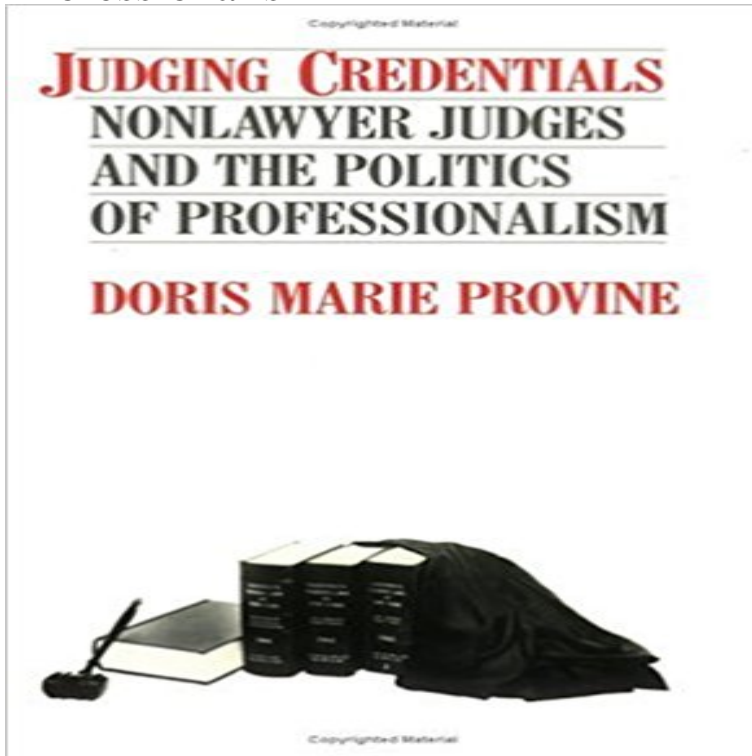


Judging Credentials: Nonlawyer Judges and the Politics of Professionalism



Must judges be trained as lawyers in order to be effective in office, or can nonlawyers serve equally well? This question has long provoked controversy among lawyers, judges, legislators, and the public. In her empirical study of the place of the nonlawyer judge in the American legal system, Doris Marie Provine concludes that, despite the opposition of the legal profession to nonlawyer judges, they are as competent as lawyers in carrying out judicial duties in courts of limited jurisdiction. Provine presents a persuasive argument that the case against nonlawyer judges has been weighted in favor of the professional interests of lawyers, not public concerns. Her examination reveals as much about the presuppositions of legal professionals as it does about the competency of nonlawyer judges to old judicial office. To substantiate her claims, Provine has conducted the most comprehensive survey of nonlawyer and lawyer judges yet undertaken, augmenting this material with court observations and extensive interviews of judges. She integrates the results of this survey into the historical context of the lay versus lawyer judge debate, showing how the legally trained judge came to predominate in the American judicial system and analyzing in detail the campaign both in and out of the courts to make legal training a prerequisite for being a judge. Ultimately, Provine suggests, Americans are too committed to the significance of credentials and to the legal professions vision of the judicial process to respond very favorably to nonlawyer judges, however well they might perform. Judging Credentials will force lawyers, judges, scholars, and the public to reconsider the role nonlawyer judges play in the American judicial system. Provines provocative views and exhaustive research adds new dimensions to our understanding of the ethics of professionalism and its consequences.

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