

IN THE TERRITORIAL COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX AT CHRISTIANSTED

JOEL HOLT,	)	
	)	
Plaintiff,	)	CIVIL NO. 434/1982
	)	
vs.	)	ACTION FOR DEBT
	)	
VACATION OWNERSHIP	)	
MARKETING, INC., and JAMES	)	
C. GARDNER	)	
	)	
Defendant.	)	

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(Attorney for Plaintiff)

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(Attorney for Defendant
Vacation Ownership Marketing, Inc.)

PETERSEN, Judge

MEMORANDUM OPINION
September 17, 1982

This matter is before the Court on Defendant Vacation Ownership Marketing, Inc., Motion to Dismiss. However before the Court is able to consider the merits of Defendant's motion, an even more fundamental issue is presented which must be resolved.

Title 5, Virgin Islands Code, Appendix V, Rule 57(b) provides that "[n]o attorney may practice law in the Virgin Islands who is not an active or government member of the Virgin Islands Bar Association or admitted pursuant to paragraphs (f) and (g) hereunder.

There is no averment as to whether Isaac H. Nunn, Esquire is a member of the Virgin Islands Bar.

Paragraph (f) of Title 5, Virgin Islands Code, Appendix V, Rule 51 provides for the admission, pro hac vice, of "an attorney who is currently in good standing as an active member of the bar of any state or Territory of the United States or any foreign country..."^{1/} As amended the rule further provides that an attorney admitted to practice pro hac vice, must associate himself with local counsel.^{2/}

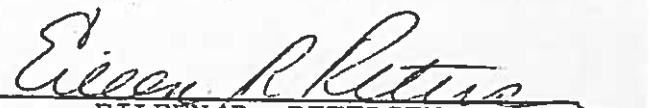
Because there has been no showing that Isaac H. Nunn, Esquire has been admitted to practice in this

^{1/} (f) An attorney who is currently is good standing as an active member of the bar of any State or Territory of the United States or of any foreign country, who has not suffered any disbarment or suspension of his or her license to practice before any jurisdiction and who has been retained or requested to represent any party involved in any litigation filed in a court of the Virgin Islands may, in the discretion of the judge before whom such litigation has been assigned or is pending, on motion or any attorney of record in such litigation, be admitted pro hac vice to participate in the litigation in the same manner as permitted an active member of the Virgin Islands Bar Association. An attorney admitted pro hac vice shall be bound by the grievance procedures established in the Rules of the Virgin Islands Bar Association and shall be subject to the disciplinary and contempt jurisdiction of any court of the Virgin Islands, in the course of his practice during his pro hac vice admission, whether such disciplinary action is taken before or after termination or revocation of his or her admission pro hac vice.

(g) An inactive member of the Virgin Islands Bar Association in good standing who is interested in litigation filed in a court of the Virgin islands may, at the discretion of a judge of the District Court or a judge of the Municipal Court, or any court of the territory of the Virgin Islands hereinafter established by the Legislature of the Virgin Islands, be permitted to participate in the action as an active member of the Virgin Islands Bar Association.--Added and eff. Jan. 1, 1975.

^{2/} An attorney from another jurisdiction, in good standing there may at the discretion of the Court in which a cause is pending, be admitted to practice pro hac vice, to participate in the conduct of such cause, but only upon association with an attorney admitted to practice before the Courts of the Virgin Islands. Local counsel shall at all times be responsible to the Court in which the cause is pending and no pleadings, papers, motions or other documents shall be filed unless signed by local counsel who shall be responsible for the form and substance thereof. Service of any documents in a pending cause which may otherwise be served upon an attorney, shall not be deemed served or effective for any purpose, unless served upon local counsel pursuant to local rules of practice. Except by stipulation between counsel and with the approval of the Court in which the action is pending, no postponement of a cause shall be granted on the ground that counsel admitted pro hac vice is unable to attend because of conflicting settings in another jurisdiction.

jurisdiction, nor has it been shown that he has become associated with local counsel, he may not properly file any legal documents on behalf of Defendant Vacation Ownership Marketing, Inc. For that reason this Court is unwilling to consider Defendant Vacation Ownership Marketing, Inc., Motion to Dismiss.


EILEEN R. PETERSEN
Judge