

**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

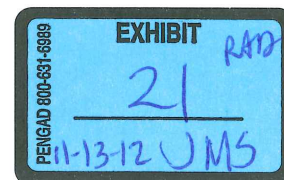
Court, Position, and Seat # for which you are applying:
Circuit Court At-Large, Seat 16

1. NAME: Mr. Donald B. Hocker
BUSINESS ADDRESS: Post Office Box 972
Laurens, SC 29360
TELEPHONE NUMBER: (office): 864-984-4574
2. Date and Place of Birth: 1952; Waltham, MA
3. Are you a citizen of South Carolina? Yes
Have you been a resident of this state for at least the immediate past five years? Yes
5. Family Status: Married on July 17, 1976, to Susan Gayle Lindler Hocker. 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) Clemson University, 1971-75, BA;
 - (b) Clemson University, 1975-76, MEd;
 - (c) USC School of Law, 1978-80, JD.
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.

SC, 1981
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.

(College) Clemson University:
Kappa Alpha Fraternity, 1972-75, Recording Secretary
(Graduate) Clemson University:
Graduate Assistant/Instructor 1975-76
(Law School) USC:
 - (a) Wig and Robe, 1980;
 - (b) Moot Court Board, 1980;
 - (c) Mock Trial Competition, 1980.
10. Describe your continuing legal or judicial education during the past five years.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) SC Association of Probate Judges	02/19/02;
(b) SC Probate Bench/Bar	09/13/02;



- (c) Annual Judicial Conference 09/22/02;
- (d) SC Association of Probate Judges 03/25/03;
- (e) SC Association of Probate Judges 05/16/03;
- (f) FN-Real Estate 02/07/03;
- (g) SC Probate Bench/Bar 09/12/03;
- (h) Annual Judicial Conference 09/21/03;
- (i) SC Association of Probate Judges 02/04/04;
- (j) Judicial Oath of Office 10/11/04;
- (k) SC Probate Bench/Bar 09/17/04;
- (l) Annual Judicial Conference 10/10/04;
- (m) Lawyer's Oath of Office 09/24/04;
- (n) SC Association of Probate Judges 02/28/05;
- (o) LandAmerica-Title Insurance 09/14/05;
- (p) SC Probate Bench/Bar 09/16/05;
- (q) Annual Judicial Conference 09/21/05;
- (r) SC Association of Probate Judges 02/06/06;
- (s) LandAmerica-Title Insurance 08/23/06;
- (t) SC Probate Bench/Bar 09/15/06;
- (u) Annual Judicial Conference 10/04/06;
- (v) SC Probate Bench/Bar 09/14/07;
- (w) SC Association of Probate Judges 02/13/07;
- (x) Annual Judicial Conference 09/09/07;
- (y) SC Probate Bench/Bar 09/14/07;
- (z) SC Association of Probate Judges 02/05/08;
- (aa) SC Association of Probate Judges 09/12/08;
- (bb) SC Association of Probate Judges 02/24/09;
- (cc) SC Association of Probate Judges 09/11/09;
- (dd) SC Association of Probate Judges 10/18/09;
- (ee) SC Association of Probate Judges 05/07/10;
- (ff) SC Bar 09/10/10;
- (gg) SC Association of Probate Judges 02/05/10;
- (hh) SC Association of Probate Judges 05/20/11;
- (ii) SC Bar 09/09/11;
- (jj) SC Association of Probate Judges 10/10/11;
- (kk) SC Bar 02/01/12;
- (ll) SC Association of Probate Judges 02/15/12;
- (mm) SC Bar: Family Court Mediation Training 03/22-26/12.

