

**INTERNAL OPERATING PROCEDURES
OF THE
APPELLATE DIVISION OF THE DISTRICT COURT
FOR THE DISTRICT OF THE VIRGIN ISLANDS***

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INTRODUCTION

A. Objectives.

These "Internal Operating Procedures" ["IOPs"] cover the essential processes of the Appellate Division, from the distribution of the briefs to the final termination of the appeal and are designed:

- (1) To insure that appeals are processed as expeditiously as possible consistent with the careful discharge of appellate responsibilities;
- (2) To insure decisional stability and avoid intra-district conflict of decisions by providing a means for the panel system to operate efficiently and at the same time avoid inadvertently overruling a holding of a published opinion of the Court;
- (3) To insure the opportunity for contributions by each judge appointed to a particular panel to all decisions of the panel; and
- (4) To maintain the highest degree of collegiality among the judges of the District Court and of the Territorial Court designated to sit on the Appellate Division.

B. Implementation.

These IOPs implement:

- (1) Statutory mandates, including the Revised Organic Act of 1954, as amended, and the Virgin Islands Code;
- (2) The Virgin Islands Rules of Appellate Procedure; and
- (3) The customs and traditions of this Court.

C. Definitions.

(1) Presiding Judge. The Chief Judge of the District Court is the Presiding Judge pursuant to section 23A(b) of the

Revised Organic Act.** Unless otherwise noted, "Chief Judge" shall mean Chief Judge of the District Court of the Virgin Islands. In the absence of the Chief Judge, the Presiding Judge is that judge of the District Court of the Virgin Islands next in precedence, followed by visiting District Judges based on the seniority of their commissions.

(2) District Judges. Other district judges, permanent and as assigned pursuant to sections 23A(b) and 24(a) of the Revised Organic Act to sit on the District Court.

(3) Territorial Court Judges. Judges of the Territorial Court as designated by the Chief Judge of the United States Court of Appeals for the Third Circuit, pursuant to section 24(a) of the Revised Organic Act, to serve on the Appellate Division and as selected for specific panels and sittings by the Chief Judge of the District Court.

(4) Magistrate Judge. "Magistrate Judge" refers to the Magistrate Judges of the District Court in their respective Judicial Divisions.

(5) Clerk. Unless otherwise specified, "Clerk" refers to the Clerk of the District Court.

(6) Judicial Division. The two Divisions of the Appellate Division are designated by their geographic locations: The Division of St. Thomas and St. John and the Division of St. Croix.

D. Panels and Sittings.

(1) Panel. Pursuant to section 23A(b) of the Revised Organic Act, appeals to the Appellate Division of the District Court shall be heard by a panel of three judges, ordinarily made up of the two resident judges of the District Court of the Virgin Islands and a Territorial Court judge from the Division other than the one in which the appeal is pending. A quorum consists of any two judges of the panel. No more than one Territorial Court judge may serve on any panel.

(2) Sittings. The Appellate Division shall convene in three-judge panels as needed (usually no less than quarterly),

** Revised Organic Act of 1954, § 23A(b), 48 U.S.C. § 1613a. The complete Revised Organic Act of 1954 is found at 48 U.S.C. §§ 1541-1645 (1994), *reprinted in* V.I. CODE ANN., Historical Documents, Organic Acts, and U.S. Constitution at 73-177 (1995 & Supp. 1998) (preceding V.I. CODE ANN. tit. 1) ["Revised Organic Act"].

at such date and time as may be determined by the Chief Judge in coordination with the Presiding Judge of the Territorial Court. Sittings shall be held at the District Court buildings on St. Thomas and St. Croix. Not less than thirty days before a Regular Panel is scheduled to sit, a calendar shall be distributed by the Clerk to all panel members, the parties (through their counsel of record if appropriate), and the appellate law clerk.

A Special Panel of the Appellate Division shall be convened for a term six months in each Judicial Division of the Court. The Special Panel shall decide motions requiring expedited review and resolve the merits of all appeals requiring expedited review. These include motions for stay, release, supersedeas bonds, and injunctive relief; petitions for writ of habeas corpus and for mandamus; and appeals of juvenile transfer orders. The Chief Judge may refer other actions to the Special Panel as appropriate.

