



## EPISODE 59: Credibility, Defamation and the Rules of Civility - How the Takedown of Becky Hill Has Gone Off the Rails

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**Mandy Matney** 00:04

Hello and happy Tuesday! I'm not gonna lie, things feel a little out of control right now. It feels like the good guys are getting punched over and over again by Team Murdaugh and their agents, i.e. the people who have willingly taken up their cause and are spreading lies and twisting facts. It is actually really disgusting to see how effective Team Murdaugh's strategy has been, at least on social media. Ultimately, it shouldn't matter what's on social media though, it matters what happens in the courtroom. On today's show, we discuss the campaign to tear down Becky Hill's credibility and what it might mean for Alex Murdaugh's chances at getting a new trial. We also talk about the different types of defamation that exist and what South Carolina's Oath of Civility means in terms of how lawyers are expected to conduct themselves in and out of the courtroom. One thing we're discovering behind the scenes is that just about every aspect of what is happening to Becky is somehow tied to a Murdaugh associate in some way, either directly or indirectly. This surprises us zero, obviously. We'll talk more about this on our next episode of True Sunlight, but I wanted to share that just to give a little context to our discussion today so you can understand where we are coming from in our opinions about what is happening. Let's get into it.

**Liz Farrell** 01:42

Cups up guys.

**Eric Bland** 01:43

Cups up.

**Liz Farrell** 01:44

What you got there, Eric?

**Eric Bland** 01:46

It's my new Bland Richter glasses. I gotta give you guys one when I see you.



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**Liz Farrell** 01:51

Are those glass? It's like a tin...what is it, aluminum? That's cool. I like that.

**Mandy Matney** 01:56

I love that. It's very EB.

**Liz Farrell** 01:58

Yeah. What are you having? A latte, Mandy?

**Mandy Matney** 02:01

Yeah. I love the new Starbucks cups this year. They added pink. Which makes me want to go there more often.

**Liz Farrell** 02:07

Awesome. How are you feeling after your surgery?

**Mandy Matney** 02:11

A lot better than the last one. This one was a lot less invasive. It's only six stitches and it is not on my butt. Which, having a surgery on your back end is just...it just involves everything. Like every time you sit it hurts. Every time you get up or you walk it hurts. This one is a lot less painful. And David got to watch it and he was horrified.

**Eric Bland** 02:38

I could have done it for you, Mandy. I had three tattoos and I cut my first one out. And then the second one, it was before laser. I got them sliced out with like a machine that looked like a Hobart deli cutter. So I could have done that for you. So yeah, I got three tattoos taken off of me.

**Liz Farrell** 02:55

Like at a doctor's office you mean? Like you didn't do it yourself.



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**Eric Bland** 02:58

The first one I did in the basement with a knife and sandpaper. My sister-in-law helped me. I drank six Genesee Cream Ale and then we started sanding.

**Liz Farrell** 03:06

That sounds like your civil war hospital.

**Mandy Matney** 03:09

And this is just because you..did somebody like shame you about your tattoos?

**Eric Bland** 03:15

I was at a partner meeting. I was a young summer law clerk and the partners had us over for a swim party, had the summer associates, and I came out and I was bigger than so I looked like a goon anyway as a bodybuilder. And then I had these tattoos and everybody just started staring at me and you just know the look. And this is, remember this is in the 80's before tattoos were popping or maybe in the 80's less than 2% of the people may have had tattoos and I had three of them.

**Mandy Matney** 03:43

Eric, they were probably just jealous of you. Do you realize that now?

**Liz Farrell** 03:51

I know exactly what Eric is saying. I know what Eric is saying. It's the same thing like where guys get their earring in their ear.

**Mandy Matney** 03:57

I think...but I think deep down men that see another guy with a good looking body, very in shape and doesn't care if he has tattoos and is also a lawyer they



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will resort to, "Oh, that's not cool." But I think that they're just jealous deep down.

**Eric Bland** 04:17

Not older lawyers. They may be jealous, but older lawyers beat you down because they look horrible - and they're arrogant and a senior partner pulled me and said, "You know, you just don't have a look our firms ever going to want." And yeah, yeah. So I came home and I said, "I gotta get rid of these." And I got the first one in August. My sister-in-law helped me and then Christmas break. My brother had a plastic surgeon friend. He said, "Come up on a Saturday and I'll do these for you without a nurse anesthetist." And so he injected me with local anesthesia and he just started slicing off my legs and I got indentations on my legs.

**Liz Farrell** 04:57

Oh Eric, they look like shark bites, huh?

**Eric Bland** 05:01

Yeah, they do, they do. We've all had medical procedures lately. You started it. Then Renee had a medical procedure.

**Liz Farrell** 05:07

I know. Mandy did actually.

**Eric Bland** 05:09

Yeah. Then I had mine.

**Mandy Matney** 05:10

I know everybody's...it's surgery season for all of us.



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**Liz Farrell** 05:16

Really, truly, but I'm glad to hear it went well. We should talk to Teddy Joe Mellencamp because she has had quite the ordeal with skin cancer and pre-cancer surgeries. She's from Hilton Head. I've always wanted to talk to her. Her dad is John Mellencamp, the singer. And they're quite the local celebrities while also being actual bonafide celebrities. But guys, so before we get into the Murdaugh stuff today, I just want to talk. Did you guys see the sentencing of a kid named Ethan Crumbly in Michigan? He's the kid who, I believe, killed four people in a school shooting. His parents, I think, were arrested and charged after in sort of an unprecedented, like, accountability move. Did you see his sentencing and what he said to the court?

