

Virgin Islands Supreme Court Rules

Rule 205. Virgin Islands Bar Association: membership: bylaws

BYLAWS OF THE VIRGIN ISLANDS BAR ASSOCIATION INTEGRATED

(a) The Virgin Islands Bar Association is created to assist the Court in regulating the practice of law in the territory. All attorneys admitted to practice law in the Supreme Court are required to be members of the Virgin Islands Bar Association so that no one may practice law in the Supreme Court of the Virgin Islands without being a member in good standing of the Virgin Islands Bar Association.

(b) No attorney may practice law in the Virgin Islands in any matter, including appearing for a party at depositions taken in the Virgin Islands in cases filed in the Virgin Islands or appearing before administrative agencies of the Virgin Islands who is not an active member of the Virgin Islands Bar pursuant to Rule 206.

(c)(1) The Virgin Islands Bar Association shall adopt by-laws which must be consistent with these rules, filed with the Court, and subject to the Court's approval. Upon review of the by-laws and prior to their approval, the Court may notify the Virgin Islands Bar Association of its objections and concerns regarding certain provisions thereof. After corrections by the Bar Association and/or the Court, the by-laws may be approved if deemed appropriate by the Court, and when approved, shall be of full force and effect, rendering any By-laws adopted prior to this rule null and void.

(2) Where, in the opinion of the Chief Justice of the Supreme Court, any standing or *ad hoc* committee of the Bar Association has become inactive and/or has failed to perform its duties, and where the interests of the Court, the Bar, and the public are not being served thereby, the Chief Justice may appoint a special committee of attorneys in good standing to perform the duties of the standing or *ad hoc* committee until such time as the non-performing committee satisfies the Court by certification that it is ready, willing, and able to resume its duties. Prior to the appointment of a special committee the Chief Justice shall consult with the president of the Bar and give the non-performing committee 30 days notice to fulfill its duties.

(3) The president of the Bar Association shall submit to the Chief Justice a semi-annual report on the activities of all standing and *ad hoc* committees of the Bar.

(d) Upon petition filed in the Supreme Court by the treasurer of the Virgin Islands Bar Association, any member of the Bar, however classified, who is delinquent in the payment of dues set forth in the bylaws may be suspended, after notice and hearing, from the practice of law by order of the Supreme Court. In filing the petition, the treasurer must attach an affidavit verifying that the member was in fact properly notified that the dues were payable, stating date and time of service, and that the member still failed to make payment. The petition may be dismissed upon proof of payment by the Bar member. A suspended member may be reinstated upon proof that the delinquent dues have been paid, together with court costs for filing and prosecuting the petition.

(e) Whenever the business of the Bar Association requires polling of the membership, active members of the Bar Association in good standing shall be permitted to vote regardless of where in the territory the polling is being tabulated. Toward this end, the Bar Association shall take appropriate measures to ensure the casting of ballots by all eligible members. Where mailing of ballots is required, the Bar Association shall provide adequate time for distribution and return before the tabulation deadline. The Bar shall provide for appropriate record keeping and storage of all polling information, ballots, results, etc.

(f) The Bylaws of the Virgin Islands Bar Association, and amendments thereto, as approved by the Court shall be published with these rules.

BYLAWS OF THE VIRGIN ISLANDS BAR ASSOCIATION INTEGRATED (As Amended Effective January 1, 2015)

I. MEMBERSHIP

1. The Virgin Islands Bar shall consist of five classes of members: regular, special, inactive, pro hac vice, and honorary.

2. All attorneys admitted to practice in the courts of the Virgin Islands pursuant to Supreme Court Rule 204 or a predecessor rule governing regular admission are regular members of the Virgin Islands Bar. Regular members shall have the right to vote at all meetings of the Virgin Islands Bar and to hold office therein. They shall promptly notify the Secretary of the Virgin Islands Bar whenever they change their physical, mailing, or email addresses.

3. Regular members of the Virgin Islands Bar Association shall pay annual membership dues of \$300.00, except members who have not been admitted for more than one year shall pay \$75.00.

4. All attorneys who have been specially admitted to practice law in the Virgin Islands pursuant to Supreme Court Rule 202 or a predecessor rule governing special admission on behalf of the Government of the United States, the Government of the Virgin Islands, Office of the Public Defender or Legal Services of the Virgin Islands, or other eligible agency, shall be special members of the Virgin Islands Bar. Special members shall not have the right to vote or hold office, but may attend all meetings and functions of the Virgin Islands Bar and shall be entitled to receive notice of all such meetings. Special members shall be eligible to serve on standing and select committees of the Virgin Islands Bar.

