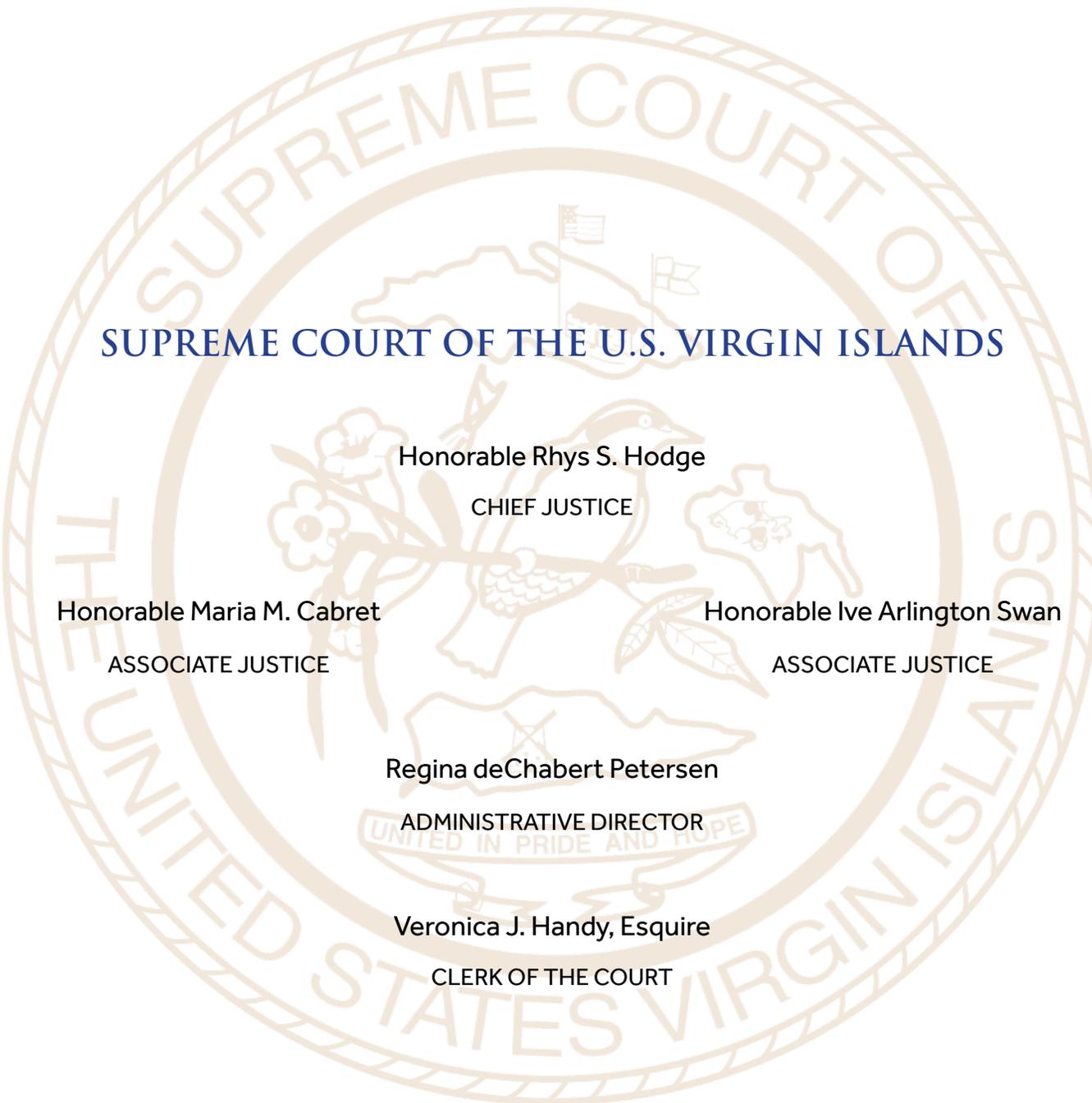


U.S. VIRGIN ISLANDS COURT JUDICIARY SYSTEM



ANNUAL REPORT  
2015



The seal of the Supreme Court of the U.S. Virgin Islands is a large, light-colored circular emblem. It features a central figure of a bird, possibly a frigatebird, perched on a branch with flowers. The bird is flanked by two flags: the United States flag on the left and the flag of the U.S. Virgin Islands on the right. Below the bird is a banner with the motto "UNITED IN PRIDE AND HOPE". The outer ring of the seal contains the text "THE SUPREME COURT OF THE UNITED STATES VIRGIN ISLANDS".

**SUPREME COURT OF THE U.S. VIRGIN ISLANDS**

**Honorable Rhys S. Hodge**

**CHIEF JUSTICE**

**Honorable Maria M. Cabret**

**ASSOCIATE JUSTICE**

**Honorable Ive Arlington Swan**

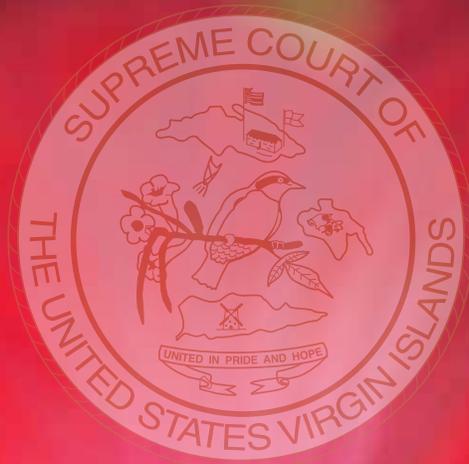
**ASSOCIATE JUSTICE**

**Regina deChabert Petersen**

**ADMINISTRATIVE DIRECTOR**

**Veronica J. Handy, Esquire**

**CLERK OF THE COURT**



# THE VISION OF THE SUPREME COURT OF THE U.S. VIRGIN ISLANDS

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



## Supreme Court Of The Virgin Islands



### STATE OF THE JUDICIARY

It is my privilege to present the Annual Report and State of the Court System and Judiciary for the 2015 Fiscal Year. As you know, the Virgin Islands will recognize a significant anniversary on March 31, 2017: the 100th anniversary of the Virgin Islands becoming part of the United States of America. What you may not know is that during this period, the Virgin Islands legal community will also commemorate several important anniversaries of its own. The year 2016 marks the 60th anniversary of the integrated Virgin Islands Bar Association, as well as the 40th anniversary of the death of William H. Hastie—the only Virgin Islands judge to serve on the U.S. Court of Appeals for the Third Circuit—and the 40th anniversary of the establishment of the Territorial Court of the Virgin Islands, the forerunner to the current Superior Court. In addition to the centennial, the year 2017 will mark the 60th anniversary of the Virgin Islands Code, the 10th anniversary of the Supreme Court of the Virgin Islands assuming its appellate and other jurisdiction, and the 5th anniversary of Public Law 112-226, which divested the Third Circuit of its certiorari jurisdiction over the Virgin Islands Judiciary and replaced it with direct review by the United States Supreme Court.

Given these upcoming milestones, you might expect this State of the Judiciary to focus on all that the Virgin Islands court system has accomplished up to this point. However, as President John F. Kennedy famously said, "Change is the law of life. And those who look only to the past or the present are certain to miss the future." While the statistical and other information provided in the Annual Report provides a snapshot of what the Virgin Islands Judiciary is doing today, I would like to take this opportunity to consider the future of our court system and the legal profession.

We typically experience change in one of three ways: chance, crisis, or choice. Change that occurs through chance is particularly challenging, since it inherently involves a lack of control over our own situation. Perhaps the most obvious example is the sale of the Virgin Islands from Denmark to the

United States in 1917, which required the Virgin Islands legal system to transition from Danish law to the American common law tradition.

Thankfully, large-scale changes caused by outside forces beyond our control are rare. While change may occur through crisis, in many cases, the crisis can be anticipated, or even averted. For example, although we do not know when a particular hurricane may make landfall, the Virgin Islands Judiciary can—and has—established a plan to ensure continuity of operations in the event one occurs.

Nationally, the legal profession is experiencing a crisis right now. The Judiciary is unique among all the branches of government, in that the courts are the one place where citizens not only have the right to air their grievances, but have the right to have a judge listen and render a decision. For this reason, access to justice is often described as the defining principle of our legal system, in that all citizens—whether rich or poor, educated or not, and whatever their race or nationality—can have their day in court, regardless of whether their claim is worth \$10 or \$10,000,000, and have the scales of justice be equally balanced.

Ensuring adequate legal representation for all litigants, in both criminal and civil cases, is a critical component of access to justice. According to one national study, over 100 million Americans do not obtain assistance for unmet legal problems that affect “bread and butter” issues such as shelter, safety, sustenance, and health, because they are unable to afford a lawyer. While some of this is due to reduced governmental funding for civil legal services, it is also harder for young lawyers—some of whom now incur in excess of \$200,000 in debt prior to graduating law school—to provide pro bono or low cost legal services and still make ends meet.

Although the situation in the Virgin Islands is not as dire as it may be in other jurisdictions, we know that we are not immune from these national trends. Demand for civil legal services by low-income Virgin Islanders greatly exceeds the resources of Legal Services of the Virgin Islands and other organizations. As a result, many Virgin Islanders do not obtain help at all, or appear pro se, which increases costs for all parties and creates disruption and delay. On the criminal side, the inability of the Virgin Islands to adequately establish and fund a modern indigent defense system contributes to defendants—whom have not yet been convicted and are still presumed innocent—being detained for excessive periods before trial, sometimes for longer than the maximum potential sentence. Unless properly addressed, it is likely that these problems will become worse before they get better.

If change does not come through chance or crisis, it will come through choice. And choice is unquestionably the best way to bring about change. When the Judiciary—or any organization for that matter—is forced to change to respond to chance events or a sudden crisis, the change will

inevitably need to be made quickly, with little opportunity for reasoned reflection. Rather than doing nothing and responding with forced or knee-jerk decisions, the Judiciary must be aware of the problems facing itself, the legal community, and our Territory, and take proactive measures when it remains in a position to manage the change properly.

Over the past year, the Supreme Court of the Virgin Islands has implemented several initiatives by choice to respond to the growing problems in our community, before they become a crisis locally. The Supreme Court established an Access to Justice Commission, consisting of representatives from the Judiciary, the Bar, legal aid organizations, the Executive Branch, and the public. The Commission has been steadfastly working towards initiating operations, and will move towards implementing a plan to examine all aspects related to access to justice, including improving access to the courts and providing assistance to self-represented parties.

More recently, on May 11, 2016, the Supreme Court issued amendments to Supreme Court Rule 211, which shall go into effect on July 1, 2016, unless modified as a result of public comment. In all 50 states, the District of Columbia, and Puerto Rico, an Interest On Lawyers Trust Account ("IOLTA") program plays a critical role in funding civil legal services. Through such programs, the interest earned on trust accounts maintained by attorneys are aggregated and appropriated to nonprofit legal aid providers. Currently, participation in IOLTA programs is mandatory in every jurisdiction except for two: South Dakota, and the Virgin Islands. Effective July 1st, the Virgin Islands will join the jurisdictions that require attorneys in private practice to participate in IOLTA, which should increase the amount of money available to fund indigent legal services in the Virgin Islands.

The Virgin Islands Supreme Court has also taken a comprehensive look at its bar admissions procedures. In many jurisdictions, law students and recent law school graduates play a significant role in providing legal services to the indigent; in fact New York mandates that all bar applicants provide 50 hours of pro bono legal services as a prerequisite to applying for admission to its bar. Although the Virgin Islands does not have a local law school, last year the Supreme Court promulgated Rule 202.3, which permits law students and recent graduates to practice law, on a temporary basis, under the supervision of a licensed Virgin Islands attorney.

It is our hope that, going forward, law firms and legal service providers will utilize this rule to permit students and graduates to provide legal services to those who may otherwise go without. However, the rule has the added benefit of providing law students and recent graduates with an opportunity to gain practical experience to help bridge the gap between the skills taught in law school and those necessary to succeed in practice. In fact, the original version of Rule 202.3 had been limited only to law students, and the Supreme Court amended the Rule in response to a simple question: why

permit law students to represent clients under supervision of a licensed attorney, but deny that same opportunity to recent graduates, who possess more education and experience? And since the Virgin Islands Bar Exam is offered only twice a year, allowing recent law school graduates to obtain a limited license to perform legal services while they undergo the admissions process lessens the financial burden on these young attorneys by allowing them to provide services to their employers that are commensurate with their skills.

Similarly, the Supreme Court promulgated Rule 202.1, permitting attorneys barred in another jurisdiction to obtain a limited license as certified in-house counsel. Under the new Rule 202.1, companies can obtain a limited license for their in-house counsel to perform legal work through a simple, expedited process. Further, in order to help reduce the access to justice gap, as an exception to the prohibition from the general practice of law, the new rule, permits certified in-house counsel to provide pro bono legal services under the supervision of Legal Services of the Virgin Islands or a similar organization.

Unfortunately, there are serious limits to what changes the Virgin Islands Judiciary can implement by choice. Although these remarks are labelled the "State of the Judiciary" and it is included in a booklet titled the "Annual Report and State of the Court System and Judiciary," these descriptions are not totally accurate because the Virgin Islands Judiciary is not administratively unified. While the Chief Justice serves as the titular head of the Judiciary, Virgin Islands law requires separate administrations of the courts. As a result the Supreme Court and the Superior Court are required to prepare their own independent annual reports and separate budget requests, which are then released without any attempt at reconciliation. Moreover, neither the Chief Justice nor the Supreme Court exercise any oversight over the operations of the Superior Court.

Under these circumstances, it is impossible for the Chief Justice to report on the true state of the judiciary, or to implement meaningful policy initiatives to improve the administration of justice holistically, including the trial court. However, if I had to summarize the state of the judiciary, it would be with one word: lagging. Despite many advances over the past decade that were designed to improve the administration of justice—including the establishment of the Supreme Court and the creation of the Magistrate Division of the Superior Court—the Virgin Islands Judiciary lags behind its peers in the areas that matter most. Civil cases in both districts of the Superior Court languish without resolution for years; one recent newspaper article estimated that a civil case goes to trial in 10 or 11 years on average. Even simple matters, such as an internal review by a Superior Court judge of a decision rendered by a Superior Court magistrate in a small claims case, may take years to resolve. The lag also extends to criminal cases, where "justice delayed, justice denied" appears to be the norm, rather than the exception.

Over the past several years, both the news media and the political branches of government have recognized the backlog of cases in the Superior Court as a growing crisis. In fact, the extent of the problem is not fully known. In fact, because the Superior Court has not implemented electronic public access to case files, we have no way of knowing the exact size of the backlog, and are left to rely on anecdotes and estimates.

How did we get to this point? As the renowned physicist Albert Einstein said, “We cannot solve our problems with the same thinking we used when we created them.” Unfortunately, over the past decade, the Superior Court has continued to operate in the same manner despite the mounting crisis. In 2009, the Superior Court received four new magistrates—who are full-fledged judicial officers—and although the statute permits them to assist in virtually all aspects of case management, including conducting civil jury trials with the consent of the parties, the Superior Court has underutilized these four judicial officers, and effectively only transferred probate, small claims, traffic, arraignment and advice of rights, and other matters to them. There are judges who were appointed to the Superior Court bench with substantial experience in trying civil cases, as well as judges with substantial criminal trial expertise. Yet the Superior Court assigns all judges to general jurisdiction duties, so that they must preside over both civil and criminal cases, regardless of their interests or level of expertise. Why not—at least until the backlog is resolved—match judges with their background, and assign a judge with substantial civil experience exclusively to the Civil Division, just as a single judge in each district is assigned to the Family Division? This type of system has been successfully implemented in other jurisdictions. The nomination of a fifth judge for the district of St. Croix, with the stated purpose of reducing the civil backlog in that district, provides us with a rare opportunity to experiment with this system without disrupting existing cases.

The Superior Court should also consider the impact its procedural rules have had on the administration of justice. Superior Court Rule 1 states that the purpose of the rules is “to secure simplicity and uniformity in procedure, fairness in administration and the elimination of unjustifiable expense and delay.” While this may have been the intent when the rules were first promulgated, the current rules are no longer accomplishing this purpose. There is much confusion as to which procedural rules even apply in the Superior Court. The Virgin Islands Judiciary must adopt procedural rules that are not only easy to understand, but take into account the realities of Virgin Islands practice. The practice of law today is very different from what it was in 1994, the year that the rules of the Superior Court were last comprehensively examined.

But regardless of how well-drafted our rules and procedures are, ultimately it is the judges of the Superior Court who are responsible for moving their cases forward. Studies have repeatedly shown that early, and consistent, involvement by the assigned judge is the best predictor of how long it takes for a case to settle or go to trial. Even simple acts that take minimal effort, such as setting firm

trial dates, will facilitate the ultimate resolution of cases. We must remember that systematic delays in resolving cases at the trial level affects the entire judicial process. Because everyone is impacted by the Superior Court's success or failure, the Superior Court cannot operate in a silo, separate and apart from the Supreme Court, the Bar Association, and other stakeholders; nor should it want to do so.

The 31st Legislature has before it proposed legislation—Bill No. 31-0255—that would administratively unify the Virgin Islands Judiciary. This bill incorporates the recommendations proposed by the National Center for State Courts in its 2013 assessment of the Virgin Islands Judiciary, and is consistent with the Model Judicial Article promulgated by the American Bar Association, the studies on court unification by the U.S. Department of Justice's Bureau of Justice Statistics, and the organizational structures of the fifty states, Guam, and other territories. The bill, if enacted, will vest authority and responsibility for governance of the Virgin Islands Judiciary with the Supreme Court, including rulemaking authority over practice, procedure, and administration. The bill also provides for the creation of an advisory committee to advise the Chief Justice, the Presiding Judge, and the Administrator of Courts on all issues of judicial policy and administration.

What will the practice of law in the Virgin Islands look like five, ten, or fifteen years from now? At this point, I cannot say: the choice lies in the hands of our Legislature. In order to further its vision of becoming a model of judicial excellence, the Virgin Islands Judiciary must be united rather than divided, and its leaders must have access to the tools necessary, including adequate funding, to implement change on its own terms, rather than being forced to only in the wake of a crisis. It is my sincere hope that the Legislature will make the appropriate choice, and that, in addition to the other milestones to be celebrated, the year 2017 will mark the first anniversary of a unified Virgin Islands Judiciary.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rhys Hodge', written in a cursive style.

Rhys S. Hodge  
Chief Justice

# HISTORY IN BRIEF

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The United State Congress amended the Revised Organic Act of 1954 to permit the Virgin Islands Legislature to create a local appellate court. In September 30, 2004, Bill 25-0213, which was sponsored by then senator Carlton "Ital" Dowe to establish the Supreme Court of the Virgin Islands, was adopted by a unanimous vote by the 26th Legislature, and signed into law by then Governor, Charles W. Turnbull on October 29, 2004. Governor Turnbull appointed the first three justices to preside on the Supreme Court of the Virgin Islands—Rhys S. Hodge, Maria M. Cabret, and Ive Arlington Swan. All three justices were unanimously confirmed by the Virgin Islands Legislature on October 27, 2006, and sworn into office on December 18, 2006. The Supreme Court assumed appellate jurisdiction on January 29, 2007. Prior to this date, all appeals were heard by the Appellate Division of the United States District Court and the United States Court of Appeals for the Third Circuit.

Islands had sufficiently developed the required institutional traditions to justify ending the fifteen year oversight period. Accordingly, on July 12, 2012, Delegate to Congress Donna M. Christensen sponsored H.R. 6116, requesting the amendment to the Revised Organic Act of 1954 to terminate the federal oversight period. On December 28, 2012, President Barack Obama signed Public Law No. 112-226, marking a significant milestone in the history of the development of the Virgin Islands Judiciary. The termination of the oversight period established procedural parity with the highest courts of the several states, and a direct relationship with the Supreme Court of the United States.

## JUSTICES OF THE SUPREME COURT

### Chief Justice Rhys S. Hodge

Rhys Shelley Hodge was unanimously confirmed by the 26th Legislature of the U.S. Virgin Islands on October 27, 2006, and designated by Governor Charles Turnbull as the first Chief Justice of the Supreme Court for an initial four



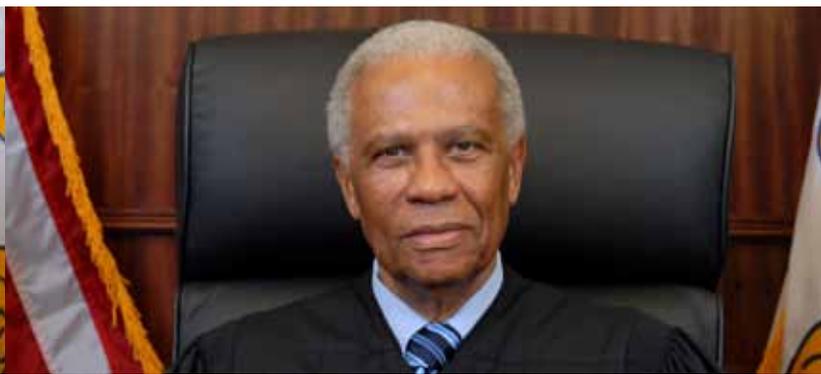
In accordance with the 1984 amendments to the Revised Organic Act, a federal oversight period of 15 years was imposed on the Supreme Court of the Virgin Islands. During this oversight period, the 3rd Circuit Court of Appeals would review the decisions of the Supreme Court of the Virgin Islands, and conduct comprehensive reviews of its operations every five years. However, after the first five years, on June 19, 2012, the Third Circuit issued a report concluding that the Supreme Court of the Virgin

year term. On October 18, 2010, his peers elected him to serve as Chief Justice for a subsequent three year term, and re-elected him in 2013. Chief Justice Hodge began his judicial career as a Territorial Court judge on June 23, 2000, and was subsequently re-appointed and confirmed to a second term, wherein he served as Presiding Judge of the Superior Court from July 1, 2006 until the date of his elevation to the Supreme Court.

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

first person of Puerto Rican descent and the first female to serve on the Virgin Islands' first local appellate court. Justice Cabret was unanimously confirmed by the 26th Legislature to serve as a justice on the Supreme Court.

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



**Maria M. Cabret's** judicial career began upon her nomination by Governor Alexander A. Farrelly, and unanimous confirmation by the 17th Legislature. The traditional landscape of the judiciary changed, on July 7, 1987, when she was sworn in as a Judge of the Territorial Court of the Virgin Islands, as she was the first individual of Puerto Rican descent to serve on that court. Judge Cabret was subsequently nominated by Governor Farrelly and Governor Charles W. Turnbull, respectively, to serve a second and third term. Thereafter, Governor Turnbull designated her as the Presiding Judge of the Territorial Court, and she once again changed the landscape of the judiciary, becoming the first female to serve in such office, a position which she held from March 1, 2000 to July 1, 2006, the date she retired and assumed senior status. Her retirement, however, would be short-lived, for she was nominated by Governor Turnbull to be one of first Justices to serve on the Supreme Court of the Virgin Islands, adding to her list of trailblazing firsts, for she would once again be the

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

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

## DESIGNATED JUSTICES

Legal or ethical conflicts may arise from time to time requiring recusal of one or more sitting justices, or any justice may temporarily be unable to serve. In such instances, the Chief Justice may appoint a retired, senior, or active judge of the Superior Court or the District Court to serve as a Designated Justice. This designation bestows on the appointee all of the rights and responsibilities of an Associate Justice. In the rare event where all the justices of the Supreme Court are recused from a case, the most senior Designated Justice on the panel may exercise all the powers of the Chief Justice with respect to that particular case.

### **The following judicial officers were designated to serve on an Appellate Panel in fiscal year 2015:**

- Douglas A. Brady, Judge,  
*Superior Court of the Virgin Islands*
- Adam G. Christian, Judge,  
*Superior Court of the Virgin Islands*
- Darryl Dean Donohue, Retired Judge,  
*Superior Court of the Virgin Islands*
- Michael C. Dunston, Presiding Judge,  
*Superior Court of the Virgin Islands*
- Denise Francois, Judge,  
*Superior Court of the Virgin Islands*
- Brenda J. Hollar, Retired Judge,  
*Superior Court of the Virgin Islands*
- Verne A. Hodge, Presiding Judge Emeritus,  
*Superior Court of the Virgin Islands*
- Robert A. Molloy, Judge,  
*Superior Court of the Virgin Islands*
- Harold L. Willock, Administrative Judge,  
*Superior Court of the Virgin Islands*

## JURISDICTION

Pursuant to title 4, section 32(a) of the Virgin Islands Code, the Supreme Court of the Virgin Islands is the highest local court. The jurisdiction of the Court is limited to the appellate review of final judgments rendered by the Superior Court, as well as a limited number of specified interlocutory orders. The role of the Supreme Court is to review the factual determinations of the Superior Court for clear error while exercising plenary review over its legal conclusions. The Supreme Court also provides a second level of appellate review for appeals taken from the Magistrate Division of Superior Court.



# JUDICIAL BRANCH



## **SUPREME COURT OF THE U.S. VIRGIN ISLANDS**

### THREE JUSTICES

**Hon. Rhys S. Hodge**  
Chief Justice

**Hon. Maria M. Cabret**  
Associate Justice

**Hon. Ive Arlington Swan**  
Associate Justice

JUDICIAL BRANCH OVERSIGHT • APPELLATE JURISDICTION OVER FINAL JUDGMENTS OF THE SUPERIOR COURT • ORIGINAL JURISDICTION MATTERS, WRITS OF MANDAMUS, AND HABEAS CORPUS • REGULATION OF VIRGIN ISLANDS BAR



## **SUPERIOR COURT OF THE U.S. VIRGIN ISLANDS**

### NINE JUDGES

**Hon. Michael C. Dunston**  
Presiding Judge

**Hon. Harold W.L. Willocks**  
Administrative Judge

**Hon. Denise M. Francois**  
Judge

**Hon. Robert A. Molloy**  
Judge

**Hon. Adam G. Christian**  
Judge

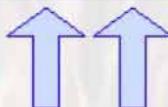
**Hon. Douglas A. Brady**  
Judge

**Hon. Kathleen Y. Mackay**  
Judge

**Hon. Denise Hinds Roach**  
Judge

**Hon. Debra S. Watlington**  
Judge

CIVIL MATTERS • CRIMINAL CASES (BOTH FELONY AND MISDEMEANOR) • DOMESTIC RELATIONS CASES • JUVENILE MATTERS • PROBATE CASES AND APPEALS AND REVIEW FROM MAGISTRATE DECISIONS IN SMALL CLAIMS, TRAFFIC, ETC. AND DECISIONS OF ADMINISTRATIVE AGENCIES



## **MAGISTRATE DIVISION OF THE SUPERIOR COURT OF THE U.S. VIRGIN ISLANDS**

### FOUR MAGISTRATES

**Hon. Carolyn P. Hermon-Percell**  
Judge

**Hon. Miguel Camacho**  
Judge

**Hon. Henry V. Carr III**  
Judge

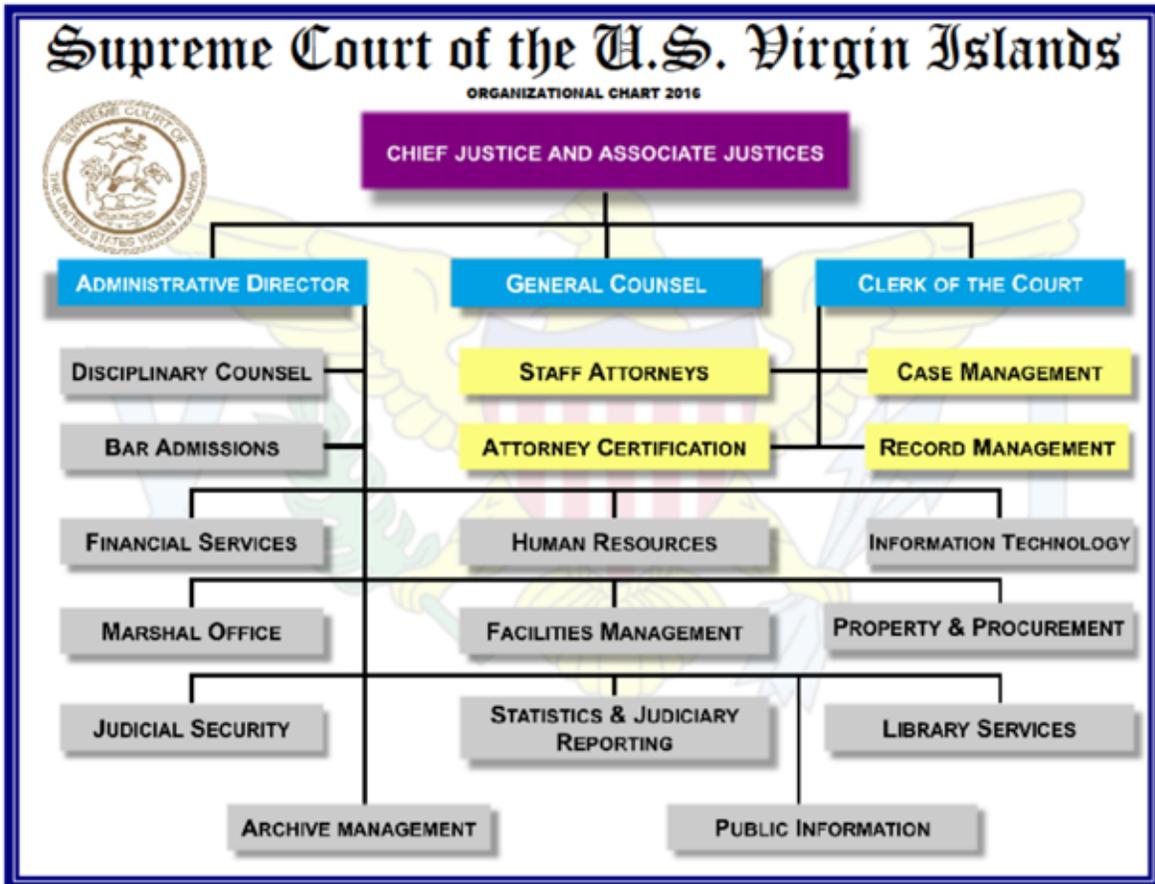
**Hon. Jessica Gallivan**  
Judge

NON-FELONY TRAFFIC CASES • FORCIBLE ENTRY AND DETAINER • MISDEMEANOR CRIMINAL CASES UNDER 6 MONTHS PENALTY • DOMESTIC VIOLENCE CASES • LANDLORD AND TENANT ACTIONS • SMALL CLAIMS • PROBATE CASES • LITTER CASES

The Supreme Court also hears cases that do not originate in the Superior Court. These cases are referred to as original jurisdiction matters. The most common exercise of the Court's original jurisdiction are in actions for writ of mandamus, in which the Supreme Court may order a government official—including a Superior Court judge—to perform a discrete, ministerial act. However, there are other types of actions

that may arise pursuant to the Supreme Court's original jurisdiction, which include proceedings for civil or criminal contempt, applications for writs of habeas corpus, attorney discipline and certified requests from federal courts and the highest courts of other jurisdictions for the Supreme Court to answer an unresolved question of U.S. Virgin Islands law.

