

# District Court of the Virgin Islands



Honorable Wilma A. Lewis  
Chief Judge

Glenda L. Lake, Esquire  
Clerk of Court

2015

SIXTH ANNUAL

## District Conference

January 20, 2015

Frenchman's Reef & Morning Star

Marriott Beach Resort

St. Thomas, U.S. Virgin Islands



**DIVISION OF ST. CROIX**

Honorable Wilma A. Lewis, Chief Judge

Honorable Raymond L. Finch, Senior District Judge

Honorable George W. Cannon, Jr., Magistrate Judge

**DIVISION OF ST. THOMAS/ST. JOHN**

Honorable Curtis V. Gómez, District Judge

Honorable Ruth Miller, Magistrate Judge

Honorable George W. Barnard, Recalled Magistrate Judge



## A Message from the Chief Judge

Greetings and Happy New Year!

On behalf of the District Court of the Virgin Islands, it is my great pleasure to welcome you to the Court's Sixth Annual District Conference. The District Court has assembled an exceptional array of speakers who will edify and educate us through a variety of informative and interactive presentations. As always, Dean Erwin Chemerinsky will provide his much-anticipated "Supreme Court Round-Up." Professor Susan Carle will enlighten us on "Ethics in the Age of Social Media." The Honorable Julio M. Fuentes and the Honorable D. Brooks Smith will present practitioners with helpful hints on effective advocacy before the Third Circuit. Dr. David Hall, President of the University of the Virgin Islands, will inspire us with his luncheon keynote address entitled "The Lawyer As Leader." Last, but certainly not least, Professor Cynthia Jones will engage us with a dynamic, interactive presentation entitled "Evidence in Action."

I wish to extend sincere thanks and appreciation to all of the presenters for their willingness to participate in our Conference. We are the grateful beneficiaries of the knowledge and wisdom that they will undoubtedly impart through their respective presentations. I also wish to thank Joanne Barry, Chief Deputy Clerk, and the entire team from the District Court who worked very hard to make this Conference a reality.

Thank you for attending our Conference.

Regards,

A handwritten signature in blue ink that reads "Wilma A. Lewis". The signature is fluid and cursive, with a large loop at the end. It is positioned above the printed name and title.

Wilma A. Lewis  
Chief Judge

# Conference Agenda

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**7:45 A.M. – 8:25 A.M.**

***Registration and Continental Breakfast***

**8:25 A.M. – 8:30 A.M.**

***Welcome***

Honorable Wilma A. Lewis, Chief Judge  
District Court of the Virgin Islands

**8:30 A.M. – 10:10 A.M.**

***Supreme Court Round-Up***

Professor Erwin Chemerinsky, Dean  
University of California  
Irvine School of Law

**10:10 A.M. – 10:20 A.M.**

***Break***

**10:20 A.M. – 11:20 A.M.**

***Ethics in the Age of Social Media***

Susan D. Carle, Professor of Law  
American University  
Washington College of Law

**11:20 A.M. – 12:20 P.M.**

***Appellate Advocacy in the Third Circuit***

Honorable Julio M. Fuentes, Circuit Judge  
Honorable D. Brooks Smith, Circuit Judge  
United States Court of Appeals for the Third Circuit

**12:20 P.M. – 1:35 P.M.**

***Buffet Lunch***

**12:45 P.M. – 1:35 P.M.**

***Luncheon Keynote Address  
The Lawyer As Leader***

Dr. David Hall, President  
University of the Virgin Islands

**1:35 P.M. – 1:45 P.M.**

***Break***

**1:45 P.M. – 3:25 P.M.**

***Evidence in Action***

Cynthia E. Jones, Associate Professor of Law  
American University  
Washington College of Law

**3:25 P.M. – 3:30 P.M.**

***Closing***

Honorable Wilma A. Lewis, Chief Judge  
District Court of the Virgin Islands

**3:30 P.M.**

***Reception***



**Dr. David Hall**

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Dr. David Hall began his tenure as the fifth president of the University of the Virgin Islands (UVI) on August 1, 2009. At that same time he was also awarded a Distinguished Professorship of Spirituality and Professionalism at UVI. In his Fall 2009 Convocation address, Dr. Hall placed the University of the Virgin Islands on the “Pathways to Greatness.”

On Nov. 4, 2009, Dr. Hall convened a meeting of male students that has come to be known as “Brothers with a Cause.” This organization, made up of male students on the University’s St. Thomas and St. Croix campuses, has a goal of increasing the recruitment, retention and graduation rates of young men within the territory while promoting the mental, physical, social and spiritual enhancement of male UVI students and the communities that they represent. A major outgrowth of this effort is the annual Man Up Conference sponsored by the University which attracts over 3,000 male students to the University for a day-long program of information and inspiration.

Under Dr. Hall’s leadership, UVI has made important strides toward raising the image and position of the University. He led the effort to change the structure of the academic units from divisions to colleges and schools. Additionally, new academic programs, such as a Master of Arts in Counseling Psychology and a Bachelor of Business Administration in Hospitality and Tourism Management have been instituted. The University has also launched a Caribbean Center for Green Technology, a Center for the Study of Spirituality and Professionalism, a Center for Student Success and an Institute for Leadership and Institutional Effectiveness. A recycling program has been implemented on both campuses as part of the UVI Goes Green initiative.

