

2011

ANNUAL REPORT

U.S. VIRGIN ISLANDS COURT & JUDICIARY SYSTEM

SUPREME COURT OF THE VIRGIN ISLANDS

HON. RHYS S. HODGE
CHIEF JUSTICE

HON. MARIA M. CABRET
ASSOCIATE JUSTICE

HON. IVE ARLINGTON SWAN
ASSOCIATE JUSTICE

GLENDIA L. LAKE, ESQUIRE
ADMINISTRATIVE DIRECTOR

VERONICA J. HANDY, ESQUIRE
CLERK OF THE COURT

SUPERIOR COURT OF THE VIRGIN ISLANDS

HON. DARRYL DEAN DONOHUE SR.
PRESIDING JUDGE

HON. BRENDA J. HOLLAR
ADMINISTRATIVE JUDGE

HON. VERNE A. HODGE
SENIOR SITTING JUDGE

HON. EDGAR D. ROSS
SENIOR SITTING JUDGE

HON. ISHMAEL A. MEYERS SR.
SENIOR SITTING JUDGE

HON. AUDREY L. THOMAS
JUDGE

HON. PATRICIA D. STEELE
JUDGE

HON. JULIO A. BRADY
JUDGE

HON. JAMES S. CARROLL III
JUDGE

HON. MICHAEL C. DUNSTON
JUDGE

HON. ADAM G. CHRISTIAN
JUDGE

HON. HAROLD W. L. WILLOCKS
JUDGE

HON. JESSICA GALLIVAN
MAGISTRATE

HON. MIGUEL A. CAMACHO
MAGISTRATE

HON. KATHLEEN MACKAY
MAGISTRATE

HON. ALAN D. SMITH
MAGISTRATE

GLENDIA B. CAINES, MBA
COURT ADMINISTRATOR

VENETIA H. VELAZQUEZ, ESQUIRE
CLERK OF THE COURT



THE VISION OF THE SUPREME COURT OF THE VIRGIN ISLANDS

The Supreme Court of the Virgin Islands strives to be a model of judicial excellence to serve the public, and earn its trust and confidence through innovative leadership; professional, efficient, accountable, and accessible services; and the impartial, prompt disposition of appeals in accordance with the rule of law.



Supreme Court Of The Virgin Islands

2012 STATE OF THE JUDICIARY

On behalf of our staff and my colleagues on the Supreme Court of the Virgin Islands, as well as the entire Virgin Islands Judicial Branch, it is my privilege to present to you the Annual Report of the State of the Court System and Judiciary for the 2011 Fiscal Year. This report represents a compilation of data and information about the operations of the Supreme Court and the Superior Court for the 2011 Fiscal Year, and—as mandated by statute—has been prepared separately by each respective court.

It is my sincere hope that one day the Virgin Islands will join every other federal, state, and territorial jurisdiction in the United States in having a unified court administration system, which would allow for preparation of a single annual report for the entire Virgin Islands Judicial Branch. Nevertheless, although each portion of this report has been prepared separately by each court, I trust that it will enable all Virgin Islanders, as well as their elected representatives, to better understand the mission of the Judiciary and all that each court has accomplished in the past fiscal year. As you peruse these pages, I hope you will agree with me that both courts have taken great strides in meeting their respective mandates. Although much has occurred this past fiscal year, I would like to take this opportunity to highlight a topic that has received significant attention from the public and members of the Bench and the Bar: the regulation of lawyers and judicial conduct in the Virgin Islands. Moreover, I would like to share with you several important milestones in the history of the Virgin Islands Judicial Branch that occurred shortly after the close of the 2011 Fiscal Year.

When Act No. 6687 established the Supreme Court, it also vested it with exclusive jurisdiction to regulate the practice of law in the Virgin Islands, which had previously been the responsibility of the Superior Court and, before that, the District Court. On the same day the Supreme Court officially assumed its jurisdiction, it issued Promulgation Order No. 2007-001, which temporarily adopted the same attorney admission and discipline procedures that had been in place in the Superior Court.

Nevertheless, it soon became apparent that several structural reforms were needed in these areas. The first change occurred on August 9, 2007, when the Supreme Court promulgated Supreme Court Rule 202, which imposed greater restrictions on “special admission” to the Virgin Islands Bar Association, a status that enables an out-of-territory attorney to practice law on behalf of a government agency, instrumentality, or designated public interest organization without taking and passing the Virgin Islands Bar Examination. Rule 202 imposed a three-tier system that grandfathered specially-admitted attorneys who had served in that capacity for ten or more years, but required all other attorneys who had previously been specially admitted pursuant to the Superior Court’s rules to pass the Virgin Islands Bar Examination within four years, and mandated all future applicants for special admission pass a thorough character and fitness examination prior to attaining the special admission status, which they would be permitted to maintain for a maximum of three years. These reforms placed the Virgin Islands on par with other jurisdictions, which similarly restrict the ability of out of state attorneys. During the 2011 Fiscal Year, the Supreme Court issued Promulgation Order No. 2011-0002, which eliminated the second tier of specially-admitted attorneys by effectively rescinding the special admission of all attorneys admitted pursuant to the Superior Court rules who never passed the Virgin Islands Bar Examination and did not qualify for the grandfather exception.

Also on August 9, 2007, the Supreme Court established Supreme Court Rule 208, which mandated that all active members of the Virgin Islands Bar Association attend twelve hours of continuing legal education (“CLE”) courses annually. The requirement that lawyers continue to obtain professional education has unquestionably enhanced the administration of justice in the Territory, and has resulted in more opportunities for members of the Bar to interact with the Judiciary. Significantly, during Fiscal Year 2011, numerous

conferences, seminars, and other events conferring CLE credits were sponsored by the Supreme Court, the District Court, and the Virgin Islands Bar Association, many of which brought renowned jurists and academics to our Territory. In fact, there have been so many opportunities to obtain meaningful professional enrichment that several attorneys have actually exceeded the twelve hour annual minimum! Moreover, while it is exceptionally rare for a court to boast about a decrease in its case load, the Supreme Court was extremely pleased to see the number of petitions to suspend an attorney for failing to comply with CLE requirements fall from 69 cases in Fiscal Year 2010 to only 7 in Fiscal Year 2011.

Unfortunately, some challenges take more time than others to resolve. It is no secret that the Virgin Islands attorney discipline system has been in substantial need of reform, with the processing, investigation, and adjudication of grievances by the Ethics and Grievance Committee of the Virgin Islands Bar Association having stagnated, to the point where some grievances still remained unresolved more than a decade after a complaint had been filed. Recognizing that such a state of affairs is simply unacceptable, the Supreme Court sought the assistance of the American Bar Association Standing Committees on Professional Discipline and Client Protection, which thoroughly reviewed the applicable Supreme Court Rules, the Rules of the Ethics and Grievance Committee, budgetary information, and other records, and sent a consultation team to visit the Territory on November 11-12, 2010 to conduct interviews and perform other research. These efforts culminated in a report the Standing Committees submitted to the Court on February 24, 2011, which included 38 specific recommendations for reform, including that the Supreme Court hire a full-time Disciplinary Counsel to investigate and prosecute grievances.

While the Supreme Court is presently undertaking a full assessment of these recommendations—some of which may require the cooperation of the Legislature, the Virgin Islands Bar Association, or other third parties—it hired Disciplinary Counsel on May 16, 2011, and shortly thereafter issued Promulgation Order No. 2011-0001, which transferred all ministerial, investigative, and prosecutorial duties from the Ethics and Grievance Committee to Disciplinary Counsel. As a result, Disciplinary Counsel received 144 open case files and 35 boxes of closed case files, some dating back as early as 1989. Although it will be a challenge for Disciplinary Counsel and the Ethics and Grievance Committee to expeditiously resolve this backlog while simultaneously processing new grievances, I am extremely pleased to report that, even though the Office of Disciplinary Counsel was only fully operational for the last 3 months of the 2011 Fiscal Year, investigations in 57 open matters were completed during this period.

In addition, in the past fiscal year both courts have examined the issue of appointment of counsel for indigent criminal defendants in cases where the Office of the Territorial Public Defender is unable to offer representation. On the very first day of the 2011 Fiscal Year, the Supreme Court implemented Supreme Court Rule 210, which structurally reformed the appellate indigent attorney appointment process. First, Rule 210 established a panel of attorneys who have volunteered to represent indigent defendants in Supreme Court proceedings. It remains our position that every member of the Virgin Islands Bar Association who is not ethically precluded from doing so possesses an obligation to represent those Virgin Islanders who are unable to afford an attorney, particularly in criminal cases and other matters in which significant liberty or personal interests are at stake. Nevertheless, it has been the experience of the Supreme Court that arbitrarily appointing attorneys to represent indigent defendants—particularly in first degree murder appeals—without any regard to their substantive experience in the area of criminal law is far from ideal. While the Supreme Court recognizes the numerous attorneys who, despite being involuntarily appointed to a criminal case, have risen to the occasion and provided exceptional services, we believe the better practice is to assign such cases to individuals who not only desire the appointment, but who have submitted evidence of their qualifications to adequately brief and argue a case on appeal.

The second structural reform to the indigent attorney appointment system involved increasing the compensation for court-appointed attorneys practicing before the Supreme Court to \$75.00 per hour for services provided both in and out of court. During this difficult economic climate and resulting reductions in appropriations to the Judicial Branch, it may be difficult to understand why

the Supreme Court would voluntarily increase its expenditures by nearly doubling the hourly court-appointed compensation rate. Although it may be cliché to say so, certain things are simply not about money. The former rates of \$45.00 per out-of-court hour and \$65.00 per in court hour were equivalent to the rates paid by the federal government on January 1, 1994 - when the Superior Court obtained its expanded jurisdiction over local criminal prosecutions—and remained unchanged for more than 16 years, making them among the lowest in the entire nation. Significantly, numerous other jurisdictions—including the federal government, which also recently raised its court-appointed rates to \$125.00 an hour—have, as a matter of basic fairness, instituted rates that represent reasonable compensation for the degree of services rendered. Perhaps not surprisingly, some jurisdictions have concluded that higher rates actually promote greater efficiency and result in cost-savings in other areas, in that more experienced attorneys become willing to personally handle appointed cases and request fewer continuances or other delays. Accordingly, we were exceptionally pleased when the Legislature adopted Act No. 7316, which appropriated \$700,000.00 to the Superior Court so that it, too, would compensate court-appointed attorneys at the \$75.00 per hour rate for in and out of court services.

Last, but certainly not least, the 2011 Fiscal Year saw the full and complete implementation of the Virgin Islands Commission on Judicial Conduct, which was established as an independent agency annexed to the Judicial Branch during the 2010 Fiscal Year in response to the nullification of the former Virgin islands Commission on Judicial Disabilities, established by Act No. 3876, by the decision of the United States Court of Appeals for the Third Circuit in *Kendall v. Russell*, 572 F.3d 126 (3d Cir. 2009). In addition to electing its officers, during the past fiscal year the Commission finalized its Internal Operating Procedures, approved a model complaint form, and launched the www.vicjc.org website. As a result, the Commission has already begun to receive, investigate, and adjudicate complaints alleging misconduct by justices, judges, and magistrates, thus providing Virgin Islanders with a viable judicial discipline system in which complaints are taken seriously and processed in a timely manner.

As we are all aware, the Virgin Islands is facing significant financial challenges due to the global economic downturn, which will become even worse with the sudden closure of the HOVENSA refinery on St. Croix. The Judicial Branch, like the rest of the Virgin Islands Government, has cooperated with both the Executive and Legislative Branches to facilitate budgetary restraint and otherwise adjust to these challenging times, with both the Supreme Court and the Superior Court voluntarily accepting reductions in their Fiscal Year 2011 appropriations. And in Fiscal Year 2012, appropriations for both courts were cut at an even greater amount than that necessary to account for the 8% wage reduction implemented by the Economic Stability Act, resulting in the Supreme Court alone receiving an exorbitant 11% reduction from its Fiscal Year 2011 appropriation.

Pursuant to section 31(d) of title 4 of the Virgin Islands Code, I am vested with the responsibility, as the head of the Judicial Branch, to submit, along with this report, a budget and recommendations to the Senate President and the Governor. The most obvious solution is to request that the other branches of government simply fund the Judicial Branch at an adequate level. The Judicial Branch is not simply another government agency or program, but co-equal with the Executive and Legislative Branches in our tripartite system of government. As the Governor recognized in his 2011 State of the Territory address, the prompt disposition of civil and criminal cases is important not just to the particular litigants before a court, but to the Territory as a whole. We wholeheartedly agree.

Unfortunately, the under funding of the Judicial Branch—which has occurred in both lean and plentiful years—greatly impedes the ability of the Judicial Branch and our courts to properly exercise their respective duties and responsibilities. Therefore, rather than the Governor simply including an arbitrary lump sum amount in the budget submitted to the Legislature with suggested distributions to the Courts, Public Defender and Legislature, I propose that the Executive and Legislative Branches of our government adopt the neutral court funding principles currently being proposed by the National Center for State Courts. These 10 principles recommend that an agreement be established between the Judicial Branch and the two political branches whereby the Judicial Branch will be assured that it receives the funds necessary to fulfill its core functions, and that the courts will not be forced to compete with Executive

Branch agencies for appropriations. Importantly, the funding the Judicial Branch receives would be predictable, yet commensurate with the economic climate. In exchange, the Judicial Branch would base its budget request solely upon demonstrated need that is supported by appropriate, sound justifications, and adopt objective, easily measurable, outcome-based performance and time standards, to ensure that it is performing at the level expected given what it has been appropriated. I am pleased to report that the Supreme Court implemented such standards on December 28, 2011, and it is my hope that the Superior Court will do the same. Alternatively, the Judicial Branch could be allotted a budget appropriation of a fixed percentage (e.g., 5% to 6%) of the general fund budget so the courts can plan accordingly and bear proportionate reductions when general fund revenues decline. The distribution between the two courts, in the absence of a unified structure, could be based on the average rate of the 2010 and 2011 budget distributions. We urge these budgetary considerations to the other branches of government.

Since section 31(d) of title 4 of the Virgin Islands Code requires that I submit, on or before May 30, 2012, a report that covers the fiscal year spanning from October 1, 2010 to September 30, 2011, I would ordinarily not discuss events that occurred in the first quarter of the 2012 Fiscal Year. However, I also possess the statutory responsibility, as the head of the Judicial Branch, to inform the heads of the Legislative and Executive Branches as to the current state of our court system. Since two significant milestones in the history of the Virgin Islands Judicial Branch occurred very shortly after the close of the 2011 Fiscal Year, and represent the culmination of efforts undertaken during that fiscal year, I would be remiss in my duties to not highlight these events and explain their significance.

On November 2, 2011, the Supreme Court went live with the Virgin Islands Supreme Court Electronic Filing System (“VISCEFS”). On that day, the Supreme Court became the first Virgin Islands local court to allow attorneys to electronically file and serve their pleadings, and to pay filing fees, 24 hours a day, 7 days a week, without having to visit our St. Croix or St. Thomas offices. The launch of VISCEFS represents one of the final steps in a multi-year effort to move the Supreme Court towards a paperless environment. Previously, the Supreme Court automated most of the operations of the Clerk’s Office in September 2009, and on July 8, 2010 publicly released the Virgin Islands Appellate Case Management System (“VIACMS”), which enabled the public to view all case files and associated documents, other than those filed under seal, from any device with an internet connection. Presently, the Supreme Court is implementing a document management system that facilitates digital archiving of case files as well as clerical and administrative data, and allows everything from employee leave requests to purchase orders to be processed completely electronically. I am pleased to report that the Superior Court is also in the process of implementing a new case management system together with an electronic filing system.

While it is easy to emphasize the convenience of becoming an “e-everything” organization, the environmental and cost savings associated with the elimination of unnecessary paper documents simply cannot be ignored. For example, the public release of VIACMS has largely eliminated the need for individuals to request—and court employees to perform—costly and time-consuming searches of paper court records. Likewise, since virtually all documents filed with the Supreme Court are now exclusively in electronic form, the implementation of VISCEFS will likely eliminate many future costs associated with preserving and archiving paper documents.

The second milestone represents perhaps the most important of all: December 18, 2011 marked five years since the Supreme Court of the Virgin Islands began its operations, with January 29, 2012 representing the five-year anniversary of the date it accepted appellate jurisdiction over the Superior Court. Pursuant to the Revised Organic Act of 1954, for the first fifteen years of the Supreme Court’s existence, its decisions are reviewable by the United States Court of Appeals for the Third Circuit, but only if the Third Circuit agrees to hear the case by granting a petition for writ of certiorari. As of the end of the second quarter of the 2012 Fiscal Year, the Third Circuit has denied 26 petitions for writ of certiorari, granted 4 certiorari petitions, and already issued an opinion in all 4 of those cases. I am pleased to report that, during the past 5 years, the Third Circuit has still not reversed, vacated, or otherwise altered any decision rendered by the Virgin Islands Supreme Court.

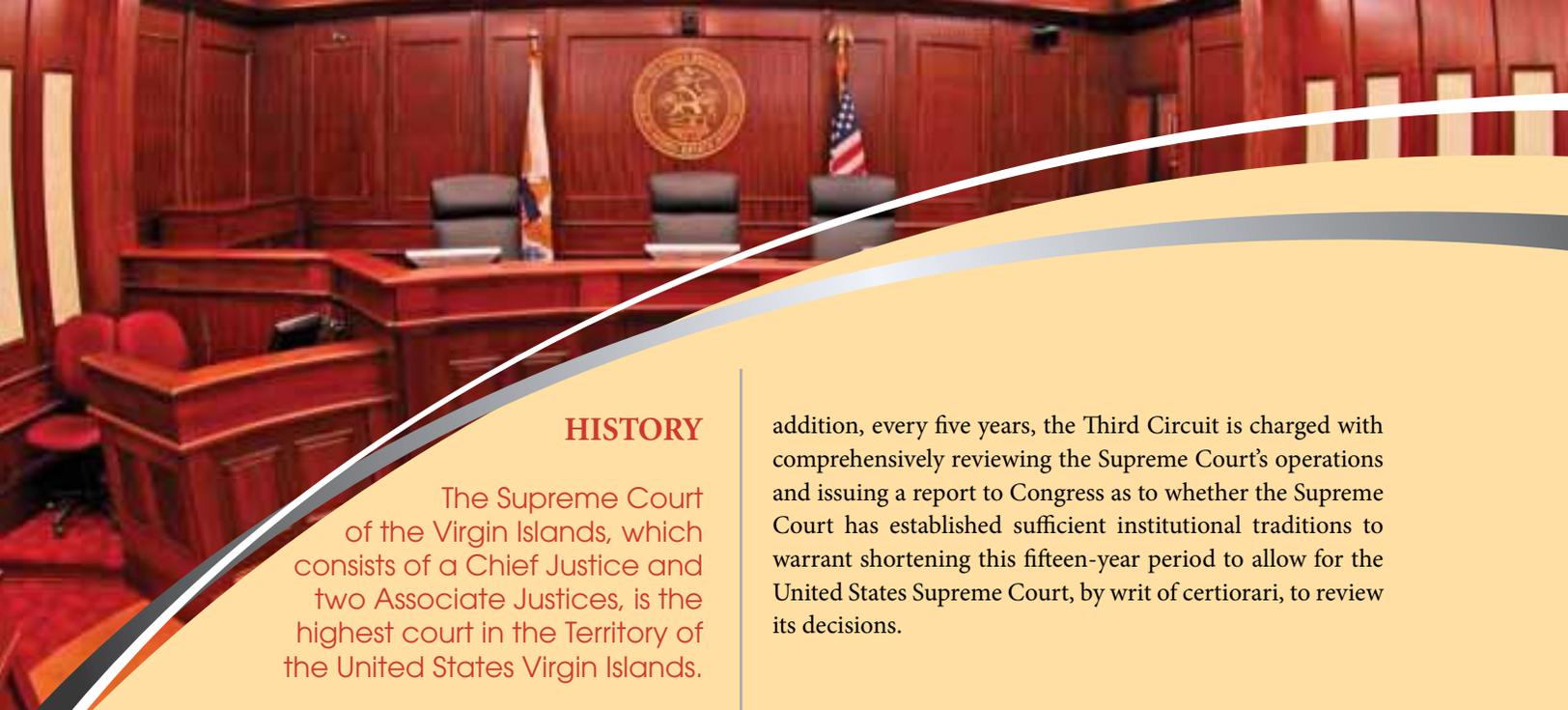
The five-year anniversary, however, is significant because the Revised Organic Act mandates that the Third Circuit evaluate the operations of the Virgin Islands Supreme Court to determine whether we have developed sufficient institutional traditions to warrant a recommendation to Congress that appeals of our decisions go directly to the United States Supreme Court. To that end, representatives from the Third Circuit visited the territory during the week of November 14, 2011 and conferred with the Justices, Administrative Director and Clerk of the Supreme Court, Governor and Lieutenant Governor, Senate President, Chair and Members of the Committee on Rules and the Judiciary, Delegate to Congress, Superior Court Judges and Members of the Virgin Islands Bar Association. In addition, they reviewed every single opinion issued by the Supreme Court, as well as every annual report, the Court's internal operations, and all current statistical data. Although the Third Circuit has not yet issued its final recommendation, I am pleased to report that, at the end of their visit, the representatives appeared both pleased and impressed by our progress, and we anxiously await their report.

I cannot emphasize enough how proud I am—actually, make that overjoyed—of all that the Virgin Islands Judicial Branch has accomplished during the past fiscal year. While I have outlined only a few of these accomplishments in this short message I truly hope that you will review the reports prepared by each respective court in order to gather a true appreciation of the role of each court in our tripartite system of government. Our success in meeting our respective mandates, notwithstanding the financial and other constraints faced by both courts, is a testament to the dedication of all of our employees and judicial officers, and, on behalf of the Judiciary, I thank each and every single one of them for their continued service and dedication.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rhys S. Hodge', with a long, sweeping horizontal stroke extending to the right.

Rhys S. Hodge
Chief Justice



HISTORY

The Supreme Court of the Virgin Islands, which consists of a Chief Justice and two Associate Justices, is the highest court in the Territory of the United States Virgin Islands.

Although it has jurisdiction over a wide variety of areas, including original proceedings for mandamus, prohibition, injunction and similar remedies to protect its appellate jurisdiction, and exclusive regulation over the legal profession, the primary purpose of the Supreme Court is to serve as an appellate court reviewing final judgments rendered by the Superior Court of the Virgin Islands. Prior to its creation, all appeals from the Superior Court—even those concerning purely local legal issues—were heard by the District Court of the Virgin Islands, a federal court whose judges are nominated by the President of the United States and confirmed by the United States Senate.

Congress authorized the establishment of the Supreme Court when, in 1984, it amended the Revised Organic Act of 1954 to permit the Virgin Islands Legislature to create a local appellate court, whose justices could be nominated by the Governor of the Virgin Islands subject to confirmation by the Virgin Islands Legislature. On October 29, 2004, Governor Charles Turnbull signed Act No. 6687, which had been primarily sponsored by Senator Carlton “Ital” Dowe in the 26th Legislature, into law, thus formally creating the Supreme Court. Ultimately, the first three justices were confirmed on October 27, 2006, sworn into office on December 18, 2006, and the Court officially accepted appellate and other jurisdiction on January 29, 2007. Pursuant to statute, each justice serves for an initial ten-year term, and if re-appointed may hold the position indefinitely during good behavior. The Chief Justice, however, is elected by his or her colleagues to serve a three-year term.

Under the Revised Organic Act, the United States Court of Appeals for the Third Circuit may review, by granting a petition for writ of certiorari, decisions of the Virgin Islands Supreme Court for the first fifteen years of its creation. In

addition, every five years, the Third Circuit is charged with comprehensively reviewing the Supreme Court’s operations and issuing a report to Congress as to whether the Supreme Court has established sufficient institutional traditions to warrant shortening this fifteen-year period to allow for the United States Supreme Court, by writ of certiorari, to review its decisions.

THE JUSTICES OF THE SUPREME COURT

Chief Justice Rhys S. Hodge

Rhys Shelly Hodge was unanimously confirmed by the 26th Legislature on October 26, 2006, and designated by Governor Charles Turnbull as the first Chief Justice of the Supreme Court for an initial four year term. On October 18, 2010, his peers elected him to serve as Chief Justice for a subsequent three year term. He served as Presiding Judge of the Superior Court from July 1, 2006 to the date of his elevation to the Supreme Court, and was first sworn in as a Superior Court judge on June 23, 2000.



A native of Anguilla, Chief Justice Hodge migrated to St. Thomas after his graduation from high school, and attended the then College of the Virgin Islands before transferring to Kansas State university from which he earned a Bachelor of Science degree. He earned his law degree from Rutgers University School of Law in Camden, New Jersey. Before becoming a member of the Virgin Islands Judiciary, Chief Justice Hodge served as a law clerk for the late Almeric L. Christian, Chief Judge of the District Court of the Virgin Islands, and maintained a private law practice for 21 years. Throughout this time, he remained active in community affairs, including serving on the boards of the Virgin Islands Montessori School and the Virgin Islands Councils of the Boy Scouts of America and Girl Scouts of the U.S.A., as well as President of the Virgin Islands Bar Association. He married the former Jean Dalmida of St. John in 1973 and they have raised four children.

Associate Justice Maria M. Cabret

Maria M. Cabret began her judicial career on July 7, 1987, when she was sworn in as a Judge of the Territorial Court of the Virgin Islands after being nominated by Governor Alexander A. Farrelly and unanimously confirmed by the 17th Legislature, making her the first individual of Puerto Rican descent to serve on that court. After being nominated by Governor Farrelly and Governor Charles Turnbull, respectively, to serve a second and third term, Governor Turnbull designated her as the Presiding Judge of the Territorial Court, making her the first female to serve in such office, a position which she held from March 1, 2000 to July 1, 2006, the date she retired and assumed senior status. Her retirement, however, would remain short-lived, for Governor Turnbull subsequently nominated, and the 26th Legislature unanimously confirmed, her to serve as one of the initial justices on the Supreme Court.

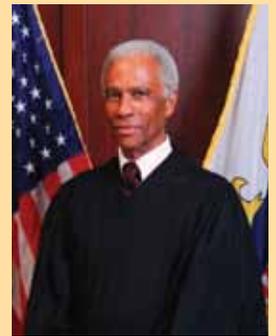
Before assuming the bench, Justice Cabret earned her Bachelor of Arts degree from Marymount Manhattan College and her Juris Doctor degree from Howard University School of Law. Upon graduation from law school, Justice Cabret returned to St. Croix to serve as a law clerk for Raymond L. Finch, at the time a judge of the Territorial Court. After finishing her clerkship, Justice Cabret worked for Legal Services of the Virgin Islands, the Office of the Territorial Public Defender, and eventually moved on to private practice.



Associate Justice Ive Arlington Swan

Ive Arlington Swan entered public service soon after graduating law school, serving ten years in what was then known as the Virgin Islands Department of Law, culminating in his confirmation as Attorney General on March 3, 1978. In this position, he, among other things, directed the legal affairs of the Government of the Virgin Islands, served on several government boards and commissions, and published opinions on a myriad of legal issues. Although he subsequently entered the private practice of law in 1981, Governor Alexander A. Farrelly nominated him to serve as a judge on the Territorial Court of the Virgin Islands in 1987, and he was subsequently re-nominated by Governor Farrelly in 1993 and by Governor Charles Turnbull respectively in 2000 and 2006. Shortly after his fourth re-nomination, Governor Turnbull nominated him as one of the initial justices of the Supreme Court, resulting in another unanimous legislative confirmation—the sixth in his lengthy public service career—on October 27, 2006.

Justice Swan is a lifelong resident of St. Thomas and graduate of Charlotte Amalie High School, leaving the island only to earn his Bachelor of Arts from Morgan State University and his Juris Doctorate from Howard University. He has shared more than thirty years together with his wife, Gertrude Niles Drue Swan.



Designated Justices

In cases where one or more justices is recused from hearing a particular case or is otherwise temporarily unable to serve, the Chief Justice is authorized to appoint any retired, senior, or active judge of the Superior Court or the District Court to serve as a Designated Justice. While serving in that capacity, a Designated Justice generally possesses all the rights and responsibilities of an Associate Justice. However, in the rare event that all the justices of the Supreme Court are recused from a case, the most senior Designated Justice on the panel may exercise all the powers of the Chief Justice with respect to that particular case.

