

IN THE SUPREME COURT OF THE VIRGIN ISLANDS


IN RE:)
)
ADOPTION OF THE VIRGIN)
ISLANDS SUPREME COURT)
INTERNAL OPERATING)
PROCEDURES)
_____)


PROMULGATION ORDER No. 06-002


ORDER

Pursuant to the authority granted to the Supreme Court of the Virgin Islands by section 21(c) of the Revised Organic Act of 1954 as amended, sections 31(c) and 34(a) of Title 4, Virgin Islands Code and section 3(b) of Act No. 6687, the Virgin Islands Supreme Court hereby adopts the "Virgin Islands Supreme Court Internal Operating Procedures" attached hereto as Exhibit A, as the rules governing the internal operation of the Supreme Court of the Virgin Islands.

SO ORDERED this 27th day of November, 2006.


IVE ARLINGTON SWAN
Associate Justice Designate


MARIA M. CABRET
Associate Justice Designate


RHYS S. HODGE
Chief Justice Designate

**EXHIBIT A
TO
PROMULGATION ORDER No. 06-002**

**INTERNAL OPERATING PROCEDURES
OF THE
SUPREME COURT OF THE VIRGIN ISLANDS**

January 1, 2007.

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INTRODUCTION

A. Objectives.

These "Internal Operating Procedures" ["IOPs"] cover the essential processes of the Supreme Court, from the distribution of the briefs to the final termination of the appeal and court administration and are designed:

(1) To insure that appeals are processed as expeditiously as possible consistent with the careful discharge of appellate responsibilities;

(2) To insure decisional stability and avoid intra-court conflict of decisions by providing a means for the panel system to operate efficiently and at the same time avoid advertently overruling a holding of a published opinion of the Court;

(3) To insure the opportunity for contributions by each justice appointed to a particular panel to all decisions of the panel; and

(4) To maintain the highest degree of collegiality among the justices of the Supreme Court, judges of the Superior Court and Designated Justices appointed to sit on the Supreme Court.

B. Implementation.

These IOPs implement:

(1) Statutory mandates, including the Revised Organic Act of 1954, as amended, and the Virgin Islands Code;

(2) The Virgin Islands Rules of Appellate Procedure; and

(3) The customs and traditions of this Court and its predecessor.

C. Definitions.

(1) **Chief Justice.** The Chief Justice of the Supreme Court is the Chief Justice selected pursuant to Section 3 of Act 6687 and 4 V.I.C. Section 21(a). In the absence of the Chief Justice, the Associate Justice next in seniority based on commission shall serve as Chief Justice, followed by Designated Justices selected pursuant to 4 V.I.C. section 24(a), based on the seniority of their judicial commissions. Where several Justices are sworn on the same date the order of their swearing will determine the order of precedence.

(2) **Designated Justices.** Retired or Senior Justices and Active, Senior or Retired Judges of the Superior Court or other court of record in the Virgin Islands as appointed by the Chief Justice of the Supreme Court, pursuant to 4 V.I.C. section 24(a), to serve on the Supreme Court for specific cases and sittings. Where several Designated Justices are sworn on the same date the order of their swearing will determine the order of precedence.

(3) **Presiding Justice.** The Chief Justice is the Presiding Justice of the three justice panel. In the absence of the Chief Justice on a panel, the Presiding Justice is that Associate Justice of this Court with longest tenure, followed by Designated Justices based on the seniority of their judicial commissions.

(4) **Clerk.** Unless otherwise specified, “Clerk” refers to the Clerk of the Supreme Court.

(5) **Judicial Division.** The Supreme Court is not divided into divisions. Any reference to Judicial Divisions refers to the two Judicial Divisions of the Superior Court designated by their geographic locations: The Division of St. Thomas and St. John and the Division of St. Croix.

D. Panels and Sittings.

(1) **Panel.** Pursuant to section 4 V.I.C. Section 31(a), appeals to the Supreme Court shall be heard by a panel of three justices. The concurrence of any two justices is required for a decision.

(2) **Sittings.** The Supreme Court shall convene in regular session in a three-justice panel as needed (usually no less than quarterly), in St. Croix and in special sessions at such other location within the Virgin Islands, at such date and time as may be determined by the Chief Justice. Sittings shall be held at the Supreme Court buildings or other court facilities. Not less than thirty days before Court is scheduled to sit, a calendar shall be distributed by the Clerk to all justices and the parties (through their counsel of record if appropriate).

CHAPTER 1. BRIEFS AND PREPARATION

1.1 Before a Court Sitting.

The Clerk will distribute briefs and appendices sufficiently in advance to afford at least two and preferably three full weeks' study in chambers before a Court sitting, except in special circumstances such as expedited cases. Two sets of briefs and appendices are furnished to each chambers. At the termination of the case, the briefs and appendices shall be returned to the Clerk. As cases become fully briefed, they are assigned to the justices and scheduled by the Chief Justice. Expedited matters are forwarded to the justices for immediate consideration.

1.2 Responsibility of Panel Before Scheduled Sitting.

The justices of the Supreme Court adopt and will maintain a practice of carefully reading briefs and reviewing appendices before oral argument or conference.

CHAPTER 2. ORAL ARGUMENT

2.1 Determination by Chief Justice; Notice to Counsel.

There is oral argument on a case if it is requested by a justice. In the absence of such request, the Chief Justice determines whether there will be oral argument and the amount of time allocated to each case, taking into consideration any requests of a justice or a party. The usual allocation is twenty minutes per side. A request for oral argument beyond twenty minutes a side is determined by the Chief Justice. No later than ten days

before the sitting, the Chief Justice enters an order designating the cases to be argued and the Clerk distributes to the parties (through their counsel of record if appropriate) a copy of the order, which shall include the names of the members of the panel and the cases on which oral argument will be heard.

2.2 Failure to Notify Chief Justice.

Should a justice fail to notify the other justices of his or her views on oral argument before noon of the eleventh day before the sitting, the Chief Justice shall assume that the non-notifying justice agrees to be bound by the determinations of the Chief Justice.

2.3 Suggested Criteria for Oral Argument.

2.3.1 Oral argument is usually unnecessary when:

- (a) The issue is narrow, not novel, and the briefs adequately cover the arguments;
- (b) The outcome of the appeal is clearly controlled by precedent;
- (c) The state of the record will determine the outcome and the sole issue is either sufficiency of the evidence, the adequacy of jury instructions, or rulings on admissibility of evidence, and the briefs adequately refer to the record; or
- (d) Only one party is represented by counsel or has appeared in the appellate proceedings.

2.3.2 Oral argument is often helpful when:

- (a) The appeal presents a substantial and novel legal issue;
- (b) The resolution of an issue presented by the appeal will be of institutional or precedential value;
- (c) A justice has questions to ask counsel to clarify an important legal, factual, or procedural point;
- (d) A decision, legislation, or an event subsequent to the filing of the last brief may significantly bear on the case; or
- (e) An important public interest may be affected.

