

TESTIMONY OF
HON. JESSICA GALLIVAN
PRESIDING JUDGE
SUPERIOR COURT OF THE VIRGIN ISLANDS
BEFORE
THE THIRTY-SIXTH LEGISLATURE
COMMITTEE ON DISASTER RECOVERY, INFRASTRUCTURE AND
RECOVERY
JANUARY 29, 2026

Good afternoon, Honorable Senator Marise C. James, and other esteemed members of the 36th Legislature who are present or listening. Good afternoon as well to the listening and viewing audience.

I am Jessica Gallivan. I appear before you today as the presiding judge of the Superior Court of the Virgin Islands. I am joined by Ms. Tamara Charles, the Clerk of Court for the Superior Court. We thank you for the invitation to testify and provide data relevant to the issues which accompany heirs' property, prolonged probate, and vacant and abandoned historical properties in the U.S. Virgin Islands.

I want to begin by noting that the Superior Court appreciates its role as a stakeholder. The timely and efficient processing and administration of decedents' estates is directly tied to the stability, economic vitality, and cultural preservation of our community – particularly so when viewed in the context of disaster recovery and the strategic stewardship and use of our historic assets.

Probate cases are not merely administrative proceedings. They represent a legal bridge between generations. Through the probate process, property is transferred, businesses continue or close, family land is preserved or lost, and legal title is clarified so that assets can be rebuilt,

financed, insured, or responsibly conveyed. Consequently, unresolved probate matters can delay rebuilding, stall economic investment, and leave families unable to access or protect what they own. In this way, the efficiency and effectiveness of our probate system is inseparable from the Territory's vitality and resilience, as well as its recovery following disaster or disruption.

I will now address the request for data included in your invitation of December 30, 2025, and your subsequent response to Administrator Petersen's request for clarification on January 14, 2026.

Total Probate Cases Pending:

With respect to the total number of probate matters pending, we continue to manage a significant volume across the Territory, with larger numbers on the island of St. Thomas. While precise real-time figures fluctuate due to new filings and case dispositions, our records indicate that, as of the close of Fiscal Year 2025, which is our annual reporting cycle, we had approximately 801 active probate cases in six different subtypes.

Type	STT/J	STX	Total	% caseload
Intestate	240	132	372	46%
Testamentary	116	115	231	29%
Summary Administration	8	23	31	4%
Settlement w/o Administration	53	71	124	15%
Ancillary Probate	8	25	33	4%
Foreign Will Registration	9	1	10	1%

Total: 801

Average Length of Time to Disposition:

Regarding the average length of time from origination to disposition, this data is not immediately available. Although we process (in general) six subtypes as noted above, the pendency of a case is based on a variety of factors as will be discussed below. Moreover, no two cases are alike. Some cases open and close throughout their cycle. Some might be stalled pending an appeal or a temporary judicial vacancy. In terms of the cases which we currently have, the chart

below provides some indication of how long the individual cases on our current caseload have been pending.

Pending Cases:

		% of Cases		STT/STJ	STX
Less than 1 year	227	34%		134	138
2-5 years	379	47%		226	153
5-10 years	90	11%		50	40
10-15 years	38	5%		19	19
15-20 years	11	1%		7	4
21 years or more	14	2%		11	3

Total: 801

Oldest Pending Probate Cases:

The oldest case on St. Thomas (ST-1985-PB-00025) dates back to 1985. It was administratively closed in 2022 but reopened in 2025. The oldest case on St. Croix (SX-1992-PB-00032) dates back to 1992.

Number of Judges Assigned to Probate Matters and Average Judge Caseload:

Pursuant to Title 4 V.I.C. § 123(a)(4), magistrate judges have original jurisdiction to hear probate matters. Magistrate judges also adjudicate other case types such as small claims, petite misdemeanors, traffic, domestic violence, civil stalking and harassment, and initial criminal proceedings, both misdemeanor and felony.

At the end of FY 2025, the pending probate caseload for all judges was as follows:

STT/STJ Magistrate Judge No. 1	179
STT/STJ Magistrate Judge No. 2	242
STX Magistrate Judge No. 1	227
STX Magistrate Judge No. 2	141
STT/STJ Senior Sitting Judge	12

Please know that the Superior Court is deeply aware of its responsibility, and we remain committed to moving our probate matters forward, diligently and fairly. It is important, however, to recognize that delays in probate are often the result of multiple, intersecting factors, rather than a single cause. Challenges include but are not limited to errors or omissions in filings, non-responsive parties or attorneys, disagreements over the interpretation of wills, trusts, and other legal documents, as well as disputes amongst heirs – all of which can and do lead to contested and protracted litigation. Many estates require asset valuations before property can be sold or distributed – a process that can be both time-consuming and expensive. Oftentimes, the Court must address issues attendant to misidentification or missing heirs, as well as minors or incapacitated adults who require the appointment of a guardian ad litem or special protection. Sometimes there are multigenerational decedents and heirs with ownership interests that have fragmented over decades which result in complex estates.

To address the existing caseload, the Superior Court has been proactive in implementing several internal measures. We have and continue to enhance our electronic filing and case management systems. We have adopted rules regarding continuances and identified time standards for the processing of cases. With the recent retirement of one magistrate judge and the elevation of another, we have worked diligently to fill the vacant magistrate judge position on St. Thomas, and we expect to seat another magistrate judge on St. Croix shortly. We have categorized all probate matters by age and subtype and are identifying not just the “low hanging fruit” but those which may be stalled and needing more attention. For the most part, our clearance rate exceeds our intake, showing slow but steady progress. But ... we need more help and we need more funding. We need money to hire and retain clerical, administrative, and legal staff. We need knowledgeable and trained individuals to assist our judges, process documents, answer inquiries expeditiously and, ultimately, help accelerate the resolution of our pending cases.

But make no mistake about it, this challenge requires more. It requires a multi-faceted approach involving the entire community. There must be increased public awareness of the importance of proactive estate planning, as well as the need to engage experienced attorneys in the formulation of wills, trusts, and other legal documents. Doing so not only serve individual families, but also supports the broader goals of economic stability, cultural continuity, and responsible land and property use and management throughout the Territory.

I recently read an excerpt from the AARP magazine for April/May 2024, entitled “Inheritance Time Bombs: and How to Diffuse Them” which stated:

The cruelest thing you can do to your heirs? Simply expect your estate nonchalance to be easily rectified, your will mistakes fixed or your unexpressed wishes magically fulfilled after you’re gone. Old paperwork may be set in stone upon your death, subsequent court battles, if they’re even affordable (they’re not for many heirs) guarantee further strife.

With proactive estate planning and the use of summary and settlement without administration procedures, we could see real change and an even greater reduction in the age and number of pending cases. Together, we can ensure that the probate process serves not as an obstacle, but as a foundation for recovery, growth, and generational continuity.

Thank you for listening. Ms. Charles and I remain available to answer questions.