

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

**IN RE: AMENDMENTS TO THE RULES
GOVERNING THE SUPERIOR COURT OF
THE VIRGIN ISLANDS.**

S. Ct. Prom. No. 2017-0006

2017 APR - 7 AM 11: 59

SUPREME COURT

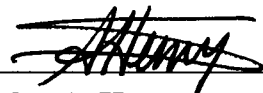
NOTICE OF ENTRY OF JUDGMENT/ORDER

**TO: Justices of the Supreme Court
Judges and Magistrate Judges of the Superior Court
Judges and Magistrate Judges of the District Court
Trudy Fenster, Esq., President, Virgin Islands Bar Association
Julia A. Baldini, Executive Director, Virgin Islands Bar Association
Regina deChabert Petersen, Administrator of Courts
Veronica J. Handy, Esq., Clerk of the Supreme Court
Estrella H. George, Clerk of the Superior Court
Glenda L. Lake, Esq., Clerk of the District Court
Supreme Court Law Clerks
Supreme Court Secretaries
Order Book**

Please take notice that on April 7, 2017, a(n) **ORDER OF THE COURT** dated April 7, 2017, was entered by the Clerk in the above-entitled matter.

Dated: April 7, 2017

**VERONICA J. HANDY, ESQ.
Clerk of the Court**

By: 

**Sandra A. Henry
Deputy Clerk II**

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

2017 APR - 7 AM 11:44

SUPREME COURT

IN RE:) PROMULGATION No. 2017-006
AMENDMENTS TO THE RULES)
GOVERNING THE SUPERIOR COURT)
OF THE VIRGIN ISLANDS.)

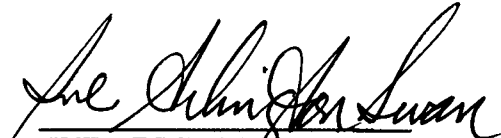
ORDER OF THE COURT

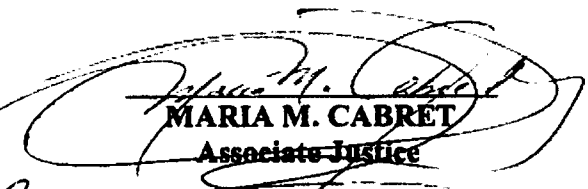
THIS MATTER is before the Court pursuant to an April 6, 2017 Order of the Presiding Judge of the Superior Court, which submits, for this Court’s approval, proposed amendments to the Rules Governing the Superior Court of the Virgin Islands. Pursuant to its inherent authority and the authority granted to it by section 21(c) of the Revised Organic Act of 1954, and title 4, sections 24, 32(f), and 74a of the Virgin Islands Code, the Supreme Court of the Virgin Islands agrees with the Superior Court that these amendments are necessary to reconcile the Superior Court Rules with the newly-enacted Virgin Islands Rules of Civil Procedure, Virgin Islands Rules of Evidence, and other changes to the law. Accordingly, it is hereby


ORDERED that the Amendments to the Rules Governing the Superior Court of the Virgin Islands, as proposed by the Presiding Judge of the Superior Court in the April 6, 2017 Order attached hereto, are APPROVED. It is further

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

SO ORDERED this 7th day of April, 2017.



IVE ARLINGTON SWAN
Associate Justice


MARIA M. CABRET
Associate Justice


RHYSS. HODGE
Chief Justice

ATTEST:

VERONICA J. HANDY, ESQ.
Clerk of the Court

By: 
Deputy Clerk

Dated: April 7, 2017

Copies to:

Justices of the Supreme Court
Judges & Magistrate Judges of the Superior Court
Judges & Magistrate Judges of the District Court
Trudy Fenster, Esq., President, V.I. Bar Association
Julia Baldini, Executive Director, V.I. Bar Association, *for distribution to V.I. Bar members*
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Supreme Court Law Clerks
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**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS - ST. JOHN**

IN RE:

ST-17-MC-19

**AMENDMENTS TO THE RULES
GOVERNING THE SUPERIOR COURT OF
THE VIRGIN ISLANDS**

NOTICE OF ENTRY OF ORDER

Justices of the Supreme Court

Judges & Magistrates of the Superior court

Trudy Fenster, Esq., President, V.I. Bar Association: trudy@rohnlaw.com

Julia Baldini, Executive Director, V.I. Bar Association: executivedirector@vibar.org for distribution to V.I. Bar members

Regina D. Petersen, Administrator of Courts

Veronica J. Handy, Esq., Clerk of the Supreme Court

Estrella H. George, Clerk of the Superior Court

Please take notice that on 6th **DAY OF APRIL** a (n) **ORDER** dated **April 6, 2017** was entered by this Court in the above-titled matter.

