



Virgin Islands Commission on Judicial Conduct

Annual Report
2011

Background

The Supreme Court of the Virgin Islands established the Commission on Judicial Conduct by court rule in 2010. According to Supreme Court Rule 209, the Commission is responsible for overseeing the ethical conduct of judges both on and off the bench, and investigates allegations that a judge is not properly performing his or her official duties. The Commission plays a vital role in promoting public confidence in the judiciary and in preserving the integrity of the judicial process. As a forum for citizens with complaints against judges, the Commission helps to maintain public accountability. The Commission also strengthens the judiciary by encouraging judges to maintain high standards of professional and personal conduct.

Although the Commission operates independently, it is housed within the judicial branch of government and its rules must be approved by the Virgin Islands Supreme Court. The Commission's budget is appropriated by the Legislature as part of the Virgin Islands Supreme Court's budget.

Jurisdiction

All judges in Virgin Islands are subject to the Virgin Islands Model Code of Judicial Conduct. Accordingly, the Commission will investigate allegations of:

- willful misconduct by a judge, including misconduct which, although not related to judicial duties, brings the judicial office into disrepute or is prejudicial to the administration of justice;
- willful or persistent failure of a judge to perform judicial duties, including the incompetent performance of judicial duties;
- intemperance, including extreme or immoderate personal conduct or recurring loss of temper or control;
- any conduct on the part of a judge that constitutes a violation of the Virgin Islands Model Code of Judicial Conduct; or
- a disability, which is or is likely to become permanent, that interferes with the performance of judicial duties.

The complete text of the Virgin Islands Model Code of Judicial Conduct may be downloaded free of cost from the Commission's website at www.vicjc.org.

The Commission's authority and powers are derived from Supreme Court Rule 209. The Commission has jurisdiction over all Virgin Islands justices, judges and magistrates. It does not have jurisdiction over court employees, administrative law judges or federal judges.

The Commission may take various actions to remedy improper conduct including meeting with the judge, privately or publicly reprimanding the judge, or recommending that the Supreme Court remove a judge from office. In an appropriate case, the Commission also may recommend that a judge be placed on disability retirement.

The Commission's primary concern is judicial behavior, not judicial decision-making. It is important to note that the Commission cannot address issues that should be resolved through the appellate process. Complaints that misconstrue a disappointing factual or legal ruling to be judicial misconduct will typically be dismissed. This is because only a higher court can overturn a judge's decision or ruling. The Commission is not a court and lacks jurisdiction to change a judge's decision.

The Commission

The Commission is composed of nine (9) members: three citizens, three attorneys, and three judges. Members serve for staggered four-year terms and are appointed by members of each of the three branches of government.

Commission on Judicial Conduct Members			
Public Members	Address	Appointed By	Term Expiration
Angel Morales	P. O. Box 502425 St. Thomas, VI 00805	John P. deJongh, Jr. Governor U. S. Virgin Islands	August 1, 2013
Sharmane Brookes	P. O. Box 10025 St. Thomas, VI 00801	Louis P. Hill Senate President 28th Legislature	August 1, 2012
Gaylord Sprauve	P. O. Box 305106 St. Thomas, VI 00803	Louis P. Hill, Senate President 28th Legislature	August 1, 2014
Attorney Members	Address	Appointed By	Term Expiration
Andrew Capdeville	P. O. Box 6576 St. Thomas, VI 00804	Richard T. Evangelista President VI Bar Association	August 1, 2012
Emile Henderson III	115 King Street St. Croix, VI 00840	Darryl D. Donohue Presiding Judge VI Superior Ct.	August 1, 2013
Treston Moore	P. O. Box 310 St. Thomas, VI 00804	John P. deJongh, Jr. Governor U. S. Virgin Islands	August 1, 2014
Judicial Members	Address	Appointed By	Term Expiration
Jessica Gallivan Superior Court of VI	P. O. Box 929 C'sted. St. Croix, VI 00821	Darryl D. Donohue Presiding Judge VI Superior Ct.	August 1, 2012
James Carroll III Superior Court of VI	P. O. Box 70 St. Thomas, VI 00804	Rhys S. Hodge Chief Justice VI Supreme Court	August 1, 2013
Julio Brady Superior Court of VI	P. O. Box 929 C'sted. St. Croix, VI 00821	Rhys S. Hodge Chief Justice VI Supreme Court	August 1, 2014

Confidentiality

The Supreme Court of the Virgin Islands Rule 209 provides for the confidentiality of Commission proceedings. The level of confidentiality is determined by the disposition of a complaint. If a complaint is dismissed, the original complaint and the order resolving the case will not be released to the public.

More information is made public when a complaint results in judicial discipline. In formal cases involving the potential censure, suspension or removal of a judge from office, the complaint, the judge's response and other related documents will be open for public inspection upon filing in the Supreme Court of the Virgin Islands by the Commission.

Commission correspondence, computer records, investigative reports, attorney work product, and the minutes of Commission deliberations remain confidential and are not released to the public. The Commission may disclose confidential information about a judge's conduct to judicial nominating commissions or officials involved in the nomination process and other official agencies involved in criminal prosecutions or charged with evaluating the qualifications of a judge.

Review of Complaints

Anyone can file a complaint against a judge, and an official complaint form is available on the Commission's website at www.vicjc.org. A signed and sworn letter will be treated as a complaint if it contains the information required on the official form. Complaints must be delivered to the Commission in a sealed envelope.

Between October 1, 2010 and September 30, 2011, the Commission received three (3) written complaints of judicial misconduct.

Complaints of Judicial Misconduct			
2010-2011	Total Opened	Dispositions	Pending
October	1*	0	1
November	0	0	1
December	0	0	1
January	0	0	1
February	0	0	1
March	0	0	1
April	0	0	1
May	0	0	1
June	1	0	2
July	1	1	2
August	0	1	1
September	0	0	1

* The October 2010 Complaint was supplemented on February 9, 2011 and was docketed Case No. 01-2011.

One of the cases arose from a criminal matter, and two matters arose out of probate cases. One case involved allegations of bias and delay, one involved allegations of improper *ex parte* communications, and, in the third case, the judge was accused of engaging in the private practice of law. Two of the three cases were dismissed after preliminary investigation and one remains pending. Two cases were filed by litigants or their representatives, and one was filed by a judge.

Commission Expenses

Each member who is not a government employee may receive a \$100.00 per diem, which represents the member's reasonable and necessary expenses associated with the meeting of the full Commission. During the fiscal year 2011, per diem payments were made in the total amount of \$800.00, as several qualified members declined their per diem payments, preferring to serve without payment or reimbursement. In addition, the Committee incurred expenses of \$2,200.00 for the development of its website, and \$381.00 for refreshments. Thus, the Committee's total expenditures for the 2011 fiscal year were \$3,381.00.

Contact Information

The official website of the commission may be found at www.vicjc.org. The Commission can be reached by phone at 340-693-4127. Correspondence for the Commission should be addressed to the Commission on Judicial Conduct, P.O. Box 590, St. Thomas, USVI 00804.