

Grand Jurors' Journal

December 2003

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President's Report

This issue of the Journal provides you with the highlights of our 2003 Annual Conference held at the Pierpont Inn in Ventura, California on October 17th and 18th. A special thank you goes out to Jerry Lewi, 2003 Conference Chair, and his committee of support volunteers, which are recognized in a separate article.

We congratulate Les Daye, recipient of a 2003 Angelo Rolando Service Award and Jack Zepp, who received CGJA's Lifetime Achievement Award at our Annual Conference. We wish to thank Bette Grace and her husband for attending our Conference to receive an Angelo Rolando Service Award presented in honor of her mother Janet Praria, our late Treasurer, who passed away in December 2002.

Our Annual Membership Meeting was well attended and I was pleased to report that CGJA's membership and financial position has increased to record levels in 2003. Our Legal Team has worked hard on providing balanced testimony to the California Legislature on proposed changes to Grand Jury law. Our Training Team has, for a second year in a row, trained over 400 new Grand Jurors. Our Operations Team continues to expand and refine its multiple tasks. Membership Relations has been active in bringing in new members and formalizing bylaw changes with our local county chapters.

Progress has been made in refining our financial systems but more work is ahead. Our Public Relations and Grand Jury Research efforts remain challenges to be accomplished in 2004 as we generate additional member resources.

In accordance with our bylaws, twelve Directors were elected at our 2003 Conference. I am please to announce the re-election of Directors Jeanne Forbes, Kent Foster, Robert Geiss, Beverly Hill, Richard Nichols, and Richard Ruth. I am equally pleased to welcome newly elected Directors Linda Baker, Serena Bardell, Barbara Dabul, Earl Heal, Carl Kyle, and Diane Masini.

The Board of Directors held its 4th Annual Retreat in Ventura immediately prior to the annual conference. A variety of topics were reviewed and delegation of responsibilities to our standing committees was formalized by Board actions taken at this Special Meeting. The Board established December 31, 2003 for finalization of chapter bylaws.

The Board will now be meeting bi-monthly starting with its November 3rd meeting. As the Board moves to bi-monthly meetings, it will continue to govern on policy matters and direction to its officers and standing committees while day to day actions will be assumed by the officers and individual committees of the Association. Our intent is to formalize our internal procedures for rapid response to the needs and support of Grand Juries throughout California.

Our membership effort continues with a healthy rate of renewals and new members. Dues for 2003 should be sent directly our Treasurer Marilyn Maxner at 395 Del Monte Center, Box 138, Monterey, CA 93940. We encourage former and new Grand Jurors to become involved with our statewide Association. We have much work ahead and always value an increase in our resources.

I am please to report that groups of former and current Grand Jurors are actively working on forming new chapters in their respective counties throughout the state. We hope to be announcing formal approval of new chapters in our January issue of the Journal.

At its November 3rd meeting, the Board of Directors took action to resolve a long-term internal matter brought to the attention of many of our members. Resolution of this matter allows CGJA to continue its focus on expanding its support efforts for all Grand Juries.

We were recently invited to testify at a three hour interim hearing on Grand Jury Reform to be conducted by the California Assembly Local Government Committee on December 3rd. Jack Zepp and members of our Legal Committee are now preparing for CGJA's testimony. Testimony is expected from an Assemblymember, Judge, two county supervisors, several educators, a private practice trainer, and the California State Association of Counties. A report in this Journal from our Legal Committee will provide more details on this development.

We extend to our members, associates, many supporters, and their families our Best Wishes for a Joyous Holiday Season and Happy New Year.

Elwood Moger

November 8, 2003

Conference Highlights

Here are some highlights from our conference speakers

Linda Parks, Ventura County Supervisor, gave us a welcome. Parks showed her strong support for Grand Juries.

Assemblywoman Hannah-Beth Jackson (D. Santa Barbara/Ventura) conducted her session almost like a town hall meeting with her constituents, in that she took as many questions as information she provided to the conferees. She did review recent legislation regarding Grand Juries. This wasn't exactly news to the attendees but it was useful to hear a legislator's point of view. We have promised Jackson that if she provides answers to some of our questions we will publish them in a future Grand Jurors' Journal.

Former Ventura County Michael Bradbury's talk is covered elsewhere.

