

**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

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

1. NAME: Ms. Tracey Lynn Carroll
BUSINESS ADDRESS: 1680 Richland Avenue
Suite 70
Aiken, SC 29803
TELEPHONE NUMBER: (office): 803-642-1744
2. Date and Place of Birth: 1964; Fort Dix, NJ
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; August 2, 1999, to Billy Dean Fleury; 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) USC, Columbia – August 1982-May 1983 transferred to USC, Aiken
 - (b) USC, Aiken - August 1983-May 1987, BA, Political Science
 - (c) USC Law School - August 1987-May 1990, 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, 1990
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.

1982-87 While attending USC Aiken, I was very involved with local politics. I worked on local elections and served as a college intern to U.S. Representative Butler Derrick in Washington D.C.

I also worked for the law firm of Summerall and Bailey as a clerk and title abstractor. This experience gave me the opportunity to start my own business providing services to local banks while in college.

1987-90 While attending USC Law School, I clerked with the Lexington law firm of Bouknight, Nicholson, Davis, Frawley and Anderson.
10. Describe your continuing legal or judicial education during the past five years.

<u>Conference/CLE Name</u>	<u>Date(s)</u>
(a) Annual Magistrate Convention	09/07/2011;



- (b) Summary Court Judges Fall Program 11/04/2011;
 - (c) S.C. Association of County Attorneys 08/01/2010;
 - (d) Annual Magistrate Convention 09/08/2010;
 - (e) Mandatory School for Magistrates 11/05/2010;
 - (f) Annual Magistrate Convention 09/09/2009;
 - (g) Mandatory School for Magistrates 10/30/2009;
 - (h) Annual Magistrate Convention 09/03/2008;
 - (i) Annual Magistrate Convention 11/06/2008;
 - (k) American Judges Association Conference 09/25/2007;
 - (l) Mandatory School for Magistrates 11/02/2007.
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?
- (a) SC Reserve Training: (1992-2012) I have taught the legal component of this training for the last 20 years. I have instructed on the subjects of search and seizure, constitutional law, ethics, courtroom procedure, evidence and the laws of arrest;
 - (b) Southeast Regional Conference on Child Fatalities: (2000) presenter;
 - (c) Lexington County Sheriff's Department Training: (2002) I lectured on the subjects of search and seizure, evidence, probable cause and the laws of arrest;
 - (d) Criminal Domestic Violence Training: (2007-12) I have lectured yearly on the laws regarding criminal domestic violence;
 - (e) Aiken Public Safety Cadet Training: (2007-12) I have instructed on the subjects of search and seizure, constitutional law, courtroom procedure, evidence, probable cause and the laws of arrest.
12. List all published books and articles you have written and give citations and the dates of publication for each. N/A
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.
- Admitted to practice before the State Courts of SC in 1990.
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.
- 1990-95 Second Circuit Solicitors Office, Assistant Solicitor
- My duties began as a Family Court prosecutor. I was responsible for handling all criminal juvenile cases for the 2nd circuit. Approximately one year later, I was promoted to General Sessions to prosecute drug cases, including civil forfeitures. In 1993, I was given the additional duties of prosecuting violent crimes.
- 1995-2002 Eleventh Circuit Solicitors Office, Assistant/Deputy Solicitor

I was hired as an assistant solicitor and was assigned to prosecute General Sessions cases with a concentration on criminal sexual conduct cases. I tried numerous cases requiring the testimony of young children as victims.

In 1999, I was promoted to Deputy Solicitor. I was given the additional responsibility of organizing court, as well as carrying a case load. I continued to try major crime cases while insuring that court ran smoothly. It was my responsibility to make sure the assistant solicitors had cases ready to try and that the judges had cases to hear.

Additional duties included participating as a member of the death penalty prosecution team. I also served as Chairperson of the Lexington County Child Fatality Team and Lexington County Children's Center.

2002-present Aiken Summary Court Judge

In 2002 I was given the opportunity to serve as a magistrate for Aiken County. I have the jurisdiction to hear criminal cases which carry the possible penalty of up to 30 days and/or a \$500.00 fine. Examples of such cases are criminal domestic violence, driving under the influence and shoplifting. I have the additional duties of presiding over Transfer and Fraudulent Check court. I routinely hold hearings to determine probable cause for arrest and search warrants, hold preliminary hearings and conduct bond hearings.

