

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

**Supreme Court/Court of Appeals**  
**(New Candidate)**

Full Name: Carmen Tevis Mullen

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100 Ribaut Road, Beaufort, SC 29901

Business Telephone: (843) 255-5070

1. Do you plan to serve your full term if elected?  
  
Yes.
  
2. If elected, do you have any plans to return to private practice one day?  
  
No.
  
3. Have you met the Constitutional requirements for this position regarding age, residence, and years of practice?  
  
Yes.
  
4. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?  
  
Ex Parte communication is not allowed in my court. Scheduling matters are addressed to my law clerk. Matters of substance require all counsel to be present.
  
5. What is your philosophy on recusal, especially in situations in which lawyer-legislators, former associates, or law partners are to appear before you?

I am guided by the principle of transparent impartiality and avoiding the appearance of impropriety. I do not believe recusal is necessary simply



because someone is represented by a legislator or a former associate. Neither would affect my impartiality.

6. 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 give a full hearing and open discussion. If it rose to the level of the litigant believing they would not be fairly treated, I would recuse myself. Otherwise, I would give the parties and attorney reassurance of my impartiality after a full discussion of the issues.

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

I pay my own way.

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

I have a duty to report it to the Office of Disciplinary Counsel immediately.

9. Are you affiliated with any political parties, boards or commissions that need to be evaluated?

No.

10. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations?

No.

11. How would you prepare for cases that were before you?

I will have read the briefs and transcripts prior to argument and thoroughly familiarized myself with the case, its facts, and the legal positions that each party is advocating.

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

I don't believe in it. My duty as a judge is to apply current statutes, not to rewrite them. Legislators are elected by the public and can best represent the public's interests and therefore, best effect public policy.

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

I hope to have time to teach at local colleges/universities on law related subjects and write law-related articles for publication.

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

I do not believe serving as a judge places a strain on my personal relationships. Occasionally, court requires long hours, but I am fortunate my entire family is incredibly supportive.

15. Are you currently serving on any boards or committees? If so, in what capacity are you serving?

I am currently serving on the South Carolina Womens Lawyers Board.

16. Please describe your methods of analysis in matters of South Carolina's Constitution and its interpretation by explaining your approach in the following areas. Which area should be given the greatest weight?

- a) The use and value of historical evidence in practical application of the Constitution:
- b) The use and value of an agency's interpretation of the Constitution:
- c) The use and value of documents produced contemporaneously to the Constitution, such as the minutes of the convention:

First and foremost, I look to the words of the Constitution. The Constitution means what it says. Historical evidence is helpful in application. The background and reasoning behind the Constitution's formation is helpful to determine the intent.

17. Is the power of the South Carolina General Assembly plenary in nature unless otherwise limited by some specific Constitutional provision?

Yes. The General Assembly has full and complete power to decide what the laws of the state should be and to enact the laws of the state, unless there is clear language in the Constitution specifically prohibiting such acts.

18. Presuming that the three branches of government have plenary power for their responsibilities, do any other levels of government (i.e. local governments) have plenary authority, or do all grants of authority to other levels of government flow from the state level in our Constitution and statutes?

In South Carolina, all powers and responsibility rest with state government, which has chosen to delegate some powers to local government. The powers that local governments may exercise are provided for in Article VIII of our State Constitution and Legislative Acts of the General Assembly.

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

My family receives rents from real estate holdings, but nothing that would impair the appearance of impartiality. If it did, I would recuse myself.

20. Do you belong to any organizations that discriminate based on race, religion, or gender?

No.

21. Have you met the mandatory minimum hours requirement for continuing legal education courses?

Yes.

22. Have you written any scholarly articles?

No.

23. What do you feel is the appropriate demeanor for a judge?

Courteous, fair but firm, prepared and timely.

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?

My parents set great examples for my siblings and me. They practiced what they preached seven days a week, twenty-four hours a day, as do I.

25. Would there be a role for sternness or anger in meetings with attorneys?

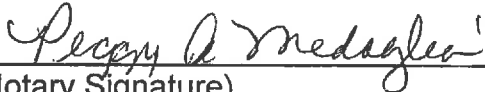
No. Firmness - yes.

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

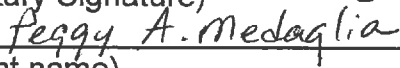


(Candidate Signature)

Sworn to before me this 22 day of July, 2016.



(Notary Signature)



(Print name)

Notary Public for South Carolina

My Commission Expires: 11-21-17