

This issue is devoted almost exclusively to coverage of the November 7-8 Annual Conference in Napa, the best attended conference of all time. Please note especially the article on our new website and please visit this site, [www.cgja.org](http://www.cgja.org) and give us your comments. It is designed to serve you with all the information you need on a timely basis. Note especially the Blog for current articles about grand juries and our links to Facebook and Twitter. Please watch the site for an announcement about how to view a short video presentation of the highlights of the Annual Conference



# Grand Jurors' Journal

## PRESIDENT'S REPORT TO THE MEMBERSHIP

*Ed Note: This is the essence of President North's video-taped message to the Annual Conference.*



To our membership at this 2011 Annual Meeting, I can say without reservation that your Officers, Directors, Committee Chairs and members have ensured that CGJA is on a firm footing. I cannot thank them enough for making my job an easy and enjoyable one. It is an impressive group of very smart and well-qualified people working tirelessly on behalf of this organization, and I am honored to have observed them, worked with them, and to have played a part in some of their successes this past year. My personal thanks to Joann Landi, Secretary & Director, who keeps me on track and out of too much trouble; to Dianne Hoffman, Treasurer & Director, for her competent handling of our finances; and to Dan Mufson, our very capable Vice-President & Director; to our other Directors Marsha Caranci, Karin Hern, Tony Noce, Darrel Petersen, Mac Small, Beate Boultinghouse, Bill Trautman, Karen Jahr and Jerry Lewi. Also, my congratulations to our newest Director, Jim Ragan. And, last but certainly not least, thank you Betty Mattea, for your committee leadership. I look forward to serving with you all again this coming year. It's an exciting time to be involved with CGJA. It's important work we do.

Before I go on, I think you'll all agree this is a beautiful setting and a wonderful time of year to be in California's world-famous Wine Country. Because I know they won't pat themselves on the back, I would like to thank the organizers of this year's Annual Conference, led by Diane Dame' Shepp, Bill Trautman, Dan Mufson and his crew at the Napa County Chapter, for all their hard work putting this event together.

The successes of this past year from all our committees are reported in other articles in this issue. Taken in total, they are a remarkable story of accomplishments.

In closing, I regret that circumstances didn't allow me to be at the conference in person. It's my loss. However, my absence only serves to reinforce what I've told you today; we have much depth of talent and experience in this organization. CGJA members, the State of YOUR Association is strong.

And now, thank you ALL for all you do.

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**CONGRATULATIONS!**

**To our Four new Chapters Acknowledged at the 2011 Conference They are:**

**BUTTE COUNTY**

**GLENN COUNTY**

**PLACER COUNTY**

**STANISLAUS COUNTY**

**Their contact information can be found on page 15**



**2011 Annual CGJA Conference Report  
Expanding Horizons**

By Diane Dame' Shepp, Bill Trautman, and Dan Mufson

Awards, Wine, Entertainment, Speakers, Organization, Momentum, Energy. This all adds up to **AWESOME**, an apt description of the *30<sup>th</sup> Annual CGJA Conference* hosted by the Napa Chapter on November 7 and 8, 2011, in the Napa Valley. Chaired by Diane Dame' Shepp, President of the Napa Chapter, this year's Annual Conference had a theme of *Expanding Horizons* to showcase the expansion of CGJA's efforts in supporting sitting grand juries and promoting the grand jury system into the future. Bill Trautman, a CGJA Director from Napa, was responsible for the program. Dan Mufson, CGJA Vice President and Director, also from Napa, brought the Conference to life with several, well-placed, energetic videos which he created. Putting on this Conference was truly a team effort by the Napa Chapter. The support from the Chapter was incredible; those staffing everything from the registration table to the wine auction and everything in between were organized, knowledgeable and conscientious.



**Diane Dame' Shepp**  
CONFERENCE CHAIR (NAPA)

The Conference opened with the Presentation of the Colors by the local American Legion, the Pledge of Allegiance and an Invocation by Napa County's inter-tribal Indian spiritual leader, Charlie Toledo. As the lights dimmed, a soaring rocket ship launched to the Olympics' theme music and a large **"EXPANDING HORIZONS"** blazed across the screen. One hundred one members filled the Conference Hall to be welcomed by Bill Dodd, Chair of the Napa County Board of Supervisors, who served on the local Grand Jury many years ago.

The keynote speaker, The Honorable Quentin Kopp, addressed the Conference on what CGJA and its

Chapters and Associations must do to continue to assure that the Grand Jury system is understood, useful and robust.

Several panels followed: The first, *The Expanding Role of the CGJA in Assuring Local Government Responsiveness*, coordinated by Napa's Ed Suden and chaired by Joe Peatman, a former County supervisor and grand jury foreperson. Other panel members included Judge Kopp, Supervisor Bill Dodd, Napa Mayor Jill Techel, and Meredith Avery of San Diego.

The next panel was on the subject, *Expanding the CGJA Relationship with the Court*. This panel was coordinated by Fred Giarrusso and chaired by CGJA Director Beate Boultinghouse. Other panel members were Mark Boessenecker, Judge of the Napa County Superior Court; Karin Hern, CGJA Director; Gary Nadler, Presiding Judge of the Sonoma County Superior Court; Diane Price, Presiding Judge of the Napa County Superior Court; and Kim Turner, the Court Executive of the Marin County Superior Court.

Vice President Dan Mufson conducted the CGJA Annual Membership Meeting, which was kicked-off with a video from CGJA President Keath North who could not be present. He highlighted CGJA's extraordinary year, Special Certificates of Recognition were presented to Jerry Jagggers for his invaluable assistance in opposing AB 622 and to Dan Mufson for his efforts in building the membership and adding several new chapters. Treasurer Dianne Hoffman gave a report of our solid financial position. The results of the election of directors were announced by Nominations/Elections Chair Joe Moreland. Judge Price graciously stayed to swear in the new Board. Chapter Certificates were presented to each of the four new chapters (Butte, Glenn, Placer, and Stanislaus.)