As a magistrate, I have the jurisdiction to hear civil cases when the matter in controversy is less than \$7500.00. I handle pleadings such as summons and complaints, claim and deliveries, distraints for rent, interpleader actions and evictions. I frequently hear causes of action based upon breach of contract, and negligence

2006-present Aiken Municipal Court Judge

I have served as a municipal court judge since 2006. I was initially assigned to preside over jury trials but have since been given the additional duties to presiding over all matters on the docket. I hear cases each morning before I report to the County from approximately 7:45 to 9:00 a.m. The jurisdiction of Municipal Court is limited to criminal matters carrying the possible penalty of less than 30 days and/or \$500.00.

2010-present Second Circuit Drug Court Judge

I preside over the Second Circuit Adult Drug Court program. I have the jurisdiction to preside over general sessions guilty pleas, bond hearings, probation revocations or any other proceeding relating to the defendants participating in the program.

- 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.

The first twelve years of my law career were spent prosecuting criminal cases. I had the opportunity to handle a wide range of crimes from misdemeanors to death penalty cases. The majority of cases I handled were violent crimes and many involved preparing young victims to testify for trial. I commonly dealt with evidentiary issues such as witness qualification, hearsay exceptions and Lyle evidence. Due the lengthy jail sentences involved, many of the cases assigned to me resulted in a jury trial. Upon my promotion to Deputy Solicitor, I was assigned to work with a team of prosecutors who handled death penalty cases. I had the opportunity to work on several death penalty cases and assisted in the trial of one.

For the last 10 years, I have served as a magistrate in Summary Court. Approximately sixty percent of my caseload involves criminal matters. I preside over trials that deal with many of the same evidentiary issues that I dealt with in General Sessions.

The remaining forty percent of my docket involves civil matters. I was fairly new to this area of law when I was appointed but have gained experience by presiding over approximately 1100 civil cases a year. I commonly hear causes of action involving breach of contract and negligence. While I do not have the same amount of experience with civil matters as I do with criminal matters, I have advanced considerably in the civil area of law since becoming a magistrate.

(I have not handled any criminal or civil cases as an attorney in the last five years but have provided a list of cases that I have presided over in question 23)

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 not been rated due to the fact that I have never worked in private practice.

16. What was the frequency of your court appearances during the past five years?
(a) federal: never
(b) state: I have appeared in County and/or Municipal Court every work day, with the exception of vacation, for the last 5 years.
17. What percentage of your practice involved civil, criminal, domestic, and other matters during the last five years?
(a) civil: 40%;
(b) criminal: 60%.

18. What percentage of your practice in trial court during the last five years involved matters that went to a jury, including those that settled prior to trial?

(a) jury: 30%;

(b) non-jury: 70%.

Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? N/A

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) State v Stevenson (1998): This case was one of the first murder cases prosecuted in SC without the victim's body. As a prosecutor, my co-counsel and I had to establish that the victim had been murdered by basically proving she wasn't currently alive anywhere else. Witnesses included governmental agencies who testified that she had not used her social security number to pay taxes or receive any benefits. Local utilities companies testified that she was not receiving services within the state. DNA evidence was used to link blood from the Defendant's trunk to the victim. Mr. Stevenson was convicted of murder.

(b) State v. Haselden, 577 S.E. 2nd 445, 353 S.C. 190 (SC 2003): I participated in the trial of this death penalty case which involved the murder of Mr. Haselden's two year old son. The case involved the testimony of numerous medical professionals to establish a history abuse. On the night of the fatal beating, there were two possible suspects in the home with the victim and medical evidence was critical to establish the defendant's guilt. The jury convicted Mr. Haselden of murder in the guilt phase and returned a verdict of death in the sentencing phase. On appeal, murder conviction was affirmed but the case was remanded for a new sentencing proceeding due to the Court's failure to instruct the jury that if sentenced to life imprisonment, Mr. Haselden would be ineligible for parole.