11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?
- (a) 1999-Jury Trials in Probate Court;
 - (b) 2000-Basic Evidence in Probate Court;
 - (c) 2001-Order Writing;
 - (d) 2002-Contempt Issues in Probate Court;

- (e) 2003-Will Construction Cases;
 - (f) 2006-Awarding Attorney's Fees in Probate Court;
 - (g) 2007-Reopening the Record, Contempt Revisited, Pro Se Litigants, Brown v. Coe;
 - (h) 2009-Probate Court Bench Bar (September 2009);
 - (i) 2011-Probate Bench Staff (May 2011).
12. List all published books and articles you have written and give citations and the dates of publication for each. None
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) SC State Courts: May 14, 1981;
 - (b) US District Court: September 10, 1981;
 - (c) US Supreme Court: October 11, 1994.
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.

May 15, 1981-current: I have been a sole practitioner in Laurens, SC. I have had a general practice with significant experience in Circuit Court-both criminal and civil. I have also been the Associate Probate Judge for Laurens County since March of 1984 which will be discussed later.

- 14.(b) If you are a candidate for Circuit Court, please provide a brief written description of your experience in criminal matters, including any cases handled over the past five years and include a brief description of the issues involved. Further, please provide a brief written description of your experience in civil matters, including any cases handled over the past five years and include a brief description of the types of matters handled, issues involved, and procedural history. Please include information such as the primary areas in civil court in which you practice, whether you represent plaintiffs or defendants, or both. You may go back further than five years if you feel it would assist the Commission with its assessment of your experience. If you lack experience in an area, describe how your background has prepared you to preside over such matters as a Circuit Court Judge, or how you would compensate for your lack of experience in this area.

Criminal:

I would incorporate by reference my response to Question 19 (c) and (d) concerning two significant cases in General Sessions that I have handled. I have represented criminal clients in General Sessions (and even Magistrate's Court) my entire practice. I typically will receive 8-12 court appointments a year and approximately at least this same number of privately-paid cases annually. I have represented clients charged with a variety of offenses, i.e. murder, felony DUI, possession and distribution of drugs. The vast majority of

criminal cases result in a guilty plea but I have experience throughout my 31 1/2 years in trying cases before a jury.

Civil:

I would incorporate by reference my response to Question 19 (a), (b), and (e) concerning three significant cases in Common Pleas that I have handled. I have extensive experience dealing with a wide variety of cases, both jury and non-jury. The two most recent cases that I have tried in Court were (1) a breach of contract/fraud case dealing with a sale of an antique automobile. I represented the Defendant. The case was tried before a jury with a verdict in favor of the Defendant. (2) A deed-set-aside case. I represented the Plaintiff. The case was tried non-jury with a verdict in favor of the Plaintiff. My practice has been more Plaintiff-oriented but I do represent Defendants. A sampling of what I currently have pending in my Common Pleas practice is as follows: A quiet title action representing the Plaintiff; Representing the Defendants in a fourteen causes of action land dispute case. I also represent The Palmetto Bank and The City of Laurens Commission of Public Works, which provides additional cases in the civil area.

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. BV
16. What was the frequency of your court appearances during the past five years?
 - (a) federal: None;
 - (b) state: Average of five times a week.
17. What percentage of your practice involved civil, criminal, domestic, and other matters during the past five years?
 - (a) civil: 25%;
 - (b) criminal: 25%;
 - (c) domestic: 40%;
 - (d) Probate Court-Judge: 10%.
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: 5%;
 - (b) non-jury: 95%.

Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? 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) Charles Gray and Corey Gray vs. Georgia Pacific Corp., 97-CP-30-110, 111, 112.

I represented the Plaintiffs. This case involved a horrible vehicle accident with these two brothers. They both sustained severe 2nd and 3rd degree burns over most of their bodies. Suit was filed and a

settlement was reached in 1997. This case is significant for several reasons. One, novel computer technology was used by the Plaintiff in the mediation process. Secondly, it is significant because the Plaintiffs were and are a living example of a true will to live and remain productive citizens, which they are today. Thirdly, significant discovery took place.

- (b) Glen Meadows, LLC, et. al. vs. The Palmetto Bank, et. al., 03-CP-23-4541.

