

OPEN NINTH:
CONVERSATIONS BEYOND THE COURTROOM
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CHIEF JUDGE LAUTEN: Hello, and welcome to Open Ninth. Here with me today are Judges Christine Arendas, Jeff Ashton, Denise Beamer, Amy Carter, Gabrielle Sanders, Laura Shaffer, Carly Wish and Tom Young, and they comprise the newest cohort of judges to be elected or appointed to the bench here in the Ninth Circuit.

I'm excited to have them here on Open Ninth, and I'm excited for this opportunity for those of you listening in to get to know them a bit better.

Thank you all for joining me. I know the first few months on the bench are exceptionally busy, so I appreciate you taking time out of your calendars and schedules for this.

I'm thinking this may be one of the largest cohorts of new judges to join the Ninth Circuit in a long time. I want to say the last time we had a group this large was 2006 or maybe 2007. I don't quite remember the exact year but I know it was over a decade ago.

So with a group this size, for our listeners, it might be a little difficult to follow along by voice alone, so I'm going to ask you to give us your name and your assignment when you first start speaking, and I think that will help our listeners.

Okay. So let's just dive right in. I think there are a few of you whose pathway to the bench might have mirrored a bit of my own. I was a prosecutor for 11 years before being appointed to the County bench by Governor Lawton Chiles in 1993.

And of course, Jeff, I know you worked in the State Attorney's Office your entire career, so I'd like to start with you, if I may. Tell us a little bit about that time.

JUDGE ASHTON: It's Jeff Ashton, and I am assigned to the Domestic Violence division. And I was just a few months from being 23 years old when I graduated from law school and started work here in Orange County at the State Attorney's Office. And I spent 30 years and 6 months there and did just about everything you could imagine at a prosecutor's

office. You know, prosecuted just about every kind of case you could imagine, from keeping chickens in violation of City Ordinance to, you know, capital murder cases. It was a great career, you know, and I, you know, retired from that office.

Obviously I ran and became the State Attorney here for four years, which was a wonderful experience. It was a great chance to sort of see the criminal justice system from a 30,000, you know, foot view of how all the pieces work together. And that was a great experience for me.

CHIEF JUDGE LAUTEN: Gabrielle, you also worked as a state prosecutor, am I right? I'm pretty sure I'm right about that. So can you tell us a little bit about your experience?

JUDGE SANDERS: Gabrielle Sanders, Division 60-G. I currently -- not currently -- but I worked previously for the State Attorney's Office. I've been with them for nine-and-a-half years. I've pretty much done everything in that office from prosecuting misdemeanor cases to specializing domestic violence, sex crimes. I was in a homicide unit. And then before I got on the bench, I was a supervisor. So I've pretty much been a prosecutor all of my life.

JUDGE WISH: I was a prosecutor for eight years and dealt with all sorts of crimes and charging informations, working in intake. And then from there, I --

CHIEF JUDGE LAUTEN: Carly, can I interrupt you just quickly to ask that you introduce yourself for our listeners.

JUDGE WISH: Sure. Carly Wish. I'm at the BRC, which is the jail.

CHIEF JUDGE LAUTEN: Thanks, Carly. So picking back up, you too were at the prosecutor's office?

JUDGE WISH: And then from there, I -- a staff attorney position opened up at the court and I applied, and I was a staff attorney here for the Ninth Circuit for five years dealing with

mostly post-conviction and death penalty cases. And then I put in for the appointment and was lucky enough to get the appointment by the Governor.

CHIEF JUDGE LAUTEN: I'm glad you brought that up, Carly.

For our listeners who may not be familiar with this, there are two ways a lawyer can become a judge. One is to run for election and the other is by appointment.

Denise, I believe you went through the appointment process. What was that like for you?

JUDGE BEAMER: Sure. My name is Denise Beamer. I am in the Circuit court and currently assigned to Division 11, which is Circuit Criminal. I had to apply multiple times to get nominated, and then once you're nominated, you have to interview in Tallahassee, Florida. So that was my path.

