



## EPISODE 35: Ethics of Jailhouse Calls and the REAL Update about Stephen Smith's Case

**[00:00:06] Mandy Matney** Hello and Happy Tuesday. When we first FOIA'd for Alex Murdaugh's jailhouse phone calls in December 2021, we had no idea the Pandora's box that we would open across the state. Since we've first published the calls. And since Dick Harpootlian and Jim Griffin made great efforts to stop their release, the issue of inmate privacy and whether these phone calls represent an infringement of people's rights has come up in a few other cases. In today's episode, Eric, Liz, and I talk about one of those cases: a horrific tragedy involving a fatal DUI crash in the Charleston, South Carolina, area that left a bride dead and severely injured a groom. The couple was driving away from the happiest day in their lives when a 25-year-old woman, whose BAC was allegedly almost three times the legal limit, plowed into their golf cart. The issue of inmate phone calls being public information is an important one, especially in light of what this set of calls reveals about a justice system that repeatedly seems to offer special favors to people who have access to power and money. Later on the show, we dispel some misinformation that's being reported in the Stephen Smith case, and we clarify what is really going on there. Eric gives us some advice on how to avoid getting overcharged by your attorney while Liz and I share some tips on how to get your case championed by reporters to get some well needed sunshine. We talk about a lot on this episode so much that we're sharing an extended version with our Luna shark premium members. So let's get into it.

**[00:01:58] Liz Farrell:** Cups up guys, how you doing?

**[00:02:00] Eric Bland:** Cups up, doing great.

**[00:02:01] Mandy Matney** Cups up.

**[00:02:03] Liz Farrell:** Happy Father's Day to you.

**[00:02:04] Eric Bland:** Thank you very much. It was a it was

**[00:02:06] Liz Farrell:** Did you have a good one?



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**[00:02:07] Eric Bland:** I did. I did. We had a really good time. It was you know, getting over Coco. She came home in her little urn and Renee put her under her chair where she always sits when Renee works. And so Renee feels better. And Stella went by smelled her a little bit and walked by so

**[00:02:24] Liz Farrell:** Did you have a good Father's Day, Mandy?

**[00:02:26] Mandy Matney** We did. We had a bunch of children over who are David's friend's kids. They were in town visiting, and he has four little ones. And it was crazy. But the cutest thing with the little girl came. The little girl Beth is five and she is very interested in being a detective. And she wants to be a detective by third grade and very high hopes and the studio and was asking her mom questions and her mom was like "Mandy catches bad guys. She's kind of like a detective." And this girl just went crazy. And she was like so excited and was like "Here in this studio?" And it was just so cute.

**[00:03:19] Eric Bland:** I was in jury selection this morning in a murder trial. And there were five retired detectives, four were female, all from northern states in the jury pool.

**[00:03:30] Mandy Matney** Really?

**[00:03:31] Eric Bland:** Four female detectives retired.

**[00:03:33] Liz Farrell:** They retired to Lexington? What?

**[00:03:35] Eric Bland:** Yeah, well, you know, I guess, you know, with COVID and a lot of the Northern issues that are issues that are affecting the cities up north. We're getting a ton of migration into South Carolina from these northern states, some of the Western states.

**[00:03:51] Liz Farrell:** But I would think like you know Hilton Head, that's where we see it most we think, but that's interesting. That's really cool, actually

**[00:03:59] Mandy Matney** That's a good thing.

**[00:03:59] Liz Farrell:** Yeah.



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[00:04:00] **Mandy Matney** Right? That's crazy.

[00:04:00] **Eric Bland:** But they were four females. Four female detectives.

[00:04:04] **Liz Farrell:** I like hearing that. Ah, speaking of females that maybe should retire. Did you guys see that the Innocence Project is honoring the one and only

[00:04:16] **Eric Bland:** The one and only

[00:04:17] **Liz Farrell:** Judge Carmen Mullen.

[00:04:18] **Mandy Matney** Yeah.

[00:04:19] **Liz Farrell:** Mandy, do you want to talk about that a little?

[00:04:21] **Mandy Matney** Sure. I got beat up on Instagram this weekend. I, yeah.

[00:04:29] **Liz Farrell:** You did? Why?

[00:04:30] **Mandy Matney** Well I commented on their post and said, Okay, so the post was honoring George Stinney which that's—what happened to him is a horrible thing, and...but that is separate from what's going on with Carmen Mullen, and one of the slides said something, it was quoting Carmen Mullen saying this was an injustice and Carmen Mullen was the judge that reversed it, blah, blah, blah — which is a fact. But now that we know everything that we know about Carmen Mullen it, and now that we know how all of this works, right? Like, so I made a comment saying that like, "you can honor him without mentioning Carmen Mullen. We're currently begging our bar to investigate her and having a post making her look like she's this hero of South Carolina," which what it is, which is essentially what it did. They didn't have to say Carmen Mullen is a hero. But like judges like Carmen Mullen, of course, they want to be mentioned by the Innocence Project, of course, like that makes them look good. And when the bar is considering whether or not to investigate someone or whether or not to attack they can say, I mean, look at this national, the Innocence Project says that she's a good judge. So it just doesn't do good for the cause. And it isn't, it's highly disappointing.



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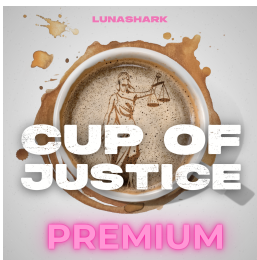
**[00:05:49] Eric Bland:** Can we compartmentalize, though, Mandy, can we compartmentalize it? Do we have that ability to do that, to say, "Okay, on, on one hand here, she did something really good in terms of, you know, extending somebody's civil liberties and making sure that there wasn't a wrongful conviction. And then on the other hand, you know, there the other issues with Alex." Can we compartmentalize? Can you mention that? Yes, she has this innocent project, but also trail it with, but she is being investigated regarding Alex Murdaugh, maybe you could do both at the same time, instead of doing neither. What do you think?

**[00:06:24] Mandy Matney** Yeah, and that's a good question. And people mentioned that too. In the end I think every, I think until we get answers on investigation, everything that she's ever done is in question. And I really questioned her intentions and her involvement in that now looking back, and also looking back, did a real deep dive on her in her mentions in newspapers from like 1990 to now. And a vast majority of her newspaper mentions were about that case, like she got huge, huge recognition and press for that case. And the question is, would another judge have done it? Was it that hard of a thing for her to do? You know, what do you think, Liz?

**[00:07:13] Liz Farrell:** I would say compartmentalization is a talent that we as women are just cultivating from the time we're born, because there's a whole lot that we have to put into different boxes at all times in order just to survive the day. So we're good at that. And I think you can compartmentalize to the extent that the the act itself. Great. I'm glad you did it. You don't need to mention the person who did it, because I question it, given Jim Griffin's predilection for mentioning the Innocence Project in the same sentence as the name Alec Murdaugh — which Happy Father's Day to you murderer; hope you had a good one, hope you had a good prison Father's Day, I hope they gave you an extra special bologna sandwich. But yeah, Jim Griffin often mentions the Innocence Project is something for Alex. And obviously, I would send and I don't mean to speak for you, Mandy, but we support their work. They're great.

**[00:08:09] Mandy Matney** Yeah, totally.

**[00:08:10] Liz Farrell:** In the case of George Stinney. He was already deceased. So this was a symbolic thing, right? I mean, we can agree that this was good symbolically. But then you look at Carmen's relationship with Casey Manning, Judge Casey Manning, often described — Eric, you've described her as an acolyte of his that, that



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he was a father figure to her is a father figure to her. He's an incredibly powerful judge was well respected up until recently. What How did she end up with this case at a time when she was catching a lot of flack for her decisions in the was it the Quinn case that was happening around that same time? So you have her credibility being called into question, and then suddenly she has this case, which I don't want to detract from it if this was like a passion project of hers, but I don't know that for a fact that it was. So I think compartmentalization can happen. But the problem is, is that we just don't know—was this a PR move from the beginning for her? And is it a PR move now?

