

TWENTY FIFTH ANNUAL CALIFORNIA GRAND JURORS CONFERENCE

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OPENING OF CONFERENCE

Good Morning. Can all of you hear me? Welcome to Redding, California and Shasta County. We are honored to have you pick us as your host for the 25th annual California Grand Jurors Association Conference. We hope you will have a wonderful time. We also hope we will peak your interest enough so that you will come back to Redding and Shasta County and do some sightseeing. Now if you will all stand, after I told you to sit, and we will pledge allegiance to the flag.

“I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible with liberty and justice for all.”

Be seated. Thank you.

Before we get started I have a few housekeeping chores here. If you look at your schedule you will see that we have no plan for breaks which means if you need to leave the room just hop up and be bop down the hall. We have coffee and Danish in the back, help yourself to that. The speakers will not be displeased if you get up out of your seat and leave, at least I hope they won't be displeased. We are running on a tight schedule so please show up promptly at one fifteen after the lunch break so that we can get started on time. The director's badges are light green, and we have a couple that are directors-elect but I think they will, after today, be directors. The newcomers have an orange dot on their badge, the committee members have a light green dot on their badge and the dark green denotes a chapter member. Everybody should have two meal tickets, if you have paid for them, in the back of your name tag and I'm sure it has been explained to you what the color codes mean. Now, I would like to introduce the host committee that has helped put this thing on and we will start by introducing the President of our Past Grand Jurors Association here in Shasta County, Duane Mason, next is Norma Taylor, Bert Arsen, Mel Coster, Joan Day, Marsha Caranci and a couple that I don't think are here – Carol Quick and Lee McCulloch. Did I leave anybody out? Also, I would like to thank Ourania Riddle for helping me get out our gigantic mailing. Without her it would have cost us a small fortune, it wasn't cheap as it was but it did save us a bunch of money, and I really appreciate that. Also to Sherry Chesny for helping us with the audio visual stuff. I realize that CGJA owns this equipment but Sherry, bless her heart, made it get here on time so that we could get set up yesterday. With that, I will turn it over to Jerry Lewi.

Jerry: Thank you Harry and thank you all for coming and welcome. We have a crowded agenda so we will try to get through it as quickly as possible. I will extend my thanks to the Committee. I think they have done a great job of organizing this event. The very first order of business slightly different than you see in your schedule is to announce the Teller Committee and then have the Nominating Committee hand them the ballots and excuse them to go and count the ballots. This is a bit of a tedious process but we need to get it done as quickly as possible. The Chair of the Teller Committee is Duane Mason, who was just introduced to you. The others are Mike Miller, on the central region in San Mateo County and sitting to my right, Tony Noce from the southern region Kern County.

And by the way, Tony is the president of one of our brand new chapters in Kern County, so we welcome him as well. So with that, Diane Masini, the Chair of the Nominating Committee will hand Duane the ballots and the committee is excused to start their task. Good luck gentlemen, and let us hear from you as soon as possible.

The next order of business is to entertain a motion. Yes Ourania, do you have a question?

Ourania: Yes, I would like to hear about the numbers on the ballots.

Jerry: The numbers on the ballots have been explained. You mean preprinted numbers?

Ourania: Yes

Jerry: Diane, would you step to the microphone and answer that question please.

Diane: Yes, the total number of ballots that were mailed was 267; the total number returned was 189. There were two ballots in the envelopes; the ballot measures submitted to membership to change the by-laws giving the chapters a vote which was a pink ballot that started with 10070 and ended with 10335, plus 10339.

Jerry: You are talking about the numerical sequence number not the quantity of the ballots.

Diane: They were consecutive.

Jerry: Thank you Diane.

Diane: Any more information needed?

Jerry: Thank you. The next quick order of business is to entertain a motion from one of our directors to waive the reading of the minutes of last years' annual conference and to approve those minutes. May I have a motion!

Question from the Audience: Are we in a membership meeting?

Jerry: No. There is no such thing as a membership meeting. We have always done it this way, Linda.

Linda: Is this not the annual meeting of the membership meeting?

Jerry: It is not a business meeting except for this one item.

Linda: So there is no meeting of the membership as required by law under the California Corporation law.

Jerry: If this were such a meeting it would be illegal because we do not have a quorum, and we don't have the membership to have a quorum for such a meeting. That is why we don't conduct business at these meetings.

Linda: If we cannot conduct business, how can we approve the minutes?

Jerry: Because that is the way we have always done it.

Linda: That is not an acceptable answer.

Jerry: What do you suggest we do Miss Baker?

Linda: If you are going to conduct business as a corporation, you need to convene the corporation and have an annual meeting as required. If you chose not to do that then you chose not to do that and there is something not right.

Jerry: We have always done it this way and I'm relying on that. The board has approved those minutes.

Linda: We have not always done it that way.

Jerry: We have always done it this way and this is my sixth annual conference. I will still take that motion in spite of Miss Baker's comments. I believe that I heard a motion to do as I suggested. Did I not, from one of our directors? Yes, we have a motion, is there a second to that motion? Second, those in favor please say aye. All aye. No opposed. At the tellers we will approve the minutes, we have acknowledged the committee.

I would like to take this opportunity to acknowledge those past Presidents who are here. I think that I am pretty sure I know who is here. We have the list of past Presidents in your program, and those that I recognize as being here, in the order of service are: Dan Taranto, Dan, please stand and be recognized and right next to Dan is Les Daye, and then over in the back is Jack Zepp. I believe other than myself, these are the only past Presidents who are here. Thank you for your service gentlemen and I appreciate your efforts.

I would also like to have you acknowledge those of our current board of directors who are here and I think I know them by heart, but it is always a good idea to look at the list to be sure I don't forget anybody. Let us look at the list and ask everyone to stand and be recognized, will you hold your applause until all this has been done. From the north region, Bill Burnett our Treasurer from Nevada County. Sherry Chesny is not here yet but she is expected. Les Daye, whom you have just met. Ray Hoffman, also from Nevada County, where is Ray? Please stand Ray. Duane Mason, who has already been excused and whom you have met. Elwood Moger is not here. Ivor Thomas, from Butte County, not too far away. From the central regional we have Serena Bardell from San Francisco; Owen Haxton from Marin County; Joann Landi from San Mateo County; Judi

Lazenby from Santa Cruz County. Paul Libeu from Sonoma County is not here. Paul is recovering from knee replacement surgery and is doing well I am told. Betty Mattea from Marin County; Mike Miller, who has already been introduced and is recused to count ballots; and Ourania Riddle from Solano County. I must say the central region is well represented today. From the southern region, Barbara Dabul from San Luis Obispo County; Jeanne Forbes from Tulare County. Bob Geiss, I got an email from Bob from Madrid, Spain, reminding me that he would not be here today. I was tempted to make a snotty reply but I didn't. Myself from Ventura County; Rose Moreno from Orange County. Dian Picone from San Benito County sends regrets that she's not here. Jack Zepp from Orange County, and of course you have met him already. Thank you all for serving and see what is going on. Glad to see we have a very good representation from the board today. I forgot to mention that Joann Landi is our Secretary and she is taking notes for this meeting. Judy Lazenby is our Vice President and Bill Burnett is Treasurer.

Member of the Audience: Jerry, you left out one director.

Jerry: Of my goodness, Diane Masini, how did that happen?

Diane: I don't know, I left my badge off.

Jerry: I told you, you have to wear your badge so you know who you are. You've already been introduced, and yes of course, Di is from Nevada County. I guess I had better wear my glasses when I do things like this. We are moving right along here and let's see, we are a couple of minutes ahead of time. Is that our speaker in the back there Harry? Why don't we go ahead and have you introduce our next speaker. We are about two minutes ahead of schedule, which is a good thing.

WELCOME BY MAYOR KEN MURRAY

Harry: Our speaker this morning to welcome you to the city of Redding is Mayor Ken Murray. Ken is a native Californian who moved to Redding 32 or 33 years ago; 36 years, gosh time flies. Ken is a real estate broker and I think that he has been a broker some 27 years. Ken has served two terms on the Redding City Council and is currently in his second term as Mayor. He has held many, many positions in various community service organizations, and I am not going to run through all of those for you. He also, believe it or not, hosts a morning talk show five days a week on KQMS; and, it is an excellent program. It is well known around Redding. So without further ado, I will give you Mayor Ken Murray.

Ken: I'm not sure exactly why I am here in addition to welcoming you, but I can't resist the opportunity to take advantage of it. I do want to welcome you to the City of Redding. For those of you who haven't been here, please take some time to spend some money, we need the retail sales tax, and we do have some amenities that I am confident you don't have in your own town. Chief among them is our Sundial Bridge, and the two hundred acre Turtle Bay Arboretum on the other side of the bridge. Please take time to walk

through the arboretum and visit the various climate zones from around the world. It is a great spot to visit. We have over twenty miles of trails along the Sacramento River, so if you're a walker or a jogger and you are going to be here, you might want to take advantage of them. In fact, the National Trails Association is headquartered in Redding, California.

I think I've been invited here today because I was the foreman of the Shasta County Grand Jury in 1989-1990. I am both a strong supporter of the grand jury system and its biggest critic. So I am going to tell you from my point of view what the grand juries do right and what they totally screw up; and you know since I'm not running for election, and I don't have any constituents here anywhere, we can have the chips fall where they fall.

During my grand jury time, I was foreman on the 1989-1990 Shasta County Grand Jury. I had the privilege of serving with 18 other individuals, none of whom I knew at the beginning of the process and all of whom were meat eaters. It is typical when you get any committee together, there are five people who do all the work and the other fourteen sit around and play with their thumbs. We didn't have any of these people on the grand jury I was on. The result was that we issued thirty-nine reports in our one year term. We issued so many full reports that we didn't wait to issue them at the end of our term. We issued them as we completed them during the year. There is no prohibition against that because we wanted to highlight each and every one of them. We made some amazing changes in the community, we made some amazing mistakes. I will tell you the bad news first. One of the major investigations we did was of a local, publicly elected official who was, from the jury's opinion guilty of every malfeasance in the book by the time we got through with the investigation. The investigation included over fifty sworn witnesses. We were in session for testimony purposes only for two weeks, and it was an accusation brought, excuse me; it was a complaint that came to us from an employee within the department that the elected official headed. It took so long to do it, and we were so thorough and careful that it became a problem. It became a problem because 1990 was an election year and the election for this official was to be held on June 6, 1990. During the months of testimony taken and the investigation undertaken it became apparent we had a problem. The problem was we were 75% through the investigation when the complainant decided we were taking too long and released the complaint to the media, and to put it lightly, we were screwed. We had an election year, we had an incumbent candidate and we had a grand jury that had uncovered substantial evidence of wrong doing and what do we do about it now. What we did about it was to issue a press release, which I am not sure was the right thing to do, but it is what we did, which only exacerbated the situation. The result was that by the end of the term, we were ready to release the report rather than issue a finding of, and an indictment for one or all of the malfeasances, we issued recommendations instead. We realized by that point that it didn't matter since it would be perceived as an election ploy number one, and number two, you can make an accusation to get somebody thrown out of office but if they're going to be reelected next week, who cares. It was a problem, and again, I'm not sure we handled it right – it was a big “brouhaha.”

That is the worst thing we did and frankly, the best. It was a wonderful investigation. We uncovered lots of evidence and a lot of changes resulted from that investigation, but we didn't take the final step.

In my opinion, the best thing we did was investigate complaints from doctors in the pediatric ward in the hospital. We got a complaint that Child Protective Services wasn't paying attention. The law says that if a drug-addicted baby is born in the hospital a report is to be filed with Child Protective Services, who are to come on-site and investigate whether the child should be allowed to go home with the parent or taken away on the spot. That's what the law says, and CPS was just throwing the reports away and not investigating anything. Within two weeks of our launching the investigation, CPS started showing up at the hospital and doing their job. We issued a report within six weeks and within a two month period afterward, CPS removed fourteen babies from the hospital. They hadn't taken away any babies from parents in the previous ten years – they just let them go home with their drug-addicted mothers. To those fourteen babies, we made a serious difference and it was all because of the investigative powers of the grand jury, not because of anything we did, other than begin the investigation.

That investigation also led to a second decision that we made. We had received a number of complaints from grandparents who said they were not being allowed visitation with their grandchildren in a post-divorce environment because the CPS workers were not enforcing the judges' visitation orders. The judge would order that grandma and grandpa could see the kids on whatever schedule was established, but the CPS workers would not enforce that schedule since they didn't think it really mattered and they were not going to fool around with it. We thought that was a little uppity and decided to launch an investigation into the way that CPS internally handled judicial orders. We sent a couple of people to CPS to ask for six random files and they refused us and said, "We are protected by law. We don't have to give them to the grand jury, or anybody else." We said, wait a minute, we are the grand jury and you can't refuse us. They said, "So sue us." So we did. That created its own set of problems since the County Counsel also represented CPS and he refused to sue them. We went to the district attorney, which was our next recourse before going to the state Attorney General. The district attorney agreed and he filed suit against CPS to allow the grand jury access to their records. The district attorney represented the grand jury and the county counsel represented CPS. The grand jury won in superior court. The judge ruled that the grand jury had the right, absolute right as an arm of the judiciary, to investigate all functions of government. The county counsel appealed it to the Third DCA, and the preliminary ruling came down the DCA was going to find for our opinion. The county counsel promptly withdrew the lawsuit and agreed to our investigation. That was the end of May, so you know how much time we had left to do an investigation.

The reason the suit was withdrawn was had it gone through the Third DCA, it would have become California law and all CPS offices in the state would have been affected... I am here to tell you that we had a winning lawsuit that CPS is not insulated from the service and investigative responsibilities of the grand jury. We have that lawsuit of record in Shasta County.

I am also a critic of the Grand Jury System. Since being on the grand jury, I have been elected to public office a couple of times, and it appears to me that currently the grand juries have a different view of life than I had when I was on the grand jury. A different view of what their scope of responsibility is and apparently they are having different training... When I was trained, and we were all trained in 1989, we were told that grand juries exist to do certain things, they are an arm of the judiciary and they exist to do certain things. We were also trained in what a report from the grand jury is all about. In the report it contains certain elements, the two or three most commonly confused elements of a report are the background, findings and recommendations. The background, as we were taught, whatever the factual data was, whatever was surrounding the issue was, whether it was brought by a complaint or brought by a motion of the jury. The findings we were taught, is the equivalent of a verdict. They are not what I found out. That is what the background is; it is what I found out. The findings are the verdict this is what we find as a result of the background. We were taught that the recommendations were in essence the actions that we believed that had to be taken based not on what we found out but what we concluded, which were the findings. We were also advised not to get into policy and politics. Well guess what, now I'm in politics and I get grand jury investigations, and as a member of the city council agency we get to respond to them. Now what do I see in grand jury reports, they are using the Finding section of the report for what they found out. You know we found out all this stuff, and I will tell you that in 1989-1990 we followed the data direction. You know we found out all this stuff. I don't care what they found out; what I want is the verdict of what they found out. What I am seeing in the reports is, I found out this stuff and I recommend that you do these things. There doesn't appear to me to be sufficient linkage. They are in areas that don't make any sense to me whatsoever. We just had a grand jury report here recently that the city council had to respond to and I can't remember all the details of the report, but I can tell you generally, they went along the lines of, I know what one of them was – they were investigating city finances and they interviewed city council people and they said, “hey, you know what all the initials are of all the boards you sit on – the housing financing authority, as a city council person you sit on a number of boards of directors for the financing agencies for various sundry purposes. Some of them are bond funding agencies, some are leaseback financing agencies, and each of these financing agencies is created for a particular financing purpose.” It is very common in government to create a special financing agency for insulation purposes of the general funds, and to make the bond holders happy, and to meet the bond covenant. I mean it is a dance. So we have a dozen different financing agencies that we sit on as directors, the grand jury decided that because I couldn't remember what the initials of the various financing agencies stood for, I was unqualified to sit on the board of directors of the financing agency. They also said they looked into this because the council members don't know what these agencies are all about. This is not true, I do know what each of them is about and I promptly forget them the day we vote on the issue because we get a staff report that says what agency the funds are from and for what purpose the funds will be used. This is the justification for the choices the council makes. The grand jury missed the big picture; it is the normal function of the government to use various and sundry financing agencies to fund various and sundry government operations.

They said because we couldn't remember the initials that they decided their findings were that we ought to appoint a non-elected oversight board for each of the financing agencies. This is a policy issue. It is not a grand jury issue. They issued another report that said that you know you sit as the city council; you also sit as the board of the Redevelopment Agency – that is a conflict of interest. There is no law that says that. That is a policy issue, and the grand jury also cited several other areas that are policy-related. They didn't like the city council policies and thought that we should amend the policy. My response to the grand jury report was if you, as grand jurors, don't like the policies of the city, then run for office and shut up. I don't care and I think that grand juries involvement in policy areas, instead of investigating the feaseance of government, which is legitimate, is going to lead to the demise and ultimate cessation of grand juries in California. It is happening in other states and it is going to happen here because, in my opinion, grand juries too often are off the reservation doing the things that grand juries aren't designed to do. Grand juries are designed, in my opinion, to be an arm of the judiciary branch of the government to make sure that the law is being followed. They don't exist to supplement the elected official's opinions with their own. Doesn't make any sense to me, I think that is going to kill the grand jury system, and I think that the solution is better training and better understanding. Now, you people who are all interested in grand juries may disagree with me, but none of you vote for me so it doesn't matter.

Harry: That is not true.

Ken: Did you vote for me?

Harry: I did.

Ken: Are you going to vote for me if I run again?

Harry: I'll reserve that answer.

Ken: Lost one. In any event, that is what I came to say and I don't know how long I am suppose to be here and what else I'm suppose to do – maybe I am overtime.

Response: You have fine minutes.

Ken: Anybody have any questions or does anybody want to argue with me?

Audience Question: What kind of training did your grand jury receive as opposed to the training they have received since then?

Ken: I don't know what they have received since then. I know prior to that time we were sending four grand jurors down to Sacramento for whatever the grand jury training was and relied on them to tell the other fifteen members what was going on.

When I was made foreman of the grand jury, I said that was ludicrous and we actually got the presiding judge of the superior court to front the money to bring the trainers up here for a weekend in a hotel room. We had all nineteen grand jurors cooped up for two full days of grand jury training with a trainer right there. That was extremely effective. I don't know what they are doing now. Yes sir.

Member of the Audience: In preparation for this conference, I was reading the grand jury reports from Shasta County and the responses to them. I noticed that the recent responses include responses from the next grand jury responding to your responses. Have you seen that, and what are your thoughts?

Ken: My thoughts on that are one thing. I felt this when I got off the grand jury that the reason typically grand jurors serve one term is they get to be dangerous if they get to serve any longer than that. OK, it takes you the first year to figure out that you have teeth and by the time you figure out you have teeth, your term is up. You know, I happen to think that grand juries ought to spend more time looking at who lied, cheated, and stole based on the last grand jury report and follow up on it. Unfortunately, people don't do that very often. Grand jury issues a report saying you guys are over the line on a Brown Act violation and we recommend that the future grand jury follow up on this and the future grand jury ignores it altogether because they have a different agenda, and different things that they want to do. I think that is unfortunate. I think that it is almost inherent in the system, but it could be helped with better training. You read our grand jury reports. Did you like them? Were they into policy issues they didn't have any business being in?

Member of the Audience: I thought so.

Member of the Audience: You were very emphatic on stating that the grand jury responsibility is to investigate the manner in which the law is being followed and were also emphatic that the grand jury should not investigate policy. Would you also, as a grand juror, say the responsibility is to investigate the manner in which the polices are implemented?

Ken: Absolutely. I don't have a problem with that. We have an open meeting policy, if we're not following it, then slap our hands. I don't have any problems with that. Yes sir.

Member of the Audience: We have a redevelopment agency and I don't know the scope of it in Redding, but is money set aside for low incoming housing? In your mind, are the cities not developing projects rapidly enough or not at all? I doubt that it would be policy issue if it is a valid concern of the grand jury.

Ken: I wonder. It is OK to have it as a concern? We have set aside money for years here in lieu of moderate and low income housing. It has accumulated a huge balance. Finally, some of us that got elected said that is nuts, the fact is redevelopment law says that

You've got to do 20% set aside for low and moderate income housing. What good is the money doing in the bank? Let's go do something, so we started doing something about it. I know some communities are just sitting on these giant wads of funds and the problem is going to get, in my opinion, addressed by the legislature who is going to force them to do something or lose it. That is going to be more influence on local city councils to do something than anything I can think of.

Audience Question: Should grand juries investigate that?

Ken: A grand jury investigation into a whole lot of money you are sitting on and you are not doing what you're suppose to be doing. That is different than having an opinion. In my opinion, an opinion is "your opinion sucks, OK." A grand jury finding and recommendation is that you have an obligation and you are not fulfilling it. I think that is where that falls. "This gal tells me I have to stop because she hates me."

Time is up.

Ken: Thank you very much.

OPEN FORUM

Jerry: Mr. Murray, you might want to stay. We are now about to open what we call our Open Forum. This has been a very popular part of these conferences for many, many years and we moved it up to as early in the day as possible, as we think the people are very much interested. The purpose of the open forum is a little bit like public comments at a public meeting. It's the opportunity to hear comments, questions, suggestions about what grand jurors are doing in other communities and your talk is very much along those lines. To set the tone and, by the way, it is not the opportunity to talk about any issues you may have with the way the organization is being run. That opportunity will be during our report to the membership this afternoon. It starts later this morning. We will get to that, but is not an appropriate topic at this particular time.

I am going to start by reading an email I received just this past Monday because it is a perfect example of what I think the open forum is all about. I am genuinely interested in responses to this question because in my judgment it is a little bit interesting question. I got this email Monday morning and I drafted a response; and just when I hit the send button my email died and was down the rest of the day. That was my last day at home so it was a little bit of a panic. I decided this chap wanted some kind of an answer so I phoned him. It was a good thing since I learned a lot more about him from the conversation than I would have from exchanging emails. This came from Ray March who is the editor of the Modoc Independent News which is east of here. His questions was, actually there were two questions that are related, let me read it, "Are the names of civil grand jury committee members public, I stress name of committee members, not the name of the grand jurors in general; secondly, what has the CGJA found to be the general practice in making the names of the committee members public? I can find no section of

the penal code stating one way or the other governing the confidentiality of the members names of committee members.”

In my conversation with Mr. March, we clearly recognize the names of grand jurors are a matter of public record, we recognize that many grand juries publish the names the committee rosters at the end of the term, not necessarily during term. I offered the opinion that I have never seen a grand jury report with the name of the committee members who have prepared the report, and we also agreed that any report is not a report of an individual grand juror, or committee, but a report of the entire grand jury. I think that we all know and understand that and certainly Mr. March understood that. That was the question and I said what a great opportunity since I was going to be with forty-five of the smartest people in the world about grand jury law. Maybe we can get some feedback and answer some of the questions he asked. When I got back on-line I saw his response; and he said he was going to hold up the paper until he hears back from me regarding his questions. With that background, I would be very interested in your opinion, and just to repeat it, “are the names of the membership of committees on a grand jury a matter of public record?” Necessarily, committees on a grand jury are a matter of public record; necessarily, membership is available as a matter of public record during a grand jury’s term. Does anyone have a comment, question, or opinion?

Orly Riles, Foreman of Tuolumne County: Our secretary is not permitted to identify jurors when they make motions and that sort of thing. I think that same principle should apply with the naming of membership on subcommittees. Membership of the grand jury is a matter of public record, if the public knows who is on a particular subcommittee; they also know how to approach those people.

Jerry: So your answer is no! Sandra.

Sandra Parker: I’m with San Luis Obispo County, and I agree in part with your statement, and emphasize that grand jury reports are the reports of nineteen people. The committee is only to gain the better facts that are passed on to the entire grand jury. Every member of the grand jury can go out and do their own fact finding regardless of the committee. How that was arranged and how that happened is strictly privileged to the grand jury itself because it is a report of all and not just one or two members.

Jerry: So you would say no?

Sandra: Absolutely!

Jerry: Jack.

Jack: The answer I think is what we give to almost every one of these questions, we have to look at 916. There is nothing in the penal code that says you cannot disclose the identity of the committee members.

Jerry: Says you can or cannot? Can not.

Jack: All the same it is confidential as to how they vote. The names of the grand jurors are required to be made public. I would think that in reference to this question, it is up to the grand jury to decide whether or not it wants to disclose the names. Unlike you, I will say that I have seen reports that do identify the members of the committees that grand jurors sat on.

Jerry: I have heard that, but let me clarify your response. You are saying that the grand jury may release that information but they are not required to.

Les Daye, Trinity County: It is clear that I agree with everything that has been said. In addition, any time a topic is taken up by a grand jury as a committee; it is up to the foreperson, or the chair of the committee, to try and ferret out whether someone may have a conflict of interest. That particular issue, of course, can ruin a final report if somebody out in the public has the perception of knowledge that somebody is involved in the report and in gathering information that gives the appearance of a conflict.

Jerry: Les and I talked about this last night so he knew a little more background. In my conversation I did ask, "Why do you want to know?" It was a conflict of interest question, there was an allegation that someone had a conflict of interest and he was trying to smoke it out. You are right; a conflict of interest could impact the validity of the entire report.

I don't want to take up the entire floor time with this question and I do appreciate the feed back. I will get back to Mr. March and write this up in the journal. It might be interesting. With that, I will now reopen the floor to anyone who has comment about grand jury work – questions, feed back from the rest of you and see where we go with that. Who would like to start?