CHAPTER 1. BRIEFS AND PREPARATION

1.1 Before a Panel Sitting.

The Clerk will distribute briefs and appendices sufficiently in advance to afford at least two and preferably three full weeks' study in chambers before a panel sitting, except in special circumstances such as expedited cases heard by a Special Panel. One set of briefs and appendices are furnished to each chambers. At the termination of the case, the briefs and appendices shall be returned to the Clerk. As non-expedited cases in each Division become fully briefed, they are assigned to the next three-judge panel designated and scheduled by the Presiding Judge to sit in that Division. Expedited matters are forwarded to the Special Panel for immediate consideration.

1.2 Responsibility of Panel Before Scheduled Sitting.

The panels of the Appellate Division have the tradition of carefully reading briefs and reviewing appendices before oral argument or conference.

CHAPTER 2. ORAL ARGUMENT

2.1 Determination by Presiding Judge; Notice to Counsel.

There is oral argument on a case if it is requested by a panel judge. In the absence of such request, the Presiding Judge determines whether there will be oral argument and the amount

of time allocated to each case, taking into consideration any requests of a panel member. The usual allocation is twenty minutes per side. A request for oral argument beyond twenty minutes a side is determined by the Presiding Judge. No later than ten days before the sitting, the Presiding Judge enters an order designating the cases to be argued and the Clerk distributes to the parties (through their counsel of record if appropriate) a copy of the order, which shall include the names of the members of the panel and the cases on which oral argument will be heard.

2.2 Failure to Notify Presiding Judge.

Should a panel member fail to notify the other judges of his or her views on oral argument before noon of the eleventh day before the sitting, the Presiding Judge shall assume that the non-notifying judge agrees to be bound by the determinations of the Presiding Judge.

2.3 Suggested Criteria for Oral Argument.

2.3.1 Oral argument is usually unnecessary when:

- (a) The issue is narrow, not novel, and the briefs adequately cover the arguments;
- (b) The outcome of the appeal is clearly controlled by precedent;
- (c) The state of the record will determine the outcome and the sole issue is either sufficiency of the evidence, the adequacy of jury instructions, or rulings on admissibility of evidence, and the briefs adequately refer to the record; or
- (d) Only one party is represented by counsel or has appeared in the appellate proceedings.

2.3.2 Oral argument is often helpful when:

- (a) The appeal presents a substantial and novel legal issue;
- (b) The resolution of an issue presented by the appeal will be of institutional or precedential value;

- (c) A judge has questions to ask counsel to clarify an important legal, factual, or procedural point;
- (d) A decision, legislation, or an event subsequent to the filing of the last brief may significantly bear on the case; or
- (e) An important public interest may be affected.

CHAPTER 3. COMPOSITION OF PANELS AND ORDER OF PRECEDENCE

3.1 Composition of Panel.

Each panel includes two District judges, together with one Territorial Court judge from the St. Croix Division, when the panel sits on St. Thomas or is a St. Thomas/St. John Special Panel; or a Territorial Court judge from the St. Thomas/St. John Division, when the panel sits on St. Croix or is a St. Croix Special Panel. If all Territorial Court judges are recused from a case, the panel will be composed of three District judges. If a permanent District Court judge is recused from a case, the Chief Judge shall make the appropriate request and arrangements for designation of an additional District Court judge. A remand from the United States Court of Appeals for the Third Circuit is referred to the panel which decided the matter unless two of the original panel members (a quorum) have left the bench.

3.2 Entering Court.

The judges enter the courtroom in the reverse order of precedence. Facing the courtroom from the bench, the Presiding Judge is in the middle, with the other District Court judge stationed to the right and the Territorial Court judge to the left of the Presiding Judge. All remain standing until the Presiding Judge sits.

CHAPTER 4. PANEL CONFERENCE PROCEDURE

4.1 Tentative Views.

The panel assembles in the chambers of the District Court in the respective Judicial Division at least one hour, preferably two or more, before the opening of Court, and discusses all the cases scheduled for that sitting. By unanimous agreement of the panel, conferences in submitted cases may be held by

telephone or views may be exchanged by facsimile or electronic mail before the day of argument. After a case has been argued, the panel re-assembles in chambers to confer and exchange tentative views on the merits of the cases argued and submitted.

4.2 Opinion Assignment.

Following discussion and tentative votes, the Presiding Judge assigns those cases in which opinions of the Court are to be drafted to the judges of the panel for preparation of the opinion of the Court. If the panel is divided in its views and the Presiding Judge does not concur in the decision of the majority, the assignment is made by that member of the majority who is the ranking District judge. All communications regarding the proposed decision of the panel shall be treated as confidential and each chambers shall make necessary arrangements, with the assistance of one of the appellate law clerks, to assure confidentiality is maintained.

