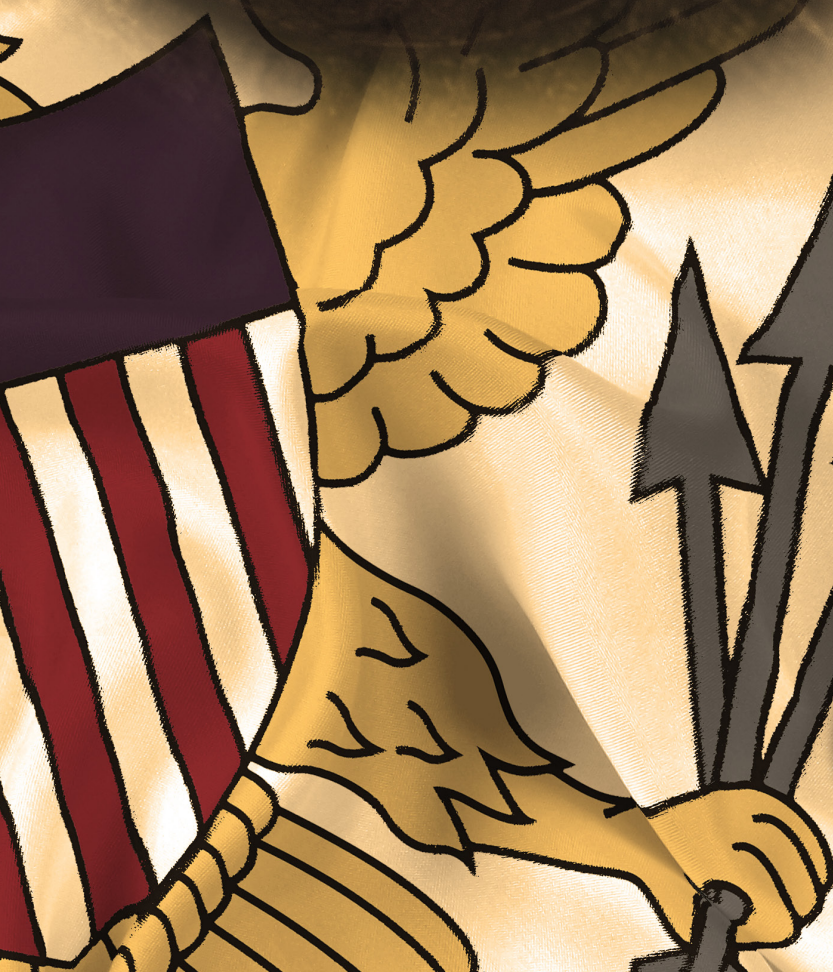




2016

*Annual Report*  
of the  
U.S. Virgin Islands Judiciary & Court System







# Table of Contents

<b>Table of Contents</b> .....	<b>4</b>
<b>The Judiciary</b> .....	<b>5</b>
<b>State of the Judiciary</b> .....	<b>6</b>
<b>History of the Judiciary</b> .....	<b>10</b>
<b>The Judicial Branch</b> .....	<b>12</b>
<b>The Supreme Court</b> .....	<b>14</b>
• Justices .....	<b>16</b>
• Office of the Clerk .....	<b>18</b>
• Arms of the Supreme Court .....	<b>20</b>
• Office of Disciplinary Counsel .....	<b>23</b>
<b>The Superior Court</b> .....	<b>26</b>
• Judges & Magistrates .....	<b>28</b>
• Caseload Statistics .....	<b>34</b>
<b>Judicial Branch Administrative Office</b> .....	<b>40</b>
• Budgeting and Financial Management .....	<b>40</b>
• Strategic Services and Information Technology .....	<b>43</b>
• Judicial Security .....	<b>44</b>
• Human Resources .....	<b>45</b>
• Intervention, Community Participation, and Outreach .....	<b>45</b>
• Governance and Judicial Branch Outlook .....	<b>50</b>
• Looking Ahead .....	<b>51</b>



# The Judiciary

## SUPREME COURT OF THE VIRGIN ISLANDS

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

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

Hon. Ive Arlington Swan  
**Associate Justice**

Veronica J. Handy, Esquire  
**Clerk of the Court**

## SUPERIOR COURT OF THE VIRGIN ISLANDS

### ST. THOMAS/ ST. JOHN DISTRICT

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

Hon. Kathleen Y. Mackay  
**Judge**

Hon. Debra S. Watlington  
**Judge**

Hon. Denise M. Francois  
**Judge**

Hon. Renee Gumbs Carty  
**Judge**

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

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

### ST. CROIX DISTRICT

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

Hon. Denise Hinds-Roach  
**Judge**

Hon. Douglas Brady  
**Judge**

Hon. Robert A. Molloy  
**Judge**

Hon. Jomo Meade  
**Judge**

Hon. Jessica Gallivan  
**Magistrate Judge**

Hon. Miguel A. Camacho  
**Magistrate Judge**

Estrella H. George  
**Clerk of the Court**



Regina Petersen  
**Administrator of Courts**

# State of the Judiciary

On behalf of the entire Virgin Islands Judiciary, it is my privilege to present the 2016 Annual Report on the State of the Virgin Islands Judiciary. The information in this report, which is prepared by the Administrator of Courts, provides statistical information and highlights the various accomplishments and activities of both courts during the course of the fiscal year.

This year, our community observed a significant anniversary: the 100th anniversary of the Virgin Islands becoming part of the United States. In last year's State of the Judiciary, I expressed my hope that the year 2017 would not just commemorate our centennial year, but also mark the first anniversary of an administratively unified Virgin Islands Judiciary. I am proud to report that hope finally became reality on July 30, 2016, when Governor Kenneth E. Mapp signed Act No. 7888 into law. Because of the leadership of Governor Mapp and the 31st Legislature—and particularly the bill's sponsors, Sen. Kenneth L. Gittens and Sen. Nereida Rivera-O'Reilly—the Virgin Islands has now joined every other jurisdiction under the American flag, and vested authority and responsibility for governance of the Virgin Islands Judiciary with the Supreme Court and the Judicial Branch Administrative Office.

As those who have followed the Virgin Islands Judiciary closely are aware, the road to administrative unification was a long one, with Act No. 7888 being the culmination of an effort that took nearly a decade to achieve. However, our work is not yet done. To paraphrase the famous saying, now comes the hard part: unifying. All stakeholders in the Virgin Islands Judiciary—whether they be judicial officers and court employees, or from the Superior Court or the Supreme Court—must now work together to ensure that our administratively unified





Judiciary takes the best of both institutions and becomes greater than the sum of its part in order to best serve the people of the Virgin Islands.

To that end, if I had to summarize the state of the Virgin Islands Judiciary in one word, it would be “transition.” In my testimony before the Legislature on Act No. 7888 and its predecessor bills, I emphasized that while administrative unification would result in some immediate benefits, the process would not become complete overnight. Rather than simply unify by fiat or otherwise rush the process, the Supreme Court decided to implement Act No. 7888 using a collaborative process in which all stakeholders would have a seat at the table—including those who were previously skeptical of the benefits of administrative unification.

Shortly after Act No. 7888 went into effect, the Supreme Court established the Judicial Branch Administrative Office to assume—for both courts—the duties set forth in title 4, section 4 of the Virgin Islands Code. However, the Supreme Court also concurrently established three entities to assist with the unification process. On August 10, 2016, the Supreme Court issued Promulgation Order No. 2016-0006, which established the Virgin Islands Judicial Management Advisory Council. The Chief Justice, the Presiding Judge, two Associate Justices of the Supreme Court, and a judge and magistrate judge of the Superior Court serve as voting members of the Advisory Council, but every judicial officer in the Virgin Islands may attend and speak at meetings as ex officio members. The Administrator of Courts is also an ex officio member and serves as Secretary of the Advisory Council. The Advisory Council meets monthly, and is charged with providing advice to the leaders of the Supreme Court, the Superior Court, and the Judicial Branch Administrative Office with respect to all issues relating to the administration of the Judicial Branch. Thus, every justice, judge, and magistrate judge may have their voice heard in administrative matters affecting our unified Judiciary.

Approximately one week later, on August 19, 2016, the Supreme Court established an Advisory Committee on Rules, consisting of judges, members of the Virgin Islands Bar Association, and court personnel. This special committee has been tasked with helping the Supreme Court carry out its mandate of adopting the rules of practice and procedure to govern all courts of the Virgin Islands. In its first six months of operation, the Advisory Committee on Rules, chaired by Judge Denise M. Francois, drafted the Virgin Islands Rules of Civil Procedure and the Virgin Islands Rules of Evidence, which were ultimately endorsed by the Judicial Management Advisory Council and approved by the Supreme Court on March 31, 2017. These rules replace the Federal Rules of Civil Procedure and the Federal Rules of Evidence that were previously relied upon, and their drafting and ultimate adoption represents a very important step in the development of an independent Virgin Islands Judiciary, in that local attorneys and local judges now have a say in developing local rules of practice that make sense for the Virgin Islands. This month, under the leadership of Judge Robert A. Molloy, the Advisory Committee has reconvened to begin the important work of drafting the Virgin Islands Rules of Criminal Procedure, which will hopefully be released for public comment no later than the Fall of this year.

Last, but certainly not least, the Supreme Court established the Virgin Islands Judicial Branch Unification Task Force on September 1, 2016. The Unification Task Force consisted of nearly 30 court employees from all areas of court operations and at all levels of seniority, and was charged with studying the structure, policies, practices, and procedures of both the Supreme Court and the Superior Court in the operational areas that would become the responsibility of the new Judicial Branch Administrative Office, such as personnel, procurement, facilities, information technology, records management, and court security. Although the Unification Task Force was given only one month to produce its preliminary report, it acted quickly and submitted its 47-page recommendation on October 3, 2016, which was followed by its final report on November 2, 2016.

As part of its work, the Unification Task Force also reviewed more than 1,000 pages of legacy policy documents from both courts, and drafted uniform policies that were eventually adopted to govern the entire Judiciary. The substantial and high-quality work done by the Unification Task Force—whose members continued to perform their regular job duties and received no additional compensation for their service—demonstrates that the employees of the Virgin Islands Judiciary are among the best and most dedicated in the Territory.

Due to the assistance of the Unification Task Force and the Judicial Management Advisory Council, the Judicial Branch Administrative Office officially commenced operations on December 1, 2016, under the leadership of the Administrator of Courts, Regina D. Petersen. After a lengthy process, Administrator Petersen recommended—and I approved—the appointments of leaders from both the Superior Court and the Supreme Court to serve as members of the Judicial Branch Administrative Office’s senior leadership team, including: Lisa Davis McGregor, Assistant Administrator of Courts; Paul Gimenez, Esq., General Counsel; Glendia B. Caines, Court Services Administrator; Paulette Rabsatt Simmonds, Chief Financial Officer; Kevin Williams, Director of Planning & Strategic Services; Koya Ottley, Chief Human Capital Officer; Natalie Thomas-Pickering, Procurement Director; Lawrence Walcott, Chief Marshal; and Kimlyn Etienne, Comptroller. I am confident that Administrator Petersen, together with these individuals, will continue to facilitate the administrative unification process in the coming years, and establish processes to modernize all aspects of court operations and improve services to the public.

Although to date most of the unification process has occurred internally, the public and members of the Bar will soon see visible improvements as well. While the Supreme Court has operated as an “e-everything” court for the past several years, the Superior Court remains a paper-based organization. That will change as the unification process moves forward, and the Superior Court will also eventually fully transition into an “e-everything” court. In fact, I am pleased to announce that the committee charged with evaluating proposals for the long-awaited new case management and e-filing system for the Superior Court has voted to select Thomson Reuters as the vendor for the project, and that the Judicial Management Advisory Council concurred and urged me to act on that recommendation. Thomson Reuters previously developed the Supreme Court’s case management and e-filing systems,

and I am confident that the administration of justice in the Virgin Islands will best be advanced by utilizing a system that attorneys, judges, staff, and the public have successfully used for the past seven years. I would like to thank all of the members of the Superior Court Change Management Committee for their extensive work on this matter, and particularly Presiding Judge Michael C. Dunston for his steadfast leadership and direction as well as Superior Court Chief Deputy Clerk Tamara Charles for her indispensable assistance in managing the project.

While the selection of a vendor represents a very important step, the implementation of e-filing in the Superior Court is a large-scale project that cannot occur overnight. However, over the next few weeks, the Virgin Islands Judiciary will introduce other improvements that will go into effect immediately. Within the next few weeks, I will sign an administrative order adopting a policy on the possession and use of electronic devices in all Judicial Branch facilities, including the Superior Court. The electronic device policy will be modelled after similar policies adopted by other courts such as the United States District Court of the Virgin Islands, the United States District Court for the District of Puerto Rico, and the Superior Court of the District of Columbia, and take into account feedback previously provided by the Virgin Islands Bar Association. Under this new policy, active members of the Virgin Islands Bar Association will be allowed to bring cell phones, iPads, laptops, and other electronic devices to court, while permitting judicial officers to place restrictions on their use while court is in session. This will permit attorneys to use technology to assist them in fulfilling their professional responsibilities, while at the same time not interfering with a judge’s discretion to operate the courtroom in an appropriate manner.

Similarly, the issue of how the Virgin Islands should provide for the representation of indigent criminal defendants has received considerable attention over the last several years. In prior years, I highlighted how the Supreme Court and the Superior Court had adopted different approaches to the issue, with the Supreme Court establishing a panel of attorney volunteers while the Superior Court relied on a system of involuntary appointments. Although last year the Superior Court made great strides by promulgating Superior Court Rule 20 to establish a panel system, there remain significant differences between the procedures in place in both courts. Both the Supreme Court and the Judicial Management Advisory



Council have studied the issue, and the Supreme Court will shortly promulgate a rule governing indigent appointments that will regulate proceedings in both the Superior Court and the Supreme Court. The revised rule will borrow the best aspects of each respective court's policies, and ensure a more transparent and fair appointment process through the establishment of a Standing Committee on Indigent Appointments.

Even though the ongoing administrative unification process is responsible for many of the changes in the Virgin Islands Judiciary, the practice of law in the Virgin Islands is transforming in other ways as well. Effective April 26, 2017, the Supreme Court amended the rules governing admission to the Virgin Islands Bar to adopt the Uniform Bar Examination, permit admission on motion, and eliminate the three-cause limit on pro hac vice admissions. In doing so, the Virgin Islands joined the majority of United States jurisdictions in implementing a common bar admissions test, and the supermajority of jurisdictions that permit qualified attorneys licensed elsewhere to become admitted on the basis of reciprocity. These changes were not without controversy: a record 19 comments were filed with the Clerk of the Court, mostly in opposition. While some attorneys have expressed concern that "opening up" the Virgin Islands in such a way will adversely impact the collegiality of the Virgin Islands Bar, I am confident that this will not be the case, and that the practice of law in the Virgin Islands will benefit from the removal of unnecessary barriers to entry, just as it did when the residency requirement was eliminated in 1989. Moreover, both the Supreme Court and the Committee of Bar Examiners are hard at work at developing a mandatory Virgin Islands Law Course and accompanying local examination that will ensure that every attorney admitted to the Virgin Islands Bar—whether by examination or by motion—will be fully aware of the unique aspects of Virgin Islands practice.

Finally, as a matter of personal privilege, I would like to thank Governor Mapp for re-nominating myself, together with Justice Maria M. Cabret and Justice Ive Arlington Swan, to second terms on the Supreme Court, as well as the 31st Legislature for its unanimous confirmation. Moreover, 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 common goal of serving the people of the Virgin Islands.

Sincerely,



Rhys S. Hodge  
Chief Justice



## USVI JUDICIARY & COURT SYSTEM



..... JUDICIAL OFFICERS OF THE VIRGIN ISLANDS .....

