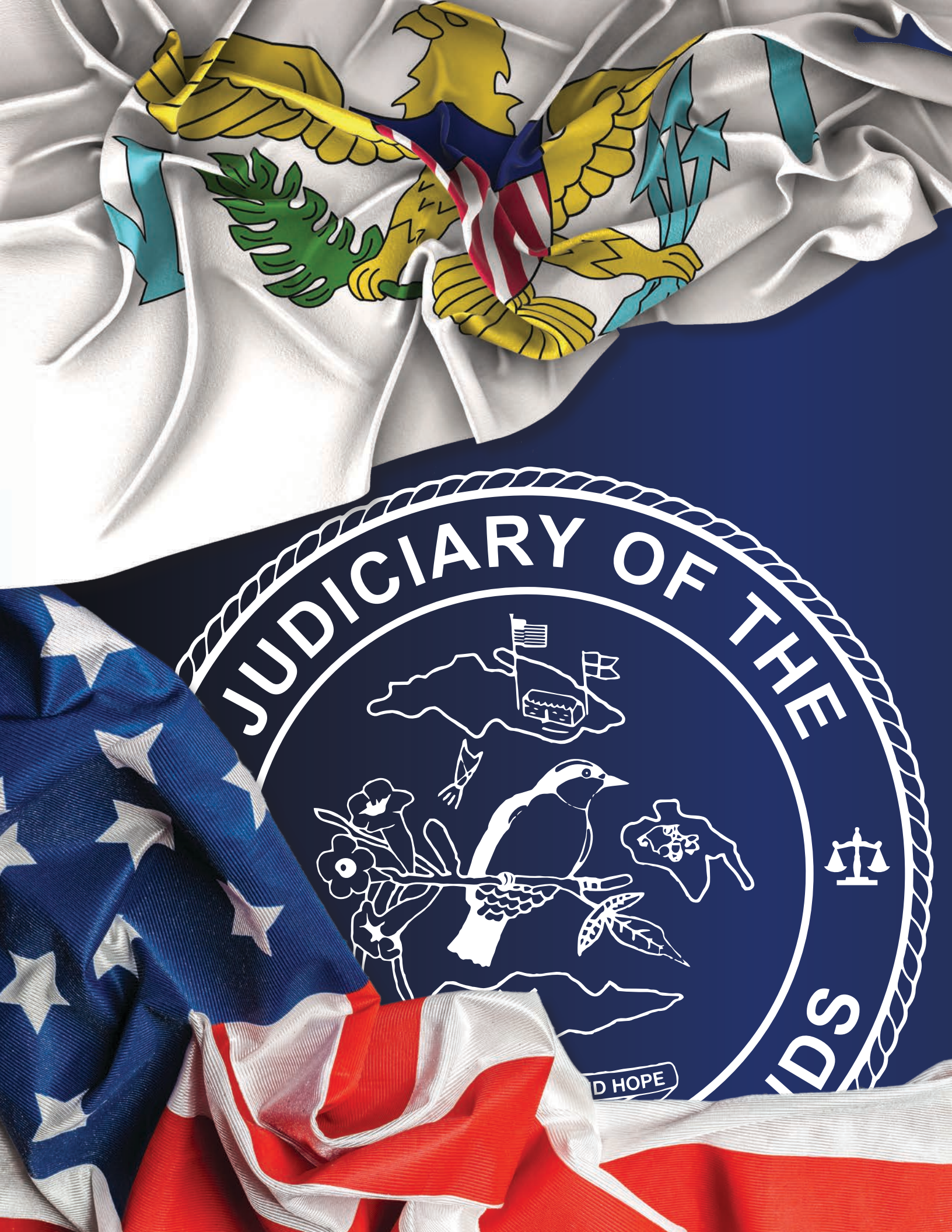


2020
Annual Report
of the U.S. Virgin Islands Judiciary & Court System





JUDICIARY OF THE



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The state of the Virgin Islands Judiciary today is considerably different from what it was even three months ago. The spread of the novel coronavirus (COVID-19) has impacted the operations of court systems around the world, and the courts of the Virgin Islands have been no exception. For this reason, I would summarize the state of the Virgin Islands court system as “resilient.”

HON. RHYS S. HODGE, CHIEF JUSTICE

2019 Annual Report of the U.S. Virgin Islands Judiciary & Court System

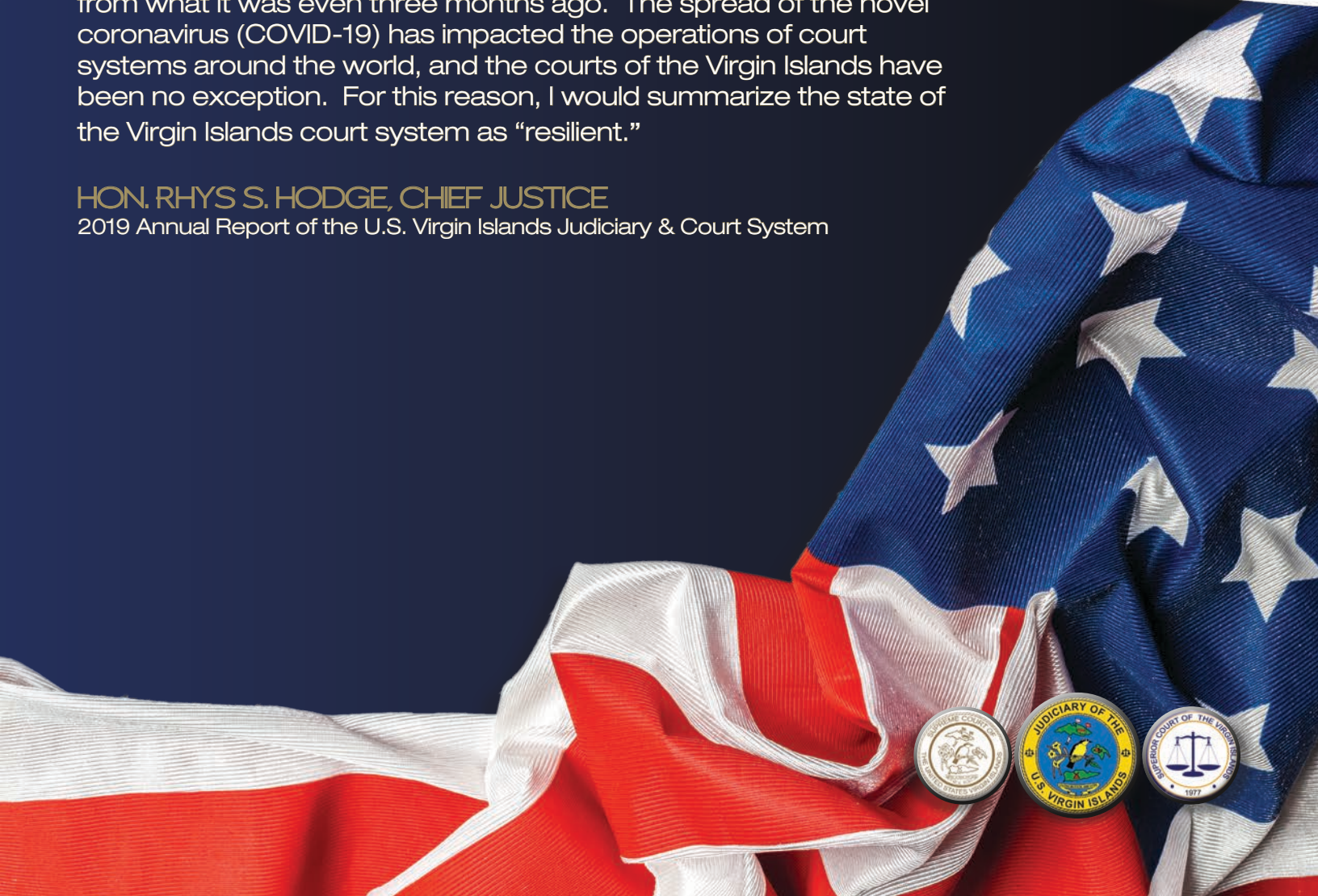


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THE JUDICIARY

SUPREME COURT OF THE U.S. VIRGIN ISLANDS **THREE JUSTICES**

Hon. Rhys S. Hodge
CHIEF JUSTICE

Hon. Maria M. Cabret
ASSOCIATE JUSTICE

Hon. Ive Arlington Swan
ASSOCIATE JUSTICE

Veronica J. Handy, Esquire
CLERK OF THE COURT

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

SUPERIOR COURT OF THE U.S. VIRGIN ISLANDS **TEN JUDGES**

Hon. Harold W. L. Willocks
PRESIDING JUDGE

Hon. Kathleen Y. Mackay
ADMINISTRATIVE JUDGE

Hon. Douglas Brady
JUDGE

Hon. Debra S. Watlington
JUDGE

Hon. Denise M. Francois
JUDGE

Hon. Jomo Meade
JUDGE

Hon. Renee Gumbs Carty
JUDGE

Hon. Jessica Gallivan
JUDGE

Hon. Sigred Tejo
JUDGE

Hon. Alphonso Andrews
JUDGE

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

MAGISTRATE DIVISION

OF THE SUPERIOR COURT OF THE U.S. VIRGIN ISLANDS
FOUR MAGISTRATE JUDGES

Hon. Miguel A. Camacho
MAGISTRATE JUDGE

Hon. Henry V. Carr, III
MAGISTRATE JUDGE

Hon. Ernest E. Morris, Jr.
MAGISTRATE JUDGE

Hon. Carolyn P. Hermon-Percell
MAGISTRATE JUDGE

Tamara Charles
CLERK OF THE SUPERIOR COURT

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

Regina Petersen
ADMINISTRATOR OF COURTS

Kevin Williams, Sr.
ASSISTANT ADMINISTRATOR OF COURTS



STATE OF THE JUDICIARY



On behalf of the entire Virgin Islands Judiciary, it is my privilege to present the 2020 Annual Report on the State of the Virgin Islands Judiciary. This report, which is prepared by the Administrator of Courts and the Judicial Branch Administrative Office, provides statistical information and highlights the various accomplishments and activities of the courts of the Virgin Islands during the past fiscal year.

The last year has been extraordinarily challenging. When I presented the State of the Judiciary last year, the Virgin Islands, like the rest of our nation, was in the relatively early stages of responding to a global public health crisis. On March 13, 2020, in accordance with the public health state of emergency declared by the Governor, the Judicial Branch issued its first COVID-19 related Administrative Order to restrict those diagnosed with or exposed to COVID-19 from

accessing its facilities, place a moratorium on new jury trials, suspend the use of its facilities for non-judicial functions, and to implement protocols to avoid situations that bring together large numbers of people in confined areas. This was followed by further restrictions on March 17, 2020, including postponing most in-person hearings, permitting judicial officers and court staff to work remotely, as well as additional orders of the Presiding Judge supplementing those directives.

When it became clear that these measures were no longer sufficient, on March 20, 2020, I, with the concurrence of the Presiding Judge and the Administrator of Courts, made the reluctant decision to suspend all non-essential services of the Judicial Branch, effective March 23, 2020. Although both the Supreme Court and the Superior Court remained open to accept filings, consider (mandatory or constitutional) and emergency matters, including but not limited to, advice of rights hearings, arraignments, bail and release hearings and certain family matters, such hearings would all be held remotely utilizing video or audio technologies. Most filing deadlines were suspended, tolled, or otherwise extended. Moreover, the Office of the Clerk of the Superior Court was authorized to establish a procedure for accepting court filings by e-mail, so that individuals could file documents without making an unnecessary trip to the courthouse, and the Office of Disciplinary Counsel continued to accept filings and process disciplinary matters. And given the uncertainty about how long public health authorities would direct or recommend individuals to stay home or social distance, the July 2020 administration of the Virgin Islands Bar Examination was postponed, with additional bar admissions requirements suspended or otherwise modified, such as

the requirement that new members of the Bar be administered the oath of office in-person in the Supreme Court.

After more than two months of operating in this state, the Judicial Branch, like the rest of the Government of the Virgin Islands, began the process of cautiously resuming ordinary operations. On May 14, 2020, the Presiding Judge, with the approval of the Supreme Court, designated additional types of matters eligible for remote hearings, including guilty pleas and all fully-briefed civil, criminal, and probate matters. We established the Virgin Islands Judicial Branch COVID-19 Task Force, chaired by Judge Denise Francois, and charged it with developing a proposed plan for the resumption of some or all of the operations of the Judicial Branch.

The Task Force timely submitted its report on May 27, 2020, and on May 28, 2020, I issued an administrative order implementing many of its recommendations, including authorizing the resumption of certain in-person proceedings on June 15, 2020. With funding made available to the Judiciary through the federal CARES Act, the Judicial Branch was able to reconfigure all court rooms with custom made plexiglass barriers and implement other safety and sanitation measures, and obtain additional laptop computers and other equipment to further facilitate remote work, as well as procure sufficient personal protective equipment for all judicial officers and staff. I would like to take this opportunity to thank Governor Albert Bryan for making CARES Act funds available to the Judiciary which facilitated our success in achieving certain operational milestones outlined by the Task Force. In fact, we were progressing so well that we had announced plans to resume jury trials in the Superior Court by August 1, 2020.

Of course, those ambitious plans were thwarted by the second wave of COVID-19 in the Virgin Islands, which forced us to again transition to primarily virtual operations. On July 16, 2020, I issued an administrative order after consultation with

the Presiding Judge and the Administrator of Courts, which postponed the resumption of jury trials, ordered that all in-person hearings be converted to remote hearings and that no further in-person hearings be scheduled, and suspended many of the same non-essential services that had been reinstated. The Supreme Court also made the difficult decision to not hold an in-person bar examination, but to instead offer the remote exam online. However, because the courts and the legal community had adapted quickly to virtual hearings and operations, no filing or other deadlines were automatically suspended, tolled, or extended, although judicial officers were advised to liberally grant extensions and other accommodations in individual cases.

The second suspension of non-essential operations lasted nearly as long as the first suspension, with the provisions of the July 16, 2020 administrative order being extended through September 14, 2020, at which point the Judicial Branch again attempted to resume ordinary operations. Unfortunately, this resumption would also be short-lived, in that the Judicial Branch was forced to temporarily close the R.H. Amphlett Leader Justice Complex on St. Croix beginning on December 9, 2020, and ultimately had to suspend in-person operations throughout the Territory for a third time beginning on December 20, 2020, due to a surge in COVID-19 cases brought about by holiday activities and travel.

This suspension lasted through February 28, 2021, at which point we again began a gradual transition to ordinary operations. Thankfully, that transition has not been interrupted. Effective February 28, 2021, judicial officers, court staff, attorneys, and the public were permitted to enter Judicial Branch facilities for the purpose of conducting official business, but only if donning a face mask, submitting to a temperature check, and otherwise complying with federal and territorial public health regulations. During this period a small number of in-person proceedings were allowed to resume with the approval of the Presiding Judge. Additional

in-person proceedings were authorized to commence on April 1, 2021, as well as in-person marriage ceremonies.

Our most recent administrative order, issued on May 13, 2021, now permits any matter to be heard in-person other than a jury trial. However, due to the exceptionally improved conditions in the territory, including the vaccination rate, the Judicial Branch is highly optimistic that the resumption of in-person jury trials, both criminal and civil, in the Superior Court the Virgin Islands is imminent. By administrative order, the Judicial Branch Task Force for Restarting Jury Trials, chaired by Administrative Judge Kathleen Mackay, has been established and charged with submitting a proposed plan by June 9, 2021. The Supreme Court looks forward to reviewing and implementing the Task Force's plan and recommendations so that in-person jury trials may resume this summer.

The spread of COVID-19 impacted court systems across the world, and unfortunately not all courts were able to respond to the crisis as effectively as we did in the Virgin Islands. The courts of the Virgin Islands never closed and were prepared to respond to the sudden need to transition to virtual operations. I attribute this not just to the ability of our judicial officers and staff to quickly adjust to rapidly changing circumstances, but to the years of work that had been done before the pandemic to transition the entire Judicial Branch to an "e-everything" institution. Even before the COVID-19 pandemic, the Judicial Branch Administrative Office had the capability to handle virtually all administrative operations electronically, and the Supreme Court had already been operating as an "e-everything" court.

Prior to the pandemic, the Superior Court was in the final stages of completing its transition to electronic filing. On February 24, 2020, the Judicial Branch officially launched the Superior Court Enterprise C-Track Case Management System, which replaced the Superior Court's legacy system, ENACT, and shortly thereafter provided free online public access to Superior Court case files

as well as to make certain payments on line through our website at www.vicourts.org. In last year's State of the Judiciary, I expressed some concern that the emergency conditions created by the COVID-19 pandemic would slow our progress in implementing the new case management and e-filing system. Thankfully, this did not occur. Against all odds, our staff persevered under the most trying circumstances, and continued to make substantial progress even at the height of the pandemic, despite all implementation, training, and testing occurring remotely due to the COVID-19 public health restrictions. The Virgin Islands Judiciary Electronic Filing System (VIJEFS) launched as scheduled on August 31, 2020, representing the culmination of a decade long effort to achieve the paperless filing and processing of case documents in the Superior Court. I would like to take this opportunity to publicly thank the IT and CMS implementation team, headed by Assistant Administrator of Courts Kevin A. Williams, for bringing this project to a successful completion.

