

The Virgin Islands Consortium

Judiciary Chided At Budget Hearing For Slow Pace Of Resolving Cases

Government / **Published On July 19, 2018 11:54 AM /**

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Last updated at 9:34 a.m. Thursday, July 19.

Members of the Committee on Finance on Wednesday did not go easy on testifiers at a budget hearing for the Judicial Branch of the Virgin Islands, where VI Supreme Court Chief Justice Rhys Hodge requested \$12 million more than what was recommended by the governor for the judicial branch's 2019 budget. The additional money, Justice Hodge said, would provide funding to fill 65 vacancies, a 5 percent salary increase for all employees, 7 percent salary increase for all judges, upgrade its fleet of vehicles, computer and operational equipment upgrades, among other things.

"The judiciary has been chronically underfunded for the past decade, and while it has managed to maintain operations through austere budgets, it has steadily lost its ability to retain qualified personnel because its salaries are simply no longer competitive with either the private sector or even government agencies," Justice Hodge said.

But while lawmakers appreciated the thorough testimony laid out by Justice Hodge, they said the government was not able to provide the additional funding because, simply put, it does not have the money.

"We're going to go through the process but we need to come up with some realistic numbers," Senator Kurt Violet, chairman of the Committee on Finance, said. "Because we don't have a 'wash pan' of money just waiting to disperse." Mr. Violet said while Justice Hodge's reasons for the increase were eloquently stated in his testimony, "the justification that you gave holds sway for the entire government." Mr. Violet spoke of government employees making \$20,000 annually, who also have to cope with additional dollars being pulled from their salaries by the Government Employees' Retirement System among other deductions.

But it was Senator Nereida Rivera-O'Reilly who took the judiciary to task about its snail-like pace in resolving both civil and criminal cases.

"There are some broader issues that impact the people I represent, and so when I recently read in the paper a letter to the editor by someone who said that it's been over a year, maybe more than two years, that they have been waiting on a resolution on a small claims court matter, I nearly fell off my chair," Mrs. Rivera-O'Reilly said. "And I think that takes me back to the question that I ask you every year, which is how do you evaluate the performance of your judges."

Mrs. Rivera-O'Reilly was most likely referring to a Letter to the Editor [sent to The Consortium by Nadine Brooks](#), a Virgin Islander living in New York, who wrote to us after 16 and a half months of waiting for a ruling on a civil case presented on January 24, 2017 before Magistrate Miguel Camacho on St. Croix.

"In November 2016, I traveled from the mainland to St. Croix to present a civil case on November 22, 2016 in the Small Claims Court before Magistrate Camacho. I presented my case with all the evidence to support it: invoices, cancelled checks, receipts, pictures, etc. Much to my surprise, a continuance hearing was scheduled for January 24, 2017. I was flabbergasted. I had everything to support my case. Why couldn't Magistrate Camacho make a ruling?" Ms. Brooks wrote in the letter. (A few days following the letter's publication, Ms. Brooks called The Consortium to inform the publication that her matter was resolved favorably.)

Mrs. Rivera-O'Reilly pointed to jurisdictions where judges are chosen by a legislative committee based on each potential judge's past performance, and how such a process encourages performance."

But in the territory, judges are appointed by the governor, "And if you have enough friends here [the Legislature] you get the consent and you move on. But then you just sit in your cushy chair and you forget what you were appointed and asked to do," the veteran lawmaker, who is not seeking reelection, charged. "And I don't say that for all of

you; not all. But you have some problems and you must admit you have problems because I get the calls from my constituents."

Mrs. Rivera-O'Reilly spoke of eviction matters and small claims court cases that have been "dragging and sitting." "So either you have too many judges or you have the wrong judges," she said.

The senator then asked, "So how do you hold those individuals who sit on cases accountable to the people whose tax dollars pay for their salaries?"

Justice Hodge said with the courts now being consolidated -- a measure that was sponsored by Mrs. Rivera-O'Reilly and former Senator Kenneth Gittens who, by the way, is seeking office again -- meetings will be held to discuss the matter and to find resolutions. "We have, through the administration, gotten a list of all the cases that are pending before which judge. We are in the process of drafting administrative rules that will put time standards," Justice Hodge said.

Giving an example, Justice Hodge said a judge who has taken a matter under advisement would have no more than 60 days to resolve it. At the end of the 60 days, that judge has to report to the presiding judge. If this judge can't resolve the case, the judge has to explain why, and would be provided with an additional 30 days to resolve it. "If they don't, then they're reported up to the chief justice, and eventually it could be reported to the commissioner on judicial conduct, because if a judge doesn't perform services, it's a violation of the code," Justice Hodge said. "I am one who believes that you should have time limits."

The Judicial Branch of the Virgin Islands sought a 2019 budget of \$46,609,252. It is expected to wind up with the recommended budget of either 12 or nine million dollars less. (The 2019 budget sent to the Senate appropriated \$34,246,781 -- \$1 million less than the judiciary's 2018 budget. But Justice Hodge said Governor Mapp had recognized the inadequacy of the original 2019 recommendation and added \$3 million to it, for a grand total of \$37,246,781. It was not clear, however, whether the \$3 million would be appropriated.)

Also at Wednesday's hearing was the Government Employees' Retirement System, which reminded senators that the system's Unfunded Actuarial Accrued Liability, or the employer's net pension liability, had since grown to \$4.6 billion as of October 2016.

The Magens Bay Authority testified at the budget hearing as well. It said its budget for fiscal year 2019 shows revenues of \$2,157,000, and expenditures of an equal amount. No Government allocations were received for FY 2017, the authority said. The anticipated total cost for personal services for fiscal 2019 is \$1,822,776.31. This amount represents: 58% of our total expenses.

Finally, the St. Thomas East End Medical Center Corporation (STEEMCC), headed by independent candidate for governor Moleto Smith, said it supported the governor's 2019 budget recommendation of \$1,815,615 to support uncompensated costs associated with delivering public health care services to individuals who lack health insurance and are ineligible for Medicaid. STEEMCC said about 30 percent of adults in the U.S. Virgin Islands do not have health insurance. This group, referred to as self pay or private pay,

accounts for a significant proportion of STEEMCC uncompensated care cost, testifiers said. It is projected that this population will continue to increase over the next 2-3 years.

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