2021 ANNUAL REPORT

OF THE U.S. VIRGIN ISLANDS JUDICIARY & COURT SYSTEM

"The COVID-19 pandemic may temporarily have altered the operations of the Judicial Branch of the Virgin Islands, but it has not diminished our resolve. As our processes again change as the Virgin Islands, the United States, and the world transition to a "new normal"—whatever that may ultimately be—I can promise you that one thing will stay the same: the Judicial Branch will continue to strive to be a model of judicial excellence; to earn the trust and confidence of the public; to provide professional, efficient, accountable and accessible services to all; and to continue the impartial and prompt disposition of all cases in accordance with the rule of law."

HON. RHYS S. HODGE, CHIEF JUSTICE
2020 Annual Report of the U.S. Virgin Islands Judiciary & Court System

TABLE OF CONTENTS

THE JUDICIARY 5

STATE OF THE JUDICIARY 6

HISTORY OF THE JUDICIARY 14

THE JUDICIAL BRANCH ORGANIZATIONAL CHART 14

ORGANIZATION & GOVERNANCE .. 18

JUDICIAL BRANCH APPOINTMENTS 20

JUDICIAL BRANCH COLLABORATIONS AND HIGHLIGHTS 21

- Courtroom Technology Project ... 22
- BMV Integration Project 23

THE SUPREME COURT 24

- FY 2021 Judicial Designations 24
- Office of the Clerk of the Supreme Court 27
- Indigent Appointments 27

ARMS OF THE SUPREME COURT 28

- Office of Bar Admissions 28
- Regular Admission 28
- Pro Hac Vice Admission 29
- Special Admission 30

SERVICES TO EXISTING MEMBERS OF THE VIRGIN ISLANDS BAR 30

- Certificates of Good Standing. 30
- Status Changes 30
- Continuing Legal Education 30
- Attorney Registration 30
- Issuance of Bar Identification Numbers 30

OFFICE OF DISCIPLINARY COUNSEL .31

- Judicial Discipline and Incapacity .. 31
- Attorney Discipline 32
- Discipline Case Demographics 33
- Unauthorized Practice of Law 34
- Discipline History Requests and Notices of Non-Compliance 34
- Receiverships 34

THE SUPERIOR COURT 36

- Superior Court Jurisdiction and Administration 38

SUPERIOR COURT CASELOAD STATISTICS 38

- Civil Division. 39
- Criminal Division 41
- Family Division. 42
- Probate Division 42
- Traffic Division 43

JUDICIAL BRANCH ADMINISTRATIVE OFFICE 44

BUDGETING AND FINANCIAL MANAGEMENT .. 43

REVENUE COLLECTIONS 45

SPOTLIGHT ON COURTS IN RECOVERY 45

HR STATISTICAL HIGHLIGHTS 47

- Staffing 47
- COVID-19 Response 48
- 2021 Employees of the Year 48
- Training 49

OFFICE OF THE VIRGIN ISLANDS MARSHAL 49

COURT SERVICES 50

- Court Improvement Program 51
- Child Welfare Training and Collaboration 51
- 44th National Child Welfare Law Conference 51
- Court Reporting 52
- Jury Management 52
- Pretrial Diversion 53
- Probation and Parole 53

COMMUNITY PARTICIPATION AND OUTREACH 55

- Moot Court 55
- Superior Court Rising Stars Youth Steel Orchestra 55

SUPREME COURT OF THE U.S. VIRGIN ISLANDS

THREE JUSTICES

Hon. Rhys S. Hodge
CHIEF JUSTICE

Hon. Maria M. Cabret
ASSOCIATE JUSTICE

Hon. Ive Arlington Swan
ASSOCIATE JUSTICE

Veronica J. Handy, Esquire
CLERK OF THE COURT

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

SUPERIOR COURT OF THE U.S. VIRGIN ISLANDS

TEN JUDGES

Hon. Harold W. L. Willocks
PRESIDING JUDGE

Hon. Kathleen Y. Mackay
ADMINISTRATIVE JUDGE

Hon. Douglas Brady
JUDGE

Hon. Debra S. Watlington
JUDGE

Hon. Jomo Meade
JUDGE

Hon. Denise M. Francois
JUDGE

Hon. Jessica Gallivan
JUDGE

Hon. Renee Gumbs Carty
JUDGE

Hon. Alphonso Andrews
JUDGE

Hon. Sigred Tejo
JUDGE

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

MAGISTRATE DIVISION

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

FOUR MAGISTRATE JUDGES

Hon. Ernest E. Morris, Jr.
MAGISTRATE JUDGE

Hon. Paula D. Norkaitis
MAGISTRATE JUDGE

Hon. Yolan Brow-Ross
MAGISTRATE JUDGE

Hon. Simone Vanholten-Turnbull
MAGISTRATE JUDGE

Tamara Charles
CLERK OF THE SUPERIOR COURT

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

Regina Petersen
ADMINISTRATOR OF COURTS

Kevin Williams, Sr.
ASSISTANT ADMINISTRATOR OF COURTS

THE JUDICIARY

On behalf of the entire Virgin Islands Judiciary, it is my privilege to present the 2021 Annual Report on the State of the Virgin Islands Judiciary. This report, which is prepared by the Administrator of Courts and the Judicial Branch Administrative Office, provides statistical information and highlights the various accomplishments and activities of the courts of the Virgin Islands during the past fiscal year.

As Chief Justice, it is my statutory responsibility to make this annual report on the state of the judiciary for submission to the Governor and the President of the Legislature on or before May 30 of each year. Typically, I begin this report by using one word or phrase to summarize the current state of the court system. That word or phrase tells the story of that particular year, and often frames the content of the accomplishments and challenges outlined in the rest of the report. In 2017, the word was "transition," due to the numerous challenges that faced the Superior Court and the Supreme Court as they transitioned to administrative unification under Act No. 7888. I used the phrase in our motto "United in Pride and Hope" in 2018 to represent our pride in the recovery effort from the twin disasters of Hurricanes Irma and Maria, and the implementation of administrative unification as well as our hope for the future. In 2019, I described the state of the court system as "resilient" in its response to the COVID-19 public health emergency. And just last year, in 2020, our Judiciary was "renewed" as it navigated the transition to the resumption of ordinary operations.

Looking back today on the words used to describe the state of the judiciary between 2016 and 2021 and reflecting on the events that led to their selection leaves me with mixed emotions. The many challenges the Virgin Islands Judiciary faced between Fiscal Years 2016 and 2021 were not just the most challenging in its history, but arguably represent the most difficult five-year period any modern court system has ever encountered. Yet despite navigating a substantial structural change, direct hits by two Category-5 hurricanes, and one of the worst pandemics in recorded history, the Virgin Islands Judiciary rose to the occasion. The Superior Court and the Supreme Court not only remained open to discharge their constitutional and statutory duties but reengineered their operations to adjust to the rapidly changing circumstances. Not only that, but the Virgin Islands Judiciary continued to accomplish major milestones, such as completing the long-awaited implementation of a new case management system (CMS) and e-filing in the Superior Court during the height of the COVID-19 pandemic.

This year, I will not use a word or phrase to summarize the current state of the Virgin Islands Judiciary. Instead, I feel it is most appropriate to look towards the future, and in particular the principles that guide myself and other Judicial Branch leaders as we envision what the Judicial Branch may look like one, five, or even ten years from now. Those principles are the "Three Rs": Reflection, Reassessment, and Realignment.

As I said, I have spent quite some time reflecting about the events of the past five years. Reflection, however, is not the same as reminiscing or remembering. To reflect does not mean that one just basks in the glory of past accomplishments or wallows in regret over prior disappointments. Rather, to truly reflect is to examine; that is, to step back and critically evaluate past events to not just remember what happened, but why it happened.

The Virgin Islands Judiciary did not merely meet the numerous challenges it faced over the last five years, but in fact far exceeded even our highest expectations. But that the Judicial Branch not only survived, but in many ways even thrived, is not some accident or fortunate coincidence. Rather, it is due to hard work and dedication – not just on the part of its judicial officers, but its staff. I have said it countless times before, but I will say it again here: without our employees, the Judicial Branch would not come anywhere close to meeting its mandate of providing professional, efficient, and accountable services to the people of the Virgin Islands.

The Judicial Branch rightly feels pride in the many employees who remained resilient and rose to the occasion during times of crisis, often behind the scenes and without outside recognition. But that pride is a bittersweet pride, in that it is tempered with the fact that many of those employees were themselves profoundly affected by the emergency conditions facing the Territory. Yet despite their own often substantial struggles, those employees not only continued to do their jobs, but did so with excellence, frequently performing duties outside of their job descriptions and in some cases working longer or non-traditional hours.

I speak for all the Justices, Judges, and Magistrate Judges when I say that our Judicial Branch employees are among the best—and arguably the best—not just within the public sector, but throughout the Territory and beyond. And it is for that reason that the Judicial Branch is now facing a new crisis: the struggle to retain those employees. As the Territory and the nation rebound from the economic crisis caused by the COVID-19 pandemic, the Virgin Islands Judiciary, at its current funding level, simply cannot pay its employees what they are worth. The result is that those very same employees who performed with distinction to keep the courts of the Virgin Islands operational during two Category-5 hurricanes and a global pandemic are leaving the Judicial Branch for higher paying opportunities not just in the private sector, but also within other government agencies.

This high voluntary turnover is unfortunately concentrated in some of the most essential areas of both courts' operations, such as the Clerks' Offices. It is impossible to understate the importance of these clerks to the operations of the Judicial Branch. Not only do clerks support the work of all judicial officers, but they are often the first Judicial Branch employee that lawyers and members of the public ever interact with. As such, they are often the face and voice of the Judicial Branch, especially to self-represented litigants who cannot afford to hire an attorney.

The Judicial Branch has made its best efforts to provide fair compensation to all its employees. Its ability to do so, however, has been adversely affected by inadequate funding provided to the Judicial Branch. The failure to fund the Virgin Islands Judiciary at a level that is consistent with its needs is one that has spanned numerous legislatures and multiple administrations. It has not only prevented the Judicial Branch from retaining its best employees, but also forestalled much-needed improvements in critical operational areas ranging from facilities to information technology.

We must therefore reassess both the level of funding for the Judicial Branch, as well as how its budget appropriation is determined. The systematic underfunding of the Judicial Branch for more than a decade has directly impacted the bread-and-butter work of the courts: adjudicating cases. Our court system, and particularly the Superior Court, suffer from a known backlog of cases, stemming largely from the high turnover in judicial officers, twin disasters of Hurricanes Irma and Maria followed by this historic COVID-19 pandemic. Due to the tireless work of our judicial officers and the efforts of the Judicial Branch Administrative Office, we navigated these emergencies in an extraordinarily effective manner. While the case backlog could not be prevented, largely due to the necessary suspension of in-person jury and non-jury trials, things could have been far worse. The courts of the Virgin Islands were already well on their way to becoming "e-everything" courts long before the COVID-19 pandemic. To give just one example, the Supreme Court of the Virgin Islands possessed the capability to hold oral arguments and other hearings remotely since 2009, and frequently used that technology to accommodate lawyers or even Justices who were unable to travel to in-person arguments. Thus, unlike court systems elsewhere around the country, which greatly struggled with the transition to virtual hearings and electronic filing, the courts of the Virgin Islands were able to readily adapt to these changed circumstances. In fact, the Superior and Supreme Courts remained open to accept and adjudicate most case types throughout the entire pandemic.

Hopefully with proper funding, the Virgin Islands Judiciary will be able to implement all the necessary steps to promptly resolve the emergency backlog now that the COVID-19 pandemic is hopefully largely behind us. One of the challenges facing courts not just in the Virgin Islands, but the entire United States, is a shortage of qualified court reporters. Court reporters serve one of the most critical roles in judicial proceedings, and particularly in criminal and civil trials: making an exact verbatim record of what occurred. Without the ability to make such a record, a trial cannot occur, even if the judicial officer, attorneys, and other participants are available. However, there has been a significant shortage of court reporters even before the COVID-19 pandemic, caused by a combination of many retirements and a "pipeline" problem—that is, far fewer students choosing to enroll in stenography school and enter the court reporting profession. The shortage is so significant that court reporter positions are often advertised with annual salaries in the range of $100,000—even in the Virgin Islands—yet still cannot be filled with qualified individuals.

Ironically, the COVID-19 pandemic and the transition to virtual hearings on Zoom and other platforms temporarily stemmed the effects of the court reporter shortage by permitting complete audio and video recording of these virtual judicial proceedings without the need for a court reporter. But making a complete audio and video record without a court reporter in an in-person proceeding held in a physical court room is not as simple as just pushing a button. In addition to each courtroom being upgraded with the technology necessary to enable such recordings, the Judicial Branch must hire new employees, or comprehensively train existing employees, who are qualified to not just use the equipment, but continuously monitor it while it is in use during a trial or other hearing. Until this is done, the number of in-person trials held in the Superior Court will be dictated by the availability of one of the ever-decreasing court reporters.

Our reassessment efforts, however, must not be limited only to the internal operations of the Judicial Branch, but the administration of justice in its entirety. For many years, the criminal justice system in the Virgin Islands had been broken due to the unaddressed indigent defense crisis. One of the Judicial Branch's first acts after implementation of the newly unified administration in 2016 was to comprehensively reform the process for appointing counsel to indigent criminal defenses in cases where the Office of the Territorial Public Defender possesses an ethical conflict or otherwise cannot permissibly undertake the representation. We did so by replacing the highly antiquated system of involuntarily appointing attorneys to such cases—regardless of their expertise or desire for the appointment—with one in which attorneys may voluntarily join a private attorney panel, with the involuntary appointment of an unwilling attorney an absolute last resort only when the Office of the Territorial Public Defender and none of the private panel members are able to represent the indigent defendant.

But while this system is certainly an improvement, it is also far from perfect. The small number of attorneys who volunteer to serve on private attorney panels fluctuates throughout the year as few new attorneys apply to join the panel and overtaxed existing attorneys withdraw. Because all the attorneys who serve on private attorney panels are engaged in the full-time private practice of law, their willingness and availability to accept appointments often fluctuates based on the number of private clients they represent and the complexity of those matters. As a result, judicial officers often find it difficult to provide attorneys to indigent criminal defendants due to there being too few volunteer attorneys for the private attorney panels or those attorneys being overextended and declining further indigent appointments. This directly affects the ability of the Judicial Branch to timely process criminal and family cases.

Most other United States jurisdictions have found a solution to this problem. In many jurisdictions, the appointment of a private attorney to represent an indigent criminal defendant is not the second resort after the public defender's office has been disqualified from the representation, but rather a third resort. This is because most jurisdictions are not served by just one public defender's office, but rather two public defender's offices: the primary public defender's office, and a second public defender's office typically known as the Office of the Alternate Public Defender or Conflict Attorneys. This alternate public defender's office consists of one or more attorneys who agree to accept all cases in which the primary public defender's office has been disqualified from providing representation. The alternate public defender office is entirely separate from the primary public defender's office and shares no common employees or facilities. In some jurisdictions, the alternate public defender's office is a law firm that contracts with the government—typically a court or court system—to undertake this representation for a flat annual fee. Unlike the attorneys who serve on a private attorney panel, however, the alternate public defender will devote itself entirely to providing indigent defense. In other jurisdictions, the alternate public defender's office is a government agency—typically within the judicial branch—and is staffed with full-time salaried employees who do not engage in the private practice of law.

As part of its realignment efforts, the Virgin Islands Judiciary will seek federal funding to establish an Office of the Alternate Public Defender in order to assist with the backlog of criminal cases created by the suspension of jury trials due to the COVID-19 pandemic. As in other

jurisdictions, this Office of the Alternate Public Defender would serve as the second resort for indigent appointments and undertake representation in all cases where the Office of the Territorial Public Defender is disqualified or has been permitted to withdraw as counsel. While private attorney panels would continue to exist, they would operate as a third resort, and appointments from those private attorney panels would typically only occur in cases where three or more indigent co-defendants have been jointly charged or in the extraordinarily rare cases where neither the Office of the Territorial Public Defender and the Office of the Alternate Public Defender could undertake the representation. I look forward to working with the Governor, the Legislature, the Virgin Islands Bar Association, and of course the Office of the Territorial Public Defender to make this a reality within the coming fiscal year.

The Virgin Islands Judiciary has mitigated this problem through realignment—that is, by making necessary changes to best meet its mission, including adjusting to respond to shortcomings. Realignment is not easy for any organization, and especially not for court systems, which often have a reputation for being stalwarts of precedent rather than agents of change. A colleague of mine, Michigan Chief Justice Bridget Mary McCormack, recently stated in testimony before Congress that "this Pandemic is not the disruption that Courts wanted, but it was a disruption that we needed to transform our judiciary into a more accessible, more transparent, more efficient, more customer-friendly branch of government." While in the early days of the COVID-19 pandemic some judicial officers and attorneys questioned whether a virtual hearing could be conducted effectively, that is no longer the case. Many judicial officers and attorneys appreciate the convenience of being able to handle status conferences and other routine matters by Zoom without the need to travel to a physical courthouse. The Judicial Branch has no intentions of departing from this hybrid model—that is, in-person proceedings for trials and evidentiary hearings, and virtual proceedings for routine matters—and we are in the process of developing court rules to formalize virtual proceedings as a permanent part of our system of justice.

