

# ANNUAL REPORT

OF THE STATE OF THE COURT SYSTEM AND  
JUDICIARY OF THE U.S. VIRGIN ISLANDS



FISCAL YEAR 2010



## 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  
PRESIDING JUDGE

HON. BRENDA J. HOLLAR  
ADMINISTRATIVE JUDGE

HON. ISHMAEL A. MEYERS, SR.  
SENIOR SITTING JUDGE

HON. EDGAR D. ROSS  
SENIOR SITTING JUDGE

HON. PATRICIA D. STEELE  
JUDGE

HON. AUDREY L. THOMAS  
JUDGE

HON. LEON A. KENDALL  
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



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# SUPREME COURT OF THE VIRGIN ISLANDS VISION STATEMENT

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*The Supreme Court of the Virgin Islands strives to be a model of judicial excellence to serve the public, and to 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

## MESSAGE ON THE STATE OF THE JUDICIARY

As the head of the judiciary with statutory responsibility for the general oversight of the Judicial Branch, I am indeed pleased to present the Annual Report of the Court System and Judiciary of the U.S. Virgin Islands for fiscal year 2010 pursuant to 4 V.I. Code Ann. § 31(d)(4)(A). It is the third such report in the history of the expanded judicial system and constitutes the first year in which the work of the Magistrate Division has been included for the entire fiscal year.

This annual report is a compilation of data and information prepared separately by both the Supreme and the Superior Courts of the Virgin Islands, with the final publication being prepared under the guidance of the Administrative Director of the Supreme Court and submitted by the Chief Justice to the Governor and Legislature, as required by law.

The report for fiscal year 2010 demonstrates that the Judiciary of the Virgin Islands continued to make significant progress in managing its caseload. The Supreme Court of the Virgin Islands experienced a 13% reduction in overall case filings since fiscal year 2009, but recognized a 57% increase in case dispositions during fiscal year 2010. While criminal appeals were the only category that experienced an increase in case filings in fiscal year 2010, case dispositions increased for civil appeals by 25% and for bar matters by 100%, attributable in large part to the motions for suspension brought by the Virgin Islands Bar Association for nonpayment of bar dues and failure to complete the CLE requirements. Most importantly, the Supreme Court achieved a clearance rate of 132% for fiscal year 2010.

The filings and case dispositions for the Superior Court remained steady overall, approximating a 1% increase in case filings and a 2% increase in case dispositions. Interestingly, the cases showing a marked increase in case filings in the Superior Court were the criminal cases which increased 46% over the prior year filings and the family related filings which increased 39% over the prior year filings. Most notably, despite the increase in filings in the Family Division, the Court disposed 101% more family cases than in the prior year.

As it relates to technology, I am pleased that the Superior Court of the Virgin Islands is now on the path to implement E-filing. The Supreme Court of the Virgin Islands has long recognized the need to not only ensure electronic access to the Court's docket, but to provide the ability for litigants to file pleadings remotely. As the Supreme Court has already implemented its public access module and is currently developing its electronic filing component, the progress of the Superior Court in this area will only serve to ensure that the Virgin Islands Judiciary is providing the very best and efficiency in service to its litigants and the attorneys who represent them.

Finally, I am pleased to report that the Supreme Court transitioned to its new facility at No. 161B Crown Bay, St. Thomas, USVI in November of 2009. The Court is pleased with the renovated facility which includes judicial, administrative, and clerical offices, along with a state of the art audiovisual courtroom. Although the Court still hears arguments at the District Court in St. Croix to facilitate the bar and parties on St. Croix, the Court is pleased to have its own courtroom which allows for the scheduling of cases for oral arguments at will without having to impact the judges of the District Court and the Superior Court for the availability of courtrooms. Having achieved this objective, the Supreme Court will look towards acquiring property to complete the construction of a courthouse with a suitable courtroom on St. Croix.

Sincerely,

A handwritten signature in black ink, appearing to read "Rhys S. Hodge".

Rhys S. Hodge  
Chief Justice



## JURISDICTION OF THE SUPREME COURT OF THE VIRGIN ISLANDS

The Virgin Islands Supreme Court is the equivalent of a state supreme court. As the highest court for the Virgin Islands, the Supreme Court is authorized to review all final orders, judgments and specified interlocutory orders of the Superior Court of the Virgin Islands pursuant to 4 V.I. Code Ann. § 32(a). The Supreme Court also has all inherent powers, including the power to issue all writs necessary to the complete exercise of its duties and jurisdiction under the laws of the Virgin Islands. The Supreme Court's authority also includes jurisdiction of original

proceedings for mandamus, prohibition, injunction, and similar remedies to protect its appellate jurisdiction. Cases before the Court are determined by three justices and a decision by two justices is required for a decision of the Court.

The Supreme Court also has exclusive jurisdiction for the regulation of the legal profession and of admissions to the bar. The Court oversees the established, organized and integrated Virgin Islands Bar Association and promulgates and approves the rules regarding attorney discipline. The Court also approves and adopts the rules regarding attorney conduct and rules governing the admission to the Virgin Islands Bar and the discipline of attorneys. In general, the Court regulates all facets of the practice of law in the Virgin Islands.

## 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:

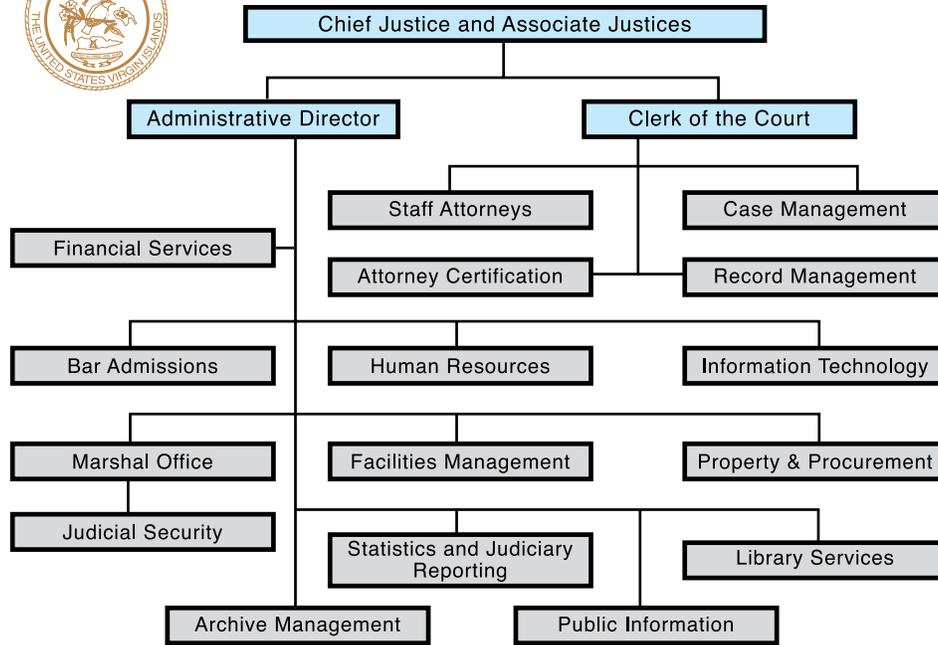
- Civil matters
- Criminal Cases (both felony and misdemeanor)
- Domestic relations cases
- Juvenile matters
- Probate cases
- Appeals and review from Magistrate decisions in small claims, traffic, etc. and decisions of administrative agencies



#### Four Magistrates Magistrate Cases



## Supreme Court of the Virgin Islands



## COMPOSITION OF THE SUPREME COURT OF THE VIRGIN ISLANDS

The Court assumed its appellate jurisdiction on January 29, 2007 and consists of a chief justice and two associate justices appointed for ten (10) year terms. The current justices are:

- Rhys S. Hodge, Chief Justice
- Maria M. Cabret, Associate Justice
- Ive Arlington Swan, Associate Justice

The court is assisted by the service of active judges of the Superior Court and of retired judges of courts of record in the Virgin Islands who serve as designated Justices *Pro Tem* to fill vacancies on the court caused by disqualifications or other absences of the justices. During fiscal year 2010, the following jurists served as Designated Justices *Pro Tem* of the Supreme Court of the Virgin Islands: Hon. Thomas K. Moore, Retired District Court Judge; Hon. Curtis V. Gomez, Chief Judge of the District Court; Hon. Verne A. Hodge, Presiding Judge Emeritus of the Superior Court; Hon. Julio A. Brady, Judge of the Superior Court; Hon. Audrey L. Thomas, Judge of the Superior Court; Michael C. Dunston, Judge of the Superior Court; and Hon. Adam G. Christian, Judge of the Superior Court.

## ORGANIZATIONAL STRUCTURE

The Chief Justice serves as the administrative head of the Supreme Court of the Virgin Islands, and is supported in carrying out those duties by the Office of the Administrative Director and the Office of the Clerk of the Court. In addition to serving as the administrative head of the Supreme Court, the Chief Justice has general oversight of the Judicial Branch.

The Office of the Administrative Director renders guidance and supervision to the following divisions: Office of the Chief Marshal, Office of Bar Admissions, Division of Information and Technology Services, Division of Financial Services, Division of Facility Management, Division of Procurement Services, Division of Human Resources, and the Division of Archive and Library Services.

The Office of the Clerk manages case processing, executes case management orders, issues certificates of good standing for attorneys and renders supervision to the Staff Attorneys. Both operational units work cohesively to ensure that all employees are properly supported in their endeavor to render quality services to the legal community and the general public.





## COMMISSION ON JUDICIAL CONDUCT

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, established by Act 3876 and codified at 4 V.I.C. §§ 651-59, leaving the Virgin Islands without a mechanism to discipline judicial officers of the Virgin Islands. Recognizing that the regulation of judicial conduct in the Virgin Islands is critical to preserving the integrity of the Virgin Islands' judiciary and enhancing public confidence in the judicial system, the Supreme Court of the Virgin Islands promulgated Rule 209 constituting the Virgin Islands Rules of Judicial Disciplinary Enforcement.

The rule established the Commission on Judicial Conduct to administer a judicial discipline and incapacity system for judicial officers, which includes Justices of the Supreme Court, and the Judges and Magistrates of the Superior Court. The Commission has jurisdiction over all judges and justices regarding allegations of misconduct that may have occurred as a judge and regarding allegations of incapacity during service as a judge.

In September of 2010, the following members were appointed to serve staggered terms on the Commission:

- Attorney Treston Moore has been appointed as an Attorney Appointee to the Commission by Hon. Governor John P. DeJongh. Attorney Moore's term shall expire on August 1, 2014.
- Mr. Angel Morales has been appointed as a Public Member to the Commission by Hon. Governor John P. DeJongh. Mr. Morales' term shall expire on August 1, 2013.

- Superior Court Judges Julio Brady and James S. Carroll III, both have been appointed as Judicial Members to the Commission by Chief Justice Rhys S. Hodge. Judge Brady's term shall expire on August 1, 2014. Judge Carroll's term shall expire on August 1, 2013.
- Magistrate of the Superior Court Jessica Gallivan has been appointed as a Judicial Member to the Commission by Presiding Judge Darryl Dean Donohue. Magistrate Gallivan's term shall expire on August 1, 2012.
- Attorney Emile Henderson III has been appointed as an Attorney Member to the Commission by Presiding Judge Darryl Dean Donohue. Attorney Henderson's term shall expire on August 1, 2013.
- Ms. Sharmane Brooks and Mr. Gaylord Sprauve both have been appointed as Public Members to the Commission by Senate President Louis P. Hill. Ms. Brooks' term shall expire on August 1, 2012. Mr. Sprauve's term shall expire on August 1, 2014.
- Attorney Andrew Capdeville has been appointed as an Attorney Appointee to the Commission by Attorney Richard Evangelista, President of the Virgin Islands Bar Association. Attorney Capdeville's term shall expire on August 1, 2012.

The Commission operates as an independent entity and is not subject to the direction of the Chief Justice or other members of the Supreme Court. The Commission has met and established its own Internal Operating Procedures and leadership. Although occurring in fiscal year 2011, the Commission is now functional and has launched a website at [www.vicjc.org](http://www.vicjc.org) that will serve to educate the public and members of the Virgin Islands Bar on its rules and operating procedures, while undertaking its task of processing any claims filed.

# OFFICE OF THE CLERK OF THE COURT

Pursuant to 4 V.I. Code Ann. Section 31(d)(1), the Clerk of the Court is responsible for the day to day operations of the Office of the Clerk. The Office of the Clerk of the Court maintains the seal of the court, attests all official documents issued by the Court, administers the oaths of office to all new attorneys, issues all certificates of good standing for attorneys, is responsible for the processing of all cases through the appellate process, establishes court calendars, maintains the official case records of the Court, and supervises all Staff Attorneys who review all writs, motions, and other jurisdictional matters. Additionally, the Clerk is authorized to execute certain orders of the court, mostly dealing with scheduling matters, requests for extension of deadlines and dismissals for failure to prosecute. The Clerk of the Court also serves as Secretary of the Judicial Council of the Virgin Islands as provided by 4 V.I. Code Ann. §211.

**Appellate Mediation Program.** Appellate mediation remains available to any party to a civil appeal. Pursuant to V.I.S.C.T. R. 7(c), the Clerk of the Supreme Court of the Virgin Islands serves as the Program Administrator of the Appellate Mediation Program. Any party to an appeal may request mediation, which is then referred to the Chief Justice for determination. While there were no requests for mediation during fiscal year 2010, this program remains an important part of the Supreme Court's commitment to ensuring prompt and cost effective disposition to appeals.

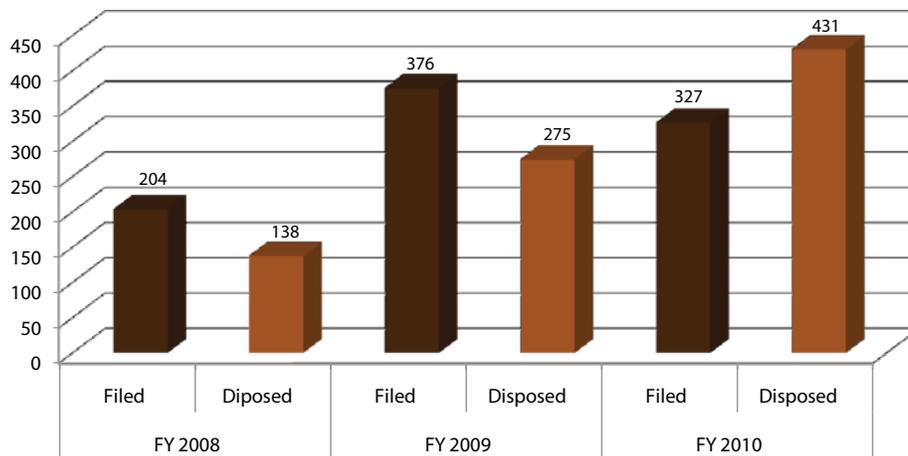
**Certificates of Good Standing.** The Clerk of the Court is also responsible for issuing the Certificates of Good Standing for all attorneys who desire to obtain a license to practice law in the U.S. Virgin Islands or to otherwise validate their status with the Virgin Islands Bar. This is a very important task as the issuance of the certificate reflects that the attorney is in good standing with the Court and is otherwise permitted to practice law. During the fiscal year, a total of three hundred twenty-five (325) requests for Certificates of Good Standing were received. Two Hundred Eighty (280) Certificates of Good Standing were issued to attorneys admitted to the Virgin Islands Bar evidencing the status of their bar membership. Forty-five (45) requests were denied.

**Justices Pro Tem.** The Clerk of the Court also facilitates the service of active, senior or retired judges to serve as designated justices in matters in which a current sitting justice has tendered a recusal order. During fiscal year 2010, a justice of the Supreme Court recused him/herself in 13 matters. Accordingly, active, senior or retired judges were designated as justices pro tem in fifteen (15) cases to facilitate the speedy resolution of cases.

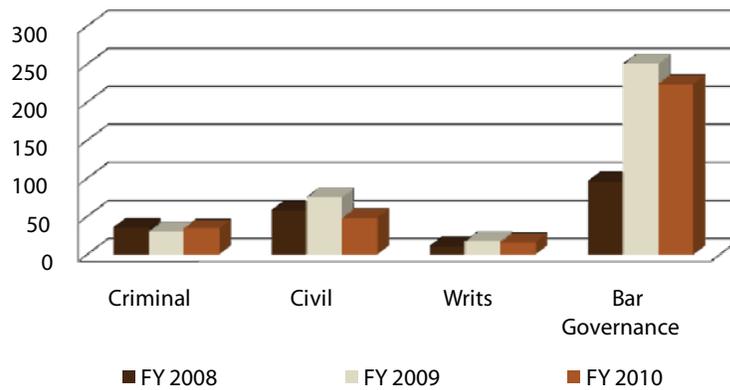
## Caseload Data

The caseload of the Supreme Court of the Virgin Islands demonstrates that while the amount of filings for fiscal year 2010 showed a slight decrease from filings in fiscal year 2009 (from 376 cases to 327 cases), the Court disposed of 57% more cases than the prior year---a marked increase of 156 cases. Indeed, as indicated in the following graph, the dispositions of the Supreme Court have steadily increased over the past three (3) fiscal years.

**Supreme Court of the Virgin Islands  
Comparative Totals**



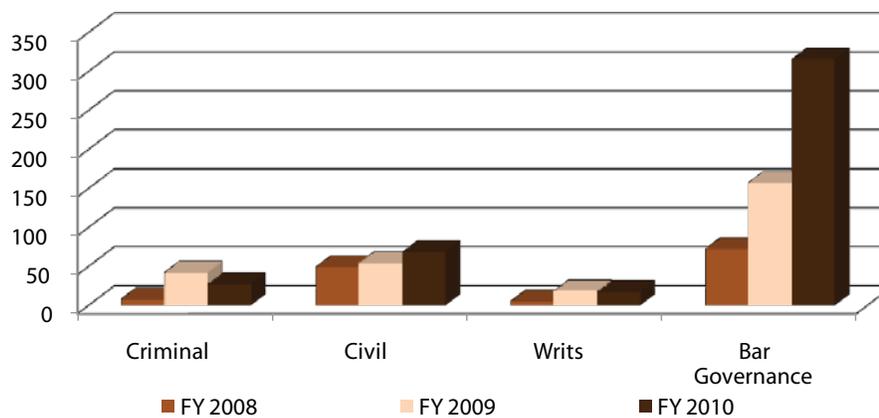
### Supreme Court of the Virgin Islands Filed Cases



THREE (3) YEAR COMPARITIVE CASES FILED

CASE TYPE	FY2008	FY2009	FY2010
CRIMINAL	36	31	36
CIVIL	59	76	53
WRITS	12	18	13
BAR GOVERNANCE	97	251	225
<b>TOTALS</b>	<b>204</b>	<b>376</b>	<b>327</b>

### Supreme Court of the Virgin Islands Disposed Cases

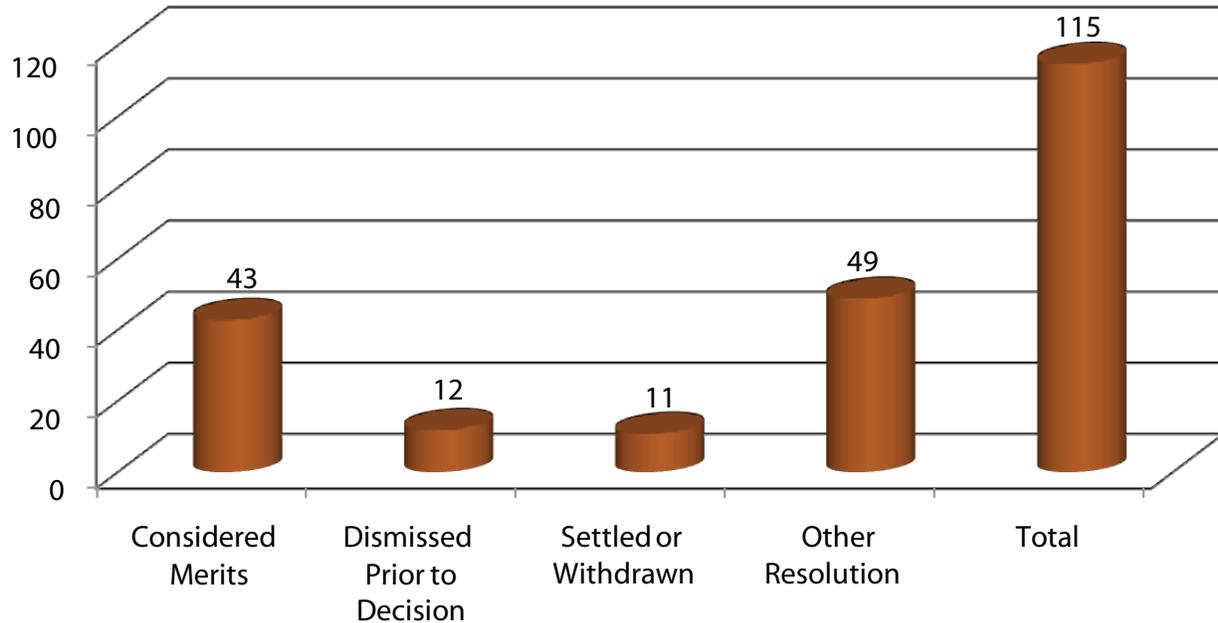


THREE (3) YEAR COMPARITIVE CASES DISPOSITIONS

CASE TYPE	FY2008	FY2009	FY2010
CRIMINAL	9	43	28
CIVIL	50	55	69
WRITS	6	19	18
BAR GOVERNANCE	73	158	316
<b>TOTALS</b>	<b>138</b>	<b>275</b>	<b>431</b>

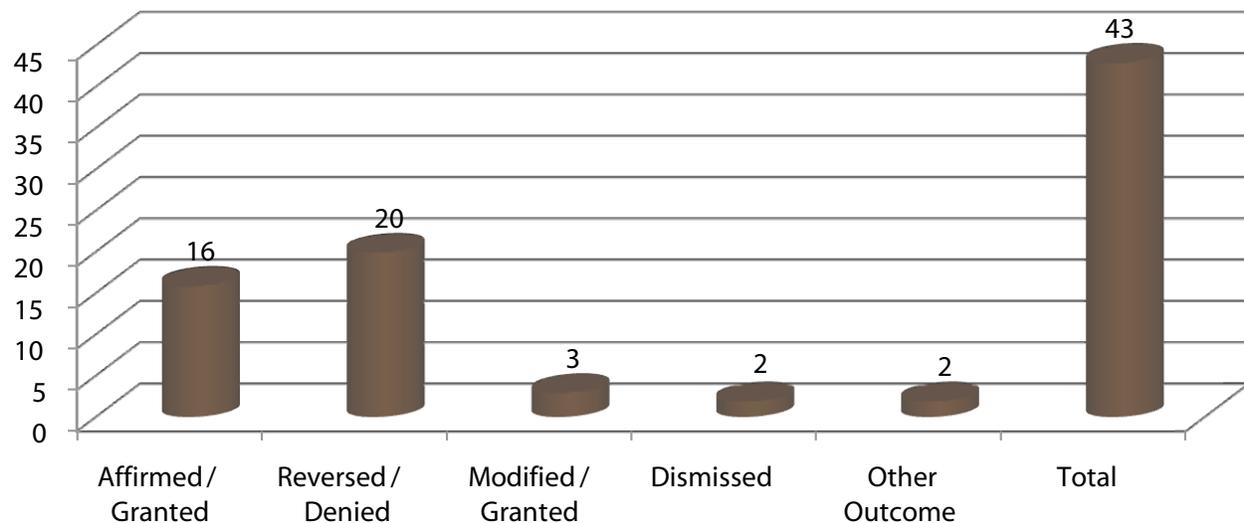
Of the 115 matters for which a disposition was rendered in appeals and writs during fiscal year 2010, 43 decisions were rendered where the Court considered the merits of the case, 12 cases where the matters were dismissed prior to decision due to procedural defects, 11 cases where the matters were settled or withdrawn, and 49 cases were otherwise completed, finalized and closed.