CHAPTER 3. COMPOSITION OF COURT PANELS AND ORDER OF PRECEDENCE

3.1 Composition of Court Panel.

Each panel includes the three justices of the Court. If one or more justices are recused from a case, the panel shall be filled by Designated Justices appointed by the Chief Justice pursuant to 4 V.I.C. section 24(a) from senior or retired justices of this court, or senior, retired or active judges of the Superior Court . A remand from the United States Court of Appeals for the Third Circuit is referred to the panel which decided the matter unless two of the original panel members have left the bench or are otherwise unavailable.

3.2 Entering Court.

The justices enter the courtroom in the reverse order of precedence. Facing the courtroom from the bench, the Chief Justice is in the middle, with the most senior Associate Justice stationed to the right and the junior Associate Justice or Designated Justice to the left of the Chief Justice. All remain standing until the Chief Justice sits.

CHAPTER 4. PANEL CONFERENCE PROCEDURE

4.1 Tentative Views.

The panel assembles in the chambers of the location of the Supreme Court sitting, at least one hour, preferably two or more, before the opening of Court, and discusses all the cases scheduled for that sitting. By unanimous agreement of the panel, conferences in submitted cases may be held by telephone or views may be exchanged by facsimile or electronic mail before the day of argument. After a case has been argued, the panel re-assembles in chambers to confer and exchange tentative views on the merits of the cases argued and submitted.

4.2 Opinion Assignment.

Following discussion and tentative votes, the Chief Justice assigns those cases in which opinions of the Court are to be drafted to the justices of the panel for preparation of the opinion of the Court. If the panel is divided in its views and the Chief Justice does not concur in the decision of the majority, the assignment is made by that member of the majority who is the ranking Associate Justice or Designated Justice. All communications regarding the proposed decision of the panel shall be treated as confidential and each chambers shall make necessary arrangements, with the assistance of the appellate law clerks and staff, to assure confidentiality is maintained.

CHAPTER 5. OPINIONS

5.1 Forms of Opinions.

There are two forms of opinions: “for publication” and “not for publication”. Unless a majority of the panel decides otherwise, an opinion shall be for publication.

5.2 For Publication Opinions.

An opinion, whether signed or per curiam, is published when it has precedential or institutional value. A per curiam opinion may be used for affirming, reversing, vacating, modifying, setting aside, or remanding the judgment, decree, or order appealed from, or for dismissing an appeal.

5.3 Not for Publication Opinions; Memorandum Opinions.

An opinion which the majority of the panel decides has value only to the trial court or the parties is not published. When the panel unanimously determines to affirm the judgment, order, or decision of the court under review, or to dismiss an appeal, and determines that a written opinion will have no precedential or institutional value, the author may choose to write a memorandum opinion briefly setting forth the reasons supporting the Court's decision as an alternative to preparation of a judgment order. Unless an opinion states that it is not for publication on its face, it shall be for publication.

5.4 Listing of Counsel.

Counsel are listed on the first page of all opinions, orders, and judgment orders.

5.5 Preparation and Circulation of Opinions.

5.5.1 By Author. The authoring justice prepares a draft opinion in accordance with the decision of the panel at conference, but the author may express any different views she or he may reach after further study of the case. The draft opinion shall set forth the reasons supporting the Court's decision.

5.5.2 Circulation Within Panel. After the draft opinion has been prepared, the authoring justice circulates it to the other two members of the panel with a request for approval or suggestions for changes they may desire to make to the draft opinion. *Answering this request is given the highest priority by the other two*, who shall communicate in writing their approval or disapproval to the other two justices of the panel within twenty-one days of receipt of the draft opinion. The other two justices shall respond within ten days if the matter is being considered by a [Special Panel]. If one of the other two justices approves, it becomes the proposed opinion of the Court. Absent a request for additional time, failure to respond within either the twenty-one or ten-day time period shall be deemed an approval of the draft opinion as circulated. If, after attempting to work out any differences, both of the other panel members dissent from the original majority's draft opinion, the opinion may be reassigned by either the Chief Justice or the senior Associate or Designated justice who is a member of the new majority. Because it is the opinion of the Court, other members of the panel are free to make any suggestions relating to a modification of the proposed opinion. Where a textual revision or addition is suggested, the suggesting justice submits his or her modification in specific language capable of being inserted into the opinion, with copies to the other two panel justices.

5.5.3 Time Schedule for Panel Drafting and Circulating Opinions; Reassignments.

(a) Except in complex cases, the authoring justice generally is expected to transmit to the panel a draft opinion within ninety days after assignment or after close of any supplemental briefing. Draft opinions in expedited cases are expected to be

transmitted to the panel within thirty days after assignment or after close of any supplemental briefing.

(b) If, after one panel member approves the draft opinion, the third panel member desires separately to concur or dissent, that third justice notifies the authoring justice promptly and transmits his or her separate opinion to the other two members of the panel within sixty days or within twenty days if an expedited case, after the second justice's approval is received. Except for revisions not affecting substance, panel opinions are not considered to be completed until each member has an opportunity to revise his or her position in response to those of the other two panel members.

5.6 Filing of Opinions.

5.6.1 Once an opinion has been approved by all three panel members, or all members of the panel have had the time set forth in IOP 5.5.3 to write separate opinions, the authoring justice may transmit the original typescript to the Clerk, together with concurring or dissenting opinions for filing. Absent a request to the authoring justice for additional time, the failure of a panel member timely to file a separate concurring or dissenting opinion does not delay the filing of the majority opinion or the entry of the judgment of the Supreme Court.

5.6.2 Upon unanimous approval of all members of the panel, the opinion (and order) may be entered as a per curiam opinion, signifying that is the opinion of the Court. In such instance, the entered and distributed opinion (and order) shall not include a signature of any panel member. A sealed file copy of the opinion (and order) signed by the authoring justice shall be retained by the Clerk solely for authenticity purposes.

5.6.3 Copies of all opinions, orders, and judgment orders shall be filed with the Clerk in electronic form in WordPerfect 6.0 (for Windows) or higher format simultaneously with the original typescript so that they may be maintained in the electronic archives of the Supreme Court and publishing where appropriate.

5.7 Citations.

5.7.1 Because the Court does not regard unpublished opinions as precedents that bind the Court, the Court does not normally cite to its unpublished opinions as authority.

5.7.2 The form and style of citations shall be as set forth in THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION as modified by the "Style Guide for the Supreme Court of the Virgin Islands" Appendix to these IOP's.

CHAPTER 6. JUDGMENT ORDERS

6.1 Panel Unanimity.

A case may be terminated in the Supreme Court by a judgment order upon the unanimous decision of the panel.

6.2 Criteria.

6.2.1 A judgment order is filed when the panel unanimously determines to affirm the judgment or order of the Superior Court or to dismiss the appeal for lack of jurisdiction or otherwise, and determines that a written opinion will have no precedential or institutional value.

