

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

**IN RE:
SUSPENSION OF IN-PERSON
PROCEEDINGS IN THE COURTS OF THE
VIRGIN ISLANDS.**

S. Ct. ADM. No. 2020-0013

NOTICE OF ENTRY OF JUDGMENT/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
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
Supreme Court Secretaries
News Media
Order Book**

Please take notice that on July 16, 2020, a(n) **ORDER** dated July 16, 2020, was entered by the Clerk in the above-entitled matter.

Dated: July 16, 2020

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

By: /s/ Jessica Grant

**Jessica Grant
Deputy Clerk II**

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

IN RE:) ADMIN ORDER. No. 2020-0013
SUSPENSION OF IN-PERSON)
PROCEEDINGS IN THE COURTS OF)
THE VIRGIN ISLANDS.)
_____)

ADMINISTRATIVE ORDER

WHEREAS, on May 28, 2020, this Court issued an Administrative Order to provide for gradual the resumption of all Judicial Branch operations, including the resumption of in-person proceedings on June 15, 2020, and the resumption of jury trials on August 1, 2020; and

WHEREAS, since the May 28, 2020 Administrative Order went into effect, cases of the novel coronavirus (“COVID-19”) in the U.S. Virgin Islands have substantially increased; and

WHEREAS, in light of the resurgence of COVID-19 cases, the Governor of the Virgin Islands issued a Tenth Supplemental Executive Order on July 9, 2020, which imposes several protective measures intended to slow the spread of COVID-19 in the U.S. Virgin Islands, including but not limited to advising the public to stay at home and only leave as necessary, ordering the closure of all bars and gaming facilities, restricting beach access, imposing travel restrictions, and encouraging all businesses to direct employees to work from home or remotely; and

WHEREAS, in light of the changed circumstances throughout the Territory, this Court concludes that in order to ensure the continued health and safety of judicial officers, court staff, and the public, it is necessary to temporarily suspend non-essential in-person proceedings and services and postpone the planned resumption of jury trials;

NOW, THEREFORE, IT IS HEREBY ORDERED that the following temporary emergency measures **SHALL GO INTO EFFECT beginning 12:00 a.m. on July 17, 2020**, and **SHALL REMAIN IN EFFECT** until and unless modified by further Order of this Court:

1. All in-person proceedings in the courts of the Virgin Islands scheduled for July 17, 2020, through July 19, 2020, may proceed as scheduled, subject to the protocols already established by the Presiding Judge and the Judicial Branch Administrative Office, and any further protocols which may be enacted in light of the resurgence of COVID-19. However, judicial officers are strongly encouraged to postpone or convert to remote hearings any scheduled matter which does not require or would not benefit from an in-person hearing.
2. All in-person proceedings in the courts of the Virgin Islands scheduled for July 20, 2020, or later shall be converted to occur by remote connection to the greatest extent possible, and no scheduled or new in-person proceedings shall be conducted in the Superior Court of the Virgin Islands without the approval of the Presiding Judge. In the event it is not possible to hear all such 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 resumption of jury trials authorized by the May 28, 2020 Administrative Order shall be postponed to November 1, 2020, and may be further delayed by order of this Court. The Virgin Islands Judicial Branch COVID-19 Task Force shall be reconvened

- and its membership supplemented in order to submit, on or before October 1, 2020, a proposed plan, for consideration by the Supreme Court, for the resumption of jury trials in the courts of the Virgin Islands.
4. 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 shall continue to accept electronic filings through the Virgin Islands Supreme Court Electronic Filing System, while the Superior Court shall continue to accept filings by e-mail in the manner authorized by the May 28, 2020 Administrative Order. Although parties and attorneys are strongly encouraged to file electronically whenever possible, conventional filings 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. 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. Unless otherwise directed by the Presiding Judge or the Administrator of Courts, all other in-person services provided by the Judicial Branch shall be suspended and provided only remotely.
 5. The Administrator of Courts, in consultation with the Chief Justice, the Presiding Judge, and senior staff, shall designate appropriate employees whose job duties are essential to the operations of the Judicial Branch to continue to work from a Judicial Branch facility, and determine or otherwise implement staggered shifts, and/or alternating work to support court operations consistent with this order. All other employees shall work remotely consistent with telework policies and protocols adopted

by the Judicial Branch Administrative Office.

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**. 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 other provisions of the May 28, 2020 Administrative Order, as well as any orders or protocols issued by the Presiding Judge or the Administrator of Courts pursuant to that order **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 16th day of July, 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: July 16, 2020

Copies to:

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