

# The State of South Carolina

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First Judicial Circuit

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**DAVID M. PASCOE**  
Solicitor

February 25, 2022

John S. Nichols  
Disciplinary Counsel  
Office of Disciplinary Counsel  
P.O. Box 12159  
Columbia, South Carolina 29211

Re: Circuit Court Judge Carmen T. Mullen

Dear Mr. Nichols,

I respectfully request the Office of Disciplinary Council and Commission on Judicial Conduct investigate the conduct of Circuit Court Judge Carmen T. Mullen. Attorney Eric Bland recently informed me that he lodged an official complaint concerning Judge Mullen's judicial decisions in the Gloria Satterfield-Alex Murdaugh matter. I read the deposition transcripts that Mr. Bland referenced to your office, and I agree with his opinion that Judge Mullen's conduct is very concerning and merits investigation. Additionally, I request the Commission reopen my April 17, 2019 complaint against Judge Mullen pursuant to Rule 20, RJDE, Rule 502, SCAR based upon the similar allegations of misconduct asserted in Mr. Bland's complaint and other good cause which has impugned the integrity of the judiciary.

My complaint was filed just weeks prior to Judge Mullen's purported attempt to benefit a litigant in the Satterfield-Murdaugh matter. The complaint was dismissed by the Commission on September 23, 2019, and I received no detailed explanation for the dismissal even after I made a specific request for an explanation. I am unaware of any witnesses or facts the Commission considered in its dismissal. I was not even permitted to know who served on the panel that decided to dismiss the complaint. I believe it is important that your office and the Commission reconsider the complaint I filed while investigating Mr. Bland's new information because in total it evidences a pattern of improper activity detrimental to our justice system.

"The guiding principle of the Code of Judicial Conduct is to avoid the appearance of impropriety, and to protect the judiciary through safeguarding its impartiality and the public's faith in that impartiality." SC Adv. Comm. Std. Jud. Cond., Op. 04-1999, 1998 WL 35417601. The independence and evenhanded administration of justice is vital to the operation of the State's judicial system, and the judges who preside are duty bound to maintain and enforce the high

standards of conduct required to maintain that independence. Borrowing from the Code of Judicial Conduct, judges in this State are “highly visible symbol[s] of government under the rule of law” and the determination of whether disciplinary action is appropriate turns on “whether there is a pattern of improper activity” and its effect on the judicial system.

Judge Mullen’s pattern of alleged conduct threatens to erode public trust in our judiciary. Impropriety and dishonesty by members of our State’s judiciary cause real harm to all South Carolinians. When wealthy and politically connected individuals are treated as a privileged class by members of the judiciary, it erodes public trust in government and the fair administration of law.

I believe the information uncovered by Mr. Bland will further exacerbate the public’s distrust in our impartial judiciary. Judge Mullen recused herself from the Beach-Murdaugh matter on April 12, 2019. There is now sworn testimony establishing that Judge Mullen signed the Satterfield settlement order on May 13, 2019 knowing it would not be filed to prevent the litigants in the Mallory Beach matter from learning about Mr. Murdaugh’s insurance coverage and his settlement with the Satterfield estate. If true, Judge Mullen clearly took action to benefit Alex Murdaugh in the Beach-Murdaugh case despite her recusal from that case. Her handling of this matter demonstrates a lack of competence at a minimum and implicates the Code of Judicial Conduct. Judges are meant to be the gatekeepers of fairness and impartiality, but her actions caused real harm to the Satterfield and Beach families.

The new allegations brought against Judge Mullen should not be a surprise to the Commission when considered in conjunction with the previous complaint. Among the examples of conduct alleged in the 2019 complaint are improper solicitation of *ex parte* communications, recording phone calls between parties without obtaining consent, undisclosed conflicts of interest, lack of professional competence, staff members posting critical comments about pending judicial matters on social media, and more. These examples establish more than individual acts that implicate the Code of Judicial Conduct—they establish an unremitting pattern of improper activity that merits close examination by the Commission.

Shortly after I submitted the 2019 complaint, Judge Mullen purportedly continued her pattern of ethically questionable conduct in the Satterfield-Murdaugh matter. This episode alone rises to the level of judicial misconduct. However, to the extent the Commission does not believe this or any singular episode described in either compliant merits investigation, the continuing pattern of questionable conduct by Judge Mullen must merit some investigatory response from the Commission. Therefore, I respectfully request a full investigation of the Satterfield-Murdaugh matter and reconsideration of the matters discussed in the April 17, 2019 complaint which, when considered together, demonstrate a pattern of unethical behavior.

I appreciate your consideration. Let me know if there is anything else you need from my office such as a copy of the 2019 complaint and correspondence I had with the Commission.

Respectfully,

A handwritten signature in blue ink, appearing to read "David M. Pascoe". The signature is fluid and cursive, with the first name "David" being particularly prominent.

David M. Pascoe  
First Circuit Solicitor