But realigning its processes to achieve maximum benefit for the public is not something that the Judicial Branch can do completely on its own. For instance, the ability of the Judicial Branch to fully implement this hybrid model is limited by funding and antiquated provisions in the Virgin Islands Code. Numerous jurisdictions, such as Connecticut, New York, and Utah, are in various stages of creating online dispute resolution systems (ODR) or more colloquially, "online courts." In these online courts, all parts of the proceeding—including case initiation, mediation, and even trial—are handled without there ever being a physical hearing; instead, the proceedings are exclusively conducted through Zoom or a similar remote access platform. Of course, the jurisdiction of these online courts is limited to only those matters that can effectively be resolved without an in-person hearing—Connecticut and Utah, for instance, limit their online courts only to small claims cases.

It is our hope to utilize federal recovery funds to establish such an online dispute resolution system within the Judicial Branch of the Virgin Islands. However, even with federal funds, an online court cannot operate to its full potential without some legislative action. The jurisdictions implementing online courts typically have not staffed those online dispute resolution programs with full-time judicial officers. For instance, both Connecticut and Utah utilize per diem judges and magistrates to hear such cases while others utilize judges and mediators supplied by the professional ODR operators. These per diem judicial officers are attorneys admitted to the practice of law in that jurisdiction who are appointed by the supreme court or its designee to serve on a per diem basis. These attorneys serve at the pleasure of the state supreme court with no set terms and without entitlement to a judicial pension or similar benefits but can continue the full-time practice of law subject to their compliance with specific ethical rules on matters such as conflict of interest and confidentiality. By utilizing such per diem judicial officers, the court system frees up its full-time judicial officers to hear more serious matters and benefits from the expertise of experienced lawyers who can serve the community in a judicial capacity on a part-time basis without giving up their law practice. In fact, the use of per diem judges is very common throughout the United States even for in-person proceedings. While the Virgin Islands Judiciary could create an ODR program without legislative action by staffing it with an existing full-time judicial officer, that would require that judicial officer to be redirected from other matters. We will therefore work with the Legislature to enact legislation which would authorize the Supreme Court of the Virgin Islands to temporarily appoint members of the Virgin Islands Bar as per diem or part-time judicial officers to assist the Judicial Branch in its efforts to respond to the accumulated case backlog. This is not a new process for the Virgin Islands as the District Court of the Virgin Islands possessed the authority to appoint "court commissioners" to perform similar duties, during its entire former oversight of the local judiciary pursuant to 4 V.I.C. § 36 (repealed Oct. 29, 2004, by Act No. 6687 § 13(a)).

Similarly, I urge the Legislature to consider measures to improve the operations of the Magistrate Division of the Superior Court so that the Magistrate Division's enabling legislation aligns with how the Magistrate Division operates in practice. The legislation creating the Magistrate Division was well-crafted for its time and constituted an important step in the development of the Virgin Islands Judiciary. However, we have learned much during the 13 years that the Magistrate Division has now been operational. While the original legislation contemplated that magistrate judges would serve a role akin to judicial adjuncts—like that of federal magistrate judges in the federal district courts—this has not been the case in practice. Unlike federal magistrate judges who largely assist a federal district judge with processing cases assigned to the district judge, virtually all of the work performed by our Superior Court magistrate judges involves them independently adjudicating their own cases. In other words, unlike the federal system, there is no practical difference between a Superior Court judge and a Superior Court magistrate judge in terms of the duties performed. In essence, a Superior Court magistrate judge operates as a Superior Court judge assigned exclusively to small claims, traffic, domestic violence and probate cases. Nevertheless, magistrate judges receive a different title, are paid a lower salary, and have their decisions subjected to an intermediate level of appellate review by a Superior Court judge before an appeal is permitted to the Supreme Court.

Considering how Superior Court magistrate judges operate essentially as Superior Court judges in all but name, I urge the Legislature to adopt legislation which would conform the law to reality by converting the position of Superior Court magistrate judge to that of a Superior Court judge who is assigned exclusively to the Magistrate Division but who are also eligible and available to perform in every aspect of the judiciary. This structure would parallel the system already utilized

with the Family Division and the Complex Litigation Division of the Superior Court, in which a Superior Court judge is assigned exclusively to cases within the jurisdiction of that division, but receives the same title, salary, benefits, and powers as all other Superior Court judges, and is able to issue decisions that are final and appealable directly to the Supreme Court without first being reviewed by another Superior Court judge. Doing so would permit the Virgin Islands Judiciary to continue to reap the benefits of the Magistrate Division—namely, a dedicated set of full-time judicial officers who focus on probate, small claims, traffic, and similar matters, including certain civil and criminal matters—while also providing those judicial officers with the respect and compensation they deserve and eliminating an unnecessary intermediate appeal. The cost savings and efficiency from eliminating the cumbersome Appellate Division of the Superior Court will more than offset and cover the 15% increase of converting the salary of magistrate judges to Superior Court judges.

I conclude by recognizing three new magistrate judges who have joined the Judiciary over the last year: the Honorable Paula D. Norkaitis and the Honorable Simone VanHolten-Turnbull in the District of St. Thomas-St. John, who succeed the Honorable Henry Carr III and the Honorable Carolyn Herman Percell; and the Honorable Yolan Brow Ross in the District of St. Croix, who succeeds the Honorable Miguel Camacho. On behalf of the Judicial Branch, I congratulate Judges Norkaitis, VanHolten-Turnbull, and Brow Ross on their appointments, and thank them for their willingness to serve the people of the Virgin Islands in this important role. Finally, as a matter of personal privilege, I am grateful to have been elected to serve another term as the Chief Justice of the Virgin Islands. I look forward to continuing to work with my colleagues on the Supreme Court, as well as all the judicial officers and staff of the Virgin Islands Judiciary, towards our shared goal of ensuring that the courts of the Virgin Islands continue to dispense justice in accordance with the rule of law.

Hon. Rhys S. Hodge
Chief Justice

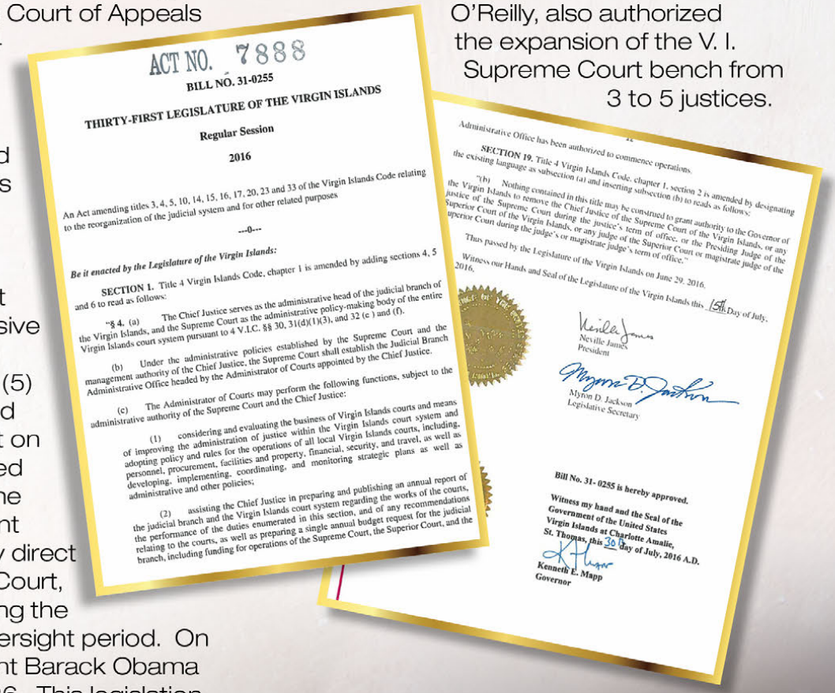
The Virgin Islands judiciary evolved from three (3) Police Courts which existed pursuant to the 1921 Codes of St. Thomas, St. John and St. Croix. On July 22, 1954, the United States Congress approved The Revised Organic Act of the Virgin Islands, and section 21 vested the judicial power in a Court of record to be designated the "District Court of the Virgin Islands" and such lower courts as the legislature may establish. 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 (2) municipal Courts into a 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. Almost three (3) 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, 994, pursuant to Act No. 5890, the Virgin Islands Legislature granted expanded jurisdiction in criminal matters to the Territorial Court.

In 1984, the United States' 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 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 Superior 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 then Governor, Charles W. Turnbull on October 29, 2004 as Act No. 6887. This pivotal Legislation also changed the name of the Territorial Court of the Virgin Islands to the current Superior Court of the Virgin Islands.

Governor Turnbull appointed the first three justices to preside over the Supreme Court of the Virgin Islands—Rhys S. Hodge, Maria M. Cabret, and Ive Arlington Swan and designated Rhys S. Hodge as Chief Justice. 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 assumed appellate jurisdiction. Prior to that date, all appeals from the local courts were heard by the Appellate Division of the United States District Court of the Virgin Islands and the United States Court of Appeals for the Third Circuit. The 1984 amendments to the Revised Organic Act also provided that upon establishment of a local appellate court, the Third Circuit would review decisions of the local appellate court on certiorari for the first (15) fifteen years of its existence and directed that a the Circuit Court conduct a comprehensive evaluation of the Supreme Court's operations every five (5) years. The Third Circuit issued its first five-year review report on June 9, 2012, which concluded that the Virgin Islands Supreme Court had developed sufficient institutional traditions to justify direct review by the U.S. Supreme Court, thereby recommending ending the remaining fifteen (15) year oversight period. On December 28, 2012, President Barack Obama signed Public Law No. 112-226. This legislation, sponsored by V.I. Delegate to Congress Donna M. Christensen, amended the Revised Organic Act to eliminate the Third Circuit's oversight review of the V.I. Supreme Court. With the elimination of the oversight review period, the Supreme Court of the Virgin Islands achieved parity with the highest courts of the several states and its decisions would be subject to direct review by the Supreme Court of the United States, as do the decisions on highest courts of several States and territories. The Virgin Islands now joins the other States and Territories of the Union in establishing a progressive, 21st century, local court system.

Consistent with the organizational structure of a majority of the jurisdictions under the United States Flag, on August 29, 2016, the local judiciary took another leap forward when Bill No. 31-2055, 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 V. I. Supreme Court bench from 3 to 5 justices.


ACT NO. 7888

BILL NO. 31-0255

THIRTY-FIRST LEGISLATURE OF THE VIRGIN ISLANDS

Regular Session

2016

An Act amending titles 3, 4, 5, 10, 14, 15, 16, 17, 20, 23 and 33 of the Virgin Islands Code relating to the reorganization of the judicial system and for other related purposes

---0---

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 4 Virgin Islands Code, chapter 1 is amended by adding sections 4, 5 and 6 to read as follows:

"§ 4. (a) The Chief Justice serves as the administrative head of the judicial branch of the Virgin Islands, and the Supreme Court as the administrative policy-making body of the entire Virgin Islands court system pursuant to 4 V.I.C. §§ 30, 31(d)(1)(3), and 32 (e) and (f).

(b) Under the administrative policies established by the Supreme Court and the management authority of the Chief Justice, the Supreme Court shall establish the Judicial Branch Administrative Office headed by the Administrator of Courts appointed by the Chief Justice.

(c) The Administrator of Courts may perform the following functions, subject to the administrative authority of the Supreme Court and the Chief Justice:

(1) considering and evaluating the business of Virgin Islands courts and means of improving the administration of justice within the Virgin Islands courts, including, adopting policy and rules for the operations of all local Virgin Islands courts, including, personnel, procurement, facilities and property, financial, security, and travel, as well as developing, implementing, coordinating, and monitoring strategic plans as well as administrative and other policies;

(2) assisting the Chief Justice in preparing and publishing an annual report of the judicial branch and the Virgin Islands court system regarding the works of the courts, the performance of the duties enumerated in this section, and of any recommendations relating to the courts, as well as preparing a single annual budget request for the judicial branch, including funding for operations of the Supreme Court, the Superior Court, and the Administrative Office has been authorized to commence operations.

SECTION 19. Title 4 Virgin Islands Code, chapter 1, section 2 is amended by designating the existing language as subsection (a) and inserting subsection (b) to reads as follows:

"(b) Nothing contained in this title may be construed to grant authority to the Governor of the Virgin Islands to remove the Chief Justice of the Supreme Court of the Virgin Islands, or any justice of the Supreme Court during the justice's term of office, or the Presiding Judge of the Superior Court of the Virgin Islands, or any judge of the Superior Court or magistrate judge of the Superior Court during the judge's or magistrate judge's term of office."

Thus passed by the Legislature of the Virgin Islands on June 29, 2016.

Witness our Hands and Seal of the Legislature of the Virgin Islands this 15th Day of July, 2016.

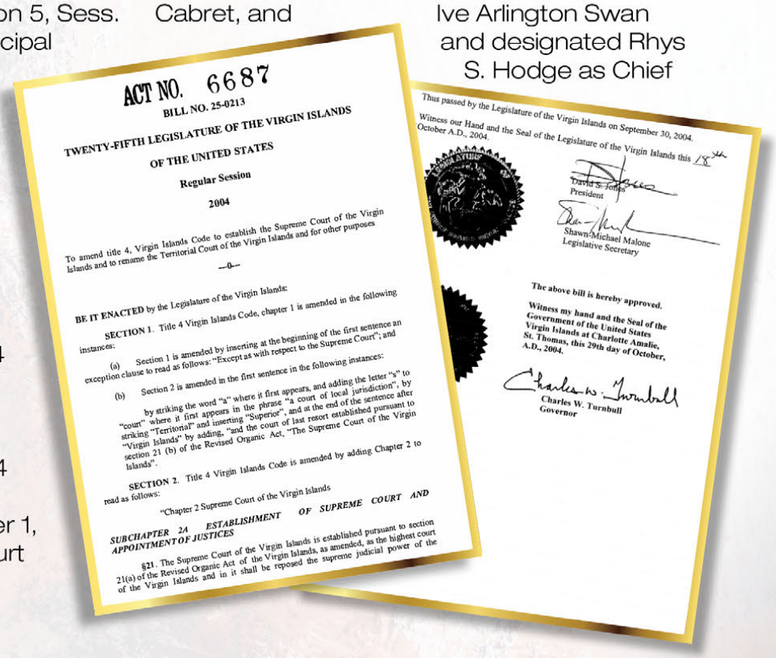
Kenneth James
President

Myron D. Jackson
Legislative Secretary

Bill No. 31- 0255 is hereby approved.

Witness my hand and the Seal of the Government of the United States Virgin Islands at Charlotte Amalie, St. Thomas, this 30 day of July, 2016 A.D.

Kenneth E. Mapp
Governor


ACT NO. 6687

BILL NO. 25-0213

TWENTY-FIFTH LEGISLATURE OF THE VIRGIN ISLANDS

OF THE UNITED STATES

Regular Session

2004

To amend title 4, Virgin Islands Code to establish the Supreme Court of the Virgin Islands and to rename the Territorial Court of the Virgin Islands and for other purposes

—0—

BE IT ENACTED by the Legislature of the Virgin Islands:

SECTION 1. Title 4 Virgin Islands Code, chapter 1 is amended in the following instances:

(a) Section 1 is amended by inserting at the beginning of the first sentence an exception clause to read as follows: "Except as with respect to the Supreme Court"; and

(b) Section 2 is amended in the first sentence in the following instances:

by striking the word "a" where it first appears, and adding the letter "s" to "court" where it first appears in the phrase "a court of local jurisdiction", by striking "Territorial" and inserting "Superior", and at the end of the sentence after "Virgin Islands" by adding, "and the court of last resort established pursuant to section 21 (b) of the Revised Organic Act, "The Supreme Court of the Virgin Islands".

SECTION 2. Title 4 Virgin Islands Code is amended by adding Chapter 2 to read as follows:

"Chapter 2 Supreme Court of the Virgin Islands

SUBCHAPTER 24 ESTABLISHMENT OF SUPREME COURT AND APPOINTMENT OF JUSTICES

§21. The Supreme Court of the Virgin Islands is established pursuant to section 21(a) of the Revised Organic Act of the Virgin Islands, as amended, as the highest court of the Virgin Islands and in it shall be reposed the supreme judicial power of the

Thus passed by the Legislature of the Virgin Islands on September 30, 2004.

Witness our Hand and the Seal of the Legislature of the Virgin Islands this 18th day of October A.D., 2004.

David S. Jones
President

Shawn-Michael Malone
Legislative Secretary

The above bill is hereby approved.

Witness my hand and the Seal of the Government of the United States Virgin Islands at Charlotte Amalie, St. Thomas, this 29th day of October, A.D., 2004.

Charles W. Turnbull
Governor

THE JUDICIAL BRANCH

SUPREME COURT
OF THE U.S. VIRGIN ISLANDS

CHIEF JUSTICE

JUDICIAL MANAGEMENT ADVISORY COUNCIL

JUDICIAL BRANCH ADMINISTRATIVE OFFICE

ADMINISTRATOR

ASSISTANT ADMINISTRATOR

GENERAL COUNSEL

SUPREME COURT
OF THE VIRGIN ISLANDS

2-4 ASSOCIATE JUSTICES

CLERK OF SUPREME COURT

DISCIPLINE

BAR ADMISSIONS

SUPERIOR COURT
OF THE VIRGIN ISLANDS

PRESIDING JUDGE

ADMINISTRATIVE JUDGE

8 JUDGES

4 MAGISTRATE JUDGES

CLERK OF SUPERIOR COURT

COURT ADMINISTRATIVE SERVICES

MARSHAL SERVICE

BUDGET & ACCOUNTING

HUMAN RESOURCES

FACILITIES MANAGEMENT

COURT SECURITY

PROCUREMENT

STRATEGIC SERVICES

COURT DIVISIONS

BUSINESS INTELLIGENCE

MANAGEMENT IT SYSTEMS

COURT REPORTING

PROBATION & PRE-TRIAL

RECORDS & ARCHIVES

LIBRARY SERVICES

JURY MANAGEMENT

TRAFFIC DIVISION

PROBATE DIVISION

FAMILY DIVISION

CRIMINAL DIVISION

CIVIL DIVISION

COMPLEX LITIGATION DIVISION

The Supreme Court of the Virgin Islands is the highest local court and supreme judicial authority of the Virgin Islands. Pursuant to title 4, section 32(a) of the Virgin Islands Code, the Supreme Court of the Virgin Islands has appellate jurisdiction to review the final judgments rendered by the Superior Court, as well as a limited number of specified interlocutory orders. The Supreme Court also provides a second level of appellate review for appeals taken from the Magistrate Division of Superior Court. The Superior Court is the court of first impression in the Virgin Islands judiciary. As the trial court, it has broad jurisdiction in addressing the legal needs of the Virgin Islands community and has original jurisdiction to preside over all local civil, criminal, family, probate, landlord-tenant, small claims and traffic disputes. It also acts as a court of appeals for decisions of all governmental officers and agencies.

