

History of the Civil Grand Jurors' Association of California

The California Constitution requires that each county impanel a "regular" grand jury every year. These grand juries have broad powers to, among other things, investigate and report upon the operations of local government.

The Civil Grand Jurors' Association (CGJA) is comprised of persons who are currently serving or have previously served on a "civil" grand jury or are current or retired legal advisors to the grand jury, and who are committed to supporting and enhancing the civil functions of the grand jury system in California.

This brief history of CGJA follows its development and growth over the past four and one-half decades, touching on its organization, the expansion of its training programs, and its responses to legislative efforts that would have curtailed the effectiveness of the grand jury.

1980-1999 – Beginnings

The concept of a statewide association of former grand jurors was initially discussed during a conference of grand jurors from southern counties at Los Angeles in 1980. Those discussions resulted in an invitation to all 58 California grand juries to participate in the formation of a statewide association of grand jurors. Twenty-two grand juries responded, provided input to the planning process, and sent representatives to the first planning meeting.

During the following year, the Planning Committee met frequently to develop the basic elements for a statewide association. On April 30, 1982, in San Diego, the Constitution and Bylaws were adopted, and objectives were established at what would be the first annual conference. The initial formation of what was then called the California Grand Jurors' Association was complete.

Over the years that followed, the association membership grew and new ideas emerged for expanding the role and effectiveness of the association. At the Annual Conference in Concord in 1993, CGJA members favored taking a more proactive role in public education and grand jury enhancement. At the Annual Conference in Ventura in 1994, the association started a three-year process beginning with a point-by-point quarterly review of association policies and procedures. This culminated with the membership adopting new Articles of Incorporation and Bylaws at our Sixteenth Annual Conference at Asilomar in 1997. The association had transformed itself from a predominantly social-fraternal group to a public benefit action organization.

The new organizational structure provided for much broader-based representation from counties across the state and for local county chapter affiliations. The Articles of Incorporation also provided a clearly detailed set of public-benefit goals and objectives as required for its IRS non-profit status as a 501(c)3 organization.

In 1997, CGJA published the first *Compendium of California Grand Jury Law*, which reprints the California laws applicable to civil grand juries, including provisions from the Penal Code, Government Code, and other statutes. It includes, with licensing permission, West Publishing's annotations to related court decisions and attorney general opinions.

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In 1999, CGJA presented its first formal training seminar, for the Los Angeles County Civil Grand Jury.

2000-2009 – Fulfilling Our Mission While Growing the Organization

Los Angeles became our first chapter in about 1997. By the end of 2000, there were five more chapters: Marin, Monterey, Solano, Sutter-Butte, and Tulare.

At the 2000 Annual Conference in Carmichael, a set of permanent standing committees was established with each committee charged with creating its own goals and tracking mechanisms. With some changes in the makeup of the standing committees, that basic structure has remained in place. Perhaps that conference inspired the formation of four more chapters that year: Mendocino, Napa, Placer, and San Mateo.

Our first survey of grand jury practices was conducted in 2001. Results of that survey revealed a wide range of grand jury practices. This provided a challenge to the Training Committee to develop a set of best practices to help improve the quality and consistency of grand jury investigations and reports.

The training program grew in 2001 to two regional seminars and included the production of a training manual. In 2002, the training team presented its first Report Writing Workshop, aimed at improving the effectiveness of grand jury reports.

In 2003, CGJA actively opposed two proposed amendments to the Penal Code. One would have required all evidence to be provided to the investigated entity and the other would have moved the provisions of the Penal Code relative to the civil oversight function to the Government Code and amended some provisions relative to the selection of grand juries. Through CGJA's forceful efforts and coordination with our local chapters, these proposals were defeated. Similar attacks on the grand jury system occurred in 2011 and 2015.

Our first on-site training seminar was presented in 2003. The training program has grown immensely since then, to its present size of over 80 training seminars and workshops every year, training over 1000 jurors annually. The Report Writing Workshop has become another popular training product, having grown to over 750 attendees per year and still growing. The first Foreperson/Pro Tem Workshop was held in 2004 and has become a staple of the CGJA training program.

Today, CGJA is training almost all grand juries in the state, individually or grouped with one or two other juries in their own locality, allowing for cost savings to the counties and a more personalized program.

Courses about the grand jury at campuses of the Osher Life Long Learning Institutes started in 2006. To date we have conducted such courses at seven university sites, explaining the history and purpose of the grand jury in its civil oversight role.

