Message from the Chair

by Susan Dautel

New York State Court of Appeals
Albany, NY

The 2012 Appellate Judges Education Institute Summit is only a few weeks away (November 15-18), and we are excited that so many CASA members from around the country will be coming to New Orleans for the great educational programs and social and networking opportunities. We thank the ABA and the AJEI for scholarships awarded to assist eleven CASA members to attend. The CASA hospitality suite at the Hotel Monteleone will be open every evening for informal and relaxed gathering — we’ll have fliers available at registration to announce the suite number. I do hope you will stop in one or more evenings to catch up with old friends and to make new acquaintances. As in previous years, we will have libations, snacks and exciting gifts to be won by attendees meeting random and sometimes wacky criteria — all just excuses to gather, chat and have fun.

Another opportunity to socialize with other staff attorneys is the annual CASA dinner and T-shirt exchange on Friday, November 16 from 7:30-9:30 p.m. The dinner is at Deanie's Seafood Restaurant, in walking distance of the Hotel Monteleone. Wonderful local seafood will be available, as well as other New Orleans specialties if you are not a seafood lover. The T-shirt exchange, another CASA tradition, will take place just prior to dinner. It also is an excuse to meet people and chat as you view T-shirts draped over everyone's backs, and hopefully get to take home one that catches your fancy. All you need do is bring a fun T-shirt (size XL) from your region, and be

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Election of Board and Officers

by Naomi Godfrey

U.S. Court of Appeals, 11th Circuit (Ret.)
Atlanta, GA

Hello CASA Members,

It's time to select board members for the 2012-2013 term. The election will take place at our annual meeting during the Summit in New Orleans on Saturday, November 17, 2012. The Nominating Committee (Susan Dautel, Taye Sanford, Lee Ramsey, John Olivier, Elizabeth Ryan and me) presents the following slate of candidates, although nominations may also be made from the floor:

Chair - Taye Sanford

Taye Sanford, who is currently the Chair-Elect of CASA, has served as the Supervising Staff Attorney at the U.S. Court of Appeals for the Tenth Circuit in Denver, Colorado, since 1998. Before that, Taye served as a line staff attorney at the Tenth Circuit for ten years. Taye came to the Tenth Circuit from private practice with a small firm in Golden, Colorado, where she concentrated in commercial litigation. Before entering private practice, Taye clerked for two state trial judges in Jefferson

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willing to search out the best shirt your randomly assigned number allows you to claim. A prize will go to the person who brings the most coveted shirt. If you don't want to participate in the T-shirt exchange, just have a drink and enjoy the flow and commotion until dinner is served.

With the Summit comes the end of the CASA officer and Executive Board member terms. At the CASA business meeting on Saturday, November 17, new officers and members-at-large will be elected. It has been a privilege serving as Chair this year, and I thank all those who have been hard at work on CASA business to date and those who are stepping up to carry on in the next year. I recommend service on the Executive Board or service on the Education Committee (responsible for helping plan and organize the Summit) as ways to expand your horizons a bit — I have so enjoyed the people I have met and the places I have traveled for these purposes. Another way to be active with CASA is to offer your writing talents to this newsletter — our new secretary will be looking for your assistance after the election. By the way, another CASA tradition encourages people attending the Summit on scholarship to "pay it forward" by writing an article for CASA Quarterly. We hope you will write a description of one of the Summit sessions, or something about your region or court, or something interesting about your work or hobbies, for all of our membership to enjoy.

Another way that I have been expanding my horizons this year is teaching an Appellate Practice class at Albany Law School. I have lectured in the same class for some years now, but I decided it was time to take on a full adjunct professor role, teaching one evening a week. It has been great fun, but lots of work, especially in the process of reviewing student briefs. My class will be presenting their oral arguments the night before I travel to New Orleans, so it will be a busy time. Overall, I have found the experience to be one that complements and energizes my work as an appellate staff attorney. I would be interested in hearing from other CASA members who have stepped into teaching. See you all in New Orleans!

