



EPISODE 41: What the Public Missed in Russell Laffitte Hearing + Dick and Jim's Retaliation

[00:00:04] **Mandy Matney:** Hello and happy Tuesday. I have been thinking a lot about what happened last week during Russell Laffitte's seven hour sentencing hearing, and I'm honestly still stunned by a lot of it. Not only am I bothered by the fact Russell got a sentence two years less than the minimum suggested by the US probation office, I am still in awe of how impactful the victim's impact statements were. They deeply affected me. There are so many examples of why our courtrooms, specifically our federal courtrooms, should be open to the public—like truly open to the public through video and audio recordings that are easily accessible online and through transcripts that aren't prohibitively expensive. Because access to federal court is so limited, the public didn't get to experience the raw hurt that was expressed in the Russell Laffitte victim impact statements. They also didn't get to hear the disturbing exchanges between the judge and one of Russell's attorneys. There's so much important perspective that gets lost because of outdated policies on public access, and there's so much the public doesn't get to know because of those outdated policies. Something has to change here. On today's episode, we talk about this issue, as well as some of the more disturbing aspects of what came out of that hearing. Plus, the latest in the Satterfield case and why Dick and Jim have once again gone too far. And our premium members will hear exclusive content from Eric Bland talking about slap lawsuits, and Liz and I talk about how court reporters could be part of the solution. So let's unpack it.

[00:02:08] **Liz Farrell:** Cups up guys. How are you doing?

[00:02:12] **Mandy Matney:** Good. How are you?

[00:02:12] **Liz Farrell:** Yeah, I'm okay. I'm ready to talk about Russell Laffitte though, I'll tell you that. We had kind of a long week last week. And I say long because, not just like this lead up but the hearing itself lasted seven hours, which from what I understand from attorneys that we've talked to, Eric, is not something that we normally see. But Mandy, first, I wanted to hear your thoughts on—now that we've had, you know, a few days to sort of let it sink in—that Russell got seven years in federal prison for his six felony crimes.

[00:02:41] **Mandy Matney:** Yeah, the more it sinks in the more angry I get, the more worried I am for what's next with this entire saga because as we've talked about, the three of us have all talked about, Judge Gergel really seemed to understand the



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severity of the situation and really seemed to understand the importance of sending a message through his sentence for Russell. And he used words like, “incredibly cruel” to describe Russell's crimes, and he seemed annoyed with Russell and his shenanigans. To give him a fraction of the sentence that he could have given him just kind of felt extremely underwhelming and disappointing. It was, we had a big lead up all day, and things just kept tilting further and further away from Russell's direction. The cat fights—oh my gosh—between Mark Moore and Gergel. They seem like two old dogs who have had a rivalry for 20 years, and just every time Mark Moore opened his mouth, you could feel the air get different, and Gergel just seemed so angry about it. And then all of that, just seven years, did not seem to send the right message. What did you think, Eric?

[00:04:04] **Eric Bland:** Yeah, I was there and you know, even before I argued, we all were saying Justin Bamberg, Ronnie Richter and a couple of the other lawyers, Greg Harris, that it really looked like Judge Gergel was going to load them up. Like you said, every time that Mark Moore opened his mouth, he almost had to apologize and say, “Don't hold it against my client for something that I've (inaudible), something that I objected to.” Specifically, one of the things that stuck out in my head was, you know, that Hakeem Pickney couldn't have been considered a vulnerable person because he was dead when Russell Laffitte took advantage of his money and Gergel said, “That's one of the most offensive things I've ever heard.” And throughout the day, you know, he distinguished Russell's crimes from anything that he's ever had before, and he said, “It's one of the most complex fraudulent schemes, transactions, that I've ever seen. That this case is not like any other case that I've ever had or I've ever seen,” which made us think “Wow. He's gonna get the guideline max.” And Russell certainly didn't do himself any favors, nor I don't think the people that spoke on his behalf. Because for me it looked like a country club or the people that he goes to church with on Sunday, it didn't look like a cross representation of the customers of a bank that he would have serviced. You know, everybody were people that he was either friends with—it wasn't the people who were speaking that are victims, you know, the victims look so much different than the people who were speaking. And when I got up and I spoke and I talked about, “Look, this is like the two faces of a man here, you know, the tale of two men,” is what I said. You know, on the one hand, it's Russell who drives 12 hours and helps people out when there's hurricanes and brings generators, and you know, the guy that does the concessions at the football games. And I said, “Well, what about the guy that took money from the Plyler girls to build a swimming pool? What about the guy that paid off his south state loan so he



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could get a lower interest-rate at the expense of the Plylers? What about the guy that blamed you, Judge Gergel, and said that you made a mistake when you released those two jurors? What about the guy that, you know, blamed Bart Daniel and Nelson Mullins? You know, where is this guy?" and I said, "this is the first time that he has ever apologized, and that our banking system and the integrity of the banking system was at risk." Judge Gergel was shaking his head, and so everybody felt that he was going to load him up. And then all of a sudden, Judge Gergel started talking about the national average of sentences. Everybody started to think, "why is he even worried about the national average?" I mean, there's a 9 to 11 guidelines, he doesn't get any downward departure, it didn't seem like Judge Gergel was going to exercise any judicial discretion to give him some empathy and some sympathy and some, you know, cut him a break. And then all of a sudden, he announced 84 months, and Judge Gergel had that look on his face, like waiting for everybody to clap like, "God, you gave such a harsh sentence." And everybody kind of looked around like, "84 months, really?" He was offered 72 months. So you know, for 12 more months, the guy rolled the dice and he got 12 more months. Big deal. If you're doing, you know, six years, it's not that hard to do seven years. You know, when you think about it, you get institutionalized. Yeah, there's a big difference between three years and seven years, but there's no difference between six years and seven years. None at all.

[00:07:25] **Liz Farrell:** Eric, did you notice the family's reaction and Russell's reaction when they heard 84 months?

[00:07:31] **Eric Bland:** Yes, they were not upset. I saw Russell's wife look at his daughter and his daughter raised her eyebrows like I'm raising mine now. Russell didn't bury his head. As poor as Mark Moore did, and it was the worst performance at a plea and mitigation—and I've done two of them now in the last three weeks because I did Greg Leone's and now this—it was this poor presentation as a defense attorney has ever made that I've seen. And even he himself knew that he was not doing well throughout the day and didn't do himself, or certainly Russell, any favors. Anytime an attorney starts to apologize and say, "Look, take it out on me. Don't take it out on my client," you know it's not going well. And when the sentence was announced, I saw Emily look over Winston and she was disappointed. She was. You know, she had that disappointed look on her face, because the truth of the matter is the score was 100 to nothing, all day. It was as one-sided presentation by the government and Judge Gergel, Judge Gergel did as much as Emily did. And then



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certainly, I thought the victim impact statements by Alaina and Hannah that they read, and certainly Michelle Pickney and Natasha Thomas, and Justin Bamberg spoke forcefully—and, you know, I don't know whether I did a good job or not—but I certainly spoke for a long period of time and I raised a lot of issues. You know, those were really good victim impact statements. And...

[00:08:57] **Liz Farrell:** I felt like our Gergel too, Judge Gergel interrupted you guys a few times to even enhance what you were saying. It sounded like he was upping the ante, because I think it was either you or Justin Bamberg, who said, “these are vulnerable victims,” and Judge Gergel was like, “at the most vulnerable time in their life. They weren't just vulnerable, they were at a vulnerable time in their life.” So it sounded like throughout, he just kept adding that little tweak just to amp it up to say like, “Not only was it this, but it was this worse thing that Russell did.” Mark Moore...

