



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

**Circuit Court
(Incumbent)**

Full Name: Donald Bruce Hocker

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1. Why do you want to serve another term as a Circuit Court Judge?

I very much enjoy what I do. I believe I have and will continue to make a difference.

2. Do you plan to serve your full term if re-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 make every attempt to avoid *ex parte* communications or put a stop to such communication if it is attempted. However, I also follow Canon 3(B) and recognize that in some emergency situations or purely ministerial/administrative matters, *ex parte* communications may be warranted so long as notice and disclosure is afforded as soon thereafter as possible. If the *ex parte* communication involves a substantial matter on the merits of the case, the same is to be avoided.

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 follow Canon 3(E). I also adhere to the principle that if my impartiality might reasonably be questioned, then I recuse myself. If I myself believe that, for whatever reason, I cannot be fair and impartial in a particular matter, then I recuse. I have never had a law partner or an Associate, so that would not be an issue. As concerns Lawyer-Legislators, that would not be a basis for recusal.

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 give great deference to a party's request for recusal and certainly more often than not, grant such a Motion.

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

I follow Canon 3(E). Again, the appearance of impropriety is the key here and it should be avoided when necessary.

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

I follow Canon 4(D)(5). Ordinary social hospitality is certainly acceptable in most situations. 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. Under no circumstances can these gifts and acts of hospitality 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 or appearance of infirmity of a lawyer or of a fellow judge?

The first determination to make is whether the misconduct or appearance of infirmity of a lawyer or a fellow Judge raises a substantial question as to the Judge's fitness for office or the lawyer's

fitness to practice law. This can be done simply by talking with the lawyer or Judge or other individuals having knowledge of the situation. If a positive determination is made, the appropriate authority should be contacted.

11. Have you engaged in any fund-raising activities with any social, community, or religious organizations? Please describe.

No.

12. Do you have any business activities that you would envision remaining involved with if reelected to the bench?

None other than a rental house my daughter owns where she lives and owns along with my wife and I.

13. How do you handle the drafting of orders?

Most orders are generated in the Common Pleas area. I will either direct one lawyer to prepare an order with review by the other side or direct both sides to prepare competing orders for my review. At times I will prepare my own order especially in those situations where I have ruled favorable on issues for both sides or where I have done extensive research prior to making my ruling.

14. What methods do you use to ensure that you and your staff meet deadlines?

My Law Clerk and Administrative Assistant both keep separate calendars. Also, I keep my own "tickler" system by setting up files in certain cases to remind me of certain work that needs to be accomplished.

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

Judicial activism is where a Judge allows his or her decision-making philosophy to be guided by personal or political views and opinions. This should be avoided in all cases. A Judge should base decisions on the existing law and apply applicable law to the facts of the particular case. Judicial restraint should be followed as closely as possible in all cases. I believe it is not the role of a Judge to set or promote public policy.

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

One area I will be looking at is developing a system where young lawyers can acquire trial experience short of going to work in a Solicitor's Office or Public Defender's Office who represent the vast majority of Defendants. With the advent of Alternate Dispute Resolution (ADR), most civil cases settle prior to trial. Developing a docket of short, simple civil cases or minor criminal cases where a young lawyer would represent a party, pro bono, would hopefully be a way to give them trial experience.

17. Do you feel that the pressure of serving as a judge strains personal relationships (i.e. spouse, children, friends, or relatives)? How do you address this?

Not at all. I have a very understanding wife. She dealt with a sole legal practitioner for thirty two years, so she has been able to deal with a Judge who may be "stressed" at times. My children are grown. I try not to bring work issues home.

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.

a. Repeat offenders:

I am a big believer in giving people chances. However, when people do not take advantage of the chances given to them, I tend to treat repeat offenders, in most cases but not all, more harshly.

b. Juveniles (that have been waived to the Circuit Court):

While I have not had a juvenile waived to Circuit Court, I would certainly consider in mitigation, the age of the Defendant.

c. White collar criminals:

Many of these cases involve restitution. Consequently, if the Defendant is able to make restitution and if there is a victim who is also interested in having restitution paid, then this certainly is factored in when determining sentencing.

- d. Defendants with a socially and/or economically disadvantaged background:

The majority of Defendants that appear in criminal court fall within this category. While I do not ignore this factor, I am more concerned with severity of crime, prior record, and the position of the victim.

- e. Elderly defendants or those with some infirmity:

I consider this as it relates to the ability of the system to properly care for this category of Defendant and also on the additional cost to the system to house an elderly Defendant or person with an infirmity.

For all of the above five categories, I consider all applicable aggravating and mitigating factors in determining an appropriate sentence.

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?

Canon (3)(E) specifically provides that a de minimis interest in a proceeding would not, be grounds for disqualification in and of itself. However, each case would have to be looked at separately to determine if the interest should justify disqualification or recusal.

21. Are you a member of any organization or association that, by policy or practice, prohibits or limits its membership on the basis of race, sex, religion, or national origin? If so, please identify the entity and explain if this organization practices invidious discrimination on any basis.

No.

22. Have you met the mandatory minimum hours requirement for continuing legal education courses for the last reporting period?

Yes.

23. What do you feel is the appropriate demeanor for a judge and when do these rules apply?

I believe the three necessary characteristics for an appropriate judicial demeanor are: Respect, calm, fairness. These apply how the Judge views and reacts to the law, lawyers, litigants and court personnel. These apply in all situations.

24. 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 a pro se litigant?

Anger is never appropriate to anyone in the courtroom or to any given situation. I often times will take a very firm and sometimes a tough approach when convincing a criminal Defendant the error of his/her ways with hopes that the behavior will not continue. Concerning lawyers, it is an absolutely terrible thing for a Judge to "dress down" a lawyer in the presence of his/her client. As far as pro se litigants, extra caution needs to be shown to them as they are at a big disadvantage while at the same time not extending any partiality to them. There is a very fine line here.

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

Sworn to before me this ___ day of _____, 2018.

(Signature)

(Print Name)
Notary Public for South Carolina
My commission expires: _____