



# Grand Jurors' Journal

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## Introducing President Lou Panetta



Following the passing of elected president Jim Ragan, the board of directors ratified Lou Panetta as president of CGJA at its March 2021 meeting. Lou served as Foreperson Pro Tem on the 2014-15 Monterey County Civil Grand Jury, is a CGJA trainer and has served on several committees. He was the founding chair of the Technology Committee.

Lou has a strong background in business. He is a retired faculty member from the College of Business at California State University, Monterey Bay. He instructed MBA candidates at the Middlebury Institute of International Studies at Monterey. He is an independent consultant on a multitude of business topics such as marketing, executive coaching, business planning and financial concerns.

He is involved in several community activities, the more interesting of which is serving as the assistant chair of security for the AT&T Pebble Beach Pro-Am (PGA Tour).

Asked what he has in mind for his term, he responded "our mission is to support and advocate for the California grand jury system and we do that by focusing on our strategic goals: awareness, members, and succession."

Lou lives in Monterey with his wife Kathy and their cat. He makes his own wine and exercises regularly. His interests are foreign adventure travel and politics (don't ask).

## Panetta Meets with Chapter Presidents

President Lou Panetta held a virtual meeting with chapter and associations presidents on April 22, 2021. Twenty people attended including a few directors. Thirteen chapters and one association were represented (Contra Costa, Fresno, Humboldt, Mother Lode, Napa, Plumas, San Bernardino, San Mateo, Santa Clara, Santa Cruz, Shasta, Siskiyou, San Luis Obispo, and the Orange Association).

Following introductions, Panetta laid out the association's three strategic goals aimed at reaching beyond our current regular work (e.g., support and training).

The first goal is **promoting grand jury awareness**. The association will look to chapters to help with local media, local social media, etc. CGJA hopes to work more closely with chapters in that regard, particularly in spreading the word about the positive achievements of grand juries.

**Succession planning** is the second concern. CGJA is looking for people with potential. Panetta gave the example of Kathy Mastako's (San Luis Obispo) stepping into Jim Ragan's vacated director position. Please [email](#) Panetta names of people who might be interested in serving in CGJA's volunteer positions, e.g., on committees, on the board, in an editorial capacity, etc.

The third goal is **increasing membership**. Diane Lloyd, Membership and Chapter Relations Committee (MCRC) chair is CGJA's key contact person for chapters and associations ([membership@cgja.org](mailto:membership@cgja.org)). She and Kathy Mastako, also on the MCRC, are the key players in this effort. We have about 300 members. When we lose people, we would like to know more about why they leave.

*Continued on next page*

**Chapter presidents meeting – continued**

Responding to the overall presentation, the chapter and association presidents in attendance had several suggestions. Steve Thornburg (Siskiyou) said his chapter had arranged a newspaper interview with the judge, grand jury foreperson and him (as chapter president) and that it was very successful. Also, he would like advertising ideas to submit to the media.

Nancy Welts (San Luis Obispo) said that their local NBC affiliate ran their public service announcement (PSA). When they return to the fiscal year schedule, they plan to resume doing grand jury publicity in February/March. She will send the public service announcement (PSA) to Diane Lloyd, chair of the Membership and Chapter Relations Committee (MCRC). Tim Hafner (Humboldt) said they used to interview prospective jurors, but no longer do that. He is looking for ways to again offer that support. Kathy Mastako and Nancy Welts briefly described San Luis Obispo's involvement.

Lynn Bonas (Orange) said her association has money to use for outreach purposes. A current grand jury member is very good with social media and has made a video. Bonas will ask about its availability. They have scheduled a socially distanced luncheon with the sitting grand jury (in the past they had quarterly luncheons).

Lanny Larson (Fresno) suggested briefing judges on what CGJA can do for them. He also pointed out the importance of having a strategy for guiding social media use. Websites need to have good content, but there is also the need to direct traffic to the website. Leslie Lea (Contra Costa) added that their website had not been very effective and that she got better results using *Nextdoor* (a community network).

Larson added that chapters could consider offering courses (Larson has done so via Osher). There is an [Osher course outline](#) available on the website. Nancy Welts (San Luis Obispo) said they offered a class for lifelong learners. They have flyers and brochures which they make available at public events.