**Mandy Matney** 06:03

That he was a bad person?

**Liz Farrell** 06:06

That he's a bad person. And you know, I was watching that and it really stood in stark contrast to everything we've been talking about these last few weeks with Alex and what he decided to do with his time. And sort of the difference between what I guess the court wants to see from people. Like this kid basically said, "I'm a bad person, I belong in prison. Whatever sentence you give me, I'm going to try and work on being a better person. I'm already trying. I know two years isn't enough to look at and see a record. So I hope in 15-20 years, you'll see this change in me over the course of time." He tried to say, you know, it was no one's fault, but his own. I'm here because of myself. Like basically all the things that I think you kind of want. You know, "I'm sorry," that kind of thing. So it was interesting to see because...

**Eric Bland** 06:52

Did he appear genuine?



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**Liz Farrell** 06:55

Yeah. This is a 17-year old who committed his crime when he was 15. And he got life without parole. So we look at like, you know, punishment, I guess, a school shooting, and you know, he's one of the probably rare mass shooters who didn't end his own life. And yeah.

**Mandy Matney** 07:14

Right, it's very, it's very rare for those things to even go to trial.

**Liz Farrell** 07:19

Yeah, so it's just an interesting study and sort of like what goes sort of in the mind of a mass shooter like that. But beyond that when we're talking about somebody like Alex, who has all this power, all this sort of, you've been caught, man, you've been caught. We caught you, you're found guilty. Caught you 100 times over and still, yet like this 15 now 17-year old understands sort of the message of accountability, the - what that part of the process is supposed to look like for somebody who's done something heinous, which is, you know. I think we get these comments from people like, you know, they're rare, but sort of like, there's no forgiveness or there's no, you know. Like Alex getting forgiven by the victims is a good thing, right? And like we talked about this last week.

**Eric Bland** 08:03

Like no real contrition.

**Liz Farrell** 08:06

Right. It's just, it stood in stark contrast. And so I just thought it was interesting to bring up.

**Eric Bland** 08:11

What do you think about the concept of the parents who bought the gun being criminally liable knowing of the mental illness history of their son? You



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know, it's one thing to sue the parents civilly for that, but they have done the extraordinary step of charging the parents criminally for purchasing a weapon for a 15-year old that they knew had violent propensities and some mental illness. What do you think about that? I think it's interesting and I like it.

**Liz Farrell** 08:37

Ditto.

**Mandy Matney** 08:38

Something has to be done. And I'm with you, Liz. Like I was watching that video yesterday and I mean, there's just so many times where I get angry because every once and a while I get a comment from somebody that's like, "You hate Alex so much that you can't see anything. You can't see straight and blah, blah, blah, and your reporting sucks because you just hate him so much." And then you see something like that after watching Alex Murdaugh and his horrific behavior all of these years that accumulated into the 50-minute speech. And then you compare that to a kid who clearly has learned more than Alex in his 19 years of life and a school shooter who totally realized that he did wrong, and then there's Alex Murdaugh. And it's because the system has supported him and because Dick and Jim have stood by him and supported his inability to see his own mistakes and own up to them. And speaking of, more fun on that front this week.

**Liz Farrell** 09:44

You call it fun. I don't know why you're calling it fun, Mandy. Yeah. Does somebody want to bring us up to speed where we are with everything?

**Mandy Matney** 09:53

Eric? Where are we with everything?



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**Eric Bland** 09:56

Well, we're moving, inching closer to ultimately the new hearing. We've had the Becky Hills show pretty much for the last week and a half. It's been pretty quiet on Dick and Jim publicly. I'm worried about what's happening behind the scenes. I'm worried about, you know, who the judge is going to be. We heard a rumor it was going to be one judge and then that judge turned out not to be the judge. I'm not feeling as bullish as I was about a month ago about where we are, you know? I'm very, very...

**Liz Farrell** 10:26

What do you mean bullish? What do you mean by that?

**Eric Bland** 10:29

Because a month ago, when we were only talking about the juror interference issues I felt pretty good based on what I knew from the jurors I represented and then talking with Justin Bamberg and Will Lewis, the lawyers for Becky Hill, as well as with Creighton Waters and then obviously reading the submissions to the court. But with the issues with Becky, I'm starting to get concerned because she may not end up getting the benefit of the doubt. Becky's credibility is going to be first and foremost. The judge is going to have to look at her on whether she's going to be credible on when she says I did none of these things that I'm accused of. And I think she would have gotten the benefit of the doubt without the ethics complaints on the issue of inappropriate behavior at the courthouse and some of the monetary issues. And now that we have her son, and the fact that her phone got confiscated and we have a grand jury impaneled, I am concerned that she will not get the benefit of the doubt of any credibility. And if that happens, I'm not sure that the fact that the jurors said that she did nothing wrong will carry the day. The other thing is, we may never hear from Becky because she may have to take the Fifth Amendment. If I was her criminal lawyer, I would think long and hard about putting her on the stand and opening her up to cross examination that could really put her in legal jeopardy. It's one thing that she





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may lose her job. It's one thing that there may be a new trial as a result of something that she did, you know, she could be in legal jeopardy, serious legal jeopardy. And that's what concerns me for the new jury trial because that's all I'm concerned about. I mean, I do care about Miss Becky, but I care more about the jurors that gave their time and, you know, are basically being mocked for giving a verdict of their conscience. They sat through seven weeks of it. This was their verdict. They own it and they don't want to give it up.

### **Mandy Matney** 12:17

So, I have a question. And I think I know the answer, but I just want to make sure. It comes down to whether or not the jury, it comes down to whether or not the jury was influenced by her behavior, correct?

