

MY TURN

JP candidates should have to prove they understand basic legal concepts

There is a mistaken belief that justices of the peace do nothing more than handle minor traffic tickets and perform wedding ceremonies. Of course, this is far from the truth.

There are 23 justices of the peace in Maricopa County who individually hear about 18,000 cases a year, all demanding knowledge of a wide variety of legal principles. JPs are limited-jurisdiction county judges who hear civil lawsuits in which the amount in controversy is \$10,000 or less; post-judgment proceedings like garnishments and writs of execution; criminal and criminal traffic misdemeanors, including complex DUI jury trials; civil traffic citations; highly contentious evictions and other landlord-tenant matters; hearings on injunctions against harassment and orders of protection; and the review of search and arrest warrants.

This is not a job for the faint of heart, the less than industrious, or the untrained. Unfortunately, the qualifications for becoming a JP are implied by a vague statute for county officers that mandates the person must be 18 years old, an Arizona resident, a registered

voter who lives within the justice precinct boundaries, and capable of reading and writing English. So the bar has not been set terribly high. If you can win an election, you can be a judge in Arizona - whether you graduated from high school or not.

In 2004, Arizona voters adopted a constitutional amendment that reversed a state Supreme Court order requiring that temporary JPs be attorneys. The people decided that it makes little sense for a temporary visiting judge to have higher qualifications than the elected judge he or she sits in for. In rural counties without many lawyers, this voter-approved change helps the effective administration of justice by retaining qualified temporary judges. But the Arizona Territory is now fully grown, and in large urban counties like Maricopa and Pima, where major universities are located and lawyers are plentiful, this logic breaks down.

JP candidates who are not educated in the law are thrown into deep legal waters after their election. Contracts, torts, civil and criminal procedure, criminal law, constitutional law, evidence, victims' rights, equity and

remedies, landlord-tenant law and DUI statutes are just some of the topics that a qualified justice of the peace should be familiar with. Training programs for new JPs are a necessary burden on taxpayers, who must foot the bill for teaching judges basic things that they should know before being fitted for robes.

There are (and have been) many excellent JPs who are neither lawyers nor law school graduates. But surely the same type of diligent, capable individuals who got themselves up to speed on the law after attaining the bench would do so before seeking judicial office in the first place.

Candidates for justice of the peace in large urban counties should be required to successfully pass an examination on rudimentary legal concepts directly related to the performance of the duties of the office - before their names are placed on the ballot. Why not authorize the Arizona Supreme Court, which has constitutional authority over all courts in our state, to administer an examination to prospective JP candidates who are neither law school graduates nor at-

torneys licensed to practice in Arizona? An exception would also be made for JPs currently serving, due to their experience and regard for the previously expressed will of the voters.

A justice of the peace has the power to put you in jail for six months, impose fines and surcharges of nearly \$5,000, evict tenants from their dwellings, decide whether victims of domestic violence and their children should be protected from abusive offenders, and award six-figure civil judgments that affect your credit. Shouldn't we insist that this authority be given to people who have shown minimum competency in areas they deal with every day?

After all, lots of bad drivers on the road end up with simple traffic tickets in justice courts. But unlike the new JP with no legal knowledge deciding their fate, these drivers had to pass a test before earning an important privilege.

Frank J. Conti is a lawyer in Phoenix who has worked extensively in trial courts throughout Maricopa County as both a lawyer and a judge pro tempore.