Under President Hall’s leadership, the University also received a \$1 million pledge to create a science building, and a \$5 million gift to create the 13D Student Entrepreneurial Competition and fund the Kiril Sokoloff endowed professorship in Entrepreneurship. Alumni contributions have also doubled since his tenure as President. The University has also constructed a 100-bed state-of-the-art residence hall on its St. Thomas Campus and has worked with the Research and Technology Park to construct an academic building on St. Croix.

Born in Savannah, Georgia, Dr. Hall holds a bachelor’s degree from Kansas State University, where he was named an “All American” for his athletic and scholarly accomplishments. After graduating from Kansas State, he played professional basketball in Italy. He received his doctor of jurisprudence (JD) from the University of Oklahoma, where he also earned a master’s degree in Human Relations. He holds both an LL.M. degree and a doctorate of juridical science (SJD) from Harvard Law School.

In 1993, when he was appointed dean of the Northeastern University School of Law, he made history by being the first African-American to hold the position. He also served as Provost and Senior Vice President of Northeastern University, and was also the first African American to hold that position.

Having taught law for more than 25 years in the law schools of the University of Mississippi, the University of Oklahoma and Northeastern University, Dr. Hall has enjoyed a distinguished career as an educational administrator and preeminent scholar in the field of law. In May 2010, in recognition of his significant contributions to the legal field, Dr. Hall was awarded the honorary degree of Doctor of Laws from the New England School of Law in Boston, Massachusetts. He has been honored by the Massachusetts Black Lawyers Association as a Trailblazer. Dr. Hall was appointed by President George W. Bush to serve on the Legal Services Corporation Board of Directors.

His publications include works on civil rights, the U.S. Constitution and race, legal education, and social justice. He has authored a book on the intersection of law and spirituality, entitled “The Spiritual Revitalization of the Legal Profession: A Search for Sacred Rivers,” and lectures nationally on topics of social justice, leadership, diversity and spiritual values in professional life. He is married to Dr. Marilyn Braithwaite-Hall, and is the father of three children: Rahsaan, Sakile and Kiamsha.

# Presenters

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## Susan D. Carle

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Susan D. Carle is Professor of Law at American University Washington College of Law, where she teaches and writes about legal ethics, civil rights legal history, employment discrimination, and the history and sociology of the legal profession. She conducts legal ethics seminars for various lawyers' associations, including, in recent months, the NAACP Legal Defense Fund and the National Organization of Lawyers for Education Associations.

Professor Carle is the author of *Defining the Struggle: National Organizing for Racial Justice, 1880-1915* (Oxford University Press, 2013), for which she received the Organization of American Historians' Liberty Legacy Award for "the author of the best book by a historian on the civil rights struggle from the beginnings of the nation to the present." She has published numerous articles examining lawyers' conceptions of their professional obligations to further the public interest in journals including the *Cornell Law Review*, *Fordham Law Journal*, *Florida Law Review*, *Harvard Journal of Gender and the Law*, *American University Law Review*, and *Stanford Journal of Civil Rights and Civil Liberties*. She is also editor of *Lawyers' Ethics and the Pursuit of Social Justice* (NYU Press Critical America Series 2005), which collects work in the emerging field of critical legal ethics scholarship. In 2001, her paper entitled "Race, Class and Legal Ethics in the Early NAACP" received the Association of American Law Schools' Best Scholarly Paper Award, and in 2006 she received the Jean and Edgar Kahn National Equal Justice Library Award for distinguished scholarship on the subject of access to justice. She has served as chair of the American Association of Law Schools Section on Professional Responsibility and its Professional Development Committee, and is currently a member of the Legal Ethics Advisory Committee of the National Disability Rights Network and the ABA Center for Professional Responsibility's Diversity Committee.

Professor Carle attended Yale Law School, where she served as an editor of *The Yale Law Journal*. She clerked on the United States Court of Appeals for the Third Circuit and served as an appellate attorney in the Civil Rights Division of the U.S. Department of Justice. She was W.M. Keck Fellow in Legal Ethics at Georgetown University Law Center from 1995-97, and in 2006 served as Visiting Professor of Law at the Harvard Law School.



## Erwin Chemerinsky

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Erwin Chemerinsky is the founding Dean and Distinguished Professor of Law, and Raymond Pryke Professor of First Amendment Law, at UC Irvine School of Law, with a joint appointment in Political Science. Prior to assuming this position in 2008, he was the Alston and Bird Professor of Law and Political Science at Duke University from 2004-2008, and before that was a professor at the University of Southern California Law School from 1983-2004, including as the Sydney M. Irmas Professor of Public Interest Law, Legal Ethics, and Political Science. He is the author of eight books, including *The Case Against the Supreme Court* published by Viking in 2014, and more than 200 law review articles. He frequently argues appellate cases, including in the United States Supreme Court. In January 2014, National Jurist magazine named Dean Chemerinsky as the most influential person in legal education in the United States. Dean Chemerinsky is a graduate of Northwestern University and Harvard Law School.

