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**BILL NO. 31-0255**

**Thirty-first Legislature of the Virgin Islands**

**November 23, 2015**

An Act amending titles 3,4, 5, 10, 14, 15, 16, 17, 20, 23 and 33 of the Virgin Islands Code relating to the reorganization of the judicial system and for other related purposes

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**PROPOSED BY:** Senators Kenneth L. Gittens and Nereida Rivera-O'Reilly

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*Be it enacted by the Legislature of the Virgin Islands:*

**SECTION 1.** Title 4 Virgin Islands Code, chapter 1 is amended by adding sections 4, 5 and 6 to read as follows:

“§ 4. (a) The Chief Justice serves as the administrative head of the Judicial Branch of the Virgin Islands, and the Supreme Court as the administrative policy-making body of the entire Virgin Islands court system pursuant to 4 V.I.C. §§ 30; 31(d)(1),(3); and 32 (e ) and (f).

(b) Under the administrative policies established by the Supreme Court and the management authority of the Chief Justice, the Supreme Court shall establish the Judicial Branch Administrative Office headed by the Administrator of Courts appointed by the Chief Justice.

(c) The Administrator of Courts may perform the following functions, subject to the

1 administrative authority of the Supreme Court and the Chief Justice:

2 (1) considering and evaluating the business of Virgin Islands courts and means  
3 of improving the administration of justice within the Virgin Islands court system and  
4 adopting policy and rules for the operations of all local Virgin Islands courts, including,  
5 personnel, procurement, facilities and property, financial, security, and travel, as well as  
6 developing, implementing, coordinating, and monitoring strategic plans as well as  
7 administrative and other policies;

8 (2) assisting the Chief Justice in preparing and publishing an annual report of  
9 the judicial branch and the Virgin Islands court system regarding the works of the courts,  
10 the performance of the duties enumerated in this section, and of any recommendations  
11 relating to the courts, as well as preparing a single annual budget request for the judicial  
12 branch, including funding for operations of the Supreme Court, the Superior Court, and the  
13 Judicial Council, to the President of the Legislature, with a copy to the Governor, on or  
14 before May 30 of each year;

15 (3) recommending to the Legislature of the Virgin Islands, as appropriate,  
16 changes to the organization, jurisdiction, operation, and procedures of the courts which are  
17 appropriate for legislative action, as well as any other changes that promote the effective  
18 and expeditious administration of the Judicial Branch and the Virgin Islands court system;

19 (4) establishing, coordinating, and monitoring compliance with general  
20 personnel policies for the Judicial Branch and all Virgin Islands court system personnel;  
21 however, justices, judges, and magistrate judges shall have full authority to control their  
22 personal chamber staff, subject to the general policies of the courts, as established by the  
23 Supreme Court. Law clerks and judicial secretaries constitute personal chamber staff.

24 (5) developing, implementing, coordinating, and enforcing all matters

1 throughout the Judicial Branch relating to policies, standards, procedures, programs, and  
2 personnel with respect to the following areas:

3 (A) budgets, accounts, and auditing, including oversight of the  
4 expenditure of funds consistent with the Judicial Branch's budget;

5 (B) procurement and disbursement;

6 (C) jury management;

7 (D) the safety of justices, judges, magistrate judges, court personnel,  
8 court facilities, and members of the public using court facilities, as well as the  
9 orderly conduct of judicial proceedings and continuity of Judicial Branch  
10 operations;

11 (E) case and records management;

12 (F) information technology;

13 (G) continuing professional education, as are desirable and feasible for  
14 justices, judges, magistrate judges, and court personnel from the National Center  
15 for State Courts, National Judicial College, or other such providers;

16 (H) statistical and management information systems, including the  
17 collection and analysis of quantitative and qualitative data and the evaluation of  
18 court system programs and services;

