

The Virgin Islands Consortium

Chief Justice Hodge Rebuffs Bryan Administration's 9 Percent Cut in Budget Proposal for Judiciary

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Chief Justice Rhys Hodge provided testimony during a budget hearing in the Committee on Finance on Wednesday, Sept. 9, 2020. By. VI LEGISLATURE

Supreme Court Chief Justice Rhys S. Hodge on Wednesday expressed frustration during a Committee on Finance hearing with the FY 2021 budget assigned to the judiciary by the Bryan administration. Leaving an already constrained court system in a more difficult spot, the administration crafted the judiciary's budget with a proposal that represents only the bare minimum needed to fund the courts for the upcoming fiscal year. On top of the meager budget, the courts lack adequate employment in the Office of Disciplinary Counsel, a critical arm of the courts that regulates attorneys and other members of the

judiciary.

For FY 2021, the Judicial Branch has requested an appropriation of \$39,179,342, with an accompanying request for the Virgin Islands Judicial Council of \$118,292. This request represents a 9 percent reduction when compared to the \$43,246,998 the judiciary requested — but did not receive — to fund its current fiscal year. Chief Justice Hodge urged the Senate not to adopt the Bryan administration's budget request of \$31,825,388, contending that the amount was substantially lower than its Fiscal Year 2020 appropriation of \$35,246,781.

The proposed reduction sought by the Bryan administration would set the judiciary back six years, below its 2014 appropriation level, according to the chief justice. He said the judicial branch would not be able to survive this type of deep budget cut while complying with its constitutional and statutory obligations. "The cut will reduce us by 90 percent personnel to 10 percent, so we would simply not have money to operate —which is just not workable," said Chief Justice Hodge.

The governor also recommended \$103,285 for the Judicial Council for FY 2021. This amount is 13 percent below the Council's projected budget of \$118,293. The Judicial Council's appropriation request funds two law librarians with no additional funding for supplies or operations. There, too, Chief Justice Hodge expressed that the lack of funding would not allow the branch to cover operational costs such as utilities and the licensing and maintenance requirements for technology systems, along with contingencies the branch may face after a decade of deferred maintenance and ongoing recovery projects.

The chief justice, after being asked by Sen. Allison DeGazon what would be a preferable scenario relative to the budget, recommended that instead of the executive branch drafting up a budget for the judiciary, the judiciary itself should be able to submit its proposal to the Legislature. "For many years the Legislature has never appropriated a budget that was from the Judiciary. If they did, then every year we would come and testify whether we need more or less money. Instead, every time we have to come, we are begging from scratch for us to get a reasonable budget," he said.

Adding to budgetary constraints, the judiciary has experienced 37 departures in the current fiscal year and is anticipating a total of 66 vacancies for FY 2021. The judiciary intends to fill 32 of those vacancies, which it has deemed to be critical. While all 32 vacancies are essential, Chief Disciplinary Counsel Tanisha Bailey-Roka said that the Office of Disciplinary Counsel, which is responsible for the day-to-day operations of the disciplinary system, including the regulation of Virgin Islands attorneys and members of the Virgin Islands Judiciary, is in immediate need of staffing and resources.

"My request was for help, including a fully staffed O.D.C. However, I was mindful that we have budgetary constraints," Ms. Bailey-Roka said. Due to the lack of staff and resources, the O.D.C. has a backlog of 168 cases.

Compounding budget limitations is the increased costs for insurance, vehicle maintenance and repairs, equipment, furniture, supply purchases and infrastructure repair due to Hurricanes Irma and Maria. Despite the territory being in its third year of recovery following the 2017 storms, the judiciary continues to face significant challenges

in completing repairs to its facilities, even as it undertakes the arduous task of retrofitting those facilities to reconstitute services during an ongoing pandemic.

Nonetheless, Senator Kenneth Gittens complimented the branch for the implementation of video conferencing for advisement hearings, online check-in for ticket status, misdemeanor appearance citations, and the continued security upgrades at the courts.

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