

**Tennessee Judicial Nominating Commission**  
***Application for Nomination to Judicial Office***

*Rev. 26 November 2012*

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**INTRODUCTION**

Tennessee Code Annotated section 17-4-101 charges the Judicial Nominating Commission with assisting the Governor and the People of Tennessee in finding and appointing the best qualified candidates for judicial offices in this State. Please consider the Commission's responsibility in answering the questions in this application questionnaire. For example, when a question asks you to "describe" certain things, please provide a description that contains relevant information about the subject of the question and, especially, that contains detailed information that demonstrates that you are qualified for the judicial office you seek. In order to properly evaluate your application, the Commission needs information about the range of your experience, the depth and breadth of your legal knowledge, and your personal traits such as integrity, fairness, and work habits.

This document is available in word processing format from the Administrative Office of the Courts (telephone 800.448.7970 or 615.741.2687; website <http://www.tncourts.gov>). The Commission requests that applicants obtain the word processing form and respond directly on the form. Please respond in the box provided below each question. (The box will expand as you type in the word processing document.) Please read the separate instruction sheet prior to completing this document. Please submit the completed form to the Administrative Office of the Courts in paper format (with ink signature) *and* electronic format (either as an image or a word processing file and with electronic or scanned signature). Please submit fourteen (14) paper copies to the Administrative Office of the Courts. Please e-mail a digital copy to [debra.hayes@tncourts.gov](mailto:debra.hayes@tncourts.gov).

THIS APPLICATION IS OPEN TO PUBLIC INSPECTION AFTER YOU SUBMIT IT.

**PROFESSIONAL BACKGROUND AND WORK EXPERIENCE**

1. State your present employment.

I am presently self-employed as a solo practitioner.

2. State the year you were licensed to practice law in Tennessee and give your Tennessee Board of Professional Responsibility number.

1989, Board of Professional Responsibility Number 013779

3. List all states in which you have been licensed to practice law and include your bar number or identifying number for each state of admission. Indicate the date of licensure and whether the license is currently active. If not active, explain.

Tennessee is the only state in which I am licensed to practice. I have been licensed since passing the bar in October, 1989. My BPR# is 013779

4. Have you ever been denied admission to, suspended or placed on inactive status by the Bar of any State? If so, explain. (This applies even if the denial was temporary).

I have never been denied admission to, suspended or placed on inactive duty status of the Bar by any State.

5. List your professional or business employment/experience since the completion of your legal education. Also include here a description of any occupation, business, or profession other than the practice of law in which you have ever been engaged (excluding military service, which is covered by a separate question).

1989 – 1990	Seventeenth Judicial District District Attorney's Office
1990 – 1992	Seventeenth Judicial District Public Defender's Office
1992 – 2004	Partner, Private Firm Bramlett & Durard
2004 – present	Solo Practitioner The Law Office of Forest A. Durard, Jr.

6. If you have not been employed continuously since completion of your legal education, describe what you did during periods of unemployment in excess of six months.

I have been continually employed since I obtained my law license.

7. Describe the nature of your present law practice, listing the major areas of law in which you practice and the percentage each constitutes of your total practice.

I am currently a solo practitioner with a diverse law practice. The bulk of my practice consists of criminal law, domestic matters, probate, personal injury/workers' compensation, bankruptcy, Social Security disability and real estate. Of course, there are also some miscellaneous matters from time to time. I would estimate approximately 25% of my time is spent in criminal law, 20% in domestic matters, 10 % in probate, 20% in personal injury/workers' compensation, 15% in Social Security disability, 5% in real estate and 5% in other miscellaneous matters.

8. Describe generally your experience (over your entire time as a licensed attorney) in trial courts, appellate courts, administrative bodies, legislative or regulatory bodies, other forums, and/or transactional matters. In making your description, include information about the types of matters in which you have represented clients (e.g., information about whether you have handled criminal matters, civil matters, transactional matters, regulatory matters, etc.) and your own personal involvement and activities in the matters where you have been involved. In responding to this question, please be guided by the fact that in order to properly evaluate your application, the Commission needs information about your range of experience, your own personal work and work habits, and your work background, as your legal experience is a very important component of the evaluation required of the Commission. Please provide detailed information that will allow the Commission to evaluate your qualification for the judicial office for which you have applied. The failure to provide detailed information, especially in this question, will hamper the evaluation of your application. Also separately describe any matters of special note in trial courts, appellate courts, and administrative bodies.

