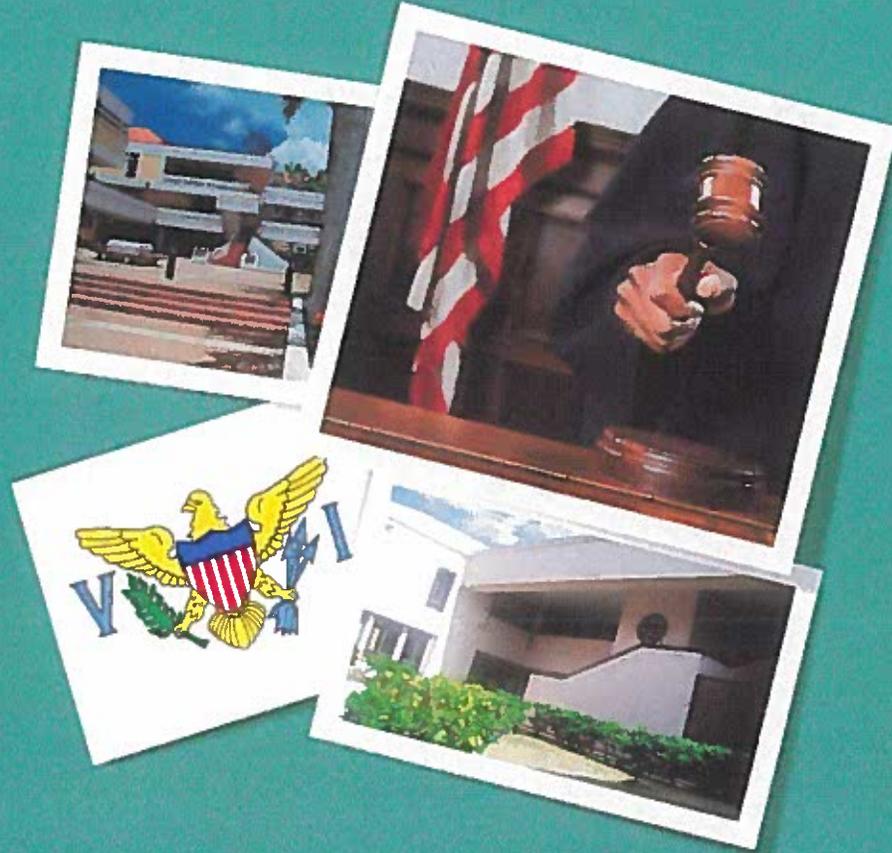




Superior Court of the U.S. Virgin Islands



FISCAL YEAR 2017 BUDGET STATEMENT

**Presented To The
31st Legislature
of the
U.S. Virgin Islands**

By

**Honorable Michael C. Dunston
Presiding Judge**

Thursday, June 30, 2016

OPENING BUDGET STATEMENT

OF THE

**HONORABLE MICHAEL C. DUNSTON
PRESIDING JUDGE**

**SUPERIOR COURT OF THE VIRGIN ISLANDS
FISCAL YEAR 2017 BUDGET REQUEST**

PRESENTED TO THE

**COMMITTEE ON FINANCE
31ST LEGISLATURE OF THE U.S. VIRGIN ISLANDS**

JUNE 30, 2016

Honorable Senator Clifford Graham, Chair of the Committee on Finance, Honorable members of the Committee on Finance, other Honorable Members of the Thirty-first Legislature; staff members of the Legislature and the Judiciary, other distinguished guests; and the viewing and listening audience – Good Afternoon! I am Michael C. Dunston, Presiding Judge of the Superior Court of the Virgin Islands, and I am pleased to have this opportunity to be here today. Accompanying me this afternoon are several members of the Court's Executive staff, including: the Court's Administrative Judge, the Honorable Harold W. L. Willocks; Court Administrator, Glendia Caines; Assistant Court Administrator, Lisa Davis-McGregor; Acting Clerk of the Court, Estrella H. George; the Court's Chief Financial Officer, Paulette Rabsatt Simmonds, Director of Human Resources Rolda Mason, and other members of the Superior Court staff.

Mr. Chair, I thank you for allowing the Executive Staff of the Superior Court to present the Budget Request of the Superior Court of the Virgin Islands for its operation

during Fiscal Year 2017. As we did last year, we have also included with this year's budget the Court's Five-year Capital Projects Budget Request for your consideration at the appropriate time. As you will recall, this information was previously submitted to both the Executive and Legislative Branches and other funding agencies within the Government, including the Office of Management and Budget and the Public Finance Authority, but to date none of them has expressed the slightest interest in discussing that sorely needed Capital Projects Budget.

The mission of the Superior Court of the Virgin Islands is to protect the rights and liberties of all persons, interpret and uphold the law, and resolve disputes promptly, peacefully, fairly and effectively in the United States Virgin Islands. In that vein, the Superior Court remains acutely aware that access to justice is a fundamental right of the residents of this community and that the effective application of the laws that govern this Territory should serve to ensure a safe and secure community for all – both Virgin Islands residents and the many visitors to our shores. The community we serve expects that we, as the trial court judiciary, will utilize existing law to enforce contracts, mete out punishment for wrongdoers, resolve various family disputes, and protect our children, the elderly and others who cannot protect themselves, while simultaneously ensuring that their concerns are considered in a fair and just manner.