19 (I) library management; and

20 (J) procuring legal services to enforce any rights granted to the Virgin  
21 Islands court system or to represent individual judges, justices, magistrate judges,  
22 supervisors, and other court personnel in legal matters arising from performance of  
23 their official duties, provided that the Administrator of Courts may not personally  
24 serve as the attorney for any judicial officer or interfere with the attorney-client

1 relationship;

2 (6) approving bonds of fiduciary employees within the Virgin Islands court  
3 system;

4 (7) serving as a liaison between the Virgin Islands court system and the court  
5 systems of other state, federal, and territorial jurisdictions, including, , the District Court  
6 of the Virgin Islands and the United States Court of Appeals for the Third Circuit;

7 (8) developing, implementing, coordinating and enforcing programs, policies,  
8 and procedures designed to educate and liaise with the general public, the news media, the  
9 bar, the Legislature, and executive branch agencies, including development and  
10 dissemination of educational materials to better inform the public regarding the laws and  
11 judicial procedures governing the Virgin Islands, accessing the courts, and the  
12 responsibilities of litigants, witnesses, and jurors;

13 (9) employing, retaining, or contracting for the services of qualified specialists  
14 or experts, as individuals or organizations, to advise and assist the judicial officers and  
15 employees of the Virgin Islands court system in the fulfillment of their duties;

16 (10) proposing the adoption of filing and other fees in the Virgin Islands court  
17 system;

18 (11) leasing, evicting, or suing on behalf of the Virgin Islands court system,  
19 relative to court properties, equipment, and facilities; and

20 (12) other policies and practices of the Virgin Islands court system, including  
21 such additional duties as may be assigned by the Supreme Court or the Chief Justice.

22 **§5.** (a) The Supreme Court shall establish an advisory committee to assist the Supreme  
23 Court, the Chief Justice, the Presiding Judge, the Superior Court, and the Administrative Office in  
24 exercising their administrative duties. The Chief Justice shall serve as chair of the advisory

1 committee, and the other members must include: the Presiding Judge of the Superior Court,  
2 another Superior Court judge and a Magistrate Judge both selected by the judges of that court, and  
3 two Associate Justices of the Supreme Court selected by that Court. The Administrator of Courts  
4 and any other individuals designated by the advisory committee in its charter, may serve as ex  
5 officio members who may attend meetings.

6 (b) The advisory committee shall provide advice to the Chief Justice, the Supreme  
7 Court, the Presiding Judge, the Superior Court, and the Administrative Office with respect to the  
8 following areas:

- 9 (1) Development and implementation of system-wide administrative policies;  
10 (2) Preparation of the Judicial Branch's budget, including allocation of funds  
11 amongst the courts;  
12 (3) Personnel management;  
13 (4) Management of judicial records;  
14 (5) Facilities management;  
15 (6) Information technology; and  
16 (7) All other matters relating to the management of the Virgin Islands court  
17 system.

18 (c) Nothing contained in this section may be construed directly or by implication to  
19 derogate or limit the powers conferred upon the Supreme Court, the Chief Justice, the Superior  
20 Court, the Presiding Judge of the Superior Court, or the judicial branch pursuant to their inherent  
21 powers or by virtue of any provision of the Revised Organic Act of the Virgin Islands or any statute  
22 or constitution of the Virgin Islands.” Additionally, nothing in this section may be construed to  
23 abrogate the judicial independence of the Supreme or Superior Courts.

24 **§6.** The Chief Justice may call for Judicial Conferences to discuss any matter that affects

1 the administration of the Virgin Islands Judiciary. Every justice, judge, and magistrate judge of  
2 the Virgin Islands Judiciary is entitled to attend the Judicial Conference. Non-judges, such as the  
3 Attorney General, clerks of court, and other stakeholders, may attend or address the Judicial  
4 Conference upon invitation of the Chief Justice.