[00:09:27] **Eric Bland:** Do you think he gave him the sentence, Liz, to dissuade and appeal that he tried to hit that sweet spot that it was not so much that you have to appeal, but it was little enough that it would make you think twice about appealing because if you get it reversed, then you go back and you try it again and you get whacked again, now you may get a longer sentence. Do you have any thoughts about that?

[00:09:53] **Liz Farrell:** Yeah. So you know, it's interesting, I think after these last few years and just talking to so many attorneys—not just attorneys, but I think like *the* attorneys of South Carolina—and understanding more the way you guys think, which is not just being sort of experts at the law, and what does the law say, and what is the procedure say, and what does precedent say. But a lot of you guys have this really game-oriented thinking where you are looking at a chess board, you are planning your moves out, and you're looking at each other's chess boards, and you're saying, “Well, that's an interesting move.” And there's a lot of if-then statements, there's a lot of, “If I do this, then this happens.” I don't know why that surprised me so much, but it has. It surprised me, because I've had conversations with attorneys where there's this, you know, this awful outcome, and they'll be like, “Well, it's really interesting, because I think he did it for this. And I think three months from now this happens” And so yes, I do think that that's what Judge Gergel was doing because it fits with what I know about you guys, and how legal minds think in a way I didn't really know about before. There's sort of an appreciation for the art of the game, I would say. So that is the only thing that I think makes sense, because it certainly—like we said— it



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didn't seem like Judge Gergel was going to give him any benefit of the doubt. So if he's not giving Russell a benefit of the doubt, then he's got to be protecting something, right? And that would be his record. Because I think going back, when we look at what happened at the end of Russell's trial when those two jurors got replaced, I do think it always has worried me that those two jurors were going to come back up to rear their ugly heads. Not the jurors' ugly heads, but like the situation itself, and I think that that is what we saw happen. Because I mean, Mandy, did it surprise you that there was a perfect opportunity for Judge Gergel to discuss how disgusting Russell TV was and the fact that he did this during the trial, and he just brushed it off. It was just like, "No big deal.:

[00:11:49] **Mandy Matney:** He totally minimized it. He said—what was his comment about it? I didn't, I didn't think that was that big of a deal, and...

[00:11:58] **Eric Bland:** It wasn't part of the trial, is what he said, so it wasn't a big deal to me. And I brought it up again, when I argued and said that that was him flaunting the rule of law. He was trying to get something over on the court. He was trying to influence a potential jury pool and the public sentiment and it just didn't resonate with Judge Gergel.

[00:12:16] **Liz Farrell:** But it is a big deal, alright Eric? It is a big deal. That is not something that we're just making up because it's Russell TV and you look ridiculous with his cousin. It's a big deal to have done that

[00:12:26] **Eric Bland:** To influence the jury and public opinion. That's all that was...

[00:12:30] **Liz Farrell:** Which he admitted, he admitted, right? Isn't that what Judge Gergel said? That this guy had admitted that's why he did this, and it just sort of dissipated. It's like after all this time of us saying like, "Russell TV is not going to bode well for him." Well, here we are. It didn't end up mattering. And I know that this is putting—I don't want to put you in a bad spot here—but for me, there's such disappointment in Judge Gergel. While I understand if this was about protecting his record, and I can understand that as a judge why you would want to do that, why you would want to protect the decisions you made, it makes me question whether those were sound decisions. Does he believe in himself? Does he believe he made good decisions in November that are sound and can apply, like hold up, against an appeal? Because I get the strategy of doing this, I totally do. It makes sense. Russell



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cannot roll the dice, because if he—or he can, of course he can— because he's done stupid things thus far, but he's been rewarded for them. So he can roll the dice, and he can really pursue this appeal, and he can end up getting more time ultimately, right? If he loses his appeal and the court looks at that and says, “We actually think you weren't punished enough, sir.” That can happen, right?

[00:13:31] **Eric Bland:** Of course. I mean, you know, you heard Judge Gergel say all day, “I didn't hold it against you that you fired your lawyers. I didn't hold it against you that you criticized me and said that I made a bad decision about the two jurors. And I'm not holding it against you that you decided to take your case to trial.” And all those three things are usually three things that a judge does hold against the litigant. He won't say it, or she won't say it, but it does factor into the sentencing. Well, Judge Gergel did not. Those three things, including Russell TV, which was a big thing to influence the judicial proceeding, and Russell even admitted that it was a mistake. Russell himself said that it was a mistake. It didn't resonate with Judge Gergel. And I think Judge Gergel's a wonderful judge, I think he's done an amazing job, I thought he was very strident in his pros that he used during the sentencing, but there just was a disconnect with the sentence itself. And Mandy hit the nail on the head when she said, “He did not give a justification for the 84 months as opposed to the 9 to 11.” If the guidelines said 9 to 11, and granted their guidelines, they're not mandatory, what was the reason why you deviated from that to go down to 84 months? I think the victims and the public are entitled to know why he did that.

[00:14:46] **Liz Farrell:** So, what did he hold against Russell? Like, what ended up getting held against Russell because...

[00:14:54] **Eric Bland:** Nothing.

Mandy Matney 14:54
His six convictions. His six (inaudible).

[00:14:58] **Liz Farrell:** This guy has had multiple years

[00:15:00] **Mandy Matney:** Right, yeah. I mean...

[00:15:02] **Liz Farrell:** This guy was looking at a lot of time in prison.



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[00:15:05] **Mandy Matney:** Right, and the other thing that's to think about with Judge Gergel's decision that stuck with me was, if I was a victim and going home that night—and I think every one of the victims did a fantastic, amazing job. Each one was powerful beyond words. Each one of the victims—we've kind of gotten to know their personalities in the last couple of years—and each one of them just took the air out of the room when they spoke. Just had very, their words just mattered. It was such a huge difference from the morning, which everybody kind of seemed very shallow and empty and surface-level stories of like, “Russell picked me up one time.” Well, that doesn't really matter. But, “Russell broke my heart,” that—Pamela Pinckney saying that—words like that, were just so powerful. But with Judge Gergel's sentencing, I just, as a victim, I would just feel disappointed and I would feel like, “What did I do wrong here?” Because I just poured out my heart about how this guy reopened these old wounds—each one of them talks about that—and just how cruel these crimes were. And he seemed to listen, but then he didn't seem to factor that into the ultimate sentencing. So...

[00:16:28] **Eric Bland:** The only thing I could equate it to would be if Judge Newman gave Alex Murdaugh 30 years instead of life, because you get 30 to life for a murder. So if he gave him 30 years for the killing of Maggie and Paul, I think we all would have been like, “what,” when the jury came back, you know? It would be like Judge Newman gave him 30 years instead of life. Judge Newman gave a resounding life-life. I mean, double life. And then all of a sudden, Jared Gergel gave 84 months. Again, it's a lot of time, I wouldn't want to do it, but he's gonna have a lot of life left when he gets out. He's, I think, 53-54-years-old, he does 86% of his time, he's going to be 60-years-old and presumably have a lot of life left. We'll be right back.

[00:17:23] **Liz Farrell:** Let's talk about that restitution guys, because I think that was something that resonated, that took a little bit to set in for all of us to understand exactly what Russell was paying, and who exactly he was paying. So he was ordered to pay back \$3,550,884, and I think 80 cents, something like that. And it's going to be going to P.M.P.E.D. and Palmetto State Bank. Eric, did that surprise you when you figured out that that was what was happening?