**Pictured from left to right Standing:** *Hon. Douglas Brady, Hon. Henry Carr, III, Hon. Robert A. Molloy, Hon. Carolyn Hermon-Percell, Hon. Kathleen Mackay, Hon. Denise M. Francois, Hon. Renee Gumbs Carty, Hon. Miguel A. Camacho, Hon. Debra S. Watlington, Hon. Jomo Meade, Hon. Denise Hinds-Roach, Hon. Jessica Gullivan. Pictured left to right sitting:* *Hon. Michael C. Dunston, Hon. Maria M. Cabret, Hon. Rhys S. Hodge, Hon. Ive Arlington Swan and Hon. Harold W. L. Willocks.*

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.” 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.

# History of the Judiciary

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, 1994, pursuant to Act No. 5890, the Virgin Islands Legislature granted expanded jurisdiction in criminal matters to the Territorial Court.

In 1984, the United State Congress amended the Revised Organic Act of 1954 to permit the Virgin Islands Legislature to create a local appellate court whose justices could be nominated by the Governor of the Virgin Islands subject to confirmation by the Virgin Islands Legislature. However, since the Legislature did not immediately create the local appellate court authorized by the 1984 amendments to the Revised Organic Act, two federal courts—the District Court of the Virgin Islands, and the United States Court of Appeals for the Third Circuit—continued to review all judgments issued by the then-Territorial Court. On September 30, 2004, Bill 25-0213, which was sponsored by then senator Carlton “Ital” Dowe to establish the Supreme Court of the Virgin Islands, was adopted by a unanimous vote of the member of the 26th Legislature, and signed into law as Act No. 6687 by then Governor, Charles W. Turnbull on October 29, 2004. Act No. 6687 also rechristened the Territorial Court as the 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. 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 officially assumed appellate jurisdiction. Prior to this date, all

appeals were heard by the Appellate Division of the United States District Court and the United States Court of Appeals for the Third Circuit. The 1984 amendments to the Revised Organic Act also provided that the Third Circuit review decisions of the local appellate court for the first (15) fifteen years of its existence and directed that a comprehensive evaluation of the Court's operations be conducted every five (5) years. The Third Circuit issued its first report on June 9, 2012, which concluded that the Supreme Court had developed sufficient institutional traditions to justify ending the fifteen (15) year oversight period. On December 28, 2012, President Barack Obama signed Public Law No. 112-226. This legislation, sponsored by Delegate to Congress Donna M. Christensen, amended the Revised Organic Act to eliminate the oversight period. With the elimination of the oversight period, the Supreme Court of the Virgin Islands achieved parity with the highest courts of the several states and its decisions are now subject to direct review by the Supreme Court of the United States, similar to those of the highest courts of the several States. The Virgin Islands now joins the other States and Territories of the Union in establishing a progressive, 21st century, local court system.

On July 30, 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 then Senator Kenneth L. Gittens and Senator Nereida “Nellie” O’Reilly, also authorized the expansion of the appellate bench from 3 to 5 justices. The unification of our local court system is consistent with the organizational structure of a majority of the jurisdictions under the United States Flag, and will greatly improve the administration of justice in the Virgin Islands. We are proud to present to the people of the Virgin Islands, the members of our unified bench.

# The Judicial Branch

## JURISDICTION

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

Division of Superior Court. 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. The Court has original jurisdiction to preside over all local civil, criminal, family, probate, landlord-tenant, small claims and traffic disputes. It also acts as a court of appeals for decisions of all governmental officers and agencies. The Magistrate Division of the Superior Court has jurisdiction to hear non-felony traffic cases, Forcible Entry and Detainer, Misdemeanor Criminal Cases under 1 year, Domestic Violence Cases, Landlord and Tenant Actions, Small Claims, Probate and Litter Cases.



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

### FOUR MAGISTRATES

#### STT/STJ DISTRICT

Hon. Henry V. Carr, III  
Magistrate Judge

Hon. Carolyn P. Hermon-Percell  
Magistrate Judge

#### STX DISTRICT

Hon. Jessica Gallivan  
Magistrate Judge

Hon. Miguel Camacho  
Magistrate Judge

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



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

### THREE JUSTICES

Hon. Maria M. Cabret  
Associate Justice

Hon. Rhys S. Hodge  
Chief Justice

Hon. Ive Arlington Swan  
Associate Justice

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



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

### TEN JUDGES

#### STT/STJ DISTRICT

Hon. Michael C. Dunston  
Presiding Judge

Hon. Kathleen Y. Mackay  
Judge

Hon. Debra S. Watlington  
Judge

Hon. Denise M. Francois  
Judge

Hon. Renee Gumbs Carty  
Judge

#### STX DISTRICT

Hon. Harold W.L. Willocks  
Administrative Judge

Hon. Denise Hinds Roach  
Judge

Hon. Douglas A. Brady  
Judge

Hon. Robert A. Molloy  
Judge

Hon. Jomo Meade  
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 •



# *The Supreme Court*

OF THE U.S. VIRGIN ISLANDS

## **VISION**

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





# Supreme Court

## JUSTICES

### Chief Justice Rhys S. Hodge

Rhys Shelley Hodge was unanimously confirmed by the 26th Legislature on October 27, 2006, to a ten-year term as justice of the Supreme Court of the Virgin Islands and was designated by Governor Charles Turnbull to be the first Chief Justice of the Supreme Court for an initial four-year term. In October, 2010, and October, 2013 he was elected and re-elected to serve as Chief Justice for subsequent three year terms. He was re-elected in October 2016 as Chief Justice for a new five-year term. Chief Justice Hodge began his judicial career as a Territorial Court judge on June 23, 2000, following his nomination by Governor Charles W. Turnbull, and subsequently re-appointed and confirmed to a second term, wherein he served as Presiding Judge of the Superior Court from July 1, 2006 until the date of his elevation to the Supreme Court. Justice Hodge was reappointed to a second ten-year term to the Supreme Court in 2016 by Governor Kenneth E. Mapp and unanimously confirmed by the 31st Legislature on December 20, 2016.



### Associate Justice Maria M. Cabret

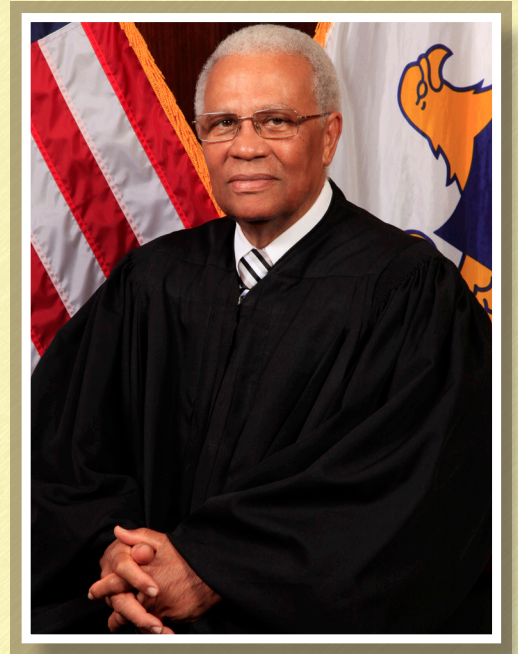
Maria M. Cabret's judicial career began upon her nomination by Governor Alexander Farrelly, and unanimous confirmation by the 17th Legislature. The traditional landscape of the judiciary changed, on July 7, 1987, when she was sworn in as a Judge of the Territorial Court of the Virgin Islands, as she was the first individual of Puerto Rican descent to serve on that court. Judge Cabret was subsequently nominated by Governor Farrelly and Governor Charles Turnbull, respectively, to serve a second and third term. Thereafter, Governor Turnbull designated her as the Presiding Judge of the Territorial Court, and she once again changed the landscape of the judiciary, becoming the first female to serve in such office, a position which she held from March 1, 2000 to July 1, 2006, the date she retired and assumed senior status. Her retirement, however, would remain short-lived, for she was nominated by Governor Turnbull to be one of first Justices to serve on the Supreme Court of the Virgin Islands, adding to her list of trailblazing firsts, for she would once again be the first person of Puerto Rican descent and first female to serve on the Virgin Islands' first local appellate court. Justice Cabret was unanimously confirmed to a ten-year term by the 26th Legislature to serve as a justice on the Supreme Court. She was re-appointed for a second ten-year term to the Supreme Court of the Virgin Islands in 2016 by Governor Kenneth E. Mapp, and unanimously confirmed by the 31st Legislature on December 20, 2016.





## Associate Justice Ive Arlington Swan

Ive Arlington Swan began his legal career as a public servant serving ten years in what was then known as the Virgin Islands Department of Law, and culminating in his unanimous confirmation as Attorney General on March 3, 1978. In his capacity as Attorney General of the Virgin Islands, he directed the legal affairs of the Government of the Virgin Islands, served on several government boards and commissions, and published opinions on a myriad of legal issues. He subsequently entered the private practice of law in 1981, and in 1987, Governor Alexander A. Farrelly nominated him to serve as a judge on the Territorial Court of the Virgin Islands. He was re-nominated by Governor Farrelly in 1993, and by Governor Charles Turnbull respectively in 2000 and 2006. Shortly after his fourth re-nomination, Governor Turnbull nominated him as one of the initial justices of the Supreme Court, resulting in another unanimous legislative confirmation—the sixth in his lengthy public service career on October 27, 2006. He was reappointed for a second ten-year term to the Supreme Court in 2016 by Governor Kenneth E. Mapp and unanimously confirmed by the 31st Legislature on December 20, 2016.



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## Designated Justices

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

There were 3 recusals in fiscal year 2016 resulting in 3 new designations. Accordingly, the following judicial officers served as Designated Justices on Supreme Court cases during the course of the fiscal year:

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

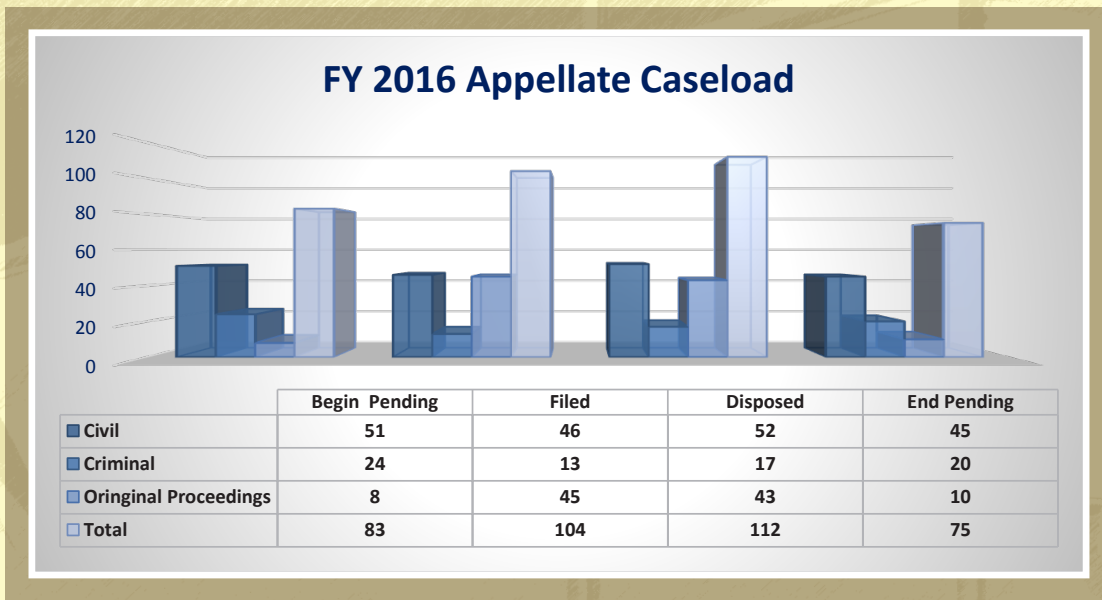
The Supreme Court also hears cases that do not originate in the Superior Court. These cases are referred to as original jurisdiction matters. The most common exercise of the Court's original jurisdiction are in actions for writ of mandamus, in which the Supreme Court may be petitioned to order a government 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.



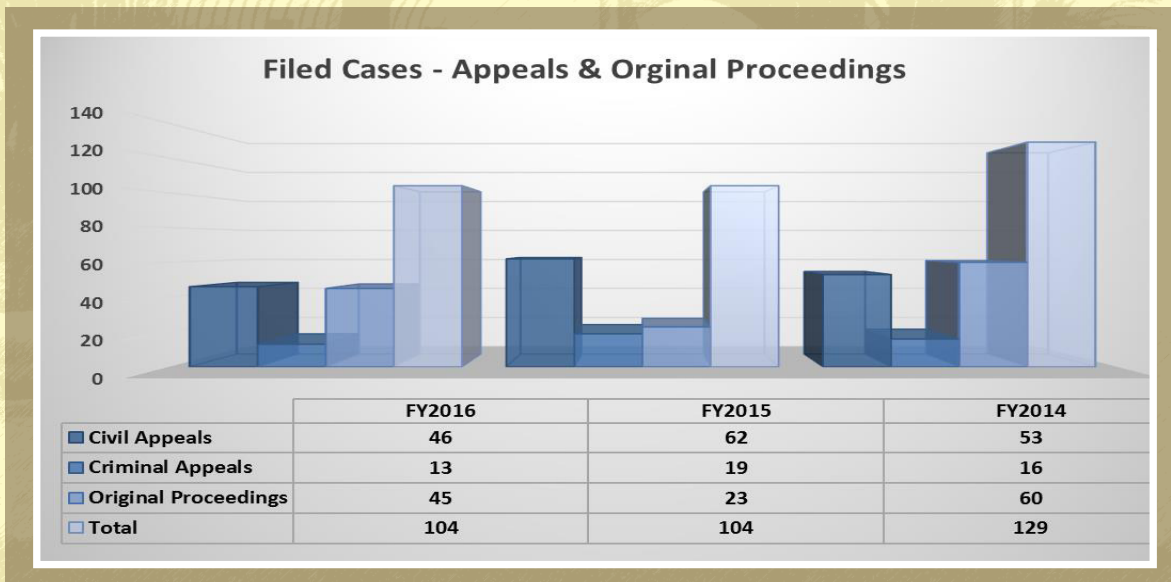
# Supreme Court

## OFFICE OF THE CLERK

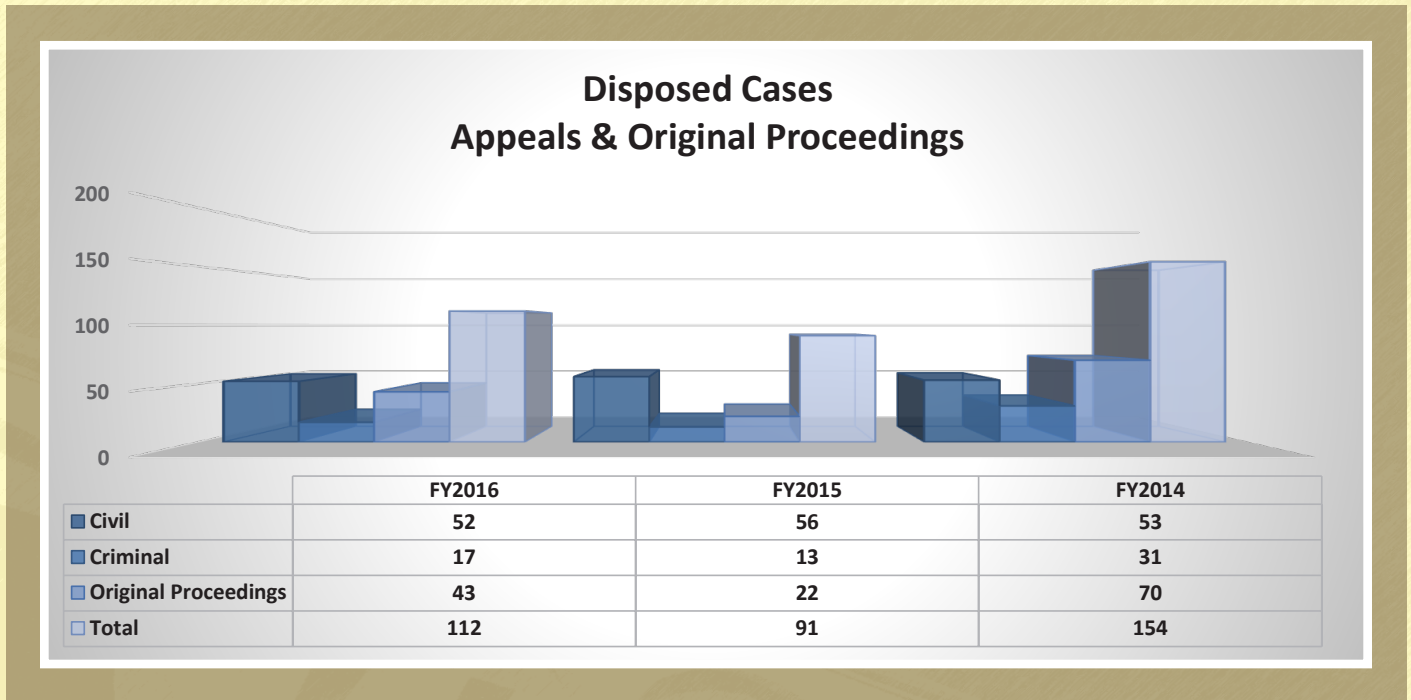
The Office of the Clerk of the Supreme Court is responsible for the management of cases throughout the appellate process, and the maintenance of certain statistical data regarding case processing. Accordingly, the following caseload trends of the Supreme Court are reported for fiscal year 2016.



