

OPENING STATEMENT

**THE HONORABLE RHYS S. HODGE
CHIEF JUSTICE OF THE VIRGIN ISLANDS**

BUDGET FOR THE FISCAL YEAR 2026

OF

THE JUDICIAL BRANCH OF THE VIRGIN ISLANDS

BEFORE

THE COMMITTEE ON BUDGET, APPROPRIATION, AND FINANCE

THIRTY-SIXTH LEGISLATURE

JULY 17, 2025

Good morning Senator Novelle E. Francis Jr., Chair, and Members of the Committee on Budget, Appropriations and Finance, other Members of the 36th Legislature present, Members of the Judiciary, Staff, and others present in the audience. I am Rhys S. Hodge, Chief Justice of the Virgin Islands. As head of the Judicial Branch of the Virgin Islands, I thank you for the opportunity to appear before this Committee to present and support the Fiscal Year 2026 budget request. This presentation covers not only funding for the Judicial Branch but includes requests for the Judicial Council of the Virgin Islands and the new Office of Conflict Counsel (OCC).

As required by law, I submitted the Fiscal Year 2026 Budget Request for the

Judicial Branch, and the Fiscal Year 2024 Annual Report on the State of the Virgin Islands Judiciary & Court System by the May 30th statutory deadline, directly to the Legislature with a copy to the Governor. Accordingly, today is the Judiciary's principal opportunity to present and defend its budget request to the body responsible for ensuring that the needs of the judicial branch are adequately funded, the Virgin Islands Legislature. In support of today's presentation, I am privileged to have present with me the Honorable Debra S. Watlington, Presiding Judge of the Superior Court; the Honorable Alphonso G. Andrews, Jr., Administrative Judge of the Superior Court; Regina Petersen, the Administrator of Courts; Paulette Rabsatt-Simmonds, Chief Financial Officer; Koya Ottley, Human Resource Director; and John Thompson, Chief Information Technology Officer. Appearing in St. Croix will be Miguel Tricoche, Assistant Administrator of Courts; Lawrence Walcott, Chief Marshal; Tamara Charles, Clerk of the Superior Court; Kimlyn Etienne, Comptroller. H. Hannibal O'Bryan, Chief Conflict Counsel, is also available to answer any questions regarding the Office of Conflict Counsel.

In this year's State of the Judiciary report, I described the state of the Judiciary as "responsive" to the broad needs of the public as well as those of the many partners in the justice system such as law enforcement, the Department of Justice, the Office of the Territorial Public Defender, the Office of Conflict Counsel,