5 **SECTION 2.** Title 4 Virgin Islands Code, chapter 2, subchapter IIA is amended in the  
6 following instances:

7 (a) Section 21 is amended in subsection (a) by striking “two “” and inserting “no fewer  
8 than two but no more than four”.

9 (b) Section 22 is amended:

10 (1) in subsection (a) by striking “three” and inserting “no fewer than three but  
11 no more than five “;

12 (2) in subsection (d) by striking all the language after the word, “and”, inserting  
13 in its place new language that reads as follows: “ may be reappointed for ten-year terms;”

14 (3) in subsection (f), paragraphs (1) and (2) by striking every occurrence of  
15 “three” and inserting “Five instead; and

16 (4) by striking paragraph (4) and renumbering accordingly.

17 **SECTION 3.** Title 4 Virgin Islands Code, chapter 2, subchapter IIB is amended in the  
18 following instances:

19 (a) Section 31, is amended

20 (1) in subsection (a) after “Court” by inserting “initially” and at the end of the  
21 subsection by adding two sentences that read as follows: “The Supreme Court, if it consists  
22 of more than three justices, may hear en banc any case decided or dismissed by a panel, or  
23 transfer any case pending before a panel to the en banc court. The Supreme Court shall  
24 promulgate court rules for considering cases en banc, and for assignment of justices to

1 panels”;

2 (2) in subsection (d)

3 (A). paragraph (1) by striking the first occurrence of “Supreme Court”  
4 and inserting “courts in this regard”, and after “day-to-day” by inserting clerk”

5 (B). paragraph (2) by striking the first occurrence of “Supreme Court”  
6 and inserting “courts”, and striking “Disability” and inserting “Conduct”;

7 (C). paragraph (3) by striking the language in its entirety and inserting  
8 the following:

9 “The Chief Justice, in addition to judicial duties, has general  
10 superintendence of the administration of the trial courts established by law,  
11 including, without limitation, the improvement of the administration of such courts  
12 and the securing of their proper and efficient administration. The Chief Justice may  
13 issue such administrative orders on behalf of the Supreme Court of the Virgin  
14 Islands as necessary for the efficient administration of the judicial branch of the  
15 Virgin Islands. In order to achieve the ends stated in this paragraph, the Chief  
16 Justice has general superintendence of court personnel, facilities, administration,  
17 security, and court business and has the authority necessary to carry out these  
18 responsibilities including, but not limited to, the following:

19 (A) the responsibility to provide planning and policy-making functions,  
20 including the implementation of such planning and policy-making decisions;

21 (B) the authority to approve expenditures for all libraries maintained by  
22 the territorial courts;

23 (C) the responsibility to provide facilities management, including the  
24 responsibility to monitor and to assist in the case processing and case flow

1 management capabilities of the courts; and

2 (D) the responsibility to supervise the implementation of the continuing  
3 education programs for judicial and nonjudicial personnel.”

4 (D). paragraph (4) subparagraph (A), after “judiciary” by striking  
5 “including the report for the Superior Court prepared by the Presiding Judge  
6 of the Superior Court”, and after the word, “budget”, striking “for the  
7 Supreme Court, which must include the annual budget for the Superior  
8 Court prepared by the Presiding Judge of the Superior Court”;

9 (E). In paragraph (4), subparagraph (B) by striking “including  
10 transfers and schedules submitted by the Presiding Judge of the Superior  
11 Court for consolidation by the Supreme Court”; and

12 (F). by striking the language in paragraph (5) in its entirety and  
13 inserting in its place: “Except as otherwise specified by other law, on the  
14 date the Chief Justice of the Supreme Court of the Virgin Islands establishes  
15 the Judicial Branch Administrative Office the administrative powers  
16 formerly entrusted to the presiding judge of the Superior Court pursuant to  
17 section 72b of this title and other provisions of law are abolished to the  
18 extent they are inconsistent with the powers of the Chief Justice, the  
19 Supreme Court, and the Administrative Office. The Presiding Judge,  
20 among other powers conferred by this title, shall retain the administrative  
21 power to oversee the work of and distribution of cases amongst the judges  
22 and magistrate judges of the Superior Court, to appoint and oversee the  
23 Clerk of the Superior Court, and to promulgate, with the approval of the  
24 Supreme Court, rules of the Superior Court not inconsistent with the rules

1 of practice and procedure promulgated by the Supreme Court.”