### **Liz Farrell** 12:34

Well, it comes down to whether the judge interprets the law that way. So Dick and Jim say whether or not the jurors felt influenced by her is immaterial because the law says, meaning like, when I say law I mean like previous cases and previous rulings, say that it's enough that she was a public figure and there's a question over what she said. So they say that's enough to warrant an evidentiary hearing and a new trial. The State says the opposite. They say because the fact that these jurors are saying no, my verdict...even the juror, like we said in True Sunlight, even the juror that Dick and Jim are holding over their heads like, "we got one," is not saying that Becky influenced her decision in any way. So the State is saying that, you know, ultimately it doesn't matter because whatever she said or didn't say the jurors are saying A) you know, the story that the egg lady was telling is not, you know, we're not corroborating that. And 2) I came to my own decision on my own.

### **Mandy Matney** 13:29

And a second thing, shouldn't Dick and Jim's credibility matter at all here? Like, I feel like we're forgetting that they have lied and lied and lied, again and again and again, on behalf of Alex Murdaugh. And they shouldn't - I



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understand that Becky's credibility is in trouble, but if Becky's credibility is in question then shouldn't theirs be as well and shouldn't that be a big factor of like, okay, well. You see what I mean here?

**Liz Farrell** 13:59

Can you imagine a world in which lawyers were actually held accountable to their own credibility? Because if you saw like good lawyers who use the law in the way that it was intended to be used, getting an edge up like that, those are the ones we value in society, instead of the ones we value are the ones who lob these accusations and I just hope that they, you know. They have no accountability to those accusations that they're making. They just make them because they know the system is going to support them in that. Which God that would be utopia, if we valued attorneys who, you know, if their credibility mattered.

**Mandy Matney** 14:31

Right! And it should! When I spoke for the Kansas Bar the other day, one of their rules is, uphold the truth. And they were asking me about media ethics and media strategy. And I said, "Just at the end of the day being honest to the media and leading them down the honest path is the right and ethical thing to do for lawyers." And this case has gone so far off the rails because Dick and Jim haven't done that. The truth has never been on their side and they have led the media into a circus of untruth. And I just, I feel like again the South Carolina bar has got to wake up and realize that it just makes a mockery out of everybody.

**Eric Bland** 15:21

What we had in the 90's or late 90's, early 2000's, there was a well, well known famous domestic divorce lawyer named Harvey Gould and he would get opposing parties in a deposition. He had a wife, he represented the husband and the wife was an opposing party. And he abused her so bad in a deposition. You know, "When did you stop having sex, you know, cut my guy



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off? When did you stop smoking marijuana,” even though she didn't do that. Just constantly painting the record about how bad she was. And it got to the point that the lawyers started screaming at each other. And our bar enacted what's called the Civility Oath. And we have it where all the members of the bar had to swear every time, every year, to take this Civility Oath. If you were a new lawyer, or if you were an existing lawyer, you had to swear that you would uphold. And the bar wrote this Civility Oath that we believe it's not just being civil to other lawyers and opposing parties and the court but it's a Civility Oath to be civil to the public. And it came up this week in the Gordon matter with Mr. Gordon and his wife, who is the photographer, that they claim that Lawyer Lori who went on a TikTok rant about Becky Hill and about the Gordon's and did say a lot of things that were not true. And they have filed a grievance against her based on the Civility Oath, that she used profanity in her TikTok and as a lawyer, we're supposed to uphold the best of the public and we're supposed to be honest and truthful and speak in good faith. So it's going to be a test on, I think that grievance, on how far the Civility Oath is applied. Because Lori said it only applies to lawyers talking to lawyers or lawyers dealing with opposing parties. But I believe, and many others believe, that the Civility Oath is, I can't just be civil eight o'clock in the morning till six o'clock at night when I'm wearing my suit. But after I get home from work, I have to be civil then too and I have to be civil on the weekends. I can't bring my profession in disrepute. So I think actually that Gordon grievance could be an interesting expansion of the Civility Oath. I'm interested in hearing your thoughts. But before we do that, we'll be right back.

### **Mandy Matney** 17:47

Okay guys, let's talk about something that I don't really want to talk about. But I think it's important because it's gotten so far out of hand and absolutely bananas. Somebody that we're gonna call TikTok Lori. TikTok Lori is a lawyer in South Carolina and she has a very large following on TikTok. Granted there's a lot, I just want to say this sidebar, TikTok is well known to inflate their numbers insanely. And that's a whole 'nother thing, whatever. She's got a big following



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on TikTok. She had a video last week that was horrifically bashing Becky in a very mean girl way. Did you guys see it?

**Liz Farrell** 18:33

Yeah, unfortunately. It was sent to me and I usually don't watch those because the way I look at it is like she's entitled her own opinion and she can have her, you know, she has a niche audience and whatever. But in this case because of just how egregious the accusations she was making, and just how egregious it was that knowing like...I guess let's start at the beginning here. The reason that was sent to me was because there was evidence in what Lori was saying that somebody had leaked to her one of, at least one of the complaints, that were filed against Becky in July, I believe. So, she was using, from what we understood, lifting basically entire passages it seemed in what she was saying. It was clear that she had just read this and the accusations. And a couple of the accusations concerned Melissa Gordon, who is the wife of Neil Gordon, who was Becky's co-author on the book and accuses Melissa of getting special treatment from Becky during the trial, attending the trial 30 days, and getting preferential seating, and being allowed to have the run of the courthouse with her camera. And essentially this issue of when did Becky decide to write the book is now floating to the top as if it matters really, truly at all. But Eric, you were on *Court TV* this past week with Vinny Politan and TikTok Lori was on there with Neil Gordon, as well as Joe McCulloch and a couple of other people. One of the things that I'm interested in hearing with the civility...I just want to go back to the Civility Oath, you're saying that this is something that you guys continue to have to do every year?