The ability of the Superior Court to fulfill these expectations has been a significant challenge for the past several years as the fiscal crisis of the Territory has had a negative impact on the Court's funding. Annual reductions to our budget requests during the past several fiscal years have created obstacles to the Court's ability to operate as efficiently and effectively as it should.

Since 2011 the Court has utilized various self-imposed austerity measures, which have included the elimination of various staff positions, reduction of training opportunities for our staff, restrictions on educational incentives, and operational initiatives. During the past several years, the Court has shown remarkable creativity and resilience in its efforts to provide required services to the public in fulfillment of its core functions. For example, our Differentiated Case Management System has substantially improved the processing of criminal cases and their time to disposition, and we are about to put a similar system in place for civil cases. After successfully restructuring its operations to fit the new economic realities it has faced, the Court must now find more efficient ways to increase its productivity and enhance access to justice in our community.

And, despite the limitations on our funding throughout the past several fiscal years, the judges, magistrates and staff of the court have remained diligent as they performed their duties. But, while those austerity measures have permitted the Court to continue its operations despite the lack of adequate funding, they have also had a negative impact on staff morale. While once extremely competitive, our salary structure has lagged behind those of the private sector and other government agencies, resulting in routine cherry picking from our staff. Reduced budgets have also hampered our ability to shift resources to where they are needed most.

Yet, utilizing the funds appropriated to the Court in FY2016 in the amount of \$28,586,120, which was an increase of \$862,255 over the prior year's appropriation, the Court has begun to repair the damage that resulted from a myriad of budget shortfalls. Allow me to update you on some of what we have accomplished during Fiscal Year 2016 and to also share with you a number of initiatives in which the Court is currently involved:

COURT OPERATIONS

- The Court has begun to break the logjam on the numerous complex civil litigation cases, primarily but not exclusively arising from the Hovensa refinery. A single one of these cases may involve more than 100 plaintiffs and dozens of defendants, and roughly 100 plaintiffs have filed such cases within the past few months. The Court is presently establishing procedures which would streamline the processing for these cases and reduce the negative impact of the time and resources they demand on other civil cases. Scheduling orders have been established for about 95% of these complex civil cases, and scheduling orders for the other 5% should be in place shortly. We have also employed additional staff to address the various outstanding motions in these matters.
- As I mentioned, the Court is also working toward disposition of civil cases in a more timely manner with the imminent implementation of a Differentiated Civil Case Management system similar to that currently utilized for criminal cases.
- In line with decisions of the Supreme Court of the Virgin Islands, the Superior Court is revising its rules and drafting new local rules of civil and criminal procedure to move away from reliance on the rules used in federal courts.
- Additionally, altered internal procedures are being considered to address criminal defendants who suffer from mental illness.

COURT TECHNOLOGY

- The Court is in the process of upgrading automation throughout its facilities – including hardware, software and other needed electronic equipment - which will garner additional efficiencies and enhance service to the clients we serve.

- The Court is upgrading its video conferencing equipment, which for several years has been utilized extensively and at no cost by the Bureau of Corrections to permit families of prisoners housed in stateside prison facilities to visit with their loved ones.
- We have also created several technologically advanced courtrooms that, among other things, will, in a matter of weeks, facilitate remote appearances by video conference with our Magistrate Division by criminal defendants held in custody, both locally and nationally, reducing manpower needs and enhancing security for both the Court and the Bureau of Corrections.
- Despite the fact that our current case management system is old, malfunctions periodically, has no external support, and cannot be upgraded given its current technological platform, this same system, that has recently been the subject of criticism, remains the primary source for information routinely sought by a number of Executive Branch agencies and this body. Several of those agencies have requested statistical information from the Court to facilitate their ability to meet compliance and other statistical requirements for their departments. Thus, it should be incumbent upon both the Executive and Legislative Branches to assist the Court by providing resources as we move to replace it with a modern, fully computerized system.

Utilizing consultants from the National Center for State Courts to review and make recommendations regarding our eNACT system during the last fiscal year, we were encouraged to seek its replacement as soon as practicable and we have undertaken to do just that. Despite our previous setbacks in this area, the Superior

Court has been making significant headway to address this matter and, though we are currently not the only court utilizing the eNACT system, our ultimate goal is to upgrade this aged and malfunctioning case management system to take advantage of current technologies available in the industry to facilitate efficiencies in the processing of all cases that comes before us. The Superior Court is currently at a critical stage in its vetting process to select a vendor for its new electronic case management and e-filing system.

Noting the volatility of the technology field and case management systems for courts in particular, it is imperative that the Court proceed with extreme caution and complete this selection process with the due diligence and critical analysis that is required of such an undertaking, especially as it involves the expenditure of a large amount of funds. Quotations received in response to our RFQ run the gamut from less than \$1million to in excess of \$4million.

As an aside, I should note that it has been suggested that we were offered a system from the District Court which was not accepted. It must be noted that the system would have had to be developed from the baseline criminal and civil system utilized by the federal courts and would not have met the needs of the Superior Court. The needs of the Family, Probate, Probation, Pretrial, and Marshal Division were not adequately served by that system, and the system would have been subject to regular changes brought about in the federal system without any consideration of their effect on our operations. Additionally, the Court was advised that our use of that system would have been subject to the availability of the federal court programmers to perform this development over and above their normal job

responsibilities, and no project timeline was ever put forward to provide the Court with any comfort as to what the effort would entail. As a result, the federal system was not considered to be a good fit based on the needs of this Court and was rejected years ago.