6.2.2 A judgment order may be used when:

- (a) The judgment of the Superior Court is based on findings of fact which are not clearly erroneous;
- (b) Sufficient evidence supports a jury verdict;
- (c) No error of law appears;
- (d) The Superior Court did not abuse its discretion on matters addressed thereto; or
- (e) The Supreme Court has no jurisdiction.

6.3 Form of Order.

6.3.1 A judgment order affirming the Superior Court in a direct criminal appeal includes a statement of those issues raised by appellant and considered by the panel.

6.3.2 A judgment order may state that the case is affirmed by reference to the opinion of the Superior Court and may contain one or more references to cases or other authorities.

6.4 Procedure.

6.4.1 At conference, the panel decides whether the case requires an opinion or a judgment order. If the latter, the justice assigned to prepare the order furnishes other members of the panel with copies of the proposed order. The panel members indicate their approval either on a copy which is provided by the order writer or by signifying approval in writing by facsimile, electronic mail, or otherwise.

6.4.2 Absent a request for additional time within fourteen days of distribution, the authoring justice may transmit the original typescript to the Clerk for filing.

CHAPTER 7. ORDERS REVERSING OR REMANDING

7.1 Retention of Jurisdiction.

When a panel deems it appropriate for this Court to retain jurisdiction without disposing of an appeal and to remand the case to the lower court, such as for correction or modification of the record or for consideration of a settlement reached on appeal, the panel may do so and hold the appeal in abeyance. In such an instance, a panel has discretion to retain assignment of the case or return it to the Clerk for reassignment to a subsequent panel upon the return of the appeal to this Court.

7.2 Assignment Following Remand.

When an appeal is filed in a case which has previously been remanded, the Clerk will assign the appeal to a panel in the regular course unless directed otherwise by the Chief Justice after consultation with the original panel.

7.3 Reversal or Remand.

In some instances when a panel reverses or remands a case to the lower court and it is not feasible to write an opinion, usually because the matter requires immediate attention, the panel enters a dispositive order setting forth briefly the reasons for its action.

CHAPTER 8. PANEL REHEARING

8.1 Petition.

A petition for panel rehearing is sent to the members of the panel, with the request that each member notify the presiding justice of the panel within eight days of the date of the Clerk's letter forwarding the petition whether they vote to grant the petition or desire that an answer be filed. Non-response will be considered a vote against rehearing.

8.2 Request for Answer.

If any member of the majority gives timely notice that an answer is desired, the presiding justice of the panel enters an order directing the nonmovant to file an answer within ten days. The Clerk forwards the answer to the panel members with the request that they notify the Chief Justice within fourteen days of receipt of the answer if they vote to grant the petition. A justice who does not desire rehearing is not expected to respond.

8.3 Disposition.

If two members of the panel vote therefor, the Chief Justice enters an order granting panel rehearing and vacating the panel's opinion and the judgment entered thereon. Otherwise, the Chief Justice enters the order denying panel rehearing. Any member of the panel may file an opinion sur denial of the petition for panel rehearing and direct its publication.

CHAPTER 9. MOTION PRACTICE

9.1 Assignment and Distribution.

9.1.1 Motions are decided by the Chief Justice, an Associate Justice, the panel, or the Clerk, as provided by Virgin Islands law, the Virgin Islands Supreme Court Rules, and as allocated in these IOPs.

9.1.2 When an emergency motion is filed, the movant may be directed by the Clerk to deliver by hand or by transmission via facsimile copies of the moving papers that day to the Chief Justice, or each member of the panel, respectively, at the chambers where the respective justices or Designated Justices are stationed, or at such other place as the Clerk may designate.

9.1.3 Motions on non-emergency matters are distributed to the Chief Justice, the Associate Justices, or each member of the panel as they are complete, i.e., when responses have been filed.

9.1.4 A motion for reconsideration or rehearing of decision on a motion is referred to the Chief Justice or panel which decided the motion.

9.1.5 Whether there shall be oral argument on a motion is determined in the same manner as for an appeal.

9.2 Motions Referred to Clerk.

The Clerk may dispose of any category of motion other than those, which by statute or rule, must be decided by justices.

9.3 Single-Justice Motions.

9.3.1 The Chief Justice may rule on motions as provided under 4 V.I.C. section 31(b), including motions to dismiss, unless the Chief Justice believes reference to a panel is appropriate. A single justice may not determine or dismiss an appeal on the merits. The actions of a single justice, other than those committed to the Chief Justice under 4 V.I.C. section 31(b), may be reviewed by the panel to which the matter is or would have been referred. Motions related to scheduling cases for briefing and argument are decided by the presiding justice of the panel per IOP 2.1.

9.3.2 Without limiting IOP 9.3.1, a motion is referred to the Chief Justice, who either refers it to the panel or rules on the motion if it is one of the following matters appropriate for decision by a single justice:

- (a) Substitution or withdrawal of counsel; appointment of counsel;
 - (b) Dismissal for failure to prosecute or dismissal of an untimely appeal;
 - (c) Other issues ordinarily left to the discretion of a single justice;
- matter(s) that do not address the merits of the issue(s) on appeal.

9.3.3 Without limiting IOP 9.3.1, routine motions for extensions of time for filing briefs and administrative matters may be decided by a single justice or, if authorized by appellate rule, the Clerk.

9.4 Summary Action.

Without limiting IOP 9.3.1, a panel, sua sponte or upon motion by a party, may take summary action affirming, reversing, vacating, modifying, setting aside, or remanding the judgment, decree, or order appealed from, or dismissing an appeal if it clearly appears that no substantial question is presented or that subsequent precedent or a change in circumstances warrants such action. Before taking summary action, the panel will afford the parties an opportunity to submit argument in support of or in opposition to such disposition if briefs on the merits have not already been filed. Summary action may be taken only by unanimous vote of the panel. If the panel determines that summary action is not appropriate, it may, in lieu of denial, defer ruling until the merits of the appeal are considered on submission or upon oral argument.

9.5 Post-Decision Motions.

9.5.1 Unless the Clerk or Associate Justice has been designated to act thereon, a motion for extension of time for filing a petition for rehearing or for leave to file out of time is referred to the Chief Justice, who has authority to grant an extension of time.

9.5.2 A motion for stay of mandate or for recall of the mandate, for certified judgment in lieu thereof, or a motion to amend a judgment is referred to the Chief Justice who, in his or her discretion, may refer it to the entire panel that made the decision. Such a motion is not ordinarily granted unless the failure to grant the relief affects a substantive right of the movant.

9.5.3 A motion to extend time to file a bill of costs is determined by the Clerk. An appeal from the Clerk's ruling is referred to the Chief Justice.

CHAPTER 10. RECUSAL OR DISQUALIFICATION OF JUSTICES

10.1 Procedure.

10.1.1 Before or at the same time that cases are sent to a panel, the Clerk transmits copies of the docket sheets to each justice. Any justice who is recused from a case promptly so informs the Clerk.

