

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

IN RE:) **PROMULGATION No. 2015-002**
AMENDMENTS TO SUPREME COURT)
RULE 202)
_____)

ORDER OF THE COURT

This Court, pursuant to the authority granted to it by section 21(c) of the Revised Organic Act of 1954, as amended, and title 4, sections 32(e), 32(f)(2), and 34(a) of the Virgin Islands Code, as well as its inherent authority, hereby proposes the following amendments to Supreme Court Rule 202. Accordingly, it is hereby

ORDERED that Supreme Court Rule 202 **SHALL BE AMENDED** to include the language in the attached “Exhibit 1” as Supreme Court Rules 202.1 through 202.4. It is further

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

ORDERED that the proposed amendments **SHALL TAKE EFFECT** on June 1, 2015, unless modified as a result of any submitted comments. It is further

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

SO ORDERED this 28th day of April, 2015.

/s/ Ive Arlington Swan
IVE ARLINGTON SWAN
Associate Justice

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

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

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

EXHIBIT 1

SUPREME COURT RULE 202.1
Limited permission to practice as in-house counsel

(a) General Provisions.

(1) A lawyer admitted to the practice of law in a State, Commonwealth, or Territory of the United States, or the District of Columbia (“United States jurisdiction”) other than the Virgin Islands, who is or will be employed as a lawyer by an organization, the business of which is lawful and consists of activities other than the practice of law or the provision of legal services (the “employing entity”), and who will have a systematic and continuous presence in the Virgin Islands, may apply for a Virgin Islands Certificate of Limited Practice as In-house Counsel. For purposes of this Rule the employing entity shall not include the Government of the Virgin Islands, its agencies, boards, or instrumentalities. Lawyers admitted to practice only in a jurisdiction outside of the United States may not apply for a Virgin Islands Certificate of Limited Practice as In-house Counsel, but may apply for a Virgin Islands Certificate of Limited Practice as a Foreign Legal Consultant in accordance with Supreme Court Rule 202.2.

Any individual who is not an active member of the Virgin Islands Bar who practices as an in-house counsel without applying, and ultimately being granted, a Virgin Islands Certificate of Limited Practice as In-house Counsel

- i. shall be subject to professional discipline in the Virgin Islands, including for the unauthorized practice of law;
- ii. may be deemed ineligible to apply for admission to the Virgin Islands Bar; and
- iii. may be referred by the Supreme Court of the Virgin Islands, the Office of Disciplinary Counsel, the Board on Professional Responsibility, or the Board on Unauthorized Practice of Law to the disciplinary authority of another jurisdiction, United States or foreign, in which the individual is licensed to practice law.

(2) In-house counsel currently practicing law on behalf of an employing entity in this Territory, but who are not members of the Virgin Islands Bar, will be granted a period of sixty (60) days from the effective date of this Rule to apply for a Virgin Islands Certificate of Limited Practice as In-house Counsel, and will receive amnesty for any prior acts of unauthorized practice of law for their employing entity, provided that an unauthorized practice of law complaint had not been filed or an investigation had not been initiated prior to the effective date of this Rule, and the applicant is successful in receiving a Virgin Islands Certificate of Limited Practice as In-house Counsel.

(b) Application. An applicant for a Virgin Islands Certificate of Limited Practice as In-house Counsel shall:

(1) File under oath or affirmation the Supreme Court’s form application for a Virgin Islands Certificate of Limited Practice as In-house Counsel. The clerk shall open a bar admissions file for each application, assign a case number, and refer the application to the Director of Bar Admissions of the Supreme Court, who shall coordinate the processing of the application with the Committee of Bar Examiners.

(2) Pay a fee of \$500.00, of which \$100.00 shall be retained by the clerk as a filing fee and the remaining \$400.00 remitted to the Committee of Bar Examiners to defray the local costs of investigations and administration. Applicants shall submit two checks or money orders, one for \$100.00 payable to the Clerk of the Supreme Court and the other \$400.00 payable to the Committee of Bar Examiners.

(3) File documents proving admission to practice law in at least one United States jurisdiction and current good standing in all jurisdictions in which the lawyer is admitted to practice law.

(4) File an affidavit from an officer, director, or general counsel of the employing entity attesting to the applicant's current or future employment by the employing entity and the capacity in which the applicant is, or will be, so employed, and certifying that the employment conforms to the requirements of this Rule.