- The Court is currently involved in implementing a front end automation solution for our Accounting systems to include the processes of Requisitioning, Purchase Orders, Accounts Payable, and Supplies Inventory.

FACILITIES MAINTENANCE AND SECURITY

- The Superior Court has initiated numerous building maintenance projects in both districts that include upgrades, improvements, maintenance and repairs of its facilities. You must remember that the RH Amphlett Leader Justice Complex on St. Croix was erected roughly 35 years ago, and that the Alexander A. Farrelly Justice Center on St. Thomas was constructed roughly 25 years ago, at times when the jurisdiction and staffing requirements of the Court were significantly less than today. During the past several months, the Courts in both districts have repainted our facilities and replaced several malfunctioning air conditioning units and related equipment. Work has been completed on the roof at the Leader Justice Complex as well as on the retrofitting and improvement of the lobby area to permit the clerks and cashiers to serve the public in a safe and ADA-compliant environment.





- The Court is currently engaged in a substantial surveillance and security improvement project in both districts, including upgrading and installing numerous security cameras and providing monitoring stations to enhance overall security.
- Having received the approval of the Historical Commission, the Court is currently awaiting the issuance of a building permit from the Department of Planning and Natural Resources for the erection of a security booth at the perimeter entrance to the Farrelly Justice Center facilities on St. Thomas.
- Additional collaborative security enhancement efforts in a number of other areas are ongoing and will provide a safe and sustainable infrastructure for the community, the court staff and the clients we serve.
- The Court will also continue its attempts through the Executive and Legislative Branches to secure the requisite funding to bring to fruition the Court's Vision 2020 Capital Improvement Project, which was developed in FY2014 by the Court's executive staff that, though submitted on numerous occasions, remains entirely unfunded. This is especially troubling because of its obvious omission from the recent submission of an extensive capital projects budget request by the Executive Branch. Chief among these requirements are funds to construct an annex on St.

Croix to house additional courtrooms and staff in response to the judiciary in that District.

RECORD RETENTION AND PAPER REDUCTION

- Information is the raw material of the justice system and, unfortunately, in our Court it remains in the form of written motions, pleadings, declarations, and other legal documents in paper form. This inordinate amount of paper is a drain on staff time – creating and maintaining paper files, moving files around to required locations and keeping track of them, and finding storage space to archive older inactive files. It also creates a barrier to more timely public access of case information.
- The Court has three initiatives underway that will help cut the Court’s mountain of paper down to size. First, the Court is, in conjunction with current law and the VI Code, revising its existing record retention and destruction standard operating policies and procedures. This will enable the Court to reduce its current usage of storage facilities, eliminate or, at a minimum, reduce those costs, and permit redistribution of those resources to other critical areas of operation. Next, the Court will begin to digitize paper files so that they can be managed electronically, rather than physically. Finally, as outlined before, the Superior Court has embarked on an ambitious plan to replace the Court’s aging case management system to permit e-filing. This process is ongoing in conjunction with our development of a new case management system, since it requires significant due diligence to ensure a smooth transition and will necessitate a large investment of funds to complete the project. Ultimately, this will also enhance the Court’s ability to provide the community with current technological advances in the industry that tremendously improve access to

justice, such that users will be able to access the system from their home computers or public kiosks provided by the Court.

WEBSITE REDESIGN

- The Court's current website is outdated and has been plagued with a number of operational inefficiencies. Reductions to the Court's budget during the past several fiscal years have stymied our efforts to upgrade and enhance our website. Nevertheless, during the last fiscal year, the site was slated for redesign and upgrade in conjunction with the initiatives brought forward by the Court's Access and Fairness Committee organized after the CourTools training facilitated by the National Center for State Courts.
- The Court's Website Committee has embarked on redesigning and upgrading the current website to provide a more user-friendly website with a homepage that highlights the most frequented sections and displays all of the site's options in an easy to navigate format. The Committee is currently performing its due diligence and is vetting a number of vendor responses to its RFQ for Website Design. Our information technology staff and Website Committee representatives have met with the Supreme Court to discuss joint development of a single website for the entire Judicial Branch. Regardless of the path we choose, we anticipate the issuance of a contract shortly and the completed redesign of our website by the end of this calendar year.

The Superior Court also renders a number of services to, and assists a number of agencies of the government, i.e. the Bureau of Corrections, the Office of Vital Statistics the Virgin Islands Police Department, and the Office of Highway Safety just to name a