County, Colorado. Taye received her J.D. from William & Mary Law School and her B.A. from Wesleyan University. Taye is also a graduate of Phillips Exeter Academy and has served as President of Exeter's Colorado Alumni Association since 2005. She is married to Tim, who is the pantry supervisor at a large metro food pantry, and they have a son, Drew, who is a junior at Northern Arizona University in Flagstaff and a daughter, Sara, who is a senior in high school in Denver.

Chair-Elect - Rachel Ekery

Rachel Ekery is the staff attorney for Texas Supreme Court Chief Justice Wallace B. Jefferson. She previously served as the Court’s staff attorney for extraordinary writs, more commonly known as the mandamus attorney.

Rachel received her undergraduate degree from Duke University, where she graduated cum laude with a double major in economics and political science. She graduated with honors from the University of Pennsylvania Law School, where she served as an editor of the Law Review. After graduating from law school, she practiced with Baker Botts LLP and Scott Hulse, PC, before joining the Texas Supreme Court in 2002. She is board certified in civil appellate law.

Immediate Past Chair - Susan Dautel

Susan Dautel has served as Assistant Deputy Clerk at the New York State Court of Appeals in Albany, New York since 2003. Her primary focus is administration of the appeals (as opposed to civil motions for leave to appeal or criminal leave applications) before New York's highest court. She also is an adjunct professor at Albany Law School, teaching Appellate Practice. A member of CASA since 2003, she has served for a number of years on CASA's Executive Board, and earlier on its Education Committee. She was a partner in an Albany law firm for 13 years, concentrating in employment law and commer-
cial litigation, appeals and transactional work. Her main interests outside of the legal world are travel, competitive tennis, and working with local and global Habitat for Humanity.

**Secretary - Rachel Zahniser**

Rachel Zahniser is a staff attorney for the United States Court of Appeals for the Sixth Circuit. She is a 1999 graduate of the University of Kentucky College of Law, where she was editor-in-chief of the Kentucky Law Journal. Upon graduation, she clerked for the Honorable Karl S. Forester of the United States District Court for the Eastern District of Kentucky and the Honorable Eugene E. Siler, Jr., of the United States Court of Appeals for the Sixth Circuit. After five years in private practice, Rachel joined the staff attorneys office in 2007. She and her husband Dave are the proud parents of a toddler, Robert, who attended last year’s Summit as a newborn. They are avid Cincinnati Reds fans.

**Members-at-Large, 2nd Year**

**Dalila Patton**

Dalila E. Patton is the Staff Attorney of the Supreme Court of the U.S. Virgin Islands and a member of the Virgin Islands Bar Association. The Supreme Court of the Virgin Islands officially assumed appellate jurisdiction on January 29, 2007 and Dalila has been the Staff Attorney for the Supreme Court of the Virgin Islands since the position was established in 2010. After receiving her J.D. from Tulane Law School in 2002, she worked as a judicial law clerk at the Territorial Court (now the Superior Court) of the Virgin Islands, Division of St. Croix. Upon the conclusion of her clerkship, she served as the legal counsel for the Virgin Islands Department of Planning and Natural Resources, Division of Coastal Zone Management. She is a member of Delta Sigma Theta Sorority, Inc. and volunteers for the Dr. Betty Shabazz Delta Academy, mentoring girls from ages 11 to 13. In her spare time, she enjoys relaxing on the lovely beaches of St. Croix with her family and friends.

**Geoff Davis**

Geoff Davis is a staff attorney in the Division of Supreme Court Administration for the Indiana Supreme Court. His previous employment includes service as a deputy prosecuting attorney and deputy attorney general in Indiana. He is a member of the Indiana Board of Law Examiners Committee on Character and Fitness and the Indiana State Bar Association’s Appellate Practice Section and American Citizenship Committee. He graduated Phi Beta Kappa from Wabash College and cum laude from Indiana University School of Law-Indianapolis. Geoff has spoken on appellate procedure and other legal topics to attorneys, court personnel, and students. He lives in Indianapolis with his two children, ages nine and eleven.

