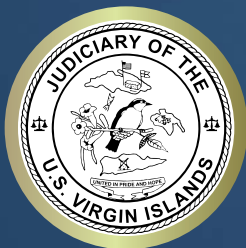
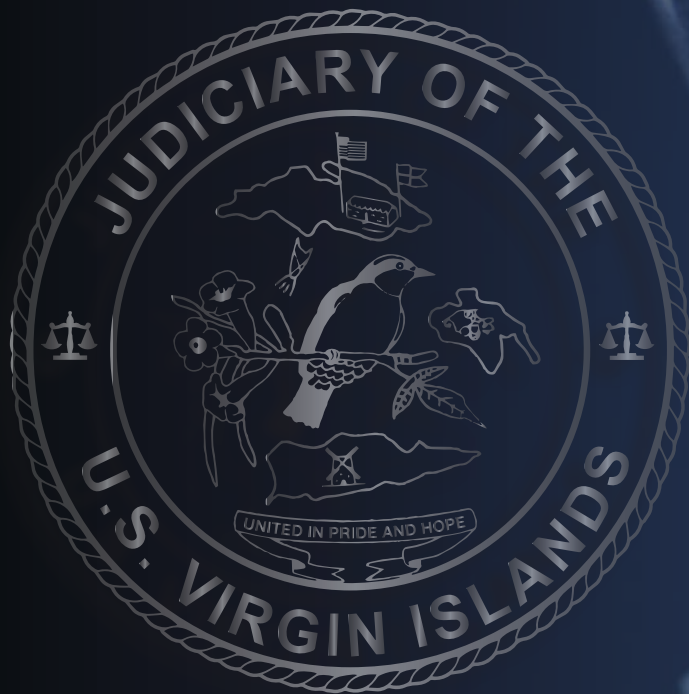




2022 *Annual Report*

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





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

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

HON. RHYS S. HODGE, CHIEF JUSTICE

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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. Debra S. Watlington
PRESIDING JUDGE

Hon. Harold W. L. Willocks
ADMINISTRATIVE JUDGE

Hon. Kathleen Y. Mackay
JUDGE

Hon. Douglas Brady
JUDGE

Hon. Denise M. Francois
JUDGE

Hon. Jomo Meade
JUDGE

Hon. Renee Gumbs Carty
JUDGE

Hon. Jessica Gallivan
JUDGE

Hon. Sigrid 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. Paula D. Norkaitis
MAGISTRATE JUDGE

Hon. Ernest E. Morris, Jr.
MAGISTRATE JUDGE

Hon. Simone Vanholten-Turnbull
MAGISTRATE JUDGE

Hon. Yolan Brow-Ross
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



On behalf of the entire Virgin Islands Judiciary, it is my privilege to present the 2022 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 current state of the Judicial Branch of the Virgin Islands can be best described in two words: **“proactive”** and **“forward-thinking.”** You might find this surprising; after all, the Judicial Branch is often considered the most

“reactive” or “passive” of the three branches of government. There certainly is some merit to that characterization. After all, courts cannot simply issue advisory opinions or otherwise answer legal questions on their own initiative; courts must wait for a litigant to bring an appropriate case. Judges also cannot make pledges, promises, or other advanced commitments to rule a certain way in a case; they must keep an open mind and adjudicate each matter without prejudgment or bias. But this does not mean that the Judicial Branch operates in a silo, with its judges and staff completely closed off from and non-responsive to the needs of the rest of

the government and society. On the contrary, Canon 3 of the Virgin Islands Code of Judicial Conduct not only permits, but encourages, the Judicial Branch and individual judges to engage in activities that concern the law, the legal system, and the administration of justice—including efforts to reform or improve the law or court operations—so long as doing so does not interfere with the proper performance of judicial duties.

The Judicial Branch has taken many actions in recent years to proactively address situations affecting the legal system and the administration of justice. Some of these actions have been more visible than others. For instance, in 2020, the Judicial Branch launched the Virgin Islands Judiciary Electronic Filing System (VIJEFS) to permit lawyers and litigants to file documents in all courts without visiting a physical courthouse, as well as the Virgin Islands

Judiciary Electronic Case Management System (VIJECMS) to allow any member of the public to view all non-confidential case dockets and files from the comfort of their home or office, or even with a smartphone. Between 2020 and 2022, the Judicial Branch issued a staggering 43 administrative orders to safely guide the court system and the legal community through the COVID-19 pandemic. And those who have recently visited a court room in a Judicial Branch facility may have noticed the technological upgrades implemented to enable the complete audio and video recording of hearings and other proceedings and the automated presentation of evidence.

But much of the work the Judicial Branch does to improve the administration of justice is not so obvious. The Judicial Branch, with the assistance of the Supreme Court’s Advisory Committee on Rules, continuously studies and proposes amendments to the rules of civil and criminal procedure, evidence, appellate procedure, probate procedure, and other rules of practice and procedure. The Judicial Branch Administrative Office, as well as the Clerks of the Superior and Supreme Courts, monitor the dockets of both courts and suggest innovative case processing and management strategies to help reduce case backlogs overall as well as in specific areas such as probate and appeals from the magistrate division. The Standing Committee on Indigent Appointments reviews statistical data and reports relating to the system for appointing attorneys to represent indigent criminal defendants and makes recommendations to the Judicial Branch for improvements to that system. And, of course, the Judicial Branch, with input from the Judicial Management Advisory Council and substantial assistance from the Administrative Office, monitors proposed legislation and, when appropriate, submits testimony as to how such legislation may affect the operations of the Judicial Branch or the administration of justice in the Virgin Islands. I would like to take this opportunity to highlight some of

the improvements and other initiatives that have come out of these internal deliberations which the Judicial Branch either has already implemented or is in the process of implementation.

The speed with which the courts of the Virgin Islands resolve cases is an area that—justifiably—is of great interest to the legal community, the Legislature, and the public. After all, the core bread-and-butter mission of any court is to provide a stable forum for the community to resolve disputes promptly in accordance with the law. It is no exaggeration to say that courts affect every aspect of our society. Without a proper functioning court system, Virgin Islanders lack a forum to peacefully resolve some of the most pressing issues in their lives, including housing and family matters. Businesses may be reluctant to operate or invest in the Virgin Islands, fearing that commercial disputes may not be resolved in a timely manner. And of course, the courts ultimately serve as the last line of defense for democracy and the rule of law. It is readily apparent, then, why the Judicial Branch is the only branch of government that may never fully close and must always be open and available to provide services.

The courts of the Virgin Islands strive to be a model of judicial excellence, and to earn the trust and confidence of the public through the impartial and prompt disposition of cases in accordance with the rule of law. While the Judicial Branch holds itself to this high standard, we also acknowledge that it is a high standard that is difficult to satisfy. As the statistical data in this and prior Annual Reports illustrate, the courts of the Virgin Islands have made tremendous strides in resolving cases over the last several years despite substantial disruptions caused by the twin disasters of Hurricanes Irma and Maria followed closely thereafter by the COVID-19 pandemic. Nevertheless, that the Judicial Branch resolves many cases in a timely manner is of no solace to the heirs in a long-dormant probate case,

parties in civil cases that linger for years or the criminal defendant who remains incarcerated due to an inability to post cash bail and whose trial date is repeatedly continued for various reasons, typically at the request of the prosecution or defense counsel.

Over the coming year, the Judicial Branch will implement a multi-faceted “all-hands-on-deck” approach to case backlogs in all Virgin Islands courts. As Chief Justice, I will exercise my authority under title 4, sections 24(b) and 74a of the Virgin Islands Code to recall as many former and retired judges of the courts of the Virgin Islands to temporary service as Senior Sitting Judges of the Superior Court as the Judicial Branch budget will allow. The scarcest resource in the Judicial Branch is judges. While other government agencies could simply hire more people to address a heavy workload, the Judicial Branch cannot simply hire more judges—under current law, a new judge may only be appointed by the Governor with the advice and consent of the Legislature. Nevertheless, because Virgin Islands law permits the Chief Justice to recall former and retired judges with their consent, I will invoke this power in conjunction with the Presiding Judge to temporarily increase the number of judges available to adjudicate cases in order to reduce the current backlog.

The recall of former and retired judges, however, is only a start. As the “all-hands-on-deck” phrase implies, the duty to move a case forward does not rest exclusively with the judge assigned to the case. Nearly every court employee has at least some role to play in case processing and management, including but not limited to judicial law clerks, court reporters, court clerks, IT staff, marshals, and many others. It also rests on the cooperation of individuals outside of the Judicial Branch, such as the Department of Justice, the Office of the Territorial Public Defender, and the many lawyers who appear before the courts of the Virgin Islands. The Judicial Branch will provide training, technical assistance, and

other case management tools not just to judicial officers, but to court employees and other relevant stakeholders as well, and—again, budget permitting—will engage in competitive recruiting to fill vacancies in the positions most critical to case processing.

Over the past several years, the Judicial Branch has struggled to fill vacancies and to retain incumbent employees, largely due to uncompetitive compensation. Thankfully, we were able to increase salaries for our most critical positions. For example, the entry level salary for our marshals was adjusted to be comparable to police officer salaries. Judicial law clerks, secretaries, court reporters, and court clerks also received salary increases to promote retention and recruitment. This year, the Judicial Branch will continue these efforts by engaging in a complete market compensation study, facilitated by the National Center for State Courts, to address salary disparities and take other steps to improve retention, recruitment, and morale. I would like to take this opportunity to thank all Judicial Branch employees for their hard work, and pledge to them that I and other Judicial Branch leaders will continue to support them, including in these efforts to ensure that they are all fairly compensated for their service.

Perhaps the most challenging vacancies for the Judicial Branch to fill are court reporter positions. Court reporters serve one of the most critical roles in judicial proceedings—making an exact verbatim record of what occurred—and historically, if a court reporter is not present to transcribe a hearing, the hearing does not occur, even if the judge, attorneys, witnesses, and other participants are all available. In last year’s State of the Judiciary, I emphasized that the Virgin Islands has not been immune from the stenographic court reporter shortage that is affecting the entire United States. This shortage has been the product of the combination of many retirements occurring while far fewer students are choosing to enroll in stenography school,

to the point where it is common for court reporter positions to be advertised with annual salaries in the range of \$100,000 yet still not be filled with qualified individuals. The effects of the shortage are real, and growing; in fact, the availability of court reporters to capture and transcribe a verbatim record is one of the main determinants of when—or even whether—a case is scheduled for trial.

While the Judicial Branch continues to actively recruit and retain stenographic court reporters, it has also turned to other solutions to alleviate the effects of this crisis. Foreseeing this shortage, the Judicial Branch utilized funds provided by the CARES Act to upgrade all courtrooms and jury assembly rooms with the most modern audio and video digital technology to separately record the voices of the judge, the clerk, witnesses, attorneys, and even jurors when they are required to speak. To best utilize this new equipment, in the past fiscal year the Judicial Branch contracted with a digital court reporting institution accredited by the American Association of Electronic Reporters and Transcribers (AAERT) to train and produce certified digital court reporters—a new type of court reporter that does not make a separate stenographic record, but instead records a proceeding with digital technology, such as those currently installed in our courtrooms, and to then transcribe the proceedings utilizing the audio recording. We have made this program available to all current and future staff, with the Judicial Branch paying the employees’ tuition and providing them with the necessary equipment. I am pleased to report that eight of our employees have registered through this program, and once they complete their training and certification, the Judicial Branch will utilize these digital court reporters to augment the stenographic court reporters, which will allow the Superior Court to hold multiple hearings—even trials—simultaneously and greatly reduce the likelihood of a hearing or trial needing to be cancelled or continued due to the

unavailability of a court reporter. The Judicial Branch will also shortly adopt new court rules to govern and facilitate the use of the electronic court record.

The critical importance of court staff in resolving case backlogs is perhaps best illustrated by one of the Judicial Branch’s most significant successes: the Complex Litigation Division of the Superior Court. Hundreds of mass tort claims, toxic tort claims, and environmental tort claims—often involving hundreds of plaintiffs and defendants in a single case—were pending in the Superior Court, particularly in the District of St. Croix, sometimes for literally decades. Recognizing that these cases would never achieve a final resolution without the investment of substantial resources, a dedicated judge was assigned to the Complex Litigation Division, who in addition to his ordinary staff also received the assistance of a Staff Master—a court employee authorized to perform numerous quasi-judicial functions such as supervising discovery, making recommended findings on dispositive motions, monitoring compliance with court orders by the parties, and presiding over case management and scheduling conferences. The Staff Master has played a pivotal role in overseeing the resolution of many of these long-languishing complex cases, and the Judicial Branch, budget allowances permitting, intends to hire an additional Staff Master or similar judicial adjunct to assist with other cases that require significant court oversight, such as probate cases and other areas where chronic backlogs exist.

The Judicial Branch will also continue to review court rules and internal practices. Rule 1 of the Virgin Islands Rules of Civil Procedure provides that the purpose of those rules is “to secure the just, speedy, and inexpensive determination of every action and proceeding,” while Rule 1 of the Virgin Islands Rules of Criminal Procedure similarly states the rules are intended “to provide for the just

determination of every criminal proceeding, to secure simplicity in procedure and fairness in administration, and to eliminate unjustifiable expense and delay.” In other words, court rules must facilitate the timely resolution of cases, and any court rule that instead causes delay must be reexamined to determine if it is necessary or otherwise serving its intended purpose. In addition to the typical review by the Advisory Committee on Rules, the Judicial Branch will actively solicit feedback from judges, court staff, attorneys, and other stakeholders on how these court rules operate in practice, and whether any specific court rules impair case processing or otherwise negatively impact the administration of justice.

As part of its efforts, the Judicial Branch will also ensure that judges and court staff remain accountable for resolving cases and ruling on motions in a timely manner. The Supreme Court is presently considering a draft rule that will not only impose specific time standards for all cases, but also set forth what occurs if those standards are continuously violated, which may include referral to the Virgin Islands Commission on Judicial Conduct for habitual neglect. And as mentioned earlier, the Judicial Branch will also adopt a rule to facilitate all aspects of electronic court reporting, including the timely preparation of transcripts.

Last, but certainly not least, our “all-hands-on-deck” approach cannot succeed without the support of other stakeholders in the administration of justice, including the Legislative and Executive Branches. As I stated earlier, the Judicial Branch cannot operate in a silo: the Judicial Branch is one of the three separate but co-equal branches of the Government of the Virgin Islands. While the three branches provide a check on each other’s power, they also must, when appropriate, nurture and support each other. Certainly, the principal responsibility for addressing the case backlog falls first and

foremost with the Judicial Branch. But the Judicial Branch must act within the bounds of substantive law as well as the budget set by the Legislature – and when either of those is inadequate, the ability of the Judicial Branch to adjudicate cases in a timely manner is necessarily impaired.

As I mentioned earlier, the scarcest resource in the Judicial Branch is judges. If the Judicial Branch needs more Superior Court judges, it cannot simply reallocate its appropriated funds to make additional hires. While the Virgin Islands Code does not provide for a maximum number of Superior Court judges, only the Governor, with the advice and consent of the legislature, can appoint additional judges. And although recalling former and retired judges for temporary service is certainly beneficial, the number of former and retired judges who are both eligible and willing to accept such appointments is limited.

Appointing additional full-time judges is a costly endeavor that requires funding not just for the judge’s salary, but also the hiring of sufficient support staff and construction of additional courtrooms and other suitable facilities. But there are ways to do more with and better utilize our existing judicial officers. One such method is one I first proposed in last year’s State of the Judiciary: the conversion of the four Superior Court magistrate judges to full judges. The Superior Court presently consists of ten active full-time judges and four active full-time magistrate judges. Magistrate judges are a relatively new addition to the Superior Court, authorized by Act No. 6919, with the first magistrate judges being commissioned in 2009. For years, many individuals—myself included—had advocated for the creation of the Magistrate Division, having recognized the important role that magistrate judges served in the federal system and in numerous state court systems. Act No. 6919 contemplated that

magistrate judges would spend a considerable amount of time assisting the judges of the Superior Court with cases assigned to them, just as federal magistrate judges primarily assist federal district judges. However, Act No. 6919 and the subsequent amendments thereto vested Superior Court magistrate judges with much greater powers than initially anticipated, including vesting them with original jurisdiction to adjudicate numerous matters without the supervision of a Superior Court judge, such as small claims, landlord/tenant, probate, domestic violence, minor criminal cases, civil cases under \$75,000, and traffic matters. An unintended consequence of this grant of expanded original jurisdiction is that magistrate judges spend essentially all of their time adjudicating cases arising within their original jurisdiction, and comparatively little time assisting Superior Court judges with their cases. Thus, Superior Court magistrate judges effectively perform the same duties as Superior Court judges and more closely resemble Superior Court judges.

That our Superior Court magistrate judges perform at such a high level and carry substantial caseloads of their own is not a bad thing; rather, it is a testament to the work ethic and legal acumen of the individuals who have served as magistrate judges over the past 14 years. Nevertheless, because Act No. 6919 greatly circumscribes the type of matters that magistrate judges may adjudicate independently without the supervision of a judge, the Judicial Branch cannot effectively utilize magistrate judges to combat the case backlog in the Superior Court. For instance, we cannot assign magistrate judges to assist with the criminal backlog because they lack the authority to preside over felony cases, and likewise cannot utilize them to help resolve the civil backlog because they may only preside over civil cases where the amount in controversy is less than \$75,000 or where the parties have expressly consented to the assignment. And because the Magistrate Division operates as a de facto limited

jurisdiction court within the Superior Court, it is difficult to utilize Superior Court judges to assist with backlogs in the Magistrate Division or to substitute for a magistrate judge who is ill, on leave, or otherwise unavailable. Because the Magistrate Division is specifically given original jurisdiction over those matters—as opposed to the Superior Court in general—a Superior Court judge who sits in the Magistrate Division is treated as if he or she were a magistrate judge, whose decision must then be reviewed by another Superior Court judge through the internal Magistrate Division appeals process.

While Act No. 6919 was well-crafted for its time and constituted an important step in the development of the Virgin Islands Judiciary, we must remember the purpose of Act No. 6919 was not to create magistrate judges for the sake of creating magistrate judges, but to improve the administration of justice in the Virgin Islands by allocating judicial resources in the most effective manner. With the benefit of 14 years of experience, we know that magistrate judges fulfilled this role, but not in the way we originally expected. The Judicial Branch urges the Legislature to build on the success of Act. No. 6919 by enacting legislation to eliminate the distinctions between a Superior Court judge and a Superior Court magistrate judge. In doing so, the Superior Court would not necessarily revert to the pre-2009 practice of randomly assigning small claims, traffic, and similar matters amongst all active judges; rather, we would continue to assign such matters exclusively to specific judicial officers, as is presently done with the Family Division and the Complex Litigation Division. However, eliminating the position of magistrate judge and converting the incumbent magistrate judges to full-fledged Superior Court judges would increase the number of Superior Court judges by 40% and allow the Judicial Branch to make considerably more and better use of these four judicial officers while eliminating the burdensome and costly intermediate

appellate process at only very little additional expense.