### Supreme Court of the Virgin Islands Manner of Disposition Appeals and Writs FY2010

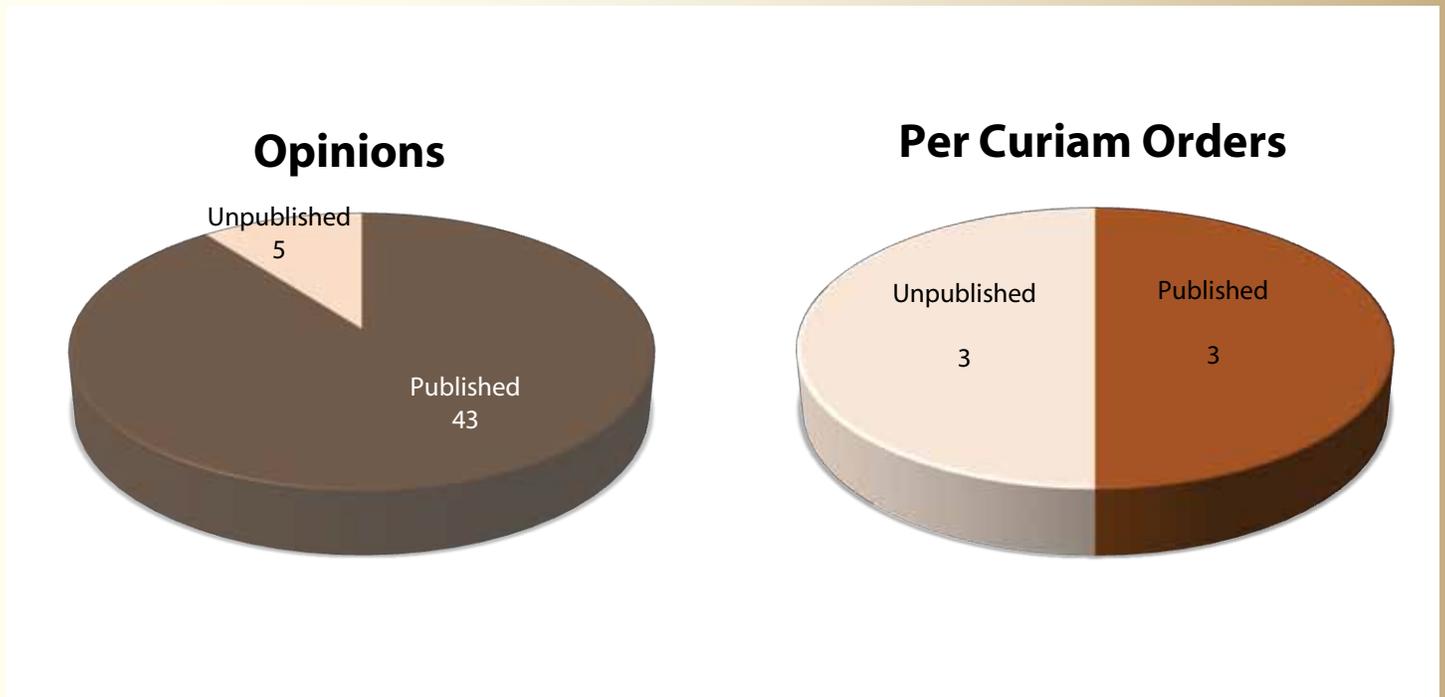


Of the 43 appeals and writs that were resolved by opinions after consideration on the merits, the Court affirmed the judgment/order or granted the petition in 16 cases, reversed the judgment/order or denied the petitions in 20 cases, modified the judgment/order or granted in part in 3 cases, dismissed 2 cases on procedural grounds, and 2 cases had other outcomes.

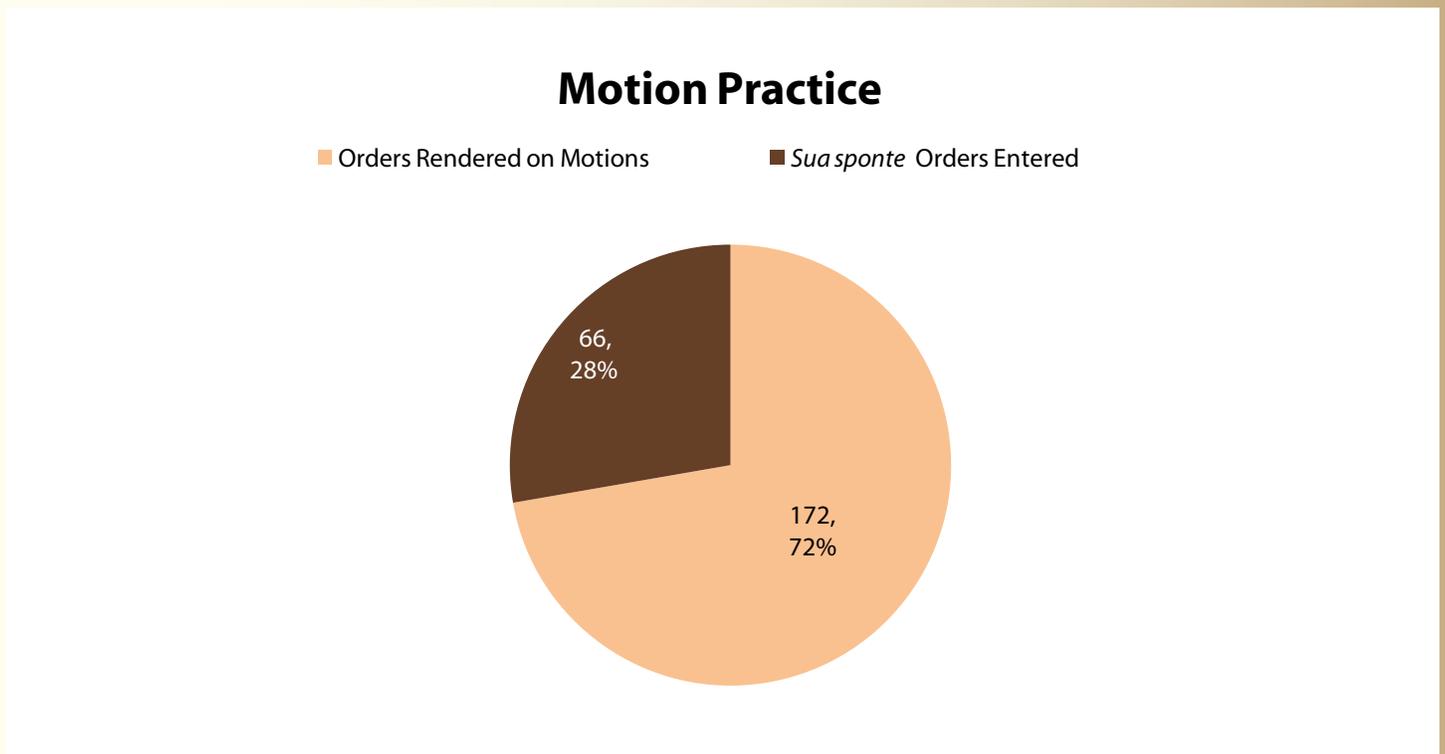
### Supreme Court of the Virgin Islands Case Outcome Appeals and Writs FY2010



In so doing, the court issued 43 published opinions, 5 unpublished opinions, 3 published per curiam orders, and 3 unpublished per curiam orders in fiscal year 2010.

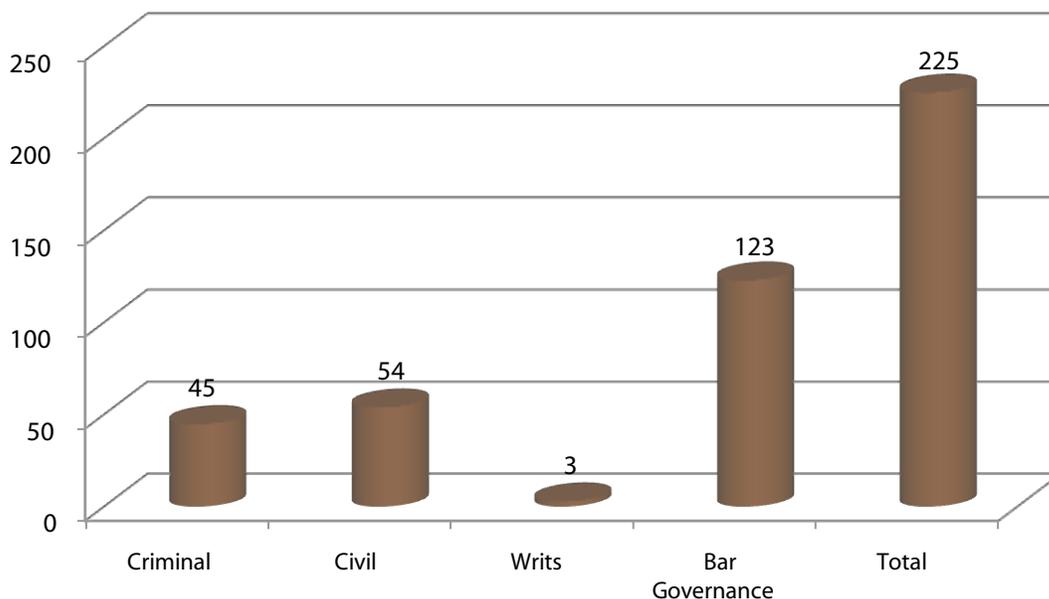


Yet, the work of the Supreme Court is not limited to dispositions as during the life of an appeal many motions are addressed and resolved by the Court. During fiscal year 2010, the Supreme Court rendered decisions on 172 motions filed by the parties, and entered 66 orders *sua sponte* or on its own initiative.



Due in no small measure to the significant work of the justices, the pending caseload was reduced to 225 matters by the close of fiscal year 2010. This sum included 45 criminal matters, 54 civil matters, 3 applications for writs and 123 bar governance matters.

### Supreme Court of the Virgin Islands Pending Case Load FY2010



## OFFICE OF THE ADMINISTRATIVE DIRECTOR

In fiscal year 2010, the Office of the Administrative Director continued to manage and facilitate the growth of the Court in the following areas: bar governance, budgeting and financial management, information technology, judicial security, facility management, human resources and procurement. Moreover, commensurate with this responsibility, the Office of the Administrator expanded to meet the new challenges of the progressive Court.

**Regulation of the Virgin Islands Bar.** The Supreme Court of the Virgin Islands has jurisdiction over admissions to the Virgin Islands Bar pursuant to 4 V.I. Code Ann. § 32(e). The Office of Bar Admissions works as an administrative arm of the Supreme Court of the Virgin Islands, together with the Committee of Bar Examiners, to assist the Court in the administration of the Virgin Islands Bar Examination, conduct character and fitness investigations, and ascertain the qualifications of all applicants for the admission to the Virgin Islands Bar as established by V.I.S.C.T. R. 204. In addition to the administration of the bar examination, the Office of Bar Admissions also processes all bar governance cases relative to the Special Admissions, Pro Hac Vice Admissions, Inactive Status, Resumption of Practice, Resignation of Members from the Bar, Disbarment of Members, Suspension of Members, Reinstatement of Suspended Members,

Continuing Legal Education (CLE) and miscellaneous matters relative to attorneys.

**Bar Administration.** The Office of Bar Admissions administered the Multistate Bar Examination (MBE) and the Virgin Islands Essay Examination on February 24-25, 2010 and July 28-29, 2010. In February, ten (10) applicants sat for the MBE, with twenty-two (22) applicants sitting for the local essay examination. Further, during the administration in July, seventeen (17) applicants sat for the MBE, with thirty-four (34) applicants undertaking the essay examination. In February, fifteen (15) applicants passed the examination and twenty-seven (27) applicants passed in July.

**Regular Admissions:** During the fiscal year 2010, the Court convened a total of four (4) ceremonies admitting individuals who satisfied the requirements of VISCR 204. The ceremonies were held on October 21, 2009, December 17, 2009, May 6, 2010 and July 22, 2010 and a total of thirty-four (34) individuals were sworn in as new members of the Virgin Islands Bar.

**Special Admissions:** During fiscal year 2010, a total of seven (7) attorneys who have been admitted in another jurisdiction were granted a limited law license by the Court to specially practice solely on the behalf of governmental agencies or instrumentalities that moved the Court for the special admission on the attorneys' behalf.



**Pro Hac Vice Admissions:** Twenty-three (23) petitions were filed by local attorneys requesting the admission of an off-island attorney to practice before the Supreme and/or the Superior Court in a specific litigation during the fiscal year. Seventeen (17) petitions were granted and two (2) petitions were denied. One of those denials resulted in a published opinion entered on September 21, 2010, in the matter entitled, *In the Matter of the Application for the Admission of: K. Rick Alvis, Esquire's Pro Hac Vice Admission*, (S. Ct. BA. Nos. 2010-0017, 2009-0218).

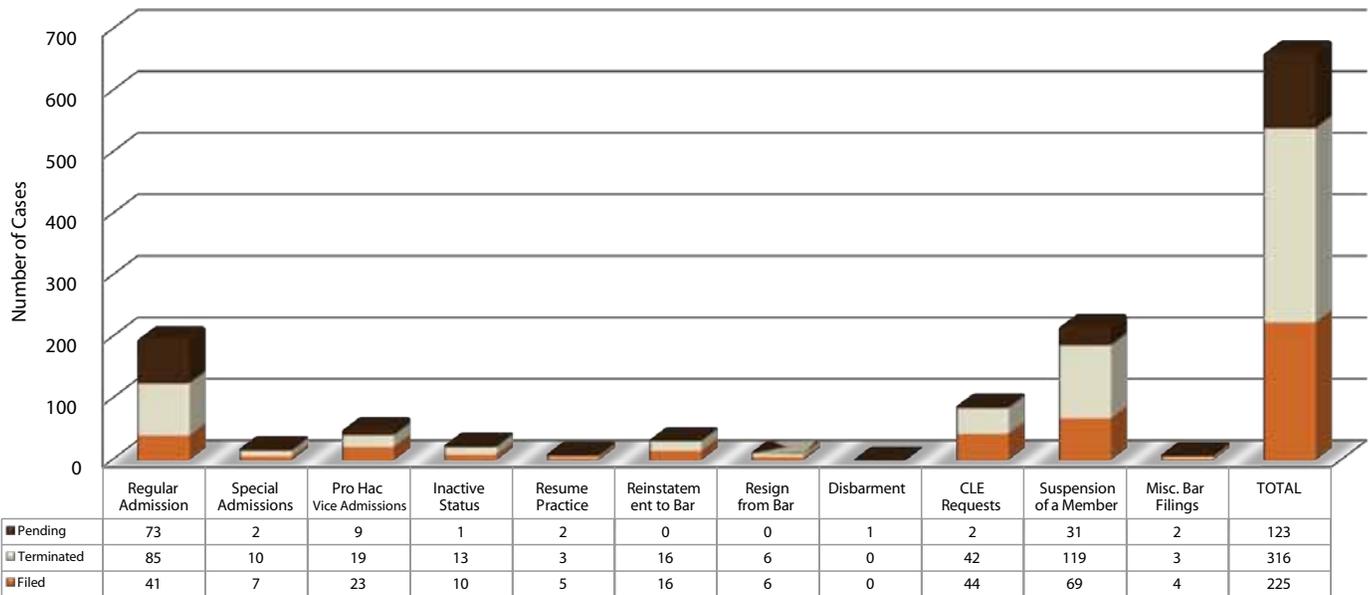
**Petitions for Discipline.** During fiscal year 2010, the Court convened a show cause hearing on November 6, 2009, to consider the Virgin Islands Bar Association's pending motions for suspension of members who were delinquent in payment of their membership fees. The Virgin Islands Bar Association filed one (1) petition seeking the Court's acceptance of discipline by consent of a member and sixty-nine (69) petitions seeking the suspension of members found to be in violation of their CLE compliance requirements.

Accordingly, at the end of fiscal year 2010, the Court suspended eighty (80) members: twelve (12) members for non-payment of membership fees, sixty-seven (67) members for non-compliance with the Continuing Legal Education (CLE) requirements and approved sanctions against one (1) member in accordance with the terms of discipline agreed to by both the member and the Virgin Islands Bar Association.

Due to these suspensions, the Court entertained Petitions for Reinstatement for the first time in the history of the Court. For fiscal year 2010, sixteen (16) Petitions for Reinstatement were filed with the Court, all of which were granted.

**CLE Petitions.** As the Court remains aggressive in disciplining members found to be in violation of the CLE requirements, the members of the bar are being more compliant in meeting their membership obligations. Therefore, there was a slight reduction in the amount of petitions filed by members relative to CLE compliance in fiscal year 2010 as a total of forty-four (44) petitions were filed, with forty-two (42) petitions being granted.

**Supreme Court of the Virgin Islands  
Bar Governance Annual Statistics  
October 1, 2009 to September 30, 2010**



**Bar Admissions Objectives for Fiscal Year 2011.** In fiscal year 2011, Standard Operating Procedures for the Office of Bar Admissions will be reviewed and documented. A major portion of standardizing procedures will include reviewing and aligning the bar examination components with national recommendations and best practices as they relate to processing and securing of examination materials.

In addition, during the first quarter of the next fiscal year, it is strongly anticipated that the Bar Admissions module of the Court's CTrack case management system will be configured so the Court may test its functionality. During the second quarter of fiscal year 2011, changes and customization will be made to the system as required. Accordingly, the Court anticipates going live with the Bar Admissions module by June of 2011. The Bar Admissions module will enable the automation of many components of bar governance case processing that are presently completed manually, thereby making the process more efficient and data easily retrievable.

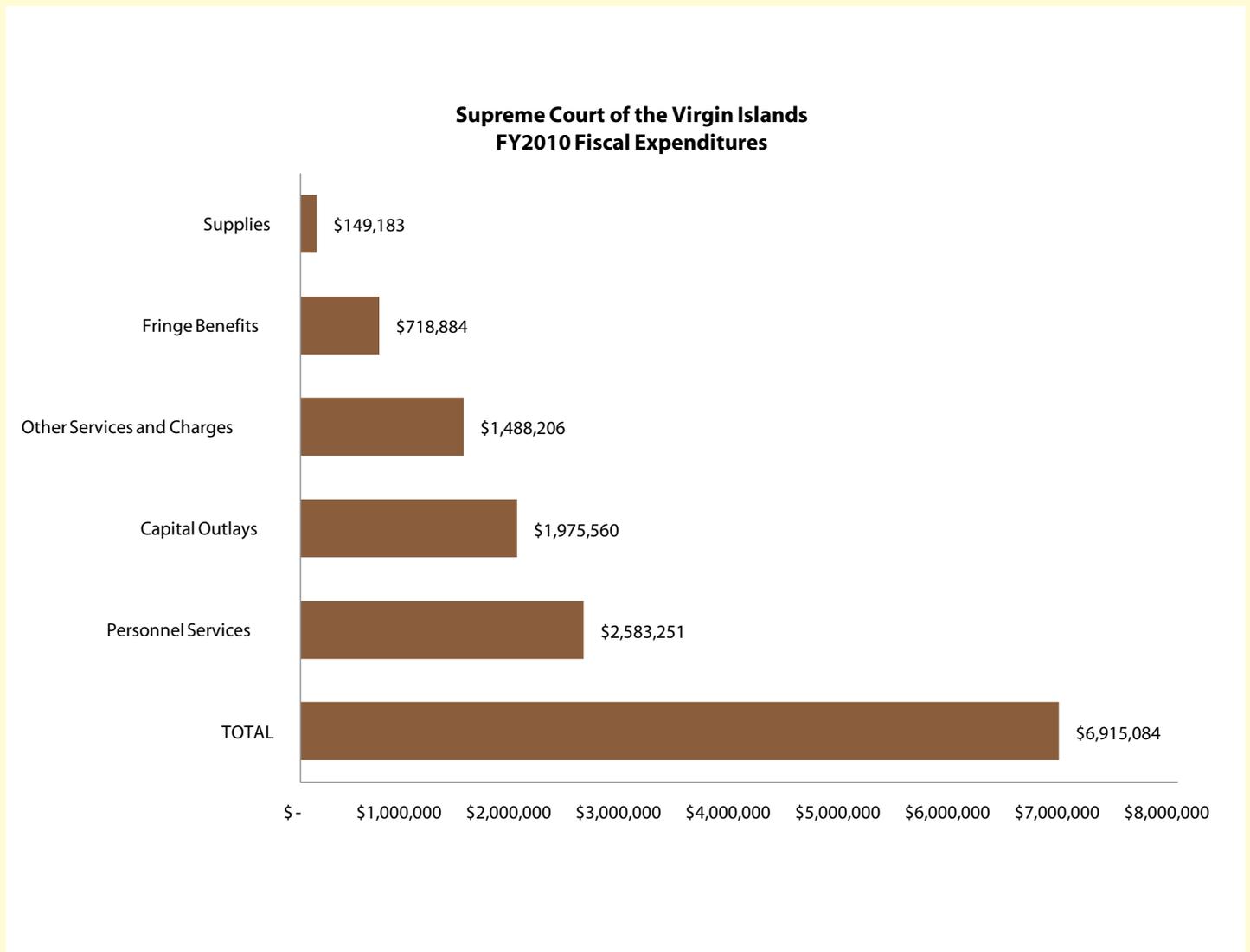
**Budgeting and Financial Management.** The Legislature of the Virgin Islands appropriated \$6,916,174 to fund the operations of the Supreme Court of the Virgin Islands during fiscal year 2010. While the amount appropriated was \$394,052 or 5% less than our original budgetary request, the appropriated funding level allowed the Court for the first time to substantially meet its objectives, expending the sum of \$6,915,084.

**Facility Management.** In fiscal year 2010, the Court worked diligently to improve its facilities in order to ensure that personnel may be suitably accommodated and court customers may be serviced in an appropriate environment.

**No. 161B Crown Bay, St. Thomas, USVI:** In fiscal year 2009, the Supreme Court commenced renovations at No. 161 Crown Bay. The renovations were designed to provide judicial chambers for three (3) justices and one (1) justice pro tem, along with office space for the Clerk's Office, administrative staff, and a state of the art courtroom. While initially scheduled to be completed in July of 2009, changes to the original layout and the need to incorporate technology in the courtroom delayed the completion of the facility until fiscal year 2010.



In doing so, the Court expended 48% of its resources in its human resources, 29% in capital improvements, with the remaining 33% going to Court operations such as rent, utilities and maintenance costs.



On Tuesday, November 3, 2009, the Supreme Court commenced operations at the new facility. At that time, the renovation was substantially complete, with the exception of the courtroom where repairs remained ongoing. The move marked a milestone in the Supreme Court’s operations since prior thereto the St. Thomas offices were housed at No. 1000 Blackbeard’s Hill, St. Thomas, USVI—a location that provided minimal offices and lacked the ability to accommodate the personnel needed to facilitate prudent Court operations and a courtroom.

Subsequent thereto, the construction of a state of the art courtroom was completed in March of 2010. The contractor on the project, GEC, LLC and the architects, the deJongh Group, worked with the Court’s administrative team to design and construct a mahogany handcrafted courtroom and incorporate technological advances in the construction. The courtroom contains the following: (1) infrared assisted listening devices for the hearing impaired, an ADA requirement, (2) voice-following video presentation where the camera automatically zooms in on the person speaking, (3) live video streaming and archiving of all oral arguments, (4) four channel digital audio recording of the

proceedings, (5) videoconferencing, allowing remote appearance of attorneys and justices (6) integrated teleconferencing, (7) full digital content presentation, and (8) touch screen control of the entire system. In addition, the courtroom provides the ability to capture and record the proceedings digitally, thereby eliminating the need of a court reporter. On March 24, 2010, the Court hosted its inaugural session in the courtroom at No. 161B Crown Bay and utilized the technology to stream arguments live to the internet.

The Supreme Court remains proud of its Crown Bay facility and is pleased that oral arguments and bar admissions may be suitably accommodated in a venue of this stature. However, the Court continues to hear arguments on St. Croix utilizing the District Court of the Virgin Islands’ facilities. Accordingly, The Supreme Court would like to take this opportunity to thank Chief Judge Curtis Gomez and the employees of the District Court of the Virgin Islands for their assistance and continual accommodation.