If I had to describe the current state of the Virgin Islands Judiciary in one word, it would be "renewed." As we now enter the final phase of resuming ordinary operations—the return of jury trials—there is justifiable optimism that the worst of the pandemic is well behind us, and that a return to normalcy is imminent. The Virgin Islands Judiciary, however, will enter this "new normal" as a very different institution than it had been on March 12, 2020. Due to the sudden transition to mostly virtual operations, the courts of the Virgin Islands were forced to improvise and innovate, both on the administrative end as well as the bread-and-butter work of conducting judicial proceedings. As we continue with our return to normalcy, a number of these changes will remain in place as permanent practices, not because of a public health need, but because they represent a better or more efficient way of doing things. This includes continuing to allow judicial officers the discretion to hold certain hearings remotely, so that attorneys and litigants do not need to travel to a courthouse for routine matters. It also includes examining

our court rules and determining whether certain provisions should be liberalized to facilitate and encourage use of these new technologies.

As part of restoring ordinary operations, the courts of the Virgin Islands—and particularly the Superior Court—must address the backlog of cases that began in the aftermath of Hurricanes Irma and Maria, and then was further exacerbated by the COVID-19 pandemic. To do so, the Judicial Branch will consider and implement all available options, including utilization of retired judges and judicial adjuncts to the greatest extent permitted by law.

While the resumption of jury trials also represents an important step in that regard, the Judicial Branch recognizes that prospective jurors, and even attorneys, may be justifiably hesitant or concerned about a return to in-person proceedings while a state of emergency remains in effect, particularly those who serve as caregivers to young children or others who are unable to receive the COVID-19 vaccine. The Judicial Branch is committed in not just resuming jury trials but doing so safely. As part of its work, the Task Force on Restarting Jury Trials will provide recommendations on how various aspects of jury trials—including the jury selection process—should be modified. At an absolute minimum, all jury trials and other in-person proceedings will fully comply with all applicable federal and territorial public health guidelines. However, we intend to go above and beyond such minimum requirements.

Part of this involves continued reliance on technology – not as a substitute or replacement for in-person proceedings, but as a means to improve the safety and efficiency of those proceedings. Although the Judicial Branch has been unable to develop and implement a new five-year strategic plan due to the twin disasters of Hurricanes Irma and Maria and then again due to the COVID-19 pandemic, it has been our goal ever since the administrative unification of the Judicial Branch in 2016 to facilitate the transition of the Superior Court

to an “e-everything” court. With the promise of additional funding from the CARES Act, the Judiciary will equip all fifteen Superior Court courtrooms throughout the territory with state-of-the-art audio and video equipment. These upgrades will provide a host of benefits, including permitting remote appearances by attorneys, witnesses, and other participants, allowing for easy recording and transcription of proceedings, and improving the handling of evidence, electronic exhibits and documents without the need for close contact of participants and physical handling and sharing of evidence. These upgrades will further allow integration between courtrooms and other meeting rooms to increase in-person capacity as we work through the challenges of juror selection and towards the resumption of trials. I would once again like to thank Governor Bryan for the additional funding priority given to the Judiciary and the importance of access to justice in the continuity of government.

But technology is only one way through which the Judicial Branch is improving its operations. Throughout the year, the Judicial Branch continuously examines its court rules and internal processes to ensure that court practices and procedures do not needlessly elevate form over substance, but further the goal of ensuring the just, speedy, and inexpensive determination of every action and proceeding. As I mentioned earlier, this year this process necessarily includes determining what aspects of the emergency rules and practices developed in response to the COVID-19 pandemic should be permanently retained by the courts or the Judicial Branch Administrative Office. However, the Supreme Court, with the assistance of the Judicial Branch Administrative Office, the Advisory Committee on Rules, the Judicial Management Advisory Council, and other stakeholders, is also considering other potential changes to the rules. Some of these changes are intended to reduce ambiguity by formally codifying as court rules certain long-standing practices, such as setting forth the powers of the Administrative Judge of the Superior Court or clarifying from which source the receivers overseeing the law practices of

deceased, suspended, or disbarred lawyers are compensated. Others, however, will represent changes from current practices, such as a complete revision of the Judiciary's sexual harassment policy, including extending it to expressly cover judicial officers.

As part of these efforts, the Supreme Court expects to formally adopt later this year the Virgin Islands Model Criminal Jury Instructions proposed by the Virgin Islands Model Jury Instructions Committee. The Committee continued its work throughout the COVID-19 pandemic, including releasing its draft proposal for public comment, and submitted its final draft to the Supreme Court and the Judicial Management Advisory Council, which are both currently examining the proposal with the intent of finalizing them for adoption later this year. The Committee will continue its work as well by undertaking its next major project, which is to draft proposed model civil jury instructions for use in Superior Court proceedings.

The COVID-19 pandemic was not the only challenge our nation and territory faced in the past year. Events in both the mainland United States as well as the Virgin Islands drew renewed attention to issues of racial justice and institutionalized racism within the legal system. The Virgin Islands Judicial Branch will continue to do its part to ensure that all individuals receive equal justice under the law in the courts of the Virgin Islands, regardless of race, sex, religion, national origin, or other characteristic. All judicial officers as well as their staff will continue to receive training on identifying and combatting implicit bias. In the coming months, the Judicial Branch will also formally activate the Commission on Access to Justice established by Supreme Court Rule 301 to "promote, facilitate, and enhance equal access to justice . . . for the people, particularly the poor and vulnerable."

During the past year, our nation also experienced violent threats to the rule of law as dispensed by all branches of the government. Many of us witnessed news coverage of the January 6th attack on the United States Capitol by individuals seeking

to disrupt the certification of the 2020 election by a joint session of Congress. But this incident, although high-profile, is not the only act of violence that threatens the orderly operation of our government and legal system. Each year, literally thousands of threats are made against judges nationwide. Unfortunately, a fellow jurist within the Third Circuit, Judge Esther Salas of the U.S. District Court for the District of New Jersey, suffered the unimaginable loss of having her 20-year-old son murdered and her husband critically injured by a lawyer who came to her home seeking to harm her due to her handling of a case.

These events are a stark reminder that the security of our judicial officers is a critical component to furthering the administration of justice. The Judicial Branch is grateful for the support of the Office of the Virgin Islands Marshal as well as the court security officers who ensure the security of judicial officers, staff, and the public. However, more can and must be done to ensure that all judicial officers of the courts of the Virgin Islands may discharge their constitutional and statutory duties without fear that those who disagree with their decisions may physically harm them or their families. To that end, the Judicial Branch is in the process of establishing a Judicial Security Division within the Office of the Virgin Islands Marshal, as well as providing additional training to our marshals in partnership with the United States Marshals Service and the National Center for Judicial Security. The Judicial Branch is also studying the potential use of bailiffs or other non-peace officers to assist with routine courtroom operations, so that our marshals may devote their full attention to ensuring the security of judges, court staff, attorneys, the public, and other participants in the judicial process.

Last, but certainly not least, a fair legal system requires not just a properly functioning Judicial Branch, but that the Judicial Branch provide appropriate support to other stakeholders in the justice system, including the attorneys and organizations that provide court-appointed counsel to indigent criminal defendants and others legally entitled

to an attorney who cannot afford one. In 2016, the Supreme Court promulgated Rule 210 to implement the statutory mandate in title 5, section 3503 of the Virgin Islands Code as well as its holding in *In re Holcombe*, 63 V.I. 800 (V.I. 2015), to establish panels of attorney volunteers to undertake such representation. While the creation of these panels has significantly reduced the need for the involuntary appointment of attorneys, the courts—and particularly the Superior Court—have struggled with both attracting and retaining volunteer attorneys for panel service.

In 2020, the Judicial Branch responded by conducting a survey of the Virgin Islands Bar Association to determine the impediments to panel service. To date, the Judiciary has acted on the survey results by expediting the payment process, raising the compensation rate for panel attorneys to \$125.00 an hour, and streamlining the process for joining or withdrawing from a panel. However, survey respondents also proposed certain creative and more ambitious improvements, such as “unbundling” indigent appointments to permit attorneys to volunteer to assist with discrete acts rather than having to undertake the entire representation, providing non-monetary benefits such as continuing legal education credit and malpractice insurance, and even structural reforms such as establishing a separate conflict public defender office or “contracting out” large numbers of indigent cases to law firms or other individual private attorneys. The Judicial Branch is in the process of considering and studying these proposals, and looks forward to working with the Virgin Islands Bar Association, the Office of the Territorial Public Defender, and other stakeholders to consider appropriate solutions so that the Virgin Islands can continue to meet its constitutional and statutory obligations to indigent parties in our legal system.

I conclude by recognizing two new members of the Judiciary, the Honorable Alphonso Andrews, who is returning to the court as a judge having served a prior six-year term and the Honorable Sigrid Tejo, who

were both confirmed to serve as judges of the Superior Court, as well as the Honorable Denise M. Francois, who was confirmed to a second term as a Superior Court judge. I also congratulate the Honorable Kathleen Mackay, who was recently designated as Administrative Judge by the Presiding Judge, the Honorable Harold W.L. Willocks. I further congratulate the Honorable Robert A. Molloy, a former judge of the Superior Court, on recently assuming the role of Chief Judge of the United States District Court of the Virgin Islands and wish him continued success in that position.

I also take this opportunity to thank all the judicial officers and staff of the Judicial Branch, who have remained resilient and risen to the occasion throughout these very difficult and challenging times. The COVID-19 pandemic may temporarily have altered the operations of the Judicial Branch of the Virgin Islands, but it has not diminished our resolve. As our processes again change as the Virgin Islands, the United States, and the world transition to a “new normal”—whatever that may ultimately be—I can promise you that one thing will stay the same: the Judicial Branch will continue to strive to be a model of judicial excellence; to earn the trust and confidence of the public; to provide professional, efficient, accountable and accessible services to all; and to continue the impartial and prompt disposition of all cases in accordance with the rule of law.



Rhys S. Hodge
Chief Justice



HISTORY OF THE JUDICIARY

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. Effective July 22, 1954, The Revised Organic Act of the Virgin Islands became effective, and section 21 thereof vested the judicial power in a Court of record to be designated the District Court of the Virgin Islands and in such lower local courts as may be established by law. Thereafter, the three (3) Police Courts were abolished, and two (2) municipal Courts were established: the Municipal Court of St. Thomas and St. John, and the Municipal Court of St. Croix.

After a decade of this judicial structure, the composition of the local judiciary changed again in 1965. Legislative enactments which became effective on March 1, 1965, consolidated the two (2) municipal Courts into a unified Court designated as the Municipal Court of the Virgin Islands. By further enactments of the Virgin Islands Legislature, on September 9, 1976, pursuant to Act No. 3876, Section 5, Sess. L. 1976, p. 17, the Municipal Court of the Virgin Islands' name was changed to the Territorial Court of the Virgin Islands, the antecedent to the current Superior Court of the Virgin Islands. Almost three (3) decades later, authorized by the 1984 amendments to the Revised Organic Act of 1954, and pursuant to enactments in Title 4 V.I. Code Ann. Section 76(a), effective October 1, 1991, the Territorial Court obtained original jurisdiction over all local civil actions. Effective January 1, 1994, pursuant to Act No. 5890, the Virgin Islands Legislature granted expanded jurisdiction in criminal matters to the Territorial Court.

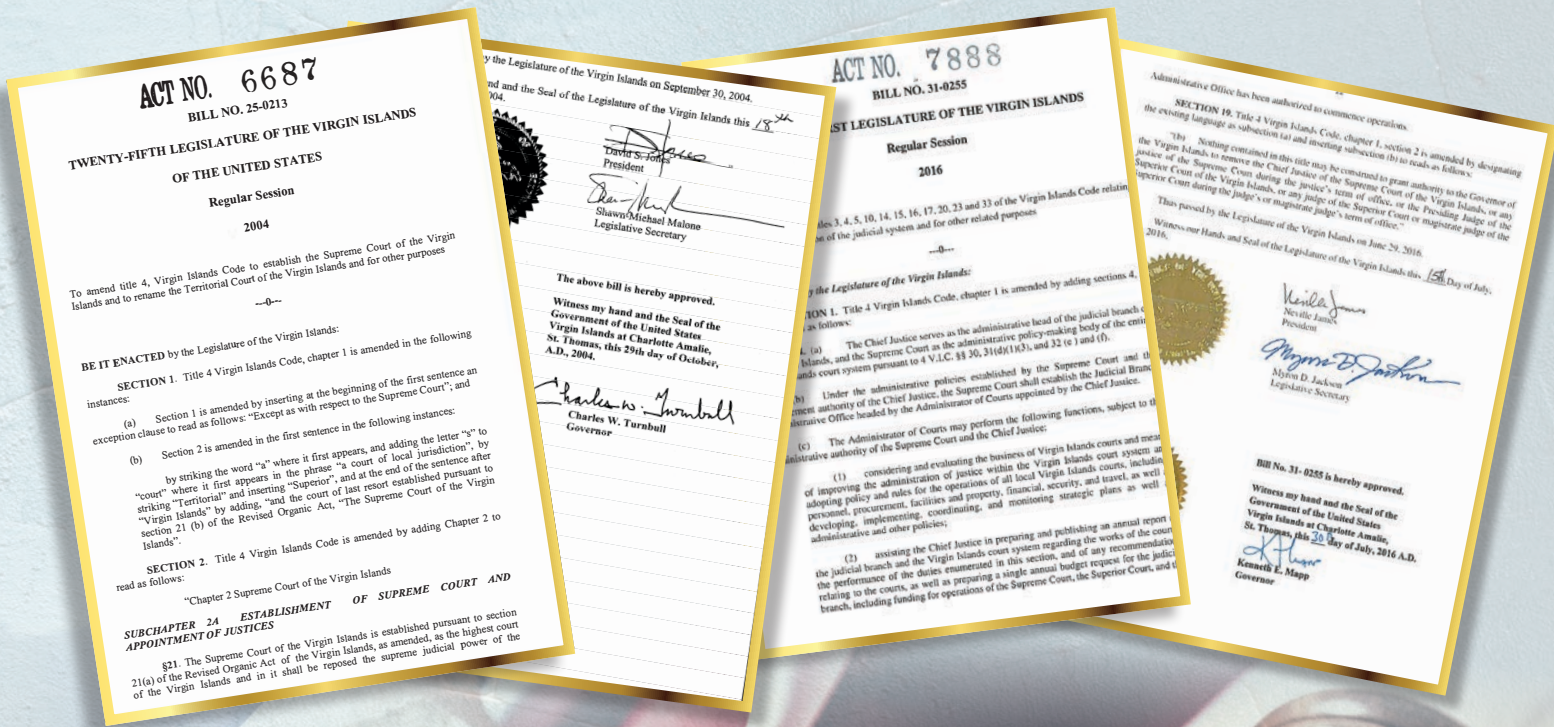
In 1984, the United State Congress amended the Revised Organic Act of 1954 to permit the Virgin Islands Legislature to create a local appellate court whose justices could be nominated by the Governor of the Virgin Islands subject to confirmation by the Virgin Islands Legislature. However, since the Legislature

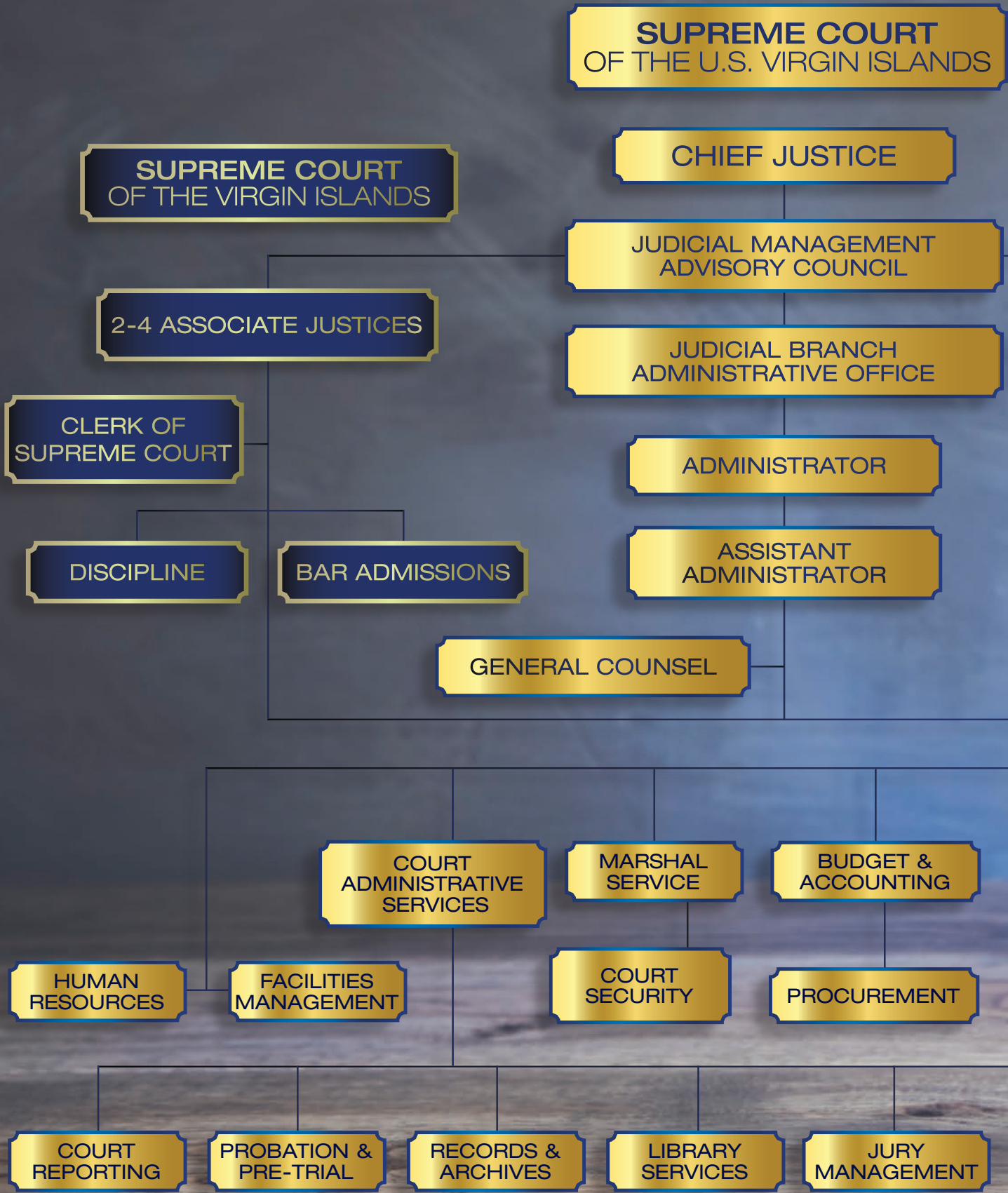
did not immediately create the local appellate court authorized by the 1984 amendments to the Revised Organic Act, two federal courts—the District Court of the Virgin Islands, and the United States Court of Appeals for the Third Circuit—continued to review all judgments issued by the then-Territorial 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 by then Governor, Charles W. Turnbull on October 29, 2004, as Act No. 6687. This pivotal Legislation also changed the name of the Territorial Court of the Virgin Islands to the Superior Court of the Virgin Islands.