**Members-at-Large, 1st Year**

**Frank Gibbard**

Frank Gibbard graduated from the University of Wyoming College of Law in 1990. He attended his first CASA convention in 1992, while clerking for the Honorable G. Joseph Cardine of the Wyoming Supreme Court. After a brief period of private practice with a small firm in Cheyenne, Wyoming, Frank obtained his current position as a staff attorney with the Tenth Circuit Court of Appeals in 1995. Since 2003, he has indulged his passion for Colorado legal history by serving as secretary of the Tenth Circuit Historical Society and by writing a legal history column for the Colorado Lawyer magazine. The Colorado Bar Association recently published a book of his legal history columns entitled Steam, Steel & Statutes: True Tales From Colorado Legal History, which was selected as a 2011 Colorado Book Award finalist. Frank also serves as head of a French language Meetup group in Denver, sings tenor in a barbershop quartet, and plays the bass guitar in a Lutheran church band. He has been married to Chris, a medical social worker, for almost 30 years. They have two children, Ariana, who is a junior at the University of Colorado, and Ericka, who is pursuing a degree from Front Range Community College in Westminster, Colorado.

**Helen Williams**

Helen Williams obtained her B.A. in Philosophy, with a minor emphasis in French in 1984 from the University of California at Santa Cruz. During that time, she obtained a certificate in the Cours de Civilization from the Sorbonne, in Paris. She obtained her J.D. from Santa Clara School of Law in 1986, also completing a summer abroad program in Hong Kong. She is currently the lead staff attorney for Justices at the California Court of Appeal, 6th Appellate District, in San Jose. Helen has been a staff
attorney at the court for 8 years, for different justices. Before that, she practiced law in the Bay Area for 18 years, focusing on civil appellate matters and becoming certified by the California State Bar as an appellate specialist. She has served on many committees and commissions for the California State Bar and local bar associations, all relating to appellate law, and has served as a panelist and moderator for many continuing education courses on appellate law over the years. In addition to travel, she loves food, and supports the sustainable food movement, serving as a Board member of the Friends of the UCSC Farm & Garden, which promotes sustainable farming and agro-ecology. She also loves newspapers, ballet, and theater. She is married and has lived in Santa Cruz, CA for over 30 years.

Christina Smith

Christina Cooley Smith is the senior staff attorney for Judge Anne Elizabeth Barnes on the Georgia Court of Appeals, for whom she has worked since the judge was elected to the bench 13 years ago. Christina received her B.A. from Georgia State University and her J.D. from the University of Georgia School of Law in 1983, and is the current chair of the State Bar of Georgia’s Appellate Practice Section. Before coming to the Court of Appeals, Christina was the managing editor of Counsel Connect, an online service for lawyers that started up in 1993. During her career, she also owned a solo practice, clerked for a state trial court judge, worked in a small firm, and wrote for the Fulton County Daily Report and its parent company, American Lawyer Media. She is a member of the DeKalb Bar Association and the Lawyers Club of Atlanta.

Message From the Editor

by Janice Irving
Louisiana First Circuit Court of Appeal
Baton Rouge, LA

Bienvenue en Louisiane!

As a life-long resident of Louisiana, I join Peter Stevens of the Louisiana Third Circuit, John Olivier of the Louisiana Supreme Court, Kembra Smith (who knows New Orleans way better than I do) and Dalila Patton (she does, too!) in welcoming all of you who plan to attend the Summit. For those curious about how hot/cold it will be, the temperature may drop a bit in the next few weeks but right now it’s 86 degrees outside and gorgeous. Autumn arrives late down here so unless something very strange happens with the weather, you probably won’t need a heavy coat. I hope you bring walking shoes, though, because if the weather is agreeable you will find much to see and do close to the hotel.

As anyone from the rest of Louisiana will tell you (in a heartbeat), there’s more to the state than New Orleans. The roads are bad and you will run into construction and litter almost everywhere, but not even those things detract from the beauty of the Atchafalaya Basin (west of Baton Rouge), the live oaks (everywhere) and the leashed power of the Mississippi River. For this last issue of the Quarterly before the Summit, I planned to do a legal road trip through the state, a map pointing out the origins of cases you read in law school that made it to the United States Supreme Court. The research for that project took me back 150 years, through race riots and animals parts in the drinking water.* In the end, it turned out to be too depressing and not interesting enough for an article; and, I would say, not particularly representative of the state I know, although I am glad I did it and I recommend the exercise. (And I still don’t understand why we have had such a problem with jury trials.)