We also started an effort to acknowledge and publicize significant grand jury achievements (defined as demonstrating that a grand jury report had a positive impact on that county) by encouraging juries to document these achievements in the form of Implementation Review reports.

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A highlight in 2008 was the first statewide proclamation of grand jury awareness month by

Governor Arnold Schwarzenegger. This established a pattern of similar proclamations at county and city levels as a tool of recruitment for grand jury service.

In 2009, the association launched a major tool for communications about grand juries, the *California Grand Jury News Blog*. Free introductory memberships for all sitting grand jurors were introduced, which proved to be a valuable tool for recruiting CGJA members.

2010-2019 – Expanding our Services

The Public Relations Committee had two major activities in 2011. The first was supporting a four-minute recruiting video made by our Humboldt County chapter. It was posted on our website and sold to many counties as a DVD to use in the jury assembly rooms. The other was the publication of 60-page book, *The California Grand Jury System*. Over 1000 copies have since been sold, including sales of an e-book version on line. This book briefly describes the history of grand juries, California grand jury law, and how grand juries do their job. It also includes a brief list of grand jury achievements to that date.

Also, that year, CGJA created a standing Awards Committee to administer all association awards and other forms of recognition. Two years later that committee established a Local Achievement Award citation to honor people who have contributed within their own county rather than statewide.

A series of regional chapter meetings began in 2011. While interest in that activity subsequently waned, there is now renewed interest. These meetings bring together chapters that are in close proximity to share ideas and challenges.

That same year, CGJA rolled out a new website including a Facebook page as another means to publicize the association and the value of grand juries to the state.

A bill was introduced in 2011 that would have adversely affected grand juries. It had three primary provisions, the first requiring grand juries to meet with the head of an agency under investigation at least 60 days prior to issuing its final report to disclose to them the nature of the investigation and receive their input; another requiring every grand jury session to be open to the public and the press unless the session pertained to a confidential personnel matter; and the last allowing a witness to have a lawyer present while testifying under oath. CGJA was successful in reducing the impact to only the last provision, and that sunsetted five years later.

In 2011, the *Grand Jurors' Journal* was made available electronically. The association also subscribed to an email distribution service to facilitate the journal's delivery. This service is now widely used for most communications to members and other interested parties.

Two recruiting videos were produced in 2013 by the San Francisco chapter featuring then-Lt. Governor Gavin Newsom. These 30- and 60-second Public Service Announcements were used throughout the state and were available on our website until Newsom ran for Governor.

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Responsibility for the annual conference was vested in a new standing committee. Prior to that, responsibility had been assigned to a local chapter. The new arrangement has led to greater stability and consistency in conference planning, still supported by a local chapter when one is available and willing.

Buoyed by our success with video production, 2014 saw the introduction of a training video for our two-day seminars. It consists of a typical grand jury interview and portrays the process very effectively. Later, a second video, demonstrating an exit interview was added to our Report Writing Workshop curriculum.

We also started a bi-monthly newsletter message to all members to highlight important issues between publication of the bi-monthly journal. This has proved to be a quick and effective way to distribute important news.

Based on a series of suggestions from some of our chapters, by-law changes were made in 2015 to limit director terms to six years and have voting for directors by region, i.e., each member votes for only the directors in their region. Another change was to clarify that directors must reside in their region. These changes were drafted by the newly formed standing committee for By-laws and Policy Review, and voted on by the entire CGJA membership. This committee also led the effort to update and reorganize the policy manual. A further effort led to adoption of association goals in early 2016.

In 2015, the California Special Districts Association introduced a bill to make the exit interview mandatory. Our Legal and Legislative Resources Committee negotiated with CSDA for an acceptable compromise, but the bill died in the state Senate.

The Training Committee created a Legal Advisor Workshop in 2016, which was held in conjunction with our regional training seminars. CGJA gained recognition as a Mandatory Continuing Legal Education provider by the State Bar of California so that those county counsel and district attorneys attending the workshop would get MCLE credit toward their annual requirement for continuing education.

The year 2017 saw a significant upgrading of the association's website and another major survey of grand jury practices. This survey revealed the wide range of recruiting activities and affirmed that many of our training ideas were being implemented by a significant number of grand juries.

A disappointing note that year was the dissolution of our oldest chapter, in Los Angeles County. The aging membership, difficulties in meeting in a large and congested county, and the lack of support from the Los Angeles court lead to that conclusion. However, our total number of affiliated chapters had grown to 26 in counties throughout the state and in 2023 a group of former jurors in Los Angeles County started a new chapter.

