



Grand Jurors Journal

An Association of Grand Jurors

January 1999-Steven R. Phipps, Editor-P.O.Box 2072, Trinidad, CA 95570

A message from CGJA President Les Daye

Since the last journal, I have been working on the two main events which the association is sponsoring in the coming months. The 18th annual meeting conference, to be held September 17-19 in San Jose, is being readied by local arrangements chair Linda Baker and newly appointed program chair Elwood Moger. The efforts of the program committee in selecting the Wyndham promises a grand conference setting for all attendees. The theme of the meeting will emerge over the next couple months and is certain to aim for the goal of strengthening the civil grand jury system in California.

To assure adequate training for Grand Jurors as spelled out in A.B. 829, a two-day training seminar on August 4-5 (co-sponsored by the University of La Verne College of the Law and the CGJA) is effectively gearing up with Audrey Lynberg as arrangements chair and the training guidelines committee efforts chaired by Sherry Chesny. About 150 Grand Jurors from the south region are expected to participate.

Our web site at www.cgja.org will become more responsive with the expansion of the website committee. Many opportunities to field questions and educate the general population about civil oversight grand juries exist on the site. One example of outreach may include historical references which coincide with the California Sesquicentennial activities occurring through September 9, 2000.

The fund raising development program is making progress and it is particularly important to achieve the goal set for the Val Cavey Education Fund., Please make your contribution by March 31, 1999.

Let me thank all members who have submitted materials of interest for the quarterly Grand Jurors Journal. Your continual communication and assistance in the goals and objectives of the association is appreciated.

Sincerely,
Les Daye

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*"The best of times, the
worst of times..."*

A few years ago I saw a television newscast wherein the talking heads opined that these were "weird and eerie times". As this issue of your newsletter goes to press the nation awaits for the outcome of the impeachment trial, a possible fall of world finance as banks overseas totter, and the end of the world as we know it with the Y2K problem. As the poet Yeats said, "things fall apart/ the centre cannot hold..."

But if times are bad, they are also very good: a booming economy, increasing environmental awareness, even the very valuable lesson in government that the impeachment process provides us all.

So I wish you all a happy new year, and ask for your assistance in keeping this newsletter at the high standard set by outgoing Howard Rien and Mickey Strang. They did such a great job. I'll need all the help I can to keep up. Please send letters and comments to me at the address below.

--Steven Phipps

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Around the state

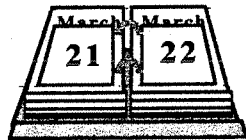


NEW LAW REQUIRES ARCHIVING OF GRAND JURY REPORTS

Sponsored by the CGJA, AB 1907 (Woods, 1998 -P.C. 933 (b)) was signed into law and took effect on January 1. This new law requires that each year each county forward official copies of each final grand jury report and the detailed responses as required by SB1457(Kopp, 1996 P.C.*933.05)(also CGJA sponsored).

The new Penal Code Section 933 (b) reads as follows: ""One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the county clerk and remain on file in the office of the county clerk. The county clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity." Existing law requires county clerks to maintain the complete file of past grand jury reports "in perpetuity"- for many counties that would represent 150 years' worth of reports.

MARK YOUR CALENDAR!



*CGJA Annual Conference
September 17-19, 1999 at
San Jose*

SANTA CLARA GJ DISSOLVED

For the first time in the history of Santa Clara county the presiding judge has dissolved the regular grand jury according to press reports from throughout the state.

Judge Leslie Nichols suspended all grand jury action December 18 during a controversy in which some members complained of discrimination and exclusion from the grand jury process.

Commenting on jurors' breach of confidentiality and the "complete destruction of the grand jury to function", Judge Nichols dissolved the jury in late December

ACCESS DENIED FOR GLEN COUNTY GRAND JURORS

According to *Sacramento Valley Mirror* reporter and publisher Tim Crews, Judge Angus Saint-Evans had, as of December 18, denied Glen County District Attorney Bob Holzapfel's motion to compel the Human Resource Agency to reveal information necessary for the Glen County grand jury to determine whether correct procedure was followed in a case involving a particular juvenile.

around the state continued.....