**Eric Bland** 20:01

No, you do when you file for your license, but when they enacted it all the lawyers had to get together and raise their hand and take the oath. And then all new lawyers have to do it as well. And on that appearance, Mr. Gordon and lawyer Lori really got into it. I mean, it was a full contact argument and he systematically dismembered her and her assertions that she made. She



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claimed that Becky met his wife, Melissa, I think was her name, you know, at the start of the trial, that's not true. They met on March 2nd. It said that she signed a deal with him or made an agreement to write the book at the beginning of the trial. That was not true. It happened on March 3rd or March 4th. And each assertion that she made he knocked down and she was, you know, nonplussed about it. Like, "Oh so what, it doesn't really matter. You know, I get to say what I want. And you are, you know, tainted." And she looked really bad. I mean, you know, I'm interested in what you guys say. I would say it a different way, but I'm interested to hear what you guys say. I think she looked disgraceful and I think she embarrassed our profession because we're not a profession of TikTockers. We're a profession. And we talk with force and authority. And we have a duty of candor, by the way. The rule in our rules of professional conduct, we have a duty of candor not only to the courts, but to opposing counsel and opposition and I believe it extends to the public. It doesn't give us free rein to lie. We have a duty of truthfulness. And so I'm interested, what did you guys think of that?

### **Mandy Matney** 21:38

Right, I just want to say this really quickly, going back to what you said earlier about lawyers. It shouldn't matter when you put your suit on, or when you have your jammies on, you should not be lying at any point. But the big difference is that she's doing all this very, very, very publicly. And her video got like, I want to say was like 40,000 likes, probably over a million views. It went very, very viral very, very quickly. And the damage, immediately I looked at the comments and everybody was like, "Oh, Miss Becky. Oh, we're gonna get a new trial. Miss Becky's the worst, blah, blah, blah," hating on her. It did immediate damage. That's what I'm saying. And when you do that publicly and there's major repercussions for your actions as there has been in this, I'm really interested to see what the bar does here. Because also TikTok Lori is a woman and she is not protected by the good ole boys. She does not...



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**Eric Bland** 22:38

Whoa, whoa, whoa Mandy. Whoa, hold on, hold on.

**Mandy Matney** 22:42

Can I finish though? We all know how it works. She wants to be in the club. She has been seen in the club. She mingles with the good ole boys. She's a part of them. But we all know how it works. There's always the sacrificial person that's the first to go and Lori would be the first to go. They would put her on a chopping block before Dick, Jim, any of the rest of them do. That's what I'm saying. Dick and Jim have layers, and layers, and layers of protection that she does not. Because, also, we should talk about like, she came out of nowhere. Nobody knew who she was as an attorney before she started making these TikTok videos. Like, I think she was a defense attorney in Columbia. I think she has her own firm. She worked for Rutherford before. She went to school at the same time as Alex and Cory and all of them did. But she wasn't this huge big time lawyer before all of this happened.

**Eric Bland** 23:39

And she's got no direct connection to the Murdaugh matter. She's not involved civilly. She's not involved criminally. And she talks like she is part of the process. Whether it's representing victims or understanding the defense and I never really understood it because I never saw her at the trial, during the murder trial. And I haven't seen her at any of the sentencing. And I always wondered why every time I went on TV she would always take the contrary position to me. She was a contrarian to everything I said. And then Liz pointed out to me that there may be a connection between her and Dick and Jim that goes beyond just, "I like them." Is that true Liz?

**Liz Farrell** 24:18

Yeah, not only has she been photographed with them and I guess, Mandy, you said she like cried because of Cory's sentencing or something?



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### **Mandy Matney** 24:26

She cried on TikTok Live apparently when Cory got sentenced. Like she was physically upset about it when Cory Fleming was sentenced.

### **Liz Farrell** 24:36

And what bothers me about that is she's a defense attorney and she is probably like most defense attorneys, you know, she has to have that conversation with her client, which is like, "This is the best deal I can get for you. This is, I'd recommend taking this plea deal, but you know, we can still go to trial." She's like...I won't say she has because I don't know, but most defense attorneys have probably recommended to their clients to take a plea deal that ended up with them in prison for longer than what Cory got for less of a crime when it comes to the monetary damage and the damage...

### **Mandy Matney** 25:08

And was she upset?

### **Liz Farrell** 25:09

Right! So like, are you crying every time that you sit in front of a judge? And you're like, "Oh yeah, we accept the plea deal." Like, it's just to me, it just shows like it's so clear that because...I don't know if it's like simpatico because they're in the same profession or if they're, you know, if there's just...it felt like there was a connection between her and Dick. And there is a connection, right?

