

U.S. VIRGIN ISLANDS COURT & JUDICIARY SYSTEM  
2014 ANNUAL REPORT





## SUPREME COURT OF THE VIRGIN ISLANDS

HONORABLE RHYS S. HODGE  
CHIEF JUSTICE

HONORABLE MARIA M. CABRET  
ASSOCIATE JUSTICE

HONORABLE IVE ARLINGTON SWAN  
ASSOCIATE JUSTICE

REGINA PETERSEN  
ACTING ADMINISTRATIVE DIRECTOR

VERONICA J. HANDY, ESQUIRE  
CLERK OF THE COURT

## SUPERIOR COURT OF THE VIRGIN ISLANDS

HONORABLE MICHAEL C. DUNSTON  
PRESIDING JUDGE

HONORABLE ADAM G. CHRISTIAN  
JUDGE

HONORABLE HAROLD W. L. WILLOCKS  
ADMINISTRATIVE JUDGE

HONORABLE KATHLEEN Y. MACKAY  
JUDGE

HONORABLE DOUGLAS A. BRADY  
JUDGE

HONORABLE DEBRA S. WATLINGTON  
JUDGE

HONORABLE DENISE HINDS-ROACH  
JUDGE

HONORABLE DENISE M. FRANCOIS  
JUDGE

HONORABLE ROBERT A. MOLLOY  
JUDGE

HONORABLE HENRY V. CARR, III  
MAGISTRATE

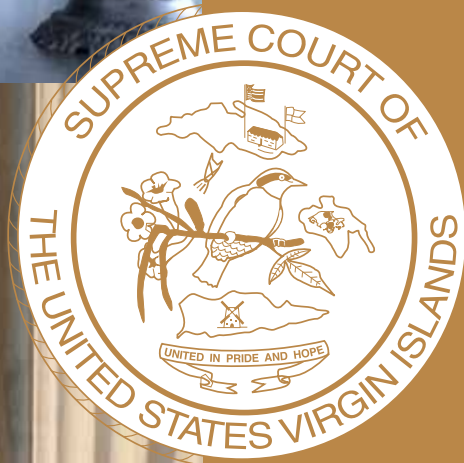
HONORABLE JESSICA GALLIVAN  
MAGISTRATE

HONORABLE CAROLYN P. HERMON-PERCELL  
MAGISTRATE

HONORABLE MIGUEL A. CAMACHO  
MAGISTRATE

GLENDIA B. CAINES, MBA  
COURT ADMINISTRATOR

ESTRELLA H. GEORGE  
ACTING CLERK OF THE COURT



## THE VISION OF THE SUPREME COURT OF THE VIRGIN ISLANDS

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



## Supreme Court Of The Virgin Islands



### State of the Judiciary

The Judicial Branch is often called the “Third Branch” of Government. This term originated from the United States Constitution, which sets forth the duties of the Judicial Branch in Article III, after the Legislative Branch (Article I) and the Executive Branch (Article II). But today, the “Third Branch” moniker may be appropriate for another reason: public polling consistently reflects that the vast majority of Americans do not know that the Judicial Branch is a separate, co-equal branch of our tri-partite system of government. Similar surveys also show that the public knows surprisingly little about the work of the court system. For this reason, the Judicial Branch is often also sometimes referred to as the “Least Understood Branch” of Government.

But while the average citizen may not know about the intricacies of the Judicial Branch, the public still generally trusts the courts. A 2014 nationwide survey of registered voters conducted on behalf of the National Center for State Courts reveals that courts are perceived as the most trustworthy branch of Government, with 63 percent of respondents, viewing the state court system as fair and impartial, 71 percent believing that courts treat all individuals with dignity and respect, and 66 percent agreeing that courts listen carefully to what the people appearing before them have to say. Significantly, these numbers increase to 77 percent and 74 percent when limited only to voters who have had direct contact with the court system. And while the general public generally mistrusts government and desires lesser spending, 54 percent of voters believe that the court system represents a good investment of taxpayer dollars. Yet while the courts are generally viewed in a positive light, the same survey reveals that the public believes that the courts lag behind in certain areas as well, including innovation and understanding the costs of litigation.

Although there have been no publicly released polls of Virgin Islands residents, it is clear from comments received from members of the Virgin Islands Bar and the public that much can be done to improve the Virgin Islands Judiciary. While the Virgin Islands Supreme Court has done much to serve as a model of judicial excellence and to maintain the public trust, the Virgin Islands is the only jurisdiction under the United States flag that does not possess a unified administrative structure. It is also the only jurisdiction where the Judicial Branch—

unlike the Legislative and Executive Branches—is not established in a constitution or Organic Act, and thus is subject to manipulation by the political branches of government. Until that changes, any improvements to the administration of justice and the public perception of the Virgin Islands court system requires action from all entities within the Virgin Islands Judiciary.

Most of the work performed by the Judicial Branch is inherently reactive. With rare exceptions, Virgin Islands courts—like the courts of other jurisdictions—may not give advisory opinions. In fact, members of the Judiciary may not publicly express an opinion on an issue until and unless it is formally brought to the court as a case.

But when a case is properly brought before a Virgin Islands court, the Judiciary possesses an absolute duty to issue its decision in a timely manner. It goes without saying that long delays prejudice the parties by delaying final resolution of their dispute. However, such delays also incur greater costs to the administration of justice beyond the parties to any particular case. In its 2014 survey, the National Center for State Courts observed that the cost of hiring an attorney is--overwhelmingly--the greatest impediment to access to justice. Significant delays in resolving litigation--including the failure to rule on dispositive motions in a timely manner, or to adhere to discovery and other deadlines--increases the costs of hiring an attorney, and even provides a disincentive for an attorney to accept certain types of representation.

The effects of delay may also have consequences outside of the legal system. For example, in February 2015, Virgin Islands newspapers reported that a major financial firm has decided to suspend all lending in the Virgin Islands due to incredible delays in the foreclosure process. In 2012, the Supreme Court of the Virgin Islands adopted, and has successfully implemented, time standards governing the disposition of appeals and other matters brought before the Court. These standards were based on recommendations promulgated by the Conference of Chief Justice and the Conference of State Court Administrators for the efficient processing of cases both on appeal and at the trial level. It is my sincere hope that the Superior Court, in the coming year, will adopt the procedures necessary to effectively enforce similar time standards, particularly with respect to foreclosures, habeas corpus petitions, writs of review, and appeals from the Magistrate Division.

Timeliness, however, should encompass more than just promptly issuing opinions and orders. Although adjudicating cases is the core bread-and-butter work of the Judicial Branch, Virgin Islands courts possess policy-making authority in a limited number of areas. These areas include regulating attorneys and judges, promulgating the rules that govern proceedings before the court, and establishing personnel rules and standard operating procedures to govern court employees. In these areas, the Judiciary possesses an obligation to be proactive rather than reactive, and to make timely updates to practices that may have become outdated.

Over the past eight years, the Virgin Islands Judiciary has undergone transformational change. Some of these changes have been necessitated by structural improvements to the Judiciary itself, such as the establishment of the Supreme Court of the Virgin Islands and creation of the Magistrate Division of the Superior Court. These changes, by necessity, required the Judicial Branch to revisit many past practices in a wide array of areas, including the rules of appellate procedure and the rules governing admission to the Virgin Islands Bar. Other changes

occurred through the litigation process, such as the discontinued mandatory reliance on the Restatements promulgated by the American Law Institute, and clarification on the relationship between the federal courts and Virgin Islands courts on issues of local law.

Change, however, does not need to be on such a grand-scale to improve the administration of justice in the Territory. Nor should courts reexamine their rules and procedures only in the face of a significant structural change to the Judiciary itself. Rather, in the limited areas where the Judicial Branch possesses a mandate to set policy, it should not only scrutinize those policies to ensure that they have not grown stale, but not be afraid to depart—even sharply—from existing practices if doing so would better serve the Virgin Islands community.

To do so, courts within the Virgin Islands Judiciary must be responsive to the concerns raised by the members of the Virgin Islands Bar Association, as well as the general public. For example, over the past several months, the Supreme Court of the Virgin Islands has adopted significant alterations to its attorney discipline and bar admission rules. As part of those reforms, the Supreme Court, among other things, (1) consolidated the multiple bar committees charged with investigating attorney misconduct and the unauthorized practice of law into a single Board on Professional Responsibility; (2) established mechanisms for the licensing of certified in-house counsel, foreign legal consultants, and legal interns; (3) extended special admission privileges to military spouses. The Supreme Court is also currently considering changes to the Virgin Islands Bar Examination, in response to recent changes in substantive Virgin Islands law and initiatives adopted by other jurisdictions. These changes did not come out of nowhere: they were initiated in direct response to feedback received from the Virgin Islands Bar Association and other stakeholders.

The Virgin Islands Judiciary, however, has not historically been quick to implement needed change in all areas. Perhaps most notably, the system for appointing counsel to represent indigent criminal defendants at the trial level remains antiquated. The National Association of Criminal Defense Lawyers has described the procedure of involuntary appointments in serious criminal cases as “a very antiquated idea” that is “a throwback to another time,” and in 2013 the Virgin Islands Bar Association formally submitted alternative procedures for the Superior Court’s consideration. Yet today, the Virgin Islands is one of the few jurisdictions in the United States where a bankruptcy attorney may be involuntary appointed to represent a defendant charged with first-degree murder, even if that individual has no criminal trial experience. Although similar involuntary appointment systems had been in effect more than 50 years ago—prior to the U.S. Supreme Court’s landmark *Gideon v. Wainwright* decision, establishing the right to effective court-appointed counsel for indigent defendants—it is clear that times have significantly changed. This is in stark contrast to the appointment procedure in the Virgin Islands Supreme Court, where counsel for indigent defendants is selected from a panel of attorneys who have volunteered for those appointments, which is in line with the procedure employed in most other jurisdictions, including the federal system. The Judiciary must adopt a modern appointment procedure for the Superior Court that safeguards the constitutional rights of indigent Virgin Islanders charged with criminal offenses and minimizes the burden on Virgin Islands attorneys.

Likewise, the Virgin Islands Judiciary must be cognizant that, at the end of the day, the purpose of the court system is to settle disputes in accordance with substantive law. Procedural rules are intended to secure simplicity and uniformity in procedure, fairness in the administration of justice, and to eliminate unjustifiable expense and delay. Yet in many states and territories, the way rules are implemented does not comport with this intent, particularly with respect to pro se litigants. One of the most distressing findings of the National Center for State Courts' 2014 survey is that only 30 percent of voters believe that courts effectively provide information to individuals appearing without an attorney. Understanding procedural rules is particularly daunting for Virgin Islands litigants, who need not only familiarize themselves with the Rules of the Superior Court, but various Virgin Islands statutes, the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, the Federal Rules of Evidence, and the Local Rules of the District Court.

These federal rules were designed to establish uniform procedures in the federal system, which encompasses 94 federal district courts in 50 states, 4 territories, and the District of Columbia in which 426,654 cases were pending last year. But no state or territory, other than the Virgin Islands, has uncritically adopted the federal procedural rules wholesale as the Superior Court has done through Superior Court Rule 7. This is because federal courts are courts of limited jurisdiction, while state and territorial courts have general jurisdiction over numerous types of cases that will never come before a federal court, such as child custody, small claims, probate, and traffic matters. As other states and territories have recognized, the procedures that federal courts formulated to govern a complex, multi-million dollar securities action should not just be applied to a simple landlord-tenant or foreclosure case. The Virgin Islands must not only develop its own procedural rules that take into account the realities of Virgin Islands practice, but adopt rules that are easy to understand and facilitate deciding cases on the merits rather than on procedural technicalities.

Last year, the Supreme Court of the Virgin Islands promulgated Rule 301, which established a Virgin Islands Commission on Access to Justice. While the Commission has a mandate to examine all aspects of enhancing equal access to justice for all Virgin Islanders, especially the poor and vulnerable, it has also been tasked with the duty to recommend changes to court rules and policies to encourage greater access to Virgin Islands courts. Many of the problems that contribute to the access to justice problem—such as inadequate funding for Legal Services of the Virgin Islands and other organizations—cannot be solved without the cooperation of the Legislative Branch. However, because court rules and policies are within the control of the Judicial Branch, Virgin Islands courts can effectuate transformational change in this area.

The Virgin Islands Supreme Court has already begun this process. In addition to establishing a guidebook for unrepresented litigants, allowing e-filing by pro se parties and training our employees in handling pro se cases, the Supreme Court has amended its rules in hopes of reducing the justice gap. As I noted earlier, the Supreme Court recently changed its bar admissions rules to allow licensing of in-house counsel. While this rule only authorizes in-house counsel to provide compensated services to their corporate employer, it also permits in-house counsel to provide pro bono representation in conjunction with Legal Services of the Virgin Islands, and for those individuals to continue that pro bono representation even after their employment has terminated. This makes the Virgin Islands one of the first jurisdictions to implement ABA House of Delegates Resolution



104B, which passed unanimously at the ABA's Midyear Meeting in February 2015 and calls for all states and territories to authorize in-house counsel to provide pro bono legal services. The Supreme Court also adopted a rule permitting law students and recent graduates to be licensed as certified legal interns, which we hope will encourage law schools based in the United States mainland to establish clinics to represent indigent Virgin Islanders on appeal or otherwise.

These rules are likely to go into effect on June 1, 2015. I say that they are likely to go into effect because the Virgin Islands Supreme Court, whenever it promulgates new rules, subjects them to a 30-day notice and comment period, so that attorneys and general public may provide feedback on the proposed rules before they go into effect. Such comments become public record and may even be e-filed, so that the public is aware of what materials the Court considered before it made its decision to formerly implement a proposed rule.

As the only non-political branch of Government, the Judicial Branch faces significant challenges in educating the public about its mission and the role of the courts. Judges are not elected officials; we do not serve any particular constituency, but instead must impartially apply the law to the facts of the case, no matter how popular or unpopular the result. Moreover, the Code of Judicial Conduct and other authorities greatly circumscribe a judge's ability to comment about a particular ruling to the media or the general public. As such, maintaining transparency in the areas where the Judicial Branch is permitted to do so--such as when exercising its rule-making functions--is critical to maintaining the public trust. Doing so is necessary to ensure that the Judiciary remains accountable to the people, and accessible to the attorneys who practice before its courts.

The Internet has done more to facilitate transparency than arguably any other invention. Nationally, courts have been slow to use technology to make themselves more accessible to the public. Yet the public strongly desires the ability to conduct court business without stepping foot inside a courthouse. For instance, the National Center for State Courts' survey reveals that 77 percent of voters wish to access court records online, while 76 percent desire to pay court fees and fines online. Moreover, 75 percent of respondents would like the ability to have court staff answer their questions by email. When limited only to voters under the age of 40, those numbers increase to 86 percent, 85 percent, and 83 percent, respectively.

Since its inception, the Supreme Court of the Virgin Islands has sought to transition itself into an "e-everything" court, where documents that exist in paper form are the exception rather than the norm. The Supreme Court has been a pioneer in this area, having automated the back-end operations of its Clerk's Office in 2009, made all of its non-sealed court records available for public viewing online free-of-charge since 2010, adopted mandatory e-filing in 2011, and digitized many procurement and personnel functions—including the submission of leave forms—in 2012. The Court live-streams its oral arguments, bar admissions ceremonies, and other proceedings live over the Internet, and makes the video and audio available for future online viewing on-demand. In fact, the Supreme Court of the Virgin Islands is one of only a few courts in the country—if not the world—where a lawyer, or even a Justice, may appear remotely through Skype or a similar service. In fact, during the past year, the Court conducted its first swearing-in of a pro hac vice attorney through Skype, with the Clerk of the Court present on St. Thomas and the attorney located on the U.S. mainland. The Court has also established dedicated

e-mail addresses for help with e-filing and other court matters, so that individuals may obtain customer service help without having to call or visit the Court.

Although the Virgin Islands Judiciary is a leader in utilizing technology, significant room for improvement remains, particularly at the trial level. The Superior Court is the only court in the Virgin Islands that does not allow online public access to its court records; to put this in context, the federal judiciary first implemented its Public Access to Court Electronic Records (PACER) system almost 30 years ago in 1988. Part of the reason that the Judicial Branch is considered the “Least Understood Branch” is that, for most of its history, much of its work has been difficult for the public to observe. Opening up the non-confidential records of every court in the Virgin Islands Judiciary—including the Superior Court—for online public access is long overdue, and in the long run will benefit the public and attorneys, all of whom will be able to monitor the progress of their courts. And online public access benefits the courts as well: both trial and appellate courts in jurisdictions ranging from Iowa to New Mexico have reported significant productivity gains simply from making court records available online, causing cases to be adjudicated much faster than the antiquated paper-only process.

But technology’s potential goes beyond simply making existing documents available. Many jurisdictions, including New York City and Cook County, now allow individuals to plead guilty or not guilty to traffic offenses, pay fines, and schedule hearing dates completely over the Internet without ever visiting a courthouse. Others are exploring the feasibility of conducting simple hearings or mediations online. The Virgin Islands, as a host to over 2 million tourists every year, is a jurisdiction that would especially benefit from successful implementation of such programs.

As is illustrated in the pages of this Annual Report, the Virgin Islands Judiciary has accomplished much during Fiscal Year 2014, but there remains a lot more work to be done. It is my hope that, over the coming year, all judicial officers and Judicial Branch employees, with the support of the Executive and Legislative Branches, will do their part to ensure that the “Third Branch” of the Government of the Virgin Islands meets its mandate of serving the people of the Virgin Islands.

Sincerely,

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

Rhys S. Hodge  
Chief Justice

# HISTORY IN BRIEF

In 1984, the United State Congress amended the Revised Organic Act of 1954 to permit the Virgin Islands Legislature to create a local appellate court. It was not until 2004, however, the Virgin Islands Legislature passed pivotal legislation establishing the Supreme Court of the Virgin Islands. Act No. 6687 was sponsored by then Senator Carlton "Ital" Dowe in the 26th Legislature, and signed into law by Governor, Charles W. Turnbull, on October 29, 2004. The first three justices – Rhys S. Hodge, Maria M. Cabret, and Ive Arlington Swan, were appointed by Governor Turnbull. All three justices were unanimously confirmed by the Virgin Islands Legislature on October 27, 2006, and sworn into office on December 18, 2006. The Supreme Court subsequently assumed formal jurisdiction on January 29, 2007. Prior to this date, all appeals were heard by the Appellate Division of the United States District Court and the United States Court of Appeals for the Third Circuit.

The 1984 amendments to the Revised Organic Act imposed a 15 year federal oversight period, during which the 3rd Circuit Court of Appeals would review the decisions of the Supreme Court of the Virgin Islands, and conduct a comprehensive review of its operations of the Supreme Court every five years. On June 19, 2012, the Third Circuit issued the first and only five-year report, in which it concluded that the Supreme Court of the Virgin Islands had developed sufficient institutional traditions to justify ending the fifteen year oversight period. Subsequent to that report, Delegate to Congress Donna M. Christensen sponsored H.R. 6116, requesting the amendment to the Revised Organic Act of 1954 to terminate the federal oversight period. On December 28, 2012, President Barack Obama signed Public Law No. 112-226, marking a significant milestone in the history of the development of the Virgin Islands Judiciary. The termination of the oversight period confirmed that the Supreme Court of the Virgin Islands had established the necessary institutional traditions to enjoy the same

relationship with the Supreme Court of the United States as is experienced by the highest courts of the several States.



## JURISDICTION

Pursuant to title 4, section 32(a) of the Virgin Islands Code, the Supreme Court of the Virgin Islands is the highest local court and is specifically authorized to review final orders, judgments and specified interlocutory orders of the Superior Court of the Virgin Islands. As the highest court in the Territory, and through its Chief Justice, the Supreme Court possesses the statutory and inherent authority to exercise general oversight over the Judicial Branch, as well as to regulate the practice of law in the Virgin Islands.

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

## SUPREME COURT

## JURISDICTION

### SUPREME COURT OF THE VIRGIN ISLANDS

#### Three Justices

Judicial Branch Oversight  
Appellate Jurisdiction over Final Judgments of the  
Superior Court  
Original Jurisdiction Matters, Writs of Mandamus, and  
Habeas Corpus  
Regulation of Virgin Islands Bar

### SUPERIOR COURT OF THE VIRGIN ISLANDS

#### Nine Judges

Civil Matters  
Criminal Cases (both felony and misdemeanor)  
Domestic Relations Cases  
Juvenile Matters  
Probate Cases and  
Appeals and review from Magistrate decisions and  
administrative agencies

### MAGISTRATE DIVISION OF THE SUPERIOR COURT

#### Four Magistrates

Non-Felony Traffic Cases  
Forcible Entry and Detainer  
Misdemeanor Criminal Cases  
Domestic Violence Cases  
Small Claims  
Probate Cases  
Litter Cases

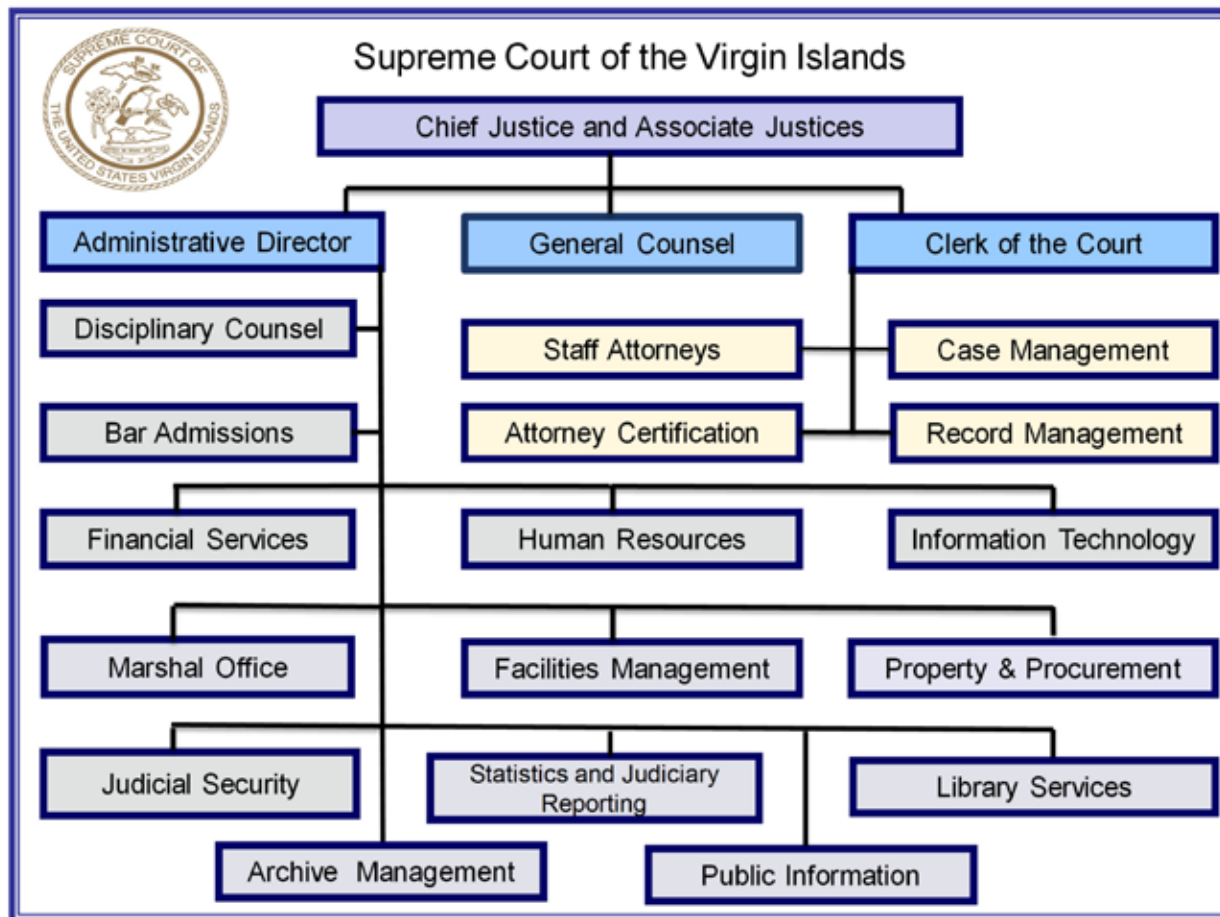
The Supreme Court also hears cases that did not originate in the Superior Court. These cases are referred to as original jurisdiction matters. The most common exercise of the Court's original jurisdiction are in actions for writ of mandamus, in which the Supreme Court may order a government official—including a Superior Court judge—to perform a discrete, ministerial act. However, there are various other types of actions that may arise pursuant to the Supreme Court's original jurisdiction. These include petitions for judicial or attorney discipline, proceedings for civil or criminal contempt, applications for writs of habeas corpus, attorney discipline and certified requests from federal courts and the highest courts of other jurisdictions for the Supreme Court to answer an unresolved question of Virgin Islands law.

## DESIGNATED JUSTICES

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

### The following judicial officers served as Designated Justices during fiscal year 2014:

- Douglas A. Brady, Judge,  
*Superior Court of the Virgin Islands*
- James S. Carroll III, Retired Judge,  
*Superior Court of the Virgin Islands*
- Adam G. Christian, Judge,  
*Superior Court of the Virgin Islands*
- Denise Francois, Judge,  
*Superior Court of the Virgin Islands*
- Denise Hinds-Roach, Judge,  
*Superior Court of the Virgin Islands*
- Verne A. Hodge, Chief Judge Emeritus,  
*Superior Court of the Virgin Islands*
- Kathleen Y. Mackay, Judge,  
*Superior Court of the Virgin Islands*
- Thomas K. Moore, Retired Judge,  
*District Court of the Virgin Islands*
- Robert A. Molly, Judge,  
*Superior Court of the Virgin Islands*
- Debra Smith Watlington, Judge,  
*Superior Court of the Virgin Islands*



## ORGANIZATIONAL STRUCTURE

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

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

## OFFICE OF THE CLERK

The primary responsibility of the Office of the Clerk of Court is the management of cases throughout the appellate process, and the maintenance of certain statistical data regarding case processing. Accordingly, the following caseload trends are reported for fiscal year 2014.

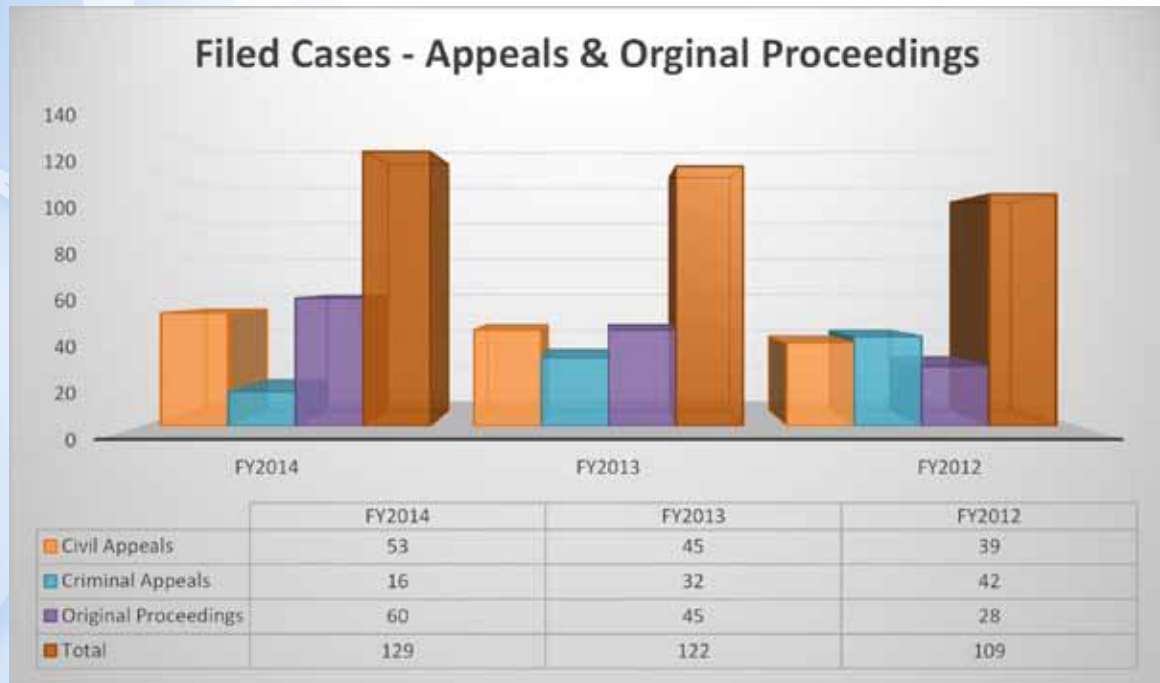


## SUPREME COURT

### FILED CASES

In fiscal year 2014, 53 new civil appeals were filed with Supreme Court, representing an 18% increase when compared to the 45 civil appeals filed in fiscal year 2013. There were also 16 criminal appeals filed

during the course of the fiscal year. The Supreme Court experienced a 44% increase in filings of original jurisdiction matters. Overall, the Supreme Court experienced a 6% increase in cases filed during fiscal year 2014.



### DISPOSITIONS

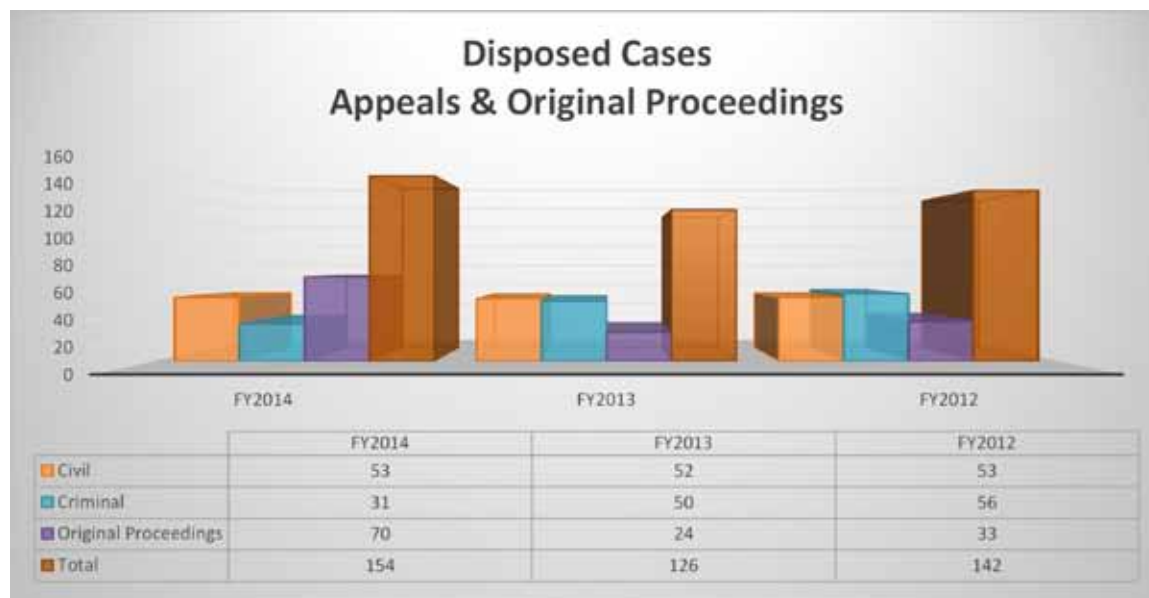
The Supreme Court prides itself on being a model of judicial excellence and continues its efforts to increase efficiency in all areas, and especially in case processing. From fiscal year 2008 through end of fiscal year 2014, a total of 900 matters have been filed

with the Supreme Court of the Virgin Islands: 442 civil appeals; 258 criminal appeals; and 197 matters of original jurisdiction. The Court has disposed of 836 cases for an overall efficiency rating of 93% for all fiscal years.



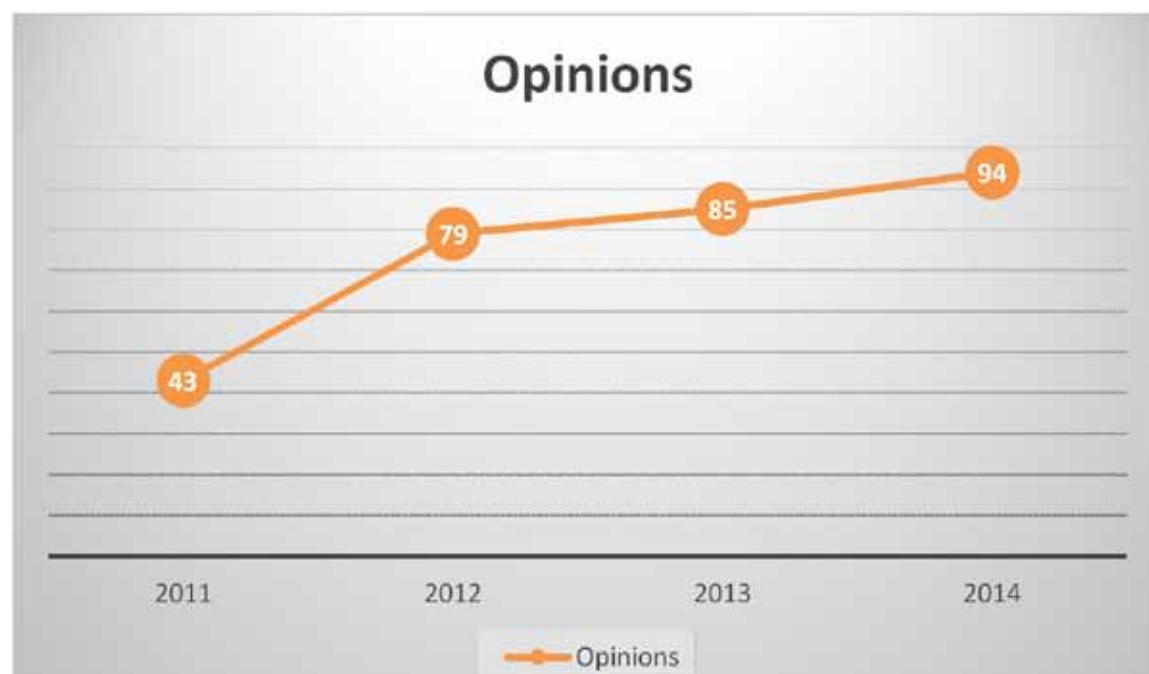
Fiscal year 2014 opened with 85 pending cases. During the course of the fiscal year, 125 new matters

were filed, and 4 matters re-opened for a total active caseload in fiscal year 2014 of 214 cases.



