

**TESTIMONY OF**  
**REGINA DECHABERT. PETERSEN**  
**ADMINISTRATOR OF COURTS**  
**ON THE REQUEST**  
**TO PROVIDE TESTIMONY ON THE OPERATIONS OF THE JUDICIAL**  
**BRANCH OF THE VIRGIN ISLANDS INCLUDING BUT NOT LIMITED**  
**TO ENABLING LAW AND JURISDICTION, CURRENT CHALLENGES,**  
**AND PLAN OF ACTION TO RESOLVE CHALLENGES**  
**BEFORE**  
**THE THIRTY-SIXTH LEGISLATURE**  
**COMMITTEE ON RULES AND JUDICIARY**  
**ON**  
**FEBRUARY 27, 2025**

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Good Morning, Honorable Chair Joseph, Honorable Vice-Chair Gittens, Honorable Members of the Committee on Rules and Judiciary, Honorable Members of the 36th Legislature present, Legislative staff, ladies and gentlemen.

I am Regina DeChabert. Petersen, Administrator of Courts, and head of the Judicial Branch Administrative Office with primary responsibility over the day-to-day internal non-judicial operations of the branch including assisting the Chief Justice in the preparation and publishing of the annual report of the Judiciary, as well as the preparation of the Judiciary’s annual budget request as outlined in Act 7888. Appearing with me today are the following members of the Judicial Branch Administrative Team: Miguel Tricoche, Assistant Administrator of Courts,

Paulette Rabsatt Simmonds, Chief Financial Officer, Paul Gimenez, General Counsel. Also present is the Clerk of the Superior Court, Tamara Charles, whom I work closely with on court statistics.

As this body should be aware, pursuant to 4 V.I.C §31(D)(4), the Judiciary publishes an Annual Report on the U. S. Virgin Islands Court and Judiciary System and submits that report along with the annual budget request to the Senate President and the Governor by May 30<sup>th</sup> of each year. Case statistics for every type of case processed in the courts of the Virgin Islands for every fiscal year, are reported in the Annual Reports. All such reports, dating back to the 2008 report, can be found on the Judiciary's website at [www.vicourts.org](http://www.vicourts.org). Consistent with the statutory deadline, we are actively engaged in data validation for the upcoming publication of the FY 24 Annual Report. Consequently, the numbers presented herein are preliminary and subject to change. It is also important to note that the State of the Judiciary (SOJ), which serves as the preamble to the Annual Report, details the challenges, forecasts funding as well as legislative needs, and proposes action plans for the upcoming year. Accordingly, some of what was presented in last year's SOJ will be included here as well.

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## **ORGANIZATION AND BACKGROUND**

As requested, I will provide a brief overview of the Judiciary, operations to date and jurisdiction. The Judiciary is comprised of an appellate court and trial court. Appellate jurisdiction rests with the Supreme Court of the Virgin Islands pursuant to section 23A(d) of the Revised Organic Act of 1954 and 4 V.I.C. sec. 32(a). The Supreme Court consists of a Chief Justice and up to four Associate Justices. Currently, there are 4 justices despite the expansion from 3 justices

to 5 authorized by Act 7888 in 2016. However, for the first 17 years of operations just 3 justices sat on the Supreme Court, with its fourth member appointed in 2024. As the highest court in the Territory of the United States Virgin Islands, the Justices sit in panels of three and *en banc* as needed. As of September 30, 2024 the Court had a pending caseload of 91 appeals. The cases generally include appeals from final judgments and certain interlocutory orders of the Superior Court, and original proceedings filed directly with the Supreme Court, such as petitions for mandamus and habeas corpus. The Court is also responsible for regulating the practice of law in the Virgin Islands.

The Superior Court is headed by a Presiding Judge who is assisted by an Administrative Judge selected from the opposite district by the Presiding Judge. It is the court of first impression in the Virgin Islands judiciary otherwise referred to as the trial court. The Superior Court of the Virgin Islands consists of 10 judges and 4 magistrate judges, divided equally between the 2 judicial districts, the district of St. Thomas & St. John and the District of St. Croix. As of September 30, 2024 the Superior Court had a total pending caseload of 11,666 cases, which will be discussed in more detail later in this testimony and supported by statistical reports included as Attachment A.

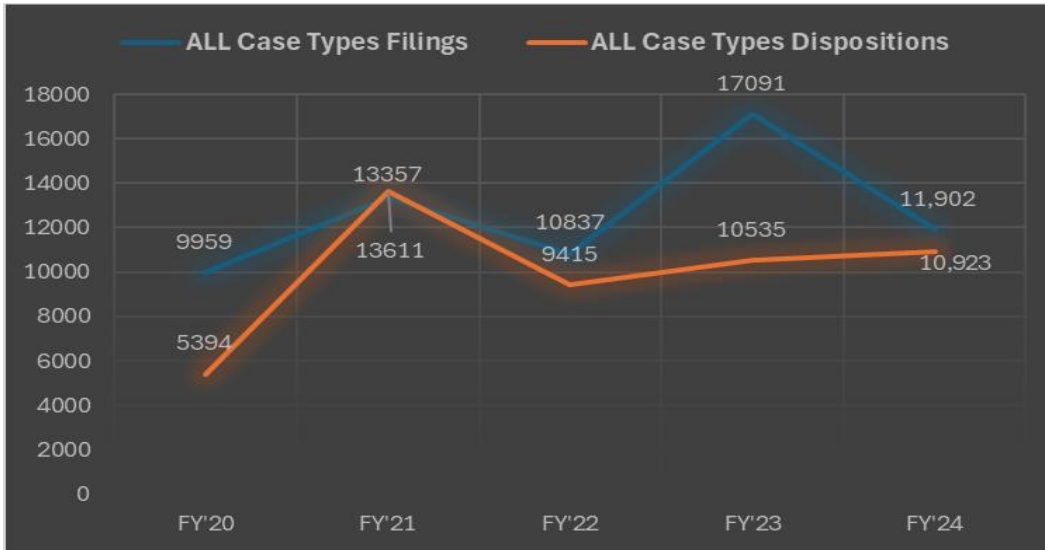
The judges and justices are appointed by the Governor with the advice and consent of the Legislature. Justices are appointed for 10-year terms and judges are appointed for 6-year terms. Magistrate Judges are appointed by the Presiding Judge, from the recommendations of the Magistrate Selection Panel, with the approval of a majority of the other judges, for a term of 4 years. The Superior Court has broad jurisdiction in addressing the legal needs of the Virgin Islands community with original jurisdiction to preside over all local civil, criminal, family, probate, landlord-tenant, small claims and traffic disputes. It also acts as a court of appeals for decisions of all governmental officers and agencies and decisions of magistrate judges.

