



EPISODE 11: Days of Bowing at the Altar of the Good Ole Boys Are Over

[00:00:00] **Liz Farrell:** So, Eric, did you get a chance to listen to our latest episode of Murdaugh Murders Podcast?

[00:00:16] **Eric Bland:** I certainly did. You went in deep on the money issue and, you know, what the motive could be behind Alex being charged for the murders. I thought it was very in-depth and I was really intrigued by the trial that took place in the early 2000s in front of Tommy Hughston and all the other things. You guys did some serious deep dive.

[00:00:41] **Liz Farrell:** That was 2019. I know that it sounded like we were talking about a case that happened literally three years ago.

[00:00:48] **Mandy Matney:** After the boat crash. So,

[00:00:50] **Liz Farrell:** Judge Tommy Hughston — to tell people just really quickly — on Murdaugh Murders podcast, we talked about a case and it was told to us that it was the sole case that Alex Murdaugh had served as lead prosecutor on and it was the Emmanuel Buckner case. It was in Colleton County and Emmanuel Buckner was an alleged drug dealer. So, this judge, Judge Tommy Hughston, who was 76 years old at the time and had been retired since 1998, was somehow brought in. He had not tried a general sessions case in Colleton County for at least 10 years. Mandy and I went back in the rosters and looked for the past 10 years and that was the first time that we could see that he had been there in a long time. So, he was brought in to preside over this case oddly and it didn't obviously end in a hung jury. But Eric told us that he was familiar with the name Tommy Hughston for reasons that totally, totally track with what Mandy and I read in the transcript. So, Eric, go ahead and tell people about Tommy Hughston.

[00:01:56] **Eric Bland:** Well, he was an upstate judge for most of his career and he retired to Charleston. And so, most of the last 15 years he has sat in trials in Charleston. It was really surprising to me to hear that he went to Colleton County because our experience with him when he left the upstate was always in Charleston. And my partner, Ronnie, and I had a medical malpractice trial, a



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very serious trial, a 43-year-old man had a congenital heart condition. And the doctor, his cardiologist, was supposed to do a test that was going to give him a fix that he needed. And the test was ordered but never scheduled and then it was canceled. And he was told, "We'll call you back and tell you when to come back in for this test." And unfortunately, right around Christmas, he died in his driveway. He just passed, just immediately fell over and died. And if they had done this test, they would've been able to do the fix that was necessary. And so, we brought a medical malpractice action and it was hard fought a hard-fought case. And it turned out that Judge Hughston was gonna be the presiding judge over the trial. You don't know who your trial judge is gonna be in a state court case, unlike federal court where they already, they knew from the start it was gonna be Judge Gergel in Russell's trial. In the state court, it's usually not assigned to a judge. So, it's not Judge Newman. It could be anybody who rotates.

[00:03:24] **Liz Farrell:** So, that's unusual. You're saying that we know that Judge Newman will be presiding. How about with the boat crash cases? Because we know that Daniel Hall is presiding over the boat crash case and we know that Bentley Price is presiding over the civil conspiracy case related to the Mallory Beach boat crash.

[00:03:42] **Eric Bland:** Again, this is the Murdaughs, so everything becomes special and everything is not the norm. In that particular case for the Murdaughs, so many judges got recused, whether it was Judge Mullen or other judges. But for normal garden variety cases that you see on the docket, and there's 4,000 cases that are filed every year in Charleston County, it just whoever is your judge that week that the trial comes up and whether it's a rotating judge through who rotates through all the counties or it's somebody like Judge Hughston who was a retired judge, that's who you got. And so, when we went in, you know, we had experience from Judge Hughston early in the nineties and he was cantankerous. He was hard of hearing then. There were, you know, they do a ranking of judges and whether it's true or not, he was always in the bottom quadrant of judges ranked in our state of the 46th.

[00:04:36] **Liz Farrell:** Who does the ranking of judges?

[00:04:38] **Eric Bland:** The bar does it. It's through an anonymous —



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[00:04:41] **Liz Farrell:** No kidding.

[00:04:41] **Eric Bland:** Yeah. You get some kind of document that says rank these judges in one through 20. And notoriously, Judge Houston, at that time, there was a judge named Danny Martin in Charleston and Judge McGowan in the upstate. Whether it was fair or not, they were always rated at the bottom quadrant. And he just was a cantankerous guy. He is a cantankerous guy. I'm not a big fan of his. And, you know, he belittles lawyers in front of juries. He did that. But that's not to say that he didn't know the law or whatever. But he was an old school judge that talked down to lawyers. And so, Ronnie and I were bringing a medical malpractice case and he seemed to be a judge that was more prone to the defense, even before we tried the case. And it was a hard battle. John Blincow was on the other side, who's now actually suspended from the practice of law. There was something about taking money last year. I think he's still suspended. But John Blincow — he was with Turner Padgett at the time — was the lawyer that represented the doctor. And so, we're going along and we're doing great in trial and he announces at the end of the day of like the second or third day, "Hey, our expert witness is not going to be able to testify." I think there was a health scare or something happened where the defense expert is not gonna be able to testify. So, Ronnie and I don't think anything of it. I mean, it is necessary. They're gonna have to have an expert to say that their doctor didn't deviate from the standard of care. And we come in the next morning and on our fax machine — and that'll tell you how long this trial was in the early 2000s 'cause they didn't email — was an updated interrogatory answer that named a new expert witness, a new cardiologist. And we're, we see this and we're like, what does this mean? So, we walk into court, and I'm not kidding you, in the middle of the courtroom was a table and a phone. And Judge Hughston comes in and I stand up and he says, "I know what you're gonna say." And I said, "Judge, please let me put it on the record." I said, "We came in the office this morning and they disclosed an expert witness that they had not disclosed before. We've had no opportunity to investigate that expert. We've had no opportunity to depose him, get their prior transcripts from other hearings. This would be patently unfair." He says, "I've remedied that for you, Mr. Bland." So, what do you mean? He said, "Here's a phone. You could call this guy on the phone. We'll postpone bringing the jury in from nine o'clock to 10 o'clock and you can ask this expert anything you want." And I said, "Judge, I want to be able to investigate his background. I want to be able to look to see who he's testified for before or whether he's ever been disqualified as an expert or how broad other courts have let him