## 2011 Annual CGJA Conference Report Expanding Horizons continued



**Judge Diane Price (Napa) swearing in CGJA Board of Directors Dianne Hoffman, Karin Hern, Karen Jahr, Marsha Caranci, Jerry Lewi, Joann Landi, Mac Small (not seen – Dan Mufson, Bill Trautman)**

The presentation of the two important annual CGJA awards followed. *Please see separate article on these awards.*

Bill Trautman and Jerry Jagers gave a presentation of *AB 622-Lessions Learned*. This was a discussion of the process, progression and politics of AB 622 through the Legislature, CGJA's efforts to defeat the bill and what to expect in the future. Following this, Pat Yeoman, a former CGJA President, gave a short talk on her activities in educating students about the U.S. Constitution and our country's heritage.



**Beate Boultinghouse presenting certificate of recognition to Dan Mufson**

And then the fun began with wine reception hosted by the Napa Chapter whose members donated wine and persuaded friends and wineries in the Valley to join them. Entertainment was provided from the Napa High School Vocal Music Workshop. A dozen or more students sang a wide variety of a cappella music from jazz to contemporary popular music to spiritual.

During dinner, Michaela Rodeno, chair-elect of the Destination Council of the Napa Valley, spoke about the unique art and culture in the Napa Valley. Chick Harrity, a former White House photographer and current resident of the Napa Valley shared some of his 55 years' worth of photographs. Two of CGJA's most prestigious awards provided additional highlights of the evening, also covered in a separate article.

After dinner, everyone had a chance to make their final bids at the silent auction of Napa Valley fine wines and other items

collected for the auction which raised approximately \$2,000 to help defray the Chapter's extra expenses to make this conference special.

A breakfast meeting of the Chapter/Association officers started day two. This was followed by a panel on *Accusations-the Grand Jury's Ultimate Tool*, coordinated by Bill O'Byrne and chaired by CGJA Director Karen Jahr. Also on the panel was Henry Gundling, foreperson of the 1985-6 Napa County Grand Jury.

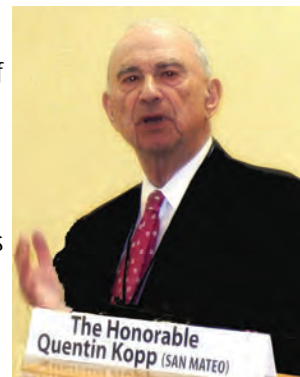
The last panel was the CGJA Standing Committee Chairs explaining what they had done the past year and their plans just over the horizon. The panel was comprised of Dan Mufson (Membership), Marsha Caranci (Training), Bill Trautman (Legislative Affairs), Betty Mattea (Awards), and Jerry Lewi (Public Relations).

So ended our Annual Conference variously described as "...the best I have ever been too", "intimate", "outstanding keynote", "loved the videos", "great panelists", "wonderful wines", and that word again: "Awesome".

### Keynote Address

The keynote speech was given by the Honorable Quentin Kopp, Superior Court Judge from San Mateo County, a former State Senator and San Francisco County Supervisor. Judge Kopp has been a longtime supporter of the grand jury system, including his recent appearances before the state legislature in opposition to Assembly Bill 622.

Judge Kopp was instrumental in the adoption of Penal Code section 933.05 in 1996 that established the requirement for entities to respond within time limits with one of the four allowable responses all grand jurors know by heart. He stated this is one of the most important changes in grand jury law. He appreciates that grand jury service is an extremely valuable experience for any elected official as exemplified by Napa County Supervisor Bill Dodd who spoke at a later panel.



*Continued on page 4*

**2011 Annual CGJA Conference Report Expanding Horizons continued**

The usefulness of a grand jury, the judge said, is measured by the public’s understanding of the system and requires constant attention. It also depends on the jurors themselves, fulfilling the obligation in a proper manner. Most judges do not care about grand juries, even though they are responsible for the selection process which is also important. Another valuable attribute of grand jurors is effective writing.

Judge Kopp closed by stating that the grand juries make government serve the people who pay the taxes.

**Panel – Local Government Responsiveness by Jerry Lewi**



*L to R The Honorable Quintin Kopp, Bill Dodd, Chairman, Napa County BOS, Joseph G. Peatman, President/CEO Gasser Foundation, Jill Techel, Mayor, City of Napa, Meredith Avery, Ed Suden*

This panel addressed the issue of government entities responses to the requirement of Penal Code 933.05 (c) that lists the four possible responses as mentioned by Judge Kopp in his keynote address.

As all grand jurors know, they are: (1) has been implemented; (2) will be implemented by a date; (3) need more time to study; and (4) will not be implanted with reasons why. In addition to dealing with the responses, jurors must contend with negative reporting in the press.

Judge Kopp opined that this is an area where holdover jurors can be very valuable as they will know the background and history about how the report was generated. He also reminded all that juries have no enforcement power. Bill Dodd said that juries should establish better relations with government entities to enhance the possibility of positive responses. Most entities do not have a formal process on handling items (2) and (3).

Mayor Techel said that well-written and documented reports can lend credibility to the jury’s work and urged juries to try to be helpful in a positive way rather than just be critical. Disagreements between government and juries should be ex-

pressed honestly rather than using evasive language.

Meredith Avery summarized the system in San Diego County where there is a formal process for the following grand jury to review the status of the county’s implementation of those agreed-to recommendations. This has been a very effective process in place for over 17 years. A similar process is in place in the City of San Diego but is less robust and still a work in progress.

Ed Suden expressed concern about item (3) above as it can fall into a “dark hole.” He is in favor of a change in the code that would require entities to report to the court every six months on their progress toward implementation of those recommendations accepted. Suden also showed forms used by the Napa Grand Jury to track responses.

General comments from the Q & A portion included such ideas as: publicizing responses; sharing best practices; trying to establish non-adversarial relations with governments in order to show that juries are attempting to help improve government operations; and that response follow-up is not required but strongly encouraged.