### **Mandy Matney** 25:30

I mean, I was sent a picture of Dick, Jim and TikTok Lori at the Columbia St. Patrick's Day celebration and this source said that they are very good friends. It's very well known. And shame on her for not saying that because guess what I do in my podcast? I say Justin's my friend. I say that Eric's my friend. I am very clear about who I'm friends with and how that affects my reporting. It is not cool for her to..she's done a lot of pro Alex Murdaugh TikToks and if your



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friends are Dick and Jim fine, but admit it because that affects your bias. And second of all, because I know people are going to say, "Why are you giving her attention..blah, blah, blah. She just wants this." Here's my problem. I've watched TikTok Lori for a few years now. And she has gotten progressively more dangerous and progressively more loose with facts. Progressively more aggressive. And it's because the algorithm likes it. It's because TikTok likes that crap. TikTok likes mean girl stuff that's like, "Ewww let's take down this woman! Ewww Becky's the worst! So let's - Alex Murdaugh, let's get him a new trial! Woo! Woo! Like! Like! Move on!" That's what the algorithm loves. They love very dumb things that people can watch in a minute and react to and very strong reactions. Her videos make you angry, they make you upset, they make you want to comment back and that's all the...

**Eric Bland** 27:00

Scream.

**Mandy Matney** 27:01

Scream. Throw your phone, as I almost did when I saw the video. But I think that the problem - and I've heard people say like, "Lori's a good person deep down. She's just getting wrapped up into all of this." And that's why we're saying this right now. Because Lori, don't get wrapped up into all of this. Guess what's going to happen? The good ole boys will not protect you at the end of the day. They're not going to. She will be the first one to get in trouble with a bar. I guarantee it. I'll put my money on it. They do not care about her. They do not care about her TikTok following and none of it's worth it. And I just think she's just getting so wrapped up because the way that social media encourages it.

**Eric Bland** 27:42

You don't have to do a profanity laced, you know, reporting on TikTok. You can talk about what you think of Becky and you could say that, "I think this tarnishes her reputation. It goes to her credibility. There's too much smoke."





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You can say all these things which are reasonable and they're genuine questions that need to be raised. And I recognize that. But when you dumb it down with profanity laced, and you're a lawyer, it brings our profession into disrepute. How I conduct myself. Look! Look what Alex did. His singular acts of theft, and all his betrayal and the murders has done incalculable damage against our profession. He tarnished the 5000 members in our state - the bar members. And when somebody who has Lori's audience, and I commend her. She's done a really good job to get people to listen to her. You don't have to do profanity laced things. If you're substantive and you're credible, you can have the same impact.

**Liz Farrell** 28:37

What bothers me is the conflation. And Eric, I think you kind of understand what I'm saying here between journalism and the law. In that, TikTok Lori's profession - I mean, she's a lawyer. She's not a reporter. And I think that her getting leaked this information, and then presenting it in a way that doesn't couch it journalistically in any way. And you know, it's almost like her reaction validated the claims. So even though she threw in the word "allegedly" here and there, a reaction of that level that she gave it, it just, I think it rings true to people when they hear it. And they're like, "Oh, boy, like, wow, she gave preferential treatment to that..." Because we're just trained, I think, as consumers of information to just believe what we're hearing on face value sometimes, especially in the last, you know, 10 years. So that's what bothers me is that there's a sort of like, go ahead and be a...say what you want. Be a commentator, who cares, but I think that there's a huge lack of responsibility when you're taking information that was leaked to you and presenting it...

**Eric Bland** 29:38

That's the second time you use the word leaked. So let's get into that. Why do you mean leaked? What are you talking about? What was leaked? How would somebody get it if only her lawyer submitted this? And then there was a



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complaining party who made the complaint against Becky. How...what do you mean by leaked?

**Liz Farrell** 29:57

So it's interesting in South Carolina, the State ethics commission, when you make a complaint against a public official back before, I believe it was 2021 or 2022, I can't remember, but it was a very, very secretive process. Meaning, you could not as the complainees or the complainer tell anyone that you made this complaint. You cannot call the media and say, "I filed an ethics complaint against so and so. Here's a copy of it. Here's why I'm saying this." And I believe it was under the threat of potential obstruction of justice, I can't remember, but it would have serious consequences to it. And if you were under an investigation by the Ethics Commission, you weren't allowed to talk about it either. So what that did was it protected the bad people, the people who had done something wrong, and it vilified the people who hadn't done anything wrong. Because inevitably it gets out there, right? Your political opponents find out that this has happened, they start leaking it and you don't have the benefit of being able to respond. So somewhere in, like I said 2021-2022, the Ethics Commission changed their rules. So if you've made that complaint or you're somebody that has had the complaint made against you, you're allowed to talk about it publicly. But here's my issue. So, why I'm using the word "leak". The names of the people who complained against Becky are redacted in these complaints apparently, right? That is a sign...well that, to me, says that these people who I guess, you know, for all practical purposes, would be considered whistleblowers to an extent, they get to protect their identity. But their identities are completely attached to the kinds of complaints that are being made. Because you need to be able to judge and say, "Does this person have standing to make this complaint in the first place? Like, would they have witnessed this? Are they hearing it through the grapevine?" Because largely when you look at these complaints they're not cited. Like there's not, they're not firsthand and they're not cited. They don't have...they're not citing a statute accusing her specifically of violating a



