

**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying:
Family Court Thirteenth Judicial Circuit, Seat 5

1. NAME: Mr. Thomas Tredway Hodges
BUSINESS ADDRESS: 819 East North St.
Greenville, SC 29601
TELEPHONE NUMBER: 864-242-0554
2. Date of Birth: 1959
Place of Birth: Conway, SC
3. Are you a citizen of SC? Yes
Have you been a resident of this state for at least the immediate past five years? Yes
5. Family Status: Married on April 23, 1988, to Erroll Anne Hay Yarbrough Hodges. Never divorced; two children.
6. Have you served in the military? No.
7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.
 - (a) Georgia Tech – August 1978 to March 1979 withdrew without degree;
 - (b) USC-Spartanburg August 1979 to August 1980;
 - (c) USC-Columbia August 1980 to December 1980;
 - (d) USC-Spartanburg January 1981 to August 1982. BS in Business Administration;
 - (e) USC School of Law August 1984 to May 1987. Juris Doctor.
8. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.
I was admitted to the SC Bar in 1987. I have remained a member in good standing at all times. I have not taken any bar exams other than the SC Bar exam.
9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.
 - (a) I was a law clerk for Turnipseed, Bogan and Dew after my first year of law school and into my second year;
 - (b) I was a law clerk for Callison, Tighe, Rush, Robinson and Anastasion after my second year and into my third year.
10. Describe your continuing legal or judicial education during the past five years. Include only the title and date of any continuing legal or judicial education course completed.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) Greenville County Annual CLE Conference	2/15/13;
(b) Cell Phone Forensics	2/11/13;
(c) Grantee Gathering	12/11/12;
(d) Hot Tips from the Coolest Domestic Law Practitioners	9/28/12;
(e) 2011 Family Court Bench/Bar	12/2/11;



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| (f) | What Family Court Judges Want You to Know (moderator) | 2/18/11; |
| (g) | Hot Tips from the Coolest Domestic Law Practitioners | 10/01/10; |
| (h) | Advanced Family Law | 2/8/10; |
| (i) | Greenville County CLE Conference | 2/12/10; |
| (j) | 2008 Family Court Bench/Bar | 12/5/08; |
| (k) | Greenville County Annual CLE Conference | 2/13/08; |
| (l) | Managing Ethical Issues in Your Day to Day Practice | 12/10/07; |
| (m) | Training for Attorneys Appointed in Abuse and Neglect Cases in the Thirteenth Circuit | 10/05/07; |
| (n) | Hot Tips from the Coolest Domestic Law Practitioners | 9/21/07; |
| (o) | Ethical Considerations and Pitfalls for the Family Law Lawyer | 12/27/06; |
| (k) | Civil and Criminal Law Update | 12/8/06; |
| (l) | 2006 Family Court Bench/Bar | 12/1/06; |
| (m) | Family Law Intensive Workshop | 11/2/06. |
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?
I participated in the program titled "What Family Court Judges Want You to Know" held in Greenville on 2/18/11. This seminar involved a panel of eight family court judges speaking on a variety of family court issues. I moderated the judges' discussions and prepared their materials.
12. List all published books and articles you have written and give citations and the dates of publication for each. I have not published any books or articles.
13. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.
- (a) Admitted to practice before the State Courts of SC in 1987;
- (b) Also admitted to practice before the Federal District Court for SC and Fourth Circuit Court of Appeals in 1988.
14. Describe chronologically your legal experience since graduation from law school and include a list of all law firms with which you have been associated. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years.
- (a) I graduated from law school in May 1987.
- (b) In August 1987, I was hired as an associate with Haynsworth, Baldwin, Miles, Johnson, Greaves and Edwards in Greenville. (That firm later became Haynsworth, Baldwin, Johnson and Greaves). I remained an associate until I was made a partner at the end of 1994. The Haynsworth firm was a labor and employment firm representing employers exclusively. As a new associate I primarily did legal research for all types of labor and employment cases pending before state and federal courts and various state and federal agencies. Over time, I began to make appearances in those same forums at all times representing management exclusively. I participated in several breach of contract and unlawful discharge trials. I reviewed employer policies and documents to ensure legal compliance and I regularly provided legal training to employers concerning a wide variety of employment matters. In the early 1990s my work became more focused on traditional labor matters, including union elections, unfair labor practices and labor arbitrations. I

traveled the country extensively representing employers in labor disputes and union campaigns. I represented companies before the National Labor Relations Board from Alaska to Florida and from New Jersey to California and most states in-between. I handled hearings before NLRB hearing officers, Administrative Law Judges and arbitrators. Those hearings were always non-jury and typically lasted anywhere from 1 day to several days. The hearings involved taking testimony, cross-examination of witnesses, introducing and objecting to evidence and drafting briefs for the judge or hearing officer. The nature of my practice remained primarily NLRB related until my resignation from the Haynsworth firm in May 2003.