## ORGANIZATIONAL STRUCTURE



The Chief Justice exercises general oversight over the Judicial Branch and serves as the administrative head of the Supreme Court. The Administrative Director and the Clerk of the Court, who each oversee distinct areas of court operations, assist the Chief Justice in fulfilling the non-judicial functions of the administrative authority. The Clerk of the Court is responsible for case management, the creation and maintenance of the docket, the preservation of court records, attestation of court documents—including certificates of good standing issued to attorneys—and performing numerous other ministerial duties specified by statute, court rule or internal procedure. The Administrative Director oversees all other non-judicial functions, including, but not limited to, budget

and finance, human resource management, court security, procurement, information technology, and facilities management. In addition, the Administrative Director monitors the operations of the Office of Bar Admissions and the Office of Disciplinary Counsel.

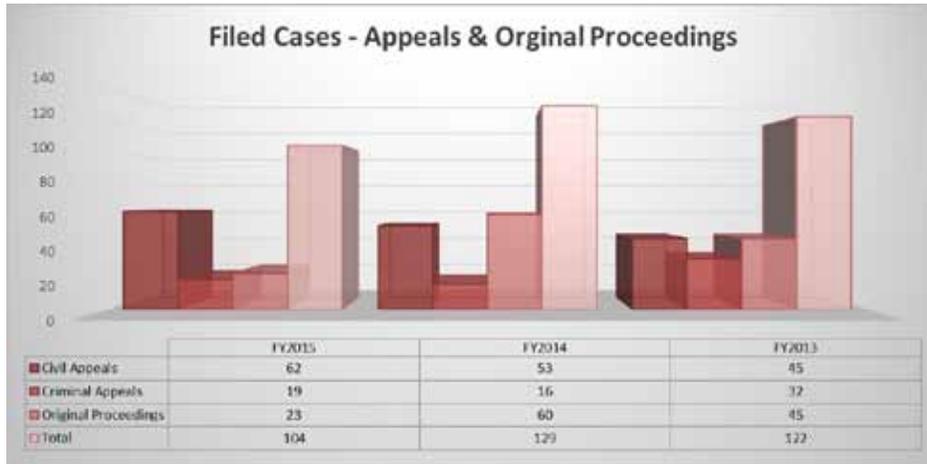
### OFFICE OF THE CLERK

The Office of the Clerk of Court is responsible for the management of cases throughout the appellate process, and the maintenance of certain statistical data regarding case processing. Accordingly, the following caseload trends are reported for fiscal year 2015.

## Filed Cases

In fiscal year 2015, 62 new civil appeals were filed with Supreme Court, representing an increase of 17% when compared to the 53 civil appeals filed in fiscal year 2014. The number of criminal appeals also increased by 19% when compared to filings in the previous fiscal year. Overall,

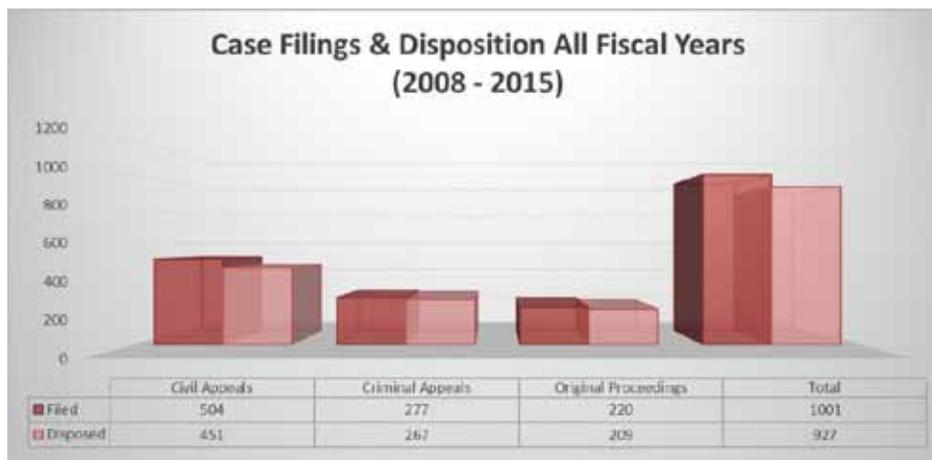
however, the Court experienced a 19% reduction in the total number of cases filed during fiscal year 2015. The greatest reduction in case filings came in the area of original proceedings. The decrease in the number of original jurisdiction matters is primarily due to numerous process reforms promulgated in fiscal year 2015 some of which are discussed later in this report.



## Dispositions

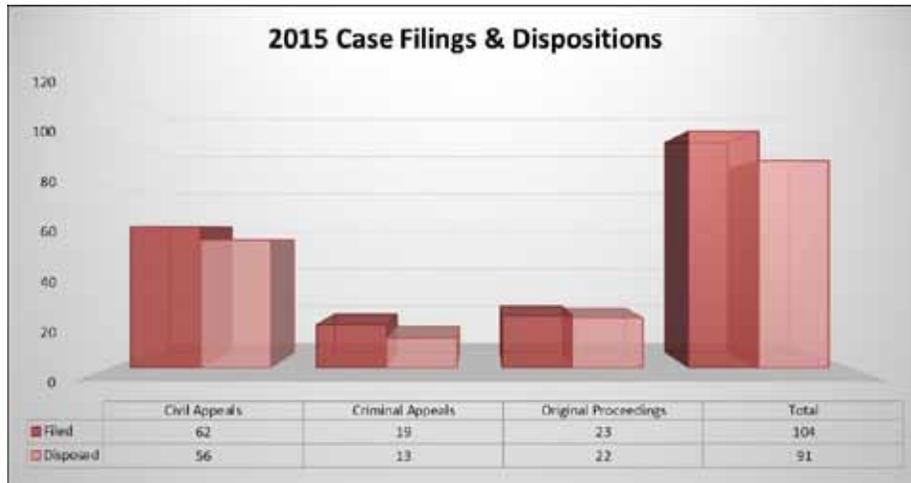
The Supreme Court continues to be a model of judicial excellence. From fiscal year 2008 through the end of fiscal year 2015, a total of 1001 matters have been filed with the Supreme

Court of the Virgin Islands: 504 civil appeals; 277 criminal appeals; and 220 matters of original jurisdiction. The Court has disposed of 927 cases maintaining an overall efficiency rating of 93% for all fiscal years.



Fiscal year 2015 opened with 68 pending cases. During the course of the fiscal year, 104 new

matters were filed for an active caseload in fiscal year 2015 of 172 cases.



In fiscal year 2015, final judgments were issued in 91 cases. By the close of the fiscal year, the Court’s pending caseload was 83 cases, including 2 re-opened matters. Additionally, the Court issued 46 opinions, 41 of which were published opinions. Case summaries and all published opinions issued by the Court are posted on its website, located at [www.visupremecourt.org](http://www.visupremecourt.org), and are automatically distributed free of charge to individuals who have subscribed to the Court’s mailing list.

on appeal, and set compensation at \$75.00 per every in-court and out-of-court hour in which services were provided, subject to a presumptively reasonable cost for indigent representation, which has been defined as either \$5,000.00 or \$7,500.00, depending on the seriousness of the offense. The caps however, may be waived by the Chief Justice under special circumstances. The Supreme Court nonetheless retains the authority to involuntarily appoint an attorney in the rare instance that the Office of the Public Defender and all of the attorneys on the appellate indigent defense panel are unable to represent a particular defendant. However, since the promulgation of Rule 210, the Supreme Court has never exercised this authority.

**Indigent Appointments**

The Office of the Territorial Public Defender possesses a statutory mandate to represent indigent defendants in criminal proceedings including appeals. On occasion however, the Public Defender is unable to provide indigent representation on a matter on appeal due to an ethical conflict, and the Supreme Court must then appoint an attorney to represent the indigent defendant. Supreme Court Rule 210 established a panel of attorneys who would volunteer to represent indigent parties

**OFFICE OF BAR ADMISSIONS**

The Supreme Court of the Virgin Islands oversees the Virgin Islands Bar Association, which includes the processing of applications to the Bar, and approval of rules and bylaws of the organization.

## Admission to the Bar

The Office of Bar Admissions, together with the Committee of Bar Examiners, assists the Supreme Court in the administration of the Virgin Islands Bar Examination, conducting character and fitness investigations, and ascertaining the qualifications of all applicants for admission. Supreme Court Rules 201, 202, and 204 establish three classes of membership: regular, special, and pro hac vice.

## Regular Admission

During the course of fiscal year 2015, there were 29 new petitions for regular admission filed, with the Court terminating 21 application cases. The Court closed the year with 52 petitions for regular admission pending. Additionally, the Supreme Court convened 2 admissions ceremonies during fiscal year 2015. A total of 15 new attorneys were admitted to the practice of law in the Virgin Islands in fiscal year 2015.



## Pro Hac Vice Admission

Attorneys admitted to the practice of law in other United States jurisdictions, may be permitted to practice law in the Virgin Islands with respect to a single client matter, provided that the attorney is associated with a regularly admitted member of the Virgin Islands Bar, and that member has agreed to take full responsibility for the actions of the out-of-territory attorney. During fiscal

year 2015 there were 23 new applications for pro hac vice admission were filed, representing an increase of over 100% over the previous fiscal year. As of September 30, 2015, 12 pro hac vice petitions had been granted and 1 application was denied. By the close of the fiscal year, the Court had effectively terminated 14 pro hac petitions, ending the year with 10 pending pro hac vice petitions.



### **Special Admission**

Pursuant to Supreme Court Rule 202, an attorney admitted to the practice of law in another state, territorial jurisdiction, or to the District of Columbia, may, under the supervision of a regular member of the Virgin Islands Bar Association, practice law in the Virgin Islands on behalf of a federal or territorial government department or agency, or a specified public interest organization. During fiscal year 2015, 8 petitions for special admission were filed with the Supreme Court. The Court granted special admission to 4 attorneys, and denied an Agency's request for equitable waiver, rescinding the special admission of 1 attorney. At the close of the fiscal year, 5 matters remained pending.

### **Services to Existing Members of the Virgin Islands Bar**

The Virgin Islands Bar Association performs several administrative services on behalf of the Supreme Court, to include the collection of annual membership dues and maintenance of records evidencing compliance with continuing legal education requirements. Attorneys are nevertheless required to request certain forms of relief directly from the Supreme Court.

### **Certificates of Good Standing**

Certificates of Good Standing are issued by the Clerk of the Supreme Court and indicate that an attorney has complied with all membership requirements of the Virgin Islands Bar. At least

once per year, members of the Virgin Islands Bar Association, must file requests with the court for Certificates of Good Standing to satisfy licensing requirements. Members may also require a Certificate of Good Standing to support applications for admission to the Bar of another jurisdiction. Eligibility to receive a Certificate of Good Standing, requires that the attorney be current with all membership dues, have satisfied all continuing legal education requirements, and be presently authorized to practice law in the Virgin Islands. During fiscal year 2015, there were 258 requests for certificates of good standing. 257 certificates were issued and 1 request was denied.

### **Status Changes**

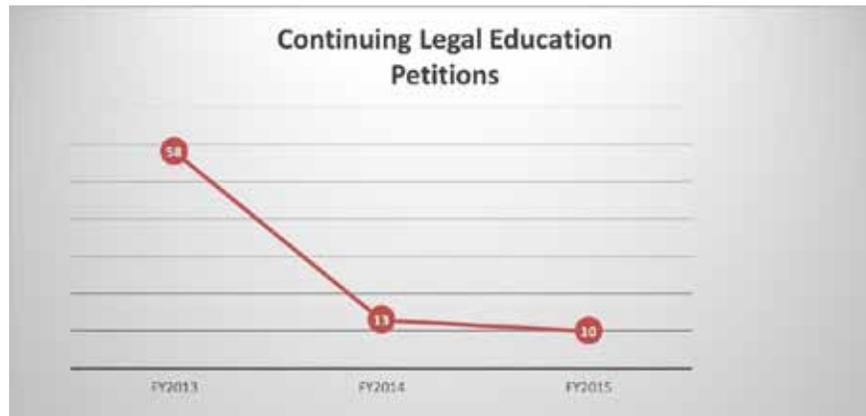
Regular members of the Virgin Islands Bar Association may be either "active" or "inactive." Inactive status is typically sought by attorneys who have accepted employment that does not require the practice of law, or by retired or non-resident attorneys who wish to maintain a connection to the Virgin Islands Bar Association. Additionally, The Supreme Court may grant an attorney permission to resign his or her membership, which terminates any financial obligation to the VI Bar Association. With the Court's permission, and provided that certain procedural requirements are met, attorneys may freely transfer between active and inactive status, and may request permission to resume the practice of law. In fiscal year 2015, the Office of Bar Admissions received and processed 16 requests for status changes.



### Continuing Legal Education

In fiscal year 2014, the Supreme Court amended Rule 208, requiring all regularly and specially admitted attorneys to self-report their annual compliance with the completion of 12 continuing legal education credits to the Virgin Islands Bar Association. While the amendments granted the Virgin Islands Bar Association's CLE Committee specific authority to grant extensions of time through April 30th for self-reporting, they did not however vest the Virgin Islands Bar Association with any discretion to waive or excuse a member's non-compliance, and required that all requests for a complete or partial extension from CLE

requirements, be filed with the Supreme Court. This process improvement continues to reduced the number of requests for extension of time or filings out-of-time with the Supreme Court. Notwithstanding the benefits of the amendment to Rule 208, attorneys who desire an extension of time to satisfy their annual obligation beyond April 30th, must nonetheless file a formal petition with the Supreme Court. During fiscal year 2015, 10 such requests were filed with the Court, demonstrating a greater rate of compliance with CLE when compared to the number of requests filed in the previous fiscal years.



Additionally, in the first quarter of fiscal year 2015, the Office of Bar Admissions assumed full responsibility over the management and assignment of identification numbers for all new regular and special admitted members of the Virgin Islands Bar Association.

### OFFICE OF DISCIPLINARY COUNSEL

Pursuant to Supreme Court Rule 209, the Office of Disciplinary Counsel was established to investigate and prosecute complaints against justices and judges from the Virgin Islands judiciary. Rule 209 also established the Virgin Islands Commission on Judicial Conduct to further assist with preserving the integrity of the judiciary and maintaining public confidence in the judicial system.

#### Judicial Discipline and Incapacity

In accordance with Rule 209, Disciplinary Counsel is tasked with investigating complaints under

the direction of a three member investigative panel. Upon completion of the investigation, the panel determines whether formal charges are warranted, and if so, Disciplinary Counsel prosecutes the complaint before a hearing panel. At the beginning of fiscal year 2015 there was 1 judicial complaint pending. During the course of the fiscal year, 3 new judicial complaints were filed. Investigation of these matters are ongoing. No complaints alleging judicial disability were filed in fiscal year 2015.

#### Attorney Discipline

Supreme Court Rule 207 was amended in 2011, expanding the function of Disciplinary Counsel to include the investigation and prosecution of grievances against members of the Virgin Islands Bar. Attorney discipline includes, but is not limited to, private or public reprimand, probation, suspension and the most severe penalty of disbarment from the practice of law in the Virgin Islands. During fiscal year 2015 discipline was imposed in 1 case.

**Discipline Case Statistics**

Fiscal Year 2015 opened with 127 pending disciplinary matters. During the course of the year, 73 new files were opened. Accordingly, the

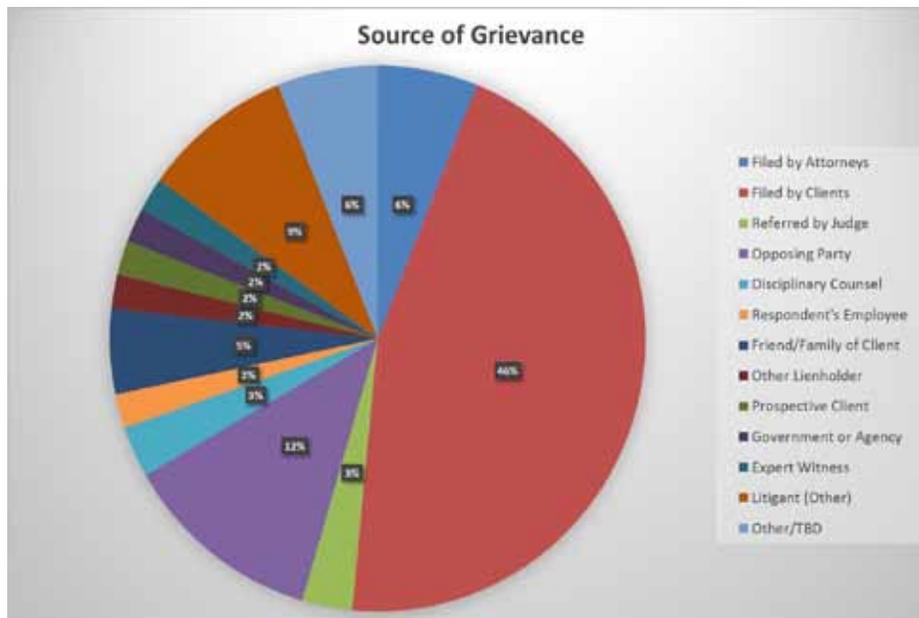
total pending caseload for fiscal year 2015 was 198 cases. The Office of Disciplinary Counsel disposed of 99 cases. By the close of the fiscal year, 99 cases remained pending.



**Discipline Case Demographics**

Of the 99 cases resolved in fiscal year 2015, 46% were filed by clients of the respondent-attorney;

12% of the cases involved grievances filed by opposing parties; 9% arose from employment disputes; and 6% were filed by other attorneys.



### Discipline History

The Office of Disciplinary counsel is also responsible for responding to requests for discipline histories for Virgin Islands' attorneys seeking admission to the bars of other states, or employment in the federal judiciary. Disciplinary Counsel fulfilled 32 such requests in 2015.

### Accomplishments and New Objectives

As part of its outreach efforts during fiscal year 2015, the Office of Disciplinary Counsel, in conjunction with the Virgin Islands' Bar Association launched Ethics School. Ethics School not only provided local bar members an opportunity to earn CLE credits during the course of the fiscal year, but afforded local attorneys the benefit of learning about best practices from amongst their peers. Presentation topics included, Law Office Management, Forming the Attorney-Client Relationship, Duties to the Client, Ending the Attorney-Client Relationship, Getting Paid and Safeguarding Property, as well as Access to Justice and Professionalism.

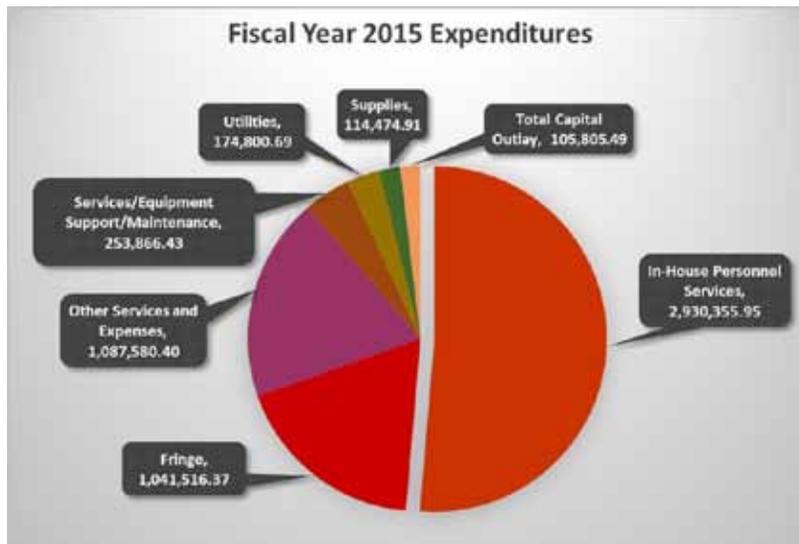
## ADMINISTRATION

The Office of the Administrative Director is responsible for the management of the day-to-day internal non-judicial operations of the

Supreme Court. In fiscal year 2015, the Office of the Administrative Director continued to manage and facilitate several distinct areas of court operations, including but not limited to, Budget and Finance, Information Technology, Human Resources, Facilities and Procurement, and Judicial Security.

### Budgeting and Financial Management

The Supreme Court requested a budget to carry out its planned operations during fiscal year 2015, and pursuant to Act No. 7690, the Court received an appropriation of \$5,710,661. This appropriation, which was 28% less than the requested operational budget of \$7,909,535, marked the fourth consecutive year that the Supreme Court did not receive any increase in its funding levels. Accordingly, faced with the government-wide implementation of a 3% increase in the employer share of retirement contributions effective January 1st, 2015, the Court was unable to participate in the call for further cuts in funding during the 4th quarter of fiscal year 2015. Additionally, due to the absorption of the GERS increase within the 2015 budget ceiling, the Court was once again forced to defer major projects. At the close of fiscal year 2015, the Supreme Court's total expenditures were \$5,708,400.24.



## INFORMATION TECHNOLOGY

As a 21st century court, the Supreme Court of the Virgin Islands is proud of its many achievements and continues to maximize on its use of technology as a fundamental component of all of the Court's operations. However, several years of austere budgets continue to impede the Court's ability to advance any new technologies. Accordingly, in fiscal year 2015, the Supreme Court continued to perform software version upgrades, perform network maintenance operations, and remained focused on the evaluation of current systems configurations, and identifying additional areas where cost savings could be realized with minimal risk to network stability and performance.

as well as domain controllers. The initial upgrade of the OnBase Test environment from OnBase 2013 to OnBase 2015 was also completed. The Court also upgraded its database servers to the latest version of Microsoft SQL.

Additionally, during the course of fiscal year 2015, the Technology Services Division deployed Office 365 across the Court's network and upgraded the Court's email servers to Exchange 2013. In this regard, Technology Services conducted staff training on the utilization of Office 365, and developed and published an internal training video on sharing documents utilizing Microsoft's One Drive, as well as a video introduction to staff on the Court's computer based training program.

The Court's telephone system also was upgraded, transitioning two (2) of its voice T1



### **Case Management**

Throughout fiscal year 2015, the Technology Services Division continued its maintenance and enhancement of the Case Management System. C-Track releases 5.1.6 and 5.1.7 were deployed in April of 2015. These releases included enhanced calendar functionality and ADA information. Further updates to the C-Track Reporting server also were completed in July of 2015. Time Matters, the application utilized to manage the discipline caseload, also was upgraded to the latest release, version 14.

### **Network Operations**

In May of 2015, the IT Division performed major maintenance and patching of the Court's ESX Virtual Server Operating Systems, and completed the version 7.76 upgrade to its system backup software. 21 out of 29 network server operating systems were upgraded to Windows 2012, including the file server, C-Track and E-File

circuits to PRI (ISDN) circuits to enable the use of Caller-ID. The Court further implemented use of the Avaya EC-500 feature, allowing for the integration of mobile devices to receive and transfer calls within the existing call routing system. This integration allows Court managers to remain telephonically connected wherever they are, with the simultaneous routing of calls to both desk and cellular phone devices.

### **Audio/Visual**

In September of 2015, the Court began utilizing Live Stream for online viewing of Oral Arguments. In order to transition to this new streaming platform, the courtroom technology was reconfigured to allow audio and video content to be streamed back into the courtroom. With this new technology, the Court is now able to control the display of video conference parties in split screen, local full screen or remote full screen. This upgrade reduced video editing time by

over 50% and has provided increased graphical features consistent with television production. Reconfiguration also included upgrades to the Supreme Court website to incorporate the Live Stream player, and to begin the migration of archived video content to Live Stream which allows users with different bandwidth levels to view stream quality based on their bandwidth level in order to reduce buffering. The Court's Technology Services Division also completed successful testing of video conference connections between the Supreme Court and the Superior Court, for better integrated use of facilities between both courts.

## **FACILITIES MANAGEMENT AND PROCUREMENT**

During fiscal year 2015, the Supreme Court continued its efforts to improve and maintain infrastructure. Damage caused by heavy rains in 2015 necessitated repairs to the roof and parapet wall at the Court's facility on St. Croix. New galvanize and plywood were installed on the roof and concrete reinforcements along with an elastomeric membrane were applied to the parapet wall to prevent future water damage to the facility. All repairs were completed by May of 2015. Annual maintenance of air handlers and cleaning of air conditioning ducts also were completed by the second quarter of fiscal year 2015. Additionally, extensive repairs were also performed on the Court's ADA Elevator lift for the St. Croix facility. However, due to the scarcity of parts and qualified service and repair professionals, the Court may have to consider replacing the existing lift with newer serviceable equipment in fiscal year 2016.

### **New Procurement**

During fiscal year 2015, the Court advertised two (2) solicitations for Invitation for Bids ("IFB") for the delivery of office supplies to the Court's facilities on St. Thomas and St. Croix with subsequent awards. However fiscal constraints in 2015 continued to delay the Court's plans to replace obsolete equipment, to include the replacement of aged vehicles, antiquated air conditioning units for both the St. Thomas and St. Croix facilities, as well as the purchase of a replacement automatic transfer switch for the St. Thomas facility generator.

## **JUDICIAL SECURITY**

The Office of the Supreme Court Marshal is responsible for the protection, safety and security of the Justices, employees, visitors, staff, facilities and property of the Supreme Court of the Virgin Islands. The responsibilities of this office include the management, monitoring, maintenance and/or testing of all security systems, radio communications, and fleet vehicles, as well as oversight of the Court's Emergency and Disaster Response through the coordination of the Emergency Response Team (ERT). The office is staffed with the Chief Marshal and five Deputy Marshals who are Law Enforcement/Peace Officers in the Territory.

### **Training**

During Fiscal year 2015, Supreme Court Marshals successfully completed required weapons training and qualification standards on their issued weapon systems. Additionally, with the assistance of the Bureau of Corrections, Supreme and Superior Court marshals participated in joint training initiatives which enabled them to complete requirements for the annual Peace Officer Standards and Training (POST) Council recertification. Further, during the course of fiscal year 2015, the Court sponsored training to certify an additional marshal as a Firearms Instructor for training and instruction on each island. Accordingly, each court office had a resident certified firearms instructor in 2015. The certification covers pistol revolver, shotgun and patrol rifle, from the Smith and Wesson Academy in Springfield, Massachusetts.