**No. 18 Strand Street, Frederiksted, St. Croix, USVI.** The Court's premises at No. 18 Strand Street was acquired in fiscal year 2007. The Court took occupancy of the facility in October of 2008 after renovations were completed on the second floor of the facility. Recognizing that the second floor of the facility provided only minimal space for clerical staff and court operations, the Court commenced renovations to the first floor on January 7, 2010. The renovation will provide appropriate office space for administrative and clerical staff as well as a lift to facilitate access to the second floor in conformance with the Americans with Disabilities Act. While scheduled to be completed by June of 2010, the project experienced unexpected delays that resulted in an extension of the deadline until January 31, 2011.

**Acquisition of Property in Estate Golden Rock, Christiansted, St. Croix, USVI.** In conformance with current law that the Supreme Court of the Virgin Islands courthouse be constructed on St. Croix, the Supreme Court embarked on an initiative to acquire land on St. Croix for that purpose. Having previously surveyed three (3) locations in St. Croix that were suitable to erecting a proper Supreme Court building, the Supreme Court pursued negotiations with the owners of the St. Croix site deemed most appropriate.

The Court entered into a purchase agreement for approximately 3.5 acres of land in Estate Golden Rock, Christiansted, St. Croix for such purpose. Following the initial due diligence period when the property was surveyed, title insurance commitment and report acquired, three (3) separate appraisals of value performed and an environmental study conducted, the Court discussed the due diligence findings with the owners representatives and renegotiated the terms of the purchase agreement. The Supreme Court anticipates concluding the transaction in fiscal year 2011.

The Supreme Court is committed to erecting a suitable courthouse structure on St. Croix and will pursue this initiative to hopefully a successful conclusion. Once the site is acquired, the Court will seek qualified professionals and commence the appropriate engineering and design of the building while pursuing funding sources for its construction.

**Facility Management Objectives for fiscal year 2011.** In fiscal year 2011, the Supreme Court will focus on bringing several current initiatives to a conclusion. First, the Court will complete the renovation of No. 18 Strand Street, Frederiksted and relocate its administrative and clerical processes to the first floor. The move will facilitate easy access for the public and ensure that personnel have the appropriate resources to operate successfully.

The Court will also finalize the acquisition of the property in Estate Golden Rock and begin to formulate plans for the design of the courthouse in St. Croix. In addition, the Court will draft preliminary plans to renovate the first floor of No. 161B Crown Bay, St. Thomas, U.S. Virgin Islands to accommodate additional staff needed for the Office of Disciplinary Counsel.

Finally, the Court will formalize its maintenance schedules to ensure that the Court's premises are timely maintained.



**Information Technology.** In fiscal year 2010, the Court continued on the strategic path to utilize technology as a fundamental component of the operations of the Supreme Court of the Virgin Islands.

**Web Streaming Initiative.** As previously mentioned, simultaneous with the inaugural session of the Supreme Court in its high-tech courtroom, the Court launched its web streaming initiative. In so doing, the general public and members of the Virgin Islands Bar were provided with real time access to appellate hearings before the Supreme Court of the Virgin Islands held in St. Thomas via online web-streaming. To utilize this functionality, all that is required is to access the Court's website at [www.visupremecourt.org](http://www.visupremecourt.org). Subsequent to its launch, the Court expanded its website to provide video-on-demand of all proceedings, thereby allowing users to access archived videos of the oral arguments and bar admissions previously held.

For fiscal year 2010, nineteen (19) cases of the Supreme Court were streamed directly to the Court's website. During the same time period, 250 different visitors accessed the live and archived videos of those case arguments.

The utilization of web streaming of the appellate arguments not only demonstrates the Supreme Court's willingness to embrace cutting-edge technology, but also the Court's commitment to its strategic vision of transparency and community education.

**Case Management System.** The Court previously reported in fiscal year 2009 that Phase I of the Case Management System project was successfully implemented. Phase I consisted of the core case management system that facilitates case processing in the Clerk's Office. It was further reported that the Court was seeking to implement Phase II, the Public Access Module, Phase III, Chambers and Opinion Processing, and Phase IV, Electronic Filing in Fiscal Year 2010. The Court is pleased to report that it has substantially achieved its technology objectives.

On July 8, 2010, the Court launched Phase II, the Public Access Module, having developed and tested the infrastructure in fiscal year 2009. The Public Access module was a major milestone in the evolution of the technology in the Virgin Islands judiciary. This module provides access to the electronic court record over the Internet to all publicly viewable cases, as reflected in Promulgation Order 2010-001. Additionally, the public has access to all electronic documents within the case as those documents are filed and uploaded to the system. Simultaneously thereto, the Court has required that all parties filing briefs include a courtesy copy of the brief and the record on CD so that the information may be uploaded and made electronically available to the public through the public access module. In addition, all documents are printable and is offered absolutely free of charge to the public. In so doing, the Court has achieved an unprecedented level of transparency in the local judiciary.

On June 22, 2010, Phase III, the Chambers Processing Module was brought online to assist the justices with managing the opinion processing workload. This module integrates with the Clerks Case Management module and enhances the opinion

development process by providing reporting, alerting and opinion management mechanisms to all chambers. Having real time access to the caseload data, as well as the ability to track and report on the work of the justices and their respective workloads, the Court is now in a better position to render decisions and opinions in the shortest possible time frame.

Phase IV is the final module that will provide an application to allow electronic case filing in our local judiciary for the first time. Electronic filing will provide 1) for litigants to electronically file documents without having to physically come to the Court on either island, 2) for the filing of cases after 5:00 p.m., 3) a mechanism to pay fees associated with case filings online, 4) for the electronic notification of service when an opposing counsel or party has filed documents, and 5) provide for the electronic receipt of court-issued orders. While originally scheduled for release in fiscal year 2010, the development of the infrastructure, contracting for payment options and needed amendments to the Supreme Court's current business process delayed the development and implementation of the module. Accordingly, the module is scheduled to go live by the first quarter of fiscal year 2012.

**Training.** The Court continued to invest in the training and development of its technology staff by providing training in the following areas: Certified Courtroom Technologist, Microsoft SharePoint, Microsoft Windows 2008 Administration, and Cisco Switches and Routers.

**IT Objectives for Fiscal Year 2011.** For the upcoming fiscal year 2011, the Supreme Court of the Virgin Islands is poised to offer the judicial community even more technological advances. It will facilitate this objective by first working to conclude the functional specifications for e-filing and implementing the e-filing module. The specifications are scheduled to be completed by March 2011, with implementation scheduled for early fall 2011. In addition, the Court is also working with an online credit card processing vendor and the Department of Finance to facilitate the collection of fees online through the e-filing application.

The implementation of e-filing will increase demand on the Court's technological infrastructure. Accordingly, the Court will be attempting to improve the redundancy and resiliency of the Information Technology systems. Primarily, the security perimeter devices will be upgraded to provide increased inspection of data traffic and added redundancy. The scalability of the public access environment will also be increased to prevent downtime given the anticipated increase in demand. In addition, redundant systems will be developed for the case management applications to ensure that Court operations are not interrupted should one line of communication fail. Further, a comprehensive off-site data storage solution will be developed to ensure that critical information is duplicated off-site and remains accessible in the case of a natural or man-made disaster on one island, or the territory at large.

Further, the Court anticipates implementing a document management system by the end of fiscal year 2011. The document management system will facilitate appropriate mechanisms to



capture data in a digital format, while providing a means for digitally routing documents through a workflow process, thereby ensuring increased productivity and timely review.

Moreover, the Court intends to upgrade its telephone systems to provide connectivity for both islands and inter-island Voice Over Internet Protocol (Voice Over IP) functionality. Presently, the phone systems in both districts exist independently. The Court intends to link both of its offices through its existing data network through Voice Over IP technology, thereby reducing the need to maintain separate telephone networks. Accordingly, the Court's infrastructure costs will be reduced. Importantly, the telephone network will also provide for redundancy in the event of a failure to the primary telephone switching equipment, thereby ensuring that telephone communications are maintained and the Court's operations are not disrupted due to system outages.

As previously stated, these technological capabilities are no longer novel to courts across the country. They have become standard practices based on the public expectation and demand for service and access to justice. Therefore, the Court is proud of the achievements it has made and is pleased to lead the local judiciary in these efforts.

**Judicial Security.** The Office of the Supreme Court Marshal is responsible for the safety and security of the justices, employees, patrons and facilities of the Supreme Court and the Office continued to achieve its mandate in fiscal year 2010.

**Emergency and Disaster Response.** An Emergency and Disaster Plan was adopted in August of 2010. Meanwhile, work began on a Continuity of Operations Plan (COOP) for the Supreme Court of the Virgin Islands to establish guidelines for the Court's continued operations should normal operations be hampered by a man-made or natural disaster at one or both of the Court's sites. The COOP is scheduled to be completed in fiscal year 2011.

**Site Security.** Having taken occupancy of the Court's premises in November of 2009, the installation of a comprehensive security system at the Court's premises at No. 161B Crown Bay was

paramount in fiscal year 2010. Accordingly, the installation of integrated burglar, access, camera and digital recording system was substantially completed during the fiscal year. Moreover, procedures were refined to ensure appropriate monitoring by Court personnel.

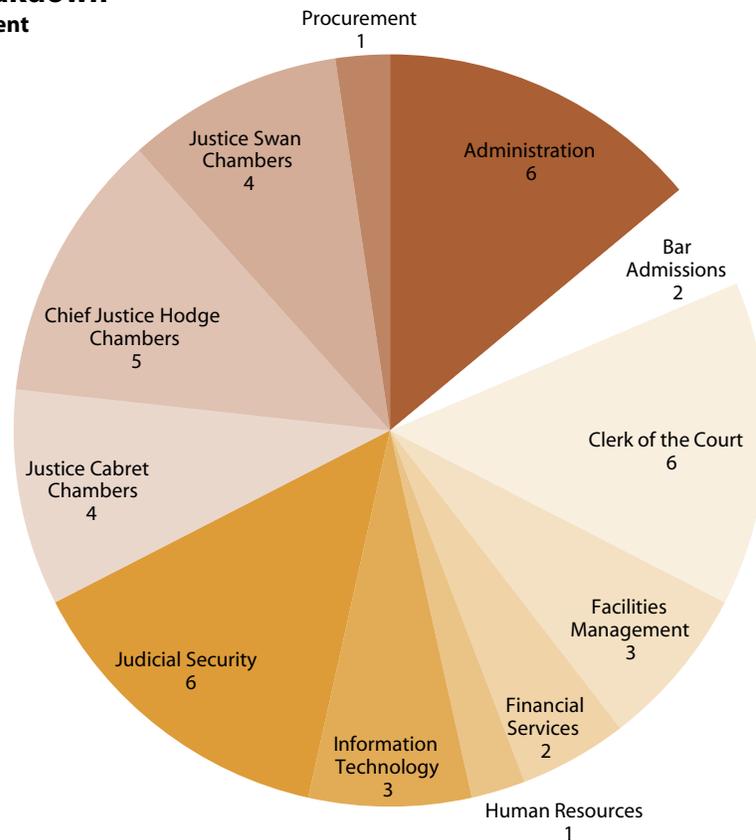
In addition, with the Court renovating the first floor of No. 18 Strand Street, Frederiksted, an extension of the security system was designed and is awaiting its implementation upon completion of the premises.

**Dignitary Protection.** During the first quarter and second quarter of fiscal year 2010, the Office of the Supreme Court Marshal with the assistance of the Executive Security Division of the Virgin Islands Police Department planned and provided dignitary protection for the Conference of Chief Justices' Midwinter Meeting held in St. Thomas from January 30, 2010 to February 3, 2010. Dignitary escort and protection were provided for 126 individuals, including Chief Justices, their families and guests from across the United States and its territories.

**Training.** The Marshals of the Supreme Court participated in several training opportunities during fiscal year 2010 to include training in Applicant Background Investigation, Courtroom Security, Virgin Islands Port Authority and TSA-Officers Flying Armed, and the Virgin Islands Port Authority Secure Identification Display Area (SIDA). Further, with the Court's continued interest in disaster response and disaster planning, deputy marshals were trained by the Virgin Islands Territorial Emergency Management Agency (VITEMA) in HURREVAC (a storm tracking and decision assistance computer software tool that combines live feeds of tropical cyclone forecast information with data from various state Hurricane Evacuation Studies to assist the local emergency managers in determining the potential for effects from storms and the most prudent evacuation times) and Tsunami Disaster Response. Further, all incoming deputy marshals qualified on their service revolver.

**Security Objectives for Fiscal Year 2011.** For fiscal year 2011, the Office of the Supreme Court Marshal will continue meeting

## Employee Breakdown by Department



its mandate to secure and protect the staff, general public and Court's facilities by monitoring and improving operations as needed, completing a comprehensive security manual, with a pertinent Use of Force Policy, and facilitating educational drills and responses to aid in the awareness of Court personnel. In addition, a comprehensive training schedule will be established to ensure quarterly firearms training, semiannual firearms qualifications, and routine defensive tactical and physical training.

**Human Resources.** The Supreme Court of the Virgin Islands' Human Resources Division was formally staffed on May 3, 2010, with the hiring of the Court's first Human Resources Manager. The Division is responsible for planning, developing, implementing, administering and evaluating the personnel program for the Supreme Court of the Virgin Islands. Additionally, the division organizes, directs and coordinates all aspects of the personnel system, including recruitment, testing, selection and retention, job classification, compensation administration, training, and workers compensation.

**Staffing.** In fiscal year 2010, the Supreme Court workforce consisted of forty three (43) dedicated personnel, an increase of fourteen (14) from fiscal year 2009. As stated in the objectives for fiscal year 2009, the Court filled the following critical positions: Accounting Clerk I, Administrative Officer I, Building and Grounds Maintenance Worker, Computer Support Technician, Custodian, Deputy Marshal, Executive Assistant, Human

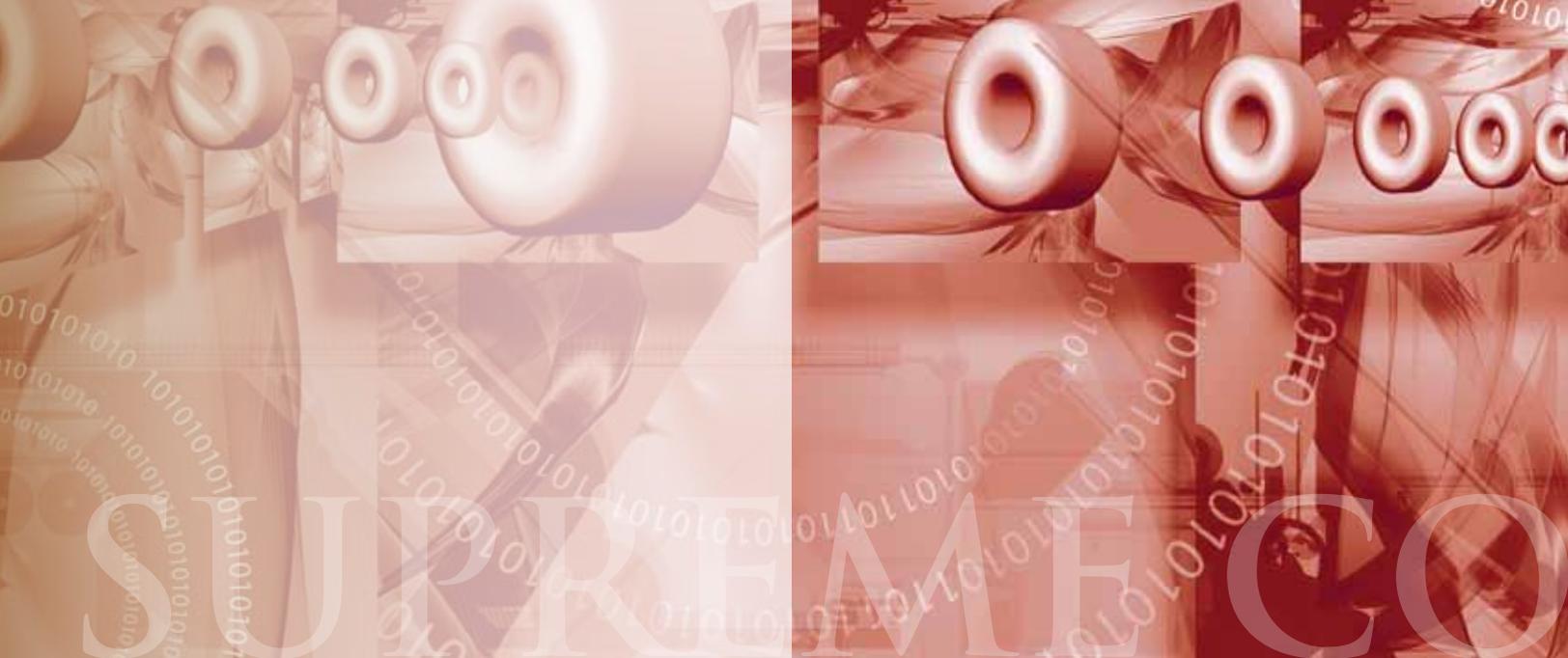
Resources Manager, Procurement Manager, Switchboard Operator/Receptionist, and Staff Attorney.

Despite the strides made in filling positions in fiscal year 2010, the Supreme Court closed the fiscal year with twenty (20) vacancies, with recruitment ongoing for the positions of Chief Financial Officer and Facilities Manager.

**Employees of the Year.** Each year, the Court undertakes the difficult task of selecting one employee from each court location to be awarded the prestigious honor of Employee of the Year. The two dedicated and exemplary employees chosen as 2010 Employees of the Year were Mrs. Twana Augustin, Deputy Clerk I on the island of St. Croix and Mrs. Kerry Miller, Accounting Clerk II on St. Thomas. Both of these individuals were chosen based on their exceptional service and professionalism. The Court is privileged to have these persons on our team.

**Professional Development.** Continual development of our human resources is important to the Supreme Court of the Virgin Islands. It includes the process of enhancing the effectiveness of our court and the well-being of staff through planned trainings and activities that provide the necessary skills to meet current and future job demands.

During fiscal year 2010, the Supreme Court facilitated attendance at the following conferences: Conference of Chief Justices' Mid-Winter Meeting, Conference of Chief Justices and Conference of



State Court Administrators Annual Meeting, Conference of State Court Administrators Mid-Winter Meeting, National Conference of Appellate Court Clerks, National Conference for State Courts e-Court Conference, Government Finance Officer's Association's 104th Annual Conference, American Bar Associations' Spring Conference, the American Law Institute's Annual Meeting, the District Court of the Virgin Islands Conference, and the Mid-year and Annual Meeting of the Virgin Islands Bar Association.

In addition to the plethora of training initiatives completed at the respective conferences, court personnel also completed training in Background Investigations, Courtroom Security, Tsunami Disaster Response, Certified Courtroom Technology, Microsoft SharePoint, Microsoft Windows 2008 Administration, and Cisco Switches and Routers.

Information gained from attendance at these conferences will further enhance the effectiveness and efficiency of Court operations for our customers, utilizing best practices and maintaining compliance with national standards.

**Job Classification Study.** As indicated in fiscal year 2009, the Supreme Court commissioned the National Center for State Courts to complete a Job Classification and Compensation Study. The goal of the study was to conduct a complete review of all job duties for current and vacant positions, analyze comparative salary data of courts of similar jurisdiction, as well as the local courts, and tender a comprehensive report recommending job descriptions, a classification schedule, and compensation plan. In fiscal year 2010, interviews were had with Court personnel to obtain a thorough understanding of the duties for each position. Moreover, each member of the Court staff was asked to complete a job appraisal form, documenting the duties as currently performed and allowing the immediate supervisor and administrative authority to tender input. Thereafter, meetings were held with court managers to discuss the overall values of the organization. At the close of the fiscal year, the Court was awaiting submission of the final report. Accordingly, the Court hopes to conclude the study in fiscal year 2011.

**Summer Youth Employment Program.** The Supreme Court of the Virgin Islands held its first Summer Youth Employment Program from Monday, June 21, 2010 through Friday, August 13, 2010. The goal of the program was to develop career awareness, educate the participants on the role of the judiciary, and offer pertinent work experience, valuable employment and social skills. While receiving as much as twenty six (26) applicants, available funding limited hiring to a total of eight (8) participants, three (3) of which were located on the island of St. Croix with the remaining five (5) participants assigned on the island of St. Thomas.

Participants were paired based on their interests and experience with various divisions of the Court to include the Judicial Chambers of the Chief Justice, the Judicial Chambers of the Associate Justice, Clerk of the Court, Bar Admissions, Information Technology, and Financial Services. The interns gained a tremendous amount of meaningful knowledge on the Court as well as work experiences. Based on the participants' evaluations, the Court exceeded the expectations of the participants by providing an excellent work environment with an adequate volume of work.

**HR Objectives for Fiscal Year 2011.** The Division of Human Resources will remain committed to meeting the needs of the Supreme Court personnel in fiscal year 2011 through the development of innovative programs and policies that will ensure positive professional development and work balance. The policies to be explored during the upcoming year include an Alternative Work Arrangement Programs Policy and Health and Fitness Program Policy.

The Alternative Work Arrangement Programs Policy would allow select employees to work at alternative work sites on a regular or intermittent basis, thereby ensuring that productivity is maintained while an employee may be otherwise unable to work at the traditional work site. It is a policy that has become standard in many working environments, public and private, to attract and retain highly qualified employees, facilitate greater productivity in situations where distractions would negatively

impact performance, provide the ability for recuperating or physically limited employees to complete work assignments, and complement a continuity of operations plan during a natural or man-made disaster.

The Health and Fitness Program Policy is a policy that seeks to encourage health and wellness, thereby ensuring that employees remain healthy, and therefore, productive on the job. In addition, it demonstrates that the employer cares about the well being of its employees—a recognition that pays high dividends with positive employee morale.

Further, in keeping with the Court's commitment to continued professional development, the Division of Human Resources will develop and implement an annual training initiative for all personnel of the Supreme Court. The objective of the training initiative will be to review and assess the Court's customer service culture and foster continued team building among Court staff. Thereafter, customer service standards will be developed with the input of personnel and issued to internal staff as well as the public.

It is also anticipated that additional personnel will be added to the Court's roster of employees. With the Commission on Judicial Conduct being established, the Court will also enhance attorney discipline in fiscal year 2011. To facilitate the goal of receiving, screening, investigating, and prosecuting complaints made against judges and attorneys in the Virgin Islands, an active recruitment campaign will be required to staff the Office of Disciplinary Counsel.

In addition, the Court will be undergoing its five (5) year review by the Third Circuit Court of Appeals. Accordingly, it has become apparent that a Reporter of Decisions will be required to ensure that the opinions of the Virgin Islands Supreme Court remain consistent with Virgin Islands jurisprudence. Finally, the Court will continue to assess its vacancies and seek to fill any needed positions as judiciously as possible.

**Special Projects.** The Office of the Administrative Director was also responsible for leading several other initiatives during fiscal year 2010.

**Conference of Chief Court Justices.** The Supreme Court hosted the Conference of Chief Justices' Midwinter Meeting from January 30, 2010 to February 3, 2010. Thanks to the support of the Governor of the Virgin Islands, the Legislature of the Virgin Islands, the Department of Tourism, several law enforcement entities, including the Virgin Islands Police Department and the Office of the Superior Court Marshal, and the employees of the Supreme Court, the event was a resounding success. The final numbers indicate that 126 justices, spouses, and guests participated in the meeting, and explored the jewels of our territory through tours, shopping, and island-hopping. Indeed, many justices either came early or extended their stay. All remarked of the beauty of our island and our people and indicated their intention to return.

**Strategic Plan.** In fiscal year 2010, the Supreme Court embarked on its five (5) year strategic plan initiative, which was completed in June of 2010. In the document, which is available online at [www.visupremecourt.org](http://www.visupremecourt.org), the Supreme Court has established its vision statement, articulated its performance objectives and formulated performance measures for the next five (5) years. The justices and court personnel from all divisions of the Court participated in the drafting of this document and it reflects the values not only of the Court, but of the Court employees who remain fully dedicated to the administration of justice within our territory.



**Community Outreach.** The Court remains committed to educating the public on the processes of the Judiciary, in general and the Supreme Court, in particular. As mentioned previously, the Court utilized its technology to provide public access to case dockets and live streaming of oral arguments to the Internet. Both mechanisms served to bring the processes of the Court directly to any individual's desktop. Access facilitates education and the Supreme Court has provided the means for the Virgin Islands community to see its court in action.

