

2017



Annual Report

of the U.S. Virgin Islands Judiciary & Court System







USVI JUDICIARY & COURT SYSTEM



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The Judiciary

SUPREME COURT OF THE VIRGIN ISLANDS

Hon. Rhys S. Hodge
Chief Justice

Hon. Maria M. Cabret
Associate Justice

Hon. Ive Arlington Swan
Associate Justice

Veronica J. Handy, Esquire
Clerk of the Court

SUPERIOR COURT OF THE VIRGIN ISLANDS

Hon. Michael C. Dunston
Presiding Judge

Hon. Kathleen Y. Mackay
Judge

Hon. Harold W. L. Willocks
Administrative Judge

Hon Debra S. Watlington
Judge

Hon. Denise Hinds-Roach
Judge

Hon. Denise M. Francois
Judge

Hon. Douglas Brady
Judge

Hon. Renee Gumbs Carty
Judge

Hon. Robert A. Molloy
Judge

Hon. Jomo Meade
Judge

Hon. Henry V. Carr, III
Magistrate Judge

Hon. Jessica Gallivan
Magistrate Judge

Hon. Carolyn P. Hermon-Percell
Magistrate Judge

Hon. Miguel A. Camacho
Magistrate Judge

Estrella H. George
Clerk of the Court

——
Regina Petersen
Administrator of Courts

State of the Judiciary

On behalf of the entire Judicial Branch of the Virgin Islands, it is my privilege to present the 2017 Annual Report on the State of the Virgin Islands Judiciary. The information in this annual report, which is prepared by the Administrator of Courts, provides statistical information and highlights the various accomplishments and activities of the entire Virgin Islands judiciary during the course of the fiscal year.

While our newly-unified Judiciary made many great strides during Fiscal Year 2017, unfortunately these accomplishments were overshadowed by the twin Category-5 hurricanes that impacted the U.S. Virgin Islands in September 2017. Like the rest of the Virgin Islands community, as well as every other instrumentality of the Government of the Virgin Islands, the Virgin Islands Judiciary was deeply affected by Hurricane Irma and Hurricane Maria. Most notably, the Alexander A. Farrelly Justice Center on St. Thomas suffered substantial damage to its roof resulting in extensive damages to courtroom ceilings, interior flooring, elevators and electrical systems, drop ceiling tiles throughout the complex, furniture and equipment. While substantial work has been conducted to repair, coat and seal all flat roof areas, the damage to the corrugated roof structure and guttering system may require replacement or at a minimum re-engineering. In this regard, the judiciary has commissioned an engineering study to determine the best course of action and to develop the appropriate scope of work. The Judiciary's St. Croix facilities were also affected by the storms. Most notably the R.H. Amphlett Leader Justice Complex suffered extensive water intrusion damage on account of downed guttering and the failure of the overall guttering system under significant wind and rainfall. In addition to massive overflow, the second floor courtyard drainage systems became overrun with debris, resulting in severe water damage to all courtrooms on the second floor, and to the Marshal's Division and administrative offices on the first floor of the complex. Substantial water

leaks caused considerable damage to furniture, flooring, ceiling tiles, and sheet rock walls, and elevator shafts in the complex were also subject to overflow and flooding from the upper level. Most significant was the repeated failure of generator plants in both districts under continuous and sustained usage in the aftermath of both storms. By mid-October, at least three of the judicial branch's facilities had experienced catastrophic generator failures requiring the assignment of FEMA assistance generators.

Although progress has been made in repairing our facilities and physical plants, much work remains to be done, and infrastructure improvements will necessarily be a priority for the Judiciary over the next several fiscal years. In particular, the damages sustained to both our St. Croix and St. Thomas facilities illustrate the need to modernize our physical infrastructure in both districts. This includes the need to finally construct the headquarters of the Supreme Court of the Virgin Islands on the island of St. Croix, as is mandated by section 61 of Act No. 6730. The Judiciary has already purchased approximately 3.5 acres of land at Nos. 18, 19, 21, and 23 of Estate Golden Rock, Christiansted, which is located near the Almeric L. Christian District Court building. Such a facility would not only serve as the statutorily-mandated headquarters for the Supreme Court, but also provide office space for the Judiciary's needs, including the Judicial Branch Administrative Office, which would allow for more efficient use of other court facilities.

I wish I could report that physical damage to infrastructure is the only harm suffered by the Judiciary in wake of Hurricane Irma and Hurricane Maria. Unfortunately, the human impact, while a lot more difficult to quantify, likely exceeds the damage to infrastructure. Virtually all Judicial Branch employees were affected—with some employees losing everything—and the Administrative Office has done everything it can to assist all our employees, whether their loss was big or small. However, the role of any court

USVI JUDICIARY & COURT SYSTEM



system is to uphold the rule of law by providing a forum to the public to resolve disputes in a fair and timely manner. In this regard, the Judicial Branch endeavored to reopen for ordinary business in both districts as expeditiously as possible after each storm. However, it is important to note that judges and court staff cannot do this alone; the work of the Judiciary is facilitated by the attorneys who practice before the courts of the Virgin Islands, as well as the members of the public who serve as jurors, witnesses, and parties in civil and criminal jury trials before the Superior Court. This means that even when judges and other essential court personnel were available and ready, court proceedings—and particularly jury trials—were nevertheless often delayed.

While disaster preparedness and response are primarily the responsibility of the executive and legislative branches of the Government of the Virgin Islands, as well as the federal government, the Virgin Islands Judiciary still possesses a responsibility to prepare for hurricanes and other catastrophes. As the 2018 hurricane season approaches, court emergency preparedness is more important than ever. Disaster survivors do not necessarily turn to the court system for food, shelter, or other aid. However, the Territory's experience with Hurricane Irma and Hurricane Maria has demonstrated the important and often critical role that the court system plays in the aftermath of any natural or other disaster, such as when a divorced parent needs to obtain a court order to relocate a child to a mainland school, or when a tenant seeks relief against a landlord because a rental property has been made uninhabitable or when the heirs of a probate estate need to demonstrate ownership of real property.

The Judiciary is in the process of developing a comprehensive unified emergency operations and continuity of operations plan, which among other things will identify suitable locations within the Territory to hold court in the event Judicial Branch facilities are rendered unsafe

or inaccessible, provide timely and secure communications, and ensure that the rights and protections guaranteed to criminal defendants and civil litigants are preserved notwithstanding the emergency conditions. The Judiciary is also committed to working with the Legislature to facilitate the passage of legislation that would authorize the extension of statutes of limitations, jurisdictional time limits, and other legislatively-set deadlines in the event a hurricane or other disaster interferes with the orderly operations of the Judicial Branch.

In last year's State of the Judiciary, I stated that if I had to summarize the state of the Virgin Islands Judiciary in one word, it would be "transition." While the Judiciary is still in the process of fully transitioning into an administratively unified court system, I do not believe "transition" is the best way to describe the Judiciary this year. Instead, I would use the word "resilient." Although Hurricane Irma and Hurricane Maria adversely impacted the Virgin Islands Judiciary, the harm caused by those natural disasters does not diminish all that the Judicial Branch has accomplished over the past year. Notwithstanding the difficult conditions that defined the end of Fiscal Year 2017 and the start of Fiscal Year 2018, the work of the Judiciary continued, including implementation of the unification law, Act No. 7888.

A significant portion of the prior year was devoted to the establishment of the Judicial Branch Administrative Office, including the appointment of Administrator of Courts Regina D. Petersen and her senior leadership team, and the establishment of standardized administrative policies and procedures. Now that the administrative infrastructure is largely in place, our focus has transitioned to reviewing the procedures needed to improve the bread-and-butter work of the Judiciary: the timely processing and resolution of cases filed in the courts of the Virgin Islands.

At the time I delivered last year's State of the

Judiciary, the Supreme Court of the Virgin Islands had just recently promulgated the Virgin Islands Rules of Civil Procedure and the Virgin Islands Rules of Evidence that had been drafted by the Advisory Committee on Rules. I am pleased to announce that this work continued, and that the Supreme Court has promulgated the Virgin Islands Rules of Criminal Procedure, the Virgin Islands Small Claims Rules, and the Virgin Islands Habeas Corpus Rules. Like the civil procedure and evidence rules previously promulgated, the new criminal procedure, small claims, and habeas corpus rules represent a very important step in the development of an independent Virgin Islands Judiciary. Local attorneys and local judges may now rely on local rules to govern proceedings in our local Virgin Islands courts. While the Advisory Committee on Rules consulted pertinent federal rules and the rules of other jurisdictions, the new rules are specifically tailored to practice of law in the Virgin Islands. As our work continues, I am pleased to announce that the Advisory Committee has divided itself into three sub-committees, and is presently drafting local probate, traffic, and family rules, which are expected to be submitted to the Supreme Court for consideration within the next month.

In addition to the court rules revision project, the Judiciary is actively exploring changes to how specific case types are processed in the Superior Court. At present, the Superior Court has more than 1,000 complex litigation cases pending in the District of St. Croix alone. A complex litigation case is defined as a lawsuit involving a toxic tort claim in which there are multiple plaintiffs, multiple defendants, and/or third-party actions. The level of judicial management required for such cases is substantial, far exceeding that required of an ordinary civil case. Unfortunately, such cases have not always received the continuous judicial management necessary for their efficient administration; as a result, some of these cases have been pending for decades.

Recently, the Judicial Management Advisory Council—the body responsible for, among other things, making recommendations to the Supreme Court and the Superior Court to improve the administration of justice in the Territory—considered the matter, and passed a resolution urging the establishment of a Complex Litigation Division of the Superior Court. The Complex Litigation Division would be staffed

by a single judge, who would be exclusively assigned to complex litigation cases, with the goal of providing those cases with the exceptional judicial management necessary for them to be resolved in a timely manner. I am pleased to report that on May 11, 2018, the Presiding Judge of the Superior Court recommended the Complex Litigation Division, effective October 1, 2018, with the Honorable Robert A. Molloy serving as its assigned judge, and the Supreme Court acted on the recommendation in a May 22, 2018 order.

While complex litigation cases represent one extreme, the Judiciary recognizes that most Virgin Islanders utilize the court system for much simpler matters. The Judicial Branch remains committed to civil justice reform, and over the coming year will be re-examining all of its processes to ensure that simple matters remain simple, and do not become bogged down in unnecessarily complex procedures. For example, appeals from decisions of the Magistrate Division of the Superior Court—particularly in small claims and misdemeanor matters—have not progressed through the judicial system as quickly and efficiently as one would expect, sometimes even taking years for a Superior Court judge to resolve even though the matter may have gone from complaint to trial before a Superior Court magistrate judge in mere weeks. To address these instances of delay, in the coming weeks, the Supreme Court will promulgate amendments to streamline the appeal process, with the hope that such appeals will be adjudicated on the merits in a timely manner through constant monitoring and the elimination of unnecessary procedural requirements.

