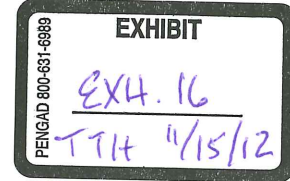


JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

Family Court
(New Candidate)

Full Name: Thomas Tredway Hodges
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1. Why do you want to serve as a Family Court Judge?

I want to be a Family Court Judge because I want to give back to the community in the manner in which I feel that I am best equipped. The problems families face these days are as tremendous as they are diverse, but I truly believe I can be of help to those with problems in this arena. I have been an attorney since 1987. I am proud of the career I have had. I have represented major corporations during some of their most stressful times and I have represented individuals during some of their most stressful times. Being an attorney has allowed me to help many people in many ways and have many fulfilling experiences, but something that is missing is giving back to the State and the Bar in this manner. I believe that I have the temperament, the experience, the knowledge and the compassion to be a family court judge. I am a child of divorced parents so I have personal knowledge of the impact the Family Court can have. I believe that it takes a special person with special skills. I believe I have those skills and that the Family Court is a place where they could be put to best use.

2. Do you plan to serve your full term if elected?

I do plan to serve my full term if elected. In fact, given my age and current health I would anticipate actively seeking re-election at least once if not twice before retirement.

3. Do you have any plans to return to private practice one day?

If elected I do not envision that I would return to private practice.

4. Have you met the statutory requirements for this position regarding age, residence, and years of practice? Yes.

5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

I believe that *ex parte* communications concerning the merits of any pending matter are absolutely improper. That being said, communications concerning issues that do not go to the merits, such

as administrative or scheduling matters might occasionally be acceptable as long as the attorney made efforts to communicate with the opposing attorney prior to the discussion and the opposing attorney is made aware of the discussions immediately following.

6. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?

I believe that litigants are often times concerned about having their case heard by a fair and impartial judge. Therefore, whether required or not, if one of my former partners and associates appeared before me, I would inform the parties of my past relationship and recuse myself from the case. With regards to lawyer-legislators I would not automatically decline to hear the case simply because the lawyer also happens to be a current or former legislator. However, if one party expressed a concern that I could not be impartial, then I would recuse myself.

7. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion?

I would grant the party's motion. If something is perceived by a party as creating a bias, then that perception is reality to that party, particularly if it is the result of something that I had disclosed. If it is something of which I am not aware I would have to consider whether there is in fact an appearance of bias or whether the party is simply trying to seek a delay.

8. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?

I would disqualify myself from any case where the circumstances gave any indication of a conflict of interest due to the financial or social involvement of my spouse or close relative.

9. What standards would you set for yourself regarding the acceptance of gifts or social hospitality?

I believe I would continue to accept gifts or social invitations from close friends if the type of gift or value is consistent with past practice. For instance I believe we would continue to exchange Christmas and birthday gifts with neighbors and long term friends. However should the nature or value of the gifts change significantly then I would not accept it. I would be suspicious if I was elected and persons who had never previously given me gifts suddenly begin to offer gifts and social hospitality. In those instances I would politely decline the gift or offer. Under no circumstances would I accept any gifts or goods that are meant to gain favor in my position as a judge.

10. How would you handle a situation in which you became aware of misconduct of a lawyer or of a fellow judge?

Lawyers have an ethical duty to report misconduct. If I was personally aware of unethical conduct by either a sitting judge or attorney I would be duty bound to make a report. If I did not have firsthand knowledge or I merely suspected misconduct, I would address the allegations with the judge or attorney in question and report if the allegations proved to be true.

11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be evaluated? No.
12. Do you have any business activities that you would envision remaining involved with if elected to the bench? No.
13. Since family court judges do not have law clerks, how would you handle the drafting of orders?

I believe most judges assign one or both of the lawyers to prepare draft orders for review. If the nature of the order is such that that can be done, then I will follow that procedure. If it is an order that I believe should be drafted by me, then I will draft the order. If the facts or legal theories are significantly complicated, I will probably instruct the attorneys to file post trial briefs containing legal citations and references to the pertinent facts in order to help me with the drafting process.

14. If elected, what method would you use to ensure that you and your staff meet deadlines?

I would have a calendar system that reminds me and the staff of the task that needs completion, the date it needs completion and the individual responsible for completing the task. If the task remains uncompleted for a set time (say 1 week) before its due date then the person responsible for its completion would be sent a reminder.

15. If elected, what specific actions or steps would you take to ensure that the guidelines of the Guardian Ad Litem statutes are followed during the pendency of a case?

I would monitor the reports of the guardian and ask the attorneys to monitor them as well so that all parties will stay informed of the guardian's progress. Furthermore, I would ensure that the guardian meets the statutory qualifications before appointment and is familiar with the requirements of the statute.

16. What is your philosophy on "judicial activism," and what effect should judges have in setting or promoting public policy?

I believe that a trial judge has an obligation to follow statutory and case law. Maintaining the integrity of that system is tantamount in assuring the public that the law is applied equally to everyone. Thus, my belief is that trial judges should make no attempt at setting

or promoting public policy. That should be reserved for the legislature and appellate courts if appropriate.

17. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities would you plan to undertake to further this improvement of the legal system?

I am willing to speak at civic functions or schools or other acceptable venues to educate the public about the family court, its jurisdiction and the important function it serves. I believe that regular open communications with the local bar allows for brain storming ideas for improvement in day to day functions of the court which in turn leads to a more efficient system.

18. Do you feel that the pressure of serving as a judge would strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you plan to address this?

I do not believe that serving as a judge would strain any personal relationship. I cannot imagine anyone asking or expecting me to assist them with an issue because of my position. If someone did, then I would explain to them that I cannot and will not put my reputation and the reputation of the legal system at risk because of our relationship. I do not believe that the hours of work, travel or other time demands expected of a judge would place any strain on my family or personal relationships.

19. Would you give any special considerations to a *pro se* litigant in family court?

Special considerations to a *pro se* litigant should be the exception not the rule. I think the reason a person is appearing *pro se* is important in deciding whether any special considerations should be given. If the person is simply appearing without an attorney in order to save money, then no special considerations should be allowed. If the person clearly cannot afford an attorney, then perhaps some flexibility is warranted with regards to things such as the format of affidavits or other pleadings or making sure the person has enough time to make their argument without feeling pressured. However, no special considerations can be given with regards to substantive law. The law applies to everyone equally whether they are represented or not.

20. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?

No.

21. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?

Probably not. Even if both parties consent after full disclosure someone may later believe there was bias. In order to be safe it is probably better to recuse myself.

22. Do you belong to any organizations that discriminate based on race, religion, or gender? No.
23. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes
24. What percentage of your legal experience (including experience as a special appointed judge or referee) concerns the following areas? If you do not have experience in one of these areas, can you suggest how you would compensate for that particular area of practice?
- a. Divorce and equitable distribution: 50%. I believe that I have sufficient experience in this area to hear cases and issue rulings.
 - b. Child custody: 46%. I believe that I have sufficient experience in this area to hear cases and issue rulings.
 - c. Adoption: 0-1% While I do not have an adoption practice, I have several friends who do a significant amount of adoption work who I can call upon prior to taking the bench to experience the process first hand from the attorneys' side of the bar. I am aware of the TPR process and have represented parents willing to terminate their rights in favor of adoption by others.
 - d. Abuse and neglect: 2-3% I have been appointed attorney and guardian in both child and adult abuse and neglect cases. I believe my biggest disadvantage is not having a complete knowledge of all the various statutory time limits. In order to help me transition I can observe DSS hearings and review the pertinent statutory and case law material.
 - e. Juvenile cases: 0% I have not been involved in any juvenile cases. I believe I could observe several days of juvenile court to get a good understanding of the procedural process. I would also request tours of the juvenile facilities to have firsthand knowledge of the conditions of the facilities and their programs before taking the bench.
25. What do you feel is the appropriate demeanor for a judge?
- A judge must be understanding, open-minded, patient, firm, fair and even tempered. This may be the first time the litigants have ever been in a court room and is probably one of the most important events of their lives to that point. The judge might be making a decision that affects their lives forever. Those litigants and the taxpaying citizens of the State deserve to know that they have someone who will treat them with dignity and respect and be fair and open minded regardless of the merits of their arguments. Likewise the attorneys who appear in the courtroom are entitled to be treated with the utmost dignity and respect at all times.

26. Would the rules that you expressed in your previous answer apply only while you are on the bench or in chambers, or would these rules apply seven days a week, twenty-four hours a day?

I believe that I already apply those standards to my everyday life. I would strive to continue to do so whether elected to the bench or not.

27. Do you feel that it is ever appropriate to be angry with a member of the public who would appear before you, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a pro se litigant?

I think everyone gets angry from time to time, but the use or display of anger to a member of the public is inappropriate at all times. I believe that Judges are representatives of the State and serve the citizens of the State. Anger is an inappropriate emotion to display when dealing with the person that you are serving. It tends to cloud judgment and leads to knee jerk reactions that are often regretted later. A judge may have to be firm and may have to get someone's attention, but it shouldn't be out of anger. Regardless of whether the judge is dealing with a member of the public, an attorney, pro se litigant or court staff, anger is never appropriate.

28. How much money have you spent on your campaign? If the amount is over \$100, has that been reported to the House and Senate Ethics Committees? \$0
29. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office? N/A
30. Have you sought or received the pledge of any legislator prior to this date? No.
31. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No.
32. Have you asked any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No.
33. Have you contacted any members of the Judicial Merit Selection Commission? No.
34. Are you familiar with the 48-hour rule, which prohibits a candidate from seeking pledges for 48 hours after the draft report has been submitted? Yes.

I HEREBY CERTIFY THAT THE ANSWERS TO THE ABOVE QUESTIONS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Thomas Tredway Hodges

Sworn to before me this 6 day of August, 2012.

Notary Public for South Carolina

My commission expires: 08/11/20