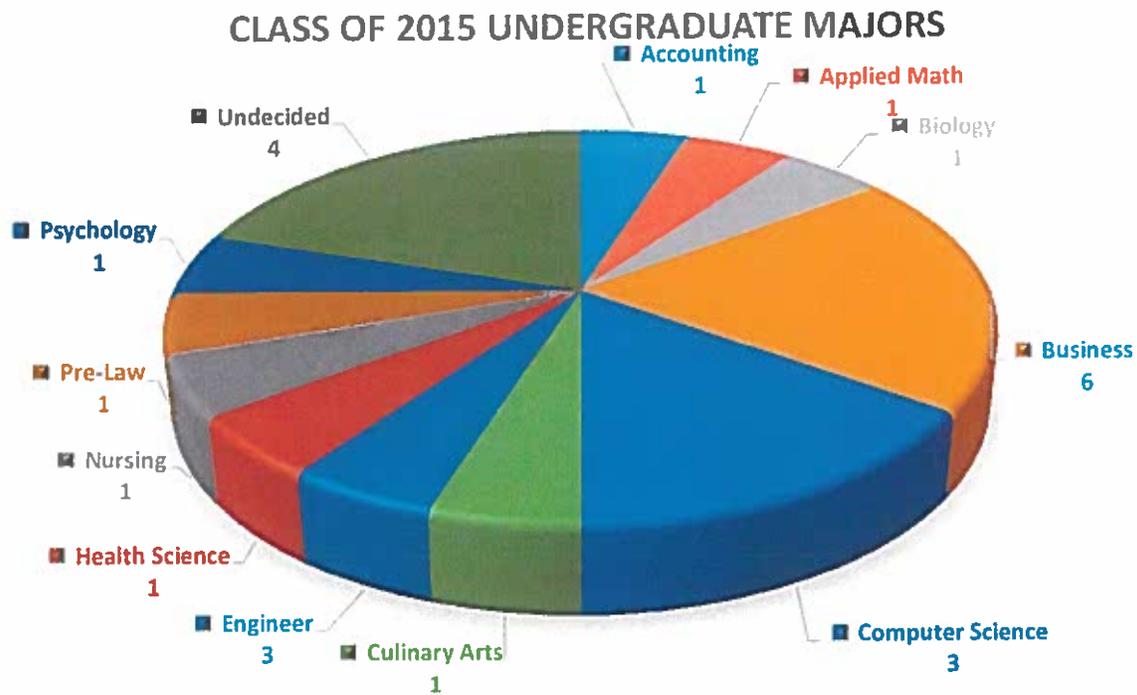
few, thereby facilitating their success in various areas. Additionally, we have also provided a host of services to the youth of our community as we have conducted educational tours of our courtrooms with positive interactions with Judges and Magistrates; the bi-annual Youth Enrichment Day program hosted by the Family Division; On-the-Job Training of business students from the Charlotte Amalie High School and the St. Croix Educational Complex; and, various internship opportunities for Criminal Justice majors from the University of the Virgin Islands.

Of course, the Court's most notable intervention program remains the Superior Court Rising Stars Youth Steel Orchestra. This year, the Court's "juvenile delinquency and school drop-out prevention" program celebrated its 35th Anniversary in the District of St. Thomas-St. John and its 10th Anniversary in the District of St. Croix.



In addition to providing students from public, private and parochial schools with the opportunity to learn to play the steel pan, the program also permits students to participate in other social, cultural and academic initiatives. We have reinstated the Program's Tutorial and Enrichment Program, through which they attend classes in English, Math, History, Science, Computer Application and SAT Preparation. These sessions are also made available to alumni members who attend the University of the Virgin Islands.

We are especially proud of our members that have graduated from our local high schools. At the end of last school year, twenty-four (24) Rising Stars members graduated from the various public, private and parochial high schools; and, at the close of this school year, thirty-three (33) of our members also graduated from high school. Thus, during the last two school years, fifty-seven (57) Rising Stars members graduated from high schools in the Territory and, utilizing funds raised by the Pretrial and Panyard staff, received \$57,000 in academic scholarships towards their post-secondary education.



We are equally proud as well as of our alumni members who recently graduated from colleges and universities at home and abroad with Bachelor's, Masters and Doctoral Degrees in areas that run the gamut from education and the sciences to medicine and the noble profession of the law. We also thank our many alumni members who actively participate in the various branches of the armed forces, especially those who serve us here at home in the National Guard and those who are also deployed to international

destinations. We also recognize our many Rising Stars alumni who continue to serve our community in the private and public sector as they continue to make their contributions to our community. From this brief example, one can truly see that the funds utilized for this program certainly provides us with a significant return on this investment.

As you will recall, the Superior Court requested \$32,920,820 for its Fiscal Year 2016 operations; however, we only received an appropriation of \$28,586,120 for this fiscal year's operation – this represented a shortfall of \$4,334,700 to the Court when compared to its request. Like so many government agencies, the Court continues to function under less than desirable fiscal conditions with that appropriation. Although the Superior Court remains cognizant of the ongoing fiscal and budgetary constraints that remain prevalent in the Territory, the Court must have the requisite funds to enable it to address its own financial challenges. As we move forward, I must emphatically state that the Superior Court cannot do more with less!

The Superior Court, as well as the Legislature and other departments, has been asked from time to time, to endure reductions in its operating budget – either before the requisite appropriation has been made or during the course of the fiscal year. Normally, the Court has consistently worked with the Executive and Legislative Branches and participated in those fiscal reductions.

However, as the judicial needs of the community became more and more demanding, the Court simply could not continue to operate efficiently and effectively with another reduction of its funding level. During the past sixteen years, with the exception of only four years (Fiscal Years 2002, 2006, 2007, and 2008) as outlined in the table below, the Court's budgetary requests have been consistently reduced. These reductions have

substantially and negatively impacted our ability to be progressive, embrace technological advancements or provide training opportunities for our staff in this ever changing environment.