The Judiciary is also particularly aware of the substantial backlog of probate cases, particularly in the District of St. Thomas-St. John. As I mentioned earlier, the Advisory Committee on Rules is currently drafting proposed probate rules, which upon their adoption will certainly eliminate inefficiencies in how probate cases are processed. However, given that the Judiciary is constrained to follow the substantive law adopted by the Legislature, there are limits to what reforms can be accomplished by court rules alone. For example, while most jurisdictions allow small estates to be summarily administered without a judge, Virgin Islands statutory law only permits such summary administration of an estate that is under \$300. In contrast, states such as Nevada permit summary administration for estates

valued up to \$300,000! Our probate statutes are replete with this and many other inefficiencies that, when taken together, contribute to probate cases taking years, or unfortunately even decades, to resolve.

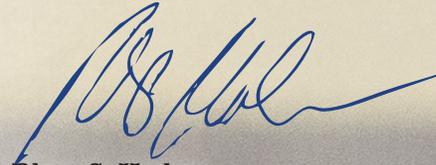
The need for probate reform has been accentuated by Hurricane Irma and Hurricane Maria. The Judiciary has heard from the Virgin Islands Bar Association, the public and other stakeholders that many Virgin Islanders have applied for disaster benefits from FEMA and elsewhere but been denied benefits or assistance because they cannot prove ownership of properties that either are in probate or were never probated at all but should have been. The Judiciary is aware of the law reform efforts being undertaken by both the Legislature and the Virgin Islands Bar Association. It is my hope that relevant statutory changes, together with the new probate rules, will not only serve to reduce the existing probate backlog, but ensure that, going forward, probate cases are efficiently and timely resolved.

Last, but certainly not least, the Virgin Islands Judiciary remains dedicated towards implementing electronic filing in the Superior Court. Last year, the Judiciary executed a contract with Thomson Reuters to develop a new Superior Court case management and e-filing system. Thomson Reuters previously developed the Supreme Court's case management and e-filing systems, and the system to be implemented in the Superior Court will therefore be familiar to attorneys, judges, staff, and the public. Unfortunately, the emergency conditions caused by Hurricanes Irma and Maria delayed our timeline for implementation of the new system. However, the project is back on schedule, and the Thomson Reuters team, judges, and court staff have been diligently working to design a system that will allow the Superior Court to transition into an "e-everything" court.

While Hurricanes Irma and Maria have brought devastation, human suffering, and other ills to the Territory, they have also provided us with the opportunity to rebuild. The Virgin Islands Judiciary faces many challenges, but through the commitment of our judicial officers and staff, and with some help from our sister branches of government, it will rise to the occasion. I look forward to working with my colleagues towards our shared goal of ensuring that the Third Branch of Government is always there to serve the people

of the Virgin Islands, and ensure that access to justice is readily available whether in times of emergency or times of calm.

Sincerely,



Rhys S. Hodge
Chief Justice

USVI JUDICIARY & COURT SYSTEM



The Virgin Islands judiciary evolved from three (3) Police Courts which existed pursuant to the 1921 Codes of St. Thomas & St. John and St. Croix, one for St. Thomas & St. John and two for St. Croix. On July 22, 1954, the United States Congress approved The Revised Organic Act of the Virgin Islands, and section 21 vested the judicial power in a Court of record to be designated the “District Court of the Virgin Islands.” Thereafter, the three (3) Police Courts were abolished and two (2) municipal Courts were established: the Municipal Court of St. Thomas and St. John, and the Municipal Court of St. Croix.

After a decade of this judicial structure, the composition of the local judiciary changed again in 1965. Legislative enactments which became effective on March 1, 1965, consolidated the two municipal Courts into one unified Court designated as the “Municipal Court of the Virgin Islands.” By further enactments of the Virgin Islands Legislature, on September 9, 1976, pursuant to Act No. 3876, Section 5, Sess. L. 1976, p. 17, the Municipal

Court of the Virgin Islands’ name was changed to the Territorial Court of the Virgin Islands, the antecedent to the current Superior Court of the Virgin Islands, which name change occurred in 2004 by Act 6687. Almost three decades later, authorized by the 1984 amendments to the Revised Organic Act of 1954, and pursuant to enactments in Title 4 V.I. Code Ann. Section 76(a), effective October 1, 1991, the Territorial Court obtained original jurisdiction over all local civil actions. Effective January 1, 1994, pursuant to Act No. 5890, the Virgin Islands Legislature granted expanded jurisdiction in criminal matters to the Territorial Court.

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 whose justices could be nominated by the Governor of the Virgin Islands subject to confirmation by the Virgin Islands Legislature. However, since the Legislature did not immediately create the local appellate court authorized by the 1984 amendments to the Revised

History of the Judiciary



Organic Act, two federal courts—the District Court of the Virgin Islands, and the United States Court of Appeals for the Third Circuit—continued to review all judgments issued by the then-Territorial Court. On September 30, 2004, Bill 25-0213, which was sponsored by then senator Carlton “Ital” Dowe to establish the Supreme Court of the Virgin Islands, was adopted by a unanimous vote of the member of the 26th Legislature, and signed into law by Governor, Charles W. Turnbull on October 29, 2004, as Act No. 6687. This pivotal Legislation also changed the name of the Territorial Court of the Virgin Islands to the Superior Court of the Virgin Islands.

Governor Turnbull appointed the first three justices to preside over the Supreme Court of the Virgin Islands—Chief Justice Rhys S. Hodge, and Associate Justices Maria M. Cabret and Ive Arlington Swan. All three justices were unanimously confirmed by the Virgin Islands Legislature on October 27, 2006, and sworn into office on December 18, 2006. On January 29, 2007, the Supreme Court, by written notification to Governor

John P. deJongh, Jr., officially accepted all appellate and other jurisdiction conferred, thereby divesting the federal District Court of its historic role of overseeing the Superior Court. 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 by Congress also provided that the Third Circuit review decisions of the Supreme Court of the Virgin Islands for the first (15) fifteen years of its existence and directed that a comprehensive evaluation of the Court’s operations be conducted every five (5) years. The Third Circuit issued its first report on June 9, 2012, which concluded that the Supreme Court had developed sufficient institutional traditions to justify ending the fifteen (15) year oversight period. On December 28, 2012, President Barack Obama signed Public Law No. 112-226. This bill, sponsored by Delegate to Congress Donna M. Christensen, amended the Revised Organic Act to eliminate the Third Circuit’s oversight review period. With the elimination of the oversight period, the Supreme Court of the Virgin Islands achieved parity with the highest courts of the several states and its decision will be subject to direct review by the Supreme Court of the United States. , as do the highest courts of several States. The Virgin Islands now joins the Wother States and Territories of the Union in establishing a progressive, 21st century, local court system.

On August 29, 2016, the local judiciary took another leap forward when Bill No. 31-0255, Act No. 7888, was signed into law by Governor Kenneth E. Mapp, unifying the administrations of the Supreme Court of the Virgin Islands and the Superior Court of the Virgin Islands. This Legislation, sponsored by Senator Kenneth L. Gittens and Senator Nereida “Nellie” O’Reilly, also authorized the expansion of the appellate bench from 3 to 5 justices. The unification of our local court system is consistent with the organizational structure of a majority of the jurisdictions under the United States Flag, and should lead to the development of an efficient and progressive judiciary.



The Judiciary

of the US Virgin Islands



SUPREME COURT

Chief Justice

Judicial Management Advisory Council

2-4 Associate Justices

Judicial Branch Administrative Office

Clerk of Court

Administrator of Courts

Discipline

Bar Admissions

Assistant Administrator

General Counsel

Court Administrative Services

Marshal Services

Budget & Accounting

Human Resources

Facilities Management

Court Security

Procurement

Court Reporting

Probation & Pre-Trial

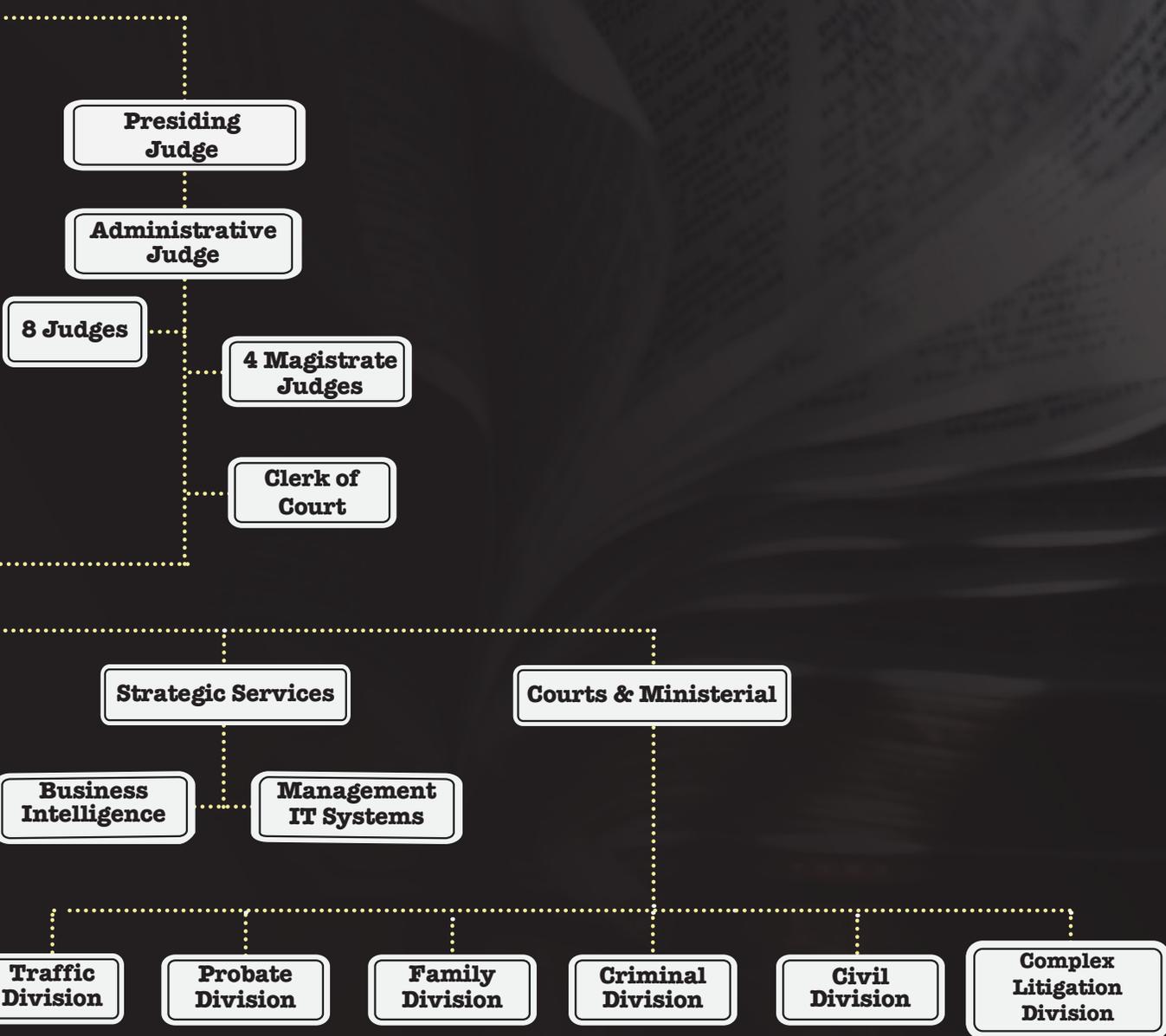
Records & Archives

Library Services

Jury Management



SUPERIOR COURT



USVI JUDICIARY & COURT SYSTEM



JUSTICES REAPPOINTED

While Act No. 7888, expanded the Supreme Court from three to five 5 justices, currently, there are three sitting Justices on the Supreme Court of the Virgin Islands, Chief Justice Rhys S. Hodge, Associate Justice Maria M. Cabret and Associate Justice, Ive Arlington Swan. All three Justices were reappointed to serve a second ten-year term, unanimously confirmed by the 30th Legislature on December 20, 2016, and took their oath of Office on March 9th, 2017.