Members of the Office of the Supreme Court Marshal also participated in the following training: Court Security Officer Training, CPR/AED Certification, Tsunami Awareness, Suicide Bombing & Terrorist Awareness, Disability Training for Law Enforcement, Leadership Seminars, Use of Force, Expandable Baton, Handcuffing, Defensive Tactics, Constitutional Law Updates, Scenarios, and Alternative Tools.

### **Emergency and Disaster Response**

In Fiscal Year 2015, the Supreme Court participated in the Virgin Islands Territorial Emergency Management Agency's (VITEMA) Caribe Lantex 15 Tsunami Response Exercise to evaluate local response plans. Participating agencies exercised their emergency response plans in evacuation and communication by having selected employees evacuate the work place and report to a predetermined safe zone. The process was timed from the alert notification through arrival at the safe zone. Feedback was passed on to VITEMA and the information gathered will assist the Court in improving the Court's emergency response plans.

## **HUMAN RESOURCES EMPLOYEE DEVELOPMENT**

As part of the Court's Microsoft Enterprise Agreement, the Court's IT and HR divisions facilitated no-cost training on varying applications such as Word, Excel, PowerPoint, etc.

Deployed September 1, 2015, the Court's online training program, requires court employees to complete four (4) online courses each fiscal year, and is geared towards, though not limited to, elevating proficiency in applications frequently utilized in Court operations.

### **CPR Training**

During the course of the fiscal year, the Court employed the services of the American Red Cross to provide critical life-saving training to Supreme Court employees. The training equipped employees with the tools needed to respond in an emergency and increases the chance of survival for our fellow employees, the public, and family members. One hundred percent of the employees who attended received their certification and are prepared to respond when the need arises. The training also was extended to Superior Court employees.



(Pictured from Left): Su-Layne Walker, Michael Mouridy, Keisha Rogers, Glenroy George, Attorney Veronica Handy, Elsie Mae Hodge, Melanie Turnbull, Malorie Diaz, Sandra Henry, Anthony Ciolli, Nathalie Mooving and Franklin Pickering.

(Pictured from Left): Delphine Janey, Janelle Browne, Kachel Athanaze, Cordell Connor, Koya Ottley, Natalie Thomas-Pickering, Shawn Roebuck (Superior Court), Amanda Warner, Arlene Sutton, Sheniqua Williams, Raysa Rogers-Huggins (Superior Court)

### **Terrorism and Suicide Bombings Training**

Across the United States, courthouses have seen a sharp increase in threats and violent incidents. The need to mitigate risks, provide training, and institute more advanced policies and procedures are vital to maintaining a safe court environment. During the course of fiscal year 2015, the Superior Court extended the opportunity to Supreme Court employees to participate in Terrorist and Suicide Bombings training with New Mexico Tech. The Supreme Court of the Virgin Islands took full advantage of the opportunity to partner in training, and employees gained knowledge to assist in the

areas of deterrence, prevention and rapid response in the event of a threat or incident.

### **Tsunami Awareness Training**

The National Disaster Preparedness Training Center, through the Department of Homeland Security and FEMA, provided tsunami awareness training to members of the Court's Emergency Response Team. The one day training promoted tsunami awareness and preparedness. This training was essential as both Court facilities are located on waterfront property. All employees were successful in passing the test and receiving their Certificate of Completion. This disaster

training was part of the Emergency Disaster Preparedness focus. It also allowed the Court to have a successful tsunami exercise drill.

**Employee Corner**

Dedicated Service Awards were presented to four employees in recognition of their talents and efforts which have greatly benefited the Court in many areas. The employees recognized in fiscal year 2015 for five years of dedicated service were Andrew Ayala, Deputy Marshal; Junior Clarke, Deputy Marshal; Glenroy George, Deputy Marshal; and Court Messenger, Franklin Pickering.

**Employee Honors**

The Supreme Court honors two exemplary employees annually from each district as Employees of the Year. In fiscal year 2015, the Court celebrated and commended its two employees of the year, Cordell Conner, Maintenance Worker, and Mary Longville, Custodial Worker. The dedication these employees display in the performance of their duties, has a positive impact on both the customers we serve and the staff who utilize our facilities daily. Accordingly we applaud these two team members for continuing to live up to the Court's highest performance expectations. We celebrate and commend these two qualified team members who live up to our highest expectations.



Pictured from Left, Chief Justice Rhys S. Hodge, Deputy Marshal Andrew Ayala, and Associate Justice Ive Arlington Swan.

Pictured from Left, Chief Justice Rhys S. Hodge, Deputy Marshal Junior Clarke, and Associate Justice Ive Arlington Swan.

Pictured from left, Chief Justice Rhys S. Hodge, Deputy Marshal Glenroy George, and Associate Justice Ive Arlington Swan.



Mary Longville



Cordell Connor

# COMMUNITY PARTICIPATION AND OUTREACH

Every year the Supreme Court maintains its commitment to the education and professional development of students, as well as the education of the general public about its processes and the Virgin Islands Judicial System. In fiscal year 2015, the Court continued to record and stream its oral arguments live on the internet, making archived recordings available on its website as well as permitting free public access to view all documents associated with all open and closed cases, other than those filed under seal.

The Supreme Court continues to reap long lasting benefits of participation in internship programs offered by different entities. Our enduring relationship with the Charlotte Amalie High School's Business Department continues to provide the Court with motivated students who are assigned to various areas of court operations during the academic school year and assist divisions in meeting objectives. In turn, the Court provides these student interns with critical skills, on-the-job training and hands-on mentoring. In fiscal year 2015, Court managers mentored Jamilyn Brown, Nykesha Culpepper and Kareem Todman.



Carlissa Morris

Tre Dickson

Shakim Cooper

Despite inadequate funding to conduct a summer intern program, in 2015, the Supreme Court nonetheless remained committed to educating our community and providing a productive and innovative workforce during the summer months. The Court partnered with the Department of Labor and the Office of Senator Clifford F. Graham for summer intern placements. Due to these partnerships, the Court hosted four interns: Carlissa Morris, Tre Dickson, Holly Ann Forde, and Shakim Cooper.

The Supreme Court of the Virgin Islands also provides a Career Experience Internship program which enhances a university or graduate program student's academic and professional career by providing educational value and a beneficial work experience within the Court. This unique and diverse opportunity was extended to University of the Virgin Islands student, Jamien Carter who worked with the Human Resources Director, and Thoron Corey Hodge, a law student at the University of Missouri School of Law, who interned with Chief Justice Rhys S. Hodge.



Jamien Carter



Thoron Corey

During the course of fiscal year 2015, the Supreme Court also hosted a professional development intern through an Executive Leadership Program sponsored by Graduate School USA's Pacific and Virgin Islands Training Initiatives, and funded by the United States Department of Interior's Office of Insular Affairs. This intern, pictured below, was Certified Public Accountant Charmaine Modeste-Antoine, who completed her internship requirement by evaluating internal controls and assisting Court leadership in determining audit readiness.

Additionally, in fiscal year 2015, the Supreme Court once again hosted rounds of arguments in the 21st Annual Moot Court Competition. Students were presented with a hypothetical

case seeking declaratory relief by Virgin Islanders asserting that the Fourteenth Amendment's Citizenship Clause extends to persons born in the United States Virgin Islands. Five schools participated in the competition with a total of nine teams. The participating schools from St. Croix were: Central High School, St. Croix Educational Complex High School, and St. Joseph High School. The participating schools from St. Thomas were: Charlotte Amalie High School and Ivanna Eudora Kean High School. The winner of the 2015 competition was the Appellee Team from Charlotte Amalie High School. Participants from the winning school are pictured below. Winning team members were Christopher Jamil, Makeda Mills and Hairol Breton.



Charmaine Modeste-Antoine



Moot Court team members pictured with their coach David Sprotte, Esq.

## COURT VISITS

In fiscal year 2015, the Department of Interior's Assistant Secretary for Insular Areas, Esther Kia'aina and the Director of the Office Insular Affairs, Nikolao I. Pula, paid an official visit to the Supreme Court, while in the territory meeting with other government officials.

In June of fiscal year 2015, the Supreme Court also entertained a visit from Professor Douglas A. Askman, Ph. D., from Hawaii Pacific University, on a quest to complete his historical study of United States state and territorial supreme courts. During his visit, Professor Askman toured the Court's facility, met with Chief Justice Rhys S. Hodge, and presented a photograph study of the architectural design of courtrooms and courthouses across the nation.



Director of the Office Insular Affairs, Nikolao I. Pula, Chief Justice Rhys S. Hodge and Department of Interior's Assistant Secretary for Insular Areas, Esther Kia'aina



Professor Douglas A. Askman, Ph.D. and Chief Justice Rhys S. Hodge

## COMPETITION AND TEAMWORK

The Supreme Court has a longstanding commitment to health and fitness events and

programs, and teamwork. For the second year in a row, Court employees in the St. Thomas district participated in the Annual Battle of the Agencies.



The Supreme Court also congratulates Sheniqua Williams, our talented and versatile Computer Support Technician who was crowned the first Miss GVI in the first Annual Mr. and Miss GVI

pageant. Sheniqua represented the Court with grace, elegance and dignity, and was supported wholeheartedly by Team Supreme.



Sheniqua Williams

## JUDICIAL OUTLOOK

The Supreme Court continues to address shifting demands within the local judiciary, and effectuate change within the legal profession, through its rule making authority. More importantly however, the Court continues to be inclusive in its process, and all changes implemented are the direct result of continuous discussions and feedback from the Virgin Islands Bar Association and other stakeholders.

During fiscal year 2015 the Supreme Court implemented procedural changes as well as process reforms which are discussed briefly in this section.

On April 28, 2015, the Court entered Promulgation Order No. 2015-002, adding 4 additional bar governance case types and associated case processing fees. The Rule, which became effective on June 1, 2015 provides for Limited Permission to Practice as In-house Counsel (VISCR 202.1); Limited Permission to Practice as Foreign Legal Consultant (VISCR 202.2); Limited Permission to Practice as a Legal Intern (VISCR 202.3); and Special Admission for Military Spouses (VISCR 202.4). Attorney Carry Beth Drangula, pictured below with Clerk of the Supreme Court, Veronica J. Handy, Esq. and Director of Bar Admissions, Elsie Mae Hodge, was the first In-house Counsel sworn in pursuant to VISCR 202.1.

In fiscal year 2014, the Supreme Court revised Rules 203 and 207 and adopted a new rule, Rule 212, establishing the Board on Professional Responsibility and the Board on the Unauthorized Practice of Law. These rules significantly improve the procedures for attorney discipline and expand the jurisdiction of the Office of

Other important changes on the horizon for 2016 include modifications to the administration of the Virgin Islands Bar Examination, which will require formal education on the unique aspects and substantive changes in Virgin Islands law, and which are not tested on the Virgin Islands Bar Examination. Further modifications influenced



Attorney Carry Beth Drangula and Clerk of the Supreme Court, Veronica J. Handy, Esq.



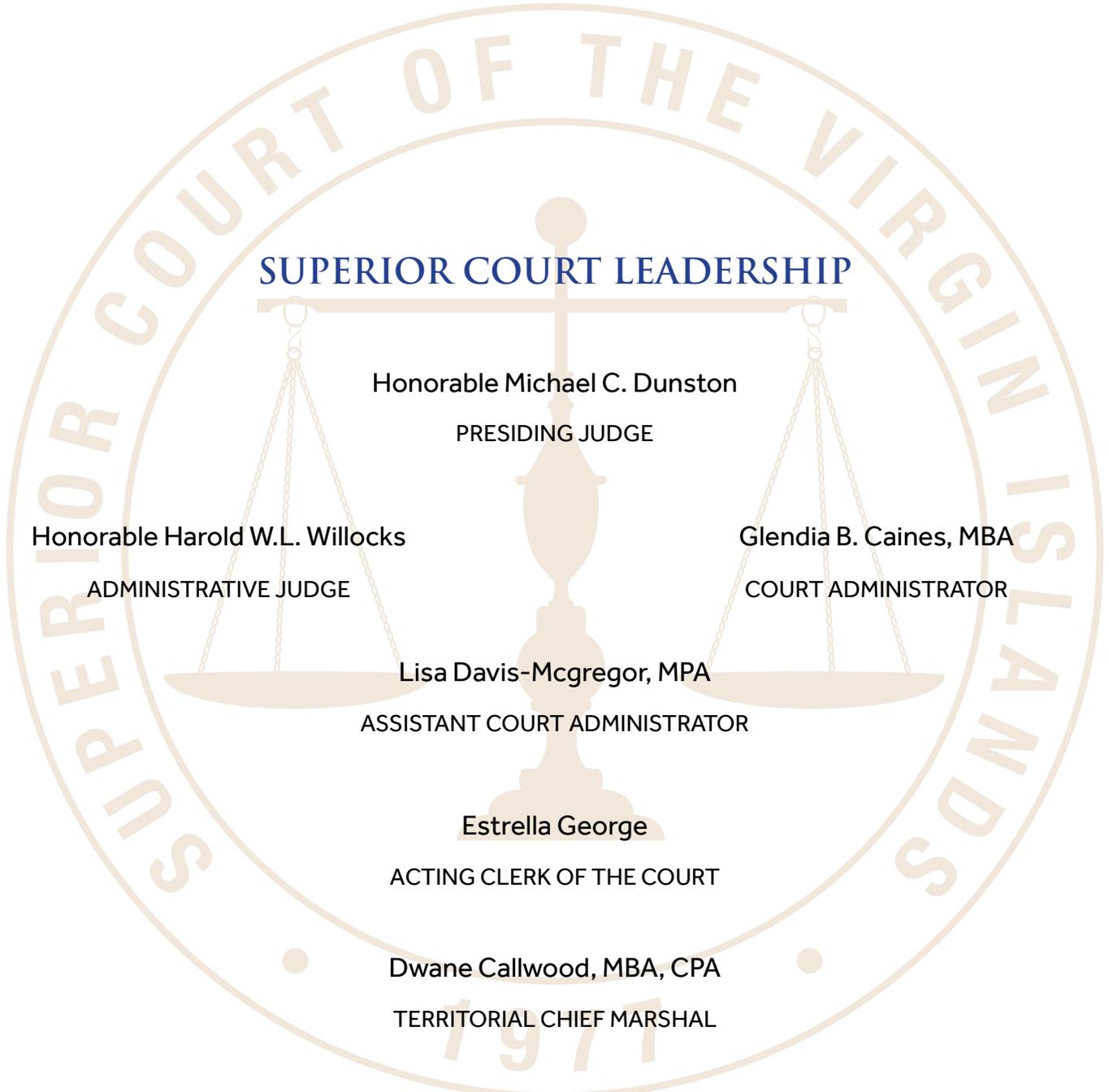
Clerk of the Supreme Court, Veronica J. Handy, Esq., Attorney Carry Beth Drangula and Director of Bar Admissions, Elsie Mae Hodge

Disciplinary Counsel to include the investigation and prosecution of persons who are improperly practicing law in the Virgin Islands. Under the new rules, allegations that an attorney has engaged in misconduct will be reviewed by a Preliminary Review Committee for a probable cause determination. If probable cause is found that an attorney has engaged in misconduct, then the matter will proceed before the Supreme Court's Board on Professional Responsibility.

Additionally, commencing in 2015, Attorneys were required to file an Annual Registration Statement with the Office of Disciplinary Counsel. After the completion of necessary system upgrades in fiscal year 2016, the Supreme Court will begin the issuance of an Attorney Registration Card, evincing the period of registration, the member's Name, Bar ID No., type of admission and status, to attorneys compliant with the registration requirement. Attorneys who fail to comply with the registration process shall be subject to immediate suspension in accordance with Rule 203, and will be required to file a petition for reinstatement, pay the associated fees and fines and register.

by initiatives adopted by other jurisdictions are also slated for implementation in 2016, including the adoption of the Multistate Essay Examination and the Multistate Performance Test.

Additionally, with the establishment of the Virgin Islands Access to Justice Commission in fiscal year 2015, and the recognition of the rising need to facilitate not only the availability of pro bono assistance, but also funding for indigent legal services, the Virgin Islands Supreme Court issued amendments to Rule 211, mandating participation in the Interest On Lawyers Trust Account ("IOLTA") program. Prior to this amendment, participation in IOLTA was voluntary. This change is scheduled to take effect on July 1, 2016, and we are proud to join all 50 States, the District of Columbia and Puerto Rico, in mandating that interest from lawyer trust accounts be dedicated to indigent legal services.



**SUPERIOR COURT LEADERSHIP**

Honorable Michael C. Dunston  
PRESIDING JUDGE

Honorable Harold W.L. Willocks  
ADMINISTRATIVE JUDGE

Glendia B. Caines, MBA  
COURT ADMINISTRATOR

Lisa Davis-Mcgregor, MPA  
ASSISTANT COURT ADMINISTRATOR

Estrella George  
ACTING CLERK OF THE COURT

Dwane Callwood, MBA, CPA  
TERRITORIAL CHIEF MARSHAL



# MISSION STATEMENT OF THE SUPERIOR COURT OF THE U.S. VIRGIN ISLANDS

The mission of the Superior Court of the U.S. Virgin Islands is 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



It is my pleasure to provide the Annual Report of the Superior Court of the Virgin Islands (SCVI) which outlines the activities and operation of the Court during Fiscal Year 2015.

The Superior Court remains cognizant of the fact that access to justice remains a fundamental right of the residents of this community. The effective application of the laws that govern the Territory should serve to ensure a safe and secure community for Virgin Islands residents and visitors to our shores. The community we serve expects that we, as judges, will utilize existing law to enforce contracts, mete out punishment for wrongdoers, resolve various family disputes, and protect our children, the elderly, and others who cannot protect themselves, while simultaneously ensuring that their concerns are considered in a fair and just manner.

The ability of the Superior Court to fulfill these expectations has been a significant challenge as the fiscal crisis of the Territory continues to have a negative impact on the Court's funding. Annual reductions to our budget requests during the past several fiscal years have contributed to the Court's inability to operate as effectively as it should.

The Court's implementation of a number of austerity measures included the elimination of various staffing positions, reduction of training opportunities for its staff, as well as other operational initiatives, began in 2011 and continued throughout FY15. The predominant result of those austerity measures was to permit the Court to continue operations despite the lack of adequate funding. Although the SCVI has been able to survive on limited funding throughout the past several fiscal years, the judges, magistrates and staff remained diligent as they performed their duties in service to this community. Having fully implemented prior budget cuts, in 2015 the Court embarked upon a number of initiatives in its effort to render effective and efficient service to the litigants appearing before it.

During the past several years, the Court has shown remarkable creativity and resilience in its efforts to provide the required service in fulfillment of its core functions. After successfully restructuring its operations to fit the new economic realities it faced, the Court is now turning toward finding more efficient ways to enhance access to justice.

### **Several of the Court's initiatives are outlined below:**

- Initiated regular monthly meetings with the Court's Executive staff to address administrative and operational issues and concerns in order to effectively address those matters in a timely manner;

- Established a Change Management Committee to manage the search, selection and implementation of a new case management system;
- Adjusted or lifted some austerity measures as operational savings permitted; and,
- Utilized various grant funding and external cooperatives to enable the Court to provide critical training for its staff in the areas of court security and Marshals, judicial officers, and the rank and file staff.

Like the entire District of St. Croix, the Court continues to be severely impacted by the closure of the Hovensa refinery. Hovensa's departure has contributed to the high staff turnover in that district as many of our veteran employees have migrated to the Mainland because their spouses were forced to relocate in search of employment in their areas of expertise. Employee turnover continues and, despite having filled a number of critical vacancies in that district, the Court is still plagued by resignations as more employees either relocate or transfer to other governmental agencies offering substantially higher salaries. The Court is currently not in a competitive position regarding salary offerings to new employees; and many leave the Court within five years of being hired. Unless the Court receives its requested budget in the future, the ability to adequately serve this community will be significantly impacted as long-term employees in critical areas move towards retirement and short-term employees receive salaries that are no longer competitive.

I would like to take this opportunity to express my sincere thanks to the hardworking Superior Court staff – judges, magistrates and employees – for their efforts during this past fiscal year. I especially want to thank former Presiding Judge The Honorable Darryl Dean Donohue for his willingness to serve as a Senior Sitting Judge without compensation. There is still a significant amount of work ahead: clerical backlogs continue to delay the implementation of judicial rulings, and large caseloads frustrate lawyers and litigants. However, we are moving forward and making progress following the budget crisis. The work of the Superior Court is critical to the safety and welfare of the Virgin Islands community, and we continue to work diligently to fulfill our constitutional and statutory obligations.

Michael C. Dunston



Presiding Judge

## MOVING FORWARD

Utilizing the funds appropriated to the Court in FY2016 in the amount of \$27,723,865.00, as well as resources recaptured through internal operating efficiencies, allowed the Court to begin to repair the damage that resulted from a myriad of budget shortfalls. With the combination of the budgetary appropriation and the recaptured resources, the Court is currently working on the following initiatives:

### COURT OPERATIONS

- Beginning to break the logjam of the more than 700 civil cases against Hess Corporation that were filed in the District of St. Croix.
- Working towards disposition of cases in a timelier manner, while utilizing the Differentiated Case Management system.

### FACILITIES MAINTENANCE

- Working with the Executive and Legislative Branches to secure the requisite funding to bring to fruition the Court's Vision 2020 Capital Improvement Projects - that was developed in FY2014 by the Court's executive staff.
- Initiating several building maintenance projects in both districts that includes repairs and upgrades to the facilities.
- Collaborating on a number of security enhancements to provide a safe and sustainable infrastructure for the community, court staff and the clients we serve.

### WEBSITE REDESIGN

- Redesigning and upgrading the Court's current website to provide a more user-friendly website with a homepage that highlights the most frequented website sections and will display all of the site's options in an easy to navigate format.



### COURT TECHNOLOGY

- Upgrading automation throughout the Court, garnering additional efficiencies.
- Upgrading the Court's video conferencing equipment while creating several technological courtrooms.
- Facilitating the replacement of the aged and malfunctioning case management system.
- Upgrading Accounting systems to include automation of Requisitioning, Purchase Orders and Inventory solutions.
- The Court is awaiting vendor responses to its RFQ for Website Design. The current website is outdated and has been plagued with a number of operational inefficiencies. The site has been slated for redesign and upgrading in conjunction with the recent CourTools initiatives brought forward, with the assistance of the National Center for State Courts (NCSC), from the Court's Access and Fairness Committee.

## RECORD RETENTION AND PAPER REDUCTION

- Information is the raw material of the justice system and it is often in the form of written motions, pleadings, declarations, and other legal documents. Currently, most of these writings are in paper form. This inordinate amount of paper is a drain on staff time - putting papers into files, moving files around, and finding storage space for them - but it also creates a barrier to public access of case information.
- SCVI has three initiatives underway that will help cut the Court's mountain of paper down to size. First, the Court will revise its current record retention and destruction standard operating policies and procedures, in conjunction with current law and the VI Code. This will enable the Court to reduce its current usage of storage facilities and enable it to redistribute those resources to other critical areas of operation. Next, the Court will increase its efforts to digitize paper files so they can be managed electronically, rather than physically. Finally, SCVI has embarked on an ambitious plan to replace the Court's aging case management system to permit E-filing.

## OTHER

- Upgrading the Territorial Marshal fleet: As a result of limited funding during the past several fiscal years, the Court has been unable to purchase new vehicles, especially for its Marshal unit, since FY2009. Therefore, utilizing the Court's recaptured internal resources, the Court will be working towards upgrading a minimum number of vehicles, especially for the Marshal Division, during the upcoming fiscal year;
- Recruiting employees to ensure adequate staffing in all areas: During the past several fiscal years, the budgetary constraints, coupled with the high turnover being experienced, has severely limited the Court's ability to adequately maintain a staffing level consistent with its workload; and,
- Implementing a comprehensive Orientation Manual within the HR Division that serves as

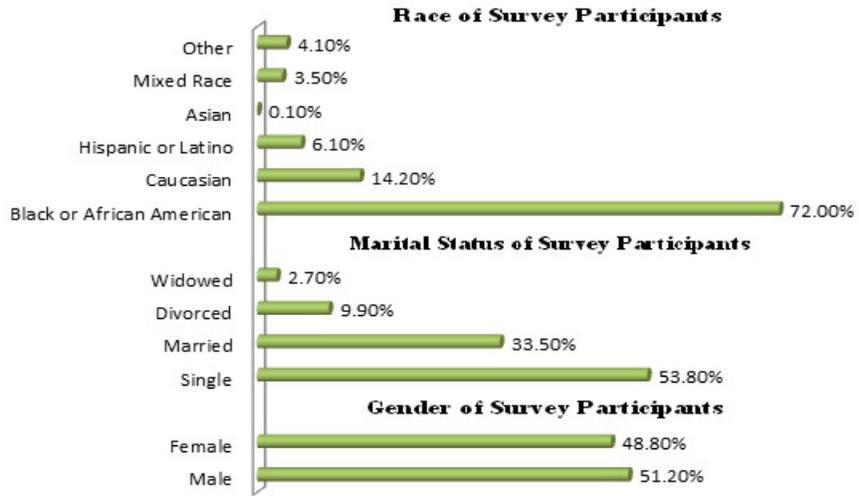
a ready reference for new employees that incorporates the following aspects of work related matters: Section 1 - Benefits, Time and Attendance and Payroll Registration; Section 2 – Personnel Policies and Procedures Manual; Section 3 – Amendments to Personnel Policies and Procedures Manual; Section 4 – Acceptable Use Policy; and, Section 5 – Employees' Emergency and Disaster Procedures.

## COURTOOLS: ACCESS TO JUSTICE

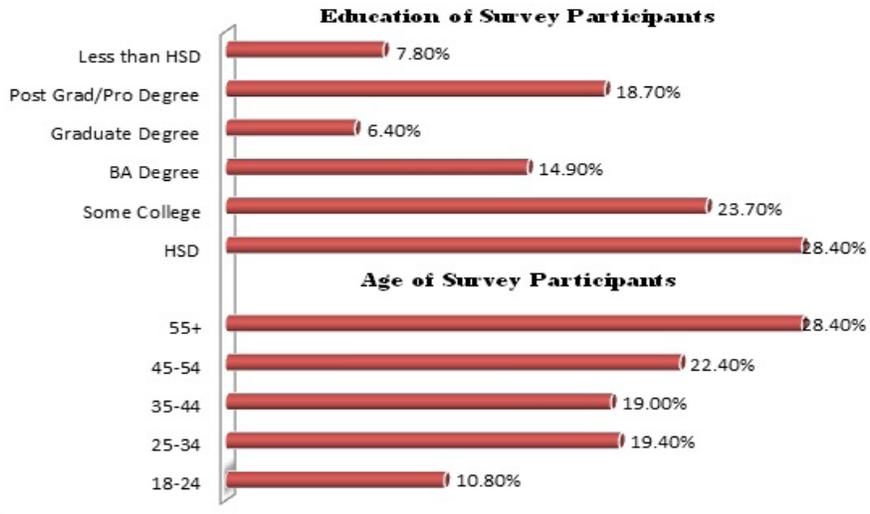
During the past several years, the Court has embarked on various initiatives to improve and enhance its internal operations as well as the quality of service rendered to those seeking justice within our courts and, by and large, the community that we serve here in the U.S. Virgin Islands. In order to accomplish these goals, the Court collaborated with the National Center for State Courts (NCSC) and the State Justice Institute (SJI), who provided various financing through several grants to the Court. The grants obtained from SJI were utilized for staff training and the development of the Court's Five-Year Strategic Plan with the goal of becoming a "high performing court".

