

**PRESENTATION OF SUPERIOR COURT JUDGE NOMINEE
CAROL THOMAS-JACOBS
THIRTY-FIFTH LEGISLATURE OF THE VIRGIN ISLANDS
COMMITTEE ON RULES AND JUDICIARY
APRIL 11, 2023**

Good morning, Chairwoman Diane Capehart, members of the Committee on Rules and Judiciary, and to those of you listening and viewing today. My name is Carol Thomas-Jacobs and I was nominated by Governor Albert Bryan Jr. to serve as a judge of the Superior Court in the District of St. Thomas/St. John. I want to thank Governor Bryan for nominating me to such a prodigious position. I also want to thank the Committee on Rules and Judiciary for scheduling this hearing and for considering my nomination as a Superior Court Judge. To all those persons in the community who called, sent emails and text messages, prayed for me, and otherwise took the time to stop and congratulate me in-person, thank you for your support and well wishes. I am truly humbled and honored to be selected for appointment to the Virgin Islands Judiciary and for the outpouring of support for my nomination by the community.

For those who are unfamiliar with me, I was born in Antigua 54 years ago and I am the last of nine children of my late parents, John and Cerene Thomas. I am here testifying before you because they instilled in me the value of education, hard work, courage, sacrifice and integrity. My husband, Terrance Jacobs, who I have been married to for 29 years, is here with me today. He has stood by me and supported

me throughout my career while I juggled work and motherhood. The Virgin Islands has been our home for the last 26 years. My husband is a graduate of the University of the Virgin Islands and our children Cajay and Jaydan were raised in the Virgin Islands. My daughter Cajay graduated from All Saints Cathedral School and went on to attend Cornell University and Columbia University in New York. My son Jaydan is a graduate of the Charlotte Amalie High School and recently graduated from Penn State University. My connection to the Virgin Islands did not begin when my immediate family and I moved here in 1997. Like many immigrants from the Eastern Caribbean, my parents worked in the Virgin Islands in the 1960's and 1970's.

From an early age, my parents have impressed upon me the transformative effect of education and encouraged me to pursue my educational goals. In 1990, I graduated from the University of the West Indies, Cave Hill, Barbados with a Bachelor of Arts in History and Social Studies with Education, with honors. Three years later, I began my legal education when I returned to the University of the West Indies, Cave Hill, and obtained a Bachelor of Laws degree with honors in 1995. From 1995 to 1997, I attended the Norman Manley Law School in Jamaica. It was after I graduated from Norman Manley Law School that I moved with my family to St. Thomas.

I am admitted to practice law in two jurisdictions in the United States. In July 1998, I took and passed the New York State Bar Examination, and I was sworn into the New York Bar on January 26, 1999. Four months later, I was specially admitted to practice law in the courts of the Virgin Islands as an assistant attorney general. In 2008, I took and passed the Virgin Islands Bar Examination and was sworn-in as a regularly admitted attorney on October 24, 2008. I am also a member of the bar of the District Court of the Virgin Islands and Court of Appeals for the Third Circuit. For nearly twenty-four years, I have actively practiced law in the Virgin Islands and I have been an attorney in good standing in both the Virgin Islands and New York.

When I first moved to the Virgin Islands, I worked at the Law Offices of Desmond Maynard, providing support to the attorneys in that firm. I began working at the Department of Justice as an assistant attorney general in the Civil Division in May 1999 when Iver Stridiron served as the Attorney General. I was promoted to Chief of the Civil Division in 2007 when Vincent Frazer served as the Attorney General and remained in that capacity until 2014 when I was transferred to the Criminal Division for several months before I was asked to return as the head of the Civil Division. I was promoted to Deputy Attorney General in 2016 under Attorney General Claude Walker and was promoted to Chief Deputy Attorney General in 2020 while Denise George served as the Attorney General. I was appointed Acting Attorney General for several months at the beginning of the Bryan/Roach

administration and again most recently at the beginning of the second term of the Bryan/Roach administration. My meritorious rise in the Department of Justice from Assistant Attorney General to Acting Attorney General and now, Superior Court Judge Nominee, has been steadfast and constant irrespective of the administration. My promotions through the ranks at the Department of Justice is a testament to my hard work, depth of my knowledge of Virgin Islands law, non-partisan approach to my work, ability to work with others and my commitment to serving this community.

Serving as an attorney at the Department of Justice has been challenging, but extremely rewarding. In many instances, I have had the privilege to work on high profile and some of the most impactful cases in the Virgin Islands - cases that have shaped the culture and operations of government agencies, established government-wide policies and procedures, ensured the integrity of our election system, affected the revenue generation capacity of the Territory and set precedent.

