

Judicial Backlog of 12,700 Cases Spurs Bill to Extend Judge Terms and Fill Vacancies in Virgin Islands Courts

Sen. Novelle Francis introduced Bill 36-0101 to confront judicial vacancies blamed for delays in resolving 12,737 cases. The measure would extend service for judges, recall retired justices, and authorize part-time magistrates to ease mounting backlogs.

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Nelcia Charlemagne **September 09, 2025**

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With more than 12,000 cases currently pending in the Virgin Islands courts and three judges nearing retirement, lawmakers are weighing legislation to confront what officials are calling a looming judicial vacancy crisis. Senator Novelle Francis has proposed Bill 36-0101 to prevent case backlogs from worsening by keeping judges in place until replacements are confirmed and broadening the judiciary's authority to use temporary appointments.

Sen. Francis told colleagues during Monday's Committee on Rules and Judiciary hearing that the "greatest contributing factor to case backlogs are judicial vacancies." While senior sitting judges often step in to cover gaps, he said the system has been strained by two realities: these judges can only serve for 180 days, yet "it takes more than 180 days for nominations and confirmations to be made by the executive branch."

Associate Supreme Court Justice Harold L. Willocks underscored the urgency. The courts currently face a caseload of 12,737, with about 1,300 cases assigned to three judges whose terms expire at the end of their 180-day extensions. "No new nomination for replacement has been sent," Willocks told senators, adding that "the Judiciary will certainly face a significant crisis of judicial vacancies come November."

In May, four out of ten judges saw their terms expire, and only one was renominated before her term ended. With Judge Deborah Watlington and two others signaling retirement, and no names submitted to replace them, Willocks warned of the risk of widespread disruption.

Bill 36-0101 would allow judges to remain in service until either renominated and confirmed or replaced by a successor. It would also authorize the Chief Justice to recall former Supreme Court justices, judges, or magistrates for temporary assignments, a measure Willocks said is especially timely given that three magistrates are due to retire in the coming months. Additionally, the bill would let the presiding justice of the Supreme Court appoint up to four part-time magistrates from the Virgin Islands Bar for three-year terms, limited to handling lower-level matters such as small claims or uncontested divorces.

Willocks voiced concern about one provision requiring all five judges to review 1,300 cases for conflicts of interest before senior judges could be assigned. He called this process "overly burdensome" and "impractical." Still, he supported the bill overall, saying it would give the courts needed flexibility.

The legislation drew support from other testifiers. Attorney General Gordon Rhea said, "The Department of Justice applauds the legislature's act to amend the law to reflect the current reality within the territory," and emphasized the importance of courts managing vacancies effectively.

Attorney Russel Pate, president of the Virgin Islands Bar Association, also backed the measure, particularly the appointment of part-time magistrates. "These attorneys can help on low-level cases, probates, small claims, uncontested divorce, basic real estate or foreclosure issues," he said. "The public wants justice now, and they deserve justice that's timely."

Pate, however, questioned the role of the executive branch in renominating judges, arguing it creates a conflict of interest since the government is often a litigant before the courts. He recommended the Senate assume that responsibility. Judicial elections, he said, would not suit the Virgin Islands, but noted that many states employ longer terms and strict nominating committees to avoid conflicts.

For Sen. Francis, closing loopholes in the law is about restoring balance across all three branches of government. He said Bill 36-0101 is designed to bring "satisfaction, both by the executive branch as well as the legislative branch and the judiciary."

The measure was approved by the committee and will advance for further consideration before eventually reaching the governor's desk.

Correction: Sept. 9, 2025 at 8:04 a.m.

A previous version of this article incorrectly identified Judge Harold Willocks as the Chief Justice of the Virgin Islands Supreme Court. The current Chief Justice is Rhys S. Hodge. The story has been updated to reflect this correction.

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