Judicial Reappointments

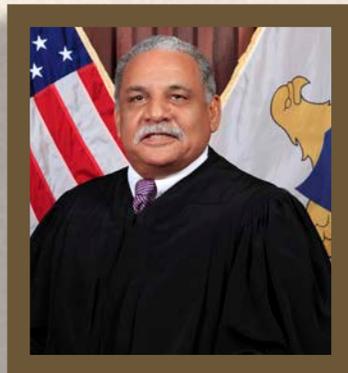


JUDICIAL APPOINTMENTS

During fiscal year 2017, all four Magistrate Judges of the Superior Court of the Virgin Islands were subject to reappointment. Upon confirming each Magistrate Judge's willingness to continue to serve, the Honorable Michael C. Dunston, Presiding Judge of the Superior Court of the Virgin Islands, reappointed all four Magistrate Judges to a new 4-year term. In accordance with Title 4 V.I.C. § 122, notice and opportunity to submit written comment on the reappointments to the position of Magistrate Judge was provided to the public, and pursuant to Superior Court Rule 317.3, after the close of the comment period, the reappointments of all four Magistrates were considered and approved by a majority of the judges of the Superior Court of the Virgin Islands. Accordingly, in fiscal year 2017, the following judicial officers were reappointed to serve new 4-year terms in the Magistrate's Division of the Superior Court of the Virgin Islands:



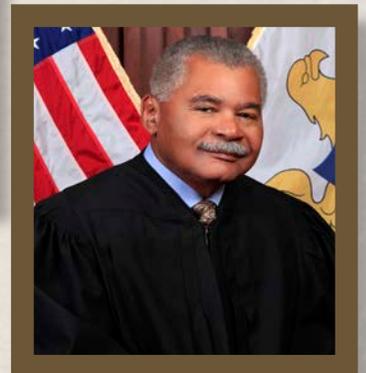
Hon. Jessica Gallivan



Hon. Miguel A. Camacho



Hon. Carolyn
Hermon-Percell



Hon. Henry V. Carr III

Judicial Branch Governance & Management

JUDICIAL BRANCH MANAGEMENT ADVISORY COUNCIL

In accordance with Act No. 7888 and pursuant to Promulgation Order No. 2016-004, the Supreme Court of the Virgin Islands established the Judicial Management Advisory Council (JMAC) to provide guidance and advice to the Chief Justice and the Supreme Court of the Virgin Islands; the Presiding Judge and the Superior Court of the Virgin Islands; and the Administrator of Courts and the Judicial Branch Administrative Office on the business of the judiciary. JMAC is a five-member council and consists of the Chief Justice, two Associate Justices, the Presiding Judge of the Superior Court, another Judge of the Superior Court and a Magistrate Judge of the Magistrate Division of the Superior Court. The Chief Justice serves as the Chairperson of the council, and all judicial officers are ex officio members of the Advisory Council. The Administrator of Courts is also an ex officio member and serves as the Council's Secretary. The members of the Council are as follows:

- **Hon. Rhys S. Hodge,**
Chairperson
- **Hon. Maria M. Gabret,**
Associate Justice
- **Hon. Ive Arlington Swan,**
Associate Justice
- **Hon. Michael C. Dunston**
Presiding Judge of the Superior Court
- **Hon. Robert A. Molloy,**
Judge of the Superior Court
- **Hon. Carolyn Hermon-Percell,**
Magistrate Judge of the Superior Court

During fiscal year 2017, the Council adopted the following resolutions:

Resolution No. 2016-0001.

Appointed Administrator of Courts and Accepted Final Report of the Unification Task Force.

Resolution No. 2016-0002.

Directed promulgation of Standard Operating Procedures delineating duties and responsibilities for deputy marshals assigned to judicial officers, assignment of a deputy marshal to every judicial officer, and implementation and adoption of training in dignitary security, security protocols and safety procedures for chambers and other court personnel.

Resolution No. 2016-0003.

Expressing appreciation to the Hon. Denise Francois and the members of the Advisory Rules Committee for their contribution to the administration of justice and the courts of the Virgin Islands.

Resolution No. 2016-0004.

Approved selection of Thomson Reuters as the Case Management and electronic filing system vendor for the Superior Court of the Virgin Islands.

Resolution No. 2017-0004.

Approved the Fiscal Year 2018 Budget Request for the Judicial Branch.

JUDICIAL BRANCH GOVERNANCE

Act No. 7888, Bill No. 31-2055 unified the administrations of the Supreme Court of the Virgin Islands and the Superior Court of the Virgin Islands. In addition to the establishment of centralized operations, the judicial branch was further empowered to forge ahead with a unified and comprehensive approach to shaping the future of the judiciary through uniform rule making. To this end, pursuant to its inherent authority and the authority granted by 21 (c) of the Organic Act of 1954, as amended by title 4 Chapters 1 and 21 of the Virgin Islands Code, the Supreme Court established

Advisory Council



among other things, a Judicial Management Advisory Committee and an Advisory Committee on Rules. The Advisory Committee on Rules was established to study and continuously monitor all rules governing procedure in the judicial system and to make recommendations to improve the administration of justice with specific reference to practice and procedure. In this regard, during the course of fiscal year 2017 the judicial branch began a comprehensive review and revision of several of its internal rules of procedure resulting in the following orders of the Supreme Court:

Promulgation Order No. 2017-001.

Adopted the Virgin Islands Rules of Civil Procedure.

Promulgation Order No. 2017-0002.

Adopted the Virgin Islands Rules of Evidence.

Promulgation Order No. 2017-0008.

Adopted the Virgin Islands Habeas Corpus Rules.

Promulgation Order No. 2017-0009.

Adopted the Virgin Islands Small Claims Rules.

Promulgation Order No. 2017-0010.

Adopted Virgin Islands Rules of Criminal Procedure.

To further improve the administration of and access to justice, the Supreme Court Promulgated several other rules as follows:

Promulgation Order No. 2017-0003.

Adoption of Rule Governing the Appointment of Retired Judicial Officers.

Promulgation Order No. 2017-0004.

Amendments to the Virgin Islands Supreme Court Rules of Appellate Procedure.

Promulgation Order No. 2017-005.

Adoption of the Uniform Bar Examination and Admission on Motion.

Promulgation Order No. 2017-006.

In Re: Amendments to the Rules Governing the Superior Court of the Virgin Islands Adoption of the Uniform Bar Examination and Admission on Motion.

Promulgation Order No. 2017-007.

Rules Governing the Appointment of Counsel to Represent Indigent Parties

S. Ct. Misc. No. 2017-0009.

Policy on the Possession and Use of Electronic Devices in the Facilities of the Judicial Branch of the Virgin Islands.





Supreme Court

OF THE US VIRGIN ISLANDS

VISION

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 US VIRGIN ISLANDS

JURISDICTION

JURISDICTION OF THE SUPREME COURT

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 supreme judicial authority of the Virgin Islands. The jurisdiction of the Court is limited to the appellate review of final judgments rendered by the Superior Court, as well as a limited number of specified interlocutory orders. The role of the Supreme Court is to review the factual determinations of the Superior Court for clear error while exercising plenary review over its legal conclusions. The Superior Court is the court of general jurisdiction in the Virgin Islands judiciary. As the trial court, it has broad jurisdiction in addressing the legal needs of the Virgin Islands community. The Court has original jurisdiction to preside over all local civil, criminal, family, probate, landlord-tenant, small claims and traffic disputes. It also acts as a review and appeals court for decisions of all governmental officers and agencies.

The Supreme Court also hears cases that do not originate in the Superior Court. These cases are referred to as original jurisdiction matters. The most common exercise of the Court's original jurisdiction are in actions for writ of mandamus, in which the Supreme Court may order a government official—including a Superior Court judge—to perform a discrete, ministerial act. However, there are various other types of actions that may arise pursuant to the Supreme Court's original jurisdiction, which include proceedings for civil or criminal contempt, applications for writs of habeas corpus, attorney and judicial 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.



SUPREME COURT OF THE U.S. VIRGIN ISLANDS

Supreme Court

OF THE US VIRGIN ISLANDS

DESIGNATED JUSTICES

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

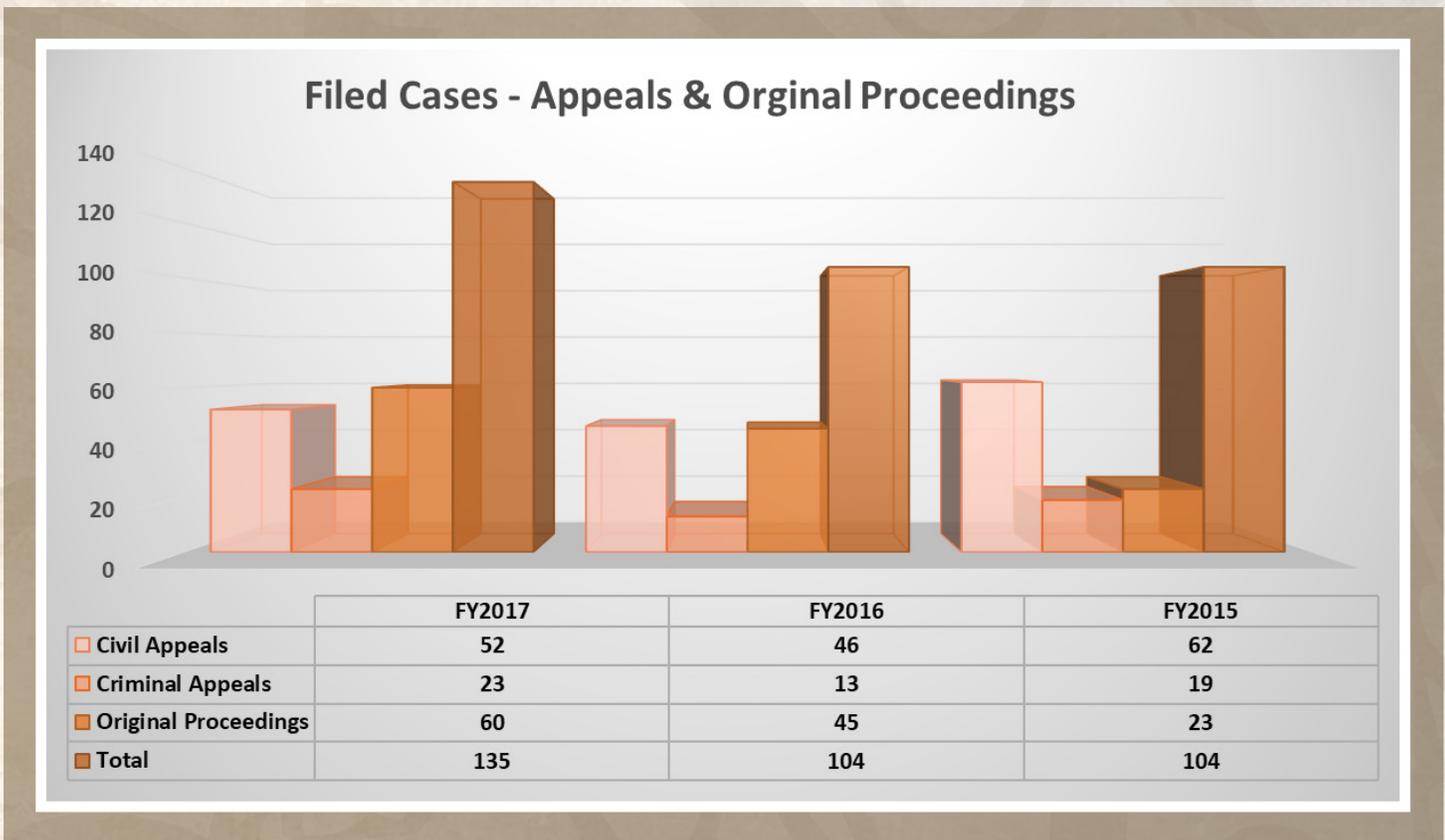
There were 9 recusals in fiscal year 2017 resulting in 9 new designations. Accordingly, the following judicial officers served as Justices on an Appellate Panel during the course of the fiscal year :