(c) State v Forrest (1999): This case dealt with the issue of impairment while operating a water craft. The facts of the case dealt with an eleven year old boy named Drew Smith who was killed on Lake Murray while boating with his father. The defendant, Jill Forrest, was operating her boat after drinking at a local bar on the lake. After crashing into the Smith's boat, Ms. Forrest switched places with her husband, claiming that he was the person driving the boat. The case took approximately a year to prepare for trial. The Department of DNR recreated the entire scene of the accident. They were able to select a night with the same weather conditions and lighting, with the same types of boats involved in the accident. Both the State and the Defense had numerous expert witnesses that testified in pretrial hearings. On the day of trial, the defendant entered a guilty plea to Reckless Homicide and Obstruction of

Justice. This horrible accident set the stage for the current boating under the influence penalties in SC.

- (d) State v Whetstone(1999): This case involved the prosecution of Mr. Whetstone for sexually abusing all three of his children. It was a very complex case that dealt with the admissibility of medical evidence, the qualification of very young children as witnesses, and the admissibility of the testimony of social workers and therapists. The jury convicted the defendant of all the charges involving all three children and the defendant was sentenced of 90 years.
- (e) State v Leroy Williams (1996) : Mr. Williams was charged with burglary first degree, kidnapping and criminal sexual conduct first degree. The victim was sexually assaulted in her apartment by a man wearing a mask. The only evidence that law enforcement could collect from the crime scene was a fingerprint left behind on a soda can and the rape kit collected from the victim. This evidence was compared to the defendant's fingerprints and DNA to obtain a match. At trial, the case depended upon the qualification of the expert witnesses and the admissibility of the evidence DNA. The jury convicted Mr. Williams on all counts and he received a life sentence.

- 20. List up to five civil appeals you have personally handled. N/A
- 21. List up to five criminal appeals that you have personally handled. N/A
- 22. Have you ever held judicial office?

Magistrate, Aiken Summary Court: I am currently appointed to serve as an Aiken County Magistrate. I was appointed on July 22, 2002, and have served continuously since that date. The jurisdiction of the Court is 30 days and/or \$500.00 in criminal matters and \$7500.00 in civil disputes.

Aiken Municipal Court Judge: I have been appointed to serve as the Aiken Municipal Court Judge since 2006. The jurisdiction of the Court is strictly criminal cases carrying the possible penalty of 30 days and/or \$500.00.

Second Circuit Drug Court Judge: I have been appointed by the SC Supreme Court to serve as a Drug Court Judge for the Second Judicial Circuit.

I have the jurisdiction to accept guilty pleas, hold probation and bond revocations and hear motions pertaining to the case of any drug court participant.

- 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) State v. Simmons (2007), In this case the State appealed the Court's ruling regarding the admissibility of Mr. Simmons' prior driving history. The State argued that the record was required to establish jurisdiction and lack of mistake. I ruled that a driving under suspension charge does not require proof of prior convictions as an element of the crime and to publish it to the jury would be more prejudicial than probative. The ruling was upheld by the Circuit Court.

- (b) Chionakis v. Silver Bluff Road Associates (2012) , The Plaintiff was suing the adjoining land owner for damages caused by falling trees. The Court ruled that while the property was located in a residential or urban area which could create the duty to others to exercise reasonable care to prevent an unreasonable risk of harm, that ultimately the Plaintiff could not prove that the Defendant knew or should have known, upon reasonable inspection, that the tree limbs were decayed or unsound.
- (c) Cushman v. S& R Auto Sales (2011) , This case involved a breach of contract. The issue before the Court was to determine if there was a valid contract and if so, was it enforceable. The contract allowed the purchaser to pay for a car on layaway. The Plaintiff made all the required payments and went to pick up his vehicle but was told by the Defendant that he was not entitled to it because he did not have a valid driver's license. The Defendant refused to refund any prior payments. The Court ruled that the Plaintiff was entitled to the full reimbursement of the purchase price and the contract was not binding.
- (d) Sleister v. North Augusta Tire & Auto Center, Inc.(2007), In this case, the Court was presented the issue regarding liability in a bailment for mutual benefit situation. The Plaintiff hired the Defendant to work on her car. While the vehicle was in the Defendant's care, it was damaged by a third party. The Court found that the Defendant failed to exercise the ordinary care required and was liable for the damage.
- (e) Defeo v. Banks (2010), This matter was before the Court based upon a summons and complaint requesting payment for services provided by the Plaintiff. The Defendant filed motions have her name removed as a party to the case and to name her business as the sole Defendant. The Court ruled that the Defendant had entered into the agreement, negotiated the terms, sent all correspondence and identified herself as the only party to the contract and therefore responsible for the payment.

