



Virgin Islands Commission on Judicial Conduct

Annual Report  
**2013**

**Emile Henderson III, Esq.**  
**Chairperson**  
**Virgin Islands Commission on Judicial Conduct**  
**P.O. Box 590**  
**St. Thomas, Virgin Islands 00804**

## Background

The Commission on Judicial Conduct is responsible for overseeing the conduct of judges both on and off the bench, and adjudicates allegations that a judge is not properly performing his or her official duties. The Supreme Court of the Virgin Islands established the Commission by Supreme Court Rule 209. 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 and procedures must be approved by the Virgin Islands Supreme Court.

## Jurisdiction

All Virgin Islands justices, judges and magistrates are subject to the Virgin Islands Code of Judicial Conduct.<sup>1</sup> 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 Code of Judicial Conduct; or
- a disability, which is or is likely to become permanent, that interferes with the performance of judicial duties.

The Commission's authority and powers are derived from Supreme Court Rule 209. The complete text of Rule 209 and the Virgin Islands Code of Judicial Conduct may be downloaded free of cost from the Commission's website at [www.vicjc.org](http://www.vicjc.org). 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.

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<sup>1</sup> Judges and Magistrates of the U.S. District Court are not under the Commission's jurisdiction.

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 public members, three attorneys, and three judges. Members serve for staggered four-year terms and are appointed by representatives from each of the three branches of government.

<b>Commission on Judicial Conduct</b>			
<b>Public Members</b>	<b>Address</b>	<b>Appointed By</b>	<b>Term Expiration</b>
Cherene Williams-Walters	5020 Cotton Valley St. Croix, VI 00820	Ronald Russell Senate President	August 1, 2014
Pamela Richards Samuel	10911 Palestina St. John, VI 00830	Ronald Russell Senate President	August 1, 2016
Angel Morales	P.O. Box 502425 St. Thomas, VI 00805	John P. deJongh, Jr. Governor U. S. Virgin Islands	August 1, 2017
<b>Attorney Members</b>	<b>Address</b>	<b>Appointed By</b>	<b>Term Expiration</b>
Treston Moore	P.O. Box 310 St. Thomas, VI 00804	John P. deJongh, Jr. Governor U. S. Virgin Islands	August 1, 2014
Andrew Capdeville	P.O. Box 6576 St. Thomas, VI 00804	President VI Bar Association	August 1, 2016
Emile Henderson III	(53-A) 429 King St., Ste. 8 Frederiksted, VI 00840	Darryl D. Donohue Judge VI Superior Ct.	August 1, 2017
<b>Judicial Members</b>	<b>Address</b>	<b>Appointed By</b>	<b>Term Expiration</b>
Harold Willocks Superior Court of VI	P.O. Box 929 St. Croix, VI 00821	Rhys S. Hodge Chief Justice	August 1, 2014
Jessica Gallivan Superior Court of VI	P.O. Box 929 St. Croix, VI 00821	Darryl D. Donohue Judge VI Superior Ct.	August 1, 2016
Adam Christian Superior Court of VI	P.O. Box 70 St. Thomas, VI 00804	Rhys S. Hodge Chief Justice	August 1, 2017

## 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](http://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.

One (1) case was pending at the start of the fiscal year, and four (4) judicial complaints were submitted during this fiscal year. Three of the cases were filed by litigants and one was filed by a Virgin Islands attorney. One case involved an allegation of delay, one involved a potential conflict of interest, and two matters involved claims of bias. Each of the four cases were dismissed after preliminary investigation. In addition, one complaint was screened without docketing because it was not signed by the complainant. One (1) matter is pending as of the end of the fiscal year, and the Respondent-Judge entered into a deferred-discipline agreement.

2012-2013	Opened	Dispositions	Pending
October	2	0	3
November	0	0	3
December	0	0	3
January	2- Transferred from VIBAR	1	4
February	0	2	2
March	0	0	2
April	0	1	1
May	0	0	1
June	0	0	1
July	0	0	1
August	0	0	1
September	0	0	1
<b>TOTAL</b>	<b>4<sup>2</sup></b>	<b>4</b>	<b>1</b>

<sup>2</sup> One additional complaint was screened without docketing pursuant to I.O.P. 8.

## 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 status of a complaint and the disposition. If a complaint is dismissed, the complaint and the order resolving the case will not be released to the public. However, if there is reasonable cause to believe that the Respondent-Judge engaged in misconduct and formal charges are issued, a public hearing will be conducted pursuant to Rule 209.24. In addition, the complaint, the judge's response and other related documents will be open for public inspection upon filing of the matter 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.

## 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 attending meetings of the Commission. During fiscal year 2013, each of the qualified members declined their per diem payments, preferring to serve without reimbursement. In addition, the Committee incurred expenses of \$260.00 for the hosting of the CJC website, and \$1,948.00 for transcription services, and \$1,020.00 for Seaborne airplane tickets. Thus, the Committee's total expenditures for the 2013 fiscal year were \$3,228.00.

## Contact Information

The official website of the commission may be found at [www.vicjc.org](http://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.