I spent the first year of my legal career working in the District Attorney's office mainly in General Sessions Court. When General Kidd retired I went to work in the Public Defender's office where I covered both General Sessions and Circuit Court. I gained considerable trial experience during. I am estimating I probably tried around seventy (70) or more cases then. I, also, did appellate work when the matter could not be handled by the contract appellate attorney. I still continue to handle criminal matters.

Once entering private practice, I branched out to do civil and administrative matters. At the time, there were not many attorneys in the area practicing Social Security so I studied the CFRs and other regulations to educate myself about disability and built part of my practice in this area. The claimant's cases are usually heard in Chattanooga, Nashville and Franklin. I have probably

handled several hundred or more of these.

I had for a period of time before practicing law worked as a claims representative for a large insurance company where I handled a variety of claims. This experience later became invaluable working with personal injury and workers' compensation cases and helped me have a broader perspective of how to handle these matters, both in settlement and after suit was filed.

I have done real estate title work and continue to do some real estate doing title opinions and related work. The volume of this work has fallen off in recent years due to what largely seems to be economic considerations.

I am largely hands on with my work as the product I produce is a reflection on me. The demands of my practice require I work nights and some weekends while balancing time with family. There are times when it is necessary to attend a function, such as a school related function, and then return to the office that evening to finish a matter or make sure calls are returned. I have worked this way since I was first employed as a teenager and have been continuously employed since then, a large part of the time working full time while attending college then law school.

9. Also separately describe any matters of special note in trial courts, appellate courts, and administrative bodies.

None which I can recall

10. If you have served as a mediator, an arbitrator or a judicial officer, describe your experience (including dates and details of the position, the courts or agencies involved, whether elected or appointed, and a description of your duties). Include here detailed description(s) of any noteworthy cases over which you presided or which you heard as a judge, mediator or arbitrator. Please state, as to each case: (1) the date or period of the proceedings; (2) the name of the court or agency; (3) a summary of the substance of each case; and (4) a statement of the significance of the case.

Some years ago when the county was without a General Sessions Judge for a period of time I, along with other members of the bar, would fill in the position on a rotating basis until the commissioners appointed a new judge.

11. Describe generally any experience you have of serving in a fiduciary capacity such as guardian ad litem, conservator, or trustee other than as a lawyer representing clients.

There was an elderly gentleman who I was his attorney-in-fact. I took care of his business for him but discovered some discrepancies in his banking. Upon further investigation it was revealed his granddaughter was forging his checks so we turned that over to law enforcement that prosecuted the granddaughter. Later this gentleman entered the nursing home and we had to sell

his home to help pay for some it. I filed a petition with Chancery to review and approve the transactions. Other than that I was a co-executor on my father's estate. There is probably a few times I have been a court appointed guardian ad litem but I do not specifically recall a case name.

12. Describe any other legal experience, not stated above, that you would like to bring to the attention of the Commission.

None

13. List all prior occasions on which you have submitted an application for judgeship to the Judicial Nominating Commission or any predecessor commission or body. Include the specific position applied for, the date of the meeting at which the body considered your application, and whether or not the body submitted your name to the Governor as a nominee.

I have not previously submitted an application for judgeship.

#### EDUCATION

14. List each college, law school, and other graduate school which you have attended, including dates of attendance, degree awarded, major, any form of recognition or other aspects of your education you believe are relevant, and your reason for leaving each school if no degree was awarded.

I graduated from Middle Tennessee State University in August, 1985 with a Bachelor of Science degree. I majored in Political Science with an emphasis in Pre-law. I minored in Criminal Justice and History. I graduated from the Nashville School of Law in June, 1989 with a Juris Doctorate and was admitted to practice in October, 1989.

#### PERSONAL INFORMATION

15. State your age and date of birth.

I was born on May 31, 1962. I am 50 years of age.

16. How long have you lived continuously in the State of Tennessee?

I have lived my entire life in Tennessee.

17. How long have you lived continuously in the county where you are now living?

I have lived over 21 years in Bedford County. I moved there in June, 1991.