(5) Demonstrate, to the satisfaction of the Committee of Bar Examiners and the Court, that he or she is a person of good moral character. No application for a Virgin Islands Certificate of Limited Practice as In-house Counsel 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 United States or foreign jurisdiction, or any Federal Court.

(c) Limited Authority to Practice While Application is Pending. During the period in which an application for a Virgin Islands Certificate of Limited Practice is pending with the Supreme Court, the applicant may be employed in the Virgin Islands as an in-house counsel on a provisional basis by the employing entity whose affidavit is filed pursuant to Rule 202.1(b)(4); provided, that

(1) except for those who qualify for the limited amnesty provided for in Rule 202.1(a)(2), an individual may not serve as in-house counsel for the employing entity prior to the date the application is actually filed and docketed with the Supreme Court and such provisional permission will expire after ninety (90) days; and

(2) the Supreme Court, by order, may rescind an applicant's provisional permission to practice as in-house counsel while his or her application is pending if the Court or the Committee of Bar Examiners determines that the applicant has failed to prosecute his or her application in a timely manner, or that a substantial question exists as to whether the applicant is a person of good moral character or otherwise satisfies the requirements for issuance of a Virgin Islands Certificate of Limited Practice as In-house Counsel. Failure of an applicant to take the required oath or affirmation within sixty (60) days of notification by the Supreme Court of his or her application being approved shall result in the application for a Virgin Islands Certificate of Limited Practice as In-house Counsel to be dismissed for failure to prosecute.

(d) Scope of Authority. A lawyer certified under this Rule shall have the rights and privileges otherwise applicable to members of the Virgin Islands Bar with the following restrictions:

(1) The certified in-house counsel is authorized to provide legal services to the employing entity or its organizational affiliates, including entities that control, are controlled by, or are under common control with the employing entity, and for employees, officers and directors of such entities, but only on matters directly related to their work for the employing entity and only to the extent consistent with the Virgin Islands Rules of Professional Conduct, including Rule 211.1.7; and

(2) The certified in-house counsel shall not:

i. Except as otherwise permitted by the rules of this Court, appear before a court or any other tribunal as defined in Rule 211.1.0(m) of the Virgin Islands Rules of Professional Conduct;

ii. Offer or provide legal services or advice to any person other than as described in Rule 202.1(c)(1), or hold himself or herself out as being authorized to practice law in the Virgin Islands other than as described in Rule 202.1(c)(1); or

iii. Engage in any other activities for which Supreme Court Rule 201 requires *pro hac vice* admission or Supreme Court Rule 202 requires special admission.

(3) Notwithstanding Rule 202.1(c)(2), a lawyer certified under this Rule may participate in the provision of any and all pro bono legal services the Virgin Islands offered under the auspices of an organized legal aid society recognized by the Virgin Islands Access to Justice Commission, provided that the lawyer is supervised by a regular member of the Virgin Islands Bar who is also working on the pro bono representation. Any regular member who supervises the holder of a Certificate of Limited Practice as In-house Counsel in a pro bono matter shall be responsible for the in-house counsel's actions in the same manner as a local counsel is responsible for the actions of a *pro hac vice* attorney.

(4) Notwithstanding this limited pro bono exception, no individual issued a Virgin Islands Certificate of Limited Practice as In-house Counsel may hold him or herself out as a Virgin Islands attorney, including using the "Esq." honorific or the "attorney" or "counsel" titles, without disclosing that he or she has only been issued a Virgin Islands Certificate of Limited Practice as In-house Counsel.

(e) **Obligations.** A lawyer certified under this Rule shall:

(1) File the Annual Registration Statement with the Office of Disciplinary Counsel or other designated entity, including payment of the \$50.00 annual assessment fee;

(2) Pay annual dues to the Virgin Islands Bar Association, which, unless fixed otherwise in the Bylaws of the Virgin Islands Bar Association, shall be the same rate as attorneys specially admitted under Rule 202;

(3) Fulfill the continuing legal education requirements that are required of active members of the Virgin Islands Bar Association; and

(4) Report the following events to the Supreme Court within 30 days of their occurrence:

i. Termination of the lawyer's employment as described in Rule 202.1(b)(4);

ii. Whether or not public, any change in the lawyer's license status in any other United States or foreign jurisdiction, including resignation, and regardless of whether the change is considered administrative in nature.

iii. Whether or not public, any disciplinary charge, finding, or sanction concerning the lawyer by any disciplinary authority, court, or other tribunal in any United States or foreign jurisdiction.