CHAPTER 5. OPINIONS

5.1 Forms of Opinions.

There are two forms of opinions: for publication and not for publication. Unless a majority of the panel decides otherwise, an opinion shall be for publication.

5.2 For Publication Opinions.

An opinion, whether signed or per curiam, is published when it has precedential or institutional value. A per curiam opinion may be used for affirming, reversing, vacating, modifying, setting aside, or remanding the judgment, decree, or order appealed from, or for dismissing an appeal.

5.3 Not for Publication Opinions; Memorandum Opinions.

An opinion which the majority of the panel decides has value only to the trial court or the parties is not published. When the panel unanimously determines to affirm the judgment, order, or decision of the court under review, or to dismiss an appeal, and determines that a written opinion will have no precedential or institutional value, the author may choose to write a memorandum opinion briefly setting forth the reasons supporting the Court's decision as an alternative to

preparation of a judgment order. Unless an opinion states that it is not for publication on its face, it shall be for publication.

5.4 Listing of Counsel.

Counsel are listed on the first page of all opinions, orders, and judgment orders.

5.5 Preparation and Circulation of Opinions.

5.5.1 By Author. The authoring judge prepares a draft opinion in accordance with the decision of the panel at conference, but the author may express any different views she or he may reach after further study of the case. The draft opinion shall set forth the reasons supporting the Court's decision.

5.5.2 Circulation Within Panel. After the draft opinion has been prepared, the authoring judge circulates it to the other two members of the panel with a request for approval or suggestions for changes they may desire to make to the draft opinion. *Answering this request is given the highest priority by the other two judges consistent with their other responsibilities as trial judges on their respective courts,* who shall communicate in writing their approval or disapproval to the other two judges of the panel within twenty-one days of receipt of the draft opinion, with copies to the appellate law clerk. The other two judges shall respond within ten days if the matter is being considered by a Special Panel. If one of the other two judges approves, it becomes the proposed opinion of the Court. Absent a request for additional time, failure to respond within either the twenty-one or ten-day time period shall be deemed an approval of the draft opinion as circulated. If, after attempting to work out any differences, both of the other panel members dissent from the original majority's draft opinion, the opinion may be reassigned by either the Presiding Judge or the District Court judge who is a member of the new majority. Because it is the opinion of the Court, other members of the panel are free to make any suggestions relating to a modification of the proposed opinion. Where a textual revision or addition is suggested, the suggesting judge submits his or her modification in specific language capable of being inserted into the opinion, with copies to the other two panel judges.

5.5.3 Time Schedule for Panel Drafting and Circulating Opinions; Reassignments.

- (a) Except in complex cases, the authoring judge generally is expected to transmit to the panel a draft opinion of a Regular Panel within ninety days after assignment or after close of any supplemental briefing. Draft opinions of a Special Panel are expected to be transmitted to the panel within thirty days after assignment or after close of any supplemental briefing.

- (b) If, after one panel member approves the draft opinion, the third panel member desires separately to concur or dissent, that third judge notifies the authoring judge promptly and transmits his or her separate opinion to the other two members of the panel within sixty days if a Regular Panel or within twenty days if a Special Panel, after the second judge's approval is received. Except for revisions not affecting substance, panel opinions are not considered to be completed until each member has an opportunity to revise his or her position in response to those of the other two panel members.

5.6 Filing of Opinions.

- 5.6.1** Once an opinion has been approved by all three panel members, or all members of the panel have had the time set forth in IOP 5.5.3 to write separate opinions, the authoring judge may transmit the original typescript to the Clerk, together with concurring or dissenting opinions for filing, with copies to the respective appellate law clerk. Absent a request to the authoring judge for additional time, the failure of a panel member timely to file a separate concurring or dissenting opinion does not delay the filing of the majority opinion or the entry of the judgment of the Appellate Division.

- 5.6.2** Upon unanimous approval of all members of the panel, the opinion (and order) may be entered as a per curiam opinion, signifying that is the opinion of the Court. In such instance, the entered and distributed opinion (and order) shall not include a signature of any panel member. A sealed file copy of the opinion (and order)

signed by the authoring judge shall be retained by the Clerk solely for authenticity purposes.