The following judicial officers served as Designated Justices during Fiscal Year 2011:

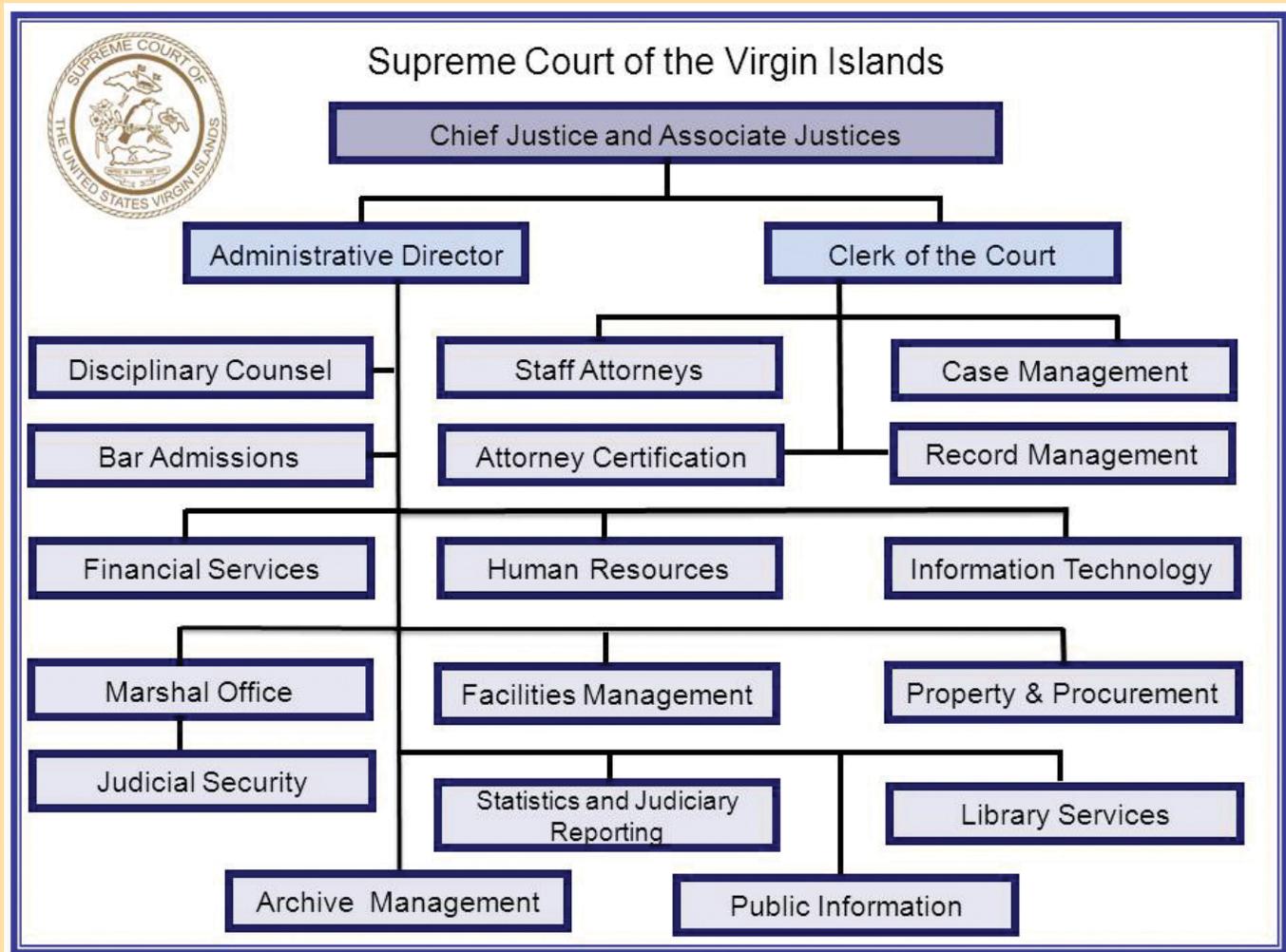
- Hon. Julio A. Brady, Judge,
Superior Court of the Virgin Islands
- Hon. Adam G. Christian, Judge,
Superior Court of the Virgin Islands
- Hon. Michael C. Dunston, Judge,
Superior Court of the Virgin Islands
- Hon. Curtis V. Gomez, Chief Judge,
District Court of the Virgin Islands
- Hon. Verne A. Hodge, Presiding Judge Emeritus,
Superior Court of the Virgin Islands
- Hon. Thomas K. Moore, Retired Judge,
District Court of the Virgin Islands
- Hon. Audrey L. Thomas, Judge,
Superior Court of the Virgin Islands
- Hon. Harold W. L. Willocks, Judge,
Superior Court of the Virgin Islands

Additionally, the Court recognizes Hon. Edgar D. Ross, Senior Sitting Judge, Superior Court of the Virgin Islands, who assisted the Supreme Court through his service as a Special Master during the fiscal year.

Internal Operations

While each justice participates in court administration matters, including managing his or her own chambers, the Chief Justice serves as the administrative head of the Supreme Court pursuant to statute. In fulfilling these critical non-judicial functions, the Chief Justice receives assistance from the Administrative Director and the Clerk of the Supreme Court, who, subject to the supervision of the Chief Justice, oversee distinct areas of the Court's internal operations. The Clerk of the Court is responsible for case management, creating and maintaining the docket, preserving court records, attesting court documents—including certificates of good standing issued to attorneys—and performing numerous other ministerial duties specified by statute, court rule or internal procedure. The Administrative Director oversees all other non-judicial functions, including, but not limited to, budget, fiscal, and human resource management, court security, procurement, information technology, and facilities management. In addition, the Administrative Director monitors the Office of Bar Admissions and the Office of Disciplinary Counsel.





APPELLATE AND ORIGINAL JURISDICTION

Scope of Jurisdiction

The Supreme Court of the Virgin Islands is the court of last resort in the Territory, and possesses the statutory and inherent authority to exercise general oversight over the Judicial Branch, as well as to regulate the practice of law in the Virgin Islands. The Virgin Islands Judiciary is similar to a pyramid, with the Supreme Court at the apex, the Magistrate Division of the Superior Court at its base, and the Civil, Criminal, and Family Divisions of the Superior Court in the middle. As a litigant goes upward through the court system pyramid, the legal issues generally become more complex, and the scope of review becomes narrower.

Because of its placement at the apex of the pyramid, the Supreme Court is one of limited, and not general, jurisdiction. The Legislature has vested the Supreme Court

with appellate jurisdiction over final judgments rendered by the Superior Court, as well as a limited number of specified interlocutory orders. This means that virtually all Virgin Islanders have their “day in court” in the Superior Court, and will appear before the Supreme Court only if one of the parties is unhappy with the trial court’s decision. When hearing a case on appeal, the Supreme Court does not consider new evidence, but reviews the Superior Court’s factual determinations for clear error while exercising plenary review over its legal conclusions. With respect to appeals from the Magistrate Division of the Superior Court, the Supreme Court acts as a second level of appellate review, typically limiting its inquiry to whether the Superior Court judge who heard the appeal in the first instance adjudicated it in accordance with procedural and substantive law.

APPELLATE JURISDICTION

Supreme Court of the Virgin Islands

Three Justices

The Supreme Court is the “court of last resort” in the United States Virgin Islands. It is answerable only to the Third Circuit Court of Appeals and the United States Supreme Court, by writ of certiorari. The Supreme Court of the Virgin Islands hears appeals from any cause decided by the Superior Court of the Virgin Islands and has oversight authority over the Judicial Branch and all courts of the Virgin Islands, as well as original jurisdiction over proceedings necessary to protect its appellate jurisdiction and oversight.

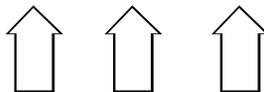


Superior Court of the Virgin Islands

Nine Judges

The Superior Court is the Virgin Islands’ trial court of general jurisdiction. It hears the following cases:

- Civil Matters;
- Criminal Cases (both felony and misdemeanor);
- Domestic Relations Cases;
- Juvenile Matters;
- Probate Cases; and
- Appeals and review from Magistrate decisions in small claims, traffic, etc. and decisions of administrative agencies



Magistrate Division

Four Magistrates

The Magistrate Court hears the following types of cases:

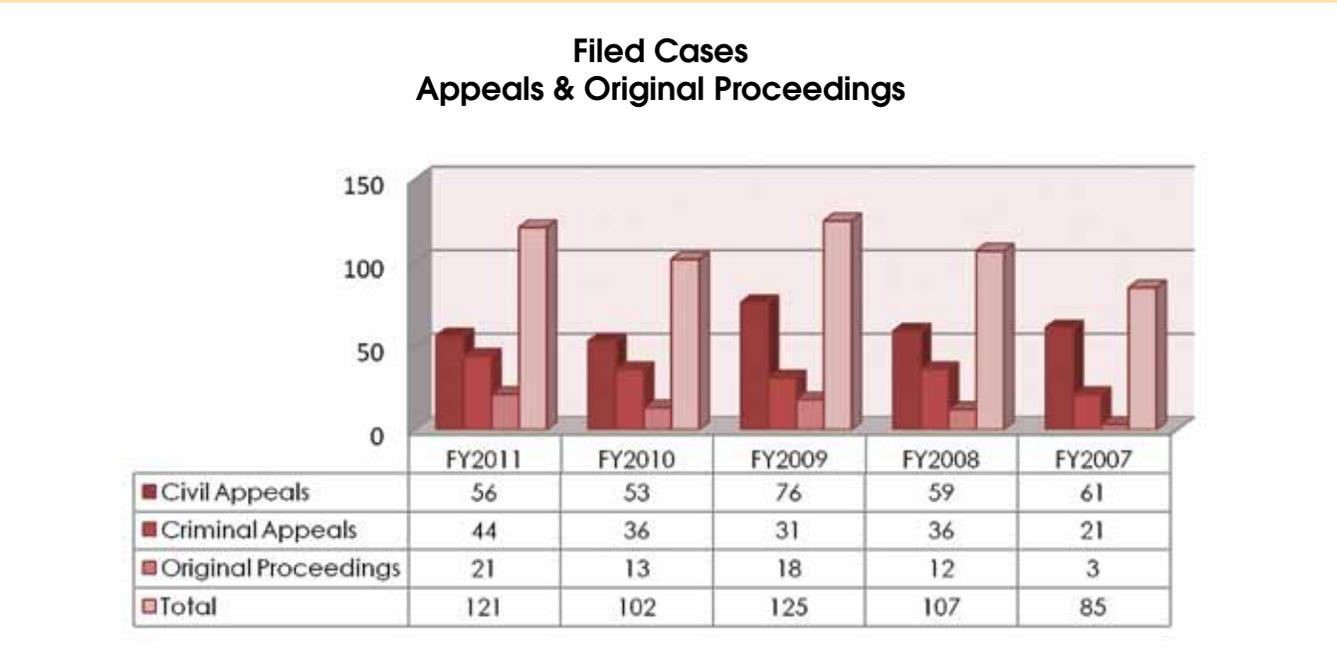
- Non-Felony Traffic Cases;
- Forcible Entry and Detainer;
- Misdemeanor Criminal Cases;
- Domestic Violence Cases;
- Landlord and Tenant Actions;
- Small Claims;
- Probate Cases;
- Litter Cases.

Occasionally, the Supreme Court may hear a case pursuant to its original jurisdiction, meaning that the case did not originate in the Superior Court. Pursuant to its inherent and statutory authority, the Supreme Court may issue all writs necessary to the complete exercise of its duties. The most common invocation of the Supreme Court’s original jurisdiction is an action for writ of mandamus, which, if granted, compels a government official—including a Superior Court judge—to perform a discrete, ministerial act. However, a wide variety of other cases may arise pursuant to the Supreme Court’s original jurisdiction, including, but not limited to, petitions to discipline a judge or attorney, requests to transfer a case to the Supreme Court from another court or administrative agency, proceedings for civil or criminal contempt, applications for writs of habeas corpus, and certified requests from federal courts and the highest courts of other jurisdictions for the Supreme Court to answer an unresolved question of Virgin Islands law.

NEW CASE FILINGS

During Fiscal Year 2011, the Supreme Court saw a nearly 20 percent increase, relative to Fiscal Year 2010, in the number of cases filed pursuant to its core appellate and original jurisdiction. Although every case type saw an increase in new filings—including a 13 percent increase in the number of appeals filed—the biggest increase occurred with respect to original proceedings, which increased by 61.5 percent.

Among these original proceedings was the very first certified question filed pursuant to Supreme Court Rule 39, in which the United States Court of Appeals for the Third Circuit requested that Supreme Court determine whether Virgin Islands law permits a plaintiff to pursue a strict liability claim against a lessor for injuries resulting from a defective product.

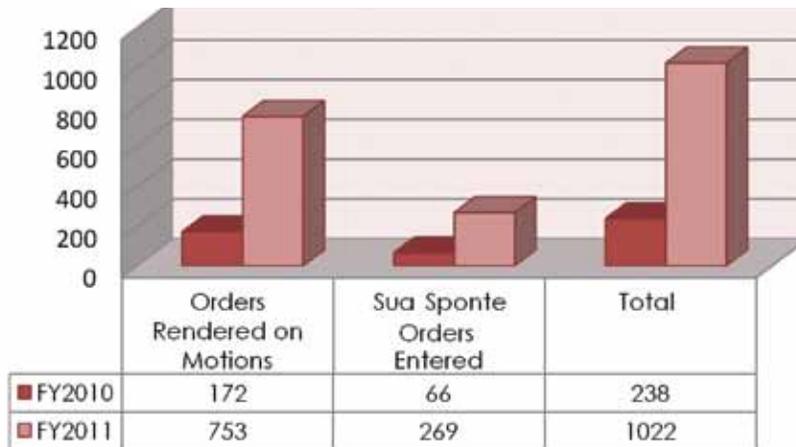


CASE PROCESSING AND MOTION PRACTICE

The Supreme Court experienced an unprecedented increase in its motion practice in Fiscal Year 2011, with the Court issuing 753 orders in response to motions, petitions, or other documents filed by litigants, compared to only 172 such orders documented in Fiscal Year 2010—an almost 440 percent increase! In addition, during the past year,

the Supreme Court issued 269 orders in pending cases *sua sponte*, in contrast to the 66 *sua sponte* orders issued in Fiscal Year 2010—again, a more than 400 percent increase. Of these 1,022 orders, 48 involved issues sufficiently serious to warrant consideration by the entire Supreme Court.

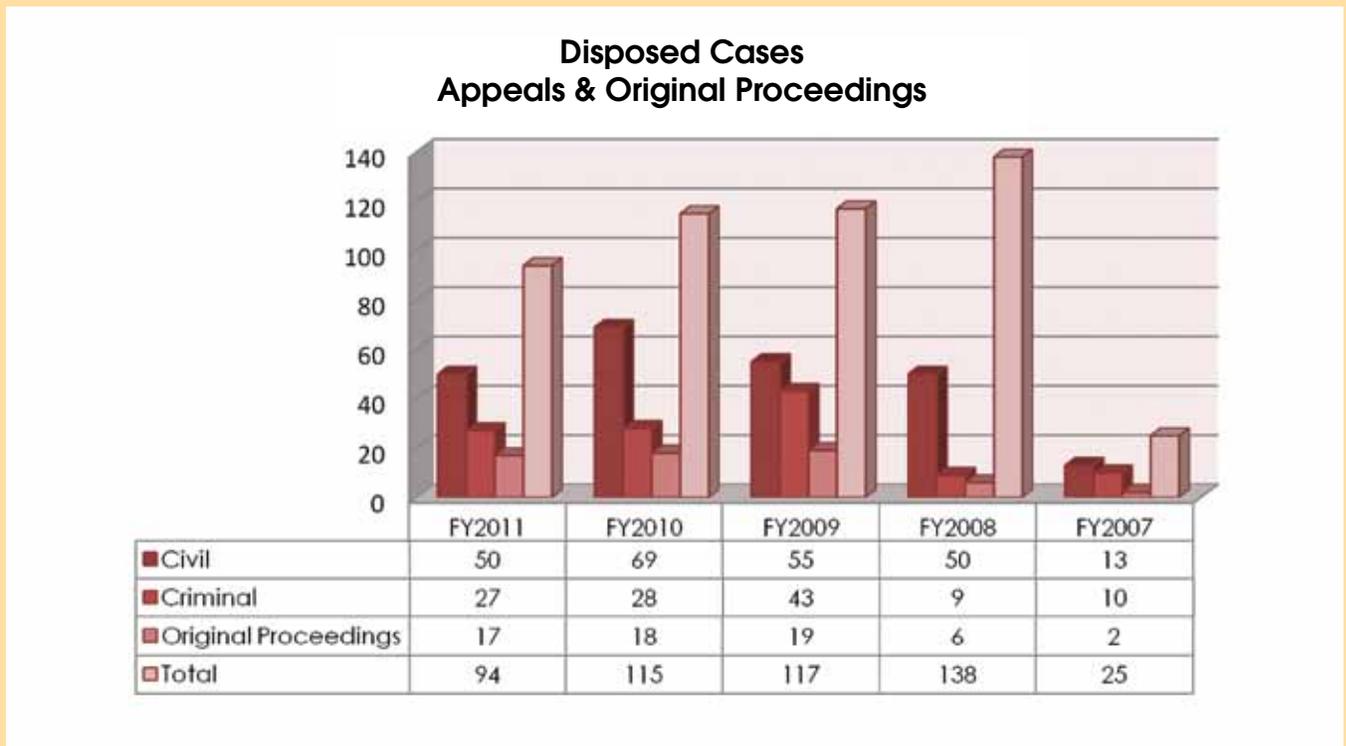
Motion Practice



CASE DISPOSITIONS

Unfortunately, the need for each justice to devote such a substantial amount of time to the Supreme Court’s motions practice, when combined with the 20 percent increase in new case filings—including the 61.5 percent increase in original proceedings, which represent emergency matters requiring immediate attention—contributed to a slight decline in ultimate case dispositions, the first decline in the Court’s history. The Court began the fiscal year with 102 open cases, and concluded it with 129 open cases. Excluding

professional regulation matters, the Supreme Court issued final judgments in 94 cases during Fiscal Year 2011. Nevertheless, while representing a decline in dispositions from Fiscal Year 2010, the Court still disposed of more cases in Fiscal Year 2011 than it did in Fiscal Years 2007 and 2008 combined. Similarly, the Supreme Court issued 43 opinions in Fiscal Year 2011, which represents a slight decrease relative to Fiscal Year 2010 but an increase compared to Fiscal Years 2007, 2008, and 2009.



THIRD CIRCUIT REVIEW

During Fiscal Year 2011, the United States Court of Appeals for the Third Circuit denied 6 petitions for writ of certiorari, dismissed 1 petition for failure to pay the docketing fee, and granted certiorari in 0 cases. Although the Third Circuit had granted 3 certiorari petitions in 3 cases in Fiscal Year 2010, the Third Circuit disposed of those cases in Fiscal Year

2011 by fully affirming the Supreme Court in 2 decisions and dismissing the third case for lack of jurisdiction and as improvidently granted. Thus, as of the end of Fiscal Year 2011, no decision of the Virgin Islands Supreme Court has been reversed, vacated, or otherwise disturbed by the Third Circuit.

PROFESSIONAL REGULATION

Governance of the Virgin Islands Bar Association

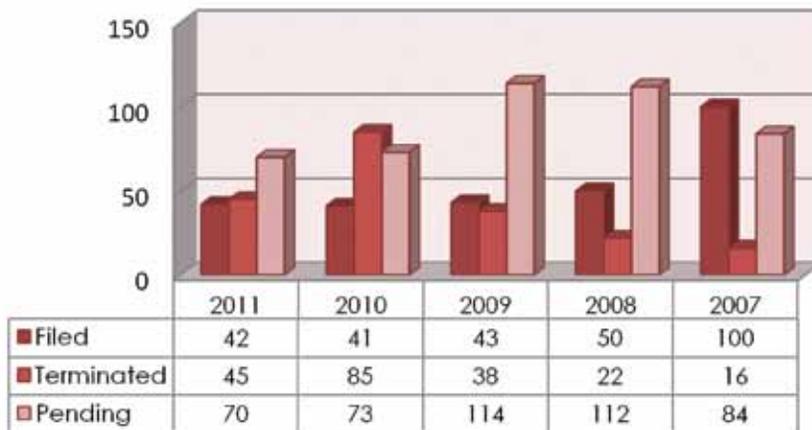
The Supreme Court, as the highest local court in the Virgin Islands, oversees the Virgin Islands Bar Association, which includes processing applications to the Bar, approving the rules and bylaws of the organization, and issuing certificates attesting that an attorney is a member in good standing.

Admission to the Bar The Office of Bar Admissions, together with the Committee of Bar Examiners, assists the Supreme Court in reviewing applications for membership in the Virgin Islands Bar Association. Supreme Court Rules 201, 202, and 204 establish three classes of membership: regular, special, and pro hac vice.

Regular Admission. To qualify for regular membership, an individual must successfully graduate from a law school accredited by the American Bar Association, pass the Virgin Islands Bar Examination—which consists of the Multistate Bar Examination and the Virgin Islands Essay Examination—and the Multistate Professional Responsibility Examination, and undergo a thorough examination of his or her character and fitness to practice law. Once an applicant has satisfied all of these requirements, he or she must personally appear before the Supreme Court to accept the oath of office.

During Fiscal Year 2011, the Office of Bar Admissions administered the Virgin Islands Bar Examination on February 23-24, 2011 to 23 applicants—of whom eleven passed—and July 27-28, 2011 to another 23 applicants, of whom twelve passed. Accordingly, in fiscal year 2011, 42 petitions for regular admission were filed, with the Court terminating 45 cases. The Court closed the fiscal year with 70 petitions pending. The Court held six admissions ceremonies, which resulted in 35 individuals being sworn in as regular members of the Virgin Islands Bar Association.

Regular Admissions



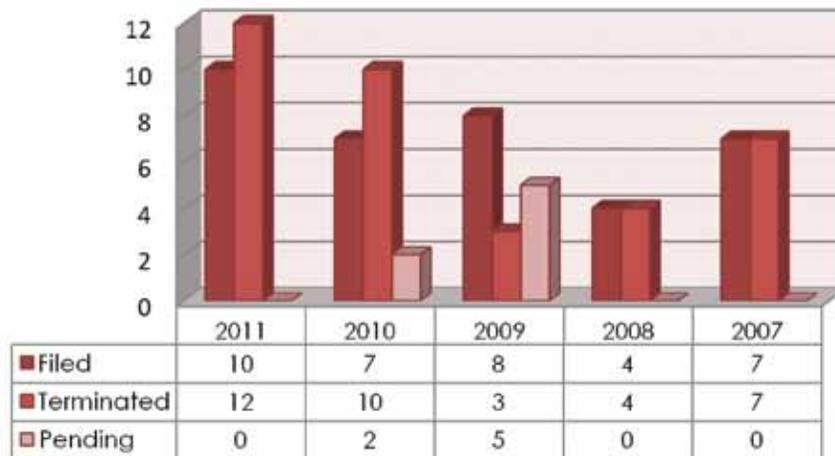
Special Admission. Pursuant to Supreme Court Rule 202, an attorney admitted to the practice of law in another federal, state, or territorial jurisdiction may, under the supervision of a regular member of the Virgin Islands Bar Association, practice law in the Virgin Islands on behalf of a federal or territorial government department or agency, or a specified public interest organization. When the Court first promulgated Rule 202 on August 9, 2007, it created three tiers of specially admitted attorneys:

- ▶ those who had practiced as specially admitted attorneys for ten years as of September 1, 2007, who could practice in that status indefinitely, provided that they maintained employment with an eligible agency, department, or organization;
- ▶ those who had practiced as specially admitted attorneys for less than ten years as of September 1, 2007, who could practice in that status for an additional four years, but whose specially admitted status would automatically terminate if they did not obtain regular membership in the Virgin Islands Bar Association on or before September 1, 2011 by passing only the Virgin Islands Essay Examination and the character and fitness inquiry; and

- ▶ those who became specially admitted on or after September 1, 2007, who could only become specially admitted if they passed the same character and fitness investigation required of applicants for regular membership, and whose special admission would automatically terminate after a) two years, if not sitting for the Virgin Islands Bar Examination within that period, or b) if the Virgin Islands Bar Examination was taken, three years.

During Fiscal Year 2011, the Supreme Court granted special admission status to three attorneys. In addition, the Court issued Promulgation Order No. 2011-0002 on August 11, 2011, which permitted attorneys in the second tier who sat for the July 2011 Virgin Islands Bar Examination to continue to practice as specially admitted attorneys until December 31, 2011, but otherwise terminated the second tier by effectively rescinding the special admission of all attorneys who never sat for the Bar Examination during the four year transition period. Moreover, the Supreme Court mandated that, going forward, all applicants for special admission complete a formal application for special admission, and agree to update that application throughout the tenure of the special admission period.

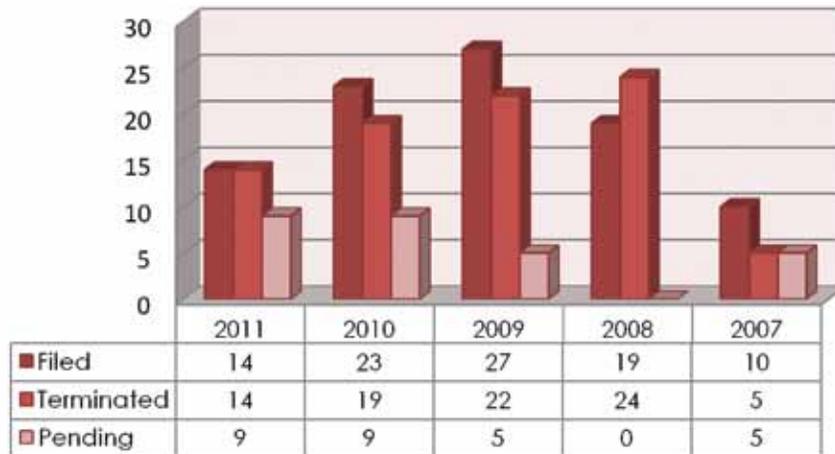
Special Admissions



Pro Hac Vice Admission. The Virgin Islands, like virtually every other jurisdiction, permits an attorney admitted to practice law in another jurisdiction to practice law in the Virgin Islands with respect to a single client matter, provided that certain requirements are met, including associating with a regular member of the Virgin Islands Bar Association, who must agree to take full responsibility for the actions of the

out-of-Territory attorney. Pursuant to Supreme Court Rule 201, there is a lifetime limit of three pro hac vice appearances by a single out-of-Territory attorney or law firm. During Fiscal Year 2011, 14 applications for pro hac vice admission were filed, of which 12 were granted and 2 were denied.

Pro Hac Vice Admission

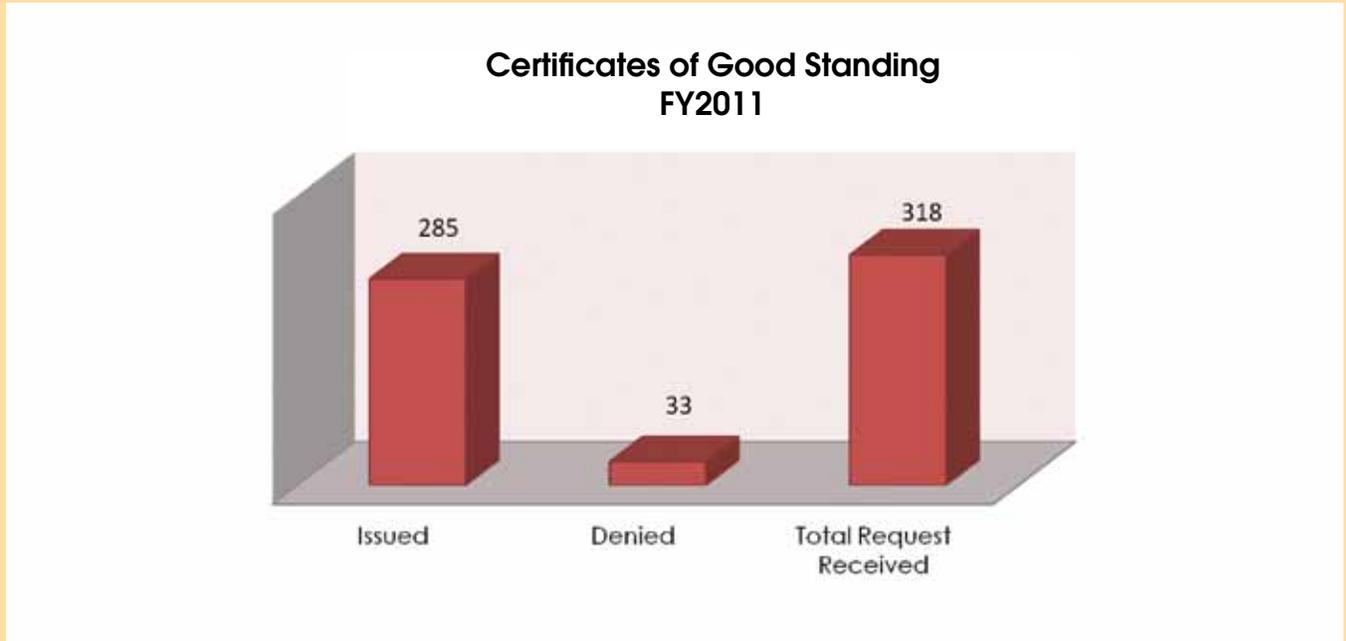


Services to Existing Members. Once the Supreme Court has granted regular, special, or pro hac vice admission to an attorney, the Virgin Islands Bar Association performs several administrative services on behalf of the Court, including

collecting annual membership dues and maintaining logs of compliance with continuing legal education requirements. Never the less, attorneys are required to request certain forms of relief directly from the Supreme Court.