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testify to." And he said, "Mr. Bland, you know what he's gonna say. He's gonna say that the doctor on the other side did everything." And I said, "Judge, this is against all rules of procedure." He said, "Mr. Bland, it's my courtroom. If you wanna call him on the phone, you could call him on the phone right now. If you don't, we're gonna start the trial and he's gonna go on the stand right now."

[00:08:01] **Liz Farrell:** That whole like idea of "it's my courtroom," do you still see that in courtrooms today or is that sort of a relic from the past?

[00:08:11] **Eric Bland:** Yeah. I definitely think it's something that's antiquated. Yes, it's definitely some of the older judges. I don't see that anymore. You don't see that by, you know, the younger judges today. You don't see it by the female judges. You don't see that at all. It's the old, unfortunately, white, older judges. It's called Black Robe Syndrome. When they put the black robe on, they come in the courtroom and they — and I get it. It is their courtroom and they want to set the rules. But you don't have to be gratuitously mean to lawyers or litigants in front of juries just to make yourself look good. And Judge Hughston used to have a demeanor where he would be demeaning to a lawyer and look over at the jury and kind of smile and it just was uncomfortable. But not today. Today, we have great judges. They don't ever do that on the federal court level and they don't do that on the state court level.

[00:09:06] **Liz Farrell:** So, when you're talking about the rules of the courtroom, and I know that you're, you were talking about a civil case there, but in this particular case with Alex Murdaugh, not only was he brought in sort of out of the blue, but he didn't seem very prepared. So, he was obviously very unfamiliar with the courtroom, but he didn't seem familiar with the rules of criminal procedure either and he actually at one point had to have a bailiff run out to get his book from the car so that he knew what was happening. Is that unusual or is that —

[00:09:33] **Eric Bland:** That is unusual. I mean, did I hear it right that there were three prosecutors and the one prosecutor who is very accomplished, you told me she had a 95% conviction rate and had been given multiple awards for the work that she had done and she had taken on some pretty, sounded like some pretty hardcore defendants. And it was surprising that



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Alex jumped in on that trial with his father to assist her, not that she needed any assistance.

[00:10:02] **Liz Farrell:** This incident happened in Hampton County years and years ago in which Alex was assisting his father on a case in Hampton County and it was like an assault case. And Alex went to this person and showed the warrant, the arrest warrant, and said, "Where do I find the indictment number on here?" And, you know, I obviously know this and Mandy knows this but there's no indictment number on an arrest warrant. An arrest warrant is before the indictment. So, I know this is not even a real question, but it's like, I get it. He didn't know what habeas corpus was, but this guy didn't even know like — the son of a son of a son of a chief prosecutor doesn't know something that —

[00:10:45] **Eric Bland:** So, what qualified him to be a part-time prosecutor?

[00:10:50] **Mandy Matney:** Nepotism.

[00:10:50] **Eric Bland:** Other than in name. Right. I got it. You're answering the question. But the point is, these are serious jobs. These are, you work for the people and we want people in a position of power that know what they're doing, not just because of the name only. It's a serious job. Their job is to prosecute criminals and make sure that when they prosecute them, they do it in accordance with law, put away the bad people, and don't prosecute good people. That's what we want.

[00:11:21] **Mandy Matney:** I think it's been interesting. Have you guys been watching all the nepotism, nepo baby things on Twitter? All these people talking about, you know, people that don't deserve, celebrities that didn't deserve the gigs that they got because they were children of other celebrities. And it's really opened up a conversation as to like all these other people who got jobs because of who their parents were. And I think Alex Murdaugh is a perfect example of that. I think not only, and I was thinking about this today, a lot of people —

[00:11:51] **Eric Bland:** Lucky sperm club.



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[00:11:52] **Mandy Matney:** Yeah. "Born on third base" is probably the best way to describe it in thinking that they hit a triple, like being like, "Oh, I'm great!"

[00:12:02] **Eric Bland:** That's a great line. We heard that line a couple weeks ago.

[00:12:04] **Mandy Matney:** Yeah. I don't remember the first person who said that on Twitter, but I was like, that is exactly Alex Murdaugh.

[00:12:09] **Eric Bland:** He's on third base and he thought he got there by hitting a triple. He didn't get there by hitting a triple.

[00:12:13] **Mandy Matney:** Yeah, but then, I —

[00:12:15] **Liz Farrell:** But meanwhile, he's like, what's baseball? Like he doesn't even freaking know.

[00:12:21] **Mandy Matney:** How many bases? I can't count.

[00:12:22] **Eric Bland:** What was stunning is that you guys pointed out the amount of gross income he made between 2012 and 2019. And when I read those charges, I really wasn't focused on that. I was focusing on the income tax evasion part. But you guys actually focused on the right part, which is how much money he made and why did he need more money than that? Or why do you have to steal money above what you made? 'Cause one year he made six and a half million dollars.

[00:12:56] **Mandy Matney:** So, Eric, will you put that in perspective of lawyers like, I know lawyers make all sorts of different salaries depending on, but if you are a lawyer in South Carolina making, I mean he made \$13 million within nine years. I think that that was, they're \$13.9.