- (c) In October 2003, Marsh Robertson (now Judge Robertson), Ann Coleman, and I formed Robertson, Hodges and Coleman. Our practice was limited to family court matters exclusively. Coleman left the practice in 2005. Robertson and I formed Robertson and Hodges, LLC. We continued to practice exclusively in Family Court. Robertson was elected to the Family Court Bench in 2010. Our partnership was dissolved and I continued my practice under the name Thomas T. Hodges, P.A. I still limit my practice to Family Court matters.

If you are a judge and are not seeking a different type of judgeship, the following questions are inapplicable:

- (a) If you are a candidate for Family Court, please provide a brief written description of your experience within each of the following Family Court practice areas: divorce and equitable division of property, child custody, adoption, abuse and neglect, and juvenile justice. Include information about cases you have handled in each of these practice areas, or if you have not practiced in an area, describe how your background has prepared you to preside over such matters as a Family Court Judge.

DIVORCE:

I have handled numerous divorce cases. Some have been complicated by significant property or support issues. Some have been very simple where there are no property or support issues to resolve. I have handled many fault based divorce cases as well as many no-fault cases. I have handled contested and uncontested cases alike. I have handled many separate support cases. I have also litigated and handled cases involving the existence of a common law marriage.

ALIMONY AND CHILD SUPPORT:

I have prosecuted and defended cases requesting alimony, termination of alimony and modifications to alimony and child support awards. I have represented unwed mothers in actions to establish child support.

EQUITABLE DIVISION:

I have handled a wide variety of cases where the parties have argued over personal property that had little or no monetary value to cases where one party or the other is a multi-millionaire. Occasionally an expert is needed to value property or a business. I have worked closely with those experts in identifying the property and valuing it. Several recent cases have involved parties with significant non-marital assets that while not included in the marital estate, still impact the percentage of the estate to be awarded to a spouse and impact the support that a spouse is to pay. I have dealt with issues of transmutation of non-marital property. I have drafted numerous pre-marital agreements dealing with the disposition of property in the event of a later divorce or separation.

CHILD CUSTODY:

I have handled many custody issues whether they were part of a divorce case or independent of a divorce action. I have handled numerous change of custody actions representing both the plaintiff and defendant. I have handled cases wherein one parent has made serious, but unfounded charges of sexual abuse of the child against the other parent. I have successfully represented un-wed fathers in obtaining custody and/or visitation rights. I have represented grandparents in obtaining custody of their grandchildren.

ADOPTION:

I have had limited exposure to adoptions. There are several attorneys who specialize in adoptions to whom I refer those cases. I have represented individuals who have relinquished their parental rights for others to adopt the child.

ABUSE AND NEGLECT:

I have been appointed in abuse and neglect cases as an attorney and as a guardian ad litem for both children and adults. However, other than appointed cases, I have not represented any one in an abuse and neglect case.

15. What is your rating, if any, by any legal rating organization, such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, etc.? If you are currently a member of the judiciary, list your last available rating, if any.

I have an "AV" rating with Martindale-Hubbell and I was selected as a "Super Lawyer" in the area of Family Law in 2008 and 2009.

16. What was the frequency of your court appearances during the past five years?
- (a) federal:
- (b) state: Frequent
17. What percentage of your practice involved civil, criminal, domestic, and other matters during the past five years?
- (a) civil:
- (b) criminal:
- (c) domestic: 100%
- (d) other:

18. What percentage of your practice in trial court during the past five years involved matters that went to a jury, including those that settled prior to trial?
- (a) jury:
- (b) non-jury: 100%

Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? Most often I serve as sole counsel.

19. List five of the most significant litigated matters you have personally handled in either trial or appellate court or before a state or federal agency. Give citations if the cases were reported and describe why these matters were significant.