Following the NCSC's CourTools training, the Court established three Task Forces (Access and Fairness, Time to Disposition and Employee Satisfaction) to facilitate its progress to becoming a High Performing Court. Unfortunately, due to the withdrawal after seven months of operation, of the Court's new Case Management Vendor, the Court was forced to temporarily suspend the functions of the Time to Disposition Task Force until its case management system was stabilized. Nevertheless, the Court embarked on Phase One of its Five-Year Strategic Plan and conducted its Access and Fairness Survey during the beginning of Fiscal Year 2015. The overall results of the survey indicated that respondents agreed on most items included on the Access and Fairness survey - giving either an Agree or Strongly Agree high ratings. The results of that survey are outlined in the following charts:

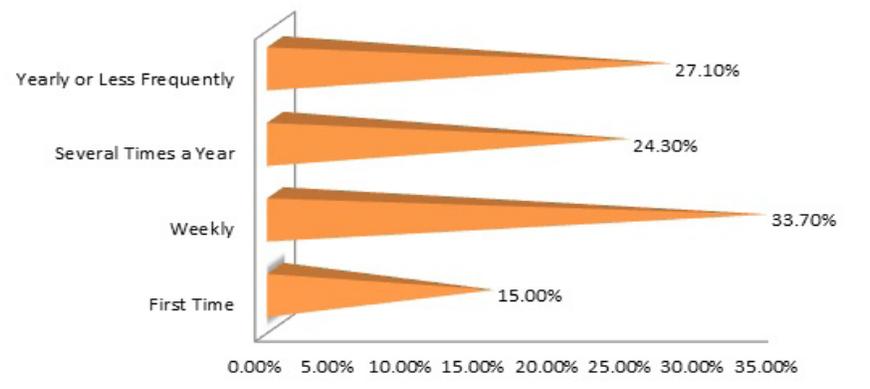
## Access and Fairness Survey: Demographics



## Access and Fairness Survey: Age and Education Demographics

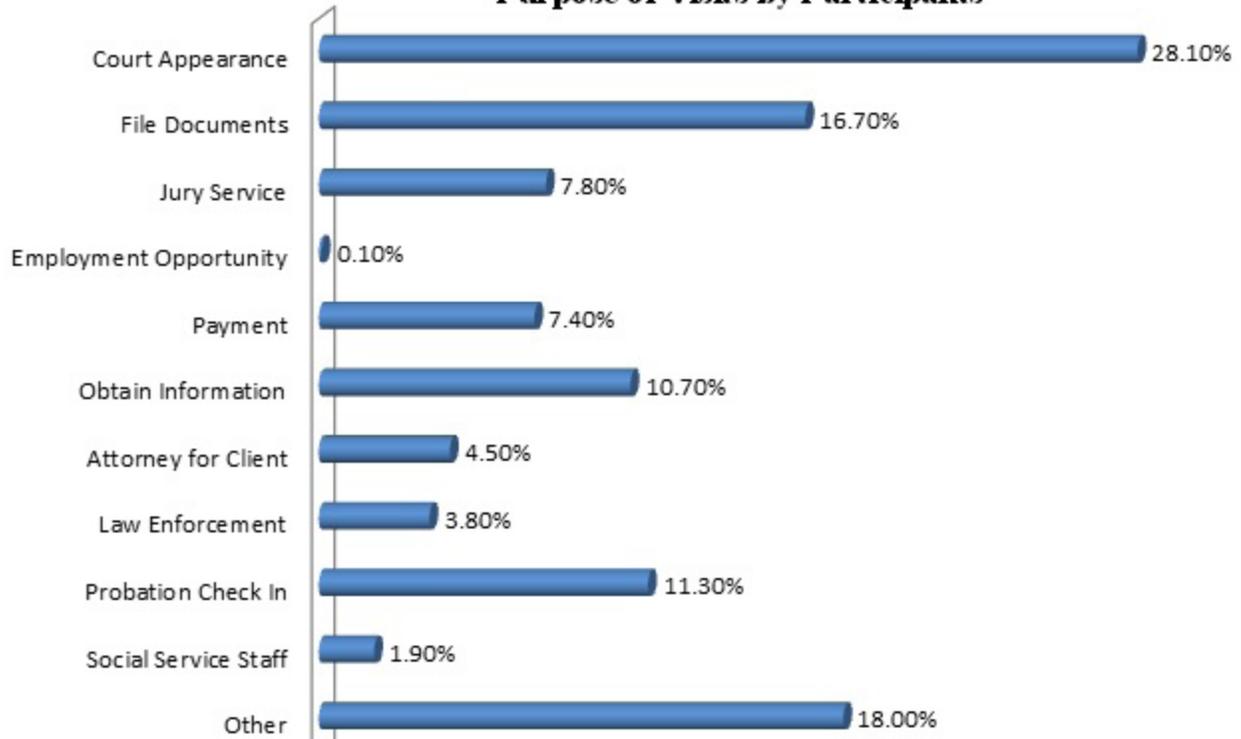


## Access and Fairness Survey: Courthouse Visits by Participants

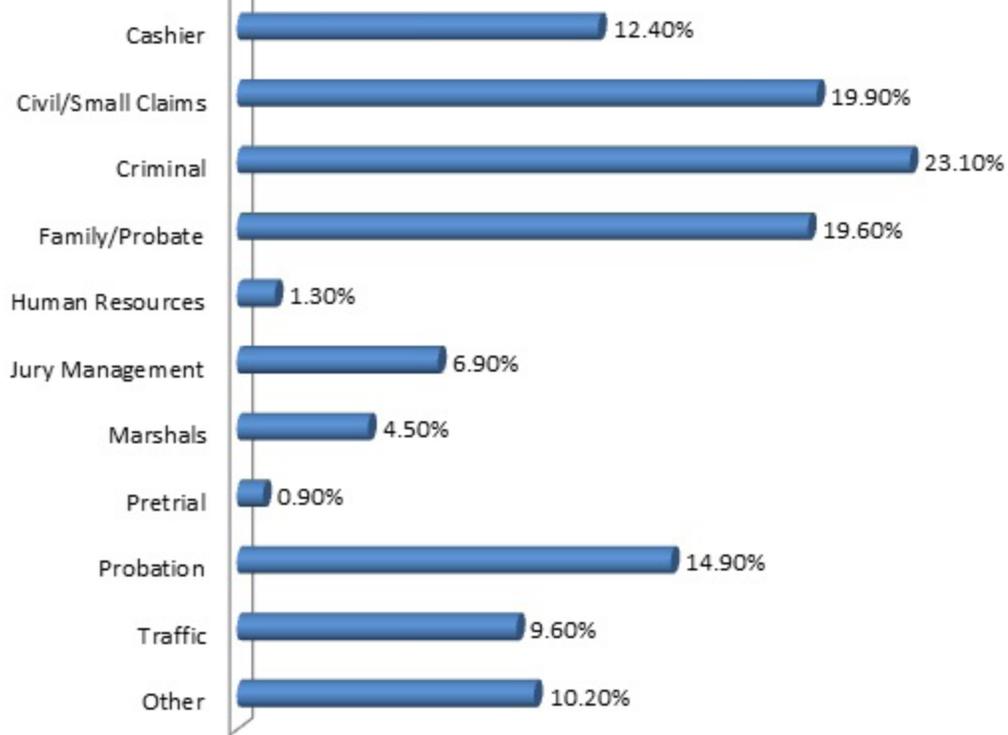


# Access and Fairness Survey: Divisions Visited and Purpose of Visits

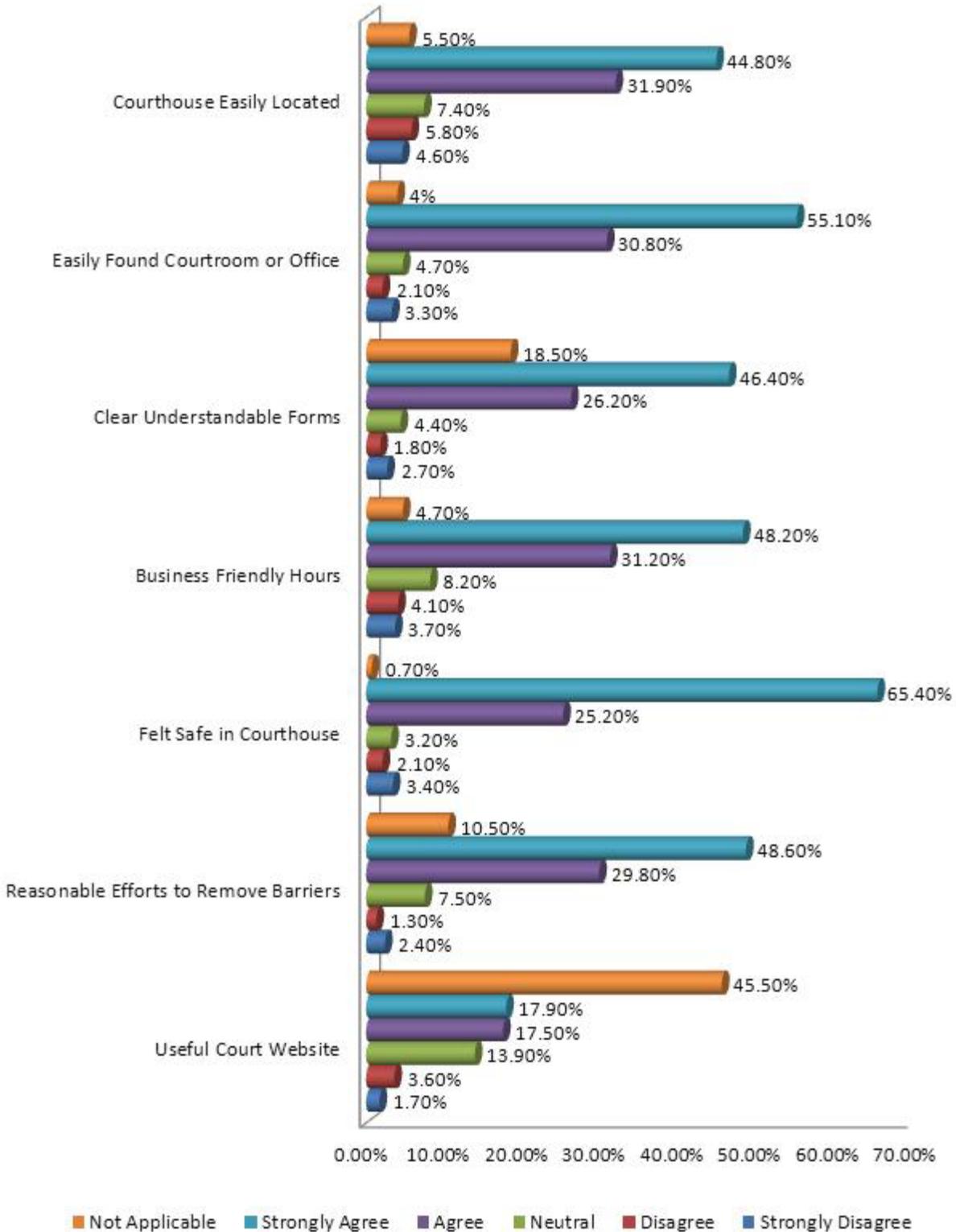
**Purpose of Visits by Participants**



**Divisions Visited by Participants**



## Access and Fairness Survey: Access and Fairness of Court



# OUR JUDICIAL OFFICERS

## SUPERIOR COURT JUDGES AND MAGISTRATES

Appointed by the Governor of the U.S. Virgin Islands, with the advice and consent of the Legislature of the Virgin Islands, trial judges continue to have jurisdiction over all case types before the court, pursuant to 4 V.I.C. § 72, except for certain 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 administrative 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 in those bodies.

During Fiscal Year 2015, the Superior Court was staffed with five judges in the District of St. Thomas-St. John in the Alexander A. Farrelly Justice Center; and four judges in the District of St. Croix in the R.H. Amphlett Leader Justice Complex. The following trial judges were seated in the Superior Court during Fiscal Year 2015:

### District of St. Croix

- Honorable Harold W.L. Willocks (Administrative Judge);
- Honorable Douglas A. Brady;
- Honorable Denise Hinds-Roach; and,
- Honorable Robert A. Molloy

### District of St. Thomas-St. John

- Honorable Michael C. Dunston (Presiding Judge);
- Honorable Adam G. Christian;
- Honorable Denise M. Francois;
- Honorable Kathleen Y. Mackay; and,
- Honorable Debra S. Watlington

**The following Magistrates were seated during Fiscal Year 2015:**

### District of St. Croix:

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

### District of St. Thomas-St. John:

- Magistrate Henry V. Carr, III; and,
- Magistrate Carolyn P. Hermon-Percell

The Court extends its sincere appreciation for the assistance rendered in the resolution of cases during Fiscal Year 2015 by the Honorable Darryl Dean Donohue, Sr. who served as a Senior Sitting Judge following his retirement from the judiciary.

**The Superior Court of the Virgin Islands is the only trial court for the Territory, an area which encompasses two districts with corresponding police departments.**

**There are thirteen (13) judicial officers in three (3) courthouses serving a population of approximately 106,000 persons spread throughout the Territory.**

**St. Thomas - Pop: 51,634\***

**St. Croix - Pop: 50,601\***

**St. John - Pop: 4,170\***

**\*2010 Census**

## ADMINISTRATIVE AND SUPPORT DIVISION

### OFFICE OF THE COURT ADMINISTRATOR

Created by Title 4 V.I. Code Ann. §91, the Office of the Court Administrator is responsible for the daily functions of the Administrative and Support Division of the Court. This office encompasses both districts and is comprised of the Court Administrator, who is located on St. Thomas, and the Assistant Court Administrator - who performs the mandated duties on St. Croix. The Office of the Court Administrator has the

primary responsibility for daily operations of the Court system with direct oversight of the Offices of Accounting and Finance, Human Resources, Information Technology, Jury Management, Law Library Services, Maintenance and Facilities Management, the Pretrial Intervention Program/ Rising Stars Youth Steel Orchestra, Probation and Parole, Property and Procurement, Research and Development; and, the Court's administrative and other support staff.

the various entities of the government. During FY2015 the division continued to provide its core services to the employees of the Superior Court, our vendors and the greater community.

Subject to the on-going fiscal and cash flow constraints, and the limited exceptions to the austerity measures in FY2011, the division maintained a schedule of weekly check runs for payments to vendors, and of biweekly payroll



Additionally, and in accordance with the V.I. Code, the Court Administrator is responsible for examining the administrative and business methods employed by the Office of the Clerk of the Court (Operational Division) and the other offices that serve the Court, ensuring efficiency and professionalism.

The mission of the Office of the Court Administrator is to promote the administration of justice by providing professional, responsive administrative support to the Presiding Judge and Judiciary programs to expedite, facilitate and enhance the mission of the Superior Court of the Virgin Islands. The Office of the Court Administrator is comprised of the Administrator, Assistant Court Administrator and staff who support strategic planning; internal auditing; and, public, media and government relations activities.

## ACCOUNTING AND FINANCE

The Accounting and Finance Division of the Superior Court is charged with the responsibility of the direct management of the Court's finances, which includes budget preparation, payments to vendors and employees, and the preparation of myriad mandated fiscal and financial reports and other documentation that must be submitted to

preparation and submission to the Department of Finance (DOF) for final processing.

In FY2015, the Accounting Division was once again engaged in the five (5) main areas of external cyclical reporting: the Gross Receipt Tax withholding and reporting that is due by the 10th of the month following the date it is collected in accordance with 3 VIC §44; the 1099 Miscellaneous Income Tax Forms and Occupational Safety and Health Administration (OSHA) reporting which are both due to be issued by January 31st of each year; the consolidated filing of the 1099 Miscellaneous Forms with the Bureau of Internal Revenue (BIR), and the Workers' Compensation reporting with the DOF which are both due by February 28th of each year; and the Annual Budget submission for the Superior Court, officially due to the Legislature by May 30th of each year.

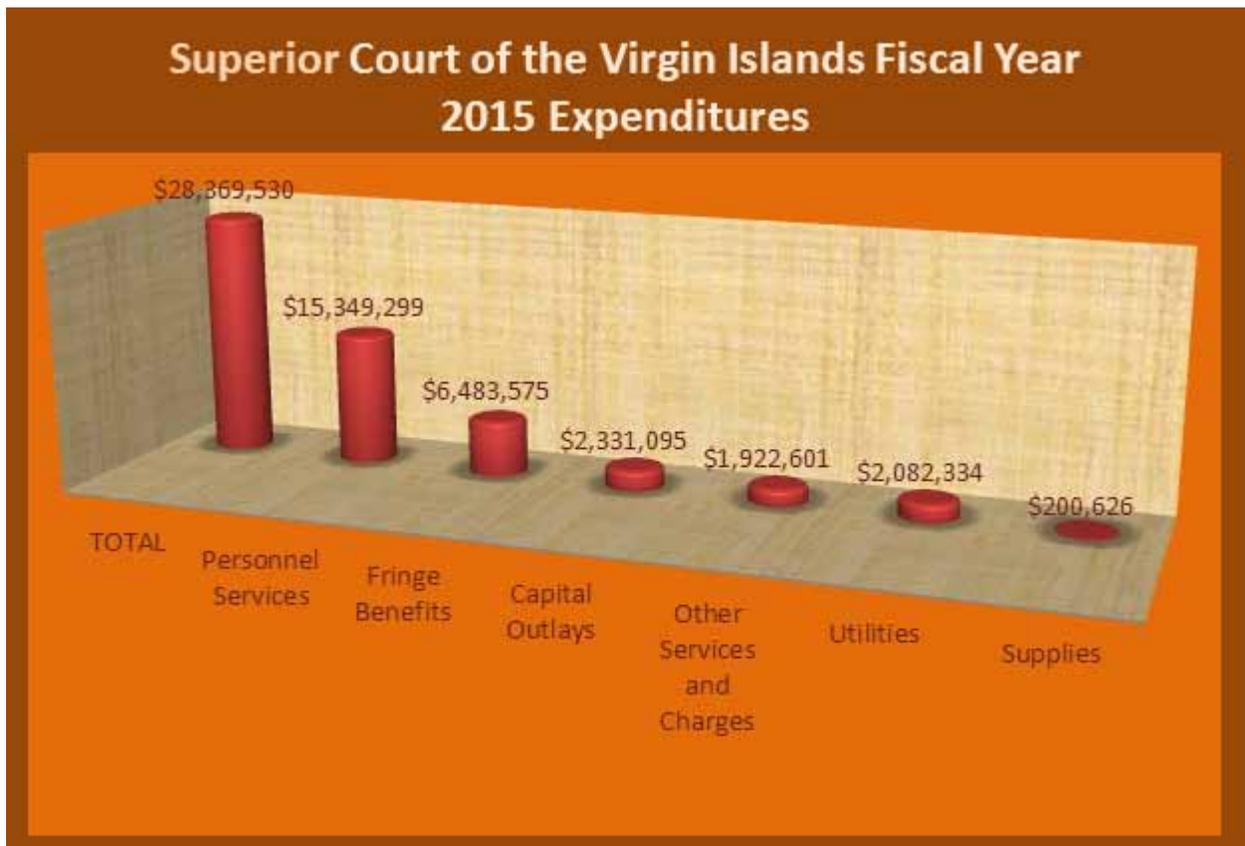
## SUPERIOR COURT APPROPRIATIONS AND EXPENDITURES

The Superior Court began Fiscal Year 2015 (FY15) with the same reduced appropriation level of \$27,723,865 which mirrored the Fiscal Year 2014 (FY14) level. In light of the fiscal

crisis being experienced by the government, the Court participated in a \$300,000 voluntary reduction of its FY14 budget. This was later formalized by the Legislature in Act 7631, and reduced the Court's original FY14 appropriation of \$28,023,865 to \$27,723,865, and therefore, the FY15 appropriation represented a zero percent (0%) change in the amended FY14 appropriation level. Therefore, the mirroring of the FY15 appropriation level to the reduced FY14 level resulted in a \$3,552,705 shortfall when compared to the Court's budget request of \$31,276,570 for its operation in FY2015.

To augment the resources available, the Court accessed additional means and sources that increased the overall authorization level in FY15. Pursuant to Act 7710, the Court utilized the authorization to reprogram prior-year encumbrances to address current fiscal year priorities, and released internal allotments totaling \$248,786.00. Those additional sources and several Federal grants, coupled with the original appropriation of \$27,723,865, provided for a final authorization level of \$28,369,531.55.

The chart below depicts the Court's utilization of its authorized appropriation level during FY2015:



The following chart provides a visual historical summary of the budgetary requests and corresponding appropriation levels between FY01 and FY15:

Fiscal Year	Budget Request	Appropriation	% Chg from PY	Revision to Appropriation or Authorization	Final Appropriation/ Authorization	% Chg from PY- Rev	Allotments to Date: OMB and SC Internal	SC Request vs. Annual Appropriation	Final Approp./Auth. vs. Allotment
FY2001	23,894,659	18,157,476	0.00%	-	18,157,476	0.00%	18,157,476.00	5,737,183.00	-
FY2002	24,273,944	24,273,944	33.69%	-	24,273,944	33.69%	23,060,247.00	-	1,213,697
FY2003	27,106,497	23,347,703	-3.82%	-	23,347,703	-3.82%	23,347,703.00	3,758,794.00	-
FY2004	24,899,098	23,347,703	0.00%	-	23,347,703	0.00%	23,347,703.00	1,551,395.00	-
FY2005	25,597,221	23,347,703	0.00%	-	23,347,703	0.00%	23,347,703.00	2,249,518.00	-
FY2006	24,929,400	24,929,400	6.77%	-	24,929,400	6.77%	24,929,400.00	-	-
FY2007	26,390,022	26,390,022	5.86%	-	26,390,022	5.86%	26,390,022.00	-	-
FY2008	26,574,378	26,574,378	0.70%	-	26,574,378	0.70%	26,574,378.00	-	-
FY2009	39,903,155	34,325,357	29.17%	1,000,000	33,325,357	25.40%	33,325,357.00	5,577,798.00	-
FY2010	35,244,418	31,550,103	-8.09%	1,000,000	32,550,103	-2.33%	32,550,103.00	3,694,315.00	-
FY2011	35,370,394	28,810,794	-8.68%	864,324	27,946,470	-14.14%	27,946,470.00	6,559,600.00	-
FY2012	31,718,491	21,135,210	-26.64%	6,500,000	27,635,210	-1.11%	27,635,210.00	10,583,281.00	-
FY2013	31,998,999	23,000,000	8.82%	4,218,667	27,218,667	-1.51%	27,218,667.00	8,998,999.00	-
FY2014	32,059,178	28,023,865	21.84%	300,000	27,723,865	1.86%	27,723,865.00	4,035,313.00	-
FY2015	31,276,570	27,723,865	-1.07%	645,667	28,369,532	2.33%	28,369,532.00	3,552,705.00	-

Note 1: FY2002 Appropriation of \$24,273,944 per Act 6457 was reduced via allotments to \$23,060,247. OMB conveyed that the FY2002 allotment was less than the appropriation because the Government of the Virgin Islands did not realize its FY2002 revenue projections.

Note 2: FY2009 Appropriation of \$34,325,357 per Act 7051 was reduced to \$32,325,357 pursuant to Act 7060; and \$1,000,000 was appropriated for the creation of the Magistrate Division pursuant to Act 6919 (which was made available until expended).

Note 3: FY2010 Appropriation of \$31,550,103 per Act 7124 was reduced 8.09% from the original FY09 appropriation; and a line-item appropriation of \$1,000,000 for Retroactive Salaries was also made pursuant to Act 7124.

Note 4: FY2011 Appropriation of \$28,810,794 per Act 7227 was reduced three percent (3%) pursuant to Act 7248 to the level of \$27,946,470. This was an across-the-board cut for all branches of Government, although the Superior Court's appropriation was already cut by eight (8%) from the prior-year's appropriation level of \$31,550,103, when the fiscal year began.

Note 5: FY2012 Appropriation of \$21,135,210 was an unprecedented cut to the Court. However, the Legislature considered the alternatives of providing the Court authorization to reprogram prior-year encumbrances and utilize reserves on account to provide additional funding sources for the Courts operations via Acts 7306 and 7316. This provided a total authorized level of \$27,635,210.

Note 6: FY2013 Appropriation of \$23,000,000 was another significant cut to the Court. However, we submitted a supplemental budget request for \$6,550,000 and were appropriated \$2,740,296 pursuant to Act 7497. Additional authorization per Act 7497 provided authorization to reprogram prior-year encumbrances and utilize reserves on account of \$1,478,371 to provide additional funding for operating purposes. This provided a total authorized level of \$27,218,667.

Note 7: FY2014 Appropriation of \$28,023,865 was a welcomed increase to the budget of the Court, although it was in excess of \$4 million shy of the budget request. In response to the ongoing fiscal crisis being experienced by the government, the Court participated in a \$300,000 voluntary reduction of the FY14 budget. This action was formalized by the Legislature under Act 7631, which they passed in June 2014, and which was signed into law by the Governor in July 2014. This provided a reduced appropriation of \$27,723,865.

Note 8: FY2015 Appropriation of \$27,723,865 memorialized the voluntary reduction of \$300,000 to the FY2014 appropriation that the Court offered in response to the fiscal crisis that the government was experiencing. Therefore, this represented a 1.07% decrease in the original FY2014 appropriation, but a zero percent change in the appropriation per Act 7631. However, pursuant to Act 7710, the Court utilized the reprogramming of prior-year encumbrances to provide for additional authorization in conjunction with proceeds from the reimbursement of prior-year federal grants, and draws against Act 7051 (as amended by Acts 7227 and 7241), all of which provided for a total authorization level of \$28,369,532. This revised authorization level provided for a \$2.33% increase over the \$27.7MM appropriation level of the prior and current year, but was in excess of \$3.5 million shy of the budget request for FY2015.

The Court also received Federal grant reimbursements of prior-year expenditures associated with an LEPC grant for the Risings Stars Program totaling \$17,207.00; and, funds from the close-out of the Federal Emergency Management Agency (FEMA) Public Assistance (PA) grant for the prior-year projects for the Hurricane Omar (DR-VI-1807-PW-167) for the St. Croix District in the amount of \$13,025.05. The Court also drew down a total of \$366,468.50 against the appropriation for capital projects, pursuant to Act 7051 as amended by Acts 7227 and 7241.

The greatest ongoing challenge for the Court remains the fiscal crisis being experienced by the GVI. The appropriation for FY2016 of \$28, 586,120 was a welcomed improvement over the FY2015 level of level of \$27,723,865, although the amount was still significantly shy of the budget request of \$31,276,570, by \$3.55 million.

Another ongoing challenge that presents potential strains against the Court's budget, due to their high degree of uncertainty, is the "unknown" GERS billings for prior-service contributions. The GERS has chosen to bill the Court directly for all prior employees, irrespective of their period of service with the Court, as opposed to submitting those billings to the Office of Management and Budget to be charged against the appropriations established by the Legislature for that purpose. As such, the Court has an unknown level of obligation until such billings are received. During FY2015, the Court experienced a spike in billings for unemployment insurance due to the number of separated employees. Net billings for the fiscal year totaled

\$12,413 which resulted from the total billings of \$17,472, of which \$5,059 (rounded) was charged to an outstanding prior-year encumbrance.

Similar to the other divisions of the Court, the Accounting Division is also faced with a number of challenges, some of which relate directly to the fiscal constraints attributable to the budget appropriations. In the District of St. Croix, staffing issues remain a challenge for this division. Shortages resulted from resignations for relocation purposes, as well as frequent military deployments, and required the use of temporary employees within this critical area of operation. Additionally, as a result of the Court's austerity measures, this division's primary training initiatives in FY2015 came by way of the webinars offered via the Court's Silver membership in the accounting software provider's Extended Value Plan (EVP) used for consulting purposes. As EVP clients, every staff member in the division (and the organization as a whole) has the opportunity to register individually for training courses offered. Unfortunately, other training initiatives and attendance at various conferences, including the Government Finance Officers Association (GFOA) Conference, are currently unavailable to the staff as a direct result of existing budgetary constraints.

## FACILITIES MAINTENANCE AND MANAGEMENT

Comprehensive maintenance and the upkeep of the facilities utilized by the Court are the direct responsibilities of the Facilities Maintenance



and Management Division, including facilitating routine repairs to the buildings, structures and accessories – including the performance of preventive maintenance and normally recurring repairs within the interior and exterior of the buildings. These activities are carried out at the four locations in the District of St. Thomas-St. John, including: the Alexander Farrelly Justice Center, the Magistrate Division in Barbel Plaza South, and the Rising Stars Panyards in Barbel Plaza North and Long Bay; as well as the two locations in the District of St. Croix: the R.H. Amphlett Leader Justice Complex in Kingshill and the Rising Stars Panyard in Hannah's Rest.

During FY2015, it was necessary to expend funding to continue the replacement of a number of air conditioning units in both districts as well as the performance of sorely needed maintenance on the overall infrastructure, including roof repair, painting of the buildings, repairs to floors in various locations of the courthouses coupled with several mold remediation initiatives in several of the Court's facilities to ensure the safety and overall health of the staff as well as the clients that are served in these locations. These repairs were long overdue on these rapidly aging facilities; and, although additional repairs are drastically needed, the lack of identifiable and available resources to fund the Court's Vision 2020 Capital Improvement Projects has stymied those efforts.

A very crucial and unanticipated expenditure of funds was necessary to retrofit the Court's generator, in the District of St. Thomas-St. John, due to a faulty mechanism that caused a diesel leak from the generator's overflow tank that ended up in the harbor. Working cooperatively with the Department of Planning and Natural Resources, the U. S. Coast Guard and several other local vendors, this situation was readily addressed without causing any undue harm to the environment or any fines to the Court. Thereafter, the Court was required to upgrade a number of systems on the generator to ensure its compliance with the EPA as well as the Department of Planning and Natural Resources. These upgrades are expected to be completed within the second quarter of FY2016.

