

The Virgin Islands Consortium

VI Courts Seek Salary Increases For Employees in \$53 Million Budget Request to Battle Turnover Crisis

Government / **Published On May 31, 2023 05:56 AM /**

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The 35th Legislature of the Virgin Islands now has budget requests from the two other branches of government, as it gets ready for its annual grueling schedule of hearings before it approves expenditures from the public purse for the next fiscal year.

Regina Petersen, administrator of USVI Courts, announced in a press release on Tuesday that the courts' budget request for the 2024 financial year had been sent to Senate President Novelle Francis Jr.

The judiciary is seeking just under \$53 million to fund all budgeted expenditures from October 1, 2023 to September 30, 2024. That sum captures the expansion of the

Supreme Court, the creation of a new office to support indigent defendants, capital projects, and increases in compensation for all staff, both judicial officers and regular employees.

“The Judicial Branch salaries in key operational areas are no longer competitive,” the operating budget request reads. “The branch continues to experience high employee turnover.”

Indeed, the proposed personnel listing shows several vacant positions – six at the Supreme Court, and a whopping 36 at the Superior Court level. In the Superior court, the Probate Division is particularly empty; the judiciary reports vacancies in five of the eight posts that make up that division, including staff attorney and all three law clerks assigned to that section.

The traffic department is also quite hollow, with half of the positions in that department unfilled. The Judicial Branch Administrative Office, meanwhile, reports 84 unfilled positions, with the pool of court reporters missing over three-quarters of its personnel complement. The proposed increases in compensation include “necessary adjustments in critical areas such as the Office of the Clerk of Court and Court Reporting,” according to the budget request document, as well as a 5% pay bump for all regular employees.

The increases and additional staff represent a 34% increase over the wage bill for fiscal year 2023, however the judiciary has requested funding for only 50% of the salaries of all vacant posts, meaning if all such positions are filled over the next fiscal year, additional budgetary support would be needed from the Legislature.

The Judicial Branch is also seeking funding for the expansion of the Supreme Court. Although a 2016 law authorized the addition of two additional Justices to the Supreme Court, no such appointments have been made. “With the current terms of our sitting justices expiring in 2027, the time is quickly approaching for such appointment to be considered,” the court notes. Accordingly, a sum of \$1.4 million has been requested for personnel to staff these two additional judicial chambers to the Supreme Court.

The Office of Conflict Counsel was created by Supreme Court Promulgation Order 2022-0002, “in response to increased demand for indigent defense,” and this year, the court is requesting just over \$1.6 million to staff and operationalize this office. This is an area legislators can be expected to probe with interest, as the budget request document does not make it clear how this newly created office will interface with the Office of the Territorial Public Defender, which provides counsel for criminal defendants unable to afford their own lawyers.

The budget request from the judicial branch also includes operational funding for the Judicial Council, and reflects increases in the cost of supplies, utilities, and other services and charges. Overall, the funding proposal for the upcoming fiscal year is 22 percent higher than the previous budget request.