Pursuant to 4 V.I.C. §. 4(a) The Chief Justice serves not only as the administrative head of the Judicial Branch of the Virgin Islands, but also as head of the Supreme Court which is the administrative policy-making body of the branch. Following the administrative unification of the branch under Act No. 7888, the Supreme Court of the Virgin Islands promptly established the Judicial Branch Administrative Office, headed by an Administrator of Courts, and the Judicial Management Advisory Council (JMAC) authorized by 4 V.I.C. sec. 4(b) and 5 respectively, to provide guidance and advice to the Chief Justice, the Supreme Court of the Virgin Islands, the Presiding Judge, the Superior Court of the Virgin Islands, the Administrator of Courts and the Judicial Branch Administrative Office on the operations and business of the judiciary. The Council meets monthly to discuss the business of the courts. The Supreme Court also established the Advisory Committee on Rules, comprised of judges and attorneys. The work of this collaborative committee has resulted in promulgations of the Virgin Islands Rules of: Criminal Procedure, Civil Procedure, Evidence, Family, Probate, Small Claims, Traffic, and Habeus Corpus. The JMAC commissioned task forces and special committees to study and make recommendations for the structure of the administrative office, complex litigation, pandemic operations, indigent defense, and numerous other practice reforms, all focusing on improving the administration of justice.

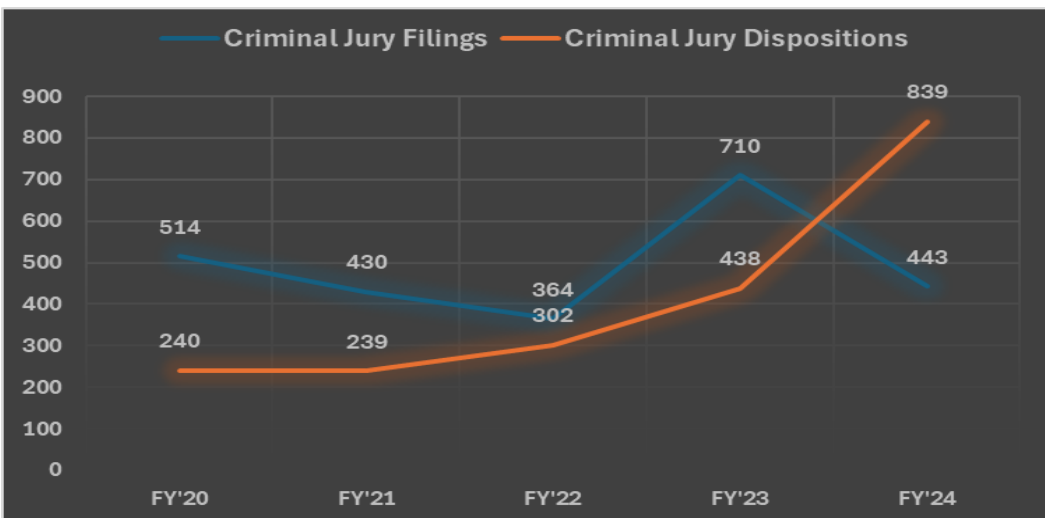
One of the biggest achievements by far has been the successful implementation of a modern enterprise case management system (CMS) and public portal which occurred in 2020, introducing electronic filing at the Superior Court for the first time. This was the first of many critical steps to yield data driven operations, and to protect our ability to have supported technology for the next 5-6 years, we secured ARPA funding to move our CMS application from version 3.4 to version 4.5-the latest supported version of the application. Moving the application several versions at once has presented its own set of challenges and we are still navigating those challenges including

integrations with Bureau of Motor Vehicle (BMV) and the E-citation project and configuring new and more robust reports.

Preliminarily, for FY'24, excluding applications for Marriage licenses, 11,902 matters were filed in the Superior Court of the Virgin Islands while 10,923 matters were disposed for an annual clearance rate of 92%.

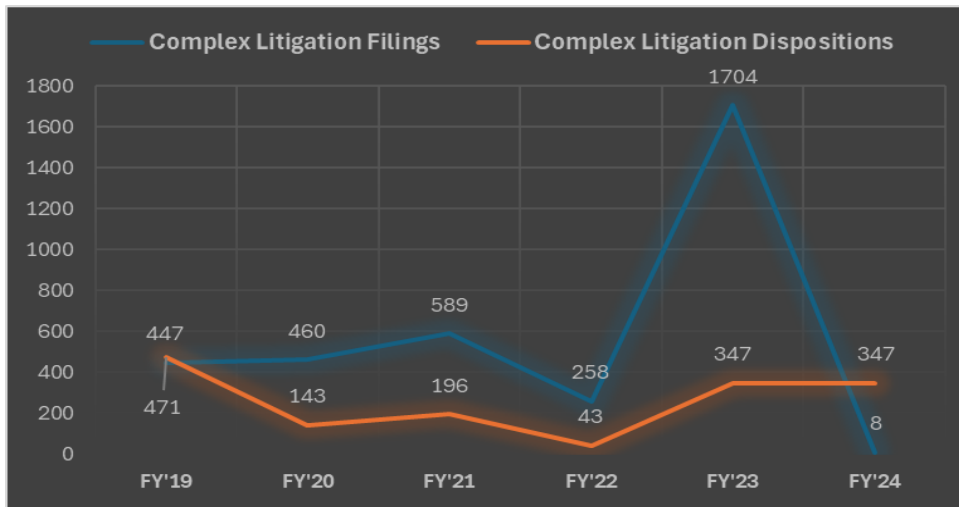


Across all case types, filings reached an all-time high in 2023, while the dispositions stayed on trend increasing year after year from FY'22. The priority on criminal jury trials post pandemic, has resulted in significant progress on criminal case backlogs overall with the highest number of



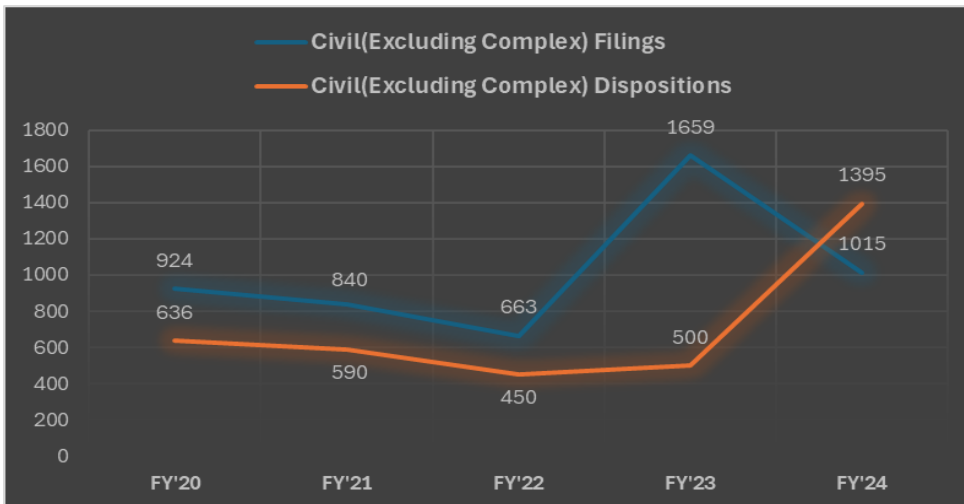
criminal dispositions in FY'24 with 839 dispositions and only 443 new criminal cases filed for a clearance of 189%.