I represented the Defendant Palmetto Bank. This case involved a suit by the Plaintiff-employer against three Banks. The Plaintiff had an employee who stole \$145,000.00 over several years by making out and endorsing numerous checks written on accounts with the Defendants. These checks were made payable to the Bank and each time a deposit was made to The Palmetto Bank. Extensive discovery took place. The case was significant because the law was very competitive between the UCC code and the requirements and duty of care placed upon a customer in contrast to the basic principals governing a banking institution's duty of care.

- (c) State of South Carolina vs. Allenna Ward, 07-GS-30-359, 362, 364, 365, 369.

This criminal case dealt with a teacher charged with criminal sexual misconduct with five underage students. There was a tremendous amount of publicity nationwide. I was one of the two lawyers representing this Defendant. The case was significant for several reasons. One, the vast majority of teachers charged in this state and other states were only involved with one student and this case had five. Secondly, it was significant simply because of the media attention it had from the day of the arrest to the sentencing.

- (d) State of South Carolina v. Comest S. Allen, 99-GS-30-661.

I represented the Defendant who had been charged with armed robbery. He had been in jail/prison the majority of his life. He was accused of going into a Subway restaurant in Clinton, SC at midnight (closing time) and robbing the store. The robbery was on surveillance video. The Defendant was very accustomed to the legal system so he continuously filed motions, briefs, objections, etc. contrary to my advice. This case was significant for several reasons. First, he required me to file a Motion with the Court to allow a "re-enactment" of the crime wherein he would be allowed to wear what the "person" was wearing and would act out exactly as the person on the video in an attempt to offer the comparison of the videos as not being him. To the shock of everyone, the Court granted the Motion. The "re-enactment" was done but never an issue. This is due to the fact the only real evidence that the State had (and it was not the video) was the identification by the store clerk. However, under legal principles, we were successful in getting the photo identification line-up and the resulting testimony/in-court identification

suppressed. The trial Judge agreed with our defense that the identification was clearly tainted hereby justifying a suppression of the clerk's testimony. Consequently, a motion for directed verdict was made and granted.

(e) Ernest Sullivan vs. John Walk, et. al., 06-CP-30-890.

A lady died and left a significant life insurance policy naming, not her husband-the Plaintiff, but an uncle-the Defendant. This lady died of cancer and made the beneficiary change from the husband to the uncle in the latter stages of her illness. I represented the Defendant uncle. He claimed that she made the change to him because she trusted him to insure that her three children (not all by the husband) would be taken care of. The significant issue in the case was whether or not she had the mental capacity to effectuate the change of beneficiary. Significant also was the fact that we had to recreate the last months of this cancer-stricken lady's life on the issue of competency. The case was resolved with the Plaintiff receiving nothing and the Defendant receiving the entire policy proceeds (he agreed to put a portion of the money in trust for the children). Also, it should be noted that a companion Interpleader action was filed by the Insurance Carrier.

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.

(a) Shorb v. Shorb 372 S.C. 623 (Ct. App 2007)

I was the trial lawyer but associated another lawyer for the appeal. I was not shown as counsel but was copied with all correspondence from the Court of Appeals and I assisted counsel with the appeal. The case was novel on the issue of equitable division of Walmart stock options in a divorce. I represented the Wife who was awarded 55% of the Husband's stock options along with a monetary award concerning these options. The Wife prevailed on the amount of stock options awarded her by the trial court.

(b) South Carolina Department of Social Services vs, Defendants (Court of Appeals 2000-unpublished opinion)

I represented the father of a teenage daughter who accused him of sexual abuse. The significance of this case was the Court's defining "sexual abuse" to the facts of the case. We were successful in obtaining a reversal and remand in the case.

(c) Hellams v. Harnist 284 S.C. 256 (1985)

I represented the Defendants in this deed reformation case. I was successful in getting the Court to reverse the trial court's reformation of the subject deed. The case sets out good law with respect to deeds, mutual mistakes in deeds, and property descriptions. (Note: I had only been out of law school four years when the appeal was decided).