**Panel – CGJA/ Court Relationship By Jerry Lewi and Beate Boultinghouse**

A panel of court experts from Napa, Sonoma, Marin and San Francisco counties discussed how CGJA can assist courts in support of grand juries in three areas: recruiting and selection of jurors, training, and promotion of the grand jury.

**Recruiting and Selection:**

CGJA members have been very helpful to the courts in publicizing the civil grand jury. They, as experienced former grand ju-

rors, assist judges in the interviewing process. By doing so, CGJA members often identify agendas prospective jurors may have. They also give the applicant a good overview of the extent of the commitments grand jurors must make. With the expanded outreach and recruitment efforts, the applicant pool reflects a wider ethnic and geographic diversity.

**Training**

The Marin, Napa and San Francisco chapters provide training which does not duplicate CGJA training but provides local

## 2011 Annual CGJA Conference Report Expanding Horizons continued

*Panel—Continued from page 4*

information that CGJA training cannot. As the courts' budgets are tightened, CGJA may have to use on-line training tools instead of seminars as a less expensive way to train jurors.

The Administrative Office of the Courts has a handbook that can be helpful to any jury needing more information.

CGJA training of the regular grand jury does not include training in indictments in those counties where the regular grand jury supports requests by the District Attorney for an indictment. The DA is solely responsible for deciding when to use a grand jury for an indictment hearing, and will provide the necessary training.

### Grand Jury Promotion and Education of the Public

Judge Nadler stated that he uses the annual Law Day ceremonies to reach out to the local community about grand juries. Kim Turner described the outreach efforts in Marin as being a cooperative effort between the court and the local CGJA Chapter.

Ron Miguel described a recent program where he provided a two-hour briefing to all court personnel in Yolo County. This might be a good effort to duplicate in other counties. There is no room in any law school curriculum to add material on grand juries in their civil oversight function.

The counties represented on the panel use holdovers consistently and believe this is a valuable practice. We are all well aware this practice is inconsistent throughout the state as some counties never allow holdovers.

Judge Price described how the Napa court, as part of the background checks of applicants, uses Google to search out information on applicants. Their criteria are for jurors who can be fair, impersonal, and unbiased.

For counties where a strong relation between CGJA and the court does not exist, the best place to start trying to build a relationship is with the Court Executive Office as their personnel are a constant, whereas judges and grand juries come and go.



*Karin Hearn, CGJA Director (Marin), The Honorable Mark S. Boessenecker, (Napa), Beate Boultinghouse, CGJA Director (San Francisco), The Honorable Diane M. Price, (Napa), The Honorable Gary Nadler, (Sonoma), Kim Turner, Court Executive Officer, (Marin)*

### Membership Meeting Highlights *By Joanne Landi*

The membership meeting was conducted by Vice-president Dan Mufson. President Keath North was seen via a videotaped message that is covered in his message on page 1.

Presentations of Certificates of Recognition were presented to Jerry Jagers and Dan Mufson for the extraordinary efforts on behalf of the Association.

Treasurer Dianne Hoffman gave the financial status report and Nominations/Election chair Joe Moreland reported the annual election of directors as follows:

**Northern Region:** Karen Jahr(Shasta) and Keath North (Humboldt)

**Central Region:** Karin Hern(Marin) and Bill Trautman (Napa)

**Southern Region:** Dianne Hoffman(Orange) and Jim Ragan(San Luis Obispo)

Napa Superior Court Judge Diane Price swore in all Directors present.

New Chapter certificates were presented as follows:

**Butte County**, effective September 27, 2011, and accepted by John Welton

**Glenn County**, effective September 27, 2011, and accepted by Steve Ansel

**Placer County**, effective September 27, 2011, and accepted by John Monaco

**Stanislaus County**, effective October 25, 2011, and accepted by Carmen Morad

The full minutes of this meeting may be found on our website under Board Minutes



## 2011 Annual CGJA Conference Report Expanding Horizons continued

### Angelo Rolando Memorial Award



*Joann Landi, Angelo Rolando Award Chair, reading citation presentation to Marsha Caranci, with Betty J. Mattea, Awards Committee Chair, looking on.*

Marsha Caranci has been awarded the prestigious Angelo Rolando Memorial Award for her outstanding effort as chair of the Training Committee. Marsha served on the Shasta County Grand Jury as Pro-Tem 2001-2002 and as Foreperson in 2002-2003. She served on the Editorial, Audit and Finance, Local Government, Special Districts, Continuity, Health and Human Services and Ad-Hoc Committees.

Marsha has been a member of CGJA since 2004 and was elected to the CGJA's Board of Directors in 2008. She now serves as Chair of the Training Committee which trains over 1,000 jurors each year throughout California. Marsha also serves on the Finance and Steering Committees, and has served as President and Director of the Shasta County Chapter of the CGJA.

Marsha has served in various board positions for local community groups in Redding and has been involved in planning fundraisers, festivals, outings, and educational programs for several volunteer organizations.

### Jack Zepp Lifetime Achievement Award

Betty J. Mattea, Marin, was awarded the prestigious Jack Zepp Lifetime Achievement Award. This award, established in April, 1995, is given on the occasion when the Board of Directors wishes to recognize exceptional and important work performed over an extended period of time to further the goals and purposes of CGJA by a current or former member of CGJA. It is not an annual award.

Mattea served on the Marin County Grand Jury from July 2002 to June 2004 as the Forewoman. After completing her grand jury service, she joined both the CGJA and the Marin Chapter of CGJA. She has served as Secretary, Vice President and then President of the Marin Chapter. During her Marin Chapter presidency, she established, with the help of the San Francisco Chapter of CGJA, an orientation procedure for applicants to each new grand jury. The Marin presiding judges have found this procedure to be helpful in the selection process for which they are responsible.



