

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

**IN RE:
ESTABLISHMENT OF THE VIRGIN
ISLANDS JUDICIAL BRANCH COVID-19
TASK FORCE.**

S. Ct. ADM. No. 2020-0009

NOTICE OF ENTRY OF JUDGMENT/ORDER

**TO: Justices of the Supreme Court
Judges & Magistrate Judges of the Superior Court
Judges & Magistrate Judges of the District Court
The Honorable Albert Bryan, Governor of the Virgin Islands
The Honorable Novelle Francis, President, 33rd Legislature
Nesha R. Christian-Hendrickson, Esq., President, V.I. Bar Association
Hinda Carbon, Executive Director, V.I. Bar Association
Denise Counts, Esq., Attorney General of the Virgin Islands
Samuel Joseph, Esq., Chief Public Defender
Regina D. Petersen, Administrator of Courts
Veronica J. Handy, Esq., Clerk of the Supreme Court
Tamara Charles, Clerk of the Superior Court
Glenda L. Lake, Esq., Clerk of the District Court
Supreme Court Law Clerks
Supreme Court Secretaries
News Media
Order Book**

Please take notice that on May 19, 2020, a(n) **ORDER** dated May 19, 2020, was entered by the Clerk in the above-entitled matter.

Dated: May 19, 2020

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

By: /s/ Jessica Grant

**Jessica Grant
Deputy Clerk II**

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

IN RE:) **ADMIN ORDER. No. 2020-0009**
)
ESTABLISHMENT OF THE VIRGIN)
ISLANDS JUDICIAL BRANCH COVID-)
19 TASK FORCE.)
)
)
)
)

ADMINISTRATIVE ORDER

WHEREAS, on March 13, 2020, this Court issued an Administrative Order adopting precautionary measures in response to a novel coronavirus (“COVID-19”), which the United States Centers for Disease Control and Prevention (“CDC”) had determined presents a serious public health threat, and for which the President of the United States and the Governor of the Virgin Islands have declared a state of emergency; and

WHEREAS, the Judicial Branch of the Virgin Islands has continued to closely monitor COVID-19, including updated guidance provided by the CDC, United States Department of Health and Human Services, the Virgin Islands Department of Health, and other public health authorities; and

WHEREAS, on March 15, 2020, the CDC issued updated guidance which, in addition to social distancing and other precautionary measures previously recommended, directs that mass gatherings of 50 people or more not occur for the next eight weeks, for large numbers of people congregating together may contribute to the spread of COVID-19; and

WHEREAS, on March 16, 2020, the President of the United States stated that revised guidelines would be released which, among other things, recommend that gatherings of ten or more people be avoided for the next fifteen days, and that workplaces, schools, bars, restaurants, and other venues where such gatherings occur either close or enact measures to prevent the spread of COVID-19, particularly to vulnerable populations; and

WHEREAS, in a March 17, 2020 Administrative Order, this Court established additional precautionary measures in response to COVID-19, including cancelling virtually all in-person judicial proceedings, suspending the issuance of new marriage license and in-court marriage ceremonies, and authorizing judicial officers and court personnel to work from remote locations; and

WHEREAS, on March 19, 2020, the Governor of the Virgin Islands announced the escalation of emergency measures to further contain COVID-19, including ordering that all non-essential government services be suspended effective March 23, 2020, and directing that only essential government employees report to work; and

WHEREAS, in a March 20, 2020 Administrative Order, this Court ordered the suspension of all non-essential services effective March 23, 2020, and continuing through further order of the Court, and established interim procedures and extended certain filing and regulatory deadlines in matters pending before the Supreme Court of the Virgin Islands and the Superior Court of the Virgin Islands, to take effect through April 26, 2020; and

WHEREAS, on March 23, 2020, the Governor of the Virgin Islands issued a stay-at-home order, which among other things ordered the public to remain at home and ordered the closure of all in-person business operations at all non-essential businesses; and

WHEREAS, on March 29, 2020, the President of the United States extended the application of the CDC social distancing guidelines through April 30, 2020; and

WHEREAS, on March 30, 2020, the Governor of the Virgin Islands extended the state of emergency through May 12, 2020, and extended the stay-at-home order through April 30, 2020; and

WHEREAS, on April 16, 2020, the President of the United States issued “Guidelines for

Opening Up America Again,” which recommended a phased approach for state and territorial governors to implement at their discretion to gradually resume normal operations; and