[00:13:14] **Eric Bland:** Top 1%.

[00:13:14] **Mandy Matney:** That's top 1% of —



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[00:13:16] **Eric Bland:** Yeah. Most lawyers that work for large firms, defense firms, they make somewhere between, if they're a junior partner, \$150,000; a senior partner, let's say \$400,000. And those are lawyers that bill by the hour. So, then you got the lawyers like Mark Tinsley and Justin and me and other lawyers, but we work by contingency a lot. And so, when you work on a contingency fee, you get anywhere from 33.3% to 40%. And so, this week we were fortunate enough. We settled a case for seven figures. And so, my partner and I are gonna get 40%. So, most good lawyers who do plaintiffs work, really good lawyers, the really good lawyers like the Tinsleys are in the high seven figures, but most lawyers are mid-six figures to low seven figures. It's a tremendous amount of money, tremendous amount. But Alex and Ronnie Crosby, they're in a stratosphere that no lawyers very rarely get into. And I guess his lifestyle got ahead of even that amount of gross income.

[00:14:26] **Mandy Matney:** Or whatever he was up to. Yeah, lifestyle. Yeah, I mean he was making a lot of money in that. That's when I stopped and I made like a little chart of what he was making every year and it was just unbelievable. And then to think that he was in Hampton County where if you're making — somebody else pointed this out — if you're making a hundred grand in Hampton County, that's like making 150 grand or 200.

[00:14:54] **Eric Bland:** And let's slow this down. He's not Johnny Parker. He's not Mark Ball. He's not Ronnie Crosby. And he's not Lee Cope. And what I'm saying there is they made four to five times what he made. That's the kind of lawyers that they are. So, he's not, he admittedly isn't a Ronnie Crosby. Ronnie Crosby tries cases. Johnny Parker tries cases. They get the big ones. Remember Alex was a guy that could bring the business in and then Ronnie would make it into a big case or he would bring it in and give it to Johnny and Johnny would make it. And so, he would get a piece of the fee. But don't forget Ronnie and Johnny, those guys are the guys that actually go before the jury and are getting the \$20 million verdicts and the \$30 million verdicts. So, on the pay scale of Murdaugh law firm, he was probably middle to the bottom. Isn't that stunning?

[00:15:48] **Mandy Matney:** But I think the question needs to be asked as we're talking about Alex being a prosecutor and abusing the badge, which we know that he did, how was his role as a prosecutor? How did it help that firm? 'Cause, I mean, I've heard that for so long that he was able to bring in cases.



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[00:16:08] **Eric Bland:** There are many situations where if he is going to use his influence as a prosecutor in a DUI case where there's a DUI homicide, if he can work the defendant to admit "I was drinking on the job" or "I was drinking at this bar" and in return, he will help the plaintiff's attorney be able to settle a case with the defendant. Then the defendant can get a lesser sentence. So, if he can, if the plaintiff's attorney can recover a lot of money for that DUI victim, then the DUI defendant can maybe get a lesser sentence. Or he could use his influence on "Hey, look, I can stave off a prosecution for you if it's, let's say a business crime or some kind of conspiracy. I can go and use my influence at the prosecutor's office. Pay me \$300,000. Mr. Target Defendant." So, he can work both sides of the street. He could give people the security or the comfort. "Hey, I have a relationship with Duffie Stone or this solicitor's office because I'm a part-time solicitor, so you should hire me as your defense lawyer because I'm gonna be able to negotiate you a better deal." So, depending on the situation, if it's a plaintiff's case where it's a DUI and he can manipulate the criminal defendant saying, "I was drinking at this bar. They overserved me" or "I was drinking on the job and my boss knew it," those are the kind of things that it makes a big deal about.

[00:17:52] **Liz Farrell:** So, why isn't it more prevalent then that you would see this in other, you know, circuit solicitor's offices where you have private attorneys serving as volunteer solicitors?

[00:18:03] **Eric Bland:** Because the solicitors aren't corrupt. Because they're elected by the people. I mean, Hampton County is unique. Again, this doesn't happen in Richland County. It doesn't happen in Charleston. It doesn't happen in Greenville. They have their own set of problems. I'm not gonna say they're perfect, but every city has those kind of problems. But nepotism problems only happen in small counties.

[00:18:31] **Mandy Matney:** And we'll be right back.

[00:18:39] **Liz Farrell:** So, real quick, Eric, and I don't know that you can answer this, but it was something that popped up for us. What is the difference between a mistrial and a hung jury? Because one of the things I noticed in the transcript was that, a couple times, probably a handful of times, the defense attorney made a motion, you know, whether it was pretrial motions, motions in limine, whatever, and the judge didn't really address it and it's like



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he didn't wanna rule on it. He ruled on some, but there are a couple that he just didn't rule on and he just let it hang, and one of them was the mistrial. He moved for there to be a mistrial. The verdict came back within less than an hour, basically, you know, and then, or I guess it was, you know, in total like an hour and a half, maybe total, and, you know, he sent them back with an Allen charge and they came back 30 minutes later. But, yeah. So, what is the difference between a mistrial and a hung jury?