2 (b) Section 32 is amended

3 (1) in subsection (b) in the first sentence after “Virgin Islands”, by adding “,  
4 including those orders necessary for the supervision of the judicial branch of the Virgin  
5 Islands”, and after the first sentence by adding a sentence that reads: “The Supreme Court  
6 has supervisory jurisdiction over the Superior Court of the Virgin Islands and all other  
7 courts of the judicial branch of the Virgin Islands.”.

8 (2) in subsection (f)

9 (A) in paragraph (1), after “shall”, by adding the phrase “, subject to the  
10 approval of the Supreme Court”;

11 (B) in paragraph (2), by striking the existing language in its entirety and  
12 inserting new language that reads as follows:

13 “The Supreme Court shall adopt rules governing civil and criminal  
14 procedure, evidence, judicial discipline, disability, and ethics, admission to and  
15 governance of the bar of the Virgin Islands, the administration of the judiciary and  
16 the practice and procedure in the courts of the judicial branch of the Virgin Islands  
17 and other matters of judicial administration.”

18 (C) by adding paragraph (3) to read: “(3): “In carrying out the mandate of  
19 paragraph (2), the Chief Justice may appoint a committee to recommend the adoption of  
20 rules consisting of two judges of the Superior Court , and at least two members of the  
21 Virgin Islands Bar Association.”

22 **SECTION 4.** Title 4 Virgin Islands Code, chapter 5, section 71 is amended by striking  
23 the second sentence, designating the remaining language as subsection (a), and adding subsections  
24 (b) through (g) to read as follows:

1           “(b) The term of office of the Presiding Judge of the Superior Court is three years and  
2 commences on August 1, of the applicable year, at 10 a.m. and ends on August 1 at 9:59 a.m.,  
3 three years after the date of such commencement.

4           (c) The Presiding Judge is designated from alternating districts for each three-year  
5 term, in order of seniority, based upon continuous length of service on the Superior Court. The  
6 Administrative Office shall maintain a listing of judges, in order of seniority. At the expiration of  
7 the term of a presiding judge, the judge in the opposing district with the most seniority is designated  
8 as presiding judge. The designations must alternate between districts each three years, in  
9 accordance with subsection (b).

10           (d) The Clerk of the Superior Court shall certify to the Administrator of Courts no later  
11 than three days after the commencement of a new term, the name of the judge commencing a term  
12 as Presiding Judge. The Administrator shall thereafter certify to the Chief Justice, the Governor,  
13 the President of the Legislature and the President of the Virgin Islands Bar Association, and shall  
14 notify the public, of the expiration of one presiding judge’s term and the commencement of  
15 another’s.

16           (e) An eligible judge may decline to serve as Presiding Judge. When a judge declines  
17 to serve as Presiding Judge, the next senior judge in the district in which the eligible judge declined  
18 service shall serve as the Presiding Judge.

19           (f) Whenever the Presiding Judge is, because of illness, disqualification, conflict,  
20 recusal, or by any other temporary absence or disability prevented from actively performing the  
21 duties as Presiding Judge, or those ex-officio duties imposed upon the Presiding Judge by law, or  
22 is absent from the court, an available active judge of the Superior Court from the Presiding Judge’s  
23 district in order of seniority shall perform all of the duties in lieu of the Presiding Judge during the  
24 latter’s disability or absence from the court.