The importance of maintaining this generator in a constant state of readiness cannot go unmentioned as it currently renders service to

the entire Farrelly Center in the District of St. Thomas-St. John. This includes several critical Executive Branch departments, namely the Bureau of Corrections and the Virgin Islands Police Department. These agencies have not had a functioning generator for several years and the loss of service from the generator owned and maintained by the Superior Court would negatively impact the entire community.

The Court will continue to seek the requisite resources to fund the necessary upgrades to its infrastructure as outlined in the Vision 2020 Five Year Capital Projects Budget Request at the estimated cost of \$41,400,000 (\$39,425,000 for building construction; and, \$1,975,000 for repair for repair and maintenance). This document was submitted numerous times to the Executive and Legislative Branches for their consideration and funding. Receipt of the requested funds would enable the Court to initiate and complete a number of critical projects including, but not limited to: security upgrades to the Court's surveillance system; construction of an annex in the District of St. Croix; replacing the Court's entrance doors to bring them into ADA compliance; reconfiguring the Clerk's Office in the District of St. Croix to accommodate all persons visiting the court while ensuring the security of the staff; and construction of parking facilities, storage units and Rising Stars facilities in both districts.

## HUMAN RESOURCES DIVISION

The Human Resources Division is a division within the Office of the Court Administrator that handles personnel management for the Superior Court of the Virgin Islands. Judges of the Superior Court recruit and hire their staff with the assistance of the Director of Human Resources. This division oversees the Court's position management, staffing, and recruitment - which include testing, interviewing, and background checks. In addition, the HR staff consults with and advises senior management in developing recruiting strategies to find highly qualified individuals to fill open positions.

During FY2015, there was a total of 354 (201 STT/J; 153 STX) positions within the Superior Court. As the end of the fiscal year, 290 (174 STT/J; 116 STX) positions were filled while sixty-

four (64) positions remained vacant. Of the sixty-four (64) vacant positions, 43 positions (16 STT-STJ; 27 STX) were newly vacated during FY2015, and the remaining 21 vacancies (11 STT-STJ; 10 STX) existed prior to FY2015. In this fiscal year, the HR staff filled sixty (60) positions (33 STT/J; 27 STX) through twenty-three (23) internal promotions (15 STT/J; 8 STX) and the hiring of

thirty-seven (37) external candidates (18 STT/J; 19 STX). Ongoing recruitment will continue to fill a minimum of fifty-one (19 STT/J; 32 STX) vacant positions.

The Employee Recognition events were previously suspended due to the austerity measures imposed in FY2011. However, in

Years of Service Recognition	5	10	15	20	25	30	35	Retirees	Total
St. Thomas-St. John Awards	28	20	12	12	11	4	1	16	104
St. Croix Awards	24	11	7	7	5	2	-	13	69
<b>Total No of Employees</b>	<b>52</b>	<b>31</b>	<b>19</b>	<b>19</b>	<b>16</b>	<b>6</b>	<b>1</b>	<b>29</b>	<b>173</b>



## THE SUPERIOR COURT OF THE U.S. VIRGIN ISLANDS CONGRATULATES OUR 2015 EMPLOYEES OF THE YEAR

**Desmond Smith** Court Security Officer, Marshals/Security Division, (STT/J)  
**Brenda Meyers** Court Clerk Supervisor, Family Division, (STX)

December 2014, for the first time since 2010, the Court was able to recognize employees for their continued years of service through a recognition ceremony and social luncheon. Employees and retirees eligible for recognition between 2011 and 2014 received gift certificates from selected vendors, in amounts ranging from \$100 to \$600, depending on their years of service. The cost associated with the recognition gifts and plaques for retirees totaled \$54,300 (\$33,300 STT-STJ; \$21,000 STX).

In comparison to recent years, during FY2015 the Court had one of its most vibrant summer employment initiatives. This was largely due to participants from the Department of Labor's Summer Youth Employment Program, where approximately fifteen students (10 STT-STJ; 5 STX) participated, as well as the reactivated Court's Summer Employment Program. The estimated cost for the Court's program was \$68,175 (\$35,235 STT-STJ; \$32,940 STX) with a total of forty-seven students (25 STT-

STJ; 22 STX) participating that was dispersed throughout the various Divisions of the Court. Further, in the District of St. Thomas-St. John, one (1) student was included from the office of Senator Clifford Graham at a 50% cost sharing. In the District of St. Croix, one (1) student was also hosted at the Court with full funding through the office of Senator Kenneth Gittens.

In the District of St. Thomas-St. John, the Court continued its collaboration with the Charlotte Amalie High School Business Department, facilitating their On-the-Job Training Program. Four students participated in this program which was held from February to May 2015. The students were assigned to the Probate, Marshals, Probation/Pretrial, and the Information Technology Divisions. In the District of St. Croix, two (2) students from the St. Croix Educational Complex participated in the School to Work Program. The students were assigned to the Human Resources and the Information Technology Divisions.

Additionally, during the Fall and Spring Semesters at the University of the Virgin Islands, the Court facilitated the completion of the internship of four students enrolled in its Criminal Justice Program – two in each district. They were assigned to various divisions of Operations and Administration and Support. The UVI Interns also assisted the Access and Fairness Committee with administering the Access and Fairness survey, in accordance with the Court's five-year Strategic Plan. During this fiscal year, the Court's "law enforcement personnel", including all Deputy Marshals along with personnel from the Probation and Security divisions were recertified in accordance with requirements of the Peace Officer Standards and Training (POST) Council. In addition to the defensive tactics and baton techniques, the firearm training and certification were completed to facilitate the transfer of service weapons from Smith and Wesson to Glock. Training in the Use of Force,

Civil and Criminal Liability of Peace Officers, Laws of Arrest, and Service of Process was also conducted.

The Annual Employees' and Supervisors' training for this fiscal year, themed: **"Prepared and Proactive...Principles of a High Performing Court"**, was held in July - coinciding with the dates of the Court's recess. Topics for the various sessions included: "Incident Response to Terrorists Bombings" and "Prevention of and Response to Suicide Bombing Incidents." These sessions were coordinated by the VI Territorial Emergency Management Agency (VITEMA) and presented, at no cost to the Court, by representatives from New Mexico Tech. Active Shooter presentations were also made by Deputy Marshals in each district. Several staff members from the Supreme Court also attended these training sessions.



District of St. Croix's "Law and Order" Battle of the Agencies Championship Team



District of St. Thomas-St. John "You Got Served" Battle of the Agencies Team

The Supervisors attended a two-day training session presented by Alicia Davis, Esq. and Larry Webster, representatives from the NCSC. The sessions featured training in competencies of Court Management, such as: Interpersonal Interactions, Coaching and Mentoring Employees, Managing Employee Performance, Employee Relations, and Effective Communication, as well

as reinforcing the significance of implementing and utilizing a Case Management System in all areas of the Court's operation. Funding for the presentations was made possible through one of the grants received by the Court from the State Justice Institute (SJI) which was facilitated by the National Center for State Courts (NCSC).



District of St. Thomas-St. John "You Got Served" Battle of the Agencies Supporters/ Cheering Squad

District of St. Thomas-St. John "You Got Served" Battle of the Agencies 3rd Place Team

Despite the on-going austerity measures, a limited number of Judges, Magistrates, executive staff members, and IT personnel were able to attend conferences and training meetings in order to maintain their knowledge and skills within their respective areas. The cost associated with these training opportunities during the fiscal year totaled \$46,103.34 (STT-STJ \$23,007.86; STX \$23,095.48).

The Court's employees also participated in the Government's Wellness initiative. More than 95% of the staff completed their required Health Risk Assessments (HRA) in accordance with the policies of the Government Employees Service Commission (GESC).



Both districts also participated in the Battle of the Agencies where the Court placed 2nd in the two districts, taking home the trophies and associated prizes.

## INFORMATION TECHNOLOGY

The Information Technology Division (IT), in conjunction with the Court's executive staff and Change Management Committee, establishes the goals, policies and priorities for information technology initiatives within the Superior Court of the Virgin Islands. The IT Division studies and recommends improvements in technology and automation. The responsibilities of the Information Technology Division also include providing solutions to a myriad of challenging information technology problems facing our Court customers. Their endeavors often lead to automated solutions. IT Division provides technical services and assistance to all members of the SCVI and is dedicated to providing timely, concise, and useful information and solutions.

During this fiscal year, the IT Division facilitated a number of communication automated solutions within the Superior Court, including but not limited to the following: Communication upgrades, backup replication, transition to Office 365 (Exchange online); access control computer upgrade; surveillance project upgrade; UPS replacements; laptop replacement for all Judicial Officers, Executive Staff members, Court Reporting and Rising Stars staff; implementation of the HRIS system for the HR Division; software and hardware installations, and upgrades to the Abila MIP Funding Accounting software.

During the last quarter of the fiscal year, two members of the Information Technology Division accompanied several Executive Staff members, including the Presiding Judge, the Court Administrator, the Acting Clerk of the Court and the Chief Deputy Clerk (STX), to the Bi-annual Court Technology Conference in Minnesota. After several years of not attending this conference, the purpose of their attendance this fiscal year was two-fold:

1. To learn as much as possible about the recent advancements in court technology for later implementation at the Superior Court; and,
2. To seek out potential vendors to replace the Court's outdated Case Management System.

Attendance at this conference was an overwhelming success and the group was able to select four vendors who would, later on, travel to

the Virgin Islands to make presentations before the Case Management Committee, supervisors, and other CMS users regarding their product. Additional vendors were also contacted regarding other products that would be utilized to upgrade the technological infrastructure of the Court, thereby moving us into the 21st Century.

During the upcoming fiscal year, the IT Division will be involved in numerous additional automated solutions including the following: Upgrading the courtroom's technology; reconfiguring and upgrading direct links to the Department of Finance; upgrading the Court's FTR computer system; finalizing the upgrades to the Court's surveillance project; finalizing the implementation of the Jury System IVR system for the Jury Management Division; finalizing the implementation of the Jury+ Express Check-

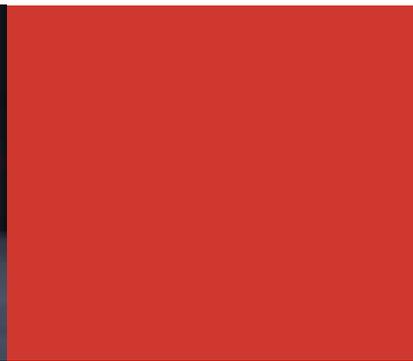


in and SMS alerts; finalizing the installation of the requisite firewalls, computers and links for the NCIC project; configuring of the application Load Balancer; implementing the System Center 2012; initiating the Content Management Solution for archiving of Court documents; facilitating cloud storage for business continuity and disaster recovery; installation and upgrading of the comprehensive Network Monitoring tools; facilitating upgrades to the Accounting and Property and Procurement software for the automation of applicable tasks; upgrading the Accounting production server; upgrading the Court's outdated video conferencing technology; implementing digital signage for court calendars and public notices; reconfiguring the IDFS; collaborating on the redesign and upgrade of the Court's current website; and facilitating training for Information Technology and other staff members.

## JURY MANAGEMENT

The Jury Management Division is responsible for overseeing the preparation of the master list of qualified prospective jurors for criminal and civil jury trials conducted by the Superior Court of the Virgin Islands. The Office secures jurors, representing a cross-section of the community, by sending Juror Qualification Questionnaires to determine prospective jurors' ability to serve and by issuing summonses to potential individuals to appear for service.

During FY2015, the Court moved forward with the full implementation of the automated jury system, which includes a single step of mailing of summons and juror questionnaires to prospective jurors, and automated check processing for the payment of jury fees. One of the most significant improvement made, while utilizing this new system and its readily



available documentation, was the ability of the Jury Management staff to seat jurors in a more expeditious time frame during the jury selection phase. This improvement has addressed one of the major complaints from judges and jurors alike. Despite several other noted improvements, the reporting of prospective jurors still remains low and the number of requests to be excused, for numerous reasons, continues to increase.

The low juror turnout also ensures that jurors serve on multiple cases during their tenure. There are several factors identified by the staff that impacts the low turnout/responses of prospective jurors, including but not limited to: 1) the database utilized for the summoning of prospective jurors – the BMV (Bureau of Motor Vehicles) and the Board of Election – is utilized by both the Superior and the District Court for their respective jury pools. Oftentimes, a

DISTRICT	JURY FEES	TRANSPORTATION ALLOWANCE	JUROR MEALS, ET. AL.	TOTALS
ST. CROIX	\$50,580.00	\$11,130.00	\$15,517.86	\$77,227.86
ST. THOMAS - ST. JOHN	\$71,120.00	\$13,555.00	\$21,778.47	\$106,453.47
<b>TOTALS</b>	<b>\$121,700.00</b>	<b>\$24,685.00</b>	<b>\$37,296.33</b>	<b>\$183,681.33</b>

number of jurors receive a summons from both courts at the same time, with the first summons received becoming the court in which the juror would appear; 2) There still remains a large number of juror summons that are undeliverable as the addresses within the noted database aren't being readily updated in accordance with the applicable postal regulations; therefore, a significant number of summons are still being returned to the Court; and, 3) A significant number of recipients of the summons are returning them to the post office for various reasons, or are simply disposing of them without responding to the summons.

### Jury Management Statistics

During FY15, a total of 8,154 persons were summoned for jury duty, with 1,150 (15%) serving on a jury panel. The total cost for their jury service during this fiscal year amounted to \$183,681.33 as noted in the table below:

Following the completion of jury duty, the Jury Management staff conducts exit surveys that measure responses regarding orientation, parking, meals, and physical comfort. The ratings for the overall experience have been acknowledged as good or very good, although recommendations for improvements have been made relative to the benches utilized, the temperature in the various courtrooms, and the

need for an increase in payments for persons residing on St. John. Of course, there were still some jurors who indicated that the jury selection process is too long; requests for the process to either remain the same as well as to change; recommendations that other persons should be selected for the jury pool, primarily retirees; and, indications that the overall experience at the Court was very educational and provided them with a better understanding of the judicial system.

During the upcoming fiscal year, the Jury Management Division, with the assistance of various court staff and applicable vendors, will continue to work to improve its processes for the betterment of the Division, especially as it reflects upon the services rendered by the Court. To this end, we expect to move forward with the implementation of the Jury Management IVR system, as well as the Jury+ Express check-in and SMS alerts system, which complete the automation of the jury management system and allow for better across the board service for the jurors.

The Jury Management staff has also recommended that, in order to address those persons who deliberately refuse to obey the summons and report for jury duty, the Court should implement quarterly Show Cause hearings for all persons to whom summons were issued who failed to appear for jury duty and also to those who only participate in juror orientation and never return for actual service. This would serve to indicate to the community that the Court takes its responsibility of ensuring access to justice is available to all who seek it – be it plaintiff or defendant.

Finally, it is always a positive reflection on the Court when persons responding to the exit surveys administered by this division extend commendations to the Jury Management staff for their courteous treatment of those serving on jury duty. Rendering good customer service may very well result in the return of those persons in the future and the spreading of the good word about this division and jury service so that others may decide to perform their civic duty and serve on our jury panels.

## LAW LIBRARY

An integral facet of an efficient Court system is an up-to-date law library. The mission of the Superior Court's law library is to provide both the employees of the Superior Court and the public with access to the legal written word including, but not limited to, the laws of the United States and the Territory of the Virgin Islands. The Law Library serves to assist customers with the ability to access information that will aid them in accessing the Court thereby ensuring that they have the requisite access to justice. Thus, the Law Library must meet the information needs of the legal and non-legal community by providing timely, accurate, and current legal information in a cost-effective manner. The Library has two Law Librarians (one in each district), who respond to requests, from judicial officers, court staff, attorneys, self-represented litigants, and other court users in addition to serving the Court as Appellate Law Clerks.

At the end of FY2015, the Law Library in the District of St. Croix had approximately 18,000 items while in the District of St. Thomas-St. John, a total of 7,104 hard volume books were contained in its collection. The library's inventory is supplied primarily by two companies: Thomson West and LexisNexis/Matthew Bender. The Library also maintains an extensive collection of Virgin Islands materials, which are regularly utilized resources such as the Virgin Islands Code Annotated, the Virgin Islands Session Laws and local court rules, among its collection of federal reporters, treatises and practice materials. The Virgin Islands Reports are current and up-to-date including the latest volumes, supplements, and/or pocket parts. Examples of items in the Law Library include legal encyclopedia such as American Jurisprudence as well as treatises on specific legal topics like children and the law, toxic tort litigation, and constitutional rights of the accused.

The Law Library has begun to informally compile an archive of Virgin Islands legal materials. Older books were generally stored offsite or within the Superior Court; thus, older editions of Virgin Islands legal materials were also not discarded. The Law Library now has copies of the Virgin Islands Court Rules Annotated for the years 1997 through 2015, excluding the years 1998 and 2000 (STX). The Library also has copies of older editions of the Virgin Islands Code Annotated

and Virgin Islands Rules and Regulations. Other historically-relevant materials (such as the Virgin Islands Bar newsletters, etc.) are also being included among the materials being archived. In addition to legal titles, the Law Library also has a collection of books on business and management, informally referred to as the "Leadership Library," which were obtained from SkillPath by former librarians, Carmencita Suarez (STX) and Janet Lloyd (STT-J).

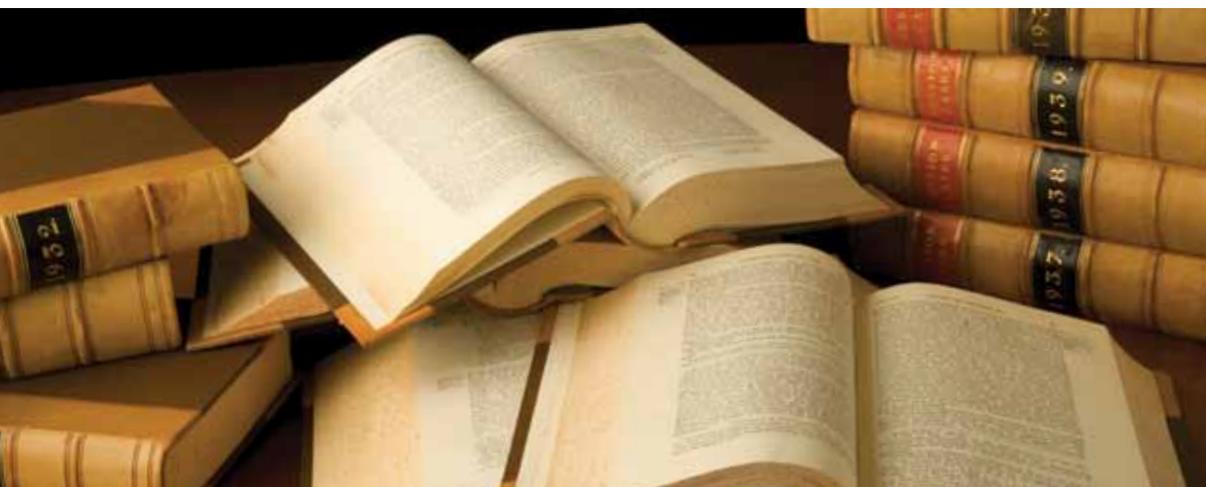
The Law Libraries offer internet based research for authorized Court users and previously subscribed to Westlaw and WestlawNext, with access to Virgin Islands legal materials through a CD-ROM provided by LexisNexis. The Court changed providers and now has access to LexisNexis online. The CD-ROM is still available to the public via a designated computer terminal located in the Law Library. Access to Westlaw was not available to the public when the Court subscribed to it, and access to LexisNexis online is also not available to the public at the present time. The LexisNexis subscription includes cases and statutes for all states and federal circuits, an extensive Virgin Islands database, and some secondary material.

The on-going fiscal constraints faced by the Court present a challenge for the Law Library and its ability to procure its needed resources such as reference material and on-line technological capabilities. During Fiscal Year 2014, the law librarians collaborated on ways to reduce costs for both Libraries, including reducing the cost for the Court's online legal database plans.

Those efforts culminated in the procurement of a five-year contract with LexisNexis that covers both districts. The new contract reduced the Court's overall cost for these services from approximately \$20,000 a month in Fiscal Year 2014 to approximately \$4,000 a month in Fiscal Year 2015. Obtaining one contract for the Court for these services further eliminated the need for processing payments for online services in the District of St. Croix.

Included with our fiscal challenges is a need to enter into a new library maintenance agreement ("LMA") with Thomson Reuters, or another vendor, for delivery of legal books and other materials for the law libraries. The Librarians have been participating in informal discussions with representatives from Thomson Reuters regarding various options for the Court, including reducing print titles and possibly providing a computer terminal for online research as an alternative.

The Librarian in the District of St. Croix has identified approximately 400 books that were outdated and needed to be discarded. Those titles were discarded during the summer. Additionally, hundreds of superseded, outdated, and/or discarded titles were located and, under the supervision of the Administrative Judge and the assistance of summer interns, the Library reviewed those items and discarded nearly all of the books. However, some books were returned to the Library, either because they still have relevance or because of their historical value.



## **FY2015 Statistics**

Judicial Officers are often tasked with issuing Legal Opinions to clarify the legality or illegality of an action, condition or intent. Once issued, the Opinion receives one of three designations: published, not for publication or no designation with regard to its publication status. Opinions designated for publication are detailed on the Court's official website ([www.visuperiorcourt.org](http://www.visuperiorcourt.org)). During this fiscal year, the Court's Judicial Officers issued a total of one hundred twenty-three (123) Opinions. Thirty-six (36) Opinions were designated for publication (24 in the District of St. Croix and 12 in the District of St. Thomas-St. John); eighty-seven (87) were designated not to be published (40 in the District of St. Croix and 47 in the District of St. Thomas-St. John).

Additionally, eighty-nine (89) of the Superior Court's cases were appealed to the Supreme Court of the Virgin Islands. The results of those appeals are as follows:

- Four (4) Orders were affirmed;
- Two (2) Orders were affirmed in part and reversed in part;
- Nine (9) Orders were reversed or vacated;
- Thirty-six (36) Appeals were dismissed;
- Two (2) Writs of Mandamus petitions were denied; and,
- One (1) Writ of Mandamus petition was granted.

The Supreme Court issued forty-two (42) Opinions as outlined below:

- Twelve (12) Orders were affirmed;
- Three (3) Orders were affirmed in part and reversed in part;
- Twenty-one (21) Orders were reversed;
- Three (3) Appeals were dismissed;
- One (1) Stay pending appeal was granted;
- One (1) Stay pending appeal was denied; and,
- One (1) Petition for a Writ of Mandamus was denied.

## **Goals for FY2016**

During the upcoming fiscal year, goals for the Law Library include the following:

- Re-open the Library in the District of St. Thomas-St. John and complete its

dedication to Judge George Mena in accordance with Act No. 6512.

- Continue to identify ways to reduce the Law Library's expenses without reducing the effectiveness of the resources. The Superior Court must consider the statutory obligation of the Judicial Council to pay for law libraries in accordance with Section 442(c) of Title 4 of the Virgin Islands Code.
- Complete the re-shelving project in the District of St. Croix with the goal for completion by March 2016.
- Consult with Administration, Property & Procurement, and legal counsel about developing a donation policy for outdated Law Library books and materials.
- Establish, through a series of discussions with the judges, magistrates, Law Clerks and other Executive staff members, a streamlined and cost effective procurement process that meets the resource needs of each Chamber, Library and other users.

## **PRETRIAL INTERVENTION/ DIVERSION PROGRAM**

Through Title 5 V.I. Code Ann. § 4612, the Superior Court of the Virgin Islands was extended authority to divert to a program of community supervision and services any person who is charged with any offense or offenses against the Government of the Virgin Islands for which a term of incarceration may be imposed. The Program is not an option for the following offenses: murder, kidnapping, assault in the first or second degree, rape in the first degree, and arson in the first degree. The program of community supervision and services provides defendants, generally first time offenders, with opportunities for alternatives to the traditional criminal justice prosecution process. The division is also responsible for the administrative activities of the Superior Court Rising Stars Youth Steel Orchestra that has been an integral part of the Court system since its inception in 1981 by its Founder, the Honorable Verne A. Hodge.

Pretrial diversion provides a cost effective means of supervising first time offenders in the community while guiding them to comply with the conditions set by the Court. Diversion allows offenders to avoid criminal prosecution through

PRETRIAL DIVERSION: FY2015 FEES COLLECTED				
DISTRICT	ADM FEES	COURT COST	OTHER: RESTITUTION	TOTAL COLLECTED
District of St. Croix	\$7,796.00	\$2,221.00	\$1,575.85	\$11,592.85
District of St. Thomas-St. John	\$ 7,000.00	\$2,625.00	- 0 -	\$9,625.00
<b>TOTALS</b>	<b>\$14,796.00</b>	<b>\$4,846.00</b>	<b>\$1,575.85</b>	<b>\$21,217.85</b>

successful completion of a term of community supervision.

Prior to trial or sentencing, the offender is diverted from processing and given the chance to participate in treatment. This occurs before a finding of guilt and charges are dismissed if the program is successfully completed, leaving the offender without a formal criminal record. This program also enables the Court to dispense with these cases in an expeditious manner, while providing the offender with the opportunity to have charges addressed quickly, thereby aiding in the reduction of cases within the judicial system. Although participation in the diversion program is voluntary in nature and the defendant can request a speedy trial, the judicial officer - in conjunction with the Attorney General and defense attorney - makes the final decision for the placement of clients on Diversion.

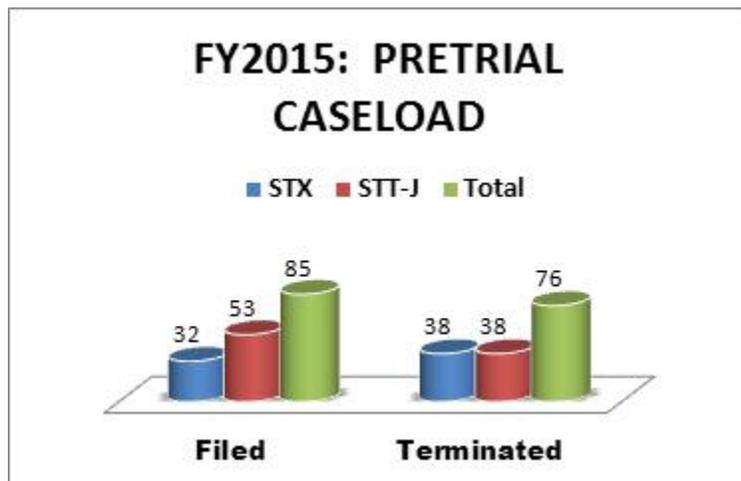
Utilizing diversion for these offenses helps to expedite many cases and lessens the case load within the trial court. Once accepted into this program, the defendant is mandated, pursuant to Title 5 V.I.C Section 4612 (d), to pay an Administrative Fee in the amount of \$200.00 and the applicable Court Costs of \$75.00. During

this fiscal year, the Pretrial Intervention Program collected a total of \$21,217.85 in Administrative Fees, Court Costs and restitution paid by clients who successfully completed their term on the Diversion Program.

The overall goal of the Pretrial Diversion Program is to provide the clients with plans that address their needs and deter them from recidivism within the criminal justice system. Diversion has several benefits including:

- Prevention of future criminal activity;
- Saving time and money;
- Providing restitution;
- Reducing the stigma of formal adjudication and or conviction; and
- Providing treatment and supervision.

Once all conditions that have been imposed by the Court are adhered to, the case will be dismissed; thereafter, participants may petition the Superior Court to have their records expunged. However, if the client failed to comply with the applicable court mandated conditions, the case will be remanded to the court for the appropriate disposition.



During this fiscal year, a total of eighty-five cases (85) were diverted to the Pretrial Diversion Program (thirty-two (32) in the District of St. Croix; and, (fifty-three (53) in the District of St. Thomas-St. John). At the end of the fiscal year, seventy-six (76) cases were terminated (thirty-eight (38) in each district). Although there were a number of various violations, this fiscal year saw an increase in cases that dealt with the following violations:

- Disturbance of the Peace;
- Simple Assault and Battery;
- Domestic Violence/Destruction of Property;
- Simple Assault;
- Driving under the influence (DUI);
- Unlawful entries;
- Petty Larceny; and,
- Violations of Court Orders.

Although the number of cases diverted in the District of St. Croix has been decreasing, the opposite is true in the District of St. Thomas – St. John as noted in the number of cases filed in each district (STX: 32; and, STT-J: 53). As a direct result, the ability to obtain assistance from non-profit agencies for the placement of Pretrial clients, to complete their community service, is becoming quite challenging. As a result, a number of clients have been assigned to the Court’s Maintenance Division and Marshal’s Office to provide needed assistance in those areas.

## OFFICE OF PROBATION AND PAROLE

The Office of Probation and Parole is a division within the Office of the Court Administrator. The Office is comprised of one (1) Chief Probation Officer, who is located in the Judicial District of St. Croix; a Deputy Probation Officer, who is located in the Judicial District of St. Thomas/St. John; and, Probation Officers appointed by the Presiding Judge. This Office is charged with conducting pre-sentence investigations and preparing pre-sentence reports. The reports assist the judges of the Superior Court as they impose sentences on defendants who have been convicted of crimes or impose conditions upon defendants whose sentences have been deferred or who currently have pretrial release status.

Additionally, the Probation Officers within this division assists in the supervision of individuals placed on parole, pretrial release, probation or deferred sentencing by Superior Court Judges and of persons who have been transferred from other jurisdictions through the Interstate Compact for Adult Offender Supervision (ICAOS). The Chief Probation Officer serves as the Deputy Compact Administrator. This Office also responds to inquiries from other jurisdictions pertaining to individuals who are on pretrial release, probation or parole status.

It is the mission of the Office of Probation and Parole to work within the guidelines established by the Virgin Islands Legislature, federal laws, the Constitution of the United States, the rules and regulations of the Interstate Compact for Adult Offender Supervision, and the dictates of the Presiding Judge and the Superior Court as a whole while honoring the safety needs of the Virgin Islands community. To that end, this Office maintains a vision of providing an optimum level of service coupled with best practices in case management, counseling, interviewing and supervision for the reduction of recidivism in the population we serve. This division also strives for the ultimate rehabilitation of offenders through the adoption of a holistic approach to supervision designed to decrease instances of recidivism.

During FY2015, this office operated with a staffing level of ten – eight Probation Officers and two Administrative Officers. The staff reached a number of staffing milestones this fiscal year, including the retirement of Probation Officer Dr. Dionne Simmonds (STT-J) after twenty years of service while Probation Officer Shawn Roebuck (STT-J) and Chief Probation Officer, Charmaine P. Daley-Jeffers (STX) celebrated twenty years of service in the Probation Office.

The Division was also able to maintain its staffing level with promotion, which became effective in Fiscal Year 2016, of Administrative Officer Jacqueline Bell and Court Clerk II Kamillah Joseph to the positions of Probation Officers in the District of St. Thomas. This division was also able to utilize a number of interns from the University of the Virgin Islands and high school students participating in various Summer Employment Programs, including the Office of Senator Kenneth Gittens, the Department of Labor and the Superior Court.

During this fiscal year, the leadership team within this division was assigned to collaborate and work with other community leaders on two law enforcement Task Forces, to address various initiatives:

1. Learning Collaborative on Paroling Authorities – Assigned to this Task Force by the Governor, the Honorable Kenneth E. Mapp, the Chief Probation Officer assisted the group in completing a federal grant package that would have provided funds to assist the Territory in restructuring and bringing the VI Board of Parole into compliance while utilizing “best practices” within this area. Although the Task Force was unsuccessful in obtaining the grant, it is anticipated that these meetings will continue; and,
2. The Chief and Deputy Chief participated in the Gang Violent Crime Task Force as part of a joint effort between various agencies dedicated to combat the rapid wave of gang violence.

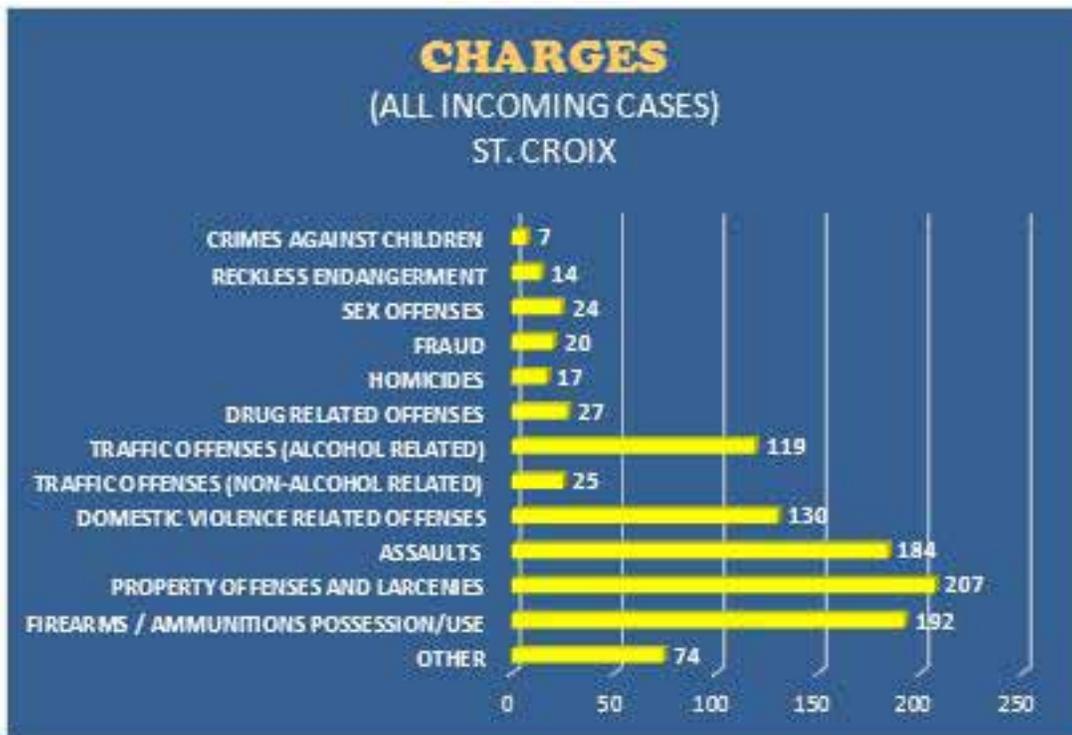
### Probation Trends

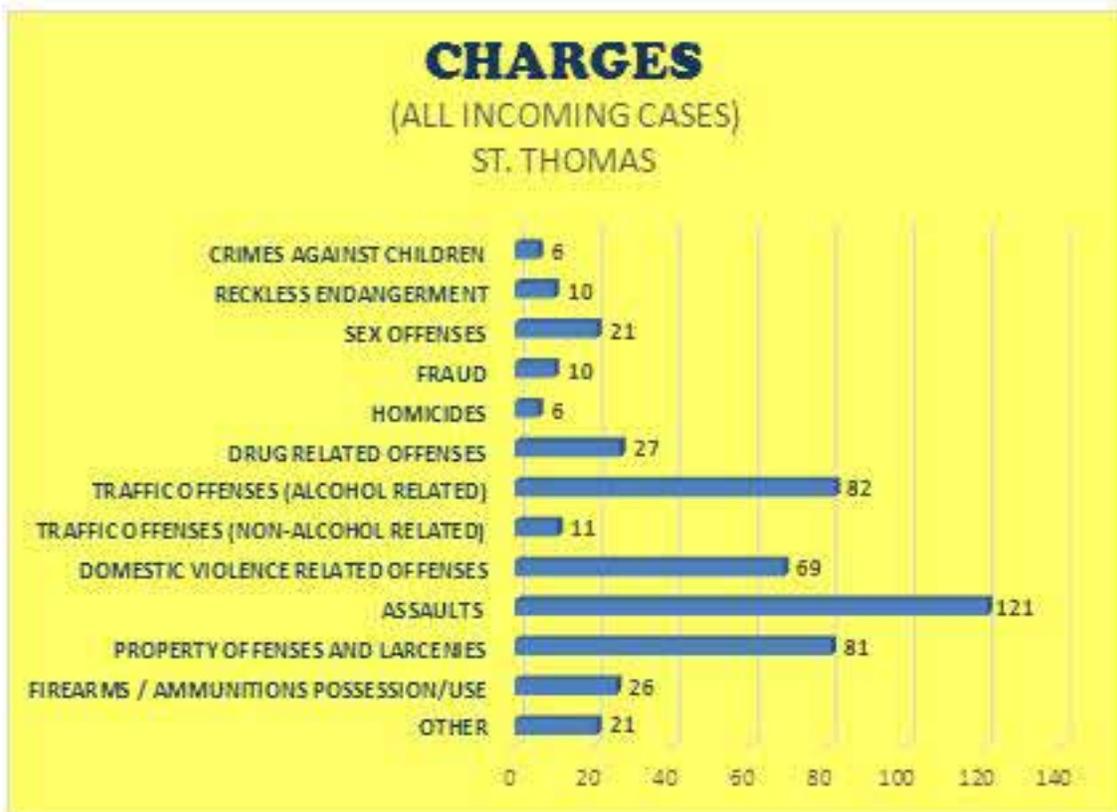
During this fiscal year, the Office of Probation and Parole received clients of a varying age range,

gender, ethnicity and educational level that were arrested for a variety of charges. The Office of Probation recognized that there was a shift in the educational level of the individuals served in this division. In comparison to last fiscal year, when the clients served had some high school education, the majority of this year’s clients possessed high school diplomas. Additionally, similar to last fiscal year, the overwhelming number of clients ranged between the ages of 18-29, and this is still fundamentally true during this fiscal year. Nevertheless, we also recognize that the number of clients in the age range of 17-19 has increased in both districts, especially after the District of St. Croix did not have any such clients during the last fiscal year and surpassed the District of St. Thomas-St. John during this fiscal year (STX 36; STT 31).

While men continue to represent the majority of the individuals assigned to the Probation and Parole Division, the number of women assigned also saw a modest increase in both districts this fiscal year – with a greater increase in the District of St. Croix.

The charges of persons appearing in this Division are outlined below:





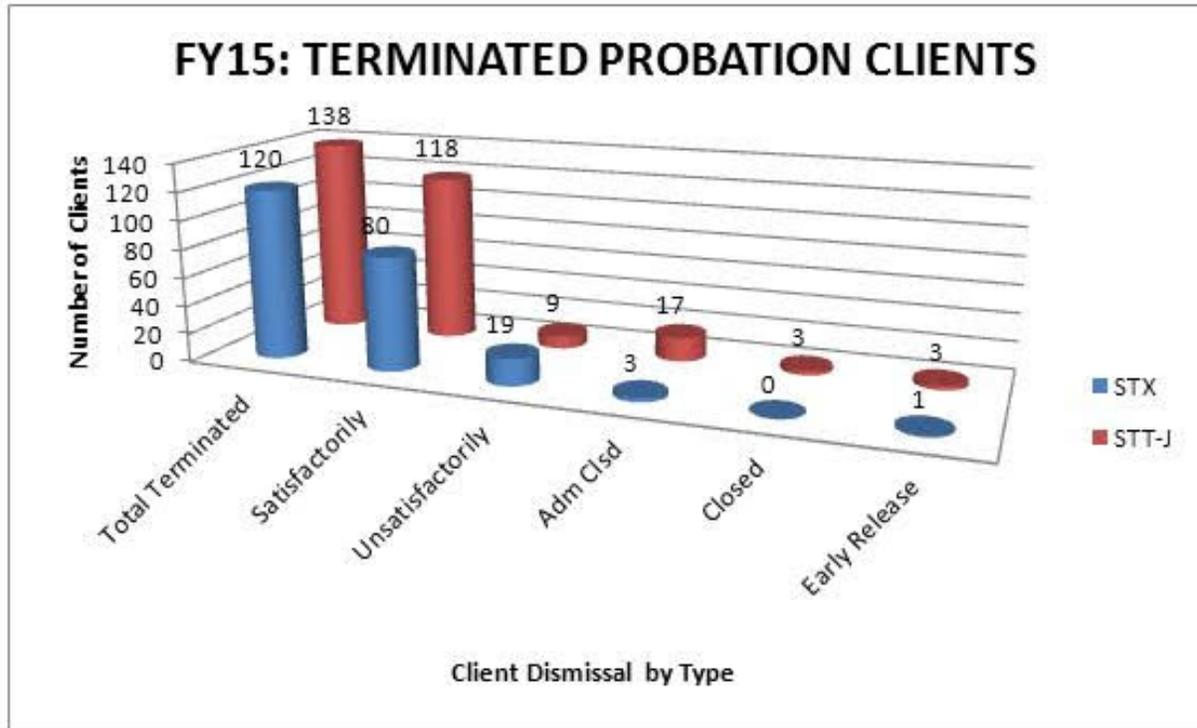
There was also a noted increase in domestic violence offenses being perpetrated by younger men. Weapon-related property offenses and larcenies continue to be perpetrated more often by young African American men than any other group. Older African American and Caucasian males continue to be arrested more frequently for traffic related offenses stemming from alcohol use and abuse than any other age group. During last fiscal year, there was a noted decline in the number of Caucasians, Asians and Arabs being arrested in both districts. However, this fiscal year, the District of St. Croix experienced a moderate increase by these individuals, while the District of St. Thomas-St. John remained constant. Also the number of first time offenders in the St. Croix District decreased slightly, while the numbers in the District of St. Thomas/St. John remained constant. As it pertains to repeat

offenders being arrested, there was a slight increase in these numbers, while again, those in the District of St. Thomas-St. John remained constant.

Both districts experienced an increased number of individuals arrested and released on house arrest with electronic monitoring (STX: 8; STT-J: 1); and, the District of St. Croix continues to experience a greater number of sex offenders being arrested for unrelated offenses than those noted in the District of St. Thomas-St. John (STX: 7; STT-J:2). The number of defendants placed on curfew is significantly greater in the District of St. Croix (66) than in the District of St. Thomas-St. John (18); and, the number of defendants being placed on house arrest continues to increase annually.

The Probation Division terminated two hundred fifty-eight (258) clients from supervision. In the District of St. Croix, one hundred twenty (120) cases were terminated from supervision (eighty (80) were closed satisfactorily, nineteen (19) were closed unsatisfactorily, three (3) were closed administratively; and one (1) was released early.

In the District of St. Thomas–St. John, one hundred thirty-eight (138) cases were terminated from supervision (one hundred eighteen (118) were closed satisfactorily, nine (9) were closed unsatisfactorily, seventeen (17) were closed administratively; and three (1) were released early.



During FY2015, the Probation and Parole Office collected a total of \$201,841.89 in administrative

fees, court costs, fines, monetary donations and restitutions as outlined below:

District	Admin Fees	Court Costs	Fines	Restitution	Other	Total
St. Croix	\$35,984.00	\$ 11,416.00	\$24,040.00	\$11,504.96	\$2,696.00	\$85,640.96
St. Thomas-St. John	\$ 39,630.00	\$ 6,520.00	\$ 21,328.00	\$48,722.93	\$0.00	\$116,200.93
<b>TOTALS</b>	<b>\$75,614.00</b>	<b>\$17,936.00</b>	<b>\$45,368.00</b>	<b>\$60,227.89</b>	<b>\$2,696.00</b>	<b>\$201,841.89</b>

The amount collected in FY2015 in the District of St. Croix is a 41% increase over the \$74,333.66 that was collected in FY2014. Correspondently, in the District of St. Thomas-St. John, there was a 52% increase over the prior fiscal year's total of \$55,921.91.

Outlined in the table below is a synopsis of the overall activity, by district, within the Office of Probation and Parole:

<b>District/Activity</b>	<b>ST. THOMAS / ST. JOHN</b>	<b>FY14</b>	<b>FY15</b>	<b>ST. CROIX</b>	<b>FY14</b>	<b>FY15</b>	<b>COMBINED TOTALS</b>
Probation Officers Court Attendance	307	↑1%	↓1%	181	↓25%	↓8%	488
Field Visits Conducted	191	↓24%	↑92%	94	↓71%	↓52%	285
Pre-sentence Reports Requested	109	↓23%	↑43%	180	↓14%	↑3%	289
Pre-sentence Reports Submitted	112	↓42%	↑26%	188	↓14%	↓8%	300
New Pretrial Release Supervision Cases Received	360	↓34%	↓9%	220	↓36%	↑38%	580
New Supervision Clients with a Presentence Report	94	↓24%	↓14%	166	↑13%	↓10%	260
New Supervision Clients without a Presentence Report	79	↑20%	↑39%	25	↓47%	↑48%	104
New Supervised Parole Clients	0	↑100%	↓100%	9	↓33%	↑67%	9
Supervised Probation Cases Terminated	138	↓18%	↑5%	120	↓19%	↓1%	258
Probation Client Referrals	238	↓7%	↑438%	175	↑35%	↑8%	413
<b>INTERSTATE COMPACT</b>							
Supervised Interstate Probation Clients	5	↑7%	↓38%	9	↓63%	↑67%	14
Supervised Parole: Interstate Clients	3	↑100%	↑100%	0	↑33%	↓100%	3
Interstate Compact Investigations Received	15	↑55%	↓39%	7	↑58%	↓84%	22
Interstate Compact Investigations Completed	14	↓24%	↑100%	8	↑40%	↑100%	22
Office Visits	11,008	5%	↑43%	11,399	↑10%	↓4%	22,407

*FY: 2015: Probation Division Activities*

## PROPERTY AND PROCUREMENT

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

non-expendable property and conducts yearly inventories.

During this fiscal year, this division ensured the following, within the constraints imposed by the Court's continuously reduced budget and in accordance with its self-imposed austerity measures:

- Although the availability of funds to the Court was reduced yet again, all critical procurement needs of the staff in both districts were fulfilled as requested. Purchases of supplies and other non-emergency items were streamlined in accordance with the availability of funds.

- This office was directly involved in the negotiation and finalization of the contracts for several major projects which were either completed in FY2015 or will be completed in FY2016:
- Upgrade of the Court's Surveillance System in both districts;
- Exterior building repairs, painting, window caulking and roof repair as applicable in the respective district;
- Purchase of unmarked and undercover vehicles and accessories in both districts (to be completed in FY2016);
- Soil remediation and generator upgrades in the District of St. Thomas-St. John;
- Contractor and engineering services for the construction of a new security booth in the District of St. Thomas-St. John;
- Secured air quality testing in the Court's facilities and facilitated mold remediation as required;
- Repaired and replaced a number of worn signs internally and externally in the District of St. Croix to facilitate access to the Court;
- Replaced the tiles in the Family Division in the District of St. Thomas-St. John;
- Removed furnishings stored at the

## Goals for FY2016

As funding becomes available in the upcoming fiscal year, it is the goal of this Division to initiate and complete the following items within the respective district:

- Replace the tiles in the Marshal Division (STT/J);
- Provide the requisite maintenance on all tiled areas and replace carpets in the judges' chambers, courtrooms and Administrative offices of the Court;
- Reconfigure and upgrade the Clerk's office, as well as the Administrative office, to provide for the requisite privacy as business is conducted within these areas of the Court, thereby guaranteeing confidentiality for all parties;
- Complete the swale project in the District of St. Croix;
- Redesign, reconfigure and upgrade the IT Division in the District of St. Croix for maximum efficiency;
- Continue to work with the Accounting and IT Divisions regarding the implementation of the Requisitioning and Inventory Tracking software; and,

Legislature's office on St. John, donating several items within the St. John community and transporting the other furniture to the Court's facility on St. Thomas;

- Distributed a limited number of uniform items to the staff.

- Facilitate the procurement of items included in the Court's Capital Improvement Projects schedule as it relates to facilities, safety and maintenance.

## RESEARCH AND DEVELOPMENT

Currently staffed by one person, the status of the projects assigned, are as follows:

- Worked with the Access and Fairness Committee to develop the survey instrument, in accordance with the National Center for State Courts (NCSC)
- Facilitated the administration of the territory-wide Access and Fairness Survey which was open to all court users that would measure Access to the Court, Fairness in general courthouse interactions, Fairness in judicial (courtroom) proceedings, and background information of the respondents.

Based on the summary provided by Atty. Alicia Davis, NCSC's Liaison/Facilitator, the overall results from this survey showed that respondents were quite positive, responding that they agreed on most items on the Access and Fairness survey, giving either an Agree or Strongly Agree rating. This was true for both English speaking and Spanish speaking respondents.

The statement having to do with internet access to information received lower ratings and a large number of "Not Applicable" responses. As proffered by the Access and Fairness task force team and referenced in the Strategic Plan, the work of upgrading our website access is indeed necessary to improve our services for court users. Further comparison of results by such demographics as location, division, and type of customer can only serve to inform and further improve court management practices.

- Court Website Development Initiative – The Access and Fairness Committee collaborated with the IT Division to initiate the upgrade of the Court's website. Together, they developed the scope of work for the Website Development Team (WBT) as it related to research, defining specifications for designing and developing a state-of-the-art website for the Court. Following the requisite research, and collaboration with the Procurement Office, the WBT created the RFP for the redesign and upgrade of the Court's website and same was submitted to the Office of the Court Administrator for publication.
- Ancillary activities - During FY2015, a total of five (5) workshops were held for the members of the Rising Stars Youth Steel Orchestra in the following areas: Career Planning, Money Management for Teens, Preparing an Effective Resume, How to Conduct an Interview, and Dressing for Success, including a mock interview session. Additionally, support was also given to the Pretrial Staff as usual during the presentation of the Annual Christmas Concert.

### Goals for FY2016

The Research and Development Office looks forward to facilitating the following during the upcoming fiscal year:

- Completing the Website Development Project; and,
- Reconvening the Time to Disposition Task Force.



FY2015: Annual Training of Staff Members, including members of the Supreme Court

# OPERATIONAL DIVISION 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 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, ensuring access to the Court of persons with limited English proficiency, which requires ensuring the availability of interpreting services in multiple languages and sign language; 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.

<b>FY2015 COMPARATIVE STATISTICS</b>									
<b>CASE TYPE</b>	<b>FY 2014 TOTALS</b>			<b>FY 2015 TOTALS</b>			<b>FY14 - FY15 % Change</b>		
	<b>F</b>	<b>T</b>	<b>CR</b>	<b>F</b>	<b>T</b>	<b>CR</b>	<b>F</b>	<b>T</b>	<b>CR</b>
Civil-Non Jury	530	302	57%	760	641	84%	43%	112%	47%
Small Claims	952	567	60%	959	949	99%	74%	67%	65%
Civil Jury	329	238	72%	252	274	109%	-23%	15%	-73%
Evictions	282	122	43%	351	277	79%	24%	127%	84%
Criminal Non Jury	377	348	92%	393	381	97%	4.2%	9.5%	5%
Criminal Jury	593	562	95%	517	763	147%	-12.8%	36%	55%
Family	470	387	82%	643	529	82%	37%	37%	0%
Domestic Violence	460	454	99%	476	463	98%	3.48%	2%	-1%
Juvenile	110	105	95%	135	99	73%	23%	-5.7%	-23%
Probate	216	60	28%	225	166	74%	4.1%	177%	164%
Traffic	7,949	2,057	26%	7,703	3,768	49%	-3%	83%	88%

*FY: 2015 Filings (F), Terminations (T) and Clearance Rate (CR)*

CASE TYPE	FISCAL YEAR 2015 STATISTICS				TOTAL PENDING CASES (FY14 & FY15)	
	FILED		TERMINATED		ST. THOMAS / ST. JOHN	ST. CROIX
	ST. THOMAS / ST. JOHN	ST. CROIX	ST. THOMAS / ST. JOHN	ST. CROIX		
CIVIL-NON JURY	326	230	361	131	559	754
SMALL CLAIMS	631	328	654	295	227	312
CIVIL JURY	157	95	155	119	349	802
EVICCTIONS	208	143	178	99	69	57
FAMILY	293	350	183	346	204	88
PROBATE	112	113	60	106	584	194
CRIMINAL NON JURY	248	145	234	147	174	114
CRIMINAL JURY	224	293	405	358	249	687
DOMESTIC VIOLENCE	241	235	228	235	25	12
JUVENILE	69	66	45	54	50	38
<b>TOTALS</b>	<b>2,509</b>	<b>1,998</b>	<b>2,503</b>	<b>1,890</b>	<b>2,490</b>	<b>3,058</b>
<b>TRAFFIC</b>	<b>*4,110</b>	<b>*3,593</b>	<b>*2,270</b>	<b>*1,498</b>	<b>*13,736</b>	<b>*29,692</b>
<i>*Data still being compiled and adjusted</i>						

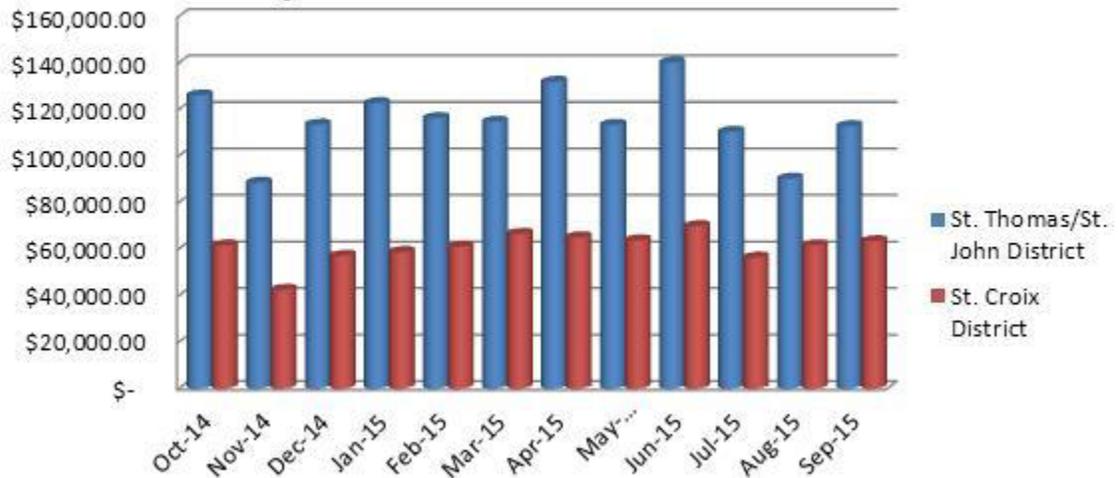
*FY: 2015: Caseload Statistics - Filings, Terminations and Pending by Case Type*

## CASHIER'S DIVISION COLLECTIONS AND REVENUES

Revenues collected by the Superior Court emanate from various sources and are deposited into a number of funds within the Treasury of the Central Government, including: the General Fund, the Transportation Trust Fund, the Solid Waste Revolving Fund and Special Funds. The revenue sources for these funds include the following: Marriage Applications, Marriage

Licenses, Marriage Ceremonies, Certified Marriage Returns, Filing Fees, Traffic Fines, Costs and Penalties, Probation Administrative Fees, Pretrial Administrative Fees, Photocopies, Certified Documents, Divorce Decrees, Notary Fees, Handicap Parking fines, Superior Court Fines and Costs, Forfeitures of Bail, Criminal Fines (Costs and Penalties), Inheritance Taxes, Conservation Fines and Litter Fines (Costs and Penalties), in addition to Miscellaneous Revenues.

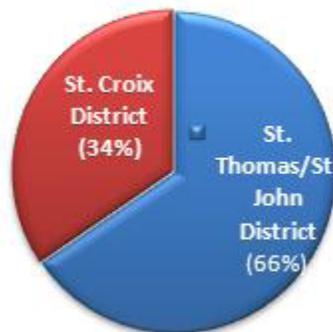
## Superior Court of the Virgin Islands Monthly Revenues Collected - FY 2015



GENERAL FUND ACCOUNTS	ST. THOMAS	ST. CROIX	TOTAL
General Fund	\$ 939,657.62	\$ 344,550.00	\$ 1,284,207.62
Transportation Trust Fund	\$ 383,650.00	\$ 326,465.00	\$ 710,115.00
Special Fund	\$ 41,160.00	\$ 32,026.00	\$ 73,186.00
Solid Waste Revolving Fund	\$ 15,950.00	\$ 23,925.00	\$ 39,875.00
<b>TOTAL</b>	<b>\$ 1,380,417.62</b>	<b>\$ 726,969.00</b>	<b>\$2,107,383.62</b>

*FY2015: SCVI General Fund Collections*

## Superior Court of the Virgin Islands Revenues Collected - FY 2015



**Total: \$ 2,107,383.62.00**

The annual Trust Money collection summary shows that the Superior Court processed \$3,617,009.72 in “pass-through” trust monies during FY2015. These funds represented monies for Appeal Bonds, Bail Bonds, Civil Judgements and other Miscellaneous Items.