*Jerry Lewi presenting Jack Zepp Lifetime Achievement Award to Betty J. Mattea.*

As a member of the association's Board of Directors from 2004-2006, Mattea was instrumental in convincing CGJA to institute training for Forepersons and Pro Tems, which is now a regular part of the annual training program. She chaired the first Osher Lifelong Learning Institute, a sub-committee of the Public Relations Committee of which she is a member. This past year she has chaired the newly established Awards Committee that is responsible for all association awards.

Mattea is a native San Franciscan who moved to Marin in 1989. After retiring as instructor and department chair of the City College of San Francisco's Radiologic Technology Program, she learned to enjoy the Marin offerings of symphony, little theater, and the nationally renowned lecture series. Betty currently serves on the Marin Superior Court Advisory Committee and is a Director of her Homeowners Association.

2011 Annual CGJA Conference Report Expanding Horizons continued

**Robert Geiss Excellence in Reporting Award**

*By Sarah Simpson, Committee Chair (Presented by Fred Giarrusso)*

As grand jurors, our most effective tool is a well written report that commands the community's attention. Each year the CGJA sponsors the *Excellence in Reporting Awards*. This year we have had two notable events. First the EIR award for the best report has been named by the Board to honor Bob Geiss, one of our early trainers who had a passion for well written reports.

The second fact of importance is that this year fifteen counties submitted reports for the newly named *Robert Geiss Excellence in Reporting Award*. These outstanding reports documented diverse grand jury investigations of city and county agencies from around the state and included topics from Mendocino County covering their asphalt, San Francisco drowning in a Tsunami of pension benefits, justice running afoul in Fresno County's City of Fowler, Santa Clara County fighting fire and change, and homelessness in San Diego. Grand Juries took on, to name just a few topics, a victim witness program, incompetence in an elected office, city and county finances in tough economic times, and gross mismanagement of an animal shelter. All of the reports submitted clearly demonstrate that the Grand Jury investigations are successful in alerting citizens to problems and concerns in their community and help to create solutions by making recommendations to the governing bodies, thus benefiting the communities served. Although its report did not win the award, we would like to say "well done" to the Sutter County Grand Jury for its investigation of the Sutter County Animal Shelter.

The RGEIR committee consists of seven members: Fred Giarrusso (Napa), Catherine McKown (Marin), Art Ronat(Contra Costa), Ray Frisbie(Shasta), Bette Flick(Orange), and Barbara Sommer(Yolo).

*Jerry Lewi then described why the Board of Directors decided to name this award in honor of Bob Geiss. Bob served the association for many years in many capacities, but his passion was training in Report Writing as he developed the original training material and trained often, despite his debilitating illness in recent years. When Bob succumbed to his illness this past March, we all felt a terrible loss and decided to name this award in his honor. Jerry then introduced Bob's wife, Mariel, and son, Bobby, who made the actual presentation.*

The award was presented to the 2010-2011 Yuba County



**Kim Hawthorne (Yuba) describing the experience in conducting the investigation of the County Auditor- Controller. Background, Mike Boom, Yuba 2001-2011 Grand Jury Foremen, Mariel and Bobby Geiss, Robert Geiss's wife and son.**

Grand Jury for special achievement for their report, *Financial Hard Times in Yuba County*. This report documents an extensive investigation into the heretofore ignored incompetence of an elected County official and the lack of oversight by Yuba County's Board of Supervisors that compromised the financial stability of the County government. The investigation led to the resignation of the Yuba County Auditor-Controller three years prior to the end of his elected term and reinforced the importance of hiring qualified personnel and providing appropriate supervision. Both the investigation into the actions of these officials and the resulting report's findings and recommendations clearly demonstrate the importance of the role of the Grand Jury as a community "watchdog" and epitomizes the purpose and process of the grand jury system.

The reports that finished in the top five positions. After Yuba County's first place, Alameda County finished second, Napa County third, San Diego County fourth, and San Francisco and Santa Clara Counties shared fifth place.

The 2011 Media Award is awarded to *Oakland Local*, a web-based independent media outlet for local news and discussion in Oakland. Many media organizations reported on the 2010-2011 Alameda County Grand Jury's investigation and subsequent report, *City of Oakland Building Services Division*. However, it was the comprehensive series of reports by *Oakland*

## 2011 Annual CGJA Conference Report Expanding Horizons continued

EIR continued from page 7

### Accusations – The Red Hen Caper



**Fred Giarrusso (Napa) presenting EIR Media award to Susan Mernit, Oakland Local, and Reporter Barbara Grady.**

*Local* that made a significant impact and through this exposure, created a positive change in Oakland's government.

The Alameda County Grand Jury's investigation was generated by many citizens who were negatively affected by the City of Oakland Building Services Division's practices and who contacted the jury to express their outrage. Through the *Oakland Local's* series of articles many other citizens were alerted to a means of finding resolution of their complaints with this government agency.

*Ed Note: Thanks to Cassie Barner, Alameda County Grand Jury Legal Assistant for helping to identify the people in these photos*

Moderator Karen Jahr started this panel with an overview on the accusation process to set the background for the case to be described.

An accusation is a set of formal charges issued by a grand jury, which begins a court process aimed at removing a person from a local public office for willful or corrupt misconduct while in office. It is found in Government Code sections 3060 – 3075 (not the Penal Code, which provides for the grand jury watchdog function).

The process is limited to removal of appointed or elected officers (not lower level employees) of a district, county or city. The term "officer" means a person who exercises governmental power (such as most department heads) and includes deputies, such as a deputy sheriff or a deputy District Attorney. The Accusation is infrequently used, and is not always successfully brought.

There are other methods for removal of a public official such as: Criminal prosecution, Impeachment, Quo Warranto (Latin for "by what warrant?") A Civil lawsuit, filed by the Attorney General, based on a charge that a public official was not validly elected to the office. Ex: Not a registered voter or not a resident of the district), or Recall.

The accusation procedures can be initiated by the District Attorney or by the grand jury. Testimony before the grand jury is taken under oath. The accusation requires supermajority vote of grand jurors.