Dan: One more comment on the issue of committees and publishing the identity of those on the subcommittees. My view is that the grand jury proceedings are secret. There is no statute that states that grand juries create committees or are authorized or required to. I think that the committees are something that grand juries decide upon internally, on a case-by-case basis, and to publish the identities of the committees created and/or participants on those committees is revealing part of the confidential proceedings of the grand jury. I don't think it should be done.

Jerry: Thank you. Let's go to a new topic if anyone has something.

Harry: In putting on this conference, it came to my attention that it is very difficult for people running for director to decide whether they want to attend the retreat or not. It would be my recommendation that we move the election.

Jerry: Excuse me, you are out of order. This is not a subject for the Open Forum. Open Forum is about grand jury business, comments, and questions. That is the perfect topic

for the report to the membership and I do commend you for bringing that up because it's very interesting topic but not at this particular time.

Albert - Marin County: I would like to know what the grand juries are doing about encouraging the participation from the working people in our communities rather than primarily the retirees. Most grand juries meet only during working days.

Jerry: Thank you, this is a very pertinent question and a lot of discussion has gone on this past year about it. I know a couple of answers but I'm going to let some other people volunteer some responses to that questions. Anyone have a response? Serena.

Serena Bardell, San Francisco: I think part of the answer to your questions should come out when we hold our session in Sacramento on outreach. I think that will touch on what you are talking about. So, I just want to make sure everyone knows that this is going to be discussed and will certainly be a part of that whole session.

Jerry: That is correct. You know that the chair of that panel is Duane and he's off counting ballots right now.

Serena: That is why I answered.

Jerry: Thank you.

Serena: The other thing that I want to say is that I was really startled when I found out at dinner last night, that San Francisco was the only grand jury that meet at night.

Jerry: Not true by the way. Someone told me that and that there is one other. In my travels around the state, I have heard that there are others. I first heard about this at a meeting with the San Francisco people; however, I did find that there are others that do it. I think it's a great idea.

Ken: I would like to make a comment about that. Here in Shasta County we used to meet only in the evenings; however, when we launched a major investigation that required two weeks sitting in sessions during the days of testimony, the grand jurors took time off work. We had three school teachers that were there, and they were granted time off work. I don't know what the status of the state law is with regard to grand jury service. If I were a voter, I would vote for grand jurors being exempted from getting fired for doing grand jury service much like service people are. I think it's an important thing. With regard to outreach, as a radio talk show host, I can tell you that I do regular programs on the grand jury at the appropriate time every year. I invite the outgoing foreperson and/or previous foreperson to talk about the importance of grand jury service and what it does. I have also invited in judges to talk about what a grand jury does. I think that in all of your communities, or any community that has talk radio, it is an interesting subject that listeners are interested in, but a lot of talk radio hosts don't know where to go to put a program together. I think that if you're involved in your community

you can say, “Hey, if we brought you a program could you put in on,” and I think they would.

Jerry: Good point. Thank you. Any other comments or responses to Al’s question?

Member of the Audience: As an attorney, I can’t recall the author of the book to train grand juries in the county. Can any one remember the author’s name? What is your opinion of that book? Is it very effective?

Jerry: I would love to get Sherry Chesny’s input on that. She just walked in and walked out. She must have anticipated your question. She used to train with Mr. Olsen and now, of course, she is chair of our training committee. I’m not sure we can give an unbiased answer to the question. Would anyone like to comment on that? Sandra.

Sandra: That would be one of my questions. The grand jury in our county has decided to use just a single person as a method of training; which, as a result, we have seen that as an association, the result of the reports reflect that there is a lack of training. You can’t get from one person, particularly one who is not on the grand jury themselves, the kind of training needed. But in conjunction with that, we need someone from the state organization to come and talk to our Superior Court Administrator to educate him more on what the training program is. That would help in taking the lead on educating the incoming grand jury. Now all they say are they will do what they did last year - not knowing that it was really inefficient, especially in report writing and the investigative processes.

Jerry: In case you’re not up to speed on that Sandra, I did receive a letter from someone on the court staff in your county. I referred it to our training committee to do exactly what you suggested.

Sherry Chesny just walked back in. She was not here for the introductions of directors – welcome, Sherry!

While you are looking for a chair, a gentleman previously asked if anyone had an opinion about Bruce Olsen’s book on grand juries. I know that you have a totally unbiased opinion about it.

Sherry: I have to admit I’ve not read Bruce Olsen’s book, I used to work for him.

Ivor: I read the book recently and it is fresh in my mind. I asked the current sitting grand jury if I could come in and give a presentation on the book. I personally thought that within the book, there are one hundred things that grand juries do right and wrong every day. I thought that it was the most helpful thing that I’ve read, and I wished I had read it before. It is all over the map and covers a lot of material, not a “must read” for everyone.

Dan: I haven’t seen the book, but I am looking forward to coming across it. I have read other books by Bruce Olsen and find him to be very academic and scholarly, though he

does have a blind spot not having served on a grand jury. His evaluation and analyses of the history of the law are pretty astute.

Walter Hofmann from San Diego: I am president of our Past Grand Jury Independent Association. What we do in San Diego is the outgoing grand jury spends the last week indoctrinating the incoming grand jury, plus if there are some people that want to come to the California State Association meetings, like in Sacramento, we've done that as well.

Jerry: But you have no comment about Bruce Olsen's book or anything like that? So, your people attended our training session. We of course are promoting our training session and it has grown tremendously. You will hear more about that later. You have read about it in the Journal, but it is a good question and I appreciate the comments. Anyone else have a comment? Serena.

Serena: I just wanted to ask Dan, while your comment was very interesting it wasn't very responsive to what you think about the training, not about the book itself. Generally, your comments didn't sound like you were admiring this book as a training tool but more as an educational tool.

Dan: I like information if I'm interested in a topic; I like information from any source I can get it.

Serena: You don't see this replacing training is really what my question is.

Dan: No.

Jerry: Too many people speaking. Anyone have a comment on that subject, anyone have a new subject they would like to bring forward?

Harry: I'd like to ask Walter a question.

Jerry: Go ahead.

Harry: Walter, you have both juries sworn in for a week?

Walter: Yes.

Harry: Ok, during that period when are you training them?

Walter: Just as a little side note, because I was an alternate and didn't go to the training of the one week of the new jury, I came to Sacramento. I think that the outgoing training of the incoming is really very valuable because it stresses all the local information and I found it valuable going to Sacramento to get the national stuff as well as the state stuff.

Jerry: We have always said that in our training programs we don't intend to replace any local training. It is just a supplement or complement to the local training. If I am correct,

the training which is required by law must include a prior, former grand juror. Is that correct Jack?

Jack: I think so. You are exactly correct.

Jerry: Anyone else have a question in this Open Forum? It's wide open for any topic for the grand jurors.

Ivor: Something that came up in Ken's speech I'd like to comment on. During my first year on the grand jury when I came to the training sessions, I found the training was very informative and helpful and I went back and did my job. The first few months I didn't get a lot done, and then I really crunched the last half of the year to get the report out. The second year when I came back from training, I remember thinking what a wonderful brand new curriculum it was. I am from Butte County and we have the oldest general plan in California; and, in that general plan the policies date back to the 70's. It really doesn't address modern thinking on modern issues. The quagmire that I constantly found myself in both years was how to address policy issues when there was a vacuum in policies, and understanding that the policies are off limits to the grand jury.

Jerry: I know that in my view I have always approached grand jury investigations from the standpoint of, you really can't fault a decision of an elected official, as Ken made quite clear, but maybe you can fault the process that the decision was reached. I think that you have a better chance, would you agree with that Ken?

Ken: I would agree with that, but regarding your general plan question, there are other ways to approach it. The general plan is a policy statement, however; it is governed by law, and Butte County is in violation of the law for not updating their general plan and that is feaseance. There is a way to attack the problem. It is whether or not you want to attack the problem.

Ivor: We did attack it. But the issues we had were simply, adopt the policy and the board resolutions and the board has completely forgotten what was accomplished and the general plan was amended and is in conflict with it and it seems as they are treating it like a dead document.

Ken: That is a violation of the law and there is a way for the grand jury to go.

Jerry: Any other questions or comments?

Walt Macklin, San Luis Obispo County: I'm a seated grand juror. I was the first alternate called up and since I've been called up, there have been six other alternates called to replace people who, after a few meetings, realized grand jury service wasn't for them. Is there anyone who has experienced this – is it an anomaly or can anything be done about it?

Jerry: Anyone like to comment on that? Boy, wow, let's see, Orly let's hear your comments.

Orly: I really was concerned. At the end of the last term, I spent time with our presiding judge over the same problem. Her response was, "What would you like me to say to the incoming lot of grand jurors. Is it an orientation problem?" I identified some of the problems and she put them in her orientation and asked the people when they made the decision whether to join us or not.

She put these questions out ahead of time, while more people walked out, the pool that was left was a group of dedicated people. They increased the number of alternates. My comment is to really talk to the presiding judge so she/he can address your concerns when the interview process starts for a new grand jury.

Rose Moreno: Orange County trains two of the alternates at the same time. If you have too many dropping out, it doesn't work

Jerry: Ventura County, when I served, trained all thirty of the panel for all two and a half days. During that year, eight of those thirty dropped out before the selection of the nineteen was made. We only had three alternates. Fortunately, they were trained and we only needed one during the year. Now I understand that if that happens, they immediately fill the pool back up to the full thirty. I don't think that they all get trained now, so it's a little different than it was during my time. I am convinced that this attrition happens because people do not fully understand the degree of commitment it takes to be a grand juror. I feel that commitment and time requirements are the biggest factors, and the judge, or whoever is doing the indoctrination, should emphasize the importance of the commitment and the time requirements. How many sitting grand jurors do we have here today? I can see six – good, it's nice to have you here. We used to have a greater participation, and it's nice to see so many here today. I hope you all will learn something that will help your service.

Sandra: Regarding that, in San Luis Obispo you're damned if you do and you're damned if you don't. Our chapter has been doing it that last couple of years by giving a big push in recruiting and public awareness. Grand jurors go out into the community and talk about grand jury service. It has paid off because our applications have almost doubled this year. On the flip side, when it came to the orientation not being mandatory for those who applied, those that didn't attend the orientation to get the information still were in the running and that lack of understanding probably caused a great deal of the dropout. We are working with the court to have more details on the orientation. We ourselves, have three guest speakers from our chapter attend the orientation to let people know how much of a commitment there is, and I think that probably will be better next year. Although we do have a bigger pool, they weren't as serious about getting all the information.

Jerry: I think that good orientation would help that problem a great deal. Les.

Les: Even though there are rules in the early part of the penal code, I recently reread it and it shows that the judge has quite a bit of leeway in determining how he will instruct prospective jurors, and what will happen during the selection process. So the idea of going to the presiding judge, if it is feasible is fine, but it may not be feasible in small counties because juries meet so infrequently that they are rushing to get out their final report at the end of the year and there is no time for the new jury other than immediate training. It is likely that if you can't effectively move your jury pool along, then you need to use the 916 rules, which I think that most juries do.

Three unexcused absences from general meetings and you're gone.

Harry: The last two years in Shasta County we've had between thirty and thirty-two applicants initially. The carryovers were selected, and then whatever amount was needed to bring the pool up to nineteen was selected, and then either five or six alternates were selected. At the end of the last two years, we had only 17 jurors sitting. So, basically, we'd gone through between seven, eight, or nine jurors.

Jerry: You need help.

Sherry: From what I've heard at training seminars, anywhere from zero to sixteen drop out. I do believe that drop outs occur at the early part of the year because the commitment was not adequately described to them and their obligations, time-wise, etc., prevented them from completing their year. There will always be some drop outs due to health problems too.

Jerry: Some turnover is inevitable.

Sherry: Some counties are also sending their alternates to the two-day grand jury seminar. I think Sutter and Kern Counties sent thirty-one one year.

Tom Hansen, Solano County: This time commitment goes right to the problem of getting non-retired people to serve on juries. If you're working a full-time job, it's difficult to put in the amount of hours that are required.

Jerry: The two are related and there is no question about that. We will hear more about that this afternoon.

Ken Murray: I have a question. What do you do with politically ambitious district attorney's who use the grand jury system? In most of our communities, the civil grand jury serves a dual purpose when the district attorney can come to the grand jury on a criminal matter for an indictment and perhaps all of us have had that experience. Whether to use the grand jury or not is a choice of the district attorney and with a politically active district attorney, they can, in fact, choose to use it for a specific political purpose. I don't know the legal answer to this, and I don't know what your experience has been in your community, but does the grand jury have the right to tell the district

attorney no – go empanel a criminal grand jury if you want, but leave us alone, we’re busy?

Jerry: That question has come up before.

Ken: How does it work in your community?

Jerry: The basic question is, “May a grand jury refuse the district attorney’s request for handling that?” I will ask the most knowledgeable person about grand jury law I know.

Jack: I’m not aware of anybody asking this question. I would just say that since the constitution was amended to allow this and the stated rationale for that amendment was to permit the criminal grand jury to meet at the will of the district attorney. If he wants them to, it seems to me that it is logical that if the regular grand jury has other things on its plate and doesn’t want to, then they call and tell the district attorney. I have been told by at least two counties that they’ve done that. They have told the district attorney that they didn’t have time to do what he wanted done so he needed to convene his own grand jury. As far as I am aware, there is no legislation.

Jerry: What you are basically saying is it’s your belief that this question has never been decided in the courts.

Jack: You are right.

Dan: I think that if you get a district attorney that is overly consuming the regular grand jury’s time from their civil responsibilities, effectively the grand jury has ways that it can discourage the district attorney. If the district attorney brings something to the grand jury it is usually for the purpose of the grand jury to issue an indictment. The grand jury can refuse to indict. The grand jury also controls its schedule so they can tell the district attorney they are not going to meet until next Thursday at three a.m. in the morning, or it can also recommend that they are too busy and the district attorney would be better getting a panel of criminal grand jurist for the special indictment.

Ken: I’m not aware of any of that information being part of grand jury training.

Member from the Audience: The grand jury training by nature is incomplete. There is no way you can properly and thoroughly train a grand juror in two days flat. It’s not possible. You can only skim across the surface.

Jerry: We didn’t deal with the criminal indictment side of the grand jury other than to explain the difference. I don’t think we can go into any detail. Maybe we should go into more detail so that the grand juror does understand what he can do and in some cases, what he can’t do. Of course, the answers we have heard here don’t really answer the questions for those counties that still have one grand jury doing both. According to our survey, I think that it’s about half and half right now. Half regularly impaneled grand juries for criminal indictments and the other half still have the one grand jury doing both.

They, of course, have the authority to convene another one but it's our understanding that they just don't do it. Maybe it's a budgetary issue because these counties don't have the money to convene a special grand jury for a criminal indictment. All that said, I don't think we have answered your question.

Jack: I think that there is a bit more to it than that Jerry. I know that in Marin County, I believe that anecdotally it's true that in a lot of counties the DA doesn't use the grand jury to indict because they don't want to. They have a choice and many times in the past found it easier to go by the information to indict; and, many times in the past found it easier to go by way of that information. What I've heard over the years from DAs in the state is that if the case is based on an informant, they would like the informant to be alive at the end of the preliminary hearing, or in a large drug case or a large money laundering case where it is cumbersome, California law permits the DA to proceed by indictment.

Jerry: I think during my term we were told that we could not refuse the district attorney's request. Perhaps that was a local ruling on that judge's part because there were times when we would have liked to tell the district attorney that we were too busy, but we were told that we couldn't do that.

Bill Turner – Los Angeles County: When I was seated in 2002-2003, District Attorney Cooley addressed us and requested us to investigate a workman's compensation issue even though the criminal grand jury had already been seated. We did, but I think our foreman, at that time, thought this was a big deal and she wanted to support Cooley through the whole thing and she sold the grand jury on taking it. I voted against it, but it happened anyway. When you get a politically active district attorney who is looking to get his name in the paper, and I think that is what was happening here, you get these kinds of requests. In fact, Governor Schwarzenegger used part of that report in his address when he received the nomination for governor. I think district attorneys often use this kind of request to influence the public. Our foreperson could have said our plate was full, but in order to placate Mr. Cooley, she didn't. I was dead set against it, but it happened because of one individual within the grand jury itself. Not because of the whole grand jury, but because of individuals. With twenty-three members, fourteen is a quorum; and fourteen really rule the whole grand jury. We needed to look at why he came to us after we had been in session for more than a month. All of a sudden he wants something done and she drops the jury itself, and we dropped two items that we had been investigating in order to placate Mr. Cooley. It was political and it shouldn't be that way, but it is.

Jerry: Actually, the district attorney didn't do anything illegal, nor did the grand jury. The grand jury succumbed to the pressure from the district attorney and they decided to go along. It would be nice if I knew more about the case, but I don't; however, there was nothing illegal done.

Member of the Audience: I think that being trained is most important. The grand jury foreman came and spoke to us about what happened when he was a grand juror. We didn't receive any formal training, but at the first conference in 2002, I got more

information than I did as a seated grand juror. It was almost too late for me to do anything about it.

Jerry: We trained the LA Grand Jury for two years in a row, but they elected not to send anyone to our training this year. I'm not sure what's going on there. You should all know that in Los Angeles County, they have basically a permanent criminal grand jury that is absolutely separate from the civil grand jury since about 2000. Any other comments?

Betty Mattea: I have a question – as I understand it, most, if not all, grand juries are not juries of anyone's peers. Why would a DA want to use that kind of a jury in a criminal case?

Jerry: That is the flip side of why half the counties are now using a separate criminal grand jury because there were some court rulings. It stated in my county so I'm quite familiar with it, and I'm sure you all know the history. Just briefly, one of the reasons is that there have been rulings that an indictment by a grand jury, which is not usually a demographically balanced segment of the community, is illegal. I have personally never understood that ruling because you're entitled to a trial by jury of your peers, but where does it say anything about an indictment. Anyway, that is the ruling and as far as I know, they started it in our county. Our District Attorney, Mike Bradberry, says he's not going to do that anymore. I am going to convene a special grand jury, a second grand jury, because as we heard, it is obviously allowed and you all know that. So why would they go, I think it's a matter of convenience and economics, and maybe in those counties the DA may be comfortable with the grand jury and they're OK with it. But they are at risk of having the same thing happen. Any other questions?

Bill Bowen – San Francisco: I would be interested in continuity and what people do in two regards; one, how you help the old grand jury and what should they be called upon to do; and secondly, is there anything that the chapter associations do through our committee?

Sandra: Back in 1999-2000, our grand jury had a little time on its hands and we started a program that we handed off to the next grand jury where we went back to the previous five years, read the reports, made a list of the reports, what responses we got, and what non-responses we got. They were compiled and that has taken its own life with each year moving it forward. They used it for a year or two and we then put it in the back of our report as a follow up to what the issues were, what the responses were, and what happened. While it is good for the public, it is also good for the incoming grand jury. It's one way to hit the ground running. In our opinion, that is what we try to do in our indoctrination sessions. You can hit the deck running as a new grand juror not only the carryovers but the new members can get their teeth into the responses right away. Number one, you get new publicity and by keeping it in the forefront instead of just one a year, you can hold the feet to the fire of those who are non-responsive.

Jerry: We preach all of that in our continuity training and again we emphasize it to the new grand jury. I guess we heard that from Ken too. Sometimes a new grand jury really doesn't care about the old grand jury, they want to make their own mark in the world.

We strongly recommend the kinds of things that Sandra just talked about – what a new grand jury should do. I would be curious to know whether any chapters do anything active in this regard in answer to Bill's question, frankly, it's something that I've never heard of.

Bill Bowen – Los Angeles: I have contacted the foreman of the sitting grand jury now, and he told me that he was counseled by county counsel not to have anything to do with this and they don't want to have anything to do with us. They will do their own thing, so it's tough. I have a meeting scheduled for November 14, and I invited him to come to our luncheon, which he declined on the recommendation of the county counsel. They don't want anything to do with us, and I have no idea why they don't like us.

Jerry: That is an odd response because the law says that the foreman or representative of the prior grand jury may be called into the grand jury up to one-hundred and twenty days, correction, forty-five days, but only for the purpose of explaining the report, not dealing with the responses. So, according to the law, I guess he has to come if you invoke that particular part of the law, an interesting comment. It really says that the county counsel believes that one grand jury to the next should be about as isolated as possible. That is a problem in the law because the law does suggest that, at the same time we all know that it is a good idea to find some way for continuity. Interesting.

Les – San Diego County: Our County negotiated an implementation review committee, but I think they would admit that it would work just as well if the following year's jury took it upon themselves to make it a part of their next report.

Jerry: But that is after. I will try to paraphrase what Walt can tell us in great detail since Walt is chair of the committee. I've seen it first hand. The only deal with responses that relates to what the county agreed with. So that is a little different. It's kind of the next step down the road. Owen, you have a comment.

Owen: I think the remarks that the operations committee about a week ago and I have been invited to give remarks. What I would like to do, and not everyone in this room has access to this stuff, is give the directors manual to the new jury. I received a director's manual, and it was one of the best pieces of information that I'd received in my three years of experience on the grand jury. It has nothing to do with the operation of the grand jury, but it's about the board. I'm not certain who prepared this, but whoever did, it was a great job – thank you!

Jerry: That is the directors manual and only the directors will get that. I appreciated your comments. Back on the subject.

Rose: Our County had an implementation committee in the local association. One year when we attempted to do it, the current grand jury told us no, that was their job.

Jerry: I think that what I'm hearing is, in trying to get back to Bill's question maybe that is something a local chapter might want to take on. In the case of San Diego, they have a formal agreement with the county, and they are trying to negotiate one with the city of San Diego. Of course, in that county, San Diego is the single largest government. A chapter might want to go forward and say, "Can we be of some help in this process?" They might wind up with an informal arrangement or even a formal arrangement. It might help the grand jury, but again one of the things that we preach in this association is we don't want to do anything that can be interpreted or perceived as interfering with grand jury work. That is the mantra that we all believe in, and have always been careful about. To offer help, and if the help is wanted we know that certainly in San Francisco County, and there may others, and I am hoping that it's going to happen in Ventura County. Grand juries are going to help in the selection process, but that is the judges' thing, not the grand jury, so that is a little different. Dan, you have a comment.

Dan: I'm real curious about what Bill said about the county counsel telling them they cannot do anything that would resemble continuity. County counsel has no authority to cover the grand jury anyway. The only purpose of the county counsel is to serve as a legal advisor should the grand jury ask for legal advice, otherwise, the county counsel has no business in the grand jury room. But, it does lead to a real interesting historical systemic problem with county counsel's misinforming grand jurors that they cannot keep documents of prior grand juries work. They try to keep the grand jury as ignorant as possible by not allowing them to have the information of former grand jury activities. That is why I think that the key to continuity is for grand juries to keep a library of records of former grand jury activities, reports, responses, and informational operational procedures manuals of agencies that have been investigated so that the current grand jury has access to the work of prior grand juries. This keeps the information fresh in the current jurors' minds. For a county counsel to intervene in that way is very disturbing to me and what it suggests is, any investigation that has been done in the past has to be destroyed. I have heard of county counsels telling a new grand jury that they have to destroy everything that was produced during the previous year. This is totally false.

Al- Marin County: I would like to request input into the relationship between the media and the grand jury and its reports. Many grand jury reports are totally ignored and the community is left ignorant. How can we best get our message to our community?

Diane Masini – Nevada County: In Nevada County we have set up on our email site, a contact list that includes all the media within the county so that when a report is released, we tell them in advance at what time it will be released on our web site. We broadcast it to all the radio, television stations, and the newspapers. We give them forewarning so that as of eleven o'clock on the day that it's released to the newspapers and the radio stations are very good at looking at this web site and it almost always ends up in the paper and on the radio. This year we've taken it one step further. We are now advising the news media when we get a response from the government, and I think that is going to

start generating more interest in both what the grand jury does and how government responds to our reports.

It works very well doing it that way. Just be faithful about it. We always give it to two members of the organization, like the publisher and the government reporter at the paper so that one person who might not pick up their email the other one will. That is another way that you can do it.

Jerry: I'm glad to hear that comment about doing the same thing on responses because it has been our anecdotal experience that state-wide, the press is fairly good about reporting on grand jury reports if there is some meat and some interest in something, however, fairly poorly at reporting on responses. I once asked a local reporter in our county about that and he said that some of the responses are not very news worthy. But, maybe something like Diane reported would help that situation. I think that is part of the problem.

Diane: Especially if it is a controversial report to start with, people forget about it and let the responses come back up and bring it to the surface.

Jerry: That is good. It will be interesting to see if the press picks up on that. Bill.

Bill: I wonder about that question about county counsel concerning the law. Could the association identify someone in Sacramento that could be contacted about the county counsel and explain the way the law applies. This would be a network or informal path to the county counsels that are not familiar with the law.

Jerry: It is an interesting idea. We all know that the discipline within the state government and at the county level has some kind of association of their colleagues in the other counties and surely, I know that there is one for county counsels. If we could find someone like that and maybe it could be somebody who has a good relationship with the county counsel. I might follow up on that. I might take a note and, we as an association could try to deal with that. Marsha.

Marsha: Jerry, we will be hearing from the Shasta County's County Counsel this afternoon and you can tell her about this.

Jerry: Oh good, now we can ask her. This is Marsha Caranci from our local chapter. Thanks for the reminder. Let's be sure someone asks her. Bill, why don't you ask her that same question? We will move right out on that. Serena.