1 (g) The Presiding Judge may resign the office of Presiding Judge without resigning  
2 from the office of judge of the Superior Court. If a judge resigns the office of Presiding Judge  
3 before the expiration of the three-year term of service or leaves office while serving an  
4 uncompleted term as Presiding Judge, the next judge in order of seniority in the district in which  
5 the office was held shall fill the vacant office for the remainder of the term. A judge who fills the  
6 vacant position is not disqualified from serving a regular term of office as provided in subsection  
7 (b).”

8 **SECTION 5.** Title 4 Virgin Islands Code, chapter 5 is amended in the following instances:

9 (a) Section 72b is amended in the following instances:

10 (1) Subsection (a) is amended

11 (A) in the first sentences by striking the first occurrence of “court” and  
12 inserting “Superior Court”;

13 (B) in the second sentence after phrase “adopted by the “, by striking  
14 “District” and inserting “Supreme;”

15 (C) in the second in third sentences after the first four occurrences of  
16 “judges” by inserting “and magistrate judges”;

17 (D) in the third sentences after “rules” by inserting “and sections 4, 3,5,  
18 6, 31, and 32 of this title” and after “the phrase “designated to serve as” by striking  
19 “district court commissioners ” and inserting “ Supreme Court designated justice;  
20 and

21 (E) at the end of the fifth sentence after “duties” by adding “the phrase,  
22 subject to sections 4, 31, and 32 of this title”.

23 (2) Subsections (b), (c), and (d) are stricken.

24 (b) Section 74a is amended by striking “Presiding Judge of the Superior Court” and

1 inserting “Chief Justice of the Supreme Court”.

2 (c) Section 79 is amended by striking subsection (b).

3 (d) Section 83 is amended by striking the words “district court” everywhere they  
4 appear and inserting “Supreme Court”.

5 (e) Section 86 is amended by striking the phrase “with the approval of the court” each  
6 time it appears and inserting the phrase “subject to the provisions of sections 4, 5,6,31, and 32 of  
7 this title”.

8 (f) Section 88 is amended by striking the phrases “Presiding Judge of the Superior  
9 Court” and “personnel of the Superior Court” and replacing them, respectively, with the phrases  
10 “Chief Justice of the Supreme Court” and “personnel of the Judicial Branch”.

11 **SECTION 6.** Title 4 Virgin Islands Code, chapter 8 is amended in the following instances:

12 (a) Section 121 is amended by inserting the phrase “subject to the authority of the  
13 Supreme Court” after “Presiding Judge of the Superior Court.”

14 (b) Section 123, subsection (a) is amended in paragraph (4) by striking “six months”  
15 and inserting “one year”, at the end of paragraph (5) by striking the word, “and”, at the end of  
16 paragraph (6) after “ actions” by adding a semicolon and the word ,“and”, by adding paragraph  
17 (7) to read: “(7) hear all civil cases where the amount in controversy does not exceed \$75,000.”

18 (c) Section 123, subsection (d) is amended by striking the phrase, “and approval of the  
19 Presiding Judge”.

20 (d) Section 126 is amended by striking the first occurrence of “Superior” and inserting  
21 “Supreme”.

22 **SECTION 7.** Title 4 Virgin Islands Code, chapter 13 is amended in the following  
23 instances:

24 (a) Section 211 is amended in the first sentence after “another” by striking “justice”

1 and inserting “judge” and by striking “Governor” and inserting “Presiding Judge” and at the  
 2 beginning of the fourth sentence by striking “Clerk of the Supreme Court” and inserting  
 3 “Administrator of Courts”.

4 (b) Section 212 is amended by

5 (1) striking “three” in paragraph (1) and inserting “six”;

6 (2) designating the existing provisions as subsection (b); and

7 (3) adding subsection (a) to read as follows: “(a) “The Judicial Council shall  
 8 serve as a forum for representatives from the legislative, executive, and judicial branches  
 9 of the Government of the Virgin Islands and the Virgin Islands Bar to discuss matters of  
 10 common concern, such as improving the administration of justice in the Territory.”

