

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

IN RE:) ADMIN ORDER. No. 2020-0018
TRANSITION TO RESUMPTION OF)
CERTAIN JUDICIAL BRANCH)
OPERATIONS.)
_____)

ADMINISTRATIVE ORDER

WHEREAS, on May 28, 2020, this Court issued Administrative Order No. 2020-0010 to provide for gradual the resumption of all Judicial Branch operations, including the resumption of in-person proceedings commencing on June 15, 2020; and

WHEREAS, due to a resurgence of COVID-19 cases, on July 17, 2020, this Court issued Administrative Order No. 2020-0013 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 Administrative Order No. 2020-0015 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; and

WHEREAS, on August 31, 2020, this Court issued Administrative Order No. 2020-0017 which extended the temporary suspension of non-essential services to September 8, 2020; and

WHEREAS, the Governor has declined to extend the “Stay At Home” phase past September 8, 2020, and issued an Executive Order transitioning the Territory to the “Safer At

Home” phase; and

WHEREAS, consistent with its COVID-19 reopening plan, the Judicial Branch will enter a transition phase, with the goal of resuming non-essential operations beginning Monday September 14, 2020;

NOW, THEREFORE, IT IS HEREBY ORDERED that the temporary emergency measures first ordered in Administrative Order No. 2020-0015 and later extended, as modified, by Administrative Order No. 2020-0017 **SHALL BE EXTENDED, as modified by this Order, through 11:59 P.M. on September 13, 2020.** Court staff previously authorized to work remotely shall continue to do so, but should plan to return to Judicial Branch facilities on or after September 14, 2020, unless otherwise directed to do so sooner by the Administrator of Courts. It is further

ORDERED that, in accordance with the extension of the temporary emergency measures, the automatic tolling, suspension, or extension of certain deadlines or acts first ordered by Administrative Order No. 2020-0015 and later extended by Administrative Order No. 2020-0017 **SHALL BE EXTENDED through 11:59 p.m. on September 13, 2020, but NO FURTHER AUTOMATIC EXTENSIONS SHALL BE GIVEN.** All attorneys, litigants, and members of the public are hereby advised that the effect of this final extension shall be as follows:

1. All documents that were due to be filed in the Supreme Court, the Superior Court, the Board on Professional Responsibility, the Board on the Unauthorized Practice of Law, the Commission on Judicial Conduct, or any other entity within the Judicial Branch between August 17, 2020, and September 13, 2020, shall be due on September 14, 2020. However, to reduce strain on Clerks’ Offices, attorneys and litigants who do not need this further extension of time are strongly encouraged to file documents prior to September 14, 2020.

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 Administrative Order No. 2020-0010. 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.

2. The period from August 17, 2020, through September 14, 2020, representing 28 calendar days, shall be excluded when determining the time to file a notice of appeal; the time to effectuate service of process; or when calculating any other legally-significant date as provided by law.

3. All temporary restraining orders, injunctions, and stays set to expire between August 17, 2020, and September 13, 2020, shall automatically be extended to September 14, 2020, unless the presiding judicial officer orders that the temporary restraining order, injunction, or stay be terminated earlier.

It is further

ORDERED that hearings in the courts of the Virgin Islands **SHALL RESUME** in

accordance with the following schedule:

1. Through 11:59 p.m. on September 13, 2020, in accordance with Administrative Orders No. 2020-0013, 0015, and 0017, no in-person court proceedings shall be held, and the following Superior Court matters shall be eligible to be heard remotely:

- a. Advice of Rights;
- b. Arraignments;
- c. Stalking and domestic violence; and
- d. With the prior approval of the Presiding Judge, emergency family matters, including abuse and neglect proceedings.

All previously adopted protocols to govern remote hearings, including those promulgated by the Presiding Judge with respect to advice of rights, arraignments, and family matters, shall remain in effect until superseded or modified.

2. Beginning 12:00 a.m. on September 14, 2020, the prohibition on non-essential court proceedings provided for in Administrative Order No. 2020-0013 shall be lifted with the exception of jury trials, bench trials, and substantive hearings in which many witnesses are expected to testify. No in-person court proceeding shall occur in the Superior Court or Supreme Court without the approval of the Presiding Judge or the Chief Justice, respectively. Arrangements shall be made at court facilities for onsite remote appearances by parties without the electronic capabilities to fully appear remotely. Judicial officers and court clerks shall give calendar preference to cases that warrant priority consideration, including but not necessarily limited to criminal cases in which the defendant is incarcerated. Moreover, a remote hearing must be held in lieu of an in-person hearing if a judicial officer, attorney, party, or witness is not physically present in the U.S. Virgin Islands, or belongs to a vulnerable population who have been encouraged by public health authorities to

remain at home. Any proceeding that is held must comply with social distancing protocols, federal and territorial public health regulations, and the policies enacted by the Judicial Branch Administrative Office.

3. **Beginning 12:00 a.m. on September 28, 2020**, all in-person court proceedings besides jury trials may resume, provided that it is possible to hold the in-person proceeding while complying with social distancing protocols, federal and territorial public health regulations, and the policies enacted by the Judicial Branch Administrative Office. Judicial officers and court clerks are encouraged to stagger cases on calendars, to adhere strictly to the allotted time, and to take other measures to minimize the number of individuals waiting in court. However, judicial officers are encouraged to hold remote hearings for any matter capable of being heard remotely. Unless otherwise directed by the Administrator of Courts, all court employees should expect to return to work in a Judicial Branch facility no later than September 28, 2020.

4. In-person jury trials shall remain suspended until November 1, 2020, as provided in Administrative Order No. 2020-0013 unless modified following submission and consideration of the proposed plan for the resumption of jury trials by the Virgin Islands Judicial Branch COVID-19 Task Force. The deadline for the COVID-19 Task Force to submit its proposed plan to the Supreme Court shall be extended through October 15, 2020.

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 Administrative Order No. 2020-0010 **SHALL REMAIN IN EFFECT** to the extent not inconsistent with this Order. It is further

ORDERED that, pending further order, all individuals required to report to or check-in with the Office of Probation and Parole shall do so by utilizing the Judiciary's C-Five Catalyst Probation Electronic System or by telephone or other approved remote connection, without the need for an in-person appearance. It is further

ORDERED that protocols previously adopted by the Administrator of Courts and the Presiding Judge **SHALL REMAIN IN EFFECT** to ensure the health and safety of judicial officers, court staff, and the public, and to otherwise facilitate the transition to the full resumption of Judicial Branch operations. Such protocols shall include but are not necessarily limited to health screenings; implementation of federal and territorial public health guidelines, such as social distancing and use of personal protective equipment; sanitation of common and high-traffic areas; erection of appropriate physical barriers and placement of social distancing tape; and appropriate training for judicial officers and court personnel in the proper use and implementation of such protocols. The Administrator of Courts and the Presiding Judge may make further modifications to these protocols in consultation with the Chief Justice. It is further

ORDERED that copies of this order be directed to the appropriate parties.

SO ORDERED this 8th day of September, 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: September 8, 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
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