IN THE SUPREME COURT OF THE VIRGIN ISLANDS

IN RE: ORDER ADOPTING SUPERIOR COURT RULES 301, 303 304, 305, 306 and 307 AS SUPREME COURT RULES 201, 203, 204, 205, 206 and 207, respectively.	)	PROMULGATION ORDER NO. 07-00 11

ORDER

Pursuant to the provisions of Section 21(c) of the Revised Organic Act of 1954, as amended, (48 U.S.C. § 1611(c)) and 4 V.I. Code Ann. §§ 32(e) and 34, regarding the Rules governing admission of persons to the practice of law in the Virgin Islands and regulation of the bar, it is hereby

ORDERED that Rules 301, 303, 304, 305, 306 and 307 of the Superior Court of the Virgin Islands regarding admission to and regulation of the Virgin Islands Bar Association previously adopted by the Supreme Court of the Virgin Islands as rules of the Supreme Court are hereby further amended as shown in Exhibit A attached hereto, are hereby adopted as Supreme Court of the Virgin Islands Rules 201, 203, 204, 205, 206 and 207 respectively, effective the date of this order; and it is further

ORDERED that former Superior Court Rules 301, 302, 303, 304, 305, 306 and 307 are repealed and the numbers reserved for future use by the Superior Court.

DONE AND SO ORDERED this 27th day of November, 2007.

IVE ARLINGTON SWAN
Associate Justice

MARIA M. CABRET
Associate Justice

RHYS S. HODGE
Chief Justice

ATTEST:
VENETIA H. VELAZQUEZ, ESQ.
Clerk of the Court

By: Deputy Clerk II

EXHIBIT A

VIRGIN ISLANDS SUPREME COURT RULES

VIRGIN ISLANDS BAR

201. Pro Hac Vice admission

202. Special admission

203. Professional responsibility and discipline

204. Regular admission

205. Virgin Islands Bar Association: membership: bylaws

206. Membership status

207. Rules of the ethics and grievance committee

The Supreme Court, being the highest court of the Virgin Islands, and pursuant to section 21(a) of the Revised Organic Act, as amended and 4 V.I.C. § 32(e), shall govern the admission of all attorneys to the V.I. Bar, which shall consist of all attorneys, in whatever category, admitted to practice law in the Supreme Court of the Virgin Islands. The membership of the V.I. Bar shall consist of three (3) categories of attorneys, as follows:

1. *Pro Hac Vice Admissions* Attorneys admitted *Pro Hac Vice* pursuant to the provisions of Rule 201.

2. *Special Admissions* Government Attorneys specially admitted to practice pursuant to the provisions of Rule 202.

3. *Regular Admissions* Attorneys regularly admitted to practice pursuant to the provisions of Rule 204.

4. *Prior Admissions* Attorneys regularly admitted to practice pursuant to prior versions of Rule 204 are deemed members of the bar of the Supreme Court of the Virgin Islands.

Rule 201. Pro Hac Vice admission

(a) An attorney not regularly or specially admitted to practice law in the Virgin Islands, and

(1) who is currently in good standing as an active member of the bar of any state or territory of the United States or of any foreign country;

(2) who has not suffered any disbarment or suspension of his or her license to practice in any jurisdiction;

(3) who has been retained or requested to represent any party in any legal matter in the Virgin Islands; and

(4) who has paid all appropriate membership dues and licensing fees may, in the discretion of the judge before whom a particular litigation has been assigned or is pending and on motion of a regularly admitted attorney of record in such litigation, be admitted *pro hac vice* to participate in that legal matter only. An attorney admitted *pro hac vice* shall be bound by the grievance procedures established for the Virgin Islands Bar and shall be subject to the disciplinary and contempt jurisdiction of this Court in the course of his practice during his *pro hac vice* admission whether such disciplinary action is taken before or after termination or revocation of his admission *pro hac vice*. No attorney or law firm may appear *pro hac vice* in more than a total of three causes. The regularly admitted attorney of record shall be accountable to the Supreme Court for the timely prosecution of such causes and compliance with all applicable rules. Extended practice on a *pro hac vice* basis is hereby expressly prohibited and any attorney desirous of undertaking more than three (3) total appearances shall seek regular admission to the Bar in order to share the burdens of local practice.

(b) The motion for *pro hac vice* admission shall be accompanied by the *Pro Hac Vice* Questionnaire, supplied by the Clerk of the Court, which shall be completed by the applicant and served on counsel for all parties in the case with appropriate certificate(s) of service attached.

(c) All pleadings filed by an attorney admitted *pro hac vice* shall be signed by local counsel and failure to do so shall result in the pleading being rejected.

Rule 202. Special admission

[Reserved for separately promulgated Rule 202]

Rule 203. Professional responsibility and discipline

(a) Power and Responsibility. The Supreme Court, in furtherance of its inherent and statutory powers and responsibility to supervise the conduct of all attorneys who are admitted to practice before it, hereby adopts the ABA's Rules of Professional Conduct and Rules of Disciplinary Enforcement, superseding all of its other rules pertaining to disciplinary enforcement heretofore promulgated. In addition to other forms of discipline, the successful completion of the current Multi-State Professional Responsibility Examination (MPRE) may be required as a form of disciplinary sanction, where appropriate.

(b) Attorneys Convicted of Crimes.

1. Upon the filing with this court of a certified copy of a judgment of conviction demonstrating that any attorney admitted to practice before the court has been convicted in any Court of the United States, or the District of Columbia, or of any state, territory,

commonwealth or possession of the United States, or any foreign country of a serious crime as hereinafter defined, the court shall enter an order immediately suspending that attorney whether the conviction resulted from a plea of guilty, or *nolo contendere*, or from a verdict after trial or otherwise, and regardless of the pendency of any appeal, or an executive pardon or commutation, until final disposition of a disciplinary proceeding to be commenced upon such conviction. A copy of such order shall immediately be served upon the attorney. Upon good cause shown, the court may set aside such order when it appears in the interest of justice to do so.

2. The term "serious crime" shall include any felony and any lesser crime a necessary element of which, as determined by the statutory or common law definition of such crime in the jurisdiction where the judgment was entered, involves false swearing, misrepresentation, fraud, willful failure to file income tax returns, deceit, bribery, extortion, misappropriation, theft, or an attempt or a conspiracy or solicitation of another to commit a serious crime.

3. A certified copy of a judgment of conviction of an attorney for any crime shall be conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against that attorney based upon the conviction.

4. Upon the filing of a certified copy of a judgment of conviction of an attorney for a serious crime, the court shall in addition to suspending that attorney in accordance with the provisions of this rule, also refer the matter to the committee for the institution of a disciplinary proceeding before the court in which the sole issue to be determined shall be the extent of the final discipline to be imposed as a result of the conduct resulting in the conviction, provided that a disciplinary proceeding so instituted will not be brought to final hearing until all appeals from the convictions are concluded.

5. Upon the filing of a certified copy of a judgment of conviction of an attorney for a crime not constituting a serious crime, the court may refer the matter to the committee for whatever action the committee may deem warranted, including the institution of a disciplinary proceeding before the court; provided, however, that the court may in its discretion make no reference with respect to convictions for minor offenses.

6. An attorney suspended under the provisions of this rule will be reinstated immediately upon the filing of a certificate demonstrating that the underlying conviction of a serious crime has been reversed but the reinstatement will not terminate any disciplinary proceeding then pending against the attorney, the disposition of which shall be determined by the court on the basis of all available evidence pertaining to both guilt and the extent of discipline to be imposed.

7. No disciplinary action against an attorney may be terminated by an executive or presidential pardon or commutation, nor may these rules be stayed or superseded thereby.

(c) Discipline Imposed by Other Courts.

1. Any attorney admitted to practice before this court shall, upon being subjected to public discipline by any other court of the United States or the District of Columbia, or

by a court of any state, territory, commonwealth or possession of the United States, or any foreign country, promptly inform the clerk of this court of such action.

2. Upon the filing of a certified or exemplified copy of a judgment or order demonstrating that an attorney admitted to practice before this court has been disciplined by another court, this court shall forthwith issue a notice directed to the attorney containing:

A. a copy of the judgment or order from the other court; and

B. an order to show cause directing that the attorney inform this court within 30 days after service of that order upon the attorney, personally or by mail, of any claim by the attorney predicated upon the grounds set forth in (4) hereof that the imposition of the identical discipline by the court would be unwarranted and the reasons therefor.

3. In the event the discipline imposed in the other jurisdiction has been stayed there, any reciprocal discipline imposed in this court shall be deferred until such stay expires.

4. Upon the expiration of 30 days from service of the notice issued pursuant to the provisions of (2) above, this court shall impose the identical discipline unless the respondent-attorney demonstrates, or this court finds, that upon the surface of the record upon which the discipline in another jurisdiction is predicated it clearly appears:

A. that the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or

B. that there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that this court could not, consistent with its duty, accept as final the conclusion on that subject; or

C. that the imposition of the same discipline by this court would result in grave injustice; or

D. that the misconduct established is deemed by this court to warrant substantially different discipline.

Where this court determines that any of said elements exist, it shall enter such other order as it deems appropriate.

5. In all other respects, a final adjudication in another court that an attorney has been guilty of misconduct shall establish conclusively the misconduct for purposes of a disciplinary proceeding in this court.

6. This court may at any stage appoint the committee to prosecute the disciplinary proceeding.

7. An attorney, who is under suspension or disbarment by any jurisdiction, or who has resigned from the bar thereof, or who is under investigation by any other jurisdiction, may not be admitted to the Virgin Islands Bar until and unless he is certified to be a member in good standing of the bar of that jurisdiction. Moreover, no applicant who has

been disciplined by another jurisdiction may be admitted to the V.I. Bar until and unless all obligations to that jurisdiction have been satisfied and the jurisdiction certifies that he is eligible for reinstatement or readmission.

(d) Disbarment on Consent or Resignation in Other Courts.

1. Any attorney admitted to practice before this court who shall be disbarred on consent or resign from the bar of any other Court of the United States or the District of Columbia, or from the bar of any state, territory, commonwealth or possession of the United States while an investigation into allegations of misconduct is pending, shall, upon the filing with this court of a certified or exemplified copy of the judgment or order accepting such disbarment on consent or resignation, cease to be permitted to practice before this court and be stricken from the roll of attorneys admitted to practice before this court.

2. Any attorney admitted to practice before this court shall, upon being disbarred on consent or resigning from the bar of any other Court of the United States or the District of Columbia, or from the bar of any state, territory, commonwealth or possession of the United States while an investigation into allegations of misconduct is pending, promptly inform the clerk of this court of such disbarment on consent or resignation.

(e) Standards for Professional Conduct.

1. For misconduct defined in these rules, and for good cause shown, and after notice and opportunity to be heard, any attorney admitted to practice before this court may be disbarred, suspended from practice from this court, reprimanded or subjected to such other disciplinary action as the circumstances may warrant.

2. Acts of omissions by an attorney admitted to practice before this court, individually or in concert with any other person or persons, which violate the Rules of Professional Conduct adopted by this court shall constitute misconduct and shall be grounds for discipline, whether or not the act or omission occurred in the course of an attorney-client relationship. The Rules of Professional Conduct adopted by this court is the Rules of Professional Conduct adopted by the American Bar Association, as amended from time to time by that body, except as otherwise provided by specific rule of this court after consideration of comments by representatives of the Virgin Islands Bar Association.

(f) Disciplinary Proceedings.

1. When misconduct or allegations of misconduct which, if substantiated, would warrant discipline on the part of an attorney admitted to practice before this court shall come to the attention of a judge of this court, whether by complaint or otherwise, and the applicable procedure is not otherwise mandated by these rules, the judge shall refer the matter to the committee for investigation and the prosecution of a formal disciplinary proceeding or the formulation of such other recommendation as may be appropriate.

2. Should the committee conclude after investigation and review that a formal disciplinary proceeding should not be initiated against the respondent-attorney because sufficient evidence is not present, or because there is pending another proceeding against the respondent-attorney, the disposition of which in the judgment of the committee

should be awaited before further action by this court is considered or for any other valid reason, the committee shall file with the court a recommendation for disposition of the matter, whether by dismissal, admonition, deferral, or otherwise setting forth the reasons therefor.

3. To initiate formal disciplinary proceeding, the committee shall obtain an order of this court upon a showing of probable cause requiring the respondent-attorney to show cause within 30 days after service of that order upon that attorney, personally or by mail, why the attorney should not be disciplined.

4. Upon the respondent-attorney's answer to the order to show cause, if any issue of fact is raised or the respondent-attorney wishes to be heard in mitigation this court shall set the matter for prompt hearing before the chief judge of this court, provided however that if the disciplinary proceeding is predicated upon the complaint of the chief judge of this court the hearing shall be conducted before another judge of this court.

(g) Disbarment on Consent While Under Disciplinary Investigation or Prosecution.

1. Any attorney admitted to practice before this court who is the subject of an investigation into, or a pending proceeding involving, allegations of misconduct may consent to disbarment, but only by delivering to this court an affidavit stating that the attorney desires to consent to disbarment and that:

A. the attorney's consent is freely and voluntarily rendered; the attorney is not being subjected to coercion or duress; the attorney is fully aware of the implications of so consenting;

B. the attorney is aware that there is a presently pending investigation or proceeding involving allegations that there exist grounds for the attorney's discipline the nature of which the attorney shall specifically set forth;

C. the attorney acknowledged that the material facts so alleged are true; and

D. the attorney so consents because the attorney knows that if charges were predicated upon the matters under investigation, or if the proceeding were prosecuted, the attorney could not successfully defend himself.

2. Upon receipt of the required affidavit, this court shall enter an order disbarring the attorney.

3. The order disbarring the attorney on consent shall be a matter of public record. However, the affidavit required under the provisions of this rule shall not be publicly disclosed or made available for use in any other proceeding except upon order of this court.

(h) Reinstatement.

1. After Disbarment or Suspension. An attorney suspended for three months or less shall be automatically reinstated at the end of the period of suspension upon the filing with the court of an affidavit of compliance with the provisions of the order. An

attorney suspended for more than three months or disbarred may not resume practice until reinstated by order of this court.

2. Time of Application Following Disbarment. A person who has been disbarred after hearing or by consent may not apply for reinstatement until the expiration of at least five years from the effective date of the disbarment.

3. Hearing on Application. Petitions for reinstatement by a disbarred or suspended attorney shall be filed with the clerk of this court for referral to the Chief Justice who shall thereafter assign the matter to a disinterested judge, attorney or committee for review. The judge, attorney or committee assigned to the matter shall review the petition and verify the allegations therein and may schedule a hearing at which the petitioner shall have the burden of demonstrating by clear and convincing evidence that he has the moral qualifications, competency and learning in the law required for reinstatement to practice and that his resumption of the practice of law will not be detrimental to the integrity and standing of the bar or to the administration of justice, or to the public interest. In addition, the applicant may be required to satisfactorily retake all or part of the Virgin Islands Bar Examination.

4. Duty of the Committee. In all proceedings upon a petition for reinstatement, cross-examination of the witnesses of the respondent-attorney and the submission of evidence, if any, in opposition to the petition shall be conducted by the committee.

5. Deposit for Costs of Proceeding. Petitions for reinstatement under this rule shall be accompanied by an advance cost deposit in an amount to be set from time to time by the court to cover anticipated costs of the reinstatement proceeding.

6. Conditions of Reinstatement. If the petitioner is found unfit to resume the practice of law, the petition shall be dismissed. If the petitioner is found fit to resume the practice of law, the judgment shall reinstate him, provided that the judgment may make reinstatement conditional upon the payment of all or part of the costs of the proceedings, and upon the making of partial or complete restitution to parties harmed by the petitioner whose conduct led to the suspension or disbarment. Provided further, that if the petitioner has been suspended or disbarred for five years or more, reinstatement may be conditioned, in the discretion of the judge before whom the matter is heard, upon the furnishing of proof of competency and learning in the law, which may include certification by the Committee of Bar Examiners successful completion of an examination for admission to practice subsequent to the date of suspension or disbarment.

7. Successive Petitions. No petition for reinstatement under this rule shall be filed within one year following an adverse judgment upon a petition for reinstatement filed by or on behalf of the same person.

(i) Attorneys Specially Admitted. Whenever an attorney applies to be admitted or is admitted to this court for purposes of a particular proceeding (pro hac vice), the attorney shall be deemed thereby to have conferred disciplinary jurisdiction upon this court for any alleged misconduct of that attorney arising in the course of or in the preparation for such proceeding.

