

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

IN RE:) **PROMULGATION No. 2018-007**
)
AMENDMENTS TO THE RULES OF)
THE SUPREME COURT OF THE)
VIRGIN ISLANDS.)
_____)

ORDER OF THE COURT

THIS MATTER is before the Court pursuant to a September 5, 2018 transmittal from the Advisory Committee on Rules, which recommends that Virgin Islands Rule of Civil Procedure 80 be removed from the Virgin Islands Rules of Civil Procedure because it is not a procedural rule, but an internal administrative practice of the Virgin Islands Judiciary, and that the corresponding administrative rule be amended to implement the Committee’s substantive recommendation. We agree with the Committee, and shall implement its recommendations, as well as re-caption similar rules as the Virgin Islands Rules of Judicial Administration. Accordingly, it is hereby

ORDERED that the following new language **SHALL BE ADOPTED** as Supreme Court Rule 105:

Rule 105. Stenographic Record of Proceedings

(a) At the request of any party to a proceeding before the court or upon the direction of the judge, the reporter-secretary shall prepare a transcript thereof, attach to the transcript an official certificate, and deliver the same to the party or judge making the request. The reporter-secretary shall also promptly deliver to the court for its record a certified copy of any transcript so made. The reporter may charge and collect fees for transcripts requested by the parties at rates prescribed by the court; provided, however that:

(1) in accordance with title 4, section 513(b) of the Virgin Islands Code, in any proceeding in forma pauperis, the fees of the reporter for transcripts shall be paid by the Government of the Virgin Islands under the same circumstances as the fees of the reporter of the district court are paid by the United States in like proceedings under section 753 of title 28 of the United States; and

(2) in accordance with title 4, section 3503(b) of the Virgin Islands Code, attorneys-at-law appointed to represent defendants financially unable

to employ counsel may be allowed the expense of necessary transcripts, the costs of transcripts, which shall be paid out of money appropriated for that purpose by law, except that in accordance with Supreme Court Rule 210.4(j), neither the Judicial Branch Administrative Office nor any court of the Virgin Islands shall reimburse the Office of the Territorial Public Defender for such transcripts.

(b) At the request of any party to a proceeding before the court, the clerk of court shall provide electronic transcripts of the proceedings, if such proceedings were digitally recorded. The requesting party shall pay a fee for such electronic transcript in an amount set by the court. Upon payment of the designated fee, the clerk of court shall submit copies of the transcript, to be distributed as follows: One electronic transcript copy shall be submitted to the requesting party, one to each opposing party, and one to the case file. An additional fee may be charged if more than five electronic copies are required.

(c) If stenographically reported testimony at a hearing or trial is admissible in evidence at a later trial, the testimony may be proved by a transcript certified by the person who recorded it.

It is further

ORDERED that Rules 101 through 105 of the Rules of the Supreme Court of the Virgin Islands **SHALL BE CAPTIONED** as the Virgin Islands Rules of Judicial Administration. It is further

ORDERED that Rule 80 of the Virgin Islands Rules of Civil Procedure **SHALL BE REPEALED**. It is further

ORDERED that, pursuant Rule 37(a) of the Virgin Islands Rules of Appellate Procedure, the Bench, Bar, and the public **MAY FILE** comments with the Clerk of this Court no later than thirty (30) days from the date of entry of this Order. It is further

ORDERED that these amendments **SHALL GO INTO EFFECT on December 1, 2018**, unless modified as a result of comments submitted under Rule 37(a).

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

SO ORDERED this 15th day of November, 2018.

/s/ Ive Arlington Swan
IVE ARLINGTON SWAN
Associate Justice

/s/ Maria M. Cabret
MARIA M. CABRET
Associate Justice

/s/ Rhys S. Hodge
RHYS S. HODGE
Chief Justice

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