Jim Mayer, Executive Director of the Little Hoover Commission, described the work of the Commission. This commission is the closest thing to a state Grand Jury, as the commission itself decides what it will work on. They may only investigate the executive branch from the Governor on down. They do make recommendations regarding change in the law and testify before the Legislature, but can't investigate that body.

Like Grand Juries, the Commission has now power to implement or enforce any of its recommendations. The Commission consists of 13 members, four legislators and nine public members appointed by the legislature leadership and the Governor. By statute, it must be b-partisan, so neither party may have more than a one-member majority.

Unlike Grand Juries, the detail work is done by a paid staff of eight headed by Mr. Mayer with an annual budget of about \$800,000.

Neil McCormick, Assistant Director for Member Services of the California Special District Association (CSDA), spoke about the work of that group. CSDA is a non-profit association of over 800 special districts throughout the state. They perform many services to educate special district members and maintain a risk fund that is an insurance pool.

Jack Zepp, Chair of CGJA's Legal Committee chaired a panel of his committee members who spoke on the following topics: Les Daye described the process by which legislation is introduced and developed. Les tracks any legislation that could affect Grand Juries and reports them to his committee and the Board.

Jack gave an update of AB312 and SB307 about which we reported to the membership via the Grand Jurors' Journal and our website. For now these bills are quiet but are expected to come back after the first of the new year.

Bob Geiss, who proudly proclaims he is not a lawyer, told how members can help when legislation is being considered. Letters and calls to your legislators do have an impact.

Dick Nichols talked about some of the non-legislative activities of the committee such as reporting on court decisions and Attorney General (AG) opinions. Dick has provided some very interesting articles in the Journal of this type. Dick pointed out the AG opinions are not binding but serve as at least one interpretation of the law.

Jack, filling in for Dian Picone who had to leave early, described the CGJA Compendium, which is a compilation of all law affecting Grand Juries and the related court decision and AG opinions. This updated document is available through our website.

We thank all the panel members for their expert inputs.

Thanks from Conference Chair

The CGJA 2003 Annual Conference held at the Pierpont Inn in Ventura is now in the record books. While the attendance was disappointing, a summary of the evaluation forms indicates that the conference was a success on just about every measure. As many of you know, I agreed to chair this meeting despite not having a local chapter that usually provides a significant amount of logistical support.

My work-around to this situation was to recruit help from neighboring counties and that worked very well. Other than having to drive 1000 miles during the year traveling to locations from San Juan Capistrano in Orange County to Avila Beach in San Luis Obispo County (that's about five California missions worth), the system worked well. I am indebted to Audrey Lynberg and Andy Bliss from the Los Angeles Chapter for handling registration both prior to and during the meeting. They had help from Past President Pat Yeomans at the conference. Rose Moreno from the Orange County Grand Jury Association handled the conference booklet as expertly as she has done in the past. It was her idea to use loose-leaf binders to make last minute changes easy. Boyd Horne and Barbara Dabul of the San Luis Obispo Grand Jury Association will be preparing the transcript with the help of others.

Finally, I want to thank my fellow Grand Jurors from Ventura County, Lillian Goldstein, Janice Kuzemko and Ira Grooms for their on-site support during the meeting. They dealt with all the details I couldn't have. Sig Wathne from Santa Barbara also helped with the roving microphone.

Jerry Lewi

2003 Conference Chair

Director Biographies

Linda Baker

Linda has a long list of volunteer activities which range from Boards, Commissions and Task Forces located in the Contra Costa County, San Francisco Bay area. Starting at an early age, these activities span from 1966 to the present time.

A sampling of the variety of positions and organizations follows: President, Alameda - Contra Costa Council (CCC) of Camp Fire Girls and Boys. Clerical Support to the CCC Victim and Witness Protection. Observer, CCC, Presidential Election. Member, CCC Grand Jury. Board of Directors for Right Directions and Nevada County-Lake Vera Mutual Water Association. Vice Chair of CCC Juvenile Justice Commission. Chair, Capital Finance of the CCC Juvenile Systems Planning and Advisory Committee. And a few years back she was Treasurer for the California Grand Jurors' Association (CGJA)

There are more, many more organizations that Linda Baker has spent countless hours in volunteering her time and efforts in supporting. As a result she has been the recipient of awards from: Juvenile Delinquency Prevention Commission as "Volunteer of the Year"; Camp Fire Girls and Boys, "Alumni of the Year"; Honored by the Child Abuse Prevention Council: Received the CGJA Angelo Rolando Service Award; and a trophy that she is very proud of, Last Place, Gutter Dusters Bowling League.