Governor Turnbull appointed the first three justices to preside over the Supreme Court of the Virgin Islands—Rhys S. Hodge, Maria M. Cabret, and Ive Arlington Swan—and designated Rhys S. Hodge as the initial Chief Justice. All three justices were unanimously confirmed by the Virgin Islands Legislature on October 27, 2006 and sworn into office on December 18, 2006. On January 29, 2007, the Supreme Court assumed appellate jurisdiction. Prior to this date, all appeals were heard by the Appellate Division of the United States District Court and the United States Court of Appeals for the Third Circuit. The 1984 amendments to the Revised Organic Act by Congress also provided that the Third Circuit review decisions of the 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 end the fifteen (15) year oversight period and permit direct review of its decisions by the Supreme Court of the United States. On December 28, 2012, President Barack Obama signed Public Law No. 112-226. This bill,

sponsored by Delegate to Congress Donna M. Christensen, amended the Revised Organic Act to eliminate the 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 as its decision would be subject to direct review by the Supreme Court of the United States, as do 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 August 29, 2016, the local judiciary took another leap forward when Bill No. 31-0255, Act No. 7888, was signed into law by Governor Kenneth E. Mapp, unifying the administrations of the Supreme Court of the Virgin Islands and the Superior Court of the Virgin Islands. This Legislation, sponsored by Senator Kenneth L. Gittens and Senator Nereida "Nellie" O'Reilly, also authorized the expansion of the appellate bench from 3 to 5 justices. The unification of our local court system is consistent with the organizational structure of the vast majority of the jurisdictions under the United States Flag.







THE JUDICIAL BRANCH

SUPERIOR COURT OF THE VIRGIN ISLANDS

PRESIDING JUDGE

ADMINISTRATIVE JUDGE

8 JUDGES

4 MAGISTRATE JUDGES

CLERK OF SUPERIOR COURT

COURT DIVISIONS

STRATEGIC SERVICES

BUSINESS INTELLIGENCE

MANAGEMENT IT SYSTEMS

TRAFFIC DIVISION

PROBATE DIVISION

FAMILY DIVISION

CRIMINAL DIVISION

CIVIL DIVISION

COMPLEX LITIGATION DIVISION



ORGANIZATIONAL CHART

GOVERNANCE

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

Pursuant to the authority granted by Act No. 7888, the Supreme Court of the Virgin Islands established the Judicial Management Advisory Council (JMAC) to provide guidance and advice to the Chief Justice and the Supreme Court of the Virgin Islands, the Presiding Judge and the Superior Court of the Virgin Islands, and the Administrator of Courts and the Judicial Branch Administrative Office on the operations and business of the judiciary.

The Judicial Branch Management Advisory Council is a six-member council consisting of the Chief Justice, two Associate Justices, the Presiding Judge, a judge of the Superior Court and a magistrate judge of the Superior Court. The Chief Justice chairs the council, and the Administrator of Courts serves as the council's secretary. All judicial officers are ex officio members of the council. In Fiscal Year 2020, the serving members of the council were as follows:

- Hon. Rhys S. Hodge, Chief Justice
- Hon. Maria M. Cabret, Associate Justice
- Hon. Ive Arlington Swan, Associate Justice
- Hon. Harold W. L. Willocks, Presiding Judge
- Hon. Kathleen Mackay, Administrative Judge
- Hon. Robert A. Molloy, Judge (Retired from local Judiciary April 15, 2020)
- Hon. Carolyn Hermon Percell, Magistrate Judge

During fiscal year 2020, the Judicial Management Advisory Council acted on several recommendations made by the Advisory Committee on Rules in order to streamline and improve court operations. The following rule changes were implemented in fiscal year 2020:

Promulgation Order No. 2019-011 – Adoption of the Virgin Islands Traffic Rules. Traffic Rules were promulgated on October 17, 2019 and took effect December 1, 2019.

Promulgation Order No. 2019-012 - Amendments to V.I. Rules of Civil Procedure. The Advisory Committee on Rules recommended several amendments to the Virgin Islands Rules of Civil Procedure and identified the need to delineate the scope of authority of masters and other quasi-judicial adjuncts. Rule 92(c) was amended to address the concerns and recommendations made.

Promulgation Order No. 2019-013 - Amendments to V.I. Rules of Criminal Procedure.

Promulgation Order No. 2020-0001 – Amendment to the Virgin Islands Traffic Rules. Adopts the Advisory Committee on Rules' recommendation to include a procedure for an individual to be able to pay a citation before it is filed in the Traffic Rules. In accordance with the amendment the defendant must enter a plea in order to pay the assessed fine.

Promulgation Order No. 2020-0002 - Amendments to Virgin Islands Rules of Probate and Fiduciary Procedure. With the passage of Act No. 8264 which increased the threshold for summary administration of estates in the Virgin Islands to \$100,000, Rule 22 of the Rules of Probate and Fiduciary Procedure was amended and made applicable *nunc pro tunc to all proceedings pending as of January 18, 2020.*

Promulgation Order No. 2020-0003 – Amendment to Supreme Court Rule 210. Supreme Court Rule 210 was amended effective August 10, 2020 to increase the hourly rate for court-appointed counsel for all matters to \$100 as well as the maximum presumptively reasonable aggregate payments for the applicable case types..

Promulgation Order No. 2020-0004 - Adoptions of Interim Virgin Islands Electronic Filing Rules. Uniform interim rules adopted to coincide with the launch of electronic filing in the Superior Court of the Virgin Islands. The enterprise C-Track application facilitated a single e- filing platform for the entire judiciary requiring a uniform set of rules. Rule 40 of the Virgin Islands Rules of Appellate Procedure was repealed.

JUDICIAL BRANCH APPOINTMENTS AND DESIGNATIONS



KATHLEEN MACKAY

During fiscal year 2020, the Hon. Harold W. L. Willocks, Presiding Judge of the Superior Court of the Virgin Islands, designated the Hon. Kathleen Mackay to serve as the Administrative Judge of the Superior Court of the Virgin Islands. Historically, the Presiding Judge has designated a senior judge in the district other than where he or she sits, to assist in the oversight of case assignments and the management of judicial affairs within the Superior Court.

Judge Mackay served as Magistrate Judge of the Superior Court of the Virgin Islands from 2009-2012, when she was appointed to serve her first 6 -year term as Judge of the Superior Court of the Virgin Islands by Governor John P. deJongh Jr. She was confirmed by the 29th Legislature of the Virgin Islands, and renominated to serve a second 6-year term in 2019 by the Hon Governor Albert Bryan, Jr. She was unanimously confirmed by the 33rd Legislature of the Virgin Islands.

Prior to ascending to the bench Judge Mackay engaged in the private practice of law for 20 years, first as an Associate Attorney in the Law Offices of Hodge and Francois and then as a partner in the firm of Mackay and Hodge. Her experience includes being a Certified Mediator, as well as a Certified Bankruptcy Trustee. Judge Mackay holds a Bachelor of Arts degree in Economics from George Washington University and a Juris Doctor from Rutgers University School of Law. She is admitted to the practice of law in the United States Virgin Islands and the Third Circuit of Appeals.



DENISE M. FRANCOIS

The Honorable Denise Michelle Francois was nominated by Governor Albert A. Bryan Jr. to serve a second 6-year term as Judge of the Superior Court of the Virgin Islands. Judge Francois was unanimously confirmed by the 33rd Legislature of the Virgin Islands on March 27, 2020.

Judge Francois is a graduate of the Berkshire School in Massachusetts and was among the first class women admitted to Amherst College. She graduated in 1980 with a Bachelor of Arts degree in Political Science. After graduation, Judge Francois returned home to the Virgin Islands where she worked at the Department of Social Welfare as an investigator in the Division of Paternity and Child Support, and then as an economist in the Department of Commerce's Division of Policy Planning and Research.

In 1984, Judge Francois earned a Juris Doctor degree from the University of San Diego School of Law. Following graduation, she passed the California Bar and returned home to join the law firm of Maria Tankenson Hodge, P. C. where she became a partner.

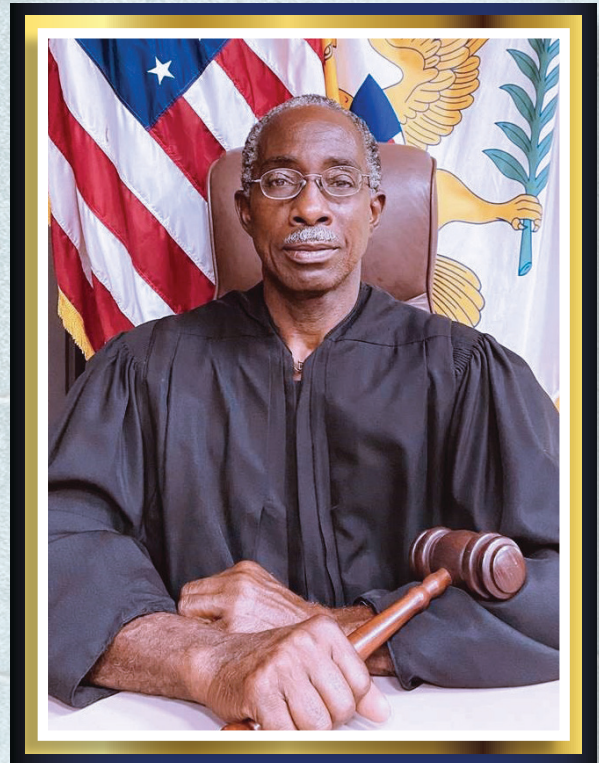
For 27 years, Judge Francois practiced before the local and district courts in the territory, the Third Circuit Court of Appeals, and various administrative agencies within the Virgin Islands Government all from the National Center for State Courts.

ALPHONSO G. ANDREWS, JR.

The Honorable Alphonso G. Andrews, Jr. was nominated by Governor Albert A. Bryan Jr. to serve a 6-year term as Judge of the Superior Court of the Virgin Islands in the District of St. Croix. On September 29, 2020, he was unanimously confirmed by the 33rd Legislature of the Virgin Islands.

In 1994, Judge Andrews was appointed to serve a 6-year term as Judge of Territorial Court of the Virgin Islands by Governor Alexander A. Farrelly and was confirmed by the 20th Legislature of the Virgin Islands.

Born on St. Croix, U.S. Virgin Islands, Judge Andrews obtained his High School diploma from St. Croix Central High School in 1975 and went on to earn a Bachelor of Arts in Business Administration from the College of the Virgin Islands in 1979. In 1986, he earned his Juris Doctor degree from the University of Maryland School of Law. From 1986 to 1988, Judge Andrews served as Law Clerk to the Honorable Judge Raymond L. Finch, Territorial Court of the Virgin Islands. Following his clerkship, Judge Andrews became the Assistant Attorney General in the Virgin Islands Department of Justice until 1989 when he was



selected to be an Assistant United States Attorney, serving from 1989 to 1994 and again from 2001 until 2020. Judge Andrews is admitted to practice law in the United States Virgin Islands, the District Court of the Virgin Islands, the United States Court of Appeals for the Third Circuit and the Supreme Court of the United States.



SEGRID TEJO

The Honorable Segrid Tejo was nominated by Governor Albert A. Bryan Jr. to serve a 6-year term as Judge of the Superior Court of the Virgin Islands in the District of St. Thomas. On September 29, 2020, she was unanimously confirmed by the 33rd Legislature of the Virgin Islands.

Judge Tejo obtained her High School diploma from the Manor School in St. Croix, U.S. Virgin Islands. She went on to earn a Bachelor of Arts degree in Political Science and Master of Arts in Education from Stetson University in Florida. In 2003, Judge Tejo earned her Juris Doctor degree, from the Franklin Pierce Law Center also known as the University of New Hampshire Law Center in Concord, New Hampshire.

With almost two decades of legal experience, Judge Tejo's career started in 2003 as an Assistant State Attorney in the 20th Judicial Circuit in Fort Myers, Florida. In 2009, she became the Assistant Attorney General in the Office of Collective Bargaining and Criminal Division in the Virgin Islands Department of

Justice. She remained in that capacity until 2014, when she transitioned to an Assistant United States Attorney in the U.S. Attorney's Office in the Division of St. Thomas. In 2019, Judge Tejo ascended to Director of the White-Collar Division in the Virgin Islands Department of Justice where she remained until 2020. Judge Tejo is admitted to the practice of law in the United States Virgin Islands and Florida.

OTHER KEY APPOINTMENTS

Fiscal year 2020 brought some changes to the management team in the Office of the Superior Court Clerk. Following the retirement in January of then Clerk of the Court, Mrs. Estrella George, Presiding Judge Harold W. L. Willocks, appointed Ms. Tamara Charles Clerk of the Superior Court. Prior to her appointment, Ms. Charles served as the Chief Deputy Clerk in the District of St. Croix since 2009.



Ms. Charles has over 20 years of service and experience in the Office of the Clerk of Court serving as a Judicial Assistant, Court Clerk Supervisor and Chief Deputy Clerk. As a subject matter expert, during her tenure she has also been assigned to several projects including but not limited to service as the Delay Reduction Coordinator under then Presiding Judge Maria M. Cabret, Project Manager for the Case Management Project under then Presiding Judge Darryl Dean Donohue, Sr., and the Subject Matter Lead collaborating with the Judicial Branch Administrative Office on the implementation of the enterprise case management system in the trial court.

JUDICIAL BRANCH COLLABORATIONS AND HIGHLIGHTS



ENTERPRISE CASE MANAGEMENT

As the cornerstone of technological advancement for the Judicial Branch, the Enterprise Case Management System Project has been successfully delivered thanks to the continued dedication and hard work of the Judiciary's Implementation Team over the past 2 years. In February of 2020, the Judicial Branch completed Phases II and III of a major technology implementation project which placed both the Supreme and Superior Courts on an enterprise application, C-Track. Enterprise C-Track

is fully capable of supporting and providing public access to case information across the judiciary and designed to provide a singular e-filing platform for the entire branch.

By June of 2020, for the first time in the history of the Virgin Islands Judiciary, online public access to trial court case information in Civil, Probate and traffic citations became available through the portal at <http://usvipublicaccess.vicourts.org>. By August of 2020, the Judiciary opened online registration to members of the Virgin Islands Bar Association for the upgraded electronic-filing training which was offered August 27-28, 2020. On August 31, 2020, the Judiciary launched the new e-filing portal at <https://usviefile.vicourts.org>. In a phased and measured approach, attorneys were able to file electronically for the first time in the Superior Court in Civil and Probate cases, and by November of 2020, e-filing was expanded to include Criminal and Family cases.



COURT IMPROVEMENT PROGRAM

The Judiciary of the U.S. Virgin Islands received its first Federal CIP grant funding in 2017. With the receipt of those funds, the Judicial Branch Administrative Office has been working to facilitate various collaborative efforts among the key stakeholders. These efforts are to identify and address barriers, in a reasonable and timely manner, in order to accomplish safety, permanency, as well as child and family well-being utilizing the judicial, legal and child welfare system in the Territory of the Virgin Islands.

During this fiscal year, the Court Improvement Program has been working cohesively with the Department of Human Services to fulfill its mission and vision to ensure that we have A Community

Striving for Safe, Healthy and Happy Families. To accomplish this goal, CIP participated in various conferences and workshops: Adoption Call to Action, State Team Planning Meeting, the 43rd National Child Welfare Law Conference as well as serving as presenters at other initiatives and activities with representatives from the Children's Bureau and Casey Family Programs.

The CIP staff also worked with representatives from the Children's Bureau and NCSC - Atty. Alicia Davis and SME, Dr. Sophie Gatowski - Family Court judicial officers, and Executive Committee and Juvenile and Guardian Ad Litem Panel member, Attorney Renee Andre, to develop the Hearing Quality Assessment Tool and Codebook with the intent of implementing the evaluation tool within the next fiscal once resources are identified. CIP also completed the program's 2020 Self-Assessment Report which will be made available in near future on the Judicial Branch web portal. During fiscal year 2020, CIP continued to facilitate and sponsor NACC Red Book Training to various stakeholders, including judicial officers, panel attorneys – Assistant Attorneys General and Public Defenders.







