



Proceedings

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INTRODUCTION

MR. BLISS: So you all like the center aisle. Okay be careful because the center aisle has got one of those things where you fall in, like an orchestra pit where you fall in. I would like you all to stand and join me in the pledge of allegiance.

(Pledge of Allegiance)

MR. BLISS: thank you. For those of you that don't know me my name is Andrew Bliss and I'm with the L.A. chapter and I serve as its president and I served in what is known as the jury from hell. I was in first bifurcated jury after the court was playing around with having a criminal and civil jury. So I would like to firstly welcome you on behalf of the L.A. chapter, and I would like to say thank you to each and everyone of you who have assisted in bringing us together. But it's necessary that I bring two people to your attention and that is Audrey Lynberg and Evelyn Freidman, both from the L.A. chapter, who kept me on the straight and narrow and when they didn't think I was doing things rose Moreno hopped in there and called me up and gave me advice. I think it was more than advice though. It was direction. So at this time I would invite Jerry to come up and make a few housekeeping judgments and discussions and then hopefully our first speaker will be here by then.

OPENING REMARKS

MR. LEWI: Thank you, Andy. Good morning everyone. I'm so glad you were all able to make it. And we do appreciate your taking the time out of your busy schedules to join us and hopefully by sometime tomorrow you will walk away feeling somewhat better about your role in the association and what we do, and it will all work out very nicely.

First thing I would like to do, I would like to acknowledge those past presidents who are with us this morning and actually Tom Hansen, our official photographer, for the conference would like you to come up front, perhaps over to the side here, and we can get a little photograph for our journal. I have a list and it's in your journal on page 19.

Those that I have seen so far are pat Yoemans, Dan Taranto, Les Daye, and Jack Zepp is not here, I will note that he will not be here, and I see I'm not listed as a past president so I guess I have to get involved with that too. I'll join you as soon as the rest get up there, Tom. Let me go to my program here. Do you want to do that right now? I can get over there. Let me do that. Tell a few jokes, Andy.

MR. BLISS: This is really mug shots.

MR. LEWI: We also have a number of directors of the association here today and I would like to have them stand and be acknowledged. I'm just going to wander around the room as I see them. Many aren't here yet. Andy, of course. Sherry Chesny, Joann Landi, Mike Miller. Let's see. I'm working the room here. Les Daye, back there. let's see who I missed. Betty Mattea on the side over here and to me that's all that are here.

Dian Picone. Sorry, Dian, I just slipped right by you. And, of course, myself – and Earl Heal. He's hiding behind Tom.

(Applause)

Little bit of business. The minutes of last year's journal meeting that we held in Fairfield, up north – oh, here comes another director wandering in, Serena Bardell. Good morning, Serena.

MS. BARDELL: Good Morning, Jerry.

MR. LEWI: The minutes are in the book. We'd like to take a motion to waive reading of the minutes and to approve the minutes for last year's conference. I would entertain such a motion.

(PARTICIPANT RAISES HIS HAND.)

MR. BLISS: I'll second.

MR. LEWI: Andy seconds. Any comments. Those in favor please say "aye".

PARTICIPANTS: Aye.

MR. LEWI: Thank you. Up next for official business is the appointment of tellers for counting the ballots this year. We have a Teller Committee consisting of Linda Baker – and I missed Linda in the introduction of Directors. She's so bashful back there and doing double duty back there selling things and counting ballots. Linda, Tom – Tim Colbie from Butte County and Lew Avera from Orange County, Betty Mattea, who is Chair of our Nominating Committee will hand over the ballots to Linda and the Teller Committee hopefully will start its work.

MS. MATTEA: Where did she go?

(Laughter)

MS. MATTEA: Here they are. 258 ballots were mailed and 158 were returned.

MS. BAKER: Thank you, Director Mattea. As chair of the Teller Committee, I accept the

ballots. I have received two challenges to the election. Director Picone has sent me an e-mail which states in part actions were taken with regard to the 2005 election that may be in violation of the CGJA governing documents. Therefore I am challenging the 2005 election. I require that you not open the ballots you have received and a new election be held. President Kiger Tucker on behalf of the Solano Chapter has sent me an e-mail which states in part the Solano County Chapter therefore respectfully requests a new nominating committee, a new election, and that all ballots be mailed together and properly counted together to maintain voting integrity for all concerned. I feel it incumbent upon the Committee to evaluate this request. We will require to do so and report back to the assemblage. Any member who wishes to observe our discussion is invited to do so.

MR. LEWI: Linda, do you know where you'll be?

MS. BAKER: I don't know. Okay. We're going to room --

(Laughter)

MR. BLISS: Let's see is there anybody here I don't want in my room.

MR. LEWI: That would be most everybody, I think.

MR. BLISS: 821.

MS. BAKER: 821.

MR. LEWI: Thank you, Linda. There's been one change in the program from the last version you may have seen either by mail or in the journal. Our dinner speaker was scheduled to be John Miller who at the time he agreed to speak to us was a deputy chief of the Los Angeles police department?

MR. BLISS: Yes.

MR. LEWI: And in charge of speaking homeland security and that's been kind of the theme of this year's conference. In grand juries and even past grand juries get involved and be educated on some of the issues of security in our nation and in our individual communities. Two months ago Mr. Miller accepted an assignment with the FBI in Washington. Until about two weeks ago he was still committed to come speak to us regardless but apparently the lure of Washington and his new duties overcame him and all of his good intentions to come speak to us. So about two weeks ago he unfortunately sent his regrets. So Andy and I got our heads together to see who we might come up with to replace Mr. Miller for this evening's feature and quite coincidentally even before I knew that, I put an article in the current journal about a disaster

planning issue that effected me personally. Those of you who read it realize that I wasn't sure that I was going to get the president's message in this month because the day I was supposed to get it in the Topanga fire came within a quarter mile of our house in Thousand Oaks. That wasn't a problem though. I don't think I was in serious danger but it kind of takes your mind off other issues. As I think almost everybody in California runs into some kind of issue like that either an earthquake or fire or flood or whatever. But I did get the message in and it occurred to me and I put in this message that with all the recent problems not only in our country but throughout the world, the hurricanes in the gulf coast and the latest one in Florida and the fires here in California and Hawaii, maybe there's a number of grand juries throughout the state who are very likely looking into the disaster planning within their own entities. Probably not a bad thing to do. Of course, I think government officials within the county are probably doing it on their own, but you know, grand jury might want to do that. So we kind of expanded the theme to not just worry about terrorism and security but let's talk about disasters in a broader sense and Andy and I worked on getting a speaker and Andy was successful in getting fire chief Michael Freeman who is the Los Angeles county fire department chief. As you know we had a big fire here the same one that came near my home. Probably both L.A. and Ventura counties and based on what we all read in our local papers the planning for those two fires between the two counties is apparently superb and I hope that's what the chief will talk to us about and again you might take these thoughts back to your communities and it might be a good lesson learned for all of us. So hopefully Chief Freeman will be able to give us some facts and figures about that situation and how they handle the planning for disaster.

The rest of the program is as outlined. We are waiting the arrival of judge David Wesley who is the supervising judge of the Los Angeles county grand jury and then we go to Police Chief Frank Wills of West Covina and so forth. The speaker for lunch, I'm sure you all know who he is. He was the defense attorney for a well-known criminal case in another county not too far from here and one might argue what's that got to do with the Grand Jury Association. As you know we in the association don't deal with the criminal side of grand jury work. I think it's about half the counties in the state still do both criminal and civil oversight, the other half have separate grand juries for doing the criminal indictments as needed. I think – Earl is that about right, about half and half?

MR. HEAL: Yes.

MR. LEWI: So all we do in the association as part of our training we make sure that grand juries know the difference and know their obligation and responsibilities should they be in a county where the regular grand jury still handles the criminal indictments. And that's the closest that we come to dealing with the criminal side of grand jury

responsibility. I'm sure that Mr. Mesereau will have a story to tell us over our luncheon period.

I'm pleased to see people from a variety of counties and while we're waiting for the judge to speak I think it might be kind of fun to go around the room and ask each one of you to stand and tell us what county you're from. Since you're a director you've already been introduced so why don't we start with Anthony.

MR. NOCE: I always wanted to be first. Kern county. Is that all you want to know?

MR. LEWI: And your name.

MR. NOCE: Oh, Anthony Noce.

MR. LEWI: Thank you. I have an announcement about Anthony of Kern county, but we'll wait on that.

MR. HAXTON: Owen Haxton from Marin County. And if I may, Mr. President, I'd like to have a point of inquiry with you.

MR. LEWI: Go ahead.

MR. HAXTON: It was passed a little quickly and I'm perhaps not as quick as the rest of the people in here. But evidently someone has charged the election and I would like to know what properly constituted body will decide whether or not the election was valid or invalid?

MR. LEWI: The Board of Directors.

MR. HAXTON: Thank you.

MR. LEWI: Simple answer to a simple question. Tom.

MR. HANSEN: Tom Hansen, Solano County.

MR. LEWI: Tom has just taken on the responsibility for maintaining the membership database and we're grateful for him taking that over. Thank you, Tom. Bob.

MR. HEADLAND: Bob Headland, San Diego County.

MR. LEWI: And Earl was introduced. Boyd.

MR. HORNE: Boyd Horne, County of San Luis Obispo.

MR. LEWI: Thank you. Paul.

MR. LIBEU: Paul Libeu, Sonoma County.

MR. GROOMS: Ira Grooms, Ventura County.

MR. LEWI: Okay. We'll pause on that. Our guest speaker has now arrived and Andy, I

think, you're going to do the honor.

MR. BLISS: Yes.

MR. LEWI: We'll get back to the rest of you later on.

MR. BLISS: Ladies and gentlemen, I have the distinct honor of the presenting to you the honorable David Wesley. He is the assistant supervising judge in the criminal division of the criminal court of Los Angeles, and he was appointed to this position in 2001. He was appointed the chief justice -- by the chief justice as a member of the grand jury committee. He's chaired the trial court facilities committee. He serves as vice chair of the court services and the Sheriff committee and the criminal court committee and the criminal court committee and the judicial orientation and continuing education criminal committee. In addition he is the coordinator of the Los Angeles County teen court. He also serves as a member of the executive committee, the attorney appointed committee, and the jury practices committee, and the legislative committee. Most of us in L.A. come into contact with him in the grand jury and he has been dealing with that since 1999 and he continues that. He has received his doctorate at Southwestern University School of law in 1972 and he's here to give you a few remarks and welcome you on behalf of the judiciary in Los Angeles county and he knows something about grand juries, Mr. David Wesley.

(Applause)

(Honorable David Wesley - Speaker)

MR. WESLEY: thank you. Well, I'm delighted to have this opportunity to speak with you today. I am David Wesley. I am now the supervising judge of all the criminal courts in Los Angeles. That's 284 courts. I've been the supervising judge for about a year now and I will be until 2007. I love talking to grand juries because you're an important group of citizens. You are concerned. You are engaged. You don't just talk and then ignore the problems, you actually give your time and energy to your communities.

I, too, am engaged. I'm on about 50 committees. I chair a number of committees for the chief justice. I'm on committees for the attorney general. I'm on more committees than I have time and I thought when I went on the bench I was going to ease back a little bit. That was my mistake. It's not just a job to me. It's really a calling. I really believe in what I do. So on behalf of Los Angeles Superior Court let me start by welcoming all of you to Los Angeles county. I thought what I'd do is talk a little bit about the grand jury changes that have been made and what we're doing in Los Angeles. I believe that an effective judiciary is really important to protecting the rule of law and that the grand jury is one of our most

effective tools. I truly believe that. And that we need the grand jury to maintain confidence in our government institutions.

A couple of years ago – and I don't know how many of you have seen this study – there was a study done by the University of Pacific, a study done about grand juries. It was part of their government law and policy center. I read the article and I recommended three changes in the grand jury. The first change was they wanted a structural change to the statutes intended to clarify and separate the grand jury civil and criminal functions. I want to talk about that a little bit today. The second recommendation in this study was to increase grand jury fees and travel expenses.

And the third recommendation was the recommendation of a grand jury training project. Now, it's interesting. I know something about all of these simply by virtue of the fact that in Los Angeles county we have a – actually I don't need to read these notes. I know more about this than I want to know. In Los Angeles County, we decided in about 1999 that we were going to split our civil and criminal grand juries and we did this for a number of reasons. I actually brought one of the lawsuits – we were getting a lot of lawsuits filed in Los Angeles County and it was costing us a whole lot of money to defend our grand jury system. And the reason we were having to defend was because we couldn't get a cross section of the community. So when you looked at our criminal grand jury – our grand jury because it was just one grand jury at that time, it was not a cross section of the community. Although we never lost one of those cases, we were spending millions of dollars to defend them and I happen to bring – it's funny I was going through my notes last night and I represented a guy named Stanley Bryant when I was a criminal defense lawyer and it was one of the last cases I did. It was 1991 and he and his brothers ran a dope house out in Pomona and what they did was one of his guys had gone to jail and kept his mouth shut and decided he was owed money. So when he got out he came to the Bryant brothers and said you owe me money and the Bryant brothers said come on over to our dope house and we'll pay you off. So this guy came with another guy and two women in the car and came over to the dope house. They left the women in the car. The two guys went into the house. The guys from the Bryant family had left the house empty. As soon as these guys came into the house, the Bryant family blasted them from outside the house and then they went over to the car and killed the two women also. So this was a pretty nasty case. And the D.A.'s office thought that it was going to take a long time to put this case on, so they went over to the grand jury to get an indictment on this case. The indictment came down but afterwards there was a challenge to any indictment and the defendant was seeking discovery to substantiate two separate kinds of claim. The first claim is the constitutionality of impermissible discriminatory activity meaning that the grand jury in this manner merely acted as an extension of the prosecutors office which is often a claim. And also the second claim was that the grand

jury was not representative of the community. As this proceeded into the courts and this was April of 1992, the county spent, I don't know, I think over \$250,000 defending this one case. At that time I was on the regular trial committee. We had one committee that did grand jury, petit jury trial and grand jury trials and I suggested that maybe it's time that we split the two functions. Now, the penal code provides for us to split the two functions, section 904 of the penal code we can split and have two grand juries. We're allowed to have a civil and criminal grand jury. In that study, to go back one second, they want to – what they recommend, they want to take the statutes and change the statutes. All the statutes regarding the grand jury require the penal code. That study said let's take the civil grand jury statutes and put them in the government code. Take them out of the penal code and really make it a separate thing, a civil grand jury. Frankly, I wouldn't care. I think it's not a problem with that. But for a lot of reasons the district attorney's office all over the State of California opposed it. I can tell you that they opposed it because a lot of the things that they're allowed to do in criminal, they like to be able to do on the civil side. Also or vice versa, the civil has more latitude sometimes than the criminal. And the D.A.'s – since the laws are so unclear in a lot of these areas, the D.A.'s used the stuff that was really designed for the civil grand jury to try to use it on the criminal side and that has to do with documents of which it can and cannot do. So they opposed it and it's probably not going to happen because of that, but that was one of the recommendations is that let's take it and really separate it. Anyway Los Angeles County decided we were going to separate in 1999 and that was the first time that we picked a separate civil grand jury and then decided how we were going to pick the criminal grand jury. Now, I'll give you an outline of what we do and then I'll go back to some of the notes I have. What we do now is we pick the civil grand jury and it's picked for the year. The civil grand jury – I would assume that you all know how the civil grand jury works but let me tell you the criminal jury and I'll come back to the civil grand jury because it's different all over the state. The criminal grand jury we pick every month in Los Angeles. I can pick it for a longer period of time if I wanted to. And it's done a lot differently than the civil grand jury. On the criminal grand jury, the jury comes from a pool of jurors is picked out of the regular jury pool so that everybody that's in the voter registration and the D.M.V. roles we pick those people out of those regular jurors. So instead of getting a summons for regular jury services, they get a summons that says 30 days. And if I need one for 60 days, they get a summons that says 60 days. Now, a couple times the D.A.'s have come to the – and I'm a supervising judge criminal and actually I've been running the grand jury since it started in '99 because even though I was assistant supervising judge I was still responsible for the grand jury, department 100. In Los Angeles county department 100 of master

calendar court watches over both of civil and criminal grand jury. So we started taking the grand jury every month and if the D.A. needed a longer investigation they would come to us in advance and the reason they would come to us in advance is because we need a bigger jury pool. We need about 125 jurors to pick the 23 that I'm going to pick for the criminal grand jury. If I need a 60-day grand jury I'll probably need about 175 jurors to get that 60-day because people can't come for 60 days except for retired people. And that was the problem with our combined civil and criminal grand jury, people sitting for a year, you don't get a cross section of the community. People can't afford to take the year off. I'll tell you a little story. When we first started doing that actually for many years on our grand jury we had a lot of postal workers. And I don't know if any of you ever sat in the old days, but we had a lot of postal workers and the reason was because they would tell their boss that they were coming on for grand jury service and it was assumed that they had been summoned for grand jury service instead of volunteering. And so they would then take a year off work and sit as a civil grand juror while they were postal employees. One fine postal inspector got a hold of us and said what is going on here. We said look this is volunteer. This is not -- they are not summoned to grand jury service for this grand jury -- at that time it was one grand jury. And it took a couple of years where we started in our orientation for the grand juries saying if you're a postal employee you have to take a leave of absence from work because you are not summoned. You are here voluntarily and we told your bosses that's the case. And I think they had an inspector general get actively involved in this. At any rate that stopped and all of the a sudden we stopped having a lot of postal employees which was too bad because it really affected our ability to drop a larger group than we were drawing from which was basically our retired people. We've had problems year after year on the civil side, but we don't get charged on the civil side like we do on the criminal side. So for us, when we pull from the D.M.V. and the voter registration, that's presumed by law to be a cross section of the community so it cannot be charged. So in Los Angeles the way we do it now is the criminal grand jury from the regular jury pool we pick it every month. If they need two months, they get two months. Qualifications are that you are still breathing and you don't give me an answer of obvious bias when I ask you about ten questions. It's not an in-depth analysis for the criminal grand jury we have a list of about 25 questions where we ask about biases. I generally know the nature of an investigation that is being conducted for that month and if it's, for example, investigating the government of South Gate then I have people that are there from South Gate I ask what their involvement is in government work et cetera. So we can at least get an idea of whether they can be fair and partial. If it's police, we don't have to worry about police officers being on the jury because police

officers are automatically excluded from jury service under 830 of the penal code. If they're an 830 officer, they don't serve on the grand jury or regular jury service. In picking a jury it's always interesting. Many of you have been in jury service and you know people come in. We have been making – we've got it pretty down and give a long introduction and tell them what they need to sit on a grand jury. Even now having a new grand jury of 30 days that's 23 people about 12 times a month, you know, it's about 270 people or so they get a year – they get to serve on a grand jury in criminal.

We use 10,000 jurors a day in Los Angeles on regular jury service so that's really very, very unique. It's a unique experience and we talk about how unique it is and how important it is and I don't get the people that I want to participate but we get enough because we're bringing them in for 30 to 60 days. And during that 30 to 60 days they'll bring indictments back in department 100. Now, the civil grand jury is a whole different thing. The civil grand jury, we work really hard. We have a whole schedule that we set up during the year. We have what's called a grand jury committee. In 1999 when we split the grand jury. We also split our committees so we have a regular petit jury committee. Now, we have a grand jury committee. The grand jury committee is handpicked by the presiding judge. The grand jury committee itself has about ten judges. The ten judges are handpicked so we get a good ethnicity, a cross section of the community of the judges also so they can reach out to the individual areas of the community to the Hispanic groups, to the Asian groups, to the Korean groups. Whatever it is, we try to get a nice cross section of judges so that we can get a cross section to draw from the community. We also have the sitting foreperson of the current Grand Jury Association member of the committee and helps us make decisions on what should be going on and that committee plans training. That committee provides the interviewers for the grand juries. We have an outreach committee that goes to the various agencies. We just met yesterday, in fact, to see how our recruitment is going this year. We're ahead of pace. We interviewed already – which is unusual for this early in the year – 39 potential grand jurors and we have 99 set to be there in November. That's a pool – we're going to have a pool of over 130 which for us is great. But when you think about the – I have 434 judges. If each judge nominated two jurors as they're entitled to do, I'd have a thousand people and I'm lucky – lucky to get 150 in our pool. And I have to tell you those of you that have served in Los Angeles, you know, I have asked the grand jurors, I say "help us. Tell us Where should we reach out?" We reach out to retirement or organizations, we reach out to the board of supervisors, we reach out to state senators. We reach out to the city council. We have posters. We have flyers. We have a poster up in every jury room in Los Angeles County inviting people to grand jury service. Whenever a jury is picked in Los Angeles County

judges have been asked to suggest to them if they really enjoyed jury service to consider volunteering for the civil grand jury. We have gone on radio stations. We have newspaper ads. We have done everything we can think of to increase the pool for civil grand jury and yet our pool is small. It's very small. By the time you get 150 people – by the time you tell them what The real commitment is and what the commitment is in Los Angeles, we're down to less than 100 usually and then I don't know if you know how it works, but what we do is initially everybody that comes in that is interested in grand jury service gets interviewed by judges. We have a committee of judges that set interview dates. People come in, we interview and the judges actually after interviewing them rate them. Based upon the judges rating – any other judge can do a nomination or the judge doing the interviewing themselves can immediately nominate them. But every judge can only nominate two people. So You get a group of people to interview and it's done randomly. I mean you come in and there's 20 people to be interviewed and you're a judge, and the jury personnel will hand you an interview sheet. You'll go sit down and you'll Talk to someone for 10 or 15 minutes and ask them to list of questions that we have and tell them a little bit about grand jury service. This year for the first time after clearing it with out human resources people so we don't make a faux pas I'm starting to tell people that there's going to be during the investigations a requirements that you go up a lot of stairs and that you may be doing a lot of the walking and if you don't think you're physically capable of doing it, then you're really not going to be able to conduct the Investigation. We had two people that were on committees this year, they actually couldn't participate in the actual investigations which is not good. If they are going to set on jury service, they really can't help their fellow jurors if they can't participate. So we wanted to make sure that they understand that there is some physical demand to being a grand juror and we can't always accommodate the need as much as we'd like to. If there are steps that have to be gone up – especially the jail if you're walking up steps to see how prisoners are transported etc, you really have to do it. If you don't do it, you really won't be doing the investigation. At the camps, the camps that we have in Los Angeles county, spread around Los Angeles County, if you're going to go out to the see them, there's a lot of walking involved. So for the first timers we're starting to at least tell people that there are physical demands. We had two people drop out. They got sick and it was too demanding for them. The schedule – It's a busy schedule. I think being a grand juror at least in Los Angeles is a lot of work. I don't know that much – There are about 30 counties that are doing, I think, split grand juries at the present time. I had some notes on that, but I really don't remember, but I think it was about 30 counties. In the United States right now there's 30 states with grand juries and none of them at the present time give as much investigative power to the criminal as they do to the civil. Which is very interesting. Also what's interesting is that it varies state by state and in the feds. You have from 15 to 23 grand jurors in a state grand jury. And I was looking yesterday in some of the websites. I think, San Diego

had 19 and others have different amounts. We use 23 in Los Angeles. And I take an indictment if there's 14 or more. In the federal court it's 16 to 23. So in the federal court they can have 16 or they can have 20. They can have any number they want. And then set the number for the amount that's necessary to have an indictment. So with respect to splitting the grand juries, I think it's been a real good experiment for us in Los

Angeles. We started doing it like I said in '99. In 2000 there was a Ventura County case that was overturned by the court of appeals because they didn't have a cross section of the community. So Ventura called us and said how do you do the civil and criminal grand jury. And around the state other people have called and said how did you do it.

We did it fairly easily with the split the way we're doing it, as I told you, one of the our problems was housing the grand jury. When we first set the civil grand jury in a separate area the facilitate was really not ready and a lot of that's outside the purview of the court. We don't own the building. It's owned by the county at least right now until the state takes over these buildings. We don't have any money so we did the best we could. We Finally got the county after the first year to make it a little nicer and got some nice furniture in it, and now I think the civil grand jury digs are pretty nice. The criminal grand jury was, of course, designed when our building was built. So it's a big room and it has little – it wouldn't work as well for the civil as it does for the criminal because it's really meant more for presenting evidence than it is for discussions, but it is a nice room. People that sat on both so why can't we have it as nice as the other one. You know, everybody can have a palace as far as I'm concerned, but that's beyond the

purview of the court. We do what we can to make sure that at least the facility is nice. I understand that the facility in Los Angeles is a lot nicer than it is in some other counties and for those of you that come from another county if you've never the facilities in Los Angeles at some point if you want to come and visit us I'd be glad to show them to

you, but they're nice. They're nice and they're functional. Our grand jury In Los Angeles, they have – the civil grand jury has a back room which is a work room and has a front meeting which is where guest come in and speak to the civil grand jury. The chairs are comfortable, the room is nice and it works. But when we started out it was not that way and that's one of the challenges when you start splitting them you have to have facilities for nice. Our grand juries both meet In our courthouse which makes it convenient. I can go down and talk to the them once in while on the civil side. With the criminal grand jury it's my responsibility to rule on disputes with respect to evidence and privileges et cetera. The study that was done by UOP also recommended that the civil grand jury be denied the power to indict except where investigations uncover criminal wrongdoings.

They feel that the grand juries most important is civil oversight to be effective and no involvement in criminal. I was a big – I pushed very hard to get split grand juries because I agree with that statement. The criminal grand jury is useful. It's a nice tool for the prosecutor. Do you all know – I mean I assume that you've all sat on grand juries that know the benefit to the prosecution but I'll take one second and I'll tell you why they like the grand jury. They use it for a couple of things. They use it for political corruption cases because they don't have to go through a long protracted high profile preliminary hearing where there's cameras and everything else. When you proceed by indictments you don't have a preliminary hearing. It used to be in the old days when I first started practicing law that you went to the grand jury and got an indictment you were still entitled to a preliminary hearing. You got a preliminary hearing even though there was an indictment. There was a case called Hawkins that came in and said, "NO, you're not going to get that any more. So now you don't get a preliminary hearing. So the case goes from arraignment to arraignment. You get arraigned on the – that's not exactly how it works, but most of these indictments are secrecy indictments. So what they do is they file a criminal complaint and they set if for preliminary hearing and they take the matter to the grand jury and they get an indictment and then they dismiss the preliminary hearing. So it goes from arraignment on the – there's two arraignments on the felony. The first arraignment is when the complaint is filed. The second arraignment is after you are held to answer the preliminary hearing and the arraignment in the felony trial court and that's on a different document. It's called a felony information. The reason that there is two documents is because the judge that is doing the preliminary hearing can hold the defendant to answer on charges that are different than are on the original complaint. So the new document is called an Information. They can add or subtract charges to that information. That starts the period of time running for trial which is 60 days from the date you get arraigned on the information. So now going back to the function of the criminal grand jury, they come up with an indictment. It skips that whole first stage. So they use it on cases where they have 100 or 200 witnesses that they want to bring in and get some testimony. They use this on criminal investigations because they don't have to come up with an indictment. They can take all this testimony, spend a lot time looking at it, decide if they have a case and then file charges off of it. The rules of evidence don't apply to much extent. There's no cross-examination. There's all kinds of hearsay that comes in. So they can present a different kind of case to a grand jury than they can in a preliminary hearing. Since it skips the Stage and comes you can still attack the grand jury indictment by a 995 motion. That is a motion to dismiss based on what's that indictment same as it's a motion to dismiss on what's in the preliminary hearing. So you can still attack the

indictment, but it's a useful tool for the district attorney. It's not an absolutely necessary tool because you could proceed on every case by preliminary hearing. But the function of the civil grand jury there's no replacement for it. If you guys weren't there to do oversight of government agencies who would? I guess we could rely like LAPD has an

inspector general, and I guess the sheriff's department has an inspector general. We could rely on the inspector generals, but not every department has an inspector general.

So the function that the civil grand jury does which is the watchdog function of government, nobody else can do. And, in Los Angeles County if you combine the

two grand juries – Steve Cooley, our present D.A, really likes to use the grand jury.

So our grand jury is sitting 18 to 20 days out of the month. Twenty days is all we have in a month as far as working days for a grand jury. So, they are sitting 18 to 20 days out of the month doing criminal matters. When would they do these civil investigations.

When would they perform this function. You either have to do a crummy job on one side or a crummy job on the other side. I truly believe in the split. Our civil grand jury, they are selected in July. They do their training for the month of July – and we'll talk about training in a minute – but they do the training in the month of July and from that time on it's like great guns forward. I don't know what it was like on your particular grand jury but depending on the individual grand jury they can either start – sometimes it's our fault, it's the Court's fault that you don't get the running start that you need because it shortens your year for investigations and all of a sudden at the end of the year you have a report to do and everybody is jammed. But I think we've come a long way in Los Angeles to try to not have that happen, not let it be our fault. Although we dropped the ball either last year or the year before on our training program. It wasn't followed through on as we expect it to be done. This year it was done like we expect it to be and they started running right away. They started investigations and they had been hot at it the whole time. So let me just – the suggested that the fees be raised. I think that's fine. I think it's a good idea. They were raised from \$15 to \$25. The

recommendation in the study is they go to \$40 and that's not a bad idea. They recommend that the travel budget be increased and this is a statewide recommendation. The travel budget in Los Angeles is \$247,000. That means that's what the County has given the grand Jury for per diem mileage. So grand jurors can be reimbursed for the mileage that they incur in Los Angeles County. Los Angeles county is largest, 4,000 square miles, so there's a lot of areas to cover if you're going to investigate a lot of things. The audits, the amount of money they have for audits is about \$311,000. And they're doing three audits this year and they've already put the request out for bids and I don't know how much they're going to be spending, but there's not a lot of money left at the end of the year, and I'm not sure they're going to get a lot more money than that for travel and for audits. Let me talk a minute about training. Every year in Los

Angeles County our training gets a little better. I don't think it's -- at the beginning, I did not think we had as good a handle on it as we she have, but this year with input from the last three grand juries that we've had, we included, I think, everything that we needed to include. We have training in gender bias training. We have computer training. We have to training and how to do our peace. We have management training. We had a transition team from the last grand jury sit in with this grand jury for a couple of days. We had the forepersons of prior grand juries meet with the new foreperson and all of the materials that have been available to any of the grand juries remain in our archives. The training program basically takes up the month of July so that by August they feel that they have sufficient training. I asked the present foreperson if he had any recommendations as to additional training and he said they were looking at it although they were very satisfied with the training. I think the Grand Jury Association also this year was invited in to teach and it was very well received. I should say which hasn't always been the case by the court. You weren't always invited to speak, but we looked at your program this year and thought it was pretty good and they appreciated your coming in also. So I think overall the training program that we set up is pretty good. The UOP study said let's do a training for all the grand jurors in the state and they estimated it would cost a million dollars. There's about 1100, I think, grand jurors in the state. They estimate it would cost about a million dollars. That's fine except that not all grand juries in this state work the same way, and not all grand juries are set up to work the same way, so you can do general training. I like what we did in Los Angeles. If the Grand Jury Association has training that is good then we'll invite them to teach. If we don't think the training program adds anything to what the court is already offering then we won't because what the court offers does not cost the court any money. We use County resources to train the grand jury and people come in that are already doing a job, they are already computer technicians or they are already teaching about gender and bias in the county, so we just ask them to come and speak to your our grand jurors. The grand jurors wanted a speaker about press relations and how to deal with the press so we had our public information officer come and speak to the grand jury last year. So we try to provide -- if they come to us and say we need some training in this, we will find somebody to train and it won't cost us the kind of money that has to be spent elsewhere because we don't have any money. The budgets are very tight. If your individual county wants to give a lot of money for training, I think that's great. But it's a real struggle for us to get money out of the county to support the grand jury. It's not that they're not supportive of the grand jury, it's just that they have a lot of places to spend their money. So I think that our training program's pretty good. I think it can always be improved, and we're open to improving it. Let me ask -- Actually when I came I was going to do a long speech and I

thought it would just be better just to talk about how we do things in Los Angeles and then answer some questions about what we do. We -- I know there's some difference in how our grand jury functions. One thing is that on the civil side after we go -- after the people are interviewed, those names are turned in and the judges nominate people after we get 100 or so people nominated we have an orientation for them and we do a computer draw. It's a random draw. After the initial computer draw which narrows it down to about 40 people, those 40 or 50 names are sent to the sheriff's department for background check and anybody that refuses the background check or has a problem after the background check is eliminated and then what is eliminated and then what is left in the pool goes into the computer and there's a random draw. After the random draw anybody that is picked on that grand jury that wants to be a foreperson can put in an application to be a foreperson. The applicants for the foreperson are interviewed by the presiding judge, the assistant presiding judge, the supervising judge of criminal, the assistant supervising judge of criminal, the county council -- that is the advisor to the grand jury on the civil side of -- the D.A.'s the advisor on the criminal side, and the grand jury commissioner, Gloria Gomez in Los Angeles and we interview everybody, and we pick the person that we think would have the leadership qualities necessary to lead the grand jury. I know there are views that differ with this, but we feel and we have tried to strengthen the role of the foreperson over the last three or four years and that's based on our experience in Los Angeles. We tell the foreperson and we tell the grand jury that the foreperson is first among equals. You are all equal with respect to a vote, but I -- we found that in Los Angeles people would form factions in the grand jury and they all wanted to meet with me and I had all these special little groups coming back and meeting with me and one group didn't get along with the other group. And this one group wanted to investigate this and another group wanted to go investigate this.