The most significant backlogs have existed in Civil cases. Effective October 1, 2018, the Judiciary established a Complex Litigation Division with a designated Complex Litigation Judge and by 2021, had also paired the Division with a judicial adjunct in the form of a staff master to assist with active complex case management. In the ensuing years and as of September 30, 2024, the Complex Litigation Division has disposed of more than 3,000 mass tort and/or toxic tort cases and would have disposed of many more had it not experienced a judicial vacancy in April of 2020. The Division did not receive a permanently assigned judge until January of 2021 during the height of the Global Pandemic. With the exception of the impact of natural disasters and the pandemic on the operations of the branch, judicial vacancies are perhaps the greatest contributing factor to case backlogs.



Despite the priority on criminal jury trials, Complex Litigation is now fully operational and while it has cases which date back to 1991 that are subject to bankruptcy stays, it has recently closed an additional 400 cases. Significant progress is also being made with regard to other pending Civil Jury and Non-Jury matters. In FY'24, 1,015 new civil cases were filed and 1,395 cases were

disposed for a clearance rate of 137%. Taking the average filings to disposition, given both the peaks and valleys, the Judiciary is well poised to continue to reduce the civil case backlogs.

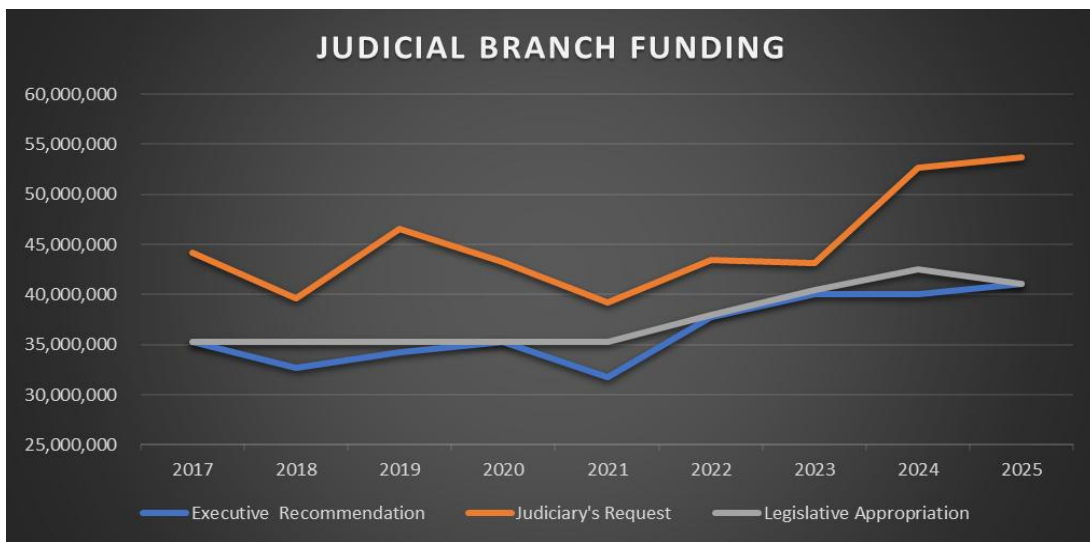


In May of last year, we invited the Attorney General’s Office to be a part of a Team attending a Summit on Effective Criminal Case Backlog Management in a Post Pandemic World which was held in South Carolina. That team was comprised of the Presiding Judge, the Chief Justice, the Clerk of the Superior Court, myself and one Criminal Division Chief of the AG’s office, although the invitation was extended to both. We learned in that assessment that as a jurisdiction, while we were compliant in several areas such as leadership committed to caseflow management, judicial and staff training on caseflow management, use of scheduling orders to introduce trial date certainty, adoption of differentiated case management schedules, evaluating case processing guidelines for adoption, actively triaging caseloads and cleaning our data, we nonetheless need to push the needle to commitment with regard to adopting a more defined case continuance policy within the rules, developing strategies for case tracking and being able to conduct deeper dives into our data. This model is applicable to all case types and I have been actively engaged in discussions with the National Center for State Courts regarding a caseflow management study for the Virgin Islands Judiciary. Our clearance rates are generally good, but to

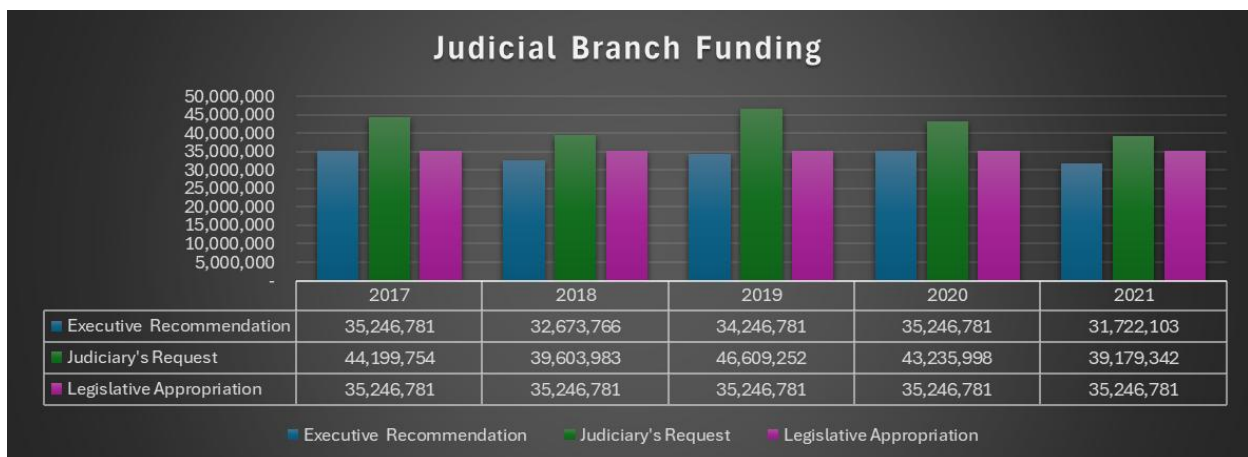
effectively resolve backlogs we require additional staffing and funding. Specifically, we are evaluating our data to determine the need and allocation of specialized positions such as dedicated docket clerks and case managers, which have been implemented in other jurisdictions as a best practice.

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**FISCAL CONCERNS**



Since the Administrative Unification in 2016 and following the 2017 Hurricanes, the Judiciary painstakingly worked to realign and streamline what was historically two separate





budgets presented at the same hearing, into a single submission representing not only the critical needs of our court system, but what we reasonably could accomplish within the year. For the first five years of the most transformative change the Judicial Branch experienced since the establishment of the Supreme Court in 2006, the Judicial Branch funding was stagnant at \$35.2 million per year, at an average of \$7.3 million below the annual request for those already challenging developmental years.