Further, the Court began the preliminary groundwork to implement *Justice Files* and *iCivics* in the public school system of the Virgin Islands. *Justice Files* is a program created by the National Center for State Courts to educate middle and high school students about the justice system through the use of graphic novels. *iCivics* is an online educational tool founded by the Honorable Sandra Day O'Connor, retired Justice of the United States Supreme Court, to educate students from grades 6 through 12 on the three (3) branches of government. On September 8, 2010, the Chief Justice and the Administrative Director met with Mrs. Jeannette Smith-Barry, St. Thomas-St. John Insular Superintendent to discuss the implementation of the program in the St. Thomas district. Likewise, on September 23, 2010, both representatives from the Court also met with Mr. Gary Malloy, St. Croix Insular Superintendent to explore the programs' implementation in St. Croix.

For the upcoming fiscal year, the Court intends to order the pertinent materials and work with the Office of the Insular Superintendent in both districts to develop the implementation plan for the 2011-2012 school year for grades 7th through 12th.



*The Chief Justice of the Virgin Islands Supreme Court speaks with the President of the Conference of Chief Justices, the Honorable Christine Durham, prior to the opening ceremonies of the Midwinter Meeting in St. Thomas.*

## HIGHLIGHTS OF MAJOR ACCOMPLISHMENTS IN SUMMARY

- Achieved 132% clearance rate in case processing.
- Successfully managed the reduced appropriation of \$6,916,174, ensuring that the Court met its statutory mandate effectively.
- Completed renovations of No. 161B Crown Bay, St. Thomas, U.S. Virgin Islands.
- Transitioned operations from No. 1000 Blackbeard's Hill, St. Thomas, U.S. Virgin Islands to No. 161B Crown Bay, St. Thomas, U.S. Virgin Islands.
- Completed state of the art audiovisual courtroom at No. 161B Crown, Bay St. Thomas, U.S. Virgin Islands.
- Initiated renovations to the first floor of No. 18 Strand Street, Frederiksted, St. Croix, U.S. Virgin Islands.
- Entered into a purchase agreement to procure 3.5 acres of land in Estate Golden Rock, Christiansted, St. Croix to construct a courthouse on St. Croix pursuant to law.
- Implemented Phase II-Public Access of the Appellate Case Management System which enabled public access to the Supreme Court's docket.
- Implemented Phase III-Chambers Processing Module of the Appellate Case Management System which provides the justices with real time court data and facilitates the timely opinion processing.

- Reviewed business processes to facilitate Phase-IV-Efiling of the Appellate Case Management System.
- Successfully implemented live streaming of Court sessions to the internet, with sessions then being archived on the website.
- Established the Commission on Judicial Conduct to administer a judicial discipline and incapacity system for judicial officers.
- Adopted an Emergency Disaster Response Manual.
- Initiated the development of the Continuity of Operations Plan (COOP) for the Supreme Court of the Virgin Islands.
- Successfully hosted the Conference of Chief Justices for their Midwinter Meeting on January 30, 2010 to February 3, 2010.
- Filled fourteen (14) vacancies to facilitate improved court operations.
- Held its first Summer Youth Employment Program, providing participants with valuable work experience, employment and social skills.
- Trained court personnel in background investigations, courtroom security, tsunami disaster response, certified courtroom technology, Microsoft SharePoint, Microsoft Windows 2008 Administration, and Cisco switches and routers.
- Completed the Supreme Court of the Virgin Island's Strategic Plan.
- Established relations with the Office of the Insular Superintendent in both districts to facilitate the implementation of iCivics and Justice Files in the public school system.



*The three (3) heads of government, the Honorable John P. deJongh, Jr., the Honorable Louis Patrick Hill, and the Honorable Rhys S. Hodge, share a light moment at the opening ceremonies of the Conference of Chief Justice Midwinter Meeting.*

# JUDICIAL OUTLOOK

The Supreme Court of the Virgin Islands remains committed to continued growth and sound development. The dedication of our workforce, coupled with our shared strategic vision, will continue to pay dividends to the community that we serve.

## *Appellate Case Management Project*

For the upcoming fiscal year of 2011, the Supreme Court remains committed to concluding its Appellate Case Management Project. Specifically, the Court will complete the functional specifications and implement the e-filing module, bringing to conclusion a project that would have been ongoing for three (3) years.

## *Appellate Case Performance Standards*

With the automated case processing environment being close to completion, the Court will then begin to develop appropriate Appellate Case Performance Standards. The standards will provide a working guideline of the Court's time line for case processing. It is an initiative that is sure to increase the public's trust and confidence in the judiciary.

## *Review of the Virgin Islands Lawyer Discipline System*

In the upcoming fiscal year, the Court intends to review the lawyer discipline system in the Virgin Islands. Presently, discipline of the lawyers in the territory is handled through a the Ethics and Grievance panel of the Virgin Islands Bar Association. Despite their efforts, claims are generally not processed timely. Further, there is no provision for a Client Protection Fund to reimburse litigants for damages incurred due to the ethical violations of counsel. Working along with the Virgin Islands Bar Association, the Court will consult with the ABA Standing Committees on Professional Discipline and Client Protection to survey the state of lawyer discipline in the territory.

## *Five (5) Year Review*

December 18, 2011 will make five (5) years since the Supreme Court has been in operation. At that time, the Third Circuit Court of Appeals will be completing a review to determine whether the Supreme Court of the Virgin Islands has instituted sufficient institutional traditions to warrant a recommendation to Congress that the appeals of the Court go directly to the United States Supreme Court. This type of review is not novel as our sister territory of Guam also followed the same path in developing its judicial independence.

In fiscal year 2011, the Supreme Court of the Virgin Islands intends to review all its case processes and operations in order to ensure that the Court is adequately prepared for the review by the Third Circuit.

## *Facility Management*

In 2011, the Court will complete the renovations of the first floor of the Court's premises in St.Croix, providing offices for the Clerk's Office personnel and administrative staff. In addition, a lift will be installed to facilitate ADA access to the second floor. The Court currently estimates a completion date of June 2011.

## *Continuity of Court Operations Plan (COOP)*

The Supreme Court of the Virgin Islands will complete and implement its COOP to ensure that the Court is prepared to facilitate operations after a disaster. To this end, the Court will secure off-site data storage to back-up critical data and ensure its redundancy and availability in the event of a disaster.

## *Job Classification and Compensation Study*

The Supreme Court will conclude the Job Classification and Compensation Study in fiscal year 2011. With the initial draft report having been received in fiscal year 2010, the Court will review the submission, share its content with court personnel, and develop an implementation plan for any needed changes.

## *Supreme Court Strategic Plan*

The Court will continue to implement its strategic plan in fiscal year 2011 by focusing on its governance, human capital, infrastructure and facilities, communications and outreach. The strategic plan is the goal to which all our justices and employees strive. To be successful in our efforts, the Court must engage and seek the continual support of the other two (2) branches of government, the trial court, the Virgin Islands Bar and the public.

## *Community Outreach*

The Supreme Court of the Virgin Islands will finalize the implementation plan to increase civic education in the schools. The Court will provide resources on the *iCivics* and *Justice Files* programs, while making available technical support to the educators.

# CONCLUSION

The Supreme Court of the Virgin Islands remains true to its vision of being a model of judicial excellence. Serving the public in a fair and impartial manner remains our utmost priority. Accordingly, the Court invests in its human resources, facilities and technology to ensure that a great level of productivity, transparency and accountability is maintained. We hope by doing so that we will earn the public's reward---their trust and confidence.





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# MISSION OF THE SUPERIOR COURT OF THE VIRGIN ISLANDS

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*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! The start of Fiscal Year 2010 began with the Superior Court having two judicial vacancies; one in each District. During the second quarter, those vacancies were filled by the confirmation of the Honorable Adam G. Christian and the Honorable Harold W.L. Willocks in the St. Thomas/St. John District and the St. Croix District, respectively. We extend our sincerest gratitude to Senior Sitting Judge Edgar D. Ross for his assistance to the Court during the time of those vacancies and thereafter. Judge Ross' invaluable services assisted the Court in maintaining its continuity over pending cases.

When the Territorial Court (now known as the Superior Court) was initially established, Title 4, Section 71 of the Virgin Islands Code, authorized the appointment of not less than six (6) judges, one half of whom were required to reside in each District and two of whom were required to serve as Family Court judges, one in each District. Thereafter, the number of judges increased to four (4) in each District. However, since the mid-1990's, there have been five (5) judges within the District of St. Thomas/St. John while the number of judges in the St. Croix District has remained at four (4), with one of these judges serving as the Family Court judge. The number of judges in the St. Croix District must be increased at some point in the near future to address the number of cases filed (which are on par with the number of cases filed in the St. Thomas/St. John District) even though we are cognizant of the fact that, due to the Government's current financial condition, and the lack of adequate facilities, the appointment of an additional judge for the St. Croix District is unlikely at this time.

After more than a year-long search, the Superior Court has entered into a contract to implement a new, state-of-the-art case management system. This \$1.6 million contract will bring the Court into the 21st Century with a fully automated case processing system and e-filing capabilities similar to the system used in the District Court of the Virgin Islands and other jurisdictions throughout the continental United States.

Automated case processing would end the Court's reliance on its existing archaic system and implement a system that: improves the timeliness of case processing, while reducing the potential for human error. Additionally, there will be a reduction in the duplicitous inputting of information. Moreover, upon full implementation, attorneys and other court users will be able to file pleadings and documents electronically and review the Court's case records from their offices or other off-site location via the worldwide web. Over time, the Court's goals are to have a virtually paperless process and provide for the quick resolution of claims.

The contract, with American Cadastre, LLC ("AmCad"), of Herndon, Virginia, calls for full implementation over an 18-month period which began in December of 2010.

The new system is part of our ongoing efforts to reduce case delays, improve access to justice for our citizens, and improve our records management, thereby improving our delivery of service to court users. The Court remains cognizant of its continuing objective in the expeditious resolution of cases that come before it and recognizes that justice delayed is justice denied. Accordingly, we have taken the first major steps toward addressing this serious issue by joining other contemporary courts in adopting a technology solution that would improve case processing and improve accountability.

Moreover, the e-filing component of the system is a major initiative which will aid, primarily, practicing attorneys by providing the ability to file case documents without ever entering the courthouse. Additionally, electronic filings will be immediately available for viewing and resolution by assigned trial judges, thereby providing a mechanism for the swift resolution of motions and other matters that come before the Court. In turn, the public will be able to view case files, within the parameters of the Rules of the Court, from public access computers provided on-site, as well as through the Court's website.

The Court is well aware of many of the challenges facing attorneys practicing before the Court and other court users and is attempting to address these issues through a multitude of approaches. Implementation of the Magistrate's Division in 2009 introduced the first step toward delay reduction, by freeing trial judges from magisterial duties so they may expeditiously resolve more civil and criminal trials. The implementation of this technology solution provides yet another approach toward improving service to the community.

The Superior Court is excited about the prospects the adoption of a new system holds, in terms of improved case flow, reduction of case delays, improvement in quality control, improved service to court users and reduced manual functions that invite human error.

I would be remiss if I did not acknowledge the contributions of the collective efforts of the Case Management Selection Committee. This committee was composed of staff representing each division and other functional areas and was crucial to the development of the strategy, investigation, and selection of the vendor, in conjunction with staff from our Information Technology Division.

A handwritten signature in blue ink, appearing to read "Darryl Dean Donohue, Sr.", with a stylized flourish at the end.

Darryl Dean Donohue, Sr.,  
Presiding Judge



# SUPERIOR COURT

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## 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.

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## COMPOSITION OF THE SUPERIOR COURT

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 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.

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## SUPERIOR COURT'S LEGAL JURISDICTION

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

misdeemeanors, 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 2010:

**DISTRICT OF ST. CROIX:**

1. Honorable Darryl Dean Donohue, Sr.  
(Presiding Judge);
2. Honorable Julio A. Brady; and,
3. Honorable Patricia D. Steele.

**DISTRICT OF ST. THOMAS-ST. JOHN:**

1. Honorable Brenda J. Hollar  
(Administrative Judge);
2. Honorable James S. Carroll, III;
3. Honorable Michael C. Dunston; and,
4. Honorable Audrey L. Thomas.

During Fiscal Year 2009, a void was created in both judicial districts as a result of the passing of Judge Francis D'Eramo in the District of St. Croix, and the subsequent retirement of Judge Leon A. Kendall in the District of St. Thomas-St. John. However, in January 2010, the Court's sitting trial judges was augmented by the addition of one new trial judge in each district as noted below:

**DISTRICT OF ST. CROIX:**

Honorable Harold W.L. Willocks

**DISTRICT OF ST. THOMAS-ST. JOHN:**

Honorable Adam G. Christian

Additionally, the Court appreciates the assistance rendered in the resolution of cases during Fiscal Year 2010 by the following retired judges, when they served as Senior Sitting Judges: the Honorable Ishmael Meyers and the Honorable Edgar D. Ross.

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## 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. During Fiscal Year 2010, the following magistrates continued to serve in the district indicated below:

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

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## SUPERIOR COURT'S ORGANIZATIONAL STRUCTURE

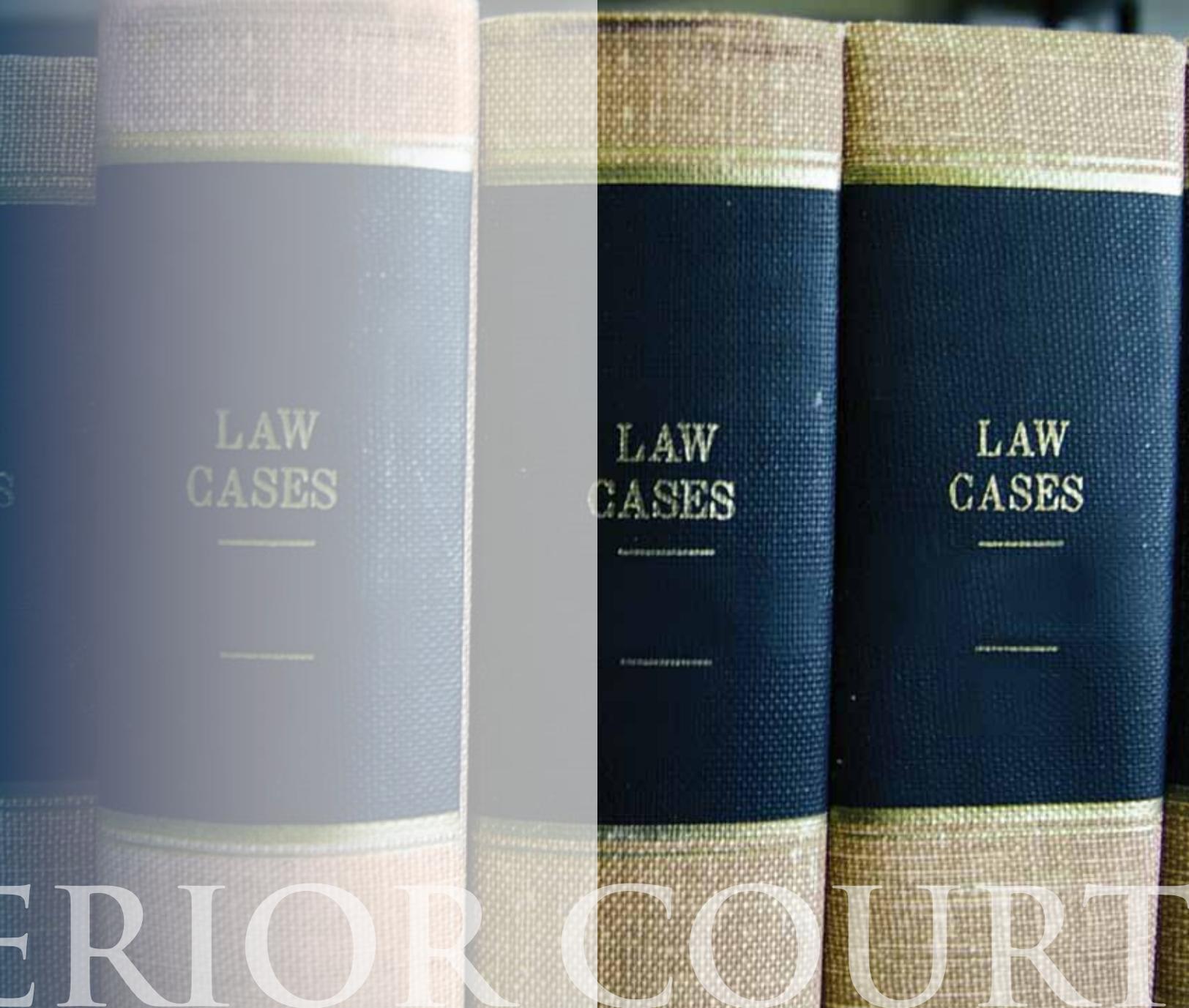
The Presiding Judge serves as the administrative head of the Superior Court and is supported in those duties by an Administrative Judge who is designated by the Presiding Judge. The Office of the Court Administrator (Administrative and Support Division) and the Office of the Clerk of the Court (Operational 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.

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## THE OFFICE OF THE COURT ADMINISTRATOR

The Office of the Court Administrator is created by Title 4 V.I. Code Ann. § 91 and 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 oversight of the Offices of Accounting and Finance, Data Quality Management, Facilities and Maintenance Management, Human Resources, Information Technology, Jury Management, Law Library Services, the Pretrial Intervention Program/Rising Stars Youth Steel Orchestra, Probation and Parole, Property and Procurement, and the Court's administrative and other support staff.

Additionally, the Court Administrator examines 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.



Oftentimes, the Office of the Court Administrator is usually called upon to plan, host or assist with special events and/or functions of the Court. During Fiscal Year 2010, the following Court affiliated events were held: the Investiture of Judge Harold W. L. Willocks, in the District of St. Croix and Judge Adam G. Christian in the District of St. Thomas-St. John; the 16th Annual High School Appellate Moot Court Competition, which was held in the District of St. Croix this year; the Employee Health Fair; the Annual Employee Appreciation Day and Luncheon, Annual Employee Christmas Awards and Recognition Gala.

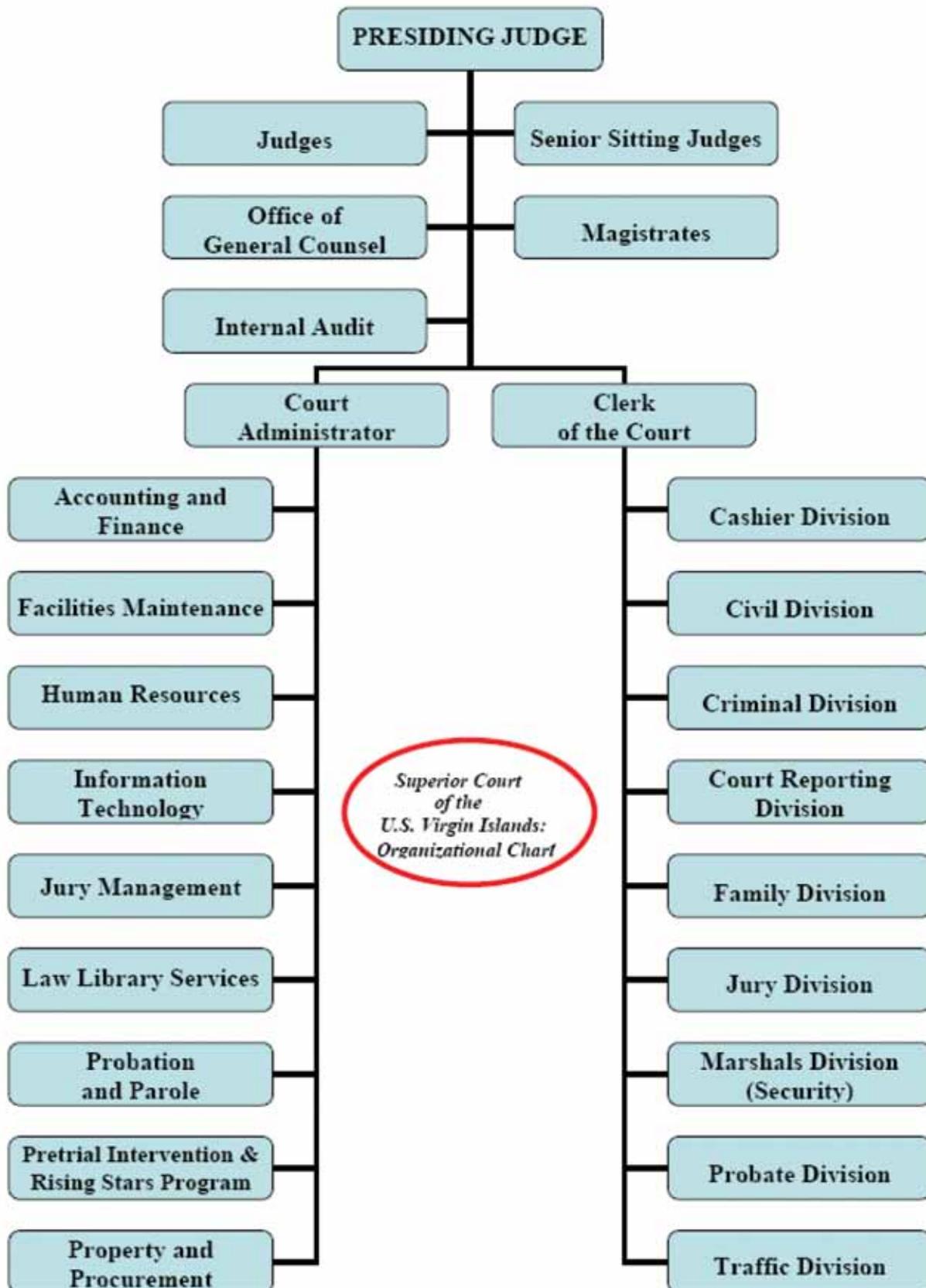
## THE OFFICE OF THE CLERK OF THE COURT

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.

The Superior Court's Organizational Chart is provided below:



## MAJOR INITIATIVES: ADMINISTRATIVE AND SUPPORT 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, payment to vendors, and the preparation of the 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 CFO, the Accounting and Finance Division continued its efforts in Fiscal Year 2010 to provide financial accounting, payroll processing, and budgetary support services to our internal and external customers - namely the employees of the Superior Court, our vendors, and other governmental entities, to include the enforcement of up-front withholding of Gross Receipts Taxes (GRT) - where appropriate - and the related filing of the GRT return with the Internal Revenue Bureau (IRB).

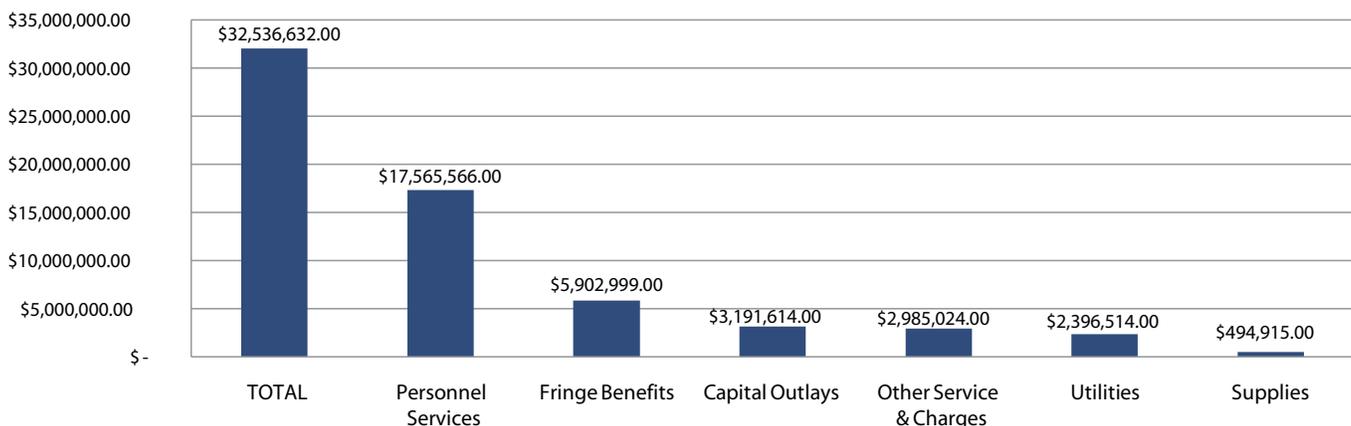
As a direct result of the salary increases that were implemented in FY 09, the Accounting and Finance Division managed the process and prepared the applicable calculations and the related retroactive payments for the salary increments - in addition to the related overtime payments for the employees of the Superior Court.