In this issue, we have a rundown of the CASA Board and officers for 2013, and the educational and social highlights of the upcoming Summit. Geoff Davis tells us a bit about citizenship ceremonies and Indiana (although I have to say I’d never heard of a rotary jail before.) Dalila Patton describes the “history in the making” process by which the Supreme Court of the Virgin Islands was established.

As I end my year as Secretary, I do want to echo Susan’s
Greetings from Louisiana. The education committee with the Appellate Judges Education Institute has been diligently working, putting together a stellar legal Summit for presentation this November 15 through 18, to be held in New Orleans, Louisiana. We are very enthusiastic about the program that we have assembled, both in the subject ranges as well as the outstanding presenters.

Following on the heels of the presidential election, the Summit will start off with a panel discussion devoted to the presidential election’s potential impact on the appellate judiciary. This session will be followed by an examination of issues pertaining to access to justice. We shall round out that first evening with a reception at the historic building which is home to the Louisiana Supreme Court.

In the second day, Summit attendees have the opportunity to get updates on the U.S. Supreme Court’s civil and criminal cases. Attendees can attend a session that morning on non-verbal aspects of oral argument. Other topics for that day include issues emerging out of energy litigation and discussions on the use of technological advancements in appellate practice and the judiciary, such as electronic briefing, research tools, and other related topics. And, finally, that evening, attendees will be treated to a conversation with U.S. Supreme Court Justice Antonin Scalia.

The following day, the Summit continues with additional presentations on a variety of topics, including dealing with disasters, natural and man-made; cutting edge issues in tort law; and a preview of cases coming up at the U.S. Supreme Court. During the Summit, several sessions will provide information on legal writing in the appellate court, including how to be collegial in opinion writing and how to be professional even if the appellate court is reversing the decision on appeal. Attendees will have the opportunity to participate in answering hypothetical conundrums arising within a court as one of several sessions devoted to ethical issues. Another session devoted to ethical issues will examine our possible response to substance abuse issues that could arise in the appellate system. The final day will provide opportunities to learn more about religious accommodation, inter-jurisdictional child custody matters, and issues arising out of the Patriot Act.

Throughout the Summit, attendees will be hearing from some of the most brilliant jurists, both federal and state, from around the country, as well as legal scholars. The Summit will have the participation of many experts within certain fields. Finally, there will be ample opportunities to meet and network with fellow appellate court staff members, including attending a dinner social at a local restaurant in the French Quarter.

So, we look forward to seeing y’all in New Orleans. Brochures on the Summit have already been sent out, but you can also access the information online at www.law.smu.edu/ajei. You are encouraged to review the material on the Summit so that you can see the incredible array of experts and topics that we have assembled for this meeting.

And, as we say down here in south Louisiana, “LAISSEZ LES BON TEMPS ROULEZ!”
Adventures in New Orleans

by Kembra Smith
U.S. Court of Appeals, 11th Circuit (Ret.)
Atlanta, GA

This year, I had the privilege of serving on the AJEI’s Program Committee, and was assigned the task of assembling information on tours and excursions for folks attending the Summit in the City of New Orleans. New Orleans is, as any of you attending the Summit or ever thinking of visiting the city will discover, a multi-cultural feast for all senses and thus provided many opportunities for varied excursions besides the restaurants! Many excursions can be easily done by yourself: have a coffee and beignet at Café Du Monde, wander the streets of the French Quarter, take the free ferry to Algiers, visit the WWII Museum (or any of the other galleries and museums, the Aquarium, or the Zoo), take the streetcars along St. Charles Avenue through the Garden District, and squeeze yourself into one of the jazz performances at Preservation Hall. Or, if you’re wanting to see what your colleagues are doing, visit the appellate courts: the United States Court of Appeals for the Fifth Circuit, the Louisiana Supreme Court, and a Louisiana Court of Appeals are within the City. But, if you’re ready for an organized tour, here are some of my favorites, whether you are able to take advantage of them in November 2012 or later!