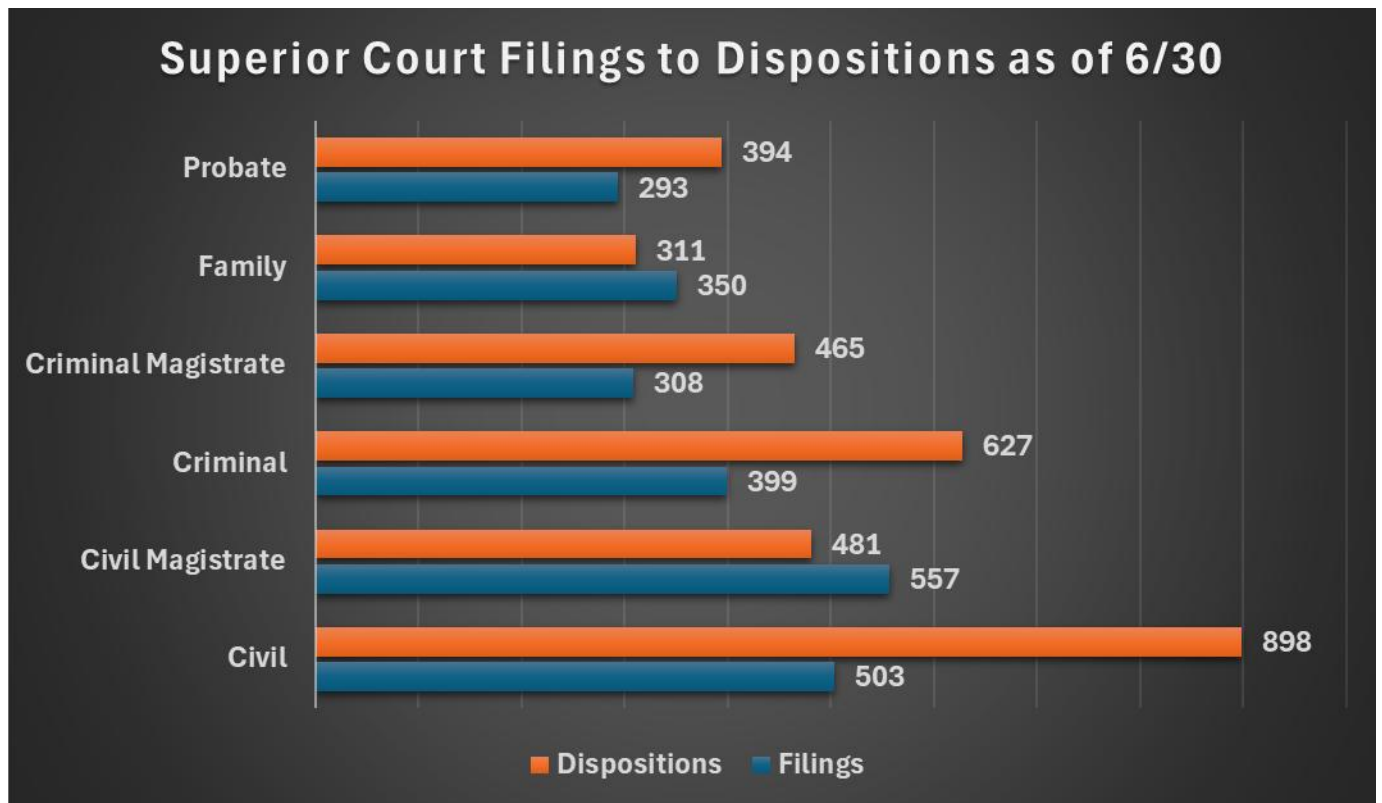
and the Virgin Islands Bar Association. Since 2022, the Judiciary has employed an all-hands-on-deck approach as it remains committed to address delays in court process and reducing pending caseloads, which involves the active participation of these justice partners.

The Supreme Court has documented the Judicial Branch's accomplishments in the Fiscal Year 2024 Annual Report on the State of the Virgin Islands Judiciary & Court System. A copy of that published report has been provided to all Senators along with our Fiscal Year 2026 budget request, and is also available on the Court's website at www.vicourts.org. Accordingly, during the course of this testimony I will not belabor this Committee with the details of our operations over the past Fiscal Year contained in the Annual Report but will only summarize performance trends in core areas.

The Judiciary's Fiscal Year 2024 Annual Report documents the progress made regarding pending caseloads before the trial and appellate courts as well as other areas of court operations. In fiscal year 2024, the Superior Court had a total of 11,202 cases filed, and disposed of 10,923 cases, for a 92% case clearance rate for all cases. However, the various individual court divisions had impressive clearance rates in fiscal year 2024. Excluding applications for marriage licenses and traffic matters, the Superior Court resolved 3,033 cases while receiving 2,850 new cases in FY 2024, for a clearance rate of 106%. For Fiscal Year 2024, the Superior Court

achieved an overall 6% reduction in pending civil matters, a 20% overall reduction in pending criminal matters, with a 21% reduction in pending criminal jury cases, a number which was just 12% last year. Fiscal Year 2024 statistics also demonstrate a 12% reduction in the number of pending probate matters, with an all-time high 134% case clearance rate for FY' 24.

This positive trend in performance in the Superior Court continues into fiscal year 2025. As of June 30, 2025, there were 504 new filings across all civil case types and 907 matters disposed of, resulting in a 7% reduction in the pending civil caseload. 399 new criminal cases were filed and 627 cases disposed, for a 13% reduction in the pending criminal caseload when compared to Fiscal Year 2024. Regarding jury cases, the reduction is 21% through the first 3 quarters of this fiscal year. I am equally pleased to report that while 293 new probate cases were filed in the current fiscal year, 394 probate matters have been disposed as of June 30, 2025, for a caseload reduction of 12% when compared to pending probate cases at the close of Fiscal Year 2024.