10.1.2 Each justice who serves on the Supreme Court should submit to the Clerk in writing those circumstances which would generally require a recusal, including names of businesses in which the justice or family members have a financial interest, names of lawyer relatives whose names may appear as counsel in the appeals, and names of law firms on whose cases the justice does not sit.

10.1.3 A justice who finds it necessary to recuse herself or himself from a case after distribution of briefs or a motion immediately notifies the Chief Justice. The Chief Justice names a substitute and reconstitutes the panel for that case or reassigns the case to a subsequent panel by written order.

10.2 Circumstances.

10.2.1 A justice shall recuse himself or herself in the following circumstances and pursuant to 4 V.I.C. § 284:

(a) Where a justice has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

(b) Where, in practice, the justice served as a lawyer on the matter in controversy, or a lawyer with whom he or she previously practiced law served during such association as a lawyer concerning the matter, or the justice or such lawyer has been a material witness concerning it;

(c) Where the justice has served in governmental employment and in such capacity participated as counsel, advisor, or material witness concerning the proceeding or expressed an opinion concerning the merits of the particular case in controversy;

(d) The justice knows that he or she, individually or as a fiduciary, or spouse or minor child residing in the justice's household, has a financial interest in the subject matter in controversy or is a party to the proceeding, or any interest that could be substantially affected by the outcome of the proceeding;

(e) The justice, the justice's spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

(i) Is a party to the proceeding, or an officer, director, or trustee of a party;

(ii) Is acting as a lawyer in the proceeding;

(iii) Is known by the justice to have an interest that could be substantially affected by the outcome of the proceeding; or

(iv) Is to the justice's knowledge likely to be a material witness in the proceeding.

10.2.2 A justice should inform herself or himself about her or his personal and fiduciary financial interests, and make a reasonable effort to inform himself or herself about the personal financial interests of his or her spouse and minor children residing in the justice's household.

10.2.3 For the purposes of this section, the following words or phrases shall have the meaning indicated:

(a) "Proceeding" includes pretrial, trial, appellate review, or other stages of litigation;

(b) The degree of relationship is calculated according to the civil law system;

(c) "Fiduciary" includes such relationships as executor, administrator, trustee, and guardian;

(d) "Financial interest" means ownership of a legal or equitable interest, however small, or a relationship as director, advisor, or other active participant in the affairs of a party, except that:

(i) Ownership in a mutual or common investment fund that holds securities is not a "financial interest" in such securities unless the justice participates in the management of the fund;

(ii) An office in an educational, religious, charitable, fraternal, or civil organization is not a "financial interest" in securities held by the organization;

(iii) The proprietary interest of a policyholder in a mutual insurance company, of a depositor in a mutual savings association, or a similar proprietary interest, is a "financial interest" in the organization only if the outcome of the proceeding could substantially affect the value of the interest;

(iv) Ownership of government securities is a "financial interest" in the issuer only if the outcome of the proceeding could substantially affect the value of the securities.

10.2.4 No justice shall accept from the parties to the proceeding a waiver of any ground for disqualification enumerated in subsection 10.2.1.

10.2.5 Previous Employment. During the justice's first two years after leaving a law firm, a justice is not assigned any case in which the former law firm has entered an appearance.

10.2.6 Relationships. According to the civil law system, the third degree of relationship's test would, for example, disqualify the justice if her or his or the justice's spouse's father, grandfather, uncle, brother, or niece's husband were a party or lawyer in the proceedings, but would not disqualify her or him if a cousin were a party or lawyer in the proceedings.

10.2.7 Disclosure. The reasons for disqualification are not disclosed to the parties.

10.2.8 Rule of Necessity. The rule of necessity is an exception to the principle that every litigant is entitled to be heard by a judge who is not subject to any disqualifications which might reasonably cause the judge's impartiality to be questioned. *See* Canon 3(C), Code of Judicial Conduct. The rule of necessity has been invoked where disqualifications exist as to all members of the state judiciary who would normally hear a matter. Rather than deny a party access to court, judicial disqualification yields to the demands of necessity.

CHAPTER 11. APPELLATE LAW CLERKS

11.1 Supreme Court Appellate Law Clerks.

There shall be law clerks assigned to each Justice who shall work under the supervision of the respective justices and staff attorneys who shall assist the clerk in addressing motions and the panels and justices as they sit.

11.2 Duties.

Their duties include the following:

11.2.1 Preparation of memoranda of law and fact on the merits, as well as a recommendation as to disposition upon request of the Chief Justice of a panel;

11.2.2 Screening all appeals and petitions for writs filed for jurisdictional defects, tracking and processing all appeals in, communicating with counsel and panel justices to facilitate the swift determination of appeals, helping the Clerk distribute and coordinate motions to be decided by a single justice or a panel, serving the Chief Justice or panel in disposing of motions, and assisting in the drafting of opinions and orders;

11.2.3 Processing and monitoring all *pro se* matters, including assisting the Clerk in answering all prisoner and *pro se* mail addressed to the Court, in corresponding with *pro se* litigants to ensure compliance with the proper filing and motion practice procedures, and in directing entry of appropriate records in the Clerk's office; and

11.2.4 Assisting in a wide variety of miscellaneous matters, including working with a panel justice as well as her or his chambers when requested by the justice. The appellate law clerk is accountable directly to the justices of each panel.

11.2.5 The appellate law clerks work closely with the justices of the Supreme Court in continuing to develop a program for appropriate support to the Court, and has primary administrative responsibility for processing and tracking all appeals.

11.3 Guidelines.

The following rules and guidelines apply to law clerks:

11.3.1 Discussion of pending cases. Unless the Justices specifically agree otherwise in a given case, it is the Court's general policy for the Justices not to discuss, debate or confer regarding the merits or substantive issues of pending cases until they are conferenced. The same policy applies to law clerks. Thus, law clerks are instructed that unless the Court specifically requests a law clerk to do so, any such communications or exchanges of memoranda or views between clerks assigned to different Justices are avoided until the Court has conferred and issued its memorandum of decision or has agreed upon a disposition. This does not preclude such common courtesies as providing photocopies of cases or portions of the record which one clerk has readily available and can easily provide to others.

11.3.2 Job offers. The law clerks are permitted to accept job offers during their clerkships, but will not be able to accept the payment of any bonuses or moving expenses until their clerkships end. However, during the tenure of their clerkship, they are permitted to have their expenses of traveling to and from an interview reimbursed. They are also able to be reimbursed for the expenses of taking the bar examination and the bar review course.

11.3.3 Disqualification. There is no disqualification *per se* for a law clerk to work on a case involving the firm from which the law clerk has accepted a job offer. Those assignments will be left to the discretion of the individual Justice. A law clerk is not permitted to work on a case on which the law clerk worked or of which the law clerk had knowledge prior to the clerkship.

11.3.4 Outside employment. No law clerk may take a job during the clerkship other than the clerkship without the prior authorization of the law clerk's primary Justice.