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

APPELLATE COURT CASELOAD STATISTICS

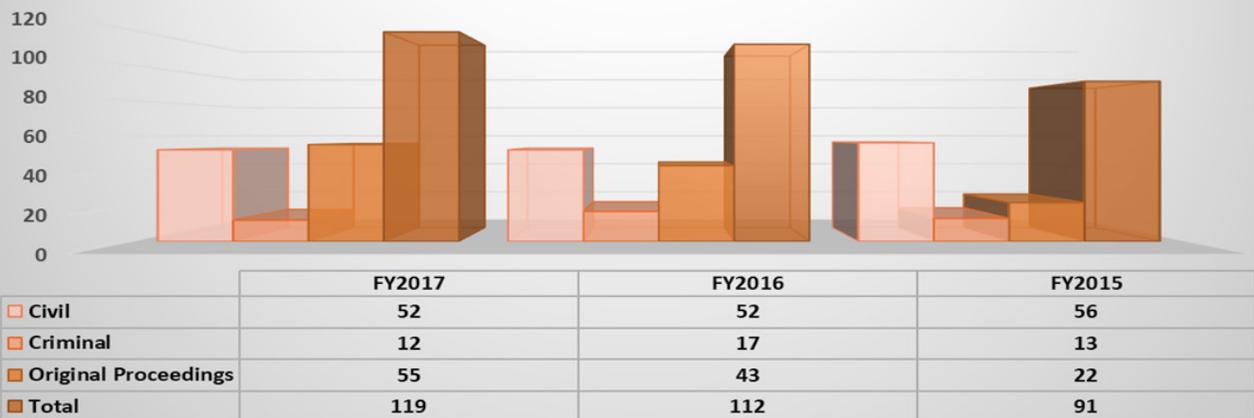
During the course of the fiscal year 2017, the Supreme Court held 10 sessions and considered 48 matters. The Court entertained arguments in 24 cases, and issued 48 opinions, 46 of which were published. Case summaries and all published opinions issued by the Court are posted on its website, located at www.visupremecourt.org, and are automatically distributed free of charge to individuals who have subscribed to the Court’s mailing list.

Within the Supreme Court of the Virgin Islands, the Office of the Clerk is responsible for the management of cases throughout the appellate process, and the maintenance of certain statistical data regarding case processing. The following caseload trends are reported for fiscal year 2017:



The Supreme Court of the Virgin Islands began fiscal year 2017 with 73 pending cases. During the course of the fiscal year, 135 new matters were filed for a total pending caseload of 208 cases. By the end of the fiscal year, the Court had disposed of 102 appeals, 52 civil matters, 12 criminal appeals and 56 original jurisdiction matters for an overall case clearance rate of 88%. There were 75 pending appeal matters at the close of the fiscal year.

Disposed Cases Appeals & Original Proceedings

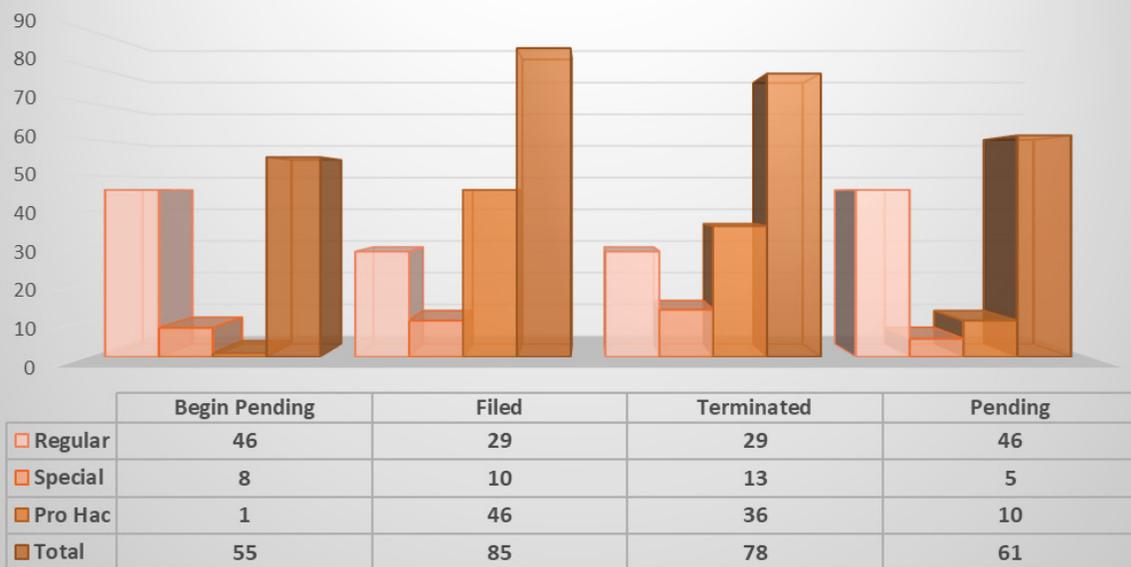


ARMS OF THE SUPREME COURT

OFFICE OF BAR ADMISSIONS

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*.

Bar Admissions



Regular Admission. During the course of fiscal year 2017, there were 29 new petitions for regular admission filed, with the Court terminating 29 application cases. The Court closed the year with 46 petitions for regular admission pending. The Virgin Islands Bar Exam was administered twice in fiscal year 2017 during the months of February and July. 14 applicants took the essay examination in February. Of those, 7 took the Multistate Bar Examination. 9 applicants passed February 2017 examination and 5 applicants were unsuccessful.

Additionally, during the course of fiscal year 2017, the Uniform Bar Exam (UBE) was administered for the first time during the July 2017 sitting of the Virgin Islands Bar Exam. 16 applicants sat for the essay portion of the exam. Of those, 9 took the UBE, and 7 scores were transferred. 9 applicants took the Multistate Bar Exam (MBE). A total of 10 applicants passed the bar exam. In fiscal year 2017, the Supreme Court held a total of 3 Bar Admissions Ceremonies, resulting in the admission of 17 new attorneys to the practice of law in the Virgin Islands.

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, *pro hac vice* with respect to a single case 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 2017, 46 new applications for *pro hac vice* admission were filed, reflecting a slight decrease from the prior fiscal year. As of September 30, 2017, 36 *pro hac vice* petitions had been granted. There were 10 pending *pro hac vice* petitions at the end of the fiscal year.

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 2017, 9 petitions for special admission were filed with the Supreme Court. The Court granted special admission to 9 attorneys, and rescinded the special admission of 5 attorneys during the course of the fiscal year. 1 petition for Limited Permission to Practice as a Legal Intern was granted during the course of fiscal year 2017.

Services to Existing Members of the Virgin Islands Bar

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

Certificates of Good Standing. Certificates of Good Standing are issued by the Clerk of the Supreme Court and indicate that an attorney has complied with all membership requirements of the Virgin Islands Bar. At least once per year, members of the Virgin Islands Bar Association, must file requests with the court for Certificates of Good Standing to satisfy licensing requirements. Members may also require a Certificate of Good Standing to support applications for admission to the Bar of another jurisdiction. Eligibility to receive a Certificate of Good Standing, requires that

the attorney be current with all membership dues, have satisfied all continuing legal education requirements, and be presently authorized to practice law in the Virgin Islands. During fiscal year 2017, there were 176 requests for certificates of good standing.

Status Changes. Regular members of the Virgin Islands Bar Association may be either “active” or “inactive.” Inactive status is typically sought by attorneys who have accepted employment that does not require the practice of law, or by retired or non-resident attorneys who wish to maintain a connection to the Virgin Islands Bar Association. Additionally, The Supreme Court may grant an attorney permission to resign his or her membership, which terminates any financial obligation to the VI Bar Association. With the Court’s permission, and provided that certain procedural requirements are met, attorneys may freely transfer between active and inactive status, and may request permission to resume the practice of law. In fiscal year 2017, the Office of Bar Admissions received and processed 24 requests for status changes.

Continuing Legal Education. In fiscal year 2014, the Supreme Court amended Rule 208, requiring all regularly and specially admitted attorneys to self-report their annual compliance with the completion of 12 continuing legal education credits to the Virgin Islands Bar Association. The amendments granted the Virgin Islands Bar Association’s CLE Committee specific authority to grant extensions of time through April 30th for self-reporting, but did not however vest the Virgin Islands Bar Association with any discretion to waive or excuse a member’s non-compliance. Instead, any request for a complete or partial extension from CLE requirements must be filed with the Supreme Court. Additionally, attorneys who desire an extension of time to satisfy their annual obligation beyond April 30th, must file a formal petition with the Supreme Court. During fiscal year 2017, there were 12 such requests filed with the Supreme Court. No petitions were filed for suspension due to non-compliance with CLE.