Serena: A relating matter in San Francisco, the city attorney that advises the grand jury, or is available as is the county counsel. Some of us were very startled when we heard last year's foreperson say that the particular attorney that was assigned to the grand jury has been very helpful in looking over anything on that year's reports. Some of us at the annual meeting overhead that and we were appalled and others said, "What is the big deal?" I was one of the gaspers. I was very interested in the general feeling here is that a

“no-no” and is it a complete breach of confidentiality or if somebody knows of any precedent for this.

Jerry: Anyone else have reports on interference by any county counsel, DA, or presiding judge? We all know that county counsel and PJ’s have to review the reports but not to edit it. Anyone have any comments or experience on that? Bill.

Bill: I know in Los Angeles, while I haven’t had any experience on that, I think that it’s not your report if somebody reviews and edits it. It’s somebody else’s.

Rose: We had to select our own reports and I picked up on one report that specifically limited what a staff person for the grand jury should or should not do, and one of the additional items was that county counsel can only answer or advise when asked by the grand jury. That is, he cannot make the first step; it is the other way around. You really need to let people know.

Jerry: County counsel, my understanding, is a reason to review the reports is to worry about libel issues. One more question – go ahead, Walter.

Walter: A specific question about the relationship of the past grand jury association and the standing grand jury. This past year we didn’t know what the origin of it was, except that we had the foreman and the presiding judge said that the standing grand jury is going to end their services in the middle of June instead of the end of June. There were four people who mutinied, a real mutiny, and said “no, you can’t do that,” and so they came to the past grand jury and said, “Would you please write a letter to the judge and support us in our rebellion.”

Jerry: Let me understand, the sitting grand jurors are asking for help. One of the members of the sitting grand jury asked a past grand juror to write a letter as a citizen. He certainly has no authority, no real official roll in doing anything. He can certainly write a letter to the judge or whomever, as a citizen, citing his own past service, but I don’t think he can do anything more than that.

Dan: I understand that the judge terminated the tenure of the grand jury by just publishing a date. The state law says that the grand jury continues to sit until its successor is empanelled. There was not another grand jury empanelled regardless of what the judge did that jury continues to sit.

They were technically still in tenure but they weren’t meeting. They were saying that all the work was done and the foremen and the presiding judge said you don’t need to come in. I guess my question is our relationship as a Past Grand Jury Association, we can’t get involved but the presiding judge said that’s it. We said we are not going to argue with the presiding judge. Sometimes it is just a question of authority. We will end this session. Joann has been writing.

REPORT TO MEMBERSHIP

Jerry: Harry apparently has a quick announcement. Sorry Mr. Macklen, would you please step out into the lobby and talk to the registration people. Sorry about your car. It sounds as if he didn't pay for lunch. At this point I would like to ask the standing committee chairs to join me here at the podium. If someone could get Jack Zepp I'd appreciate it. Owen, Les and Sherry and who else is here – who is missing - Bill Burnett from the finance committee? This is cozy but we will make do. We have plenty of chairs.

Jerry: This is a report to the membership; however, we will adjourn at noon for lunch even if we're not through. We don't want to hold up our luncheon speaker. If we have some time later on in the day, we will continue this report or we will discuss association matters at our scheduled 2 p.m. time frame. I did ask the committee chairs to keep their prepared remarks brief. There were several good reports in the recent journal about committee activities that sound a lot like the kind of report we will be giving at this meeting. I will also keep my remarks short because, I too, have a fairly extensive president message on my two years of services as your President. I will also make some remarks at the end of this session. I would like to ask each of the committee chairs to give a report on their activities. I will report on the public relations committee as I am the acting chair. Each chair can allow for questions for their committee and unless we get too extensive we will allow time for your comments and questions. It is important for us to know how you're feeling about what we're doing or what we're not doing. Let me start with Jack Zepp – whose phone just rang. He planned so that we would have some interruptions.

Jack: I apologize to everyone. I lost my real cell phone and I bought this one yesterday at the drug store. I have no idea what any of the settings are or what is happening when it rings. If it keeps going off, all I can do is say, "I'm sorry."

On behalf of the Legal Affairs Committee, we had a very quiet year because we go by legislative sessions and we had a quiet two years during this last legislative session. There was a demographics bill threatened back in 2005 and we talked to Senator Romero who was the proponent for the legislation. She never introduced the bill and it was the only thing that has been on the radar screen. There have been no developments within the judicial counsel despite the fact that we continue to try to get them to focus on the fact that they have excluded grand juries from court operations. Grand juries, at least as a matter of intellectual interest, probably no longer are an arm of the court; but they have bigger things on their plate so they are not paying attention. There have been no new cases worthy of comment. There is a case that most of you are probably aware of that was just initiated in Yolo County. It is kind of hard to keep track of what is happening with that case, but the gist of it is that an official who was criticized in a report sued the County for a pattern and practice of impaneling discriminatory grand juries that are not demographic grand juries and he brought a suit for the empanelment of a new grand jury, which failed. The new grand jury has been impaneled and remains the first part of that

lawsuit which contends that the grand jury is not demographic and something should be done about that. Implicit in that case is the argument that the grand jury that issued the unfavorable report about him was himself a racist. We don't feel in the Legal Affairs Committee can really comment on that because nothing that this organization does has anything to do with how a county impanels its grand jury. We encourage them to reach out to a grand juror, but we don't really have anything to say in the system a county uses or what criteria it is going to use to impanel a grand jury. That is the structural side of the case so there is not much we can say about it. The charge that the grand jury was itself racist is obviously something we can't deal with since we don't know. Obviously, we don't know who they are or whether or not they are racist until it at least goes to trial. If there is a trial and there are findings to that fact, that will give the Legal Affairs Committee a factual basis on which to comment. They may want to weigh in with what is called a brief, presumably in support of the grand jury, but right now all we have are unproven allegations by both sides, and it is difficult to form a view on that basis. I will make a prediction that if there is new legislation in the next legislative session it is likely to deal with demographics. Since that is going to be significant, and the panel for recruiting grand jurors will be discussing this later on in the day, I'm not going to say anything more about it at this time. I will defer my remarks until then. Any questions? Thank you.

Jerry: I have a question for you. In the Yolo case wasn't there some involvement in a federal judge taking a position that might have an impact.

Jack: I am sorry. That is the rare case where it's actually the federal court that is handling this and not a state court. The reason for that is because the underlying claim is a violation of the US Constitution and discrimination is a federal claim. We mentioned this case this year in training just to show the exception that proves a rule concept. This is one of the very rare situations where federal court gets involved in a California county grand jury matter. Yes, it is in federal court.

Sherry: How many in here have attended our training – as a volunteer or a student? Quite a few, that's good to see. Some of the highlights for this year included adding a fifth seminar in Fullerton in Orange County, which was very successful for our first year. We had a good turn out and it was very well organized – thanks to Rose Moreno and Audrey Linberg for organizing the volunteer staff. Visalia also went well. When we started in Orange County, we were a little concerned the members there would decrease Visalia. We knew that ahead of time from our polls. I had predicted that the attendance this year would be fifty-five due to the draw away from Visalia to Orange County. Instead, they had ninety-four and I was happy to be so wrong. I jumped for joy because that was the highest attendance that Visalia has ever had. It occurred to some of the counties to send a lot more jurors. Kern sent alternates. They sent twenty-four. One county, Madera, which had been a calendar county switched to the fiscal year, and they attended. It was great that we had such good attendance there.

At the Redding seminar; Redding started out in 2004 with sixty-nine jurors the first year, this year they had one hundred and eleven. That is a 60% growth in two years. This has been a terrific site for a seminar and there is a good group of volunteers here too. They do an excellent job so it is going very well.

We also had two forepersons workshops instead of one. Our one forepersons workshop had gone to forty seven and it was so large that we couldn't do small group instruction. We divided the people into groups of five, so we broke it into two workshops this year; we also had one in Concord and one in Sacramento. Those are going very, very well. We did our first tri-county onsite training. We do onsite training where we send our trainers to a county. I think this year we did seven onsite counties all together – and one was a tri-counties seminar for Amador, Toulumne and Calaveras. We sent three trainers there and they trained all three counties at one time. Orley Riles is looking at getting another neighboring counties interested, and if we can get five counties then we can put on a regional onsite seminar in the future. That is something we are working on. Anyway, just to give you some statistics here I will tell you how busy we were. Our training date was expanded to a period of twenty seven days. We had actual training events seventeen out of twenty seven days. The other days were more or less a few days to get from one location to the next. Some of our trainers were on the road for literally two weeks at time. We had five seminars, two foreperson workshops, and we provided three on-site training sessions to five different counties, but in three different sites. In 2006, we continue to grow. In 2006, we trained 646 new jurors, up from 590 in 2005. To date, from 2000 to 2006, we have trained a total of 3,368 new jurors. Any questions?

Sacramento and Concord were the first two and those were well attended. We had Redding, Visalia, and the new one in Fullerton for a total of five locations. I rushed through this because on behalf of the Training Committee, Jack Zepp is leaving this committee effective tomorrow morning at 8:00 a.m., and we have a citation to present to Jack from the Training Committee. It is kind of long and if he wants to read it we will let him, but I want to say that Jack has been with the Training Committee since 2000 and he has been one of the main components of the committee and our training efforts. I just don't know how we're going to do it without him. It's like losing a right arm. I went back and figured out that since 2000, Jack has presented the grand juries law workshop approximately ninety times – so let's have a hand for Jack.

Applause.

Jack: I assure you every one was different.

Jerry: Thank you Sherry, thank you Jack. Bill, if you could give us a quick status on finances.

Sherry: I do have some handouts to be passed out here.

Bill: Good morning, my name is Bill Burnett and I'm going to give you a report that Ira Grooms was suppose to send me, but I didn't get it. Basically, I'm going to tell you that

financially right now we're in good shape. We came out of a kind of down time in March and April, but with the good work of Sherry and Owen Haxton we have come up. Our funds are pretty good. I have a report on the table if anyone wants to look at the P&L. There is also a balance sheet and a little letter. I do want to thank Owen and Tom Hansen of the membership committee, and commend Sherry on the great job she did with training. That brought us out of debt. My hat is off to those people. We talked at breakfast this morning to see how we can streamline the process for the membership. It probably cost me \$5,000 in just paper and printing. We are going to work some things out to save the association some money and hopefully that will be a good thing. If you get a chance, grab the reports out there and take a look at them. Linda Baker just brought them in so you can get one from her. If you have any questions, stop me and ask. I will be glad to answer any questions I can. Thank you very much.

Jerry: Thank you Bill. The problem with the training program is the amount of cash outlay required to print the manuals before any of the counties provide funds to us. They don't provide funds until after the new grand jury is seated, and you all know how counties are about paying their bills! It is a definite problem that we have to work on and somehow get the counties to pay up front or something. I don't know what the answer is but we do need to work on the cash flow problem in the future. We did go through a tough time and we seem to be holding our own pretty well now.

Les Day, will you report on Operations.

Les: Operations has just a few items on its agenda, and I think that the most important one to report on is that we were incredibly pleased with the job that Harry Tully and his committee did in organizing this event. Harry got a great start and had a wonderful committee to do various functions. For all I know, they may have had some connections in Redding using some of the same people for training. But putting together a contract and executing what they have in this hotel gets the plaudits of not only this committee but this entire association, and we can stop right now to applaud that.

Applause.

Beyond that, we will be having an announcement later about the 2007 conference but I won't tip that off right now. I don't think that anything appeared in print at this point, I hope not. Some of you may actually be surprised as to where we are having the 2007 conference. Beyond that, I did report that you may have noticed in an earlier issue of the Journal, that once a year we go to the State Archives and physically check the reports and responses that have been sent in. I had able help from Linda Baker, Ourania Riddle and my wife. She will always go for a free lunch. Basically, we have now found that we have fifty four of the fifty eight counties in some form of compliance with the requirements of Section 933b of the Penal Code to send reports and responses to the State Archives.

There are a few problems with some counties that were in compliance in the

beginning, but they are slacking off now. But, if you look at that chart, you will see that there are only four barren counties. With permission from the committee, the most effective approach is to contact these counties by email rather than just another letter. Language in a letter can be very effective, but there is more of a relationship to be had via e-mail. This is especially true with small counties such as Alpine, Modoc and Mono. Actually, I know that Imperial County is probably the largest that hasn't complied.

Although they come to our training session and they have a fully functioning staff at the court house, we don't know why they are not sending in their reports. This month an email will go out to those four counties. Basically, it is pleasing to know that the State Archives has a dedicated person who, when we make the appointment, will be able to meet us there. They have the boxes ready in carts, but we have to do all the grunt work and lift the boxes. However, the responses, I would say, have effectively improved about 50% in the past two years. It is starting to get tough to find much more than one thick report and a thick response in each box because they usually reiterate everything they have said and all the questions they have responded to in the recommendations. We actually have a couple of boxes that have two counties in them and it holds a couple of year's worth of reports and responses. Universally, juries are not letting people know the code sections that cite that specific responses are required and that there are actually consequences for failure to do so. If you go back only seven or eight years, most juries did not state that requirement in their reports. They are now requiring elected officials and department heads to respond and that there are consequences for non-compliance. A judge could theoretically order someone to respond, whether the response is to the liking of the grand jury or not is something else again. That was a major change that we are very pleased with. Other than that you may have read in the column about some of the program changed in the committee. I am stepping down as chair of that committee, and I am sure that the committee will redefine all of its goals for the coming year. Any questions?

Member of the Audience: What is penal code 933b?

Les: Part of the 933b requirement is sending reports and responses to State Archives.

Jerry: Talking about lifting boxes, Tony Noce is still out counting ballots and I'm not sure how to get in touch with him, but he had twenty copies of the Kern County Grand Jury report in his file. When I was there inducting their chapter into the association, he asked if anyone could use these extra reports. I know that Les has a passion for old grand jury reports, but seriously, Tony lifted eight boxes into my car and took them home. I asked Les what to do with them. He took an inventory and said that some should go to the state archivist, others to the Institute of Governmental Studies at Berkeley – which is another organization that likes to collect things. So with the help of my good friend, Marion, we did that and I shipped them off. Talk about lifting boxes – that was big time. Hopefully, that effort was appreciated. Tony is glad to have them out of his files. Owen Haxton of membership committee is next to report.

Owen: Thank you Jerry. On your table you should have a one page, two-sided report from the membership committee prepared by our worker bee on the committee, Tom Hansen. He is our data base manager and without him I am not quite certain where we would be, but we would have a whole lot of little pieces of paper trying to figure out what the membership is. Membership is a fluid number. You pick a day and the membership is going to be different than what we thought it was. Tom and I worked on this chart, the one with yellow stuff on it. Wednesday of this week, he published it, and then in the mail on Wednesday came five more applications. The chart is out of date, but we're used to that. The chart is a snapshot of one point in time and if you look at the line at the bottom of the chart, it shows that this year we have thirty-one more members than last year, but that was of November 1, if you go further into the year, there were 329 members last year. Whether we will reach our goal of four-hundred, or the same number as last year, is yet to be determined. But, with these five, plus the e-mail I received from Fresno County indicating they are applying for a chapter with twenty-two members, we should be close. However, I can't count that yet as a bird in the hand.

Will you please pass this down to Bill.

So, we have to take a look at this as a growing effort with our goal of four hundred voting members not being met. We missed that goal by a significant margin, but we didn't miss the goal of staying in place. We haven't lost anything, but maybe next year, with a little greater effort and a year's experience for the committee under their belt, we may achieve that goal – I hope we do! We also set the goal of achieving fifteen total chapters in the state. We had ten to start with, and with Kern County, Kings County and hopefully San Benito and Fresno counties joining, you see how quickly things changes. That would put us at fourteen. I am sure that the committee will revise their goal and maybe put it at around twenty for next year. That may be a high bar, but it is better to have a high bar or a high goal than a low goal. Last year when I came on board, we had fifteen counties without a single member – a single CGJA member – I was appalled. I just can't comprehend a county that has thirteen to nineteen grand jurors not having even one of them a CGJA member. Well guess what – we don't have the same counties without a member, but we still have fifteen counties without a single member belonging to the CGJA. Will we be able to change that next year? I don't know, but we're going to try. One other thing, last year I was privileged to announce who the most recent CGJA member was – they happen to be from Marin County, but this year we have five from San Benito. Being conditioned to always alphabetize things, it's Jason Stuart who is the newest member of the CGJA. By the way, is Juanita Alexander here? She told me she would try to make it. She is a spark plug in San Benito County. I don't know if she will be present, but she is the one that generated it, and Marion Mosley from Fresno is another go-getter. Enthusiasm just comes across the telephone. It's absolutely refreshing. Any questions?

Jerry: No one has more passion for membership that Owen Haxton. I've got to tell you, Owen can't understand that when you finish serving on a grand jury you should automatically go into CJGA. That's a wonderful attitude and I hope that it pervades throughout the rest of the state and that we will continue to grow and to be a better

outreach source. I did meet Marion Mosely at the training session. I think she did the Visalia training and she is very much interested in this type of thing. I think she's going to be a good addition to the state roster.

Let me speak as chair of public relations and then I will make a few closing remarks as President. We may have some time for questions before lunch and we certainly will have time later on in the day.

You know by now that the board decided to transfer the responsibility of the Journal to the Public Relations Committee, of which I am chair. Thus, I had the responsibility of making out this latest Journal. The committee has had one meeting, which was one week after we got the Journal out. By the way, there are extra copies of the Journal at the publications desk. If you didn't get one, or if you got an email version and you'd like a nice printed copy, there are plenty for everyone here. We did have one meeting and it was kind of a brainstorming session – what we might do to change the way the Journal should be done to make it better. We definitely are going to make it more of a team effort. It will be some kind of a research function about what grand juries are doing. A significant part of our readership is all of the California Grand Jury's and another group is people who are interested in what we do. We want to be sure that the Journal reaches that audience as well as our membership. We want to be sure that the membership is getting the information they want. We will certainly ask for all the opinions we can get, and although there has been a lot of controversy about what is in the Journal this past year, we are not going to suppress controversy. We will deal with it and we will answer it in a responsible way to make it an effective tool to promote the views of the California Grand Jury Association, and to promote the grand jury system throughout the state. We've added some folks to the committee and we will certainly look to anyone else who would like to participate on the committee and be part of our Journal staff. We haven't forgotten about the famous video. We have a new opportunity to go ahead and try to create a video to fill the void of what we were unable to do when we produce the existing one and a year and half ago. It didn't quite meet our standards. There have been some interesting videos that I think you will hear about later in the outreach and recruitment sessions. We have seen some video's on the web from some counties that are, and can be, very useful for us to model from. We basically want to create a video that is a generic outreach tool that can be used throughout the state. There really are two purposes – recruitment and to inform the public as to what grand juries really do. You all know that very few people really understand what grand jury's do – it's a constant problem. We all know it's a problem and we have a hard time getting the word out to the rest of the thirty million people in the state what the function is of a grand jury. This will be the primary function of the new video and also as an outreach tool.

We really want the public to understand the effectiveness of the grand jury. We have started a couple of initiatives to do that, and I think I would like to ask Barbara if she wouldn't mind coming up here and tell us about one of the initiatives that falls in this category, or would you rather have Betty do it?

Barbara: I will defer to Betty.

Jerry: Barbara is chair of a small working group. The acronym is, we are the OLLIWGS, and that stands for Osher Life Long Institute Working Group. The Osher Life Long Institute, while Betty is coming up here, is a series of institutes for educating adults in the state about anything they want to know about anything they want to know about. There are chapters in virtually every California State University and every University of California campus, plus forty chapters throughout the state, obviously in many counties. The Cal-Poly/San Luis Obispo chapter has been doing this kind of training in San Luis Obispo and they are about to launch another one. I'll let Betty give you more details about what we're doing. Betty, please give us your report.

Betty: What have you left out? What are we doing? This committee is chaired by Barbara, who has laryngitis. Sorry to hear that. We have had teleconferences only but we have put together a program which is going to be offered at San Jose State. – is Richard Ruth here? Hi, Richard is on the committee, Barbara, Jerry, myself, Jack, Earl and Marion Jameson. It is going to be three days, on Friday's, for three weeks in a row. Each session will be for two hours, and Barbara has put together a plan on what each one of us is going to present and we hope to cover the entire issue in six hours. I think it's pretty exciting and the grand plan in all of this, and we'll see how successful we are, is to have this offering available to all of the grand jurors in California and chapters. Of course, chapters have to be able to offer it in your area so this would be almost the same as a presentation. I'm sure it will go through some changes after the first go-round. It will not be a mini training session but you will recognize a lot of the same material. There will be a day in the life of a grand juror, an official from Santa Clara, and a city attorney.

Are any of you familiar with the OLLIWG Program that Jerry mentioned? It is interference.

Marin County has an OLLIWG Program that I've offered, and they just appointed me to their board there. It gives me a good entrée to say, "Wouldn't you like us to offer a course on the grand jury and what it is." We'll see what it is and if they accept that. I will certainly use the program that we are setting up. Do you have any questions?

Jerry: The long range goal in doing this is to develop a process we would hope through the association chapters, or individual members, will offer this program at each of the forty chapters in the state. This would be to an adult, another way to think of Osher Institute efforts. It is like an elder hostel. In this case, the members of the local chapter decide what it is they would like to learn about. It started in San Luis Obispo and is now in San Jose. We hope that we can do this in forty different locations – it's a great outreach program. Yes Tim, I couldn't hear the question.

In my President's Message in the last journal, I outlined what I thought were the good things in my term and what were disappointments we encountered. As an association, and as a board of director, I am not going to repeat that, but I really would like to make a comment or two about this. I did meet my goal of attending all of the chapters, twelve in

all, and we often heard and often discuss in board meetings the comments that we got of “What can the CJGA do for me as a member? What are the benefits of being a member of CGJA?” I have come to the realization that we have got it backwards. One of our presidents, well known, made the wonderful comment, “ask not what your country can do for you,” and I have come to the conclusion that this is the attitude we should adopt.

We all belong to CGJA because we believe in the system, we enjoy the experience and we thought that we could make a contribution and we want to continue to make a contribution. How do we do that? Well, CGJA seems to be the implement. I did an informal comment so if others supported me that when you finish your year of grand jury service, or two years, you can go one of three way – one, it was a great time and I learned a lot; or man, I am out of here and I want to go back to my life; the other extreme is that it was such a great experience that I want to re-up and do it a second year. There is a middle group, and that is just what I said, it was great, I learned a lot, it is too much involvement, but I want to be involved and this is the group that are the candidates for CGJA. That is how I got involved in the CGJA – I was in that middle group. I know there are others that support this philosophy. We need CGJA members to decide what it is we can do to promote the grand jury system throughout the state. You don’t always have to do it as a member of CGJA.

There is a new initiative in our county that I am very pleased about – that the judge has decided to form a group of past grand jurors to help him with the things that we have talked about – selection and training. I’m going to be a part of that group, I’m not going to mention CGJA because there has been some resentment in our county about CGJA, but I’m pleased to be a part of the group since I will personally be able to promote, I hope, a better grand jury system within my county. That is the charge that I lay on all of you. You are all the involved ones.

I hope I can reach this message to the other 270 members to do an equal sort of thing. Why do you belong to CGJA, what can it do for you? Maybe this outreach through the Osher Institute might be an avenue to that end, there may be other things we can think of. Another initiative they’re considering is better documentation in a more formal organized way, good grand jury achievements. We have a small group working on that and we have decided we are not quite ready for prime time yet. We have to iron out a few wrinkles in the process before we come forward with a revelation of how we want to do this. There is another potential outreach effort where any member of our organization may again do something to help promote the grand jury system.

So that is my charge to the new board and to the new officers, and to all members. Please understand what you can do and how you can help keep the California Grand Jury system vital. We had some interesting challenges and comments from Ken Murray. Most unusual welcoming speech I’ve ever heard. I think that it was great. He gave us a good challenge, and he gave us all something to think about. So with that, we are right at the lunch hour. We will continue this session at 2:10 p.m. time period after the awards and guest speakers. We have to adhere to the guest speakers. Thank you for what you have done so far. We have had a lot of interactive responses and I think that is a good thing.

That is what this meeting is all about. I hope you enjoy your lunch. Please be back promptly so we can continue the program. Thank you.

LUNCHEON SPEAKER: CHRIS GODLEY

A small community in Marin County has 4,000 individuals now trained in disaster care within their town of 8,000 people. Literally half the town has gone through the two hour training on what to do in the event of a disaster. Their goal is to get one 100% and the volunteers are excited. They all want to be the person who trains the last citizen that hasn't had the class. I want to track them down at the mall, whatever it takes. We were also able to standardize our program, throughout the program so that although all of the jurisdictions had their program, for a year or two starting in 1999. By the year 2000, when it was clear they were all going in different directions in what they were training on, we were able to standardize the student manual, the instructor handbooks so that even if you lived across the street in a different jurisdiction, you still were going to receive the same level of training and hopefully, the same scope of training from your neighbor down the street.