[00:19:32] **Eric Bland:** Very simple. A mistrial happens because of some kind of procedural error or error of law or a juror situation, which infects the sanctity of the proceedings. For instance, in a civil case, if somebody was to blurt out that doctor has a million dollars of insurance, you can never mention the word "insurance" in a civil trial. If you were to say, "Hey, you're not tagging that doctor individually. He's got a million-dollar insurance policy," immediately the judge would declare a mistrial. Or if a juror didn't disclose something that they had a prior relationship with one of the litigants or the attorneys, and then they were to find out in court, either the plaintiff's lawyer or the defense attorney, that there was this infected juror, it would be immediate grounds for a mistrial. Or if the judge in inappropriately lets something in that should never have gotten in that was more prejudicial than probative. Remember we did that 401, 403 rule of evidence analysis. That's a situation of it infects the fairness of the proceedings and they declare a mistrial, the jury's excused, and unfortunately, you gotta start over.

[00:20:53] A hung jury's a completely different situation. A hung jury is everything happens perfectly. The judge makes the right rulings. He admits evidence that should come in. He excludes that evidence that doesn't have a proper foundation or is hearsay or its probative value doesn't exceed the prejudicial value and then it goes to the jury. He charges the jury on the law. He gives them all the evidence. They get all their testimony. And then they go in there and they start deliberating and they cannot reach a unanimous verdict. They then send a note to the judge, just like we're gonna talk about what happened in Russell Laffitte's trial, and it didn't reach that point yet because they didn't reach the point of impasse, the word is "impasse," and the foreman usually sends a note that says, "Look, we've deliberated. There's two jurors or three jurors, we cannot reach a unanimous verdict." Remember, in South Carolina, in both criminal and in civil verdicts, it has to be unanimous. Some states have a 10-2, that it only has to be 10 of the jurors reach a consensus and two can be the opposite. And they come in and the judge



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would say, "Okay, look. We have spent a fortune of money. You could see all the bailiffs and all the experts and all the people we have here. Clients who spent money on their lawyers. Please go back in there. Deliberate. Use your free agency. Have an open mind." And he sends them back in under the Allen charge. It's called a dynamite charge. And then if they come back in and they're still hung, meaning they can't reach a unanimous verdict, he will declare at that point a hung jury and he will discharge the jury. And unfortunately, it's gonna have to be retried.

[00:22:44] **Liz Farrell:** So, what is that, like is there a time limit for that? Because, you know, it could just be a few — because like I think remember when you were, you had told everyone that, you know, the faster a verdict comes back, it's almost always a guilty one. And in the case that Alex, you know, prosecuted the one case, you know, it came back real quick that they were a hung jury. And when the judge was like, "Go back and try again," it came back even quicker that they couldn't reach an, you know, they couldn't reach a decision.

[00:23:13] **Eric Bland:** Did you all see Harvey Weinstein got convicted I think a week and a half ago? The jury was out 11 days, guys. They deliberated for 11 days. Now, if you're a defense attorney, you're really excited at that point because if they can't reach a consensus in 11 days, you're thinking this is gonna be at worst a hung jury; at best, they're gonna say "not guilty." Turns out, they found him guilty on all charges. And so, there was dynamite. There was a dynamite charge there. I've seen a judge give a dynamite charge twice. I've heard of it three times. But he has sent a jury back once with a dynamite charge, they deliberate more, they come back again and still say "we're in impasse," he dynamites them again, and then they go back and get a verdict so.

[00:24:03] **Liz Farrell:** That's not unconstitutional? I mean, it almost feels like it's coercive.

[00:24:07] **Eric Bland:** Until the judge hears from the jury from that foreman or forewoman that the deliberations have stopped, that the discussions have stopped. Remember one of the things when we get into Emily's brief, Judge Gergel said there never was a note from the juror that said we can no longer



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reach a verdict. What he said was, "People were pressured. People were uncomfortable."

[00:24:36] **Liz Farrell:** Another thing I wanted to just get clarification on with the Emmanuel Buckner case. So, you know, on a Monday, they, this is how it works in South Carolina, right? On a Monday, they choose their jury. In a simple case, usually it's done, you know, done rather quickly. Then, if there are pretrial motions, they hear that usually Monday afternoon. In this, like this case, they chose the jury and then Randolph stood up and was like, yeah, the defense has some pretrial motions, but we don't have any witnesses here that can testify as to, you know, the evidence in those motions, so can we do this tomorrow morning? So, the next morning they show up, the judge is like, sure, sounds good. They show up and lo and behold, there's a juror who sends a note up and says, "Actually, now that I think about it, I do recognize the defendant." And so, she gets excused from the jury at Alex's request and the alternate comes in and then we have a hung jury within, you know, less than an hour and a half. Is that like a set of circumstances where I would be wrong to look at that and say, "That doesn't seem right?" That seems like a lot of things in a row there that, you know, are very circumstantial, of course, but doesn't seem right.

[00:25:48] **Eric Bland:** It is something that you should question.

[00:25:51] **Liz Farrell:** It was odd to me that Randolph and, you know, you have three prosecutors on a case, like you're not prepared Monday afternoon, really? Like what's going on here? I just feel like we're looking at a Good Ole Boy system working exactly probably the way it used to work before, you know, these recent years, I guess because to me, it just looked like the Murdaughs perhaps, you know, chose a judge.

[00:26:11] **Eric Bland:** You know what I'm finding out as I get older? The longer somebody stays in a job, they get too comfortable. Comfort creates problems in my mind; the longer you are a solicitor, the more powerful you become. And that's why when we see new solicitors come in, it's more comfortable to people like me that don't like the fix; that want to just go in and duke it out fairly and see justice be split right down the middle. I think what we've had with the Murdaugh situation is because it's been generational and because of the number of family members that are infected in all levels of government



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and different areas of the legal system, whether it's in the 911 office or in the probate office or relatives, comfort breeds problems.

[00:27:04] **Liz Farrell:** Maybe post your career a couple years, like you would have some crazy stories to tell us about the things you've seen as a lawyer in this state. I mean, you're already telling us stuff that is, it's hard to believe, but just like what you described, is this like Good Ole Boy system that like you had to make room for yourself in? Or like how did you navigate to this point in your career around people like this since you are not part of this group?