**[00:09:15] Mandy Matney** Right, and I really want people to recognize that because like, as soon as I started recognizing PR moves amongst politicians, you just kind of can see things in an entirely different light. Like if you just take a step back and say like, "is what Carmen Mullen did - was that brave? was that or was that just an easy move? To get people on your side?" And if you see what happened in the press afterwards was her oh my gosh, they fell right into our lap like it was profile after profile of this amazing judge who did this amazing thing and yes, it should have been done and it should have been done sooner than Carmen Mullen but you just have to question, "Why?" and I just... it was just disappointing to see that from the Innocence Project, I think I think you could talk about the case in a way that's more responsible, because again, it's the Innocence Project. And I mean, Carmen Mullen was caught on tape saying, basically trying to entrap a man, and the Innocence Project should be completely against somebody like that.

**[00:10:15] Liz Farrell:** You would think. So I get that the Innocence Project wants to highlight judges because they want to provide that motivation for more judges to do the right thing, and what do judges like? Probably things named after them like bridges. And I know Judge Manning has bridge named after him or a stretch of road named after him now. So they like to see their name up there. Good incentive. I completely understand that. But they should probably Google the names of the judges just in the same way that you know all those projects in South Carolina with journalists revisiting all these bridges and streets named after all these powerful men mostly, and then finding that so many of them have bad acts associated with their name that just sort of got compartmentalized if you will. That you have to just put another can meanwhile, Harriet Tubman bridge is you don't even realize you're on a bridge. It's like it's in the boonies in Beaufort County as you go into Colleton County.



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**[00:11:25] Mandy Matney** I've seen the same thing over and over where people just want to—people refuse to believe that this person can—this person that they thought that they know could be capable of doing and they... just it's it's a natural instinct to just see tunnel vision when it comes to a person and with the Joe Paterno thing. Remember that they like had, like crowds of people rioting and things when they tried to tear the statue like people stood up for it. And it was just crazy. And it's like

**[00:11:58] Eric Bland:** Is Alex's situation like Joe Paterno? Because Joe Paterno over the years had a number of assistant coaches and graduate assistants that he had respect for that came to him and said, "Look, we're seeing stuff with Jerry Sandusky and and these young boys in the locker room in the shower." And one graduate assistant said, "I walked in, and he was had this one kid pushed to the wall." And Joe Paterno just turned a blind eye or just reported it up the chain and never investigated. Did people like do that with Alex, you think? Did you think they saw those kinds of things and and just turned the other way or turned a blind eye? Or don't you think that happened as well?

**[00:12:41] Liz Farrell:** I think it goes back to the compartmentalization thing that you said, Eric, because I think it let's say with PMPED, there's some self interest there when it comes to not seeing things for the way they are. So when it's brought to their attention that Alex has cashed Randy's check. And not just one, but two of them, including the one that he had rewritten for him. They choose to look at it from a different way, right? They give the benefit of the doubt to him, or it doesn't behoove them to look that closely. And so that said when you look at PMPED and what they have on the road ahead of them, they did a forensic accounting after they found out about Alex's misdeeds. What did they find out during that forensic accounting, for instance? And what actions did they take afterward? Did they, did they look into all cases? Or did they look into the ones that were the most obvious? Or were there things that they overlooked? Did they look into those inflated expenses, for instance, that we keep hearing about? So that's the problem. I think that it you just have so many I think corruption is like a cancer. And then it's hard to separate the person who did the corrupt thing from the people who allowed the person to do the corrupt thing. So when you see something like Judge Carmen Mullen being like, getting to take a bow in a time where she should not be. That's that's the same thing, right? Like you're you're co-signing on her corruption to a certain extent. You have to protect your association with that person and hope that they're, they're the ones that





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are innocent I guess, so I think it's what happened with Alex. I think it was compartmentalization.

**[00:14:17] Mandy Matney** Yeah, people are in turning a blind eye because they can benefit from the person who's doing something bad in one way or another. I think that that's been a hard thing to for me to swallow in the last few years is to like, kind of realizing how many people could have stopped this. And nobody did. And I hope that that's the lesson that we take away from all of this that like, if you see something, say something and it doesn't matter if you're benefiting from that person or not.

**[00:14:48] Eric Bland:** One act of theft is too many.

**[00:14:50] Liz Farrell:** Right? Okay, so one act of theft is too many. You would think, right? But I think we're always searching for absolution in the people who are in our lives because we want them to be innocent.

**[00:15:04] Eric Bland:** Well you get absolution at church on Sunday. You don't get it Monday through Saturday. Monday through Saturday it's the job of the people that you that supervise you that work with you that have duties independent to clients and independent to the court system, you know, absolution comes on Sunday, it doesn't come through Monday through Saturday. Monday through Saturday, you don't give absolution, you you call people out.

**[00:15:26] Liz Farrell:** That's right. And but it's I think, just in ordinary life, it can be difficult to call people out because we don't always think we know the full picture or enough. And now, that brings us to the Jamie Lee Komoroski case out of the Charleston area. She's the 25-year-old who was driving 65 in a 25-mile-per-hour zone and struck a just married couple on their golf cart. So one of the things that came out about this case is an issue that obviously is near and dear to our hearts. And that was the release of jailhouse calls that Jamie Lee had with her family members and her boyfriend and such. And it raises a good question, obviously, that we're going to talk about today. But I want to start at the beginning. And the reason we've said this so many times, but the reason that we had originally FOIA'd for Alex Murdaugh's calls in jail, one, we knew that they were public information, and I had done that before in another case that I had covered. So I knew that there you know that they were given. What I wasn't sure of was them giving it to me while the case was open. That



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surprised me. We got them. And the reason we wanted them was because we wanted to see what—if any—special treatment Alex might have been getting in jail. We want to see what kinds of conversations he was having in terms of like string pulling and trying to affect the outcome of his case or his bond or what have you. And sure enough, it was a treasure chest of information that not only give us insight into his mind and how he thinks and how his family operates, but give us insight into some of the things that he was doing the behind bars still. And in Jamie Lee Komoroski's case, not only does it give you insight into her frame of mind: Is she remorseful? Yes. Is she, you know, feeling bad for herself? Yes, but it also showed you that the sheriff of Charleston County had apparently visited her and was apparently in touch with her family, giving her what looks to be special treatment behind bars. So we wouldn't have known that if those calls had not been FOIAd for. But now, the sheriff's office is not giving out those calls—the same sheriff's office that the sheriff was apparently visiting her from behind bars. So I think from my perspective, I think these calls are important because of things like this, we would not have known this stuff otherwise. Right, Mandy?

**[00:18:00] Mandy Matney** Right. And I mean, looking back on the Alex Murdaugh's phone calls, we learned so much insight from those phone calls, and not only about what he was doing in jail, but we we learned about how little he cared about the murders, and how

**[00:18:17] Eric Bland:** And how insensitive he was to his son, Buster. And his feelings like, "go hunt." You know, it's plentiful, you know, go hunt deer, or if you're not going to do it, I'll get Cory to do it. We planted sunflowers, you know, go to law school, do all this. And, you know, it was like he didn't realize Buster'd lost his brother and his mother. I mean, there was a disconnect, you know?

**[00:18:40] Mandy Matney** Yeah, huge in it just gave really, really excellent insight into... because at that point, still, Alex was largely, I mean, he was exposed as a crook. But a lot of people didn't believe that he did the murders at all. And he wasn't arrested for the murders. And it just gave a different insight on what he was doing behind bars. And he was not acting like an innocent person. But yeah, I mean, I think that that's really...Did the sheriff's office give a reason for why they're not releasing this time?