THE VISION OF THE SUPREME COURT OF THE VIRGIN ISLANDS

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

THE SUPREME COURT OF THE U.S. VIRGIN ISLANDS

The role of the Supreme Court is to review the factual determinations of the Superior Court for clear error while exercising plenary review over its legal conclusions. The Supreme Court also hears cases that do not originate in the Superior Court. These cases are referred to as original jurisdiction matters. The most common exercise of the Court's original jurisdiction is in actions for writ of mandamus, in which the Supreme Court may order a government official—including a Superior Court judge—to perform a discrete, ministerial act. However, there are various other types of actions that may arise pursuant to the Supreme Court's original jurisdiction, which include proceedings for civil or criminal contempt, applications for writs of habeas corpus, attorney discipline and certified requests from federal courts and the highest courts of other jurisdictions

for the Supreme Court to answer an unresolved question of Virgin Islands law. Although Act 7888 authorized the expansion of the Supreme Court, the Court currently consists of a Chief Justice, the Honorable Rhys S. Hodge and two Associate Justices, the Honorable Maria M. Cabret and the Honorable Ive Arlington Swan.



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 2 recusals and 5 new designations in fiscal year 2020. Accordingly, the following judicial officers served as Justices on an Appellate Panel during the course of the fiscal year:

- Hon. Michael C. Dunston, Senior Sitting Judge, Superior Court of the Virgin Islands
- Hon. Robert A. Molloy, Judge, Superior Court of the Virgin Islands
- Hon. Denise Francois, Judge Superior Court of the Virgin Islands
- Hon. Darryl Dean Donohue, Senior Sitting Judge, Superior Court of the Virgin

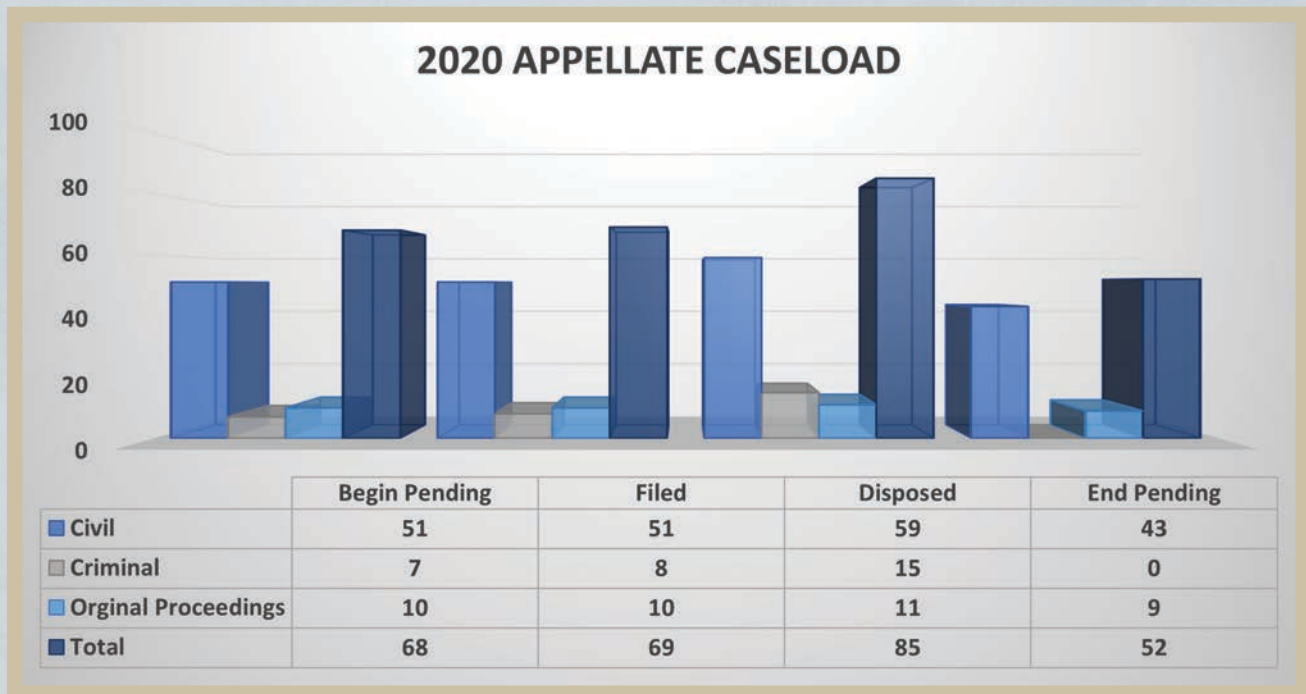
Islands

- Hon. Verne Hodge, Senior Siting Judge, Superior Court of the Virgin Islands
- Hon. Kathleen Mackay, Administrative Judge
- Hon. Robert A. Molloy, Judge

OFFICE OF THE CLERK OF THE SUPREME COURT



The Office of the Clerk of the Supreme Court is responsible for the management of cases throughout the appellate process, and the maintenance of certain statistical data regarding case processing. Accordingly, the following caseload trends are reported for fiscal year 2020:



Fiscal year 2020 began with 68 matters pending before the Supreme Court of the Virgin Islands. There were 69 new matters filed during fiscal year 2020 for a total pending caseload of 137 cases. The Court disposed of 59 civil appeals, 15 criminal appeals and 11 matters proceeding under the Court’s original jurisdiction. Fiscal year 2020 ended with a total pending caseload of just 52 cases, for an overall decrease of 24% in cases pending over the previous fiscal year. Due to the global pandemic, only 4 sessions were convened in fiscal year 2020. Nonetheless, the court experienced a 16% reduction in its pending Civil caseload and resolved 100% of the criminal matters pending before it in fiscal year 2020.

During the course of the fiscal year 2020, the Supreme Court entered final judgments in 25 cases resolved by formal signed opinions and entered 395 orders. Of the Court’s 25 opinions, 22 were published opinions. Case summaries and all published and unpublished opinions issued by the Supreme Court can found on the Judiciary’s Website www.vicourts.org. Opinions are automatically distributed free of charge to individuals who have subscribed to the Supreme Court’s mailing list. Of the 395 orders entered during the fiscal year, 118 were issued *sua sponte*.



INDIGENT APPOINTMENTS

The Office of the Territorial Public Defender possesses a statutory mandate to represent indigent defendants in criminal proceedings including appeals. On occasion however, the Public Defender is unable to provide indigent representation on a matter on appeal due to an ethical conflict, and the Supreme Court must then appoint an attorney to represent the indigent defendant. Supreme Court Rule 210 established a panel of attorneys who would volunteer to represent indigent parties on appeal and set compensation at \$75.00 per every in-court and out-of-court hour in which services were provided, subject to a presumptively reasonable cost for indigent representation, which has been defined as either \$5,000.00 or \$7,500.00, depending on the seriousness of the offense. On August 10, 2020, the Supreme Court amended VISCR 210 governing the Appointment of Counsel to Represent Indigent Parties, increasing the hourly rate for court-appointed counsel in all matters to \$125, and the maximum presumptively reasonable aggregate payment for such matters to reflect the new hourly rate. Notwithstanding the established maximum presumptively reasonable aggregate payment, the Chief Justice may waive the cap under special circumstances. The Supreme Court also retains the authority to involuntarily appoint an attorney in the rare instance that the Office of the Public Defender and all of the attorneys on the appellate indigent defense panel are unable to represent a particular defendant. To date, the Supreme Court has never exercised this authority.

ARMS OF THE SUPREME COURT

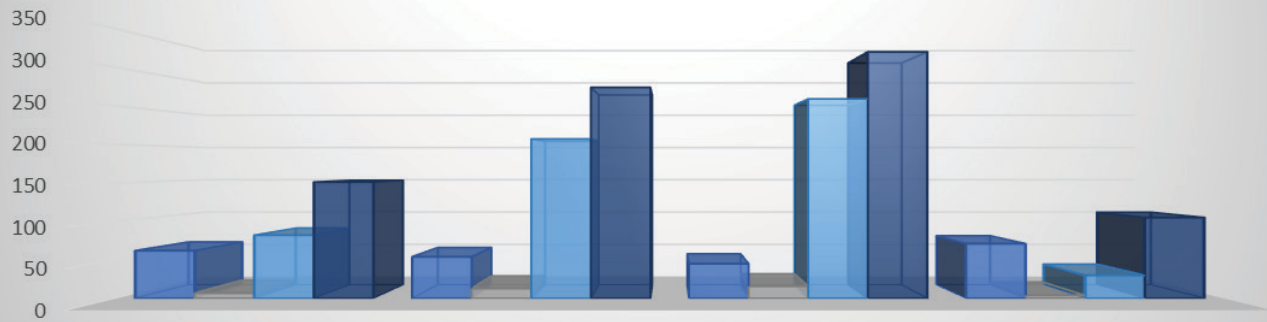
OFFICE OF BAR ADMISSIONS

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

Admission to the Virgin Islands Bar is governed by Supreme Court Rules 201, 202 and 204. These rules establish three classes of membership: regular, special, and pro hac vice. During fiscal year 2020, for all reporting types, the Office of Bar admissions evaluated 298 applications and administered 259 oaths. Statistical information for each admission type is presented below:



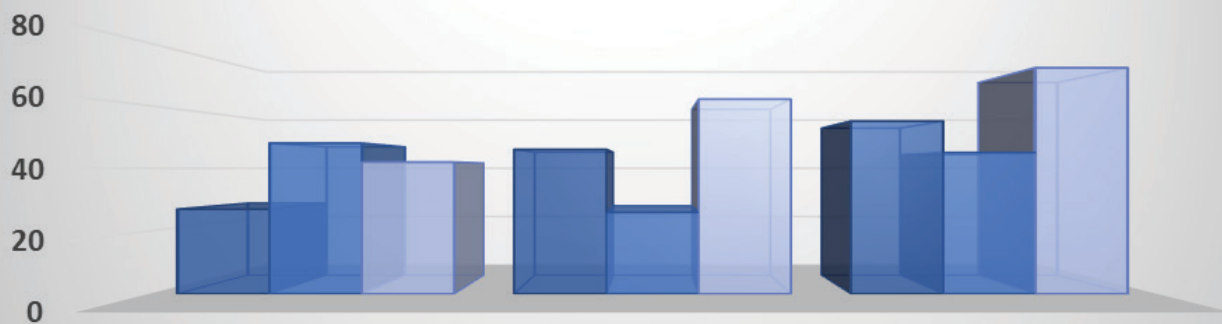
Bar Admissions



	Beg. Pend	Filed	Terminated	Pending
Regular	62	54	45	71
Special	7	13	16	4
Pro Hac	82	207	259	30
Total	151	274	320	105

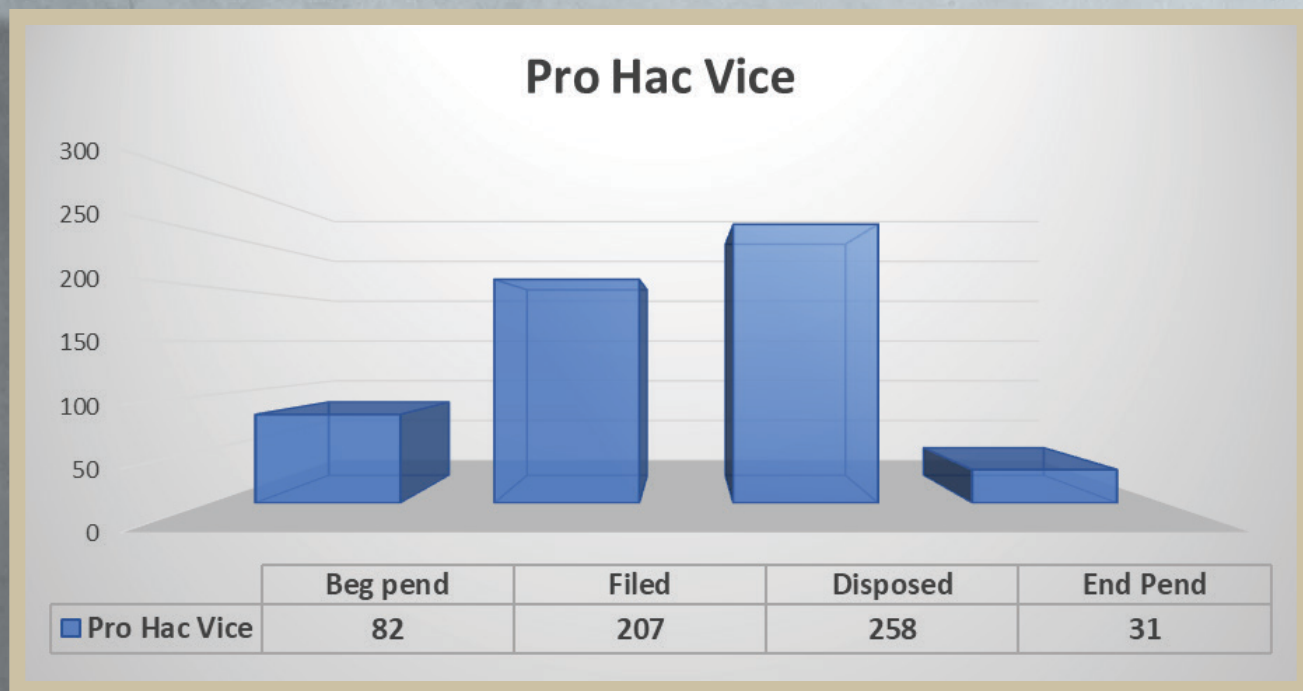
Regular Admission. During the course of fiscal year 2020, there were 54 new petitions for regular admission filed for an increase of nearly 20% over the number of applications filed in the previous year. The Office of Bar Admissions conducted 40 Character and Fitness Interviews virtually due to the pandemic and by the close of fiscal year 2020, terminated 45 application cases. As of September 30, 2020, there were 71 pending applications. Despite the unprecedented challenges of the COVID-19 pandemic, the Supreme Court held 6 Bar Admissions Ceremonies, admitting 33 new attorneys to the practice of law in the Virgin Islands in fiscal year 2020.

Regular Admissions



	2018	2019	2020
Filed	27	46	55
Disposed	48	26	45
Pending	42	62	72

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 2020, 207 new applications for pro hac vice admission were filed, and the Office of Bar Admissions terminated 258 cases reducing the pending caseload by 62%. A total of 237 oaths of office were administered during this period. Additionally, during this period 167 previously admitted pro hac vice attorneys' admissions were rescinded by the Court. Consistent with VISCR 201(a)(4) the regularly admitted supervising attorney shall notify the Supreme Court no later than fourteen (14) days from the date of final disposition of the matter or withdrawal of the pro hac vice attorney



Special Admission. Pursuant to Supreme Court Rule 202, an attorney admitted to the practice of law in another state, territorial jurisdiction, or to the District of Columbia, may, under the supervision of a regular member of the Virgin Islands Bar Association, practice law in the Virgin Islands on behalf of a federal or territorial government department or agency, or a specified public interest organization. During fiscal year 2020, 11 attorneys were granted special admission to practice law on behalf of agencies in the Territory; 1 attorney was granted limited permission to practice law as an in-house counsel; 2 recent law graduates were granted limited permission to practice law as certified legal interns and 1 application for special admission was withdrawn. Additionally, four (4) previously specially admitted attorneys' authority were rescinded

SERVICES TO EXISTING MEMBERS OF THE VIRGIN ISLANDS BAR

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

Certificates of Good Standing. Certificates of Good Standing are issued by the Clerk of the Supreme Court and indicate that an attorney has complied with all membership requirements of the Virgin Islands Bar. Members of the Virgin Islands Bar Association may file requests with the Supreme Court for Certificates of Good Standing to satisfy licensing requirements. Members may also require a Certificate of Good Standing to support applications for admission to the Bar of another jurisdiction. Eligibility to receive a Certificate of Good Standing, requires that the attorney be current with all membership dues, have satisfied all continuing legal education requirements, and be presently authorized to practice law in the Virgin Islands. During fiscal year 2020, 165 certificates of good standing were processed and issued.

Status Changes. Regular members of the Virgin Islands Bar Association may be either “active” or “inactive.” Inactive status is typically sought by attorneys who have accepted employment that does not require the practice of law, or by retired or non-resident attorneys who wish to maintain a connection to the Virgin Islands Bar Association. Additionally, The Supreme Court may grant an attorney permission to resign his or her membership, which terminates any financial obligation to the VI Bar Association. With the Court’s permission, and provided that certain procedural requirements are met, attorneys may freely transfer between active and inactive status, and may request permission to resume the active practice of law. In fiscal year 2020, the Office of Bar Admissions received and processed 17 requests for status changes, 6 petitions for inactive status, 4 petitions for the resumption of practice, and 7 petitions for resignation from the Virgin Islands Bar Association.

Continuing Legal Education. In fiscal year 2019, the Supreme Court amended Rule 208, requiring all regularly and specially admitted attorneys to self-report their annual compliance with the completion of 12 continuing legal education credits to the Virgin Islands Bar Association. The amendments granted the Virgin Islands Bar Association’s CLE Committee specific authority to grant extensions of time through April 30th for self-reporting but did not however vest the Virgin Islands Bar Association with any discretion to waive or excuse a member’s non-compliance. In fact, any request for a complete or partial extension from CLE requirements must be filed with the Supreme Court. Additionally, attorneys who desire an extension of time to satisfy their annual obligation beyond April 30th, must file a formal petition with the Supreme Court. During fiscal year 2020, 4 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, 2018, the Supreme Court implemented the Attorney Registration process. VISCR 203 requires all active members of the Virgin Islands to file an Annual Registration Statement with the Office of Disciplinary Counsel along with the payment of annual registration fee of \$50. During the course of the fiscal year, there were 910 Annual Registration Statements filed. On June 26, 2020, the Office of Bar Admissions certified to the Office of Disciplinary Counsel 53 attorneys who failed to comply with VISCR 203(e) for the 2019 and 2020 registration periods.