The question is, how did we get local communities to agree to standardize some of their CERT programs? Really, the way we sold it to them was, "Look, if you'll agree to do this we will do all the work. We will print all the manuals, give you all the materials, and knock yourself out." Now some of the communities have elected to teach maybe three quarters of the materials because they don't feel that they can get people in for twenty hours. That is a very big commitment. They like the twelve hour and sixteen hour approach, but the goal is again to use the same set of materials. We sold them pretty hard on the need for that and now with homeland security grant funding, we were able to tie that in saying, "Now I can give you grant money. It's just that I need you to use this set of materials." Now we have two towns, Centerville and Novato, that do run their own CERT programs using slightly different materials because the towns felt they didn't want the county telling them what to do. They felt they could better address the unique needs of their residents. I'm OK with that. They are all different in San Rafael and across the street in the county, but what we have been able to do now that the new city managers have been hired in these two towns is meet with them to sell them the concept that we need to continue with the standardized approach as best we can in Marin County. It now looks like Novato may be adopting the whole county standardized plan, which would certainly make things a little easier for us. I also mention, in terms of training county employees again, as a result of one of the 1999 findings all county employees now are required to obtain at least the one hour standardized emergency management system introductory course, as well as the new for this year, National Management System Course. Sims is the California approach to getting funds and Nimbs is the federal approach. Neither of them is required in terms of having to take the training. No one has to take this training unless you want some money after a disaster, then you have to have taken the training prior to the disaster. So in order to remain eligible for state and federal money, which is everything; you have to have this training. Like many of my counterparts in your counties, we are aggressively trying to pursue this training for all

county employees. It is quite a chunk of change in terms of taking people away from their desks.

In 2002, was the first grand jury report that started taking a look at the issues that were raised from the events of 911 and the anthrax attack that occurred later that fall. In 2002, one of the grand jury reports focused strictly on bio-terrorism preparedness as this was a relatively new threat that had not had a great deal of work done on. We were ready for the outbreak of stuff at Sizzler's salad bar, but we had never gone as far as to deal with anthrax coming through the mail. So, about the same time that the grand jury is investigating this issue is when we were attempting to work through this issue and do some work to better prepare our communities. It was interesting we would get a call from a grand jury, "Do you have a plan? No, we're writing one," and two weeks later we would send them the plan. They would say, "OK, that is good, do you have a plan for this? No, we're writing one." It was kind of like playing leapfrog throughout the grand jury reporting process and what was nice just about the time they were about to finish the report, we were just about finished with our major work, so the findings were not so significant in Marin County in terms of a negative aspect. What it did help us do was buy into some of our supervisors about their need to take part in some of our planning and training programs. They were aware that a grand jury was looking at this and they didn't want a black eye so they agreed to jump in and help us out. So that was kind of nice having them right there. I didn't say, "I'm going to tell on you to the grand jury, but I said the grand jury is asking around you know if you don't come to the exercise what can I say?"

I will mention that as a result some of the report findings and as a result of the actual grand jury process, we were able to develop an anthrax response protocol that is county-wide for all jurisdictions, all organizations. So, there is no conflict between cities and counties, or county departments and special districts. We pretty much again told them, "Look if you will just agree to it, we will do all the work." They said, "Great, here you go. You get the anthrax thing." So that is what we were able to do as well as a weapons of mass destruction response plan. Rather than having a terrorism annex to the county emergency plan, we took the approach that we need to prepare a tactical plan for our firefighters, law enforcement people, emergency medical services, and works crews that are on scene of an incident.

It is a massively complex undertaking in dealing with a threat of weapons of mass destruction agent and so the tactical plan that we developed has proven very successful. We have been able to exercise it several times and at least six counties in California have a plan that looks extraordinarily like that one. I will mention also that we did do a bio-terrorism plan that has now been subsequently incorporated into our new medical health annex.

We have a medical reserve core program that is underway from the department of health and human services. They have about two hundred individuals right now that are registered. They have started training. Their goal is to obtain at least eight hundred individuals in the medical reserve core program. That is going to help us deal with

pandemic flu when we need medical people to help care for individuals as well as administer prophylaxis or immunization as necessary.

We did a massive bio-terrorism exercise in June 2004. We took part with four of the counties in conducting it. At the time it was the largest bio-terrorism exercise in California. I lost a lot of hair on this side of my head from that exercise. But, it felt good to work through some of the hypotheticals, if you would, using our existing emergency management organization instead of being focused on earthquakes. Now we were focused on a bacterial agent that was being spread maliciously. Health bio-terrorism grants started spinning up at this point. To date, as of 2006, the health and human services people have received 2.2 million dollars in grant funds to help prepare the county to respond to the threat of a bio-terrorism event. I will mention that this is relatively small change compared to what some of your counties have received because these grants are almost always based on a per capita population basis. Some of the counties got 10, 20, 50 and 100 million dollars. If you are on the grand jury and you want to see what they have been up to, ask them for that spread sheet. I love that.

In 2002 again, right after 911, the grand jury took a hard look at emergency management. How does emergency management work in Marin County, what are the systems we have in place, what are some of the weaknesses in terms of being able to manage the response to an actual event such as a catastrophic event as 911 or other major disasters?

As a direct result of the finding of the 2002 evaluation, I no longer report to the county administrator and the director of emergency service and the sheriff as I used to. Now I only report to the sheriff because one of the findings was that Chris has three bosses and it's not fair, so I really appreciated that. We were able to finally move our county emergency operation center and our EOSC administrative office to a new location where we are jointly co-located. We moved from about 1800 square feet of horrible basement space with no lights where we couldn't even get half the EOSC staff into the facility into about 4200 square feet. This is a small picture of one of our EOSC spaces. This is a temporary measure as I am still trying to get the county to build a new public safety building. They just completed that last week and it's a secret so I don't know the results of that. That is literally the first step in trying to go before the board and obtain their approval and proceed with building a new building.

As a result of a previous finding, I was hired by Marin County in 2001. I replaced a sworn lieutenant who had been occupying the position for five years. It was felt because of the flurry of a grand jury report and the negative press that resulted from grand jury reports that they wanted a civilian emergency manager. They wanted someone who specialized in this as a career and not simply as a rotational assignment for a sheriff's lieutenant. I was hired and charged with making everything work. Go back, dig out all the grand jury reports, which I did. That is what allowed me to develop my strategic plan identifying the weaknesses and what the shortfalls, identified by other organizations, were as well as the grand jury. Key to that was the fact that right away in 2001, we completely overhauled all the OES programs and reorganized the staff; we hired all new

staff in the next two years. As people retired, we were able to bring new staff on and we were able to finally put OES on a footing where we could deal with major issues and incidents. Part of that was kind of a scramble, if you would, we did a lot of planning, we did some training and now when a disaster strikes, the OES staff can, with great speed and a lot of skill, be honest and be able to step in and help county leadership actually manage the response to the event. That was a major issue and part of my regular reorganization necessitated my request to re-classify some of the work, the job positions in OES. I don't know if any of you are familiar with county civil service. I don't know if that comes up at all, but that is not something you do over lunch. I was able to cite two findings from the 2002 report and findings from the 1999 report. When I made my request for re-classification to the supervisors they said, "We can't say no to that now because the grand jury is going to come back and beat us up." I was able to get three of my positions re-classified and that was very helpful. We do annual major exercises.

In 2003, the grand jury focused on the fact that housing for public health and public safety employees is a problem in Marin County. This road closed sign poses a significant challenge for us in the event of a major earthquake. Marin, effectively being a peninsula, is linked by a major highway that runs across the Petaluma River is not a great seismic area. We could see this sign all the way around Marin County. Sixty-five percent of our public safety people live outside the county. Those are the ones that are willing to admit to it anyway. I live in another county. My deputy lives in another county. The joke is if you work for Marin County, you can't actually afford to live there. The grand jury focused on this threat because in a major disaster if we were delayed the response by not actually having people on hand for twelve, twenty-four, forty-eight hours, that is going to significantly impact our ability to provide services. The grand jury made some recommendations about looking at alternatives and solutions in getting people to move here, subsidize some housing and that kind of thing. I am not pleased to report that we have made extremely limited progress in that area. Only twelve condominium units have become available since 2003 for public safety people in Marin County and that is mostly in the city of Novato. Not quite the dent in this issue that the grand jury might have hoped for in 2003. Although it is pretty expensive in Marin County, the median price for a home is now \$940,000. On a civil service salary it takes ten of you to go and buy a house. I can't tell you that is going to change any time soon.

Many of you and many in the urban area with the high cost of living will also see this throughout your government work force and not just in the public safety sector. The public safety sector has unique shift patterns, 12 on, 24 or 48 hours on in a row for some of the fire departments now. These people live in eastern California, Oregon, and Hawaii. It's pretty exciting to be a county employee and live in Hawaii. There may be a bit more of an issue for the public safety staff than most of the county employees.

In June 2006, the grand jury took a look, revisiting the earlier 1999 report about our citizens preparedness to deal with a disaster, and the apathy has not evaporated even post-Katrina. We are finding that most members of the public just don't think it's going to happen to them. And if it does, it won't be that bad and if it's that bad then they can't do anything about it seems to be the attitude from most of the general public.

We, as a result are focusing our efforts on preparing our vulnerable populations, those with physical, mental, and emotional disabilities. Mobility issues can include anything from what we consider to be normal ADA issues to people who have a fear of heights. We have to take everything into consideration. And we are also trying to target the children a bit more. If you can get the kids in school, especially the kids in high school, they are learning a life skill that takes them forth throughout their live. For most of the general public, how many have a disaster kit? Come on, be honest. A real disaster kit – wow! You guys are great. You’re probably a bit more community minded than most. We average about 3% of the population is adequately prepared for a disaster. They have a plan, they have a kit and they know what to do – 3%! That doesn’t change very much even post-Katrina. In 2007 and beyond, I expect to see the grand jury more involved. It’s a political issue. There is money flying around through the department of homeland security grant programs. These are hard questions that need to be asked about politics and money especially post-911 and post-Katrina. These are some of the trends that I wanted to share briefly with you. If you have any questions, please let me know.

For emergency management, we are seeing increased federal guidance and regulation. Post 911, the federal government was criticized, post-Katrina the federal government was criticized for its inability to respond and they are going to fix that. And here is what you need to do now as a regulatory requirement. The feds are coming to the rescue to that. We are seeing increasing litigation for disasters and emergency preparedness. Many of us have served for the public awareness request on how well prepared we are for dealing with special needs populations. That could easily move into the courts within the next six months. That is about six counties in California at this time. The focus remains that the state and federal level on terrorism, we all saw Katrina, we all understood that, but they still remain focused on the terrorist issue. Grant funding is now going to become competitive in nature and it is not going to be awarded on a per capita as it has been the case the last four years. Most of the money is now going to go the larger urban area.

There are also increasing expectations of services within emergency service management. Public warning is a major issue. People feel that the government should warn them of a threat. Someone should come and knock on their door and say, “get out its flooding.” Ring them up on the phone. We should page them. We should reach them. We should have sirens. We should have airplanes, helicopters, dogs, and you name it. People expect to be warned of a major disaster. I am here to tell you as an emergency manager it’s not going to happen. We can deliver some warnings, but it’s not going to be a guarantee and it’s certainly not going to cover everyone. The technology is just not there for it, and certainly not the staffing level. But, that is an expectation of service and also for special needs and vulnerable populations. There is increasing expectation of being able to shelter individuals that may have gone off their meds and that kind of thing. And finally, we’re seeing an increased dependence on infrastructure, physical infrastructure that over the years has become very efficient. You can get all the phone calls you want, you can get on the internet, and you can put thousands of cars on the road.

There are two left hand turn lanes at the intersections so that more cars can get through the intersection. It is incredibly efficient but it's very brittle, fragile and very susceptible to disruption not only by the disaster itself but by the fact that it can't handle additional capacity. If you lose two lanes of freeway because they have slid off into the river due to flooding, the other two are not going to be able to carry the same amount of traffic. Finally, we are also seeing some increasing hazard. I just did my global warming threatening analysis. If you really want to get excited ask me about that afterwards. We are seeing more and more natural process that use to be an inconvenience or minor nuisance. Now they are really going to impact us socially and especially infrastructure wise. Now that is quite a bit. Normally, it's a one hour presentation just on those trends. But if you don't have any other questions, I'm prepared to stay afterward and speak to you after lunch. I do want to thank you for your time and what can I tell you about grand juries. I wish the State of California had a grand jury because there is a lot going on at the state level. Thank you for our work and trying to keep us honest. I appreciate that.

Harry: We're out of time.

Harry: One quick comment for those of you who have questions for Chris, come up afterward and ask him since we are out of time right now. Let's adjourn to the other room please. Thank you.

EXCELLENCE IN REPORTING AWARDS

Jerry: Earl Heal was just here sixty seconds ago and he's disappeared. Earl is the chair of the subcommittee under the operations committee to handle this program. Can anyone find Earl? There he is – I was doing my song and dance routine saying how wonderful this program was Earl, while I was waiting for you to reappear. I will now turn the program over to Earl.

Earl: you are generally aware that the Excellence In Reporting Program was reactivated three years ago. It had gone into the defunct status. We have worked on it pretty hard since, and I would remind you, without taking a lot of time, that we established significant criteria. I think we have nine or ten fields we measure people in. It's not just how pretty the report looks but we talk about the difficulties they may have had to get subpoenas, how long they interviewed, the effective time and the people that were involved, and of course, the quality of the report. So, anyway, the final part of it is the verification process. It's not just the quality of the report needed to qualify well in this program it's how well it has been verified. Normally it takes two or three years before we can get the county to move. There is a tendency for these reports to be received best when they have had enough time to prove everything. With that in mind, I would like to call the Butte County people forward that are going to receive an award from the California Grand Jury Association. Two awards, one for the grand jury and one for the local news media that supported the program. While they are coming up just to save time, I'm going to start reading the citation.

GRAND JURY

The 2006 Certificate of Merit for Excellence in Reporting is rewarded to the 2004-2005 and 2005-2006 Butte County Grand Jury for special achievement in investigating and obtaining resolution of public school policy regarding assessment and collection fees for students and control and disbursement of education funds. California Education Codes prohibit public schools from charging fees or deposits of a student except when specifically authorized by law. A survey by the 2004-2005 Jury revealed that over two thirds of the county schools were non-compliant. The Jury elected to concentrate on its further investigation of the Chico Unified School District where non-compliance was prevalent. As investigations continued, other serious problems were discovered. The associated student body fund and account authorized to be under control of the student body that maintains large cash balances was being used by faculty for unauthorized purposes. The district misspent over \$300,000 from a designated education grant. Bookkeeping of accounts were highly deficient and the superintendent of the CUSD dismissed the apparent problems at the very school as just being a slight problem. Investigating jurors encountered a range of attitudes from helpful to complacent to defensive. Subpoenas were sometimes required. A frequently expressed concern was being forced to abide by state and district would force curtailment of the student programs.

Funds were transferred to accounts during the investigation in apparent attempts to mask misdeeds. The Jury used financial audits to help audit and evaluate deficiency. Because of the complexity of the issue, the Grand Jury elected to publish the investigative results in five reports. Significant media support was provided for the jury reports. Some beginning corrective actions were noted by the 2004-2005 Jury. The 2006 Jury monitored the CUSD actions and found considerable progress had been made but noted that several problems had not been totally resolved. The perseverance of the Butte County Grand Jury is a credit to each juror involved and demonstrates for all, the value of continuity in identifying and resolving government deficiencies.

We have some people joining us from Butte County today – Willina Adams, Millie Brazil and Buz Bazina. Thank you for coming.

MEDIA

The next award for excellence for reporting by the news media is for San Luis Obispo. Sandra represents that board. Is Barbara here, is Walt here? They are going to receive this award and then they will have their own local procedure to pass it on to the new media.

For the news media, we are primarily looking for one of two things – they either got involved in a report and helped stir up the community to enforce actions or they may have just made an investigative report on the grand jury to educate the people of the value thereof. This is a specific case of support.

The 2006 Certificate of Appreciation for Excellence in Reporting is awarded to the Tribune of San Luis Obispo for its strong and continuing support of the San Luis Obispo Grand Jury. The Tribune staff commenced that support through editorializing and reporting immediately after the release of the 2004-2005 report of the county parks program and has continued regularly to publish the report and to inform the public of actions and inactions by the County Board of Supervisors regarding a parks department. For ten years, the supervisors have under-funded the parks department which is declining in maintenance. Eventually there may be a successful lawsuit against the county for unsafe conditions and injury on a park trail. The supervisors, as an immediate result of the publicity, provided additional funds to the parks department and more recently authorized establishment of a task force to investigate the jury's issues and recommendations. The parks department staff credits the grand jury and the Tribune for the successful turn around after years of declining county support. The California Grand Jury Association recognizes that the success of the grand jury investigative reports is predicated upon public support and greatly appreciates the continuing efforts of the Tribune to affect this improvement for the local community. We are very proud to have you receive this award and pass it on to the representatives.

Question: Inaudible

No one would tell me what it was because, after all, the grand jury stays so secretive they just said there was an award and we can't tell you what it is.

So I just found out what it is. Thank you.

2005 PLACER COUNTY GRAND JURY

We finally have a success story and we feel that these reports should be publicized widely. The 2005 Placer County Grand Jury is recognized for its quick and successful reaction to a situation that endangered the relations of Sierra College with its community. Sierra College is one of seventy two college districts within the state and holds a significant record of academic and athletic accomplishments. Its prime campus is in Rocklin with satellite campuses in Roseville, Grass Valley and Truckee. Faced with increasing student population and associated costs for facility projects, the college prepared a bond issue for March 2004. The Sierra College Foundation, a tax-exempt auxiliary organization, was asked to solicit donations to support the election committee. The bond issue failed in March, but the election committee was able to get two lesser bonds on the 2004 November ballot. These measures were passed by the voters. A newly elected college board trustee, based on his assumptions in a men's room conversation overheard by the trustee, concluded that the Sierra College president had developed a money laundering scheme to obtain donations to the election committee. Without consulting other trustees except the president or obtaining any legal advice, the new trustee filed a formal complaint with the Placer County Clerk charging the college president with authorizing a money laundering scheme. The donors names were not released as required by the Political Reform Act of 1974, and some donors had some financial interest in the success of the bond issues. The grand jury received that

complaint in December 2004, but did not act upon it because they concluded that the proper authorities had been notified. The 2005-2006 grand jury received two additional complaints and their review found that under terms of the college president's unanticipated retirement agreement in December 2004, the public had only been informed of allegations which the media continued to report. There was no indication that the Fair Political Practice Commission or any other government agency was prepared to resolve the issue. The cloud of suspicion was hanging over the college and the public should have been provided the full story. They recognized that this was more than a personnel issue and wisely elected to pursue a full investigation. The full investigation did confirm that the election committee treasurer had failed to provide names of donors to the FPPC but had done so promptly when they were advised of their responsibility. The donors had no interest in suppressing the knowledge of their donations. The college president was far removed from the process and the men's room witness could not recall the alleged conversation and charges were utterly without merit. This report was released in 2006, ninety days after receipt of the complaint because of the jury's concern about the misinformation prevalent in the community. The grand jury findings and recommendations have been essentially accepted by the college interim president and the response of the board of trustees, written through a lawyer rather than the board's signature, waffled extensively but could find no major fault. The real success of this unusual investigation is the fine reputation of a college president has been restored. Student enrollment and donor contributions have returned to their pre-controversy rate after a significant slump, and the complaining trustee and board president are both facing recall in the fall elections. Congratulations to the 2005-2006 Placer County Grand Jury for recognizing a critical community situation and taking immediate and successful action for resolution.

I would like to call Sherry forward. Did you have someone else to accompany you on this? We're looking for Placer County so Sherry has offered to fill in.

Sherry: I'm the only one from Placer County and I will see that this gets to the Grand Jury.

Earl: Most of the time grand juries would have avoided something like that but it certainly proved to be a benefit.

ANGELO ROLANDO AWARD

Jerry: Thank you Earl. My congratulations to all the awardees. This has been a good program. I believe the other members of the sub-committee are Linda Baker and Les Daye. They too should be recognized for their effort in bringing this program forward. It's really been a good addition to our proceedings and I do appreciate it. Our next award is our annual Angelo Rolando Award provided for outstanding service and the chair of that committee is Ourania Riddle.

Ourania: Before I announce the Angelo Rolando Award, I would like to recognize my committee that helped me make that decision. Bob Geiss, who is vacationing in Madrid,

Spain; Betty Matea, Duane Mason and Rosemary were part of my committee. The 2006 Angelo Rolando Award winner is Ron Miguel, a member of the training committee and a member of the San Francisco Chapter. Graduate of the University of San Francisco, retired small business owner, Ron served on the San Francisco County Grand Jury from 1995-1997, as foreperson in 1996-1997. From 1996-1997, Ron presented the interviewing workshop at the training seminar, sponsored by The Citizens Alliance. In 2000, Ron started doing investigations presentations and has done them since then. He is an excellent presenter with consistently high scores. He also has done a lot of onsite training in addition to the seminars. He has gone to approximately fifteen counties from 2000-2006. Ron has been a very dedicated member of the training committee and has contributed a lot of ideas, time and work to building the CGJA training program. Ron also served on the CGJA board of directors from 1999-2001. Ron is not attending this conference, therefore, Serena Bardell from the San Francisco Chapter will accept the award and hopefully the chapter will plan something for him.

Serena: Thank you. I was on the jury when Ron was foreperson, so I am really happy to accept this for him. Thank you very much.

Jerry: Ron has certainly been a very dedicated trainer. I have trained with Ron a number of times and he is a joy to work with. The next award is not on your program. This is a special award and it is not something we do every year and I would like to ask Sherry Chesny and her husband, Dick, to please come forward.

LIFETIME ACHIEVEMENT AWARD

One of the rare statutory duties of the Executive Committee is to make an award for lifetime achievement. It is an award that I am told has only been made two times before in this Association. One member of the committee recommended that we present this award to Sherry for all her fine work as a member of the board and particularly as Chair of our Training Committee. This is the lifetime achievement award present to Sherry Chesney. Our honoree has been furthering the goals and purpose of CGJA for twenty two years. Starting in 1984, she served the first of four terms as a grand juror. She served as foreperson in 1984-1985, 1988-1989, served a second term as a committee chair and shortly thereafter she began personally training grand juries at a time when CGJA had no training program. She served as a carryover grand juror the third time in 1989-1990 and added to her growing skills as a trainer. In 1994, while still training grand juries under another organization, she became a director of CGJA, a position she has held for twelve years. In 1999 she helped organize CGJA's first training program in a single presentation to forty six attendees in Los Angeles County. In 2000 she was appointed Chair of the then fledging CGJA Training Committee, and then undertook the task of expanding and improving the training efforts and handling everything from venue selection, broken microphones, lost presenters, etc. While personally serving the training, she has been over the past seven years the leader who is responsible for the growth in the program. As she said earlier today, 333 jurors in three locations in 2000 to 590 in eleven locations in 2005, and 646 in eight locations 2006. You have heard the other statistics from Sherry earlier today. For her selfless roll as Director, as a trainer,

and leading the CGJA training effort not to mention the fact she has served four times as a grand juror, we are proud to present this award to Sherry, and we have a little token of appreciation. She is clearly someone who believes in the grand jury system.

Sherry: Thank you. This is beautiful.

Jerry: This is a photo opportunity. This little bauble says, "Lifetime Achievement Award presented to Sherry Chesny, 2006."

Now the reason I asked Dick to come up here is when the committee was talking about this, we all recognized that anyone who has been at the training seminars knows that Dick has been a really strong support of Sherry and her efforts. I think that without Dick she might not have been able to do all she has been able to do. We decided he needed to be recognized too and so we have a little token of our appreciation right here. These folks travel around in a motor home so we thought that a little traveling coffee cup might not be a bad idea. It says here, "This is the MSS Award, the Most Supportive Spouse Award presented to Dick Chesny in 2006." Thank you Dick for all your support and best of luck in all your endeavors.

LES DAYE: TWENTY FIVE YEARS OF HISTORY

Jerry: Our next talk is by Les Daye. Les, if you like to come up here to talk to us about the history of the organization. I'm sure that you know in our publicity this is our twenty fifth annual conference and we thought that it would be appropriate to acknowledge that. Les is, I guess, the senior director on the board, or something like that. I'm not sure, but close to it. Les is also stepping down this year. In recognition of his service I would like to present Les with this little certificate of appreciation. "Awarded to Les Daye in recognition of his ten years of dedicated service as director of this association, giving unselfishly and untiring effort with special acknowledgement as president, chair of the legal committee, chair of the operations committee and his passion for the Grand Jury Reporting Project." Thank you Les and good luck.

Les: First, looking around at the after lunch crowd, it is a good turnout and I'm glad you all didn't desert this conference for the romance conference over at the Holiday Inn. Thank you very much for sticking it out. You know you can expect surprises.

Since CGJA is celebrating its twenty fifth anniversary here in Redding, close to my home, I put out some requests to try to get some original material that went back to the beginning of the organization. I would say that other than Mike Miller, who I don't think is in the room right now, was a founding and charter member back in the early 80's of the CGJA, can attest to the fact there have been, I'll just call them monumental individuals who put the idea together of founding an organization of past grand jurors in the sense of a state-wide organization, not just a coffee club group in a local area.

I have received three documents that are originals. I'm not going to share everything on them. I'm going to let the association know that these three original documents were

submitted by Past President Pat Yomens, who served on the Los Angeles County Grand Jury in 1965. The organization actually began in 1955, as an association and continues to this day in its same form. Now LACGJ is a chapter of this organization. Pat was very forth coming in providing these documents. On the documents we have a history of the Grand Jurors Association which sets out, that in 1979, what they called the Southern Counties Grand Jurors Conference, and the addition of Angelo Rolando from San Francisco, held a conference at Occidental College. They drew 200 jurors from twenty five counties. It was heavily noticed and they had a grant of about \$20,000. They did stay in Spartan conditions on the campus and ate in Spartan conditions, but they had a great time. Anyone who wants to see this, I will turn it over to the corporate secretary on behalf of Pat for the association. We will be able to see the kind of fun they had on Thursday, Friday, and Saturday at Occidental College. Basically, the actual start of the organization was the work of Val Cavey. Val, from San Diego, has been a tireless worker and to correct the program here, I believe was also a recipient of a Lifetime Achievement Award, but I couldn't tell you the year. He also served as this organizations first president.