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statute. They're not, you know, from what we could tell, it didn't seem like there was any sort of corroborating evidence that was attached to this. So what happens is these people who get to hide under the cloak of their names being redacted, you know, whether it was them that gave the information to TikTok Lori, or it was somebody in SLED, somebody in the AGs. Who knows? Or lawyers that happened to have it...however, she got it. I call it a leak only because it's still patently unfair because Becky can't respond to it. So Becky can't have her...she can't come out with her receipts and be like, "Oh, wait a minute here. Actually, what they're saying happened, didn't. And here is the photocopy of the receipt that shows that this is where the money went. Or this is the email that I got." You know, like, she can't say, "This is the evidence that shows that I didn't do this." And that, to me - a leak you do so because you want the public to have it. Whether it's for good reasons, because you want the public to know something that's bad that's happening. Or it's because it helps you politically and it helps you with your case, potentially in this case. So what was given to TikTok Lori, and to subsequently other media, to me felt very motivated in doing exactly what TikTok Lori did and what Mandy read in the comments. That was, you know, a very effective strategy, I guess. But Eric, I guess the question comes down to this because Mandy and I don't believe that Becky's credibility should matter. And this is in a sense of like, I mean, I do not know, you know. I don't know what she's being accused of specifically. I don't know what, you know, if there's more to it. If there's more, I don't know what investigators are seeing. But regardless of whether or not you know, Becky's credibility can be torn down, the issue just comes down...I mean, the way that Mandy and I are looking at this law is the jury did not change their votes. So, why are you concerned about her credibility issue? If you know really, it's the egg lady juror versus Becky and a she said, she said situation? Because the egg lady juror has a lot of problems too with credibility.



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**Eric Bland** 33:56

Because I believe that if there is a toss up on this and it's not so one sided that a judge says, "Look, the allegation by the egg lady and they just didn't hit the mark," I think we have to, it has to prevail significantly. But if it's close. If there is credibility of the egg lady and some of the other jurors waffle a little bit and Becky comes on, the judges just gonna look at her differently. As if, "You know what? You are a public officer. You should have been beyond reproach and now you're accused of possibly," and this is accusations, "tampering with a jury. You're accused of using your office to possibly enrich yourself and you used your son to get information on potentially people that are gunning for your job." It would be an abuse of power. And so, when you have that abuse of power I think a judge would be hard pressed. If a decision is on the fence, it's gonna go to Alex. It's got to go to Alex. We have to have a system where the tie goes to Alex. And I think when we started, it was 90/10. It was so in favor of the prosecution, but I'm getting scared now that it's getting close to the middle of the fence. And look, Lori is not protected. When she goes on her TikTok, she can't just say things that are false and she can't say it with malice. We're protected when we're in court. I could say anything I want basically, when I'm in court or in a court filing. And I've said this about Dick, when he has a press conference he is not cloaked with that kind of immunity. You are subject to the regular defamation laws that we all are subjected to every day. And Lori can't just go out there and say these falsehoods because listen, a lie travels around the world before the truth laces up it's shoes. No one's ever going to remember if Lori's telling falsehoods now, but they're going to salt the public. When it comes out if they're false somewhere down the road, nobody's going to hold Lori accountable, but the law of defamation will. And maybe the bar will. That's what I'm saying.

**Liz Farrell** 36:02

Yeah, just saying allegedly is not enough. And that's something that newspaper reporters know, journalists know. You can't just say allegedly, like you also have to show that you did your due diligence to find out if it's true.



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### **Eric Bland** 36:12

She's re-publishing the defamation. You can't republish. If somebody else does...I can't just republish it and say, "Well, Mandy was the first one that spoke it. And all I'm doing is repeating what Mandy said." No! I become Mandy when I speak.

### **Mandy Matney** 36:27

Well, and she in the video barely said, "Allegedly." We know this as journalists. I remember when I was on *20/20* a few people made fun of me. It was my first TV interview and people made fun of me, because I said, "According to the depositions," a lot. But that's just how I'm journalistically trained to say, "This is this is how I know that. It's according to that." Not, "This is fact." And when I was listening to her, and I need to go back and listen to it again, it was coming off as, "This is what happened. This is fact." Especially when she was accusing Becky of essentially stealing funds from the Colleton County Clerk of Court's Office, which that's a crime. And the way that she was saying that went down and what we have seen so far seems like two different things as far as her scratching out a check? What did she say, Liz?

### **Liz Farrell** 37:19

So yeah, the accusation is that because Becky was giving those tours, or she wasn't giving the tours, there were tours being given at the courthouse after the trial. One of the tourists that came donated money to a fund or to, you know, to help the court fix their windows. And one of the accusations from a former employee of Becky is that Becky deposited the check in her own account and scratched off, you know, the Colleton County Court, you know the name, and wrote in her own name, allegedly. So that's what the ethics complaint says. I'm sure Becky has a response to that.

### **Eric Bland** 37:52

So David just asked, "What are those four things again that are per se?" You don't have to prove damages. And per se defamation or per se libel is when



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you accuse somebody of doing bad at their occupation. Two, you accuse them of a loathsome disease. Three, you accuse them of a crime and four, it's the old time, you say a woman is unchaste, or somebody's unchaste. So those are per se, meaning if you do that, the law presumes that it's defamation. You don't have to prove damages. But now Becky's a public figure. And you guys know, under *New York Times v. Sullivan* case, if it's a public figure you have to actually go that next step and show actual malice, that she was really trying to hurt Becky and knew that what she was saying was false.

**Liz Farrell** 38:36

Well, I think it's time for us to take a quick commercial break, but I will say that, you know, in that show that you were on Eric, TikTok Lori did look a little nervous to me. That's just, you know, she's in the business of opinions. That's my opinion. So we will be right back.

**Mandy Matney** 39:02

I am just so hesitant, Eric, to even go into what a new trial would look like. And I'm hesitant to this idea that you said that our system has to favor Alex in a case like this one. Because all this shows is that if you have enough money and power you can destroy a person and you can find an elected official involved in the trial, destroy them piece by piece, and then get a new trial, get what you want. And I think, as Liz has always said, their game is to exhaust and they have exhausted everyone. And to the point where I didn't even think that they had it in them to go for this long and to go this hard and to chip away to this degree. And this week we also saw Becky Hill's son's personnel file was released to the media. And again, it's just a lot of things that are so loosely tied to the actual trial and so loosely tied. Not tied at all to Alex's guilt and the jury and anything like that. And, I just, all of it is making me extremely nervous.