An ongoing challenge for this division stems from the Enterprise Resource Planning (ERP) system which has limited baseline reporting capabilities as compared to its predecessor - the Financial Management System (FMS).

The Superior Court's funding for FY10, as appropriated by the Legislature and signed into law, totaled \$32,536,632. In order to carry out its mandated functions, the Court utilized the full amount of its allotment as outlined below:

**Superior Court of the Virgin Islands  
Fiscal Year 2010 Expenditures**



# ACT NO. 6900: SUPREME COURT FUNDING

At the close of FY10, the balance remaining from the \$5,750,000 appropriated and allotted - pursuant to Act 6900 - to the Superior Court for the establishment and construction of the Supreme Court was \$67,418.41. This encompassed expenditures and outlays for the four-year period beginning October 1, 2006 and ending September 30, 2010. Of the funds drawn for payments made directly by the Court from the Department of Finance, the cash on hand in the accounts at the close of FY10 totaled \$2,173.93, with a residual left to be drawn from DOF of \$65,244.48.

## THE HUMAN RESOURCES DIVISION

is responsible for administering the personnel policies and procedures for all employees of the Superior Court of the Virgin Islands, while providing support to its management staff. Additionally, they also advise and provide guidance and assistance to the Court's 300 employees.

With the implementation of the Court's revised Personnel Manual, in Fiscal Year 2009, several initiatives were mandated which were realized and acted upon by the Human Resources Division, including the following:

1. In accordance with § 10.5 of the Personnel Manual, the administration of the Educational Incentive Benefit began in FY10; and, currently there are three (3) employees participating in this program.
2. In January 2010, the processing of personnel actions in the 'Munis Live' database of the ERP System commenced. Based on actions entered, the Court's Notice of Personnel Action (NOPAs) is now produced, within the ERP, with the signature of the Presiding Judge and the Court Administrator. The transition to this new personnel processing platform has not been without obstacles, and even now many concerns remain unresolved. Notwithstanding these challenges,

the Court was able to process over 250 personnel actions through the ERP system during the 2010 calendar year. This included separations, promotions, salary adjustments - to include step increases and new hires - excluding summer employees.

3. At the beginning of January 2010, and in accordance with the guidelines set forth in the Personnel Manual, annual evaluations are now required and they were subsequently issued to supervisors for completion. Based on the established compensation plan, annual step increases have been effectuated for employees attaining a "satisfactory" evaluation.

4. Employee recognition programs, such as the birthday recognition and recognition of the employee of the quarter were continued during FY 10. The Employee of the Year, Employee Appreciation Day and the Christmas Awards and Recognition Gala events also took place during the year. A total of eighty-four (84) employees were recognized by the Court during FY10. Additionally, there were ten (10) employees who retired from the Court, with a combined total of 291 years of service.

## TUITION REIMBURSEMENT PROGRAM:

One of the benefits currently offered to the employees of the Superior Court is the Tuition Reimbursement Program. This Program provides reimbursement to employees who have taken and successfully completed college-level courses as they work towards obtaining a college degree (AA, BA and MBA/MPA). During FY10, the Tuition Reimbursement Program enabled the Superior Court to provide reimbursement to its employees which totaled \$89,822.15, and is outlined below.

In recognition of the Court's current fiscal and budgetary constraints, and in order to provide for a more efficient and effective management of those expenses, the Court is currently in the process of revising its Tuition Reimbursement Program - which should be completed within the upcoming Fiscal Year.

DISTRICT	ADMINISTRATION	OPERATIONS	JUDGES/MAGISTRATES CHAMBERS	TOTAL
St. Thomas - St. John	\$9,416.76	\$11,250.00	\$789.33	\$21,456.09
St. Croix	\$23,997.47	\$41,713.21	\$2,655.38	\$68,366.06
TOTALS	\$33,414.23	\$52,963.21	\$3,444.71	\$89,822.15

### **Superior Court of the Virgin Islands FY 2010: Tuition Reimbursements**

# SUPERIOR

**PERSONNEL MANUAL REVIEW:** Although the Personnel Policies and Procedures Manual was revised in Fiscal Year 2009, the Court recognized that revisions and enhancements were required and established the Personnel Manual Review. During this fiscal year, the Committee which is comprised of various management staff, and representatives of the supervisors and regular staff members, has been actively engaged in its review of the Manual. It is expected that their recommendations will be forwarded to the Court's senior management for their review and approval during FY2011.

**TRAVEL REGULATIONS:** During Fiscal Year 2010, the Court adopted and implemented its Travel Regulations Policy that is in conjunction with established law and Court rules.

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## THE DIVISION OF INFORMATION TECHNOLOGY

The Division of Information Technology is responsible for the Superior Court's technology infrastructure. The current technology infrastructure facilitates internal and external communication, in addition to research and the processing of cases within the current case management system, aka eNACT. Additionally, the IT staff is also responsible for the purchasing of various computer hardware, software, technology supplies and the myriad of support items required to maintain this complex information infrastructure.

The Information Technology Division continues to strive to keep the Superior Court moving forward with technology. This division is constantly motivated to staying abreast with the latest technology while providing reliable, secure and redundant services that are in constant demand by the Court. Fiscal Year 2010 saw the implementation and completion of several projects, even as the division experienced new challenges. Additionally, IT continues to strategize with new initiatives and ongoing projects as the Court moves forward into the new Fiscal Year (FY11).

The Information Technology Division was instrumental in facilitating several major initiatives during FY2010, which included the following:

1. Upgrades to the Domain Controllers;
2. Enhancements to the Storage Area Network;
3. Installation of the Mushroom Network Truffle;
4. Installation of the FTR (For the Record) and Mobile FTR Courtroom Systems; and,
5. Participation in the selection of the new Case Management System.

This division continues to work on a series of on-going projects to enable the Court to meet its mandates in a timely and efficient manner. Several of these projects are noted below:

1. Software upgrades that includes moving from Exchange 2003 to Exchange 2010 for the Court's Emailing system and from Office 2003 to Office 2010;
2. Upgrades to the Court's Website;
3. Software upgrade to the Court's Jury Management System;
4. Implementation of the E-citation project, in conjunction with the Department of Highway Safety; and,
5. Continuing to work with all parties – internally and externally – towards the installation of the new Case Management System.

## 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 jurors. The office is also responsible for sending out all questionnaires and summons 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, in conjunction with the Division of Information Technology, has been working extensively to upgrade its current jury management software which should allow them to include additional individuals within the jury selection pool. The Bureau of Motor Vehicles and the Boards of Election in both districts have assisted in this regard by providing needed data to populate the new jury management system.

The Jury Management Division will remain focused on working 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 will involve being able to simplify the jury selection process while reducing the large number of “undeliverable mail” and increasing the amount of responses to facilitate an overall increase in the entire jury pool. It is expected that, the installation of the new jury management software, and the training of the staff, will be undertaken within Fiscal Year 2011 and should be fully implemented and functional at the beginning of FY 2012.

**JURY MANAGEMENT STATISTICS:** During FY2010, jurors served a total of 179 days on jury panels with the outlaying cost for their service totaling \$380,000.52 district wide as noted in the breakdown below:

DISTRICT	Jury Fees	Transportation Allowance	Juror Meals	TOTAL
St. Thomas - St. John	\$135,180.00	\$21,630.00	\$73,829.63	\$230,639.63
St. Croix	\$100,100.00	\$15,835.00	\$33,425.89	\$149,360.89
TOTALS	\$235,280.00	\$37,465.00	\$107,255.52	\$380,000.52

### ***Superior Court of the Virgin Islands FY 2010: Juror Expenses***

**LAW LIBRARY** It is the goal and objective of the Superior Court’s Law Library Services to serve the legal and non-legal community. This is accomplished by providing open access to the Library’s collections and services for the judges, attorneys and 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 positively facilitate the required legal research and the research process.

Territorially, the Law Library is the home of a wealth of legal information, including court opinions and case law. The Library’s current collection in the District of St. Thomas-St. John includes over 6,480 books and a limited number of periodicals that are updated on a regular basis; and, in the District of St. Croix, there is a current collection of 16,688 volumes in addition to a comprehensive historical collection of legal material. Additional information resources include the Westlaw database and resources from Lexis Nexis to include, among other things, VI Session Laws and the Virgin Islands Primary Law on disc. An extensive listing of our resources may be obtained from the Law Library.

**THE FACILITIES MAINTENANCE DIVISION** of the Superior Court are responsible for the maintenance and upkeep of its facilities within the respective districts. In the District of St. Thomas-St. John, this includes the five facilities that are currently utilized by the Court, at the following sites: the Alexander Farrelly Justice Center, the Magistrate Division in Barbel Plaza South, the Rising Stars Panyards in Barbel Plaza North and Long Bay on St. Thomas; and, the Boulon Center on St. John. In the District of St. Croix, this includes the Court’s facilities at the R. H. Amphlett Leader Justice Complex in Kingshill, St. Croix and the Hannah’s Rest Facility in Frederiksted, St. Croix.

This division is charged with the responsibility of making routine repairs to the buildings, structures and accessories – including normally recurring repairs and preventive maintenance within the following areas: interior and exterior of the buildings, plumbing, air conditioning and ventilation; electrical repair; replacement and maintenance of indoor and outdoor lighting fixtures, maintenance painting and glazing, hardware, locks, keys, elevators and similar equipment; and, from time to time, miscellaneous building repairs. At various times, this may involve soliciting and utilizing external companies to provide major or

larger and more detailed work which may be beyond the scope of the current staff. They are then required to identify the scope and areas of work that may require RFPs or multiple quotes for the work to be done.

It is important to note that the Court's major facilities, the R. H. Amphlett Leader Justice Complex, which was constructed in 1983, and the Alexander A. Farrelly Justice Complex, which was constructed in 1993, are aging rapidly. As a direct result, several major maintenance projects surrounding these facilities will be required within the next fiscal year and going forward. During FY2010, important improvements were underway at the Court's facilities in the District of St. Croix. Architectural plans were completed to convert the existing employee lounge and porch area into the Human Resources Division and for renovations in several other areas. Additionally, extensive work was initiated on the deteriorating air-conditioning ducts at the R. H. Amphlett Leader Justice Complex, which included the fabrication of new ducts and the cleaning of its coils and filters.

At the aging Farrelly Complex, many challenges exist, especially with the aged air-conditioning system which runs on a 24-hour basis. Several projects must be undertaken and completed at this site in FY 2011, to include a complete renovation of the staff lounges; repairs to the courtyard to include replacing the applicable bricks and repairing various sunken areas; installing new elevators; completing the repair of the fountain and replacing the lights in same; painting all of the metal beams in the roof; refurbishing the public bathroom facilities; sealing the leaks on the patio (which affects the Family Division and Family Judges' Chambers); replacing the missing ceiling tiles in the Family Division; repairing the leak in the Family Judge's Chambers; and, removing the pigeons from the facility.

Recognizing the need for the Court to provide a safe and secure environment to those persons seeking justice and, given the increase in high profile cases coupled with the recent rash of violence in courthouses throughout the country, the enhancement of courthouse security remains a top priority. The Court is currently working towards the construction of an Annex in Estate Kingshill that will house two (2) courtrooms to include the Family Division, the Family judge's chambers, administration offices, a Marshal's substation, a testing facility, conference room and storage area. The topographical survey and location plans have been completed and during the upcoming fiscal year, the design phase should be completed to facilitate the development of the Court's capital budget.

Also, in the St. Thomas-St John District, the Court is currently in the process of seeking additional holdings to construct a facility to house the Magistrate Division. Several options are currently being assessed at this time, and during Fiscal Year 2011, the purchase of the requisite land and the design phase should be completed – also to be included in the Court's overall capital budget.

Noting the Courts fiscal and budgetary constraints, the Facilities Maintenance Division in the District of St. Croix recently partnered with the Department of Agriculture to realize an

annual savings of approximately \$10,000.00, as it relates to the landscaping of the southern hillside of the R. H. Amphlett Leader Justice Complex.

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## PRE-TRIAL PROGRAMS

### INTRODUCTION

The Pre-Trial 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" – the award winning and renowned Superior Court Rising Stars Youth Steel Orchestra.

The Pre-Trial office, in both districts, is manned by a small staff who work very well together and are able to complete their assignments in a very effective manner – whether its diversion activities or working tirelessly with the Rising Stars Program in serving as the liaison between the Court and the Panyard/steelband activities. Serving as the administrative representative for the coordination of the Rising Stars activities is an awesome task; and, the Pre-Trial and Panyard (Rising Stars) Staff must be commended for their commitment, dedication, genuine love for their assignments, and their continuous ability to get the job done.

During the upcoming year, it is anticipated that the Pre-Trial Intervention Program will expand its duties and responsibilities to include Pre-Trial Release activities. Prior to the inception of these activities, it will be necessary to expand not only the staff of this division, but also the location of the office as well. Additionally, various security measures will also have to be implemented to facilitate this new assignment.

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## HISTORY OF PRE-TRIAL DIVERSION

The Pre-Trial Intervention Program has been in existence 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 Pre-Trial 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 will be continued pending their completion of the Pre-Trial 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.

Pre-Trial diversion provides a cost effective means of supervising defendants in the community while guiding them to comply with the conditions set by the Court. The Pre-Trial Officer is

responsible for attending arraignments to seek out individuals who may be eligible candidates for the diversion program. During the interview with the clients, they are given the opportunity to discuss various matters, personal and professional, and other areas of concern with the Pretrial Officer.

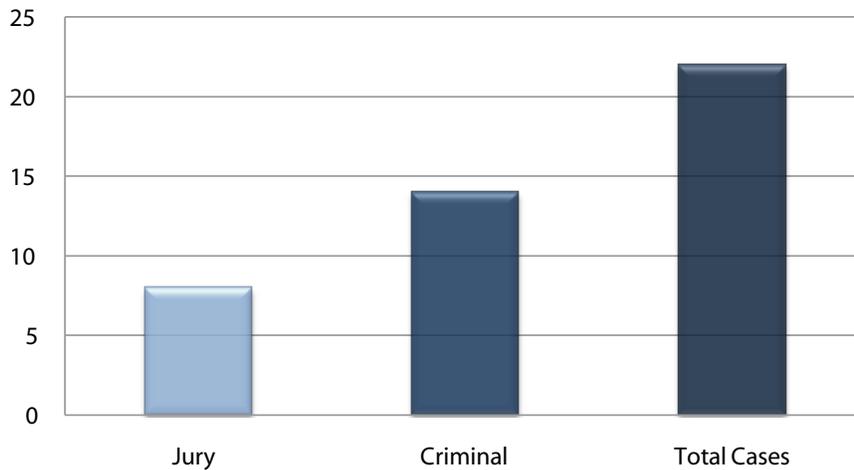
## PRE-TRIAL DIVERSION ACTIVITIES

### DISTRICT OF ST. THOMAS-ST. JOHN

During Fiscal Year 2010, the Pre-Trial Intervention Program received eighteen (18) referrals for diversion and no divertees were transferred from another jurisdiction. Following the requisite interview and police record check, all eighteen referrals were accepted into the Pre-Trial Intervention Program.

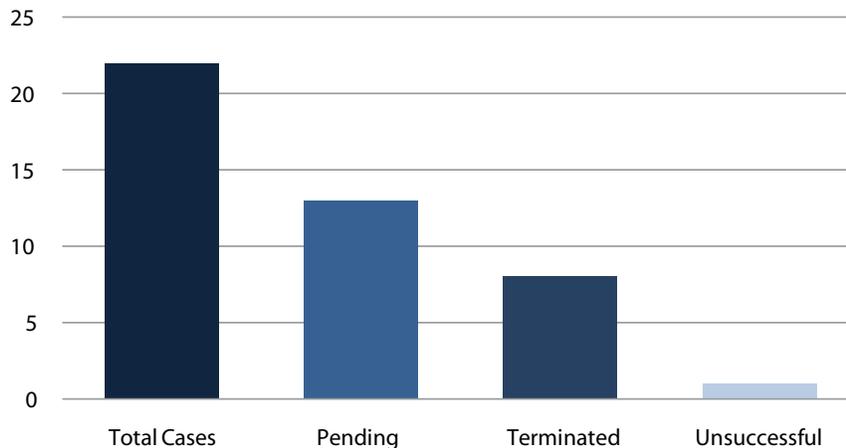
Of the eighteen (18) cases that were referred and accepted for diversion, there were fourteen (14) Criminal cases and four (4) Jury cases. At the end of Fiscal Year 2009, there were four (4) cases pending which included three (3) Criminal and one (1) Jury case which brought the total diversion cases to twenty-two (22) during this fiscal year.

**FY 2010 - Total Diversion Cases**



From the twenty-two (22) diversion cases, eight (8) were successfully terminated from the Pretrial Intervention Program: five (5) Criminal cases; and, three (3) Jury cases. One case was unsuccessfully terminated due to its immediate dismissal. At the end of Fiscal Year 2010, there were thirteen (13) cases pending. These cases consisted of nine (9) Criminal cases; and, four (4) Jury cases.

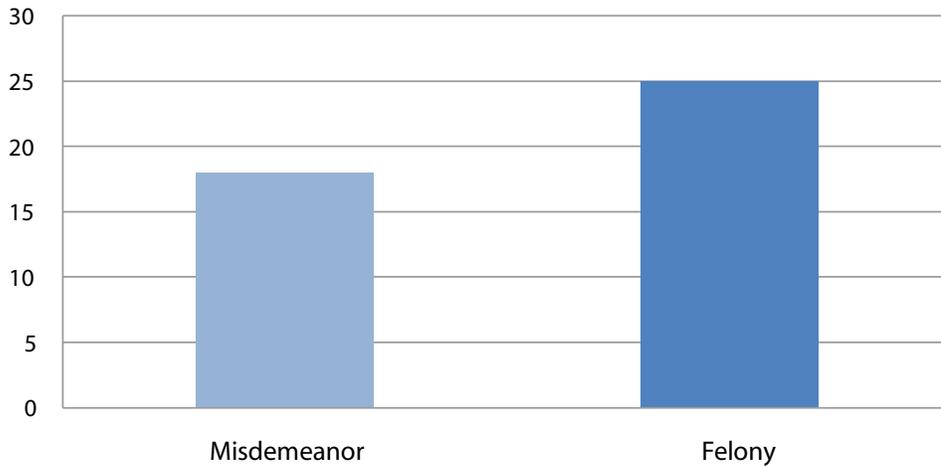
**FY 2010 - Diversion Case Completed**



## DISTRICT OF ST. CROIX

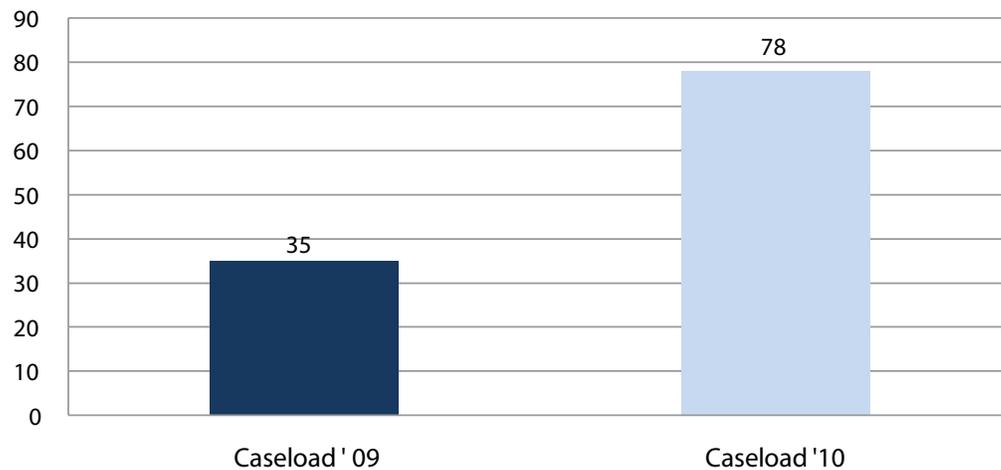
During FY 2010 forty-three (43) cases were referred and accepted for diversion: twenty-eight (28) males and fifteen (15) females. Twenty-five (25) were felony cases and eighteen (18) were misdemeanors.

**Superior Court of the Virgin Islands  
FY 2010: District of St. Croix  
Diversion Cases**



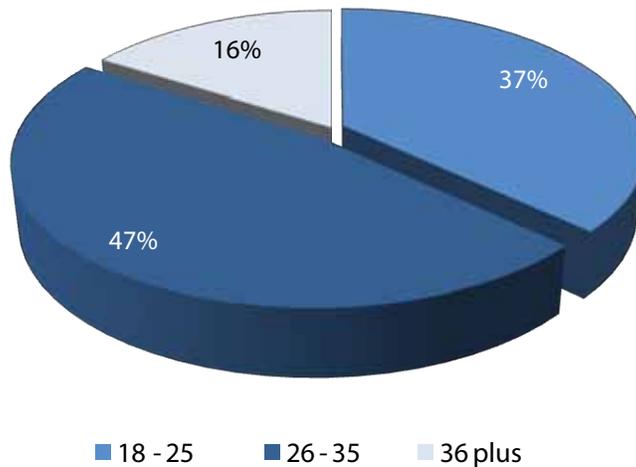
At the end of Fiscal Year 2009, there were thirty-five (35) cases pending which brought the total diversion case load to seventy-eight (78) during this fiscal year.

**Superior Court of the Virgin Islands  
FY 2010: District of St. Croix  
Total Case Load**



The age groups of the divertees are noted in the pie chart below:

**Superior Court of the Virgin Islands  
St. Croix District  
Age Group of Diversion Cases - FY 2010**



All participants in the Pre-Trial Diversion Program are required, in accordance with Title 5 § 4612(d), to pay Court Costs of Seventy-five Dollars (\$75.00); and, in accordance with Title 4 § 521(a), to pay the Pretrial Administrative Fee of Two Hundred Dollars (\$200.00). During this Fiscal year, the Pre-Trial Intervention Program collected a total of \$8,250.00 in Fees: Administrative Fees and Court Costs as indicated below:

DISTRICT	Administrative Fees	Court Costs	TOTAL
St. Thomas - St. John	\$1,600.00	\$600.00	\$2,200.00
St. Croix	\$4,400.00	\$1,650.00	\$6,050.00
TOTALS	\$6,000.00	\$2,250.00	\$8,250.00

**Superior Court of the Virgin Islands  
FY 2010: Pre-Trial Intervention Program Fees**



# RISING STARS YOUTH STEEL ORCHESTRA

## RISING STARS YOUTH STEEL ORCHESTRA

The Superior Court Rising Stars Youth Steel Orchestra, now in its 29th year of operation in the District of St. Thomas-St. John, continues to be the one and only “*school drop-out and juvenile delinquency program*” that utilizes the art of playing the steelpan. This program continues to be unique in that it is the only program of its kind in any judicial branch of government. This one-of-a-kind program provides members between the ages of ten (10) and eighteen (18) with a “*home away from home*” for many students in the Virgin Islands community.

In addition to learning the art of playing the steelpan, members are introduced to various academic opportunities through the Program’s Tutorial and Enrichment Program, Rap Sessions,

College Matriculation and Career Workshops, Ambassadorial duties (off-island trips) and various other educational activities.

The initial Summer Steelband Program began in 1980 as an experimental program with a group of about thirty (30) students. With its popularity in the community, the program began its year round operation of Summer Recruitment/Camp, Christmas and Carnival Season activities. As the years went by, various rules were added and implemented for membership into the Program - along with an oath of membership. Currently, the program’s thrust continues to focus on improving member’s academic skills and preparing them for post secondary education and the world of work. After years of support from the community and its overwhelming success, in 2005 the Superior Court extended this Program in the District of St. Croix - under the guidance of then Presiding Judge, the Honorable Maria M. Cabret.

Today, the program on St. Croix is well on its way to celebrating five (5) years of progressive service to the youth in that District, while the Orchestra in the St. Thomas-St. John District anxiously looks forward to celebrating its 30th Anniversary in FY2011.