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**[00:19:15] Liz Farrell:** Yeah, that the case is open, and that they don't want to ... and this is what I thought that Richland County was going to say to me, which is that there is a part of FOIA that allows them not to release them until this person has gone through the prosecution process. So they don't want to affect the outcome of this person's trial because people are innocent before, you know, until proven guilty. So of course, like I can understand and I guess, Eric, I want to ask you I mean, you've been a defense attorney before. You've defended people. I would imagine like if your defense attorney hats on right now, you don't want your clients calls being released to the public, right?

**[00:19:55] Eric Bland:** No, no and I want my client to be is removed forceful and sympathetic and, and generate empathy as much as possible. Not talking about myself but talking about, "wonder what the family is going through. How are you guys doing? Is life difficult because of things that I did?" You know, just keep the conversations at a very general high level 30,000-foot level. Yes, you can meet with your attorney, you can lament to your attorney, but those are privileged conversations. But, you know, knowing that these conversations could be released, you know, you want to make sure your client is saying the right things.

**[00:20:36] Liz Farrell:** So to be clear, a privileged conversation would be the attorney-client privilege, which means that the public doesn't get to access those calls...

**[00:20:46] Eric Bland:** Or the sheriff or law enforcement.

**[00:20:48] Liz Farrell:** Nor does the sheriff, correct. So law enforcement can't listen to those. And it was really funny, because when this story was being shared about the sheriff's office now saying that they're not going to release those phone calls, Jim Griffin commented on a post on Twitter, saying that obviously, he agrees with that decision, because this is hurtful to people's you know, innocence. And so I was laughing because one of them was like, "You didn't even register yourself as an attorney to have Alex's calls protected. In the first place." Like says the guy who didn't even do the thing that you're supposed to do. So Eric, what are you supposed to do if your clients behind bars and you want to talk to them on the phone?

**[00:21:35] Eric Bland:** Well, you you identify yourself as an attorney, and you say, "This is a privilege conversation, and it cannot be recorded. And if anybody's listening to it,



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please get off now. Because I'm about to talk attorney-client privilege stuff." So you, you preface it. So if somebody breaks that privilege and records it or uses it, because there was ... in the early 2000s, there was a assistant solicitor in Lexington County — Joe McCullough was on the case — and the assistant solicitor was Fran Humphries, and he was listening to lawyer-client conversations that were taking place at the jail or, or in the court, or in the courthouse, and there were recordings. And he was disciplined and transferred, he ended up in Myrtle Beach, but Joe McCullough brought that to light that there were they were listening to pure attorney-client privilege conversation. So that's what you do. I try not to have those kinds of conversations with my client. Because they're in a bullpen and others can overhear him, like jailhouse snitches could overhear them talking, you know, in the in the different compartments. So I go visit, and you go in a room and you say this is, again, I always preface it this an attorney- client privilege conversation, we're discussing privileged matters, trial strategy, work product, this can't be recorded. So that's how you cover yourself.

**[00:23:00] Liz Farrell:** So you also have the option or I suppose that you're supposed to do this. So aren't you supposed to register your phone number with the jail so that they can recognize immediately from, so in addition to registering your phone number, so it's easily identifiable as privileged,

**[00:23:16] Eric Bland:** Right,

**[00:23:16] Liz Farrell:** You would say in the phone call as well. "I'm an attorney, do not be recording, you cannot listen to what we're about to say." So one of the things that were said over and over after, you know, there were a few people that gave us some flack after we published the Alex calls. Those calls are ... you're very well aware as an inmate that you're being recorded. You're very well aware that they tell you

**[00:23:44] Eric Bland:** There are signs right on the walls,

**[00:23:45] Liz Farrell:** They tell you on the call, every phone call starts off that way. The person that is that you're calling is aware that they're being recorded. In Alex case, he was constantly reminding people that we're being recorded. In Jamie Lee's case. Her father, you know, is even saying to her, basically, "Shut up, stop talking."



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**[00:24:07] Eric Bland:** When people are isolated in jail. They, they have this tendency to talk, get diarrhea of the mouth, and they they're told, "Do not. Stop, stop." But they're so isolated. They're, they're, you know, partnering with their thoughts every minute of the day. They have nobody to share them with and so they can't help themselves. And so many times throughout our investigative history, things are said on a phone call that absolutely cook the goose of the defendant because every time a defendant talks, it's called an admission by a party opponent. So if you're not talking to a lawyer or to somebody who's in a privileged capacity to like your physician, if you're talking to a family member or a friend or a fellow inmate, whatever you say can be used against you. If somebody comes up to you and says, "You killed Mandy," and I just sit there, and I smile, they can use the fact that I didn't respond and say, "Hell no, I didn't kill Mandy. Why were you accusing me of that?" They would say my silence is in the form of an admission because I was challenged and I if I'm innocent, I should have spoken up and said, "You're out of your freakin mind. I didn't kill Mandy." So every single thing, every interaction, every conversation is, is never to your benefit, never to your benefit.

**[00:25:45] Liz Farrell:** Because it can be painted to that you are just completely oblivious and don't seem to care...

**[00:25:51] Eric Bland:** Right.

**[00:25:51] Liz Farrell:** Because you're talking about you know, quotidian things or things that don't matter but now think that whatever like you.

**[00:25:57] Eric Bland:** Right, we used that against Alex. We said, "He's talking about the Gamecock football game and Clemson and hunting and never once said, 'What's being done to find out who killed your mother and brother? Tell me, do we need to hire more people?'"

**[00:26:10] Liz Farrell:** Maybe. The calls weren't used in court though, right, only in his bond hearings. Do we, Eric, Do you, Do you guys remember anything during the trial?

**[00:26:18] Eric Bland:** Yeah, I do. I think there was some reference by Creighton about he never showed never asked any question or some law enforcement said he



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never showed any interest in what happened to Maggie or Paul and his calls. I thought I remember that.

**[00:26:35] Mandy Matney** There was a point they mentioned them. And I was like really excited because I was like, "Next exhibit's going to be the phone calls." But it wasn't.

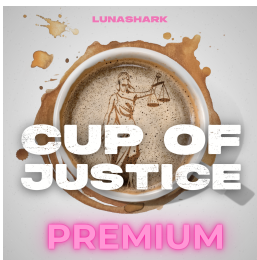
**[00:26:46] Liz Farrell:** Your like, "this is my area of expertise. Get ready."

**[00:26:49] Mandy Matney** I was really excited, but it didn't happen. So yeah, I don't. And then I was thinking the it's the same thing with the 911 phone calls. Like I've seen people say that, that like their overhys... You can sound over hysterical and then that can make you sound guilty or you can sound too calm and then that can make you sound guilty.

**[00:27:15] Liz Farrell:** Mandy, did you think when you listen to nine — to Alex's 911 calls like, what were your initial thoughts about his guilt or innocence, just based on it like knowing that this is not a science but like, well, what were your initial thoughts?

**[00:27:27] Mandy Matney** My gut instinct is was that like he was not acting right. In that he probably did it or had something to do with it. He just it just didn't come off as honest to me the starting with the like hyperventilating at the beginning, and then the more you listen to it, the more it kind of falls apart because it doesn't make any sense that like, he's moving around a whole lot. And he said I just came up to him here, and it just does not add up. And then we find out he's already mentioned the boat crash in the 911 phone call, which that was even more suspicious. Good on SLED for editing that out. We didn't know that till the trial. But yeah, what did you think?

**[00:28:11] Liz Farrell:** I thought he sounded guilty immediately just based on the type of crying, but what's interesting is another family member of his in the past I had heard a 911 call involving him, and they had the same cry, the same high pitched you know, goosey voice. But a lot of people in my life who knew Alex really felt like he was being genuine like that was a genuine those who are genuine hysterics or what have you, Eric, did you feel like that was a father who had lost his son?