In addition to the number of judges, the availability of court rooms places limitations on case processing. In last year's State of the Judiciary, I urged that the Legislature provide the Judicial Branch with the funding necessary to establish a permanent online dispute resolution (ODR) system, or "online court" within the Virgin Islands Judiciary, and to eliminate antiquated provisions of the Virgin Islands Code which may serve as a barrier to its implementation. In these online courts, all parts of the proceeding—including case initiation, mediation, and even trial—are handled without there ever being a need to hold a hearing in a physical court room; instead, the proceedings are exclusively conducted through Zoom or a similar remote access platform, with a video and audio record without a court reporter. Even before the COVID-19 pandemic, courts in states as diverse as Connecticut, New York, and Utah experimented with ODR, all with great success. And since then, even more have done so; in fact, the Chief Justice of our sister territory of Guam announced earlier this month that the courts of Guam would soon implement an ODR system to allow for the resolution of disputes entirely online without the need to ever visit a courthouse. While the Judicial Branch intends to implement an ODR system through a court rule, there are certain ancillary matters which may require action by the Legislature, such as the amendment of statutory provisions that may be unnecessary or impractical in the context of online hearings, such as requirements that certain relevant individuals be physically present in the Virgin Islands. I urge the 35th Legislature to work with the Judicial Branch to craft any appropriate legislation to implement any court rules the Judicial Branch adopts in anticipation of the launch of an ODR system in the Virgin Islands, which I hope will occur by the conclusion of the next fiscal year.

There are also special challenges that affect the processing of criminal cases that the Judicial Branch cannot fully address on its own. Criminal cases are unique in that each and every criminal case is prosecuted by the Virgin Islands Department of Justice in the name of the People of the Virgin Islands. Therefore, if the Department of Justice moves for continuances because it is understaffed or is unable to process forensic or other evidence in a timely manner, many criminal cases will experience case processing delays through no fault of the Judicial Branch. The 34th Legislature considered the adoption of a Virgin Islands Speedy Trial Act to address such delays, and similar legislation has been introduced in the 35th Legislature. While the Judicial Branch supports these legislative efforts calculated to reduce unjustifiable delays in criminal cases, we urge the Legislature to tailor such legislation to the unique circumstances of the Virgin Islands, and to concurrently appropriate sufficient additional funds to the Judicial Branch and other affected entities to allow for the successful implementation of such legislation.

Another way in which criminal cases are unique is that except with respect to the most petty offenses, all indigent criminal defendants are entitled to the appointment of counsel at government expense. This requirement stems from the 1963 decision of the Supreme Court of the United States sixty years ago this year, in *Gideon v. Wainwright* and implements the right to the effective assistance of counsel guaranteed by the Sixth Amendment to the United States Constitution. Like many other jurisdictions, the Virgin Islands has struggled with implementing the *Gideon* decision; although the Legislature created the Office of the Territorial Public Defender to represent indigent criminal defendants in the courts of the Virgin Islands, that office cannot do so in cases of an ethical conflict—which most commonly occurs when two or more defendants are charged together and co-defendants or witnesses were former clients.

When such conflicts occur, the courts are statutorily required to appoint members from the private Bar to represent those indigent defendants.

For many years, the courts of the Virgin Islands relied on involuntarily appointing members of the Virgin Islands Bar to represent defendants in these cases, regardless of their experience in criminal law or their desire for the appointment. After Act No. 7888 administratively unified the Virgin Islands Judiciary, one of the first actions taken by the newly unified administration was to comprehensively reform this process by establishing private attorney panels consisting of members of the Bar who volunteered to accept such appointments at a fixed hourly rate. But even this system proved imperfect, in that the number of indigent criminal defendants who cannot be represented by the Office of the Territorial Public Defender far exceeds the capacity of these volunteer attorneys, all of whom remain engaged in the full-time private practice of law.

In last year's State of the Judiciary, I announced that the Judicial Branch would establish an alternate or second public defender's office to assist with the backlog of criminal cases created by the suspension of jury trials due to the COVID-19 pandemic, which would in effect serve as the second resort for indigent appointments and be automatically appointed to all cases in which the Office of the Territorial Public Defender has been disqualified or been permitted to withdraw as counsel. We took the first step in doing so on December 13, 2022, when the Supreme Court issued Promulgation Order No. 2022-0002 to enact a rule to provide for the establishment of an Office of Conflict Counsel as an independent agency within the Judicial Branch operating under the supervision of the Standing Committee on Indigent Appointments. This rule—Supreme Court Rule 210.7—grants the Standing Committee the flexibility to either staff the Office of Conflict

Counsel with full-time attorney employees, or to contract with one or more private attorneys or law firms to provide representation to a specified number of indigent parties at a mutually-agreed upon rate. Shortly after the effective date of the rule, the Standing Committee issued a request for proposals; however, it is actively considering both options.

But while the Judicial Branch has taken the initiative to establish the Office of Conflict Counsel by court rule, the obligation to provide indigent criminal defendants with court-appointed counsel in a manner that comports with *Gideon* ultimately belongs to the Legislature. While the Judicial Branch intends to seek federal funds to support the commencement of operations of the Office of Conflict Counsel, such funds are not a guarantee, and even if available now may not necessarily be available in future fiscal years. I therefore urge the 35th Legislature to consider enacting legislation to both establish and fund the Office of Conflict Counsel as an independent agency of the Government of the Virgin Islands, as it has done with the Office of the Territorial Public Defender.

Before I proceed to other topics, I must also acknowledge another factor that contributes to the growing case backlog. As I emphasized earlier, the core bread-and-butter mission of any court is to provide a stable forum for the community to resolve disputes in accordance with the law. When we are asked to envision a court, what typically comes to mind is two parties with a disagreement that is resolved by a neutral judge. This basic conception of a court originated nearly 1000 years ago and persists to this day – while there have been many improvements to the administration of justice in the intervening millennium, the idea of a neutral judge issuing a binding decision in a case with two parties with adverse interests remains largely unchanged.

Yet what often goes unquestioned is whether a dispute resolution system invented in the 11th century still suits our 21st century society. If we were creating a court system today, without any preconceived notion of what a court looks like or what it does, would we structure it the same way we do now for each case? Certainly, the traditional conception of a court has many advantages, as shown by it withstanding the test of time. But while the idea of two parties bringing their dispute for a resolution before a neutral judge may work in a typical civil case, many jurisdictions have rejected this one-size-fits-all solution in favor of more tailored approaches to specific circumstances, particularly in criminal cases. States and territories across the United States have established specialized courts such as Mental Health Courts, Drug Courts, and Veterans' Courts. These courts, sometimes referred to as "problem-solving courts," recognize that undiagnosed or untreated mental illness, substance abuse, post-traumatic stress, or other factors may be responsible for certain individuals' involvement with the criminal justice system. In a problem-solving court, the focus is not limited solely to adjudicating a particular dispute, i.e. did this particular defendant commit this particular crime. Rather, the problem-solving court also seeks to figure out why the defendant committed the offense and provide the defendant with the treatment or other assistance necessary to ensure that the defendant does not reoffend. In these problem-solving courts, the judge typically plays an active role, and other stakeholders beyond the two parties to the case—such as community organizations or mental health providers—have a right to participate and to be heard. In other words, the goal is not simply to resolve the particular case before the court, but to arrive at a comprehensive solution that prevents the commission of future crimes. And despite seemingly requiring more resources to operate, these problem-solving courts often save money in the long term through reductions in

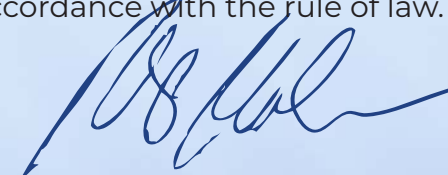
crime which are later reflected in the filing of fewer criminal cases, lower incarceration rates, and so on. I urge that the Legislature, together with the Judicial Branch, study how these problem-solving courts have been implemented in other jurisdictions and consider whether their establishment may benefit the Virgin Islands.

In concluding this State of the Judiciary, I must acknowledge the recent passing of two former judicial officers, the Honorable Raymond Finch and the Honorable Eileen Petersen. Both Judge Finch and Judge Petersen were titans of the legal community and contributed immensely to the development of the Virgin Islands Judiciary. Judge Finch served as a judge of the Municipal Court and the Territorial Court for 17 years prior to his appointment to the federal District Court, and as Chief Judge of the District Court and Chair of the Judicial Council was instrumental to the passage of the legislation that would ultimately create the Supreme Court of the Virgin Islands. In fact, the Supreme Court building in Frederiksted bears his name in recognition of his immense service to the Judicial Branch and the people of the Virgin Islands. Judge Petersen likewise served as a judge of the Municipal Court and the Territorial Court for more than two decades and bears the distinction of being the first female judge in the Virgin Islands. The Judicial Branch mourns their loss, but will continue to celebrate their lives and legacies in the decades to come.

On a happier note, I wish to recognize the appointment of the Honorable Debra S. Watlington to the office of Presiding Judge of the Superior Court, succeeding the Honorable Harold W.L. Willocks, as well as the appointments of the Honorable Carol Thomas-Jacobs as a judge of the Superior Court of the Virgin Islands to succeed the Honorable Renee Gumbs-Carty in the District of St. Thomas-St. John, and the Honorable Yvette Ross-Edwards to succeed the Honorable Jomo

Meade in the District of St. Croix. On behalf of the Judicial Branch, I congratulate Presiding Judge Watlington, Judge Thomas-Jacobs, and Judge Ross-Edwards on their appointment, and thank Judge Willocks, Judge Gumbs-Carty, and Judge Meade not just for their past service but for their willingness to continue to serve the people of the Virgin Islands as, respectively, Administrative Judge and Senior Sitting Judge of the Superior Court. I also wish to congratulate Judge Willocks for his recent confirmation to a third six-year term as a judge of the Superior Court. I look forward to

continuing to work with them as well as all the judicial officers and staff of the Virgin Islands Judiciary towards our shared goal of ensuring that the courts of the Virgin Islands continue to dispense justice fairly and promptly in accordance with the rule of law.



Hon. Rhys S. Hodge
Chief Justice

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

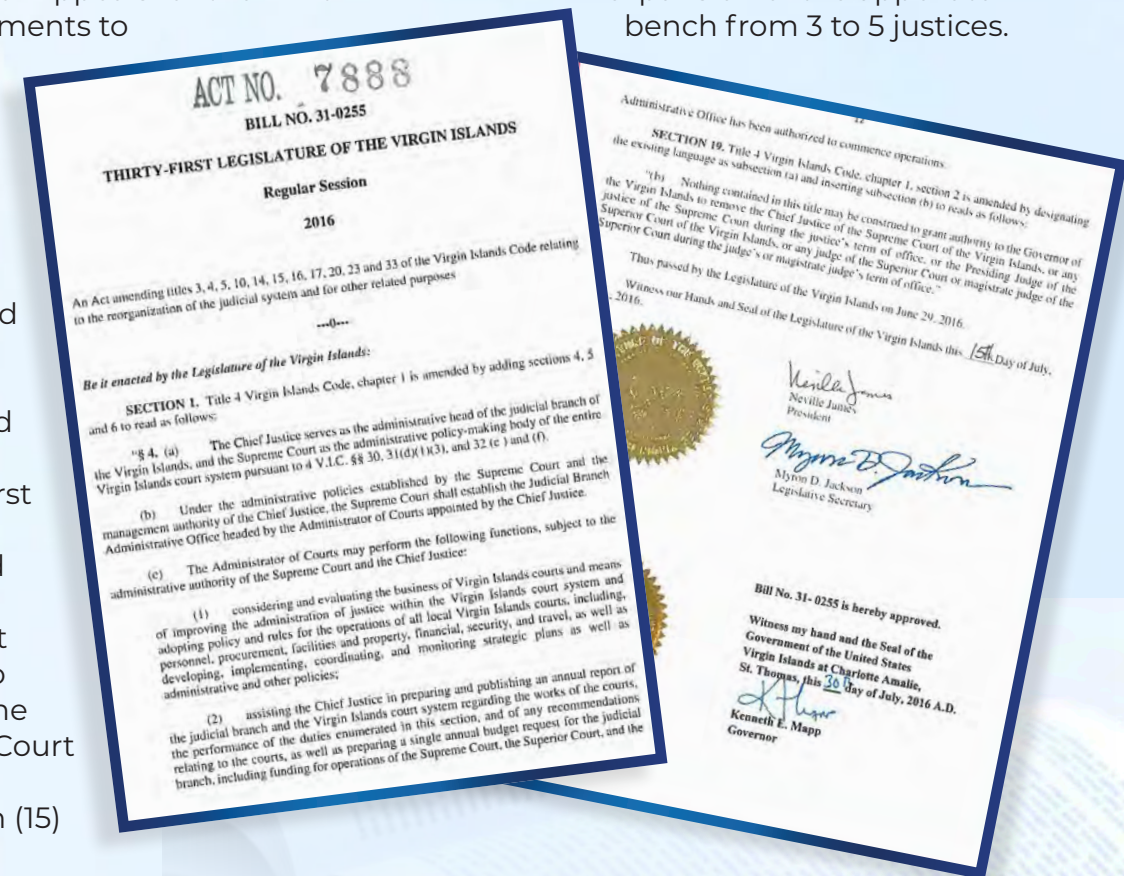
jurisdiction over all local civil actions. Effective January 1, 1994, pursuant to Act No. 5890, the Virgin Islands Legislature granted expanded jurisdiction in criminal matters to the Territorial Court.

In 1984, the United States’ Congress amended the Revised Organic Act of 1954 to permit the Virgin Islands Legislature to create a local appellate court whose justices could be nominated by the Governor of the Virgin Islands subject to confirmation by the Virgin Islands Legislature. However, since the Legislature did not immediately create the local appellate court authorized by the 1984 amendments to the Revised Organic Act, two federal courts—the District Court of the Virgin Islands, and the United States Court of Appeals for the Third Circuit—continued to review all judgments issued by the 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 members of the 26th Legislature, and signed into law by then Governor, Charles W. Turnbull on October 29, 2004. This pivotal Legislation also changed the name of the Territorial Court of the Virgin Islands to the Superior Court of the Virgin Islands. Act No. 6687 also rechristened the Territorial Court as the

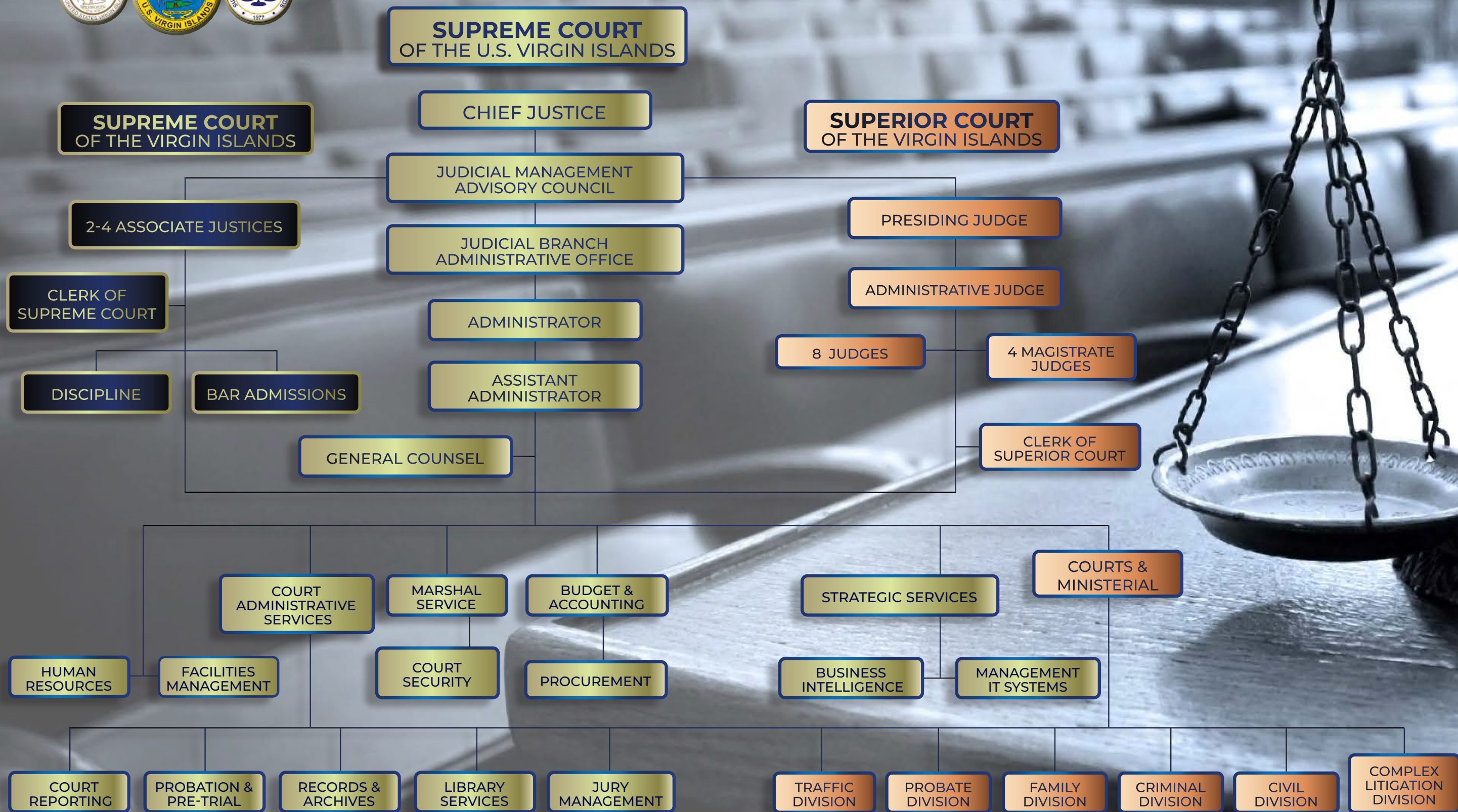
Governor Turnbull appointed the first three justices to preside over the Supreme Court of the Virgin Islands—Rhys S. Hodge, Maria M. Cabret, and Ive Arlington Swan. All three justices were unanimously confirmed by the Virgin Islands Legislature on October 27, 2006 and sworn into office on December 18, 2006. On January 29, 2007, the Supreme Court 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 five-year report on June 9, 2012, which concluded that the Supreme Court had developed sufficient institutional traditions to justify direct review by the United States Supreme Court and recommended that Congress end the fifteen (15) year oversight period.