Through the efforts of this Southern California groups, as well as Angelo Rolando, they were able to put together By-Laws and adoption as a 501C organization that established both a north and a south region.

There were two boards that were actually established in 1982. I will say this, that individuals like Val Cavey, Angelo Rolando from both parts of the state, as well as Fran Janzen from San Diego who also became a president of this organization had in mind to, from far and wide, proposed that past grand jurors could do something after their term. We are an organization of approaching approximately three hundred people, perhaps more. If you look around at single issue organizations take quilters for instance, there are quilters all over this country and they have a specific skill but they usually work in groups. Nobody wants to give away their latest patch secrets I'm sure. We have to look at ourselves as totally unique because quilters apparently have organizations with 10,000 members and they do meet yearly. Well, even if we had every juror who has served over all these years, I doubt that we would approach anything in the neighborhood of 10,000. Uniqueness in that this organization is able to educate the public on our sense of what a grand jury is here in California. It doesn't exist elsewhere. There are other states that employ the services of civil grand juries but not chartered as in our constitution back in 1879. I would like to, on behalf of the, I wish Mike were here, recognize him as founding charter member. I've had offers of additional material from Jodi Harret, Orange County, who was the original editor of the Grand Jurors Journal and from Jack Zepp. I had hoped that I could get some jokes out of Jack, but they didn't get done in the allotted time. I would like to formally present to the secretary of the organization, these original documents and I wish that over time, people will have a chance to look at them; perhaps we can issue something on it when we have a historical occasion. Joann will want to get these.

Jerry: Thank you Les. I think it's really important to recognize those who founded this organization. I think going back to our roots is a good thing – to focus on and reset your

goals and understand what we are all about. I do think that this was a well worthwhile thing to do. You told me some things that I hadn't heard before and that is good. I can always learn something. Thank you. Harry are you going to introduce our next speaker?

Harry: Karen, would you come up please. Karen Jahr was born and raised in Chicago, IL. It took me about six weeks to get that out of her. She got a JD, a Jurist Doctorate Degree, is that correct, at Loyola, a degree in fine arts from Long Beach State, and after she got out of law school she had a private practice defending doctors, for about a year and a half. She moved to Shasta County, and I'm sure that is because she married her husband. I'm asking her all these questions because I couldn't get an answer out her. Anyway, she's been married to Judge Steven Jahr since 1980. She's been in the Shasta County Counsel's Office, first as an assistant and then as a deputy. Since 1991 to the present she is Shasta County Counsel. She has been a great help to the grand jury. Sometimes she ticks us off a bit with her editorial skills, but by and large, she's been a big help, so I introduce Karen Jahr.

SHASTA COUNTY COUNSEL, KAREN JAHR

Karen: Good afternoon everybody. I was asked to speak on the topic of counseling grand juries which is something I've been doing for the past fifteen years. Much to my delight, the grand jury is one of my favorite clients and I'm happy to spend many of what I consider fruitful hours each year helping the grand jury conduct its duties, and I think, come up with darn good reports.

State law interestingly enough speaks only briefly to the topic of the county counsel obligation to provide legal services and advice to the grand jury. Penal Code Section 934 allows the grand jury to request the advice of the court or a judge thereof, or the district attorney or the county counsel or of the attorney general of the state. But, interestingly enough while it authorizes the grand jury to ask for advice, it doesn't require any of us to give it to you. Of course, being attorney's and being under the obligation set forth in the code of professional responsibility, those attorneys among us, those being the district attorney and the county counsel do endeavor to provide zealous representation to the grand jury when we're requested to do so. Of course, to be an effective zealous, legal advisor, we have to limit our input to legal matters which we are conversant with and what we know something about. That is why when sometimes you go to your district attorney, as you did in the past when you were actively sitting on your grand jury, the district attorney directed to that county counsel for advice on legal matters of a civil nature. The county counsel has directed you to the DA if it has something to do with an accusation or something to do with criminal law. On the other statutory reference that I could find that has to do with the county counsel responsibilities is in Section 914 of the Penal Code which requires the superior court, in consultation with the DA, the county counsel and at least one former grand juror to ensure that the grand jury receives training regarding its civil watch-dog functions. So, in summary, the county counsel must give advice to the grand jury when requested and must consult with the presiding judge

regarding the setup of the training program. That does not appear to be an ongoing obligation, but instead when the training program is initially set up.

How does this actually work? This tells you about what the law says about providing advice to the grand jury but what happens in the counties? What kind of relationship does county counsel have with the grand jury? I know how it works in Shasta County because I've been here for fifteen years doing this and we have established a routine relationship between my office and the grand jury.

I thought it would be kind of interesting to look at what other small to medium size counties do. How do the grand juries of those counties relate to their county counsel and visa-versa? I talked to the county counsels in 10 other counties, with population ranging from 97,000 people, Modoc County, to 1.4 million, Sacramento County. Yes, I know that is not small or medium size, but I like the county counsel there and it gave me an opportunity to give them a call. I wanted to see if things really were different in larger counties than they are in the small to medium group.

I didn't look at any other large counties; I just assume that there is a different dynamic going on there. Some of the larger ones I know have their own staff that is assigned to the grand jury and that is just so out of the realm of experience for most of us that I just didn't think that it was particularly relevant for who I assumed would be showing up for this meeting today. I may be wrong. There could be a number of people here from large counties, but I have a small to medium county focus.

I did conduct this very non-scientific survey of services provided in these ten counties. I found that the relationship between the grand jury and the county counsel ranged greatly. It ranged from what I would call formal and aloof on the one hand to intimate and collaborative on the other. Let me go over what I found out. With regard to training, of the eleven counties, the ten I surveyed and my own, no training at all is provided by county counsel to the grand jury in two counties. Those are Modoc and Nevada. In three counties, the county counsel provides only the orientation which ordinarily takes place the day of empanelment or the next day and it is a general overview. It is often open to the public and it usually lasts only one or two hours. There are three counties where the county counsel only provides the orientation speech – Sacramento, Tehama and Mono. Three county counsel offices provide orientation plus an additional training program, usually two to four hours and those counties are – Humboldt, Shasta and Butte. Three counties provide orientation and they provide training upon request from the grand jury – Santa Barbara, Sacramento and Yuba. Training in those counties may not happen every year.

I also asked my colleagues what input, if any, they had concerning the grand jury handbook and procedures manual. Half of the county counsels have either written or they provide continuous input to update the grand jury manual or handbook, or whatever you call it. On the other hand, half of the grand juries rely on the California Grand Jury Association publications or some other documents. Some of my colleagues frankly don't sound too sure about what it was the grand jury looked at. They just knew they

didn't have anything to do with it. I found out that advice can be given by different people in the county counsel offices throughout the state. The county counsel gives advice directly and is the contact for the grand jury in three counties – Sacramento, Modoc, and Yuba. The county counsel and one or more senior staff attorneys, more like a team, provide advice to the grand jury in three counties – Shasta, Santa Barbara, and Butte. In some counties the county counsel doesn't do it at all. He or she had delegated that responsibility to a senior attorney. Those counties are Humboldt and Nevada. I found in two counties, and I find this most interesting, the district attorney provides civil advice to the grand jury. I wouldn't think that would be necessarily the best source of information but, that is the way things are set up and, for whatever reason; it appears to work for Tehama County. I understand from my colleague there that the superior court told the grand jury that the DA should be the primary advisor and when the presiding judge tells you that is what is going to happen, then that is what happens. In Mono County there was an agreement between the county counsel and the DA that the DA would screen all the questions coming in and if they looked just too civil, they would go over to the county counsel, but if the DA could answer them, he would. Then I asked, "Well, do you folks review the draft reports of your grand jury?" Only one County does not – Yuba. They never look at them; they just show up published somewhere without legal input. Everybody else I surveyed said, "Yes." I thought that this would be completely uniform throughout the state. Other county counsel offices do take a look at the report. I asked my colleagues "What do you or your legal staff look for when you review the draft reports for the grand jury?" Yuba County doesn't review them. Some counties look for libel only. Here is an identified person, named and accused of doing something awful and it is possible that could be defamatory. The county counsel would want to warn the grand jury to be very, very careful if the person in questions who is identifiable or named, either way, is not considered to be a public official. Then, it is easier for that person to recover on a libel action on the grand jury. Extra pandering of any kind accompanying the grand jury report is considered as aimed at a non-identifiable non-official. A libel only check that is all they look for and this is done in Santa Barbara and Nevada Counties. Although both will point out any glaring factual errors. As lawyers, we just can't help ourselves, I mean if it is really, really wrong even if we are only looking for libel, we just have to say, "But that is wrong." All other aspects of the report are viewed by all other counties I surveyed. That would be things like not only looking for things like libel. Is there something potentially defamatory here, but also look for factual errors. Frankly, the county counsel knows a lot about how government runs and knows a lot about the facts and should point out the accuracy of legal citations, the grand jury interpretation of the code sections or case law. The accuracy of any conclusions they therefore make, the readability of the report, grammar, spacing, the whole thing is reviewed by the county counsel's office with the understanding that it's just advice. Many of the people I was speaking to said, "Let these people know that we understand that it's not our report, it's your report, it the grand jury's report. We are providing suggestions not direction." Still when asked to review this, most of us review it pretty thoroughly.

How do the county counsel offices handle conflicts? By that, I mean if the person who ordinarily handles legal matters for the grand jury, whether it is county counsel or senior

staff who has previously given advice with regard to the particular issue the grand jury is now investigation. How is that handled in that office? I have to tell you that I was amazed to learn that four of the ten people that I spoke with said that it had never come up which made me think then, “What are you doing all day that you never had to have a conflict declared,” you know, “Do you ever have contact with your other clients?” In any event, four of them said it has never been an issue – Sacramento, Modoc, Yuba and Nevada. It’s understandable in Sacramento because it’s so huge that county counsel has very little direct contact with clients other than the board of supervisors.

Other attorneys told me that when there is a conflict or the potential of a conflict, they erect what they call an ethical wall within their office. What that means is that the attorney who is conflicted out. Let’s say it’s me, has nothing to do with that particular issue on behalf of the grand jury.

It is instead assigned to an attorney in the office who knows nothing about that particular issue because he or she has no prior contact. Sometimes, you can’t do that because the entire office is tainted by the conflict because we have all chatted about it or everybody has weighed in, in one aspect of another. An in-house ethical wall is constructed when possible and these three are – Santa Barbara, Humboldt and Shasta. Three counties always refer out any conflicted issues – Tehama, Mono and Butte to the county district attorney. Interestingly, Butte County sends it all out to private counsel. They must have a lot of money. They’re able to do that and it’s nice. That handles it quite well.

Then I asked how much time is spent by the county counsel offices providing services to grand juries each year. I have to tell you this was another surprising finding. Two counties average less than five hours a year – Modoc and Yuba. Do they never get a phone call? Remember, Yuba is the one that never reviews the reports. In the five to one hundred hour average per year, and certainly some years are low and some years spiked, depending on what’s going on, there are four counties in this category – Tehama, Mono, Butte, and Nevada. One hundred hours are spent by Humboldt, one hundred and fifty by Shasta and Santa Barbara, and two hundred hours a year are spent by Sacramento County.

Why are there these differences? Why do some county counsels and some grand juries have a relationship that seems very close and very collaborative and very intimate and others seem quite impersonal and distant? First of all, there aren’t any state standards; there is nobody to tell us how to do this. The penal code is so vague on it we provide advice, when you ask for, that is all it says. Relationships develop over time and I think a practice is established in each county. Most of the county counsels practice Government Law, specifically advice for the grand jury from any other county so; we don’t know what exists out there. We don’t know what the range of possibilities is so we just kind of limp along and we do it the way it feels right to us. That gets established and feels right to the grand jury over time too because there is this continuity with the holdovers and with the local chapters of your association. And, so, yes that is how we do it. County counsel does this, that and the other thing and that is the reality of it. Also the nature of the relationship between the county counsel and grand jury does vary somewhat year by

year depending upon the personalities of the parties involved. Some county counsels love working for the grand jury, others I think aren't that interested or they are too busy doing other things and sometimes grand juries just don't want to have legal input as much as other grand juries. Certainly the grand jury can change its relations with its county counsel simply asking, requesting additional advice. Because of course, the county counsel is obligated to provide that as long as it's on the civil side. The county counsel could attempt to strengthen the relationship by providing more services to the grand jury if the grand jury were interested in accepting it. It's interesting that no matter how it's handled across the state, whether it's very close or it's very distant, every county counsel I spoke with thought that there was a very satisfactory relationship with their grand jury. They thought that the grand jury thought so too. I thought I'd bring that to your attention.

I was happy to do the research myself because I really didn't know what was going on in other counties. My relationship just developed over these past fifteen years with my grand jury. I kind of like the close, collaborative type of relationship I have with my grand jury, but I can see that in other circumstances people prefer other relationships. That is the information I've developed and I'm wondering if anyone has questions about it. Yes sir, you have a question?

Member of the Audience: Not a question but a comment. I'm the foreperson of the Tuolumne County Grand Jury. Because of the perceived conflict of interest, the county counsel provides the departments and supervisor all those areas that our jury is looking at, our panel chose to the district attorney. We've developed a very close collaborative relationship over time during the second year. It has worked out real fine. However, I think if it comes to the point, if you're looking at law, since the district attorney is the senior law office in the county, we then consider direction from the presiding judge assuming that they do not have that perceived conflict of interest.

Karen: This certainly is one approach. The Penal Code anticipates that the county counsel will be the primary civil advisor to the grand jury. This is in essence an exception to the requirement, the ethical requirement, on the part of the county counsel to recuse because of a perception of a conflict when in fact no conflict actually exists. I think that county counsels that I know tend to be over recusing as opposed to under recusing even if there is merely a potential perception rather than a true conflict. In the sense of that the attorney had previously represented the investigated department or that official on that particular topic. There are all kinds of models. Apparently, there are two other counties in addition to Tuolumne that primarily used the district attorney. There could be a slight downside there if the district attorney has only come up through the ranks as an attorney on the prosecutorial side. They are not familiar as county counsel is with civil issues involving government. There is a potential that you miss a couple of legal points there. On the other hand, if it works it works, and it sounds as if it does for you.

Sir, I think you're next.

Member of the Audience: What kind of training does county counsel get to give advice to the grand jury?

Karen: The training that county counsels get to give advice to grand juries is in-house training. We are trained; you don't go to law school to become a government lawyer. There are a few classes in some law schools which focus on governmental law, but for the most part you will see that county counsels mostly come from civil backgrounds.

Some of them do come from either the prosecution or the defense side of the criminal bar and move in the county counsel's office. What happens is, generally speaking, you're not going to get representation from a junior lawyer in the office. It's such an important assignment that generally the county counsel, the assistant county counsel or a senior deputy is going to provide you with your assistance. These people have been trained in government. Generally, they know how the county runs because there are analogies to the city. They often provide direct representation, as my county does, to the special district and school districts. We do school districts, we do special districts. They do know a lot about local government but they don't have any, I am sorry, the County Counsel Association does provide training. Much training a year on issues of government law is provided. Whether it's in the area of civil rights or planning and land use, or mental health law, or whatever it is. We get that kind of training. There is nothing in law school that specifically leads you into a county counsel position. In my office, or in any other office, we the elders do bring up the younger attorneys and training them on the job to get them familiar so that they can take over when we retire. That is basically how that happens.

What I found in doing my little non-scientific survey is that it's across the board on how much involvement, what the nature involvement is and who does it. But generally, I find that it generally a pretty high ranking.

Member of the Audience: In this morning's discussion, a number of people talked about the advice they get from the county counsel particularly around the documentation between the outgoing and the incoming grand jury. Is there anyone in Sacramento that could be asked to have communication with county counsel, who is trained, and could help them understand the appropriate interpretation of that law?

Karen: Yes, I think so. I think it might be beneficial to make a contact with the attorney general's office. I don't have a name for you – who you would contact. The attorney general every year issues formal written opinions, which don't have the gravity and presidential value of law but are persuasive. When the attorney general speaks in this published opinion, which ends up in a book at the end of the year, it has a lot of weight. You might be able, and certainly through your association, because you have more “umph” as an association to get a copy of these opinions. You might be able to find the appropriate attorney who has written opinions on a grand jury matter in the past. There are quite a number of attorney generals' opinions concerning grand jury issues over the last forty years, or whatever, who could act as a liaison or provide assistance to a county counsel who seems a little lost. Certainly, you could politely suggest to your county

counsel that there are other county counsels who are very experienced that have been doing it a long time. They do research on it, they provide training on it. You might provide the name of Tom Casey, County Counsel in San Mateo County who has been the head of the Grand Jury Legal section of the Grand Jury Association for many years. He knows everything.

Harry: Thank you Karen. I think we've had a good relationship with our county counsel.

Karen: It's intimate and collaborative.

Harry: Yes, actually, our past Grand Jurors Association meets in her office.

Jerry: We're moving right along pretty much on schedule. Two quick announcements, I've just checked with the tally committee and they need a little more time. Since Duane will be chairing the session on Recruiting Techniques for Grand Jury Panel, we're going to flip that session with the one on Chapter Relations at 2:40. We'll introduce Owen Haxten to chair that session and then we'll have to figure out the time when we can get Duane back. He thinks they're going to be finished about 3:00 p.m. so that should help and that should work.

OPEN FORUM/REPORT TO MEMBERSHIP (Continued)

The next session here is basically going back to the Report to Membership and this is like the Open Forum. This is now the time to offer your comments and suggestions and any questions about the association affairs, or anything you would like to bring forward. We'll continue until 2:40 p.m. at which time we'll go the chapter relations session.

One other announcement, in the packet in the back of your conference booklet is an evaluation form. We do this every year so that we can learn what has worked and what has not. This helps us plan our future conferences. I would like you to put in something on that form that is not on the form itself. It's a question we probably should have added but didn't think of it in time. As most of you know, this is the first time we've attempted to conduct this conference in one complete day from start of finish. It has always bridged over at least one day. I would like any comments on your form as to how well this worked. Was it a good idea? Was it a bad idea? If you can't really decide now and want to wait until you get home and think about it, please let us know. The forms need to go to Harry as Conference Chair. He would be the first person to respond to so we can get the benefit of your input and can plan future conferences accordingly.

Are there any questions, comments or suggestions about the association matters at this time? I know we're running a perfect organization but there is always something. This is the time for your comments you wanted to give to Harry, earlier.

Harry: As I started to say this morning, in hosting this conference, it became readily apparent that the directors, either incumbent or those that were running for office, didn't

want to sign up for the retreat because they didn't want to "lay-out" the money if they weren't going to come to the retreat because they weren't elected or re-elected. My proposal is that we do the election a month earlier so that the results are known and people will know whether or not they want to attend the retreat. I know change is difficult to bring about, but I think that this would be one change for the better.

Jerry: Thank you, Harry. We'll absolutely consider that. That has been discussed before by the way. I'm not saying we should discuss it again. I think that I said it in one of my communications to the board every time we change a procedure, for example, having the conference in one day, or deciding last year for the first time to hold the retreat after conference. We used to hold the retreat before the conference. Every time we do that, what kicks in is what I call the law of unintended consequences. You can think about some kind of consequence with that kind of a change and I think this will be a good time to go back and revisit the whole process. I think the board definitely needs to do that. It's a good topic and we'll surely add it. Judi.

Judi: I wondered what would be different as Harry suggested if we did hold the election at a different time. Does he have any suggestions as to how the vote, the ballots would be counted?

Jerry: That is one of the problems of doing that of course. The only time that people are physically together to count ballots in front of the observers and working together is at the conferences, and that is why we do it that way. This is a definite question. I don't think any of us have an answer quite frankly. We just have to consider that if we reopen this issue, as I believe we should. Bill.

Bill: I would like to say in support of that, the tellers who are counting the ballots have missed just about the whole conference because it's down to one day and they have spent the whole day counting ballots. That would seem to me to support the idea to count ballots at some other time.

Jerry: As you did it two years ago you know from personal experience. Yes, you're exactly right. Betty.

Betty: Isn't there some legal firm that you can address the ballots to and they can take care of that?

Jerry: There must be. It's just called money; but sure, it would be a way.

Harry: An accounting firm could do it.

Jerry: It's just like anytime you submit a proxy statement of a stock. It's going to some independent firm who is counting it. The companies don't do that themselves. Sure, that is one way to possibly do it. Rose, you had your hand up.

Rose: The same thing.

Jerry: OK, any other comments or suggestions as to how we can improve our organization. Sandra.

Sandra: The meeting seems to change from north to south every year. We might consider having something in central California. That is the loophole that seems to be missing right now. Traveling to spend two nights at a day and half conference is not good.

Jerry: You know, when we decided to come here to Redding, part of the decision process was that we had never been in the true north state and some people in this area thought we should do that. The local chapter has done such a marvelous job at running training conference here for the past few years; it gave us confidence that it would be well run. I think the evidence is that it was done well. We knew it was a risk because the demographics and the actual attendance are just about the same as it was last year in Burbank, a fairly large city and near population centers you probably heard of. We didn't really lose a lot of attendance although some of you have gone to more trouble to get here. I'm disappointed we didn't get more of a turn out from the one hundred and eleven grand jurors that we trained here in July. I was hoping that some of them would be curious enough to see what we were all about. For me, that is a personal disappointment. We do rotate it through regions and next year it will be in the central region. Last year it was in the southern region. We do try to move around the state. Maybe we went a little too far this time. It's again something to consider. That's a good comment.

Comment from the Audience: An extra half day wouldn't matter because we have to pay for two nights in a hotel anyway.

Jerry: There you go. Got it. Any other comments or questions about the organization?
Al.

Al: Have you ever given any thought of, or has anyone suggested, you record all these proceedings?

Jerry: We do. We've doing that for six or eight years and all our proceedings are on our website. They are published and sometimes it takes a while and sometimes we get them promptly, We decided long ago, before my time, a literal transcript is what we need because in that you can pick up all of the comments, questions, and suggestions. I've gone back and looked at them from time to time and find it quite useful to refresh my memory about things that are going on. So yes, we do that and I'm sure we will continue to do that. I think that is one of the better things we do. Jean.

Jean: Being a total nerd when it comes to computers, isn't there some way we could vote on a computer?

Jerry: We'll have to look at that Jean. You mean like if we're here at the meeting we could that that and not have people physically go through the process? That is a very interesting idea. I don't know, but it's worth looking into.

What you're saying is do something like that so that the tellers don't have to spend four or five hours doing this off line. That might work. Sometimes not knowing anything is a good way to ask a question, Jean. Interesting suggestion. Tom, that's a good one for you to look at. You're one of our computer experts. Walter

Walter: You've been here and have a lot of experience and wisdom; do you have any specific suggestions as to how the organization could promote more harmony?

Jerry: We're going to talk about that tomorrow at the board retreat. I don't want to preempt that discussion. It's definitely on the agenda for tomorrow. We need to work on that and I don't have an answer. If I had an answer, we would have solved this long ago and I'd probably make a lot of money doing something else. It is a good question. Dan

Dan: I was looking at the brochure and it used to be the brochure had a whole list of the CGJA membership. Every member used to get a complete mailing list. That has been suspended for the last three or four years. What happened to the membership list?

Jerry: I can tell you what I recall and anyone else that wants to comment they certainly can. We've had that discussion more than once and there are a couple of issues. So much communication is by email and it's less important to have the list. Number two, there are members who don't want their name and address published in a directory and you need to respect that right, I guess. How do you screen that out and what process do you go through? It's just an administrative task to do that sort of thing and you have to provide for that. We know that any member can request a membership list which is limited to name and address, no phone numbers or email addresses. We know the state law allows that and we have a procedure for doing this, but the issue is whether or not we should voluntarily do that. I think personally; it would be very good if people at least had the name and address of the members in their own county. That would be particularly useful. You could find out there may be people in your county that you could do something together. We need to discuss that too. I don't have an answer

Dan: We used to get a booklet and it had the county of origin, the year you served on the grand jury, who sat on the grand jury and addresses. I never recall any problems with misuse of the names in the directory. It was nice because when you heard of something or you saw an article in another part of the state, you could pick up your directory and call somebody, a former juror in that county and find out about that report.

Jerry: We will look at that again, Dan. I'm speaking now for the new board out of turn I guess. Walter, you had your hand up.

Walter: Bill Rose and I recall LA, San Diego and Orange counties doing something we are all contiguous and why couldn't we do a joint meeting of the three counties. Would there be somebody in the CGJA that we should be involved with?

Jerry: I would say dealing with any member of the board in one of those three counties is just fine. I think this is a personal opinion, I think any member could consider a director in their county or even in a neighboring county is kind of "their representative to the board." There is nothing official in the book that says that. I get calls about issues because I'm the one closest to where they live, whether it is my own county or whether it's a neighboring county, they just go the list, whether it's on the website or in the Journal, they say that's probably the least expensive phone call I can make so I will call Lewi. Think that process would be perfectly OK and that director could decide whether or not this is something they should inform the board about or whether another official action to take. The reason we have geographical distribution is so we can provide more local contact with members. When we had the induction ceremony to the Kings County chapter, I invited Jeanne Forbes to join us. She was in neighboring Tulare County, thirty miles away. Sort of to show the flag, if you will. That was kind of a good thing to do. Things like that is why we have regional distribution so we can get as much representative of the state as possible. Al.

Al: Communication is always a problem. Right now I'm having a difficult time hearing your voice, and looking at you, I'm wondering if personalizing some kind of a place where members can increase their participation, telephone, rather than the old fashioned snail mail, or for that matter, even email. The phone seems to work rather well in some groups so I'm wondering if anything is being done to personalize it a bit more? Do you know what I'm talking about?