In Fiscal Year 2024, 43 new appeals were filed in the Supreme Court (31 Civil and 12 Criminal), and 36 appeals were disposed (28 Civil and 8 Criminal) for an overall clearance rate of 84%. Through June 30th, 23 new appeals have been filed (18 Civil and 5 Criminal), and 34 appeals have been disposed (27 Civil and 7 Criminal) for a 13 % reduction in the number of civil appeals pending, and 14% reduction in the number of criminal appeals pending. Regarding matters proceeding under the Supreme Court’s original jurisdiction, 22 matters have been filed and 38 have been disposed for a clearance of 173%. The Office of Bar Admissions has processed 133 new applications for admission and completed 146 bar admission application cases, for a reduction of 13% in the applications pending admission.

Additionally, with regard to disciplinary matters, a total of 50 new grievances were filed (46 complaints against attorneys, 3 complaints against judicial officers and 1 case of unauthorized practice of law). As of June 30th, 66 cases have been closed (59 attorney misconduct complaints, 5 judicial misconduct complaints, and 2 matters alleging the unauthorized practice of law). Thus far in Fiscal Year 2025, the Office of Disciplinary Counsel has achieved a caseload reduction of 8%.

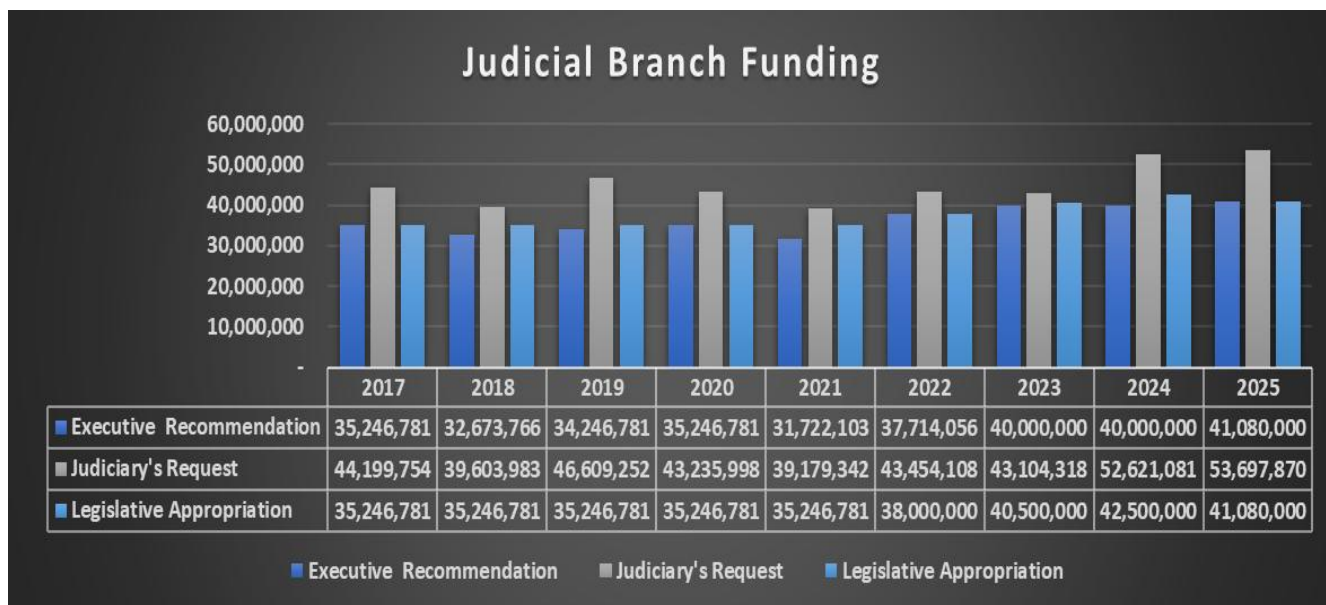
JUDICIAL BRANCH FUNDING PRINCIPLES

Starting in the late 1960s to mid-1970s, most states amended their constitutions to provide that state court budgets should be submitted directly to the Legislature without having to go through the Governor's executive budget process. In fact, some states specifically provide that the Governor may not reduce the request of the judiciary. Even 50 years ago, the Virgin Islands understood that the separation and independence of the Judiciary also depended on how it is funded and in 1976, required that the judicial branch submit its budget request directly to the Legislature on May 30th of each year. The legislature reaffirmed this requirement in 2016, in Act 7888, when it specified the duties of the Administrator of Courts, to assist the Chief Justice in creating a single annual budget request for the judicial branch submitted "to the President of the Legislature, with a copy to the Governor, on or before May 30 of each year". Additionally, and encapsulating this standard,