Pursuant to the authority granted by Act No. 7888, 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 on the operations and business of the judiciary.

The Judicial Branch Management Advisory Council is a six-member body consisting of the Chief Justice, two Associate Justices, the Presiding Judge, a judge of the Superior Court and a magistrate judge of the Superior Court. The Chief Justice chairs the council, and the Administrator of Courts serves as the council's secretary. All judicial officers are ex officio members of the council. In Fiscal Year 2021, the serving members of the council were as follows:

- Hon. Rhys S. Hodge, Chief Justice
- Hon. Maria M. Cabret, Associate Justice
- Hon. Ive Arlington Swan, Associate Justice
- Hon. Harold W. L. Willocks, Presiding Judge
- Hon. Kathleen Mackay, Administrative Judge
- Hon. Carolyn Hermon-Percell, Magistrate Judge *Retired 11/16/2021*

During fiscal year 2021, the Judicial Management Advisory Council acted on several recommendations in order to streamline and improve court operations. Some of those rule and administrative changes resulted in several orders from the Supreme Court, some of which are highlighted below:

Promulgation Order No. 2021-0017 - **Amendments to Supreme Court Rule 207.24** Establishing maximum compensation of an appointed receiver and clarifying that such compensation and expenses of a receiver are not to be paid from public funds, but from the estate of a deceased lawyer.

Promulgation Order No. 2021-0016 – **Adoption of Supreme Court Rule 107- Formal Designation of Administrative Judge of the Superior Court.** To improve the Administration of Justice in the Territory the court formally designated the position of Administrative Judge to assist the Presiding Judge with case management distribution and oversight as well as the management of the Clerk of the Superior Court.

Admin Order No. 2021-0005 -**Establishment of the Virgin Islands Judicial Branch Task Force for Restarting Jury Trials.** On March 19, 2021, the Supreme Court established the Judicial Branch task Force for Restarting Jury trials with the Honorable Kathleen Y. Mackay as chair, to develop a proposed plan for resuming jury trials during the pandemic. The task force included members from various divisions within the judiciary, as well as justice system partners from the Virgin Islands' Attorney General's Office, Territorial Public Defender's Office and the Virgin Islands' Bar Association. Consistent with the Administrative Orders in this regard, the task force issued its report and recommendations to the Chief Justice and Presiding Judge on June 9, 2021. The Task Force reviewed local protocols as well as those of other jurisdictions to make recommendations for resumption of jury trials that would be suitable based on size and design of our courthouses and more specifically courtrooms. The principal recommendation was the need to implement audio and visual enhancement that would allow persons in courtrooms, including jurors to be socially distanced without diminishing the ability to hear and view witnesses and evidence. The Task Force report and recommendation can be found on the pandemic page of the Judicial Branch website at **www.vicourts.org.**

Admin Order No. 2021-0012 – **Authorization for the Creation and Appointment of a Staff Master form the Complex Litigation Division of the Superior Court of the Virgin Islands.** Pursuant to the recommendation of the Presiding Judge and the Judicial Management Advisory Council, the Supreme Court entered an order establishing a full-time staff master as an employee of the Judicial Branch of the Virgin Islands assigned to the Complex Litigation Division to facilitate and expedite the docket management of nearly 1400 complex litigation cases.

Admin Order No. 2021-0013 – **Resumption of In-person Proceedings and Jury Trials in the Judicial Branch of the Virgin Islands.** The Judiciary concluded, despite the continued presence and spread of the Delta variant of the COVID-19 virus, to commence a controlled transitions to in-person proceedings with the goal of safely resuming in-person jury trials on October 4, 2021. The Judicial Branch complied with this deadline and successfully conducted juror *voir dire* and selection that week

Resolution No.2021-0002 – **Resolution Approving the Judiciary of the Virgin Islands Budget for Fiscal Year 2022.** The Judiciary's Fiscal Year 2022 Budget Request was reviewed and approved at a Judicial Management Advisory Council meeting held on May 27, 2021 and submitted timely by May 30th as required by law.

JUDICIAL BRANCH APPOINTMENTS

PAULA D. NORKAITIS

The Honorable Paula D. Norkaitis was appointed to serve a 4-year term as Magistrate Judge of the Superior Court of the Virgin Islands in the St. Thomas/ St. John District by the Presiding Judge of the Superior Court of the Virgin Islands, the Honorable Harold W.L. Willocks on October 20, 2021. Magistrate Judge Norkaitis was appointed by Presiding Judge Willocks upon the recommendation of a selection committee and final vote by all of the judges of the Superior Court of the Virgin Islands.

Magistrate Judge Norkaitis is a Magna Cum Laude graduate of Duke University in 1981 with a BA in Spanish Literature with a minor in Political Science. She attended law school at the George Washington University National Law Center and obtained her Juris Doctor in 1985. Admitted to the practice of law in the Supreme Court of Pennsylvania, New York City Court of Appeals, United States Virgin Islands and the District Court of the United States Virgin Islands. Her experience includes practice as an Assistant Prosecutor in Bergen County, New Jersey, Legal Counsel to the Governor of New Jersey, Assistant Attorney General in the Virgin Islands Department of Justice, senior litigator and trial attorney in private law firms in the Virgin Islands (Tom Bolt & Associates, Birch, DeJongh and Hindels) and a Territorial Public Defender, where she served for 9 years until her selection to serve as Magistrate Judge. elevation to the bench. She has been a resident of the Virgin Islands for over 24 years.

YOLAN BROW-ROSS

The Honorable Yolan Brow-Ross was appointed to serve a 4-year term as Magistrate Judge of the Superior Court of the Virgin Islands in the Judicial District of St. Croix by the Presiding Judge of the Superior Court of the Virgin Islands, the Honorable Harold W.L. Willocks on January 20, 2022. Magistrate Judge Brow-Ross was appointed by Presiding Judge Willocks upon the recommendation of a selection committee and final vote by all the judges of the Superior Court of the Virgin Islands.

Magistrate Brow-Ross is a graduate of Duke University where she obtained a B.A. in Sociology and Computer Science in 1995. She obtained her Juris Doctor from Tulane University in 1998 and is admitted to the practice of law in the Virgin Islands, the District Court of the Virgin Islands and the U.S. Court of Appeals for the Third Circuit. Her practice experience includes 6 years of combined private practice in the Virgin Islands with Law Offices of Yvette D. Ross-Edwards, and Law Offices of Hunter, Cole & Bennet. Prior to her selection as a Magistrate Judge, she served over 10 years as a Public Defender in the Office of the Territorial Public Defender.

SIMONE VAN HOLTEN-TURNBULL

The Honorable Simone Van Holten-Turnbull was appointed to serve a 4-year term as Magistrate Judge of the Superior Court of the Virgin Islands in the Judicial District of St. Croix by the Presiding Judge of the Superior Court of the Virgin Islands, the Honorable Harold W.L. Willocks on January 27, 2022. Magistrate Judge Van Holten-Turnbull was appointed by Presiding Judge Willocks upon the recommendation of a selection committee and final vote by all the judges of the Superior Court of the Virgin Islands.

Magistrate Judge Vanholten-Turnbull is a graduate of Hampton University with a Bachelor of Science in Business Management in 1990. She received her Juris Doctorate from the University of Florida's Levin School of Law in 1993. After Law school she clerked for the Honorable Ive A. Swan at the then Territorial Court of the Virgin Islands. Magistrate Van Holten-Turnbull, is admitted to the practice of law in the United States Virgin Islands and the District of Columbia since 2001. Her practice experience includes service as an Assistant Legal Counsel in the Legislature of the Virgin Islands, 7 1/2 years as an Assistant Attorney General in the Virgin Islands Department of Justice, and more than 10 years as a Territorial Public Defender where she ascended to Deputy Chief in 2016.

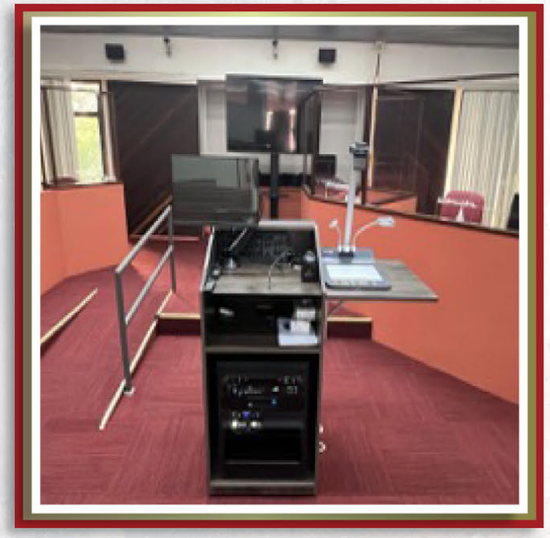
JUDICIAL BRANCH COLLABORATIONS AND HIGHLIGHTS

In 2021, the Conference of Chief Justices and Conference of State Court Administrators held its joint conference met in Williamsburg, Virginia and celebrated the 50th Anniversary of the National Center for State Courts and its continual integral role in *Promoting the Rule of Law and Improving the Administration of Justice, Past, Present, and Future.* The conference, which was held July 24-28, 2021, marked the first in-person gathering of both conferences since the beginning of the Global Pandemic. Both Chief Justice Rhys S. Hodge and Administrator of Courts Regina Petersen attended and were present at the National Center for State Courts' headquarters for the unveiling of the Legacy Circle made of pavers for all member states featuring the names of their sitting Chief Justices and State Court Administrators.

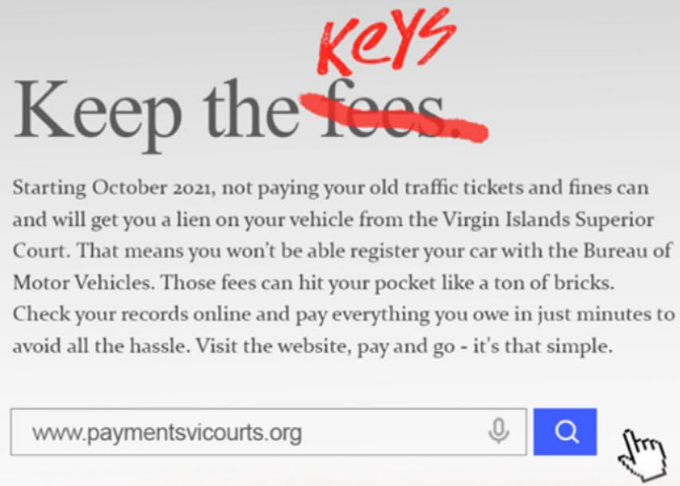
Members of CCJ gather at NCSC's Legacy Circle with NCSC President Mary McQueen and Congresswoman Elaine Luria.

COURTROOM TECHNOLOGY PROJECT

In order to transition to remote operations during the Global Pandemic, the Judiciary quickly embarked on a Courtroom Technology Implementation Project to install the audio and video recording technology necessary to facilitate the conduct of remote hearings and remote appearances by attorneys, witnesses



and other participants; integrate streaming externally and between courtrooms and other meeting rooms to increase capacity while adhering to pandemic protocols; and remote evidence presentation to allow for the handling of evidence and documents without the need for close contact. The new technology is also intended to facilitate recording and transcription services. The benefits of the project was to also position the court to increase access and to avoid future disruptions of hearings on account of surges in the numbers of COVID cases or possible future shut-downs. To assist with this transition, the Judiciary was awarded a $2.9 million Cares Act Grant from the Executive Branch. In all, Territory-wide, 15 courtrooms across three locations, the Alexander A. Farrelly Justice Center, Superior Court Magistrate Division at Barbe Plaza on St. Thomas, and the R.H. Amphlett Leader Justice Complex on St. Croix, were upgraded with new remote technology capability. As recovery projects were and are still ongoing, courtroom renovations/repairs were simultaneously conducted as well.



BMV INTEGRATION PROJECT

During fiscal year 2021, the Virgin Islands Judiciary also collaborated with the Bureau of Motor Vehicles (BMV) on a grant from the Virgin Islands Office of Highway Safety. The purpose of the collaboration was to integrate the Court's case management system (CMS), C-TRACK with the BMV to allow for the seamless flow of information on citations and traffic liens. With real time access to court records at the BMV, the public would no longer have to travel to court to conduct record checks. This, coupled with the Judiciary's launch of online payment processing for citations by the close of the fiscal year, has increased the public's access while further limiting the need for in-person visits to a courthouse.

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.

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 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 is 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 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. Although Act 7888 authorized the expansion of the Supreme Court, the current court consists of a Chief Justice, the Honorable Rhys S. Hodge and two Associate Justices, the Honorable Maria M. Cabret and the Honorable Ive Arlington Swan.

FY 2021 JUDICIAL DESIGNATIONS

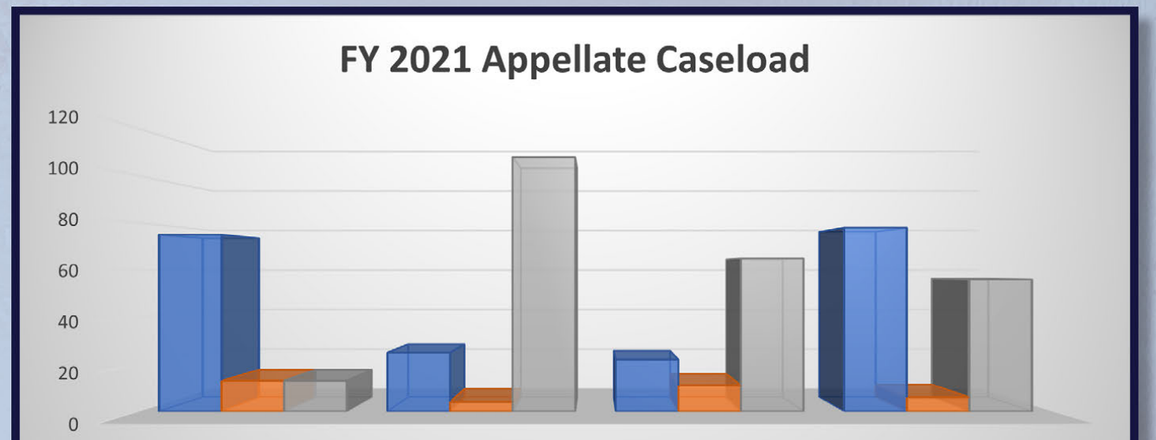
Legal or ethical conflicts may arise from time to time requiring recusal of one or more sitting justices, or any justice may temporarily be unable to serve. In such instances, the Chief Justice may appoint a retired, senior, or active judge of the Superior Court or the District Court to serve as a Designated 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 6 recusals and 13 new designations in fiscal year 2021. 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
- Renee Gumbs-Carty, Judge, Superior Court of the Virgin Islands
- Darryl Dean Donohue, Senior Sitting Judge, Superior Court of the Virgin Islands
- Michael C. Dunston, *Retired* Judge, Superior Court of the Virgin Islands
- Denise Francois, Judge Superior Court of the Virgin Islands
- Curtis V. Gomez, R*etired* Judge, District Court of the Virgin Islands
- Verna Hodge, Judge Emeritus, Superior Court of the Virgin Islands
- Jomo Meade, Judge, Superior Court of the Virgin Islands

OFFICE OF THE CLERK

The Office of the Clerk of the Supreme Court is responsible for the management of cases throughout the appellate process, and the maintenance of certain statistical data regarding case processing. Accordingly, the following caseload trends are reported for fiscal year 2021.



	Begin Pending	Filed	Disposed	End Pending
Civil Appeals	75	25	22	78
Criminal Appeals	13	4	11	6
Original Proceedings	13	108	65	56

Fiscal year 2021 began with 101 matters pending before the Supreme Court of the Virgin Islands. There were 108 new matters filed during fiscal year 2021 for a total pending caseload of 209 cases. The Court disposed of 98 matters including 22 civil appeals, 11 criminal appeals and 65 matters proceeding under the Court's original jurisdiction. Fiscal year 2021 ended with a total pending caseload of 140 cases, for an overall case clearance rate of 88%.

Despite the impact of the Global Pandemic, in fiscal year 2021, the Supreme Court convened 9 sessions in which it heard 30 cases by Oral Argument and considered another 14 cases without oral argument.

Additionally, during the course of the fiscal year, the Supreme Court issued 19 opinions and entered 464 orders. Of the Court's opinions, 18 were published opinions. Case summaries and all published opinions issued by the Supreme Court can found on the Judiciary's Website www.vicourts.org. Opinions are automatically distributed free of charge to individuals who have subscribed to the Supreme Court's mailing list.

