

The Honorable Henry S. Moore sat in his leather swivel chair reviewing a file, keenly aware of the underlying energetic current of anticipation in his courtroom. Although the two marshals made sure the room was quiet of talking, there was a constant rattle of coughs, sighs, scuffling feet, doors opening and papers crumpling. Toward the back, a small child fussed. Overhead lighting buzzed as his clerk called the next case on the restraining order docket, and the one after that, and the one after that.

Couples shuffled forward to tell Judge Moore their sad stories: what he said, what she replied, what he did and so it went. Sometimes a woman had a bruise or a cut or even a sling but more often than not, there was nothing but a scared eye proclaiming a life of fear or a shifty eye betraying an effort to manipulate the process. Judge Moore interrupted with curt questions, often waving an impatient hand to stop a rambling story when he'd heard enough. He entered orders of protection or he sent the couple away. He moved his docket forward swiftly and surely, meting out protection and justice as he saw fit.

Judge Moore detested the restraining order docket. He preferred to see attentive and deferential attorneys sitting in his courtroom, ready to act with flattering promptness upon his orders. But this—presiding over the family protection court—was fast and messy and distasteful. Judge Moore was uninterested in people's personal lives, and he did not want to listen to stories told with tabloid flair. For the past four months and while he waited for his request for reassignment to be granted, he had sat in a court he believed was beneath his skill, with people he referred to as “the great unwashed,” hearing story after story of bad judgment, poor communication, substance abuse, cruelty and rotten luck.

The couple identified as “Marie Hughes vs. James Hughes” came before Judge Moore at