11 **SECTION 8.** Title 4 Virgin Islands Code, chapter 21 is amended in the following  
 12 instances:

13 (a) Section 351 is amended

14 (1) in subsection (a)

15 (A) by striking “Marshal of the Office of the Marshal of the  
 16 Superior Court of the Virgin Islands, established under section 254a of title  
 17 3” and inserting “Chief Marshal of the Office of the Virgin Islands  
 18 Marshal;”

19 (B) by inserting “Virgin Islands” at the end of the subsection  
 20 before “marshal”; and

21 (C) by adding a sentence that reads as follows: “ Sufficient  
 22 marshals must be assigned to ensure the orderly operations of proceedings  
 23 in both the Superior Court and the Supreme Court”; and

24 (2) in subsection (b) by striking all of the language and inserting new

1 language that reads as follows: “The Office of the Virgin Islands Marshal is under  
2 the supervision, direction and control of the Chief Justice of the Supreme Court.  
3 However, the deputy marshals are under the immediate direction of the particular  
4 judge or magistrate judge of the Superior Court or justice of the Supreme Court for  
5 whom they are performing specific duties at any particular time.”

6 (b) The existing subsections are re-designated as (b), (c) and (d) and a new  
7 subsection (a) is inserted that reads as follows: “(a) There is established in the Judicial  
8 Branch the Office of the Virgin Islands Marshal. At the head of the Office of the Marshal  
9 is a Chief Marshal who shall administer the Office of the Marshal, subject to the  
10 supervision, control and direction of the Chief Justice of the Supreme Court, and such  
11 deputy and assistant marshals as the Chief Justice considers necessary for the proper  
12 administration and performance of duties and functions. The Chief Justice shall appoint  
13 the Chief Marshal and the assistant and deputy marshals.”

14 (c) Section 352 is amended by striking “district court” and inserting “Supreme  
15 Court, striking “is authorized to” and inserting “may” and “inserting Virgin Islands” before  
16 Marshal”.

17 **SECTION 9.** (a) Virgin Islands Code, title 3, sections 10f, 28h, 570, 584a, 689, 773,  
18 and 1203, title 5, sections 3520, 4613, 4618, and 4619, title 17, sections 190 and 522, title 23,  
19 section 1202 are amended by striking every occurrence of the terms, “Presiding Judge”, “Presiding  
20 Judge of the Superior Court”, “Presiding Judge of the Territorial Court”, “Chief Judge of the  
21 Superior Court”, and “presiding Judge of the District and Superior Courts” and replacing them  
22 with the phrase “Chief Justice of the Supreme Court”;

23 (b) Title 3 Virgin Islands Code, sections 10a, 10b, 10f, 583b, 583c, and 1203 are  
24 amended by striking every occurrence of the term, “Superior Court” or “Territorial Court”, as the

1 case may be, inserting “Judicial Branch”.

2 (c) Title 20 Virgin Islands Code, chapter 33, section 322, subsection (h) is amended  
3 after Senate President” by inserting “, Chief Justice of the Supreme Court” between the

4 **SECTION 10.** Title 4, Virgin Islands Code, section 411 is amended in the first sentence  
5 after “Virgin Islands” by inserting “subject to the powers of the Chief Justice”;

6 **SECTION 11.** Virgin Islands Code, title 3, sections 570(a) ,584a, 704, 705(d) 706  
7 (b),712(), 718d 754 (c ), (e) & (f),755 (b) and 767 (b); title 4, sections 82(b) & (d), 603, &657;  
8 title 10, section 101; title 16, sections85(a)(2) & 98 (c); and title 33, section 2493 are amended by  
9 striking all occurrences of the terms, “marshal of the Superior Court”, “marshal of the Superior  
10 Court and Supreme Court”, “marshal of the Supreme or Superior Court”, and “marshal of the  
11 Supreme Court or the Superior Court”, as the case may be and “Virgin Islands marshal, “marshal  
12 and probation officer of the Superior Court” and replacing each one of them with the phrase  
13 “Virgin Islands marshal and probation officer of the Superior Court”.