Dated: **April 6, 2017**

ESTRELLA H. GEORGE

Clerk of the Court



By: **CAMELIA A. CLARKE**

TITLE: COURT CLERK II

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

IN RE:) **Misc No. ST-17-MC-19**
AMENDMENTS TO THE RULES)
GOVERNING THE SUPERIOR COURT)
OF THE VIRGIN ISLANDS.)
_____)

ORDER

Pursuant to its inherent authority and the authority granted to it by title 4, section 32(f)(1) of the Virgin Islands Code, the Superior Court of the Virgin Islands hereby proposes the following amendments to the Rules Governing the Superior Court of the Virgin Islands, for the purpose of reconciling the Superior Court Rules with other changes in the law, including the Virgin Islands Rules of Civil Procedure and the Virgin Islands Rules of Evidence. Accordingly, it is

ORDERED that Superior Court Rules 12, 13, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 38, 39, 40, 47, 48, 49, 50, 51, 52, 53, 176, 319, 323, 324, 400.9, 420, 420.1, 420.2, 420.3, 420.4, 420.5, 420.6, 420.7, 420.8, 420.9, 420.10, and 420.11 are **REPEALED**. It is further

ORDERED that Superior Court Rules 1.1, 141, and 310 through 326 are **AMENDED** to strike the words “magistrate” and “magistrates” each time they appear, except when appearing in the phrase “Magistrate Division”, and replacing them, respectively, with “magistrate judge” and “magistrate judges”. It is further

ORDERED that Superior Court Rule 6e is **AMENDED** to strike the words “Office of the Marshal of the Superior Court of the Virgin Islands” and “Marshal Office” wherever they appear and replacing them with “Office of the Virgin Islands Marshal”. It is further

ORDERED that Superior Court Rule 1(a) is **AMENDED** by inserting language as follows:

These rules govern the practice and procedure in the superior court except in cases where the Virgin Islands Rules of Civil Procedure, the Virgin Islands Rules of Evidence, or other rules promulgated by the Supreme Court of the Virgin Islands

apply. They are intended to provide for the just determination of causes coming within the jurisdiction of the court. They shall be liberally construed to secure simplicity and uniformity in procedure, fairness in administration and the elimination of unjustifiable expense and delay.

It is further

ORDERED that Superior Court Rule 7 is **AMENDED** by striking and inserting language as follows:

The practice and procedure in the Superior Court shall be governed by the Rules of the Superior Court, the Virgin Islands Rules of Civil Procedure, the Virgin Islands Rules of Evidence, and any other rules promulgated by the Supreme Court of the Virgin Islands. and, to the extent not inconsistent therewith, by the Rules of the District Court, the Federal Rules of Civil Procedure, In criminal cases, the non-substantive provisions of the Federal Rules of Criminal Procedure and the Federal Rules of Evidence shall apply to the extent not inconsistent with Virgin Islands law, including the Rules of the Superior Court, rules promulgated by the Supreme Court, and any applicable Virgin Islands statutes and decisions of the Supreme Court.

It is further

ORDERED that Superior Court Rule 9 is **AMENDED** by striking all the existing language in its entirety and replacing it with the following new language:

Rule 6 of the Virgin Islands Rules of Civil Procedure shall govern the computation of any time under these rules in all cases, whether civil or criminal.

It is further

ORDERED that Superior Court Rule 10(b) is **AMENDED** by striking and inserting language as follows:

The court may not enlarge the period within which motion may be made for a new trial, for correcting an illegal sentence, or for taking an appeal, except ~~that upon a clear showing of good cause and the absence of prejudice,~~ the period for taking an appeal may be extended for a period not exceeding 30 days as provided in the Rules of the Supreme Court of the Virgin Islands.