- 24. Have you ever held public office other than judicial office? No.
- 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? No.
- 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? No.
- 28. Are you now an officer or director or involved in the management of any business enterprise? Explain the nature of the business, your duties, and the term of your service. 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.

My husband is currently employed by the Aiken County Sheriff's Department in Investigations. I would not be able to hear any cases that he is involved with or the cases of anyone that he supervises.

This conflict could be resolved one of two ways. I could refrain from hearing any Sheriff's Department case in Aiken County or my husband, who has already met all the requirements, could retire from the Department.

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? No.
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? N/A
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." N/A
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." N/A

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. N/A
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. N/A
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) Aiken County Bar Association;
 - (b) American Judges Association – SC Delegate (2007);
 - (c) Summary Court Judges Association;
 - (d) SC Bar Association.
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.
 - (a) Board of Magistrate and Municipal Judge Certification (2010-13);
 - (b) P.E.O., Chapter B;
 - (c) Leadership Aiken County, class of 2006 and board member;
 - (d) Girl Scout Leader – Brownie Troop 681;
 - (e) Meals on Wheels volunteer.
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.

When I was first appointed as a magistrate, I was honored and felt that I had a pretty good idea of what I could expect from the job. I had practiced law for twelve years and had spent thousands of hours in the courtroom trying cases or managing the docket. For the first six months, I was still enjoying the thrill of being called "Judge" and the excitement of making the final decision

on the cases brought before me. I was pretty confident that I knew what I was doing.

After about five years as a magistrate, I looked back on my performance and while I don't think I made any major mistakes, I realized that there is so much more to being a judge than what is on the surface. The parts of the job that I originally didn't think were critical to being a good judge were becoming so much more important to me. I worked on becoming more patient and reminded myself daily of the importance of every case that appeared before me.

Now that I have served as a magistrate for ten years, I take pride in what I have learned. Regardless of the jurisdiction of the court, the basic principles of being a good judge are the same. I look forward to the opportunity to use this experience at the Circuit Court level.

51. References:

- (a) Scott F. Singer
317 Live Oak Road
Aiken, SC 29803
803-642-7486
- (b) Brian Sanders
828 Richland Avenue
Aiken, SC 29801
803-642-2012
- (c) Suzanne Seabrook
2132 Trail Point
Aiken, SC 29803
803-649-9737
- (d) Steve Simmons
60 Graystone Ct.
Aiken, SC 29803
803-552-2441
- (e) Russell Fernandes
P.O. Box 6730
N. Augusta, SC 29861
803-202-4390

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: Tracey Lynn Carroll

Date: August 8, 2011

Laurie Traywick

From: Paula Benson
Sent: Friday, October 26, 2012 9:41 AM
To: Jane Shuler; Laurie Traywick
Subject: FW: Personal Data Questionnaire

Please find forwarded a PDQ amendment from Judge Carroll.

Paula S. Benson

Paula Benson

Senior Staff Attorney
S.C. Senate Judiciary Committee
P.O. Box 142
Columbia, S.C. 29202
(803) 212-6636

From: Carroll, Tracey [mailto:TCarroll@aikencountysc.gov]
Sent: Friday, October 26, 2012 9:33 AM
To: Paula Benson
Subject: Personal Data Questionnaire

Ms. Benson,

Please allow this email to serve as my request to amend question #34 of my Judicial Merit Selection Commission Personal Data Questionnaire. Since filing as a candidate for Circuit Court Seat 16, I have received notification that a lawsuit has been served upon Solicitor Donald Myers. I have not been served with the Summons and Complaint but I have been named as a party in my capacity as Assistant Solicitor. Mr. Carter is suing on the grounds of False Imprisonment, Wrongful Conviction, Criminal Conspiracy, and Wrongful Adjudication to Civilly Commit to the South Carolina Department of Mental Health.

The lawsuit stems from Mr. Carter's plea of guilty to one count of Attempting or Committing a Lewd or Lascivious Act Upon a Minor in 2003, resulting in a 15 year sentence.