Of the matters pending before the Court during the course of the fiscal year, final judgments were issued in 154 cases, and by the close of fiscal year 2014, 60 cases remained pending for an overall efficiency rating greater than 100%. Additionally, the Court issued 94 opinions, 80 of which were published

opinions. Case summaries and all published opinions issued by the Court are posted on its website, located at [www.visupremecourt.org](http://www.visupremecourt.org), and are automatically distributed free of charge to individuals who have subscribed to the Court's mailing list.



## SUPREME COURT

### INDIGENT APPOINTMENTS

The Office of the Territorial Public Defender possesses a statutory mandate to represent indigent defendants in criminal proceedings including appeals. On occasion however, the Public Defender is unable to provide indigent representation on a matter on appeal due to an ethical conflict, and the Supreme Court must then appoint an attorney to represent the indigent defendant. Supreme Court Rule 210 established a panel of attorneys who would volunteer to represent indigent parties on appeal, and set compensation at \$75.00 per every in-court and out-of-court hour in which services were provided, subject to a presumptively reasonable cost for indigent representation, which has been defined as either \$5,000.00 or \$7,500.00, depending on the seriousness of the offense. The caps however, may be waived by the Chief Justice under special circumstances. The Supreme Court nonetheless retains the authority to involuntarily appoint an attorney in the rare instance that the Office of the Public Defender and all of the attorneys on the appellate indigent defense panel are unable to represent a particular defendant. However, since the Promulgation of Rule 210, the Supreme Court has never exercised this authority.

### OFFICE OF BAR ADMISSIONS

The Supreme Court of the Virgin Islands oversees the Virgin Islands Bar Association, which includes

the processing of applications to the Bar, and approval of rules and bylaws of the organization.

### ADMISSION TO THE BAR

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

### REGULAR ADMISSION

During the course of fiscal year 2014, 28 new applications for Regular Admission to the Virgin Islands Bar were filed and the Supreme Court disposed of 56 application cases. The Court closed the fiscal year with 46 petitions for regular admission pending. Pending petitions include applicants undergoing the character and fitness review, those waiting to sit the exam or who have deferred taking the exam from one administration to the next, and applicants who have failed to pass the bar exam and are awaiting re-examination. Additionally, during the course of the fiscal year, the Court convened 4 admissions ceremonies resulting in 26 individuals being sworn in as new regular members of the Virgin Islands Bar Association.

### 2014 Regular Admissions

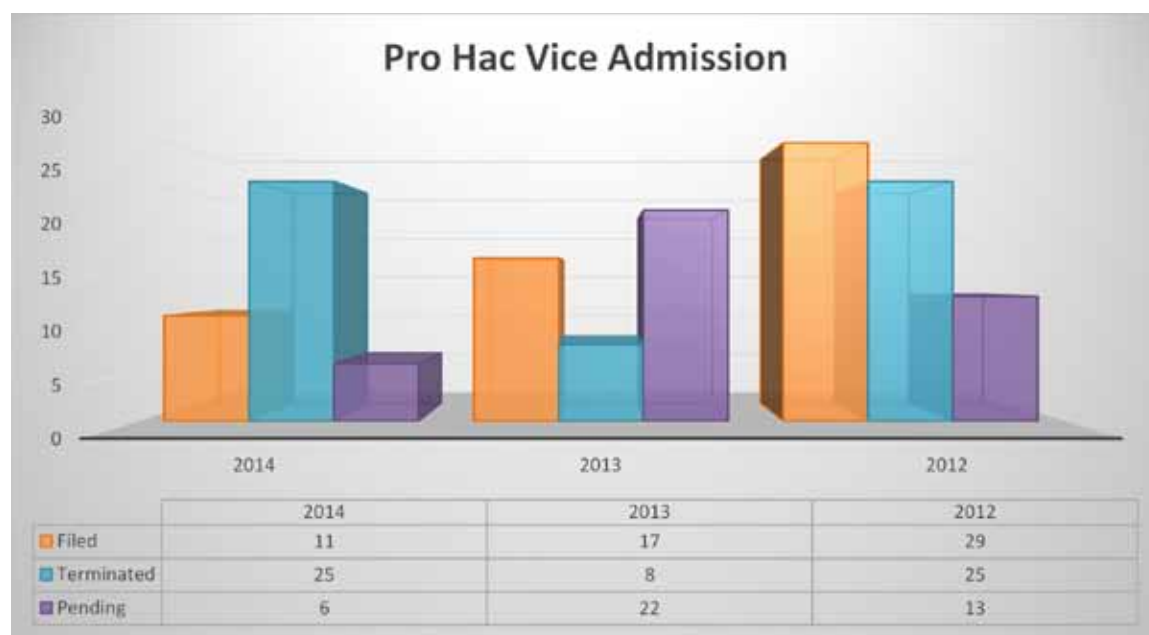




Additionally, on March 27, 2014, the Supreme Court entered Promulgation Order No. 2014-004 amending Virgin Islands Supreme Court Rule 204(c) to add a new subsection (6), to allow bar applicants to prepare written responses to the essay portion of the Virgin Islands Bar Examination through use of a laptop computer. As a result, 73% of the applicants in the July sitting of the Virgin Islands Bar Examination used laptops through the ExamSoft secured testing solution.

### PRO HAC VICE ADMISSION

Attorneys admitted to the practice of law in other United States jurisdictions, may be permitted to practice law in the Virgin Islands with respect to a single client matter, provided that the attorney is associated with a regularly admitted member of the Virgin Islands Bar, and that member has agreed to take full responsibility for the actions of the out-of-territory attorney. During fiscal year 2014, 11 new applications for pro hac vice admission were filed, and as of September 30, 2014, 8 pro hac vice petitions had been granted and 6 were denied resulting in full opinions entered by the Court. By the close of the fiscal year, the Court had effectively terminated 14 *pro hac* petitions, ending the year with 6 pending *pro hac vice* petitions.



### SPECIAL ADMISSION

Pursuant to Supreme Court Rule 202, an attorney admitted to the practice of law in another state, territorial jurisdiction, or to the District of Columbia, may, under the supervision of a regular member of the Virgin Islands Bar Association, practice law in the Virgin Islands on behalf of a federal or territorial government department or agency, or a specified public interest organization. During fiscal year 2014, 7 petitions for special admission were filed with the Supreme Court. The Court granted special admission to 6 attorneys, and rescinded the special admission of 4 attorneys. At the close of the fiscal year, 1 matter remained pending.

### SERVICES TO EXISTING MEMBERS OF THE VIRGIN ISLANDS BAR

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

## SUPREME COURT

### CERTIFICATES OF GOOD STANDING

Members of the Virgin Islands Bar Association, must occasionally file requests with the court for Certificates of Good Standing to satisfy licensing requirements, or to support applications for admission to the Bar of another jurisdiction. These certificates, which indicate that the attorney has complied with all membership requirements of the Virgin Islands Bar, are issued by the Clerk of the Supreme Court. In order for an attorney to be eligible to receive a Certificate of God Standing, the attorney must be current with all membership dues, have satisfied all continuing legal education requirements, and presently be authorized to practice law in the Virgin Islands. During fiscal year 2014, there were 324 requests for certificates of good standing. 312 certificates were issued and 12 were denied.

### STATUS CHANGES

Regular members of the Virgin Islands Bar Association may be either “active” or “inactive.” Inactive status is typically sought by attorneys who have accepted employment that does not require the practice of law, or by retired or non-resident attorneys who wish to maintain a connection to the Virgin Islands Bar Association. In addition, attorneys may, with permission from the court, resign their membership, which terminates their financial obligation to the VI Bar Association. Provided that certain procedural requirements are met, with the court’s permission, attorneys may freely transfer between active and inactive status, and may request

permission to resume the practice of law. In fiscal year 2014, the Office of Bar Admissions received and processed 26 requests for status changes.

### CONTINUING LEGAL EDUCATION

Supreme Court Rule 208 mandated that all regularly and specially admitted attorneys complete 12 continuing legal education credits annually, and self-report their compliance to the Virgin Islands Bar Association. Rule 208 did not however vest the Virgin Islands Bar Association with any discretion to waive or excuse a member’s non-compliance, and required that all requests for a complete or partial extension from CLE requirements to be filed with the Supreme Court. On October 8, 2013, the Supreme Court issued Promulgation Order No. 2013-002 amending Rule 208 and granting the Virgin Islands Bar Association’s CLE Committee specific authority to grant extensions of time through April 30th for self-reporting of compliance with the Continuing Legal Education requirement. This improvement has increased self-governance by the Virgin Islands Bar and reduced the number of requests for extension of time or filings out-of-time with the Supreme Court. Notwithstanding the benefits of the amendment to Rule 208, attorneys who desire an extension of time to satisfy their annual obligation beyond April 30th, must nonetheless file a formal petition with the Supreme Court. During fiscal year 2014, 13 such requests were filed with the Court, demonstrating a greater rate of compliance with CLE when compared to the number of requests filed in the previous fiscal years.

### Continuing Legal Education Petitions



## OFFICE OF DISCIPLINARY COUNSEL

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

### JUDICIAL DISCIPLINE AND INCAPACITY

In accordance with Rule 209, Disciplinary Counsel is tasked with investigating complaints under the direction of a three member investigative panel. Upon completion of the investigation, the panel determines whether formal charges are warranted, and if so, Disciplinary Counsel prosecutes the complaint before a hearing panel. At the start of fiscal year 2014 there was 1 judicial complaint pending. During the course of the fiscal year, 4 new judicial complaints were filed. In each of the 4 cases, the matter was dismissed after preliminary investigation. A full investigation had been completed in the pending matter however, a final

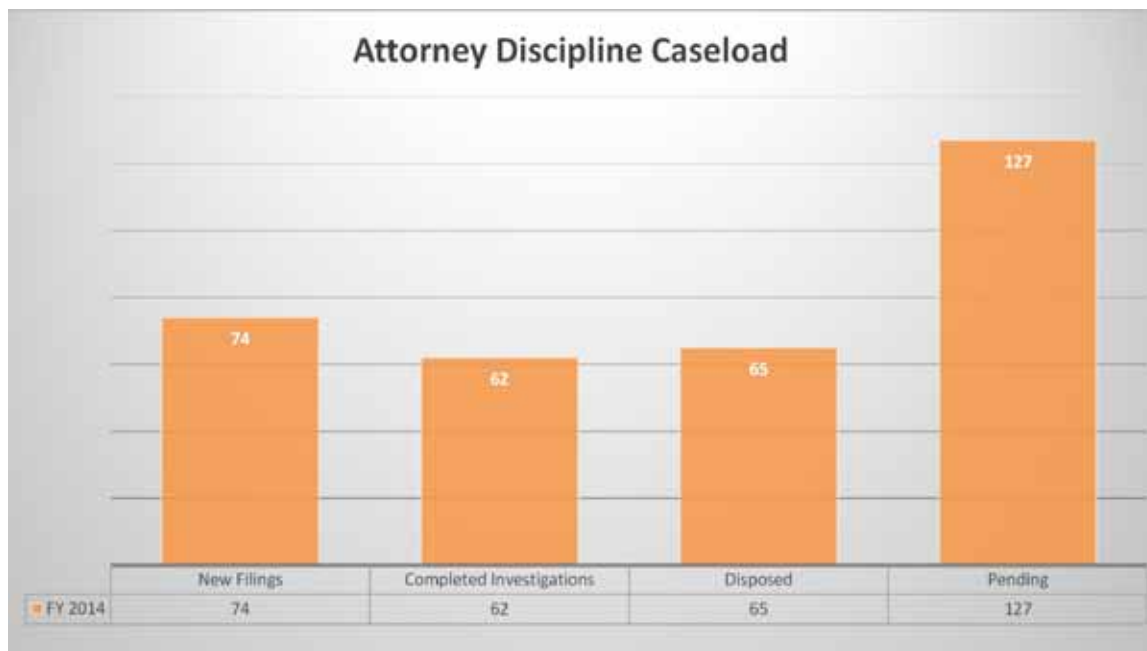
adjudication had not been entered prior to the close of the fiscal year. No complaints alleging judicial disability were filed in fiscal year 2014.

### ATTORNEY DISCIPLINE

In 2011, the Supreme Court promulgated amendments to Rule 207, expanding the function of Disciplinary Counsel to include the investigation and prosecution of grievances against members of the Virgin Islands Bar. Attorney discipline includes, but is not limited to, private or public reprimand, probation, suspension and the most severe penalty of disbarment from the practice of law in the Virgin Islands. During fiscal year 2014 discipline was imposed in 3 cases including 2 suspensions, and one private reprimand conditioned on resignation from the Virgin Islands Bar.

### DISCIPLINE CASE STATISTICS

74 new files were opened in fiscal year 2014. When added to the 118 pending discipline matters from the previous fiscal year, the total caseload in fiscal year 2014 was 192 cases. The Office of Disciplinary Counsel completed 62 investigations and disposed of 65 cases. By the close of fiscal year 2014, 127 cases remained pending.

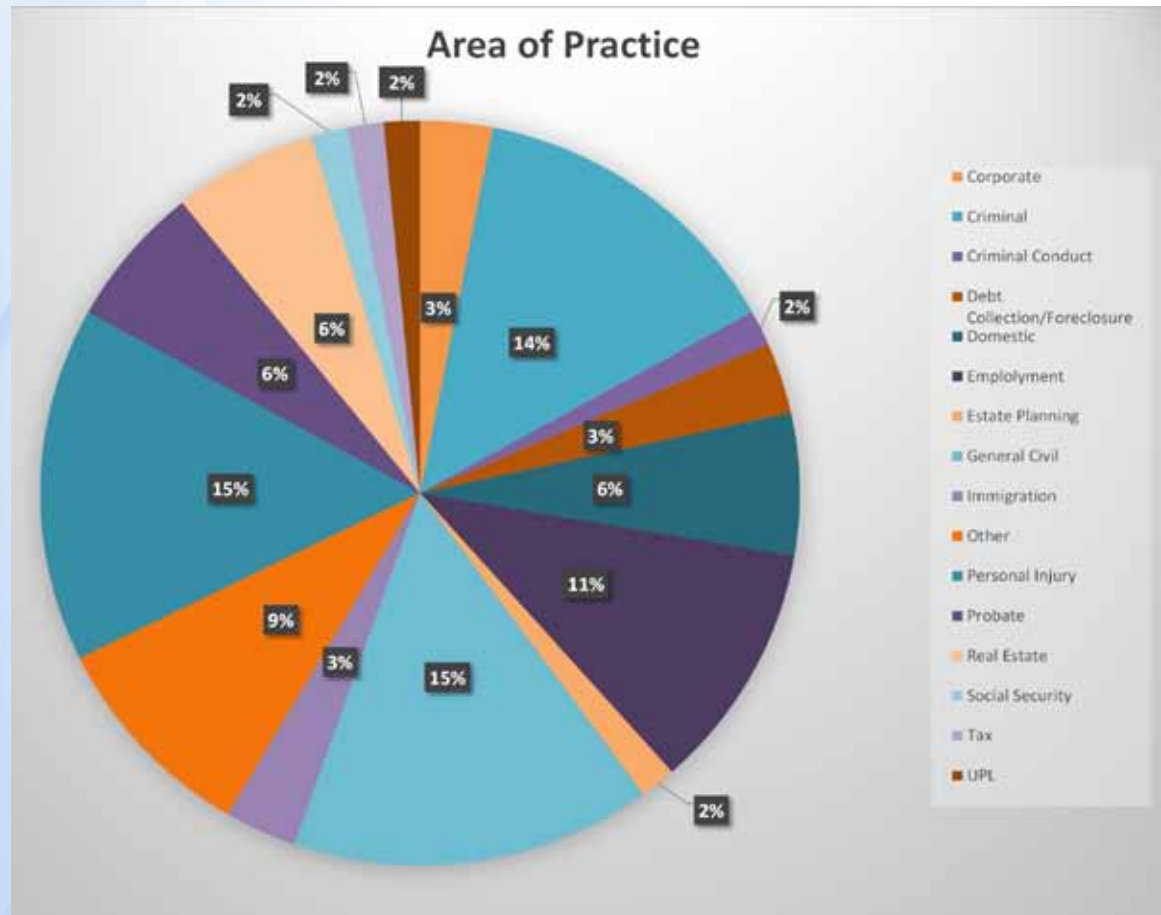


## DISCIPLINE CASE DEMOGRAPHICS

Of the 65 attorney discipline cases resolved in fiscal year 2014, 30 cases (46%) were filed by clients of the respondent-attorney. Opposing parties filed 12 (18%) of the grievances. 3 cases (5%) were referred by judges, and 8 (12%) were referred by other attorneys.

Of the areas of practice represented amongst the attorney grievance cases resolved, 4 cases (6%)

arose from domestic matters. 15% of the cases arose from general civil matters – slightly more than 11% last year. Consistent with last year, 15% arose from personal injury cases, and 11% arose from employment law related litigation. Significantly, immigration cases represented only 3% of the cases in fiscal year 2014 as opposed to 9% last year. Further, in fiscal year 2013, 23% of the grievance cases arose from criminal matters. By contrast, that number was 14% in fiscal year 2014.



## ACCOMPLISHMENTS AND NEW OBJECTIVES

As part of its outreach efforts during fiscal year 2014, the Office of Disciplinary Counsel created and circulated the Virgin Islands Trust Account Handbook for members of the Virgin Islands Bar to educate and otherwise assist attorneys with the proper standards for maintaining Trust Accounts. The handbook is available on the Virgin Islands Bar Association website. Additionally, as reported in fiscal year 2013, Disciplinary Counsel made recommendations to the Court regarding a rule for Trust Account Record Keeping. Those recommendations were incorporated in to Rule 211, the Virgin Islands Rule of Professional Conduct, which were promulgated in 2014. Further, Disciplinary Counsel worked with the Commission on Judicial Conduct to present an education program designed to assist judges in maintaining awareness and understanding of their ethical obligations regarding disqualification and conflicts of interest. Despite inclement weather, 12 judicial officers were in attendance.

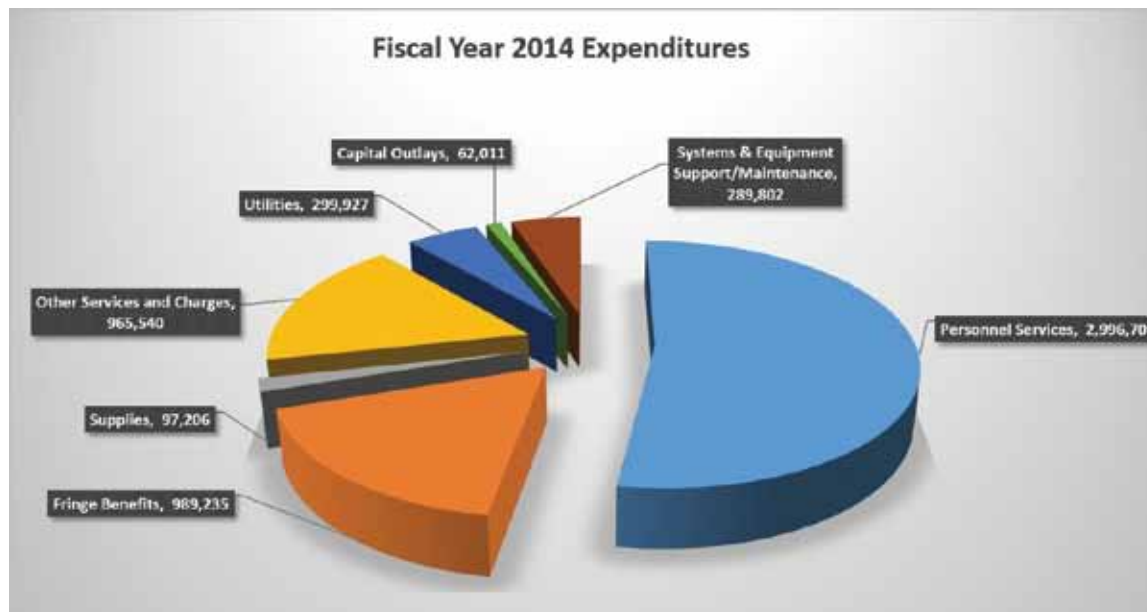
## ADMINISTRATION

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

Court. In fiscal year 2014, the Office of the Administrative Director continued to manage and facilitate several distinct areas of court operations, including but not limited to, Budget and Finance, Information Technology, Human Resources, Facilities and Procurement, and Judicial Security.

## BUDGETING AND FINANCIAL MANAGEMENT

The Supreme Court requested a budget of \$7,823,405 to carry out its planned operations during fiscal year 2014, and while the Executive and Legislative branches, as well as the Superior Court of the Virgin Islands saw some restoration of prior funding levels in the final approved 2014 Budget, the Supreme Court's appropriation remained the same as in the previous two fiscal years. Pursuant to Act No. 7558, the Supreme Court was appropriated \$5,710,661 for fiscal year 2014, 27% less than the requested operational budget. The Court nonetheless participated in further reductions necessitated by unanticipated revenue shortfalls in the third quarter of fiscal year 2014, bringing the Court's total fiscal year appropriation to \$5,700,661, of which the Court expended \$5,700,427.77.





# INFORMATION TECHNOLOGY

The Supreme Court of the Virgin Islands is proud of its many achievements as a 21st Century Court and continues to maximize on its use of technology as a fundamental component of all of the Court's operations. However, due to an austere budget, many planned technology initiatives were placed on hold indefinitely. Instead, the Supreme Court shifted its focus to evaluating current systems configurations and identifying certain system redundancies for potential cost savings without sacrifice to quality of service.

## CASE MANAGEMENT

Throughout fiscal year 2014, the Technology Services Division continued its maintenance and enhancement of the Case Management System – upgrading C-Track from version 5.1 to version 5.4, and the Electronic filing application from version 3.1 to version 3.2. The Hyland Onbase Document Management system was also upgraded from version 11 to version 13. Major changes to C-Track included an enhanced justice docket report, compliance with credit card processing gateway requirements, and further integration with the Court's multifunction copiers for batch scanning of briefs on files prior to e-filing.

## NETWORK OPERATIONS

In fiscal year 2014, the Court upgraded its streaming capabilities for Oral Arguments to allow more devices to connect to the live stream. The Court also contracted to utilize the viNGN high-speed fiber optic network to increase bandwidth from 3Mb to 100 Mb. The increased bandwidth and additional upgrades provided improved and uninterrupted streaming on desktop computers and allowed streaming to Android and IOS devices. Several upgrades to the Court's high-tech courtroom equipment were also implemented during the course of the fiscal year to increase visual and recording capabilities. As a result of the various upgrades, and in addition to traditional remote appearances, the Court performed its first Skype remote appearance for the swearing in of an attorney, and conducted 4 Skype video conference employee interviews.

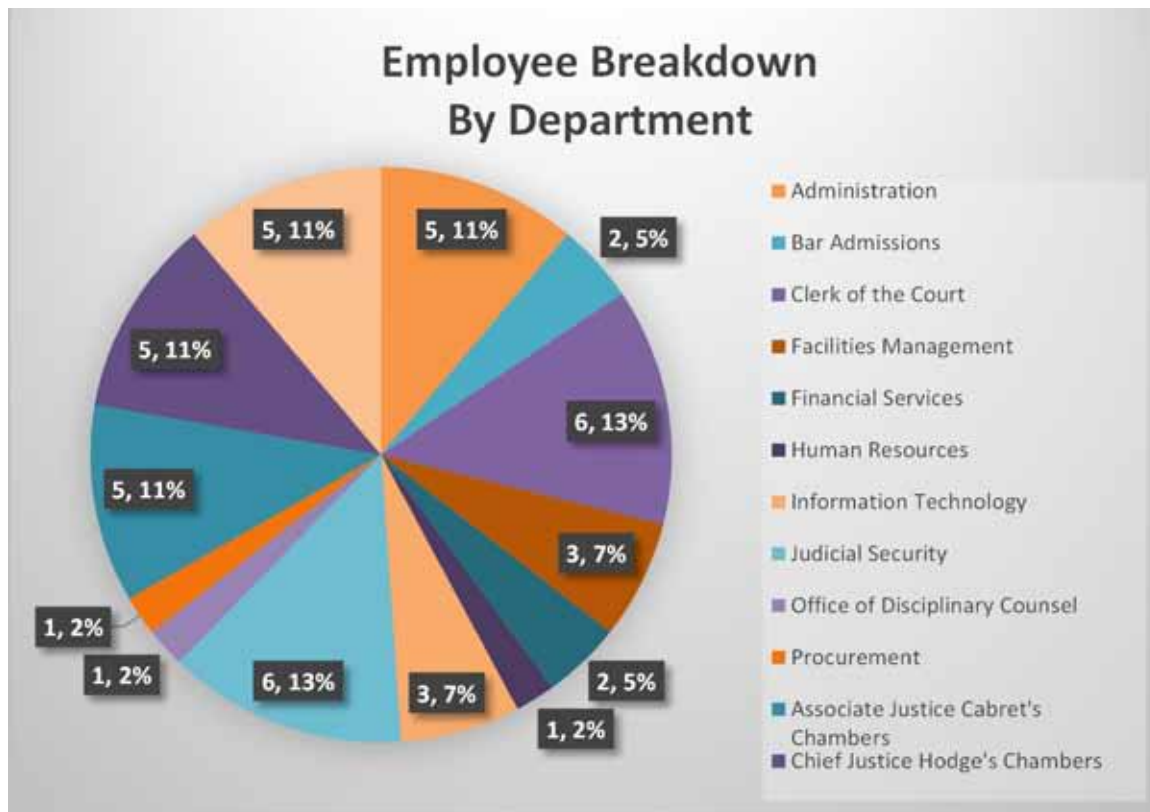
## PARTNERSHIPS

In Fiscal Year 2014, the Supreme Court and Superior Court of the Virgin Islands jointly entered into an agreement with Microsoft to fully license all of its Microsoft software under an Enterprise Agreement. This agreement guaranteed compliance with Microsoft Software licensing requirements and opened the door to greater functionality as well as the increased benefit of volume discounts. With the new agreement, the Court not only saved on Microsoft Support cost, but gained access to new software such as Office 365, and applications such as Lync, One Drive and SharePoint which will drive some of our 2015 initiatives.

## HUMAN RESOURCES

### HR CHALLENGES

In fiscal year 2013, along with the implementation of Time to Disposition Standards, the Supreme Court determined a need to augment human resource support to each chamber, and hired 2 additional law clerks within its budgetary ceiling bringing the staffing level to 45 in fiscal year 2014. While this dedication of personnel resources continues to improve performance and maintain compliance with the standards implemented by the court, the impact of the court's financial constraints continues to pose significant challenges in the overall retention of its human capital. In the past two fiscal years, the Supreme Court has begun to experience a rise in separations of some of its most senior employees and with their departures, has lost significant knowledge and experience. During the course of fiscal year 2014, the court filled 1 position within its Information Technology Division after the departure of a seasoned employee. At the close of the fiscal year, the position of Administrative Director had not been permanently filled and the Chief Financial Officer remained vacant.



Further, of the 64 positions dedicated to carry out the operations of the Supreme Court of the Virgin Islands, 17 positions or 26% have consistently remained vacant due to budgetary constraints. The vacant positions include General Counsel, Chief Deputy Clerk, Staff Attorney, Public Information

Officer, Facilities Manager, Legal Secretaries, Paralegal, Executive Assistant, Procurement Clerk, Administrative Assistant, Receptionist, Building and Grounds Maintenance Worker, and Court Security Officers.



## EMPLOYEE CORNER

Retirement. In the first quarter of fiscal year 2014, the Court bade farewell and congratulations to Deputy Marshal Maria Quinones who retired



effective December 31, 2013 after twenty years of service in hazardous duty. Marshal Quinones was an instrumental member of the Court's team during its formative years and up to the time of her retirement.



## EMPLOYEE EXCELLENCE

### CERTIFIED COURT MANAGERS (CCM)

In fiscal year 2012, the Supreme Court saw four members of its management team attain the designation of Certified Court Manager from the National Center for State Courts. During fiscal year 2013, four more managers enrolled in the program. In fiscal year 2014, the following individuals earned the designation, Certified Court Manager (CCM) from the National Center for State Court's Institute for Court Management:

- Regina deChabert Petersen, Acting Administrative Director
- Veronica J. Handy, Esquire, Clerk of the Court
- Koya S. Ottley, Director of Human Resources
- Natalie Thomas-Pickering, Procurement Manager

Through successful participation in this 18 month certification program offered by the National Center for State Courts, our leaders are better equipped with the knowledge and skills necessary to advance the Court into the future and effectively manage our resources. Our employees continually aspire to enhance their management and leadership capabilities in order to provide more efficient services to our customers, increase productivity, and institute innovative ideas. Their achievements demonstrate a continued commitment to the Court's vision to be a model of judicial excellence.



Certified Court Managers

Pictured from left: Lawrence A. Walcott, Jr. (Chief Marshal), Elsie-Mae King (Director of Bar Admissions), Natalie Thomas-Pickering (Procurement Manager), Attorney Veronica J. Handy (Clerk of the Court), Regina Petersen (Acting Administrative Director), Rhys S. Hodge (Chief Justice), Attorney Glenda L. Lake, (Clerk of the District Court, former Administrative Director of the Supreme Court) Koya S. Ottley (Director of Human Resources), Keisha C. Rogers (Financial Specialist) and Kevin A. Williams, Sr. (Deputy Administrative Director for Technology Services)



### ***CERTIFIED PUBLIC MANAGER (CPM)***

Elsie-Mae King, Director of Bar Admissions, a twenty-three year employee of the judiciary, successfully completed the Certified Public Manager program, and earned her certification from the National Certified Public Manager® (CPM) Consortium. This opportunity was provided through the Division of Personnel, in partnership with

the University of the Virgin Islands' Institute for Leadership and Organizational Effectiveness. The accredited twelve month course included 300 hours of instructional work that covered seven competency areas: Personal and Organizational Integrity, Managing Work, Leading People, Developing Self, Systemic Integration, Public Service Focus and Change Leadership.



Left to right: Dr. David Hall, President of the University of the Virgin Islands; Elsie Mae Hodge-King Director of Bar Admissions; Honorable Rhys S. Hodge, Chief Justice.

In order to achieve the CPM certification, and in addition to the educational components of the course, students were required to complete an Individual Applied Project and Supervisory Written Project, and participate in a Group Project. Each project involved practical applications of the knowledge attained during the course of the program and was assessed by subject matter experts. Congratulations to Ms. King on being a part of the graduating collegiate group of the CPM, the first of its kind in any United States Territory.

### ***EMPLOYEE HONORS***

Each year the court honors two exemplary employees from each district as our Employees of the Year. These employees have distinguished themselves from their peers by achieving consistent superior results and continuously displaying professional service to internal and external partners in the performance of their regularly assigned duties. This year, we were pleased to commend our two employees of the year, Dwyer Arce, Appellate Law Clerk to the Honorable Maria M. Cabret and Eleanor Francis, Accounting Clerk I .



Eleanor Francis



Dwyer Arce

## **FACILITIES MANAGEMENT AND PROCUREMENT**

During fiscal year 2014, the Supreme Court continued its efforts to improve and maintain infrastructure. Damage caused by heavy rains early in 2014 necessitated extensive repair to the roof and eastern exterior wall of the Court's facility at Crown Bay. The penetration of moisture also required emergency air quality testing and some interior remediation services. All repairs were completed in March 2014. Indoor Air Quality testing was also performed in the Court's facility at No. 18 Strand Street Frederiksted on St. Croix and it was determined that the air quality was acceptable.

### **NEW PROCUREMENT**

During fiscal year 2014, the Court advertised two (2) solicitations for Invitation for Bids ("IFB") for the delivery of office supplies to the Court's facilities on St. Thomas and St. Croix with subsequent awards. The Court also issued Request for Proposal No. 001-2014 for the acquisition of a qualified web developer(s) with expertise in web designing to provide website redesign services to the Court's current website. However, proposals submitted exceeded budget constraints, and cost negotiations proved unsuccessful. Accordingly, the project was canceled. The purpose of the solicitation was to improve accessibility to Court information and services, as well as compliance with the American with Disabilities Act.

## **JUDICIAL SECURITY**

The Office of the Supreme Court Marshal is tasked with the protection, safety and security of the Justices, employees, visitors, staff, facilities and property of the Supreme Court of the Virgin Islands. The duties include management, monitoring, maintenance and /or testing of all security systems, radio communications, and fleet vehicles, as well as oversight of the Court's Emergency and Disaster Response through the coordination of the Emergency Response Team (ERT).

### **TRAINING**

During Fiscal year 2014, the Supreme Court Marshals fulfilled the required weapons training and qualification standards on their issued weapon systems, and completed training towards the annual Peace Officer Recertification through the VIPD Training Academy. The Marshals also participated in seminars on Mastering Leadership Performance Strategies for Executives, Crisis Intervention, Disability Rights and Continuity of Operations Training which was offered by Virgin Islands Territorial Emergency Management Agency (VITEMA) in conjunction with the Federal Emergency Management Agency (FEMA).