Issuance of Bar Identification Numbers. In the first quarter of fiscal year 2015, the Office of Bar Admissions assumed full responsibility over the management and assignment of identification numbers for all new regular and special admitted members of the Virgin Islands Bar Association. During fiscal year 2020, the Office of Bar Admission issued 110 identification numbers to new members.

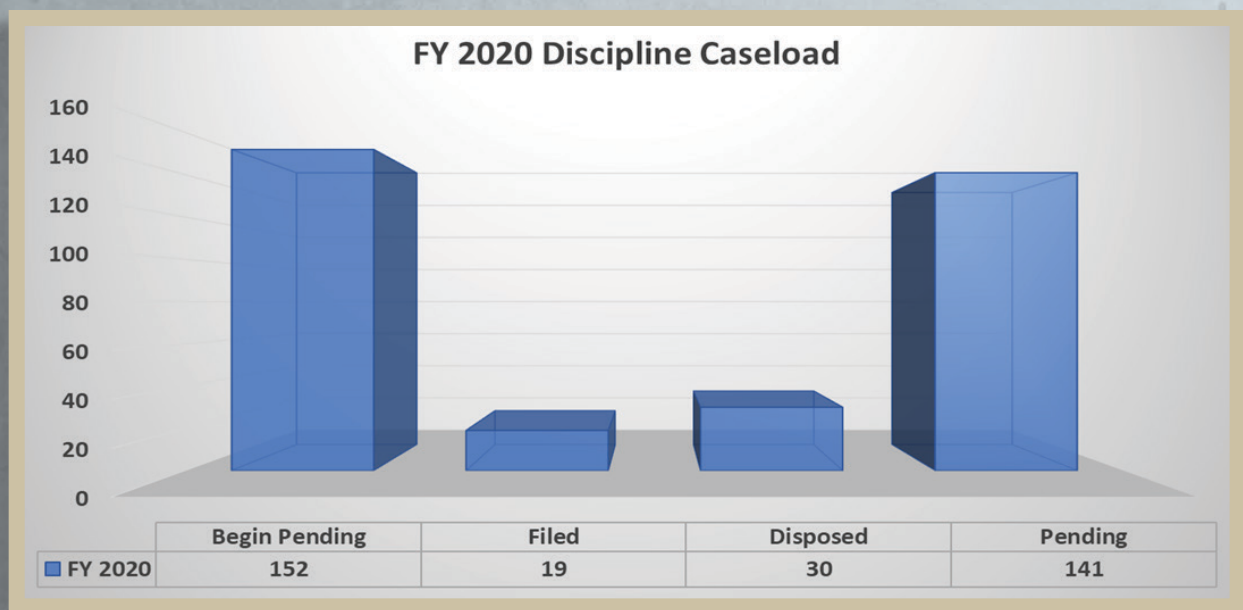


OFFICE OF DISCIPLINARY COUNSEL

Pursuant to Supreme Court Rule 209, the Office of Disciplinary Counsel was established to investigate and prosecute complaints against justices and judges of the Virgin Islands judiciary. Rule 209 also established the

Virgin Islands Commission on Judicial Conduct to further assist with preserving the integrity of the judiciary and maintaining public confidence in the judicial system. In keeping with this responsibility, Disciplinary Counsel currently tracks data for Judicial Discipline, Judicial Disability, Attorney Discipline, Attorney Disability, and Receiverships as well as working with the IOLTA Board under the revised Trust Account Rules in Rules 211.

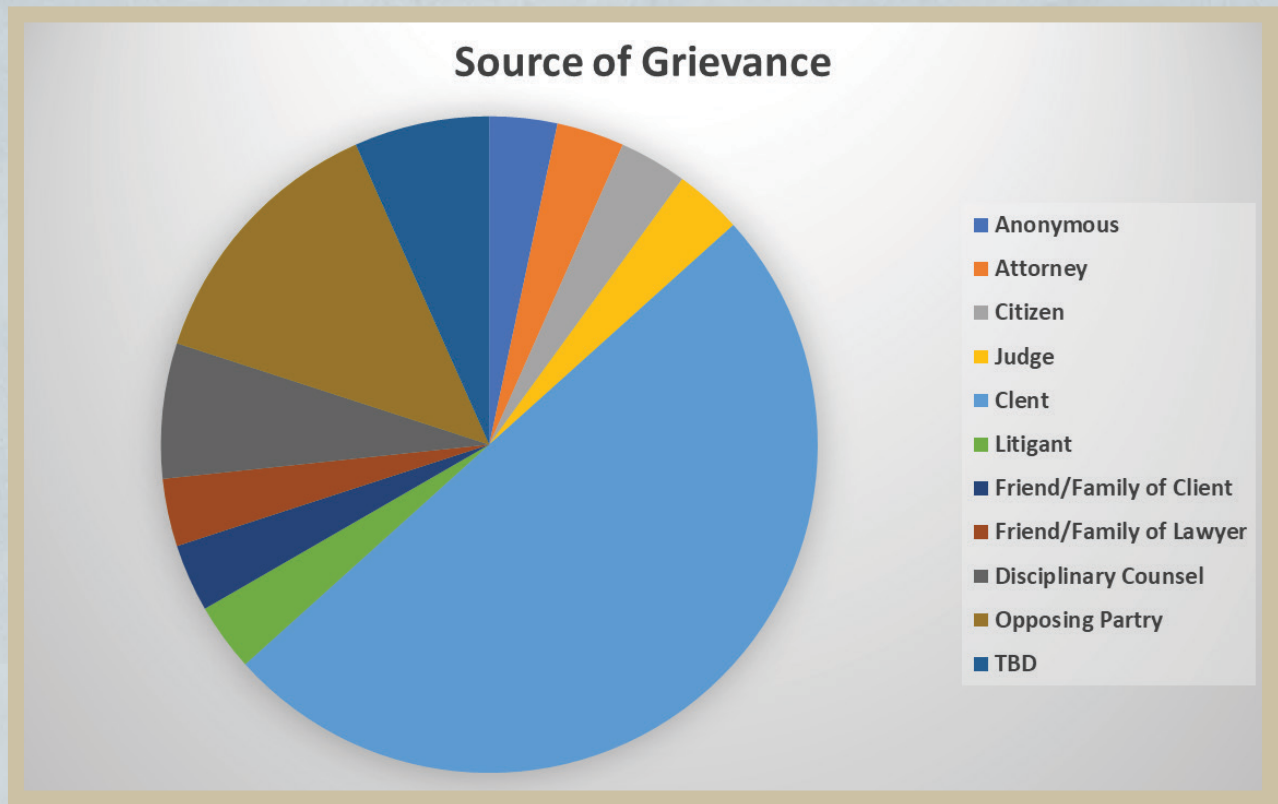
In accordance with Rule 209, Disciplinary Counsel investigates complaints under the direction of a three-member investigative panel. Upon completion of the investigation, the panel determines whether formal charges are warranted, and if so, Disciplinary Counsel prosecutes the complaint before a hearing panel. Under Rule 209, Disciplinary Counsel has authority to dismiss complaints against attorneys.



Judicial Discipline and Incapacity. At the close of Fiscal Year 2019, there were 14 pending complaints against judicial officers. During fiscal year 2020, 1 new judicial complaint was filed. By the close of fiscal year 2020, there were 15 pending cases. No complaints alleging judicial disability were filed in fiscal year 2020.

Attorney Discipline. Supreme Court Rule 207 was amended in 2011, expanding the function of Disciplinary Counsel to include the investigation and prosecution of grievances against members of the Virgin Islands Bar. Attorney discipline includes, but is not limited to, private or public reprimand, probation, suspension, and the most severe penalty of disbarment from the practice of law in the Virgin Islands. Fiscal Year 2020 began with 152 pending attorney discipline matters. During the fiscal year, 19 new grievances were filed, and 30 cases were resolved. Of those resolved, 26 were dismissed following review and investigation with 1 reinstated and 4 were withdrawn.

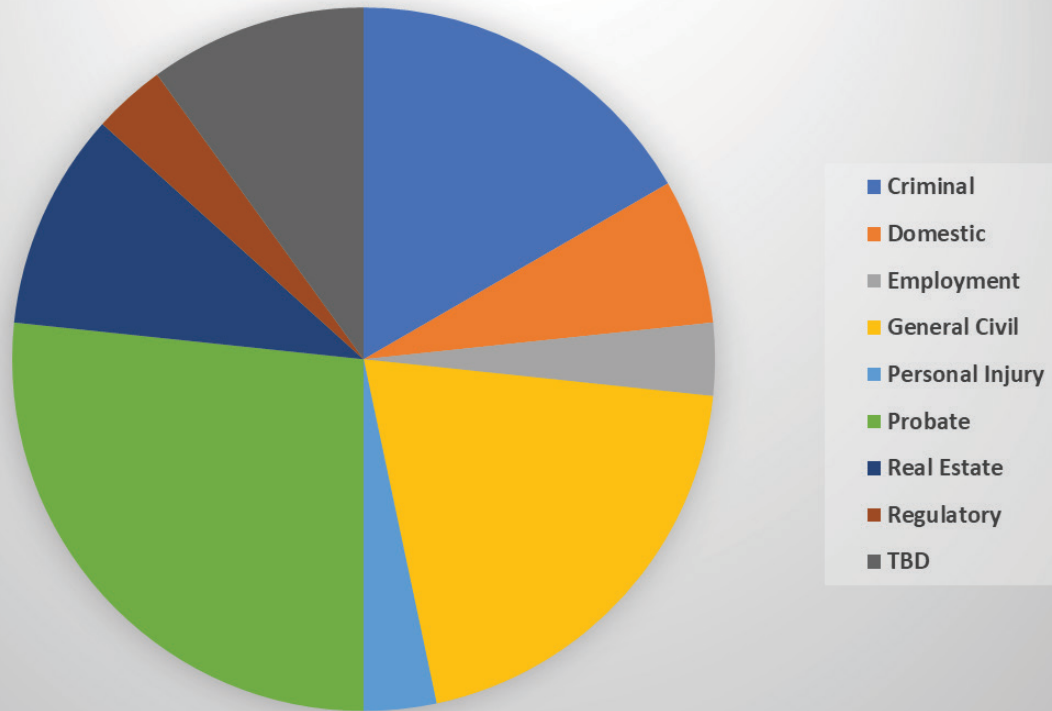
Unauthorized Practice of Law. Disciplinary Counsel is responsible for supervising the receipt, evaluation, investigation, and prosecution of complaints of the Unauthorized Practice of Law against persons not authorized to practice law in the Virgin Islands. The Office of Disciplinary Counsel began fiscal year 2020 with 10 pending matters. During the fiscal year, 5 files were opened, and 6 case was resolved with discipline imposed. At the end of FY 2020, 9 cases remained pending.



Discipline Case Demographics. Of the 19 cases opened in FY 2020, 4 cases were filed by clients of the respondent-attorney, and 3 were filed by opposing parties. With respect to the case types, 3 cases arose from general Civil matters, 4 cases arose from Employment matters, and 5 cases arose from Criminal matters. Of the 30 cases resolved in FY 2020, 15 cases were filed by clients of the respondent-attorney and 4 were filed by opposing parties whereby 6 cases arose from General Civil matters, 8 cases arose from probate matters, and 4 cases arose from criminal matters.



Nature of Grievances Resolved



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 issued 31 disciplinary histories, 6 of which, were filed before the Supreme Court in resignation proceedings.

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 2020, Disciplinary Counsel sought the appointment of an outside Receiver for 1 case.



SUPREME COURT OF THE U.S. VIRGIN ISLANDS





THE MISSION OF THE SUPERIOR COURT OF THE VIRGIN ISLANDS

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

SUPERIOR COURT

JURISDICTION AND ADMINISTRATION

The Superior Court of the Virgin Islands currently consists of 10 judges and 4 magistrate judges, divided equally between the two districts of St. Thomas & St. John and St. Croix. The judges are appointed by the Governor with the advice and consent of the Legislature for 6 year terms. Magistrate Judges are appointed by the Presiding Judge with a majority approval of the other judges for a term of 4 years. The presiding Judge is the most senior judge from a district and serves for a

3-year term after which the position rotates to the most senior judge in the other district for a 3-year term commencing August 1 at 10:00 a.m. The Presiding Judge is the administrative head of the Superior Court and presides over all sessions of the court at which he attends and in the opposite district, the Presiding Judge appoints an Administrative Judge to assist in his oversight responsibilities. The Presiding Judge is responsible for the observance of practice and procedure rules adopted by the Supreme Court, shall designate the judges to sit in each judicial division and divide the caseload among the judges and magistrate judges so as to promote the prompt dispatch of the court's business and equalize the case load among the several judges. The Presiding Judge also appoints the clerk of the Superior Court and oversees the workings of the Superior Court's clerk's office.

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



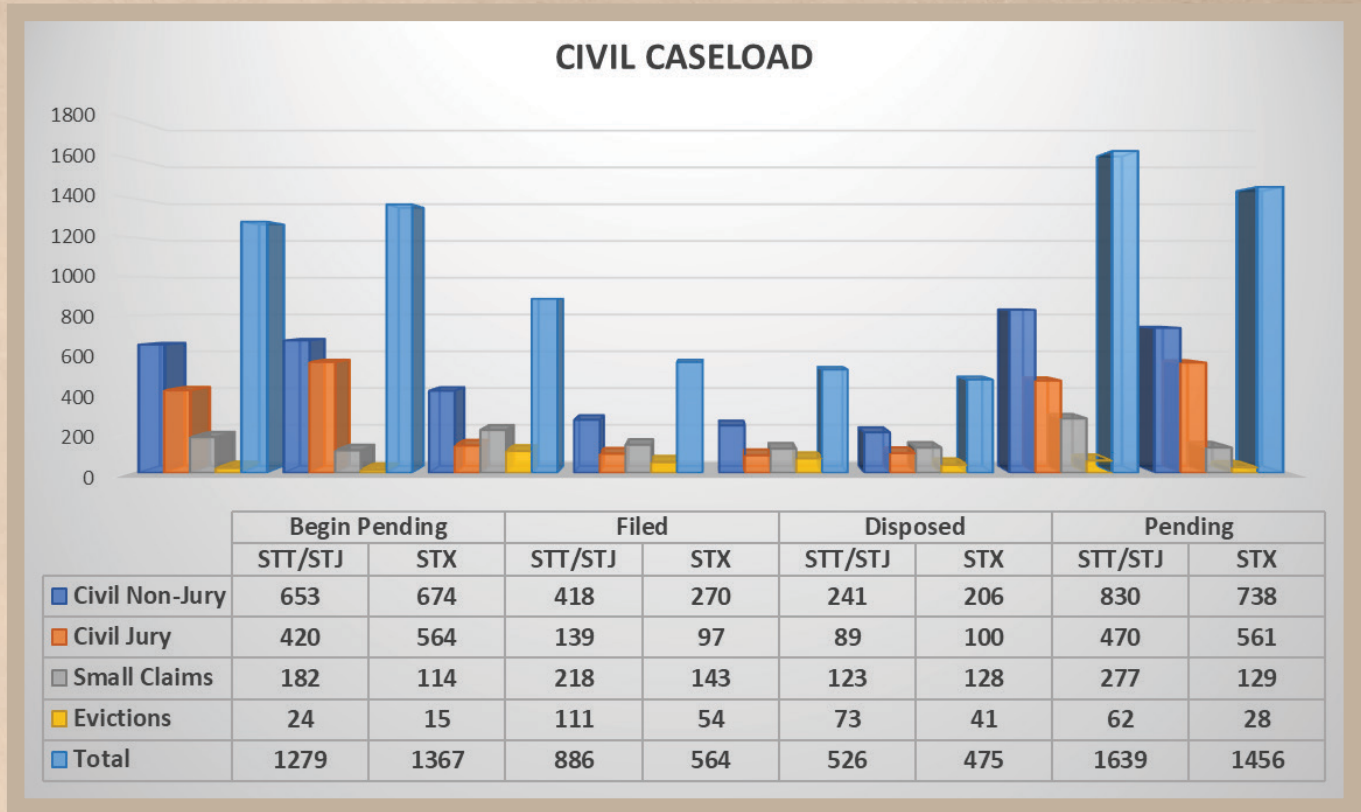
OFFICE OF THE CLERK OF THE SUPERIOR COURT

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.

During fiscal year 2020, the Superior Court issued 121 opinions. 57 of those opinions were published and are available on the Superior Court's website which can be accessed through the Judicial Branch portal at www.vicourts.org.