14 **SECTION 12.** Virgin Islands Code, title 3, sections, 530a (d), title 4, sections 382, 412,  
15 and 514; title 5, sections 1(b), and 3503 (b); title 13, section 704 (e); and title 14, section 3020; are  
16 amended by striking every occurrence of the terms, “District Court” and “Federal District Court”  
17 and replacing them with “Supreme Court”:

18 **SECTION 13.** Title 4, Virgin Islands Code, Chapter 27 is amended in the following  
19 instances:

20 (a) Section 441 is repealed.

21 (b) Section 442 is amended by striking the words “Presiding Judge of the Superior  
22 Court” wherever they appear and insert the words “Chief Justice of the Supreme Court” in their  
23 place, and by striking the words “District and Superior Courts in each judicial division” in  
24 subsection (c) and inserting the words “Supreme and Superior Courts” in its place by striking the

1 words “The Chief Judge of the District Court” and replacing them with the words “The Chief  
2 Justice of the Supreme Court”.

3 (c) Section 443 is amended by striking the phrase “District Court” each time it appears  
4 and replacing it with the phrase “Superior Court”, and striking the phrase “rule of court” and  
5 replacing it with the phrase “rule of the Supreme Court”.

6 **SECTION 14.** Title 4, Virgin Islands Code, Chapter 36 is repealed and reenacted with  
7 amendments that read as follows:

8 **“Chapter 36. Commission on Judicial Conduct**

9 § 651. The Supreme Court may establish, by court rule, a Commission on Judicial  
10 Conduct, to administer the judicial discipline and incapacity system in the Virgin Islands. The  
11 Commission may exercise all powers inherent to this function, including the power to suspend,  
12 retire, or remove a justice, judge, or magistrate judge from office.

13 § 652. Communications to the Commission, Commission Counsel, Disciplinary Counsel,  
14 or their staffs relating to misconduct or incapacity, as well as testimony given in all proceedings  
15 before the Commission, shall be absolutely privileged; and no civil lawsuit predicated thereupon  
16 may be instituted against any complainant or witness. Members of the Commission, Commission  
17 Counsel, Disciplinary Counsel, and their staffs shall be absolutely immune from civil suit for all  
18 conduct in the course of their official duties.”

19 **SECTION 15.** The Virgin Islands Code, titles 4 and 5, title 3, sections 733 and 770*l*, title  
20 14, section 293(a)(5) and section 1905, title 15, title 33, and section 3504(c ) (1) are amended by  
21 striking the words “magistrate”, “magistrates”, or magistrate’s, as the case may be, each time they  
22 appear, except when appearing in the phrase “Magistrate Division”, and replacing them,  
23 respectively, with “magistrate judge” “magistrate judges”, and “magistrate judge’s”.

24 **SECTION 16.** The Presiding Judge of the Superior Court holding office on the effective

1 date of this Act may continue to serve as Presiding Judge until the expiration of the current six-  
2 year term as a Superior Court judge.

3 **SECTION 17.** (a) Section 1, subsection (b) takes effect on the date the Chief Justice  
4 appoints an Administrator of Courts.

5 (b) Section 2 takes effect October 1, 2016.

6 (c) All other provisions of this Act take effect upon enactment as provided in 1 V.I.C.  
7 §51.

8 **SECTION 18.** Title 4 Virgin Islands Code, chapter 6 is repealed on the date the Supreme  
9 Court establishes the Judicial Branch Administrative Office and the Chief Justice, by  
10 administrative order, certifies that an Administrator of Courts has been appointed, and that the  
11 Judicial Branch Administrative Office has been authorized to commence operations.