Serena Bardell

Serena was born and reared on the South Shore of Long Island, New York, in an area called "The Five Towns." From fourth grade through high school she attended Woodmere Academy, to which she remains indebted for an excellent educational foundation. She came west to go to college and has spent her "entire voting life" in San Francisco.

After spending some time doing volunteer work, she became interested in trying to ameliorate those socioeconomic and political circumstances that seemed to contribute to the kinds of problems both volunteer and professional groups were attempting to address one person at a time. So, little by little she put more of her efforts into "issues-oriented" campaigns.

While "trying to make the world a better place," she also joined a social organization just starting up in the SF Bay Area. Because of her well-known passion for cooking and baking, her fellow members persuaded her to start a "gourmet group." This in turn led eventually to her starting a "little magazine," which focused on exploring the breadth of cuisines available in SF Bay Area restaurants and markets, along with finding the best wines for the best prices, and a great deal more. She retired the magazine after eight years and went on to write two books on SF Bay Area wining and dining.

A growing allergy to tobacco smoke forced her to stop reviewing restaurants (this was before the law changed), so the third book never came to be, but her interest in food, wine, writing, and editing remained strong. As an active member of the Society for the Preservation of English Language & Literature (SPELL), she gets to share her fascination with language and usage with like-minded folks (who, alas, seem to drive everyone else up that famous wall).

She and Bob bought their tiny 1885 Victorian cottage in 1985 and taught themselves how to garden, eschewing chemicals from the start. Growing some of the foods she cooked contributed to Serena's ongoing interest in organics, sustainability, and nutrition. Home ownership brought a different perspective and set of involvements, leading both Bob and Serena to participate in their neighborhood association, where Bob is now president and she sits on the board--and learning something about the

intricacies of local government. The 1989 Loma Prieta quake led to their taking Neighborhood Emergency Response Training (NERT) and then to Serena's putting together a neighborhood watch group on their block (which just celebrated its 10th anniversary) under the auspices of Safety Awareness for Everyone (SAFE).

Serena served on the 1996-97 SF Grand Jury and found it an amazing, eye-opening experience. She attended the Yuba City training sessions early in her term. Wanting to continue to learn about and find ways to contribute to strengthening the grand jury system, she joined CGJA in 1997 and remained a member through 2002, rejoining this past summer.

Serena is currently a member of the organizing committee/interim board of directors forming a San Francisco chapter of the CGJA. Among her goals as a member of the board of CGJA are to do all she can to encourage new members to participate and to make all attendees at annual meetings feel a welcome part of the CGJA family.

Earl Heal

Director Earl Heal was reared on a livestock-grain farm near Bunker Hill, Illinois and received a Bachelor of Science Degree from the University of Illinois. He was commissioned into the United States Air Force in 1955. After nearly five years of service he returned to farm life for four years but that career was closed when he was recalled to active Air force duty in 1964.

Earl elected to stay this time for a career in the Air Force and retired as a colonel in 1989. Approximately one half of his military career was spent in flying (mostly transport aircraft, but three years was high altitude reconnaissance), one year in combat air rescue coordination in Southeast Asia, and the remainder was in support as a transportation Officer. Earl accumulated 11,000 accident free flight hours, commanded a flying squadron and an aerial port squadron, and served as staff air transportation director for Pacific Air Forces.

After military retirement he was employed as an airline pilot for four years and as a flight simulator instructor for military aircrews. Hobbies include serving Meals on Wheels and chapter scholarship chairman for Military Officers Association. Earl served on the Solano County 2001-02 and 2002-03 Grand Juries.

Diane Olivia Masini

Diane Olivia Masini a long time resident of Nevada county, Diane has also resided in Sonoma, and Marin counties while employed in Customer Service, Logistics, and Information Technology management positions for a major chemical company. In 2000, when the company centralized their operations in New Jersey, Diane opted for early retirement and made Nevada County her permanent home. Early retirement is allowing Diane to explore other interests and to contract her skills and services to local businesses and organizations. Diane also volunteers at the Grass Valley Learning Center as an instructor and a coach for SeniorNet, a worldwide volunteer organization that teaches computer literacy to seniors.

