

**IN THE SUPREME COURT OF THE VIRGIN ISLANDS**

**IN RE:** ) **PROMULGATION No. 2018-003**  
ADOPTION OF SUPREME COURT )  
RULE 202.5. )  
\_\_\_\_\_ )

**ORDER OF THE COURT**

Pursuant to its inherent authority and the authority granted to it by section 21(c) of the Revised Organic Act of 1954, and title 4, section 32(f) of the Virgin Islands Code, and the Supreme Court of the Virgin Islands hereby proposes the following amendments to Supreme Court Rule 202, 206, and 208. Accordingly, it is hereby

**ORDERED** that Supreme Court Rule 202 **SHALL BE AMENDED** to designate the new language attached as Exhibit 1 to this Order as new Supreme Court Rule 202.5. It is further

**ORDERED** that, pursuant to Supreme Court Rule 37, the Advisory Committee on Rules, as well as the public and 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 the proposed amendments **SHALL TAKE EFFECT IMMEDIATELY** and **SHALL REMAIN IN EFFECT** unless modified as a result of comments submitted to the Court. It is further

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

**SO ORDERED** this 12<sup>th</sup> day of July, 2018.

/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**

**Copies to:**

Justices of the Supreme Court

Judges & Magistrate Judges of the Superior Court

Judges & Magistrate Judges of the District Court

Anthony M. Ciolli, Esq., President, V.I. Bar Association

Chloe R. Woods, Executive Director, V.I. Bar Association, *for distribution to V.I. Bar members*

Regina D. Petersen, Administrator of Courts

Veronica J. Handy, Esq., Clerk of the Supreme Court

Estrella H. George, Clerk of the Superior Court

Glenda L. Lake, Esq., Clerk of the District Court

Supreme Court Law Clerks

Supreme Court Secretaries

Order Book

# SUPREME COURT RULE 202.5

## Temporary Provision of Legal Services Following Emergency

- (a) **Declaration of Emergency.** When war, an act of terrorism, public unrest or calamity, epidemic, natural disaster, or other emergency condition affecting the justice system has occurred in the U.S. Virgin Islands, or any part thereof, the Chief Justice of the Virgin Islands, by administrative order, may declare the existence of an emergency and invoke the provisions of this rule.
- (b) **Waiver of Certain Bar Admissions Requirements.** Following the declaration of an emergency, the Chief Justice, by administrative order, may temporarily waive certain bar admissions requirements to facilitate the provision of legal services to those affected by the emergency. This may include, but it is not necessarily limited to:
- (1) waiver of fees and costs associated with applications for regular admission, special admission, *pro hac vice* admission, and limited permission to practice as in-house counsel, foreign legal consultant, or legal intern;
  - (2) waiver, deferral, or expedition of the character and fitness exam;
  - (3) waiver or deferral of a requirement that a specially-admitted attorney sit for the Virgin Islands Bar Exam to retain his or her special admission;
  - (4) waiver of any requirement that a J.D. be earned from an ABA-accredited law school; and
  - (5) waiver or relaxation of any other requirement that, given the nature of the emergency, constitutes an unnecessary burden to the immediate provision of legal services.

The Chief Justice may place reasonable conditions on these waivers, including, but not necessarily limited to, restrictions on the number of individuals who may take advantage of the waivers, and the number of cases or other matters an individual practicing pursuant to such a waiver may undertake.

- (c) **Waiver of Certain Bar Regulatory Requirements.** Following the declaration of an emergency, the Chief Justice, by administrative order, may waive or extend the deadline to comply with certain bar regulatory requirements for existing members of the Virgin Islands Bar Association, including, but not necessarily limited to, the need to register with the Office of the Disciplinary Counsel, the completion and certification of mandatory continuing legal education credits, and payment of Bar dues.

The Chief Justice may place reasonable restrictions on these waivers or extensions, including limiting the scope of the waiver or extension only to members of the Bar who reside in the area affected by the emergency.

- (d) **Temporary Practice Following Declared Emergency.** Following the declaration of an emergency, the Chief Justice, by administrative order, may permit attorneys licensed in a United States jurisdiction other than the U.S. Virgin Islands to obtain temporary admission to the Virgin Islands Bar Association for the purpose of providing pro bono legal services to those affected by the emergency. The administrative order shall specify what requirements those seeking temporary practice under this Rule must meet, which may include requiring the applicant to provide the free legal services pursuant to a program established by the Legal Services of the Virgin Islands, the Virgin Islands Bar Association,

the American Bar Association, or other qualified organization capable of providing supervision by a qualified licensed Virgin Islands attorney.

The Chief Justice may place reasonable conditions or limitations on temporary practice under this Rule, including, but not necessarily limited to, restricting the total number of individuals who may be admitted under the Rule, requiring proof that the attorney qualifies for admission under the Rule, and providing that such temporary admissions expire after a certain period of time.

- (e) **Inherent Authority Not Affected.** Nothing in this Rule shall be construed as to limit the inherent authority of the Supreme Court of the Virgin Islands to regulate the practice of law in the U.S. Virgin Islands.