Filing by the District Attorney is mandatory, but he/she may file a motion to dismiss. The trial is handled like a trial of a felony

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**Fred Giarrusso (Napa) presenting EIR Media award to Dr. Dale Rogers Marshall. From left to right, representing the 2010-2011 Alameda County Grand Jury are: Dr. Patrick Preminger, Foreman Pro Tem; Deputy District Attorney Rob Warren, Grand Jury Legal Advisor; and Ms. Anita Ramlo, Government Committee Chair.**

## 2011 Annual CGJA Conference Report Expanding Horizons continued

*Accusations Continued from page 8*

case.

We then heard from the Foreperson of the 1985-86 Napa County Grand Jury, Henry Gundling, about what came to be known as the Red Hen Caper.

It started when the 1983-84 grand jury decided to investigate the Napa County Sheriff's Office about alleged misconduct of Sheriff's personnel involving Red Hen Antiques, a local business. The grand jury requested and was given the Sheriff's file about the Red Hen. Later, the foreperson received an anonymous phone call threatening him and his business if he didn't return the file. The file was sent back to the Sheriff's Office, and because it was near the end of the grand jury's term, the investigation was never completed.

Two years later, in 1985, Gundling's grand jury revisited the case because of their concern about the intimidation of a grand juror. They went to the District Attorney for help, but the DA declared a conflict. So they asked and received assistance from the Attorney General. A Deputy AG was assigned to assist the grand jury in its investigation, which widened to include other allegations. The grand jury eventually issued a number of accusations charging criminal and willful misconduct by several members of the Sheriff's Office, including the Sheriff himself, who by that time had announced his retirement. The grand jury charged the



*Accusations Panel L—R Henry Gundling, Karen Jahr, CGJA Director, William O'Byrne*

Sheriff with failing to conduct any investigation into the 1983 threat against the foreperson, which in all likelihood had been made by a subordinate officer in the department. An accusation was also filed against that officer, who was then running for Sheriff, charging him with unlawfully attempting to influence a juror by means of threat or intimidation.

The Deputy AG filed the accusations with the Superior Court, but for some reason, the District Attorney did not prosecute the charges. However, the accusations themselves focused a tremendous amount of media attention on the conduct of Sheriff's personnel. As a result, the accused subordinate officer lost the election. An outsider got the seat and cleaned up the department. Thus the grand jury action, while not resulting in formal removal from office, caused the accused to not be elected, achieving what the jury thought to be just. The District Attorney also lost his bid for reelection.

### Panel on Expanding Horizons

*By Dan Mufson, Vice-President*



The people on this panel are among the leaders of CGJA and The people on this panel are leaders because they have a passion for the grand jury system and have made a decision that they can be the ones to nurture the grand jury system and protect it from those who would do it harm. Each brings a particular skill set and interest in how to serve the association. We all have the same mission whether we teach or to communicate with the public and/or our members.

I want to invite you to consider what you want to do, what will you do so that next year you'll become a leader. What do

you want to do to support our Mission and Purposes? Which aspect of our current committee structure do you want to join—or is there an issue we haven't mentioned where you'd like to apply your passion? Cloud computing; social networking; we had sheets for attendees to sign to express your interest for a particular committee and we had the opportunity for introductions to these folks at the conclusion of the session.

This year has been a fruitful one as we have expanded our services [horizons]. However, we can do more if more of you step up to join the process. We are delighted that we had four new chapter presidents present. Each showed leadership to organize their colleagues to create a chapter where there wasn't one.

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## 2011 Annual CGJA Conference Report Expanding Horizons continued

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Just as the past leaders of the CGJA such as Angelo Rolando and Jack Zepp did to create and strengthen the CGJA.

Following are some challenges to consider:

- How can we become savvier in our responses to external forces?
- What might we consider doing to inform the legislature; the courts; the CC and DA about grand jury responsibilities?
- What shall we do as county and court budgets shrink with the inevitable impact on grand jury budgets?
- How can we become more effective in training high school students about the importance of the grand juries in California?

While most of our energies are focused on the Mission statements and external forces, what should we be doing internally for our membership?

The Chairs of our standing committees then shared their perspectives on what was so special about this year's activities and what they see as important for the coming year.

### Chapter/Association Officers' Breakfast Meeting

*By Dan Mufson, Membership Relations Chair*

About two dozen hardy chapter and association officers showed up for a 7 AM breakfast meeting on the second day of the Annual Conference. It was particularly pleasing that many of the officers of our new chapters were in attendance along with some introductory members who took the opportunity to find out about chapters.

CGJA voting membership began to rise in May as we promoted both joining CGJA and forming local grand jury alumni groups. The people who joined CGJA at this period did so to start a new chapter or joined an existing one. Only one new member joined from a county with no chapter. It appears that grand jurors like to be organized in groups (chapters) of 19 or 11.

In response to the observation that few IMs actually joined the CGJA, it was suggested by our newest members, that towards the end of a jury term many jurors are exhausted, burned out, and do not feel like making further commitment to the system. We ought to approach them a year or two after their service when they have a sense of normalcy and may want to help support the jury. Indeed, we will send them periodic communications about CGJA and grand jury highlights. We recently offered them the opportunity to opt out of future mailings with none taking advantage of this offer. In other cases, some IM's came from a dysfunctional jury/had a bad experience and do not want anything more to do with it. It was said that keeping our public persona fresh and up to date improves general im-

pression of CGJA (new web site, Facebook, any written materials).

We discussed how to maintain strong chapters. There is a need to add new members forever. You cannot rely upon your core founders to remain active forever; you must work on a succession plan for officers; share your passion for the grand jury system with everyone, including the court and the sitting grand jury.