(d) Bobby Tucker vs. Debra Wasson 90-759

This case was appealed by the mother in a visitation case. I represented the father. The issue being whether the father's previously ordered supervised visitation should be changed. The Lower Court ruled in favor of the father. The Court of Appeals affirmed. The case was significant for several reasons. During the time the case was tried, issues of visitation being supervised or unsupervised were fairly uncommon. Too, the Guardian ad Litem played a role in this case possibly somewhat differently than a Guardian ad Litem today.

(e) Flinn v. Crittenden, 287 S.C. 427 (1985)

I represented the Plaintiff in a nursing home liability suit against the Defendant nursing home. The Lower Court granted summary judgment in the Defendant's favor. The appellate court affirmed the ruling finding no liability. Justice Goolsby gave a strong dissent which is significant because it sets out a good review of nursing home liability.

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?

I have been the Associate Probate Judge for Laurens County since March of 1984, (28 1/2 years) and appointed by the elected Probate Judge. Probate Courts in SC have jurisdiction over Estates, Mental Commitments, Conservatorships and Guardianships. During my tenure on the bench, I have presided over numerous cases not only in Laurens County but across the State. I have had the honor and privilege of being appointed by the Supreme Court to preside over many cases in other counties for a variety of reasons. I have had the opportunity to preside over jury trials as well as non-jury cases during my tenure. Even though non-jury cases are the most prevalent in Probate Court, I would like to give some of the following examples of jury trials I have presided over (non-exclusive list). (Note: Probate jury trials are identical to Circuit Court jury trials in all respects. A jury trial in Probate Court is conducted either in conjunction with a term of Common Pleas Court in Circuit Court or a special Probate jury term is authorized by the Supreme Court. In either situation, a Circuit Court jury pool is utilized).

Examples:

(a) Barnett Estate-Anderson County:

Six day jury trial with five lawyers and numerous lay and expert witnesses. Since this was the only case for that week of Circuit Court, I did all the initial jury pool qualification before the jury pool was voir dire for the particular case.

(b) Owings Estate-Laurens County:

Four day jury trial with five lawyers and numerous lay and expert witnesses. The same is true in this case concerning jury pool qualification.

(c) Lester Estate-Newberry County:

Two day jury trial in September 2008. A special term of court was scheduled with a Circuit Court jury pool summoned and used. As in the above cases, I presided over all aspects of the trial including jury qualification, jury voir dire, pre-trial and post-trial matters.

(d) Grice Estate-Greenville County:

Four-day jury trial in October 2009 concerning a Will contest.

The point being to the above summary of jury trial Judicial experiences is that I exercised the same role as that of a Circuit Court Judge and did everything that is required of a Circuit Court Judge presiding over a civil jury trial. It should also be noted that the Probate Court handles a wide variety of civil issues. The rules of evidence are the same in Probate Court as in Circuit Court. The Probate Court follows the SC Rules of Civil Procedure.

23. If the answer to question 22 is yes, describe or list five of your most significant orders or opinions and give the citations if they were reported. Also list citations to any appellate review of these orders or opinions.

(a) Melvin Weathers v. Robert P. Bolt as Administrator of the Estate of Virginia B. Morris, 293 S.C. 486.

The Primary issue in this case was whether the Plaintiff had a common-law marriage with the decedent thus allowing him to inherit from the Estate. I ruled against the Plaintiff and my Order was appealed to Circuit Court and then to the Court of Appeals. Both appellate Courts affirmed my ruling.

(b) Department of Health and Human Services vs. Moses L. Miller, Personal Representative of the Estate of Genobia Washington, 2005-UP-154

There were several issues in this case: 1. Jurisdiction of a DHHS claim; 2. The distinction between a Medicaid lien for nursing home services and a Medicaid lien for medical services provided as a result of an accident; 3. The right of the Court to sua sponte reopen the record. Both the Circuit Court and Court of Appeals affirmed my ruling.

