

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

IN RE:) **S. Ct. Misc. No. 2017-0009**
)
POLICY ON THE POSSESSION AND)
USE OF ELECTRONIC DEVICES IN)
THE FACILITIES OF THE JUDICIAL)
BRANCH OF THE VIRGIN ISLANDS.)
)
_____)

ADMINISTRATIVE ORDER

Pursuant to the inherent authority and the authority granted to by section 21(c) of the Revised Organic Act of 1954, as amended, and title 4, section 4(c) of the Virgin Islands Code, it is hereby

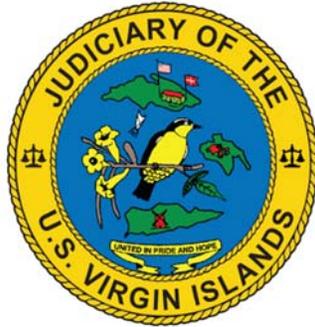
ORDERED that the **Policy on The Possession and Use of Electronic Devices in the Facilities of the Judicial Branch of the Virgin Islands**, attached hereto, is **HEREBY ADOPTED**, and shall go into effect on **June 15, 2017**. It is further

ORDERED that copies of this Order shall be served on the appropriate parties.

SO ORDERED this 1st day of June, 2017.

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

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



POLICY ON THE POSSESSION AND USE OF ELECTRONIC DEVICES IN THE FACILITIES OF THE JUDICIAL BRANCH OF THE VIRGIN ISLANDS

The Judicial Branch of the Virgin Islands, recognizing the important role that electronic devices may play in assisting attorneys in fulfilling their professional responsibilities, adopts the following procedure to establish a general understanding of what is acceptable regarding the possession and use of electronic devices in the courts of the Judicial Branch of the Virgin Islands, while at the same time not interfering with the discretion of the presiding judicial officer to operate the courtroom in an appropriate manner.

A. DEFINITIONS

For purposes of this policy:

1. “Administrator of Courts” refers to both the Administrator of Courts as well as any designees he or she has appointed to assist in the administration of this policy.
2. “Attorney” refers to an active member of the Virgin Islands Bar, whether regularly or specially admitted or admitted only on a *pro hac vice* basis.
3. “Attorney Registration Card” refers to the card issued to an active member of the Virgin Islands Bar by the Supreme Court of the Virgin Islands after compliance with the annual registration requirement codified in Supreme Court Rule 203(e), which certifies that the member is on the roll of attorneys eligible to practice law in the U.S. Virgin Islands pursuant to the Rules of the Virgin Islands Supreme Court. An attorney registration card is “valid” up to and including the expiration date shown on the front of the card.
4. “Electronic Devices” refers to cellular telephones; smart phones; any type of computer (including, but not limited to, a laptop, handheld, notebook, or tablet); any analog or digital recorder, MP3 player; personal digital assistants; cameras (regardless of whether they operate electronically, mechanically, or otherwise, and regardless of whether images are recorded using digital technology, film, light-sensitive plates, or any other means); and any other device that is capable of receiving, transmitting, or recording messages, images, sounds, data, or other information by electronic means.
5. “Judicial Branch Facility” refers to any facility operated by the Judicial Branch of the Virgin

Islands, including, but not limited to, the courthouses located at:

Supreme Court of the Virgin Islands
8174 Subbase
St. Thomas, VI 00802

Supreme Court of the Virgin Islands
#18 Strand Street
Frederiksted, VI 00841

Superior Court of the Virgin Islands
Alexander A. Farrelly Justice Center
5400 Veterans Drive
St. Thomas, VI 00802

Superior Court of the Virgin Islands
R.H. Amphlett Leader Justice Complex
RR Box 1-9000
Kingshill, VI 00850

Superior Court of the Virgin Islands
Barbel Plaza South, Parcel No. 8A
Estate Ross, No. 8 Kings Quarter
St. Thomas, VI 00801

Superior Court of the Virgin Islands
Legislature Annex
Cruz Bay, VI 00830

6. “Judicial Officer” refers to a Justice of the Supreme Court of the Virgin Islands or a Judge or Magistrate Judge of the Superior Court of the Virgin Islands.