Panetta observed that in counties where there were no chapters or where chapters were struggling, there often was not enough substantive work. Increasing public awareness would be a worthwhile goal. He observed that while CGJA does training, it has little connection with local chapters and their relationship with local officials. Chapters could help fill the gap. They could identify potential grand jurors and screen them (depending on the judge).

CGJA has developed a *Guide for Presiding and Supervising Judges and Court Executive Officers*. The MCRC will make a summary available to chapters. It can then be offered by the chapter to the judge and relevant court officers to enhance or begin the process of establishing a relationship.

Diane Lloyd (MCRC) can provide chapters with a list of CGJA members in their county. Contact her at [membership@cgja.org](mailto:membership@cgja.org).

At this point, Panetta turned over the meeting to Marsha Caranci who took participants on a tour of the resources available on the [CGJA website](#).

If chapters have resources to share, please send them to [membership@cgja.org](mailto:membership@cgja.org).

In closing, Panetta encouraged chapter and association presidents to contact him personally. His phone number is 415-793-4577, email [lpnetta@yahoo.com](mailto:lpnetta@yahoo.com). He asked, "How can we help you?" "How can you help us?" We will reach out and respond to feedback.

Click [here](#) to find contact information for chapter and association presidents.



Participants in the April Zoom meeting with chapter/association presidents

## Upcoming Board of Directors Election from the Nominations-Elections Committee



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Nominations for directors for the term of November 2021 to October 31, 2023, are now closed.

The Nominations-Elections Committee has been working on gathering candidates for your evaluation.

Each region (North, Central and South) has two or more candidates running for a directorship in their region. Two will be elected from each region for a term of two years.

CGJA candidate statements are due June 18th. These statements will be published in the August *CGJA Journal*.

As in the past, the election will be accomplished electronically on CGJA's website with the exception of those requesting a paper ballot. The electronic option provides an efficient means to deliver ballots and reduce mail/postage expenses.

Only members in good standing as of July 31, 2021, are eligible to vote. **Voting will begin on August 1st and ends on August 31st.**

All eligible members in good standing will receive an email on August 1st. The email will include a link to the ballot. This email will also include instructions on how to request a paper ballot if you so desire.

**We encourage all CGJA members to vote!**

## A Political Scientist's Take on the GJ

Josh Franco, Assistant Professor of Political Science at Cuyamaca College in east San Diego county, has written a working paper on the California civil grand jury titled **Quasi-Judicial Oversight of Legislative and Executive Branches at the Local Level**. He is very interested in feedback. Here is the abstract.



Oversight is a function commonly associated with the legislative branch of government at the federal and state level. To a lesser extent, the concept is extended to the judicial branch in the form of court cases clarifying the powers between the legislative-executive-judicial branches. However, at the local level, the judicial branch may not be limited to oversight of co-equal branches through court cases alone. In the state of California, there exists county-level civil grand juries which are housed in the judicial branch. Civil grand juries, which have endured since the state's founding constitution of 1850, have complete discretion to investigate the operations of local government officials, departments, and agencies. These civil grand juries represent quasi-judicial oversight of local legislative and executive branches of government. How responsive are local legislative and executive branches of governments to such oversight? To answer this question, I explore the relationship between local quasi-judicial oversight, local government responsiveness, and local public opinion using a case study approach.

Click [here](#) for the full report.

## Annual Membership Meeting – send topics from the Annual Conference Committee

Planning continues for the Annual Membership Meeting that is required by our bylaws. The **2021 Annual Membership Meeting** will be a virtual meeting, as was done last year, and will be held on October 25, 2021, from 1:00 to 3:00 p.m. Feedback from the record number of attendees of last year's Zoom meeting indicated that conducting business this way was well-received.

We are pleased to report that Neil McCormick, Executive Director of the California Special Districts Association, will be our keynote speaker to kick off the membership meeting. Although we hear from Neil during training, we haven't heard from him at an annual meeting since 2003.

If you have a **topic you would like him to address** or a **question you would like him to answer**, please submit it in advance to Annual Conference Committee Chair, Lloyd Bell, at [annualconference@cgja.org](mailto:annualconference@cgja.org) so the committee can properly direct Neil in his presentation.

Stay up to date by following information as it is posted on the Annual Conference [webpage](#).