(c) In the Matter of Mildred Williams, 97-ES-30-035

An emergency action was filed by a banking institution seeking a Protective Order and seeking a declaration as to the competency of Ms. Williams with respect to a very substantial investment account held by the bank. Several hearings were held in the case. At one time eight lawyers were involved. Ms. Williams also filed an extraordinary Writ of Prohibition in the SC Supreme Court (case number unknown) objecting to my jurisdiction over the case. This Writ action was ultimately dismissed. The merits of the case before my court were ultimately dismissed after the competency issue was resolved.

(d) In the Matter of Merrilee O. DeVinney, 01-GC-100/104

This case involved a very significant and somewhat novel issue related to the effect, if any, of a trust on a spouse's claim to an elective share in the Estate. My Order was appealed to the Court of Appeals.

(e) In the Matter of the Estate of Bobby Gene Barnett, 03-ES-04-174

This case is ongoing which involves a large Estate and a substantial controversy among the family members along with a companion case involving two bonding companies which had bonds in place when a prior Personal Representative was in office. There have been 15-20 separate hearings along with a six day jury trial on the issue of the validity of the Last Will and Testament.

24. Have you ever held public office other than judicial office?

Since I am appointed by the elected Probate Judge, I have been required to file an Annual Report with the State Ethics Commission and I have always been timely without penalty. (Two years ago, Associate Judges were informed filings were not required)

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. Specify your dates of employment, employer, major job responsibilities, and supervisor.

Practicing attorney representing clients such as the City of Laurens Commission of Public Works and The Palmetto Bank.

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

Yes. I was found qualified but not nominated as a candidate for the Eighth Circuit Seat No. 2 in the fall of 2008.

Yes. I was found qualified and nominated as a candidate for the Eighth Circuit Seat No. 1 in the fall of 2009 and went to a close floor vote in February 2010.

Yes. I was found qualified but not nominated as a candidate for At-Large Circuit Court Seat 9 in November 2010.

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?

(a) 1976-78: Juvenile Probation Office with Laurens County;

(b) 1976-78: Adjunct Instructor for Piedmont Tech;

(c) 2011: Adjunct Professor for Piedmont Tech.

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. None.

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

Several years ago, a disgruntled "litigant" (actually it was a non-lawyer who was trying to represent a party in a Probate Court case) sued me in my judicial capacity because I would not allow him to make an appearance in the case. The case was dismissed with prejudice in the Circuit Court. (Note: This person has had a history of filing lawsuits against judges and lawyers all without any success).

36. Have you ever been investigated by the Department of Social Services? If so, give the details and the resolution. 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?

I have been covered by malpractice insurance for 31 years; never covered by a tail policy.

38. 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.
39. 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.
40. 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." None
41. 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." None.
42. 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. None at this time.
43. 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.

44. 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.
45. 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.
46. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No.
47. 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.
48. 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) Laurens County Bar Association;
 - (b) SC Bar Association;
 - (c) SC trial Lawyers Association;
 - (d) SC Association of Probate Judges;
 - (e) Certified Circuit Court Mediator/Arbitrator (ADR);
 - (f) Certified Family Court Mediator (ADR).
49. 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.

I am active in my church which is First United Methodist Church in Laurens. I serve as Chairman of the Church Council and I teach an adult Sunday school class. I have been active with the Boy Scouts serving as Troop Committee Chairman. I belong to the Kappa Alpha Order Court of Honor which is an elite organization of men across the State who are Kappa Alpha alumni. Several years ago, I received the SC Pro Bono Service Award. Finally, I was voted "Best Attorney" in 2009 and 2012 by the subscribers to the Clinton Chronicle.