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**[00:28:44] Eric Bland:** You can do both. You can kill your child and your wife, and then when you're on 911, the weight of what you just did and what may happen to the rest of your life and the thoughts... and you can be hysterical. You, a guilty person can also have remorse and disgust in himself and sadness of losing a wife and son, even though they kill them.

**[00:29:12] Liz Farrell:** As a person, like as a human being, Eric, who heard the hysterics Did you? You bought it right?

**[00:29:17] Eric Bland:** I was jaded by Alex and all that I knew about him for the previous year. You know, I was jaded by his theft. And so I didn't give him the benefit of the doubt. I don't know what I would feel if I didn't know anything about Alex and didn't have all these personal experiences of him stealing from clients and abusing them and manipulating them and hurting our legal profession and damaging our state. So I was really colored by all that. I don't know. I don't have a really strong opinion one way or the other. Now, it did mean a lot to me when Justin Bamberg pointed out how quiet he was when he called 911. And they didn't answer that was ringing. You would be hyperventilating. If I just walked up on my wife and my son, and they were brutally murder. I would be screaming into the phone, "Answer the damn phone. Jesus. Goodness gracious, please answer the phone." Screaming, "oh my god." He was totally quiet and it wasn't until the phone was answered that he starts with the effect. So you know, I, It's hard to judge, but I'm so jaded by him that I can't give him any benefit of the doubt. I'm sorry.

**[00:30:37] Mandy Matney** Compartmentalized. Yeah, the the other thing that I remember listening to it, the first and second and third time was this guy is not afraid of killers in the woods at all. Like he's not acting like random strangers just came in to kill his wife. Because otherwise in fear is something that's really hard to make up and imitate. And Alex often forgets to do that. So he was, I feel like he was so focused on being sad and distraught that he forgot. Forgot about fear. And that was the normal thing that kind of ...ahh, something's not right here. But yeah, I mean, it compartmentalization. And just being in again, and I was looking at Alex is like, this guy's sketchy. So if I was to listen to it for the first time, probably, I would think that he was just hysteric. Without context.

**[00:31:35] Eric Bland:** You raise a great point, though, Mandy, I didn't think of that, you know, if I came home, and Renee and Davis were, God forbid, brutally murdered,



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how do I know that the killers aren't hiding in a closet or outside behind a tree, maybe the first thing I do would be run out, get in my car, and then pull out, you know, away from my house and get my gun. And I wouldn't stand there and give the killers that chance to come and get me because maybe I came upon them and they weren't finished what they were trying to do, you know.

**[00:32:07] Liz Farrell:** Well, especially if you're engaging in high-risk behavior. And this is what law enforcement will talk a lot about is what led the victim to be in a risk category, what is the risk category that the victim might be in? So in Alex's case, he himself knows that his alleged drug use puts him in a high-risk category. He as a volunteer with the Solicitor's Office puts him in a high-risk category. You know, it's not like your average Joe comes home and finds his family murdered and has no reason to think anyone's after him or did it because of him. So I think it's, it's sort of that like you, I think, Alex should, you know, you would think he would have run or he didn't even retrieve his weapon until after he called 911. So that is not how scared men who are well armed act in my book, that are at least in my experience, or my experience reading stories about how men with guns act, because I don't really have all that much experience, I suppose. But going back to the jailhouse calls, maybe do you think because like, we can be on the line about some things, you know, do you feel like it's unfair to people to have their calls released from jail, prior to their trial, or their plea deal? Or whatever?

**[00:32:25] Mandy Matney** I don't know. And I've been thinking about this a lot, because I think that you kind of open Pandora's box here. Just showing South Carolina like you can do this. And I'm glad that we did that at the time. I'm glad. But the scary thing is that, I don't know, we're always told, we were always just trying to make sure that the we were clear that this was not for entertainment. So the answer is I don't know, because I do ... but somebody on Twitter did make a good point, which is like, so why did they record them if they should not be public? And that's a good question. I mean, I think with the way that they would the way that it is right now, prisoners should all know that their calls are being recorded and their calls could be subject to FOIA. And that's everywhere in that message. So...

**[00:34:18] Eric Bland:** I think they should be released because there it tells you a lot about the person over time, you know, it doesn't ... you don't go to trial immediately after your arrest and a lot of information is learned, whether it's in the jail with people talking or on the phone, or you have the situation where people are sending signals,





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you know, from the jailhouse to people outside in a cryptic way or using, you know, one word code terms. I mean, it's just the benefit is too great as opposed to the infringement on somebody's liberties or privacy. I think you lose little bit of your privacy.

**[00:35:01] Liz Farrell:** You lose a lot of your privacy. These aren't people that even get to draw. I mean, they're dressing they're naked in front of the people there. Right? They're going to the bathroom in front of each other. Like...

**[00:35:11] Eric Bland:** Right.

**[00:35:12] Liz Farrell:** Yeah.

**[00:35:12] Eric Bland:** Yes, I was saying we, you're innocent until proven guilty. However, you become part of the penal system, awaiting trial, if you're in jail, and the rules of society of freedom of association and privacy and all that, you are giving up when you go into jail house door, I'll never forget. My best friend. You know, he's a he was a felon. He did a year and a day. I've talked about it. And he went in prison. And he walked in, and he got in a fight almost immediately. And they put them in solitary confinement. And his wife kept calling. For three weeks, she couldn't get in touch with him. And finally one of the assistant wardens called her back and said, Hey, look, you do realize your husband is in prison, and there are rules here that you aren't ordinary societal rules. And that's what we have.

**[00:36:05] Liz Farrell:** For sure. I'm actually really happy to hear you say that, Eric, because I, you know, I know as a lawyer, especially someone who's done defense work, you would tend to, like I said, not want the public listening in. But going back to it, it's like we are, we have already seen through Alex Murdaugh, like the jailhouse calls revealed things that spoke to his character, but also spoke to the system itself. And now with Jamie Lee Komorowski. We're seeing things that speak to the system themselves. So once again, we're finding out that she was allowed to visit. She was given special things that aren't normally granted like a visit with her family, the sheriff arranged for her to visit her family. The sheriff was allegedly according to the call, at least through Jamie Lee Komorowski, his impression of the their conversations was indicating that she didn't think she belonged in jail. And again, I say like I mean, she's acting like it's something that happened to her. She kept saying, "Why is this happening?" while also showing remorse. But while it's why is



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this happening, you drink too much and get behind the wheel of a car. In addition to knowing that your calls are being recorded, it's well-established from the time you're like eight years old, you know that drunk people shouldn't drive you know that there's an inherent risk and getting behind the wheel. Don't be speeding. I mean, like there are things that that's why it happened. There's easy answer sure that, Jamie Lee, that's how it happened. So yeah, you get a lot of insight into that. But I do think that the public has a right to know what goes into prosecuting cases. And I think when we go back to what we were saying about Carmen Mullen, and the Innocence Project, there's also these calls can also reveal people's innocence. Right? They can also reveal somebody who didn't do the thing that they're being accused of, or who doesn't seem like they did the thing that they're being accused of. So I don't know, I think if we're going to have faith and trust in our justice system, I do think that this is one of the many bricks that goes into creating a solid foundation for that. So that's just my opinion.

**[00:38:05] Eric Bland:** I thought I think we learned so much about Alex through those phone calls. More so than if we almost sat down and interviewed him because he's so narcissistic, you wouldn't be able to trust the answers that you're getting. I think we we got really inside his head and said, "This is the mind of a madman." I mean, he has no empathy towards his son. He's not outraged as to, "Why am I in jail? Somebody else did this. Let's hire people. You know, I'm an innocent man." I never heard those words. I mean, that's the first thing I would say is I am innocent.