**Eric Bland** 40:16

I agree with you. I agree.



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**Mandy Matney** 40:16

Because I feel like it's out of control.

**Eric Bland** 40:20

But, in all fairness, you know, I do agree with you that the jury allegations appear to be sound and fury that may end up signifying not much. But the fact that SLED was willing to take the deferment from the 14th Circuit Solicitor's office into Miss Becky's allegations - they could have rejected that and say, "No, we're not going to do that." And they could have said, "Let another solicitor and another circuit handle it," if Duffie Stone was in conflict. I am concerned about that; the fact that the AG would grab this. That's all I'm saying.

**Liz Farrell** 40:52

I don't feel concerned about that. Because I think, you know, the Ethics Commission is set up to solely investigate ethics complaints. And what one, at least one, of the complaints was accusing her of crimes of stealing money. So it now transcends that, right. It's not just a matter of, you know, did I not report money I was getting or am I double dipping? Am I...you know, that kind of thing. Am I holding two positions and I should only be holding one? It's an issue. It's a matter for law enforcement. So the best place for it would be SLED at this point just in the sense of neutrality. Of being able to look at this from a non-connected Murdaugh position, not saying that SLED doesn't have its issues with the Murdaugh's. But you know, I am concerned about Duffie's role in this, but I mean, ultimately Duffie did forward it on to SLED which was the right thing to do. I just don't know how long it took for him to do that. What happened before, you know, what led up to that moment? I do think...

**Eric Bland** 41:50

Well, let me tell you really what's so huge here. Let's...if the jury issues can be scheduled before the end of the year, that the Supreme Court names a judge,



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the judge has a status conference after the first of the year. And then the jury issues are scheduled to be heard whatever the process and procedures the judge wants to put in place. If they're heard before there's a conclusion of the ethics stuff and the investigations into Miss Becky, I think everything's going to work out fine. My concern is if Harpootlian says, "No Judge, we now need to wait until the investigation into Becky at the state level and all these investigations with SLED come to conclusion before we hear that motion..." You understand my concern?

**Liz Farrell** 42:33

I think it's adorable...yeah, I think it's funny that you're using the word "if" because we know darn well that is what Dick is going to do. Like, obviously, that's going to be the strategy. Can we just talk a little bit though about maintaining the sanctity of the jury process and of jurors in the future? Because I think what we're missing here is that the judges have - so whoever the judge is, whoever, you know, the Supreme Court, whatever it is, that will ultimately end up ruling on this. They have a duty to protect future trials. And if all it takes is this sort of argument that can be blown over like a feather when you're strictly talking about the evidence and what, you know, what Becky's actually being accused of and what the outcome of Alex's trial was. If you're just solely talking about that stuff, it seems obvious to me that the judicial would want to protect the sanctity of future jury trials. And, you know, nobody wants the jurors to look at like, you know, their side, if they have to go through this. If we have to go through this every single time now, you know, like, not just with Alex, but it sets a precedent for how other defense attorneys, like how far they'll go. And if it doesn't, to the person who might say, "This doesn't set a precedent. This is just Dick." Well...

**Eric Bland** 43:50

It's a one off, it's a one off. You're gonna hear that this is a one off.





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**Liz Farrell** 43:54

If it is a one off, then why is he getting that one off? That's because it's proof positive that he's getting special treatment. Right, exactly. So either it's gonna set precedent or it's a one off. If it's a one off, that means we're seeing special treatment happen here. So Eric, can you talk a little bit about that? Because I want to know what this could mean for future jury trials?

**Eric Bland** 44:12

Well, you know, most trials are done without spectators being in the audience. It's usually just the parties and the paralegals that are assisting lawyers and maybe some people that are close to some of the litigants. And so, you know, there isn't that much at stake where, you know, you're going to have a defense attorney who's going to raise these issues. But there are some very high profile cases. And, you know, if I'm a juror that could potentially be selected to sit on one of these high profile cases, I may come up with a real good reason not to serve on a jury. Because I don't want this kind of scrutiny. You know, like I said, these jurors gave up seven weeks of their life. And now all of a sudden they're made to look like they're bad people. That they're covering up for Miss Becky or they're not being honest that they were manipulated. And all that is just totally untrue.

**Liz Farrell** 45:03

It's not even how they're being made to look, Eric. They've had to sit for interviews with SLED, interviews with Dick and Jim. They've had people showing up on their doorstep knocking on their doors.

**Eric Bland** 45:12

They had to get me as their lawyer.

**Liz Farrell** 45:13

Their lives have been disrupted because of this.



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### **Eric Bland** 45:15

And me. Right! They don't need me as their lawyer really, right? They really shouldn't have had Eric Bland come and meet with them and, you know, talk to me in a privileged setting. And they should have never had to reveal to me what their thought process was on why they reached the guilty verdict. I should have never been able to hear that or get that. That's their own jewel. That's their own. They own it. They own it.

### **Mandy Matney** 45:40

But the other thing that really bothers me about all of this is the timeline and even looking at - when you look more into these Jeff Hill allegations, and what he did happened in July, correct?

### **Liz Farrell** 45:43

What he allegedly did, yeah.

