

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

IN RE:)
) **PROMULGATION No. 2014-002**
AMENDMENTS TO VIRGIN ISLANDS)
SUPREME COURT RULES.)
)
)
)

ORDER OF THE COURT

This Court, pursuant to the authority granted to it by section 21(c) of the Revised Organic Act of 1954, as amended, and title 4, sections 32(e), 32(f)(2), and 34(a) of the Virgin Islands Code, as well as its inherent authority, hereby proposes the following amendments to the Rules of Appellate Procedure, the Rules of Judicial Disciplinary Enforcement, and the Rules Governing the Appointment of Counsel to Represent Indigent Parties on Appeal. Accordingly, it is hereby

ORDERED that Supreme Court Rule 3(c) be **AMENDED** by striking the phrase “or petitioner” wherever it appears and inserting, at the conclusion of the existing language, the sentence “IFP status shall not automatically continue for original proceedings brought pursuant to Supreme Court Rules 13 and 14 or any other civil matters”.

ORDERED that Supreme Court Rule 8 be **AMENDED** by striking Supreme Court Rule 8(d) in its entirety. It is further

ORDERED that Supreme Court Rule 15(d) be **AMENDED** by striking the phrase “Rule 40.7” in every instance it appears and replacing it with the phrase “Rule 40.4”. It is further

ORDERED that Supreme Court Rule 37 be **AMENDED** to designate the existing language as Supreme Court Rule 37(a) and insert the following language as Supreme Court Rule 37(b):

“(b) The Chief Justice shall appoint a special committee to be known as the Advisory Board on Supreme Court Rules. It shall consist of 9 or more members of the Bar who shall be appointed by the Chief Justice for 3-year, staggered terms or such other terms as the Chief Justice may determine. The Chief Justice shall appoint the Chair of the Advisory Board. A Justice of the Supreme Court may be designated by the Chief Justice as liaison to the Advisory Board. It shall be the responsibility of the Advisory Board to monitor all Supreme Court Rules, consider changes where appropriate, draft changes suggested by the Advisory Board and the Supreme Court, receive and consider comments from members of the Bar, Bench and others, and to consult with the Supreme Court from time to time. The Advisory Board shall also have the power to make recommendations to the Supreme Court concerning the rules and practices of lower courts. The Advisory Board shall make an annual report to the shall make an annual report to the Supreme Court concerning the status of the work of the Board, which shall be filed no later than April 1 of the following year.”

It is further

ORDERED that Supreme Court Rule 209.2(3) be **AMENDED** to replace the phrase “who shall be Superior Court judges” with the phrase “who shall be active or senior Superior Court judges, or former judges who have not resumed the practice of law”. It is further

ORDERED that Supreme Court Rule 209.11 be **AMENDED** to replace the phrase “Prior to the filing and service of formal charges” with the phrase “Prior to the filing of notice of exceptions, hearing panel report, or other document that initiates proceedings with the Supreme Court”. It is further

ORDERED that Supreme Court Rule 210.3(a) be **AMENDED** by designating the existing language as Supreme Court Rule 210.3(a)(1) and inserting the following new language as Supreme Court Rule 210.3(a)(2):

After the filing of a notice of appeal with the Supreme Court, any attorney previously appointed by the Superior Court, other than the Office of the Territorial Public Defender, may request that the Supreme Court relieve him or her of the representation and instead appoint, as appellate counsel, the Office of the Territorial Public Defender or a member of the panel established pursuant to Supreme Court Rule 210.1(a). Until and unless the Supreme Court grants such a request, the attorney shall continue to represent the defendant on appeal.

It is further

ORDERED that, pursuant to Supreme Court Rule 37, the public as well as members of the local Bench and bar **MAY SUBMIT WRITTEN COMMENTS** on these proposed amendments to the Clerk of the Court within thirty (30) days of entry of this order. It is further

ORDERED that copies of this order be directed to the appropriate parties.

SO ORDERED this 12th day of February, 2014.

/s/ Ive Arlington Swan
IVE ARLINGTON SWAN
Associate Justice

/s/ Maria M. Cabret
MARIA M. CABRET
Associate Justice

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

ATTEST:
VERONICA J. HANDY, ESQ.
Clerk of the Court