**[00:38:44 Liz Farrell:** Especially if you're an attorney who realizes like who understands the import of of the recorded calls, that would be every call, be like, "My name is Alex Murdaugh, and I did not do this stuff."

**[00:38:56] Eric Bland:** Right.

**[00:38:56] Liz Farrell:** Right? His mantra was like...

**[00:38:59] Eric Bland:** ... That's your mantra ...

**[00:39:01] Liz Farrell:** ..."Buster, you need to get into law school!"

**[00:39:03] Mandy Matney** But like, I just want to say one more thing, just like looking. I mean, I think that it was extremely insightful because we got the in



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between of Alex the monster and Alex who he presents to the public, because a narcissist knows how to, they know how to put on a face and create an act like and they manipulate and but they all but when they're on these phone calls, and I do not. I think that Alex always thought the system was going to cover him, and there's no way that they would release his phone calls. I think he just always thought, "Dick and Jim got me, Bo. I'm not like everybody else. I don't really care about the rules, whatever." And again, that shows a lot about his personality. So I think like Alex, just, I think that information that we got from there was so powerful and important. And circling back, I also think that it's, it's perfectly legal, there's no question about it being legal or not legal, it's just if they should change the laws to protect other people. But another thing that we have to bring up is that like, when Alex was making a lot of those phone calls, it was during COVID. And a lot of inmates didn't get regular visits in the way that they do now. And so like you're saying with that, that social interaction that they would normally get from a face to face. And we got that on the phone calls, because Alex didn't have visitors. And the other thing that somebody who worked in the prison system emailed me the other day, and it was like, if you're FOIAing for phone calls, give up basically, because he Alex probably has a cell phone and for like, the first day probably got a contraband cell phone. And that's just the way that it goes in there. Which is crazy.

**[00:41:02] Liz Farrell:** So Eric, what kind of updates do you have for us with Stephen Smith? Because we've been seeing a lot of stuff out there. That is, I guess, indicating that there is they're real close to some arrests, is that accurate?

**[00:41:15] Eric Bland:** No. They're real close to making progress. Progress is being made. I know that there was one of the television announcer television personalities who said that, you know, the state has five suspects. No, no, no, they don't want five suspects. They have five or so people that they believe have relevant information. So you don't have to be a suspect. But you can have information that could lead to other information. So this is what I've said from the last two or three weeks since I talked to Chief Keel last. He said, There is a grand jury, there is progress being made, that they believe that there are five or so people who are a little more who have relevant information. And we are issuing subpoenas. That's it. So I extrapolated from that, that I believe progress is being made. And that I would be surprised if we didn't hear something before Labor Day, because it's not as complicated as the murders of Paul and Maggie. If you have five people that have information, and you bring them before a grand jury, and then somebody invokes their fifth amendment right and



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unless they're given immunity, now you start to crack people. So I just think we're making progress. I don't...

[00:42:37] **Mandy Matney** So it's the state grand jury. That's impaneled, correct?

[00:42:41] **Eric Bland:** Yes.

[00:42:42] **Mandy Matney** Why wouldn't it be the county grand jury? What's the difference?

[00:42:46] **Eric Bland:** Don't know. I don't know if it's not

[00:42:48] **Mandy Matney** okay.

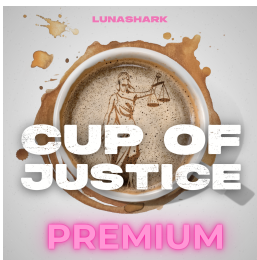
[00:42:49] **Eric Bland:** I don't know if it's a statewide grand jury or county grand jury. He didn't tell me.

[00:42:52] **Liz Farrell:** But I think we know because county grand juries just sign off on the indictment. They don't do investigations. So if they're testifying in front of the grand jury, we know it's the state right? We can, I would hope, pretty safely say that. Yeah. I don't, because the local grand juries don't, as far as I know, do any questioning of suspects or people of interest and they don't examine the evidence. They just listen to the summary that's presented to them by the sheriff's office, I think usually does it or or the police department that made the arrest

[00:42:52] **Mandy Matney** In the double homicide we started hear... they were calling Grand Jury witnesses what like six months before Alex was arrested for it. Do you remember, Liz?

[00:43:37] **Liz Farrell:** At least, yeah, at least six months? I think it was. It was more than that. Because I think the grand jury had started calling people prior, like around the time Alex was arrested, maybe like a little bit after he was arrested. I think.

[00:43:51] **Eric Bland:** Think about, think about that. Think about that. We were showing empathy for the jurors that sat six weeks in the murder trial. What about the people who sit on a grand jury that's go 7, 8, 9 months long? Do they? Is it every week? Do they meet once a month? Do you know about that Liz? I don't know



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enough about the grand jury, the statewide grand jury? Do they sit and they're out of work for seven months? Or is it one week at a time? Do you know?

**[00:44:18] Liz Farrell:** I don't think it's that intensive. I think that they call them in for certain days so that they can do some some work. From what I understand. It's like being questioned. I don't know if you ever watched the American it was an American... I can't remember the name of Bose the Monica Lewinsky story and it was Do you remember that show that we watched Mandy where

**[00:44:44] Mandy Matney** American Crime Story I think is what it's called.

**[00:44:47] Liz Farrell:** That's it American Crime Story. The mon... I think it's a lot like where Monica, that scene where she's sitting in front of people who are facing her. I mean granted in in the federal grand jury, they're like on risers and it looks superficial I think it's kind of like that I think you can testify for like seven hours where the grand jury just asked you questions, and including the obviously the solicitor or the sorry, the AG's office. So I think it's really like that. It's basically like being on the stand, except you're sitting at a table facing these people.

**[00:45:18] Eric Bland:** But it's pretty disruptive. If you're sitting on a grand jury for seven months, don't you think? It's disruptive of your life.

**[00:45:24] Liz Farrell:** Yeah, especially because they're coming from all over the state. So I think that that's what kind of drags things on a lot. I know, the local grand juries, I think, meet once a month, maybe or possibly even just when they're called. And it's essentially just the court liaison to law enforcement reading the reading the indictment to them reading the case, to them, right. It's not like they sit there and they go through, you know, they just list the facts of the case. And it's pretty much a rubber stamp process. So that's why the distinction between the two is meaningful. And that's why Mandy's bringing it up. Because if it's the state grand jury, and we know that there the question would be why would the state grand jury do it right? The state grand jury handled the murder cases of Maggie and Paul, but that was highly unusual. They don't handle murder cases. Those are typically handled by the prosecutor's office and law enforcement and presented to the cop the county grand jury. So....



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[00:46:21] **Eric Bland:** Maybe there wasn't trust on SLED's part with the local grand jury, and maybe there's some law enforcement or governmental figures involved that implicates the statewide grand jury.

[00:46:33] **Liz Farrell:** It it's telling that the state so either it's connected to the Murdaughs in some way, whether that's, you know, potential obstruction of justice, whether direct involvement, who knows, but there's something of import that has raised it to this level, right? So and that's continued to keep it at this level. My opinion, Eric.

[00:46:53] **Mandy Matney** And I think it just means that it's more complicated than a typical, which we already knew that. I mean, it's a very complicated case, and there's a lot of tentacles to it. But what I was surprised by the this one, former FBI agent, and she comments on a lot of just random true crime stuff, I follow her on Twitter, she posted the news about the Stephen Smith Grand Jury being impaneled and said something about this probably this means that they're closer to a suspect, but likely not Buster. And I thought that that was weird. People just say things sometimes where it's like, I don't think Where are you getting that information from? Like...

[00:47:42] **Eric Bland:** Right.

[00:47:43] **Mandy Matney** We don't know that if it's, we don't know.

[00:47:46] **Eric Bland:** Buster or not Buster.