(f) **Local Discipline.** A lawyer certified under this Rule shall be subject to all laws and rules governing the practice of law in the Virgin Islands, including the Virgin Islands Rules of Professional Conduct and the Virgin Islands Rules for Attorney Disciplinary Enforcement. The Supreme Court, the Office of Disciplinary Counsel, the Board of Professional Responsibility, and the Board on the Unauthorized Practice of Law has and shall retain jurisdiction over the certified in-house counsel with respect to the conduct of the lawyer in this or another United States jurisdiction to the same extent as it has over lawyers regularly admitted in the Virgin Islands, and such jurisdiction shall continue whether or not the lawyer retains the Virgin Islands Certificate of Limited Practice as In-house Counsel and irrespective of the lawyer's continued presence in the Virgin Islands.

(g) **Automatic Termination.** A certified in-house counsel's rights and privileges under this Rule automatically terminate when:

- (1) The lawyer's employment terminates;
- (2) The lawyer is, for any reason, suspended, disbarred, placed on disability inactive status, or found to have engaged in the unauthorized practice of law, in any jurisdiction or any court or agency before which the lawyer is admitted, United States or foreign;
- (3) The lawyer fails to maintain active status in at least one United States jurisdiction; or
- (4) The lawyer ceases to have a continuous and systematic presence in the Virgin Islands.

Notwithstanding this Rule, a certified in-house counsel who has his rights and privileges terminated pursuant to Rule 202.1(e)(1) may continue to provide any ongoing pro bono representation authorized under Rule 202.1(d)(3), provided that the Supreme Court and the Office of Disciplinary Counsel are notified of the ongoing representation within sixty (60) days of the date the lawyer's employment has terminated.

(h) **Reinstatement.** A certified lawyer whose rights and privileges are terminated under Rule 202.1(e) may seek reinstatement within six (6) months of termination by submitting the following documents to the Supreme Court:

- (1) A petition for reinstatement in a form prescribed by the Supreme Court of the Virgin Islands;
- (2) A reinstatement fee in the amount of \$200.00; and
- (3) An affidavit from the current employing entity as prescribed in Rule 202.1(b)(4).

An individual seeking reinstatement under this Rule 202.1(f) shall not be entitled to practice as in-house counsel while the reinstatement petition is pending or to hold himself out as in-house counsel.

(i) **Subsequent Admission.** If a person licensed as an in-house counsel under this Rule is subsequently admitted as a member of the Virgin Islands Bar under the Rules governing regular admission, that person's in-house counsel license shall be deemed superseded by the license to practice law as a member of the Virgin Islands Bar.

(j) **Regulations.** Subject to approval of the Supreme Court, the Committee of Bar Examiners, the Board on Professional Responsibility, and the Board on Unauthorized Practice of Law may adopt such additional regulations as needed to implement the requirements of this Rule.

SUPREME COURT RULE 202.2
Limited permission to practice as foreign legal consultant

(a) General Provisions.

A lawyer who is a member in good standing of a recognized legal profession in a foreign country in which the members of the legal profession are admitted to practice as lawyers or counselors at law or the equivalent and are subject to effective regulation and discipline by a duly constituted professional body or public authority whose background and credentials may be effectively assessed, and who will have a systematic and continuous presence in the Virgin Islands, may apply for a Virgin Islands Certificate of Limited Practice as a Foreign Legal Consultant.

Any individual who is not an active member of the Virgin Islands Bar who practices as a foreign legal consultant without applying, and ultimately being granted, a Virgin Islands Certificate of Limited Practice as a Foreign Legal Consultant:

- i. shall be subject to professional discipline in the Virgin Islands, including for the unauthorized practice of law;
- ii. may be deemed ineligible to apply for admission to the Virgin Islands Bar; and
- iii. may be referred by the Supreme Court of the Virgin Islands, the Office of Disciplinary Counsel, the Board on Professional Responsibility, or the Board on Unauthorized Practice of Law to the disciplinary authority of another jurisdiction, United States or foreign, in which the individual is licensed to practice law.

(b) Application. An applicant for a Virgin Islands Certificate of Limited Practice as a Foreign Legal Consultant shall:

(1) File under oath the Supreme Court's form application for a Virgin Islands Certificate of Limited Practice as a Foreign Legal Consultant. The clerk shall open a bar admissions file for each application, assign a case number, and refer the application to the Director of Bar Admissions of the Supreme Court, who shall coordinate the processing of the application with the Committee of Bar Examiners.