### **EMERGENCY AND DISASTER RESPONSE**

In Fiscal Year 2014, the Office of the Marshal and Emergency Response Team (ERT) conducted Building Evacuation Trainings and Fire Drills for the Supreme Court staff. During the course of the fiscal year, Active Shooter Awareness Training was also provided to all Court staff.

## COMMUNITY PARTICIPATION AND OUTREACH

The Supreme Court remains committed to educating students and the public at large about its processes and the Virgin Islands Judicial System. In fiscal year 2014, the Court continued to record and stream its oral arguments live on the internet, making archived recordings available on its website as well as permitting free public access to view all documents associated with all open and closed cases, other than those filed under seal. The Court also continues to develop and circulate information in plain language, related to discipline matters,

informing the public about the grievance process for attorneys and judicial officers.

The Supreme Court continues to reap long lasting benefits through participating in internships offered by different entities. Our enduring relationship with the Charlotte Amalie High School's Business Department has provided us with skilled students who have assisted us in meeting some of our objectives. In return, we have provided the necessary job skills, knowledge and mentoring the students require to succeed in their respective careers. This year we mentored Mekhi Abramson, Tanya Gruel, Jaelene Henderson, and Monet Lewis.



The Supreme Court is extremely proud of its student interns, and we continue to celebrate their many accomplishments.

As a result of budgetary constraints during fiscal year 2014, the Supreme Court was forced to suspend its paid Summer Intern Program. The Supreme Court nonetheless took advantage of the opportunity to provide invaluable work experience to students by

partnering with the Department of Labor to host 2 student interns as part of the Government's 6 week Summer Youth Work Experience Program. Mr. Elbert Joseph assisted with an archival project in the division of Bar Admissions, and Ms. Joyann Marsham assisted with critical data entry projects in the Office of the Clerk.



## SUPREME COURT

The Supreme Court of the Virgin Islands' also provides a Career Experience Internship program which enhances a student's academic and professional career by providing educational value and a beneficial work experience within the court.

This unique and diverse opportunity was extended to Cornell University student, Cajay Jacobs, who worked with the Clerk of the Court and was instrumental in creating self-help guides during her internship.



Elbert Joseph



Joyann Marsham



Cajay Jacobs

## TEAM BUILDING

### COMPETITION

Supreme Court of the Virgin Islands employees in the St. Thomas district participated in the first Annual Battle of the Agencies which was a collaborative effort between the GVI Wellness Program and the Department of Sports, Parks and Recreation. This voluntary fitness challenge provided an opportunity for various branches of government and entities to compete against each other in numerous athletic activities including tug-of-war, a relay race, tire flip, and an obstacle challenge for the ultimate bragging rights. Our team, Supreme Appeal, under the focused leadership of our team captain, Melanie Turnbull, Appellate Law Clerk to the Honorable Ive Arlington Swan, secured fourth place in the grueling event.

Our team consisted of the following persons:

- Regina deChabert Petersen, Acting Administrative Director
- Anthony Ciolli, Esquire, Senior Law Clerk and Special Assistant to Chief Justice
- Koya Ottley, Director of Human Resources
- Su-Layne Walker, Appellate Law Clerk to the Honorable Ive Arlington Swan
- Amanda Warner, Appellate Law Clerk to the Honorable Ive Arlington Swan
- Malorie Diaz, Appellate Law Clerk to the Honorable Rhys S. Hodge
- Melanie Turnbull, Appellate Law Clerk to the Honorable Ive Arlington Swan
- Alexander David, Information Technology Specialist
- Glenroy George, Deputy Marshal
- Andrew Ayala, Deputy Marshal
- Keisha C. Rogers, Accounting Clerk II
- Janelle Browne, Administrative Officer II
- Franklin Pickering, Messenger



## **ENHANCING COURT ACCESS AND SERVICES**

The Americans with Disabilities Act (ADA) was created to ensure that individuals with disabilities have the same opportunities that are available to people without disabilities. The Supreme Court of the Virgin Islands is committed to fostering compliance with the ADA and to providing services, programs and activities in a way that assures accessibility for all users of the courts, including qualified individuals with disabilities. To increase access to the courts and to ensure that individuals with disabilities can effectively participate, the Court appointed Kevin Williams and Koya Ottley as our ADA coordinators, responsible for coordinating compliance. The ADA Coordinators in conjunction with committee members comprised of internal employees and individuals with disabilities began the internal review of the court's programs, policies, and facilities. The culmination of this review was the courts' Self Evaluation and Transition plans which have been posted to our website, along with a request for accommodation form and grievance policy. In many respects, this Court has exceeded many of the law's requirements but additional changes are required. It is important to note however, that certain barriers identified in the court's Self Evaluation and Transition plan require significant costs to mitigate. The court will continue to evaluate its budget as it establishes priorities on the areas requiring mitigation.

## **ACCESS TO JUSTICE**

Recognizing the need for a comprehensive approach to identify and abridge service gaps within the local judiciary, the Supreme established the Virgin Islands Access to Justice Commission in fiscal year 2014. The purpose of the Commission is to promote, facilitate and enhance equal access to justice with an emphasis on access to the civil courts and administrative agencies of the Virgin Islands for all people, particularly the poor and vulnerable. The commission will complement and collaborate with other entities to effectively address access to justice issues within the territory. Appointments to this important commission will be made in fiscal year 2015.



# JUDICIAL OUTLOOK

As legislators continue to contemplate the re-establishment of a unified judiciary, the Supreme Court continues to forge ahead with initiatives designed to shape and mold the future of the Virgin Island's Judiciary. In this regard, during fiscal years 2013 and 2014, the Supreme Court promulgated orders implementing procedural changes as well as process reforms, and established certain boards and a commission, all with the purpose of improving the administration of justice in the Virgin Islands. Some of these changes are discussed in brief below:

In fiscal year 2013, the Supreme Court promulgated Rule 211 and adopted the Virgin Islands Rules of Professional Conduct. The rules took effect February 1, 2014. Prior to the adoption of Rule 211, Virgin Islands lawyers were governed by the American Bar Association's Model Rules of Professional Conduct. Model Rules change from time to time and are written and amended by the American Bar Association. By adopting local rules, the Supreme Court has fortified self-governance in the Virgin Islands Bar, by creating an opportunity for local attorneys to comment on the proposed rules any rule changes. In this way, the Supreme Court ensured that the rules of conduct applied to local attorneys are the most appropriate rules for lawyers practicing in the Virgin Islands.

Early in fiscal year 2014, the Supreme Court promulgated amendments to the Rules of Appellate Procedure, the Rules of Disciplinary Enforcement, the Rules Governing the Appointment of Counsel to Represent Indigent parties on Appeal and adding language as Supreme Court Rule 37(b) establishing the Advisory Board on Supreme Court Rules consisting of members of the Virgin Islands Bar Association. Pursuant to VISC 37(b), the purpose of the Board is to monitor all Supreme Court Rules, consider changes when appropriate, draft suggested changes and make recommendations to the Supreme Court concerning rules and practices of lower courts, and receive and consider comments from members of the Bar, Bench and others who consult with the Supreme Court from time to time.

The Supreme Court revised Rules 203 and 207 and adopted a new rule, Rule 212, establishing the Board on Professional Responsibility and the Board on the Unauthorized Practice of Law. These rules significantly improve the procedures for attorney discipline and expand the jurisdiction of the Office of Disciplinary Counsel to include the investigation and prosecution of persons who are improperly practicing law in the Virgin Islands. Under these new rules, allegations that an attorney has engaged in misconduct will be reviewed by a Preliminary Review Committee for a probable cause determination. If there is probable cause to believe that an attorney has engaged in misconduct, that matter will proceed before the Supreme Court's Board on Professional Responsibility. This function was previously performed by the Virgin Islands Bar Association Ethics and Grievance Committee.

SUPERIOR COURT OF THE VIRGIN ISLANDS  
FY-2014 JUDICIAL OFFICERS

HONORABLE MICHAEL C. DUNSTON  
PRESIDING JUDGE

HONORABLE HAROLD W. L. WILLOCKS  
ADMINISTRATIVE JUDGE

DISTRICT OF ST. CROIX

HONORABLE DOUGLAS A. BRADY  
JUDGE

HONORABLE DENISE HINDS-ROACH  
JUDGE

HONORABLE ROBERT A. MOLLOY  
JUDGE

HONORABLE MIGUEL A. CAMACHO  
MAGISTRATE

HONORABLE JESSICA GALLIVAN  
MAGISTRATE

HONORABLE DARRYL DEAN DONOHUE, SR.  
SENIOR SITTING JUDGE

DISTRICT OF ST. THOMAS/ST. JOHN

HONORABLE ADAM G. CHRISTIAN  
JUDGE

HONORABLE KATHLEEN Y. MACKAY  
JUDGE

HONORABLE DEBRA S. WATLINGTON  
JUDGE

HONORABLE DENISE M. FRANCOIS  
JUDGE

HONORABLE HENRY V. CARR, III  
MAGISTRATE

HONORABLE CAROLYN P. HERMON-PERCELL  
MAGISTRATE

HONORABLE JAMES S. CARROLL, III  
SENIOR SITTING JUDGE

GLENDIA B. CAINES, MBA  
COURT ADMINISTRATOR

LISA DAVIS MCGREGOR, MPA  
ASSISTANT COURT ADMINISTRATOR

ESTRELLA H. GEORGE  
ACTING CLERK OF THE COURT

PAUL G. GIMENEZ, ESQ.  
GENERAL COUNSEL





## MISSION STATEMENT OF THE SUPERIOR COURT

It is the mission of the Superior Court of the Virgin Islands to protect the rights and liberties of all, interpret and uphold the law, and resolve disputes promptly, peacefully, fairly and effectively in the United States Virgin Islands.

The Superior Court meets this mandate by providing an optimum level of service to all while maintaining the highest level of integrity, confidentiality, and public trust in the administration of justice regardless of race, religion, sex, nationality, or creed.





## Superior Court Of The Virgin Islands



### MESSAGE FROM THE PRESIDING JUDGE

As Presiding Judge, it is my pleasure to report on the ongoing initiatives of the Superior Court of the Virgin Islands in keeping with the Court's commitment to maintaining the highest level of integrity in the administration of justice and in service to the people of the Virgin Islands.

As it has done since Fiscal Year 2011, the Superior Court continued to function under self-imposed austerity measures throughout Fiscal Year 2014. Despite operating under a bare-bones budget that led to drastic cutbacks in several areas, the Court has continued to tap into all available resources, which has helped attenuate the impact of its strained funding. These efforts have resulted in the Court's identification and coordination of training initiatives for its employees, particularly for the Marshals and Court Security Officers. With the assistance and sponsorship of the Virgin Islands Territorial Emergency Management Agency (VITEMA), the Court's law enforcement personnel have been attending essential training, both on and off-island. Additionally, training opportunities have been provided through the Peace Officers Standards Training Council (POST), a multi-agency body commissioned to ensure that the Territory's Peace Officers are compliant with federally established and regulated standards.

In addition to training, the Court was able to secure more than \$175,000.00 in federal grant funding from the Law Enforcement Planning Commission (LEPC) due to the efforts of the Administrative Judge. These funds were utilized by the Court to provide training that enabled four of its Marshals to become Certified Firearms Instructors. Funds from those grants were also utilized to assist the Court in acquiring new and upgraded body armor for its Marshals and weapons to replace their discontinued Smith and Wesson Model 99 firearms. This training and the acquisition of this critical equipment are vital to keeping the Marshals and Court Security Officers compliant with industry standards and prepared to readily respond to emerging and ever changing security threats. Grant funding from LEPC was also utilized to augment some of the expenses of the Court's school dropout and juvenile delinquency prevention program, the Rising Stars Youth Steel Orchestra, to purchase equipment and to secure professional instrument tuning services.

On November 12, 2013, AiCMS, the Court's new computerized Case Management System was implemented as scheduled. However, on June 23, 2014, the Court received notification that AMCAD, the vendor for this long awaited system, would be exiting the justice software solutions business, and, at the close of the 2014 calendar

year, the Court was informed that AMCAD had filed for bankruptcy protection. As a result, the Court was forced to revert to its previous case management system, eNACT, on July 7, 2014. During the ensuing months, this unfortunate situation necessitated duplicative data entry by the Clerks for eight months of case activity since the data input into the AiCMS system could not be reconverted directly into the eNACT system.

In the face of this adversity, the employees of this Court repeatedly demonstrated their resilience and extraordinary dedication as they seamlessly reverted to utilizing the old system. In light of this set-back, the statistical accuracy of some of the case disposition information contained in this report is likely inaccurate, since it does not truly reveal the Court's steady disposition of its caseload.

The old adage "when one door closes, another opens" best represents the Court's situation during Fiscal Year 2014. The Court re-strategized its case management system approach, seeking the assistance of the National Center for State Courts in identifying alternative funding sources to assist in pursuing a viable alternative. These efforts resulted in a renewed commitment to the development of a 5-Year Strategic Plan for the Court. To effectuate this plan, the Court's appointed Executive Committee worked hand in hand with representatives from the NCSC to finalize the Strategic Plan. Thereafter, several committees, comprised of employees from various divisions with crucial insight of the Court's operations, were organized and tasked with coordinating and executing the plan's objectives. Thus far, the major focus has been on the implementation of CourtTools, particularly the Access and Fairness components of the plan. At the close of the fiscal year, the Court prepared to conduct a survey, to be offered in Spanish and English, of court users to assess critical areas of the Court's operations through public feedback.

Fiscal year 2014 also ushered in tremendous technological advancements within the Court. Because the cost savings associated with these technological enhancements is substantial, the Court has tapped into this potential, employing federal grants and limited available funds from the Court's budget. Accordingly, I am pleased to report on the following major technological enhancement initiatives under-taken during Fiscal Year 2014:

- **Cable Infrastructure Upgrade:** Upgrade of the Court's cabling infrastructure, in both districts, in order to facilitate the deployment of new telephones, wireless access points, surveillance cameras, and other services available via Ethernet connectivity.
- **Telephone System Upgrade:** Upgrade of the Court's 20-year old Nortel Meridian telephone systems with the Avaya Communication Manager Telephone Systems. This upgrade included the replacement of all telephones and allows the Court to operate at a much lower communication cost.
- **Video Conferencing:** Increased use of video conferencing between districts for hearings and meetings has realized significant savings for the Court in the reduction of inter-island travel expenses.
- **Continued Conversion of Jury Management:** Since April 2013, the Court has employed a new software based jury management system, which has had a tremendous impact in streamlining the juror selection process, allowing the Jury Management Division to adopt more effective and efficient procedures. One of the latest conversions included software that facilitates the automated printing of checks for juror payments – thereby eliminating the archaic manual process utilized in the past.

- **Multifunctional Office Equipment:** The installation of multifunctional Document Centers has aided in reducing the costs associated with photocopying and significantly reduced expenses associated with purchasing toner for multiple copier models.
- **Document Management Solution:** Active pursuit of a fully automated solution for the Court's day-to-day operational functions. This system will not only enhance productivity and efficiency, but will also provide a method for archiving court files, thereby eliminating the need for physical storage.

While the Court has made progress in its attempt to restore some level of normalcy to its operations, the effects of reduced levels of funding continue to negatively impact the Court's operations and the staff's morale. The implication of the continuing need for austerity measures is far reaching – especially to an understaffed and underpaid branch of government. Undoubtedly, one of the most significant impacts has been on the Court's ability to maintain adequate staffing. Funding is needed to provide additional judicial officers to the Court, especially in the District of St. Croix. The Court needs financing critical to the maintenance of its aging facilities and to the acquisition of the necessary infrastructure for the Magistrate Division in the District of St. Thomas-St. John and the Rising Stars Programs in both districts. To this end, the Court has prepared and submitted a \$40.4 million dollar capital improvement budget request to various entities, including but not limited to the Governor, the Legislature, the Office of Management and Budget and the Public Finance Authority to fund the Court's 5-Year capital improvement requirements. This plan includes construction of facilities, as well as a number of essential maintenance and repair initiatives, in both districts.

Notwithstanding these challenges, it is the intent of this Administration to continue exploring and utilizing other potential sources of funding to allow the Court to return to an ideal level of operation, to provide the overextended staff with much needed training opportunities, to upgrade and enhance our compensation plan to enable us to attract qualified individuals, retain our experienced staff, and provide long overdue salary increases that will enable our employees to reduce the effect of the constantly rising cost of living in the Virgin Islands. Further, the Court is optimistic that its on-going initiatives will improve its operation while providing the optimum level of service to the community.

I sincerely want to thank the entire staff of the Superior Court of the Virgin Islands for their collective leadership, contributions, and dedication to serving the people of the Virgin Islands.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael C. Dunston". The signature is fluid and cursive, with a large loop at the end.

Michael C. Dunston  
Presiding Judge



# HISTORICAL OVERVIEW

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

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

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

On September 9, 1976, the Legislature of the Virgin Islands established the forerunner of today's Superior Court of the Virgin Islands – in accord with Act. No. 3876 (§ 5, Session 1976, p. 17.) The Municipal Court of the Virgin Islands' name was changed to the Territorial Court of the Virgin Islands. Almost three decades later, the Territorial Court gained a substantial amount of judicial autonomy. This was authorized by the 1984 amendments to the Revised Organic Act of 1954 and triggered by local enactments by the Legislature as well as the Governor of the Virgin Islands.

On October 1, 1991, the Territorial Court obtained jurisdiction over all local civil actions – in accordance with 4 V.I. Code Annotated § 76(a). Later, on January 1, 1994, pursuant to Act 5980, the Legislature of the Virgin Islands granted expanded jurisdiction in criminal matters to the Territorial Court. Then, on October 29, 2004, the Territorial

Court of the Virgin Islands' name was officially changed to the Superior Court of the Virgin Islands by means of Act No. 6687 (Bill No. 25-0213).

## COMPOSITION OF THE SUPERIOR COURT OF THE VIRGIN ISLANDS

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

The Superior Court is comprised of two judicial districts: The District of St. Croix and the District of St. Thomas-St. John. Operational facilities in the District of St. Thomas-St. John are located in the Alexander A. Farrelly Justice Center; and, the Magistrate Division is located in Barbel Plaza on St. Thomas, U.S. Virgin Islands. In the District of St. Croix, the Court is located at the R. H. Amphlett Leader Justice Complex, Kingshill, St. Croix, U.S. Virgin Islands. Facilities to accommodate the Court's "school dropout and juvenile delinquency prevention program" also known as the Superior Court Rising Stars Youth Steel Orchestra are maintained in both districts - in Barbel Plaza and Long Bay on St. Thomas and in Hannah's Rest on St. Croix.

During Fiscal Year 2014, the Superior Court was staffed with five judges in the District of St. Thomas-St. John and four judges in the District of St. Croix. Additionally, there are two magistrates

serving in each district to complement the judicial staff. The Court also maintains off-site locations/offices at the Bureau of Motor Vehicles (BMV) on St. Thomas and St. John to facilitate the needs of the motoring public.



In a show of inter-branch cooperation, the Superior Court and the Legislature of the Virgin Islands continues their cooperative agreement that enables the Court to hold monthly court sessions for the residents of St. John in the Legislature's facility in Cruz Bay.



Employees participating in various team-building activities during the Court's 2014 Annual Training

## LEGAL JURISDICTION OF THE SUPERIOR COURT OF THE VIRGIN ISLANDS

In accordance with V.I. Code Ann. Title 4 § 7576, the Superior Court of the Virgin Islands has original jurisdiction over all criminal and civil cases brought under local law. The Court's jurisdiction to hear criminal matters extends to misdemeanors, felonies, traffic, and litter violations. Additionally, the Superior Court is also charged with the resolution of family and estate disputes, which includes divorce, custody and neglect, juvenile matters and probate filings. In addition to its original jurisdiction, the Superior Court also serves as an appellate court in reviewing the decisions of local administrative agencies.

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

Virgin Islands in the event of recusals in those bodies.

The following trial judges were seated in the Superior Court during Fiscal Year 2014:

### **District of St. Croix**

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

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

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

The Court extends its sincere appreciation for the assistance rendered in the resolution of cases during Fiscal Year 2014 by the Honorable Darryl Dean Donohue, Sr. and the Honorable James S. Carroll, III, who served as Senior Sitting Judges following their retirement from the judiciary during the last quarter of FY2013.



## THE MAGISTRATE DIVISION

On May 11, 2007, Act 6919 was signed into law, providing a Magistrate Division within the Superior Court of the Virgin Islands. Pursuant to 4 V.I.C. § 120, et. seq., the Superior Court established the Magistrate Division during Fiscal Year 2009. In accordance with 4 V. I. C. § 122, and based on the advice and recommendation of a selection panel, along with the trial judges in each district, magistrates are appointed by the Presiding Judge. The Magistrates are subject to the supervision of the Presiding Judge and the jurisdiction of the Magistrate Division is as set forth in 4 V.I. C. § 123. The following Magistrates were seated during Fiscal Year 2014:

### **District of St. Croix:**

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

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

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

## THE OFFICE OF THE COURT ADMINISTRATOR

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

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

## THE OFFICE OF THE CLERK OF THE COURT

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

The Clerk's Office is directly responsible for receiving and processing court documents, attending and assisting in all court proceedings, maintaining the Court's files, ensuring access to the Court of persons with limited English proficiency, which requires ensuring the availability of interpreting services in multiple languages and sign language; and, entering the Court's orders, judgments and decrees.

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

## ORGANIZATIONAL STRUCTURE OF THE SUPERIOR COURT OF THE VIRGIN ISLANDS

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

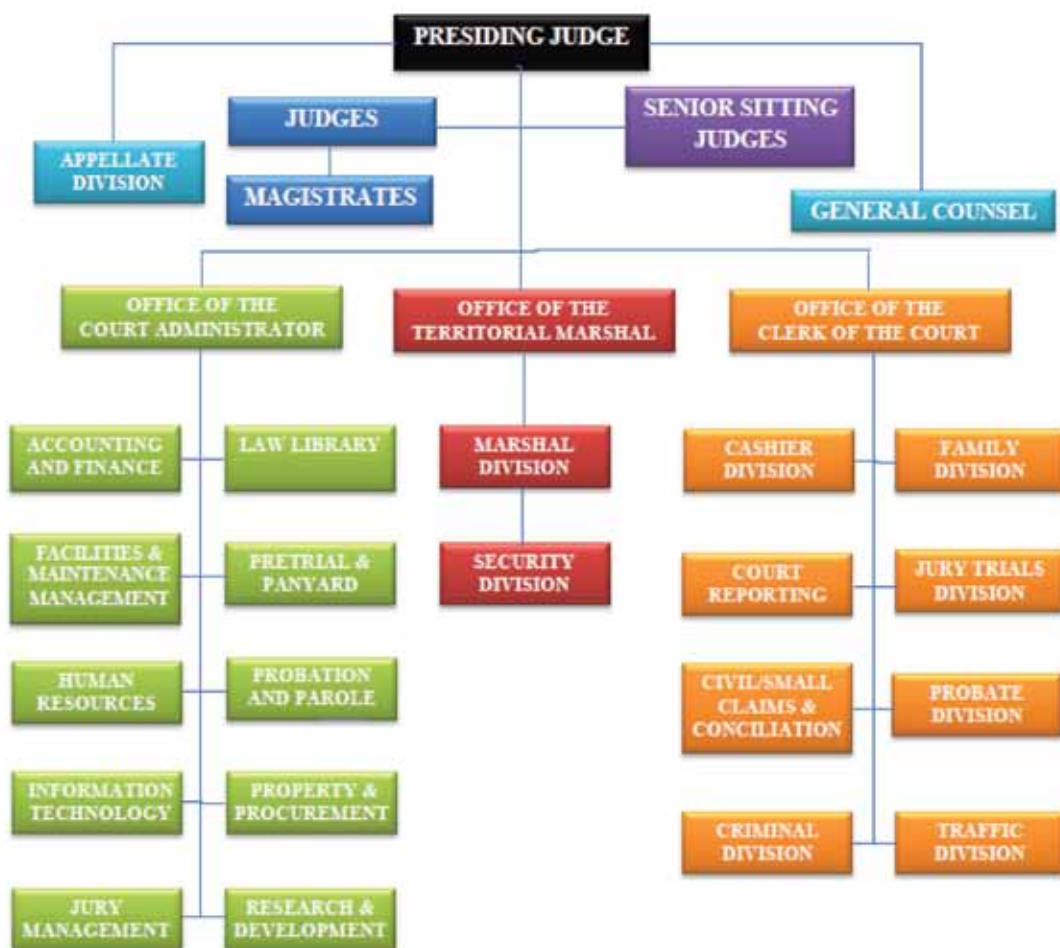
(Operational Division) are the two divisions of the Court that carry out the mandates of the Presiding Judge and the Court in service to the community.

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

See the Superior Court's current Organizational Chart (Exhibit No. 1).



### ORGANIZATIONAL CHART



FISCAL YEAR 2015

Ex. No. 1

# ADMINISTRATION AND SUPPORT DIVISION

The Superior Court continued to be confronted with significant challenges that were directly attributed to the Court's financial status during FY14. Although the Court submitted a budget request to the Legislature of the Virgin Islands totaling \$32,059,178, once again the Legislative and Executive Branch did not provide the Court with the full resources that were requested. While the funds appropriated this fiscal year, in the amount of \$28,023,865 represented a slight increase in funding from the prior fiscal year, that amount was later reduced to \$27,723,865. Once again the Court was required to continue its austere measures that were implemented in FY11 and continued throughout FY14. It remains unclear, given the precarious condition of the central government, when the financial state of the Superior Court will be adequate to enable it to operate as it should. It is essential that the Court be provided with the resources necessary to facilitate its growth, continue its successful function and adequately compensate its employees thereby rendering stability with its staffing and substantially reducing employee turnover.

Despite the fiscal challenges experienced by the Court in FY14, it is the goal of the Administration and Support Division to carry out the functions necessary to ensure the efficiency and effectiveness of the Court and its operations. The fiscal constraints imposed on the Court by the inadequate funding level appropriated by the 30th Legislature of the Virgin Islands and signed into law (Act No. 7558) by the Governor, along with the Court's required austerity measures, exacerbated this division's struggle to maintain an optimum operational level.

The Court continued to be faced with financial challenges in its attempts to procure the requisite supplies needed to carry out the Court's mandated functions, duties and responsibilities in various areas. During FY14, the Court was required to replace another of its obsolete elevators to ensure the safety of its staff and the visiting public. Additionally, as a result of continuous leaks throughout its various facilities, and its outdated plumbing system, two of its courtrooms required extensive repair following their eradication from mold that resulted from years

of water leaks; and, the Law Library remains closed for additional repair.

Securing adequate funding remain a priority of the Court which will enable it to: provide the requisite training opportunities for its staff; maintenance and repair the Court's aging facilities; maintain, repair or upgrade its aged vehicle fleet; secure the requisite external services in areas where the Court is unable to provide such services; and to provide the youth of our community with opportunities to prevent their entrance into the judicial system through participation in the Rising Stars, career workshops, summer employment and tutorials.

## ACCOUNTING AND FINANCE DIVISION

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

### FISCAL YEAR OVERVIEW

Under the leadership and guidance of the Chief Financial Officer, the Accounting and Finance Division continued to provide its core services to the employees of the Superior Court and our vendors and greater community during Fiscal Year 2014 (FY14) in the areas of financial accounting, payroll and budgetary support services. Subject to the ongoing fiscal and cash flow constraints, and the austerity measures implemented in FY11, this Division primarily maintained a schedule of weekly check runs of payments to vendors and a schedule of biweekly payroll preparation and submission to the Department of Finance (DOF) for processing. In addition, other cyclical budgetary and financial reporting was rendered as required on an annual, quarterly or ad hoc reporting basis. Although the



small staff was challenged once again with the need for increased support at varying levels in both districts during the year, the Division managed the multiple priorities faced in FY14 and still had a reasonably successful year.

The Superior Court began FY14 with a much needed increase to its appropriation level to \$28,023,865, which was authorized by Act 7558. Although this represented a 21.84% increase in the FY13 appropriation level at the start of last fiscal year, and before consideration of the supplemental budget authorization under Act 7497, that amount still fell in excess of \$4 million shy of the FY14 budget request as shown in the chart below.

In March of 2014, the Office of Management and Budget (OMB) advised the Court that in response to a substantial projected cash flow shortfall it would be necessary to reduce the Court's allotment by \$466,597.35 - a 1.665% decrease in its appropriation for FY14. The Court responded by advising OMB that it would take a voluntary reduction in its

appropriation in the amount of \$300,000. This reduction was ratified by the Legislature in Act 7631 in June 2014, and signed into law by the Governor in July 2014.

In the final analysis, the FY14 appropriation level of \$27,723,865 was a modest increase of 1.86% over the FY13 appropriation level - after consideration of the FY13 supplemental budget. In light of the modest increase, and to cope with an appropriation level that was still not adequate, several of the austerity measures were kept in place. However, efforts began to fill critical vacancies to provide much needed relief to an increasingly overextended Court staff.

The chart (Exhibit No. 2) that follows provides a visual historical summary of the budgetary requests and corresponding appropriation levels between FY01 and FY14. The details surrounding some of the more severe and unprecedented reductions in the Court's appropriation levels over the past few years are summarized in the notes to the chart.

Fiscal Year	Budget Request	Appropriation	% Chg from FY	Revision to Appropriation or Authorization	Final Appropriation / Authorization	% Chg from FY-Rev	Allotments to Date: OMB and SC Internal	SC Request vs. Annual Appropriation	Final Approp./ Auth. vs. Allotment
FY2001	23,894,659	18,157,476	0.00%	0	18,157,476	0.00%	18,157,476.00	5,737,183.00	0
FY2002	24,273,944	24,273,944	33.69%	0	24,273,944	33.69%	23,060,247.00	0	1,213,697
FY2003	27,106,497	23,347,703	-3.82%	0	23,347,703	-3.82%	23,347,703.00	3,758,794.00	0
FY2004	24,899,098	23,347,703	0.00%	0	23,347,703	0.00%	23,347,703.00	1,551,395.00	0
FY2005	25,597,221	23,347,703	0.00%	0	23,347,703	0.00%	23,347,703.00	2,249,518.00	0
FY2006	24,929,400	24,929,400	6.77%	0	24,929,400	6.77%	24,929,400.00	0	0
FY2007	26,390,022	26,390,022	5.86%	0	26,390,022	5.86%	26,390,022.00	0	0
FY2008	26,574,378	26,574,378	0.70%	0	26,574,378	0.70%	26,574,378.00	0	0
FY2009	39,903,155	34,325,357	29.17%	-1,000,000	33,325,357	25.40%	33,325,357.00	5,577,798.00	0
FY2010	35,244,418	31,550,103	-8.09%	1,000,000	32,550,103	-2.33%	32,550,103.00	3,694,315.00	0
FY2011	35,370,394	28,810,794	-8.68%	-864,324	27,946,470	-14.14%	27,946,470.00	6,559,600.00	0
FY2012	31,718,491	21,135,210	-26.64%	6,500,000	27,635,210	-1.11%	27,635,210.00	10,583,281.00	0
FY2013	31,998,999	23,000,000	8.82%	4,218,667	27,218,667	-1.51%	27,218,667.00	8,998,999.00	0
FY2014	32,059,178	28,023,865	21.84%	-300,000	27,723,865	1.86%	27,723,865.00	4,035,313.00	0
Note 1: FY2002 Appropriation of \$24,273,944 per Act 6457 was reduced via allotments to \$23,060,247. OMB conveyed that the FY2002 allotment was less than the appropriation because the Government of the Virgin Islands did not realize its FY2002 revenue projections.									
Note 2: FY2009 Appropriation of \$34,325,357 per Act 7051 was reduced to \$32,325,357 pursuant to Act 7060; and \$1,000,000 was appropriated for the creation of the Magistrate Division pursuant to Act 6919 (which was made available until expended).									
Note 3: FY2010 Appropriation of \$31,550,103 per Act 7124 was reduced 8.09% from the original FY09 appropriation; and a line-item appropriation of \$1,000,000 for Retroactive Salaries was also made pursuant to Act 7124.									
Note 4: FY2011 Appropriation of \$28,810,794 per Act 7227 was reduced three percent (3%) pursuant to Act 7248 to the level of \$27,946,470. This was an across-the-board cut for all branches of Government, although the Superior Court's appropriation was already cut by eight (8%) from the prior-year's appropriation level of \$31,550,103, when the fiscal year began.									
Note 5: FY2012 Appropriation of \$21,135,210 was an unprecedented cut to the Court. However, the Legislature considered the alternatives of providing the Court authorization to reprogram prior-year encumbrances and utilize reserves on account to provide additional funding sources for the Courts operations via Acts 7306 and 7316. This provided a total authorized level of \$27,635,210.									
Note 6: FY2013 Appropriation of \$23,000,000 was another significant cut to the Court. However, we submitted a supplemental budget request for \$5,550,000 and were appropriated \$2,740,296 pursuant to Act 7497. Additional authorization per Act 7497 provided authorization to reprogram prior-year encumbrances and utilize reserves on account of \$1,478,371 to provide additional funding for operating purposes. This provided a total authorized level of \$27,218,667.									
Note 7: FY2014 Appropriation of \$28,023,865 was a welcomed increase to the budget of the Court, although it was in excess of \$4 million shy of the budget request. In response to the ongoing fiscal crisis being experienced by the government, the Court participated in a \$300,000 voluntary reduction of the FY14 budget. This action was formalized by the Legislature under Act 7631, which they passed in June 2014, and which was signed into law by the Governor in July 2014. This provided a reduced appropriation of \$27,723,865.									

