

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

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| IN RE: |) | ADMIN ORDER. No. 2020-0004 |
| SUSPENSION OF NON-ESSENTIAL |) | |
| JUDICIAL BRANCH SERVICES IN |) | |
| RESPONSE TO CORONAVIRUS |) | |
| DISEASE 2019 (COVID-19), AND |) | |
| ADOPTION OF INTERIM |) | |
| PROCEDURES IN MATTERS BEFORE |) | |
| THE SUPREME COURT OF THE |) | |
| VIRGIN ISLANDS AND THE SUPERIOR |) | |
| COURT OF THE VIRGIN ISLANDS. |) | |
| |) | |

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 a March 17, 2020 Administrative Order, this Court established additional precautionary measures in response to COVID-19, including cancelling virtually all in-person judicial proceedings, suspending the issuance of new marriage license and in-court marriage ceremonies, and authorizing judicial officers and court personnel to work from remote locations; and

WHEREAS, on March 19, 2020, the Governor of the Virgin Islands announced the escalation of emergency measures to further contain COVID-19, including ordering that all non-essential government services be suspended effective March 23, 2020, and directing that only essential government employees report to work; and

WHEREAS, in light of the suspension of all non-essential services, it is necessary to establish interim procedures and extend certain filing and regulatory deadlines in matters pending before the Supreme Court of the Virgin Islands and the Superior Court of the Virgin Islands;

NOW, THEREFORE, IT IS ORDERED, that the following precautionary measures **SHALL GO INTO EFFECT at 12:00 A.M. on March 23, 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, the March 16, 2020 Order of the Presiding Judge of the Superior Court docketed as Super. Ct. Misc. No. 22/2020 (STX), and the March 17, 2020 Administrative Order docketed as S. Ct. Admin. No. 2020-0002, 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 non-essential functions of the Judicial Branch of the Virgin Islands shall be suspended until further notice. The following are defined as the essential functions of the Judicial Branch:

- The acceptance of filings by the Office of the Clerk of the Superior Court and the Office of the Clerk of the Supreme Court. Those registered as Filing Users with the Virgin Islands Supreme Court Electronic Filing System shall continue to file documents in Supreme Court proceedings electronically but need not do so due to the suspension of filing deadlines set forth below. To minimize unnecessary public access to Judicial Branch facilities, the Clerk of the Superior Court shall accept filings electronically pursuant to the procedures set forth below.
- 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 may conduct such proceedings in-person or through remote communication, i.e. video or telephone conference and are strongly encouraged to utilize such resources. If

a proceeding is held in-person, access to courtrooms and other spaces shall be limited to no more than 10 persons, including the judicial officer and court personnel, and all people in the courtroom shall practice social distancing and limit court activity only to essential matters. The Presiding Judge may designate other types of matters to be conducted through in-person proceedings, provided that the same precautions are made with respect to social distancing and limiting capacity to no more than 10 persons.

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 **SHALL GO INTO EFFECT at 12:00 A.M. on March 23, 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 by fourteen (14) days or to April 27, 2020, whichever is longer. 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 March 23, 2020, through April 26, 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 March 23, 2020, through April 26, 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. The issuance of certificates of good standing shall be suspended; provided, however, that an attorney may make arrangements with the Office of Bar Admissions for issuance of a certificate in the event of a true exigency.

5. All individuals whose special or other admission to practice law in the Virgin Islands is set to expire on or after March 23, 2020, shall be automatically extended by fourteen (14) days or through April 27, 2020, whichever is earlier. This provision shall not apply to extend the admission of those who have been ordered suspended or disbarred from the practice of law in the Virgin Islands.

6. The processing of all applications for admission to the Virgin Islands Bar, whether regular, special, or *pro hac vice*, shall be suspended. Applicants may continue to file applications and supporting documentation, but court action on the application will not occur unless the applicant or movant demonstrates a true exigency that in the opinion of the Court warrants a

deviation from this rule.

7. 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 March 23, 2020, through April 26, 2020, are hereby continued without date, and no new proceedings shall be scheduled during that period. All deadlines in proceedings before those agencies shall automatically be extended by fourteen (14) days or to April 27, 2020, whichever is longer. Grievances and other documents may be electronically filed with the Office of Disciplinary Counsel, 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 fourteen (14) days or to April 27, 2020, whichever is longer; 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 March 23, 2020, through April 26, 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 March 23, 2020, shall automatically be extended by fourteen (14) days or to April 27, 2020, whichever is longer; provided, however, that the presiding judicial officer may waive this rule or otherwise terminate the temporary restraining order, injunction, stay, or judgment.

4. All orders of foreclosure and orders of eviction not yet executed by March 23, 2020,

shall automatically be stayed through April 27, 2020.

5. All parties, whether represented by an attorney or appearing *pro se*, may email all pleadings, motions, briefs, complaints, petitions, or other documents with the Clerk of the Superior Court, subject to the following procedures:

a. All filings shall be emailed to superiorcourtefile@vicourts.org. If the filing relates to a pending case, the subject line must include the full case number and an abbreviated name, i.e. “ST-2020-CV-00001, Doe v. Doe”. If the filing is the initiating document for a new case, the subject line must note that it is a new case filing and an abbreviated name, i.e. “New Case Filing: Doe v. Doe”. All other attorneys and unrepresented parties who have entered an appearance shall be CCed on all emails sent to superiorcourtefile@vicourts.org unless their email address is not known, in which case the certificate of service included within the document shall specify how and when that attorney or unrepresented party will be served. If a fee is associated with the filing, except where payment can be made online, payment shall be made within five days of the date the filing was emailed to the clerk or else the filing shall be rejected.

b. The filing shall be in PDF form except for proposed orders, which may be submitted in Microsoft Word. Only a single filing may be included in a single email, but the email may contain multiple attachments; for example, a motion to dismiss and a motion for extension of time must be sent in separate emails, but a motion to dismiss with a memorandum of law and a proposed order may be sent as one email with three attachments.

c. The size of all attachments in a single email cannot exceed 25 megabytes.

d. All formatting requirements found in any applicable court rules shall continue to apply, except that the emailed document may be signed with an electronic signature, which

shall be the name of the filer preceded by an “/s/”, i.e. “/s/ John A. Doe”. Alternatively, a scanned hand-written signature may be used as an electronic signature.

e. The emailed document shall be an official court record, and shall be equivalent in every way to a document conventionally filed with the clerk. The document shall be considered filed on the date and time it is received by the clerk; provided, however, that any document received after 5:01 P.M. shall be deemed filed on the next business day.

f. Notwithstanding any court rule to the contrary, including Rule 5(b)(2)(E) of the Virgin Islands Rules of Civil Procedure, service by electronic means shall be a valid form of service of all documents other than service of process of a complaint or other initiating document, regardless of whether the attorney or unrepresented party has consented to service by electronic means. Unless a different email address is provided, an attorney shall be served by emailing the document to the business email address included on the attorney’s most recent Annual Registration Statement.

6. The Clerk of the Superior Court shall electronically serve all court-issued documents, including but not limited to orders, opinions, and judgments, on all attorneys and unrepresented parties. Unless a different email address is provided, an attorney shall be served by emailing the document to the business email address included on the attorney’s most recent Annual Registration Statement.

7. 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 copies of this order be directed to the appropriate parties.

SO ORDERED this 20th 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 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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