18. State the county in which you are registered to vote.

Bedford County

19. Describe your military Service, if applicable, including branch of service, dates of active duty, rank at separation, and decorations, honors, or achievements. Please also state whether you received an honorable discharge and, if not, describe why not.

I have never been in the military but completed two years of ROTC in college

20. Have you ever pled guilty or been convicted or are you now on diversion for violation of any law, regulation or ordinance? Give date, court, charge and disposition.

I have never been charged with a crime.

21. To your knowledge, are you now under federal, state or local investigation for possible violation of a criminal statute or disciplinary rule? If so, give details.

To my knowledge, I have never been under investigation for anything.

22. If you have been disciplined or cited for breach of ethics or unprofessional conduct by any court, administrative agency, bar association, disciplinary committee, or other professional group, give details.

I have never been disciplined or cited for any of the aforementioned actions.

23. Has a tax lien or other collection procedure been instituted against you by federal, state, or local authorities or creditors within the last five (5) years? If so, give details.

I have never had an action instituted against me by anyone.

24. Have you ever filed bankruptcy (including personally or as part of any partnership, LLC, corporation, or other business organization)?

I have never filed for bankruptcy protection; nor has any business organization in which I have been affiliated.

25. Have you ever been a party in any legal proceedings (including divorces, domestic proceedings, and other types of proceedings)? If so, give details including the date, court and docket number and disposition. Provide a brief description of the case. This question does not seek, and you may exclude from your response, any matter where you were involved only as a nominal party, such as if you were the trustee under a deed of trust in a foreclosure proceeding.

I served as co-executor of my father's estate. The case was filed in the Chancery Court for Moore County, Tennessee. The style of the case was "The Estate of Forest A. Durard, Sr., deceased". The case number was 1909. This case remained open from 2001 until 2003.

26. List all organizations other than professional associations to which you have belonged within the last five (5) years, including civic, charitable, religious, educational, social and fraternal organizations. Give the titles and dates of any offices which you have held in such organizations.

Hillard Gardner Youth Softball League Shelbyville, TN	Title: Coach Dates: 2001 - 2011
Middle TN Spay & Neuter Clinic Shelbyville, TN	Title: Board Member Dates: 2011 – present
Shelbyville Bedford County Animal Control Shelbyville, TN	Title: Volunteer Dates: 2009 – present
Cascade High School Booster Club Wartrace, TN	Title: Member Dates: 2008 - 2012
Cascade Middle School Softball Team Wartrace, TN	Title: Assistant Coach Dates: 2010 – 2012
Liberty Middle School Softball Team Shelbyville, TN	Title: Assistant Coach Dates: 2012 - present

27. Have you ever belonged to any organization, association, club or society which limits its membership to those of any particular race, religion, or gender? Do not include in your answer those organizations specifically formed for a religious purpose, such as churches

or synagogues.

- a. If so, list such organizations and describe the basis of the membership limitation.
- b. If it is not your intention to resign from such organization(s) and withdraw from any participation in their activities should you be nominated and selected for the position for which you are applying, state your reasons.

No. I have never belonged to such an organization.

### ACHIEVEMENTS

28. List all bar associations and professional societies of which you have been a member within the last ten years, including dates. Give the titles and dates of any offices which you have held in such groups. List memberships and responsibilities on any committee of professional associations which you consider significant.

Bedford County Bar Association Shelbyville, TN	Dates: 1992 – present
Tennessee Bar Association Nashville, TN	Dates: 06/2010 – present
Legal Services of South Central Tennessee Tullahoma, TN	Dates: 1993 – 2003
Title Insurance Agency First American Title Insurance Co.	Dates: 1997 – 2011

29. List honors, prizes, awards or other forms of recognition which you have received since your graduation from law school which are directly related to professional accomplishments.

None

30. List the citations of any legal articles or books you have published.

I have not published any legal articles or books.



31. List law school courses, CLE seminars, or other law related courses for which credit is given that you have taught within the last five (5) years.

I have not taught any law related courses within the last five (5) years.

32. List any public office you have held or for which you have been candidate or applicant. Include the date, the position, and whether the position was elective or appointive.

I have not previously sought public office.

33. Have you ever been a registered lobbyist? If yes, please describe your service fully.

I am not currently, nor have I ever been, a registered lobbyist.