Jerry: Absolutely I know. In my own experience first of all, my going to visit all the chapters was a good idea and that was the best part of the job. Visiting all the chapters and some of the independent associations helped me learn a lot and I hope that they did and I hope they felt that as a representative of the board, it was an outreach to those groups. I have also found that picking up the phone is sometimes better than email or snail mail. That conversation I had with the editor in Modoc was a lot better than if I'd just responded by email. So, in that sense, my email shutting down was a good thing. You're absolutely right. Think that the board could take as a challenge way to build on those kinds of experiences and improve that. It's a good suggestion Al. Thank you. Sandra, go ahead.

Sandra: Is there some kind of new member recruiting packet that the organization has that we can give to all of our members? We have a lot of new members, forty two that we could give to the members that are not here.

Jerry: The closest thing is a brochure that Dan just talked about that is in your packet. That's the closest thing we have. I think that we could refer that question to the membership relations committee. I think that Owen is attuned to finding ways to reach out to prospective members. One of the things we do is make a special recruiting effort

of those grand jurors we've just trained. We think that is the most fertile population of recruiting grand juror members because they are new and they are fresh. Hopefully they are still eager at the end of the year and they may want to continue to be involved.

We do that kind of outreach without getting too commercial at the training seminars themselves. That is one thing that we do. I would turn this around and ask you if any have any suggestions how to do that. Please get in touch with the membership relationship committee. We have a wheel that is a little squeaky and maybe needs a little help. We can always do things better. Betty

Betty: I want to make a couple of comments regarding the Marin chapter, of which I am now the new President. We were honored by our board of supervisors and we were presented through our current president, Karen Kerr, with a commendation recognizing our continued excellence of our reports.

Jerry: Let's get that in the journal.

Betty: One member, who is here, suggested that at a membership meeting maybe we should send that out to all previous jurors that we can find. Maybe it would be a good idea for me to do that. I had one other comment to make, our memberships, the real decision making body of our chapter, suggested that we have a \$500 limit paying the registration fee to any member who wanted to go to this conference and the remainder would be turned over to the annual conference committee. We have five people here who paid their own way and that would leave us \$250, which will be turned over to the CGJA.

CHAPTERS AND CHAPTER RELATIONS

Jerry: Thank you that deserves a round of applause. Thank you. A great way to end this session. My time keep reminds me that we are about out of time. We are on schedule and we are, again going to flip the next two sessions. So, I am going to turn the meeting over to Owen Haxten to talk about and get input from chapters on the subject of chapters and chapter relations. So Owen, if you would step forward I will step aside.

Owen: First of all, I need four volunteers. I need to pass out one quarter of these documents to each column. I think there are only four columns. I need to keep one. That is three volunteers, 75% effective. Three is the other half. Thank you. What we're going to do today is sort of "wing it off the wall." The relationship between CGJA and chapter and the relationship between chapter and CGJA, I don't consider a vertical line in either direction. I consider it a parallel line and that we're either on the right hand side of each other or on the left hand side, so it doesn't make any difference who is left and who is right, or who is on top and who is on bottom. It's a team effort and what I hope is what I've passed out will generate some discussion as opposed to me inputting information for you. I need to have a free for all here among all of us.

(At this point there was a technical problem with taping the session, so the secretary's minutes have been inserted here.)

“Mr. Haxton said that the relationship between CJGA and Chapter(s) is a team effort. CJGA must always be mindful of its responsibility to meet regulatory requirements of a 501(3) (c). He distributed a handout with some questions to consider regarding the relationship between CJGA and local former grand juror organizations. How can CJGA improve the respect that local organizations have for CGJA?”

- *Dan Taranto, Humboldt: Provide a directory.*
- *Les Day, Trinity: The threat of grand jury reform and CGJA's ability to provide rebuttal resulted in a spurt of interest.*
- *Serena Bardell, San Francisco: Consider solving philosophical issues such as dual membership.*
- *Barbara Dabul, SLO: Develop a member recruitment packet.*
- *Albert Lozano, Marin: To encourage participation, offer a 1 year free membership. Mr. Haxton pointed out that sometimes a free or reduced membership dilutes the value of the membership.*
- *Linda Baker, Contra Costa: We have a membership retention problem not a recruitment problem.*
- *There was discussion about using training registration information for recruitment. Counties who register their jurors do not provide individual information.*
- *Rose Moreno, Orange County: The Orange County organization is for former grand jurors only. They are not an affiliate chapter but they do help CGJA when they can. Would like some informal recognition as an independent group.*
- *Patty Basehard, Aide to the Marin County Grand Jury: CGJA should encourage Counties to send their staff who hold a similar position. She also suggested that counties be asked to provide the addresses of the jury; they may be willing.*
- *Jeanne Forbes, Tulare: Said that only the name and city are required to be released.*
- *Owen Haxton: It would be valuable to assign each Director with 12 members to make personal contact. This will be presented to the Board.”*

PANEL DISCUSSION ON RECRUITMENT

Duane: Whenever two or more grand jurors get together, sooner or later, if their county has a volunteer system in recruiting, those grand jurors will get around to how your county does with regard to recruiting grand jurors. It's always a subject of concern. Today, we thought what we'd do is present some of the ideas that counties across the state have come up with in trying to promote the notion of volunteering for grand jury service. We're going to have some video tape presentations, we'll have a power point presentation, and we'll have a CD at the end that Orange County put together, which we think is a very good idea. It's an eight minute CD. We've got a lot of stuff to go through and I want to introduce the panel that is here. To my left is Catherine McKeown from Marin County, and everyone here knows Serena Bardell from San Francisco. To my right is Marsha Caranci from Shasta County, and the fourth member of our group is Di Masini from Nevada County. Di will be making a power point presentation. Catherine is going to go first, and then Marsha. Di will make her presentation and then Serena.

Catherine McKeown: I've been on two grand juries, one in 2004-2005 and in 2005-2006. I was foreperson of the Marin County Grand Jury. We have many tools and that's what I'm going to focus on today. Marin County uses a variety of means to attract potential jurors year round. I will talk a bit about the recruitment season. Year round we have our insert, like many of you have in your counties. This insert is used every time we go out to talk to people. I asked last year if we could have a bin at both ends of the beautiful Marin civic center building, which Patti Basehart set up for us. So, these are available at both ends of the civic center building. Also at the time of recruitment, we put in the application forms and other brochures. This is a great tool and it has the summaries in it and it has some great enticements. This year the judge asked me if I would ask the jurors what they liked about being a grand juror, so I wrote everything down that people told me. I did leave one out because I thought it was kind of, "I like the food in the cafeteria." I thought that was silly. She actually printed every single one so I'm glad I left that one out. But it's all in here and you each have one at your place. Year around we use this; we have brochures which Patti Basehart is going to talk about later.

We have a webpage and many of you, I know, have this too. On our webpage it tells people what the grand jury does and how to apply. There are application forms, there are complaint forms and all of our reports are there with the responses to those reports. This is a great tool year round. Our recruitment season is January through mid-April. Mid-April is when the applications are due. So, the most effective things we do are make presentations to civic groups, city council meetings, organizations such as the Rotary, home owner and senior groups. I went out to a senior group last year for the first time and there were three groups in three different rooms of about thirty to forty people each. The first group was all there for the food.

The minute I spoke about money and the small amount we pay the people in our county, they perked up. The next room I went to, I talked about that pretty much up front to gain their attention. You learn as you go. This kind of recruitment of public groups is done by current jurors as well as members of the association.

One thing we did last year is go out to meetings, for example we went to the Novato City Council meeting. Two of us took three minutes of public time. We did six minutes back to back and they held us over to ask questions. It was televised several times throughout the northern part of our county. We also do a public access program called the Sounding Board. This was set up by a former grand juror, Bob Abeling, who was a director of this association. In past years it's been very effective. We had, I believe, four former grand jurors and the moderator, Betty Mattea, be a part of that. Connie Clough was also part of the last one. This time we set it up with the head of the board of supervisors, me as foreperson, a former presiding judge and the moderator. It was almost an hour in length. I'm going to show you a little clip of it; it's about twenty minutes or so. The judge reads a whole lot of stuff about the law and then I talk a little about the structure of our grand jury. The head of the board of supervisors talked about the effect the grand jury reports have on the county. So, the part you're going to see first is the judge talking about a report that made a huge difference in the probation department. It was done a few years ago. Next, the president of the board talks about the good and bad news that the grand jury reports bring. Then she also does a political thing as she is running for office. It's about Marin County is the greatest, that kind of thing. Then I talk about access and how the doors opened to us, and I also talk about the citizens in our county expecting excellence from their government. So, that is what you're going to see. Roll them.

Video Monitor:

Comment from Audience: As a resident, we have access to a well balanced, thorough report. When we saw the report, we pulled some files and looked at our local probate rules and made some changes. The reports do get absorbed by many people. That is the impression I get. When I review the report the issue of the report shines some light that something is wrong and that something is right as well. There may be something to celebrate. Then it's also reflective of what, as you said to go and take closer look at. Would you like to add something to that?

Catherine: It's just an investigation – issues studied – hybrid vehicles in our motor pool. There was an assumption that possibly there was an extract cost to the county but, when you looked at fuel efficiency in our motor vehicles vs. the gas guzzling motor vehicles, this is a good move. Attributing a move in our climate, while it may save us money in the long run, so we were celebrating that. We always like to get the thumbs up that we're doing good work; but, when there are some issues that show us maybe we could be doing things a little better, it gives us an opportunity to do that – to deliberate that. The goals are to make our county as wonderful and as terrific as I know it is. Because, I know that we have the best county in the state (laughter)

Other counties have issues in their jurisdictions too. One of the things that strikes me as I listen to comments and reflect on what I've learned about the Marin County grand jury over the years is we are speaking out as volunteers reporting on what is working and what is not working, what needs some adjustment and needs some applause. The thing that strikes me is the amount of information that is available to the public so the public can

understand and have a knowledge base. It's almost as if this is their personal library of information. This is very exciting and an interesting resource and I'm not sure that in some cases, it's enough.

New Comment: All the doors are open to the grand jury - city government and special district that we can also look at. They know that they have to open their doors to us and they have to talk to us. They also know that we have subpoena power and that we can go to the district attorney, but rarely do we have to use that.

I also want to say something about the people that come to the grand jury – they are not people that really know a lot about Marin County government. It surprised me, I did an interview with each juror before the jury was empanelled to find out what their interest were, what their area of expertise was, and to help figure out which committee or office might suit them. One of my questions was, “Tell me about your county government.” I think that there might have been one or two who had a clue whatsoever about the complex working of the county government, the city, and the special districts. You don't need to come into this with a great knowledge, but you have to have an eagerness and curiosity to learn.

I think that one of the places that go through the grand jury in Marin County is that it wants to make things better. We in Marin expect excellence in our government. We don't expect fair or good, we expect, excellence. We are interested in helping the district and the counties to be more efficient with taxpayer's money in a better way, help them raise the standards, and raise the bar. It's quite an education for people who serve.

Catherine: You can see that was very conversational in tone. It was shown more than twenty times in about two and half weeks, just before the applications were due.

You're going to see the clip from the Orange County Grand Jury. This is a completely different type of presentation, and it's very, very effective. Eight minutes long, a great production but quite different from the conversational tone that we have in our presentation. There is a place for both kinds of recruitment videos. The third thing we do is print media. We have a one page insert that goes out in our local paper, which is the Independent Journal. We have a terrific rapport with the paper. Often it's a one-two punch. You know, we put out the report and they do their editorial, their actual news, and their editorials, and sometimes there have editorial cartoons too. This is all very effective. We put out this two sided thing in February and it explains, pretty much, the same thing – what is a grand jury, who can serve, etc. In the next month the foreperson writes an article that goes to the editorial page. We do this about four weeks before the applications are due. I have a handout for you that will give you all this information.

We also do a lot of other print and press things that I'm going to have Patti Basehart tell you about, including our brochures and some of the dealings she's had with the media.

Patti: The brochure goes to every library in Marin County and it's been a great, great tool because it's the only place where you have a cross population – either going there for

learning or whatever reason. We do quite well with that. Sent out 300 hundred letters – to every organization trying to get a cross population but unfortunately we’ve gotten no response. Maybe one or two applications are all, but it covers the law about what we’re going to do. We also have a bulletin board in the cafeteria at our Civic Center that we can use once a month. We put the grand jury on that once a year – the whole idea is just to get the grand jury’s name out to the public.

The newspaper will also publish applications, what a juror gets paid and the benefits of being a grand juror. I send a nice letter asking them to print it for me. Every time one gets printed in the paper, I send a thank you note to keep a constant rapport with them. Even if you throw it away, it still comes to your house.

Catherine: Thank you Patti, she does a fabulous job for us. That is basically what we do – make presentations to the public, go everywhere to speak even if there are only one or two people, speak and do recruitment presentations with the video, and the print media. Patti and Sherry are going to pass this out to you and I will explain what it is.

Question from the Audience: Who was that other person in the video?

Catherine: The one on the far right was Susan Adams; she’s the president of the board of supervisors. She was coming up for reelection and I think that is why she said a lot of the things she said. She is new in that position.

What’s been handed out has the webpage as the first page, the next page was the handout: the insert that went into the newspaper; the next page is the editorial that I wrote last year, which was along the lines that other forepersons have done; and I included some things about Marin County. They did some great things. I just had to pass it along to you. They had, and I believe is this right Ray, juror and past grand jurors write their impressions of the grand jury and then sent them all in and they printed them in the newspaper all at once. (Ray – yes.)

Voice from the Audience: What we have in the local paper is a section called “Other Voices” and Ray put that together by contacting other people that had been on the jury. We put that all together and put it in “Other Voices.” That really got a lot of publicity. I think that was big help for recruitment for that year.

Catherine: It’s very impressive. I had to cut and paste it just to get it on this page because this headline was just on the top. Then, they had a couple of other things they did in previously years that I thought were great, so I included that on the last page. Anyone has any questions?

Duane: Can everyone hear what is being said or do we have to start using the microphone. Response was, “Use the microphone.”

Question for Patti: In Marin County, what are the benefits for a grand juror? And then I will have a follow-up.

Patti: The grand jurors receive \$20 per meeting no matter how many meeting they have in one day, and \$.45 per mile. They also have a social meeting that meets once a month. These people tend to bond for the full year and have friendships that last longer than the year.

Question from Audience: We discussed per diem that is received in San Luis Obispo County. Someone for our grand jury took the liberty of soliciting the surrounding counties for some comparisons. There is quite a variance. Based on that, we began to have a brain storming session. This gets back to recruitment – we had two of our people that are serving our grand jury indicate that if the price was \$35 per day, like Santa Barbara County, that they could well use the money since they are single moms. There were other reasons, and so having said that, we began to think that even though some say that it's not the money, it's a chance to get out and mix with other people, make important decisions, deliberate and all that, money does go into it. So you might keep that in mind in recruitment that maybe the old \$15 per day in San Luis Obispo, that has probably been there for twenty years, doesn't buy more anymore.

Catherine: We, as a jury, sent a letter to the presiding judge and let him know about the differences and higher per diem rates that we'd like to have, but didn't hear back from him on that subject. Orange County pays \$5 per day, I thought "Oh! Wow!" but they work five days a week.

Duane: Are there any specific questions for Marin County? If you have general questions, please hold them until the end so that can get everyone's presentation in. Anything specific for Catherine?

Next, I'd like to introduce Marsha Caranci from Shasta County. She is going to give us a little bit on what Shasta County does in that area.

Marsha: I served two terms on the Shasta County Grand Jury starting in 2001 under Duane's leadership. I was vice chair foreperson and he was foreperson. The following year I was foreperson and that was the year that he established the group of past grand jurors in Shasta County. I bring a different perspective because even though Redding has the beautiful Sundial Bridge, we are still really one of the rural, small counties in northern California. We don't have all of the tools, perhaps, that some of the larger counties have to develop our recruitment efforts. In fact, our small group really consists of six to eight dedicated individuals, and our primary purpose in the last few years has been to try to increase the pool of volunteers who apply for grand jury service.

Shasta County has a population of approximately 175,000 people spread from Fall River Mills to the east, to part way up the Trinity Highway on the west. However, the population center is Redding but we have to try and draw membership from all the areas in the county. It's been a challenge here. We've tried pretty much all the things that probably all other counties have tried to do, including having application forms printed in the newspaper when our annual report is printed, produced a brochure which we

distributed in a number of places during our recruiting efforts in January, February to perhaps April and May. The brochure not only goes into our local libraries, but we have gone so far as to place it in golf course club houses and adult living center club houses. We have tried to get creative in our own county in different places to put the brochure and we have had some limited responses from that effort. We've also established a speaker's bureau – there are a couple of us that go out to various community groups to speak about the grand jury work. We've tried to work very closely with our county administrative office during that time of year to make sure that they make announcements, get press releases out, work with them on public city and to make sure that there is information available on their website, as well as the county website. This year several of us wrote letters to the editor. Again, in a small rural county, everyone reads the morning newspaper and reads the letters to the editor, so I think that was very helpful this year. As you heard this morning from our illustrious city mayor, he has a talk show in the morning. We have sat with him to try to expose the local community to grand jury service and what it means.

Our big project this year was producing a series of public service announcements and we got together with our local community access channel. You may not know this, but I think that every cable TV station is required to have community access channel where they provide community information. We met with our local station and they helped us produce several thirty second public service announcements. We have a tape that we'll be showing in a few minutes – it's real short, thirty seconds is not a lot of time. What we found in polling the local TV stations, they would put it on for us if it was just thirty seconds, and they did. We distributed copies to the three local TV stations and they were aired a number of times as public service announcements during our recruiting season.

The other thing that I think is going to be really helpful this year, which is nothing that we as a former grand juror group has done- but they say that there is no better publicity than free publicity- is being cited in a locally hot contested run for the office of auditor/controller. We have a close run-off race in the auditor controller's office and it turns out those four years ago, in fact both of the grand juries that I served on did reports on the auditors/controllers office. One of the current employees of that office, who is running for auditor/controller this year, against one of the current administrators in that office; is using the grand jury reports in all of her campaign literature. That has been wonderful because she continually cites the fact that the grand jury investigated that office and the current administration. The grand jury reported on this, that and the other things that still need to be corrected. Sometimes you feel that you're still up against a brick wall in getting changes made, especially when it involves elected officials.

Here we are, four years later, and there is an election where our reports are finally making a difference. That publicity is going to be really good for the grand jury in our county this year.

One other thing that I want to mention before we view the short video is that our county counsel, whom you met earlier this afternoon, Karen Jahr, works closely with our group of past grand jurors. She also sits on the interviewing board for prospective grand jurors

so she keeps a tally for us, and she asks each person in their interview how they found out about the grand jury and that has helped us. The results of her survey this year were that twelve of the twenty two people that were screened through the interview process, found out about the grand jury from the notice in the paper, or the publication of the report in the newspaper. Four people visited the website; four people had seen our PSA's on TV and two people had listened and heard it on the radio. People do listen to Ken Murray on the radio. It was helpful to our group to know for next year what is working. I think we'll watch the PSA now and I'll answer any questions you may have.

Questions from the Audience: Who produced your PSA? Did you have a budget for it?

Marsha: The six or eight of us get together for lunch once a month and if we have some project, like this one, that we want to get done, we kind of pull money out of our wallets, our hats and get it done. Fortunately, the community access channel has a requirement that they provide services at cost for not-for-profit community organizations. They did it for us for a very minimal cost. They were really the professionals that put it together, we just gave them ideas. We actually wrote the scripts and worked with them in editing it. You can rewind the tape since there are only 3, thirty second pieces – so it won't take long to run through them a second time, if she can get it fixed. The one gentleman starts out, the second one was last year's chairperson of the board of supervisors, David Kehoe, and he is a former grand juror, so he was really helpful in putting this together as well.

Tapes:

Duane: One comment. Marsha said we talked to the TV station and they said thirty second PSA's were really ideal. You can do a minute or ninety seconds and they are required to show them. They don't tell you when they are required to show them so you do a one minute and you are more likely to get it shown around one or two o'clock in the morning. We had great success on PBS getting it shown in that four to seven p.m. time frame. They showed it a number of times. Also, our ABC affiliate showed it on prime time, so thirty seconds will get you a much better viewing time.

Marsha: The TV station recommended that we have a common theme so that people who might see it one time and then see it again at a different time could relate to what it was. Our theme was at the beginning and at the end of every segment, "you can make a difference in the community."

At the beginning and at the end of each segment they actually had someone come in, who had a professional voice, to moderate each one. It said, "You can make a difference in your community." They talked about learning about your local government agencies and working together with people of diverse backgrounds. I'm sorry I didn't bring the script with me or I could have actually read it to you while the clips are running. It was really professionally done. There is background music, and as I said, they used a professional speaker to read the script. Doesn't look like we're going to hear it today – any questions?

Member of the Audience:

You didn't do radio?

Marsha: We sent written press releases to the local radio stations, and we actually did hear some of them. They did read them, and we did the morning talk radio show.

Member of the Audience: Is it possible for any of our members to purchase a copy of the video to take back to our group?

Marsha: Purchase, yes that is how we make money. Leave your name with me or Duane and we will try to get you a copy.

Di: So much of what we do in Nevada County is a lot of what Catherine and Marsha have talked about. We're a much smaller county than Shasta. I believe that on a good day if we have 100,000 residents that is stretching it. The other thing that is interesting about our county is that it's shaped like a derringer. We have Truckee up here, you come down to the southern part of the county and you have Nevada City and Grass Valley. It's difficult to try and get people from the Truckee area to come down and participate in the grand jury because the county office is in Nevada City, and in the winter time you can't get down the mountain. It's quite a challenge to get people from that area.

I'm fortunate enough to work on a program on our TV station called, "Voice of Democracy." The producer there is really good about bringing on somebody from the grand jury after the reports have been publicized to talk about the reports and about how they have been. Once it's public knowledge, you can talk about the reports. That is quite an interesting program. They will also do interviews before we solicit for jurors each year.

This past year I don't think we did the speaking engagements that we've done in the past. We used to hold public forums to speak to all the local organizations. We didn't do quite as much of it, and I believe that we came up with either thirty two or thirty five applicants this year. It was through advertising in the papers. A lot of what we're finding out is that word of mouth is very effective. You go to the gym; you talk to people in the gym about the grand jury; you talk to them at the homeowners' association meetings. Another thing that we do is we have a little card that we put in grocery stores.

All the grocery stores that have that little covered box where you can put your ad in are always good about putting our ads there.

What I'd like to show you today is a short power point presentation that we do take out on speaking engagements. It tells a lot about the grand jury without having to go into everything in such great detail. At the end, we can do questions and answers. That is what I would like to show you today.

POWER POINT PRESENTATION WAS NOT AUDABLE, ONLY THE MUSIC.

Duane: We have a question up here.

Member of the Audience: I thought it was wonderful, I loved the music and I have only one question/comment – it gives the impression that the committees are carved in stone, which of course, they are not.

Di: This is true, but it does give the people ideas.

Member of the Audience: I have no problem with that. I think if it had been just worded that some of the committees that recent juries have formed or included are just examples of the types of committees on a grand jury. It's not cast in stone that each grand jury panel needs to have the same committees just because they saw it in this presentation.

Di: This is true.

Member of the Audience: I thought it was lovely, very impressive.

Duane: Any other questions out there for Di?

Member of the Audience: Did you have this professionally done?

Di: No, a friend of mine did it that was also on the grand jury. We've changed it a couple of times since we're addressing the same groups all the time. We had a lot of fun making it.

Walt Macklin – San Luis Obispo: Do you have copies that you could share with others counties if they request it?

Di: Yes, and actually it would not be very hard to put your own counties picture in the presentation.

Walt: It looks like a very impressive piece to me. The other thing that I would like to comment on is – do you have a website?

Di: We do, but we don't have the presentation on it because so much of our county doesn't have hi-speed internet, so we've been hesitant in putting it on the website. To download it on dial up would take forever. One of the things that I talked about is putting it on Google where you can archive video or presentations and then put it in a link. People can see it on Google rather than download it to their computer.

Walt: Very good idea – I'm impressed. This is a very good approach. The other comment I'd like to make while I'm up here is the near lily whiteness of this whole organization is amazing, and I wonder if we're going to address trying to diversity.

Bill: That comes next; it's the very next thing on our agenda. Thanks for bringing it up. Di, were you asked the questions – could someone get a copy of this presentation? What was your answer to it?

Di: We can share it.

Bill: How does one get a copy?

Di: I guess you'll have to request it, and maybe we could put it on the website. If not, just give me your request and I can email you this. It's really quite large to be sent. Some internet provider services might not let you download something this large.

Bill: Can you burn a CD if someone sends you the CD? You don't want to do this for nothing.

Di: You guys have to buy me dinner and I'll send it to you.

Bill: What I hear Di saying is, "If you want a copy let her know and then work on an arrangement with her of getting the copy." Is that good enough?

Marsha: I have a question about the power point projector. I assume that one belongs to CGJA. Do you have individuals who own those so that when you go out to make a presentation you have a projector or what?

Di: The County loans us this one.

Marsha: The County – OK.

Di: The jury doesn't have a laptop either. Our county will give us a laptop and a projector to take anywhere we want to.

Marsha: I know that they are quite expensive to rent. So, that is good to know that there is a source.

Di: Here again, if you link to Google, you could actually go out to a website and make this available to anyone if they have internet access.

