

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

**IN RE:
SUSPENSION OF NON-ESSENTIAL
JUDICIAL BRANCH SERVICES IN
RESPONSE TO CORONAVIRUS DISEASE
2019 (COVID-19)**

S. Ct. ADM. No. 2020-0015

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 August 14, 2020, a(n) **ORDER** dated August 14, 2020, was entered by the Clerk in the above-entitled matter.

Dated: August 14, 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. 2020-0015
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 the 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, 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 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 all non-essential Judicial Branch services;

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

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 Supreme Court and the Office of the Clerk of the Superior Court. 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.
- 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.

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 **SHALL GO INTO EFFECT at 12:00 A.M. on August 17, 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 September 1, 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 August 17, 2020, through August 31, 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 August 31, 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. All individuals whose special or other admission to practice law in the Virgin Islands is set to expire on or after August 17, 2020, shall be automatically extended by fourteen (14) days or through August 31, 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 August 17, 2020, through August 31, 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 September 1, 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 September 1, 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 August 17, 2020, through August 31, 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 by fourteen (14) days or to September 1, 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 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 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 14th 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 14, 2020

Copies to:

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