50. 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 believe I am qualified for the position of Circuit Court Judge for the following reasons:

 - (a) I have 31 1/2 years experience practicing in Circuit Court both in Common Pleas-civil and General Sessions-criminal. I have tried cases jury and non-jury. I believe that I have more than sufficient legal experience to qualify me for this position.

- (b) I have 28 1/2 years on the Judicial Bench as the Associate Probate Judge for Laurens County. I have tried cases jury and non-jury. I have presided over cases across this State. I believe that I have more than sufficient judicial experience to qualify me for this position.
- (c) I have never had any founded grievances or ethical complaints filed against me in the 31 1/2 years I have been a practicing attorney.
- (d) I have never had any founded grievances or ethical complaints filed against me in the 28 1/2 years I have been a Judge.
- (e) I am a Christian and active in my Church and community to the extent that my part-time judicial position allows.
- (f) I have a stable and loving marriage of 36 years with two wonderful children who are both adopted.
- (g) I believe that I have the right judicial temperament and sense of fairness and compassion that will allow me to be a good Circuit Court Judge.
- (h) That I meet the nine criteria used by the Commission in determining that I am qualified:
 - 1. I meet the Constitutional qualifications;
 - 2. I am ethically fit;
 - 3. I have the necessary academic and professional abilities;
 - 4. I have the required character;
 - 5. I have a positive reputation;
 - 6. I have excellent physical health;
 - 7. I have no mental health problems;
 - 8. I have the necessary legal and judicial experience;
 - 9. I have the necessary judicial temperament.

Finally, I am humbled in having the opportunity to apply for this position. I believe that the above factors that I have listed have influenced me in being the type of Judge I have been and the type of Judge that I will continue to be whether (and hopefully) in the Circuit Court arena or continue in the Probate Court arena.

51. References:

- (a) Rev. Alice Mackeil
First United Methodist Church
Post Office Box 203
Laurens, SC 29360
864-984-7696
- (b) Jeff Thompson
The Palmetto Bank
Post Office Box 49
Laurens, SC 29360
8640984-8333
- (c) A. King Dixon, II
1200 Dixon Road
Laurens, SC 29360

- 864-682-3374
- (d) Gregory P. Harris
Attorney at Law
1529 Laurel Street
Columbia, SC 29201
803-779-7080
- (e) William J. Craine, Sr.
103 Left Bank
Laurens, SC 29360
864-682-9611

YOUR SIGNATURE WILL BE HELD TO CONSTITUTE A WAIVER OF THE CONFIDENTIALITY OF ANY PROCEEDING BEFORE A GRIEVANCE COMMITTEE OR ANY INFORMATION CONCERNING YOUR CREDIT.

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

Signature: Donald Hocker

Date: July 27, 2012

DONALD B. HOCKER

ATTORNEY AT LAW

235 WEST LAURENS STREET
POST OFFICE BOX 972
LAURENS, SOUTH CAROLINA 29360

CERTIFIED FAMILY COURT MEDIATOR
CERTIFIED CIVIL COURT MEDIATOR AND ARBITRATOR

(864) 984-4574
FAX (864) 984-0114
dbhattorney@backroads.net

October 22, 2012


Mr. Steve Davidson, Esq.
512 Blatt Building
1105 Pendleton Street
Columbia, SC 29201

Re: Circuit Court At-Large Seat 16

Dear Steve:

Please allow this letter to serve as an amendment to #42 of the PDQ and #26 Ethics Statement in that I have \$65.00 in postage and stationary expense.

Cordially,



Donald B. Hocker

DBH/dh

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

Circuit Court
(New Candidate)

Full Name: Donald Bruce Hocker
Business Address: Post Office Box 972
Laurens, SC 29360
Business Telephone: 864-984-4574

1. Why do you want to serve as a Circuit Court judge?

I am humbled and honored to have the opportunity to apply for this Circuit Court Judge's position. I want to serve as Circuit Court Judge for several reasons. I want to be able to apply my skills I have learned and developed as a practitioner over the past 31 ½ years and as a part-time Judge for the past 28 ½ years all in a full-time judicial capacity. Secondly, I want to serve the public and the legal community. Finally, I truly enjoy being a Judge and I take being a Judge very seriously.