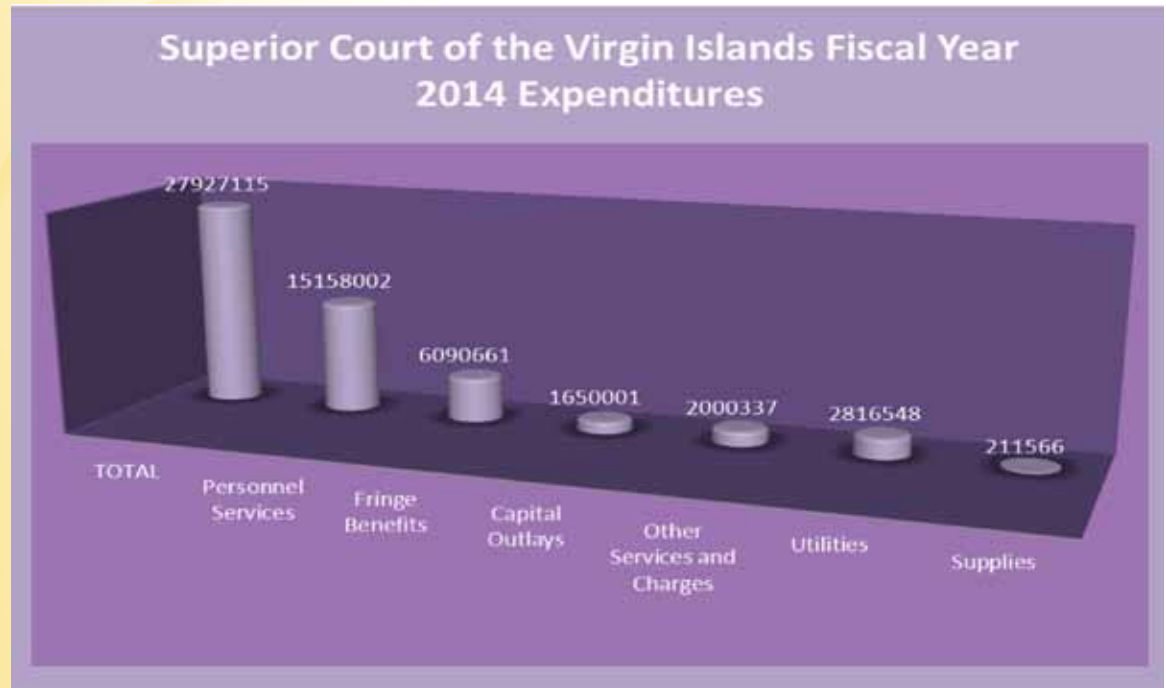
Ex. No. 2: FY14 Chart of Budgetary Information

### FEDERAL GRANT FUNDING

In addition to the General Fund appropriation of \$27,723,865, the Court – under the guidance of Administrative Judge the Honorable Harold W.L. Willocks – pursued two Federal grants through the Law Enforcement Planning Commission (LEPC) in FY14. The Court was successful in obtaining a Specialty Training Grant for the Marshal Division in the amount of \$147,196 and a grant for the Superior Court Rising Stars Program in the amount of \$30,000 which was utilized to purchase equipment, supplies and professional (pan-tuning) services. Full funding of the training grant was received in FY14 and the majority of the grant funding was processed directly to the respective vendors through the Enterprise Resource Planning (ERP) system at the Department of Finance (DOF). With respect to

the grant for the Rising Stars Program, \$12,793 of those grant proceeds were reimbursed to the Court by the end of FY14, while the remaining balance of \$17,207 is scheduled to be received during FY15.

The Court also received reimbursement in the amount of \$16,500, from the FY13 Federal grant of \$33,000, that was authorized through the State Justice Institute (SJI) of the National Center for State Court (NCSC). Additional Federal grant reimbursements – for various Federal Emergency Management Agency (FEMA) Public Assistance (PA) prior-year projects – received during FY14 totaled \$34,534.80. All these resources provided for a combined funding authorization level of \$27,934,888.80 in FY14. Exhibit No. 3 depicts the Court's utilization of its authorized funding.



Ex. No. 3: Superior Court FY14 Expenditures

### FISCAL YEAR CHALLENGES

In its continued effort to cope with the reduced funding level, the Court maintained the various cost-containment initiatives that were implemented in prior fiscal years as follows:

- Maintained the “stay” placed on the cash payment of overtime;
- Maintained the austerity measures implemented in FY11, which included delayed maintenance and repair on the Court’s aging vehicle fleet; delayed replacement of the Court’s vehicle fleet in accordance with its replacement schedule; and, a stay on tuition reimbursements; and,

- Maintained the additional austerity measures that augmented those implemented in FY11, which also included the cessation of payments related to educational incentives and the assumption of the cost of gasoline purchases by 24/7 drivers – with the exception of law-enforcement personnel.

In the face of continued cash flow constraints, the Court also maintained longer turn-around times on many of its payments to vendors.

Overall, the division still continues to experience some challenges with the ERP conversion by the Department of Finance (DOF), particularly the payroll module and the STATS biometric time and attendance system. We continue to experience unidentified differences between the main reporting tools established for the payroll module and have communicated examples of these differences to DOF leadership.

We also have a recurring problem with one of the clocks in the East Wing of the Court. Punches continually get stuck in the clock, and it must be repeatedly reset in order for the punches to be downloaded from the unit - which also creates delays in the processing of the payroll. We have not been able to adequately isolate the source of this problem between our local IT Staff and the DOF IT Staff.

There is an inherent problem with the synchronizing of leave balance information in STATS to the official records in the ERP, which can result in making balances available to the STATS users that are either too large or too small. This leads to the risk of misleading supervisors regarding the true accrued leave balances for any given employee - resulting in the potential for over-drawing on annual or sick leave balances, or erroneously disallowing the use of annual or sick leave to persons who rightfully have sufficient balances to their credit.

Consequently, the Accounting and Finance Division is required to continually double-check leave balances requested to be used each pay cycle (via STATS) against the ERP balances - while communicating back to employees and supervisors on noted discrepancies that require adjustment as a result. This effort, on occasion, requires follow-up with DOF staff in cases where the STATS balances are erroneously low and require updating in order for the employee to have access to their true leave accrual balance. Unfortunately, this entire area leaves much risk for errors to get through the process.

### FINANCIAL REPORTING REQUIREMENTS

During FY 2014, the Division was engaged in five (5) main areas of external cyclical reporting:

1. The 1099 Miscellaneous Income Tax Forms;
2. The Occupational Safety and Health Administration (OSHA) reporting;
3. The Workers' Compensation reporting;
4. The Annual Budget submission for the Superior Court; and,

5. The Gross Receipts Tax reporting. This includes the up-front enforcement of Gross Receipts Tax (GRT) withholding, where appropriate, and the related filing of the GRT return with the IRB.

One additional area that normally requires reporting and/or payment, but which had no activity in FY14, is the area of unemployment insurance contributions. On occasion the Court does receive past-due notices from the Department of Labor, Division of Unemployment Insurance (DOL-UI). Although in prior fiscal years we have requested supporting documentation for the billings and have formally disputed several portions contained in the billing, we have not received any formal response to our request for documentation on our dispute; and no payments were made in FY14.

### CASE MANAGEMENT FINANCIALS

The Court's ongoing case management system (CMS) project contracted with American Cadastre, LLC (AmCad) continued into the first quarter of FY14 and incurred \$388,007.30 in contractual expenditures, leaving a residual balance on the AmCad encumbrance of \$452,330 at the close of FY14. However, during FY14 the Court was advised that AmCad filed for bankruptcy. Total project expenditures through September 30, 2014 amount to 1,655,193.91, while the residual balance of the \$1,000,000 appropriation pursuant to Act 7227, Section 6 - which was originally reserved for equipment and other project needs amounted to \$41,225.09 at September 30, 2014.

### INITIATIVES AND RECOMMENDATIONS FOR FY2015

One of our primary initiatives/challenges during FY14 remained our need to secure an automated solution to our manual frontend requisitioning and procurement process. Our efforts in this area culminated with the procurement of two additional modules for our accounting system, which includes the frontend Requisitioning, Purchase Order and Inventory Solution that we have been seeking to interface with our Accounts Payable and Encumbrance modules; and the Human Resources (HRIS) module. Both modules were procured through our business partners and we were able obtain discounts via our Extended Value Plan (EVP) membership.



Our interest in both these modules stemmed from the fact that they are fully integrated original or 3rd-party vendor software with direct support by our current business partners and are expected to work seamlessly with other core modules. Therefore, there should be no need for detailed customizations to ensure that the modules are able to interface with each other and the core system.

As a direct result, we anticipate a large degree of system implementation planning work to get these particular modules up and running. It is expected that automating these functions will increase efficiencies when we are able to dispense with the manual functions currently being utilized. Therefore these two modules will be priority targets to get the implementation schedule underway in FY15.

This Division's – and the Court's – greatest challenge and ongoing threat remains the fiscal crisis being experienced in the GVI. Our appropriation for FY15 was matched to the FY14 level after being subject to the reduction of \$300,000. Therefore, we've entered FY15 with an appropriation level of \$27,723,865. In his State of the Territory Address in January, the Governor projected an alarming operating deficit in the General Fund of \$91.2 million. This

amount did not account for many other mandates and obligations for which no appropriation has been made, such as the recent increase of 3% in the GERS employer contributions. Therefore, the projected cash flow situation is strikingly worse than what was projected at the same time last year.

Other potential strains on the Superior Court's budget stem from "unknown" GERS billings for prior-service contributions, which the GERS has chosen to bill directly to the Court as opposed to billing against the appropriations established by the Legislature. Even though the Court's appropriation levels in these last two to three fiscal years have been slightly higher or have been made slightly higher by supplemental budget and grant funding in FY14, we still face a high degree of uncertainty in light of the fiscal challenges facing the GVI as a whole.

As we confront the inevitable, additional burdens will be brought to bear on the limited resources of the Accounting Division in both districts. Yet, despite the gloomy prospects, the Accounting Division will endeavor to rise to meet these challenges head-on, in our service to the internal and external customers of the Court.



2014 Annual Training Activities

## **FACILITIES MAINTENANCE AND MANAGEMENT**

The Facilities Maintenance and Management Division is responsible for the comprehensive maintenance and upkeep of the facilities currently utilized by the Court. This includes four locations in the District of St. Thomas-St. John, including: the Alexander Farrelly Justice Center, the Magistrate Division in Barbel Plaza South, and the Rising Stars Panyard in Barbel Plaza North and Long Bay as well as the R.H. Amphlett Leader Justice Complex in Kingshill and the Rising Stars Panyard in Hannah's Rest in the District of St. Croix.

This division is also responsible for facilitating routine repairs to the buildings, structures and accessories – including the performance of preventive maintenance and normally recurring repairs within the interior and exterior of the buildings. The continuous lack of funding that has prevailed throughout FY14 has negatively impacted the Court's ability to provide the requisite maintenance to the Court's aging facilities. Additionally, the Court continues to be hampered in its efforts to expand as these facilities are no longer adequate to support the increasing duties, responsibilities and continuous growth of the Court.

During this fiscal year, the lack of funding continued to severely impact the Court's ability to adequately maintain its facilities or to utilize the necessary contracts for several major repairs and upgrades. As a direct result, the maintenance staff continued to fulfill a significant portion of those duties as in the previous fiscal years.

Nevertheless, it is quite evident and necessary for the Court to embark on a number of initiatives and major capital projects during the upcoming fiscal year to address issues affecting the aged facilities in both judicial districts.

The Maintenance staff in both districts remains committed to promoting additional green initiatives that have been initiated to provide various cost saving measures - especially with regard to our utilities. The Court will continue to work on additional ways to improve and regulate the overall functioning of its air conditioning systems - replacing those that are no longer able to utilize the applicable supplies

in accordance with mandates from the Federal government; and, to finalize the replacement of traditional lighting, internally and externally, with energy efficient lights.

During FY13, the Court contracted the services of an external vendor to complete air quality testing in both districts which enabled the Court to take corrective action where necessary. The Maintenance Division will work diligently to monitor and to improve the air quality in the Courts by collaborating with the applicable vendors to complete the vent and duct cleaning project in FY15.

The Court's capital improvement plans included a variety of maintenance and repair projects, several of which could not be completed due to the Court's fiscal constraints. However, it is anticipated that, based on the availability of funds, the projects identified in FY14 will be completed during FY15. The accomplishment of these projects would permit the Court to reduce its overhead expenses, work

PROJECT	DESCRIPTION
<b>COURT SECURITY: FACILITY'S INTERIOR AND EXTERIOR LIGHTING</b>	<ol style="list-style-type: none"> <li><b>Security Lights - Interior:</b> Purchased and installed LED Canopy light fixtures throughout the court's interior (District of St. Croix).</li> <li><b>Security Lights - Exterior:</b> Purchased and installed LED exterior security lights for the exterior of the courthouse. Installation was completed by the Maintenance staff (District of St. Croix).</li> <li><b>Courthouse Lights:</b> Completed an overall assessment at the Farrelly Justice Center for the replacement of its interior and exterior lights to more efficient LED lighting. Based on the evaluation, an RFP will be developed for this project with the goal of its completion in FY15.</li> </ol>
<b>BUILDING MAINTENANCE &amp; REPAIR</b>	<ol style="list-style-type: none"> <li><b>A/C Upgrade:</b> Replaced aged and malfunctioning A/C Units in the Barbel Plaza Panyard;</li> <li><b>Floor/Carpet Maintenance:</b> Cleaned carpets in the Alexander Farrelly Justice Center and Rising Stars Panyard; removed old carpet and installed ceramic tiles in the Chief Deputy Clerk's Office in the District of St. Croix;</li> </ol> <p><b>Building/Window Cleaning:</b> Worked with several vendors and collaborated with the Bureau of Correction's Work Release Program to complete various cleaning projects throughout the Court's facilities, including but not limited to, the exterior glass walls, carpets, glass windows and doors of the Alexander Farrelly Justice Center; and the cleaning and upgrading of the storage units in both districts;</p> <p><b>Generator:</b> Completely overhauled and serviced the Court's generator;</p> <p><b>Lights:</b> Replaced T-8 and T-12 florescent bulbs with energy efficient bulbs throughout the main office and family division; installed LED light fixtures to the exterior of the courthouse; replaced mercury vapor light fixture with halogen lights; and thoroughly cleaned and installed UV lights in the air conditioning system;</p> <p><b>Building/Roof Repair and Resurfacing:</b> Completed roof repair, resurfaced and re-coated the Court's flat roof in the North Wing of Farrelly Justice Center; repaired intermittent leaks in various locations throughout the Farrelly Justice Center; and, repainted the courthouse railings in the District of St. Croix;</p> <p><b>Elevator Upgrade:</b> Replaced the aged/obsolete elevator in the South Wing of the Farrelly Justice Center.</p>
<b>FIRE ALARM MAINTENANCE</b>	Annual service of smoke detectors throughout the Courthouse.
<b>MOLD REMEDIATION</b>	Completed mold remediation in Courtrooms No. 2 and No. 4 in the District of St. Thomas/St. John; cleaned, sanitized and removed mold in the common areas of the Court, Courtrooms, and Law Library as well as various locations in the District of St. Croix.

Exhibit No. 4: FY14 Maintenance and Repair Projects



towards eliminating various leases for the rental of properties, and facilitate the applicable green initiatives that will serve to reduce the Court's overall operational expenses.

Major maintenance and repair projects completed during FY14 are outlined in Exhibit No. 4; and, additional and greatly needed projects totaling \$41,400,000.00 noted in the Court's FY15 Five Year Capital Projects Budget Request - are outlined in Exhibit No. 5.

**SUPERIOR COURT OF THE VIRGIN ISLANDS  
FIVE YEAR CAPITAL PROJECTS BUDGET REQUEST  
FISCAL YEAR 2015**

<u>DESCRIPTION</u>	<u>EST. COST</u>
<b>1. FACILITIES BUILDING CONSTRUCTION .....</b>	<b>\$ 39,425,000</b>
District of St. Croix .....	\$18,025,000
District of St. Thomas/St. John .....	\$21,400,000
<b>2. FACILITIES MAINTENANCE AND REPAIR .....</b>	<b>1,975,000</b>
District of St. Croix .....	\$ 800,000
District of St. Thomas/St. John .....	\$ 1,175,000
<b>FY2015 CAPITAL PROJECTS BUDGET REQUEST .....</b>	<b><u>\$ 41,400,000</u></b>

PROJECT	DESCRIPTION
<b>FACILITIES BUILDING CONSTRUCTION: DISTRICT OF ST. CROIX</b>	<ul style="list-style-type: none"> <li>• <b>Annex Complex:</b> \$12 - \$15 million dollars for the construction of a 25,000 square foot multistory structure to accommodate two courtrooms, family judge chambers, visiting judge chambers, family division, probate division, secure juvenile holding areas, marshal sub-station, storage facility, testing room, conference room, administration offices, accounting division, and supply area.</li> <li>• <b>Parking Garage/Parking Lots:</b> \$1.5 million dollars for the design and construction of a second-level parking garage over the existing main parking lot to accommodate 75-100 vehicles; and for the resurfacing, paving and striping of both parking lots.</li> <li>• <b>Courtyard Build-Out:</b> \$175,000 - \$225,000 for the construction of a covered facility in the existing courtyard. (*Existing courtyard is a poor use of space and rarely used due to the lack of shelter from direct sunlight and inclement weather.)</li> <li>• <b>Storage Facility:</b> \$350,000 for the construction of a 42 x 80 x 19 steel warehouse-style building for the storage of court files currently stored in leased space.</li> <li>• <b>Rising Stars Facility:</b> \$350,000 - \$500,000 for the construction of a 10,000 square foot building to accommodate offices, recording studio, practice area, conference room, classrooms, computer workstations, kitchen, storage area, covered garage and parking lot.</li> <li>• <b>Roof Replacement:</b> \$375,000 - \$450,000 for the replacement of the 30-year old roof, to include guttering and spouts. (Leaks are evident throughout the facility, and can potentially create other health concerns, such as mold.)</li> </ul>
<b>FACILITIES BUILDING CONSTRUCTION: DISTRICT OF ST. THOMAS -ST. JOHN</b>	<ul style="list-style-type: none"> <li>• <b>New Magistrate Facility:</b> \$15 million dollars to purchase land, secure A &amp; E specifications, and to design and construct a multistory structure to include at least four courtrooms to accommodate chambers for three Magistrates and a visiting judge, complete with secured holding areas, Marshal sub-station, office space, storage areas, and conference rooms.</li> </ul> <p align="center">(continued)</p>

Exhibit No. 5: FY15 Five-Year Capital Improvement Projects

PROJECT	DESCRIPTION
<b>FACILITIES BUILDING CONSTRUCTION: DISTRICT OF ST. THOMAS-ST. JOHN (Continued)</b>	<ul style="list-style-type: none"> <li>• <b>Court Security Enhancement:</b> \$1.5 million dollars for the preparatory demolition and construction of an entrance/exit area security checkpoint, including the relocation of the first floor security stations into the courtyard to enhance the security of the Court.</li> <li>• <b>Storage Facility:</b> \$400,000 to secure A &amp; E specifications and to construct a steel framed, temperature controlled warehouse-style building for the purpose of archiving court files complete with the applicable technology, with space to accommodate a Records Clerk.</li> </ul>
<b>FACILITIES MAINTENANCE AND REPAIR: DISTRICT OF ST. CROIX</b>	<ul style="list-style-type: none"> <li>• <b>A/C Duct System:</b> \$175,000 for the upgrade of the existing air conditioning duct system from fiberglass to metal.</li> <li>• <b>Prisoner Passage Elevators (2):</b> \$225,000 for the upgrade of the existing elevators to ensure ADA Compliance.</li> <li>• <b>Floor Replacement:</b> \$350,000 to \$400,000 to replace office floors throughout the courthouse to include the Clerk's Office, Jury Assembly Room, Juvenile Hearing Room, Family, Probation, Pretrial/Human Resources and Marshal's Divisions in addition to the passages utilized by the prisoners.</li> </ul>
<b>FACILITIES MAINTENANCE AND REPAIR: DISTRICT OF ST. THOMAS-ST. JOHN</b>	<ul style="list-style-type: none"> <li>• <b>Rising Stars Facilities:</b> \$3 million dollars to secure A &amp; E specifications and to construct a 10,000-plus square foot building in the Long Bay Panyard location that will provide accommodations for the requisite offices, classrooms, practice area, conference room, recording studio, concession, storage area, a covered garage area to accommodate trolleys and a parking lot.</li> <li>• <b>Parking Facility:</b> \$1.5 million dollars to secure A &amp; E specifications and to design and construct a second-level or multi-story parking garage over the existing employee parking lot and/or Marshal's parking lot to accommodate employee and juror parking as well as other court clients that will also provide a revenue generation source to aid in the maintenance of said parking facilities.</li> <li>• <b>Court Security Surveillance Upgrades:</b> \$300,000 to facilitate the upgrading and enhancement of the Court's aged video surveillance and security camera monitoring systems including additional access controls for the North and South Wings of the Farrelly Justice Complex, the Magistrate Division and the Barbel Plaza Panyard.</li> <li>• <b>Physical Plant Infrastructure Repair and Maintenance:</b> \$175,000 - \$200,000 to caulk, seal and paint the exterior walls and windows of the Farrelly Complex to eliminate the leaks that seep through the walls, including numerous areas in the North and South Wings.</li> <li>• <b>Main Entrance Doors:</b> \$175,000 to replace of existing doors with automatic sliding glass doors at entry points, to include the requisite security, which will facilitate access and ADA compliance.</li> <li>• <b>Office Lighting:</b> \$200,000 - \$250,000 to replace existing ballasts, fluorescent lights and fixtures in all facilities with energy efficient LED lighting, thereby reducing overall utilities expenses.</li> <li>• <b>Hurricane Shutters:</b> \$200,000 - \$250,000 to upgrade and replace the existing storm shutters with motorized roller shutters for protection from hurricanes and other natural disasters, and to assist in the elimination of the nesting of pigeons on office window sills.</li> </ul>



## HUMAN RESOURCES DIVISION

Under the guidance and leadership of the HR Director, the Human Resources Division is responsible for assisting in the management of human capital at the Superior Court of the Virgin Islands. The HR Division provides support, gives guidance, and disseminates information to all employees. The administration of the personnel policies and procedures as outlined in the Superior Court's Policies and Procedures Manual is one of the Division's main priorities, to help ensure the functionality and productivity of existing talent, and the recruitment of available talent, in order to improve Court operations.

### EDUCATION INCENTIVES

Given the suspension of the Education Incentive Program, no additional incentives were paid during FY14. Accordingly, the total amount of educational incentives remained the same as in FY13 - \$95,529 broken down as follows:

<b>FY 2014 EDUCATION INCENTIVES COSTS</b>	
<b>STX EDUCATIONAL INCENTIVE TOTAL (9 Employees)</b>	<b>\$ 50,117</b>
<b>STT-STJ EDUCATIONAL INCENTIVE TOTAL (10 Employees)</b>	<b>\$ 45,412</b>

Fig. No. 1

Due to the continued implementation of the Court's austerity measures and ongoing fiscal constraints, the Court's Tuition Reimbursement Program was not revisited during FY14; however, it is anticipated that it will be considered during FY15. The revision proposed in FY11 will facilitate the more effective planning of the anticipated costs associated with administering this employee benefit program.

### CAREER INCENTIVE

In accordance with the Virgin Islands Code, the Court continued to administer the Career Incentive Program for Deputy Marshals who earned degree credits and/or degrees. The total cost associated with this measure in FY14 was \$71,964, a decrease of \$7,390 from FY13. This decrease was due in large part to personnel changes and the applicable differential adjustments for participating employees. During FY14, the goal of separating career incentive differentials from the base salary for program participants was accomplished. This change was

necessary in order to ensure that the base salary and differential compensation is accurately reflected on the employee's NOPA as well as within the ERP system.

<b>FY2014 CAREER INCENTIVE COSTS</b>	<b>Fig. No. 2</b>
<b>STX CAREER INCENTIVE TOTAL (7 Employees)</b>	<b>30,959</b>
<b>STT-STJ CAREER INCENTIVE TOTAL (7 Employees)</b>	<b>41,005</b>

### ERP PROCESSING

During FY14, 141 actions were processed through the ERP system, 75 in the St. Thomas-St. John District and 66 in the St. Croix District. Although, the categories of actions have been amended to reflect the actual personnel actions performed, the number of personnel actions has continued to decline in comparison to prior fiscal years. A system glitch did not allow the entry of actions for benefit changes as in prior years, perhaps further contributing to the decline. Nevertheless, there was an overall reduction of 23.8% (185 to 141) from the prior fiscal year; and, from FY12 to FY13, this reduction was approximately 14%. Other factors such as: no salary increases for satisfactory performance evaluations, as well as the cancellation of the Court's Summer Youth Employment Program, may have also contributed to this reduction.

### HUMAN RESOURCE INFORMATION SYSTEM (HRIS)

During FY14, significant strides were made towards realizing the procurement and implementation of a database software to maintain personnel specific information. After reviewing a number of products, a module was selected as the tool of choice with a goal towards implementing the pro-gram during FY15.

### PERFORMANCE EVALUATIONS

Although step increases were not applied, all evaluations received revealed that overall employees' performance meet standards. There were 7 employees whose overall performance exceeded standards during 2014. Presently there are a total of 67 individuals who have received exceed standards ratings from 2010 to present: 47 in the St. Thomas-St. John District (31 in 2010; 2 in 2011; 3 in 2012;

5 in 2013; and 6 in 2014); and 20 in the St. Croix District (9 in 2010; 7 in 2011; 1 in 2012; 2 in 2013; and 1 in 2014).

The Court is still seeking adequate funding to enable it to upgrade its current compensation plan to facilitate addressing several outstanding salary issues for a small number of its employees. It is the goal of this division to initiate the compensation plan review process in FY15.

### RECRUITMENT

Recruitment activity returned to some level of normalcy during FY14, with positions being filled from internal and external applicants. Between both districts, fifteen (15) positions were filled internally through promotions or transfers; and, thirty-six (36) positions were filled from external applicants.

At the end of FY14, the Court's personnel listing revealed that there were 299 filled positions, and 46 vacant positions, including 7 vacancies that are not funded. Despite the seemingly high number of

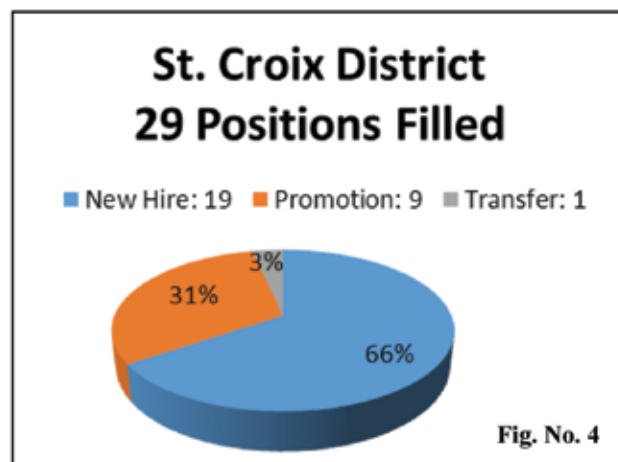
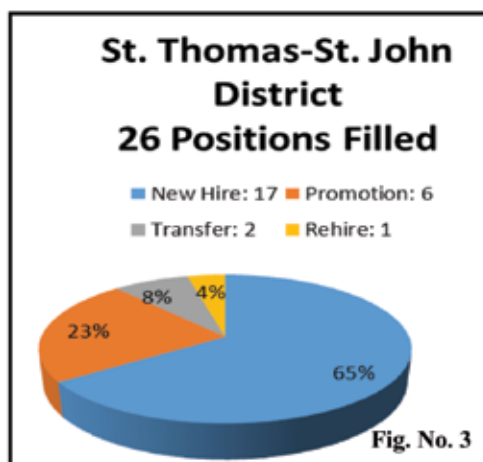
vacant positions, many of those vacancies are not the same ones that existed at the end of FY13. Suffice it to say, continuous promotions and employee turnover results in the generally high number of existing vacant positions.

There are 345 existing positions at the Court, of which 198 are in the District of St. Thomas-St. John and 147 are in the District of St. Croix. In the District of St. Thomas-St. John, 177 positions are filled, and 21 positions are vacant (4 not funded); and, in the District of St. Croix 122 positions are filled, and 25 positions are vacant (3 not funded).

Based on the availability of funds, recruitment efforts will continue through FY15 to fill vacancies that are occurring on an ongoing basis, particularly as promotions and separations continue to take place. Given the Court's funding concerns, vacancies will be prioritized and filled based on operational needs.

The graphs below (Figures 3 and 4) provide details of vacancies filled through FY14.

## ILLUSTRATIVE SUMMARY OF VACANCIES FILLED



During FY14, the recruitment pool consisted of 269 applicants in the District of St. Thomas-St. John, with 147 individuals participating in preemployment testing to fill the existing vacancies; 72 individuals were interviewed and 25 positions filled. In the District of St. Croix, there was a pool of 261 applicants, where 168 applicants were tested to fill existing vacant positions; 78 individuals were interviewed and 27 vacancies filled. An additional 122 unsolicited applications were received and processed (29 in STT-STJ, and 93 in STX).

### REWARD AND RECOGNITION

In December 2013, an employee recognition ceremony and luncheon was held, where thirty-one (31) employees (19 STT; 12 STX) were recognized for their years of service, and nine (9) employees (5 STT; 4 STX) were congratulated on their retirement. Employees of the Quarter were also recognized, and certificates were awarded to all recognized employees. Additionally, in lieu of the traditional Employee Appreciation recognition, educational accomplishments attained in recent years were acknowledged for twenty-three (23) employees (12 in STT, and 11 in STX).

## SUPERIOR COURT

The Employee of the Quarter initiative continued throughout FY14, with an increase in the number of nominees. A total of fifteen (15) employees were nominated between April 2013 and March 2014: six in the District of St. Thomas-St. John, and nine in the District of St. Croix. Successful nominees received certificates recognizing their outstanding contributions; and, as is customary, the Court participated in the Annual Employee of the Year



STT/J Employee of the Year,  
Deputy Marshal I,  
Byron Blyden

### STUDENT PROGRAMS

Given the Court's inability to directly fund the traditional summer employment program, which has been discontinued in recent years, eleven students sponsored by the Youth Employment Programs with the Department of Labor and the Legislature, were hosted at the Court. In the District of St. Thomas-St. John, five students were assigned as follows: Family Judge's Chambers (1), Traffic (1), Probate (1), Marshals' Office (1), and Clerk's Office (1). Additionally, in the District of St. Croix, there were a total of six participating students: two were assigned to Judge Willocks' Chambers, and one was assigned to the Probation Office. The Court also participated in Senator Kenneth Gittens' Summer Youth Employment Program, where two students were assigned to the Clerk's Office, and one was assigned to the Marshals' Office.

The Court continued its annual collaboration with the Charlotte Amalie High School Business Department's On-the-Job Training Program and the Educational Complex's School-to-Work Program. Three students interned through the On-the-Job Training Program, which was held from February to May 2014, by the Charlotte Amalie High School. The students were assigned to the Traffic, Criminal and the Information Technology Divisions. Similarly, three students interned in the

recognition ceremony to honor the Employees of the Year for each department/agency.

This activity was coordinated by the Division of Personnel and held in June 2014. In the District of St. Thomas-St. John the Court's honoree was Deputy Marshal I, Mr. Byron Blyden; and, in the District of St. Croix the honoree was the Chief Information Security Officer, Mr. Travis Dolcar.



STX Employee of the Year  
Chief Information Security Officer,  
Travis Dolcar

District of St. Croix through the School to Work Program facilitated by the Educational Complex and served in the following divisions: Court Reporting and Human Resources (1), Clerk's Office (1), and Information Technology (1).

Additionally, one student, who had previously participated in the CAHS On-the-Job Training Program (2009), and subsequently worked as a summer student intern, returned to fulfill the temporary receptionist assignment (2013-2014). The student later requested to complete an internship as part of a study requirement at the University of the Virgin Islands. Coincidentally, this student also worked within the Family Judge's Chambers as a summer intern during this fiscal year.

### TRAINING AND DEVELOPMENT

Through funding made available by the Law Enforcement Planning Commission (LEPC), four Deputy Marshals (two in each district) received the requisite training, from Smith and Wesson in February 2014 that enabled them to obtain a two-year designation as Certified Firearm Instructors. The total cost associated with this training was \$14,931.06. Additionally, through the same funding source, \$4,224 was expended in March 2014, for eight employees (4 in each district) to attend the "Mastering First Line Supervision" Training, offered



by the Leadership Training Research Institute. Further, \$6,440 was expended for a total of sixty-nine employees in both districts, including employees of the Marshal, Security and Pretrial Divisions, to complete the Adult and Child CPR Certification requirement with the American Red Cross. This certification is valid through March 2016.