Certificates of Good Standing. The Office of the Clerk of the Supreme Court is responsible for issuing documentation, in the form of a certificate that a member of the Virgin Islands Bar Association is in good standing. To be in good standing, an attorney must be current with all membership dues, satisfy all continuing legal education requirements, and presently be authorized to practice law in the Virgin Islands.

Typically, attorneys request certificates of good standing to satisfy licensing requirements, or to support applications for admission to the Bar of another jurisdiction. During Fiscal Year 2011, the Clerk received 318 requests for certificates of good standing, of which 285 were issued and 33 were denied.



Status Changes. Regular members of the Virgin Islands Bar Association may be either “active” or “inactive.” Pursuant to court rule, an inactive attorney pays reduced membership dues and is exempt from continuing legal education requirements, but may not practice law in the Virgin Islands absent permission from the Supreme Court. Inactive status is typically sought by attorneys who have accepted employment that does not involve the practice of law, or by retired or non-resident attorneys who wish to

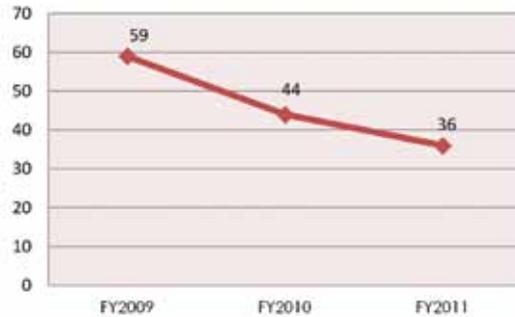
maintain a connection to the Virgin Islands Bar Association. In addition, attorneys may resign their membership, which will completely terminate the obligation to pay membership dues. Provided that certain procedural requirements are met, attorneys may freely transfer between active and inactive status, and may request permission to resume the practice of law even after resigning. In Fiscal Year 2011, the Office of Bar Admissions received 17 requests for such status changes.

Continuing Legal Education.

Supreme Court Rule 208 mandates that all regularly and specially admitted attorneys complete twelve continuing legal education credits annually, and requires members to self-report their compliance to the Virgin Islands Bar Association. However, Rule 208 does not vest the Virgin Islands Bar Association with the discretion to waive or excuse a member's non-compliance. Therefore, all attorneys who desire a complete or partial exemption from continuing legal education requirements, or who would like an extension of time to satisfy their annual obligation, must file a requisite petition with the Supreme Court.

During Fiscal Year 2011, attorneys filed 36 requests relating to continuing legal education requirements, a decrease from the 44 requests filed in Fiscal Year 2010 and the 59 such requests in Fiscal Year 2009. The Court attributes this very positive decline to increased awareness of the continuing legal education requirements mandated by Rule 208, as well as greater availability of continuing legal education courses and increased monitoring and enforcement by the Virgin Islands Bar Association, including the suspension of numerous members for non-compliance in Fiscal Year 2010.

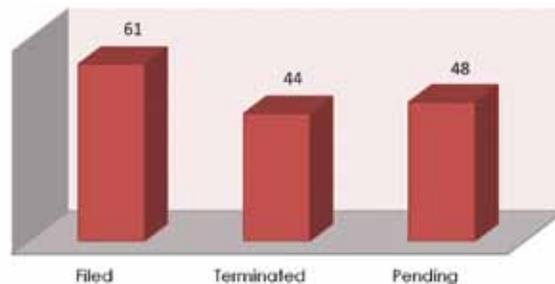
Continuing Legal Education Petitions



Administrative Suspensions When an attorney fails to comply with a licensing requirement imposed by the Supreme Court—such as failure to pay annual membership dues, or by not completing the requisite continuing legal education credits—the Virgin Islands Bar Association is empowered to petition the Supreme Court for that attorney's suspension from the practice of law. Unlike a suspension imposed in the course of an attorney discipline proceeding that was investigated and prosecuted by Disciplinary

Counsel, a suspension for failure to pay dues or to satisfy annual continuing legal education requirements is purely administrative, and an attorney may thus seek immediate reinstatement after curing the deficiency. During Fiscal Year 2011, the Virgin Islands Bar Association filed 7 petitions to suspend a member for non-compliance with continuing legal education requirements, and 54 petitions for suspension for non-payment of dues. In addition, 6 petitions were filed seeking reinstatement from an administrative suspension.

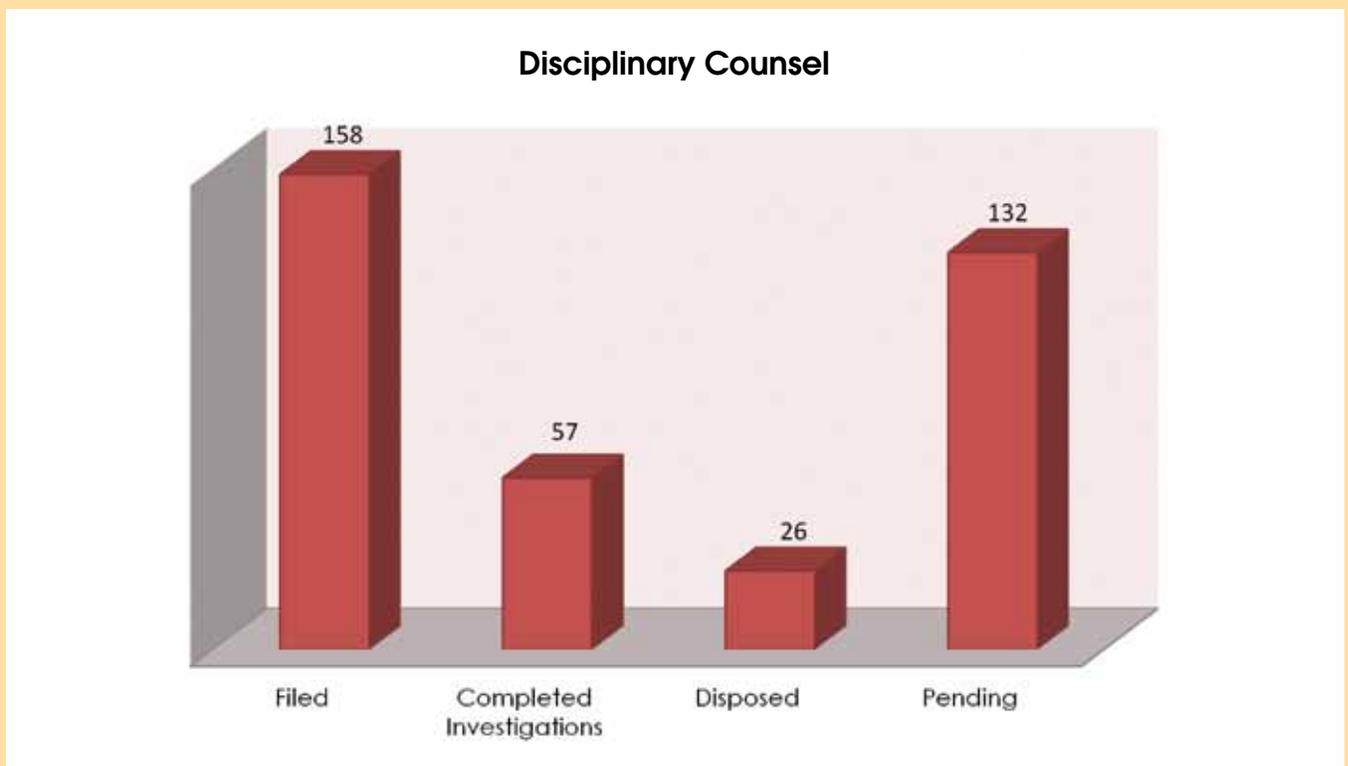
FY2011 Administrative Suspensions



Attorney Discipline and Disability

The newly established Office of Disciplinary Counsel, together with the Ethics and Grievance Committee of the Virgin Islands Bar Association, assists the Supreme Court with the initial investigation, prosecution, and adjudication of all grievances filed against attorneys and allegations that an attorney is physically, mentally, or otherwise disabled and unable to continue to practice of law. The Supreme Court hired its first full-time Disciplinary Counsel during Fiscal Year 2011, who began her employment with the Court on May 16, 2011 and officially assumed her duties with respect to attorney discipline and disability matters on July 1, 2011, when the Supreme Court, through Promulgation Order No. 2011-0001, amended Supreme Court Rules 203 and 207.

Attorney Discipline. Shortly after its establishment, the Office of Disciplinary Counsel received 144 open attorney discipline case files as well as 35 boxes of closed files. By the end of Fiscal Year 2011, an additional 14 discipline matters were filed with Disciplinary Counsel. Although the Office of Disciplinary Counsel was only operational for the last quarter of the 2011 Fiscal Year, the Office completed investigations in 57 cases, which entails submission of a written report and recommendation to the adjudicatory panel. This does not include cases in which an investigation had previously been conducted by a case investigator prior to transferring the file to Disciplinary Counsel. Additionally, during this period 26 matters reached a final disposition.



Attorney Disability. Pursuant to the amended Supreme Court Rule 207, Disciplinary Counsel investigates, and the Ethics and Grievance Committee adjudicates, all claims that an attorney possesses a physical or mental condition that adversely affects the lawyer's ability to practice law. An incapacity proceeding may be initiated based on a grievance, a lawyer's claim that he or she is unable to defend against an ethics complaint, or based on any information brought to Disciplinary Counsel's attention that warrants initiation of formal proceedings

If the Committee finds that a lawyer is incapacitated to such an extent that he or she can no longer practice law, or if the lawyer has been declared incompetent by the Family Division of the Superior Court and appointed a guardian, the lawyer is transferred to disability inactive status, subject to the lawyer's ability to seek review from the Supreme Court. During Fiscal Year 2011, no attorney disability matters were initiated.

Receiverships

In the event an attorney dies or disappears, or has been suspended, disbarred, or placed on disability inactive status, and there is no evidence that a law partner, executor, or other responsible party is capable of safeguarding the interests of that attorney's clients, the Supreme Court may appoint either Disciplinary Counsel or a private attorney to serve as an attorney-trustee in order to inventory that lawyer's files and to take whatever action is necessary to protect client interests. During Fiscal Year 2011, no new receiverships were created. However, the Court continued to supervise 6 previously established receiverships, of which 1 was successfully terminated during the fiscal year.

Judicial Discipline and Incapacity

The decision of the United States Court of Appeals for the Third Circuit in *Kendall v. Russell*, 572 F.3d 126 (3d Cir. 2009) nullified the Virgin Islands Commission on Judicial Disabilities that had been established by Act No. 3876 and codified at 4 V.I.C. §§ 651-59, which left the Virgin Islands without a mechanism to discipline judicial officers. Recognizing that the regulation of judicial conduct in the Virgin Islands is critical to preserving the integrity of the Judiciary and enhancing public confidence in the judicial system, the Supreme Court promulgated Rule 209—governing judicial discipline and incapacity proceedings—and established the Virgin Islands Commission on Judicial Conduct to administer the system.

While established by the Supreme Court, the Commission on Judicial Conduct operates as an independent administrative agency, consisting of 3 judicial officers, 3 lawyers, and 3 members of the public who are appointed to staggered terms by, as required respectively, the Chief Justice, the Presiding Judge, the Governor, President of the Legislature, and the President of the Virgin Islands Bar Association. Although the initial 9 members were selected and sworn in at the conclusion of Fiscal Year 2010, the Commission formally began its operations at the start of Fiscal Year 2011, when it elected its officers, adopted its own Internal Operating Procedures, approved a model complaint form, and launched its website at www.vicjc.org. Pursuant to Rule 209 and the Commission's Internal Operating Procedures,

Disciplinary Counsel first investigates complaints under the direction of an investigative panel. If the investigative panel concludes that formal charges are warranted, Disciplinary Counsel will then proceed to prosecute the complaint before an adjudicatory panel. However, in the event the Commission concludes that a sanction is warranted or that a judicial officer is incapacitated to the extent he or she cannot continue to hold judicial office, the decision must be reviewed by the Supreme Court. Pursuant to Rule 209, a complaint may be filed against a justice, judge, or magistrate; however, if the Commission seeks to sanction a justice, a special Supreme Court is convened to consider the matter.

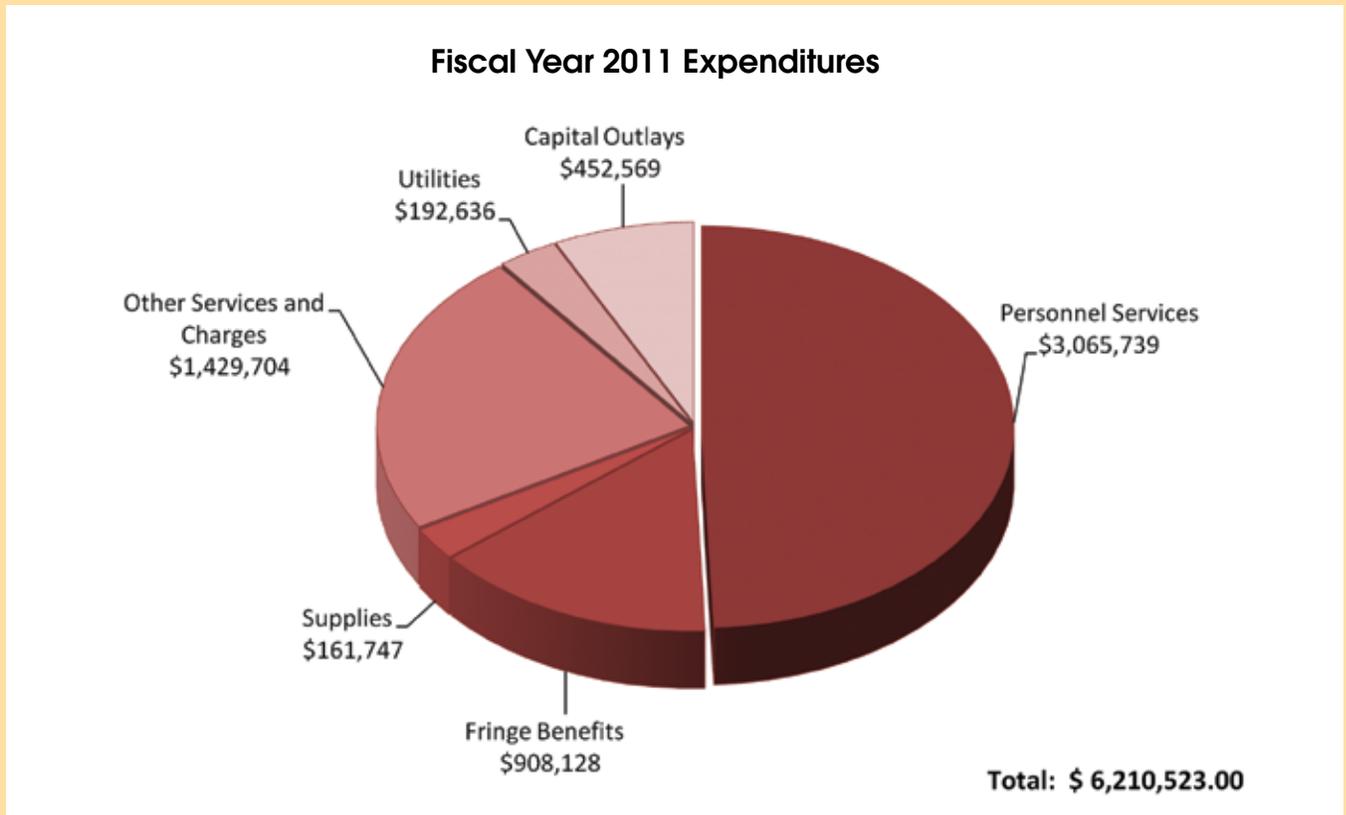
During Fiscal Year 2011, the Commission on Judicial Conduct received three written complaints alleging judicial misconduct, and zero complaints alleging judicial disability. Of the three misconduct matters, two were dismissed after a preliminary investigation, whereas the third remained pending at the close of the fiscal year.

Indigent Appointments

Although the Office of the Territorial Public Defender possesses a statutory mandate to represent indigent defendants in criminal proceedings, occasionally the Public Defender is unable to provide representation, typically because of an ethical conflict. When such circumstances arise on appeal, the Supreme Court must appoint an attorney to represent the indigent defendant. Previously, the Supreme Court subjected all attorneys to indigent appointments on a rotating, alphabetical basis. However, effective on the first day of the 2011 Fiscal Year, the Court implemented Supreme Court Rule 210, which established a panel of attorneys who would volunteer to represent indigent parties on appeal and receive compensation in the form of \$75.00 per every in-court and out-of-court hour in which services were provided, subject to a cap of either \$5,000.00 or \$7,500.00—depending on the seriousness of the offense—which may be waived by the Chief Justice under special circumstances. While the Supreme Court nevertheless retains the right to involuntarily appoint an attorney, going forward such appointments shall only be necessary in the rare instances in which all of the attorneys on the indigent defense panel are unable to represent a particular defendant.

ADMINISTRATIVE OPERATIONS

In Fiscal Year 2011, the Office of the Administrative Director continued to manage and facilitate several areas related to the internal administrative operations of the Supreme Court.



Budgeting and Financial Management

Pursuant to Act No. 7227, the Virgin Islands Legislature initially appropriated \$6,515,121 to the operations of the Supreme Court for Fiscal Year 2011. However, the Legislature subsequently enacted Act No. 7248, which reduced this appropriation to \$6,319,667. Additionally, to comply with the additional mandates established by Act

No. 7261, the Court consented to an additional \$88,439 reduction of its fourth quarter allotment. Ultimately, the Court expended \$6,210,523 during Fiscal Year 2011, representing \$1,265,640 less than its original budgetary request.

INFORMATION TECHNOLOGY

Consistent with its strategic plan, the Division of Information Technology, in conjunction with the Office of the Clerk of the Supreme Court and the Office of Bar Admissions, continued the Court’s transition to an electronic case management and filing system. On July 18, 2011, the scope of the case management system was expanded to encompass all professional regulation matters administered through the Supreme Court, including all applications for admission to the Virgin Islands Bar Association and requests for certificates of good standing. Throughout Fiscal Year 2011, the justices and Court employees completed the steps necessary to transition to mandatory electronic filing scheduled for the first quarter of Fiscal Year 2012, including internally testing the system, drafting and releasing proposed electronic filing rules, as well educating attorneys and the Superior Court about the forthcoming changes and soliciting their feedback. Simultaneously, the Court began or completed several other information technology initiatives for the purposes of both improving efficiency and reducing unnecessary expenses.

During Fiscal Year 2011, the Court expanded its videoconferencing capabilities to include internal meetings, as well as Commission on Judicial Conduct and Virgin Islands Judicial Council meetings, saving \$23,100 in travel expenses. Similarly, the Court adapted its already state-of-the-art courtroom to allow for remote appearances by attorneys and justices, thus eliminating the need to re-schedule or continue oral argument hearings in the event of inclement weather. Last, but certainly not least, the Court finalized an

agreement to implement a document management system in Fiscal Year 2012, which would further transition the Court into a paperless office environment, with virtually all internal documents—such as leave, purchase, travel, and training requests—being submitted, routed, and approved completely electronically.



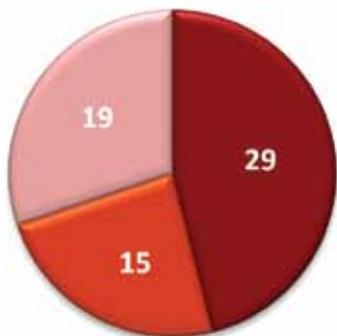
Summer Employment Interns 2011, St. Thomas

Human Resources

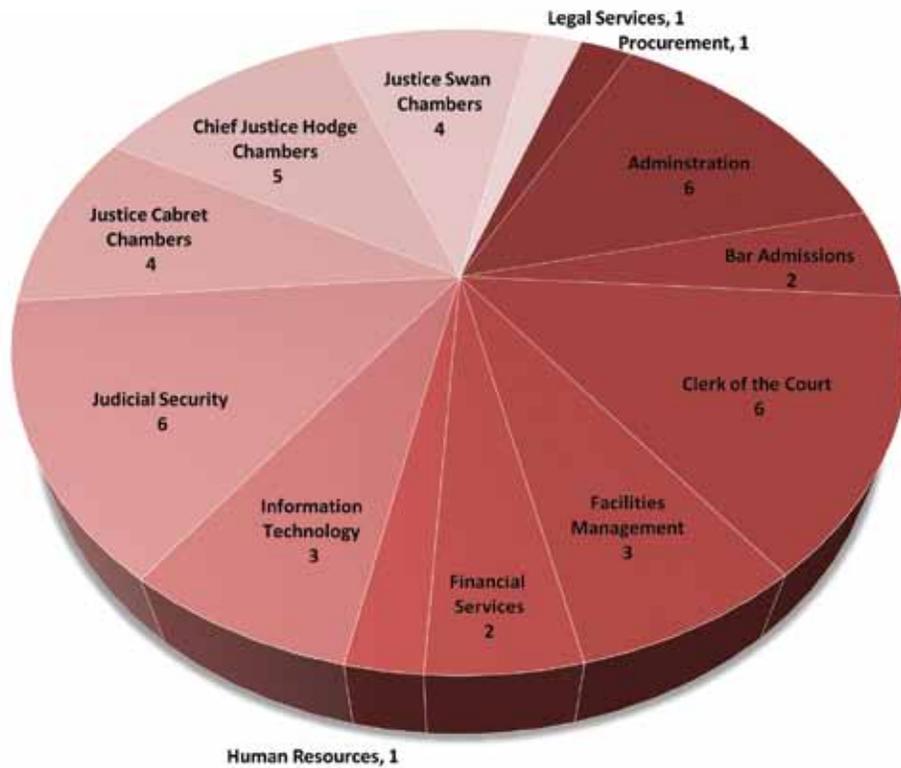
The Supreme Court began Fiscal Year 2011 with 43 employees, and concluded with 44 employees. During this period, the Court filled two critical, yet previously vacant, positions: Disciplinary Counsel and Chief Financial Officer. Because of voluntary staff turnover, the Court also hired three appellate law clerks, an accounting clerk, a deputy clerk, and an administrative officer. In addition, the Court hosted its second annual Summer Employment Program, which permitted ten students to not only gain valuable workplace experience, but learn about the Court and the judicial system. Unfortunately, due to the significantly reduced appropriation the Court received in Fiscal Year 2011, it was unable to fill an additional 19 vacant positions. Throughout Fiscal Year 2011, the Division of Human Resources facilitated judicial and staff attendance at conferences, including, but not limited to, the National Appellate Court Clerk’s Conference, the Annual Conferences of the Chief Justices and the State Court Administrators,

Employee Distribution

■ STT ■ STX ■ Vacancies



Employee Breakdown By Department



the National Committee of Bar Examiners' Council of Bar Admission Administrators Annual Meeting, and the Society for Human Resource Management's Annual Conference. In addition, the Court hosted several internal training events, including an advanced judicial writing seminar attended by the justices of the Supreme Court, judges and magistrates of the Superior Court and District Court, and their law clerks. These training initiatives resulted in a significant return on the Court's investment by improving employee effectiveness and innovation. Furthermore, the Court continued to further the goals of its Strategic Plan by implementing several initiatives to retain and attract employees, including the Alternative Work Arrangement Program—which permits employees and their supervisors to mutually

agree and implement a flexible hours or telecommuting arrangement—and the Health and Fitness Program, which promotes a healthy and fit workplace by granting eligible employees up to three hours of physical training per week during work hours.

Finally, the Court would wish to take this opportunity to congratulate and acknowledge the two employees selected as its 2011 Employees of the Year: Janelle Browne, Administrative Officer II (St. Thomas), and Franklin Orr, Computer Support Technician (St. Croix). Ms. Browne and Mr. Orr were chosen based on their exceptional service and professionalism, and the Court is privileged to have them on its team.

Facilities Management and Procurement

The Supreme Court concluded several major infrastructure projects during Fiscal Year 2011, including a significant expansion of the Court's facility at No. 18 Strand Street in Frederiksted, St. Croix, and repairing the roof of its No. 161B Crown Bay facility in St. Thomas. But most significantly, in order to comply with the statutory mandate that the headquarters of the Supreme Court be located on St. Croix, on July 14, 2011 the Court closed its agreement to purchase approximately 3.5 acres of land at Nos. 18, 19, 21, and 23 Estate Golden Rock, Christiansted, St. Croix. Unfortunately, due to the reductions in its Fiscal Year 2011 appropriations, the Court could not begin the process of seeking qualified professionals to design a courthouse on the property, nor did it proceed with a planned renovation of the first floor of its St. Thomas facility to accommodate the Office of Disciplinary Counsel.

With respect to procurement, the Court issued three requests for proposals, one request for quotations, and two invitations for bids, all of which related to facilities or equipment maintenance or the provision of necessary services or supplies. However, because of the constraints imposed by the reduced Fiscal Year 2011 appropriation, the Court ultimately only entered into contracts for janitorial services on St. Thomas, and for office supplies on both islands. The Court is pleased to recognize that the efforts of the Procurement Division resulted in significant cost savings—for instance, by implementing keen procurement practices, the court office supplies were obtained for 30 percent below market price.

Judicial Security

The Office of the Supreme Court Marshal is responsible for ensuring the safety and security of justices, employees, and visitors of the Supreme Court. During Fiscal Year 2011, the Court's marshals logged a total of 2,620 visitors, screened 3,900 pieces of mail or packages, and documented six incidents, none of which resulted in any harm to a justice, employee, or visitor.

Near the end of Fiscal Year 2010, the Supreme Court formally adopted an Emergency and Disaster Plan. The Court built upon this work during Fiscal Year 2011, when it began the process of drafting and adopting a Continuity of Operations Plan, which would establish guidelines for the Court's continued operations in the event a natural or man made disaster disrupts normal operations.

Community Outreach

The Supreme Court remains committed to educating the public about the Virgin Islands Judicial System. During Fiscal Year 2011, the Court continued its practice of recording and streaming live, on the internet, oral arguments and subsequently placing them on its website, as well as permitting the public to access and view, free of charge, all documents associated with all open and closed cases, other than those filed under seal. In addition, the Court developed and released pamphlets explaining, in plain language, how members of the public could file a grievance against an attorney or a judicial officer.

The Court also continued its efforts to fully implement the Justice Files and iCivics initiatives in the Virgin Islands public school system. Justice Files is a program created by the National Center for State Courts that educates middle and high school students about the judicial system through the use of graphic novels, while iCivics is an online tool founded by Sandra Day O'Connor, a retired justice of the Supreme Court of the United States, that educates students from grades 6 through 12 about all three branches of government. In Fiscal Year 2011, the Court demonstrated both programs to interested social studies teachers in various junior high and high schools, and procured 16,000 copies of the Justice Files pamphlets for the Office of the Insular Superintendents for use in schools in both districts during the 2011-12 academic year.

LOOKING FORWARD

The Supreme Court is an innovative organization that strives on a daily basis to live up to its mission statement. It is with great pleasure that the Court reports that, during the first half of Fiscal Year 2012, it has not only met, but exceeded, many of its goals.