(a) NLRB v. Minette Mills This case is not reported however earlier Minette Mills cases are reported and are pertinent to understanding the importance of this case. Minette Mills was a textile mill located in Grover, North Carolina, that was accused of unlawfully terminating a man and his wife during a union campaign in 1990. In 1991 the NLRB ruled that that the company had acted unlawfully and ordered the company to reinstate the employees with back pay. Minette Mills, Inc., 305 NLRB 1032 (1991). I was one of two trial lawyers in that case. The Fourth Circuit Court of Appeals upheld the NLRB's order. Minette Mills, Inc. v. N.L.R.B., 983 F. 2d 1056 (4th Cir. 1993). The company reinstated the employees but could not agree on

the amount of back pay owed to them, so a two day hearing was held on that issue in January 1994. I handled that trial and the subsequent appeal to the full NLRB. *Minette Mills, Inc.*, 316 NLRB 1009 (1995). The case I will remember as being significant followed when the employees were terminated a second time and charges of unlawful discrimination and retaliation were filed again by the NLRB. The significance is that the trial on the second discharges was held before the same judge that heard the back pay issue and the company was under the threat of contempt for non-compliance with the Fourth Circuit order. Despite the stacked deck of the case, the judge ruled that the company had not violated the law and dismissed the complaint. To my knowledge the NLRB did not appeal that decision.

- (b) Tracy v. Tracy 2008-DR-23-564. This case involved significant property and support issues. The parties were appreciably apart throughout the case concerning the identity and value of the marital property. Complicating the matter further, the wife became statutorily barred from receiving alimony midway through the case which had the effect of making both parties more steadfast in their demands. Numerous depositions were taken including expert and fact witnesses. The case was settled on the night before trial with the husband providing substantial lump sum alimony despite the statutory bar in order to take advantage of the tax benefits. This arrangement allowed him to retain more marital property which in turn allowed him to feel as if the outcome was fair to both parties.
- (c) Jones v. Johnson, 2006-DR-23-968. I represented an unwed father in this case. The child's parents lived in Florida when he was born. Shortly after the child's birth the mother brought the child to SC. Several weeks later the mother died. The maternal grandmother brought an action in SC for custody of the child. The father brought an action in Florida for the return of the child. The case involved the Uniform Child Custody Jurisdiction Act as well as SC's de facto parent statute that had just been enacted among other issues related to the custody of the child. Several hearings were held with judges from both states conferring over jurisdiction and factual issues. The case was ultimately resolved without a trial with the father gaining custody of his child and returning him to Florida.
- (d) Stiggers-Smith v. Smith , 2009-UP-105. I represented the defendant in this common-law marriage case. The plaintiff sought the establishment of a marriage, a divorce, spousal support and equitable division. The plaintiff was given nominal support at the temporary hearing and the case was bifurcated allowing the issue of the marriage to proceed separately. A one-day trial resulted in the plaintiff winning her argument that a marriage existed. This case was significant to me and my practice as I necessarily had to do extensive research on the issue of common law marriages which has benefited me in later cases. It also reaffirmed the importance of the credibility of witnesses when faced with facts that could be viewed from different perspectives.
- (e) Martin v. Martin, 2006 DR 23-5378. I represented the defendant/father in this divorce case that turned into a heated custody battle. The temporary order granted the father custody after the mother had moved out of state and refused to allow him to see the children. Later a contempt hearing was held on the mother's claim that the father had exposed the children to his paramour. The father prevailed in the hearing and ultimately was granted primary custody of the children.

20. List up to five civil appeals you have personally handled. Give the case name, the court, the date of decision, and the citation if the case was reported.

I have not personally handled a civil appeal. While I was listed as an attorney of record in Stiggers-Smith v. Smith 2009-UP-105, and tried the case at the trial level, I did not handle that appeal by myself.

21. List up to five criminal appeals that you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported. None

22. Have you ever held judicial office? No

24. Have you ever held public office other than judicial office? If so, list the periods of your service, the office or offices involved, and whether you were elected or appointed.

I have never held public office.

25. List all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. N/A

26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?

I was a candidate for Family Court At Large Seat 6 that was screened in the Fall of 2012. I was found qualified and nominated by the JMSC, but withdrew my name from consideration prior to the election.

27. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office?

Since graduating law school I have not been engaged in any occupation other than the practice of law. Prior to law school and after graduation from college I was a sales clerk for Ivey's department store in Spartanburg and Richland Creek clothing store in Spartanburg.

28. Are you now an officer or director or involved in the management of any business enterprise? No.

29. A complete, current financial net worth statement was provided to the Commission.

30. Describe any financial arrangements or business relationships you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek. Explain how you would resolve any potential conflict of interest.

To my knowledge I do not have or have had any financial or business relationships that could result in a possible conflict of interest. I am one of 16 members in a hunt club that includes several other attorneys. If one of those attorneys appeared before me I would disclose our relationship and recuse myself if either party requested it.

31. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law? No.

32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? No.

33. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? Have you ever defaulted on a student loan? Have you ever filed for bankruptcy? No.

34. Have you ever been sued, either personally or professionally, that is, have you ever been named as defendant or respondent in any court of law?

I have never been sued personally.

In 2007, BellSouth Advertising & Publishing Corporation filed suit against Robertson and Hodges, LLC f/k/a Robertson, Hodges and Coleman PA in Dekalb County, Georgia, seeking payments owed under a yellow pages advertising contract. The contract was entered into by Ann Coleman under the name Robertson, Hodges and Coleman to advertise her adoption practice. Marsh Robertson and I were unaware that she had entered the contract under the firm name until we were contacted by BellSouth about the unpaid debt. After Ms. Coleman failed to satisfy the debt BellSouth filed the lawsuit. The debt was thereafter satisfied with funds provided by Ms. Coleman, and the case was dismissed with prejudice.

36. Have you ever been investigated by the Department of Social Services? Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect? No.

37. If you are in private practice, are you covered by malpractice insurance and, if so, how long have you carried malpractice insurance? If applicable, have you ever been covered by a tail policy?

My current malpractice policy was issued by Continental Casualty Company. The coverage is \$1,000,000 per claim with a \$2,000,000 aggregate limit. The deductible is \$2500. I have had my own malpractice insurance since forming my PA in 2003. Prior to that I was covered by Haynsworth, Baldwin, Johnson and Greaves policy.

38. Are you active on or a member of a social media or Internet site or have you, to your knowledge, been featured or depicted on a social media or Internet site, such as, Facebook, LinkedIn, Twitter, etc.?

I have a firm website that would be discontinued should I be elected. I am not active on any social media site and I have no plans to become active. My wife has a Facebook account where she stores many family photographs. If elected, I would ensure that no images of me or comments about me are posted that might appear to bring dishonor or disrespect to my position.

39. Are you now or have you ever been employed as a "lobbyist," as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a "lobbyist's principal," as defined by S.C. Code § 2-17-10(14)? No.

40. Since filing with the Commission your letter of intent to run for judicial office, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value as defined by S.C. Code § 2-17-10(1) from a lobbyist or lobbyist's principal? No.

41. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated."

I am not aware of any such charges or allegations.

42. S.C. Code § 8-13-765 provides, in part, that "[n]o person may use government personnel, equipment, materials, or an office building in an election campaign."

I am not aware of any such charges or allegations.

43. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf in furtherance of your candidacy for the position you seek.

I have not spent any money nor am I aware of any expenditures on my behalf in furtherance of my candidacy.

44. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship. None.
45. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? No.
46. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No.
47. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No.
48. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? No.
49. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.
- (a) SC Bar;
 - (b) Greenville County Bar.
50. List all civic, charitable, educational, social, and fraternal organizations of which you are or have been a member during the past five years and include any offices held in such a group, any professional honors, awards, or other forms of recognition received and not listed elsewhere.
- (a) I am a member of the Greenville Country Club;
 - (b) I am a member of Hogskins Hunt Club in Honea Path, SC;
 - (c) I am a member of the Greenville Gun Club.
51. Provide any other information that may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek.
- I have been practicing exclusively in the Family Court for 10 years. Prior to that, I was a labor lawyer for 16 years with one of the nation's preeminent labor law firms. In both practices I worked very closely with individuals who were going through stressful situations. I have worked closely with multimillionaires to bankrupt individuals. As a result I have learned how to relate and connect with people regardless of their economic, social or educational background. I believe that my ability to treat all people with the same level of dignity and respect will be an invaluable asset as a Family Court judge.
52. References:
- (a) Knox L. Haynsworth, Jr.
Ogletree Deakins Nash Smoak & Stewart, PC
300 North Main Street, Suite 500
Greenville, SC 29601
(864) 271-1300
 - (b) Richard E. Davis
Elliott Davis, LLC
200 East Broad Street, Suite 500
Greenville, SC 29601

- (864) 242-3370
- (c) Mark B. Kent
KENTWOOL
1 North Main Street, Suite 903
Greenville, SC 29601
(864) 878-6367
- (d) A. Marvin Quattlebaum, Jr.
Nelson, Mullins, Riley & Scarborough LLP
104 South Main Street, Ninth Floor
Greenville, SC 29601-2122
(864) 250-2209
- (e) Chris Mize
TD Bank
101 Cleveland Street
Greenville, SC 29601
(864) 255-7904

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

Signature: Thomas T. Hodges
Date: July 29, 2013