Frankly, I'm already working 18 hours a day and I just don't need it. Plus it's chaos. So the foreperson is the person I talk to on the grand jury. The foreperson is the person invited to the grand jury committee meetings. He meets with the judges that are involved in the Grand Jury. He meets with me. I have an open door policy. The foreperson can come up anytime they want. I make it my business to get down to the grand jury a couple of times, talk to them. I'm very accessible and I also -- I love talking to grand jurors and I -- for every grand jury that I think has been down there I have at least given them a day or two days of training in other criminal court system works because that is where I work and I want them to know what we do for a living. But I deal with the foreperson. If I think that the -- if the foreperson has a question about can we go do this or can we not do this I'm the person that gets to talk to that foreperson. I don't want to talk to anybody else on the grand jury. I will come down and talk to the group and at that time anybody that wants to address me can address me but for meetings I just want to meet with the foreperson. That foreperson the spokesperson for this grand jury. Now, there are people that

disagreement with that you. But you haven't had to supervise grand juries like I have for the last five years and have grand jurors get into fights over the topics on the table. I mean physical fist fights. So with all of the nonsense that goes on, I just don't have time for that. I respect the grand jury. I think it is a very professional organization. But I think it needs leadership that anything else. So we really like to have a very strong foreperson. We try to select the person that we think will be able to lead the grand jury for that year and not be a dictator because if the person has an agenda, or wants to be a dictator, I don't go for that either. But we do the best we can. Sometimes we're right. Sometimes we're wrong. The last couple of grand juries have had great – in fact, I must say that most of the forepersons that have come through that I have worked with have been wonderful. I really enjoyed working with them. Some I think I'll be friends with forever. So I think it works for us. I know it's not true elsewhere. I know that other places don't believe that the foreperson should be that strong. I just happen to believe it works. But I'll be gone in a year so they can do whatever they want. It works for us. I'll be gone as supervising judge in 2007, hopefully. I may just go back to trial court, but I'll probably be involved with the grand jury for the rest of my career because I think that's an institution I respect a lot and I think it's necessary. So, I'll probably be involved or chair that committee until I die. I wanted to leave a couple of minutes to answer questions you might have or thoughts that I have about how we do things. Back there in the gray.

MR. NOCE: I'm from Kern County, but I did serve on a Los Angeles jury 15 years ago. I'm very happy to see you here. There are three items I'd like responses to. One is where does the grand jury fit in? By law the court can only handle selection of the grand jury and you're actually kind of added to it by saying now that there's some give and take training and recommendations toward perhaps who the foreperson will be and may be things on the selection process. The question is what do you think is going to happen in the future between an accounting facility. You can't really have a grand jury under your wing because their paid by the county. The second question is administratively, you send out notices to people in Los Angeles County for service of 30 days or 60 days. Is there a space on your form for someone who really wants to not be a grand juror or do you simply send them out to people who are interested and those who are not interested, just throw them away. The third question is you should know and I'll say this on behalf of the committee and our association that handles the response to the Pacific University Law School proposal. We gave a formal response to that and it was published in a law journal. I don't know whether you've ever even seen that response but we'd certainly like to you see it.

MR. WESLEY: That's not a question. That's just a comment. Actually I did read it, and when I was commenting today, I was just trying to address some of those issues in context of what's happening in Los

Angeles. And whether you agree with me or disagree with me, I'm just here to tell you what I think. I don't take it personal.

That is a problem and actually something that the district attorney association would like, something that I would like, and something that I'm sure you would like is we would like more clarification in the statutes as to what the functions are of the grand jury. What the powers are as far as subpoenas go. What the privileges are as far as targets and non targets in criminal cases. The code is very vague in a lot of areas. Recently I've gotten two requests for documents that were in the possession of grand jury from many years ago under the Freedom of Information Act. The Freedom of Information Act doesn't apply to grand jurors. There's no place to go research it in law because they're no statutes that talk about that. So we would like more clarifications in statutes as to the role. It would be very helpful. I know that other people are asking for it also. You do sit as an arm of the court. If you read all the case law and they say the grand jury sits as an

arm of the court. But you're right. We don't tell you what to investigate. We are not allowed to be in there during your investigations. You are independent jurors with respect to what you do. However, we have taken the position as a court that since you sit as an arm of the court, if you are going to be going into government offices, grand juror of Los Angeles Superior court, I want you to have had – I don't want any inappropriate comments to come out. So I'd like some training done. So that people that are serving in a professional capacity as grand jurors have a little bit of training. We do it for judges. I don't see why we shouldn't do it for grand jurors. So, yes, we are involved in the training. I want to make sure that the grand jurors get what they need. I don't know where you would get it if we didn't. Our county has been real supportive in that they have grand jury week. They do that because we request them to do that. I don't know how strong your involvement is in Los Angeles County. Maybe you know better than I do. But I know that we're supportive. If that answers your question. I understand that and we've taken an active role because we want to help the grand jury do it's job. I will butt out once you have the training that you say you want. Once the

grand jury is selected, I butt out. With respect to the summons, the criminal grand jury doesn't have a choice. No more than you get a choice on any other jury service. The criminal grand jury is picked from the regular jury pool. Now, the difference is that because it's a 30 day or 60-day grand jury. It's just like any other criminal case. If 30 or 60 days is going to be a hardship. There are not going to sit. When I do my voir dire – other than a hardship it's basically a warm body that doesn't have a felony conviction.

But that warm body has to be able – they shouldn't have bias, they shouldn't have a hardship. I make a lot of exceptions for students. I put it over so the student can do it during the summer rather than during the school semester. I do the same for teachers.

Jury service is not easy for people, especially in criminal grand jury which is 30 days. They don't want to service. Some people do. Some people really feel that it's their civil duty. And, after our speech that we give in the morning, some people are feeling very patriotic and then about midway through they will say what did I volunteer for.

But you know it's tough to pick a grand jury. So that's my answer to your question about why we are involved and what that separation is. The separation is and you are in a county building. The state is taking over all of the court houses. It has not done it yet.

They've taken over a few. They started, but their intention is to take over all the courthouses and then they will be owned by the court. There is a trial court funding act that was passed that gave the court permission to take over the buildings. In Los Angeles County there are 57 courthouses and about 30 of them need seismic improvement and the state is trying to decide if they will take over all of them. If they don't they will go back to the county. And then still they will have to build a courthouse else, plus they have to plan for expansion. They are working on that now, trying to figure out where they will put courthouses and that's all done on studies on how the population is going to be. So it's a kind of a complex issue. One of things we did notice and on another committee that had reviewed potential plans for courthouses in the future and we noticed there were no plans for grand jurors, no plans for a grand jurors room. We did put into our comments to the AOC, that the administrative office of the Court, that none of the new plans included grand juries and they should. Having the grand jury in the courthouse is a advantage. You're right there. You can get to the judge. The judge can rule on objections in criminal cases, they can rule on privilege. You don't have to walk to another buildings, it's must easier. I actually like having the civil grand jury in our courthouse. I like to go down and talk to them. I like to be accessible. If they were in another building it would be more separate, but I don't think that makes a different because we don't interfere with their investigations at all. They have county counsel that is their advisor that tells them whether the thing they want to investigate is within their purview, and I don't get involved in that at all. I have to stop because I can talk forever. One thing I want to leave you with is that serving on a grand jury, one problems I have is that grand juror have bonded in the last couple of years as they sit and that's good. But they want to take field trips and they want their families to come. That is very problematic because during an investigations it is not a field trip to have your family with you. This is a professional investigation. You want to know why a judge gets involved. This is why I get involved. I understand that temptation – let's get our families together and everything, but you don't do that on an investigation. You do that on your own time. And that's why the court gets involved in those kind of things. I do respect to the organization. I want to keep it's image as a very professional

organization. I could talk forever. Thank you for inviting me to talk to you. You are always invited in Los Angeles to come see what we do, talk to me, and I'm very accessible. So thank you again for inviting me.

(Applause)

MR. BLISS: He's so accessible that he as overstayed. I believe he has another appointment. I understand you're getting some kind of award or something. So I appreciate the time that you have spent with us. I keep telling him how great the L.A. county people are and how much fun it was to be on that first bifurcated jury with everybody loving each other and making whoopee and everything.

MR. WESLEY: I didn't get into that.

MR. BLISS: But I did. On behalf of the Grand Jury Association I'd like to present you with this. It's hot-off-the-press guidelines that you might find useful, if you haven't already seen it, which it may not have reached up to your desk yet. But please accept that as our appreciation and gratitude for coming to speak with us.

MR. WESLEY: Thank you. Thank you very much.

MR. BLISS: Our other speaker is here waiting. First let me introduce Audrey Lynberg who will introduce our next speaker.

MS. LYNBERG: Thanks, Andrew. I'm a member of the Los Angeles County grand jury during the year of '93-'94. And the judge never talked about the high profile cases that we have. Which was like Michael Jackson, the rapper. Also our noon speaker is going to address one that we spoke about. Anyway, I live in West Covina and we're honored to have a marvelous police chief who has been with us for a few years. I heard him speak at the hospital on culture and the different areas of concern in the security. So I asked him if he would come and speak today and he said yes, he would. So, Chief Wills would you like to come forward. Our city is about 115,000 people so we're one of the larger cities in Los Angeles County. So Chief Wills it's really a pleasure to have you come today.

(Chief Frank Wills - Speaker)

MR. WILLS: Thank you. Good morning, everybody. It's a pleasure to be here. It's also a treat to be introduced by Audrey Lynberg. She is a cultural icon in our community. She

was our citizen of the year two years ago and it seems like she is the one always being introduced, so being introduced by you is a treat. It's also kind of nice to be able to give a talk to a California Grand Jurors Association. We appreciate what you do whether you're on the civil side of things or criminal side of things for all that you're doing or have done in our justice system is valued and appreciated. I was a little bit concerned before I came here. How am I going to fit in this type of body. Even though I've been in law enforcement for close to 30 years, I always had a mental image of grand jurors as people like Audrey Lynberg full of intellect and moral rectitude, then I get to hear Judge Wesley talk about making whoopee and fist fights in the jury room and I think we're all going to get along real nice today. It's very common when you're going to give a talk to open up with a joke but I'm sensitive to the fact that on the subject like terrorism many of you may find that offensive. So, I'm going to skip the joke today. But I don't want to disappoint anyone. I do have jokes. If you really want to hear one, I can tell you some in a private setting. But, not in this sitting with someone taking notes. It could be a real career ender if I get quoted. I was looking at the program when I was coming up and it says something about cultural diversity in police department and I can speak about that but what I was invited to speak about is Islam and terrorism and some of the cultural contradictions between Islamic beliefs and Western philosophy and Western thinking and our Judeo Christian traditions here. I understand I have until 12:00. I will try not to take that long. I know that groups are usually appreciative if you don't take up the whole hour. I'll try to get you out of here for a break before lunch. I also noticed that between myself and Judge Wesley you didn't get a five minute bathroom break. If you need to get up, that's fine. I won't find that offensive at all. The face of terrorism in the United States, you know, we have white terrorist, Timothy McVeigh in the Oklahoma City bombings. But the face of terrorism in this country is connected with Islamic terrorism and Al Qaeda and that's how we understand terrorism. Since the tragic events of September 11, 2001, as a police chief I've been invited to give a lot talk about the police departments role in terrorism and what the Federal government is doing to combat terrorism, how you can combat terrorism, and how to prevent it in the future. In those talks, I would give a 10-minute segment on introduction to the Islamic religion and some of the cultural contradictions of why so many people in the Mid East just hate Americans. By and large when I finish my talk all the questions revolved around those two themes. I would get invited back to, you know, police officer organizations, or rotary or Lion's club and they would say leave out all of the police stuff and just talk about the religious aspects. That's what we want to hear about. I've been doing more and more of that. So I've been doing more and more of that and you may ask yourself why the California Grand Jury Association should be interested in this at all and maybe you're not. Hopefully you are just a little bit. I think it's a general opinion of police

officers standards and training and judicial counsels as an educated American and somebody involved in the criminal justice systems we should have a basic understanding of the Islam and a basic understanding of why so many individuals in the middle east Muslims in particular absolutely hate the United States of America and the people that live in it. That's what we're going to discuss today. What is Islam? What is Al Qaeda? And why do they hate Americans so much. I was raised probably like the rest of you that it's not always good to talk about religion or politics in a public setting, but that's what I'm suppose to talk about. So I'll preface my remarks by saying that none of this is a personal opinion statement. I can give you citations for everything I'll speak about. A couple of good books, if you want to pursue this, is "Islam and Terrorism" by Mark Gabriel, how he changed his name when he came to America but he is a former professor of Islamic history as well as the University in Egypt. "Patriot's Kingdom" by Dora Gold. Again these are not academic text. They are written by college professors and you can get them at Barnes and Noble or Borders. Some of you have heard of the author, Christian Historian, Bernard Lewis. His books are very well known and made best sellers list in the United States. What went wrong, the clash between Islam and modernism in America, the crisis of Islam, the middle east. Those books are available in the book store too. My comments will be things that are generally accepted academics and cultural mode. So what is Islam? People get confused. What is Islam versus Muslim and Al Qaeda and Shiites and Sunnites and Fat laws and jihads. What does it mean and how is it all connected. Basically, Islam is a religion of peace and love and prosperity. It's practiced by millions of Americans. There seems to be a believe out there that it's a largest religion in the world. It's actually the second largest religion in the world. But God demands the followers of Islam to bring peace and security to the world. It teaches in the Koran, God teaches Muslims to be tolerant and helpful to all other persons. Historically in the middle east, in Muslim countries it is considered and Islamic duty to protect Jews and Christians living within a Muslim majority community. Islam actually denotes two things. The obvious one, it's a religion. Number one Islam is religion, But number two Islam also denotes a 14 century old civilization that grew up and flourished under that religion. There's two connected but still different meanings when you talk about Islam. Islam is the Arabic word for submission, submission to God. The word Muslim means one who submits. So a Muslim is once who submits to the tenants of Islam. Muslim and Islam are both derived from the Arab word "shalom" meaning peace. Remember "as-Salam-u'Alaikum." I know this is basic and many of you know this, but I think it's a good basis and a reminder. In every respect, Islam is far closer to Judeo-Christian tradition than any of the other eastern religions, like Hinduism, Buddhism, Confucianism. And it's nice to begin by talking about what are some of the similarities. All Islam and Christianity they believe in on God. Islam does believe that. The Bible is a Holy book to Muslims, not the most important holy book, but a holy book. Muhammad not a God. He's doesn't

have divinity in the Muslim religion. He is a prophet, one of the last of a long line of gods messengers. I'm sure you all know about them from the Bible, Noah, Moses, David, Abraham, Jesus, all right. In most Islamic teaching, this isn't universal, also say that Jesus was born of the Virgin Mary. So many Americans don't realize that. In the Muslim religion in Islam, they acknowledge or by and large believe that Jesus was born of the Virgin Mary. So what are the differences. In the Muslim religion Jesus and Muhammad are not viewed as Divine. They are viewed as human beings, good people, prophets, messengers of God, but they are not Divine. Also, the God of Islam, although it is one God, he has human attributes or dimensions that we do in Western tradition. For example, God would never rest on the seventh day as the Bible states. God doesn't need a rest. He does not build stuff and need to take a break from all his hard work. He has no son. He has no mother. Jesus was not his son, and human beings were not created in his image. That's why there's no artistic representation of God in the Islam religion. Islam is an organized church. There's no baptism, no sacraments. It has no clergy. So when you read about in the Western media they talk about clergy or Islamic clergymen, what they're really talking about are individuals that are well schooled in theology and they are religious leaders, but they have no more power or authority than their congregations decide to give them. Here's another important thing. There is no monolithic Islamic whole in the world. It's a divided body of competing interpretation. It's like Christian religions in the United States, there are many, many different types of Christian religions. They don't all believe the same thing. Even Catholicism within one church, if you were raised in a Catholic church like I was, the Catholic religion in the California is much different than in Poland or Germany or Italy. There are competing interpretations. It's a mistake to interpret Islam as one whole. There are three basic types of Muslims. Again the challenge in doing this and talking about this is to give you sufficient details so hopefully so know a little bit more about the religion by the time I'm done without boring you to tears. All right. Three types. The first type are secular Muslims. They believe in all the cultural trackings of the religion and it's highest ideals, but don't have a deeply spiritual connection to the religion. Although it's not a perfect analogy, it would be akin to people who profess to be Christians. They celebrate Christmas, they may say grace before dinner, they may take their kids to church once in a while because it's good for the kids, but they don't have a real deep spiritual connection to their faith. And those are by far the most numerous. Those are secular Muslims. The second category are the traditional Muslims they pray every day, they study their religion, they have a deeply spiritual connection. They practice their

religion. However, they struggle with the concept of Jihad. Jihad is a Holy word. Secular Muslims reject it entirely. They view Jihad as a struggle within yourself or a peaceful struggle to spread Islam throughout the world. Then the third category, when I give this talk to police officers when they are doing it for post credit for the state I always say this is going to be on the test because it's important. If you forget everything else I say, I think this is important. The fundamentalist Muslim that is where the problems are. In the middle east, that is where the problems are for the United States is the fundamentalist Muslims. They believe and perpetrate terrorism. They used to be characterized in this country by long beards and the hair coverage. That's less true today. It used to be that even in the Islamic countries the fundamentalist Muslims were viewed as the lunatic fringe. That is still kind of the case but not completely. In Saudi Arabia, they are the majority now. So that faction is growing.

What is one of reasons they don't like the United States? The fundamentalist as is most Islamic people, they know their history. They want to bring back the glory days when the Islamic empire was the preeminent culture in the world. They want to restore the correct world order. Many of you remember from high school or junior high school text there's a chapter entitled the Tigrus and Euphrates, the Cradle of Civilization or a chapter titled the Fertile Crescent. That's the middle east. That's the cradle of civilization. For many, many, many centuries they were the preeminent civilization and cultural group in the world. Their technology was advanced. Their literature was advanced. They invented the numeric system that we use in the United States today. They were the most advanced civilization in the history of the world and it all fell apart.

That's what Bernard Lewis writes in his in his book, what went wrong. How did the most powerful, artistic, influential civilization in the history of the world disintegrate into tyranny and oppression and by and large poverty. Well, that part of the fundamentalist anger. They want to restore world order. And like the rest of humanity, when things aren't going well, it's tough for any of us to look in the mirror and say it's a problem with me, my religion, a problem with my culture. They've got to vilify somebody, and the vilify the West, the most powerful nation in the world, that has the most influence. That is why they hate us. If you're curious, there's so many reasons for the decline. One of the key reasons that Bernard Lewis points out in his book is that for 300 years Muslim religions – they didn't adopt a printing press. They felt that it was a potential desecration of the sacred script. So they didn't allow printing presses into their country.

So for all these years, they viewed Europe and Christendom as the barbarians. In our education, the crusade is we went to this barbaric country. They viewed European civilization as posing no cultural or

military threat to them. Just these backward, wayward heathens that they didn't need to care about. So they ignored Europe, and it cost them dearly in the course of history. What are some of the core beliefs of fundamentalist. And this is where I think some of these things are interesting. It's different from our Western philosophies. It is okay to lie and deceive – especially to lie and deceive non-believers, including what would be an anathema to Christians. It is perfectly okay to openly deny the Islamic faith. Lying is okay if it strengthens the Muslim religion. So fundamentalist Muslim in the United States, they can fly the American flag. They can say they love America. They can even denounce Islam, but it's okay if it serves their greater purpose. Another core belief. Although they are tolerant and helpful to non-believers among the secular and traditional Muslim followers, they do believe that in the West we are infidels. We are forsaking. They don't necessarily believe that there are several roads to the same God. The prophet Mohammed initially preached faith and peace and didn't believe in fighting or battles, but some will remember from the history books how he took his followers to Mecca and most of them were assaulted and murdered Christians and after that he received or said he received a revelation from God that said it was okay to fight to the death to protect his religion. So much of the violence today goes back to that revelation from Mohammed. The second thing that I would say if I were teaching this to police officers and had to give a test afterwards – an important point. Islam is a religion of works. It's not a religion of philosophy and your spiritual connection. If you want to get to heaven the only way to get there, is not being a good guy, not praying everyday, the only way to get there is through good works.

That's why it's so important to do what Allah commands, Allah is God. Entrance to paradise is based only on works. So despite a life of the good works, that's no guarantee that you're going to go to heaven because everybody does some bad stuff too. So, at some point after you're dead Allah judges your good works against your bad works and decides whether you're going to be admitted to heaven. No pleas for mercy is going to help. There's no purgatory like we have in the Catholic church. You're going to go to damnation or heaven based on that judgment on that day. How does this work in the real world? How does it impact what they do? I think the best analogy is what happens after a Muslim, a follower of Islam dies. If you were a regular person and you die whether you are a clergyman, a theologian, a scholar, a king, no matter how wealthy you are, when you die they dress you up in your best clothes like we do. They put makeup on, put a nice suit on you. They want you presentable on judgment day when you go before Allah and hopefully make a good presentation. However, if you die in a Jihad, in a holy war, if you are a suicide bomber, they put you in a coffin exactly as you are. They don't dab the blood off your body, they leave your torn clothing on, if your face is

half gone, they put you in exactly like that because that is a badge of honor. The only way in the Islamic faith that you can go directly to heaven, you don't have to wait for judgment day, the only way is to die in a Jihad. That entitles you to an immediate route to heaven after death. That's automatic. It doesn't matter how many bad acts you committed in your life. That one good act supersedes everything else. We can joke a lot in America about 72 virgins in heaven, but it's important to recognize that culturally from where they're coming from it's an insulated country an insulation religion, if your family and friends and your peers and your loved ones and your teachers and your government and everybody says you were doing the right thing and you can go to heaven, they don't think their doing anything bad. They are following the precepts of their religion. If you can think about it and get past the bias in their perspective, it's a rational decision. Another thing you need to know about the fundamentalist Islam is despite the fact that they may make a pretense about collaboration and working with the United States, again I'm talking about the fundamentalist Muslim, not the secular or the traditional. They think there's absolutely no basis or no reason to engage in interfaith dialog. It's okay to burn, to destroy, to demolish any part of the infidels. That's us. And they view conversations with us and collaboration and try to work it out and why can't we just all get along, they view that as – it's analogous to the old cliché of when you dance with the he devil, the devil doesn't change, you do. They think by the process of interacting with us it's going to poison them with our sick, twisted Western philosophy and they don't even want to engage. When the do, typically the fundamentalist Islam is just a pretense, a mirage. The Taliban, I've been asked about that. Quickly, it's not a religion. It's an Afghan fundamentalist group. Al Qaeda is not a religion. It's an organized fundamentalist group that is spread in 50 different countries again. They don't know one leader. Osama Bin Laden by and large is, but a lot of competing factions among those countries. Al Qaeda started out by killing all the non-believers just in Islamic countries. They wanted to get rid of Western influences in their country. So they wanted to kill Christians and Jews just from their countries, and then it spread. They started believing in the late '70's up to the mid '80's that this Western philosophy is just poisoning us. They got rid of all of their rotary clubs, their Lions clubs. I see we have a member of Lions Club that just walked in. The don't Lions Clubs in Islamic countries any more. The got rid of all that stuff. Osama Bin Laden and Al Qaeda believes you need to get rid of it. Why do they hate America so much. I've given you a little bit of a flavor of it? You've heard even the president of the United States, who I support, by and large. It's easy to say they hate us for our freedom. They hate us for our democracy. The hate us because we believe that all men are created equal. That's part of it, but that a little too simplistic. They don't hate the Netherlands as much as they hate us. The Netherlands have a lot

more freedom than we do in the United States. Anything goes in the Netherlands, use dope, smoke pot, use working girls for comfort at night. I mean, everything goes in the Netherlands. They don't hate the Italians who by and large have free speech rights that are even more protected than they are in the United States. They have a democratic form of government. They don't hate the Italians like they do the United States, so it goes a little bit deeper than that they hate Our freedoms and hate democracy. So let's talk about some of the real reasons they hate us, some of the big cultural clashes that have been so hard for us to overcome. Many of these things don't just hold true with the fundamentalist Muslims, but with the secular and traditional Muslims as well. First and foremost, the key to understanding Islamic countries is that the concept of ethics and morality and honesty absolutely do not exist outside of a religious context. You do not separate the two. The entire form of government is so closely intertwined with religion that it's the virtually the same thing. Being a top government official is a religious position. It provides a Muslim with the greatest opportunity to honor and govern the people and do all the good acts that will allow them to go to paradise. So one of the core values we have in the United States and we hold so dear to us, the separation of church and state, is an abomination to them. From a cultural context, it makes no sense. In fact, the way they interpret it is that there is proof to the pudding that the United States government leaders don't even make pretense of honesty or morality. The proof is that they separate religion from politics. There's the proof that they are an immoral country. There is such a cultural belief in Islamic countries that even minority Christians and Jews living in Islamic countries don't get why we believe the separation of church and state is so important in the United States. They absolutely don't go to it. I should also point out it's very easy to label Islamic countries as being poor and uneducated. They are poor, but they are not uneducated. The average education level in Iraq is higher than for the average American. People don't realize that. That culture places a premium on education. Followers of Islam are not uneducated heathens living in caves. That's a bias we need no get passed. They also criticize our value of cultural diversity. They tolerate it in some more progressive Islamic countries, but cultural diversity is viewed as proof that we don't even like ourselves. We'll give up our Western philosophy to bring in people from over the border, from other countries. Whatever they believe in is great. It's a large melting pot. They do that as proof in the pudding that we don't have any Western traditions that are important enough, worth protecting. We know that that's not the case because that's how they view it. They view that everything is allowed in the

United States provided it makes money. Welcome anybody to the United States if they can make you a little money. Another core difference in our two cultures, we view Islamic leaders as amoral because often times they don't have money. They get elected to office or put in positions of government authority and start taking money for themselves. All of a sudden they are rich. How corrupt is that. They have exactly the opposite opinion of us. They view our system as corrupt. They say that in America you have to be rich to get elected. No one in a middle class background ever gets elected to a position of political power in the United States of America. It goes to part of the cultural traditions in Islam. In Islam two people can work together whether it's government, business, neighborhoods. As soon as you get three people working together there has to be a leader. There's always a leader. There's a premium placed on leadership. So in Islam to rise to power, the way it's viewed is the only way to do that is through a demonstrated history of leadership. You can't get to a position of government power based on a college degree or wealth. You have to be leader. It is through acts. You have to earn it. It's viewed as better than what we have in the United States. They also view us as a very sick and twist culture. Part of the training I've had is through some professors and members of the Arab, Iraq and Iran, intelligence service sometimes comes out to police chief conventions and talks about things. And they have a whole array of jokes about Americans. Some of these jokes you get angry because they're making fun of us. But they are kind of funny. They have a lot of American jokes. It's clear of the level that they hold us in absolute contempt. They view a lot of things wrong with our country. They write a lot over there about this game, the most popular game out right now is a game called Grand Theft Auto. It doesn't matter if your kid is an eagle scout, and if you're wealthy, if you have a 10,12, 14 year old boy especially, they want that game. It's the best selling game in history. It's made more money for the company than the movie Titanic made for the movie studios. That's how much money is being brought in. They do all sorts of crazy stuff in that game. I can go on and on, but part of what you have to do to go on to the next level or get enough points to go on the next neighborhood, you have to sexually assault a woman and then murder her and that give you enough points to move on to the next level. And they view the fact that we would buy this for our kids and then on the another moralize about what is wrong with the world, they just view it as crazy. They also detest the American emphasis on money and how they view we place rich people on pedestal here. They view Americans as if somebody is rich Americans assume that that wealthy person must have some greater intellectual ability and superior moral rectitude than the rest of the American population. Muslims in their culture view making money as a unique talent, but no better or worse than a talent as a musician, a teacher, a carpenter, or mechanic, an athlete, a religious leader. Rich people are part of the merchant classes. They kind of look down on – they don't have any extra influence in the government. They may be

able to buy favors but in terms of weighing in with their opinions on government, they don't have any extra authority. Again it's an imperfect analogy. It would be like a movie star or sports star in the United States. I mean some people apparently care, but do you really care how Barbara Streisand votes, or Alec Baldwin, or Michael Jordan comes out and endorses a candidate. I mean you respect what they do in the movies, you like them as entertainers, but when they comment on government and how you should vote and taxes do you really listen to them. That's how Muslims view their wealthy people. They are just part of the merchant class. Their opinions on public policy, culture, and religion are not especially valued. They also have some jokes. A lot of the Muslims come here and get educated in U.S. universities and they make jokes about how in the United States generally the people that are least equipped to comment on how to improve government and government employees. President John F. Kennedy back in 1963 – we in government love this line – is giving a press conference and he's appointed a new postmaster general of the United States and a reporter asks him, Mr. President, are you going to appoint somebody from a business background or a political background. And President Kennedy responded I may do something very unusual for government. I'm actually going to appoint someone with a postal background. We see that in government all the time. Look what happened with FEMA. Look what happened with Katrina. The head of FEMA, our emergency response team, they didn't appoint some fire chief who has spent 30 years on emergency response. They appointed a guy – I know he's rich. He must brilliant. He's a wealthy guy, and he like managed some Arabian horses for a while. Let's put him in charge of FEMA. That guy was clueless. He didn't know what he was doing. In the Islamic culture, they view that as a joke. They view it as something the United States does all the time.

I can't recall how the joke goes but they find it funny that teachers and health care workers in the United States and people that do the real work of government are under valued, but if you make \$200,000 a year as a marketing executive and you can convince people why they should buy the new and improved version of Head and Shoulders shampoo and all of a sudden, you're a man of significance and a man of intelligence because you make \$200,000 a year. It's diametrically opposed to everything that the Muslim religion believes in. Finally, this is important. I've mentioned it twice. Islam is a religion of works. So your good intentions, a spiritual nature, being honest and fair does not get you to heaven. It's a nice to have but not a need to have. And they joke about this propensity in the American culture with great regularity. In their view, Americans are obsessed with appearances of caring and false expression of sympathy

that in America if you're sitting around at a cocktail party lamenting the problems of the working poor and their ability not to get healthcare insurance, you're a good person. If you ever do any action to resolve the problem but if while sipping your cocktail you say

racism is terrible, healthcare terrible, the problem of the homeless is terrible, someone has got to do something about it. We all think we're good people because we care.

The Muslim culture, that would not be a good thing. If you talk about your concern but have no demonstrated history or trying to do anything about it you're not outcast. They just view Americans – they even have a saying for it. It's called he slapped me and then he cried. In Islamic countries – obviously they say it in Arabic – but he slapped me and made me cry and that means that Americans they can be insensitive, they can do horrible things to people, they don't have to worry about the problems of the homeless,

they don't have to worry about race problems in our country, they don't have to worry about joblessness.

They view everything in America can be fixed. All the problems we complain about can be fixed. We're the richest country in the world and we choose not to because we don't want to give up one of our two Hawaiian vacations a year or big RV. We don't want to sacrifice a little bit. We don't want that homeless shelter in our city. We need a homeless shelter, but don't build it in West Covina. Don't build it in Burbank where I live. Build it someplace. We're a caring community, but don't build it where I actually have to see it. They just view us as a morally bankrupt country. I've got more, but I don't have more time. So I will be glad to answer any questions should you have

any. I want to thank you. You are a kind and gracious audience and I appreciate your attention.

MR. HEAL: Do you have any Muslims in your fire department?

MR. WILLIS: Do we have – I was supposed to speak on diversity. I am with the police department. I used to be a fire chief. We don't have any Muslims. We have one officer that was raised in Egypt, raised as a Muslim. He's no longer a Muslim. He's left the religion. I've had a lot of discussions with him. He's a great officer. So we do have one. I know LAPD has several. One of things about diversity all police departments and fire departments want a diverse workforce because over the last 20 years we've realized that it really does help us do a better job.

MS. BARDELL: The views you were describing that Muslims generally have about wealth and our country et cetera, are there great concerns about what the Muslims that are here take back to their country.

MR. WILLIS: Oh, sure. Especially the ones that come over here and study. But remember I said their goal is to spread the Islam religion. They want the whole world to be Muslims, the fundamentalist do. So the

facts are less relevant than the jokes and going back to their own country and creating that perception. Their perceptions are inaccurate, but there's just enough truth there that they can throw it against the wall and make it stick. So, if someone is looking to believe it. They can find it. They can find stuff to support their belief. That's what they do. They know the real facts, but it's not relevant to what their major goal is. Yes, sir.

MR. HORNE: The connection that I still don't quite understand. I can understand hating another country, why that leads to violence versus some other mechanism for spreading your word, spreading your culture.

MR. WILLS: Remember there are three types of Muslims. The secular Muslims and the traditional Muslims, they don't believe in violence. They believe in tolerance and they may think we're a little bit messed up, but they don't want to kill, maim and destroy. It's the fundamentalist Muslims that believe that and they believe that there is a holy war and the only way to fight is through the use of violence. That is by and large the majority percent of Muslims. They are a small minority, maybe 10 or 15% of the world's Muslim population. So it's not a widely held perception, but a perception by the people that perpetrate terrorism. Again, thank you very much. I appreciate your attention. It's been a pleasure talking to you.

(Applause)

MS. LYNBERG: Thank you, Chief Wills. I was trying to get a message from one of the people. Andrew do you have a message. That you want to tell. They were waving at me back there and I couldn't interpret the message.

MR. BLISS: Let's see if any of you can interpret the message. I was trying to get Audrey to get up and say something to you. And I was going like this and to the steno. Do you have any idea what I was saying?

PARTICIPANT: Names.

MR. BLISS: I failed to tell you that when you speak please mention your name because we are recording it and we want you in the history books. At this time Linda Baker would like to be recognized.

MS. BAKER: The tellers have not opened but have counted the ballots received. There are 162. Additionally the committee has voted not to open the ballots pending board decision. The ballots have been placed in the hotel safe. I am in possession of the key but not able to sign to enter the safe and teller Tim Colbie is able to sign to enter the safe but has no key. Present during the discussion were myself, tellers Avera and Colbie. Also present were observers Sherry Chesney, Oran Haxton and Diane Picone. Thank you.

MR. BLISS: I think now is an appropriate time to let you take a housebreak and then we will adjourn right next door for lunch.