(2) Pay a fee of \$500.00, of which \$100.00 shall be retained by the clerk as a filing fee and the remaining \$400.00 remitted to the Committee of Bar Examiners to defray the local costs of investigations and administration. Applicants shall submit two checks or money orders, one for \$100.00 payable to the Clerk of the Supreme Court and the other \$400.00 payable to the Committee of Bar Examiners.

(3) File a certificate of good standing or comparable document from the professional body or public authority having final jurisdiction over professional discipline in the foreign country in which the applicant is admitted, certifying the applicant's admission to practice, date of admission, and good standing as a lawyer or counselor at law or the equivalent.

(4) Demonstrate, to the satisfaction of the Committee of Bar Examiners and the Court, that he or she is a person of good moral character. No application for a Virgin Islands Certificate of Limited Practice as a Foreign Legal Consultant may be filed by anyone who has been disbarred, suspended, or sanctioned, without reinstatement or exonerated, or who is under pending disciplinary action by the Bar of any United States or foreign jurisdiction, or any Federal Court.

(c) Scope of Authority. A lawyer certified under this Rule may render legal services in this jurisdiction with respect to the foreign country or countries in which the Foreign Legal Consultant is admitted to practice law, but shall not be considered admitted to practice law in the Virgin

Islands, and may not hold himself or herself out as anything other than a foreign legal consultant, or do any of the following:

(1) Appear as a lawyer on behalf of another person in any court, or before any magistrate or other judicial officer, in this jurisdiction (except when admitted *pro hac vice*);

(2) Prepare any instrument effecting the transfer or registration of title to real estate located in the United States of America, including its territories;

(3) Prepare:

(A) Any will or trust instrument effecting the disposition on death of any property located and owned by a resident of the United States of America, or

(B) Any instrument relating to the administration of a decedent's estate in the United States of America;

(4) Prepare any instrument in respect of the marital or parental relations, rights, or duties of a resident of the United States of America, or the custody or care of the children of such a resident;

(5) Render professional legal advice on the law of the Virgin Islands, of any other jurisdiction in which he or she is not authorized to practice law, or of the United States of America (whether rendered incident to the preparation of legal instruments or otherwise);

(6) Carry on a practice under, or utilize in connection with such practice, any name, title, or designation other than one or more of the following:

(A) The foreign legal consultant's own name;

(B) The name of the law firm with which the foreign legal consultant is affiliated;

(C) The foreign legal consultant's authorized title in the foreign country of his or her admission to practice, which may be used in conjunction with the name of that country; and

(D) The title "foreign legal consultant," which may be used in conjunction with the words "admitted to the practice of law in [name of the foreign country of his or her admission to practice]."

Under no circumstances may an applicant for a Virgin Islands Certificate of Limited Practice as a Foreign Legal Consultant lawfully perform any of these acts until and unless the Supreme Court grants the application and the applicant is administered the oath or affirmation of office. Failure of an applicant to take the required oath or affirmation within sixty (60) days of notification by the Supreme Court of his or her application being approved shall result in the application for a Virgin Islands Certificate of Limited Practice as a Foreign Legal Consultant to be dismissed for failure to prosecute.

(d) **Obligations.** A foreign legal consultant certified under this Rule shall:

(1) File the Annual Registration Statement with the Office of Disciplinary Counsel or other designated entity, including payment of the \$50.00 annual assessment fee;

(2) Pay annual dues to the Virgin Islands Bar Association, which, unless fixed otherwise in the Bylaws of the Virgin Islands Bar Association, shall be the same rate as attorneys specially admitted under Rule 202;

(3) Fulfill the continuing legal education requirements that are required of active members of the Virgin Islands Bar Association; and

(4) Report the following events to the Supreme Court within thirty (30) days of their occurrence:

i. Whether or not public, any change in the lawyer's license status in any other

United States or foreign jurisdiction, including resignation and regardless of whether the change is considered administrative in nature.

ii. Whether or not public, any disciplinary charge, finding, or sanction concerning the lawyer by any disciplinary authority, court, or other tribunal in any United States or foreign jurisdiction.