Diane is a third term member of the Nevada County Grand Jury, and has been their business manager for the last two years. She is currently serving as chair of the Editorial and Follow-Up committees, a member of the Audit/Finance committee and previously served on Health and Public Relations committees. She was instrumental in working with the Superior Courts' Information Technologies Director to up-grade the juries' web site. Diane is married with two adult children, four grandchildren, and one greatgrandchild. She and husband, Rich are collectors of antique toys and advertising memorabilia and enjoy traveling near and far in search of items to add to their collection.

Marilyn Maxner

Marilyn and her husband have lived in Monterey for 31 years. The first nine years of their marriage were spent studying and teaching in Minnesota, California, Korea, and Hong Kong. Their daughter was born in Hong Kong, and their son was born a half a world away in Monterey, California. Marilyn's daughter, son-in-law, and 3-year old grandson live in nearby Salinas; and currently her son is working on his MBA at Cornell.

Marilyn states that she puts "Community Volunteer" as her occupation on tax forms.

Although she has worked off and on since her children were born, the jobs have always been part time, and Marilyn was able to participate actively in her children's schools and extra-curricular activities when they were growing up.

Marilyn has been a member of the League of Women Voters for 30 years, sometimes as an active participant and board member, sometimes merely as a supporter. She was a founding board member of the Monterey Opera Association, and has sung with the Camerata Singers of Monterey County for many years. But the main focus of her volunteer work has been with her church. Marilyn is currently president of her local congregation and has held most of the other offices. She has been on the boards of Lutheran Social Services of Northern California and Good Shepherd Lutheran Home of the West (now known as Good Shepherd Communities). Currently she is on the Board of Directors of the California-Nevada-Hawaii District of the Lutheran Church--Missouri Synod and will be a delegate to the national convention next summer.

When Marilyn isn't doing volunteer work or spending time with family, she likes to read mysteries, play bridge, do jigsaw puzzles, sing, and play the organ and piano. As her husband slows down his work schedule (the teacher she married is now a financial advisor for Merrill Lynch!), they plan to do lots of traveling.

For many years she knew about the Grand Jury from her participation in the League of Women Voters. It was always one of her goals to be a member. In 2000 things finally worked out that Marilyn could apply, and she felt honored to be selected for the 2001 Monterey County Grand Jury. She felt it was a year of learning and of feeling part of the community in a new way, and states that she might apply to do it again. Because she believes strongly in the purpose of the Grand Jury, she said yes when asked to serve on the CGJA Board of Directors as Treasurer. She believes that there is so much we can do as an organization to increase the effectiveness of the Grand Jury, and she is looking forward to being part of that.

Ourania Riddle

Ourania Riddle was born and educated in Athens, Greece. Her family immigrated to the United States in 1967 and made San Francisco, their home. Ourania met her husband of 35 years at San Francisco City College, which they both were attending. They have two married daughters.

Ourania's husband's employment gave them the opportunity to live in many places overseas. They worked and lived in Italy, Saudi Arabia, Greece, and Germany. Living and traveling in Europe and the Middle East gave Ourania the opportunity to experience first hand, the many social and economic differences that face the world today. She feels that she has gained an appreciation of the freedoms and opportunities unique to the United States and the diversity of the American culture, and pledged that upon her return to her home in the states she would become an involved citizen.

Ourania has worked as an investigating reporter for a local newspaper, and , in addition worked on several political campaigns as a campaign manager. She has also been an Administrative Assistant for the California First Amendment Coalition. Ourania served on the Solano County Grand Jury 1998-2000.

Currently, Ourania is a trainer for the CGJA, Editor of the Grand Jurors' Journal and a CGJA Director. She is also a founding member and Treasurer of the Solano County Chapter of the CGJA.