Fiscal year 2016 commenced with a caseload of 83 matters pending before the Supreme Court of the Virgin Islands. There were 104 new matters filed during the course of fiscal year 2016 for a total pending caseload of 187 cases. The Court disposed of 52 civil appeals, 17 criminal appeals and 43 matters proceeding under the Court's original jurisdiction for a combined clearance rate of over 100%. Fiscal year 2016 ended with a total pending caseload of 75 cases, a reduction of 10% in cases pending over the previous fiscal year.



During the course of the fiscal year 2016, final judgments were issued in 51 cases. Of the Court's 51 opinions, 45 were published opinions. Case summaries and all published opinions issued by the Court are posted on its website, located at [www.visupremecourt.org](http://www.visupremecourt.org), and are automatically distributed free of charge to individuals who have subscribed to the Court's mailing list.



## INDIGENT APPOINTMENTS

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





# Supreme Court

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## ARMS OF THE SUPREME COURT

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### OFFICE OF BAR ADMISSIONS

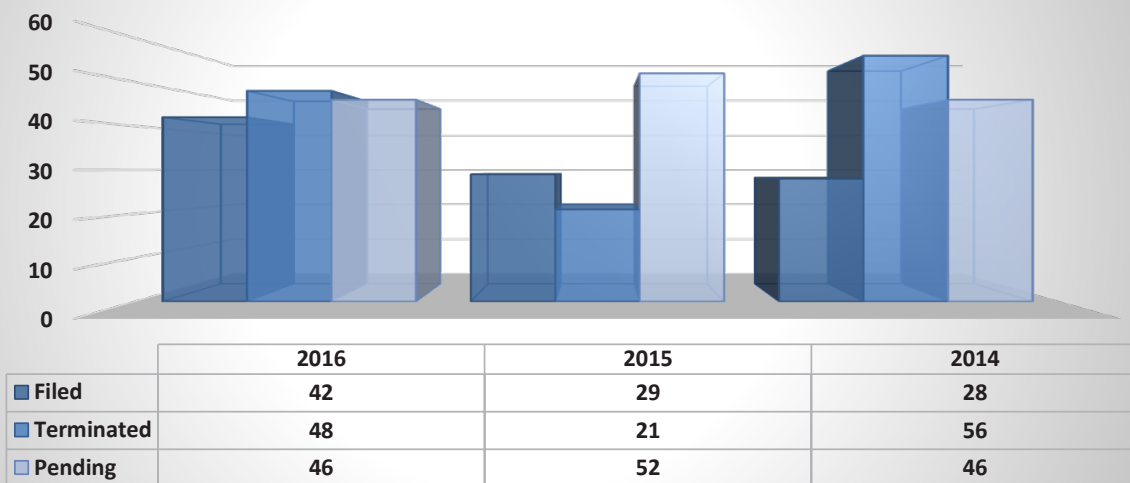
The Supreme Court of the Virgin Islands oversees the Virgin Islands Bar Association, which includes the processing of applications to the Bar, and approval of rules and bylaws of the organization.

#### Admission to the Bar

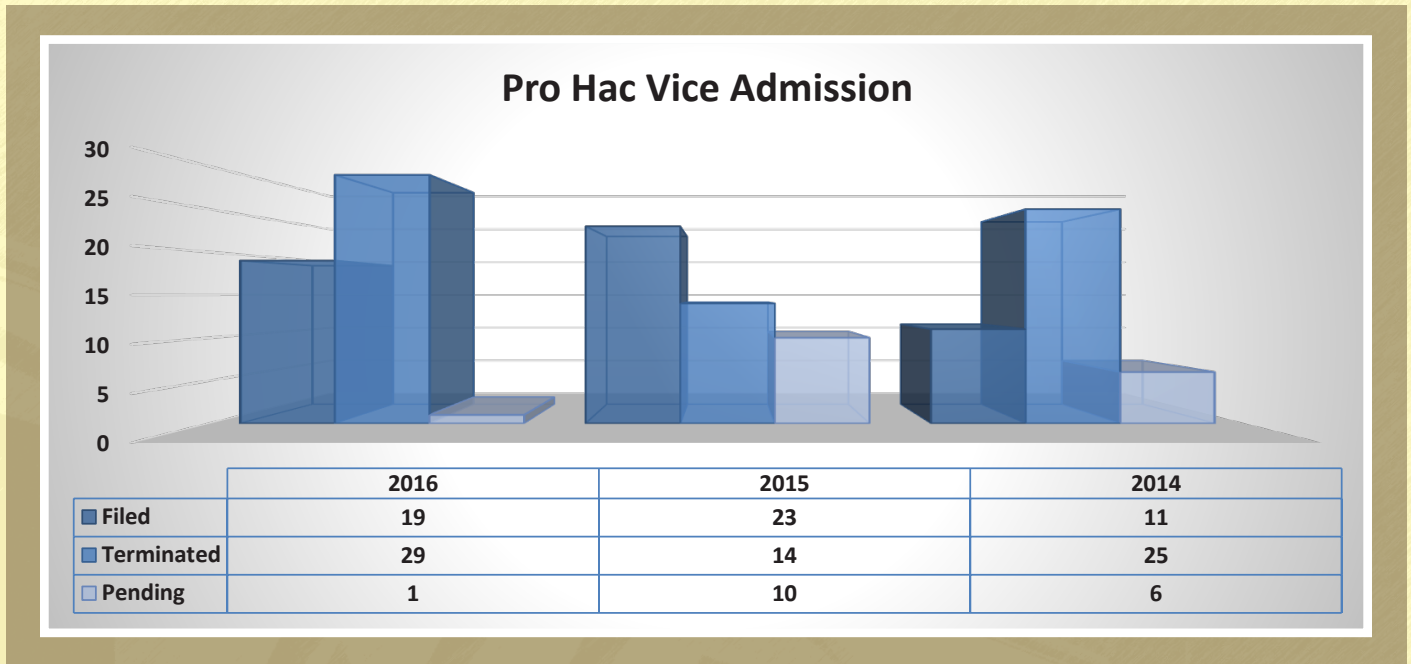
The Office of Bar Admissions, together with the Committee of Bar Examiners, assists the Supreme Court in the administration of the Virgin Islands Bar Examination, conducting character and fitness investigations, and ascertaining the qualifications of all applicants for admission. Supreme Court Rules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

**Regular Admission.** During the course of fiscal year 2016, there were 42 new petitions for regular admission filed, with the Court terminating 48 application cases. The Court closed the year with 46 petitions for regular admission pending. Additionally, the Supreme Court held 2 Bar Admissions Ceremonies, resulting in 31 new attorneys being admitted to the practice of law in the Virgin Islands in fiscal year 2016.

**2016 Regular Admissions**



**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 2016, there were 19 new applications for pro hac vice admission, reflecting a slight decrease from the prior fiscal year. As of September 30, 2016, the Supreme Court had granted 21 pro hac vice petitions and denied one application, improving the clearance rate by over 90%. By the close of the fiscal year, the Court had effectively terminated 29 pro hac petitions. There were pending pro hac vice petitions at the end of the fiscal year.



**Special Admission.** Pursuant to Supreme Court Rule 202, an attorney admitted to the practice of law in another state, territorial jurisdiction, or to the District of Columbia, may, under the supervision of a regular member of the Virgin Islands Bar Association, practice law in the Virgin Islands on behalf of a federal or territorial government department or agency, or a specified public interest organization.

**Federal or Territorial Department or Agency, or Specified Public Interest Organization Attorneys.** During fiscal year 2016, there were 10 petitions for special admission filed with the Supreme Court. The Court granted special admission to 4 attorneys, and rescinded the special admission of 6 attorneys. At the close of the fiscal year, 6 matters remained pending.

**Limited Permission to Practice as In-house Counsel (VISCR 202.1).** During fiscal year 2016, there were 3 petitions for In-House Counsel filed with the Supreme Court. The Court granted In-House Counsel status to 5 attorneys. At the close of the fiscal year, 2 matters remained pending.

During fiscal year 2016, there were no applications filed for *Limited Permission to Practice as Foreign Legal Consultant (VISCR 202.2)*; *Limited Permission to Practice as a Legal Intern (VISCR 202.3)*; or *Special Admission for Military Spouses (VISCR 202.4)*.

### **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 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 2016, there were 146 requests for certificates of good standing. The Supreme Court issued 146 certificates.

**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 nevertheless 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 2016, the Office of Bar Admissions received and processed 18 requests for status changes.

**Continuing Legal Education.** In fiscal year 2014, the Supreme Court amended Rule 208, requiring all regularly and specially admitted attorneys to self-report their annual compliance with the completion of 12 continuing legal education credits to the Virgin Islands Bar Association. The amendments granted the Virgin Islands Bar Association’s CLE Committee specific authority to grant extensions of time through April 30th for self-reporting, but did not however vest the Virgin Islands Bar Association with any discretion to waive or excuse a member’s non-compliance. 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 2016, nine such requests were filed with the Supreme Court. The rate of compliance with CLE under the new process continues to improve.

**Attorney Registration.** In accordance with Rule 203, effective January 1, 2016, the Supreme Court implemented the Attorney Registration process. VISCR 203 requires all active members of the Virgin Islands Bar to file an Annual Registration Statement with the Office of Disciplinary Counsel along with the payment of annual registration fee of \$50. During the course of the fiscal year, there were 559 Annual Registration Statements filed.

Additionally, in the first quarter of fiscal year 2015, the Office of Bar Admissions assumed full responsibility over the management and assignment of identification numbers for all new regular and special admitted members of the Virgin Islands Bar Association. During fiscal year 2016, the Office of Bar Admission issued 52 identification numbers to new members.





# Supreme Court

## OFFICE OF DISCIPLINARY COUNSEL

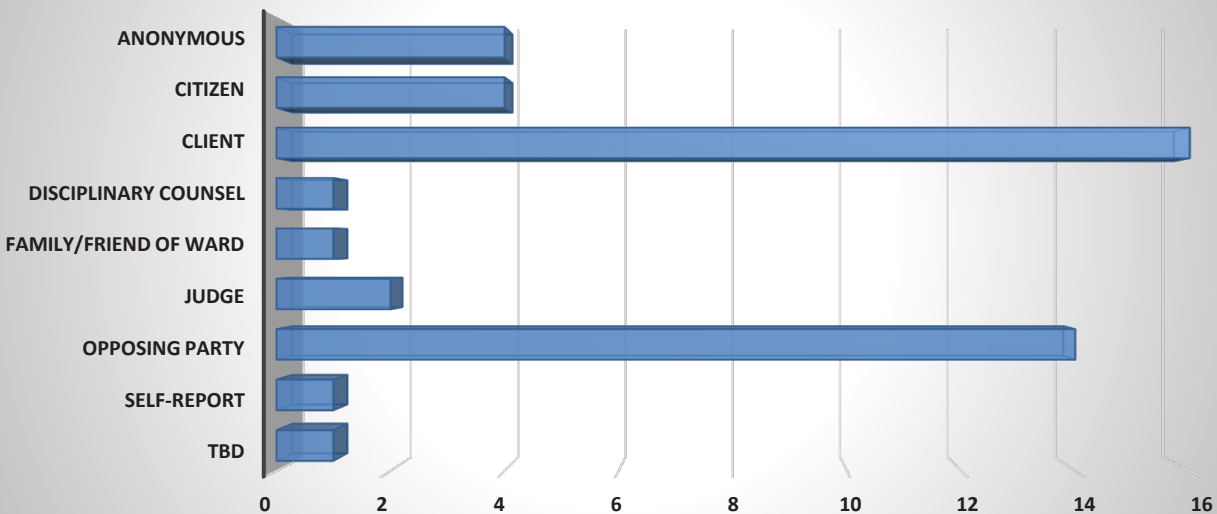
Pursuant to Supreme Court Rule 209, the Office of Disciplinary Counsel was established to investigate and prosecute complaints against justices and judges from the Virgin Islands judiciary. Rule 209 also established the Virgin Islands Commission on Judicial Conduct to further assist with preserving the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

**Judicial Discipline and Incapacity.** In accordance with Rule 209, Disciplinary Counsel is tasked with investigating complaints under the direction of a three member investigative panel. Upon completion of the investigation, the panel determines whether formal charges are warranted, and if so, Disciplinary Counsel prosecutes the complaint before a hearing panel. In fiscal year 2016, ten new judicial complaints were filed. During the course of the fiscal year, three reports were submitted to the hearing panel for review and disposition. Investigation in other matters are ongoing. No complaints alleging judicial disability were filed in fiscal year 2016.

