

Resolution 9
Recognizing the Supreme Court of the Virgin Islands as the Highest Court of the Virgin Islands

WHEREAS, the Revised Organic Act of 1954 directed that five years after the establishment of an appellate court by the Virgin Islands legislature that the Judicial Council of the United States Court of Appeals for the Third Circuit would "submit reports to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives . . . as to whether [the appellate court] has developed sufficient institutional traditions to justify direct review by the Supreme Court of the United States from all such final decisions" [48 U.S.C. § 1613]; and

WHEREAS, the five year anniversary of the Virgin Islands Supreme Court's formal exercise of its judicial authority occurred on January 29, 2012; and

WHEREAS, the Third Circuit Judicial Council recently completed its review of the performance of the Virgin Islands Supreme Court and issued the "Report of the Judicial Council of the United States Court of Appeals for the Third Circuit on the Virgin Islands Supreme Court;" and

WHEREAS, the Third Circuit Judicial Council concluded that "the Virgin Islands Supreme Court has developed sufficient institutional traditions to justify direct review of its final decisions by the United States Supreme Court, and recommends that Congress consider legislation providing that the Supreme Court of the Virgin Islands enjoys the same relationship with the Supreme Court of the United States as do the highest courts of the several States;" and

WHEREAS, on June 28, 2012, the Twenty-Ninth Legislature of the Virgin Islands adopted a resolution "urging the United States Congress to amend the Revised Organic Act of 1954 to implement the recommendations in the 'Report of the Judicial Council of the United States Court of Appeals for the Third Circuit on the Virgin Islands Supreme Court';" and

WHEREAS, on July 12, 2012, Delegate to Congress Donna M. Christensen introduced legislation (H.R. 6116) with 36 co-sponsors to amend the Revised Organic Act of the Virgin Islands to provide for direct appeals to the United States Supreme Court of decisions of the Virgin Islands Supreme Court;

NOW, THEREFORE, BE IT RESOLVED that the Conference urges Congress to adopt H.R. 6116 to recognize the Supreme Court of the Virgin Islands as the highest court of the Virgin Islands and provide for direct appeals to the United States Supreme Court of decisions of the Virgin Islands Supreme Court.

Adopted as proposed by the CCJ/COSCA Government Affairs Committee at the 2012 Meeting on July 25, 2012.