First, the “free” excursions and tours:

There are two National Park sites in and near New Orleans: New Orleans Jazz National Historical Park (NOJNHP) and Jean Lafitte National Historical Park and Preserve (JLNHP). See www.nps.gov. NOJNHP has two locations within the French Quarter: the Visitor Center, 916 N. Peters Street, and the Old U.S. Mint, 400 Esplanade Avenue. Both locations offer free ranger talks, demonstrations, interactive displays, and live jazz performances, are open daily, and are wheelchair accessible. Reservations are not required for the performances. JLNHP also has two locations: in the French Quarter at 419 Decatur Street and in Chalmette at the Chalmette Battlefield. The French Quarter Visitor Center has exhibits on the cultural and historical influences in New Orleans, and offers free daily ranger-led morning walking and wheelchair accessible tours along the Mississippi. The Chalmette Battlefield was the site of the 1815 Battle of New Orleans. The Chalmette site is accessible from the French Quarter on the Creole Queen Paddle wheeler, #1 Poydras Street, Riverwalk Market Place, on cruises that board from 1:30-2:00 PM, departs at 2:00 PM, and returns to the New Orleans dock at 4:30 PM. At the Battlefield, ranger-led tours include the Battlefield, the Malus-Beauregard House, and the Chalmette Monument. Although the Battlefield is free, the cruise is $22 per person (adults), $11 (children 6-12), and free (children 0-5). Reservations are not required for the Battlefield but tickets are required for the cruise. See http://www.bigeasystore.com/CC/cruise_battlefield.html.

One company offers “free” (but tips are encouraged) walking tours: Free Tours by Foot; www.freetoursbyfoot.com. Participants must be able to walk about one mile, and are given an overview of the French Quarter, including Jackson Square, St. Louis Cathedral, the Cabildo, the Presbytere, Pirate Alley, the William Faulkner House, the Tennessee Williams house, Bourbon Street, Lafitte Blacksmith Shop. The tour begins at 2:00 PM daily at the Jackson Square statute but reservations are required.

Tours that cost:

Architecture tours are offered by the American Institute of Architects (www.aianeworleans.org). There are two guided tours, one of the Modern Architecture in New Orleans and one of the architecture and redevelopment of the Ninth Ward. Both tours use either a bus or a street car, require reservations, and have “nominal” cost. The National Park Service recommends the Friends of the Cabildo walking tour of the French Quarter. See http://www.friendsofthecabildo.org/. This is another “overview” tour, and includes information on the history, architecture, and folklore, the Cabildo, the 1850 House (living museum), Presbytere (Mardi Gras and Living With Hurricanes: Katrina and Beyond exhibits), Old U.S. Mint, and Madame John’s Legacy. These daily two hour tours, which do not require reservations, begin at the 1850 House Museum Store, 523 St. Ann Street, and cost $15.00 (adults), $10 (students 13-20), and are free for children (under 12 and accompanied by an adult).
One of the Friends of the Cabildo’s licensed guides, Judy Bajoie, provides more in-depth tours focused on the interests of her participants. See www.toursbyJudy.com. Ms. Bajoie is a native New Orleanian, and will provide insights into the architecture, culture (including a focus on Free People of Color), folklore, and history (including literary history) of the City. Ms. Bajoie will meet her participants at their hotel or at a designated location at the cost of $15 per person. For more information, contact her at 504.416.6666.

Finally, for folks in the mood for a taste of New Orleans, try the “Old New Orleans Distillery” Tour. See http://www.neworleansrum.com/. The tours are for adults 21 or older, of the Old New Orleans Distillery and include an Old New Orleans Rum (ONOR) cocktail to start and a tasting of all of the ONOR products. The Distillery, 2815 Frenchman Street, is not within the French Quarter, but Old New Orleans will provide a courtesy van for transport. The 45-minute tour, which is available daily at 2:00 PM, costs $10 per person.

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This Land Is Your Land

By Geoff Davis
Indiana Supreme Court
Indianapolis, IN

For nearly a decade, I have served as a member of the Indiana State Bar Association’s American Citizenship Committee. Committee members take turns representing the State Bar Association at naturalization ceremonies conducted by the federal courts in Indiana. Many of my Hoosier friends have attended or participated in such ceremonies. If you have not, I encourage you to attend one in your state.