[00:47:49] **Mandy Matney** Right, we're not we're not saying anything about Buster.

[00:47:52] **Liz Farrell:** So is she a local? Is she in the state, Mandy?

[00:47:55] **Mandy Matney** No

[00:48:02] **Liz Farrell:** Or where she out of? So what the heck?

[00:48:00] **Mandy Matney** I don't know.





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**[00:48:02] Liz Farrell:** Who knows? I've just seen so much. It's so hard. Because because I know that people care about this case being solved. And I get asked all the time by people that you just wouldn't even think even know, but South Carolina is a state of relevance. You know, what's going on with Stephen Smith? Will Sandy get answers. And so it's just, you know, I know people's hearts are in the right place for the most part, but it's just interesting, this sort of push still it's going on to I'm sorry, that Buster's name was in it. I'm sorry. But he's going to be mentioned until it's he's been clear and until SLED comes out and says, unequivocally, this man was not involved. So I haven't heard that. Have you heard that, Eric? I mean,

**[00:48:44] Eric Bland:** No, no, you know, I don't get that granular detail again, on whether Buster is involved or Buster is not involved. He is more giving me just the encouragement and enthusiasm, that they are making progress. And they're they're devoting the resources to it. Look, I think SLED's on a roll. I think the AG is on a roll. And I think that there's every incentive in the world for Chief Keel and Alan Wilson to provide answers on this because it really shows how competent SLED is. They're on a roll with what they did with Alex, they're on a roll with the financial crime stuff. It really shows a level of competency and especially if Alan Wilson wants to run for governor, he's going to have a pretty good record if he's able to solve this Stephen Smith, death look what he did with Alex in terms of the murders, look what he did with Alex in terms of financial crimes. The question is, will he implicate others and will they go after other people whether it's judges or other lawyers, he's got a pretty robust record he could start running on for governor and it's it's he's got some chops.

**[00:49:58] Liz Farrell:** Right, judges, lawyers, and members of law enforcement. So I think, especially when we're talking about Stephen Smith's case, we've got to include them as well. And and the potential for them being held accountable because there's a few there. One in particular, in law enforcement who I think needs to be held accountable, and I think SLED's aware of it, it's just Why is this person still employed? You know, you start to ask that question like, "Do I have this completely wrong?" I don't think I do, based on what I'm hearing out there, but yeah, I think all these people should be very, very worried.

**[00:50:31] Eric Bland:** What's happening on the ODC level that we don't have a director yet? It's been two or three months, three or four months.



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**[00:50:40] Liz Farrell:** In the ODC, you said? Yeah, exactly. Why is that being held open, Supreme Court? Why are you holding that position open, and is work getting done?

**[00:50:50] Eric Bland:** Look, we're almost in June, the legislature's almost completed. That should have been like immediate, right?

**[00:50:46] Liz Farrell:** Right. The Office of Disciplinary Council needs to have a frickin—

**[00:50:59] Eric Bland:** —Director—

**[00:51:00] Liz Farrell:** leader. Right.

**[00:51:01] Eric Bland:** They need a director.

**[00:51:03] Liz Farrell:** Right, they need a director. I don't understand. But I do understand. It's just I think it's just so galling, that's just like, after everything, they continue to try and do the things that they were doing to begin with.

**[00:51:23] Eric Bland:** We had a we had a ruling last week by Judge Hall on Friday afternoon that it was unusual. He wrote us back and said that he's not going to hear the motion by Dick and Jim, to vacate the confession of judgment because, one he said, Bentley Price has jurisdiction exclusive jurisdiction over the Satterfield case, but two he doesn't recall there being an order that he approved the confession of judgment being given by Alex to the Satterfields. And I was not involved in that case, that's the Mallory beach case. But my understanding is that the receivers Amy Hill, and John Lay and Peter McCoy actually presented the confession of judgment to Judge Hall last spring. And so we're trying to find an order that it may be buried in the approval of the confession of judgment may be buried in one of the longer orders, but so that was a ruling that we got Friday afternoon. So it appears that right now unless there is an order that Judge Hall ruled on that shows definitively I know there's got to be a transcript on the approval of confession of judgment. We're still dealing with the issue of "well, you said Bentley price has exclusive jurisdiction over the Satterfield case."



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**[00:52:44] Mandy Matney** Can I say a comment from an earlier conversation when we were talking about Buster, and I do want to say this, again, to be crystal clear about how we feel about Buster. In the last week, the Daily Mail, published some paparazzi photos of Buster shopping. And then another website picked it up and said like in the headline was something so horrible, like Buster, shops for party supplies, as progress is being made in the Stephen Smith case. This type of stuff is just so infuriating and irresponsible have like an when we exposed what we did in the Stephen Smith case, years ago, I never anticipated a future like this where journalists or whatever we call these websites have such little values and such little sense of ethics, man, like it's, it is wrong to put Buster in that position and to in a headline and make it look like... when we don't know we don't know what's going on. And so like to one extreme, it's weird that people are saying it looks like it's not Buster, when there really isn't any evidence saying that. But on the other side. It's really weird that these news companies are trying so hard to for the Buster narrative of Buster's involved with Stephen and it's just wrong. So I just wanted to say that.

**[00:54:20] Eric Bland:** Will it not sell if Buster or the Murdaughs are not involved in Stephens death? I mean, for me, it's it's a young man died. Let's get let's get peace for the mother. Let's get peace for Stephen. Let's make sure crime doesn't go unsolved in our state. I don't think you have to have a Murdaugh involved for it to be a newsworthy story.

**[00:54:42] Mandy Matney** No. And I think...

**[00:54:44] Liz Farrell:** That said, I have to say this. I don't trust anything. And I don't believe necessarily that this was just It could be just a case of somebody snapped a photo of him in his car, or could have been set up in that tou know, is this another revenue stream for the Jim, the Jim Griffin Dick Harpootlian fund, where they're selling photos of controlled circumstances of you know, Buster in Sam's Club, why don't you go take some photos and pay us 20 grand or whatever? Or is it related to this project that they're working on? Because the thing is, is Buster, like we've said before, is a hot commodity when it comes to who gets to have that first interview with Buster? They're creating more intrigue about Buster, right, I mean, granted, the headline was not good. Not something that you would think that they would want on their side. But that said, I mean, photos of Buster out there in public keep up this notion of he's a mystery to people. And that makes his price rise higher. And I say that in the most cynical way. It's, you know, his historic his, his fame, I suppose is



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more concentrated, the less he speaks out. And the more people click on stories like that, or see those photos and are like, Why does he need so much ketchup? You know, like, those kinds of questions that you see from his cart. But that's all I want to say is that I don't necessarily trust that this is a victimization of Buster either. So... Let's not forget that Nexsen Pruet's marketing arm is the PR person for Alex. And as far as we know, we don't know what they've done or what their, you know, grand plan was.

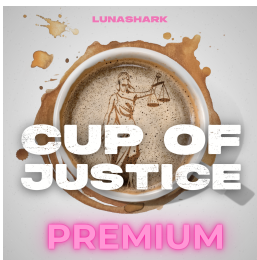
**[00:56:31] Liz Farrell:** We know they're involved because they were seeing on Defauskie, one of their members was seen. So unless she's moonlighting, you know, we know one of their, their PR people was there. So Defauskie with Jim Griffin and camera people, so yeah, I don't know. But you're right, Mandy, like he shouldn't be if this is a situation where he's being followed, and it's just your average tabloid situation, then it sucks. But if it's related to this, then, you know, just another another bit of nonsense from that crowd.