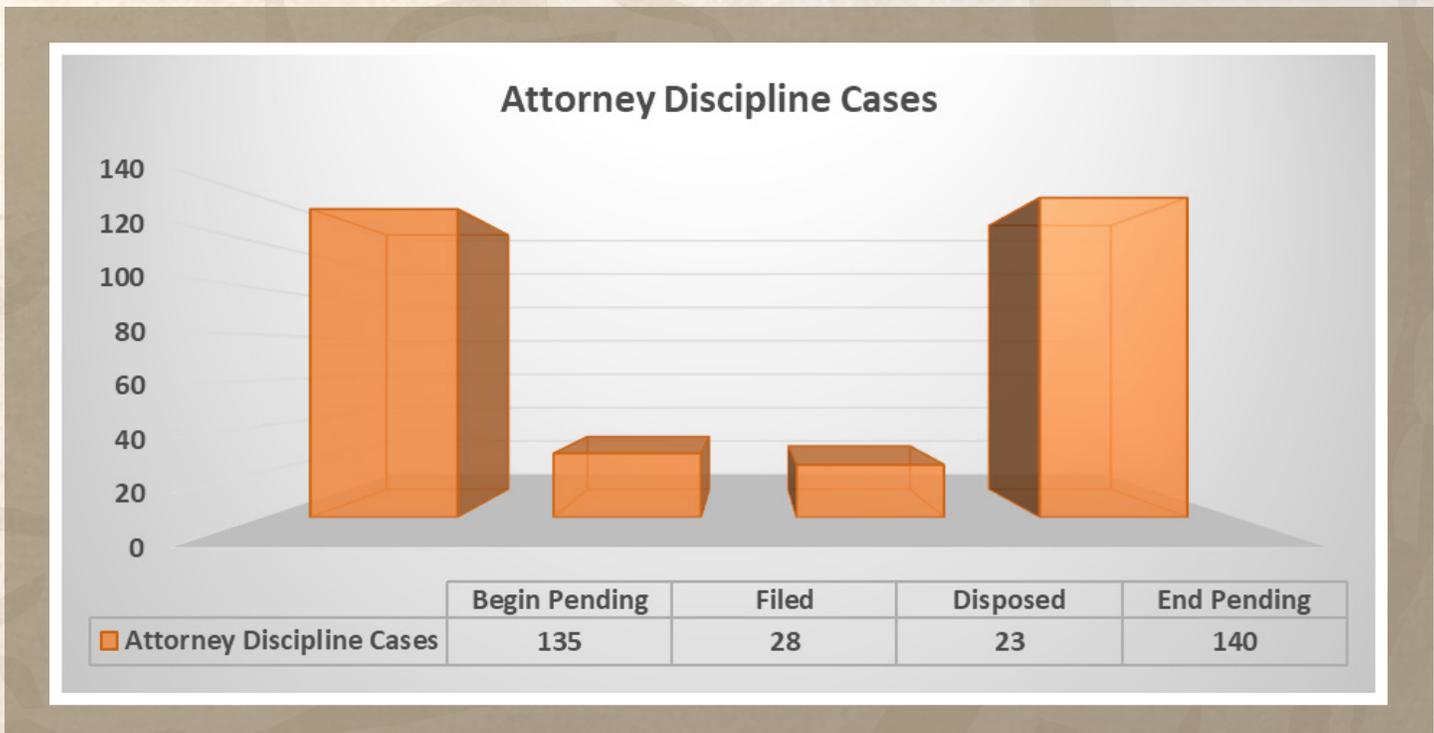
Attorney Registration. In accordance with Rule 203, effective January 1, 2016, the Supreme Court implemented the Attorney Registration process. VISCR 203 requires all active members of the Virgin Islands Bar Association to file an Annual Registration Statement with the Supreme Court and compliance is monitored by the Office of Disciplinary Counsel. In fiscal year 2017, a total of 652 Annual Registration Statement were filed. Supreme Court Rule 203(e) requires that Disciplinary Counsel notify the Supreme Court of the Failure by any attorney to comply with the registration requirement. Disciplinary Counsel issued 57 letters of non-compliance to encourage filing. Of those notified, 31 attorneys cured their delinquency. 26 Petitions for Suspension due to Non-Compliance with the registration requirements were subsequently filed with the Supreme Court.

DISCIPLINE

Pursuant to Supreme Court Rule 209, the Office of Disciplinary Counsel was established to investigate and prosecute complaints against justices, judges and judges of the Virgin Islands judiciary. Rule 209 also established the Virgin Islands Commission on Judicial Conduct to investigate and adjudicate such complaints thereby contributing to 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. In fiscal year 2017, ten (10) new judicial complaints were filed. During the course of the fiscal year, six (6) reports were submitted to the hearing panel for review and disposition. Investigation in other matters are ongoing. No complaints alleging judicial disability were filed in fiscal year 2017.

Attorney Discipline. Supreme Court Rule 207 was amended in 2011, expanding the function of Disciplinary Counsel to include the investigation and prosecution of grievances against members of the Virgin Islands Bar. Attorney discipline includes, but is not limited to, private or public reprimand, probation, suspension and the most severe penalty of disbarment from the practice of law in the Virgin Islands. During fiscal year 2017, 28 new complaints against attorneys were filed with the Office of Disciplinary Counsel for a total caseload of 163 cases pending. Disciplinary Counsel disposed of 23 cases, for an overall increase of 43% in disposed cases over the previous year. Discipline was recommended 7 cases, 3 of which resulted in public reprimands. 140 attorney discipline cases remained pending at the close of fiscal year 2017.



Discipline History. The Office of Disciplinary counsel is also responsible for responding to requests for discipline histories for Virgin Islands' attorneys seeking admission to the bars of other states, or employment in the federal judiciary. The Office of Disciplinary Council fulfilled 21 such requests.

Receiverships. Pursuant to Rule 207.24, Disciplinary Counsel also has the power to act as or retain the services of an outside lawyer to act as a Receiver in cases of death, disability, abandonment, suspension, or disbarment for active attorneys. For Fiscal Year 2017, Disciplinary Counsel acted as a Receiver for 2 cases, and sought the appointment of a Receiver in 2 other new cases.







Superior Court

OF THE US VIRGIN ISLANDS

MISSION

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.



Superior Court

OF THE US VIRGIN ISLANDS

JURISDICTION

JURISDICTION OF THE SUPERIOR COURT

The Superior Court has broad jurisdiction to address the legal needs of the Virgin Islands community. Often referred to as the trial court, this court has original jurisdiction to preside over all local civil, criminal, family, probate, landlord-tenant, small claims and traffic disputes. In addition, the Superior Court also reviews the decisions of government officers and agencies. The Magistrate Division of the Superior Court hears non-felony traffic cases, forcible entry and detainer cases, misdemeanor criminal cases under 1 year, domestic violence cases, landlord tenant actions, small claims, probate and litter cases.





RESERVED PARKING
FOR
DISABLED PERSONS
ONLY

PERMIT REQUIRED
STREET FINE

CTIONS

Superior Court

OF THE US VIRGIN ISLANDS

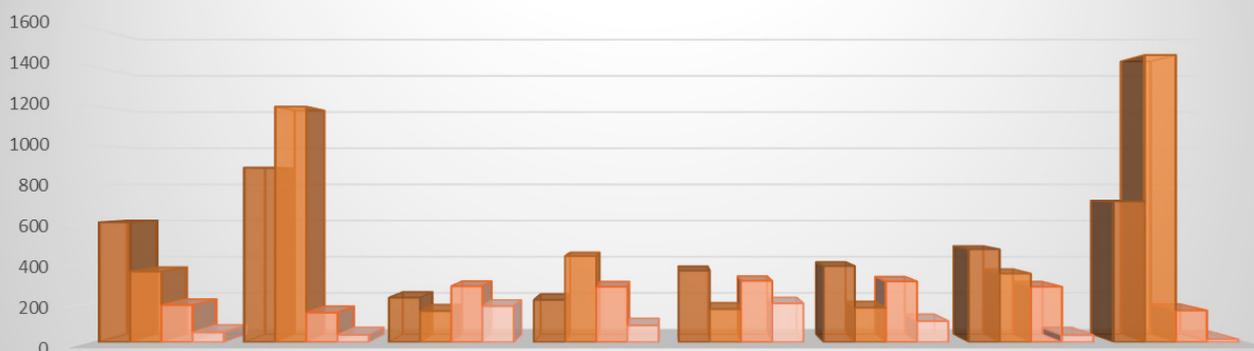
SUPERIOR COURT CASELOAD STATISTICS

The Office of the Clerk of the Superior Court is responsible for the management of cases at the trial court level. This includes Civil and Small Claims, Conciliation, Criminal, Family, Traffic, and Probate matters. For fiscal year 2017, the Superior Court commenced with a combined caseload for ALL case types of 30,273 cases. During the course of the fiscal year, 12,296 new cases were filed, and as of as of September 30, 2017, the Superior Court had disposed of a total of 23,196 matters. The Court also issued 123 opinions, 36 of which were published and made available on the Superior Court's website at www.visuperiorcourt.org.

| CASE TYPE | FISCAL YEAR 2017 CASELOAD STATISTICS | | | | | | TOTAL CASES PENDING | |
|--------------------------|--------------------------------------|--------------|-------------|-------------|-------------|--------------|---------------------|-------------|
| | Begin Pending | | Filed | | Terminated | | STT/STJ | STX |
| | STT/STJ | STX | STT/STJ | STX | STT/STJ | STX | | |
| Civil Non Jury | 608 | 885 | 226 | 215 | 363 | 386 | 471 | 714 |
| Small Claims | 188 | 150 | 284 | 281 | 311 | 308 | 161 | 123 |
| Civil Jury | 358 | 1194 | 158 | 437 | 168 | 175 | 348 | 1456 |
| Evictions | 50 | 37 | 183 | 85 | 197 | 107 | 36 | 15 |
| Family | 876 | 330 | 312 | 259 | 295 | 288 | 893 | 301 |
| Probate | 548 | 144 | 124 | 100 | 145 | 117 | 527 | 127 |
| Crim. Non Jury | 76 | 170 | 193 | 108 | 179 | 151 | 90 | 127 |
| Crim. Jury | 212 | 404 | 394 | 400 | 414 | 364 | 192 | 440 |
| Domestic Violence | 12 | 45 | 181 | 282 | 177 | 309 | 16 | 18 |
| Juvenile | 39 | 59 | 64 | 86 | 81 | 109 | 22 | 36 |
| Traffic | 5898 | 17990 | 4827 | 3097 | 6329 | 12223 | 4396 | 8864 |

Civil Division. In accordance with Title 4 V.I.C. § 76(a), the Superior Court has original jurisdiction over all local civil actions regardless of the amount in controversy. The Civil Division also encompasses small claims, evictions and conciliations. The Small Claims Division has jurisdiction of all civil actions in which the amount in controversy does not exceed the dollar value of \$10,000, exclusive of interest and costs.

