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OPEN NINTH:
CONVERSATIONS BEYOND THE COURTROOM
THE BAR IS STILL OPEN
EPISODE 31
SEPTEMBER 25, 2017
HOSTED BY: FREDERICK J. LAUTEN

1 (Music.)

2 >> Welcome to another episode of "Open Ninth:
3 Conversations Beyond the Courtroom" in the Ninth Judicial
4 Circuit Court of Florida.

5 Now here's your host, Chief Judge Fred Lauten.

6 >> **CHIEF JUDGE LAUTEN:** Good afternoon. I'm here today
7 with Elizabeth McCausland, who I know as Liz McCausland, who
8 recently took over as president of the Orange County Bar
9 Association.

10 So Liz is a sole practitioner and a Supreme
11 Court-certified civil mediator and has quite a distinguished
12 legal background.

13 I want to welcome you to "Open Ninth," Liz. Great to
14 have you here.

15 >> **LIZ McCAUSLAND:** Thanks for having me.

16 >> **CHIEF JUDGE LAUTEN:** So why don't you tell our
17 listeners a little bit about the Orange County Bar
18 Association. What is it? How big is it? How do members
19 join? What does it provide to our community?

20 >> **LIZ McCAUSLAND:** Okay. Well, do you have a lot of
21 time?

22 >> **CHIEF JUDGE LAUTEN:** I do. We've got all afternoon.

23 (Laughter.)

24 >> **LIZ McCAUSLAND:** We are approximately 3,500 members.
25 And we serve, you know, obviously Orange County. We have

1 several things that make our membership unique. And,
2 actually, to me, something to be very proud of.

3 First of all, all of our members do pro bono work. That
4 is one of the requirements of membership. You can either
5 take two cases, or you can pay an "in lieu of" fee for that
6 pro bono work. We're the only Bar in the country that does
7 that.

8 And I know that sometimes keeps people from joining the
9 Orange County Bar. But to me, that is -- really the only
10 people who can do legal work are lawyers.

11 >> **CHIEF JUDGE LAUTEN:** Right.

12 >> **LIZ McCAUSLAND:** And so we have a very unique
13 position in terms of helping people, and so I'm very proud
14 that our Bar does that.

15 >> **CHIEF JUDGE LAUTEN:** What percentage of lawyers
16 actually take cases? What percentage pay the fee? Do you
17 know that breakdown or not?

18 >> **LIZ McCAUSLAND:** I don't offhand.

19 >> **CHIEF JUDGE LAUTEN:** Right.

20 >> **LIZ McCAUSLAND:** But it -- I want to say there's
21 about a 50/50. But some people who pay the fee still take
22 cases.

23 >> **CHIEF JUDGE LAUTEN:** Awesome. Right.

24 So, I mean, if every member took two, so you'd have
25 7,000 pro bono cases covered?

1 >> LIZ McCAUSLAND: Exactly.

2 >> CHIEF JUDGE LAUTEN: That's amazing.

3 >> LIZ McCAUSLAND: Exactly. And that doesn't even
4 cover -- that's not a drop in the bucket of the people who
5 actually apply at Legal Aid.

6 >> CHIEF JUDGE LAUTEN: For pro bono work?

7 >> LIZ McCAUSLAND: For pro bono work.

8 >> CHIEF JUDGE LAUTEN: You don't know those numbers, do
9 you, by any chance?

10 >> LIZ McCAUSLAND: I did at one time.

11 >> CHIEF JUDGE LAUTEN: Right. Just curious.

12 >> LIZ McCAUSLAND: Yeah. I want to say -- we've
13 cleared out, every year, over 10,000 cases --

14 >> CHIEF JUDGE LAUTEN: Wow.

15 >> LIZ McCAUSLAND: -- through Legal Aid. And so --

16 >> CHIEF JUDGE LAUTEN: And you're not meeting all the
17 need?

18 >> LIZ McCAUSLAND: And we're not meeting all the need.
19 And understanding the need that we address, there's only for
20 people under the poverty level. So we're not meeting the
21 need under the poverty, much less people who are even
22 slightly over, you know, or who have unique circumstances.
23 And so there's a huge need for legal services.

24 >> CHIEF JUDGE LAUTEN: Right. I mean the Chief Justice
25 of the Florida Supreme Court started a commission about

1 access to civil justice, recognizing that people, both below
2 the poverty level, as you just said, or even above it and
3 into sort of the middle class, don't have their legal needs
4 met for a variety of reasons. Sometimes they don't know they
5 need a lawyer, and they don't think a lawyer will help. But
6 often because they don't feel they can afford legal services.

7 >> **LIZ McCAUSLAND:** I've heard -- and I don't know if
8 it's true, but I've heard that about 80 percent of litigants
9 in family law cases eventually end up without a lawyer.

10 >> **CHIEF JUDGE LAUTEN:** Yeah. That, unfortunately,
11 doesn't surprise me.

12 >> **LIZ McCAUSLAND:** Mm-hmm.

13 >> **CHIEF JUDGE LAUTEN:** But, yeah, I think that might be
14 true.

15 >> **LIZ McCAUSLAND:** So, I mean, if you think about that,
16 that's just a need, and that's not all low-income folks.

17 >> **CHIEF JUDGE LAUTEN:** Right.

18 >> **LIZ McCAUSLAND:** You know, you can have two wage
19 earners. And when you go from two to one wage in a
20 household, then obviously you've experienced some
21 difficulties.

22 >> **CHIEF JUDGE LAUTEN:** Okay.

23 So the Bar membership requirement, two cases or a
24 financial contribution. And I kind of interrupted you when
25 you're describing the other activities of the Bar

1 Association.

2 >> **LIZ McCAUSLAND:** So we have nine lunches a year, plus
3 we have several CLEs. We have 20 -- I think it's 27
4 different committees, subcommittees, which are all
5 practice-specific or in some way specific to the need of a
6 member.

7 So we have a solo small firm committee, family law,
8 appellate. And all of those committees put on CLEs. So
9 we -- last year, we had over 50 minor CLEs and over 15 major
10 CLEs.

11 >> **CHIEF JUDGE LAUTEN:** Wow.