(Lunch Break)

MR. BLISS: I want to remind you that if you ask a question, state your name so we can include you in the history. It's my pleasure to introduce you to a criminal trial lawyer that's probably no secret to many of us. But Thomas Mesereau specializes in criminal defense both in the state and Federal court and in some degree in civil trials. He is a partner in the firm of Collins, Mesereau, and Reddock in Los Angeles. Tom was educated at Harvard University London School of Economics and the University of California Hasting College of Law. He appears often on National and local Los Angeles television and lectures on various subjects including criminal law, civil rights, and trial strategy.

Mr. Mesereau has served as counsel in counsel in many high profile trials in Los Angeles County as well as other parts of the United States. He is a noted defender of the underprivileged, Mr. Mesereau has received numerous awards from cities and churches for his contributions. He has been named the criminal defense lawyer of the year by the Century City Bar Association of Los Angeles and has been listed as one of 100 most influential attorneys in California by the Los Angeles Daily Journal. The Los Angeles magazine has named Mr. Mesereau as one of California's super lawyers. I would like you to please join me in welcoming Mr. Mesereau to speak before us.

(Applause)

MR. MESEREAU: Thank you for that kind introduction. And I want to tell you it is an honor and privilege to be invited to speak and I'm very grateful for the opportunity.

In trying to decide what would interest you the most, of course, I started with the fact that you've all been or are grand jurors and I think the whole issue of what our jury system means, what challenges it, and what the Michael Jackson case said about our jury system is something I hope will be of interest to you and I'd like to make some comments about it. First of all the Michael Jackson case was the most covered trial by the media in history. Because Michael Jackson is a mega celebrity around the world, there was more world interest in this case than any other case we've ever seen in America. There was more media coverage than O.J. Simpson and Scott Peterson combined if you simply added up the number of media outlets that were covering the case, particularly the verdict. Now, it was not televised, like Simpson. It was a five-month trial that was not televised. Simpson was a nine-month trial that was televised. Of course, Simpson became a daily soap opera, and, of course, in America had a lot more coverage than Michael Jackson. But on a world stage there's never been one quite that popular. In a case

like that with so much media coverage and given our media driven culture, raises some concerns about how strong our current system is and will our jurors be affected by this kind of intense coverage which really is nothing but big business to the media folks. Let me tell you that in my opinion our jury system is far stronger, far more honorable than our media would lead you to believe. And our jurors are strong enough and honorable enough to withstand this media onslaught no matter how powerful or influential they are or they may think they are. In the Michael Jackson case, the media immediately began to portray this community as basically a community of white rednecks who couldn't give Michael Jackson justice. And that was wrong.

If you really followed the media and what they said about the community of Santa Maria and the outlining cities you would have to conclude that everybody was so conservative, so law and order driven, so myopic in their view of life that this long-hair musical genius could never every get a fair trial, and that was absolutely false. I was criticized for virtually everything I did. But any lawyer in my position would be for various reasons. The media want to create conflict and drama. Lawyers get on television, they are jealous, they were not informed. Most of them hadn't stepped foot in the courtroom yet they were giving definitive statements about what was happening. The media just had a field day. And let me say something about their priorities because the medias priorities are completely different from that of our juries, whether you are on a grand jury or a trial jury. First of all, in my opinion jurors wherever they serve and wherever they're from know exactly what they're being asked to do to somebody, to a fellow citizen, particularly in a criminal case, because you're being asked to make decisions that can effect someone's life or even take someone's life. That also includes the path of the loved ones, the relatives, the people who surround the person who's the subject of the investigation or the criminal charge or the trial. So it's a very serious affair and jurors know that. The media has no responsibility whatsoever for the fate of that person or anyone that person knows or is related to. No responsibility whatsoever. And if a result comes down that at some point either quickly or 10, 20, or 30 years later is determined to have been unjust or wrong, and that happens sometimes because we're all human beings and no system of justice is going to be absolutely perfect because it's composed of human beings. We have the best system in the world, no question. No question. But mistakes are made for various reasons, again because fundamentally we are human. But, they have no responsibility whatsoever and if a mistake or an injustice is revealed as if has been through DNA and other methods, they immediately blame the jury. They never blame themselves because they never the responsibility to begin with. So 1. No responsibility in the media. 2. They are not subject to court orders. There may be a few orders about where they can put up

their cameras or their lights outside the courthouse. There may be some orders about where they can sit in the courtroom but by and large they're not governed by serious court orders, jurors are. 3. They don't care of the accuracy in reporting. They care about ratings and money. They're big, big business. To get ratings and to make money they know their business the way other people know their business. They will take six to eight hours of testimony, they will reduce it to a few sound bites, they will put on so called experts that were never near the courtroom and never will be near it. They will read a few memos. They'll get these legal pundits who will do anything to be on television. They will say to one, you take the prosecutions side, you take the defense side and we're off to the races. That's what you see at night when you turn on Fox. That's what you see when you turn on Court T.V. They will try to jazz this up to look professional, to look to everybody is coming from a place of integrity or responsibility and for the most part they are not. They are not. They're coming from a place of how do we keep our ratings high. How do we beat the next cable station et cetera. As far as the reporting goes, they never conduct dots. Jurors have to connect dots. You do not look at a witness in isolation. You look at a witness and you judge how what that witness looks or feels like or what they say in comparison and in connection with other witnesses, with other evidence. It's a holistic thing for jurors. It's not a holistic things for media. They will give you daily drama without any relationship or connection or interpretive sort or conclusion about it relates to anything else because that's not there job. That's not justice. Their job is ratings. What you get is something that can be very skewed, very wrong and I'll tell you, they know their business so well that they will almost try to corrupt lawyers that are in cases like this. The media is extraordinarily seductive. Cameras are intoxicating. Cameras are like a drug. People get addicted to them. They want to be on them again and again. They know unfortunately from the O.J. Simpson case that lawyers will almost do anything to get on television to promote themselves. You see these lawyers running to the cameras. Most of them are not paid a cent, by the way, and are there just with dreams of having a talk show, dreams of being stars, dreams of being nationally known. It can be terribly corruptive. Unfortunately, they know lawyers will do that. They'll always find lawyers to appear on television. If they tell them to scream at one another, they'll do it. You know, to be dramatic, to be provocative etc. And since the Jackson verdict, I have been attacking the media in many of my talks, and I've been talking to junior high school's, lawyers groups, judges groups. I'm talking to a magazine in Dallas in a few weeks. It's a very diverse group that I have addressed. And I have been critical of the media. I've gotten reports from people saying that they toned it down. From a particular T.V. station that I've attacked. I won't say who the station is. I will tell you I've

been attacking court T.V. And I've done that on Larry King, the day after the verdict. I did it on the Jay Leno show, and I think their reporting of this trial was the bottom of the barrel. It was not journalism it was tabloid entertainment. A lot of your very professional journalist are very upset with this proliferation of tabloid entertainment shows because they call themselves journalist but they are not. Now, unfortunately the major networks have bought into some of this. For example, NBC had a reporter covering the Michael Jackson case, name Mike Taibi, someone I consider to be a total professional. He's covered 12 wars. He's a man with integrity. At one point he was so upset with some of what was going on that he faxed me a list of the code of journalism and ethics that he has followed his whole career. He wanted me to know I'm not part of that group. Linda Duetsch from Associated Press who really is the dean of reporters who covered trials. She's covered everything from Manson through Jackson, total professional, total integrity. You get the feeling when you listen to them and you watch them that whatever the verdict is they're not going to be personally effected. They're professionals. You know, unlike the Nancy Grace's of Court T.V. or things like that. You look at Mike Taibi, you look at Jim Avila on ABC and whatever the verdict is or was, whatever happened that day you don't get the feeling they have a personal stake in it because they're professionals, they're reporters, they're journalist. Do the personally have feelings? Of course, they do. They're human. Do they reveal them and express them in a tabloid, outrageous type of way? No. But unfortunately with this growth of cable stations, you're getting all of this tabloid type stuff and they're focusing on trials, and the question really becomes have they skewed justice? Have they affect our jury system? I submit they have not. They have the potential for it, but they have not. When these people predict a result in these high profile cases, what happens? They are usually wrong. Dead, flat wrong. Menendez, they were wrong. O.J. Simpson. Scott Peterson, they were wrong. Robert Blake, they were wrong. Michael Jackson, they were wrong. Why are they wrong? Because their priorities as I said before are totally different. They are looking at things in a totally different way and you cannot confuse who they are and what they do with what our jurors are being asked to do. Now I was attacked for not wanting to change the venue. How was Michael Jackson going to get justice in conservative, predominantly white Santa Maria. Well, they did happen. I was confident from day one it would happen. First of all, before I tried this case and I had never tried a case in Santa Barbara County. I went up there and I moved in there pretty early. There's a bit of a loner side of me. I would go to bars and restaurants in the afternoon and sit alone. And inevitably I'd listen to people or people would come to talk to me and I discovered that Michael Jackson was very popular in this community. People like Michael Jackson in that community. He's the world's best know celebrity. He could have lived anywhere and he

chose that community. And he had done a lot of good things in that community and people wanted to see more of him. And I'm talking about a community predominantly white and Latino, very few African Americans. But white and Latino people of all ages would come up to me and say we're behind you. We know what Michael Sneeden is doing, the district attorney. We think it's a vendetta. They would say that to me. And you know something, I really got a feeling very early that this man would be treated fairly. That jurors are very conservative, but there also very independent in that area of Santa Barbara County. I discovered two bills had been introduced in the state legislature for the North to secede from South County because they didn't want to particularly go to South County. I'm talking about North County which is more blue collar than South County. The bulk of the wealth is supposed to be South county. They are so full of liberals are supposed to predominate the South County because you have the University of California at Santa Barbara in the South County. You have a lot of your museums and more expensive cultural institutions in South county. And there seems to be an attitudinal split or rival, and of course the district attorney's office is in the city of Santa Barbara in South County. I discovered that there was a bit of a rivalry there. I discovered that although you have extraordinarily conservative people in North County, you also have very libertarian minded people in North county. In other words government, we're good people, we follow the law, don't intrude too much into our life because we are good people. And, indeed, the prosecution made a motion before the trial started asking that we not be allowed to refer to them as the government in the trial. And they did that because they knew that in certain quarters in that community the word government is suspicious because people don't want government intruded into their life overly so. I was criticized for not wanting a change of venue and that was the last thing I wanted. I wanted Michael Jackson tried right in his community for reasons that I've given you and other reasons I haven't. But I tell you those people were going to be fair. I had a number of preemptory challenges left, challenges meaning that I could have used to remove more people. I didn't use them. I liked the jury I had. We had three people with master's degrees. We had the foreman who ended up being a high school principal with a master's degree. We had a math teacher with a master's degree. We had a civil engineer. We had people who were employed or had been employed by the military. I liked them. I thought this jury was going to see right through those prosecution witnesses, and trust me they do. There were 14 not guilty verdicts, 10 felony counts, and 4 lesser misdemeanor counts and when a jury says not guilty after a five month trial it ought to make some kind of a statement about whether or not these people can be fair. But if you turned on the television set, Michael Jackson couldn't possibly get justice in this predominantly white, conservative community, and it just

was false. They weren't doing justice for the people or the community in their reporting. They knew none of the things that I'm talking about. I was criticized once I decided not to seek a change of venue. I was criticized for not asking for jurors from South county be shipped up. Under the rules I had a right to do that. But why would I do that. To me that would show a lack of faith in the people in the community and I had faith in those people in the community. I had a lot of faith in them. The media would have you think that the central issue in the case was how were these jurors going to judge, long haired, creative, allegedly weird Michael Jackson. They never really identified the issue. The issue was how were these jurors going to focus on these accusers from Los Angeles who I think we introduced so much evidence to attack their credibility to question their motives, to question their statements in court. I think that was the fundamental issue and I think the juror interviews that were on T.V. after that confirmed that. Our jury system is stronger than the media. And in some of those jury interviews after the verdict people were asked did you follow the judges instruction? Did you not look at the TV? Did you not read the newspapers? They all said yes. I felt they were all going to do it. They were very honorable people. That doesn't mean something might not seep in once in a while, of course, it could. They are all human. I suppose you could get a headline and immediately change the page if you're home and the papers been delivered of whatever, but I really felt this was an honorable group of people. They spent a week going through this evidence. They rendered their verdict. They told the judge it was their verdict and after the verdicts were read they had a special statement they wanted the judge to read to everyone. I don't have the exact words memorized, but the words were something like this. We know the world's eyes are upon us. We know our system is under a microscope. We did our job very meticulously and very carefully and we think we've done what we should do. They asked that their privacy be respected. I later found out that some media guy jumped on one person's truck and tried to follow him home and stuff like this, but nevertheless they made numerous efforts to let everyone know that they had done their job fairly and meticulously, and patiently that they had followed the law. This jury never lost one juror during that five-month trial. Not one alternate appeared on that jury and they were extremely attentive. I believe they were not affected by the media nonsense, not affected by ulterior motives of any kind. I believe they were stronger than the media onslaught which was by and large I think negative for us. Michael Jackson, unfortunately, is the kind of person who has been the victim of so much scandalous reporting all over the world. There are people around the world who just keep trying to find stories about Michael Jackson to make a living. On Court T.V. the reporter covering the case who had been sued by Michael Jackson in the mid '90's and became friendly with the district attorney, who actually signed a sworn declaration supporting this person in her suit. She began to focus on the whole Michael Jackson

issues from -- going back more than ten years ago. She became the reporter. I felt that was wrong to have someone who had been sued by him as the reporter of what was happening in a case that was not televised. She was one of three primary reporters. The other one was Lisa Bloom, a lawyer in New York who is a very bright woman who went to Yale law school, but her mother is Gloria Allred. Do we all know who Gloria Allred is? Well, Gloria Allred has filed a number of reports about Michael Jackson, and I don't know if that was appropriate to have her daughter doing reporting, and then we have good old Nancy Grace who in my opinion has gotten more outrageous since her ratings have gone up. And actually I'm told her ratings are quite good at the moment. After the trial she actually got the foreperson on T.V. and in my opinion started abusing her and I went on a couple of shows and said look these people got their facts wrong, people of Court T.V, they didn't understand the significance of what was happening in court, they began to feel humiliated by their prediction that there would be a guilty verdict in this case and their reactions was to lash out at the institution and lash out at the jurors. That's not professional, and that's wrong. Interestingly enough, shortly after I said those things a Mississippi superior court judge attacked them as well. I don't know if you remember that civil rights case where a former clansman was put on trial for murder of three civil rights workers in the 60's. He was, I believe, 81 or 82 years old. He was convicted of three counts of manslaughter. The judge gave him a 60 year sentence. This is a case that was over 40 years old. The witnesses had disappeared. The evidence was stale and still the state went forward with the case and I think did a very commendable job going forward with that case and prosecuting them because what happened with those three your men was horrific. A reporter from Court T.V. starts attacking the jury verdict saying it should have been murder blah, blah, blah. This superior court judge as he began the sentencing phase, criticized Court TV. He said they insulted the residence of this county. I'm told that there have some internal discussions that they're not going to try and berate jurors anymore. That's what I've been told. I think the lesson from this, and I said this to judges and lawyers last night, we have to speak out more about this nonsense. Judges at the appropriate time and appropriate place need to come you and criticize the people for what they are doing when they're wrong. Lawyers need to do the same thing. Citizen should do the same thing. They respond to ratings. They respond to what people are thinking or saying about them. They are nothing but a business masquerading as professionals in my personal opinion. Not all of them, but a lot of them. This jury was not sequestered. I did not want them sequestered. I thought they did not need to be. I think a sequestered jury is an unhappy jury, an uncomfortable jury. Why do it when you really have faith that they will do what they are supposed to do and follow court orders. I absolutely think they did. Approximately two months after the verdict, as some of you or all of you know, two jurors get on TV and say we wish we

could reverse what we did. This is two months after they have been released from jury duty. Two months after they have been told you are now free to discuss the case with anybody you want, look at any T.V. show you want, read any tabloid you want, and they do it while at the same time announcing they're going to write a book. Fortunately, they were attacked by everybody including proprosecution reporters were saying this is utterly ridiculous. Then, one of them who has decided to write a book is suing the publisher claiming some type of misrepresentation. I don't know the details. I predict they will never write a book. I think the reaction to what they did was so negative. I think they looked like such an embarrassment to all of us that I don't think you'll see a book come out of this, although they have a right to publish a book if they want. We have he a rule as I think a lot of you know that a juror can't make a financial transaction for 90 days after jury duty and I think that's a good rule. I don't want to see government get to oppressive and say you are banded from writing books and you're band from talking. I think that goes too far. I think the 90 day rule is a good one. I think most people are pretty honorable, but the lure of cameras, the lure of money, the lure of fame is absolutely seductive, absolutely intoxicating and it's a problem we have to keep in mind, but I am happy to say they can't corrupt our jury system. Our juries are almost always right in my opinion. I think they always try and do the right thing. We have limitations. There are 130 people to my knowledge who have been released from death row and life sentences because DNA has cleared them. However, their lives are destroyed, their families lives destroyed. There are other case where there's DNA has not been tested or cases where there's not DNA at all to test. So there have been mischarges of justice. But nevertheless we the best criminal justice system in the world and we want to keep it that way. I think the Jackson case was a great testament of the power of our jury system. Thank you.

(Applause)

MR. MESEREAU: I would be happy to take questions.

MR. LIBEU: Paul Libeu, Sonoma County. Do you think the jury system is in jeopardy by failure to compensate them adequately?

MR. MESEREAU: I think jurors should be better compensated. To make it such an enormous financial hardship means a lot of people don't serve on juries that would because during jury selection judges will ask potential jurors, do you have any problem with servicing on a jury and so many will say it's a financial hardship. I just can't do it. And they'll be excused. That's a large number of people, citizens that it is difficult to serve. So, yes, they absolutely do need to be compensated more.

MR. NEILSON: Bill Neilson, from Orange County. I was personally very upset when the verdict in the Michael Jackson case came down because I was in my car and unable to get to a place where I was

unable to get to a television and I wanted to see Nancy Grace's meltdown. I knew she was going to have an absolute meltdown and I wanted to see it.

MR. MESEREAU: And she was never in the courtroom once. Five month trial, you're never there once. You never look at any witnesses. You never look at any jurors. You never tie anything together that you actually experienced, seen, felt, whatever and yet all these predictions of a conviction. It just got ridiculous. Even attorney Robert Shapiro who has already been very nice to me to my knowledge never stepped in the courtroom once, he was on CNN predicting a conviction. He was commending me of what a job I had done with all I had. How do you do that if you're not there. Even if you're there once in a while, you still don't get the whole flavor of the case. Probably the most accurate reporting was E Entertain because they had four experienced lawyers reviewing daily transcripts, and although they couldn't be there to see anything, and you've got to look at the witnesses demeanor, and you've got to hear what they say and see how they react to really decide what you think. Nevertheless they were experienced lawyers and they were looking at transcripts, and they were trying to base their daily reporting and discussion on those transcripts, and I think they were probably in the end the most accurate. They tried to do these reenactments with actors which has its limitations, but I think they actually tried to be more accurate and tried not to reduce everything to one or two sound bites. So they did a pretty good job. I did not want cameras in the courtroom for the trial. My concern about cameras is that people will somehow act differently because a camera is there. Also the idea that a witness turns on TV set the day or week before they testify, sees what other people are saying when they're not supposed to be in the courtroom is a troubling thing. Nevertheless I think because the reporting was so, in my opinion, inaccurate and designed to be almost prejudice people against us, I think Michael's reputation would have been better served if the public had watched those witnesses being examined. I will tell you that anyone who saw the trial from day one, who is reasonably objective, who didn't have a personal agenda or bias, would not have been surprised by these not guilty verdicts?

MR. THOMAS: Do you have any feelings about a grand jury indictment versus preliminary hearings and the trial?

MR. MESEREAU: I do have feelings about a grand jury indictment. The problem with the grand jury indictment is that it's a one sided affair. There is no judge controlling what happens, there's no defense lawyer challenging any of evidence, and there's no real

obligation on the part of the prosecutor to show only exculpatory evidence, show the other side. There's an old saying that you've all heard that a prosecutor could have the grand jury indict a ham sandwich if they wanted to. There's some truth to that. It's a terribly one sided affair. I think it's also misused in this sense. If you have a case that is fundamentally weak and maybe doesn't really pass the spell test like the Michael Jackson case, if something goes wrong, you can blame it on the grand jury. I was asked is Michael Jackson going to sue the Santa Barbara's district attorney's office for what happened. In my opinion, he's not going to do that. There are situations when you can sue prosecutors, but it's harder when the grand jury brings an indictment because they can always say the grand jury, the citizens decided to charge. Well, they didn't see all the evidence. They didn't see most of it frankly. If you read the Michael Jackson grand jury transcripts and then watch what happens when they are called to testify and they are cross examined. You watch one witness after another and say Oh my God. What's happening? Why are they even calling these witnesses. Not in the grand jury room. The prosecutors are the producers, the directors, the scriptwriters, they're everything. So that's a problem. A preliminary hearing as you know is a public proceeding, a judge is controlling the proceeding and witnesses are cross examined. Usually they're not cross examined that much because lawyers are not prepared to try the case at that stage and many of them don't want to give away their cross examination at a preliminary hearing, they want to save it for the trial. Now, I did the opposite in the Robert Blake case. I was Robert Blake's lawyer through the preliminary hearing and I was his lawyer after that until it got close to trial and he and I had a falling out, but they decided to call a lot of witnesses they didn't have to call. And to make this a big show case and I decided to surprise them by preparing like a trial and really examining them and it really worked to the defenses advantage. I also said put it on television. Prior counsel, a very excellent lawyer, Harland Braun, had made some motions to keep it off television for very logical reasons. I thought, if they were going to give me a shot at all of these witnesses that they would not think I was prepared to cross-examine them. And I felt that we would be well-served to have it televised and really go after these people. I was told later on that the largest change of public opinion occurred during that preliminary hearing. 80 plus percent thought he was guilty going in, and 80 plus percent thought he was not guilty coming out of the preliminary hearing. Mr. Blake got bail in a murder with special circumstances case that everyone said can't happen based on that transcript we made a motion to have the co-defendant dismissed and the conspiracy charge dismissed and was successful. There's a situation where I sort of did something unexpected, somewhat novel from a defense point of view and it did work. You had a nice transcript for trial with these people on it. So, when they tried to change their

story, you had the transcript to prevent that from going in. The grand jury is supposed to be nothing more than a screening device. The problem is that if the prosecution gets the grand jury to indict someone, you're putting them through absolute hell, even if they are ultimately exonerated, the emotional cost, the financial cost, horrific. So I'm more partial to open proceedings where evidence can be tested at least to some extent. I think to not have it tested at all before a grand jury really misleads the grand juries, quite frankly.

MR. STAPLE: Tom Staple, Orange County. I'd like to ask you about the jury of last resort, the supreme court. You as a lawyer and for political reasons, what are your criteria for the kind of person that should be on the supreme court.

MR. MESEREAU: Well, that's an interesting question, one I didn't expect. I don't consider myself an expert on constitutional law, and I don't specialize in appeals. I specialize in trying cases at a trial. I don't consider myself an expert on this part of our legal system. Of course, I have some views. My biggest concern is putting people on a higher court whose background primarily I have issues with. I'm talking about judges who decide which death penalty cases to try and I'm talking about judges who make decisions on what goes on in minority communities where they have no experience whatsoever. That doesn't mean they can't be fair and honest and do a very professional job. The late Thurgood Marshall was trying death penalty cases in the south in the 60's and really up against it at the grass roots level before he became a supreme court judge and he was the only one on the supreme court who had handled death penalty cases at a trial level, who had dealt with grassroots discrimination and dealing with people on juries and dealing with prosecutorial views as opposed to someone who's gone to the finest law school, the finest college and then just goes from one ivory tower stage to another. I'd like to see more justices who really have had their hand dirty trying cases and dealing with injustices and dealing with problems in society that affect minorities and poor people as well as lucky people like themselves that have gone to very fine schools. That's one of my main concerns. I think there should be justices with other backgrounds to develop those sensitivities that are of concern. Other than that it's a tough question because there are so many variables involved. It's disturbing to know that politics can have so much control over what the state of the law is. But that's the truth. But we're all human beings as I said before. We do our best in the best system in the world. We have to always keep a vigilant eye on everybody. I don't care whether they are on a supreme court, superior court, or DA's or whatever they are, we always have to keep a vigilant eye to preserve our liberties because the framers of our constitution were very suspicious of power. They wanted checks and balances. They thought

power corrupts, in a conscious way and sometimes in an unconscious way. They wanted to make sure we have different levels, different ways of testing what happens when people have power and I think it's a great thing.

MS. MOONEY: Margaret Mooney, Kern County. I'm a little confused. I don't understand why a person is found is found not guilty and then there comes a civil trial where they can get money.

MR. MESEREAU: Different burdens of proof. In a criminal case you can't convict anyone unless you prove your case beyond a reasonable doubt. That's a tougher burden of proof than the burden in a civil case which is preponderance of the evidence. And if you have any doubt about whether this person is guilty, it's a doubt in what is called reason. You're suppose to acquit. But in a civil case if the weight of the evidence tilts ever so slightly in someone's favor they're supposed to win. If Michael Jackson had been convicted of child molestation, the accuser and his family could have gone into court and liability who have already been established. There would be no trial on liability because he had already been found guilty with a higher burden of proof, a higher standard of proof than what you need in a civil court. The only issue would have been the amount of money, an argument over damages. How much do they get to compensate themselves for what was done. It's because of that differing burden of proof that you have both. Now, one of the theories of our defense in Michael Jackson that I can we convincingly proved was that we said that they were trying to get a conviction so civil liability was already established. So the civil lawyers who they went to before they ever went to the police, civil lawyers who had sued Mr. Jackson in the early 90's. The went to one of the best plaintiff' lawyer in the country. Our theory was that they wanted the county to pay for their experts and their investigation and all that goes into establishing civil liability so that they could simply walk in and figure out what the number was. That was a major part of our defense. And there lawyer got up on the stand and admitted, grudgingly I might add that if Michael Jackson was convicted by that jury and in that criminal case that they would have a much easier time walking into civil court and dealing with the civil aspect. But it's because the burden of proof is different and you still get a second shot as you're seeing happen with Mr. Blake right now in Burbank. He was acquitted of all counts. I think he may have been found guilty on one count in the criminal case. Now he has to go through the civil court which is happening not far away at the present time.

MR. BLISS: We enjoyed meeting and thank you, Mr. Mesereau for coming.

(Applause)

MR. BLISS: We will now adjourn to the room next door. You may want to take a few minutes -- 2:00 o'clock. So that will give you a relief break.

(Break)

(Awards Presentations)

MR. LEWI: We're running well behind schedule, but I think we've had some pretty interesting speakers, so I'm happy with that. We now come to one of the more fun parts of our program and that is making some awards. We have two kinds of awards. Our first will be the annual Angelo Rolando award for serve, given every year to a member in good standing who has performed duties in the association. You have to be a part of the committee to do that. Jack Zepp is chair of that committee for this year. I'll ask Jack to come up and give that award.

MR. ZEPP: This year the Angelo Rolando Memorial Award is being presented -- I know who it is, but I have a couple of remarks.

(Laughter)

If I have to wing it, I will. The winner of the 2005 Angelo Rolando Memorial Award for service this year is Ourania Riddle. Unfortunately, Ourania had a family commitment that prevents her from being here to receive the award, but I think we can make arrangements for somebody from Solano County to take it back and get it to her.

Ourania became the editor, of what at that time was the to-be-upgraded journal in the beginning of 2001 and was very instrumental in creating the bulk content of the journal as it is today. She has been a director since the fall of 2001 and served as a presenter for CGJA training programs. Ourania's energy abounds and on behalf of Angelo Rolando

board committee, I want to thank and congratulate her. Earl would you be kind enough to shepherd this award to Ourania?

(Applause)

MR. HEAL: On behalf of Ourania, I'll say thank you.

MR. LEWI: Thank you, Jack. I think this is interesting. This is the second consecutive year the award has gone to a member of Solano County and the second consecutive year that the awardee has not been able to be at the conference. I hope we can break at least one of those trends in the future years. The next award, Earl can come back up here and do our Excellence Reporting Awards. Let me just take a minute or two to bring you up to speed on what this is. This was restarted last year under a subcommittee under the

Operations Committee and we recognized two kinds of activities for excellence in reporting. One is a grand jury report or a series of grand jury reports that not only were good reports that called attention to a problem that needed fixing, but got results. You have to have both components to be qualify for that award. The other award can go to the media itself, perhaps in the contrast to what Mr. Mesereau talked about earlier today, for properly reporting on what grand juries do, and I think I can safely say without letting the cat out of the bag, we have one for each category this year.

Earl chaired the subcommittee consisting of Earl, Linda Baker, and Les Daye in putting this together and I thank them for their efforts. Earl, I'll turn the actual awards over to you.

MR. HEAL: Thank you, sir. You took away half of my speech. I would point out that the criteria that Jerry mentioned, we developed more carefully, this is the kind of reconstitution of an whole new program. So, the criteria we evaluated, developed, and presented to the board for their approval. We have a number of criteria that we looked at. We do score them out accordingly. As Jerry said, we put a lot on the verification process. If it was a difficult investigation, how many subpoenas you had to get and all these things went into the accuracy of your reporting and the thoroughness of your reporting, but ultimately, did you get verification. So for this award to go we really have to expect a couple of years after the report was written. So we can come back and verify that results were obtained. With that I will call forward Mr. Bill Burnett on behalf of Nevada County. I will now read the citation that accompanies the award. "The 2005 certificate of merit for Excellence in Reporting is awarded to the 2000-2001, 2001-2002, 2002-2003, 2003-2004, 2004-2005 Nevada County jury for special achievement in investigating and obtaining resolution for failure of the county to accurately collect franchise taxes due. The 2000-2001 first identified that the county was failing to collect taxes due under utility franchises and recommended actions to update the appropriate county code for franchises and perform audits as required by the code. The 2001-2002 jury noted almost no progress for public officials and issued a report with similar findings and recommendations. In 2002-2003, the jury reopened the investigation for the third consecutive year. They found that the county auditor had been provided \$20,000 to conduct the recommended audits and had determined \$88,000 in underpayments. However, audits were incomplete. The county code update was only partially accomplished and directed from the supervisor to county officials were generally disregarded or delayed repeatedly. The 2003-2004 grand jury again reopened the investigation and finally found progress. The new waste management contract was signed and expected to serve as a model for completing the county franchise code updating. Most past due cable TV fees had been collected and approved renewal contracts for cable TV were pending. The 2004-2005 grand jury found that the cable contracts had been negotiated and determined success had been achieved. The perseverance of those Nevada County grand juries is a credit to each jurors involved and demonstrates for all the value of continuity in resolving government deficiencies."

MR. BURNETT: Thank you very much.

(Applause)

MR. HEAL: Now we all know that our investigative work requires an awful lot of support from the public and the public we can reach through the news media. We put a lot of weight on this one and this report will go to the Marin Independent Journal. I think Owen Haxton will receive the award on behalf of the newspaper. I will read this citation. "The 2005 Certificate of Appreciation for Excellence in Reporting is awarded to Marin Independent Journal for regularly increasing awareness of the community of grand jury activities that benefits the community. The newspaper has been a diligent reporter of grand jury investigative reports and informs the public of needed corrections. The editorial page written by Mr. Brad Brihoff has regularly provided full columns to support investigation findings. Reporter Terry Bradley, Richard Halsted, Jennifer Upshaw, Carla Bova, and Nancy Halls all have written detailed reports as each final report was released. Columnist Dick Spotswood identified the county grand jury as a courageous force for reform. He has provided strong commentary supporting grand jury reports to make sure that corrective action is completed. The efforts of the Marin Independent Journal have contributed significantly to strengthen the impact of the grand jury reports and correction of local government problems.

(Applause)

MR. HAXTON: Thank you very much. The officials of the Independent Journal asked me to thank the Association for this award and to insure that I pass on to you that they consider the grand jury, civil grand jury, in Marin county, not necessarily partners in watching over government but at least co-workers or first responders. The IJ has always in the past number of years I've been involved been very good at either publishing the full report or if the report didn't rise to that level in their opinion, they had a summary in it and we've had over the past few years at least three reports that were over the folds. That was the phrase. Top of the fold, you know. So anyway, what we will do in Marin County is November 14, we will have our chapter meeting and at that meeting I will present the award to the officials of the Independent Journal. If Betty Mattea, your vice president is there, she'll represent the association, and if we're fortunate enough currently we have scheduled Susan Adams, a member of the Board of Supervisors who will participate in the ceremony. Hopefully, we'll get some coverage in the newspaper. Thank you.

(Applause)

MR. HEAL: Another follow up to the program or part of the program is the success story. We all know throughout the state we have a number of successes throughout. We just don't hear about them. It's important for morale. It's important for the public to know that we are doing a good job. And, for the legislators who like to shoot us down. Last year was relatively easy to find success stories. On a survey that we ran, one of the questions on that survey was to ask each foreperson to identify things that they had accomplished with some success. So all that took was looking over the survey forms as they came in and making a few phone calls and we had a pot full of success stories to pick from. This year we didn't have that luxury. It's just a reminder for you folks when you go home to talk to your current jury. Do a little of your own research and encourage them next spring to submit a success story. We've all got them. And it would be nice to have them published. I just have one success story I'd like to report and this pertains to the juvenile hall in Solano County. Again this is kind of a long term correction action. After the 2000 Solano County grand jury issued a 30 page scaling report about the Solano County Juvenile Hall, it is apparent that the supervisors listened. The jury strongly criticized the juvenile hall as an outdated, overcrowded, dimly lit fire hazard that did not comply with state standards. The condition of this facility subjected the county to great exposure to liability in the loss of life, a major injury to the wards or staff. The main building is in substandard condition and many fire and life safety features were being ignored and disregarded. My report of 2000 also identified a lack of emergency generator for the facility, and without car there would be no hot water, telephones, fire alarms, kitchen appliances or door locks. The 2002 grand jury identified it lacked security and an unmonitored outside gates during night inspection. And also a high recidivism rate. Now, five years later the 2005 grand jury has mostly positive to say. The most critical review the Solano County grand jury could present after looking at the juvenile hall was that the staff did not dress uniformly. The report stated that the current dress code does not promote professional attire among the staff members because it allows extremely casual dress. The jury found the 120 bed facility is well-maintained. Significant precautions are being taken to insure the safety of staff and wards. An emergency response team has been established to deal with violent incidents. Positive changes in the juvenile hall have been well-reported in the local media. Congratulations to the 2000 Solano County grand jury for identifying the problems at juvenile hall and congratulations to the county Board of Supervisors for following the grand juries recommendations.