# Miguel/Lynberg Training Scholarship Fund

## from the Finance Committee

CGJA is pleased to announce that a major contribution has recently been made to the training scholarship fund, which has now been renamed the **Ron Miguel & Audrey Lynberg Training Scholarship Fund** to honor two of our most important members who made major contributions in time and energy to CGJA. Both passed away within the last year. Ron’s contributions to CGJA were documented in the August 2020 *Grand Jurors’ Journal* and Audrey’s in the very next issue, October 2020. Both are briefly reviewed here.



Ron Miguel

Ron Miguel’s main activity and his passion was training new grand jurors. He started training with another group even before CGJA started its program. The founder of the program, Sherry Chesny, immediately recruited him and for 20 years he not only personally trained all over the state, but also played a major role in creating and improving the program. He also mentored many trainers who strove to duplicate his excellence.

Ron had two favorite sayings about training. When a trainer said that they trained in a particular subject, he was quick to say, “No, you train in everything, as you must be able to answer any question on any topic.” The second was his instruction that, when conducting a session, “You own the room. You must take charge and control the situation, e.g., don’t let questions divert you and lead to fruitless discussion.” Although health issues prevented him from actual training the past few years, he remained active on the Training Committee to within weeks of his passing.

Audrey Lynberg served with distinction on the Board of Directors and the Membership Committee. She played a major role when two separate arms of the association merged into a single association with a state-wide board of directors. Audrey also brokered an agreement between a member and the board to resolve an issue that threatened the very existence of the organization. But her passion was the Los Angeles chapter, the first in the association. She served as president early in its history and served with even greater passion after that for many years, despite the chapter’s (and the association’s) difficulty in developing a meaningful relation with the Los Angeles Superior Court and the civil grand jury.



Audrey Lynberg

We miss these two stalwarts both of whom were honored with the *Angelo Rolando Service Award*. Training would not be what it is without Ron’s contributions and the same could be said about the association without Audrey’s dedication.



Karin Hern

Karin Hern (Marin), the 2018 Rolando Award winner, provided the impetus for the memorial award by donating \$1,000 with an intent to contribute every year. We thank her for her commitment and her generosity.

Donations to this fund can be made at [cgja.org/donation](http://cgja.org/donation).



## Volunteers Needed

by Larry Herbst, CGJA Vice President

As with any organization that is vibrant and growing, CGJA has staffing needs within our widely varying committees to work to actively promote, preserve, and support the grand jury system across California. The following is a specific list of positions within CGJA that represent the key needs of the association. Full committee descriptions along with committee contact information can be found via this [link](#).

NOTE: No travel is required except where specified.

CGJA is looking for persons with one or more of the following:

- organizational and leadership skills along with a strong background in business finance and budgeting to lead the Finance Committee as chairperson.
- technical skills in database management and the use of Constant Contact (a bulk email service) to become a member of the Membership and Chapter Relations Committee.
- a background in IT with strong computer skills to become a member of the Technology Committee.
- a background in web design with strong computer skills, good working knowledge of Microsoft Office tools and the ability to quickly learn new computer skills to become a second administrator of the CGJA website as part of the Technology Committee.
- good working knowledge of social media tools such as Facebook and Twitter to build a communication base with CGJA members and the public with the goal of increasing awareness of the civil grand jury system in California as a member of the Public Relations Committee.
- strong administrative and organizational skills to assist the chair of the Training Committee with administrative tasks, including organization of training venues and scheduling; communications with courts, counties and grand juries; organizing logistics for training venues and other administrative tasks.
- experience as a grand juror with interest in becoming a CGJA trainer on the topics of local government, grand jury law and legal topics (law degree required for the latter two). Must be able to travel some and conduct virtual training via Zoom.

If any of these appeal to you, please fill out the [volunteer form](#) (scroll down the webpage) and someone will be in touch with you soon.

## Letters

Send your thoughts or opinions on CGJA or grand jury matters to [editor@cgja.org](mailto:editor@cgja.org).

# ***Angelo Rolando Service Award*** **Nominations Open**

Each year the CGJA honors a member for outstanding service to our organization. The award will be presented at the Annual Membership Meeting.

We look to the members of CGJA to nominate someone they consider worthy of receiving this prestigious award. Nominations will be accepted for consideration by the Angelo Rolando Service Award Committee until August 27, 2021. Nominations may be submitted **online** or by **email**.