Also in March 2014, seven employees (4 STT and 3 STX) attended the Active Shooter Training which was made available through the Federal Bureau of



Superior Court employees participating in Adult and Child CPR Certification provided by the American Red Cross

In accordance with the guidelines of the Peace Officer Standards and Training (POST) Council, during FY14 the Court developed annual recertification requirements, and submitted them to the POST Council for approval. Accordingly, in the St. Thomas-St. John District the following lectures and other training initiatives were completed by the Court's law enforcement personnel: Use of Force Policy, Laws of Arrest, Service of Process, Civil and Criminal Liabilities of Peace Officers, Defensive Tactics, and Baton Techniques. Additional training will commence, during the upcoming fiscal year, in the following are-as: Hand Cuffing Tactics, Tazor and OC Spray certification in addition to firearms qualification - where the deputies will transition from their current Smith and Wesson revolvers to the Glock. These new weapons were also purchased

Investigation (FBI), and presented by Advanced Law Enforcement Rapid Response Training Center (ALERRT). In addition, the VI Territorial Emergency Management Agency (VITEMA) provided the opportunity for Deputy Marshals to participate in trainings that are offered with New Mexico Tech. During FY14, a total of ten Deputy Marshals in both districts attended the Incident Response Terrorist Bombing training session, at no expense to the Court.



with funding obtained with the Federal grant administered by LEPC.

Other training initiatives in which employees participated included the following:

- February 2014: The Department of Labor's "2014 Wage and Hour and Occupational Safety and Health Recordkeeping";
- March 2014: The Department of Labor's seminar "A Guide to Employment Accommodations";
- April 2014: Disability Awareness;
- April 2014: American Sign Language Beginner's Class Level II, offered by the UVI Center for Excellence in Developmental Disabilities;



Superior Court Marshals and Security Officers participating in hands on training in FY2014

- August 2014: Annual Employees' Training where a total of 207 employees (122 STT; 85 STX) attended the sessions that included presentations on: Customer Service for Court Employees (Professional C.O.U.R.T. Performance - Courteous, Organized, Understanding, Resourceful and Trustworthy); Financial Literacy; Emergency and Disaster Procedures (Tsunami Readiness); Nutrition; and, a presentation from the Access and Fairness Team.
- August 2014: Annual Supervisors' Training was attended by forty-seven individuals, including nine non-supervisory employees as part of the Court's succession planning initiative. Presentation was made on the following topics: Essentials of Effective Supervision; The Role of a Supervisor; Understanding Differences in Teams; Work Organization and Productivity and Supervisory Responsibility.

A special presentation was also made to the Supervisors by the VI National Guard regarding Employer Support of Guard Reserve.

The cost associated with the training initiatives during FY14 totaled \$39,867.46 (\$26,442.82 STT-STJ; \$13,424.64 STX), and represents a significant increase over FY13 where the costs were \$10,501.81 (\$5,347.40 STT-STJ; and \$5,154.41 STX). These costs primarily include expenses for training with the National Judicial College for Judicial Officers, as well as expenses for other training initiatives but does not include round-trip inter-island travel airfare costs for training facilitators, with prices ranging between \$175 to \$195 - depending on the port of departure. Training costs by district are outlined in Figures 5 and 6. There were at least eleven individuals (six employees; five presenters) who traveled between districts for training purposes during FY14.



Superior Court employees participating in the 2014 Annual Training



## EMPLOYEE WELLNESS

CIGNA Health Coaches conducted health screenings in both districts as part of the Division of Personnel's and the Health Insurance Board's mandatory Health Risk Assessment (HRA). The employees who successfully completed the HRA were rewarded with four (4) hours of Administrative Leave. A total of six employees participated in the 10,000 Steps-a-Day program that was held for 8 weeks between February and March 2014; and, the Court was ranked 14th among the 51 agencies and instrumentalities that participated.

Additionally, in March 2014, the Superior Court's team in the District of St. Thomas-St. John - coached by Deputy Marshal III Dwane Callwood - became the winner in the first Battle of Agencies event. This event was hosted by the Department of Sports, Parks and Recreation in its effort to promote wellness and foster team building among employees, departments and agencies.



Fig. No. 5: FY14 STT/J Employee's Training Costs

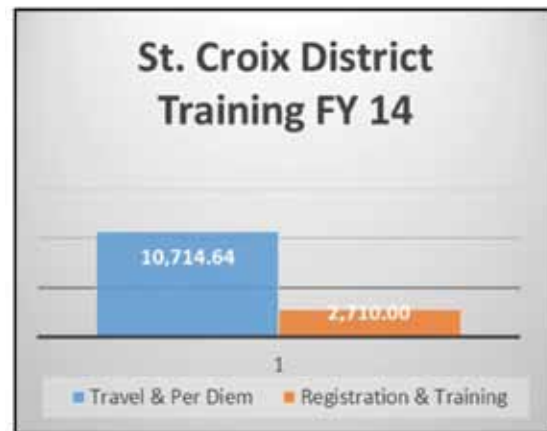


Fig. No. 6: FY14 STX Employee's Training Costs

## FY15 INITIATIVES & RECOMMENDATIONS

### COMPENSATION

During FY15, review and upgrade the current compensation plan, where applicable, and explore the possibility of offering and sustaining salary increases in upcoming fiscal years.

### EMPLOYEE RECOGNITION

In addition to the Annual Employee of the Year recognition hosted by the Division of Personnel,

initiate a viable process to offer tangible recognition to the various Employees of the Quarter and for the funding and purchase of service awards for the upcoming fiscal year and beyond.

### JOB DESCRIPTIONS, PERFORMANCE STANDARDS, ET. AL

Begin the process to update the Court's employee job descriptions to include providing measureable performance standards. Additionally, work towards the development of a staffing plan for the Operations and Marshal's Divisions thereby ensuring that adequate staffing is readily available in relations to the functions being performed.

	RELAY RACE	TIRE FLIP	DOUBLE DUTCH	THREE LEGGED RACE	TRICYCLE RACE	TUG O' WAR	OBSTACLE COURSE
DEPARTMENT OF HEALTH	6 Pts	6	7	5 1/2	2	7	(4) 3 1/2
DIVISION OF PERSONNEL	5 Pts	3	5	5	5	1	(5) 27
V.I. HOUSING AUTHORITY	1 Pts	1	1	4	4	3	19 14
SUPREME COURT	7 Pts	7	6	7	3	5	(3) 35
V.I. LEGISLATURE A	3 Pts	2	3	2	6	9	7 25
SUPERIOR COURT A	9 Pts	9	8	9	7	4	(1) 46
DEPARTMENT OF EDUCATION I	2 Pts	4	4	1	8	8	6 27
DEPARTMENT OF EDUCATION II	8 Pts	8	9	5 1/2	9	6	(2) 45 1/2
DEPARTMENT OF LABOR	4 Pts	5	2	3	1	2	8 17

Battle of the Agency scoreboard shows Superior Court Team leading all agencies on the way to the six events and prior to participating in the obstacle course race.



Superior Court shows off their Battle of the Agencies Trophy





Superior Court team members celebrate their championship at the 1st Battle of the Agencies in March 2014

### *HUMAN RESOURCE INFORMATION SYSTEM (HRIS)*

During FY15, initiate the requisite training and implementation of the HR module that was identified and procured this fiscal year.

### *HR STANDARD OPERATING PROCEDURES (SOP) MANUAL*

Continue the HR monthly meetings to ensure consistency in HR operations between districts with the goal of completing the HR SOP in FY15.

### *PERSONNEL POLICY & PROCEDURES MANUAL REVIEW*

Develop a new approach geared towards competing the requisite review process to facilitate its completion in FY15.

### *PROFESSIONAL DEVELOPMENT*

Develop a viable training schedule to explore the possibility of providing employees with training and certification opportunities through their participation in annual conferences, webinars and seminars in order to stay abreast of their respective industry's best practices to promote efficiency in the Court's operations, while at the same time improving morale.

### *TUITION REIMBURSEMENT*

During FY15, work towards implementing the revised Tuition Reimbursement Program in an effort to ensure the Court's involvement and commitment to a more academically prepared work-force to meet the growing and changing demands of the communities we serve.

# INFORMATION TECHNOLOGY

The Division of Information Technology is responsible for the Superior Court's technology infrastructure which facilitates internal and external communication while providing the most innovative and the highest quality of technology based solutions and services in the most cost effective manner. The Division was also engaged in facilitating the technological goals and objectives of each division within the Court to ensure that the Superior Court functions efficiently and optimally.

The Information Technology staff is also responsible for the applicable research and purchasing recommendations needed to obtain computer hardware, software, technological supplies and the myriad of support items required to maintain our complex technological infrastructure.

## OVERVIEW

The Information Technology Division had a very productive year in Fiscal Year 2014. They participated and completed several major projects and initiatives, while facing a number of challenges during this fiscal year. The main focus for the IT Division during FY14 was to ensure that the Court received cost-effective technological equipment, software and enhancements. They also ensured that all major projects embarked upon were implemented on schedule in addition to providing the Superior Court with major overall savings. Additionally, due to the fiscal constraints experienced by the Court last year, it is anticipated that the savings obtained in FY14 will be utilized to finance desperately needed training for the Information Technology staff.

The initiatives facilitated by the IT Division included, but was not limited to the following:

- **Microsoft Operating System Compliance:** In conjunction with the end of support for Microsoft Windows XP, initiated the replacement of the laptops that are utilized by the Judges, Magistrates, and executive staff member.
- **Cable Infrastructure Upgrade:** Worked with an external vendor to upgrade the Court's territorial cabling infrastructure at the Alexander Farrelly Justice Center and the R.H. Amphlett Leader Justice Complex. In order to facilitate the deployment of the new telephones, wireless access points, surveillance cameras, or other services that could be deployed via Ethernet connectivity, the Court installed over 400 network drops territory-wide. All the drops are Cat 6 certified and have a cost saving lifetime warranty. This new wiring will allow the Court to continue deploying new technologies on a common interface.
- **Domain Function Upgrade:** Upgraded the Court's domain forest functional level. The key benefit in upgrading the domain's functional level is the ability of using the new features and making the transition to an Office 365 hybrid environment. Case Management System Support: Supported the data conversion and "go-live" process for the implementation of the new Case Management Systems, including but not limited to configuring and providing copies of databases and images for the applicable conversion.
  1. Installed the vendor's Integrated Case Management client and supporting software on all Court users' computers. Set up and supported the facilities that hosted the trainings for all users of the new Case Management System.
  2. Restored the operation of our legacy system and ensured that all users were fully functional following the unexpected departure of the vendor for the Court's long anticipated new Case Management System.
  3. Researched and acquired a backup and recovery solution that could backup all aspects of the system. The system selected is able to create backups, archive, replicate, and perform instant recovery of virtual and physical machines from any windows server operating system. Additionally, the backup



solution will soon provide extensive savings as it relates to disaster recovery since the software includes the ability of replicating and running backup data between both islands and possibly to an offsite location for business continuity.

- **Desktop Upgrades:** Facilitated the implementation of the Virtual Desktop Infrastructure, which enables the Court to support Bring Your Own Device (BYOD).
  1. Worked closely with engineers from Dell, Lenovo, and HP, before selecting a solution that would provide the Court with a VMWARE Horizon View virtual desktop infrastructure.
  2. Installed the requisite servers, storage systems, switches, and client stations, thereby providing desktop users with the ability to connect to their desktops from anywhere in the world from practically any device while requiring very little bandwidth for this process.
  3. Reduced the average power consumption to one-tenth of the power of a regular computer by utilizing zero client workstations. This also reduces the time required to maintain (fix or replace) within the thin client, to permit a dedicated focus on administering and securing this equipment.
- **Antivirus Enhancement:** Upgraded the Court's antivirus and malware solution.
- **Microsoft Licensing:** Following ten years of noncompliance utilizing Microsoft software, per the Virgin Islands Bureau of Information Technology (BIT), the Information Technology Division facilitated the conversion of the Court's Microsoft software licensing from BIT.
  1. In conjunction with the Supreme Court of the Virgin Islands, the Superior Court utilized Microsoft's representative in Puerto Rico and obtained a Microsoft Volume Licensing Agreement directly with Microsoft.
  2. This collaboration serves to ensure that the Judiciary (Supreme and Superior Courts) fully comply with Microsoft software licensing and can legally utilize all of the applicable software required by the Courts without liens, fines or reprisals.
- **Telephone System Upgrade:** Facilitated the upgrade and replacement of the Court's 20-year old Nortel Meridian telephone systems with the Avaya Communication Manager Telephone Systems. The upgrade included the replacement of all telephones with telephone sets that utilize the new voice over internet (VOIP) protocol. The replacement of the aged units allows the Court to operate with high availability and at much lower cost. This enhancement has enabled the Court to eliminate \$4,300 per month in communication costs. Additionally, with this upgrade, Court employees have gained access to many new communication features and benefits, while saving valuable financial resources.
- **Cell Phone Plan:** Initiated negotiations with AT&T Wireless to upgrade the services and equipment of the Court's cell phones while at the same time lowering the overall cost by more than 40 percent.
- **Office Equipment Replacement:** Working closely with the Property and Procurement Division, Information Technology aided with the replacement of its numerous copy machines and initiated the installation of multifunctional Document Centers to reduce the cost of photocopying items while eliminating the expense of purchasing toner for multiple and various copier models.
- **Security Monitors:** The Information Technology Division researched and found a cost saving solution to replace malfunctioning security monitors throughout the Court in both districts by retrofitting and utilizing computer monitors that were being replaced as the Court's computers were being upgraded.
- **Document Management Solution:** Collaborated with Human Resources, Accounting, Property & Procurement, and the Office of the Court Administrator to aggressively pursue a fully automated solution for the Court's day to day administrative functions. This system will not only achieve the aforementioned but will also provide a method for archiving Court's files as we move towards eliminating the need for physical storage.
- **Wireless Network:** Developed a design, and obtained a proposal, for the implementation of an enterprise wireless solution throughout all of the Court's facilities.

- **Surveillance Systems:** In addition to wireless deployment, the Division was tasked with the responsibility of acquiring proposals for comprehensive surveillances systems for critical Court locations in each district.
- **Video Conferencing:** One of the major ways that the Information Technology Division has facilitated savings for the Court is through the utilization of inter-island video conferencing for hearings and meetings between the Courts in both districts.
  1. Additional video conferencing has also been utilized to include other courts -locally and nationally.
  2. This Division has also continued its video conferencing assistance to the VI Bureau of Corrections to enable various Virgin Islands inmates, housed on the Mainland, to “visit” with their families at least twice a year. This project has expanded and now includes correctional facilities in Virginia, Delaware, and Miami which allows the Bureau of Corrections to remain in compliance with their consent decree.
- **Jury Management Upgrade:** During the past several fiscal years, the Information Technology Division has been assisting the Jury Management Division in their conversion to an updated juror management software. One of the last areas of conversion in FY14 included the software that facilitate the automated printing of the checks for juror payments, thereby eliminating the archaic manual process. With the assistance of the vendor, the Information Technology Division installed the software that has the ability to customize checks and saves the Court time and money in the processing of the requisite checks. Eliminating the manual process, this system will also facilitate the timely payment of jurors for their service at the Court.

The Information Technology Division faced a number of challenges during this fiscal year. As a result of the Court’s fiscal and budgetary constraints, the staff was unable to participate in applicable conferences, training and certification initiatives. They also suffered from problems in staff retention which contributed to understaffing within the Division; limitations in supporting and maintaining the aging case management system; challenges maintaining the aging equipment in the

courtrooms; and, from the lack of technical support for the aged FTR system currently being utilized by the Magistrate Division.

It is the goal of the Information Technology Division to facilitate a number of additional projects in FY15 that will benefit the Court - both technologically and financially. This will include working with internal and external partners to continually upgrade the applicable software, equipment and service to the Court’s staff and to the community.

As a direct result of the various projects in which the Information Technology Division either spearheaded, supported or provided assistance for during FY14, the Superior Court became heavily involved in a much needed technological revolution. The Court’s Information Technology Division has made major strides in FY14 which must now be reinforced with an aggressive training program in order to maximize the use of the technological upgrades and to protect its investments in their upgraded hardware and software solutions while moving forward to meet its goals and objectives while fostering another successful year in FY15.

## JURY MANAGEMENT DIVISION

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

During the second quarter of FY13, training was conducted for the Jury Management staff to begin transitioning to the new jury management software that would enable them to request jurors for a new jury pool, scan returned questionnaires, excuse jurors, make payments to jurors, select a panel for the courtroom and determine attendance by scanning, in addition to other advancements for this division.

At the beginning of FY14, the new jury management system was almost fully converted and the staff was utilizing the new one step system. This upgraded the mailing process which now included providing

the juror questionnaires, along with the requisite summons, in one mailing to prospective jurors rather than having two separate mailings.

This function is now fully automated and the random selection of prospective jurors for the jury pool is now being provided by an outside vendor. The prospective jury pool is gleaned from the data supplied by the Bureau of Motor Vehicles (BMV) and the Boards of Election.

Although it was anticipated that the utilization of this new jury management system would serve to, at a minimum, increase the number of jurors available for the various jury pools, this expectation has not been realized. Rather, it appears as though the return of juror questionnaires and the participation in jury service in general is at an all-time low in both districts. This may result from the recipients either discarding the questionnaires upon receipt or simply “not accepting” them at the post office and the relocation of a large number of persons from the Virgin Islands.

Additionally, there is still a very large number of “undeliverable” mail as the addresses from the data provided generally include physical addresses rather than actual mailing addresses. Until this matter is addressed at the various entities from whom the data is obtained, this situation will continue to be an issue for the Court.

The conversion to this new system rendered several positive results for the Jury Management staff. The ability to scan attendees electronically provides the staff with the ability to seat the jury pool in a more timely manner as the succeeding report will provide an automatic numbered juror list. This also enables the staff to address many concerns put forth by jurors, when the former method was utilized that required a specific number of jurors to be seated per bench. The staff no longer receives criticism for the uncomfortable seating arrangements of prior years and this serves to add to a better juror experience from the participants.

The addition of the feature to process juror payments through the new system provided significant relief to the staff who had for many years relied on a totally manual method of calculating and typing checks in order to pay jurors for their service. The ability to automatically retrieve these calculations and print the checks electronically has greatly reduced the time between juror service and the receipt of

payment for the services rendered. While some jurors are still not satisfied with the amounts that they are being paid, all are satisfied with the timely receipt of these payments.

The system also enables the staff to generate timely reports regarding important statistical information, such as:

1. Members of the jury pool who failed to appear for service. This information is then forwarded to the judge of record for disposition;
2. Disqualified and exempted/excused persons and the reason for same;
3. Individual or juror groups that were rescheduled for service; and,
4. Information with respect to mailed and undelivered summons and the service of jurors.

Notwithstanding the above, the utilization throughout FY14 of the many features within the new system was not without its challenges. The staff, as well as the members of the jury pool, encountered a number of obstacles while utilizing the system. Many of those issues were subsequently addressed and resolved by the vendor with the assistance of the IT Division. Several of those issues included, but were not limited to the following:

- Juror expectation of additional notification with regard to reporting times in subsequent mailings following their receipt of the Summons/Questionnaire;
- Various on-line functions did not provide the expected results on reports;
- Inability of the staff to print daily financial records of juror payments;
- Inability of the staff to print quarterly financial reports per jury pool;
- Malfunctioning scanners required the manual input of information directly into the system but did not allow for data entry on more than one page, thereby limiting the information available to the judges and attorneys in a timely manner; Juror difficulty utilizing the on-line questionnaire; and,
- Inability of jurors to correct misinformation on their questionnaire and profile.

Although the Court has almost fully converted to facilitate the utilization of all the features of this new system, the Jury Management staff along with the IT Division expects to complete the overall conversion during FY15. The final modules to be



implemented will permit jurors to check themselves in for jury service and will also include an integrated voice response system to address juror concerns without requiring direct staff interaction.

The Division continues to work with the vendor, by providing feedback with regard to the effectiveness of the system, as well as challenges that are encountered, in an effort to utilize the system to its fullest potential. Additional training will be necessary as the Division moves forward to finalizing this project.

**Juror Evaluations:** During FY14, juror's evaluations were submitted to the Jury Management staff following juror's tenure on jury duty. Although 100% of the jurors who served did not complete the evaluations, a significant majority of those who did indicated that they were satisfied with their jury duty experience, especially in the areas of security, meals, staff interaction and accommodations. Additionally, some jurors have expressed their willingness to return to serve as jurors, while others

feel that they are being called for jury duty too often. A few have also indicated that jury duty was a learning experience and they were pleased to see and experience the workings of the justice system.

**Jury Management Statistics:** During FY14, there was a total of 7,935 persons summoned for jury duty, with 1,124 (14%) serving on a jury panel. The cost for their jury service in both districts during FY14 totaled \$216,246.19 as noted in Exhibit No. 6.

The Jury Management Division will continue to work with the various Court staff to develop a uniform process as it relates to jury selection. Additionally, we look forward to seeing potential "no show" jurors brought before the Court as a means of assisting in the strengthening of the overall juror summoning and selection process for administration of justice. To that end, the Jury Management staff will continue to work with all available resources to fulfill its duties and responsibilities in service to its internal as well as external clients for the benefit of our community.

Exhibit No. 6: FY2014 Juror Expense Analysis

<b>DISTRICT</b>	<b>JURY FEES</b>	<b>TRANSPORTATION ALLOWANCE</b>	<b>JUROR MEALS, ET. AL.</b>	<b>TOTALS</b>
<b>ST. CROIX</b>	\$76,240.00	\$12,210.00	\$20,754.98	<b>\$109,204.98</b>
<b>ST. THOMAS - ST. JOHN</b>	\$75,080.00	\$14,645.00	\$17,316.21	<b>\$107,041.21</b>
<b>TOTALS</b>	<b>\$151,320.00</b>	<b>\$26,855.00</b>	<b>\$38,071.19</b>	<b>\$216,246.19</b>

## THE LAW LIBRARY

The Law Library's mission is to provide both the employees of the Superior Court and the Virgin Islands community with courteous and professional service, as well as access to the most current legal resources pertaining to the laws of the United States and the U.S. Virgin Islands.

To that end, the Law Library must meet the information needs of the legal and non-legal community by providing timely, accurate, and current legal information in a cost-effective manner. During this fiscal year, the Law Library achieved this goal by starting a reshelving project and by identifying books that can be discarded and subscriptions that

can be modified or cancelled. Additionally, the librarians in both districts collaborated extensively this fiscal year on ways to reduce the cost of the Law Libraries, including the Superior Court's online legal database plans. These efforts have resulted in the Presiding Judge committing, with another vendor, to a five-year contract that will cover both districts and reduce the cost of online legal research from approximately \$20,000 a month in Fiscal Year 2014, to approximately \$4,000 a month in Fiscal Year 2015 for both districts. Notwithstanding that the benefits will not be realized until Fiscal Year 2015, a substantial amount of the work began on this project during this fiscal year.

**Collection Overview:** Books/Print Material: The Library maintains an extensive collection of Virgin Islands material, that includes inter alia the Virgin Islands Reports, Virgin Islands Code Annotated, and local court rules.

As of September 30, 2014, the Law Libraries had approximately 18,500 items in the District of St. Croix and approximately 6,483 hard cover books and other print materials within its collection in the District of St. Thomas-St. John. The Library continues to maintain its inventory through purchases from Thomson West and Lexis Nexis Matthew Bender. Regularly utilized resources such as the Virgin Islands Code Annotated, the United States Code Annotated, and the Virgin Islands Repots are current and up-to-date with its latest volumes, supplements, and/or pocket parts.

Examples of items in the Law Library include legal encyclopedia such as American Juris-prudence, as well as treatises on specific legal topics like workers compensation, punitive damages, and wills and trusts. In addition to legal titles, however, the Law Library also has a collection of books on business and management, informally referred to as the “leadership library,” which were obtained by the former librarian.

Currently, the Law Library in the District of St. Croix is not using its limited space efficiently. As a result, it has become necessary to implement a re-shelving project in that district. That project commenced just prior to the end of this fiscal year and it is expected to be completed by the second quarter of FY15. The expected results at the culmination of this project will be a simpler shelving system with secondary sources, such as legal encyclopedia and treatises on legal topics, placed around the perimeter of the library and primary sources, such as statutes and case law, placed in the interior of the library. A further benefit will be that patrons will be able to see the Law Library’s diverse collection at a glance.

As part of the re-shelving project, the Law Library has identified approximately 300 books that are outdated and can be discarded. These books are in addition those that are regularly replaced and discarded, from time to time, as new volumes arrive.

**The Collection: Database/Computer:** The Law Library currently subscribes to and provides internet-based access to Westlaw/WestlawNext and access to Virgin Islands legal materials on CD-

ROMs provided by LexisNexis, which is available via the Superior Court’s computer network. Patrons also have access to the internet and to Virgin Islands law on CDROM through computer terminal located in the Law Library. Access to Westlaw is not available to the public.

**FY15 Opinions:** Judicial Officers are oftentimes tasked with issuing legal Opinions to clarify the legality or illegality of an action, condition or intent. Once issued, the Opinion receives one of three designations: published, not for publication or no designation with regard to its publication status. Opinions designated for publication are detailed on the Court’s official website ([www.visuperiorcourt.org](http://www.visuperiorcourt.org)). During FY14, the Court’s Judicial Officers issued a total of eighty-four judicial Opinions, twenty-seven in the District of St. Croix and fifty-seven in the District of St. Thomas-St. John. Sixteen (16) Opinions were designated for publication, ten were designated not to be published and fifty-eight (58) did not have any designation assigned to them.

**FY15 Objectives:** During the upcoming fiscal year, goals for the Law Library includes the following:

1. Continue to identify ways to reduce the Law Library’s expenses without reducing the effectiveness of the resources.
2. Initiate discussions with Administration regarding the statutory obligation of the Judicial Council to pay for the Law Library in accordance with Section 442(c) of Title 4 of the Virgin Islands Code directs that “payments shall be made... only for the purchase of books, periodicals, and other necessary expenses of the law libraries.”
3. Continue the reshelving project in the District of St. Croix with the goal of completion by February 2015.
4. Consult with Administration and/or Property & Procurement regarding the most efficient and cost-effective way to discard large quantities of books.
5. Initiate discussions with the Judges and Magistrates regarding their resource needs and how best to meet those needs.
6. Complete the maintenance and repair required to reopen the Law Library on St. Thomas to the public in Fiscal Year 2015.



## 2014 ANNUAL TRAINING: BRIDGING THE GAP... BETWEEN MANAGEMENT AND EMPLOYEES



### THE PRETRIAL DIVISION

The Pretrial Intervention Program of the Superior Court of the U.S. Virgin Islands is currently charged with two basic responsibilities: Pretrial Diversion, which provides first time offenders with the opportunity to positively redirect their lives through diversion services; and, intervention activities relating to the Court's "school drop-out and juvenile delinquency prevention program", the Superior Court Rising Stars Youth Steel Orchestra.

In both districts, the Pretrial office is manned by a small staff that works cooperatively and cohesively to complete their assignments in a very effective and efficient manner – both in their diversion activities and, more importantly in their tireless work in serving as the liaison between the Court and the Panyard (steelband) activities with the Rising Stars Program.

### HISTORY OF PRETRIAL DIVERSION

The Pretrial Intervention Program has been in existence in the Virgin Islands since 1978. This program was established in accordance with Title V § 4612 of the VI Code, and provides a mandated Director or the designee of the Pretrial Intervention Office to intervene and "to divert individuals to a program of community supervision and service for any person who is charged with any offenses against the People of the Virgin Islands, except Murder, Kidnapping, Assault in the First or Second Degree, Rape in the First Degree and Arson in the First Degree, for which a term of incarceration may be imposed and over which the District or Territorial (now Superior) Court may exercise final jurisdiction, specifically limited to those who:

- Have not previously been convicted of a violation of any law of the Virgin Islands or of any other territory or state of the United States in any criminal court proceeding after having reached the age of seventeen years, except for minor traffic violations.
- Does not have any outstanding warrants, continuances, appeals or criminal case pending before any courts of the territory or any other territory or state of the United States."

The charges against enrolled defendants are deferred pending their completion of the Pretrial Diversion Program. The Code is also meant to provide a means of alleviating the Court's calendar of cases that may be handled without burdening the system while still being fair, impartial and meting out justice.

Pretrial diversion provides a cost effective means of supervising first time offenders in the community while guiding them to comply with the conditions set by the Court. Diversion allows offenders to avoid criminal prosecution through successful completion of a term of community supervision. Prior to trial or sentencing, the offender is diverted from processing and given the chance to participate in treatment. This occurs before a finding of guilt and charges are dismissed if the program is successfully completed, leaving the offender without a formal criminal record. This program also enables the Court to dispense with these cases in an expeditious manner, while providing the offender with the opportunity to have charges addressed quickly, thereby aiding in the reduction of cases within the judicial system.

The Pretrial Intervention/Diversion Program is a very workable and positive alternative to incarceration. Once an underutilized Program within the Court, during the past several fiscal years, there has been tremendous increase in the number of participants for this Program. Currently, all judicial officers are making regular referrals to the Program.

Although participation in the diversion program is voluntary, the judicial officer makes the final decision for the placement of clients on Diversion. Utilizing diversion for these offenses helps to expedite many cases and lessens the case load within the trial court. Once accepted into this program, the defendant is mandated, pursuant to Title 5 V.I.C Section 4612 (d), to pay an Administrative Fee in the amount of \$200.00 in addition to the applicable Court Costs of \$75.00. During this fiscal year, the Pretrial Intervention Program collected a total of \$14,868.00 in Administrative Fees and Court Costs from clients who successfully completed their Diversion program. The breakdown of the funds is outlined in Exhibit No. 9.

District	Administrative Fees	Court Costs	Total
St. Thomas -St. John	\$ 6,800.00	\$ 2,550.00	\$ 9,350.00
St. Croix	\$4,152.89	\$1,365.11	\$ 5,518.00
<b>TOTALS</b>	<b>\$10,952.89</b>	<b>\$3,915.11</b>	<b>\$14,868.00</b>

Exhibit No. 7: FY14 Pretrial Collections

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

- Prevention of future criminal activity;
- Saving time and money;
- Providing restitution;

- Reducing the stigma of formal adjudication and or conviction; and
- Providing treatment and supervision.

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

As of September 30, 2014, thirty-three cases (33) were diverted to Pretrial in the District of St. Croix, and during this fiscal year the total case-load was comprised of 135 cases.

In the District of St. Thomas-St. John, Fiscal Year 2014 began with fourteen (14) cases that were pending at the end of FY13; and, during FY14, Pretrial received thirty-nine (39) referrals that consisted of twenty-five (25) Criminal and nine (14) Jury Cases (Fig. 4) for a total of fifty-three (53) active cases at the end of the fiscal year. These fifty-three cases consisted of thirty (30) Criminal and twenty-three (23) Jury cases.

Thirty-five (35) cases were terminated in the St. Thomas-St. John District during Fiscal Year 2014. Of the thirty-five (35) cases, thirty-four (34) were successfully terminated and one (1) was remanded back to Court for trial.

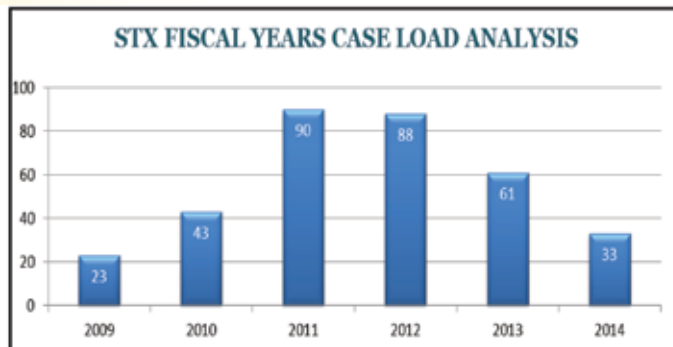
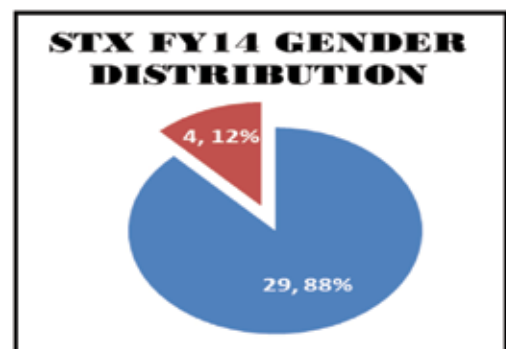
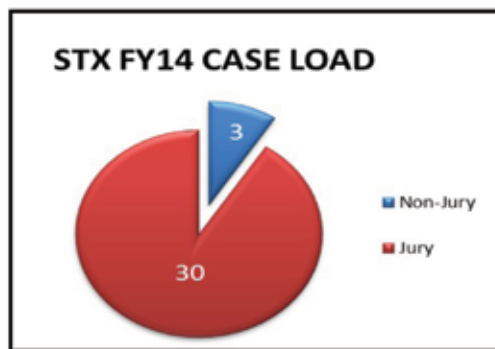


Fig. No. 7: FY14 St. Croix PIP Caseload Statistics



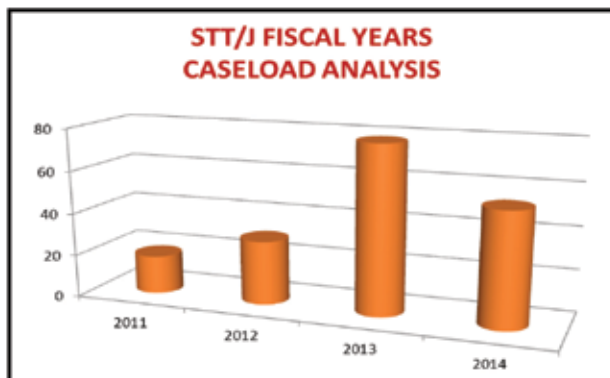


Fig. No. 8: FY14 STT/J PIP Yearly Caseload Analysis

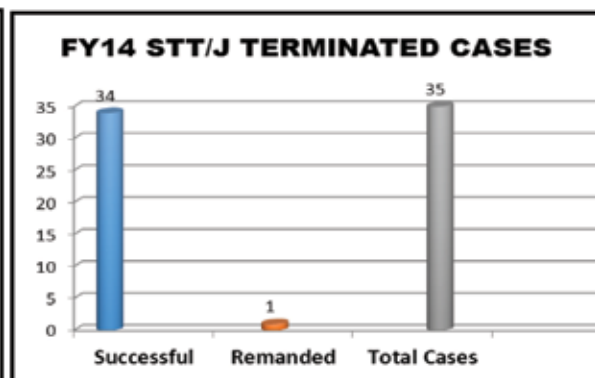


Fig. No. 9: FY14 STT/J PIP Terminated Cases

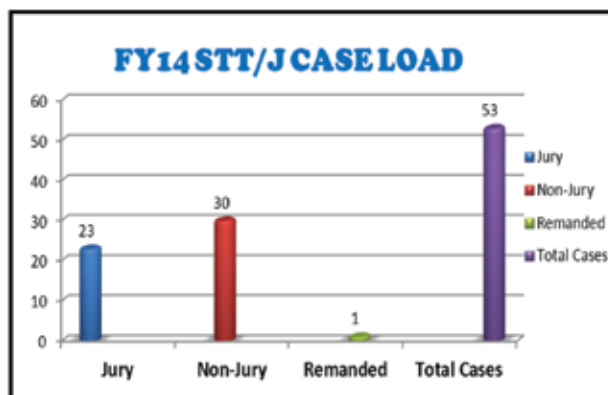


Fig. No. 10: FY14 STT/J PIP Annual Caseload

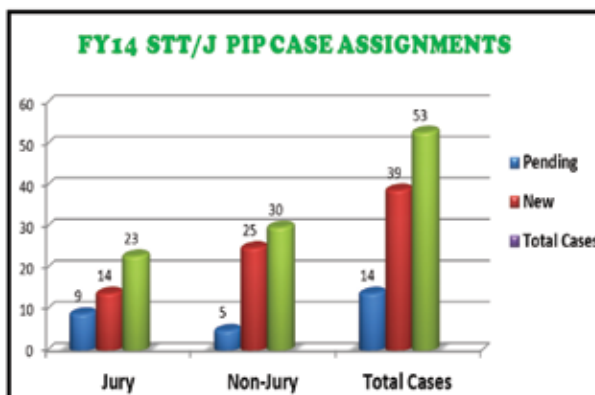


Fig. No. 11: FY14 STT/J PIP Case Assignments

All of the defendants charged with Assault or Assault and Battery were referred to the Family Resource Center, where they were enrolled in Anger Management counseling, and all of the clients were assigned to perform community service at a non-profit organization. The chart (Exhibit 10) reflects the various charges of the diverted cases in the District of St. Thomas-St. John during Fiscal Year 2014.