Civil Caseload



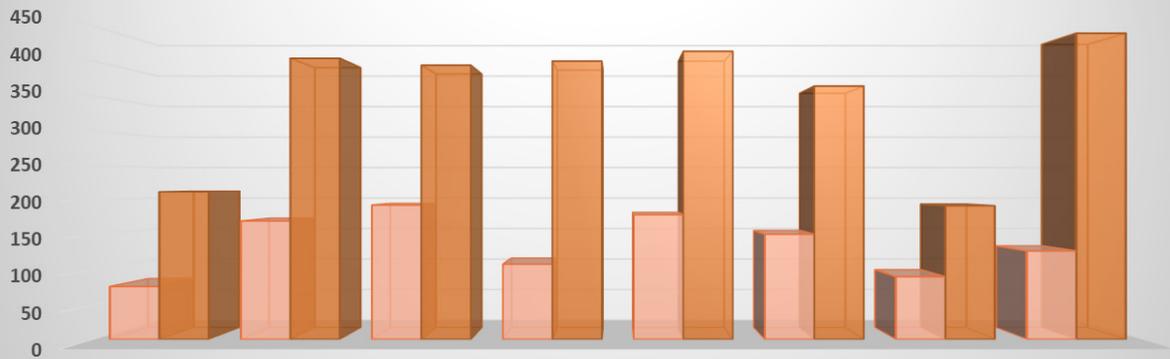
| | Begin Pending | | Filed | | Disposed | | Pending | |
|--------------|---------------|------|---------|-----|----------|-----|---------|------|
| | STT/STJ | STX | STT/STJ | STX | STT/STJ | STX | STT/STJ | STX |
| Civil Bench | 608 | 885 | 226 | 215 | 363 | 386 | 471 | 714 |
| Civil Jury | 358 | 1194 | 158 | 437 | 168 | 175 | 348 | 1456 |
| Small Claims | 188 | 150 | 284 | 281 | 311 | 308 | 281 | 161 |
| Evictions | 50 | 37 | 183 | 85 | 197 | 107 | 36 | 15 |

In fiscal year 2017, there were 565 new Small Claims cases filed with the Magistrate Division of the Superior Court. During the course of the fiscal year, the Magistrate Division terminated 619 Small Claims cases, experiencing a 100% clearance rate for the fiscal year, and an overall reduction of 16% in the number of pending small claims matters. At the close of the fiscal year there were 493 cases pending in this category.

As it relates to complex litigation matters, not included in the above graph, the court opened the fiscal year with 3,045 pending cases. During the course of the fiscal year, 1,036 new cases were filed and 1,092 cases were terminated, resulting in an 18% increase in dispositions when compared to the 928 cases disposed in the previous fiscal year. The Superior Court closed fiscal year 2017 with an overall pending complex civil caseload of 2,446, --a reduction of 20% amongst its complex civil matters.

Criminal Division. The Superior Court of the Virgin Islands has original jurisdiction over all criminal offenses committed in violation of the laws of the Virgin Islands. At the close of fiscal year 2016, the Superior Court had a pending caseload of 862 criminal cases. During the fiscal year, 960 new criminal matters were filed, including 794 new jury trials. As of September 30, 2017, the Superior Court had disposed of 330 Criminal Non-Jury Trials and 706 Criminal Jury Trials, for a total of 1036 terminated criminal cases. At the close of fiscal year 2017, there were 729 pending criminal cases. While the number of criminal case filings increased by 5% over the previous year, with a case clearance rate of more than 100%, the Court accomplished a 15% reduction in the pending criminal caseload.

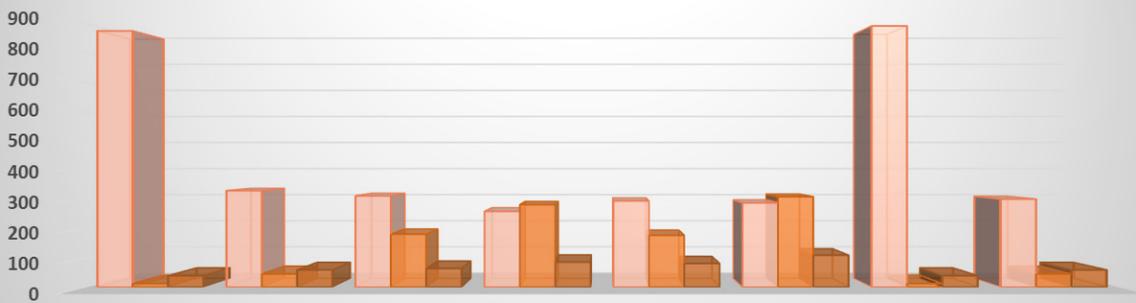
Criminal Division Caseload



| | Begin Pending | | Filed | | Disposed | | Pending | |
|----------------|---------------|-----|---------|-----|----------|-----|---------|-----|
| | STT/STJ | STX | STT/STJ | STX | STT/STJ | STX | STT/STJ | STX |
| Criminal Bench | 76 | 170 | 193 | 108 | 179 | 151 | 90 | 127 |
| Criminal Jury | 212 | 404 | 394 | 400 | 414 | 364 | 192 | 440 |

Family Division. The Family Division was established in accordance with Title 4 V.I.C. § 79. This Division maintains all pending case files pertaining to divorce, separation, and annulment; actions relating to support of relations; adoption; changes of name; paternity suits; actions to appoint and supervise guardians; probate; domestic violence and actions relating to juvenile matters.

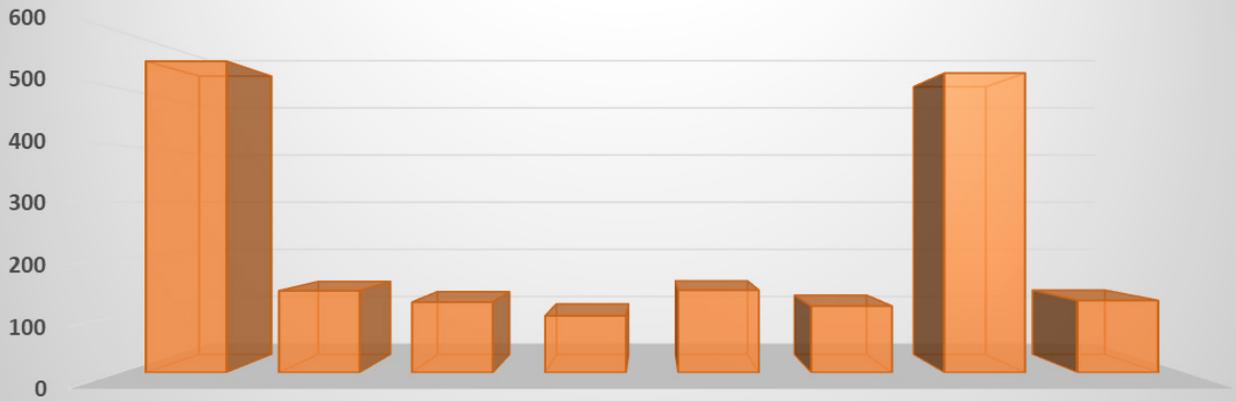
Family Division Caseload



| | Begin Pending | | Filed | | Disposed | | Pending | |
|-------------------|---------------|-----|---------|-----|----------|-----|---------|-----|
| | STT/STJ | STX | STT/STJ | STX | STT/STJ | STX | STT/STJ | STX |
| Family | 876 | 330 | 312 | 259 | 295 | 288 | 893 | 301 |
| Domestic Violence | 12 | 45 | 181 | 282 | 177 | 309 | 12 | 45 |
| Juvenile | 39 | 59 | 64 | 86 | 81 | 109 | 39 | 59 |

Probate Division. The Superior Court has exclusive jurisdiction over the probate of wills and the administration of decedents’ estates. The Division maintains all pending case files and all wills deposited with the Clerk of the Court in accordance with Title 15 V.I. Code Ann. § 22. In fiscal year 2017, 224 new probate matters were filed. During the course of the fiscal year 262 cases were disposed for an overall clearance rating of more than 100% and a 5% reduction in the pending caseload for all probate matters.

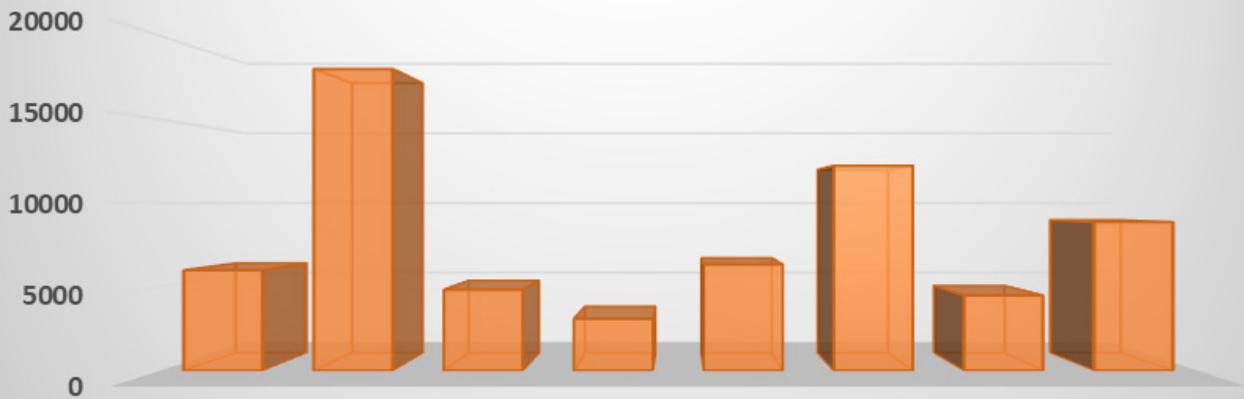
Probate Division Caseload



| Probate | Begin Pending | | Filed | | Disposed | | Pending | |
|---------|---------------|-----|---------|-----|----------|-----|---------|-----|
| | STT/STJ | STX | STT/STJ | STX | STT/STJ | STX | STT/STJ | STX |
| | 548 | 144 | 124 | 100 | 145 | 117 | 527 | 127 |

Traffic Division. The Traffic Division was established in accordance with Title 4 V.I. Code Ann. §79, and the Clerk of the Superior Court is the repository for all uniform traffic citations issued by law enforcement officer and others. The Division is responsible for the appropriate disposition of all non-felony traffic offenses, and the preparation of the applicable records and reports as directed by the Court.