(Applause)

MR. LEWI: Thank you, Earl. This program is one of the success stories of the past two years to come up with these awards and better publicize what grand juries do throughout the state and we'll talk more about that later. Now, is the time for the open forum. But before I go into that, I think I owe the membership a little bit of explanation of what went on this morning with regard to the ballots. I don't think you got the complete story. This is not open for discussion. I just want to give you a brief report so that you have a better understanding of what happened. We made a mistake. Under our current policies and procedures, every member gets the right to vote for the board of directors. There are 12 open seats in our annual election. Each chapter also gets a vote as a chapter. Through a series of mistakes, pure and simple mistakes those ballots were not mailed out in time. We put together a plan to recover that situation and the plan is to some extent been effective in my personal opinion. You heard there were objections reported and the teller committee elected not to count the ballots at this time until the board meeting after this session closes decides what to do. It will be a board decision, and we'll go from there. Hopefully, we'll get resolved and we'll be able to get on with the vote. At least that's my personal vote. We'll see. It will be a board decision. Thank you. Okay. The open forum is an opportunity for any of you to come up with questions, comments, anecdotes, experiences that you are aware of or the grand juries either during your own service as juror or things you know or heard about in grand juries that succeeded you. It is not the time to talk about issues or problems about our organization. That time will come when we give you our report to the membership later on this afternoon and hopefully we will have time for a few questions and answers on that particular subject. The last two years we've had this session at the end of the conference and people are rather burned out. So this year we decided to do it a little earlier in the program. Hopefully there will be answers that will come from me or any of our board members or any other member of the audience about the comment or the question. And I hope we can all learn about some of the things that happens grand juries throughout the state. In my travels around the state, I have been impressed with the wide variety of how grand juries operate. It's understandable that there would be such diversity when you have a county as large as L.A. or as small as Alpine County. But, again we can share questions and comments, get answers and feedback and maybe help improve the system throughout the state. The first hand I see is Ormond Colbert.

MR. COLBERT: Ormond Colbert, Riverside County. This is a comment on the success story. Had the grand jury gave a copy to the Juvenile Justice Commission they could have taken action immediately. They can go to the board of supervisors and say we're going to close the place down. Sometimes there might be a better place to go

with that information than the board of supervisors.

MR. LEWI: I had a similar experience when I served in Ventura County. We had one of the Superior Court judges pushing for a new juvenile hall come to us and ask for our support. Now, Ventura County is the proud owner of a new juvenile hall that includes all the things Earl talked about and a juvenile court all in one building.

MR. COLBIE: Tim Colbie from Butte County. One to the problems that we are having is jurors leaving us and I wanted to know how other counties are dealing with this.

MR. LEWI: Do you have separate juries?

MR. COLBIE: One jury.

MR. LEWI: To summarize Tim's county is having a problem with jurors leaving and this is after they have been sworn in and started their term. Does anyone have any comments or thoughts?

MS. BASEHEART: My name is Patti Baseheart and I'm the aide to the Marin County Grand Jury. I don't sit with the grand jury, but I do the recruitment. That's normal to lose a certain amount of jurors. We lose about five to six grand jurors every year. It's usually due to the time commitment. We ask our grand jurors to sign for a commitment for 20 hours a week. It's usually longer than that. When we have a younger grand juror coming in and they work, they can't do it. You cannot be a grand juror and work. We lose people that way. We lose people due to family commitments and other family situations. I think it's normal for grand juries to lose a few people, but we have alternates. We have 11 alternates that we draw from. We have a pool of 30. The first 19 become grand jurors and the remaining 11 are alternates so we always have someone to step in.

MR. LEWI: Thank you, Patti. And welcome to our conference. We're glad to have you hear.

MR. STAPLE: Tom Staple from Orange County. I'm surprised to hear that statistic. The last three Orange County grand juries we had, the first grand jury didn't lose anybody. The next two grand juries lost two people and those people were lost during the orientation period. I think you have to emphasize to people how much commitment there is to doing it. The two people in the orientation period quit because they finally realized how much work they were going to be doing and the duties. I give them a description in the orientation of what they have to do. The presiding judge told me I need to tone it down, but I don't think there's a reason to. You've got to let them know what to expect. I chose to emphasize the negative as well as the positive and I think that's what saves us from the members

leaving during their session. We've been fortunate. It pays to emphasize the disadvantages as well as the advantages. We get all the applications. All of the potential jurors come to a meeting and told again what's

going to happen. This is before they have chosen anybody. Then they sign a commitment stating they still want to participate.

MR. COLBIE: So your jury is people that have submitted their names to be grand jurors?

MR. STAPLE: Yes.

MR. COLBIE: Ours is different. They use the jury roles and send out letter to a blanket number of people.

MR. STAPLE: Ours is all done by volunteers.

MR. LEWI: I think that's the same in most counties. Serena.

MS. BARDELL: Tom, when does your jury start?

MR. STAPLE: They are sworn in July 1. We start all of our applications and meetings in January.

MS. BARDELL: That is astonishing that you are that organized.

MR. STAPLE: I'm just giving you a suggestion. I don't know if you'll use it.

MS. BARDELL: I'm just really startled that you're starting so soon. In San Francisco, the chapter does the recruiting. We actually -- I run the outreach committee, and we don't even start going and making presentations until late January and February because we sort of feel that people have short attention spans. We feel that if you go to early and it doesn't start until the following July, it's been our concern that they say yes they are interested, but by July they have lost their interest. I always felt that we should be concentrating most of our outreach usually April. We schedule our presentations to as many groups as will have us mid-January through the end of March.

MR. STAPLE: We start out in October and November is grand jury month at the board of supervisors. So that by January then we already know what the pool is going to be and that eliminates those people that really don't want to be jurors.

MS. BARDELL: How do you get your pool?

MR. STAPLE: Newspapers. A variety of things. In fact today there's suppose to be a meeting and we're trying to find out to get some more diversity.

MR. LEWI: Let me get someone else here. Serena, did you have another comment or was that your comment.

MS. BARDELL: I did actually, but you can spread this around and I can wait.

MR. LEWI: Sandra.

MS. PARKER: Sandra Parker, San Luis Obispo County. Along the line of just encouraging people not to drop out, we let them know in detail what to expect. Everyone who fills out an application that is remotely acceptable all come to a meeting and get an orientation from past grand jurors, from the judge, from jury services and then there's an open forum, a question and answer session that they seem to learn a lot from each other. Then they have a chance to drop out then. At that point you have a pretty secure group. Recruitment is difficult. We have been active in the last year and a half or two in publicity and recruitment because the sitting grand jury often doesn't have time to do that. We have been working closely with them this year. We have a speaker's bureau and during the year we go to various civic organizations and give a little history of the grand jury just to get people knowledgeable. We try to use some of the upcoming grand jury reports that come in and responses back in October, we publish those again and try to get our newspapers to publish those. We do a press release of what the subject was, what the responses are. That keeps it active in the fall. Then we go to our county Board of Supervisors, as well as the city counsels of all the independent cities within our county and ask them to make a declaration of Grand Jury Awareness month.

During that month we give a little speech. We have table sit up and we have handouts of interesting things, a brief list of the grand jury in the United States in California, et cetera. We end up getting a few applicants. More and more each time.

MR. LEWI: "We" in your case is your mobile chapter?

MS. PARKER: Yes.

MR. LEWI: Rose Moreno.

MS. MORENO: Rose Moreno, Orange County. In 1996 I served on the grand jury and we spent 18 months there. We didn't lose one single person. No one even died. Some people tried four or five times to get on and once they got on they weren't going to quit. They lasted 18 months and no one dropped out. We have an improvement video that we were going to be doing. I know this is something that would be useful to the rest of you. So if you have any ideas, I'm open to any that you have.

MR. LEWI: Thank you, Rose. Bob.

MR. HEADLAND: Bob Headland, San Diego. I want to give a update on the Implementation Review Committee. This was set up and ordered by the county. The committee reviewed the past two recommendations of the grand jury. Many of us – well, since 1990-91 we thought we needed a city review committee because there were many reports that never got much response back from the city. In fact, the grand jury down there never seemed to really study very many of the city items. You all know that San Diego has a lot do-do down there.

MR. LEWI: That's a technical term.

(Laughter)

MR. HEADLAND: We have the city fathers, and hopefully there's some mothers in there too. They weren't too interested in being reviewed as politicians go. There's this barrier between them and the city attorney and he's shaking everybody up. He's accusing everybody of violating the law, and I'm not so sure he's not violating some laws himself.

MR. LEWI: Bob as I understand it, we've talked about this before, your agreement is that your committee reviews those recommendations the county agreed with and agreed to implement nothing more than that and it was only with the county.

MR. HEADLAND: But we keep a constant follow up on it and the county have been very cooperative.

MR. LEWI: Your difficulty in extending this to all the cities in your county you would have to have an agreement with all your cities, right?

MR. HEADLAND: Yes, and that's a problem because you have all of your various districts and even schools. We have a large county and large cities.

MR. LEWI: Start with them, that might be a start. Sheldon.

MR. SINGER: Sheldon Singer, Orange County. I'm president of the Orange County Grand Jurors Association and two things have helped us. Five years ago we got the board of supervisors to raise our per diem to \$50 a day. Our pot usually each year is over 200 members and unfortunately the year I was a member, we lost three but that due to illness. Other than that they were pretty stayed and true. With 200 members we get all 34 cities sometime during our period from October to January and make a pitch which is all over T.V. and everyone is out there hustling. The bigger your group is the more hustle you can do. It's as simple as that. You've got to hustle.

MR. LEWI: Tom.

MR. HANSEN: We had a situation one year. We had a young lady that was very dedicated. She started working and really didn't want to give it up. And the committee actually accommodated her by holding the committee meetings after her work hours. They were willingly to do that. That's one alternative for retaining someone.

MR. LEWI: I'm reminded of something I learned when I visited the San Francisco chapter. Serena, correct me if I don't say it right. The San Francisco Grand Jury hold their weekly session in the late afternoon. And they do that to encourage working people to serve on the grand jury. I never heard of that. It was a great idea, and I guess it works. It's a physically small county and they may make it more feasible. That's an interesting concept. Paul.

MR. LIBEU: Paul Libeu, Sonoma County. We tried and failed to form a chapter recently in Sonoma County. I feel we would have had a better shot at it if we had had a better relationship with the court. My sense is that most of the chapters have a working relationship with the court. That's probably the route to go. So if anyone has any suggestions I will approach the court and try to get something going.

MR. LEWI: We can talk about that tomorrow in the after session. But, I think you're absolutely right. You have to have a reason for being to have an active chapter or an independent association. Anyone else have a comment on this or any other subject.

MR. HAXTON: Owen Haxton, Marin County. To follow up on your comment, I would like some help also. We would like to find out if any chapter or any group of grand jurors within any county had a letter of agreement, a memorandum of understanding, or contract, any written document that establishes a working relationship with either the court system or with the county system. This not something that we've been working on hard, but it's an idea that if we can get them to put it in writing what they expect from us, we may be able to influence what we expect from them and in doing so the court and the county may get closer together in support of the grand jury system. So if there is anyone in the room that has any written material on that, I would certainly appreciate that.

MR. LEWI: Sandra.

MS. PARKER: The agreement we had with respect to the county on our leaflets and follow up reports, that was in writing.

MR. HORNE: Boyd Horne, San Luis Obispo. We tried to form an implementation committee our goal was to the support the chief administrative officer. We drafted a letter and he sent it to all the department heads and said expect to be visited. We did have the support of county official.

MR. LEWI: But you are getting some support through this simple action.

MR. HORNE: To give you an example, a recent report of the grand jury recommended that the public be more informed about the functioning the county and so they contacted the League of Women Voters and they produced a publication that's called "Know Your Town" and the county paid for that publication. So that's an example of follow through with a grand jury recommendation given that contact and support.

MR. LEWI: Thank you, Boyd. Any other comment, question on any particular subject?

MR. THOMAS: Ivor Thomas from Butte County.

MR. LEWI: Let me interrupt for a moment. I believe Ivor is the only sitting grand juror here today; is that correct.

PARTICIPANT: There are two from Kern.

MR. LEWI: Great. Glad you're here. Go ahead, Ivor.

MR. THOMAS: My thought on this that it seems that when you separate the criminal and civil grand jury, a lot of issues become simpler. One concern that I have and I'd like to hear from other counties experiences with this. When you start taking applications and discussing volunteering for the grand jury, they kind of get people to serve and tell them later that it's only volunteer. How do you really deal with the conflict of interest that inevitably arise when people are literally volunteering knowing it's a conflict. I'm kind of curious of how we ferret that sort of thing out.

MR. LEWI: Les, do you have a comment?

MR. DAYE: Les Daye, Trinity County. I experienced direct, as a juror, in fact the final alternate beyond the jury called in three hours before the swearing in ceremony. A situation where one of the most effective techniques is to put a juror on notice with at least one other juror present that you're aware that they have conflicts of interest. Don't put it off. Now, if this occurs before the jury is fully functioning that's probably the most effective way. If it occurs after the jury has already selected their committees, you probably need to let as least two officers of the jury know that you intend to bring this up at one of your sessions. It could

catch the person off guard if you're saying foreperson, I'm going to confront this person and I'm bringing it to your attention. It's not the kind of thing that you wanted to let fester because you have an equal vote and you should not let that person embarrassing you at the end of the year by publishing a report. I will see that you don't get the 12 votes that you need based on the this.

MR. LEWI: I think we're all aware of something that's emphasized in most county local training and emphasized in our association training is that jurors need to learn not to have personal agendas. They have to leave that stuff outside the door. I had a situation in my grand jury with criminal indictments and one of the jurors knew a principal in the issue and she asked the D.A. if she should recuse herself. The answer was you don't have to, but it would be a good idea.

MR. TARANTO: Dan Taranto, Humboldt County. You also have to be aware of the appearance of conflict of interest that needs to also be brought to light.

MR. LEWI: Serena.

MS. BARDELL: There needs to be a certain sensitivity for that. Our chapter does the interviewing of prospective grand jurors with the support of the presiding judge. We have had two presiding judges in our two years of experience. We are really lucky to have the support. They talk about what we want to do and that gives you a change to kind of determine how you feel about each of these things, if it's something that's going to trouble you et cetera. We have worked with the court on changing the application form. We schedule our interviews for 45 minutes. They don't always take that long. Two of us interview. We are not experts, but we are getting better at it. Each of us have our experiences. As we get sharper at detecting agendas. When I talk to groups or send someone to talk to groups, I emphasize the agenda issue. They are not going to say I have an agenda. So if you interview them and that's what you're looking for among other things more often than not, I think you'll get them to spill the beans.

MR. LEWI: Thank you. Any other comment on that? Any other comment at all? Hal Hichborn.

MR. HICHBORN: Hal Hichborn, Los Angeles. At the risk of repeating something many of you will already know. Last year's Los Angeles County civil grand jury started with our training program. We were told to keep July absolutely open for the training that would be provided. When we heard through one of the circulars about the training program, the foreman and I both decided that we would see what that was about and got involved in it, liked what we saw, returned and imparted what we could to the grand jury. In addition to that we're instrumental in convincing the powers that be to get a training program right into our courtroom which we did. Through a lot of work it turned out to be a very successful grand jury in my

opinion. But, because the lack of time that we had at first, our grand jury grand jury chose to implement a transition team, to help the new grand jury and we convinced the judge that talked to you this morning that that was a good idea and we did implement that. So the first week that the new grand jury was impaneled why there were six of us that tried to put on a preliminary of the training program that you have. We were told that that was very successful and I would like to impart that to you as part of your training program, that you recommend such a thing to grand jurors that you talk to.

MR. LEWI: Thank you, Hal. It was an interesting training session. I was privileged to be there. We did it in December almost half way through their term and yet they found it to be very helpful. Maybe a little education part way through your term is not so bad. This year we did it at the beginning of the term. Okay. Anyone else. Pat.

MS. YEOMANS: Well, I'm always pushing something. The California Law Advocates published a booklet called "When to Become (inaudible). It's recently been taken over by the foundation for the state bar of California and it's published in Spanish, Korean, and practically any language you want. I learned a lot. They also have one on "Seniors and the Law" and "Kids and the Law" You can get any number of them. Just go down to the Foundation of the State Bar at 180 Howard Street, San Francisco. They like you to order 100 or more because it costs so much to mail them. I also want to say I hope you always hang on to your recommendations and don't give up because nobody is paying attention. There's a grand jury about eight years ago in Los Angeles County that thought it would be great to start an A, B, C program for restaurants. How many of you use that A, B, C sign for restaurants? There was a case recently where someone had gotten sick after eating at a Chinese Restaurant. They thought they had gotten ptomaine poisoning. Well, they found out that the Chinese Restaurant had a "C" rating. They hadn't paid any attention to it at all. There was a grand jury in Los Angeles that started that program, and people are realizing that these A, B, C recommendations are important. Different counties wanted someone to train their people. So L.A. County really started that program, the A, B, C program for restaurants, and it's really getting some feedback, but it's eight or ten years so we're glad to have it.

MR. LEWI: Thank you. Okay, the forum is open for more questions.

MR. HEADLAND: I don't like the idea that you can get a criminal indictment without the other side having a chance to prove their side and I think that's very lopsided.

MR. LEWI: We heard both sides of that from our speakers this morning. Judge Wesley more or less installing the virtues of the grand jury indictment process and Mr. Mesereau echoing what you just said. But the association really doesn't deal in that side of the grand jury. Other than making sure during a training program that grand jurors who serve in counties where one jury does both, understand the difference and understand their obligations and responsibilities. When we get questions either through the

website or the Journal, we don't deal with it because we don't feel we're expert in that side of grand jury law. Tim, you had a comment.

MR. COLBIE: In a lot of counties with most drug deals they will do plea bargains and diversion anyway.

MR. LEWI: It becomes a non problem for the grand jury. I'm going to take advantage of my position up here to sort of lobby a little for a pet idea I've had and I've wrote about it in the Journal about a year ago and want to know if anyone has any feedback on this.

I'm aware that all grand juries deal with complaints. Citizen have a right to complain and I've seen a great many complaint forms on websites. By the way, 51 out of 58 counties now have grand jury websites. Most of them are pretty darn good. You see the complaint form and it tells you what you have to fill out. Most grand juries look at

the complaint form. It's my sense that a lot of grand juries take the position, you know, we really don't have to deal with this. We really don't have to give a reason. And it seems to be a sense in taking pride in that independence and they ignore many complaints. Often many complaints are off the wall. Many complaints are coming from prisoners in prisons with nothing better to do with their time. So, there are many, many complaints that should be rejected. No question about that. What I sort of think would be interesting to try to do and maybe it's a project we as an association might take on with some concern, and I'll explain that concern in a moment. Wouldn't it be nice if a citizen who wanted to submit a complaint to the grand jury was given some information as to how to write a complaint that might compel the jury to really take it seriously,

such as providing evidence, making sure it's not just a personal single purpose, vendetta almost, someone who feels they've been wronged by some particular official and thinks the grand jury will look into it and he or she is the only person that has that problem, a highly isolated case. You don't want to deal with that. If a citizen knew that upfront they might think twice about wasting their own time and writing the complaint and wasting grand juries time in looking at it. So I envision some kind of a form that gives all of the administrative requirements about how to fill it out and sign it etc. All grand juries have that kind of a form. But some kind of instruction sheet that says in effect if you really want this complaint to get attention give us the following information. You know, document your case, put it in a chronology, provide

evidence whenever possible, site other people that would be resources to the investigation should you go forward.

I was compelled or inspired to do this by a complaint in my county that was so complete and in fact the grand jury did look into it and found exactly what the complainer wrote about. I just think it might be helpful to the system. It would put the grand jury doing work on something that was more important on a broader outreach, a broader impact on the community and it could offset and reduce the wasted time on the part of grand juries with the complaints themselves. I throw that out as an idea and the copy idea is that we as an association are painfully aware that we must not do anything that can be perceived as trying to tell a grand jury what to do. That's death on wheels. We all know that and our association is quite careful about it. So that would have to be kept in the back of our minds, in the front of our minds really if we thought that something like that could be done. Does anyone have a comment about that?

MR. VAUGHN: Jack Vaughn, San Diego County. Have you thought about having this organization develop this kind of form and send it to various organizations and have them put it out.

MR. LEWI: That would be the modus operandi that I would like to see happen, if it doesn't run into this problem that I just explained. We'd have to absolutely know the parameters to avoid that problem.

MS. MOONEY: Margaret Mooney, Kern County. Kern county does have a complaint form.

MR. LEWI: Everybody has a complaint form.

MS. MOONEY: Our problem is they don't want to sign it.

MR. LEWI: They have to sign it. I think most juries will receive a complaint written on anything.

MS. MOONEY: So you're talking about an instruction form?

MR. LEWI: It could take the form of an instruction guideline. Call it what you will. The whole idea is to help the complainant write something that is more likely to get the grand jury to respond. Paul's comment is absolutely valid. I understand that completely.

MR. COLBERT: I agree with you entirely because I think that probably the most important thing that grand juries do is to be the last resort for somebody to try to get a county function to operate properly. So I think that's very important. However there's one thing that I discovered a couple of years ago that throws that all off track. We discovered that the secretary for the grand jury was deciding which complaints the grand jury would work on.

MR. LEWI: In many counties, certainly including mine there is no such persons. It's a non problem. We are all aware of issues of that nature.

MR. THOMAS: I just want to say the number one thing I would like to see in the instructions is the question of how does your complaint affect your community or the public in general. I think that would cut down on a lot of the mail and help people understand what the grand jury is really interested in. They are not so much interested in the individual complaints.

MR. LEWI: I think that would be a very good question on such a form.

MR. GROOMS: Ira Grooms, Ventura County. I think it's very important to possibly get a complaint form, first off to have a committee to review complaints versus having a secretary review it. The other thing is, I think it's important if you can to call in the complainant and talk to them about what the problem is and so forth and that would help in terms of what you do an investigation.

MR. LEWI: That would be something that could be in the form. You may be asked to come in and talk to us. You don't want to commit, but I think you ought to tell them that's a possibility. I totally agree with you.

MR. HANSEN: We had an extreme example of one of these well-documented cases. We had an individual that was complaining about his neighbor parking his taco truck in front of his home. This fellow had four months of documentation 3:12 p.m. taco truck driven home, 4:05 p.m. washed taco truck etc. It was so well documented we figured this fellow had no other life aside from watching his neighbor.

MR. LEWI: That's the risk of what I'm suggesting.

MR. TARANTO: Dan Taranto, Humboldt County. I hear this comment every so often that you don't have to respond or consider and unsigned complaint and I disagree with that because I think probably some percentage if not over half of the insights that grand juries receive is with regards to dysfunctions or inappropriate activities of governmental agencies or officials come from within government itself. The secretary, the person at the desk, the receptionist, they see these things and it eats on them but they are very intimidated to lose their job. And grand juries are not the as tight a drum as we would like to ideally think they are and the staff of various public officials are very polished with what they do as well, and I've heard many stories. Sometime the information that comes unsigned comes from somebody that's scared out of their skin but feels responsible to let somebody that might be able to do something about it know what's going on. I say give those unsigned complaints consideration.

MR. LEWI: Jack, is there anything in the law on that point.

MR. ZEPP: No, that's up to the grand jury.

MR. LEWI: I think most grand juries do have a rule they need to be signed. Dan raises an interesting point. One problem is that you couldn't go to the person to find out more.

MS. PARKER: If there was enough information regarding the agency or what the problem is, it wouldn't necessarily have to be signed.

MR. HEAL: In Solano, we do like anything else throw it in, throw it out, but at least look at it.

MS. MOONEY: I like to respond. If the complaint is not signed it's hard to follow up if we don't know who authored it.

MR. LEWI: Some things you wouldn't follow up, signed or not. Dan's comment was about the operation of a specific agency and if you believe there's some truth the grand jury has every power to go find out for themselves.

MS. PARKER: If you ask enough people in the agency you will find out who the person was.

PARTICIPANT: It's not the signature that counts. It's the substance on a piece of paper.

We had during my grand jury – this is nothing secret, of course – we had a complaint that was barely legible. It was several pages and signed Santa Claus. The first one we really read over. The second one we scanned. The third one we decided we weren't going to take any letters from Santa Claus.

MR. LEWI: If he had said I care not to reveal my name, you probably would have taken him more seriously.

MR. ZEPP: Jack Zepp, Orange County. That raises the benefit of having continuity from one grand jury to another. I remember Santa Claus in '98 and we were told about him from the '96 grand jury. I'm surprised he's still around.

(Laughter)

My point is this is something that each grand jury is going to have to decide for themselves. The views that are being expressed here are views that you might take back to the grand jury to share in making that decision, but there is not right or wrong.

MR. LEWI: Absolutely. Whenever we do training we make sure we tell everyone that these are just suggestions from experience to use or not to use, but the actual decision falls to each grand jury. Jack, do you support the idea that a complaint instruction might be useful, again to be decided by each grand jury.

MR. ZEPP: Probably by a slim margin. Having served in a county that has San Quinton prison the idea of giving these guys more guidelines.

(Laughter)

MR. LEWI: We could put at the bottom, "felons need not apply."

MR. ZEPP: What we did do, and I'm not sure of the other counties with prisons in it, but in 98-99, the grand jury that I was on adopted a procedure that basically required a prisoner giving a complaint to the grand jury to indicate whether or not he had sent it through the prison system and had taken it through the appeal. We investigated the state appeal's procedure. We determine that it was probably pretty good and probably fair. We came to the conclusion of the prisoner that had not used that procedure, we weren't going to spend the time and energy on that complaint.

They had to exhaust their remedies before we would deal with it. I think there should be something that indicates along the lines who all they have complained to.

MR. LEWI: That would be a good thing to have in an instruction.

MR. DAYE: An item that was referred to this morning by the judge is that the county counsel is the legal guide for the grand jury. There still some jurors when they get on the jury are worried about section 930 and a few others regarding their liability with what types of things they are investigation. Obviously jurors can't investigate everything. The point here is I've become aware that there's less talk among jurors about this liability issue. There are jurors who actually are encouraging jurors just as individuals to take on some very serious things such as whistle blower issues. The bad news about that is that it turns out California is one of only ten states in the nation that has it's court leaning toward not supporting whistle blowers. I think most grand jurors would be shocked at the background of that.

MR. NOCE: Anthony Noce, Kern County. At the risk of changing the subject a little bit. I'd like to share a problem that Kern County has since we lead the nation in prisoners. We probably have a bigger prison population than we do some of our bigger cities. In 2001 we started getting interest in the committee law. We'd get interested in a complaint from a prisoner and one of the former grand jurors from two or three

years ago would say that sounds familiar, but we had no records because the jurors destroyed all the records. We passed it by county counsel and we started holding complaints. We now have about four or five years of complaints alphabetically. When we get a complaint, we check the file. If there's nothing in there, we know it's a new complaint.

If it's a complaint that has already been to the grand jury, we do keep in mind that there might be new information and we look at that. This has cut down on our complaints. We went from 150 complaints last year to about 50 or 60 and that was all time saved by the jury of not reinvestigated the same battle that jury has already given their decision on. So when send them a letter that this has been reviewed and since nothing has really changed, we don't have time to go through this again.

MR. LEWI: The issue of keeping blank logs from prior years, we've learned in our training session does vary from county to county. The judges typically set the rules on that. I think the law permits you to do what you're doing; is that correct, Jack?

MR. ZEPP: Yes.

MR. LEWI: So that fine, but in other counties I've heard judges say I want all previous records destroyed.

MR. HORNE: I'd like to be supportive of that particular idea. I don't know how many conversations I've had with individuals that have a concern or problem or issue. I'd say you have the ability to complain to the grand jury. Knowing full well that they may not know exactly how to do that or how to properly serve the grand jury.

MR. LEWI: The jury always has the right to reject a complaint. It's a matter of their time.

MR. HAXTON: I was under the impression that complaints and responses were supposed to be maintained for five years under the provision of the code.

MR. ZEPP: This goes in part to what the grand jury is. I think you know there was recently an opinion issued by the Fair Employment Practices Commission that holds that the grand jury is a local government agency. In county where a grand jury is treated as a local government agency, it's likely to be advised by county counsel that that's comply with the county rules and those would be minimum rules that you have to keep it for a certain period of time. It probably is not the case that you are told that you must throw it out after that period of time. It's a minimum that you have to keep, but not a maximum and you have to throw it away. A lot addition confusion comes out of the fact that some courts are still under the impression you can't pass material on from one grand jury to the next which used to be the law. It's not law any more. You are allowed to this pass it on. It wouldn't surprise

me if the grand juries were being told different things by county counsel. My own take would be that there's no harm except perhaps space limitations in maintaining documents five years or whatever it is in your county.

MR. LEWI: The law does say that you must keep reports for five years. That's very clear in the penal code. It doesn't address complaints per se.

MR. TARANTO: The law does not provide for grand juries to hand off any information that might be useful to future grand juries. It's important to know that all the judges in the state, and all the attorneys, and officers in the court of the state, county counsels, the district attorney's, as well as various other court offices go to law schools and they get absolutely no training with regards to the civil oversight.

MR. LIBEU: I was advised by our county counsel that we could look at previous materials. I read the section and I inquired at the training sessions and inquired from Jack Zepp at the training session on that. He gave a slightly different twist. He was surprised that we had access and told him the damage was already, I had already read the five years worth of materials and he decided to let it go, but you can't rely on county counsel. One other comment, I was on the grand jury that investigated some abuses that took place in San Quentin. You know, inmates don't necessarily lie about everything because these were serious abuses. The guards were dealing, there was a murder in San Quentin, and just a lot of stuff going on. And in Sonoma County some years ago the county decided to ignore the complaints. The Federal Court said, if you're going to spend \$60 million on a new jail, please retrain your staff. You really should pay attention to these complaint. As outlined earlier, see if there are internal procedures that should be followed.

MR. HANSEN: A lot of times the complaints come in without enough information to really do anything about it. When the letters were received they would be looked at to see what the subject matter was and then distributed to one of the committees. All six members of that committee would read those letters and then make a combined opinion as to whether it was worth investigating. The panel would get a summary of what Solano said and the panel would then decide if they wanted to go further.

MS. PARKER: Regarding the record keeping, our grand jury vacillated back and forth whether to keep or not keep them. In one case the grand jury was investigating a subject that had previously been investigated two years earlier. It was a continuation of it. They found out who was on that committee who had some guidelines or pertinent details of where to look for information. And we were asked to address the grand jury, and it was appropriate for us from two years ago to tell

everything we knew about what we found out and to find those files and to see if we had any additional information for them. So it was a good informational resource.

MR. LEWI: What that grand jury was doing is something that we all know is part of the law and we preach in our training session. If you see a prior information and you want our added report, you have to review that information and certify that it's the information based on your own investigation as the current grand jury. It sounds to me that that's what they were doing. And, that's what the law requires. I'm going to throw out another one that I picked up in San Francisco. Serena, if I get this wrong, let me know. I found it in San Francisco that grand jurors are allowed to vote by proxy; is that right?

MS. BARDELL: I don't remember that. I remember some issue coming up it. I don't have any personal experience with voting by proxy. I was shocked to hear that.

MR. LEWI: You were as surprised as I was. You agree you heard it.

MS. BARDELL: Yes.

MR. LEWI: Anyway, we both heard that. It was a surprise to Serena. It hadn't happened in her term. I had never heard of such a thing. I wonder if it is legal and if anyone else has heard anything like that. For a 19 person grand jury everything has to be voted on by 12 people, including whether or not they take a lunch break. Does anyone have any comment or experience on that?

MR. HEADLAND: We had a couple of cases that we were short like that.

MR. LEWI: But you did not vote by proxy.

MR. HEADLAND: No.

MR. LEWI: Jack, do you have any thought on whether that is legal.

MR. ZEPP: I don't.

MR. LEWI: I was shocked, and it sounds like it's shocking the rest of you.

MS. BARDELL: I didn't hear Jack's answer.

MR. LEWI: He's not aware of the law on the subject. I guess their argument was we made it a part of our rules and somebody said it was okay. So I guess they do it. Earl.

MR. HEAL: Since most juries follow Robert's Rules, couldn't you refer back to that.

MR. LEWI: I think Robert's says you have to have it in your procedures to allow it. Maybe that's the avenue that their using.

MR. HEAL: Are you talking about criminal or civil?

MR. LEWI: No. Civil. Criminal, I don't think so.

MR. HEAL: I just want to make sure.

MS. GARDINER: Barbara Gardiner, Kern County. I'd like to say that this is wonderful discussion and how pleased I've been with the program and everything we've learned here today. I like this open discussion.

MR. LEWI: Thank you.

MS. GARDINER: I hope we do it again.

MR. LEWI: I think it's been better than the last two years. Probably because of when we're doing it. I know in years past when we had more sitting grand jurors it was even livelier because we had a bunch of new grand jurors that were just dying to get information. Our training program has kind of overcome that so we get fewer sitting grand jurors. My personal opinion is because of that. We're glad you're happy. I think we will continue this practice in the future. Any other comments? That's a wonderful way to end the session actually.

MS. PARKER: When will be addressing the balance sheet, the P&L statement?

MR. LEWI: In the next session which is a report to the membership. We're pretty much finished with this session so I may give you all a little time off for good behavior. We'll adjourn now and ask you all to be back at 3:45.