[00:17:55] **Eric Bland:** Yes, because we had settled the Plyler sisters with Palmetto State Bank, but what we never settled with is our claim with Russell Laffitte that's going forward. Plyler sisters want, and we think they are entitled to, the fees that they



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paid Russell, which are over \$400,000 for him to be a conservator. And it appears that P.M.P.E.D. is getting victim status, which was amazing to me, as well as Palmetto State Bank is getting victim status. It seems to be that they weren't even in the courtroom as victims and they're the ones that are getting, they're going to be the beneficiary of, millions and millions of dollars, of which he does have. According to his financial statement, he has \$10 million worth of assets, largely comprised of the bank stock, and \$5 million of liabilities for a net financial statement of \$5 million. And that's a lot of money. And I emailed Emily after the hearing and said, "Look, the girls want their fees back at a minimum." And she said, "Well, my partner had indicated that we had been made whole with the recovery that we got from Palmetto State Bank," and I think there was a misinterpretation. Whole from Palmetto State Bank, but not whole from Russell Laffitte. And how's he paying that money back, Liz? Is it, was there something about \$2,000 a month? That's all he has to pay. At that rate it'll take, you know, 765 years.

[00:19:27] **Liz Farrell:** Well, like I said in *True Sunlight*, if I were him, I would totally pay that back in pennies and I would just leave it on Danny Henderson's doorstep, and any of his cousin's doorsteps at the bank. Because if I were him, I mean, it's so hard because it's like, Russell has presented himself as just a very difficult villain for me. I totally accept the fact that he's a villain and I believe he's a villain, but I also see other villains just, I mean, using him or dumping on him. So there's this part of me that's just like, if I'm Russell I'm not wanting to pay these jerks back. Because I firmly believe Russell's part of this system, and there's other people that are complicit, and he's just one member. And will any of that money even be paid back? You know, not just the \$2,000 a month, like it's never gonna happen. But that money is so cyclical. Mandy and I were talking about this after the hearing, and it's just, once again, you have the money going back into the wrong people's pockets. That's almost by design at this point in Hampton County, in my opinion. So, it's such a joke, it's such an affront to the victims and I don't understand why the government agreed to that. I don't get that. I don't know why P.M.P.E.D. still has any sort of sway over the government.

[00:20:44] **Eric Bland:** You know, the fact of the matter is, Arthur Badger went 10 years without being paid a million, you know, \$1,000,050, or almost 1.1 million dollars, which could have been a tremendous benefit to his children as they were growing up, and him and having to raise those children. And yet P.M.P.E.D. is getting rewarded. They're gonna get dollar-for-dollar back if Russell liquidates his bank stock.



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[00:21:08] **Mandy Matney:** Was anybody from P.M.P.E.D. there on Tuesday?

[00:21:12] **Eric Bland:** No, I didn't see anybody from P.M.P.E.D. Jan Malinowski (inaudible)...

[00:21:16] **Liz Farrell:** Was James May there?

[00:21:17] **Eric Bland:** He was. He was he came in later.

[00:21:18] **Liz Farrell:** Okay, so he's their attorney.

[00:21:20] **Eric Bland:** Yeah, he came in later.

[00:21:21] **Mandy Matney:** I just feel like it's unfair that they basically get in the front of the line for the victims, and they didn't even make statements about how Russell's actions affected them. I want to, if they want to play the victim, and if they want to go there, and if they want this money back, then I feel like they need to say to the public what Russell exactly did wrong to them and go there. But they didn't, and that's what makes me so mad.

[00:21:52] **Eric Bland:** Right, to show why they're a victim. That's the whole—look, we had to, you know, go through hell and back to sue people and then make claims against people, different entities to recover for Satterfield, the Satterfields and the Plyler sisters—and the bank and P.M.P.E.D. didn't have to sue and the government did their bidding for them.

[00:22:12] **Liz Farrell:** But also, aren't they getting awarded for being negligent, and maybe that's a loaded word to use but, they had a duty to not allow their employees to—I'm not saying that, you know, you have a small business and you find out that your employees stealing from you, you obviously have a right to seek restitution from that and have the expectation that you'll be paid back, and I know that that's sort of the same thing—but we're talking about something that's far more complex and insidious with P.M.P.E.D. and Palmetto State Bank. So at what point is that, what's the tipping point of them, like you played yourself guys? It couldn't have, it happened to you because you weren't paying attention, and you weren't paying attention because it benefited you. It's not just that they were, “Oh, like, I just, I trusted Alex.” Why did you trust Alex? You've given us 100 reasons during his murder



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trial to show us why you shouldn't have trusted him. He stole from his own brother. You knew he was a problem. So, that's where I have a problem with this, because Alaina, Hannah, Mrs. Pinkney and Natasha had nothing, they did nothing wrong. Arthur Badger did nothing wrong, and that's what I'm saying. I think the Palmetto State Bank and P.M.P.E.D. bear some responsibility for Russell and Alex being able to do this. Is that fair? I don't know if that's a fair thought.

[00:23:25] **Mandy Matney:** I was just looking at the timeline and in the trial, and I mean, it seemed like Palmetto State Bank and P.M.P.E.D. were aware of the scheme and aware of what was going on months before Russell was fired. Remember, Russell wasn't fired until January of 2022.

[00:23:47] **Liz Farrell:** That's because of what we're recording. It wasn't even like—like we were throwing it in their faces...

[00:23:52] **Eric Bland:** They knew in August of 2021. They started having board meetings and memos in July of 2021 of things going wrong inside the bank.

[00:24:02] **Liz Farrell:** This is such a good point because Alex too was allowed to resign. He didn't get fired. He was allowed to resign. And Russell was allowed to resign until they're like, "Mmm, not a good look. We better bring it back in. Changed our mind on that one." It was like they were market testing these decisions instead of just doing the thing that they should have done from the very beginning, which is fire both of them. So you're right, Mandy, that gets me fired up.

[00:24:24] **Mandy Matney:** Oh, it makes me so mad when I think about it, because they kept this little gremlin of Russell in their job, and in the capacity to keep doing the things that he was doing, and they did not stop it until they absolutely had to in January 2022 when everything started coming out about how Hakeem Pinckney, which made him look really, really bad—impossibly bad—in the public to the point where they had to say, "No, we got to fire this guy." But I mean, it took so much.

[00:24:56] **Eric Bland:** In August of 2021, they became aware, supposedly, the other board members, that Russell was earning fees as a conservator. They did nothing about that. And then, they let him stay in his position, so then in October towards the first part in November, that's when he took the check for 650-some thousand dollars over to P.M.P.E.D. I mean, talk about not acting quick enough.



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[00:25:24] **Liz Farrell:** So he paid that money after? Oh my God, Eric. He paid that money after they knew he was a scoundrel, so this is on them. And if they take this money, is there anything, is there anything we can do about them taking this money? Can they change their mind? Can they say, "Look, we changed our mind, we don't need that restitution. Give it to the victims," or is this all set in stone and completely like, there's nothing we can do?

[00:25:49] **Eric Bland:** No, I mean, I'm still going to argue, I'm trying to argue to Emily, that the Plyler girls are entitled to their fees that they paid back. Which is just repugnant to me to pay somebody, to loan himself some money and loan, you know, his cohort, Alex Murdaugh some money, and then steal the money from somebody else so that they can be repaid. And yet, he gets to keep his fees. And those fees he didn't earn, but used them as an offset to pay the girls back. I'm not going to give up, I'm going to try to get that money. The question is, I don't think the bank is going to turn down that money, but I think the more that we talk about it and raise a stink about it, that the people who are getting the restitution aren't the real victims—you know, they may be a victim with the smallest the V and the smallest the font—but the big victims with the big font and the capitalized, bold and underlined are the Pinckneys, are the Plylers, are Arthur Badger.

[00:26:43] **Liz Farrell:** Arthur Badger got a check written to him for the exact amount that was taken from him, but 10 years after the fact. And tell me which attorney at P.M.P.E.D. would allow that to happen if Arthur Badger were their client, or if this happened to them? In what world is a P.M.P.E.D. attorney, or any attorney, taking the face value of what was taken from them 10 years prior. Who?