- 5.6.3** Copies of all opinions, orders, and judgment orders shall be filed with the Clerk in electronic form in WordPerfect 6.0 (for Windows) or higher format simultaneously with the original typescript so that they may be maintained in the electronic archives of the District Court and uploaded by the appellate law clerks to the Virgin Islands Bulletin Board where appropriate.

5.7 Citations.

Because the Court does not regard unpublished opinions as precedents that bind the Court, the Court does not normally cite to its unpublished opinions as authority.

CHAPTER 6. JUDGMENT ORDERS

6.1 Panel Unanimity.

A case may be terminated in the Appellate Division by a judgment order upon the unanimous decision of the panel.

6.2 Criteria.

- 6.2.1** A judgment order is filed when the panel unanimously determines to affirm the judgment or order of the Territorial Court or to dismiss the appeal for lack of jurisdiction or otherwise, and determines that a written opinion will have no precedential or institutional value.

- 6.2.2** A judgment order may be used when:

- (a) The judgment of the Territorial Court is based on findings of fact which are not clearly erroneous;
- (b) Sufficient evidence supports a jury verdict;
- (c) No error of law appears;

(d) The Territorial Court did not abuse its discretion on matters addressed thereto; or

(e) The Appellate Division has no jurisdiction.

6.3 Form of Order.

6.3.1 A judgment order affirming the Territorial Court in a direct criminal appeal includes a statement of those issues raised by appellant and considered by the panel.

6.3.2 A judgment order may state that the case is affirmed by reference to the opinion of the Territorial Court and may contain one or more references to cases or other authorities.

6.4 Procedure.

6.4.1 At conference, the panel decides whether the case requires an opinion or a judgment order. If the latter, the judge assigned to prepare the order furnishes other members of the panel with copies of the proposed order. The panel members indicate their approval either on a copy which is provided by the order writer or by signifying approval in writing by facsimile, electronic mail, or otherwise.

6.4.2 Absent a request for additional time within fourteen days of distribution, the authoring judge may transmit the original typescript to the Clerk for filing, with copy to the respective appellate law clerk.

CHAPTER 7. ORDERS REVERSING OR REMANDING

7.1 Retention of Jurisdiction.

When a panel deems it appropriate for this Court to retain jurisdiction without disposing of an appeal and to remand the case to the lower court, such as for correction or modification of the record or for consideration of a settlement reached on appeal, the panel may do so and hold the appeal in abeyance. In such an instance, a panel has discretion to retain assignment of the case or return it to the Clerk for reassignment to a subsequent panel upon the return of the appeal to this Court.

7.2 Assignment Following Remand.

When an appeal is filed in a case which has previously been remanded, the Clerk will assign the appeal to a panel in the regular course unless directed otherwise by the Chief Judge after consultation with the original panel.

7.3 Reversal or Remand.

In some instances when a panel reverses or remands a case to the lower court and it is not feasible to write an opinion, usually because the matter requires immediate attention, the panel enters a dispositive order setting forth briefly the reasons for its action.

CHAPTER 8. PANEL REHEARING

8.1 Petition.

A petition for panel rehearing is sent to the members of the panel, with the request that each member notify the Presiding Judge of the panel within eight days of the date of the Clerk's letter forwarding the petition whether they vote to grant the petition or desire that an answer be filed. Non-response will be considered a vote against panel rehearing.

8.2 Request for Answer.

If any member of the majority gives timely notice that an answer is desired, the Presiding Judge of the panel enters an order directing the nonmovant to file an answer within ten days. The Clerk forwards the answer to the panel members with the request that they notify the Presiding Judge within fourteen days of receipt of the answer if they vote to grant the petition. A judge who does not desire panel rehearing is not expected to respond.

8.3 Disposition.

8.3.1 If two members of the panel vote therefor, the Presiding Judge enters an order granting panel rehearing and vacating the panel's opinion and the judgment entered thereon. Otherwise, the Presiding Judge enters the order denying panel rehearing. Any member of the panel may file an opinion sur denial of the petition for panel rehearing and direct its publication.

