

**WHEREAS**, on May 28, 2020, this Court issued an Administrative Order to provide for gradual resumption of all Judicial Branch operations, including the resumption of in-person proceedings on June 15, 2020; and

**WHEREAS**, due to a resurgence of COVID-19 cases, on July 17, 2020, this Court issued an Administrative Order suspending all non-essential in-person proceedings; and

**WHEREAS**, on August 13, 2020, the Governor of the Virgin Islands issued a 13th Supplemental Executive Order, which directed that the Territory revert to the “Stay At Home” phase effective August 17, 2020, through August 31, 2020, which includes the closure of all non-essential businesses and directing members of the public to remain home; and

**WHEREAS**, in light of the changed circumstances throughout the Territory, this Court issued an Administrative Order on August 14, 2020, which temporarily suspended all non-essential Judicial Branch services from August 17, 2020, to August 31, 2020; and

**WHEREAS**, on August 29, 2020, the Governor announced his intent to extend the “Stay At Home” phase through 8:00AM on September 8, 2020;

**NOW, THEREFORE, IT IS HEREBY ORDERED** that the temporary emergency measures implemented in the August 14, 2020 Administrative Order **SHALL BE EXTENDED, as modified, through at least 8:00AM on September 8, 2020:**

1. All non-essential functions of the Judicial Branch of the Virgin Islands shall be suspended through 8:00AM on September 8, 2020. The following are defined as the essential functions of the Judicial Branch:

- The acceptance of filings by the Office of the Clerk of the Supreme Court and the Office of the Clerk of the Superior Court. The Supreme Court shall accept electronic filings through the Virgin Islands Judiciary Electronic Filing System (VIJEFS) in all cases, while the Superior Court shall accept electronic filings through the VIJEFS in all civil, small claims, and probate matters for parties represented by attorneys and for self-represented parties who opt-in to electronic filing through the VIJEFS. For all other matters, the Superior Court shall accept filings by e-mail in the manner authorized by the May 28, 2020 Administrative Order. The Superior Court shall not accept any filings by e-mail for matters that are subject to mandatory electronic filing unless it is a filing by a self-represented litigant who has elected not to opt-in to electronic filing through the VIJEFS. Although parties and attorneys are strongly encouraged to file electronically whenever possible, conventional filings where permitted, may be deposited into the 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 or mailed using the United States Postal Service. 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.
- The filing and service of court-issued documents, including but not limited to

orders, opinions, judgments, or other rulings by judicial officers on matters that had previously been argued, or which do not require a hearing. To the greatest extent possible, judicial officers and court personnel will perform this function from a remote location and shall practice social distancing both at their remote locations and in any Judicial Branch facility.

- Advice of Rights, Arraignments, hearings in Stalking and Domestic Violence matters, which shall occur on the days and time set by the Presiding Judge of the Superior Court. The Superior Court may also hear emergency hearings in family matters, including but not necessarily limited to petitions for abuse and neglect, subject to the prior approval of the Presiding Judge. The Superior Court shall conduct such proceedings through remote communication, i.e. video or telephone conference, but in exceptional circumstances and with the approval of the Presiding Judge may hear such matters in-person, provided that the proceeding is conducted in accordance with all public health regulations and any regulations established by the Judicial Branch Administrative Office, including but not limited to social distancing, capacity restrictions, and the wearing of face masks.

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

2. The Administrator of Courts, in consultation with the Chief Justice, the Presiding Judge, the Clerks of the Supreme and Superior Courts, the Chief Virgin Islands Marshal, and senior Judicial Branch Administrative Office staff, shall designate which Judicial Branch employees shall be classified as essential personnel. For purposes of this order, an employee is “essential” if he or she is needed to fulfill one or more of the essential functions of the Judicial Branch set forth above.

Essential personnel shall continue to work and may be required to work from a Judicial Branch facility. Non-essential personnel may continue to work from a remote location or may be placed on paid administrative leave if their job duties relate to a suspended function, or if their job duties are otherwise not amenable to working remotely.

