

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

IN RE: ORDER ESTABLISHING A)	
PILOT PROGRAM FOR THE FILING OF)	
ELECTRONIC COURTESY BRIEFS WITH)	PROMULGATION NO. 2010-001
THE SUPREME COURT AND REDACTION)	
OF DOCUMENTS FILED WITH THE COURT)	
_____)	

ORDER

1. Pursuant to the authority provided by Section 21(c) of the Revised Organic Act of 1954, as amended, (48 U.S.C. § 1611(c)) and 4 V.I. Code Ann. § 34(a), and in anticipation of the soon-to-be-implemented electronic filing system, the Virgin Islands Supreme Court hereby establishes a pilot program requiring parties to provide the Virgin Islands Supreme Court with a courtesy copy on compact disk (“CD”) of all briefs on the merits (“Courtesy Brief”) and to redact certain personal identifiers from all documents filed with the Court.

2. (a) As of the effective date of this Order, any party, including an intervenor and any person who has been granted permission to appear amicus curiae, who files in the Virgin Islands Supreme Court a brief on the merits, which includes an Appellant’s Brief, an Appellee’s Brief, a Reply Brief and an Amicus Curiae Brief, shall submit a Courtesy Brief on CD in searchable Portable Document Format (“PDF”) to the Clerk of the Virgin Islands Supreme Court and to the parties in addition to complying with the filing and service requirements set forth in the Virgin Islands Supreme Court Rules. The filing party shall include with the Courtesy Brief, the Appendix, including relevant portions of the record, in PDF. The filing party shall submit the Courtesy Brief and Appendix to the Supreme Court and the parties within seven (7) days after the filing of the paper copies of the Brief and Appendix required by the Virgin Islands Supreme Court Rules. Notwithstanding the requirement for filing a Courtesy Brief and Appendix on CD, a

document is deemed filed at the date and time the paper copies are filed with the Clerk of the Court, and the official record of the document shall be the paper copy filed with the Clerk of the Court. As proof of service of the Courtesy Brief and Appendix on the parties, the filing party shall include a Certificate of Service in searchable PDF as the first document on the filed CD.

(b) A person confined in a correctional institution and not represented by counsel who is filing a brief on the merits is exempt from this Order. Any party or party's attorney who lacks the technological capability to comply with this Order, must file a motion to be excused from compliance at the same time that the party files the paper copies of its brief on the merits.

(c) As part of the pilot program, the Virgin Islands Supreme Court urges a filing party who has the technological capability to submit an Enhanced Courtesy Brief that includes hyperlinks to the cases, statutes, treatises, and portions of the record cited in the brief. A party electing to submit an Enhanced Courtesy Brief, shall submit the Enhanced Courtesy Brief to the Supreme Court and the parties within seven (7) days after the filing of the paper copies of the brief.

3. (a) Parties, counsel, or other persons filing any document, whether electronically or on paper, must refrain from including, or must partially redact where inclusion is necessary, the following personal data identifiers from all documents filed with the Court, including exhibits thereto, whether filed electronically or on paper, unless otherwise ordered by the Court:

(1) Social Security numbers. If an individual's Social Security number must be included, only the last four digits of that number should be used.

(2) Names of minor children and victims of sexual assault. If the involvement of a minor child or a victim of a sexual assault crime must be mentioned, only the initials of that child or victim should be used.

(3) Dates of birth. If an individual's date of birth must be included, only the year should be used.

(4) Financial account numbers. If financial account numbers are relevant, only the last four digits of these numbers should be used.

(5) Home addresses. In criminal cases, if a home address must be included, only the city or island and the state or territory should be listed.

(b) A party wishing to file a document containing the personal data identifiers listed above may file an un-redacted version of the document under seal.

(c) The responsibility for redacting these personal identifiers rests solely with the party, counsel, or other person filing the document. The Clerk of the Court will not review each pleading for compliance with this requirement. Filed documents which do not conform to these requirements may be rejected by the Clerk of the Supreme Court before or after docketing in accordance with Rule 20 of the Virgin Islands Supreme Court Rules.

4. Parties failing to fully comply with this Order may be sanctioned in accordance with the Virgin Islands Supreme Court Rules.

5. The effective date of this Order shall be July 1, 2010.

DONE AND SO ORDERED this 28th day of June, 2010.

_____/s/_____
IVE ARLINGTON SWAN
Associate Justice

_____/s/_____
MARIA M. CABRET
Associate Justice

_____/s/_____
RHYS S. HODGE
Chief Justice

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