[00:27:07] **Eric Bland:** And they took their fees. They took their fees.

[00:27:10] **Liz Farrell:** That's right.

[00:27:10] **Eric Bland:** Not only should Arthur have gotten his money back, but they shouldn't have earned a fee. You don't take a client's dollar and still keep your fee.

[00:27:19] **Mandy Matney:** And remember, they had imposed with a check like they were doing him a favor, and Ronnie Crosby talked about how happy he was and how like, "Oh, it made his day! We found a million dollars for him." And it's like, excuse me?



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Again, like you said, Liz, if that was one of those attorneys and somebody owed them a million dollars from 10 years ago, they would not be posing, smiling with a check all happy about it, they would say, "You owe me a lot more than that."

[00:27:47] **Eric Bland:** (Inaudible) interest. You can't collect your fees. My cost of investigation, yada, yada.

[00:27:53] **Liz Farrell:** Oh my god, costs of investigation. Speaking of that, you saw on the restitution, Eric, that the bank is charging Russell for \$707,000 in an investigation. And now that you've made that point, again, the timeline, once it's like clicked into place, the timeline where you're just like, "Oh, they already knew this and he had access to the bank's money because they didn't take action in August." So what I mean, basically, the message he was probably sent was like, "Yeah, this sucks, but it's fine. You're part of the family," you know, "You're not going anywhere." So what really bugs me though is—and this goes back to what we're saying about it's clear that Russell and Alex did not see these victims as being human beings, right? Because they didn't look like them. Whether it's a different skin color, whether it's different socioeconomic background, different education level—they clearly think that Arthur Badger is not one of, you know, he's not worthy of being treated like a human being. And that's I think what's so heartbreaking with looking at the Badger case, it does not get enough attention. You have these kids that had to cash in their trust funds, basically, because they needed money to live on, and that was Russell's responsibility as Donna Badger's personal representative. Although, I guess I get confused there because I don't think that he was actually Donna Badger's personal representative, I think he was Arthur Badger's personal representative, which couldn't have been possible because Arthur Badger did not need a personal representative.

[00:29:15] **Eric Bland:** So he didn't die.

[00:29:16] **Liz Farrell:** He didn't die. And it's very upsetting to me that they can just, over and over again and I don't think we talk enough about the inhumanity—it seems like we do, but I just think that we have to talk more about it—because I don't want to use the word racist, only because I don't want to distract from this and I feel like people have this knee-jerk reaction to when you call somebody racist or say an act is racist. But I will say there's a marked difference between what happened to the Plyler sisters and Hannah could not have said it better, "Now I have to live with the fact that my money was replaced by stealing money from Hakeem, stealing money from



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Natasha and from Malik. Her money. She has to have this, and she doesn't deserve that burden one bit. That's not her burden to carry, in my opinion, but that's what these guys did. They put this burden, they put it out there, so. It's because they don't see these people as human.

[00:30:03] **Mandy Matney:** I have thought that before too and it's a horrible thing to even say out loud, they don't consider these people to be human, but that's exactly how they acted. Alex and Russell, and that was the difference that we saw on Tuesday when you said the tale of two Russells, Russell treated some people wonderfully. He seemed to be a nice guy to some people. Those people all seem to have some sort of power, money or hold over him in some certain way. And yet, and Justin pointed this out too, yet there's the Pinckneys, and there's the Plylers, and there's the Badgers. And he treated them like garbage, like less than human, like they did not deserve his time, his expertise, his...

[00:30:47] **Liz Farrell:** Friendliness.

[00:30:48] **Mandy Matney:** He could have been friendly to them.

[00:30:50] **Liz Farrell:** "Hey, Natasha. You're in here for a loan. By the way, I've been wanting to meet you. I'm Russell." Nope, none of that. None of that.

[00:30:57] **Mandy Matney:** Right. As Justin was saying, people were telling stories about Russell putting some effort into some things, like bringing a tractor to Georgia or whatever, and helping with hurricane relief. And it was like, huh, where was all that hustle for the Pinckneys, and the Badgers, and the Badgers? You wouldn't give them the time of day.

[00:31:17] **Liz Farrell:** And let's be clear about hurricane relief. Russell wasn't down there handing out rolls of paper towels and toilet paper to people. He literally just helped what sounds like a very wealthy street in this one town in Georgia where his banker friend lived, and his neighbors were able to get showers because of Russell's hustle. Oh, that rhymes. So yeah, it's not like, these acts of kindness that these people said are just literally the least you could do for somebody.

[00:31:42] **Eric Bland:** They're not random acts.



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[00:31:43] **Liz Farrell:** They're not random acts, no. They're not random acts of kindness.

[00:31:46] **Eric Bland:** They're designed acts of kindness.

[00:31:48] **Liz Farrell:** And I'm so sick of hearing about the concession stands. I really like, God, it makes you wonder, does Hampton county even have concession stands anymore? Because Russell was such an integral part of them. How could they possibly go on without him? I mean, it was just, at some point, you just want to stop talking about it.

[00:32:04] **Mandy Matney:** I have really, I mean, sitting in court was a little traumatic this week, because I was just sitting there thinking like, "Man, I gotta get started. I hope that if I was ever in this situation, there are ways I need to live my life. That there are way better stories than, nobody's talking about Mandy at the concession stand or giving a \$5 bill to a child like..."

[00:32:28] **Liz Farrell:** 20 years ago!

[00:32:29] **Mandy Matney:** 20 years ago, and it costs \$5. It was a \$5 football belt and we've heard about it like seven times at this point. And concessions, who cares?

[00:32:40] **Liz Farrell:** That's great. I mean, I should hope you should do it.

[00:32:42] **Eric Bland:** Everybody's mother. Everybody's mother and father had done concessions, okay? My kids played Dixie Youth baseball, and they played soccer for Columbia United. Renee did the concession stand. Each parent has to give a night for concession stand. It's part of your obligation. It's just, it was...

[00:33:02] **Mandy Matney:** Serial killers have done concession stand, like serial killers have done this stuff. We have got to like...

[00:33:08] **Liz Farrell:** I feel like serial killers have done even more though. I feel like they're more kind and more generous than what Russell let the case come up with.

[00:33:14] **Eric Bland:** I'll tell you, there was some interesting people who attended the sentencing. In front of me sat one of the Assistant Attorney General, who did a



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small part of the trial. He was a younger guy who had the kind of high-and-tight haircut, and he said to me, you know, "We're going forward on the trial against Cory Fleming in September." So, Cory's sentence is coming up on August 15th. He's going to get a sentence, probably a year and a day, I would think if you're looking at Russell getting convicted of six felonies, and he gets 84 months, and Cory cooperating and playing, so he gets additional credit for that. I would be surprised for one felony count, that Cory gets anything more than a year and a day, maybe even nine months. Which as I said before in one of our earlier episodes, Creighton Waters is not happy with that. It's not going to be as Judge Gergel said, or Russell Laffitte. It's my hope that I give this sentence of 84 months and that the state will not go forward against Russell Laffitte. Remember when Judge Gergel said that? I think with Cory Fleming it's going to be a different story. Even Russell Laffitte I'm not sure that the state's going to just automatically dismiss his charges given the fact that there could be an appeal. Given the fact that there is an appellate issue on the jurors, the state may have to hedge their bets and go forward with these trials for Russell, and certainly with Cory, because Cory did much more than just one count of conspiracy, okay? When it's time for me to speak on August 15th, if you thought I was strong with Russell, wait until you hear what I've got to say about Cory. Because he's a lawyer, he's a lawyer. Even though I agreed that Russell was an officer of the court and he violated the rule of law, Cory was a lawyer. So it's another level up for me.