WHEREAS, in an April 23, 2020 Administrative Order, this Court extended the suspension of all non-essential services through May 31, 2020; and

WHEREAS, on April 29, 2020, the Governor of the Virgin Islands issued an executive order which sunset the prior “Stay at Home” order and replaced it with a “Stay Safer at Home” order, to go into effect May 4, 2020, which among other things authorized the reopening of retail stores, athletic facilities, and certain other private businesses subject to implementation of appropriate social distancing protocols, but directed that non-essential government services remain suspended; and

WHEREAS, in announcing the “Stay Safer at Home” order, the Governor of the Virgin Islands indicated that it is the third phase of a five-phase reopening process, and that the reopening of additional businesses and relaxation of other restrictions may occur in the future; and

WHEREAS, on May 4, 2020, the Governor signed an executive order extending the state of emergency through July 11, 2020, which was approved by the Legislature with the enactment of Act No. 8293 on May 12, 2020; and

WHEREAS, considering the updated guidance from the federal and territorial governments, it is necessary for the Judicial Branch of the Virgin Islands to consider whether, and how, to resume some or all of its operations;

NOW, THEREFORE, IT IS ORDERED, that the Virgin Islands Judicial Branch COVID-19 Task Force is **HEREBY ESTABLISHED** effective on today’s date, and is tasked with developing a proposed plan for the resumption of some or all of the operations of the Judicial Branch. It is further

ORDERED that the COVID-19 Task Force shall consist of the following nine voting members:

- The Presiding Judge of the Superior Court;
- A justice of the Supreme Court appointed by the Chief Justice;
- Two judges of the Superior Court appointed by the Presiding Judge, of which one must be a judge assigned to the Family Division;
- A magistrate judge of the Superior Court appointed by the Presiding Judge;
- The Administrator of Courts and the Assistant Administrator of Courts; and
- The Clerk of the Supreme Court and the Clerk of the Superior Court.

In addition, the following individuals shall serve as non-voting members of the Task Force:

- The Attorney General of the Virgin Islands or her designee;
- The Chief Territorial Public Defender or his designee; and
- The President of the Virgin Islands Bar Association or her designee.

It is further

ORDERED that, in developing its proposed plan, the COVID-19 Task Force must consider the following factors:

1. The status of the pandemic not just in the Virgin Islands, but in each judicial district within the Virgin Islands;
2. Guidance from federal and territorial public health officials regarding transmission of COVID-19 and measures to reduce such transmission, including social distancing;
3. The impact a resumption or continued suspension of non-essential operations will have on other stakeholders in the justice system, including but not necessarily limited to the legal community and other government agencies;


4. Constitutional, statutory, and procedural mandates that place a priority on or impose deadlines for resolving certain types of cases;
5. The resources available to the Judicial Branch, including technology and access to protective equipment;
6. The challenges that may impair the ability of judicial officers or court personnel to fully resume their duties, such as continued closure of schools and childcare facilities; and
7. Any other factors relevant to if, when, and how the Judicial Branch resumes some or all of its operations.

It is further

ORDERED that the COVID-19 Task Force **SHALL SUBMIT** its proposed plan to the Chief Justice of the Virgin Islands and the Presiding Judge of the Superior Court no later than **4:00 p.m. on May 27, 2020**, so that the recommendations of the Task Force may be considered prior to expiration of the April 23, 2020 Administrative Order. It is further

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

SO ORDERED this 19th day of May, 2020.



RHYS S. HODGE
Chief Justice

ATTEST:

VERONICA J. HANDY, ESQ.
Clerk of the Court

By: /s/ Jessica Grant
Deputy Clerk

Dated: May 19, 2020

Copies to:

Justices of the Supreme Court

Judges & Magistrate Judges of the Superior Court

Judges & Magistrate Judges of the District Court

The Honorable Albert Bryan, Governor of the Virgin Islands

The Honorable Novelle Francis, President, 33rd Legislature

Nesha R. Christian-Hendrickson, Esq., President, V.I. Bar Association

Hinda Carbon, Executive Director, V.I. Bar Association

Denise Counts, Esq., Attorney General of the Virgin Islands

Samuel Joseph, Esq., Chief Public Defender

Regina D. Petersen, Administrator of Courts

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

Tamara Charles, Clerk of the Superior Court

Glenda L. Lake, Esq., Clerk of the District Court

Supreme Court Law Clerks

Supreme Court Secretaries

News Media

Order Book