



THE PATE LAW FIRM

P.O. BOX 370 • CHRISTIANSTED, VI 00821

OFFICE: 340.777.7283 • FAX: 888.889.1132 • EMAIL: PATE@SUNLAWVI.COM

October 5, 2026

VIA EMAIL

SenatorCliffordJoseph@legvi.org

JRussell@legvi.org

MMaynard@legvi.org

Re: Testimony on Bill No. 36-0338 Statute of Limitations

Dear Chairman and Honorable Senators of the 36th Legislature's Committee on Homeland Security, Justice and Public Safety, and the listening public:

I am attorney Russell Pate. I have practiced law for nearly 20 years in the Virgin Islands, and I have had the honor and privilege to represent over 1,000 Virgin Islanders and their families. My mother is from Aruba and my father from Texas. My grandfather lived on St. Croix in 1959 to 1961. And it was my grandfather's stories of the Virgin Islands, along with my mother's side of the family in Aruba and St. Maartin that pulled me back to the Caribbean.

I have twice been elected President of the Virgin Islands Bar Association. And I was honored by the Supreme Court of the Virgin Islands to be named as a member of the Court Rules Committee. But even more important to me, I have been mentored by some of the greatest attorneys in the Virgin Islands. And I am a continual student of Virgin Islands history – including Virgin Islands legal history.

I truly believe that Virgin Islanders should be treated equal to any person residing in the States. That someone from Florida, Texas, Georgia or New York has more rights and more value, than a Virgin Islander simply because they live in the States, is an anathema to me. It's profane. It's unjust. I fight against this inequality every day. It's part and parcel to my attorney mission to serve the people – and by the People – I mean the normal hardworking mothers and fathers that are the backbone of the Virgin Islands. A society is judged upon how they treat the weakest and most vulnerable – the wrongly injured, the widowed, the orphaned, children, the aged – and not by how they treated the rich and powerful. The rich will always be cared for and looked after.



THE PATE LAW FIRM

P.O. BOX 370 • CHRISTIANSTED, VI 00821

OFFICE: 340.777.7283 • FAX: 888.889.1132 • EMAIL: PATE@SUNLAWVI.COM

Fixing inequality is exactly why I write in support of Bill No. 36-0338. For the listening public, there are legal deadlines for when a person can bring a lawsuit. These deadlines are called Limitations. Since the Limitations are set by the Legislative Branch in the State's or Territory's Laws, called Statutes; lawyers call these deadlines to sue: The Statute of Limitations. For example, lawsuits regarding land have a 20-year deadline. A wrongful discharge or employment termination has a 6-year deadline. A lawsuit against a police officer or marshal is 3-years. Personal injury is 2 years.

As a breakdown of personal injury statutes of limitations. Kentucky and Tennessee is one year. Twenty-four States are two years. Twenty-five States and Washington DC are three or more years; with seven of those States applying four, five or six years. So why did the Virgin Islands end up with 2-years, considering the USVI's remote geography? The original 1921 Virgin Islands Code was based on Alaska law, which was based on Oregon law. Why? Because the same Washington DC government bureaucrat attorney used Alaska as the model for the 1921 Virgin Islands Code.

Thinking about this, I am amazed. For 105 years, this statute of limitations for personal injury was chosen by a Washington DC government attorney. The SOL law was then enforced by the U.S. Navy that ruled the Virgin Island in the 1920s. The U.S. Navy was segregated and did not have Virgin Islanders as its officers. For decades, Virgin Islanders had no say in their government.

Since 1921 to 2026, it has been 105 years, and finally, Virgin Islanders as the duly-elected representatives of Virgin Islanders, have questioned the fairness and fitness of laws that were arbitrarily applied to the USVI back when Virgin Islanders had no say in what law applies – or should apply. This is a historic moment.

Other States have taken this historic leap. In 2024, the Louisiana House and Senate passed a Bill to move from a one-year statute of limitations to a two-year SOL. This one-year statute of limitations had stood for over 200 years, predating Louisiana statehood with a basis in French law. Yet, for fairness, equality and access to justice, an all Republican House, Senate and Governor doubled the statute of limitations. They looked at their laws (which like the Virgin Islands, predated Statehood, before elected representatives served the People) and sought, in this modern age, to make their laws fairer and more just.



THE PATE LAW FIRM

P.O. BOX 370 • CHRISTIANSTED, VI 00821

OFFICE: 340.777.7283 • FAX: 888.889.1132 • EMAIL: PATE@SUNLAWVI.COM

As an example of how statute of limitations works in practice in the Virgin Islands. If a family member is hit by a drunk driver: Neck broken, now quadriplegic, airlifted to Cleveland Clinic for years of therapy. It's two years to sue. Yet, in 25 other States the SOL is three years or greater; sometimes 4, 5 and 6 years. Even the 24 States with a 2-year SOL, getting medical care does not come with a 1,500 mile flight over the ocean.