2. Do you plan to serve your full term if elected? Yes
3. Do you have any plans to return to private practice one day? No
4. Have you met the Constitutional 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 would follow Canon 3(B) (7) to govern how I would handle these situations. They are to be avoided to every extent possible. However, *ex parte* communications would be tolerated in emergency situations as long as notice and disclosure are afforded as soon thereafter as possible. Also, purely ministerial/administrative matters or scheduling issues can cause *ex parte* communications to be warranted. The Court must make sure that substantial matters clearly within the merits of the case are not involved. Also, the Judge needs to further make sure that the other side is not prejudiced in any way by the *ex parte* communication.

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 have always taken the position, during my tenure on the bench, that if there is any hint of a need for recusal, it is better to "err on the side of caution" and recuse oneself from a case. The Judge must always appear to be fair and impartial. A Judge must always allow the litigants to feel they have been treated fairly and given every opportunity

to present their case knowing that they were given every consideration.

I have never had a law partner or associate so that would never be an issue. Lawyer-legislators, on the other hand, practice across the state in every Court every day. If a Judge believes he or she cannot be fair or impartial because counsel is a legislator, then recusal is warranted. If the opposite is true, then recusal is not warranted. The issue should be controlled by Canon 2 of the code for Judicial Conduct as it sets forth the test for the existence of an "appearance of impropriety". It must be determined whether the conduct would create in reasonable minds a perception that the Judge's ability to carry out his responsibilities with integrity, impartiality, and confidence is impaired.

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?

More likely than not, I would grant the Motion for Recusal but would require the moving party to make clear record of why recusal was necessary. I, as the Judge, would also make a clear record why I did not believe there was any prejudice but out of fairness, I would grant the Motion. This in actuality happens very rarely.

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 handle it in accordance with number seven (7) above.

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

I believe Canon 4(D)(5) must be followed. Ordinary social hospitality is certainly acceptable in most situations and gifts from a relative or friend for a special occasion likewise would be acceptable in most situations. Gifts not intended or perceived to influence the Judge in the performance of his duties are also acceptable. These gifts and acts of hospitality must not be intended or perceived to influence the Judge in the performance of his duties. If they are given for that purpose, they must be avoided.

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

Cannon 3(D) (1) and (2) provides for "misconduct" to be substantial that affects a Judge's fitness or a lawyer's fitness to practice law. Therefore, if the act fits the definition of "misconduct" then a report must be made. However, a very careful and thorough review must be made before a formal report is filed.

11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be re-evaluated? No
12. Do you have any business activities that you would envision remaining involved with if elected to the bench? No
13. If elected, how would you handle the drafting of orders?

Because of the volume of work, I would direct counsel to prepare most Orders with the opportunity by opposing counsel to review the same. However, in some situations, I prefer to prepare my own Orders.

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

I would install paper and computer "tickler" systems.

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

Judges, first and foremost, must follow and enforce the law. They should, however, be able to engage in activities that promote the law or advance the teachings of the law. Judges should not promote public policies that would often times create a conflict between the teachings of the law and public sentiment. As stated in number 16 below and Canon 4, Judges should be able to teach, lecture, and speak on matters advancing the improvement of the law, the legal system and the administration of justice. Going beyond that would not be proper for a Judge to engage in. Also, a Judge should never allow his or her political or personal persuasion to effect a decision in a case.

16. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. If elected, what activities do you plan to undertake to further this improvement of the legal system?

I would continue to speak and lecture at seminars and I would enjoy teaching law related courses.

17. 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 address this?

No. It has not ever been a problem over my 28 1/2 years on the bench.