On December 28, 2012, President Barack Obama signed Public Law No. 112-226. This bill, sponsored by Delegate to Congress Donna M. Christensen, amended the Revised Organic Act to eliminate the oversight period. With the elimination of the oversight period, the Supreme Court of the Virgin Islands achieved parity with the highest courts of the several states and its decision would be subject to direct review by the Supreme Court of the United States, as do the highest courts of several States. The Virgin Islands now joins the other States and Territories of the Union in establishing a progressive, 21st century, local court system.

Consistent with the organizational structure of a majority of the jurisdictions under the United States Flag, on August 29, 2016, the local judiciary took another leap forward when Bill No. 31-2055, Act No. 7888, was signed into law by Governor Kenneth E. Mapp, unifying the administrations of the Supreme Court of the Virgin Islands and the Superior Court of the Virgin Islands. This Legislation, sponsored by then Senator Kenneth L. Gittens and Senator Nereida “Nellie” O’Reilly, also authorized the expansion of the appellate bench from 3 to 5 justices.



The Judicial Branch



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 limited appellate jurisdiction to review the final judgments rendered by the Superior Court, as well as a limited number of specified interlocutory orders. The Superior Court is the court of first impression in the Virgin Islands judiciary. As the trial court, it has broad jurisdiction in addressing the legal needs of the Virgin Islands community and has original jurisdiction to preside over all local civil, criminal, family, probate, landlord/tenant, small claims and traffic disputes. It also acts as a court of appeals for decisions of all governmental officers and agencies.

Pursuant to the authority granted in 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 other judicial officers are ex officio members of the council. By the end of 2022, 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. Debra S. Watlington, Presiding Judge
- Hon. Denise M. Francois, Judge
- Hon. Ernest E. Morris, Jr., Magistrate Judge

During fiscal year 2022, the Judicial Management Advisory Council acted on recommendations to improve court operations as follows:

Promulgation Order No. 2022-0001. - Following a period for Public Comment, the Supreme Court promulgated rule changes to the Virgin Islands Rules of Criminal Procedure, Virgin Islands Rules of Evidence, and the Rules of the Superior Court as proposed by the Advisory Committee on Rules.

Promulgation Order No. 2022-0002 – In Re: Establishment of the Virgin Islands Office of Conflict Counsel. During calendar year 2022, in response to the challenges faced with the number of attorneys volunteering for previously established indigent defense panels, and the increased number of recusals/ conflicts of interests of the Territorial Public Defenders Office, the Supreme Court amended VISCR 210 primarily to establish an Office of Conflict Counsel.

The Supreme Court also entered several Administrative Orders aligning the state of Judicial Branch operations with the status of the COVID-19 Pandemic nationally and locally as follows:

Administrative Order No. 2022-0001 - Extension of Virtual Proceedings and Remote Work for the Judicial Branch of the Virgin Islands

Administrative Order No. 2022-0002 - Resumption of In-Person Proceedings and Jury Trial in the Judicial Branch of the Virgin Islands.

Administrative Order No. 2022-0003 - Recission of Mandatory Mask Policy for Persons Entering the Facilities of the Judicial Branch of the Virgin Islands.

Administrative Order No. 2022-0004 - Adoption of Measures to Manage the COVID-19 Endemic.

JUDICIAL APPOINTMENTS AND DESIGNATIONS

Pursuant to 4 V.I.C. §72, Judges of the Superior Court are appointed by the Governor with the advice and consent of Legislature and continue in office for a term of 6 years until a successor is appointed and confirmed or until they are renominated and confirmed. Upon the expiration of a judge's 6-year term, they may continue to serve for a period of 180 days, commonly known as the hold-over period, in which they are either renominated and confirmed or a successor is nominated and confirmed. When neither condition is met within the hold-over period, and primarily to preserve the continuity of judicial administration of cases, the Presiding Judge may request that the Supreme Court designate the judicial officer whose statutory term has ended, as a Senior Sitting Judge of the Superior Court of the Virgin Islands. The Honorable Harold W. L. Willocks and the Honorable Renee Gumbs-Carty's terms expired in FY 2022 and they were each appointed Senior Sitting as follows:

Administrative Order No. 2022-0005 - In accordance with 4 V.I.C. § 74(a) and Supreme Court Rule 104. The Honorable Harold W.L. Willocks was designated to serve as Senior Sitting Judge of the Superior Court of the Virgin Islands following the expiration of his 180-day hold-over period.

Administrative Order No. 2022-0006. - In accordance with 4 V.I.C. § 74(a) and Supreme Court Rule 104. The Honorable Renee Gumbs-Carty was designated to serve as Senior Sitting Judge of the Superior Court of the Virgin Islands following the expiration of her 180-day hold-over period.

Administrative Order No. 2023-0001 - By the publication date of this report, the term and hold-over period for the Honorable Jomo Meade had also expired. Former Judge Meade was therefore also appointed Senior Sitting in the Judicial District of St. Croix effective April 4, 2023.

JUDICIAL BRANCH DESIGNATIONS



DEBRA S. WATLINGTON

In accordance with the provisions of 4 V. I. C. § 71 (c), the Honorable Debra S. Watlington, was designated the Presiding Judge of the Superior Court of the Virgin Islands effective August 1, 2022. In accordance with law, the Presiding Judge is designated from alternating districts for a term of three-years and the selection is made, in order of seniority, based upon continuous length of service on the Superior Court as well as the judicial officer’s willingness to serve in this leadership capacity.

Presiding Judge S. Watlington gracefully accepted the charge and became just the second woman to serve in this capacity since the inception of the court. Presiding Judge S. Watlington was first nominated by the Honorable John P. de Jongh, Governor of the Virgin Islands of the United States, to serve a six-year term as a Judge of the Superior Court of the Virgin Islands in 2012 and confirmed by the 29th Legislature of the

Virgin Islands. In 2018, Judge Watlington was nominated to serve a second 6-year term as Judge of the Superior Court of the Virgin Islands by the Honorable Albert A. Bryan Jr., Governor of the Virgin Islands, and confirmed by the 32nd Legislature.

Presiding Judge Debra S. Watlington is a native of St. Thomas and a graduate of the Ivanna Eudora Kean High School. She obtained a Bachelors in Urban and Metropolitan Studies from Michigan State University, before earning her Juris Doctor from Howard University Law School. Upon graduation from Law school she served as law clerk to former Presiding Judge Honorable Verne A. Hodge. Following her admission to the Practice of Law in the Virgin Islands, Presiding Judge S. Watlington served as Legal Counsel for the Virgin Islands Housing Authority before joining the Office of the Territorial Public Defender, where she provided invaluable service to the Territory for 13 years. She became the Chief Public Defender in 2010, and served faithfully in that position for 3 years until her elevation to the Superior Court bench.



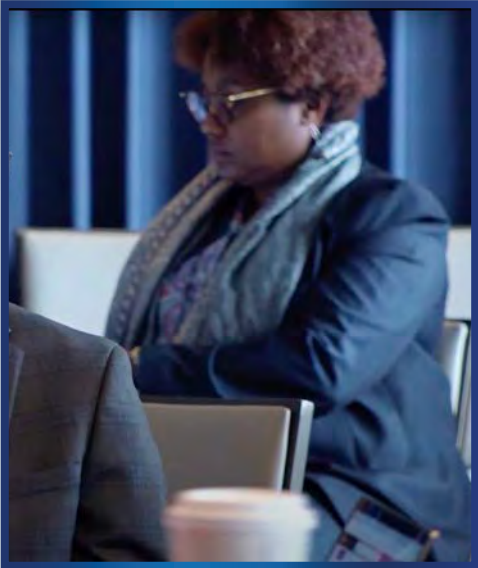
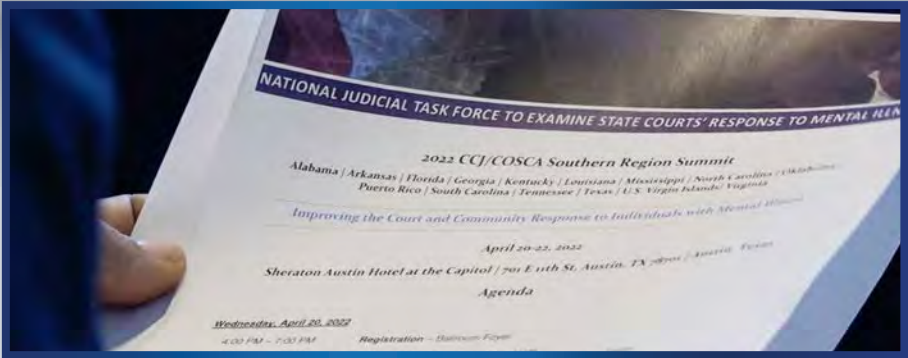
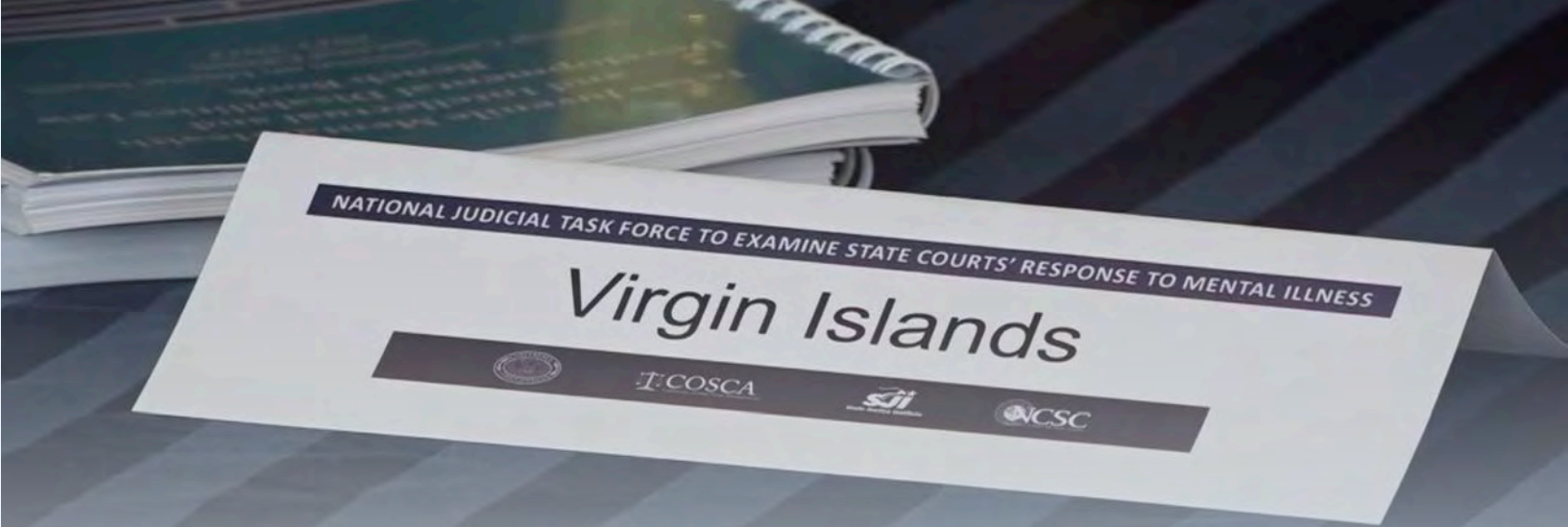
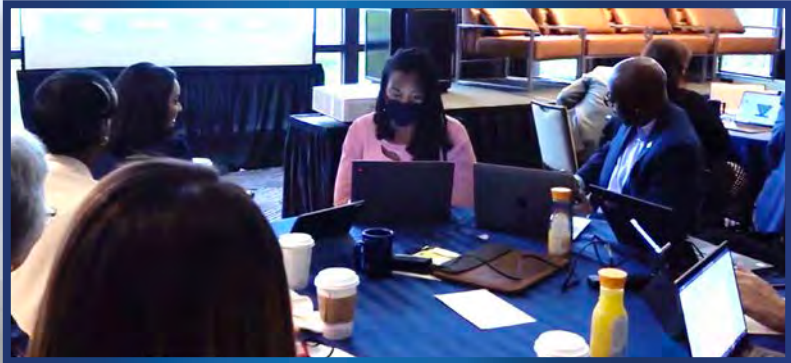
JUDICIAL BRANCH COLLABORATIONS AND HIGHLIGHTS

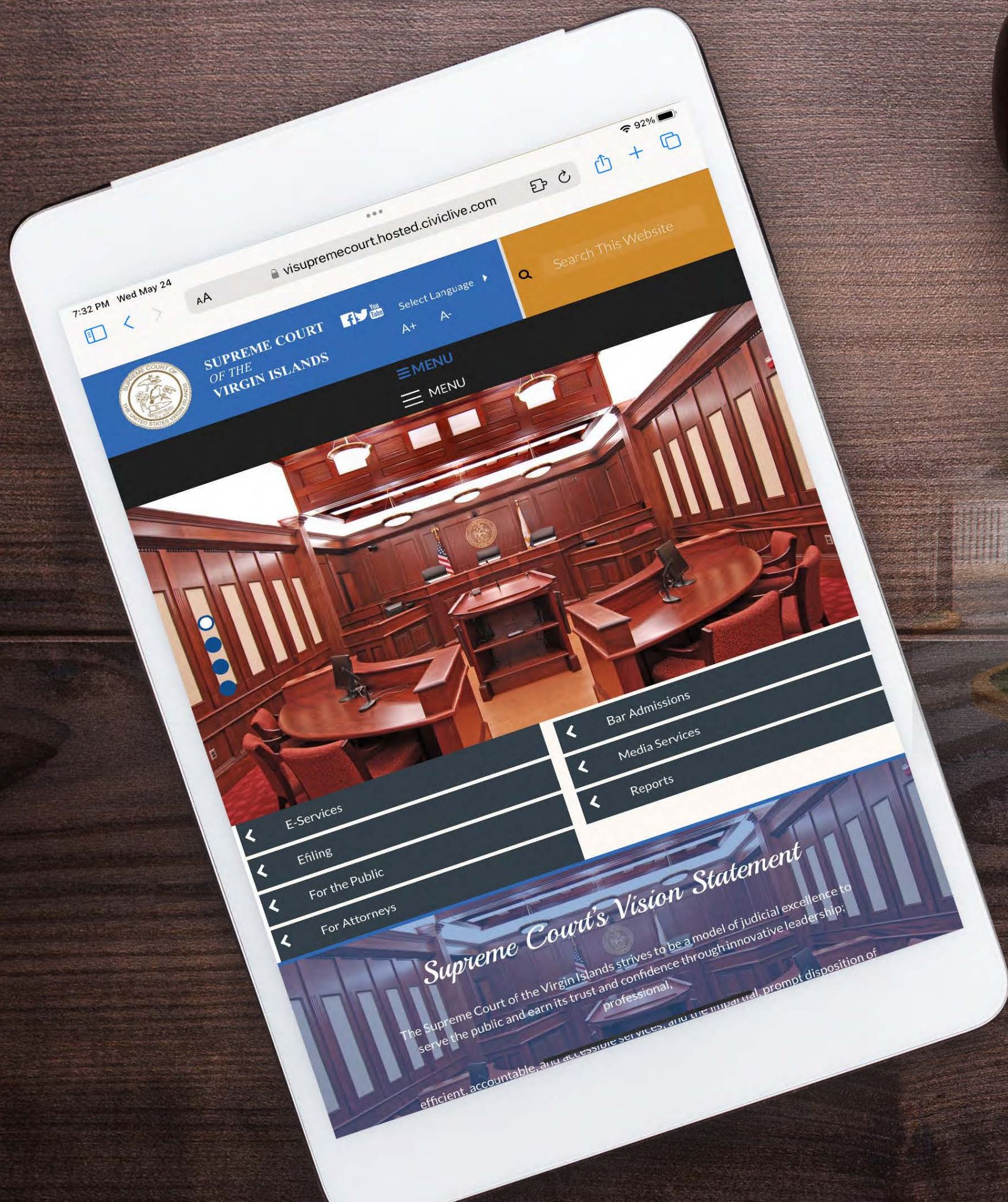
In 2022, the Judiciary kicked off the first phase of the long awaited Roof Replacement and Office Expansion Project at the R. H. Amphlett Leader Justice Complex in Kingshill St. Croix. The original purpose of this project was to mitigate the events of 2017, when catastrophic rainfall from Hurricane Maria caused significant damage to courtrooms and office areas in the Kingshill courthouse. When the 2nd floor courtyard drainage system became overrun by debris, the courtyard became a lake creating a 6-inch waterline on all surrounding courtrooms and flooding offices on the first floor.



On April 20th - 22nd, 2022, the **Conference of Chief Justices and Conference of State Court Administrators (CCJ-COSCA)** hosted a **Southern Region Summit in Austin Texas on Improving the Court and Community Response to Individuals with Mental Illness.** The Virgin Islands Judiciary invited members of the legislative and executive branches of government to join in its delegation. The response and participation was overwhelming with 26 representatives from various sectors of government participating, including but not limited to the Judiciary, the Legislature, Department of Human Services, Virgin Islands Police Department, Bureau of Corrections, Department of Health, Office of the Attorney General, the Office of the Territorial Public Defender and Legal Services of the Virgin Islands.

The summit, consisted of a dynamic mixture of plenary sessions, interactive panel presentations, and state team planning sessions, individually geared towards improving court and community responses to those with mental illness in each jurisdiction, and formidable step in bringing Virgin Islands stakeholders together.





