

NEWS FROM:

Supreme Court of Tennessee
Administrative Office of the Courts

Internet Home Page: www.tncourts.gov

Elizabeth Sykes, Director
Tim Townsend, Deputy Director

FOR IMMEDIATE RELEASE
May 1, 2009

Today at 12:00 noon, CDT, the Tennessee Court of the Judiciary issued the following:

PUBLIC CENSURE

May 1, 2009

The Honorable Durwood G. Moore
Dickson County General Sessions Judge
Post Office Box 217
Charlotte, Tennessee 37036

In re: Complaint of Richard T. Hansrote vs.
Judge Durwood G. Moore
File No. 08-3768

Dear Judge Moore:

This shall serve as a public censure pursuant to your agreement with the Investigative Panel of this Court. This censure relates to your conduct as General Sessions Court Judge on December 12, 2008. On this particular day Attorney Richard T. Hansrote appeared before you representing an individual who had been charged with a crime. Prior to the beginning of court Mr. Hansrote and the Assistant District Attorney agreed that the case in question was to be bound to the Grand Jury, waiving the preliminary hearing. Mr. Hansrote attempted to announce this agreement when you took the bench and began calling your docket. However, you did not recognize Mr. Hansrote or allow the announcement. You then proceeded with the calling of your various dockets. Mr. Hansrote who had business in an adjacent county had his client execute the appropriate agreement and with the consent of the D.A., asked a fellow member of the Bar to simply present the document later in the morning when you ultimately called the case in question. Mr. Hansrote left the

Dickson County Courthouse and while in route to an adjacent county was telephoned and informed that you would not accept the executed waiver. You represented to those in court that this was a substitution of counsel which you would not allow. Mr. Hansrote was instructed to call you. When Mr. Hansrote called you on the telephone you threatened him with contempt if he did not return to your court for the purpose of this ministerial act. During the conversation you used profanity and hung up on Mr. Hansrote. Mr. Hansrote ultimately had his wife, who is also an attorney, leave a dental appointment and drive to your court location to make an appearance later in the afternoon to make this announcement. When she arrived you once again threatened Mr. Hansrote with contempt if he ever sought to have an attorney stand in to make such an announcement in the future.

Such an announcement in this fashion is not a substitution of counsel. Your conduct in hanging up on Mr. Hansrote and using profanity as well as the threat of criminal contempt to Mr. Hansrote was inappropriate. Your conduct in this matter violated Canon 2A which requires a judge “to respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the Judiciary.” This conduct also violates Canon 3B(4) which requires a judge to be “patient, dignified and courteous with litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity.” Your conduct in this matter has detrimentally affected the integrity of the Tennessee Judiciary and undermines public confidence in the administration of justice.

This public censure represents the highest degree of judicial discipline authorized by law short of the Court seeking a judgment recommending your removal as a judge from office. In the future you are advised that serious breaches of the Code of Judicial Conduct will be responded to by the filing of charges seeking your removal. This now concludes the inquiry into these allegations and our files are now closed.

Sincerely yours,

Don R. Ash
Presiding Judge
Court of the Judiciary