Principle 18 of the Principles for Judicial Administration developed and published by the National Center for State Courts (NCSC) in 2012 provides: “Judicial Branch budget requests should be considered by legislative bodies as submitted by the Judicial Branch.” Despite these well-established national principles and the requirements of local law, the Executive Branch annually imposes a budget ceiling amount for the Judicial Branch as though it were just another executive agency of government, as opposed to a separate co-equal branch of government. In the Executive Budget Process, this ceiling is imposed with the strict instruction that the fixed ceiling is not to be exceeded without the Governor’s approval and that ceiling amount is presented in the Executive Budget as the Governor’s funding recommendation for the judicial branch.

In general, over the past 9 years, appropriations to the Judicial Branch have more closely aligned with Executive Branch ceiling recommendations for funding of the Judicial Branch, rather than the budget requests submitted directly to Legislature, including 5 years at the exact same ceiling, while every other agency’s budget increased annually. While the Legislature offered slight increases above the Governor’s ceiling in fiscal years 2022, 2023 and 2024, it once again adopted the Governor’s recommended ceiling for fiscal year 2025, resulting in a 3.3% reduction

in funding when compared to the fiscal year 2024 appropriation, and at a time when



critical infrastructure projects need to be funded.

I have taken the time to spell out this budget process to once again request that the Legislature give full and complete consideration to the judicial branch's budget based on the needs set forth in its budget request, without the limiting effect of the arbitrary budget ceiling recommendation of the Governor in the executive branch budget submission. We have been asked in the past by Senators if we have discussed our budget submission with the executive branch. Although we have done so in the past without much success, the solution isn't negotiating a higher recommendation with the Executive Branch, but the Judiciary instead working directly with the Legislative Branch in a more comprehensive manner than at a single budget hearing, so that the Legislature, as the funding authority, truly understands the needs of the Judiciary and gives due consideration to the Judicial Branch's

request as required by law.

FY 2026 JUDICIAL BRANCH OPERATING BUDGET REQUEST

The Judiciary's annual budget request is derived from a deliberative process which includes the Administrator of Courts, the Chief Financial Officer, the Comptroller, both Clerks of Court, and other senior Judicial Branch staff, and culminates in presentation to and approval of the proposed budget request, by the Judicial Management Advisory Council, (JMAC). The goal of this deliberative process is to identify the funding needed for the Judicial Branch to discharge its constitutional and statutory duties to the people of the Virgin Islands and determine what the Branch can feasibly accomplish in capital and other projects during the upcoming fiscal year.

For Fiscal Year 2026, the Judicial Branch requests an operating budget of \$53,096,326. The submission also includes a separate request of \$145,342 for the Judicial Council, the entity which partially funds the staffing for the two District Court law libraries, and a separate request of \$1,105,131 to fully fund the operations of the Office of Conflict Counsel through FY' 2026.

The Judiciary's Fiscal Year 2025 operational request includes \$24,864,744 for salaries and \$11,280,309 for fringe benefits; \$5,969,359 for other services and charges; \$6,568,941 in projected capital expenditures; \$1,964,416 for utilities;

\$1,038,500 for Other Personnel Services and \$700,000 for supplies.