It is further

**ORDERED** that these precautionary measures may be modified by future order, and the Administrator of Courts **MAY SUPPLEMENT** these measures in consultation with the Chief Justice of the Virgin Islands and the Presiding Judge of the Superior Court. It is further

**ORDERED** that the following interim procedures enacted in the August 14, 2020 Administrative Order **SHALL BE EXTENDED, as modified, through at least 8:00AM on September 8, 2020, and SHALL REMAIN IN EFFECT** while non-essential Judicial Branch functions remain suspended or until further order of this Court:

**SUPREME COURT OF THE VIRGIN ISLANDS**

1. All deadlines in all pending appeals which have not yet passed as of the effective date of this order shall automatically be extended to September 8, 2020. Deadlines in original proceedings, such as for mandamus or other writs, shall remain in effect unless modified by order issued in the particular case.

2. The time to file a notice of appeal or other initiating document shall be tolled from August 17, 2020, through September 7, 2020, provided that the time to file the notice of appeal or other initiating document has not already expired as of the effective date of this order.

3. The period from August 17, 2020, through September 7, 2020, shall be excluded from the 120-day period for the Superior Court to rule on the post-judgment motions specified in Rules 5(a)(4) and 5(b)(6) of the Virgin Islands Rules of Appellate Procedure.

4. Certificates of good standing shall continue to be issued to attorneys, but only in electronic form; provided, however, that an attorney may make arrangements with the Office of Bar Admissions for issuance of a physical certificate in the event of a true exigency.

5. The processing of all applications for admission to the Virgin Islands Bar, whether regular, special, or *pro hac vice*, shall continue to the extent it can be done remotely. The Office of Bar Admissions and the Committee of Bar Examiners shall continue to do all necessary work related to the October 2020 administration of the Virgin Islands Bar Examination.

6. All hearings scheduled before the Board on Professional Responsibility, the Board on the Unauthorized Practice of Law, the Commission on Judicial Conduct, and the Committee of Bar Examiners scheduled between August 17, 2020, through September 7, 2020, are hereby continued without date, and no new proceedings shall be scheduled during that period, with the exception of any hearings or other activities that can occur remotely. All deadlines in proceedings before those agencies shall automatically be extended to September 8, 2020. Grievances and other documents may be submitted to the Office of Disciplinary Counsel by e-mail, and the Office of Disciplinary Counsel may respond to such documents, but the physical facilities of Office of Disciplinary Counsel shall be closed to the public while the non-essential functions of the Judicial Branch remain suspended.

#### **SUPERIOR COURT OF THE VIRGIN ISLANDS**

1. All deadlines in all pending cases which have not yet passed as of the effective date of this order shall automatically be extended by to September 8, 2020; provided, however, that the presiding judicial officer may waive this rule and impose earlier filing deadlines in an emergency or expedited case.

2. The period from August 17, 2020, through September 8, 2020, shall be excluded from

the calculation of the time to effectuate service of process, provided that the deadline for service of process had not already expired as of the effective date of this order.

3. All temporary restraining orders, injunctions, and stays set to expire on or after August 17, 2020, shall automatically be extended to September 8, 2020; provided, however, that the presiding judicial officer may waive this rule or otherwise terminate the temporary restraining order, injunction, stay, or judgment.

4. All previously-scheduled depositions may occur as scheduled, and new depositions may be scheduled, but parties are encouraged to agree to postpone depositions if possible. Notwithstanding any court rule to the contrary, all depositions shall be conducted through a remote connection, i.e. telephonically or video conference, with no attorneys or stenographers physically in the presence of the deponent. Notaries and other persons qualified to administer an oath in the Virgin Islands may swear the deponent remotely, provided they can positively identify the deponent through the remote connection. Any writing or exhibits sought to be used at the deposition shall be electronically exchanged no later than 24 hours prior to the deposition. A judicial officer, *sua sponte* or upon motion, may suspend the taking of all depositions in a case or otherwise modify these procedures. All other civil discovery shall proceed under existing rules without modification. A judicial officer, *sua sponte* or upon motion, may establish different procedures to govern a particular case, including but not limited to suspending all depositions or discovery.

It is further

**ORDERED** that the suspension or modification of certain 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 other provisions of the May 28, 2020 and August 14, 2020 Administrative Orders, as well as any orders or protocols issued by the Presiding Judge or the Administrator of Courts pursuant to those orders **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 2020.

/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: August 31, 2020**

**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  
Nesha R. Christian-Hendrickson, 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

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