[00:27:30] **Eric Bland:** I did it because we fought hard. We fought within the rules. We used the rules. And when we stood up, we fought for our clients. And remember, for a large part of our career, Ronnie and I have sued lawyers, which is an unpopular thing to do. So, people would kind of walk around us or stand away from us. It's just good solid work that you have to do. And you know you're not gonna get the benefit of the doubt. If there's gonna be, you know, a decision that can go one way or the other, they're not gonna get it. And I'll give you a perfect example: Perry Buckner, a judge down there in the Hampton County, Judge Mullen's area.

[00:28:08] **Liz Farrell:** Well, he's one of the ones who recused himself in the boat crash case. And he's one of the ones that I think kind of moonwalked away from all of this because, you know, Carmen Mullen, where we talk about her and some of the issues there, but we haven't talked enough about what Perry Buckner's been up to and.

[00:28:22] **Eric Bland:** Let me give you our experience with Perry Buckner. So, I had not met him. Ronnie had met him maybe one or two times before. And we had a status conference in his chambers. And we had already, always heard he was a, you know, another big-figure judge like a Rodney Peeples or a Bubba Ness. These are judges in our state's history that had these bigger-than-life reputations. Rodney Peeples could undress you to the point that you would cry. And so, we go in Judge Buckner's chambers and we're sitting there. And Judge Buckner turned away from Ronnie and me, who were on the left, to talk to the three other lawyers that were involved in the case and never acknowledged us for 30 minutes; just talked to the other side. And Ronnie finally spoke up and said, "Excuse me, Judge. I have to get back to Charleston." And he turned and looked at us and said, "So, you guys can't



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make a living the right way. You have to sue lawyers, don't you? That's how you have to make a living suing lawyers." And so, that told us right away what he thought of Ronnie and me and what we were doing in a legal malpractice setting where there was a lawyer who was accused of not representing their client correctly and it told us everything we needed to know about Judge Buckmer.

[00:29:41] **Liz Farrell:** That drives me nuts. Mandy, doesn't that like speak to you in terms of like if they have a problem with lawyers who are suing lawyers, they are basically saying that we do not believe that we should ever be held accountable. You know, we do not believe that anyone should ever, you know, come after us for breaking the rules or being unethical or like, if you can't even have a judge who is going to be fair about that, that just shows you how broken the system is.

[00:30:09] **Mandy Matney:** Yeah, and it's gaslighting in a way. It's like, I feel like he was saying that to make you feel like you were in the wrong when —

[00:30:18] **Eric Bland:** I was an inferior lawyer; couldn't make the living the right way.

[00:30:22] **Mandy Matney:** Yeah. And I mean, that's, those are things that we've heard all along with us of like, you guys are just pesky and annoying and up to no good and —

[00:30:35] **Eric Bland:** But that exists in every profession, Mandy. Don't kid yourself. Like when we, when I sue doctors, I could never get another doctor in this state who will be an expert witness for my client to say that Dr. A over here deviated from the standard of care. I have to go out of state to find another doctor because the JUA that ensures all these doctors here doesn't want doctors testifying against each other. Just like lawyers, the old proverbial joke: if a lawyer falls off a boat and there's a bunch of sharks, they give a pathway for the lawyer to go in and say it's professional courtesy. Everybody always sticks up for each other, but I believe our profession is a self-policing profession. And so, we have to police each other. And I've always believed that lawyers put on their pants the same way everybody else does and laces up their shoes and they deserve no special license. And if they screw up, they



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should be sued the same way that any lawyer is so quick to sue a banker or somebody else that does something wrong.

[00:31:40] **Liz Farrell:** But see, in the business that Mandy and I are in, if there's a journalist who's done something messed up, if they've plagiarized, if they've, you know, burned sources or whatever it is, printed something that's untrue, we don't protect them just because they're in the same class and category as we are. That just doesn't happen. In effect, you know, we're hard on ourselves, I think.

[00:32:03] **Mandy Matney:** And it doesn't help, but that doesn't help anything. I mean, across the board when it's like you have to call this bad behavior out exists in every profession and if you want integrity within your own profession and as you as a professional, then you should feel obligated to call out that bad behavior and —

[00:32:24] **Eric Bland:** — and not have repercussions.

[00:32:26] **Mandy Matney:** Yeah. I mean, I have gotten a lot of shit online for calling out journalists who aren't doing their jobs; when journalists write stories very incorrectly, especially don't cite a source.

[00:32:43] **Eric Bland:** How did Brian Williams and Mike Barnicle get away with it for so long? Mike Barnicle plagiarized when he was with *The Boston Globe*. Now, he's on *Morning Joe*. How did Brian Williams, I mean, get away with what he did? How come nobody called them out on it?

[00:32:58] **Mandy Matney:** It's because whenever you do, and this has happened to me many of times, I always get one or two people that say like, "Oh, Mandy, you just hate that, you're just anti-media" and "Shame on you for shaming other people within your profession. You should be sticking up for other journalists" and blah, blah, blah. And it's like, I'm sticking up for journalism. I want us to all succeed and I want people to believe us. Nobody does right now because of this bad behavior.

[00:33:25] **Eric Bland:** Look, lawyers deserve a lot of ridicule and scorn. It's true some of the age-old tropes of, you know, they double-deal behind their client's back or they're money-driven and all, but there's a lot of good lawyers



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that do a lot of solid good work. And I think the job that Ronnie and I do is advance that notion and get rid of the age-old canard that lawyers are more in for themselves. I'm telling you 99% of the lawyers work hard for their clients to get a good result or defend their clients. The problem is it's the lawyers like Alex, like Korey, that really infect a large part of it. You know, one bad apple can stain a big group. It happens in your profession, too.