**[00:57:01] Mandy Matney** And it's just weird to like prop Buster up as this like celebrity shopping for groceries. type of person, you know, like, we all grew up. Like I used to look at US Weekly, a lot like celebrities. Like Jennifer, you'd see Jennifer Lopez shopping and it'd be so exciting. But like, Buster is not there. And he's not in his whole team is screaming, "leave Buster alone" from the rooftops. And I don't know. And I also I understand that, like, if he does want to tell the story, that's great. But something could be shady afoot.

**[00:57:45] Liz Farrell:** Why am I Instacarting stuff and not Buster Murdaugh? That's what I would like to ask. Like you can Instacart that stuff, bro.

**[00:57:53] Mandy Matney** But yeah, I mean, I it's just weird. It's it's a very bizarre unheard of world where people are ... the Daily Mail which is in the UK is sending over photographers to Bluffton, South Carolina to take pictures of Buster in Sam's Club.

**[00:58:12] Eric Bland:** Because maybe it's the free agency Buster, we don't know where he's going to come down there creating ... ginning up a lot of. he had ginnin' up a lot of interest in, you know, the one statement he made. "Look, I've never said I support my father, or he's innocent. You know, I've been stated one way or the other." So maybe in his interview, he'll he'll raise the same issues that were raised by Randy



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in the New York Times article, I don't know. And maybe they're ginning up interest for that.

**[00:58:42] Liz Farrell:** Maybe, unfortunately, I think it's going to work because I probably am going to watch whatever they put out.

**[00:58:48] Eric Bland:** Of course we are.

**[00:58:59] Liz Farrell:** So, Eric, we have a question for you. Our courtroom, question of the day, how can somebody manage their hourly attorney and protect themselves from getting overcharged? Because that is I think, you feel like you're standing on the edge of a cliff when you have an attorney who you've given a retainer to, and you realize like they're making more money than 99% of everyone you've ever known in your life per hour, and you can't really control who's doing the work and what you know. So every phone call becomes perilous because you're thinking, I can't focus on the issue at hand because I'm thinking about are you draw, you're drawing out the conversation with me? Are you? Is this necessary what you're doing right now? That kind of thing. So are there can you think of anything that people can do to sort of mitigate that because lawyers are important, they're important relationships to have.

**[00:59:53] Eric Bland:** Now in fairness to lawyers, you know, we represent a lot of different people and if phone calls come in, and we have to stop what we're doing on another matter to answer your phone call, or keep up with the email traffic like, like Alex Murdaugh, if I was building billing by the hour, you know, yes, I made a fortune on a contingency fee, I make no apologies on that. But just if I was billing by the hour, I have over 6000 emails. And in a fee agreement, you get to charge for receiving emails, writing emails, text messages, receiving sending phone calls, the fee agreement controls what is going to be being billed. And oftentimes, the client just signs at the end. It's a three page fee agreement. And I set forth what I billed for I bill for travel time, I bill for phone calls, I bill for memos, I built for this. And essentially, you won't know until the next month what you've been charged, you get your bill for May. But now I'm doing all my June time and the person sits there and waits and says, "Oh my god, I'm seeing all these emails coming through and all these phone calls that he's having with me, what's my bill gonna look like on July 3 or fourth, when I get the June bill." So you have to sit down with your lawyer and and say, "Look, I only have this finite amount of money, I recognize that you're going to be billing for your time or whatever." Maybe negotiate a flat fee, or cap the fee, or do a



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blended hourly fee, that converts into a contingency where the lawyer can only bill certain amount of money. And then it would be a contingency fee for the rest of the fee. Or I've done situations where my normal morality rate's 400 to \$450 an hour, where I get a blended contingency hourly fee, and I only build \$150 an hour, 100 hours an hour. But it's our stock and trade, we don't sell a commodity. I don't sell have a tongue depressor that I can bill for or gauze or medicine. It's just my time. And it is uncommon, not it's not a fun thing to get those legal bills in the mail, especially when that envelope is thick. Because you know, it's four and five pages of itemized billing. But you'll know after that first month of billing, how much time is being spent two you should save up your phone calls because I bill on .25 an hour, not point one. Oh, some lawyers Bill point one Oh, down tenths of an hour. I bill point two, five. So if you called me and had a five minute conversation on billing you for point two five. So save your phone calls. But I have clients that will call me four or 5678 times a day. And you know, I got to stop what I'm doing. And I'm in the service business. I'm not upset about that. But please understand I have other clients. And so there are ways to effectively manage your lawyer to limit your phone calls, and have an outline of what you want to talk to your lawyer about so that you're prepared. And when you're negotiating your fee, the fee agreement, you know, say look, I don't want to get hammered on emails and text messages where it's one line I'd like you to combine four or five of them and and do that. But you have the flexibility of negotiating a fixed fee, a blended fee, a lower hourly rate. But you are a prisoner month a month until you get that invoice in the mailbox that 30 days. You're on hot pins and needles, because you're wondering what's being done, because you see all these emails coming across and all these phone calls and you know, you're being billed for it.

**[01:03:52] Liz Farrell:** Right. So you can come back. Do you think if you have an attorney? Could somebody come back to the attorney and say, Listen, can we talk about our method of communication?

**[01:04:00] Eric Bland:** Yeah, happens all the time.

**[01:04:01] Liz Farrell:** I would like to have one meeting a week.

**[01:04:03] Eric Bland:** Yep.





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**[01:04:04] Liz Farrell:** No more than 30 minutes. And what happens if you sense that your attorney isn't really getting the issue because they have so many other clients. So it's kind of like your doctor doesn't remember you from visit to visit and what your last complaint was? So then you feel like you're constantly like having to re acclimate your —

**[01:04:21] Eric Bland:** I have a right to educate myself on the subject matter. I'm not an expert on everything. So if you come to me for an estate problem, I have the right to research and get myself up to the level of competency and you got to pay for it.

**[01:04:34] Liz Farrell:** One time or every time?

**[01:04:36] Eric Bland:** One time. It's my job to tell you up front, "Hey, I've not had this kind of case before. I'm going to have to research this and read a lot and get up to speed and it's probably going to cost you 10 grand." So I have a job. I have a duty to tell you this is you know it deals with a state tax or some kind of family court matter or some kind of ERISA matter you know, employment matter. That's my job to tell you that. But I don't have a right to constantly re educate myself if like the case is hot today, but then it gets continued. And then it gets comes up back in the fall and I have to reread all these deposition transcripts. No, that gets a little dicey. If I'm going to start charging the client every single time full bore, for getting back up to speed if my memory isn't good enough that I'm remember not remembering those things. So you, you should always feel comfortable to go to your attorney and say, Look, you know, I don't think this is right. You know, I would like to see a budget, make your attorney put a budget, I have to do that all the time. Where I just like in a house, you budget for food, you budget for utilities, I budget for a client what a discovery is going to cost depositions, what expert witnesses are going to cost? And a client will say to me, Well, can you take this to trial for less than \$100,000? I'll say maybe, you can't hold me to it. A lot of it depends on the defense on who they want to depose. Sometimes I get a defense lawyer who wants to run me through the grindstone, and he'll depose everybody and their mother. And so I'm sitting there for six, seven hours a day on these stupid depositions on very tangential witnesses. I'm sorry, that's part of the process.

**[01:06:25] Liz Farrell:** Yeah. Well, it sounds like you have said there's some sort of agency that people can have over their cases though—



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[01:06:31] **Eric Bland:** —they can—

[01:03:32] **Liz Farrell:** —and just been having these conversations with attorneys.

[01:06:34] **Eric Bland:** Take ownership, take ownership, we work for I work for the client, the client doesn't work for me. I am in the service business, and I have to serve, and I have to satisfy, and that's my job. And if I'm not serving, or I'm not satisfied, I'm going to hear about it from my clients.