In 2018, the Training Committee produced two new training videos for on-line instruction, on detention facility inspections and grand jury continuity. This relieved the live training program of some content to allow better concentration on the core topics.

In 2019, a second pair of interviewing training videos was produced in conjunction with the development of a new scenario to be used by the trainers to demonstrate the progression from topic choice, to investigation, to report writing, and the exit interview.

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The new scenario and the original one will be alternated annually so repeat jurors will see a different scenario in their second term.

With increasing reliance on high-tech services and devices, a standing committee on Technology was created to deal with the constantly changing technology and to take advantage of new services as they become available. This committee is also charged with protecting the privacy and security of our information. One of the immediate benefits of this new committee was to establish on-line voting for the 2019 annual board of directors' election, which proved to be efficient and accurate and avoided the costs of printing and mailing ballots.

Throughout this decade the CGJA website was expanded and improved and is now the preeminent source of information used by all grand juries throughout the state for forms, templates, check lists, and other resources to assist them in the complicated task of investigations leading to the publication of final reports.

New strategic goals were adopted in 2019: Increase public awareness of the grand jury system, establish and maintain a succession planning process for directors and committee chairs, and develop and implement membership-recruiting programs.

2020 - 2024 Challenging Years

2020 started out normally enough with all activities well-staffed and moving forward but quickly turned upside down with COVID-19. It hit the training program the hardest because most grand juries revised their term, requiring the training season to be spread over a much longer period. The trainers also had to conduct the majority of its seminars by video conferencing. Much effort went into mastering remote training. This effort was successful, allowing for the training of almost the same number of jurors as in a normal year.

The rest of the association activities were not impacted as much, as we were well-versed in video conferencing and the use of electronic communications. The one exception was the annual conference, which was postponed to 2021. We held our mandatory Annual Membership Meeting virtually and were gratified by an attendance of over 90 people, significantly greater than recent live conferences.

The year 2021 showed some recovery from the pandemic, but we continued with mostly virtual training. After serious debate we decided to hold our annual meeting virtually for a second year. In 2022, we saw a move back to mostly in-person training, but without the large, regional training seminars and workshops of the past. Most regular training is now back to in-person on-site training for individual counties, with some virtual. The same is true for Report Workshops while Foreperson and Pro Tem Workshops and Legal Advisor Workshops are all virtual, enabling attendees from different counties throughout the state to attend conveniently without having to travel.

Early in 2022, we released an updated version of the *The California Grand Jury System*. Perhaps the most significant change was to rename the book to *California's Civil Grand Jury System* in recognition that CGJA is only involved in the civil oversight role of grand juries and does not deal with the better-known criminal indictment function. The book is available only on-line and can be viewed or downloaded at no cost. Another

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initiative was greater outreach to local media to further publicize the role on the civil grand jury. A parallel initiative is to find ways to measure and publicize the effectiveness of grand juries.

2023 saw major changes elsewhere including another redesign of our website and a reformatting of the *Grand Jurors' Journal* to make it more attractive and relegating detail of many articles to a supporting page requiring another "click." We did resume our annual conference/membership meeting to a live event allowing face-to-face contact, a much more satisfying experience. We provided our analysis of AB 78, a bill which was first introduced in 2022 as AB 1972. The bill would have increased grand jurors' per diem. CGJA took an "oppose unless amended" position on the bill due to its lack of funding. Like AB 1972 last year, AB 78 died in committee. 2023 also saw the initiation of Foreperson Roundtables, a virtual meeting of many current forepersons, allowing them to share ideas and issues. In a similar fashion we resumed a practice of regular meetings of chapter presidents with the association president and other officers.

Probably the most significant action in 2024 to date was the long-overdue renaming of the association as the Civil Grand Jury Association (still CGJA) of California. Like the renaming of our book in 2022, our name now better represents the primary function of the association -- supporting and strengthening the California Grand Jury system in its civil oversight role -- and demonstrates that we do not deal with the better-known criminal indictment function. This action was overwhelmingly supported by a vote of the membership.

It is worth noting that partially based on the elimination of regional training conferences and that we are training more grand juries than ever, the training staff has grown to 35 qualified trainers, including seven attorneys. *The overall membership of CGJA has grown to well over 300 members statewide and as of 2024, we have 26 chapters representing 28 different counties.*

CGJA continues to be recognized as the leading authority on all things related to civil grand juries in California. We will continue to devote our resources and energies in furthering our mission: To promote and preserve the grand jury system in California through training, education, and outreach.