12 >> **LIZ McCAUSLAND:** So that's a lot of -- some of them
13 are free. Some of them are very low cost. I think the most
14 I've seen for many of them, or the average, is about \$35, if
15 there is a fee.

16 >> **CHIEF JUDGE LAUTEN:** Wow. That's great.

17 >> **LIZ McCAUSLAND:** And that includes lunch.

18 So it's a really good way to network and to also get
19 your required CLE done.

20 We also provide, like I said, nine lunches. And those
21 lunches provide a free lunch when you go.

22 >> **CHIEF JUDGE LAUTEN:** Right.

23 >> **LIZ McCAUSLAND:** They're included in your membership.

24 >> **CHIEF JUDGE LAUTEN:** Right.

25 >> **LIZ McCAUSLAND:** Plus you get the briefs.

1 >> CHIEF JUDGE LAUTEN: Right.

2 >> LIZ McCAUSLAND: You get -- we had -- we just
3 finished our New Lawyer Training Program, which was a two-day
4 program.

5 >> CHIEF JUDGE LAUTEN: Right.

6 >> LIZ McCAUSLAND: -- and I think you participated in
7 that.

8 >> CHIEF JUDGE LAUTEN: I did. I did.

9 >> LIZ McCAUSLAND: And we have, you know, a lot of new
10 lawyers --

11 >> CHIEF JUDGE LAUTEN: Yeah.

12 >> LIZ McCAUSLAND: -- who are coming through --

13 >> CHIEF JUDGE LAUTEN: Great.

14 >> LIZ McCAUSLAND: -- who take that program.

15 >> CHIEF JUDGE LAUTEN: So tell our listeners a little
16 bit about something they may have heard of but probably want
17 more information, and that's the Lawyer Referral Service that
18 the Bar --

19 >> LIZ McCAUSLAND: Service. Mm-hmm.

20 >> CHIEF JUDGE LAUTEN: -- does. How does that work?
21 And what is that?

22 >> LIZ McCAUSLAND: That is -- it's going through some
23 changes.

24 >> CHIEF JUDGE LAUTEN: Okay.

25 >> LIZ McCAUSLAND: But it's a really great benefit also

1 to our Bar members who are looking to try to get clients in
2 the door. So the Lawyer Referral Panel is a panel that you
3 can apply to be on. You do have to fill out a specific
4 questionnaire and have experience and insurance, med mal --
5 I'm sorry. Sorry. From my old insurance defense days.

6 >> **CHIEF JUDGE LAUTEN:** Right.

7 >> **LIZ McCAUSLAND:** Professional liability insurance.

8 >> **CHIEF JUDGE LAUTEN:** Right.

9 >> **LIZ McCAUSLAND:** And so once you go into that panel,
10 when we get calls at the Bar -- and we get them quite
11 often -- for people who either don't meet the Legal Aid
12 requirement or just who know that we're a bar association,
13 are looking for a lawyer, we vet them, see what kind of case
14 they need, and then we refer them to members on our panel.

15 >> **CHIEF JUDGE LAUTEN:** Right.

16 >> **LIZ McCAUSLAND:** They do pay a \$50 fee for that
17 referral.

18 >> **CHIEF JUDGE LAUTEN:** Right.

19 >> **LIZ McCAUSLAND:** And that goes to supporting the Bar.

20 >> **CHIEF JUDGE LAUTEN:** The client -- the client pays
21 the fee?

22 >> **LIZ McCAUSLAND:** Exactly.

23 >> **CHIEF JUDGE LAUTEN:** Right.

24 >> **LIZ McCAUSLAND:** Exactly. And then we refer them to
25 the attorney.

1 >> CHIEF JUDGE LAUTEN: Great.

2 >> LIZ McCAUSLAND: And so there's a very low referral
3 fee on that for the attorney to pay. You know, if you go and
4 refer it to a friend or something, you might get a higher
5 referral, 25 percent, I believe. And at the Bar, it's 15
6 percent.

7 >> CHIEF JUDGE LAUTEN: Okay.

8 >> LIZ McCAUSLAND: Or depending on area of law, it can
9 be lower.

10 >> CHIEF JUDGE LAUTEN: Right.

11 >> LIZ McCAUSLAND: And so it's a really good benefit,
12 especially for new lawyers who don't have a client base yet
13 but want to get clients in the door, just starting their
14 firm. You know, when I came off, I did insurance defense for
15 13 years. When I came out, I wasn't going to do insurance
16 defense --

17 >> CHIEF JUDGE LAUTEN: Right.

18 >> LIZ McCAUSLAND: -- and I didn't have a client, and I
19 signed up for the lawyer referral --

20 >> CHIEF JUDGE LAUTEN: Interesting. Yeah.

21 >> LIZ McCAUSLAND: -- and it was really great.

22 >> CHIEF JUDGE LAUTEN: Great.

23 >> LIZ McCAUSLAND: We also have the Citizens Dispute
24 Resolution, which is, you know, mediation. And there is no
25 requirement on that for financial requirement.

1 >> **CHIEF JUDGE LAUTEN:** And what do -- you mediate all
2 kinds of cases or limited types?

3 >> **LIZ McCAUSLAND:** Limited types of cases. But, it's,
4 again, another great benefit.

5 >> **CHIEF JUDGE LAUTEN:** Right.

6 >> **LIZ McCAUSLAND:** People can either act as mediators
7 on that panel, or they can send people to that panel who have
8 disputes that they need to resolve.

9 >> **CHIEF JUDGE LAUTEN:** How big is the staff for this?
10 You're describing so much activity. How big is the staff at
11 the Orange County Bar?

12 >> **LIZ McCAUSLAND:** Currently, I believe we have 12
13 people, and we have 4 volunteers.

14 >> **CHIEF JUDGE LAUTEN:** Gotcha.

15 >> **LIZ McCAUSLAND:** And so it is -- and they all wear
16 many, many hats. So, you know, we've got so much going on
17 between the briefs and the various events that we have. And
18 then just membership in general.

19 >> **CHIEF JUDGE LAUTEN:** So you're the president of this
20 association. How do you handle that and practice law at the
21 same time --

22 (Laughter.)

23 >> **CHIEF JUDGE LAUTEN:** -- in the year -- you serve a
24 year or longer than a year?