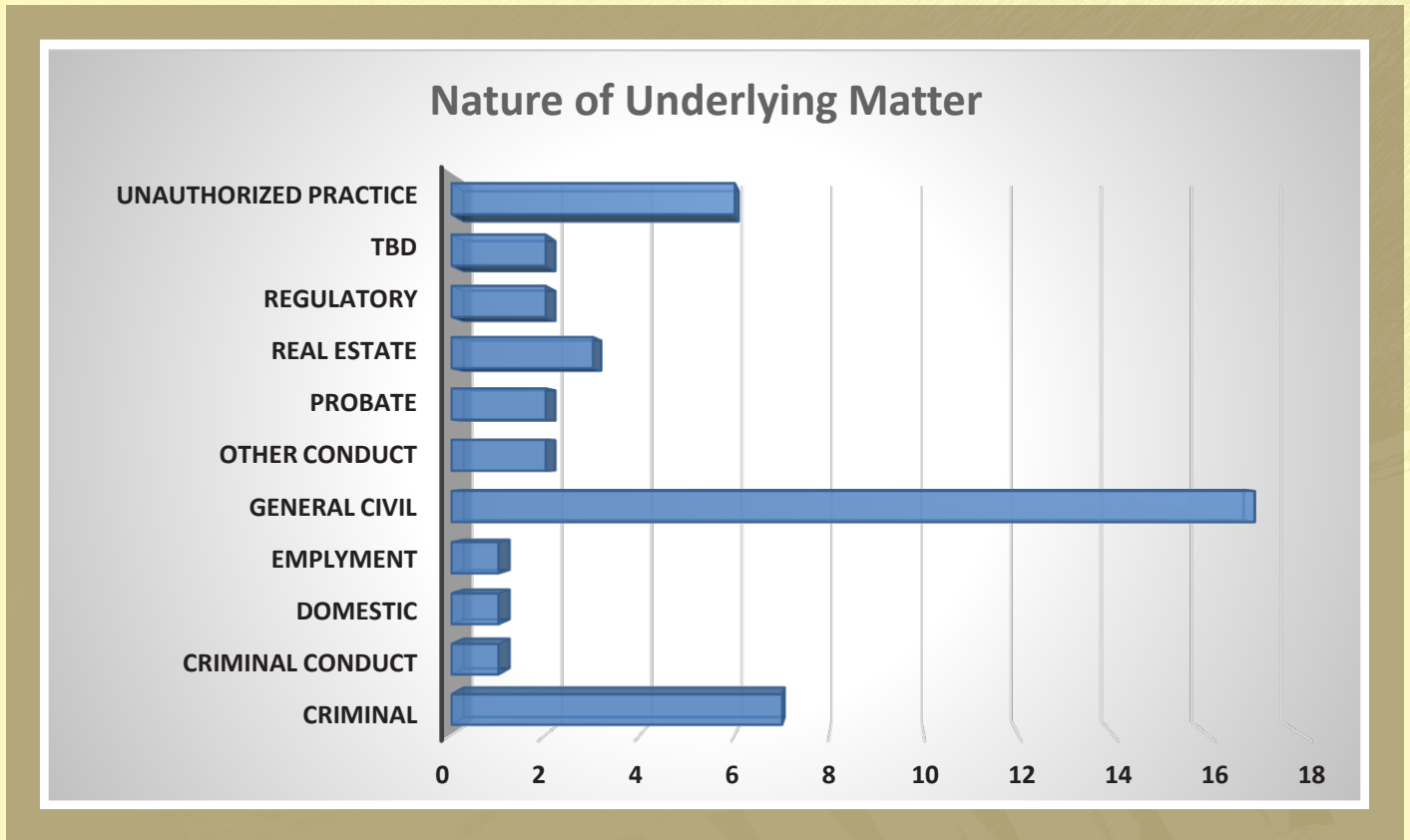
**Attorney Discipline.** Supreme Court Rule 207 was amended in 2011, expanding the function of Disciplinary Counsel to include the investigation and prosecution of grievances against members of the Virgin Islands Bar. Attorney discipline includes, but is not limited to, private or public reprimand, probation, suspension and the most severe penalty of disbarment from the practice of law in the Virgin Islands. During fiscal year 2016 discipline was imposed in one case.

**Discipline Case Statistics.** There were 45 new files opened in fiscal year 2016. When added to the 99 pending discipline matters from the previous fiscal year, the total caseload in fiscal year 2016 was 144 cases. The Office of Disciplinary Counsel disposed of 10 cases during the course of the year. By the close of fiscal year 2016, there were 135 pending discipline cases.

Source of Complaints



**Discipline Case Demographics.** Of the 45 cases filed during the course of the fiscal year, 16 cases were filed by clients of the respondent-attorney; 14 cases were filed by opposing parties; 17 cases arose from general civil matters; six arose from allegations of unauthorized practice of law; one case arose from domestic matters; one case arose from employment law related litigation; and one arose from a criminal matter.



**Discipline History.** The Office of Disciplinary counsel is also responsible for responding to requests for discipline histories for Virgin Islands' attorneys seeking admission to the bars of other states, or employment in the federal judiciary. The Office of Disciplinary Council fulfilled 13 such requests.

**Receiverships.** Pursuant to Rule 207.24, Disciplinary Counsel also has the power to act as or retain the services of an outside lawyer to act as a Receiver in cases of death, disability, abandonment, suspension, or disbarment for active attorneys. For Fiscal Year 2016, Disciplinary Counsel acted as a Receiver for two cases, and sought the appointment of an outside Receiver for one case.







SUPREME COURT OF THE U.S. VIRGIN ISLANDS

# *The Superior Court*

OF THE U.S. VIRGIN ISLANDS

## **MISSION**

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







# *Superior Court*

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## **JUDGES & MAGISTRATES**

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### **PRESIDING JUDGE MICHAEL C. DUNSTON**

Michael Calvin Dunston Esquire was nominated in 2007 by Governor John P. deJongh to serve a six-year term as a judicial officer on the Superior Court of the Virgin Islands. Subsequent to his unanimous confirmation by the Twenty-Sixth Legislature of the Virgin Islands, Judge Dunston served as the Administrative Judge for the Superior Court from January 2013 until September 2013. In late 2013, he was re-nominated to serve a second term by Governor deJongh and unanimously confirmed the Twenty-Ninth Legislature. At the commencement of his second term, Judge Dunston was further designated the Presiding Judge of the Superior Court of the Virgin Islands.



The Presiding Judge is a native of West Frankfort, Illinois, and a thirty-six year resident of the Virgin Islands. In 1971, he earned a Bachelor of Arts in Political Science from Knox College in Galesburg, Illinois, and attended Washington University School of Law in St. Louis, Missouri, where he earned a Juris Doctor in 1974. A certified mediator for both the District Court of the Virgin Islands and the Superior Court of the Virgin Islands, Judge Dunston has been admitted to practice law before the courts of the Virgin Islands, the courts of the State of Illinois, the U.S. Court of Appeals for the Third Judicial Circuit, and the U.S. District Courts for the Virgin Islands.



.....**SUPERIOR COURT BENCH**.....

## JUDICIAL DISTRICT OF ST. THOMAS/ST. JOHN

### The Honorable Kathleen Y. Mackay

Kathleen Mackay. Appointed to serve a 6-year term as Judge of the Superior Court of the Virgin Islands by Governor John P. deJongh Jr., 2012. Confirmed by the 29th Legislature of the Virgin Islands. Magistrate Judge, Superior Court of the Virgin Islands, 2009-2012. Private Practice, 20 years: Partner, Mackay and Hodge; Associate Attorney, Law Offices of Hodge and Francois. Certified Mediator. Certified Bankruptcy Trustee, Office of the United States Trustee. Born in St. Croix. Resident of St. Thomas for more almost 40 years. Diploma of the St. Joseph's Catholic High School. Bachelor of Arts degree in Economics, George Washington University in Washington, D.C., Juris Doctor, Rutgers University School of Law, 1985. Admitted to the practice of law in the United States Virgin Islands and the Third Circuit Court of Appeals.



### The Honorable Debra S. Watlington

Debra A. Smith Watlington. Appointed to serve a 6-year term as Judge of the Superior Court of the Virgin Islands by Governor John P. deJongh Jr., 2012. Confirmed by the 29th Legislature of the Virgin Islands. Born on St. Thomas. 1976 Diploma of the Ivanna Eudora Kean High School. Bachelors in Urban and Metropolitan Studies, Michigan State University. Juris Doctor, Howard University Law School. Law clerk to former Presiding Judge Honorable Verne A. Hodge, Superior Court of the Virgin Islands, 1985. Legal Counsel, Virgin Islands Housing Authority, 1987. Territorial Public Defender, 2003-2010. Chief Public Defender, 2010-2013. Admitted to practice law in the Virgin Islands and Third Circuit Court of Appeals.

### The Honorable Denise M Francois

Denise Michelle Francois. Appointed to serve a 6-year term a Judge of the Superior Court of the Virgin Islands by Governor John P. deJongh Jr., 2013. Confirmed by 30th Legislature of the Virgin Islands, September, 2013. Born on St. Thomas. Diploma of the Berkshire School in Massachusetts. Bachelor of Arts degree in Political Science, Amherst College, 1980. Juris Doctor, University of San Diego School of Law, 1984. Admitted to the practice of law in the State of California, United States Virgin Islands, District Court of the Virgin Islands and the Third Circuit Court of Appeals. Member, American Bar Association. Past Member Association of Trial Lawyers/American Association for Justice. Certified Mediator.





### **The Honorable Renee Gumbs Carty**

Renee Gumbs Carty. Appointed to serve a 6-year term a Judge of the Superior Court of the Virgin Islands by Governor Kenneth E. Mapp, 2016. Confirmed by the 31st Legislature of the Virgin Islands. Diploma, Charlotte Amalie High School, 1983. Bachelor of Arts in Business Administration University of the Virgin Islands, 1987.. Juris Doctor, Thurgood Marshal School of Law, Texas Southern University, 1989. Published twice in Law Review Law Clerk, former Presiding Judge of the Superior of the Virgin Islands, Verne A. Hodge, Sr. Law Clerk, Honorable Alphonso A. Christian, Superior Court of the Virgin Islands. Assistant Attorney General, Solicitor's Division, Virgin Islands Department of Justice, 1991-1993. Contract Administrator and General Counsel, Department of Property and Procurement, 1993-2000. Assistant Attorney General, Criminal Division, Virgin Islands Department of Justice, 2000. Chief of Criminal Division, Virgin Islands Department of Justice, 2012. Admitted to the practice of law in the Virgin Islands in 1991.

### **The Honorable Henry V. Car III**

Henry V. Carr, III. Appointed in 2013 to serve 4-year term as Magistrate Judge of the Superior Court by the Honorable Michael C. Dunston, Presiding Judge of the Superior Court of the Virgin Islands. Native of Baltimore Maryland. Resident of St. Thomas for almost 35 years. Bachelor of Arts in Social Work, Morgan State University, 1974. Juris Doctor, Catholic University Law School in Washington, D. C. 1977. Assistant Attorney General, Virgin Islands Department of Justice, 1978. Engaged in private practice, 1989-2001. Senior Staff Attorney, from 2003. Member of the Maryland Bar, the Virgin Islands Bar, the Third Circuit of Appeals and the U.S. Court of Federal Claims.



### **The Honorable Carolyn P. Hermon-Percell**

Carolyn P. Hermon-Percel. Appointed to serve 4-year term as Magistrate Judge of the Superior Court by the Honorable Michael C. Dunston, Presiding Judge of the Superior Court of the Virgin Islands, 2013. Born on St. Thomas. Diploma, All Saints Cathedral School, 1979. Bachelor of Arts in American Government, Georgetown University, 1983. Masters in, Public Administration, University of the Virgin Islands, 1992. Juris Doctor, Case Western University School of Law, Cleveland, Ohio, 1995. Law Clerk, the Honorable Soraya Diase, Judge of the Superior Court of the Virgin Islands. Private practice: Partner, Law Offices of Percell & Hermon-Percell, P. C. Admitted to the Virgin Islands Bar, 1995 and the Third Circuit Court of Appeals, 1996.

## JUDICIAL DISTRICT OF ST. CROIX

### The Honorable Harold W. L. Willocks

Harold W. L. Willocks was first appointed to serve a 6-year term a Judge of the Superior Court of the Virgin Islands by Governor John P. deJongh Jr. 2009. He was confirmed to serve 6-year term by the 28th Legislature of the Virgin Islands. Designated Administrative Judge of the Superior Court by the Presiding Judge, the Honorable Michael C. Dunston, 2012. Re-appointed to a second 6-year term by the Honorable Kenneth E. Mapp, 2016. Confirmed by the Legislature of the Virgin Islands. He was born on the island of St. Croix. Diploma, St. Croix Central High School. Bachelor of Arts, Morgan State University, 1978. Juris Doctor, Antioch School of Law, Washington, D.C.. Territorial Public Defender's Office, 1988. Chief Territorial Public Defender, 1992. Admitted to practice law in the Virgin Islands, the State of Pennsylvania and the Third Circuit of Appeals.



### The Honorable Denise Hinds-Roach

Denise Hinds-Roach was appointed to serve a 6-year term on the Superior Court of the Virgin Islands by Governor, John P. deJongh Jr., 2011. Confirmed by the 29th Legislature of the Virgin Islands. She was born on the island of St. Croix. Diploma, St. Croix Central High School, 1978. Bachelor of Arts, Duquesne University, Pittsburgh Pennsylvania, 1982. Juris Doctor, Duquesne University law School, 1986. Assistant Solicitor, Fulton County Solicitor General's Office, Atlanta, Georgia, 1991-1994. Assistant Attorney General, Virgin Islands Department of Justice. Assistant United States Attorney, 2006-2011. Admitted to the practice of law in Pennsylvania and the Virgin Islands.

### The Honorable Douglas A. Brady

Douglas Alan Brady was appointed to serve a 6-year term on the Superior Court of the Virgin Islands by Governor, John P. deJongh Jr., 2012. Confirmed by the 29th Legislature of the Virgin Islands. A native of Wilmington Delaware, he has been a resident of St. Croix for over 40 years. Bachelor of Arts in Sociology, Wheaton College, Illinois, 1973. Juris Doctor, Columbus School of Law, Catholic University, Washington D.C., 1976. Engaged in private practice, 1980-2012. Certified Mediator in the Superior Court of the Virgin Islands and the District Court of the Virgin Islands. Admitted to the practice of law in the State of Maryland, the District of Columbia and the United States Virgin Islands. Longstanding member, Virgin Islands Bar Ethics and Grievance Committee. Member, American Arbitration Association



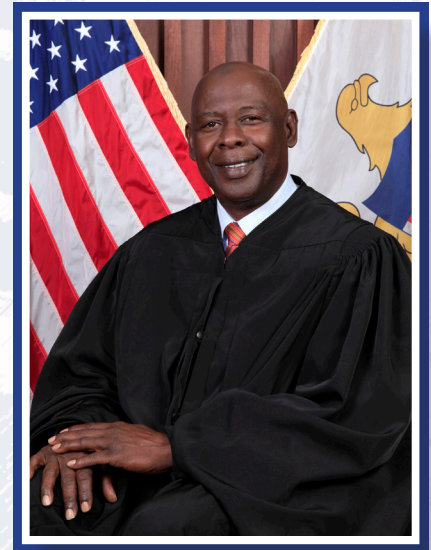


## **The Honorable Robert A. Molloy**

Robert A. Molloy was appointed by Governor John P. deJongh Jr., July, 2013. Confirmed to serve 6-year term by 30th Legislature of the Virgin Islands. He was born on the island of St. Croix. Diploma, St. Dunstan's Episcopal School. Bachelor of Arts in Business Management, Hampton University, Virginia 1997. Graduated Cum Laude. Juris Doctor, American University College of Law, Washington, D.C., 2003. Masters, Business Administration, Kogod School of Business, American University, 2004. Judicial law clerk, Arlington County Court, Arlington Virginia, 2004-2005. Judicial law clerk for the Honorable Raymond L. Finch, District Court of the Virgin Islands, 2005-2007. Assistant Attorney General, Office of Collective Bargaining, Virgin Islands Department of Justice, 2007-2013. Admitted to the practice of law in the State of Virginia, the District of Columbia, and the United States Virgin Islands.

## **The Honorable Jomo Meade**

Jomo Meade was appointed to serve a 6-year term as Judge on the Superior Court of the Virgin Islands by the Honorable Kenneth E. Mapp, Governor of the Virgin Islands, 2016. He was confirmed by the 31st Legislature of the Virgin Islands. A native of St. John's Antigua, he was raised on the islands of St. Croix. Diploma, St. Croix Central High School, 1973. Bachelor of Arts in Social Science, College of the Virgin Islands Thurgood Marshal School of law. Juris Doctor, Thurgood Marshal School of law, Texas Southern University 1988. Judicial Law Clerk, the Honorable Raymond L. Finch, Territorial Court of the Virgin Islands on St. Croix. Engaged in the private practice of law, 1990-2016. Admitted to practice in the United States Virgin Islands District Court of the Virgin Islands and the Third Circuit Court of Appeals.



## **The Honorable Jessica Gallivan**

Jessica Gallivan was appointed to serve a 4-year term in the Magistrates Division of the Superior Court of the Virgin Islands by then Presiding Judge Darryl D. Donohue, 2009. She was re-appointed to a second 4-year term by the Honorable Presiding Judge Michael C. Dunston, 2013. Born on St. Croix. Diploma, St. Croix Central High School, 1981. Bachelor of Arts, Cum Laude, Business Administration with a concentration in Finance, University of the Virgin Islands, 1987. Graduated. Juris Doctor, Southern Methodist University School of Law. Associate Attorney, Law Offices of Andrew L. Capdeville, 1995. Judicial Law Clerk, the Honorable Judge Ishmael Meyers, Superior Court of the Virgin Islands, 1996-1998. Assistant Attorney General, Office of Collective Bargaining, Virgin Islands Department of Justice, 1998-2007. Associate Attorney, Law Office of Michael J. Sanford, 2004-2007. Appointed Chief Negotiator by Governor John P. deJongh Jr., 2007. Admitted to the practice of law State of Texas, United States Virgin Islands, Third Circuit Court of Appeals. .