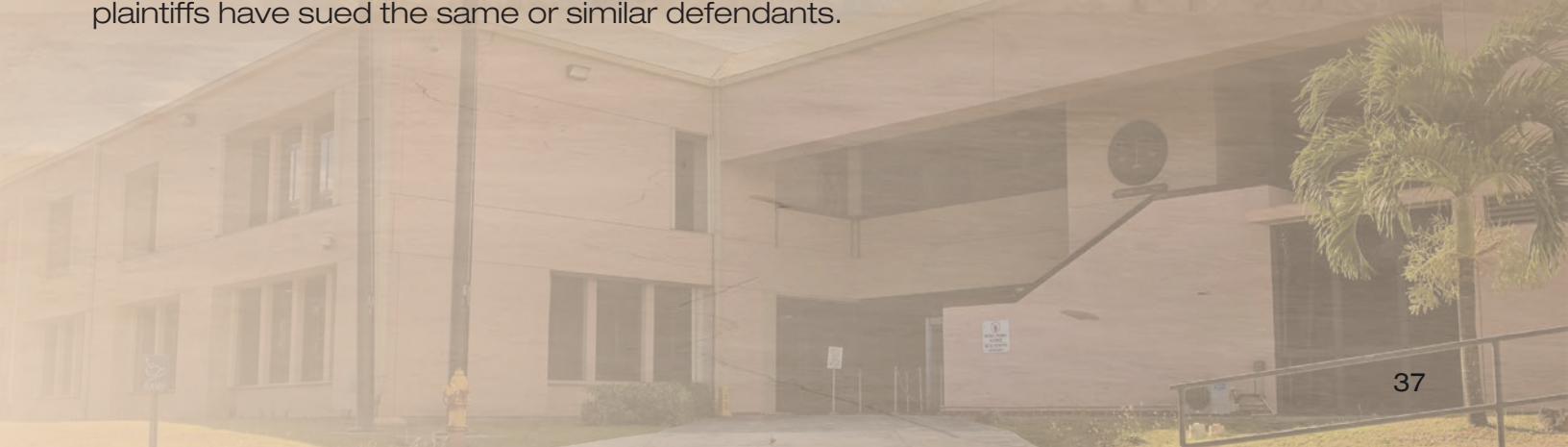
Civil Division. In accordance with Title 4 V.I.C. § 76(a), the Superior Court has original jurisdiction over all local civil actions regardless of the amount in controversy. The Civil Division also encompasses small claims and conciliations. The Small Claims Division has jurisdiction of all

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.

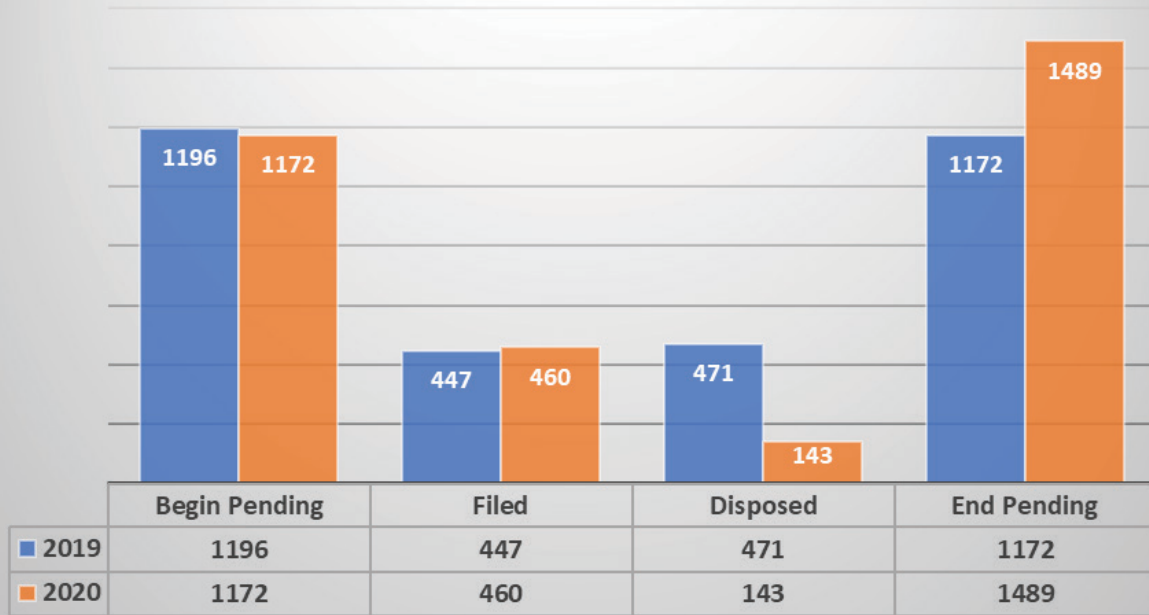


During fiscal year 2020, 688 new civil non-jury cases were filed and 447 cases were disposed for a clearance rate of 65%. By the close of the fiscal year the Superior Court experienced an 18% increase in pending civil non-jury cases. With regards to civil jury cases not designated as complex, 236 new cases were filed during the fiscal year, and 189 cases were disposed for an overall case clearance rate of 80%. In sum, non-complex civil cases before general jurisdiction judges experienced a case clearance rate of 69% despite limited operations during the global pandemic, and an increase in the pending caseload of just 12%.

In fiscal year 2019, the Superior Court of the Virgin Islands established a Complex Litigation Division with a dedicated judge assigned, as well as staff support as part of a strategy to reduce civil case backlogs. Rules of procedure for complex litigation cases were also promulgated within the current Virgin Islands rules of procedure for civil cases to further guide and facilitate the disposition of c class action, mass tort and toxic tort cases, as well as cases in which several plaintiffs have sued the same or similar defendants.

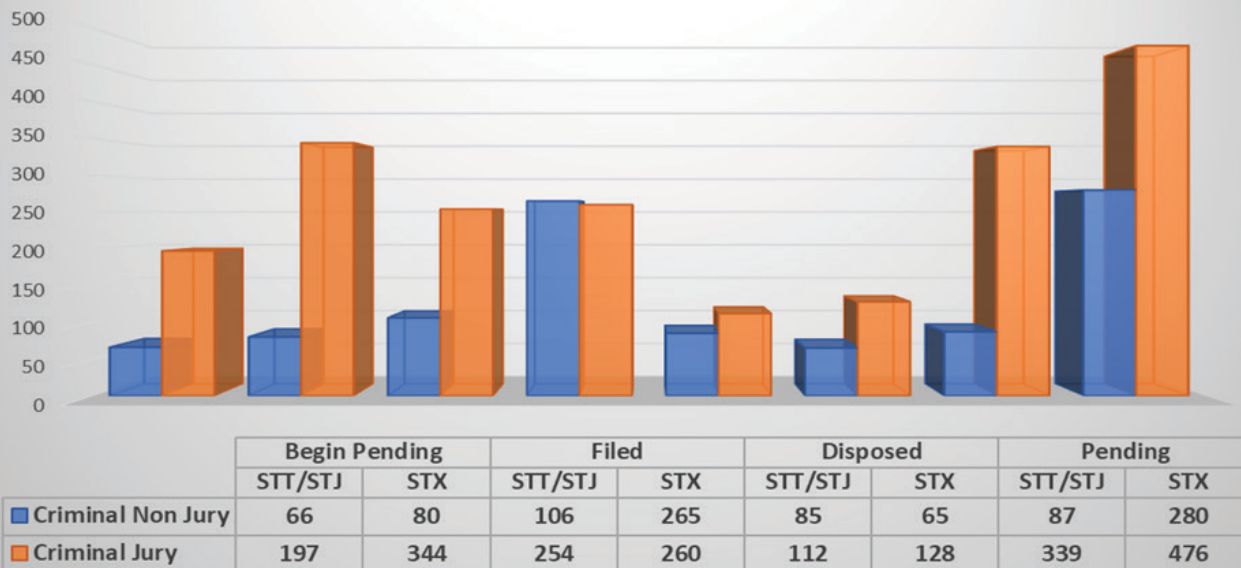


Complex Litigation Division

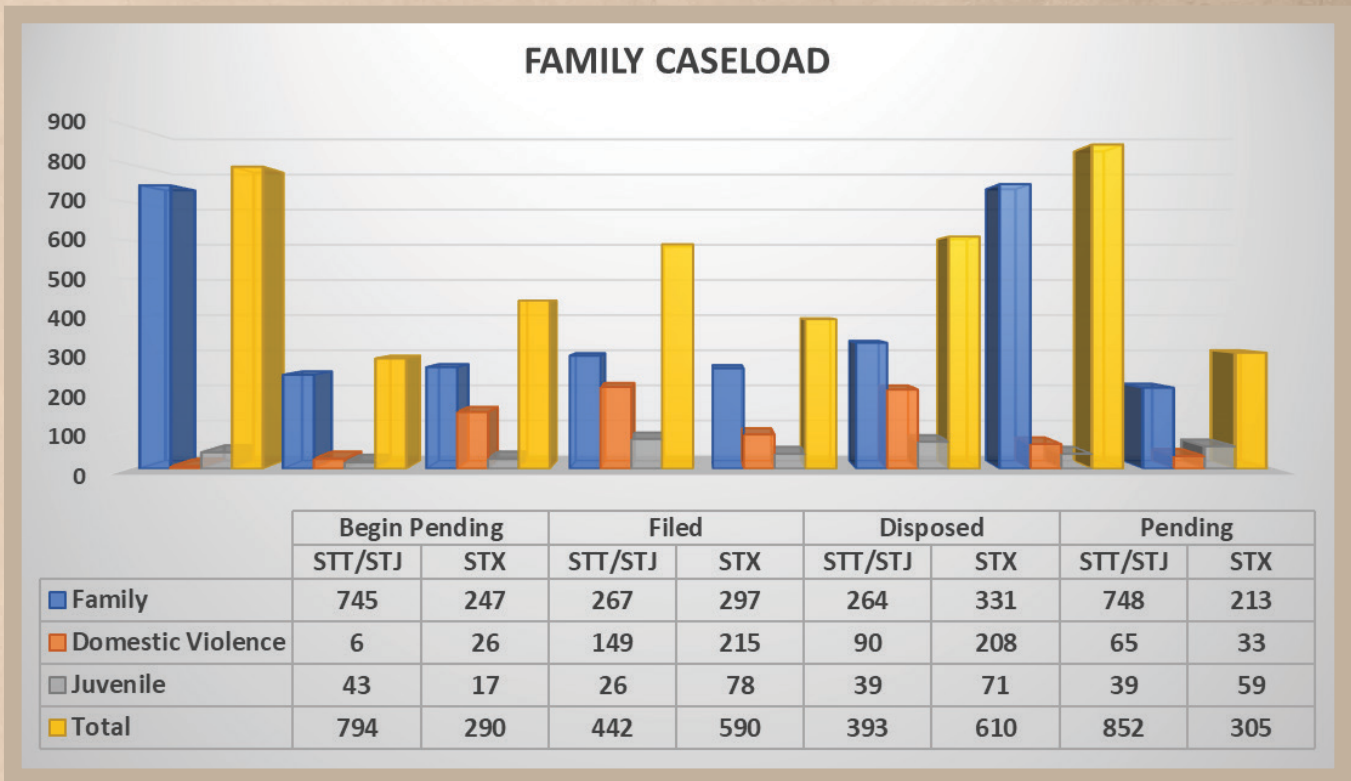


The work of the Complex Litigation Division includes the consolidation and management of cases under Master Dockets. Under this new case management structure, the court opened fiscal year 2020 with 1,172 pending cases. During fiscal year 2020, 460 new cases were designated as complex and the Complex Litigation Division disposed of 143 cases. By the close of fiscal year 2020 the pending civil caseload increased by an overall 22%. The ability to convene juries and issue scheduling orders with firm trial dates promoted resolution of cases in 2019. As evidenced by the statistics presented, the global pandemic and the resulting public health crisis and safety concerns has had the most significant and negative impact on the judiciary's ability to conduct trials, and especially jury trials.

CRIMINAL CASELOAD

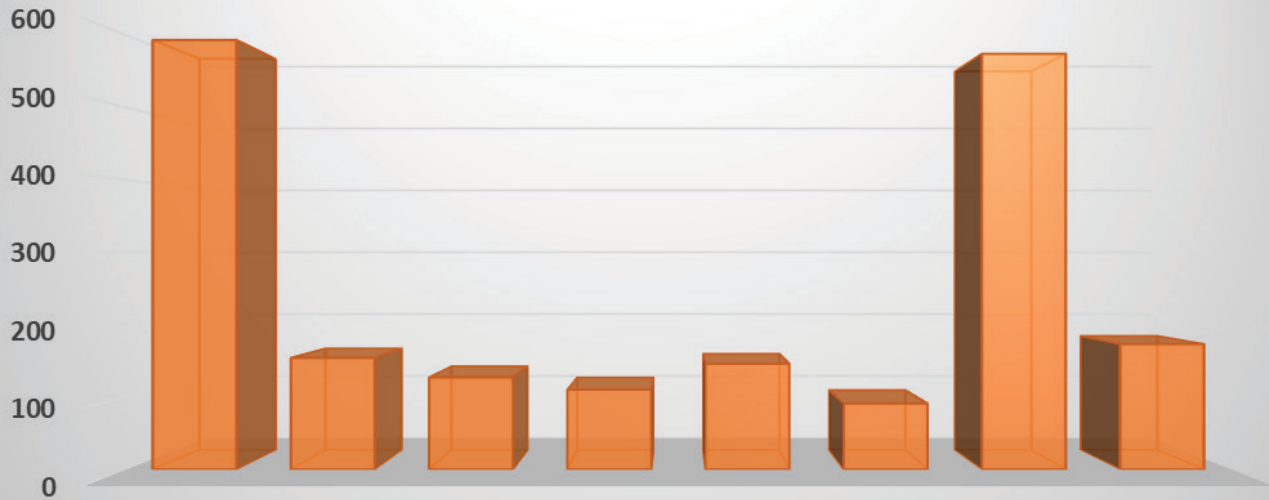


Criminal Division. In accordance with Act No. 5890, on September 30, 1993, the Virgin Islands Legislature granted expanded jurisdiction to the now Superior Court of the Virgin Islands. Effective January 1, 1994, the Superior Court of the Virgin Islands assumed original jurisdiction over all criminal offenses committed in violation of the Virgin Islands Code. At the close of fiscal year 2019, the Superior Court had a pending caseload of 688 cases. During the course of fiscal year 2020, 371 new criminal non-jury matters were filed and with limited operations for most of the fiscal year, 150 criminal non-jury matters were disposed for a 40% clearance rate. As it relates to criminal jury trials, 514 new criminal jury cases were filed and 240 matters were disposed prior to the varying suspensions of operations commencing in March of 2020. At the close of fiscal year 2020, there were 1182 pending cases, representing a 72% increase in the pending criminal caseload when compared to the previous fiscal year.



Family Division. The Family Division was established in accordance with Title 4 V.I.C. § 79. This division maintains all pending case files pertaining to divorce, separation, and annulment; actions relating to support of relations; adoption; changes of name; paternity suits; actions to appoint and supervise guardians; probate; and actions relating to juvenile matters. During fiscal year 2020, a combined total of 1,032 new cases were filed and 1,003 cases were disposed, for a case clearance rate of 97%. At the close of fiscal year 2020, there were 1,157 pending cases.

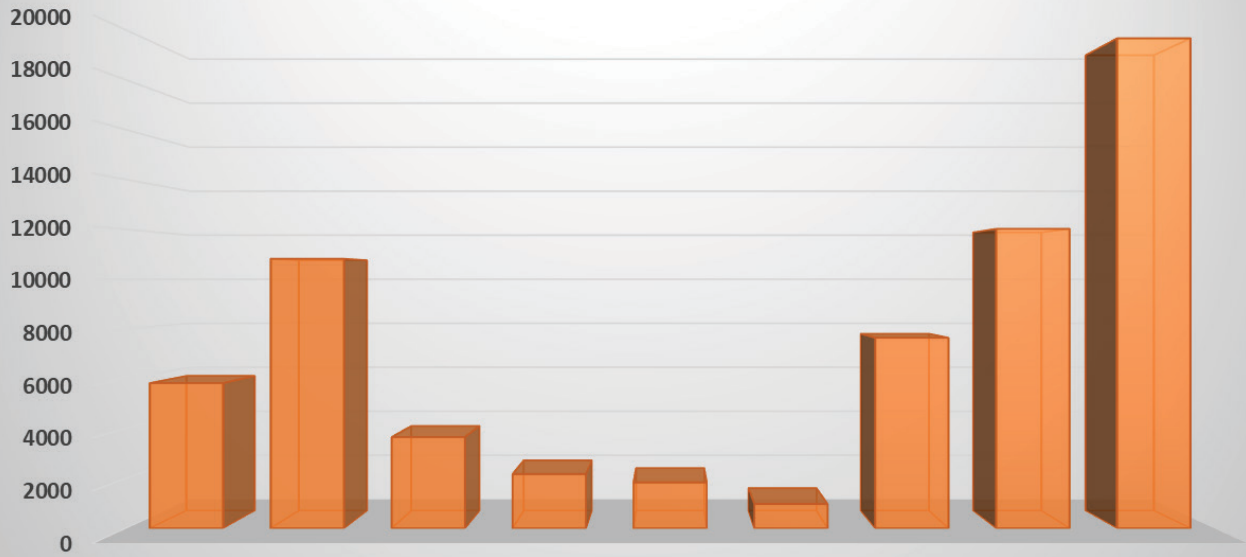
PROBATE CASELOAD



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

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 2020, 753 new probate matters were filed. During the course of the fiscal year, 237 cases were disposed for an overall clearance rating of 100%.

TRAFFIC CASELOAD TRENDS



	Begin Pending		Filed		Disposed		End Pending		Total
	STT/J	STX	STT/J	STX	STT/J	STX	STT/J	STX	
2020	5828	10820	3661	2178	1843	978	7646	12020	19666

Traffic Division. The Traffic Division was established in accordance with Title 4 V.I. Code Ann. § 79. The Division is responsible for the appropriate disposition of all traffic offenses and the preparation of the applicable records and reports relating to these traffic tickets as directed by the Court. The Clerk of the Superior Court is the repository for all uniform traffic tickets issued by law enforcement officers and others. In fiscal year 2020, 5,839 citations were filed in the Traffic Division of the Superior Court of the Virgin Islands, and just 2,821 were disposed. With in-person services at local courthouses suspended for most of fiscal year 2020 due to the pandemic, the Judiciary experienced a 30% decrease in number of traffic cases resolved when compared the previous year. However, due to the ongoing case management project, the judiciary was able to adapt rather quickly and implement online payment processing within 30 days of suspending all non-essential services of the branch.

