

TESTIMONY OF

**HON. RHYS S. HODGE, CHIEF JUSTICE,
SUPREME COURT OF THE VIRGIN ISLANDS**

ON

**BILL NO. 35-0286, AN ACT HONORING AND COMMENDING VERNE
ANTONIO HODGE FOR HIS YEARS OF DEDICATED SERVICE TO THE
PEOPLE OF THE VIRGIN ISLANDS AND ITS JURISPRUDENCE BY
RENAMING THE SUPERIOR COURT OF THE VIRGIN ISLANDS, ST.
THOMAS/ST. JOHN, THE “JUDGE VERNE A. HODGE SUPERIOR
COURT OF THE VIRGIN ISLANDS”**

**BEFORE
THE THIRTY-FIFTH LEGISLATURE
COMMITTEE ON GOVERNMENT OPERATIONS, VETERANS
AFFAIRS, AND CONSUMER PROTECTION**

**ON
SEPTEMBER 24, 2024**

Good Morning, Honorable Chair, Senator Carla J. Joseph; Honorable Members of the Committee on Government Operations, Veterans Affairs, and Consumer Protection; Honorable Members of the 35th Legislature present, Legislative staff, ladies and gentlemen.

I am Rhys S. Hodge, Chief Justice of the Virgin Islands, and it is my pleasure to accept your invitation to appear before this Honorable Committee on behalf of the Supreme Court and the judiciary to express our strong support for Bill No. 35-0286 to honor one of the founding fathers of the Virgin Islands Judiciary, the Honorable Verne A. Hodge, for his dedicated and unparalleled service to the people of the Virgin Islands.

Judge Hodge devoted most of his adult life to serving the people of the Virgin Islands. Before becoming a lawyer, Judge Hodge graduated magna cum laude from Hampton University in 1956 and shortly thereafter served his country in the United States Army. After concluding his military service, Judge Hodge returned to the Virgin Islands to work in both the public and private sectors as an auditor, accountant, and personnel manager. Law, however, was always Judge Hodge's calling. A decade after graduating from college, Judge Hodge enrolled in the Howard University School of Law, from which he earned his Juris Doctor degree in 1969. Later that same year, he was admitted to the Virgin Islands Bar Association and engaged in the private practice of law until 1973, when he became the Attorney General of the Virgin Islands under Governor Cyril E. King. That Governor King possessed the confidence to appoint Judge Hodge to this position just four years after earning his law degree is testament to his intellect, work ethic, and overall excellence as an attorney and leader.

The people of the Virgin Islands, however, will most remember Judge Hodge for his next role: Presiding Judge of the court then known as the Territorial Court, and since renamed the Superior Court of the Virgin Islands. As Presiding Judge, he served as the highest judicial officer of the only local court in the Virgin Islands, and thus was the equivalent of a Chief Justice—in fact, at one point he was the most senior member of the Conference of Chief Justices. In this role, Presiding Judge Hodge oversaw one of the greatest transformations of the Virgin Islands legal system: the creation of the modern Superior Court.

To understand the magnitude of Judge Hodge's service as Presiding Judge, I must provide some historical background. The Superior Court traces its origins to the Police Courts that were established under section 17 of the 1921 Codes enacted shortly after the transfer of the Virgin Islands from Denmark to the United States. The Police Courts were not courts of record, with

original, non-exclusive jurisdiction only over civil cases where the amount in controversy did not exceed \$20, as well as misdemeanors and other petty criminal offenses. Moreover, decisions of the Police Courts were appealable as of right to the District Court of the Virgin Islands, with the District Court's decisions themselves appealable as of right to the Third Circuit Court of Appeals sitting in Philadelphia. Over the next several decades, the Police Courts would be rechristened as the Municipal Court and later the Territorial Court and receive somewhat greater, but still very limited, civil jurisdiction.

It is the appointment of Judge Hodge as Presiding Judge of the newly christened Territorial Court in 1976 that, perhaps more than any other singular event in the legal history of the Virgin Islands, kickstarted the transformation of that limited jurisdiction territorial trial court to the modern Superior Court it is today. Even in 1976, the Territorial Court only possessed exclusive jurisdiction over criminal matters where the maximum punishment did not exceed a \$100 fine or six months imprisonment, and civil matters where the amount in controversy did not exceed \$500, with the District Court hearing cases that exceeded those limits.

During Judge Hodge's tenure, civil jurisdiction gradually increased to \$50,000 and later to \$200,000, and criminal jurisdiction also grew to encompass offenses punishable up to 15 years imprisonment. The Territorial Court's civil and criminal jurisdiction became unlimited, and jurisdiction over the Virgin Islands Bar was transferred from the District Court to the Territorial Court.

