

Image not found or type unknown

V.I. Supreme Court Strikes Down Law Prioritizing Seniors in Civil Cases. Now What?

Debate heats up over how to balance judicial independence and the need to fast-track civil cases for aging and terminally ill residents

Judiciary / **Published On September 22, 2024 06:55 AM /**

Janeke Simon **September 22, 2024**

Image not found or type unknown



“People should not be dying waiting for their case to be called. It’s just unconscionable,” said former Senator Janelle Sarauw, reacting to news that the V.I. Supreme Court had [struck down a portion of Act 8468](#), ruling it unconstitutional.?

The Act, which sought to grant seniors and the terminally ill preference in civil actions, was challenged as part of an ongoing lawsuit between Vincent Liger and several Limetree Bay companies over the contamination of his cistern. The court ultimately ruled that the section of the statute under scrutiny, which gave priority to residents over 80 years old, improperly infringed on the authority of individual judges to set their own dockets, and the judicial branch to manage its

own affairs.

Ms. Sarauw, who sponsored the bill in the 34th Legislature, noted that the measure came as a response to the “massive backlog” currently clogging the courts. “That was the Legislature’s attempt to put some fire under the judiciary to move cases.” She acknowledged, however, that the judicial branch of government has a right to check a legislative branch that oversteps its boundaries, “but in the court checking the legislative branch, I hope that the message is clear that the court cannot continue to have such a backlog in civil cases, probate matters.”

Senator Angel Bolques Jr., who was not in the legislature when Act 8468 was passed, but who currently serves as chair of the Senate Committee on Culture, Youth, Aging, Sports, and Parks, said there may be an opportunity to return to the legislative drawing board. “The ruling doesn’t mean that the law is bad. It means that we need to finetune it,” he argued. “Our senior population is growing and they represent a large portion of our population here in the Virgin Islands. We owe it to them to ensure that they’re not facing any unnecessary delays in getting their day in court.”

However, like Ms. Sarauw, Mr. Bolques recognized the requirement for the judiciary to maintain its independence from legislative control. “It’s a delicate balance, and I want to see how we can achieve both goals.” He said it would require a meeting of the minds. “That would take collaboration and communication,” he remarked.

Jacob Gower, the attorney representing Mr. Liger in his lawsuit against Limetree, said that the onus is now on the judiciary as a whole and individual judges, to find solutions to deal with the unwieldy backlog of cases. He notes that he has just recently been able to conclude a matter that had been before the courts since the late 1990s. Other cases remain hanging in limbo dating back to the 2017 hurricanes or prior, with no actions being taken by the presiding jurist. “The only thing that I would say that could ever get rid of this backlog is some measure of creativity...it’s going to require some creative solutions,” he said.

Until those solutions can be found, Virgin Islanders over the age of 70 will no longer be able to request expedited attention to their civil matters under cover of prevailing law.