

The Virgin Islands Consortium

With 1,064 Cases and Staff Shortages, Public Defender's Office Seeks Budget Boost Amid Salary Scrutiny

OTPD is requesting a \$6.7 million FY26 budget—a 5.6% increase—to fund new hires, address mounting caseloads, and ensure salary parity with Justice Department attorneys, as lawmakers raise concerns over high compensation levels and \$300K in carryover funds

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The Office of the Territorial Public Defender is the latest entity to appear before the Committee on Budget, Appropriations, and Finance to defend its FY26 budget request. On Tuesday, the Chief Territorial Public Defender, Julie Smith Todman, informed

lawmakers that the request is a 5.6% increase over FY25.

"In April 2025, the OTPD submitted its anticipated budget request for fiscal year 2026 in the amount of \$6,696,220. This year's request is comparable with the FY2025, budget request of \$6,602,220, of which \$6,133,220 was awarded," she read. According to Ms. Todman, the requested increase will cover a range of expenses, including additional legal and support staff in each district, caseload growth and complexity, digitization, employee retention, expert witness retention, and skills training, among others.

"I trust you will find this request essential to enhance our office's operational efficiency and effectiveness," she said to committee members.

The Office is currently managing 1,064 open cases, with the workload split between 38 employees. There are at least two vacant attorney positions. Ms. Todman told lawmakers. A significant portion of the chief public defender's testimony focused on the well-being of her staff, who are particularly susceptible to mental health strain due to their line of work. Outside of hosting health fairs and encouraging staff to participate in wellness activities, OTPD also wants to ensure that workers are fairly compensated.

"The key to a fair process is parity in funding. OTPD seeks salary parity between its employees and similarly situated employees at the Virgin Islands Department of Justice," Ms. Todman told lawmakers. "This parity ensures that the OTPD has an equal opportunity to develop and retain experienced attorneys, thereby promoting a fair and balanced Judicial Justice System," she noted. She assured lawmakers that this would provide "cost savings in the form of stability."

These two issues – the increased budget request and the discussion on parity – piqued the interest of several committee members.

Senator Novelle Francis, committee chair, was the first to query the increased request. "Your budget request is a little bit over what the governor recommended," he noted. Ms. Todman, in turn, stated that the increase covers a "minimum cost of living adjustment" as well as pay for increased internet speeds and other data processing software. The \$12,303 rent for the Office's St. Thomas location will increase by 3% in October, necessitating more funding, she explained. The OTPD is working on acquiring its own building.

Further, the OTPD relies on experts when preparing cases, an "unknown cost." "Experts can cost up to \$100,000 or more," Ms. Todman said. In the current fiscal year, one expert was paid "over \$21,000" for a case that ultimately never went to trial.

Subsequent questioning from Senator Francis uncovered that OTPD's budget carries over across the fiscal years, and that it has approximately \$300,000 in accrued savings. "That will take us through the end of the fiscal year and take us through December," said Ms. Todman, explaining that allotments at the commencement of the fiscal year are often delayed.

Senator Kurt Violet was taken aback. Noting the \$300,000 available cash on hand, he asked OTPD to justify its \$564,000 increase request. Ms. Todman provided a similar response to what she had shared earlier, honing in on the need for a cost-of-living adjustment.

On the topic of wage parity, Senator Marise James wondered if they had always been equal. Per Ms. Todman, they're comparable, and OTPD has "spent the last two years ensuring that, especially when the Department of Justice had just had their increases with their collective bargaining unit." While Ms. James considered it a fair approach, Senator Ray Fonseca felt that the discussion was a non-issue.

"I did a study here, comparing it to the national average, where the highest paid public defenders was in DC at \$121, 792. Second was New York at \$117,645, and locally our public defenders was \$125,434. So you above everybody else," he told Ms. Todman. "I think that point is moot. You already are on par."

Senator Carla Joseph, too, was not quite convinced. She singled out a proposed 9% increase on the chief's salary that would move it to \$161,200. "Our AG makes \$145,000 a year. So how is it you're making almost \$20,000 more than the AG., and their work is further reaching and further involved?" Ms. Joseph asked. "How is it that you think that you are not aligned with them?... I think it would have been that they need to be aligned with you or paid higher than you because they have more of a caseload and work requirements than the public defender's office."

Ms. Todman disagreed. "If you looked at the Office of Conflict Council, what was presented to the Legislature last year, they had their chief at \$161,200. My board just found it prudent for me to make the same amount that was posted to the Legislature." She was not aware if the OCC's chief indeed receives that salary.

"What is, in fact, here presented as a post audit report for the Department of Justice, you and your team are making more money than the Department of Justice attorneys, even with collective bargaining," Senator Joseph noted, promising not to belabor the topic anymore.

Senator Kenneth Gittens, however, sided with the OTPD. "Let them know the difference between you and the Department of Justice is your office efficiency and transparency," he advised Ms. Todman.

Despite the differences in opinion, Ms. Todman is still counting on the Legislature to approve the increased request and allow OTPD to achieve "all of our goals that we have brought before you." She did not include a breakdown of the amount in her testimony.