In arriving at a decision to nominate someone you believe deserving, please consider that this award is for past service and not for anticipated service in future years. Some factors you may wish to consider:

1. Substantive participation at both the state and county level in support of CGJA goals and objectives.
2. Has demonstrated exceptional leadership skills and is unusually effective in accomplishing projects.
3. A nominee must be a current member of CGJA and there will be no multiple awards.
4. During the term of service, the currently serving CGJA president is not eligible.
5. Past recipients are not eligible for re-nomination

Make the nomination online at [cgja.org/form/rolando-award-nomination](https://cgja.org/form/rolando-award-nomination). You will need to have the following information available:

Name of Nominee

Nominee's City

Nominee's County

Nominated by

Nominator's Phone

Nominator's email

Supporting Information

Or send me the above information by **email**. If you have any questions regarding the nomination process, please contact me at [joannelandi@aol.com](mailto:joannelandi@aol.com) or 650-365-4184.

## ***Excellence in Reporting*** **Deadline June 30**

Nominate an outstanding report for *Best Grand Jury Report*. Nominate a media outlet or reporter that has publicized your county grand jury's efforts, either through coverage of a particular investigation or more general support, for the *Excellence in Media Coverage* award. All nominations will receive coverage in the *Journal* and on our website. Nominate a report for both. See details at [cgja.org/eir](https://cgja.org/eir).

## News from Around the State

*from the Mother Lode* by Brenda McHenry

### Calaveras County Grand Jury 2019-20 Scores a Hat Trick

Responses to grand jury reports can be filled with promises or agreements but not always with actions. The Calaveras County Grand Jury term began on July 1, 2019, and ended eighteen months later on December 31, 2020. Some of the reports issued during its term have prompted positive action. Three of the reports have resulted in movement on the part of elected officials and departments to follow, at least partially, the recommendations of the grand jury.

To use a sports term, the grand jury scored a hat trick. What's that, you ask? If a hockey player scores three goals in a game or if a cricket bowler takes three wickets in a game, it's a hat trick. Hockey fans toss their caps onto the ice. Cricket clubs award a hat to the bowler.



#### Score #1

The much-respected assessor's office has fallen far behind in reappraisals which has resulted in delay of revenue to the county and unexpected tax bills to residents. Beginning with the 2009-10 recession's loss of personnel and exacerbated by the Butte Fire which destroyed many homes in the county, the assessor's office has had difficulty catching up. Reappraisals are complicated. It takes a long time to learn to perform them and all resulting assessments start out six months behind the calendar. The board of supervisors recently held sessions with the assessor and agreed to hear quarterly reports, and make plans to bring the rolls up to date. The assessor complimented the grand jury on the time spent understanding the process and developing the report.

#### Score #2

On the topic of disaster preparedness, the grand jury found that much of the rural area in the county lacks property address identification. The board of supervisors has agreed to proclaim June as "Address Identification Month" to encourage owners to make their property location visible during an emergency.

#### Score #3

The county's need for a new animal shelter has been the topic of grand jury investigations for the last 20 years. After publication of the grand jury report, a location for a new shelter was determined by the board of supervisors. Recently, the building of it has been included in the Capital Improvement Plan. In addition, various repairs to the existing building have been made. Plans to address the scarcity of dog owners obtaining licenses are underway.

This kind of "Hat Trick" does not happen often. The Calaveras County Board of Supervisors should be commended for paying attention and following through on grand jury findings and recommendations. It's not the Stanley Cup, but the grand jury scored some goals and took some wickets.

## Ask the Trainer by Marsha Caranci, CGJA Training Chair



*This regular column allows the CGJA training team to share with Journal readers our responses to questions we receive from grand jurors. Please remember: Do not take any response as legal advice, and contact your local legal advisors to answer any question that might divulge confidential information.*

*Please submit your questions to me at [cgjatraining@cgja.org](mailto:cgjatraining@cgja.org). Our response to your edited or redacted question might appear in a future edition of the Journal.*

**Q. We are finalizing one of our reports and some of our jurors are concerned about the language used to describe actions taken by government officials. Is it appropriate to use subjective terms like unreasonable, unethical, or incompetent? Can these terms be construed as defamatory?**

**A.** Grand jurors are not immune from lawsuits for libel, which is a false statement made with negligence or reckless disregard for the truth. Defamation, and how to avoid it, are covered at some length in the CGJA Training Manual in Tab 4 at pages 6-7. Defamation claims can usually be avoided and the integrity of the grand jury maintained by producing objective, factual reports, using a professional tone and avoiding emotionally charged or exaggerated language.