25 >> **LIZ McCAUSLAND:** You serve as a year.

1 >> **CHIEF JUDGE LAUTEN:** Right.

2 >> **LIZ McCAUSLAND:** Your precursor, your president-elect
3 year, you are head of the committees.

4 >> **CHIEF JUDGE LAUTEN:** Okay.

5 >> **LIZ McCAUSLAND:** So I took that last year to really
6 get to know our committees, see what they needed. I did what
7 I call the listening tour, where I met with the chairs and
8 just kind of found out how difficult is their job, how we can
9 make it easier, and what we could do to serve their members
10 better.

11 >> **CHIEF JUDGE LAUTEN:** Great. And then you serve one
12 full term as the actual president?

13 >> **LIZ McCAUSLAND:** Exactly.

14 >> **CHIEF JUDGE LAUTEN:** And how much of your day does
15 that take, being president of the Orange County Bar?

16 >> **LIZ McCAUSLAND:** It depends. It's a lot of time.
17 It's a lot of time. But I enjoy it, so I don't -- I don't
18 begrudge it.

19 >> **CHIEF JUDGE LAUTEN:** So it's a labor of love?

20 >> **LIZ McCAUSLAND:** It's a labor of love. It definitely
21 has to be. Seriously.

22 >> **CHIEF JUDGE LAUTEN:** And you're a sole-practitioner.
23 I could see where a lawyer in a big firm might -- you know,
24 the associates and partners might pick up the slack. How do
25 you manage to be a sole-practitioner and president of the

1 Orange County Bar? Maybe you don't sleep. Maybe that's the
2 answer.

3 >> **LIZ McCAUSLAND:** You have very good friends.

4 >> **CHIEF JUDGE LAUTEN:** Great. Yeah, who help you out?

5 >> **LIZ McCAUSLAND:** If you have very good -- who help
6 you out. And then I'm a little different in that I'm a
7 mediator for the most part. I do bankruptcy, but then I also
8 mediate. So as a sole-practitioner, you typically may have
9 an associate, or you may have some function or way to bill if
10 you're not working.

11 Well, when I do mediations -- if I'm not doing a
12 mediation, I'm not billing.

13 >> **CHIEF JUDGE LAUTEN:** Right.

14 >> **LIZ McCAUSLAND:** And so --

15 >> **CHIEF JUDGE LAUTEN:** Is it a little easier to control
16 your schedule as a mediator --

17 >> **LIZ McCAUSLAND:** It is.

18 >> **CHIEF JUDGE LAUTEN:** -- than probably a litigator,
19 who's at the beck and call of the court?

20 >> **LIZ McCAUSLAND:** Exactly. And that's the truth. And
21 so that's helped a lot.

22 >> **CHIEF JUDGE LAUTEN:** When did you know you wanted to
23 be, at some point in your career, president of the Orange
24 County Bar Association? When was that an aspiration for you?

25 >> **LIZ McCAUSLAND:** Um, I don't know if there was ever a

1 specific time that I said this is what I want to do.

2 >> **CHIEF JUDGE LAUTEN:** Okay.

3 >> **LIZ McCAUSLAND:** I think for those who attended the
4 luncheon where I was sworn in, I kind of started my reason --
5 or my speech letting everyone know why I wanted to be the Bar
6 president.

7 >> **CHIEF JUDGE LAUTEN:** Which had a lot to do with an
8 experience -- a terrible experience your mother went through.

9 >> **LIZ McCAUSLAND:** Exactly.

10 >> **CHIEF JUDGE LAUTEN:** Why not -- can you summarize
11 that for our listeners?

12 (Laughter.)

13 >> **CHIEF JUDGE LAUTEN:** I don't know if there is a way
14 to really summarize it.

15 >> **LIZ McCAUSLAND:** In short, my mom, who's an American
16 citizen, who came over in 1973 --

17 >> **CHIEF JUDGE LAUTEN:** From?

18 >> **LIZ McCAUSLAND:** -- from Vietnam.

19 >> **CHIEF JUDGE LAUTEN:** Right.

20 >> **LIZ McCAUSLAND:** And she had married my dad, who was
21 a Green Beret in Vietnam. And they came over, and she has
22 lived here happily as an American citizen since that time.
23 She went back to Vietnam in 2006 for a wedding, and within
24 eight hours of being in the country, they had pulled her
25 over, arrested her, and charged her -- really, they -- they

1 said with terrorism. And I think they used the word
2 "terrorism" because --

3 >> **CHIEF JUDGE LAUTEN:** So shocking.

4 >> **LIZ McCAUSLAND:** -- it's so shocking. And the United
5 States government, after 9/11, was not going to touch, you
6 know, anything with that word on it.

7 >> **CHIEF JUDGE LAUTEN:** Mm-hmm.

8 >> **LIZ McCAUSLAND:** And so it wasn't until I really
9 pressed them for a translation of what they were charging her
10 with, which they said was -- the definition in English was
11 any person who infringes on the rights of a public official,
12 which could be anything. You could park in their parking
13 space.

14 >> **CHIEF JUDGE LAUTEN:** Wow.

15 >> **LIZ McCAUSLAND:** But essentially what she was being
16 punished for was here in the States, she advocates that
17 Vietnam should be a democracy.

18 >> **CHIEF JUDGE LAUTEN:** I see.

19 >> **LIZ McCAUSLAND:** And at one point in time, she became
20 very vocal about that.

21 >> **CHIEF JUDGE LAUTEN:** Mm-hmm.

22 >> **LIZ McCAUSLAND:** And in doing that, they apparently
23 keep tabs on that.

24 >> **CHIEF JUDGE LAUTEN:** Wow.

25 >> **LIZ McCAUSLAND:** And so when she landed, you have to

1 apply with a visa, so they knew she was coming. And she
2 landed. She stayed the night in a hotel, rented a driver,
3 and then from that point on, my family didn't know where she
4 was.

5 >> **CHIEF JUDGE LAUTEN:** Wow. That's terrifying.

6 >> **LIZ McCAUSLAND:** Yeah. So I got a call in the middle
7 of the night saying that she was missing, that she never
8 showed up at the wedding. I had an idea of what had
9 happened, and had to report her missing to the State
10 Department. And that began 14 months of trying to get her
11 home.