(j) Service of Papers and Notices. Service of an order to show cause instituting a formal disciplinary proceeding inside the territory shall be made according to Fed. R. Civ. P. 4 and outside the territory according to 5 V.I.C. 4911. Service of any other papers or notices required by these rules shall be deemed to have been made if such paper or notice is addressed to the respondent-attorney at his last known address, or to the respondent's counsel at the address indicated in the most recent pleading or other document filed in the course of any proceeding.

(k) Committee on Professional Responsibility and Discipline.

1. Unless otherwise stated herein, all disciplinary proceedings against attorneys admitted to practice before this court shall be conducted by the committee. Should the committee conclude after investigation and review that the evidence does not warrant prosecuting a formal disciplinary proceeding against the respondent attorney, the committee shall dispose of the matter informally, whether by dismissal, reprimand, admonition, disqualification, restitution, or otherwise. Should the respondent attorney not be satisfied with said disposition he or she may demand (within 45 days) that a formal disciplinary proceeding be commenced and it shall commence forthwith.

2. The committee may make rules and regulations for its operation as it may deem necessary, and such rules and regulations shall be submitted for review with comments to the Board of Governors of the Bar Association and this court and approved by this court. The rules shall become effective upon approval by this court and publication to all members of the V.I. Bar Association by reproduction in the V.I. Bar Association Law Letter or by mail.

3. The facilities and employees of this Court and the Superior Court shall be available to the committee for such use and assistance as the members may require. The committee is authorized to obtain the services of medical and other experts and to cause subpoenas to be issued out of the office of the clerk of the Supreme Court or Superior Court as necessary to compel attendance of witnesses.

4. The committee is authorized to retain the aid of other members of the bar to investigate alleged misconduct and report to the committee their findings and recommendations or to prosecute formal disciplinary proceedings on behalf of the committee.

5. All fees and expenses shall be paid from funds of the Virgin Islands Bar Association.

(l) Committee on Unauthorized Practice of Law. It shall be the duty of the Committee on Unauthorized Practice of Law of the Virgin Islands Bar Association to keep under continuing study the subject of unauthorized practice of law; to analyze and evaluate the measures that exist in the Virgin Islands to prevent unauthorized practice, comparing such measures to those employed in other territories and States; and to investigate unauthorized practice.

The Committee on Unauthorized Practice of Law shall have the power to investigate all charges of unauthorized practice that may be brought to its attention in writing, and to

initiate such investigations upon its own motion. When sufficient funds are available for the purpose, the Board of Governors shall have authority to appropriate the funds necessary for such investigations.

The committee shall have the power to summon and examine witnesses, to order the production of books, records and other documentary evidence, and to administer oaths. The committee is authorized to cause subpoenas to be issued out of the office of the Clerk of the Supreme Court or Superior Court as necessary to compel attendance of witnesses.

With the approval of the Board of Governors of the Virgin Islands Bar Association, the committee may take steps to prevent or stop the unauthorized practice of law, including the initiation of legal proceedings.

(m) Payment of Fees and Costs. At the conclusion of any disciplinary investigation or prosecution, if any, under these rules, the committee may make application to this court for an order awarding reasonable fees and reimbursing costs expended in the course of such disciplinary investigation or prosecution against the respondent-attorney.

(n) Duties of the Clerk of the Supreme Court.

1. Upon being informed that an attorney admitted to practice before this court has been convicted of any crime, the clerk of this court shall determine whether the clerk of the court in which such conviction occurred has forwarded a certificate of such conviction to this court. If a certificate has not been so forwarded, the clerk of this court shall promptly obtain a certificate and file it with this court.

2. Upon being informed that an attorney admitted to practice before this court has been subjected to discipline by another court, the clerk of this court shall determine whether a certified or exemplified copy of the disciplinary judgment or order has been filed with this court, and, if not, the clerk shall promptly obtain a certified or exemplified copy of the disciplinary judgment or order and file it with this court.

3. Whenever it appears that any person convicted of any crime or disbarred or suspended or censured or disbarred on consent by this court is admitted to practice law in any other jurisdiction or before any other court, the clerk of this court shall, within ten days of that conviction, disbarment, suspension, censure, or disbarment on consent, transmit to the disciplinary authority in such other jurisdiction, or for such other court, a certificate of the conviction or a certified or exemplified copy of the judgment or order of disbarment, suspension, censure, or disbarment on consent, as well as the last known office and residence addresses of the defendant or respondent.

4. The clerk of this court shall, likewise, promptly notify the National Discipline Data Bank operated by the American Bar Association of any order imposing public discipline upon any attorney admitted to practice before this court.

(o) Jurisdiction. Nothing contained in these rules shall be construed to deny to this court such powers as are necessary for the court to maintain control over proceedings conducted before it.

(p) Attorneys Who Fail to Accept Indigent Appointments. Any attorney who refuses to accept an indigent appointment or is unavailable for two or more appointments in a calendar year shall be subject to the contempt powers of this court and such other disciplinary action for misconduct as might be recommended by the Virgin Islands Bar Association.

Appointment of attorneys to represent indigent defendants shall be made on the basis of the alphabetical rotation of their names, provided, however, that the Chief Justice may provide for alternative methods of appointment based upon the seriousness of the offense, the expertise of the attorney, the length and complexity of the trial, and other appropriate factors. Temporary exemption from appointment may be granted to an attorney after representation in a complicated case.

Exemption may also be granted by order of the court under appropriate circumstances justifying compensatory relief from indigent appointments.

Rule 204. Regular admission

(a) Compulsory Examination. An applicant for regular admission to the Virgin Islands Bar must comply with the requirements of this rule. No one may obtain regular admission to the Virgin Islands Bar unless and until the Virgin Islands Bar Examinations have been successfully undertaken as described in this rule.

(b) Committee of Bar Examiners.

(1) Committee of Bar Examiners Composition. The Chief Justice shall appoint a special committee to be known as the Committee of Bar Examiners whose function shall be to assist the court in the administration of the Virgin Islands Bar Examination, which includes character investigations and other matters related to admission to the Virgin Islands Bar. The Bar Examinations shall be conducted semi-annually. The committee shall consist of not less than five (5) members of the Virgin Islands Bar in good standing whose appointments shall be for varied terms and who shall serve until their terms expire, until their successors are appointed, or until removed by the Chief Justice for cause.

(2) Immunity from Suit. The duties of the Committee are inherently judicial functions which are being performed on behalf of the Court. The Court accordingly hereby adopts the American Bar Association's (ABA's) Model Immunity Rule entitled Civil Immunity of Board of Law Examiners, its members, employees and agents, and entities providing information regarding an application to the board, as adopted February 1998, and which provides as follows:

(a) The Committee of Bar Examiners, its Chairman, members, employees, and agents are immune from all civil liability for conduct and communications occurring in the performance of their official duties relating to the examination, character and fitness qualification, and licensing of persons seeking to be admitted to the practice of law.

(b) Records, statements of opinion and other information regarding an applicant for admission to the Bar communicated by an entity, including any person, firm or institution, without malice, to the Committee of Bar Examiners, or its members,

employees or agents are privileged, and civil suits predicated thereon may not be instituted.

(c) Application Procedure.

(1) Application for regular admission to the Virgin Islands Bar shall be made in writing to the Supreme Court at least thirty (30) days prior to the date of the semi-annual Bar Examinations, and shall be accompanied by a fee of three hundred and fifty dollars ($350.00), which shall not be refunded if the application is withdrawn, if the applicant loses or fails to submit the character questionnaire, or if the Bar Examination is not taken as scheduled, except for good cause shown.

(2) Fifty dollars ($50.00) of said amount shall be retained by the clerk as a filing fee and the balance of three hundred dollars ($300.00) shall be administered by the Committee of Bar Examiners to defray the local costs of examinations, investigations and administration. Applicants shall submit two (2) checks or money orders one for fifty dollars ($50.00) payable to the clerk of the Supreme Court and the other for three hundred dollars ($300.00) payable to the Committee of Bar Examiners.

(3) In addition to the aforesaid local fees, each applicant must defray the cost of each non-local examination and investigations, as follows:

Multi-State Bar Examination (MBE)	$33.00
Multi-State Professional Responsibility Examination (MPRE)	$35.00
National Conference of Bar Examiners Investigation (NCBE)	$175.00
(Practicing Attorneys $200.00)	

These fees may be paid by cashier's check, money order or certified check as indicated by each examining agency, and are subject to change.

(4) Persons seeking information concerning the Bar examination may, upon request, be furnished with a packet of relevant materials upon remittance of a fee of $25.00 payable to the Committee of Bar Examiners.

(5) The clerk shall open a miscellaneous civil file for each application, assign a case number, and refer the application to the Bar Admissions Coordinator of the Supreme Court who shall coordinate the processing of the application with the Committee of Bar Examiners.

(6) No application to the V.I. Bar may be filed by anyone who has been disbarred, suspended or sanctioned, without reinstatement or exoneration, or who is under pending disciplinary action by the Bar of any State, District or Territory of the United States or any foreign jurisdiction, or any Federal Court.

(d) Criteria for Application. Each applicant for regular admission must allege and prove to the satisfaction of the committee that the applicant is:

1. At least twenty-one years of age;

2. A citizen of the United States or a resident non-United States citizen who is a legal immigrant, i.e., an immigrant who has lawfully been admitted for permanent residence in the United States;

3. A person of good moral character who has not been disbarred, suspended or sanctioned, or who has been reinstated or exonerated, and who is not under pending disciplinary action, by any State, District, Territorial, Federal, or foreign jurisdiction;

4. If previously admitted to the bar of any other jurisdiction, a current member in good standing of that jurisdiction; and

5. A graduate of an accredited law school approved by the American Bar Association.

(e) Composition of Examination. Each applicant is required to pass the following examinations:

(1) Multi-State Bar Examination (MBE);

(2) Local Law Essay Examination (Essay);

(3) Multi-State Professional Responsibility Examination (MPRE); and

(4) Character Examination and Personal Interview.

The MBE and Essay exams shall be held semi-annually in February and July on St. Thomas, Virgin Islands, and when warranted by the number of applicants, may be held simultaneously on St. Croix, Virgin Islands. The date of the MBE exam will coincide with the national date published by the National Conference of Bar Examiners, and the date of the Essay exam will be the day following the MBE exam. The MPRE exam shall be held on the dates established by the National Conference of Bar Examiners which are different from the MBE and Essay exam dates. The MPRE shall become effective in the Virgin Islands on and after November, 1994. The Committee shall also examine applicants as to their character and may conduct such character investigations and personal interviews as are required. In so doing, the applicants may be required to appear before it for questioning or furnish it with answers to such questions as are appropriate. The committee may employ the administrative staff necessary to satisfactorily perform its work, and coordinate the character examinations with the National Conference of Bar Examiners.

(f) Scoring of Examination. In order to pass the written bar examinations, each applicant must receive a minimum combined score of 70% or more on the MBE and Essay portions of the examination, and a minimum score of 75% on the MPRE. For purposes of the MBE, a scaled score of 133 is equivalent to 70%. An applicant who has passed only one of the two portions of the exam, and whose combined score in the MBE and Essay does not amount to 70%, may take the exam for the failed portion. However, an applicant who passes one portion may retake that portion simultaneously with the retaking of the failed portion in order to obtain the benefits, if any, of combining the MBE and Essay scores. An applicant's scores cannot be combined unless both the MBE and the Essay portions are taken during the same scheduled examination period.

MBE and MPRE scores obtained in another United States jurisdiction may be accepted by the committee, provided that minimum passing score required by the Virgin Islands Bar has been achieved and certified in writing by the other jurisdiction, and provided further that the scores certified are no more than five years old.

(g) Bar Examination Review Procedure. Any applicant who fails the Essay portion of the Bar Examination will be permitted, on written request made to the committee within twenty (20) days after date of mailing or issuing results, to review the examination in accordance with the following procedure:

(1) The review will be made under the supervision of a committee member (to be assigned by the chairman of the Committee of Bar Examiners) by appointment at a time mutually convenient to the applicant and such member.

(2) The applicant will be allowed to review the essay-type questions, his own answers to those questions, and the model answers prepared by the examiner. The applicant will not be permitted to see the answers of other applicants. The applicant's own answers will disclose his grade on each essay-type question.

(3) Since the regulations governing the MBE and MPRE Examinations require all questions and answers to be forwarded for grading to the Educational Testing Service immediately after the exams, no MBE or MPRE Examination questions or answers can be made available to the applicant. In lieu thereof, the applicant will be advised of his scores and other related information received by the Committee.

(4) Where the applicant sat for both the essay and the MBE sections, the applicant's average grade on the essay part of the examination and his score on the MBE part are combined into a single percentage score to determine his overall passing or failing grade, which will be disclosed to him.

(5) The applicant will be allowed adequate time to make such notes as he desires from the materials made available to him for review, but he will not be allowed to remove the questions, his own answers, or the model answers from the room or be given copies of them.

(6) The single member of the Committee of Bar Examiners supervising the review will not discuss the examination with the applicant. If the applicant has any questions, comments or objections about the examination as a result of his review, he shall submit them in writing within (10) days after review to the committee chairman, who will refer them to the appropriate examiner(s) for action. In so doing, the applicant shall not reveal his identity or score but shall refer only to the applicant's exam number, the grades being challenged and the reason therefor. An applicant who identifies himself or his score or the number of points needed to pass shall be disqualified from further review by the examiner. After a challenge has been analyzed, the examiner shall thereafter advise the committee chairman whether upgrading is warranted and, if warranted, the upgraded score. The committee chairman shall thereafter notify the candidate of the results of the review.

(7) Simple rounding-off of scores is permitted, but no multiple rounding-off is allowed.

(h) Re-taking Bar Examination.

(1) Any applicant who fails to pass the bar examination may be permitted by the committee to retake the examination but if the applicant fails the exam three times, he shall not be eligible to take any further examinations without leave of the Chief Justice of the Supreme Court upon a showing that he has completed a current, accredited bar review course of at least six (6) weeks' duration. The fee for retaking each portion of the bar examination shall be two hundred dollars ($200.00), payable to the Committee of Bar Examiners.

(2) An applicant who is not admitted to practice within five (5) years after passing any or all parts of the bar examination shall be required to retake the entire examination and must re-apply for admission and for re-examination, including submitting an updated character report, and paying the appropriate fees. The result of any bar examination that is more than five (5) years old shall not be acceptable for current admission.

(i) Admission Procedure. When an applicant has satisfactorily passed the bar examination, and has met all other requirements of this rule, the Committee of Bar Examiners shall so certify to the Supreme Court by written motion for the applicant's admission. The motion shall be reviewed by the Supreme Court and if satisfactory, the applicant shall be admitted to the Virgin Islands Bar in open court upon taking the oath (or affirmation) required of applicants for admission to the Bar of the Supreme Court of the United States Virgin Islands. The clerk of the court shall thereafter issue to the applicant a Certificate of Admission as a member of the Supreme Court of the Virgin Islands and of the Virgin Islands Bar and shall enter the applicant's name on the Roll of Attorneys, provided that no such attorney may commence the practice of law unless and until all appropriate membership dues and licensing fees have been paid.

Rule 205. Virgin Islands Bar Association: membership: bylaws

BYLAWS OF THE VIRGIN ISLANDS BAR ASSOCIATION INTEGRATED

(a) The Virgin Islands Bar Association is created to assist the Supreme Court of the Virgin Islands in regulating the practice of law in the territory. All attorneys admitted to practice law in the Supreme Court are required to be members of the Virgin Islands Bar Association so that no one may practice law in the Supreme Court of the Virgin Islands without being a member in good standing of the Virgin Islands Bar Association.

(b) No attorney may practice law in the Virgin Islands in any matter, including appearing for a party at depositions taken in the Virgin Islands in cases filed in the Virgin Islands or appearing before administrative agencies of the Virgin Islands who is not an active member of the Virgin Islands Bar pursuant to Rule 206.

(c) (1) The Virgin Islands Bar Association shall adopt by-laws which must be consistent with these rules, filed with the Court, and subject to the Court's approval. Upon review of the by-laws and prior to their approval, the Court may notify the Virgin Islands

Bar Association of its objections and concerns regarding certain provisions thereof. After corrections by the Bar Association and/or the Court, the by-laws may be approved if deemed appropriate by the Court, and when approved, shall be of full force and effect, rendering any By-laws adopted prior to this rule null and void.