But I first started out at the Miami-Dade State Attorney's Office as a line prosecutor there. We were very busy, and it was a great courtroom experience. You were thrown in, you have to do trials, you know, as soon as you start, day one. After that, I moved to Orlando and worked at the Office of the Attorney General where I did Consumer Protection law. I did that for the last seven years, and that was quite a different experience. It wasn't in the courtroom every day, but it let me practice my civil skills. And then I decided I wanted to become a judge, so I went through the appointment process.

CHIEF JUDGE LAUTEN: So I think that is a similar pathway for the majority of us. I mean, regardless of whether it was an election or appointment, we all practiced law for a while before deciding on the bench. In fact, we're required to have been lawyers for some minimum period of time before we become a judge.

But if I remember correctly, Christine, didn't you mention at your investiture that from a young age, I think you said nine or something, that you knew you wanted to be a judge? Can

you introduce yourself to our listeners and tell us if you really knew back then that this is where you wanted to be?

JUDGE ARENDAS: My name is Christine Arendas, and I am assigned to Osceola County Misdemeanor, which is Division 70. Okay. So people give me a really weird look when I answer this question. Because when you ask most nine-year-olds, what do you want to be when you grow up, their answer is, oh, I want to be a teacher or I want to be a Shamu trainer or, you know, anything other than, oh, I want to be a judge. But my answer was I wanted to be a judge.

And, you know, there's some things in everyone's personal backgrounds that shape what their ultimate goals are, and I'm no different. So I have seen some stuff, and when, you know, someone asked me when I was nine, I'm like, I want to be a judge, I want to help people, I want to have justice. And of course at nine years old you have no idea what that really means, but everything that I've done since then, looking back on it, has been in furtherance of this particular moment.

CHIEF JUDGE LAUTEN: Tom, from the look on your face, I'm thinking this was not anywhere near your shared experience.

JUDGE YOUNG: I wanted to go into the Peace Corps and not go to law school. And my dad thought that was stupid.

CHIEF JUDGE LAUTEN: So why don't you give our listeners your full name and tell them your assignment, and then tell them how did you get here to the Ninth Circuit.

JUDGE YOUNG: Hi, I'm Tom Young. I'm currently in Division 14, that's a Criminal Felony division. So I decided -- because high school teachers had encouraged me to go to law school, I decided I would go to law school. And I never anticipated graduating. But I always

loved reading the cases -- the case law. And so I always, from day one, kind of dreamed of, you know, being a judge, but to me that was a dream that was not necessarily attainable.

My journey to the bench was circuitous. I practiced in Kansas, in Wichita and in Dodge City, for twelve-and-a-half years. And then I came to Florida to do a Juvenile law grant project that the Florida Bar Foundation funded. And when that grant ended, I did not know what I was going to do. And the Legislature had created a Guardian ad Litem Statewide Office, and so I was asked to create the Appellate division for that organization. And so that experience then allowed me to become board certified in appellate practice.

CHIEF JUDGE LAUTEN: Circuitous is certainly an apt description. I'm glad you made it back to Florida, Tom.

Who else here thought about law and the bench from a young age?

Laura, the mic's yours.

JUDGE SHAFFER: My name is Laura Shaffer, and I'm assigned to the Osceola County Courthouse Unified Family Court. Well, I've always wanted to be a lawyer and a judge. I started out in high school on the debate team for four years. I graduated pre-law and then went to law school.

But once I began my work in the field, I realized that it truly is a public service. I worked for the State Attorney's Office. I worked for the Department of Children and Families. Whenever you work for the government, you truly realize how much you are benefiting the public as a whole.

When I went into work in private practice, I certainly missed all the work that I did working and serving with the people. And I feel like this is a fulfillment of a personal goal of mine, and I also feel like I am serving the community the best way I know how.

CHIEF JUDGE LAUTEN: Laura, you bring up an important concept here. The idea of serving the community is certainly an important one. And I'll go on a limb here and say that I think, while we all have different pathways to the bench, all of those pathways are founded on a strong sense of commitment to the public and the community.

Amy, I think you started out as a public servant but not in the State Attorney's Office but in another important office. So can you introduce yourself to our listeners and tell them a little bit about your journey to the bench.

JUDGE CARTER: Good afternoon. My name is Amy Carter. I am a newly elected County court judge, and I have been assigned to the Booking and Release Center and I handle primarily first appearances.