12 >> **CHIEF JUDGE LAUTEN:** Fourteen months.

13 >> **LIZ McCAUSLAND:** Fourteen months.

14 >> **CHIEF JUDGE LAUTEN:** Was -- I take it she was, what,
15 thrown in jail, basically?

16 >> **LIZ McCAUSLAND:** She was in a 9 x 12 prison cell --

17 >> **CHIEF JUDGE LAUTEN:** Wow.

18 >> **LIZ McCAUSLAND:** -- sleeping on a raised concrete bed
19 with a straw mat with another person. She was given one hot
20 pot of water a day and then, um, whatever fruits and
21 vegetables and everything that -- we would send her money
22 that she could buy.

23 But for the first, you know, month that she was there,
24 we couldn't get money to her. We first had to locate her,
25 have to have them admit that they had her. You know, they

1 didn't recognize her as an American citizen, so they didn't
2 report her like they're supposed to do.

3 And so all of these things meant for the first month
4 that we were there -- that she was there, she was living off
5 the courtesies of others, and they would provide her one meal
6 a day.

7 >> **CHIEF JUDGE LAUTEN:** Wow.

8 >> **LIZ McCAUSLAND:** And so after a period of time, I got
9 the ear of Senator Mel Martinez, who was our senator at the
10 time, and Congressmen Rick Keller, who was her congressmen,
11 and they essentially figured out that -- through some help of
12 Orange County Bar members, you know, that she -- that Vietnam
13 was applying for permanent trade with the United States.

14 So they each held up the vote, and then they finally
15 came to the table with negotiations, but we were under
16 pressure from the Bush Administration and Condoleezza Rice
17 because the Asian Summit was coming, and they wanted to have
18 this legislation passed --

19 >> **CHIEF JUDGE LAUTEN:** They were pressuring you to let
20 it go?

21 >> **LIZ McCAUSLAND:** Yes.

22 >> **CHIEF JUDGE LAUTEN:** To let this pressure go about
23 your own mother?

24 >> **LIZ McCAUSLAND:** Yes.

25 >> **CHIEF JUDGE LAUTEN:** Oh, man. That's unbelievable.

1 >> **LIZ McCAUSLAND:** And so -- but, um, thankfully, I had
2 the support of, you know, our representatives. I had the
3 people on the Bar who passed around her petition, who put me
4 in contact with people that I never could have been in
5 contact with.

6 Holland & Knight agreed to take our case pro bono, which
7 I had gone and spoken with people who were supposedly experts
8 in the field, and I had gotten requests for retainers of
9 \$65,000 to 100-something thousand. I don't remember now.

10 >> **CHIEF JUDGE LAUTEN:** Did this experience result in a
11 legal action or was it mostly political? Or was it kind of
12 both?

13 >> **LIZ McCAUSLAND:** Um, it was both. When she first was
14 taken into custody, I was told not to make a, you know, big
15 ruckus about it because they want -- typically did this.
16 They would charge her with a fine and then release her. They
17 did it often to Vietnamese-American citizens.

18 >> **CHIEF JUDGE LAUTEN:** Okay.

19 >> **LIZ McCAUSLAND:** And so that's hard to take, but that
20 is coming from the State Department, so I did it.

21 And as time went on and I realized this is not what's
22 happening, um, it became harder and -- you know, more
23 strategic, I guess. And just during that time, having to get
24 everybody on the same page, knowing that my 5'1" mother who
25 couldn't work her VCR was not a terrorist.

1 >> **CHIEF JUDGE LAUTEN:** Right.

2 >> **LIZ McCAUSLAND:** So I'm not sure if I answered your
3 question on that.

4 >> **CHIEF JUDGE LAUTEN:** I just wondered, you know, did
5 it -- I'm -- I was gonna ask, what -- where would you go with
6 a lawsuit?

7 >> **LIZ McCAUSLAND:** Oh, yeah.

8 >> **CHIEF JUDGE LAUTEN:** I understand the political end
9 of it --

10 >> **LIZ McCAUSLAND:** So what ended up happening --

11 >> **CHIEF JUDGE LAUTEN:** -- so that there's a political
12 resolution. But, legally, I don't know if you go to the
13 Hague or if you -- I'm not sure where you go.

14 >> **LIZ McCAUSLAND:** So what ended up happening was that
15 after much pressure on both sides, they agreed to negotiate
16 that she would be tried, she would be convicted, and then she
17 would be released.

18 >> **CHIEF JUDGE LAUTEN:** Is that what happened?

19 >> **LIZ McCAUSLAND:** That is what happened. We got her a
20 lawyer. He walked in and he met with her for, she said, all
21 of two minutes. She said, oh, great. You know, I'm finally
22 going to trial. Here's my -- because she was being held in a
23 prison for people who had not been charged with a crime. So
24 they finally, after -- you know, two weeks before her trial,
25 charged her with a crime.

1 And then at that point, she had the lawyer come in and
2 he said, I already know about your case. I don't need to
3 know anything. I just wanted you to know who I was when you
4 came in the courtroom.

5 **>> CHIEF JUDGE LAUTEN:** Was -- basically sort of a plea
6 negotiation; like, here's the resolution? You'll plead,
7 we'll let you go, ultimately?

8 **>> LIZ McCAUSLAND:** Well, they did have a trial. It was
9 on NPR or whatever. I saw it televised.

10 **>> CHIEF JUDGE LAUTEN:** Really?

11 **>> LIZ McCAUSLAND:** And then they unrevealed all this --
12 it looked like leftover from the Vietnam War radio equipment,
13 and accused her of trying to broadcast democratic messages
14 over their radio system.

15 **>> CHIEF JUDGE LAUTEN:** While she was there visiting?

16 **>> LIZ McCAUSLAND:** That she was going to smuggle in
17 stuff --

18 **>> CHIEF JUDGE LAUTEN:** Oh. I see.

19 **>> LIZ McCAUSLAND:** -- to do that.

20 **>> CHIEF JUDGE LAUTEN:** This all sounds cooked up.

21 **>> LIZ McCAUSLAND:** And so she -- they had the trial.
22 They asked her three questions. They asked her: Is she Cuc
23 Foshee? That's her name. Did she smuggle this stuff in?

