

JEAN RICCIARDELLO PHELPS

Candidate for Brazos County Justice of the Peace Precinct 1
2014 Election Cycle

QUESTIONNAIRE RESPONSES

1. Please tell us about yourself, why you are running for Justice of the Peace; and, what background, education and experience you have had to prepare you to execute the duties of Justice of the Peace.

My name is Jean Ricciardello Phelps. I graduated from Texas A&M University in 1987 with a BBA in accounting and South Texas College of Law in 1993. I am licensed as both a CPA and an attorney in Texas. I have lived in Brazos County for the past 12 years with my husband, Shane, and our daughter, Mary Claire. I was Dean of Business Services at the Blinn College, Bryan Campus and about 7 years ago I became a full-time professor teaching business law.

I am running for Justice of the Peace because I want to help ensure that Brazos County continues to be a great place to live and raise a family. Being JP provides the opportunity to put my law degree to use daily and serve the citizens of Brazos County. As Brazos County continues to grow it is important that well qualified citizens step up to serve the county as it faces the issues that come with growth.

My education and experience as both a lawyer and a CPA make me the most qualified candidate in this race. As a lawyer, I have the knowledge and training necessary to interpret the law and apply it correctly and fairly. While this position does not require a candidate to be a lawyer, that background is invaluable. The office has civil jurisdiction for amounts in controversy up to \$10,000. Whether someone one is disputing a contract valued at \$1,000 or \$100,000 – the requirements for a valid contract are the same. Citizens deserve to have their cases heard by someone who understands those requirements and can judge them fairly. The office has jurisdiction over class C misdemeanors, however, the JP can sign search warrants and set bail in felony cases. Having a person in this job who has studied the U.S. Constitution and understands the requirements and limitations it imposes is vital to ensuring that our rights as citizens are protected.

As a former manager in public accounting and Dean of Business Services I have the skills and knowledge necessary to manage an office effectively and efficiently. I know how to implement

proper accounting controls to ensure the secure collection of fines for the county. I also have experience managing people and updating and modernizing office policies.

These legal and business skills make me the most qualified candidate for Justice of the Peace, Precinct 1.

2. Have you read and are you familiar with the Texas Republican Party Platform? Reference pages 4-5 of the RPT Platform (Reforming the Judicial system), do you agree or disagree? Explain differences you hold.

I have read the Texas Republican Party Platform regarding reforming the judiciary. I agree with most of the items listed in this section. However, I have concerns regarding the section titled "Remedies to an Activist Judiciary." I firmly believe that judges should not legislate from the bench and consider myself a strict constitutionalist regarding interpreting the U.S. Constitution. As such, I cannot support allowing Congress to take away from the U.S. Supreme Court the ability to review the constitutionality of a case dealing with a particular issue. This concept is contrary to the system of checks and balances set up by the U.S. Constitution. The concept of judicial review was established in *Marbury v. Madison* in 1803. I think tinkering with this legal bedrock is dangerous.

If Congress does not agree with a Supreme Court ruling they have the ability to pass a new law or propose a constitutional amendment. While this may be cumbersome and time consuming it helps ensure that those checks and balances remain in place and no single branch of government becomes too powerful. If we are willing to alter such a fundamental constitutional concept then we risk the very foundation of our government.

3. How do you plan to handle truancy cases in the J.P. position?

In dealing with a truancy case it is important to understand as much of the family dynamic as possible. In many cases truancy is a symptom of a much larger problem. Just ordering a child to attend school is not going to resolve the truancy if the underlying problem is not addressed. I will work with the school district and other appropriate agencies to address these problems on a case by case basis. This might mean involving other social service agencies or finding an alternative to the traditional school environment for the student.

If there are not other problems present that need to be addressed then it is reasonable to give first offenders the opportunity to correct their mistakes through deferred dispositions which should include counseling or community service, as appropriate. It is important to remember that these are

children who may make poor decisions. It is also important to work with the parents and make sure they fully understand the ramifications of truancy.

If the student does not successfully complete a deferred disposition, taking away the student's driver's license is certainly in order and issuing a final conviction may ultimately be appropriate also. I think it is important that the JP courts do whatever they can to impose meaningful sanctions on those students who are persistently truant through ordering counseling, taking away driver's licenses and/or fines. If we can keep students in school it is less likely that the justice system will have to continue to deal with them on more serious matters in the future.

4. What criteria will you use in determining appropriate bond?

I will follow the requirements of the Texas Code of Criminal Procedure regarding setting bonds. This requires the following regarding bail:

Art. 17.15. RULES FOR FIXING AMOUNT OF BAIL. The amount of bail to be required in any case is to be regulated by the court, judge, magistrate or officer taking the bail; they are to be governed in the exercise of this discretion by the Constitution and by the following rules:

1. The bail shall be sufficiently high to give reasonable assurance that the undertaking will be complied with.
2. The power to require bail is not to be so used as to make it an instrument of oppression.
3. The nature of the offense and the circumstances under which it was committed are to be considered.
4. The ability to make bail is to be regarded, and proof may be taken upon this point.
5. The future safety of a victim of the alleged offense and the community shall be considered.

It is important to remember that the purpose of bail is to ensure that the defendant shows up for trial. However, the most important aspect of determining the appropriate bail is the safety of the victim and community. I will give thoughtful consideration to each case that comes before me as Justice of the Peace. Setting bail is not something that lends itself to a cookie-cutter approach. Each case must be judged on its own merits.

5. How do your personal principles and family values align with most of the Republican principles outlined in the Republican Party of Texas Platform?

I am the granddaughter of immigrants who came to this country with very little. They were in search of opportunity. They took advantage of the opportunity they found in America and provided a better life for their family. My father was the first in his family to graduate from college and all five of his children are college graduates – an engineer, a lawyer, two CPAs and one CPA/lawyer. Equal opportunity, individual rights and individual responsibility are the most basic Republican and American principles and I firmly believe in all of them.

My husband, Shane and I are passing on those values to our daughter. We are teaching her that America is the land of opportunity – not guarantees. I believe that those who work hard and innovate should be rewarded by the free enterprise system – not the government. And they most certainly should not be punished and derided.

Like the Republican Party, I am a believer in smaller government and individual rights. The 10th Amendment is too often overlooked, if not trampled upon by the federal government. The government closest to the people serves them the best.

I believe that judges should be judges – not legislators in black robes. As long as judges are elected in Texas, I agree that a judge who is not re-elected by his/her constituents should not continue on the bench as a visiting judge.