Traffic



| Traffic | Begin Pending | | Filed | | Disposed | | End Pending | |
|---------|---------------|-------|---------|------|----------|-------|-------------|------|
| | STT/STJ | STX | STT/STJ | STX | STT/STJ | STX | STT/STJ | STX |
| | 5989 | 17990 | 4827 | 3097 | 6329 | 12223 | 4487 | 8864 |

Judicial Branch Administrative Office

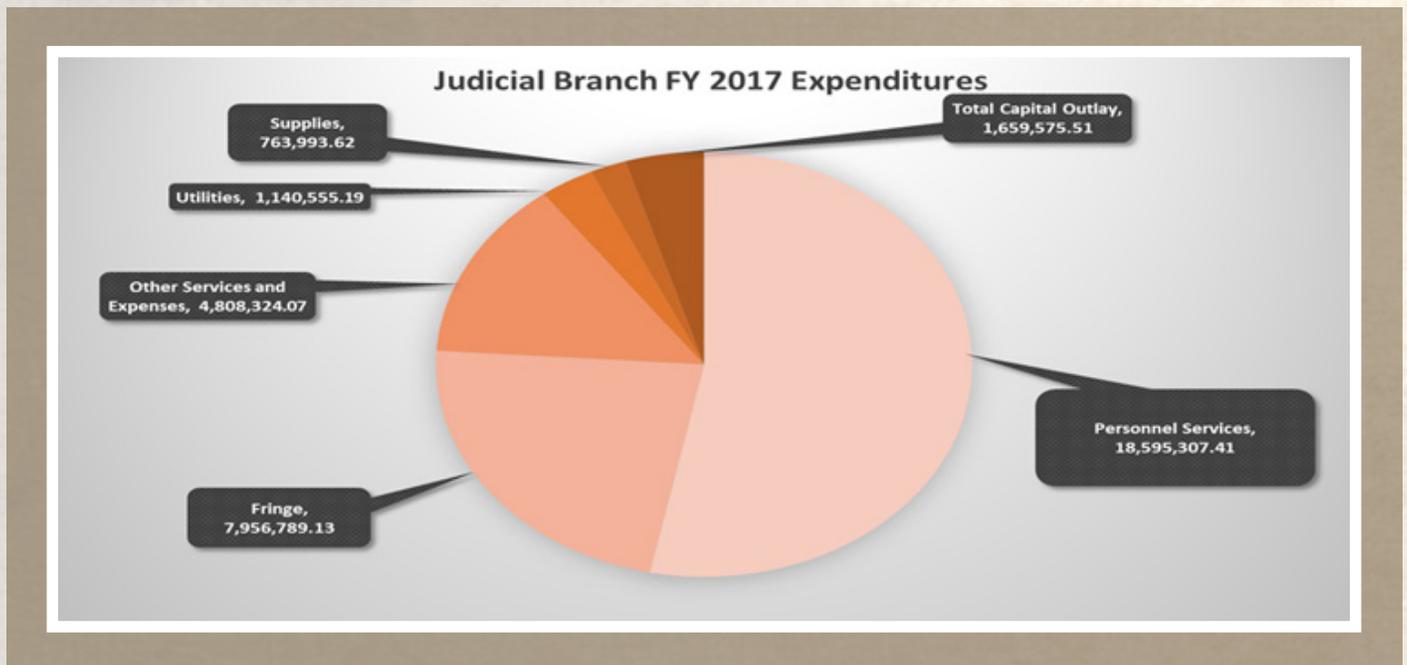
Regina Petersen
Administrator of Courts

Lisa Davis McGregor
Asst. Administrator of Courts

Pursuant to Act No. 7888, the primary function of the Judicial Branch Administrative Office, (JBAO), is the management and supervision of the day-to-day internal non-judicial operations of the branch. In addition, the Judicial Branch Administrative Office is tasked with assisting the Chief Justice in the preparation and publishing of the annual report of the judiciary, and the annual Judicial Branch budget request.

JBAO manages and facilitates services in several distinct areas of court operations, including but not limited to, Legal Services, Budget and Accounting, Information Technology, Human Resource Management, Facilities, Procurement, and Judicial Security.

Budgeting and Financial Management. In fiscal year 2017, the General Fund budget for the Government of the Virgin Islands was \$794,169,137. Of this amount, approximately 4% was appropriated to fund the operations of the Judicial Branch. The Judicial Branch submitted a lump sum budget request in the amount of \$44,314,384 to fund its operations for fiscal year 2017. Pursuant to Act. No. 7926 however, the judiciary was appropriated \$35,361,542, for fiscal year 2017 as follows: \$6,660,661 to the Supreme Court of the Virgin Islands, \$28, 586,120 for the operations of the Superior Court of the Virgin Islands, and \$114,761 to fund 2 Librarians under the Judicial Council of the Virgin Islands. This appropriation was approximately \$9 million or 20.2% less than the FY 2017 funding request. In spite of this funding gap, during the last quarter of fiscal year 2017, the Judiciary was asked to participate in a voluntary reduction of its allotment and returned \$612,821 to the general fund. This reduction resulted in an overall funding level of \$34,748,721 for the Judicial Branch. By the close of fiscal year 2017, the Judicial Branch had expended \$34,741,987.53, including the expenditure of grant funds.



Court Improvement Project. In October of 2016, the Judicial Branch became eligible to apply for Court Improvement Program (“CIP”) funding for the first time as a result of becoming a Title IV-E (Foster Care) territory. The purpose of the CIP is to: (1) promote the continuous quality improvement of court proceedings and legal representation in child welfare cases and (2) enhance collaboration between the judicial branch

USVI JUDICIARY & COURT SYSTEM



and the Virgin Islands Department of Human Services to specifically improve child welfare outcomes. In accordance with the CIP, the judicial branch is tasked with: (1) working with the child welfare agency to address specific safety, permanency or well-being outcomes, and (2) improving the overall quality of court hearings. By letter dated May 31, 2017 the judiciary received the first grant award, a Basic Grant in the amount of \$87,101, which among other things was utilized to fund a Court Improvement Project Coordinator within the Judicial Branch Administrative Office. The primary role of this coordinator is to liaison with the Family Court Judges and various stakeholders, including the Department of Human Services, Virgin Islands Attorney General's Office and members of the Virgin Islands Bar and facilitate collaboration on grant objectives and the development of a CIP strategic plan. By letters dated June 23, 2017, the judicial branch received 2 additional Notices of Grant Award for Data Improvement Projects and CIP related training initiatives. Total CIP grant award funding received in fiscal year 2017 was \$260,581.

Strategic Services. During the course of fiscal year 2017, in addition to the re-alignment of court resources and services under the Judicial Branch Administrative Office, the judiciary focused on establishing technology driven centralized operations. In this regard, under the leadership of a Strategic Services Director, the newly formed Strategic Services Division, with specific oversight over Court Technology and Business Intelligence, facilitates development and tracks the implementation of various strategic objectives. For fiscal year 2017, the primary objectives were centralized and standardized operations and case management modernization.

During the course of fiscal year 2017, the division completed consolidation of computer networks across courts and districts, including transitioning to the single domain, [@vicourts.org](https://www.vicourts.org), and fully integrated telephone systems, promoting extension dialing throughout the branch. The division also worked to expand use of the existing Enterprise OnBase Application utilized by the Supreme Court to integrate electronic document routing for Leave, Travel and Purchase Requests branch-wide. The division also worked with the Budget and Accounting Office to consolidate the individual court fund accounting systems into one Financial Management System to further streamline centralized operations. These projects were concluded prior to the close of the fiscal year.

Most Notably, the division worked with administration to complete contract negotiations for modernizing case management for the entire branch. These efforts included a new case management system for the Superior Court of the Virgin Islands and enterprise electronic filing. Specifically, with the selection of the selection and approval of the Thomson Reuter's Enterprise C-Track case management system, the Supreme Court of the Virgin Islands and the Superior Court of Virgin Islands will each have uniform highly integrated case management systems, a universal electronic filing application, and a single CMS vendor for the entire judiciary. Contract negotiations were completed by the end of August with the intent of having a fully executed contract prior to the close of the fiscal year. Unfortunately, hurricanes Irma and Maria interrupted those plans.

Through a formal planning process, the Strategic Services Division has assisted in identifying several plans and projects for greater efficiency. Some of these projects include, increased mobility computing, dual monitors for all clerks, improving technology solutions within our courtrooms to provide full digital video conferencing and evidence presentation systems, Contract Management Systems, improving the Courts technology infrastructure to 10 Gigabyte backbone, and Cloud computing for improved disaster recovery and resiliency.

HUMAN RESOURCES

Employee Honors

Fiscal year 2017, the Judicial Branch Administrative Office opened the Employee of the Year nomination process to the branch, resulting in the first Judicial Branch Employees of the Year. Previously, individual courts nominated persons in each district resulting in 4 selections from the branch. Accordingly, for fiscal year 2017, the Judicial Branch celebrated the service of 2 exemplary employees branch-wide and across districts. In the St. Thomas/St. John District, the Employee of the Year honoree was Ms. Kamilah Vanterpool-Raymond, Accounting Clerk II in the branch's Budget and Accounting Office. In the District of St. Croix, the Employee of the Year honoree was Ms. Karimah Elliott, Database Analyst within the branch's Strategic Services Division. The exemplary service and dedication displayed by these employees in the performance of their duties is noteworthy, appreciated and celebrated.

St. Thomas /St. John District Honoree



Ms. Kamilah Vanterpool Raymond

St. Croix District Honoree



Ms. Karimah Elliott

Events and Outreach





The Supreme Court Building located at No. 8 Strand Street in Frederiksted on the island of St. Croix was acquired in fiscal year 2007. After completion of renovations to the second floor, the Court took occupancy of the facility in October of 2008. As court operations and staffing grew, in January of 2010, the court commenced renovations to the first floor of the building to provide appropriate office space for administrative and other staff. Those renovations were completed in 2011.

Act No. 7626, Bill No. 30-0340, passed in Regular Session by the 30th Legislature of the Virgin Islands and signed into Law by then Governor, John P. deJongh Jr., named the Supreme Court Building, the Raymond L. Finch Supreme Court Building, in recognition of his service and dedication to the people of the Virgin Islands. On June 16, 2017, in an official ceremony, the Legislative Perma Plaque was presented to the Hon. Raymond L. Finch and the new signage for the building was unveiled.

The Superior Court Rising Stars Youth Steel Orchestra

In accordance with the vision of the Presiding Judge Emeritus, Verne A. Hodge, the Superior Court Rising Stars Youth Steel Orchestra was organized in 1981 and 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 all three branches of the Government of the Virgin Islands and the entire Virgin Islands community. In 1996, under the direction of Presiding Judge Maria M. Cabret, the program was expanded to the District of St. Croix and has continued to serve students throughout the Territory ever since.



The first Summer Steelband Program began with approximately thirty students and three Instructors. In the ensuing thirty-six years, the program has served over three thousand student During fiscal year 2017, the Rising Stars served over three hundred (300) students.

In addition to learning the art of playing the steelpan, members are introduced to academic and personal growth development activities through the after school Tutorial and Enrichment Program, various workshops, rap sessions and youth enlightening sessions, educational trips, cultural activities and college matriculation workshops.

Annual events include the carnival parades and concerts in both districts which allow the students to showcase the their talent and the benefits of commitment and hard work. The annual concert featured a theme of “A Time for Peace” with featured guest performances by, Rising Stars Alumni and former VI Calypso King, Jalen “Yellowman” Fredericks, Director of Veteran’s Affiars and local Calypsonian Patrick “Soljah” Farrell, the incomparable Lorna Freeman, Cool Session’s Tishelle Knight, music Educator Michael Lake and the Charlotte Amalie High Swans on the Lake, and local recording artist Wally Kyat.

Scholarships and Fundraising

During fiscal year 2017, the members and staff of both Orchestras were engaged in a host of playouts and fundraising activities in support of the Scholarship Fund. In addition to these activities and CD sales, the programs also received several small grants from the VI Council on the Arts (VICA) and the Department of



Human Services to assist with administrative and supply expenses. Funds raised in 2017 totaled Ninety-two Thousand Eight Hundred Forty-Three Dollars and Forty-Seven Cents (\$92,843.47). 19 members graduated from high school in 2017, 17 in the St. Thomas and St. John District and 2 in the District of St. Croix. A total of 11 scholarships were awarded across the territory.