- The Court launched the Virgin Islands Supreme Court Electronic Filing System (VISCEFS) on November 2, 2011, enabling litigants to pay filing fees and electronically file documents 24 hours a day, 7 days a week, without physically visiting either facility.
- The Court issued Promulgation Order No. 2011-0005, adopting aspirational time standards for the disposition of appeals and original proceedings filed on or after January 1, 2012. As of March 31, 2012, the Court exceeded expectations by already disposing 11 of the 29 cases subject to the time standards within the allotted times, and by issuing 38 opinions in cases subject and not subject to the time standards—nearly as many as were released in Fiscal Year 2011.
- The United States Court of Appeals for the Third Circuit conducted a site visit in conjunction with its required five-year evaluation of the Court's operations, and has denied certiorari review in additional cases.
- To further promote transparency, all requests for Certificates of Good Standing are assigned a case number, which allows attorneys to separately track the progress and ultimate disposition of their request.
- The Court has fully implemented its document management system, resulting in a significant reduction in the use of paper for purely internal documents.
- In line with its strategic objectives, the Court has implemented Customer Service Standards to establish a baseline for personnel to respond to both internal and external customers.

In the last half of fiscal year 2012, the Supreme Court of the Virgin Islands will achieve the following:

- Court Manager Certification for 5 staff members as designated by the National Center of State Courts' Institute of Court Management, with an additional 4 managers beginning this course of study;
- the finalization of the Continuity of Operations Plan, attendant with the requisite memorandum of understanding;
- the development of a Code of Ethics for Judicial Employees; and
- the development of additional self-help materials to assist the public with understanding Court processes.



MISSION STATEMENT OF THE SUPERIOR COURT

It is the mission of the Superior Court of the Virgin Islands to protect the rights and liberties of all, interpret and uphold the law, and resolve disputes promptly, peacefully, fairly and effectively in the United States Virgin Islands. The Superior Court meets this mandate by providing an optimum level of service to all while maintaining the highest level of integrity, confidentiality, and public trust in the administration of justice regardless of race, religion, sex, nationality, or creed.



Superior Court Of The Virgin Islands

MESSAGE FROM THE PRESIDING JUDGE

Greetings,

Fiscal Year 2011 presented the Superior Court of the Virgin Islands with several challenges. The financial state of the Territory was severely strained and, as direct result, the Superior Court's budget saw its funding reduced considerably. In spite of this, during Fiscal Year 2011 the Superior Court continued to work with American Cadastre, LLC (AmCad) toward the full implementation of a new case management system. As I have previously noted, this system will bring the Court into the 21st Century, in that it will allow us to better serve the public at large. Through the implementation of a fully automated case processing system with e-filing capabilities, users will also be able to make payments electronically. It is our hope to have this system on line toward the latter part of the year.

In view of a new case management system approaching on the horizon, it became apparent that there was a need to prepare the Court family, in particular the judges, for the greater access to information about the respective cases that we each have on our dockets. In that regard, on May 2-3, 2011, a three-person team, to include the Presiding Judge, Administrative Judge and Clerk of the Superior Court, attended a workshop on "Reducing Trial Court Delay" in Phoenix, Arizona, sponsored by the National Center for State Courts (NCSC) in collaboration with the National Judicial College and other organizations. This was followed by a two and a half day course on "Case Flow Management," presented by the NCSC to all of the Superior Court Judges and Magistrates. Following that, the Judges and Magistrates, along with presenters from the NCSC, worked on a skeletal outline of a plan to create a "Differentiated Case Management System" for the Superior Court, whereby cases are divided into separate processing groups based upon case complexity factors. Ultimately, the intended result of these efforts is the implementation of time standards to better improve the timely delivery of justice and the delivery of service to our community, through the improved and efficient handling of various cases before the Court. The mission statement developed by the judges and magistrates to move this project forward is as follows:

"In order to improve the quality of justice and increase public confidence in the courts, the Judges and Magistrates of the Superior Court commit to implementing an efficient, uniform system of case management which will reduce backlog, promptly resolve disputes, and improve service to the people of the Virgin Islands."

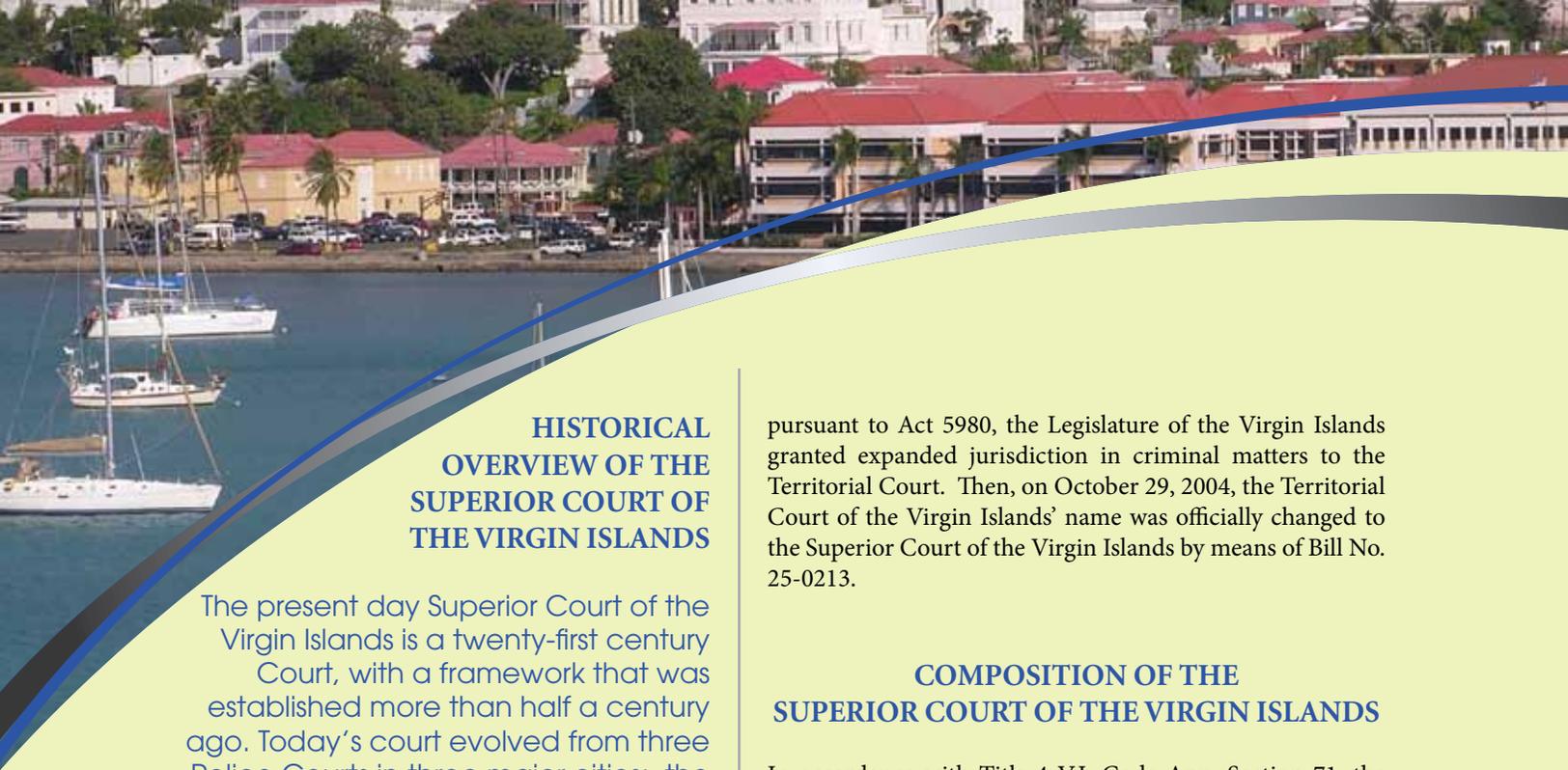
It is anticipated that this process will include several meetings with various stakeholders, both internal and external, such as Police, Attorney General, Public Defender, and the Bar Association etc. This process has already begun and is definitely a work in progress.

The Superior Court is committed to serving the people of the Virgin Islands. This report highlights some of the initiatives and work in that regard.

I would like to thank the entire staff of the Superior Court of the Virgin Islands, Judges and Magistrates for their collective leadership, contributions and dedication towards the administration of justice as we strive to serve the people of this Territory.

Darryl Dean Donohue, Sr.,

Presiding Judge



HISTORICAL OVERVIEW OF THE SUPERIOR COURT OF THE VIRGIN ISLANDS

The present day Superior Court of the Virgin Islands is a twenty-first century Court, with a framework that was established more than half a century ago. Today's court evolved from three Police Courts in three major cities: the Police Court of Frederiksted; the Police Court of Christiansted; and, the Police Court of Charlotte Amalie. These Courts existed under the 1921 Codes of St. Thomas and St. John, and St. Croix.

On July 22, 1954, the Revised Organic Act of the Virgin Islands was amended and approved. Section 21 of that Act vested judicial power in the court of record, the District Court of the Virgin Islands, and in any lower courts established by local law. The three Police Courts were then abolished and two municipal courts were established: one for St. Thomas and one for St. Croix.

After a decade of this structure, the make-up of the local judiciary changed again. On March 1, 1965, the two municipal courts were combined into a single court called the Municipal Court of the Virgin Islands.

On September 9, 1976, the Legislature of the Virgin Islands established the forerunner of today's Superior Court of the Virgin Islands – in accord with Act. No. 3876 (§ 5, Session 1976, p. 17.) The Municipal Court of the Virgin Islands' name was changed to the Territorial Court of the Virgin Islands. Almost three decades later, the Territorial Court gained a substantial amount of judicial autonomy. This was authorized by the 1984 amendments to the Revised Organic Act of 1954 and triggered by local enactments by the Legislature as well as the Governor of the Virgin Islands. On October 1, 1991, the Territorial Court obtained jurisdiction over all local civil actions – in accordance with 4 V.I. Code Annotated § 76(a). Later, on January 1, 1994,

pursuant to Act 5980, the Legislature of the Virgin Islands granted expanded jurisdiction in criminal matters to the Territorial Court. Then, on October 29, 2004, the Territorial Court of the Virgin Islands' name was officially changed to the Superior Court of the Virgin Islands by means of Bill No. 25-0213.

COMPOSITION OF THE SUPERIOR COURT OF THE VIRGIN ISLANDS

In accordance with Title 4 V.I. Code Ann. Section 71, the Superior Court of the Virgin Islands shall consist of not less than six (6) judges learned in the law, one half of whom shall reside in the Division of St. Croix and one half of whom shall reside in the Division of St. Thomas-St. John. The Governor shall designate one (1) of the judges of the court to serve as Presiding Judge of the Superior Court for such a term, performing such duties, and exercising such authority as may be otherwise provided by law or by rules of the court.

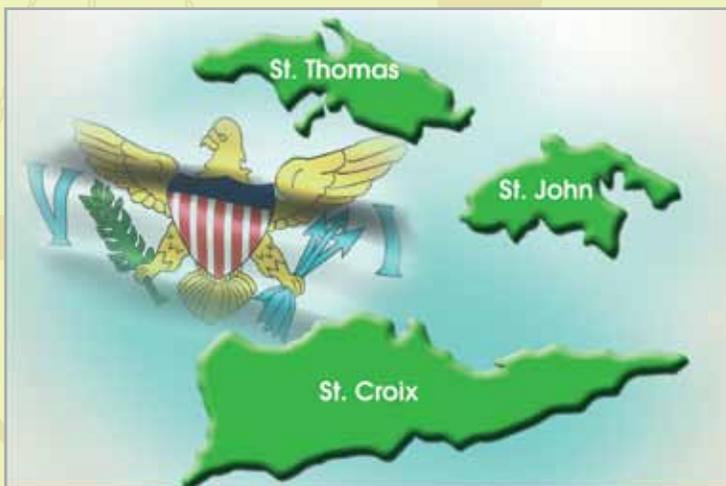
The Superior Court is comprised of two judicial districts: District of St. Thomas-St. John and the District of St. Croix. The Court's operational facilities of the trial courts in the District of St. Thomas-St. John are located in the Alexander A. Farrelly Justice Center; and, the Magistrate Division is located in Barbel Plaza on St. Thomas, U.S. Virgin Islands. The Court also maintains an operational facility in the Boulon Center on St. John, U.S. Virgin Islands. In the District of St. Croix, the Court is located at the R. H. Amphlett Leader Justice Complex, Kingshill, St. Croix, U. S. Virgin Islands.

During Fiscal Year 2010, the Superior Court was staffed with five judges in the District of St. Thomas-St. John and four judges in the District of St. Croix. Additionally, there are two magistrates situated in each district to complement the judicial staff. The Court also maintains off-site locations/offices at the Bureau of Motor Vehicles (BMV) on St. Thomas and St. John to facilitate the needs of the motoring public.

LEGAL JURISDICTION OF THE SUPERIOR COURT OF THE VIRGIN ISLANDS

In accordance with V.I. Code Ann. Title 4 § 75-76, the Superior Court of the Virgin Islands has original jurisdiction over all criminal and civil cases brought under local law. This extends to the awarding of damages, personal injury, contract, malpractice, and property, small claims and landlord tenant matters. The Court's jurisdiction to hear criminal matters extends to misdemeanors, felonies, traffic, and litter violations. Additionally, the Superior Court is also charged with the resolution of family and estate disputes, which includes divorce, custody and neglect, juvenile matters and probate filings. In addition to its original jurisdiction, the Superior Court also serves as an appellate court in reviewing the decisions of local administrative agencies.

Appointed by the Governor of the U.S. Virgin Islands, with the advice and consent of the Legislature of the Virgin Islands, and pursuant to 4 V.I.C. § 72, trial judges continue to have jurisdiction over all case types before the court, except for non-felony traffic offenses which - by statute - now fall within the exclusive jurisdiction of the Magistrate Division (See 4 V.I.C. § 124(b)). Additionally, trial judges serve an appellate role in consideration of petitions for writs of review from agency decisions; and, pursuant to Court rule and case law, as appellate judges for internal review of magistrate decisions. Finally, trial judges also serve on appellate panels, to consider appeals in the District Court's Appellate Division, as well as on the Supreme Court of the Virgin Islands in the event of recusals.



The following trial judges remained seated during Fiscal Year 2011:

District of St. Croix

- Honorable Darryl Dean Donohue, Sr. (Presiding Judge);
- Honorable Julio A. Brady;
- Honorable Patricia D. Steele; and,
- Honorable Harold W.L. Willocks

District of St. Thomas-St. John

- Honorable Brenda J. Hollar (Administrative Judge);
- Honorable James S. Carroll, III;
- Honorable Michael C. Dunston;
- Honorable Audrey L. Thomas; and,
- Honorable Adam G. Christian

Additionally, the Court appreciates the assistance rendered in the resolution of cases during Fiscal Year 2011 by the following retired judges, when they served as Senior Sitting Judges: the Honorable Verne A. Hodge, the Honorable Ishmael A. Meyers, Sr. and the Honorable Edgar D. Ross.

THE MAGISTRATE DIVISION

On May 11, 2007, Act 6919 was signed into law, providing a Magistrate Division within the Superior Court of the Virgin Islands. Pursuant to 4 V.I.C. § 120, et. seq., the Superior Court implemented the Magistrate Division during Fiscal Year 2009. In accordance with 4 V. I. C. § 122, and based on the advice and recommendation of a selection panel, along with the trial judges in each district, magistrates are appointed by the Presiding Judge. The magistrates are subject to the supervision of the Presiding Judge and the jurisdiction of the Magistrate Division is as set forth in 4 V. I. C. § 123.

The following magistrates remained seated during Fiscal Year 2011:

District of St. Croix:

- Magistrate Jessica Gallivan; and,
- Magistrate Miguel A. Camacho.

District of St. Thomas-St. John:

- Magistrate Kathleen Mackay; and,
- Magistrate Alan D. Smith.

The procedures of the Magistrate's Division are in accordance with the rules governing the Superior Court of the Virgin Islands.

THE OFFICE OF THE COURT ADMINISTRATOR

Created by Title 4 V.I. Code Ann. § 91, the Office of the Court Administrator is responsible for the daily functions of the Administrative and Support Division of the Court. This office encompasses both jurisdictions and is comprised of the Court Administrator, who is located on St. Thomas, and the Assistant Court Administrator - who performs the mandated duties on St. Croix. The Office of the Court Administrator has the primary responsibility for daily operations of the court system with direct oversight of the Offices of Accounting and Finance, Human Resources, Information Technology, Jury Management, Law Library Services, Maintenance and Facilities Management, the Pretrial Intervention Program/Rising Stars Youth Steel Orchestra, Probation and Parole, Property and Procurement, Research and Development; and, the Court's administrative and other support staff.

Additionally, and in accordance with the V.I. Code, the Court Administrator is responsible for examining the administrative and business methods employed by the Office of the Clerk of the Court (Operational Division) and the other offices that serve the Court, ensuring efficiency and professionalism. The mission of the Office of the Court Administrator is to promote the administration of justice by providing professional and responsive administrative support to the Presiding Judge and Judiciary programs to expedite, facilitate and enhance the mission of the Superior Court of the Virgin Islands.

THE OFFICE OF THE CLERK OF THE COURT

The Office of the Clerk of the Court is responsible for the daily functions of the Operational Division of the Court which is comprised of Civil and Small Claims, Conciliation, Criminal, Family, Traffic, and Probate Divisions. Additionally, the Clerk oversees the Office of the Marshal of the Superior Court, the Office of the Cashier, Court Reporting Division and the Jury Trial Division. The Clerk of the Court is designated as the custodian of records for all judicial matters brought before the Superior Court of the Virgin Islands.

The Clerk's Office is directly responsible for receiving and processing court documents, attending and assisting in all court proceedings, maintaining the Court's files

and entering the Court's orders, judgments and decrees. Additionally, the Clerk's Office collects and disburses money for court fees, fines, court costs, judgments and restitution at the Court's direction. The Office of the Clerk of the Court provides enhanced services to all persons conducting business with the Court by promoting the automation of the Court's business procedures and practices, and endorsing the themes of efficiency and professionalism.

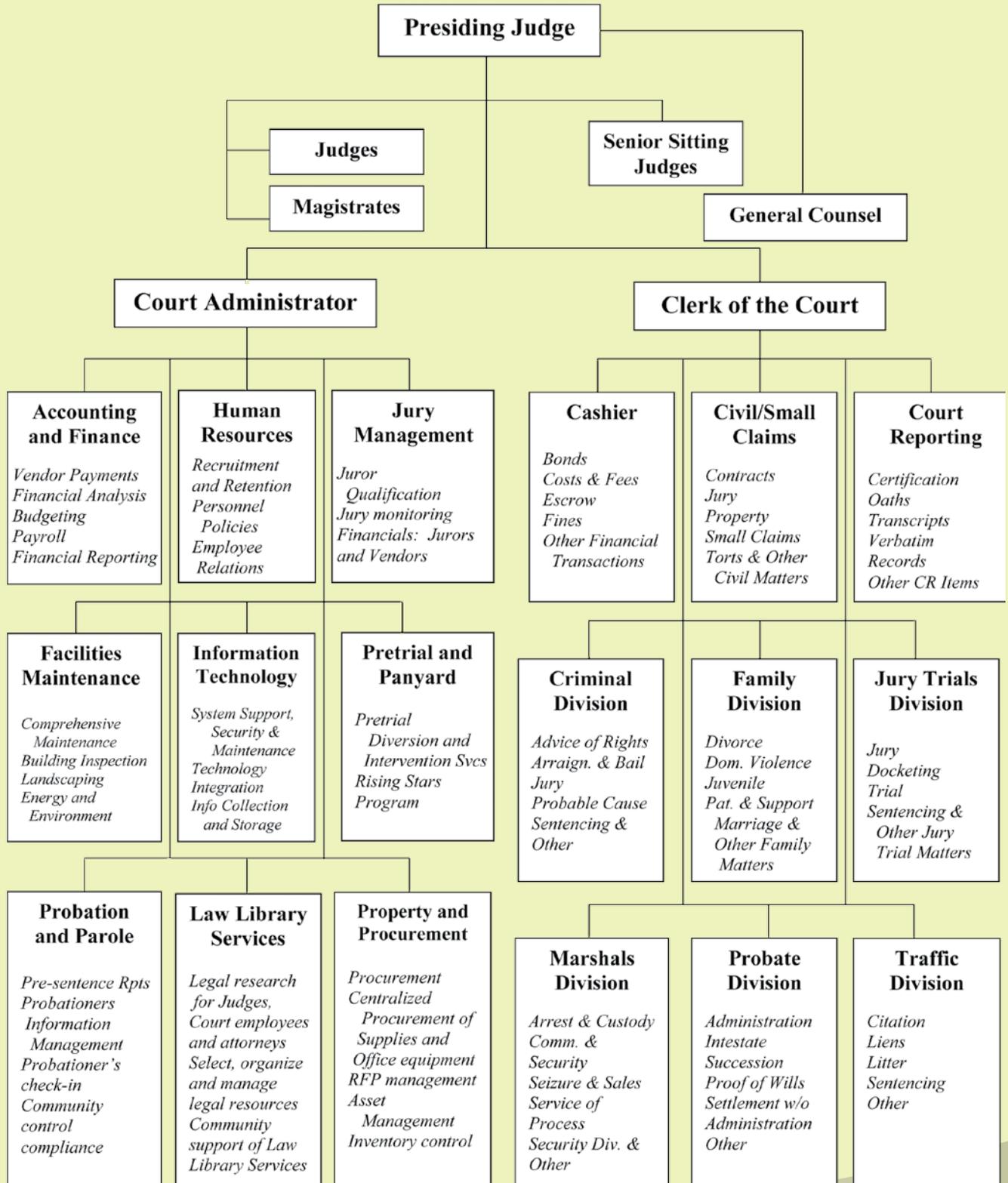
ORGANIZATIONAL STRUCTURE OF THE SUPERIOR COURT OF THE VIRGIN ISLANDS

The Presiding Judge serves as the administrative head of the Superior Court and is supported in those duties by an Administrative Judge who is designated by the Presiding Judge. The Office of the Court Administrator (Administrative and Support Division) and the Office of the Clerk of the Court (Operational Division) are the two divisions of the Court that carry out the mandates of the Presiding Judge and the Court in service to the community. The Superior Court's current Organizational Chart is provided on the next page:





SUPERIOR COURT OF THE U.S. VIRGIN ISLANDS ORGANIZATIONAL CHART



ADMINISTRATION AND SUPPORT DIVISION

Fiscal Year 2011 presented many challenges to the Superior Court. The Administrative and Support Division was especially challenged in its attempts to carry out the functions necessary to ensure the efficiency and effectiveness of the Court during FY 2011. Amid the legislated fiscal constraints, and the Court's austerity measures, this division struggled to maintain its usual operational level. The Court faced significant challenges when it came to procuring the requisite supplies needed to carry out our duties and responsibilities in various areas, including: providing the requisite maintenance and repair to our aging facilities and vehicle fleet; securing external services in areas where the Court was unable to provide such services; and, providing the younger members of our community with opportunities before they enter the judicial system - through participation in career workshops, summer employment, and school tours.

During this fiscal year, this division was able once again to coordinate the 17th Annual Appellate Moot Court Competition which is annually co-sponsored by the Court and the VI Bar Association. This year, the Court, utilizing its own equipment and staff, achieved a technological first as we were able to stream the competition over the internet thereby enabling judicial and non-judicial persons to view the competition as it unfolded.

ACCOUNTING AND FINANCE DIVISION

The Accounting and Finance Division of the Superior Court is charged with the responsibility of the direct management of the Court's finances, which includes budget preparation, payments to vendors and employees, and the preparation of a myriad of mandated fiscal and financial reports and other documentation that must be submitted to the various entities of the government. Under the leadership and guidance of the Chief Financial Officer, (CFO), the Accounting and Finance Division continued its efforts in Fiscal Year 2011 to provide the following services: financial accounting, payroll processing, budgetary support services, and tax withholding and reporting as required, in support of our internal and external customers - namely the employees of the Superior Court, our vendors, other government agencies and community organizations.

A tremendous hardship that occurred during the last quarter of Fiscal Year 2011 was the managing of the

across-the-board cut of three percent (3%) pursuant to Act 7248, which reduced the Court's Fiscal Year 2011 (FY11) appropriation by \$864,324.00. The additional provisions of Act 7261, the Virgin Islands Economic Stability Act of 2011, which imposed the equivalent of an additional eight percent (8%) reduction in payroll expenditures for the quarter ended September 30, 2011 (via a reduction in salaries or an alternative measure that achieved the same result), further exacerbated the problem. This reduction in budgetary authority and associated revenues resulted in a number of outstanding payables for both the St. Thomas/St. John and St. Croix Districts, which could not be absorbed with the reduced ceiling of the FY11 budget. Consequently, there were significant delays in the normal processing of the Court's obligations causing us to incur a compounding of late fees associated with missed due dates on a number of payments, and the negative consequences associated therewith.

Given the significant fiscal constraints imposed, the Court's budget preparation process in FY11 was even more challenging than in past years. The implementation of the across-the-board three percent (3%) cut on the FY11 appropriation took effect in April, 2011 - prior to the completion of the Court's budget for Fiscal Year 2012 (FY12). The fact that the Court had already incurred an 8.68% reduction in the FY11 appropriation from the FY10 level was a significant challenge coming into the fiscal year.

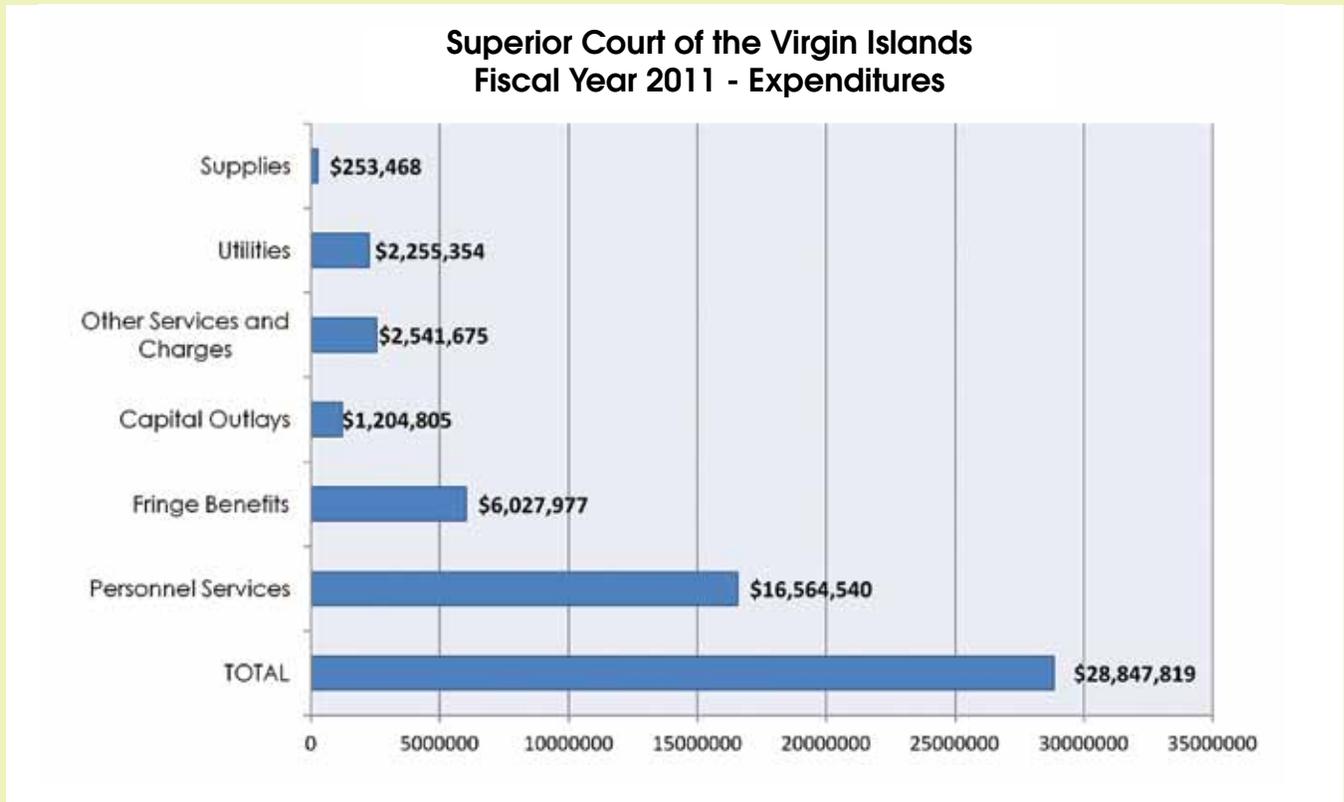
Prior to the escalation of the Territory's economic state of affairs, and subject to the availability of funds, the Court was able to process a few retroactive payments for the Fiscal Year 2010 (FY10) incremental increases totaling approximately \$28,000. As a direct result of the passage of Act 7261, the Virgin Islands Economic Stability Act of 2011, which was signed into law on July 5, 2011, and provided for an additional eight percent (8%) cut in personnel costs or an equivalent reduction of 8%, a temporary freeze was placed on any further submissions of FY10 retroactive payments - given the escalating nature of financial hardships facing the Government of the Virgin Islands.