Judicial Branch	
Expenditure Description	Amount
<i>Personnel Services</i>	<i>\$ 24,864,744</i>
<i>Fringe Benefits</i>	<i>11,280,309</i>
Total Personnel Services	\$ 36,145,053
<i>Other Personal Services</i>	<i>1,038,500</i>
<i>Capital Outlays</i>	<i>6,568,941</i>
<i>Supplies</i>	<i>700,000</i>
<i>Utility and Communications</i>	<i>1,964,416</i>
<i>Other Services and Charges</i>	<i>5,969,359</i>
TOTAL PROPOSED FY' 26 BUDGET	\$ 52,386,269
<i>Expansion of Supreme Court-Nomination of 5th Justice</i>	<i>710,058</i>
TOTAL FY' 26 BUDGET	\$ 53,096,327.00

Personnel Expenses

For the projected personnel expenses, the Judicial Branch request of \$36,145,053, which includes the 4% compensation scale adjustment requested in FY 25 totaling \$922,982 but not funded and 55 positions identified as critical vacancies to be filled in Fiscal year 2026 at a prorated cost of \$2,769,882 with fringe. However, it is important to note that the full impact of carrying these positions once filled by FY 2027 would be a \$5.5 million increase to personnel and fringe. As of June 30, 2025, there are 308 filled positions (170 in STT/J and 138 in STX).

The Judiciary continues to experience relatively high employee turnover, with

perhaps the growing threat now being the sheer number of employees eligible for retirement and a growing workforce generation where the predicted tenure of the average court employee is only 9 years. By the close of Fiscal Year 2024, 47 employees had separated from the Judiciary, and one Judicial Branch family member passed away. Thus far in FY 2025, the Judiciary has onboarded 24 new hires, promoted 11 employees and currently has 25 positions advertised, with 5 conditional offers extended to candidates awaiting the start date for the next Police Academy. As of July 14th, 35 employees have separated, and/or have already notified the Judiciary of their intent to separate for other advancement opportunities or impending retirement.



As I testified last year, the Judiciary completed a market review study of its compensation and classification system with experts from the National Center for

State Courts, which determined that the branch's compensation structure needed a 4% market adjustment. While we included that 4% adjustment in the Budget Request for Fiscal Year 2025 to implement the first adjustment in the compensation structure for all non-judicial officer positions, the 3.3% reduction in appropriated funding to the Branch made it impossible to do so this year. It is important to note that except for FY 2025, the judiciary has applied much of its moderate funding increases in fiscal years '22, '23' and '24 to non-judicial officer employee salary increases. Had we not applied the funding towards employee retention, the market disparities would have been even greater for judicial branch compensation. Accordingly, we are once again requesting that this body fund the 4% market adjustment for non-judicial officer employees so that in addition to increasing retention, there is a return on investment for both our employees for the time, level of effort, and costs associated with the study. The employees embraced the compensation study process and actively participated in the review process, and our inability to implement the promised adjustment was both disappointing and a difficult broken promise to our employees.

The Judiciary has identified 10 employees earning less than \$32,000 per annum whose salaries would have to be adjusted pursuant to the override of the Governor's veto of Bill 36-0053. Further, the Judiciary's accounting team estimated the GERS increase from January as that has been the norm. Accordingly, our payroll

projections also do not account for the GERS increase taking effect from October 1, 2025. It would be necessary to increase our request by an additional \$100,144 to cover the 3% increase for the first quarter of Fiscal Year 2026, if the GERS increase is implemented.

CAPITAL PROJECT FUNDING

Principle 22 of the Principles for Judicial Administration referred to earlier provides that: “Responsible funding entities should ensure that courts have facilities that are safe, secure and accessible and which are designed, built and maintained according to adopted courthouse facilities guidelines”. As with last year’s budget request, the most significant increase in the Judiciary’s Budget Request is for Capital Expenditures. For Fiscal Year 2025 the Judiciary sought \$4,450,000 to fund Phase II of the Roof Replacement and the Office Expansion project at the R. H. Amphlett Leader Justice Complex. However, the resulting appropriation was a 3.3% reduction in funding. As a result, the judiciary continues to struggle to meet legislative and other mandates at the expense of other funding priorities, including its critical infrastructure projects.

For Fiscal Year 2026 the Judiciary is seeking \$4,100,000 to fund Phase II of the Roof Replacement and the Office Expansion project at the R. H. Amphlett Leader Justice Complex; \$670,000 for A/C infrastructure replacement; \$672,712 for

cyber security enhancements; \$366,000 for vehicle replacements; \$366,622 for Machinery and Equipment for the Marshals Office. The funding request also includes upgrading stenographic equipment for court reporting, and replacement instruments for the Rising Stars Steel Orchestra. The request also includes \$293,594 for life cycle replacement of computer equipment and \$100,000 for replacement volumes and subscriptions for various legal resources. Our total capital budget request for FY 2026 is \$6,568,941.