During this period, the Judiciary also continued to fund recovery projects from the 2017 storms, and the implementation of a modern enterprise case management system for both courts within the same budget ceiling. In fact, the only significant increase in funding to the Judiciary in the 5-year period came in May of 2019 with the award of \$2.9 million of Cares Act funding, which was utilized to support the technological modernization of 15 courtrooms and introduced remote hearing capability for the first time in the Superior Court. \$2.4 million was spent on courtroom technology upgrades and the remainder of the funds were spent on COVID Safety Protocols throughout the Branch. Technology advancements and staff dedication to embracing a lot of technological change in a very short period of time allowed us to adapt quickly, resume operations and importantly chart a course towards normal operations and the resumption of in-person jury trials.

Regarding other funding opportunities, as early as November 2022, Chief Justice Hodge wrote to Governor Bryan requesting nearly \$9.7 million in State and Local Fiscal Recovery Funding for the Judiciary to improve court operations and reduce case backlogs following the Global Pandemic. Included in that request were additional technology upgrades, establishing a digital court reporter program to mitigate challenges of a national shortage of stenographic reporters, establishing an Office of Conflict Counsel to fill the gap for indigent defense to provide

certainty of availability and timely appointment of counsel to criminal trials, assistance in funding Senior Sitting Judges covering caseloads during Judicial vacancies and assignments to reduce Probate backlogs among other activities, and additional positions identified to reduce case processing backlogs. The Judiciary was ultimately awarded \$5 million in October of 2023, and as of December 31, 2024, met the obligation deadlines for 99.5% of the funding awarded. I would like to take this opportunity to publicly thank OMB Director Julio Rhymer and his staff for working seamlessly with my office to obligate the funding and granting the extension for expenditure through December 31, 2026. I would also like to thank the 35<sup>th</sup> Legislature for the passage of Bill No. 35-0336 and the Governor for signing Act No. 8960, establishing the Office of Conflict Counsel (OCC) with the initial appropriation of \$500,000, and advise that the FY'26 budget submission will be the 3<sup>rd</sup> and perhaps most critical submission by the Judiciary of a budget for OCC, which is currently only funded through December 31, 2026. The Office currently has 2 offices, one in each district and is presently staffed by 3 attorneys, 2 in St. Croix and 1 in St. Thomas, legal/admin staff in each district and 1 investigator. Other hires are pending the release of appropriation since the grant is fully obligated. Since commencing full operation in June, OCC has been appointed to 93 cases, has concluded 23 matters, and is currently managing 70 active cases.

With regard to FY'25 operations, OMB has issued allotment release letters to the Judiciary through February of 2025 totaling \$17.1 million. In addition to payroll processing, the Department of Finance also processes the Judiciary's operating draw requests. The Judiciary has requested \$6.4 million in cash draws for FY' 25 and received \$4.3 million to date for day-to-day operations. The Judiciary has also not received the final draw of approximately \$287,735 for FY' 24 pending the final posting of payroll accruals by the Department of Finance for cycles 1 & 2. It goes without

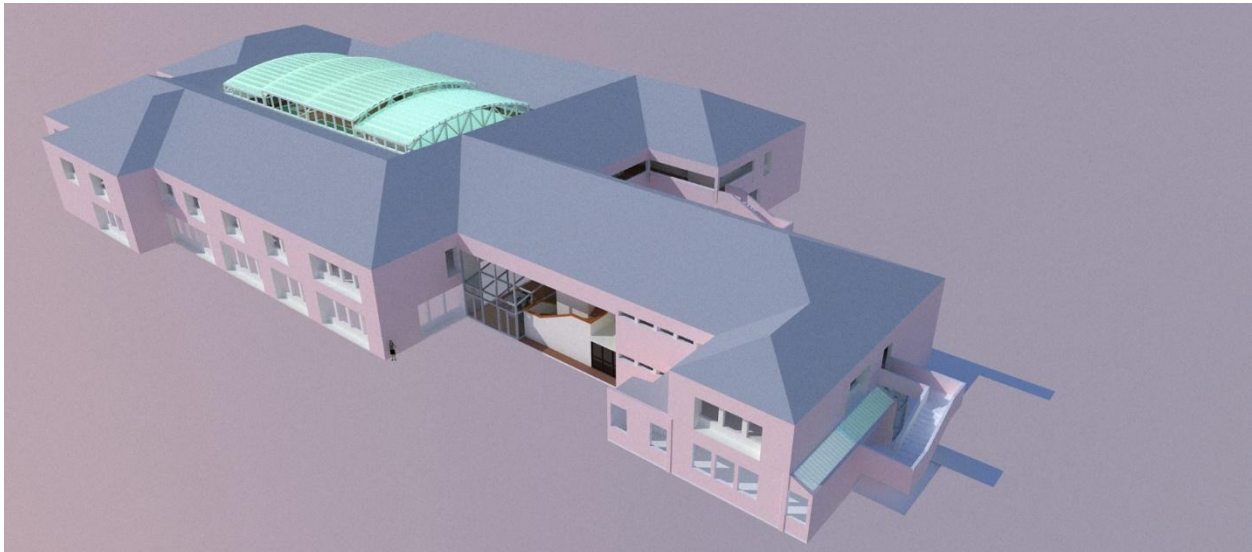
saying that it is extremely difficult and frustrating to be held to monthly allotments (i.e., managing cash on a monthly basis) with delayed disbursements that frustrate operations and impede our ability to fund critical projects.

The Judicial Branch Administrative Office also continues to manage approximately \$3.1 million in FEMA recovery grants for the Verne A. Hodge Sr. Superior Court Building (VAH Court Building) and the R.H. Amphlett Leader Justice Complex (RHA Courthouse). The Judiciary submitted an amendment request for both projects, potentially increasing the St. Croix project obligation from \$1.6 to \$5.6 million if approved, and a Project Scope Change request for the St. Thomas project potentially increasing that obligation from \$1.5 to \$3.2 million, if approved. Over the past several fiscal years, the Judiciary has requested funding to cover phased recovery projects, which to date have been executed on a purely reimbursement basis. In FY'24 we requested \$1.5 million to augment the encumbrance for architectural and other work in contemplation of the commencement of Phase II repair and enclosure of the RHA Courthouse. In FY'25, our capital budget included \$4.5 million for the completion of Phase II which is currently delayed by approximately 60 days as we await the issuance of the Federal Consistency Determination (FCD) decision letter. The current extension on that FEMA project runs through December 31, 2025. As a reminder, the project involves not just the replacement of the roof but covering the courtyard,

erecting a storefront enclosure and the redesign/reallocation of interior space to better accommodate growing court responsibilities within the existing footprint of the courthouse.

In addition to increasing interior useable space, the courtyard enclosure is intended to mitigate future flood damage to courtrooms and offices, as experienced in 2017 when the courtyard became overrun with debris. The storefront entryway will provide added security and remove the need for after-hour and overnight security posts at the facility, for an annual cost savings of approximately \$110,000 per year. However, delays attributed to the FCD process, and the issuance of a formal decision notice, guarantee that this project will continue to be phased and funded across fiscal years. As such, and with the 3.3% reduction in our appropriation for FY'25, we will once again include the \$4.5 million capital expenditure in our FY'26 request for the RAH courthouse.