11.3.5 Political activity. No law clerk may be politically active during the tenure of the clerkship.

11.3.6 Confidentiality. Each clerk must maintain complete confidentiality about everything related to cases in this Court.

11.3.7 Internal discussions. There should be no discussion on anything relating to a case except among persons within the Supreme Court chambers who have a need to know and who are directly involved in preparing for any activity which may take place before the Court. There should **never, ever** be any discussion with anyone not in the need-to-know group within chambers.

11.3.8 Computers. Access to any computer must be secured and restricted at all times.

11.3.9 Written material.

(a) **Disposal.** Any paper with handwriting or any paper typed within chambers should be torn up or shredded when it is discarded.

(b) **Security in public.** Any paper taken into a public place such as a library, airplane, or motor vehicle, must be secured and cared for in a way which maintains confidentiality.

11.3.10 Public discussion. Conversations outside of chambers must maintain confidentiality. This includes even the most seemingly innocuous discussions about timing or preparations for hearings.

11.3.11 Trading in securities. There should be no trading in securities in any matter involving entities which are before this Court.

CHAPTER 12. COURT ADMINISTRATION

12.1 Supervisory powers.

The Chief Justice is administrative head all Courts of the Virgin Islands. Approval by a majority of the Justices of the Supreme Court is required for the adoption of rules for the administration of justice and the conduct of the business of all the Courts of the Virgin Islands.

12.2 Administrative Meetings.

(a) **Scheduling.** The Justices of the Supreme Court shall generally meet monthly, but not less than bi-monthly, to discuss administrative matters.

(b) **Agenda.** The Chief Justice is responsible for distributing an agenda. When an Associate Justice desires to have an item placed on the administrative agenda, the Associate Justice notifies the Chief Justice and sends a copy of the item to each Justice. When preparing the agenda, the Chief Justice (or the Chief Justice's Secretary) assigns a sequential number to each item. The number includes the year in which it is first placed on the agenda, and that number is retained until the matter is concluded.

(c) **Minutes.** In the absence of staff, the junior Associate Justice shall keep minutes of the administrative meetings.

12.3 Liaison Justices.

The Chief Justice appoints Justices to many administrative committees and designates Justices to act as liaisons between the Supreme Court and other courts and boards or committees established by the Supreme Court including:

(a) All trial courts.

- (b) Committee of Bar Examiners.
- (c) Committee of (Professional Responsibility) Ethics & Grievance.
- (d) Advisory Committee on Rules.
- (e) Virgin Islands Courts' Planning Committee.
- (f) Other Court Committees.

12.4 Clerk of the Supreme Court.

The Chief Justice shall appoint the Clerk of the Supreme Court, who working under the direction of the Chief Justice, establishes a Clerk's Office to operate the day-to-day functions of the Court and perform such duties as required by statute and the direction of the Court.

12.5 Clerk's Office.

12.5.1 Attendance at Court Sessions. The clerk or a designee of the clerk shall attend all sessions of the Court and make arrangements for courtroom and other facilities in ample time prior to each sitting.

12.5.2 Routing of Documents. The Clerk's office circulates documents to the Justices with a color coded routing slip which indicates the action to be taken by the Justice.

12.5.3 Action Requiring Judicial Approval. External written communications by the Clerk's office generally require the prior approval of a Justice. Exceptions to that general rule are included in the Motion Practice section.

12.6 Administrative Office of the Courts (AOC)

12.6.1 Function. There shall be established an Administrative Office of Courts. This separate office will be concerned *inter alia* with appropriations, budgets, accounting, information systems, technical assistance, training, records management, facilities, statistics, reports and personnel of all Virgin Islands Courts. The Administrative Office of Courts shall be headed and managed by the Administrator of Courts. The duties and responsibilities of the Administrator of Courts will be coordinated with those of the Superior Court Administrator to avoid overlap and duplication and where appropriate, combined in a unified court system.

12.6.2 Administrator of Courts. The Administrator of Courts is selected by and works under the direction of the Chief Justice.

12.7 Staff Attorneys.

The Staff Attorneys assist the Court in discharging its responsibilities as the Court designates orally or in writing from time to time, including the following:

12.7.1 Preliminary review of the jurisdictional basis for all appeals.

12.7.2 Review of all filings for compliance with Court rules.

12.7.3 Coordinate requests for extensions of time by parties or court reporters.

12.7.4 Review of all *pro se* filings and circulation of filings to the Justices with a written cover memorandum.

12.7.5 Assisting the Clerk of the Court in the scheduling of cases and the securing of supplemental filings.

12.7.6 Undertake independent research and draft legal memorandums and orders as requested.

12.7.7 Assist the motion Justice as requested.

12.7.8 Perform such other legal duties as assigned.

12.8 Attire.

12.8.1 The Court shall select and purchase the official robe to be worn by each justice at official functions.

12.8.2 At all official functions of the Court, at which the Court is present in a body, the justices will ordinarily wear their official robes.

12.8.3 A justice, while in the performance of official functions, such as swearing-in of government officials or others, or performance of marriage ceremonies, shall normally wear the official robe.

12.9 Photographs of Justices.

12.9.1 Official photographs of the justices shall be taken annually. Sufficient copies shall be obtained so that one copy may be presented to each justice and one copy shall be kept for a permanent record in the clerk's office, and requisite copies made available for use by the news media.

12.9.2 The costs of such photographs shall be paid out of the Court's appropriation. Photographs of newly appointed justices or a newly selected chief justice shall be taken, framed and paid out of the Court's appropriation. All photographs of the justices shall be, as nearly as possible, of standardized size and framing.

CHAPTER 13. COMMUNICATIONS WITH AND BY THE COURT

13.1 External. Contacts outside the courtroom between the Court and attorneys, or the public, involving matters pending before the Court, are conducted either through the Clerk's office or with the Chief Staff Attorney. The Clerk and the Chief Staff Attorney are in frequent communication with the Chief Justice, the motion Justice, and the other Justices. When the Clerk and the Chief Staff Attorney speak for the Court on procedural and scheduling matters, they are not authorized to waive the requirements of any statute or rule.

13.2 Internal. Since the Supreme Court is a collegial court, the Justices confer with each other simultaneously, either in writing (often by fax or electronic mail) with copies to all Justices, by joint telephone or video conference, or collectively in person.

13.3 Absence from chambers. The Chief Justice maintains a master calendar. Each Justice advises the Chief Justice of any contemplated absence from the office in advance whenever possible. In addition, whenever a Justice contemplates being absent from chambers for more than 24 hours, a written memorandum is sent to all Justices at least seven days ahead of time with the name, address, telephone number, and fax number where the Justice can be reached. A copy of that memorandum should also be sent to the Chief Staff Attorney and the Clerk.