As background, the R. H. Amphlett Leader Justice Complex Roof Replacement and Office Expansion project was originally solicited in 2023 and contracted in 2024, to include roof replacement, enclosure of the second-floor courtyard, ballistic proof entry wall, and interior demolition and the west wing build out to create more usable office space. This body is reminded that no new Superior Court courthouses have been built or expanded for over 30 years, which means the local judiciary continues to expand to meet demands and new mandates within existing aged infrastructure. The original cost of the project is an estimated \$8,434,850 phased over several fiscal years, and this is without any adjustment for delays or consideration of the impact of rising costs. The current phase of the roof replacement project, originally estimated at \$2.7 million, has been significantly delayed due to the Federal Consistency Determination process. I am happy to report that the roof replacement at the R.H. Amphlett Leader courthouse is finally about to

commence with a projected notice to proceed start date of July 28, 2025. The sum of \$4.3 million has been encumbered towards this project, and \$1.6 million has been expended to date. \$4.1 million of the Judiciary's Capital Project request is attributed to this project and has a significant impact on the planned consolidation and expansion of certain divisions within court, including expansion of the pre-trial, probation and parole services division.

The past five years have witnessed a remarkable growth in support for reforming our nation's pretrial justice system, the portion of criminal process that begins with a person's first contact with the justice system. To implement an effective pretrial service office and simultaneously reform and reorganize probation and parole services, the Judiciary created a working group to examine the current organizational structure and make recommendations. Those recommendations include increased staffing and the consolidation of services into one Division of Pre-trial, Probation and Parole. In this regard, the current budget request includes 9 additional probation officers and the current Phase II Office Expansion to the R.H. Amphlett Leader Complex includes demolition, and remodeling of interior office space to better accommodate this expansion along with existing divisions. This has taken on new urgency as the Federal Office of Probation notified the Office of Probation and Parole and the Board of Parole that it will no longer be supervising the local convicted prisoners who were sentenced by the District Court of the Virgin

Islands and released on parole by the Parole Board. Eighteen cases have been effectively referred back to the V.I. Parole Board and will now be monitored and supervised by our local Probation and Parole Office.

JUDICIAL COUNCIL

With regard to the budget request for the Judicial Council, since our Fiscal Year 2023 Budget Presentation, we have consistently informed this Committee of a shortfall in the appropriation to the Judicial Council which originated from the erroneous application of a 10% reduction in Fiscal Year 2020. This reduction against an appropriation which covers only the salaries of 2 law librarians, resulted in a reduced ceiling or funding base for Fiscal Year 2021 at \$103,285. In fiscal year 2022, the Legislature increased the funding by 7% to \$110,515, but that increase did not absorb implemented increases in GERS and Health Insurance. We therefore request that the Legislature fund the full requested budget for the Judicial Council in the sum of \$145,342.

OFFICE OF CONFLICT COUNSEL

The Office of Conflict Counsel, (OCC), was established in response to

repeated frustration of Judges over the challenges and repeated case delays due to the lack of volunteer panel attorney members and private attorneys to serve as court appointed counsel for indigent criminal defendants and parties in juvenile and family cases. Accordingly, in December of 2023, the Supreme Court promulgated amendments to Rule 210 establishing an Office of Conflict Counsel as an independent agency within the Judicial Branch operating under the supervision of the Standing Committee on Indigent Appointments and supported administratively by the Judicial Branch Administrative Office. The OCC office was later Legislatively established by Act No. 8960.

The OCC began operating on June 3, 2024, and as of June 16, 2025, has been appointed counsel in 139 cases, 119 of which involved major criminal felonies, and 24 involving juveniles. The office has closed 59 cases and has an active caseload of 80 cases. OCC is currently staffed by a Chief Conflict Counsel, 2 Assistant Conflict Counsels, (1 in each district), 1 investigator in the District of St. Thomas/St. John and 1 administrative staff person in each district. These positions and corresponding offices in each district are currently partially funded through December 31, 2026, on an ARPA grant. However, the office is not yet fully staffed, and the Judiciary has been absorbing operational costs. To date, the \$500,000 appropriation provided by Act No. 8960 has not been released by OMB. Again, the sole purpose of establishing the Office of Conflict Counsel is to meet the Government of the Virgin

Islands constitutional obligation to provide effective assistance of counsel to all indigent defendants as required by the Sixth Amendment to the United States Constitution and the Supreme Court of the United States holding in *Gideon v. Wainwright*.