Bill: Are we ready for Serena? Are there any more questions for Di? Serena, from San Francisco County, is going to talk about what they are doing there and specifically on some of their efforts to diversity the grand jury.

Serena: I'm talking in the past tense because I started and ran the Outreach Committee for three years and I'm not doing it any more, however; I have some updated material.

I sit here and look at all this dazzling stuff from these tiny populated counties. We have three-quarters of a million, maybe 800,000, and our group is very new. Our chapter is only three years old and it's very small. We basically have board meetings and one annual meeting. The way I explain it to myself, and I'm just making this up, is that there are a million things to do in San Francisco no matter what your interest is. If you're

political, if you are into – you name it, there are many different outlets for the kinds of energy that attract people to grand juries.

There is anti-elitism in juries and left wing-ism and, of course, that permeates the city. The grand jury may smack to some of just being too elite, or too white, or too this or that, I'm guessing. All I know is that we have had a time getting a large enough panel. We've had to have old jurors come back and fill spots since we've run out of alternates.

Our county liaison person, who is the counterpart to this wonderful woman from Marin back here (I'm sorry I don't remember your name – Patti, I'm sorry), sends out a huge list every year of foreign language media. Everything from main stream to the smallest whatever, and as far as I can tell I don't know if it does anything. I'm looking at all this really fancy stuff. I have this and what I have reminds me of the old memo graphs. That is about the level of the stuff we have; it's totally down-home. I think hey going to get a little fancier now.

This was my flier I made up, and it isn't quite lavender. It's totally down home and totally casual and it's the way I thought would be good to counteract the scary aspect of the grand jury sound. As far as where it went – any place that we could find that would have us. It was my goal from the beginning to answer the gentleman's question that was posed a moment ago – to try to make the grand jury look like San Francisco. It's incredibly difficult.

If you have a white face and you're an Anglo, it's very hard for most of us to break into and be welcomed by the Chinese, Hispanic, African-American, Korean or whatever, gathering. After three years, I finally was invited to a couple of Chinese-American events and they fell all over themselves. They were so happy that someone was finally paying attention to them. I said I'd been trying and trying to find you so it may be just a disconnect. They were really thrilled and they weren't putting me on. In fact, they asked me come to another event a couple of days later. It maybe that if one could find the way (my time isn't up, is it?) to break the barriers it would make a difference. I've tried everything – everyone I could talk to I have and, of course, we sent information to all the media.

I wrote an article and sent it out. I went into the internet and found countless media – far more than I thought existed; news media of different kinds, mostly print, and I sent this article to every one of them. I have no idea if the article was published. I simply have no idea. There is a very, very old African-American newspaper in San Francisco called the Sun Reporter. I sent them an article.

I must have played phone tag for a solid month with the publisher. She told me it was going to be in and that was the last I heard of it. I don't know if it ever was published or not. So, I think it's a chicken or the egg thing. We need to get a more diverse jury pool and then those people, in turn, if they enjoy the experience and find it valuable, will spread the word to their own organizations and clubs. If any one here has had any success

in reaching out to diverse community, I would surely like that person to speak up. But, it's not hopeless, it's just really hard.

If anyone is interested, I brought copies of this flier, copies of the article and I even brought an outline that a newly retired grand juror was kind enough to send out to the members of our chapter. It explains how she gives a presentation. It's about an hour long and it's very elaborate. We'd go in two's to make the presentation. I would usually have five-six-seven minutes and I would always start by saying, "Does anyone here know what the civil grand jury is?" and that's the way I would begin. That would get a conversation going. I don't like to talk at people so I'm going to stop right now. I didn't do it when I went to the events either. I tried to engage them in a dialogue and it was always very well received, but the next step is a more difficult one, so please ask questions if you would like and make suggestions if you have any.

Question from Audience: Inaudible

Serena: That is certainly something I know that my successors in the outreach have been doing, and they've been asking the supervisors to do that. I had a negative gut reaction to it because I was afraid that if a supervisor nominated someone, that person would be a little bit of a political hack. That person might feel a strong obligation to that supervisor. I know it's a very difficult line but if you have people that don't have any interest, are already within the circle of the supervisors, are a little bit too political, are they going to treat confidentially quite the same way? It makes me uneasy and it made some of my colleagues in the chapter uneasy but others thought we were being hyper-sensitive. I think it's just an issue people are going to see differently. Yes, Rose.

Rose: What would you suggest? Put it to judges?

Serena: We got away from judges. When we got away from judges because, historically, grand juries all look like judges and in two day judges were, as you know, white older guys. Now, of course, judges look a little more like the general population, but for 100 years, grand juries were a bunch of males, retired older males, who played golf with judges. It was a great step forward when we got away from that and at least got a little more of a cross section. Whether we started looking like the city, I don't know, I don't think that it would be a good step to go back although, technically, judges nominate all of the jurors. Yes, Jerry.

Jerry: I turn to Bill Turner because the LA Grand Jury must be doing something right – I'm impressed. LA has very unique problems in getting people to serve because of the geography – it's hard to get downtown. I am quite impressed.

Serena: Not only that, it's a full time job.

Jerry: That too. I don't know if you've had any input on how LA is successful.

Member of the Audience: I don't know how they've been successful, but they are successful in doing it. Well, I know that each judge gets two nominations. The judge asked me if I would be interested. When he asked me if I would be interested, I said, "No I was not interested in the grand jury." I went home and thought about it and thought that it might be a challenge so I called him back. He'd given me his personal number. He said he'd recommend me and I had no problem. I was selected, but it is a random drawing just like anything else. I got selected and that was it.

Jerry: They have 10 million people compared to your measly one hundred thousand.

Rosie: I wanted to talk a little bit about what we have found in Orange County. I know of two or three incidents where they went for diversity and didn't care about anything else. They didn't care if they could read, write, or even understood English. I know one person told me just a couple of weeks ago that one person sitting next to him in the jury room would ask him how he was voting every time there was a vote being taken. He would then vote that way too. That happened more than once. There are problems with diversity.

Serena: Well, that goes without saying, and I'm glad you said it.

Rosie: You look at diversity and it looks really good, but I think that there are other qualifications.

Serena: That goes without saying. I'm glad you said it. As some of you may know, because I have written in the journal now and again, our chapter was allowed by the PJ to interview prospective jurors. They have to get by us. First of all, there is a form they have to fill out with various and sundry questions that they have to answer and they have to be interviewed by two members of our chapter. So the likelihood of that happening is zero – at least in our county.

Bill: There have been some cases where grand juries have gone into litigation because of this. Jack is going to speak a little bit on that subject.

Jack: A real little bit because I didn't quite know that was what I was going to speak about. But first, I get to say this because I lived in Marin County for a number of years before I moved down to Orange County, where I live now. When I lived in Marin County, I practiced in San Francisco so I consider myself a partial San Franciscan. If you can't get a diverse grand jury in San Francisco, I don't know where in the hell you're going to get a diverse grand jury. I mean, it just seems to me if you can't do it there, it ain't going to get done.

There is a slight difference between diversity as I think that term is being used here. It's being used here, which I will kind of shorthand it, as something other than a bunch of old white guys, is viewed as politically correct and in a preferable system. The courts, the legal side, tend to focus more on demographic representation than simple diversity, and they aren't necessarily the same thing. If you go back not that long ago, I mean grand

juries were by design for hundreds and hundreds and hundreds of years, bodies that were composed of people selected, not because they were representative of anything, but because somebody they were representative of, the king or even more commonly, representative of the court system, thought that these were people who could be entrusted with oversight of government. It's an intellectual problem you can sort of wrest with if you have nothing else to do with your evenings. Why are we currently making diversity the highest goal and why do the courts seem to be moving closer and closer to the kind of demographic representation which we use with trial juries. There are of course two significant differences – one, courts have said that the constitution gives a citizen a right to a trial by jury of peers. That means peers in the sense of demographic representation. There is no constitutional right to jury inquiry by peers to see if that fundamental footing is there. Secondly, there is the fact that trial juries actually do things to you. They send you to jail, they take away your money, and they remove your children. Grand juries don't. I'm talking about civil oversight. Grand juries recommend that someone else do something, but they have no enforcement powers at all. So, if you want to think about it, I would suggest before you just get caught up with what you read in the papers that there are substantial differences between the reasons why the trial jury ought to look a certain way, and the reason why a grand jury may be permitted to look a different way.

Having gone through that exercise, if the courts are going to come to the conclusion that grand juries have to be more demographically representative the issue I think they are going to have ultimately confront, as we just heard, is how are you going to get there? The best system that I've seen, and I will tell you that five years ago I never would have thought I would say this, but having now been going around the state doing training and looking at the grand juries I've looked at, I noticed that there are counties that actually tend to be pretty demographically representative, especially in the central and northern part of the state. This is true to the extent it's possible for them to do so in their counties. What I mean by that, they have minority components and not everybody is white. There are counties where just about everybody is white and there is not much can do about that.

I have also asked how is it possible to get younger people in this organization. We've spent years trying to figure how to find ways to get younger people on grand juries. I won't go into all of that but, I will say we finally have a breakthrough and we now have at least one university that is willing to give credit, full credit, to a student in a civics program who sits on a grand jury. In any event, the goal of trying to reduce the age of a grand jury seems to have been accomplished in the counties I'm talking about. The procedure that they use is to summon a grand juror in with the same kind of summons procedure, using the same juror potential list they use for trial juries so that is how they get their attention.

They come in and are told what the time commitment is, and what the job is, and they are given a very huge window to opt out. They are not being compelled to serve just because they are on the trial jury list. They are being brought basically into the system to have the grand jury explained to them, not through newspaper ads, power point presentations, or whatever you have, but having a judge say this is what the grand jury in this county does and this is what we expect of you. This is the benefit of it and this is what you can expect

to have done for your county at the end of your term. But, you don't have to do it if you don't want to. If you have kids at home, or if you have a job that would interfere with you giving us ten, fifteen, or twenty hours a week, then God bless and please come back again if your circumstances change.

Those counties seem to have been handling grand juries this way – from college kids who are not taking full time courses; to mothers who have day care facilities available to them; to people who aren't working full time; maybe in between jobs, maybe they are working part time; maybe they are recent retirees, or maybe they aren't eighty years old. These counties seem to have a more age diverse grand jury panel than the ones that are using all volunteers. Although in some, not in a significant number of counties, they make the numbers with people who are dragooned in. I think that most of the counties have grand juries that are populated by volunteers.

Why does all this matter? It all matters because there are two movements afoot that may take us to the point where we get grand juries composed of non-volunteers. I use that in this sense because they walk in the door because they saw notice in the local newspaper, or they got invited in by subpoena by the court by a big opt out window and they chose to stay. I consider them both volunteers.

Two years ago we saw a bill, oddly enough coming out of LA, where Senator Ramero thought that the LA Grand Jury was so demographically improperly composed that she felt compelled to introduce a bill that would have eliminated the volunteer grand jury. It would have required all 19 grand jurors to be taken off the rolls and to be essentially compelled to serve. The opt out window was very, very small. It was pretty close to what you have as a trial juror. In other words, your ability to get off that panel if you were called was extremely limited. Extreme hardship didn't work. That bill never went any place. It was unrealistic. I predicted earlier today that it may come back for what ever reason. There seems to be popular growing support for the notion that grand jurors have to look like trial jurors. I don't understand that, but I know that this is the sentiment out there. You may yet get legislation going in that direction.

Then you have the Yolo case. We have no idea what is going to happen. If that case goes south, from our point of view, and the courts conclude that it should turn to the selection methods and test for trial juries to determine whether or not a county is properly empanelling its grand jurors, we're going to get what is used with rail juries – a statistical test. What an expert does is conduct a statistical survey of the county.

This is the age range the county people fall in, and the number of whites and Hispanics and whatever, whatever, whatever, and then you have to meet that statistic. If you don't meet that statistic, your grand jury doesn't qualify – I'm sorry. It's at least suspect and you are rated on that trial jury and your conviction can be thrown out.

The law as I understand it in California is very murky because there are areas where the courts seem to alternately talk out of each side of its mouth, so it's hard to figure out what they're actually trying to say. But, I think the law in California, as it stands right now, is a county cannot affirmatively discriminate in empanelling a grand jury. You can't have a

selection that winnows out all blacks, you cannot have a selection process that affirmatively seeks to winnow out anyone under the age of fifty; you cannot have a selection process that affirmatively seeks to winnow out anyone who is female. Those are all things that the say you can't do. You can't try to affirmatively create a non-representative grand jury. What the law does not say is that you must end up with an affirmative representative grand jury.

This is the reason counties like Orange County, where I now live, does a lot of indictment work. That is another fact here. If you're not doing indictment work at all, there are probably at least two significant shifts in the count (can't think of the work I want) but there will be a least two resolution in the court decisions to get a pure civil grand jury. What is driving this is a factor some of these grand juries are doing indictment work and there you are getting closer to a trial jury analogy. But, if you have to, the courts are going to say they're going to start with a grand jury that does something that looks to be somewhat criminal, basically if you've done an indictment or something of sort of has a criminal flavor to it, and if they're going to say that the grand jury has to meet a new test. That test, I think, is going to be that you must go beyond trying your hardest do all the things that people here have said that they're trying to do to get out and get a diverse grand jury. You must succeed. I think now the law is - you must try. So counties like Orange that try like hell, can end up with a very non-diverse grand jury, can do indictment work and get away with it because they are meeting the test. They are trying to get a grand jury panel that is diverse. It isn't that they don't want to - it's not their fault that a lot of the people need to make up the diverse panel, don't want to and can't serve. They're working three jobs a week, they have no time to serve on a grand jury or they have other reasons why they are estranged from the whole legal system that the grand jury represents. They're not going to serve on the grand jury. That case is not the county's fault as long s the county is trying. What is going to happen, and what I think we need to worry about down the road, is for the courts to start shirting from "you have to try - to have to succeed. Everyone is this room knows how hard it's going to be to succeed if that is going to be the test. So, that is all I can say about that right now.

Applause

Jerry: As usual, Jack can put an issue into perspective. We are just about out of time. Do you have a short comment?

Serena: Yes, I wanted to answer what Jack said. He didn't quite understand why or at least that is what I though he said.

It's my belief that different segments of the population experience locality differently. I think that it's really valuable to the grand jury system to have the different perspectives represented on the jury. Things that may never occur to someone that is a Caucasian, middle class, or what have you, as a problem or something to be looked at, that might have a very real problem for someone in a different demographic group. That is why I think that it's particularly valuable, not just because of some liberal ideology, but if you're a black grandmother taking your three grandkids to school everyday, you may

experience certain kinds of things. If you have a problem, and you go down to city hall, you may experience it so differently from the way I might experience it. I might have theories about that, but there is someone who is living this life. I think that adds value to the grand jury and helps us to have a bigger picture of what we should, and could be look at to bring perspective into the discussion in a grand jury.

Bill: We need to bring this to a close. Jerry, do you need to have a little time before 5:00 p.m.? Before I turn it over to Jerry, I'd like to have a hand for Catherine, Serena, Marsha and Di.

Applause.

Bill: Jerry, I turn the meeting back to you.

ANNOUNCEMENT OF 2007 CONFERENCE LOCATION

Jerry: While Serena is still standing here, I'm going to make one announcement that we talked about earlier and that is – I feel like the guy from the Olympic committee who talks about who the winner is for the Olympics, which is nine years from now. The Board has decided that next years' conference about this time of the year will be in San Francisco. Serena has been working her little fanny off trying to get us a good contract with a hotel and we're very close – I guess. Hopefully, that will work out and that might solve a problem in getting people to come to this conference. Who doesn't want to go to San Francisco!

Serena: For a really good price.

Jerry: That too! Ok, I have the envelope, but since I'm a candidate, it would be inappropriate for me to read these results. I'm going to turn the envelope back to Duane, chair of the teller committee, with tremendous thanks to Duane, Tony Noce and Mike Miller who assisted him, to read the results. Afterwards I'll tell you what we're doing next. It's a little complicated but we'll get there. Duane.

TELLER COMMITTEE REPORT

Duane: The Teller Committee report for the 2006 election year is as follows: the Nominating Committee delivered one hundred and ninety ballots to us. They said they had delivered one hundred and eighty nine; we counted one hundred and ninety. It turns out there is a letter in there that was not a ballot, so actually there were one hundred and eighty nine ballots.

They sent out two hundred and sixty seven ballots, which would give us a return rate of about 70.7%. A total of one hundred and sixty ballots, concerning the measure that was

on the ballot were received. One hundred and eighty ballots for the director election were received, four ballots were challenged, and three ballots were challenged because there was no post mark on the envelope, so we couldn't determine when it was delivered. One ballot was challenged because the identification number had been obliterated and we weren't able to certify that it fell within the range of the certified ballots. The results for the ballot issues are as follows:

Yes – 75
No – 85

In the election for directors for a two-year term in the Northern Region:

Douglas Clough – 179
Cathy Wylie – 128
William Hamilton – 118
Tim Colby – 106

These are the four new directors.

In the election for directors for a two-year term in the Central Region:

Earl Heal – 126
Betty Mattea -136
Joann Landi – 118
Irwin Taranto – 100

These are the four new directors in the Central Region. Yes, there were five candidates.

Question from the Audience: How many votes did the fifth candidate receive?

Duane: The fifth candidate received 96 votes.

In the election for directors for a two-year term in the Southern Region:

Jerry Lewis – 112
Lew Avera – 94
Walter Hofmann – 94
Dian Wood-Picone – 91

These are the four new directors in the Southern Region.

The other candidates received: Ross Anderson – 53; Ira Grooms – 43; Rose Moreno – 48, Stan Harper – 2; Margaret Mooney – 1; and Pat Yeoman – 1.

The results of this election have been certified by me, Teller Mike Miller, and Teller Anthony Noce. Any questions? Thank you.

Jerry: Round of applause for the Teller Committee.

Jerry: Here's what we do next – we adjourn the conference for today. The next event for the conference will be the social hour which is at 6:00 p.m., followed by the dinner at 7:00 p.m. Harry, the dinner is at 7:00? Yes.

Now the new board, which consists of the twelve people you've just heard as winners of this election, and those board members who were not running but carrying over the previous year, will meet. It's going to be a bit awkward in this corner of the room. We're going to pull up some chairs and start calling those people who were either elected and not here, or other Directors who indicated the desire to participate in the meeting by teleconference. We'll have a meeting for the purpose to elect our officers for the next two years. And so, if we can get a hold of those people, we'll reconvene at 5:00 p.m. or maybe 5:10 p.m. This is not a closed meeting but the participation will be of the Directors only, and the conduct of the election will be done by the Nominating Committee. Bill Bowen, who is co-chair of that committee, will actually conduct the election. All I will do is introduce Bill and turn it over to him after we have a roll call. That is the process, and I assume that Di is out to call the people that need to be called. Joann, you need to sit by the phone and dial in soon enough. If not, we'll see you at the social hour and dinner. Thank you again.

DINNER SPEAKER: MCGREGOR SCOTT

Jerry: Attention please! We want to beg your indulgence. I know dinner was a little slow in getting here and some of you are still eating and enjoying it, I hope.

We're going to start the program. It might be a little awkward, as when we get to our guest speaker since he is using slides and some of you may have trouble finishing your dinner and watching slides at the time, unless you have eyes in the back of your head. Hopefully, we can get through and not be here too much longer.

I'm not the ex-president. I will talk about that in a minute. They have allowed me to be the master of ceremonies for the evening. I don't know – some kind of a reward or something – not sure just what.

I would like to reintroduce Karen Jahr, who will do the formal introduction of our guest speaker tonight, and after our guest speaker is finished, we will come back and close out the evening.

Karen: McGregor Scott is the United States Attorney for the Eastern District of California, and he has held that position since 2003. Prior to his appointment, Greg had served as Deputy District Attorney in Contra Costa County from 1989-1997; and, I'm happy to say, the District Attorney for Shasta County from 1997-2003. He was elected twice without opposition for good reason. Greg currently serves as a member of the United States Attorney General's Advisory Committee and as a member of the subcommittee on Native American issues, Civil Rights, Environmental Issues, and Controlled Substances. Greg also chairs the United States Attorney's Methamphetamine working group.

As you may know, US Attorneys are part of the Department of Justice and one United States Attorney is assigned to each of the Judicial Districts in the state. The Eastern

District is comprised of thirty four counties from Bakersfield to the Oregon border. The US Attorney's Office for the Eastern District of California employs seventy attorney's who represent the federal government in both criminal and civil matters in the federal courts in Sacramento and Fresno. Greg is past chairman of the California District Attorneys Association rural counties committee and past president of the California District Attorney's Association board of directors. Greg was an outstanding district attorney for Shasta County during the six years he headed that office. I'm very pleased to welcome him here tonight to give you his insights into the operations of the US Attorney's Office with special emphasis on the Federal Grand Jury and how it's distinguished from the state grand juries. Greg.

Greg: Karen, thank you very much. It's my sincere honor to have worked with Karen with our grand jury in Shasta County for about six years, and I think generally we did OK with that. Although Duane may have a different opinion on that, wherever he is now. I know we had to wait a little bit for dinner so I want to tell you a quick story. My mother is a retired elementary school teacher and she once gave her students the assignment of writing a paper about a famous person from history. Her student, Johnny, chose to write his paper about the great Greek philosopher Socrates and Johnny's paper consisted of the following, "Socrates was a philosopher, he talked a lot and they killed him." So with that spirit in mind, I intend to be brief this evening.

I would like to take a little bit of your time to talk about the United States Attorney's Office in general, and mine in particular. I've found in my travels that most folks have a real good understanding; I think that they can put their hands around the concept of the local district attorney's office, but the United States Attorney's Office is up there in the clouds. We're not sure what that is and what the heck those people do. So, maybe I'll do a bit of civics lesson tonight.

I do have some slides on the distinctions between the Federal Grand Jury and the County Grand Jury. We can talk a little bit about that and, hopefully if we move through this expeditiously enough, we'll have a little time for some Q&A. So we'll move along. I have a highly skilled and highly paid assistant who is going to advance the slides for us. Harry, your tip will be waiting for you tomorrow!

The United States Attorney's position actually goes back to the Constitution and that era of the summer of 1789. The Judiciary Act of 1789 established the Federal Courts other than the Supreme Court. The Supreme Court is the only federal court established by the Constitution. The Judiciary Act established the appellate courts and the trial courts for the federal system; also created the position of United States Attorney. So that does literally go back to the founding of the Republic. George Washington appointed the first United States attorneys. The job, as set out in the statute, is to set up in each district and to prosecute all delinquents. I love that term, "delinquents for crimes cognizable under the authority of the United States and all civil actions for which the United States is a party." We will talk a little more about this in just a moment. The first distinction is whose sole mission today is to prosecute crime, unlike a district attorney's office. The

United States Attorney handles both criminal matters as well as civil matters; they have a broader set of responsibilities.

In the pre-civil war era, United States attorneys really stuck to prosecuting the cases. The types of crimes that were set out in the United States Constitution really revolved around things like piracy, counterfeit, treason, etc. With all candor, I cannot remember the last piracy case we prosecuted in the attorney's office, so things have changed a bit since that time. In 1953, the Executive Office of US Attorneys was created and that is an entity in Washington, DC, which advocates for the United States Attorney as a collective body. What we refer to as "Main Justice," which is headquarters for the Department of United States Justice, where the attorney general has his office. That was a real change.

Our mission statement quite simply is to serve as the principal litigator of the United States Attorney General. There are ninety three United States attorneys in the fifty states and the territories. We have three statutory responsibilities. First is to prosecute federal crimes, second is to serve as counsel for the federal government, in both affirmative and offensive civil actions, in which the United States is a party; and collect debts. So on that civil side of it are the significant things like if the Forest Services authorized a timber harvest plan and some individual or group sues to prevent that from happening, we will represent the Forest Service in that litigation in the Federal Courts; if a postal worker isn't paying attention and is driving a truck that plows into someone at a stop sign and that person is injured and they sue the government, we represent the postal service in that litigation. So, that is a unique responsibility above and beyond what we do in terms of criminal prosecutions.

United States attorneys, just for your own edification, are nominated by the President of the United States, confirmed by the US Senate, to serve a four year term by statute. Now that four year term thing is a bit fuzzy. Mine, for example, will be up in March. If I think I've done a decent job so far, and if they agree with that in Washington, then I will remain past the end of my four year term. What is definite though, is that when the President who nominated you goes out of office, you go out. So, come not too long from now, I will be looking for new employment. My wife is rather interested in that concept right now since we have three young sons.

I told you that there are ninety three United States attorneys in the United States and the territories. This map sets out each of the districts. I would highlight for you that California, Texas, and New York are the only states that have four United States attorneys. There are many that have three, some have two and many, particularly in the Western States, have one. We're going to talk a bit more about my district in just a little bit; I'll highlight it for you. I'm a history guy, I majored in history, and I'm very interested in it.

If you look at the Southern States like Oklahoma, Louisiana, Alabama, Georgia, Florida, North Carolina, and Tennessee, these states don't have particularly large populations, all have three United States attorneys. Alabama has probably got one tenth of the people that California does; we have four United States attorneys, they have three. This is a

throw back to the days when the Southern barons ran the Senate. Say they wanted to nominate this person to be a judge, “I want to nominate this guy to be a United States attorney, and I want to nominate this guy to be a marshal.” That is a profound patronage thing so those southern barons made sure it happened. The story is told about Bob Kerr, an Oklahoma senator for many years, and a real power house in the Senate, who had a buddy he wanted to appoint as district court judge. Since there were no vacancies in Oklahoma for district court judge, Bob Kerr created a new district and he appointed his buddy as a district court judge. That is the kind of thing that happened.