24 **>> CHIEF JUDGE LAUTEN:** Was she told she had to say yes
25 to get the deal?

1 >> **LIZ McCAUSLAND:** No. She said -- she said I am Cuc.
2 I did not do this.

3 >> **CHIEF JUDGE LAUTEN:** Right.

4 >> **LIZ McCAUSLAND:** They found her guilty. They then
5 sentenced her to another year in what would be a work prison.

6 >> **CHIEF JUDGE LAUTEN:** Mm-hmm.

7 >> **LIZ McCAUSLAND:** And at that point in time, that was
8 not what we believed the deal to be. So then the call came
9 in the middle of the night. Rick Keller called and said, I'm
10 packed. I'll go up and steel block it. You know, what do
11 you want me to do?

12 >> **CHIEF JUDGE LAUTEN:** Mm-hmm.

13 >> **LIZ McCAUSLAND:** If we let it go and they don't keep
14 their end of the bargain, we have no leverage.

15 >> **CHIEF JUDGE LAUTEN:** You can fight it, right?

16 >> **LIZ McCAUSLAND:** Exactly. What do you want me to do?
17 And, thankfully, before I had to make that decision, they
18 came to her and asked her if she wanted to be released early
19 at her request for medical reasons. And she said yes. And
20 she got out.

21 And she got out about 7:00 that evening. And already
22 that morning in their paper, they had already announced that
23 she had been released at her request --

24 >> **CHIEF JUDGE LAUTEN:** Wow.

25 >> **LIZ McCAUSLAND:** -- for medical reasons.

1 >> CHIEF JUDGE LAUTEN: Holy smokes. Fourteen months
2 later.

3 >> LIZ McCAUSLAND: Fourteen months later.

4 >> CHIEF JUDGE LAUTEN: How was your mom's health? Did
5 it suffer? I mean, I can't imagine.

6 >> LIZ McCAUSLAND: It did. It did. She -- I don't
7 think she realized at the time that she wasn't herself.

8 >> CHIEF JUDGE LAUTEN: Right.

9 >> LIZ McCAUSLAND: She had some short-term memory
10 problems. She has high blood pressure and she's
11 claustrophobic, so being in a confined space like that --

12 >> CHIEF JUDGE LAUTEN: Wow.

13 >> LIZ McCAUSLAND: -- things like that.

14 But she's -- you know, my mom is an amazing woman. She
15 has a huge power of forgiveness and made friends, you know,
16 in jail --

17 >> CHIEF JUDGE LAUTEN: Wow. Wow.

18 >> LIZ McCAUSLAND: -- that she still keeps in touch
19 with today.

20 >> CHIEF JUDGE LAUTEN: Amazing. So that's an
21 incredible story. And that experience dealing -- not just
22 with politicians, but lawyers here locally, that was somewhat
23 of a turning point, saying I want to get actively involved in
24 the formal organization of this Bar?

25 >> LIZ McCAUSLAND: I was already involved.

1 >> CHIEF JUDGE LAUTEN: Right.

2 >> LIZ McCAUSLAND: And that long -- that's what --
3 that's really what drives me, is I was already involved, but
4 I was involved because I like to do, you know, things like
5 golf tournaments and everything.

6 >> CHIEF JUDGE LAUTEN: Right.

7 >> LIZ McCAUSLAND: And I made friends. And so going to
8 meetings was like meeting with my friends at lunch.

9 >> CHIEF JUDGE LAUTEN: Right.

10 >> LIZ McCAUSLAND: And so it was a real benefit for me
11 to be involved in the Bar. And my old law partner, Dennis
12 O'Connor, had, you know, encouraged me to do it.

13 So I really enjoyed it, but what I found was when this
14 happened, I already had relationships in place with people
15 who wanted to help me. And that's what I was trying -- I try
16 to convey to people. It's too late to build relationships
17 when you need them.

18 >> CHIEF JUDGE LAUTEN: Interesting.

19 >> LIZ McCAUSLAND: Build them before you need them.

20 >> CHIEF JUDGE LAUTEN: Right.

21 >> LIZ McCAUSLAND: And that's what the Bar did for me,
22 is I already had these relationships. And thank God.

23 >> CHIEF JUDGE LAUTEN: Right.

24 >> LIZ McCAUSLAND: I mean, who knows if my mom would
25 come home if I didn't know the people that I knew who came to

1 my help, you know, my rescue.

2 >> **CHIEF JUDGE LAUTEN:** That's amazing.

3 >> **LIZ McCAUSLAND:** Lou Frye was the one who said, go
4 meet with Senator Martinez and tell him you want to testify
5 before Congress on the human rights violations. And when I
6 did that, that's when Mel figured out that they were applying
7 for permanent trade. You know, it was just the series of
8 events. It happened as it should have --

9 >> **CHIEF JUDGE LAUTEN:** Wow.

10 >> **LIZ McCAUSLAND:** -- with the connections that I had
11 already made. And so I don't think -- and I hope that nobody
12 else has to rely on the relationships they build at the Bar
13 like I have to.

14 >> **CHIEF JUDGE LAUTEN:** In that sense, right.

15 >> **LIZ McCAUSLAND:** But when you really do need people,
16 we have an amazing Bar. And so that's what I learned.

17 >> **CHIEF JUDGE LAUTEN:** So let me switch gears just a
18 little bit.

19 >> **LIZ McCAUSLAND:** Mm-hmm.

20 >> **CHIEF JUDGE LAUTEN:** So I have a niece who's in her
21 second year of practice, and I'm always encouraging her to be
22 involved, and she is. But what -- what pitch would you make
23 to new lawyers? I mean, maybe just -- this is enough,
24 obviously. You don't have to say anything else. But what do
25 you tell young lawyers about getting involved in the Orange

1 County Bar?

2 >> **LIZ McCAUSLAND:** So much. Um, I usually tell them
3 that -- because they're learning it -- when you first get out
4 of law school and you go in to be a lawyer, that it's not
5 what you thought, and you don't know as much as you thought
6 you did.

7 >> **CHIEF JUDGE LAUTEN:** Right. You might know more
8 substantive law, but you don't know what to do with it.

9 >> **LIZ McCAUSLAND:** You don't know what to do.

