

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

**IN RE:** ) **PROMULGATION No. 2016-006**  
 )  
**ESTABLISHMENT OF THE VIRGIN** )  
**ISLANDS JUDICIAL MANAGEMENT** )  
**ADVISORY COUNCIL.** )  
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**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, as amended, and title 4, section 5(a) of the Virgin Islands Code, the Supreme Court of the Virgin Islands hereby amends the Charter of the Virgin Islands Judicial Management Advisory Council to correct a drafting error. Accordingly, it is hereby

**ORDERED** that Articles II(C) and (D) of the Charter of the Virgin Islands Judicial Management Advisory Council are **AMENDED** by striking the existing language and inserting the following language in its place:

(c) *Appointment of At-Large Members.* The Presiding Judge shall appoint the judge of the Superior Court and magistrate judge of the Superior Court to serve as at-large members. In the event the Supreme Court consists of more than three justices, the Chief Justice shall appoint the justices of the Supreme Court to serve as at-large members.

(d) *Vacancies.* If a vacancy occurs in any of the four at-large member positions, the Chief Justice or the Presiding Judge, as the case may be, shall fill the vacant position for the remainder of the term.

It is further

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

**SO ORDERED** this 19<sup>th</sup> day of August, 2016.

/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

*In re: Establishment of Virgin Islands Judicial Management Advisory Council*

Order of the Court

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**ATTEST:**

**VERONICA J. HANDY, ESQ.**

**Clerk of the Court**

**CHARTER OF THE  
VIRGIN ISLANDS  
JUDICIAL MANAGEMENT  
ADVISORY COUNCIL**

**ARTICLE I  
PURPOSE**

The Virgin Islands Judicial Management Advisory Council (the “Advisory Council”) is established by the Supreme Court of the Virgin Islands pursuant to its inherent authority and the authority granted to it by section 21(c) of the Revised Organic Act of 1954, as amended, and title 4, section 5(a) of the Virgin Islands Code, for the purpose of providing advice to the Chief Justice of the Virgin Islands, the Supreme Court, the Superior Court of the Virgin Islands, and the Administrative Office of Courts in order to enhance the administration of the Virgin Islands court system.

**ARTICLE II  
MEMBERSHIP**

(a) *Voting Members.* The voting members of the Advisory Council shall consist of the Chief Justice, the Presiding Judge, and four at-large members, who shall consist of two justices of the Supreme Court, one judge of the Superior Court, and one magistrate judge of the Superior Court.

(b) *Terms of Office.* The Chief Justice and the Presiding Judge shall serve as voting members during their tenure in their respective positions. Of the at-large members first selected, one justice of the Supreme Court and one magistrate judge of the Superior Court shall serve a term to conclude on August 31, 2017, while one justice of the Supreme Court and one judge of the Superior Court shall serve two-year terms to conclude on August 31, 2018. Thereafter, all at-large members shall serve staggered two-year terms commencing on September 1 of the year of selection.

(c) *Appointment of At-Large Members.* The Presiding Judge shall appoint the judge of the Superior Court and magistrate judge of the Superior Court to serve as at-large members. In the event the Supreme Court consists of more than three justices, the Chief Justice shall appoint the justices of the Supreme Court to serve as at-large members.

(d) *Vacancies.* If a vacancy occurs in any of the four at-large member positions, the Chief Justice or the Presiding Judge, as the case may be, shall fill the vacant position for the remainder of the term.

(e) *Ex Officio Members.* The Administrator of Courts, as well as all justices of the Supreme Court and judges and magistrate judges of the Superior Court not already serving as voting

members, shall be ex officio members of the Advisory Council. Ex officio members may attend and, if recognized, speak at meetings of the Advisory Council, but shall have no vote. By resolution, the voting members of the Advisory Council may permit other individuals with an interest in improving the administration of the Virgin Islands court system to serve as ex officio members, either permanently or for a term certain.

### ARTICLE III OFFICERS

(a) *Chair.* The Chief Justice shall serve as chair the Advisory Council and perform the duties usually incident to such office, including presiding over all meetings and serving as its official spokesperson. In the absence of the Chief Justice, the justice acting in place of the Chief Justice pursuant to 4 V.I.C. § 23(b) shall serve as acting chair regardless of whether he or she is a voting member of the Advisory Council

(b) *Secretary.* The Administrator of Courts shall serve as secretary of the Advisory Council and perform the duties usually incident to such office, including issuing notice of meetings, maintaining a record of proceedings of all meetings, and keeping the seal of the Advisory Council. In the absence of the Administrator of Courts, the chair shall designate a voting or ex-officio member to serve as acting secretary.

### ARTICLE IV MEETINGS

(a) *Meetings.* There shall be regularly scheduled meetings of the Advisory Council at least quarterly, as well as special meetings that may be called by the chair. Reasonable notice of all meetings shall be given to each voting and ex officio member by the secretary. Telephonic or electronic attendance shall be permitted.

(b) *Quorum.* Four voting members of the Advisory Council shall constitute a quorum.

(c) *Voting.* Each voting member of the Advisory Council shall have one vote. All decisions of the Advisory Council shall be made by majority vote of the voting members present. No voting member shall be allowed to cast a vote by proxy.

(d) *Executive Session.* The Advisory Council may, by a vote of at least two-thirds of the voting members present, exclude any or all ex officio members during discussion of confidential or sensitive matters.

### ARTICLE V RESOLUTIONS

The Advisory Council may pass resolutions regarding any topic over which it is authorized to provide advice, including

- (1) development and implementation of system-wide administrative policies;
- (2) preparation of the Judicial Branch's budget, including allocation of funds amongst the courts;
- (3) personnel management;
- (4) management of judicial records;
- (5) facilities management;
- (6) information technology; and
- (7) all other matters relating to the management of the Virgin Islands court system.

The Advisory Council may, by resolution, establish committees to assist it in performing these advisory functions. Committees may be standing or ad hoc, and shall have such authority as the Advisory Council deems appropriate. Unless a different procedure is specified in the enabling resolution, the chair shall appoint the members of a committee, who may continue to serve at the pleasure of the chair. Individuals who are not voting or ex officio members of the Advisory Council may be appointed to serve on a committee if, in the judgment of the chair, the appointee will bring significant experience, leadership, and perspective that will assist the committee in meeting its charge.

## ARTICLE VI AMENDMENT

(a) *Amendment of Charter.* This charter may be amended or modified at any meeting of the Advisory Council by a vote of at least two-thirds of the voting members present, provided that at least fourteen (14) days' notice has been given by the secretary of the proposed action.

(b) *Rules & Bylaws.* To the extent not inconsistent with this Charter or Virgin Islands law, the Advisory Council, by majority vote, may establish additional rules, bylaws, or other procedures to govern its affairs.