With the program's popularity and continual increase in membership, coupled with the assistance of the Legislature, the Governor and the Superior Court, the Rising Stars Program continues to be supported by all segments of the community.

GRADES	PUBLIC SCHOOLS	PRIVATE & PAROCHIAL SCHOOLS	TOTALS
2nd Grade *	2	0	2
3rd Grade	1	0	1
5th Grade	10	4	14
6th Grade	19	5	24
7th Grade	27	8	35
8th Grade	189	8	26
9th Grade	27	2	29
10th Grade	28	2	30
11th Grade	25	4	29
12th Grade	19	1	20
<b>TOTALS</b>			<b>210 MEMBERS</b>
*Special Consideration			

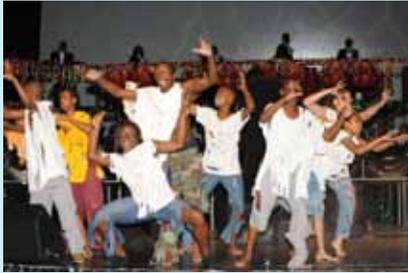
**Superior Court of the Virgin Islands  
FY 2010: Rising Stars Membership St. Thomas - St. John**

GRADES	PUBLIC SCHOOLS	PRIVATE & PAROCHIAL SCHOOLS	TOTALS
4th Grade *	0	2	2
5th Grade	9	3	12
6th Grade	6	2	8
7th Grade	7	8	15
8th Grade	6	4	10
9th Grade	11	1	12
10th Grade	11	2	13
11th Grade	10	1	11
12th Grade	9	2	11
<b>TOTALS</b>			<b>94 MEMBERS</b>
*Special Consideration			

**Superior Court of the Virgin Islands  
FY 2010: Rising Stars Membership St. Croix District**

**RISING STARS ACTIVITIES:** 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. In the St. Thomas-St. John District, the Rising Stars completed their three seasons with an average participation of 150 of its 210 members.

During their Annual Christmas Concert, whose theme was *“Give Love at Christmas Time: A Musical Tribute to Kings”*, the Orchestra paid tribute to Rising Stars Arranger Elvino



“Sifu” George, who passed away in April 2009 following his retirement, Michael “the King of Pop” Jackson; and, the King of Kings. The highlight of the concert was the Orchestra’s dance production number and tribute to Michael Jackson that was choreographed by Bridget R. Hodge. As usual, the Orchestra serenaded at various locations throughout the island during the Christmas Season, including Seaview Nursing Home, Yellow Cedar Group Home, the Superior Court, in the Post Office Square and at the cruise ship docks.

During their Carnival Season, the Orchestra participated in a joint venture with the Rising Stars from St. Croix. Both groups performed together at several activities, including the Pre-teen Tramp, the Cultural Fair, and both Carnival Parades. The St. Thomas Orchestra also performed in the Pan-o-rama prior to the arrival of the group from St. Croix.



This year, the Orchestra held a Summer Enrichment Camp, whose main focus was to improve and enhance the playing skills of its members - especially those who joined during the recruitment summer. In addition to playing the steelpan, and involvement in academic sessions, members were introduced to a series of rap sessions which included a session on Life Skills, Personal Development, Teenage Relationships and STDs. They also enjoyed an island tour which took them to various parts of the island that was unknown to them. The Summer Camp culminated with a night concert on the Bayside and the proceeds from that activity benefited the Orchestra’s Scholarship Fund. During this period, Rising Stars Pan-in-Motion, participated in several events to represent the Orchestra: St. John Celebration; Virgin Gorda Parade and an event sponsored by the Department of Tourism. They also participated in the Pan-o-Rama and J’ouvert during the Carnival Season.

During this period, the members also participated in the Tutorial and Enrichment Program. The overwhelming result of this academic assistance is reflected in the overall GPA average of 85% for the members. Additionally, fifteen members graduated from high school and thirteen of them received the \$1,000.00 Rising Stars Jahmal Andrew Scholarship. The other two members had their scholarships deferred until after the completion of their military service.

The Rising Stars members in the St. Croix District had an active season also, and performed in twenty-two different events during this fiscal year. Some of the activities in which they performed included: VI/PR Friendship Day, World Food Day at UVI, the Christiansted Retail Association Jump Up, Increase the Peace Fun Day, the Welcome Reception for the Judges of the Third Circuit Court, Gallows Bay Night, 14th Annual Mango Melee and Tropical Fruit Festival, Emancipation Cultural Parade, 3rd Annual Governor’s Fair, Pan Fest and for the Department of Tourism during the arrival of cruise ships. Additionally, they also participated in various activities in the St. Thomas Carnival with the Rising Stars of St. Thomas; and, in St. Croix Festival’s Food Fair and parades. The member’s participation in the Tutorial and Enrichment Program improved significantly as did their grades.

During the summer, they hosted a Summer Enrichment Camp for the members, with the goal of advancing the member’s musical ability and enhancing their understanding of music as it relates to the steelband. The members also participated in several cultural and eco-friendly activities with the hopes of preserving their rich heritage. The members participated in workshops that included creating box gardens, doll making, solar car assembling, quadrille dancing and cooking classes. They also participated in Rap Sessions which covered various cultural and societal topics, including gang violence, mental health and wellness, and understanding disabilities. In addition to playing the steelpan, they also enjoyed bowling, playing golf, skating, a beach clean-up and fun day in addition to their “Day of Giving” at the Wilford Pedro Home for the Elderly. The Orchestra’s summer finale included a guest appearance by renowned pianist, Liam Teague

who also conducted steelpan workshops with the members. This year, there were three graduates from the St. Croix Rising Stars Program and each received a Notebook computer, as part of their \$1,000.00 Rising Stars Scholarship.



Between both districts, the Rising Stars Program was able to raise a total of approximately \$25,000.00 for their individual scholarship funds as a result of their participation in various community and fund raising activities.

The Office of Probation and Parole continues its charge of providing the requisite information regarding defendants to the Superior Court Judges in order to assist them in determining a sentence that will meet the rehabilitative needs of the defendant and ensure the safety of the victims and the community at large. This office is also charged with the supervision of all offenders known to the Court in this jurisdiction; and, assisting the defendant with their rehabilitation efforts by providing

counseling, surveillance and verification of activities that will serve to deter the individual from further criminal activities.

**PROBATION AND PAROLE STATISTICAL INFORMATION:** During this fiscal year, the Probation and Parole Division processed the following clients within the Territory:

**LOCAL CASES**

District/Activity	St. Thomas/ St. John	St. Croix	Totals
Pre - sentence Reports Requested	162	158	320
Pre - sentence Reports Submitted	159	180	339
Pretrial Release Cases Received	466	603	1069
Pretrial Release Cases Terminated	355	553	908
Supervised Probation Clients	378	1184	1562
Supervised Parole Clients	23	51	74
New Parole Cases Received	1	8	9
New Probation Cases Received	140	228	368
Probation Cases Closed	107	431	538

**INTERSTATE COMPACT CASES**

District/Activity	St. Thomas/ St. John	St. Croix	Totals
Interstate Compact Investigations	12	18	30
Interstate Compact Supervision Cases	7	15	22
Interstate Cases Closed	9	25	34
Interstate Probationers	5	45	50
Interstate Parolees	1	8	9

### Age Range of Probation Clients

Age Range	STT/STJ	STX
Under 20	7	77
20 - 29	58	315
30 - 39	41	143
40 - 49	28	72
50+	14	154
Unknown	0	27

### TERRITORIAL SUPERVISED PROBATIONERS: TOP 25 OFFENSES 2009 - 2010

Assault	158	Unlawful Entry (4) / False Imprisonment (1)	5
Traffic Offenses including DUI	209	Neglect (17) / Sex Related ( 19)	36
Drug Offenses	115	Fraud (45) / Embezzlement (33)	78
False Pretense	10	Interfering with Officer	41
Fire Arm	10	Stolen Property	29
Larceny	60	Reckless Endangerment	19
Disturbance of Peace	50	Burglary (37) / Robbery (16)	53
Vehicle Related (17) / Property Related (57)	74	Weapons/Ammunition Possession, Distribution and Failure to Register	128
Domestic Violence	128	Assault and Battery	87
Larceny	53	Possession / Using Deadly Weapon	28
Murder/Homicide/Manslaughter	24	Contempt of Court	12
Operating a Criminally Influenced and Corrupt Organization (CISCO)	20		

The St. Croix District collected a total of \$111,048.72 in administrative fees, court costs, fines, monetary donations and restitutions.

**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 a timely manner and 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. The activities of this division during FY10 included the following:

1. 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. Due to the rise in gas prices, this office was instructed to seek alternate vendors to supply the Court with gas at a lower cost that would meet our financial needs. In doing so, a contract/agreement was procured with Boynes Trucking System - which offers the lowest rates on gas at this time - to have our vehicles, as well as our employees, purchase gas at a lower rate.
2. This office has - and continues to assist - in the procurement, implementation, and training initiatives for the new Case Management System (CMS) program.

## **MAJOR RENOVATIONS OR PURCHASES:**

In light of budget cuts and the current state of the economy, the Superior Court's administration is committed to continuing to adopt 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. However, in order to ensure that our mission to serve is not disrupted, and the work flow and processes continue, it was imperative that during Fiscal Year 2010, various aged vehicles within the Superior Court's fleet in both districts should be - and was - replaced.

As a result of the above, this office was instrumental in negotiating the prices for twenty (20) new vehicles in the St. Thomas-St. John District, as well as, the negotiated trade-in amounts for the existing vehicles. Additionally, fifteen (15) aged vehicles in the St. Croix District were also replaced. The Property and Procurement office views the above purchases as a necessity and was able to obtain prices that were equivalent to the prices the Court paid five years ago when these same vehicles were initially purchased. It is the goal of this office to monitor the warranties, repairs and life cycle of these vehicles to facilitate the requisite replacement schedule to best meet the Court's financial needs.

**UNIFORMS:** After several years and various staff changes due to, retirement among other things, new uniforms were purchased and distributed throughout the Court during this Fiscal Year. It is important to note that the Court was able to obtain these uniforms at significant cost savings than what was previously anticipated.

## **ADMINISTRATIVE AND SUPPORT FY 2011 GOALS**

As this office continues to work within the fiscal and budgetary constraints, this office is cognizant of the fact that several issues must be addressed as it pertains to the aesthetics of the Alexander A. Farrelly Justice Center and the R.H. Amphlett Leader Justice Complex. If these issues are left unresolved, the Court will be faced with larger expenditures than if the investment was made at the present time. It is important to recognize that providing a safe, aesthetically pleasing, and modern work environment for our employees can lead to better productivity.

These projects may well have to be completed in phases and perhaps only the research and ground work may be done in FY2011, while the actual project might begin in FY 2012. The following are some projects, providing funds are available, that should be addressed in Fiscal Year 2011:

### **ST. THOMAS-ST. JOHN DISTRICT**

**Jury Deliberation Rooms Upgrade:** Change the vinyl tiles in some if not all these rooms. Some of them have been damaged beyond repair due to past flooding and no matter how much they are buffed or cleaned their appearance is still not aesthetically pleasing;

**Clerk's Office Upgrade:** Change the vinyl tiles in this office as it suffers from the same affliction as the aforementioned;

**Court Clerk's Workspace Upgrade:** With the assistance of the Clerk of the Court and the Chief Deputy Clerk, this office would like to redesign the Clerk's office for maximum use of the space as well as to upgrade the present design for better work flow;

**Select an Inventory Program:** With the help of the Accounting and Finance Division, secure an inventory control program that will be beneficial to both departments;

**Judge's Chambers Upgrade:** This office has been in contact with the original vendor for the kitchen cabinets located in these chambers; therefore, the goal is to replace and upgrade said kitchen areas;

**Fleet Replacement:** Vehicles in the Superior Court's fleet, that have reached the five year mark or are costing us an exorbitant amount of money in repairs, are to be traded and replaced;

**New Magistrate Court Facility:** Procurement of property, to be utilized to construct a new Magistrate facility should be completed within the third quarter of FY 11. Thereafter, architectural plans for the new Magistrate Court should begin and the building process started;

**Courtyard Repairs:** Repairs to the Courtyard and Patio to alleviate leaks and water damage;

**Secure Long Bay Panyard:** Initiate the process to secure the Long Bay Panyard from the Department of Housing Parks and Recreation to build a permanent home for the Rising Stars Program;

**New Jury Management Software:** Install the Jury Management Software to facilitate increase juror participation for jury selection;

**Probation Officers Training:** Facilitate the requisite training for the Probation and Parole Division to enhance their productivity;

**Implement Performance Standards:** Complete the assessment of employee's job description with the goal of initiating performance standards throughout the Court;

**Personnel Staffing:** Fill all critical vacancies throughout the Court – in both districts.

## ST. CROIX DISTRICT

**RFP Preparation:** Prepare Request for Proposal to solicit bids for architectural plans for the proposed Annex;

**Construction Projects:** Complete the construction of the new HR offices and the renovations of the employee's lounge; and, complete fabrication and installation of security cage in the evidence room;

**Facilities Improvement:** Complete the installation of iron grill work over guttering on remaining 420 linear ft. for the safety of the motoring public and the Court's staff;

**Training and Development:** Identify appropriate training seminars, workshops and conferences for employees' growth and development;

**Storage Upgrade:** Work in conjunction with the Clerk of the Court to identify and effectuate adequate storage for official court records;

**Juror Orientation Enhancement:** Research the viability of a web-based juror orientation tool;

**Manual Development:** Develop a user friendly procedural manual for Property and Procurement that outlines the processes for requesting and receiving goods and services; and the development of procedural manuals for Administration.

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## THE SUPERIOR COURT'S OPERATIONAL DIVISION

In Fiscal Year 2010, the Operational Division had approximately 105 employees Territory wide. There were also fifty budgeted vacant positions in the Operational Division; however, despite numerous attempts to fill the required vacancies, resignations and other separations continue to leave a void in the Operational Division's staffing. Accordingly, bringing each division up to full staffing continues to be a primary goal in the upcoming fiscal year.

## MAJOR INITIATIVES

During the course of the fiscal year, the Operational Division undertook various projects intended to improve the efficiency and effectiveness of operations. Some of our major initiatives are indicated below:

**1. CROSS-TRAINING:** Cross-Training was implemented in the Clerk's Office during Fiscal Year 2009, with an eye toward developing a more flexible and mobile staff. In Fiscal Year 2010, the project was substantially completed, with all existing staff being cross-trained in the targeted divisions: Civil/Small Claims, Criminal, and Traffic and, on St. Thomas, in Domestic Violence. Training in the Jury Division has begun and is to be completed by the end of the second quarter of Fiscal Year 2011. Training in the Family Division was not part of the initial plan and will be assessed for implementation at a later date.

**2. COMPLETED IMPLEMENTATION OF DIGITAL RECORDING:** With the implementation of the Magistrate Division, the Court also implemented electronic reporting capabilities (Mobile FTR – For the Record) in that Division. With this new technology, the Court is able to reallocate its court reporting staff to other functions, such as coverage of jury trials which are set to increase as a result of the removal of magistrate duties from trial judges. Additionally, the digital recording devices make it possible to produce transcripts at a more expedited rate, as well as provide for an audio record of hearings. Digital recording installation was completed, with the final courtroom in the St. Thomas Division's Magistrate Division being outfitted in Fiscal Year 2010. Additionally, that is the first jury trial courtroom to be outfitted with the new technology. Plans are underway to procure equipment for all courtrooms Territory wide, although such use will be limited to internal uses and not to generate the official court record.

Additionally, the Court procured two mobile digital recording units (one in each district) that may be deployed to eliminate delays in courtrooms where a court reporter is not available, or for use in administrative proceedings. Such units have already been deployed to permit proceedings to continue even where there has been staffing shortages due to inclement weather and absences.

**3. IMPROVEMENT OF CASE MANAGEMENT:** The Court moved one step closer to an improved delivery of services, in its selection of a new case management system and execution of a contract with Virginia-based AMCAD, Inc. The implementation process and data conversions are scheduled to begin in Fiscal Year 2011. The installation of this system, which will include e-Filing, is set to be completed during the first quarter of Fiscal Year 2012.

**4. CASE DELAY REDUCTION EFFORTS:** The Court implemented various measures to reduce case delay in several areas. Through changes in its scheduling of proceedings and additional hearing periods, the Court successfully reduced the time from filing to hearing in Small Claims and Forcible Entry and Detainer cases from up to 90 days to approximately one to two weeks. These changes thus improved court users' access to justice.

# SUPERIOR

**5. UNIFORM PROBATE CODE:** The Court, in Fiscal Year 2010, undertook a major effort toward implementation of the newly codified Uniform Probate Code. These efforts required: conducting an assessment of existing Court staffing and analysis of additional needs required to implement the new law; a review of procedures and preparation of new procedures required by the law, and identifying and providing training for probate staff. This effort is ongoing as we look toward full implementation in accordance with the effective date of the law, as extended.

**6. QUALITY CONTROL:** The Clerk's Office additionally implemented a quality control procedure to analyze the efficiency of its operations. Such QC is undertaken once each quarter and involves random checks of case filings and docketing in each division to ensure staff compliance with procedures and established timelines for certain actions. This process aids in self-assessment and determining where improvements are needed and is part of our gradual movement toward the implementation of performance standards.

**7. IMPLEMENTATION OF NEW RULES/PROCEDURES:** During the reporting period, the Court - in conjunction with the Operational Division - implemented new rules and procedures to satisfy new mandates pursuant to mandatory case law, Supreme Court rule and/or statute. This included: implementing new rules to permit the electronic filing of traffic tickets, in anticipation of the e-citation program; and, implementing new rules and procedures in furtherance of our case management / case processing goals (i.e. magistrate rules).

**8. RELOCATION OF JURY DIVISION:** The Jury Division was relocated to new offices during Fiscal Year 2010, to the first floor of the Alexander Farrelly Justice Complex.

**9. SECURITY:** The Superior Court implemented shift schedule for its security staff, thereby eliminating costly daily overtime and extending the period of security coverage at the court after 5:00 pm.

**10. TRAFFIC DIVISION:** The Court conducted a review of processes and took various corrective actions to address processing issues in the Traffic Division.

**11. MARSHAL'S DIVISION:** The Marsha's Division oversaw the installation of new fire extinguishers and AED machines throughout the Court, as well as the installation of emergency exit systems, and upgrading of the fire alarm

system, and installation of new security monitors in all of the judges' chambers.

**12. INTERPRETER SERVICES:** In Fiscal Year 2009, the Superior Court took significant steps toward improving its provision of interpreting services, to better serve its public and ensure equal access to justice. This included: creating a position and hiring a director to monitor and manage such services, developing processes to flag cases and defendants, at the case initiation stage to ensure that interpreter services are readily available for each flagged case/defendant at each stage of the proceeding, developing scheduling to manage its interpreter resources, bolstering the available services and languages, and provision of training and study aids to staff interpreters.

The Court continues to improve such processes and in Fiscal Year 2010 undertook efforts to identify technology that would aid interpreters in providing services in the courtroom with diminished interruption or disruptions. This includes procurement of wireless headphones and equipment to be used in the courtrooms for efficient interpretation and improvement of interpreting time with minimal disruptions to the proceedings. This equipment will enable the interpreter to speak in a low tone of voice into the microphone without having to lean into the individual needing the services. In fact, it gives the interpreter more mobility, permitting him or her to even be positioned away from the individual, if needed, and in a spot where they could hear well. The technology would also permit the interpreter to interpret for any multiple individuals. Efforts to complete the transition to such technology will continue in fiscal Year 2011, with the goal of completion by the end of the fiscal year. Other efforts are underway, including a review and assessment of all external/contracted interpreters and reassessment of qualification requirements.

As part of these efforts, the Court hosted a two-week Court Interpretation and Testing Training on St. Croix on December 7-18, 2009, and brought in trainer Professor Orlando Gonzalez. Additionally, on July 8, 2010 interpreters in both districts participated on a CETRA Webinar via teleconference entitled "How to Work with an Interpreter in Legal Settings" conducted by Antonio Guerra, Director of Interpreting Services. This served as an overview and refresher course of what was said at the Training in December, 2009. Efforts continue to attempt to get all staff interpreters certified. The Court is committed to continuing these efforts to ensure LEP compliance, given its diverse community.

## OVERALL GOALS

In addition to the divisional goals stated in this report, the following are the major goals of the Operational Division for Fiscal Year 2011:

- 1. APPELLATE DIVISION:** Implement our goal of having an appeals clerk(s) dedicated to reviewing files, interacting with the appellate courts and timely submitting all required filings to those courts, as well as processing all internal reviews.
- 2. RECORD RETENTION:** Reviewing all outstanding files/documents and processing in accordance with our records retention policies and local law, and identifying enhanced record retention resources that comport with existing legal requirements while reducing storage needs.
- 3. CASE MANAGEMENT SYSTEM:** Complete implementation of our new Case management system, and substantially complete steps toward e-filing, to include development of new procedures and business rules.
- 4. SERVICE IMPROVEMENT:** Work with judges to devise a case delay reduction approach, to improve the delivery of service to the public.
- 5. UNIFORM PROBATE CODE:** complete the development of new forms and procedures for use in implementing the new law.

The Operational Division, and indeed the Court, faced major challenges during the fiscal year which affected operations. Foremost were the various changes in the law that diminished the functions of the Magistrate Division and, thereby, the functions of the Court and its ability to improve the timely delivery of service.

In response to the decisions of the Supreme Court requiring a secondary internal appellate review process in the Superior Court before litigants may obtain a right to appeal to the Supreme Court, the Superior Court not only revamped its rules but also redirected numerous criminal cases to judges, which would have previously been heard by magistrates. As a result of a decision of the V.I. Supreme Court, trial judges were also required to assume responsibility to conduct all preliminary proceedings in first-degree murder cases (i.e. advice, arraignment, bail and warrant proceedings), which would have previously been assigned to magistrates. This redirection of these multiple functions from magistrates to judges, in addition to the appellate/review procedures which judges must now follow, have significantly increased the caseload of trial judges. As a result, the Superior Court has not yet realized the benefits of the Magistrate Division, which should have resulted in reduced case delay.

Despite these setbacks, however, the Superior Court is taking affirmative steps to assess and revamp its processes in order that its goal to reduce case delays and improve the delivery and timeliness of service may be realized during the next fiscal year.

## SUPERIOR COURT TRAINING INITIATIVES

Although, due to fiscal and budgetary constraints, the Court's annual training was not provided in FY10, the Court was able to facilitate its staff's access to a variety of training opportunities. The Court recognizes that improved training of its staff is essential to providing more efficient services to Court customers, and facilitated professional development opportunities to prepare its staff for the changing dynamics of the workplace.

The staff was afforded opportunities to develop skills in areas such as technology, customer service, supervision, project management, stress management, conflict management, anti-gang training, interpersonal skills, business writing and grammar skills. Additionally, several staff members also attended the following conferences, which in some instances enabled them to maintain their professional certifications: Stenocat Users Network Annual Convention, Mediation Certification, Standard CPR and AED Certification, the National Association of Court Management Conference, NCRA 2010 Annual Convention and Exposition, The Administrative Assistants Conference, the 25th Annual General Meeting and Conference of the Association of Caribbean Commissioners of Police, National Association of Pretrial Service Agencies 37th Annual Conference and Training Institute, American Probation and Parole Association, Sage MIP Fund Accounting Course, the National Collections Conference and Staff Development Training in Trinidad.

Additional division specific training was also provided in the following areas: BI Incorporated Electronic Monitoring Training, Traffic Court Training\*\*, and T-Value Software Training, the 2010 Traffic Records Forum\*\*, NCIC Training and the Governor's Safety Training. (\*\*These training sessions were in conjunction with the Office of Highway Safety).

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## SUPERIOR COURT'S COMMUNITY OUTREACH

The Court continued its outreach initiatives, in the District of St. Croix, through the Division of Human Resources' participation in various career incentive workshops. Those workshops and career fairs were designed to enhance student's knowledge of the Court, while providing them with educational insight regarding careers that are available within the judicial system. The programs offered students, who are interested in the field of law, a unique opportunity to gain valuable exposure and hands-on experience in the field of judicial administration - while rendering assistance to the Court.

