

The Virgin Islands Consortium

Bill Seeks To Allow Outside Lawyers To Practice In Territory Without Admittance To V.I. Bar

Politics / **Published On December 19, 2014 05:26 PM /**

Cynthia Graham **December 19, 2014**



A bill sponsored by Senate Vice President and Chairman of the Committee on Rules and Judiciary Sen. Sammuell Sanes, seeks to amend a portion of Virgin Islands Code relating to the unauthorized practice of law to allow attorneys practicing law in other jurisdictions of the United States to do the same in the Virgin Islands without being admitted to the Virgin Islands Bar under certain conditions.

Sanes and Committee members met with officials from the Virgin Islands Bar Association and other entities Thursday in St. Thomas to discuss Bill No. 30-0531, which seeks to amend [Title 4 Virgin Islands Code, Chapter 27, section 443](#).

A summary of Sanes' bill reads:

In title 4, section 32 (e) of the Virgin Islands Code the Legislature granted the Supreme Court "exclusive jurisdiction to regulate the admission of persons to the practice of law". Section 1 of this bill would divest the Supreme Court of its exclusive jurisdiction and by amending section 443 of title 4 to make an exception from the unauthorized practice of law prohibition for off-island attorneys to practice law in the Virgin Islands by providing legal services to their "employer" or its affiliates before any place of litigation or administrative agency that does not require pro hac vice admission. It would allow these attorneys to practice law without being regulated by the Supreme Court and Virgin Islands Bar Association. Such a practice under existing law constitutes the unauthorized practice of law. The attorneys would be required to notify the Supreme Court of such practice. Section 2 requires attorneys to notify the Supreme Court by the 90th day after the Act's enactment. Section 3 protects attorneys who are currently practicing, as described in Section 1, without a Virgin Islands license. That section insulates these attorneys from any sanction or penalty.

St. Croix Sen. Kenneth Gittens, in opposition to the bill, said, "I am not in support of this bill because the amendment is written in a way that is not in the best interest of the lawyers in the Virgin Islands."

He continued, "If we allow outside lawyers to come in and practice law without being a member of the V.I. Bar Association, how will they be regulated? There are unscrupulous lawyers out there who continue to prey on the people of the Virgin Islands."

Similarly, Sen. Donald Cole of St. Thomas made known that he is not in favor of the bill because it seeks to usurp the power of the Judiciary Branch, particularly the Supreme Court.

While Sen. Sanes said he respects his colleagues' decisions, he said he is mainly concerned about promoting and encouraging economic development in the territory, and said that attracting outside law firms will benefit the local economy.

St. Thomas Senator Tregenza Roach asked members of the V.I. Bar Association to provide their perspective on the bill.

To the senator's request, Andrew Capedville, Esq., said, "In essence, the V.I. Bar Association needs additional time in which to properly vet the bill and provide a constructive input."

Capedville, who is also a member of the Board of Governors for the V.I. Bar Association, added, "It would be greatly appreciated, however, if the hearing is deferred to allow adequate opportunity for the V.I. Bar to provide input on this bill."

Bill No. 30-0531 was held in committee. To read its full contents, go [here](#).

Senators voting in favor of holding the bill in committee are as follows: