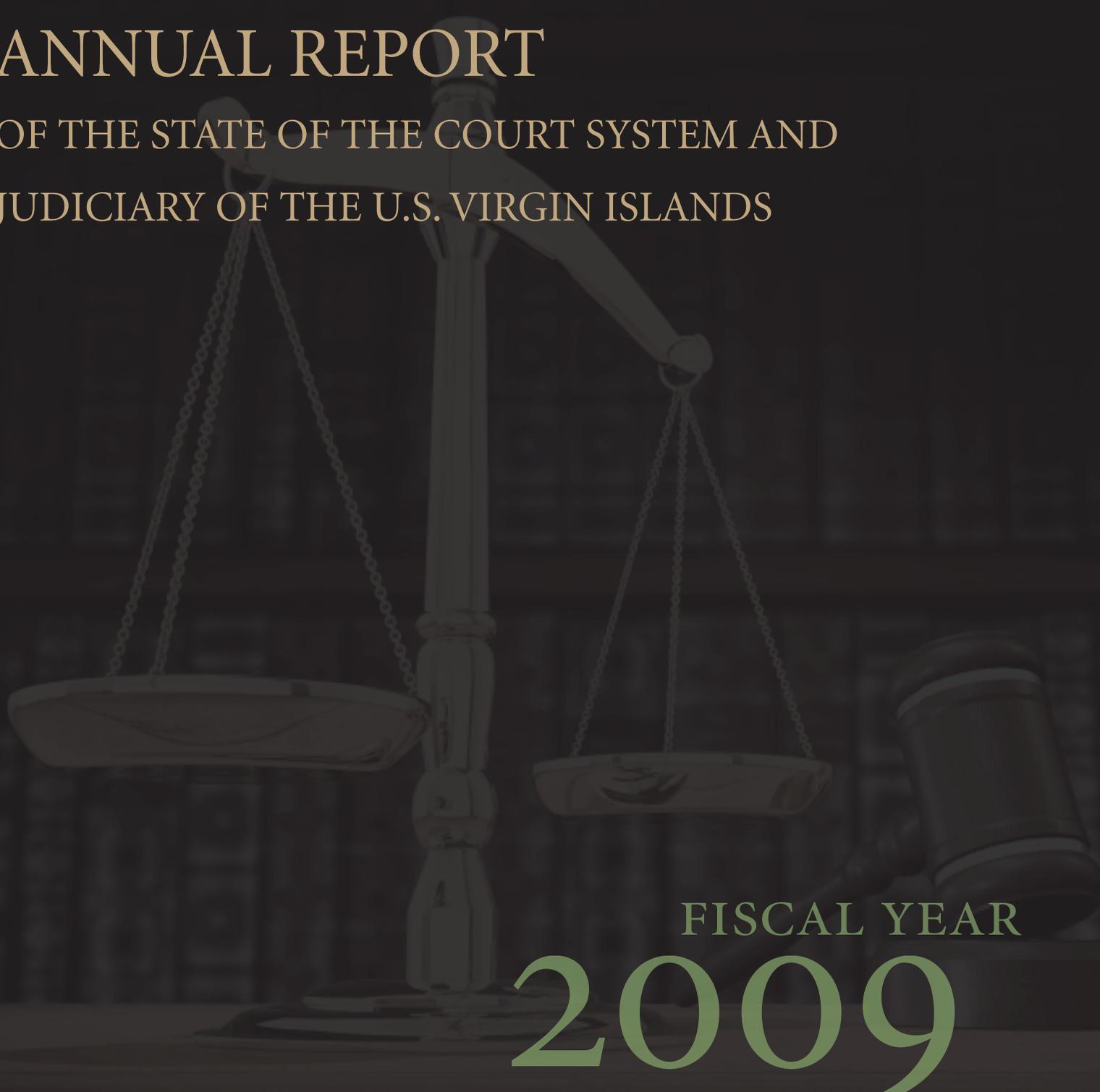




ANNUAL REPORT
OF THE STATE OF THE COURT SYSTEM AND
JUDICIARY OF THE U.S. VIRGIN ISLANDS



FISCAL YEAR

2009

SUPREME COURT OF THE VIRGIN ISLANDS

Hon. Maria M. Cabret
Associate Justice

Hon. Rhys S. Hodge
Chief Justice

Hon. Ive Arlington Swan
Associate Justice

Glenda L. Lake, Esquire
Administrative Director

Veronica J. Handy, Esquire
Clerk of the Court

SUPERIOR COURT OF THE VIRGIN ISLANDS

Hon. Darryl Dean Donohue
Presiding Judge

Hon. Brenda J. Hollar
Administrative Judge

Hon. Verne A. Hodge
Senior Sitting Judge

Hon. Ishmael A. Meyers, Sr.
Senior Sitting Judge

Hon. Edgar D. Ross
Senior Sitting Judge

Hon. Patricia D. Steele
Judge

Hon. Audrey L. Thomas
Judge

Hon. Leon A. Kendall
Judge

Hon. Julio A. Brady
Judge

Hon. Francis J. D'Eramo
Judge

Hon. James S. Carroll, III
Judge

Hon. Michael C. Dunston
Judge

Hon. Jessica Gallivan
Magistrate

Hon. Miguel Camacho
Magistrate

Hon. Kathleen MacKay
Magistrate

Hon. Alan Smith
Magistrate

Bridget R. Hodge, PHR
Court Administrator

Venetia H. Velazquez, Esquire
Clerk of the Court



Supreme Court OF THE VIRGIN ISLANDS





Supreme Court Of The Virgin Islands

MESSAGE ON THE STATE OF THE JUDICIARY

It gives me great pleasure to once again present the Annual Report of the Court System and the Virgin Islands Judiciary for Fiscal Year 2009 as required by 4 V.I. Code Ann. § 31(d)(4)(A). This is only the second such formal report, with the inaugural report being that of fiscal year 2008. As the head of the judiciary with statutory responsibility for general oversight of the Judicial Branch of the Government of the Virgin Islands, I am indeed pleased to present this report on the work of both the Supreme and Superior Courts of the Virgin Islands.

The report is a compilation of data and information separately prepared by both Courts, with the Honorable Darryl Dean Donohue, Presiding Judge of the Superior Court, submitting the data and information relative to the Superior Court. The final report is prepared by the Supreme Court under the direction of its Administrative Director and submitted by the Chief Justice to the Governor and Legislature, as required by law.

The report clearly demonstrates that, on the whole, the Judicial Branch of the Virgin Islands is adequately meeting its statutory mandate to provide the fair administration of justice throughout the territory.

The statistics for the Supreme Court clearly demonstrate that the caseload of the appellate court continues to markedly increase. Case filings at the Supreme Court increased a total of 46% over the 2008 fiscal year, while dispositions kept pace and exceeded case filings with an overall 50% increase in terminated cases. The increase in case filings is directly attributable to the growing increase in criminal and civil appeals from the Superior Court, which increased a total of 42%, and the additional cases filed relating to bar governance matters in the areas of Continuing Legal Education (CLE) and bar discipline, which increased at a total of 61%. The data reflecting the increase of case filings does not include the countless motions resolved in processing these matters on a daily basis and the orders that are entered on the Court's own initiative.

The statistics also reveal that the Superior Court's workload remains reasonably steady. Case filings decreased by 4% over the 2008 fiscal year, while case dispositions decreased 13%. However, despite these decreases, it is significant that the Superior Court experienced a 16% increase in its core civil and criminal filings, which require greater time and effort to process to completion. In addition, while case filings in the District of St. Croix normally trail the filings in the District of St. Thomas and St. John, case filings in the St. Croix district increased in the 2009 fiscal year, resulting in a 14% increase over the prior year's filings. Also of relevance from the Superior Court's submission is the significant savings realized in spending from the budgeted sums during the 2009 fiscal year. In the 2009 fiscal year, the total budget allotments and receipts of the Superior Court were \$33,409,081.97, while total expenditures were \$26,784,912.65 resulting in a surplus over expenditures for the fiscal year of \$6,624,149.32. The expenditures for fiscal year 2009 exceeded the prior fiscal year expenditures by \$1,031,395.35, a 4% increase.

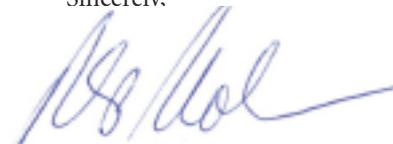
Meanwhile, the judiciary of the Virgin Islands attained another milestone in fiscal year 2009 as it implemented the Magistrate Court system, swearing-in the first magistrates in the Superior Court on June 29, 2009 in St. Croix and June 30, 2009 in St. Thomas. Magistrates Jessica Gallivan, Miguel Camacho, in St. Croix, and Kathleen McKay and Alan Smith, in St. Thomas-St. John, assumed their duties, completing a more effective judicial structure for the territory. It is expected that implementation of the magistrate division will increase the service rendered to litigants and the Virgin Islands community by ensuring that important less complicated cases such as traffic, marriage, domestic violence, landlord and tenant and small claims matters, as well as criminal bail, advice of rights and arraignments are timely heard. As a result, the trial docket will be freed up for the Superior Court judges to render just and prompt decisions in more complicated matters.

Naturally, as the trial docket becomes more active, the backlog in the Superior Court will be positively impacted, and there will be an increase in the number of appeals filed in the Supreme Court. This is as it should be in an effective judicial system, resulting in the prompt adjudication of all cases brought before the judicial branch from initial filing in the trial court to resolution on appeal. It is expected that the initial fruits of the full implementation of the magistrate system will be reflected in the fiscal year 2010 annual report.

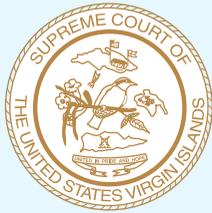
During fiscal year 2009, the Supreme Court continued on its critically important goal of acquiring and improving suitable, adequate and appropriate physical facilities to afford the justices and employees of the Court the ability to perform their duties properly and efficiently. As this report reflects, great strides were made in laying the ground work for attaining that goal. The Supreme Court likewise continues to implement its full use of technology to improve and enhance its operations. These efforts will benefit the entire public and the legal community.

On a more somber note, the judiciary suffered a great loss during this time. The Honorable Francis J. D'Eramo passed away on April 27, 2009. Judge D'Eramo served as a judge at the Superior Court of the Virgin Islands and as a Designated Justice on several matters at the Supreme Court. He was brilliant beyond measure and his legal acumen was exceeded only by his dedication to the litigants that appeared before him, his colleagues on the bench and the staff that he embraced daily. I commend his dedication to public service in general and to the judiciary in particular. Judge D'Eramo will be sorely missed.

Sincerely,



Rhys S. Hodge
Chief Justice



Supreme Court of the Virgin Islands Vision Statement

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

JURISDICTION OF THE SUPREME COURT OF THE VIRGIN ISLANDS

The Virgin Islands Supreme Court is the equivalent of a state supreme court. As the highest court for the Virgin Islands, the Supreme Court is authorized to review all final orders, judgments and specified interlocutory orders of the Superior Court of the Virgin Islands pursuant to 4 V.I. Code Ann. § 32(a). The Supreme Court also has all inherent powers, including the power to issue all writs necessary to the complete exercise of its duties and jurisdiction under the laws of the Virgin Islands. The Supreme Court's authority also includes jurisdiction of original proceedings for mandamus, prohibition, injunction, and similar remedies to protect its appellate jurisdiction. Cases before the Court are determined by three justices and a decision by two justices is required for a decision of the Court.

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



COMPOSITION OF THE SUPREME COURT OF THE VIRGIN ISLANDS

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

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

The court is assisted by the service of active judges of the Superior Court and of retired judges of courts of record in the Virgin Islands who serve as designated Justices *Pro Tem* to fill vacancies on the court caused by disqualifications or other absences of the justices.

ORGANIZATIONAL STRUCTURE

The Chief Justice serves as the administrative head of the Supreme Court of the Virgin Islands with responsibility for general oversight of the judicial branch of the Virgin Islands, and is supported in carrying out those duties by the Office of the Administrative Director and the Office of the Clerk of the Court.

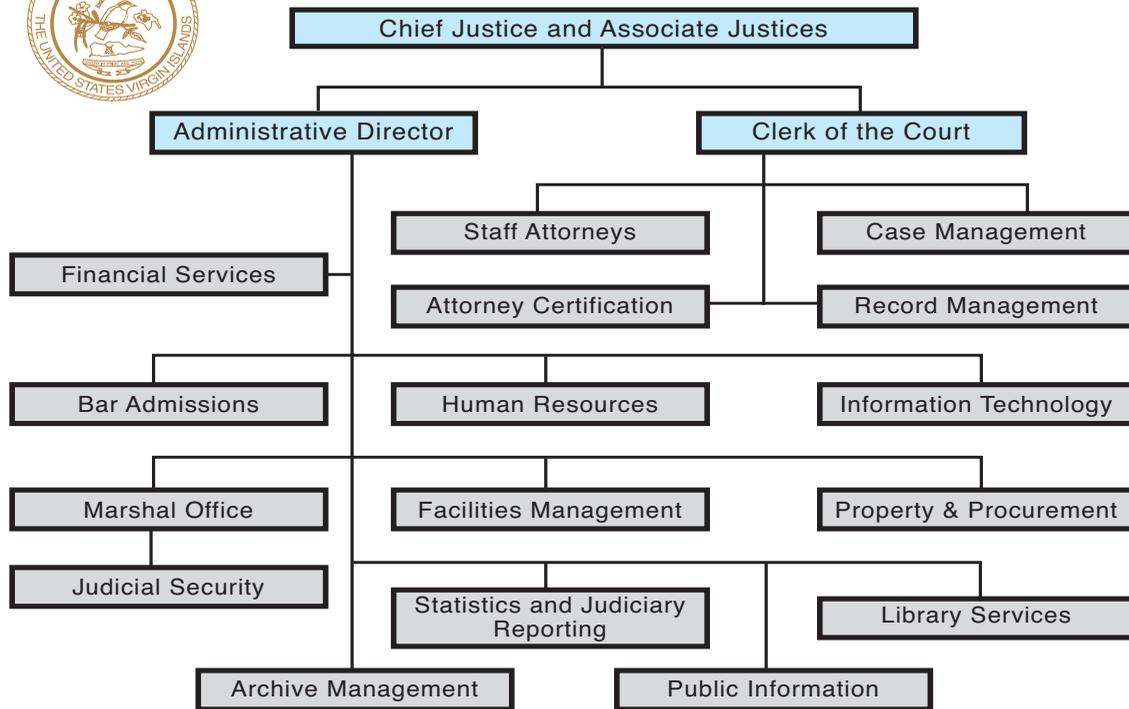
The Office of the Administrative Director renders guidance and supervision to the following divisions: Office of the Chief Marshal, Office of Bar Admissions, Division of Information and Technology Services, Division of Fiscal Services, Division of Facility Management, Division of Human Resources, and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

The Office of the Clerk manages the clerk's office, case processing and renders supervision to the Staff Attorneys and deputy clerks.

Both operational units work cohesively to ensure that all employees are properly supported in their endeavor to render quality services to the legal community and the general public.



Supreme Court of the Virgin Islands



OFFICE OF THE CLERK OF THE COURT



In fiscal 2009, the Supreme Court appointed Veronica J. Handy, Esquire as the Clerk of the Court—the second Clerk of the Court to serve in this capacity. Pursuant to 4

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

Appellate Mediation Program. Pursuant to V.I.S.C.T. R. 7(c), the Clerk of the Supreme Court of the Virgin Islands serves as the Program Administrator of the Appellate Mediation Program. Any party to an appeal may request mediation, which request is referred to the Chief Justice for determination as to whether the case should be referred to mediation. During

the fiscal year, one (1) case was referred to the Appellate Mediation Program under the supervision of the Clerk of the Supreme Court. This mediation program remains an important tool to assist parties in saving the costs of appeal by promptly disposing of appeals short of the full blown appellate process.

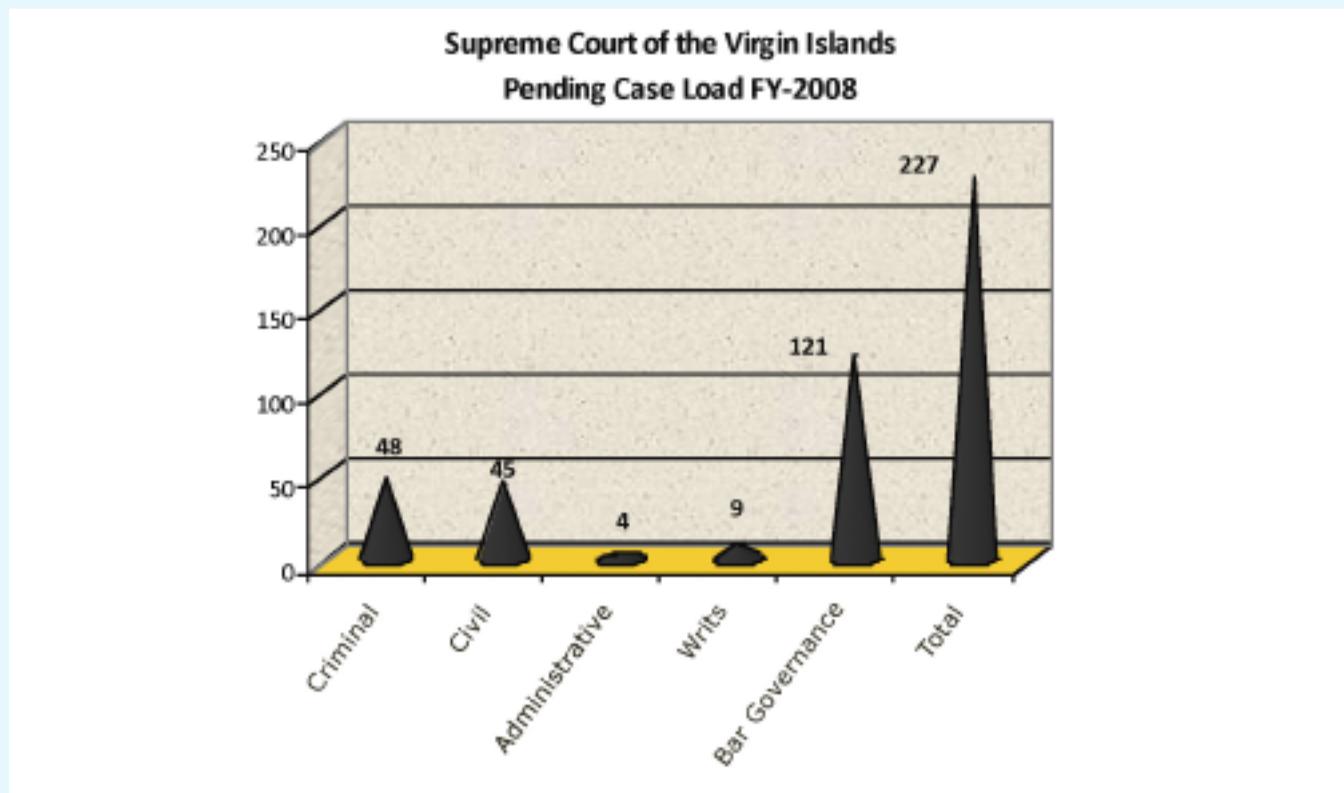
Certificates of Good Standing. The Clerk of the Court is also responsible for issuing the Certificates of Good Standing for all attorneys who desire to obtain a license to practice law in the U.S. Virgin Islands or to otherwise validate their status with the Virgin Islands Bar. During fiscal year 2009, 355 attorneys applied for a Certificate of Good Standing, with 313 certificates being issued and 42 requests being denied.

Justices Pro Tem. The Clerk of the Court also facilitates the service of active, senior or retired judges to serve as designated justices in matters in which a current sitting justice has tendered a recusal. During fiscal year 2009, a justice of the Supreme Court recused him/herself in 24 matters. Accordingly, 28 justices pro tem were designated to facilitate the speedy resolution of the pertinent cases.

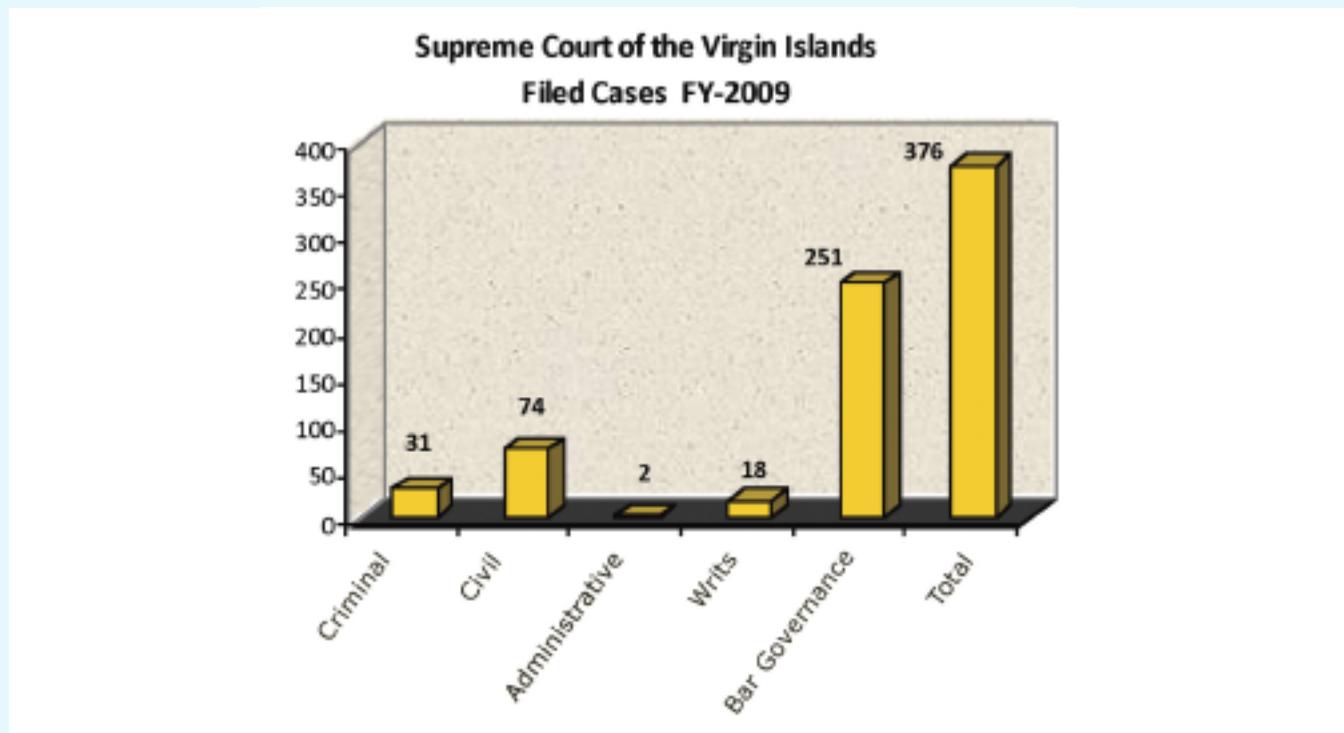
Caseload Data

The caseload of the Supreme Court of the Virgin Islands showed a marked increase in fiscal year 2009. While the Court closed fiscal year 2008, with 227 pending cases, an additional 376 cases were filed in fiscal year 2009, with the bar governance matters showing a marked increase. As previously alluded to, there were 172 more cases filed in fiscal year 2009 than in fiscal year 2008. Similarly, 137 more cases were disposed of in fiscal year 2009 than in fiscal year 2008.

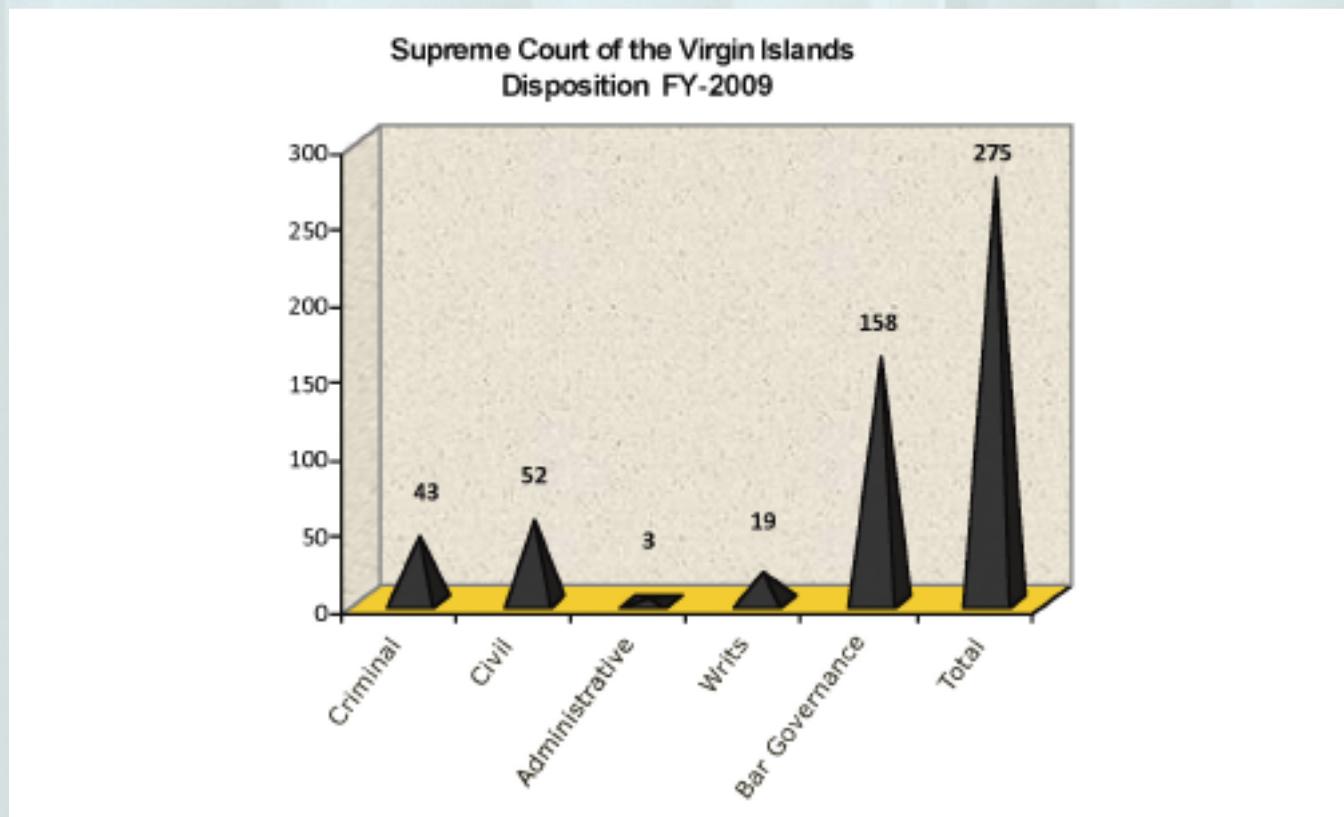
Pending Caseload. At the close of fiscal year 2008, the Court had a pending caseload of 227 cases. Of that sum, 48 cases were criminal matters, 45 cases were civil matters, 4 cases were administrative agency matters, 9 cases were applications for writs, and 121 cases were bar governance matters.



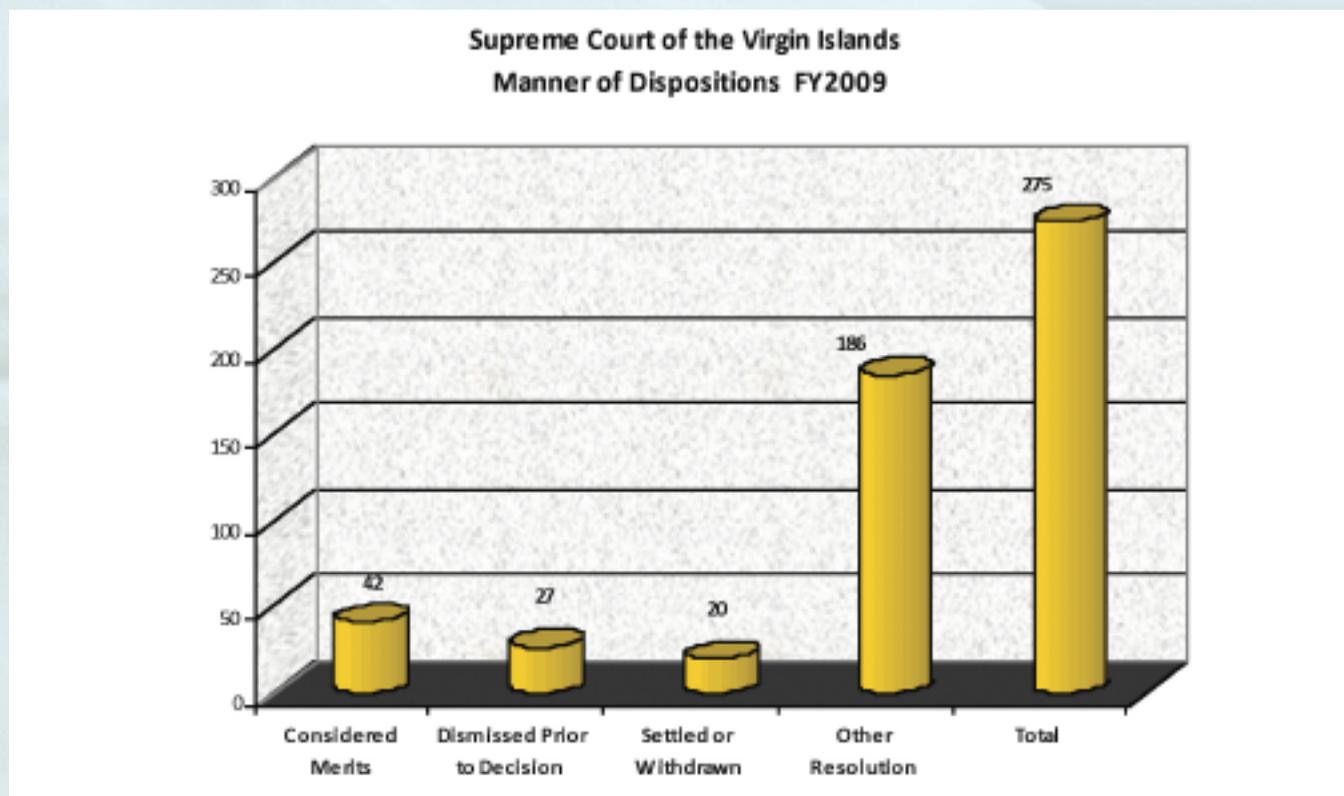
Case Filings. During fiscal year 2009, 376 cases were filed with the Supreme Court, 31 of which were criminal matters, 74 of which were civil matters, 2 of which were administrative agency matters, 18 of which were application for writs, and 251 of which were bar governance matters.



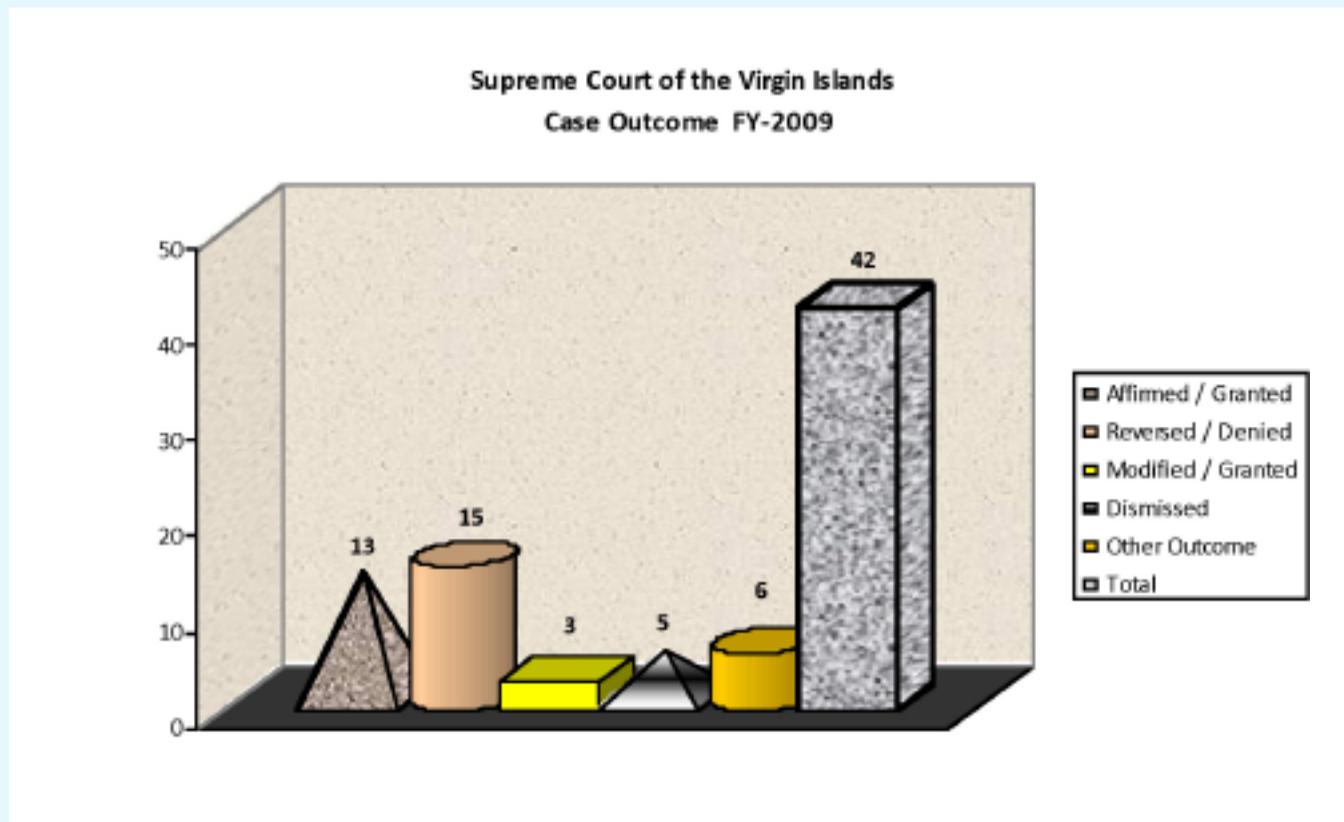
Case Dispositions. The Court disposed of a total of 275 cases during the past fiscal year. Of the number disposed, there were 43 criminal matters, 52 civil matters, 3 administrative agency matters, 19 applications for writs, and 158 bar governance matters.



Of the 275 matters for which a disposition was rendered during fiscal year 2009, 42 decisions were rendered where the Court considered the merits of the case, 27 cases where the matters were dismissed prior to decision due to procedural defects, 20 cases where the matters were settled or withdrawn, and 186 cases were otherwise completed, finalized and closed.

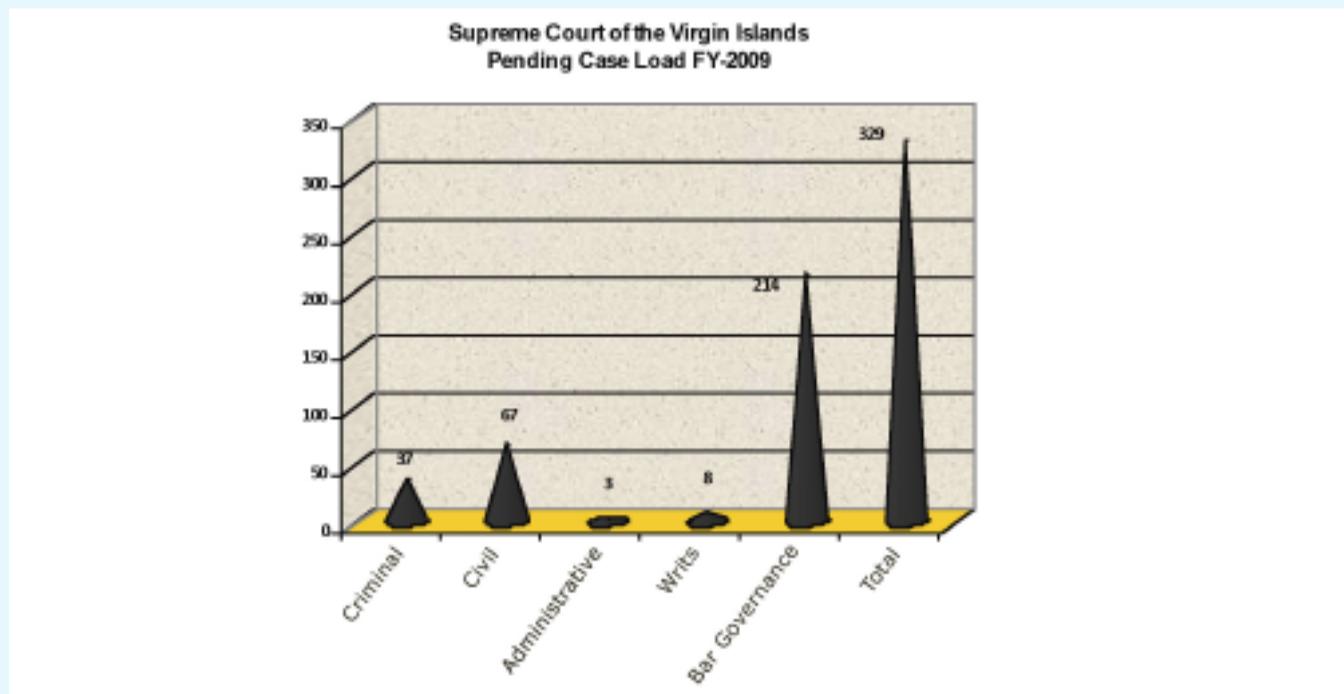


Of the 42 matters that were resolved by opinions after consideration on the merits, the Court affirmed the judgment/order or granted the petition in 13 cases, reversed the judgment/order or denied the petitions in 15 cases, modified the judgment/or order or granted in part in 3 cases, dismissed 5 cases on procedural grounds, and 6 cases had other outcomes. Moreover, 37 full opinions, 1 memorandum opinion, and 4 other dispositional orders were issued in these matters.



Yet, the work of the Supreme Court is not limited to dispositions as during the life of an appeal many motions are addressed and resolved by the Court. During fiscal year 2009, the Supreme Court rendered decisions on 283 motions filed by the parties, and entered 86 orders sua sponte—on its own initiative.

Despite the significant work output of the justices during the fiscal year, 329 matters remained pending at the close of fiscal year 2009, 37 criminal matters, 67 civil matters, 3 administrative agency matters, 8 applications for writs and 214 bar governance matters.



It is to be noted that the vast number of bar matters which remain open as pending are not matters which require Court action to terminate. Of the 214 outstanding bar matters, 117 relate to applications for admissions to the bar which can only be resolved when the applicants satisfy the requirements for admission or the application is denied or withdrawn.

OFFICE OF THE ADMINISTRATIVE DIRECTOR

In fiscal year 2009, the Office of the Administrative Director continued to manage and facilitate the growth of the Court in the following areas: bar governance, budgeting and financial management, information technology, judicial security, facility management, human resources and procurement.

Regulation of the Virgin Islands Bar. The Supreme Court of the Virgin Islands has jurisdiction over admissions to the Virgin Islands Bar pursuant to 4 V.I. Code Ann. § 32(e). The Office of Bar Admissions works as an administrative arm of the Supreme Court of the Virgin Islands, together with the Committee of Bar Examiners to assist the Court in the administration of the Virgin Islands Bar Examination, conduct character and fitness investigations, and ascertain the qualifications of all applicants for the admission to the Virgin Islands Bar as established by V.I.S.C.T. R. 204.

The Office of Bar Admissions administered the Multistate Bar Examination (MBE) and the Virgin Islands Essay Examination on February 25-26, 2009 and July 29-30, 2009. In February, seven (7) applicants sat for the MBE, with fifteen (15) sitting for the local essay examination. Further, in July, twenty (20) applicants sat for the MBE, with thirty-six (36) applicants

undertaking the essay examination. In February, ten (10) applicants passed the examination and twenty-three (23) applicants passed in July.

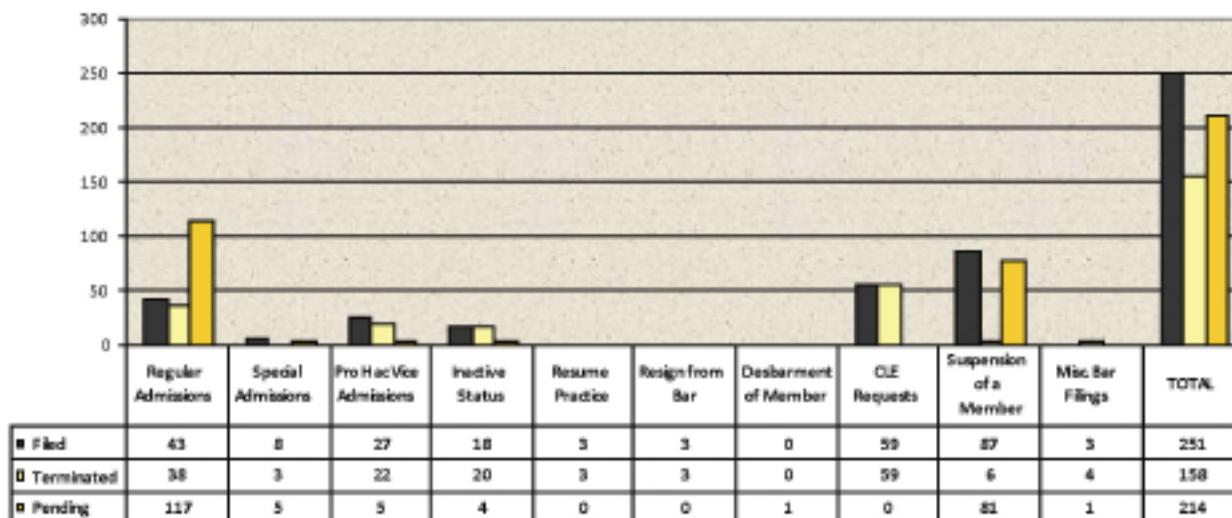
In addition to the administration of the bar examination, the Office of Bar Admissions also processes all bar governance cases relative to the Special Admissions, Pro Hac Vice Admissions, Inactive Status, Resumption of Practice, Resignation of Members from the Bar, Disbarment of Members, Suspension of Members, Continuing Legal Education (CLE) and miscellaneous matters relative to attorneys.

As stated previously, the office saw a dramatic increase in its caseload in fiscal year 2009 due in no small measure to Promulgation Order 2007-004 entered on August 9, 2007, where the Supreme Court mandated that all active members of the Virgin Islands Bar are required to undertake Continuing Legal Education effective January 1, 2008. Accordingly, during fiscal year 2009, 59 requests relative to CLE were processed.

In addition, the Virgin Islands Bar Association moved for the suspension of members who failed to tender payment for their bar dues. Accordingly, 87 suspension matters were filed in fiscal year 2009, with 86 of those suspensions relating to the nonpayment of bar dues.

It is anticipated that the caseload of the Office of Bar Admissions will continue to grow in the foreseeable future given the need to address petitions and motions relative to CLE compliance and the aggressiveness of the Virgin Islands Bar Association in moving to suspend members that are delinquent on their bar dues.

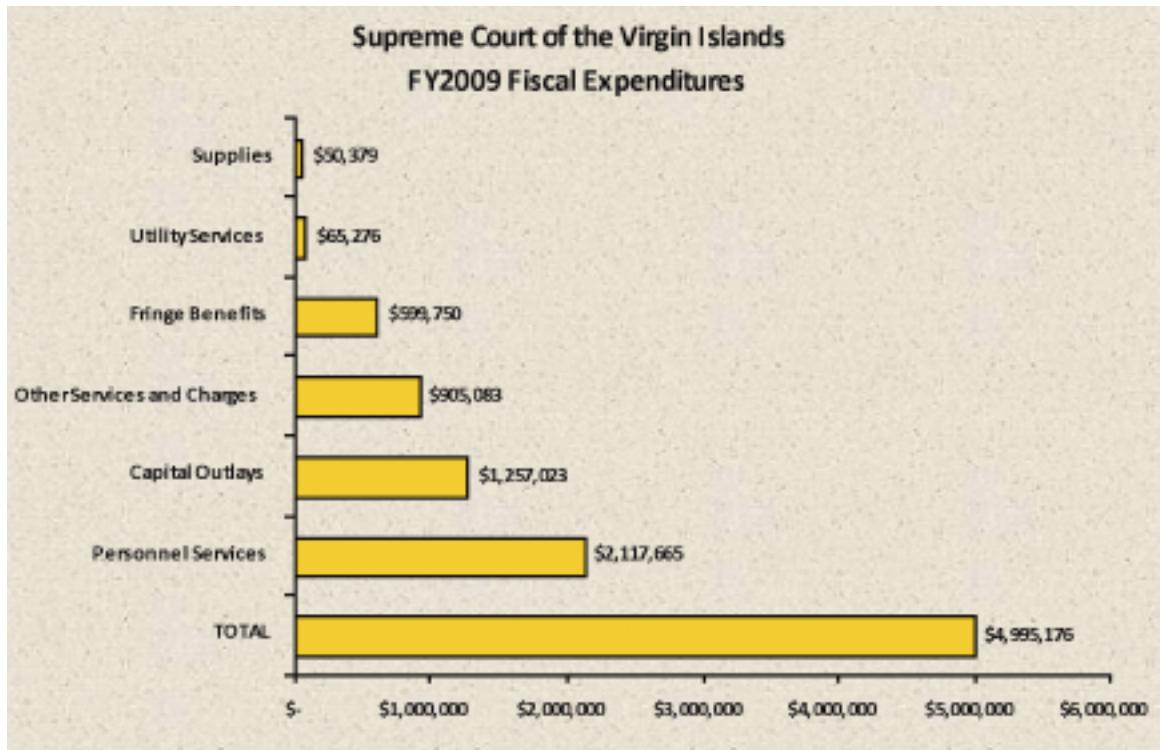
**Supreme Court of the Virgin Islands
Bar Governance Annual Statistics
October 1, 2008 - September 30, 2009**



Budgeting and Financial Management. The Legislature of the Virgin Islands appropriated \$5,000,000.00 to fund the operations of the Supreme Court of the Virgin Islands during fiscal year 2009. That sum represented \$2,260,226 or 31% less than the courts original budgetary request. The budgetary shortfall negatively impacted the Supreme Court's ability to meet its established budgetary priorities, precluding the implementation of adequate staffing levels. Instead, the Supreme Court maintained operations and invested its fiscal resources in its case management system, technology, and facility infrastructure.

the Supreme Court of Wyoming and the District Court of Clark County in Nevada to review the vendor applications for appellate case management and make pertinent inquiries of court personnel relative to the performance of the various applications. Immediately thereafter, the Court selected LT Court Tech to implement the Court's Appellate Case Management System. The system was scheduled to be implemented in four (4) phases and implementation commenced in February of 2009.

During Phase I, the Clerk's Office, working in concert with the justices and administrative personnel, reviewed current



Information Technology. Beginning in fiscal year 2008, the Division of Technology Services embarked on a strategy to incorporate technology to aid in the efficient operation of the Supreme Court of the Virgin Islands. The Court previously reported on our intent to procure an appellate case management system, implement redundant communication systems, and provide enhanced statistical reporting and access to information. The Court is pleased to report that we continued to meet our technology goals in fiscal year 2009.

business processes and created operational rules that would govern the systems functionality. Thereafter, the core case management system that automates case processing in the Clerk's Office was created, going live in September of 2009.

Phase II was the development of the public access infrastructure that serves to enable the public to view current case dockets from any remote computer location with internet access. The Court is pleased to report that the module has been

developed and tested and is awaiting the drafting of pertinent court rules to facilitate its release for public use in fiscal year 2010.

Having released a Request for Proposals for the procurement of an automated appellate case management system in fiscal year 2007 and narrowed the selection to two (2) vendors in October of 2008, the Chief Justice, Administrative Director, Clerk of the Court and Deputy Administrative Director of Technology Services conducted site visits at the Supreme Court of Oregon,





Presently, all cases filed at the Supreme Court are immediately entered and tracked in an automated environment that facilitates efficient retrieval, viewing and case reporting. Phase III is ongoing and provides for opinion processing functionality that will enable the tracking, reporting, alerts and opinion management mechanisms to facilitate efficient opinion processing among the several justices' chambers. This functionality is still in development as current business processes in this area are being reviewed. Phase III is expected to be completed by July 2010.

Phase IV will provide electronic filing functionality whereby the Supreme Court will be the first court of local jurisdiction to implement this functionality which currently exists in the District Court of the Virgin Islands. Electronic case filings will take case processing beyond the borders of the courthouse, enabling patrons to file court matters without a trip to the court's premises on either island. Work on this phase is scheduled to commence on April 1, 2010, with an expected implementation date of August of 2010.

Yet, the Appellate Case Management System is just the beginning. The Court intends to make the most of its data which would now be in an easily retrievable database, by implementing a new document management system to facilitate the exchange of communication within the Court and other external agencies as necessary.

During fiscal year 2009, the Court also implemented redundant communication systems. The Supreme Court is heavily reliant on secure email and inter-island communications. By utilizing two (2) Internet Service Providers (ISPs) and installing equipment that enables the court to utilize all four (4) of its connections simultaneously, the Court has achieved a great level of redundancy. Prior thereto, any communication outage would severely disrupt the Court's operations. Now that the Court has implemented redundant communication systems, it has not experienced any interruptions, due to communication failure, that have impacted the Court's operations.

Moreover, the Supreme Court has also enhanced its virtual environment to provide enhanced scalability, recoverability, and reduce the physical space needed for technology servers, as well as reducing the electrical and cooling requirements

necessary to operate physical servers. The Court purchased more robust servers to operate in a virtual environment, allowing the Court to move data between multiple servers to ensure recoverability should one server fail or malfunction.

Other accomplishments made during the fiscal year included the design and procurement of a new telephone system to meet demands at the Court's premises in St. Thomas; the design and selection of a vendor to install a state of the art audio-visual courtroom, and the implementation of an identification badge system for all employees.

Finally, the Court continued to invest in the development of its technology staff by providing training in the following areas: SQL 2005 Database Management, Introduction to Cisco Networking fundamentals, and Administration of Telephone Switches.

The Supreme Court remains fully committed to realizing all the efficiencies that a sound technology infrastructure will provide. As the court looks toward 2010, it hopes to capitalize on those efficiencies while finalizing its objectives with public access, e-filing, the implementation of an audiovisual courtroom, attendant with web streaming.

Judicial Security. The Office of the Supreme Court Marshal is responsible for the safety and security of the justices, employees, patrons and facilities of the Supreme Court. Having been established at the end of fiscal year 2008, the Office of the Supreme Court Marshal sought to create a solid foundation for judicial security at the Supreme Court. To this end, the Chief Marshal established operating protocols for judicial security at the Court's premises on both islands that identifies and implements adequate screening procedures and routine preventative measures. Further, both a Security Manual and an Emergency and Disaster Manual were drafted and circulated for comment, with completion scheduled for fiscal year 2010.

A comprehensive security system was also developed and designed for the Court's security system at the premises being renovated at No. 161B Crown Bay to complement that already installed at the Court's Strand Street location in St. Croix. The design consisted of an integrated burglar, access, camera and digital recording system. Thereafter, a vendor of was selected



after competing bids were solicited. The system is scheduled to be installed by the Court's occupancy date of October 31, 2009.

In addition, the office sought to develop its communication infrastructure by establishing a dedicated radio frequency on all islands for the Supreme Court, with portable radios being reprogrammed to the newly implemented radio system for the entire territory.

Most importantly, however, the deputy marshals were trained in Critical Incident Response and Planning, Special Security Considerations, and Physical Security Assessments. Indeed, the training proved invaluable during the extensive security planning that commenced for the Conference of Chief Justices Mid-Winter Meeting that is scheduled to be held in St. Thomas from Saturday, January 30, 2010 to Wednesday, February 3, 2010. Further, all marshals qualified on their court-issued weapon, with the Chief Marshal maintaining his Firearms Instructor Certification.

As the Court enters fiscal year 2010, the Office of the Supreme Court Marshal will continue to secure the Court's justices, employees, patrons, and facilities, and serve its writs and processes while facilitating greater awareness and communication among personnel through the use of emergency response drills and other preventative measures.

Facility Management. Since its inception, the Court has worked diligently to establish its physical presence on both St. Thomas and St. Croix. The people of the Virgin Islands deserve an appellate court with the facilities commensurate to its stature to ensure that their cases are processed and heard promptly. The Court began this journey in fiscal year 2007 when it procured and commenced renovation of the second floor of No. 18 Strand Street, Frederiksted, St. Croix.

Thereafter, in fiscal year 2008, the Court assumed occupancy of the facility in St. Croix which provided offices for the judicial chambers, with limited space for administrative and clerical staff of the Clerk's office. Meanwhile, in St. Thomas, the Court sought Request for Proposals on the renovations of No. 161B Crown Bay, St. Thomas, having leased the facility from the Virgin Islands Port Authority.

In fiscal year 2009, the Court continued on the goal to improve and enhance its physical facilities. Having completed the Request for Proposal process for the renovation of the facility at Crown Bay, the Court selected a contractor and began in earnest to work on the facility on January 7, 2009. While initially scheduled to be completed in July of 2009, changes to the original layout and the need to incorporate technology in the courtroom delayed the completion of the facility. The renovated facility will provide judicial chambers for three (3) justices and one (1) justice pro tem, along with office space for the Clerk's Office, administrative staff, and a state of the art courtroom. Completion of the facility is scheduled for October 31, 2009.

Looking toward the future, the Supreme Court intends to begin renovations of the first floor of No. 18 Strand Street, Frederiksted, St. Croix in fiscal year 2010. At present, the second floor can only accommodate limited administrative and clerical personnel, in addition to the necessary judicial chambers. The renovation will provide appropriate office space for administrative and clerical offices as well as a lift to facilitate ADA access to the second floor.

Once completed, the Supreme Court will be in a position to hire its full complement of personnel and continue to facilitate effective operations.

Human Resources. The greatest asset of any organization is its employees. The Supreme Court of the Virgin Islands is

privileged to have a very dedicated and knowledgeable group of personnel. Indeed, it is through their willingness and continued sacrifice that the Court was able to build such a strong foundation in a relatively short period of time given the small amount of personnel and limited funding.

In fiscal year 2009, the Supreme Court employed only twenty-nine (29) individuals, five (5) more than in fiscal year 2008 and only 58% of the amount minimally required for the proper operation and functioning of the Court. Accordingly, the Court had twenty-two (22) vacancies for the fiscal year. While the Court deemed all positions necessary, the funding shortfall precluded increasing staffing levels.

Nevertheless, the Court remained committed to investing in the employees currently on board, ensuring training in the following respective areas: bar admissions, financial administration, data base management, Cisco networking, telephone administration, firearms, emergency response, physical security, and critical incident response.

During this time, two (2) employees were recognized for their outstanding service to the Supreme Court. Ms. Tacey Thomas, Deputy clerk II, was recognized as the employee of the Year 2009 for St. Thomas. While Ms. Maria Quinones, Deputy Marshal, was recognized as the court's employee of the Year for St. Croix. Both honorees are the epitome of professionalism and dedication in government service and the Court continues to applaud their efforts.

In addition, the Supreme Court facilitated attendance at the following conferences: Conference of State Court Administrators Mid-winter Meeting, National Conference for State Courts e-Court Conference, the Conference of Chief Justices Mid-winter Meeting, the National Conference of Bar Examiners Annual Conference, the American Bar Association's Fair & Impartial Justice Summit, the American Bar Association Globalization & Regulation Program, the Government Financial Officers Association Annual Conference, Conference of Chief Justices and Conference of State Court Administrators Annual Meeting, the National Center for State Courts 2009 Technology Conference, and the National Court Association for Appellate Court Clerks Annual Meeting.

It must be noted that at the American Bar Association's Fair & Impartial Justice Summit, Chief Justice Rhys S. Hodge and Administrative Director Glenda L. Lake were joined by the Honorable Michael Thurland, member of the Twenty-eight Legislature and Chairman of the Committee on Rules and Judiciary, the Honorable Vincent Frazer, Attorney General of the U.S. Virgin Islands, and Adam Christian, Esquire, then

General Counsel to the Governor of the U.S. Virgin Islands. The goal of the summit was to bring together representatives from the different branches of government for each state and territory to address the issues that affect the fair administration of justice. In this forum, the various, yet interrelated, objectives of each branch of government were voiced at panel discussions and round-table exercises. The level of communication was rare and each participant left with a greater understanding of the continued need for communication among the branches during these very trying economic times if we are to ensure the success of the government, in general, and the judiciary, in particular.

Through the information obtained at these training initiatives, the justices and employees of the Court continue to make improvements to Court operations, incorporating best practices and ensuring compliance with national trends.

In fiscal year 2010, the Court intends to complete a Job Classification and Compensation Study. As the Supreme Court builds its personnel, it is imperative that the appropriate foundation be laid to ensure that (1) all positions and duties are clearly identified in a written job description and (2) all employees are fairly compensated for those tasks. To this end, the Supreme Court intends to commission the National Center for State Courts to assist in the completion of this initiative. The goal is to conduct a complete review of all job duties for current and vacant positions, analyze comparative salary data of courts of similar jurisdiction, as well as the local courts, and tender a comprehensive report recommending job descriptions, classification scheme, and compensation plan.

Further, the Court will hire additional personnel to facilitate expanded court operations. Given the increase in case processing, the Court will be adding a Staff Attorney to its complement of personnel for the Clerk's Office. Further, operations in the Office of the Administrative Director will become more effective with the addition of a Human Resources Manager, Executive Assistant, and a Messenger. The Division of Fiscal Services will benefit from the addition of a Chief Financial Officer and an Accounting Clerk I to ensure timely processing of vendor payments and payroll data. Further, the Division of Technology Services will require the addition of a Computer Support Technician to aptly support our expanding technology needs. Finally, given the Court's growing facilities, the Court will hire additional Deputy Marshals to ensure judicial security and Grounds and Building Maintenance Workers and a Custodian to aptly maintain the Court's premises. The Court does recognize that additional modifications may be required to its personnel scheme once the Job Classification and Compensation Study is completed.



Highlights of Major Accomplishments

- Successfully managed increased caseload.
- Successfully managed the reduced appropriation of \$5,000,000, ensuring that the Court met its statutory mandate effectively.
- Selected the vendor for the Supreme Court's Appellate Case Management System, reviewed and amended the business process of the Clerk's Office and implemented Phase I of the case management system.
- Implemented redundant communication systems by utilizing two (2) Internet Service Providers with four (4) connections that the Court can use simultaneously to prevent a disruption in service should one connection fail.
- Enhanced its virtual environment to facilitate added storage without the use of physical servers, thereby increasing capacity and reducing electrical and cooling requirements.
- Designed and procured a new telephone system to facilitate increased court operations.
- Designed a state of the art audiovisual courtroom and selected a vendor for its implementation.
- Designed and implemented a security system, attendant with digital camera, controlled access, and digital recording at the Court's premises at No. 161B Crown Bay, St. Thomas, U.S. Virgin Islands.
- Established Standard Operating Procedures for the Office of the Supreme Court Marshal, identifying and implementing screening procedures and routine preventive measures.
- Drafted for circulation and review a Security Manual and Emergency and Disaster Manual.
- Established a dedicated radio frequency for the Supreme Court of the Virgin Islands on both islands.
- Began renovations to No. 161B Crown Bay, U.S. Virgin Islands.
- Trained court personnel in bar admissions, financial administration, database management, court technology, Cisco Networking, telephone administration, firearms, emergency response, physical security, and critical incident response.
- Commenced work on the Supreme Court's Strategic Plan.
- Made presentations on the role of the Judiciary at the Emmanuel Benjamin Oliver Elementary School, St. Peter and Paul Catholic School and the University of the Virgin Islands.

Judicial Outlook

The Supreme Court looks forward to the coming fiscal year. Several goals and objectives that have been previously undertaken will be thoroughly completed in 2010--culminating a time of immense growth for the appellate court. The following represents a few of our more salient objectives that we will achieve in fiscal year 2010.

Appellate Case Management Project

For the upcoming fiscal year of 2010, the Supreme Court remains committed to concluding its Appellate Case Management Project. Specifically, the Court will finalize the chamber processing module, release the public access module, and implement e-filing. This will conclude a project that was critical to the efficiency of the Court and has spanned two (2) fiscal years.

Appellate Case Performance Standards

Despite our commitment to developing Appellate Case Performance Standards, the Court realized that an automated case processing environment was necessary for its implementation. Accordingly, the Court delayed this initiative and will be pursuing it at the conclusion of the Appellate Case Management Project.

Facility Management

In 2010, the Court intends to complete the renovations of the first floor of the Court's premises in St. Croix, providing offices for the Clerk's Office personnel and administrative staff. In addition, a lift will be installed to facilitate ADA access to the second floor. The Court currently estimates a completion date of July 2010.

Job Classification and Compensation Study

The Supreme Court will conduct and complete a Job Classification and Compensation Study in fiscal year 2010. The goal is to conduct a complete review of all job duties for current and vacant positions, analyze comparative salary data of courts of similar jurisdiction, as well as the local courts, and tender a comprehensive report recommending job descriptions, classification scheme, and compensation plan.

Supreme Court Strategic Plan

In fiscal year 2008, the Supreme Court committed to pursuing a five (5) year strategic plan in fiscal year 2009. It is important for the Court to set objectives to ensure that it remains on task in addressing its statutory mandate. Accordingly, the Court applied for a grant from the State Justice Institute to cover the cost of the development and implementation of the Court's strategic plan. In April of 2009, the State Justice Institute approved the grant in the amount of \$30,000, with the Supreme Court providing in-kind services in the amount of \$3,000. Accordingly, the Court commissioned the National Center for State Courts to assist in the development of the strategic plan. On July 20 and 21, 2009, a workshop was convened and the justices, management and staff of the Supreme Court developed a Vision Statement and a set of strategies for implementing that vision, attendant with short-term and long-term action plans. In addition, the participants discussed the implications of current trends on the vision and engaged in extensive discourse relative to the strengths and weaknesses of the organization. The result of the workshop was a draft document that was completed in September of 2009 and circulated to the participants for comment.

The next step is to convene two (2) additional workshops in fiscal year 2010 to review the implementation of action plans, develop pertinent measures, and review progress achieved. The project is scheduled to be concluded in May of 2010.

While the Supreme Court had previously intended to develop a similar strategic plan for the judiciary and requested the participation of Superior Court, the Honorable Darryl Dean Donohue, Presiding Judge, of the Superior Court declined to participate and indicated that the Superior Court was in the process of developing a strategic plan.

Community Outreach

It is important for the Court to assist in the education of the community it serves. Accordingly, in fiscal year 2010, the Supreme Court intends to continue to make relevant presentations at educational institutions so that the youths may become more aware of the court system and the judicial process. In addition, the Court will be seeking to introduce a program entitled *The Justice Files*, created by the National Center for State Courts, to the Department of Education, through the Office of the Superintendent. The *Justice Files* is a program that was created to educate middle and high school students about the justice system through the use of a graphic novel. Given the national concern on the state of the civil education of our youth, both the Conference of Chief Justices and the Conference of State Court Administrators continue to have discourse in this area, with each jurisdiction seeking to implement ways in which the Courts may aid in this area.

Further, the Court will release its Public Access Module which will ensure that court patrons in particular, and the public, in general, will have ready access to court cases. More importantly, however, with the completion of the audiovisual courtroom at the Court's premises in St. Thomas, the Court will facilitate streaming of its oral arguments live to the web. Web streaming will provide a salient view of the people's appellate court in action, while encouraging greater participation and education of the judicial process.

Conference of Chief Justices

The Supreme Court of the Virgin Islands will continue to plan for the Conference of Chief Justices Midwinter Meeting scheduled for Saturday, January 30, 2010 to Wednesday, February 3, 2010. The Virgin Islands is hosting the meeting for the first time in the conference's history. One Hundred and Fifty (150) chief justices, spouses, guests, and staff are expected to attend the conference. The educational program offers sessions in *Weathering the Economic Storm*, *Procedural Fairness: A Key to Public Satisfaction*, *What Every Chief Justice Should Know About Pattern Jury Instructions* and a presentation from our very own Dr. David Hall, President of the University of the Virgin Islands entitled *Chasing the Justice Dream*.

All branches of government are collaborating on this event and it will prove to be a memorable one.

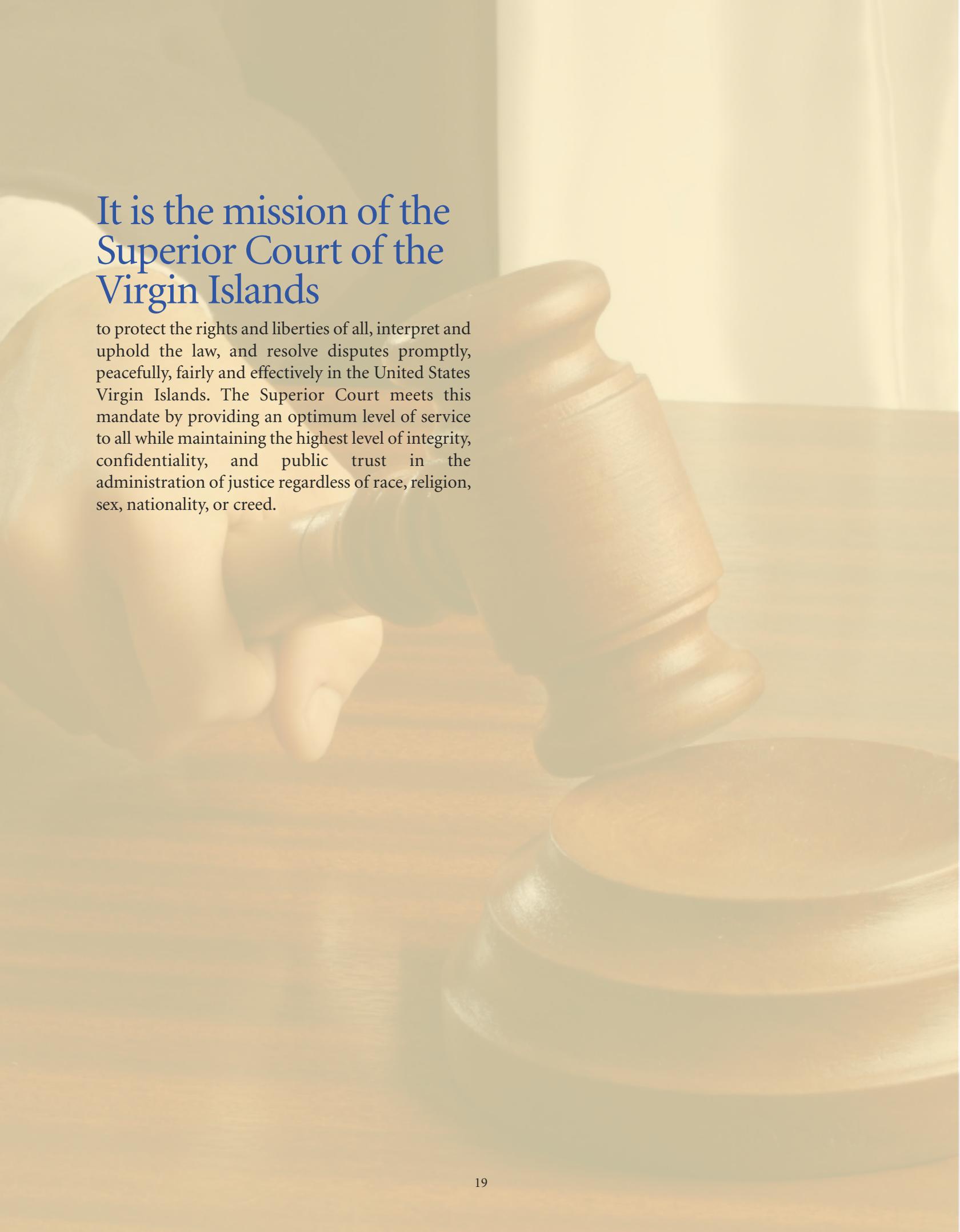
CONCLUSION

In summary, the Supreme Court of the Virgin Islands remains committed to rendering timely decisions in all appellate and bar governance matters. Further, the Court will continue to endeavor to incorporate technology to facilitate efficient court processing and public access, while improving the Court's physical infrastructure. In doing so, the Court will remain true to its vision.



Superior Court OF THE VIRGIN ISLANDS



A hand holding a wooden gavel over a wooden surface, symbolizing justice. The background is a warm, golden-brown color with a soft, out-of-focus light source.

It is the mission of the Superior Court of the Virgin Islands

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



Superior Court of the Virgin Islands

Division of St. Croix

**Chambers of
Darryl Dean Donohue, Sr.
Presiding Judge**

**P.O. Box 929
Christiansted
Virgin Islands 00821-0929**

MESSAGE FROM THE PRESIDING JUDGE

Fiscal year 2009 was an exciting year for the Superior Court of the Virgin Islands. The investiture of the magistrates was a historic occasion, as it marked the implementation of the first Magistrate Division of the Superior Court of the Virgin Islands. Quite often, our citizens' only experience with the judicial system is when they come in contact with the trial court, either through traffic, landlord-tenant, small claims or a marriage. Over the Court's thirty-three year history, the Judges of the Superior Court have borne the responsibility of performing the dual role of trial judges, of both criminal and civil cases, and as magistrates. The Magistrate Division completes the development of the Superior Court as a full service court, which furthers its mission of protecting the rights and liberties of all, interpreting and upholding the law, and resolving disputes promptly, peacefully, fairly and effectively.

The Magistrate Division was made possible by Act No. 6919, which was enacted on May 11, 2007, and succeeding provisions, as codified in Title 4 of the Virgin Islands Code. This enabling legislation established a Magistrate Division of the Superior Court of the Virgin Islands and authorized the Presiding Judge, in consultation with the other judges of the Court, to appoint at least two Magistrates in each district. Magistrates are appointed for four-year terms, and may be reappointed at the discretion of the Presiding Judge with the consent of the judges of the Court. Magistrates fall within the supervision of, and are removable by, the Presiding Judge, pursuant to Super. Ct. R. 319 et seq.

While magistrates, unlike judges of the Court, do not have general trial jurisdiction, they are an integral part of the judicial system as judicial officers of the Superior Court of the Virgin Islands. Their principal function is to aid the Court in providing efficient and timely resolution of disputes, by assuming magistrate functions, thereby permitting the sitting judges of the Court to dedicate their time and resources to trial matters.

Darryl Dean Donohue, Sr.



HISTORICAL OVERVIEW

The Superior Court of the Virgin Islands can be traced to the establishment of Police Courts in the territory, situated in the towns of Charlotte Amalie, St. Thomas, and in the towns of Christiansted and Frederiksted, St. Croix. The three Police Courts were later replaced by the two Municipal Courts, which were then consolidated into one Municipal Court. In 1976, the Municipal Court of the Virgin Islands became known as the Territorial Court of the Virgin Islands. On January 1, 2005, the name of the Territorial Court changed to the Superior Court of the Virgin Islands pursuant to Act No. 6687, amending Section 2 of Title 4 of the Virgin Islands Code. The Superior Court comprises the following divisions integral to its case processing functions: Civil, Criminal, Jury Trial, Traffic, Family, Probate, Pretrial, Probation, Jury Management and Marshal divisions. The Magistrate Division is its newest division, having been fully implemented as of July 2009, pursuant to V.I. Code Ann. § 120 et. seq.

GEOGRAPHIC ORGANIZATION

The Superior Court of the Virgin Islands is divided into the following two Judicial Districts: District of St. Thomas-St. John and the District of St. Croix. In the District of St. Thomas and St. John, the Court's operational facility is located at the Alexander A. Farrelly Justice Center, St. Thomas, Virgin Islands and at Barbel Plaza, which houses the new Magistrate Division. In the District of St. Croix, the Court is located at the R. H. Amphlett Leader Justice Complex, Christiansted, St. Croix, Virgin Islands. The Court also has operational facilities located in Cruz Bay, St. John, at Boulon Center and at Barbel Plaza, St. Thomas. Currently, there are five judges in the District of St. Thomas and St. John and four judges in the District of St. Croix. Additionally, two magistrates are situated in each judicial district to complement the judicial staff.

To better serve the public, the Court also maintains off-site locations/offices at the Bureau of Motor Vehicles (BMV), St. Thomas and St. John, and at Barbel Plaza, which houses our Magistrate Division. Our services at the BMV on St. Croix have been temporarily discontinued due to lack of space at that site; services will resume once space is made available by the BMV.