(2) Where, in the opinion of the Chief Justice of the Supreme Court, any standing or *ad hoc* committee of the Bar Association has become inactive and/or has failed to perform its duties, and where the interests of the Court, the Bar, and the public are not being served thereby, the Chief Justice may appoint a special committee of attorneys in good standing to perform the duties of the standing or *ad hoc* committee until such time as the non-performing committee satisfies the Court by certification that it is ready, willing, and able to resume its duties. Prior to the appointment of a special committee the Chief Justice shall consult with the president of the Bar and give the non-performing committee 30 days notice to fulfill its duties.

(3) The president of the Bar Association shall submit to the Chief Justice a semi-annual report on the activities of all standing and ad hoc committees of the Bar.

(d) Upon petition filed in the Supreme Court by the treasurer of the Virgin Islands Bar Association, any member of the Bar, however classified, who is delinquent in the payment of dues set forth in the bylaws may be suspended, after notice and hearing, from the practice of law by order of the Supreme Court. in filing the petition, the treasurer must attach an affidavit verifying that the member was in fact properly notified that the dues were payable, stating date and time of service, and that the member still failed to make payment. The petition may be dismissed upon proof of payment by the Bar member. A suspended member may be reinstated upon proof that the delinquent dues have been paid, together with court costs for filing and prosecuting the petition.

(e) Whenever the business of the Bar Association requires polling of the membership, active members of the Bar Association in good standing shall be permitted to vote regardless of where in the territory the polling is being tabulated. Toward this end, the Bar Association shall take appropriate measures to ensure the casting of ballots by all eligible members. Where mailing of ballots is required, the Bar Association shall provide adequate time for distribution and return before the tabulation deadline. The Bar shall provide for appropriate record keeping and storage of all polling information, ballots, results, etc.

(f) The Bylaws of the Virgin Islands Bar Association, and amendments thereto, as approved by the Court shall be published with these rules.

BYLAWS OF THE VIRGIN ISLANDS BAR ASSOCIATION INTEGRATED

(As Last Amended January 12, 1990)

I. MEMBERSHIP

1. The Virgin Islands Bar shall consist of four classes of members: active, government, inactive, and honorary.

2. All attorneys at law admitted to practice in the courts of the Virgin Islands, except those admitted pro hac vice, who are domiciled in the Virgin Islands, are active members of the Virgin Islands Bar. Active members shall have the right to vote at all meetings of the Virgin Islands Bar and to hold office therein. They shall promptly notify the Secretary of the Virgin Islands Bar whenever they change their residence or office addresses.

3. Active members of the Virgin Islands Bar Association shall pay annual membership dues of $100.00, except members who have not been admitted for more than one year shall pay $50.00. Membership dues shall be payable on or before January 1st for the ensuing calendar year.

4. All attorneys at law who are not active members of the Virgin Islands Bar, but who have been specially admitted to practice law in the Virgin Islands on behalf of the Government of the United States, the Government of the Virgin Islands, Office of the Public Defender, Legal Services of the Virgin Islands or other approved public agency, shall be eligible to be government members of the Virgin Islands Bar. Government members shall not have the right to vote or hold office, but may attend all meetings and functions of the Virgin Islands Bar and shall be entitled to receive notice of all such meetings. Government members shall be eligible to serve on standing and select committees of the Virgin Islands Bar.

5. Government members shall pay annual membership dues of $100.00, which shall be payable on or before January 1st for the ensuing calendar year.

6. All attorneys at law admitted to practice in the Virgin Islands, except those admitted pro hac vice, who are domiciled in the Virgin Islands, but who neither maintain a law office therein nor actively practice law therein in any manner or to any extent whatsoever, and all attorneys at law admitted to practice in the Virgin Islands, except those admitted pro hac vice, who cease to be domiciled in the Virgin Islands, shall cease to be active members, and those who have filed with the Secretary of the Bar written notice requesting enrollment in the class of inactive membership, shall be inactive members. Inactive members shall not have the right to vote or hold office, but may attend all meetings and functions of the Virgin Islands Bar and may speak thereat and shall be entitled to receive notice of all meetings and functions, and shall be eligible to serve on standing and select committees of the Bar.

7. Inactive members of the Virgin Islands Bar shall pay annual membership dues of $25.00, which shall be payable on or before January 1st for the ensuing calendar year.

8. Any inactive member in good standing may change his classification to achieve status provided he is domiciled in the Virgin Islands and opens a law office or takes up the active practice of law therein by filing with the Secretary of the Bar a written request for transfer to the class of active membership and by paying the dues required of active members.

9. The justices of the Supreme Court of the Virgin Islands, the judges of the Court of Appeals for the Third Circuit, the District Court and the Superior Court, and such persons of distinction as may be so elected by the membership shall be honorary members of the Virgin Islands Bar. They may speak at meetings of the Virgin Islands Bar, but shall pay no dues, shall not vote and have no interest in any property of the Virgin Islands Bar.

10. It shall be the duty of the Treasurer of the Virgin Islands Bar promptly to file a motion during the second week of April of each year in the Supreme Court for the suspension from membership and the practice of law in the Virgin Islands of all delinquent members. When an active member of the Virgin Islands Bar has been thus suspended by order of the court, made pursuant to such a motion, he shall not practice law in the Virgin Islands nor participate in the activities of the Bar until his delinquent dues have been paid in full and the court upon being informed of that fact by the Treasurer, has entered an order reinstating him as an active member of the Virgin Islands Bar entitled to practice law in the Virgin Islands.

II. OFFICERS

1. The Officers of the Virgin Islands Bar shall consist of a President, a President-elect, a Secretary, a Treasurer, an ABA Delegate and a Board of Governors, who shall perform the duties usually incident to such offices and such as may be imposed by these Bylaws.

2. All Officers shall serve for one (1) year and shall not succeed themselves; the President-elect shall succeed to the office of President. The term of the ABA Delegate shall be for two years ending with the adjournment of the annual meeting of the American Bar Association in each even-numbered year.

3. At all meetings of the Virgin Islands Bar, the President, or in his absence, the President-elect, Secretary, or Treasurer, in that order, or in the absence of all of them any member selected by the members present shall preside.

4. The Board of Governors of the Virgin Islands Bar shall consist of the President, President-elect, Secretary, and Treasurer, the ABA Delegate, the last past President and four other members to be elected at the annual meeting. If the last past President is ineligible or unable to serve, an additional member shall be elected at the Annual Meeting in order to bring the membership to ten (10).

5. Any officer or member of the Board of Governors may be removed at any annual, general or special meeting of the Virgin Islands Bar by a two-thirds vote of the membership, provided that notice and copies of the proposed action shall have been given by the Secretary to the members, either by mail or publication in the Virgin Islands Bar Journal, at least fifteen (15) days before the meeting at which time such action is proposed to be taken. Those absent can vote in writing by mail, provided such vote is received prior to the date of the meeting.

III. BOARD OF GOVERNORS

The Board of Governors shall meet at least once each quarter. It shall have such powers as are specifically conferred upon it by the Bylaws. It shall direct through the President the general management of the affairs of the Bar, and may make such regulations as it deems advisable, not inconsistent with these Bylaws. It shall keep a record of its proceedings, and shall make a written report of its activities at each annual and general meeting through the President. At any meeting it may report such business which, in its judgment, requires the action of the Bar. It shall be the duty of the Board through the officers of the Bar to take such steps as may be necessary to carry out resolutions adopted by the Bar at any meeting. The Board of Governors shall, prior to April 1st in each year, adopt a budget providing for the expenditures by the Bar for the ensuing fiscal year for the presentation to the Bar; no expenditures not provided for in that budget and no appropriations not so provided for shall be made during such year without the approval of the Board of Governors. Four members shall form a quorum.

IV. ELECTIONS

1. Elections for Officers and members of the Board of Governors shall be held at the Annual Meeting provided that the election of the ABA Delegate shall be every two years.

2. The President, with the concurrence of the Board of Governors, not later than November 15, of each year, shall appoint a Nominating Committee to consist of three members, with the President to designate the Chairman of that Committee.

3. Nomination shall be made by the Nominating Committee for the offices of President-elect, Secretary, Treasurer, ABA Delegate and the members of the Board of Governors. Additional nominations may be made from the Floor. Election shall be by secret ballot, and shall be carried by a simple majority of the members present. The offices to be filled shall be those of President-elect, Secretary, Treasurer, ABA Delegate and the members of the Board of Governors. No members shall be eligible for nomination to any office unless he is current in his dues.

V. PRESIDENT

The President shall exercise the powers and perform the duties assigned to him in these Bylaws and by the Board of Governors and be the chief executive officer of the Virgin Islands Bar, and as such, subject to these Bylaws, shall generally supervise the management of its affairs and at the Annual Meeting, make a statement relative to its condition, activities and progress. The President, or in his absence, the President-elect or otherwise as herein provided, shall preside at all meetings of the Board of Governors and shall be an ex officio member of all committees.

VI. PRESIDENTELECT

The President-elect shall succeed each year to the office of President without further action by the membership, shall be privy to all the negotiations of the President and shall perform such further duties as may from time to time be assigned by the President or by the Board of Governors.

VII. SECRETARY

1. The Secretary shall keep a record of the proceedings of all meetings of the Virgin Islands Bar and of its Board of Governors, and of all other matters of which a record shall be ordered by the Bar.

2. The Secretary shall notify the officers and all members of the committees of their election or appointment, shall issue notice of all meetings, and, in the case of special meetings, shall add a brief note of the object of the call.

3. The Secretary shall keep at all times a complete roll of the members, and shall furnish to the Treasurer the names and addresses of all members.

4. The Secretary shall certify to the American Bar Association House of Delegates the name and address of the Virgin Islands Bar ABA Delegate.

5. The Secretary shall be the keeper of the seal of the Virgin Islands Bar.

6. The Secretary shall perform such other duties as may from time to time be assigned to him by the President or by the Board of Governors.

7. The Secretary shall also make the minutes of the Annual Meeting available to all members.

VIII. TREASURER

1. The Treasurer shall keep at all times a complete roll of the members. Under the direction of the President he shall collect and disburse all funds of the Virgin Islands Bar and keep regular accounts in books belonging to the Bar which shall be open to the inspection of any member of the Board of Governors.

2. At each annual or general meeting of the Bar, and of the Board of Governors, he shall report, in writing, the balance of money on hand, and any existing appropriation which may affect the same.

3. At the Annual Meeting, he shall make a full and complete report of the financial transactions of the Bar for the past year, of all its outstanding obligations and the amounts due the Bar. Such report shall contain a balance sheet on an accrual basis containing all items both of principal and income.

4. The Treasurer shall also compile, for reading or distribution at the Annual Meeting, a list showing the members who have and have not paid annual dues.

5. The Treasurer shall cause to be prepared a certificate of current annual membership to be delivered to each member upon payment of his dues.

6. The Treasurer accounts shall be audited by an auditing committee of three members of the Bar to be appointed by the President at the Annual Meeting each year, which shall report thereon to the President within thirty (30) days in writing.

7. The Treasurer shall send to each member a bill for the following year's dues with a statement of his arrearage, if any, not later than November 30th of each year.

IX. AMERICAN BAR ASSOCIATION DELEGATE

1. The ABA Delegate shall attend the meetings of the American Bar Association House of Delegates on behalf of the Virgin Islands Bar.

2. The ABA Delegate shall coordinate programs and activities of the American Bar Association with those of the Virgin Islands Bar.

3. The ABA Delegate shall annually report, in writing, to the members of the Virgin Islands Bar as to action taken by the American Bar Association House of Delegates.

4. The ABA Delegate shall perform such other duties and responsibilities as may from time to time be assigned to him by the President or by the Board of Governors.

X. COMMITTEES

1. The President shall appoint the standing committees as hereinafter provided, and such special committees as he may deem necessary. The members of the standing and special committees shall serve for the term of the President appointing such members and continue until replaced by their successors except that the Board of Governors in its discretion may provide that members of the committees shall serve for staggered terms. The President, in his discretion, may enlarge the membership of any committee.

2. Committees shall meet at such times and places as may be designated by the Chairman thereof. The President shall nevertheless have the power to convene a meeting of any standing or special committee on not less than three (3) days notice.

3. Upon the termination of its duties or term of office, each committee through its Chairman shall deliver to the Secretary of the Bar for transmittal to the Chairman of the successor committee, all files, information and data accumulated by said committee during its term of office, together with a copy of its report to the Bar.

4. A majority of members of any committee shall constitute a quorum for the transaction of business.

5. At each annual meeting each committee shall submit a written report of its proceedings since the preceding annual meeting. Additional reports may be submitted from time to time if deemed necessary by the committee or when requested by the President or President-elect in the absence of the President.

6. Each committee, in its annual report or as occasion may require, shall make appropriate recommendations to the Board of Governors or to the Bar.

7. The President shall designate one of the members of each committee to be Chairman thereof, and each committee shall select its own Secretary-Treasurer.

8. The standing committees shall be as follows, and shall perform the following functions:

(A) Legislation and Law Reform: This committee shall consist of three members.

(1) It shall be the duty of this committee to advocate, by proper and ethical means, the adoption or repeal of such legislation as may be recommended by the Board of Governors and the Bar.

(2) It shall be the object of this committee to improve the administration of justice, and in attaining this object it shall be the duty of the committee to keep under continuing study the laws being enacted, the organization and administration of courts, methods of judicial selection, tenure and retirement and compensation of the judiciary, the system of practice and procedure in use, with due emphasis upon the correction of deficiencies; and to study and evaluate the trends and reforms in practice and procedure in other jurisdictions, in substantive law or procedure. This objective shall include all Federal and Territorial legislation, as well as administrative rules or regulations of Federal or Territorial departments, agencies or offices.

(B) Legal Education and Admission to the Bar: This committee shall consist of five members.

(1) It shall be the duty of this committee to keep under continuing study the status of legal education and admission to the Virgin Islands Bar, to assist and cooperate with the Committee on Bar Examinations appointed by the Chief Justice of the Supreme Court, to aid through appropriate channels in the raising of standards for general and legal study, and to evaluate the trends and reforms in other jurisdictions and to propose such changes as in their opinion will improve the standing of the Virgin Islands Bar.

(2) It shall consider and report to the Board of Governors or the Bar on all matters relating to legal education and admission to the Bar. It shall examine proposals for changes in the rules of admission; changes in the bar examinations; enactment or amendment of legislation affecting legal education or admission to the Bar with authority to promote or oppose the same on behalf of the Bar, when in the judgment of the Board of Governors such action is advisable.

(C) Unauthorized Practice of Law: This committee shall consist of three members.

(1) It shall be the duty of this committee to keep under continuing study the subjects of any unauthorized practice of law; to study the prohibitions that exist in the Virgin Islands, as compared with the other territories and states; to prevent such unauthorized practice, and to make investigations of unauthorized practice. With the approval of the Board of Governors, this committee may take steps to prevent or to stop the unauthorized practice of law, including the initiation of legal proceedings.

(2) The committee shall make a report to the Board of Governors within forty-five (45) days after a complaint has been received.

(D) Professional Ethics and Grievance Committee: The Model Rules of Professional Conduct and Code of Judicial Conduct as adopted by the American Bar Association shall be the code of ethics for the Virgin Islands Bar.

This committee or subcommittees shall further:

(1) Formulate and recommend standards and methods for the effective enforcement of high standards of ethics and conduct in the practice of law as a profession; develop and recommend improved disciplinary tribunals or committees established by courts or other public authority; consider the Canons of Ethics of the legal profession and of the judicial officers and the observance thereof; and make recommendations for amendments to or clarifications of the Canons of Ethics when they may appear to be advisable.

(2) Upon request, advise or assist the Bar with respect to the professional conduct of lawyers and the ethics of the profession, make such investigations of professional conduct and abuses in connection with the practice of law as may be directed by the Board of Governors; furnish information and make recommendations on the foregoing subjects to the Board of Governors.

This committee shall consist of no less than five members.

At the discretion of the President, co-chairpersons of this committee may be appointed to chair separate subcommittees on the Island of St. Croix and one for the Islands of St. Thomas and St. John. In the event such co-chairpersons and subcommittee are designated, each subcommittee shall consist of no less than three members.