Legal Committee Report

After a quiet summer with lawmakers' attentions focused on recalls, budgets, disasters and the like the Assembly Committee on Local Government has scheduled a hearing, nominally on AB 312, for December 3, 2003. At this writing (Nov. 7) confirmed speakers are Bruce T. Olson on grand jury processes, J. Clark Kelso and Michael Vitiello of McGeorge School of Law on their 2002 grand jury reform proposals, Judge Quentin Kopp on grand jury reports and responses, Supervisor Mike Nevin on the status of the Grand Jury Training and Communications Act of 1997 (AB 829, amending PC 914) and Jack Zepp for the CGJA on whether the bill is sound reform and whether alternatives exist. Other speakers may be added later. Additional details will be provided as they become available on the CGJA web site, www.CGJA.org. It is possible that the focus of the hearing will be on the provision of AB 312 that requires grand jurors to "hold-over" for 120 days to "review and comment upon" responses. If you or a representative of your grand jury or association would like a chance to be heard please contact Jack Zepp (jack.zepp@lw.com 714-755-8028; or Committee staff Frances Chacon directly at 916-319-3958).

Operations Committee Report

This report is essentially what I reported at the CGJA Annual Membership Meeting on October 17, 2003.

I sometimes characterize the Operations Committee as the committee in charge of everything no one else wants to do. That's probably overstating the case a little, because we do some high-profile things for the association. Here is a summary of what we have been doing for the past year in descending order of visibility.

Annual Conference - This Committee is responsible to plan and carry out the Annual Conference. Elsewhere in this issue, you will find coverage of this important event. I had the honor and privilege of chairing this year's meeting in my home county.

Grand Jurors' Journal - Under Ourania Riddle, our editor and Bob DeQuattro who handles the nuts and bolts of preparing the final copy, we have set a goal of eight issues a year and have also added some new features such as photos and director profiles. We distribute the journal to other interested organizations and see it as a major outreach for CGJA goals as well as the main means of communication with our members.

Website - I have the honor of being the webmaster, learning the intricacies of making changes to a site that had been designed several years ago. With the help of other committee chairs, we do our best to keep the site updated. Contents of the Journals are posted shortly after they are mailed and we use it to notify membership of such events as this conference, the annual training seminars, as well as Legislative Alerts where we want member action. I first became acquainted with the site as a sitting Grand Juror in 1998, never dreaming I would one day be in charge. To all you new jurors, I can recommend our site as a very useful tool for its links to all sorts of related information. Our site is recognized by major search engines, so you can do some interesting searches to support investigative activities. Since the first of this year, there have been over 7000 hits on our site.

Publications - We have an extensive library of Publications offering valuable documents for your use both as active Grand Jurors or as interested parties. Dan Taranto has been managing this activity for many years. Many of these are also on the website and we see no conflict in offering them both ways. We usually staff a table of these documents at the training conferences, as many are very useful to new Grand Jurors. Jeanne Forbes assists Dan at these times.

Grand Jury Reports Index Project (GRIP) - Les Daye and his committee are responsible for this annual index of Grand Jury reports throughout the state. His committee is working on reports going back to 1950 and is also working on indexing responses to reports. We feel strongly that publicizing responses is as important as the reports, because it is the response activity that ultimately determines the effectiveness of Grand Juries.

Research & Analysis - Beverly Hill is in charge of this new activity, started this past year. She is

working to establish Grand Jury reports as an archival resource and works closely with Les Daye's GRIP Committee. Beverly posted an article in the Journal calling attention to the fact that many counties were not meeting their statutory requirement to file reports with the State Archivist. As a result of the article, several counties started to comply with this requirement. You might check how your county is doing.

Policies & Procedures - This is strictly an internal activity and Roger Loper has spent countless hours keeping this document up to date. It is the nuts and bolts that makes the organization run as smoothly as possible. We are always finding better ways to do things, especially for an organization that is state-wide and only meets face-to-face once a year. Anytime we change our procedure, it has been Roger's job to document and distribute the changes. Roger will be stepping down from this duty and it will be my challenge to find a replacement.

Teleconferencing - Because it is impractical to meet more often than once a year, we hold all Board and Committee meetings via teleconference. Dan Taranto managed to find us a low-cost provider and El Moger recently found an alternate, so we are in good shape on this.

Contact List - Clif Poole maintains a database of all possible people interested in our Grand Juries. Be assured we do not provide this list to anyone except for our own purposes.