THE VISION OF THE SUPREME COURT OF THE VIRGIN ISLANDS

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





The role of the Supreme Court is to review the factual determinations of the Superior Court for clear error while exercising plenary review over its legal conclusions. The Supreme Court also hears cases that do not originate in the Superior Court. These cases are referred to as original jurisdiction matters. The most common exercise of the Court's original jurisdiction is in actions for writ of mandamus, in which the Supreme Court may order a government official—including a Superior Court judge—to perform a discrete, ministerial act. However, there are various other types of actions that may arise pursuant to the Supreme Court's original jurisdiction, which include proceedings for civil or criminal contempt, applications for writs of habeas corpus, attorney discipline and certified question 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 to five justices, the current court consists of a Chief Justice, the Honorable Rhys S. Hodge and two Associate Justices, the Honorable Maria M. Cabret and the Honorable Ive Arlington Swan

FY 2022 JUDICIAL DESIGNATIONS

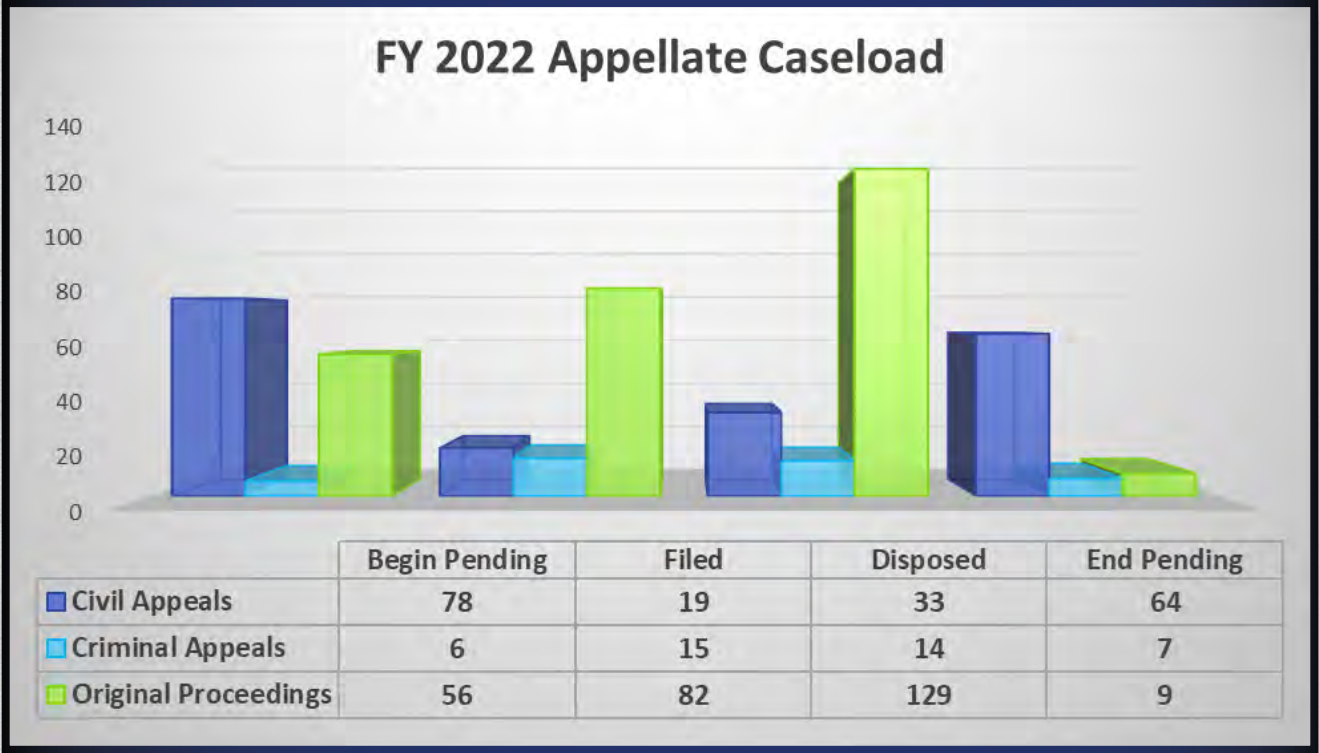
Legal or ethical conflicts may arise from time to time requiring recusal of one or more sitting justices, or any justice may temporarily be unable to serve. In such instances, the Chief Justice may appoint a retired, senior, or active judge of the Superior Court or the District Court to serve as a Designated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

There were 6 recusals and 13 new designations in fiscal year 2021. Accordingly, the following judicial officers served as Justices on an Appellate Panel during the course of the fiscal year:

- Douglas A. Brady, Judge, Superior Court of the Virgin Islands
- Renee Gumbs-Carty, Judge, Superior Court of the Virgin Islands
- Darryl Dean Donohue, Senior Sitting Judge, Superior Court of the Virgin Islands
- Michael C. Dunston, Retired Judge, Superior Court of the Virgin Islands
- Denise Francois, Judge Superior Court of the Virgin Islands
- Curtis V. Gomez, Retired Judge, District Court of the Virgin Islands
- Verne Hodge, Judge Emeritus, Superior Court of the Virgin Islands
- Jomo Meade, Judge, Superior Court of the Virgin Islands
- Sigrid Tejo, Judge, Superior Court of the Virgin Islands
- James Carroll, III, Retired Judge, Superior Court of the Virgin Islands

OFFICE OF THE CLERK

The Office of the Clerk of the Supreme Court is responsible for the management of cases throughout the appellate process, and the maintenance of certain statistical data regarding case processing. In fiscal year 2022, the Supreme Court convened 11 sessions in which 19 cases were heard by Oral Argument and 12 cases were considered without Oral Argument. During the fiscal year, the Supreme Court issued an astounding 42 opinions, 16 of which were published opinions and available for review on the Judiciary's website at www.vicourts.org. The Supreme Court had also entered 406 orders by fiscal year end. Additionally, the following caseload trends are reported for fiscal year 2022.



Fiscal year 2022 began with 140 matters pending before the Supreme Court of the Virgin Islands. There were 116 new matters filed during the course of fiscal year 2022 for a total pending caseload of 256 cases. The Court disposed of 176 matters including 33 civil appeals, 15 criminal appeals and 129 matters proceeding under the Court's original jurisdiction. Fiscal year 2022 ended with a total pending caseload of 80 cases, for a 43% reduction in pending caseload, when compared to the previous fiscal year.

INDIGENT APPOINTMENTS

The Office of the Territorial Public Defender possesses a statutory mandate to represent indigent defendants in criminal proceedings including appeals. When the Public Defender is unable to provide indigent representation on a matter on appeal due to an ethical conflict, the Supreme Court must appoint an attorney to represent the indigent defendant. Supreme Court Rule 210 established a panel of attorneys who would volunteer to represent indigent parties on appeal and set compensation at \$75.00 per every in-court and out-of-court hour in which services were provided, subject to a presumptively reasonable cost for indigent representation, which has been defined as either \$5,000.00 or \$7,500.00, depending on the seriousness of the offense. On August 10, 2020, the Supreme Court amended VISCR 210 governing the Appointment of Counsel to Represent Indigent Parties, increasing the hourly rate for court-appointed counsel in all matters to \$100, and the maximum presumptively reasonable aggregate payment for such matters to reflect the new hourly rate. Notwithstanding the established maximum

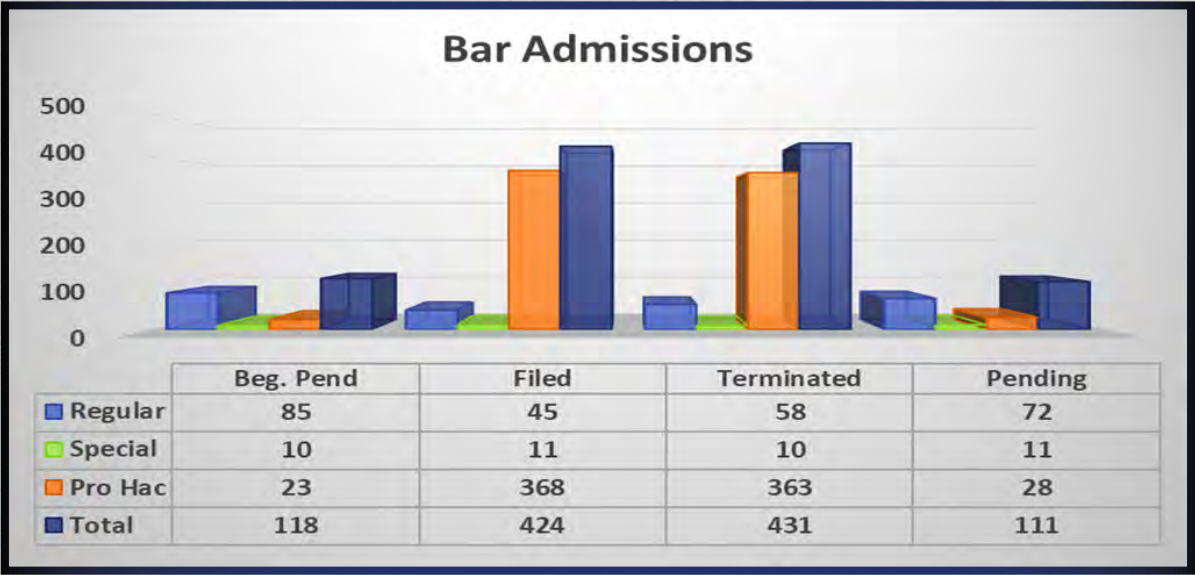
presumptively reasonable aggregate payment, the Chief Justice may waive the cap under special circumstances. The Supreme Court also retains the authority to involuntarily appoint an attorney in the rare instance that the Office of the Public Defender and all of the attorneys on the appellate indigent defense panel are unable to represent a particular defendant. As, reported earlier, the Supreme Court has established the Office of Conflict Counsel to further address issues and/or challenges with indigent defense with the hopes that the Supreme Court will not have to exercise its authority to involuntarily appoint attorneys as defense counsel. In this regard, the Judiciary looks forward to the cooperation and collaboration needed between the Judicial, Executive and Legislative Branches of Government in meeting the constitutional mandates for indigent defense.

ARMS OF THE SUPREME COURT

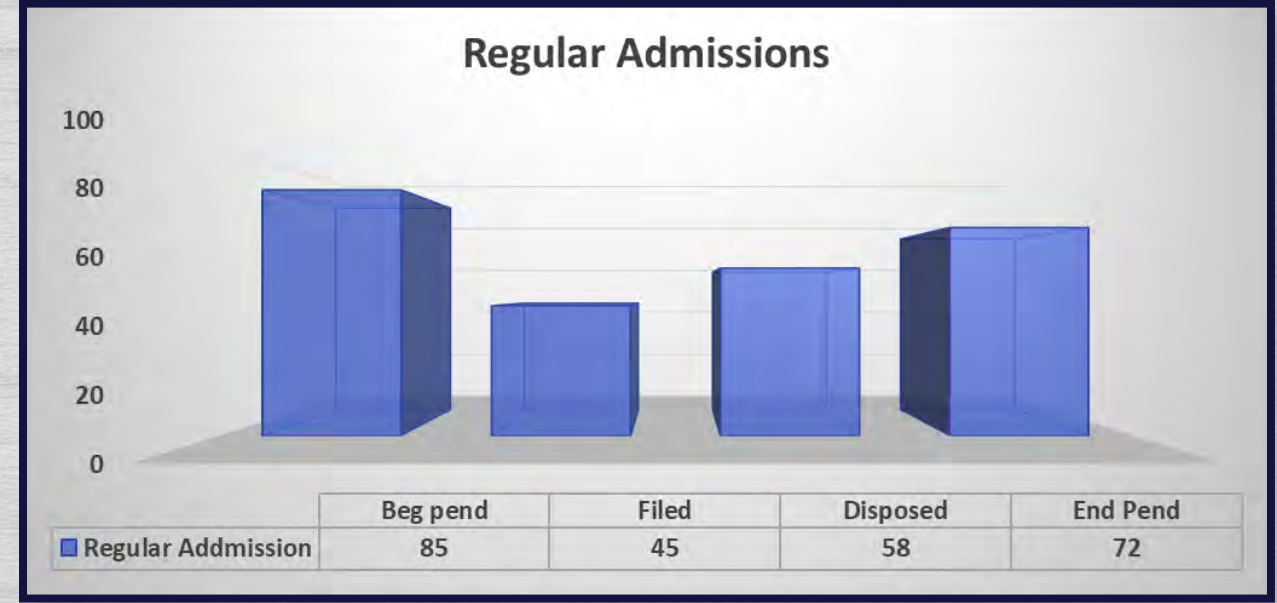
OFFICE OF BAR ADMISSIONS

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

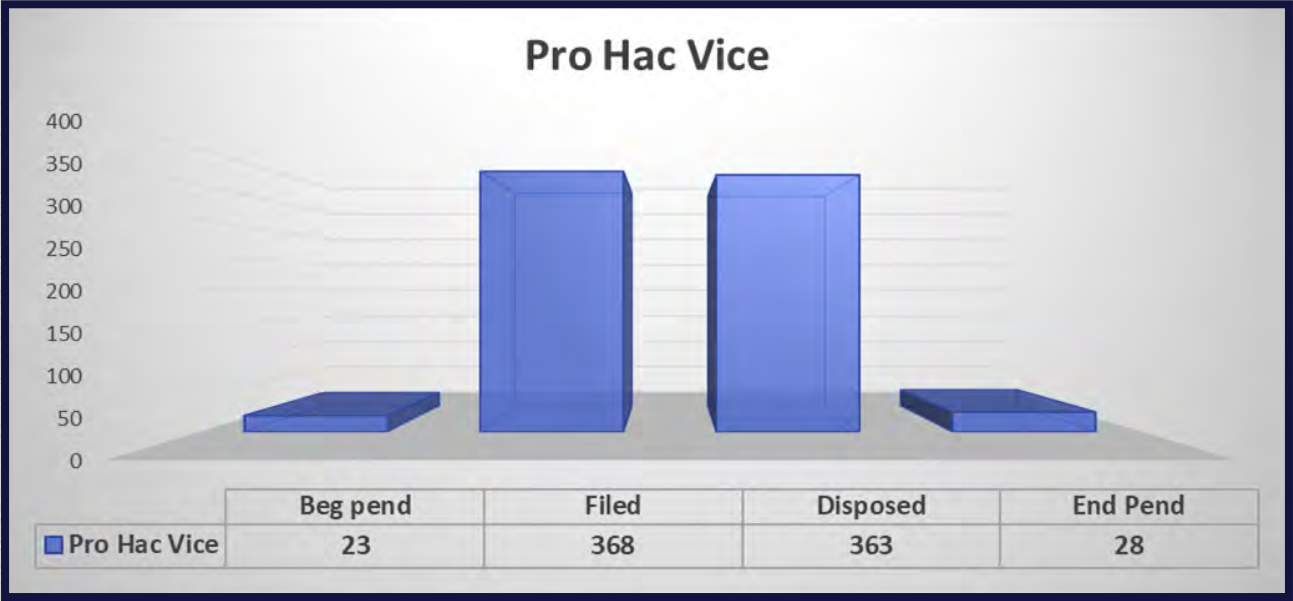
Admission to the Virgin Islands Bar is governed by Supreme Court Rules 201, 202 and 204. These rules establish three classes of membership: regular, special, and pro hac vice. During fiscal year 2022, for all reporting types, the Office of Bar admissions evaluated 424 applications and administered 259 oaths. Statistical information for each admission type is presented below:



Regular Admission. During the course of fiscal year 2022, 45 new petitions for regular admission were filed. The Office of Bar Admissions and Committee on Bar Examiners conducted 52 Character and Fitness Interviews during fiscal year 2022. As of September 30, 2022, there were 72 pending applications. The Office of Bar Admissions coordinated 4 admission ceremonies during the fiscal year. These were held on November 10, 2021, February 10, 2022, May 31, 2022, and September 13, 2022. To maintain health and safety protocols during the endemic, the ceremonies were held virtually, admitting 45 new regular attorneys to the practice of law in the Virgin Islands in fiscal year 2022.



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 2022, 368 new applications for pro hac vice admission were filed for a 78% increase in pro hac vice filings over the previous year. The Office of Bar Admissions terminated 363 cases further reducing the pending caseload by nearly 10%. A total of 474 pro hac vice oaths of office were administered during this period and 87 orders terminating pro hac vice admission were entered by the Supreme Court.



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 governmental department or agency, or a specified public interest organization. During fiscal year 2022, 10 attorneys were granted special admission to practice law on behalf of agencies in the Territory, and 5 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, including 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 to indicate that an attorney has complied with all membership requirements of the Virgin Islands Bar. At least once per year, many members of the Virgin Islands Bar Association, file requests with the court for Certificates of Good Standing to satisfy licensing requirements or to support applications for admission to the Bar of another jurisdiction. 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 2022, 184 certificates of good standing were processed and issued.

Status Changes. Regular members of the Virgin Islands Bar 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 with the Virgin Islands Bar. Additionally, The Supreme Court may grant an attorney permission to resign his or her membership, which terminates any financial obligation to the VI Bar. With the Court’s permission, and provided that certain procedural requirements are met, attorneys may freely transfer between active and inactive status, and may request permission to resume the practice of law. In fiscal year 2022, the Office of Bar Admissions received 18 requests for status changes, 9 petitions for inactive status, 3 petition for the resumption of active practice, and 6 petitions for resignation from the Virgin Islands Bar

Continuing Legal Education. The Supreme Court amended Rule 208 in 2019 to require that all regularly and specially admitted attorneys self-report their annual compliance with earning 12 continuing legal education credits to the Virgin Islands Bar Association. Specifically, the amendments granted the Virgin Islands Bar Association’s CLE Committee the authority to grant extensions of time for self-reporting but did not vest the Virgin Islands Bar Association with any discretion to waive or excuse a member’s non-compliance. However, during fiscal year 2022, 2 petitions for extensions of time were erroneously filed with the Supreme Court and promptly denied.

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 annual registration payment of \$50. While 831 Annual Registration Statements were filed during fiscal year 2022, there were no certifications of non-compliance with VISCR 203(e) prior to the close of the fiscal year.

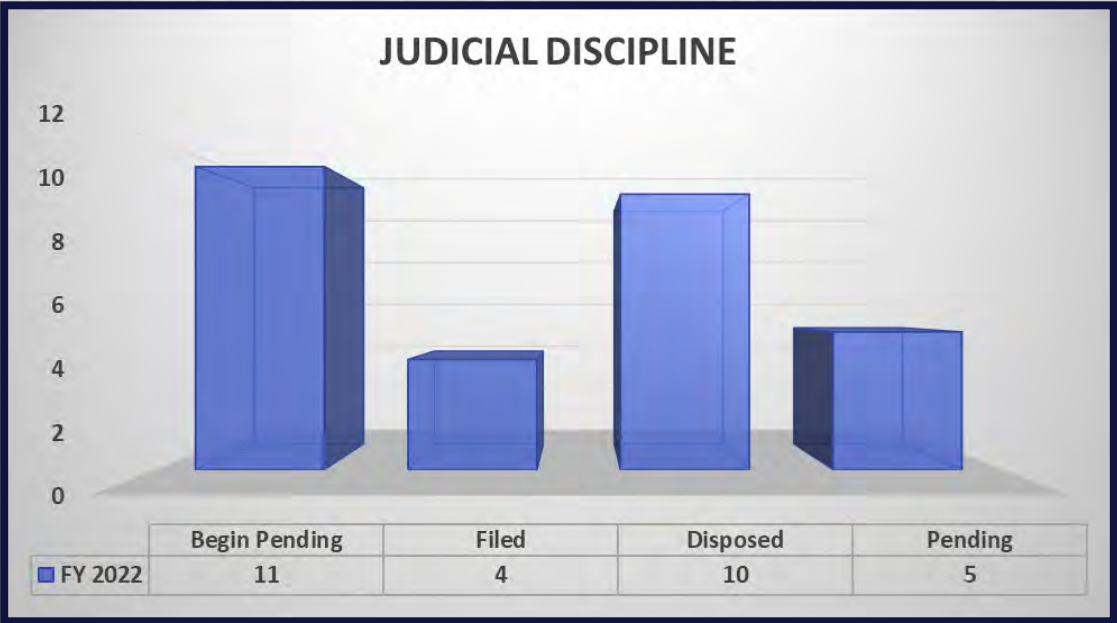
Issuance of Bar Identification Numbers. In the first quarter of fiscal year 2015, the Office of Bar Admissions assumed full responsibility over the management and assignment of identification numbers for all new regular and special admitted members of the Virgin Islands Bar Association. During fiscal year 2022, the Office of Bar Admission issued 126 identification numbers to new members.