5. Special members shall pay annual membership dues at 75% of regular members' dues.

6. All attorneys admitted to practice in the Virgin Islands who have been granted permission to elect inactive status pursuant to Supreme Court Rule 206 or a predecessor rule governing inactive status shall be inactive members. Inactive members shall not have the right to vote or hold office, but may attend all meetings and functions of the Virgin Islands Bar and may

speaking thereat and shall be entitled to receive notice of all meetings and functions, and shall be eligible to serve on standing and select committees of the Bar.

7. Inactive members of the Virgin Islands Bar shall pay annual membership dues at 50% of regular members' dues.

8. Any inactive member in good standing may change his or her classification to achieve status provided he or she files with the Supreme Court a written request for transfer to the class of regular membership and by paying the dues required of regular members.

9. All attorneys who have been granted permission to practice law in the Virgin Islands on a pro hac vice basis pursuant to Supreme Court Rule 201 or a predecessor rule governing pro hac vice admission shall be pro hac vice members of the Virgin Islands Bar. Pro hac vice members shall not have the right to vote or hold office and may not serve on standing or select committees of the Virgin Islands Bar, but may attend all meetings and functions of the Virgin Islands Bar and shall be entitled to receive notice of all such meetings.

10. Pro hac vice members shall pay annual membership dues at 25% of regular members' dues.

11. The justices of the Supreme Court of the Virgin Islands, the judges and magistrates of the Superior Court of the Virgin Islands, all judicial officers of any court of the United States or any state, territory, possession, or District of the United States who by virtue of their judicial office are prohibited from engaging in the practice of law, and such persons of distinction as may be so elected by the membership shall be honorary members of the Virgin Islands Bar. They may speak at meetings of the Virgin Islands Bar, but shall pay no dues, shall not vote, and have no interest in any property of the Virgin Islands Bar. Any honorary member who previously served as a regular or inactive member of the Virgin Islands Bar prior to assuming judicial office shall automatically revert to his or her prior status upon termination of his or her judicial duties unless he or she does not resume the practice of law in the Virgin Islands or any other jurisdiction, in which case he or she may maintain his or her honorary membership.

12. Membership dues for all classes of membership shall be payable to the Virgin Islands Bar on or before December 1st of the prior calendar year. Members who fail to timely pay their membership dues by this deadline shall be assessed delinquency fees of \$25.00 (if delinquent dues are paid before January 1st), \$50.00 (if paid before February 1st), or \$100.00 (if paid after February 1st), together with interest accruing at the pre-judgment rate applicable to civil proceedings in the Virgin Islands Superior Court.

It shall be the duty of the Treasurer of the Virgin Islands Bar or his or her designee to promptly to file a motion no earlier than April 1st of each year in the Supreme Court for the suspension from membership and, if applicable, the practice of law in the Virgin Islands, of all delinquent members. Payment of delinquent dues, accrued interest, and the delinquency fee by a member after the Treasurer has filed a motion for suspension shall not be grounds for dismissal of the motion unless the member remits an additional \$150.00 to the Virgin Islands Bar and

\$50.00 to the Clerk of the Supreme Court to compensate the Bar and the Court for the costs associated with the disciplinary proceeding.

When a regular, special, or pro hac vice member of the Virgin Islands Bar has been thus suspended by order of the Court, made pursuant to such a motion, he or she shall not practice law in the Virgin Islands nor participate in the activities of the Bar until his or her delinquent dues, delinquency fee, and accrued interest have been paid in full and the Court, upon being informed of that fact by the Treasurer, has entered an order reinstating him or her as a member of the Virgin Islands Bar entitled to practice law in the Virgin Islands.

II. OFFICERS

1. The Officers of the Virgin Islands Bar shall consist of a President, a President-elect, an immediate past President, a Secretary, a Treasurer, and an ABA Delegate, , who shall perform the duties usually incident to such offices and such as may be imposed by these Bylaws.

2. The Secretary, Treasurer, and four at-large members of the Board of Governors shall serve for one (1) year and shall not succeed themselves. The President-elect shall succeed to the office of President, and the President shall succeed to the office of immediate past President. The term of the ABA Delegate shall be for two years ending with the adjournment of the annual meeting of the American Bar Association in each even-numbered year.

3. At all meetings of the Virgin Islands Bar, the President, or in his or her absence, the President-elect, Secretary, or Treasurer, in that order, or in the absence of all of them any member selected by the members present shall preside.