Fiscal Year	Budget Request	Appropriation	% Chg from PY	Revision to Appropriation or Authorization	Final Appropriation/ Authorization	% Chg from PY-Sex	Allotments to Date: OMB and SC Internal	SC Request vs. Annual Appropriation	Final Approp./Auth vs. Allotment
FY2001	23,894,659	18,157,476	0.00%	-	18,157,476	0.00%	18,157,476.00	5,737,183.00	-
FY2002	24,273,944	24,273,944	33.69%	-	24,273,944	33.69%	23,060,247.00	-	1,213,697
FY2003	27,106,497	23,347,703	-3.82%	-	23,347,703	-3.82%	23,347,703.00	3,758,794.00	-
FY2004	24,899,098	23,347,703	0.00%	-	23,347,703	0.00%	23,347,703.00	1,551,395.00	-
FY2005	25,597,221	23,347,703	0.00%	-	23,347,703	0.00%	23,347,703.00	2,249,518.00	-
FY2006	24,929,400	24,929,400	6.77%	-	24,929,400	6.77%	24,929,400.00	-	-
FY2007	26,390,022	26,390,022	5.86%	-	26,390,022	5.86%	26,390,022.00	-	-
FY2008	26,574,378	26,574,378	0.70%	-	26,574,378	0.70%	26,574,378.00	-	-
FY2009	39,903,155	34,325,357	29.17%	1,000,000	33,325,357	25.40%	33,325,357.00	5,577,798.00	-
FY2010	35,244,418	31,550,103	-8.09%	1,000,000	32,550,103	-2.33%	32,550,103.00	3,694,315.00	-
FY2011	35,370,394	28,810,794	-8.68%	864,324	27,946,470	-14.14%	27,946,470.00	6,559,600.00	-
FY2012	31,718,491	21,135,210	-26.64%	6,500,000	27,635,210	-1.11%	27,635,210.00	10,583,281.00	-
FY2013	31,998,999	23,000,000	8.82%	4,218,667	27,218,667	-1.51%	27,218,667.00	8,998,999.00	-
FY2014	32,059,178	28,023,865	21.84%	300,000	27,723,865	1.86%	27,723,865.00	4,035,313.00	-
FY2015	31,276,570	27,723,865	-1.07%	645,667	28,369,532	2.33%	28,369,532.00	3,552,705.00	-

Note 1: FY2002 Appropriation of \$24,273,944 per Act 6457 was reduced via allotments to \$23,060,247. OMB conveyed that the FY2002 allotment was less than the appropriation because the Government of the Virgin Islands did not realize its FY2002 revenue projections.

Note 2: FY2009 Appropriation of \$34,325,357 per Act 7051 was reduced to \$32,325,357 pursuant to Act 7060; and \$1,000,000 was appropriated for the creation of the Magistrate Division pursuant to Act 6919 (which was made available until expended).

Note 3: FY2010 Appropriation of \$31,550,103 per Act 7124 was reduced 8.09% from the original FY09 appropriation; and a line-item appropriation of \$1,000,000 for Retroactive Salaries was also made pursuant to Act 7124.

Note 4: FY2011 Appropriation of \$28,810,794 per Act 7227 was reduced three percent (3%) pursuant to Act 7248 to the level of \$27,946,470. This was an across-the-board cut for all branches of Government, although the Superior Court's appropriation was already cut by eight (8%) from the prior-year's appropriation level of \$31,550,103, when the fiscal year began.

Note 5: FY2012 Appropriation of \$21,135,210 was an unprecedented cut to the Court. However, the Legislature considered the alternatives of providing the Court authorization to reprogram prior-year encumbrances and utilize reserves on account to provide additional funding sources for the Courts operations via Acts 7306 and 7316. This provided a total authorized level of \$27,635,210.

Note 6: FY2013 Appropriation of \$23,000,000 was another significant cut to the Court. However, we submitted a supplemental budget request for \$5,550,000 and were appropriated \$2,740,296 pursuant to Act 7497. Additional authorization per Act 7497 provided authorization to reprogram prior-year encumbrances and utilize reserves on account of \$1,478,371 to provide additional funding for operating purposes. This provided a total authorized level of \$27,218,667.

Note 7: FY2014 Appropriation of \$28,023,865 was a welcomed increase to the budget of the Court, although it was in excess of \$4 million shy of the budget request. In response to the ongoing fiscal crisis being experienced by the government, the Court participated in a \$300,000 voluntary reduction of the FY14 budget. This action was formalized by the Legislature under Act 7631, which they passed in June 2014, and which was signed into law by the Governor in July 2014. This provided a reduced appropriation of \$27,723,865.

Note 8: FY2015 Appropriation of \$27,723,865 memorialized the voluntary reduction of \$300,000 to the FY2014 appropriation that the Court offered in response to the fiscal crisis that the government was experiencing. Therefore, this represented a 1.07% decrease in the original FY2014 appropriation, but a zero percent change in the appropriation per Act 7631. However, pursuant to Act 7710, the Court utilized the reprogramming of prior year encumbrances to provide for additional authorization in conjunction with proceeds from the reimbursement of prior-year federal grants, and draws against Act 7051 (as amended by Acts 7227 and 7241), all of which provided for a total authorization level of \$28,369,532. This revised authorization level provided for a \$2.33% increase over the \$27.7MM appropriation level of the prior and current year, but was in excess of \$3.5 million shy of the budget request for FY2015.

Despite the sacrifices that the Court continues to make, with a budget that is approximately 4% of the Territory's overall budget, we have barely managed to operate

within those reduced funding levels. Although we have been able to meet our recurring and other expenses, our attempts to fill critical, ongoing and much needed vacant positions are often stymied and the lack of an appropriate funding is a major factor. The Court is currently not in a competitive position as it pertains to its ability to offer attractive salaries to existing and new employees. As a matter of fact, we have lost opportunities to employ certain qualified applicants who have refused to accept employment with the Court because of the inadequate salary that was offered.