The Superior Court also continued its Summer Employment Program which was held from June 21st through July 30th and included sixty (60) high school and college students. The students were assigned to various sections within the Administrative and Support and the Operational Divisions. Additionally, four high school students in the St. Thomas-St. John District were assigned

to the Court in fulfillment of their On-the-Job Training from mid-February through May 2010. These students were assigned to Administration, Traffic, Probate and the Civil Divisions. Throughout the year, there were also four college students who – in fulfillment of their graduation requirements - completed their internship with the Superior Court. They interned in the St. Thomas-St. John District, without compensation, in the following divisions: Accounting and Finance, Marshals and the Probation and Parole Divisions.

## INTERAGENCY COOPERATIVES

The Court participated in a series of initiatives that involved various community activities and agencies as indicated below:

**a) Education:** The Court has traditionally accepted that it shares a responsibility, with the community, to contribute positively to the education of our youngsters. In this regard, the Superior Court continues to enmesh educational goals with its more traditional role to implement and interpret the law. In Fiscal Year 2010, the Superior Court did so, in part, by hosting 19 field trips and welcoming 524 students to the Court during the fiscal year. Territory wide, the Court committed the time of judges and other court staff to take time out to speak to students visiting its sites, thereby ensuring a meaningful educational experience.

**b) Bureau of Corrections:** The Court, in Fiscal Year 2010, entered into a cooperative effort with the Bureau of Corrections that permitted prisoners housed abroad to visit with their families residing in the Virgin Islands through electronic means. The Court coordinated with mainland prisons and the BOC, as well as local families, and provided use of its videoconferencing facilities to schedule prisoner visits with families for the holidays. This effort served a total of thirty-three (33) prisoners' families Territory wide: eleven (11) in the St. Thomas-St. John District and twenty-two (22) in the St. Croix District. These efforts were well-received and offered families who would not otherwise be able to visit their imprisoned family members the opportunity to see and converse with them from thousands of miles away. This project was well-received and is slated to continue in Fiscal Year 2011.

**c) Office of Highway Safety:** The Court continued to work, with this agency, on efforts to accomplish an electronic citation process that would improve the efficiency and timely delivery of service, as well as streamline the job of police traffic officers. This effort included a commitment of the Court's technology and Clerk's Office staff to aid in the planning efforts and the identification and procurement of equipment, and training, as well as amendment to the Court's rules to accommodate the new processes. This process is ongoing.

**d) Law Enforcement Initiatives:** The Court continued to do its share in the area of law 39 enforcement, by providing the services of its marshals to assist in the Carnival activities in the St. Thomas-St. John District and in various law enforcement and traffic initiatives.

**e) Cashier Division:** The Court continued to review and revamp procedures in the Cashier Division and added money

counters in each district to improve accountability. Through the Department of Finance, and its provision of Telecheck machines, the Court was also able to expand its available services to better serve the public.

**f) Court Cooperatives:** The Superior Court continued to provide staffing assistance, as needed, to the Supreme Court of the Virgin Islands and the District Court. On request, the Court has provided court reporting services to the Supreme Court to aid in hearings before that appellate tribunal; and marshals to aid in the conference of Chief Justices hosted by the Virgin Islands. Additionally, on request, this Court continues to provide the services of its interpreters to the District Court of the Virgin Islands, as needed, and also makes unused courtrooms available for use by the other courts in the territory.

**(g) VI Bar Association:** The Court provided its facilities to a private forensics company and local attorneys, to make it possible for members of the local bar to obtain training toward mandatory continuing legal education credits. This effort made it possible for attorneys, judges and others in the legal community to obtain training in Forensics DNA, in each judicial district.

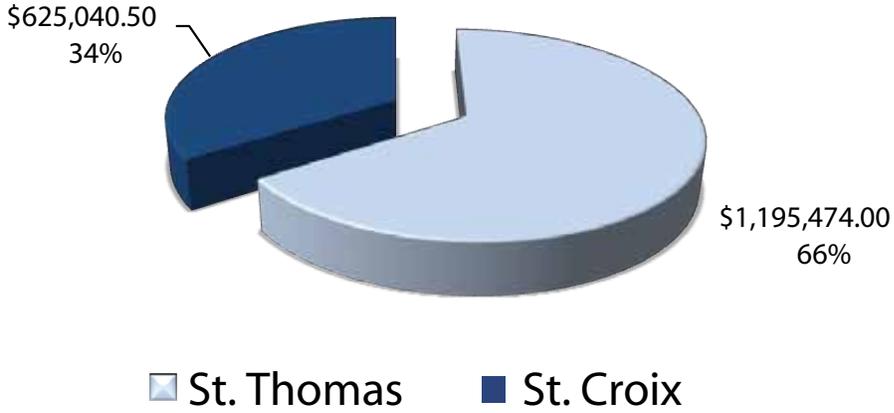
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## SUPERIOR COURT'S FY 2010: STATISTICAL INFORMATION

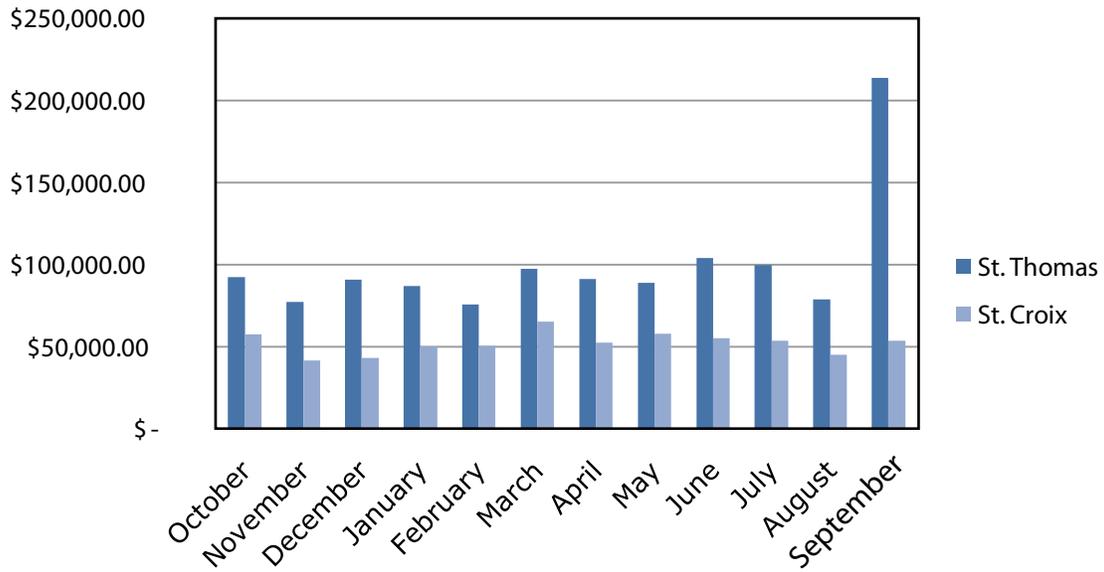
Revenues collected by the Superior Court come from various sources, and they are deposited into several funds: the General Fund, the Transportation Trust Fund, the Solid Waste Revolving Fund and Special Funds. The revenue sources for these funds includes: Marriage Applications, Marriage Licenses, Marriage Ceremony, Certified Marriage Return, Filing Fees, Traffic Fines-Costs 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-Costs and Penalties, Inheritance Taxes, Conservation Fines, Litter Fines, Costs and Penalties in addition to Miscellaneous Revenues.

Revenues collected increased from \$1,611,259 to \$1,820,115; this represents a change of +\$208,856, or 11%. Additionally, this amount is enhanced as a result on one (1) single payment of \$108,070 that was made in the last quarter of the fiscal year.

**Superior Court of the Virgin Islands  
Revenues Collected - FY2010**

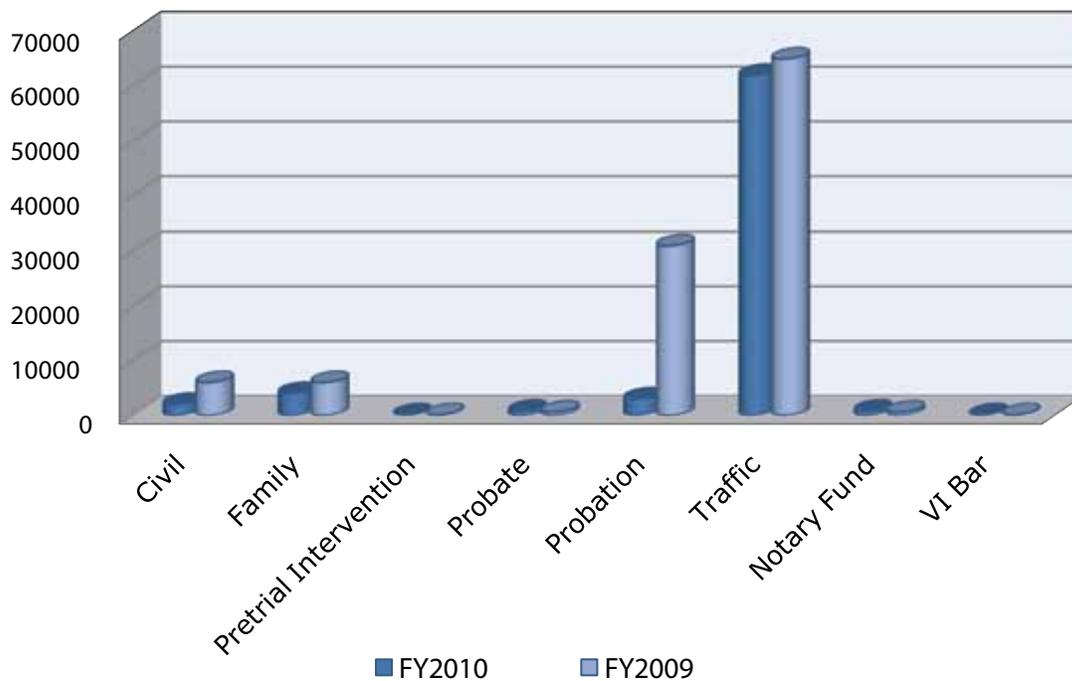


### Superior Court of the Virgin Islands FY2010: Monthly Revenue Collection



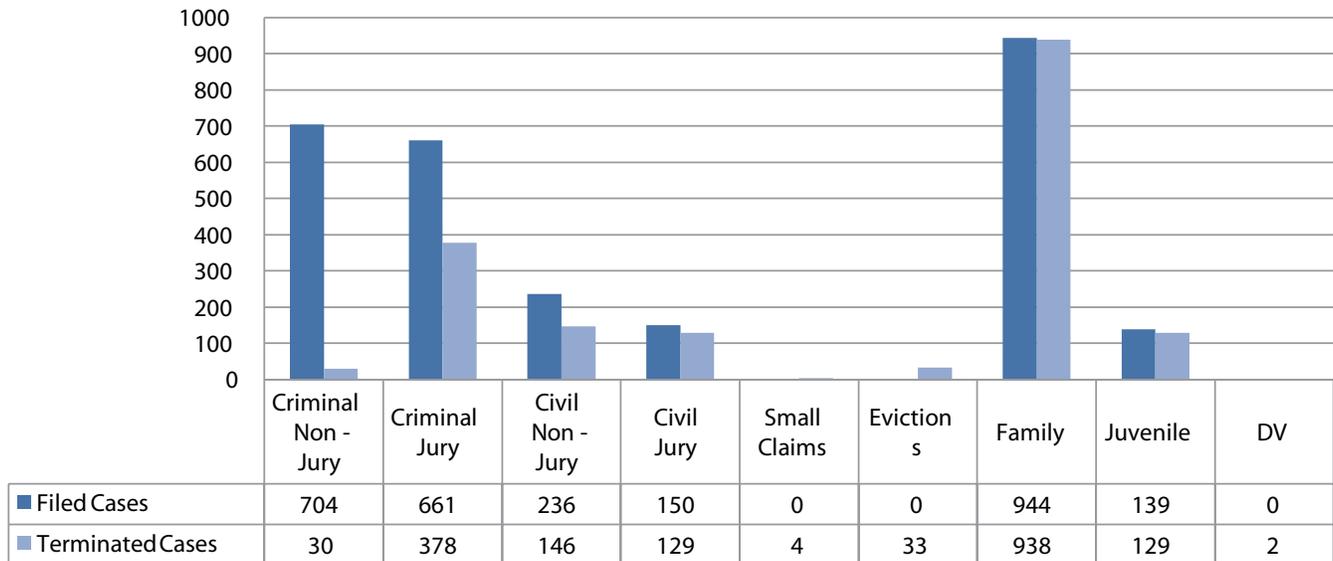
During FY2010, outstanding revenues also showed an increase from \$2,221,771 to \$2,333,568; a change of +\$111,857, or 5%.

### Comparative Analysis - STT Outstanding Receivables



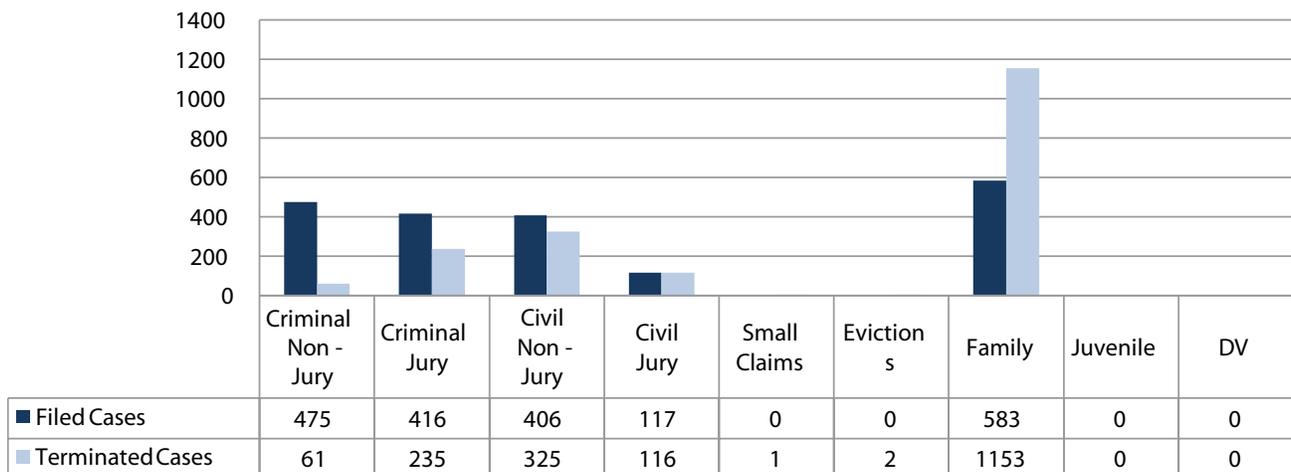
The statistics, represented for each district, reflect case filings, terminations and pending cases for each case type.

### Superior Court of the Virgin Islands District of St. Croix Caseload Statistics FY 2010



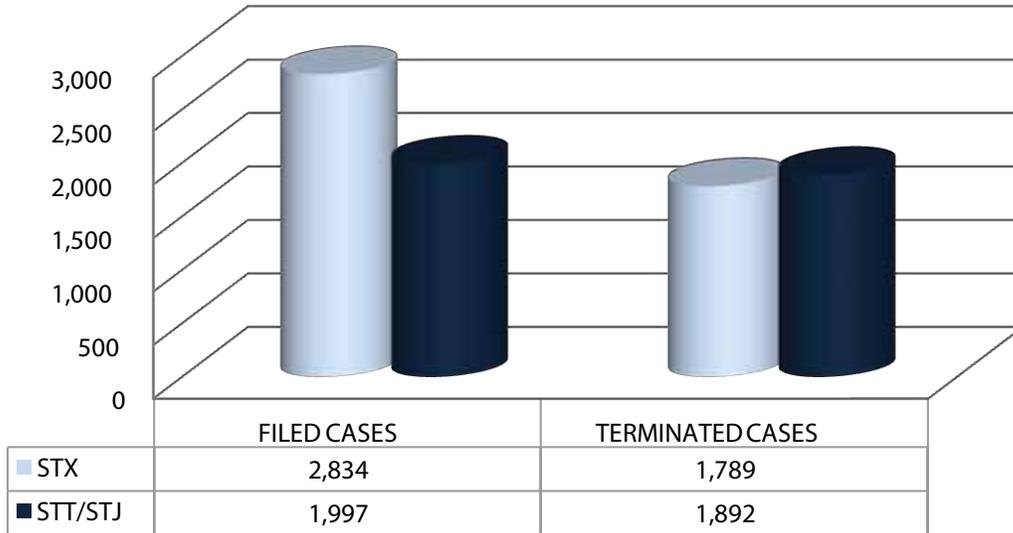
During Fiscal Year 2010, there were twenty-five (25) murder one assignments in the District of St. Croix.

### Superior Court of the Virgin Islands District of St. Thomas/St. John Caseload Statistics FY 2010

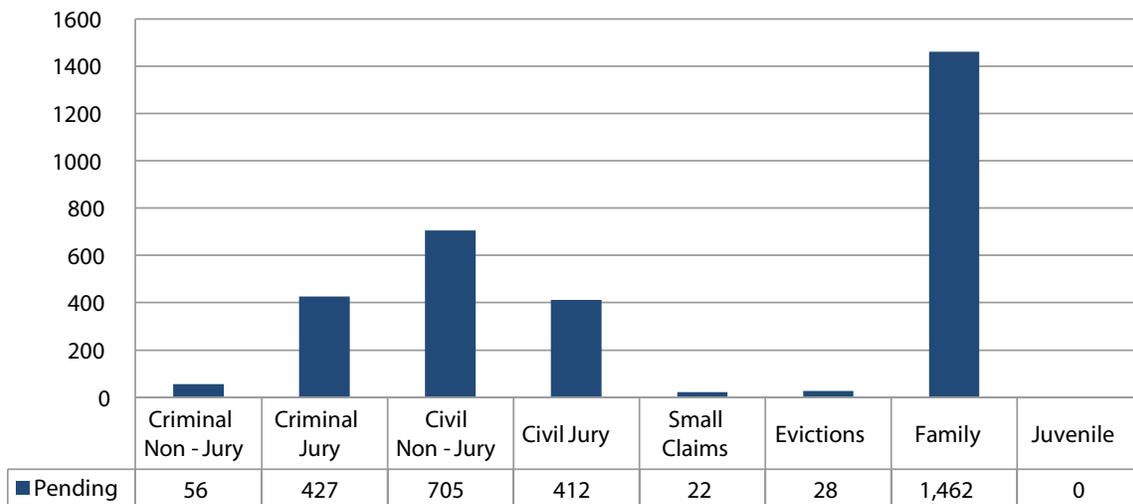


During Fiscal Year 2010, there were thirteen (13) murder one assignments in the District of St. Thomas-St. John.

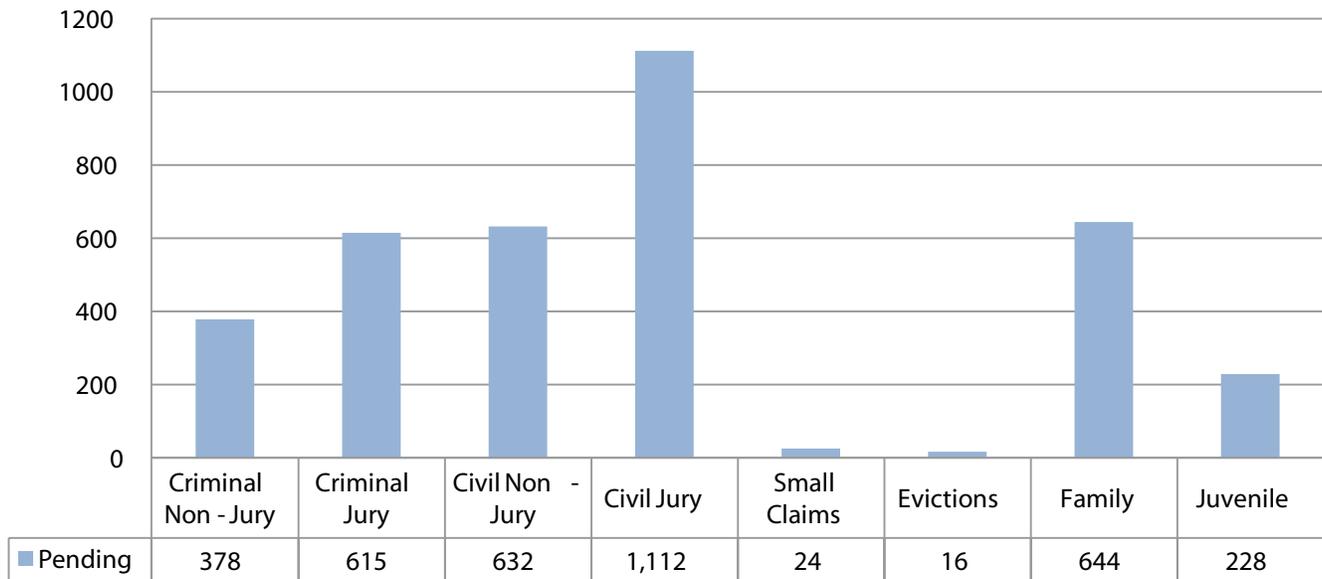
### Superior Court of the Virgin Islands Statistical Summary FY 2010



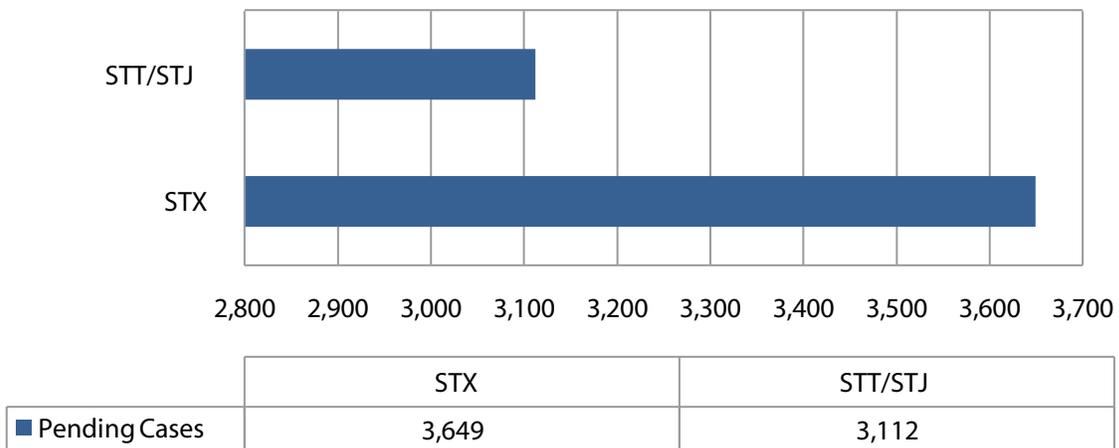
### Superior Court of the Virgin Islands District of St. Thomas/St. John Pending Caseload FY 2010



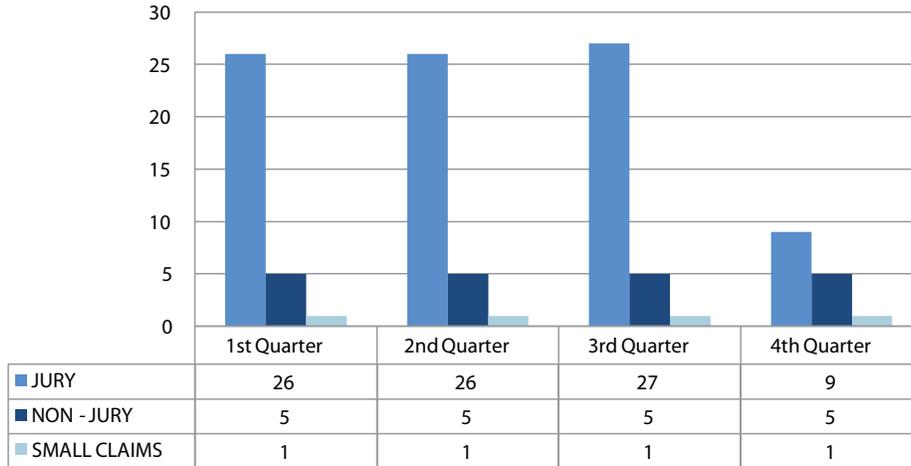
**Superior Court of the Virgin Islands  
District of St. Croix  
Pending Caseload FY 2010**