4. The Board of Governors of the Virgin Islands Bar shall consist of the President, President-elect, Secretary, and Treasurer, the ABA Delegate, the immediate past President and four at-large members to be elected at the annual meeting. If the immediate past President is ineligible or unable to serve, an additional at-large member shall be elected at the Annual Meeting in order to bring the membership to ten (10).

5. Any officer or member of the Board of Governors may be removed at any annual, general or special meeting of the Virgin Islands Bar by a two-thirds vote of the membership, provided that notice and copies of the proposed action shall have been given by the Secretary to the members, either by mail, email, or electronic publication in the Virgin Islands Bar Journal, at least fifteen (15) days before the meeting at which time such action is proposed to be taken. Those absent can vote in writing by mail or email, provided such vote is received prior to the date of the meeting.

III. BOARD OF GOVERNORS

The Board of Governors shall meet at least once each quarter. It shall have such powers as are specifically conferred upon it by the Bylaws. It shall direct through the President the general management of the affairs of the Bar, and may make such regulations as it deems advisable, not inconsistent with these Bylaws. It shall keep a record of its proceedings, and shall make a written

report of its activities at each annual and general meeting through the President. At any meeting it may report such business which, in its judgment, requires the action of the Bar. It shall be the duty of the Board through the officers of the Bar to take such steps as may be necessary to carry out resolutions adopted by the Bar at any meeting. The Board of Governors shall, prior to April 1st in each year, adopt a budget providing for the expenditures by the Bar for the ensuing fiscal year for the presentation to the Bar; no expenditures not provided for in that budget and no appropriations not so provided for shall be made during such year without the approval of the Board of Governors. Four members shall form a quorum.

IV. ELECTIONS AND VOTING

1. Elections for Officers and members of the Board of Governors shall be held at the Annual Meeting; provided, that the election of the ABA Delegate shall be every two years.

2. The President, with the concurrence of the Board of Governors, not later than November 15, of each year, shall appoint a Nominating Committee to consist of three members, with the President to designate the Chairman of that Committee.

3. In the event the sitting President is unable to exercise and perform the duties assigned to him or her by these Bylaws and by the Board of Governors and be the Chief Executive Officer of the Virgin Islands Bar, the President-elect shall assume the duties of the Presidency for the remainder of the term of the President and shall thereafter serve his or her elected term. In the event a member of the Board of Governors or the ABA Delegate is unable to exercise and perform the duties assigned to him or her by these Bylaws and the Board of Governors, the President shall appoint a member to serve in the Member or Delegate's stead for the remainder of his or her elected term. Said appointment shall expire at the remainder of the elected term of the disabled Member or Delegate.

4. Nomination shall be made by the Nominating Committee for the offices of President-elect, Secretary, Treasurer, ABA Delegate, and the members of the Board of Governors. Additional nominations may be made from the Floor. Election shall be by secret ballot, and shall be carried by a simple majority of the members. An electronic voting system shall be established and implemented by the Nominating Committee. All members in good standing shall cast their vote by secret paper ballot or by secret electronic ballot. The offices to be filled shall be those of President-elect, Secretary, Treasurer, ABA Delegate and the members of the Board of Governors. No members shall be eligible for nomination to any office unless he is current in his dues.

V. PRESIDENT

The President shall exercise the powers and perform the duties assigned to him or her in these Bylaws and by the Board of Governors and be the chief executive officer of the Virgin Islands Bar, and as such, subject to these Bylaws, shall generally supervise the management of its affairs and at the Annual Meeting, make a statement relative to its condition, activities and progress. The President, or in his or her absence, the President-elect or otherwise as herein provided, shall preside at all meetings of the Board of Governors and shall be an ex officio

member of all committees. The President shall notify all officers and all members of committees of their election or appointment, shall issue notice of all meetings, and, in the case of special meetings, shall add a brief note of the object of the call.

VI. PRESIDENT-ELECT

The President-elect shall succeed each year to the office of President without further action by the membership, shall be privy to all the negotiations of the President and shall perform such further duties as may from time to time be assigned by the President or by the Board of Governors.

VII. SECRETARY

1. The Secretary shall keep a record of the proceedings of all meetings of the Virgin Islands Bar and of its Board of Governors, and of all other matters of which a record shall be ordered by the Bar.

2. The Secretary, with the assistance of the Executive Director and Bar staff, shall keep at all times a complete roll of the members, and shall furnish to the Treasurer the names and addresses of all members.

3. The Secretary shall perform such other duties as may from time to time be assigned to him by the President or by the Board of Governors.

4. The Secretary shall also make the minutes of the Annual Meeting available to all members.

VIII. TREASURER

1. Under the direction of the President he or she shall collect and disburse all funds of the Virgin Islands Bar and keep regular accounts in books belonging to the Bar which shall be open to the inspection of any member of the Board of Governors.