Even our newest hires sometime leave the Court within five to six years of employment as a result of these unattractive salaries. Unless the Superior Court receives its requested budget this year and in the future, the ability for this Court to adequately serve our community will be significantly and negatively impacted as long-term employees in a number of critical areas move toward retirement and employees who receive salaries that are no longer competitive seek other, more financially fulfilling, opportunities and leave the Court.

The Court is also still severely impacted by the closure of the Hovensa refinery in the District of St. Croix. Hovensa's departure has overwhelmingly contributed to a significant staff turnover in that district as many of our veteran employees in key areas of operation have migrated to the Mainland or other jurisdictions because their spouses were forced to relocate in search of employment in their areas of expertise. Despite our fervent efforts to fill the ongoing critical vacancies in that district, the Court is still plagued by resignations as more employees either transfer to other governmental agencies who offer more lucrative assignments and substantially higher salaries, or simply leave the Territory for better employment and economic opportunities.

We must also advise this august body that, since the Court implemented its self-imposed austerity measures in 2011, we have not initiated the purchase of a single new vehicle for our fleet. The limitations on our funding impact our ability to maintain the established replacement schedule for the Court's vehicle fleet, which contains vehicles from model years as far back as 2005 and 2006. This seriously impacts the ability of our Marshals, the Territory's second largest group of peace officers, as they are required to utilize unreliable and unsafe vehicles as they attempt to carry out their duties and responsibilities in this community.

In order to remedy that situation, during the latter part of last fiscal year, we undertook the task of providing some measure of relief to this division and, after placing the requisite RFQ, carved out some funds to replace a few of the vehicles in this important fleet. We expect to receive those vehicles by the end of next month. If the Court receives the funds requested for the upcoming fiscal year, some of those additional resources will be utilized to facilitate the replacement of the remaining vehicles in that fleet. We must be cognizant of the fact that our expenses for vehicle maintenance and repair has been increasing steadily during the past several years and the cost required to repair and maintain these rapidly aging vehicles is becoming more and more prohibitive. To control such costs within the limited funding received, a number of vehicles are being sidelined due to the exorbitant costs being quoted for their repair. In certain instances, we have determined that making repairs would be throwing good money after bad and, clearly, this is not an efficient use of our very limited resources.

Please be reminded that, the Superior Court is the only local court of general jurisdiction for the Territory, an area which encompasses two districts with corresponding

policing functions. During the past fiscal year, there were thirteen (13) judicial officers, with a fourteenth (14th) being added soon. We are, however, still in need of at least one additional magistrate in each district to deal with the tremendous workload and additional duties being imposed by passing of additional laws. These judicial officers operate in three (3) courthouses and serve a population of approximately 106,000 persons spread throughout the Territory. They preside over the entire array of local civil, criminal, and family cases. The Magistrate Division has jurisdiction over small claims, landlord/tenant issues, traffic, probate, and minor criminal cases, conservation matters, and other powers as prescribed by law. It is incumbent upon all of us to ensure that the delivery of justice do the following: remain a top priority of our government as our courts continue to address the most serious problems faced by the residents of this Territory; remain essential to the preservation of public safety; and provide the infrastructure for the rule of law which is indispensable to a successful economy and a stable society.

We are very appreciative of the Governor's recent appointment of Attorney Jomo Meade to serve as a judge in the District of St. Croix and eagerly look forward to his confirmation by this body. Naturally, the appointment of an additional judge in the Superior Court does not come without the associated costs. Additionally, we are equally pleased at the Governor's appointment and the Legislature's confirmation of Judge Renee Gumbs Carty; and, of course, the reappointment and subsequent confirmation of the Honorable Harold Willocks to serve a second term in the Superior Court.

We are still awaiting the requisite funding for the Court's Capital Projects as outlined in our Vision 2020 Capital Improvement Projects request, which includes funding to construct a much needed annex in the District of St. Croix. As we move forward with

plans to retrofit the Leader Justice Complex premises to accommodate the new judge, pending his confirmation of course, the Court will experience difficulty in providing services to the community.

As we have indicated before, in order for the Court to process each case that is filed, from inception to disposition, a minimum of five to seven employees must be utilized throughout each hearing. And, that number increases when you take into consideration the administrative and other ancillary services required, including but not limited to Jury Management, Pretrial, Probation, and Information Technology. This occurs for every case filed within the Superior Court, whether it is a criminal or civil matter; and, we process over twenty thousand cases each year. During FY2015, the Court handled more than 20,000 cases – not including marriages; and, as of March 2016, the Court is on track to exceed that number, having processed more than 16,000 cases - not including marriages.

We understand the extraordinary challenges faced by the Legislature during this difficult budgetary time and deeply appreciate the attention being paid to the critical funds needed for the safe and effective delivery of justice in the Territory. Nevertheless, the Superior Court's budget request in the amount of \$33,987,310 represents the amount required to adequately fund the Court's operations during the upcoming Fiscal Year, including but not limited to: payroll and personnel services; the purchase of research and resource materials; compensation to jurors, appointed counsel, and expert witnesses; payment for property leases and other rental expenses; vehicle fleet purchases and repair, especially those assigned to our Marshal units; facilities maintenance and repair; internet access and other communication services; payments for utilities and fuel; training opportunities for our staff, and other related expenses, just to name a few.