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It is evident that there are limits to what the Judicial Branch can do on its own. As Alexander Hamilton posited in Federalists Paper no. 78, “*the Judiciary... has neither influence over either the sword or the purse....*” We cannot stand against or rise above certain challenges

without the support of our sister branches of government, and yet we are constantly called upon and often legislated to do more, but with less. We nonetheless endeavor to be good stewards of all funding received by yielding the greatest potential for the branch and the public despite obvious constraints. We are constantly examining current operations and looking for better ways to manage existing resources when the prospect of new resources simply doesn't exist. It is within this context that I will leave you with at least one initiative to consider in support of continuity of operations in the Superior Court of the Virgin Islands in the event of prolonged judicial vacancies. I have enclosed draft legislation with my testimony.

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### **PROLONGED JUDICIAL VACANCIES**

Only judges can exercise judicial power, and without a sufficient number of judges, it is not possible to meet standards for case resolution and reduce backlogs. The Judicial Branch cannot simply reallocate appropriated funds to make additional hires. We must wait for the Governor to nominate an individual and for the Legislature to then provide its advice and consent to confirm the process.

Superior Court judges serve a six-year term, and the pertinent provisions of the Virgin Islands Code clearly contemplate that the Governor and the Legislature will either reappoint an incumbent judge or select a new judge before the end of an incumbent judge's six-year term. When this doesn't happen, title 4, section 72(a) of the Virgin Islands Code provides a grace period in which an incumbent judge whose term has expired can continue to hear cases up until conclusion of the confirmation process or the passage of 180-days, whichever is earlier.

Untimely nominations and confirmations over the last 18 years have consistently threatened the continuity of caseflow management within the judicial branch, and for 49 years the

Judicial Branch possessed the authority to appoint a Senior Sitting Judge to take over a docket. A Senior Sitting Judge is a former judicial officer who has not resumed the private practice of law and who is compensated on a per diem basis -to hear cases temporarily in the Superior Court-- as needed. Senior Sitting Judges are appointed by the Chief Justice— at the request of the Presiding Judge—and serve at-will without any expectation of continued employment. The Judicial Branch has utilized Senior Sitting Judges for three distinct purposes:

- (1) To temporarily oversee the docket when one of the ten (10) authorized Superior Court judgeships or four (4) authorized magistrate judgeships is vacant due to the incumbent's elevation, death, resignation, retirement, or term expiration;
- (2) To combat case backlogs and other delays by hearing a defined class of cases to permit active judges and magistrate judges time to concentrate on complicated, multi-issue, time-consuming cases; and
- (3) To hear a specific case when every active judicial officer qualified to hear the case has recused due to an ethical or other conflict.

In Fiscal Year 2023, the six-year terms of then-Judges Harold W.L. Willocks, Jomo Meade, and Renee Gumbs-Carty had expired—including the 180-day grace period provided for in 4 V.I.C. § 72(a)—without the Governor renominating the incumbent or nominating a successor. Without the ability to appoint Senior Sitting Judges, the number of judges on the Superior Court would have fallen from ten (10) to just seven (7), with the thousands of cases assigned to those three (3) judges needing to be reassigned to the remaining seven (7) active judges—making it even harder for those judges to manage their existing dockets.

Again, in Fiscal Year 2024, a Senior Sitting Judge was appointed to oversee the docket of then-Judge Willocks, who was confirmed by the Legislature to serve as a Justice of the Supreme Court on March 25, 2024, but whose successor, then-Magistrate Judge Ernest E. Morris, Jr., was not nominated by the Governor until June 4, 2024, and not confirmed by the Legislature until July 24, 2024. And since Judge Morris's confirmation as Judge resulted in one (1) of just two (2)

authorized magistrate judgeships in the District of St. Croix becoming vacant, this again necessitated appointment of a Senior Sitting Judge to prevent significant disruptions in the hearing of probate, small claims, landlord/tenant, Traffic and other matters pending appointment of his successor.

Effective October 10, 2024, the Judicial Branch no longer has the practical ability to effectively mitigate the challenge of any judicial vacancy, as Section 14 of Act No. 8919 amended title 4, chapter 5, section 74a of the Virgin Islands Code to change the qualifications to serve as Senior Sitting Judge of the Superior Court of the Virgin Islands. Eligibility for Senior Sitting Judge service now requires at least 12 years as a Judge of the Superior Court or Justice of the Supreme Court,– a requirement that would disqualify current Senior Sitting Judges from service in the future--and this was done without surveying the number of former judges so qualified within the Territory who would be available and willing to serve. Section 14 of Act No. 8919 further limited the appointment of a Senior Sitting Judge to only those instances where every active judicial officer is unavailable due to conflict.

The changes effectuated by Section 14 of Act No. 8919 eliminated the single most effective tool available to the Judicial Branch to mitigate or otherwise address case backlog in the Superior Court and to ensure continuity of operations during periods of prolonged vacancies like those that occurred in Fiscal Years 2023, 2024 and, what could potentially occur in 2025 if the four (4) judicial terms set to expire in May are not acted upon timely.

Even under the law as it was prior to Act No. 8919, only a small number of individuals were eligible to serve as Senior Sitting Judges within the Judicial Branch, and fewer still were willing to accept such a temporary appointment. But this problem can be resolved without effectively abolishing the Senior Sitting Judge position entirely.

The draft legislation in Attachment B is intended to provide continuity of operations to the Judicial Branch—and particularly the Superior Court—without exclusively relying on former judges. Section 1 of this Bill would amend title 4, chapter 5, section 72(a) of the Virgin Islands Code by striking the prohibition on judges of the Superior Court remaining in office more than 180 days after expiration of their terms unless renominated and confirmed. The effect of this amendment is to allow judges of the Superior Court to continue to serve until their renomination and confirmation or the appointment and confirmation of a successor, so as to not require the reassignment of all their pending cases to other judges in the event the Governor or the Legislature fail to take swift action to fill the vacancy within the 180-day period and to minimize the need for senior sitting judges. This is currently the case in the District Court of the Virgin Islands where the current judge serves, after expiration of the 10-year term, until his or her successor is appointed and qualified. Section 2 would amend title 4, chapter 5, section 74a of the Virgin Islands Code by designating the existing language as section 74a(a) and amending it to establish a mechanism to appoint a former judge to hear a case or cases due to conflict, disability, absence, suspension, or other disqualification or unavailability of a current judge, and to permit the Chief Justice to waive the 12-year service requirement upon further certifying that no former judge possessing at least 12 years of service is available to hear the case or cases. It further creates a new section 74a(b), which authorizes the appointment of former judges to serve as Senior Sitting Judges for renewable terms not to exceed one year. Section 3 would amend title 4, chapter 8 of the Virgin Islands Code to create a new section 127, which authorizes the Chief Justice of the Virgin Islands to recall, with his or her consent, a former justice of the Supreme Court, former judge of the Superior Court, or former magistrate judge of the Superior Court, without regard to years of prior service, for temporary service as an acting magistrate judge of the Superior Court. And finally, Section 4 would



amend title 4, chapter 8 of the Virgin Islands Code to create a new section 128, to authorize the Presiding Judge of the Superior Court to appoint no more than four members in good standing of the Virgin Islands Bar to serve as part-time magistrate judges for terms not to exceed three years, and to place limitations on the types of matters such part-time magistrate judges are authorized to hear, subject to the approval of the Chief Justice. These provisions, taken together, will ensure that the Judicial Branch not only always has access to its most important resource—judges—but the flexibility to temporarily assign them where they are needed most.