7. “Presiding Judicial Officer” refers to the Judge or Magistrate Judge of the Superior Court of the Virgin Islands, or the Chief Justice of the Virgin Islands or the most senior Justice serving on a panel of the Supreme Court of the Virgin Islands, who is presiding over a matter being heard in a judicial branch facility.

B. POSSESSION OF ELECTRONIC DEVICES

1. Attorneys may bring electronic devices into any judicial branch facility, provided that they possess photo identification and a valid attorney registration card. An attorney who is unable to present photo identification or a valid attorney registration card upon inquiry or request by the Office of the Virgin Islands Marshal or a court security officer shall not be permitted to bring any electronic device into a judicial branch facility without the permission of either the presiding judicial officer (if the electronic device is to be used in connection with a pending matter), a judicial officer (if the attorney is visiting that judicial officer’s chambers), or the Administrator of Courts (if the electronic device is to be used for any other purpose).

2. No other individual may bring an electronic device into any judicial branch facility unless advanced written authorization has been provided by:

(a) the presiding judicial officer, with respect to *pro se* litigants or others entering the judicial branch facility in conjunction with a pending matter;

(b) a judicial officer, with respect to an individual visiting that judicial officer’s chambers;
or

(c) the Administrator of Courts, with respect to individuals entering the judicial branch facility for other purposes.

In all cases, the individual seeking to bring an electronic device into a judicial branch facility must specify the electronic devices that he or she seeks to bring, and the purpose for bringing the electronic devices. Upon inquiry or request from the Office of the Virgin Islands Marshal or a

court security officer, an individual attempting to bring an electronic device into a judicial branch facility will be required to present photo identification and proof that advanced written authorization was provided.

4. Any individual not authorized to possess an electronic device who attempts to bring an electronic device to a judicial branch facility will be required to check the electronic device at a security screening station in order to gain access to the judicial branch facility.

5. Attorneys and individuals who have otherwise received permission to bring an electronic device into a judicial branch facility may not share their electronic devices with any other person without approval, with the exception of a member of the attorney's staff who is assisting with a particular matter.

C. USE OF ELECTRONIC DEVICES

1. All attorneys and other individuals authorized to bring electronic devices to a judicial branch facility must ensure that such electronic devices are turned to vibrate or silent mode prior to entry of the judicial branch facility.

2. Cellular telephones, MP3 players, and other electronic devices that are capable of emitting or transmitting sounds must be turned off in libraries or other areas where their use may cause a disturbance, unless permission has been obtained from the Administrator of Courts.

3. Electronic devices may not be used to photograph, broadcast, or record (audio or video) anything within a judicial chambers, office, or other area of a judicial branch facility not ordinarily open to the public, unless permission has been granted by the judicial officer, the Administrator of Courts, or their appropriate designee.

4. All electronic devices must be turned off when court is in-session, unless the presiding judicial officer has granted permission for one or more electronic devices to remain on. The presiding judicial officer may place conditions on the permissible use of electronic devices, such as directing that certain functions (i.e. the ability to make or receive calls) be disabled. If permission is granted, the presiding judicial officer retains the discretion to withdraw such permission at any time during the proceedings and for any reason.

D. SANCTIONS

1. Attorneys and individuals who have otherwise received permission to bring an electronic device into a judicial branch facility remain personally responsible for the use, or any misuse, of the electronic devices.

2. Any violation of this policy may result in sanctions, including, but not limited to, confiscation of the electronic device, a monetary fine, a finding of contempt of court, and the forfeiture of the privileges granted by this policy.

E. EFFECTIVE DATE; AMENDMENT.

1. This policy shall take effect on June 15, 2017.
2. The Chief Justice may modify or suspend the privileges granted by this policy at any time for any reason.