In fairness, the people of the Virgin Islands, those so unlucky and unfortunately to get hurt by the wrongful acts of others should have 3 years. That way, they can focus on their medical care first. Moreover, sadly, in my experience of representing over 1,000 clients in the Virgin Islands, it is the people who are hurt the worst – in the most serious and horrible ways – that are affected the most by the short and arbitrary two-year statute of limitations. Worse still, when someone misses the statute of limitations, the costs of their injuries are not borne by the wrongdoers, but are now borne and paid for by the innocent taxpayers.

Last, there is another benefit to a 3-year statute of limitations. There is no “race to the courthouse” to file a lawsuit. Many potential lawsuits are settled before filing a formal lawsuit. However, if a person is seriously injured, they may still be treating at two years. But, with extra time, this allows their attorney to work with the insurance company “pre-suit” to provide medical and rehabilitation records. It is likely that this extra time will result in more cases amicably resolving in pre-lawsuit settlements, instead of forcing a lawsuit to be filed at the two year mark to comply with the two year statute of limitations.

Thank you for this opportunity to testify. I have testified in a dozen other committee hearings. But I cannot think of a bill of this importance that will truly help those most seriously in need. Hopefully, the I.T. department of the Legislature can show the map of various states and their statutes of limitations as included with my testimony letter.

I am happy to answer any questions. I draw on nearly twenty years of legal practice, helping normal people and families who have to deal with a life altering injury; which oftentimes becomes generational harm. The loss of a father, a mother, a patriarch, a matriarch, effects children, grandchildren and even great-grand-children due to loss of family bonds, mentorship of the younger generation, and loss of generational wealth building.

Best Regards,



J. Russell B. Pate, Esq.
Attorney at Law

State	P.I. SOL	Totals	Source
Kentucky	1 year	1	Ky. Rev. Stat. § 413.140
Tennessee	1 year	2	Tenn. Code § 28-3-104
Alabama	2 years	1	Ala. Code § 6-2-38
Alaska	2 years	2	Alaska Stat. § 09.10.070
Arizona	2 years	3	Ariz. Rev. Stat. § 12-542
California	2 years	4	Cal. Code Civ. Proc. § 335.1
Connecticut	2 years	5	Conn. Gen. Stat. § 52-584
Delaware	2 years	6	10 Del. Code § 8119
Florida	2 years	7	Fla. Stat. § 95.11(4)(a)
Georgia	2 years	8	O.C.G.A. § 9-3-33
Hawaii	2 years	9	Haw. Rev. Stat. § 657-7
Idaho	2 years	10	Idaho Code § 5-219(4)
Illinois	2 years	11	735 ILCS 5/13-202
Indiana	2 years	12	Ind. Code § 34-11-2-4
Iowa	2 years	13	Iowa Code § 614.1(2)
Kansas	2 years	14	Kan. Stat. Ann. § 60-513
Louisiana	2 years	15	La. Civ. Code art. 3493.1
Nevada	2 years	16	Nev. Rev. Stat. § 11.190(4)(e)
New Jersey	2 years	17	N.J. Stat. § 2A:14-2
Ohio	2 years	18	Ohio Rev. Code § 2305.10
Oklahoma	2 years	19	12 Okla. Stat. § 95
Oregon	2 years	20	Or. Rev. Stat. § 12.110
Pennsylvania	2 years	21	42 Pa. Cons. Stat. § 5524
Texas	2 years	22	Tex. Civ. Prac. & Rem. Code § 16.003
Virginia	2 years	23	Va. Code § 8.01-243
West Virginia	2 years	24	W. Va. Code § 55-2-12
Arkansas	3 years	1	Ark. Code Ann. § 16-56-105
Colorado	3 years	2	Colo. Rev. Stat. § 13-80-102
Dist. Columbia	3 years	3	D.C. Code § 12-301
Maryland	3 years	4	Md. Code, Cts. & Jud. Proc. § 5-101
Massachusetts	3 years	5	Mass. Gen. Laws ch. 260, § 2A
Michigan	3 years	6	Mich. Comp. Laws § 600.5805
Mississippi	3 years	7	Miss. Code Ann. § 15-1-49
Montana	3 years	8	Mont. Code Ann. § 27-2-204
New Hampshire	3 years	9	N.H. Rev. Stat. § 508:4
New Mexico	3 years	10	N.M. Stat. § 37-1-8
New York	3 years	11	N.Y. C.P.L.R. § 214
North Carolina	3 years	12	N.C. Gen. Stat. § 1-52
Rhode Island	3 years	13	R.I. Gen. Laws § 9-1-14(b)
South Carolina	3 years	14	S.C. Code § 15-3-530
South Dakota	3 years	15	S.D. Codified Laws § 15-2-14
Vermont	3 years	16	12 V.S.A. § 512
Washington	3 years	17	Wash. Rev. Code § 4.16.080
Wisconsin	3 years	18	Wis. Stat. § 893.54
Nebraska	4 years	19	Neb. Rev. Stat. § 25-207
Utah	4 years	20	Utah Code § 78B-2-307
Wyoming	4 years	21	Wyo. Stat. § 1-3-105
Missouri	5 years	22	Mo. Rev. Stat. § 516.120
Maine	6 years	23	14 M.R.S. § 752
Minnesota	6 years	24	Minn. Stat. § 541.05
North Dakota	6 years	25	N.D. 28-01-01