OFFICE OF DISCIPLINARY COUNSEL

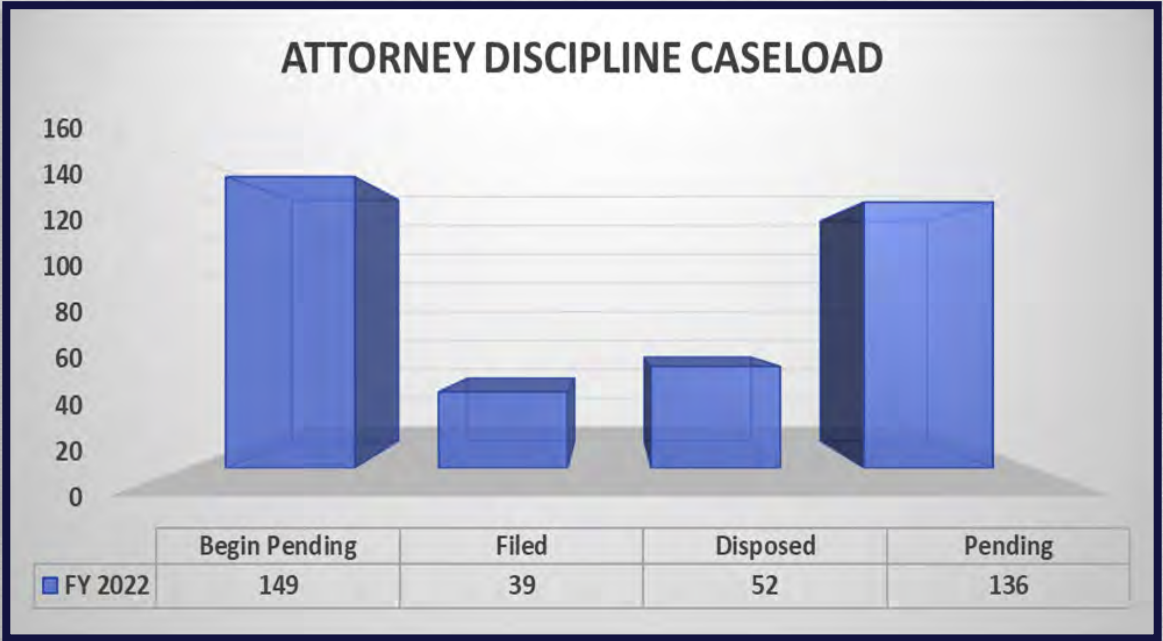
Pursuant to Supreme Court Rule 209, the Office of Disciplinary Counsel was established to investigate and prosecute complaints against justices and judges from the Virgin Islands judiciary. Rule 209 also established the Virgin Islands Commission on Judicial Conduct to further assist with preserving the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

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

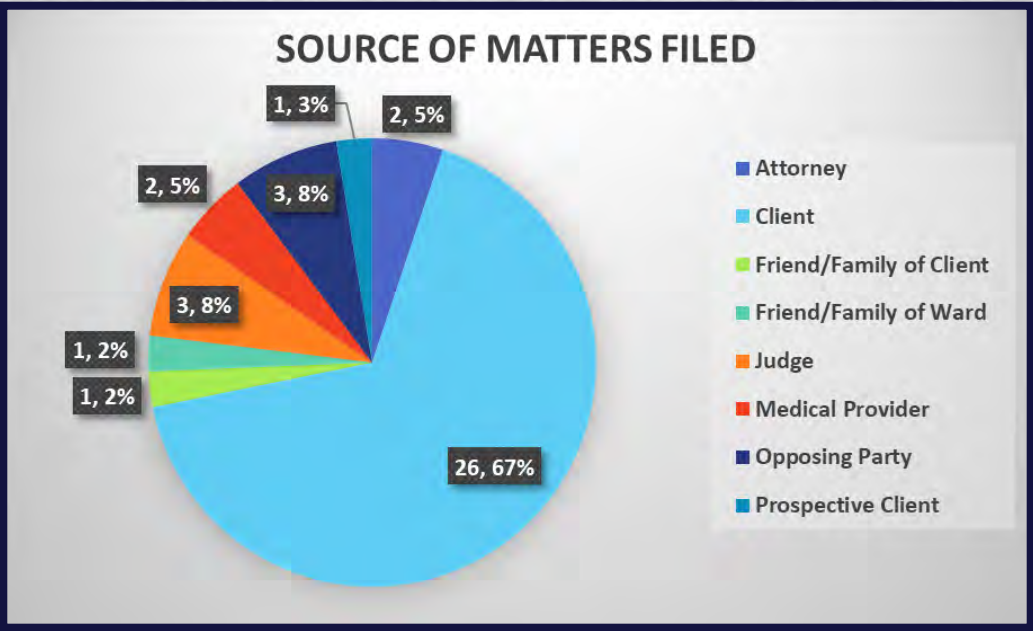
Judicial Discipline and Incapacity. The Office of Disciplinary Counsel closed fiscal year 2021 with 11 pending complaints against judicial officers. During fiscal year 2022, 4 new discipline complaints were filed against judges. As of September 30, 2022, 10 judicial discipline cases were closed, and 5 matters were pending for a 55% reduction in the judicial discipline caseload. At the close of the fiscal year, 5 of the remaining pending matters had been filed with the Court for the imposition of discipline. [No complaints alleging judicial disability were filed in fiscal year 2022.



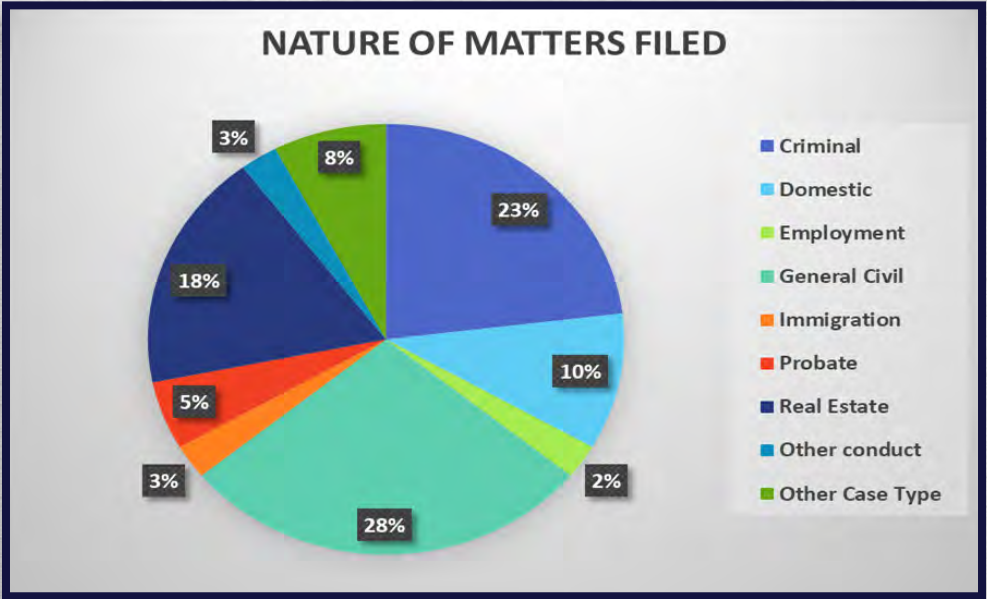
Attorney Discipline. Disciplinary Counsel investigates and prosecutes all grievances and ethical violations against members of the Virgin Islands Bar. Attorney discipline includes, but is not limited to, private or public reprimand, probation, suspension, and the most severe penalty of disbarment from the practice of law in the Virgin Islands. Fiscal Year 2022 began with 148 pending attorney discipline matters. During the fiscal year, 39 new grievances were filed, and 52 cases were resolved, for a 9 % reduction in the cases pending from the previous year. Of those resolved, 29 were dismissed following review and investigation, 2 were dismissed by the Panel, 1 matter was stayed, and 7 resulted in attorney discipline. Of those disciplined, 6 resulted in a private reprimand, and 1 reprimand was public. The fiscal year closed with 135 pending attorney disciplinary cases.



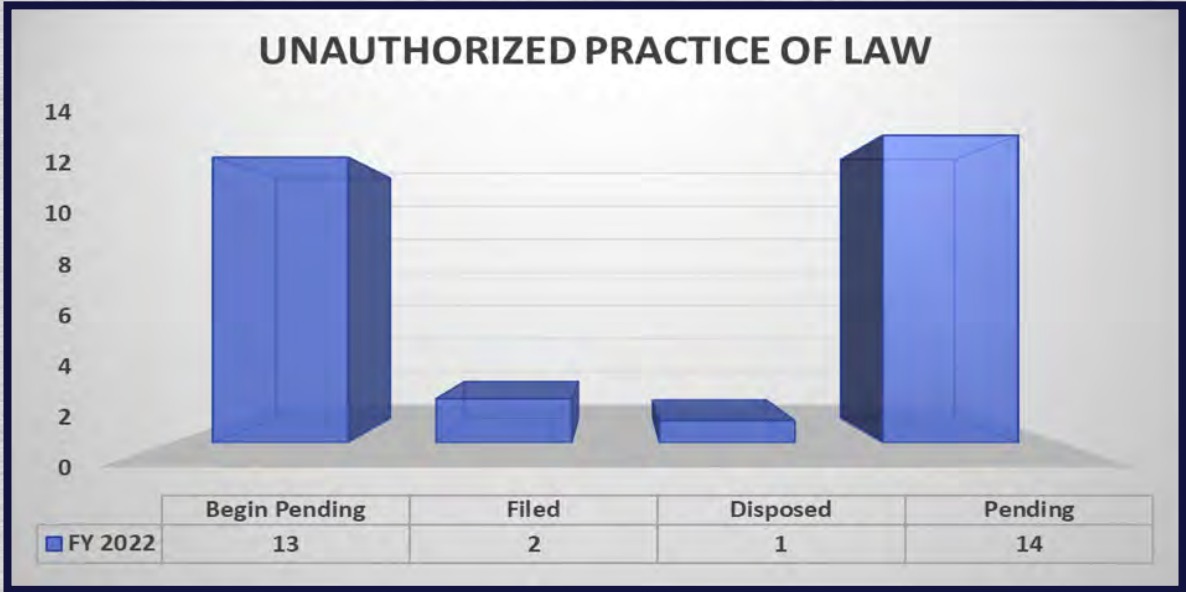
Discipline Case Demographics. Of the 39 cases opened in FY 2022, 26 cases were filed by clients of the respondent- attorney, 3 were filed or referred by judicial officers, and 3 were filed by opposing parties..



With respect to the nature of the matters filed, 11 arose from general civil matters, 8 arose from criminal matters and 7 arose from Real Estate transactions



Unauthorized Practice of Law. Disciplinary Counsel is responsible for supervising the receipt, evaluation, investigation, and prosecution of complaints of the Unauthorized Practice of Law. The Office of Disciplinary Counsel began fiscal year 2022 with 13 pending matters. During the fiscal year 2 files were opened, and 1 case was closed. At the end of FY 2022, 14 cases remained pending.



Discipline History Requests and Notices of Non-Compliance. The Office of Disciplinary Counsel is also responsible for responding to requests for discipline histories for Virgin Islands' attorneys seeking admission to the bars of other states, or employment in the federal judiciary. In fiscal year 2022 the number of discipline history requests increase by more than 100% over the previous year with the Office of Disciplinary Council issuing 89 disciplinary histories.

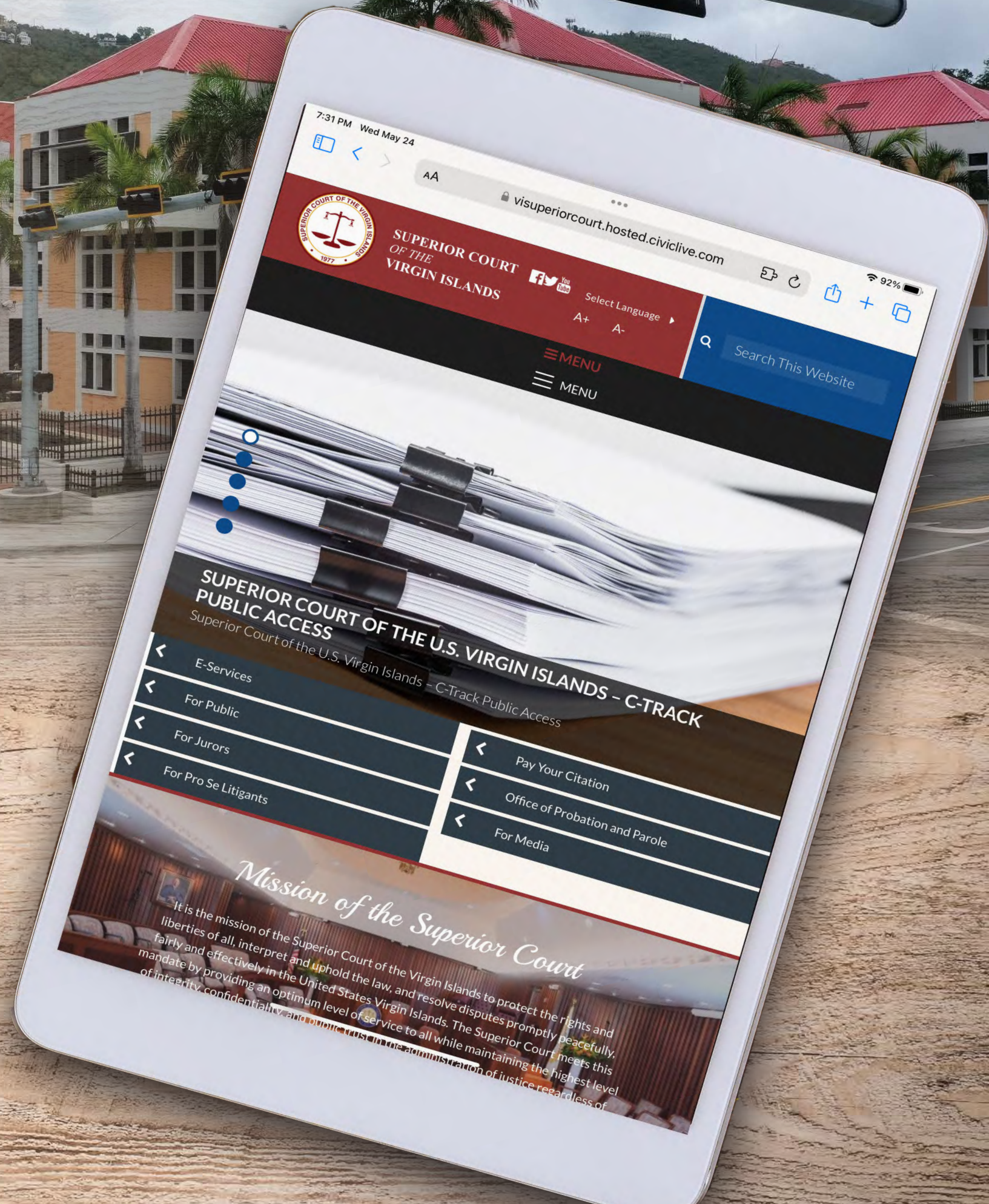
Receiverships. Pursuant to Rule 207.24, Disciplinary Counsel also has the power to act as or retain the services of an outside lawyer to act as a Receiver in cases of death, disability, abandonment, suspension, or disbarment for active attorneys. While no new receiverships were filed in fiscal year 2022, ODC responded to several filings in 2 referred receiverships.





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.



The Superior Court of the Virgin Islands 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 usually 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 alternate district for a 3-year term commencing August 1 at 10:00 a.m. The Presiding Judge of the Superior Court is responsible for the observance of practice and procedure rules adopted by the Supreme Court, designates the judges to sit in each division and divides the caseload among the judges and magistrate judges so as to promote the prompt dispatch of the court’s business. The Presiding Judge also appoints the clerk of the Superior Court and oversees the workings of the Superior Court’s clerk’s office and Probation. The Presiding Judge also selects a Judge in the alternate district to serve as Administrative Judge to assist the Presiding Judge in caseload management and oversight in that district.



Hon. Debra S. Watlington
Presiding Judge



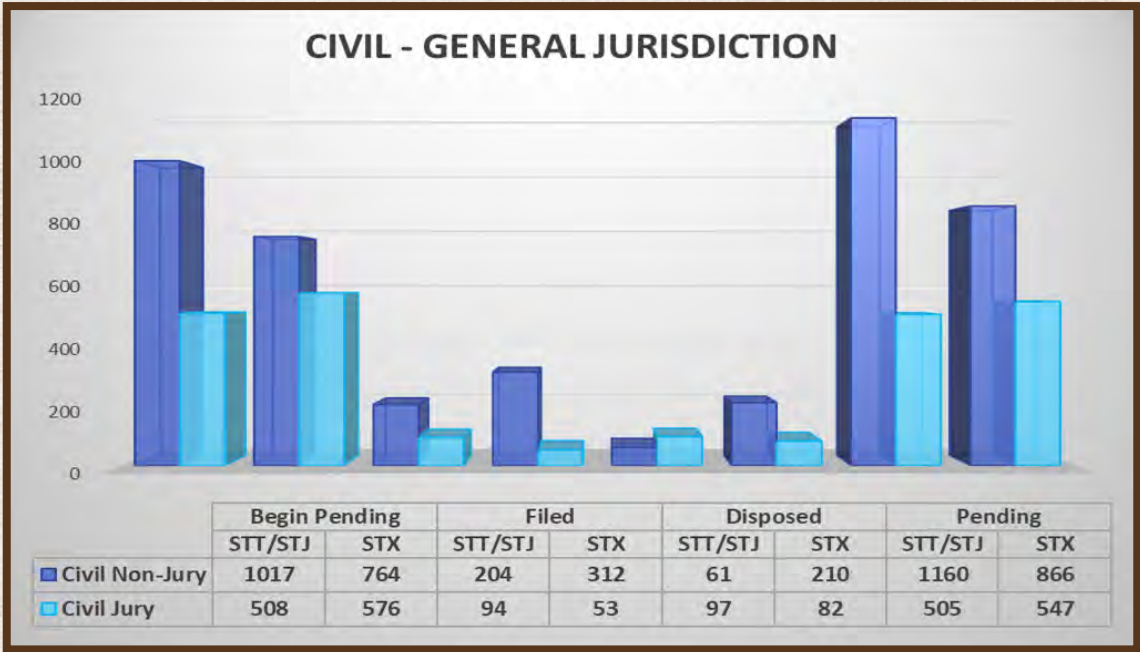
Hon. Harold W.L. Willocks
Administrative Judge

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, small claims, probate and litter cases.