[01:06:53] **Liz Farrell:** Well, speaking of taking charge, we have a question that is sort of related to that concept. For the newsroom, we have a newsroom question. How can victims find resources for sunlight when law enforcement appears to be neglecting their case? Where do we start? and the you know, all the interval click here is just that goes back to ownership again, and it sucks, because you're talking about very, very serious and emotional issues. But from the very beginning, I would say that you make it clear with with the investigator handling your case, you get you get their name, you find out who is handling your case, you find out how to get in touch with them over email, whether they'll give you their cell phone, you don't need to harass them or anything but you make it clear that if this is a situation where you can press charges that you intend to, and you check in with them once a week and just say I would like to hear how you know what, what, where do things stand? I think that people cannot be passive in any way when it comes to getting their cases through the system, because it's not a squeaky wheel situation, but certainly people are going to want to keep you from calling. And then I think people are more apt to do their jobs to the fullest extent if they know that you are actively interested in the outcome.

[01:08:08] **Mandy Matney** Yeah,

[01:08:09] **Liz Farrell:** What are your thoughts, Mandy

[01:08:10] **Mandy Matney** and to get sunlight. So like, obviously, the direct route is be pesky with the police department and who's handling your case, know the names, know who their bosses are, etc, etc. But if you need to go beyond that, and you feel like this is a story for the news, I would highly suggest a couple of things. Be very, very nice when, when approaching reporters with your story, I know that you are frustrated with your case, but that is not the reporters fault. And you should also not I



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get a lot of people that come to me and in a in a way that's like angry and upset with me from the get go. And like I'm supposed to solve their problem immediately and drop everything. A lot of people unfortunately have that attitude. And they're not they're just you're not going to get anywhere because if you're a reporter, you can only carry so much, and you can only deal with so much, and I hate to say this, but there is a type of victim that we need, and we need victims who... to work with the victim and expose their story and to get it out in the public. It's a very tricky situation, but victims who do their homework first, those always are a lot more likely to get your case seen and heard by reporters and get that in the news. They, if they just if they know just the simple like here's the police report, here's the here's medical reports. People who are organized and have a file to give you, that definitely helps the process and just and also just being patient. Sandy Smith waited two years for me to do anything with her story, and she was never the she never, I've had victims get very nasty with me of like, I've been waiting, you haven't called me shame on you and say things like, I see that you're at your pool this weekend, I see that you're doing this, I see that you're doing that. And just know that, like, realize that reporters have to have lives, everybody has to have a life. And we can only take on so much at a time. And so don't take it personally when we don't, when one person doesn't have enough space and time for your story. And I would just really research research the reporters that you go after. And know that they can handle the type of story that you're giving to them. If that makes sense.

**[01:10:54] Eric Bland:** I'll tell you what has been very enlightening for me is since you gave me the opportunity to be a podcaster. And so I get the a lot of emails to our website from the Sandy Smith's all over the country. And there are a lot of Sandy Smith's all over the country. It's very sad, my eyes have really been opened up of so many different people who are trying to get answers on family members that were killed or death or something, they're not getting police department or they're getting the runaround, or their case was dismissed. I mean, there are so many different Sandy Smiths out there, and I'm not in the crime solving business. I'm a lawyer, I sue people and, you know, I took on the Sandy Smith matter with Ronnie to, you know, jumpstart it jumpstart the investigation, but not for us to do it. And I tell people that you know, who are in South Dakota or in Iowa and, and they get mad at me and I understand their frustration because you know, I'm supposed to be somebody that's different, you know, a voice and but I can't, I can't help everybody. And I feel horrible. But there are a lot of Sandy Smiths out there. That's what I have



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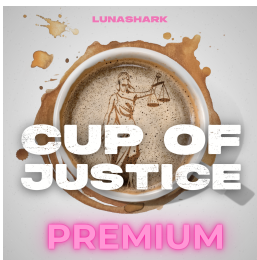
come to learn a lot of frustrated parents and spouses and surviving spouses or surviving children. It's really scary.

**[01:12:22] Liz Farrell:** And that's the thing, I think, going back to like you, you've got to take control, you've got to be active, because the thing is, is and what we're getting at is that we don't just you can't just hand us a pile of papers. And then we're like, oh, cool, it's done. That's not how it works. You know, obviously, we have to check everything, and there's going to be more to it. But oftentimes, there's not actionable issues, because we can't take like, "oh, and the police chief was dating his secretary. And that's why this is it." Like that's, that's cool to know. But we need proof of it. So, you know, create a timeline have a good timeline to hand to people.

**[01:12:59] Eric Bland:** And proof that and proof that it's relevant to the proof that it's relevant.

**[01:13:02] Liz Farrell:** Exactly. So I can't tell you how many times I've started looking into something, only to find out that there's nothing it's like water through your hands because there's nothing solid for me to hold on to. So have your facts written down for reporters? No know what court it's in know what county it happened in know which police department? That's correct. You know, I know that sounds crazy. Me saying that out loud. But so many people have come to me not even knowing, giving me the wrong police agency. That's not even the police agency that's handling your case. So unfortunately, you've been put in the position as a victim to have to become your own best advocate. And that includes with journalists. It's it's because it is very difficult work. It's not it's not easy, because we do not have subpoena power. We do not have the power to depose someone and be like "put it on the record, now what did you do?" Like that's just not how it works. So there's a lot of tedious work that we have to do. And the more you can do upfront, which comes down to getting your facts straight, having a timeline and

**[01:14:07] Eric Bland:** Having a file, having a file, start that file from day one, have the accident report, have the coroner's report, and don't don't withhold information, you know, to make the story better I tell us the bad stuff. You still can have a case or a story. But we need to know the negative don't don't sugarcoat and tell me that your son or your daughter was the greatest in the world when they did have a little bit of a drug problem or they did have another law enforcement issue don't... That doesn't



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mean they don't aren't entitled to justice or anything like that. But you know, it's don't sell it. Just give it to us. Let us be an objective,

**[01:14:51] Mandy Matney** Right? No exaggerating, either. Like I've had a lot of situations where people over exaggerate what happened And then you go to look at it, and it sounds really bad. And then you spend a lot of time on it. And then it's frustrating. And then you feel like you were lied to. And then that doesn't. And you need a unique trust in that relationship between the lawyer and the client, and the journalists and the victim there trust. If trust is broken there, then nothing gets done. And it's just really frustrating when and I understand that people want to, they just feel desperate. And they want to exaggerate and they want to sugarcoat and make the person sound a lot better than they are or whatever. But yeah, that doesn't help anything. It doesn't. And in fact, I, I listen more to people when they will start out with the bad stuff of like, look, she had her problems here. But let me tell you what's going on here.

**[01:15:54] Liz Farrell:** So that said, we have something special that we're going to be doing moving forward. We have a question for our listeners. And we're going to post it on social media and there is merchandise for the winner who is selected from the correct answers. And this week's question is what other states have secret disciplinary council meetings to investigate and determine sanctions against lawyers and judges?

**[01:16:22] Mandy Matney** If you have the answer to that question, send it to info at LUNA shark media.com

**[01:16:29] Eric Bland:** Woof Woof

**[01:16:30] Mandy Matney** Woof Woof

**[01:16:30] Eric Bland:** I think I bet I'll bet you South Carolina is in the majority that most states probably don't have sunshine in their disciplinary proceedings. What do you guys think?

**[01:16:41] Liz Farrell:** Probably not lawyers, lawyers helping lawyers man. Thank you guys for listening. It is cups down for me. See you guys next week. Eric Mandy, have a great day.



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[01:16:51] **Eric Bland:** Cups down

[01:16:52] **Mandy Matney** Cups down

[01:16:54] **Eric Bland:** Cups down.

[01:17:04] **Mandy Matney** This Cup of Justice episode is created and hosted by me Mandy Matney with co host Liz Farrell, our executive editor and Eric Bland Attorney at Law aka the jackhammer of justice from Luna Shark Productions.

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JUSTICE