LEGAL JURISDICTION

THE COURT:

The Superior Court of the Virgin Islands has original jurisdiction over all criminal and civil cases brought under local law, as set forth in V.I. Code Ann. § 75-76. This extends to the award of damages, personal injury, contract, malpractice, property, small claims and landlord tenant matters, among other matters. The Court's jurisdiction to hear criminal matters extends to misdemeanors, felonies, traffic, and litter violations. Further, this Court is also charged with resolution of family and estate disputes, such as divorce, custody and neglect, juvenile 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.

TRIAL JUDGES:

Trial Judges are appointed by the Governor of the Virgin Islands, with the advice of the and consent of the Legislature of the Virgin Islands, pursuant to 4 V.I. Code Ann. § 72. They continue to have jurisdiction over all case types before the court, except for non-felony traffic offenses, which by statute now fall within the exclusive jurisdiction of the Magistrate Division. See 4 V.I. Code Ann. § 124(b). Additionally, trial judges serve an appellate role in consideration of petitions for writs of review from agency decisions.

Moreover, trial judges serve as appellate judges for internal review of magistrate decisions, pursuant to Court rule and case law. Finally, trial judges serve on appellate panels, to consider appeals in the District Court –Appellate Division, as well as on the Supreme Court of the Virgin Islands, as justices *pro tem*, in the event of recusals.

During Fiscal Year 2009, the following trial judges continued to serve the Court. In the St. Croix Division: the Honorable Darryl Dean Donohue (Presiding Judge), Julio A. Brady, Francis J. D'Eramo, and Patricia M. Steele. Serving in the St. Thomas-St. John Division were: the Honorable Brenda J. Hollar (Administrative Judge), Leon A. Kendall, Michael Dunston,

James Carroll, and Audrey L. Thomas. Additionally, the following retired judges served as senior sitting judges, assisting the Court in the resolution of cases: the Honorable Ishmael Meyers and Edgar D. Ross.

During the fiscal year, the Court suffered a tremendous loss, with the death of the Honorable Francis J. D'Eramo on April 27, 2009.

MAGISTRATES’ JURISDICTION:

Pursuant to 4 V.I. Code Ann. § 120, et. seq., the Superior Court implemented its new Magistrate Division during fiscal year 2009. As provided by law, see 4 V.I. Code Ann. § 122, magistrates are appointed by the presiding judge, on the recommendation and advice of a selection panel and the trial judges in each judicial district. Magistrates are subject to the supervision of the Presiding Judge. The jurisdiction of the Magistrate Division is as set forth in 4 V.I. Code Ann. § 123.

Magistrates appointed during Fiscal Year 2009 were: (St. Croix Division) – Miguel Camacho, Jessica Gallivan; (St. Thomas Division) – Kathleen MacKay, Alan Smith.

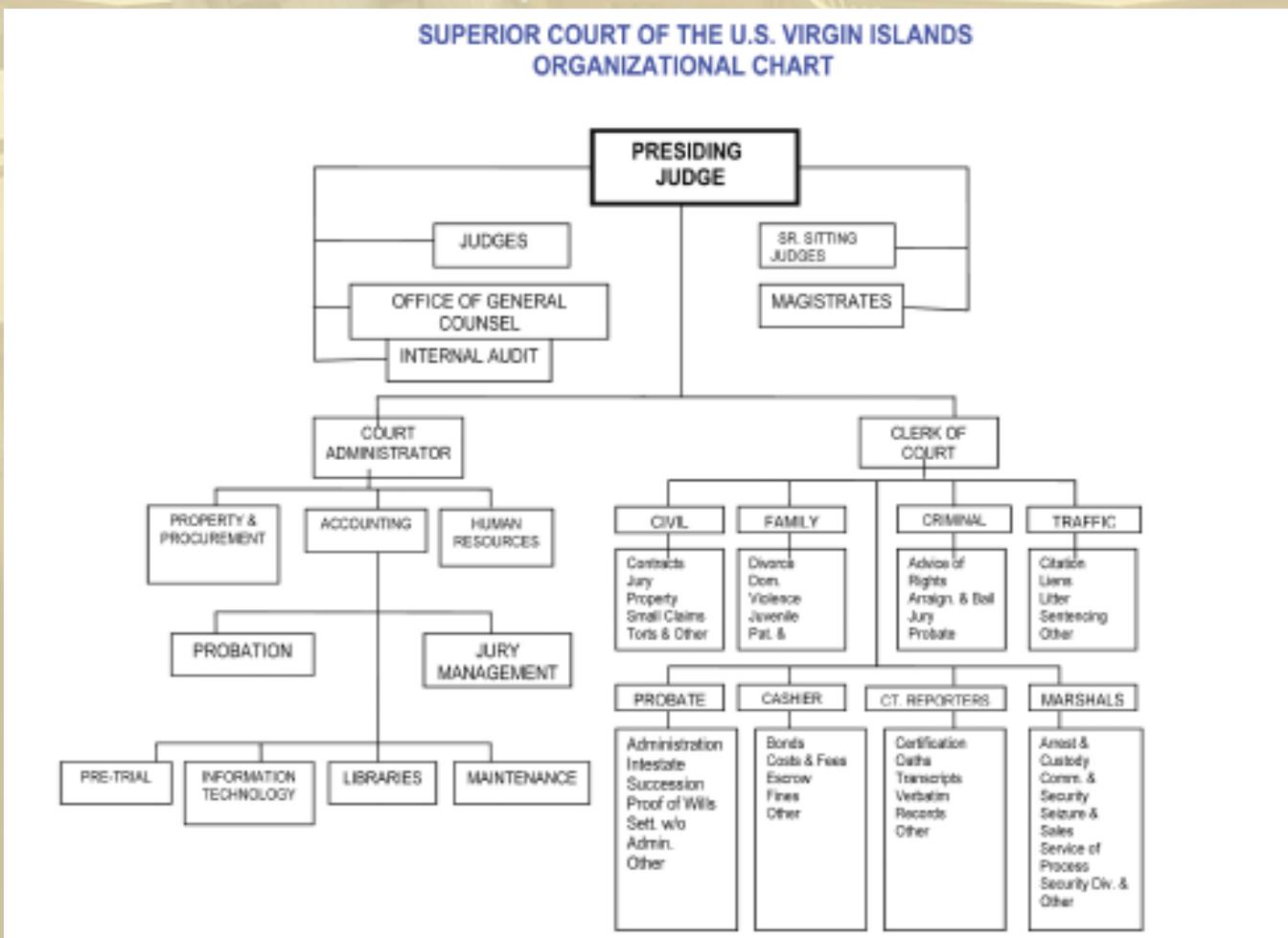
ORGANIZATIONAL STRUCTURE

The Presiding Judge serves as the administrative head of the Court and is supported in those duties by another judge designated as the Administrative Judge. The Court has two central divisions to carry out the mandates of the Presiding Judge: the Operational Division and the Administrative and Support Division.

The following divisions fall within the Operational Division: Criminal, Civil, Jury Trial, Cashier, Probate, Family, Traffic, Court Reporting and Marshal’s and Security, and Receptionists/Switchboard Operators. The Administrative and Support Division includes: Property and Procurement Management, Pre-Trial Intervention Program, Office of Probation, Jury Management, Human Resources, Information Technology, Accounting, Library and Maintenance.

The Operational Division is headed by the Clerk of the Court, while the Administrative and Support Division is headed by the Court Administrator. Both the Clerk of the Court and the Court Administrator are subject to the overall authority of the Presiding Judge.

The following Organizational Chart aptly demonstrates the organizational structure of the Superior Court.





PERSONNEL

In fiscal year 2009, the Court had approximately 275 employees, 153 of which were in the Operational Division and 122 in the Administrative and Support Division.

There were also 84 budgeted vacant positions, some of which were newly added vacancies. New positions in the area of operations were primarily for additional marshals, security officers, a receptionist, and an on-site supervisor (Senior Deputy Clerk). At the end of the fiscal year, 28 of the vacancies had been filled. However, resignations and other separations continue to leave a void in the Court's staffing. Two Court Reporting Monitor positions in each district, which were created in response to new needs given our new digital transcription systems, were reprogrammed for other uses in Fiscal Year 2009 as the Court adopted more efficient means of accomplishing the same tasks.

TRAINING

The Superior Court places great emphasis on the training of its employees. However, it must also be noted that, in planning for trainings, full consideration was given to the compromised fiscal situation of our government. As such, more local presenters were utilized for both the employees' and supervisors' trainings, and on-island training in other areas were sought before resorting to off-island training.

During the fiscal year, the following general training opportunities were provided to supervisors during the fiscal year in several areas: a) understanding the importance of reinforcing the elements of effective supervision; b) understanding and applying the new Personnel Policies and Procedures Manual, as well as the disciplinary process; c) Annual Training, which focused on Accountability, Responsibility, and Communication (Ways to Strengthen Your Team); Performance Evaluations; Progressive Discipline & the Administrative Hearing Process; Planning for Retirement; Factors Affecting the Health of Executive Employees; the Mind/Body Connection (Yoga), and courtroom security.

In addition, court employees from both districts also received training in other areas, to include the following: Stress Management, Sexual Harassment, Management Skills,

Courtroom Security, Firearms Instructor Course, Probation, Armorer's Course, V.I. Bar Association's CLE Course, MIP Basic Training, Handling Small Claims Effectively, Advanced Administrative Law, Human Resources' Generalist Training, the Administrative Hearing Process (A Training Seminar in Conducting Hearings), Installing and Configuring VMWare Infrastructure 3, Introduction to Bookkeeping, Intermediate Bookkeeping, Administrative Professional Seminar, e-Courts Conference, Managers and Supervisors Conference, National Association of Pretrial Service Agencies Annual Conference, Court Technology Conference, V.I. Bar Association's CLE Seminar, and the American Probation and Parole Association's 2009 Winter Training Institute, and SQL Server 2008-Hands-On Introduction. Judges and Magistrates received training, to include the following areas: Handling Small Claims Effectively: A Web Course; Managing Challenging Family Law Cases; and Ethics for Judges. An audio conference on Managing Off-Site Employees was cancelled due to on-site preparation activity for an impending hurricane.

Moreover, in addition to the training noted above, additional training opportunities were provided to appropriate staff, to include:

1. **COURTROOM OPERATIONS/PROCEDURES** – provided to Court Clerk I's (ongoing) to prepare them for eventual promotions to courtroom clerks
2. **WRITING EFFICIENT RECORDS OF PROCEEDINGS AND EFFECTIVE SUMMARIZATION SKILLS** – provided to all clerks (both districts)
3. **ADMINISTRATIVE HEARING OFFICERS TRAINING (PERB)**: Provided to supervisors and managers.
4. **PERSONNEL POLICIES AND PROCEDURES MANUAL**: In Fiscal Year 2009, the Court implemented a revised Personnel Policies and Procedures Manual. Internal training on the manual was provided to supervisory staff.
5. **COURT TECHNOLOGY CONFERENCE**: Several persons from the Operational Division, who also serve on the Case Management Selection Committee, attended the annual Court Technology Conference, in preparation for the Court's selection efforts.

6. **COURTROOM SECURITY TRAINING:** The Marshal Division presented internal training to all staff and judges in both districts, in the area of Courtroom Security Training.
 7. **CROSS-TRAINING:** Cross-Training was implemented in the Clerk's Office. The first phase was completed in fiscal year 2009, which involved general retraining on records of proceedings and in-court processes in the following divisions: traffic, civil non-jury, criminal non-jury and domestic violence (St. Thomas only). Some training of jury trial also begun. This project is set to continue, and to be completed in Fiscal Year 2010. The goal of the project is to develop a more flexible staff. Along with completion of the project, the division intends to reassess staffing levels at the Magistrate Division and reallocate some staff as necessary.
 8. **CAT SOFTWARE TRAINING** (Court Reporting Division)
 9. **MANAGING CONFLICT IN THE ORGANIZATION**
 10. **ADMINISTRATIVE PROFESSIONAL COURSE**, Atlanta, Georgia.
 11. **INTERSTATE COMPACT OFFENDER TRACKING SYSTEM ON-LINE TRAINING** – Office of Probation.
 12. **ANNUAL PROBATION AND PAROLE ASSOCIATION WINTER TRAINING INSTITUTE**
 13. **ANTI GANG CONFERENCE**, sponsored by the U. S. Attorney's Office.
 14. **DOMESTIC VIOLENCE AND SEXUAL ASSAULT TRAINING**
4. **VIDEO CONFERENCE SYSTEMS** – The Court's video conference systems were upgraded to eliminate audio problems that previously plagued the prior system and eroded our videoconferencing capabilities. Enhancement of our system would now permit increased use and reduced travel required for meetings.
 5. **WEB SITE DEVELOPMENT** – The court has contracted to have its website updated and redesigned, to improve communication and information to the public. That project was substantially completed in FY 2009 and will be fully completed in FY 2010.
 6. **JURY MANAGEMENT SYSTEM** – Database and application servers for the new Jury Management System have been installed and configured for training and testing. Several of the software suites and hardware support devices have been installed. A test area has been set up on the jury database, and the client applications have been set up on the Jury Managers' computers. This new system, procured from Jury Systems, has a management (software) component and a telephone/voice response component, and is projected to be operational during the first quarter of CY2010. Our Jury Clerks are now working with Jury Systems staff to set up the data structures and finalize the upgrade process. The last phase of this project will be the implementation of the voice response system, and user training, which is scheduled to be completed around June 2010.
 7. **RELOCATION AND IMPLEMENTATION OF MAGISTRATE DIVISION:** During the fiscal year, the Magistrate Division was implemented, as provided by law. Four magistrates – two per district – were selected by the presiding judge, with the advice of a selection panel formed for that purpose and other trial judges. The Division on St. Thomas, which was temporarily housed at the Farrelly Complex, was relocated to Barbel Plaza, after completion of renovations there. As part of this relocation, the Operational Division also relocated its stored case files to another storage facility in Sub Base.
 8. **INTRODUCTION OF DIGITAL RECORDING:** With the implementation of the Magistrate Division, the Court also implemented electronic reporting capabilities in that division. With this new technology, the Court is able to reallocate its court reporting staff to other functions, such as coverage of jury trials which are set to increase as a result of the removal of magistrate duties from trial judges. Additionally, the digital recording

MAJOR PROJECTS

During the course of the fiscal year, the Court undertook various projects intended to improve the efficiency and effectiveness of operations. The major projects are indicated below:

1. **PERSONNEL POLICIES AND PROCEDURES MANUAL:** The Court implemented a new Personnel Policies and Procedures Manual in February 2009; the previous manual had not been updated for over 20 years. Additionally, the Court implemented a Compensation Pay Plan, as well as Sexual Harassment and Equal Employment Opportunity policies.
2. **FY2009 SALARY INCREASES:** In an effort to ensure fair compensation for employees and to lay the foundation for implementation of a compensation plan, the Court effected provided across-the-board pay increases. Additionally, all employees were put on step on the new compensation plan.
3. **REVISED EMPLOYEE EVALUATION TOOL** – In recognition of the fact that the previous evaluation form was sorely lacking in its content and its effectiveness, the

devices make it possible to produce transcripts at a more expedited rate, as well as provide for an audio record of hearings.

9. **STANDARD OPERATING PROCEDURES:** To address the void in operating procedures, a project was initiated to develop standard operating procedures for each division. That project was ongoing in Fiscal Year 2009, and is set to be completed in Fiscal Year 2010.
10. **IMPROVEMENT OF CASE MANAGEMENT:** During FY 2009, a Case Management Selection Panel was formed, and progress to replace this system was made. The Court completed Phase I of the process toward selection of a case management system, which included an assessment of technological and productivity needs, review of available products and formation of a selection committee. The Court also embarked on the second phase – solicitation and review of bids – which is set to be completed in FY 2010.
11. **SIMULTANEOUS DOCKETING :** To address concerns for case file integrity, we have implemented a simultaneous docketing procedure that assures that all documents filed with the Court are maintained in the respective case file and that removal of any documents are readily determined/detected. This process required a review/verification process for existing cases and document numbering, as well as additional processes for new cases.
12. **UNCLAIMED PROPERTY PROJECT; BAIL BONDS:** The Operations Division has begun the process of reviewing all matters in which there are uncollected bail monies still being held with the Court which may be deemed unclaimed property. A report was submitted to the Lieutenant Governor's Office with the first set of unclaimed bonds, totaling in the hundreds. We have hundreds of such cases dating back decades, where bail may have been collected and later exonerated but remain unrefunded. This is an arduous task and is being carried out in both districts. We have obtained the help of summer interns to assist in the research in both districts and have also hired college intern(s).
13. **FORMS:** During FY 2009, the Division formulated a number of forms and procedures to improve operations, to include: Record Search Request Form, which provides an accountable approach to responding to requests for record searches and for providing certification of searches conducted; Transcript Request Form (for internal requests and FTR requests, as well as to track non appeal transcripts); Counseling Form (to record employee issues and interventions short of discipline); Incident Report Form (template to expeditiously record internal incidents).