(Break)

(Committee Reports)

MR. LEWI: This is the time for me as the president of the association with the help of the chairs of the standing committees to give our report to you as to what we've accomplished this past year, and regrettably in a couple of instances what we have not accomplished. I'll start with a brief overview and then I'll turn it over to each of the chairs. When I took over the presidency a year ago, I observed that the organization has three major missions: One is to train as many new grand jurors as we can, and we have trained over half of the new grand jurors in the state. We also have a responsibility or a mission to be sure that key legislators, their staff, and other members of the judicial committee understand what we're about

and when necessary take steps to fend off pending bad legislation and that committee under Jack Zepp had done a pretty good job. In fact there's nothing going on so they're doing a great job. The third mission is educating the general public about what grand juries do. We all know that very few people throughout the state really understand what grand juries do. That responsibility falls largely to the board and to some extent the public relations. This third mission is the one I think we're doing the least well, but I'll talk more about that when I report as acting chair of the public relations committee. Some good things we've done this year – Andy mentioned the grand jury handbook. This is a project taken on by a committee and was done extremely well as the product is now out. You saw it given to Judge Wesley. Earl advised me that many of the things discussed earlier are in the handbook. So it looks like we did a pretty good job and we should be proud of that. Thanks to Earl and his committee for that. One of my personal achievements has been visiting seven of the ten active chapters. I made a pledge to try to do that in my term. Seven of ten in my first year, I think, is pretty good. I've turned the website over to Diane Masini. We made some improvements with that and there is continuous progress. I think we've improved the coordination of our publications effort through Linda Baker and Gene Forbes. The public relations committee put out a new brochure about CGJA. I think it's in your packet. Another achievement, for the first time, I believe in the history of the organization, we had a second face-to-face meeting of the board. So we can get some business done. I think most of you know board meetings are basically telephonic conversations. It's not the best environment to have a meeting, but we do get through it. We had a second meeting this year and that was helpful in making some progress.

Two major disappointments. We put together a video that we intended to have shown in as many public access stations throughout the state that we could arrange for. The final product was not up to our standards and we thought we could not release it as we felt it would reflect poorly on the organization. A lot of art work went into that especially by Elwood Moger who was chair of the public relations committee at the time and Bob Abeling in Nevada and Marin County. And we have not been able to approve our new bylaws. We've worked very hard to correct some issues that we have had over the past few years, but it's still not a product that the board can bless. So we'll go back to the drawing board on that. We've had some organization changes throughout the year. Three of the directors at the start of last year have resigned, Beverly Hill from Lake County, Richard Nichols from El Dorado County, and Clif Poole from Solano County. We had some changes in the committee chairs. I'll talk about that as I introduce the chairs for the meeting. That's basically an overview of what's happened as far as I'm concerned, and I will now turn to the individual committee chairs to give their reports as to what's gone on this past year. We'll hold questions until the end when all the committee chairs can sit here as a panel. Jack why don't we start with you.

MR. ZEPP: As Jerry said this has not been an active year for the legal committee.

Our primary activity, primary focus is to monitor legislation of judicial activity and execute to the forum, primarily the attorney general's office, activity that relates to grand juries and particularly that which might adversely affect the civil function of

the grand jury. There has been none this year. So we had a pretty quiet year.

Another function that we perform on a reactive basis only is to respond to inquiries from typically sitting grand jurors although occasionally we will get them from the media, from a judge, from a staffer. I don't remember any from the public. Those inquiries typically come from sitting grand jurors. They usually come earlier in the year and

they usually relate to procedural questions, must we do this, can we do this, should we do this. We are very careful to tell them we can't give them legal advice that they should consult with their designated legal advisors for legal advice, but we do them practical advice. Frankly, very often, it's the same thing. Very often all they need to know is yes there is a code section out there that says you get to make your own procedures or no there is no code out there that prohibits you from proxy voting, for example. I did not get a chance to make a count but I know we have somewhere in the neighborhood of 10 over the year.

Uniformly when I'm out on the training circuit of otherwise running into grand jurors they uniformly are very appreciative of this function and service that we perform, and I think the committee is doing a very good job in handling those incoming inquiries. Since last year's conference we've lost one member on the committee that Dick Nichols who Jerry mentioned, but we've gained three. The three that we've gained all come to the legal committee as a result of having been on the inquiring end of the inquiry process. So the three new members, each of whom was

involved in making an inquiry of us while sitting on a grand jury, are Kathy Wildy of Mendocino County, Keith Brisco of Merced County and Mary Johnson of Kings County. Unfortunately I don't think I don't see any of them here, but we are pleased to have them and welcome them on board and hope that they can have a quiet year next year.

MR. LEWI: Thank you, Jack. Sherry, for training.

MS. CHESNY: It's been a very busy year again. In 2000 CGJA had two seminars and trained a total of 314 jurors. This year we had four seminars and trained 590 jurors. So we almost doubled. Our four sites this year were Sacramento, which continues to be our largest seminar. We had Redding for the second year. It is one of our highlights of our year. They went from an attendance of 69 to 95 this year. That was a tremendous

increase in attendance. We have one in the bay area. This year it was Walnut Creek. We had 109 there, and Visalia had 74. These are two-day regional seminars for new grand jurors. They are offered in July

and August. For those seminars we use a training manual. Every juror that attends gets a training manual. It's very complete and comprehensive. All of our outlines are filled in outlines. So it's not just a topical outline. There's a lot of information and designed to be a reference book all year long. I only brought one display copy because I flew down here, but I'm going to leave it with Joann our secretary at the front table if any of you would like to look at it. In addition to regional seminars, the training committee also did onsite training. We've done this for years, but this year we did the most ever. We trained seven counties providing on-site training and for a total of 120 jurors. This is where we send a team of two to three sometime more into a county and we train their jurors at their county facilities. It's usually a one day program, sometimes a two-day program depending on what their needs are. We did train the Los Angeles county grand jury this year for the first time. So that was another milestone. We also offer what we call specialized workshops. In Sacramento this year we had a one-day workshop for forepersons and pro tems. Forepersons and pro tems don't really participate in the investigatory functions like the normal jurors. Their role is different. So we decided it merited offering a separate seminar about their roles. It's been very successful. We offered it last year and again this year. We had 45 foremen and pro tems from 30 different counties. I read the section and I inquired at the training sessions and inquired from Jack Zepp at the training session on that. He gave a slightly different twist. He was surprised that we had access and told him the damage was already, I had already read the five years worth of materials and he decided to let it go, but you can't rely on county counsel. One other comment, I was on the grand jury that investigated some abuses that took place in San Quentin. You know, inmates don't necessarily lie about everything because these were serious abuses. The guards were dealing, there was a murder in San Quentin, and just a lot of stuff going on. And in Sonoma County some years ago the county decided to ignore the complaints. The Federal Court said, if you're going to spend \$60 million on a new jail, please retrain your staff. You really should pay attention to these complaint.

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This third mission is the one I think we're doing the least well, but I'll talk more about that when I report as acting chair of the public relations committee. Some good things we've done this year – Andy mentioned the grand jury handbook. This is a project taken on by a committee and was done extremely well as the product is now out. You saw it given to Judge Wesley. Earl advised me that many of the things discussed earlier are in the handbook. So it looks like we did a pretty good job and we should be proud of that. Thanks to Earl and his committee for that. One of my personal achievements has been visiting seven of the ten active chapters. I made a pledge to try to do that in my term. Seven of ten in my first year, I think, is pretty good. I've turned the website over to Diane Masini. We made some improvements with that and there is continuous progress. I think we've improved the coordination of our publications effort through Linda Baker and Gene Forbes. The public relations committee put out a new brochure about CGJA. I think it's in your packet. Another achievement, for the first time, I believe in the history of the organization, we had a second face-to-face meeting of the board. So we can get some business done. I think most of you know board meetings are basically telephonic conversations. It's not the best environment to have a meeting, but we do get through it. We had a second meeting this year and that was helpful in making some progress. Two major disappointments. We put together a video that we intended to have shown in as many public access stations throughout the state that we could arrange for. The final product was not up to our standards and we thought we could not release it as we felt it would reflect poorly on the organization. A lot of art work went into that especially by Elwood Moger who was chair of the public relations committee at the time and Bob Abeling in Nevada and Marin County. And we have not been able to approve our new bylaws. We've worked very hard to correct some issues that we have had over the past few years, but it's still not a product that the board can bless. So we'll go back to the drawing board on that. We've had some organization changes throughout the year. Three of directors at the start of last year have resigned, Beverly Hill from Lake County, Richard Nichols from El Dorado County, and Clif Poole from Solano County. We had some changes in the committee chairs. I'll talk about that as I introduce the chairs for the meeting. That's basically an overview of what's happened as far as I'm concerned, and I will now turn to the individual committee chairs to give their reports as to

what's gone on this past year. We'll hold questions until the end when all the committee chairs can sit here as a panel. Jack why don't we start with you.

MR. ZEPP: As Jerry said this has not been an active year for the legal committee. Our primary activity, primary focus is to monitor legislation of judicial activity and execute to the forum, primarily the attorney general's office, activity that relates to grand juries and particularly that which might adversely affect the civil function of the grand jury. There has been none this year. So we had a pretty quiet year. Another function that we perform on a reactive basis only is to respond to inquiries from typically sitting grand jurors although occasionally we will get them from the media, from a judge, from a staffer. I don't remember any from the public. Those inquiries typically come from sitting grand jurors. They usually come earlier in the year and they usually relate to procedural questions, must we do this, can we do this, should we do this. We are very careful to tell them we can't give them legal advice that they should consult with their designated legal advisors for legal advice, but we do them practical advice. Frankly, very often, it's the same thing. Very often all they need to know is yes there is a code section out there that says you get to make your own procedures or no there is no code out there that prohibits you from proxy voting, for example. I did not get a chance to make a count but I know we have somewhere in the neighborhood of 10 over the year. Uniformly when I'm out on the training circuit or otherwise running into grand jurors they uniformly are very appreciative of this function and service that we perform, and I think the committee is doing a very good job in handling those incoming inquiries.

Since last year's conference we've lost one member on the committee that was Dick Nichols who Jerry mentioned, but we've gained three. The three that we've gained all come to the legal committee as a result of having been on the inquiring end of the inquiry process. So the three new members, each of whom was involved in making an inquiry of us while sitting on a grand jury, are Kathy Wildy of Mendocino County, Keith

Brisco of Merced County and Mary Johnson of Kings County. Unfortunately I don't think I don't see any of them here, but we are pleased to have them and welcome them on board and hope that they can have a quiet year next year.

MR. LEWI: Thank you, Jack. Sherry, for training.

MS. CHESNY: It's been a very busy year again. In 2000 CGJA had two seminars and trained a total of 314 jurors. This year we had four seminars and trained 590 jurors. So we almost doubled. Our four sites this year were Sacramento, which continues to be our largest seminar. We had Redding for the second year. It is one of our highlights of our year. They went from an attendance of 69 to 95 this year. That was a tremendous

increase in attendance. We have one in the bay area. This year it was Walnut Creek. We had 109 there, and Visalia had 74. These are two-day regional seminars for new grand jurors. They are offered in July and August. For those seminars we use a training manual. Every juror that attends gets a training manual. It's very complete and comprehensive. All of our outlines are filled in outlines. So it's not just a topical outline. There's a lot of information and designed to be a reference book all year long. I only brought one display copy because I flew down here, but I'm going to leave it with Joann our secretary at the front table if any of you would like to look at it. In addition to regional seminars, the training committee also did onsite training. We've done this for years, but this year we did the most ever. We trained seven counties providing on-site training and for a total of 120 jurors. This is where we send a team of two to three sometime more into a county and we train their jurors at their county facilities. It's usually a one day program, sometimes a two-day program depending on what their needs are. We did train the Los Angeles county grand jury this year for the first time. So that was another milestone. We also offer what we call specialized workshops. In Sacramento this year we had a one-day workshop for forepersons and pro tems.

Forepersons and pro tems don't really participate in the investigatory functions like the normal jurors. Their role is different. So we decided it merited offering a separate seminar about their roles. It's been very successful. We offered it last year and again this year. We had 45 foremen and pro tems from 30 different counties. We also have, our planning we have -- I should say -- is November 15. This specialized workshop is a one-day workshop on writing financial reports. We limit the attendance to 25. It's interactive, as is the foreperson's workshop. The jurors are divided into groups of five or six per table and they have things that they brainstorm. From 2000 to date CGJA has provided training to 2,722 jurors from 50 different counties.

(Applause)

So I really want to thank our training committee. There are nine of us. Six of us including myself are here: Mike Miller, Jack Zepp, Duane Mason, Judi Lazenby, and Lew Avera. These people work all year long. Their charge from the board is everything to do with training from beginning to end. They do all the planning, curriculum and the implementation of the seminars. In addition to the nine member training committee, we have about 18 trainers that present our core workshops, how to investigate, how to interview, how to write a report etc. We have probably about 20 outside guest speakers that come in and do training for us on various topics. If any of you have expertise that you think would be of value in a grand jury training seminar, please let me know.

We use a lot professional people, county counsels, people from the California Board of Corrections, but we also use former grand jurors who have knowledge in a specific area. We also have a lot of volunteers, about 50 or 60 total that come to our seminars and help us staff them. They provide all the support staff to keep everything running for us, and so those are real helpful. Any member is welcome to come in and be a volunteer. If you're in a region where we are having a seminar, please contact me and say that you want to be a volunteer and we'll get your name to the right person. One thing I'd like to say is we have recently formed an exploratory committee, which Jack is chairing for us, of three or four people that are going to explore the feasibility of possibly offering a two-day seminar here in the greater L.A. area somewhere. Just do see if there's enough demand here for it. I'd like to share one anecdote with you that was a highlight this year. This was in Redding. Last year when we had the training Duane Mason one of our training committee members had a good group of volunteers up there to contact the northern counties to line up attendance, and one of the volunteers when they call Tehama County was told by the foreman they hired someone from the outside to come in and provide training for them and they had already been trained. The volunteer invited the foreman to come to our seminar free of charge to come and compare the two trainings. He did come and I did talk to him. He seemed very happy and thought training was going very well. But then I never heard anything more from him. But, after we sent out our registration packets to all 58 counties I got a call from a court clerk in Tehama County and she said we want to make a reservation for 19 jurors. I was kind of surprised and we started talking. She said that the foreman went back and met with a panel of judges and compared the two trainings and how he thought ours was far superior. So they decided to send all 19 jurors. Some of those counties just did not have the money to fly their jurors down or even pay for the overnight stay. So we've reached a lot more by having our seminars in the various regions. In closing, I'd to read a couple of comments on our evaluation forms. The people attend give a numerical rating to each presentation. They also write comments. "The information was outstanding and will certainly enhance my effectiveness as a grand juror. I wish I had known last June that this training was available. It would have saved me a few sleepless nights wondering how all the pieces would come together." I remember that feeling of am I going to be able to do this. It did my heart good to read this comment. Another one, "I was very impressed with the speakers as a whole and organization of the training. Each seminar began in a timely fashion and ended in a timely fashion. "Plenty of opportunity for questions was

afforded to attendee either during the presentation or on breaks. "Very, very informative. I enjoyed myself and I will head home far more confident that I have really gotten a jumpstart on learning how to be an effective grand juror. Since everyone at CGJA is a volunteer, these kind of comments keeps us going. That's it. Thank you very much.

MR. LEWI: Thank you, Sherry. We also get some other kind of comments we must admit.

MS. CHESNY: Yes, we do. I also brought some training brochures here from 2005. So, we will pass them out.

MR. LEWI: If your county doesn't take advantage of our training it might be a good way to make an end road to stimulate that program even more. Mike Miller, membership.

MR. MILLER: Mike Miller, acting membership.

MR. LEWI: I stand corrected.

MR. MILLER: I was membership for eight years and thankfully Clif Poole came along and he computerized the membership which was a wonderful thing to do. Regretfully Clif decided that he was not able to carry on as membership. So Jerry asked if I would take over again. If I accepted, I regretfully would have to have a paid staff. As Sherry said she is trying to avoid and we are all trying to avoid. I am not really computer expert in any way at all. Thankfully there is a friend and neighbor of Clif Poole who stepped in and taken over the data base. Tom Hansen will please stand up.

(Applause)

Tom is now the keeper of the database. So as chair I should be able to relay all kind of membership statistic to you. But, I cannot. So if you have any specific questions as to what our membership is, what our chapters are, anything like that, please write them out for me and I will do research and get back to you. Thank you.

MR. LEWI: Thank you, Mike. Another part of membership is the full name the full name of each membership and chapter relations. This is the portion of the committee that deals with the chapters, serves as liaison to the chapters, Richard Ruth has been handling that task. Richard is choosing not to stand for reelection and we will need to fill that slot in this coming year. It is a very important job. Richard has done quite a bit in send out inquiries when we have a potential of a new chapter. That's another part of that committee's responsibilities that we will have to regroup on this coming year. Les Daye, Operations.

MR. DAYE: Because I took over operations at the beginning of this year, one of the first thing to do was to look at the goals and the budget of the operations committee to make sure that we were fielding the items that we were actually required to do and look at our association perhaps with one or two other committees to see if we were sharing the work and the budget fairly. One of the most important items that comes out of Operations is our yearly compendium. The compendium started sometime back as a research project from an arm of the governs office. I think it's called the Office of Planning and Research. We had some support there to put an initial compendium of grand jury law together. Over time we were able to secure the publishing house West and Company – one of those law report companies – to make sure that we included all of annotations to the law, as well as attorney general's opinions and even for our on benefit items that were of unfinished business may be on appeal or depends what time of year. Putting that into one volume has proved very, very valuable as a resource to jurors. What I'm trying to say here is this is actually performed by the Legal something committee. One of our request this year has been the legal committee come up with a slightly altered name because we've had through operations complaints from members as well current jurors who said that the description of legal committee makes it sound like this committee give legal advise and that committee does not give legal advise. So we're trying to come up with a name to avoid that appearance. In Operations we share the distribution of that particular volume. It changed this year in that we decided, the board approved, the giving away of this compendium to all 58 counties. So when we had a representative at training our publications table was responsible for getting the signed assurance by someone on the county jury that they would take this back put it in the library and make it available for that year's jury. The decision that has to be made now will be whether or not – and this a decision which will probably come from both our committees, but chiefly from legal affairs, that we may simply annotate and not fully republish it because since we're giving them away there is cost incurred. We do, however, if asked on letterhead make additional copies available for particular costs that covers our cost to jurors. The journal comes out at least six times a year. That's what's mandate in our goals and basically the good part of the journal is that it's a way to share on an roughly every other month basis with the members and persons who have interest in the grand jury, what is going on in the association and some of the improvements in the journal is that we do focus on letting all members know what actions have been taken by the board. We make an attempt to reach out to chapters, to interested individuals and our committee chairs to supply stories and/or actions which have been taken within committees or which are contemplated, including goals and new goals. It's one place where membership can share with the association their thoughts about how the association is operating and certainly from an educational standpoint, it's one of our chief ways to communicate

with our membership. The website likewise is part of operations. Jerry alluded to the fact that we've attempted to link and focus more on the activities of our most important functions of training the annual membership meeting and other functions that CGJA has as part of its mission to education the public about the grand juries. There are a couple of other subcommittees within operations. One is the Excellence in Reporting Program and I believe we meet our goal this year to reestablish that program. You heard he awards given this year and one good thing about them is they can generate publicity about the program both within our internal publications and publications in the communities where awards are given or where we encourage jurors who have completed projects that are worthy of consideration to submit in the future and we believe that this will be an annual program that will be measure of success for our association. The other project dear to my heart is the so-called GRIP subcommittee project. Over the last two years we have had San Luis Obispo County and this year Tulare County come up with a rehash of what exists in their own grand jury library. GRIP stands for the Grand Jury Report Index Project. In the past until 1997-98 when we were able to successfully ask the archivist to accept grand jury final reports and responses within the state archives in the Secretary of States office in Sacramento. It's an ongoing historical archive for researchers and certainly for jurors to look at completed reports. We attempted to put together what looked like an annual index of reports. Obviously, the most simple way was to alphabetize them so every jury that looked at auditors, we take the title and place that it appeared within the report, the page number when available and make such a report available. In practice though, because this is very labor intensive item, to this point we've been looking at better ways to help this part of the project. For practical reasons since 2002, we simply let the archives stand as a stand alone of what has been done and shared by counties. We have approximately 70 recent compliance with the basic reports. The committee is going to make a decision as part of its goal for next year whether we're going to reissue a letter to all the county clerks and the court clerks who are not complying with this as to a reminder that the law says that they shall submit these reports to the archive. The GRIP project, however, is something else. It's an internal archive for our association to find detectives who are willing to go out to these counties and find reports potentially going back to the 1850's, but realistically to 1879 when the constitution was revised for the civil function, to try to find where these reports exist, gets copies of them if we can and document where these reports actually exists. Unfortunately, over time flooding, fires, and many other things have seemingly made many of these reports unavailable. However, we found out through historical societies, basements of governments buildings, even attics of people who lived in California for many generations, that we found some of these reports and have internally found them documented them and our approach has been to send them on to

a government storage area at U.C. Berkeley that is very happy to receive these reports from us so that they will be kept in perpetuity. The old idea that county clerks must keep these in perpetuity has either not been involved or they have been victims of accidents, floods, fires etc. So I think answer we stand at this point is I have asked in the latest journal to persons who are here from current jurors to past jurors to let me know if

you're interested in researching this. We have a workbook that you can use to make

this very, very easy. It is fun. However, one of the things we are aware of now is, and we had a first fully successful story this year in the electronic area. El Dorado County sent us a CD or DVD of their final report this year. This has been something that we've been

striving for to try to get this mass of information and L.A.'s report every year is about 350 pages, and I don't know about your computer but it take a lot to download that on my computer. It's a pretty sticky situation. So as a CD or DVD, we're coming into the

electronic age as Jerry mentioned there 51 counties now with active websites and there's actually, believe it or not, virtually every county is working in some fashion now to use the court or the county system to try to, if nothing else, make a complaint form and the background on what the grand jury is in their county available. From what I can tell, most juries now are putting in Sections 93305 to alert their officials that a response to their report is expected and what the parameters are on that, and I think that's one of the areas of education that our training program and grand jurors in require who inquire of us what we do have learned to put in their report verbatim so that these

officials cannot duck. I think that's about it. I may have missed a couple of specific

functions that operations does, but I don't think they're necessary to go over here.

MR. LEWI: Well, I there's one thing we could mention this more of an internal board matter that the subcommittee of operations did put together a director's handbook.

Isn't that a subcommittee of operations?

MR. DAYE: No, it's not.

MR. LEWI: Oh, it's not. Then I'll talk about it. This is led by Serena Bardell with great effort and several other folks. We put together a handbook – and this will be pitched to some of you aspiring a position on the board – you will get a handbook. It will help you become an effort board member.

MR. DAYE: I stand corrected.

MR. LEWI: You sit correct. So that been a has been a worthy project. It is in pieces here at the hotel and hopefully that will be together and handed out during our board meeting tomorrow. That's been a very

good and I think it will be helpful to smooth out the functioning of board. Let me finish up on public operations for which I'm acting chair, and they we'll move on to finance. I already mentioned not getting the video

approved. We are still looking at other approaches because we still feel it is a worthy thing to have to education the public about the grand jury. We have several different approaches we're working on. We're thinking of taking on a new project, and that is what are the practices throughout the state –by chapters, individual CJGA members, sitting grand juries, core executive offices and the like – what is the compilation of practices of outreach to recruit new grand juries. We regret we didn't include that in the survey. That would have been a great way to do it. We may do a special little survey on that subject to see how we can improve communications. I have a firm belief that this kind of outreach is done at the local level. I don't think that there is much we can do at the state level. If we can find out how it's being done, compile some type of list of practices so that all counties and all chapters and all members can understand what's can be it can helpful in the mission of our organization to outreach to the general public of the State of California. We turn last to finance. The gentleman on my right is Ira Grooms from Ventura County. Ira is a member of the finance committee. Roger Loper who many of you know is the chair of the finance committee, although not a director any longer. Roger stepped in when I needed someone to chair this committee which serves as a kind of a counsel for the treasurer basically reviewing a lot of different issues. Ira is one of the members. It's a pretty good committee, I sit in most on most of the meetings. I think this is going to be a tag team between you and Linda, our treasurer; is that correct? Roger was unable to be here. Unfortunately he has some health issues and cannot travel well. He is the finest gentleman I've ever met and I do really appreciate his effort in chairing this committee this past year. Ira.

MR. GROOMS: Thank you, Jerry. Roger did an excellent job of directing the committee this year. This was my first experience with teleconferences and that is a difficult job.

Roger did an excellent piece of work in keeping us together and getting us talking one at a time. Every once in a while, two or three of us get into the conversation. He did an excellent job of keeping it one at a time. Linda will cover the numbers. I will tell you about what we did last year and a little bit about our goals and objectives of 2006. This past year we formed a two member financial review committee. A review of the financial records was made in April of 2005 for the records of 2004. The California Grand Jury board of directors accepted the favorable report we submitted to them.

At the request the treasurer, the committee approved the purchase of a computer program which enabled the conversation between Quickbooks, Data Tables, and Excel program. The application of this program facilitated the creation of a wide range options not available in Quickbooks. In other words, we got a report generator. The estimation of cash flow has been a problem for the treasurer. To give the treasurer

better knowledge of the plan cash flow, the budget plan for 2006 went through a provision to estimate revenue and expenditures by quarters. And, we'll depend on the chairpersons to work with us on that. The proposed goals and objections that we have for 2006, and this is subject to board approval, review changes to the California Grand Jury Association bylaws to assure compliance of the present finance committees policies and procedures, to submit for approval guidelines for sitting grand juries to follow investigation of financial management in county and city organizations having significant financial authority, define the lines of responsibilities between the treasurer and the finance committee – we often had discussions about who was going to take care of what – establish a procedure to determine the finance committees responsibility for formulating new projects – and in its role in seeking grants, finance committee should be involved in gaining grants and defining grants should be the responsibility of another committee. Also the finance committee is in need of various disciplines. At the present time we lack expertise in insurance and others that we haven't really narrowed down yet. We would be looking to have advisory counsel or something like that to sit in the committee meetings and so forth and advice us on the various problems that come up during the section. That's the end of my report. I'd like for Linda Baker to talk about the financial reports.

MR. LEWI: I think what Ira gave you was a subtle recruiting plea. If any of you have a finance background or interest in participating in this activity we would absolutely love to have your support.

MS. BAKER: As your treasurer I'm declaring a dividend of \$100,000 per person in attendance.

(Applause)

It's simply amazing to me, the balance sheet balances. Thank you Quickbooks. We have \$31,626.12 total fixed assets, total liabilities and equity. The profit and loss statement shows a total income of \$57,482.02. And total expenses of \$71,277.43 and yes that's a minus net income. If there's questions, I'll entertain them.

MS. PARKER: I thought our fiscal year was July 1 to June 30 in a year, and we've got a budget here that I assume was that year, but the time we're talking about in the period is part of last year's expenses and income and part of this year's expenses and income when it comes to our fiscal year.

MS. BAKER: Our fiscal year was changed from January 1 to December 31 about three years ago.

MS. PARKER: Nobody told us that in the chapter. We just submitted ours – changed ours to go with the fiscal year and not the calendar year.

MS. BAKER: I'm sorry can I buy you a drink later.

MS. PARKER: And nobody noticed our report.

MS. BAKER: Give her another candy bar.

MS. PARKER: That's why I confused.

MS. BAKER: This reflects to October 22 which is when I printed it out on the computer. It's not the whole year.

MS. PARKER: Our new year is calendar, not fiscal.

MS. BAKER: Our fiscal year is calendar.

MR. GROOMS: The budget in there is an annual budget which is compared with the year-to-date numbers.

MS. PARKER: All right.

MS. BAKER: Any other questions?

MR. HEADLAND: I have two questions. How much of the budget comes from donation?

Second, I'd like a little description on how much money is expended on legal cost and whether or not it puts a lot of pressure on the finance of the association.

MS. BAKER: Income from donations is on page 2. Contributions this year was \$771.44. That's on page 2. Bob Geiss has a calculator if you want to know the percentage. Legal counsel this year \$9,648.29 and that's legal counsel to the board for various items and bylaws. The trial settlement was \$7,884.

MR. HEADLAND: Did we have any pro bono?

MS. BAKER: To the best of my recollection there was some pro bono for training, not legal pro bono. There was some volunteers who did training did not claim expenses.

Anybody else? Oh, good.

MR. LEWI: Thank you, Linda.

MR. GROOMS: Just one more comment. Linda took these books over when they were mainly manual and a little on the computer. Linda was a beginner with the computer. She started from ground zero almost and see what happened in a year's time, she's able to operate the computer and generate all the reports for you. I think she deserves a big hand.

(Applause)

MR. LEWI: I agree with that. It's no secret Linda and I have policy differences, but working together with the finances we work really well doing the budget, and keeping track of things and asking questions. I'm no finance expert but I know a little about how to run a business so we help each a great deal. Ira is a finance genius so he is well qualified. We have very, very good financial expertise on this committee.

MR. HORNE: According to this report the period of January 1 to October 22 we have a net income loss and when the year is completed that loss will grow.

MR. LEWI: Not necessarily.

MR. GROOMS: It may not because of the timing of income versus expensive.

MR. LEWI: There will be expenses and if they're relatively minor – We have a real cash flow problem. Our main activities, the expenses come up well before the income. Training being the best example. The conference is similar. It's a very uneven cash flow, and it's difficult to manage it.

MR. HORNE: Will there be some income after October 22?

MR. GROOMS: Not much.

MR. HORNE: Is there a financial problem with the association having a net loss. I mean you can only operate in the loss for so long.

MR. LEWI: This is not expected to be an ongoing situation. We had some unusual expenses. Legal fees being one and we had some planned expenditures to use some of our cash reserves. We said, we have a lot of cash reserves, what are we saving it for. So we did use some of the monies. The decision to give the compendium to all sitting grand juries is an example of that. So, we deliberately sent some money outside the income to take advantage of what we have.

MR. GROOMS: Also at year end there's usually hang over expenses that happen this year and income to match that happens in the next year.

MR. HEADLAND: Even going back to when we had the conference in San Diego, I made a push at that time to try to bring this to the forefront of the organization. About that time Audrey set up our 501c3. So we got that it gear, and it seems to me that the next primary goal is a goal to get the fundraising thing

going, with a drive to get grants and things like that. If we're going to be a professional organization, I think, that's the direction to take.

MR. LEWI: We have talked about that. We certainly will continue with that. We're open for general questions on any of the committee reports.

MS. LYNBERG: I don't have a report, but I wanted to say that I took in almost \$500 today.

MR. LEWI: Very good.

MR. HICHBORN: I'm looking at page 2 of the report and I don't understand what the legal counsel case settlement. What is that about?

MR. LEWI: I really can't talk about that. We had a legal settlement. You got a letter about it. Those are the legal fees associated with that.

MR. HICHBORN: I don't recall such a letter.

MR. LEWI: If you didn't get the letter, we can make sure you get a copy.

MS. PARKER: To answer Boyd's question, if you look at what the legal counsel has, what the budget has in actual expenses are just about the amount of the deficit. So if you remove that in the extraordinarily expensive year, you're probably pretty good.

MR. LEWI: Right. You must be a financial expert to be able to read those reports. The floor is open to any questions to any of the committees.

MR. LIBEU: This question is to Jack Zepp, what motivates the recent efforts to try to cripple the grand jury system.

MR. ZEPP: I think it varies from legislator to legislator. The two worst bills this year, one was introduced by a state assembly person who had come off a city council, a county board of supervisors that had been asked by its grand jury to comment on a matter involving a district attorney's office and the report that they were asked to respond to contained references to evidence before the grand jury in the form of restaurant and bar shifts. The assembly person, in my opinion, intending to run for that office wanted to get his hands on those pieces of evidence and when the grand jury correctly pointed out that it could not make evidentiary material available went sort of ballistic. While the supervisor, that board of supervisors spent \$100,000 being advised that they didn't have to respond because they didn't have control over the D.A --something that could have found out by calling our hotline.

(Laughter)

When the person was elected to office, he decided that he was so upset that he could not get hands on this incriminating evidence that he was going to pass a bill that would require the grand jury to make available to the board of supervisors all evidence on which a grand jury had based a report. At various times he was taking the position that grand juries either had no right to confidentiality at all or at least had no right to confidentiality vis-à-vis an agency from whom they requested a response. I view that as a very personal vendetta-like piece of legislation. In fact, after it was defeated he threatened me in the hall that he would bring it back bigger and stronger the next year. I basically said bring it on, and he didn't. He found other things in do, including, I think, positioning him to run for this office. The other piece which happened to be a really bad piece of legislation was introduced by a Senator from the same county incidentally, my county – Orange County – who I think was well-meaning and well-motivated. It had its origins in the University of Pacific Law School that I believe the presiding judge this morning was referencing. That was the call from grand jury reform back four or five years ago. The legislator who introduced that bill was good friends of a former senator named Judge Kopp, who decided that was a good idea. Kopp has been a very good friend of grand juries and a very good friend of the Association. I say that by way of indicating that I think these people were really well-meaning, but they hadn't thought through the consequences of what this legislation would do. When we had conferences with that senator, after two or three meetings he finally just pulled the bill on the ground that perhaps he had just gotten it wrong. One I think was malicious. The other I think was well-intentioned. A third one that was threatened but after we responded with a threat it was pulled. That was out of Los Angeles and that was a bill to basically mandate grand jury in order to get the demographics of the grand jury to look more like the population of Los Angeles. That senator was going to introduce a bill that basically mandated grand jury service and prohibited volunteers. That I think probably was politically motivated more so than either of other two. I think it would be nice to say I'm for grand jury demographics, and I represent a minority district, and I'm out there doing my job for you. So there's three different motivations. I will say that I think that there's a trend which we need to be aware of now that term limits have kicked in as much as they have. We have this ever faster reinvolving door and in order to fill those sheets up in Sacramento, the replacements are coming out of local government. Interestingly enough, the people they replace are going into local government so that they stay on the same merry-go-round. The more you see people from local government into Sacramento, particularly the

more you turn them over, the more you're increasing the pool of people who will have what we consider to be bad grand jury

experiences. People coming from city counsels are less likely to be friendly toward grand juries than people who didn't serve at the local government level for example.