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On behalf of the Judicial Branch of the Virgin Islands, I again thank you for the opportunity to inform you about some challenges facing the Judiciary, strategies for mitigating the challenges, and especially for the opportunity, outside of the usual budget process, to highlight areas where the Committee on Rules and the Judiciary can assist with Legislation. I would also like to remind the Committee that its Chair and Vice-Chair are members of the Judicial Council of the Virgin Islands, a statutory body which also includes the Justices of the Supreme Court, the Presiding Judge and another judge of the Superior Court, the Attorney General, the Chief Public Defender, the President and President-Elect of the Virgin Islands Bar Association, and the Executive Director of Legal Services of the Virgin Islands. The purpose of the Judicial Council is to provide a forum for stakeholders in the judicial system to discuss issues of common concern, survey the condition of business in the courts and develop recommendations to simplify and improve the administration of justice in the Virgin Islands, and we look forward to utilizing the Council to further those aims.

I, along with my team members remain available to answer questions on matters affecting the Judicial Branch or the administration of justice in the Virgin Islands. Thank you.

## ATTACHMENT A -FY'24 STATISTICAL REPORT

### SUPREME COURT OF THE VIRGIN ISLANDS

#### APPELLATE COURT CASE ACTIVITY REPORT FOR FY 2024 As of 9/30/2024

Office of the Clerk of Court	Pending Oct 1	New Filings	Available for Disposition	Disposed	Pending September 30th	% Change in Pending 2023-2024	Clearance Rate
<b>Civil</b>	<b>66</b>	<b>31</b>	<b>97</b>	<b>28</b>	<b>69</b>	<b>5%</b>	<b>90%</b>
<b>Criminal</b>	<b>10</b>	<b>12</b>	<b>22</b>	<b>8</b>	<b>14</b>	<b>40%</b>	<b>67%</b>
<b>Original Proceedings</b>	<b>17</b>	<b>74</b>	<b>91</b>	<b>85</b>	<b>6</b>	<b>-65%</b>	<b>115%</b>
Certified Questions	0	0	0	0	0	0%	100%
<b>Bar Matters</b>	<b>987</b>	<b>1571</b>	<b>2558</b>	<b>2271</b>	<b>287</b>	<b>-71%</b>	<b>145%</b>
<b>Certificate of Good Standing</b>	<b>1</b>	<b>166</b>	<b>167</b>	<b>165</b>	<b>2</b>	<b>100%</b>	<b>99%</b>
Appeal by Permission *	4	2	6	1	5	25%	50%
Appeal by Right *	2	45	47	38	9	350%	84%
<b>Total</b>	<b>1086</b>	<b>1865</b>	<b>2935</b>	<b>2557</b>	<b>378</b>	<b>-65%</b>	<b>137%</b>

### SUPERIOR COURT OF THE VIRGIN ISLANDS

#### TRIAL COURT ACTIVITY REPORT FOR FY 2024 As of 9/30/2024

DIVISION	Pending Oct 1	New Filings	Available for Disposition	Disposed	Pending Sept 30th	% Change in Pending 2023-2024	Clearance Rate
<b>Civil Division</b>							
Civil Non- Jury	1,177	417	1,594	421	1,173	0%	101%
Civil Jury	973	134	1,107	161	946	-3%	120%
Civil Complex ( <i>Jury</i> )	2,083	8	2,091	347	1,744	-16%	4338%
<b>Total</b>	<b>4,584</b>	<b>1,190</b>	<b>5,774</b>	<b>1,564</b>	<b>4,210</b>	<b>-8%</b>	<b>131%</b>
<b>Criminal Division</b>							
Criminal Non-Jury	162	247	409	132	277	71%	53%
Criminal Jury	855	443	1,298	622	676	-21%	140%
<b>Total</b>	<b>1,017</b>	<b>690</b>	<b>1,707</b>	<b>754</b>	<b>953</b>	<b>-6%</b>	<b>109%</b>
<b>Family Division</b>							
Juvenile	37	60	97	53	44	19%	88%
Family Other	727	341	1,068	285	783	8%	84%
<i>Domestic Relations</i>	140	3	143	3	140	0%	100%
<i>Dependency/Custody/Abuse &amp; Neglect</i>	61	29	90	28	62	2%	97%
<i>Conservatorship/Guardianship</i>	446	46	492	28	464	4%	61%
<i>Involuntary Commitment</i>	29	18	47	17	30	3%	94%
<i>Miscellaneous</i>	23	53	76	36	40	74%	68%
<b>Total</b>	<b>764</b>	<b>401</b>	<b>1,165</b>	<b>338</b>	<b>827</b>	<b>8%</b>	<b>84%</b>
<b>Magistrate Division</b>							
Small Claims	314	452	766	481	285	-9%	106%
Evictions	73	301	374	243	131	79%	81%
Stalking/ Harrassment	46	179	225	154	71	54%	86%
Domestic Violence	49	357	406	333	73	49%	93%
Probate	834	293	1,127	394	733	-12%	134%
Traffic	3,197	7,660	10,857	6,485	4,372	37%	85%
<b>Total</b>	<b>4,513</b>	<b>9,242</b>	<b>13,755</b>	<b>8,090</b>	<b>5,665</b>	<b>26%</b>	<b>88%</b>
<b>Superior Court Total</b>	<b>10,687</b>	<b>11,902</b>	<b>19,968</b>	<b>10,923</b>	<b>11,666</b>	<b>43%</b>	<b>92%</b>
<b>Marriages excluded</b>	<b>61</b>	<b>1392</b>	<b>1453</b>	<b>1076</b>	<b>377</b>		