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

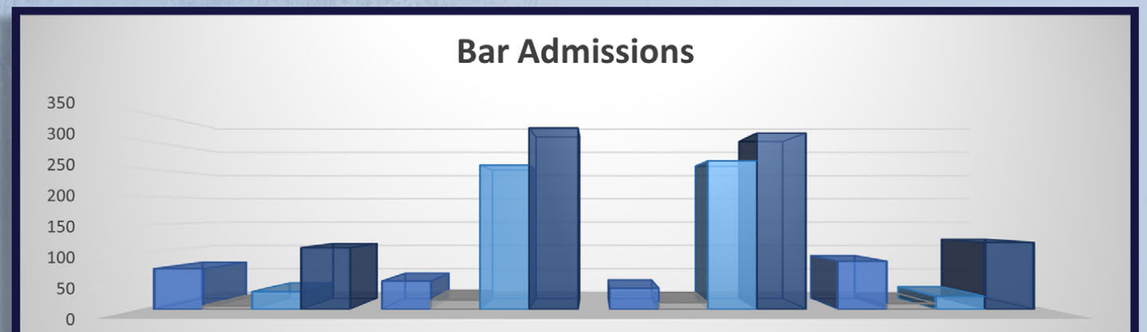
reasonable cost for indigent representation, which has been defined as either $5,000.00 or $7,500.00, depending on the seriousness of the offense. On August 10, 2020, the Supreme Court amended VISCR 210 governing the Appointment of Counsel to Represent Indigent Parties, increasing the hourly rate for court-appointed counsel in all matters to $100, and the maximum presumptively reasonable aggregate payment for such matters to reflect the new hourly rate. Notwithstanding the established maximum presumptively reasonable aggregate payment, the Chief Justice may waive the cap under special circumstances. The Supreme Court also 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. To date, the Supreme Court has never exercised this authority.

ARMS OF THE SUPREME COURT

OFFICE OF BAR ADMISSIONS

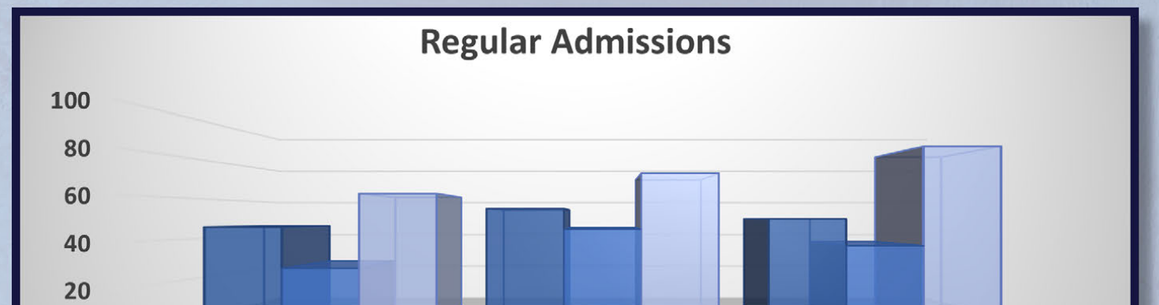
The Supreme Court of the Virgin Islands oversees the Virgin Islands Bar Association, which includes the processing of applications to the Bar, and approval of rules and bylaws of the organization. The Office of Bar Admissions and the Committee of Bar Examiners are two (2) arms of the Supreme Court which assist with this oversight responsibility in conducting character and fitness investigations and ascertaining the qualification of all applicants for admission. The Office of Bar Admissions coordinates and supervises the administration of the Bar Exam, which occurs twice annually.

Admission to the Virgin Islands Bar is governed by Supreme Court Rules 201, 202 and 204. These rules establish three classes of membership: regular, special, and pro hac vice. During fiscal year 2021, for all reporting types, the Office of Bar admissions evaluated 298 applications and administered 259 oaths. Statistical information for each admission type is presented below:



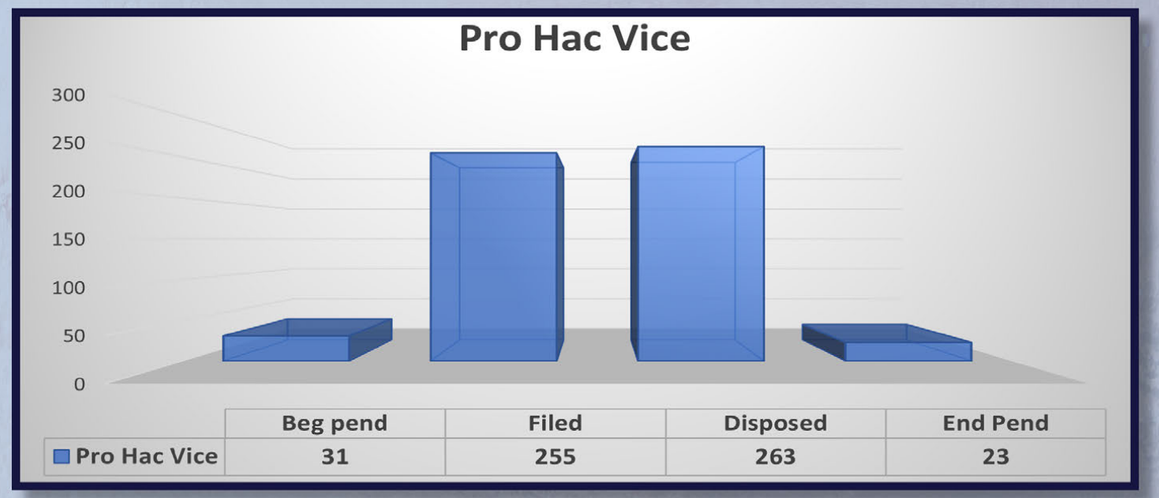
	Beg. Pend	Filed	Terminated	Pending
Regular	72	50	37	85
Special	6	16	12	10
Pro Hac	31	255	263	23
Total	109	321	312	118

Regular Admission. During the course of fiscal year 2021, 50 new petitions for regular admission were filed. The Office of Bar Admissions and Committee on Bar Examiners continued to meet virtually and conducted 50 Character and Fitness Interviews during fiscal year 2021. As of September 30, 2021, there were 85 pending applications. Despite the unprecedented challenges of the COVID-19 pandemic, the Supreme Court held 3 virtual Bar Admissions Ceremonies, admitting 28 new attorneys to the practice of law in the Virgin Islands in fiscal year 2021.



	2019	2020	2021
Filed	46	55	50
Disposed	26	45	37
Pending	62	72	85

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 2021, 255 new applications for pro hac vice admission were filed for a 23% increase in pro hac vice filings over the previous year. The Office of Bar Admissions terminated 263 cases reducing the pending caseload by 23%. A total of 217 oaths of office were administered during this period and 89 orders rescinding pro hac vice admission were entered by the Supreme Court.



	Beg pend	Filed	Disposed	End Pend
Pro Hac Vice	31	255	263	23

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 2021, 9 attorneys were granted special admission to practice law on behalf of agencies in the Territory, and 7 previously specially admitted attorneys' authority were rescinded.

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 2020, 165 certificates of good standing were processed and issued.

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 2021, the Office of Bar Admissions received and processed 15 requests for status changes, 8 Petitions for inactive status, 1 petition for the resumption of practice, and 6 Petitions for resignation from the Virgin Islands Bar Association.

Continuing Legal Education. In fiscal year 2019, 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. In fact, 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 2021, 4 such requests were filed with the Supreme Court.

Attorney Registration. In accordance with Rule 203, effective January 1, 2018, the Supreme Court implemented the Attorney Registration process. VISCR 203 requires all active members of the Virgin Islands to file an Annual Registration Statement with the Office of Disciplinary Counsel along with the payment of annual registration fee of $50. 900 Annual Registration Statements were filed during fiscal year 2021. On September 10, 2021, the Office of Bar Admissions certified to the Office of Disciplinary Counsel that 71 attorneys had failed to comply with VISCR 203(e) for the 2020 and 2021 registration periods.

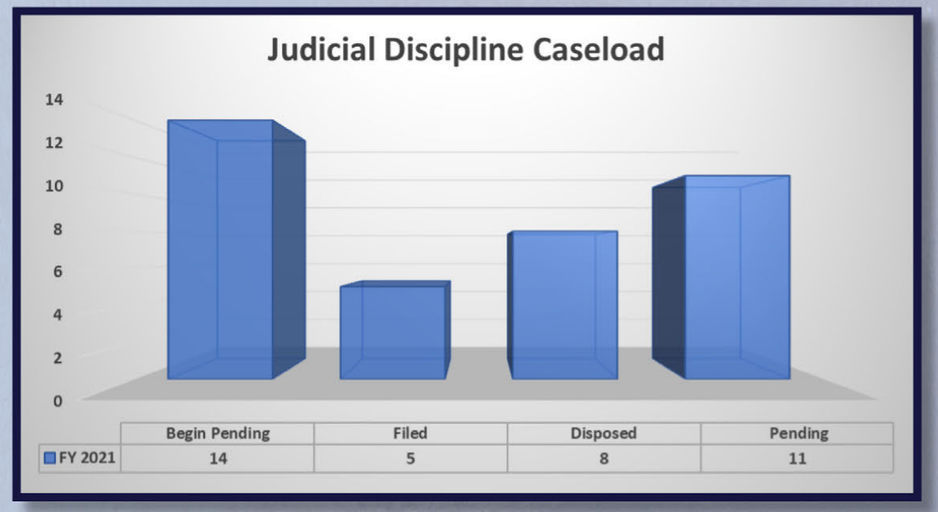
Issuance of Bar Identification Numbers. In the first quarter of fiscal year 2015, the Office of Bar Admissions assumed full responsibility over the management and assignment of identification numbers for all new regular and special admitted members of the Virgin Islands Bar Association. During fiscal year 2021, the Office of Bar Admission issued 130 identification numbers to new members.

OFFICE OF DISCIPLINARY COUNSEL

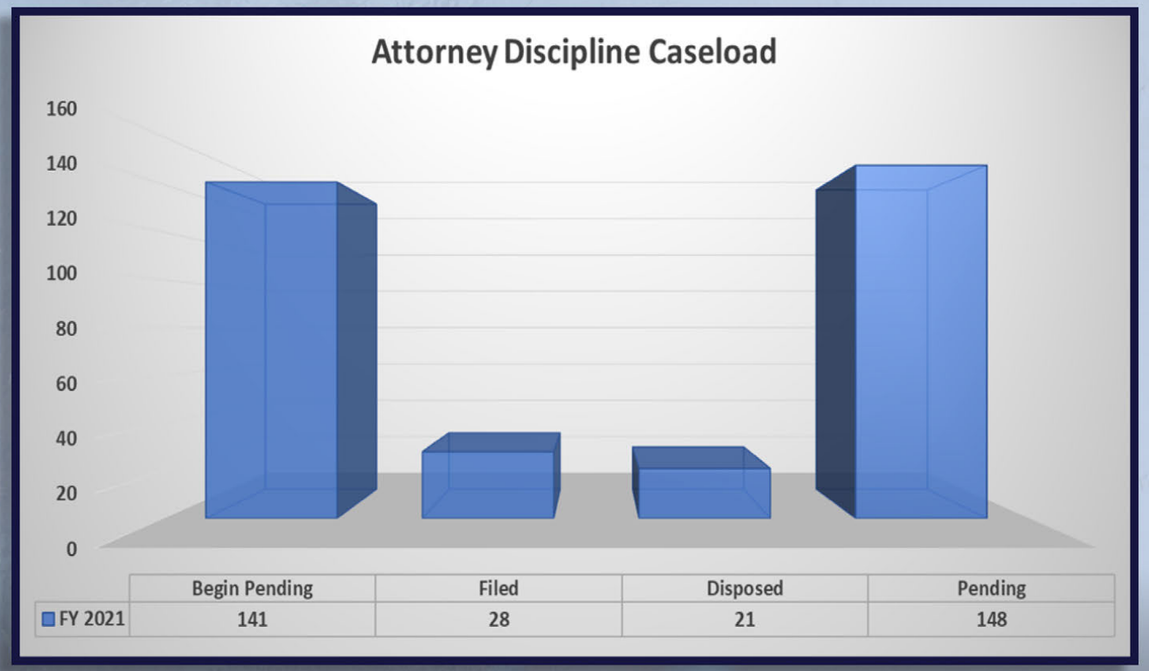
Pursuant to Supreme Court Rule 209, the Office of Disciplinary Counsel was established to investigate and prosecute complaints against justices and judges from the Virgin Islands judiciary. Rule 209 also established the Virgin Islands Commission on Judicial Conduct to further assist with preserving the integrity of the judiciary and maintaining public confidence in the judicial system. In keeping with this responsibility, Disciplinary Counsel currently tracks data for Judicial Discipline, Judicial Disability, Attorney Discipline, Attorney Disability, and Receiverships as well as working with the IOLTA Board under the revised Trust Account Rules in Rules 211.

In accordance with Rule 209, Disciplinary Counsel investigates 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.

Judicial Discipline and Incapacity. The Office of Disciplinary Counsel closed fiscal year 2020 with 14 pending complaints against judicial officers. During fiscal year 2021, 5 new judicial complaints were filed against judges. As of September 30, 2021, 8 judicial discipline cases were closed, and 11 matters were pending for a 24% reduction in the judicial discipline caseload. At the close of the fiscal year, 2 of the remaining pending matters had been filed with the Court for the imposition of discipline. No complaints alleging judicial disability were filed in fiscal year 2021.

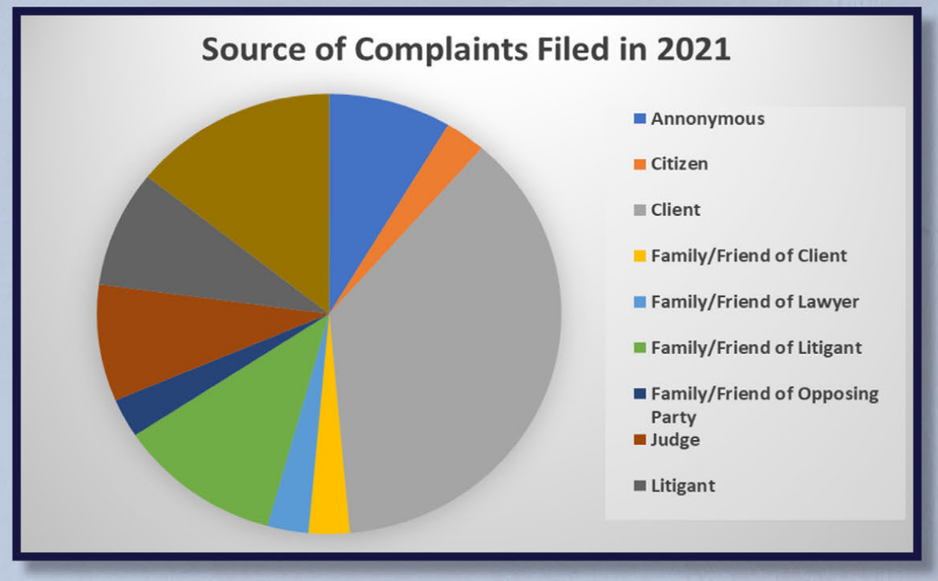


Attorney Discipline. Supreme Court Rule 207 was amended in 2011, expanding the function of Disciplinary Counsel to include the investigation and prosecution of grievances against members of the Virgin Islands Bar. Attorney discipline includes, but is not limited to, private or public reprimand, probation, suspension, and the most severe penalty of disbarment from the practice of law in the Virgin Islands. Fiscal Year 2021 began with 141 pending attorney discipline matters. During the fiscal year, 28 new grievances were filed, and 30 cases were resolved. Of those resolved, 21 were dismissed following review and investigation and 2 matters were stayed. The fiscal year closed with 148 pending disciplinary cases.

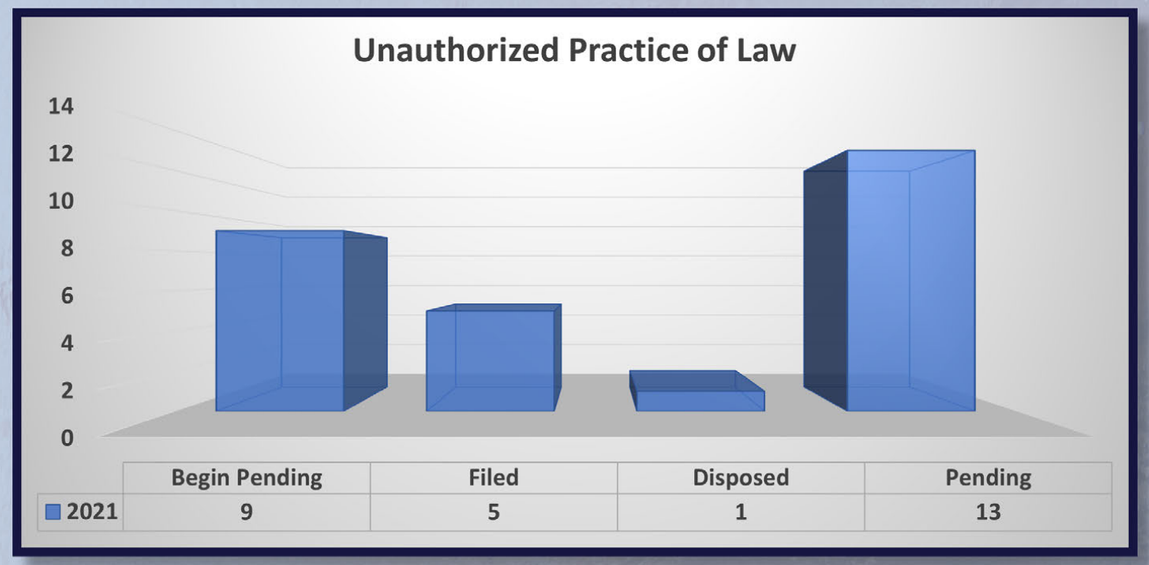


	Begin Pending	Filed	Disposed	Pending
FY 2021	141	28	21	148

Discipline Case Demographics. Of the 28 cases opened in FY 2021, 13 cases were filed by clients of the respondent- attorney, 5 were filed by opposing parties, 7 were filed by a Litigant or family, 3 were filed by Judges and 3 were anonymous. With respect to the nature of the underlying matter, 9 cases arose from General Civil matters, 5 cases arose from Probate matters, and 6 cases arose from Criminal matters.