The ceremonies in Indianapolis are usually held in the beautiful and historic federal courthouse downtown. Occasionally, they take place at other nearby locations, including the President Benjamin Harrison Home, Conner Prairie History Park, or the Indiana State Fairgrounds. Over the years, I have witnessed about a thousand people become American citizens.

Regardless of their location, these ceremonies are formal court proceedings. The judge typically makes some welcoming remarks, comments on the meaning of American citizenship, and administers a formal oath of allegiance. The court invites the youngest new citizen to lead everyone in reciting the Pledge of Allegiance. Representatives from professional organizations, civic groups, and the offices of a few elected officials make comments and encourage new citizens to become actively involved in their neighborhoods and in the American democracy. We hand out small flags, copies of the constitution, and memorial certificates. One civic group presents the most senior new citizen with an American flag flown over the U.S. Capitol. Often, the judge comes down from the bench to hand out citizenship certificates personally and pose for pictures with new citizens as the ceremony concludes. Usually, someone from the local clerk’s office is on hand after the ceremony to register new citizens to vote.

I am always moved most by the roll call, which occurs early in each ceremony. An immigration officer reads the name of each person who will take the oath of citizenship. The person whose name is called stands up and responds by stating that person’s country of origin. The responses at the last ceremony I attended included 37 nations, among them China, Poland, Bangladesh, Liberia, Myanmar, Germany, Niger, Cuba, Nepal, Myanmar, Nepal, Peru, India, Barbados, Sudan, Vietnam, Syria, Colombia, Mexico, Brazil, and the United Kingdom. As several of the judges have pointed out, these ceremonies are a rare opportunity to see everyone leave court happy. And the ceremonies are, at least for me, a source of continual optimism about our nation.
Day Trips From Indianapolis

by Geoff Davis
Indiana Supreme Court
Indianapolis, IN

This summer, my children and I had the chance to visit a few places in Indiana you should visit if you get the chance, places where you can learn something about this state’s history.

Corydon was Indiana’s second Territorial capital (after Vincennes) and the first capital of the State of Indiana, before Indianapolis became the capital in 1825. Corydon is located in Harrison County in the southern part of the state. The Old Capitol building in Corydon is open to the public and sits next to the current Harrison County Courthouse. Included here is a photo of the Supreme Court courtroom on the second floor of the Old Capitol building; the bench shows where the Court’s three Judges sat. Near the Old Capitol building is a memorial to the Hon. Frank O’Bannon, Governor of Indiana (1997-2003), who was from Corydon.

Next, we visited Turkey Run State Park in Parke County in west central Indiana. The park has an impressive network of hiking trails that vary in length and difficulty. Scientists believe that the canyons through which many of these trails run were cut away by water from melting glaciers. The photo here shows the kids walking through one of those canyons. According to one park brochure, the park’s name comes from the wild turkeys that used to congregate and travel through those canyon bottoms. The children especially liked the suspension bridge that spans over Sugar Creek and the horseback riding trails. And they loved the park’s large outdoor pool. The park also has an inn and an outstanding nature center where visitors can view bees, birds, squirrels, groundhogs, and other animals. Additionally, the park is well situated for those who like to attend the Covered Bridge Festival held in the area every fall.

We also spent a day in Crawfordsville, located in Montgomery County in west central Indiana. I recommend several of that city’s attractions. Crawfordsville is the home of Wabash College (“Go, Little Giants!”), a small liberal arts college founded in 1832. Literary trivia mavens know that the poet Ezra Pound once taught languages at the college, and sports fans know the school as a perennial NCAA Division III football powerhouse. Each year the college hosts world-class artistic performances and lectures that are free and open to the public. A spectacular arboretum surrounds much of the campus.

Our next stop in Crawfordsville was the Rotary Jail Museum, which is listed on the National Register of Historic Places. The county jail operated there from 1882 until 1973. It is one of only a few rotary jails still in existence and, according to the museum guide, the only one that still rotates. The museum tour allows visitors to see where the sheriff and jail matron lived and prepared meals for the jail’s “guests,” step inside the pie-piece shaped cells, and go beneath the jail to observe cranks, gears, and other machinery that still turn the two tiers of cells within the jail’s stationary bars.