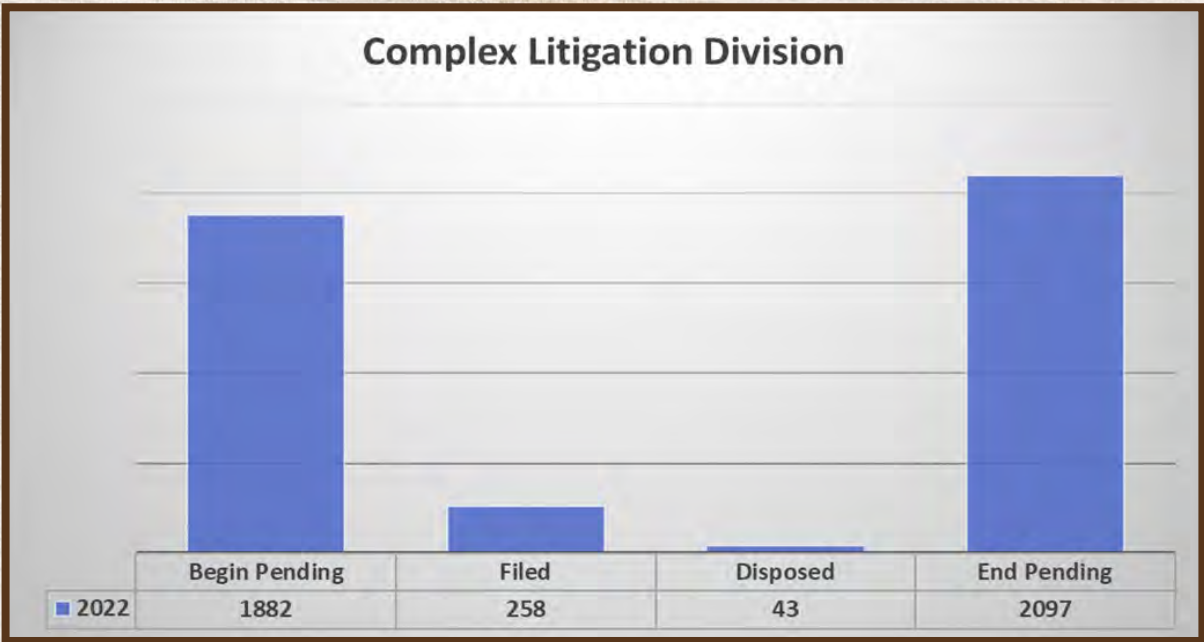
SUPERIOR COURT CASELOAD STATISTICS

The Office of the Clerk of the Superior Court is responsible for the management of cases filed in the Superior Court. The Clerk’s Office receives and processes court documents, maintains the Court’s case files, and attends and assists in all court proceedings. In addition, the Clerk’s Office facilitates the availability of interpreting services, including American Sign Language, enters the Court’s orders, judgments and decrees, and generates and validates statistical reports from the automated case management system. The following caseload trends are reported for the various Superior Court divisions for fiscal year 2022.

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.



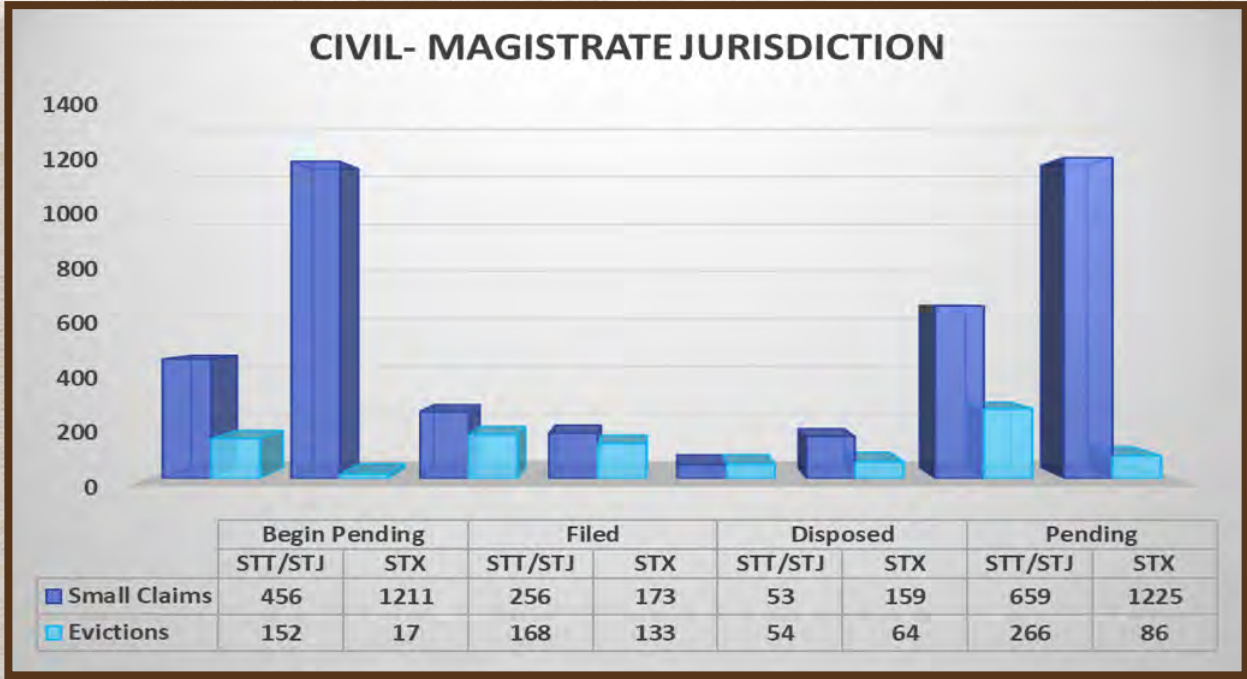
The Superior Court began fiscal year 2022 with 1,781 Civil bench trials pending. During the fiscal year, 516 new cases were filed. By the end of the fiscal year, the Superior Court had disposed of 271 civil non-jury matters for an annual case clearance rate of 53%. With regards to non-complex civil jury cases, following the resumption of jury trials effective October 4, 2021, 147 new cases were filed in fiscal year 2022, and the Superior Court disposed of 179 cases for an annual case clearance rate above 100% and a 3% reduction in the pending case backlog.



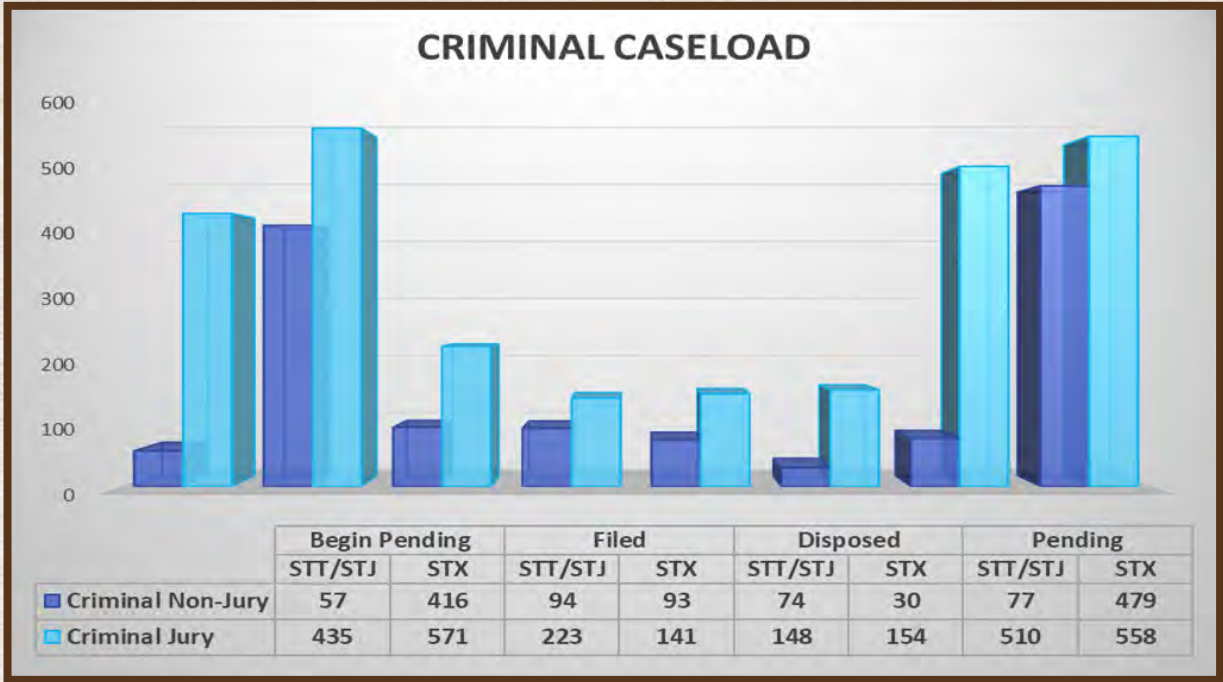
Additionally, as previously reported, a territory-wide Complex Litigation Division was established within the Superior Court of the Virgin Islands, effective October 1, 2018. The division includes a special docket of class action, mass tort and toxic tort cases, with an assigned judge and dedicated staff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

While, fiscal year 2022 was just the fourth full year of statistical reporting for the Complex Litigation Division, it is important to note that 2 of the 4 years experienced a suspension of jury trials due to the Global Pandemic. Despite the inability to hold jury trials, the Judiciary nonetheless, continued its efforts to improve operations in this area with the addition of a Staff Master in Fiscal Year 2022. The Division opened fiscal year 2022 with 1,882 pending cases. 258 new cases were filed, and 43 master cases were disposed. With the emphasis on criminal jury trials in the endemic, the Complex Litigation Division experienced an 11% increase in its caseload with 2097 cases pending at the end of the fiscal year.

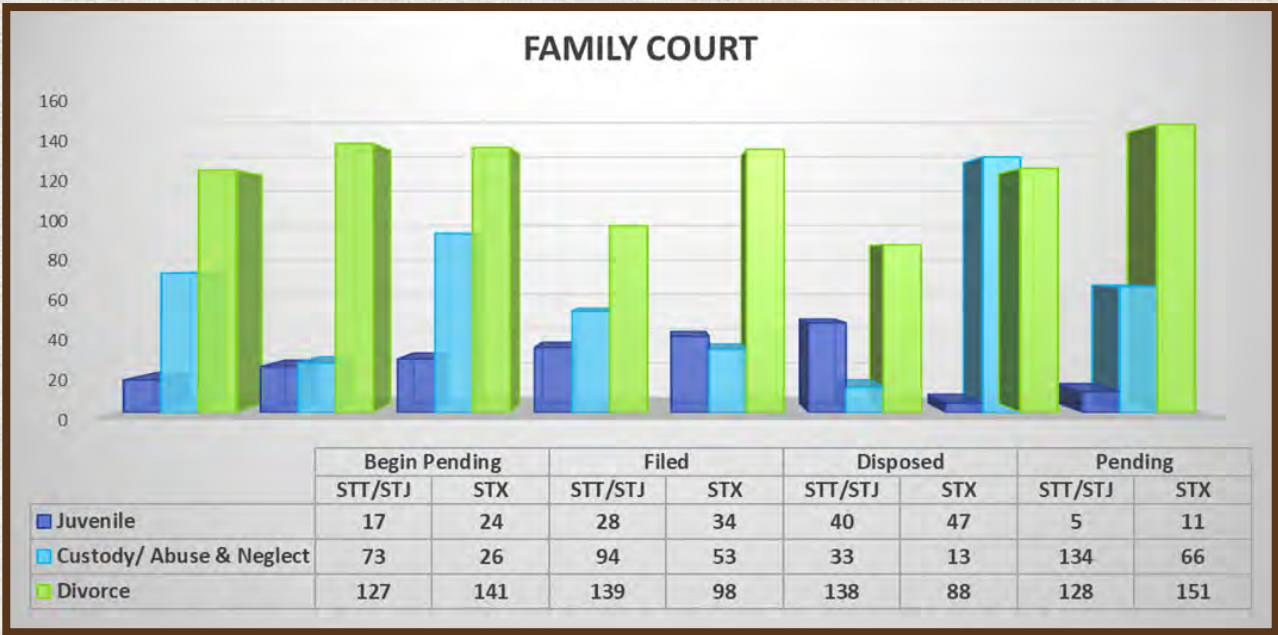
As explained above, certain civil matters such as Small Claims actions and Evictions fall within the jurisdiction of the Magistrate Division of the Superior Court of the Virgin Islands. The Magistrate Division consists of 2 Magistrates in each judicial district. In fiscal year 2022, 429 new small claims actions were filed. Despite not having a full complement of Magistrates for the entire fiscal year, 212 cases were disposed resulting in an annual case clearance rate of 49%.



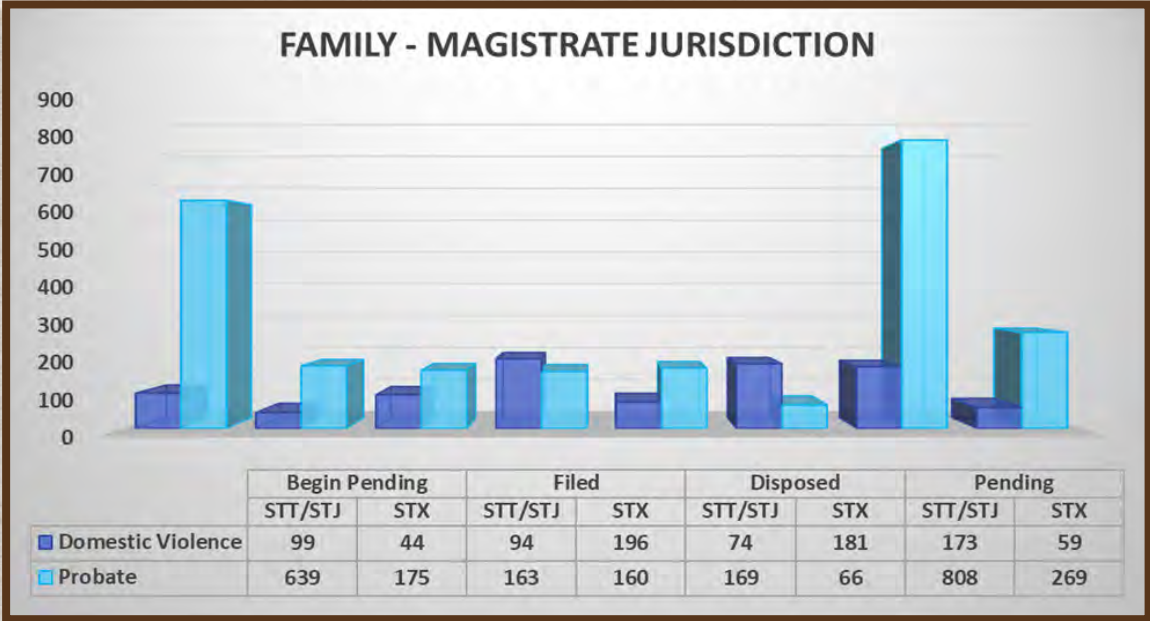
During this same period, and with the expiration of the Moratorium on Evictions effective December 31, 2021, the Magistrate Division saw 301 new Eviction actions filed in fiscal year 2022, a 67% increase over the previous fiscal year. By the close of fiscal year 2022, 118 cases were disposed, representing a 15% increase in dispositions over the previous reporting period.



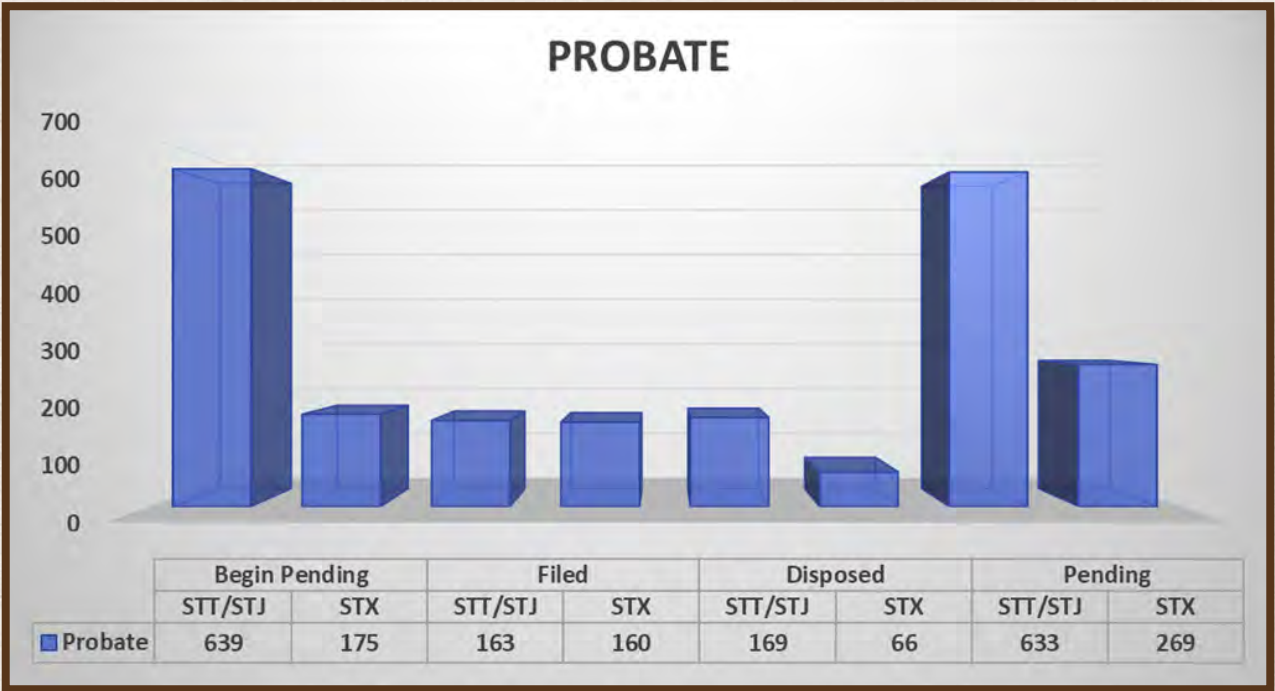
Criminal Division. At the close of fiscal year 2021, the Superior Court had a total pending criminal caseload of 1, 479 cases. During fiscal year 2022, 551 new criminal matters were filed and 302 cases were disposed for an annual case clearance rate of 74%. For criminal non-jury matters, 187 new cases were filed in fiscal year 2022, and 104 cases were terminated for an annual clearance rate of nearly 60%. 364 Criminal Jury matters were filed and 302 cases were terminated for an annual case clearance rate of 83%. By the end of fiscal year 2022, there were a total of 1,624 criminal cases pending, representing just a 10% increase in the cases pending when compared to the 26% increase experienced last year prior to the resumption of jury trials.