The same is true with board of supervisors and the like. I think that you can kind of predict that over the next ten years if nothing changes there will an increasing institutional bias up there against the grand jury. Is that responsive?

MR. LIBEU: Oh, yes, thank you.

MR. TARANTO: About this time last year on the board of directors, at that time we were about one year into the project of rewriting the bylaws. I had some concerns about the direction the committee had at that time and I have requested copies the agenda package so I could follow along, but the discussions and the new drafts of the bylaws are

confidential not to be share with the membership. My concern is that one of the things that the board is looking on is it's favoring the notion of changing this organization from a membership organization to nonmembership organization. Can you either clarify that or give some information on if there's any validity to this viewpoint?

MR. LEWI: I will attempt to. It's a complicated story. As I mentioned earlier, we did not pass the new bylaws for various reasons. The approach we were taking as a board is to clarify the fact that we certainly are a membership organization in the sense that the members elect the board of directors, but other than the privileges of the organization of attending this conference, receiving our journals, having the ability to make inquiries etc. etc. actually even under the current bylaws, the members have no other voting rights other than to vote for the board of directors. The board of directors in turn elects

it's officers. We are not really proposing any fundamental change from that arrangement. As we understand it that was the intent of the organization going back to when the organization was formed as a 501c3. The 2001 bylaws interjected some language which was probably confusing on that point. So we're attempting to clarify it back to that status under which the organization was reformed in 97-98. So actually there's no changes proposed. Any other questions?

MR. ZEPP: Yes, there are some opportunities, not a whole lot with the legislature itself.

There isn't a formal mechanism for us to get on the agenda, for example, to make presentations to the staff or something like that. When we're in Sacramento we seek out relevant staff and we talk to them. We try to do a little proactive work there. Which, basically consist of what the grand jury is, and how if they put legislation into the hopper that they haven't talked to us about, there's a very good chance that it may

have unintended consequences and we'd like to be able to comment on it first. I will say I've had one beneficial contact as a result of that. I was called this year by a staffer who said the senator was thinking of introducing a bill and wanted to fax it to me and get my comments before they decide whether or not to introduce it. In terms of purely proactive legislation, we have almost yearly, the legal committee or whatever we're going to call it, use to be the governmental relations committee, which I would have been happy to have stay, but the committee reviews the question is it worth taking the product that we currently have, which is basically consists of a bunch of policy statements and the content of our response to the UOP Reform, together we have a whole bunch of positions that we have taken with respect to California law. Is it worth the effort to try to convert any of them into a piece of legislation and find somebody to carry it and then support it. Year after year we concluded it's not because we can't control it once it gets out on the floor. Unlike most people who have a position of finding a legislator and promoting legislation, we have neither money or votes to put on the table. So once that piece of legislation goes in we've basically given anyone that want to hurt the grand jury a free ride. We've given them the bill to amend. As we found out some years ago, even with a friendly legislature who is going to fight the fight you can end up it with a bill getting passed you don't want. So that's the answer to that.

On the judicial side we have tried pretty consistently and pretty hard to get their attention and I've had a number of conversations with Ron George, the chief justice who's in charge the judicial counsel and the problem fundamentally is we are so far down on their list of concerns because of the state takeover of the county court system, they are much more concerned with what buildings they are going to have to retrofit and how they are going to cut deal with the county to provide county services to the court's and so forth. All of that is up in the air. We're just a gnat and they're just not listening. So I don't know -- I mean, administratively, if by that you mean the executive branch other than the AG's office they basically have nothing to do with the grand jury. The is purely -- all that office does is answer opinions or issue opinions. So other than ultimately having a good public relations' campaign that gets the lawyers to express some interest in support of the grand jury, I don't know of a way to -- that may be my failing that I haven't thought of a way or the committee hasn't thought of a way to do what you're suggesting.

MR. LEWI: I need to close this session because the board needs to have a special meeting regarding the ballot issue. Let me just mention a couple of things. I mentioned some directors who resigned during the year and some that are not running for reelection. Earl Heal -- who is here -- you've heard of a lot of good work he's done. He elected not to stand for reelection. And, I have a certificate for him. He's good at putting out certificates, so I thought I'd see if I could do as well. It reads, "In recognition of his two years of dedicated service as a director of the association giving unselfishly of time and effort, a special acknowledgement for his effort in coordinating the survey of grand jury practices in 2004, chairing the

preparation of revised grand jurors handbook, and chairing the Excellence Reporting Award Program in 2005 as well as many other contributions." I wish you were staying on, but I know we'll see you soon.

(Applause)

The other person in that category is Linda Barker. It reads, "In recognition of her many years of dedicated service in the Grand Jury Association, giving unselfishly of time and effort with special acknowledgement for her efforts as treasurer, publications coordinator, member of the membership committee and countless other contributions."

We will miss Linda, and we thank her for wonderful service.

(Applause)

One other member of the board Carl Kyle of Lake County. Carl was not a super active member of our board, but he would attend meetings fairly faithfully and when he spoke he had something to say. So we'll send him a similar certificate, as well as the three board members who resigned during the year. The board retreat will follow this conference starting tomorrow afternoon. I hope that those on the organizational

vacancies can spend some quality time outlining our goals for the forthcoming year.

This is the first time we're holding the retreat after the conference. So we'll have the benefit of the ideas you all have provided during this meeting and the following sessions. We'll close this session.

MR. BLISS: I need a work party after dinner tonight. We need to put together the Directors' Book and it need to be an assembly-line-type-thing. So if we could meet here after dinner we could go zoom, zoom, zoom. So as many of you as would like we'd like to help, we would appreciate it.

MR. LEWI: Thank you for volunteering, those of you who are going to help out.

I was asked whether members could attend the board meeting. That will be up to the board, and it will be decided as the first order of business. The board may allowed to sit in and listen. I don't think you will be able to comment. So, we will see if the board approves that. We are having some of our missing members phone in. So it will be a partial face-to-face meeting, partial teleconference. So I would ask you all to leave the room excerpt for the directors and we'll try to get through this business as quickly as possible. Thank you all and we'll see you at dinner -- or cocktail hour before dinner.

(Evening Program)

MR. LEWI: Hopefully we will have the results of the teller ballots announced. Unfortunately not this evening as originally planned, but sometime tomorrow. I do invite any the nominees who plan to attend

our board retreat beginning around 1:00 o'clock, you are invited to attend that meeting regardless of the outcome. The remaining business for the evening is to hear a talk by our guest of honor, L.A. County Fire Chief Michael Freeman. I already told you the story of how we got Chief Freeman to come tonight, and I was telling him the story when he came in tonight – first let me tell you. He's been a firefighter for 42 years. Probably doesn't know any other line of work. He spent 25 years in Dallas and the last 17 years here in Los Angeles and how long have you been chief sir?

CHIEF FREEMAN: 17 years.

MR. LEWI: He just can't hold a job. We've been having a lot of conversations about the fires. You heard my experience with this most recent fire and he'll tell you all about that.

He walked in and I thanked him profusely for coming in on such short notice and his answer was he's used to quick responses.

(Applause)

Please welcome Chief Michael Freeman.

(Applause)

(Speaker, Chief Michael Freeman)

CHIEF FREEMAN: Just to be you're sure that everyone can hear me, I'll take the microphone. It's a pleasure to be here to talk with you for a few moments and I did bring some slides along of some recent major emergencies. It will help keep every alert for a few minutes. There will time for some questions at the conclusion and actually I forgot something. I broke my watch this afternoon so I have no idea what time it is. I have no idea how long the talk will be. I'm not hungry and I'm not thirsty right now. The other thing is just as I was about to leave this afternoon I got a call from my attorney. He asked me what I was doing this evening and when I told him he said well, you can go and you can eat dinner, he said, but in front of the grand jury don't say anything.

(Laughter)

I'm going to talk to you about commanding control in major disasters, and I'm going to have to operate this from this position. Again if you can't see I apologize. This is the Topanga Wildland Fire and is about a month old. Some of you who live in and around this around. Almost anywhere in California you've heard about or seen these types of fires. This particular fire was especially challenging because of where it was, where it was headed, the winds the low humidities and, of course, a lot of homes. This particular home is a newer style construction and it gives us a lot better chance to do a

good job in trying to save it because of its roof. That fire looks pretty impressive on that hillside. The smoke is heading basically from right to left which means that the wind is pushing it in a direction slightly away from the home. Also a fire generally will burn slower down hill. Be very cautious of a fire burning uphill. Fire burns uphill 16 times faster than on level ground. This is another home where the fire is burning on the hillside behind the home. Generally, what the firefighters will do and the challenge to the command part of the incident is getting enough personnel and equipment there soon enough and in the right place. The command and control is certainly a matter of communication. I was telling Andy while you were busily finishing up your talk this afternoon Channel 7 did a feature on this fire again because the report was released today. And they zeroed in on some of the challenging that we faced in the fire with the homes. We do have communication issues and that is a dissimilar frequency in the various responding agencies. We have ways to deal with that, but we are not where we want to be. Once the personnel are in the neighborhoods, the firefighters are well-trained and very motivated to protect structures and to try to protect lives first and foremost. From this point of view the photographer is getting a very good photograph. The firefighters are behind this house sizing up the clearance and setting up to defend and protect the house. Sometimes firefighters will do something that is very strange. In fact, many times they will do things that are strange.

(Laughter)

A lot of times as the fire is approaching the structure they will actually take a fuzzy and light the brush just beyond the property and this is what we call a firing out. You time it just right as that fire is drawing near that unburned brush. When you light it the desire of the fire to have oxygen is pulling nearer toward it, much like a fireplace and what it does is that it sucks this new fire right into itself. And once that happens, guess what, there's no more fuel and the fire goes out or it's down to such a small flame that just a little bit of water will take care of that. When we are protecting structures, we will stay there as long as we need to but when the danger is gone, then we move on because there are many other structures. In this particular fire over 24,000 acres, that's probably approaching 40 square miles. Many, many homes. Some of which were threatened not once, but twice as the wind changed from one day to the next. Here's a rather dramatic photograph and again you can see how this fire in this situation is burning uphill. You can see also the importance of bush clearance. There's a lot of natural vegetation around these homes but as you get up closer there is adequate clearance in these areas it would be required at least 200 feet. That give the firefighters defensible space and it means relative safety for that structure. This particular helicopter is dropping 360

gallons of water on the head of that fire to try to take some of the punch out of it. Of course, as this fire burns up above a lot of times up in this area here there are burning embers which are dangers because they can land on rooftops, they can be carried by the wind across the street and so forth. This fire went on for several days. It started on a Wednesday and was not completely controlled. That meant that we were absolutely certain that it was out until the following, it was a week the following Saturday. At the height of the fire we had almost 3,000 firefighters there. All these different resources that you see, 388 engine companies. That's over three times the daily complement of fire engines in the City of Los Angeles. That's why mutual aid is so important because

these 388 fire engines came not only from L.A. county, Los Angeles city, and, of course, Ventura County in which county most of the acreage was burned, but fire engines from all over the State of California as part of the mutual aid system. Eleven helicopters, six bulldozers, overhead means chief officers and command personnel. The cost to fight the fire estimated at this point almost \$16 million. Property saved estimate -- and that's as far as properties saved \$804 million and the actual loss was about \$2 million. The firefighters take it very seriously when any structure burns, and certainly a shed, an out building is of concern, but the residences and commercial buildings. I think there were three residences and three or six commercial buildings.

Let's go from fires to floods. This is an aerial shot of New Orleans, Louisiana. This was the result of Hurricane Katrina. We've all seen far too many photographs such as this. This was a Los Angeles County Fire Department Urban Search and Rescue Team and our Swift Water Team. They were being loaded on a C5A starlifter and they were flown to Louisiana. In fact there were eight swift water teams. These are 14 person teams. Eight teams from California went to do swift water search and rescue in Louisiana. In addition to the swift water rescue teams we also responded to the urban search and rescue task force which is a 72 person team to do search that rescue. Once in Louisiana military aircraft was used to move the swift water teams, and we've got an inflatable boat here on the right. What they are doing is being deployed near the flooded areas so that they can put the inflatable boat in the water and then carry out methodical search and rescue in the various homes.

The first day that they were deployed in Louisiana they came across an 89 year old woman who had been trapped inside of her home. She was in bed. The water was up almost to the edge of the bed where she was lying. She had been there for several days. They were able to get her out of there and got her the medical attention and she survived. Again, here is a little closer view of the flood waters and the situation. You can see the ATV that they are using and also they have the personal water craft that became quite useful. You can also see on this vehicles where the water had been up to a higher level previous to that. There were thousands of homes that were in this situation and in many areas there were residence who had fled because of the rising water, not only to the higher placed in their home but many had gone into the attic space. Anyone every been to Louisiana in the summer time. Can you image being trapped in the

attic. Water beneath you and in some cases they were not able to get through so part of the search and rescue effort was to go from rooftop to rooftop cutting holes to see if people were, in fact, trapped in the attic and many were. Another shot of our swift water personnel carrying out their search and rescue efforts during Hurricane Katrina. As the water started to reside or subside – recede.

(Laughter)

It started to drain away, you see the tremendous debris and so forth that was left there. You see also some military personnel became very important. Hurricane Katrina, we actually sent as far as the response, 141 of our personnel, 28 urban search and rescue task forces from across the nation. That's the entire complement of urban search and rescue teams. About 6500 rescues were made by these FEMA/Urban Search and Rescues. It's a partnership between FEMA and local fire department's in most case. These teams come from all over the United States. In California there are eight Urban Search and Rescue teams which is quit helpful to us as citizens because of the possibilities of a serious earthquake or other emergency. One thing that you may have heard, the impact area of Katrina was 90,000 square miles. Think about that for a moment. The fire I mentioned was about 40 square miles. 90,000 square miles. That's about the size of Great Britain. So it's a huge, huge area. There was much destruction in the states of Mississippi and Alabama along the gulf coast and in New Orleans because of the floods, the human suffering and the rescues, and so forth. The property loss is close to \$34 billion and it's probably going to be much higher. Just a couple of snapshots of the commanding control. This is about commanding control. Each emergency needs to be commanded in order to gain control. In order to command and emergency, whether it's large or small, there needs to be a command structure. There needs to be some system and it needs to be understood by the personnel there so they can implement that system and gain command and ultimately control. In the State of California. In the State of California after the '91 West Bay Hills fire in Oakland, the standardized emergency management system was implemented and that's call SEMS.

Now with the aftermath of 911, the federal government at the urging of fire chiefs across this nation has adopted a national incident management system which is buy and

large ICS as we've known it and practiced it for many years here. In addition to the structure to command, there also needs to be support. Support covers a whole range of needs. First of all it's trained personnel. It's the skills that they need to do the planning, to do the logistics. Can you imagine having a surprise party and within 12 hours having 3,000 people there. And what do they need? They need a place to sleep. They need a place to bathe and clean up. They need to be fed. They need to be provided with water. They need restroom facilities. That's logistics and beyond. We also have to have a staff that can plan and set the plan in place and that's very, very important because of the fact you cannot just go to an incident and say send us all the available people you've got. There has to be some organization and some way to apply those personnel to the need at hand. The plan has to have objectives. One of our objectives in the Topanga fire was to do everything we could to keep that fire west of Valley Circle and Los Virgenes and keep it basically north of the 101. We did not want it to get across the 101 and then head into Malibu. That doesn't mean we were choosing. We knew from experience from the Santa Ana wind conditions what could happen if it got across the 101. There were also objectives on the west side of the fire as well. Responsibilities have to be divided. The personnel was equipped to come from all over the State of California, all those helicopters and all the bulldozers, and the fire engines, there has to be a plan and a division of the activities. Then, of course, the assignment of the resources, executed the plan, and it has to be adjusted as needed. What we've learned in the fire situations is we need to stay in tuned with the weather. In fact, the fire started on Tuesday. It was predicted to hit the 101 freeway sometime between 4:00 and 6:00 A.M. We made a decision to send 35 additional engine companies from Los Angeles County Fire Department which was a major commitment of our resources to do you all that we could to keep that fire on the north side of the 101 freeway. The weather changed. We knew it was predicted to change the next day around noon, but actually the wind shifted from an offshore of the Santa Ana back to an onshore. That created some other challenges. So it's necessary to adjust that plan as needed. To continue with the plan, we generally plan for each 12 hours ahead of time. So while we're executing the plan say from 6:00 A.M in the morning until 6:00 P.M. at night, the plans unit is already working on the plan for 6:00 P.M to 6:00 A.M. the next morning and of course, they have to intell from the people in the field. We found from experience that adhering to this that we can gain control of the incident. Unified command was talked about on this incident. It's basically a team effort. What this means is that there's no argument at the scene of the emergency about who's in charge. This particular fire involved the County of Los Angeles, the City of Los Angeles, Ventura county and it also involved state responsibility areas, state lands that are up in there. So there's four different entities. And then guess what, as the fire progressed kind of south and west the national parks became a target and the fire did in

fact, go into the park. That's where our five incident commanders came from. There is a team effort. All five of those representatives are together. They agreed upon a plan. It's a commonly agreed upon plan with concise objectives, and concise strategies, and that is communicated to the responders, and then there's unity of purpose. That's unified command. There's no argument. There may be a difference of opinion about where our objective needs to be or this or that, but that worked out at the scene of the emergency. This happens to be a candid photo. You may notice – I've actually lost weight since that time.

(Laughter)

I just want to point out that this photograph has the fire chief from L.A. city fire department, yours truly, and right here is Chief Bob Roper from Ventura county fire department. Back in the back is the regional chief from California Department of Forestry Fire Protection. The parks representative is not visible from this particular shot. Supervisor Yaroslavsky from L.A. county was out there at the command post at this particular time, but there's an example of unified command. None of these chiefs, including myself, was actually in direct command of the fire. We could have been, but our job as agency administrator is to be a step back to be sure that the strategies and the longer range local things are being addressed. This is another view of the fire command post and these are some of the information management people. You can see they are working with a map. This is a reproductive machine that has the various maps and it's a real challenge to keep up with these fires and try to get intelligence back from the fire lines as to where the fire is and where it's heading. We use infrared imaging devices on helicopters. We fly the perimeter of the fire. It gives us a very precise idea of where the fire is. But by the time the helicopter comes back and lands, with winding conditions, the fire has already changed quite a bit. This is rather complicated, but I would suggest that it's really not. Many emergencies are handled at the local level by the first responders, but if that fire, that emergency, whatever it may be, grows beyond the capability of the local agency, they can make a request for fire mutual aid. The same is true within law enforcement. Law enforcement once in a while will have to rely on mutual aid for assistance. We do it more often in the fire service because primarily with fires, but there other emergencies of similar circumstances. So we make that request for mutual aid and then the resources are sent as requested as they're available. Once we have exceeded our ability in the region – our region here in Southern California is really five counties, Orange County, L.A. County, Ventura County, Santa Barbara County, San Luis Obispo County. Once we have exceeded the capabilities and the resources of that region, then we go to the state office of emergency services and we make further requests. That's when we start getting engines from northern

California and maybe Kern County, San Diego County and so forth. If there is a need that exceeds the States ability, then they go to the Federal. It goes to the State and then the Federal. On this particular fire the Federal request did several things. Number I, the fire very early in the process was declared eligible for a fire management assistance grant. This is a special grant that comes through the federal government, comes through FEMA and there are certain requirements that have to be met. 75 percent of the local costs of suppressing this fire will be covered by the federal government because it's a major threat to properties and lives. The other thing we get from the federal government is assistance from the US Forest Service. Also, we get the fixed wing aircraft. The fixed wing aircraft comes from the federal government and specializes in restoring what we get from the feds. Here are some important points. Regardless of what the incident potential, there needs to be a plan and it must be a preparedness plan and it needs to be realistic. For example, I spend a lot of years in Dallas, Texas. How many of you think that Dallas, Texas would be in a threat zone for a Tsunami? There's no ocean within 350 miles of Dallas. So for Dallas to get all excited about a Tsunami would be unrealistic. Is a Tsunami plan here in Southern California realistic? It sure is. It needs to be tested. Once the plan is developed, there needs to be realistic demanding exercises to test the plan, and then, of course, that plan needs to be flexible. And that is to allow for other eventualities. For example, the Topanga fire, that was a major commitment of firefighting resources, law enforcement and assisting agencies. What if we would have had a major earthquake at the height of that fire. We would have been very, very hard pressed to deal with both eventualities. Much like we had in 2003 when we had fires burning all over the State of California. We had fire resources going back and forth trying to keep up with the demand for service. There has been flexibility in the plan. There has to be a command structure and it has to be standardized and it has to be utilized without egos. It doesn't matter if I'm older than the chief in the L.A. city or the fire is threatening more Ventura County. Chief Roper from Ventura County, Chief Bamattre of L.A. city, and myself, our egos are not involved. It's strictly by the needs of the citizens of the citizens and the needs of the incident. It needs to be apolitical and that means it needs to be mission driven. There should not be egos involved because the Governor not like the mayor, does the governor not like the president or whatever, it doesn't matter. It's what is the need and then let beat it. It needs to be flexible as we said. The wind and weather changes and there are multiple demands. Who would have expected in New Orleans that 20,000 people that were the night or two before put into the Superdome to be safe, who would have thought that maybe they're not going to be able to get out of there we need to give them water and food. There again as we're working on these plans, we need to think beyond the obvious. Quite often, we have exercised our

plan for evacuation. We say okay we have to evacuate 5,000 people. We will take them to the shelter. But we don't really exercise it down to the point if there's 5,000 people there assuming that we're taking care of all of those who may not be ambulatory, that may have special needs, but assuming we get them all there, who's going to feed them? Who's going to provide water? Who's going to provide for their various needs? What about their prescription medicines and so forth? So there are many, many issues that need to be considered in these plans. Then adapt the plans and operations to real and anticipated needs. That's where in developing these plans it would be good to talk to community groups. It would be good to talk to people who represent those who may be physically challenged. Two weeks ago we were in Sacramento, we were staying in the hotel and they were having a convention there, the National Association of blind people. It was amazing to see the number of people in that hotel. In fact there were probably as many dogs in the hotel as there were patrons because of the seeing eye dogs. Feedback from people that have special needs is an important part of it and then practice, practice, practice on these plans. A plan in a nice shiny book up on a shelf somewhere is really not a plan. Now, we're down to the end. So for those of you who are not asleep. Any questions?

MR. STAPLE: When you found out that you didn't have all of the proper communication, wasn't that a part of your realistic practice when you did it, why weren't you able to find that out until you actually had --

CHIEF FREEMAN: Well, actually we did know we had problems and the way we address that is that one branch of the fire was along the Los Angeles city limits and so Los Angeles city we put most of the L.A. resources in that branch of the fire. So they had interoperable communications with themselves and then we had units that were working with them communicating with them. Many of the statewide resources that come in to a major emergency do have a common frequency, called the statewide frequency so we can communicate on that. We also bring in special portable repeaters.

Many of these areas of topography we know where we need the repeaters for communication, but it takes extra work to develop the communications plan as opposed to what we really need and that is interoperable radio. So if I've got my radio and I'm talking to Los Angeles county fire dispatchers and fire units, if I need to talk to Chief

Bamattre or Chief Bratton in Los Angeles city I can change that radio to a different channel and I'll be talking to them. Today to do that, I've got to have a unit at the scene that can be programmed so that when I speak my frequency is conveyed to theirs and we did have those at the scene. It takes several hours to get those out there. So we have a plan to take care of it, but it's not full scale like we would like it to be.

MR. STAPLE: Is it that you don't have all of the equipment? Is that the problem?

CHIEF FREEMAN: It's partly the equipment, but it's also – we want to be sure – in fact, there is a study underway right now in Los Angeles County that we're hopeful will be a prototype. It may be applicable in other areas, but we're having the study to look at all aspects of communications in police and fire in Los Angeles County and give us a recommendation if there is a common platform that can be devised, combining. For example, the City of Los Angeles Fire Department is on 800 megahertz. This is a very high frequency. The Los Angeles Police Department is down on the 470's. That's where we are in most of the fire department's in Los Angeles county. One component of this plan is that – let's put the data needs of law enforcement in Los Angeles county on 800 megahertz, let's move LAPD off of the 470's and put the fire department on that. This is an example where we can better utilize the frequencies, the spectrum, the hardware and software that we have in the county. That does not mean we can just trade our frequencies and come up with an interoperable plan. There are still going to be gaps but that's what the study is looking at right now. For years and years we have operated in the stove pipe mentality. L.A. city does their radio system to suit their needs based on technology and money available to them. Los Angeles County has done the same thing. We finally woke up. We said, you know what, we need to sit down and talk to each other at the table and do a common study to see what we are doing. That the stage we're at now. In the meantime, we do have the mobile interoperable unit with frequencies to talk to one another.

MS. YEOMANS: Do you do any mock emergency situations so you can really get the feel of what will work in certain situations? Is there any type of mock situation that you do as a county or state or even Federal to communicate so that you're not inventing the wheel?

CHIEF FREEMAN: We do to some extent, but not to the extent that we need to. We really do not. We had a safety drill down here less than a year ago. It was a simulation of a dirty bomb, an explosion of some radioactive material. It was a full scale exercise.

During the exercise Walt Richmond was back here talking to us live. So it was carried nationwide. We did a follow-up article that was sent to the International Association of Fire Chiefs, but we are not where we need to be in my opinion. In the prevention of terrorism, in Oklahoma City after the 1995 Murrow Federal building bombing, they are a good clearing house for that kind of information. They have been working very hard with some Federal funds to do that. But we need to do a better job in that area.

MS. YEOMANS: Sounds like you're all inventing the wheel in different counties and states.

CHIEF FREEMAN: Yes. To a great extent, we are.

MR. HAXTON: I was curious on what your take is on there's a lot of hysterical talk in the media about Katrina and the role of FEMA and emergency response. From your perspective, what is the actual designated role of FEMA in this.

CHIEF FREEMAN: Well, in the slide that I showed a few back where it's local and then to state and then to Federal. The role of the federal government is to step in to supplant local and state. And, you know, it's kinds of gone full circle. I was mentioning at the table that I've been in many meetings, post 9-11 where there have been Federal, state, and local officials and it doesn't take long with that mix in the room for somebody from local or state or both to stand up and tell the Feds that we'll call you when we need you. It's a local emergency. All emergencies are local, blah, blah, blah. That's fine. That's the way it should work. That's the way it works in the fire. We don't have a fire and immediately go to the federal government and say, send us the military. But that means local government has got to be prepared to the extent that are. They also need to know their limitations. And then there needs to be a clear cut methodology to go to the state level to fill in what limitations are coming to play in that incident and then to the federal. I think initially there was a standard response on the part of FEMA and that is we will come in when the state calls us. I don't think that call came very quickly. It was clear that local government was overwhelmed. And in some cases eradicated. And, if not people, and I don't know that there were too many local governmental personnel that loss their lives, but they certainly lost their homes, their family belongings back there so forth, but there's got to be that connectiveness. The other thing is who can recall when a storm of this magnitude effected 90,000 square miles of this country. We can go back to the turn of the century in Galveston which completely wiped out the city, but by comparison that's only a drop in the bucket. This was many more fatalities. I think that the magnitude, I think when we consider the size of the area affected, the logistics that's required to move resources, the impact on the local infrastructure and the personnel, I think we hear stories about well in order to evacuate people we needed to mobilize the buses. Well, the bus drivers, they were concerned about their families and it took many hours to finally work a situation where the bus drivers could bring their families along with the evacuees to move them. That's a concern that we have in terms of how do we take care of our personnel. How do we take care of their concerns about their families welfare when we expect them to operate here in an earthquake or some major disaster. I'm not an expert on the federal government and I think we all would agree that the response needs to be more robust. It needs to be quicker. I'll tell you, I'm very concerned and very much suggesting the cautious mode for those who would immediately default to the military. The military has a role. The National Guard has a role. There again, the National Guard, who's in

charge of the National Guard? The governors. The national guard is a state asset and there is a lot of dialog right not on Capitol Hill and other places about the response and the hole in that response.

MR. COLBIE: Tim Colbie, Butte County. You all respond to emergencies on a daily basis. How do you interface with like the county office of emergency services?

CHIEF FREEMAN: Emergency management?

MR. COLBIE: Yes.

CHIEF FREEMAN: Well, again we have our normal day-to-day routine responses. We know what their capabilities are. They are responsible for the plans and the update of those plans. Then when there are situations that occur where we need their assistance, we call on them. They along with the sheriff department will stand up the emergency operation center here, which is the high level coordination for a major incident. During the Topanga fire, for example, that particular incident did not require a full activation of the Emergency Operation Center. But parts of the center were activated. We had a representative from the office of Emergency Management at the command center. So that communication was in place.

MR. HAXTON: What is the impact of local to national news media involving the operation of emergencies.

CHIEF FREEMAN: It depends on the circumstances. It was very interesting for us in the Topanga Fire, for those of you that are here locally. We were surprised, number one, that the extent it, particularly the second day. Television in the local Los Angeles area was preempted by live coverage of the fires. The coverage overall was pretty positive from the media. Again that fire was very challenging. At the same time the number of heartbreaking stories was quite small, if any, at all. The media is generally cooperative in terms of how they will interact with us at the scene. A lot of that depends on well we service their needs and then being available for comments, having press conferences, having media interviews. We also realize that the media is very high tech. They can be in a helicopter two, three miles away from the incident and give you a close up where you can read a name badge. That creates some challenges when someone is that far away and you're getting close up coverage in certain law enforcement situations. I'll tell you there are times where you can not even hear the helicopter that is filming what's going. We had a situation back in 1996 where a Glendale firefighter was seriously burned in a brush fire and his family actually saw him being cared for at the scene of this emergency because of this up close and personal coverage. But there's a positive side to that as well. It gives the members of the public really an up close and personal opportunity to see what the first responders are contending with. And really all of us as

American citizens an opportunity to look and see what's working well, what's successful, and also to experience those circumstances like we saw in many places in the Southeast, and we want to be sure that we don't ever have that happen again.

MR. COLBERT: Ormond Colbert, Riverside. 30 years ago each county and each city had their own complete arrangement, their own hybrid arrangement and they solved that problem. So you'll solve your present problem. But also in 1912 the Galveston flood, the governor called in the National Guard and he said shoot anybody that loots. There was very little looting.

CHIEF FREEMAN: I don't want too deep into that. You're grand jurors, I'm just the fire chief.

(Laughter)

I've got a friend from Texas that is one of these shoot the looters. What is a looter? In a major disaster like that, you have hungry children at home. You need milk. You need bread. Somebody has already broken in the store. Maybe the storm knocked the store in. You have the money to pay if there was someone there. You need batteries for your radio. Is that looting to the same extent that somebody is taking something else. I'm not advocating it, but I think this shoot the looters on sight leaves a lot to be desired in terms of just human justice. There again, it's unfortunate. I think it saddens all of us to see anyone take advantage of a disaster. But I think we need to keep that in context, especially in a situation like this.

MS. HORNE: If you don't get the FEMA grant, where does the money come to cover this disaster, out of your pocket?

CHIEF FREEMAN: Well, your pocket. This is kind of an interesting dilemma here. If a fire or other emergency does horrific damage then generally there will be a declared disaster at the state and/or federal level and then there's reimbursement of 70, 75 percent. In a fire like the Topanga fire, those three people whose homes burned, that was a personal disaster. But it does not qualify in terms of loss for any sort of a declaration. It's so happened that because of the state lands, the state participates and if fires on their land, they will cover their proportionate share of the cost of suppressing that fire, which is good news. But who pays the states taxes? So I mean it comes out of our pockets. So does the federal. Essentially, if we have a fire of some magnitude and it does not qualify for some fire management assistance grant or a declared disaster, it's on local government. The local government has to pay for the cost of suppressing the fire or any other emergency.

MR. HEAL: Earl Heal, Solano County. Do you see much danger to the first responder situation where the feds might usurp authority or responsibility at the lower level.

CHIEF FREEMAN: I really don't. I don't. The thing is that I've had a good bit of interaction with Federal personnel and federal government officials and they're

very much aware of the importance and the responsibility of local, state and Federal.

What I'm more concerned about are people that are in responsible positions, either elected or appointed who perhaps are reacting too quickly to the sadness and the confusion and the things that we've seen in these recent disasters and would conclude perhaps emotionally to just send the military as a knee jerk reaction. What conversations I've had with elected officials on Capitol Hill, I know that there are many, many issues that come in to play when there is a disaster in a community. There are all kinds of issues even when the National Guard is Federalized. We saw that back 1992 and there was some confusion federalizing the national guard, and it really inhabits, as I understand it, in many way the National Guards ability. As a state asset and as an extension of the governor, they can come in and provide law and order. But once they are Federalized their limitations about the military and what they can and should be doing.

MS. BARDELL: Do you have NERT in the Los Angeles area.

CHIEF FREEMAN: I'm not sure what that stands for.

MS. BARDELL: Neighborhood Emergency Response Team. It's under the auspices of the fire department in San Francisco. It's a very valuable program for earthquake preparedness, we believe, in San Francisco.

CHIEF FREEMAN: My compliments. I was with Chief White yesterday in San Francisco. Actually we're ahead of you though. We call ours CERT, C-E-R-T. "C" comes before "N".

(Laughter)

We call it Citizens' Emergency Response. You're calling it Neighborhood?

MS. BARDELL: Yes.

CHIEF FREEMAN: Same thing. Same program. Great program. You bring up a good point. One of the things that needs to be part of this command structure is common terminology. You called it NERT. We call it CERT. What if we're in an emergency and let's just say I say I need 1,000 CERTs. You're from San Francisco you're going to say we don't have that. And in fact, you do have it, but you call it something else. So that's what we call common terminology. We've got that in the fire service. Our terminologies mean the same thing in San Francisco as it does in San Diego. Thank you for sharing that. That is a wonderful program. We are involved with that and Los Angeles city fire is as well and we're glad you are.