This fiscal year saw an increase in cases that dealt with Disturbance of the Peace and Simple Assault and Battery among those who came before this office. With the increase in clients, it is becoming very difficult to locate nonprofit organizations in the District of St. Thomas-St. John that are willing to accommodate those particular clients – even though it is a first offense.

During FY14, the Pretrial Diversion staff successfully completed the following:

1. Incorporated the following entities in the list of organizations eligible to accept Pretrial clients: The Superior Court - Marshal and Maintenance Divisions; and, the Rotary Club East of St. Thomas;
2. Maintained positive relationship with various collateral agencies and solicited other agencies, which provided additional options to the clients.
3. Actively participated and made recommendations relative to upgrades for the Pretrial Module of the new Case Management System;
4. Organized all of the closed Pretrial Diversion case files by year of dismissal;
5. Provided training to the Administrative Officers in both districts with regard to the Pretrial Diversion cases.
6. Several staff members served on the Access and Fairness Committee and participated in the Court's Annual Training by presenting the findings to the entire staff.

<b>CHARGES*</b>	
<i>*Some clients with multiple charges</i>	<b>Total</b>
<b>Aggravated Assault &amp; Battery</b>	2
<b>Aggravated Assault &amp; Battery/Domestic Violence</b>	2
<b>Assault III</b>	3
<b>Burglary III</b>	1
<b>Child Neglect</b>	1
<b>Disturbance of the Peace</b>	5
<b>Destruction of Property Domestic Violence</b>	3
<b>Grand Larceny</b>	1
<b>Possession of Stolen Property</b>	1
<b>Possession of a Controlled Substance</b>	1
<b>Simple Possession</b>	3
<b>Simple Assault</b>	1
<b>Disobeying a Lawful Order</b>	1
<b>DUI (Driving Under the Influence)</b>	3
<b>Malicious Mischief</b>	1
<b>Embezzlement</b>	2
<b>Possession of Stolen Property</b>	1
<b>Simple Assault &amp; Battery (DV)</b>	6
<b>Simple Assault (DV)</b>	3
<b>Simple Assault &amp; Battery</b>	1
<b>Petit Larceny</b>	2
<b>Total</b>	<b>44</b>

***Exhibit No. 12: FY14 PIP Diversion Client Charges***



# THE RISING STARS PROGRAM

Organized in the summer of 1981, utilizing the vision of the Presiding Judge Emeritus Verne A. Hodge, the Superior Court Rising Stars Youth Steel Orchestra was specifically implemented to serve as a deterrent to school dropout and juvenile delinquency. Today, the Program continues to serve the youth of our community with the support of the Presiding Judge, the Executive and Legislative Branches of the Government of the Virgin Islands and the entire Virgin Islands community.

The Rising Stars Program still functions in its year-round operation that has three (3) main seasons: Recruitment/Summer Season, Christmas Season and the Carnival Season. It continues to be unique in that it is the only activity of its kind that is found in any judicial branch of government – nationally or internationally; and, to date it's still receiving many accolades for its service to the youth. Additionally, the Rising Stars Program continues to be a "home away from home" for many students even after its thirty-three years of existence and the more than 2000 students who have participated in its activities.

They also continue to be publically recognized for its tradition of musical excellence - with recognition of this unique program hailing from throughout the United States and here at home in the Virgin Islands. Despite the financial woes experienced by the Court during the past several fiscal years, which has also affected this Program, one will still note that its established standards have remained intact. With the on-going support of the Court, this Program has remained committed to the youth and has provided them with many positive avenues and note-worthy opportunities and experiences that have enabled them to continue to serve as goodwill ambassadors for the Territory.

The staff in both districts remain small and close knit. During this past fiscal year, there were several changes in personnel as staff members retired and some were promoted to different levels within the organization. After thirty years of service, Arranger/Instructor Wayne Donadelle retired from his duties as the Double Section In-structor. Concurrently,

Laura Rouse – also an Instructor of the Double Section, was promoted to the position of Rising Stars Coordinator. Ms. Rouse has been affiliated with this program since the age of ten, and has served this organization as a member, volunteer, Summer Intern, Summer Serenader and Instructor prior to her promotion to her new position.

Additionally, Mr. Bruce White retired from his position of Rising Stars Instructor in the District of St. Croix and Ms. Sharice Richardson resigned from her Administrative Officer position in the District of St. Thomas-St. John. This resignation left the staff short-handed during the beginning of FY14, as the Pretrial Office at that time had three employees and one was on leave for medical reasons. Thus, the Director - Adelia "Queenie" Henneman - was left with the enormous task of independently managing all of the responsibilities of that office for a period of approximately four (4) months. However, she rose to the occasion as she executed her duties with confidence and self-assurance as she effortlessly exemplified the Rising Stars motto:

***"Nothing is so complicated that it cannot be simplified by hard work."***

The thrust of the Rising Stars Program continues to focus on improving member's academic skills and preparing them for postsecondary education. However, during this fiscal year and as a result of the financial condition of the Government and by extension the Court, it was unable to provide the requisite funding to maintain the Tutorial and Enrichment Program during this fiscal year. As a result of this situation, members were encouraged to take full advantage of the various academic assistance available at their schools. Additionally, the new Presiding Judge, the Honorable Michael C. Dunston, assured the Pretrial and Panyard staff that it was his intent to reinstate the Tutorial and Enrichment Program as his commitment to the members of the Rising Stars Program.

Despite the suspension of the Tutorial and Enrichment Program, the majority of the members in this Program maintained GPAs from satisfactory

**Membership Status**

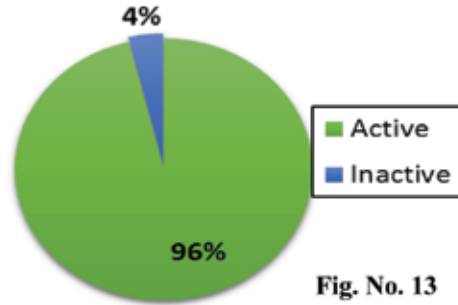


Fig. No. 13

**Gender Membership**

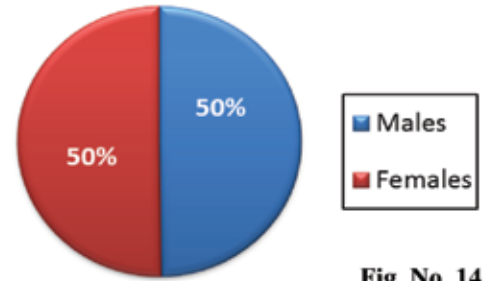


Fig. No. 14

**Membership By Age Groups**

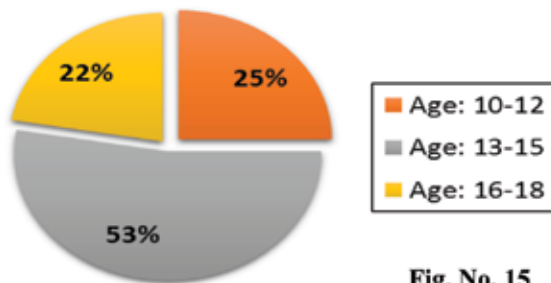


Fig. No. 15

**Membership Grade Levels**

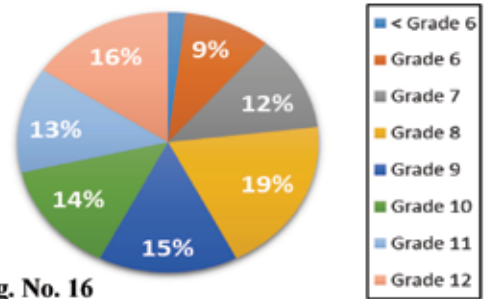
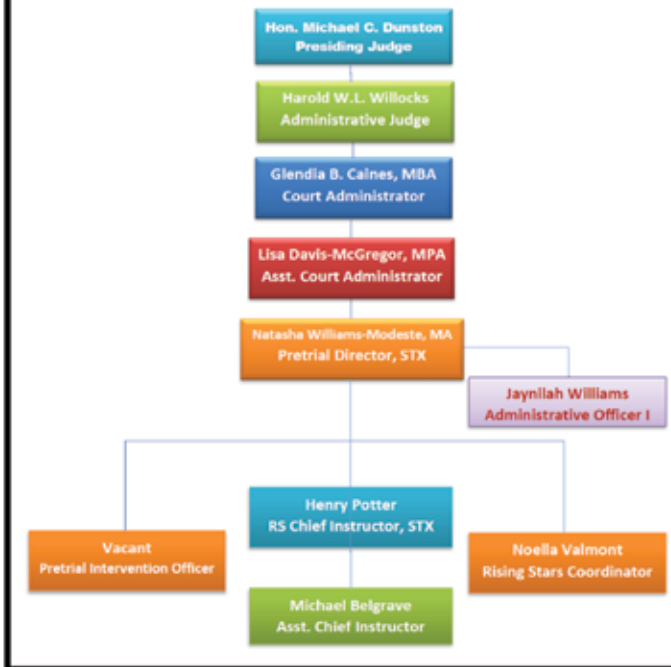


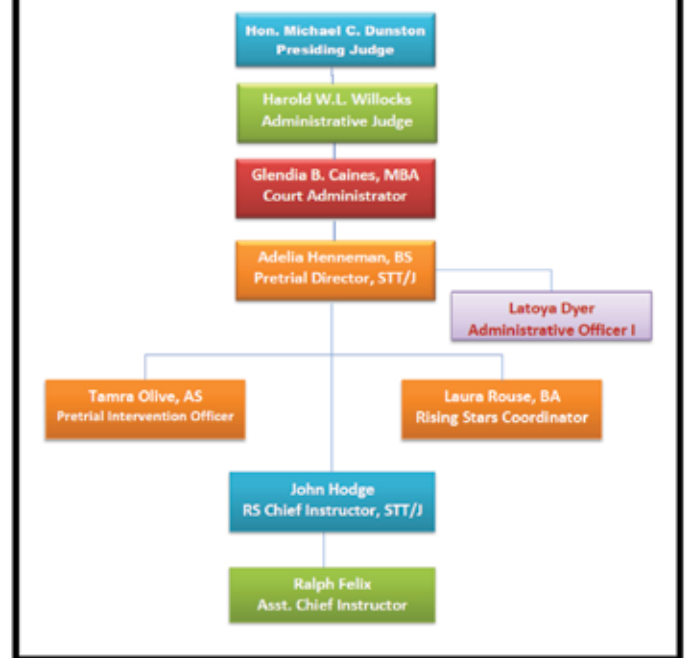
Fig. No. 16

Fig. No. 13 - 16: FY14 Rising Stars Member Statistics

**Rising Stars Administrative Staff  
District of St. Croix**



**Rising Stars Administrative Staff  
District of St. Thomas-St. John**



Ex. No. 8: FY14 Rising Stars Administrative Staff

to above average - which enabled them to actively participate in all Rising Stars activities. In addition to learning the art of playing the steelpan, members also participated in various life skills initiatives, seminars and academic workshops, including: *Rap/Youth Enlightenment Sessions, College Matriculation Workshops (Planning for College, Financial Aid Workshops) and Career Planning Seminars (Workplace Etiquette, Resume Writing and Interviewing Techniques) along with their Ambassadorial Duties.*

Despite the various challenges faced by the Orchestra, the Rising Stars Program remained resilient and continued its service to more than 250 students who were either home schooled or attended the Territory's public, private and parochial schools. The Pretrial and Panyard staff - with the assistance and support of parents, supporters and volunteers - was able to maintain the Program's three seasons in the District of St. Thomas-St. John and two seasons in the District of St. Croix.

The Rising Stars Annual Christmas Concert held on Sunday, December 15, 2013, included more than 150 members - eighty-eight (88) of whom had joined the band during the summer and for whom this was their first appearance on the Reichhold Center stage.

Following the opening remarks by Presiding Judge Michael C. Dunston, the talented staff, and the members of the Orchestra, took the audience on "A Caribbean Christmas Journey" aboard the Journey of the Seas that travelled to several Caribbean ports while the Orchestra performed various renditions indigenous to those islands.

Under the direction of Rising Stars Arranger/Instructor, Eltino S. Pickering, the Orchestra rendered a variety of selections that culminated with the ports they entered and ranged from classical, Latin, and Calypso to Parang, in addition to traditional Christmas music.



A skit was written and produced by members of the Panyard's staff - Instructors James Gittens, LeRoi Simmonds and Laura Rouse and a dance was choreographed by Ms. Bridget Hodge and performed by Rising Stars members.

The actors in the skit were also current Rising Stars and alumni members who not only play the steelpan instrument, but are also versatile as actors as well. The video utilized during this performance was produced and filmed in the Panyard's studio, with the assistance of alumni member and Berklee School of Music graduate Mr. Anthony Nibbs - who is currently a Sound Engineer at Reichhold Center for the Performing Arts.



This event is usually one of the Orchestra's biggest fund raisers for its Scholarship Fund, and collections from this activity totaled \$27,922.00 this year. We also appreciated the sizeable donation that was obtained from First Bank of Puerto Rico which was utilized to pay a substantial portion of the expenses incurred at Reichhold Center.

The audience was also entertained by the selections rendered by the guest band that evening from the Ulla Muller Elementary School, the Ulla Muller Panatics. Under the leadership and guidance of Mrs. Frances Wenner and the direction of Rising Stars Arranger/Instructor Mr. Sean Steele, Sr., the Panatics rendered two selections during their appearance.

The Orchestra culminated their 2014 Christmas Season by serenading at various venues throughout the community, including: the *Lucinda Millin, Yellow Cedar Home, Post Office Square, Havensight Mall, Crown Bay and at the Superior Court.*

In the District of St. Croix, the Orchestra once again participated in the Cruzan Christmas Festival and were rewarded, for the fifth consecutive time, with the 1st place prize in the Adult's parade. They also performed for more than twenty events for various



organizations, including: *St. Croix Festival's Food Fair, Children's and Adult's Parades, the Holiday Jump-up and at Sunshine Mall.*

Also, in the District of St. Thomas-St. John, the Orchestra participated in the *"Biggest Fete Ever Seen for Carnival 2014"* as 160 members participated in Panorama, the Preteen Tramp, the Cultural Fair, the Children's and Adult's Parade. The Orchestra culminated their Carnival Season with their annual "Last Lap/Thank You" beach party at Magen's Bay where beachgoers look forward to the traditional tramp on the beach with music provided by Pan-in-Motion.



Assistant Chief Instructor, Ralph "Rabbi" Felix once again coordinated the Annual Pan Fair which was held on May 17, 2014. Participating bands and panists included: *Addelita Cancryn Panguanas, E. Benjamin Oliver Steel Owls, Joseph Sibilly Sun Rays, Pan Dragons, Ulla Muller Panatics, LeRoi Simmonds, Aben Marrero and Pan In Motion.* Consideration is being given to hosting this event, in conjunction with the VI Port Authority (VIPA), at the Austin Monsanto Marine Terminal in Crown Bay in FY15.

This year's Summer Enrichment Camp hosted eighty-seven members on St. Thomas and was used to enhance the playing skills of the members - especially the new recruits from the previous Summer - and provided them with variety of activities, including field trips, beach outings, sports activities and Rap Sessions with presentations by alumni members Simon Lettsome and Adrian Blake, and Marshals Dale Brathwaite and Jevon Sasso. Additionally, due to the curtailment of the Court's Summer Employment Program, ten veteran members volunteered to serenade the community at various locations.

On St. Croix, the Orchestra conducted a Recruitment Camp where the fifty participants learned the art of playing pan in addition to participating in workshops, field trips and youth enlightening seminars. They culminated their Summer activities

with a Lunch Exposé that featured a performance by the participants.

In addition to these activities, the St. Croix Orchestra was invited to perform at the Virginia Beach Caribbean Music Festival in May 2014. The Program embarked on various fund raising efforts to secure the requisite funding that would enable them to participate in this event. Additionally, the Program also received sponsorship from the Department of Tourism, and ten (10) members were awarded grants, in the amount of \$950.00 each, from the Virgin Islands Council of the Arts to facilitate their participation.

Thus, twenty-five members from the Stage Band, along with chaperones and staff members, travelled to Virginia Beach to participate in this event. The performance of the Orchestra enabled them to receive two awards: 1st Place in the Community Band section and the award for Overall Best Band. The Orchestra received trophies for their placement and a small monetary award as well.



St. Croix Rising Stars celebrate their victories at the Virginia Beach Caribbean Beach Music Festival

During the month of June, twenty-one (21) members in the District of St. Thomas-St. John graduated from public, private or parochial schools. In preparation for their graduations, the Rising Stars Program held College Matriculation Workshops and representatives from the University of the Virgin Islands, Board of Education and Ms. Bridget Hodge presented workshops and seminars to the students. The primary goal of these sessions was to assist members as they prepared for college selection, familiarize them with the financial aid process, and enhanced their knowledge of resume preparation and interviewing skills.

Additionally, seniors took part in the annual college tour at the University of the Virgin Islands. They visited dorms, attended lectures in classroom sessions and ate lunch with the students in the cafeteria.



Fourteen (14) St. Thomas-St. John District members successfully completed the Rising Stars Program and were awarded the Jahmal Andrew/Rising Stars Academic Scholarship of \$1,000.00, a Certificate of Participation, and a Rising Stars Watch during their school's Honors Night program. The graduates plan to major in a variety of fields including Accounting, Art, Biology, Business Administration, Business Management, Computer Science, Cosmetology, Electronics, Mechanics, Nursing, and Music.

We were especially proud of three (3) members that were among the top ten of their graduating Class: Charlotte Amalie High School Salutatorian, **Sherika Jacob** and their No. 3 student, **Ajayi Anthony**; as well as the No. 8 student at Ivanna Eudora Kean High School **Ky'Jahna Gerard**. The graduates

celebrated at their Seniors' Luncheon where they received additional gifts from the Program.

In the District of St. Croix, the Seniors' Luncheon was held to recognize the Orchestra's four graduating seniors. Each of the proud graduates received a financial scholarship from the Program. In addition to attending colleges and universities on the mainland, twelve (12) of the Rising Stars graduates have decided to attend the University of the Virgin Islands.

The Rising Stars Program has had one of its most challenging years during FY14. Nevertheless, the staff remains committed to the youth of our community and eagerly looks forward to another productive year with the Orchestra.

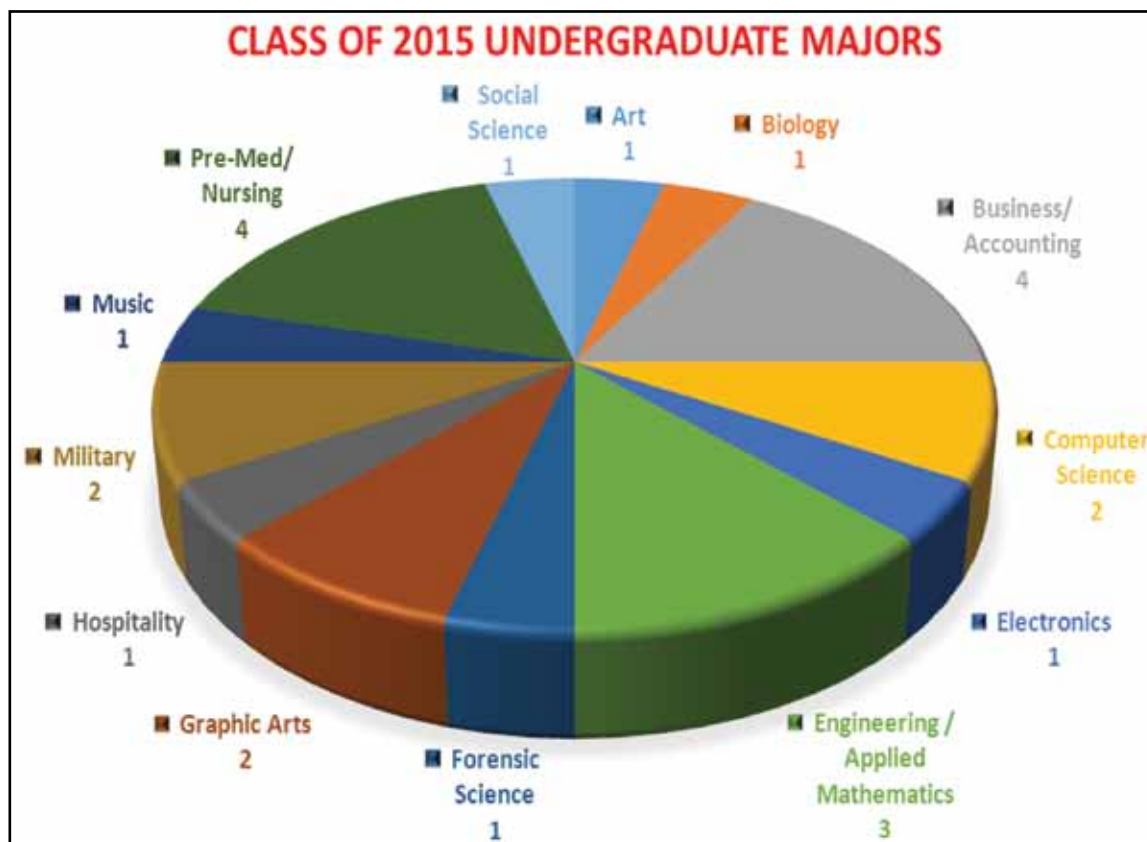


Fig. No. 17: FY14 Rising Stars Graduates Undergraduate Majors

## PROBATION AND PAROLE DIVISION

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

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

Under the leadership, supervision and guidance of the Territorial Chief Probation Officer, the Office of Probation and Parole receives tasks and assignments from the Judges of the Superior Court of the Virgin Islands, the Virgin Islands Board of Parole,

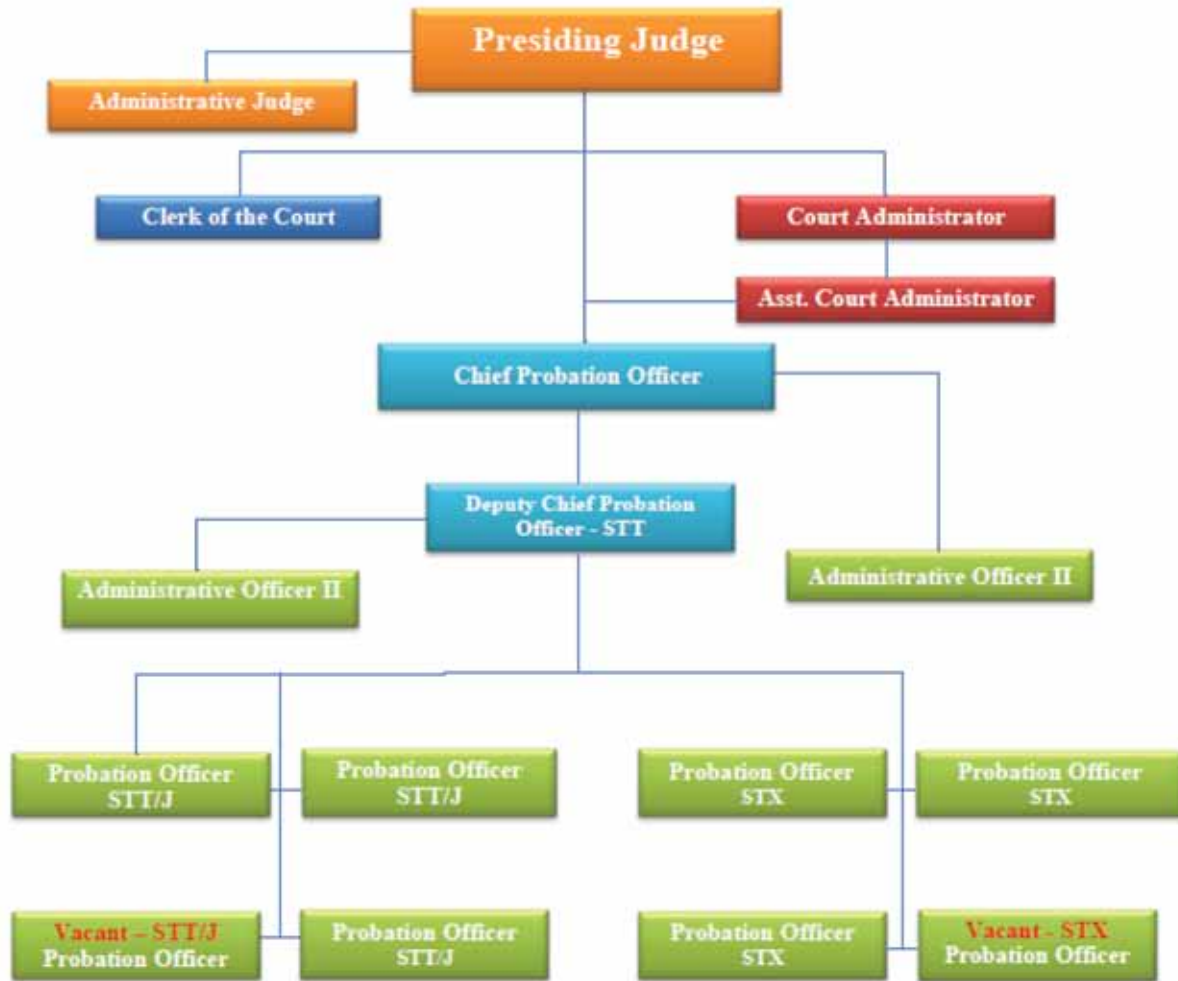
U.S. Probation Office, Interstate Compact for Adult Offender Supervision, Court and Assistant Court Administrators, Clerk of the Court, General Counsel, and the Chief Probation Officer. The division's clientele also includes court personnel, attorneys, probationers/parolees/defendants and their families, Interstate Compact Offices and the general public.

With the promotion of Probation Officer Janice Matthias to the position of Deputy Chief Probation Officer, the Probation Office in the District of St. Thomas-St. John now has an immediate supervisor in that district who is directly responsible for the operations in that district.

Utilizing a staff of ten employees this fiscal year (eight Probation Officers and two Administrative Officers), the Probation Office - Territory wide - fielded more than thirty-one thousand (31,000) office visits by a variety of individuals: 11,846 in the District of St. Croix; and, 19,210 in the St. Thomas-St. John District. The persons visiting the Probation Offices included, but were not limited to the following: Probationers, parolees, pre-trial release clients, victims and their family members, defendants and their family members, attorneys, police officers, individuals from other agencies, and the general public.



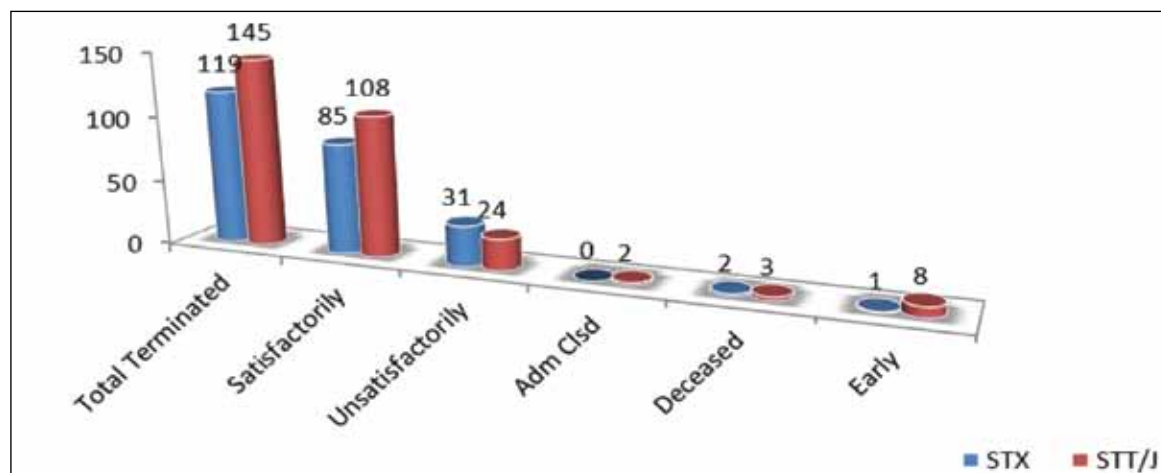
## OFFICE OF PROBATION AND PAROLE



Ex. No. 9: Office of Probation and Parole Organizational Chart

The Probation Division terminated two hundred sixty-four (264) clients from supervision. In the District of St. Croix, one hundred nineteen (119) cases were terminated from supervision (eighty-five (85) were closed satisfactorily, thirty-one (31) were closed unsatisfactorily, two were closed as deceased, and one (1) was discharged early.

In the District of St. Thomas-St. John, one hundred forty-five (145) cases were terminated from supervision (one hundred eight (108) were closed satisfactorily, twenty-four (24) were closed unsatisfactorily, two (2) were discharged administratively, three (3) were closed as deceased, and one (1) was discharged early.



Ex. No. 10: FY14: Terminated Probation Cases

The Probation and Parole Division processed the following clients within the Territory as outlined in Exhibit No. 10.

During this fiscal year, the Office of Probation received clients of a varying age range, gender, ethnicity and educational level who were arrested for a variety of charges. Overall, the number of arrests cases received by our Division declined from last fiscal year. Of the entire group, individuals with minimal high school education continues to represent the largest group of individuals on St. Croix and on St. Thomas/St. John. Some decreases and increases were also seen in the other areas. A trend observed over the last several years continues to hold true today. Persons being arrested in the age range of 18 - 29 are being arrested more frequently than any other age group. They represent 63% and 48% in the St. Croix and St. Thomas/St. John Districts respectively. This year there was a modest decline in the number of females arrested on St. Croix, but a slight decline on St. Thomas/St. John. Currently, females represent 11% and 20% of all individuals arrested in the St. Croix and St. Thomas/St. John Districts, respectively.

During the past several fiscal years, several trends relating to the charges applied to Probation clients were observed as indicated below:

- Crimes of violence, weapons/ammunitions use/possession, traffic offenses and drug related offenses continue to be the most prevalent categories of offenses.
- Domestic violence, in conjunction with other offenses, continues to be a primary reason for the arrest of individuals.
- Weapon related and property offenses and larcenies continue to be perpetrated more often by young African American men than any other group.
- Young men, in the 18-29 year old age group continue to be the population most frequently arrested for violent crimes and weapons possession.
- Older African American males continue to be arrested more frequently than any other age group for traffic related offenses stemming from alcohol usage and domestic violence related offenses.
- There is an increasing number of Caucasians being arrested for a variety of offenses; conversely, in the past, they were typically arrested for alcohol related traffic offenses.

