

More Than 800 Probate Cases Pending as Judge Warns Courts Lack Staff to Clear Backlog

Superior Court Presiding Judge Jessica Gallivan told lawmakers that over 800 active probate cases remain in the system, with delays driven by staffing shortages, complex family disputes, and procedural issues, despite steady progress in case clearance.

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At the end of 2025, there were over 800 active probate cases being managed by local courts, and more staff is needed to help bring down that number, Superior Court Presiding Judge Jessica Gallivan told lawmakers on Thursday.

Judge Gallivan was among several witnesses who testified before the Committee on Disaster Recovery, Infrastructure, and Planning, offering insight into the challenges surrounding heirs'

property and probate issues.

The Superior Court, she said, is “deeply aware of its responsibility and we remain committed to moving our probate matters forward diligently and fairly.” However, Gallivan was keenly aware of the challenges that slow the process down.

She remarked that the delays in probate cases are “often the result of multiple intersecting factors rather than a single cause.” Among them are errors or omissions in filings, non-responsive parties or attorneys, disagreements over interpretations of wills, trusts and other legal documents, as well as disputes among heirs.”

Despite the challenges, she testified that “for the most part, our clearance rate exceeds our intake, showing slow but steady progress.”

Beyond external challenges, the Superior Court relies heavily on law clerks to advance probate cases. Unfortunately, law clerks have been abandoning the judiciary for higher-paying jobs in the executive branch.

The superior court, however, needs “more help,” said Judge Gallivan. Funding, she said, is needed to “hire and retain clerical, administrative and legal staff.”

Made aware of the personnel challenges, Senator Kurt Vialet suggested hiring temporary magistrates, including retired professionals, “just to deal with probate until you're down to literally nothing.”

It's not something Gallivan was entirely convinced would help. She noted that the delays are not really stemming from friction within the judicial cohort.

“They're doing orders to compel. They're following up on those orders. Their law clerks are making the introspection [of] why the case might be sitting,” she explained.

Hiring additional law clerks seemed to be a bigger need than recruiting more magistrates.

Tamara Charles, clerk of the Superior Court, explained that “the clerks are moving off island. They're going to other jobs that pay more...It is hard to keep somebody. A lot of my clerks complain it's a lot of work.”

The Superior Court, however, must contend with a shortage of space – an additional layer to the pressing funding challenge. Both space and staff are needed to ensure that probate matters are dealt with more efficiently, lawmakers were informed.