10 >> **CHIEF JUDGE LAUTEN:** Right.

11 >> **LIZ McCAUSLAND:** And you don't know who to turn to to
12 ask questions. You go to your partner, and you feel stupid,
13 you know?

14 >> **CHIEF JUDGE LAUTEN:** Right.

15 >> **LIZ McCAUSLAND:** You feel like you should know this
16 stuff.

17 >> **CHIEF JUDGE LAUTEN:** Right.

18 >> **LIZ McCAUSLAND:** Or your partner's busy.

19 And so what I did, I joined the Young Lawyers. And
20 there you have people who are on the same level as you that
21 you can really have a real conversation with. You know, how
22 much are you getting paid? How much would you bill for this?

23 >> **CHIEF JUDGE LAUTEN:** I see. Interesting.

24 >> **LIZ McCAUSLAND:** You know, where do you find this
25 stuff?

1 But then also the practice of law is just hard.

2 >> **CHIEF JUDGE LAUTEN:** It is hard.

3 >> **LIZ McCAUSLAND:** And when you go home to your spouse
4 or your friends, they have no idea when you just say, I had a
5 horrible deposition today because this happened. They don't
6 understand that.

7 >> **CHIEF JUDGE LAUTEN:** Right.

8 >> **LIZ McCAUSLAND:** But you can call your friend who's a
9 lawyer who immediately has the empathy there and
10 understanding without much explanation.

11 >> **CHIEF JUDGE LAUTEN:** Right.

12 >> **LIZ McCAUSLAND:** And that's invaluable. Because, you
13 know, like I said, sometimes the practice of law is hard.
14 And to make it easier on you and on everyone around you who
15 loves you, you just need to vent --

16 (Laughter.)

17 >> **CHIEF JUDGE LAUTEN:** Right. Right.

18 >> **LIZ McCAUSLAND:** -- and then you're done with it.

19 >> **CHIEF JUDGE LAUTEN:** Right.

20 >> **LIZ McCAUSLAND:** So when you build those
21 relationships with other lawyers, it helps you in that. And
22 it helps you just in the long run with your practice. When I
23 opened my practice, I switched areas. I went from insurance
24 defense to bankruptcy. That's, like, 180. And my first
25 cases in the door were other lawyers that I knew.

1 >> CHIEF JUDGE LAUTEN: Interesting.

2 >> LIZ McCAUSLAND: And so I don't know that I could
3 have done it --

4 >> CHIEF JUDGE LAUTEN: Right.

5 >> LIZ McCAUSLAND: -- without their support --

6 >> CHIEF JUDGE LAUTEN: Right.

7 >> LIZ McCAUSLAND: -- you know? And every lawyer that
8 I knew either from the Bar or from having a case with them, I
9 think for the first six months I ate for free because they
10 were like, let me take you to lunch.

11 >> CHIEF JUDGE LAUTEN: Wow. Great.

12 >> LIZ McCAUSLAND: And they all had advice, you know?

13 >> CHIEF JUDGE LAUTEN: Yeah.

14 Goals as president. Do you have specific articulable
15 goals or --

16 >> LIZ McCAUSLAND: Everybody asks that.

17 >> CHIEF JUDGE LAUTEN: I'm sure that's true. I can
18 move on if you want --

19 >> LIZ McCAUSLAND: No. No. It's so hard. And that's
20 why -- that's why I always start with the "why" --

21 >> CHIEF JUDGE LAUTEN: Right.

22 >> LIZ McCAUSLAND: -- because they always say what is
23 your platform? And why do you want to do this?

24 >> CHIEF JUDGE LAUTEN: Right.

25 >> LIZ McCAUSLAND: You know, and the "why" is easy for

1 me to answer.

2 >> **CHIEF JUDGE LAUTEN:** Right.

3 >> **LIZ McCAUSLAND:** So it then leads me to the what do I
4 want to do? And so "what" for me, I want to give people
5 opportunities to build those relationships that I found so,
6 um, useful. I want to give people, um, a chance to get to
7 know the Bar when you serve.

8 I feel like when we serve our members, we do it best by
9 serving them in several different ways and allowing them to
10 serve. So when we give them opportunities to meet each
11 other, when we give them opportunities to network and get
12 their CLE and do all the things that they have to do as
13 lawyers. We also give them the opportunity to do the
14 pro bono, and that lets them serve the community.

15 Once they serve the community, they serve themselves,
16 you know? It's just, to me, a chain.

17 When I was Young Lawyers president, which I was after my
18 mom came home, um, I had -- my platform then, I guess, was
19 service to the Bar, ourselves, and our community. And that's
20 still kind of, I guess, my platform now.

21 >> **CHIEF JUDGE LAUTEN:** Great. Great.

22 >> **LIZ McCAUSLAND:** And so that's just what we want to
23 do. We've got some new things that we're kind of rolling
24 out. You know, probably what I'm the most excited about
25 because I'm a huge *Amazing Race* geek, we're going to have

1 Amazing Race adjudicata instead of our traditional joint bar
2 happy hour.

3 >> **CHIEF JUDGE LAUTEN:** Right.

4 >> **LIZ McCAUSLAND:** And it will be teams who are going
5 to race around Downtown Orlando --

6 >> **CHIEF JUDGE LAUTEN:** Literally running or --

7 >> **LIZ McCAUSLAND:** Nope. They don't have to run. You
8 don't have to run.

9 >> **CHIEF JUDGE LAUTEN:** Okay. That's good.

10 >> **LIZ McCAUSLAND:** But you'll have different pit
11 stops --

12 >> **CHIEF JUDGE LAUTEN:** Gotcha.

13 >> **LIZ McCAUSLAND:** -- and you'll have to perform some
14 kind of task --

15 >> **CHIEF JUDGE LAUTEN:** Okay.

16 >> **LIZ McCAUSLAND:** -- at that pit stop.

17 >> **CHIEF JUDGE LAUTEN:** When's that scheduled?

18 >> **LIZ McCAUSLAND:** That's gonna be in the spring of
19 next year.

20 >> **CHIEF JUDGE LAUTEN:** Okay. Great.