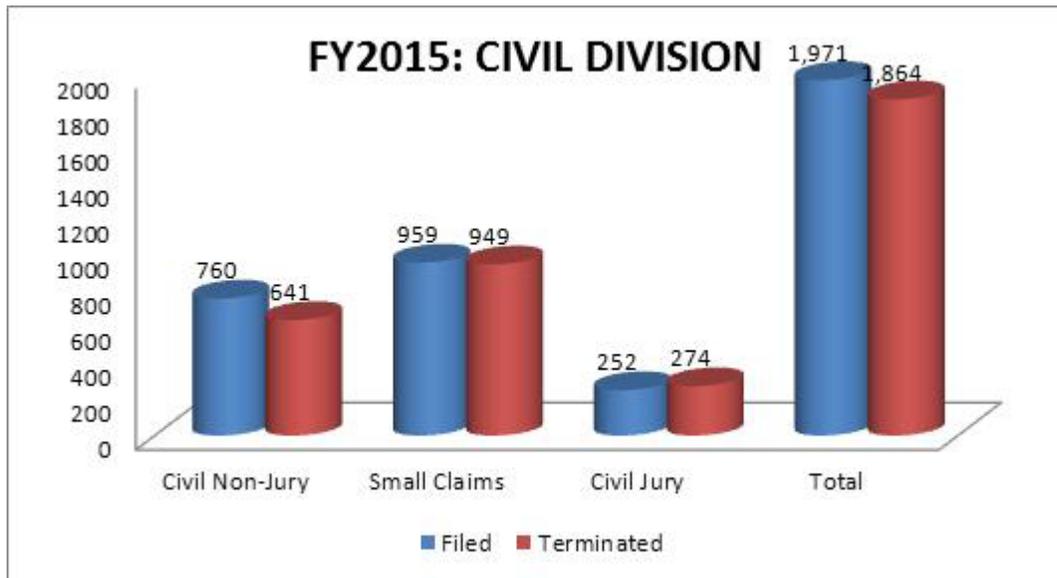
## CIVIL DIVISION

In accordance with Title 4 V.I. Code Ann. § 76(a), effective October 1, 1991, the Superior Court obtained original jurisdiction over all local civil actions regardless of the amount in controversy. The jurisdiction is subject to the original federal question and diversity jurisdiction conferred on the District Court. Civil actions are brought to the Court to enforce, redress, or protect private rights.

The Civil Division also encompasses small claims and conciliations. The Small Claims Division has

jurisdiction of all civil actions in which the amount in controversy does not exceed the dollar value of \$10,000, exclusive of interest and costs. This measure gives individuals the opportunity to have matters involving small sums heard by the Court without hiring a lawyer. This Division handles disputes between individual entities such as private citizens and businesses - including judicial officers - who use a variety of best practices to actively manage caseloads, including periodic status conferences, referrals to compulsory arbitration and settlement conferences.

In accordance with Title 4 V.I. Code Ann. § 142, the conciliation Division of the Superior Court, may endeavor, at the request of any party in a civil controversy, to effect an amicable settlement of the controversy. To that end, it may summon the other party or parties of the controversy to appear before the judge for an informal hearing.

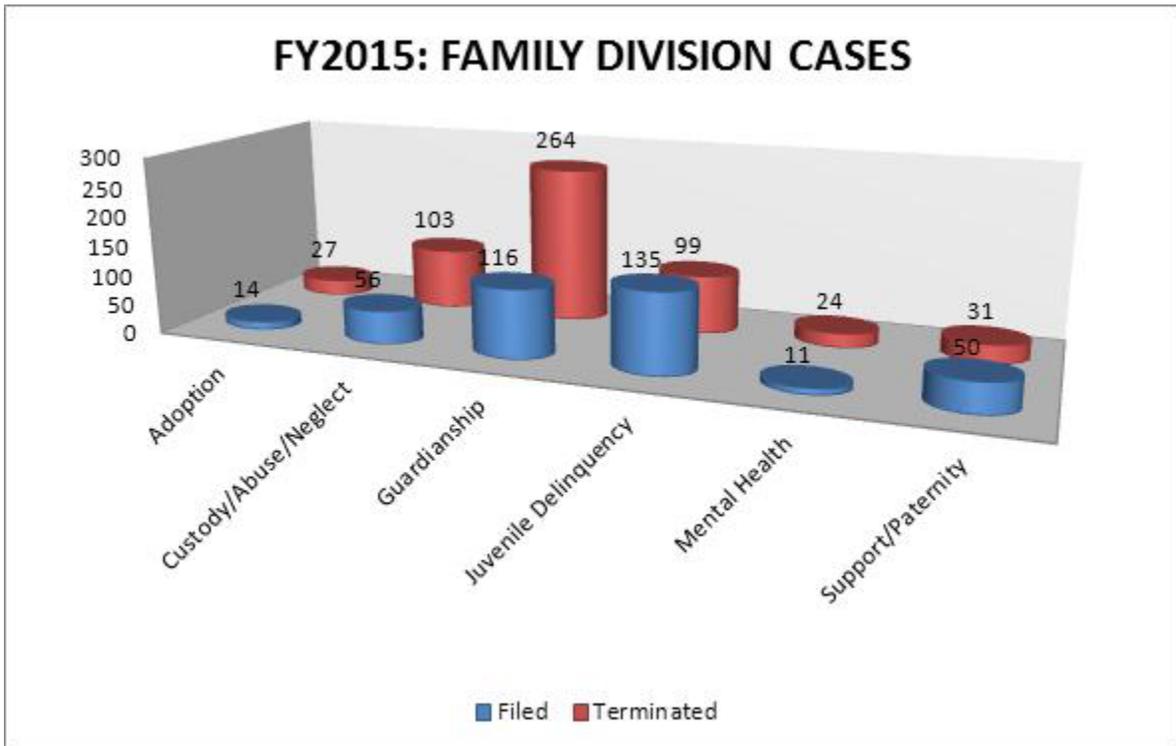


## FAMILY DIVISION

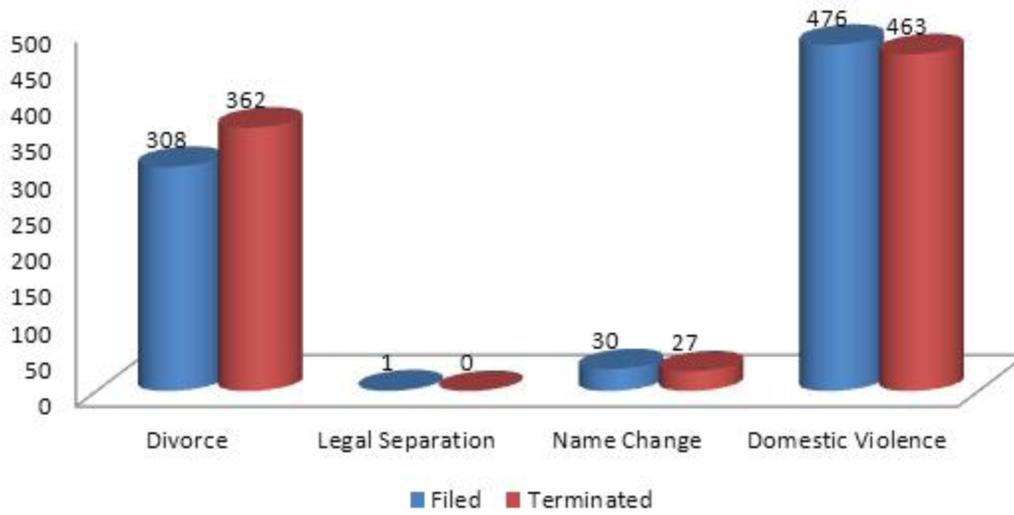
The Family Division was established in accordance with Title 4 V.I. Code Ann. § 79. Under Title 4 V.I. Code Ann. § 174, the Superior Court maintains a separate division, complete with secured courtrooms and support personnel, when possible, to provide children and families a facility set up to insure privacy, rehabilitate the child, and reconcile the family unit. This Division maintains all pending case files pertaining to divorce, separation, and annulment; actions relating to support of relations; adoption; changes of name; paternity suits; actions to appoint and supervise guardians; probate; and actions relating to juvenile matters.

During this fiscal year, both Family Court judges were able to attend and participate in several off island trainings, that were sponsored by various entities – including the Law Enforcement Planning Commission (LEPC) Violence Against Women STOP Grants and the State Court of New York’s National Summit - Human Trafficking and the State Courts.

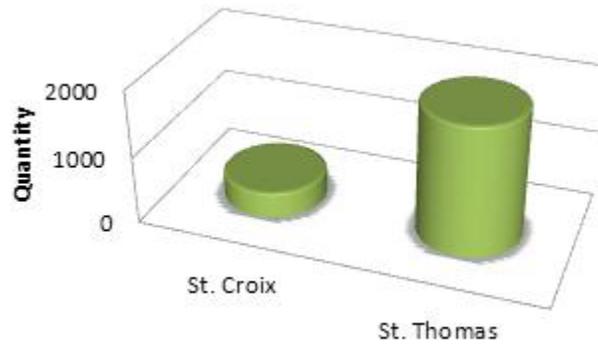
Additionally, this Division – under the leadership of the Family Court judge – continues, in collaboration with the Department of Human Services, to provide its bi-annual Youth Enrichment Conference for young persons who have been brought before this Court for some type of adjudication, as well as at-risk students identified by the Department of Human Services for some manner of court-related intervention.



## FY2015: FAMILY DIVISION - DIVORCES, ET. AL.



## FY2015: MARRIAGE APPLICATIONS FILED



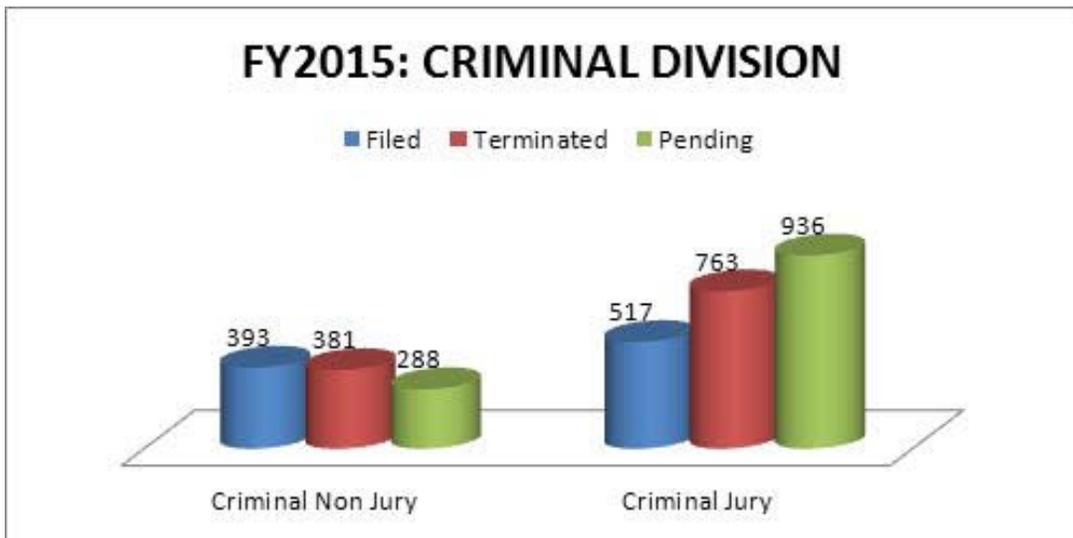
	St. Croix	St. Thomas
Applications	375	1,927

## CRIMINAL DIVISION

On September 30, 1993, by Act No. 5890, the Virgin Islands Legislature granted expanded jurisdiction to the former Territorial Court, now known as the Superior Court of the Virgin Islands. Pursuant to Title 4 V.I. Code Ann. § 76, effective January 1, 1994, the Superior Court of the Virgin Islands assumed original jurisdiction over all criminal offenses committed in violation of the Virgin Islands Code.

The Criminal Division has jurisdiction over adjudication of criminal matters occurring within

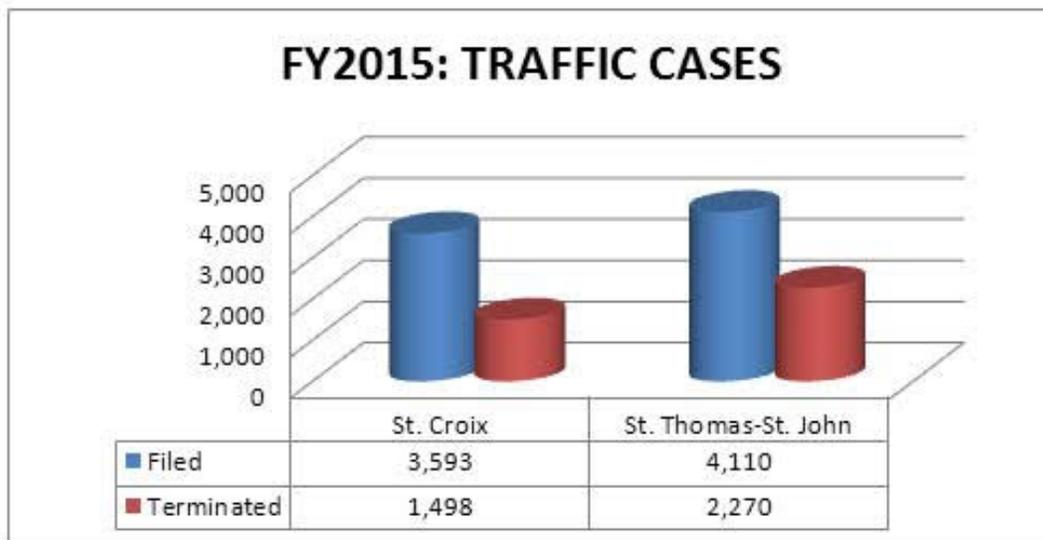
the Territory and charged by the Virgin Island's Police Department (VIPD) and the Territory's Attorney General Office. The department's mission is to provide efficient access to the court, adherence to the law, and an independent and fair resolution of criminal cases in a manner that ensures both public protection and recognition of individual rights. Judicial officers work diligently to manage pre-adjudication and post-sentencing matters. The implementation and utilization of the Court's Differentiated Case Management system has resulted in the significant reduction of pending criminal jury matters.



## TRAFFIC DIVISION

The Traffic Division was established in accordance with Title 4 V.I. Code Ann. § 79. The Division is responsible for the appropriate disposition of all traffic offenses and the preparation of the

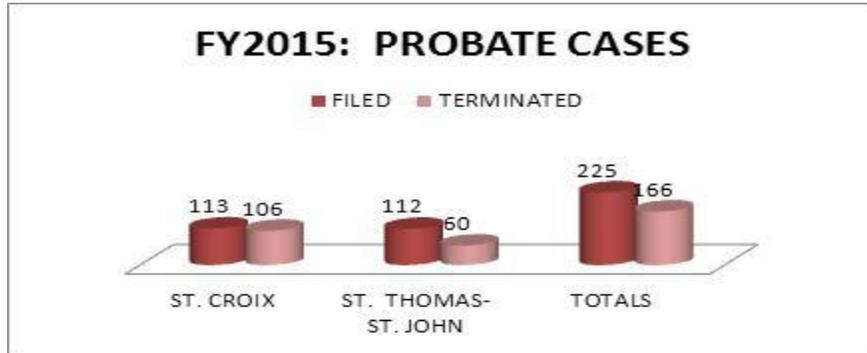
applicable records and reports relating to these traffic tickets as directed by the Court. The Clerk of the Superior Court is the repository for all uniform traffic tickets issued by law enforcement officers and others.



## PROBATE DIVISION

The Superior Court has exclusive jurisdiction over the probating of wills and the administration of decedents' estates. The Division maintains all pending case files and all wills deposited with the Clerk of the Court in accordance with Title 15 V.I. Code Ann. § 22.

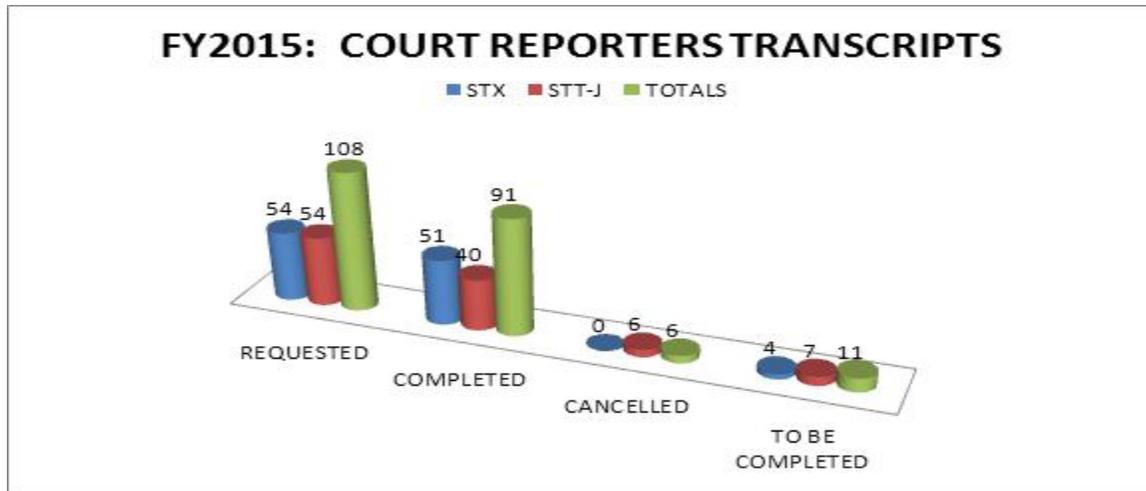
Guardianships and conservatorships are created to protect a person's well-being and financial assets when the person is found to be incapacitated. Probate cases may also include guardianships and conservatorships of minors. The department oversees the informal and formal administration of decedent's estates.



## OFFICE OF THE COURT REPORTER

The Superior Court of the Virgin Islands is a court of record. Accordingly, stenographic records of testimony, arguments, or other spoken presentations heard by all Judges and

Magistrates throughout the Superior Court are required. The Office of the Court Reporter was established in accordance with Title 4 V.I. Code Ann. § 86. This Office is charged with preserving, reproducing, and supporting the record, and is also responsible for the preparation of printed transcripts of Court proceedings.



## COURT INTERPRETATION SERVICES

The Court continues to provide court interpreters for language assistance to Limited English Proficient (LEP) court users. Court interpreters are utilized in criminal, juvenile delinquency, juvenile dependency, mental health, domestic violence, elder abuse, traffic, unlawful detainer (eviction), guardianships, and conservatorship matters without cost to the litigants.

During FY2015, the Court provided non-English speaking litigants with language assistance from its court staff, independently contracted interpreters, and Language Line. Interpretation and translation services were provided in the five most commonly spoken languages in the Virgin Islands: Spanish, Creole, Vietnamese, Chinese and Arabic. Interpretation has also been provided in Sign Language as well.

## OFFICE OF THE TERRITORIAL MARSHAL

The Office of the Marshal of the Superior Court of the Virgin Islands was formally established in 1977, through the provisions of Title 4 V.I. Code Ann. § 254(a). The Marshal's Office is a Division of the Superior Court in accordance with Title 4 V.I. Code Ann § 79(b). The function of this Office is to execute orders and mandates of the Superior Court and to protect and serve the judiciary and the public by ensuring a safe environment in the Superior Court. In accordance with Title 4 V.I. Code Ann. § 351, the Chief Marshal of the Superior Court, personally, or through the Assistant Marshals or Deputy Marshals, attends the sessions of the Court to preserve order and decorum, which includes, but is not limited to, protecting the Judges, Court Clerks, and the general public.

In addition, and in accordance with Title 4 V.I. Code Ann. § 82, the Marshal's Office is authorized to execute all writs and processes, such as warrants, summons, subpoenas, and orders of the Superior Court. The primary mission of the Marshal's Division is to protect and serve the judiciary, staff, and public by ensuring a safe environment in the Superior Court of the Virgin Islands. Deputy Marshals also serve the community as Law Enforcement Officers and are specifically responsible for the enforcement of the mandates of the Superior Court. All orders of the Court are served and enforced with a commitment to providing services in the most efficient, courteous, and cost-effective manner.

The Judges and Magistrates of the Superior Court require additional services from the Marshal's Division. To achieve and maintain consistency in delivering these services, various marshals are directly assigned to each Judge and Magistrate of the Superior Court. Additionally, Deputy Marshals are also responsible for guarding and transporting prisoners to and from the courtroom. Their duties include, but are not limited to, the operation of the court's holding cells, booking the defendants that are ordered into custody from the courtrooms, and providing the requisite security while high-risk trials are in progress.

The Marshal's Division envisions its emergence as a division that fully manages and facilitates the orders of the court as well as safeguards and serves the judiciary and the general public. The judiciary and the public are safeguarded and served through dedication, professionalism, active cooperation and respect by ensuring a safe environment for all who are served by the Court. An important duty performed by Deputy Marshals is the service of civil process. Subpoenas, Court Orders, notices and summonses are vital to the completion of the court's workload. Deputies also seize property under court order, sell property seized to satisfy judgments, and enforce court-ordered evictions.

The Marshal's Division is also responsible for the service of various types of warrants, the investigation of crimes reported in the courthouse, and radio communications for the division. The clerical support personnel, along with the Deputy Marshals, manage the Department's radio communications and facilitate the dispatch function. Each of the vehicles assigned to the Marshal's Division fleet is radio equipped and assigned part-time to specific functions such as civil processes, warrant service activities, and monitoring defendants participating in the electronic monitoring program.

The threat of terrorism continues to increase, as evidenced by incidents across the globe, including the U.S. mainland. Acts of terrorism continue to become ever increasingly domestic in nature. This fact amplifies the negative impact that vacant positions have on the Division's ability to keep up with the continuing evolution of the terrorist threat. Despite the Court's financial constraints, the Marshal's Division is working to fill vacant positions to help assist in protecting and serving the Superior Court and the public effectively. This Division will continue to forge forward, under the premise that its only uncertainty with regard to terrorism is "when" someone targets those under the Division's watch. Accordingly, training, preparation, prevention and deterrence are the order of the day.

The Marshal's Office has experienced several personnel changes within its Division as noted below:

- At the commencement of the 2015 Fiscal Year, in the District of St. Thomas/St. John, there were twenty-six (26) Deputy Marshals and three (3) Cadets in the Academy. Last year Deputy Marshals Kellen Phillips and Malissa Hanley were both deployed overseas; we are, however, pleased to say that they have now returned safely from their deployment and have returned to work as well.

Additionally, another member of our family has returned to work with us: Mr. Greg Baron, Deputy Marshal III. Deputy Marshal Baron was on Administrative Leave with the Executive Security Unit of the Governor's Office for a few years. On a jovial note, the Marshal's Office has also been well represented by Desmond Smith (Security Officer) as Employee of the Year.

In order to improve efficiency within the Division, The Marshal's Division night shift schedule at the Magistrate Court in this

district was modified from 1:00 – 10:00 p.m. to its current 12:00 p.m. through 9 p.m. schedule.

- Similar to the Marshal's Office in the District of St. Thomas/St. John, there have been several personnel changes within the Marshal's Office in the District of St. Croix. Said division is in even more critical need of manpower. At the commencement of the 2015 Fiscal Year, there were fifteen (15) Deputy Marshals in this district. Thus far, two (2) Deputies have resigned, one (1) retired, and one (1) is on a Leave of Absence - to work with the Governor's Security Detail. During this fiscal year, six (6) Deputy Marshal Cadets were selected to attend the Virgin Islands Police Academy. Although the Marshal's Division has incurred several losses, it was also able to have two (2) deputies return from Military Leave with the Virgin Islands National Air Guard and from Administrative Leave with the Executive Security Unit of the Lieutenant Governor's Office.



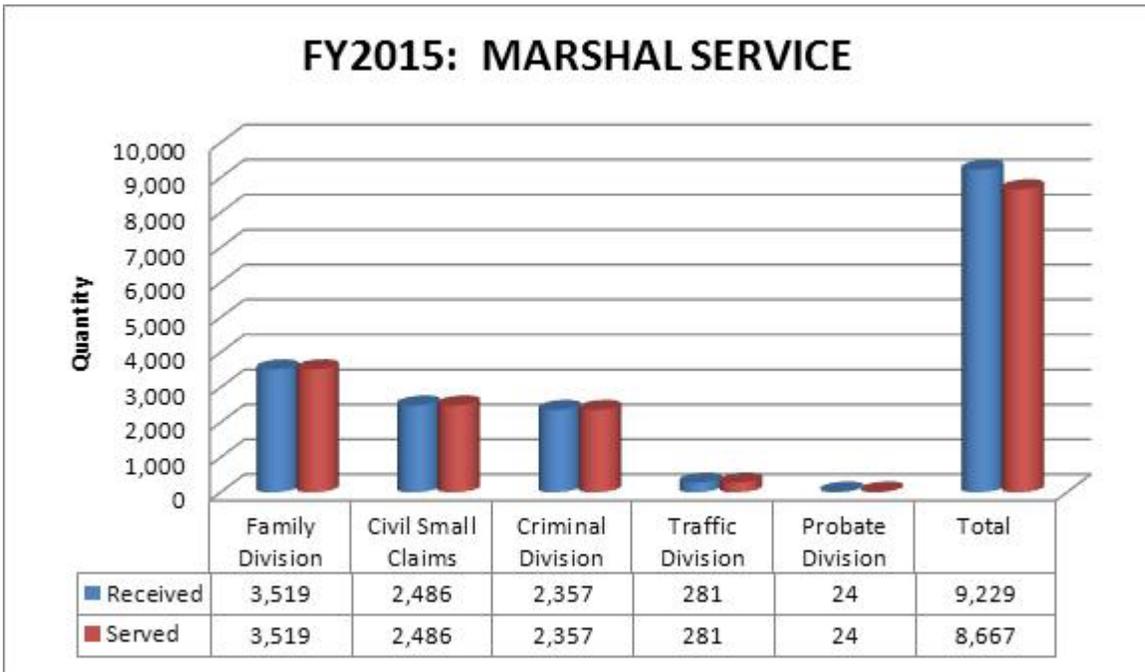
Deputy Marshals Malissa Henley and Kellen Phillips pose with their unit after their return to the Virgin Islands following their more than one year overseas deployment with the Virgin Islands National Guard.

Training continues to be a very important aspect of this Division; thus, all Deputies and office staff participated in the following training activities during FY2015:

- May 2015: Firearms Training conducted by Deputy III Marshal Khoy Brutus, who became the lead Instructor of the Firearms Training in the District of St. Thomas/St. John and Deputy Marshals Lauren Williams and Chris Richardson facilitated the training in the District of St Croix. The Marshals have now officially transitioned from the use of the Smith & Wesson 99 firearms to the Glock 22 & 23 firearms.

- July 2015: Superior Court's Annual in-house Employees Training;
- September 2015: Law Enforcement Officer Flying Armed Training (STT-J) under the direction of Deputy Marshal III, Kellen Phillips. The Deputies in the District of St. Croix will complete this training that will be conducted by Deputy Marshal IV, Lauren Williams during the first quarter of FY2016;
- Various Months: HAZMAT Training in Las Vegas and the Incident Response to Terrorist Bombing Training in New Mexico sponsored by VITEMA.

## FY2015: MARSHAL SERVICE



Currently, the Deputies intend to attend additional training in the near future, including: defensive Tactics, Baton and Handcuff Training, as well as participating in a few other training initiatives that will continue to enhance the capabilities of the office.

The Court utilizes an electronic monitoring system for various defendants who require supervision as part of their bail or probation requirements. The monitoring systems employed by the Marshal's Division are used to aid in monitoring the activities of defendants that are placed on house arrest with electronic monitoring as ordered by the Court. Recently, the Court transitioned from the use of an online monitoring system to another on-line system that provides additional and more efficient monitoring services, including GPS tracking. As a result of this change, the House Arrest applicants were then transferred onto the new tracking system.

The Marshal Division collects money from the House Arrest participants to pay for this service – including the monitors, at a rate of \$10.00 per day. Said participants are required to pay \$140.00 or more in advance in order to maintain their payments. The number of house arrest applicants on this program has been increasing every year. During FY2015, the Division monitored House Arrest applicants as noted herein:

- The Marshal's Division commenced the 2015 Fiscal Year with eleven (11) House Arrestees on our monitoring system;
- during said fiscal year, we added four (4) new House Arrest applicants;
- Currently, we have a total of ten (10) House Arrestees: two (2) Court-ordered to use the GPS monitor and eight (8) utilize the electronic monitor.
- Although we gained new applicants, we also removed a few. One (1) applicant was remanded to the Bureau of Corrections; another (1) applicant's case was completed; and three (3) applicants were granted a change in their bail release conditions.

The Marshal's Division continues to process an abundance of documents throughout the year. This office unremittingly prepares several reports consisting of statistical annual reports of all legal documents submitted by the various divisions of the Superior Court on a monthly basis and a Marshal's service report of all documents served by every Deputy Marshal.

Productivity within the Marshal's Division reflects that we have received and processed approximately 8,667 documents. We have received an estimated 2,486 small claims / civil documents; 3,519 family documents; 2,357 criminal documents; 281 traffic documents; and 24 probate documents.

In accordance with the requisite court orders, the Marshal's Division also seizes real and personal property of individuals in order to satisfy Judgments received on a daily basis. During this fiscal year, a total of 280 Writs of Execution were filed territorially. There were over 120 real property auction sales scheduled this year. The majority of the real property sales ended with the Plaintiffs making credit bids against their Judgments.