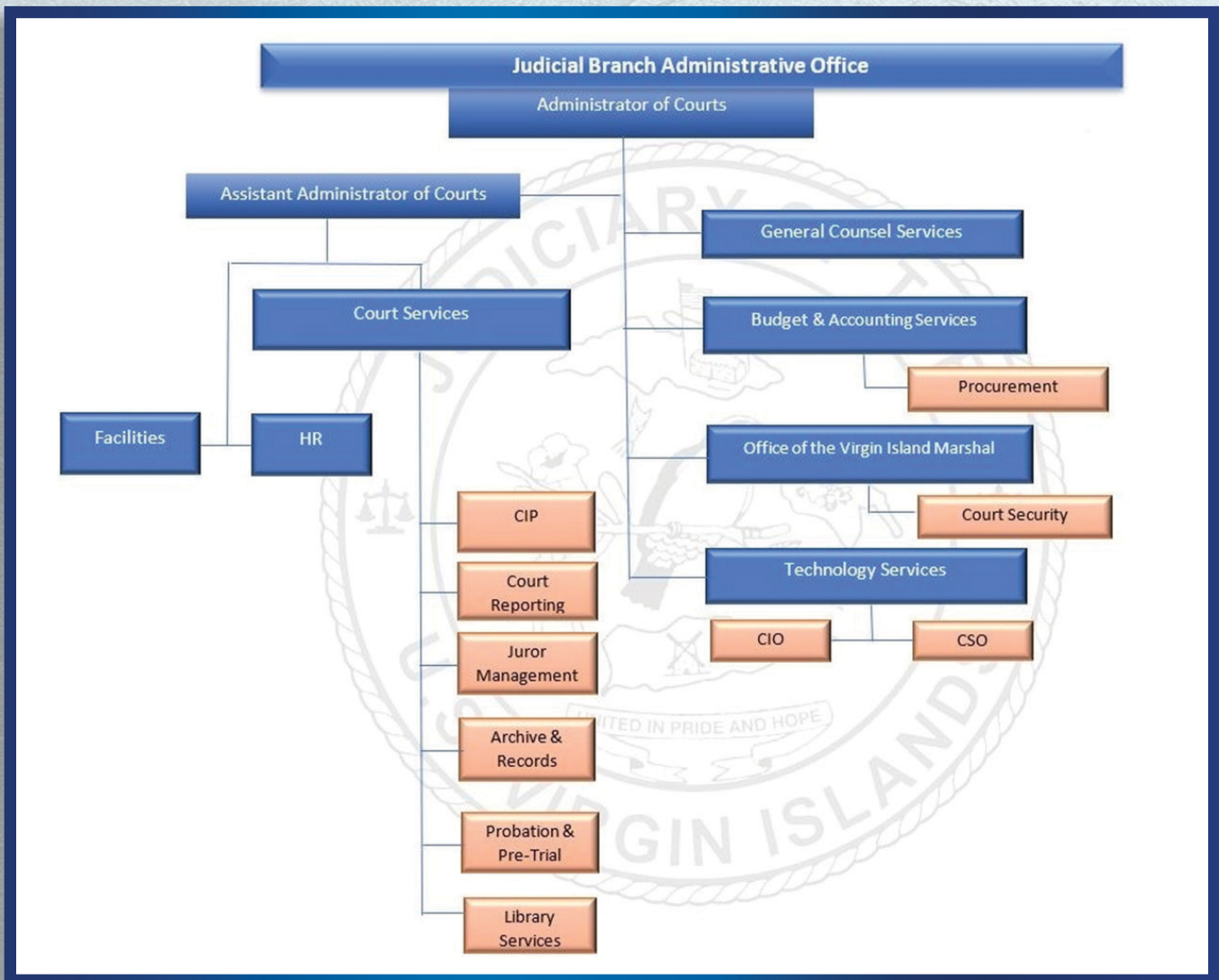


THE JUDICIAL BRANCH

ADMINISTRATIVE OFFICE

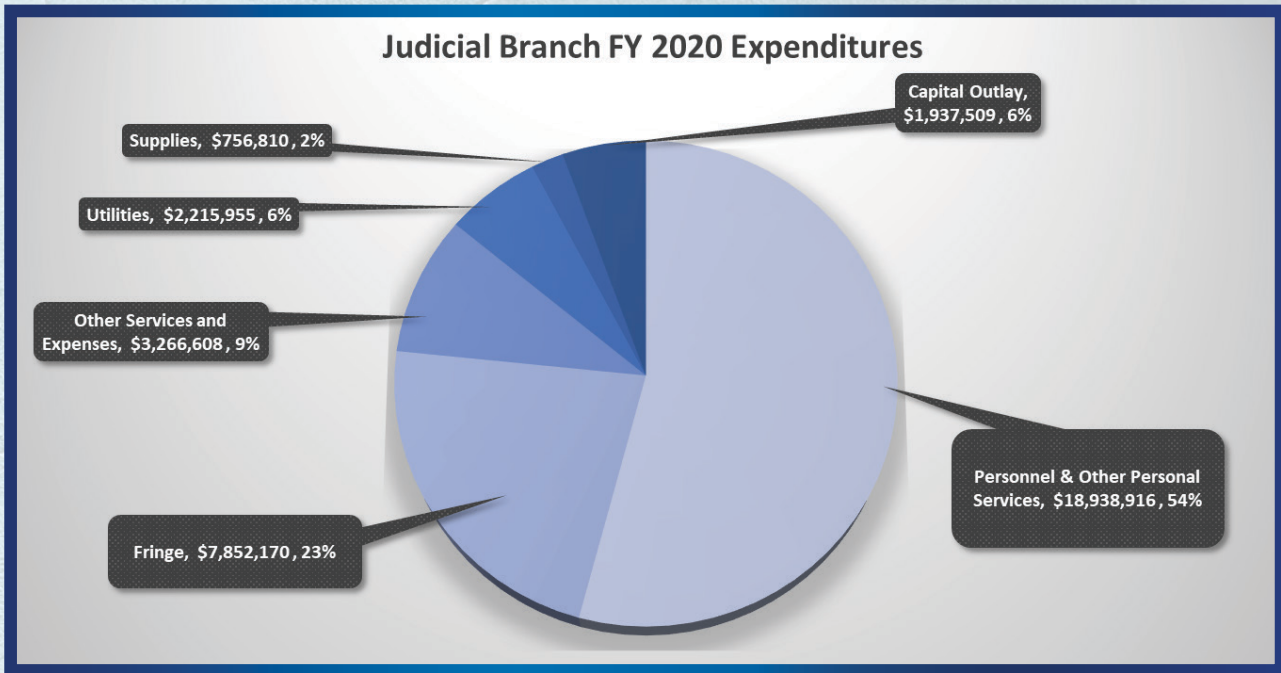
Act No. 7888, Bill No. 31-2155, unified the administrations of the Supreme Court of the Virgin Islands and the Superior Court of the Virgin Islands. Subsequent to the passage of this legislation on July 29, 2016, the Supreme Court amended VISCR 101 to establish the Judicial Branch Administrative Office. 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 request for the Judicial Branch.

In fiscal year 2020, the administrative office of the courts continued to manage and facilitate several distinct areas of court operations, including but not limited to, Budget and Finance, Information Technology, Human Resources, Facilities and Procurement, and Judicial Security.



FISCAL MANAGEMENT

The fiscal year 2020 budget for the Government of the Virgin Islands was \$869,913,039. Of this amount, approximately 4% was appropriated to fund the operations of the Judicial Branch. For fiscal year 2020, the Judicial Branch of the Virgin Islands requested an appropriation of \$43,236,998, with an accompanying request for the Judicial Council in the amount of \$115,536. Pursuant to Bill No. 33-0159 Act. No. 8217, the judiciary was appropriated \$35,246,781 and agreed to a voluntary reduction of \$1,057,408.43 for a total budgetary ceiling of \$34,189,373 to carry out planned operations during fiscal year 2020. By the close Fiscal Year 2020, total actual expenditures and obligations of the Judicial Branch totaled \$34,967,968 including grants, accident claim proceeds, and Cares Act Funding.



Revenue collected by the Judicial Branch emanates from numerous sources and are deposited into various funds within the Treasury of the Virgin Islands including but not limited to the General Fund, the Transportation Trust Fund, the Solid Waste Revolving Fund, and the Special Fund. Revenue sources for these collections include, but are not limited to, 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 2020, the Judicial Branch deposited a total of \$1,039,066.43 into the Treasury of the Government of the Virgin Islands.

	St. Thomas	St. Croix	Total
General Fund	441,544.43	191,779.00	633,323.43
Transportation Trust Fund	206,310.00	125,405.00	331,715.00
Special Fund	35,563.00	32,990.00	68,553.00
Solid Waste Revolving Fund	0.00	5,475.00	5,475.00
TOTAL	683,417.43	355,649.00	1,039,066.43

ADMINISTERING COURTS IN A GLOBAL PANDEMIC



Despite the state of the Nation generally and our Territory more specifically under siege by the COVID-19 pandemic, the Virgin Islands Judiciary, like many courts throughout the nation, forged ahead to preserve access to justice, constantly adapting to the ever-changing requirements for operations during a pandemic

HUMAN RESOURCES

The Human Resource division played an integral role in the early response to the global pandemic quickly pivoting transforming how the division functioned and how it provided service to court employees. In accordance with administrative protocols, the Division focused its efforts on education, preparation, and training. With telework policies, procedures, and forms in place three years prior to the pandemic, essential staff and managers were quickly able to adapt to the remote work environment necessitated by the pandemic. The Division also took on the arduous task of keeping abreast of rapidly changing guidelines by various organizations including the World Health Organization, the Centers for Disease Control, the Virgin Islands' Department of Health, the proclamations by the Governor of the Virgin Islands, and Occupational Safety and Health standards to ensure that both management and staff were educated and guided accordingly.

Additionally, the HR team expeditiously acclimated to and learned the various online meeting platforms to push live and on-demand trainings on workplace protocols, return to work procedures, and other organizational meetings virtually to comply with the Centers for Disease Control and promote a safe and inclusive work environment. The various platforms were also successfully leveraged to interview and administer job specific testing to candidates to continue to meet hiring demands despite the pandemic.

Despite the disruption to normal operations due to the COVID-19 pandemic, the Judiciary's Human Resources Division devoted significant resources to staffing. During fiscal year 2020, the judiciary welcomed a total of 39 new employees, and promoted 23 employees across the branch. The judiciary also experienced the departure of 43 employees, including 22 resignations, 7 retirements, 11 Law Clerk separations, and sadly the judiciary lost 1 employees due to untimely passing unrelated to the COVID-19 pandemic.

PROCUREMENT

Within the Administrative Office of Courts, the Procurement Division is responsible for centralized purchasing of supplies, materials, equipment and construction services for the Judicial Branch. For the first time since the twin storms of 2017, in fiscal year 2020, the judiciary experienced monumental challenges with meeting the demand for protective equipment and sanitation supplies amidst a global pandemic on account of the global pandemic.

During the advent of the global pandemic, the division managed several emergency procurement projects to include the installation of protective plexi-glass enclosures and barriers throughout the branch and the purchase of laptops, headsets and webcams to facilitate telework and the

implementation of remote hearing protocols. Specifically, custom plexi-glass barriers with paper pass throughs were installed in 15 Courtrooms, 10 security checkpoints, and 2 clerks offices and a Marshal Division where none existed before. Below are pictures of the completed project.



Recovery. In addition to emergency measures implemented and supply needs during the pandemic, the Judicial Branch Administrative Office continued to procure and manage construction and other repair services as part of its ongoing recovery efforts in both districts from the 2017 hurricanes. Progress on ongoing recovery projects continues to be affected by access restrictions, shipping delays and priorities for construction and other materials during the declared state of emergency for the COVID-19 Pandemic. Social distancing mandates, facility access restrictions and testing protocols for entry have also had a significant impact to service delivery and project completion at the various judicial branch facilities.

Major recovery projects conducted during fiscal year 2020 included roof repair projects at the Alexander A. Farrelly Justice Complex on St. St. Thomas and R.H. Amphlett Leader Justice Center on St. Croix; replacement projects, and 1 standby power generation project in each district. Specifically, by the close of the fiscal year, work had been substantially completed on the Judge's elevator at the Alexander A. Farrelly Criminal Justice Complex and the ADA elevator lift at the Raymond L. Finch Supreme Court Building on St. Croix. Both projects are scheduled for final inspection and completion in 2021.

Work continued on the multi-phased Farrelly Complex dual generator solution. Namely, completion of repairs to the existing legacy generator, which experienced a failure following Hurricane Dorian. In fiscal year 2020, the Judiciary completed inspection and permitting of the 6000-gallon underground fuel storage tank, integration with a 1500- gallon day tank for an automatic fuel transfer, and installation of automatic tank monitoring gauges for both the day tank and fuel reservoir. An enclosure was also constructed for the day tank to guard against overspill and satisfy permit requirements. Additionally, maintenance employees also completed required certifications for Underground Storage Tank management. When completed, the judiciary will have a fully integrated 2-generator solution with primary and backup fuel storage. A manual transfer switch will be installed to allow one generator to rest and be serviced while the other is in use. A lesson learned after the 2017 storms when primary units failed at critical facilities and access to fuel was limited.

In the District of St. Croix, the generator at the Raymond L. Finch Supreme Court Building was inaccessible to larger standard fuel trucks in the aftermath of the 2017 hurricanes. To improve response and resiliency at this location, during fiscal year 2020, a 1200-gallon fuel storage tank and fueling terminal complete with an automatic tank gauge was installed to allow refueling from curbside.

Further, at the Finch Supreme Court facility, the wood flooring on the second floor, which houses judicial chambers and includes executive office suites, law clerks' offices, and library, experienced severe water damage in 2017. The damage was beyond repair and the flooring replaced with porcelain tiles for better recovery and resiliency in the future. The project was completed in May 2020.

In 2019, the Judiciary contracted with Taller Larjas, LLC. for architectural and engineering to design services for replacement of the existing roof system and enclosure of the R. H. Amphlett Leader Justice Center on St. Croix. As of the current reporting period, conceptual drawings and schematic designs have been approved. The next phase involves the approval of the construction documents for solicitation. This project is scheduled to go out for public bid in fiscal year 2021.

EMPLOYEE CORNER

Early in fiscal year 2020, before the first wave of the global pandemic, and the new normal of social distancing, mandatory facial coverings and extensive sanitizing protocols, the Judicial Branch was able to conduct its annual employee recognition ceremony.

Amongst the myriad of years of service awards and celebrated retirements, the judiciary proudly celebrated the achievements of Ms. Tamara Allen, Court Clerk II, as the 2020 Employee of the Year in the St. Croix District and Mr. Lionell Gumbs, IT Network Administrator as the 2020 Employee of the Year in the St. Thomas/St. John District. Selected by their peers, these two employees exemplified

excellence in service to the branch and the public.





Tamara Allen
District of St. Croix

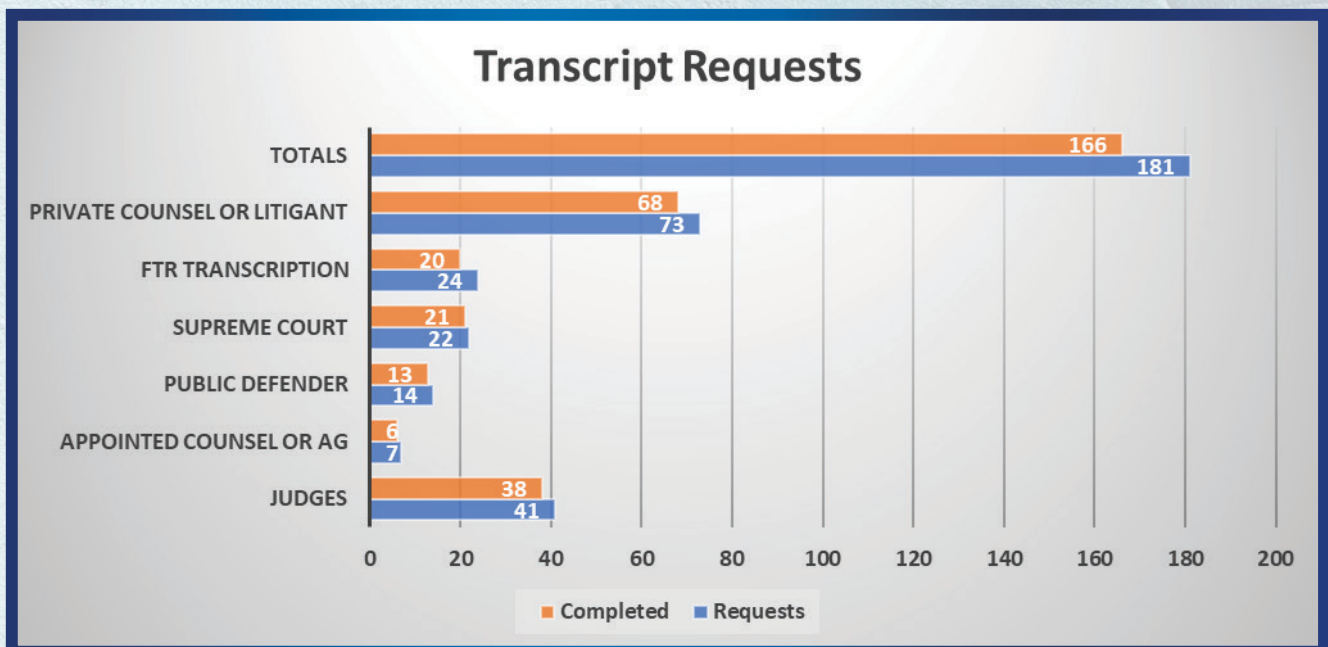


Lionell Gumbs
District of St. Thomas/St. John

CENTRALIZED COURT SERVICES

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

Court Reporting. The Court Reporting Division is a core operational division of the judiciary responsible for making a verbatim stenographic record of all proceedings in the Superior Court. In addition to creating records for all court proceedings during fiscal year 2020, the division also processed 205 requests for official court transcripts, 84 in the St. Thomas\St. John District and 121 in the District of St. Croix. By the close of the fiscal year, court reporting had completed 185 transcripts, 14 requests were cancelled, and 6 requests remained outstanding for an overall completion rate of 90%. Private Counsel/litigants represented approximately 60% of the total requests made.