Conclusion - I hope you can see the breadth of our committee activities and the interrelationships between them. We will be setting new goals for this year. If anyone is interested in joining us, please contact me.

Jerry Lewi
Operations Committee Chair

Membership Committee Report

Our membership continues to grow. One thing I have noticed in dealing with membership is that we seem to have members renew only when we remind them. I don't think it's a case of not wanting to join, but more of a case of "I forgot" or "I thought I had sent my dues in". I think part of the problem is the way we do business. We give a 60-day grace period with our bylaws and end up with sometimes a 90-day period where we continue to send copies of our journal and other mailings. By the time our members realize they are not receiving the benefits of CGJA it is probably December or January. One thing you can do to help us is ask your friends who are current or former grand jurors if they are still a member of CGJA and, if so, are they receiving their copy of the Journal, and if not, why? A good reason to join is the protection and improvement of the Grand Jury System (as demonstrated again by proposed legislative changes to AB312, which our friends and members opposed last year). This issue is back for a hearing on December 3, 2003. More details are available in another article elsewhere in this journal, and on our website (www.cgja.org). Remember, the larger the group CGJA represents, the clearer our voice is heard in Sacramento. Please encourage a friend, acquaintance or past grand juror to join CGJA, either as a regular voting member (past or present grand juror) or as an associate member. Keep our organization strong! If you haven't joined the CGJA yet, take the time now to join for 2003/04. An application form can be found in the journal. If you're not sure if you sent in your dues for 2003/04, please call or e-mail me to check.

Clif Poole
Chair, Membership Relations Committee
(707) 447-0554 (JCSwimm@AOL.com)

Location, Location, Location

By G J Journal Staff

At the most recent meeting of the CGJA Board of Directors, Redding was approved as the fourth Training Conference Site for 2004. It is still early in the Training Program planning stage, but Sherry Chesny, Chair of the CGJA Training Committee is very optimistic that sufficient resources are available to complete four training sessions during 2004.

Duane Mason and others will be surveying grand juries in Northern California to gauge interest in a

Redding seminar. Dates and specific training sites haven't been determined, but there will be advance notice on our website, the Grand Jurors' Journal and special mailings.

From the Mailbox

Wants Board Action

Dear Editor

Despite the DVD controversy that seemed to hang heavy over the sessions, I managed to enjoy the conference in Ventura. The Pierpont Inn was enjoyable-the rooms comfortable, the meals delicious, the garden lush, and the parking free. During the annual meeting I voiced some requests. Please allow me to repeat and expand on those requests that are still pertinent.

1. Adopt an attitude of inclusion, not exclusion, at board meetings. Is there any reason why non-directors should not be able to observe such meetings? What issue is so sensitive that regular members need be excluded? Should we not be at the forefront regarding open governance and open dialogue?
2. Please consider mediation as a means of resolving conflicts involving the organization. make use of attorneys as a last resort.
3. In striving to be a professional, sophisticated, business-like organization, please remember that many of us do not come out of the corporate world and/or high-powered positions and, more than likely, never aspired to such. While we may not be as visually diverse as the general population of California, we are quite diverse in personalities, backgrounds, and spirit. Opposing views and lively exchanges make for a healthy organization. We are an *all volunteer association* with members on equal footing. A bit of quaintness and quirkiness doesn't really detract from our mission. We shouldn't be so structured to the point of losing our sense of balance. With or without an apostrophe we are a member organization.
4. Keep the Journal as a member newsletter. I concur with Marianne Jameson's views on the newsletter. In Order to keep connected we need to know what is going on with members throughout the state. We need to know their views, their problems and their solutions on grand jury and association matters. Using the Journal as a public relations vehicle should be a secondary aim. And please let the Editor be the last word on the Journal.
5. Reconsider announcing the passing of members who have contributed much to the organization. A minute or two set aside for such announcements is not inappropriate. To do otherwise seems to indicate a rather strange level of detachment and aloofness. This is a specific instance that refers back to item 3.

Very sincerely,
Rose S. Moreno Orange County

Fires and Other Disasters

Dear Editor,

The recent tragic fires in Southern California brought to mind one of my pet concerns over the years, which is providing up-to-date and accurate information to the general public during the event. The purpose of this letter is to suggest that every Grand Jury in California might want to look into this problem and issue a report to their local county agencies. This is my personal view and does not reflect the view of CGJA.

