

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

IN RE:) **PROMULGATION No. 2017-004**
)
AMENDMENTS TO THE VIRGIN)
ISLANDS SUPREME COURT RULES OF)
APPELLATE PROCEDURE.)
)
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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, 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 the Virgin Islands Supreme Court Rules of Appellate Procedure. Accordingly, it is hereby

ORDERED that Rule 1(a) be **AMENDED** by striking the existing language in its entirety and replacing it with the following new language:

(a) **Title and Citation.** These rules shall be known as the Virgin Islands Rules of Appellate Procedure and may be cited in short-form as V.I. R. APP. P.

It is further

ORDERED that, with the exception of Rules 22(1), 36(a) 36(b), 40.2(b)(3), and 40.5, Rules 1 through 41 be **AMENDED** by striking the phrase “Supreme Court Rule” each time it appears and replacing it with the phrase “Rule of Appellate Procedure”. It is further

ORDERED that Rule 6(c) be **AMENDED** by striking the phrases “ten pages” and “five pages” and inserting in their place, respectively, the phrases “2,600 words” and “1,300 words”. It is further

ORDERED that Rule 7(d) be **AMENDED** by striking the phrase “ten pages” and inserting in its place the phrase “2,600 words”. It is further

ORDERED that Rule 13(a) be **AMENDED** by inserting, at the conclusion of all existing language, the sentence “A petition filed under this rule may not exceed 5,200 words.” It is further

ORDERED that Rule 13(b) be **AMENDED** by striking the second sentence in its entirety and replacing it with the sentence “Otherwise, any justice of the Supreme Court may order an answer to the petition, with may not exceed 5,200 words, be filed by the respondents within the time fixed by the order.” It is further

ORDERED that Rule 15 be **AMENDED** by designating the following new language as Supreme Court Rule 15(h):

(h) *Page Limits for Unrepresented Parties.* Whenever these rules establish a word limit for the filing of a paper, motion, brief, or other document, an unrepresented party who has not registered as a Filing User pursuant to Rule 40.2 may elect to comply with a page limitation instead. For purposes of these rules, one page shall be deemed equivalent to 260 words (i.e., an appellant’s brief filed by an unrepresented party may be either 7,800 words or 30 pages in length).

It is further

ORDERED that Rule 22(f) be **AMENDED** in the following instances:

1. by striking the phrases “30 pages” and “15 pages” and inserting in their place, respectively, the phrases “7,800 words” and “3,900 words”; and
2. by inserting the following new sentence at the conclusion of the existing language:

“All briefs, other than those filed under Rule 15(h), must include a certificate by the attorney or unrepresented party that the document complies with these length limitations. The person preparing the certificate may rely on the word count of the word-processing system used to prepare the document. The certificate must state the number of words in the document.”

It is further

ORDERED that Rule 31(b) be **AMENDED** by striking the phrase “15 pages” and inserting in its place the phrase “3,900 words”. It is further

ORDERED that Rules 15(a) and 22(k) be **AMENDED** by striking the phrases “twelve point type” and “ten point type” wherever they appear and replacing them with the phrase “fourteen point type”. It is further

ORDERED that, pursuant to 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 all proposed amendments **SHALL TAKE EFFECT on March 1, 2017**, unless modified as a result of received comments. It is further

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

SO ORDERED this 18th day of January, 2017.

/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