

PHOENIX REPUBLIC

Tough times a chance to display moral values

Maricopa County's 25 justices of the peace hear 180,000 civil lawsuits every year. Most cases involve claims for unpaid debts like auto and personal loans, credit-card accounts, homeowners association fees and fines, and rental payments.

MY TURN

Those who are dragged to the courthouse to face their money troubles react in either a positive or negative way. I've seen the whole spectrum.

Recently an elderly gentleman was sued for an unpaid credit-card balance. He had done everything to avoid a trial, filing numerous handwritten motions that presented one dubious legal theory after another. All of his motions were denied.

At the trial, the plaintiff's evidence showed that the defendant had failed to pay his monthly bills. The only issue was the name on the account, which was identical to the defendant's except for the addition of a single letter at the end of his first name.

The defendant testified under oath that he "thought" that "maybe" another relative was living in his home who had the same name, except for the mysterious added letter, and that this nebulous kin was "perhaps" using his credit card. He could offer no specifics about this person.

On cross examination he admitted the signatures on his driver's license and his legal motions were the same as the one on the credit application. He insisted nonetheless that a relative had used the card.

Dumbfounded, I awarded judgment for plaintiff without commenting on the defendant's testimony. Inwardly, however, I lamented the pitiful performance. After stepping off the bench, I sat in my chambers and thought about how a person could arrive at such a place in life.

In his classic book "Man's Search for Meaning," psychiatrist Viktor Frankl



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described his detainment at Auschwitz during World War II. Frankl's thesis, fleshed out amid the horrors that surrounded him, was that our capacity to deal with suffering depends largely on our attitude toward it:

"The way in which a man accepts his fate and all the suffering it entails, the way in which he takes up his cross, gives him ample opportunity — even under the most difficult circumstances — to add a deeper meaning to his life. It may remain brave, dignified and unselfish. Or in the bitter fight for self-preservation, he may forget his human dignity and become no more than an animal. Here lies the chance for a man either to make use of or to forgo the opportunities of attaining the moral values that a difficult situation may afford him. And this decides whether he is worthy of his sufferings or not."

Persevering can be easier said than done. Enduring hard times can feel like a prison sentence. There is a sense of being trapped when the mathematical impossibility of meeting mounting debts with dwindling income sinks in. The temptation is great to allow our plight to consume us, and warp us into a creature that devolves into self-pity, dishonesty, criminality and even violence. We can choose either to bemoan the reality of our situation or to put our heads down, accept it and muddle through somehow.

Victory comes not through the expectation of a miraculous windfall, but in small, incremental improvements in our condition with patience, hard work and a conviction that we are better than our current state.

Frank J. Conti is the elected justice of the peace for the Dreamy Draw Justice Court, which serves northeast Phoenix and parts of Paradise Valley and Scottsdale.