

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

IN RE:) ADMIN ORDER. No. 2020-0002
ADDITIONAL PRECAUTIONARY)
MEASURES IN RESPONSE TO)
CORONAVIRUS DISEASE 2019 (COVID-)
19))
_____)

ADMINISTRATIVE ORDER

WHEREAS, on March 13, 2020, this Court issued an Administrative Order adopting precautionary measures in response to a novel coronavirus (“COVID-19”), which the United States Centers for Disease Control and Prevention (“CDC”) had determined presents a serious public health threat, and for which the President of the United States and the Governor of the Virgin Islands have declared a state of emergency; and

WHEREAS, the Judicial Branch of the Virgin Islands has continued to closely monitor COVID-19, including updated guidance provided by the CDC, United States Department of Health and Human Services, the Virgin Islands Department of Health, and other public health authorities; and

WHEREAS, on March 15, 2020, the CDC issued updated guidance which, in addition to social distancing and other precautionary measures previously recommended, directs that mass gatherings of 50 people or more not occur for the next eight weeks, for large numbers of people congregating together may contribute to the spread of COVID-19; and

WHEREAS, on March 16, 2020, the President of the United States stated that revised guidelines would be released which, among other things, recommend that gatherings of ten or more people be avoided for the next fifteen days, and that workplaces, schools, bars, restaurants, and other venues where such gatherings occur either close or enact measures to prevent the spread

of COVID-19, particularly to vulnerable populations; and

WHEREAS, in the interest of protecting litigants, attorneys, witnesses, jurors, court staff, and the public, the Judicial Branch of the Virgin Islands will implement additional precautionary measures pursuant to its inherent authority and the administrative authority conferred by title 4, sections 4 and 31 of the Virgin Islands Code;

NOW, THEREFORE, IT IS ORDERED, that the following precautionary measures **SHALL GO INTO EFFECT at 5:00 P.M. on March 18, 2020**, which shall be in addition to the precautionary measures previously set forth in the March 13, 2020 Administrative Order docketed as S. Ct. Admin. No. 2020-0001 and the March 16, 2020 Order of the Presiding Judge of the Superior Court docketed as Super. Ct. Misc. No. 22/2020 (STX), and will remain in place in the Supreme Court of the Virgin Islands, the Superior Court of the Virgin Islands, and all facilities operated by the Judicial Branch of the Virgin Islands in all judicial districts:

1. All previously-scheduled court proceedings, whether civil or criminal, scheduled to commence on or before April 1, 2020, before any judicial officer in any Judicial Branch facility, shall be continued without date, and no new proceedings scheduled, with the following exceptions:

- The Superior Court may continue to hold in-person Advice of Rights, as well as in-person hearings in Stalking and Domestic Violence matters; provided, however, that the Presiding Judge of the Superior Court may place limitations on which days and times that such proceedings will occur.
- Each judicial officer may, in his or her discretion upon motion of a party, choose to conduct a proceeding through remote communication, i.e. video or telephone conference. Parties are urged not to file, and judicial officers urged not to grant, such motions unless it is an emergency matter that cannot be decided based on

written filings without a hearing. In such a case, the IT Division and the Judicial Branch Administrative Office shall assist the judicial officer, the parties, and court personnel in scheduling and conducting the remote proceeding.

Judicial officers shall continue to perform all other judicial duties, including ruling on motions previously argued or which do not require a hearing.

2. The Office of the Clerk of the Superior Court shall suspend the issuance of new marriage licenses and in-court marriage ceremonies until further notice. Individuals who have already applied for marriage licenses but have not yet picked them up shall have their licenses mailed to them unless alternate arrangements are made with the Clerk's Office. Individuals who have not yet applied for a marriage license but must obtain a marriage license immediately due to exigent circumstances may make arrangements with the Clerk's Office for the examination required by title 16, section 35 of the Virgin Islands Code to occur through an approved method of remote communication.

3. The Office of the Clerk of the Superior Court and the Office of the Clerk of the Supreme Court shall remain open for the purpose of accepting filings. Those registered as Filing Users with the Virgin Islands Supreme Court Electronic Filing System shall continue to file documents in Supreme Court proceedings electronically. The requirement in Rule 40.3(h) of the Virgin Islands Rules of Appellate Procedure that Filing Users conventionally file seven paper copies of briefs and four paper copies of appendices within three days of electronic filing is suspended, and the deadline to file paper copies of electronically-filed briefs and appendices is automatically extended to April 2, 2020.

The Office of the Clerk of the Superior Court, in consultation with the judges and magistrate judges of the Superior Court and the IT Division of the Judicial Branch Administrative

Office, may develop alternate procedures for accepting court filings. Filings deadlines shall not be automatically extended but may be extended by order of the presiding judicial officer. The Clerks of the Superior and Supreme Courts shall ensure that sufficient personnel remain available to accept filings.

4. Justices of the Supreme Court may work from a remote location and may authorize their staff to do so as well. Judges and Magistrate Judges and their staff may work from a remote location subject to the approval of the Presiding Judge, who shall ensure that sufficient judicial officers are available to preside over matters that will continue to be held in-person, such as Advice of Rights and Arraignments. The Administrator of Courts may authorize other court personnel to work from a remote location on appropriate terms, provided that sufficient personnel remain available to fulfill core functions, including but not limited to court security and acceptance of filings.

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 copies of this order be directed to the appropriate parties.

SO ORDERED this 17th day of March, 2020.

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

ATTEST:

VERONICA J. HANDY, ESQ.
Clerk of the Court

By: _____
Deputy Clerk

Dated: _____

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 George-Counts, Esq., Attorney General of the Virgin Islands
Samuel Joseph, Esq., Chief Public Defender
Regina D. Petersen, Administrator of Courts
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