## Honorable Julio M. Fuentes

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Judge Fuentes of North Caldwell, New Jersey, earned a bachelor's degree from Southern Illinois University in 1971. Previously he served in the U.S. Army for several years and was honorably discharged as a First Lieutenant. He received a law degree from the University of Buffalo Law School in 1975 and Masters Degrees from Rutgers University in 1982 and one from New York University in 1993. He commenced his practice of law with the firm of Miller, Hochman, Meyerson and Schaeffer in Jersey City, New Jersey. In 1978 he was appointed municipal judge in the City of Newark and served in that position until 1987 when Gov. Thomas Kean appointed him to the New Jersey Superior Court. At the Superior Court, he served in the Family, Criminal and Civil Divisions and as Presiding Judge in Civil and General Equity. In 1999, Judge Fuentes was nominated by President Clinton to the U.S. Court of Appeals for the Third Circuit. He was unanimously confirmed by the U.S. Senate in March 2000. In May 2008, he received an honorary Doctor of Laws degree from Montclair State University. Judge Fuentes is a member of various bar associations and is a past member of the Supreme Court committee on Court Administration and Case Management. Judge Fuentes was born in Puerto Rico and spent his early years in New York City and Toms River, New Jersey.



## Cynthia E. Jones

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Professor Cynthia E. Jones teaches courses in evidence, criminal law, criminal procedure, and a seminar on Race, Crime and Politics. She received the American University Faculty Award for Outstanding Teaching in 2011 and was awarded the “Teaching With Technology” award by the American University Center for Teaching Excellence in 2009. Professor Jones co-founded the Washington College of Law Criminal Justice Practice and Policy Institute in 2013, and each year she conducts numerous evidence training seminars for federal and state judges. Professor Jones is the former Executive Director of the Public Defender Service for the District of Columbia, the former Deputy Director of the District of Columbia Pretrial Services Agency, and has served as the Director of the American Bar Association Racial Justice Improvement Project.

Professor Jones currently serves on the governing boards of the Sentencing Project and the Pretrial Justice Institute. She has previously worked as a law clerk on the District of Columbia Court of Appeals, an associate at the law firm of Dickstein, Shapiro and Morin, and as a public defender for five years at the Public Defender Service for the District of Columbia. Professor Jones’ research and scholarship focuses on wrongful convictions and addressing racial disparities in the criminal justice system. Her recent publications include:

*“Give Us Free”: Eliminating Racial Disparities in Bail Determinations*, 16 *N.Y.U. J. Legis. & Pub. Pol’y* 919 (2013).

*Confronting Race in the Criminal Justice System: the ABA Racial Justice Improvement Project*, *Criminal Justice* (2012).

Co-author, *Mastering Criminal Procedure, Volume I and Volume II*, (Carolina Press, 2010, 2011).

*A Reason to Doubt: The Suppression of Evidence and the Inference of Innocence*, 100 *J. Crim. Law & Criminology* 415 (2010).

*The Right Remedy for the Wrongly Convicted: Judicial Sanctions for Destruction of DNA Evidence*, 77 *Fordham L. Rev.* 2893 (2009).



## Honorable D. Brooks Smith

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D. Brooks Smith has been a federal judge for more than 25 years. He serves as a judge on the United States Court of Appeals for the Third Circuit, having been appointed to that court in September of 2002. Prior to his elevation to the Third Circuit, Judge Smith was the Chief Judge of the United States District Court for the Western District of Pennsylvania. He joined the District Court in November of 1988, and in his first years of service, supervised the opening of both a temporary court facility in Johnstown, Pennsylvania, and the permanent District Court quarters that are in use today.

Judge Smith was the managing partner in the law firm of Jubelirer, Carothers, Krier, Halpern and Smith in Altoona, Pennsylvania in the early 1980s. He served as District Attorney of Blair County, Pennsylvania from 1983-84, and later became a Judge of the Court of Common Pleas of that County.

Judge Smith is a graduate of Franklin and Marshall College and Penn State’s Dickinson School of Law. He is an adjunct professor at Penn State Law where he teaches a course on class actions, and was named an Alumni Fellow in 2011. He has served as a trustee of both Saint Francis University in Loretto, Pennsylvania, and Mount Aloysius College. Mount Aloysius conferred an honorary doctorate upon Judge Smith in 2012.

Judge Smith is a member of the American Law Institute, and he has served by appointment of the Chief Justice of the United States on two U.S. Judicial Conference Committees: the Advisory Committee on Criminal Rules and the Committee on Space and Facilities. He is currently chair of the Space and Facilities Committee.

In recent years, Judge Smith has assisted the U.S. Department of State, U.S. Department of Justice, USAID and other organizations, in rule of law efforts in Albania, Azerbaijan, Bosnia, Bulgaria, Kosovo, Latvia, Macedonia, Moldova, the Philippines, Russia, Serbia, Turkey, and Ukraine.