The Court also implemented various austerity measures at the end of July 2011, to include a stay on cash payment of overtime. Across-the-board use of compensatory time was instituted as the means of compensation for all persons approved for overtime work. Statistically, our results show an overall decrease in cash payments for overtime work for FY11 of 23.83% in comparison to the prior fiscal year.

The Superior Court's funding for FY11, totaled \$28,946,470, as appropriated by Act 7227 and amended by Act 7261. Funds allotted and drawn pursuant to Act 7227 §2, as amended, were \$27,946,470; and, pursuant to Act 7227 §6 were \$1,000,000 (for the case management system), thereby representing the total resources drawn in FY11. Funds for

capital projects, pursuant to Act 7227 §5 (\$1,875,000), which were made available until expended, were left on deposit to be drawn beginning in FY12.

In order to carry out its mandated functions, the Court utilized its allotment as outlined below:



During the first quarter of FY2011, the Court embarked on a process improvement initiative that culminated in a Business Process Review (BPR) with the business partners assigned to us by our accounting software vendor. The BPR process encompassed, but was not limited to, a review of additional modules for requisitioning, inventory, and fixed assets, with a view toward evaluating them for integration into the front-end of our procurement stream; a review of the data import/export capabilities within the system; and, an assessment of the potential for an automated integration of these capabilities into our monthly database reconciliation process. This event included members of the Administration and Financial Services Division of the Supreme Court of the Virgin Islands, who were invited to participate in the sessions, since the Supreme Court utilizes the same accounting system.

This two-day on site BPR session, conducted on June 29th and 30th, also served as training and review in a number of modules and functional areas of the system. Emerging from that two-day training, the division was provided with system resource manuals specifically redesigned by the business partner for all aspects of the accounting system; guidance on the utilization of certain approaches to automation of various processes, to include feedback on why certain modules being

considered were not a suitable fit for the Court's operating environment; and, proposed steps for going forward with various initiatives. However, the significant reductions in available financial resources have halted progress on certain initiatives.

The division also provided ongoing resource monitoring and payment support services in conjunction with the procurement of equipment and professional services associated with the development and implementation of the new case management system.

Act No. 6900: Supreme Court Funding

At the close of FY11, the balance remaining from the \$5,750,000 - pursuant to Act 6900, which was appropriated to the Superior Court for the establishment and construction of the Supreme Court, was \$67,418.41. This encompassed expenditures and outlays for the five-year period beginning October 1, 2006, and ending September 30, 2011. The residual funding for this appropriation was drawn down in FY12, and substantially expended by November 2011, with the exception of an immaterial balance of approximately \$600.00.

FACILITIES MAINTENANCE AND MANAGEMENT

The Facilities Maintenance and Management Division of the Superior Court is responsible for the comprehensive maintenance and upkeep of the facilities currently utilized by the Court. This includes five in the District of St. Thomas-St. John, including: the Alexander Farrelly Justice Center, the Magistrate Division in Barbel Plaza South, the Rising Stars Panyard in Barbel Plaza North and Long Bay; and, the Boulon Center on St. John; and, two in the St. Croix District, including the RH Amphlett Leader Justice Center in Kingshill and the Rising Stars Panyard in Hannahs Rest.

This division is also responsible for making routine repairs to the buildings, structures and accessories – including preventive maintenance and normally recurring repairs within the interior and exterior of the buildings. The rapidly aging Court facilities are no longer adequate, as they can no longer fully accommodate a court that has grown to keep up with increasing responsibilities. The Court's capital improvement plans includes construction of an annex at our facility in Kingshill, St Croix. This would permit the addition of offices and courtrooms as well as the relocation of the Family Division and provision of an office or working space with Wi-Fi access for members of the Bar. Additional repairs are needed to its courtyard, retrofitting of the Cashier's Office, repairs to the roof and various floors within the facility, upgrades to the Court's security cameras, upgrades to the lighting in the parking lots, replacing insulation within the facilities, and various repairs to other public areas of the court.

In the St. Thomas-St. John District, assessment continues regarding the construction of an adjunct facility to relocate the Magistrate Division that will include an office or working space for members of the Bar and for the relocation of the Rising Stars Panyard in both districts. These efforts would permit the Court to reduce our overhead expenses as we eliminate various leases for the rental of properties in both districts - for storage, courtrooms and office space. Various additional repairs are also required at the Farrelly Complex to include courtyard renovations, elevator replacement, roof repair, upgrades to the air conditioning system, and various other structural repairs.

During this fiscal year, the maintenance staff repaired the driveway at the main entrance to the Court and they continued to perform landscaping duties in cooperation with the Department of Agriculture, on St. Croix; and, the St. Thomas staff took on the responsibilities of this

function as the Court was forced to eliminate several contracts – including landscaping and garbage collection at the Magistrate Division. The staff in both districts will continue to put forth the green initiatives that were initiated to provide various cost-saving measures - especially with regard to our utilities. This will include seeking additional ways to improve and regulate the functioning of our air conditioning system; working diligently to improve the air quality in the Court; and, continuing to replace traditional lighting with energy efficient items.

HUMAN RESOURCES DIVISION

The overall mission of the Human Resources Division at the Superior Court of the Virgin Islands includes seeking to foster the development of the human capital of the Court by providing the applicable support to the Court's management team, in addition to providing advice, guidance and assistance to all of its employees. The administration of the personnel policies and procedures, as outlined in the Superior Court's Policies & Procedures Manual, is one of the Division's main priorities to help ensure the functionality of the HR support factor, and the efficiency of the Court in general. Although Fiscal Year 2011 proved to be a challenging year in completing initiatives, progress was made in many areas and several projects were undertaken or completed during this time.

Despite the Court's constraints, which necessitated the suspension of various educational programs, the Court was still able to provide educational and career incentives in recognition of the academic efforts of its staff as outlined below:

- *Educational Incentive:* During FY11 the administration of the educational incentive program continued, with a total of five (5) employees taking advantage of the program in the St. Thomas-St. John District. Two (2) employees earned Bachelor's degrees, and three (3) employees earned Associate's degrees. This program entered its second year with a total of six (6) employees in the St. Thomas-St. John District (one employee was transferred from this program to the career incentive program as outlined in the VIC § 570). Six (6) employees, in the St. Croix District, are scheduled to begin receiving their educational incentive during FY12. The estimated cost of this initiative will be approximately \$55,773.00 between both districts.

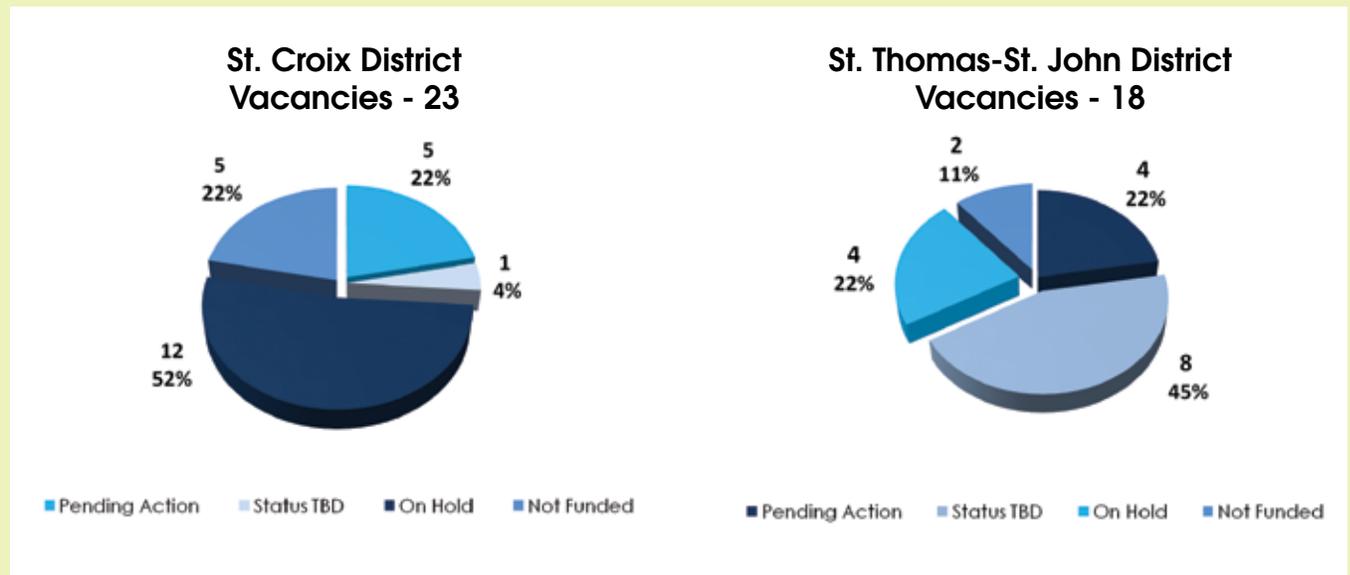
- *Career Incentive:* Presently, there are 13 Deputy Marshals participating in the career incentive program; six (6) in the District of St. Croix; and, seven (7) in District of St. Thomas - St. John. The estimated cost of this initiative is approximately \$64,656.00.

- *Tuition Reimbursement:* Based on the high tuition reimbursement costs paid during FY10, a proposal for a revised tuition reimbursement policy and program was submitted for consideration during FY11. Given the current fiscal condition of the Court, the Tuition Reimbursement Program is not in effect at this time, since it was included in the austerity measures implemented in July 2011.

During FY11, there were a total of 306 persons employed at the Superior Court: 125 in the St. Croix District; and, 181 in the St. Thomas-St. John District. The following vacancies exist throughout the various divisions of the Court: Twenty-three in the District of St. Croix; and, eighteen vacancies in the District of St. Thomas-St. John. Since the third quarter of FY11, the filling of existing vacancies has been placed on hold, with only critical vacancies or vacancies that were already being processed, being filled.

The HR staff initiated various recruitment initiatives as outlined and determined by the executive management team. Recruitment efforts were carried out both internally and externally to fill vacancies in the Operational as well as the Administrative and Support Divisions, to include: Administration, Cashier, Civil/Small Claims, the Clerk's Office, Family, Pretrial, Marshal, Traffic, and Security. However, as a direct result of the Court's current financial condition - and in an attempt to satisfy the provisions of Act 7261 - several positions were held, deleted or not funded during the upcoming fiscal year.

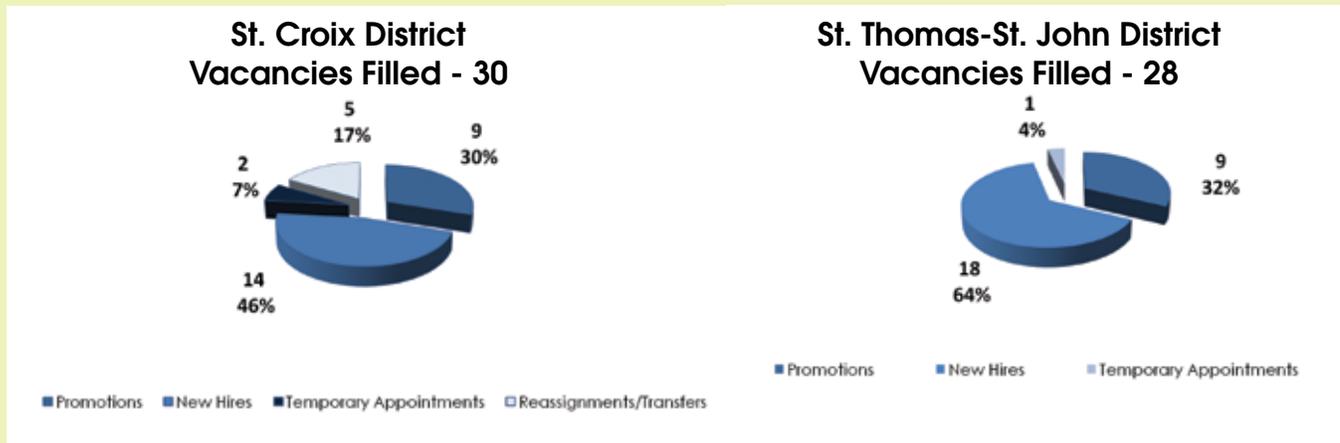
A number of vacancies remain unfilled to date, between both districts, within the following divisions of the Court: Appellate, Probation, Family, Jury Management, Jury Trial, Law Library, Pretrial and Traffic. Vacant positions exist for which no action has been taken, based on the current fiscal condition of the Court, i.e.: Administrative Officer II, Court Clerk I and II, Court Security Officer, Data Quality Analyst, Deputy Marshal IV, Director of Information Technology and Legal Secretary.



During FY11, the employment application was revised for implementation in FY12, incorporating required components in its layout and contents. During FY11, in the St. Thomas-St. John District, the Superior Court received and processed approximately 323 applications for employment; 122 of the applications received were unsolicited, while 201 were in response to posted external vacancy notices. In the St. Croix District a total of 202 applications were received.

During FY11, the Superior Court filled a total of 58 vacancies as outlined below:

New Hires: 32 (14 STX; 18 STT/J); 18 Promotions: (9 in each District); three (3) Temporary Appointments: (2 STX; 1 STT/J); and, five (5) Reassignments/Transfers in the St. Croix District.



Utilization of the ERP Munis Database, as a personnel action processing tool, continued during FY11. The staff is continuing to utilize this system to become more familiar with its processing and reporting capabilities, to ensure efficiency in the HR operations of the Court. During FY 2011, 256 actions were processed through the ERP system in the St. Thomas-St. John District, and 198 in the St. Croix District.

Employee recognition programs, such as the birthday recognition and employee of the quarter were continued during FY11. The Christmas Gala, which included the Years of Service Awards, took place during FY11. Accordingly, in the St. Thomas-St. John District, 35 employees were recognized for their years of service, along with five (5) employees who retired; and, in the St. Croix District, seventeen (17) employees were recognized for their years of service in addition to five (5) employees who retired.

The Court also participated in the Employee of the Year recognition ceremony coordinated by the Division of Personnel. During FY11, a total of five (5) employees in the St. Thomas-St. John District were nominated for Employee of the Quarter, and Deputy Marshal III, Kellen Phillips,

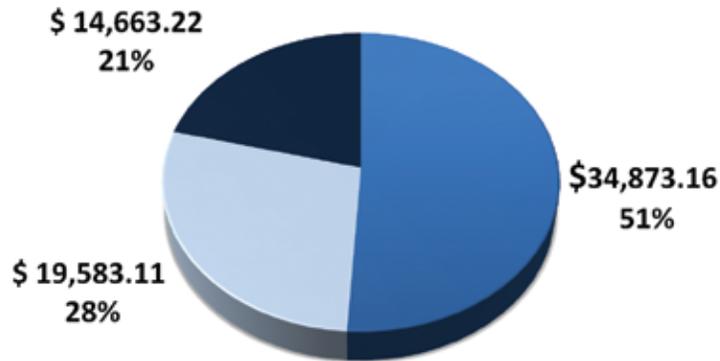
was the Employee of the Year for 2011 in the St. Thomas-St. John District. In the District of St. Croix, a total of four (4) employees were nominated for Employee of the Quarter, and Deputy Marshal IV, Allan Schuster, was the Employee of the Year for 2011 in the District of St. Croix.

The customary awards and recognition bestowed upon the employees during the Court's Annual Employee Appreciation Day were not distributed during FY11. These awards and recognition normally include the Presiding Judge Award, Personal and Professional Award, Bravery and Heroism Award, Star Performance Award, Public Service Award, Employee of the Year Nominees and Employee of the Year Award.

In keeping with the implementation of cost saving measures, attempts were made during FY 11 to curtail the various costs associated with employee training. The Court's professional development training costs in FY11 totaled \$133,113.52: \$63,994.03 in the St. Thomas-St. John District; and, \$69,119.49 in the St. Croix District. This represented a 54.2% reduction over the prior year's professional expenditures, which totaled \$290,535.27: \$107,883.21 in the St. Thomas-St. John District; and, \$182,652.06 in the St. Croix District.

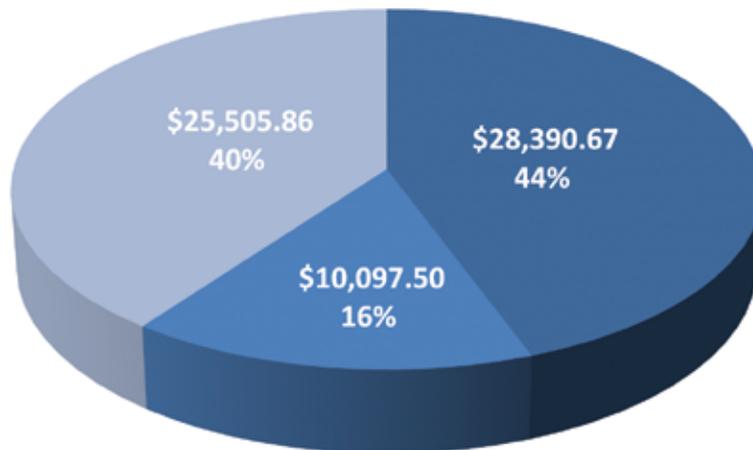
FY 2011: SUMMARY OF TRAININGS

FY11 - TOTAL TRAINING EXPENSES
St. Croix District \$69,119.49



- TOTAL OFF-ISLAND TRAINING EXPENSES (9 persons)
- TOTAL ON-ISLAND & ON-LINE TRAINING EXPENSES (Skillpath; District Court Conf; CPR; VI Bar Assn; MIP; Nat'l Jud College; St. Croix Marksmanship; Per Diems)
- TOTAL TUITION REIMBURSEMENT EXPENSES (5 persons)

FY11 - TOTAL TRAINING EXPENSES
St. Thomas-St. John District \$63,994.03



- TOTAL OFF-ISLAND TRAINING EXPENSES (12 persons)
- TOTAL TUITION REIMBURSEMENT EXPENSES (10 persons)
- TOTAL ON-ISLAND & ON-LINE TRAINING EXPENSES (Skillpath; District Court Conf; CPR; VI Bar Assn)

The Annual Employees' and Supervisors' trainings were held during the week of August 15 - 19, 2011 utilizing several local presenters. The cost associated with these activities totaled approximately \$1,410, for inter-island transportation and accommodations. The topics of the training received by the general staff included: A Healthier You; Ethics and Confidentiality; Personal Money Management; Coping with the Work We Do; Effective Service of Process; an Overview of Worker's Compensation; an Overview of Health Insurance; Self Defense for Women; and, Defensive Tactics for Marshals and Security Officers. The supervisors also participated in a two-day training session, conducted by Dr. Valdemar A. Hill, Jr., that covered a variety of supervisory topics, including: The Role of the Supervisor; Setting the Pace - High Performing Supervisors (Leading by Example, and Professional Interactions); Supervisor's Role in Succession Planning; Maximizing Employee Performance (Communication, and Employee Motivation); Key Tools for Supervisors (Managing Time & Multiple Priorities, Dealing with Conflict and Difficult Employees; and, Coaching for Excellence); Keeping the Pace (Balancing Work/Life and Organizational Change).

During FY11, work continued with the review process of the Personnel Policy and Procedures Manual. However, given other priorities, particularly the implementation of a new case management system - which included many of the members of the Manual Review Committee - meetings for the manual review process were suspended during the fiscal year, and are scheduled to resume and conclude during FY12.

The HR Division is scheduled to put forth several initiatives during FY12, to include collaboration with the Research Coordinator to establish performance standards for the employees of the Court. These standards will help to maintain the integrity of our performance evaluation process, by ensuring that the feedback provided is measurable and objective. Part of this project will also encompass the revision of current job descriptions, which is paramount in the establishment of applicable performance standards. The HR team is also working on the implementation of promotional tests, and has embarked on drafting sample test questions for promotional law enforcement opportunities, and revising general proficiency questions for other positions. Work will continue in this regard during FY12. Additionally, work commenced on an HR Standard Operating Procedure (SOP) manual, to assist in maintaining consistency in operations between both districts. The SOP will provide guidance on procedures for completing processes, and administering

various programs within the Division. It is anticipated that this project will be completed in FY12.

The HR team has embarked on the implementation of an employee newsletter and the completion of an employee satisfaction survey, which will serve to foster and improve communication throughout the Court. Also, they will pursue the implementation of a Human Resource Information System (HRIS) that, among other things, will store historical employment information of the Court's employees. The ERP system maintains current employment information; however, the maintenance of any historical personnel information is not available. In an attempt to improve efficiency, during FY12, this division will embark on fully researching and identifying an HRIS that will store all historical personnel demographics from application to separation, and will also include the ability to store electronic copies of documents. Given our present infrastructure, it is imperative that the HRIS be compatible with the current ERP system.

INFORMATION TECHNOLOGY

The Division of Information Technology is responsible for the Superior Court's technology infrastructure which facilitates internal and external communication while providing the most innovative and the highest quality of technology based services in the most cost effective manner. They were also engaged in facilitating the technological goals and objectives of each division within the Court to ensure that the Superior Court functions efficiently and optimally. The IT staff is also responsible for the applicable research and purchasing recommendations to obtain the various computer hardware, software, technology supplies and the myriad of support items required to maintain this complex information infrastructure. Despite staffing and fiscal constraints, this division continues to provide technical assistance and manage solutions, which facilitate the technological operations throughout various divisions of the Court.

During this fiscal year, the IT Division has been severely limited in their ability to obtain the applicable software and other technological equipment necessary to promote the continuous upgrade of the Court's technology and to provide the requisite training for the IT staff - which is paramount in this rapidly evolving arena. Despite various limitations and constraints, the Division has still been able to complete the following upgrades and enhancement within the Court's technology infrastructure:

- Exchange Upgrade 2003 to 2010 - Without the requisite formal training, the IT staff was able to successfully upgrade Exchange 2003 to Exchange 2010. The Court is now able to access email using several different methods while having more functional capabilities.
- Upgrade Office 2003 to Office 2010 – During the period June through August, the staff installed the upgrade from Office 2003 to Office 2010. This upgrade gives the Court users access to new features that provides for a more efficient user environment.
- SysAid Upgrade – The Court’s latest upgrade of SysAid now provides end users with the ability to speak directly with available technicians to facilitate rapid problem-solving. SysAid’s robust server allows for remote computer control, asset management, performance surveys and applicable reports.
- Jury Management Systems Build Out – The IT staff has been working diligently with the Jury Management staff and the vendor selected for the new jury management system. The operating systems have been prepared to host the database and to facilitate the processing of juror information and their application via the internet. This will facilitate the timely preparation of master lists and the creation of the applicable jury pools for the respective judicial process. This project is expected to be completed within FY12.
- Rising Stars Connectivity – The IT staff facilitated the upgrade of the internet connectivity, in the St. Thomas District, in the Rising Stars Panyard. This upgrade has enabled the IT staff to create domain accounts along with mailboxes for the entire Rising Stars staff. All the machines in the computer lab that are utilized by the Rising Stars staff and members in the Tutorial and Enrichment Program have been updated with applicable software. As a cost saving measure, the Xerox WorkCentre 5735 copier has been configured as a shared network printer and all the machines at this facility have been routed to print to the Xerox copier.
- Video Conferencing –The Information Technology division maximized the capabilities of the Court’s current video conferencing infrastructure to provide consistent video conferencing capabilities - in accordance with its austerity measures. The Superior Court has also utilized this technology to cultivate joint initiatives with the Bureau of Corrections and hosted a number of video conferences to various Mainland facilities.
- Juniper Secure Access - The Juniper SA-700 has provided the Superior Court with access to its internal network from outside the Court Network. The device is able to map specific drives for specific users, which enables them to access items that directly relate to their current job function.
- Virtual Machines High Availability - The Superior Court’s network infrastructure has been upgraded with the ability of running virtual servers. The virtual servers are now in a cluster environment that is being managed by a virtual center. These virtual capabilities have provided the Court’s users with a high level of availability and automatically allow servers to move between hosts, if any host encounters a problem. The ability to move virtual servers between hosts, that are sharing the same storage, provides the Information Technology Division with the flexibility of performing host or server maintenance without affecting users working within the Court’s network.
- Content Management for Internet Abuse - Content Protect has been tested and fully implemented by the Information Technology Division. This software enables the IT Division to configure, monitor and restrict internet access to various users. Content Protect has also been used for monitoring and reporting the internet traffic by users.
- Case Management Initiatives - The Information Technology Division played a vital role in the vendor selection and additional processes regarding the new Case Management System, to include the items noted below:
 - ▶ Case Management Hardware Selection and Procurement – Following the selection of the Case Management vendor, the Information Technology Division – in conjunction with the vendor - created a list of hardware required to facilitate the case management needs of the Court. This division provided the necessary research and procurement information regarding the equipment, and its applicable cost, that was required and they were instrumental in securing this important hardware – with significant cost savings. They were also able to successfully secure an additional two years of support for all the hardware that was purchased. This was ground breaking and lowered the total “Cost of Ownership” to the Court for this equipment.
 - ▶ Case Management Hardware Initial Configuration and Installations – Following the receipt of the hardware in the Virgin Islands, the Information Technology staff provided the necessary work required to ensure connectivity to allow for the functioning of the network and its remote access. This included servers, storage area networks, uninterrupted power supplies, KVM switches, network switches, and various cabling types.
 - ▶ UPS Upgrade - In order to facilitate the procurement of equipment required for the new Case Management System, the Court was required to upgrade its uninterrupted power supply (UPS) which would have proven to be inadequate with the new system.
 - ▶ IT Office Renovations – The Information Technology offices in both Districts were renovated in order to facilitate the housing and implementation of the Court’s new case management solution. The Information Technology staff participated in these endeavors and completed much of the physical labor under the leadership of Mr. Edward Felix on St. Thomas and Mr. Charles Anthony (contractor) on St. Croix.

- ▶ Additional Case Management Activities included:
 - Discussed system and design requirements for both districts;
 - Setup initial test/training environment;
 - Setup test computers for power users training;
 - JAD sessions participation;
 - Design document review participation;
 - Case Management Data Conversion Processes;
 - Uploaded images to Vendor's FTP site;
 - Created a data dictionary of the current case management system, listing all tables and fields; and,
 - Provided an image of the current case management system and the image databases.

The Information Technology Division's goals for the next Fiscal Year includes, as funds permit:

- Replacing our aged phone and voicemail systems and reducing the number of billable phone/fax lines to reduce the overall communication expenses while ensuring efficiency in meeting the needs of the Court.
- Implementing a Comprehensive Backup Solution that incorporates a complete Continuity of Operations Plan for Disaster Recovery at the Virgin Islands Superior Court.
- Upgrading the VMware environment to the latest stable release to establish backups for Virtual Machines and Upgrade all Domain Controllers to run Windows 2008R2 and raise the domain functional level to Windows 2008R2
- Upgrading the M.I.P system to the latest version to utilize third party solutions to better service our purchasing and asset management practices; and, to include the Budgeting Module to facilitate the preparation of the Court's annual operating budget*
- Researching and evaluating services that could be placed in the Cloud (Internet based) i.e. Outlook to provide disaster recovery for email accounts.
- Implementing a network/system monitoring tool to fully monitor all equipment and services on the Superior Court's technology and communication network.
- Courtroom Technology: Reassessing an upgrade of the courtrooms to include technology and audio/video capabilities to meet the requisite judicial needs.
- Implementation of the Jury System and the new Case Management Project.
- Purchasing load balancers to enable the technological infrastructure to eliminate single points of failure for key applications. **

- Facilitating donations of outdated but workable computers.*
- Developing policies and procedures to facilitate the E-waste process in accordance with applicable laws, policies and procedures.*
- Initiating the applicable process to facilitate the Court's Website Redesign *

**Major goals * Minor goals

JURY MANAGEMENT

The Jury Management Division is responsible for overseeing the preparation of prospective jurors for criminal and civil jury trials at the Superior Court, including but not limited to qualifying, excusing, disqualifying and rescheduling the appearance of jurors. The office is also responsible for mailings to jurors and managing all questionnaires to prospective jurors. Individuals are randomly selected from a combined list of voter registration rolls and licensed drivers. The needs of the Court determine the number of jurors who are required to appear for specific service dates and times.

