

Marianas

Virgin Islands Judiciary

The United States District Court of the Virgin Islands is similar to the District Court of Guam. 48 U.S.C. Section 1611 provides that "the judicial power of the Virgin Islands shall be vested in the court of record to be designated as the 'District Court of the Virgin Islands' and in such court or courts of inferior jurisdiction as may have been or may hereafter be established by local law." Section 1612 provides that the "the District Court of the Virgin Islands shall have the jurisdiction of a district court of the United States in all causes arising under the Constitution, treaties and laws of the United States regardless of the sum or value of the matter in controversy. The district court also has "general original jurisdiction" of all other causes in the Virgin Islands, except those over which exclusive jurisdiction has been conferred on the inferior courts of the Virgin Islands. Those exceptions include Sections 104 and 111 of Title 48 and Title 26 Section 3350(c). The district court may on motion of any party transfer to itself, in the interest of justice, any action or proceeding brought in an inferior court and has jurisdiction to hear and determine such action or proceedings. In addition, the district court has appellate jurisdiction to review the judgments and orders of the inferior courts of the

Virgin Islands to the extent prescribed by local law. The District Court of the Virgin Islands is not a district court of the United States for purposes of the Federal Declaratory Judgment Act, 28 U.S.C. Sections 2201, 2202. Ottley v. DeJongh, D.C.VI. 1957, 149 F.Supp. 75. Federal rules of criminal procedure are applicable to criminal proceedings in the Virgin Islands. Government of Virgin Islands v. Solis, Ca. Virgin Islands 1964, 334 F.2d 517. This is true whether the crime is one proscribed by local or federal law. The jurisdiction of the District Court of the Virgin Islands apparently includes jurisdiction to entertain diversity actions. Ferguson v. Kwik-Check, D.C. Virgin Islands, 1970, 308 F.Supp. 78.

Section 1613 grants the inferior courts of the Virgin Islands exclusive jurisdiction of civil actions where the matter in controversy does not exceed \$500 and criminal cases where the maximum punishment does not exceed a fine of \$100 or imprisonment of six months or both. In other matters the inferior courts have original jurisdiction, concurrent with the District Court. Actions brought in the district court that are within the jurisdiction of an inferior court may be transferred to the inferior court by the district court in the interest of justice. The district court has the authority to establish rules of practice and procedure in the inferior courts.

Section 1614 provides for appointment of the two judges for the District Court of the Virgin Islands by the President with the advice and consent of the Senate. The judges hold office for eight-year terms and until successors are chosen and qualified. Judges may be removed sooner by the President for cause. Salaries are equal to the rate prescribed for judges of the United States district courts. Where necessary for proper dispatch of the business of the court the Chief Judge of the Third Circuit of the U.S. may assign a municipal court judge of the Virgin Islands or a circuit or a district court judge of the Third Circuit, or the Chief Justice of the United States may assign any other United States circuit or district judge with the consent of the judge so assigned and of the Chief Judge of the circuit to serve temporarily as a judge of a District Court of the Virgin Islands. The compensation of the judges and administrative expenses of the court are paid for from appropriations to the judiciary of the United States. A United States marshall for the Virgin Islands is appointed by the Attorney General. Section 1614(c).

Section 1615 provides that the Virgin Islands consists of two judicial divisions, the Division of St. Crois and the Division of St. Thomas and St. John. That section also provides that "the rules of practice and procedure heretofore or hereafter promulgated and made effective by the Supreme Court of the

United States pursuant to Section 2072 of Title 28 in civil cases, Section 2073 of such title, United States Code, in admiralty cases, and Section 53 of Title 11 in bankruptcy cases, shall apply to the District Court of the Virgin Islands and to appeals therefrom. Prosecution by information shall continue except where local law requires prosecution by indictment by grand jury.

Section 1616 guarantees the right to trial by jury in all criminal cases originating in the district court upon demand by the defendant or by the Government. In addition, the judge may order a jury on his own motion. In addition, in misdemeanor cases the Legislature may provide for trial by a jury of six.

Section 1617 provides for appointment by the President with the advice and consent of the Senate of the United States attorney for the Virgin Islands.

[Note, jurisdiction of the District Court of the Virgin Islands over local causes is not controllable by the local legislature.] The District Court of the Virgin Islands is not a constitutional court. Government of the Virgin Islands v. Bell, 392 F.2d 207 (1968) appeal after remand 423 F.2d 692, cert. denied, 398 U.S. 937. [See U.S. v. Lewis, 456 F.2d 404, the court may be a court of the United States for some purposes but not others.]