

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

IN RE:) **PROMULGATION No. 2016-009**
AMENDMENTS TO SUPREME COURT)
RULE 202.)
_____)

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. Accordingly, it is hereby

ORDERED that Supreme Court Rule 202(b) **SHALL BE AMENDED** to designate all existing language as Supreme Court Rule 202(b)(1) and to insert the following new language as Supreme Court Rule 202(b)(2):

(2) After a complete application for special admission is filed with the Supreme Court, the applicant may be employed as an attorney by the petitioning agency or instrumentality on a provisional basis not to exceed 120 days; provided, that

(i) an individual may not serve as an attorney for the petitioning agency prior to the date the application for special admission is actually filed and docketed with the Supreme Court, the Office of Bar Admission provides the agency and the applicant with notice that the applicant is eligible to practice on a provisional basis, and the applicant executes the oath of office for the provisional period;

(ii) an applicant authorized to practice on a provisional basis under this Rule must serve all parties, as well as the judicial officer presiding over the case, with a copy of the notice advising that the applicant is eligible to serve as an attorney for the agency on a provisional basis;

(iii) no applicant for special admission who has failed the Virgin Islands Bar Examination may practice law on a provisional basis under this Rule; and

(iv) the Supreme Court, by order, may rescind an applicant’s provisional permission to practice law while his or her application is pending if the Court or the Committee of Bar Examiners determines that the applicant has failed to prosecute his or her application in a timely manner, or that a substantial question exists as to whether the applicant is a person of good

moral character or otherwise satisfies the requirements for special admission under this Rule. Failure of an applicant to take the required oath or affirmation within sixty (60) days of notification by the Supreme Court of his or her application being approved shall result in the application being dismissed for failure to prosecute.

For purposes of this rule, an application for special admission is complete when the Office of Bar Admissions provides notice to the applicant and the petitioning agency that the application has been accepted and that the applicant is eligible to begin practice on a provisional basis. The Office of Bar Admissions will serve a copy of the notice to all justices, judges, and magistrate judges of the Virgin Islands, the clerks of the Supreme Court and the Superior Court, and the Virgin Islands Bar Association.

It is further

ORDERED that Supreme Court Rule 202(d) **SHALL BE AMENDED** to insert the following new language at the conclusion of the existing language: “Time spent practicing law on a provisional basis pursuant to Rule 202(b)(2) shall count towards the time limitations set forth in this Rule 202(d).” 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** on October 1, 2016, and **SHALL REMAIN IN EFFECT** unless modified as a result of comments submitted to the Court. Upon taking effect, the amendments shall apply to both future and pending applications for special admission. It is further

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

SO ORDERED this 14th day of September, 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