The Judiciary continues to face significant challenges with the hiring and retention of Court Reporters. With a national shortage of court reporters, additional impending retirements and high demand driving market salaries, the Administrative Office of Courts must look towards contract services and technology to bridge a critical service gap in this area. In fiscal Year 2020, there were 11 court reporters on staff territory-wide, 5 in the St. Thomas/St. John District and 6 in the District of St. Croix. By the close of the fiscal year, one reporter had resigned and another retired, bringing the total number of staff reporters to 9. A minimum of seven (7) Reporters are required in each district to adequately support the operations of 14 courtrooms across both districts and to handle transcript requests Territory-wide.

Jury Management. Jury service is a foundation of and is a right protected by Constitution. Persons who serve on a jury are ensuring the defendant’s Sixth amendment right to a speedy trial and an impartial jury. It is also a fundamental obligation we all share as citizens of the United States and, only by having people within our respective communities participate in the process can we ensure that all persons in court will be afforded their constitutional right to have a jury pool drawn from a fair cross section of their community. Serving as a juror is an important civic and community duty, as well as a privilege and responsibility.

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

In fiscal year 2020, 5,187 Summons/Juror Questionnaires were mailed; and a total of 3,192 persons were determined eligible to serve on jury duty. However, due to the global pandemic, by the second quarter of fiscal year 2020, jury trials had to be suspended. Consequently, of those eligible to serve, 571 persons actually served on jury panels in fiscal year 2020.

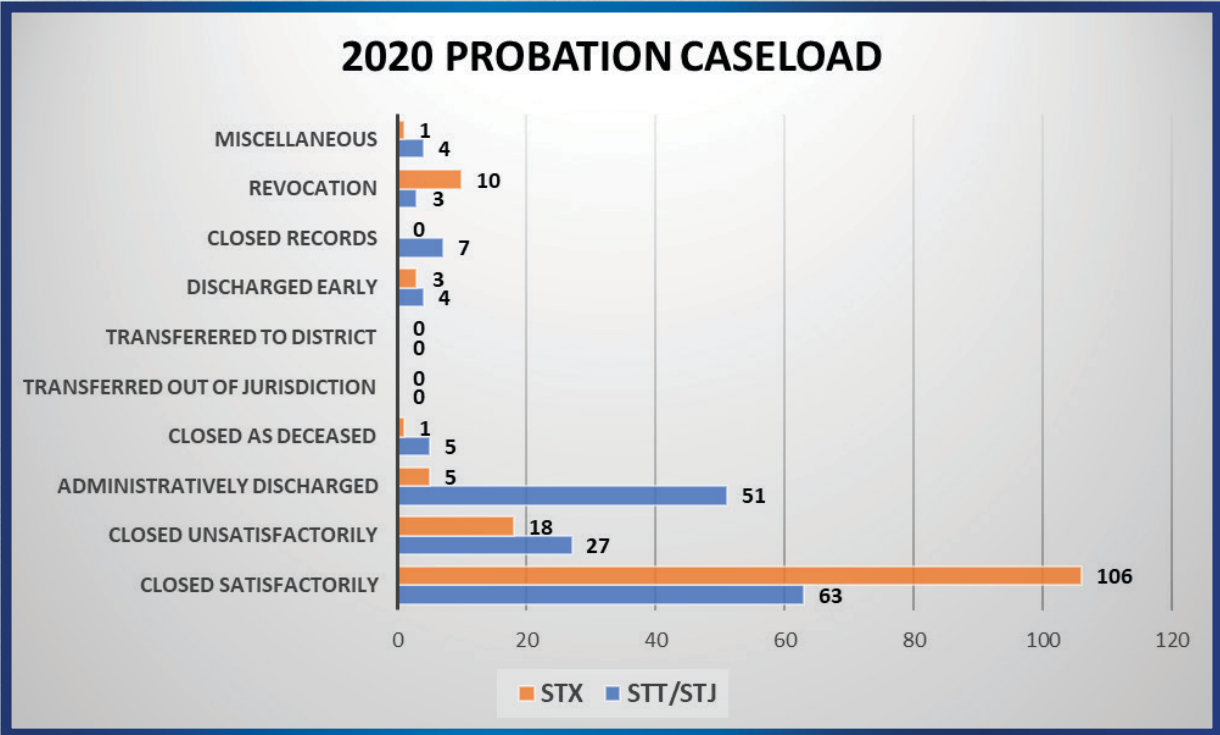
The following expenses are reported for juror service in fiscal year 2020:

FISCAL YEAR 2020: JURY MANAGEMENT EXPENSES				
DISTRICT	JURY FEES	MEALS	TRANSPORTATION	TOTAL
District of St. Croix	\$17,420.00	\$4,959.50	\$3,055.00	\$25,434.50
District of St. Thomas- St. John	\$40,910.00	\$15,273.40	\$6,805.00	\$62,988.40
TOTALS	\$ 58,330.00	\$20,232.90	\$9,860.00	\$88,422.90

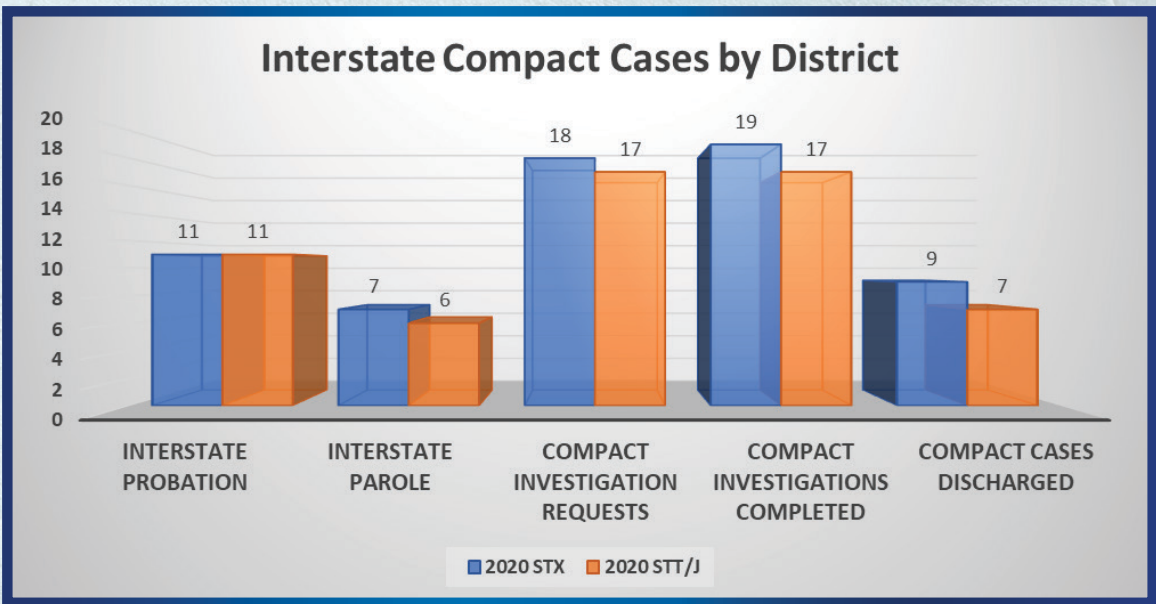
Pretrial. While many services in critical areas were limited or otherwise restricted during the pandemic, the judiciary did experience some increases in others. The Pretrial Diversion program which provides an alternative to incarceration for first time offenders pursuant to V.I.C. Title 5 § 4612, saw 34 offenders diverted from prosecution during fiscal year 2020, for an increase of 79% over the previous year.

Probation and Parole. The Office of Probation and Parole provides a diverse set of services to our community. It is responsible for pre-trial release supervision, and local and interstate probation and parole supervision. In addition to these responsibilities, the office conducts and prepares pre-sentence investigations and reports, and interstate Investigations and transfers.

Amidst the global pandemic, and the eventual suspension of in-person services at Judicial Branch facilities, the Office of Probation and Parole was one area of court operations that transitioned quickly to meet its supervision mandates. As part of an operational plan, the office shifted to telephonic check-in and virtual/online communications protocols to maintain supervision.



During fiscal year 2020, the Probation Division provided service to 12,471 individuals, (7,339 in STX and 5,132 in STT/J), including probationers, parolees, Pre-trial Release clients, victims and victim’s family, family members of defendants, attorneys, police officers, individuals from other agencies as well as the general public. During the course of the fiscal year, 414 new supervision cases (STX: 192 and STT/J: 222) were received, and 304 clients were terminated from supervision (STX: 200 and STT/J: 107), including Pretrial Release, Probation and Parole clients. During the reporting period, the Division also received 63 new requests for pre-sentence reports and completed and submitted 81 reports.



JUDICIAL SECURITY

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 effectuate this consolidation, 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 and administered under the Judicial Branch Administrative Office, which has responsibility for judicial security. The Office of the Virgin Islands Marshal is headed by The Chief Marshal who is appointed by the Chief Justice. The Office of the Virgin Islands Marshal is responsible for the protection, safety and security of the Judicial Officers, employees, visitors, staff, facilities and property of the Judicial Branch of the Virgin Islands. The Virgin



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

The Office of the Virgin Islands Marshal is also responsible for the execution of writs and conducting Marshal's Sales as well as monitoring pretrial detainees released on electronic monitoring. In fiscal year 2020, a total of 158 Writs of Execution were filed territorially, and real property sales resulting in collections totaling \$636,588.27. Due to the COVID-19 Pandemic, no vehicle auctions were held in 2020. By the close of the fiscal year, financials transactions facilitated by the Marshal's Division totaled \$5,588,686.88.

During fiscal 2020, the Office of the Virgin Islands Marshal worked in coordination with the Virgin Islands Police Department and local law enforcement agencies, conducting inspections and site visits, issuing citations, and educating businesses on the safety guidelines and protocols in accordance with the Governor's Executive Orders and Emergency Declarations issued during the COVID-19 pandemic.

SHOP WITH A COP

In December of 2019 the Office of the Virgin Islands Marshal volunteered to participate in the Bureau of Correction's annual community relations initiative, Shop with a Cop, one of the biggest community events during the holiday season, which focuses on the children in our community.



Shop with a Cop began in December 2013 with hopes of improving law enforcement relations with the local community. To make the initiative a success and expand the mentoring program, numerous law enforcement agencies and government departments have partnered with the Bureau of Corrections to assist the youths. The main objective is to give underprivileged children an opportunity to foster positive relationships with members of the Virgin Islands law enforcement community.

Deputies engaged in a fun filled day of activities and mentorship with the children and ended with a shopping spree at Kmart.

Shop with a Cop

12/15/19



COMMUNITY PARTICIPATION AND OUTREACH

MOOT COURT

In spite of the impact of the global pandemic on the Virgin Islands community, the legal profession and the local judiciary, on August 5, 2020, the Virgin Islands Bar Association successfully hosted its 26th Annual Virgin Islands High School Moot Court Competition virtually. Four schools entered six teams who ultimately competed in the final competition. The participating schools included Antilles School, All Saints Cathedral School, and Seventh Day Adventist School in the St. Thomas/St. John District and St. Croix Seventh-day Adventist School in the District of St. Croix. Antilles School and All Saints Cathedral School each entered one team. Seventh Day Adventist School on St. Thomas entered two teams, and St. Croix Seventh-day Adventist School entered two full teams and one individual competitor.



The Honorable Henry C, Smock, Esq” of Smock Law, P, C” on St. Thomas, a Senior Judge of the Superior Court, and the Honorable Denise M. Francois, Judge of the Superior Court, served as moot justices. The Honorable Ernest Morris, Magistrate Judge of the Superior Court, served as the panel’s moot chief justice. The competition champions were Wilah-Marie Baptiste and Se-An Rawlins, of Seventh Day Adventist School, arguing for the moot appellees. A total of eight seniors received scholarships for their participation in the 2020 competition.

GIRL SCOUTS VISIT THE SUPERIOR COURT

Prior to the impact of the Pandemic, on March 12, 2020 the Judiciary welcomed a visit from Girl Scouts for G.I.R.L. talk with the Honorable Judge Kathleen Mackay. 15 Girl Scouts were equally surprised when the Honorable Debra S. Watlington stop by to join in the discussion.



SUPERIOR COURT RISING STARS YOUTH STEEL ORCHESTRA

Established in the District of St. Thomas/St. John in 1981, and later extended in the District of St. Croix in 2007, the Superior Court Rising Stars continues to provide an atmosphere of a *“home away from home”* for its members. This Program is unique in that it is the only steel band intervention program under any judicial system locally, nationally or internationally and is becoming renowned for its many accomplishments. After more than thirty-eight (38) years of success, the Rising Stars Program remains a prime example for many other organizations to emulate. The Program’s thrust continues to focus on improving member’s academic skills and preparing them for post-secondary education through various social, cultural and educational initiatives, in addition to their Ambassadorial duties.

During Fiscal Year 2020, the Rising Stars Program commenced its activities with the Christmas Season. Prior to their Annual Christmas Concert and the Crucian Christmas Festival, the Program in the participated in a musical and cultural exchange initiative with the Edina High School Concert Band of Minnesota. During their approximately ten-day venture, the combined Orchestra performed

at several venues, including several joint performances at the Edina High School with their concert band; with the Pan Handlers, a small steel band combo from the Edina area; and a solo performance, interactive presentations and demonstrations at the University of Minnesota – Duluth Campus. In addition to their performances, the members of the Orchestra participated in several educational and fun tours: at the Edina High School campus; at the University of Minnesota-Duluth Campus; an awesome Twin City Tour as well as a



*Group Photo in front of Edina High School’s Billboard.
Showcase tribute to the Rising Stars*

tour at the Minnesota Vikings Football Stadium. They also performed for the Department of Tourism who hosted travel agents, tour operators and the media at the Radisson Blue Hotel in the Mall of the Americas. Their fun activities included Fly-Over America and a game night at Adventure Zone.

The ever-popular Rising Stars Annual Christmas Concert is the event that heralds the “official” beginning of the holiday season in the District of St. Thomas/St. John. The concert was held at the Reichhold Center and paid tribute to a several of individuals as well as several deceased cultural icons including Retired Presiding Judge the Honorable Michael C. Dunston and Pretrial Director, Adelia “Queenie” Henneman; Rising Stars Godfather, Irvin “Brownie” Brown, the Honorable Ishmael Meyers, Kenneth “Lord Blakie” Blake and Dorothy “Dotsie” Elskoe and several other individuals. The Orchestra also participated in the Crucian Christmas Festival before their seasons were shortened because of the Covid-19 Pandemic.



*Musical exchange between Edina’s students
and Rising Stars members*

Prior to the onset of the Covid-19 Pandemic, the Rising Stars Programs participated in a variety of activities and continued to bring subject matter experts to the members for the Rap Sessions and Life Skills and College Matriculation Workshops. Noted presenters included: Kenneth Alleyne, Leadership/Entrepreneurship; Oliver David, Esq., Crime Prevention; Cornel Troutman, Life Skills/Bullying; Cyndee Frontal, Dining Etiquette and Good Manners. The Orchestra also participated in a number of other activities throughout the community including World Food Day at the University of the Virgin Islands, Agrifest, Starving Artist Day and various “Jump-Up” (Thanksgiving and Valentine’s Day) activities and beautification projects at the Panyards.



Final Performance at the University of Minnesota-Duluth



Edina Performance, Presentation, and Question and Answer segment at the University of Minnesota Duluth Campus

The education of our members was also significantly impacted by the Covid-19 Pandemic when attendance at schools ceased and students were placed in a virtual learning environment. The members of the Rising Stars Program were similarly affected also as the graduates weren't able to participate in any of the closing activities at their various schools, including Honors Night and in-person graduation ceremonies. The activities we would normally host to recognize our graduates were also suspended (luncheon or dinner). Nevertheless, we were able to recognize our members by creating a congratulatory banner for them. The banners were hung by the Panyards in both district as it depicted graduates from both programs



JUDICIAL OUTLOOK

The COVID-19 pandemic has dominated every aspect of Judicial Branch operations over the past 15 months. In this regard, the Judiciary is looking ahead to embracing a new normal of operations that will enable the resumption of full services including jury trials. We continue to harden our facilities and expand and adapt safety protocols to meet ever-increasing operational demands and deficits in the current environment. As we achieve some semblance of normal operations, the Judiciary will quickly shift its focus to implementing strategies to address and reduce accumulated backlogs of cases. To this end, we must and will maximize efficiencies acquired during emergency operations and leverage those changes with existing and new technology to improve, streamline and expedite current processes, with the goal of returning to providing prompt disposition of cases and increasing access to justice.



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