This Division, continues to work with the Division of Information Technology, and is in the final phase of the upgrade to its current jury management system. This proposed new process should improve the determination of the master list of the jury selection pool - to include providing additional individuals to enhance the overall jury pool.

The Jury Management Division continues to work cohesively with all segments of the Court to facilitate the establishment of an environment that will encourage jurors to be more responsive and willing to serve on jury duty. This involves being able to simplify the jury selection process and reducing the large number of "undeliverable mail" while increasing the responses to facilitate an overall increase in the entire jury pool. The installation of the new jury management software, and the training of the staff, will be undertaken within the third quarter of Fiscal Year 2012.

JURY MANAGEMENT STATISTICS: During FY2011, there was a total 7,452 jurors reporting for jury service; and, jurors served a total of 238.38 days on jury panels. The total cost for their jury service totaled \$508,740.41 in both districts as noted in the breakdown that follows:

DISTRICT	JURY FEES	TRANSPORTATION ALLOWANCE	JUROR MEALS	OTHER FEES	TOTALS
ST. CROIX	\$102,740	\$16,215	\$45,603.73		\$164,558.73
ST. THOMAS - ST. JOHN	\$179,620	\$28,950	\$110,082.66	\$25,529.32 *	\$344,181.98
TOTALS	\$282,360	\$45,165	\$155,686.39	\$25,529.32	\$508,740.41

*Superior Court of the Virgin Islands
FY2011: Juror Expenses Analysis
Airfare/Hotel Accommodation re: Sequestration

LAW LIBRARY

The Superior Court’s Law Library is a public law library. It is an integral part of judicial access and a vital part of the community. It is the mission and objective of the Superior Court’s Law Library Services to serve the legal and non-legal community by providing them with courteous and professional service, as well as access to the most current legal research data through print and online services. This is accomplished by providing open access to the Library’s collection of legal information, including court opinions and case law; providing applicable services to the judges, attorneys and general members of the community. Utilizing printed material and technology, the Law Library continues to provide up-to-date resources in an efficient and professional manner while utilizing the latest development in technology to facilitate the requisite legal research and the research process.

The Law Library is the home of a wealth of legal information. Territorially, the Library’s current collection includes over 6,500 books and printed material in the St. Thomas-St. John District and over 17,000 volumes in the District of St. Croix. The Law Library maintains an extensive collection of local references which includes, inter alia, the Virgin Islands Reports, the Virgin Islands Code Annotated and the Virgin Islands Court Rules Annotated. For current law that is not yet published, the Law Library also maintains several reference binders, which are available to patrons and Court staff upon request.

The Law Library also has an extensive collection of federal reporters, treatises and practice materials. Currently, due to the financial condition of the Court – including the Court’s austerity measures instituted on July 25, 2011 – several publications have been discontinued, while others are maintained on a rotating basis as funding allows. However, all Virgin Islands legal materials are kept current. Outdated books, duplicated materials, or items no longer frequently used by patrons, were deleted from the library’s collection – a listing of these items is available in the Law Library.

Additionally, the Law Library offers internet-based research for authorized Court users on Westlaw. The Westlaw

subscription includes cases and statutes for all states and federal circuits, an extensive Virgin Islands database, and some secondary material. An extensive listing of our resources may be obtained from the Law Library.

The Law Library serves the needs of the general public and the Court staff. During FY11, there was a noticed increase in reference questions, primarily from pro se patrons (non-attorneys) regarding court rules and procedures for the Magistrate Division. This increase in questions is attributed to the public’s unfamiliarity with the rules of the Magistrate’s Division and will be one of the items addressed during FY 2012 as a part of the Court’s educational outreach for the community.

The Law Library also conducts time sensitive legal research and analysis for the judicial and administrative divisions of the Court. During FY11, the Law Librarian facilitated ten legal research projects, which was an increase over past years, with topics ranging from legislative history to legal penalties for violating a jury selection summons.

THE PRETRIAL INTERVENTION PROGRAM

The Pretrial Intervention Program of the Superior Court of the U.S. Virgin Islands is currently charged with two basic and opposing responsibilities: Diversion, as it relates to first time offenders of non-felonious allegations; and, intervention activities as it relates to the Court’s “school drop-out and juvenile delinquency prevention program” – aka the Superior Court Rising Stars Youth Steel Orchestra.

The Pretrial office, in both districts, is manned by a small staff who work in a cooperative and cohesive manner to complete their assignments in a very effective and efficient manner – whether its diversion activities or working tirelessly in serving as the liaison between the Court and the Panyard/ steelband activities with the Rising Stars Program. Serving as the administrative representative for the coordination of the Rising Stars activities is an awesome task; and, the Pretrial Staff displays sincere commitment, dedication, and a genuine love for their assignments as they continue to meticulously carry out their respective functions.

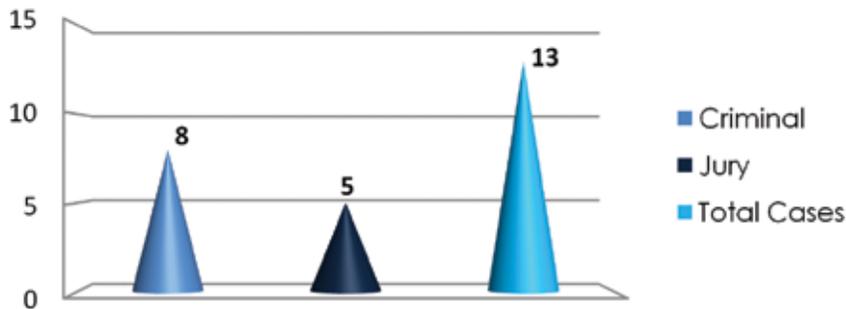
HISTORY OF PRETRIAL DIVERSION

The Pretrial Intervention Program has been in existence in the Virgin Islands since 1978. This program was established, in accordance with Title IV § 4611 of the VI Code, and provides the Director or the designee of the Pretrial Intervention Office to intervene on behalf of defendants of misdemeanors and non-felonious charges to divert their case away from the Court system for a certain period of time while the client participates in various Court mandated activities. As a result, the charges against these defendants are continued pending their completion of the Pretrial Diversion Program. Additionally, it was the goal of the Code to provide a means of alleviating the Court's calendar of cases that may be handled without burdening the system while still being fair, impartial and meting out

justice. Pretrial diversion provides a cost effective means of supervising first time offenders, of misdemeanor offences, in the community while guiding them to comply with the conditions set by the Court. This program also enables the Court to dispense with these cases in an expeditious manner, while providing the offender with the opportunity to have this matter addressed quickly thereby aiding in the reduction of cases within the judicial system.

St. Thomas-St. John District: Fiscal Year 2011 began with thirteen (13) cases that were pending from Fiscal Year 2010. These cases consisted of eight (8) Criminal and five (5) Jury Cases (Fig. 1). During FY11, the Pretrial Intervention Program received a fiscal year high of thirty (30) referrals for diversion.

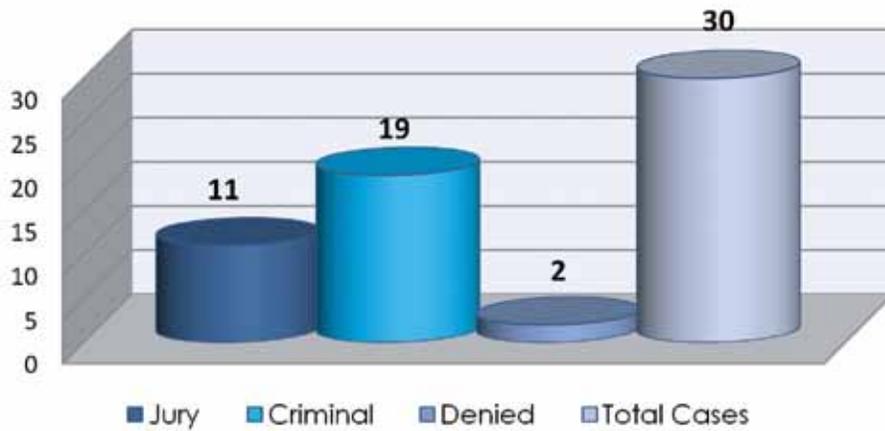
FIG. 1: STT/J FY11 - Pending Cases



The thirty (30) referral cases consisted of eleven (11) Jury and nineteen (19) Criminal cases (Fig. 2). Two of the thirty referrals, though eligible for participation in the Pretrial Diversion Program, were rejected for participation by the

Attorney General's Office (Prosecutor). This was the first time that a client – after qualifying – was denied participation by an Assistant Attorney General and not the judge.

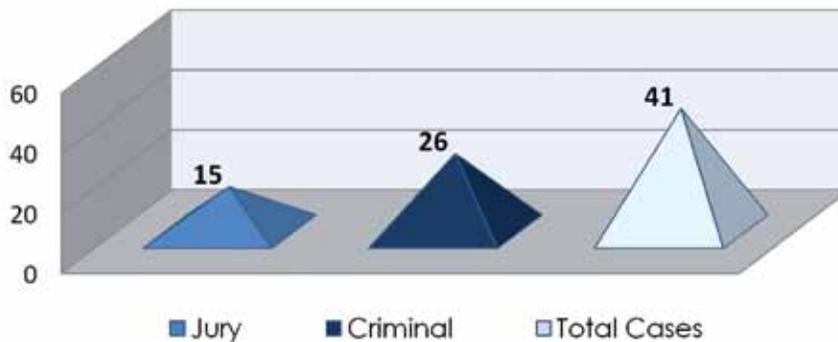
FIGURE 2: STT/J FY11 - New Diversion Cases



At the end of FY11, the Division had dealt with a total of forty-one (41) active PTI cases. This included the thirteen (13) pending cases from the FY10 and the twenty-eight (28) cases received this fiscal year. These cases consisted of

fifteen (15) Jury and twenty-six (26) Criminal Cases. This increase in PTI clients is a clear indication that the attorneys and judges are now utilizing the Pretrial Intervention Program, which in the past has been grossly under utilized.

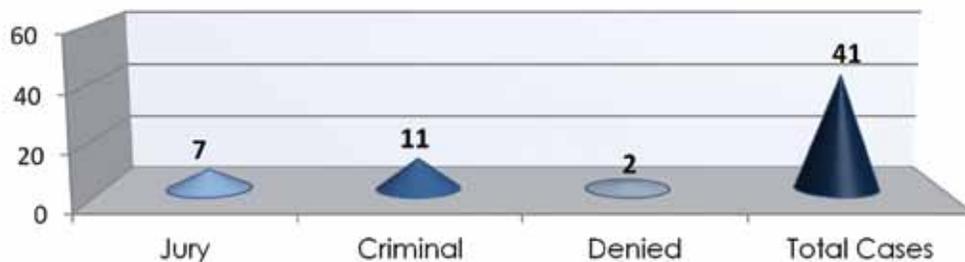
FIG. 3: STT/J FY11 - Total Diversion Cases



Of the Forty-one (41) diversion cases, eighteen (18) were successfully terminated from the Pretrial Intervention Program - (11) criminal cases and seven (7) jury cases; and,

two (2) cases were denied acceptance to the Program (See Figure 4 on the next page):

FIG. 4: STT/J FY11 - Diversion Case Completion

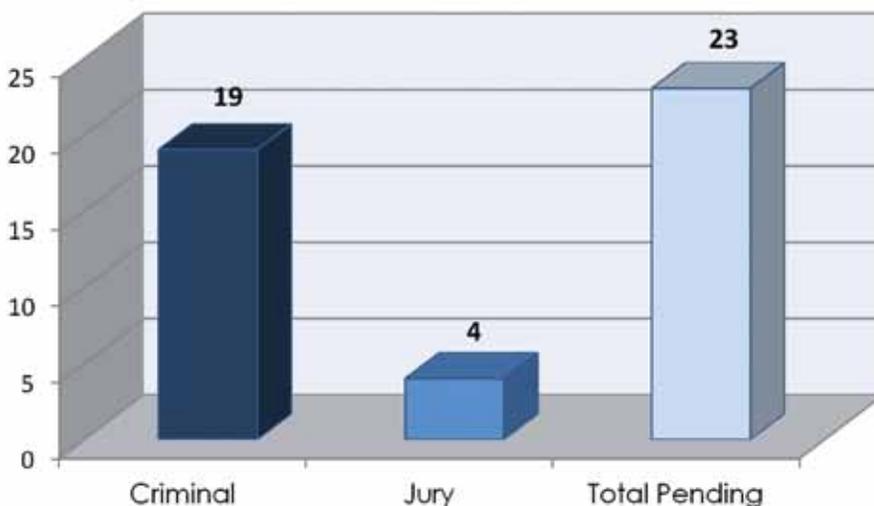


The eighteen (18) diverted cases who were successfully terminated from Pretrial completed their court-ordered community service, in addition to various other court-mandated activities, including the following: family counseling, anger management counseling, substance abuse counseling, providing restitution, providing monetary contributions to a non-profit/civic organization, participating in various agency referrals, as well as

educational enhancement activities to include obtaining a High School Diploma or its equivalent (GED).

At the end of fiscal year 2011, there were twenty-three (23) pending cases consisting of nineteen (19) Criminal and four (4) Jury cases - as indicated in the chart below (Figure 5).

FIG. 5: STT/J FY 2011 - Pending Cases



The following graph (Figure 6) represents the total activity within the Pretrial Diversion Program in the St. Thomas-St. John during FY 2011.

Fig. 6: STT/J FY11 - PIP Activity Summary

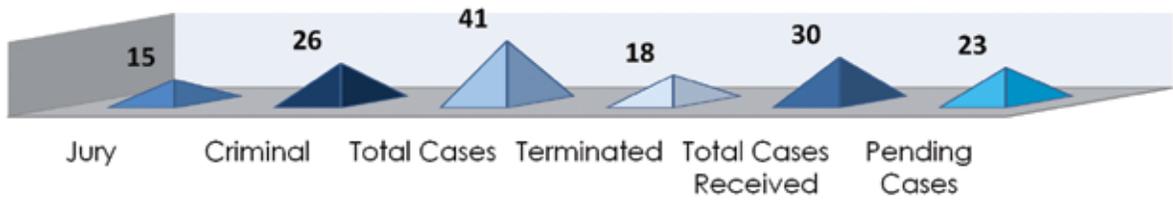
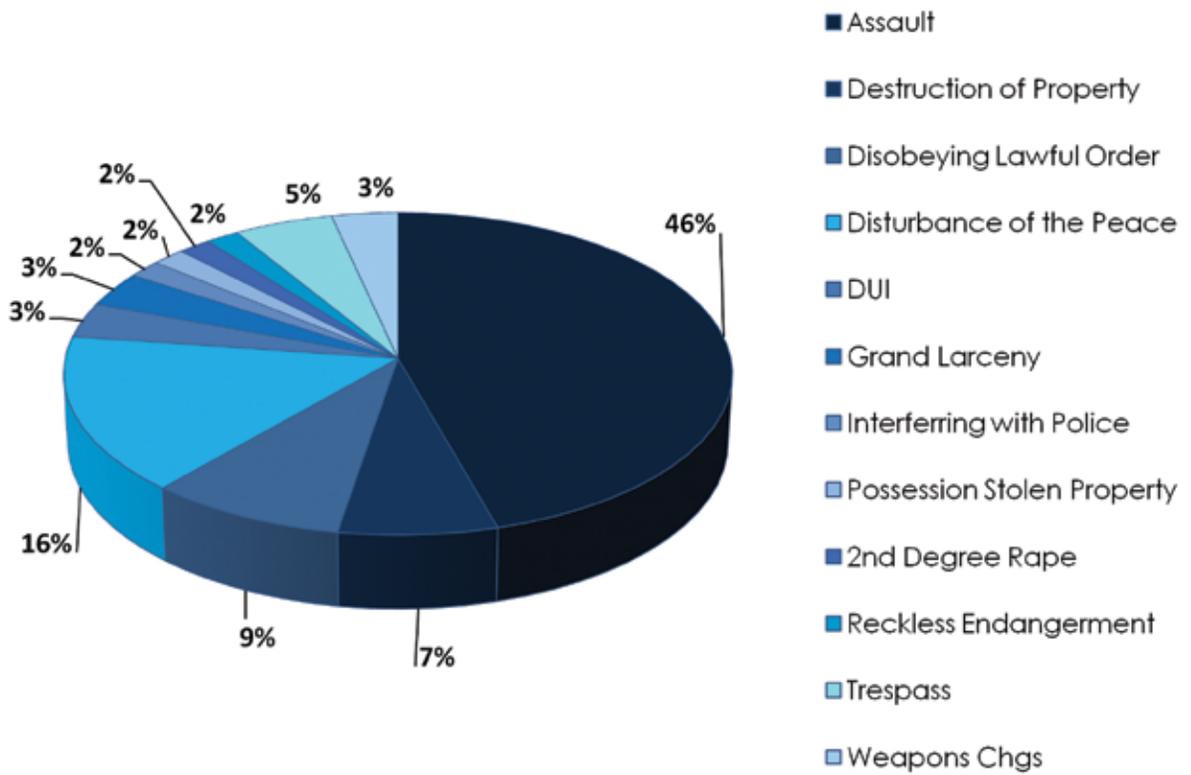


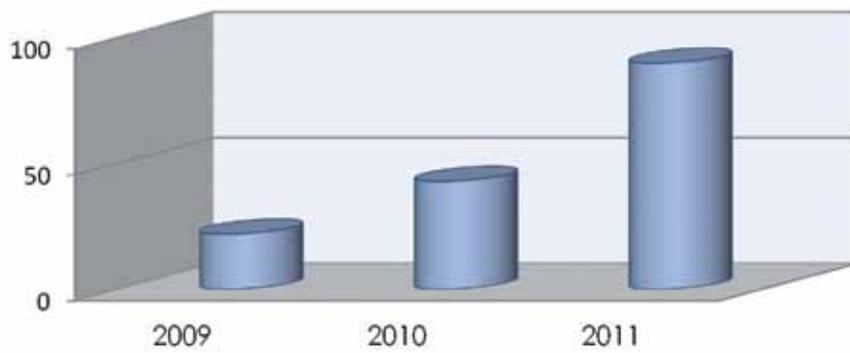
Fig. 7: STT/J FY11 - PIP Client Charges



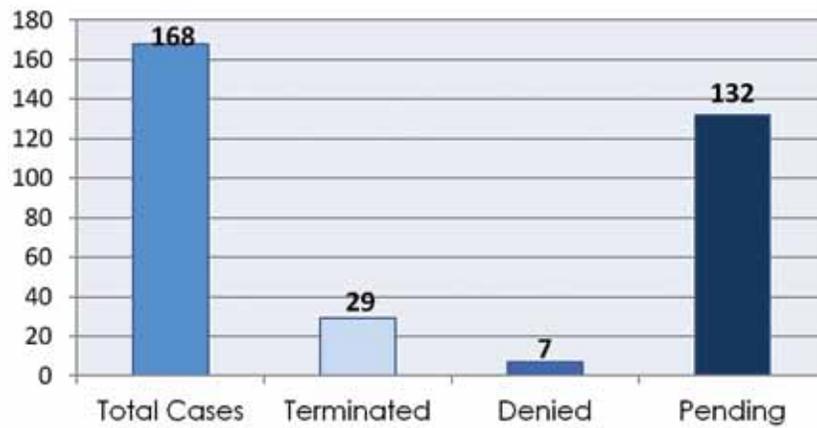
St. Croix District: During this fiscal year, the caseload in the District of St. Croix totaled 168 cases, twenty-nine of those

cases were terminated; and, after screening, seven (7) clients were denied participation in the PTI Diversion Program.

STX FY11 - Case Load



TX FY11 - PIP Activity Summary



Additionally, the following represents some of the important accomplishments within the Pretrial Diversion Program in the District of St. Croix:

- Completed overall analysis of Pretrial work practices in both districts in order to unify the procedures.
- Continued regular monitoring of clients.
- Continued tracking progress and accountability of clients.
- Provided follow-up with clients who were not reporting on a regular basis and updated the delinquent cases.
- Processed twenty-nine (29) cases for closure.
- Carefully screened divertees for eligibility within the Pretrial Diversion Program.

PRETRIAL FEES: In accordance with Title 5 subsection 4612(d), all participants are required to pay the applicable Court Cost of Seventy-five (\$75.00); and, in accordance with Title 4 Subsection 521(a), they must also pay the Pretrial Administrative Fee of Two Hundred Dollars (\$200.00). During this fiscal year, the Pretrial Intervention Program collected the following in Administrative Fees and Court Costs:

District	Administrative Fee	Court Costs	TOTAL
St. Thomas - St. John	\$3,400	\$1,275	\$4,675
St. Croix	\$5,800	\$2,175	\$7,975
TOTALS	\$9,200	\$3,450	\$12,650

PRETRIAL INTERVENTION ACTIVITIES RISING STARS YOUTH STEEL ORCHESTRA

In addition to its core diversion case processing functions, the Superior Court continues to administer its primary juvenile delinquency prevention program -- the Rising Stars Youth Steel Orchestra, now in its 30th year of operation in the St. Thomas-St. John District. By its very nature, the Court traditionally responds to social ills at the back end - after a problem or delinquency issue has already surfaced. However, through the Rising Stars Program, the Court has adopted an innovative approach that permits it the rare opportunity to address social issues at the front end - before our youth become a statistic of the judicial system. Through this prevention program, the Court has served more than 300 students - Territory wide - and continues to provide year-round initiatives that engage students in positive and educational activities in a supervised setting. Initially created in the St. Thomas-St. John District, the Court established the same program on St. Croix five years ago and continues to expand in that District.

This program continues to be unique in that it is the only program of its kind that is found in any judicial branch of government - nationally or internationally. This one-of-a-kind program provides members between the ages of ten (10) and eighteen (18) with a variety of educational, social and cultural activities in addition to a "home away from home". In addition to learning the art of playing the steelpan, members are introduced to academic and personal growth and development activities through the Program's after school Tutorial and Enrichment Program and they participate in various life skills and career preparation workshops; rap sessions; educational trips; and, the following college matriculation workshops: Planning for College, Financial Aid Workshops, Career Planning Seminars, Resume Writing and Interviewing Techniques.

After thirty years of operation, the Program's thrust continues to focus on improving member's academic skills, preparing them for post-secondary education or employment - while simultaneously building future leaders. During this fiscal year, fourteen tutors were retained - between both districts - and rendered academic assistance to the members in the areas of English, History, Math, Science and Computer Applications/Office Technology.

At the beginning of this fiscal year, the Rising Stars Program in the St. Thomas-St. John District maintained a membership of 160 students. This fiscal year, approximately 140 members performed at Reichhold in their presentation of "The Essence of Classics on Steel." During this presentation, the Orchestra showcased the talent and skills of its members - not only playing the steelpan, but also in dancing and playing a variety of wind instruments along with the Orchestra. A technological first was achieved as the Orchestra, under the leadership of Instructor James Gittens, Jr. and the students in his videography class, streamed the concert live via the internet. It was seen by many alumni and other supporters - locally, nationally and internationally.

Following their Annual Christmas Concert, which received overwhelming accolades from community members, the Orchestra continued its tradition of serenading at various locations throughout the island, including: Seaview Nursing Home, Yellow Cedar Group Home, the Superior Court, the Post Office Square, and both cruise ship docks - Crown Bay and West Indian Company Ltd. (WICO).

The Orchestra in the St. Croix District maintained a total of ninety-three members, eighty of those members participated in the 2010-11 Festival parades. The staff was pleased to note, for the first time in the Orchestra's existence, that



there were enough instruments to allow all the members to perform at the same time during the parades. The Orchestra was awarded 1st prize for their presentations in both the Children's and Adult's Festival Parade. During this season, the Orchestra also participated in a variety of activities, including: hosting a mini concert in the Sunny Isle Shopping Center; participation in Pan Fest, World Food Day, and the opening of Home Depot; and, they also performed during the St. Croix Educational Complex 1st Annual Evening of Pan concert.

The Orchestra in the St. Thomas-St. John District celebrated its 30th Anniversary during the Carnival Season as they participated in the usual Carnival events: Panorama, Pre-Teen Tramp, the Food Fair, the Children's and the Adult's Parades. During the Adult's Parade, the Orchestra also included a float in its presentation which depicted its thirty year history. A highlight of the Carnival Season was the return of approximately forty alumni members who performed during the Panorama.

During the month of June, twenty-six members (26) in the St. Thomas-St. John District received their high school diploma – twenty (20) who successfully completed the program and received the Jahmal Andrew/Rising Stars Scholarship, a Certificate of Participation, and a 30th Anniversary Rising Stars Watch.

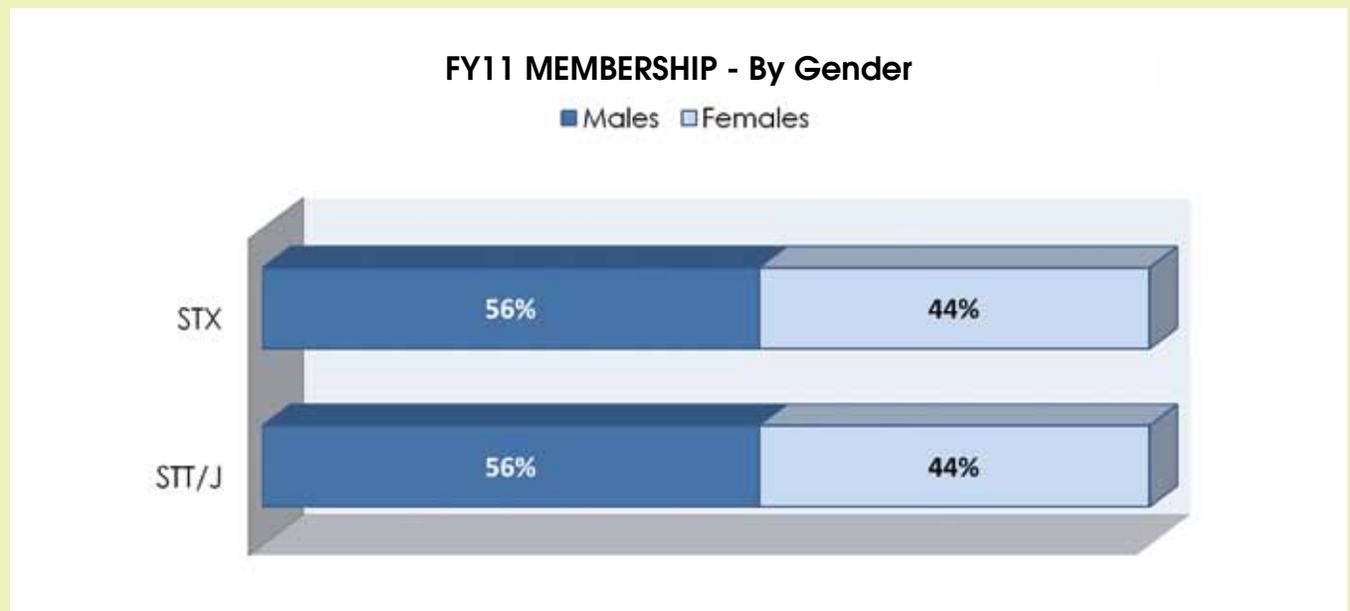
In the District of St. Croix, the Third Seniors' Luncheon entitled "A Star Studded Celebration" was held to recognize the Orchestra's eight graduating seniors. Each of the proud graduates received a laptop and a financial scholarship in the amount of \$700.00.