For several years the Court has not been in a position to make cash payments for overtime hours worked. While the cost of living has continued to rise in the Territory – food prices, utility expenses, the price of gasoline, rent, property taxes, etc. – our employees' income have remained substantially stagnant and fixed, such that they are losing ground. We see a number of employees being required to obtain second, and in some instances third, jobs to support their families. Court employees can no longer work miracles. Thus, the Court must have the requisite funds within its FY2017 Budget to provide for salary adjustments for its staff who often find themselves working long hours, without any overtime pay, while performing the duties of two or more persons.

We could no longer allow this deprivation of our employees to continue. Thus at the beginning of FY16, the Court utilized projected savings from our austerity measures, along with the reductions in recurring expenses in various areas, to provide a meager salary increase to certain staff members, excluding executive staff, who had not received an increase since 2010. However, that salary increase is simply not enough for our employees to efficiently manage their households in the face of increased costs. Most of our employees saw the slight increase they received effectively vanish before it even arrived, through increases in mandatory deductions – with the annual increases in GERS contributions leading the charge. Therefore, within the upcoming Fiscal Year's budget, the Court has included approximately \$331,702 for salary increases and the related fringe benefits for our existing employees.

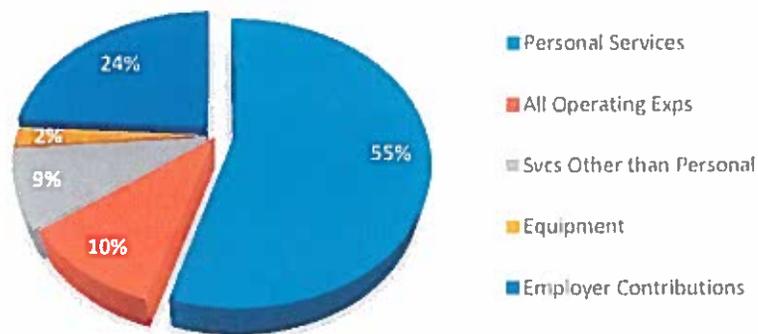
Unfortunately, the recommended level of funding included in the Territory's Fiscal Year 2017 Budget for the Superior Court remains the same as the appropriation level allocated in Fiscal Year 2016, totaling \$28,586,120, more than \$5.4 million less than what

is being requested by the Court. We respectfully encourage the 31st Legislature's positive consideration of the Superior Court's budget request of \$33,987,310 as the amount required to ensure its operations as well as the continuity of the necessary court services to the community.

Remember, as a trial court of general jurisdiction, the Superior Court remains the gateway to all who seek peaceful resolution of their grievances. With the current surge and prevalence of various types of criminal activity, along with the numerous complex civil cases brought forward in our litigious community, the Court cannot pick and choose where and when to render its services. Rather, the Court must continue to provide the necessary access to justice for all persons within its jurisdiction.

Providing the Superior Court with a stable and effective budget will enable us to achieve the organizational and staffing levels necessary for the delivery of justice. Therefore, it is incumbent that the Legislature appropriate sufficient funds to ensure that the Superior Court's budget is able to satisfy the Court's important responsibilities to the people of U.S. Virgin Islands. Please note the Justification Section of our Budget which fully explains our funding request of \$33,987,310.

Superior Court of the Virgin Islands FY2017 Budget Request

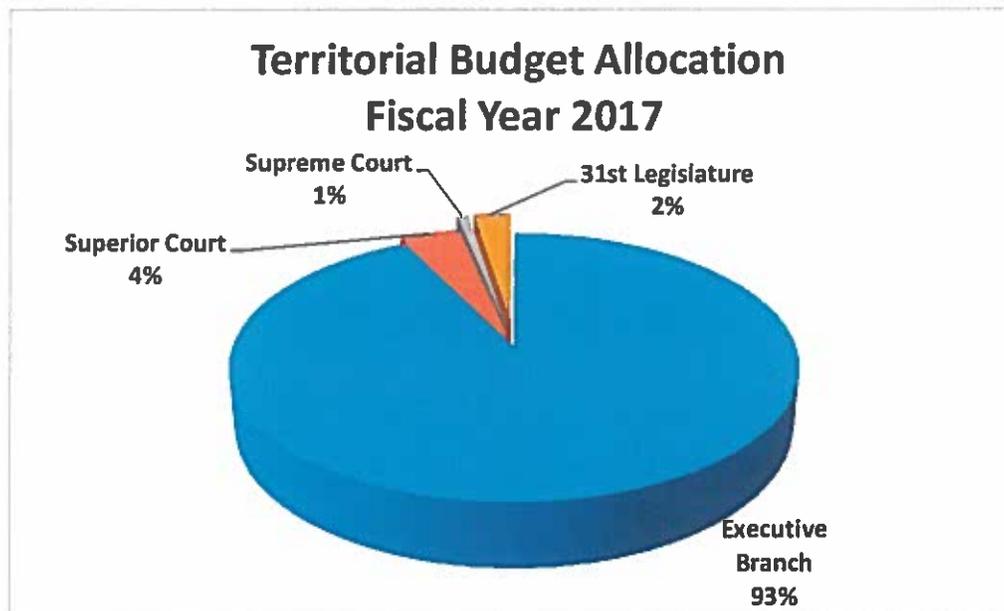


The Superior Court hereby requests:

- **\$18,602,198** for Personal Services including but not limited to salaries for existing personnel and other positions and staffing required by the Court, that includes approximately \$258,832 for salary increases; funding for compensation of attorneys for the legal defense of indigent clients; consultant and expert fees and lump-sum payments;
- **\$3,445,000** for All Operating Expenses, that is Jury Expenses, Equipment and Computer Maintenance, Building and Grounds Maintenance, Insurance of the Court's Facilities, Vehicles and Judicial Liability; Office and Computer Supplies; Publication, Printing, the purchase of Traffic Ticket Books, Judicial Forms, Uniforms and Marshal's Accessories, Leases and/or Rental of Equipment and Machinery; Maintenance and Repair of Vehicles, Security, Technology Project upgrade and Support; and other Court and Administrative Expenses;
- **\$3,020,783** for Services other than Personal, including \$2,675,783 for utilities and the rental properties utilized by the Court; \$345,000 for other operations such as contractual and janitorial services, tutorial services and miscellaneous expenses;
- **\$740,000** for Equipment purchases, including new and replacement volumes and additional law books for the libraries; to upgrade and replace equipment and marshal vehicles scheduled for trade-in; and the upgrade of the Court's technological infrastructure, among other things.

- **\$8,179,329** for Contributions that include \$1,339,329 for FICA payments and other employer mandatory contributions including \$3,664,144 for retirement contributions - to include the additional 3% projected employer contribution at \$163,978 that is due from the start of Calendar Year 2015 through May 2015; \$124,500 for fringe benefits associated with the salary increases; \$2,559,995 for Health Insurance payments; \$66,261 for Worker's Compensation and Unemployment Insurance; and \$549,600 for the Judges' Pension Fund.

Remember, our republican form of government is designed to have three separate, coequal branches. As you can readily see, the budget requests of the entire Judicial Branch, including the Supreme Court, amount to only about 5% of the total annual budget of the Virgin Islands. Considering the even smaller budget of the Legislative Branch, the chart reveals that the Executive Branch utilizes approximately NINETY-THREE PERCENT (93%) of the Territory's revenues.



I recognize that this is one government and that we are all in this together. I do not intend to minimize in any way the vast array of governmental services provided to the people of the Virgin Islands by departments and agencies of the Executive Branch, nor to detract from their efforts to move this Territory forward.

More importantly, the Judicial Branch – and the Superior Court in particular - operates within its allotted funding. We have had to make do with what has been given to us, and there is no fat to cut. We have no lower priority programs we can cut in order to transfer funds to other more worthy pursuits. Constitutional mandates require us to provide appointed private counsel, investigators, experts, interpreters, and other services. We have statutory obligations to provide fair and just service to all who come inside our doors.

And, we are responsible stewards of the taxpayers' money. In short, our successful efforts to stay within even our inadequate funding should be recognized and rewarded by this body. This is especially true when you consider that the difference between what we are asking for Fiscal Year 2017 represents approximately five percent (5%) of the overall budget of the Territory. I urge you to fund the Superior Court at the level requested in our budget proposal.

Despite the many challenges in the Court's future, there is still a significant amount of work ahead. However, we are moving forward and making progress in spite of several budgetary challenges. The work at the Superior Court is critical to the safety and welfare of the Virgin Islands community, and we will continue to work diligently to fulfill our constitutional and statutory obligations.

Before I close, I would like to take this opportunity to express my sincere thanks to the following persons:

- ❖ On behalf of the entire Superior Court staff, our sincere thanks and appreciation to Judge Adam G. Christian for his unwavering support, commitment and dedication to serving the people of this community as a judge in the Superior Court. We are truly sorry to see him go!
- ❖ To the Superior Court staff – judges, magistrates and employees – for their resolute efforts during this past fiscal year. I must especially thank all of the employees of the Superior Court for their dedication, support and commitment – in good times and bad – to the people of the Virgin Islands as they perform their duties in service to this community. The overall service of the Court’s staff is not only relegated to its case management system, or the number of cases filed or disposed. Rather, and I say this proudly, the Superior Court staff collaborates with, and renders assistance to, a number of other governmental agencies in the areas of maintenance; the use of its facilities and equipment; security and law enforcement initiatives; fiscal and statistical analysis; and Information Technology initiatives, just to name a few. The cooperative nature of the Court’s staff is a long-standing tradition, and I am very pleased to acknowledge that it still continues today. This is clearly an indication that our staff is fully aware of the fact that they serve the entire Virgin Islands community and not only one branch of government. With the exception of compensation of our Marshals by the Police Department for extraordinary law enforcement activities like monitoring Carnival activities and providing security for visiting dignitaries, all other assistance is delivered by our staff to Executive and Legislative Branch agencies or departments without compensation, and with dignity and aplomb in their representation of the Superior Court!

- ❖ I especially want to thank the retired judges who have stepped in to assist the Court from time to time, thereby ensuring that justice is served. To retired Presiding Judge the Honorable Darryl Dean Donohue for his willingness to serve, without compensation, as a Senior Sitting Judge in the District of St. Croix; as well as the retired Judge, the Honorable James Carroll, III who is always willing to lend a helping hand and is currently serving in St. Thomas as a Senior Sitting Judge while we await the onboarding of incoming Judge Renee Gumbs Carty.
- ❖ To the Executive Staff of the Superior Court, thank you for all of your efforts to fulfill our goals and our mission that serve to unite us in our effort to become a high performing court.

Mr. Chair, members of the Committee on Finance, and other members of the Legislature, thank you for this opportunity to expound on the Superior Court's FY2017 Budget Request. Accordingly, I respectfully ask you and the members of the 31st Legislature for your favourable consideration and approval of the Superior Court's budget request. My staff and I are available to address your concerns.

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