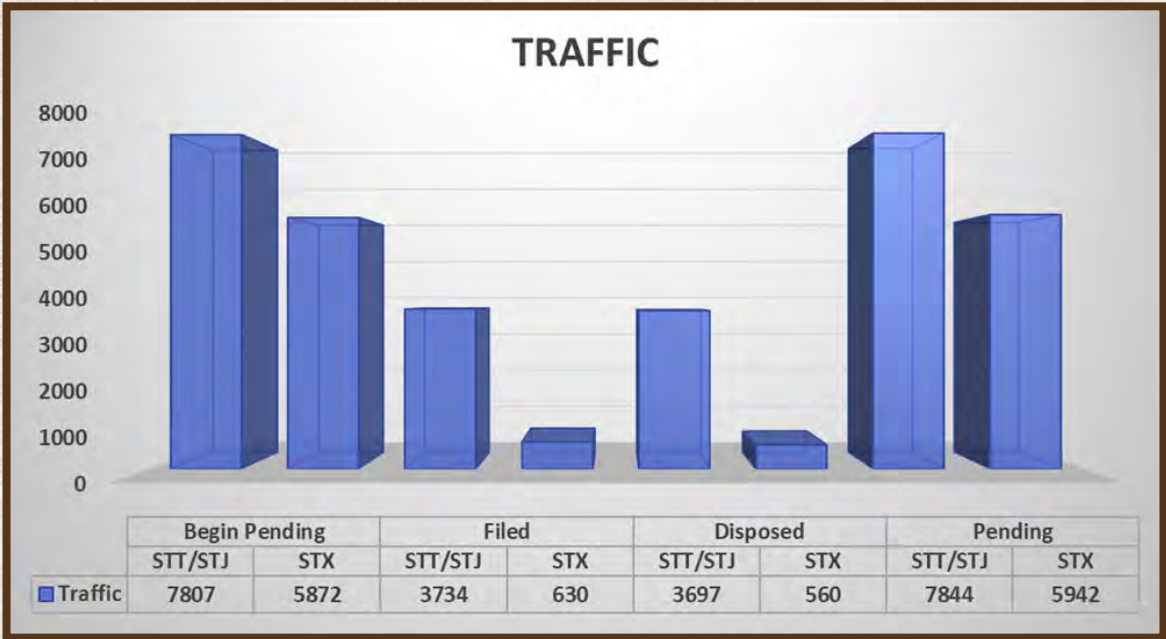
Family Division. The Family Division maintains all pending case files pertaining to divorce, separation, and annulment; actions relating to support of relations; adoption; changes of name; paternity suits; actions to appoint and supervise guardians; probate; and actions relating to juvenile matters. During fiscal year 2022, a combined total of 781 new cases were filed representing a 59% decrease in filings when compared to the previous year. 863 cases were disposed for an annual case clearance rate above 100% and an estimated 4% decrease in the pending caseload from the previous year. At the close of fiscal year 2022, there were 2,196.



Certain Family matters such as Domestic Violence and Probate cases are exclusively handled in the Magistrate Division of the Superior Court. Accordingly, with regards to Domestic Violence cases, fiscal year 2022 began with 143 pending matters in the Magistrate Division. During the fiscal year 292 new Domestic Violence cases were filed and 298 were disposed for an annual case clearance rate over 100% resulting in a 4% reduction of the pending caseload when compared to the previous fiscal year.



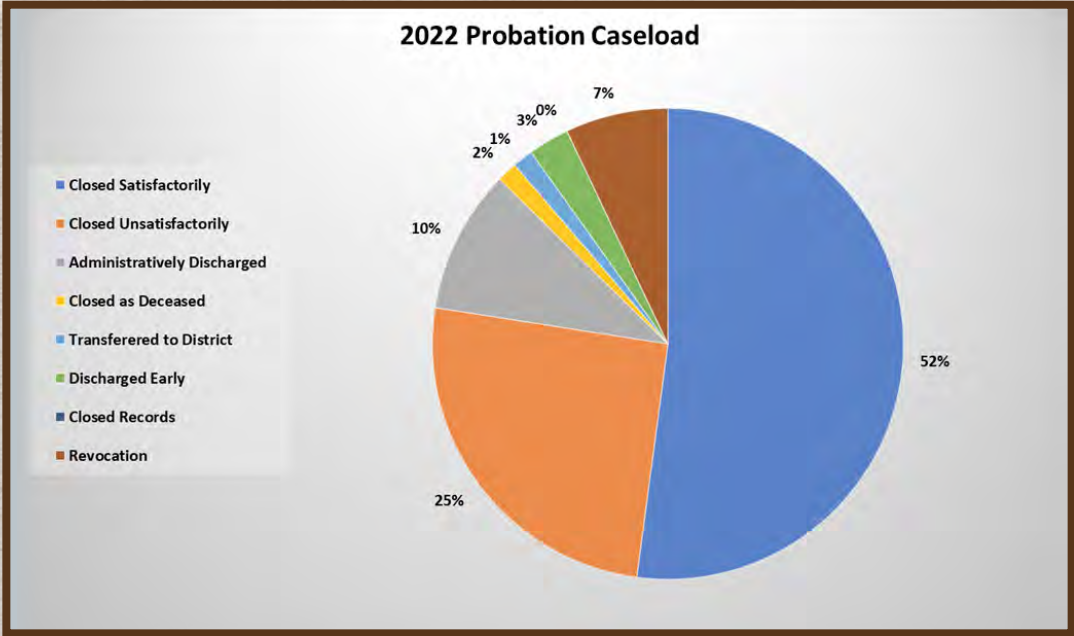
Probate Division. In accordance with 4 V.I.C. §76, the Superior Court has original jurisdiction over the probate of wills and the administration of decedents’ estates and consistent with 4 V.I.C. §79, has primarily assigned the disposition of probate matters to the Magistrate Division of the Superior Court. During fiscal year 2022, 323 new probate matters were filed. During the fiscal year, 235 cases were disposed for an annual case clearance rate of 73%.



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 2022, 7,531 new traffic matters were filed and 7,088 matters were disposed, for a case clearance rate of 94%.

In fiscal year 2022, the Superior Court issued 107 opinions. 48 opinions were published and made available on the Superior Court’s website at www.vicourts.org.

Probation and Parole: The Office of Probation and Parole provides a diverse set of services to our community in accordance with the direct function of its office. This Office is responsible for the supervision of various clients/offenders, including but not limited to local and interstate probation and parole clients. Additional responsibilities within this office include the preparation of Pre-Sentence Investigation and Reports along with Interstate Investigations and transfers.



During Fiscal Year 2022, 420 new supervision cases were received in the Probation and Parole Office, 193 in the District of St. Croix and 227 in the District of St. Thomas/St. John, and conducted 387 Field Inspections during fiscal year 2022. 209 clients were terminated from supervision, 138 in the District of St. Croix and 71 in the District of St. Thomas/St. John. During this reporting period, the Office also received 204 new requests for pre-sentence reports and completed and submitted 180 reports.

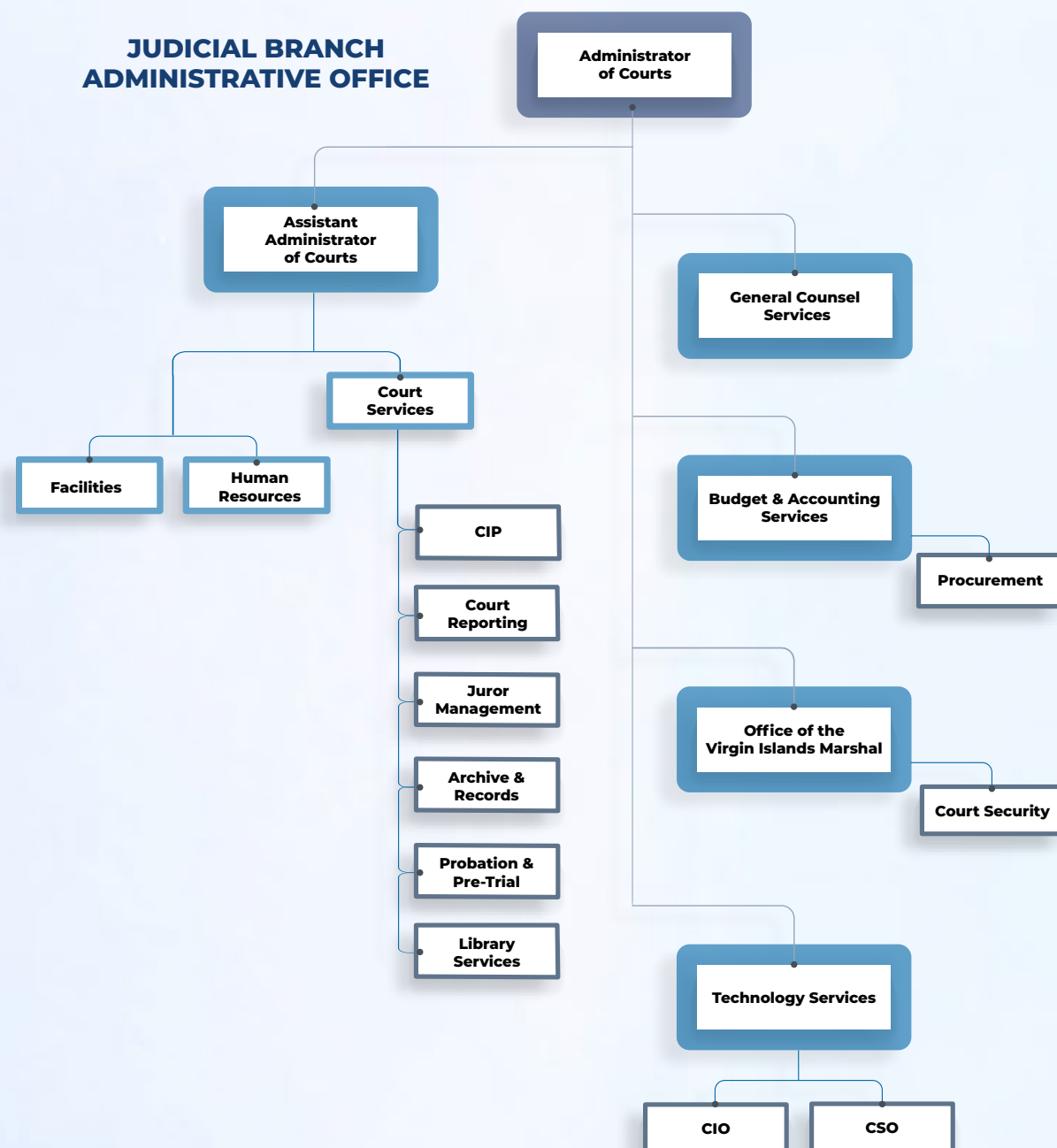
The Office of Probation and Parole collected a total of \$592,420.71 including but not limited to administrative fees, court costs, fines, and restitutions in fiscal year 2022 as outlined below:

OFFICE OF PROBATION AND PAROLE FY COLLECTIONS						
DISTRICT	ADMIN FEES	COURT COSTS	FINES	RESTITUTION	OTHER	TOTAL
ST. CROIX	\$11,626.00	\$2,254.87	\$7,400.00	\$14,481.81	\$27.25	\$35,789.93
ST. THOMAS/ ST. JOHN	\$27,744.52	\$4,002.24	\$1,892.57	\$506,341.45	\$50.00	\$540,030.78
TOTAL	\$39,370.52	\$6,257.11	\$9,292.57	\$520,823.26	\$77.25	\$575,820.71



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 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.

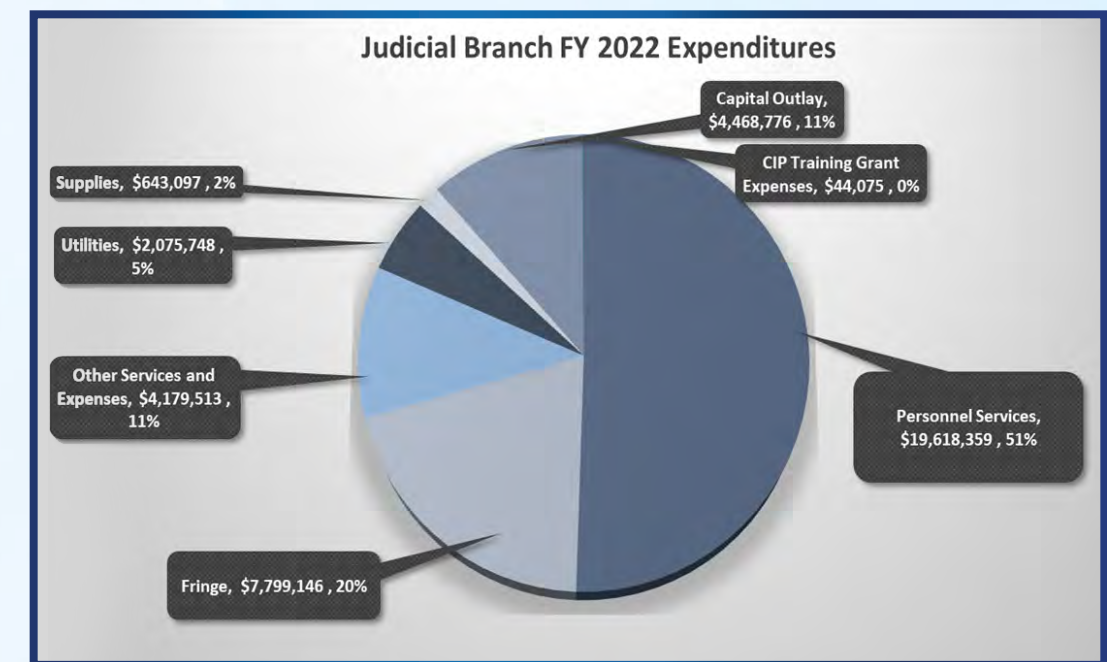
In fiscal year 2022, the administrative offices of the courts continued to manage and facilitate several distinct areas of court operations, including but not limited to, Budget and Finance, Information Technology, Human Resources, Facilities and Procurement, Court Services and Judicial Security.



BUDGETING AND FINANCIAL MANAGEMENT

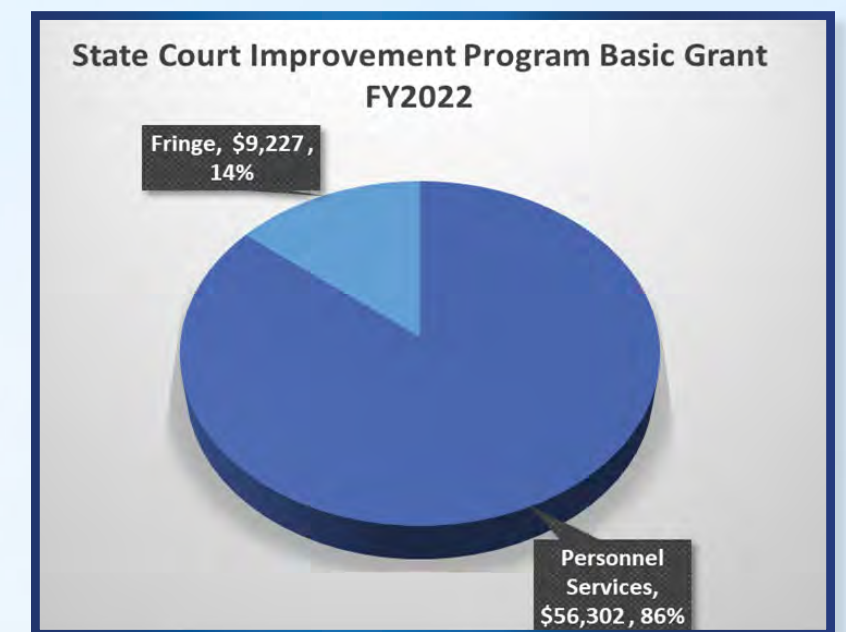
In fiscal year 2022, the Judicial Branch Administrative Office continued to manage and facilitate several distinct areas of court operations including but not limited to, Budget and Accounting Services, Procurement and Facilities, Information Technology, Court Services, Human Resources and Judicial Security..

For fiscal year 2022, the Judicial Branch of the Virgin Islands requested an appropriation of \$44,791,444, with an accompanying request for the Judicial Council in the amount of \$126,681. The judiciary received an appropriation of \$38,000,000 pursuant to Bill No. 34-0110 Act. No. 8375, and expended \$38,828,714 including grant and capital projects funding by the close of fiscal year 2022



Grant Assistance and Other Funding.

In fiscal year 2022, the Judiciary received and administered a Court Improvement Program Grant through the Department of Health and Human Services' Administration for Children and Families in the amount of \$65,668. The judiciary continues to utilize this funding to support a staff position within the judiciary that liaises with the family court judges and partner agencies to establish protocols to improve outcomes in abuse and neglect cases.



REVENUE COLLECTIONS

The Judicial Branch collects revenue from various sources which is deposited into funds within the Treasury of the Virgin Islands including but limited to the General Fund, the Transportation Trust Fund, the Solid Waste Revolving Fund, and the Special Fund. The sources of the revenue stream include, but are not limited to, Marriage Licenses and Ceremony fees, Certified Marriage Returns, Court 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 2022, the Judicial Branch deposited a total of \$1,572,947.81 into the Treasury of the Government of the Virgin Islands. A 41% increase in collections when compared to the previous fiscal year.