[00:34:14] **Liz Farrell:** Now that you've said the Mike Barnicle and Brian Williams thing, it reminds me, of course, that there is a Good Ole Boy system in what we do, too. And obviously, what you're, you know, Mandy has, like both of us have dealt with, I do agree with that. But it seems like, and maybe I'm just ignoring this in our own profession or maybe I'm just finding it different in what I see from you, Eric, but it just seems like you guys have, like when you come out of law school in South Carolina, are you, is there like, you're hazed to a certain extent, right? Like there's a hazing process that goes on — unless you're an Alex Murdaugh; unless you're the son of a son of a son type thing. Because, I mean, you have that one story that still floors me and it's like, I can't even believe I'm gonna say this out loud, but like where you had to buy Dick Harpootlian a computer, a laptop or something. Tell that story because that, I think we're ready to hear that story now like. Because that's, it's a good one, but it's also one that's just makes me roll my eyes really hard.

[00:35:11] **Mandy Matney:** Mind-blowing.

[00:35:13] **Eric Bland:** Alright. Well, let me start with a hazing portion of it. It's kind of like the military, you know? You're recruited hard by law firms and I was recruited and went to the largest law firm in Philadelphia, so I wasn't gonna stay in South Carolina. And they paid me a lot of money and gave me a signing bonus and I thought I'm hot. I'm this hot cup of coffee here. Really big, big time in it. Well, you get in, the minute you get in and you actually accept the job, you're treated like the worst of the worst. You have to, you know, file, read through hundreds of, thousands of documents. You're doing assignments that just seem to be a waste of time or just billing the file. It's not glamorous at all that you're talked down to and they want to weed you out. You start with 20 attorneys in your class at a large law firm, and they winnow you down to maybe five lawyers that can cut it and make the grade. So, that's the hazing portion of the law. So, I did that until 1991, from '88 to '91, and I decided I was gonna come down and be on my own. And I went into partnership and I had the good fortune of meeting Larry Richter, who was



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Ronnie's cousin, my partner Ronnie's cousin. And Larry was a former family court judge and he was running for attorney general. And he and I worked on a really big case together and we got a great result. And he started referring me work. And his good friend was Dick Harpootlian. And Dick at the time was retiring as solicitor for the Fifth Judicial Circuit here in Columbia. Dick had been a private lawyer in the '70s and '80s for a short period of time with Jack Swerling and did a wonderful job. But then he became the solicitor and he was solicitor for nine years. But then he decided he wanted to make money. Well, when he came out, he had to open a law office and he had no computer equipment — nothing. And Larry Richter called me on the phone and said, "I need you to do me a favor and I think it'll be good for you." And I said, "What do you need me to do?" And he said, "Dick needs a computer and I think you need to buy him a computer." And I said, "Really?" And he said, "Eric, it'll do you really good. Dick is somebody that can help you as your career grows. He will refer you work." And again, I'm coming down here. I was dying for work. I was dying to get work. And so, I wasn't really wealthy at that time. And my wife and I went to Circuit City, Renee and I, and we bought a computer that was not really for Dick. It was for Holly his assistant, who he still has as his number one assistant. And we bought the computer system for Holly. And over the next four years, Dick did refer me a lot of work and we worked together. And then I told the story of what happened when Ronnie left his cousin Larry Richter and I chose to go with Ronnie. And then I was just basically blackballed by Dick, by Jack Swerling, by the whole group of lawyers that were close, Joe McCulloch, for a long time. But, yeah. I bought Dick his first computer because Larry Richter told me to buy it.

[00:38:26] **Liz Farrell:** You should have bought him some computer lessons, too, because he clearly doesn't know how to use.

[00:38:34] **Eric Bland:** Dick knows how to use a computer. Don't kid yourself. But you gotta do that. You're a young lawyer. What am I gonna do? I'm from Philadelphia, you know? I'm not in the Good Ole Boy system. I'm not a Murdaugh. I'm down here. I'm just getting my feet wet. I'm starting to meet some important people like Larry Richter and Dick Harpootlian. Of course I'm gonna buy him a computer.

[00:38:55] **Mandy Matney:** When you take a step back from that and you, yeah, and but you also think of like, what kind of people are these that they



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think that that is an appropriate thing to do to a young lawyer and why? Like that's such a weird power trip.

[00:39:12] **Eric Bland:** Is it any different than political contributions, Mandy? Is it any different than when somebody calls you on the phone and says, "Hey, Joe Cunningham's running for office. You gotta give him \$3,000." Isn't that the same phone call?

[00:39:25] **Mandy Matney:** No, but I think the difference here is that like this is our justice system and the lawyers that you're naming were on some of the biggest cases in the last few decades in our state. Pee Wee Gaskins. What were some of Jack Swerling's cases? They're big.

[00:39:44] **Eric Bland:** Oh, yeah. Yeah. Jack has tried over 300 murder cases.

[00:39:47] **Mandy Matney:** Yeah. And but when you think about like, how that throws off the scales of the justice system when only —

[00:39:57] **Liz Farrell:** It keeps women and minorities out of it, basically. Like you, it creates a club. It's impenetrable. You have to do, you know, do patronage. And it's been a problem since the beginning of the United States government. This is what they did. This is what George Washington did. It's what John Adams, but we think it's wrong, completely wrong.