34. Attach to this questionnaire at least two examples of legal articles, books, briefs, or other legal writings which reflect your personal work. Indicate the degree to which each example reflects your own personal effort.

Please see attached briefs which I wrote.

### ESSAYS/PERSONAL STATEMENTS

35. What are your reasons for seeking this position? *(150 words or less)*

The appointment would present a new and interesting challenge opening a different chapter and perspective to my legal career. I would submit my temperament and work discipline would complement the patience, forethought and diligence required to sit in judgment of others. As each matter serves to affect the parties involved it should, consequently, be handled in a manner which reflects that consideration.

36. State any achievements or activities in which you have been involved which demonstrate your commitment to equal justice under the law; include here a discussion of your pro bono service throughout your time as a licensed attorney. *(150 words or less)*

I sat as a board member for several years at Legal Services of South Central Tennessee and did some pro bono through them. This consisted of working mainly on divorce matters usually involving some abusive situations. I have, also, done some work with the Haven of Hope which is a domestic abuse shelter. The last time was probably about 10 years ago.

In more recent years I have not done pro bono work in a structured or workshop type setting. However, there are often times I either do not charge fee or the fee is greatly reduced for consultations and other legal work such as wills and powers of attorney for the elderly or those on a fixed income. I have, also, done a fair amount of indigent criminal defense work.

37. Describe the judgeship you seek (i.e. geographic area, types of cases, number of judges, etc. and explain how your selection would impact the court. *(150 words or less)*

I am seeking appointment to the Circuit Court of the Seventeenth Judicial District of Tennessee which consists of Bedford, Lincoln, Marshall and Moore counties. Our district is comprised of two Circuit judges. One primarily hears civil matters and the other primarily handles criminal matters, though there is exception. Judge Robert Crigler, who is retiring and creating this vacancy, mostly hears felony criminal matters. Early in my legal career I did exclusively criminal matters and, later, when entering private practice I continued to do criminal work with civil. Though this judgeship would continue to be primarily criminal I would submit my experiences would allow for flexibility when the need arose. I am, also, fairly well organized and detailed which I submit would be a plus for the position.

38. Describe your participation in community services or organizations, and what community involvement you intend to have if you are appointed judge? *(250 words or less)*

Much of my community involvement has centered on school related functions. For instance, my wife and I have done work with FFA. I have been the volunteer assistant softball coach for Cascade School and, currently, Liberty Middle School. I, also, coached for approximately ten (10) years in the local recreational softball league and have coached some travel softball teams. I sit on the board of the Middle Tennessee Spay/Neuter Clinic which provides low cost spay/neuter and other veterinarian services to those of lower income or who adopt a shelter animal. We also help the clinic with fundraising and, along with other volunteers, wash the linens and towels from the clinic. We volunteer time at the Bedford County Animal Control taking care of the animals, helping with adoption events and assisting with transporting of animals to rescues. We from time to time foster animals awaiting adoption.

If appointed, I plan to stay as active as possible, time permitting, and provided there is no prohibition from a judicial ethic standpoint.

39. Describe life experiences, personal involvements, or talents that you have that you feel will be of assistance to the Commission in evaluating and understanding your candidacy for this judicial position. *(250 words or less)*

After considering a response to this question for a couple of days, I would have to state one of the most profound impacts upon me was being taught to be a disciplined person. My mother did

graduate high school but my father did not; however, through being disciplined and diligent both achieved, what I would consider, well beyond their educational experience. While possessing these characteristics neither lost sight of generosity.

When I started working these lessons served me well. The summer before my junior year in high school through my third year of law school I worked at Kroger Food Stores. The last approximately six years were full-time often working the overnight shift, day shift and weekends. Through this I was able to save and buy a home by my senior year at MTSU. Entering my fourth year of law school, I was able to obtain a position as a claim representative with a major insurance company. This job had me travel all over the state of Tennessee but despite the travel I maintained my studies and graduated on time in June, 1989. I sat for the bar in July, 1989 and was licensed by October of that year.

Judges are called upon to sometime make difficult decisions. I would respectfully submit these experiences, discipline and consciousness of thought should carry forward to the characteristics required for this position.