[00:35:06] **Liz Farrell:** Do you know if Cory has ever appeared before Judge Gergel as an attorney?

[00:35:10] **Eric Bland:** I do not know that.

[00:35:11] **Liz Farrell:** We should look that up and see because I'm curious to know if they've met each other under other circumstances. But yeah, I've been warning people who, you know, obviously Mandy and I, you know, have a lot of people on Beauford County who know Cory, and some people who actually really like Cory. And I've been warning mutual friends that I don't think he's gonna get any time, you know? Because it's always been like, "Do you think Cory is gonna get it? Do you think he's gonna get it?" Because they want to see him get held accountable for this behavior because it's repugnant, but I don't know. I honestly, I almost don't think he's gonna get anything.

[00:35:41] **Eric Bland:** He's gotta get, yeah, he's gotta get prison time. Some.



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[00:35:44] **Liz Farrell:** You think?

[00:35:45] **Eric Bland:** Mhm. Can't walk out of there without prison.

[00:35:46] **Liz Farrell:** What if he turned, I mean, what if he did turn, you know, federal? What if he turned evidence against somebody? I mean, that's the thought, right?

[00:35:53] **Eric Bland:** I think a dirty lawyer has to get some time. So if you give a banker time but if you don't give the dirty lawyer time, I don't think that looks good to the justice system.

[00:36:03] **Liz Farrell:** Yeah. Well, I hope you're right.

[00:36:05] **Mandy Matney:** Just one thing real quick. And I was thinking about this as we were talking about the timeline, and the restitution, and just how much Palmetto State Bank and P.M.P.E.D. are getting, and how much they knew—and I was also thinking, doesn't Chad Westendorf still work there?

[00:36:21] **Liz Farrell:** Yeah, as a consultant. I think they found a little work around that because of their insurance.

[00:36:26] **Eric Bland:** That means we'll call you when we need you kind-of-thing. You stay home. And we'll give you...

[00:36:31] **Liz Farrell:** Yeah.

[00:36:31] **Mandy Matney:** But he was still working there for a really long time after everything came out, and again, it was egregious. It was very clear that Chad Westendorf dropped the ball on the Satterfield case very early on. And again, a lack of action from Palmetto State Bank on preventing—they didn't seem to be as horrified and do the things that a lot of businesses would have done, which is this guy's gotta go...

[00:36:57] **Eric Bland:** But they couldn't do it until we settled all our suits, until they got out of the suit from the Plylers and everybody. I think Chad had to stay until all



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the suits against Palmetto State Bank, just you know, if he wouldn't turn on them. And you know, you keep your enemies close, and friends close, and your enemies close. I think they wanted to keep a watchful eye under him and I think he knew he was a dead man walking after he had to get back the \$30,000 that he got from the Satterfields for being their personal representative. So, I think he knew his time was coming.

[00:37:34] **Liz Farrell:** And we'll be right back.

[00:37:41] **Liz Farrell:** Well, do you want to move on to talk about the Satterfields? I think you have some news in the case, right? Why don't you tell us about that?

[00:37:46] **Eric Bland:** We actually filed our response of motion to Dick Harpootlian and Jim Griffin's motion to have the Satterfields joined as parties in the Nautilus action, and if they are not so joined, they asked for dismissal of the action. We filed our response under Rule 19(b) of the Rules of Civil Procedure, which says that joinder is not necessary because the Satterfields do not claim an interest in the results of the Nautilus litigation. While they may have an interest, the rule that was cited by Jim and Dick says that the Satterfields have to actively claim an interest in the results of this litigation, and we do not claim anything in that litigation. And I think we're going to be successful on that motion. Right now, I think it's scheduled for the same day that Cory Fleming is being sentenced on August 15th, on Tuesday of this coming week in Charleston.

[00:38:42] **Liz Farrell:** So basically, that just means that you guys want to be able to have a say in this case.

[00:38:47] **Eric Bland:** The big hearing that's coming up is this Tuesday in Charleston in front of Judge Bentley Price. It's at 8:15 in the morning, and that is the motion to vacate Alex's confession of judgment, the \$4.3 million confession of judgment that he gave to the Satterfields last May of 2022. And I expect that that hearing is going to be full of fireworks. My partner Ronny's going to argue it because I'm going to be in New York at the time, but I think that the resolution at that hearing, the order that ultimately the judge will enter, will go a long way in many of the cases where Alex is raising these issues that he's not liable for the money he stole from the Satterfields.



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[00:39:28] **Liz Farrell:** Remind us again what Alex was trying to do there, and what Dick and Jim were trying to do.

[00:39:33] **Eric Bland:** So, Alex and Dick and Jim have said that for full adjudication of Nautilus' claims, the Satterfields have to be parties of the case along with him, because he said that the Satterfields have Nautilus money. Yes, he stole Nautilus' money, but Nautilus should go after the Satterfields for the money that the Satterfields recovered from all the other parties, whether it's from P.M.P.E.D., Bank of America, Cory Fleming, his law firm, Chad Westendorf—if Nautilus wants their money, go get it from the Satterfields because they never had a rightful entitlement to that money because Alex said, “I lied about the dogs committing the act of tripping glory.” Because if the dogs didn't trick Gloria, they wouldn't have a legal claim. The only problem is...

[00:40:26] **Liz Farrell:** Do you know what gets me—I just have to interrupt you really quickly here—because what gets me really angry, and I apparently am in an angry mood today, is that so many people have a hard time believing, and maybe now not so much, but believing that Alex could do anything wrong, right? We're all just misunderstanding this man. We're all misunderstanding the people in his world. It's us, not them, right? But then you look at, sort of, you look at this case and you see that after everything else that has been revealed to the world about Alex Murdaugh and the people in his circle, you see him saying, “I lied about this, so that money should never have gone to this family who I set up with that—they thought I was representing them, they thought that I was trying to get them money for their mother's tragic death on my property—but I lied about it. So, I shouldn't be held accountable for the money that I stole. He stole that insurance money. He committed alleged insurance fraud, not the Satterfield family. They got their money back in a separate situation. It's like two different rooms. They're not even in the same room. Right? The kind of evil brain that it takes and the sort of audacity that you have to have to even make that argument in court, it goes back to the Hakeem Pinckney thing, that Mark Moore made the argument that Russell could not have committed a crime against a vulnerable person because Hakeem was not vulnerable as he was dead, knowing that Russell and Alex had faked Hakeem being alive in order to get that money in the first place. So, we see the same thing here. At what point, where is the shame that people, like why aren't the lawyers in South Carolina lining up on the street yelling shame at Alec, Dick and Jim for even making this argument?



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[00:42:04] **Eric Bland:** They have no shame. I mean, the single fact that Dick Harpootlian made the statement that Alex is never going to be tried in the federal court financial crime cases because he's going to plead guilty, that's not the case. He's fighting those charges now. Just like he's fighting having to pay back \$3.8 million that he stole. Remember, he gave a confession of judgment to the Satterfields. When I asked for that confession of judgment, the response from Dick and Jim and Alex should have been, "Hell no. You're not entitled to it." He didn't. He lied that the dogs caused the fall. They don't have a claim, they never had a claim. That's when he should have said, not after five months of negotiating that confession of judgment, not after having presenting it to Judge Hall through the receiver, and from Jim Griffin, and all the lawyers. He's only doing this now because he doesn't want to have to answer for that \$3.8 million dollars. He wants to keep the \$3.8 million dollars that he stole, just so you understand, and have the Satterfields pay it back to Nautilus. That's what he wants. He wants to be able to keep the \$3.8 million.