[00:40:16] **Eric Bland:** Say it. Say it, Liz. You just said. You just said it. You said what everybody wanted to say and has wanted to say and wanted to hear. You just said it. It is the God's honest truth. I was trying to get in and I had that opportunity. The door was open for me and I chose to enter. You who were a minority were never given that opportunity.

[00:40:43] **Mandy Matney:** And we'll be right back.

[00:40:51] So, well, you talked a lot about like policing lawyer, lawyers have to police themselves. We've talked a lot about how judges, there's basically no accountability there. But something that's been bothering me after reading the Emmanuel Buckner case and really taking a step back and being like, this guy who is one of the most notorious criminals in the United States right now



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was working for the solicitor's office; was a member of the good guy, was supposed to be a member of the good guy's team for a very long time. And that's extremely concerning to me. But my question is like who would even look into that? Like the question is did he gain any knowledge at the solicitor's office that contributed to his criminal enterprise? Were any cases compromised because like what was his involvement?

[00:41:52] **Eric Bland:** You raised a great point, Mandy. Police departments have internal affairs department; guys that are supposed to be the snoops of the snoops. Everybody hates internal affairs, but they serve a purpose. They're supposed to be a guard against police corruption and police brutality and people on the graft. We don't have internal affairs in law enforcement, but you raise a really good point. Who's the internal affairs department for the solicitor's office?

[00:42:25] **Liz Farrell:** I think that's what's so important about what we're doing now or and what, you know, our listeners are doing, which is, you know, questioning these systems and looking at them from these angles because without constant vigilance, I just think we're gonna slide back into what we were before. You know, we've got this murder trial coming up and there's a lot of fatigue, I think, with all of us and, you know, maybe even the entire state right now with Alex Murdaugh, but it's just so beyond, you know, the murders. It's so beyond the financial crimes and, you know, it's, we've gotta stay active. We've gotta stay, you know, with eyes wide open here.

[00:42:58] **Eric Bland:** Guess what happens when he, if God forbid, if rightly so, what if he gets a not guilty verdict? What if it's justified and he gets a hung jury? What does that do to our system? What if — No, honestly. What do you think? Are we gonna revert back? What's gonna happen? Are people like us just gonna fade off and say, okay, you guys tried it. You blew the trumpets, but it didn't work. And here we are. Alex walks out a free man, not that he will be 'cause of the financial crimes. But in theory, Dick and Jim were right. If there's a hung jury or there's a not-guilty verdict.

[00:43:34] **Mandy Matney:** I think we're at a point, a very crucial point like Liz said, which is to continue asking all the questions that we are and continuing demanding change, raising our voices about our concerns with the justice system and continuing to shine a light on all these problems that are



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affecting so many people. Because if you look back on it, I mean, I think the most jarring thing right now is that it's very clear that the powers that be want us to just shut up and go away because there's a lot of other people that contributed to this criminal enterprise of some sort that are not getting prosecuted right now. And it's got to we need more answers from our public officials or we need to change a lot more how we elect judges.

[00:44:29] **Eric Bland:** How we elect judges. Remember we're only one of two states that do it the way we do it. These potential judges have to go up and they have to bow at the altar of the politicians to get nominated. And then a lot of times, the politicians go from the state house to the bench. That's why there's this so-close relationship between our bench and politicians.

[00:44:56] **Liz Farrell:** That's it what you just said, Eric, bowing at the altar. That is the problem because not only do you have so much bowing at the altar, you have so many people vying to be on the altar, to be the altar, to be what's being bowed at. So, somebody like Alex Murdaugh and, you know, people like him, I, that's their aspiration. It's not to be a good lawyer. It's to have the altar, to be on the altar. And unfortunately, that seems like that is what our system's built around. And going back to Mandy's point, just about, you know, there isn't an internal affairs department in and I wouldn't say there isn't. I do think that there are policies in solicitor's offices that speak toward bad behavior and in controlling it and policing it and what have you. But again, I think that we're in a system where this stuff is kept under wraps. You know, there was a situation years ago with the 14th Circuit Solicitor's Office and we've talked about this on one of our episodes in which a woman was stealing money from that office from one of their bad, I think it was their bad checks program, if I remember correctly. And that didn't come out until the election. It came out, you know, years after the fact. But in addition, Duffie Stone did not, you know, he said that it was on his desk and he for, you know, couldn't find it or something. But SLED had recommended charges against or SLED had given him the investigation, which would've led most likely to charges. And he sat on it because nobody wants to be the solicitor who, you know, had this going on under him.

[00:46:27] But I think there needs to be a reckoning at some point here because, and this isn't the same thing, but Mandy and I were talking about this recently with judges and their retirements. Because Tommy Hughston was retired in 1998, which means that there's a whole, you know, a child born



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in 1998 could be a parent right now, you know? Like there's a whole child that has been born out of his, like there's an adult child now that exists who it really represents Tommy Hughston's retirement age. And so, why are the judges allowed to come back on the bench after they retire? Is that a good thing or is that a bad thing for the state? Doesn't seem like a good thing.

[00:47:07] **Eric Bland:** I think it's a bad thing. I think that when you retire, you should retire. Air traffic controllers have to retire I think at 57 or 60 years old. Pilots have to retire at 70. I'm not saying that the judges are not capable of exercising their judicial wisdom in the law well into their 80s. Look, we got politicians like Nancy Pelosi, Jim Clyburn, Mitch McConnell, who are in their 80s and are clearly competent. But I do think that there are temperamental issues that change as you get older. I noticed, and as I'm older, I'm getting, I'm shorter in temper. My energy level's different, you know? And I'm only 60 years old. I can only imagine what it'll be at 70.

[00:47:50] **Liz Farrell:** Good God! What was your energy like at 30?