Grand jury reports should contain only neutral, fact-based statements, even if they are critical in nature. The report should always attack the problem, not the person. Most readers of grand jury reports will be able to come to their own conclusions about an official or entity's ethics or competence based on the content of the report. Reports can be strong and impactful if verified, but neutral, facts about how something has been done are presented in a straightforward way.

And remember to consult with your own legal advisor any time you have questions about the content of a report, particularly if you are concerned about the potential for defamation.

**Q. We are nearing the end of our term and are uncertain about which records to destroy and which to leave for the next grand jury. What do you recommend?**

**A.** Penal Code section 924.4 allows the grand jury, or the court if the grand jury has already been discharged, to pass forward civil investigative files to an incoming grand jury. If there is an investigation file or a complaint that your jury was not able to act upon that you want the next grand jury to consider, your jury can vote (by a supermajority) to pass those materials on. It will then be up to the next jury as to whether they conduct an investigation. If not, that jury should destroy those files.

All investigative files you don't pass forward should be taped shut, dated, and kept for one year (in case the judge decides to allow the next grand jury to open the file). Label the sealed box or file with the date and a statement of the general topic of the materials. Include a statement such as "To be opened only on approval of the Superior Court or destroyed at the end of the new grand jury term."

Any confidential records not related to a specific investigation, such as minutes of plenary or committee meetings or correspondence, should be shredded at the end of your term. Public domain documents can remain in the grand jury office.

*Continued on next page*

Ask the Trainer – *continued*

**Q. Our grand jury has a question about who is required to respond to our report about a city department. We recall from the Report Writing Workshop you presented that only elected county officials can be required to respond. Does that mean an elected city treasurer or clerk, or even the elected mayor, cannot be asked to respond? What about the department head?**

**A.** Penal Code §933 subdivision (a) allows a jury to submit its report to any “responsible officers, agencies, and departments” for comment. However, subdivision (c) states that only the two types of respondents you have named here (a governing board or an elected official who works for the county) are required to respond. So, if your report is on a city, the only entity that can be required to respond is the elected board, i.e., the city council.

We believe that you can (and should) have a separate section for “invited” responses where you can request that elected city officials or appointed department heads respond to certain findings and recommendations in your report that apply to them. If they choose not to accept your “invitation” to respond, there is no penalty – but most will respond when invited to do so.

# new MEMBERS

- |              |                   |
|--------------|-------------------|
| Butte        | David R. Pegg     |
| Butte        | Kelly Knox        |
| Contra Costa | Jim Fiedler       |
| Marin        | Spencer Sias      |
| Monterey     | Robert Thornton   |
| Riverside    | Ramona Saunders   |
| San Joaquin  | Thomas Sharp      |
| Sonoma       | Jim Fahy          |
| Sonoma       | William Marcussen |

## Recent Board Actions

### Board Meeting, April 28, 2021

Ratified the appointment of Kathy Mastako to CGJA Board of Directors, Southern Region.

Ratified the appointment of Larry Herbst as Chair of the Technology Committee.

Approved the purpose statement for the James Ragan Memorial Fund.

Discontinued the Local Achievement Award.

Ratified the appointment of Jerry Lewi as Chair of the Public Relations Committee.

### Board Meeting, May 25, 2021

Ratified the appointment of Diane Lloyd as Chair of the Membership & Chapter Relations Committee.

*All approved board meeting minutes are available on the CGJA [website](#).*

**NOTE:** We encourage members to attend meetings of the board of directors. They are held on the fourth Tuesday of the month via Zoom (no meetings in July and rarely in December). The agenda along with Zoom information is available a week before the meeting. [Read more](#).

## Keep us Posted

Send us your chapter or association news and accomplishments. Format articles in Word and send as email attachments to Barbara Sommer [editor@cgja.org](mailto:editor@cgja.org). For more details see [How to submit an article](#).

DEADLINE for submitting articles for publication in the next issue

July 26, 2021

**Change of address** - Please notify the [editor@cgja.org](mailto:editor@cgja.org) of any email address changes.

**The mission of the CGJA is to promote, preserve, and support the grand jury system through training, education, and outreach.**

Contacts: [Officers and directors](#), chapter and association [presidents](#).

**CONNECT!**



*Visit our website*

Editor: [Barbara Sommer](#). Publications support: CGJA Public Relations Committee.

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