21 >> **LIZ McCAUSLAND:** Coming up on -- in August -- at the
22 end of August we have our trivia event, which is at a new
23 venue this year. It's at the -- oh, the new restaurant that
24 opened up behind the Bank of America building, Ace Cafe.

25 >> **CHIEF JUDGE LAUTEN:** Oh, yeah. Right. Ace. Right.

1 >> **LIZ McCAUSLAND:** So it will be at Ace Cafe.

2 >> **CHIEF JUDGE LAUTEN:** Yep.

3 >> **LIZ McCAUSLAND:** And so we're going to have hopefully
4 a new themed event instead of the wine and cheese. We're
5 looking into doing an Oktoberfest. So some social events.

6 >> **CHIEF JUDGE LAUTEN:** And then this year -- or really
7 into next year, there's a Bench Bar Conference.

8 >> **LIZ McCAUSLAND:** There's a Bench Bar Conference. And
9 that is -- that occurs every other year.

10 >> **CHIEF JUDGE LAUTEN:** Right.

11 >> **LIZ McCAUSLAND:** It's already in the works. It's
12 already been planned. We've already picked the place. We've
13 already got some of our judges lined up. Each year, we're
14 trying to make it bigger and better.

15 >> **CHIEF JUDGE LAUTEN:** Great.

16 >> **LIZ McCAUSLAND:** And so I think it will be.

17 >> **CHIEF JUDGE LAUTEN:** So I think you and I probably
18 both publicly describe the relationship between the bench and
19 the bar in our county as a pretty favorable one and a
20 professional relationship. I know I go around the state
21 sometimes understanding I'm blessed to be here.

22 Why don't you talk a little bit about that? I just
23 think the Orange County Bar Association, the judges'
24 involvement, you-all inviting us to things like the Bench Bar
25 Day helps create an atmosphere of understanding and a

1 professional relationship.

2 What are your thoughts about that?

3 >> **LIZ McCAUSLAND:** Oh, I cannot say enough about our
4 bench. I think you give probably the Bar a little more
5 credit than I would give. Not because we don't deserve some
6 credit, but we could not function as well, have the
7 membership we have, if we didn't have the relationship that
8 you guys allow us to have with you.

9 Frankly, one of the huge benefits of being a member is
10 the fact that you get to meet our judiciary out of the
11 courtroom.

12 >> **CHIEF JUDGE LAUTEN:** Right.

13 >> **LIZ McCAUSLAND:** And so the fact that every judge we
14 have participates so much in either the small committees, our
15 luncheons -- you know, you guys are always there, which we
16 really appreciate because we know how busy you are, and then
17 our Bench Bar, just so many different things.

18 And it gives our members a chance to get to know you
19 outside of the courtroom. It gives our members -- our new
20 members a chance to know, like, that this is an organization
21 that's worth belonging to because of those opportunities.

22 And when I travel, you know, I travel extensively for
23 the leadership academy, the Florida Bar's Leadership Academy.
24 I was just at the Voluntary Bar Leader's Conference. I'm
25 headed on Thursday to the ABA meeting.

1 And when I hear other districts, they always try to say,
2 okay, how do we get people more involved at the Voluntary Bar
3 Leader's Conference? I say, bring your judges in. And
4 one -- more than one actually complained our judges aren't
5 interested in coming.

6 **>> CHIEF JUDGE LAUTEN:** Oh, no. That's not good.

7 **>> LIZ McCAUSLAND:** It isn't. It isn't.

8 **>> CHIEF JUDGE LAUTEN:** Right.

9 **>> LIZ McCAUSLAND:** Because I think -- hopefully it's a
10 mutually beneficial --

11 **>> CHIEF JUDGE LAUTEN:** It absolutely is mutually
12 beneficial.

13 **>> LIZ McCAUSLAND:** And we just really, I think, are
14 lucky and appreciate it.

15 **>> CHIEF JUDGE LAUTEN:** And for our listeners, so we
16 have former Bar presidents now actively as judges or who
17 have, in the past, been active. So John Kest is a very
18 active circuit judge, former president. Maura Smith, former
19 president. She's now retired, but she was on the bench. I'm
20 probably missing some. But I know those two --

21 **>> LIZ McCAUSLAND:** A lot of the ones I'm thinking were
22 actually Legal Aid presidents.

23 **>> CHIEF JUDGE LAUTEN:** And that's true. Heather Pinder
24 Rodriguez --

25 **>> LIZ McCAUSLAND:** Heather Pinder Rodriguez.

1 >> **CHIEF JUDGE LAUTEN:** -- Legal Aid president. Um, I'm
2 sure there are others.

3 >> **LIZ McCAUSLAND:** There are more.

4 >> **CHIEF JUDGE LAUTEN:** I'm embarrassed that I'm drawing
5 a blank.

6 >> **LIZ McCAUSLAND:** No. I just had another one too, and
7 it's flown out of my head.

8 >> **CHIEF JUDGE LAUTEN:** But, yeah, we're fortunate so
9 that we have active judges who were actively involved as
10 officers of the Orange County Bar.

11 And, of course, from our perspective -- first of all,
12 when people get to know each other personally, normally
13 there's a greater level of respect between people. And so in
14 the courtroom, one of our big issues is professionalism. And
15 if you know the lawyer -- if you brought them up and just
16 said this isn't like you, why are you behaving this way? I
17 think if you knew them, that you would get their attention.
18 And the truth is, once you know them, you probably don't have
19 to do that because the level of professionalism is pretty
20 high.

21 And for our listeners, you know, what's portrayed on TV
22 in legal dramas is really not quite how it actually operates,
23 for the most part. We don't have a huge professionalism
24 problem. We talk about professionalism all the time. But,
25 you know, for the most part, it's just -- it's a small number

1 of lawyers who every now and then you have to get back in
2 line. But not very often.

3 In some ways, I think young lawyers are getting a bad
4 rap because it's just so competitive out there, and
5 oftentimes young lawyers don't know how to behave. But in my
6 experience, they're almost tripping over themselves. They
7 don't want to offend anybody, especially the Court. And it's
8 sometimes people who ought to know better, who have been
9 around longer, that you have to say, come on, now. You can't
10 do it that way.

11 >> **LIZ McCAUSLAND:** There's a saying. What is it? It's
12 hard to argue with someone you break bread with.