Although these were all important milestones in Virgin Islands history that are rightly celebrated, the work put into accomplishing those milestones often goes unsung. Unlimited civil and criminal jurisdiction in the Territorial Court is not something that simply happened. But as Judge Hodge is known for saying, "Nothing is so complicated that it cannot be simplified by hard

work.” Judge Hodge encountered many barriers to the expansion of the Territorial Court’s jurisdiction which he ultimately overcame through hard work. For instance, the expanded jurisdiction required jury trials, which necessitated physical space to conduct a jury trial, new court rules to govern jury trials, and a system for obtaining a jury pool and selecting jurors. During his tenure, Presiding Judge Hodge advised the Legislature on when and how to expand the Territorial Court’s jurisdiction, and through his advocacy ensured that the Territorial Court received the funding and other resources needed to implement this expanded jurisdiction.

But Judge Hodge encountered other barriers as well. Not everyone supported the transfer of jurisdiction from the federal District Court to the Territorial Court. For instance, the District Court continued to regulate the Virgin Islands Bar for years after the passage of the act that vested the Territorial Court with original jurisdiction over nearly all matters arising under territorial law. Under the leadership of Presiding Judge Hodge, the Territorial Court had to assert its authority over the Bar through the promulgation of new rules and even issuing a judicial opinion rejecting an order of the District Court that purported to suspend a Virgin Islands lawyer from the practice of law in the Territorial Court. After successfully asserting this authority, Presiding Judge Hodge streamlined and professionalized the admission of lawyers by creating a Territorial Court Committee of Bar Examiners. I was fortunate to have been selected by Presiding Judge Hodge to serve on that first committee.

In addition to overseeing the transfer of jurisdiction from the federal District Court to the Territorial Court, Judge Hodge excelled as an administrator. Judge Hodge revitalized court operations, creating the position of Court Administrator to oversee the day-to-day administration and operations of the Territorial Court. In fact, Judge Hodge served as a founding member of the

Warren E. Burger Society, whose mission is to improve the administration of justice in state, territorial, and local courts.

Finally, no discussion of Judge Hodge's accomplishments as Presiding Judge would be complete without acknowledging his creation of the Rising Stars Youth Steel Orchestra.

Shortly after his tenure began, Presiding Judge Hodge saw a problem: an increasing number of criminal offenses committed by young children who had dropped out of school. Presiding Judge Hodge did not believe the court system should remain in a silo and do nothing more than simply process these cases. In 1981, Presiding Judge Hodge established the Rising Stars as a crime-prevention and diversion program aimed at preventing young children from dropping out of school and to guide them towards obtaining a high school diploma and otherwise planning for their future. The program has been a great success, with a graduation rate of over 90 percent with many going on to pursue a college education.

Simply put, Judge Hodge built the modern-day Virgin Islands Superior Court, both literally and figuratively. He oversaw the planning, financing and construction of the R. H. Amphlett Leader Complex on St. Croix, the Alexander A. Farrelly Justice Center on St. Thomas and established a court presence on St. John; presided over the very first 1st degree murder jury trial in the local Judiciary; and instituted the first comprehensive amendments to the Territorial Court's rules of procedure. Perhaps most importantly, Judge Hodge implemented a central administrative structure for the management of the entire court and went out of his way to protect the best interests of all court employees. By the time of his retirement as Presiding Judge in 1999, he had left a lasting legacy and indelibly secured his place in the annals of Virgin Islands history. As a personal matter, I was privileged and honored to have been nominated by Governor Turnbull to fill the vacancy created by Judge Hodge's retirement – and also rather nervous, given the big shoes to fill!

As anyone who knows him is aware, Judge Hodge is not a person who seeks out attention and getting him to accept even a little recognition can be difficult. More than a decade ago, when the Virgin Islands Judiciary desired to commission a portrait of Judge Hodge, everyone I spoke to—including my colleagues on the Supreme Court, the Presiding Judge, the Virgin Islands Bar Association Board of Governors, and members of the Judicial Council—supported the idea. But there was a single dissenter: Judge Hodge himself. When I approached him with the idea, Judge Hodge made it clear that he did not need or desire any special recognition for his many years of service—he indicated that he simply did his job to the best of his ability and needed no special recognition. Fortunately, Judge Hodge ultimately softened his position, but it took a lot of hard work, including enlisting the aid of his children who convinced him that he would be doing it not for himself but for the community.

Typically, judges are remembered by their words; during his 23 plus years of active service as a judge, Judge Hodge wrote hundreds of opinions which are published in the volumes of the Virgin Islands Reports, and that's not even counting any of his other publications or his work as Attorney General. Even in retirement, Judge Hodge continues to contribute to Virgin Islands jurisprudence; even now he is serving on a panel as a Designated Justice in the Virgin Islands Supreme Court. But our community will remember Judge Hodge not just for his words, but for his actions. Those contributions should be memorialized for generations to come by placing his name on the building that houses the court he helped build. The Judicial Branch wholeheartedly supports Bill No. 35-0286.

Thank you.