Chapters should stay in touch with the sitting jury, saying, "We are here to help," and making sure that IM's are aware of the services of the CGJA. It was suggested that in larger chapters, it is important to make sure everyone, especially the president, knows one another and their names; form committees so that people will get to know each other better. Involvement of chapter members in the CGJA at the state organization helps the state news to trickle down to the chapter. Therefore, chapters should encourage members to join committees at the state level.

The bylaws of each chapter require an annual project with the CGJA. MRC is suggesting that this year's project be that each chapter takes photos of their courthouse and other photos that represent their county that can be used on the new CGJA web site photo header.



**Carmen Morad, President, CGJA "s Newest Chapter, Stanislaus County and Dan Mufson**

The success of the regional meetings in the Bay Area to facilitate communication and cooperation among the chapters and members was discussed. Several attendees vowed to organize such meetings

### Got Banners?

Does your chapter or grand jury need something to promote your organization? One of the features of our website that has been made more obvious in the new site is the ability to order a banner with the CGJA logo and wording of your choice. Banners can be used to promote the association and grand juries in general. Go to **Publications and Merchandise** and click on **Banners**. We have ordered several for our own use and can vouch for the quality at a very reasonable price.

## CGJA Committee Reports

### AWARDS COMMITTEE

By Betty J. Mattea, Chair

The Awards Committee was initiated by Board resolution adopted April 27, 2010, with the description of the Committee's purpose, organization and responsibilities approved by further Board resolution adopted December 28, 2010. Betty J. Mattea was appointed as the Committee's first Chair. Mac Small was designated the Vice Chair.

The goals of the Committee are rather broad, but one of the more important ones is that we hope it will help build membership. Recognition of individual successes will appear in local papers, the CGJA Journal and on our website, which we hope will encourage others to join. The *Robert Geiss Excellence in Reporting* lends importance to the writing of reports by having competition to select the most successful report in any given year. This award may be the most important one in terms of furthering the real work of any jury -- that of writing accurate and compelling reports.

The Committee is developing close ties to the CGJA Public Relations Committee and the Membership Relations Committee. It should be helpful for Membership to be able to point out to the leaders in our chapters and associations, how the work of their members can be recognized.

Here are the Awards currently administered by the Committee: *Certificates of Special Recognition*, chaired by Frank Graves; *Local Achievement Awards*, chaired by Owen Haxton; *Robert Geiss Excellence in Reporting*, chaired by Sarah Simpson; *Angelo Rolando Memorial Award*, chaired by Joann Landi and the *Jack Zepp Lifetime Achievement Award*, which is under the purview of the CGJA Board of Directors.

The future: a CGJA Honor Roll is the next "project" for the Awards Committee. It has been suggested by President Keath North, that now that the new CGJA Website is established, there should also be established a CGJA

Honor Roll upon which, consistent with the provisions to be established, there shall be recorded the names, years of service, awards received (if any) and brief information about those persons nominated for the Honor Roll by this Committee. This is a work-in-progress and no firm policies have been established.

On a personal note: This new committee has done a monumental amount of work this year. The rules it has set up are not carved in stone. We will review the performance of each of the committees and decide what is needed for the future and if necessary, make changes in each committee's procedure. I have been extraordinarily lucky in the choice of sub-committee chairs. They have all performed exceedingly well and are enthusiastic about their sub-committees. We have not met as a committee other than monthly teleconferences, and I looked forward to this conference to give me a chance to meet the members not known to me personally. They have all agreed to stay on for at least another year in order to make whatever changes we find necessary as a result of this first year's experiences.

If you would like more detailed information or if you have suggestions to make, please feel free to email me.

### Legislative Affairs Committee Report

By Bill Trautman, Chair

**AB 622.** You have already learned about our activity on AB 622. (Ed note: this was covered in the October 2011 Journal, *The Tortured Journey of 622, except that since that issue, the Governor did sign the bill with only the portion allowing attorneys to be present during interviews taken under oath surviving*). LAC was very active in leading the effort to reduce the impact of the bill. And it was not just Jerry Jagggers and I out there. Every member of our Committee participated and contributed in one way or another.

Ralph Johnson and Karen Jahr wrote analysis supporting our opposition and providing a source for convincing others to join us. Dianne Hoffman sought, obtained and passed-on to us invaluable advice and counsel from her lobbyist brother. Kathy Wylie kept our webpage current with our opposition papers and letters from supporters in this effort. Member Karin Hern was generous with her advice. You have heard about Jerry's and my roles.

**Requests for Guidance.** We have been doing more than AB 622. In the last year, we have responded to more than 30 requests for advice and guidance on GJ process. These requests come from a variety of sources: court administrators; CGJA chapters and associations; sitting jurors; and even judges. These responses are based on our grand jury experience and knowledge. We were even quoted recently as far away as the Modoc County Daily News.

When we get a request, it comes to me



**Jerry Jagggers receiving certificate of recognition from Legislative Affairs Committee Chair, Bill Trautman, for his effort in keeping onerous provisions of AB622 from becoming law.**

and I circulate it to the Committee members for comment; then one of us prepares a response. A copy goes to the Training Committee chair for distribution to the trainers who get many of these same questions.

**Compendium.** Karin Hern and Ralph Johnson are working on revisions and updates for the 2012 edition of the *Com-*

*Continued on page 12*

## CGJA Committee Reports *continued*

*Legislative Affairs Continued from page 11*  
*pendium of California Grand Jury Law.*

**FAQs.** Our Committee has also recently prepared over 50 FAQs for the new website. Marsha Caranci, as Training Committee chair, organized the FAQs to be "user-friendly" and circulated them to her committee for comment. Many derived from the Requests for Guidance mentioned above. They are now on the new website so take a look.

**New Member.** Last but not least, we have added a new member to our Committee, Claire Arano from Orland. She has been on 4 Glenn County Grand Juries and has served as foreperson. She has been President of virtually every local service entity in Orland. She also served on the Orland Planning Commission. So you can see why we are so glad to have her join us.