Please do not hesitate to contact me if you have any questions or need additional information.

Thank you,

Tracey Carroll

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

Circuit Court
(New Candidate)

Full Name: Tracey Lynn Carroll
Business Address: 1680 Richland Avenue
Suite 70
Aiken, South Carolina 29801
Business Telephone: (803) 642-1744

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

I enjoy serving as a Summary Court judge but would like the opportunity to preside over cases that involve counsel and more complex legal issues. As a magistrate, I understand the absolute necessity of allowing each litigant the opportunity to be heard and have worked diligently over the last ten years to insure that I present myself as a patient and fair-minded person. I have found that, regardless of the actual outcome of a case, most parties leave satisfied as long as I have listened to their complaint and explained the basis for my ruling.

Learning how to allow all the parties to present their cases while keeping control of the courtroom and presenting a courteous, patient demeanor are skills that I use every day. I would like to be allowed to apply this experience on the Circuit Court level.

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

If elected, I plan on serving my full term.

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

I do not have plans to enter into private practice in the future.

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

I have met the Constitutional requirements for a Circuit Court position. I am a United States citizen and have resided in South Carolina for approximately 35 years. I am over the age of 32 and have been licensed to practice law in this state since 1990.

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 a judge must refrain from initiating, permitting or considering *ex parte* communications. At the Summary Court level, it is a constant battle to avoid *ex parte* communications. Historically, the public has viewed magistrates as local officials who can informally resolve neighborhood disputes. It is common practice for law enforcement and members of the community to come to my office and attempt to ask for legal advice. My office has a strict policy of

informing them that I am unable to speak to either side of a case without both sides being present. There are signs posted in the public areas of my office that explain the policy prohibiting ex parte communications.

The exceptions to the ex parte communications would involve circumstances requiring the need to schedule a case or emergency situations and only if the contact does not deal with the substantive matters of the case. Furthermore, the exception would only apply if no party would gain an advantage from it and all the parties were told of the communication and are given the opportunity to respond.

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 a very conservative approach when dealing with recusal. If the parties of a case feel strongly enough about something that they perceive as a conflict, or possible bias, and request that I recuse myself, I normally grant the motion. If I have a connection with a litigant before me, I reveal that relationship to all of the parties, allow them to consider the information privately among themselves and if all parties agree, I will hear the case.

I would always recuse myself if I felt that I had a personal bias or prejudice concerning a litigant/lawyer or if I any personal knowledge of the disputed facts of the case. If a former law partner appeared before me on a case that they handled while I was in practice with them, I would also 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?

It would depend on the particulars of the case, but more than likely I would grant the motion and request another judge to hear the case. I understand that at the Summary Court level it may be easier to grant a recusal motion due to the fact that there are five other judges in the county that can readily hear the case. On the Circuit Court level, there are other factors to consider, such as, what stage we are in the case, the age of the case, and whether or not the witnesses are present and ready to testify. If I felt that it was necessary to hear the matter before me, I would ask another judge to be assigned to the case as soon as it was practical.

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

If my spouse or close relative had a financial or social involvement in a case that was scheduled on my docket, I would request another judge to hear the case. The Code of Judicial Conduct prohibits presiding over a case where a spouse or family member has an

economic interest in the subject matter in controversy. This prohibition applies to any situation where the relative has anything more than de minimis interest that could be substantially affected by the proceeding.

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

As a judge, I avoid the appearance of impropriety by not accepting gifts unless they are from family members. I understand that ordinary social hospitality is allowed but as a general rule, I do not socialize with attorneys or parties that may appear before me.

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

I have already been placed in the very awkward and difficult position of having to report the misconduct of a fellow judge. I was approached by a Summary Court clerk who disclosed that she was having a sexual relationship with the Judge and that there had been some inappropriate contact with a SCDC inmate. I forwarded this information to the Office of Disciplinary Counsel for investigation.

11. Are you affiliated with any political parties, boards or commissions that, if you were elected, would need to be re-evaluated?

I am currently employed as a magistrate and therefore am not currently associated with any of the above organizations.

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?

I draft all of the orders that I issue within 30 days of hearing the case. I anticipate following the same procedure in Circuit Court.