2. At each annual or general meeting of the Bar, and of the Board of Governors, he or she shall report, in writing, the balance of money on hand, and any existing appropriation which may affect the same.

3. At the Annual Meeting, he or she shall make a full and complete report of the financial transactions of the Bar for the past year, of all its outstanding obligations and the amounts due the Bar. Such report shall contain a balance sheet on an accrual basis containing all items both of principal and income.

4. The Treasurer shall cause to be prepared a certificate of current annual membership to be delivered to each member upon payment of his dues.

5. The Treasurer accounts shall be audited by a private and unaffiliated accountant or auditor each year, who shall report thereon to the President within thirty (30) days in writing.

6. The Treasurer shall send to each member a bill for the following year's dues with a statement of his arrearage, if any, not later than September 30th of each year.

IX. AMERICAN BAR ASSOCIATION DELEGATE

1. The ABA Delegate shall attend the meetings of the American Bar Association House of Delegates on behalf of the Virgin Islands Bar.

2. The ABA Delegate shall coordinate programs and activities of the American Bar Association with those of the Virgin Islands Bar.

3. The ABA Delegate shall annually report, in writing, to the members of the Virgin Islands Bar as to action taken by the American Bar Association House of Delegates.

4. The ABA Delegate shall perform such other duties and responsibilities as may from time to time be assigned to him by the President or by the Board of Governors.

X. COMMITTEES

1. The President shall appoint the standing committees as hereinafter provided, and such special committees as he may deem necessary. The members of the standing and special committees shall serve for the term of the President appointing such members and continue until replaced by their successors except that the Board of Governors in its discretion may provide that members of the committees shall serve for staggered terms. The President, in his or her discretion, may enlarge the membership of any committee.

2. Committees shall meet at such times and places as may be designated by the Chair thereof. The President shall nevertheless have the power to convene a meeting of any standing or special committee on not less than three (3) days notice.

3. Upon the termination of its duties or term of office, each committee through its Chair shall deliver to the Secretary of the Bar for transmittal to the Chair of the successor committee, all files, information and data accumulated by said committee during its term of office, together with a copy of its report to the Bar.

4. A majority of members of any committee shall constitute a quorum for the transaction of business.

5. At each annual meeting each committee shall submit a written report of its proceedings since the preceding annual meeting. Additional reports may be submitted from time to time if deemed necessary by the committee or when requested by the President or President-elect in the absence of the President.

6. Each committee, in its annual report or as occasion may require, shall make appropriate recommendations to the Board of Governors or to the Bar.

7. The President shall designate one of the members of each committee to be Chair thereof, and each committee shall, if appropriate, select its own Vice-Chair, Secretary, Treasurer, or other officers.

8. The standing committees shall be as follows, and shall perform the following functions:

(A) Legislation and Law Reform: This committee shall consist of at least three members.

(1) It shall be the duty of this committee to advocate, by proper and ethical means, the adoption or repeal of such legislation as may be recommended by the Board of Governors and the Bar.

(2) It shall be the object of this committee to improve the administration of justice, and in attaining this object it shall be the duty of the committee to keep under continuing study the laws being enacted, the organization and administration of courts, the system of practice and procedure in use, with due emphasis upon the correction of deficiencies; and to study and evaluate the trends and reforms in practice and procedure in other jurisdictions, in substantive law or procedure. This objective shall include all Federal and Territorial legislation, as well as administrative rules or regulations of Federal or Territorial departments, agencies or offices.

(B) Continuing Legal Education: This committee shall consist of at least five members and shall, in addition to the duties vested to it by Supreme Court Rule 208, set the educational agenda, if any, for the annual, general, and other meetings of the Virgin Islands Bar.

(C) Judiciary Committee: This committee shall consist of at least five members.

(1) It shall be the duty of the committee to conduct an intensive investigation of all judicial candidates and to submit such report (in form approved by the Board of Governors) to the appointive power with its recommendations. This report shall also be submitted to the Board of Governors.

(2) It shall also be the duty of the committee to conduct an ongoing evaluation annually of all judges in the Virgin Islands. The form of the evaluation is to be approved by the Board of Governors, and the results of such an evaluation shall be submitted by report to the Board of Governors, Chief Justice of the Supreme Court, the Presiding Judge of the Superior Court and the Chief Judge of the District Court.

(D) Bar Journal: This committee shall consist of at least three members.

(1) The committee shall supervise the publication of the Virgin Islands Bar Journal which will be published whenever there are sufficient contributions by the membership.