14. **IMPLEMENTATION OF INTERPRETING PROCEDURES :** The Court implemented new procedures for use of interpreting services and appointed a director for that function. The Court also implemented additional procedures for tracking interpreting needs of defendants from inception to completion of the case. The result is a more planned approach, interpreting schedules which permit for better allocation of resources, and reduction of delays in trying to obtain interpreters. We also began tracking statistics regarding the use of interpreting services, to better assess needs and adequacy of resources. Finally, this project further provided for in-court observation and evaluation of interpreters by the director of interpreting services. This project was initiated on St. Croix. Our approach will expand to the St. Thomas district; however, attempts are first being made to hire additional interpreters in that district.
15. **INTERAGENCY COOPERATIVES:** The Court continues to participate actively with other agencies, to the extent warranted. Such cooperatives, in FY 2009, included: Marshal Division's involvement in traffic initiatives with the V.I. Police Department and the Office of Highway Safety; our active role in development of the Traffic Strategic Plan and development of an e-citation program; continued planning toward development of a moving points violation program with the Bureau of Motor Vehicles, V.I. Police and Office of Highway Safety. In addition, the Court, through its Operational Division, continues to participate in the education effort in the territory, by hosting territory school students for tours and discussions regarding the judicial process.
16. **CROSS-TRAINING:** As noted above, a cross-training initiative was implemented in the Clerk's Office. The first phase was completed in fiscal year 2009, which involved general retraining on records of proceedings and in-court processes in the following divisions: traffic, civil non-jury, criminal non-jury and domestic violence (St. Thomas only). Some training of jury trial also begun. This project is set to continue, and to be completed in Fiscal Year 2010. The goal of the project is to develop a more flexible staff. Along with completion of the project, the division intends to reassess staffing levels at the Magistrate Division and reallocate some staff as necessary.
17. **SMALL CLAIMS CASE REDUCTION INITIATIVE:** To address the issue of backlogged small claims cases and to improve the expeditious delivery of service to *pro se* litigants territorywide, the Court undertook efforts to reduce the amount of time from initial filing to resolution of small claims complaints. In that regard, additional Small Claims hearings were scheduled each week in the St. Thomas-St. John District, using the

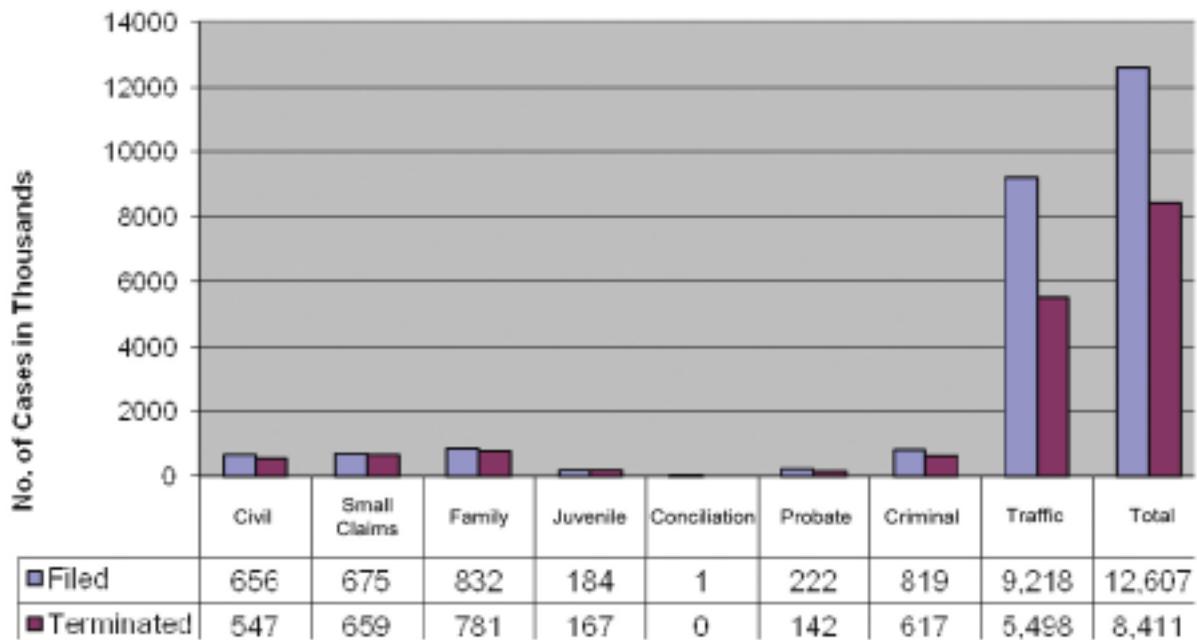
courtroom at the District Court of the Virgin Islands. In so doing, the Court was able to reduce the time for scheduling small claims matters from four months to approximately six weeks.

18. **CASHIER DIVISION:** The Court continued to review and revamp procedures in the Cashier Division and also added money counters in each district.
19. **INHERITANCE TAXES:** The division reviewed existing accounts and corrected the incorrect depositing of inheritance taxes, which had gone on for approximately 20 years, and accordingly submitted a check to the General Fund for amounts previously held in our Miscellaneous accounts.
20. **COURT REPORTING:** The Court Reporters' Division had its worn stenographic writers replaced, as well as its computer equipment.

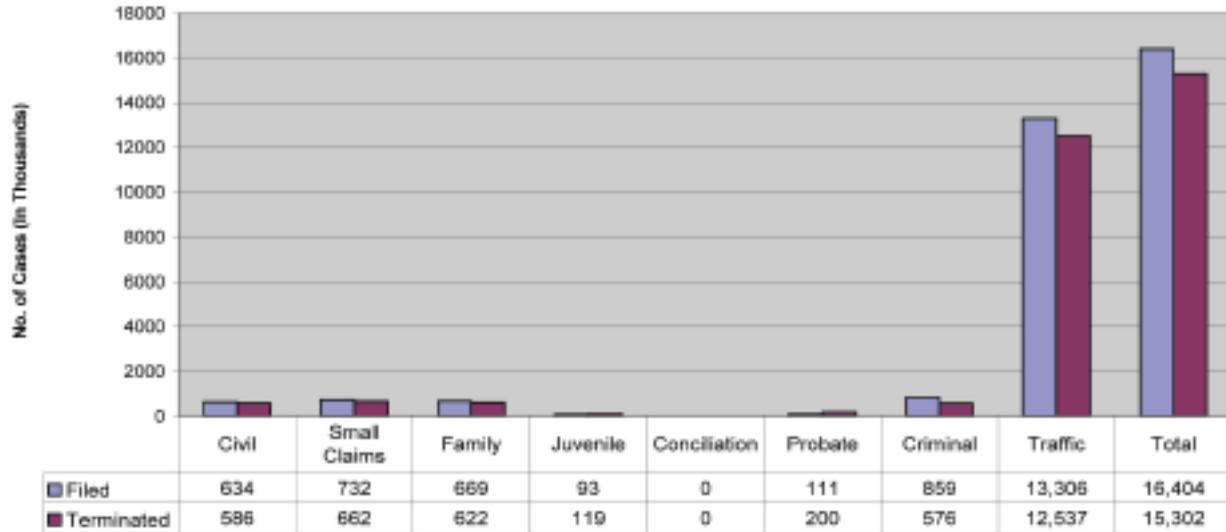
CASE STATISTICS

The Superior Court continues to consider a large number of cases. In FY 2009, a total of 29,011 cases were brought before the Superior Court: 16,404 in the St. Thomas Division and 12,607 in St. Croix . During that period, the Court resolved a total of 23,713 cases: 15,302 cases in the St. Thomas-St. John Division and 8,411 cases in the St. Croix Division. The tables below demonstrate the distribution of this caseload among the various case types.

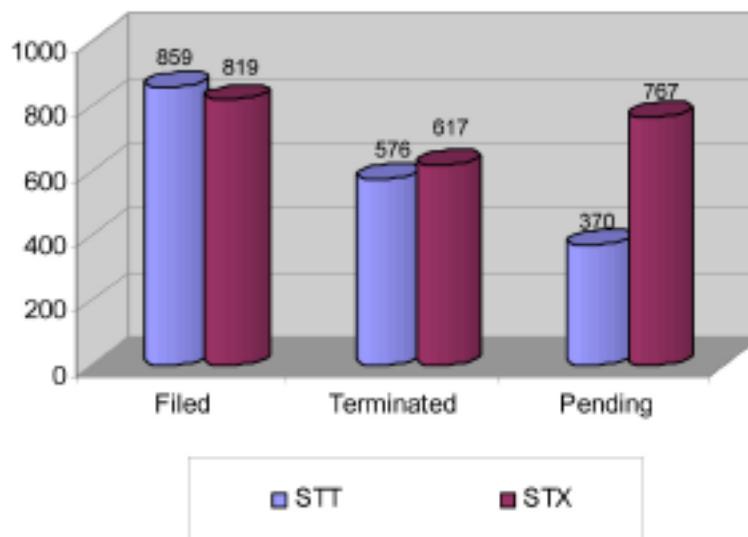
Superior Court of the Virgin Islands Caseload Statistics - St. Croix FY 2009



**Superior Court of the Virgin Islands
Caseload Statistics - St. Thomas / St. John
FY - 2009**



**Statistical Summary
Criminal - FY 2009**



Marriage Statistics - FY 09

ST. THOMAS

	Filed	Terminated
October	223	181
November	191	181
December	193	198
January	189	167
February	188	172
March	262	200
April	251	212
May	255	265
June	268	275
July	210	225
August	133	180
September	208	111
Total	2,571	2,367

ST. CROIX

	Filed	Terminated
October	56	19
November	33	27
December	33	27
January	33	7
February	21	20
March	56	20
April	45	38
May	40	26
June	54	15
July	41	43
August	41	25
September	27	22
Total	480	289

**Superior Court of the Virgin Islands
Marriage Statistics
FY-2009**



A comparison of case filings and terminations from FY 2008 to FY 2009 is reflected in the chart below.

	STT- STJ		ST. CROIX		TOTAL	
	# CHANGE	% CHANGE	# CHANGE	% CHANGE	# CHG.	% CHG
Total Filed Cases	3,000 ↓	18%	1,800 ↑	14%	1,200 ↓	4%
Total Terminated Cases	3,000 ↓	20%	21 ↓	.2%	3,000 ↓	12%

The following graphs compare revenue collections from Fiscal Years 2008 and 2009, based on district:

TRAFFIC FINES:

Superior Court of the Virgin Islands				
St. Thomas / St. John				
<i>Traffic Collections - FY 2009</i>				
	Traffic Fines	Handicapped Parking	Cost & Penalties	Total
October	30,235.00	1,000.00	3,300.00	34,535.00
November	28,450.00	3,000.00	3,150.00	34,600.00
December	43,760.00	3,000.00	6,925.00	53,685.00
January	44,875.00	500.00	5,350.00	50,725.00
February	40,570.00	2,250.00	4,775.00	47,595.00
March	37,035.00	225.00	4,950.00	42,210.00
April	32,255.00	0.00	6,540.00	38,795.00
May	29,840.00	2,000.00	6,525.00	38,365.00
June	31,505.00	0.00	8,100.00	39,605.00
July	40,910.00	2,000.00	8,325.00	51,235.00
August	39,770.00	1,000.00	8,625.00	49,395.00
September	44,650.00	0.00	9,175.00	53,825.00
TOTAL	<u>\$443,855.00</u>	<u>\$14,975.00</u>	<u>\$75,740.00</u>	<u>\$534,570.00</u>

St. Croix
Traffic Collections - FY 2009

	Traffic Fines	Handicapped Parking	Costs & Penalties	Total
October	12,760.00	0.00	900.00	13,660.00
November	8,600.00	0.00	2,425.00	11,025.00
December	8,670.00	1,000.00	2,775.00	12,445.00
January	15,350.00	1,100.00	2,625.00	19,075.00
February	16,645.00	1,000.00	3,825.00	21,470.00
March	17,010.00	1,050.00	5,750.00	23,810.00
April	16,075.00	0.00	2,925.00	19,000.00
May	16,930.00	1,975.00	1,125.00	20,030.00
June	20,825.00	0.00	3,450.00	24,275.00
July	23,975.00	1,000.00	2,025.00	27,000.00
August	17,385.00	0.00	2,925.00	20,310.00
September	18,275.00	0.00	1,810.00	20,085.00
TOTAL	<u>\$192,500.00</u>	<u>\$7,125.00</u>	<u>\$32,560.00</u>	<u>\$232,185.00</u>

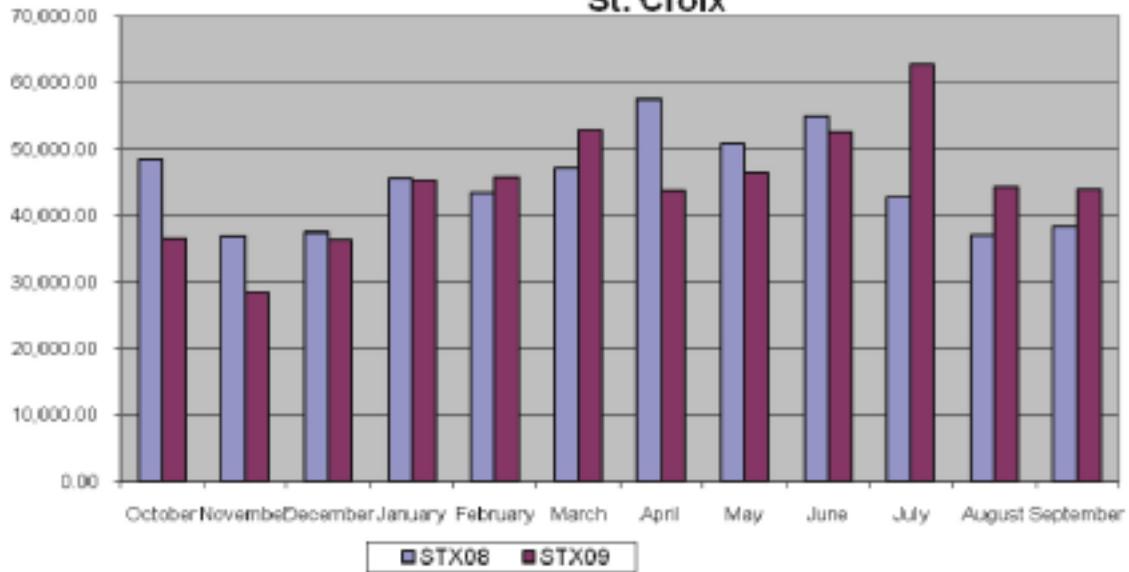
Traffic Collections
FY 2009

	STT	STX	TOTAL
October	34,535.00	13,660.00	48,195.00
November	34,600.00	11,025.00	45,625.00
December	53,685.00	12,445.00	66,130.00
January	50,725.00	19,075.00	69,800.00
February	47,595.00	21,470.00	69,065.00
March	42,210.00	23,810.00	66,020.00
April	38,795.00	19,000.00	57,795.00
May	38,365.00	20,030.00	58,395.00
June	39,605.00	24,275.00	63,880.00
July	51,235.00	27,000.00	78,235.00
August	49,395.00	20,310.00	69,705.00
September	53,825.00	20,085.00	73,910.00
TOTAL	<u>\$534,570.00</u>	<u>\$232,185.00</u>	<u>\$766,755.00</u>

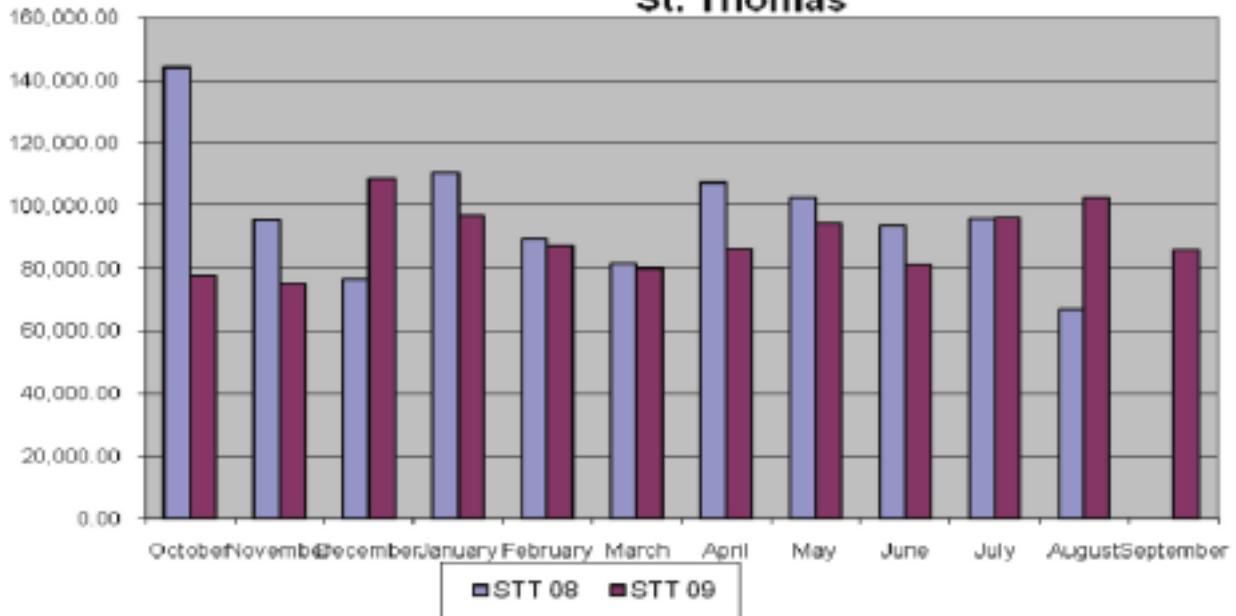
CRIMINAL CRIMES:

SUPERIOR COURT OF THE VIRGIN ISLANDS													
St. Thomas / St. John & St. Croix													
Criminal Collectors - FY 2009													
	October	November	December	January	February	March	April	May	June	July	August	September	Total
Superior Court Fines	3,193	985	5,070	3,000	1,800	1,940	1,190	4,465	1,255	3,410	630	1,960	\$29,808
Superior Court Cost	675	445	840	2,120	1,550	1,370	740	1,335	1,630	1,280	440	1,145	\$13,570
Probation Administrative Fees	3,585	1,030	4,280	3,977	4,033	4,950	2,445	2,572	3,962	3,450	3,804	4,560	\$43,406
Pretrial Intervention Fees	300	820	0	1,050	675	1,800	485	1,415	1,270	260	325	680	\$8,860
Forfeiture of Bail	1,000	0	1,000	0	0	0	1,000	1,500	220	725	10,000	0	\$15,445
Conservation Fees	0	400	365	700	635	485	465	300	0	0	100	1,150	\$4,630
Litter Fines	2,150	800	3,200	1,400	2,300	750	1,350	200	4,800	2,100	1,200	2,220	\$22,070
Cost & Penalties	0	0	0	0	0	0	0	0	75	0	0	0	\$75
Criminal Fines	5,295	1,700	8,370	15,160	4,040	8,000	6,720	3,950	4,245	2,450	4,705	1,850	\$62,695
Cost & Penalties	1,315	1,280	1,460	1,255	1,162	1,825	940	1,515	1,750	1,010	1,460	2,270	\$17,248
Total	\$17,532	\$9,040	\$22,690	\$29,692	\$16,105	\$19,030	\$15,365	\$17,282	\$19,035	\$34,715	\$22,792	\$15,845	\$217,887