Moot Court



Pictured left to right: Julian Bishop, Maya Samuel, Jada Romer and Jade Bryan

In fiscal year 2017, the Judicial Branch hosted the final round of competition in the 23rd Annual Moot Court Competition. Students were presented with a hypothetical case involving a legal action for an injunction to enjoin the Moot University of the Virgin Islands from enforcing its “free speech zone” regulation enacted prior to the Commencement address of the Moot President of the United States, Ronald J. Crump. Nine schools participated in the competition with a total of fifteen teams. The participating schools from St. Croix were: Good Hope Country Day School, St. Croix

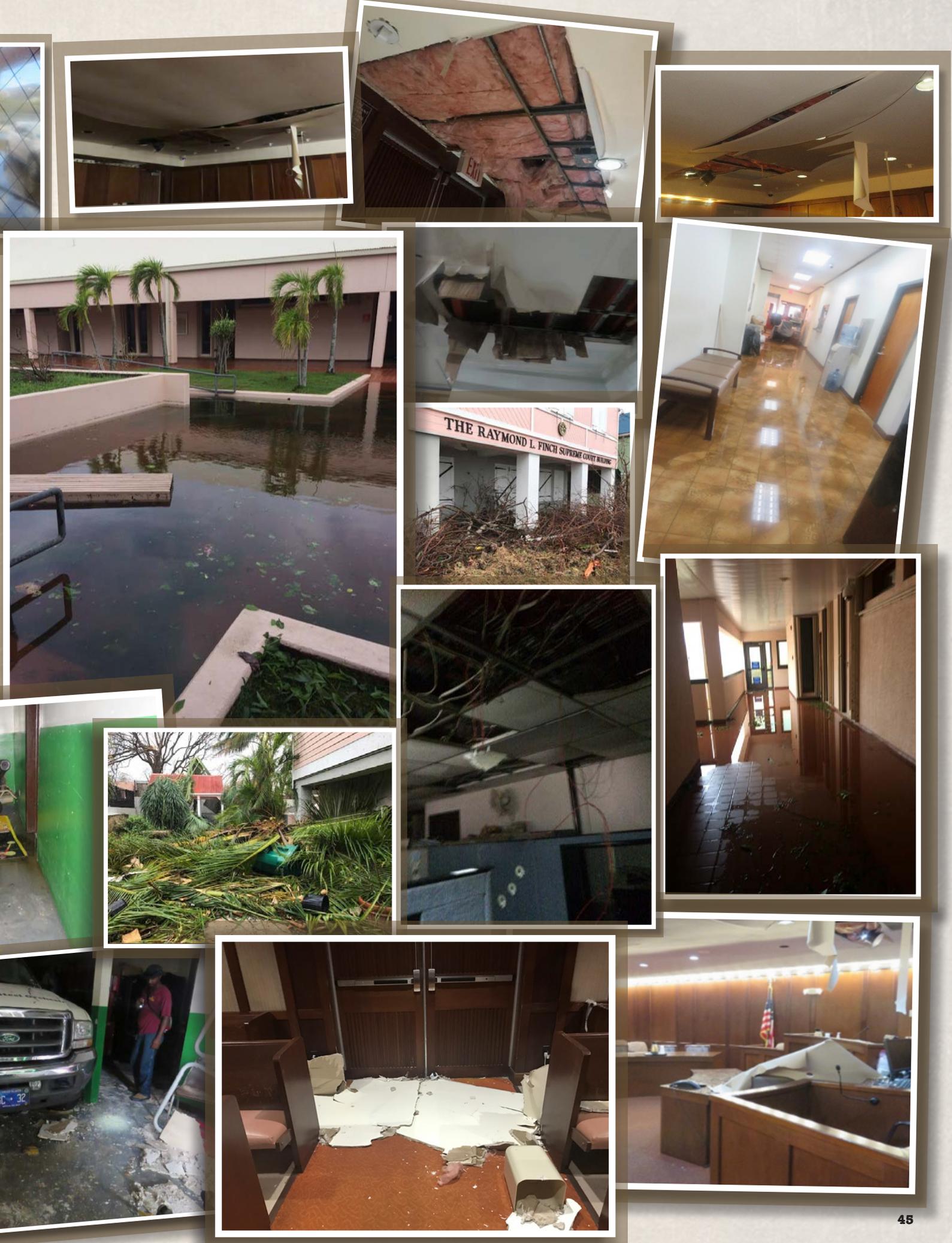
Educational Complex High School, St. Croix Seventh Day Adventist School, and St. Joseph Catholic High School. The participating schools from St. Thomas were: Antilles School, Charlotte Amalie High School, Ivanna Eudora Kean High School, Saints Peter and Paul Catholic School and St. Thomas Seventh Day Adventist School. The winner of the 2017 competition was the Appellee team from Good Hope Country Day School comprised of Jade Bryan, Julian Bishop, and Jada Romer.





*Courts
Disrupted*





THE RAYMOND L. FINCH SUPREME COURT BUILDING

COURTS DISRUPTED

In September of 2017, in what would be an unprecedented sequence of events, the United States Virgin Islands were struck by two back-to-back Category 5 Hurricanes. On September 6, 2017, Hurricane Irma barreled through the District of St. Thomas/St. John, and just shy of 2 weeks later, on September 19, 2017, Hurricane Maria plowed its way through the District of St. Croix. Each of these storms inflicted major damage to homes, businesses, power and communications infrastructure, and government infrastructure throughout both Districts, including all of the facilities of the judicial branch. Of the three facilities located on the Island of St. Thomas, the Supreme Court in Crown Bay, the Superior Court in the Alexander Farrelly Justice Complex on Veterans' Drive, and the Magistrate's Division at Barbel Plaza, the facilities of the Superior Court suffered the most severe damage.

Response and Early Assessment

On Tuesday September 5, 2017, all courts of the Virgin Islands were ordered closed in preparation for Hurricane Irma, and all Judicial Branch electronic platforms, including case management systems in both courts and the Supreme Court's electronic filing system, were taken offline. Hurricane Irma made landfall in the United States Virgin Islands as a Category 5 hurricane on Wednesday September 6, 2017 with devastating impact to the District of St. Thomas and St. John. In the wake of this storm, the judiciary's Emergency Response Team, (ERT), primarily comprised of members of the Office of the Virgin Islands Marshall and senior court management, many of whom had to cut their way through and navigate blocked roadways, and some who even took to walking long distances where roads were impassable, began the awesome task of assessing the conditions of each court facility and conducting physical checks on court personnel. As members throughout the St. Thomas and St. John community had lost everything, so too did several court employees and their families. Nonetheless, court employees were amongst the first to report in for duty to the courts and the public.

The Alexander Farrelly Justice Complex lost several sections of its corrugated metal roofing, leading to and resulting in extensive internal water damage to almost every courtroom in the complex, and ceilings through-out several divisions and administrative offices. While the Magistrate's Division at Barbel Plaza was on the ground floor of the building complex, by sheer force of wind and rainfall, water nonetheless breached the building came through ceiling tiles from the upper story, and ran down walls. Additionally, when nearby drainage systems failed, water and debris came up through drains throughout the offices and breached entryways causing extensive damage to furniture, courtroom audio systems, equipment and interior sheet rock walls.

Due to downed powerlines, and several overturned vehicles, access and assessment of the Supreme Court proved more difficult. While damage to the structure itself was minimal, all internet and network communications were cut off with no time frame for repair because of its location in Crown bay. Consequently, the Alexander Farrelly Justice Complex became the center of emergency and administrative operations for the judicial branch. However, the severity of the damages to the facility's courtrooms influenced the decision to stand up emergency hearing operations within the Magistrate's Division in Barbel Plaza, and Court administrations focused its initial clean-up and recovery efforts in that facility to restore critical services. These emergency proceedings were limited to advice of rights hearings, criminal arraignments, and matters of domestic violence. The Family Court however, did also retain its operations, so emergency clean up and repairs were conducted in Courtroom 5 to facilitate emergency family matters as well.

The impact of Hurricane Irma in the district of St. Croix was minimal, such that in addition to regular operations, the focus in that District became facilitating the delivery of assistance supplies and aid to the courts in the district of St. Thomas and St. John.

Recovery, Resilience and Outlook

By September 11, 2017, the Supreme Court had promulgated orders tolling all procedural time limits from 12:01 a.m. on Tuesday September 5, 2017 through 11:59 p.m. on Thursday September 14, 2017, extending all such deadlines for a period of 10 days in the wake of Hurricane Irma, and temporarily suspending the mandatory electronic requirement in VISCR 40 until further order of the Court. On September 15, 2017, in accordance with Promulgation Order No. 2017-003, and in anticipation of fully re-established communications, the Chief

Justice announced the anticipated resumption of ordinary business in both districts on Monday, September 18, 2017, and extended the deadlines an additional 3 days through 11:59 p.m. on Sunday September 17, 2017. However, once the path of Hurricane Maria became certain, it was necessary instead to once again close the courts of the Virgin Islands and extend all deadlines by 27 days through October 1st.

Hurricane Maria made landfall in the United States Virgin Islands as a Category 5 hurricane on Tuesday, September 19, 2017. This time the devastation hit the island of St. Croix, and the judicial branch facilities which had escaped the fury of Hurricane Irma, sustained considerable damages from Hurricane Maria. Throughout both storms the ERT remained active, conducted damage assessments within days of impact, and began the painstaking process of recovery and debris removal. Once again, the impact on court employees was great, as many lost 50% or more of their roofs, and while storm surge, high winds and rain caused damage to the Supreme Court facility at No. 18 Strand Street Frederiksted, Hurricane Maria caused the most severe damage to the R.H. Amphlet Leader Complex in Kingshill and the Rising Stars building in Hannah's Rest.

Resilience has been defined as the capacity to recover quickly from difficulties: toughness; the ability to spring back into shape; and to be resilient is to be able to withstand or recover quickly from difficult conditions. In this regard, the response and recovery efforts by judicial branch employees must be lauded, and especially the efforts of our technology and facilities teams who fought tirelessly to keep our facilities dry, to restore communications and most notably to keep our network alive amidst severe and continual power disruptions. Halos and much appreciation are due for the tiresome and herculean effort that the Emergency Response Team, management and staff of the judicial branch put forth to ensure that our courts in both districts resumed operations within days and normal operations within weeks of Hurricanes Irma and Maria. Unsung heroes, Herman Hart, Chief Information Technology Officer, and Alvin Ifill, Facilities Manager at the Alexander A. Farrelly Justice Complex, took up residence at that facility to manage recovery efforts around the clock, constantly drying, patching, monitoring and restoring services. These are just two shining examples of many efforts which made our response and recovery a success. Special kudos and recognition also goes to our Marshals, who in addition to providing manpower resources for judicial branch clean-up and debris removal, with compassion and comradery, assisted co-workers by installing tarps, sealing storm ravaged windows and doors on homes, and patching roofs with any supplies on hand. These activities epitomize the dedication of court personnel and contributed to the overall resilience of the branch.

The road ahead to not just full recovery, but full resiliency, will be a long and arduous one. As the Judicial Branch continues to grapple with issues such as funding deficits, aged infrastructure, employee retention and competitive compensation, it nonetheless remains committed to bridging the gap between readiness, recovery, and resilience, all while remaining steadfast in its commitment to modernization, better facilities, improved services and ultimately increased access to justice in the United States Virgin Islands.



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