## The Honorable Miguel A. Camacho

Miguel A. Camacho was appointed to serve a 4-year term in the Magistrates Division of the Superior Court of the Virgin Islands by then Presiding Judge Darryl D. Donohue, 2009. He was re-appointed to a second 4-year term by the Honorable Presiding Judge Michael C. Dunston, 2013. He was born on St. Croix, but raised in New York. Diploma, Brooklyn Technical High School. Bachelor of Arts in Business Administration, Hofstra University, 1974. Juris Doctor, University of Oklahoma's College of Law, 1975. Judicial Law Clerk, Honorable George A. Eltman, Judge of the then Territorial Court of the Virgin Islands, 1988. Assistant Attorney General, Virgin Islands Department of Justice. Assistant Legal Counsel, 18th Legislature of the Virgin Islands. Legal Counsel, Department of Planning and Natural Resources. Elected Senator, 22nd Legislature of the Virgin Islands. Chairman, Committee on Rules and the Judiciary, 22nd Legislature. Public Defender, Office of the territorial Public Defender, 1999-2009. Admitted to the practice of Law in the United States Virgin Islands and District of the Virgin Islands.





# Superior Court

## CASELOAD STATISTICS

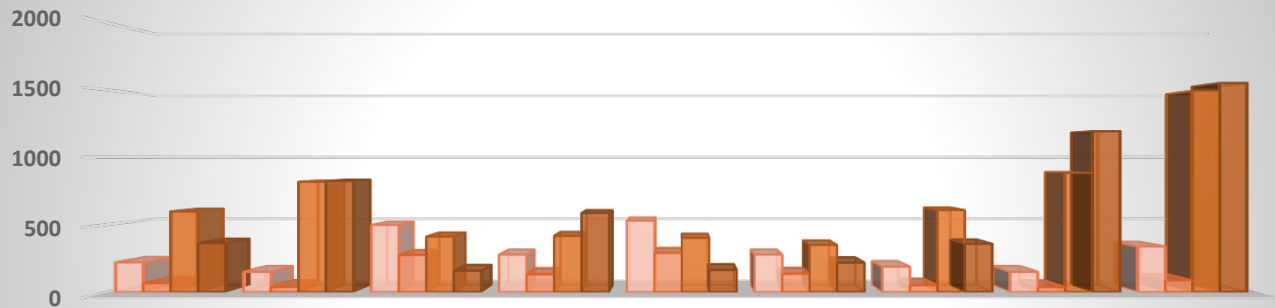
The Office of the Clerk of the Superior Court is responsible for the management of cases at the trial court level. This includes Civil and Small Claims, Conciliation, Criminal, Family, Traffic, and Probate matters. Specifically, the Clerk's Office receives and processes court documents, attends and assists 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. In this regard, the following caseload trends are reported for fiscal year 2016.

CASE TYPE	FISCAL YEAR 2016 CASELOAD STATISTICS						TOTAL CASES PENDING	
	Begin Pending		Filed		Terminated		STT/STJ	STX
	STT/STJ	STX	STT/STJ	STX	STT/STJ	STX		
Civil Non Jury	598	818	412	417	402	350	608	885
Small Claims	220	150	498	278	530	278	188	150
Civil Jury	364	825	159	587	165	218	358	1194
Evictions	66	39	275	133	291	135	50	37
Family	870	308	327	290	321	268	876	330
Probate	471	101	168	143	91	100	548	144
Crim. Non Jury	186	200	170	143	280	173	76	170
Crim. Jury	278	562	242	240	308	398	212	404
Domestic Violence	13	55	148	248	149	258	12	45
Juvenile	22	40	67	64	50	45	39	59
Traffic	5536	27195	4764	3014	4402	12219	5898	17990

In fiscal year 2016, the Superior Court judges issued 123 opinions. Of those opinions, 36 were published and made available on the Superior Court's website at [www.visuperiorcourt.org](http://www.visuperiorcourt.org). Additionally, during the course of the fiscal year, 59 cases resulted in appeals filed with the Supreme Court of the Virgin Islands. Of the 55 appeals acted upon within the fiscal year, 36 were dismissed

**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 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 effect an amicable settlement of the controversy. To that end, it may summon the other party or parties of the controversy to appear before the judge for an informal hearing. In fiscal year 2016, there were 764 new Small Claims cases filed with the Magistrate Division of the Superior Court. During the course of the fiscal year, the Magistrate Division terminated 886 Small Claims cases, and experienced an almost 43% reduction in the overall caseload in this area.

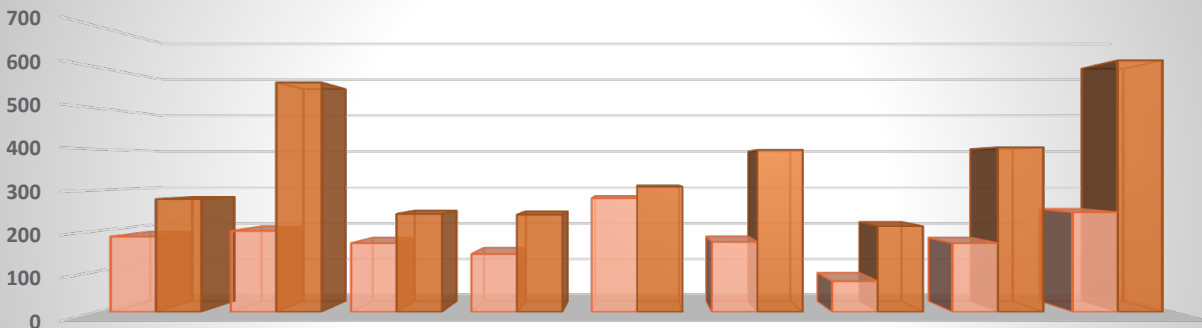
## Civil Division Caseload



	Begin Pending		Filed		Disposed		Pending		Total
	STT/STJ	STX	STT/STJ	STX	STT/STJ	STX	STT/STJ	STX	
Small Claims	220	150	498	278	530	278	188	150	338
Evictions	66	39	275	133	291	135	50	37	87
Civil Bench	598	818	412	417	402	350	608	885	1493
Civil Jury	364	825	159	587	165	218	358	1194	1552

As it relates to litigation matters, the court opened the fiscal year with 2,608 pending cases. During the course of the fiscal year, 1,223 new cases were filed and 928 cases were disposed, a 21% increase over the number of dispositions in the previous fiscal year. The Superior Court, through use of its differentiated case management strategies, continues to make consistent strides in addressing the pending civil caseload.

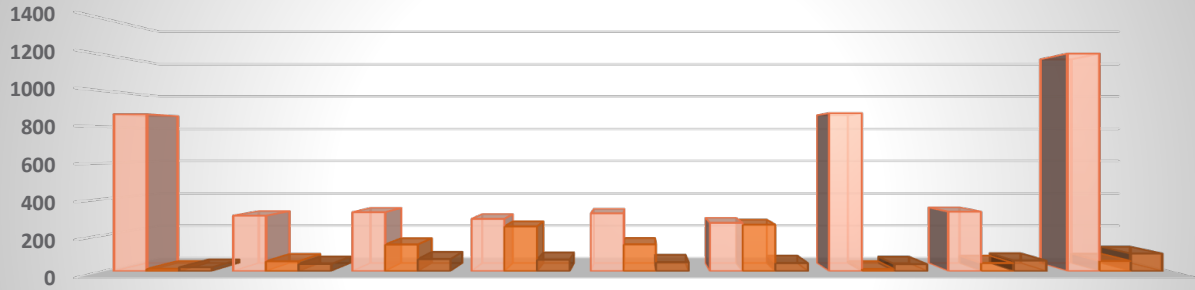
## Criminal Division Caseload



	Begin Pending		Filed		Disposed		Pending		Total
	STT/STJ	STX	STT/STJ	STX	STT/STJ	STX	STT/STJ	STX	
Criminal Bench	186	200	170	143	280	173	76	170	246
Criminal Jury	278	562	242	240	308	398	212	404	616

**Criminal Division.** In accordance with Act No. 5890, on September 30, 1993, the Virgin Islands Legislature granted expanded jurisdiction to the now 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 close of fiscal year 2015, the Superior Court had a pending caseload of 1,226 cases. During the course of the fiscal year, 795 new criminal matters were filed and 1,159 cases were disposed of. At the close of fiscal year 2016, there were 862 pending cases. In fiscal year 2015, there were 910 new criminal cases filed. Despite the 27% increase in filings in fiscal year 2016, the Superior Court nonetheless achieved a 30% reduction in its pending criminal caseload.

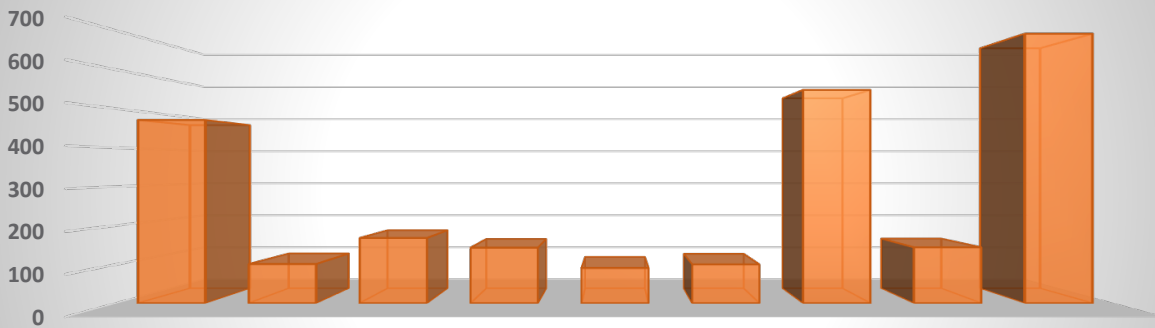
## Family Division Caseload



	Begin Pending		Filed		Disposed		Pending		Total
	STT/STJ	STX	STT/STJ	STX	STT/STJ	STX	STT/STJ	STX	
Family	870	308	327	290	321	268	876	330	1206
Domestic Violence	13	55	148	248	149	258	12	45	57
Juvenile	22	40	67	64	50	45	39	59	98

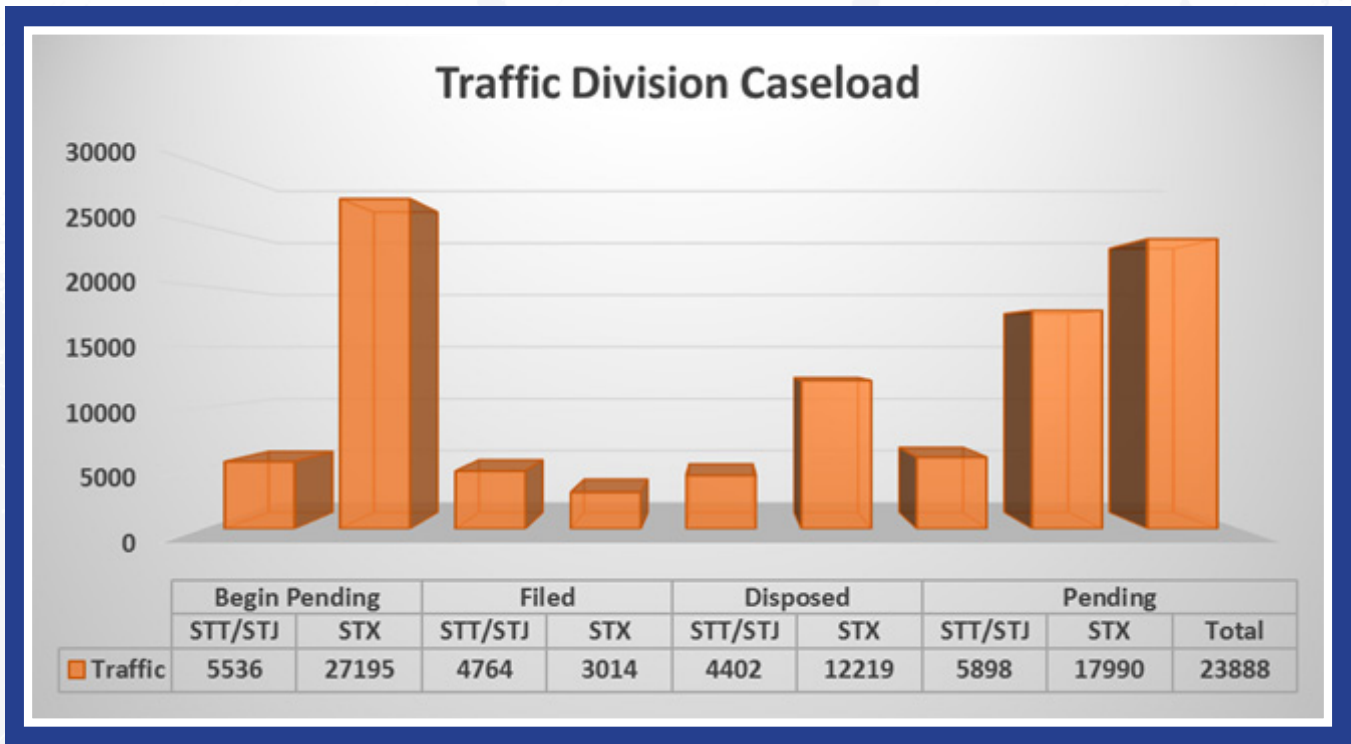
**Family Division.** The Family Division was established in accordance with Title 4 V.I.C. § 79. This Division maintains all pending case files pertaining to divorce, separation, and annulment; actions relating to support of relations; adoption; changes of name; paternity suits; actions to appoint and supervise guardians; probate; and actions relating to juvenile matters. In fiscal year 2016, there were 744 new cases filed and 605 cases disposed for a case clearance rate of 81%. There were 405 new Domestic Violence cases filed. During the course of the fiscal year 376 Domestic Violence cases were disposed for clearance rate almost 93%. The largest improvement was experienced in Juvenile cases. 102 new Juvenile cases were filed and 151 cases were disposed for a clearance rate of over 100%. In fact, the Court was able to reduce its Juvenile caseload by 51%.

## Probate Division Caseload



	Begin Pending		Filed		Disposed		Pending		Total
	STT/STJ	STX	STT/STJ	STX	STT/STJ	STX	STT/STJ	STX	
Probate	471	101	168	143	91	100	548	144	692

**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 2016, 311 new probate matters were filed. During the course of the fiscal year, 191 cases were disposed for an overall clearance rating of 61%. 30% reduction in its pending criminal caseload.



**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.

At the close of fiscal year 2015, data reports indicated a pending caseload of 33,085 traffic matters. However, in preparation for the replacement of the Courts' case management system, the Clerk's Division began a series of data reliability projects, and determined that a large number of otherwise terminated traffic cases in ENACT case management system were registering as pending on the caseload report. Accordingly, as part of its data clean-up activities, Clerks in the traffic division closed an additional 2,328 traffic cases in ENACT. In fiscal year 2016, there were a total of 7,778 new traffic citations filed and 16,621 cases were actively terminated on the docket for a clearance rate of over 100%. With the ongoing data reliability effort, the Superior Court successfully reduced its pending traffic caseload by 27%. Further reductions are anticipated in fiscal year 2017.