Of the 21 cases resolved in FY 2021, 15 cases were filed by clients of the respondent-attorney and 4 were filed by opposing parties. With respect to the source of the complaints, 6 cases arose from General Civil matters, 8 cases arose from probate matters, and 4 cases arose from criminal matters.

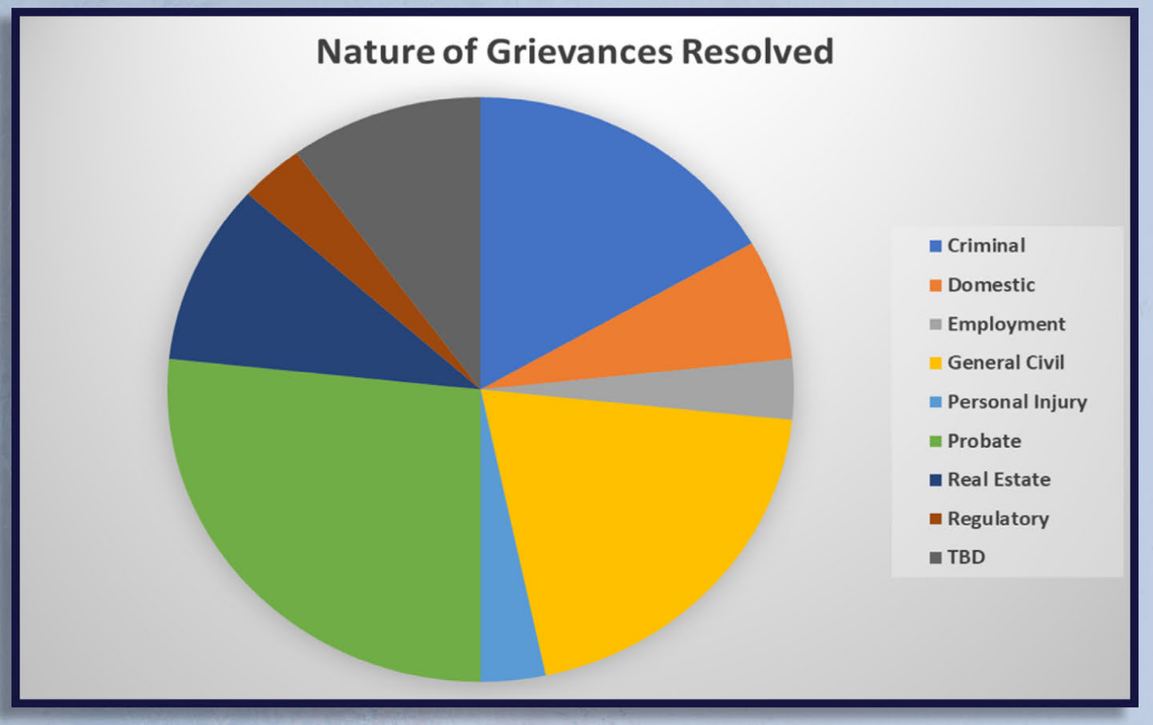


	Begin Pending	Filed	Disposed	Pending
2021	9	5	1	13

Unauthorized Practice of Law. Disciplinary Counsel is responsible for supervising the receipt, evaluation, investigation, and prosecution of complaints of the Unauthorized Practice of Law. The Office of Disciplinary Counsel began fiscal year 2021 with 9 pending matters. During the fiscal year, 5 files were opened, and 1 case was dismissed. At the end of FY 2021, 13 cases remained pending.

Discipline History Requests and Notices of Non-Compliance. 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 Counsel issued 40 disciplinary histories.

The Office of Disciplinary Counsel is also responsible for the filing of non-compliance notices against attorneys who fail to file an Annual Registration Statement with the Office of Bar Admissions. In fiscal year 2021, ODC filed 61 Notices of Non-compliance with the Supreme Court.



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. In fiscal year 2021, ODC sought the appointment of 2 receivers due to the deaths of 2 attorneys.

THE MISSION OF THE SUPERIOR COURT OF THE VIRGIN ISLANDS

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, sex, nationality, or creed.

Hon. Harold W.L. Willocks
Presiding Judge

Pursuant to 4 V.I. C.§ 72b, The Presiding Judge (PJ) of the Superior Court is the administrative head of the Superior Court and presides at all sessions of the court which he attends. The PJ is responsible for the observance of court rules adopted by the Supreme Court governing the practice and procedure of the Superior Court and prescribing the duties of its judges and officers. Pursuant to the administrative authority prescribed, the PJ supervises and manages the assignment of cases among the several judges of the Superior Court to ensure the prompt disposition of cases and equalized caseloads. The Presiding Judge appoints an Administrative Judge in the opposite district to assist in the execution of these judicial management duties in that district. The Presiding Judge also appoints the Magistrate Judges to the Magistrate Division of the Superior Court, as well as, a Clerk of the Superior Court who oversees the Office of the Clerk of the Superior Court.

Hon. Kathleen Y. Mackay
Administrative Judge

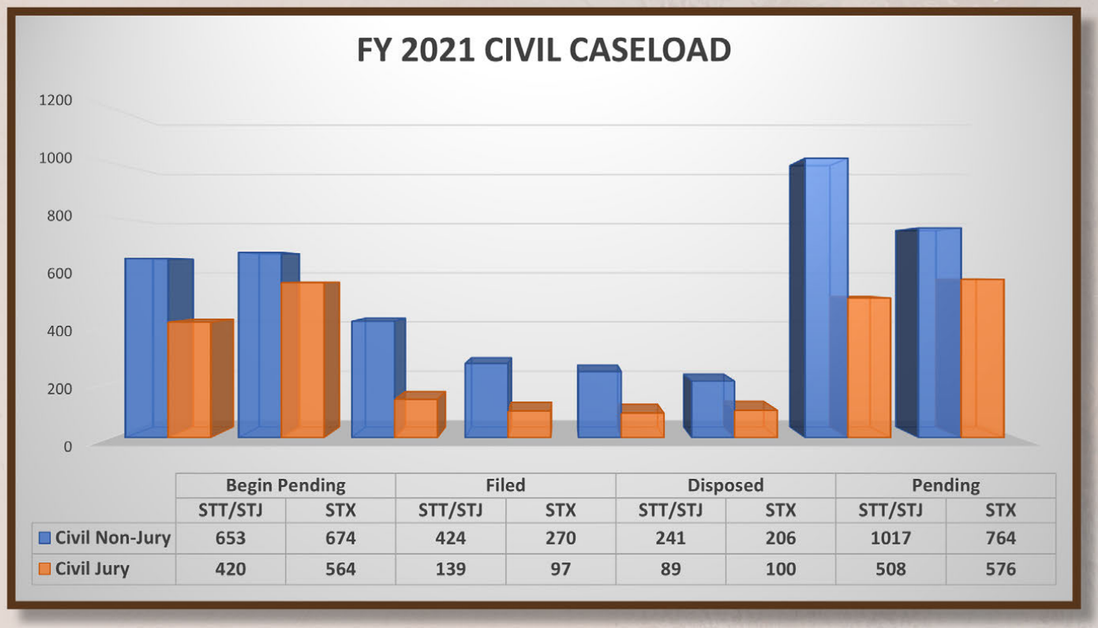
The Office of the Clerk of the Superior Court is the division responsible for the management of cases at the trial court level. This includes Civil and Small Claims, Conciliation, Criminal, Family, Traffic, and Probate matters. Specifically, the Clerk's Office receives, and processes court documents, attends and assists in all court proceedings, maintains the Court's files, facilitates the availability of interpreting services, to include sign language; and enters the Court's orders, judgments, and decrees.

SUPERIOR COURT CASELOAD STATISTICS

During most of fiscal year 2021, the Territory of the Virgin Islands, just as many parts of the Nation, remained under siege by the COVID-19 pandemic. Out of necessity and expediency, the Virgin Islands Judiciary, transitioned to virtual operations to continue the administration of justice despite the challenges of a global pandemic. Without question, the impact to caseloads and backlogs has been great, but our local courts relied heavily on technology and the institution of pandemic protocols to resume normal operations at the earliest possible opportunity. With surges of the virus, this often meant being able to quickly change from "responsible" in person operations to more "cautious" virtual and/or hybrid operations, but nevertheless, always maintaining some level operations to preserve the administration of justice in the Territory. To this end, the following caseload trends are reported for fiscal year 2021.

The Superior Court issued 121 opinions where 57 were published and made available on the Superior Court's website at **www.vicourts.org.**

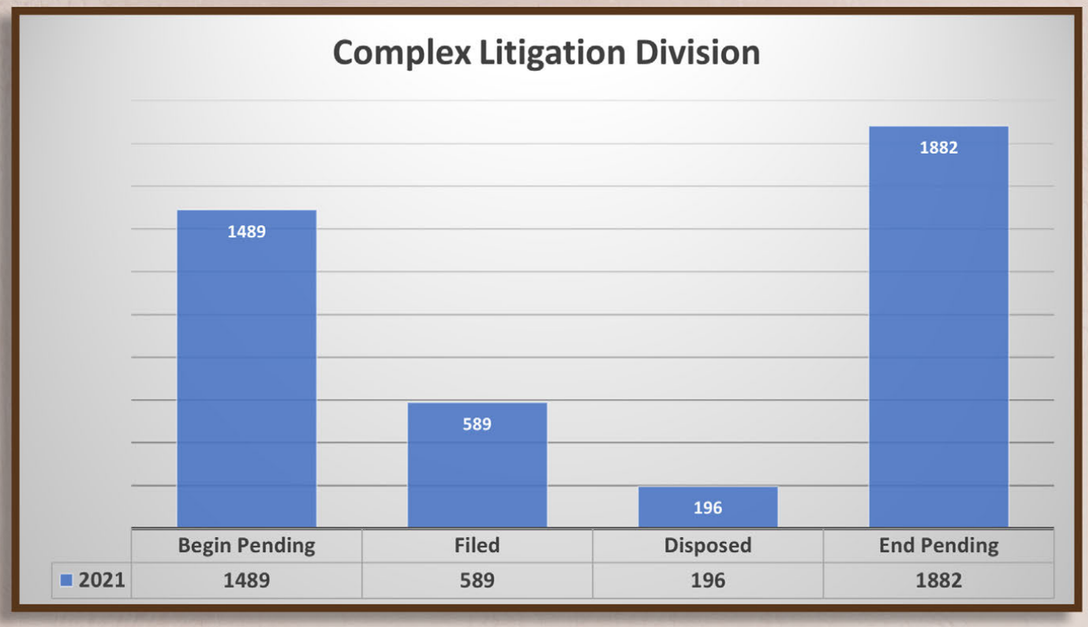
Civil Division. In accordance with Title 4 V.I.C. § 76(a), the Superior Court has original jurisdiction over all local civil actions regardless of the amount in controversy. The Civil Division also encompasses small claims, landlord-tenant evictions and conciliations. The Small Claims Division has jurisdiction of all civil actions in which the amount in controversy does not exceed the dollar value of $10,000, exclusive of interest and costs. Additionally, 4 V.I.C. § 142 provides that the Conciliation Division of the Superior Court may endeavor, at the request of any party in a civil controversy, to effectuate an amicable settlement of the controversy. To that end, it may summon the other party or parties of the controversy to appear before the judge for an informal hearing.



	Begin Pending		Filed		Disposed		Pending	
	STT/STJ	STX	STT/STJ	STX	STT/STJ	STX	STT/STJ	STX
Civil Non-Jury	653	674	424	270	241	206	1017	764
Civil Jury	420	564	139	97	89	100	508	576

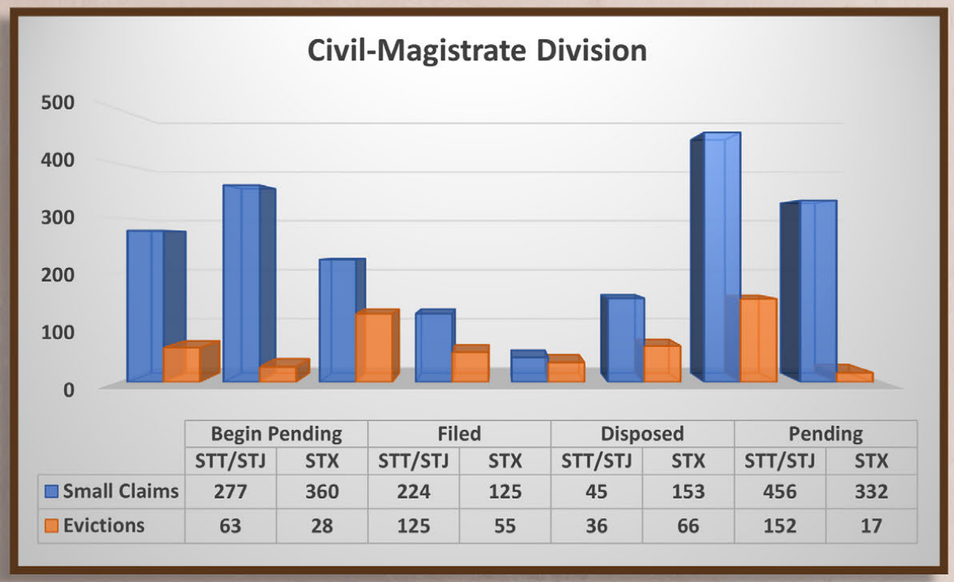
The Superior Court began fiscal year 2021 with 1,574 Civil non-jury bench trial cases pending. During the year, 596 new cases were filed. Although in person non-jury proceedings were not resumed until July 1, 2021, due to surges of COVID-19 cases in the Territory, the Superior Court nonetheless disposed of 390 non-jury cases in fiscal year 2021, for a case clearance rate of 65%. Although it was originally thought that jury trials would be authorized by the end of fiscal year 2020, the surges resulted in significant delays. In fact, Jury trials were not authorized to resume until October 4, 2021, meaning that for the entire fiscal year 2021, no jury trials were authorized. However, Judicial Officers continued to work towards establishing trial dates with this goal in mind, and while 244 new cases were filed in fiscal year 2021, the trial court disposed of 191 cases by please, dismissals and other means, for an overall clearance rate of 78%.

Additionally, as previously reported, a territory-wide Complex Litigation Division was established within the Superior Court of the Virgin Islands, effective October 1, 2018. The division includes a special docket of class action, mass tort and toxic tort cases, with an assigned judge and dedicated staff resources to provide those cases with the attention needed to move them towards disposition. Rules of procedure for complex litigation cases were also promulgated within the current Virgin Islands rules of procedure for civil cases to govern the handling and disposition of these cases.



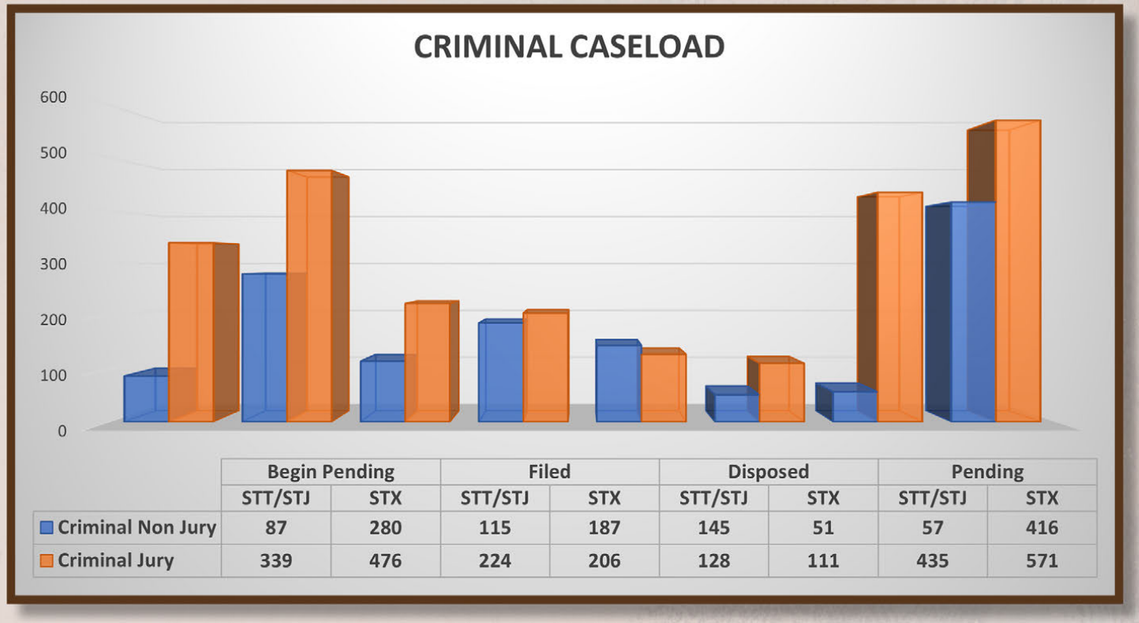
Fiscal year 2021 was the third full year of statistical reporting for the Complex Litigation Division. The ongoing work of the Complex Litigation Division included the consolidation and management of cases under Master Dockets. In fiscal year 2021, the management structure expanded to include the addition of a Staff Master. The Division opened fiscal year 2021 with 1,489 pending cases, and during the year, 589 new cases were filed. Despite the suspension of jury trials for all or most of 2021 due to the ongoing global pandemic and bankruptcy stays, the Complex Litigation division nonetheless disposed of 196 cases.