Notably, I have represented the Government at varying times during my career on several consent decrees – the Special Education Consent Decree, the Virgin Islands Real Property Tax Consent Decree, the Government Employment Retirement System Consent Decree, the Virgin Islands Police Department Consent Decree, and the Bureau of Corrections Consent Decrees. These cases are some of the most complex and far-reaching cases as they require institutional reform at all levels of the agency, adherence to constitutional requirements, implementation of

policy, training and modernization of operations. The Special Education Consent Decree, the Virgin Islands Real Property Tax Consent Decree, the Government Employment Retirement System Consent Decree and the training section of the VIPD Consent Decree were all terminated or resolved during my representation of the Government.

I severed as counsel for the Government in several complex tax cases affecting the revenue generation capacity of the Territory. These cases include constitutional challenges to the administration of the excise tax, the Environmental Infrastructure Impact fee or Timeshare Tax, and real property tax rate on different types of real properties in the Virgin Islands. I have also represented the Government in actions to enforce our building code, zoning laws, elections laws, consumer protection statutes and provisions of the Criminally Influenced and Corrupt Organizations Act.

I have served as lead assistant attorney general on nearly every income generating lawsuit that has been filed by the Government since my tenure at DOJ, including, but not limited to, the Terminix lawsuit, Takata related actions, Opioid cases, and the Jeffrey Epstein Estate CICO lawsuit and related actions. These cases combined total over \$200 million dollars in settlement funds to the Territory. I have also resolved many breach of contract, tort, employment discrimination, sexual harassment, use of excessive force, Section 1983 and Title VII lawsuits filed against the Government and its officials - saving the Territory millions of dollars.

When I was assigned to the Criminal Division I had a full criminal case load, and attended and/or handled several criminal proceedings including status conferences, advise of rights, arraignment, change of plea, sentencing hearing, modification of bail and suppression hearings. I have also represented the Government in habeas corpus cases filed by sentenced offenders. In my role as Deputy Attorney General, Chief Deputy Attorney General or Acting Attorney General, I supervised all attorneys in the Attorney General's office. In some instances, I discuss case strategy with prosecutors, and prosecutors seek authorization and input from me on the filing and resolution of major cases.

Besides my work at the Department of Justice, I have served this community in other capacities. I have been an instructor at the Virgin Islands Police Academy where I taught constitutional law, legal updates and provided training on the preponderance of the evidence standard to Virgin Islands Police Department investigating supervisors. I served as part-time faculty at the University of the Virgin Islands (UVI) for more than a decade and taught legal and criminal justice courses such as Introduction to Criminal Justice, Criminal Law, Civil Procedure, Administration of Justice and Juvenile Justice. Since 2015, I have been an ethics instructor for the Certified Public Manager Program at UVI. As such, I have had to keep abreast of the major rulings in cases by the Virgin Islands Supreme Court and United States Supreme Court.

As a tennis family in the Virgin Islands, my husband and I are very active in the tennis community. We have provided coaching and mentorship to junior tennis players in St. Thomas for many years. We have organized or served as officials at junior tennis clinics and tournaments at the various tennis facilities in the Virgin Islands and have taken junior tennis players to Puerto Rico, Santo Domingo and Mexico to compete in tennis tournaments.

Last year, I had the opportunity to serve as a facilitator with the Attorney General Alliance Africa program, teaching and educating lawyers in Africa about our legal system, practices and our laws and learning about the legal system in some African nations. Being able to give back in some small way to the African diaspora has been a very enlightening and rewarding experience for me.

My work experience, background, involvement in the community, education and training have prepared me to be a compassionate, competent, fair, independent and impartial judge capable of handling any type of case – whether civil or criminal – that I may be assigned as a Superior Court Judge. If confirmed as a Superior Court Judge, I will serve as the gatekeeper of justice, adhering to the constitution, the rules of the court, and the laws of the Virgin Islands. I will follow constitutional principles to prevent the wrongful conviction of persons, ensure that the guilty receives the appropriate punishment; and order remedies so that those who have been wronged civilly are made whole. I will approach each matter with an open mind, decide each

case on the facts and the law without fear or favor, and uphold the rule of law. I will act with integrity, be respectful and courteous to all those who enter my courtroom irrespective of economic status, age, race, gender or ethnicity.

As a judge, I will not only have to decide cases but will also have to manage my docket and courtroom to ensure that cases are resolved within a reasonable time. I have been a manager at the Department of Justice - the entity with the most cases and attorneys in the Virgin Islands - for most of my career and I believe that my experience makes me well equipped and prepared to manage the docket of cases I will be assigned. If confirmed, I will work with other members of the judiciary to ensure the fair and impartial administration of justice. I respectfully request that the Committee on Rules and Judiciary forward my nomination to the Committee of the Whole for confirmation. Thank you, that concludes my formal remarks. I am available for any questions.