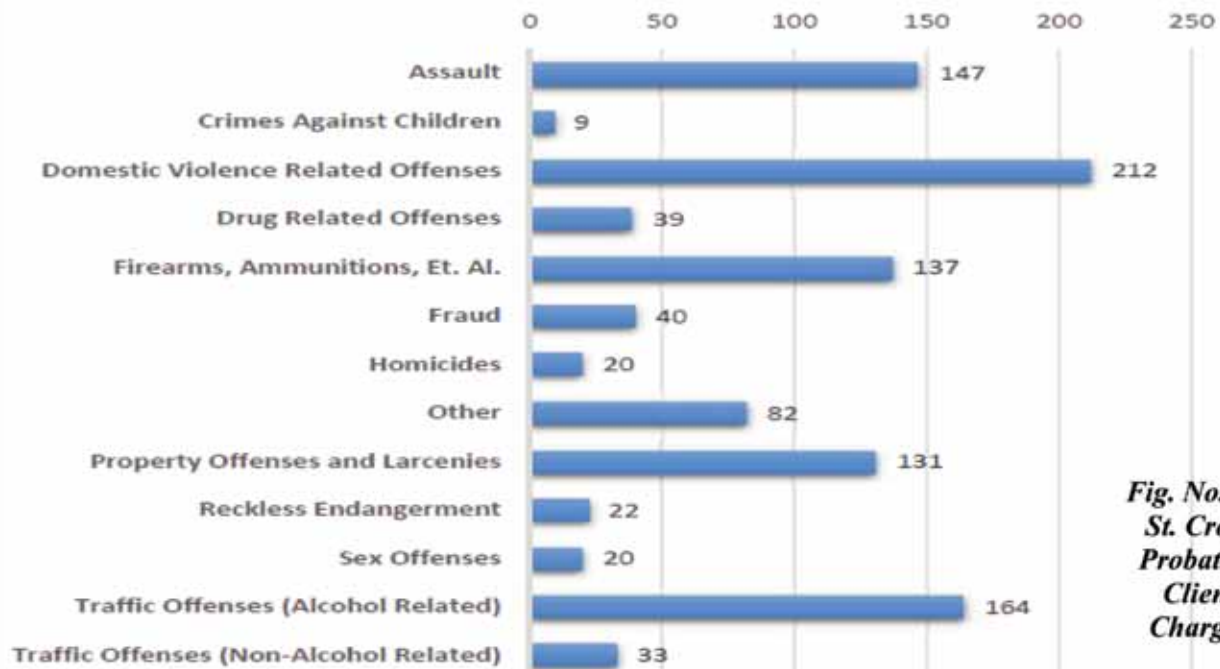
<b>District/Activity</b>	<b>St. Thomas/ St. John</b>	<b>FY13</b>	<b>FY14</b>	<b>St. Croix</b>	<b>FY13</b>	<b>FY14</b>	<b>Totals</b>
<b>Probation Officers Court Attendance</b>	<b>303</b>	<b>24%</b>	<b>1%</b>	<b>264</b>	<b>49%</b>	<b>25%</b>	<b>567</b>
<b>Field Visits Conducted</b>	<b>58</b>	<b>24%</b>	<b>74%</b>	<b>176</b>	<b>71%</b>	<b>10%</b>	<b>234</b>
<b>Pre-sentence Reports Submitted</b>	<b>144</b>	<b>47%</b>	<b>42%</b>	<b>208</b>	<b>21%</b>	<b>14%</b>	<b>352</b>
<b>New Pretrial Release Supervision Cases Received</b>	<b>395</b>	<b>15%</b>	<b>34%</b>	<b>357</b>	<b>51%</b>	<b>36%</b>	<b>752</b>
<b>New Supervision Clients with a Presentence Report</b>	<b>109</b>	<b>38%</b>	<b>24%</b>	<b>184</b>	<b>44%</b>	<b>13%</b>	<b>293</b>
<b>New Supervision without a Presentence Report</b>	<b>153</b>	<b>20%</b>	<b>16%</b>	<b>13</b>	<b>47%</b>	<b>68%</b>	<b>166</b>
<b>New Supervised Parole Clients</b>	<b>2</b>	<b>100%</b>	<b>100%</b>	<b>2</b>	<b>67%</b>	<b>33%</b>	<b>5</b>
<b>Supervised Probation Cases Terminated</b>	<b>177</b>	<b>55%</b>	<b>3%</b>	<b>147</b>	<b>12%</b>	<b>32%</b>	<b>324</b>
<b>Probation Client Referrals</b>	<b>115</b>	<b>41%</b>	<b>38%</b>	<b>248</b>	<b>29%</b>	<b>28%</b>	<b>363</b>
<b>INTERSTATE COMPACT</b>							
<b>Supervised Interstate Probation Clients</b>	<b>39</b>	<b>33 %</b>	<b>11%</b>	<b>30</b>	<b>11%</b>	<b>63%</b>	<b>69</b>
<b>Supervised Parole: Interstate Clients</b>	<b>7</b>	<b>0%</b>	<b>100%</b>	<b>10</b>	<b>71%</b>	<b>33%</b>	<b>17</b>
<b>Interstate Compact Investigations</b>	<b>14</b>	<b>73%</b>	<b>5%</b>	<b>11</b>	<b>33%</b>	<b>8%</b>	<b>25</b>
<b>Office Visits</b>	<b>18,338</b>	<b>5%</b>	<b>18%</b>	<b>15,792</b>	<b>10%</b>	<b>35%</b>	<b>34,130</b>

Ex. No. 11: Office of Probation and Parole Caseload Statistics



## Charges

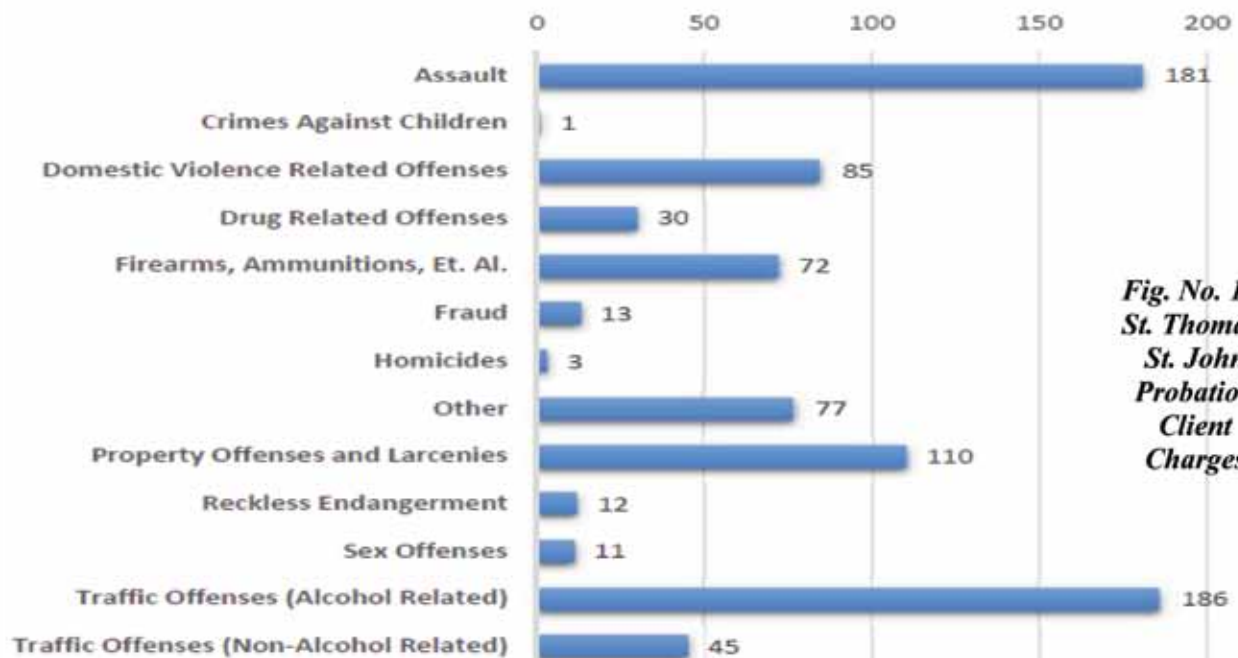
(All Incoming Cases)  
District of St. Croix



*Fig. No. 18:  
St. Croix  
Probation  
Client  
Charges*

## Charges

(All Incoming Cases)  
District of St. Thomas



*Fig. No. 19:  
St. Thomas-  
St. John  
Probation  
Client  
Charges*

Traffic offenses continue to outnumber property offenses in the District of St. Thomas/St. John; while Domestic Violence cases outpace all others in the District of St. Croix District.

During FY14, the Probation and Parole Office collected a total of \$130,256.62 in administrative fees, court costs, fines, monetary donations and restitutions as outlined in Exhibit No. 12:

District	Admin Fees	Court Costs	Fines	Restitution	Other	Total
St. Croix	\$30,395.78	\$ 7,031.01	\$27,403.49	\$4,963.39	\$4,540.00	\$74,333.67
St. Thomas-St. John	\$ 2,921.08	\$ 14,210.00	\$ 12,425.96	\$25,720.91	\$ 645.00	\$55,922.95
<b>TOTALS</b>	<b>\$33,316.86</b>	<b>\$21,241.01</b>	<b>\$39,829.45</b>	<b>\$30,684.30</b>	<b>\$5,185.00</b>	<b>\$130,256.62</b>

Ex. No. 12: FY 2014 Probation and Parole Collections

## PROPERTY AND PROCUREMENT

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

During this fiscal year, this division ensured the following, within the constraints imposed by the Court's continuously reduced budget and austerity measures:

- Although the availability of credit to the Court was significantly reduced, all critical procurement needs of the staff in both districts were fulfilled as requested. Purchases of supplies and other non-emergency items were streamlined in accordance with the availability of funds.
- This office was directly involved in the negotiation and finalization of the contracts for several major projects which were completed in FY2014:
  - i) the replacement of the telephone system;
  - ii) the cabling infrastructure upgrade;
  - iii) the upgrade of the Court's computer equipment; and
  - iv) the negotiations to replace the second of three elevators in the Alexander A. Farrelly Justice Center.

In light of the current fiscal constraints and the state of the economy, the Superior Court's Administration remains committed to continuing to adopt applicable cost saving measures. As a direct result, this office continues to mirror the government's cost savings initiatives and no major renovation projects were performed territorially during this fiscal year. And, no replacement of furniture or non-critical equipment was made.

Nevertheless, after working on this project for several years, the Farrelly Justice Center finalized its negotiations and was successful in replacing the second of its three aged elevators. Negotiations will continue once a decision is made to replace the third and final elevator in the North Wing. This elevator is obsolete and replacement parts are virtually nonexistent.

Once again, and in accordance with Act 7261, the Virgin Islands Economic Stability Act of 2011, the Court did not replace any of its aged vehicles. Based on the Court's fleet replacement plan, vehicles were scheduled to be, but were not, replaced in FY11, FY12, FY13 and FY14. Additionally, many of the fleet's routine maintenance and repair issues were deferred until funds became available. This deferment was absolutely necessary due to the Court's FY14 budget appropriation that stymied the Court's efforts to pay routine expenses. Once funds became available, maintenance and repair schedules were initiated to address those issues, although some items remained pending due to their significant estimated costs.

During the latter part of FY14, negotiations were completed to replace the Court's copiers to provide additional cost savings;

As funding becomes available in the upcoming fiscal year, this office will be prepared to do the following:

1. Replace the tiles in the Family Court lobby and Marshal Division (STT/J);
2. Provide the requisite maintenance on all carpeted and tiled areas of the Court.
3. Facilitate the procurement of items included in the Court's Capital Projects schedule as it relates to facilities, safety and maintenance.

## RESEARCH AND DEVELOPMENT

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

- I. Completed: Assisted in the collaboration and coordination of the Portrait Unveiling Ceremony which was held on November 13, 2014, to celebrate the legal contributions and judicial legacy of Chief Judge Emeritus Verne A. Hodge.
- II. Pending: Development of performance standards for the Court's employees.

Ancillary Activities: Other ancillary activities during this fiscal year included assisting several divisions in various capacities, including the following:

- I. Assisted the HR Division's Strategic Plan Project Director, HR Assistant Director Colleen Clendinen, while serving as the Advisor/Facilitator for the three task forces that were established following the Cour-Tools presentation to the Court and the Strategic Planning Committee by the National Center for State Courts (NCSC). As a direct result, the following items were completed in this area:
  - Participated in various meetings with NCSC members, the Strategic Planning Committee and the three task forces that were assembled: Access and Fairness, Time to Disposition and Employee Satisfaction.
  - Assisted Team Access and Fairness in presenting a successful and top-notch professional presentation to an audience comprised of members of the Strategic Planning Committee, the Time To Disposition team, and Attorney Alicia Davis, Consultant with the National Center for State Courts. Their impressive PowerPoint presentation not only discussed the team's vision for this Court - in terms of Access and Fairness - but gave concrete examples of what that vision would look like, to include the following:

- Suggested locations for improved public signage;
  - Design ideas and uses for public access kiosks;
  - Updating the court's website;
  - Bilingual audio public service announcements (30- and 60-second spots);
  - A ready-to-run 60-second television commercial;
  - An updated informational brochure; and,
  - An Access and Fairness Survey for court customers.
  - Participated in the August 2014 Annual trainings for Supervisors and staff where assistance was rendered to Team Access and Fairness as they made their territorial presentation of their project as presented to the Strategic Planning Committee.
  - Conducted research and consultation with mainland courts in the area of judicial survey instruments to facilitate the implementation of the Court's Access and Fairness survey.
  - In conjunction with the Strategic Plan Project Director, the NCSC Consultant and the Access and Fairness Task Force, facilitated the design and development of the Access and Fairness Survey, which was conducted during the first quarter of FY15.
- II. During FY14, a total of five (5) workshops were held for the members of the Rising Stars Youth Steel Orchestra in the following areas:
    - i. Career Planning Session began the series and provided the students with an overview of the wide range of career opportunities available to them. Discussions also focused on the importance of early planning, the need to educate themselves, and how to be prepared for their desired career choice. They were also encouraged to fully educate themselves so that they would be prepared for the employment opportunities currently available in the workforce.
    - ii. Preparing An Effective Resume - The goal of this session was to assist students, especially the graduating seniors, with the development of fully functional and effective resumes. Follow-ups to this session continued throughout the year on a one-on-one basis as students tweaked or updated their resumes and submitted them for review.
    - iii. Money Management for Teens - This highly interactive session always generates constructive and insightful dialogue as it serves to educate our high school students



on how to be more financially astute. Plans for FY2015 includes expanding this session to include junior high school members.

- iv. How To Conduct An Interview - This popular session teaches its participants appropriate interviewing skills and how to navigate the interview process.
- v. Dress for Success/Mock Interviews - This capstone workshop integrates all of the elements taught in the previous workshops. Included in this highly anticipated session is a "Dress for Success" fashion show coupled with real-life interview simulations.

Additionally, the Division choreographed dance routines, for the Rising Stars' Dancers that were performed at the December 2013 Rising Stars Annual Christmas Concert.

## **GENERAL COUNSEL ACTIVITIES**

During FY14, the General Counsel's office worked on the following items:

1. Eleven (11) Petitions for Writ of Mandamus filed in the Virgin Islands Supreme Court. All but one have been dismissed or denied. The final one is pending and should be dismissed as moot during FY15.
2. Two (2) Civil matters were appealed to the Third Circuit Court of Appeals in 2013 and were pending throughout 2014. One was upheld in late December 2014 and the other was upheld in the first quarter of FY15 - both in the Court's favor; and,
3. One Civil matter against the Superior Court remains pending since 2009.

## **FY 2014: GOALS OF THE ADMINISTRATION AND SUPPORT DIVISION**

It is the goal of the Administration and Support Division to continue to work cohesively and collaboratively with all divisions of the Superior Court to ensure that all mandates established by the Presiding Judge are effectuated and that the Court operates as efficiently and effectively as possible - given its legislatively imposed fiscal and budgetary constraints. To this end, this Division will continue

to as effectively as possible, oversee the expenditures of the Court to ensure that all necessary supplies, equipment, maintenance, repair and technological advancements are adapted by promoting and facilitating the following:

- The requisite training of the staff to effectively utilize the updated document management systems for the enhancement initiatives within the Human Resources and the Accounting and Finance Division, to include the applicable HRIS system and Budget module that will serve to facilitate the Court's ability to provide all the applicable information, report and statistical analysis that is necessary in all areas which will continue to move the Court forward;
- Continue to work with the Court's management team to address issues of concern within the Court that will enhance the Court's ability to render efficient and optimal service to the community.
- Initiate the requisite repairs and maintenance upgrades to the Court's facilities in both districts thereby providing the staff and the community with a safe and secure working environment; Initiate and facilitate the completion of the Court's Capital Projects;
- Promote the preparation of the requisite RFPs and A & E for the design, construction and relocation of the following: the Court Annex and the Rising Stars Panyard in the District of St. Croix in addition to the Magistrate facility and the Rising Stars Panyard in the District of St. Thomas-St. John. The addition and/or enhancement of these facilities will provide adequate and up-to-date storage facilities with the goal of reducing the Court's overhead, storage, rental and other operational costs;
- Upgrade of the Court's courtroom technology;
- Work diligently towards securing the applicable Budget and funds to facilitate the Court's operation including the retention of its staff with adequate compensation.



# THE OPERATIONAL DIVISION

The Operational Division, headed by the Clerk of the Court, also carries out the mandates of the Presiding Judge. The following divisions and staffing fall within the direct responsibility of the Clerk of the Court: Cashier, Court Reporting, Criminal, Civil/Small Claims, Family, Jury Trial, Probate, Traffic; and, the receptionists/switchboard operators.

During the first quarter of the fiscal year, the Operational Division suffered the loss of the Clerk of the Court, Atty. Venetia H. Velazquez, who resigned from her position effective December 2013. Thereafter, the Chief Deputy Clerk in the St. Thomas/St. John District, Mrs. Estrella H. George, succeeded her as Acting Clerk of the Court while a search commenced for a replacement to fill this critical vacancy.

The Clerk's Office/Operational Division is generally staffed with 103 positions, of which approximately twenty-one are currently vacant - with three positions in each district that were unfunded during this year. In Fiscal Year 2014, the Operational Division in the St. Thomas/St. John District was staffed with fifty (50) employees; and, in the District of St. Croix, it was staffed with thirty-two (32) employees. Numerous attempts have been made to fill the required vacancies that have occurred as a result of resignations and retirements in the Operational Division. However, due to the budgetary constraints and the on-going retirements and resignations, critical positions continue to remain vacant. Nevertheless, the staff in the Operational Division continued to serve the public with pride and professionalism despite its staff shortages.

<b>OPERATIONAL DIVISION VACANCIES</b>							
	<b>DISTRICT OF ST. CROIX</b>			<b>DISTRICT OF ST. THOMAS-ST. JOHN</b>			
<b>DIVISION</b>	<b>COURT CLERK I</b>	<b>COURT CLERK II</b>	<b>OTHER</b>	<b>COURT CLERK I</b>	<b>COURT CLERK II</b>	<b>OTHER</b>	<b>TO-TALS</b>
<b>CASHIER</b>	0	0	0	0	0	X	1
<b>CIVIL/SMALL CLAIMS</b>	0	X	0	0	XX	0	3
<b>CLERK OFFICE</b>	0	0	XX	0	0	0	2
<b>CRIMINAL</b>	X	X	0	0	X	0	3
<b>CT. REPORTING</b>	0	0	XX	0	0	X	3
<b>FAMILY</b>	0	X	0	0	X	0	2
<b>JURY</b>	X	X	0	0	0	0	2
<b>PROBATE</b>	0	0	0	X	0	0	1
<b>TRAFFIC</b>	X	X	0	X	X	0	4
<b>TOTALS</b>	3	5	4	2	5	2	21*
*Due to reduced budget and austerity measures, six of these vacant positions were zero funded: three (3) in each district.							

Ex. No. 13: Operational Division Vacancies

As the official custodian of records, the Clerk of the Court is required to protect the integrity of all case filings and all associated functions or processes. In addition to the regular case intake, filing and document processing, the Clerk's core functions include: providing case-related service to litigants; processing and preparing all documentation for indigent attorney representation and processing vouchers for payment of the same; preparing and protecting the integrity of the verbatim records of the court; collecting and accounting for all financial collections and depositing the same into the General Treasury; ensuring access to the Court for persons with limited English proficiency (LEP), which requires ensuring the availability of interpreting services in multiple spoken languages as well as sign language; and maintaining the Clerk's Office in a manner that ensures access to justice for all persons who seek the aid of the Court.

To facilitate the financial transactions of clients, the Court maintains automated cashier stations in its various areas of operation. In order to provide easy access to clients, the cashier's stations are located on the first floor of all of the Court's facilities: the Alexander A. Farrelly Justice Center; the Magistrate Division in Barbel Plaza; Bureau of Motor Vehicle (BMV) Inspection Lane in the St. Thomas and St. John District; and, at the R.H. Amphlett Leader Justice Complex in the District of St. Croix.

The cashiers at the BMV continue to provide invaluable service to the community as they perform computer searches regarding outstanding issues for persons registering their motor vehicles. Where there are outstanding traffic citations or liens, that do not require a court appearance, motorists are able to make the requisite payment(s) directly to the Cashier and then continue on with the registration process.

During the course of the fiscal year, the Operational Division continued its focus on the projects which it had embarked upon in order to improve the efficiency and effectiveness of its operations. Some of the overall operational achievements of these major initiatives are outlined below:

1. **Differentiated Case Management:** During the third quarter of FY13, Misc. Civil Order No. 39/2013 established the *"Superior Court of the Virgin Islands' Differentiated Case Management System"*. The Differentiated Case

Management System has served to facilitate the implementation of an efficient, uniform system of case management which aids in the reduction case backlog, promptly resolving disputes, and improving service to the people of the Virgin Islands.

2. **Case Management/E-Filing:** During the fourth quarter of FY13, the Court was on the verge of the final implementation of the Case Management/e-Filing project. The policies, procedures, rules and regulations relative to e-filing with the new case management system were completed. E-filing was scheduled to be implemented after the "go live" date of the new system. However, that project has been delayed until further notice due to Am-Cad's decision to "exit the justice software solutions business" after the Court's "go-live" activities in the first quarter of FY14. The Court was forced to return to the utilization of its old case management system, eNACT, because the anticipated Case Management System was only partially implemented and never functioned as it was intended. During the eight months in which the Court utilized this new system, it was plagued with a myriad of issues that were unresolved prior to the bankruptcy of AmCad. This matter is currently pending before the federal bankruptcy court on the U.S. mainland.
3. **Inter-Island Video Conference Initiatives:** During FY14, the Court continued to utilize its video conferencing capabilities to conduct various hearings as well as divisional meetings. Utilizing these resources enabled the Court to save a minimum of \$1,950.00 in transportation costs alone.

## INTER-AGENCY COOPERATIVES

During FY2014, the Court continued its inter-agency cooperative activities and participated in a series of initiatives that involved various agencies as indicated below:

**Bureau of Corrections (BOC):** In 2010, the Court entered into a cooperative effort with the Bureau of Corrections that permits prisoners housed abroad to visit with their families residing in the Virgin Islands through electronic means. Facilitated by the Clerk's Office, the IT Division in both districts, the

Court coordinates with the BOC and the requisite mainland prisons, providing them with the use of its video-conferencing facilities twice a year to schedule prisoner visits with their families. This inter-agency cooperative has continued throughout Fiscal Year 2014.

- **Court Cooperatives:** The Superior Court also continues to provide the services of its Spanish Interpreters, on request, to render assistance to the District Court of the Virgin Islands.
- **School Tours:** The Clerk's Office continues to coordinate and host school tours in both districts, where Judges, Magistrates and staff take time to discuss the court system with our youth, take them on tours throughout our facilities, and permit them to observe various court proceedings.

FY2014 SCHOOL VISITS		
DATE	SCHOOL	NUMBER OF STUDENTS
October - December 2013	St. Croix Education Complex	20
January – March 2014	None	0
April – June 2014	St. Croix Career and Technical Education Center	15
	and St. Croix Christian Academy	20
July – Sept 2014	EZ Driving School	15
TOTAL		70

Fig. No. 20: FY14 School Visits

The reduction in the Court's operating budget continues to impact the Operational Division as it is unable to maintain adequate staffing in several divisions, and at the end of FY14 had a total of twenty-one vacancies in the Operations Division. The areas affected by those vacancies included: the Traffic, Criminal, Civil/Small Claims, Jury and Family Divisions in the District of St. Croix; and, in the District of St. Thomas-St. John, the affected divisions included the Civil, Family and Probate Divisions. Additionally, the District of St. Croix is also faced with the challenge of obtaining and retaining Interpreters for both Spanish and Haitian Creole.

## FY 2015: GOALS OF THE OPERATIONAL DIVISION

During the upcoming fiscal year, it is the goal of the Operational Division to fulfill the following initiatives:

- Continue to review caseloads and to devise solutions, in conjunction with the judges, to effectuate the reduction of delays in the resolution of cases;
- Continue more aggressive quality control reviews to ensure full compliance with operating procedures;
- Continue working with management and staff to ensure the adherence to the rules, regulations, and policies of the Court;
- Continue to improve the timely processing of cases within each division;
- Seek relevant in-house and other appropriate job specific training to facilitate the readiness of our staff to meet the needs and growth of the Court and the community we serve.
- Encourage and facilitate the "team" rather than "unit" approach for employees as we strive to accomplish the goals of the organization, fulfill the requisite mandates and core functions of the Court and the dictates of the Presiding Judge while also identifying potential managerial candidates.
- Continue to improve our customer service with timely responses to calls, inquiries, and all applicable external requests.
- Collaborate with the Lt. Governor's office regarding the number of notary clerks available to the Court, in accordance with the V.I. Code.
- Update outstanding warrants into the case management system in accordance with the law.
- Continue to work with the judicial officers to establish measurable performance standards for the Court;
- Finalize the revision of standardized forms and issue SOP's, along with revised forms, for all divisions;
- Work with management and external parties towards the procurement and implementation of a case management to finalize the Court's electronic filing system;
- Continue working on the conversion of our historical documents to an electronic format;
- Continue working on the development of a fully compliant program to provide access to justice for non-English proficient (LEP) court users.

## FY 2014: REVENUE COLLECTIONS

Revenues collected by the Superior Court come from various sources, and they are deposited into several funds: the General Fund, the Transportation Trust Fund, the Solid Waste Revolving Fund and Special Funds. The revenues sources for these funds includes: Marriage Applications, Marriage Licenses, Marriage Ceremonies, Certified Marriage Returns, Filing Fees, Traffic Fines, Court Costs

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

It is important to note that none of the fees collected by the Court is kept by this entity; rather, all of the funds collected by the Court are deposited into the various accounts within the General Fund.

<b>GENERAL FUND ACCOUNTS</b>	<b>ST. THOMAS</b>	<b>ST. CROIX</b>	<b>TOTAL</b>
<b>General Fund</b>	\$ 928,080.00	\$372,187.00	\$ 1,300,267.00
<b>Transportation Trust Fund</b>	\$ 418,145.00	\$176,845.00	\$ 594,990.00
<b>Special Fund</b>	\$ 60,874.00	\$ 46,655.00	\$ 107,529.00
<b>Solid Waste Revolving Fund</b>	\$ 22,750.00	\$ 64,423.00	\$ 87,173.00
<b>TOTAL</b>	<b>\$ 1,429,849.00</b>	<b>\$660,110.00</b>	<b>\$2,089,959.00</b>

Ex. No. 14: SC General Fund Collections



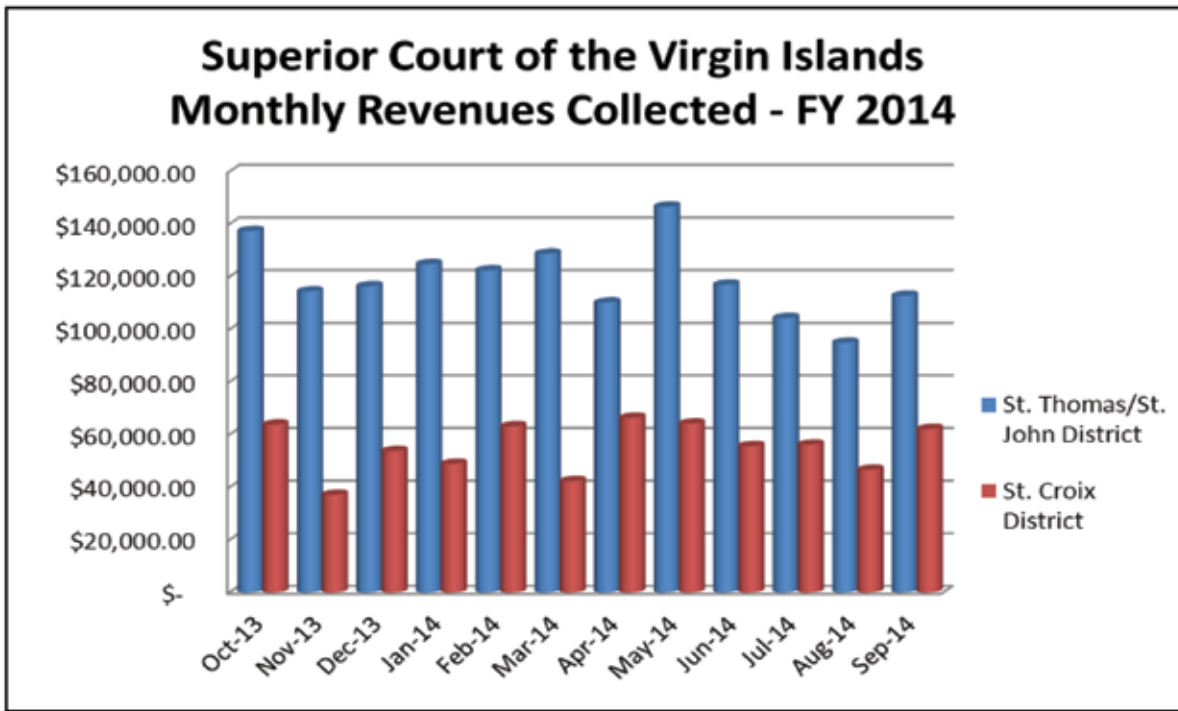


Fig. No. 21: FY14 Monthly General Fund Collections

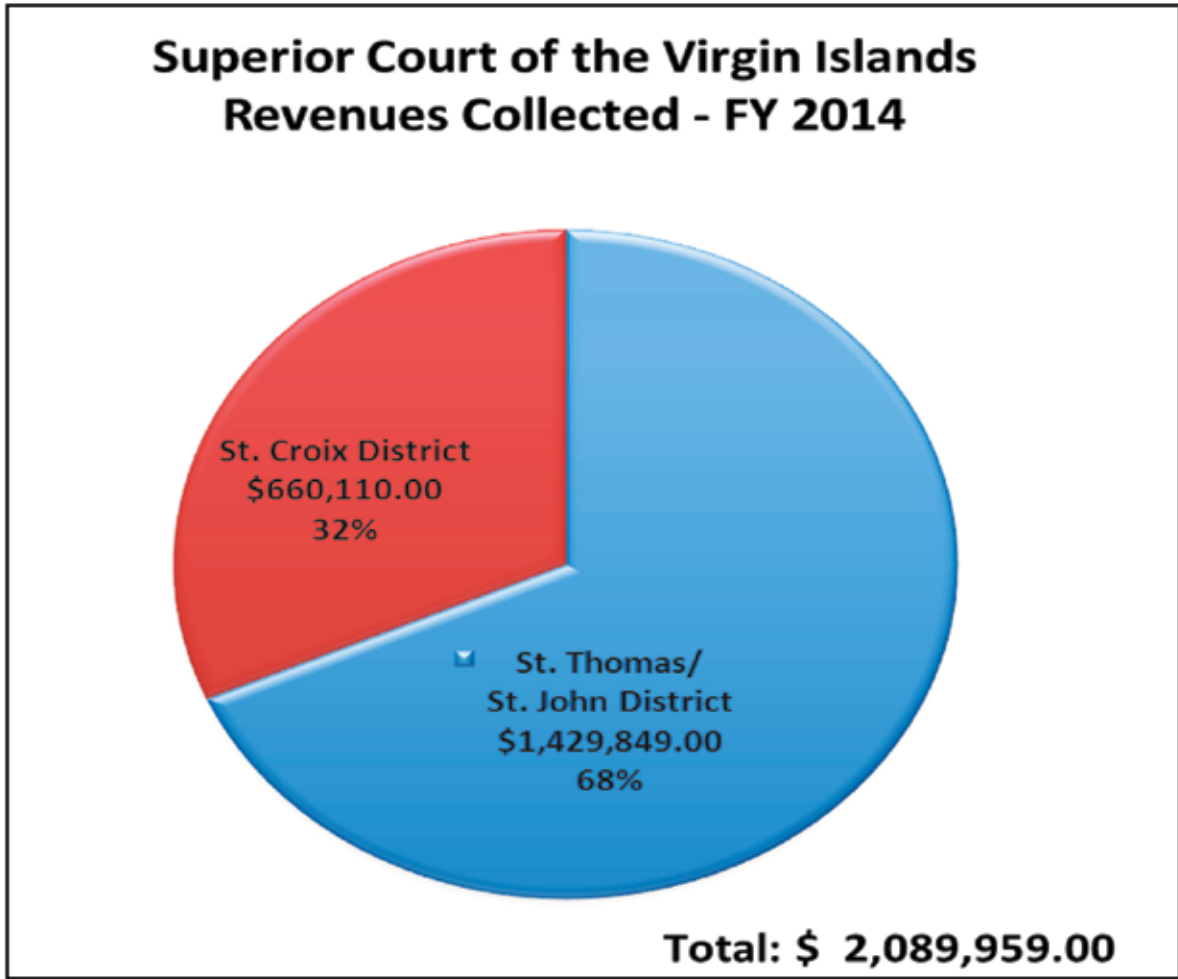


Fig. No. 22: FY14 Revenue Collections

# FY 2014: CASELOAD STATISTICS

## SUPERIOR COURT

<b>FY 2014: SUPREME COURT APPEALS</b>						
	<b>St. Thomas/St. John</b>			<b>St. Croix</b>		
	<b>Filed</b>	<b>Terminated</b>	<b>Pending</b>	<b>Filed</b>	<b>Terminated</b>	<b>Pending</b>
<b>Criminal</b>	7	5	2	9	4	5
<b>Civil</b>	19	10	9	17	13	4
<b>Family</b>	2	0	2	14	2	12
<b>Probate</b>	0	0	0	1	0	1
<b>Total</b>	<b>28</b>	<b>15</b>	<b>13</b>	<b>41</b>	<b>19</b>	<b>22</b>