Orange county invites you to join the grand jury-- after background check by

- * Local police department(s) of city of residence and employment
 - * Orange County Automated Warrant Service System
 - * FBI Criminal Record System
 - * California Wanted Person System
 - * California Department of Motor Vehicles
 - * TRW credit reporting agency
 - * Orange County Registrar of Voters
 - * Orange County Superior Court indexes - limited and general jurisdiction
 - * Federal Bankruptcy Court indexes
 - * Orange County District Attorney's Office
- INTERVIEWS:**

- * With current employer or previous employer if prospective juror is retired.
- * With the prospective juror at his/her home



ABOVE TEXT FROM THE NET --

**[www.oc.gov/superior/
Investigate/htm](http://www.oc.gov/superior/Investigate/htm)**

Written Report to Committee

Upon completion of the background, the investigator conducting the investigation submits a written report to the judges of the Grand Jury Recruitment/Selection Committee of the Superior Court, Orange County.

Conclusion

The background investigation is not designed or intended to be an adversarial process. However, the investigation is intrusive into the personal affairs of the prospective juror. The cooperation of all prospective jurors with the Marshal's Investigator will speed the investigation and minimize the personal intrusion.

If You Have Questions . . .

If, as a prospective grand juror, you have any questions regarding the background process, please contact Administrative Manager, Gloria Gunton, (714) 569-3777 or Training Manager, Len Hayes, at (714) 569-378, Orange County Marshal's Office.

Do you know how your county selects grand jurors? How do you think grand jurors should be selected? Write a letter to the editor or e-mail a message to cahsrp@humboldt1.com

California Grand Jurors Association Internal Affairs

CGJA Board Holds Regular Quarterly Meeting Jan. 21

Les Daye chaired the CGJA Board of Directors as they met by teleconference .

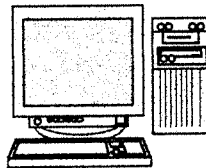
Items passed on the consent agenda included application for corporate insurance coverage for directors and officers, adoption of a disclaimer for the newsletter, application for a corporate credit card and other items.

Planning continued toward producing a collaborative effort with La Verne College of the Law regarding grand juror training in the late summer.

In correspondence Senator Kopp thanked the CGJA for its certificate of appreciation for his work on SB 1457 and AB 1907. The Del Norte Grand Jury sent thanks for the training workshop given October 23.

La Verne Law College Joins with CGJA for Summer Training

Coming in early August the CGJA has joined in partnership with the La Verne College of Law in Los Angeles County to jointly sponsor a two day training program for new grand jurors in the southern region of California. As funding and resources increase, training programs will be promoted for other regions of the state in coming years. Keep an eye out for the registration packets. They should be in the mail by spring.



**WEB SITE NOTES:
BULLETIN BOARD
OPEN TO ALL....**

The CGJA Website has gone through another remodeling and is available for your use. The bulletin board is like a letter to the editor--open to all to read and react. This forum is open to everyone, 24 hours a day, including holidays.

The board provides and promotes polite open accessible discussion of California grand jury issues. See you on the web!

www.cgja.org

Tips, Training, Items of Interest to Sitting Grand Juries



GRAND JURY TRAINING:

So, as a grand juror you may have wondered - .did I get enough training? Every known survey has shown that former grand jurors reflecting upon their jury experience believed that more training was needed.

The 1997 passage of of AB829 provided the first actual mention in the Penal Code (PC §914(b)) requiring the court to provide training to new grand jurors.

Many question that the change in the law made any difference in the status quo. The CGJA has formed a committee to assess the state of training for grand jurors throughout the state and to report findings at the 18th Annual Conference in September.

So stand by for further information on this issue. If you have any information that is relevant to this study, please forward it to: Training Study Committee, c/o 890 Cloudswood Rd., Fieldbrook, CA. 95519.

LAW SEARCH AT THESE SITES:

www.courtinfo.ca.gov/opinions
www.leginfo.ca.gov
www.ca.gov

Adding Bite to the Watchdog's Bark: Reforming The California Civil Grand Jury System. by Stephanie A. Doria

(Pacific Law Journal 28:4 1115-1155 (Summer 1997))

Ms Doria's excellent article is a must for everyone interested in the current politics of California grand jury reform. In the tradition of legal writing she leaves no stone unturned in her detailed examination of the controversies that surround the institution.

The article discusses grand jury origins, early California jury history, and contains an extensive analysis of the grand jury's powers and limitations. The author provides some suggestions for improvement and reform.