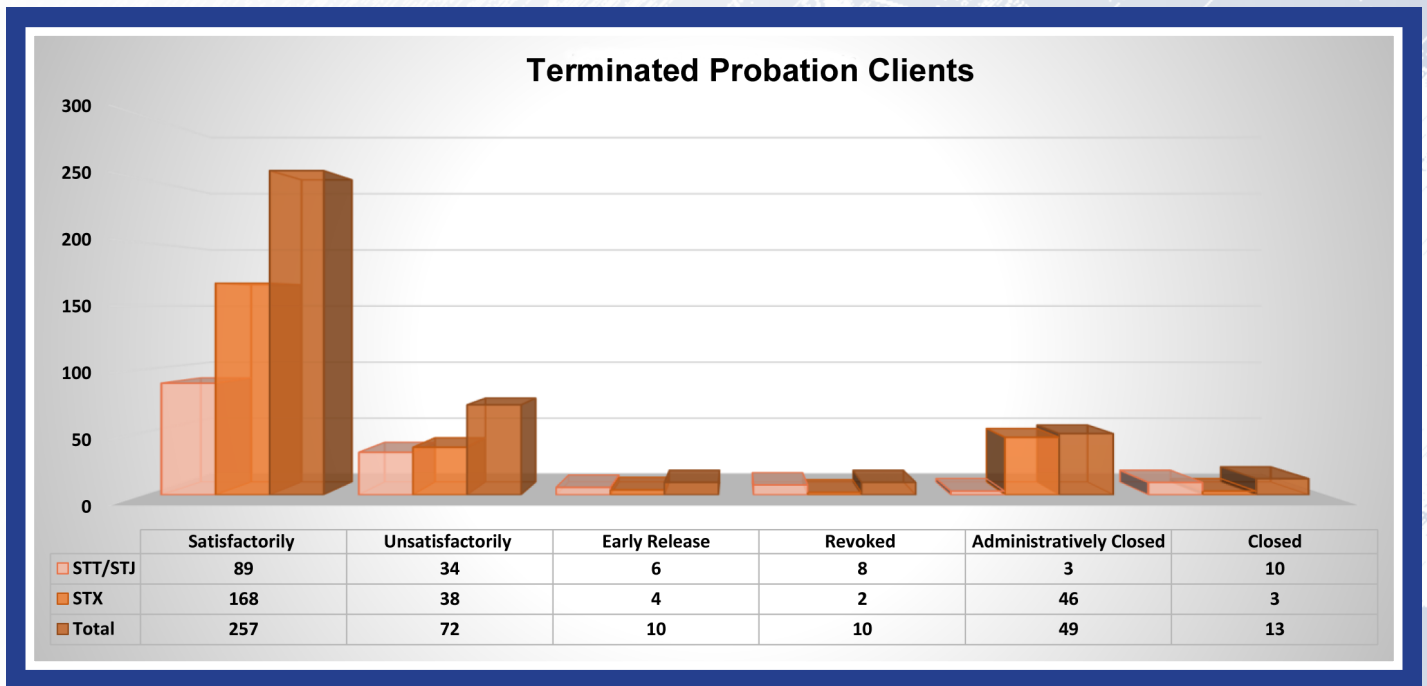
**Court Services.** Court Services is comprised of Archives and Records management, Court Reporting, Jury Management, Probation, Parole & Pretrial and Library and Legal Research. The Jury Management Division oversees the preparation of the master list of qualified prospective jurors for criminal and civil jury trials. The Office secures jurors, representing a cross-section of the community, by sending Juror Qualification Questionnaires to determine prospective jurors' ability to serve and by issuing summonses to potential individuals to appear for service.

**Jury Management.** During fiscal year 2016, a total of 8,154 persons were summoned for jury duty. Of the persons summoned, 1,150 (15%) actually served on a jury panel. The total cost of jury service for fiscal year 2016 was \$221,735.98 as follows:

DISTRICT	JURY FEES	TRANSPORTATION	JUROR MEALS, ET. AL.	TOTALS
ST. CROIX	82,060	13,560	23,897	119,517
ST. THOMAS/ST. JOHN	73,860	14,435	13,924	102,219
TOTALS	\$155,920	\$27,995	\$37,821	\$221,736

**Probation.** The Probation Office is responsible for the supervision of individuals placed on parole, pretrial release, probation or deferred sentencing by Superior Court Judges and of persons who have been transferred from other jurisdictions through the Interstate Compact for Adult Offender Supervision (ICAOS). The Chief Probation Officer serves as the Deputy Compact Administrator. This Office is also charged with conducting pre-sentence investigations and preparing pre-sentence reports to assist the judges of the Superior Court with sentencing of defendants convicted of crimes, and/or to impose conditions upon defendants whose sentences have been deferred or currently have pretrial release status. The Probation Office also responds to inquiries from other jurisdictions pertaining to individuals who are on pretrial release, probation or parole status.

During the course of the fiscal year 2016, there were 257 individuals who successfully completed supervised probation; 10 were subject to early release; and 10 had their probation status revoked. By the close of fiscal year 2016, the Probation Office had terminated 411 probation matters.



In fiscal year 2016, the Probation Office collected \$222,192. Of this amount, \$98,051 represented Administrated fees and Court Costs, \$68,769 went to satisfy fines, and \$47,373 was collected as court ordered restitution.

District	Admin Fees	Court Costs	Fines	Restitution	Other	Total
St. Croix	39,582	9,701	24,119	14,793	7,749	95,944
St. Thomas-St. John	41,733	7,035	44,650	32,580	250	126,248
<b>TOTALS</b>	<b>\$81,315</b>	<b>\$16,736</b>	<b>\$68,769</b>	<b>\$47,373</b>	<b>\$7,999</b>	<b>\$222,192</b>





# Judicial Branch

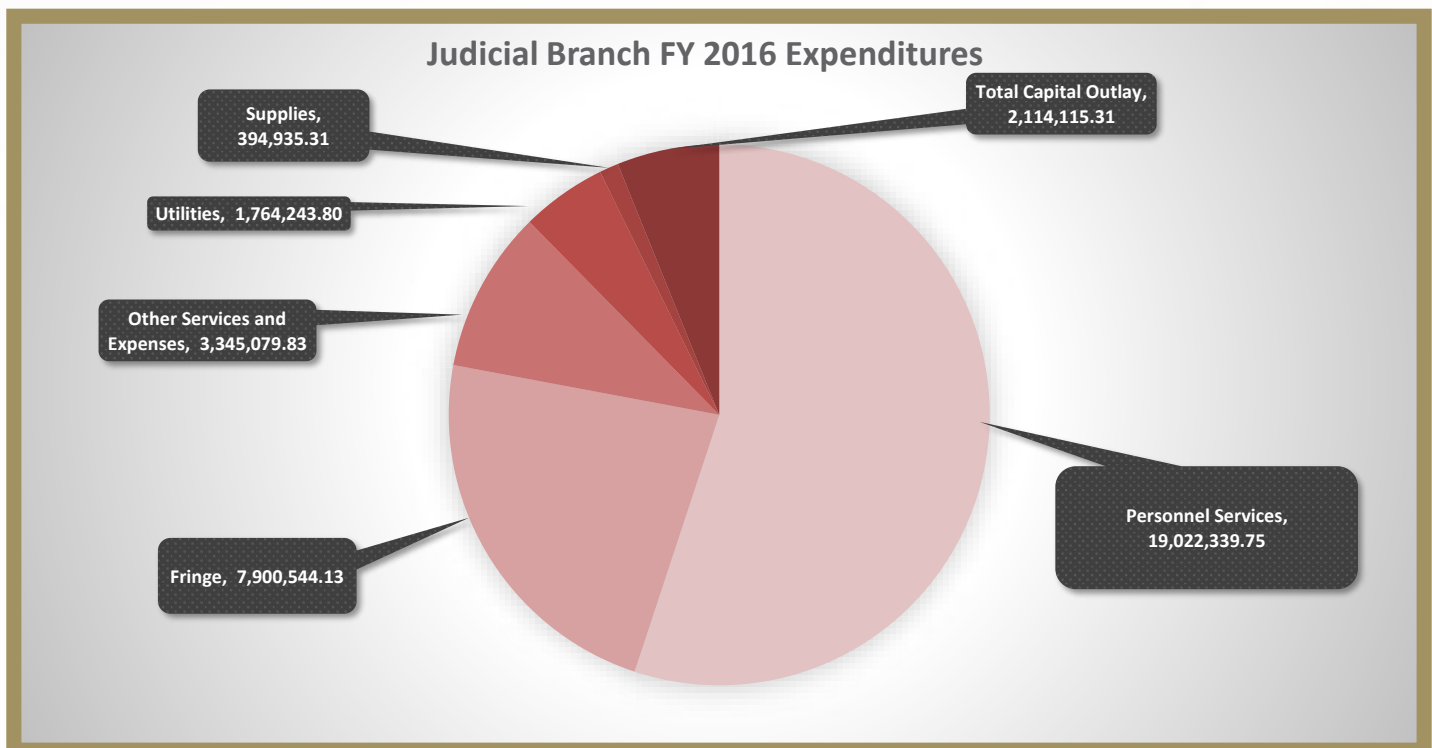
## ADMINISTRATIVE OFFICE

Act No. 7888, Bill No. 31-0255, unified the administrations of the Supreme Court of the Virgin Islands and the Superior Court of the Virgin Islands. Subsequent to 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 of 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 for the Judicial Branch.

In fiscal year 2016, Court Administration continued to manage and facilitate several distinct areas of operations, including but not limited to, Budget and Finance, Information Technology, Human Resources, Facilities and Procurement, and Judicial Security.

### BUDGETING AND FINANCIAL MANAGEMENT

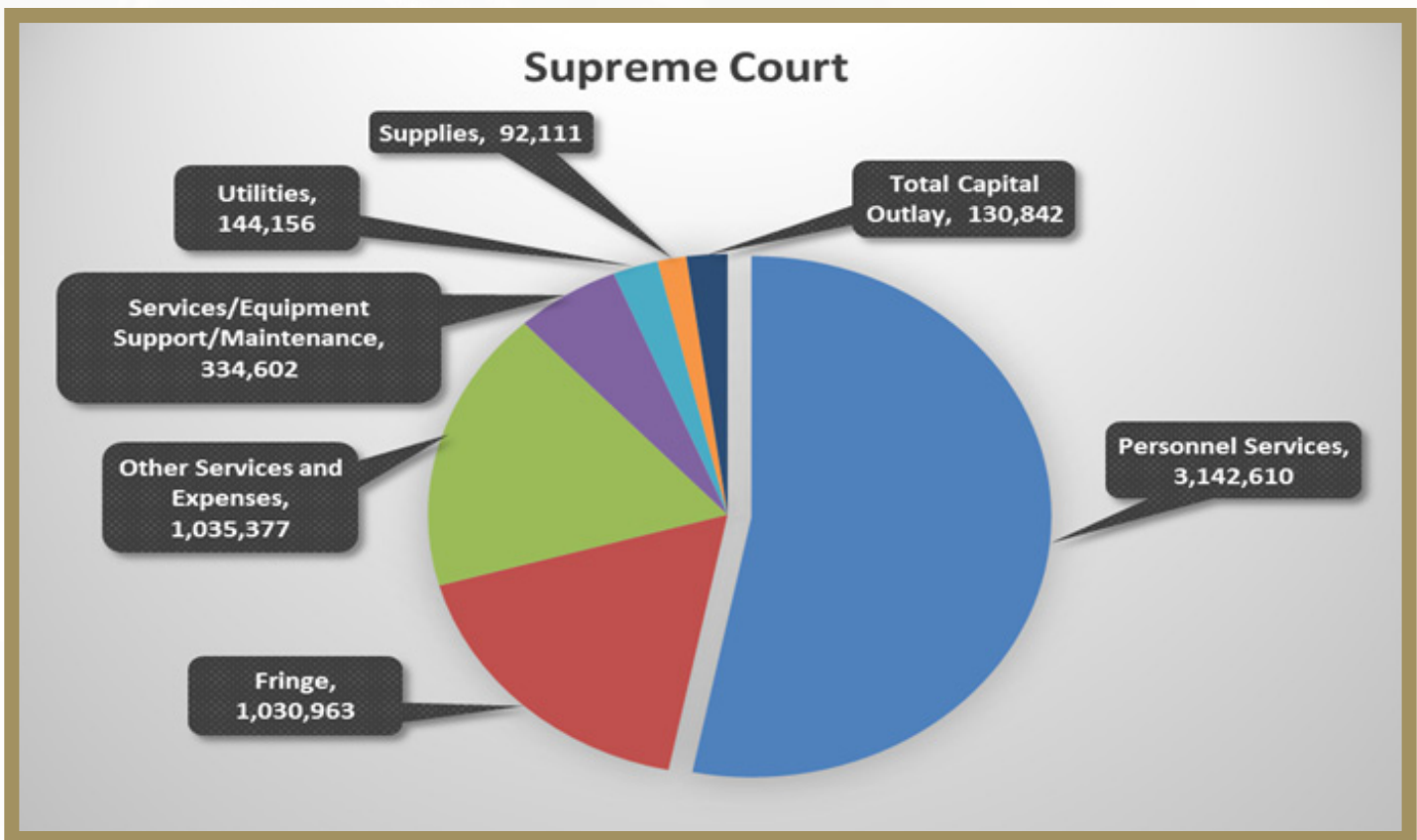
**Budgeting and Financial Management.** The fiscal year 2016 budget for the Government of the Virgin Islands was \$816,405.87. Of this amount, approximately 5% was appropriated to fund the operations of the Judicial Branch. For fiscal year 2016, the Courts requested a combined budget of \$41,820,879, and pursuant to Act. No. 7766, the judiciary was appropriated \$34,604,942 to carry out planned operations during fiscal year 2016 as follows: \$5,910,661 to the Supreme Court of the Virgin Islands, \$28, 586,120 for the operations of the Superior Court of the Virgin Islands, and \$108,161 to fund 2 Librarians under the Judicial Council of the Virgin Islands.





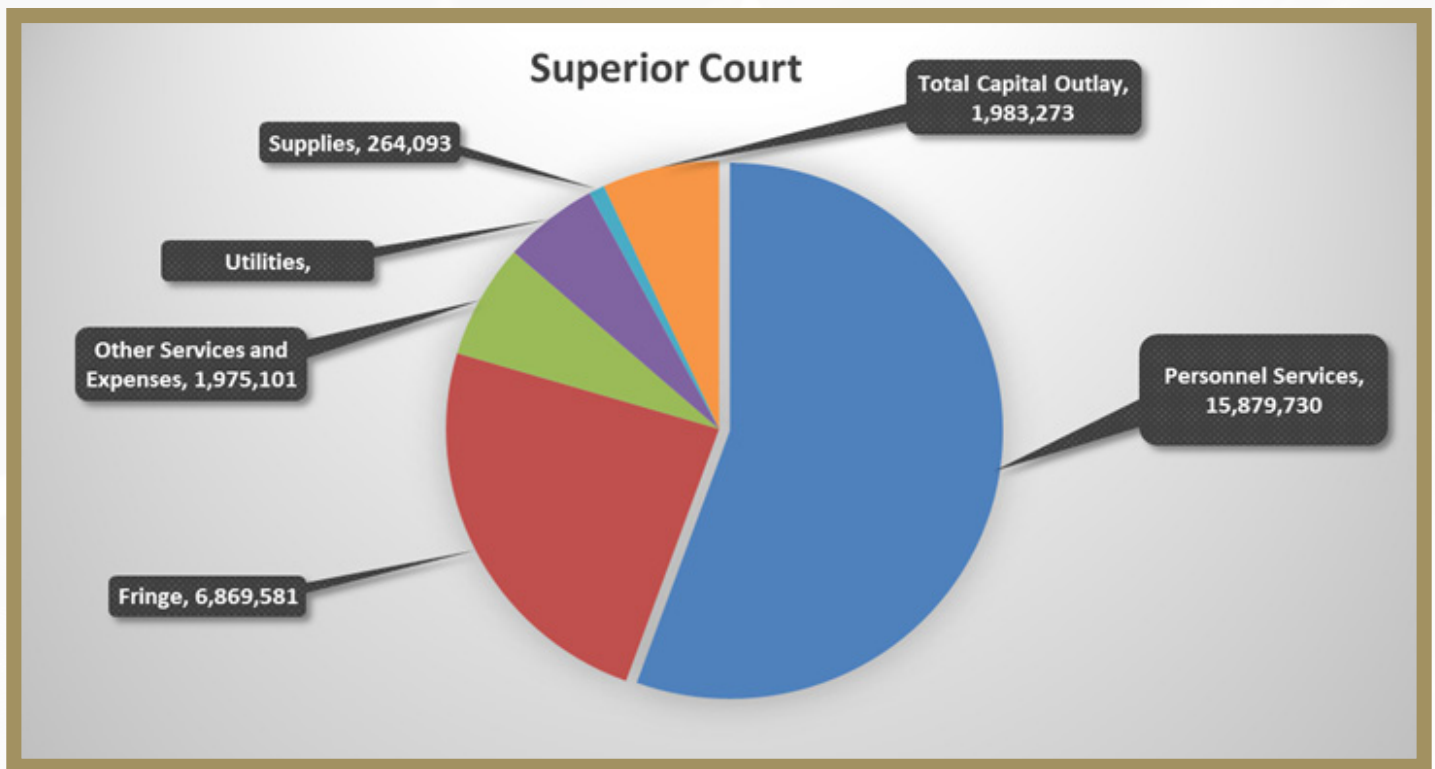


This appropriation was 17.25% less than the FY 2016 request, a difference of approximately \$7.2 million. By the close of fiscal year 2016, the Judicial Branch had expended \$34,502,527



**Supreme Court.** The Supreme Court’s appropriation for fiscal year 2016 was \$5,910,661 for fiscal year 2016. While this appropriation represented a .004% increase over the previous fiscal year, it was nonetheless 33% less than the requested operational budget of \$8,347,033. Without a significant increase in the budgetary ceiling in fiscal year 2016, the Supreme Court continued to defer critical projects. Instead, the court utilized the minor increase to implement its compensation plan in attempt to offset the economic hardship of a 1% increase in the employee share of GERS contributions and other cost of living increases. The Supreme Court expended its full appropriation in 2016.