Ex. No. 15: FY14 Supreme Court Appeals

<b>FY 2014: TERRITORIAL PETITIONS FOR REVIEW</b>								
	<b>St. Thomas/St. John</b>				<b>St. Croix</b>			
	<b>Previous</b>	<b>Filed</b>	<b>Terminated</b>	<b>Pending</b>	<b>Previous</b>	<b>Filed</b>	<b>Terminated</b>	<b>Pending</b>
<b>Criminal</b>	2	0	0	2	4	2	1	5
<b>Eviction</b>	0	4	1	3	1	1	0	2
<b>DV</b>	2	1	0	3	5	5	3	7
<b>Probate</b>	0	1	0	1	5	1	1	5
<b>Traffic</b>	0	5	0	5	2	2	0	2
<b>Small Claims</b>	7	12	3	16	14	7	1	20
<b>Litter</b>	0	0	0	0	1	3	1	3
<b>Total</b>	<b>11</b>	<b>23</b>	<b>4</b>	<b>30</b>	<b>32</b>	<b>21</b>	<b>7</b>	<b>44</b>

Ex. No. 16: FY14 Territorial Petitions for Review

## FY2014: TERRITORIAL CASES FILED AND TERMINATED

CASE TYPE/DISTRICT	PREVIOUS PENDING		CASES FILED		CASES TERMINATED	
	St. Thomas- St. John	St. Croix	St. Thomas- St. John	St. Croix	St. Thomas- St. John	St. Croix
Civil: Non-Jury	633	651	264	209	312	179
Small Claims	236	161	602	373	594	231
Civil: Jury	312	867	174	227	140	140
Evictions	17	35	191	107	172	100
Family	554	255	349	359	239	309
Probate	380	103	130	96	52	95
Criminal: Non-Jury	120	132	214	152	184	*152
Criminal: Jury	433	687	310	308	318	323
Domestic Violence	10	38	188	272	187	286
Juvenile	6	1	57	53	32	24
Total	2701	2930	2480	2156	2230	1839
Traffic	14,859	26,610	*4511	*3438	*992	*1065
Marriages	2446	1445	2019	348	1836	313

*Ex. No. 17: FY14 Territorial Cases Filed and Terminated*

*\*Due to the change in the CMS System, this data is still being compiled and is subject to change.*

<b>FY 2014 OTHER OPERATIONAL FUNCTIONS</b>		
<b>COURT FUNCTION</b>	<b>St. Thomas/St. John</b>	<b>St. Croix</b>
<b>FTR TRANSCRIPTS REQUESTS</b>	<b>16</b>	<b>31</b>
<b>ASSISTANCE TO DISTRICT COURT</b>	<b>13</b>	<b>N/A</b>
<b>DESIGNATIONS (FORM D)</b>	<b>10</b>	<b>79</b>
<b>NUMBER OF MURDER ONE/ ATTEMPTED MURDER</b>	<b>9</b>	<b>9</b>
<b>COURT REPORTER TRANSCRIPTS</b>		
<b>REQUESTED</b>	<b>61</b>	<b>89</b>
<b>COMPLETED</b>	<b>48</b>	<b>78</b>
<b>CANCELLED</b>	<b>4</b>	<b>4</b>
<b>PENDING</b>	<b>8</b>	<b>7</b>
<b>APPEALED CASES</b>	<b>12</b>	<b>17</b>
<b>APPOINTED CASES</b>	<b>18</b>	<b>25</b>
<b>INTERPRETER SERVICES</b>		
<b>SPANISH</b>	<b>226</b>	<b>151</b>
<b>FRENCH CREOLE</b>	<b>75</b>	<b>5</b>
<b>SIGN LANGUAGE</b>	<b>1</b>	<b>N/A</b>
<b>VIETNAMESE</b>	<b>4</b>	<b>N/A</b>
<b>ARABIC-LANGUAGE LINE</b>	<b>1</b>	<b>N/A</b>
<b>OTHER-LANGUAGE LINE</b>	<b>N/A</b>	<b>2</b>

Ex. No. 18: FY14 Other Operational Functions



<b>FY 2014: PENDING CASELOAD</b>		
<b>DISTRICT/CASE TYPE</b>	<b>ST. THOMAS/ ST. JOHN</b>	<b>ST. CROIX</b>
<b>Criminal Non-Jury</b>	<b>155</b>	<b>117</b>
<b>Criminal Jury</b>	<b>382</b>	<b>776</b>
<b>Civil Non-Jury</b>	<b>702</b>	<b>872</b>
<b>Civil Jury</b>	<b>353</b>	<b>896</b>
<b>Small Claims</b>	<b>473</b>	<b>319</b>
<b>Eviction</b>	<b>140</b>	<b>75</b>
<b>Family</b>	<b>301</b>	<b>76</b>
<b>Domestic Violence</b>	<b>38</b>	<b>26</b>
<b>Probate</b>	<b>469</b>	<b>155</b>
<b>Juvenile</b>	<b>8</b>	<b>4</b>
<b>Total Pending Cases</b>	<b>3021</b>	<b>3316</b>
<b>Total Pending Traffic</b>	<b>18,378</b>	<b>28,983</b>
<b>Total Pending Marriages</b>	<b>2629</b>	<b>1476</b>

Ex. No. 19: FY14 Pending Caseload

This past fiscal year has been an especially difficult one for the Operational Division. Although the primary focus during this period has been the finalization and implementation of the new case management system, the challenges towards its completion were many. However, with the continuous collaboration of the IT staff, the assistance of the clerks and supervisors, many of the items required for completion were realized. Even though the Court suffered a major setback when its vendor left the industry, the Court's operational staff continued to function despite being required to duplicate more than eight months of work as we reverted back to the old CMS, eNACT.

It is the goal of the Operational Division to work with the administration of the Court and other sources during FY15 to secure, convert and implement a new Case Management System that will facilitate efilng while rendering all applicable reports, forms and statistical information for the effective and efficient work of the Court staff on behalf of the community we serve. Thus, we must continue our efforts of recruiting and retaining adequate staff within this division.

## THE VI TERRITORIAL MARSHALS DIVISION

The primary mission of the Marshal's Division is to protect and serve the judiciary, staff, and the public by ensuring a safe environment in the Superior Court of the Virgin Islands. Deputy Marshals are Law Enforcement Officers, responsible for the enforcement of the mandates of the Superior Court. All orders of the Court are served and enforced with a commitment to providing those services in the most efficient, courteous, and cost-effective manner.

The primary responsibility of the Marshal's Division is the security of the Courts. Superior Court Marshals are charged with enforcing court orders and providing other law enforcement services. The Judges and Magistrates within the Superior Court require additional services from the Marshal's Division. To achieve and maintain consistency in delivering these services, the following assignments are currently in effect:

- There are thirteen (13) Deputy Marshals directly assigned to the Judges and Magistrates - five (5) Deputy Marshal III's, two (2) Deputy Marshal II's and two (2) Deputy Marshal I's serve in these assignments to judges.
- Additionally, there are four (4) Deputy Marshals assigned directly to the Magistrates: two (2) Deputy Marshal II's and two (2) Deputy Marshal I's serve in these positions.

In addition to the previously mentioned duties, Deputy Marshals are also responsible for securing, guarding and transporting prisoners to and from court. Their duties include, but are not limited to, the operation of the court's holding cells, booking defendants who are ordered into custody from the courtrooms, and standing guard in the courtroom, especially when high-risk trials are in progress.

Another important duty performed by Deputy Marshals, civilian technicians, and clerical support personnel is the service of civil processes. These segments of the workforce have the responsibility for delivering subpoenas, orders, notices and summonses vital to the completion of the court's workload. Deputy Marshals also seize property under court orders, sell property seized to satisfy judgments, and enforce court-ordered evictions.

Additionally, the Marshal's Division is responsible for the service of various types of warrants, the investigation of crimes reported in the courthouse, and the radio communications for the Division. The clerical support personnel, along with the Deputy Marshals, manage the Department's radio communications and provide criminal information - requested by officers and the court - to carry out the dispatch function. Each of the vehicles assigned to the fleet within the Marshal's Division is equipped with a radio and is assigned on a part-time basis to specific functions such as civil processes, warrant service activities, and monitoring defendants participating in the electronic monitoring program.

The Marshals Office also carries out the fleet within the Marshal's Division is equipped with a radio and is assigned on a part-time basis to specific functions such as civil processes, warrant service activities, and monitoring defendants participating in the electronic monitoring program.

The Marshals Office also carries out additional functions including, but not limited to, service of process, auction sales, courtroom duties,

transportation of prisoners, augmentation of the Virgin Islands Police Department and rendering assistance to any other law enforcement agency as is deemed necessary.

**Vision:** The Marshal's Division envisions its emergence as a division that fully manages and facilitates the orders of the court as well as safeguards and serves the judiciary and the public. The judiciary and the public are safeguarded and served through dedication, professionalism, active cooperation and respect by ensuring a safe environment. Our division, even though functioning while understaffed, is hoping to fill the existing vacant positions - based on the availability of funds - to assist in protecting and serving the Superior Court and the community in an efficient and effective manner.

The Marshal's Division continues its roll call sessions whereby new business is addressed, the performance of the Division is critiqued, and pertinent information is disseminated to the Deputies.

**Equipment and Supplies:** Last fiscal year, the Marshal Division received critically needed equipment and supplies which included new bullet proof vests for all the Deputies and much needed .40 Caliber ammunition that would enable the marshals to fulfill their duties and responsibilities while also maintaining the requisite Peace Officer certification on an annual basis.

Currently, this Division has in its inventory the recently acquired Glock 22 & 23 firearms; however, we are awaiting the final procurement of the appropriate holsters for the newly acquired service revolvers in order to transition from the Smith & Wesson 99 firearms to the Glock 22 & 23 firearms. Purchase of additional Level III A body armor vests are also required for the new deputies on staff.

It is important to note that the acquisition of this much needed equipment and supplies was made possible when the Court, under the guidance of Administrative Judge the Honorable Harold W.L. Willocks, obtained a grant from the Law Enforcement Planning Commission (LEPC) in the amount of \$147,196.00. Funding from this grant was not only utilized to secure equipment and supplies, but it also enabled the Marshal Division to participate in some much needed training in a variety of areas. The Division was able to send four deputies - two from each district - to Massachusetts to attend the Smith and Wesson Academy for the

express purpose of becoming certified as weapons trainers. This in and of itself was a milestone as the Court had been without a certified weapon's instructor for quite some time.

The threat of terrorism continues to increase, as evidenced by incidents across the globe, including the U.S. mainland. Acts of terrorism continue to become ever increasingly domestic in nature. This fact amplifies the negative impact that vacant positions have on the Division's ability to stay abreast of the continuing evolution of the terrorist threat. The Marshal's Division has no other option but to forge forward, under the premise that its only uncertainty with regard to terrorism is "when" someone will target those under the Division's watch. Accordingly, training, preparation, prevention and deterrence is the order of the day.

**Personnel Staffing:** At the commencement of Fiscal Year 2014, there were twenty-eight (28) Deputy Marshals in the District of St. Thomas-St. John. During this fiscal year, however, two (2) deputies were deployed overseas as members of the Virgin Islands National Guard – Deputy Marshal III, Kellen Phillips; and, Deputy Marshal I, Malissa Hanley.

The Marshal's Office has experienced several leadership and other personnel changes within the Division during Fiscal Year 2014. Chief Marshal Darwin Dowling retired from the Superior Court in October 2014; and, he was followed shortly thereafter by the Assistant Marshal in the District of St. Thomas-St. John, Vince Simmonds, who retired from the Superior Court in December 2014. Additionally, Deputy Marshal III Stanley Perez officially resigned from the Superior Court in August 2014.

In light of the losses we incurred, the division also received a few promotions/achievements during this year. Marshals Khoy Brutus and Merv Claxton



Chief Marshal  
Dwane Callwood

were both promoted from the Deputy Marshal II positions to the Deputy Marshal III positions, and Marshal Dwane Callwood was promoted from Deputy Marshal III to the position of Territorial Chief Marshal in November 2014. Marshal Callwood has been a member of the Superior (Territorial)

Court family since 1983 when he became a member of the Rising Stars Youth Steel Orchestra (Tenor Massive). During his tenure with the Rising Stars, Marshal Callwood had the opportunity on many occasions to serve as an Ambassador for the Virgin Islands. In addition to his various performances in the Territory, he traveled and performed with the Orchestra to such places as: Puerto Rico, Tortola, California, Washington, DC and New York.

Following his graduation from CAHS in the Class of 1988, Marshal Callwood enlisted in the U.S. Air Force and served our country in Operation Desert Storm/Desert Shield. This Air Force veteran was honorably discharged in 1992 and returned home to serve his beloved Virgin Islands community. In 1995, Marshal Callwood joined the Superior (Territorial) Court family once again, serving in the position of Court Security Officer until 1997 when he was promoted to the position of Deputy Marshal I. During his tenure, Marshal Callwood served as a Lead Courtroom Marshal to the Honorable Brenda J. Hollar until her retirement in November 2012, and has been serving Writs and Warrants during the past two years.

In addition to his tenure as a Deputy Marshal, Marshal Callwood also continued his academic pursuits and possesses an Associates of Science in Electronic Engineering Technology, a Bachelor and Masters of Arts in Accounting; and, he has successfully passed the Uniformed Certified Public Accounting Exam in 2013.

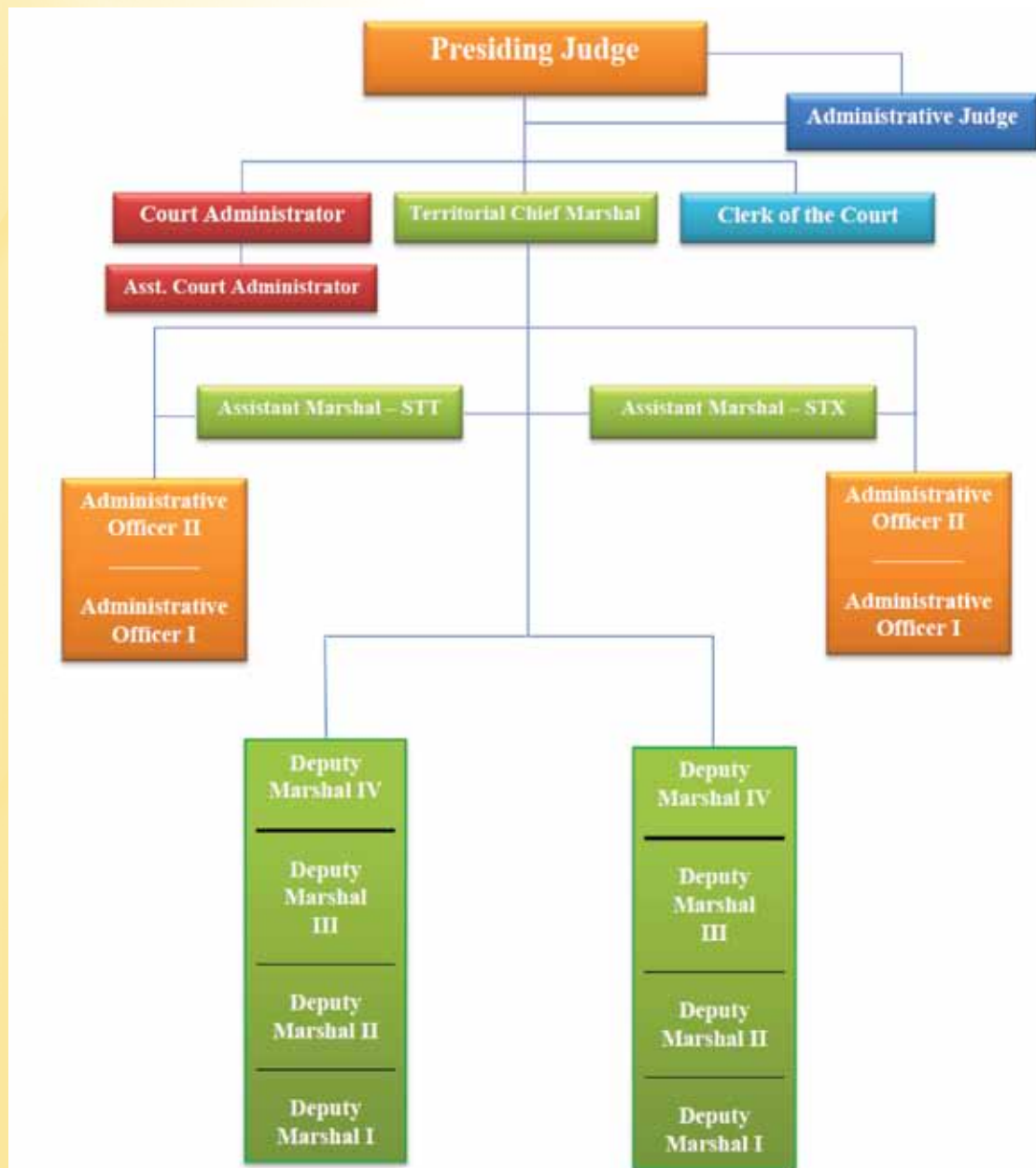
**Employee Recognition:** In addition to the promotions this office received, the Division received internal recognitions as well. The Marshal's Division was well represented during this fiscal year, by Marshals Tarron Francis and Byron Blyden. Deputy Marshal I Tarron Francis, has been a member of the Superior Court Marshal's Division since July 13, 2008 and he was selected as "Employee of the Quarter" for the months of October 2013 to December 2013. Additionally, Marshal Byron Blyden, who has been a member of the Superior Court, Marshal Division, since May 29, 2005, continued to carry the torch by becoming "Employee of the Quarter" for the months of January 2014 to March 2014 and "Employee of the Year" for the 2014 calendar year. Kudos to the Marshal's Division and it's outstanding employees!

In the District of St. Croix, the Marshal's Office started this Fiscal Year with a total of seventeen

## SUPERIOR COURT

(17) marshals - with (1) Marshal on Military Leave. The Marshal's Office, in the District of St. Croix, is in even more critical need of manpower. Although Deputy Marshals Craig Cook, Shakyma Mercado, and Danley McIntosh graduated from the Virgin Islands Police Academy on August 29, 2014, Deputy Marshal I Danley McIntosh, was deployed immediately after completing the academy and is still on Military Leave with the Virgin Islands Air National Guard. Deputy Marshal I Ronald Tutein, is on Administrative Leave with the Executive Security Unit of the Lieutenant Governor's Office. Presently, however, six (6) Deputy Marshal Cadets have been selected to attend the Virgin Islands Police Academy which should commence with FY2015 to enable us to augment the staff in both districts.

**Training and Development:** All Deputies, Security Officers and office staff attended the in-house Annual Employees Training provided by the Superior Court in August 2014. Separately, the Marshal's Division attended a number of trainings during Fiscal Year 2014 with funding provided by VITEMA. In June 2014, the Marshals and Security Officers of the Court attended a Law Enforcement Self-Defense Tactics Training. The Deputy Marshals in the District of St. Croix also attended a Firearms Training in December 2013. Subsequently, the Deputies attended two different sets of training in March 2014: CPR Training and an Active Shooter Training initiative where they learned numerous law enforcement tactics and strategies.



Ex. No. 20: FY14 Organizational Chart - Office of the Territorial Marshal



In addition to those trainings, the Deputies also attended a training on Prescription Drug Crimes that was held in April 2014. Last but not least, the Deputies also participated in the Incident Response to Terrorist Bombing Training in New Mexico. This four-day training was a very indepth, hands-on and informative training. Currently, deputies are still attending this training along with a few other trainings initiatives.

The Marshals Division attended a number of other training initiatives during Fiscal Year 2014 as outlined below:

- Firearm Certification Training;
- Mastering First Line Supervision; and, ALERRT Active Shooter Training;
- Incident Response Terrorist Bombing Training;
- Use of Force Policy, Laws of Arrest, Service Process, Civil and Criminal Liabilities of Peace Officers; Law Enforcement Self-Defense Tactics Training and Baton Techniques;
- Adult and Child CPR Certification; and,
- Marshals and Security Officers attended the Court's annual in-house training which included Sexual Harassment; Ethics and Code of Conduct.

**Community Involvement:** As it relates to community involvement, the Division continues to participate in educational programs that showcase the Marshal's role, as well as Law Enforcement in general as a career opportunity. These presentations, while geared toward career opportunities, are also utilized to serve as deterrents to young people from the possibility of negative interaction with the criminal justice system. Various Marshals travelled to the different schools within our Territory to actively engage students in discussions about deterrence, crime prevention and careers in law enforcement.

The Law and You Program, sponsored by the School Security Bureau of the Virgin Islands Police Department, educates and exposes high school students to the justice system. The program's participants have witnessed criminal advice of rights hearings and traffic cases; toured the Court's facilities, to include the Magistrate lock-up area; as well as met and interacted with the Magistrates by asking various questions of them. Deputy Marshals stationed at the Magistrate Division have assisted the Law and You Program greatly, by giving the tours and demonstrations.

**Fleet Upgrade:** Currently, the fleet of the Marshal's Division in the District of St. Thomas-St. John consists of a total of twenty-one (21) vehicles, four (4) jury vans that are shared with the Superior Court Rising Stars Youth Steel Orchestra and two (2) motorcycles; and, the Division utilizes one vehicle as the St. John Marshal's unit.

During Fiscal Year 2014, a number of inoperable vehicles were repaired and are once again a part of the functioning fleet. The inoperable vehicles, in both districts, required some major and costly work, including front end and transmission repairs. The St. Croix district is in dire need of at least ten (10) new vehicles.

**Document Processing/Reporting:** The Marshal's Division has processed an abundance of documents throughout the year; but, due to transition from one case management system to the next and back, we are currently unable to provide an accurate report of our work production. The Marshal's Office unremittingly prepares several reports. These reports consist of statistical annual reports of all legal documents submitted by the various divisions of the Superior Court on a monthly basis and a Marshal's service report of all documents served by every Deputy Marshal. At present, copies of the reports are forwarded to the Court Administrator and the Clerk of the Court for their records.

## MARSHAL'S STATISTICAL DATA

In the District of St Thomas-St. John, the Marshal Division processed an estimated 4,132 documents.

**House Arrest Monitoring:** The Marshal's Division continues to utilize the electronic monitoring system and the GPS monitoring system for the court ordered House Arrestees. The online BI Total Access capabilities allow the Marshals responsible for the individuals to easily monitor their activities. We continue to collect money from the House Arrest participants to pay for their monitors at a rate of \$10.00 per day. Said participants are required to pay \$140.00 or more in advance in order to maintain their payments. Funds collected during FY2014 totaled \$24,800.00.

**Marshal Sales - Real/Personal Property:** The Marshal's Division continues to seize the real and personal property of individuals in order to

satisfy Judgments received on a daily basis. During this fiscal year, there were a total of 360 Writs of Execution filed in both districts, combined. There were over 113 real property auction sales scheduled this year. The majority of the real property sales ended with the Plaintiffs making credit bids against their Judgments.

**Collections:** In the St. Thomas/St. John District, the House Arrest Monitoring system generated a total of \$24,800. The Writs, on the other hand, resulted in far more dollars taken in for clients. Our real property sales generated an estimated total of \$617,353,930.90 from the Writs of Executions filed with the Superior Court. A total of 106 Real Property sales produced \$617,154,930.90 via credit bids against the judgments. Cash payments were received for two (2) Real Property sales totaling \$199,000.00. Sales of these properties during this fiscal year resulted in the following:

- Redemption: One (1);
- Bankruptcy: One (1);
- Settlement: One (1);
- Postponement: One (1);
- Status Hearing: One (1); and,
- Deeds Issued: Eighty-eight (88).

A total of 102 Personal Property sales generated \$942,463.72 via regular writs. Vehicles sold generated \$32,606.20. Of that figure, our office generated \$16,131.20 cash from the sale of five (5) vehicles. We also generated \$16,475.00 via credit bids for an aircraft and a vehicle. All in all, our office generated a total of \$618,353,800.82 via Writs and \$24,800 via House Arrest. In the District of St. Croix, our office recorded a total in collections of \$730,515.93.

The Marshal's Division continues to strive to accomplish its mission in spite of a serious need for an infusion of additional deputies. The St. Croix office, in particular, operates in crisis mode almost daily. Likewise, the physical separation of the Magistrate Division burdens the St. Thomas office. The strain on the deputies continue to affect morale and constantly tests the commitment of the deputies to our mission. Miraculously, the division continues to rise to face these challenges while performing in an effective and professional manner.



2014 Annual Training team-building participants



OFFICIAL PORTRAIT UNVEILED  
OF  
SUPERIOR COURT PRESIDING  
JUDGE EMERITUS  
VERNE ANTONIO HODGE



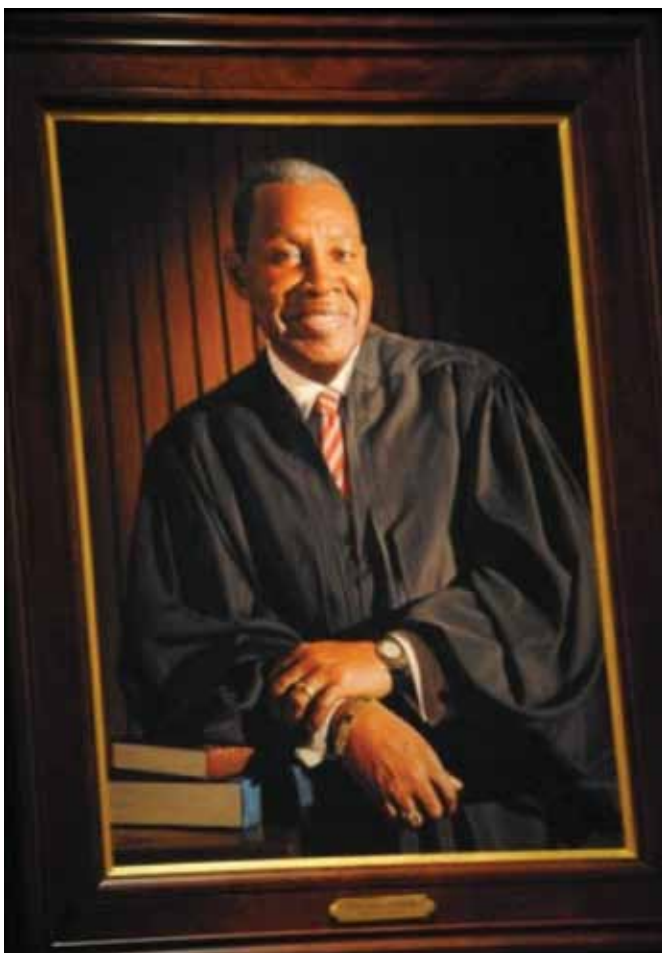
During Fiscal Year 2014, the Superior Court hosted its first portrait unveiling ceremony at the Alexander A. Farrelly Justice Center. Although this is a long standing tradition across the United States, of preserving and documenting the legacy

and historic presence of sitting and veteran judges, Presiding Judge Emeritus Verne Antonio Hodge is the first Superior Court judge on whom this honor has been bestowed.

The Supreme Court of the Virgin Islands collaborated with the V.I. Bar Association and commissioned the portrait which they felt was long overdue as Judge Hodge was appointed to be the Court's first Presiding Judge and he served in that position for twenty-three (23) years.

The oil-on-linen painting which has immortalized the face of Judge Hodge was completed by Shansi Miller of St. Thomas, the same artist who was commissioned to paint the official portraits of the first three Supreme Court Justices in FY12.

The portrait of Presiding Judge Emeritus Verne Antonio Hodge was revealed to the legal community, government leaders, his family members, friends, and the public on November 13, 2013. The frame of local mahogany wood was hand-made by local artisan Ambrose Jervier. The portrait will hang in the Superior Court's main courtroom.



# CONCLUSION

The fiscal and budgetary constraints prevailing in the Territory and, by extension to the Superior Court of the Virgin Islands, continues to adversely affect the Court's ability to function in the most effective and efficient manner. These reductions continue to negatively impact the Court's ability to fulfill its statutory and constitutional mandates inherent in the Court as the third co-equal branch of government in the Virgin Islands.

Coupled with the ongoing reduction in the Court's budget is the need to render the applicable services required of the Court. This is no easy task as every expense must be carefully scrutinized to ensure that our limited funds are being expended in the most cost efficient and effective manner - one that will ultimately provide the Court with the best "return on its investment."

Yearly reductions in the Court’s budget still does not translate to any changes in the law to reflect the amount of resources available to apply to it as we continue to be faced with dwindling resources. Ironically, as the court’s responsibilities, staffing requirements and the seriousness and complexity of its cases have increased, its budget has been continuously and significantly decreased. The reductions in the Court’s operational budget are too large – in the face of increasing workloads – to maintain the semblance of “business as usual.” This means that the Court must continue to make deep cuts in its operating expenses at every level.

As a direct result of the severe cuts to the Court's operational budget, the Court implemented additional austerity measures to augment those implemented in FY11; and, during the submission of the Court's Operating Budget for FY14, we maintained the elimination of non-critical vacant positions in both districts and zero-funded a significant number of vacant positions that are necessary for the Court's operation but which the Court decided to sacrifice at this time to avoid more severe impacts on judicial services.

Despite our best efforts to work with the other two branches of Government during the Territory's ongoing budget crisis, the \$27.7M appropriated to the Court in FY14 was undeniably inadequate to fund its operations. In the face of significant cash flow constraints, the Court continue to operate with a significantly reduced workforce that has been forced to "do more with less." The Court also continued to utilize longer turn around times on many of its payments to vendors.

The Court's final operating budget for Fiscal Year 2014 of \$27,723,865, remained slightly more than the \$26,574,378 appropriation that the Court received in FY08 – prior to the implementation of the Magistrate Division. Additionally, as our facilities continue to age and deteriorate, it is imperative that the Court receive adequate funding to provide the requisite maintenance and repair to these facilities that serves the community on a daily basis.

This urgent need is so critical that during the first quarter of FY15, the Court submitted a \$40.4 Million-dollar capital projects budget request to the leaders of the Executive and Legislative Branches of Government as well as to several other funding agencies such as the Office of Management and Budget and the Public Finance Authority. The receipt of these funds will enable the Court to not only make long awaited repairs to its facilities, but also to replace malfunctioning and outdated air-conditioning units, to retrofit the facilities and implement green technology so that they will become more energy efficient, and to upgrade its surveillance and security equipment for the safety and security of all who utilize these facilities. Additionally, it will also enable the court to eradicate a number of unhealthy situations, similar to what was done to two of our courtrooms during this fiscal year. These situations have resulted from years of neglect due to the lack of adequate resources.



During this fiscal year, the Court was once again unable to fund its usual summer employment programs or to provide tutorial services to the members of the Rising Stars Youth Steel Orchestra. Although we were still able to embrace several opportunities to reach our youth before they enter the judicial system, specifically through participation in career workshops and school tours, our outreach initiatives at this time are below the Court's usual standard.

During FY14, the Court successfully embarked on the preparation of its first ever strategic plan. Through its collaboration with the National Center for State Courts and the State Justice Institute (SJI), the Court was able to mobilize its staff through their training on CourTools, formed several committees and utilized their research and recommendations to produce the Court's Five-Year Strategic Plan. This Strategic Plan goes beyond the multi-tude of cases that pervades the Court, rather, "it fashions a vision for the future, so that we can faithfully serve the mission of the Superior Court." (Five Year Strategic Plan)

The Strategic Plan's focus is on the particular recommendations that emanated from the Access and Fairness Task Force, one of the three task force that was established to complete this mission. The ultimate goal of this project is to "guide future efforts to improve business operations, facilities, technology and the administration of Justice in the Superior Court." (Five Year Strategic Plan)

Ultimately, the Court is desirous of becoming a High Performance Court. Thus, the Court is committed to three principle objectives in this regard:

1. Access and Fairness for the Community;
2. Delivering Timely Justice; and,
3. Employee Satisfaction

It is the resolve of the Superior Court to continue to work towards providing effective and efficient resolution of disputes in its quest to becoming a high performing court. Thus, the Court will continue to work with other justice system partners to address the myriad of legal issues that reflects the diverse composition of our community.

With the implementation of the Court's Differentiated Case Management System, coupled with improvement in our case management system in FY15, we expect to see significant improvements in the operations of the Court as well as the reduction of the backlog of cases as we move forward.

Finally, it is quite apparent, not only to the staff but also to the attorneys and business community as well, that there are many adverse consequences to the reductions of the Court's budget. We cannot fulfill the Court's core mission and simultaneously live within significantly reduced means. To do so means the Court must now direct and redirect all available resources to fulfill our core mission, meet our constitutional mandates and satisfy our responsibilities to our youth and our complex community in general.

2014 BATTLE OF THE AGENCIES  
SUPERIOR COURT  
CHAMPIONSHIP TEAM



*Preparing for the races . .*

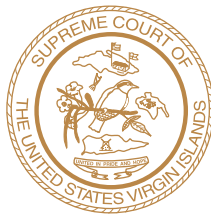


Dwane Callwood prepares his "secret weapon", Jeanette Smith for the tricycle race.



Janeal Marks, Okeamo Freeman, Deputy Marshal Dwane Callwood and Court Administrator Glendia B. Caines





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