

**BILL NO. 36-0101**

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

**June 24, 2025**

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An act to provide for continuity of operations in the Superior Court of the Virgin Islands in the event of prolonged judicial vacancies

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**PROPOSED BY:** Senator Novelle E. Francis, Jr.

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

**SECTION 1.** Title 4 Virgin Islands Code chapter 5, section 72(a) is amended by striking the phrase “but in no event shall judges remain in office more than 180 days after the expiration of their terms unless they have been renominated and confirmed.”

**SECTION 2.** Title 4 Virgin Islands Code chapter 5, section 74a is amended in the following instances:

(a) (1) After the word “conflict” where it first appears, insert the following new language: “disability, absence, suspension, or are otherwise disqualified or unavailable.”

(2) After the second sentence, insert the following language: “The Chief Justice may waive the 12-year service requirement after determining that no former judge possessing at least 12 years of service is available to hear the case or cases.”

(b) designating the following new language as section 74b:

“§74b. Subject to rules promulgated by the Supreme Court, the Chief Justice of the Supreme Court may designate a former judge of the Superior Court who completed no less than six years of service as a judge of the Superior Court, and who is not otherwise

1 actively engaged in the practice of law, with his consent, to serve as a Senior Sitting  
2 Judge of the Superior Court for a renewable term not to exceed one year; provided,  
3 however, that a former judge who ceased to hold judicial office after failure to be  
4 reappointed to serve a second consecutive six-year term as a Superior Court judge may  
5 not serve as a Senior Sitting Judge until at least 180 days after the confirmation or  
6 swearing in of the new judge. A Senior Sitting Judge may exercise all the powers of a  
7 Superior Court judge subject to any limitations set forth in the designation order and shall  
8 be assigned a caseload not to exceed the average caseload of the currently active Superior  
9 Court judges. A Senior Sitting Judge must receive a salary equal to a Superior Court  
10 Judge which must be prorated based upon hours worked not to exceed 30 hours per week,  
11 unless approved by the Chief Justice or the Presiding Judge.”

12 **SECTION 3.** Title 4 Virgin Islands Code chapter 8 is amended by redesignating the  
13 existing section 126 as section 128 and inserting the following new sections 126 and 127:

14 **“§ 126. Recall of Former Judicial Officers for Service in the Magistrate Division**

15 Subject to rules promulgated by the Supreme Court, the Chief Justice of the Supreme  
16 Court may recall any former justice of the Supreme Court, former judge of the Superior Court,  
17 or former magistrate judge of the Superior Court, with his consent, who was not involuntarily  
18 removed from office due to misconduct or disability, and without regard to years of prior  
19 service, for temporary service as an acting magistrate judge of the Superior Court. Upon such  
20 recall, the former judicial officer may exercise all the powers of a magistrate judge subject to  
21 any limitations set forth in the recall order. A former judicial officer recalled to temporary  
22 service shall receive a per-diem allowance fixed by the rules of the Supreme Court which shall  
23 not exceed the salary of a magistrate judge. Utilization of a former judicial officer as an acting  
24 magistrate judge shall in no way interrupt or interfere with the continued payment of any  
25 retirement annuity to which the former judicial officer is otherwise entitled to; provided,  
26 however, that service as an acting magistrate judge under this section shall not qualify as

1 credited service for purposes of a judicial retirement annuity established under title 3 of this  
2 code.

3 **§ 127. Utilization of Part-Time Magistrate Judges**

4 Notwithstanding section 122 of this chapter and subject to rules promulgated by the  
5 Supreme Court, the Presiding Judge of the Superior Court, with the advice and consent of the  
6 active judges of the Superior Court and the approval of the Supreme Court, may appoint no  
7 more than four members in good standing of the Virgin Islands Bar to serve as part-time  
8 magistrate judges for terms not to exceed three years. A part-time magistrate judge shall  
9 receive a pro-rated salary commensurate with the hours worked as a magistrate judge and may  
10 hold other employment once the employment is not inconsistent with the provisions of the  
11 Virgin Islands Code of Judicial Conduct pertaining to part-time judges. The Chief Justice may,  
12 in his discretion, place limitations on the types of matters that such part-time magistrate judges  
13 are authorized to hear under section 123 of this chapter.”

14 **BILL SUMMARY**

15 Section 1 amends title 4, chapter 5, section 72(a) of the Virgin Islands Code by striking  
16 the prohibition on judges of the Superior Court remaining in office more than 180 days after  
17 expiration of their terms unless renominated and confirmed. The effect of this amendment is  
18 to allow judges of the Superior Court to continue to serve until their renomination and  
19 confirmation or the appointment and confirmation of a successor, so as to not require the  
20 reassignment of all their pending cases to other judges in the event the Governor or the  
21 Legislature fail to take necessary action to fill the vacancy within the 180-day period and to  
22 minimize the need for senior sitting judges.

23 Section 2 amends title 4, chapter 5, section 74a of the Virgin Islands Code by designating  
24 the existing language as section 74a(a) and amending it to establish a mechanism to appoint a  
25 former judge to hear a case or cases due to conflict, disability, absence, suspension, or other  
26 disqualification or unavailability, and to permit the Chief Justice to waive the 12-year service

1 requirement upon further certifying that no former judge possessing at least 12 years of service  
2 is available to hear the case or cases. It further creates a new section 74a(b), which authorizes  
3 the appointment of former judges to serve as Senior Sitting Judges for renewable terms not to  
4 exceed one year.

5 Section 3 amends title 4, chapter 8 of the Virgin Islands Code to create a new section  
6 127, which authorizes the Chief Justice of the Virgin Islands to recall, with his or her consent,  
7 a former justice of the Supreme Court, former judge of the Superior Court, or former magistrate  
8 judge of the Superior Court, without regard to years of prior service, for temporary service as  
9 an acting magistrate judge of the Superior Court. Section 3 also amends title 4, chapter 8 of the  
10 Virgin Islands Code to create a new section 128, which authorizes the Presiding Judge of the  
11 Superior Court to appoint no more than four members in good standing of the Virgin Islands  
12 Bar to serve as part-time magistrate judges for terms not to exceed three years, and to place  
13 limitations on the types of matters such part-time magistrate judges are authorized to hear,  
14 subject to the approval of the Chief Justice.

15 **BR25-0190/May 21, 2025/AA**