## SUPERIOR COURT OF THE VIRGIN ISLANDS

### TRIAL COURT ACTIVITY REPORT FOR FY 2023 As of 9/30/2024 District of St. Thomas and St. John

DIVISION	Pending Oct 1	New Filings	Available for Disposition	Disposed	Pending 9/30	% Change in Pending 2023-2024	FY Clearance Rate
<b>Civil Division</b>							
<i>Civil Non- Jury</i>	606	273	879	235	644	6%	86%
Civil Jury	420	85	505	111	394	-6%	131%
<i>Civil Complex (Jury)</i>		-	-	-	-	N/A	N/A
<b>Total</b>	<b>1,026</b>	<b>358</b>	<b>1,384</b>	<b>346</b>	<b>1,038</b>	<b>1%</b>	<b>97%</b>
<b>Criminal Division</b>							
Criminal Non-Jury	1,100	37	1,137	65	1,072	-3%	176%
Criminal Jury	325	185	510	309	201	-38%	167%
<b>Total</b>	<b>1,425</b>	<b>222</b>	<b>1,647</b>	<b>374</b>	<b>1,273</b>	<b>-11%</b>	<b>168%</b>
<b>Family Division</b>							
Juvenile	29	28	57	28	29	0%	100%
Family Other	535	154	689	132	557	4%	86%
<i>Domestic Relations</i>	92	97	189	100	89	-3%	103%
<i>Guardianship</i>	343	20	363	11	352	3%	55%
<i>Dependency/Custody/Abuse &amp; Neglect</i>	47	12	59	7	52	11%	58%
<i>Involuntary Commitment</i>	16	4	20	2	18	13%	50%
<i>Miscellaneous</i>	13	21	34	12	22	69%	57%
<b>Total</b>	<b>564</b>	<b>182</b>	<b>746</b>	<b>260</b>	<b>486</b>	<b>-14%</b>	<b>143%</b>
<b>Magistrate Division</b>							
Small Claims	217	263	480	333	147	-32%	127%
Evictions	32	188	220	164	56	75%	87%
Stalking/ Harrassment	17	63	80	55	25	47%	87%
Domestic Violence	15	122	137	118	19	27%	97%
Probate	475	176	651	199	452	-5%	113%
Traffic	2,122	4,273	6,395	4,301	2,094	-1%	101%
Magistrate Other							
<b>Total</b>	<b>2,878</b>	<b>5,085</b>	<b>7,963</b>	<b>5,170</b>	<b>2,793</b>	<b>-3%</b>	<b>102%</b>
<b>Superior Court STT/J Total</b>	<b>5,612</b>	<b>5,211</b>	<b>10,823</b>	<b>5,480</b>	<b>5,343</b>	<b>-5%</b>	<b>105%</b>

## SUPERIOR COURT OF THE VIRGIN ISLANDS

TRIAL COURT ACTIVITY REPORT FOR FY 2022 As of 9/30/2024 District of St. Croix

DIVISION	Pending Oct 1	New Filings	Available for Disposition	Disposed	Pending 9/30	% Change in Pending 2023-2024	Clearance Rate
<b>Civil Division</b>							
Civil Non- Jury	571	273	844	235	609	7%	86%
Civil Jury	553	49	602	50	552	0%	102%
<i>Civil Complex (Jury)</i>	2,083	8	2,091	347	1,744	-16%	4338%
<b>Total</b>	<b>3,207</b>	<b>330</b>	<b>3,537</b>	<b>632</b>	<b>3,118</b>	<b>-8%</b>	<b>192%</b>
<b>Criminal Division</b>							
<i>Criminal Non-Jury</i>	219	210	429	67	362	65%	32%
<i>Criminal Jury</i>	530	258	788	313	475	-10%	121%
<b>Total</b>	<b>749</b>	<b>468</b>	<b>1,217</b>	<b>380</b>	<b>837</b>	<b>12%</b>	<b>81%</b>
<b>Family Division</b>							
Juvenile Delinquency	15 *	15	30	15	15	0%	100%
Family Other	192	187	379	132	247	29%	71%
<i>Domestic Relations</i>	48	115	163	100	63	31%	87%
<i>Conservatorhip &amp; Guardianship</i>	103	22	125	11	114	11%	50%
<i>Dependency/Custody/Abuse &amp; Neglect</i>	18	13	31	7	24	33%	54%
<i>Involuntary Commitment</i>	13	13	26	2	24	85%	15%
<i>Miscellaneous</i>	10	24	34	12	22	120%	50%
<b>Total</b>	<b>207</b>	<b>202</b>	<b>409</b>	<b>147</b>	<b>262</b>	<b>27%</b>	<b>73%</b>
<b>Magistrate Division</b>							
Small Claims	97	189	286	148	138	42%	78%
Evictions	41	113	154	79	75	83%	70%
Stalking/ Harrassment	29	116	145	99	46	59%	85%
Domestic Violence	34	235	269	215	54	59%	91%
Probate	359	117	476	195	281	-22%	167%
Traffic	1,075	3,387	4,462	2,184	2,278	112%	64%
Magistrate Other							
<b>Total</b>	<b>1,635</b>	<b>4,157</b>	<b>5,792</b>	<b>2,920</b>	<b>2,872</b>	<b>76%</b>	<b>70%</b>
<b>STX District Total</b>	<b>5,798</b>	<b>5,157</b>	<b>10,955</b>	<b>4,079</b>	<b>5,908</b>	<b>76%</b>	<b>79%</b>

**CHANGES IN PENDING CASELOAD**

**TRIAL COURT CASE ACTIVITY TRENDS**

DIVISION	2017 HURRICANES		COVID-19 PANDEMIC		% Change in Pending FY 22 to FY 23	% Change in Pending FY 23 to FY 24
	% Change in Pending FY 18 to FY 19	% Change in Pending FY 19 to FY 20	% Change in Pending FY 20 to FY 21	% Change in Pending FY 21 to FY 22		
<b>Civil Division</b>						
Civil Non- Jury	24%	7%	14%	-40%	10%	6%
Civil Jury	-42%	-1%	5%	-3%	-8%	-3%
<i>Civil Complex (Jury)*</i>	24%	24%	26%	25%	-11%	-16%
<b>Total</b>	<b>24%</b>	<b>11%</b>	<b>18%</b>	<b>83%</b>	<b>-4%</b>	<b>-6%</b>
<b>Criminal Division</b>						
Criminal Non-Jury	-19%	109%	29%	18%	-41%	-16%
Criminal Jury	-5%	36%	23%	6%	-20%	-21%
<b>Total</b>	<b>-8%</b>	<b>52%</b>	<b>25%</b>	<b>10%</b>	<b>-27%</b>	<b>-20%</b>
<b>Family Division</b>						
Juvenile	-45%	91%	-46%	15%	-3%	19%
Family Other	-14%	-6%	111%	-21%	-35%	30%
<b>Total</b>	<b>-16%</b>	<b>-3%</b>	<b>101%</b>	<b>-21%</b>	<b>-34%</b>	<b>30%</b>
<b>Magistrate Division</b>						
Small Claims	11%	29%	94%	-85%	7%	121%
Evictions	37%	29%	88%	-86%	152%	126%
Domestic Violence	-32%	326%	46%	-78%	58%	49%
Stalking harrasment				#DIV/0!	820%	54%
Probate	33%	-26%	9%	19%	-14%	-12%
Traffic	48%	-7%	-12%	-89%	73%	37%
<b>Total</b>	<b>46%</b>	<b>-7%</b>	<b>-9%</b>	<b>-84%</b>	<b>44%</b>	<b>31%</b>
<b>Superior Court Total</b>	<b>37%</b>	<b>-3%</b>	<b>-1%</b>	<b>-60%</b>	<b>0%</b>	<b>9%</b>





**BILL No. 36- \_\_\_\_\_**

**Thirty-Sixth Legislature of the Virgin Islands**

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An Act to provide for continuity of operations in the Superior Court of the Virgin Islands in the event of prolonged judicial vacancies, and to otherwise improve the administration of justice in the courts of the Virgin Islands.