APPENDIX

Style Guide for the Supreme Court of the Virgin Islands

I. CITATION

A. Introduction.

Unless otherwise noted, all citations should comply with *The Bluebook: A Uniform System of Citation* (17th ed. 2000) [“*Bluebook*”]. The following provides only a brief overview of commonly cited materials and notes the particularities of citations in the Supreme Court of the Virgin Islands. For a complete guide to citation, see the *Bluebook*.

B. Virgin Islands and United States Codes.

The Virgin Islands Code should be cited as V.I. CODE ANN. tit. __, § __. See *Bluebook*, Table 1, at 244. Subsequent short citations shall refer to the Virgin Islands Code as __ V.I.C. § __. The long form is used the first time the Virgin Islands Code is cited in the text or the footnotes, or when it begins a sentence, e.g., V.I. CODE ANN. tit. 4, § 244; thereafter the short form of citation is used, e.g., 4 V.I.C. § 244.

The United States Code should be cited as [title number] U.S.C. § [section number], e.g., 48 U.S.C. § 1611. *Bluebook*, Rule 12.

Contrary to the note to *Bluebook* Rule 12.9, the word “section” should be spelled out in the text (but not in footnote text) when referring to either U.S. Code provisions or V.I. Code provisions, e.g., “section 1611 of Title 48” or “section 23A of the Revised Organic Act.” The symbol “§” should be used in all citations.

C. Organic Act(s).

The standard form for citing to the Revised Organic Act is as follows: The complete Revised Organic Act of 1954 is found at 48 U.S.C. §§ 1541-1645 (1994), *reprinted in* V.I. CODE ANN., Historical Documents, Organic Acts, and U.S. Constitution at 73- 177 (1995 & Supp. 1997) (preceding V.I. CODE ANN. tit. 1).

A citation to a specific section of the Revised Organic Act should be as follows: Revised Organic Act of 1954, § 23A, 48 U.S.C. § 1614, *reprinted in* V.I. CODE ANN., Historical Documents, Organic Acts, and U.S. Constitution at 159-60 (1995)(preceding V.I. CODE ANN. tit. 1).

D. Statutes, Session Laws, and Legislative Materials.

1. Statutes (*Bluebook* Rule 12)

If a statute is currently in force, cite only to the current official code and/or its supplement. For example, the National Environmental Policy Act of 1969 is currently in force. It should be cited as: National Environmental Policy Act of 1969, § ___ [if referencing specific section of the act], 42 U.S.C. § 4332 (1994). No reference to the Public Law Number or Statutes at Large is necessary in this instance.

If the statute as a whole or the specific section of the statute cited, has been amended since the date of the last publication of the volume of the U.S.C., the year cited must be altered. If the statute/section has been completely replaced, cite only to the year of the Supplement in which the amended version appears, *e.g.*, 42 U.S.C. § 4332 (Supp. 1996). If the statute/section has been changed but not completely replaced, cite to both the year of the original volume and the Supplement in which it also appears, *e.g.*, 42 U.S.C. § 4332 (1994 & Supp. IV 1996).

2. Session Laws (*Bluebook* Rule 12.4)

When citing to a session law, the cite must include the name of the session law (either the official/popular name such as “National Environmental Policy Act of 1969” or the full date of the act, “Act of July 1, 1998”); the number of the session law (or chapter if referring to an old session law); and a parallel citation to either the Statutes at Large or U.S.C.C.A.N. with the parenthetical reference to the Statutes at Large, in that order of preference.

Examples:

National Environmental Policy Act of 1969, § 2, Pub. L. No. 91-190, 83 Stat. 852, 853 (1970).

Explanation: This refers to section 2 of the 190th law enacted by the 91st Congress. The law can be found in volume 83 of the Statutes at Large, published in 1970. The Act begins on page 852 of the Statutes at Large; section 2 of the Act can be found at page 853 of the Statutes at Large.

Act of July 19, 1985, Pub. L. No. 99-68, 1985 U.S.C.C.A.N. (99 Stat. 102) 166.

Explanation: This refers to the 68th act passed by the 99th Congress. The law can be found in the 1985 volume of U.S.C.C.A.N. beginning on page 166. The law does not yet appear in the Statutes at Large although it eventually will be published in volume 99, beginning on page 102 of the Statutes at Large. Note, when this Act is published in the Statutes at Large, the cite will be: Act of July 19, 1985, Pub. L. No. 99- 68, 99 Stat. 102.

Note, if a statute is currently in force, cite only to the *United States Code*. A citation should be made to the Public Law Number only if the act does not yet appear in the official code or reference is made for a specific reason, *e.g.*, the Act subsequently amended after passing and you wish to cite to the act as originally adopted.

3. **Legislative Materials** (*Bluebook* Rule 13)

When citing to any United States legislative material, the citation must tell the reader the house which produced the legislation (Senate or House); which Congress, by number (the 106th Congress commences in January, 1999); the number given to the material by Congress (documents are usually given numbers in sequential order of publication); and the year published. As legislative materials are difficult to find in their original form, the citation should also include, if possible, a parallel cite to another source that is more readily available.

Enacted federal bills and resolutions, and federal reports, committee hearings, and legislative histories also can be found in *United States Code Congressional and Administrative News* (U.S.C.C.A.N.), *Statutes at Large* (Stat.), the *Congressional Record* (CONG. REC.), and through electronic materials, although not every bill/resolution will appear in all of these locations. Citations to these materials should include parallel cites to the Statutes at Large, U.S.C.C.A.N., the Congressional Record, or electronic materials, in that order of preference.

Unenacted federal bills and resolutions probably will not appear in any of the bound sources. Parallel citations to these documents should be made to electronic sources such as Westlaw, Lexis, or the Internet. Suggested Internet sites include: www.house.gov; www.senate.gov; and thomas.loc.gov For proper citation of electronic materials, see section I.H below.

Examples:

Federal report: H.R. REP. NO. 92-98, at 4 (1971), *reprinted in* 1971 U.S.C.C.A.N. 1017, 1020.

Explanation: This is a House Report, produced by the 92d Congress and was numbered 98. It was published in 1971 and can also be found in U.S.C.C.A.N.. The report begins in U.S.C.C.A.N. at page 1017, but the specific material can be found at page 1020.

Unenacted federal bills and resolutions: S. 1422, 101st Cong. § 5 (1988), [may add electronic cite if available].

Explanation: The bill is number 1422 in the Senate of the 101st Congress and was published by Congress in 1988. The cite is to section 5 of the bill.

E. Rules

1. General. When referring to any rule of procedure or evidence in the text or in the text of a footnote, use the full name of the rule, *e.g.*, “Virgin Islands Supreme Court Rule 5(a) delineates how to file an appeal in a civil matter.” and not “VISCRC 5(a) delineates . . .

.”

2. Virgin Islands Supreme Court Rules. The Virgin Islands Supreme Court Rules should be cited as V.I. S. CT. R. ____ in the long form, and short cited as VISCRC ____, *e.g.*, V.I. S. CT. R. 1(a), VISCRC 1(a).