(Applause)

MR. LEWI: I hope you all will take this message back to your communities. It was very entertaining and certainly very timely. We are adjourned until 9:00 – check your program to verify the time. We'll see you then, thank you.

(Friday morning session)

MR. LEWI: Good morning. I'm a graduate engineer and I had the hardest time finding the on switch for that machine over there, but I did. So that's good. Have you ever heard by Bob Geiss story? Bob Geiss and I met, the first conference we both attended in '98 in San Diego. We were both brand new jurors at the time. Sitting across the room, I noticed that the was wearing the same ring I wear. That's our school ring, a very distinctive ring, from the finest engineering school in the land. It turned out we graduated the same day, many, many years ago. All right two years later, we're at our board meeting in San Rafael. We were both relatively new to the board, and we used a project similar to what Chief Freeman used last night. We borrowed one. We, two, geniuses with MIT degrees couldn't figure out how to make that sucker work. But we've come a long way. We now own our own and Bob and I are fully trained in running that machine. So it's never too late to teach old dogs new tricks. I've teased Bob about the many, many times and he's teased me as well. Okay, good morning and welcome back.

I'm glad you all cooperated and moved up to the front of the room. We get a little bit more cozy here and also it's easier for everyone to hear everyone else. Although we use the microphones a great deal this morning. Regarding the election of directors, the board did agree last night that the ballots should be counted. They are being counted as we speak, and hopefully we will be able to announce results of the election before this conference adjourns. We may not make it. We'll certainly try. I apologize to the membership, the board, and in particular the candidates for this little bit of a mix up. It was an honest mistake on our part, and we freely admit we made a mistake. I appreciate the forbearance, particularly of the nominees for not knowing where they stand. All the nominees are invited to our board meeting this afternoon, which is scheduled to start with a luncheon at 12:30. You are invited to lunch. You are invited to stay through the board retreat and to whatever extent you would like to and can. Even if you wind up not being elected, you would still be welcome to attend, because any nominee who is an unsuccessful candidate, and there will be some of you because we have

more candidates than offices, are excellent candidates for appointments to vacancies. Vacancies typically occur throughout the year. Board members resign for a variety of reasons, and we're always looking for good people to fill those vacancies, or become important committee members as non-board members. But we want you all to be involved and again we appreciate your forbearance. Thank you for that. Okay, this mornings first session is all about chapters. In the past several conferences we've asked each chapter through their president or representative to come up here and give a report of what they have been doing. We're going to do it a little bit different this morning and see if we can't get a little more interactive discussion going. I'm going to invite each chapter, either a president or representative to come up here to the microphone or sit down at one of these microphones, either way, and tell us one good thing they do which improves their mission and our mission of educating the public, training new jurors, whatever it is that you do and start with one thing. We'll give every chapter a chance to speak. Also the independent association. We want them to be involved in this discussed just as much as the chapters. We'll get one thing and we'll go around the room, and have a little bit of discussion about it. What I hope we can get out of this – it will probably take a little work, a little refinement, and maybe we'll have one of my chapter presidents teleconference meetings that I've done a couple of times this past year to refine a list and it might be what I'd like to call, and other people use this phrase as well, a list of best practices. Not all things that the chapters do, will work in all chapters. In my meeting with the chapters this past year, and I visited seven of the ten, and I feel that is pretty good. I enjoyed that tremendously. I've learned a lot about chapters. As I said a year ago, it's the thing I knew least about a year ago. Now I can say I've improved a great deal on that. Every chapter is different in what they do and how they do it. That's good. That's fine, but what Marin might do, might help San Luis Obispo and vice-versa. That's what we're looking for. What are good things that chapters do that other chapters might learn from. For a start I will have a very important announcement to make. I'm told to by Mr. Noce from Kern County that Kern County Independent Association has decided to apply for chapter membership, and I'm delighted to hear that.

(Applause)

And we'll be getting involved in that. They are only a hundred miles from my home, so it's going to be easy to deal with them for me personally. Another independent association is considering achieving chapter status and that's good news as well.

The only bad news is that the Sonoma folks that were thinking about it decided not to, but maybe Paul will go back and with a burst of energy achieved at this conference and revisit the issues. But, at the moment they have decided not to apply for chapter status.

Owen, you're sitting up front. You're closest to the microphone, so I'm going to ask you to be the first speaker. Remember, one thing at a time and then if you come back that would be good too. Hopefully, Joann will take good notes as she always does and we'll see what we come up with. So have at it.

MR. HAXTON: Thank you, Jerry. I appreciate being first, finally. But, anyway, before I really get into what Jerry asked us to do, since he permitted me to grab the mike, I would like to introduce -- and I believe I'm correct on this -- the newest member of CGJA, Mary Gomes. She joined us from Marin county. She's a member of the current grand jury. And, she joined us yesterday, I believe. Mary would you like to tell the people just a few words about yourself?

MS. GOMES: I'd be glad to. I was born and raised in Singapore. I'll say a little bit more than that -- a little. Born and raised in Singapore. Retired military officers employed me, invited me to work in South Vietnam during the height of the American involvement in Southeast Asia. I spent six years there. From there I went to West Germany, worked for the army hospital another four, five years, met my husband there, got married, and he was assigned to San Francisco. We had two children. Stayed in Marin County for 30 years. Joined the military as a soldier for 27 years. I was worked at San Quentin State Prison as a correctional officer, retired in 1999 from San Quentin and retired from the military in 2003, when I became the age of 60 and enlisted had to be 60 to retire. So here I am. Joined the grand jury. Glad I did. So I met all of you, and that is it.

MR. HAXTON: Thank you, Mary.

(Applause)

The other point that is very convenient to make right now is, finding membership is an everyday job. I mean you can find them anywhere. It might surprise you. I'd also like to introduce Patti Baseheart who spoke yesterday. She say our aid to the grand jury. If the grand jury needs support or something's wrong operationally, or in any of the mechanics, or the paper or the pens or pencils, we ask Patty and she promptly addresses the problem. Significantly just a couple, three weeks ago, Katherine Mc Gowan who was the foreperson told me that the copier didn't work and she had called Patty, and within three days or something like that, they had a new one. Not a repaired one, a brand new one. Patty is also the liaison with support. So the grand jury if they need information, they will go to Patty. This does not mean they can't go to the court.

It doesn't mean they can't go to count counsel. But they start with Patty. Patty is the reservoir of information. So, Patty, if you have a few words you'd like to say.

MS. BASEHEART: Yes, thank you. It's been a pleasure meeting everybody. It was very interesting to me to hear how other people who have my same position seem to do things that I would never consider doing, like making a decision about a complaint you got. The mail goes directly to the foreperson. You're your own entity. I'm just there to take care of the grand jury but not to be involved in what the grand jury does. In my position I don't see a report until it's ready for me to send it out for publication. So our grand jury, I guess, can be run – I've seen from being here, all grand juries are run just a little bit differently. I found that very interesting. I hope at some point, I might be able to meet more of my counter points. If anyone has the name of my counter point in your chapter, in our organization, with your county person, I'd love to have their name and address and maybe contact them. So we're all doing maybe the same job, except everyone is doing it a little differently. I mean when I heard that someone would sit in on meetings, I was just amazed at that. We are part of the grand jury. We are strictly there to assist you, not to be part of you. Thank you.

MR. HAXTON: Thank you, Patty.

(Applause)

I would like to point out we already have a new idea that I hadn't thought of. And that's getting the aids from the various counties to know one another so they can coordinate their efforts. I hadn't thought of that. That's a good point, I think. Well, I'm supposed to only have one item. And that's pretty tough to come up here and ferret out just one thing. I was supposed to take a minute and a half? Anyway. From my point of view, the basis of our organization, the basic building block is membership. If you don't have members you don't have people to man the committees. You don't have ideas. The more members you have, as long as you permit them to talk and they exchange information, of course, the more ideas that surface, the more things can get done. In the two years or year and a half that I've been president, I have strived, I guess, or whatever the word is, to do everything I could to attract people to membership and to attract people to the meetings and gets their money. When we started this effort we had 22 CGJA members two years ago. Last year we had 44. This year, I'm sorry, to say now with Mary joining us, we have 38 so we went down. Last year we had 11 members who joined CGJA but didn't join a chapter. I thought I had them hooked. I found out this year that only one of them chose to join CGJA of those

11. So CGJA, in my opinion, needs to find a product that encourages people to say yes it's worth \$25 a year. The Journal is very good. It comes out, I thought, four times a year. I found out yesterday it comes out six times a year. The Journal is the product through which we can reach the membership. And that product needs to be saleable. It need to attract us into membership. The other things that attracts former grand jurors and current grand jurors to our association is chapter meetings. I'm using the word "chapter" generic because I'm not quite what the counties call their groups that are not chapters. I'm sure every county has some sort of a group that gets together. That is absolutely essential. What you do at your chapter meetings must be interesting. It's tough to find an interesting subject every month. We've started a new effort about four months ago to invite a speaker from the agency of a report that was rendered on their agency in the past. It doesn't have to be the past year or two years or three years, but a record that was of great interest. We invite that agency to come talk to us about it. I found it to be very interesting. Other people seems to find it interesting. Has our attendance grown immensely at the chapter meetings? No. But, the interest is fading. I can see it in the faces. We presently – well it's grown a little bit. We're up to about 21 average at our chapter meetings every month. That to me is, I guess, the most important thing that we're doing in Marin. We're trying to raise the level of interest so that people want to come to our meeting. They look forward to it. As opposed to well, whatever, it's an obligation, and they go away disappointed. We conduct a lot of business. But, we try to do it in an orderly manner so that it doesn't degenerate into a conference meeting where everybody talks back and forth. Is that only one item?

MR. LEWI: Yes. Thank you, Owen. The next chapter with whom we have a representative it happens to be Nevada. Bill, I think you are the Nevada representative. Would you like to give us a single item?

MR. BURNETT: Sure.

MR. LEWI: Interesting statistic that I was looking at the other day – while Bill is coming up here. We have membership in 42 counties out of the 58 in the state. But we only have 10 – well, now we're trying to be 11 and maybe 12 chapters. Clearly there are many, many areas of membership or association where we do not have chapters. We do not want to overlook those people, and we'll maybe talk about that a little later on. All right, Bill.

MR. BURNETT: I wanted to give you an idea about how the news travels fast. Tuesday before the conference, coming down here, I was reading the newspaper and it said, "County Grand Jury receives an

award" There's a whole article about the award we got yesterday. So the paper had known about this before some of the people on the grand jury.

MR. LEWI: I'll explain that a little bit later.

MR. BURNETT: That all right. I'm just kidding about that. Our chapter has taken over this year the public relations committee. The judge took it out of the grand jury and gave it to the association to work with. Our president, Marsha Bennett, chaired that committee last year and did a fabulous job. It was five of us on the committee. She trained us, and we had to write a speech that we could go out and talk to a Lion's club or any kind of social group. We practiced for two months, every week. She critiques us. We had to get up and say the speech and take things out and put things in. And we did a heck of a job, the five committee members. We are presently, right now, working on next year's recruitment because we do the recruiting. She bonded with the newspaper which was just fabulous. They did maybe ten articles on the grand jury this year in our local newspaper, The Union. It made a world of difference. We're looking forward to doing that this year and doing the public relations forum. That's about it.

MR. LEWI: That's a very interesting idea. You are the official community outreach for the county?

MR. BURNETT: Yes. We do it all.

MR. LEWI: The next speaker of a chapter where I see representative would be San Luis Obispo. Boyd, would you come up and speak.

MR. HORNE: Sandra.

MR. LEWI: Oh, Sandra's going to do it. Bill, on the article in the paper of the public relations committee of the association put out press releases to both Nevada and Marin and I'm delighted they picked it up. That's the first successful press release the associate has done.

MR. BURNETT: Is that right? We do have a great relationship with them.

MR. LEWI: We said for release on yesterday's date, so they jumped the gun a little bit. But, that's okay. That's better than not being mentioned at all.

MR. BURNETT: Yes. That's fine.

MR. LEWI: Sandra.

MS. PARKER: Well, I had seven points written down, but I'll mark it one. Since this was left up to me to decide what I thought was most important, I'm following suit here that basically recruiting former grand jury members to our association is paramount. In that recruiting process we cover a lot of basis and a lot of areas. We've established a relationship with out sitting grand jury which we did not have for a couple of years due to the personal whims of the then foremen who served a half a year when the then foreman quit – just walked out – and then he became the foreman for the next year and he just didn't like any of the ex-grand jurors so he just put a stop to the communications. That is now over with. He's no longer there. So, we're, as a matter of fact, invited to be backed there in November. Three of us from our chapter to make a presentation, which will not only include what we do since we are a newly formed chapter, but also a whole bunch of PR and written material regarding the state association. Hopefully we can recruit also there. Part of that recruitment includes us – we started a newsletter a little over a year ago that we sent out monthly. It includes the next month's guest speaker, a little about the topic or bio, the minutes of the prior meeting so if somebody wasn't there or can't attend a meeting at least they keep current with all phone numbers and names of the boards et cetera, the people to contact for what. And that newsletter has been – for the offcoming grand jurors, we sent that out to them for about six months. Then when it's time for dues we say, "Hey, you're getting it free. If you want to stay, for \$15 this covers the postage" blah, blah, blah. We've been able to get quite a few. Maybe five or six from each older grand jury as we go along. The newsletters have been very, very helpful. Also what attracted people was the speaker. We've had some very, very excellent speakers over about a year and our membership has increased to almost 30. And this is a small county. About half of them attend the meetings regularly on a monthly basis. We meet at Sycamore Meadow Springs which is a beautiful resort near Appala Beach, if you've ever been there. One of our former grand jurors owned the place with his wife, so they gave it to us gratis. They just do a regular anything off of the luncheon menu without any banquet charge. And, when they sold the place, unfortunately he died of cancer this year, the new owners have chosen to support the grand jury by again not charging us a banquet charge. Everyone can order off of the menu. Sometimes we invite people to bring their guests because that's kind of a back door recruitment to be interested in the grand jury. So I would say that's probably the most important thing.

And, also, now that we are a chapter, this newsletter. Since you can mail two pieces of mail – two pieces of paperwork for the same price as one, we send chapter news. I mean we send state news regarding the journal or whatever. For example, we sent out applications for this conference, the whole conference schedule. That was mailed out a couple of months ago to get people interested in that whether they join our chapter or not.

MR. LEWI: Okay. Thank you. Moving down the alphabetic list, the next would be San Mateo. Joann or Mike, who drew the short straw.

MS. LANDI: We collaborated.

MR. LEWI: Very good. Excellent. San Mateo is one of the chapters that I visited most recently. I find it interesting that Joanne is the secretary of the chapter as well as the secretary of the association. Mike is the membership chair of the chapter as well as the Association. So they are both very well qualified.

MR. MILLER: It's a small world. I would have to back the two speakers so far -- or all the speakers so far say that our speakers' bureau would probably be the most important part for San Mateo county. Sam Wolf who ran it for many years is no longer with us, but the program still goes on. And I think that this is the only way that we have of contacting other people in our community to have them join our organization. We have -- at least I have, got some good ideas from you all so far today about how to improve our speaker material. I don't think it has gone stagnant, but let's say that now that Sam has gone heaven, it hasn't been as active as it was when he was active in our organization. So that's it. Speakers bureau would be the one thing I would pick out that is the important way to contact people about getting recruitment for the grand jury.

MR. LEWI: As well as recruiting for the association.

MR. MILLER: Well, yes. That's all the same?

MR. LEWI: Right. Okay, thank you. Next would be Solano. Earl or Tom? Earl got the short straw.

MR. HEAL: I got the short straw. I suppose our singular accomplishment this year would be the culmination of about a five year discussion with the court executive officer, an individual that has not exactly been supportive to the grand jury. The county has previously worked strictly for replacements to the jury by a nomination process any elected official within the county, city, counsel members, mayors, so forth make nominations. The numbers have not been adequate. We have tried for some time to get them to open that up to volunteers. This year we finally won the argument and they accepted the point. Perhaps we gave them numbers out of the survey and it showed that over half of the counties in the state do use a nomination process. So, anyway, we succeeded on that and we did get more candidates this year. It may also help that the court executive also retired.

(Laughter)

MR. LEWI: Earl, before you step down. That was a one time activity and it took you several years to do it. Is there any other thing you do on an ongoing basis that you would consider your second most important activity?

MR. HEAL: In all honesty, we have a few people that do a lot. We need more members. So I'm taking notes?

MR. LEWI: Okay. Good thank you. Certainly what you did is a wonderful achievement. You should be congratulated for that.

MR. LEWI: Serena, we're asking each chapter or representative and, I believe, you're the sole representative of the San Francisco chapter, to come up here and tell us what is the one good thing you do as a chapter to promote the whole grand jury system and our mission. Can you come up here and speak to us, please?

MS. BARDELL: With no coffee in me?

MR. LEWI: I know it's difficult for you, but we would appreciate it. I see the work party did it's work last night.

MS. BARDELL: What a work party it was.

MR. LEWI: Serena really put her heart and into that directors' handbook that will be very, very beneficial for board members, particularly new board members and I want to thank you for that great effort.

MS. BARDELL: I would imagine that most of you would be interested in hearing what I just heard on the news that Scooter Libby was indicted on five counts.

MR. LEWI: Breaking news.

MS. BARDELL: Big breaking news. I wasn't prepared for this so let me think for a minute. As I mentioned yesterday, I chair the outreach committee. Our chapter's only three years old and I've chaired it from the beginning. I'm not sure that I would say that's the most important thing we do. The fact that in the history of San Francisco, to the best of anyone's knowledge, there never was any kind of interview process for prospective grand jurors and there is now with the support of the court, done by our chapter and everything around that. The revision of the questionnaire, I think, has started a process of improving the qualities of the jurors. The way it worked before was -- we have for all

intents and purposes a voluntary grand jury in San Francisco. I have to remember that it isn't the same everywhere. Technically the judges appoint grand jurors but actually it's a volunteer system. The court sends out maybe 120,150 letters to various neighborhood groups, so called faith-based and every and any other kind, ethnic, what have you. And they send out equal number to various media. Of course, in a community like San Francisco, there are a million foreign language newspapers and one thing or another. So it goes out to all of that. I haven't seen – in my brief experience, I haven't seen much results from this. I think that the combination of the outreach that we do and the interviewing process and the orientation that's done by – not exclusively, but predominantly former forepersons. But, we're still learning. I'm sorry I can't, you know. Maybe somewhere down the road we will be able to say, we know for sure that this has been the principal think to make a difference. We do evaluate. I have in my room something that came in the mail right before I left which was a form for current grand jurors to fill out saying what they thought was most useful, least useful, how they would change things. And, a couple of people actually typed of essays and if I had had time to get permission I would have asked if I could share them because one of them was absolutely dazzling. The gist of it was from this woman, get the best jurors you can. You know, get educated people, get articulate people, and of course get people that that understand collegiality. Thank you.

MR. LEWI: Thank you. That's an interesting concept. Go get your coffee.

MR. LEWI: Okay. Anthony Noce from Kern County our prospective newest chapter and independent association. Would like to come and join us, Anthony?

MR. NOCE: I'm very shy. I've been accused of being a motor mouth, but I gave 30 presentations to the last jury as part of the public relations throughout the county. So I guess I'm guilty. Our new board – and there's three other members of the Kern County here. Two of them are sitting members. We just came into office in July. And we've accomplished a lot, I think. One of the first things we did was the board approved becoming a member of the California Charter. We did know at the time that until one of the members investigated that all members had to be a member of the state. So, we voted to take our funds and our budget to pay for the members that weren't already members for the first year so it would not be a financial burden on the new members and then next year it will be a choice of their own whether they want to join. It would be a combination of both at one time, one fee. So, we were happy about that because we have somewhere around 50 or 60 members on the books. We're in a process of finalizing real list. We probably will have at that next meeting. So we're excited about that. A couple of things we're do is we will be going around given talks to anybody that loves to learn about the grand jury as a public awareness. We have created a

committee to respond to negative newspaper articles about the sitting grand jurors report, which the signature grand jurors can't do. So we will have people if there was a need to explain the jury system to something that may be misleading to the public we will respond with the association as to how we feel on whatever issue. It was very frustrating to be at on the jury. We put out 68 reports last year of which some got attacked or whatever. And, you can't say nothing. You have no outlet to respond to an adverse response to a report. But as the association and former jurors, we're knowledgeable enough to respond in the editorial section a little better. Whereas before some members just did it as individuals, we'll do it as the association. So that's something new. We're going to try it. We're going to be putting on out a newsletter which, I'm glad other are doing it, so that we know it will probably work to get more interest to attend. The one thing we're doing or will be doing is we're going to work on proposing a legislation that allows the jury to audit nonprofit that have some county funds. Most nonprofits have other funds than just county or city funds but most nonprofits do have some contracts with the county and the city. We ran into that last year in an investigation that we couldn't audit. Even for the part that the county contributed to the nonprofit organization. We felt very strongly that we should be able to audit county funding where it goes. Over the next few months, we'll be working with the deputy district attorney that works with the grand jury and he's offered to help us draft some kind of proposal to the legislation to see if this can be changed. Other than that we're not doing anything.

MR. LEWI: Sounds like quite a bit. A comment to Les Daye, who I see here is a member of the legal committee. Anthony mentioned this to me earlier on and it seems to me that maybe you might be of some assistance to them in that particular endeavor. Yes, Andy?

MR. BLISS: We had a similar experience --

MR. LEWI: Excuse me. Hold on for just a minute. What we're doing this morning and for Andy and Audrey, who just came in, we're asking each chapter representative -- and you two are the L.A. Chapter representative to come up here and share with us, what is the single most important thing that you do that you believe is effective in promoting the mission of the grand juries throughout the state. So, I invite you or Audrey to come up here and share with us that experience.

MR. BLISS: You're not making any comments to each other?

MR. LEWI: You can do that too. This way you can get up and you can the microphone which would be better so all can hear you.

MR. BLISS: Come on, let's do a dog and pony show.

MR. LEWI: Oh, we're going to do a little team teaching here. Excellent. We even have two microphones.

MR. BLISS: We can get kind of bad if we both do it.

MR. LEWI: Well, speak one at a time, please.

MR. BLISS: I am sorry, we had to straighten out the bill so that we balance at the end of the day so the treasurer will be happy. So that's what we were doing. I just want to make a comment. We came in just at the tail end there. We had a similar problem in L.A. and in '99, '01 grand jury where homelessness was a big issue. There are many organizations, but there are several that the city supported and that the county supported, the City of Los Angeles and the County of Los Angeles. They gave quite a bit of money. The organization said – they had a board of directors and nonprofits and everything. They were willing to talk to us, but they weren't willing to open their books. We approached it in a different angle, and we asked the auditors – the Auditor-Controller of the county and the city controller, I believe – I may have the name wrong – that their offices would exercise whatever rights they had to review the contracts that they had made with this board of directors and say that they authorized the grand jury to go in there and look at it on their behalf. Well, they got very shaky and let us in and we looked at them. As it turns out there wasn't anything. They were doing it well. The only thing they had was a lot complainant – people that they were trying to serve who had issues of a personal nature. That's just a comment I might offer. That might be another route. Find out where the funding source is.

MR. LEWI: Follow the money.

MR. BLISS: Yes, where did the money originate and –

MR. NOCE: We were aware of where all the funding came from.

MR. BLISS: Sometimes you get to skin the cat differently, for different reasons.

MS. LYNBERG: I'm sorry I missed out on the earlier part of this. I have a lot of experience in nonprofits. I probably have about 25 years for United Way who really oversees a lot of the nonprofits because of the funding. I reviewed 87 agencies in Los Angeles County on the eastern part for organization and funding of grants. And within a couple of minutes or I should say maybe ten minutes, I knew just exactly where this organization was coming from. First of all, when you ask about a board of directors and how many are on your board and the usually numbers are anywhere from 18 to 24, and they tell you that they've just had an election, they do have some openings, and when you know that they already have 12 people serving today, they have had some people leaving after about three or four months, there's one key. It's financial. They get on the board, they're prominent people who want to help the organization. After four months,

they see the real financial picture, they're gone. They resign. They don't want any part of it. Another aspect of it is questions on how their budget is. What kind of funds they're asking for. One agency -- I had two really unusual experiences --

MR. LEWI: Audrey, may I have a second. Are you discussing this as something you did as a grand jury.

MS. LYNBERG: No, not as a grand juror but this is nonprofit knowledge.

MR. LEWI: I think we ought to try to concentrate on grand jury business.

MS. LYNBERG: Okay, it's key to what you're talking about. I'll just share this one.

As an agency, they ask for a lot of funds, like \$125,000, because they have been running in the red for about five years and want to get United Way to pick up the funds. Unless you're sharp on finances and what's going on, I said no. And I refused it. And after I said no, United Way sent special team in only to cover what they had said they needed, but they were getting a \$600,000 estate funds within six months. It was really maneuvers that I didn't like to see, and I was glad I made the call on that. So those are things in nonprofits that are really key and what you need to look for.

MR. BLISS: Okay. Jerry has posed the question about the single most important thing. I think it is are individuals getting out there and behind the scenes and publicizing such things and public relations that we can do. Like some of the things that went on in order to get the training sessions going at L.A. County. There were efforts on many fronts that the association itself -- and you had some individuals within our own chapter and then some individuals that are working on their own -- trying to get that accomplished and that's a real success story this year for L.A. I think there's a lot of people that need to take credit for that. There were some of us behind the scenes that were doing the same things trying to promote the training because when I went in we had no training, zero training. As you heard Judge Wesley, he was describing the jury I served on and it's promise. That's when he first got involved with being the supervisor of the grand jury from the judicial point of view. I'd say that's the single most important thing that's happened in L.A. County. The second one --

MR. LEWI: One at a time.

MR. BLISS: You mean I can't do two.

MR. LEWI: No. You might be able to come back later.

MR. BLISS: I might not have time. I might not be able to.

MR. LEWI: Go ahead.

MR. BLISS: I think the second one has been the privilege of putting on the conference.

Those of the chapters -- we're not huge. We're few in numbers and many of our people for some reason this became the travel season. I think they were scared I was going to really put them to work. It really wasn't too bad. Serena did an excellent job taking the work party of those of you that volunteered to put the books together. I think the chapter has been a highlight, at least personally for me, and I'll be able to report to our chapter how well they did and tell them they should get more involved.

MR. LEWI: Thanks, Andy. Appreciate that.

(Applause)

Andy, parking vouchers?

MR. BLISS: Oh.

MR. LEWI: Very important. That's a nice segway into something I did want to mention.

I was asked over the year by a couple of chapters what was this thing called a "Chapter Project" that's in the Bylaws to Policies and Procedures. I did a little homework on that. I learned that well it's kind of a fairly loose defined thing. We encourage chapters to think of a project where the chapter could basically work together with the state

organize to promote CGJA, and hosting a conference is absolutely perfect example of a chapter project, and the L.A. Chapter would certainly get credited in the big book in the sky having conducted an excellent project and I thank Andy and Audrey and other all the folks that made that possible. We'll talk about that later. That's an example of a chapter project. There are others. Let me throw out another example. We discussed yesterday the idea that maybe we ought to come up with some kind of improved standard complaint form to not only help citizens write complaints and how to send them in, but would help them write a complaint that would get more action.

Maybe a particular chapter might take that on. Maybe they will draft some ideas. Share it with other chapters and the state board through the membership or maybe the PR committee -- I'm not sure which would be the right committee -- and that could be a chapter project. So it's something that a chapter could do in conjunction with a state organization that mutually benefits everyone. So it's a pretty loose definition. It's

something we like to see people do. But, hosting conferences and hosting training seminars which many chapters do, certainly qualifies as that. Okay, I think that covers those chapters that have representatives here, but I'd like to turn to some of the independent associations, so if Sheldon Singer would like to come up and give us a comment about Orange County, that would be much appreciated. While Sheldon's coming up here, I might mention that though no one is here from Napa, the Napa Chapter. I did meet with

them and they offer supplemental training to their county. They sometimes accept it and sometimes not. But, they do offer that. That's a good thing. They also reported they have pretty good relations with the court, but they have terrible relation with their local media. So if anyone has any good ideas of how to deal with the media. Apparently the local media just thinks that the grand jury is the worse thing in the world. They take delight in picking up any little mistakes the grand jury might make as grand juries, unfortunately, have a tendency to do. So that's something we might try to help Napa with. Yes, Serena.

MS. BARDELL: A friend of mine that lives in Napa brought me maybe a year old printout from the newspaper of the entire grand jury records. So I'm some what surprised to hear you saying that.

MR. LEWI: I'm reporting what they told me.

MS. BARDELL: I have it.

MR. LEWI: Well, that's good to know. All right, Sheldon.

MR. SINGER: Good morning. Several things. I was foreman of the '98, '99 grand jury. When I got off I realized that \$25 a month – a day was not sufficient. Particularly for some of the gals that had kids et cetera, et cetera, et cetera. When I got on the board six years ago, and I'm going off at the end of this year, I approached the board of supervisors and four and five agreed and they raised us to \$50 a day. Since then our pool is over 200 a year. We have got over 200 members in our organization and we have quarterly luncheons and we seldom have less than 100 or 125 to a luncheon. We have great speakers. I make sure to call the foreperson before each of the luncheons to invite them all to come and we pay for it. We have a good deal, so it's not very expensive. The last six months or the last luncheon in June, we give them at no charge and when they get off the grand jury July 1 we give them the next six months free also. That's how we manage to keep at least 200 members. We have not gone below 200 in the last five or six years. I'm not sure what it is now because we're in transition of course. We manage to stay with all the county functions. They recognize we're a pretty exacting organization and they always call and say would you like to either say something to the grand jurors coming in and the new grand jury usually invited the president to come and talk for 20 minutes or so about what the Grand Jury Association will do for them and how we can help it. So we keep a very close contact with each of the sitting grand jurors. This year, at this conference, we had seven

members, several of which are board members. We always have a good turnout. We have many things that we do that create monetary reward for us. We have not CTA in Orange County, the Orange County Transit Authority. They tried to get a half cent sales tax for transit and they finally succeeded in 1990 only when they said that the Grand Jury Association, not the seated grand jury, but the Grand Jury Association would be the group to take care of monitoring the members of the oversight committee, and we do that each year for each of the five supervisorial districts and get paid very handsomely for it. We're in the process of doing measure M2. This started in 1990 and is over sunset in 2010. But next year 2006, they are to going for M2, measure M2 and again on several of the OCTA's committee and they will again include the Orange County Grand Jury Association as the person to monitor the members that are necessary for the oversight committee. So we stay involved to the county. We never have any problems. Whenever we need something we get it. We have a nice facility. It's going to get bigger because we're approaching – we've got about 3.2 million people. I think the biggest thing we do is to stay close to the county supervisors and heads of different organization so they know that the grand jury is there and the association is there backing them up.

We have no problem. Thank you.

MR. LEWI: Thank you, Sheldon. I've been to a couple of their meetings, and they are a pretty darn active group. That's for sure. Jack Vaughan, are you going to speak for San Diego?

MR. VAUGHAN: I guess so.

MR. LEWI: It's either you or Russ.

MR. VAUGHAN: I think one of the biggest things that San Diego does is have this Implementation Review Committee. That has been in force for the county for a number of years. We have been trying to get an implementation review committee for the city of San Diego and we've struggled through and because of the problems that the city has had we've been a big problem. We think we have a breakthrough because the current person who handles all the way that things are done in the city is very much for us. So we think that maybe we will get an Implementation Review Committee for the city of San Diego. We have had a very long experience with the county and the county has been extremely helpful and they recognize that the Implementation Review Committee helps the county do things that they would not have known about.

MR. LEWI: All right. Thank you, Jack. Sherry, is the Placer County Association active at all. You and I had a conversation about that.

MS. CHESNY: Yes, as far as I know, they are.

MR. LEWI: Is there something you could report to us that they are working on?

MS. CHESNY: Well, unfortunately, no because I've missed the last two meeting because of seminars.

MR. LEWI: But do you know from past history something that they have done in context of promoting the whole grand jury system and could you come up here and tell us something that they may have done with that in the past. I don't like putting people on the spot, but as long as we're all together, we'll try.

MS. CHESNY: Especially since I've missed several of their recent meetings. So, I really don't know what their currently up to. They have tackled several things, but one of their main activities that they do is they do help with the Sacramento seminar. Bill Burnett who is here from Nevada County. Nevada County is next door to Placer. The two chapters – Placer is an independent association. So, Placer and the Nevada chapter have worked together to supply volunteers, and they help staff our seminars. We use volunteers and really for any of you, even if your chapter isn't right there, they are all like an hour away from Sacramento. But still Sacramento doesn't have any group and if they did, we'd work with them too. We really need people. Nevada County help with everything. They assembled manuals – Bill is laughing – hundreds of manuals. Those training manuals that I held up yesterday, they were all assembled by hand. These chapters work. You know, a month in advance we start doing these manuals and getting the up. We have work parties where we get together at a chapter meeting and do that. So, you know, I think that has really been a big help. We couldn't run a seminar without the entire staff that the volunteers provided for us. We have timers that sit in each session. We have little timecards that say halfway through that hold that so that the speaker knows that they are halfway through and they can kind of judge that to speed it up or not. They hold up another card that says ten minutes left, which means winds it down, get into Q and A. Then they have one that says stop. When that red card says stop, that is it. That means you have to stop because we have rotating seminars. It's very important that they all start and stop on time because otherwise it throws off the rotation. So they're really a big help. They just do all kinds of things, put things out on display. They are there at the front table. They help the jurors with questions. So any of you that are close enough, I would certainly welcome, either individually or as a group your help with any of our seminars that you would like to come to. As to Placer, they have been worked on – the last time I left, they had some issues that they wanted to address about – what was it about. They wanted to meet with some people in the

county, I think, with the judge and revising some of the ways that jurors were – I don't think it was the selection process it was more – I can't remember what it was to tell you the truth. I hate to say something and then not be correct. I was so involved in the seminars at that point. Since June, we have been working on seminars.