With regards to civil matters handled in the Magistrate's Division, 349 new small claims actions were filed, and 198 cases were disposed for a combined clearance rate of 57%.



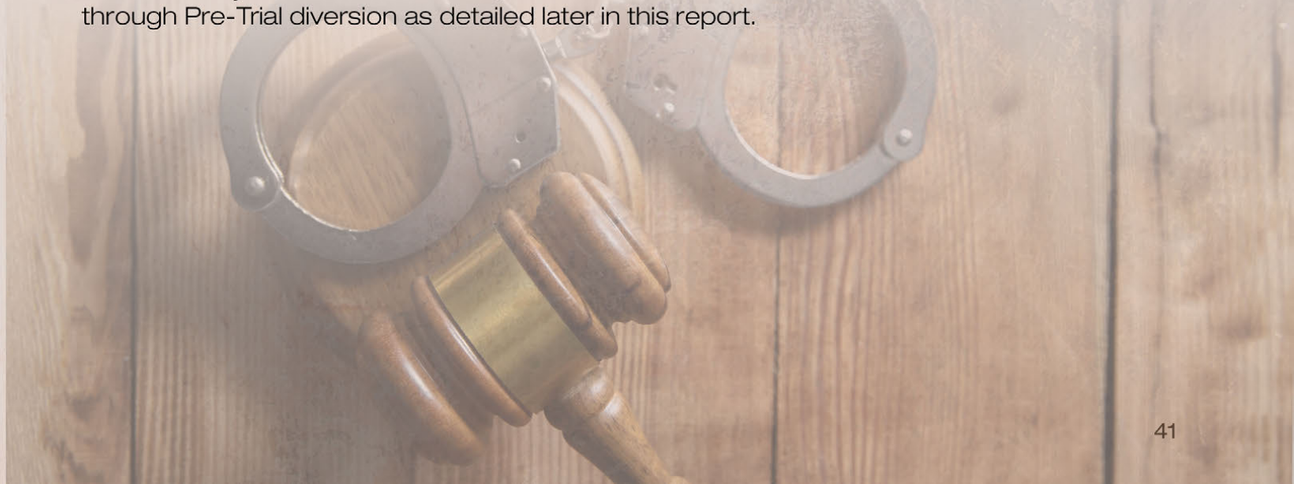
	Begin Pending		Filed		Disposed		Pending	
	STT/STJ	STX	STT/STJ	STX	STT/STJ	STX	STT/STJ	STX
Small Claims	277	360	224	125	45	153	456	332
Evictions	63	28	125	55	36	66	152	17

During fiscal year 2021, 180 new Eviction actions were filed, and 103 cases, already pending in Magistrate Division prior to the Moratorium on Evictions, were disposed for a clearance rate 57%. 56 of the disposed cases resulted in judgements, 17 were by consent and 10 were by default. 44 eviction cases were dismissed. 29 were dismissed with prejudice and 14 were dismissed without prejudice. 1 case was administratively closed, and another case was transferred.

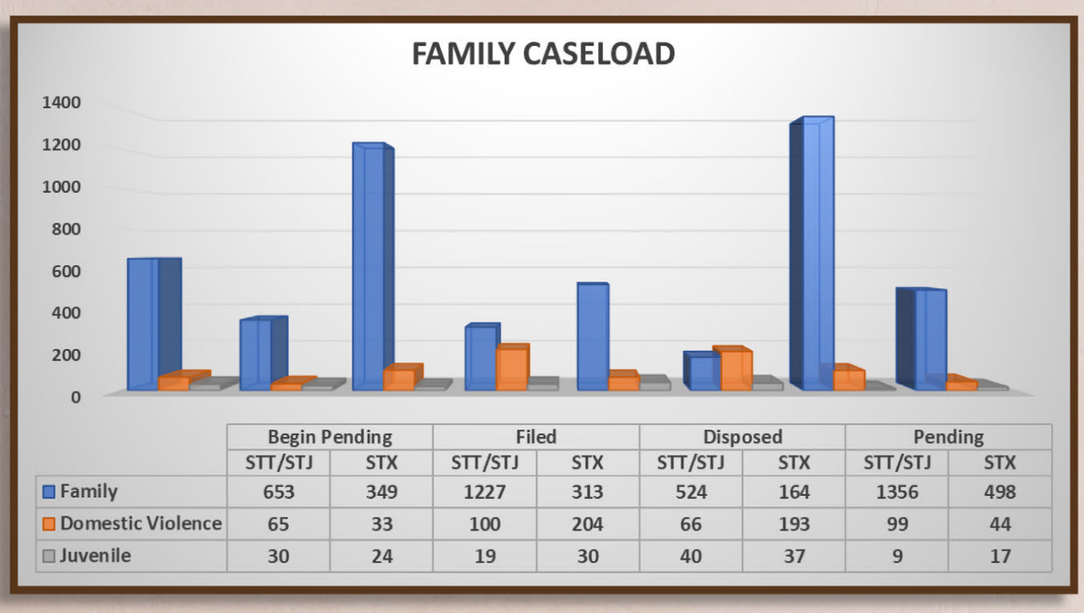


	Begin Pending		Filed		Disposed		Pending	
	STT/STJ	STX	STT/STJ	STX	STT/STJ	STX	STT/STJ	STX
Criminal Non Jury	87	280	115	187	145	51	57	416
Criminal Jury	339	476	224	206	128	111	435	571

Criminal Division. In accordance with Act No. 5890, on September 30, 1993, the Virgin Islands Legislature granted expanded jurisdiction to the Superior Court of the Virgin Islands. Effective January 1, 1994, the Superior Court of the Virgin Islands assumed original jurisdiction over all criminal offenses committed in violation of the Virgin Islands Code. At the beginning of fiscal year 2021, the Superior Court had a pending criminal caseload of 1, 182 cases. During the course of fiscal year, 732 new criminal matters were filed and 435 cases were disposed for a clearance rate of 60%. At the close of fiscal year 2021, there were 1492 pending cases which represents an increase of 26% in the cases pending over the previous fiscal year. It is noteworthy to mention however, that an additional 32 individuals averted criminal trials through Pre-Trial diversion as detailed later in this report.

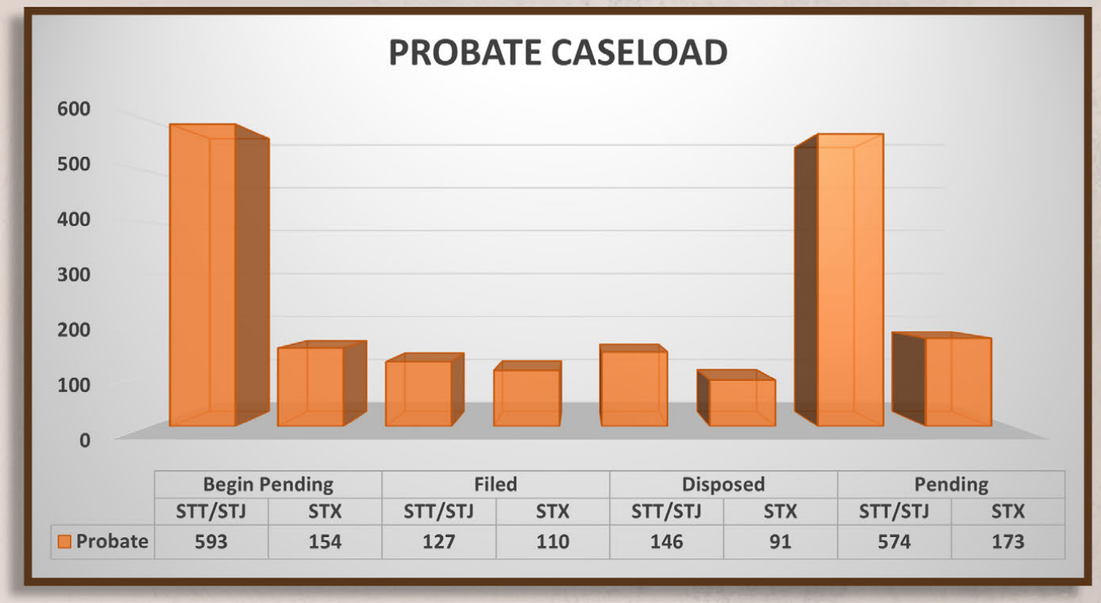


Family Division. The Family Division was established in accordance with Title 4 V.I.C. § 79. This division maintains all pending case files pertaining to divorce, separation, and annulment; actions relating to support of relations; adoption; changes of name; paternity suits; actions to appoint and supervise guardians; probate; and actions relating to juvenile matters. During fiscal year 2021, a total of 1,893 new cases were filed. By the close of the fiscal year, 1,024 cases were disposed for a case clearance rate of 72%. Nonetheless the Family Division pending caseload did increase by over 50% when compared to the previous fiscal year. However, this significant increase was due primarily to the impact of pandemic shutdowns had on destination weddings. In fiscal year 2021, there were 1, 364 new Marriage applications, and just 595 were disposed for a clearance rate of 44%. At the close of fiscal year 2021, there were 2,063 matters pending in the Family Division. While this represents an increase of 79% in the cases pending over the previous fiscal year, Marriage License applications represent more than half of those pending cases.



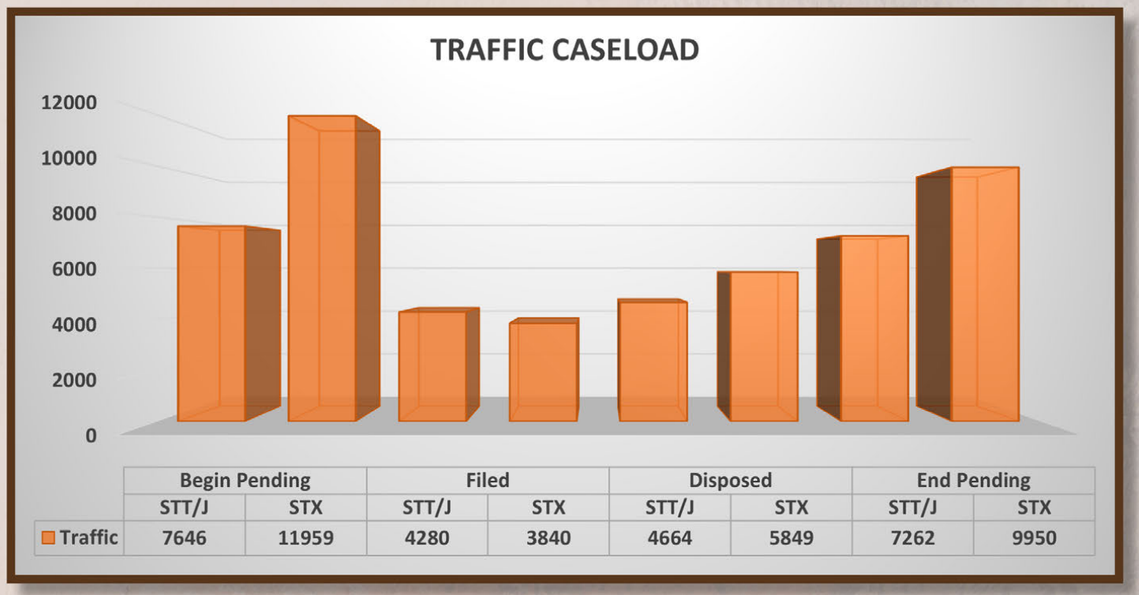
	Begin Pending		Filed		Disposed		Pending	
	STT/STJ	STX	STT/STJ	STX	STT/STJ	STX	STT/STJ	STX
Family	653	349	1227	313	524	164	1356	498
Domestic Violence	65	33	100	204	66	193	99	44
Juvenile	30	24	19	30	40	37	9	17

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 2021, 290 new probate matters were filed. During the course of the fiscal year, 223 cases were disposed for an overall clearance rating of 77% despite the impact of the global pandemic.



	Begin Pending		Filed		Disposed		Pending	
	STT/STJ	STX	STT/STJ	STX	STT/STJ	STX	STT/STJ	STX
Probate	593	154	127	110	146	91	574	173

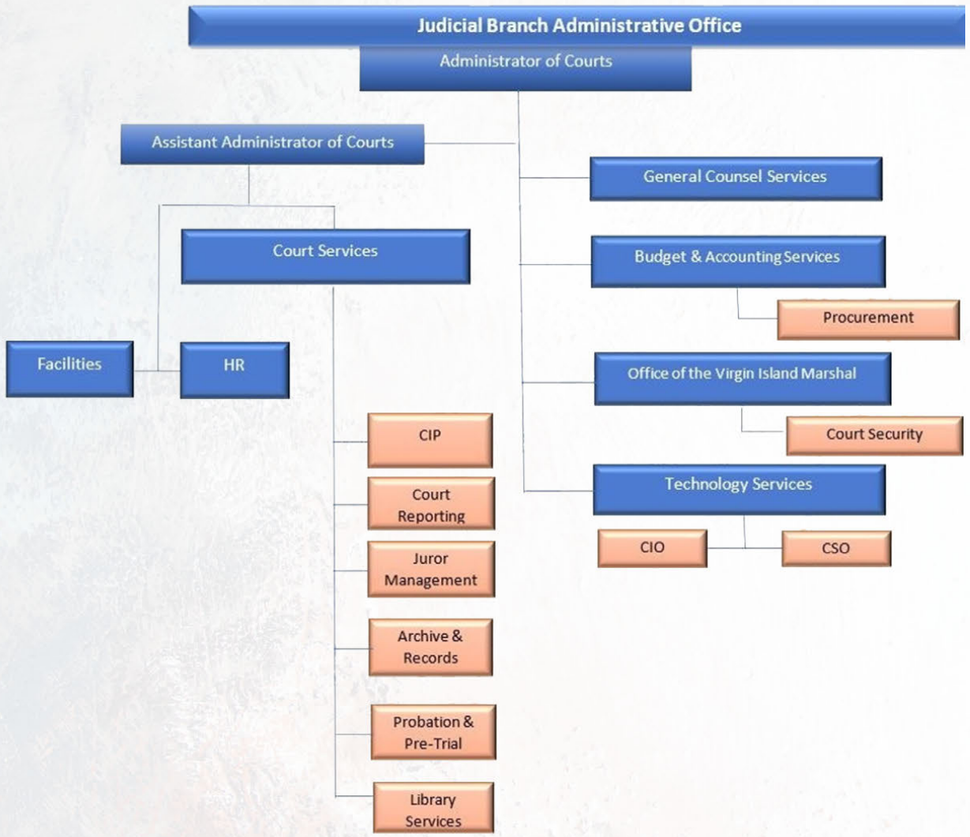
Traffic Division. The Traffic Division was established in accordance with Title 4 V.I. Code Ann. § 79. The Division is responsible for the appropriate disposition of all traffic offenses and the preparation of the applicable records and reports relating to these traffic tickets as directed by the Court. The Clerk of the Superior Court is the repository for all uniform traffic tickets issued by law enforcement officers and others. In fiscal year 2021, 8,120 new traffic matters were filed and 10,513 matters were disposed for a case clearance rate of 100% and a 12.5% reduction in the pending caseload when compared to the previous fiscal year.



	Begin Pending		Filed		Disposed		End Pending	
	STT/J	STX	STT/J	STX	STT/J	STX	STT/J	STX
Traffic	7646	11959	4280	3840	4664	5849	7262	9950

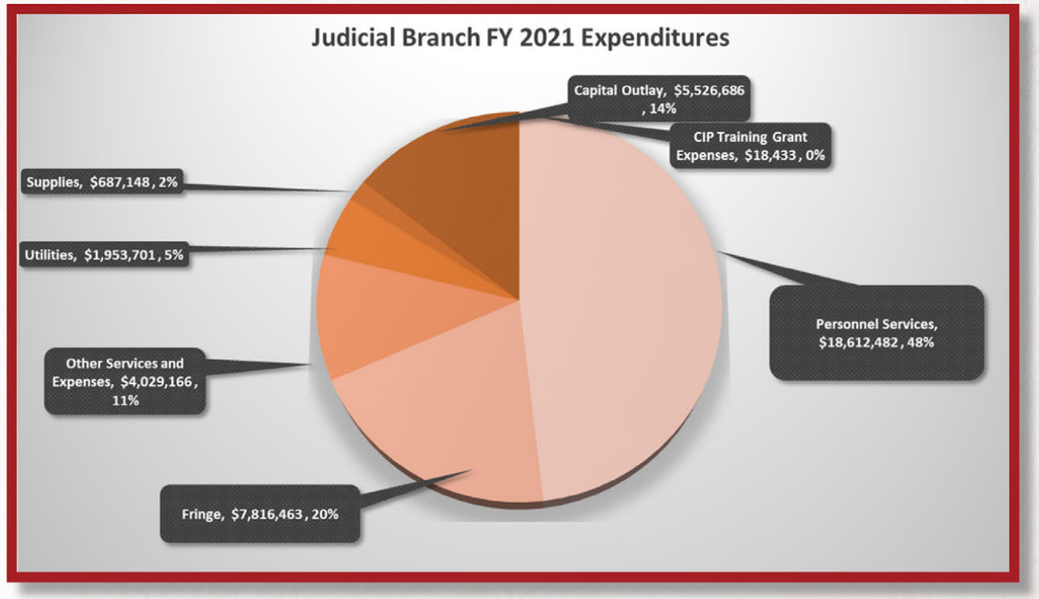
Act No. 7888, Bill No. 31-2155, unified the administrations of the Supreme Court of the Virgin Islands and the Superior Court of the Virgin Islands. After the passage of this legislation on July 29, 2016, the Supreme Court amended VISCR 101 to establish the Judicial Branch Administrative Office. Headed by an Administrator Courts under the direction of the Chief Justice, the primary function of the Judicial Branch Administrative Office 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, as well as the preparation of a single annual budget request for the Judicial Branch.