(e) **Local Discipline.** A foreign legal consultant certified under this Rule shall be subject to all laws and rules governing the practice of law in the Virgin Islands, including the Virgin Islands Rules of Professional Conduct and the Virgin Islands Rules for Attorney Disciplinary Enforcement. The Supreme Court, the Office of Disciplinary Counsel, the Board of Professional Responsibility, and the Board on the Unauthorized Practice of Law has and shall retain jurisdiction over the certified foreign legal consultant with respect to the conduct of the foreign legal consultant in this or another United States or foreign jurisdiction to the same extent as it has over lawyers regularly admitted in the Virgin Islands, and such jurisdiction shall continue whether or not the foreign legal consultant retains the Virgin Islands Certificate of Limited Practice as a Foreign Legal Consultant and irrespective of the lawyer's continued presence in the Virgin Islands.

(f) **Automatic Termination.** A certified foreign legal consultant's rights and privileges under this Rule automatically terminate when:

(1) The foreign legal consultant is, for any reason, suspended, disbarred, or placed on disability inactive status in any jurisdiction or any court or agency before which the foreign legal consultant is admitted, United States or foreign, or found to have engaged in the unauthorized practice of law;

(2) The foreign legal consultant fails to maintain active status or its equivalent in at least one foreign jurisdiction; or

(3) The foreign legal consultant ceases to maintain a systematic and continuous presence in the Virgin Islands.

(g) **Reinstatement.** A certified foreign legal consultant whose rights and privileges are terminated under Rule 202.1(e) may seek reinstatement within 6 months of termination by submitting the following documents to the Supreme Court:

(1) A petition for reinstatement in a form prescribed by the Supreme Court of the Virgin Islands; and

(2) A reinstatement fee in the amount of \$200.00.

An individual seeking reinstatement under Rule 202.2(g) shall not be entitled to practice as a foreign legal consultant while the reinstatement petition is pending or to hold himself or herself out as a foreign legal consultant.

(h) **Subsequent admission.** If a person licensed as a foreign legal consultant under this Rule is subsequently admitted as a member of the Virgin Islands Bar under the Rules governing regular or special admission, that person's foreign legal consultant license shall be deemed superseded by the license to practice law as a member of the Virgin Islands Bar.

(i) **Regulations.** Subject to approval of the Supreme Court, the Committee of Bar Examiners, the Board on Professional Responsibility, and the Board on Unauthorized Practice of Law may adopt such additional regulations as needed to implement the requirements of this Rule.

SUPREME COURT RULE 202.3
Limited permission to practice as a legal intern

(a) **General Provisions.** An Eligible Legal Intern, as defined here, may apply for a Virgin Islands Certificate of Limited Practice as a Legal Intern and, once the application is granted by the Supreme Court of the Virgin Islands, may, subject to the conditions set forth in section (d) of this Rule, appear and participate in all proceedings before the Superior Court of the Virgin Islands, the Supreme Court of the Virgin Islands, and any administrative agency of the Virgin Islands. An Eligible Legal Intern may be:

(1) A student enrolled and in good standing at a law school accredited by the American Bar Association who has successfully completed at least one-half of the course work required for a J.D. or comparable entry-level law degree; or

(2) A graduate of a law school accredited by the American Bar Association who earned a J.D. or comparable entry-level law degree; provided, however, that the individual

(A) Has never failed the Virgin Islands Bar Examination or a bar examination administered by any other State, Commonwealth, or Territory of the United States, the District of Columbia, or a Federal Court;

(B) Has never been denied admission to any bar for character and fitness reasons; and

(C) Files a complete application for regular or special admission to the Virgin Islands Bar, including a complete character and fitness questionnaire, no later than fourteen (14) days from the date of filing the application for a Certificate of Limited Practice as a Legal Intern.

(b) **Application.** An applicant for a Virgin Islands Certificate of Limited Practice as a Legal intern shall:

(1) File under oath the Supreme Court's form application for a Virgin Islands Certificate of Limited Practice as a Legal Intern. The clerk shall open a bar admissions file for each application, assign a case number, and refer the application to the Director of Bar Admissions of the Supreme Court, who shall coordinate the processing of the application with the Committee of Bar Examiners.

(2) Pay a filing fee of \$100.00, payable to the Clerk of the Supreme Court.

(3) Furnish a certificate from the dean or other chief administrative officer of his or her law school, stating that he or she meets the requirements as set forth in Rule 202.3(a).