Some background: I lived in Malibu for many years and was very familiar with fires. I currently live in Thousand Oaks in Ventura County and while the Val Verde/Simi Valley fire was no real threat, I could drive to the top of a hill a mile away and see the flames another six miles from my neighborhood.

What I have observed over the years is that it is very difficult for the average citizen, whether or not threatened by the fire, to find out exactly where it is, where it is heading, what roads are closed, etc. The

media tries and has improved over the years. They used to provide what I call sob story journalism focusing on individual family losses but provided very little solid information. Now they are doing better.

I also found during the course of the recent fires, a number of ways to get information such as local radio, even a local public access TV channel and the Internet. But what I find lacking is a coordinated, well-publicized effort for the public.

I would like to see an effort coordinated by local public safety officials with media assistance that is publicized well in advance of such events which of course would include earthquakes and floods. To answer the complaint of no funding, I am sure volunteer efforts could be recruited to compensate. In my area, we have DART (Disaster Assistance Relief Teams) groups that I imagine would be eager to help.

So, through this letter I hope all current Grand Juries throughout the state will start an investigation of the current practices with recommendations for improvements. As such reports are issued, CGJA through its Grand Jury Report Index Project (GRIP), its website and this Journal could publish the results and perhaps even come up with a list of Best Practices so all Counties could benefit from the experience of others.

I would be pleased to hear from anyone with other thoughts on this idea.

Jerry Lewi
Thousand Oaks, Ventura County

Following is Part 1 of remarks made by Michael Bradbury, former district attorney of Ventura County, at the CGJA Annual Conference in Ventura on October 17, 2003. Mr. Bradbury's comments are his own and do not necessarily reflect the position of CGJA. Part 2 will be printed in our next Journal.

REMARKS OF MICHAEL D. BRADBURY

“The Grand Jury Our Justice Systems Stepchild”

Or

“Why Are You Always Picking On Me?”

And

“How We Can Come Back”

Do you feel picked on? You’ve been hammered in case law, law review articles and legislative hearings for the past several years. You’ve been abandoned, resurrected, demonized and cloned! You’ve been accused of all kinds of failings: being unjust, undemocratic, over reaching, abusive and inept. You get no respect! I’m surprised you’re showing your faces in public!

Who’s doing this?

Who in the heck are “they” – you ask? Well, this is highly confidential so please don’t repeat it. There is a vast left wing conspiracy of news media folks, law professors, legislators, civil rights advocates, law review types and defense attorneys out to get you.

Why are they doing this you ask?

You are a centuries old revered institution comprised of fine, God fearing, up standing citizens from the community. You are interested in honest government and seeing justice served. You’ve accomplished great good, brought about necessary reform, exposed corruption in government and required dangerous criminals to be tried for their misdeeds. There are 58 of you in California where everyday you volunteer thousands of hours to make your communities better. The general population supports you.

Well, that’s all well and good but you haven’t quantified or documented your value and we don’t want to hear your self congratulatory anecdotes.

You operate in secrecy. Secrecy is bad. Evil things happen in secret. The Spanish Inquisition with its star chamber was secret – look what happened there. You started out as an arm of the Crown, doing the King’s bidding indicting whomever he disliked. And now you do the same thing for the prosecutor. Look what you did to Susan Golding in secret. It is wrong to give the King, I mean the prosecutor so much power. You see him or her everyday; you hear things from them that we can never learn. You drag people in and question them mercilessly under bright lights. They are frightened and 19 people plus a prosecutor that can’t be trusted will trick them into saying things they shouldn’t. It’s not right, it’s anti-American.

And what about political figures you get it in for, or maybe only one of you dislikes the politician but you investigate his or her office and write a report that their political opponent uses to beat them up in the next election. It’s simple – they want to get rid of you because they view you an anachronism and a violation of 21st century sensibilities. Basically, folks you don’t pass the liberal “smell test” anymore. Is it deserved?

You probably can’t relate to the scenario I just painted. My experience certainly is to the contrary. But this is the perception of California’s liberal change agents and they picked up a conservative ally in Scott Baugh, and as we all know perception drives more decisions than truth. And these same people are helping to create this perception.