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

I understand the importance of meeting deadlines to avoid backlogs and to ensure that the docket is cleared. More importantly, I realize that my decisions greatly impact the litigants that appear before me and they deserve a timely ruling.

When I don't make a ruling from the Bench, I normally tell the parties the date they can expect to receive an order. The average time period is between ten to thirty days. I place the name of the case on my calendar as a reminder of the deadline. Depending upon the volume of a Circuit Court caseload, I anticipate using the same method to make sure that a deadline is not overlooked.

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

I believe that a judge should never base a ruling upon personal or political considerations rather than existing law. It is my job to make sound decisions based upon the statutes and case law that are in existence at the time of my rulings. My personal beliefs are not going to be a factor in my decisions.

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 frequently teach on law related subjects. I also enjoy taking part in new programs within the judicial system such as Drug Court, Livability Court and Nuisance Court. These programs are ways of offering new approaches to many reoccurring problems.

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?

I understand the pressures of serving as a judge. It can be a very isolating position. I have learned to surround myself with people who are not involved with the legal system. I devote my free time to projects that involve my family and my personal interests. Having served as a magistrate for the last ten years, I have learned that while you may have to live by the Judicial Code of Conduct 24 hours a day, it is not necessary to take your job home with you.

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 normally try to determine why they are repeat offenders. Do they have an alcohol or drug addiction? What services can the court provide that may address these issues? Unfortunately if they have been offered services in the past and failed to take advantage of them, there may not be many options.

b. Juveniles (that have been waived to the circuit court): Once again, I would determine their prior record and what services had been offered to them through the Department of Juvenile Justice. Age is definitely a consideration in my sentencing.

c. White collar criminals: I would take into consideration that the crime committed is a non violent offense. Important factors would include if the victim had been paid restitution, the amount of restitution owed and the defendant's prior record.

d. Defendants with a socially and/or economically disadvantaged background: Many parties that appear before me each day fall into this group. It is difficult to sentence someone to a fine when you know that they are unable to pay it but in most cases, there is not a feasible alternative. It is my normal practice to allow defendants to make payments on their fines. When a person comes to Court and takes responsibility for their actions, I do not believe their inability to pay should be a factor in sentencing. The sentence should be based upon the behavior, not on their social or economic status.

e. Elderly defendants or those with some infirmity: I believe that age and the defendant's health are always going to factors in sentencing. As in all of the prior situations, I look at many factors such

as the seriousness of the offense, the defendant's prior record, the victim's position on sentencing and the likelihood the person will reoffend.

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?

The Code of Judicial Conduct governs disqualifications and states that a judge should disqualify herself if the judge's impartiality might be reasonably questioned. This would apply to any case that involved more than a de minimis financial interest.

Obviously each situation has to be evaluated on a case by case basis, but if I determined that it was a de minimis interest and would not be substantially affected by the proceedings, I would hear the case but would disclose the interest to the parties involved.

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?

I believe that a judge should present herself as open minded, respectful and fair. She should be able to control the courtroom without being overbearing and allow the parties to speak without being interrupted. It is important not to make a ruling without careful consideration but once a decision has been reached, it should be made with firmness and confidence.

Most importantly, judges must earn the respect of the people who appear before them based upon their knowledge of the law and their treatment of the litigants rather than the power they hold.

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?

As a judge, you are required to live by the Judicial Canons at all times and at all places. The traits that are important to developing an appropriate demeanor in the court are just as important in all aspects of your life.

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?

It is never appropriate to angry with a member of the public, attorney or litigant. If given the opportunity to serve as a Circuit Court Judge, I find it hard to conceive of a situation that would make me lose my temper. I have spent the last ten years dealing with mostly pro se litigants. They are normally great advocates for their positions but don't always realize that raising their voices and pointing their fingers at the

opposing party is not acceptable courtroom etiquette. Through trial and error, I have developed a courtroom demeanor that is firm but allows the parties the opportunity to present their cases. I have learned that there is rarely ever anything presented in court that should be taken as a personal attack or insult. Even when I have been attacked personally, I realize that it comes with the position.

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? \$0
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 anyone to contact members of the General Assembly on my behalf, nor am I aware of anyone doing it on my behalf.
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.

Tracey Lynn Carroll

Sworn to before me this 9 day of August 2012.

Notary Public for S.C.

My Commission Expires: 01/30/18