

**IN THE SUPREME COURT OF THE VIRGIN ISLANDS**

**IN RE:** ) **PROMULGATION No. 2025-0005**  
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**AMENDMENT TO SUPREME COURT** )  
**RULE 104.** )  
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**ORDER OF THE COURT**

Pursuant to its inherent authority and the authority granted to it by section 21(c) of the Revised Organic Act of 1954, and title 4, sections 24(b) and 32(f) of the Virgin Islands Code, the Supreme Court of the Virgin Islands proposes the following amendment to the Rules of the Supreme Court of the Virgin Islands. Accordingly, it is hereby

**ORDERED** that the following language **SHALL BE DESIGNATED** as Rule 104.7 of the Rules of the Supreme Court of the Virgin Islands

**Rule 104.7. Senior Justices of the Supreme Court of the Virgin Islands**

- (a) *Election to Senior Status.* In accordance with title 4, section 24(b)(2) of the Virgin Islands Code, a Justice of the Supreme Court who is eligible for retirement, other than by disability, with the prior consent of a majority of the active members of the Supreme Court, (or active justices) may elect to retire and be designated a Senior Justice. The initial appointment to Senior Justice status shall be for a two-year term and may be renewed annually by order of the Chief Justice.
- (b) *Order of Senior Justice Designation.* Upon the election of a Justice to senior status, the Chief Justice shall sign an order announcing the election, which shall include the date upon which the election to senior status shall go into effect and the date of its expiration. The order shall be filed with the Clerk of the Supreme Court, who shall promptly transmit a copy to the Governor and the President of the Legislature.
- (c) *Duties.* A Senior Justice of the Supreme Court shall maintain the privileges and duties of the office of Justice of the Supreme Court, (when hearing cases) except to the extent needed to replace an active Justice due to recusal, illness, absence, or other reasons. The Chief Justice shall assign an available Senior Justice to hear a case prior to appointing a current or retired judicial officer pursuant to Supreme Court Rule 104.2, and such Senior Justice may participate in any vote to hear or rehear such case en banc, as well as serve on any such en banc panel, provided that the Senior Justice's participation on the en banc panel would not cause the number of Justices on the en banc panel to exceed five. If the Supreme

Court consists of fewer than five active Justices, the Chief Justice may assign one or more available Senior Justices to serve on an en banc panel even if the Senior Justice was not assigned to the original panel, provided that appointment of a Senior Justice will not cause the number of Justices on the en banc panel to exceed five.

(d) *Chambers; Staff; Compensation.* Subject to the approval of the Chief Justice, a Senior Justice who consents to provide substantial judicial service to the Judicial Branch of the Virgin Islands may be entitled to maintain a chambers in a Supreme Court building or other appropriate Judicial Branch facility and be provided appropriate support staff. Substantial judicial service, as contemplated by this Rule, means a workload equivalent to at least 35% of that of the average active Justice. An eligible Senior Justice may continuously maintain such chambers and support staff even during periods where the Senior Justice's actual workload falls beneath this threshold, subject to the approval of the Chief Justice, and so long as the Senior Justice continues to consent to the assignment of additional cases up to that threshold; The Chief Justice may reassign such staff to assist other judicial officers on an as-needed basis. A senior Justice who retires shall be paid a per diem salary based on the current hourly salary of an active justice, not to exceed 40 hours per week.

(e) *Practice of Law Prohibited.* A Senior Justice shall not engage in the private practice of law while designated as Senior Justice, even during periods when the Senior Justice is not assigned to any cases. The Senior Justice shall notify the Chief Justice promptly upon resuming the private practice of law.

It is further


**ORDERED** that, pursuant to Rule 37 of the Virgin Islands Rules of Appellate Procedure, the Advisory Committee on Rules, as well as the public and members of the local Bench and Bar, **MAY SUBMIT WRITTEN COMMENTS** on this proposed amendment to the Clerk of the Court within thirty (30) days of entry of this order. It is further

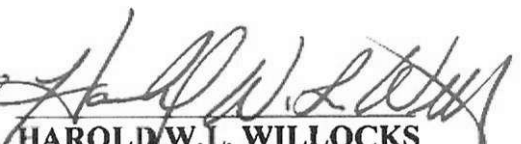
**ORDERED** that, unless modified as a result of comments submitted to the Court, the proposed amendment **SHALL TAKE EFFECT on May 1, 2025**. It is further

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

**SO ORDERED** this 7<sup>th</sup> day of April, 2025.

  
**IVE ARLINGTON SWAN**  
Associate Justice

  
**MARIA M. CABRET**  
Associate Justice

  
**HAROLD W.L. WILLOCKS**  
Associate Justice

  
**RHYS S. HODGE**  
Chief Justice

**ATTEST:**

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

By: /s/ Jahkyda Coakley  
**Deputy Clerk**

Dated: April 7, 2025

**Copies to:**

Justices of the Supreme Court  
Judges & Magistrate Judges of the Superior Court  
Judges & Magistrate Judges of the District Court  
J. Russell B. Pate, Esq., President, V.I. Bar Association  
Hinda Carbon, Executive Director, V.I. Bar Association, *for distribution to V.I. Bar members*  
Regina D. Petersen, Administrator of Courts  
Veronica J. Handy, Esq., Clerk of the Supreme Court  
Tamara Charles, Clerk of the Superior Court  
Glenda L. Lake, Esq., Clerk of the District Court  
Supreme Court Law Clerks  
Supreme Court Secretaries  
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Lexis/Michie