(4) File an affidavit, on a form furnished by the Supreme Court, from a regular member in good standing of the Virgin Islands Bar (the "Supervising Attorney") who attests that he or she

(A) shall appear as counsel of record in all proceedings in which the Eligible Legal Intern enters an appearance, and shall personally supervise the Eligible Legal Intern even if the matter does not involve a court appearance;

(B) shall review all motions, briefs, or other documents prepared or signed by the Eligible Legal Intern, and shall sign the document and take responsibility for its contents;

(C) has reviewed and discussed this Rule, as well as Supreme Court Rules 207, 211, and 212, with the Eligible Legal Intern;

(D) shall immediately notify the Supreme Court if a finding has been made pursuant to Rule 202.3(c)(2)(B); and

(E) shall immediately notify the Supreme Court if he or she is no longer able or willing to personally supervise the Eligible Legal Intern.

(c) **Scope of Authority.** The holder of a Virgin Islands Certificate of Limited Practice as a Legal Intern, with the written and informed consent of the party to be represented, may perform, under the full and complete personal supervision of the Supervising Attorney, any act which may be performed by a regularly admitted member of the Virgin Islands Bar, except:

(1) representing a defendant in a criminal case in which any of the charged offenses is punishable by more than six (6) months incarceration;

(2) continuing to represent the client in any matter where:

(A) the client withdraws his or her prior written informed consent; or

(B) the presiding judicial officer or comparable official of an administrative agency determines that the Eligible Legal Intern is being inadequately supervised or is rendering incompetent representation.

Under no circumstances may an applicant for a Virgin Islands Certificate of Limited Practice as a Legal Intern lawfully perform any of these acts until and unless the Supreme Court grants the application and the applicant is administered the oath or affirmation of office. Failure of an applicant to take the required oath or affirmation within sixty (60) days of notification by the Supreme Court of his or her application being approved shall result in the application for a Virgin Islands Certificate of Limited Practice as a Legal Intern to be dismissed for failure to prosecute.

(d) **Obligations.** A legal intern certified under this Rule shall:

(1) File the Annual Registration Statement with the Office of Disciplinary Counsel or other designated entity, including payment of the \$50.00 annual assessment fee; and

(2) Pay annual dues to the Virgin Islands Bar Association, which, unless fixed otherwise in the Bylaws of the Virgin Islands Bar Association, shall be the same rate as attorneys specially admitted under Rule 202.

(e) **Local Discipline.** A legal intern certified under this Rule shall be subject to all laws and rules governing the practice of law in the Virgin Islands, including the Virgin Islands Rules of Professional Conduct and the Virgin Islands Rules for Attorney Disciplinary Enforcement. The Supreme Court, the Office of Disciplinary Counsel, the Board of Professional Responsibility, and the Board on the Unauthorized Practice of Law has and shall retain jurisdiction over the certified legal intern with respect to the conduct of the legal intern in this or another United States or foreign jurisdiction to the same extent as it has over lawyers generally admitted in the Virgin Islands, and such jurisdiction shall continue whether or not the legal intern retains the Virgin Islands Certificate of Limited Practice as a Legal Intern and irrespective of the legal intern's continued presence in the Virgin Islands.

(f) **Automatic Termination.** An Eligible Legal Intern's limited authority to practice as a legal intern as granted by this Rule shall be automatically revoked when

(1) the Eligible Legal Intern fails to comply with any provision of this Rule;

(2) the Eligible Legal Intern is accused of engaging in the unauthorized practice of law or violating the Rules of Professional Conduct and the Office of Disciplinary Counsel certifies to the Supreme Court that the charges are supported by probable cause;

(3) the Eligible Legal Intern, if admitted pursuant to Rule 202.3(a)(1), graduates from his or her degree program or otherwise ceases to be a law student in good standing in his or her law school;

(4) the law school in which the Eligible Legal Intern is attending as a candidate for the J.D. or comparable entry-level degree ceases to be accredited by the American Bar Association;

(5) the Eligible Legal Intern, if admitted pursuant to Rule 202.3(a)(2), either

i. if concurrently applying for regular admission, does not sit for the Virgin Islands Bar Examination within seven (7) months or does not successfully obtain regular admission within eighteen (18) months;

ii. if concurrently applying for special admission, does not successfully obtain special admission within six (6) months; or

iii. fails the Virgin Islands Bar Examination;

(6) with respect to an Eligible Legal Intern admitted pursuant to Rule 202.3(a)(2), the Supreme Court or the Committee of Bar Examiners, after reviewing the legal intern's application for regular or special admission, determines that a substantial question exists as to whether the legal intern is a person of good moral character or otherwise satisfies the requirements for regular or special admission to the Virgin Islands Bar;