13 >> **CHIEF JUDGE LAUTEN:** Yeah. That's a great saying.

14 >> **LIZ McCAUSLAND:** Yeah. And, you know --

15 >> **CHIEF JUDGE LAUTEN:** We kind of do that.

16 >> **LIZ McCAUSLAND:** We do. We do do that.

17 >> **CHIEF JUDGE LAUTEN:** So speakers at the Orange County
18 Bar, is there anybody in particular that you're really
19 looking forward to that's upcoming? I don't know if you pick
20 that or if some other group does.

21 >> **LIZ McCAUSLAND:** It depends. It depends on the
22 luncheon.

23 >> **CHIEF JUDGE LAUTEN:** Right. Okay.

24 >> **LIZ McCAUSLAND:** So we have an upcoming luncheon with
25 the Hispanic Bar Association of Central Florida. They

1 have -- they're going to be looking at what happened with
2 Pulse from a state and local level.

3 >> **CHIEF JUDGE LAUTEN:** Mm-hmm.

4 >> **LIZ McCAUSLAND:** They have a local representative
5 who's going to be attending. They have a video with Mayor
6 Buddy Dyer.

7 >> **CHIEF JUDGE LAUTEN:** Great.

8 >> **LIZ McCAUSLAND:** So it's gonna be an interesting
9 lunch. I'm really looking forward to that one, especially
10 since it is -- we've now passed the year.

11 >> **CHIEF JUDGE LAUTEN:** Right.

12 >> **LIZ McCAUSLAND:** But one of the great things about
13 our Bar was when Pulse did happen, how we reacted and how we
14 helped the community.

15 >> **CHIEF JUDGE LAUTEN:** Right.

16 >> **LIZ McCAUSLAND:** And I can't say enough when I say
17 that we are a great Bar. It's not just for that pro bono.
18 When Pulse happened, we had the lawyer referral service
19 hotline. We were able to activate it for the victims of
20 Pulse. And we were able, within 24 hours, to get a hundred
21 percent volunteerism from one of our -- from our state
22 planning committee who agreed to, you know, help pro bono.

23 We had staff and personnel in conjunction with Legal Aid
24 out at Camping World Stadium for seven days, maybe eight
25 days, actually helping the victims.

1 >> **CHIEF JUDGE LAUTEN:** Wow.

2 >> **LIZ McCAUSLAND:** And, you know, the stories that have
3 never been told about what those people had to, um, hear and
4 deal with. I don't -- I don't know how they did it.

5 And so really we sent out one email that said, we're
6 putting something together, and if you want to participate --
7 especially if you're Hispanic or Spanish speaking -- please
8 let us know. And we were inundated with calls from our
9 members.

10 >> **CHIEF JUDGE LAUTEN:** Yeah. That's great.

11 >> **LIZ McCAUSLAND:** Yeah.

12 >> **CHIEF JUDGE LAUTEN:** That's fabulous.

13 >> **LIZ McCAUSLAND:** But we had, you know, someone on the
14 hotline answering, and we had members who were willing to
15 help. So all the work we've done in all the years past had
16 built a foundation that allowed us to do that. And if
17 anything -- I'm confident if anything else happens in the
18 future, we'll be able to do that same exact thing.

19 >> **CHIEF JUDGE LAUTEN:** So let me end with this: How do
20 you get to all of these events?

21 >> **LIZ McCAUSLAND:** Oh, so we have a website that lists
22 all of our events.

23 >> **CHIEF JUDGE LAUTEN:** Right.

24 >> **LIZ McCAUSLAND:** And you can go on there and take a
25 look. You have -- you can always contact me. My email is

1 easy. It's Liz@lizlawfirm.com.

2 We have breakfast at -- once a month with a member of
3 the Bar, usually a senior member of the Bar. And I really,
4 really would say you might want to go to that because it's --
5 it's made for conversation, and it's made so that -- smaller
6 and not as daunting as coming into a luncheon.

7 >> **CHIEF JUDGE LAUTEN:** Right.

8 >> **LIZ McCAUSLAND:** We also have, coming up in
9 September, we have the ABA president who's coming to speak
10 with us.

11 >> **CHIEF JUDGE LAUTEN:** Fabulous.

12 >> **LIZ McCAUSLAND:** And then we have the Florida Bar
13 president later in the year.

14 >> **CHIEF JUDGE LAUTEN:** Great.

15 >> **LIZ McCAUSLAND:** In between, we have, hopefully, some
16 really good speakers and some surprises for people. But I
17 would start -- if you don't know anyone -- either that
18 breakfast, or if you're a young lawyer or been practicing for
19 less than five years, the young lawyers luncheon.

20 >> **CHIEF JUDGE LAUTEN:** Right.

21 >> **LIZ McCAUSLAND:** Which I still attend and I would
22 recommend anyone go to.

23 So just either looking at our website at what we have
24 coming or reaching out to me. If I can't go with you and
25 introduce myself, then I will certainly pair you with

1 somebody who's more than happy to introduce you around.

2 >> **CHIEF JUDGE LAUTEN:** Great.

3 Well, I don't know how you're doing it all, practicing
4 law and getting to the events that you attend as president
5 and presiding over a 3,500-member organization with all that
6 it entails. But I want to thank you on behalf of the Ninth
7 Judicial Circuit for the work that you do.

8 And, you know, leadership, it's a challenge. You got to
9 step up. There are -- there are great moments. There are
10 some challenging moments. You're so highly respected by the
11 judges here --

12 >> **LIZ McCAUSLAND:** Thank you.

13 >> **CHIEF JUDGE LAUTEN:** -- and we're really grateful
14 that you're president. And we wish you the best in your
15 term. And anything we can do to help, just please let us
16 know. And thanks for talking to us.

17 >> **LIZ McCAUSLAND:** Thank you so much for having me.

18 >> **CHIEF JUDGE LAUTEN:** You're welcome.

19 >> Thank you for listening to "Open Ninth." Stay up to
20 date with everything that is happening in the Ninth Circuit
21 by following us on Facebook, Twitter, and Instagram. Or
22 watch video materials on our Vimeo or YouTube channels. To
23 access these, please click on the respective icons, which are
24 displayed at the bottom of our website at
25 www.ninthcircuit.org.

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