Our last stop in Crawfordsville was the Lew Wallace Study. Wallace was a lawyer, Union general during the American Civil War, Minister to Turkey, Governor of the Territory of New Mexico, and, perhaps most famously, author of several books, including Ben-Hur. For a
Establishing the Supreme Court of the United States Virgin Islands

by Dalila E. Patton
Supreme Court of the Virgin Islands
Frederiksted, St. Croix, U.S.V.I.

The United States Virgin Islands, as an unincorporated territory of the United States, is governed by the “Territorial Clause” of the Constitution, which states that “[t]he Congress shall have power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.” U.S. Const. art. IV §3. “Congress exercised this authority through the Revised Organic Act, which serves as the Virgin Islands constitution.” Parrott v. Gov’t of the Virgin Islands, 230 F.3d 615, 623 (3d Cir. 2000) citing 48 U.S.C. §§1541-1645 (West 1987 & Supp. 2000). The Revised Organic Act of 1954 originally vested “the judicial power of the Virgin Islands” in the District Court of the Virgin Islands “and in such courts of inferior jurisdiction as may have been or may hereafter be established by local law.” U.S. v. George, 625 F.2d 1081, 1088 (3d Cir. 1980). Aside from its jurisdiction over all causes arising from the Constitution, treaties and laws of the United States, the District Court also had “appellate jurisdiction to review the judgments and orders of the inferior courts of the Virgin Islands to the extent now or hereafter prescribed by local law.” 48 U.S.C. §1613A(a) (amended 1984). Based on the latter provision, the “Appellate Division of the District Court,” which is comprised of the St. Thomas district judge, the St. Croix district judge and a rotating Superior Court judge, has had jurisdiction over all appeals from the final decisions of the courts of local jurisdiction. The Revised Organic Act also granted the United States Court of Appeals for the Third Circuit (“the Third Circuit”) jurisdiction to review all final decisions of the District Court of the Virgin Islands, including its Appellate Division. See 48 U.S.C. 1613A(c) Basically, under the Revised Organic Act, the Third Circuit has been functioning as the Supreme Court of the Virgin Islands.

In 1984, Congress amended the Revised Organic Act of 1954, by vesting “[t]he judicial power of the Virgin Islands” in a “District Court of the Virgin Islands established by Congress, and in such appellate court and lower local courts as may have been or may hereafter be established by local law.” 48 U.S.C. § 1611(a)(emphasis added). Under the terms of this amendment, the Appellate Division of the District Court of the Virgin Islands retained jurisdiction over appeals from the local Virgin Islands courts, but Congress granted the Government of the Virgin Islands the authority to establish an appellate court. Once this was done, the Appellate Division of the District Court would no longer exercise appellate jurisdiction over cases adjudicated in the Superior Court of the Virgin Islands (the court of original jurisdiction over all cases
governed by local laws). See 48 U.S.C. 1613A.

On October 29, 2004, the governor of the Virgin Islands signed Act No. 6687, which established the Supreme Court of the Virgin Islands as “the highest court of the Virgin Islands.” 4 V.I.C. §2. The V.I. Supreme Court has jurisdiction over, inter alia, all appeals of final decisions from the Superior Court. 4 V.I.C. §§32. The establishment of the Supreme Court changed the Third Circuit’s role in Virgin Islands jurisprudence. In a nutshell, the Revised Organic Act provides that the Supreme Court of the Virgin Islands would have the same relationship with the Supreme Court of the United States as do the highest courts of the several states. However, for the first fifteen years after the Supreme Court of the Virgin Islands assumed jurisdiction over appeals from the Superior Court, the Third Circuit has the discretion to review, by writ of certiorari, all final decisions of the Supreme Court of the Virgin Islands. See 48 U.S.C. 1613. The Revised Organic Act further provides that the Judicial Council of the Third Circuit must submit reports to the Committee of Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives every five years following the establishment of the Supreme Court “as to whether it has developed sufficient institutional traditions to justify direct review by the Supreme Court of the United States from all such final decisions.” Id.