In the event that the President designates co-chairpersons and subcommittees for the Island of St. Croix and the Islands of St. Thomas and St. John, said subcommittees shall have the jurisdiction over complaints arising out of legal services on their respective islands; provided that, notwithstanding the foregoing, the President may refer a complaint to either subcommittee and either subcommittee may refer a complaint to the other subcommittee. Each subcommittee may develop its own internal operating procedures which may include the designation of panels of three or more subcommittee members for the handling of specific complaints as assigned by the co-chairpersons, provided that any decisions of such panels shall be reached by a majority vote of the panel members and shall be effective upon the signing of such decision(s) by the co-chairpersons. The co-chairperson may not refuse to endorse a decision reached by a duly designated panel.

(3) The Professional Ethics and Grievance Committee or subcommittee of the Virgin Islands Bar shall have the power to investigate all charges of professional misconduct that may be brought to their attention in writing, or initiate such investigation on their own motion. When sufficient funds are available for the purpose, the Board of Governors shall have authority to appropriate necessary funds for such investigation. This committee or subcommittee or panel thereof shall have power to summon and examine witnesses, to order the production of books, records or other documentary evidence, and to administer oaths. Any refusal to comply with any proper order or direction of said committee or subcommittee or panel thereof shall be reported to the Chief Justice of the Supreme Court for summary action thereon. Where the Professional Ethics and Grievance Committee or subcommittee or panel thereof finds the facts do not warrant disciplinary action, the matter shall be closed and the accused attorney notified.

Where the committee or subcommittee finds the facts to warrant disciplinary action, it shall file a complaint in the Supreme Court. The complaint shall set forth the specific facts constituting the alleged misconduct, and a copy thereof shall be served upon the

accused attorney. The Board of Governors shall appoint an active member or members of the Bar to present the evidence of the charges to the Court. The style of all complaints shall be THE VIRGIN ISLANDS BAR, Complainant v. (the accused attorney), Respondent.

(4) Within forty-five (45) days after a complaint has been received, the committee or subcommittee or panel thereof shall file a report with the Chief Justice and with the Board of Governors and shall file status reports every forty-five days thereafter until the matter has been closed.

(E) Public Relations and Entertainment: This committee shall have three members.

The objectives of this committee shall be:

(1) To impress upon the individual lawyer the importance of employing good public relations in his everyday practice;

(2) To correct the impression of the public that the misdeeds of a few lawyers are the exception rather than the rule. To correct this impression the committee should publicize commendable deeds of lawyers and worthy projects of the Virgin Islands Bar.

(3) To strengthen the procedures of self-discipline among lawyers.

(4) To inform the public on those aspects of the law which directly affect the individual and, more specifically, to show the individual how it affects him. The public should be educated as to the legal problems involved in everyday living and as to the advisability of consulting a lawyer before doing an act, rather than afterwards.

(5) The means for carrying the lawyers' story to the laymen as above, amongst others, are the following:

Press news stories, press releases, editorials, correction of misleading articles, magazine articles, speakers' bureaus and panels, radio and television, motion pictures, pamphlets, folders and mailings, institutional advertising, contests and awards, meetings.

(6) There is a place for fun and song in the life of the Bar and activities in this field should be espoused to round out the activities of the Bar. This can be appropriately done in the entertainment of important outside guests or as a means of bringing our members and their spouses together for social evenings.

(F) Judiciary Committee: This committee shall consist of five members.

(1) The committee shall accept reports or complaints from the Bar or the public on the judges, conduct an investigation and make a report within forty-five (45) days to the Board of Governors with recommendations as to whether or not such report or complaint has any merit.

(2) Upon receipt of such a report, if the recommendation indicates the complaint or report has merit, the Board of Governors shall report to the membership at

its next meeting, and shall execute the instructions of the Bar which may include, but shall not be limited to, a resolution to the judge affected or recommendation to the appointing power for removal.

(3) It shall be the duty of the committee to conduct an intensive investigation of all judicial candidates and to submit such report (in form approved by the Board of Governors) to the appointive power with its recommendations. This report shall also be submitted to the Board of Governors.

(4) It shall also be the duty of the committee to conduct an ongoing evaluation annually of all judges in the Virgin Islands. The form of the evaluation is to be approved by the Board of Governors, and the results of such an evaluation shall be submitted by report to the Board of Governors, Chief Justice of the Supreme Court, the Presiding Judge of the Superior Court and the Chief Judge of the District Court.

(G) Bar Journal: This committee shall consist of three members.

(1) The committee shall supervise the publication of the Virgin Islands Bar Journal which will be published whenever there are sufficient contributions by the membership.

(2) The committee shall also supervise the publication of the Virgin Islands Bar Law Letter, which may be published on a quarterly basis during an ensuing year. Furthermore, there shall be appropriated annually, from the general revenues of the Virgin Islands Bar Association, sufficient monies to cover the costs of publishing the Virgin Islands Bar Association Law Letter, plus incidental expenses, four (4) times during any ensuing year.

(H) Scholarship Committee: This committee shall consist of five (5) members.

(1) It shall be the duty of this committee to undertake fund-raising activities for the purpose of maintaining and enhancing the solvency of a scholarship fund. It shall also be the function of this committee to establish the guidelines by which scholarships shall be granted and to plan, solicit, screen and otherwise grant scholarships to law students at law schools approved by the American Bar Association, who are permanent residents of the United States Virgin Islands and who plan to engage in the practice of law therein.

(2) The Scholarship Committee shall grant scholarships, subject to the availability of funds therefor, on behalf of the Virgin Islands Bar Association, in the names of George H. T. Dudley, Sr., in conformity with the Articles of Incorporation of the George H. T. Dudley, Sr. Scholarship Fund, as well as in the name of Almeric L. Christian and in the names of such other persons which the Virgin Islands Bar Association may designate in the future.

(I) Young Lawyers Committee:

(1) This committee shall consist of all members of the Virgin Islands Bar in good standing who are under thirty-six (36) years of age and those who have been admitted to their first Bar less than three years.

(2) The objectives of this committee shall be to stimulate the interest of young lawyers in the Virgin Islands Bar, to conduct programs of interest and value to young lawyers and those recently admitted to practice, to be of assistance to the Virgin Islands Bar and its other committees, to coordinate its activities with the Young Lawyers Division of the American Bar Association and similar national, state, and local organizations and to promote the involvement of young lawyers in public service activities.

(3) Notwithstanding the provisions of this Article, a quorum of the Young Lawyers Committee shall consist of seven members.

XI. MEETINGS

1. There shall be four general meetings each year, the fourth of which shall be the Annual Meeting of the Virgin Islands Bar and which shall be held in December during the ensuing year or on such other day in January or February as may be fixed by the Board of Governors alternately in St. Thomas and St. Croix at the hour and place fixed by the President. Business of any kind may be transacted at any general meeting and a meeting may be adjourned to a later day certain by vote of a majority of the active members present. The President shall make a written report at the Annual Meeting of the activities of the Virgin Islands Bar during the preceding year and make his recommendations for improvement of the Bar.

2. General meetings shall be held alternately in St. Thomas and St. Croix once each quarter.

3. At each annual meeting of the Virgin Islands Bar, the order of business shall be as follows:

(a) Action on minutes of preceding meetings;

(b) Report of the President;

(c) Report of the Treasurer;

(d) Report of the ABA Delegate;

(e) Reports of all Standing Committees;

(f) Reports of Special Committees;

(g) Elections;

(h) Special Orders;

(i) New Business.

4. This order may be changed by vote of a majority of the members present.

5. The Robert's Rules of Order shall govern all meetings, except in cases otherwise provided for by the Bylaws, or by rules of order or resolutions adopted by the Bar.

6. The special committees, and such standing committees as are noticed by the President, shall make their reports at the general meeting.

7. Special meetings of the Virgin Islands Bar may be called by the President or shall be called by him upon the written request of two other members of the Board of Governors or six active members of the Virgin Islands Bar. The notice of a special meeting shall state the nature of the business to be transacted.

8. Fifteen (15) active members shall constitute a quorum to transact business at any meeting of the Virgin Islands Bar.

9. No member may vote by proxy at a meeting of the Virgin Islands Bar Association.

XII. ADOPTION AND AMENDMENT OF BYLAWS

These Bylaws may be adopted, amended or rescinded at any annual or special meeting of the Virgin Islands Bar by a majority vote of the members present; provided that notice and copies of the proposed action shall have been given by the Secretary to the members, either by mail or publication in the Virgin Islands Bar Journal, at least fifteen (15) days before the meeting at which such action is proposed to be taken. Those absent can vote in writing by mail provided such vote is received prior to the date of the meeting.

Rule 206. Membership status

(a) Active Status. An active member of the Bar is an attorney who is admitted to practice in any of the three categories set forth in Rules 201, 202 and 204, who is in good standing, and who actually engages in the practice of law as authorized.

(b) Inactive Status.

(1) An inactive member of the Bar is an attorney who ceases to actively practice law in the Virgin Islands, provided, however, that no attorney shall be deemed to be an inactive member unless a petition for such status is filed with the Court setting forth the reasons therefor. Upon receipt of the petition, the Court, for good cause shown, may grant the petition. The pendency of disciplinary or other similar proceeding anywhere shall be a bar to the grant of inactive status. Prior to the grant of inactive status, all pending cases in which the member is attorney of record shall be disclosed to the Court and appropriate action taken to arrange for substitute counsel.

(2) An active member of the Bar who elects to become inactive shall file an application with the court requesting such status and setting forth the reasons therefor. Upon approval of the application, the Bar Association shall be notified and the member shall not engage in the practice of law in the territory except as provided herein. Any member who engages in the active practice of law in any form while on inactive status shall be subject to the contempt powers of the court and such other disciplinary action for misconduct as might be recommended by the Virgin Islands Bar Association.

(3) Upon motion made to the Court by the secretary of the Virgin Islands Bar Association or by the court, *sua sponte*, an active member who ceases to actively practice law in the Virgin Islands without having requested inactive status, may be suspended

from the practice of law. Such suspended member may not be reinstated to full active membership except upon proof that, within a reasonable time after his application for reinstatement, he intends to actively practice law in the Virgin Islands.

(4) An inactive member of the Virgin Islands Bar in good standing who is interested in litigation filed in the Superior Court may, in the discretion of a judge of the Superior Court and upon the payment of all appropriate dues and fees, be permitted to participate in the litigation as an active member of the Virgin Islands Bar.

(c) Voluntary Resignation or Withdrawal and Reinstatement. Any member of the Bar may voluntarily resign therefrom, provided that:

(1) the resignation was not filed in lieu of disciplinary proceedings, suspension or disbarment;

(2) at least 60 days advance notice is given to his clients, to the bar, and to this court; and

(3) adequate arrangements are made to transfer pending cases to other counsel or to conclude all pending cases.

(d) A member who has voluntarily resigned or withdrawn from the Bar may petition the court at any time for reinstatement, provided that satisfactory proof by affidavit is submitted to the court certifying that since his resignation or withdrawal he was not subject to any disciplinary proceedings in any jurisdiction, and provided further that he is currently of good moral character, and that he has met all obligations to his former clients.

Rule 207. Rules of the ethics and grievance committee

207.1. The grievance; assignment of the grievance; response of the Respondent

207.2. Duties of the Panel, the Case Investigator and the Adjudicatory Panel

207.3. Hearings before the Adjudicators Panel; dispositions by consent; immunity

207.4. Decisions of the Adjudicatory Panel; sanctions; disposition forms

207.5. Duties of the Chairman; duties of the Respondent; duties of the Attorney-Trustee

207.6. Miscellaneous matters: stays; transfers; special Panels; fee mediation; emergency petitions for immediate interim suspension; In Re [Respondent] matters

207.7. The Committee and its Subcommittees

207.8. Amendments to the Rules

207.9. Savings clause; effective date of Rules

Rule 207.1. The grievance; assignment of the grievance; response of the Respondent

207.1.1. Filing of the grievance; confidentiality of proceedings

207.1.2. The Grievant; the Respondent

207.1.3. Investigation of grievances

207.1.4. Requirements of a grievance

207.1.5. Duties of the Executive Director

207.1.6. Assignment to Subcommittees; transfers between Subcommittees

207.1.7. Assignment to panels; dismissals without assignment

207.1.8. Notice to the Respondent

207.1.9. Notice to the Grievant

207.1.10. Notice to the Panel

207.1.11. Response by the Respondent

207.1.12. Consolidation of grievances

207.1.13. Service of documents

207.1.14. Statutes of limitations inapplicable

Rule 207.1.1. Filing of the grievance; confidentiality of proceedings

(a) A grievance shall be commenced by the filing of a letter of complaint with the office of the Virgin Islands Bar Association, which grievance shall be referred to the Professional Ethics and Grievance Committee (the Committee).

(b) Unless otherwise stated in these Rules, all grievances, and all proceedings relating to all grievances, including all hearings conducted by the Committee, shall be confidential, and shall not be open to the public, the press or any third party, without the consent of the Respondent and the Grievant.

Rule 207.1.2. The Grievant; the Respondent

(a) A Grievant under these rules may be:

1. A client or former client of the Respondent

2. A person acting in a representative capacity with respect to a client or former client of the Respondent, including but not limited to a lawyer acting as counsel; an agent under power of attorney; or executor under a will.

3. Any judge or any lawyer, pursuant to Rule 8.3 of the Model Rules of Professional Conduct.

4. Any person claiming to be harmed by the statements or conduct of the Respondent.

(b) (1) A Respondent under these Rules may be any regularly or specially admitted attorney, to the Virgin Islands Bar; or any attorney admitted *pro hac vice*; or any formerly admitted attorney with respect to acts committed prior to resignation, suspension, disbarment or transfer to inactive status, or with respect to acts subsequent thereto which amount to the practice of law; and any lawyer not admitted to the V.I. Bar who practices law, or renders or offers to render any legal services in the Virgin Islands.

(2) All Respondents have an affirmative duty to cooperate with the Committee, including but not limited to providing non-privileged books and records, cooperating with the investigation, and appearing at all hearings. Refusing or failing to cooperate with the Committee may result in the filing of additional charges and/or the imposition of additional sanctions, pursuant to Rule 8.1(b) of the Model Rules of Professional Conduct, or any successor thereto.

Rule 207.1.3. Investigation of grievances

(a) The Committee shall investigate all charges of professional misconduct that may be brought to its attention in writing, or it may initiate such investigation on its own initiative, in which case, the grievance shall be referred to as *In re* [name of Respondent], and it shall be duly docketed and assigned a docket number by the Executive Director of the Virgin Islands Bar Association (the Executive Director).

(b) Any grievance, once filed by a Grievant, may be maintained by the Committee, including any investigation and the adjudication thereof.

Rule 207.1.4. Requirements of a grievance

(a) A grievance shall:

1. Provide the name and mailing address, and telephone number, if any, of the Grievant.

2. Identify the Respondent by name.

3. State at least in general terms the nature of the grievance or the offending conduct.

4. State the nature of the relationship between the Grievant and the Respondent.

(b) If a grievance is filed by a third person on behalf of the Grievant it shall identify the nature of the relationship between the Grievant and the person filing the grievance, and the reason for the third party filing. The grievance shall, in addition, provide the full name, mailing address, and telephone number, if any, of the person filing the grievance on behalf of the Grievant, in addition to the information required under subsection (a) of this rule.

Rule 207.1.5. Duties of the Executive Director

(a) Upon receipt of a grievance in compliance with these Rules, the Executive Director shall promptly:

1. Date stamp the grievance, or otherwise note thereon the date of receipt of same.

2. Open a separate file on the grievance which shall be indexed under both the Grievant's name and the Respondent's name.

3. Provide the grievance with a docket number. Said docket number shall consist of (i) a number, which is the next sequential number from that of the immediately preceding grievance; (ii) the year of filing; and (iii) the Subcommittee to which the grievance has been referred. Grievances assigned to the St. Croix Subcommittee shall be designated STX; grievances assigned to the St. Thomas-St. John Subcommittee shall be designated STT. For example, No. 1-97-STT.

(b) A grievance which does not meet the requirements of these Rules may be returned to the Grievant, in which case it shall not be processed or docketed. A written explanation for the return shall be provided to the Grievant.

(c) The Executive Director shall keep appropriate records which shall reflect the status of all grievances filed, (*e.g.* closed, pending, stayed, etc.), the disposition made, and the date thereof. The originals of all Disposition Forms, and the decisions of any panel of the Committee, shall be kept by the Executive Director and appropriately indexed.