MR. LEWI: At least they are trying to do something.

MS. CHESNY: I'm trying to go back from like the Spring of what they were doing, and I'm not remembering back that far. They did want to – I think there was some issue that came up that was like and ongoing thing and they weren't – you know, how sometimes the jury will investigate something and then the changes are not made so the next jurors follow up and the next jurors follows up and it goes 10 years later that the issue still exists. There was some issue that came up that they were talking about as an association – whether they were doing it as an association or individual members – of maybe there was something they felt needed to be looked at again that was still not resolved, and they wanted to know if they could file a written complaint with the grand jury. I don't know if that was – I would assume is that as individual citizens you're still free to do that. I don't know if they were going to do it that way, but it was discussed at one of the meetings. They have had speakers. They did do one thing that I thought was nice. They had like a grand juror reunion. They invited, I think, it was back jurors back from five, six or more years. They had a speaker that was on of these issues that was ongoing that had not been resolved yet. It had to do with some county construction. They had 90 some people attend. So that was really great.

MR. LEWI: Okay. Thank you. Yes, Sandra.

MS. PARKER: One of the projects that we had batted around before and is surfacing again because I see there is a lot of interest. We have not been real happy with our training in our county for the last couple of years. They have chosen one person to do it. And, that is a very, very narrow view. We have discussed this before – and I've talked to some people here – we're trying to get a five county group together where we can moderate King County, San Luis Obispo, Kern, and Santa Barbara. They are all less than a two hours drive from San Luis Obispo. It is the hot part of the year so everybody likes to come west. And if you'd like to help put on the training seminars for the five counties, we can get a better response, and we certainly would appreciate the training.

MS. CHESNY: I know our trainers are all dedicated volunteers, dedicated to training. The more jurors they reach, the better they feel about it. I think financially and everything it takes about 60 jurors to put on a

seminar where you can even begin to break even. And even at that you're probably losing a little bit. Now the mandate from CGJA training committee, which I think was very good, was they don't care if a smaller seminar goes in the red as long as the entire group of seminars, as a whole, that we at least break even. In our larger seminars like Sacramento, we'll show a profit so we can do it. But, under 60 is kind of dragging us a little bit too far under. But if you get any group of 60 together, we'll be glad to send the trainers.

MS. PARKER: We should be able to do that with five counties.

MS. CHESNY: Oh, yes, definitely.

MS. PARKER: It's less than a two hour drive. Our problem was going somewhere is that we don't know have -- and the counties I'm talking about, except for Bakersfield -- really doesn't have good airline ways to get somewhere, they have to drive for an entire day ahead of time.

MR. LEWI: They don't even have good roads to get anyplace.

MS. PARKER: It would be less than a two hour drive for any of those counties.

MR. LEWI: Why don't you two work together on that.

MS. CHESNY: We'll even be willing to work with you to come to some intermediate think, if possible.

MR. LEWI: I notice that there are -- Andy, what was the plan on taking advantage of the little service back there. Just people come up as they want or should we take an official break.

MR. BLISS: I think you ought to take an official break.

MR. LEWI: Let me do that in just a few minutes. I want to throw out an idea that is kind of the reverse of the chapter discussion we have been having. This is a personal thought on my part. I don't necessarily have board approval to do anything directly. I just want to get a little feedback. First of all, how many of you here this morning are in a county where there is no chapter. Let me see a show of hands. About a third. By actual total membership count, it's about half and half it turns out. It's no great surprise that the largest memberships of CGJA's are in the counties where there are chapters. That should not be a big surprise to anyone. That turns out to be the case. So I've had this idea that for people like that, and I include myself obviously, are there things you could do an CGJA member to help do some of the things you've heard about, assisting the grand jury, help in recruiting community outreach, implementation of all of the ideas that you've heard this morning, and I have this thought that maybe even as an individual

person you might be able to do that. I'll just share with you some things that I've done in the last two years. In the last two years, I met with both of the sitting grand jurors in Ventura County. The first year was a natural. I was able to go there to go there to present them with the Excellence in Reporting Award they got last year. I chatted with them, talked about what we do and they appreciated that. They seemed not to know what we do, and they took advantage of things like our website and our journal. Ventura has never sent anybody to a conference since I've been with the grand jury and have sent anybody to a training seminar. That's a personal challenge for me to work on that and I have. This year I went back and this time Ira joined me to kind of do the same thing. Again we got a warm reception but no real active. But at least I've been out there promoting CGJA and offering help in any way that we can. The question would be is something that those of you who do not have would think it would be worthwhile to take on? Is there some benefit to doing that? Would it help recruit more grand jury? Would it help recruit more CGJA members? I had some hope after Ira and I met with them that maybe one or two of them might show up here and one or two might join the association. So far it hasn't happened yet. I'm going to go back in June and offer to help in their training for Ventura, the sitting grand jury participates and part of the training for the incoming grand jury at the end of their term. I'll try to do that again.

So is this – it might discourage people from forming a chapter if you thought that you could do that on your own. It also suggests that maybe you might be doing something that would be counter to what CGJA believes in if you didn't have some support from either the membership or some committee of the board or the board itself. So I just throw out an idea. I just wonder if anyone has thought about doing that or has tried to do it or do we have any response. Dan?

MR. TARANTO: Well, the only concern that I would have on something like that is what if you have a county that has 20 independent juror you would want to do something that is approved independently then you have a lot of different instances and it might not coincide with one another.

MR. LEWI: I think that's a good point and maybe a comment would be, if you want to try to do something like that and represent yourself as a CGJA member maybe we ought to find a way for you to contact other CGJA members in your county to make sure something like that doesn't happen. Your concern is valid. Les?

MR. DAYE: Some small counties relationship is so close that getting the jurors to the training seminar has been the main thing that's proven to be successful. A county like mine with two judges, and one court person, and about five total personnel and they don't have anything to do with the court. I know them all and they know who we are and there are no projects that are willing to take on. I'm working with Alpine,

and I'm trying really hard because I found out that they did something in 2000 about jurors and the grand jury, and I'm trying to get them to follow-up on that and be a little bit more public about what they're doing.

MR. LEWI: So you're in effect doing the kinds of things that I'm suggesting?

MR. DAYE: Right.

MR. LEWI: Good. I'm glad you're doing that. Okay, why don't we take about a ten minute break. There is coffee and service in the back of the room. We will continue in about ten minutes.

(Break)

MR. BLISS: Could I have our quests come up. A couple of housekeeping items. This I believe is almost our last session except an adjournment which Jerry will handle after we're through here. I want to remind you of a couple of things. If any of you are here just for the day and brought your little putt putt and you wanted to get a cheaper parking, see me, I have a \$7 ticket for you, as opposed to a traffic. Second thing is, in your folder you have a pink slip at the back which is a kind of a rating. I wish you would rate us and check off what have like and didn't. Tell us about the things you didn't like.

There is a box outside the door and place it in there. For those of you that may not have one there are some blank ones. We really would appreciate it because it gives the next year some idea of what they can do to make it more comfortable for you relative to the amenities and programs and such. This isn't a time filler. Some people may have

thought that what we put this last session in. I think it is probably the most important thing that a grand juror faces at the end of their term. Well, I've really done a great job. I really had fun, or it's been a real mismatch whatever. Maybe I'd liked to something else or maybe I don't want to do this for sure anymore.

There are all kinds of notions going on as you finish your tour of duty. We thought we would like to put before you a

group of people – and this is just a very small sample of the people, particularly in L.A. County – who have found life after grand jury service. In some ways some of the things they have done have been things that pertain to the judicial and some of it not.

So without any more comment on my part, I would like to introduce Robert Burns, a L.A. County grand juror in '96, '97. He's going to tell you what he found to do.

MR. BURNS: Can you hear me all right? Can anyone not hear me? First of all, go ahead and complete your evaluation before I speak. I don't want to be included in your evaluation.

(Laughter)

In '96, '97 we had one grand jury. We heard criminal indictment and had the civil oversight. Could I see the hands of the people that are just on the civil oversight grand juror? So most of you have done both, criminal indictments and civil oversight. Well, I really like the indictment part because you could have all of these people come before you and testify, and we heard some weird things coming from the county coroners office. How many various ways you can kill people. I guess you've all heard that too.

When I finished my grand jury service, I belong to the L.A. County Grand Jury Association and they had a speaker to come over and I forgot who it was. He was a former grand juror who said he was in the jury docent program. I didn't know what that was. He explained to me they go to the courthouse and meet the new grand jurors and – I like to say – tell them how happy they are to be there. But a lot of them don't believe that. Anyway it had a lot to do with how jurors react to the service. So you're meeting new people every day, every time you are there and trying to make their service as a juror in a criminal or civil case a lot more enjoyable. I happen to be assigned to Van Nuys – first of all to be a jury docent we had three days of training. We went to Long Beach. At that time you had to serve up to 20 or 30 days when you got a jury summons. So a lot of time sitting around. The current system is one day or one trial.

If at the end of the day you haven't been called for a case, you've completed your service for the year. If you're on a trial, you're expected to serve the duration of the trial. We get a lot more jurors that way.

Under the old system when you had the 30 days trial service, if your employer did not pay for jury service they would excuse you. And, they would excuse you for a large number of reasons. Currently they don't excuse you for anything unless you're a police officer. There are exception to that if you have a medical disability or if you take care of an adult or child between the hours of 8:00 and 5:00 and don't work outside of the home they will excuse you for that. By and large everyone has to serve, doctors included. In fact, I was on a case Monday, I got kicked off of it in the afternoon, but there were two doctors there in the jury pool and they were asking could they be excused. So no one is really excused unless they are a peace officer. Here's what we do. I go to Van Nuys. It's a pretty large court. I think, they have 58 courtrooms there. One of the largest in the county. Certainly one of the largest in the state, but not in the country. So there are five of us out there. One gentleman, he's not a former grand juror, but he's 85 years old and there like clockwork and is a very reliable guy. There are five of us. So if someone is sick or on vacation, there's always a crew there to meet the new grand jurors and look at their summons. They don't do this in all of the courts. But, in this particular court, we meet them in the lobby at a table similar to this and look at the summons, because we know what has to be completed.

This is an old summons. They have a new summons now that they complete, sign, and date, and put some emergency contact information and employment information on the back. A lot of people ask you how can I get excused. We can't excuse people. We do have a doctors statement. We turn it over to the jury coordinator and he tells them whether or not their excuse is sufficient. So we meet the new jurors as they come in at this front table and make sure their form is completed and if they have any questions about where can they get coffee, where the restrooms, when they have a break, how long they have to be there, we answer those questions. A lot of them want to know do they have to stay there until 4:30. Well, they do. The first day you have to stay the complete day to see if they excuse you. In addition, we hand out this form, which one is a letter from the supervising judge -- and another thing I like about Van Nuys the supervising judge, every term since I've been there, except the first one, has come down to speak to the new jurors. We had one judge who is downtown now, he came down and he would speak for about 30 or 40 minutes, and if you didn't want to serve then he could make you feel guilty for trying to get out of it in any way. I mean he really believed that jury system. I do too. When people tell me how much can I get out of it, or I took the summons and threw it away, that used to be comical, but it's not to me anymore, I think it's very serious business, and I like the court system the way it is, the way it's run. I know people have to sit around a long time, but we try to make it as pleasant as possible for them. This letter is an admonition to the jury. You can have some of these if you would like. You can postpone your service up to three months from the initial summons. So a lot of people say I can't serve this week. I have plans to take a vacation or something like that, they can postpone it. The other thing is the excuse for financial hardship. A lot of people think that that's if you have any financial problem that you can file for an excuse. They overlook the word "extreme financial hardship." In our section you might have a movie producer over there and he file a financial hardship and you look at his income and there's only a quarter of a million dollars. Well, he must have a hard time. We don't weigh those. We left them fill out a financial hardship form and when we get them together we take them up to the judge. This rotates each month with the judge that sees them. We have some specific guidelines which is confidential information but the judges have that. They take into consideration how many members are in that family, how many children, how many employed people bringing income into the family to decide that. If the judge turns down that financial hardship request they can postpone their service which is still within the three month period. They are pretty good about that. The first thing that happens after all of the -- all courts do not do it the way we do. We'll hand you the form at the door. You sit down and fill it out and put it in the basket. We take them and they are complete. So when they're in the jury assembly room they have all the

information they need. The other thing we give them is an orientation program and it tells you where the cafeteria is, parking, jury payment, non government employees, and then all of the courts are listed on the back with a phone number so if you go to a specific courtroom, you get sick, you can't report the next day, you'll have the number right there to call. So when they have that the judge comes down and then he speaks for – this one speaks for a short term, maybe five or ten minutes – thanking them for coming there, realizing how much of a hardship it is for them to be there. Telling them they will be sitting around a lot during the day. He also tells them – and this is important – that once lawyers see a jury on the way up to courtroom, they settle a lot of cases. You'd be surprised how many cases are settled when they say, well, it looks like we are going to go through with this anyway. So they will settle the case before it even goes to trial. After that we show a video which is about 30 or 40 minutes long, taking you through a dry run of what a jury would do in the courtroom and what his responsibilities are and what the judge would do and what the lawyers will do. After that they have a verbal orientation by the jury coordinator telling them evacuation procedures, payments, what they are expected to do, warning them not to talk to any lawyers or judges or anybody about any case. They must always wear their badge because a lot of people lunch at the same place and you might have lawyers over here talking about a case. You wouldn't want them to be in earshot of where you were if you were a jury. After that they have a break. During the break we do our clerical stuff. We are the ones that photocopy all of these things and put them together with the badge and we issue them to them when they come in. If we have new jurors and somebody will say whether or not – we might ask them whether or not they are a new juror.

Based on some of the questions they've raised, we hand out these guys. One is Visitors Guide to the California Superior Court. I'll leave those up here. The other is the Trial Jurors Handbook. It tells them how they are selected, from what pool they are selected from to get their name to be a juror. One of the features that I like, and not everybody does this. After we finish that we are really done for the day except to go get the financial hardships and bring them back down. There's a lot of trials that go on over there. The Robert Blake case was tried over there. It so happened that the prosecutor in that case was our legal advisor for a short time when I was on the grand jury. So I was particularly interested in that case. Although he lost the case, I think woman are still safe as long as Blake and O.J. still are not married to anybody. The other thing I wanted to say – do you have any questions for me? Anybody? About being a jury docent or court cases or anything else? If you think of something later, I'll stick around.

(Applause)

MR. BLISS: Bob, thanks very much. You gave us some incite into what you do and how you interface there with the jury service, particularly in Van Nuys. We have with us Pebbla Wallace from the Court Services

and she's in public relations. I'm going to pose a question to her. She didn't know I was. If I've caught her off guard, that's too bad. If I didn't you'll know how good she is. Why did the court services think they needed to have something called "Docents"?

MS. WALLACE: As Bob was saying, the reason why we did was because it brings a more friendly face to jurors when they're coming in for their first day of service. One of the things in Los Angeles Superior Court, we summons approximately 10,000 jurors per week. Many of our jurors do not want to be there. As you can imagine. The docents are there to put a friendly face on jurors. Also many of our jurors, now that we have one day, one trial service, many of our jurors that were excused previously because their employer didn't pay for a variety of different reasons, can't get excused any more. So they're coming for the first time, never been in a courthouse before, and they're terrified.

The docents are there to kind of put a friendly face, welcome them to the first day of jury service, answer any questions that they have. Also they are sort of the buffer zone for the jury. They are the liaison of jury service. They are there to answer questions like where's the restaurant, what time can I go and have a break, where are the bathrooms, what's a good restaurant around town. If you've never been in a courtroom or are unfamiliar with the area, the docents are familiar with the area. They know the area. They know where the post office is. They know where a good restaurant for under \$5 is. They know all these things. They're there to help the jurors who are afraid and they're there to welcome them. One of the other things – depending on the courthouse – they do a variety of different things at the courthouse. In Van Nuys, like Bob was saying, Van Nuys does a lot of things that a lot of the other courtrooms don't do. They have approximately seven docents altogether in Van Nuys. And they could not operate in Van Nuys jury assembly room without these docents because they handle a lot of things that normally the staff would have to do, like answer questions when the staff could be on the phone or getting prepared for their jury orientation. The docents there are buffer zone. They answer the questions. They will say, why can't I get out of the jury duty. The docents can answer that question. They will answer them about a variety of excuses they can and cannot get excused for. They actually postpone the jurors. The jurors will fill out a form and postpone themselves to a more convenient time which no other courthouse does in Los Angeles, but because we have such efficient docents that can handle a variety of duties, they just can't operate without them in Van Nuys. They are really a plus for jury duty. The other thing I wanted to talk about a little bit and I know all of you are from various counties and you all don't have a docents program at your county. I would suggest that the contract the jury district or coordinator at your county and find out if they

can start a docent program in your county because I know -- I was a president of the Los Angeles Jury Education and Management Association and some of the counties -- I know Kern County that called me and said, "Hey, we would really like to start a docent program in our county. How did you go about doing it?" Some of the counties are starting to think about this because they know what a benefit these docents can be in assisting the jury. They are the happy face on jury. I mean, we can't operate without them. I should also mention that a large amount of our docents in Los Angeles county have come from the grand jury. So they know a little bit about jury, not in detail but they know how it works and they know a little bit about the system. A great amount of our docents have come from the grand jury and they have been a plus. Bob has come from the grand jury, and I think half of our docents have at one time come from the grand jury and the ones that are docents now, switch back and forth and they hear about the grand jury by being a docents and then they sign up to be a grand jury member. It's a great benefit for the court all around. I guess, I should say the only qualifications for being a docent -- not the only, but one of the biggest qualifications is patience. You have to be outgoing and able to work with a variety of diverse type of people. You have to be a people oriented person. If you don't like people, then the docents program would not be the program for you. I know that many of our grand juries are people persons. I guess that's the way I would say that. I urge you -- if you're interested in this program -- to contact your county. You can either contact the judge at your courthouse or the district coordinator at your courthouse in your county and ask them how you can start being a docent in their courthouse. I think Bob covered most of the stuff that they do. They're the liaison of the jury system. They provide information. They put a happy face on the docent program. Does anybody have any questions?

MR. HAXTON: I got my hand up early this time. You have a docents program. You must have a number of people in the program. I'd like to know what the size of the number of docents there are and what is their longevity. How long are you able to keep them?

MS. WALLACE: We have approximately 25 docents throughout Los Angeles County from Pomona to Long Beach. We do not have one in Lancaster right, but they're all over the county and the longevity is pretty long. Like I said, most of them come from the grand jury. How long have you been on the docent program, Bob.

MR. BURNS: There are five of us at Van Nuys. All of us have been there at least five or six years or longer. There's other people that come in other days during the week. We come in mainly on Monday when they have the big influx of jurors. Although I stopped by there yesterday and the place was full of jurors when I

picked up those forms. A lot of people travel quite a distance. It takes me about 30 to 40 minutes on the freeway. Some come from Calabassas. As I mentioned earlier, the oldest guy there is the most reliable, always there. He is 85 years old. It's a two edged thing. You want to see the people and meet the people, and I like doing that, greeting the people and helping as much as I can. The other part is you're helping the staff there too. We take a lot of these. I know how to handle these. I know where they go. I sort them for them. Some jury people would prefer not to have the docents encroaching on their work, but in our place they seem to like us helping out as much as we can. So we think we're helping the jurors as well as the jury coordinator.

MR. BLISS: I think afterwards the board of directors, at least, will have some opportunity. The rest of you can ask questions when we adjourn this session, but I need to move it a little bit along. Guess what? I served on a grand jury. When I first came in, I wanted to know what they were going to look at and what we were going to look for. What people were interested in. As you well know many of you may have their agendas.

We were able to amongst ourselves come down and decide, well let's look at those kind of places that hadn't been looked at or hadn't been looked at for years. As you know in L.A. we have 88 cities. There's a lot of rich material there to go looking. Well, one thing that's common to all these cities is they have elected represents. For the most part the election process is handled at the registrar recorder, except when they are municipal elections and they're handled at the city clerk levels. Although more and more are going to having it as a one election in the county registrar. We can find no record of anybody ever walking in the county registrar's office and looking for them. I was one of four people that went in and visited with the registrar recorder. Her office told us -- took us around and showed us the works and at that time they were getting ready to

do touchscreen voting. That was kind of exciting. Nobody ever heard of that. They had great plans and they were good plans then and I think they're good now. Well, I made touchscreen voting my afterlife after grand jury service. It was quite rewarding. In

fact, I should be there now rather than here because we're doing the touchscreen before this November 8 election. That's one way that I was excited in going in and doing something different, and it was motivated through my grand jury service. I thought you might be interested. I'd be glad to talk to any of you outside off the grounds or at any other time. I just thought I would throw that out. You may want to look at your voting process in your counties. That might be something that would be worth look at. For the most part we rely on, we as citizens, rely upon the parties to see that everything is accurate and done well. And they do do an interesting job. There must be a good word in here, but they do their job. At this time I would like to introduce a lady who is the epitome of grand jury service. She served as a grand juror in '93, '94

and just as a small comment, she hasn't quit. She hasn't quit serving. She's going to tell us about some of the ways she has served after grand jury service. I'd like to present Jaclyn Tilley Hill.

MS. TILLEY HILL: Many of you I've met. I tried to get around to most of you. And I'm just –

MR. LEWI: I'd like you to use the microphone for the sake of the transcript.

MS. TILLEY HILL: Then I'd like to invite you all up on the stage.

(Laughter)

You can hear me.

MR. LEWI: Okay, let's try it.

MS. TILLEY HILL: The first thing I want to tell you is that it is a phenomena that there is so little education about grand juries. Literally the entire world needs to be educated about grand jurors. When you go to lawsuit they have a little – maybe a couple of sentences about grand jurors. I know that because my oldest daughter went to law school. She had no clue what grand jurors did, what their responsibilities were, what their purview was. By being her mom and on the grand jury was able to educate my own family as well. The fact of the matter is that here in Los Angeles County with 10 million people, 90,000 employees are employed by the County of Los Angeles on any given day. We cover over 5,000 square miles and you're sitting there thinking, what do I have in common with anyone from L.A. County. I'm from smaller areas. We just don't have the relationship. Oh, yes you do because you have the same thing that I have, and that was my interest, my opportunity to serve that I grasped, that I was interested in, that I embraced, and more importantly your dedication and what you believe in and the values that you are willing to stand up and step out for, and that's what we all have in common in this room. After I was interviewed to be the foreman – and I use the term foreman, and I'm very proud of it. There was only one other woman in the history of Los Angeles county that had ever been selected as the foreman. You better believe when my turn came I sat down with the presiding judge of the criminal courts division and he said you looked like madam foreman to me and I said thank you very much. That went on my title. That went on my card. That's how I was referred to everyday, all day. You may say that's not politically correct and I say it is. I'm 64 years old, and I've do I men my entire life because there weren't too many woman interested in business, there weren't too many venture capitalist, there weren't too many people doing what I was doing and I wanted the same title that all the men had. Those of you older women in the room will appreciate that. My daughters can't appreciate that. It's no big deal.

Other than being an unbelievable year, '93-'94, I had many opportunities within the system itself as the foreman. I was invited by the superior court the presiding judge to speak to judges and I thought, Oh, my gosh what am I going to say to them. Well, I'm going to say to them the same thing that I say to everybody else. You have a responsibility. As a citizen you need to step up and stand out and start serving on the juries, start serving as an example to fellow citizens. This is a major role and we in this country need to understand how important jury service is. It is the very basis to be judged by your peers. This is what we all stand for and how we were created in the in very beginning. So these judges thought, "wow." I need to talk up to a few more people and encourage them to serve on the grand jury. Well, what happened in 93-94 those of you who followed a little bit about this understand that you never needed to be invited to participate on the grand jury. Most people who served on grand jurors were retired. They could take a year off and dedicate to jury service all day every day to be on the grand jury. We did receive \$25 per day per deem for serving on the grand jury.

Now, \$25 a day, I know that's not a lot of money. You can really be a good money manager, but it's a little tight with everything that goes on. So it was not actually in the big bucks category. After I left the grand jury the whole world seemed to have exploded and I went ground. There were opportunities for a very high profile life due to the cases that were addressed during that year and I never referenced anything – never mention a case, never mention anything that took place. That's been my policy and I stick to it. I actually had an individual from UCLA that was doing a history of grand jurors and he wanted to interview me and I said I wouldn't accept the interview. He said, "you know, I'm having a problem. I've been all over the United States and I've tried to interviewed many grand jurors and no one will talk to me." So I realized then that there are many grand jurors that feel as I do. Los Angeles County has a commission called the Economy and Efficiency Commission. It's composed of 21 commissioners. Five supervisorial districts covering 2 million people each, send four individuals each that they appoint to serve. Your responsibilities as a representative of that year is to take that knowledge and take the report and move that report's agenda forward. Try to keep it in the forefront. Try to raise awareness of the issues that were covered during that year. After serving the year – you know how you felt after serving the year. You were a powerful person. Unfortunately, the day you left you had no power at all. It was all over. It was time to do something else. I still had all of this energy. I realized that I had some issues that I was not aware of. So what I started to do was meet the people, talk people, find out that perfect strangers that had served on previously were really very interested. Then this opportunity came up. They were going to do a review of the natural history museum, and they wanted to review their boards and their funding and

their donors, and how they were spending their money. Well, I knew a great deal about finance from my background in volunteer work, so I asked if I could participate in that and he said, "no. I think they're full." So I kind of tagged along and before long I

became recognized as having some information, something to contribute and then they started treating me a little different. Anyone can do that because you take your interest and you try to learn about people, you learn how you can relate to the people, and soon you learn you have something in common and you're all working for a common goal. As long as you keep that goal up, you have something in common with that person next to you. That kind of distinguished me. Then we got into some very, very interesting things. One of the things was a change in jury service. Los Angeles County had long been looking at bifurcation of its grand jurors. It had never had grand jury. We only had one grand jury that served at any time, although there are provisions that at any time several grand jurors can be called. That had not been done. There are tremendous demands on the grand jury. 84% of items were on criminal indictments.

So we were getting challenges. Lots of challenges. Maybe you read about those in the papers. There were legal challenges. We were not a diversified party. We were not necessarily a cross of Los Angeles County. I am proud to say that I did serve on the most highly diversified body in the history of the county in 93-94. We set that precedent. We know it could be done because it did happen. We had one. But we needed to have one every single year. We needed to reflect the constituents. We were asked to review that, to do a study and come up with recommendations. So we made that recommendations. We wanted everyone to know that they could be eligible, that the could apply to the grand jury and that kind of opened up to entire system and became a very warm and friendly outreach. Having the docents that are very kind and knowledgeable and friendly. And, the entire system has changed. The reason it's claims is because they recognized the need to change and they knew that the needed to get those citizens that were available that could actually come in and serve. So many, many changes were made. While these changes were all being made, things were happening to me. The next year the grand jury foreman didn't want to serve. That was my luck.

One of the things that happened is not only the options and opportunities that happened but I just got really, really lucky. So the superior court asked me would I serve. I said, "Oh, yes I sure would. I would be happy to." Before I knew it the next one didn't want to serve either because they were exhausted, absolutely exhausted at the end of the year. I think it's very interesting but very exhausting emotionally spending 85% of the time on criminal indictments. I have had the opportunity to be a liaison for Quality and Productivity. It's the Quality and Productive Commission that I have been the chair for the last six years. In '96 I was the liaison and I really liked the Quality and Productivity Commission. The reason

that I liked it is because they have a lot of money. They funded, created innovative type projects for the county and I thought that's a great way to transfer the information that I have now and go on to do something that I thought would be very exciting. I also felt that there are lots of opportunities for enhancement of the programs that they have. Everything was in this place. It was a 20 year old commission. They were highly respected. It was just a great way to look for opportunities. Not only are we a premier funding resource and alternate funding resource for all of the departments, 35, 36 departments in the county, but we continually – we just got new funding. We circulate about \$52 million since we have been initiated in that team in 1981. Every quarter there are proposals that come before us and these proposal can only come from the department. That's the only people that we fund is the department. We look for really interesting, really innovative projects.

We have just been given \$4 million in July and another \$3 million in September at the budgets hearings and that is the largest amounts of money in the shortest period of time with the Quality and Productivity Commission. A lot of options and opportunities that have surfaced in the county have been discussed and have been 100 percent supported by the CAO and the board of supervisors for any of the initiatives that we wanted to move forward. One of the things we wanted to move forward was the energy crisis. That was a serious thing. We felt that the Los Angeles County needed to jump on the band wagon and we could make significant changes. So we met with Edison. Edison had lots of materials on how to save and reduce energy. They were simple things like closing the drapes. I went extreme. I did things like taking the lights out of the refrigerator because I wanted that ten percent reduction. I knew that if I was trying to be an example, I could really become an advocate. Another thing that we did – after 9-11, we thought there was a real need to get out a huge campaign on strengthening our relations with each other, our fellow workers. So we did a "Stand up and support each other campaign" throughout the county. It was a phenomenal poster campaign throughout the county. One of the things that we are now working on and we have become really well-known for is our recognition. We recognize county employees. We just had an event. We had almost 575 who are supervisors and department heads there. We have really built a really strong support group. I want to ask if there are any questions or responses?

MR. STAPLE: I'm just a mere mortal male grand jury foreman. My concern was that you think that you needed to have a friendly face to provide to jurors when your own employees should be the friendly face. In the Orange County court system especially in the jury system, we really have people that have friendly voices and are very friendly to everybody and the jurors feel very comfortable with them. I think that one of the things that civil organizations don't do is train their people that there are customers who are citizens in front of them, and they are the ones who are to present the friendly face.

The other thing that I'm really surprised because one of the other things that you can do is that in every court in the State of California is the small claims court mediation. This is program is serviced by volunteers. I just mention that as another way of addressing what you might do after grand jury. The other concern that I have when I heard this title of "Life after of the grand jury" my concern would be that the former grand jurors are interfering with the new grand jurors. During my term we had a number of incidents that happened. First one of the former grand jurors tried to influence the conduct of the grand jury investigation. Another grand juror had the appointment of a new secretary for the grand jury. That is the civil employee, not the secretary that we chose. Another ex-member represented himself as a current member at a board of supervisors public meeting and with that there was a letter of reprimand given and told that that was not what should be done. As former grand jurors, we are there if they need us. The association should be receptive to advice. Let them make the initiative. Don't interfere with them. I know it's hard to do. We had this wonderful year of life, but we need to let them come to us if needed.

MS. WALLACE: Can I respond to the one thing. I didn't mean to emphasize that the staff is not friendly. But the docents are outside the jury room. They are the first face they see before they even enter the jury assembly room. So what I meant to say is that they're the first people that they see before they even meet the staff to give them information, to hand out information to them. That's what I meant by the friendly face, not that our staff is not friendly. We have a very friendly staff. I'd like to emphasize that.

MR. BLISS: I would like to make a comment. I'm sorry if you got the impression by the title that this was a how-to-influence or do things within the grand jury after you've been there. This was what you do after you've worked there. What may have triggered you to do these kinds of things. And I think that's what we have been able to say. I surely have not been down to the grand jurors office except to talk about our training program and to participate in part of the training as an invited guest, and I don't think anybody else has either. This was to be how you can resurrect yourself out of the service you've just been in and do some more. Hearing and seeing no more questions I want to thank our quests. They have given us some insight as to what we can do in one of the smaller county's in the state. I think we've all had fun. We've all come from various corners of the county, and it is an interesting process. Our government, whether it be the grand jury or dog catcher or any of our elected officials, so thank you.

(Applause)

MR. LEWI: Thank you, Andy. And thanks to our speakers. I think it's very worthwhile.

I see the audience is dwindling but I have some good news. We have an election. We have an election certified by the teller committee of Linda Baker, chief teller, Tim Colbie, and Lew Avera, and I thank them for their effort. Reading the results alphabetically by region. Our elected directors from the north region are Bill Burnett. Is Bill here? I hope he didn't leave. Bill Burnett, Ray Hoffman, Diane Masini. The three of them are from Nevada County. Diane, I know is not here. She is an incumbent and Jack Forest Simpson, which is Siskiyou County, if I remember correctly. From central region: Serena Bardell, there she is an incumbent. Owen Haxton, a new member. Judi Lazenby, and Paul Libeu. Congratulations to all of you. From the southern region: Barbara Dabul, who is not here. Gene Forbes is not here. Barbara Geiss, and Jack Zepp. All four of them being incumbents. So we have a board, a fully constituted board and we will be meeting starting right after lunch about 1:00 o'clock this afternoon. Do you have a question Bob?

MR. HEADLAND: No, I just wanted to state that I observed the counting process. They worked very hard. They did not even take a break. They were very organized and very much above board. I think it was a good job.

MR. LEWI: Thank you very much. Again thanks to the committee. Linda did her work based on what Diane Masini did last year. It seemed to be a model for doing this job as efficiently as possible, and I think she would certify to that as well. This concludes the conference. As usual in most conferences people takeoff early, and we get down to the hardcore, really dedicated souls, and I appreciate all you're doing being here. There's a lot of thanks to give to Andy and Audrey and their helpers here in L.A, the hotel staff itself. Please fill out the evaluation form and if you can't do it now feel free to mail them in. We use them year to year to try to improve on the conference. One final announcement. This is where when they do the Olympics they get down to announcing the host city. The host city for the next meeting October 15, a little earlier than this year, will be beautiful uptown Redding, California. This will be the first time we've gone to the truth north. Duane Mason has been instrumental in getting this to happen and his community in Shasta County will be the host group. A gentleman by the name of Harry Tully will be the conference chair. I will work very closely with them to get that conference organized. It's a beautiful time of the year up there, and I'm sure they will give us a lot of chamber of commerce reasons why we should all go to Redding next year, and I'm looking forward to going next year. So thanks to them for being the host next year. So if I've forgotten anything let me know, but at this point there are no further comments. So we are adjourned for the year. If I forgot to thank anybody you will see it in the next journal. Thank you all for coming and we'll see you soon.