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**PROPOSED BY:** Senator \_\_\_\_\_

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1 *“Be it enacted by the Legislature of the Virgin Islands:*

2       **SECTION 1.** Title 4, chapter 5, section 72(a) of the Virgin Islands Code is amended by  
3 striking the phrase “but in no event shall judges remain in office more than 180 days after the  
4 expiration of their terms unless they have been renominated and confirmed.”

5       **SECTION 2.** Title 4, chapter 5, section 74a of the Virgin Islands Code is amended in the  
6 following instances:

7       (a) by designating the existing language as section 74a(a) and inserting new language as  
8 follows:

9           a. After the word “conflict” replace the period with a comma and insert the  
10 following new language: “disability, absence, suspension, or are otherwise  
11 disqualified or unavailable.”

12           b. After the second sentence insert the following new sentence: “The Chief Justice  
13 may waive the 12 years of service requirement upon further certifying that no



1 former judge possessing at least 12 years of service is available to hear the case or  
2 cases.”

3 (b) Inserting the following new language and designating it as section 74a(b):

4 “(b) Subject to rules promulgated by the Supreme Court, the Chief Justice of the  
5 Virgin Islands may designate, with his or her consent, a former judge of the Superior  
6 Court who completed no less than six years of service as a judge of the Superior Court,  
7 and who is not otherwise actively engaged in the practice of law, to serve as a Senior  
8 Sitting Judge of the Superior Court for a renewable term not to exceed one year;  
9 provided, however, that a former judge who ceased to hold judicial office after failure to  
10 be reappointed to serve a second consecutive six-year term as a Superior Court judge may  
11 not serve as a Senior Sitting Judge until at least 180 days after the confirmation or  
12 swearing in of the new judge. A Senior Sitting Judge may exercise all the powers of a  
13 Superior Court judge subject to any limitations set forth in the designation order and shall  
14 be assigned a caseload not to exceed the average caseload of the currently active Superior  
15 Court judges. As compensation, a Senior Sitting Judge shall receive a salary equal to a  
16 Superior Court judge but which shall be prorated based upon hours worked, but not to  
17 exceed 30 hours per week, unless approved by the Chief Justice or the Presiding Judge.”

18 **SECTION 3.** Title 4, chapter 8, of the Virgin Islands Code is amended by inserting the  
19 following new language to be designated as section 127:

20 **“§ 127. Recall of Former Judicial Officers for Service in the Magistrate Division**

21 Subject to rules promulgated by the Supreme Court, the Chief Justice of the Virgin  
22 Islands may, with his or her consent, recall any former justice of the Supreme Court, former  
23 judge of the Superior Court, or former magistrate judge of the Superior Court, who was not

1 involuntarily removed from office due to misconduct or disability, and without regard to years of  
2 prior service, for temporary service as an acting magistrate judge of the Superior Court. Upon  
3 such recall, the former judicial officer may exercise all the powers of a magistrate judge subject  
4 to any limitations set forth in the recall order. A former judicial officer recalled to such  
5 temporary service shall receive a per-diem allowance fixed by the rules of the Supreme Court  
6 which shall not exceed the salary of a magistrate judge. Utilization of a former judicial officer as  
7 an acting magistrate judge shall in no way interrupt or interfere with the continued payment of  
8 any retirement annuity to which the former judicial officer is otherwise entitled to; provided,  
9 however, that service as an acting magistrate judge under this section shall not qualify as credited  
10 service for purposes of a judicial retirement annuity established under title 3 of this Code.”

11           **SECTION 4.** Title 4, chapter 8, of the Virgin Islands Code is amended by inserting the  
12 following new language to be designated as section 128:

13           **“§ 128. Utilization of Part-Time Magistrate Judges**

14           Notwithstanding section 122 of this chapter and subject to rules promulgated by the  
15 Supreme Court, the Presiding Judge, with the advice and consent of the active judges of the  
16 Superior Court and the approval of the Supreme Court, may appoint no more than four members  
17 in good standing of the Virgin Islands Bar to serve as part-time magistrate judges for terms not to  
18 exceed three years. A part-time magistrate judge shall receive a pro-rated salary commensurate  
19 with the hours worked as a magistrate judge and may hold other employment so long as such  
20 employment is not inconsistent with the provisions of the Virgin Islands Code of Judicial  
21 Conduct pertaining to part-time judges. The Chief Justice may, in his or her discretion, place  
22 limitations on the types of matters that such part-time magistrate judges are authorized to hear  
23 under section 123 of this chapter.”

1           **SECTION 5.** The provisions of this Act shall take effect immediately.

2   **BILL SUMMARY**

3           Section 1 of this Bill amends title 4, chapter 5, section 72(a) of the Virgin Islands Code  
 4 by striking the prohibition on judges of the Superior Court remaining in office more than 180  
 5 days after expiration of their terms unless renominated and confirmed. The effect of this  
 6 amendment is to allow judges of the Superior Court to continue to serve until their renomination  
 7 and confirmation or the appointment and confirmation of a successor, so as to not require the  
 8 reassignment of all their pending cases to other judges in the event the Governor or the  
 9 Legislature fail to take necessary action to fill the vacancy within the 180-day period and to  
 10 minimize the need for senior sitting judges.

11  
 12           Section 2 of this Bill amends title 4, chapter 5, section 74a of the Virgin Islands Code by  
 13 designating the existing language as section 74a(a) and amending it to establish a mechanism to  
 14 appoint a former judge to hear a case or cases due to conflict, disability, absence, suspension, or  
 15 other disqualification or unavailability, and to permit the Chief Justice to waive the 12-year  
 16 service requirement upon further certifying that no former judge possessing at least 12 years of  
 17 service is available to hear the case or cases. It further creates a new section 74a(b), which  
 18 authorizes the appointment of former judges to serve as Senior Sitting Judges for renewable  
 19 terms not to exceed one year.

20  
 21           Section 3 of this Bill amends title 4, chapter 8 of the Virgin Islands Code to create a new  
 22 section 127, which authorizes the Chief Justice of the Virgin Islands to recall, with his or her  
 23 consent, a former justice of the Supreme Court, former judge of the Superior Court, or former  
 24 magistrate judge of the Superior Court, without regard to years of prior service, for temporary  
 25 service as an acting magistrate judge of the Superior Court.

26  
 27           Section 4 of this Bill amends title 4, chapter 8 of the Virgin Islands Code to create a new  
 28 section 128, which authorizes the Presiding Judge of the Superior Court to appoint no more than  
 29 four members in good standing of the Virgin Islands Bar to serve as part-time magistrate judges  
 30 for terms not to exceed three years, and to place limitations on the types of matters such part-  
 31 time magistrate judges are authorized to hear, subject to the approval of the Chief Justice.

32  
 33           Section 5 of this Bill provides that the provisions of this Act shall take effect  
 34 immediately.