During the Summer Season, the Orchestras continued their bi-annual recruitment efforts and ninety-six (96) new members successfully completed the recruitment program

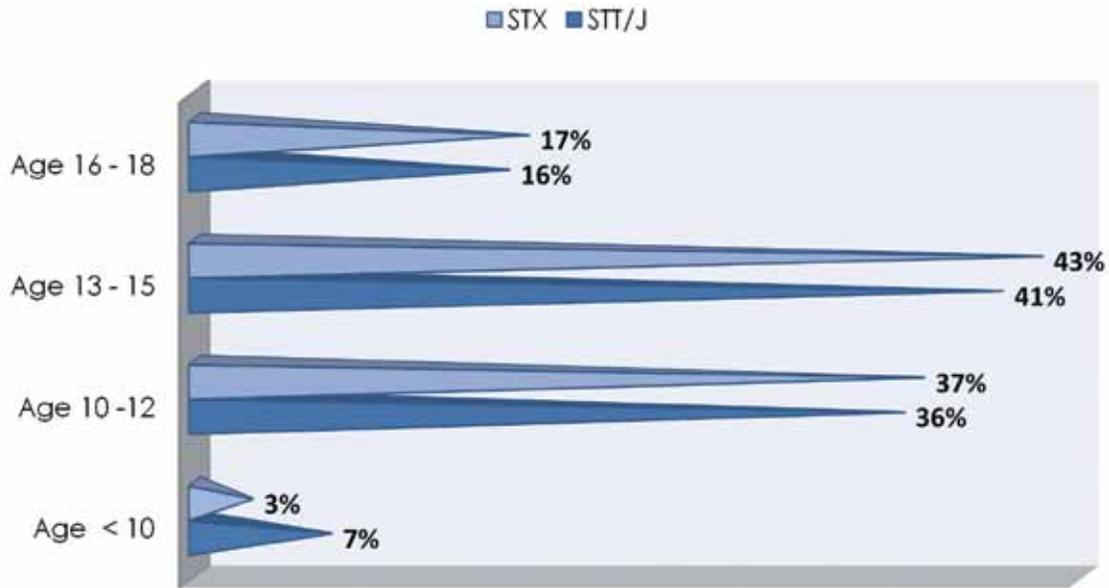
in the District of St. Thomas-St. John. Enrollment within the Orchestra increased to two hundred eighteen (218) members – with one hundred twenty-two (122) active veteran members. In the District of St. Croix, forty one (41) new members were accepted, which brought their current membership to ninety-three active members.

In addition to playing the steelpan, the recruits in both districts participated in rap sessions which included a variety of topics, including: listening skills, emergency medical techniques and training, leadership and money management skills, bullying and conflict resolution, peer pressure, how to avoid the criminal justice system, in addition to a career planning workshop. They also participated in various sports activities, beach outings/beach clean-up, bowling, golfing, skating and hiking.

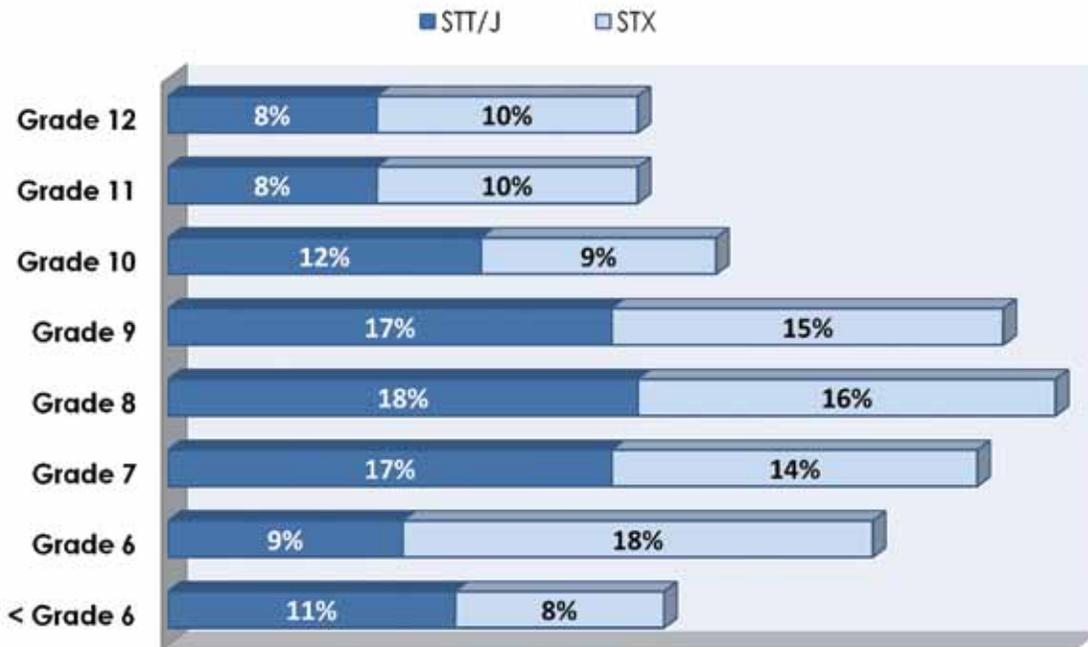
During this fiscal year, the Rising Stars were involved in a variety of events, which provided positive social, cultural and academic activities in which the members were able to participate. They performed for various Department of Tourism and other fund raising activities. In the District of St. Croix, the Orchestra also obtained a mini grant from the Department of Human Service in the amount \$2,500.00 to facilitate their summer activities.



FY11 MEMBERSHIP - By Age Group



FY11 MEMBERSHIP - By Grade Level



The Rising Stars completed their three seasons, in the St. Thomas-St. John District, with an average participation of 150 of its 218 members. Sixty members, marshals, chaperones, Instructors and Pretrial Staff members participated in the Orchestra's Ambassadorial Duties as they traveled to Tortola, BVI - after a twenty-five year hiatus - to participate in the Annual August Monday Festival Parade in August 2011. The BVI Festival committee absorbed all the cost of transporting not only the members and staff to Tortola, but they also made provisions for two (2) trolleys and two (2) vehicles as well. This collaborative effort was well received by the people of the BVI and it is expected that additional invitations will be forthcoming in the future.

During this fiscal year, the Orchestra expanded its activities with new challenges and embarked on new projects – at no cost to the Court - as they collaborated with the University of the Virgin Islands Music Department and the National Guard 73rd Army Band. UVI's Music Department and the Rising Stars introduced the 1st Solo Classical Steelpan Competition for students who play this instrument. The competition was open to all students from elementary through high school and had twenty participants who represented various public, private and parochial schools along with several Rising Stars members.

In celebration of Veteran's Day, the Orchestra joined with the National Guard 73rd Army Band and held a joint concert. Additional participants in the concert were music students from Charlotte Amalie and Eudora Kean High Schools. In addition to the concert, the members also participated in a music workshop at the Armory with top musicians from the National Guard Band.

Staff development remains a number one priority for educational enhancement and personal development as it relates to teaching members the art of playing the steelpan and the arrangement of music as it relates to pan. The Rising Stars Program continues to support the educational pursuits of its staff, which also includes the annual staff development training in Trinidad.

Currently, five (5) Instructors in the St. Thomas-St. John District have obtained either a Bachelor's or Associates Degree and two others are continuing their educational pursuits at UVI to obtain their Bachelor's Degree. In the St. Croix District, one Instructor has obtained his Master's Degree. The Court and the community have invested significantly in the Rising Stars Program for the past thirty years and we have all seen the positive return on this investment as the alumni members serve this community in all facets of life – in the private as well as the public sector. Rising Stars Alumni may be found contributing to their community - locally, nationally and internationally!

Currently, seven (7) alumni members are Instructors within the Rising Stars Program in the St. Thomas-St. John District – a clear indication of an investment paying off. Therefore, it is imperative that, in consideration of the youth in our community, we continue to focus on the mission of this program by continuing to prevent school drop-out and juvenile delinquency among our youth as we utilize music and the steel pan to accomplish this task.

Between both districts, the Rising Stars Program was able to continue their fund-raising efforts and utilized the proceeds from these activities for scholarships to their graduating members. Some of those funds were also utilized to cover various expenses/purchases needed by the Orchestras. Their fund-raising efforts enabled them to raise a total of \$29,550.00.

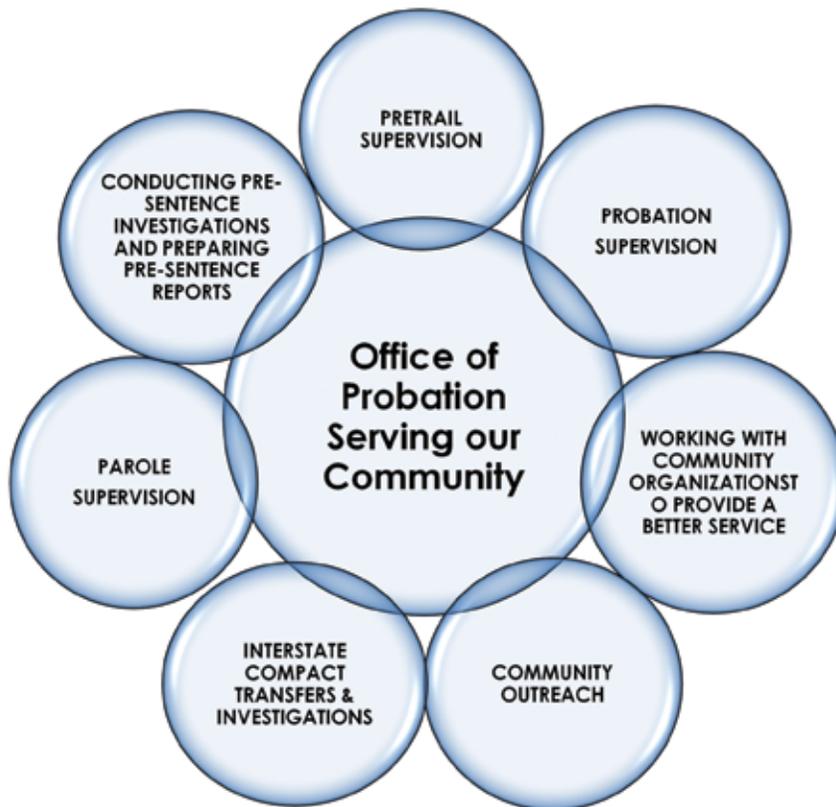
PROBATION AND PAROLE

The mission of the Office of Probation and Parole, within the Superior Court of the Virgin Islands, is to work within the guidelines established by the Virgin Islands Legislature, Federal Laws, United States Constitution, Interstate Compact for Adult Offender Supervision Rules and Regulations; and, the dictates of the Presiding Judge while honoring the safety needs of the Virgin Islands Community.

The Office of Probation and Parole is committed to working with offenders to ensure compliance with, and adherence to, Court Orders and Standard Conditions of Supervision in order to aid offenders and bring about improvement in their conduct and condition, and their ultimate re-integration into the Virgin Islands Community. The division's goal is to bring about the ultimate rehabilitation of offenders through the adoption of a holistic approach to supervision that is designed to decrease increasing instances of recidivism.

Under the leadership, supervision and guidance of the Territorial Chief Probation Officer, the Office of Probation and Parole receives tasks and assignments from the Judges of the Superior Court of the Virgin Islands, the Virgin Islands Board of Parole, U.S. Probation Office, Interstate Compact for Adult Offender Supervision, Court and Assistant Court Administrators, Clerk of the Court, General Counsel, and the Chief Probation Officer. The division's clientele also includes court personnel, attorneys, probationers, parolees, defendants and their families, Interstate Compact Offices and the general public.

During this fiscal year, the Probation Office - Territory wide - fielded more than thirty-two thousand office visits by a variety of individuals: St. Croix District - 16,938 office visits; and, 15,850 in the St. Thomas-St. John District. The persons visiting the Probation Offices included, but was not limited to the following: Probationers, parolees, Pre-trial Release clients, victims and their family members, defendants and their family members, attorneys, police officers, individuals from other agencies and from the general public as well.

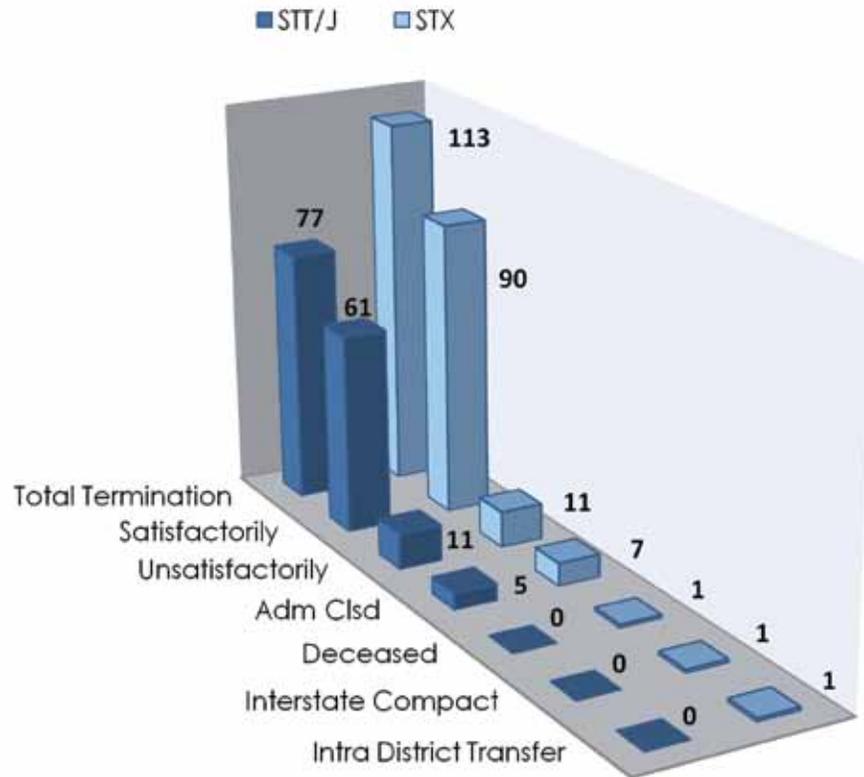


During FY11, the Probation Division also terminated one hundred ninety clients from supervision: one hundred thirteen (113) cases were terminated from supervision in the District of St. Croix. Ninety of those cases were satisfactorily terminated, eleven were terminated unsatisfactorily, seven were discharged administratively, one was closed because the client was deceased, three were transferred out of the local

jurisdiction (Interstate Compact); and, one was transferred to the St. Thomas/St. John District.

In the District of St. Thomas-St. John, seventy-seven (77) cases were terminated from supervision. Sixty-one of those cases were closed satisfactorily, eleven were closed unsatisfactorily; and, five were discharged administratively.

Terminated Probation Cases



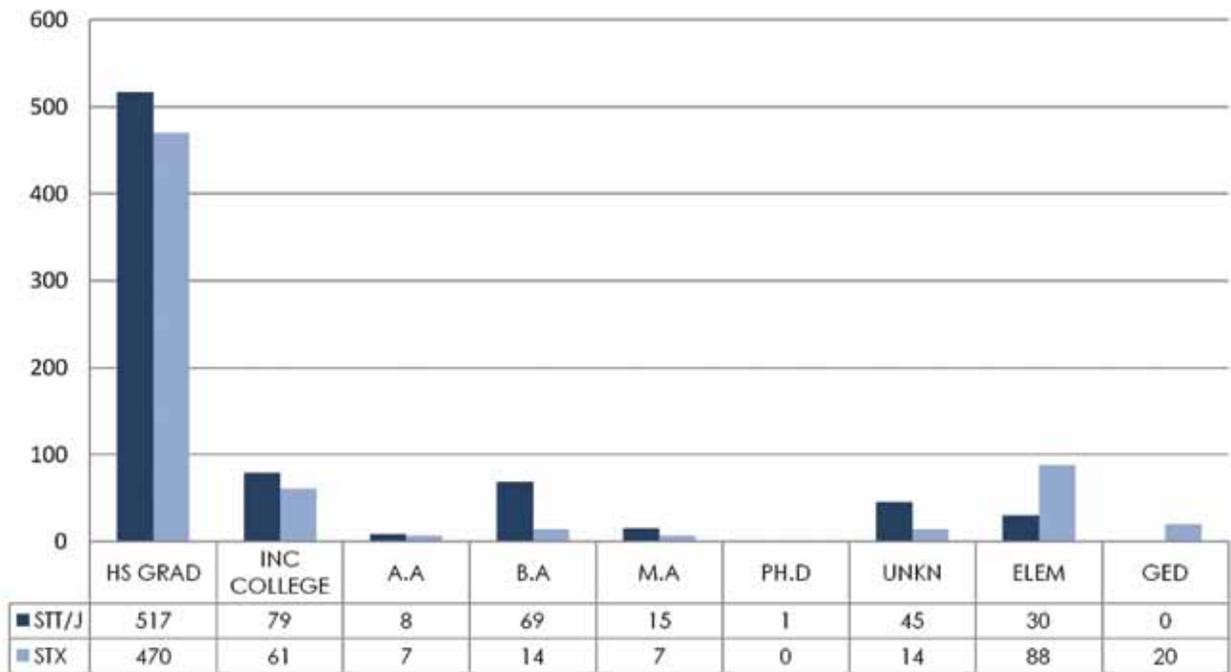
The Probation and Parole Division processed the following clients within the Territory as outlined in the chart below:

DISTRICT/ ACTIVITY	ST THOMAS- ST JOHN	ST CROIX	TOTALS
Probation Officers Court Attendance	210	234	444
Field Visits Conducted	93	198	291
Pre-Sentence Reports Submitted	205	193	398
PreTrail Release Clients Monitored	1213	1063	2276
PreTrail Release Cases Terminated	355	553	908
Supervised Probation Clients	751	989	1740
Supervised Parole Clients	36	49	85
Probation Cases Closed	107	433	540
Supervised Probation Cases Terminated	77	113	190
Probation Client Referrals	110	126	1236
INTERSTATE COMPACT			
Supervised Parole Interstate Clients	7	10	17
Interstate Compact Investigations	12	13	25

During this fiscal year, the Office of Probation and Parole made several observations regarding the clients being served as it relates to age (18 – 79) and educational level. The clients being received within Probation are of varying age and educational levels (from GED to Doctorate) and are being arrested for a variety charges. During the last few fiscal years, the District of St. Croix (STX) saw an increase in the number

of individuals with post-secondary education being arrested. This trend continues to hold true in this fiscal year (2011), with the percentage remaining at 13%. This phenomenon is even more evident in the St. Thomas-St. John District (STT/J) where individuals with post-secondary education represent 23% of all persons arrested.

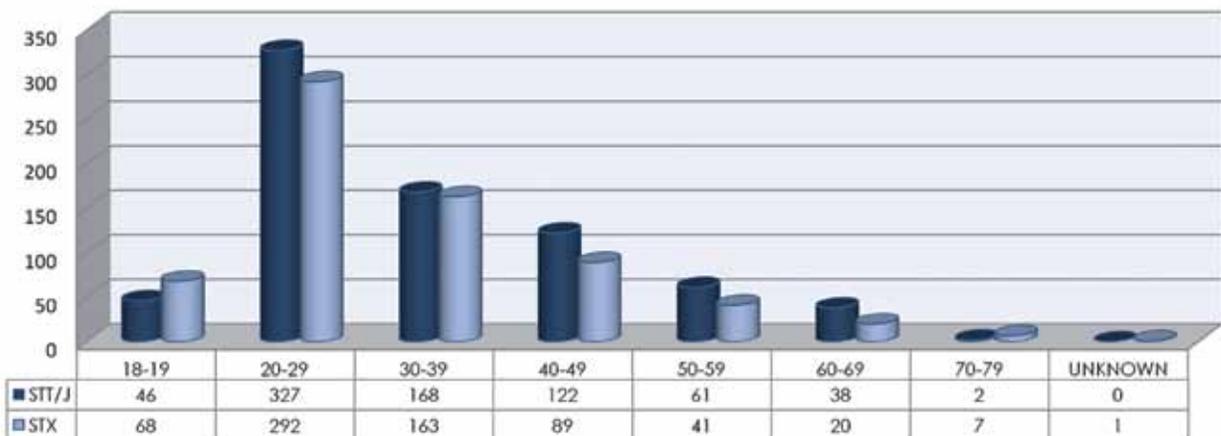
FY11 TERRITORIAL - Client Educational Levels



During the past few fiscal years, we saw a shift in the age of persons being arrested in the District of St. Croix. This reflected an increase of persons in the age range of 16-29 years being arrested more frequently than any other age group. During this reporting period, however, we actually

saw a 3% decrease of persons in that age group (representing 53% of all persons arrested). The statistics in the District of St. Thomas-St. John are consistent with the findings on St. Croix, with that age group accounting for 49% of all persons arrested.

FY11 TERRITORIAL - Probation Client Age Range



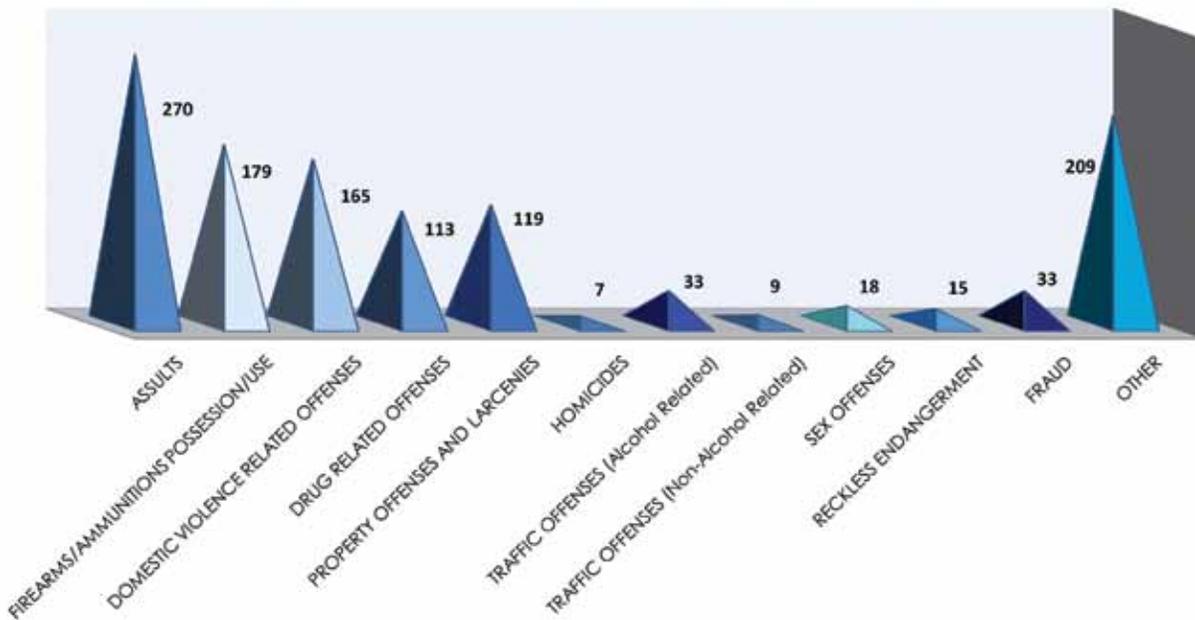
Statistical analysis of crimes committed by probationers during the past few fiscal years, have revealed the following trends which is also outlined in the charts following the description:

- Crimes of violence, weapons/ammunitions use/possession, traffic offenses and drug related offenses were the most prevalent reasons people were arrested.

- During previous fiscal years, we saw an influx of domestic violence cases.
- More weapons related offenses continue to be perpetrated by young African American men than any other group.
- Young men, in the 20-29 year old age group continue to be the population most frequently arrested for violent crimes and weapons possession.
- Older African males continue to be arrested more frequently for traffic related offenses stemming from alcohol usage and domestic violence related offenses than any other age group.

- We are seeing a trend of an increasing number of Caucasians being arrested for a variety of offenses, whereas they were typically only for traffic offenses (alcohol related).
- During this year, we have witnessed another trend: An overwhelming number of females are being arrested for a variety of offenses.

FY11 - STX Probation Client Charges

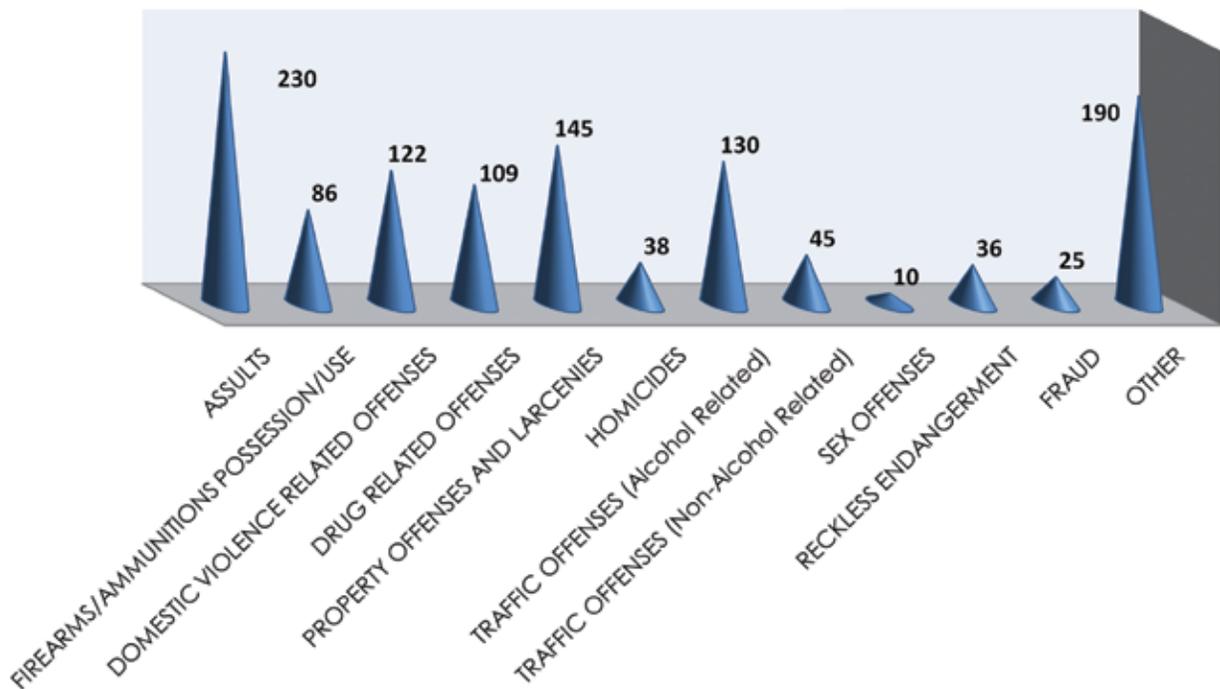


In the St. Thomas-St. John District:

- The trends noted above are also being replicated in the St. Thomas District, with applicable statistics falling within a similar range.
- It is important to note, however, that the number of firearm related arrests in the District of St. Croix is almost double that of the St. Thomas-St. John District. However, the St. Thomas-St. John District had overwhelmingly more individuals arrested for Homicides and Traffic related offenses than the St. Croix District.

During FY2011, the Probation and Parole Office collected a total of \$85,308.24 in administrative fees, court costs, fines, monetary donations and restitutions which was a 30% decrease from the prior fiscal year. This decline in collections is directly attributed to the current economic condition being experienced in the Territory.

FY11 - STT/J Probation Client Charges



PROPERTY AND PROCUREMENT

The Property and Procurement Division is charged with the responsibility of professionally and ethically procuring, the best valued products and services in accordance with the Territorial laws and regulations, to enable the Court to meet its objectives. This is the Court's centralized purchasing office that all divisions are required to utilize when making purchases. This division is also responsible for processing, receiving, documenting and retaining records for all bids and requests for proposals (RFPs). They also maintain inventory records for all non-expendable property and conducts yearly inventories.

During this fiscal year, this division ensured the following:

- All procurement needs for the staff of the Alexander A. Farrelly, Magistrate Court, as well as, assistance in the District of St. Croix were rendered as requested. As a result of the Court's current funding level, coupled with the Court's Austerity Measures, purchases of supplies and other non-emergency items have been streamlined in accordance with the availability of funds. The Court is continually challenged, as far as procurement of items is concerned, since many of our established vendors are also experiencing financial hardship; thus, the availability of credit to the Court has been significantly reduced.
- This office has continued to assist in the procurement, implementation, and training initiatives for the new Case Management System (CMS) program.

In light of fiscal constraints and the current state of the economy, the Superior Court's administration is committed to continuing to adopt applicable cost saving measures. As a direct result, this office continues to mirror the government's cost savings initiative; therefore, no major renovations were performed in the St. Thomas-St. John District this fiscal year and no replacement of furniture or non-critical equipment was made.

Nevertheless, after working on this project for several fiscal years, the Farrelly Justice Center is on track to replace one of its aged elevators and has been in negotiation with a vendor to do so. Contract negotiation for this project was completed at the end of this fiscal year and the elevator should be installed during the beginning of FY2012.