I started out as a Public Defender. Then I did some plaintiff's personal injury work. And then I most recently worked for an insurance defense firm doing nursing home negligence. But prior to law school, I was a social worker with Lakeside Behavioral at the time, and I continued doing that throughout law school. And I was the case manager for the Mental Health Pretrial Release program as well as the Competency Restoration program, so I had kind of a view into the community and some needs that needed to be met.

I'm at the jail, so in that position you see a significant number of people per day. And so being able to balance all of the interests of the defendant, the community at the same time has been kind of difficult, and wanting to make sure to get that right and give it the attention that it deserves.

And I think that my background, being a social worker and having contact with all different folks in our community, has helped me. I think I'm a pretty active listener, and I'm a curious person so I'm not afraid to ask for more information.

CHIEF JUDGE LAUTEN: This idea of balance, it really comes to the forefront once you take a seat on the bench. Lawyers are inherently advocates, but as judges we have to take the objective, impartial position. What are your thoughts on that switch?

Actually, Carly, you've been a staff attorney for the courts for a number of years, so I'm imagining this may not necessarily apply to you.

JUDGE WISH: I've been in that neutral mindset of a judge that most people, when they're transitioning to becoming a judge, don't necessarily have because they are coming from an advocating position of one side or the other. And having worked for the court for five years, I've had to be in a neutral mindset.

CHIEF JUDGE LAUTEN: The rest of us have had to switch gears. Jeff, what's that been like for you coming from a thirty-year career in the State Attorney's Office and interestingly four years as the elected State Attorney?

JUDGE ASHTON: Well, I think the biggest challenge for me is going to be sort of not taking that advocate position. I mean, I'm -- you know, I'm accustomed to, in a trial, sort of being the person who is putting on the evidence and being very active in what I do. So this role is much more challenging because you're -- you have to be more passive, you have to be the listener rather than the talker, and so I think that's going to be a challenge for me.

Now, the advantage I have is that having been a trial lawyer for as long as I was, I had the pleasure of working in front of so many great judges over the 30 years, dozens of them. You know, I've worked with great judges, I've also worked with judges that weren't so great, and I've learned a lot from each of them about sort of what it takes to manage this job and to do it well. And I think that will help me a great deal in sort of channeling my advocate personality into something that's a lot more sort of judicial and listening rather than speaking.

CHIEF JUDGE LAUTEN: Gabby, why don't you go ahead and jump in.

JUDGE SANDERS: I think the hardest thing, especially in civil with a lot of pro se litigants, is try not to help them out too much. I have to remember that I am a judge, and obviously I have to guide them and not be one-sided and not try to help one side versus the other but just be a neutral party and try to guide a little bit but just not too much.

CHIEF JUDGE LAUTEN: Denise?

JUDGE BEAMER: I loved being an advocate, I loved being an attorney, but I wanted to take that next step where I could now preside and do the right thing and follow the law and apply the law as it should be.

CHIEF JUDGE LAUTEN: Does anyone else have any other thoughts they wanted to share in this area?

Yeah, go ahead, Laura.

JUDGE SHAFFER: The most challenging part about being a judge is managing a very large caseload as well as providing each litigant and client with that individualized attention that gives them their day in court. A lot of clients have waited months for this hearing. It's one of the most important things that's going on in their lives right now. And the judge might have 45 cases on the docket, so you really need to manage your time as well as making sure every single client gets that individualized attention so when they leave that courtroom they realize that they've been heard, that their case has been fully litigated, and they understand the outcome and the reasons for it.

CHIEF JUDGE LAUTEN: You bring up a great point, Laura. We may be switching from advocacy to impartiality, but that doesn't change our inherent responsibility to our court

users. Ensuring a satisfying experience regardless of the actual outcome of a case has a lot to do with feeling heard.

A number of you have also mentioned the importance of active listening, and it really is one of the most important skills of our job.

Okay. So to wrap things up, I'd like to do something a little different. I'm going to go around the room, and without thinking about this too long I want each of you to tell me something that if, given the chance, you would change about yourself or something that others would be surprised to learn about you.

Christine, you're up first.