### Membership Relations Committee Report

*By Dan Mufson, Chair*

Our committee goals are as follows:

- Expand membership base
- Encourage new chapters
- Develop & maintain relationship with each chapter to facilitate exchange of information...
- Develop & maintain relationships with other grand jury associations

There were 342 introductory members in 2010 and 379 in 2011. This year there are 58 new voting members, 31 of whom joined to form a new chapter.

Probably the most significant achievement of this committee this past year has been the formation of four new Chapters, Placer, Butte, Glenn and Stanislaus.

Other significant activities include:

- Regular communications with Chapters and Associations, especially regarding AB 622 status and suggested actions; and IRS 990-N communications
- Short form email renewals and, soon, renewals via our website
- Sponsor Chapter/Association Officers session at Annual Conference
- Bay Area Regional Chapters' Meetings--Celebrating 1st year anniversary

Areas of concern include:

- Membership level grows slowly: only 8% of the Introductory Members became Voting Members
- Follow up required to get renewals: 20 did not renew since January 1
- Some chapters have <5 members and are moribund

### Report Public Relations

*By Jerry Lewi, Chair*

This year the Public Relations Committee has continued its outreach efforts as we take it to be our responsibility to fulfill that part of the CGJA mission statement to educate the public about the California grand jury system. We have sold a number of copies of our DVD, produced last year, to courts to be used in the trial jury assembly room. We have not had any feedback on the impact of this video presentation but are confident it is spreading the word. Our journal seems to get better every issue, thanks to excellent response from committees and chapters and the fine work of Diane Masini who creates the attractive layout each issue. Our book about grand juries continues to sell well at the training seminars.

The Grand Jury Achievement Report has been updated and posted on our website. We continue to look for more examples of effective grand jury reports, defined as reports that created a positive and recognized impact on local governments.

Another initiative barely underway is the opportunity to educate at the high school level. Thanks to a contact from the Alameda County Grand Jury, Dale Rogers, we may be able to start this effort with a low-cost education package in the near future. This is one of the association's purpose statements we have done very little about, so we are hopeful this will enable us to fulfill this commitment.

But our major activity is the development of a new website. This effort was approved by the Board late last year and was driven by technical problems with the old site and a desire to create a site more user friendly to all of our clients. Please see separate article on this effort.

### CGJA Training Program

*By Marsha Caranci, Chair,*

The CGJA Training Program has for years been considered one of the most important functions of CGJA, and is sometimes referred to as the "face" of CGJA, probably because we reach so many jurors each year throughout the state. And 2011 has been a record year for us for training jurors.

It started last January when we trained the Monterey County grand jurors, Monterey being the only county in the state that impanels their grand jury on a calendar year. Then between June 24 and August 11, we trained another 900+ jurors and alternates from 49 different counties at 5 different regional seminars and 12 on-site seminars, stretching from the northeast corner of the state (Modoc County) to the far northwest corner of the state (Del Norte County) to the far southeast corner (Imperial County), with other coastal and rural counties in between. We also trained almost 60 Forepersons and Pro-Tems at four different Foreperson Workshops, and we trained almost 100 jurors at our one-day Report Writing Workshops in Napa and in Sacramento from 25 different counties. Thus our total number of trainees for the year ex-

## CGJA Committee Reports *continued*

*Training Continued from page 12*

ceeded 1,000, a record number.

A description of the effort to develop the training program and the people who made it happen was included in the October Journal, so we won't repeat it here. Suffice to say it was a monumental effort requiring a great deal of teamwork. I am proud of the members of our team, who perform with the same spirit and energy we expect of all grand jurors.

So, what is on our Horizon for 2012? We plan to continue doing all of the above, and even more. We are working to improve our trainer evaluation methods, and to improve on the program schedule to make it easier on jurors, who don't like sitting through long presentations. We want to introduce some more interactive methods of teaching our material. We will bring on a new trainer or two, and hopefully add another county or two that we haven't previously trained (or bring back some that we have trained in other years but didn't use our training this past year). Our goal is to eventually be able to train jurors in all 58 of the counties in California, with the best presentation of the most instructive curriculum possible. That's how we will continue to expand our horizons.

### Near Disaster at the Annual Conference

*As the conference wound down in its last session to culminate in a demonstration of the new CGJA website, Public Relations Chair Jerry Lewi sat anxiously waiting for his time to conduct this important event and bring the conference to a close with a resounding finish. Suddenly, Shawn Rau, who had been the technical go-to guy for all things audio and visual, slipped a note to Lewi which read, "The hotel's wireless is down and I'm trying to see if we can go with cable." Shawn could be seen moving quickly to connect cables from the hotel wired-connection to the computer, but kept giving the no-go sign. Then up stepped Maria McIntyre from Solano County who vigorously attempted to seek recognition. Finally she volunteered that she had a smart phone that she can connect to the Internet. She and Shawn worked feverishly and, finally as time grew perilously close, gave a thumb's up and Lewi was able to proceed with the demo. Our thanks to Shawn and Maria for their valiant efforts, and especially to Maria who has a really smart phone with a built-in hot spot!*

### CGJA's New Website ([www.cgja.org](http://www.cgja.org) or <http://cgja.org>)

At the Annual Conference in November, we launched our new website demonstrating the new features as well as the more user friendly design. For those of you who missed the conference, here is some useful information on how to best take advantage of the new site.

At the top of the Home page, information is organized under

three basic menus to address different audiences; i.e., current **Grand Jurors**, **CGJA Members** and a **General Information** menu. These menus all have a series of drop-down sub-menus to assist users in their search of information. Where subjects are repeated it is because the information applies to more than one interest group.

The two "picture" windows at the top of the Home page give the viewer a slideshow of photographs of interest around our state but will also flash important news or direct you to pertinent information pertaining to grand juries. Next there are two boxes, one that gives an ongoing summary from our Blog of grand jury news around the state. The other box is a bulletin board for important CGJA information.