Rule 207.1.6. Assignment to Subcommittees; transfers between Subcommittees

(a) Upon the docketing of a grievance, the Executive Director shall promptly forward a copy of the grievance, and any attachments thereto, to the Chairman of the appropriate Subcommittee of the Ethics and Grievance Committee who shall assign the grievance to a panel of the Subcommittee for investigation and adjudication. The Executive Director shall forward the grievance to that Subcommittee for the district where the Grievant resides, if the Grievant is a resident of the Virgin Islands. If the Grievant is not a resident of the Virgin Islands, then the grievance shall be forwarded to the Subcommittee for: (i) the district where the Respondent has an office for the practice of law, or (ii) the district where the offending conduct was alleged to have occurred or, (iii) with respect to a matter in litigation, the district where the action was filed. The Executive Director may consult with the Chairmen of the respective Subcommittees in making the appropriate assignment under this rule.

(b) In the interest of justice, or for the convenience of witnesses, or for any reason provided by these Rules or any other applicable rules, a grievance may be transferred from one Subcommittee to the other, after consultation between the Chairmen of the respective Subcommittees. An order of transfer shall be signed by the Chairman of the transferor Subcommittee, and be directed to the Executive Director, with a copy to the Chairman of the transferee Subcommittee, and it shall note thereon the approval of the Chairman of the transferee Subcommittee. The Executive Director shall provide a new docket number to any grievance so transferred which shall indicate the assignment of the grievance to the transferee Subcommittee; and shall provide notice of same to the

Chairmen of both Subcommittees. The grievance shall then be marked as transferred in the records of the transferor Subcommittee, and shall be shown as Pending in the records of the transferee Subcommittee.

Rule 207.1.7. Assignment to panels; dismissals without assignment

(a) Except as stated in subsections (b) and (c) below, upon receipt of a copy of the grievance, which is in conformance with these Rules the Chairman of the Subcommittee to which it is assigned shall promptly:

1. Assign the grievance to a Panel, as defined in Rule 207.2, by a Notice to the Panel.

2. Provide a Notice to the Grievant of the receipt and of the processing of the grievance, which Notice shall be copied to the Respondent and the Panel.

3. Provide a Notice to the Respondent of the filing of the grievance, which notice shall be copied to the Grievant and the Panel.

4. The information required in the Notice to the Panel, Notice to the Grievant and Notice to the Respondent may be set forth in one, two or three separate documents, in the discretion of the Chairman.

(b) With respect to a grievance filed by a third party on behalf of the Grievant, under Rule 207.1.4(b), the Chairman may require that the Grievant verify the grievance as a precondition for further processing by the Committee. Verification shall not be required if the third party filer is acting as counsel to the Grievant.

(c) In the event that a grievance is frivolous on its face, or fails to state any facts from which it may be understood that any provision of the Model Rules of Professional Conduct may be implicated, the Chairman of the appropriate Subcommittee to whom the grievance is assigned may, in his discretion, but is not required to, dismiss the grievance without assignment to any panel. In exercising discretion under this rule all grievances shall be liberally construed and no technical terms or forms of pleadings shall be required. This dismissal must be concurred with, in writing by another member of the Committee and the number of all grievances dismissed without assignment shall be listed, by file number, in the Chairman's annual report. A file shall be maintained for two (2) years of any grievance dismissed without assignment.

(d) The assignment of a grievance to a panel by the Chairman in accordance with these Rules shall not mean or imply that the grievance is not frivolous, or that it may be understood that a provision of the Model Rules of Professional Conduct is in fact implicated by the grievance, or that the Chairman has made any evaluation pursuant to the provisions of subsection (c) of this rule.

Rule 207.1.8. Notice to the Respondent

(a) The Chairman of the Subcommittee to whom a grievance has been assigned shall provide the following information to the Respondent in the Notice to the Respondent:

1. The date of the Chairman's receipt of the grievance and the identity and mailing address of the Grievant.

2. The assignment of the grievance to the Subcommittee, the appointment of the Panel for the investigation and adjudication of the grievance, and the identity of every member of the Panel, including the identity of the Panel Chair.

3. That the Respondent shall respond to the grievance in writing within thirty (30) days, unless an extension is granted upon good cause shown. All responses shall be served on the Case Investigator, together with all documents pertinent to the grievance, whether in support or in defense thereof, shall be voluntarily produced by the Respondent along with his response. Any documents for which an attorney-client privilege is claimed shall be identified in the Response by title, caption or description of subject matter, and date, if any, in the Response.

4. That the Respondent is under a duty to cooperate with the Committee, acting by and through its Panel, pursuant to Model Rule 8.1(b) of the Model Rules of Professional Conduct.

5. That the Case Investigator for the Panel may contact the Respondent and the Grievant to request additional information and documents.

6. (i) That if the Respondent has any grounds to seek the recusal of any members of the Panel, in accordance with Rule 207.2.10 hereof, that he shall do so promptly and in writing to the Panel Chair, stating with particularity the grounds for the recusal.

(ii) The Notice shall further state that requests for recusal which are not made within 30 days of receipt of the Notice to the Respondent shall be granted only upon (i) exceptional circumstances, or (ii) new facts or circumstances, which did not exist, or were unknown to the Respondent, at the time of receipt of the Notice to the Respondent.

(iii) The Notice shall further state that the burden to show grounds for recusal is at all times on the person requesting same.

7. That the Committee has subpoena powers and may, during the course of the investigation, subpoena records and documents.

8. That upon a finding of probable cause to believe that an ethical violation has occurred, the Panel may hold a hearing on the record, at which hearing the Grievant may and the Respondent shall be required to appear.

9. That the Respondent may be represented by counsel at all stages of the grievance.

10. That the Grievant may be represented by counsel at all stages of the grievance.

11. That the grievance shall be processed in accordance with these Rules.

(b) The Respondent shall be provided with a true and complete copy of the grievance, and of all attachments thereto, in the Notice to the Respondent.

(c) The Notice to the Respondent may be served by regular mail to the Respondent's address, as shown in the records of the V.I. Bar Association.

Rule 207.1.9. Notice to the Grievant

(a) The Chairman of the Subcommittee shall provide the following information to the Grievant in the Notice to the Grievant :

1. The assignment of the grievance to the Subcommittee, the appointment of the Panel for investigation and adjudication of the grievance, and the identity of every member of the Panel, including the identity of the Panel Chair.

2. The time within which the Respondent shall answer the grievance.

3. That the Case Investigator for the Panel may contact the Respondent and the Grievant to request additional information and documents.

4. That the Grievant has a duty to cooperate with the Panel and the Case Investigator thereof.

5. That the Committee does not perform legal work for or on behalf of any Grievant, and that the Grievant is therefore advised to seek legal counsel to pursue or protect any and all legal rights he may have in connection with the subject matter of the grievance.

6. (i) That if the Grievant has any grounds to seek the recusal of any members of the Panel, in accordance with Rule 207.2.10 hereof, that he shall do so promptly and in writing to the Panel Chair, stating with particularity the grounds for the recusal.

(ii) The Notice shall further state that requests for recusal which are not made within 30 days of receipt of the Notice to the Grievant shall be granted only upon (i) exceptional circumstances or (ii) new facts or circumstances, which did not exist, or were unknown to the Grievant at the time of receipt of the Notice to the Grievant .

(iii) The Notice shall further state that the burden to show grounds for recusal is at all times on the person requesting same.

7. That the Grievant shall promptly notify the panel of any change in his mailing address or telephone number.

8. That the grievance may be investigated and adjudicated by the Panel in the absence of the Grievant, or upon the withdrawal of the grievance by the Grievant.

9. That the Committee has subpoena powers and may, during the course of the investigation, subpoena records and documents.

10. That upon a finding of probable cause to believe that an ethical violation has occurred, the Panel may hold a hearing on the record, at which hearing the Grievant may and the Respondent shall be required to appear.

11. That the Respondent may be represented by counsel at all stages of the grievance.

12. That the Grievant may be represented by counsel at all stages of the grievance.

13. That the grievance shall be processed in accordance with these Rules.

(b) The Notice to the Grievant may be served by regular mail to the address shown on the grievance.

Rule 207.1.10. Notice to the Panel

In the Notice to the Panel, the Chairman shall:

(a) 1. Provide to the Panel Chair a copy of the grievance and all attachments thereto, as well as any other documents which are in the Chairman's possession which are or may be relevant to the investigation or adjudication of the grievance.

2. State (i) the date upon which the investigation must be completed, and (ii) the date upon which the Panel must decide whether there is probable cause to conduct a hearing on the grievance.

3. State that, absent extraordinary circumstances, the investigation should be completed, and the Case Investigator's Report submitted to that Panel within no more than ninety (90) days of the assignment of the grievance to a Panel. It shall further state that, absent extraordinary circumstances, the Panel should meet within thirty (30) days after the submission of the Case Investigator's report to determine whether there is probable cause to continue with the grievance or whether additional investigation needs to be undertaken.

4. If additional investigation is required by the Panel, it should be completed within an additional thirty (30) days, and the Panel should reconvene within thirty (30) days thereafter to consider the additional evidence.

5. That if probable cause is found, that a Notice of Hearing or Notice of No Hearing should promptly issue, and a decision promptly rendered.

(b) Copies of the Notice to the Panel and of the grievance shall be furnished by the Chairman to each member of the Panel. Copies of all attachments to the grievance shall be promptly distributed to the Case Investigator.

Rule 207.1.11. Response by the Respondent

All grievances shall be answered by the Respondent within the time set by these Rules. Failure to timely answer the grievance shall be deemed an admission by the Respondent to all factual allegations contained in the grievance, and shall permit the grievance to proceed on a default basis.

Rule 207.1.12. Consolidation of grievances

(a) Where more than one grievance has been filed by the same Grievant against the same Respondent the grievances will, absent good cause, be consolidated, and assigned to the same panel for disposition.

(b) Where more than one grievance has been filed against a Respondent by different Grievants, the grievances will, absent good cause, be assigned to different panels for disposition if practicable. Good cause may be found where the grievances arise from the same facts, or a joint representation.

Rule 207.1.13. Service of documents

(a) All correspondence, documents, exhibits, briefs, or other matters submitted to the Case Investigator, or to the Panel, by the Respondent, shall be simultaneously submitted to the Grievant by the Respondent.

(b) All correspondence, documents, exhibits, briefs or other matters submitted to the Case Investigator or to the Panel by the Grievant, shall be simultaneously submitted to the Respondent by the Grievant.

(c) The Case Investigator or, in the appropriate case, the Panel Chair, shall ensure that this Rule 207.1.13 is complied with, and may, in connection with any violation of this rule, require that appropriate service be performed, or may do so *sua sponte.*

Rule 207.1.14. Statutes of limitations inapplicable

The various statutes of limitations shall not apply to grievances filed with the V.I. Bar Association.

Rule 207.2. Duties of the Panel, the Case Investigator and the Adjudicatory Panel

207.2.1. The Panel

207.2.2. Standing and ad hoc Panels

207.2.3. Appointment of Panel Chair and of Case Investigator

207.2.4. The Case Investigator and the investigation

207.2.5. The Case Investigator's report

207.2.6. The Adjudicators Panel; powers of the Chair; majority vote.

207.2.7. The preliminary meeting of the Adjudicatory Panel

207.2.8. Subpoenas

207.2.9. Depositions and discovery

207.2.10. Recusal

Rule 207.2.1. The Panel

A Panel shall consist of four attorneys, all of whom shall be members of the Committee. One attorney of the Panel shall be the Case Investigator and the other three attorneys shall constitute the Adjudicatory Panel. One of the three members of the Adjudicatory Panel shall be the Panel Chair.

Rule 207.2.2. Standing and ad hoc Panels

Each Subcommittee may decide whether to have standing Panels or to create ad hoc Panels for each new grievance. In either event, the Chairman of each Subcommittee shall strive to evenly distribute, insofar as practicable, the workload of the Subcommittee, so that all Panels, and all members of the Subcommittee, are assigned to a roughly equal number of grievances.

Rule 207.2.3. Appointment of Panel Chair and of Case Investigator

(a) The Chairman of each Subcommittee shall appoint one member of each Panel as the Chair of the Panel at the time of appointment of a standing Panel, or at the time of the assignment of a grievance to an ad hoc Panel, as the case may be.

(b) The Chairman of the Subcommittee shall promptly appoint a Case Investigator for each grievance assigned to the Panel with a copy of said appointment to the panel members, the Grievant and the Respondent. Alternatively, the Chairman may delegate this appointment to the Panel Chair, who shall promptly appoint the Case Investigator, and furnish a copy of said appointment to the Chairman, the panel members, the Grievant and the Respondent.

Rule 207.2.4. The Case Investigator and the investigation

(a) Upon his appointment, the Case Investigator shall promptly commence his investigation. Said investigation shall at a minimum consist of a review of the grievance and of all relevant documents, the applicable Model Rules of Professional Conduct and the Supreme Court Rules, and communicating with both the Grievant and the Respondent.

(b) The Case Investigator shall attempt to obtain the cooperation of the Respondent, and in that connection may remind the Respondent of his obligations to cooperate with the Committee, and all members thereof, as required by Rule 8.1 of the Models Rules of Professional Conduct.

(c) If the Respondent fails or refuses to provide documents, or to communicate with the Case Investigator, or is otherwise uncooperative in any substantial degree or fashion, the Case Investigator may cite the Respondent with a violation of Model Rule 8.1(b), or any successor thereof, in making his report to the Adjudicatory Panel.

(d) Any documents received by the Case Investigator in the course of the investigation shall be supplied to the Grievant and the Respondent. Reasonable costs of copying may be required.

Rule 207.2.5. The Case Investigator's report

The Case Investigator shall submit his report in writing to the other members of the Panel constituting the Adjudicatory Panel within ninety (90) days of his appointment. The report shall state the documents reviewed, the persons interviewed, and the Case Investigator's conclusions as to whether there is probable cause to believe that a violation of any of the Rules of the Model Rules of Professional Conduct has occurred; and if so, whether it is a violation which merits a hearing, or other possible disposition; and, if not,

whether the grievance should be dismissed. Attached to the report shall be the grievance, all attachments thereto, and any other pertinent documents reviewed by the Case Investigator in preparing his report. The Case Investigator's report shall be confidential; it shall be and remain the work product of the Committee; and it shall not be disclosed to either the Grievant or the Respondent.

Rule 207.2.6. The Adjudicators Panel; powers of the Chair; majority vote.

(a) The Panel Chair shall call and preside at all formal and informal meetings of the Panel, and at all proceedings conducted by the Panel, and shall rule on all objections. The Chair may delegate any assignment, or any other work, to any of the other members of the Panel. Decisions by the Adjudicatory Panel: (1) to stay or transfer a grievance; (2) to hold a hearing; and/or (3) all decisions on the disposition of the case, shall be by majority vote. All other decisions may be made by the Panel Chair solely; or in the Chair's discretion, by a majority vote of the Adjudicatory Panel, after the Chair's referral to same for a vote.

Rule 207.2.7. The preliminary meeting of the Adjudicatory Panel

(a) The Adjudicatory Panel shall hold a preliminary meeting promptly after submission of the Case Investigator's report, but in any event not later than 30 days thereafter. Said preliminary meeting shall be confidential, and neither the Respondent nor the Grievant may attend. The members of the Adjudicatory Panel may question the Case Investigator as to his findings and/or his conclusions, and may do any of the following:

1. Accept the Case Investigator's report and recommendation.

2. Reject the Case Investigator's report and recommendation.

3. Request additional documents, research, or evidence from the Case Investigator, in which event the Case Investigator shall promptly comply with the said request and he shall submit a supplemental report no later than 30 days after said request.

(b) The Adjudicatory Panel, by majority vote, may find probable cause, and require an evidentiary hearing, even if the Case Investigator has concluded that there is no probable cause for finding an ethical violation by the Respondent. Conversely, the Adjudicatory Panel, by majority vote, may find no probable cause for further prosecution of the grievance, and may dismiss the grievance, even if the Case Investigator has come to a contrary conclusion in his report.

(c) If probable cause is found, the Panel shall convene a hearing pursuant to a Notice of Hearing, in compliance with Rule 207.3 of these rules.

Rule 207.2.8. Subpoenas

(a) At any point in the Committee's proceedings, the Case Investigator may cause to be issued a subpoena for the attendance of witnesses at the Panel Hearing, or a subpoena duces tecum for the production of documents, either in advance of the Panel hearing or for the Panel hearing (collectively, or individually, subpoena), either *sua sponte* or, at the request of the Grievant or Respondent. Any such subpoena shall be issued in the name of the Committee and shall be captioned In re Ethics & Grievance Committee, No [docket

number], so as to preserve the confidentiality of the Committee's proceeding. Witness and mileage fees shall be paid by the person requesting the subpoena at the rate which then prevails in the Superior Court.