**Superior Court.** The Superior Court of the Virgin Islands was appropriated \$28,586,120 to fund its operations in fiscal year 2016. While the appropriation represented a 3% increase over the Superior Court’s 2015 appropriation, it was nonetheless 13% less than the Superior Court’s fiscal year 2016 request of \$32,920,820. For fiscal year 2016, pursuant to Act No. 7710, the Superior Court’s appropriation level increased further by the reprogramming of prior year encumbrances along with reimbursement funds from a prior-year federal grant. The reprogramming resulted in an increased authorization level to \$28,591,935. Despite these adjustments, total appropriations to the Superior Court for Fiscal Year 2016 were still \$4.3 million shy of the 2016 request.



**Grant Funding.** The Judicial Branch continues its efforts to apply for and utilize grant funding to further its initiatives. Branch initiatives were facilitated as follows in fiscal year 2016:

**VAWA STOP Grant.** During fiscal year 2016, the Superior Court received reimbursements from a Violence Against Women Act STOP grant in the amount of \$5,815. Due to ongoing funding constraints, the Superior Court sought grant assistance to provide specialized training opportunities for its family court judges.

**SJI Grant.** The Supreme Court of the Virgin Islands received a Technical Assistance grant in the amount of \$50,000 from the State Justice Institute in fiscal year 2016. The purpose of the grant was to fund consulting services from National Center for State Courts to assist the Judicial Branch Administrative Office with the consolidation of administrative services in accordance with Act No. 7888. Delivery of services pursuant to this grant is anticipated in June of 2017.

**VITEMA Grant.** In fiscal year 2015, the Virgin Islands Territorial Emergency Management Agency (VITEMA) received a Homeland Security Grant for the period of September 1, 2015 through August 31, 2018. The purpose of the grant is to support state and local efforts to prevent terrorism and other catastrophic events and to provide funding to implement and sustain capabilities essential to raising preparedness in a combined community effort. In this regard, the Supreme Court applied for funding to support training for peace officers, not just within the judicial branch, but within the local the law enforcement community. Specifically, the branch received funding in the amount of \$78,228 to purchase a firearms training simulator to augment current efforts to meet and maintain POST requirements.

**Revenue Collections.** Revenue collected by the Judicial Branch emanate from numerous sources and are deposited into various funds of 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. Revenue sources for these collections include Marriage Licenses and Ceremonies, 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 2016, the Judicial Branch deposited a total of \$2,138,080 into the Treasury of the Government of the Virgin Islands.

<b>FUND</b>	<b>St. Thomas/St. St. John</b>	<b>St. Croix</b>	<b>Total</b>
General Fund	919,432	376,630	1,296,062
Transportation Fund	400,888	308,780	709,668
Special Fund	58,919	48,156	107,075
Solid Waste Fund	14,100	11,175	25,275
<b>Total</b>	<b>1,393,339</b>	<b>744,741</b>	<b>2,138,080</b>

## STRATEGIC SERVICES AND INFORMATION TECHNOLOGY

The Judicial Branch continues to work diligently in utilizing technology as a fundamental component in all areas of Court Operations towards achieving greater efficiency of service and increased and improved access to justice. Throughout calendar year 2016, the Technology Services Division continued maintenance activities on the case management systems, and worked with administration to extend maintenance coverage for C-Track for an additional 5-year period. During 2016, functionality was added to include the mailing address to all C-Track generated invoices and receipts, and reports were updated to reflect the establishment of a new online payment internet clearing house account.

In fiscal year 2016, the branch's technology division focused on strengthening environmental variables (power, heating, and cooling), facilitated upgrades to the UPS (Magistrate Division) and access control and video surveillance throughout the Superior Court, ensured cost effective infrastructure improvements with reliable network services, facilitated the upgrade of the EMC Storage area networks (SAN); facilitated the upgrade of the FTR (For the Record Reporter Subscription), and served as key contributors in developing several Requests for Proposals that included collaborating on the website redesign and upgrade; improved courtroom video conferencing solutions, and participated in various meetings, demonstrations and site visits relative to the procurement of a new case management system for the Superior Court.

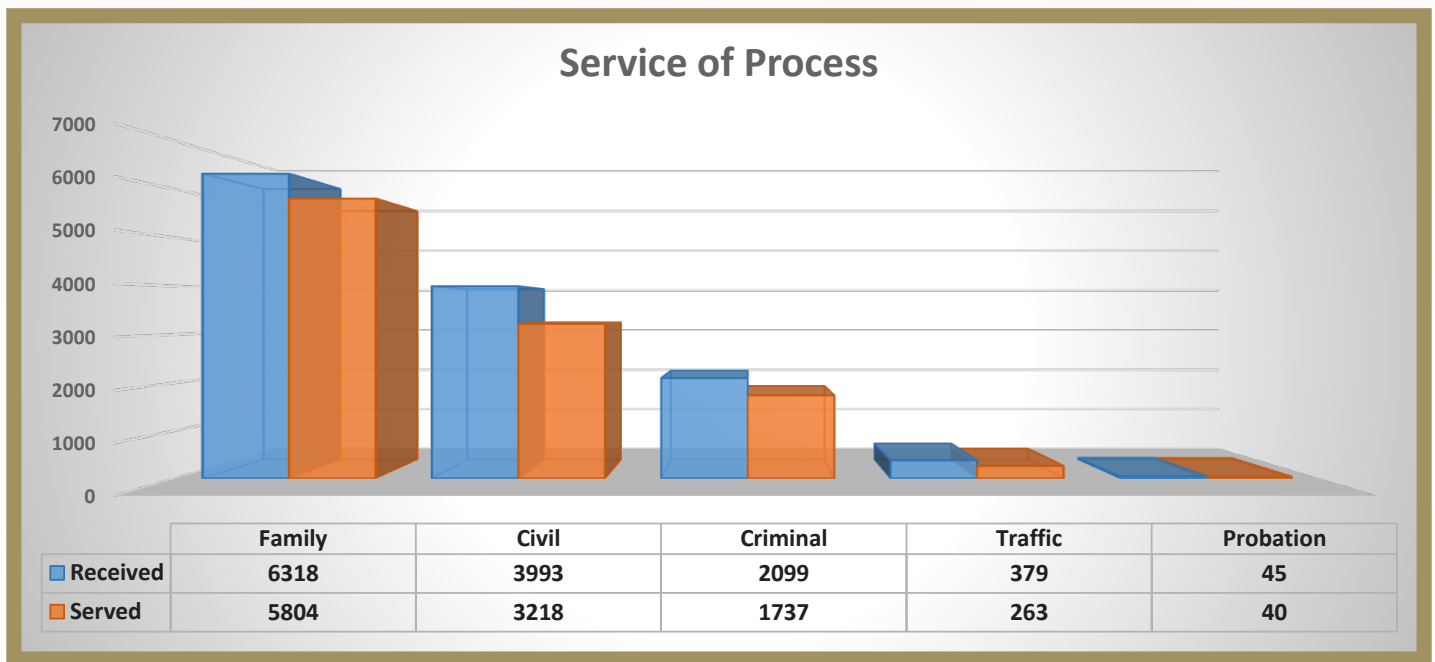
Among the projects completed in fiscal year 2016, the division completed configuration and scope development for a successful launch of an automated Attorney Registration Process (ARS) on January 1, 2016. Following implementation, the technology division worked closely with the vendor to deploy phase II of the ARS system in two releases. Release IIA delivered online payment financial integration by May 30, 2016, while Release IIB, which is geared towards the delivery of process improvement is scheduled for January 1, 2017.

Also, during the course of the fiscal year, the technology division implemented a content management solution for archiving court documents; facilitated cloud storage for business continuity and disaster recovery; installed comprehensive Network Monitoring tools; facilitated upgrades to the Accounting and Property and Procurement software for the automation of applicable tasks; upgraded the Accounting production server; upgraded video conferencing technology within the Superior Court. The Technology division also successfully collaborated with the Virgin Islands Police Department to establish access to the National Crime Information Center (NCIC) within the branch.

## JUDICIAL SECURITY

**Office of the Virgin Islands Marshal.** Pursuant to Act No. 7888, the Office of Supreme Court Marshal and the Office of the Superior Court Marshal were consolidated into one office - the Office of the Virgin Islands Marshal. To this end, the Supreme Court amended VISCR 102, striking all existing language and establishing the Office of the Virgin Islands Marshal within the Judicial Branch under the direction and supervision of 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, 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 2016, the office of the Virgin Islands received and processed 12,834 documents, from the various divisions within the Branch. Of these, 37 service documents were recalled during the course of the fiscal year, leaving a document caseload of 12,797. By the end of the fiscal year, the Office of the Virgin Marshal effectuated service of 11,062 documents for an overall efficiency rating of 86%.

The Office of the Virgin Islands Marshal is also responsible for the execution of writs and conducting Marshal's sales. In fiscal year 2016, a total of 347 Writs of Execution were filed territorially, resulting in collections totaling \$259,370.45. Additionally, there were 209 real property auction sales, which generated a total of \$17,898,874.91 in collections, - \$989,380.84 in cash collections and \$16,909,494.07 in credit bids. Twelve (12) vehicles were also sold at auction for a total of \$39,300.00, - \$23,400.00 in cash sales and \$15,900.00 in credit bids). At the end of the Fiscal Year, the financial transactions facilitated by the Marshal's Division totaled \$18,227,765.36.

## HUMAN RESOURCES

**Employee Compensation.** The judicial branch has not been able to comprehensively address the issue of employee compensation since fiscal year 2010. In fact, in 2010, the Supreme Court commissioned a study by the National Center for State Courts to develop a classification and compensation plan. Though delivered in 2013, ongoing austerity measures and funding constraints prevented adoption of the plan. However, due to cost of living increases and increases in the employee share of retirement contributions, in fiscal year 2016 both courts moved to implement a salary increase for judicial branch employees. Specifically, the Supreme Court moved to implement its compensation plan, placing employees on grade and step and awarding 5% across the board salary increase. The Superior Court implemented a 5% salary increase for employees in position from 2010, and a 2.5% increase for those in position from 2013. The estimated cost of these increases across the branch was \$674,209 covering 207 employees. Among those excluded from the increases were Judicial Officers, law clerks, and employees who were hired, reclassified or promoted after 2013. Approximately 130 employees were not included in the fiscal year 2016 increase.

### Employee Honors

The Judicial Branch celebrated the service of 4 exemplary employees across districts. In the St. Thomas/St. John District, the Employees of the Year were Mr. Franklin Pickering, Messenger at the Supreme Court, and Mrs. Kamilah Vanterpool Raymond, Accounting Clerk II with the Superior Court. In the District of St. Croix, the fiscal year 2016 honorees were Ms. Ianna, Smith, Administrative Officer I with the Supreme Court of the Virgin Islands, and Mr. Joseph Gasper, Appellate Division Law Clerk/Law Librarian. The exemplary service and dedication displayed by these employees in the performance of their duties is noteworthy, appreciated and celebrated.

#### St. Thomas/St. John District Honorees

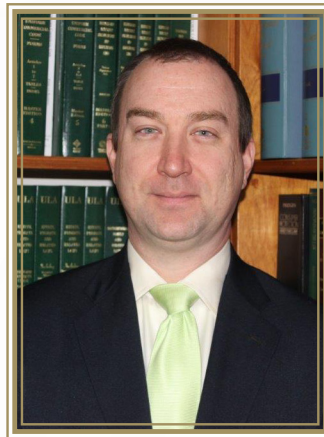
#### St. Croix District Honorees



**Franklin Pickering**



**Kamilah Vanterpool Raymond**



**Joseph E Gasper**



**Ianna K. Smith**

## INTERVENTION, COMMUNITY PARTICIPATION, AND OUTREACH

**Pre-Trial Intervention.** The Pretrial Intervention Program continues to provide an alternative to incarceration for first time offenders within the judicial system in accordance with Title 5 V.I. Code Ann. § 4612. This Program is not an option for felonious offenders; rather, Pretrial Division is responsible for supervising first time offenders of misdemeanor offences by providing rehabilitative services and community supervision services to prevent recidivism through the opportunities for alternatives to the traditional criminal justice prosecution process. Upon acceptance into this program, the defendant is mandated, pursuant to Title 5 V.I.C Section 4612 (d), to pay an Administrative Fee in the amount of \$200.00 and the applicable Court Costs of \$75.00. During this fiscal year, the Pretrial Intervention Program collected a total of \$16,185.00 in Administrative Fees and Court Costs that was paid by clients who participated on the Pretrial Diversion Program.

Although the number of cases diverted in the District of St. Croix continues to decrease, the opposite is true in the District of St. Thomas - St. John as noted in the number of cases filed in each district (STX: 28; and, STT-J: 67). As a direct result, the ability to obtain assistance from non-profit agencies for the placement of Pretrial clients, to complete their community service, is becoming quite challenging. Therefore, several clients have continued to be assigned to the Court's Maintenance Division to provide needed assistance in those areas.

**Community Participation and Outreach.** Every year the Judicial Branch maintains its commitment to the education and professional development of students, as well as the education of the general public about its processes and the Virgin Islands Judicial System. In fiscal year 2016, the Supreme Court continued to record and stream its oral arguments live on the internet, making archived recordings available on its website as well as permitting free public access to view all documents associated with all open and closed cases, other than those filed under seal.

The Judicial Branch continues to reap long lasting benefits of participation in internship programs offered by different entities. Our enduring relationships with local high schools continue to provide the Courts with motivated students who are assigned to different areas of court operations during the academic school year and assist divisions in meeting objectives. In turn, the judiciary provides these student interns with critical skills, on-the-job training and hands-on mentoring. In fiscal year 2016, Court managers across the branch provided on-the-job training to 6 students from the Charlotte Amalie High School Business Internship Program and 2 students from the St. Croix Educational Complex School-to-Work Program. In the St. Thomas/ St. John District, CAAHS students Tre Dickson, Quelania John-Baptiste and Naysa Lynch interned with Supreme Court. Ajanni Phillips, Dumoi Pole and Delique Mauvis interned with Superior Court.