[00:43:12] **Mandy Matney:** And can I just say, this is enabling a monster is what they are continuing to do. And once again, we're seeing the answer to the question of how and why Alex Murdaugh became the monster that thought that he could get away with killing his family, and stealing millions dollars from clients, and treating people like trash, and doing everything in using his position of power for whatever he wanted. How did he do that? Because he's surrounded by peoples who allowed him to do it and they are still allowing him to do it by this lawsuit, by fighting the federal charges by—I mean, the fact that they are still victimizing the Satterfields and they are still, they will not let off after everything that they have put the Satterfields through, that they have the gall and the audacity to actually say, "you guys need to go after them," who are have been purely victims in this circumstance. You couldn't ask for two nicer humans on this planet. Am I right, Eric? The Satterfields are like hearts of gold, they would not hurt a fly. All of this has upset them greatly and they just want it to be over, and yet Dick and Jim are still victimizing them. This is not just Alex, Dick and Jim are helping Alex.

[00:44:28] **Eric Bland:** Oh, it's Dick and Jim. No, no, no. This is Dcikk and Jim. You are 100% Correct.

[00:44:33] **Liz Farrell:** So why is it like they've came up with some ideas? Is this the thing I was talking about before where it's like, I've learned that lawyers look at things as like a chess game and then they get sort of analytical and they feel real



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clever about these moves that they could do. Are we just living inside of Dick and Jim's egos right now because they can then they do?

[00:44:52] **Eric Bland:** This is directed to me. This is directed at me and to me. It's been told to me by a number of lawyers, they're doing this because they want to try to pay me back, and to pay me back, they want to hurt my clients. Remember...

[00:45:08] **Liz Farrell:** You mean retaliate? Not pay you back. Retaliate.

[00:45:10] **Eric Bland:** Retaliate.

[00:45:11] **Liz Farrell:** Okay.

[00:45:11] **Eric Bland:** Well, pay back and retaliate. If this worked...

[00:45:15] **Liz Farrell:** And the court's time and our tax money and...

[00:45:18] **Eric Bland:** Listen, listen how warped this is. If it works, in the Nautilus action, Alex gets to keep the \$3.8 million and Nautilus has to look to the Satterfields to get their money. In the Satterfields' action against Alex, if he gets the confession of judgment negated, then the Satterfields can't collect \$4.3 million from him. So, if they want to smile, if it works out for them, Alex gets to keep the \$3.8 million, the Satterfields lose the \$4.3 million confession to judgment against Alex, and then they got to dip into their pockets and give them money over to Nautilus. That's how perverse this is. And Dick and Jim are doing it because they can, and just because you can doesn't mean you should. And I'm telling you, if we win these motions, we are going after Dick Hapootlian and Jim Griffin. We are not going to give them a quarter here. We're going after them, they have no refuge. We're coming after them. We're coming for our costs. We're coming for our fees.

[00:46:18] **Mandy Matney:** Here's the thing that they're doing. It's not only coming after you, it is they're coming after somebody who stood up against a very bad system, and they are coming against somebody who actually did something to stop the evil. And the fact that they are trying to retaliate against you and your clients for doing that, and I guess the bar is just sitting back and hoping everything's all hunky dory or maybe they're burying their heads in the sand—where are they? I don't know—but it's mortifying and embarrassing on behalf of South Carolina lawyers.



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[00:46:54] **Eric Bland:** It's going to take the judges. Judge Gergel, who hears the motion in the Nautilus case, we'll have to stand down Dick Harpootlian and Jim Griffith, and Bentley Price on Tuesday, we'll have to stand them down. That's what it's going to take, for a judge to publicly excoriate these two lawyers and tell them enough is enough.

[00:47:11] **Liz Farrell:** I feel like Judge Price, we haven't really heard too much from him in the way of being able to understand who he is in the system. You know what I mean? Like, do we know, where does he fall on the spectrum of the different kinds of judges that we've seen in South Carolina? And I don't think we need to get into what the worst of the worst looks like and what the best of the best looks like, because we've seen them and we can identify them. So, where does Bentley Price fall on that spectrum? I would say that he has seen plenty at this point, and that this is his moment to show us what he's made of and what he values as a judge and who he is in the system. So, I hope that he comes through and shows us that we are wrong to continue to think that there's no hope when it comes to the judicial system in South Carolina.

[00:47:56] **Eric Bland:** He's a serious, he's a serious judge. He's the assigned judge in the Satterfield case, and we have had conversations, all the lawyers...

[00:48:06] **Liz Farrell:** He's a young judge. He's young, right?

[00:48:08] **Eric Bland:** He's a young judge and he has told all of us, all the lawyers, not only the lawyers in the Mallory Beach case, but the Satterfield case, and in Justin Bamberg. He does not want to hear his name in the newspaper. He doesn't want to hear lawyers saying anything about him. He wants everything to be done on court record, and we have all agreed. I've never appeared before him. I have heard that he's a strong-minded, strong-willed judge, and we'll see that on Tuesday, hopefully.

[00:48:35] **Liz Farrell:** Yeah, I hope so. And that's, I actually am encouraged to hear that, that he wants everything on the court record, because I think that is the base line. That's the bottom line where it needs to start with judges.

[00:48:56] **Liz Farrell:** Okay, Eric, we have a courtroom question for you. So, we want to talk a little bit about slap lawsuits. A slap lawsuit is a strategic lawsuit against



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public participation. It's basically the lawsuit you get slapped with to make you shut up. So, one of the questions we have, and we sort of touched on this in this episode when we were talking about Dick and Jim, and do they have no shame, and why is this allowed, and why isn't the bar speaking up? When attorneys agree to take on a client who wants to file a slap lawsuit, why are they saying yes to that knowing that this is sort of dirty poker?

[00:49:31] **Eric Bland:** Well, it's chilling your argument, or what you're saying is, it's chilling First Amendment public discourse, and public discourse is the cornerstone of democracy. The public should have the right to speak out about issues of government, issues of personal privilege, different things like that. And a slap lawsuit is designed to do exactly what you said it is, is to chill the speaker, to make them think twice. If you keep talking we're going to keep suing you. The lawyers, you know, who do this are basically going along with their client. They, you know, a lawyer, when they bring a lawsuit must bring it in good faith. We have taken an oath, and we have an obligation when we sign a pleading under Rule 11 that we have a good faith basis to bring this lawsuit. So, presumably a lawyer is doing this for the right reasons, not just to benefit a client that may be involved in a business transaction and there's people that don't want, let's say, a big office building or a big complex being built, you know, and there's a lot of discourse about it from neighbors or neighboring businesses, and they are helping a business just shut these people down. Presumably, they're doing it for good reasons. I have not been involved in a slap lawsuit, so I really don't—I haven't brought one and I have not defended anybody, so I really don't know. But you know, most lawyers I know bring lawsuits because they do believe there's a good faith basis to bring them. And very rarely do I see good lawyers bring a lawsuit for improper purposes and improper motive. That's called malicious prosecution. And certainly, when you're dealing with slap lawsuits, you're dealing with First Amendment and constitutional issues and obligations and requirements, and people who practice constitutional law tend to be pretty smart. So, it's not your normal slip-and-fall or normal wreck case or something like that. These cases are very legal-intensive, they require a lot of briefing. So the lawyers that bring these lawsuits and the lawyers that defend them are pretty, pretty smart.

[00:51:31] **Liz Farrell:** So is there recourse for people who get hit with a slap lawsuit? I think we've talked about this before on the show.



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[00:51:37] **Eric Bland:** Yeah, they have three bases: they can counterclaim for abuse of process and malicious prosecution—those are civil claims, meaning that somebody is using the legal system for personal reasons and personal motivations instead of legitimate legal reasons—and then there is the *Civil Frivolous Proceeding Sanctions Act*, so that if you're involved in litigation, and I've encouraged Mandy to do that, in her case, that she can file a motion after she got dismissed to recover her attorneys fees and costs. You can't get your damage, your emotional distress damages, from the *Frivolous Proceeding Sanctions Act*, but if you file a separate claim for abuse of process or malicious prosecution, you can get your emotional stress damages, emotional distress damages, for being wrongfully sued and being ground up in the legal system.