CHAPTER 9. MOTION PRACTICE

9.1 Assignment and Distribution.

- 9.1.1** Motions are decided by the Chief Judge, the Presiding Judge, the panel, or the Clerk, as provided by the Revised Organic Act, the Virgin Islands Rules of Appellate Procedure, and as allocated in these IOPs.
- 9.1.2** When an emergency motion is filed, the movant may be directed by the Clerk to deliver by hand or by transmission via facsimile copies of the moving papers that day to the Chief Judge, the Presiding Judge, or each member of the panel, respectively, at the chambers where the respective judge or judges are stationed, or at such other place as the Clerk may designate.
- 9.1.3** Motions on non-emergency matters are distributed to the Chief Judge, the Presiding Judge, or each member of the panel as they are complete, i.e., when responses have been filed.
- 9.1.4** A motion for reconsideration or rehearing of decision on a motion is referred to the Presiding Judge (or panel) which decided the motion.
- 9.1.5** Whether there shall be oral argument on a motion is determined in the same manner as for an appeal.

9.2 Motions Referred to Clerk.

The Clerk may dispose of any category of motion other than those, which by statute or rule, must be decided by judges.

9.3 Single-Judge Motions.

- 9.3.1** The Chief Judge may rule on motions as provided under the Revised Organic Act, including motions to dismiss, unless the Chief Judge believes reference to a panel is appropriate. A single judge may not determine or dismiss an appeal on the merits. The actions of a single judge, other than those committed to the Chief Judge under the Revised Organic Act, may be reviewed by the panel to which the matter is or would have been referred. Motions

related to scheduling cases for briefing and argument are decided by the Presiding Judge of the panel per IOP 2.1.

9.3.2 Without limiting IOP 9.3.1, a motion arising in a Judicial Division is referred to the District Court judge of that Division, who either refers it to the next regular panel or rules on the motion if it is one of the following matters appropriate for decision by a single judge:

- (a) Substitution or withdrawal of counsel, appointment of counsel;
- (b) Dismissal for failure to prosecute or dismissal of an untimely appeal;
- (c) Other issues ordinarily left to the discretion of a single judge; matter(s) that do not address the merits of the issue(s) on appeal.

9.3.3 Without limiting IOP 9.3.1, routine motions for extensions of time for filing briefs and administrative matters may be decided by a Magistrate Judge or, if authorized by local appellate rule, the Clerk.

9.4 Summary Action.

Without limiting IOP 9.3.1, a panel, sua sponte or upon motion by a party, may take summary action affirming, reversing, vacating, modifying, setting aside, or remanding the judgment, decree, or order appealed from, or dismissing an appeal if it clearly appears that no substantial question is presented or that subsequent precedent or a change in circumstances warrants such action. Before taking summary action, the panel will afford the parties an opportunity to submit argument in support of or in opposition to such disposition if briefs on the merits have not already been filed. Summary action may be taken only by unanimous vote of the panel. If the panel determines that summary action is not appropriate, it may, in lieu of denial, defer ruling until the merits of the appeal are considered on submission or upon oral argument.

9.5 Post-Decision Motions.

- 9.5.1** Unless the Clerk or Magistrate Judge has been designated to act thereon, a motion for extension of time for filing a petition for rehearing or for leave to file out of time is referred to the Presiding Judge, who has authority to grant an extension of time.
- 9.5.2** A motion for stay of mandate or for recall of the mandate, for certified judgment in lieu thereof, or a motion to amend a judgment is referred to the Presiding Judge who, in his or her discretion, may refer it to the entire panel that made the decision. Such a motion is not ordinarily granted unless the failure to grant the relief affects a substantive right of the movant.
- 9.5.3** A motion to extend time to file a bill of costs is determined by the Clerk. An appeal from the Clerk's ruling is referred to the Presiding Judge.

CHAPTER 10. RECUSAL OR DISQUALIFICATION OF JUDGES

10.1 Procedure.

- 10.1.1** Before or at the same time that cases are sent to a panel, the Clerk transmits copies of the docket sheets to each judge. Any judge who is recused from a case promptly so informs the Clerk.
- 10.1.2** Each judge who serves on the Appellate Division should submit to the Clerk in writing those circumstances which would generally require a recusal, including names of businesses in which the judge or family members have a financial interest, names of lawyer relatives whose names may appear as counsel in the appeals, and names of law firms on whose cases the judge does not sit.
- 10.1.3** A judge who finds it necessary to recuse herself or himself from a case after distribution of briefs or a motion immediately notifies the Presiding Judge. The Presiding Judge names a substitute and reconstitutes the panel for that case or reassigns the case to a subsequent panel by written order.

