

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

IN RE:

**PRECAUTIONARY MEASURES IN
RESPONSE TO CORONAVIRUS
DISEASE 2019 (COVID-19)**

ADMIN ORDER. No. 2020-0001

2020 MAR 13 PM 2:54

SUPREME COURT

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
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 March 13, 2020, a(n) **ORDER** dated March 13, 2020, was entered by the Clerk in the above-entitled matter.

Dated: March 13, 2020

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

By: _____


**Natasha Illis
Deputy Clerk II**

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

IN RE:) **ADMIN ORDER. No. 2020-0001**
PRECAUTIONARY MEASURES IN)
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SUPREME COURT

ADMINISTRATIVE ORDER

WHEREAS, the United States Centers for Disease Control and Prevention has determined that a novel coronavirus (“COVID-19”) presents a serious public health threat, and has advised people to take appropriate precautions to prevent the spread of the virus, including through social distancing; and

WHEREAS, the President of the United States has issued Proclamations prohibiting travel to the United States by foreign nationals who recently visited areas acutely impacted by COVID-19; the United States Department of State has issued Level 3 and Level 4 Travel Advisories for certain affected countries; and several state and local governments within the United States have mandated precautionary measures to prevent the spread of the virus, including but not limited to prohibiting mass gatherings of people, closing non-essential government services, and prohibiting those infected or at a high risk of having been infected from accessing certain facilities; and

WHEREAS, the Governor of the Virgin Islands has declared a state of emergency effective March 13, 2020, in response to the COVID-19 epidemic, and among other preventive actions has imposed a moratorium on mass gatherings in the Virgin Islands and urged individuals to practice social distancing; and

WHEREAS, the Supreme Court of the United States and other federal courts, as well as several state court systems, have enacted precautionary measures, including but not limited to closing facilities to the public and continuing non-emergency matters; 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 certain 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, EFFECTIVE IMMEDIATELY, that the following precautionary measures 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. The following persons shall not enter any courthouse or other facility operated by the Judicial Branch of the Virgin Islands:

a. Persons who have been diagnosed with COVID-19, or have had contact with anyone who has been diagnosed with COVID-19;

b. Persons who have been in any of the following locations within the last 14 days, or who reside or have had close contact with someone who has been in one of the following locations: China; South Korea; Japan; Italy; Iran; New Rochelle, New York; and any other locale that is placed in quarantine; or

c. Persons who have been asked to self-quarantine by any doctor, hospital, health provider, or public health official.

Anyone attempting to enter in violation of these protocols will be denied entry by a Court Security Officer.

2. No new civil or criminal jury trials will be conducted until further notice. Civil or criminal jury trials that are already in progress as of the date of this Order may continue at the discretion of the judicial officer presiding over the matter.

3. A party, attorney, witness, or juror in a pending proceeding who meets the criteria for exclusion from a Judicial Branch facility shall not visit the courthouse but must notify the Office of the Clerk of the Superior Court or the Office of the Clerk of the Supreme Court, as the case may be, by telephone, e-mail, or other means. In such a case, the Clerk of the Superior Court shall notify the presiding judicial officer, who will then take appropriate action.

4. A judicial officer who meets the criteria for exclusion from a Judicial Branch facility shall not visit the courthouse but shall immediately notify the Chief Justice of the Virgin Islands and the Presiding Judge of the Superior Court by telephone, e-mail, or other means, who will take appropriate action.

5. Any employee of the Judicial Branch who meets the criteria for exclusion from a Judicial Branch facility shall not visit the courthouse but shall immediately notify his or her supervisor and the Administrator of Courts, by telephone, e-mail, or other means, who will then take appropriate action.

6. The Presiding Judge of the Superior Court, the Administrator of Courts, and the Clerk of the Superior Court, in consultation with the judges and magistrate judges of the Superior Court, shall take immediate steps to modify schedules for all judicial proceedings in the Superior Court to avoid situations that bring together large numbers of people in confined areas, including but not limited to small claims, traffic, probate, civil, criminal, family calendars, and hearings in the Complex Litigation Division.

7. 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 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.

8. All non-jury trials, as well as other Superior Court proceedings not requiring empanelment of a jury, shall proceed as scheduled until and unless determined otherwise by the presiding judicial officer. However, judicial officers are strongly encouraged to decide without oral argument motions that do not require the judicial officer to weigh the evidence and make findings of fact, or to consider alternatives to in-person oral argument, such as a telephonic hearing.

9. All oral arguments in the Supreme Court shall be suspended until further notice. Supreme Court matters that would ordinarily not qualify for oral argument shall continue to be decided on the record without oral argument. Parties in fully-briefed appeals are encouraged to confer and consider waiving oral argument and requesting that the Supreme Court decide the matter on the record without oral argument.

10. The bar admissions ceremony scheduled for April 14, 2020, before the Supreme Court of the Virgin Islands is hereby cancelled. The March 27, 2020 Annual Meeting of the Committee of Bar Examiners is hereby cancelled.

11. Except for court proceedings, Judicial Branch facilities shall not be used to host any functions open to the public. Entities within the Judicial Branch, including but not limited to the Committee on Bar Examiners, the Commission on Judicial Conduct, the Board on Professional Responsibility, and the Virgin Islands Bar Association may continue to use Judicial Branch facilities to hold hearings or internal meetings with the prior approval of the Administrator of Courts and subject to any conditions imposed by the Judicial Branch Administrative Office, which

may include capacity limitations and restricting public access.

12. The Rising Stars Program practice and performance sessions shall be suspended.

It is further

ORDERED that these precautionary measures may be modified by future order, and that 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 13th day of March, 2020.


RHYS S. HODEE
Chief Justice

ATTEST:

VERONICA J. HANDY, ESQ.
Clerk of the Court

By: 
Deputy Clerk

Dated: 3/13/2020

Copies to:

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