[00:52:26] **Liz Farrell:** Excellent. Thank you. That was a good explanation. So Mandy, we have a newsroom question. And it's a fitting one because of what we just were doing last week. So, let's talk a little bit about recording and publicly broadcasting. People want to know the differences between recording and publicly broadcasting proceedings in federal court versus state court. So, during the Alex Murdaugh trial, we got to see just about everything, including the in-camera hearings that occurred, so I think people sort of became used to having that access. And I know there's a lot of thoughts about whether or not these things should be broadcast, but federal court, it works a little bit different. Do you want to just talk about that?

[00:53:06] **Mandy Matney:** Yeah, and this is also something that's been coming up a lot with the Trump trial, because and I think finally now, I'm seeing national media caring about this. And I'm seeing lots of op-eds saying that we should, they should allow cameras in the federal courtroom finally. We did see that a little bit in the Epstein trial, but not as much. But the Trump trial especially—and I have seen several representatives signing petitions asking for the Trump trial to be broadcast but—and I tweeted about this the other day, that's one thing. But if they do that, they should do it for everybody. Yes, the Trump trial is very important and yes, we have a major, major problem with misinformation right now, probably worse than we've ever had. And distrust, the public does not trust the courts, they do not trust the media, they do not trust. And the best way to solve the public trust problem is transparency, is saying, "Here, if you don't believe it, here's what's going on." And I was thinking about this a lot last week as we were sitting in court, and Liz and I were doing our best tweeting, talking to our premium members about what was going on, and really covering it in the best way that we possibly could, and doing a whole episode of *True*



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Sunlight; but it is so different to explain to people what happened, and explain to people our opinions of things, and explain to people that we thought that Judge Gergel was against Russell all day when he made that decision and blah, blah, blah. They need to see it in action. And they needed, I really wished that they could have seen the victim statements, especially. The court also owes the victims that. I think that the public really needed to see what was going on in that trial, and they were not allowed.

[00:54:56] **Eric Bland:** Can you imagine Alex's murder trial if it was not, Mandy, televised? The spinning that would have gone on about his testimony. And then, if the Trump trial is not televised, the spin that will come out. I mean, the public saw Alex Murdaugh being tried. They saw it with their own lying eyes, you know, they can't be lied to. And that's what was so important about the murder trial. They didn't see Russell Laffitte's trial, they didn't see Russell Laffitte's sentencing, they're not gonna see Cory Fleming's sentencing, and so it's spin that's going to carry the day. Help me with that.

[00:55:31] **Liz Farrell:** It's spin and then the other thing is, as a journalist, one of the, obviously, the primary thing that we're concerned about is accuracy. I was talking to a reporter after Judge Gergel adjourned court for the day, I was talking to one of the reporters from the state newspaper about just that sort of terrifying feeling, because I was tweeting out rapid fire trying to get the information to the people, right? But it's the game of telephone at that point, because you're trying your darndest while they're talking to be recording with your fingers what they're saying, but at the same time, you have to play catch up. So you have to get the essence of what was just said, and you're trying to quote it, and it's just like, I don't know, if it's going to end up in the newspaper that John Monk heard something different from what I heard that, you know, Drew Tripp heard something different from when I heard, that Ted Clifford heard something different. So, you start to panic as a journalist, because you're like, "God, I hope I got that right." There's nothing for me to rewind and listen to to make sure that I understood what I was hearing and that, and it moves fast. And for the first, what Mandy, like 30 minutes in the courtroom, we couldn't hear anything. It was like the sound was down. And reporters were all hunched, just trying so hard, just we're all leaned in to, you know, these two tiny speakers up at the judge's areas, we're all sort of leaning in just so we could hear. It's so important, and the fact—I mean, there's no better case than President Trump's case, to demonstrate why it's so important that we can all just see the first draft of history happening in front of us



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and not have to rely on people's memories. These courtrooms are not big, by the way. You cannot fit a whole lot of people in there, so what are they gonna have to do? Have these like livestream feeds into these other court, entire other buildings just to get enough people? Because the entire world is going to want to know what's going on in that case, but beyond that, if you do want to know what accurately happened, you have to rely on court reporters. And God, I did not know that that was a hornet's nest to even talk about court reporters, because I've gotten so many messages about Mandy tweeting. But they wanted to charge us \$1,000 for the transcript. And I understand that—we're not going to get into this today because there's a lot to be taught that we can say about this right now—but there are, there's a private enterprise element to this. There is the structure, the funding structure of the official record of court needs to change, and we're just going to say that right now. It's across the board, it's in South Carolina, it's in federal court. There needs to be a better system. We are in the internet age. You cannot hoard information.

[00:58:02] **Mandy Matney:** Public information.

[00:58:03] **Liz Farrell:** And I'm sorry, like, this is no disrespect. This is, yes, exactly. It's a public—public information.

[00:58:09] **Mandy Matney:** That's the difference here.

[00:58:10] **Liz Farrell:** Yeah, and no disrespect. We're not disrespecting court reporters. You guys, we know how tough that job is, it's just...

[00:58:17] **Mandy Matney:** Yeah, I just want to say a couple things quick. First of all, throughout my journalism career I have been very proud of, I don't think I've ever misquoted anybody. I've never, I've been around other reporters that have gotten those phone calls and had people say, "I didn't say that," and I have always been extra careful. When I first started at my first little tiny newspaper, I was always recording every, pretty much every interview I did, even if it was very quick. And I would play it over, and type it and play it again. And I was just always...

[00:58:51] **Eric Bland:** Do you save your tapes? Do you save your tapes?

[00:58:54] **Liz Farrell:** Don't answer that, Mandy. As your attorney, I'm gonna say don't answer that. Don't you answer that.



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[00:59:00] **Eric Bland:** I'm gonna say, do reporters normally save their tapes? I'm not gonna ask you that.

[00:59:04] **Liz Farrell:** Everyone's different. I delete whatever I can so that none so people like you can't subpoena me for it.

[00:59:11] **Eric Bland:** Thank you.

[00:59:12] **Mandy Matney:** I've just been very careful about that because that would be something that's really horrifying. But in the courtroom, we're all working at lightning speed, and it is like you said, it's very likely that John Monk's going to hear a different word than I'm going to hear. We're all just typing like this doing our best. And we—I tweeted that about the \$1,000 charge that they were trying—we wanted to get a transcript for the next day to be able to check our notes before we did the podcast, before we were able to publish the podcast. I realize that it does take court reporters a really long time to do the official record. I understand that, and not at all knocking their job, I think what they do is very hard and very important. However, there needs to be a better alternative for all of us to be able to check and make sure our notes are correct. And news moves extremely quickly. This business of it's affordable within 30 days does not help reporters. No one's going to be talking about this in 30 days. That does not matter.

[01:00:13] **Liz Farrell:** It doesn't help Dick and Jim either. Remember, they went to YouTube. Literally, Dick and Jim went to YouTube to get a transcript of what happened during one of the days of trial so that they could make a motion against something. They had the YouTube transcript of it, which things are moving faster than the old way of doing things. It doesn't just benefit the public and reporters, it benefits attorneys and defendants and plaintiffs—and it benefits everyone. And am I reading this right? We have a note from David that says, “Because we wanted this transcript first, it costs \$1,000. But if we wanted to be second in line, like somebody else paid that \$1,000, we would only have to pay 200. Is that right?”

[01:00:49] **Eric Bland:** Yeah, so.