18. The following list contains five categories of offenders that would perhaps regularly appear in your court. Discuss your philosophy on sentencing for these classes of offenders.

Canon 5 only allows me to state that I will make a faithful and impartial performance of the duties of my office. I could not make statements that the public would view as a commitment to a particular decision or course of conduct in a particular case or fact situation. I can and will give my general judicial views and overall philosophies.

a. Repeat offenders: I am a firm believer that in many cases (not all) everyone is entitled to some leniency if it is a first-time offense or first-time offender situation. However, if a Defendant violates that privilege and commits a subsequent crime, then he or she must be dealt with more severely. The Court must follow those sentencing statutes where enhanced penalties are applicable for repeat offenders.

b. Juveniles (that have been waived to the circuit court): Once a Family Court determines that the statutory requirements are met to transfer a juvenile case to Circuit Court, I do not believe that sentencing

should be viewed any differently just because the Defendant is a juvenile. Also we have certain mandatory sentences where the Court is without discretion. I am mindful, however, that some juveniles are in fact children and others are closer in reality to adults. Certainly in those situations where the Court has discretion, the age of the Defendant would certainly be taken into consideration along with all other applicable facts.

c. White collar criminals: I believe applicable to any sentencing situation the Court can not be influenced by whether the Defendant is white or black, poor or rich, young or old. The Court has to consider: Type of offense; Defendant's criminal history; Sentencing statute; Remorse on behalf of the Defendant; whether the crime is victimless or not.

d. Defendants with a socially and/or economically disadvantaged background: I believe that this can be one factor among many factors that the Court would look at in determining an appropriate sentence. This in and of itself would not be a basis to apply a more strict sentence or a more lenient situation in a case. I have been a defense lawyer my entire career and this fact alone generally does not mitigate an otherwise applicable sentence by the Court but again must be taken into account along with all factors.

e. Elderly defendants or those with some infirmity: This is a "special" area that I know gives Judges a lot of concerns when faced with imposing an appropriate sentence. The Court has to be cognizant of the fact of whether or not the advanced age of the Defendant or the Defendant's physical or mental infirmity would in fact actually enhance the punishment while in prison in contrast to a Defendant who is not elderly or one who does not have some infirmity. This would create additional concerns for the Court in determining an appropriate sentence along with consideration of all applicable factors.

19. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality? No
20. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?

If I believed I could not be fair and impartial then I would not hear the particular case. I believe it would be a rare occurrence where this *de minimis* financial interest issue would be involved. If I elected to hear the case it would be conditioned upon counsel and litigants providing their consent on the record.

21. Do you belong to any organizations that discriminate based on race, religion, or gender? No
22. Have you met the mandatory minimum hours requirement for continuing legal education courses? Yes
23. What do you feel is the appropriate demeanor for a judge?

At all times, the Judge must show respect, courtesy, fairness,

and impartiality to litigants, lawyers, staff, jurors, and others in the Courtroom.

24. 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?

It should apply seven days a week, twenty-four hours a day.

25. Do you feel that it is ever appropriate to be angry with a member of the public, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or pro se litigants?

No. Anger is never appropriate with attorneys or litigants.

26. How much money have you spent on your campaign? If it is over \$100, has that amount been reported to the House and Senate Ethics Committees?

I plan to spend on postage and stationary not more than \$100.00.

27. If you are a sitting judge, have you used judicial letterhead or the services of your staff while campaigning for this office? No

28. Have you sought or received the pledge of any legislator prior to this date? No

29. Have you sought or been offered a conditional pledge of support by any legislator pending the outcome of your screening? No

30. 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?

I have not asked for support or pledges and I have not asked anyone to gain support or pledges on my behalf from anyone in the General Assembly.

31. Have you contacted any members of the Judicial Merit Selection Commission? No

32. 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.

Donald Bruce Hocker

Sworn to before me this 27 day of July, 2012.

Notary Public for S.C.

My Commission Expires: 09/10/19