3. Local Rules of Procedure for the District Court. The Local Rules of Civil Procedure for the District Court should be cited as LRCi ____, *e.g.*, LRCi 1.1. The Local Rules of Criminal Procedure for the District Court should be cited as LRCr ____, *e.g.*, LRCr 44.1.

4. Federal Rules of Procedure and Evidence. The Federal Rules of Procedure should be cited as set forth in *Bluebook* Rule 12.8.3, *e.g.*, FED. R. CIV. P. 1, FED. R. CRIM. P. 1, FED. R. APP. P. 1, FED. R. EVID. 1.

5. Rules of the Superior Court. The Rules of the Superior Court should be cited as SUPER. CT. R. ____, *e.g.*, SUPER. CT. R. 1.

F. Cases (*Bluebook* Rule 10)

1. General. The full case citation includes the name of the case; the source in which it may be found; a parenthetical that indicates the court and jurisdiction and the year or date of decision; and the subsequent history of the case, if any.

2. Case Names.

a. Font. The name of the case should be in italics in both text and footnote text.

b. Abbreviations (*Bluebook* Rules 10.2.1, 10.2.2). When a case appears in a cite (either in text or footnote) rather than as part of a textual sentence, always abbreviate any word listed in Table 6 of the *Bluebook* that appears in the name of the case. Do not, however, abbreviate the first word of the name of a party.

It is strongly recommended that Rules 10.2.1 and 10.2.2 be reviewed to assist in proper citation of case names.

3. Sources. Cases decided by the United States Court of Appeals for the Third Circuit, the Supreme Court of the Virgin Islands, the District Court of the Virgin

Islands, and the Superior Court of the Virgin Islands, should be cited to the following sources in the listed order of precedence:

- a. V.I. Reports, if therein, and/or F., F.2d, F.3d, F. Supp. F.R.D.

Otherwise to:

- b. Westlaw or Lexis; or
- c. Michie's Virgin Islands Law on Disc (CD-ROM); or

a. Published Opinions. If published, an opinion of the United States Court of Appeals for the Third Circuit, and the District Court will appear in a Federal Reporter such as the F., F.2d or F.3d series, the F. Supp., or the F.R.D. Published opinions also may appear in the official reporter of the Virgin Islands is V.I. Reports, cited as V.I.

If an opinion appears in both V.I. Reports and a Federal Reporter, the citation should include a parallel cite to both sources. For example:

Murray v. Fairbanks Morse, 16 V.I. 647, 610 F.2d 149 (3d Cir. 1979).

A subsequent short cite to the opinion should include a parallel short cite to both reporters:

Murray, 16 V.I. at 653, 610 F.2d at 151.

Virgin Islands Supreme and Superior Court opinions, if published, will appear only in the V.I. Reports.

Supreme Court decisions should be cited:

Mark v. Francis, 41 V.I. 278 (VI. 2005).

Superior Court decisions should be cited:

Mark v. Francis, 41 V.I. 278 (VI. Super. Ct. 2005).

b. Unpublished Opinions. Unpublished opinions should be cited to either Westlaw or Lexis, if available, or to Michie's Virgin Islands Law on Disc (CD-ROM), in that order of preference. If, however, you do not have access to either Westlaw or Lexis, you may cite to the Michie CD-ROM materials.

- 1.) **Westlaw/Lexis.** (*Bluebook* Rule 10.8.1) Citations to Westlaw and Lexis should appear as follows:

United States v. Bruney, Civ No. 1993-035, 1994 WL 87888, at *5 (VI. Oct. 12, 2006).

United States v. West Indian Boy, Civ No. 93- 195, 1994 U.S. Dist. LEXIS 8607, at *2 (VI. May 26, 2006).

- 2.) **Michie CD-ROM.** Citations to opinions published on CD-ROM should include the case name, docket number, division, version of the CD-ROM being used, the court name, and the full date the opinion was issued.

Jones v. Department of Soc. Welfare, Civ. No. 81-210, 2006 St. Croix Supp. _____, CD-ROM June 2006 ed. (VI. Mar. 3, 2006).

- 4.) **Court of Decision.** Citations must indicate the court and the year but not the division. This is true for both federal and local courts. The Supreme Court should be cited as (VI. 200X). The Superior Court should be cited as (VI. Super. Ct. 200X). The District Court of the Virgin Islands should be cited as (D.V.I. 200x). The Court of Appeals for the Third Circuit is designated as (3d Cir. 200x), **not** (3rd Cir. 200x) or (3CA 200x).
- 5.) **Prior and Subsequent History.** (*Bluebook* Rule 10.7) Cite prior history only if significant to the point for which the case is cited.

Always cite subsequent history, if available, *except* omit denials of certiorari unless the denial is less than two years old or the denial is particularly relevant. Also omit the history on remand or any denial of a rehearing, unless relevant to the point for which the case is cited. Use explanatory phrases as suggested by the *Bluebook* in Table 9.

G. Treatises.

Citations to treatises such as Moore's Federal Practice and the Restatements should be in big and small caps, *e.g.*, RESTATEMENT (SECOND) OF TORTS § 421 (1977). Conform to *Bluebook* styles for these and other references unless indicated otherwise herein.

H. Internet Citations. (*Bluebook* Rule 17.3.3)

As with all other citations, references to sources found on the Internet must provide enough information to allow the reader to locate the material. An Internet citation should include the author (if any), the title of the material in italics, the date of publication of the material or the date the Internet site was visited or last modified, and the address where the Internet source can be found. If it is a cite to a journal or other publication that appears only on the Internet, include the volume number, title of the journal, and the sequential article number.

Example:

Constitution of the Russian Federation (ratified Dec. 12, 1993)
<<http://www.bucknell.edu/departments/russian/const/constit.html>>.

Explanation: The *Constitution of the Russian Federation*, the title of the document, can be found at the Internet address listed.

II. FORMAT

A. Miscellaneous.

1. Capitalization. “Appellant” and “Appellee” are not capitalized within the body of a document unless used to begin a sentence. “Court” should only be capitalized when referring to the United States Supreme Court or the Supreme Court of the Virgin Islands. The names of all parties listed in the caption of all documents should be in all capital letters.

2. Font. All documents should be in “Times New Roman” or “Courier New” font.

3. Abbreviations. All documents should follow the abbreviations listed in Table 8 of the *Bluebook*. In the first reference to the abbreviation, put the abbreviation to be used in brackets and quotes, *e.g.*, Joint Appendix [“J.A.”] at 5. All subsequent references should use the abbreviation, *e.g.*, J.A. at

4. Party names. In the body of any document, the parties should be referred to as “appellant” and “appellee” and not as “plaintiff” or “defendant” except when essential for clarity.

5. Name of trial court judge. The name of the trial judge should not be used in a document unless necessary to avoid confusion. Reference instead should be made to the “Superior Court”, “the court”, “the trial judge”, etc.