12 **BILL SUMMARY**

13 This bill amends the Virgin Islands Code to establish a unified court system. Section 1  
14 adds internal sections 4, 5, and 6 to Chapter 1 of title 4. Internal section 4 provides that the Chief  
15 Justice serves as the administrative head of the Judicial Branch of the Virgin Islands, and the  
16 Supreme Court as the administrative policy-making body of the entire Virgin Islands court system.  
17 Section 1 also authorizes the Supreme Court to establish the Judicial Branch Administrative Office  
18 headed by the Administrator of Courts appointed by the Chief Justice. Section 1 is intended to  
19 outline the Administrator of Courts' areas of responsibility and clarify that the Administrator  
20 would not exercise jurisdiction over the personal staffs of any justices, judges, or magistrate  
21 judges, and prohibits the Administrator from personally acting as legal counsel to any judicial  
22 officer or from interfering with the attorney-client relationship.  
23

24 Internal section 5 of chapter 1 authorizes the Supreme Court to establish an advisory  
25 committee to assist the Supreme Court, the Chief Justice, the Presiding Judge, the Superior Court,  
26 and the Administrative Office in exercising their administrative duties. That section also permits  
27 the Chief Justice to call for a Judicial Conference consisting of all judicial officers in the Virgin  
28 Islands Judiciary, and specifies that none of the provisions of this Act are intended to interfere with  
29 the judicial independence of the Supreme or Superior Courts.  
30

31 Section 2 increases the total number of justices of the Supreme Court from three to “no  
32 fewer than three but not more than five,” and the number of associate justices from two to “no  
33 fewer than two but not more than four.” The section amends 4 V.I.C. § 22 by abolishing the life  
34 terms of reappointed justices. Instead, justices will be reappointed for ten-year terms. Section 2  
35 also repeals the provision prohibiting a justice from succeeding himself as Chief Justice.  
36

1 Section 3 of the bill amends title 4, section 31. That section governs the internal procedure  
2 of the Supreme Court. Consistent with the legislative intent to increase the number of Supreme  
3 Court justices, subsection (d) would authorize the Supreme Court to establish, by court rule,  
4 procedures for the assignments of justices to three-justice panels, and for *en banc* review by the  
5 full five-justice court. Subsection (d) is further amended to provide the Chief Justice with general  
6 supervision of the judicial branch, including improving the administration of the courts within the  
7 Virgin Islands Judiciary, such as by monitoring and assisting in the case processing and case flow  
8 management capabilities of the courts. Section 3 also provides for the Chief Justice to prepare an  
9 annual report and budget for the entire Virgin Islands Judiciary.  
10

11 Section 4 amends section 71 of title 4 to provide for the office of Presiding Judge of the  
12 Superior Court to alternate between the district of St. Thomas-St. John and the District of St. Croix  
13 based on seniority, while section 16 permits the incumbent Presiding Judge to hold office until the  
14 expiration of his current six-year term as a Superior Court judge.  
15

16 Sections 5, 6, 7, 8, 9, 10, 11, 12, and 13 modify other provisions of the Virgin Islands Code  
17 to reflect the transition to a unified Judicial Branch, including removing outdated references to the  
18 Presiding Judge, the Superior Court, and the District Court in several sections of titles 3, 4, 5, 13,  
19 14, and 24 that are no longer applicable. Section 14 is a housekeeping measure to recognize that  
20 the Supreme Court has established a Commission on Judicial Conduct to administer the judicial  
21 discipline and incapacity system in the Virgin Islands. Section 15 amends several titles of the  
22 Virgin Islands Code to replace references to magistrates with magistrate judges.  
23

24 Section 17 imposes a delayed effective date on sections 1(b) and section 2, while providing  
25 for all other provisions to become effective upon enactment. Section 18 repeals chapter 6 of title  
26 4 upon establishment of the Judicial Branch Administrative Office.  
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29 **BR 15-0110/May 21, 2015/YLT**  
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