It is further

ORDERED that Superior Court Rule 10.1 is **AMENDED** by striking the existing language in its entirety and replacing it with the following new language:

Rule 6-3 of the Virgin Islands Rules of Civil Procedure shall govern continuances of all trials, conferences, and other scheduled hearings, in both civil and criminal cases.

It is further

ORDERED that Superior Court Rule 11 is **AMENDED** by striking all the existing language in its entirety and replacing it with the following new language:

- (a) Rule 45 of the Virgin Islands Rules of Civil Procedure shall govern issuance and compliance with subpoenas in all cases, both civil and criminal.
- (b) The Clerk of the Superior Court shall also issue subpoenas, signed and sealed, to law enforcement officers, who shall fill in the blanks before they are served upon witnesses for the Government and for the defense in traffic cases at the same time traffic tickets are served.

It is further

ORDERED that Superior Court Rule 69 is **AMENDED** by striking all existing language in its entirety and replacing it with the following new language:

The Virgin Islands Rules of Civil Procedure shall apply to the small claims division to the extent not inconsistent with the foregoing rules.

It is further

ORDERED that Superior Court Rules 101 and 122(d)(3)(iii) are **AMENDED** by striking the phrase “Rule 4 of the Federal Rules of Civil Procedure” and inserting in its place the phrase “Rule 4 of the Virgin Islands Rules of Civil Procedure”. It is further

ORDERED that Superior Court Rule 116 is **AMENDED** by striking the phrase “Rule 40 of the Rules of the Superior Court, as amended,” and inserting in its place the phrase “Rule 90 of the Virgin Islands Rules of Civil Procedure.” It is further

ORDERED that Superior Court Rule 141(a) is **AMENDED** by inserting the phrase “Except in first degree murder cases when the proof is evident or the presumption is great,” before the phrase “All persons shall, before conviction, be bailable by sufficient sureties”. It is further

ORDERED that Superior Court Rule 190 is **AMENDED** by striking the phrase “Federal

Rules of Civil Procedure" each time it appears and inserting in its place the phrase "Virgin Islands Rules of Civil Procedure". It is further

ORDERED that Superior Court Rule 310.1 is **AMENDED** by striking the phrase "Presiding Judge of the Superior Court" and inserting in its place the phrase "Administrator of Courts". It is further

ORDERED that Superior Court Rule 316 is **AMENDED** by striking the phrase "Administrator of the Superior Court" and inserting in its place the phrase "Administrator of Courts". It is further

ORDERED that Superior Court Rule 321(a) is **AMENDED** by striking the phrase "and approval of the Presiding Judge". It is further

ORDERED that Superior Court Rule 322.1(e)(3) is **AMENDED** by striking the phrase "Fed. R. Civ. P. 59(e)" and replacing it with the phrase "Rule 59(e) of the Virgin Islands Rules of Civil Procedure". It is further

ORDERED that Superior Court Rule 322.7 is **AMENDED** by striking the phrase "Superior Court" and inserting in its place the phrase "Supreme Court". It is further

ORDERED that these amendments shall be effective upon approval by the Supreme Court of the Virgin Islands. It is further

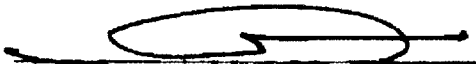
ORDERED that copies of this order be directed to the appropriate parties.

SO ORDERED this ~~27~~ day of April, 2017.

ATTEST: Estrella H. George
Clerk of the Court

by: 
Lori Boynes-Tyson
Court Clerk Supervisor

4/6/17


HON. MICHAEL C. DUNSTON
PRESIDING JUDGE OF THE SUPERIOR
COURT OF THE VIRGIN ISLANDS

CERTIFIED A TRUE COPY
DATE: 4-06-17
ESTRELLA H. GEORGE
Clerk of the Court

By: 
Cameil A. Clarke
Court Clerk I

Copies to:

Justices of the Supreme Court

Judges & Magistrate Judges of the Superior Court

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