(7) the dean of the law school or the Supervising Attorney files with the Supreme Court a request that the Virgin Islands Certificate of Limited Practice as a Legal Intern be revoked; or

(8) the Supervising Attorney is no longer able or willing to supervise the Eligible Legal Intern or ceases to be a regular member of the Virgin Islands Bar; unless, however, another regular member in good standing of the Virgin Islands Bar agrees to serve as the Eligible Legal Intern's new Supervising Attorney and, within fourteen (14) days of the original Supervising Attorney's withdrawal, files with the Supreme Court the affidavit required by Rule 202.3(b)(4).

Notwithstanding this Rule, a certified legal intern who has his rights and privileges terminated pursuant to Rule 202.3(f)(3) by virtue of graduating from his or her degree program may continue to provide any ongoing representation authorized under Rule 202.1.3(c), provided that the Supreme Court and the Office of Disciplinary Counsel are notified of the ongoing representation within sixty (60) days of the date the legal intern has graduated.

(g) Reinstatement. A certified legal intern whose rights and privileges are terminated under Rule 202.3(f) may not seek reinstatement from the Supreme Court, but must file a new application under Rule 202.3(b); provided, however, that a legal intern whose rights and privileges were terminated by virtue of Rule 202.3(f)(1), (f)(2), (f)(5), or (f)(6) will be precluded from reapplying.

(h) Subsequent Admission. If a person licensed as a legal intern under this Rule is subsequently admitted as a regular or specially admitted member of the Virgin Islands Bar under the Rules governing admission, that person's legal intern license shall be deemed superseded by the license to practice law as a member of the Virgin Islands Bar.

(i) Regulations. Subject to approval of the Supreme Court, the Board on Professional Responsibility and the Board on Unauthorized Practice of Law may adopt such additional regulations as needed to implement the requirements of this Rule.

SUPREME COURT RULE 202.4
Special Admission for Military Spouses

(a) **General Provisions.** Due to the unique mobility requirements of military families who support the defense of our nation, the Supreme Court of the Virgin Islands in its discretion may certify an attorney who, as recognized by the solemnizing jurisdiction, is a spouse of a member of the United States Uniformed Services (“service member”) stationed within the Virgin Islands, to practice law pursuant to the terms of this Rule if all of the following conditions are met:

(1) The attorney has been admitted to practice law and is on active status in another United States jurisdiction;

(2) The attorney holds a J.D. or comparable entry-level law degree from a law school approved by the American Bar Association;

(3) The attorney is currently a member in good standing of the bar of all courts and jurisdictions in which he or she is admitted to practice;

(4) The attorney has never been suspended or disbarred, and is not currently the subject of an order of attorney discipline or a pending formal disciplinary or disability matter in any jurisdiction; and

(5) The attorney possesses the character and fitness required of all applicants for admission to the practice of law in the Virgin Islands.

(b) **Application.** An applicant for special admission as a military spouse shall:

(1) File under oath the Supreme Court’s form application for special admission as a military spouse. The clerk shall open a bar admissions file for each application, assign a case number, and refer the application to the Director of Bar Admissions of the Supreme Court, who shall coordinate the processing of the application with the Committee of Bar Examiners.

(2) Furnish a certificate of good standing from the appropriate licensing authority in each jurisdiction in which the applicant is admitted to practice law, demonstrating that the applicant is in good standing in all jurisdictions and remains an active member authorized to practice law in at least one of States, Commonwealths, Territories, or Districts of the United States in which the applicant is admitted.

(3) File an affidavit, on a form furnished by the Supreme Court, stating that the applicant is present in the Virgin Islands as a spouse of a service member, which shall be supported with competent evidence, such as a marriage or civil union license and a copy of the service member’s military orders reflecting an assignment to the Virgin Islands.

(4) Demonstrate, to the satisfaction of the Committee of Bar Examiners and the Court, that he or she is a person of good moral character. No application for special admission as a military spouse 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, Commonwealth, Territory, or District of the United States, or any foreign jurisdiction, or any Federal Court.

(5) Pay a fee of \$350.00, of which \$100.00 shall be retained by the clerk as a filing fee and the remaining \$250.00 remitted to the Committee of Bar Examiners to defray the local costs of investigations and administration. Applicants shall submit two checks or money orders, one for \$100.00 payable to the Clerk of the Supreme Court and the other \$250.00 payable to the Committee of Bar Examiners.

