



Organizational Structure for the Judicial Branch of the US Virgin Islands

EXECUTIVE SUMMARY

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The National Center for State Courts (NCSC), under a grant from the State Justice Institute (SJI), assessed the current administrative structure of the Judicial Branch of the Virgin Islands. On the basis of preliminary research regarding the judiciary, interviews with justices, judges, and staff of the respective courts, along with general observations of court operations and widely accepted principles of judicial administration, the NCSC makes the following three recommendations concerning Judicial Branch Governance and a consolidated administration:

Judicial Branch Governance:

1. Creation of a judicial management advisory council as the principal internal policy body for the Virgin Islands Judicial Branch. This body should be charged with providing policy review for both courts and making related recommendations. Because this would be an advisory body, general superintending authority over administrative policies and practices of the Judicial Branch, as envisioned in Act 6687, should be restored to the Chief Justice through appropriate legislation. Similar to the systems in the territories of the Northern Mariana Islands and Guam, both of which designate the chief justice as the administrative head of their respective judiciaries, voting membership on the council should include the Chief Justice as Chair, the two other Supreme Court Justices, the Presiding Judge and another designated judge of the Superior Court. The second Superior Court Judge could be either selected by the Presiding Judge or elected by the entire Superior Court bench.

Features:

- Members consist of Chief Justice (chair), 2 supreme court justices, Presiding Judge, 1 Superior Court judge,
- Advisory body to review policy related issues and make recommendations,
- Chief Justice designated as administrative authority

Benefits:

- Effective collaboration between the two courts,
- Clear chain of command and authority,
- Strengthens both judicial independence and organizational accountability,
- Encompasses joint deliberation on policy matters,
- Ensures transparency in the operation of the Judicial Branch, and
- Judicial Branch can speak with a single, consistent voice.

Consolidated Administration:

2. Restructuring of the Judicial Branch administration to consolidate several of the functions currently performed separately by the Supreme Court and the Superior Court. Those functions should be organizationally placed in an office of Judicial Branch Administration, led by a Judicial Branch Administrator appointed by the Chief Justice. The Administrator should receive policy guidance and direction from, and work closely with, the Chief Justice and the Judicial

Management Advisory Council. Daily supervision of the Administrator's activities would be the responsibility of the Chief Justice. A consolidated administrative structure is anticipated to result in short-term potential savings of approximately \$767,000 and future potential savings in the range of \$793,000 to \$1,072,000.

3. Responsibilities for the Judicial Branch Administrator, similar to those formerly included in Supreme Court Rule 101, should be considered and adopted. Additionally, the Judicial Branch Administrator should be assigned Secretariat duties to the Judicial Management Advisory Council and participate in its deliberations as a non-voting member.

Features:

- Establish an Office of Judicial Administration, headed by a Judicial Branch Administrator,
- Judicial Branch Administrator reports to the Chief Justice,
- Ability to simplify and synchronize administrative functions throughout the Judicial Branch,

Benefits:

- Reduced total costs of operation in short and long-term (See table on page 4) ,
- Clear chain of command and authority,
- Consistency in administration.

In making these recommendations, the consulting team reviewed prior studies addressing administrative structure, court facilities, compensation and job classifications, and Supreme Court strategic planning. They also reviewed the most recent budget documents for the Supreme Court and the Superior Court, as well as current statutes and proposed legislation addressing court organization and governance. The consultants met with the Supreme Court justices, Superior Court judges and magistrates, administrative managers and staff members from the courts, including the two Clerks of Court, and others. This wide range of participation ensured that the views and opinions of all concerned individuals throughout the Judicial Branch were heard and considered.

In their analysis, the consultants applied the Principles for Judicial Administration, recently adopted by the Conference of Chief Justices and the Conference of State Court Administrators. The consultants also analyzed the governance and administrative structures in the judicial systems in the territories of Guam and the Northern Mariana Islands, and a variety of American states.