Our real property sales generated an estimated total of \$21,303,542.50 from the Writs of Executions filed with the Superior Court. A total of 130 Real Property sales produced \$20,237,990.30 via credit bids against the judgments. Cash payments received for Real Property sales totaled \$1,065,552.20. On the other hand, the personal property sales produced \$81,385.78. Of the 280 Writs of Execution filed with the Division, 146 weren't related to real property, and our Division collected \$167,391.73 on those Writs. All in all, our Division generated a total of \$21,552,320.01.

Of the 280 Writs of Execution filed with the Division, 146 weren't related to real property, and our Division collected \$167,390.73 on those Writs. All in all, our Division generated a total of \$24,291,067.77.

Currently, the Marshal's Division has a total of twenty-one (21) vehicles in the District of St. Thomas-St. John, four (4) jury vans that are shared with the Superior Court Rising Stars

Youth Steel Orchestra and two (2) motorcycles. An additional vehicle is utilized on St. John as the unit for the St. John Marshal. During Fiscal Year 2014, a significant number of inoperable vehicles were repaired and are once again a part of the operable fleet. The inoperable vehicles, in both districts, require a number of costly repairs, specifically front end and transmission repairs. The St. Croix district is in dire need of at least ten (10) new vehicles.

This Division continues to strive to accomplish its mission in spite of a serious need for an infusion of additional deputies. This manpower shortage has been overwhelmingly felt in the District of St. Croix as a result of many factors during the past several years including but not limited to: the unexpected passing of one of our deputies, the retirement, resignation or transfer of several deputies, as well as the assignment of deputies to the Executive Security Staff of the Executive Branch. Our Division is continually working to fill vacant positions, with a severely limited pool of qualified candidates, to help assist in protecting and effectively serving the Superior Court as well as the community at large.

Additionally, the physical separation of the Magistrate Division continues to burden the St. Thomas office. The strain on the deputies continues to affect morale and constantly tests the commitment of the deputies to our mission. Miraculously, the Division continues to rise to face these challenges while performing in an effective and professional manner.



FY2015 Annual Training: Active Shooter Training presentation by Marshals B. Blyden and F. Leonard



FY2015: Annual Training of Staff Members, including members of the Supreme Court

# COURT COMMUNITY ACTIVITIES

The Court continues to be involved in external cooperatives, to improve its service to the public, and to do its part in working toward territorial or inter-agency goals. To that end, we have continued to:

- a. Host school tours, where judges and staff take time out of their duties to discuss the court system with our youngsters, take them on tours throughout our facilities and permit them to observe various court proceedings.
- b. Host the Bureau of Corrections and mainland correctional institutions to permit Virgin Islands prisoners housed abroad to visit with their family members at home through the Court's videoconferencing facilities. This is an ongoing annual program that was initiated in 2008.
- c. E-Citation: Work continues with the Office of Highway Safety, the VI Police Department and other agencies toward the implementation of the e-citation program. This project has been in development for several years and the Court has played a substantial role in ensuring the appropriate development of the electronic ticket, pursuant to legal and policy requirements.
- d. Federal agencies: The Superior Court continues to provide staffing assistance to the District Court. On request, this Court provides the services of its Spanish interpreters to the District Court, as needed.
- e. The Marshal Division continues to participate in educational programs that showcase the Marshal profession and Law Enforcement Officer in general, as a career opportunity, while helping to deter our Virgin Islands youth

from negative interaction with the criminal justice system. Various Marshals travelled to the different schools within our Territory to actively engage students in discussions about deterrence and crime prevention.

- f. The Marshal Division also supports the initiatives of the Law and You Program, which is sponsored by the School Security Bureau of the Virgin Islands Police Department. This program educates and exposes high school students to the justice system. Participants have witnessed criminal advice of rights and traffic cases, had tours of the facilities - to include the Magistrate lock-up area, as well as being engaged in various open discussions about the court system with the Magistrates. Deputy Marshals stationed at the Magistrate Division have assisted the program greatly by giving the tours and demonstrations.
- g. The Marshal's Division also serves the community during times of emergencies and other special territorial activities. In their effort to help safeguard our Territory during natural disasters, the Marshal's Office has worked to secure the Court's premises and has also provided assistance with patrolling the community. Additionally, they continue to render assistance to the VIPD by providing security and other needed services during our various Festivals and Carnival activities.

## SUPERIOR COURT RISING STARS YOUTH STEEL ORCHESTRA

In 1981, the Presiding Judge of the then Territorial Court of the Virgin Islands began an experimental steel drum program with the goal of preventing school dropouts and juvenile delinquency among V.I. youth. The program's



focus was to recruit students between the ages of ten and eighteen from public, private, and parochial schools and to encourage them to complete high school. The program started as a summer project and, due to its success, now runs full time through the Pretrial Intervention Program in both districts within the Territory under the name of the Superior Court Rising Stars Youth Steel Orchestra. During Fiscal Year 2015, the Rising Stars continued its operation of three seasons for its members: Christmas, Carnival and Summer Seasons.

During the Christmas Season, the Orchestra in the District of St. Croix conducted its combined Christmas/Carnival Season. It participated in a variety of activities, including: performances

which included traditional Christmas songs as well as Calypso, Reggae, Soca and Latin music, this year's production - A Christmas Carnival - also featured a lively carnival atmosphere that included appearances by queens (the very first Ms. Rising Stars), majorettes, Zulus, a Carnival troupe and local calypsonians (the Mighty Groover and De Soljah), including Rising Stars Alumni Jamal "Broc Lee" Williams.

In addition to its performance at the Annual Christmas Concert, the Orchestra also performed at a variety of serenading activities throughout the island. The Orchestra serenaded the community with performances at the Lucinda Millin Home for the Aged, Post Office Square, Babe Monsanto Terminal in Crown Bay,



in the Crucian Christmas Carnival where it participated in both parades, winning the First Place prize as the Best Steel Band in the Adult's Parade. Additional performances during this period included the Thanksgiving Luncheon at the Herbert Gregg Home for the Aged; the Christiansted Holiday Jump Up; 2014 Steelpan Fest; the Christmas Parade at the Governor Juan F. Luis Hospital; various Christmas Tree Lightings, the Carnival Food Fair as well as at the Superior Court during their Employee Recognition event. The Orchestra was also honored to be invited to, and participated in, the Inaugural parade for the Honorable Governor Kenneth E. Mapp. The Orchestra also performed at the annual Agricultural Fair and the Pan on the Green competition where it placed first with its rendition of the test piece "Budhoe" that was composed and arranged by Rising Stars Assistant Chief Instructor Michael Belgrave.

In the St. Thomas-St. John District, the Orchestra hosted its Annual Christmas Concert at the Reichhold Center for the Arts on the campus of the University of the Virgin Islands. In addition to the Orchestra's performance,

WICO Dock in Havensight, and at the Superior Court during the Employee Recognition event. The Orchestra performed at a number of events during Carnival Season, including: Panorama, the Preteen Tramp, the Cultural Fair, as well as the Children's and Adult's Parades. The Orchestra was also able to meet one of its goals during this time, the release of another CD. In addition to current original songs composed by Rising Stars Instructors LeRoi Simmonds and Sean Steele, Sr., this year's release titled "Pan to the Extreme" also included a number of selections dating back to arrangements in 2012 that were completed in collaboration with Rising Stars Alumni members Michael Martin, Shadeem Gardner, Kishon Herbert, Jamal "Broc Lee" Williams, Jalen "Yellow Man" Fredericks and Simon "Gusty" Lettsome. Vocals on the CD were performed by current Rising Stars member Jonelle Hodge as well as local Calypsonians Patrick "De Soljah" Farrell, Chester "Mighty Groover" Brady, and Sinclair "Whadablee" DeSilvia. As usual, the Orchestra culminated its Carnival Season with a "Thank You" beach picnic at Magen's Bay with the highly anticipated and usual tramp with music provided by Rising Stars Pan-in-Motion.

During the Carnival Season, the Orchestra also hosted the Edina High School Concert Band from Edina, Minnesota. Since 1997, this group has participated in joint performances with the Rising Stars at various venues including the Post Office Square, the Emancipation Garden, on board a cruise ship and at the Reichhold Center for the Arts. This year was no different, and the joint performance was held before an audience of approximately 200 persons – students, musicians, music teachers and community members. At the culmination of the joint concert, both bands participated in a cultural and educational exchange at Reichhold which was sponsored by the Edina High School Concert Band. The Concert Band has since extended an invitation to the Rising Stars to perform with them in Edina, Minnesota – an invitation that has been accepted by Presiding Judge Dunston.

as well as the Care of the Steel Pan Instrument. The students also participated in Sports Days, a Musician's Day, as well as a number of Rap and Youth Enrichment Sessions. Utilizing the expertise in our community, the students received valuable information regarding various topics, including, but not limited to: Child abuse, Virgin Islands' culture, Delinquency Prevention, bullying and self-esteem; drug and substance abuse; the dangers of tobacco; teenagers and social media; goal setting and character development; and, self-defense. The students also learned about the Buck Island National Park; took a tour of Christiansted; and participated in cooking classes as well as arts and crafts, leather and drama workshops.

Presentations were made by a number of individuals and community organizations,



The Orchestra participated in a number of activities during the Carnival Season, including but not limited to: the Steelpan Jamboree (Panorama); the Pre-Teen Tramp; the Cultural and Food Fair; as well as the Children's and Adult's Parade.

In preparation for the Summer Season, the Orchestra held a number of Open House activities where applications were distributed, tours of the Panyards were conducted and parents and prospective students learned about the Rising Stars Program. During the Summer Season, the Orchestra in both districts hosted their bi-annual Summer Recruitment Program. In the District of St. Croix, fifty-one (51) students participated in the recruitment program, and in the District of St. Thomas-St. John; there were ninety-six (96) participants. During the six-week program, the students learned the art of playing the steel pan, completed coursework and were tested in the following areas: the History of the Rising Stars, the History of the Steel Pan Instrument, Introduction to Music and Rhythm,

including: DVSAC, the National Park Service, the Superior Court Marshals and HR Division; the Family Resource Center, the Department of Health and the Department of Homeland Security. The participants also prepared essays regarding their experience during at the Summer Recruitment program. Students, TaeZha Maduro and J'Mari Clarke shared their experiences with parents and supporters during the culmination of the program in the District of St. Thomas-St. John, when all of the participants received a Certificate of Participation.

The Summer Serenade Program is normally an activity funded by the Court during its Summer Employment Program. However, this is no longer possible due to the fiscal constraints of the Court in addition to the lack of members of the requisite age to participate in the Summer Employment Program. Therefore, during the past several summers, students have been volunteering to participate in this activity and they are given a stipend from the Rising Stars Scholarship fund in addition to sharing in the tips collected

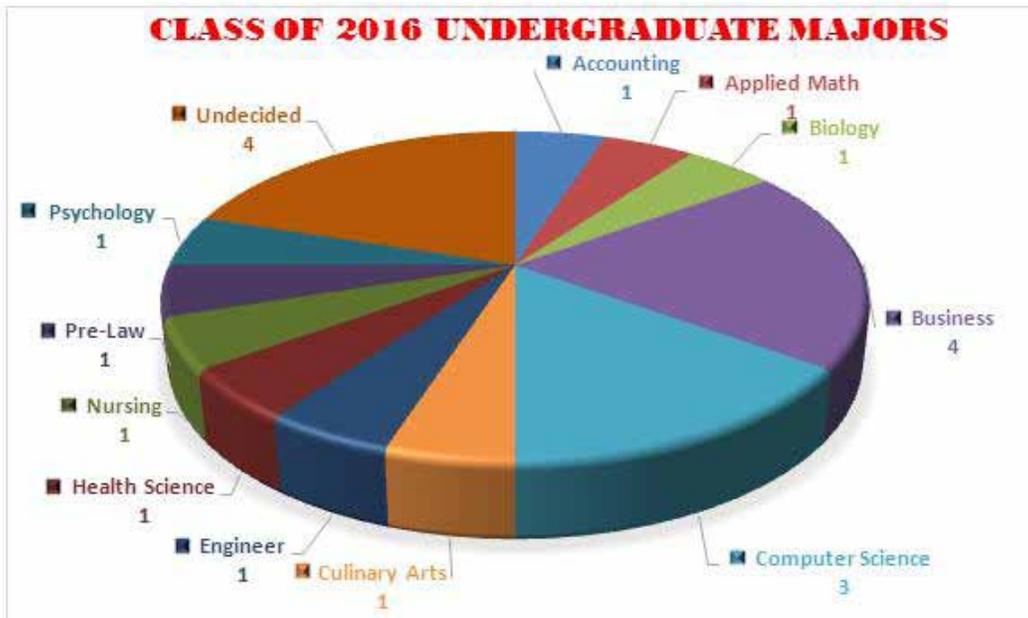
during their performance. This summer, ten (10) students volunteered to perform at various sites around St. Thomas, for residents and visitors alike, at the following locations: the Post Office Square; WICO Dock at Havensight Mall; Tutu Park Mall; and the Babe Monsanto Terminal in Crown Bay.

One of the most important benefits extended to members of the Rising Stars Program is their ability to participate in the Tutorial and Enrichment Program. Although this activity was suspended in FY 2014 due to the fiscal constraints of the Court, Presiding Judge Dunston reinstated the Tutorial Program in FY 2015. This program offers educational assistance to all Rising Stars members and Alumni attending the University of the Virgin Islands in the areas of English/ Language Arts; History; Math; Science; and Computer Applications.

## Rising Stars Graduates and Scholarship Fund

In addition to preventing school dropout and juvenile delinquency, the Orchestra is also utilized to ensure that its members graduate from high school and develop their careers or move forward towards fulfilling their post-secondary education. During FY2015, twenty-five (25) members graduated from High School: six (6) in the District of St. Croix and nineteen (19) in the District of St. Thomas-St. John. Twenty-one members received the Rising Stars academic scholarship, and they were also presented with the Rising Stars watch as well as a Certificate of Participation after completing all of the requisite requirements to receive said scholarship.

This year's graduates plan to attend a variety of colleges and universities including: American University, Johnson & Wales University, Ganon University, Genesee Community College, Georgia Regents University, Bethune Cookman University, Miami Dade College, and the University of the Virgin Islands.



During their Junior and Senior years with the Orchestra, the 2015 graduates participated in a number of College Matriculation and Career Planning Workshops. These sessions included presentations by staff members from the University of the Virgin Islands, the VI Board of Education and from the Superior Court. Topics of the workshops covered the following areas: Preparing for College, FAFSA preparation,

Applying for Financial Aid, How to Prepare a Resume, Money Management for Teens, Interviewing Skills and the Interview Process and Dressing for Success.

During FY 2015, the Rising Stars staff continued its fund raising activities to generate funds for the Rising Stars Scholarship Fund. The funds collected through their various initiatives (activity

fees, recruitment fees, payouts, collateral sales, and donations) totaled \$103,471.04 (\$74,889.00 - STT-J; and, \$28,582.04 - STX).

### **Rising Stars Pan in Motion**

Established in 1988, the Rising Stars Pan-in-Motion is comprised of a group of energetic panists who remain active throughout the year. Pan-in-Motion is the only representative of the original "round de neck" panists who perform on a regular basis within the Caribbean. This group is comprised of a variety of panists who hail from within our community and includes senior Rising Stars members, Rising Stars Alumni, and Instructors of the Orchestra, in addition to various persons from throughout the community who just love to play the steel pan.

Annually, Pan-in-Motion represents the Rising Stars when they are unable to participate in an activity that requires mobility and the venue cannot accommodate the trolleys - especially in the Fourth of July festivities on St. John where they perform in the village, lead off the J'ouvert at 4:00 AM and follow up with their performance in the Festival's Parade. Generally, during the Rising Stars Carnival Season, Pan-in-Motion performs at the Steelband Jamboree and begins the J'ouvert at 4:00 AM - taking revelers from the Village down to the beginning of J'ouvert and back up the waterfront—all by 7:00 AM, thus avoiding the heat of the day.

During its tenure, Pan-in-Motion has also performed for the Department of Tourism and other local entities. They have traveled to and performed at various venues in Dominica; during the August Festival and Easter Monday activities in the BVI - Tortola and Virgin Gorda.

During FY2015, the Rising Stars Pan-in-Motion performed in approximately fourteen engagements at hotels, for civic events, private parties, the Roy L. Schneider Hospital Carnival event, J'ouvert on St. Thomas and St. John, Relay for Life, the Steel Band Jamboree on St. Thomas and St. John, the Bordeaux Agriculture Fair and the Paradise jam NCAA Basketball Tournament.

### **Challenges and Goals of the Rising Stars Program**

Due to the on-going fiscal constraints faced by the Court, the Rising Stars Program has also been affected by the austerity measures that have been imposed by the Court. As a direct result, funds have been restricted in a number of critical areas, to include: Annual Staff Development Training; Replacement of Instruments and Equipment; staffing vacancies; and payment of overtime.

Moving forward, several of the goals of this organization include identifying a new location for the Rising Stars Panyard and hiring a minimum of instructors to fill the vacancies in the District of St. Croix, as well as purchasing needed equipment, vehicles and other supplies for the Panyard that will enhance the experience for the members of the Orchestra.

Notwithstanding the above limitations, the Rising Stars staff is still committed to continuing to provide mentorship and cultural and educational opportunities in their efforts to curtail school dropouts and juvenile delinquency among the youth of this community.





Left: Retired Court Administrator, Viola E. Smith, parties with the Orchestra in Post Office Square during the Children's Parade.  
Center: St. Croix Rising Stars performing in Christmas Festival Parade.



St. Thomas Rising Stars Summer Recruits participating in Rap Session

## ADDENDUM

### HISTORY 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-St. John 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 Act No. 6687 (Bill No. 25-0213).

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: The District of St. Croix and the District of St. Thomas-St. John. Operational facilities in the District of St. Thomas-St. John are located in the Alexander A. Farrelly Justice Center; and, the Magistrate Division in this district is located in Barbel Plaza on St. Thomas, U.S. Virgin Islands. In the District of St. Croix, the Trial Court as well as the Magistrate Division is located at the R. H. Amphlett Leader Justice Complex, Kingshill, St. Croix, U.S. Virgin Islands.

In a show of inter-branch cooperation, the Superior Court and the Legislature of the Virgin Islands continue their cooperative agreement that enables the Court to hold monthly sessions in the Legislature’s facility in Cruz Bay for the residents of St. John. The Court also utilizes off-site operational offices at the Bureau of Motor Vehicles (BMV) locations on St. Thomas and St. John to facilitate the needs of the motoring public.

Facilities to accommodate the Court’s “school drop-out and juvenile delinquency prevention program”, also known as the Superior Court Rising Stars Youth Steel Orchestra, are maintained in both districts - in Barbel Plaza and Long Bay on St. Thomas; and in Hannah’s Rest on St. Croix.

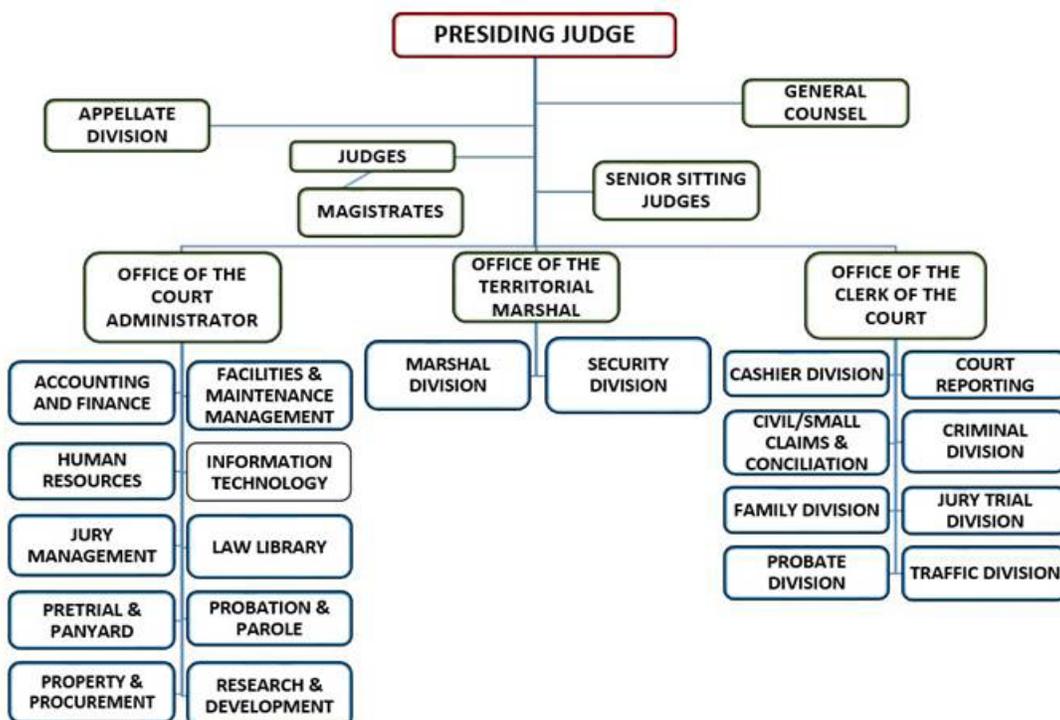
In accordance with V.I. Code Ann. Title 4 § 75-76, the Superior Court of the Virgin Islands has original jurisdiction over all criminal and civil cases brought under local law. The Court’s jurisdiction to hear criminal matters extends to misdemeanors, felonies, traffic, and litter violations. Additionally,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

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

The Presiding Judge is also responsible for the direct supervision of the Office of the Territorial Marshal, Court Security and the Office of the General Counsel.

## THE MAGISTRATE DIVISION

On May 11, 2007, Act 6919 was signed into law, providing a Magistrate Division within the Superior Court of the Virgin Islands. Pursuant to 4 V.I.C. § 120, et. seq., the Superior Court established 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. See the Superior Court’s current Organizational Chart below:



## IN MEMORIAM... JUDGE JULIO A. BRADY

On Wednesday, September 16, 2015, the Superior Court learned of the passing, after an extended period of ill health, of Retired Judge Julio A. Brady.

Born on Aug. 23, 1942 to Fitzroy and Eugenie Brady, Judge Brady attended Ss. Peter and Paul Catholic School. He earned a bachelor's degree in English and philosophy from Catholic University in Ponce, Puerto Rico, and he began his work in public service as an interviewer for the V.I. Employment Security Agency in 1965.

Judge Brady graduated from New York Law School in 1969, where he earned a jurisprudence award for excellence in criminal law. He then joined the Legal Aid Society, where he represented indigent clients in New York City Criminal Courts and before the N.Y. Supreme Court. His long and distinguished career with the Government of the Virgin Islands included the following:

- 1971 – Served as an Assistant U.S. Attorney on St. Croix.
- June 1973 – Named Interim U.S. Attorney by Chief Judge Almeric Christian and successfully prosecuted the Fountain Valley Case (Fountain Valley Five)
- December 1973 – Commissioned as the U.S. Attorney for the District of the Virgin Islands by the President
- 1977 – Associate attorney in the law firm of Isherwood, Alkon, Bernard and Diehm
- 1979 – Co-chairman of the Judicial Conference of the 3rd Circuit

- 1979 – Appointed by Gov. Juan Luis to be the first Federal Programs Coordinator for the Federal Programs Office in Washington, D.C.
- 1982 – Served as Lieutenant Governor in the administration of Governor Juan F. Luis
- 1992 - 1994 - Served as a judge of the Territorial Court
- 1995 – Appointed Attorney General by Gov. Roy Schneider
- Judge Brady also served, from time to time, as a designated justice at the Supreme Court of the Virgin Islands; worked in the Law Office of Mark Milligan; established his own law firm; served as the president of the V.I. Bar Association; a member of the Lawyers Advisory Committee to the 3rd U.S. Circuit Court of Appeals; a member of Judicial Council of the Virgin Islands; the co-chairman of the United Way Campaign; the state chairman of the Democratic party of the V.I.; the president of the Democratic Club for Progress; and as an honorary special agent of the Georgia Bureau of Investigation.

Judge Brady was a legal stalwart and a respected jurist who rendered his service with honor and distinction to the people of the Virgin Islands. Judge Brady's successful career of five decades in law and public service was recognized at a plaque ceremony by the 30th Legislature of the Virgin Islands in a 2013 Resolution by former Gov. John deJongh, Jr.

Judge Brady left to mourn his widow, Gwendolyn Hall-Brady; a son, Andrew; and a daughter, Julie-Marie, as well as siblings and grandchildren.



MAY THE SOUL OF  
JUDGE JULIO A. BRADY  
REST IN ETERNAL PEACE!

# SUMMARY

The operations of the Superior Court continued during Fiscal Year 2015 despite the on-going fiscal and budgetary constraints prevailing in the Territory. Notwithstanding the cutbacks to the Court's annual budget requests during the past several fiscal years, the implementation of self-imposed austerity measures – coupled with the Court's ability to effectively manage its resources – enable the Court to fulfill its core functions and constitutional mandates.

The Court's Fiscal Year 2015 (FY15) began with the same reduced appropriation level of \$27,723,865. This appropriation level mirrored the reduced FY2014 appropriation level and resulted in a \$3,552,705 shortfall when compared to the Court's budget request of \$31,276,570 for its operation in FY2015. However, due to the ability granted to the Court to utilize additional sources (prior-year encumbrances, et. al.), and several Federal grants, the Court was able to realize a final authorization level of \$28,369,531.55. We will continue to reiterate that yearly reductions in

- Limited financial resources;
- The need for a new and functioning Case Management System to replace the unsupported eNACT system and to facilitate the ability to incorporate e-filing within the operations of the Superior Court;
- Limited Judicial Officers (an additional Judge in the District of St. Croix and an additional Magistrate in both districts).
- Dwindling work force due to a high degree of employee turnover, especially in the District of St. Croix;
- Inability to provide staff members with a salary commensurate with their job functions;
- Inability to provide adequate training to staff members;
- Inoperable and rapidly deteriorating vehicle fleet; and,
- Aged facilities that require extensive upgrades and maintenance.

Following the successful completion of the Court's Five-Year Strategic Plan in FY2014, the Court embarked upon the first phase of events as outlined by the Access and Fairness Task Force, namely the completion of the community-wide



FY2015: Annual Training of Staff Members

the Court's budget do not translate to a change in the law to reflect the amount of resources available to apply to the Court and we are still faced with dwindling resources. Ironically, as the court's responsibilities and the seriousness and complexity of cases have increased, its budget has decreased significantly.

Although the Court was besieged by a number of adverse conditions during this time period, we were still able to operate in a satisfactory manner during this fiscal year. Several of the adverse conditions that affected the Court included, but were not limited to the following:

Access and Fairness Survey. The Survey took place in October 2015 and the results (noted on pages 10 - 13 of this report), were collected and analyzed by the NCSC and rendered very positive results. Notably, there were a high number of participants throughout all of the locations. Responses to the survey showed that the court users were engaged in a wide variety of court activities, everything from coming to the court for a marriage license, to attend a hearing, or to visit the probation office.

The responses were quite positive, with respondents indicating that they agreed on most items of Access and Fairness, giving either

an "Agree" or "Strongly Agree" rating - which was clearly indicated by both English-speaking and Spanish-speaking respondents. The Spanish-speaking respondents also rated the Court high with regard to the accommodations made on their behalf. It was also noted from the responses to this survey that "Access" responses rated a little higher than "Fairness" answers. The Court will consider addressing these issues through enhanced conversations and meetings with attorney groups such as the Virgin Islands Bar Association.

Responses having to do with internet access to information received lower ratings or "Not Applicable" responses. Hence, the Court's renewed focus on upgrading its current website, having issued an RFP for same. A significant part of the website's upgrade will include providing standard forms, various links, some basic access information, an array of forms, publishing court calendars, and providing answers to a breadth of frequently asked questions.

Although not funded, the Court will continue to seek creative ways to obtain the requisite funding that will enable it to proceed with its Vision 2020 Capital Improvement Project which includes, among other things, the construction of an annex in the District of St. Croix that will be utilized to accommodate the much anticipated new judicial officer for that district.

During Fiscal Year 2015, the Court continued to embrace opportunities to reach our youngsters before they enter the judicial system, through participation in career workshops, summer employment programs, youth enrichment sessions and school tours during which judges and other court staff members make themselves available to speak with youngsters about the judicial system.

The Court will continue to remind the community that it is impossible to fulfill its core functions and simultaneously live within significantly reduced means. To do so clearly means that the Court must also continue to direct and redirect all available resources to fulfill our core mission, meet our constitutional mandates and satisfy our responsibilities to our youth and our complex community in general.



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