(b) Any documents received by the Case Investigator pursuant to the subpoena shall be made available for inspection and copying to the Grievant and the Respondent. Reasonable costs of copying may be required.

(c) No subpoena shall be issued for documents protected by the attorney-client privilege, without the consent of the client in writing. No other privilege, such as work product privilege, will be grounds for opposing the subpoena.

(d) A Respondent may seek a protective order from the Adjudicatory Panel with respect to any subpoena issued by a Case Investigator. The grounds for protection shall be stated with particularity. All such requests shall be ruled on promptly.

(e) The Committee may enforce its subpoena in the Supreme Court or Superior Court should the Respondent, or any witness, fail or refuse to comply fully with the requests made therein.

(f) The Chairman of the appropriate Subcommittee, or the Panel Chair or Case Investigator with the consent of the Chairman of the appropriate Subcommittee, shall brief and argue all matters pertaining to the subpoena in the Supreme Court or Superior Court on behalf of the Committee.

Rule 207.2.9. Depositions and discovery

(a) Depositions and discovery are permitted pursuant to the provisions hereof. The abuse of discovery for delay or to overburden the process will not be permitted. The Grievant, Respondent and/or the Case Investigator may seek protective orders from the Panel Chair and same shall be liberally granted when it appears to the satisfaction of the Panel Chair that legitimate discovery needs can be accomplished with less burdensome or cumbersome methods. Disputes concerning discovery shall be determined by the Panel Chair.

(b) Depositions to preserve testimony (in the case of an infirm witness, or a witness about to leave the jurisdiction) or for discovery purposes shall be permitted in advance of a hearing. The party seeking the deposition or the Case Investigator shall give notice of the deposition to the Case Investigator, the Respondent, and the Grievant, all of whom shall have the right to participate, to examine the witness, and to introduce documents. The party or the Case Investigator seeking the deposition shall advance the costs of same, subject to assessment or re-assessment by the Panel. In the event that a Grievant establishes to the satisfaction of the Panel Chair that he or she is without the financial resources to pay the costs of same, the Panel Chair may authorize the payment of such costs by the Committee. A subpoena to compel the attendance of witnesses required for a deposition under this rule may be issued by the Case Investigator *sua sponte,* or at the request of the Grievant or of the Respondent, in accordance with Rule 207.2.8.

(c) The parties and the Case Investigator shall comply with reasonable requests for (1) non-privileged information and evidence relevant to the charges or the Respondent and (2) other material upon good cause shown to the Panel Chair.

(d) Proceedings under these Rules are not subject to theFederal or Superior Court Rules of Civil Procedure regarding discovery except those relating to depositions and subpoenas, except as modified herein.

Rule 207.2.10. Recusal

(a) A member of the Committee shall promptly recuse himself, on request of the Grievant or the Respondent, or *sua sponte,* on any grounds upon which a judge must recuse himself as set forth in 4 V.I.C. Section 284, or any successor thereof.

(b) A member of the Committee may *sua sponte* recuse himself for any reason whatsoever, whether or not it constitutes good cause, or meets the criteria of 4 V.I.C. Section 284, or any successor thereof, it being the intention of this subparagraph to give all members of the Committee unfettered discretion to recuse themselves. The recusal shall be in writing and directed to the Panel Chair. No reason need be stated for any recusal under this subsection. Ordinarily, a member of the Committee should not recuse himself simply because he is opposing counsel in one or more cases against the Respondent.

(c) A Grievant and/or a Respondent may promptly request the recusal of any member(s) of the Panel, by filing a request in writing with the Panel Chair, with copies to all members of the Panel, and the Respondent and/or Grievant, as the case may be. The reasons for the request shall be stated with particularity thereon. The member whose recusal is sought may recuse himself for the reasons stated in the request, or for any other reason. The recusal shall be in writing and shall be directed to the Panel Chair. No reason need be stated by any member of the Committee for his recusal under this subsection.

(d) Upon the recusal of a member, the Panel Chair shall promptly notify the Chairman of the appropriate Subcommittee in writing, whereupon the Chairman shall promptly assign another member of the Committee to the place of the member so recused. The notice of recusal by the Panel Chair, as well as the assignment of another member by the Chairman, shall be served on all members of the Panel, the Grievant and the Respondent.

(e) In the event any member disagrees with a request from the Grievant or Respondent for his recusal, or in the event that there is a request that more than one member of the Panel recuse himself, the issue of recusal shall be promptly referred to a Chairman of the Committee. The Chairman to whom the issue of recusal has been referred may request additional written submissions from all sides, including affidavits. The said Chairman shall promptly decide the matter, and his decision shall be provided to the Panel Chair who shall promptly distribute same to the member, the Grievant and the Respondent.

(f) No reason shall be given by the said Chairman if he decides in favor of recusal. If the Chairman overrules the request for recusal, the reasons shall be set forth in findings and conclusions. Alternatively, the Chairman may assign the grievance to another panel.

Rule 207.3. Hearings before the Adjudicators Panel; dispositions by consent; immunity

I. Hearings

II. Dispositions by Consent

III. Immunity

I.
Hearings

207.3.1. Notice of hearing; notice of no hearing

207.3.2. Investigation by government authorities

207.3.3. Continuances of Panel hearing

207.3.4. Panel hearings to be transcribed

207.3.5. Witnesses at Panel hearings

207.3.4. Panel hearings to be transcribed

207.3.5. Witnesses at Panel hearings

207.3.6. Order of hearing

207.3.7. Examination of witnesses

207.3.8. Examination of the Case Investigator

207.3.9. Rules of Evidence

207.3.10. Deliberations of the Adjudicators Panel

207.3.11. Decision making by the Adjudicatory Panel

207.3.12. Composition of the Adjudicatory Panel at the hearing

Rule 207.3.1. Notice of hearing; notice of no hearing

(a) Every hearing shall be duly noticed in a Notice of Hearing which shall be executed and dated by the Panel Chair, and shall be served on the Grievant and on the Respondent. The Notice of Hearing shall state:

(1) The date, time and place of the hearing.

(2) The relevant facts, and whether they are contested or uncontested.

(3) The Model Rules which are, or may be, implicated by the uncontested and contested facts.

(4) If the Case Investigator has charged the Respondent with a violation of Model Rule 8.1(b), the facts relevant to such charge shall be separately set forth, and Rule 8.1(b) shall be separately cited as being implicated.

(5) That if the Respondent fails or refuses to appear at any hearing duly noticed and convened, without good and sufficient cause, then the hearing may be held in his absence and that the Panel may proceed to an adjudication of the grievance and the imposition of sanctions on a default basis.

(6) That at any hearing both the Respondent and the Grievant will be given an opportunity to make opening and closing statements, to present evidence and witnesses, and to cross-examine any and all witnesses, and that the Case Investigator may be permitted to do likewise in the discretion of the Panel.

(7) That the Grievant and the Respondent have the right to submit prehearing and post-hearing briefs to the Panel, in the event that a hearing is held.

(8) That sanctions may be imposed in accordance with these Rules. The potential sanctions which the Respondent faces in the proceeding shall be specifically enumerated in the Notice of Hearing.

Absent exigent circumstances, hearings shall be set 14 to 30 days after the date of the Notice of Hearing.

(b) If the Panel believes that the relevant facts are uncontested, it may issue a statement which shall:

(1) Identify the Model Rule(s) implicated by the grievance;

(2) State the relevant facts; and further state that it believes the relevant facts to be uncontested; and further state that there appears to be no need for a hearing because the matter may be decided on the written record;

(3) Advise the Grievant and Respondent to state in writing to the Panel if either believes that contested, relevant facts exist for which a hearing should be held;

(4) State that the Panel reserves the right to decide whether a hearing should be held after reviewing the response from the Grievant and Respondent.

Should the Panel determine that a hearing is appropriate, it shall issue a Notice of Hearing in accordance with these Rules. Should the Grievant and Respondent agree that no hearing is necessary or should the Panel determine that no hearing is necessary, the Panel shall make a determination of the grievance summarily.

(c) The Notice of Hearing or Notice of No Hearing may be served on the Grievant and Respondent in accordance with Rule 207.1.8(c) and 207.1.9(b) of these Rules; or, alternatively, may be personally served or served by certified mail, return receipt requested, or by any other means reasonably calculated to provide actual notice. Copies

of all Notices of Hearing and Notices of No Hearing shall be furnished to each Panel member, and to the Chairman of the appropriate Subcommittee.

Rule 207.3.2. Investigation by government authorities

The Committee or any of its members may, at any time, advise a Grievant that he, the Grievant, may report the facts constituting his grievance to the U.S. Attorney's Office, or the Virgin Islands Department of Justice, or other appropriate authority.

Rule 207.3.3. Continuances of Panel hearing

(a) Requests for a continuance of a Panel hearing shall not routinely be granted, but shall be granted only for good cause. Requests for continuance shall be served on the Panel Chair who shall rule on all such requests.

(b) If the Respondent fails to appear for the Panel hearing, the hearing shall be held in his absence. At such hearing, the Respondent shall be deemed to have admitted all factual allegations contained in the grievance, and to have waived his right to object to the imposition of sanctions in accordance with these Rules and the ABA's Standards for Imposing Lawyer Sanctions.

Rule 207.3.4. Panel hearings to be transcribed

All Panel hearings shall be held on the record before a certified court reporter or approved recording system capable of providing a verbatim transcript.

Rule 207.3.5. Witnesses at Panel hearings

(a) All witnesses shall swear or affirm as if in court.

(b) (1) Any witness, including the Grievant and Respondent, may testify by telephone if he is not then present in the Virgin Islands, or is otherwise unavailable to be present at the hearing.

(2) If a judge of any court is a Grievant, or a witness, the judge's testimony may be taken by telephone, if the judge so requests, or if the Panel so decides in the interest of justice.

(3) A notary shall swear any witness whose testimony is taken by telephone, other than a Respondent, a member of the Virgin Islands Bar, or any judge who may affirm the truthfulness of his own testimony under penalty of perjury. Said notary shall be physically present in the same location as the witness, and shall verify on the record said witness' identity, based on appropriate identification supplied to said notary.

Rule 207.3.4. Panel hearings to be transcribed

All Panel hearings shall be held on the record before a certified court reporter or approved recording system capable of providing a verbatim transcript.

Rule 207.3.5. Witnesses at Panel hearings

(a) All witnesses shall swear or affirm as if in court.

(b) **(1)** Any witness, including the Grievant and Respondent, may testify by telephone if he is not then present in the Virgin Islands, or is otherwise unavailable to be present at the hearing.

(2) If a judge of any court is a Grievant, or a witness, the judge's testimony may be taken by telephone, if the judge so requests, or if the Panel so decides in the interest of justice.

(3) A notary shall swear any witness whose testimony is taken by telephone, other than a Respondent, a member of the Virgin Islands Bar, or any judge who may affirm the truthfulness of his own testimony under penalty of perjury. Said notary shall be physically present in the same location as the witness, and shall verify on the record said witness' identity, based on appropriate identification supplied to said notary.

Rule 207.3.6. Order of hearing

(a) The Case Investigator shall present the case to the Adjudicatory Panel. In the discretion of the Panel, the Case Investigator may make opening statements, examine and cross examine witnesses, introduce evidence, and make a closing statement.

(b) The Grievant and the Respondent shall each be entitled to make an opening statement, to examine and cross-examine witnesses, to introduce evidence, and make a closing statement, in that order.

Rule 207.3.7. Examination of witnesses

All members of the Adjudicatory Panel shall be entitled to question the Grievant, the Respondent, and all witnesses.

Rule 207.3.8. Examination of the Case Investigator

The Case Investigator shall not testify, and shall not be subject to cross-examination, unless he has cited the Respondent for a violation of Model Rule 8.1(b), in which event, direct and cross examination of the Case Investigator shall be strictly limited to the facts relevant to the Rule 8.1(b) violation. The direct examination of the Case Investigator shall be conducted by the Panel Chair, or by another member of the Adjudicatory Panel designated by the Chair.

Rule 207.3.9. Rules of Evidence

The Adjudicatory Panel shall be guided by, but shall not be bound by, the Rules of Evidence applicable to trials in the Superior Court. Hearsay evidence, and nonauthenticated documents, may be admitted, if reliable.

Rule 207.3.10. Deliberations of the Adjudicators Panel

The Case Investigator shall not participate in any of the deliberations of the Adjudicatory Panel after the hearing, or in the decision by said Panel.

Rule 207.3.11. Decision making by the Adjudicatory Panel

The Adjudicatory Panel shall deliberate immediately after the hearing and shall promptly reach a conclusion.

Rule 207.3.12. Composition of the Adjudicatory Panel at the hearing

A hearing may be held if 2 of the 3 members of the Adjudicatory Panel are present. In such circumstances, the third member shall be provided with a copy of the transcript or tape recording, and all documents which were received, and shall take part in the deliberations and vote of the Panel.

II.
Dispositions by Consent

207.3.13. Offer to consent

207.3.14. Acceptance of Offer to Consent; rejection of same

207.3.15. Court approval of offer to consent

207.3.16. Disapproved Offer to Consent

207.3.17. Inadmissibility of rejected or disapproved Offer to Consent

207.3.18. No limitation on power of the court

Rule 207.3.13. Offer to consent

(a) In lieu of proceedings under these Rules, a Respondent at any time may offer to consent to the entry of specified sanctions being entered against him by a written Offer to Consent. The Offer to Consent shall:

(1) Identify the Rule(s) of the Model Rules of Professional Conduct which the Respondent admits he has violated; and

(2) State the specific sanction consented to.

(b) The Offer to Consent shall be on a form prescribed by the Committee, a copy of which is attached as Form 1 to the Rules. In addition, the Respondent shall explicitly waive all of his rights under these Rules, which waiver shall be effective for all purposes if the Offer to Consent is accepted by the Adjudicatory Panel, and if approved by the court, where necessary.

(c) The Offer of Consent shall be served on the Case Investigator. If the Case Investigator agrees that the Rule(s) identified in the Offer to Consent have been violated by the Respondent, and that the sanctions specified by the Respondent are just and appropriate under the circumstances, and if the Offer to Consent is properly executed and otherwise in good form, he shall countersign the Offer to Consent, and forward same along with any other pertinent materials to the Adjudicatory Panel.

Rule 207.3.14. Acceptance of Offer to Consent; rejection of same

(a) If a majority of the Adjudicatory Panel agrees with the Case Investigator then, on behalf of the Committee, they shall accept the Offer to Consent and shall countersign same. The duly-executed and countersigned Offer to Consent shall be forwarded by the Chair of the Adjudicatory Panel to the Subcommittee Chairman for forwarding to the Executive Director for docketing. The accepted Offer to Consent shall not require the approval of the court except in the circumstances set forth in Rule 207.3.15.

(b) In considering the Offer to Consent, the Adjudicatory Panel shall communicate with the Case Investigator, and may review such documents as they may deem necessary or appropriate.

(c) If a majority of the Adjudicatory Panel rejects the Offer to Consent, they shall notify the Case Investigator and the Subcommittee Chairman in writing and the grievance shall then proceed in accordance with these Rules. The majority of the Adjudicatory Panel may, but is not required to, indicate those terms, conditions and sanctions which they would approve and accept.

(d) A new Offer to Consent may be submitted by the Respondent for consideration and acceptance by the Adjudicatory Panel, even though a prior Offer to Consent was rejected.

(e) The Respondent shall not communicate with the Adjudicatory Panel while an Offer to Consent is under consideration, except in writing through the Case Investigator.

Rule 207.3.15. Court approval of offer to consent

(a) Where the sanction specified is probation, suspension or disbarment, the Offer to Consent, if accepted by a majority of the Adjudicatory Panel, shall be subject to approval by the court. A Petition for Disciplinary Action Based on Consent shall be filed with the court, and a copy of the duly executed and countersigned Offer to Consent shall be attached thereto. Where the sanction consented to is disbarment, the Respondent shall, in addition, execute an affidavit in conformity with Rule 203(g) of the Supreme Court Rules, or any successor thereof.

(b) In the initial filing of the Offer to Consent with the court, the Committee shall be obligated to advise the court of any consideration offered to, or accepted by, the Committee in exchange for the Offer to Consent, including the dismissal of any pending grievances, or any agreements reached respecting the terms or conditions of probation, or the Respondent's readmittance to the Bar.