In fiscal year 2021, the administrative offices of the courts 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 fiscal year 2021 budget for the Government of the Virgin Islands was $674,538,757. Of this amount, approximately 5% was appropriated to fund the operations of the Judicial Branch. For fiscal year 2021, the Judicial Branch of the Virgin Islands requested an appropriation of $39,179,342, with an accompanying request for the Judicial Council in the amount of $118,292. Pursuant to Bill No. 33-0384 Act. No. 8338, the judiciary received an appropriation of $35,246,781. By the close of fiscal year 2021, the Judicial Branch had expended $38,581,498 including grant and capital projects funding.



REVENUE COLLECTIONS

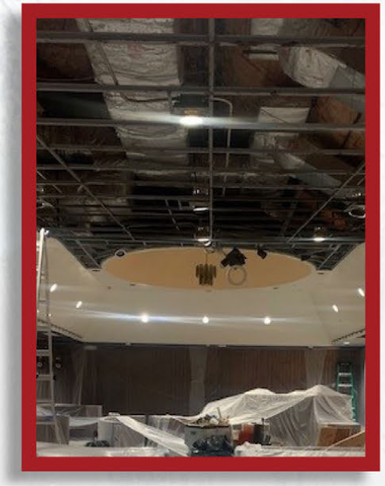
The Judicial Branch collects revenue from various sources which is deposited into funds within the Treasury of the Virgin Islands including but limited to the General Fund, the Transportation Trust Fund, the Solid Waste Revolving Fund, and the Special Fund. The sources of the revenue stem include, but are not limited to, Marriage Licenses and Ceremony fees, Certified Marriage Returns, Filing Fees, Traffic and Parking Fines, Court Costs and Penalties, Criminal Fines, Probation Administrative Fees, Pretrial Administrative Fees, Certified Documents, Bail Forfeitures, Conservation and Litter Fines, and Notary Fees. In fiscal year 2021, the Judicial Branch deposited a total of $1,118,480.94 into the Treasury of the Government of the Virgin Islands. A 7% increase over collections reported for FY 2020.

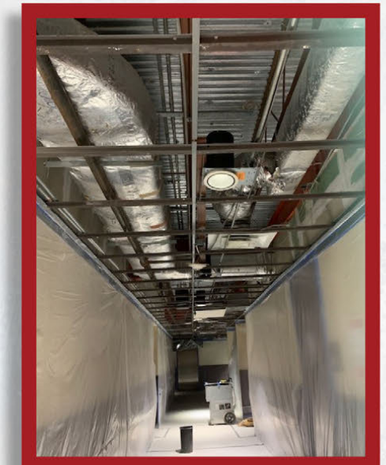
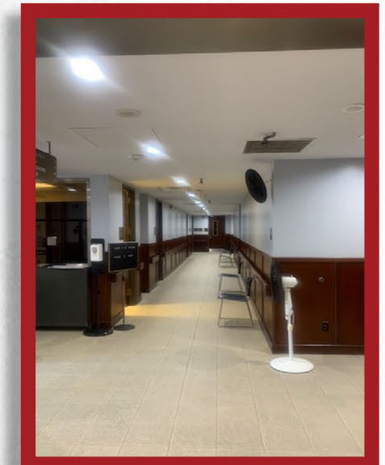
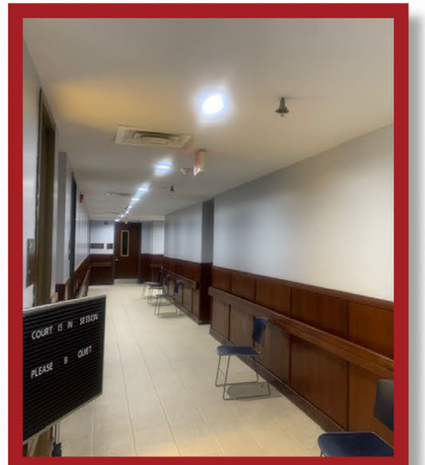
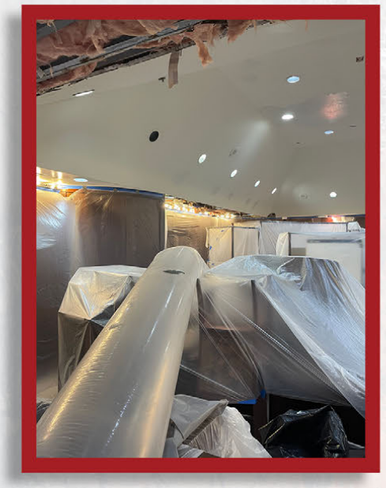
	St. Thomas	St. Croix	Total
General Fund	419,035.28	265,791.66	684,826.94
Transportation Trust Fund	206,310.00	148,480.00	354,790.00
Special Fund	35,563.00	37,851.00	73,414.00
Solid Waste Revolving Fund	-	5,450.00	5,450.00
TOTAL	660,908.28	457,572.66	1,118,480.94

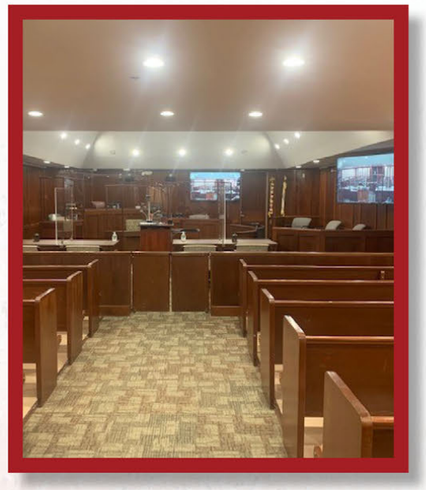
SPOTLIGHT ON COURTS IN RECOVERY

Despite the five-year window from the twin Category 5 Hurricanes, Irma and Maria, the Judiciary continues to face funding and market challenges with disaster recovery projects. Several projects were completed in Fiscal Year 2021 to include membrane removal and replacement on the 3 buildings the court occupies in the Alexander A. Farrelly Justice Complex (AFJC) which allowed the Judiciary to shift its focus to interior repairs. With $1.3 million expended on roof repair projects, the Judiciary began extensive remediation and interior repair and renovation projects commencing with the third floor of AFJC.

Courtroom 1, 2 and 3rd Floor Hallway



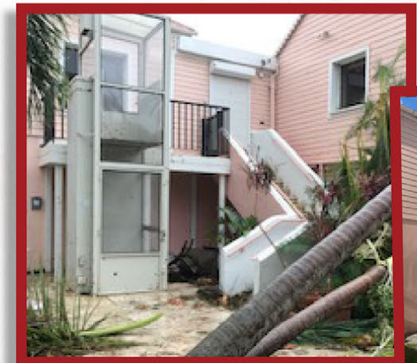


Storm damage repairs, window replacements and renovations were also completed in Chamber 1 and funding identified for bathroom renovation projects to be scheduled consistent with awarded RFPs in each district. Second floor renovations performed at AFJC included repairs and technology upgrades in Courtrooms 3, 4 and 5 and painting of the hallway in the North building. In fiscal year 2021, final installations were completed on the Judge's elevator as well.

2017 Ariel View of AFJC Courthouse

In the District of St. Croix carpets in 4 courtrooms at the RH Amphlett Leader Justice Center were also replaced. Office space was reconstructed and furnished at the Rising Stars facility in Hannah's Rest, and the damaged Elevator Lift was replaced at the Raymond L. Finch Supreme Court Building in Frederiksted.

2022 Ariel View of AFJC Courthouse




In an effort to mitigate the potential of storm damage in the future, tile was used to replace damaged wood flooring and carpet on the second floor of this building on St. Croix.

In July of 2021, the Judiciary issued RFP No. 002/2021 for Phase 1 roof replacement and office expansion at the R. H. Amphlett Leader Justice Complex on St. Croix. Phase 1 includes renovations to the internal courtyard to house new office spaces as well as the erection of a structural steel frame that will eventually support a space frame over the courtyard which is intended to be enclosed in Phase II of the project. Responses were due just prior to the close of the fiscal year However, due to a lack of competitive bids on the project the solicitation was cancelled. Phase I will be resolicited as a FY 2022 priority.

HR STATISTICAL HIGHLIGHTS

Staffing Despite COVID's disruption, the Judiciary's Human Resources Division hired a total of 35 new employees and maintained an average separation rate of 14% or 42 staff members. The majority of new employees were hired in the trial court's Clerk's Office (13). The Judicial Branch Administrative Office hired 6 new staff, the appellate court hired two, and the Office of the Virgin Islands Marshal hired one. A total of 13 law clerks joined the Judiciary of which 10 were at the trial court and 3 were at the appellate court.

In fiscal year 2021, the Judiciary also partnered with the Virgin Islands Department of Labor in their Summer Youth Work Experience Program to provide a rewarding learning experience for students

and much needed manpower resources to some of our understaffed areas. Despite the pandemic, we welcomed 15 new participants to our facilities across both districts and maintained a safe work environment. We were grateful for the additional manpower, and genuinely impressed by our student interns' eagerness to learn, grow, and be challenged. Overall, it was a positive experience by all.

COVID-19 Response The Judiciary's Human Resources Division continued to adapt to the changing COVID landscape. The Division regularly liaised with the Virgin Islands Department of Health using their guidance and expertise to help leaders in their decision making and educate our staff. Additionally, a multitude of surveys were implemented, soliciting input on pandemic related areas affecting our staff. We are proud to have a vaccination rate of 70% across our staff in fiscal year 2021.

2021 Employees of the Year The Judiciary offers its sincerest gratitude and appreciation to all judicial employees who quickly pivoted and transformed how we delivered critical services to our constituents without a second thought during the ongoing pandemic. Our team remained steadfast in their commitment to the delivery of exemplary service in these trying times.

We were particularly honored to recognize 2 Employees of the Year in fiscal year 2021, Ianna Smith, Human Capital Generalist in the St. Croix District and Daniel Gayle, Network Systems Support Technician in the St. Thomas/St. John District.

Ianna Smith
District of St. Croix

Ms. Smith is a two-time Employee of Year who again in fiscal year 2021 continued to deliver professional interactions with all stakeholders with patience and grace. Her creative ideas and positive attitude created a harmonious work environment in her new role as Human Capital Generalist. She was both effective and persistent in amicably resolving problems for employees.

Daniel Gayle
District of St. Thomas/St. John District

Mr. Daniel Gayle, Network Systems Support Technician within our Information Technology Division, has been on the front line of our COVID-19 response. The judiciary's commitment to remain open at all times and the massive reliance on technological advances required Mr. Gayle to swiftly learn multiple technologies, implement, train employees, maintain, and operate the various platforms. His professionalism is what has made him a true representative of the Judiciary. Mr. Gayle has been the consummate team player, communicating effortlessly in a positive and professional manner. His willingness and eagerness to both learn and teach continues to benefit his colleagues and the judiciary.

Training In response to the global pandemic's safety protocols, the judiciary's annual training was held virtually. The web-based training entitled It's All About Respect was offered through the Ogletree Deakins law firm. The interactive training was on demand and taken by staff members during the workday. The ability to pause, stop, replay, resume, and take quizzes helped to facilitate a flexible learning environment and contributed to a 100% participation and completion rate. Feedback from the training revealed the staff found it to be informative, practical, engaging, relevant, organized, and well received.

During the fiscal year, 15 newly promoted supervisors also acquired the necessary skills to become effective leaders with the ability to empower and positively influence employees to achieve goals. The customized virtual training was a continuation of last year's employee development efforts and a testament to the judiciary's commitment to cultivating internal leaders who have the technical, strategic and people management skills necessary to achieve the organization's objectives.

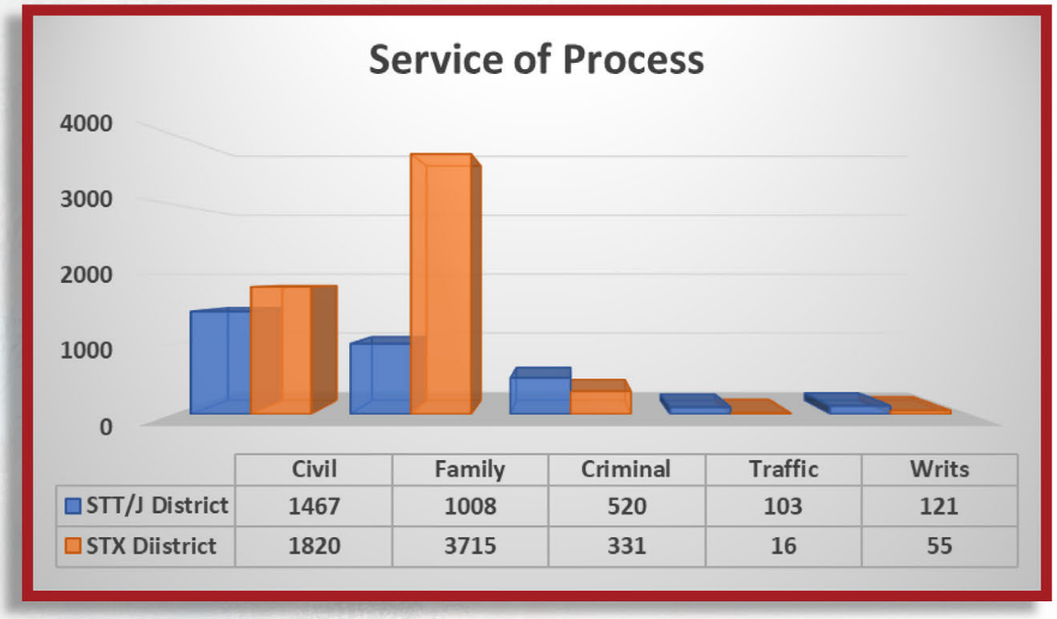
Other training initiatives during the fiscal year included the Office of the Virgin Islands Marshal's participation in the "Lon Wolf" Active Shooter Training sponsored by the Virgin Islands Police Department, and Judicial Security Dignitary Protection Training by the U. S. Marshal Service and the National Center for Judicial Security. All Marshals completed their In-Service Training Parts I and II and firearms qualifications as required by Peace Officer Standard Training (P.O.S.T.).

OFFICE OF THE VIRGIN ISLANDS MARSHAL

Pursuant to VISCR 102, the Office of the Virgin Islands Marshal was established within the Judicial Branch under the direction and supervision of the Chief Justice and administered under the Judicial Branch Administrative Office, which has responsibility for judicial security. The Office of

the Virgin Islands Marshal is headed by The Chief Marshal who is appointed by the Chief Justice. The Office of the Virgin Islands Marshal is responsible for the protection, safety and security of the Judicial Officers, employees, visitors, staff, facilities and property of the Judicial Branch of the Virgin Islands. The Virgin Islands Marshals are also responsible for the execution of writs and warrants, and the service of summons, subpoenas and orders of the Supreme and Superior Court. In addition to these responsibilities, the Office of the Virgin Islands Marshal preserves order and decorum during court proceedings, guards and transport prisoners to and from courtrooms, and manage the house arrest program. The responsibilities of this office include the management, monitoring, maintenance and /or testing of all security systems, radio communications, and fleet vehicles, as well as oversight of the Branch's Emergency and Disaster Response through the coordination of the Emergency Response Team (ERT).

In fiscal year 2021, despite the impact of the global pandemic, the Office of the Virgin Islands Marshal continued to serve a variety of documents including but not limited to summons, subpoenas, warrants, writs, and restraining orders. During the fiscal year, OVIM processed a total of 9156 documents including 176 writs.



	Civil	Family	Criminal	Traffic	Writs
STT/J District	1467	1008	520	103	121
STX Diistrict	1820	3715	331	16	55

OVIM conducted a total of 106 Marshal Sales resulting in $1,213,071.98 in collections to satisfy debts, and successfully executed a total of $76,178.09 for pending writs. In fiscal year 2021, in addition to its court mandated responsibilities, OVIM continued to provide resource support to the Virgin Islands COVID-19 Law Enforcement Task Force.

With respect to the electronic monitoring program, at the close of fiscal year 2021 there were 42 defendants being monitored by OVIM across the Territory. Defendants are required to pay $140 in advance, the equivalent of 2 weeks of monitoring, to comply with program standards, and thereafter are charged $10 per day. As of September 30, 2021, $105, 248 had been collected in payments for monitoring services.

COURT SERVICES

The Court Services Division is headed by the Court Services Administrator and encompasses the following divisions and services and responsibilities within the Judiciary: Archiving and Record Retention; the federally funded Court Improvement Program, the Office of Court Reporting; Court Interpreting Services; Jury Management; the Law Library; the Pretrial Intervention (Diversion) and the Rising Stars Youth Steel Orchestra Program, as well as the Office of Probation and Parole.