(c) **Scope of Authority.** A lawyer specially admitted under this Rule 202.4 may perform any act which may be performed by a regular member of the Virgin Islands Bar, except the lawyer may not hold himself or herself out as a Virgin Islands attorney without disclosing the special nature of his or her admission.

(d) **Obligations.** A lawyer specially admitted under this Rule shall bear all of the same obligations as a regular member of the Virgin Islands Bar, except that annual dues to the Virgin Islands Bar Association shall be paid at the same rate as attorneys specially admitted under Rule 202.

(e) **Local Discipline.** A lawyer specially admitted under this Rule shall be subject to all laws and rules governing the practice of law in the Virgin Islands, including the Virgin Islands Rules of Professional Conduct and the Virgin Islands Rules for Attorney Disciplinary Enforcement. The Supreme Court, the Office of Disciplinary Counsel, the Board of Professional Responsibility, and the Board on the Unauthorized Practice of Law has and shall retain jurisdiction over the lawyer with respect to the conduct of the lawyer in this or another United States or foreign jurisdiction to the same extent as it has over lawyers generally admitted in the Virgin Islands, and such jurisdiction shall continue whether or not the lawyer remains specially admitted under this Rule and irrespective of the lawyer's continued presence in the Virgin Islands.

(f) **Automatic Termination.**

(1) The special admission provided by this Rule shall expire after two (2) years unless the specially admitted lawyer takes the Virgin Islands Bar Examination within that time and will, in any event, expire no later than three (3) years after the date of such special admission. Time previously spent as a specially admitted attorney under Supreme Court Rule 202 or one of its predecessor rules shall count towards these limitations periods.

Special admission under this rule shall also automatically terminate when:

- (i) The service member has died;
- (ii) The service member is no longer a member of the United States Uniformed Services;
- (iii) The military spouse attorney is no longer a spouse of the service member;
- (iv) The service member receives a permanent transfer outside the Virgin Islands, except that if the service member has been assigned to an unaccompanied or remote assignment with no dependents authorized, the military spouse attorney may continue to practice law pursuant to the provisions of this Rule until the service member is assigned to a location with dependents authorized;
- (v) The military spouse is suspended or disbarred or placed on disability inactive status in any jurisdiction, court, or agency before which the attorney is admitted; or
- (vi) The military spouse has been sanctioned in any jurisdiction for failure to cooperate in a disciplinary matter.

(2) If any of the events listed in Rule 202.4(f)(1)(i)-(vi) occur, the attorney specially admitted under this Rule shall notify the Clerk of the Supreme Court, as well as the Office of Disciplinary Counsel, of the event in writing within fourteen (14) days of the date upon which the event occurs. Unless ordered otherwise by the Supreme Court, termination shall occur twenty-eight (28) days thereafter, during which time the attorney shall wind down his or her practice. If the event occurs because the service member is deceased or disabled, the attorney shall notify the above officers within twenty-six (26) weeks of the date upon which the event occurs, and

termination shall occur within twenty-eight (28) days thereafter, during which time the attorney shall wind down his or her practice.

(3) Upon the termination of special admission pursuant to an event listed in Rule 202.4(f)(1)(i)-(vi), the lawyer, within the twenty-eight (28) day wind down period, shall:

(i) Cease to occupy an office or other place for the regular practice of law in the Virgin Islands, unless authorized to do so pursuant to another rule of this Court;

(ii) Notify in writing all clients in pending matters, co-counsel and opposing counsel in pending litigation, and the courts or agencies in which litigation is pending, of the termination of the attorney's authority to practice law pursuant to this Rule;

(iii) Decline any new representation that would require the attorney to be admitted to practice law in the Virgin Islands; and

(iv) Take all other necessary steps to protect the interests of the attorney's clients.

(h) **Subsequent Admission.** If a person specially admitted under this Rule is subsequently admitted as a regular member of the Virgin Islands Bar under the Rules governing admission, that person's special admission shall be deemed superseded by the license to practice law as a regular member of the Virgin Islands Bar.

(i) **Regulations.** Subject to approval of the Supreme Court, the Committee of Bar Examiners, the Board on Professional Responsibility and the Board on Unauthorized Practice of Law may adopt such additional regulations as needed to implement the requirements of this Rule.