

The Virgin Islands Consortium

Superior Court: We Cannot Continue To Take Budget Cuts And Effectively Serve The Territory

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ST. THOMAS -- Members of the Committee on Finance heard testimony from officials of the Virgin Islands Superior Court (SC), including Judge Michael C. Dunston, who gave testimony on behalf of the government branch he heads, defending strongly the court's budget request of \$32,920,820, while making a strong case for why the SC cannot withstand another cut to a budget it says it already bare-bones.

The Court had requested \$31,276,570 for its fiscal year 2015 budget, however it was appropriated \$27,723,865 -- the same amount that was awarded for its operations in fiscal year 2014, which included a voluntary reduction of \$300,000.

Dunston said the SC, like other government agencies, continues to function under "less than desirable" fiscal conditions with the amount it requested. He said while the court remains cognizant of the ongoing fiscal challenges that the territory continues to face, it "must have the funds necessary to enable the court to address its own financial challenges."

The Superior Court remains the gateway to all who seek peaceful resolution to their grievances. - Judge Michael C. Dunston.

Dunston pushed back strongly against the recommended budget offered by Government House of \$25.7 million, stating that it was impossible for the court to operate with the aforementioned amount, which is only \$800,000 above its 2006 budget allocation.

"Time-after-time the Superior Court has been asked to endure reductions in its operating budget, and we have consistently worked with the executive and legislative branches numerous times by participating in these financial reductions until this year, when we just could not agree to any further reduction in our funding," Dunston said.

The presiding judge noted that the SC's budget over the years "has been consistently reduced," with the exception, he said, of only four years, including fiscal years 2002, 2006, 2007 and 2008, in which the appropriations matched the SC's budget request. Even so, the court has been able to manage its reduced funding to meet its recurring and other expenses while attempting to fill much-needed vacancies, but the reduction inhibits the court from functioning in its most efficient manner.

Dunston revealed that the SC's marshals, the second largest group of peace officers in the territory, hasn't seen new vehicles since 2011, forcing the marshals to go on the road in "unsafe and unreliable" vehicles. He said their fleet must be updated, "before tragic circumstances result from these inadequacies."

The court cannot pick and choose where and when to render its services. - Judge Michael C. Dunston.

The SC's employees, Dunston went on, has not received the raises that have been due for "four years or longer," and this has damaged morale, hampered recruitment efforts and has forced several employees to obtain second, and in some instances, third jobs to support their families. "This deprivation cannot continue," Dunston said.

Off-island training has been an important aspect of the court's efforts to provide impeccable service. Its information technology arm, for example, must receive said training to stay in tune with the latest developments and breakthroughs in technology. But budget constraints have diminished the court's efforts, and if the requested allocation of funds are not made available, "we will be unable to stay abreast of the latest developments in innovation," Dunston said.

The delivery of justice to residents must be a priority to the leaders of the territory, Dunston argued, reminding committee members of the SC's indelible role in the

"preservation of public safety," and the infrastructure it provides for the rule of law, which goes hand-in-hand with a successful economy and stable society.

The SC's budget proposal was exceptional in that it gave committee members a full breakdown of numbers and uses of requested funds. The senators applauded the courts efforts, generally having little to say about the requested amount, aside from voicing difficulty in providing the monies because of budget constraints.

Dunston also spoke of vacancies and the desire of the SC to add a new judgeship on St. Croix, [as requested](#) by the VI Bar Association Board of Governors, amongst other important topics.

The breakdown of the budget is as follows: \$18,495,560 for personnel services, which includes salaries for existing and other positions such as staffing, as required by the court. That amount includes \$442,500 for salary increases; \$299,800 for an additional judge and support staff in the district of St. Croix; funding for compensation of attorneys for the legal defense of indigent clients; consultant and expert fees; and lump sum payments.

Another \$2,545,000 for all operating expenses, including jury expenses; computer and equipment maintenance; building and grounds maintenance; insurance of the court's facilities; the purchase of traffic ticket books utilized by the VIPD; uniforms and more.

Add \$3,160,559 for services other than personnel, including \$2,815,559 for utilities and the rental properties utilized by the SC; \$345,000 for other operations such as contractual and janitorial services and more.

\$690,000 have been allocated for equipment purchases; \$8,29,701, for contributions, including \$1,331,177 FICA payments and other mandatory employer contributions. This also includes \$3,645,786 for retirement contributions.

These are just some of the obligations of the SC mentioned during Wednesday's hearing, and while the Senate pledged its support for the court's request, full funding was not guaranteed not because the Senate did not want to, but because the government, senators said, simply could not afford it.

The Supreme Court also presented its fiscal year 2016 budget of \$8.8 million to the Committee on Finance: \$4.26 million for salaries; another \$1.63 million for employer contributions; \$1 million for operating expenses; \$1.25 million for other services and \$600,000 for equipment.

Testifying on the Supreme Court's behalf was Chief Justice Rhys Hodge, who, like the Superior Court, spoke of the challenges of operating with a budget that is less than adequate.

But unlike Dunston, Hodge said if the senate was not able to provide the requested budget of \$8.8 million, the Supreme Court would agree to a budget equal to its fiscal year 2010 appropriation of \$6.9 million.

That was music to the ears of Sen. Clifford Graham and other committee members, who appreciated Hodge's taking into consideration the government's current fiscal situation.

