

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

IN RE:) **PROMULGATION No. 2016-007**
)
AMENDMENT TO SUPREME COURT)
RULE 37 AND ESTABLISHMENT OF AN)
ADVISORY COMMITTEE ON RULES.)

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 32(e)(f) of the Virgin Islands Code, the Supreme Court of the Virgin Islands hereby establishes the Advisory Committee on Rules to assist the Supreme Court in carrying out its mandate of adopting rules governing appellate procedure, civil and criminal procedure, evidence, judicial discipline, disability, ethics, admission to and governance of the bar of the Virgin Islands, the administration of the judiciary and the practice and procedure in the courts of the Judicial Branch of the Virgin Islands. Accordingly, it is hereby

ORDERED that Supreme Court Rule 37(b) **SHALL BE AMENDED** by striking all existing language in its entirety and replacing it with the following new language:

(b) *Advisory Committee on Rules.*

(1) *Composition.* The Chief Justice shall appoint a special committee to be known as the Advisory Committee on Rules. It shall consist of nine or more members, of which no less than two shall be judges of the Superior Court and no less than two shall be members of the Virgin Islands Bar Association. The Chief Justice shall appoint the members to three-year staggered terms, or such other terms as the Chief Justice may determine and shall designate one of the members as Chair of the Advisory Committee. A Justice of the Supreme Court may be designated by the Chief Justice as liaison to the Advisory Committee.

(2) *Responsibilities.* The Advisory Committee shall have the following responsibilities:

(A) Study and continuously monitor all rules governing appellate procedure, civil and criminal procedure, evidence, judicial discipline, disability, ethics, admission to and governance of the bar of the Virgin Islands, the administration of the judiciary and the practice and procedure in the courts of the Judicial Branch of the Virgin Islands;

(B) Suggest amendments or other changes to any rules, practices, or procedures;

(C) Solicit and receive comments from the bench, the bar, and the public on suggested rule changes;

(D) Consider the impact of existing statutes, pending legislation, or new case law on current rules or proposed rule changes, and submit its views on the subject to the Supreme Court; and

(E) Any other matter referred to it by the Chief Justice or the Supreme Court.

(3) *Meetings and Report.* The Advisory Committee shall meet no less than quarterly, and shall make an annual report to the Supreme Court concerning the status of its work no later than April 1 of the following year.

(4) *Subcommittees.* The Advisory Committee may establish subcommittees to assist it in performing its advisory functions. With the approval of the Chief Justice, the Chair of the Advisory Committee may appoint an individual who is not a member of the Advisory Board to serve on a subcommittee if the appointee possesses significant experience, leadership, or perspective that will assist the subcommittee in meeting its charge.

(5) *Judicial Branch Facilities and Staff.* The Administrator of Courts shall ensure that the facilities of the Virgin Islands Judiciary are available for use by the Advisory Committee for meetings and other functions. The Chief Justice may assign employees of the Supreme Court or of the Administrative Office to assist the Advisory Committee in the discharge of its duties.

It is further

ORDERED that the Advisory Committee on Rules is **HEREBY ESTABLISHED** effective on today's date, and shall consist of the initial members and terms of office as shown in the attached list marked "Exhibit 1".

It is further

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

SO ORDERED this 19th 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

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

Exhibit 1

ADVISORY COMMITTEE ON RULES

Membership and Terms

<u>Appointee</u>	<u>Term Expires</u>
Robert L. King	August 31, 2017
Andrew L. Capdeville	August 31, 2017
Lee J. Rohn	August 31, 2017
Hon. Denise M. Francois	August 31, 2018
Douglas L. Capdeville	August 31, 2018
J. Russell Pate	August 31, 2018
Treston E. Moore	August 31, 2019
Hon. Robert A. Molloy	August 31, 2019
Joel H. Holt	August 31, 2019