[01:00:50] **Mandy Matney:** What?



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[01:00:50] **Liz Farrell:** This is how it works. So if I am taking a deposition, and I'm deposing you, Liz, I noticed your deposition, let's say in a civil case that we have, and I'm the one that notices it, I have to pay a lot of money for that transcript. If another attorney who is representing you, or another party in the case wants it, they get what's known as a copy charge, a copy fee charge. And it's much, much less. It's probably one-fifth the cost, and I do understand that. And I do understand if it's a case, let's say *Oracle vs. Microsoft*, where there's really trade secrets out the wazoo being bantered around in that courtroom or in a deposition, that those kind of transcripts take a lot of time to make sure they're correct, and make sure we have to seal this portion of the transcript. But Russell Laffitte's sentence, there's nothing trade secret about that. That is public interest number one, and the minute that he dropped that gavel, there should have been a transcript. Whether it's a rough draft transcript available, you know, maybe a word got transcribed incorrectly, but you would get the gist of it. That was important. Mandy raises a very important issue. 30 days from now to get the transcript, that story's dead and buried, and some people could have been misquoted by that. If we want accuracy in reporting, make the transcript available.

[01:02:07] **Liz Farrell:** Yeah, why are courtrooms even public if you're not going to have them recording? The whole idea is that courtrooms should be public for reasons like this. Because seeing, you know, the motions that got sealed in the Russell—that were allowed to be sealed, I'm not going to make it passive—that the judge allowed them to seal in the Russell Laffitte case, it wasn't just about privacy, as we saw. Because when they asked for that, like when the reporter wrote that letter trying to get the unredacted version of it, most of it was not redacted. So, that shows that they did not need to have that sealed. I don't understand the point, if we're supposed to as a country, we have decided it's important to have open courtrooms, why don't we have open court rooms? What do they think that the townspeople, the villagers are going to come all descend on the courtroom that day because they're putting off the day of farming and blacksmithing? The times have changed. We have the ability to find out what's going on inside a court. And you're right, Eric, because no one's freedom should be taken away by a court without the public having access to know why it was and to be able to look at it for themselves. I would advocate for recording just for the mere fact that we wouldn't need, the transcript was moot at that point. Every single person who watched the Murdaugh trial could rewind it to see what happened. They could debate the points of it. They could, I mean, that is



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one of the most fair trials, in my opinion, because of that, because the public saw it. So that's it. I think I've said everything. I've been in such a grumpy mood today.

[01:03:30] **Mandy Matney:** I've been fired up too, and I just want to say one more thing. Times have changed. And I realize that court reporters are very sensitive to this, but y'all, I'm in journalism. I've had to change my skills 100 times and I've only been in this business for 12 years. I've had to read, I've had to learn how to do video, and now audio, and constantly, from the very beginning of my career, they were like, "You can't just be a writer, you've got to be all these other things." But I think court reporters, it might be time for them to adapt to the times and maybe their job could be both. Maybe there could be videographers paid by the government in court to take the official record, or we use a program called Otter where it transcribes the entire conversation, but you can click on the words, you can go back over it, click on the words and hear it for yourself if there's a debate and if it transcribed it wrong or right.

[01:04:29] **Eric Bland:** Well how do court reporters get paid, Mandy? They get an appearance fee, but they make their money on their transcription. So, how would you prefer they would get paid?

[01:04:40] **Liz Farrell:** That has to change, Eric, that has to change. That's the problem, right? It's almost like we've privatized the system. If the court is obligated to be open to the public, then the court needs, there needs to be a better funding structure through the court, to hire people, normal employees with normal return. Because do these transcriptions, do these court reporters, get state retirement benefits?

[01:05:03] **Eric Bland:** They're assigned, no, they're assigned to a judge. And, you know, I don't know their full employment status, whether they're state employees or not. That's an interesting thing, but some, most are independent contractors and they make their money. You know, they do get an appearance fee, but they make their money on their transcripts.

[01:05:20] **Liz Farrell:** Right, and that's the problem. You can't see what happened in this case unless you pay for it. And I know that's not the intent, I'm just saying that the system isn't working and it never has worked. Let's be honest. And the people



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who can afford to pay for this, I've heard defense attorneys in particular, public defense attorneys, upset because they cannot have—it's a monopoly.

[01:05:38] **Mandy Matney:** Yeah, it's one of those things that's just outdated. There's so much technology available to do this in a better, more efficient way. My point on Twitter that everybody else was not, a lot of court reporters, just were not getting was just, they can charge whatever they want to lawyers. No offense, Eric, I don't really care. But the public, but the public deserves to have an affordable way to be able to check to make sure they know what was going on in court.

[01:06:08] **Eric Bland:** Then let the state government pay them a fair full wage. You are entirely right, Liz. I agree with you.

[01:06:15] **Liz Farrell:** Yes. Pay your, and also I actually do care, Eric. I don't want you guys to have to pay these monstrous fees, because it doesn't serve defendants, it doesn't serve anyone. Even clients who have, you know, can afford it, why are we spending this much money on something that should be right there for us? And this isn't to say...

[01:06:32] **Eric Bland:** You realize it's a pass through, right? You realize it's a pass through expense? So, if I'm working on a contingency and I take 15 depositions—and some of my big cases, I've got 15 depositions that I take—and each transcript could be \$2000- \$3,000, I don't pay that.

[01:06:51] **Liz Farrell:** That's right. You don't pay it.

[01:06:51] **Eric Bland:** If I'm successful on a recovery, who do I, who pays it?

[01:06:55] **Liz Farrell:** The clients do, Eric. We do. And that's the end of the line here is just this, is that no one's saying that there needs to be—court reporters are important—maybe there's a certified copy, but there shouldn't be this situation that we're in right now. And I'm not saying that their time and their effort isn't worth \$1,000, I'm just saying that that is not okay. And now that we know, now that everyone wants in on to see what's going on in the Trump—we should have all been able to see what was going on in the Epstein case, we should have all been able to see what was going on in any number of cases. It's important. And this stuff, too many bad people hide behind this system knowing—I've heard time and again



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people being like, “Well, they're not going to get the transcript because it's going to be this much money, so they're not going to know what's going on.” So yeah, I'm sorry Mandy that I didn't have your back on Twitter. I've not been on the internet since last...

[01:07:44] **Mandy Matney:** That's fine. I haven't been, I quit on Friday, I was like, “meh.” I think 20 years ago that it made a lot more sense because it really did take a skill. When we didn't have the ability to record—everything is so easy to record audio and video now—and I just don't, yeah, I don't get why it should cost this much money. And I just would like the option.

[01:08:11] **Eric Bland:** You guys were the only ones that had that little micro, you would walk around with your little micro-cassette recorder, you know, 20 years ago. Nobody did that. Now everybody, even an eight-year-old can record you at dinner and you don't even know you're being recorded. And that eight-year-old can go post it on Instagram.

[01:08:27] **Mandy Matney:** To monopoly with cases that are supposed to be for the public, with this is a government-funded operation, by the people for the people, and I don't think that private individuals can covet certain amounts of information and charge whatever they want for it. It's just that part of it seems really wrong.

[01:08:47] **Liz Farrell:** Well, let's hope we see some change here. Right? I mean...

[01:08:50] **Mandy Matney:** Yeah, we do. This is such, this is a good episode. If you—people don't know but we went through a lot to get through this episode because there's some technical difficulties we were having. So with that, I will say cups down guys. Thank you David and Sam for dealing with us.

[01:09:06] **Eric Bland:** Thank you, David. Thank you, Sam.

[01:09:08] **Mandy Matney:** Thank you guys.

[01:09:09] **Liz Farrell:** Cups down everybody. Great show.



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[01:09:21] **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 LUNASHARK Productions.

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