

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

IN RE: ORDER AMENDING)
THE RULES OF THE SUPERIOR)
COURT OF THE U.S. VIRGIN ISLANDS)
_____)

PROMULGATION ORDER
NO. 07-00 5

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(f), 34, 76 and 83, regarding the Rules governing the practice and procedure in the Courts established by local law, it is hereby

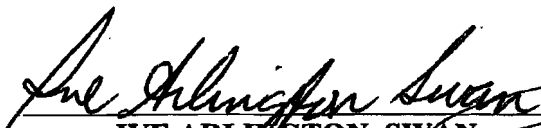
ORDERED that Rule 40(e)(2) of the Rules of the Superior Court be amended to read as follows:

(2) Sanctions for Failure to Appear. If a party, without good cause, fails to appear at a duly noticed mediation conference or fails to participate in the mediation in good faith, the court shall impose sanctions, including an award of mediator and attorney fees and other costs against the party failing to appear or found not to have mediated in good faith. If, in the opinion of the mediator, a party has not participated in the mediation in good faith, and notwithstanding any other provisions of this rule, the mediator shall notify the referring judge in writing who shall make such further proceedings as appropriate to resolve the issue. If a party to mediation is a public entity, that party shall be deemed to appear at a mediation conference by the physical presence of a representative with full authority to negotiate on behalf of the entity and to recommend settlement to the appropriate decision making body of the entity. Otherwise, unless stipulated by the parties, a party is deemed to appear at a mediation conference if the following persons are physically present:

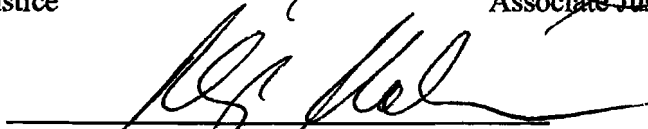
(A) The party or its representative having full authority to settle without further consultation; and,

(B) A representative of the insurance carrier for any insured party who is not such carrier's outside counsel and who has full authority to settle without further consultation.

DONE AND SO ORDERED this 9 day of August, 2007.

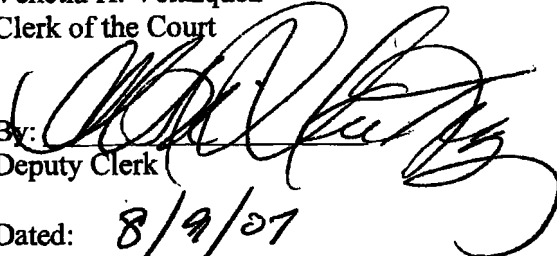

IVE ARLINGTON SWAN
Associate Justice


MARIA M. CABRET
Associate Justice


RHYS S. HODGE
Chief Justice

ATTEST:

Venetia H. Velazquez
Clerk of the Court

By: 
Deputy Clerk

Dated: 8/9/07