These folks have not openly called for your abolition. They are smart. They prefer a slow dismembering and accomplishing their goal under the radar screen. They want to reach the point where the populace agrees that you no longer play an important role in society, and you’re too costly to keep as a historical curiosity. You will recall the proposal to transfer many of your government watch dog responsibilities to the local civil serve commissions, many of

you have been disenfranchised as to the criminal indictment responsibilities. Are you going to go gently into that good night, or are you going to rage, rage against the forces of darkness and make Dylan Thomas proud?

Okay, a little rage here is good. What do you have to do?

Get your house in order. Put together a strong code of conduct for your members; publicize it. You have to be pure as Caesar's wife. Carefully guard against a grand juror using the body for a personal vendetta. I've seen it, don't say it can't happen. Have a rigid screening process to determine what or whom you will target for your watch dog investigations. Publicize it. Establish the threshold that such proposed investigations must meet. Publicize it. Select strong leadership, people with good interpersonal skills to keep grand juries working as a team. Distribute your human resources wisely among the committees. Don't simply make it a who wants to work on the yahoo committee.

Establish strong ties with your advisors, the presiding judge, district attorney and county counsel. Don't play them off against each other – which grand juries sometimes do. One good rule is to routinely meet with them all together. Your advisors talk among themselves and they are quick to recognize when they are being manipulated. Consult with them regarding every major initiative. Publicize it, not the topic, the fact of your meetings. Your counselors will typically give you solid advice that will keep you out of trouble and make your work easier and you more efficient. Never forget, however, that they advise, they don't decide. You make your decisions. Your legal advisors are historically badly under utilized.

Recognize problem grand jurors early and act to get rid of them. Don't simply say well we only have two problems out of 19 and we'll work around them. They will pull you down and slow you down at best and embarrass you badly at worse.

Obtain the best training you can muster as soon as possible. Publicize it. Invite members of the public and media to join you in your training where appropriate. Include the previous year's grand jurors but have everyone who participates prepare a lesson plan so it doesn't digress into a series of war story sessions. You don't need a parade of politicians and bureaucrats coming through for alleged orientation trying instead to indoctrinate you. There are a handful of people you need to meet with to gain the necessary knowledge and information to get up and running. Your three (3) advisors, the County CEO, the Auditor, Sheriff and Chief of Police and City Manager of your major city. The others send a 3-page questionnaire. If you're still in the indictment business you need a four hour training session with the District Attorney's indictment coordinator.

Marketing. Redouble your efforts at educating the public. Ask for help from the experts. Most public relation firms will give you some pro bono help. Put more of your budget into education. Get on cable television and talk in general terms about what you're doing. Develop a program to recruit good people to follow you. Publicize it. Hold more open houses. Hold some outreach programs, go to the community and solicit their input regarding community issues and at the same time let them know what you're doing. Publicize it.

Grand Juries are to be tolerated, coddled and fed what little information is necessary and then outlasted. You must regain the respect grand juries once enjoyed in order to be taken seriously and to assure that the grand jury system survives. This means that you've got to be right on when you publish findings and recommendations. They have to be supported with well articulated facts and not subject to parsing. A good approach is to have an expert in the particular area of inquiry retained as a consultant or to verify your approach and understanding of the issues as well as your conclusions. Yep, it cost money, you need to request a budget that allows you to do the job right or stand up and resign en mass. That is the principled thing to do and believe me; you'll get the county's attention regarding your budgetary needs if they know you mean business. You have to be realistic in your request, but if you don't have the resources to do the job right you're going to screw up, give the target ammunition to bury you and further the decline of the grand jury as an institution. You have to make the bad actors fear you and the good guys appreciate you to have the confidence and clout that you need to do your job right and well.

The DA, Sheriff and County Counsel shouldn't be sacred cows. They need to be looked at every few years even if there isn't a presenting incident. You may end up saying they are fine operations but you may find a problem that needs to be addressed. It will also help dispel the idea that the grand jury is a tool of the DA, County Counsel and/or law enforcement.

Use the Auditor's Office to help you. They generally know where the bodies are buried and are happy to help. Ask the DA to loan you an investigator for particularly tough or sensitive investigations, even though it's the civil watch dog function, the DA has the authority to help you. Another potential ally can be the Attorney General especially if you're looking at the DA or Sheriff.