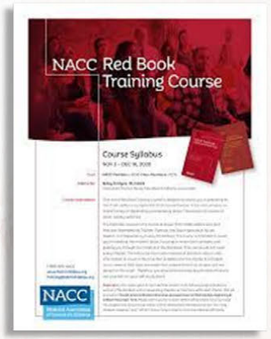
Court Improvement Program. The Judiciary of the U.S. Virgin Islands received its first Federal CIP grant funding in 2017 child welfare cases. With the receipt of those funds, the Judiciary has worked to facilitate various joint efforts among the key stakeholders, while working to fulfill the program's vision of: **A Community Striving for Safe, Healthy and Happy Families**. In fiscal year 2021, the Judiciary collaborated with the Department of Human Services to develop a new five-year strategic plan to improve court proceedings in child welfare cases. The Strategic Plan and annual Self-Assessment were submitted to the Administration for Children and Family's Children's Bureau on June 30, 2021. Strategic objectives include but are not limited to the following:

Priority Area 1: Quality Court Hearings. USVI will increase party participation and engagement in court proceedings, provide all parties with high quality legal representation, and implement hearings where parents and children who are present are engaged and there is discussion about permanency goals, barriers to achieving permanency (and how to overcome those barriers), immediate child and family needs, and child and family well-being, so that the overall quality of hearings and case processing timeliness is enhanced, so that safe and timely permanency for children and families is achieved.

Priority Area 2: Quality Legal Representation. Provide legal training to attorneys and Judges on permanency and other factors identified in the CIP Assessment that contribute to quality representation and hearings. The goal is to have more knowledgeable and skilled attorneys in child welfare practice, with the hope that appointed counsel becomes more engaged and better equipped to advocate for their clients and improve communication with their clients to better inform judicial decisions to increase permanency outcomes.

Priority Area #3: Data. Enhance data exchange and increase data-sharing within the courtroom and between the Judiciary and the Department of Human Services to ensure that all parties (Judges, attorneys, Family court staff, caseworkers, families) have access to the information necessary for sound, informed, and timely judicial determinations for children and families.

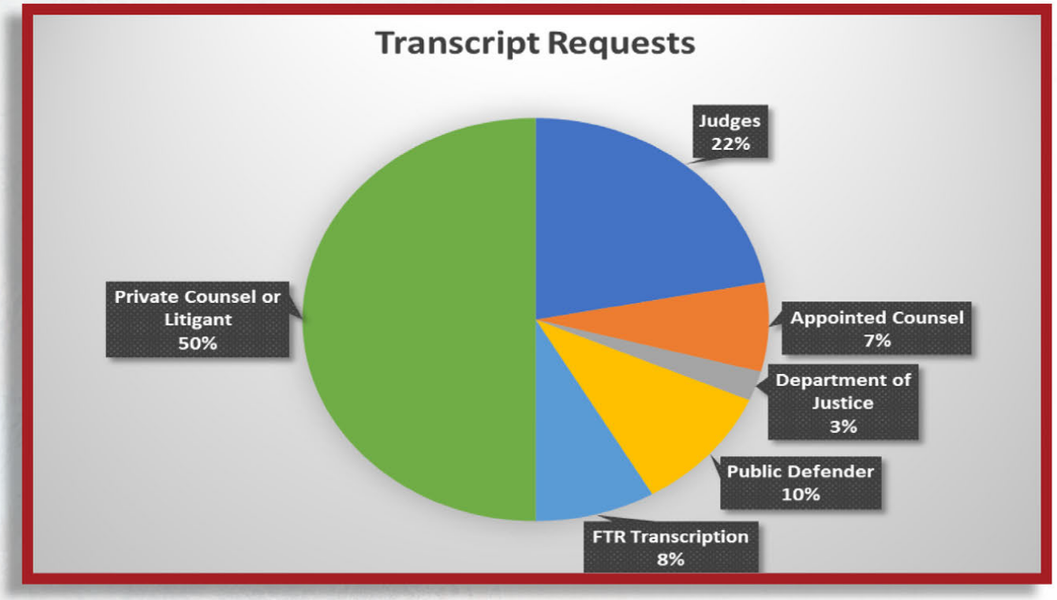
Child Welfare Training and Collaboration Due to the Pandemic many conferences and training opportunities were held virtually. The Red Book Training Course (RBTC) was offered 4 times online. The training was made available to panel attorneys, judges, and magistrate judges and all participants were provided with an updated copy of the Red Book. This publication, while created to aid in the preparation of the Child Welfare Law Specialist (CWLS) examination, also serves as a good resource and general overview of dependency competency areas. It is intended to assist the participants in breaking the material down, focusing on important concepts, and serves as a course guide.



44th National Child Welfare Law Conference The National Association of Counsel for Children (NACC) hosted the 44th Child Welfare Law Conference in Denver, Colorado, on August 13-18. Due to the ongoing Global Pandemic, the theme of the conference was From Crisis to Innovation and captured family-centered best practices adopted in a pandemic. Participants engaged on changing perspectives about the families served in Child Welfare Cases, seeking to identify and address

systemic racism and anti-LGBTQIA+ policies. The Conference offered a virtual attendance option which allowed the Judiciary's CIP program to facilitate participation of more court staff and attorneys. In all, 17 individuals took part in the conference.

Court Reporting. The Court Reporting Division is a core operational division of the judiciary responsible for making a verbatim stenographic record of all proceedings in the Superior Court as well as providing transcripts for matters on appeal. In addition to creating records for all court proceedings during fiscal year 2021, the division processed 168 new requests for official court transcripts, 72 in the St. Thomas\St. John District and 96 in the District of St. Croix. The Division completed 168 by the close of the fiscal year. As of September 30, 2021, 12 requests were cancelled or withdrawn, and 16 requests remained outstanding. In fiscal year 2021, requests made by Private Counsel/litigants and Judicial Officers represented 72% of the overall requests processed by the division.



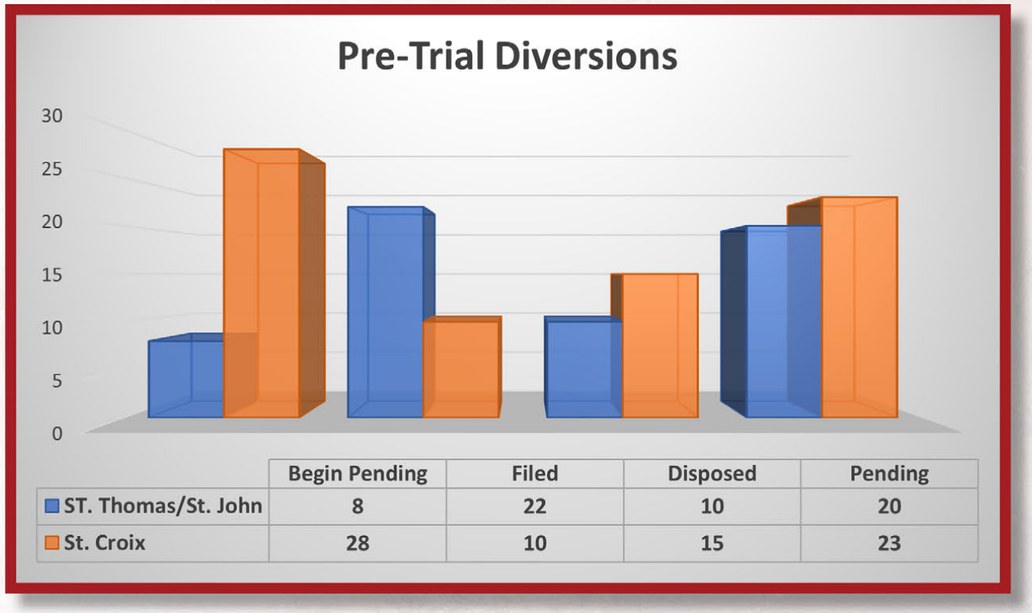
Jury Management. The Jury Management Division is responsible for overseeing the preparation of the master list of qualified prospective jurors for criminal and civil jury trials conducted by the Superior Court of the Virgin Islands. The Office secures jurors, representing a cross-section of the community,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

At the height of Pandemic in March 2020, the Judiciary had to make the difficult decision to suspend in-person services and more specifically, all jury trials. Despite this suspension, Jury Management also continued to prepare for the much-anticipated resumption of jury trials during fiscal year 2021, focusing on software upgrades to the Jury Management System to improve communications with jurors, by adding text messaging and email capabilities. In September of 2021, due to COVID-19 public restrictions and health and safety protocols, Juror Orientation was conducted at the Movie Cinemas in both Districts on September 20 – 21, 2021 with 5 sessions to be held each day.

In the District of St. Croix, 600 jurors were expected to report for orientation; however, only 74 appeared. Just prior to the Pandemic Shut-Down in March 2020, 373 members had been qualified for jury service. This panel was also scheduled for orientation and of the number of jurors previously qualified for service, just 73 members showed up. As such, in addition to the cost of conducting juror orientation off-site in venues large enough to comply with the social distancing and other public health guidelines in effect at that time, fees and transportation expenses for jurors totaled just $3,700 for fiscal year 2021.

Pretrial Diversion. The Pretrial Diversion program continues to provide an alternative to incarceration for first time offenders in the court system pursuant to V.I.C. Title 5 § 4612. It provides a cost-effective means of supervising first time offenders of misdemeanor offenses in the community while guiding them towards complying with the various conditions ordered by the Court. Diversion allows offenders to avoid criminal prosecution through successful completion of a term of community supervision, making restitution or participating in other Court ordered wellness programs, i.e. anger management, counseling or substance abuse treatment. The goal of the program is to provide the respective individual with a plan to address their needs and deter them from the criminal justice system.

In fiscal year 2021, 32 individuals were assigned for Pre-Trial Intervention. By the end of the fiscal year, 20 had been successfully terminated, 3 cases were closed unsatisfactorily and 2 were rejected. As of September 30, 2021, there were a total of 43 Diversion cases pending. Of the cases assigned to Pre-Trial Diversion in fiscal year 2021.



	Begin Pending	Filed	Disposed	Pending
ST. Thomas/St. John	8	22	10	20
St. Croix	28	10	15	23

In accordance with the VI Code, Title V § 4612(d) and Title IV § 521(a), participants in the Pretrial Diversion Program are required to pay the following fees prior to the completion of their terms of Diversion: An Administrative Fee of $200.00; and Court Costs (currently $75.00). During FY 2021, the Pretrial Diversion Program collected a total of $5,270.00 in Administrative Fees and Court Costs as well as Restitution totaling $1,352.33 for a grand total of $6,622.33 as outlined below:

Probation and Parole. The Office of Probation and Parole provides a diverse set of services to our community as a direct function of its office. The Office is responsible for Pre-Trial Release Supervision, and local and interstate Probation and Parole Supervision. In addition to its supervision responsibilities, the office conducts and prepares Pre-sentence Investigation and Reports, and Interstate Investigations and transfers.

During fiscal year 2021, the Probation Division assisted 16,130 individuals. Contacts included probationers, parolees, Pre-trial Release clients, victims and victim's family, family members of defendants, attorneys, police officers, individuals from other agencies as well as the general public. During the course of the fiscal year, 370 new supervision cases (STX: 206 and STT/J: 164) were received, and 245 Field Inspections. 320 clients were terminated from supervision (STX: 215 and STT/J: 105), including Pretrial Release, Probation and Parole clients. During the reporting period, the Division also received 53 new requests for pre-sentence reports and completed and submitted 45 reports.

Probation Caseload:

- Closed Satisfactorily: 123 (STX: 74; STT/J:49)
- Closed Unsatisfactorily: 35 (STX: 13; STT/J: 22)
- Administratively Discharged: 116 (STX: 106; STT/J: 10)
- Closed as Deceased: 1 (STX: 1; STT/J: 0)
- Discharged Early: 6 (STX: 1; STT/J: 5)
- Closed Records: 26 (STX: 20; STT/J: 6)
- Revoked: 13 (STX: 0; STT/J: 13)

Pursuant to the Interstate Compact for Adult Offenders Supervision, the Division of Probation and Parole receives and processes a number of requests for transfer of probation or parole for persons relocating to the United States Virgin Islands. In fiscal year 2021, the Division of Probation received 2 new Interstate Probation clients and 2 new Interstate Parole clients. The Division completed 8 investigations and discharged 21 cases.

During FY2021, the Probation and Parole Office collected a total of $87,081.38, a significant decline from previous years, in administrative fees, court costs, fines, restitutions, et. al. as outlined below

OFFICE OF PROBATION AND PAROLE
FY2021 COLLECTIONS

District	Admin Fees	Court Costs	Fines	Restitution	Other	Total
St. Croix	$23,060.00	$6,159.00	$9,620.00	$25,250.14	$465.00	$64,554.14
St. Thomas-St. John	$8,178.00	$1,700.00	$4,032.00	$7,842.24	$775.00	$22,527.24
TOTALS	**$31,238.00**	**$7,859.00**	**$13,652.00**	**$33,092.38**	**$1,240.00**	**$87,081.38**

COMMUNITY PARTICIPATION AND OUTREACH

MOOT COURT

On April 8, 2021, the Virgin Islands Bar Association concluded its 27th Annual Virgin Islands High School Moot Court Competition. Schools were allowed to field 4 teams and eligible competitors included freshmen and sophomores so that these students have the opportunity to repeat competition and learn from their experiences. Six schools entered twelve teams who ultimately competed in the final competition. In all, 29 students participated in the Annual Moot Court Competition. The participating schools included Antilles School, All Saints Cathedral School, and Seventh Day Adventist School in the St. Thomas/St. John District, Saints Peter and Paul Catholic School, Charlotte Amalie High School and the St. Croix Educational Complex.

The 2021 competition also featured several remarks by key persons within the legal community. The President of the Virgin Islands Bar Association, Charlotte K. Perrell, Esq, provided introductory remarks on the first round of competition held on April 6, 2021, followed by a welcome address by Presiding Judge of the Superior Court, the Honorable Harold W.L. Willocks, and a keynote address by Virgin Islands Attorney General, Denise N. George, Esq. The moot court justices in the first round were Joel H. Holt, Esq, Pamela Lynn Colon, Esq, Michell T. Meade, Esq, and the moot court Chief Justice was the Honorable Verne A. Hodge, Judge Emeritus of the Superior Court of the Virgin Islands. The 2021 Moot Court champions were Kaden Hughes and Ritesh Alwani of the Antilles School arguing for moot appellants. Anna A. Vlasova, Esq. Su-Layne Walker, Esq. and Clair Anaclerio, Esq, associate attorneys at Dudley, Newman, Feuerzeig, LLP, served as moot court coaches for Antilles School. The top orator was Amarah Creque from the St. Thomas Seventh Day Adventist School.

SUPERIOR COURT RISING STARS YOUTH STEEL ORCHESTRA

Established in the District of St. Thomas/St. John in 1981, and later extended in the District of St. Croix in 2007, the Superior Court Rising Stars continues to provide an atmosphere of a ***"home away from home"*** for its members. This Program is unique in that it is the only Steelband intervention program under any judicial system locally, nationally or internationally and is becoming renowned for its many accomplishments. After more than 40 years of success, the Rising Stars Program remains a prime example for many other organizations to emulate. The Program's thrust continues to focus on improving member's academic skills and preparing them for post-secondary education through various social, cultural and educational initiatives, in addition to their Ambassadorial duties.

During Fiscal Year 2021 the Rising Stars Program continued its suspension of operation due to the pandemic, as a result the staff was assigned to various divisions to assist the court's overall operation, including but not limited to Administration, Court Services Administration, Maintenance Division, Office of Probation, Clerk's Office, and the Budget and Accounting Division. They also continued to maintain the Panyards and prepared music for the eventual return of the members.

On May 14, 2021, Administrative Order 21-008 provided for the resumption of the Rising Stars Program, with the submission of a detail plan of action, approved by the Administrator of Courts, as it related to the COVID-19 protocols specifically applicable to the Rising Stars Program. As a result of the resumption of the Rising Stars Program, the Orchestras in both districts were able to host its first summer camp since March 2020. Due to staffing challenges, it was necessary to seek the contracted services of retired a Rising Stars Instructor in the District of St. Croix. The overall operation of the summer camp proved to be successful as the participants in the District of St. Croix included a number of students who had never play the steelpan before; but, in the District of St. Thomas/St. John, the camp was limited to members only.

The Orchestra continued its collaborative activities with the Department of Tourism, and on July 6, 2021, the Rising Stars participated in welcoming the territory's first cruise ship in sixteen months. This event brought back a sense of normalcy to our members while allowing them to showcase their talent and love for the steel band. The "Celebrity Edge" (with 2,544 passengers and crew) were greeted and cheered by dancers, Mocko Jumbies, and a live performance from the Rising Stars at the Crown Bay Center.

In the District of St. Thomas/ St. John, the Rising Stars congratulated and bid farewell to twenty-four (24) members in the graduating class of 2021. The District of St. Croix celebrated nine (9) graduates in the Class of 2021.

SUPERIOR COURT RISING STARS YOUTH STEEL ORCHESTRA

CLASS OF 2021


We the People
JUDICIARY OF THE
U.S. VIRGIN ISLANDS
SUPREME COURT OF THE UNITED STATES VIRGIN ISLANDS
SUPERIOR COURT OF THE VIRGIN ISLANDS
1977

Judicial Branch Administrative Office
P.O. Box 590, St. Thomas, U.S. Virgin Islands 00804
www.vicourts.org