B. Title Page

1. Memorandum Opinion/Judgement Order. As illustrated below, the title page of an Memorandum Opinion or Judgement Order issued by a Panel of the Supreme Court should include the following elements:

a. Publication status. Indicate whether the document is either “For Publication” or “Not for Publication” in bold with initial caps at the beginning of the document.

b. Identification of the Court. The name of the Court should appear at the top of every document in a textbox with the text centered in the

textbox in 14- point font. The textbox shall be the same for every document except for the reference to either the St. Thomas and St. John Division or if the matter arises out of the St. Croix Division.

c. Caption. The names of the parties should appear in bold and all capitals in the boxed off section on the left of the page.

d. Docket numbers. Supreme Court docket numbers should be typed in 12-point font as follows: Criminal: D.C. Crim. App. No. 1998-001 Civil: D.C. Civ. App. No. 1997-299

The underlying Superior Court docket number should also be referenced as follows in 10-point font:

Criminal: Super. Ct. Crim. No. 002/2006

Civil: Super. Ct. Civ. No. 001/1996

Family Div.: Super. Ct. Fam./Juv. No. 003/2006

Small Claims: Super. Ct. S.C. No. 005/2006

e. Argued, Considered, Filed. Immediately below the caption, the document should state “On Appeal from the Superior Court of the Virgin Islands.” Two lines below this, the document should indicate when the Panel heard the appeal and when the opinion/order was filed. An appeal is “argued” if the Panel heard oral argument; an appeal is “considered” if the Panel resolved the appeal based on the parties’ filings. All of these lines should be centered.

f. Panel Listing. Next to the word “Before” in bold and small caps, the document should list the names of the justices sitting on the Panel. The name of each justice should be in bold.

g. Attorneys of record. All documents should include a listing of the attorneys of record for all parties. Under the heading of “Appearances”, in bold, the attorney’s name, firm name if applicable, and office location (*e.g.*, St. Thomas, USVI, St. Croix, USVI, Washington, DC, etc.) should appear in 12-point font. The attorney or attorneys for each party should be identified as such with the phrase “*Attorney(s) for Appellant*” or “*Attorney(s) for Appellee*” after the listing(s) of the attorney(s).

h. Title of document. The title of the document shall appear in a textbox with the text centered and in 14- point font.

i. Name of authoring justice. Unless the opinion/order is issued per curiam, list the name of the authoring justice immediately after the title of the document. The Chief Justice can be identified as “Chief Justice.” All other justices should be identified as “LAST NAME, “Associate Justice” or “Designated Justice”.

For Publication

SUPREME COURT OF THE VIRGIN ISLANDS

JOHN DOE,)	
Appellant,)	
)	S. Ct. App. No. 1998-001
)	
vs.)	Re: Super. Ct. Crim. No. 001-1997
)	
)	
JACK CROFT)	
Appellee)	
_____)	

On Appeal from the Superior Court of the Virgin Islands

Argued: January 1, 2006

Filed: July 1, 2006

BEFORE: **John B. Marshall**, Chief Justice; **James Monroe**, Associated Justice; and **Alexander Hamilton**, Associated Justice.

APPEARANCES:

Jane Smith, Esq.
Name of Firm if Applicable
St. Thomas, USVI

Thomas Jones, Esq.
Name of Firm if Applicable
St. Croix, USVI

Attorneys for Appellant,

James Thomas
Assistant Attorney General
VI Department of Justice, St. Thomas, VI

Attorney for Appellee.

MEMORANDUM OPINION/JUDGMENT ORDER OF THE COURT

MONROE, Justice.

- 2. Orders of the Court.** The title page of an Order of the Court should appear exactly the same as the title page of a Memorandum

Opinion/Judgment Order except that the following elements as listed above should be eliminated: II(A)(1)(e),(f) & (i) (argued, considered, filed; panel listing; name of authoring justice).

3. Filings Submitted to the Court. The title page of all filings submitted to the Supreme Court should follow the Court's format for Orders of the Court except that filings do not need to utilize textboxes or include the listing of attorneys beneath the caption.

C. Header. All documents issued by the Supreme Court should have a header on all pages except the title page. The header should include the case name (in italics), docket number, title of the document, and page number of the document. It should be in 10-point font, in the upper left of the page.

Example:

Doe v. Government
S. Ct. App. No. 2005-001
Opinion of the Court
Page #

D. Signing of Opinions and Orders. An opinion should be dated at the end of the text as follows: **DATED this ___ day of Month, Year.** The authoring justice's signature (unless per curiam) should follow as shown after

E. Attestation of Opinions and Orders. All opinions and orders of the Supreme Court should be attested by the Clerk of the Court or Deputy Clerk so designated. The attestation should immediately follow the authoring justice's signature as is shown below.

Example of signature and attestation on opinion or order of the Court:

DATED this ___st day of _____, 200_.

FOR THE COURT:

JAMES MONROE
ASSOCIATE JUSTICE

A T T E S T:
MARY JANE
Clerk of the Court

By: _____
Deputy Clerk

- F. Per Curiam Opinions.** Per curiam opinions are not signed; the opinion is attested to by the Clerk. The opinion shall state that it is per curiam immediately underneath the textbox containing the document’s title (where it would otherwise state the authoring justice’s name).
- G. Copies.** “Copies to:” references should be made only on an Order of the Court. If it is an Order accompanying a memorandum, the copies reference shall state “Copies to: (with accompanying Opinion)”.

Copies should be made to the Justices of the Panel, the secretary of each panel justice’s chamber, the attorneys (listing their respective firms if applicable), the Deputy Clerk assigned to the appeals; Order Book; and, if for publication, to Westlaw, Lexis/Michie.

If an appeal is pro se, the actual party should be listed along with the party’s mailing address. If the party is incarcerated, the following reference must be included with the party’s address: “LEGAL MAIL - Please open in the presence of inmate only.”

If the document is only an Order (not accompanying an opinion), copies usually need only be made to the appellate law clerk of that division.

III. CHECKLISTS

The Checklist should advise the receiving Justice of what is to be considered, *e.g.*, opinion and order, order, judgment order. Ask that the receiving Justices Chambers confirm the appellate law clerk’s receipt of any executed checklist. Instruct the recipient that any suggested revisions should be made in writing. If substantive changes are necessary, the recipient should confer directly with the other panel members to help alleviate any confusion.

Example:

SUPREME COURT APPROVAL CHECKLIST

Please submit response via facsimile to (340) XXX-XXXX,
Attention: (Authoring) Justice.

1. The draft Opinion and Order in *Doe v. Government*, S. Ct. App. No. 2007-001:

_____ APPROVE

_____ DISAPPROVE

Date

Alexander Hamilton
(Chief) Justice

June 1, 2007

Attached is a draft Opinion and Order affirming the Superior Court's judgment. Please review it as soon as possible and return this checklist via fax no later than June 21, 2007. Please have your staff call me to let me know to anticipate its receipt.

Any suggested revisions should be made in writing. If you believe that substantive changes are necessary, you may wish to confer directly with [the justice author].

Regards,

(Name)
Justice