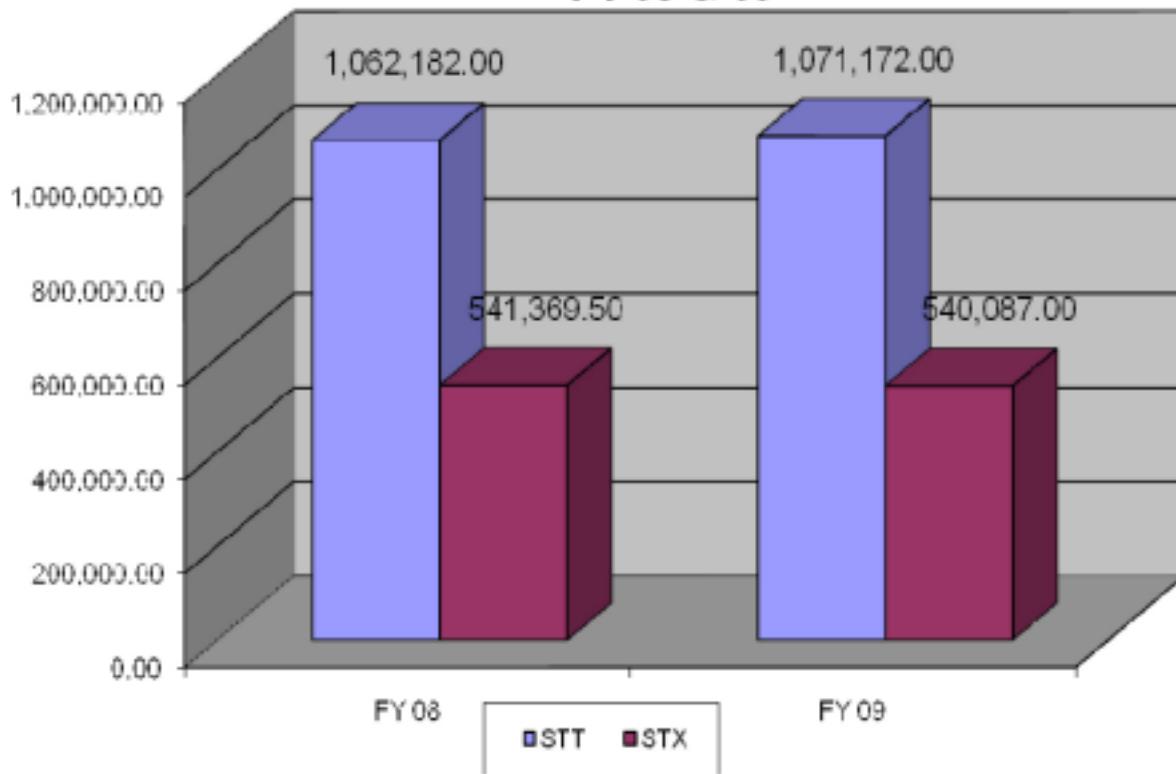
Comparative Analysis of Collectibles St. Croix



Comparative Analysis of Collectibles St. Thomas



Comparative Collectibles FY 08 & 09



Superior Court - St. Thomas
Statement of Revenue and Expenditures - Rev. and Exp. w/o Encumbrances FYXX-RE-Yr End Post
From 10/1/2008 Through 9/30/2009

	Prior Year Actual	Current Year Actual	Current Year Change	
Revenues				
REVENUE RECEIVED	26,574,378.00	33,325,357.00	6,750,979.00	9020
INTEREST INCOME - STT	71,717.95	83,718.56	12,010.61	9026
INT.INCOME - HURRICANE PROGRAM	216.47	6.41	(210.06)	9027
INSURANCE PROCEEDS	0.00	0.00	0.00	9028
Total Revenues	26,646,302.42	33,409,081.97	6,762,779.55	
Expenses				
SALARIES	13,707,895.21	14,730,558.51	1,022,663.30	15111
EMPLOYEE INCENTIVE AWARDS/BON.	113,573.20	120,597.18	7,023.98	15120
LUMP SUM PAYMENTS	0.00	0.00	0.00	1512
SALARIES - SR. SITTING JUDGES	22,215.56	60,727.56	38,512.00	15126
SECURITY SERVICES	134,100.71	142,647.99	8,547.28	25610
AUTOMOBILE REPAIRS & MAINT.	49,249.37	65,517.00	16,267.63	25620
PURCHASE DISCOUNT	0.00	0.00	0.00	25621
REP & MAINT/BLDG & GROUND	382,315.24	195,349.79	(186,965.45)	25622
VEHICLES	211,404.50	0.00	(211,404.50)	25623
REPAIR & MAINT - EQUIPMENT	237,086.91	181,398.06	(55,688.85)	25624
EQUIPMENT - MINOR PURCHASES	93,750.79	109,673.74	15,922.95	25625
OFFICE EQUIPMENT	50,737.41	89,193.83	38,456.42	25630
COMPUTER EQUIPMENT - MINOR	195,285.77	333,950.65	138,664.88	25635
OFFICE FURNITURE - MINOR	57,515.27	42,348.08	(15,167.19)	25640
BOOKS	997.10	220.95	(776.15)	25645
EDUCATIONAL SCHOLARSHIPS	8,000.00	7,000.00	(1,000.00)	35000
UNEMPLOYMENT INSURANCE CONTR.	2,750.44	4,362.48	1,612.04	35191
WORKMEN'S COMPENSATION	28,193.98	33,040.23	4,846.25	35192
FICA	815,292.64	891,922.17	76,629.53	35193
RETIREMENT FUND	1,791,575.68	2,430,560.52	638,984.84	35195
JUDGES PENSION FUND	549,600.00	549,600.00	0.00	35196
MEDICARE TAX WITHHELD	196,983.54	213,817.01	16,833.47	35197
OTHER EMPLOYER CONTRIBUTIONS	1,168,529.75	1,264,855.56	96,325.81	35198
DRINKING WATER	17,893.25	16,513.25	(1,380.00)	45400
OFFICE SUPPLIES & EXPENSES	213,689.19	207,790.54	(5,898.65)	45401
JURY EXPENSES	366,324.20	361,667.85	(4,656.35)	45402
CLEANING & SANITATION SUPPLIES	55,001.80	55,622.26	620.46	45405
UNIFORMS	55,267.58	83,658.30	28,390.72	45406
GASOLINE	301,659.19	188,909.38	(112,749.81)	45415
SUPPLIES & MATERIALS	28,219.18	53,680.85	25,461.67	45420
COMPUTER SUPPLIES	44,332.56	84,572.22	40,239.66	45430
PARTS/AUTOMOTIVE EQUIPMENT	83,684.82	107,677.21	23,992.39	45435
MEMBERSHIP FEES/SUBSCRIPTION	56,483.96	20,627.58	(35,856.38)	45449
PROFESSIONAL SERVICES	480,948.20	361,988.26	(118,959.94)	95200

Superior Court - St. Thomas
Statement of Revenue and Expenditures - Rev. and Exp. w/o Encumbrances FYXX-RE-Yr End Post
From 10/1/2008 Through 9/30/2009

	<u>Prior Year Actual</u>	<u>Current Year Actual</u>	<u>Current Year Change</u>	
COMPUTER SERVICES	320,985.24	361,726.36	40,741.12	95204
ATTORNEY FEES & LEGAL FEES	668,196.39	531,168.70	(137,027.69)	95205
TELEPHONE/CABLE	267,270.52	277,631.90	10,361.38	95210
POSTAGE	17,544.76	21,016.39	3,471.63	95215
TRAVEL & PER DIEM	233,839.17	207,819.10	(26,020.07)	95220
SHIPPING & FREIGHT CHARGES	56,646.58	59,711.18	3,064.60	95225
REIMBURSEMENT/TRAVEL EXPENSES	9,262.47	13,215.80	3,953.33	95229
PRINTING & BINDING	8,529.50	30,928.90	22,399.40	95235
INSURANCE	296,071.27	315,495.68	19,424.41	95240
ELECTRICITY	1,300,365.45	1,059,914.54	(240,450.91)	95245
POTABLE WATER	26,794.30	27,241.23	446.93	95246
JANITORIAL SERVICES	36,352.40	9,790.00	(26,562.40)	95250
RENTAL OF BUILDINGS	454,830.68	458,360.29	3,529.61	95255
RENTAL OF EQUIPMENT	56,466.06	73,735.96	17,269.90	95260
TUTORIAL SERVICES	42,256.25	50,064.25	7,808.00	95097
TRAINING & STUDY LEAVE EXPENSES	378,020.65	237,677.14	(140,343.51)	95298
MISCELLANEOUS EXPENSES	59,548.61	39,386.22	(20,162.39)	95299
Total Expenses	<u>25,753,537.30</u>	<u>26,784,932.65</u>	<u>1,031,395.35</u>	
Total of Revenues over (Under) Expenditures	<u>892,765.12</u>	<u>6,624,149.32</u>	<u>5,731,384.20</u>	



PRETRIAL INTERVENTION PROGRAM

Established in 1974, the purpose of the court's Pretrial Intervention Program (PIP) is to create a systematic approach, through diversion, for community supervision of defendants who do not pose a risk to the community. The overall goal of the program is to address the rehabilitative goals of the criminal justice system, relieve jail over crowding and to ensure that defendants complete their court-ordered conditions prior to the court's final disposition of the case.

Pretrial Diversion Activity

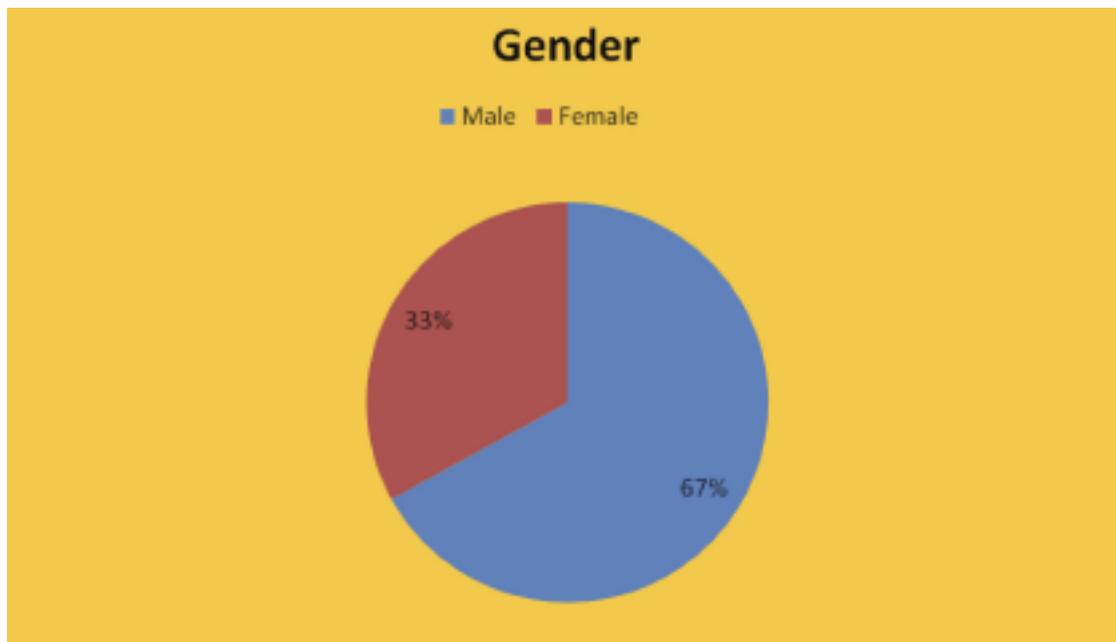
During FY 2009, the Pretrial Intervention Program in the St. Thomas-St. John district received nineteen (19) referrals for diversion. This was the largest amount of clients who have been referred for diversion since 2006. With the addition of the Magistrates' Division, this increase is expected to continue. Of this amount, and after the initial evaluation, one (1) was denied access and two (2) were transferred to the Probation Division

and afforded status under Title 5 V.I. Code Ann. §3711(c), leaving sixteen (16) cases accepted for diversion.

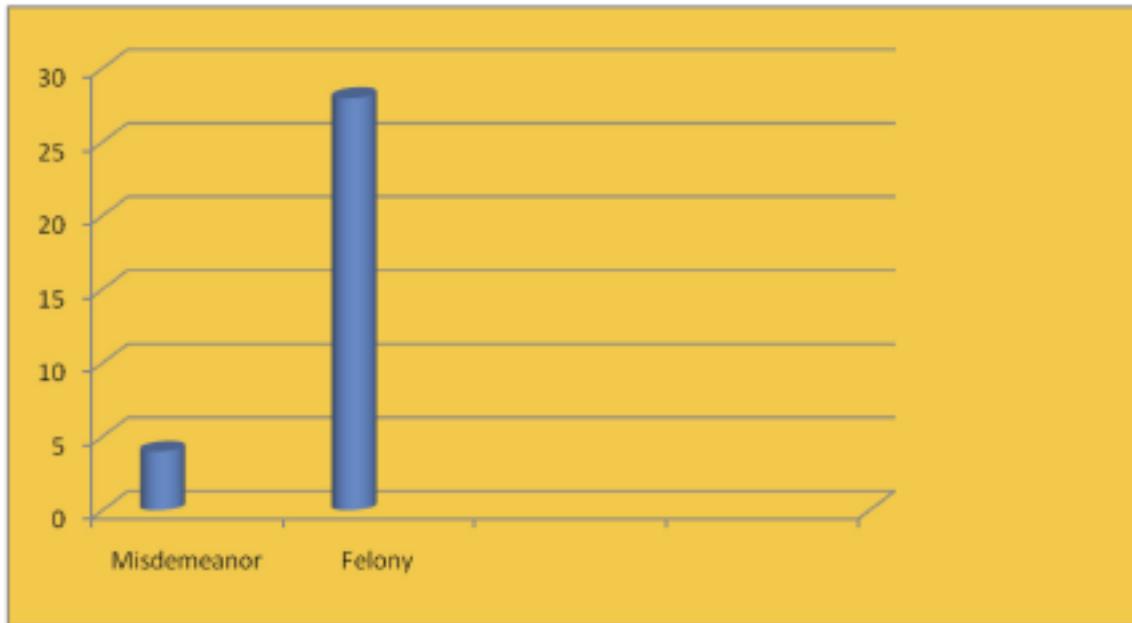
At the beginning of FY 2009, there were twelve (12) diversion cases pending from the previous fiscal year: ten (10) criminal and two (2) jury cases. As such, there were a total of twenty-eight (28) active diversion cases for FY09: twenty-two (22) non-jury criminal cases and six (6) jury cases.

Twenty-three (23) of these active cases were successfully terminated from the program (17 criminal and six jury cases: Dismissed with Prejudice), and one (1) case was remanded back to court to stand trial. At the end of FY09, there were just four (4) cases pending.

On the island of St. Croix, as of September 30, 2009, 28 cases were diverted to the program. Nineteen (19) of the divertees were males and (9) nine were females.

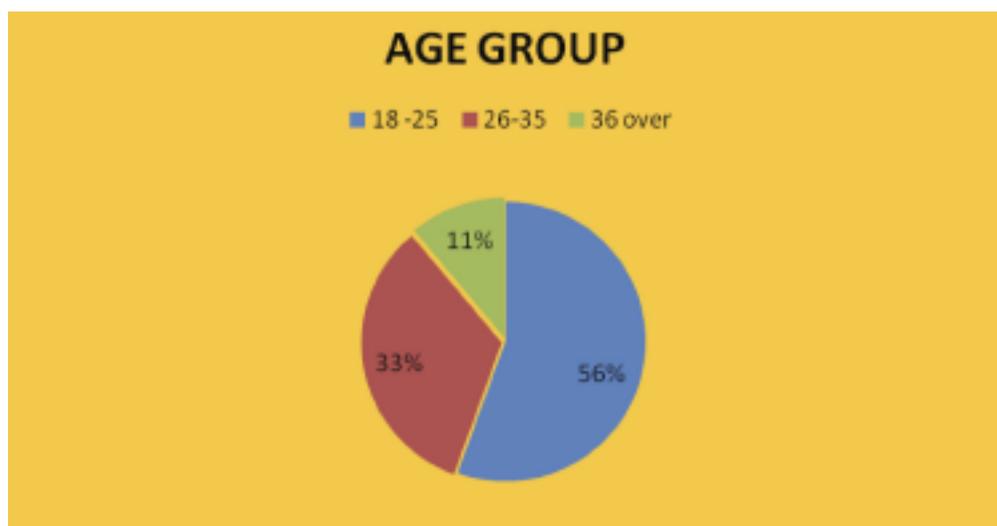


Of the 28 diverted cases twenty (24) were felonies and four (4) misdemeanors.



The age groups were as follows:

Age 18 to 25	15
Age 26 to 35	9
Over Age 36	3



The chart below reflects the various charges of the diverted case during this fiscal period.

CHARGES	TOTAL
Aggravated Assault	1
Aggravated Assault & Battery/Domestic Violence	5
Aggravated Assault & Battery upon an Officer	1
Assault III	2
Burglary I	1
Burglary III	3
Child Abuse	2
Child Neglect	1
Contempt of Court	1
Contributing to a Delinquency of a Minor	1
Destruction of Property	1
Disturbance of the Peace	2
Destruction of Property/Domestic Violence	2
Disturbance of the Peace by Threats	2
Interfering with an Officer Discharging his Duty	4
Grand Larceny	1
Possession of Stolen Property	3
Possession of a Controlled Substance	1
Simple Possession	2
Trespass	1
Unlawful Entry	1

Five (5) of the twenty (28) cases referred to the program, were not eligible to participate. One (1) divertee failed to report to determine eligibility and was returned back to court for disposition. During this fiscal year a total of 86 cases comprise the case load. Sixteen (16) cases were successfully terminated and Fifteen (15) cases were returned to court, due to their failure to comply with court-ordered conditions.

Diversion Accomplishments

- 1) Incorporated the “Green Thumbs Farm” into the list of community service organizations available to diversion clients.
- 2) Worked closely with St. Croix’s PIP Director to develop a contract for diversion clients. This remains a work in progress.
- 3) Worked closely with St. Croix’s PIP Director to develop parameters for the Pretrial Divisions module of the new case management system.
- 4) Collected a total of \$6,600 in fees in accordance with Title 5 V.I. Code Ann. §4612(d) and Title 4 V.I. Code Ann. §521(a). The breakdown of the collected fees is as follows: total pretrial administrative fees = \$4,800 and the total court cost fees = \$1,800.