(c) If the court approves the Offer to Consent, it shall become effective immediately upon approval, and the record shall reflect that the Respondent was placed on probation on consent, or suspended on consent, or disbarred on consent, as the case may be.

Rule 207.3.16. Disapproved Offer to Consent

If the court disapproves the Offer to Consent, the Chairman shall immediately notify the Case Investigator in writing, who shall promptly seek disposition of the grievance by the Panel to which it is assigned in accordance with these Rules.

Rule 207.3.17. Inadmissibility of rejected or disapproved Offer to Consent

The Offer to Consent, if rejected by a majority of the Adjudicatory Panel, or disapproved by the court, shall not be admissible against the Respondent in any future proceedings before the Adjudicatory Panel, the Committee or the court.

Rule 207.3.18. No limitation on power of the court

Nothing herein shall be construed to limit or deny the power of the court to fashion such orders, or to accept such consent decrees, as it may deem just during or as a result of any hearing on an Offer to Consent which has been accepted by a majority of the Adjudicatory Panel.

III.
Immunity

207.3.19. Immunity

Rule 207.3.19. Immunity

(a) All Grievants, witnesses, attorney-trustees appointed under Rule 207.5.6 of these Rules, and all members of the Committee, shall enjoy absolute immunity from suit from any oral or written statements made in connection with the filing or maintenance of a grievance, or the investigation thereof, or the hearing thereon, or an adjudication thereof, or proceedings on an Offer to Consent.

(b) All members of the Committee shall enjoy absolute immunity from suit for any statements made, or any conduct or action taken during, or in the course of, any Committee business, or pursuant to these Rules.

Rule 207.4. Decisions of the Adjudicatory Panel; sanctions; disposition forms

207.4.1. Applicability of ABA Standards for Imposing Lawyer Sanctions

207.4.2. Decisions to dismiss

207.4.3. Decisions to impose sanctions

207.4.4. Clear and convincing evidence

207.4.5. Prior record of the Respondent

207.4.6. Disposition Form

207.4.7. Execution of Disposition Form

207.4.8. Countersignature of the Disposition Form by the Chairman

207.4.9. Docketing and dissemination of the Disposition Form

207.4.10. Requisites for docketing

207.4.11. Finality of Adjudicatory Panel decisions; appeals by Grievants

207.4.12. Reconsideration of Adjudicatory Panel decisions

Rule 207.4.1. Applicability of ABA Standards for Imposing Lawyer Sanctions

The Committee is guided by the American Bar Association's Standards for Imposing Lawyer Sanctions, and may only deviate from those Standards for good cause.

Rule 207.4.2. Decisions to dismiss

If the Adjudicatory Panel decides to dismiss the grievance, it may, but it is not required to, render a Memorandum of its decision.

Rule 207.4.3. Decisions to impose sanctions

(a) If the Adjudicatory Panel decides to impose any sanction, it must render a Memorandum of Decision. The Memorandum shall set forth the findings of fact and the conclusions of the Adjudicatory Panel, and shall separately set forth each Model Rule found to have been violated by the Respondent. Further, it shall set forth the sanction to be imposed on the Respondent specifying the mitigating and aggravating factors, if any, in accordance with the ABA's Standards for Imposing Lawyer Sanctions. If there is a dissent, it may be set forth in the Memorandum of Decision, along with the reasons therefor.

(b) The sanctions which the Adjudicatory Panel may impose, or conditionally impose, without the consent of the Respondent are as follows:

(I) Without Court Order :

(1) Private reprimand;

(2) Public reprimand;

(3) Restitution to the Grievant;

(4) Continuing legal education;

(5) Taking and passing the Multistate Professional Responsibility Exam;

(6) Costs of the grievance.

(II) With Court Order :

(1) Probation, not to exceed three (3) years, with conditions and with apprenticeship and supervision under another member of the bar in good standing who has no current grievances pending against him, and who has not previously been suspended or disbarred in this or any other jurisdiction, who shall monitor and report on the Respondent's compliance with the conditions of probation;

(2) Suspension, for any period of time, not to exceed three (3) years, which may be conditional or unconditional;

(3) Disbarment, which may be conditional or unconditional.

(c) The court may impose any sanction set forth in the preceding subsection (b) with the exception of a private reprimand.

(d) (i) In the event the Adjudicatory Panel orders a public reprimand under subsection (b)I(2) of this Rule, it shall prepare a Notice of Public Reprimand which shall state:

(1) The name and address of the Respondent;

(2) The fact and the date of the public reprimand;

(3) The underlying facts meriting the public reprimand shall be briefly stated;

(4) The Model Rule(s) found to have been violated shall be set forth.

Said Notice shall be published in a newspaper of general circulation in a manner reasonably designed to give the public notice, promptly after the Panel's decision becomes final.

(ii) In the event the Adjudicatory Panel orders either a public or private reprimand, it may elect to schedule a separate Reprimand Meeting at which it shall orally reprimand the Respondent. The Grievant shall be given prior notice of same, and shall be allowed to attend. The Reprimand Meeting shall be public if the reprimand is public.

Rule 207.4.4. Clear and convincing evidence

No sanction may be imposed unless the Adjudicatory Panel finds by clear and convincing evidence that a violation of the Model Rules of Professional Conduct has occurred.

Rule 207.4.5. Prior record of the Respondent

Information concerning the prior criminal convictions and prior grievance discipline against the Respondent shall not be considered in determining whether a violation of the Model Rules of Professional Conduct has occurred. Only in deciding the appropriate sanctions to be imposed the Adjudicatory Panel may consider prior criminal convictions and prior adjudicated grievances of the Respondent, in which case it shall specify in its Memorandum of Decision those matters which it considered, and it shall attach copies thereof to its Memorandum of Decision. The Panel may not consider pending grievances against the Respondent.

Rule 207.4.6. Disposition Form

Every disposition shall be evidenced by a Disposition Form, a copy of which is attached as Form 2 to these Rules. The Disposition Form may be modified as experience dictates, but it shall contain at a minimum the information contained in Form 2.

Rule 207.4.7. Execution of Disposition Form

Every Disposition Form shall be executed by each of the 3 members of the Adjudicatory Panel, and each member shall date his signature and print his name beneath his signature. If one member dissents, the dissent may be noted thereon.

Rule 207.4.8. Countersignature of the Disposition Form by the Chairman

(a) The original of every Disposition Form shall be submitted by the Panel Chair to the Chairman of the Subcommittee for counter-signature. The Chairman shall execute the Disposition Form, and date same, if (i) the Panel is duly constituted; (ii) all members of the Panel have executed the Disposition Form and dated same; (iii) the names of each member of the Panel is legibly set forth thereon in type or print beneath his signature, and (iv) the Disposition Form is otherwise in good form, and in accordance with these Rules, and the Model Rules of Professional Conduct and the American Bar Association's Standards for Imposing Lawyer Sanctions.

(b) The Chairman may return the Disposition Form to the Panel for re-execution, or additional action, if the Disposition Form does not meet the requirements of subsection (a) of this Rule.

Rule 207.4.9. Docketing and dissemination of the Disposition Form

(a) The original of every Disposition Form countersigned by the Chairman, along with any Memorandum of Decision, shall promptly be forwarded by the Chairman for docketing to the Executive Director of the Virgin Islands Bar Association, with copies served on the Grievant and the Respondent in accordance with Rule 207.3.1(c).

(b) Said Disposition Form also shall be forwarded by the Chairman to the appropriate disciplinary agency and the highest court of every other jurisdiction in which the Respondent is admitted, and the National Discipline Data Bank, maintained by the American Bar Association, as appropriate.

Rule 207.4.10. Requisites for docketing

No Disposition Form may be accepted for docketing by the Executive Director unless it is an original, and is counter signed by the Chairman of the appropriate Subcommittee.

Rule 207.4.11. Finality of Adjudicatory Panel decisions; appeals by Grievants

(a) A decision shall become final forty-five (45) days after the countersignature thereon by the Chairman.

(b) No appeal may be prosecuted by any Respondent more than forty-five (45) days after the countersignature by the Chairman of the Panel's decision.

(c) Grievants may not appeal decisions of the Committee or of any of its Panels.

Rule 207.4.12. Reconsideration of Adjudicatory Panel decisions

(a) Requests for reconsideration of an Adjudicatory Panel's decision may be considered if filed within ten (10) business days of receipt of the Panel's decision. The grounds for the reconsideration shall be set forth with particularity.

(b) Copies of a request for reconsideration shall be served on the Grievant, the Respondent, each member of the Panel, and the Chairman who executed the Disposition Form.

(c) A request for reconsideration shall not stay the docketing of the Panel's decision. However, the time for appeal is tolled during the pendency of any request for reconsideration. No appeal or petition for disciplinary enforcement shall be filed in court until the motion for reconsideration is ruled on by the Panel.

(d) The Adjudicatory Panel shall promptly rule on all requests for reconsideration. The Adjudicatory Panel may, but is not required, to hold hearings or to make additional findings of fact or conclusions of law.

(e) If the Adjudicatory Panel grants the reconsideration, then it shall specify what, if any, future actions or hearings must be taken, and it may, if appropriate, withdraw the original decision. Any such withdrawal shall be countersigned by the Chairman, and docketed by the Executive Director, in accordance with these Rules.

(f) If the Adjudicatory Panel denies the reconsideration, the decision is final upon the countersignature and the mailing of same by the Chairman, and the Respondent's time for appeal shall be forty-five (45) days from the date of said countersignature.

Rule 207.5. Duties of the Chairman; duties of the Respondent; duties of the Attorney-Trustee

207.5.1. Preparation of the petition for disciplinary action

207.5.2. Presentation of petition to the court

207.5.3. Sanctions sought

207.5.4. Publication of sanctions

207.5.5. Duties of Respondent following court-ordered sanctions

207.5.6. Appointment of attorney-trustee; duties of same

207.5.7. Attorney-client privilege attaches to attorney-trustee

Rule 207.5.1. Preparation of the petition for disciplinary action

(a) The Chairmen of the Committee shall act as counsel for the Committee. Each Chairman is authorized to and, by agreement between them, one of the Chairman shall, prepare each petition for disciplinary action for filing with the Supreme Court in cases where the sanction sought is probation, suspension or disbarment according to the Rules of the Supreme Court. A copy of the grievance, the Panel's Notice of Hearing, or Notice of No Hearing, the transcript of the Panel's hearing, if any, the Panel's Memorandum of Decision, and the Disposition Form shall, in all cases, be included as exhibits to the Petition, and served on the Respondent.

(b) Except for Emergency Petitions for Interim Suspension, as provided under Rule 207.6.20 of these Rules, no petition for disciplinary action shall be filed in court until the Adjudicatory Panel's decision has become final, in accordance with Rules 207.4.11 and 207.4.12 of these Rules.

Rule 207.5.2. Presentation of petition to the court

The Chairman, or any member of the Committee specially designated in writing by the Chairman, shall present the case to the Supreme Court. All members of the Committee shall assist and provide reasonable cooperation with the Chairman's presentation.

Rule 207.5.3. Sanctions sought

The Chairman shall seek such sanctions against the Respondent in the Supreme Court as determined by the Adjudicatory Panel. Any dissent as provided by Rule 207.4.3(a) shall be brought to the attention of the court.

Rule 207.5.4. Publication of sanctions

The Chairman shall take all steps necessary to assure that notice of any court-ordered sanction, and the specific terms thereof, shall be published in a newspaper of general circulation in the U.S. Virgin Islands.

Rule 207.5.5. Duties of Respondent following court-ordered sanctions

(a) All orders of the court imposing disbarment, suspension, or probation with the requirement of an apprenticeship shall be effective on a date fifteen (15) days after the date of the order, except where the court finds that immediate disbarment or suspension is necessary to protect the public.

(b) Unless otherwise ordered by the court, it shall be the duty of all Respondents who are disbarred, suspended for any period of time (including interim suspensions), or placed on probation with a requirement of an apprenticeship, to serve a Notice of Court-Ordered Sanctions on all clients, co-counsel, opposing counsel (or, in the absence of opposing counsel, the adverse party) and all courts and agencies before which the Respondent is practicing or appearing, of the fact of the sanction imposed, and to enclose with such Notice a copy of the court's order imposing sanctions. Said Notice of Court-Ordered Sanctions shall be provided within ten (10) days of the effective date of the court's order, on a form to be provided the Respondent by the Committee, a copy of which is attached to these Rules as Form 3. All notices to clients under this rule shall be by certified mail, return receipt requested.

(c) The court may direct the issuance of notice to such financial institutions or others as may be necessary to protect the interests of clients or other members of the public.

(d) The Respondent shall keep and maintain records of the steps taken to accomplish the requirements of subsections (b) and (c) and shall make those records available to the court or the Ethics and Grievance Committee.

(e) Unless otherwise ordered by the court, upon receipt of the court's order of sanctions, the Respondent shall: (1) if he is disbarred or suspended, immediately cease and desist from taking any new clients, or accepting any new matters or assignments, or accepting any retainers for future work from existing clients; or, (2) if he is placed on probation, immediately begin complying with all terms thereof.

(f) Unless otherwise ordered by the court, within ten (10) days of the effective date of said order, Respondent shall, if the sanction is disbarment or a suspension of more than six (6) months:

(1) Move to withdraw from all courts or agencies in which he has appeared;

(2) Refund and/or return to all clients and/or third parties fees which have not earned, monies or other property held in trust, and all files and/or other property of whatever nature, whether held in trust or not.

(g) Unless the order of sanctions is stayed, the Respondent shall, within ten (10) days of the effective date of the court order of sanctions, execute an affidavit, and serve same upon the court and the Committee, which:

(1) Attests that there has been full and complete compliance with these Rules, or alternatively, specifies what future actions need to be taken;

(2) Provides an address where the Respondent may be served, and a telephone number where he may be reached;

(3) Provides the name and address of each client of the Respondent, and copies of the return receipts evidencing mailing under this rule;

(4) Provides the name and address of all banks where the Respondent has had any operating, office, business, trust or escrow accounts during the three (3) years immediately preceding the court's order of sanctions, the account number of each said account, and the purpose thereof.

(h) The filing of an appeal from the order of sanctions shall not, without more, stay the requirements of this rule unless the court specifically grants a stay of the court's order imposing sanctions, or a stay of the Respondent's duties under this rule.

Rule 207.5.6. Appointment of attorney-trustee; duties of same

Upon the failure or refusal of the Respondent to discharge his duties under Rule 207.5.5 of these Rules, the Committee shall petition the court to appoint an attorney-trustee to collect and inventory the files and/or bank records of the Respondent, and to take such other, further action, as the court orders.

Rule 207.5.7. Attorney-client privilege attaches to attorney-trustee

The attorney-client privilege shall apply to the attorney-trustee who has been ordered to inventory the Respondent's files, and no proceeding may be had to compel said attorney-trustee to reveal any client confidences learned during his examination and inventory of the client files.

Rule 207.6. Miscellaneous matters: stays; transfers; special Panels; fee mediation; emergency petitions for immediate interim suspension; In Re [Respondent] matters

I. Stays

II. Transfers

III. Special Panels

IV. Fee Mediation

V. Emergency Petitions for Immediate Interim Suspension

I.
Stays

207.6.1. Grounds for stay

207.6.2. Decision to stay

207.6.3. Semi-annual reports

207.6.4. Lifting of stay

Rule 207.6.1. Grounds for stay

A grievance may be stayed in the following circumstances:

(1) There is a pending civil or criminal action in a court of record, or an administrative proceeding, involving the Grievant and Respondent and substantially the same issues as those raised by the grievance (related proceeding); or

(2) For good cause.

Rule 207.6.2. Decision to stay

When a grievance is stayed, the Adjudicatory Panel shall execute a Disposition Form which shall be countersigned by, the Chairman of the appropriate Subcommittee, and filed with the Executive Director of the Virgin Islands Bar Association, in accordance with these Rules. Copies of the Disposition Form shall be furnished to the Grievant and the Respondent in accordance with these Rules.

Rule 207.6.3. Semi-annual reports

It shall be a requirement of all stays that the Grievant and the Respondent file a report with the Panel Chair at least every 6 months, setting forth the status of the related proceeding, if any, or justifying the good cause, and advising whether the grievance should continue in stay status.