JUDGE ARENDAS: So things that people would probably be surprised to learn about me. I was on the high school dive team. I did that for a couple of years, really enjoyed it. People wouldn't expect that.

But the thing that most people don't expect is in high school I was in -- part of the Junior ROTC program. And my senior year, I was the brigade commander, meaning I was in charge of four high schools. And everybody expected me to go into the military, and obviously that did not happen. But I think it really helped shape me with my leadership skills. And they're surprised when I say to them, yeah, I was the brigade commander. They're like, what. Yes, I was. Because they're expecting that military would have followed afterwards, and it didn't.

CHIEF JUDGE LAUTEN: Jeff?

JUDGE ASHTON: I think the biggest thing people are always surprised to learn when they get to know me is that I'm actually, as an individual, rather introverted and even a little shy. And most people, you know, they see the persona that they've seen as an advocate and they don't

understand that behind that is a person that's very different. So I think that's one of the big things.

The other thing that people are always shocked when I tell them is I have seven children ranging from age thirty-six to seven. And so, you know, I've been a dad since I was twenty-five years old, and I love every minute of it.

So I think that's the things that kind of are the most surprising.

CHIEF JUDGE LAUTEN: Denise?

JUDGE BEAMER: When I was younger, I played the violin for ten years, and that was in an orchestra and a quartet setting, and we used to play gigs where we would play in weddings and we would play at festivals and we would leave our violin case open to get some money. And that was sort of how I supplemented some of my spending -- that's how I had some spending money in high school.

CHIEF JUDGE LAUTEN: Amy?

JUDGE CARTER: Something that you'd be surprised to learn about me is that I'm married to my high school sweetheart. I married the boy next door. My husband Jeremy and I have been married for -- it will be 17 years this August but we've together, I think, for 24 years, so usually people are very surprised to hear that when I meet them.

CHIEF JUDGE LAUTEN: Laura?

JUDGE SHAFFER: I have two Asian children, they're Amerasian, so you will often find me in Asian supermarkets buying kimchi and Asian fruits and things of that nature. Me and my family are travelers. We'll go to Spain and Greece and hike in Alaska, so we certainly like to be adventurers and see the world and make the most out of life.

CHIEF JUDGE LAUTEN: Gabby?

JUDGE SANDERS: I'm scared of heights, but I will go on a rollercoaster just to say that I did it but I would be screaming the entire way. Let me see. What was the other question?

CHIEF JUDGE LAUTEN: What would you change if given the chance?

JUDGE SANDERS: That I would change. Oh, my gosh. I'm too nice, which is funny because people say I'm, like, the complete opposite in court. But definitely I'm too nice.

CHIEF JUDGE LAUTEN: Tom?

JUDGE YOUNG: That I would change about myself. Well, I definitely would have gone into the Peace Corps and I would have done my time there. And then perhaps I would have done law school. But change one thing, change everything. And I have a really great life and really can't say I really have any regrets. We all have things we would do differently but, as I said, change one thing, change everything.

CHIEF JUDGE LAUTEN: And last but not least, Carly?

JUDGE WISH: Well, I'm from Boston, so I'm a huge Boston sports fan. And I'm -- so go Pats, go Red Sox, go Bruins, go Celtics. And I'm also a huge Grateful Dead fan. So as a child I used to go to a lot of shows with my parents. And then now that the Grateful Dead is not a band anymore but Dead & Company has sort of taken over that role, my husband and I like to travel during their tours and go to as many shows as we can across the country and go to different places. So, you know, I love music, and I think music is a healing tool.

I also have multiple sclerosis, so I've had some challenges in my life. And I think that -- you know, I'd like to be able to think that I'm an inspiration to some people who may have some uphill battles or some obstacles in their way and know that they can accomplish anything that they want regardless of those obstacles.

CHIEF JUDGE LAUTEN: That's a great note to end on, Carly.

All of you have achieved a tremendous accomplishment taking your unique pathways to the bench, overcoming the obstacles and meeting certain challenges along the way. And the Ninth Circuit is fortunate to count you among its judges.

I want to thank each one of you for joining me here today. And I thank you for your commitment to the bench and to our community. And I wish each one of you the best of luck.