(2) The committee shall also supervise the publication of the Virgin Islands Bar Law Letter, which may be published on a quarterly basis during an ensuing year.

(E) Public Service, Awards, and Scholarship Committee: This committee shall consist of at least five (5) members.

(1) It shall be the duty of this committee to promote attorney participation in public service activities, which may include participation in pro bono legal activities.

(2) The Public Service, Awards, and Scholarship Committee shall grant scholarships, subject to the availability of funds therefor, on behalf of the Virgin Islands Bar Association, in the names of George H. T. Dudley, Sr., in conformity with the Articles of Incorporation of the George H. T. Dudley, Sr. Scholarship Fund, as well as in the name of Almeric L. Christian and in the names of such other persons which the Virgin Islands Bar Association may designate in the future. It shall be the duty of this committee to undertake fund-raising activities for the purpose of maintaining and enhancing the solvency of any scholarship fund. It shall also be the function of this committee to establish the guidelines by which scholarships shall be granted and to plan, solicit, screen and otherwise grant scholarships to law students at law schools approved by the American Bar Association, who are permanent residents of the United States Virgin Islands and who plan to engage in the practice of law therein. The Committee, with the approval of the President, may also bestow awards on members of the Virgin Islands Bar Association and other individuals worthy of recognition, and may nominate individuals for honorary membership.

(3) Notwithstanding the limitations set forth herein, the Public Service, Awards, and Scholarship Committee may grant donations for purposes other than those listed in subsection 1, subject to the availability of funds.

(F) Young Lawyers Committee:

(1) This committee shall consist of all members of the Virgin Islands Bar in good standing who are under forty (40) years of age and those who have been admitted to their first Bar less than ten (10) years. Judicial law clerks employed by the Supreme Court, Superior Court, and District Court, as well as law students who intend to apply for regular membership to the Virgin Islands Bar after graduation from law school, may also serve as members or officers of the Young

Lawyers Committee, but shall have no right to vote or hold office outside of the Young Lawyers Committee.

(2) The objectives of this committee shall be to stimulate the interest of young lawyers in the Virgin Islands Bar, to conduct programs of interest and value to young lawyers and those recently admitted to practice, to be of assistance to the Virgin Islands Bar and its other committees, to coordinate its activities with the Young Lawyers Division of the American Bar Association and similar national, state, and local organizations and to promote the involvement of young lawyers in public service activities.

(3) Notwithstanding the provisions of this Article, a quorum of the Young Lawyers Committee shall consist of three members.

XI. MEETINGS

1. There shall be four general meetings each year, the fourth of which shall be the Annual Meeting of the Virgin Islands Bar and which shall be held in December during the ensuing year or on such other day in January or February as may be fixed by the Board of Governors alternately in St. Thomas and St. Croix at the hour and place fixed by the President. Business of any kind may be transacted at any general meeting and a meeting may be adjourned to a later day certain by vote of a majority of the regular members present. The President shall make a written report at the Annual Meeting of the activities of the Virgin Islands Bar during the preceding year and make his recommendations for improvement of the Bar.

2. General meetings shall be held alternately in St. Thomas and St. Croix once each quarter.

3. At each annual meeting of the Virgin Islands Bar, the order of business shall include:

- (a) Action on minutes of preceding meetings;
- (b) Report of the President;
- (c) Report of the Treasurer;
- (d) Report of the ABA Delegate;
- (e) Elections;
- (f) Special Orders;
- (g) New Business.

4. The Robert's Rules of Order shall govern all meetings, except in cases otherwise provided for by the Bylaws, or by rules of order or resolutions adopted by the Bar.

5. Special meetings of the Virgin Islands Bar may be called by the President or shall be called by him or her upon the written request of two other members of the Board of Governors or six regular members of the Virgin Islands Bar. The notice of a special meeting shall state the nature of the business to be transacted.

6. Fifteen (15) regular members shall constitute a quorum to transact business at any meeting of the Virgin Islands Bar.

7. No member may vote by proxy at a meeting of the Virgin Islands Bar Association.

XII. ADOPTION AND AMENDMENT OF BYLAWS

These Bylaws may be adopted, amended or rescinded at any annual or special meeting of the Virgin Islands Bar by a majority vote of the members present; provided that notice and copies of the proposed action shall have been given by the Secretary to the members, either by mail, email, or electronic publication in the Virgin Islands Bar Journal, at least fifteen (15) days before the meeting at which such action is proposed to be taken. Those absent can vote in writing by mail provided such vote is received prior to the date of the meeting.