Your local county law library* will almost certainly have a copy of this. thoroughly researched 40- page review footnoted with 398 references (including many excerpts from several of our past CGJA Reports).

The footnotes provide a valuable legal resource for persons researching the legal rationale for the right of their particular grand jury to investigate particular issues.

*COUNTY LAW LIBRARIES ARE OPEN TO THE GENERAL PUBLIC. USE THEM!

Two Grand Jury Systems

California and Nevada reputedly have similar grand jury systems.

Well, no, not quite. In fact, there are some pronounced differences.

California counties can have both a civil grand jury and a criminal grand jury sitting simultaneously; the civil grand jury sits for a year and a criminal grand jury serves for whatever length of time the District Attorney of a county wishes. More than one criminal grand jury can be convened in a California county in any one year. Nevada counties have only one grand jury to serve both purposes. If criminal activity warrants, however, Nevada Revised Statute 6.110 says a grand jury may be selected "as often as the public interest may require," so more than one grand jury may be functioning in any one Nevada county at any one time.

Ordinarily, Nevada grand juries serve mainly to hear criminal cases and issue indictments. They can, however, be charged by the court of the county in which they serve to investigate local government. After investigation, they can issue a final report with recommendations if they wish or if the court requests a report. No response of those investigated is required unless the court so states (but the court may order follow-up to see if recommendations were implemented). But no annual report is required of most Nevada grand juries nor are they mandated to look at local jail facilities as California juries must do annually. No specific investigations are required by law.

If 25% of the number of people voting in the last Nevada county general election petition the court for an investigative grand jury, the court must impanel one. Also, any taxpayer can file an affidavit listing evidence to support a belief that a public official may have misappropriated public money or property, that a fraud may have been committed by a past or present public official, or that a trust has been violated, and thereby request a grand jury be impaneled to investigate this charge. If two other taxpayers also file affidavits regarding the same issue and the statute of limitations on the offense has not run, the district judge must act on such petitions within five days.

In California most civil grand juries are blue ribbon juries, not selected from the same pool as members of petit juries. Nevada grand jury members are picked differently. And Nevada grand jurors elect their own foreperson in contrast to California's judicial appointment.

In counties of 100,000 or more, Nevada Revised Statutes (NRS) mandate that the clerk of the court shall select at random at least 500 qualified persons to be called as prospective grand jurors. These then are asked to fill out a questionnaire that states rates of pay, duties, and estimated time required

of each juror. Once a list of 100 persons willing to serve is compiled, the district judges meet within 15 days and, in the order of seniority, each judge selects one name until 50 are chosen. The sheriff then summons the proposed grand jurors and the district judge selects at random 17 persons as grand jurors and 12 as alternates. These serve until a new grand jury is impaneled in the same way. According to NRS 6.120, any county with less than 100,000 people chooses 50, with 36 needed to serve as the pool from which jurors are directly selected. The NRS 6.110 requirement that juries must be called at least once every 4 years does not apply in small counties unless the district judge so directs. A new jury may actually be impaneled every year, but that is discretionary.

The governor or the legislature may ask the district judge of any county to impanel a jury in the same manner as other grand juries are impaneled, except that the sole duty of such a grand jury is investigation of state affairs and of the conduct of state officers and employees. The report of such a grand jury is given to the governor and the legislature.

Considering the vast distances covered by Nevada counties, there's another qualification that residents of California's largest counties might appreciate: anyone over the age of 65 who lives at least 65 miles from where the court sits can be automatically excused if that individual so wishes, and anyone over 70 is not required to serve on any jury unless he or she so desires. Jurors living more than 65 miles away from where the jury sits are permitted to bill the county for overnight lodging expenses while the jury is meeting on a day-to-day basis.

Jurors may also voluntarily forfeit their pay to a program or activity designed to prevent the abuse or neglect of a child or to benefit an abused or neglected child.

Despite pronounced differences between the grand jury composition and mandates of the two states, both emphasize that citizens can and should be able to investigate the functions and operations of their government. The laws of both states also say that a judge may charge the jury regarding the law, but he cannot alter the facts in a jury report. In short, both states ensure that the people, as represented by their grand juries, have oversight over their public officials and the operations of their government.

--Mickey Strang

(Mickey Strang, a retired federal civil servant, served on the Humboldt County grand jury in 1990-91 and 1991-92)