Additionally, none of the Court's aged vehicles were replaced, although scheduled to do so in FY11 - based on the Court's fleet replacement plan. Many of the fleet's routine maintenance and repair issues were deferred until funds became available. This deferment became absolutely necessary due to the 3% reduction of the Court's budget in the fourth quarter of FY11 that stymied the Court's efforts to pay routine expenses. Once funds became available, maintenance and repair schedules were initiated to address those issues, although some items remained pending - due to their significant estimated costs - and are awaiting the availability of the necessary funding.

RESEARCH AND DEVELOPMENT

Currently staffed by one person, the first project being undertaken is the development of performance standards for the Court's employees. At the end of FY 11, the comparative analysis of the NCSC recommended job descriptions had been reviewed and compared with the questionnaires that were submitted to NCSC by the Court's employees. As a result of this review, it has been determined that there currently exist a total of seventy (70) positions for which performance standards are to be established.

During the upcoming fiscal year, the progression of the Performance Standards project will include the following to facilitate its completion:

- Creating an alphabetical job listing based on the seventy (70) positions to be reconciled with the information available within the Human Resources Division; and,
- Meeting with first-line supervisors to begin the process of reviewing the job descriptions of each of their direct reports.

FY 2012: GOALS OF ADMINISTRATION AND SUPPORT

As this office continues to work within the legislatively imposed fiscal and budgetary constraints, this division is committed to ensuring that the Court operates squarely within its means. To this end, this division will continue to work towards the following:

- Repairs and maintenance upgrades to the Court's facilities in both districts;
- Preparation of the Design/Build RFP for the design, construction and relocation of the following: the Annex

and the Rising Stars Panyard in the St. Croix District; and the Magistrate facility and the Rising Stars Panyard in the St. Thomas-St. John District. The addition of these facilities will provide adequate and up to date storage facilities with the goal of reducing the Court's overhead, storage, rental and accompanying costs;

- Facilitating the upgrade of the Court's communication systems: the telephone system; computer equipment and software; and, courtroom technology;
- Facilitate the final phase of the upgrade to the Jury Management System;
- Secure the applicable Budget module for the Accounting and Finance Division to enhance the ability to provide the requisite information, report and statistical analysis that is necessary to move the Court forward; and,
- Continue to work with the Court's management team to address issues of concern within the Court that will enhance the Court's ability to render the requisite service to the community.

THE OPERATIONAL DIVISION

The Operational Division of the Superior Court of the Virgin Islands is managed by the Clerk of the Court who is directly responsible for the management, supervision, functions, processes and operations of the following divisions within the court: Cashiers, Civil/Small Claims, Court Reporting, Criminal, Family, Jury Trials, Marshals/Security, Probate and Traffic. These divisions are directly responsible for receiving and processing court documents, attending and assisting in all court proceedings, maintaining the Court's files, and entering the Court's orders, judgments and decrees. Additionally, the Clerk's Office collects and disburses money for court fees, fines, court costs, judgments and restitutions at the Court's direction.

During the course of the fiscal year, the Operational Division undertook various projects intended to improve the efficiency and effectiveness of operations. Some of the overall operational achievements of these major initiatives are outlined below:

- **CASE MANAGEMENT:** During the fiscal year, we substantially completed the planning and development process integral to our transition to a new case management system. That included collecting information and submitting, in over 40 different reports/submissions to the case management vendor. We completed the pre-development reviews with the vendor, to include GAP and JAD review and planning sessions. Subsequently, this office reviewed the development document submitted by the vendor and submitted a review document addressing each requirement and approving or disapproving the vendor's recommended approach to address such requirements. The system is now in development, and periodic meetings with the vendor

are held to address all issues. Additionally, this office is working to finalize the automated payment approach to be adopted, while also reviewing approaches for transferring our historical documents into electronic formats. We await proposals on both approaches, and a decision on how to proceed will be made during Fiscal Year 2012. This office is also working with the vendor to finalize development of the e-filing component of the system, as an integrated approach to the case management solution. That process started at the latter part of the fiscal year.

- **DOCKET CODES:** This office conducted a review of all system codes currently used for docketing and made changes, as necessary. This lengthy process required review meetings with each division to determine codes in use, new codes required and areas of deficiencies in case processing resulting from inadequate or duplicate coding. As a result of this effort, improved codes will be available for use in the new system.

- **CASE PROCESSING/DELAY REDUCTIONS:** During the fiscal year, the Court took steps to improve its management of cases, reduce case backlogs and delays in the resolution of cases. The Operational Division was an integral part of that process, with the Clerk attending an initial training with the Presiding and Administrative judges in Arizona and later returning to plan a follow-up training for judges. That process also included a coordinated study of our cases, to determine delay patterns in various case types. Following the two training periods, the Court was engaged in a case delay reduction project, in conjunction with each judge, to review the pending caseloads of each judge and to address cases in apparent delay. That process has been substantially completed. The final portion of this effort is ongoing, and involves the development of various performance measurements/standards for judges and the Court as a whole, aimed at improving the access to justice in the trial court. This process is expected to continue in Fiscal Year 2012.

- **STANDARD OPERATING PROCEDURES AND FORM REVISIONS:** During the past several years, the Court has been reviewing and adjusting its practices and procedures, standardizing the same to the extent possible across the districts, and documenting the same. During this fiscal year, this office completed Standard Operating Procedures for most operational divisions. The SOP's have undergone review and discussion within the divisions. The Marshal Division procedures remain under review, as we work to ensure that any policies implemented include a fully vetted use of force and security policy. The Probate Division also has yet to be completed, as the state of the law affecting those processes is still undergoing legislative changes.

The final goal to fully completing and implementing the SOP's is the review and revision (and implementation of new ones, in some cases), of all forms used in each division.

The purpose of this step is to ensure that the same forms are in use across the districts and that the Court uses a standardized process. This will serve to correct past practices of the Court having widely divergent forms and processes across the districts. That process is underway and, once completed, will be added to the work flows to finalize the procedures, and issued to all staff.

- **QUALITY CONTROL:** The Clerk's Office implemented Quality Control Reviews and continued to amend those to ensure that individual employees are adhering to new policies and procedures. We continue to work to address issues as they arise and to strive toward improved procedures.

- **APPEAL ACCOUNTABILITY:** This office implemented a review and reporting procedure within the divisions at the beginning of the fiscal year, to address the long-standing problem of delays in submitting the record to the appellate court(s). This requires reporting and review for all notices of appeal filed, along with a schedule reflecting the date of submission of the required documents, and accounting for any submissions in excess of the time lines set forth. A similar process was previously implemented for court reporters, to improve accountability for the timely delivery of transcripts in cases on appeal, which has proven successful in reducing delays and/or show cause orders. That process requires reporters to report and account for transcripts pending after 30, 60 and 90 days, and to account specifically for matters pending in excess of 90 days.

- **NOTARY ACCOUNTABILITY:** The Court implemented a new notary review and accountability process, to become consistent with statutory requirements.

- **PHONE SYSTEMS/RECEPTIONIST COVERAGE:** Working with the IT Division, this office obtained wireless headsets for the receptionist in the St. Croix District and will seek to do the same in the St. Thomas-St. John District. The purpose for using these headsets is to improve the efficiency and ergonomics of that function. We also worked on a draft phone auto-answering system that would aid our customers in promptly getting to the right division/person for service. That system was developed based on outlines submitted to our phone vendor, and the development has been approved. We are awaiting finalization and implementation of the service, which would reduce some of the workload on the receptionist and also improve the ability of external customers to promptly reach the appropriate section/person for service.

- **CASHIERS:** We put in place a system to better calculate interest in enforcement actions and to account for declining balances amounts. Additionally, all relevant staff received in-housing training, with the assistance of the St. Thomas-St. John Cashier Supervisor, Ms. Tenisha Lowry.

- **COURT REPORTING:** As a result of new accountability measures and reporting requirements, we have made great improvements in the timely delivery of transcripts/responses to transcript requests. Additionally, we have begun to incorporate concordances with each transcript.

- **HOUSE ARREST:** We have continued to undertake additional steps to improve the accountability and effectiveness of our house arrest program. Most recent steps include the implementation of an immediate reporting requirement by our Marshal Division of all founded alerts/violations to the judge or magistrate who set the conditions, to permit a determination whether the defendant has forfeited the opportunity to participate in the program in lieu of incarceration. The Marshal Division may now also pick up violators and take them to the Bureau of Corrections and immediately submit a report to the judge/magistrate so that the individual may be brought in on a show cause hearing. This new process better protects the community and the integrity of the program by permitting immediate action when the Marshal Division obtains electronic alerts indicating violations and confirm such violations through physical checks of the defendant's home.

- **DIVISIONAL REVIEW MEETINGS:** Each district was required to implement divisional review meetings, to give the Chief Deputies an opportunity to stay abreast of divisional needs, issues of concern and deficiencies or accomplishments, and to promptly address them or recommend action to the Clerk.

- **EXTERNAL COOPERATIVES:** The Court continues to be involved in external cooperatives, to improve its service to its publics and to do its part in working toward territorial or inter-agency goals. To that end, the Court has continued to:

- Host school tours in both districts, where judges and staff address the participants and discuss the court system with our youngsters, take them on tours throughout our facilities, and permit them to observe various court proceedings.

- Host the Bureau of Corrections and mainland correctional institutions, to permit Virgin Islands prisoners housed abroad to visit with their family members at home, through the Court's videoconferencing facilities.

- E-Citation: Work continues with the Office of Highway Safety, the Attorney General's Office, the VI Police Department and other agencies toward the implementation of the e-citation program. This project has been in development for several years and the Court has played a substantial role in ensuring the appropriate development of the electronic ticket, pursuant to legal and policy requirements, and has submitted final approval of the tickets. However, the system has not been fully developed to permit integration with the Court, to realize a truly fully automated process. Accordingly, a proposal was submitted to implement a stop-gap approach that would permit the Court to electronically accept tickets and manually enter the same into our system (since OHS has not developed a fully electronic approach). However, to prevent the costly and inefficient need for the Court to reprint tickets for data entry, once electronically received, the Court requires additional computer equipment at each work station, as well as equipment in each courtroom to permit the magistrate, the deputy clerk and the prosecuting attorney to view each ticket. We are awaiting completion of the procurement process for such equipment through the Office of Highway Safety. We anticipate that the system will not be functional until completion of that process and until other external issues (not within the Court's purview) are addressed.

- Security: The Marshal Division has worked with the Executive Branch agencies, without compensation, on several special assignments throughout the year.

- Federal Agencies: The Superior Court has continued to be a good public sector partner with other external agencies. During the fiscal year, the Court was able to provide shared resources with the District Court of the Virgin Islands, by providing interpreting and court reporting services, as well as courtroom space, as needed. We additionally received similar cooperation from the District Court, which has provided assistance to judges by conducting advice of rights and other initial criminal proceedings for Superior Court matters, to permit our judges/magistrates to participate in joint training/meetings, as needed. Additionally, we have made our physical plants available for use by federal agencies for administrative hearings, to include the Immigration courts, which permitted administrative law judges residing outside the jurisdiction to satisfy their hearing responsibilities locally.

SUMMARY

The Court in FY 2011 implemented various austerity measures in response to severe budget cuts. A significant amount of these cuts affected the Operational Division, to include: foregoing supply needs that were critical to the fulfillment of their mandates; delayed vehicle maintenance in the Marshal Division - which ultimately affected service of court documents; and, critical staff shortages in several case processing divisions. This office also continued to face challenges obtaining appropriate service to cover critical operations functions, given delayed payment of invoices, which included interpreter and transcription services

Other impacted areas within the Operational Division included its inability to maintain adequate staffing in several divisions, to include: the Family, Court Reporting, and, the Criminal Divisions on St. Croix. In the District of St. Thomas-St. John, we have continued to shuttle court staff back and forth to St. John to ensure the availability of court services on St. John. The completion of a staff transfer in FY 2012 will serve to rectify that situation and will result in a critical vacancy on St. Croix.

The Marshal/Security division in both districts requires additional security officers. In the District of St. Croix, four additional security officers are required to facilitate the cost saving transition from contracted to 24-hour in-house security. Uniforms and other law enforcement supplies are needed for the Security Officers and the Marshal Division, to include: bullet proof vests in both districts; handcuffs and cases; ASP batons and scabbards; magazine cases and campaign hats.

In conjunction with the Court's austerity measures, the Operational Division implemented more accountable vehicle use policies, including restrictions of 24-hour use of vehicles; and, all employees were required to work without overtime pay and accept compensatory time for hours worked in excess of the regular work week. Employees have continued to work hard under these pressures and have continued to produce.

Training continues to be an area that is significantly affected by the fiscal constraints. We must continue to work toward providing in-house training. The Clerk's Office worked with Human Resources to ensure that some critical areas were covered in the annual training, and also made arrangements to have training for marshals done, pro bono, by a local attorney. Additionally, the Clerk's Office continues to do some of its own in-house training with clerks and supervisors, both at staff or supervisor's meetings and also in special small group sessions.

Topics recommended to meet the training needs within the Operational Division include: Courtroom terminology; active listening skills; records of proceedings; courtroom decorum; courtroom security; self-defense tactics; grammar and writing skills; accountable supervision; effective evaluations and performance reviews; disciplinary process how-to's; certification/re-certification for appropriate staff in appropriate areas; and, in-court procedures. Having now completed standard operating procedures in all but two areas, the Clerk's will begin to plan to train/retrain employees on the processes/procedures.

FY 2012: OPERATIONAL DIVISION GOALS

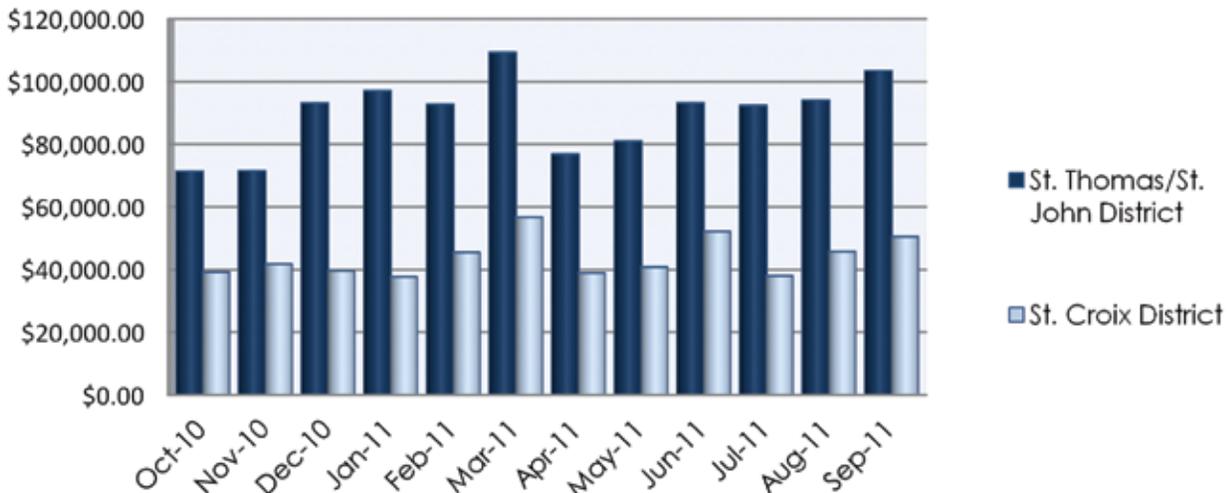
- Continue with case reviews to limit case delays
- Continue more aggressive quality control reviews
- Continue to work with the judicial officers in establishing performance standards for the Court
- Finalize and issue SOP's for all divisions, to include revised forms
- Complete implementation of the new case management and electronic filing systems
- Begin conversion of our historical documents to electronic format, in our records management system. The specific details will be further developed as we review proposals.

FY 2011: REVENUE COLLECTIONS

In an effort to assist the central government in raising revenues, and also to upgrade various fees that had not been increased for a significant number of years, the Court submitted recommendations to the Legislature to raise various fees collected by the court and deposited into the Government's treasury. Although not all of the recommendations were adopted and passed by the Legislature, increases were made that impacted various services within the Court, to include: small claims complaints, wills for safekeeping, civil judgment assessment and applications for probate or administration.

Fee changes were also made for all complaints, petitions, applications, appointment of guardian, adoption mandate or injunctions, foreign judgments, certified copy of judgments, certified copies of any record, record of appeal, civil and criminal; civil judgment assessment, vesper marriage applications; vesper marriage termination/dissolution; marriage application; service of summons, citations, warrants, subpoenas, etc.; each additional endeavor in service of summons, citations, warrants, subpoenas, etc.; traffic fines and fees; license, application and marriage ceremony; and, writs of attachment or execution, including all services except seizure and moving of property. It is important to note that none of the fees collected by the

**FY11 - Superior Court of the Virgin Islands
Monthly Revenues Collected**



Court is kept; rather, all of the funds collected are deposited into the General Fund.

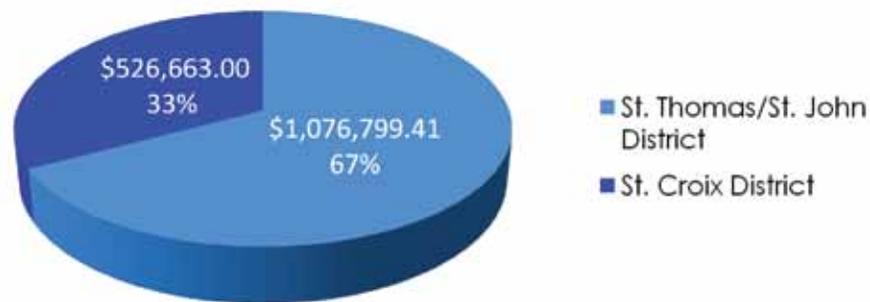
Also, in accordance with the order to amend Rule 6 of the Superior Court Rules, which allows for the addition of new rules to establish certain fees, fees for the following services were implemented: electronic transcripts, exemplification of court records, record searches, return checks, payment costs for storage of personal property and copying fees.

Revenues collected by the Superior Court come from a number of sources, and they are deposited into several funds: the General Fund, the Transportation Trust Fund, the Solid Waste Revolving Fund and Special Funds. The revenue sources for these funds, in addition to the new fees noted above, includes: Marriage Applications, Marriage Licenses, Marriage Ceremony, Certified Marriage Return,

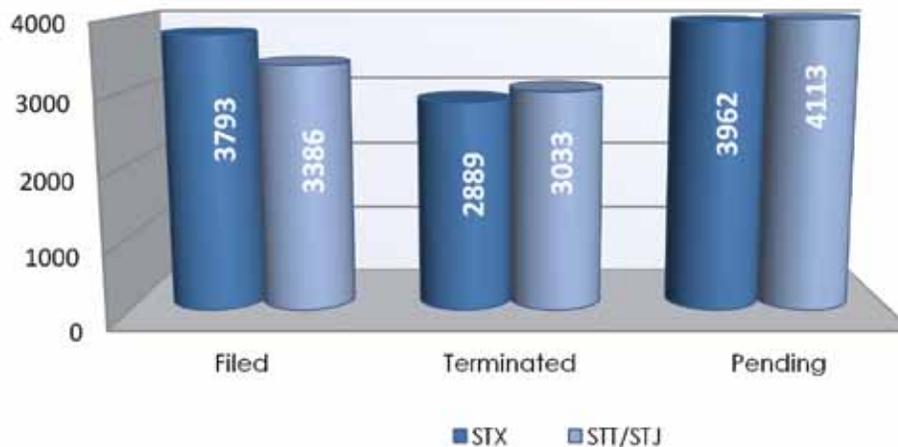
Filing Fees, Traffic Fines, Cost and Penalties, Probation Administrative Fees, Pretrial Administrative Fees, Photostatic Copies, Certified Documents, Divorce Decree, Notary Fees, Handicap Parking, Superior Court Fines and Costs, Forfeiture of Bail, Criminal Fines, Cost and Penalties, Inheritance Taxes, Conservation Fines, Litter Fines, Costs and Penalties in addition to Miscellaneous Revenues.

Although there was an increase in various fees, which occurred in the 3rd Quarter, revenues collected decreased from \$1,820,115 to \$1,603,462.41; that is a change of -\$216,652.59, or -13.5%. However, in FY10, there was a single payment of \$108,070.00 that was made during the last quarter of the fiscal year that boosted the Court's revenues that was collected that year. If not for that large payment, the decrease in revenues collected would have been -\$108,582.59, or -.067%.

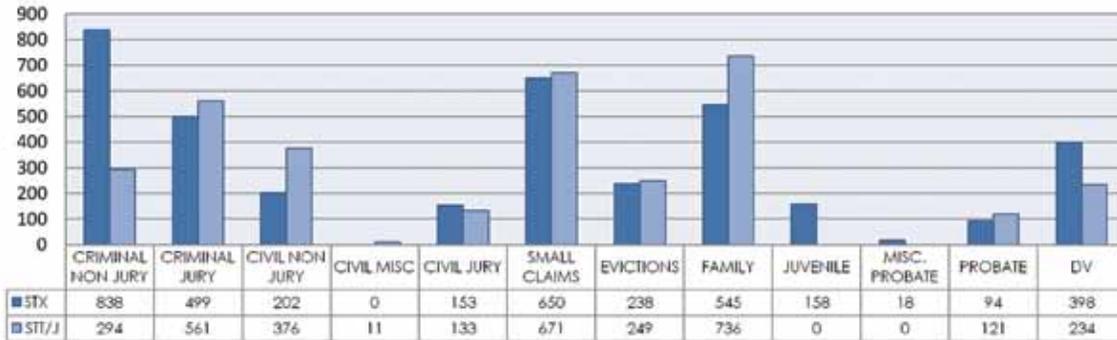
FY11 - Superior Court of the Virgin Islands Monthly Revenues Collected



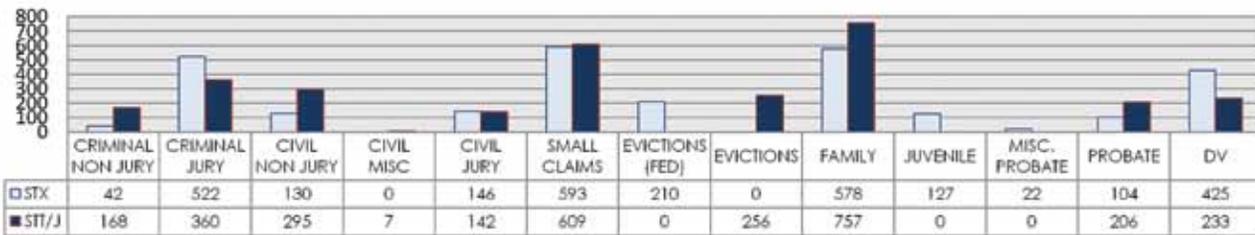
FY11 - Superior Court of the Virgin Islands Territorial Caseload Statistics



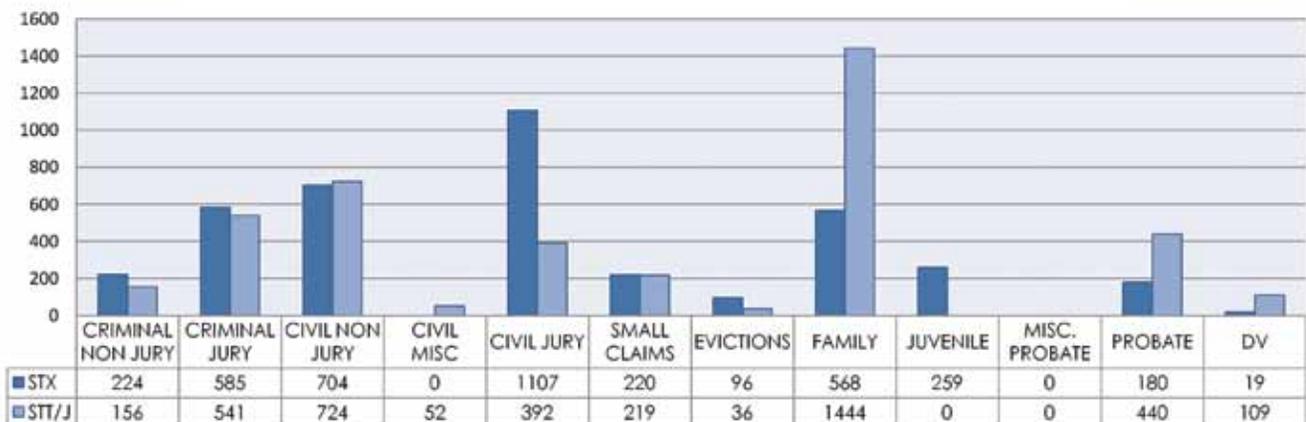
FY11 - Superior Court of the Virgin Islands Territorial Filed Cases



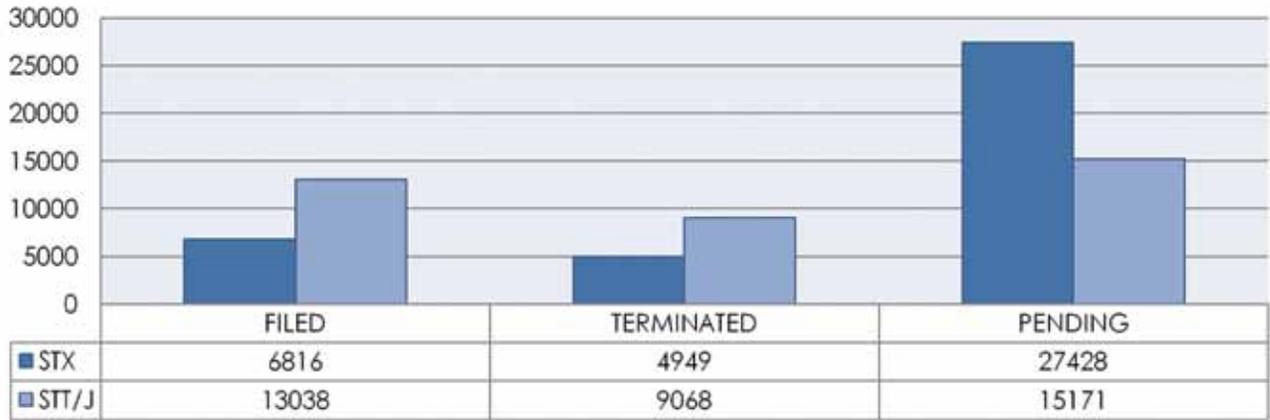
FY11 - Superior Court of the Virgin Islands Territorial Terminated Cases



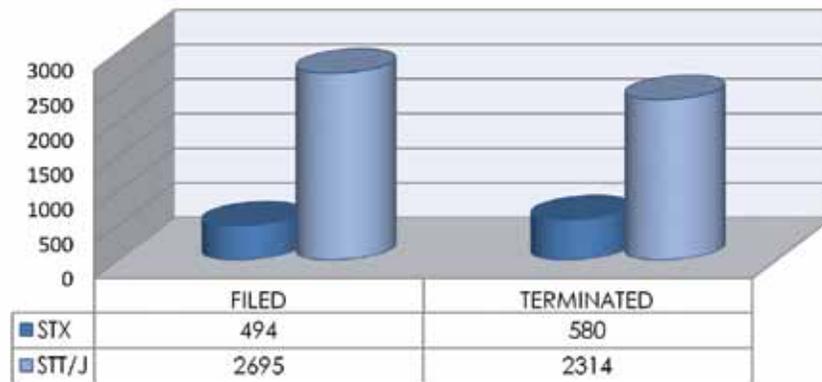
FY11 - Superior Court of the Virgin Islands Territorial Pending Cases



FY11 - Superior Court of the Virgin Islands Traffic Statistics



FY11 - Superior Court of the Virgin Islands Territorial Marriage Statistics



CONCLUSION

The current fiscal and budgetary constraints that is prevalent in the Territory and, by extension the Superior Court of the Virgin Islands, has adversely affected the Court's ability to function in the most effective and efficient manner. Due to the financial constraints placed upon the Court by the several reductions of its budget during FY 2011, the employees of the Court were not able to be recognized in a manner in which they are accustomed and deserve.

The Court recognizes that it takes a lot of teamwork and effort to adequately deliver services to the public. The Court is proud and very appreciative of its staff members who contribute to the fulfillment of the Court's mission within this community by providing an optimum level of service to all while maintaining the highest level of integrity, confidentiality and public trust in our administration of justice.

The success, in carrying out our duties and responsibilities, as well as the success in any event or activity in which the Court participates, is shared by all within the Court's family.



SUPREME COURT OF THE VIRGIN ISLANDS
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