Judicial Branch Governance

There are a number of structural models that have evolved in judicial systems for governing courts which acknowledge the uniqueness of court governance issues. There are also well-recognized principles of Judicial Branch governance that can help to demonstrate that judicial branches can govern themselves and manage their internal affairs in a professional and competent manner. An effective governance model must achieve a balance ensuring that all units of the judiciary have an opportunity to contribute to policy decisions and that authority

for decision-making is delegated to the appropriate level, while not losing sight of the need for a common vision and direction for the judicial system as a whole. A judicial council model which includes representation from trial courts and designation of the chief justice as the administrative authority within the judicial branch, serves to strike this balance.

The recommended judicial management advisory council would include as voting members:

- the Chief Justice as Chair,
- the two other Supreme Court Justices,
- the Presiding Judge of Superior Court, and
- another designated judge of the Superior Court.

Specific benefits of this structure, are:

- it provides for effective collaboration between the two courts of the Virgin Islands,
- it includes a clear chain of command and authority,
- it strengthens both judicial independence and organizational accountability,
- it encompasses joint deliberation on policy matters and other issues of strategic importance to the judiciary as a whole,
- it ensures transparency in the operation of the Judicial Branch, and
- it allows the Judicial Branch to speak with a single, consistent voice.

Legislation should be enacted to clarify the role of the Chief Justice as the administrative head of the Judicial Branch, as envisioned in Act 6687, while providing flexibility to allow the council to determine its operational rules and not inhibit the capacity of the Judicial Branch to operate as an independent branch of government.

Consolidated Administration

Currently, the Judicial Branch administration includes two distinctly separate operations, creating inefficiencies and inconsistencies, duplication of efforts and increased costs. Staff in an assortment of functional areas, such as Human Resources, Finance, Procurement and Information Technology, perform identical or in many ways similar duties in the two courts. These functions, as well as others that have strategic or policy significance to the Judicial Branch, should be organizationally placed in an office of Judicial Branch Administration, led by a Judicial Branch Administrator appointed by the Chief Justice. This would provide a significant amount of annual budgetary cost savings, allow for greater efficiencies in court operations and ensure that consistent policies are applied throughout the Judicial Branch.

Estimated Fiscal Impact

A consolidated administration would allow for lower total costs of operation by reducing the need for certain staff and more effective use of funds expended for various contracts, services and materials. As with all judicial systems, the majority of costs are for personnel, as are the resulting cost reductions.

Although the grant funding did not allow for a detailed assessment of all administrative positions, the consultants estimated the reasonably possible annual cost reductions attributable to short and long-term staffing needs as well as better coordination and efficiencies in purchasing and managing operations.

Once the decision to implement a consolidated administration is made and a Judicial Branch Administrator is appointed, the Judicial Branch should assess the related duties and responsibilities, the workload and ongoing needs of the Judicial Branch in considering the level of future administrative staffing. This assessment would determine the extent of future cost reductions.

The consultants' estimates are:

Summary of Estimated Annual Cost Reduction			
Description		Low Estimate	High Estimate
Staffing	Net Short-term Cost Reduction	\$767,121	\$767,121
Staffing	Future Cost Reduction	\$750,000	\$1,000,000
Procurement & Services	Coordination and Efficiencies in purchasing and managing operation	\$43,500	\$72,500
Net Estimated Cost Reductions		\$1,560,121	\$1,839,621

Organizational Structure

The judicial branch administrator would receive policy guidance and direction from the Chief Justice and the judicial management advisory council. In regards to certain support functions, such as jury management, case management, records retention, and others, we recommend that the office of judicial administration include a policy and standards function to develop, clarify and design procedures implementing the policy direction from the Chief Justice and the judicial management advisory council. The operational aspects of these functions would be included under the Clerk of Superior Court. At a future time, the Judicial Branch can evaluate whether these responsibilities are best assigned to the Clerk of Superior Court or to the Judicial Branch Administrator.

An organizational chart of the recommended administrative structure follows and includes the judicial management advisory council.

Proposed Administrative Structure
Virgin Islands Judicial Branch