	ST. THOMAS	ST. CROIX	TOTAL
GENERAL FUND	439,795.20	351,356.37	791,151.57
TRANSPORTATION TRUST FUND	352,371.50	277,658.50	630,030.00
SPECIAL FUND	103,032.24	39,834.00	142,866.24
SOLID WASTE REVOLVING FUND	8,900.00	-	8,900.00
TOTAL	904,098.94	668,838.87	1,572,947.81

CAPITAL AND RECOVERY PROJECT HIGHLIGHTS

In fiscal year 2022, the Judiciary processed Three Hundred Sixty-Five (365) purchase orders with a total value of \$6,969,432.36; \$5.5 million resulting from formal solicitations and contracts, and \$1.4 million in purchases under \$50,000, solicited informally in accordance with the Judiciary’s Procurement Regulations.



Request for Proposal 001/2022. In the first quarter of fiscal year 2022, the Judiciary issued Request for Proposals No. 001/2022 to perform exterior repairs and paint the court buildings in the Alexander A. Farrelly Complex. The scope of work included repairs and sealing of cracks in the exterior walls resealing of all windows, window gasket replacement, patching and repairs of wood surfaces, and exterior painting. The total cost of the project was \$587,976.15

Request for Proposal 002/2022. The construction repair services for Chamber V and Hallway of the Family Division were solicited in January 2022 and resolicited in April, as **RFP 005/2022** due to the

lack of responses. The scope of included mitigation with damaged sheetrock replaced with mold resistant sheetrock, and epoxy flooring replacing carpet. Repairs to Chamber V and the leading Hallway were completed in January 2023, at a cost of \$226,640.35.

Request for Proposal 003/2022. RFP No. 003/2022 was also resolicited in January 2022 for Phase 1 of the roof replacement and office expansion project at the R.H. Amphlett Leader Justice Complex in Kingshill. Phase 1 scope of work included demolition of the existing courtyard, and condemnation of the drain system, which during the 2015 storms, lead to major water damage to 4



jury courtrooms on the 2nd . During this phase of the project the steel structural frame which will eventually support a space frame over the courtyard was erected. The notice to proceed on Phase I was issued in September 2022 with completion expected in the Spring of 2023. Total cost of Phase I was \$2,946,273.62..

Request for Proposal 004/2022. The Judiciary issued RFP 004/2022 following the catastrophic failure of chill water HVAC units at the R.H. Amphlett Leader Justice Center at Kingshill. Two 80-ton chill water units were successfully procured and installed at a cost of \$276,000 in fiscal year 2022.



Request for Proposal 006/2022. In the fourth quarter of fiscal year 2022, the Judiciary advertised for construction services to replace the hurricane damaged corrugated metal panels at the Raymond L. Finch Supreme Court Facility located at No. 18 Strand Street, Frederiksted. The solicitation closed in September and was awarded in the first quarter of fiscal year 2023 in the amount of \$485,913.00

In December 2021, the Judiciary executed Contracts for Professional Services to renovate and upgrade 16 bathrooms at the Superior Court Farrelly Complex on St. Thomas and 14 bathrooms at the R.H. Amphlett Leader Justice Center on St. Croix. The project scope included installation of auto-flush toilets, touch-free faucets and automatic flush urinals, including upgrades to the existing plumbing and electrical infrastructure to include energy efficient features. The projects are scheduled to be completed in fiscal year 2023.



HUMAN RESOURCE MANAGEMENT

Staffing. The Judiciary struggles to find and retain top talent, and like other government agencies and private organizations, these challenges, exacerbated by the global pandemic, continued in fiscal year 2022. While the Judiciary employed an additional 39 employees in 2022, representing a 50% increase in new hires over the previous year, 52 staff members also separated from employment during this period, and 75% of those separations were voluntary. During fiscal year 2022, the HR Division participated in job fairs in both districts amongst other efforts and onboarded 20 team members within the Superior Court, 7 members within the Office of the Virgin Islands Marshals, 11 members in the Judicial Branch Administrative Office and 1 new team member within the Supreme Court of the Virgin Islands. The Judiciary also promoted 18 team members during the year with the majority of those promotions occurring within the trial court. As previously reported, the Judiciary also welcome three new Magistrate Judges in fiscal year 2022—two in the St. Thomas/St. John District and one in the District of St. Croix District.



2022 Employees of the Year. The Judiciary joined the rest of government in recognizing and honoring the 2022 Employees of the Year. Selected by their peers as a testament to their work ethic and professionalism, the Judiciary celebrated Network Systems Support Technician, Mr. Gary Papin in the District of St. Croix, and Deputy Marshal III Ms. Toya Seales in the District of St. Thomas/St. John.

Employee Training. Consistent with 10 V.I.C §64(a), all Judicial employees receive Sexual Harassment training within two months of their start date using an interactive, on demand, web-based training offered through the Ogletree Deakins law firm. All staff and management team members are encouraged to register and attend the plethora of CIGNA Behavioral Health trainings to reduce stress, find balance, learn debt reduction strategies, gain self-care tips for caregivers to increase their effectiveness. Many employees have taken advantage of the opportunity and thrived at work. Additionally, to increase employees' technological proficiency, employees

register and attend many of the Microsoft 365 trainings offered by the Division of Personnel and the Bureau of Information Technology. The Judiciary also continues to offer leadership training to our newly promoted managers. This Fiscal Year, 13 managers were trained and all the members of the Budget and Accounting team were provided one year access to courses meant to increase their knowledge and prepare them for promotional opportunities within the Judiciary.

Certified Court Manager Program (CCM). The National Center for State Courts' Institute for Court Management offers 3 levels of certification: the Certified Court Manager (CCM); the Certified Court Executive (CCE) and the ICM Fellows Program. The CCM credential requires the completion of six courses. In fiscal year 2022, 10 judicial branch employees enrolled in the Certified Court Manager Program. In addition to CCM training, employees in the jury management division also traveled abroad for certification training on jury system management.

Court Improvement Program Training Initiatives. The Judiciary of the U.S. Virgin Islands received its first Federal Court Improvement Grant in 2017, and has been working diligently ever since to facilitate collaborative efforts among the key stakeholders to improve placement and case outcomes in abuse and neglect cases in the Virgin Islands. To this end, the judiciary continues to bring social workers, legal aid providers, prosecutors, defense attorneys, judicial officers and court administrators, together in an effort to identify and address barriers to permanency, and to improve child safety, family well-being and permanency in the Territory.



In fiscal year 2022, CIP sponsored the participation and attendance of seventeen judicial employees and attorneys at the NACC's 45th National Child Welfare Law Dual Conference – "Bridging Theory of Practice: Learning and Unlearning to Drive Effective Advocacy". This conference was held in-person and also online at a later date, utilizing the same agenda for both sessions. The NACC is committed to providing high-quality continuing legal education programs and networking events to strengthen and support child welfare legal professionals across the country.

OVIM Training Initiatives. In fiscal year 2022 OVIM officers completed all annual Peace Officer Standard and Training (P.O.S.T) certification mandates.

OFFICE OF THE VIRGIN ISLANDS MARSHAL

The Office of the Virgin Islands Marshal (OVIM) is responsible for ensuring the safety and security of judicial officers, employees and visitors of the facilities of the Judicial Branch. In fiscal 2022, the office was staffed by 55 sworn law enforcement officers territorially, 33 in the district of St. Thomas/St. John and 22 in the district of St. Croix. OVIM also oversees 15 court security officers, 9 in the St. Thomas/St. John district and 6 in the district of St. Croix.



During fiscal year 2022, OVIM also welcomed three new recruits. Deputy Arshale Alcee-Cyrille earned the Highest Academic Score P.O.S.T award. Deputy Akilo Brooks was awarded the Physical Fitness P.O.S.T. award, Deputy Daisy Ramos was recognized by P.O.S.T. for her initiative in rallying the recruits to repair a well at the Patrick Sweeny headquarters, refurbishing and repainting the graves of fallen officers at the Kingshill Cemetery, and the flagpole at the training office.



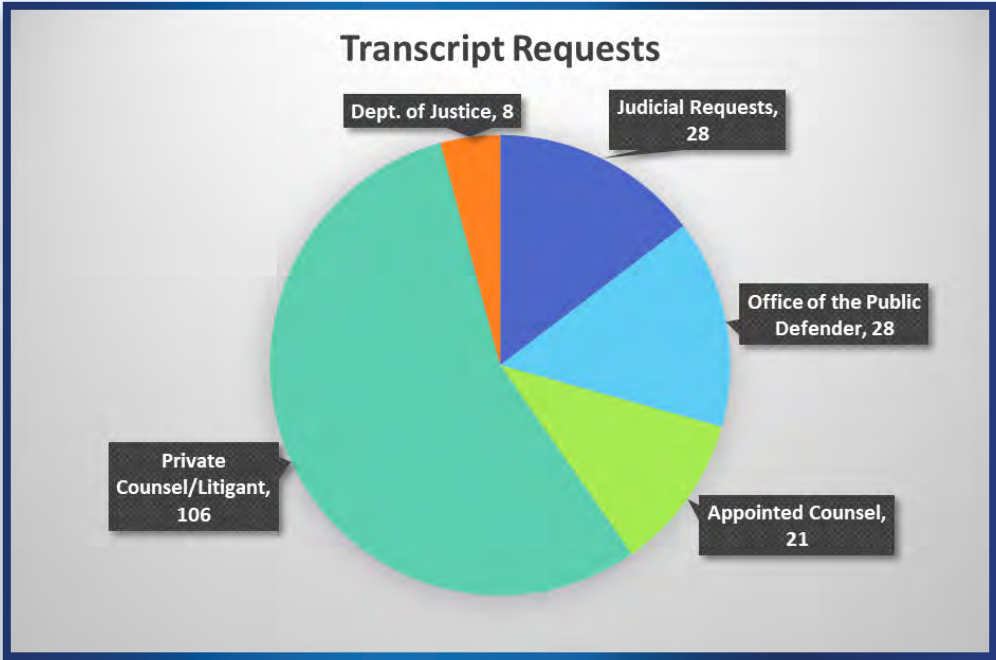
Pictured from left to right: Assistant Marshal Ann-Marie Wong, Deputy Marshal Daisy Ramos, Deputy Marshal Akilo Brookes, Deputy Marshal Arshale Alcee-Cyrille and Chief Marshal Lawrence Walcott, Jr.

Electronic Monitoring. The Office of the Virgin Islands Marshal is also responsible for tracking those defendants on pre-trial release with GPS electronic monitoring as a release condition. As of September 30, 2022, 44 defendants were on the Electronic Monitoring Program. At the close of the fiscal year, 2 defendants were pending placement on the program. While the Judiciary contracts for the monitoring units, defendants are required to pay \$140 in advance for enrollment and thereafter \$10.00 per day. In fiscal year 2022, the Judiciary paid \$119,310.12 for monitoring services and collected \$101,810.

COURT SERVICES

The Court Services Division is headed by the Court Services Director and encompasses the following divisions and services and responsibilities within the Judiciary: Archiving and Record Retention; the Office of Court Reporting; Court Interpreting Services; Jury Management; the Law Library; Probation; Pretrial Intervention (Diversion) and the Rising Stars Youth Steel Orchestra Program. The Court Services Director also oversees the administration of the Judiciary’s federally funded Court Improvement Program for Abuse and Neglect cases.

Court Reporting. The Court Reporting Division is a core operational division of the judiciary responsible for making a verbatim record of all proceedings in the Superior Court. In addition to creating records for all court proceedings during fiscal year 2022, the division also processed 191 requests for official court transcripts, 83 in the St. Thomas\St. John District and 108 in the District of St. Croix. By the close of the fiscal year, the court reporting division had completed 163 transcripts, 13 requests were cancelled, and 15 requests remained outstanding. Private Counsel/ litigants represented almost 55% of the total requests made.



The Judiciary continues to face significant challenges with recruitment and retention of Court Reporters. However, while recruitment for traditional stenographers is ongoing, the Judiciary is 3the staffing challenges with increased reliance on digital audio and video courtroom recording technology, and the augmentation of court reporting services with digital court reporters.

Jury Management. The Jury Management Division is responsible for overseeing the preparation

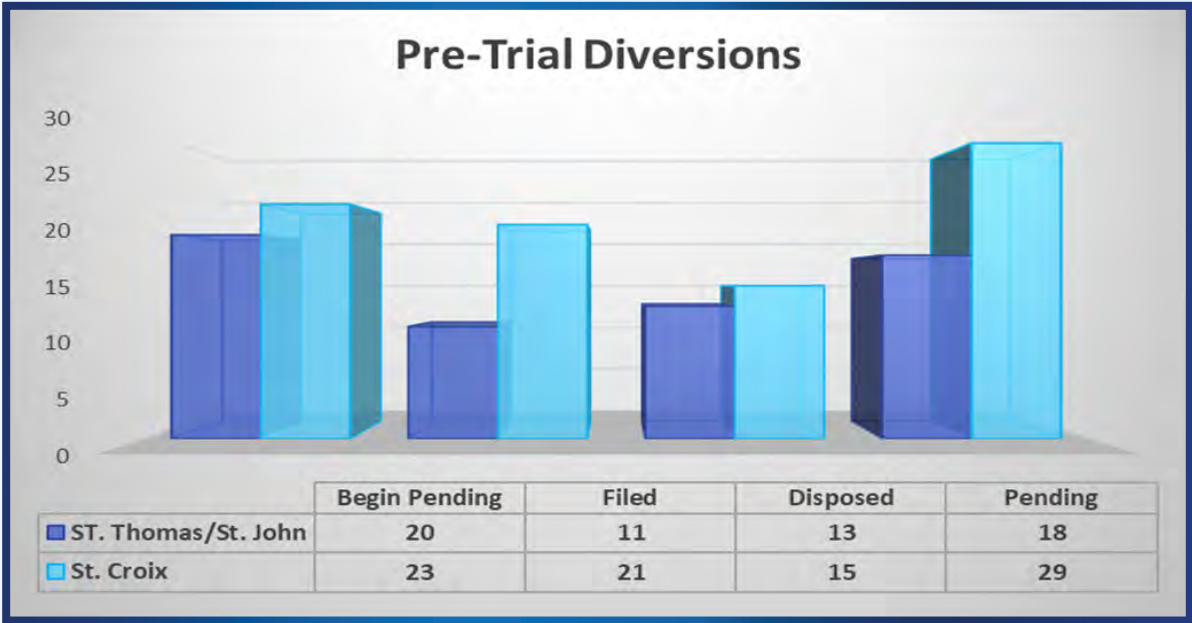
of the master list of qualified prospective jurors for criminal and civil jury trials conducted in the Superior Court of the Virgin Islands. The Division secures jurors, representing a cross-section of the community, by sending Juror Qualification Questionnaires to determine prospective jurors’ ability to serve and by issuing corresponding summonses to appear for juror service.

With the resumption of jury trials effective October 4, 2021, only 982 jurors were qualified to report for jury service territory-wide. 319 jurors or just 50% reported for juror orientation, and 48 or 15% of those served on 3 of 11 cases that went to trial in the District of St. Croix in fiscal year 2022. In the District of St. Thomas/St. John, 339 or 94% of the qualified jury pool reported for jury orientation. 100 jurors, or just 30% of those served on 7 of 13 trials in that district. Territorially, 12 scheduled trials were resolved on or before the day of trial.

The following expenses are reported for juror service in fiscal year 2022:

FISCAL YEAR JURY MANAGEMENT EXPENSES				
DISTRICT	JUROR FEES	MEALS	TRANSPORTATION	TOTAL
ST. CROIX	\$32,020.00	\$7,675.54	\$5,620.00	\$45,315.54
ST. THOMAS/ ST. JOHN	\$40,020.00	\$19,258.00	\$5,820.00	\$65,098.00
TOTAL	\$72,040.00	\$26,933.00	\$11,440.00	\$110,413.54

Pre-Trial Diversion. In accordance with 5 V.I.C. §4612, Pre -Trial Diversion provides an alternative to incarceration for first time offenders. Specifically, diversion provides a cost effective means of supervising low-risk or misdemeanor offenders while guiding them towards complying with various conditions ordered by the Court. These offenders may make restitution, participate in Court ordered wellness programs, such as anger management, counseling and/or substance abuse treatment. In fiscal year 2022, 36 individuals were assigned to Pre-Trial Intervention. 28 were successfully terminated and 4 cases were otherwise dismissed or closed. By the end of fiscal year 2022, there were a total of 47 Diversion cases pending.



COMMUNITY PARTICIPATION AND OUTREACH

MOOT COURT

On April 7, 2022, the Virgin Islands Bar Association held the Championship round of its 28th Annual Virgin Islands High School Moot Court Competition. Nine schools entered 17 teams into the competition for a total of 34 students who presented arguments with 9 alternates. All 6 high schools on St. Thomas and 3 high schools on St. Croix participated. The participating schools included Peter Gruber International Academy, St. Croix Educational Complex, St. Croix Central High School, All Saints Cathedral School, Ivana Eudora Kean High School, Sts. Peter and Paul Catholic High School, St. Thomas/St. John Seventh Day Adventist School, Charlotte Amalie High School, and Antilles School. Due to the Global Pandemic the first 2 rounds of competition were virtual and hosted by the Virgin Islands Judiciary's live stream platform on vicourts.org.



The Judiciary also formed a co-ed softball team in the St. Thomas/St. John District and participated in the Department of Sports, Parks, & Recreation's slow pitch league with 11 other teams. 25 employees participated in the league and the team made it to the playoffs.

GOVERNMENTAL

During the endemic, the Judiciary encouraged teambuilding and motivational activities to successfully transition our staff back to the work environment. The Judiciary assembled teams for both the Softball league and district Battles of the Agencies. 17 tenacious staff members participated in the St. Thomas/St. John District and 21 staff members competed in the District of St. Croix.



SUPERIOR COURT RISING STARS YOUTH STEEL ORCHESTRA



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

Following a hiatus of more than 18 months as a result of the global pandemic, the Rising Stars Program restarted its operations and conducted recruitment of students in the Summer of 2021 to rebuild the programs in both districts.



Thereafter, the St. Thomas Orchestra performed its first concert since the pandemic, at WICO dock with 80 members, including several members from the District of St. Croix. The Orchestra also participated in the 2022 Carnival season and was then afforded the opportunity to travel with a small contingent to participate alongside their counterparts on St. Croix during the latter part of May for the St. Croix Agriculture Fair.





The Superior Court Rising Stars Youth Steel Orchestras congratulated and bid farewell to 24 members in the graduating class of 2022, 20 in the district of St. Thomas/St. John and 4 in the District of St. Croix. Of the 24 graduates, 14 were active members and 11 met all requirements to receive the Rising Stars/Jahmal Andrew Academic Scholarship of \$1,000.00.







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