### **Mandy Matney** 45:54

What he allegedly did with wiretapping and, which is not supposed to have anything to do with Becky, allegedly happened in July. Duffie didn't get involved until after Becky was made out to be the worst person ever by Dick and Jim, who ruined the trial. The investigation did not ramp up at all until after all of that. That all just seems very weird. But the other thing that bothers me about the timeline is this. I'm worried it's going to come down to Juror 630 who said that Becky, the one juror who said Becky said, "Watch his body language." She was the one that actually did vote and she said that but she said, "Becky didn't influence me," but before she said, "Watch his body language," all the things that Creighton said right? "Watch his body language, blah, blah, blah." If they would have asked, and when we talk about the sanctity of the jury process, if they would have just asked these jurors right out of the gate back in March, "Did Becky say this? Did she not? Blah, blah, blah," memories would have been so much clearer. And it's almost impossible now to decide whether or not Becky said that or not because it happened



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such a long time ago. It was a traumatic process. And the timeline works out for Dick and Jim because they want people to be confused. And they did it specifically to - am I making sense here? It's all...

**Eric Bland** 47:18

You are making 100% sense. Tell me what we said guys. Tell me what I was wearing and what we said on Episode 34.

**Liz Farrell** 47:26

Pajama pants.

**Eric Bland** 47:27

Tell me right now. Where were you?

**Mandy Matney** 47:28

I don't know what Episode 34 was.

**Eric Bland** 47:31

Right! What were you wearing? What was I wearing? Where were you? You know who led it off?

**Mandy Matney** 47:35

Oh, yeah, we have no idea. Right! I don't know what episode 34 was.

**Eric Bland** 47:39

Right. None of us do!

**Mandy Matney** 47:41

Right! And like, tell me what I was doing a week after the trial or during or the Tuesday that Alex got convicted? I don't know. And until I go back to look at things I was confused too of who said what during the trial. And especially if they asked them right out of the gate. I think that the new process should



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have some sort of - like defense attorneys can only ask questions of jurors so soon after the trial, so they know for sure yes or no what they're getting into. Because here's what happened. Becky's book came out, they saw an opportunity there. At the same time, Becky's son was getting into some trouble in Colleton County, they saw a huge opportunity there. And they didn't start asking questions until August of these people. And it's very clear that it would be impossible at that point for these people unless they have photographic memories to say, "Becky said this on this date. And I know that for a fact."

**Liz Farrell** 48:42

So it's just more strategy and trickery that we're seeing and abusing the legal system in this way to their benefit. But what concerns me the most is this sort of Sword of Damocles that's going to be hanging over future prosecutors, judges, what have you. If Alex is successful in being able to get a new trial. If the jurors are dragged through the mud and further dragged through the mud, it creates a point of leverage moving forward that, you know...we've already got enough in the state of judges fearing lawyer legislators, fearing, you know, these high price sort of defense attorney personality like the ones that we all know of. If there's a threat of, "If I don't rule this way," or, you know. I guess what I'm saying is how do you protect a jury's verdict moving forward, if there's always this threat over the judge that it could go this far? Or the threat for the prosecution? They might be more likely to drop cases. It just feels like it's creating this new point of leverage. And I don't like that one bit in a state where we're trying to sort of remove those points of leverage when it comes to just using the system for trickery. We're going to be talking on True Sunlight more about Becky and the Murdaugh case and sort of closing some of the loops there. And then after that we're going to be returning to the Stephen Smith case and some of the things that were said on *48 Hours* and particularly by some of the experts that were employed in this so.



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### **Mandy Matney** 50:02

Yeah, I haven't even told you guys this, but events are really fun and I want to do more of them. And Liz, I think that you will love them too. Just because...

### **Liz Farrell** 50:15

You know I love fun.

### **Mandy Matney** 50:18

I know you love a good time.

### **Eric Bland** 50:19

Can you believe this is Mandy saying this? Hold on guys. Can you believe our Mandy is talking about, "I love going out in the public now and talking to people," and everything? Because she was traditionally very private and guarded. It's great. It's great man.

### **Mandy Matney** 50:34

It just gives you - it gives you so much confidence and it's just so different. It's such a crazy experience. We have talked to these people for two years. And then being able to listen to them and hear why they love the show and why it matters to them and hearing about their fights against zoning boards and just different things. The way that the podcast affects their lives. It's so uplifting and it's positive and it makes me feel a lot better. And I want to bring that joy out to more cities and places across the United States. And well we're going to start doing that next year. So, if you have an idea for a Luna Shark event where we can come and we'll sign books, we'll sign koozies and have a good time anywhere. It could be Australia. I know we have people in Australia. Submit your event suggestions at [lunasharkmedia.com/newevents](https://lunasharkmedia.com/newevents).



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**Eric Bland** 51:29

I think it'll be pretty cool because by the Spring my book should be finished and out in the public. It won't be as robust in sales I'm sure as yours and I would be shocked if Liz says she isn't working on a book either. I would imagine all three of us will have books out so it'll be a pretty exciting time.

**Mandy Matney** 51:46

It will be an exciting time and yeah! Like I said it's just very fun and it's crazy to be in a different city and to just show up at a location and it's like all of your new best friends are there and they all just welcome you with a nice warm hug and it's just amazing. And so I want to do that a lot next year and I think it'll be really fun. And on that note great show everyone!

**Liz Farrell** 52:11

Great show. Cups down.

**Mandy Matney** 52:12

Cups down.

**Eric Bland** 52:13

Cups down. Great job guys. Thank you.

**Mandy Matney** 52:24

Cup of Justice is a Luna Shark production created by me, Mandy Matney, and co-hosted by journalist Liz Farrell and attorney Eric Bland. Learn more about our mission and membership at [lunasharkmedia.com](http://lunasharkmedia.com). Interruptions provided by Luna and Joe Pesky.