On the left hand side, there are also menus for subjects of greater interest and will remain fairly stable over time. You will notice too, the Facebook and Twitter icons. Yes, we are now on Facebook and Twitter! *Even retired former grand jurors can be brought into the world of modern technology!*

An important menu item is the link to our rapidly expanding news Blog. More and more people are submitting stories for posting. These items automatically are fed to our Facebook and Twitter pages as well as the website.

The site also provides an E-commerce store, where people can purchase CGJA merchandise and also submit or renew membership or, (and don't overlook this) making a donation to further our cause.

And a useful array of search boxes, one for any information on the site itself, including documents identified as attachments, another to search our Journals for past articles/people of interest and a third that will allow searching grand jury reports statewide.

This effort was authorized by the Board of Directors last fall and spearheaded by a team of Keath North, Diane Masini, Jerry Lewi and Gabriel Guevara of Precision Intermedia, our contractor for website development and hosting. All standing committee chairs have contributed ideas and material for the site. The team is excited about the growth possibilities in this new site architecture and software.

Do take some time to browse this site and don't be shy about sending us comments and suggestions. You can use the [contact the webmaster](#) button on the home page or email Jerry Lewi at [PublicRelations@cgja.org](mailto:PublicRelations@cgja.org).

## Sacramento County Grand Jurors Association

Sacramento County Grand Jurors Association  
Quarterly Meeting, November 16, 2011  
*Submitted by Carol Crespo*

The meeting was opened at 12:05 by Jerry Jagers, with 34 persons attending.

Mr. Jagers welcomed grand juror visitors from Napa, San Francisco, San Mateo and Placer counties.

He then introduced our speaker for the day, Assembly member Roger Dickinson, who represents the 9<sup>th</sup> Assembly District. Mr. Dickinson has been a public servant on numerous community organizations and was a member of the Sacramento County Board of Supervisors for 17 years. He was elected to the California Assembly in 2010.

The focus for today's presentation was the recent passage of AB622, authored by Mr. Dickinson and opposed by many current and former grand jurors throughout the state. The hope was to resolve some of the misunderstandings and disagreements which have arisen during the legislative process.

Mr. Dickinson thanked the audience for their service and volunteer efforts as grand jurors and acknowledged that the grand juries have played a big role in the judicial system of our counties. He noted that California is one of a few states which still have a civil grand jury. The impetus for this bill was the inexorable movement to openness and transparency in government stimulated by the Brown Act and other efforts to conduct local government through public notices and limits on meetings, as well as continued efforts by the media for access and to shed light on government processes.

He mentioned recent situations where Grand Jury testimony meant to be confidential are exposed to the public, such as the recent release of President Nixon's grand jury testimony. He expressed concern about the fact that privacy/public exposure balance

gets changed over time.

Mr. Dickinson serves as the chair of the Assembly Accountability and Administrative Review Committee, whose function is to conduct oversight of state or private government agencies. This committee holds hearings in public, and thus serves as a good example of how oversight committees (such as Grand Juries) can be successful with public hearings.

His purpose with this bill is to increase the level of confidence in the Grand Juries by the public and to increase application of Grand Jury recommendations by the agencies cited.

The bill as submitted had three purposes: (1) to open up testimony, (2) to allow witnesses to have attorney in Grand Jury room when under oath, and (3) to improve the general functioning of the Grand Juries.

### Questions from the audience:

- Q. What comes next in Dickinson's plan—will he pursue those aspects which were dropped from the original bill?
    - A. He has no additional plans for Grand Jury actions.
  - Q. Who pays for Counsel for witnesses?
    - A. The witness will pay, except in circumstances where the agency has its own Counsel. The lawyer present cannot participate in the proceedings.
  - Q. Does that involve a conflict of interest when the County Counsel assists the Grand Jury and also the witness?
    - A. County Counsel's have a "Chinese Wall" within the department. Separate attorneys cover each interest.
  - Q. What about Whistle Blower protections – aren't they enough?
    - A. Whistle Blowers do have legal protection and would not need an attorney present.
  - Q. How is a witness better protected with an attorney sitting next to him?
    - A. Barry Bonds was convicted of perjury before the Grand Jury. He had no lawyer present at the time. The principle of our legal system is: We offer protection to those accused.
  - Q. If a witness has something to contribute, why do they need a lawyer present?
    - A. There is a difference between a witness and a subject of an investigation.
  - Q. In at least two instances in one juror's experience, grand Jury recommendations were rejected by the Board of Supervisors. Does this reflect devaluation of the Grand Jury by the governing body?
    - A. Recommendations often involve affordability and feasibility, which often must result in the agency unable to carry out the recommendations.
  - Q. Would these new rules apply to criminal Grand Juries?
    - A. Mr. Dickinson is not interested in including criminal grand juries in these requirements.
- Mr. Jagers thanked Mr. Dickinson for his participation today and asked that Grand Juror Associations be extended an offer to work with him on any future Grand Jury law.

The meeting adjourned at 1:10 p.m.



### Summary of October 25, 2011 Board Action

By Joanne Landi

Approved Jack Zepp Lifetime Achievement Award nomination.

Approved formation of Stanislaus County Chapter of CGJA

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# Grand Jurors' Journal

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SEASONS GREETINGS

**The Mission of the California Grand Jurors' Association is To promote government accountability by improving the training and resources available to California's 58 regular grand juries and educating the public about the substantial local government oversight and reporting powers these grand juries have**

**Format for submitting letters and articles to the Grand Jurors' Journal**  
Articles should be e-mailed to Jerry Lewi, Editor [cgjaprguy@roadrunner.com](mailto:cgjaprguy@roadrunner.com)  
Articles submitted by e-mail should be saved in Rich Text Format and transmitted as an attachment to the e-mail message. Letters to the editor are limited to 200 words. (One hundred words for "Kudos" thank-you letters). The Journal will highlight opinion articles written by readers, experts, and issues advocates. They may be 500 to 600 words in length.  
We are especially interested in articles on Grand Jury issues or solutions to improving public education of the grand jury system in California.

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