Pretrial Intervention Activities: Rising Stars Program

In 1980, the Court set out to change the direction of the youth that were appearing before the Court by implementing an experimental steel drum program on St. Thomas, with the goal of preventing school dropout and juvenile delinquency among our youth. The program’s focus was to recruit students between the ages of ten (10) and eighteen (18) from public, private, and parochial schools and to help guide them to completion of high school, thereby “diverting” them from entering the court system by providing a constructive extracurricular alternative. The program that initially started as a summer project in 1980, under the supervision of the Pretrial Intervention Program, became so successful that it was made into a year-round program the next year under the name of the Rising Stars Youth Steel Orchestra. In 2005, the Rising Stars Program was mirrored on the island of St. Croix and is steadily growing and developing.

District of St. Thomas:

The Rising Stars Youth Steel Orchestra celebrated its 29th anniversary this summer. At the beginning of FY09, the program serviced a total of 163 active members from both the public (131) and private/parochial (32) schools. During June 2009, a total of thirteen members graduated. Following the 2009 summer recruitment program, 78 students were accepted as members, and there is currently a membership of 205 members.

Tutorial & Enrichment Program

The program’s tutorial pool includes ten (10) experienced and certified teachers from the territory’s public schools, along with two (2) retired public school teachers. Tutoring services are provided in the areas of English/Reading, History/Social Studies, Math, Science/Biology, Typing, and Computer Applications. This fiscal year, an average of sixty-five (65) members participated continuously in the tutorial program, which is offered four days a week from 3:45 – 5:45 p.m.

Currently, the overall academic average of all Rising Stars members is between 80 – 85%, but there are still a few members who do not meet the required 75% GPA.

Performances/Playouts

Playouts and performances remain a significant and much-anticipated part of the members’ experience as a part of the program. In FY09, the staff and members worked diligently, and many long hours, in preparation for several playout seasons and activities. The Rising Stars’ 2008 Annual Christmas Concert, themed “Sounds of Christmas Joy,” proved to be a showcase of our members’ musical talent as 120 of them took to the Reichhold Center stage to perform for approximately 700 people. Two memorable aspects of the program were the orchestra’s tribute to President-elect Barack Obama and the musical tribute to Rising Stars alumnus Jacques Bertrand. In addition, during the Christmas season, the orchestra serenaded at various venues throughout the community, performing for locals and tourists alike. Equipped with the knowledge and training gained in Trinidad and shared with the rest of the staff, the instructors and arrangers trained and prepared the students for the 2009 Carnival season, which included the Panorama, Preteen Tramp, Fair Day, the Children’s Parade, and the Adults’ Parade. This year’s entire Carnival season was dedicated to the memory of Elvino “Sifu” George, Rising Stars’ Instructor/Arranger and Calypsonian Extraordinaire, who unexpectedly passed away in March.

Summer Recruitment Program

Recruitment is held every two years, giving the orchestra the opportunity to replace seniors who have graduated and rebuild membership by adding new members. This year’s seven-week program ran from June 15 – July 31, 2009 during which time 102 students were taught topics such as the History of Rising Stars, the History of Pan, the Types of Pans, and Introduction to Music. Additionally, they received hands-on training on their instrument of choice, including how to roll, strum, and the various techniques used in playing the steelpan. In addition to pan instruction, the members participated in a series of rap sessions that covered such topics as Listening Skills, Cultural Music, Self-Defense, and Emergency Medical Services. The members also participated in Sports Day activities and enjoyed a day at Magens Bay.

DISTRICT OF ST. CROIX

The Rising Stars Program on St. Croix has made great strides in its three years of existence. This year was a recruitment year, and the program was able to welcome 41 new members. The first concert was held on the grounds of University of Virgin Islands, which garnered great support from the community. The Rising Stars Program was voted the best after school program in 2009 by the V.I. Daily News Readers. Furthermore, this year was the first year the program was able to operate a licensed after school program.

TUTORIAL PROGRAM

With this being a recruitment year, the enrollment for tutorial has increased. The 2008 – 2009 Tutorial began on September 15, 2008. The following is a breakdown of our members, by grade levels and schools:

Grade	Public School	Private/Parochial School	Total
5 th Grade	10	4	14
6 th Grade	10	0	10
7 th Grade	12	7	19
8 th Grade	06	4	10
9 th Grade	14	1	15
10 th Grade	13	2	15
11 th Grade	10	0	10
12 th Grade	<u>04</u>	<u>1</u>	<u>04</u>
Total	77	19	96

and volunteers, did an excellent job of overseeing the general welfare of each child, which resulted in avoiding major incidents/injuries.

The first week of camp was geared towards an emphasis on exercise and nutrition. Incorporated was a 15-minute session of “Get the Heart Moving” aerobics/dance each morning. The program’s first rap session was conducted by Dr. Letitia Henry. Dr. Henry did an excellent job of driving home the concept of food choices and their importance.

The strength of the summer program is in its diversity. The program offered everything from money management to etiquette, history, cultural presentations, and appreciation for our fragile ecology. The inclusion of the 15 minute daily exercise program was one of the strengths of the program.

SUMMER CAMP 2009

Aspiring for superiority and focusing on safety, the Rising Stars Youth Steel Orchestra was able to operate a licensed after school program for the first time. Adhering to policies and procedures of the Department of Human Service heightens the safety of the staff and membership. Additionally, being licensed allowed participants to benefit from grant programs through the Department of Human Services, to assist with their summer application fees.

Summer Camp 2009 was a recruitment year. We registered eighty-one (81) participants in the summer program. Sixty (60) of the registered participants were new to the program. Along with our regular staff of instructors, we had twenty (20) counselors and three (3) volunteers. We were adequately staffed and the supervision of the camp participants was, for the most part, exemplary. The staff, along with the counselors

The Summer Camp culminated with a Summer Finale held on August 1, 2009, on the Grounds of the University of the Virgin Islands. The concert gave our youngster and others within the community an opportunity to showcase their talents. The audience of over 300 was delighted as they were entertained by dancers, singers and various musicians.



FY 2009: RISING STARS PERFORMANCES

Date	Event
October 19, 2008	World Food Day – U.V.I
November 22, 2008	Blue Bay Jazz Festival Luncheon
November 28, 2008	Dept. of Tourism– Cruise Ship Arrival
November 30, 2008	Starving Artist – Whim Plantation Museum
December 5, 2008	Health Disparities Conference
December 6, 2008	Festival Committee Night Parade
December 13, 2008	Pan Fest
December 20, 2009	Sunny Isle Christmas Playout
December 23, 2009	Superior Court Employee Appreciation
December 30, 2009	V.I. Festival Food Fair
December 31, 2009	V.I. Lottery Play Out – Fort Frederik,
January 2, 2009	Children’s Parade
January 3, 2009	Adult Parade
February 28, 2009	V.I. Housing Finance Authority Block Party
May , 2009	Honorable Francis D’Eramo Memorial Service
May 8, 2009	Rotary International Cultural Night Play Out
May 16, 2009	American Cancer Society – Relay for Life
June 13, 2009	Dept of Tourism Cruise ship Arrival
June 20, 2009	March for Jesus Rally – Frederiksted
June 27, 2009	Dept of Tourism – Cruise ship Arrival
July 5, 2009	13th Annual Mango Melee and Tropical Fruit Festival
July 9, 2009	University of the Virgin Islands Business after Hours
July 10, 2009	Christiansted Retail Association Jump Up
July 17, 2009	Superior Court Friendship weekend Play Out
July 18, 2009	Healthy Encores Lifestyle Changes Play Out
August 2009	Stop the Bleeding
August 10, 2009	University of the Virgin Islands Students’ Orientation
September	VI Puerto Rico Friendship Family Day

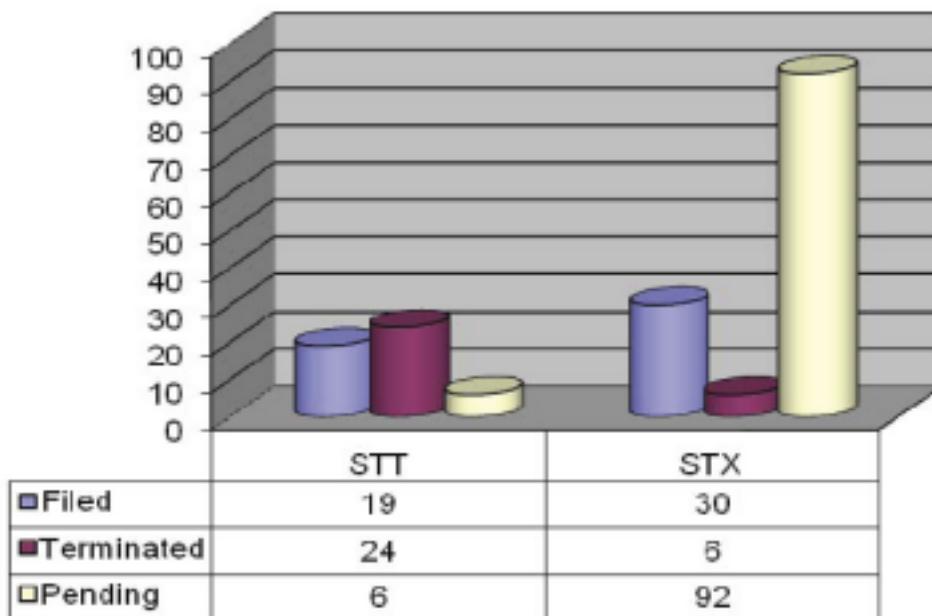
FY 2009: RISING STARS ACCOMPLISHMENTS

On April 20, 2009, the Daily News’ readers voted the Superior Court Rising Stars After School Program, “The Best for 2009.” The Rising Star family is very proud of this accomplishment.

We obtain a license from Department of Human Service to operate our program, for the first time. Additionally, the Rising Stars is the recipient of a \$5,000 grant award from the Virgin Islands Council of the Arts, to assist with the Orchestra’s CD recording. We received a copier, which is a vital resource to the program.

According to the reports received from the Tutors for the 2008 – 2009 Program Year, it was noted that we had an improvement in attendance overall. The computer lab may have played a major role in this improvement. Three instructors attended training in Trinidad West Indies, which gave them the opportunity to acquire additional knowledge and training.

Statistical Summary Pretrial Intervention - FY 2009



PROBATION

The Office of Probation is charged with conducting presentence investigations and preparing pre-sentence reports that assist the Judges of the Superior Court in imposing sentences suitable to the crime and the individual defendants, and with imposing conditions upon defendants whose sentences have been deferred or are currently on pretrial release status. This office also assists in the supervision of individuals who have been transferred from other jurisdictions through the Interstate Compact for Adult Offender Supervision, and responds to inquiries from other jurisdictions pertaining to individuals who are in pretrial status. In addition to being the overall head of the division, the Chief Probation Officer (CPO) serves as the Interstate Compact Administrator.

Statistical Information

A. Investigation Requests

- Local Cases: During this fiscal year, we received one hundred thirty-four (134) requests for Pre-Sentence Reports, and we prepared and submitted one hundred twenty (120).
- Interstate Cases: We received eleven (11) requests from other states, for investigation for transfer of cases to our jurisdiction for supervision.

B. Supervision:

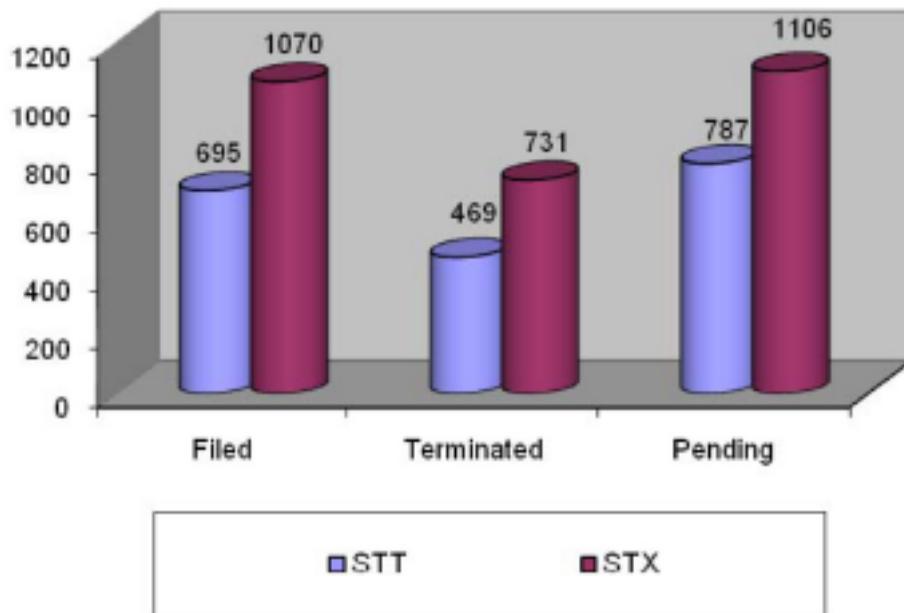
- A total of one hundred thirty four (134) new supervision cases received during this fiscal year on St. Thomas. On St. Croix that number was two hundred and sixty-four (264).
- Interstate Cases: Out of the eleven investigation requests, six (6) of the cases were accepted for supervision for a total of twenty three (23) cases being supervised for the year.

C: Case Closures:

On St Thomas a total of one hundred five (105) local supervision cases were discharged. Eighty seven (87) were discharged satisfactorily, fifteen unsatisfactorily (15), and three (3) were transferred to other jurisdictions via Interstate Compact. Four (4) Interstate cases were closed during this fiscal year on St. Thomas.

On St Croix a total of one hundred and forty-four (144) local supervision cases were discharged. One hundred and twenty-two (122) were discharged satisfactorily, nineteen (19) unsatisfactory, and three (3) were transferred to other jurisdictions via Compact.

Statistical Summary Probation - FY 2009



GOALS FOR FY 2010

The following are the major goals of the Superior Court for Fiscal Year 2010.

Operational Division:

- 1) Standard Operating Procedures: Complete SOPs governing the operations of the Court.
- 2) Appellate Division: Implement our goal of having an appeals clerk(s) in each district dedicated to reviewing files to be submitted for appeal, interacting with the appellate courts and timely submitting all required filings to those courts.
- 3) Record Retention: Reviewing all outstanding files /documents and processing in accordance with our records retention policies and local law.
- 4) Unclaimed Property: continuing our bail bonds/unclaimed property project.
- 5) Uniform Probate Code: Reviewing the new code, and preparing or adjusting internal procedures in accordance with the new law.
- 6) Identify Training relevant to the respective divisions.

- 7) Complete Cross-Training and complete assessment of staffing needs and allocation of the same
- 8) Continue to implement Probate Action Plan, with the goal of reducing the backlog of those cases and encouraging action in older pending cases.
- 9) Complete the selection of a vendor for a new Case Management System.

Administrative and Support Division:

- 1) Finalizing COOP and Emergency Preparation Plan
- 2) Receiving approval to proceed with completion of:
 - a. Retiling of 2nd Floor South Wing area
 - b. Designating restricted smoking areas
- 3) Developing a revised spending plan (budget) based on the reduced FY10 budget appropriation.
- 4) Explore development of performance standards and incorporate them into our evaluation process



Diversion Goals for FY2010

- 1) Finalize the development of an informational brochure that will be specifically utilized by the division for its various clients, but also circulated throughout the legal community to increase the volume of participants in the program.
- 2) Finalize the development of the Pretrial Agreement/Contract for program participants.
- 3) Work with the Probation Division to transition the Pretrial Release clients through Pretrial Intervention Program. This project will be implemented in conjunction with the established pretrial release standards as endorsed by NAPSA and other pertinent institutes, whose studies have shown the cost-effectiveness of these release programs in the reduction of the need to construct new jails.
- 4) Receive the necessary training for the Pretrial staff for the new task of providing pretrial release services.
- 5) Work with the Judges/Magistrates in preparing a functional Pretrial Release Risk Assessment Tool/Interview Form to facilitate the decisions made on the bench as they pertain to bail determination and pretrial release clients.
- 6) Given the movement of clerical staff to the Magistrate Division's off-site location, relocate the current Pretrial office to an area that will more effectively accommodate their duties as they pertain to Pretrial Diversion, Pretrial Release, and the Rising Stars Program.

Information Technology:

- 1) Create a new, more stable backup environment
- 2) Implementation of Office 2007 and corresponding training for the general staff
- 3) Server 2008 training for IT staff
- 4) Integration of SmartCop with our CMS for E-citation
- 5) Create a wire diagram of the court's phone and data infrastructure
- 6) Production of a DVD presentation for Juror Orientation, in collaboration with the Jury Management staff
- 7) Replacement of aging file, database, and application servers
- 8) Upgrade courtroom technology using Nomad Podiums to add video capabilities to courtroom evidence presentation systems, and related training on the use of these systems

Maintenance/facilities:

- 1) Complete the replacement of the smoke and fire alarms in the roof utility area
- 2) Refurbish or replace the motor control center – The motor control center is the interface between the air conditioning system, the air handlers, and the high pressure water pumps. Because the entire system is not interconnected, the system is on manual control, which means it must be manually rebooted if there is a power outage and the system goes off. Mr. Mahoney has indicated that he is in the process of acquiring quotes to mitigate that problem.
- 3) Evaluation, and possible overhaul, of the entire fire system, to include the fire sprinklers system pipes, electrical valves, sprinkler heads, and pump unit.
- 4) Commencement of work on the Elevator Modernization Project
- 5) Refurbish the employee bathroom facilities. Since the establishment of this building in 1993, these bathrooms have never been refurbished and most are in some form of disrepair, with those in the Clerk's office in the worst shape.

Probation:

1. Implementation of on-premise drug testing procedures
2. Pursuing implementation of legislation that will bestow peace officer status on probation officers.
3. Implementation of a probation case management system that will integrate all of the information/ procedures necessary.
4. Pursuing outside funding that will pay for additional training for the probation officers (i.e. grants)

In Memoriam
Hon. Francis J. D'Eramo



1959 - 2009

Despite its accomplishments in Fiscal Year 2009, this also proved to be a trying period for the Superior Court family. On April 27, 2009, the Superior Court lost one of its esteemed judges: the HONORABLE FRANCIS J. D'ERAMO. Judge D'Eramo served with the Superior Court from December 6, 2006 until his passing. During that time, he embraced the Court and was similarly embraced by the staff.

His thoughtfulness, both on and off the bench, continues to be sorely missed.



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