

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

IN RE:) **PROMULGATION No. 2014-005**
)
ESTABLISHMENT OF THE VIRGIN)
ISLANDS COMMISSION ON ACCESS)
TO JUSTICE.)
)
)
)

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, sections 32(b), 32(e), 32(f)(2) and 34(a) of the Virgin Islands Code, the Supreme Court of the Virgin Islands hereby states:

WHEREAS, the Supreme Court recognizes the need to promote and expand equal access to justice at all levels for moderate to low-income and otherwise disadvantaged persons in the Virgin Islands; and

WHEREAS, there is a need to identify and abridge service gaps in the administration of justice within the Virgin Islands; and

WHEREAS, it is necessary to develop comprehensive strategies to meet the legal needs of all persons in the Virgin Islands; and

WHEREAS, it is the desire of this Court to help the justice system efficiently deliver outcomes that are fair and accessible to all;

NOW, THEREFORE, IT IS ORDERED that Supreme Court Rule 301, establishing the Virgin Islands Commission on Access to Justice, attached hereto as Exhibit 1, **IS HEREBY ADOPTED and WILL TAKE EFFECT** on December 1, 2014, and **SHALL REMAIN IN EFFECT** unless modified as a result of comments from the public and the local Bench and Bar.
It is further

ORDERED that, pursuant to Supreme Court 37, the public as well as members of the local Bench and bar **MAY SUBMIT WRITTEN COMMENTS** on these proposed rules to the Clerk of the Court within thirty (30) days of entry of this order. It is further

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

SO ORDERED this 30th day of September, 2014.

/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

Rule 301. Virgin Islands Commission on Access to Justice

(a) Purpose.

The Virgin Islands Commission on Access to Justice is established to promote, facilitate, and enhance equal access to justice with an emphasis on access to the civil courts and administrative agencies of the Virgin Islands for all people, particularly the poor and vulnerable. The purpose is to make access to justice a high priority for everyone in the legal system and, to the maximum extent possible, the Commission is intended to complement and collaborate with other entities addressing access to justice issues.

(b) Membership and Terms.

(1) The Chief Justice of the Virgin Islands shall appoint no more than 15 members to the Commission for an initial term of three years as follows:

- a. An Associate Justice to serve as Committee Liaison;
- b. Three judicial officers of the Superior Court of the Virgin Islands;
- c. The Attorney General of the Virgin Islands or his designee;
- c. Four members of the Virgin Islands Bar Association including the President or Executive Director of the VIBA; the Chair of the VIBA's Access to Justice Committee; and two active VIBA members in private practice with a demonstrated commitment to and familiarity with access to justice issues in the Virgin Islands, who are not currently serving as a VIBA officer or director, one of whom shall be from a law firm of three or more attorneys.
- d. The President of the Virgin Islands Legal Assistance Foundation;
- e. The Executive Director of Legal Services of the Virgin Islands, or his or her designee;
- f. The Executive Director of the VI Volunteer Advocacy group ("VIVA"), or his or her designee;
- g. The Executive Director of the Virgin Islands Disability Rights Center, or his or her designee; and
- h. Up to two non-attorney public representatives not directly associated with any legal aid provider who have demonstrated a commitment to and familiarity with access to justice issues in the Virgin Islands.

The Chief Justice of the Virgin Islands shall serve as an ex officio member of the Commission and shall appoint a person to serve as chair of the Commission from among the members.

(1) The Virgin Islands Access to Justice Commission may, at its discretion, appoint separate specialized working groups and additional members to assist it in the carrying out of the purposes of the Commission. Specialized groups may include, for example, Education, Court Rules/Procedures, Resources, Standardized Forms, and New Initiatives. These groups shall focus on particular issues within the working group's area of concentration. Membership within these specialized groups may be composed of both members and nonmembers of the Virgin Islands Commission on Access to Justice.

(2) Appointed members shall be selected based on their dedication to the purposes and goals of the Commission. The potential appointee's contributions to the bar and community and demonstrated commitment to providing legal services to the underserved also shall be considered.

(3) The initial appointment of members to the Commission shall be for a term of three years. Thereafter, the Court may make appointments for one-year or two-year terms to ensure that the terms of the Commission's members are staggered, so that no more than one-third of the members' terms expire in any given year. Members shall not be compensated for their service, but may be reimbursed for their necessary expenses based on the availability of funding.

(c) Duties.

In realizing the purpose of the Commission, the duties may include:

(1) encouraging means by which individuals can find proper legal representation in the judicial system;

(2) maintaining court and community support and assistance to establish necessary and accessible legal self-help centers on all three islands—St. Croix, St. John, and St. Thomas;

(3) collaborating with the courts to develop uniform guidelines and judicial education programs regarding interaction between self-represented litigants, judges, clerks, and other court personnel;

(4) creating standardized forms for non-complex civil legal matters;

(5) addressing language barriers in the courtroom;

(6) addressing the issue of accessibility to the courts;

(7) recognizing attorneys, or other court personnel for their contributions of leadership and commitment to access to justice;

(8) recommending legislation, court rules, codes of conduct, policies, appropriations, and systematic changes that will open greater access to the courts;

(9) working with law schools in the development and furtherance of court-based programs that enhance equal access to justice;

(10) monitoring and sharing information on equal justice activities of similar entities in the Virgin Islands and in states and territories outside of the Virgin Islands;

(11) expanding social work and social services in the court system for the purposes of addressing access to justice for individuals with special needs;

(12) supporting and guiding court efforts to increase access through court-based information systems, Web sites, social media, and other technology platforms;

(13) researching and developing information by which the Commission's purpose can be made successful;

(14) promoting and supporting pro bono efforts in the Territory and fostering judicial and court support for pro bono efforts throughout the Virgin Islands; and

(15) recommending to the Virgin Islands Supreme Court other methods and means of improving the purposes and goals laid out in section (a) above.

(d) Administration.

(1) The Commission shall, at a minimum, meet four times a year, and at other times at the request of the chair.

(2) A majority of its members in attendance at a meeting shall constitute a quorum. Meetings may be held at any place within the Territory and may also be held by means of telecommunication.

(3) The chair may appoint committees comprised of members and non-members and assign them responsibilities consistent with the purposes and duties of the Commission.

(4) The Commission shall submit an annual report to the Supreme Court reporting on its activities and finances, if applicable, in the previous year and describing future goals for the upcoming year.

(5) Upon the establishment of an appropriate and permanent funding source for Commission activities, the Commission shall appoint, with the approval of the Supreme Court, an appropriate staff person to serve as the principal executive officer to support the Commission's purpose and carry out its duties. The executive staff person, with the Commission's approval and the availability of funding, may hire sufficient staff as necessary to assist in fulfilling the Commission's duties.

(6) Any other support for the Commission will be provided through in-kind and financial support from a combination of private and public sources.