**Summer Youth Employment.** Funding constraints continued to affect summer employment opportunities within the Judicial Branch. However, the Courts once again partnered with the Department of Labor and the Office of Senators Clifford F. Graham, Samuel Sanes, and Kenneth L. Gittens for summer intern placements. Due to these partnerships, the Court hosted 7 interns territory-wide. The Supreme Court had two repeat interns, college student Elbert Joseph, and CAAHS graduate Tre Dickson. Elbert Joseph Interned with the Office of Bar Admissions and Tre Dickson interned in Financial Services. Administration also welcomed a new summer intern in Ms. Shelliqa Bartley.



**Shelliqa Bartley**



**Elbert Joseph**

The Superior Court hosted Jakoi Bell in the Office of the Virgin Islands Marshal on St. Thomas. In the District of

St. Croix, Ayana Phillip interned in the Chambers of the Honorable Robert A. Molloy, Inais Borque interned in the Probation Office, and Rakishma Guzman interned with the Office of the Virgin Islands Marshal.

The Judicial Branch has also historically maintained a Career Experience Internship program designed to enhance a college, university or law student's academic and professional growth by providing educational value and a beneficial work experience within the judiciary. In fiscal year 2016, the Supreme Court provided this unique and diverse opportunity to University of the Virgin Islands student, Melvine Adams, who worked with the Human Resources Director. Upon graduation, Mr. Adams successfully interviewed with the Supreme Court for a full time position and is currently employed in the Financial Services Division as an Accounting Clerk I. The Superior Court hosted University of the Virgin Islands Criminal Justice students in both districts. In the District of St. Thomas/St. John, the Superior Court hosted, Corey Romney in the Probation Division and William Harrigan, who interned in the Chambers of the Honorable Denise Francois. In the District of St. Croix, Gerald Felix and Martha Sankitts interned with the court's Probation Office.



**Melvine Adams**

## **Competition and Teamwork**



The Courts have had a longstanding commitment to health and fitness events and programs, and teamwork. While both the Supreme Court and Superior Court of the Virgin Islands have independently participated in the Annual Battle of the Agencies, in fiscal year 2016 the Courts joined forces with Team Trial and Appeal in the St. Thomas/St. John District. In the District of St. Croix, Team Law and Order won the 2016 Battle of Agencies.

## Superior Court Rising Stars Steel Orchestra

In 1981, the Presiding Judge Emeritus, Verne A. Hodge Sr., of the then Territorial Court of the Virgin Islands, began an experimental steel drum program with the goal of preventing school dropouts and juvenile delinquency among V.I. youth. The program's focus was to recruit students between the ages of ten and eighteen from public, private, and parochial schools and to encourage them to complete high school. The program, which began as a summer project, is administered on a full time basis through the Pretrial Intervention

Program in both districts, as the Superior Court Rising Stars Youth Steel Orchestra. During Fiscal Year 2016, the Rising Stars continued its operation of three seasons for its members: Christmas, Carnival and Summer Seasons.



In the District of St. Croix, the Rising Stars Program participated in a number of community events, including but not limited to the Crucian Christmas Carnival - its parades and Food Fair; Christmas Serenades and Christmas Tree Lightings; World Food Day, Valentine and Christmas Holiday Jump Up activities; Pan Fest; the VI Agricultural Fair; St. Croix Farmers in Action Fair; Central High School Cultural Fair;

VIPD Community Outreach Program; St. Croix Educational Complex Anniversary Celebration; CTEC Certification Ceremony; and, the St. Croix Foundation Food and Wine Experience, just to name a few.



**Mr. Herman Guppy**



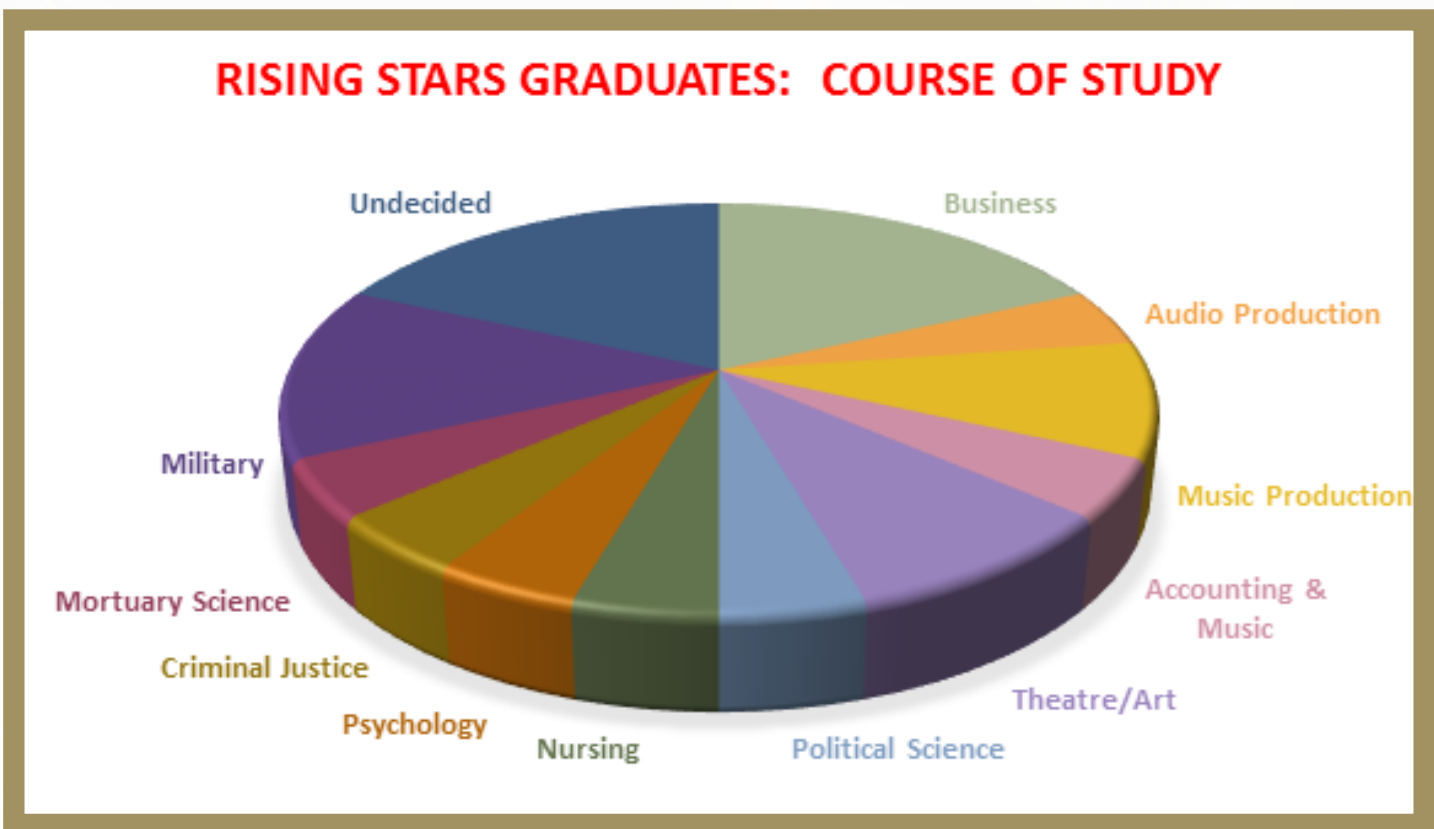
In the St. Thomas-St. John District, the Orchestra hosted its Annual Christmas Concert at the Reichhold Center for the Arts that included eighty-four new members. The Orchestra dedicated this year's concert to the Memory of Mr. Herman Guppy of Trinidad, their long time pan tuner. During their Christmas Season, the also performed at a variety of serenading activities throughout the island: at the Lucinda Millin Home for the Aged; Post Office Square; Babe Monsanto Terminal in Crown Bay; WICO Dock in Havensight. Both Orchestras also performed at the Superior Court during its Employee Recognition event.

During the 2016 Carnival Season, the St. Thomas-St. John District Orchestra dedicated its 35th Anniversary celebration to the Memory of musical Arranger, Dr. Jit Samaroo - another long-time Trinidadian associate of the Superior Court Rising Stars Program. One hundred forty-two (142) members of the Orchestra participated in several events during the Carnival Season, including: Panorama, the Rising Stars Tramp, the Cultural Fair, as well as the Children's and Adult's Parades.

Additionally, the Program also hosted Summer Recruitment and Enrichment Camps on St. Croix and St. Thomas, respectively. Working with one hundred twenty students, who learned art of playing the steel pan and reinforced their steelpan playing skills in addition to participating in Rap Sessions, field trips and other social and educational activities that were conducted by knowledgeable members of our community, including members of the VIPD, the Bureau of Corrections, Family Health Planning Division.



Dr. Jit Samaroo



During fiscal year 2016, thirty-four (34) Rising Stars members graduated from High School: four (4) in the District of St. Croix and thirty (30) in the District of St. Thomas-St. John. The program is proud to announce that all of its students were college bound. Some of the colleges and universities selected include: Clark University, Community College of Allegheny, Drew University, Elon University, Full Sail University, Gannon University, Jackson State University, Johnson & Wales University, King University, LaRoche College, Monroe College, Seton Hall University, St. John's University, and the University of the Virgin Islands.

During fiscal year 2016, the Pre-Trial Intervention Staff continued fund-raising activities for the Rising Stars Scholarship Fund. During the course of the fiscal year, through various initiatives including activity fees, recruitment fees, payouts, collateral sales, and donations, the program raised \$94,765.00 (\$64, 631.00 - STT-J; and, \$30,134.00 - STX). In 2016, scholarships were awarded to 13 students. The total amount awarded was \$13,000.

## GOVERNANCE AND JUDICIAL BRANCH OUTLOOK

On August 29, 2016, Governor Kenneth E. Mapp signed Act No. 7888, Bill No. 31-2055, into law, unifying the administrations of the Supreme Court of the Virgin Islands and the Superior Court of the Virgin Islands. This pivotal piece of legislation empowers the judicial branch to forge ahead with a unified voice to implement global initiatives, to shape and mold the future of the Virgin Island's Judiciary, facilitate access to justice and improve the overall administration of justice in the Territory.

To this end, pursuant to its inherent authority and the authority granted to it by section 21 (c) of the Revised Organic Act of 1954, as amended, title 4, Chapter 1 of the Virgin Islands Code, and title 4, chapter 21 of the Virgin Islands Code, the Supreme Court responded with a series of promulgation orders as follows:

**Promulgation Order No. 2016-004.** In accordance with Act No. 7888, the Supreme Court promulgated Order No. 2016-004 establishing the Charter of the Judicial Management Advisory Council. The purpose of the council is to assist the Chief Justice and the Supreme Court of the Virgin Islands; the Presiding Judge and the Superior Court of the Virgin Islands; the Administrator of Courts and the Judicial Branch Administrative Office.

**Promulgation Order No. 2016-005.** VISCR 101 was amended to establish the Judicial Branch Administrative Office and enumerate all of the duties and responsibilities of that office consistent with Act No. 7888.

**Promulgation Order No. 2016-007.** Amendment to VISCR 37(b) establishing an Advisory Committee on Rules to, among other things, study and continuously monitor all rules governing appellate procedure, civil and criminal procedure, evidence, judicial discipline, disability, ethics, admission to and governance of the bar of the Virgin Islands, the administration of the judiciary and the practice and procedure in the courts of the Judicial Branch of the Virgin Islands.

**Promulgation Order No. 2016-008.** Amendment to VISCR 102 striking and replacing all existing language to establish the Office of the Virgin Islands Marshal. This order facilitated the formal transfer of all personnel, including administrative support, and equipment inventory to the Office of the Virgin Islands Marshal, and designated, Lawrence Walcott Jr. as the Acting Chief Marshal until such time as a formal appointment is made by the Chief Justice.

**Promulgation Order No. 2016-0012.** The Supreme Court issued Promulgation Order No. 2016-0012 establishing the Unification Task Force. The task force became effective on September 7, 2016, and was assigned the responsibility of studying the structures of the Supreme and Superior Courts of the Virgin Islands and issuing a preliminary report to the Chief Justice and the Presiding Judge with recommendations for a consolidated administrative structure by beginning of fiscal year 2017. The 28 member task force was comprised of a cross section of staff and managers from both courts from duplicate and other divisions. Areas represented on the task force included but were not limited to Administration, Technology, Human Resources, Financial Services, Clerk, Jury Management, General Counsel, Probation & Pre-Trial, Procurement, Libraries, and Chambers.

The Judicial Branch Unification Task Force (UTF) first convened on September 9, 2016. Twenty-eight members were divided into four (4) specialized work groups to document, analyze and evaluate the existing administrative operations of both courts, and to determine how the separate administrative operations of each might be changed or modified to achieve administrative unification.

Each work group was assigned certain functional areas for the compilation and review of information. In accordance with the project schedule established by the task force, committees convened twice before submitting findings and recommendations for inclusion in the initial report to the Chief Justice, the Presiding Judge and the Judicial Management Advisory Council. The initial assessment process included gap and impact analyses, and the identification of potential problems and issues, with specific recommendations for consolidation by functional area. This information was synthesized and presented in the task force's initial report. Originally due on September 30, 2016, the Task force requested and was granted an extension. The initial report was delivered on October 3, 2016. The information compiled, included but was not limited to, policies, procedures, contracts, service agreements, leases, vendor listings, personnel listings, assets, inventory, and financials. The report included approximately 47 recommendations specifically related to the administrative unification process, which, along with the ongoing work of the UTF, continue to be the foundation of the continuous effort towards the achievement of unified administrative operations within the Judicial Branch.

## LOOKING AHEAD

With the assistance of the National Center for State Courts, during the first six months of fiscal year 2017, extensive work will be completed in policy review and consolidation, organizational as well as division design, and position description reviews, assignments and classification towards the development of a comprehensive consolidated compensation plan for the Judicial Branch. Additionally, existing vendor contracts, as well as common service and maintenance agreements will be reviewed for consolidation of both costs and effort. Simultaneously, Phase I unification activities will also include comprehensive network and systems analysis and redesign. In this regard, major network infrastructure consolidations are scheduled to begin as follows:

- Central Administration of a public Domain Name System (DNS) names ([visupremecourt.org](http://visupremecourt.org), [visuperiorcourt.org](http://visuperiorcourt.org), and [vicourts.org](http://vicourts.org))
- Creation of temporary virtual private network (VPN) connections to all court sites to perform necessary testing for unified technology concepts. This work involves network routing and name resolution between the existing court domains.
- Creation of Active Directory Trust between the existing court domains. This is necessary to eventually migrate court applications onto a unified network domain to facilitate application access and efficient communication
- Implementation of a robust network communication with the Courts Internet Service Provider - Smartnet to connect all court sites with high-speed fiber connections with a minimum of 100 Mb of bandwidth, as well as upgrade Internet bandwidth.
- Integration of all phone systems as well as implementation of a robust conference call solution expanding current capabilities up to 10 separate conferences with unlimited participants.
- Renewal of Enterprise Microsoft Volume Licensing Agreement and reconfiguration of both Courts' Office 365 tenant agreements to under new unified domains

Phase II of the Judicial Branch's unification efforts will focus on the development and implementation of strategic and comprehensive training programs for all staff. With the development, adoption and deployment of unified Personnel Policies, Procurement Policies, Travel Regulations, Vehicle Policies, and Standardized Operating Procedures across all divisions. These efforts must also be accompanied by a significant amount of training and orientation as part of an overall change management strategy.

Phase III of the Judicial Branch's unification efforts in fiscal year 2017 will see the Courts engaged in substantial projects, including the implementation of a new Trial Court Case Management System, an enterprise electronic filing solution, a Judiciary-wide Enterprise Resource Planning (ERP) system, the automation of workflows and document routing across the branch, and the launch of an official the Judicial Branch web portal.



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