[00:47:54] **Eric Bland:** But I do think when you retire, you should retire. And we, explanation is, well, we don't have enough judges. There's too many cases. And so, we want judges to work on a weekly or per diem basis to move the docket along. And that's why Justice Toal, I don't know if you know it, but Chief Justice Toal is now a trial judge — our former Chief Justice Toal, who has not been the chief justice for 10, 12 years. We've gone through Justice Pleicones and now Chief Justice Beatty. She sits every day in court. She is presiding over monster class action cases. And I'm not saying that she's not competent at 80 years old or 82 years old, but there's certainly younger lawyers and younger judges that can do the job. And it's not, you know, generals go off into the sunset and we appoint one-star generals to become two-star generals. I just feel like that we have too many older politicians in our country and too many older judges. I don't agree with Article III in our Constitution; that federal judges should be judges for life. I do not agree with that whatsoever. I think they should be termed 10-year terms. I think solicitors should have term limits. I think just like politicians should have term limits because you get too comfortable in your office and you become bulletproof. Now, I will say I want to add one thing back to it. We could criticize Dick Harpootlian for a lot of things in this case. But Dick Harpootlian did something really good. He ran Dan Johnson out of office, who was the Fifth Circuit Solicitor before Byron Gipson, our current solicitor right now. And Dan



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Johnson got criminally prosecuted for taking money from the solicitor's account for personal use in using his car. Dick Harpootlian did a good job and that's what actually got Dick elected to become state senator. So, he did a good job.

[00:49:58] **Liz Farrell:** That would be great if it was across the board. I agree. That was a great job.

[00:50:02] **Mandy Matney:** Yeah, he was, I mean, he was known as the anti-corruption guy, right? But like Liz and I have noticed, it's picking and choosing the corruption that he goes after and that's a problem.

[00:50:13] **Liz Farrell:** I have one more thing. Back to what you were saying about the judges, like I get that the age part of it is concerning. Just, you know, reading that Buckner transcript, you can see where the age factor sort of comes in because he doesn't know about how the law has changed since his heyday, you know, that they're constantly pointing out, well, actually the law's different now or actually the rule has changed.

[00:50:34] **Eric Bland:** Plus he can't hear.

[00:50:34] **Liz Farrell:** Plus he cannot hear. He literally cannot hear.

[00:50:37] **Eric Bland:** Honestly, and that is very important for a judge — to actually hear witnesses testify.

[00:50:43] **Liz Farrell:** Seems like it would be unless you don't want him to hear. And you bring him in for a general sessions to Colleton County for your one case of prosecuting a Colleton County alleged drug dealer. Here's another incentive here, right? And it goes back to the patronage that we were talking about before, which is that these judges, when you're, when you talk about retiring and returning, it's called double dipping. So, what you're doing is you're earning your, what do they get, Eric? Is it a full pension?

[00:51:10] **Eric Bland:** They're up to, yeah, they get a full pension. Judges now are earning close to \$195,000 a year. And so, you retire with 70% of your salary. You get obviously the state health insurance for the remainder of your life. So,



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you retire, you get \$170,000 a year for the rest of your life plus you get the money that you're getting to be a senior judge sitting wherever you sit on a weekly basis.

[00:51:39] **Liz Farrell:** So, what are judges earning when they come back after returning? Like are they, you said per diem. Are they getting, they're just getting a full salary or like, is somebody like Tommy Hughston —

[00:51:49] **Eric Bland:** Pretty close.

[00:51:50] **Liz Farrell:** Excellent. That's really great.

[00:51:52] **Mandy Matney:** And just to add to that, the people don't want that. I mean, first of all, most people aren't aware of this. But second of all, if I feel like if you would ask every person in the state of South Carolina once a judge retires and they're 80 years old, do you think, do you want them back? And then you have to pay for them to come back.

[00:52:15] **Liz Farrell:** So, you're double-paying them.

[00:52:16] **Mandy Matney:** It's crazy. You're double-paying them. And back to Eric's point about politicians being too old, I think we've just come to realize that like people reach a certain age in life and they're just out of touch with what everybody else needs, wants, cares about, etc. And not everybody, but a lot of people.

[00:52:35] **Eric Bland:** Well, I'll tell you this. I am heartened because when I grew up, the younger generation, which I was part of, didn't seem to be engaged. They, you know, we went to college. We weren't really into politics. It was post-Vietnam war. We got out of politics. The Vietnam kids grew up. I think today, younger kids are more engaged. I'm really encouraged based on who voted in our last elections in Georgia for Warnock and across the country. There was a younger voter turnout that was so much more than everybody anticipated, which tells me that the younger generation, the 20-32 year age block, wants change.



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[00:53:22] **Liz Farrell:** They have to know something's wrong, too, though. And I think in South Carolina, we just don't know. Like Mandy said, so many people don't know that judges are double dipping. And I think this system is made that way by design because, again, I think it gives lawyers a lot of control over these judges, which is, you know, now we can get you, not only can we get you on the bench, but we can get you to get twice your salary. That is another element of control and I don't know. The more we put this out there, you're right, Eric. There is a younger generation. But they have to know this stuff and this stuff is just not talked about because of what you were talking about earlier, which is just sort of, there's a deference that's paid. It's your career basically. If you don't play by the rules, it's your career.

[00:54:05] **Eric Bland:** No question. No question about it. Almost was my career when I chose Ronnie Richter as my partner. And to side with him when he left Larry Richter, it almost cost me my entire career.

[00:54:19] **Liz Farrell:** Well, we're glad that it didn't because you're with us now and we're so lucky to have you.

[00:54:40] **Outro:** This Cup of Justice bonus episode of the Murdaugh Murders Podcast 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.