10.2 Circumstances.

10.2.1 A judge shall recuse himself or herself in the following circumstances and pursuant to 4 V.I.C. § 284:

- (a) Where a judge has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;
- (b) Where, in practice, the judge served as a lawyer on the matter in controversy, or a lawyer with whom he or she previously practiced law served during such association as a lawyer concerning the matter, or the judge or such lawyer has been a material witness concerning it;
- (c) Where the judge has served in governmental employment and in such capacity participated as counsel, advisor, or material witness concerning the proceeding or expressed an opinion concerning the merits of the particular case in controversy;
- (d) The judge knows that he or she, individually or as a fiduciary, or spouse or minor child residing in the judge's household, has a financial interest in the subject matter in controversy or is a party to the proceeding, or any interest that could be substantially affected by the outcome of the proceeding;
- (e) The judge, the judge's spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:
 - (i) Is a party to the proceeding, or an officer, director, or trustee of a party;
 - (ii) Is acting as a lawyer in the proceeding;
 - (iii) Is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding; or
 - (iv) Is to the judge's knowledge likely to be a material witness in the proceeding.

10.2.2 A judge should inform herself or himself about her or his personal and fiduciary financial interests,

and make a reasonable effort to inform himself or herself about the personal financial interests of his or her spouse and minor children residing in the judge's household.

10.2.3 For the purposes of this section, the following words or phrases shall have the meaning indicated:

- (a) "Proceeding" includes pretrial, trial, appellate review, or other stages of litigation;
- (b) The degree of relationship is calculated according to the civil law system;
- (c) "Fiduciary" includes such relationships as executor, administrator, trustee, and guardian;
- (d) "Financial interest" means ownership of a legal or equitable interest, however small, or a relationship as director, advisor, or other active participant in the affairs of a party, except that:
 - (i) Ownership in a mutual or common investment fund that holds securities is not a "financial interest" in such securities unless the judge participates in the management of the fund;
 - (ii) An office in an educational, religious, charitable, fraternal, or civil organization is not a "financial interest" in securities held by the organization;
 - (iii) The proprietary interest of a policyholder in a mutual insurance company, of a depositor in a mutual savings association, or a similar proprietary interest, is a "financial interest" in the organization only if the outcome of the proceeding could substantially affect the value of the interest;
 - (iv) Ownership of government securities is a "financial interest" in the issuer only if the outcome of the proceeding could substantially affect the value of the securities.

- 10.2.4** No judge shall accept from the parties to the proceeding a waiver of any ground for disqualification enumerated in subsection 10.2.1.
- 10.2.5** Previous Employment. During the judge's first two years after leaving a law firm, a judge is not assigned any case in which the former law firm has entered an appearance.
- 10.2.6** Relationships. According to the civil law system, the third degree of relationship's test would, for example, disqualify the judge if her or his or the judge's spouse's father, grandfather, uncle, brother, or niece's husband were a party or lawyer in the proceedings, but would not disqualify her or him if a cousin were a party or lawyer in the proceedings.

CHAPTER 11. APPELLATE LAW CLERKS

11.1 District Court Appellate Law Clerks.

Each Judicial Division has an appellate law clerk who, working under the supervision of the respective District Court judge, assists the panels and panel judges as they sit in that Division.

11.2 Duties.

Their duties presently include the following:

- (a) Preparation of memoranda of law and fact on the merits, as well as a recommendation as to disposition upon request of the Presiding Judge of a panel;
- (b) Screening all appeals and petitions for writs filed in the respective Division for jurisdictional defects, tracking and processing all appeals in the respective Division, communicating with counsel and panel judges to facilitate the swift determination of appeals, helping the Clerk distribute and coordinate motions to be decided by a single judge or a panel, serving the Presiding Judge or panel in disposing of motions, and assisting in the drafting of opinions and orders;

- (c) Processing and monitoring all *pro se* matters, including assisting the Clerk in answering all prisoner and *pro se* mail addressed to the Court, in corresponding with *pro se* litigants to ensure compliance with the proper filing and motion practice procedures, and in directing entry of appropriate records in the Clerk's office; and
- (d) Assisting in a wide variety of miscellaneous matters, including working with a panel judge as well as her or his chambers when requested by the judge. The appellate law clerk is accountable directly to the judges of each panel.
- (e) The appellate law clerk works closely with the judges of the Appellate Division in continuing to develop a program for appropriate support to the Court, and has primary administrative responsibility for processing and tracking all Territorial Court appeals.