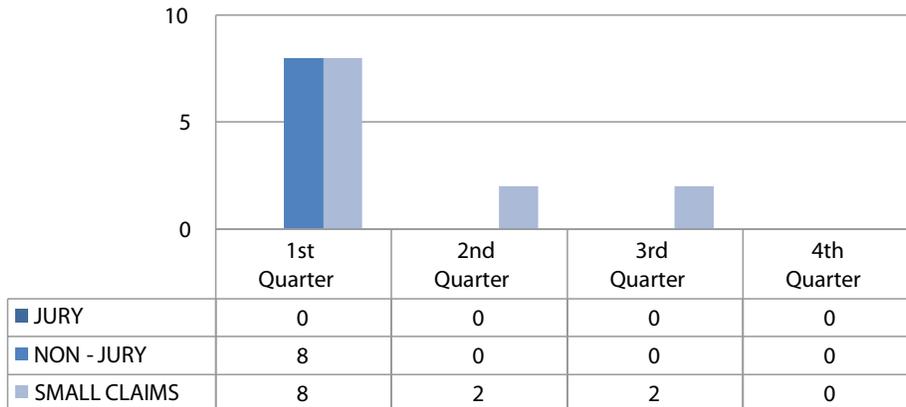
**Superior Court of the Virgin Islands  
Statistical Summary  
Pending Caseloads FY 2010**



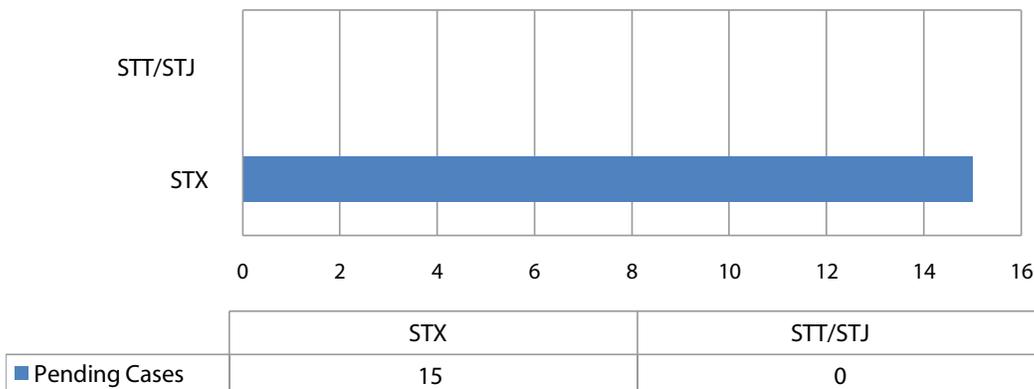
### District of St. Croix Pending Bankruptcy Caseload FY 2010



### District of St. Thomas/St. John Pending Bankruptcy Caseload FY 2010



### Statistical Summary Bankruptcy





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## MAGISTRATE DIVISION

The Magistrate Division consists of no fewer than two magistrates per judicial district and other officers and employees as the Presiding Judge of the Superior Court considers necessary for the proper administration and performance of duties and functions of the division (Title 4 V.I. Code Ann. § 121). Additionally, in accordance with Title 4 V.I. Code Ann. § 123 and 124, each Magistrate may:

1. Administer oaths' and affirmations and issue civil and criminal process, including warrants of arrest, search warrants, subpoenas and orders for: release on bail, detention of persons pending trial and for contempt;
2. Take acknowledgements, affidavits and depositions;
3. Conduct marriages;
4. Hear all non-felony traffic offenses, litter cases, misdemeanor criminal cases (maximum punishment not more than six (6) months imprisonment; arraignment and probable cause hearings in any criminal or traffic offense; small claims cases and probate matters;

5. Issue temporary and permanent restraining orders in domestic violence cases; and,

6. Hear forcible entry and detainer and landlord and tenant actions.

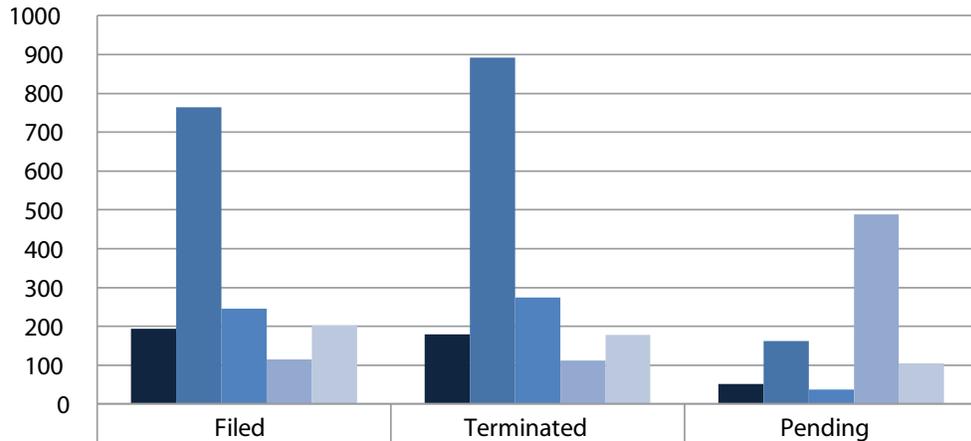
Also, upon designation by a judge of the Superior Court, pursuant to the rules of the Court, a magistrate may:

1. Hear and determine any pretrial matter pending before the court; and,

2. Conduct hearings.

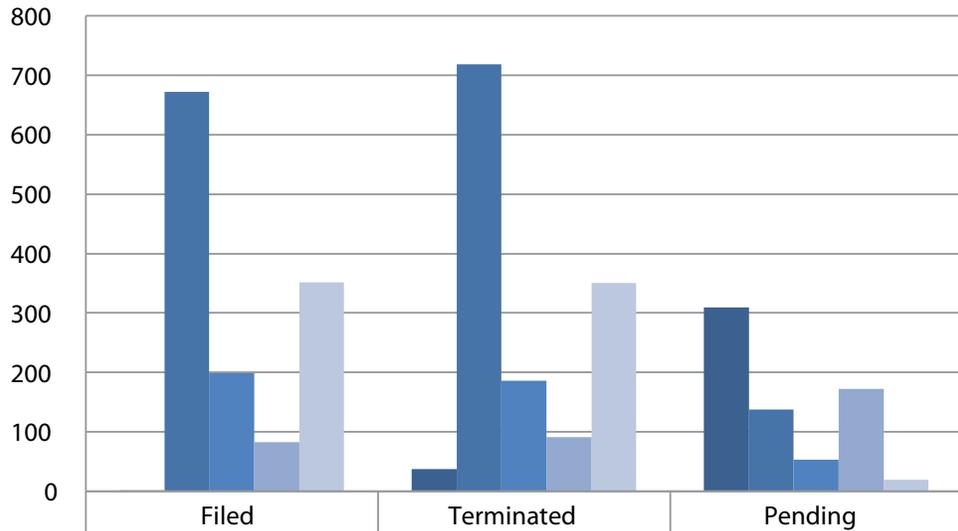
The statistics indicated below reflect annual case statistics of the Magistrate Division for Fiscal Year 2010 and represents each judicial district. They reflect case filings, terminations and pending cases for each case type under the purview of the Magistrate Division:

**MAGISTRATE DIVISION  
District of St. Thomas/St. John - FY 2010**



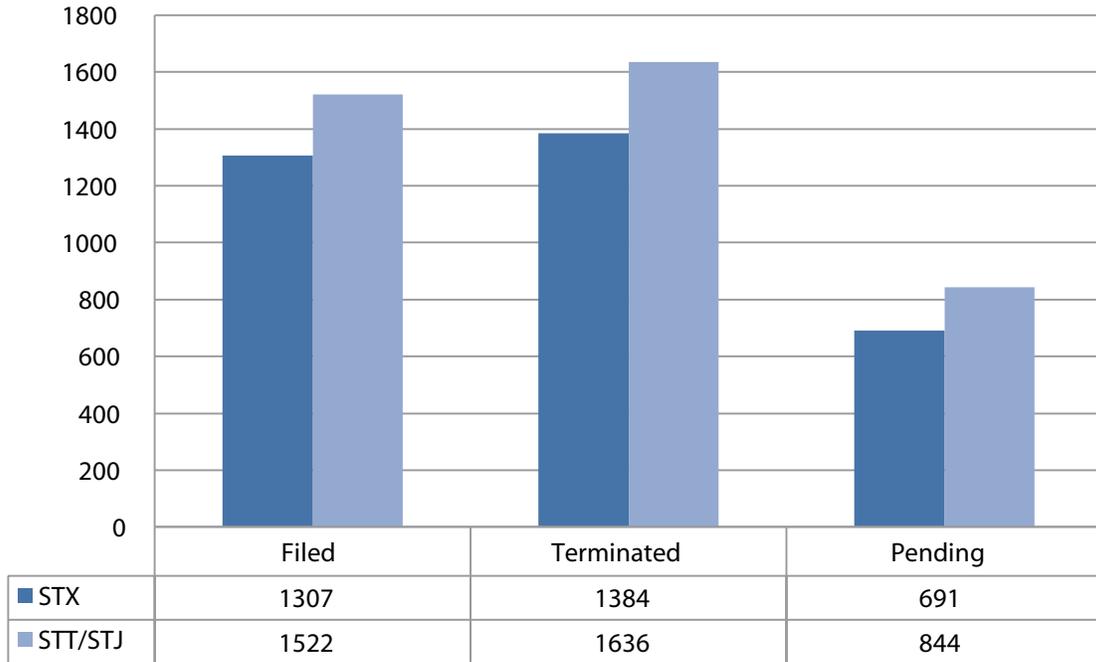
	Filed	Terminated	Pending
■ Criminal Non - Jury	194	180	51
■ Small Claims	765	892	162
■ Evictions	245	274	37
■ Probate	115	112	489
■ DV	203	178	105

**MAGISTRATE DIVISION  
District of St. Croix - FY 2010**

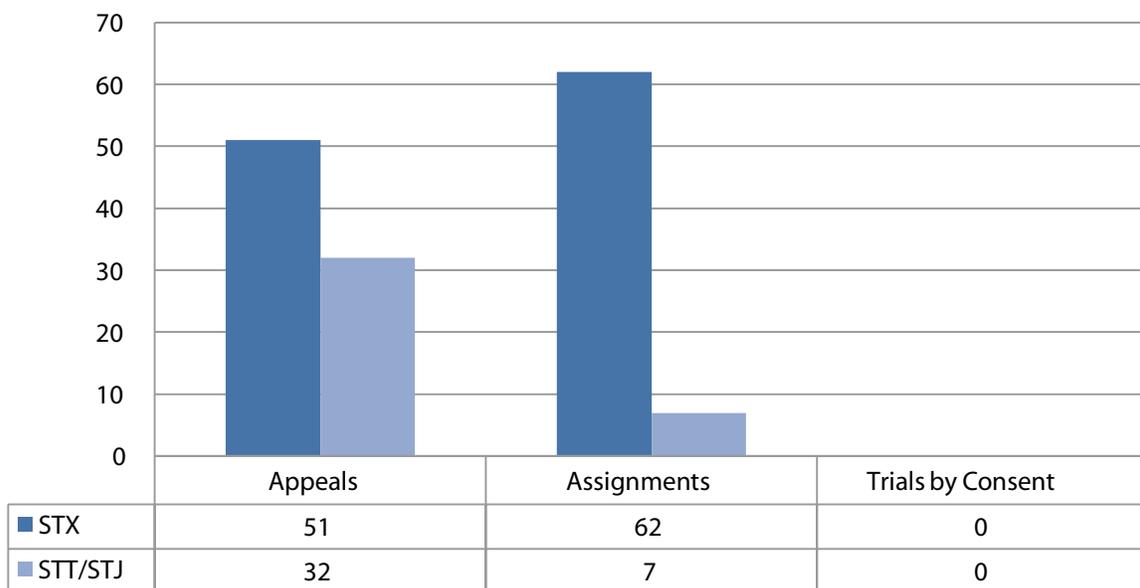


	Filed	Terminated	Pending
■ Criminal Non - Jury	1	37	309
■ Small Claims	672	719	138
■ Evictions	199	186	53
■ Probate	83	91	172
■ DV	352	351	19

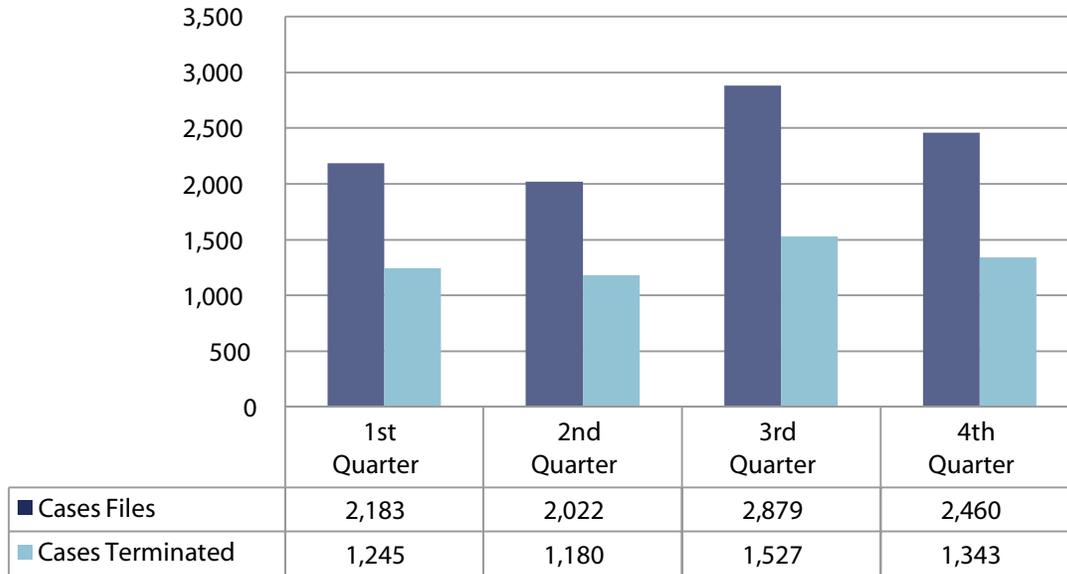
### MAGISTRATE DIVISION Statistical Summary - FY 2010



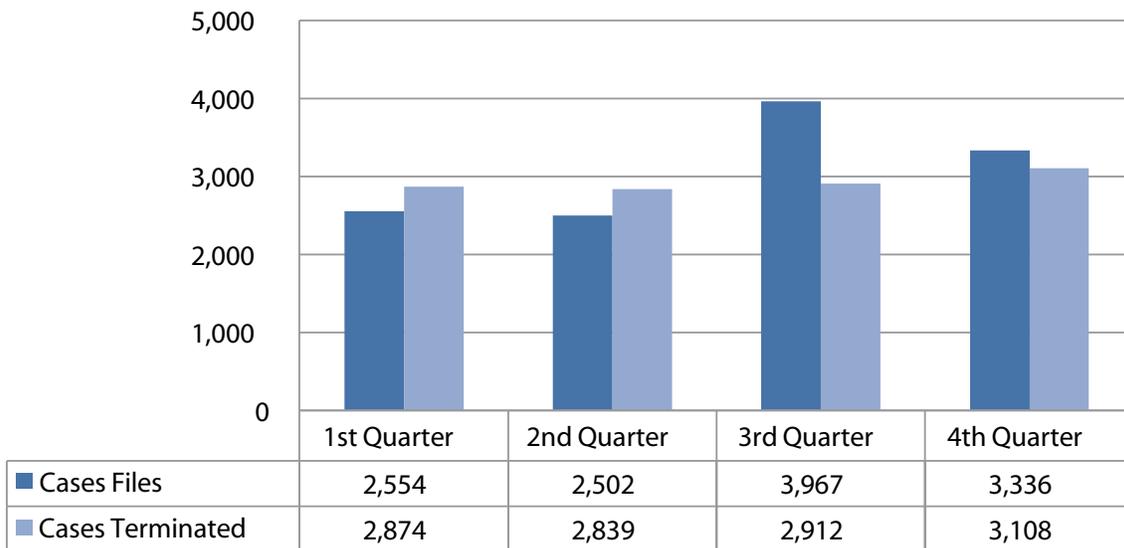
### MAGISTRATE DIVISION STATISTICAL SUMMARY Appeals/Assignments/Trials By Consent Caseloads - FY 2010



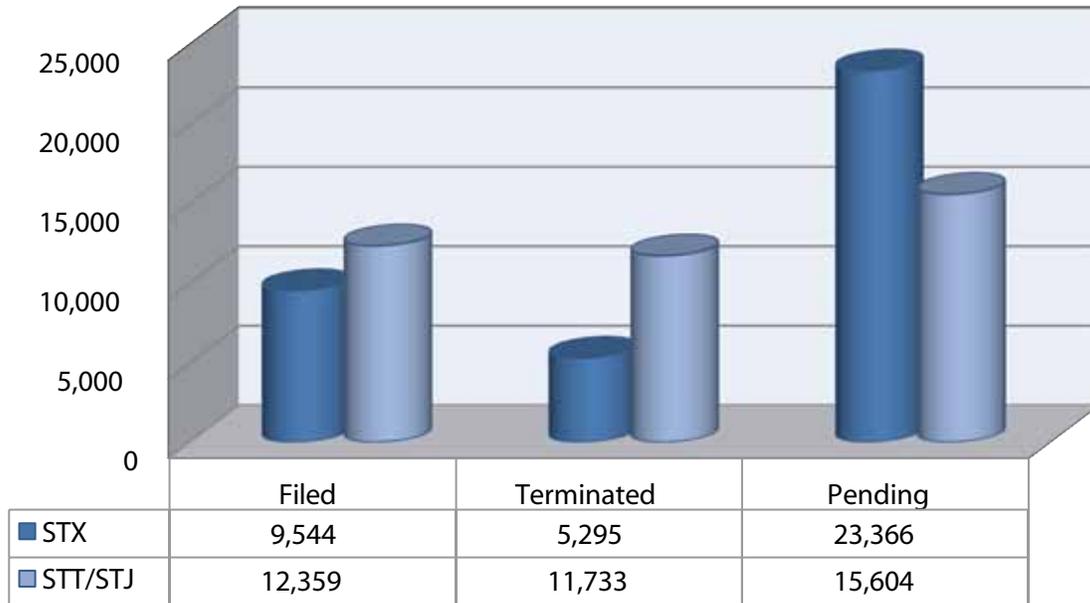
**Superior Court of the Virgin Islands  
District of St. Croix  
Traffic Cases Filed/ Terminated  
FY 2010**



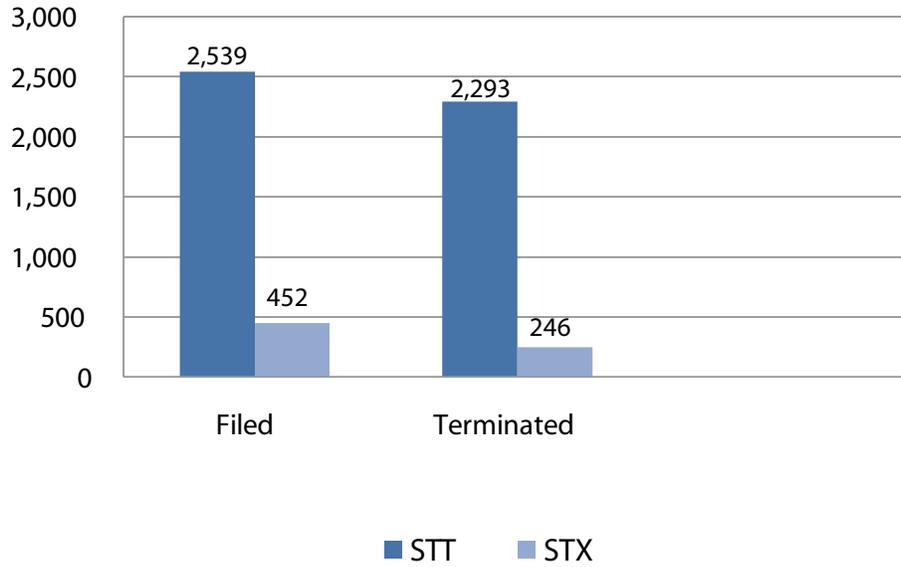
**Superior Court of the Virgin Islands  
District of St. Thomas/St. John  
Traffic Cases Files/Terminated  
FY 2010**



## Superior Court of the Virgin Islands Statistical Summary - Traffic Cases FY 2010



## Superior Court of the Virgin Islands Marriage Statistics - FY 2010



## CONCLUSION

The Court recognizes that it takes a lot of teamwork and effort to adequately deliver services to the public. During Fiscal Year 2010, employees were recognized for their loyalty, dedication, professionalism, performance and contributions to the Court and the Virgin Islands community. As a direct result, the following employees were recognized with personal and professional awards, in addition to service awards:

**1. EDUCATIONAL ACHIEVEMENT:** Probation Officer Dionne M. Simmonds (Ph.d), Property & Procurement Manager, Kim W.B. Aska (MBA), Deputy Marshal Kellen J. Phillips (MS), and Security Officer, Tina L. Smith (AA) in the St. Thomas-St. John District; Rising Stars Chief Instructor, Henry Potter (MS); Court Clerk Supervisor -Traffic Division, Anita Gibbs-Forde (BA); Court Clerk II-Traffic, Sylvia Colon (BS); Court Clerk II-Criminal, Cheryl Clarke (BS); Administrative Officer-Human Resources Division, Chelly Soto (AA) in the District of St. Croix.

**2. EMPLOYEE OF THE YEAR NOMINEES:** Judicial Secretaries Allison Bussue, Angella Williams and, System Analyst, Herman Hart, in the St. Thomas-St. John District; and, in the District St. Croix, Probate Officer Juanita Matthew, Deputy Marshal, Ann Marie Wong, Court Clerk II, Iris Cintron and Computer Support Technician, Marcel Thomas in the District of St. Croix;

**3. EMPLOYEE OF THE YEAR:** Deputy Marshal Ann Marie Wong (District of St. Croix); and, System Analyst, Herman Hart (District of St. Thomas-St. John);

**4. PRESIDING JUDGE AWARD:** Assistant Marshal Edward McNamara in the District of St. Croix; and, Deputy Marshal IV, Dale “Buck” Brathwaite (District of St. Thomas-St. John);

**5. STAR PERFORMANCE AWARD (DIVISION OF THE YEAR):** Probation Division (Chief Probation Officer, Arline Swan, Probation Officers Dr. Dionne Simmonds, Lida Rogers, Janice Matthias and Shawn Roebuck; and, Administrative Officer, Jacqueline Bell) in the St. Thomas-St. John; and the Administration Office (Administrative Secretary, Keisha Knight, Administrative Officer II, Sande Gibbs, and Messenger, Anthony McIntosh) in the St. Croix District.

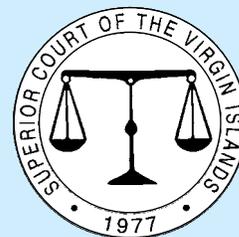
**6. PUBLIC SERVICE AWARD:** Rising Stars Assistant Chief Instructor, Ralph “Rabbi” Felix (STT); and, Probation Officer, John Briscoe in the St. Croix District.

**7. BRAVERY AND HEROISM:** Deputy Marshal, Oheam Freeman in the St. Thomas-St. John District.

**8. INTER-ISLAND BASKETBALL TOURNAMENT CHAMPION:** Law and Order of the St. Croix District.

Additionally, several employees were also recognized for their commitment, leadership and assistance to the Court on various projects, including: Director of Interpreting Services, Zoraida Mendoza; St. Croix District’s Chief Deputy Clerk, Tamara Bermudez; Jury Trial Court Clerk, Roxanne Serrano; and, then Court Clerk, Estrella “Vickie” George.

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.



SUPERIOR COURT OF THE VIRGIN ISLANDS  
Office of the Court Administrator  
P.O. Box 70, St. Thomas, U.S. Virgin Islands 00804

[www.visuperiorcourt.org](http://www.visuperiorcourt.org)





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