Office of Conflict Counsel		
Expenditure Description	Amount	%
Personnel Services	\$ 355,650	36%
Fringe Benefits	\$ 153,248	16%
Total Personnel Services	\$ 508,898	52%
Other Personnel Services	\$ 100,000	10%
Capital Outlays	\$ 152,000	15%
Supplies	\$ 30,000	3%
Utility Services & Charges	\$ 10,000	1%
Other Services & Charges	\$ 304,233	19%
Total Proposed Budget FY 2026	\$ 1,105,131	100%

The sum of \$1,105,131 is requested to fully fund the operations of the Office of Conflict Counsel in FY 2026. \$508,898 is requested to fund 2 Assistant Conflict Counsels, 1 additional investigator and a paralegal. \$100,000 is requested to cover other personnel services to include witness fees, experts and other appointed counsel; \$152,000 for office and computer equipment and vehicles in each district; \$304,233 in Other Services and Charges to fund travel, transportation, training and the implementation of practice management software and cloud storage.

Judges are appointed by the Governor with the advice and consent of the

Legislature, and every judicial vacancy threatens to delay case processing and result in increased caseloads per judge. Specifically, Superior Court judges serve a six-year term, and the pertinent provisions of the Virgin Islands Code contemplate that the Governor will either reappoint an incumbent judge or select a new judge before the end of an incumbent judge's six-year term.

The terms of four Superior Court Judicial Officers expired in May with only one reappointment and no new nominations to date. Title 4, Section 72(a) of the Virgin Islands Code provides a 180-day grace period in which an incumbent judge whose term has expired may continue to hear cases. That period will end in November or sooner should an incumbent judge decide against serving out their 180-day hold-over period. One Judicial Officer thus far has decided against serving until the end of the hold-over period.

Prior to the passage of Act No. 8919, the Presiding Judge could recommend the appointment of a Senior Sitting Judge to the Chief Justice, under legal authority which had existed in the judicial branch for nearly 50 years. This was perhaps the most impactful tool at the Judiciary's disposal to guarantee seamless continuity of case management during judicial vacancies and emergencies. We strongly encourage the legislature to remedy the ensuing crisis with support of Bill No. 36-0101, before the significant progress that has been made with regards to case

management and backlog reduction is undermined.

In closing, I reiterate the Judicial Branch's budget request of \$53,096,877 which includes funding for the fifth justice to the Supreme Court, the request of \$145,342 to fund salary adjustments for the Law Librarians who did not receive increases in FY 24 due to insufficient funding, and the request of \$1,105,131 to fully fund the Office of Conflict Counsel in FY2026. I request that this Committee and the full Legislature give all three requests your thoughtful consideration.

Thank you for providing us the opportunity to testify in support of our budget request. And before closing, I once again take this opportunity to thank all of our dedicated, hard-working and exceptional employees who continue to meet and exceed the mandates of their jobs, in service to the Judicial Branch and to the people of the Virgin Islands. I especially want to recognize our two employees of the year, Ms. Brenda Meyers, Court Clerk Supervisor in the St. Croix District who is a thirty-year member of the Judiciary and has earned the designation Employee of the Year three times during her tenure, which is a testament to her unyielding dedication to service in the Judiciary. Ms. Meyers currently manages the daily operations of the Family Division in the Clerk's Office; and Ms. Cassandra Benjamin-Sells, Accounting Clerk II in the St. Thomas/St. John District who is a member of the Budget and Accounting team. Ms. Benjamin-Sells delivers superior customer service to internal and external customers in her management execution of account

payables. Her proficiency and accuracy are noteworthy.

I, as well as members of our administrative team, and the Chief Conflict Counsel remain available to answer any questions you may have. Thank you.