40. Will you uphold the law even if you disagree with the substance of the law (e.g., statute or rule) at issue? Give an example from your experience as a licensed attorney that supports your response to this question. *(250 words or less)*

Yes, I would uphold the law even if my personal belief was to the contrary. It's difficult to think of an example. I recall before there were recent changes in some of the child custody statutes having to argue law which favored one side to the detriment of the other due solely to the gender of the parent and the age of the child. I would argue the statute to my client's favor though my conscience felt as though this should not be a factor. I have had other situations through the years, mostly in the criminal area, where I would not argue a position because it was not supported by the law or fact. I have had a few clients who I either refused to represent or discontinued representation due to this.

#### REFERENCES

41. List five (5) persons, and their current positions and contact information, who would recommend you for the judicial position for which you are applying. Please list at least two persons who are not lawyers. Please note that the Commission or someone on its behalf may contact these persons regarding your application.

A. Christopher Stephens, Director, Big G Express [REDACTED] Murfreesboro, Tn 37128 [REDACTED]

B. Wayne Hitchcock, Insurance Agent, Hitchcock Insurance Agency, 113 South Side Square Shelbyville, Tn 37160 (931) 205-0855

C. Charles Rich, General Sessions Judge, 104 E. Depot St, P.O. Box 2234 Shelbyville, Tn 37162 (931) 205-0516 (931) 684-8320

D. Anthony Harris, Attorney, 1604 Hwy 82 South, Shelbyville, Tn 37160 (931) 580-1369

E. Brenda S. Bramlett, Attorney, 885 Union Street, Shelbyville, Tn 37160 (931) 685-4984

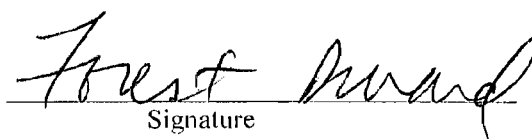
**AFFIRMATION CONCERNING APPLICATION**

Read, and if you agree to the provisions, sign the following:

I have read the foregoing questions and have answered them in good faith and as completely as my records and recollections permit. I hereby agree to be considered for nomination to the Governor for the office of Judge of the [Court] Circuit Court of Bedford County, Tennessee, and if appointed by the Governor, agree to serve that office. In the event any changes occur between the time this application is filed and the public hearing, I hereby agree to file an amended questionnaire with the Administrative Office of the Courts for distribution to the Commission members.

I understand that the information provided in this questionnaire shall be open to public inspection upon filing with the Administrative Office of the Courts and that the Commission may publicize the names of persons who apply for nomination and the names of those persons the Commission nominates to the Governor for the judicial vacancy in question.

Dated: February 14, 2013.

  
Signature

When completed, return this questionnaire to Debbie Hayes, Administrative Office of the Courts, 511 Union Street, Suite 600, Nashville, TN 37219.



**TENNESSEE JUDICIAL NOMINATING COMMISSION**  
 511 UNION STREET, SUITE 600  
 NASHVILLE CITY CENTER  
 NASHVILLE, TN 37219

**TENNESSEE BOARD OF PROFESSIONAL RESPONSIBILITY  
 TENNESSEE BOARD OF JUDICIAL CONDUCT  
 AND OTHER LICENSING BOARDS**

**WAIVER OF CONFIDENTIALITY**

I hereby waive the privilege of confidentiality with respect to any information which concerns me, including public discipline, private discipline, deferred discipline agreements, diversions, dismissed complaints and any complaints erased by law, and is known to, recorded with, on file with the Board of Professional Responsibility of the Supreme Court of Tennessee, the Tennessee Board of Judicial Conduct (previously known as the Court of the Judiciary) and any other licensing board, whether within or outside the state of Tennessee, from which I have been issued a license that is currently active, inactive or other status. I hereby authorize a representative of the Tennessee Judicial Nominating Commission to request and receive any such information and distribute it to the membership of the Judicial Nominating Commission and to the office of the Governor.

Forest A. Durard, Jr.  
 Type or Printed Name

Forest Durard  
 Signature

2/14/13  
 Date

013779  
 BPR #

Please identify other licensing boards that have issued you a license, including the state issuing the license and the license number.

Tennessee Department of Commerce & Insurance

Limited Insurance Representative (title insurance)

ID# 0000789806 (now expired)

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