Rule 207.6.4. Lifting of stay

If it should appear that the reasons for the stay no longer exist, or that there is good cause to lift the stay, or if the Grievant and/or Respondent fails or refuses to file status reports, the Panel shall promptly proceed to reactivate the grievance, giving notice of its action to the Grievant, the Respondent, the Chairman of the appropriate Subcommittee and the Executive Director of the Virgin Islands Bar Association. In such circumstances,

the Panel shall proceed to prompt disposition of the grievance, in accordance with these Rules.

II.
Transfers

207.6.5. Grounds for transfer

207.6.6. Respondent is member of the committee

207.6.7. Grievant is member of the committee

207.6.8. Venue of hearing of grievance transferred under Rule 207.6.6 or 207.6.7

207.6.9. Procedures governing transfers

Rule 207.6.5. Grounds for transfer

For good cause shown, or for the convenience of the Grievant the Respondent, or of witnesses, the grievance may be transferred from one Subcommittee to the other, upon the recommendation of the Panel Chair, and with the concurrence of the Chairman of the appropriate Subcommittee.

Rule 207.6.6. Respondent is member of the committee

In cases where the Respondent is a member of one of the Subcommittees, the grievance shall be transferred to the other Subcommittee.

Rule 207.6.7. Grievant is member of the committee

In cases where the Grievant is a member of one of the Subcommittees the grievance shall be transferred to the other Subcommittee.

Rule 207.6.8. Venue of hearing of grievance transferred under Rule 207.6.6 or 207.6.7

The Adjudicatory Panel to whom a grievance has been transferred under Rules 207.6.6 or 207.6.7 shall hold any hearing, if one is necessary, in the district in which such hearing would have been held if there had been no transfer under this rule, unless otherwise agreed by the Grievant and the Respondent.

Rule 207.6.9. Procedures governing transfers

The procedure set forth in Rule 207.1.6(b) of these Rules shall be followed in all cases of transfer.

III.
Special Panels

207.6.10. Appointment and composition of Special Panels

207.6.11. Administrative suspension of committee members

Rule 207.6.10. Appointment and composition of Special Panels

(a) In cases where the Grievant and the Respondent are members of different Subcommittees, a Special Panel of 4 shall be chosen, consisting of 2 members of each Subcommittee, to be chosen by the respective Chairman. The Panel Chair shall be the member with the most seniority; or if there is no one member with seniority, then the Panel Chair shall be chosen by lot. The Case Investigator shall not be from the same Subcommittee as the Panel Chair. The Chairmen of the Committee shall be ineligible to serve on the Special Panel.

(b) If any hearings are held, they shall be held in the district in which the Respondent maintains his principal office.

Rule 207.6.11. Administrative suspension of committee members

(a) In the event any member of the Committee is found to be in violation of a Model Rule, which merits suspension or disbarment,

(1) He shall automatically be suspended as a member of the Committee, and all matters then-pending which are assigned to him shall be reassigned, and

(2) The Petition for Disciplinary Action shall be filed by the Chairman of that Subcommittee of which the Respondent is not a member.

(b) In the event any member of the Committee is found to be in violation of a rule meriting a lesser sanction, the Respondent may be suspended as a member of the Committee by majority decision of the Chairmen *en banc*. Should there not be a majority, the President of the V.I. Bar shall specially act as a Chairman for purposes of this section.

IV.
Fee Mediation

207.6.12. Consent to fee mediation

207.6.13. Fee mediators

207.6.14. Assignment to fee mediators

207.6.15. Confidentiality of fee mediation

207.6.16. Successful fee mediation

207.6.17. Unsuccessful fee mediation

207.6.18. Fee mediation procedure

207.6.19. Fees for fee mediation

Rule 207.6.12. Consent to fee mediation

(a) Where the grievance consists essentially of a dispute over a fee, the grievance may, with the written consent of the Grievant and Respondent, be referred by the Panel to fee mediation.

(b) The Grievant and Respondent shall execute the Fee Mediation Referral Form, a copy of which is attached as Form 4 to these Rules.

(c) Copies of the Fee Mediation Referral Form shall be furnished to all members of the Panel, and to the Chairman of the appropriate Subcommittee.

Rule 207.6.13. Fee mediators

At least four members of each Subcommittee shall be designated each year as the Subcommittee's fee mediators. The fee mediators may not charge for their services.

Rule 207.6.14. Assignment to fee mediators

The fee mediator may not be a member of the Panel to which the grievance has been assigned.

Rule 207.6.15. Confidentiality of fee mediation

All discussions preceding and during fee mediation shall be strictly confidential.

Rule 207.6.16. Successful fee mediation

If the fee mediation is successful, the fee mediator shall so state in his report to the referring Panel, and the grievance shall thereafter be dismissed.

Rule 207.6.17. Unsuccessful fee mediation

If the fee mediation is unsuccessful, the fee mediator shall so state, and he shall refer the matter back to the referring Panel, which shall promptly adjudicate same.

Rule 207.6.18. Fee mediation procedure

Two hours shall be allotted for a fee mediation. The fee mediator may, in his discretion, terminate any mediation at any time should it appear to him that either, or both, of the Grievant or Respondent are not proceeding in good faith. The fee mediator may, in his discretion, but he is not required to, extend the mediation beyond two (2) hours if there has been substantial progress in the mediation and should it appear that a successful mediation is probable.

Rule 207.6.19. Fees for fee mediation

There shall be no charge for any fee mediation.

V.
Emergency Petitions for Immediate Interim Suspension

207.6.20. Standards for Emergency Petitions for Immediate Interim Suspension; notice to the Respondent

207.6.21. Order of Immediate Interim Suspension

207.6.22. Dissolution of the Order of Immediate Interim Suspension

207.6.23. Panel proceedings

Rule 207.6.20. Standards for Emergency Petitions for Immediate Interim Suspension; notice to the Respondent

(a) Upon the filing of a grievance, any Chairman of the Committee may, in addition to assigning the grievance to a Panel for disposition in accordance with these Rules, file an Emergency Petition for Immediate Interim Suspension with the court upon a showing that:

(1) there is prima facie evidence that the Respondent has violated the Model Rules of Professional Conduct, such that the sanction of suspension or disbarment appears highly likely, and either

(2) it is highly likely that the Respondent poses an imminent threat of continuing or future harm or injury to a client, the public, the profession, or the administration of justice, or

(3) the Respondent has abandoned his clients, the practice of law, or his office.

(b) The Chairman shall attempt to provide notice to the Respondent of the Emergency Petition for Immediate Interim Suspension, which notice may be made by telephone or telecopier, or by any other informal means reasonable under the circumstances. The Chairman shall certify to the court all attempts to provide notice to the Respondent.

Rule 207.6.21. Order of Immediate Interim Suspension

Upon the presentation of appropriate evidence, the court may enter an order immediately suspending the Respondent pending final determination of the grievance by the Committee. The court may, in addition, appoint an attorney-trustee to collect and inventory the Respondent's files and bank records in accordance with Rules 207.5.6 and 207.5.7 of these Rules.

Rule 207.6.22. Dissolution of the Order of Immediate Interim Suspension

A Respondent may at any time, move for dissolution of an Order of Immediate Interim Suspension.

Rule 207.6.23. Panel proceedings

The Panel to which a grievance has been assigned which is the subject of an Emergency Petition for Immediate Interim Suspension, or of an Order for Immediate Interim Suspension, shall advance the consideration and disposition of such grievance on its calendar, and shall render a decision on such grievance with all deliberate speed in accordance with these Rules.

Rule 207.7. The Committee and its Subcommittees

207.7.1. Eligibility for appointment to the Committee

207.7.2. The Subcommittees; regular and special meetings

207.7.3. The Chairmen of the Committee

207.7.4. Assignment of members to the Subcommittees

207.7.5. Staffing of Subcommittees

207.7.6. Special assignment of members to the Subcommittees

207.7.7. Timely adjudication of grievances

207.7.8. Restrictions on employment by members of the Committee

Rule 207.7.1. Eligibility for appointment to the Committee

(a) The Committee shall be composed of members in good standing of the V.I. Bar Association appointed by the President of the V.I. Bar Association, and approved by the Chief Justice of the Supreme Court. Appointments of members shall be for one (1) year, subject to reappointment.

(b) No attorney shall be eligible for appointment as a member of the Committee unless he shall:

(1) have practiced law for not less than five (5) years immediately prior to his appointment, of which not less than three (3) years have been in the Virgin Islands;

(2) not have any grievance then-currently pending against him in the Virgin Islands, or in any other jurisdiction;

(3) not have any adjudication against him, from any disciplinary authority in any jurisdiction, which imposed the sanction of suspension or disbarment;

(4) not have any felony conviction against him in any jurisdiction for a serious crime, as defined in Rule 2.2(b)(ii) [sic].

All members shall, as a precondition to their appointment, execute and verify a Disclosure Statement with respect to the above, a copy of which is attached as Form 5 to these Rules.

(c) Subsection (b)(2) of this rule shall not apply to reappointments to the Committee.

(d) Members of the Committee shall fulfill their obligations to accept appointments of indigent clients by their work for and on behalf of the Committee. Members of the Committee shall not be appointed to any criminal, domestic, or other cases by the Courts of the Virgin Islands during the period of their Committee membership, provided, however, that all members shall complete all assignments and cases to which they previously have been appointed.

Rule 207.7.2. The Subcommittees; regular and special meetings

(a) The Committee shall be divided into two Subcommittees: the St. Thomas-St. John Subcommittee, and the St. Croix Subcommittee.

(b) Each Subcommittee shall meet on a regular basis, not less than twice per year upon notice given not less than thirty (30) days in advance of said meeting.

(c) The Chairman, or a majority of the members of each Subcommittee, may call a Special Meeting of the Subcommittee for any lawful purpose, provided that notice of said meeting is given thirty (30) days in advance of said meeting. The purpose of said Special Meeting shall be set forth in the Notice. No business may be transacted at the Special Meeting other than what has been set forth in the Notice.

Rule 207.7.3. The Chairmen of the Committee

Each Subcommittee shall have at least one Chairman who shall be the administrative head of the Subcommittee. No attorney shall be eligible to serve as a Chairman unless he shall have been a member of the Committee for at least 2 years. Past Chairmen shall cooperate fully with new Chairmen, including the turnover of all files, notes, and other matters pertinent to the Committee's work.

Rule 207.7.4. Assignment of members to the Subcommittees

Members shall be assigned to one of the two Subcommittees. Upon request of a member, and with the approval of the Chairman of each Subcommittee, a member may be reassigned from one Subcommittee to the other. Such reassignment shall be considered an administrative matter, and shall not need the approval of the President of the Bar, or of the Chief Justice.

Rule 207.7.5. Staffing of Subcommittees

Each Subcommittee shall be staffed by sufficient members to perform the work of that Subcommittee. Consideration shall be given to the existing backlog of grievances, any trends which may be discernable based on recent past history, and the volunteer nature of Committee membership. The Chairman of each Subcommittee shall make recommendations to the President of the Bar and the Chief Justice of the Supreme Court regarding the staffing needs of the Committee, and of each of its Subcommittees.

Rule 207.7.6. Special assignment of members to the Subcommittees

A member of one Subcommittee may be specially assigned to a grievance or grievances pending in the other Subcommittee, with the consent of the member, and of the Chairmen of both Subcommittees. Such a special assignment shall be considered an administrative matter, and shall not require the approval of the President of the Bar or of the Chief Justice.

Rule 207.7.7. Timely adjudication of grievances

(a) Each Subcommittee shall promptly adjudicate all grievances assigned to it.

(b) It is the aspirational goal of the Committee that all grievances be resolved within twelve (12) months of assignment to the Subcommittee.

(c) The failure of any Adjudicatory Panel or the Subcommittee to strictly comply with any time frames set forth in these Rules, or to adjudicate any grievance within twelve (12) months, shall not be grounds for dismissal, mitigation of sanctions, or any other relief to any Respondent.

Rule 207.7.8. Restrictions on employment by members of the Committee

(a) No member of an Adjudicatory Panel or that member's firm, while serving as an Adjudicatory Panel member or within one (1) year of the completion of the such service, may accept employment as a lawyer from any Grievant or Respondent if said employment in any manner relates to, or arises from the member's work on or in connection with the grievance. In the event that a Committee member or a member of the Committee member's firm represents a Grievant or a Respondent in a manner which results in the filing of a grievance, the Committee member shall not act as a case investigator or as an Adjudicatory Panel member in such grievance.

(b) Members of the Committee are free to accept employment as lawyers, from any Respondent, or any Grievant, where said employment does not relate to or arise from the member's work on or in connection with the grievance.

Rule 207.8. Amendments to the Rules

207.8.1. Amendments to the Rules with the concurrence of all Chairmen

207.8.2. Amendments to the Rules without the concurrence of all Chairmen

207.8.3. Quorum of the Committee

207.8.4. Approval of amendments by the Board of Governors

207.8.5. Approval of amendments by the court

207.8.6. Approval of amendments by Virgin Islands Bar Association not required

207.8.7. Notice of amendments to these Rules to members of the Virgin Islands Bar Association

Rule 207.8.1. Amendments to the Rules with the concurrence of all Chairmen

Subject to the approval of the Board of Governors of the Bar Association, with the concurrence of all Chairmen and the approval of the Supreme Court, these Rules may be amended by majority vote of a quorum of the Committee, as defined in Rule 207.8.3.

Rule 207.8.2. Amendments to the Rules without the concurrence of all Chairmen

Subject to the approval of the Board of Governors of the Bar Association and the approval of the court, without the concurrence of all Chairmen, the Rules may be amended by a vote of 2/3 of a quorum of the Committee, as defined in Rule 207.8.3.

Rule 207.8.3. Quorum of the Committee

(a) Voting on any amendments to these Rules shall take place during any regular or special meeting of each Subcommittee. 51% of the members of each Subcommittee shall

constitute a quorum of the Committee necessary for voting on any amendment to these Rules.

(b) Notice of any proposed amendments shall be given in writing to all members of the Committee at least thirty (30) days prior to any regular or special meeting of the Subcommittees at which a vote on said amendments shall take place. Said Notice shall contain the precise language of the proposed amendment, and shall specifically reference any section of these Rules which is being changed, deleted, modified or added to.

Rule 207.8.4. Approval of amendments by the Board of Governors

Upon approval of the Committee, as set forth above, the Committee will submit any amendment to the Board of Governors for approval.

Rule 207.8.5. Approval of amendments by the court

Upon approval by the Board of Governors, as set forth above, the Board of Governors will submit any amendment to the Supreme Court for approval. An amendment shall be effective upon entry of an order therefore by the court and completion of the notice requirements of Rule 207.8.7. The Supreme Court may *sua sponte* amend these rules.

Rule 207.8.6. Approval of amendments by Virgin Islands Bar Association not required

Amendments to these Rules shall not require the approval of the membership of the Virgin Islands Bar Association.

Rule 207.8.7. Notice of amendments to these Rules to members of the Virgin Islands Bar Association

Notice of each amendment to these Rules shall be mailed to all members of the Virgin Islands Bar Association. The effective date of any amendment shall be thirty (30) days after notice is mailed.

Rule 207.9. Savings clause; effective date of Rules

207.9.1. Prospective operation of Rules

207.9.2. Application of Rules to pending grievances

207.9.3. Rules to become effective thirty (30) days after notice

Rule 207.9.1. Prospective operation of Rules

The operation and effect of these Rules, and of any amendment thereto, shall apply to any grievance commenced after the date these Rules become effective, as defined in Rule 207.9.3.

Rule 207.9.2. Application of Rules to pending grievances

These Rules shall also apply to any grievance pending at the time of the effective date of these Rules, to the extent feasible and equitable.

Rule 207.9.3. Rules to become effective thirty (30) days after notice

These Rules shall become effective thirty (30) days after notice is mailed to all members of the V.I. Bar Association.

APPENDIX OF FORMS

1. Offer to Consent
2. Disposition Form
3. Notice of Court-Ordered Sanctions
4. Fee Mediation Referral Form

5A. Disclosure Statement for Ethics & Grievance Committee Members (New Appointment)

5B. Disclosure Statement for Ethics & Grievance Committee Members (Re-Appointment)

Form1.
Offer to Consent

Form2.
Disposition Form

Form3.
Notice of Court-Ordered Sanctions

Form4.
Fee Mediation Referral Form

Form5A.
Disclosure Statement for Ethics & Grievance Committee Members (New Appointment)

Form5B.
Disclosure Statement for Ethics & Grievance Committee Members (Re-Appointment)