

TESTIMONY OF
REGINA DECHABERT. PETERSEN
ADMINISTRATOR OF COURTS
ON BILL 36-0112
BEFORE
THE THIRTY-SIXTH LEGISLATURE
COMMITTEE ON RULES AND JUDICIARY
ON
SEPTEMBER 8, 2025

Good Afternoon, 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 it is my pleasure to appear before this Honorable Committee to provide testimony with regard to Bill No. 36-0112, an Act amending title 4 Virgin Islands Code, chapter 31, section 516 increasing the filing fee for general civil complaints in the Superior Court of the Virgin Islands and title 5 Virgin Islands Code, chapter 41, section 426 allowing for the collection of nine percent prejudgment interest when an offer of judgment is filed with the court. Joining me today is the Honorable Harold W. L.

Willocks, Justice of the Supreme Court and a former Presiding Judge of the Superior Court.

As indicated in its title, Bill No. 36-0112 covers multiple subjects. Section 1(a) amends title 4, section 516 of the Virgin Islands Code by raising the filing fee for complaints, petitions or applications in the Superior Court from \$75.00 to \$150.00 and adding crossclaims, counterclaims, and third-party complaints to this fee schedule. Based on the “whereas” clauses that precede it, these changes appear to be motivated by rising inflation and the existence of much higher filing fees in other jurisdictions, and the Judicial Branch does not necessarily oppose this approach in principle. However, the Judicial Branch firmly believes that the setting of filing fees in the courts of the Virgin Islands should be a matter of judicial administration. Title 4, section 4(c)(10) provides that the Administrator of Courts, subject to the administrative authority of the Supreme Court and the Chief Justice, shall “propos[e] the filing fees and other fees in the Virgin Islands court system.” Furthermore, title 4, section 514 of the Virgin Islands Code grants the Supreme Court the authority to set all fees not specifically set by statute. However, it is true that most existing court fines, fees and costs have been established by statute and as such require legislative action to change or otherwise adjust. In this regard, the Judiciary is already in the final stages of a comprehensive review of court fees and will issue recommendations for fee changes. It must be noted that the \$150 filing fee

proposed in Bill 36-0112 is just one of thirteen categories of fees included in 4 V.I.C section 516.

Section 1(b) of Bill No. 36-0112 provides that all such fees be deposited in a “Superior Court capital improvement fund” rather than the Government’s general fund. The Judicial Branch does not oppose this change, given the significant challenges it has been faced with in securing appropriations for major capital improvements. However, post the administrative unification of the courts in 2016 pursuant to Act No. 7888, there is no need to establish or otherwise specify a “Superior Court” Improvement Fund as opposed to a Judicial Branch Improvement fund. Every year the Judicial Branch Administrative Office develops a comprehensive capital project schedule for all of its facilities which is included in our annual budget presentation. We should have the requisite flexibility and discretion to administer all funding with respect to those planned infrastructure improvements.

Section 2(a) of Bill No. 36-0112 increases the rate of post-judgment interest from four (4) percent to nine (9) percent. The Judicial Branch cannot provide input on Section 2(a) as, despite its placement in title 5, we believe that the setting of the post-judgment interest rate is a matter of public policy which is the sole responsibility of the Legislature.

Finally, Section 2(b) creates a statutory procedure through which a plaintiff may make an offer of judgment to a defendant and will receive prejudgment interest at nine (9) percent per annum from the date of the filing of the complaint if the verdict at trial is higher than the offer of judgment. Again, the Judicial Branch takes no position on this change. However, we note that the procedure that Section 2(b) seeks to codify is already, in part, a rule of judicial procedure, and the Supreme Court of the Virgin Islands possesses the constitutional, statutory, and inherent authority to establish the rules of judicial procedure for the courts of the Virgin Islands. In accordance with title 4, section 32(f)(3) of the Virgin Islands Code the Supreme Court established an Advisory Committee on Rules in 2016. The Advisory Committee on Rules consists of judicial officers and attorneys from all practice areas, plaintiff, defense and government and, among other duties, is charged with continuously studying and monitoring all court rules and suggesting amendments or other changes to those rules. The Advisory Committee drafted the Virgin Islands Rules of Civil Procedure, which went into effect on March 31, 2017, which already includes an offer of judgment provision. That provision, which is Civil Procedure Rule 68, allows either the plaintiff or the defendant to make an offer of judgment before trial, and to pay the other side's attorney's fees and other costs incurred after the offer is rejected and the eventual recovery is less favorable than the offer rejected. Section 2(b) effectively seeks to amend Civil Procedure Rule 68 by allowing only

one party—a plaintiff—to also recover nine (9) percent prejudgment interest. We take no position on the prejudgment interest aspect of the Section 2(b) but believe that the authority to amend Civil Rule 68 rests with the Judicial Branch, and that the offer of judgment proposed by Section 2(a) is a matter best suited for the Supreme Court’s Advisory Committee on Rules.

On behalf of the Judicial Branch of the Virgin Islands, I again thank you for providing me with this opportunity to provide this testimony with regard to Bill No. 36-0112. Both Justice Willocks and I shall remain available to answer any questions. Thank you.