In the first case over which the Third Circuit granted certiorari, Pichardo v. V.I. Comm’r of Labor, et al., 613 F.3d 87 (3d Cir. 2010), the Third Circuit established its standard of review of V.I. Supreme Court decisions. Due to the identical language governing the relationship between the United States Court of Appeals for the Ninth Circuit the Supreme Court of Guam (another unincorporated territory governed by the Territorial Clause), the Third Circuit adopted the standard of review articulated by the Ninth Circuit Court of Appeals in Haeuser v. Dept’t of Law, 368 F.3d 1091 (9th Cir. 2004). To summarize, it determined that “the degree of deference we must afford to a territorial supreme court allows for reversal on matters of local law only when clear or manifest error is shown. Pichardo at 98. Pursuant to 48 U.S.C. § 1613, the Third Circuit enacted Rules and Regulations governing, inter alia, its determination as to whether it will grant a petition for a writ of certiorari to consider an appeal from the Supreme Court of the Virgin Islands. See generally, 3d Cir. L.A.R. MISC 112.1. (2011). The Third Circuit states that petitions “will be granted only when there are special and importance reasons therefor.” 3d Cir. L.A.R. MISC. 112.1 (2011).

As previously indicated, in addition to this discretionary review, the Judicial Council of the Court of Appeals for the Third Circuit is responsible for determining whether the Virgin Islands Supreme Court has developed sufficient institutional traditions five years after the Supreme Court was established. Since January 29, 2012 marked the five-year anniversary of the Supreme Court’s formal exercise of judicial authority, the Third Circuit’s Judicial Counsel prepared the “Report of the Judicial Council of the United States Court of Appeals for the Third Circuit on the Virgin Islands Supreme Court” (hereinafter “Report”), which is available on the Virgin Islands Supreme Court’s website, www.visupremecourt.org. The Judicial Counsel’s Review Committee reviewed the Court’s rules and internal operating procedures, along with all of the Court’s precedential opinions and a sampling of the non-precedential opinions. See Report at 6-7. In mid-December of 2011 the Committee braved the harsh Virgin Islands winter in order to tour the Court’s facilities and meet with the three Justices, the Clerk of the Court, the Court’s staff, the Superior Court judges, other V.I. Government officials from the legislative and executive branches, government attorneys and members of the V.I. Bar Association. See Report at 7-8.

On April 18, 2012 the Virgin Islands Supreme Court Review Committee of the U.S. Court of Appeals for the Third Circuit transmitted its completed review, which concluded that the Supreme Court of the Virgin Islands has developed sufficient institutional traditions to justify direct reviews of its final decisions by the United States Supreme Court. See Report at 23. Therefore, the Judicial Counsel of the Third Circuit has recommended that the relevant Committees of Congress consider legislation providing that the Supreme Court of the Virgin Islands enjoy the same relationship with the Supreme Court of the United States as do the highest courts of the several states. Id. On July 12, 2012, Virgin Islands Delegate to Congress Donna M. Christensen introduced the recommended legislation, with 32 co-sponsors. See H.R. 6116 112th Cong. (2012). The passage of this legislation would
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ANNOUNCEMENTS

2012 ABA MIDYEAR MEETING
The ABA Judicial Division will meet in Dallas, TX from Wednesday, February 6 through Sunday, February 10, 2013. Judicial Division meetings and events will take place at the Anatole Hotel.
For registration, schedules, event tickets, and details on the Judicial Clerkship Program, visit www.ambar.org/jdmidyear.

ABA PRESIDENTIAL APPOINTMENTS
Submit your name for a position on the 2013-14 ABA presidentially appointed Standing and Special Committees, Commissions, Working Groups, Task Forces and other ABA entities.
Please note that all recommendations must be made using the on-line nomination form. The form can be found beginning on December 3, 2012 at http://apps.americanbar.org/appointments.
Please also note that a separate form must be submitted for each person recommended for a committee appointment.

The deadline for submitting recommendations is February 25, 2013. All recommendations must be received by that date to ensure inclusion in the decision-making process.