In California, we have four districts; the northern district is headquartered in San Francisco, the eastern in Sacramento, the central in Los Angeles, and the southern in San Diego.

Just a bit of history, when California first became a state, and for many years thereafter, there were two districts – the northern district in San Francisco and the southern in Los Angeles. In 1966, the southern district, the new southern district in San Diego was created to deal with all the border issues down there with Mexico. Then, shortly thereafter, the eastern district was created. What they did was basically carve a big chunk of the northern district and a big chunk of the old southern district out of Los Angeles and stick them together to create the eastern district, our district. How many folks are there in the great Central Valley or Nevada border counties? OK, the eastern district literally extends from the north Los Angeles County line to the Oregon border. That is a big chunk of ground; let me tell you from a guy who has to travel it regularly. Redding is the principal population area in the north and down through Sacramento, Vallejo, Stockton, Modesto, Fresno and Bakersfield. Seven million people live in that area. We’re the eighth most populated district in the nation, and for those of you who have lived in California for any amount of time, you know that it’s a real change demographically and historically in this state; the largest population has always been along the Pacific Ocean, the coastal counties. Over the last twenty years there has been a real migration into the valley because people are principally looking for a house that they can afford to buy. That is the reality of the housing market in this state.

The Central Valley population has tripled in the last twenty years, but the people in Washington don’t think of the eastern district as being a particularly well populated district; yet we have seven million people. We have thirty four of California’s fifty eight counties in the eastern district. Almost 60% of the land mass of the state is in this district and by geography we’re the tenth largest district in the nation. Now that doesn’t sound impressive in and of itself, but when you consider that Alaska is a single district, Montana is a single district, Wyoming, Nevada, Oregon, you could go on and on and on. If you look at the states that have multiple districts, we’re the second largest by geography. The reason I take a moment to make that point is looking at the map, the US attorneys districts, federal districts generally fall into one of two categories – big population, small geography; big geography, small population. We have both big geography and big population and with very few exceptions, we are unique in that regard to the terms of the districts.

We have a headquarters office located in Sacramento. The counties that we serve out of that office are listed, plus we have a branch office in Fresno. The counties that we serve out of there are listed. Generally speaking, San Joaquin County and north to the Oregon border are served out of the Sacramento office. Stanislaus County and south are served out of the Fresno office. You know, just for fun, I had my computer guy take the eastern district on the map of the United States flip it and put it on the eastern seaboard. If you look at that you'll see that the northern tip rests on approximately New York City and the southern tip extends to about Columbia, South Carolina. That's a big chunk of ground. I use this map when I'm lobbying in Washington for resources and try to convey to people the reality of the sheer breadth of things we're dealing with out here. I well recall going through a new United States attorneys' orientation and the fellow from Connecticut, a great guy name Kevin O'Conner, who is a Norte Dame grad – you couldn't hear enough about Notre Dame football from that guy – made the observation that in his state, Connecticut, he could drive an hour in any direction and he would be out of the state. Now stop and think about that for a minute. That is a little different than what we're dealing with out here. So, I have used this map to try to advocate, and it's had a profound effect. You can literally see the bureaucrats starting to smoke and you know the wires are not working quite right because they don't have any comprehension of that.

The running joke in my office is that when my budget officer prepares the budget, and she comes in and asks me if there is anything special I would like to request, I say, "yes, an airplane." So she does, knowing that they are going to reject it out of hand. About six months ago she came in with a little plastic airplane. She said, "You finally got your airplane, here it is." I make light of that, but the reality of the matter is that if I have to be in Bakersfield on Tuesday and Redding on Wednesday, it's not a particularly easy thing to do. It makes it very challenging to cover the breadth of this district in the manner in which I try to do.

The staffing level that we have in our office is seventy three authorized assistant United States attorneys. Those are generally broken out to forty seven criminal lawyers and eighteen civil lawyers with some management folks on top of that. I use the term "authorized" because the United States attorneys, for the past three years, have experienced profound budget cuts. There is a war on and Katrina has really put a squeeze on the domestic discretionary spending. We have been running about a 10% vacancy rate, as have all the United States attorneys around the nation. We simply don't have the funding to pay for all the positions we have authorized in our budgets. That is a little frustrating.

The other point that I want to make is that - anybody familiar with the general concept of local law enforcement – do you know what it takes for the Feds to actually take a case for criminal prosecution? You know the litany; it has to be on video tape, you've got to have finger prints, eye witnesses, a confession, DNA, and all that stuff in order for the Feds to take the case. I've been a United States attorney for three and half years, and I have to admit that is generally pretty true. One of the driving reasons for that, you notice up there I have forty seven criminal prosecutions for a population of seven million people. One of my guys, just for interest sake, one day did a count and of the thirty four counties

that are in our district, there are approximately eight hundred and fifty deputy district attorneys. You can see that it's twenty to one, roughly, so it does greatly limit our ability to take cases. We can only take on so much. The other reality we are dealing with in the criminal field is that of the Court of Appeal, to which our cases go immediately on appeal, is the Ninth Circuit. You have all heard about that before. The Ninth Circuit, I thought so. We have to be very cautious and guarded knowing that our cases, when we gain convictions, are going on appeal to the Ninth Circuit, so we have to be very careful about what we do here. We also have about seventy support staff members.

I want to take just a bit of time here and talk about the distinction between the federal and state grand jury. Has anybody served on a Federal Grand Jury? OK. We have two in Fresno. You are in Tulare County?

Federal grand juries only hear criminal matters. There is no watchdog responsibility of the federal grand jury. As many of you have sat on county grand juries know, a major role of the county grand jury is to serve that watchdog function to look at different boards, entities, jails, you name it. There is no such role for the federal grand jury. The number of members on the federal grand jury ranges from sixteen to twenty three, and the federal grand juries are selected in exactly the same manner that the trial jurors are selected in county courts, through the DMV and voter rolls.

The question is how do we designate the difference between sixteen and twenty three? It depends on who is qualified. A certain number of summonses go out and then we go through the process. There is nothing magic about it. We like to have a higher number than a lower number, frankly. Yes sir, we can have a federal grand jury anywhere between sixteen and twenty three. Yes.

The question is – would we want more? That is absolutely right because if somebody has to call in sick or their car breaks down, or whatever it may be, we want to have the flexibility of when we call the grand jury together we have enough present for a quorum and to be able to return an indictment.

I did want to point out, unlike the county grand jury process, federal grand jurors are selected from the DMV and the voter rolls just as they are when people are summoned for regular jury duty for a trial in the county system. The grand jury will sit until dismissed by the court, not to exceed a period of eighteen months. So once you're summoned and empanelled on the federal grand jury, it's not a one time deal, you will sit there for months at a time to hear different indictments. We do indictments on Wednesday and Thursday in Sacramento and on Thursday in Fresno. Separate grand juries, one in Fresno and one in Sacramento. Yes, m'am.

What are they? Well, there is a questionnaire you have to fill out, one of the questions is, are you a citizen of the United States? We generally accept those representatives because they are done under penalty of perjury. Yes sir, it is conscriptive, just as it is for regular jury duty. You get a summons in the mail and you have to show up at this date just as you do for jury duty. OK?

Virtually all criminal matters in the federal system go by way of grand jury indictment. We have a complaint process as you do in the county system. It's used very rarely and, almost invariably, when it is used, we will indict the person before we have to do a preliminary hearing before a Federal Judge. The reason for that is hearsay is admissible at the grand jury and that is a real distinction between the federal system and the California system. In the federal system, I've got to tell you having been a deputy DA and a DA for many years, when I first became a United States attorney and watched an indictment being presented, I was flabbergasted. I couldn't believe what I was seeing. The old line about any prosecutor worth his weight could indict a ham sandwich in front of a federal grand jury is true. The point being, that typically what will happen is there will be a case agent from the federal agency, will talk to all the other officers involved, who will come in and tell the grand jury this is what happened and on that evidence they can, and do, return indictments on that very evidence. That is a very real distinction.

County grand juries, as you all know, have a criminal and watchdog function. The number can vary from nineteen to twenty three depending on the size of the county. Members are selected through an application process not a conscription process as was mentioned earlier, serve for one year, I don't know, I expect this may vary from county to county, but, as a general rule there are very few matters that go criminally through the grand jury in terms of a percentage of the total number of cases that are brought by a DA's office in a year. Those cases are typically, at least in my experience, limited to corruption kind of things, very sensitive matters where the DA doesn't want to be in an open court of law, that kind of thing. Almost invariably, criminal cases go through the complaint, preliminary hearing, and indictment process in the county courts. That's principally because hearsay is not admissible at the grand jury level under the California law. It's a much more cumbersome process and, as I suspect, most of you may already know that is in contrast to the rules of evidence at a preliminary hearing before a judge, where a properly experienced and qualified officer can testify about hearsay. Therefore, it is a much simpler process for the prosecutor to go through that. Before we move on, any questions on that?

Typically, they will come in one day a week, and in Sacramento we have multiple grand juries who sit at the same time, so one comes on Wednesday and two come in on Thursday. In Fresno, we have one grand jury that convenes on Thursday. They are paid, but it's a nominal amount. Yes sir.

Question is – does a grand juror have to hear all the evidence before that person can vote on whether to return an indictment? Yes, absolutely. It would be inappropriate if a grand juror did not hear all the evidence. It would be inappropriate for that grand juror to vote whether to return an indictment or not.

You know, in all candor, I don't know because I have practiced my whole life in California where we have county grand juries and now dealing with the federal grand jury. I have no personal experience or knowledge of state grand juries. I don't know.

A little bit of history here, the district in terms of the eastern district, as I mentioned earlier, was formed in 1966 and then in the '70's the major efforts of US Attorney's offices around the country were the enforcement of the various voting rights acts that were passed by Congress in the '60's. That was a major initiative. In the '80's there were a number of things that came up, victim witness programs, drug task forces, white collar crimes, asset forfeiture. Methamphetamine reared its ugly head for the first time in the '90's. We have had a big emphasis on the drug stuff with the high intensity drug trafficking, and hi-tech crimes – meaning computers are a big thing. We will talk more about that in just a moment.

Here is a little trip down memory lane for you; some notable cases have been prosecuted in the eastern district of California. When Lynette “Squeaky” Fromme tried to kill President Ford right outside the capital building in 1975, that case was prosecuted in Sacramento. Public corruption in the late '80's, the FBI undertook an investigation of the state legislature which resulted in many of the sitting members of the state legislature being indicted, convicted and incarcerated for public corruption, and is something people still talk about in Sacramento. Ted Kaczynski, the Unabomber, was prosecuted in Sacramento. Terry Stayner, who committed horrific murders in Yosemite in 1999 – a mother, daughter, family friend – was prosecuted by the Mariposa County District Attorney's Office. Then, there was also a young woman who was killed in the park shortly thereafter, and that case was prosecuted by the United States District Attorney's Office in Fresno.

On my watch a couple of things. We've had a very significant settlement against Tenant Health Care and the Redding Medical Center that involved unnecessary cardiac procedures done by a couple of doctors at the Redding Medical Center. This resulted in repayment to Medicare for fraudulent procedures of fifty four million dollars, which is the largest settlement of its kind in the history of the Department of Justice. Ultimately, between the government and the private plaintiffs of Tenant and RMC, they have paid out one-half billion dollars to settle all the claims that came out of that case. We prosecuted the Lodi terrorism murder case. If you have any questions, I will be happy to take them.

The victims brought a private plaintiff action in the Shasta County Superior Court, and received hundreds of millions of dollars in compensation. No, we don't have jurisdiction to represent private parties on that. Well, there were many. There were too many for the purpose of this slide. Alan Robbins – no, they are long gone at this point. This all happened in the late '80's and early '90's, so no one that holds office today.

In February of this year (2006), Alberto Gonzales, the Attorney General, gave a speech in Washington to the Justice Department in which he set out the priorities of the department for the coming year. I want to go through those very briefly. The first, obviously prevention of further acts of terrorism, I don't suspect that is any surprise to anybody that is the number one priority for the Department of Justice; Homeland Security, and really much of the Federal Government. This is, make no mistake about it, the thing we're zeroed in on, and we spend a vast amount of time and resources on this issue.

In no particular order, we have an addition of what I call, child exploitation prosecutions and what we mean by child exploitation, it takes two forms – child pornography, which is readily exchanged on the internet; and the second issue is what we call traveler cases, where typically a middle aged, white male will find a teenage girl on the internet, they will hook up and start exchanging emails.

The next thing you know he is traveling or she is traveling, to get together for illicit sexual purposes. The attorneys have made this a big priority. I cannot overstate the danger that exists on the internet on this front. The internet is great, lots of information exchanged, lots of people know lots more things than they ever did before; but there is a dark side to this thing and child pornography is readily exchanged by people producing child pornography. They hit the send button and send pictures of children in horrific sexual poses all over the world. Once they go out, it's virtually impossible to ever get them back. So, that child is going to be victimized over and over again. This is what's going on.

You know, this thing with former Congressman Foley in Washington, has brought some light to this issue; but I'm telling you that this is the tip of a very large iceberg as to what is really going on out there. We have a lot going on so the Attorney General has identified this as a big issue and is going after it. Every one of the United States Attorneys have been asked to develop a task force for the district to work with the state and local partners to go after this thing, and we're doing it. It's a big, big priority for us.

Reduction of gun and gang violence through Project Safe Neighborhoods typically means, from the federal side of the House, is that we will take for federal prosecution cases involving felons with guns. It's a benefit in that we can, typically, get longer sentences. They are serving a higher percentage of those sentences once they are handed down. The really beautiful thing in the gang context is that unlike a guy in Sacramento County gets prosecuted for this and gets sentenced to do his time in Folsom, and where a guy in Kern County gets sentenced and goes down to one of the many prisons in Kern County, we ship this guys to places like West Virginia, Kentucky, and Georgia. In terms of the severance of the gang ties, that is a very real thing. Because the home boys can't load up in a car and drive half an hour and go visit. It makes a big difference.

When the gun has traveled across interstate lines, it becomes a federal issue. In California, that is virtually every gun because there are no gun manufacturing plants in California. Typically, without exception a gun in California has been brought in here from another state. So, we have jurisdiction over that.

The question is, when does terrorism become a federal issue vs. a state or local one? Quite frankly, in practical terms in the world we are living in today, any real terrorism investigation is a federal case. We have statutes on point and, I'm hard pressed to find when a state and local are going to be prosecuting a case as oppose to the federal on the terrorism front. This is our deal.

Second question, why do guys go to Gitmo vs. coming through the legal system? The guys at Gitmo, without exception, have been captured in a foreign land fighting American troops. They are not American citizens, and the department's position and the administration's position, is they do not have recourse in our conventional court system because they are not American citizens. Most, if not all of them, have never been to America and that is the position of the administration.

You have multi-states involved. There is an interstate commerce aspect to that and it absolutely becomes a federal crime. We are spread pretty thin, but when we have real cases, we can go after those things.

We do a lot of identity cases. The congress passed an enhanced statute about a year ago that gives us a much greater penalty now for what we call aggravated identity theft. Trust me, it doesn't take much for it to be aggravated as opposed to regular under the statute. We've been doing a number of these cases.

He has also set out for us, a vigorous prosecution of drug traffickers. What is significant to note here for those of us in California, we've been dealing with methamphetamine for years and years. This has now become a national scourge. Folks in the Rocky Mountain States, the Great Plains, the south east and the mid-Atlantic are now experiencing methamphetamine up close and personal. It has become a top priority for the department and we're working very vigorously on this. What has gone on with meth? In fact, I'm going to hold off on that until I get to another slide.

Cyber crime, I mentioned computers earlier. Computers are a wealth of evidence for criminals, and I have said many times what fingerprints were one hundred years ago, what DNA was probably fifteen years ago, computers are today. Because bad guys send emails, bad guys create documents, and guess what, it's all on the computer. So, we're going after that stuff very vigorously. Bad guys can learn how to do bad things on the computers, like how to cook meth, because the recipe is right there on the internet, and how to build bombs.

Generally speaking, the types of cases we handle on the federal side of the House have almost all been touched on already, terrorism, drug traffickers, civil rights is a big issue for us. We prosecuted a case here that occurred in Anderson about fifteen minutes south of here, where two white males burned a cross on the front lawn of an African-American family in a suburb. I don't know how many times I have said, "This is California, this is 2005. What is this?" Public corruption we have already touched on, felons with guns, white collar crimes are a big part of what we do in terms of business rip-offs, scams and Ponzi schemes, and child pornography. Immigration, we prosecute one heck of a lot of folks for immigration violations and tax violations.

I mentioned earlier we have a civil side of the house, and here we typically do environmental-type cases. If a federal employee feels that a person has been discriminated against by their federal employer, we will represent the federal agency in that. Tort claims, accidents, personal injury kind of things, and on the affirmative side,

which means that we are going after someone to recoup money for the government. We have already talked about Tenant and RMC settlement where health care money was paid out that we went and got back for the taxpayers. And in asset forfeiture, which is where a drug dealer or white collar crook has taken illicit proceeds from their conduct and converted into a house, a car, a boat or a boat, we can get that stuff and take it.

We then covert it to cash so that we can recompense the victims of wrong doing or law enforcement agencies if it's a drug case.

When I became the United States Attorney, I set as my personal priority goal to build a team. What I mean by that, a true team between local, state and federal law enforcement agencies in the east district of California. This is not the easiest thing in the world to do. Within six months of becoming the United States Attorney, I visited every one of the thirty four counties of this district. I met with the DA's, the chief's and sheriffs, and trust me, if you've not spent the night in the El Rancho Motor Lodge in Quincy, California you've not lived. It's hard to do.

Now I'm not here to bellyache about that because I have had some marvelous experiences. We came through the Cayuga Pass into the Yosemite, I'd always come in from the west before. Every one should go through the Cayuga at least once in their life. That's Eden on earth. I remember one time we took a drive from Alturas to Yreka, and saw a bald eagle and a herd of buffalo. It was just great, great stuff.

We have also set up a couple of different things. Every year we have an annual law enforcement summit where we bring together all the executives at the local, state and federal level of law enforcement in our district to get together and talk about issues and just work together. We have established, for the first time ever, what we call a prosecutors round table to which we invite the fifty eight district attorneys, the four United States attorneys and the California State Attorney General to come together and talk about issues of concern. I have really tried to establish an open door policy for the sheriff's, the DA's, and the chiefs of police. Trust me, they take advantage of that open door. I get calls all the time; it's a lot of fun.

As for resources, we are woefully understaffed as I mentioned earlier. The demographic trends in the district have seen a huge growth in population, but the resources have not kept up with that. I spend a lot of time walking halls, walking in Washington, DC, trying to convince people why they need to send more agents, more prosecutors to the eastern district of California.

I wanted to touch briefly on what I call evolving issues. These are a sort of a crystal ball and where are we going issues. On the terrorism threat, I would submit to having really spent a lot of time working on these issues, a lot of time reading, and just trying to be an informed citizen. I would submit to you that the threat that we faced from terrorism has changed. What I mean by this is I don't believe that Al-Quieda, as it existed on September 11, 2001, exists anymore. Their leaders have been killed or captured. Their sanctuary in Afghanistan has been taken away, and their financing has been completely

cut off. My humble opinion is they do not possess the operational capability to do anything remotely resembling what happened on 911. What they serve as now is an inspirational or a philosophical entity for “wannabees,” like the folks in London on July 7, 2006; and the folks in London who wanted to do the planes in August 2006.

We’ve got to become more nimble on how we’re dealing with this thing because the threat we saw on 911 is not the threat we face today. We have to get better on how we’re dealing with this thing.

Meth from Mexico is another subject for discussion. For many, many years California was essentially the source nation for America for methamphetamine. Those days are over. The number of meth labs where meth is cooked and produced in California, and in the nation, has plummeted dramatically and this is principally because we have put in place controls of pseudo ephedrine. Pseudo ephedrine is a common ingredient in cold medicines. That thing is, you can’t cook meth without pseudo ephedrine, you can’t do it. If you control the pseudo ephedrine, you control the meth cooking. We’ve done a pretty good job of it here in this country. So what’s happened? They’ve gone to Mexico and so the DEA estimates that it’s something like 75/80% of the meth in the United States today was cooked in Mexico and smuggled into this country. So again, we have to transition how we’re doing our business in going after meth labs and prosecuting meth labs, to figuring out how to go after the traffickers that are bringing the stuff in from Mexico.

Child pornography and exploitation we’ve talked about at some length.

Marijuana, just a couple of observations on that. Cannabis Clubs is a term that we use to apply to the business that has opened up claiming to operate under Prop 215, the California Medical Marijuana Law to dispense marijuana. That sounds good, but the problem is that there are a whole lot of folks out there who are selling marijuana under the auspices of being a cannabis lab and making millions and millions of dollars. The real problem with that is it’s not just federal law that it’s illegal under, it’s illegal under state law to make a profit as a cannabis club. Here is my basic pitch on this. The voters passed Prop 215, and I think all the opinion polls say the voters of this state want medical marijuana available. That’s great, I respect and I admire that, but the system is broken. Prop 215 is a disaster of unmitigated proportions because our young people are being taught that marijuana is a medicine. They’ve been hearing that for over ten years now and it’s the wrong message. It is readily available, all you have to do is go to some quack doctor and say my back hurts. The doctor can give you a recommendation to go get your medical marijuana and that is the reality of the real world. People don’t want to hear that, but that is what is going on. We’ve got to, if we are going to have medical marijuana available as a real thing, find a better way to do it, because what is going on now is a disaster.

We have a real problem with huge marijuana gardens growing on federal public land. We’ve got massive amounts of forest service land in my district and over the last three years, we’ve gotten Mexican drug trafficking organizations taking over large chunks of the forest service land, clear cutting the trees, terracing the land, diverting the streams,

chemicals and fertilizers are everywhere creating all kinds of problems. It's just not a good situation.

We've got to get something going on that. We catch some, but not many. The problem is that it's an extremely rural country and as soon as they realize that the cops are there, they beat it into the bush, and we don't catch most of them. Those we do catch are typically some 18 year old from Mexico who doesn't speak English and is here illegally. He has been brought up here and told to guard this garden and take care of the plants. What we are trying to do is a real concerted, investigative effort to figure out who is the boss and who is the next boss and the next boss above that so we can get after these guys as best we can. There are millions and millions of acres of forest service land in my district alone and a very limited number of Forest Service personnel to do any kind of patrol.

The final report on marijuana is on pot houses. I don't know if you all have been tracking this in the Sacramento Bee or not. We've gotten, all of a sudden out of nowhere, dozens and dozens of homes being converted into pot houses. It's being traced back to some Chinese-Americans in Chinatown in San Francisco, and it's a big deal which we are trying to figure out how we're going to get after this thing. Just to give you a way of example, we have linked a lot of houses back to a single entity and these are all new houses so this is the first grow inside the house. So, in order to make the mortgage payments for the five or six months that all this is going on with nothing coming in is well over ten million dollars. This is big crook stuff that is not petty thieves. This is a big deal. So, we're really trying to get organized and go after this effectively.

Let me wrap up by saying on the last slide.

Question:

I think the FBI has stated it pretty clearly in the last 24 hours that they don't think much of this threat. That it really is just some posting on the internet and the last I heard today while driving up here, was that they got a kid in Milwaukee that they are interviewing right now trying to figure out what this is all about. I don't personally put a lot of credence in it. Some of the things that I've seen, the postings are not consistent with past Muslim extremist type postings. I don't personally put a lot of credence in it, but we will have to wait and see.

Question:

I don't know that we knew about 911 to the extent that we have this explicit posting on the internet that this is going to happen anyway.

Question:

I do, I do, it's getting a lot better, it really is. Just by way of example, a couple of things in May in Dallas, we had a big meeting on meth and the Mexicans sent a very high level delegation. Their Attorney General, the equivalent of a combination of our DEA and FBI, and their equivalent of our Secretary of Homeland Security came to Dallas for the meeting.

Our Attorney General was there. High level conversation took place. I was there and sat across the table from them and looked them in the eye and I was struck and believe in their sincerity in doing something about this because they are now reaping the whirlwind of all the toxic waste sites, the children being exposed, all the problems that come with cooking meth. In addition to that, I was in Mexico three weeks ago and met with the DEA and Mexican officials on this very issue. Some concrete things that they've done; since 2004 there were two hundred and ten metric tons of pseudo ephedrine legally imported in Mexico to be converted into cold medicines and those kinds of things. Well, the Mexicans did a national survey to figure out what is the legitimate need for cold medicine in their country. Something we've not done in the United States. They have now reduced that legal importation to seventy tons, they have cut it by two thirds on their own volition, and they anticipate that for 2006, they are not even going to get to seventy tons. This is a very constructive step forward because as I said earlier, if you control the pseudo ephedrine, you control the whole thing. There are three countries in the world that produce pseudo ephedrine – India, China, and German.

Question:

Well, we're doing the best we can to control it. The problem is you can't tell China what to do. They're exporting it. China is exporting it. It is going to other counties, not to us. It goes to other countries. Mexico. It's being exported by a sovereign nation; it is being received by a sovereign nation; there is only so much we can do in that circumstance. In Mexico, we have got tight controls on the pseudo ephedrine that is coming here. The questions are about the other counties the stuff is going to.

Let me go to my last slide here and wrap this thing up. We can dispense with that and just go on.

Question:

Canada. Five years ago, Canada was a real problem. The Canadians have cracked down pretty dramatically. There has been a great cooperation between the DEA and the Royal Canadian Mounted Police, who have done a number of sting operations. They have imposed some very high pseudo ephedrine limitation in Canada. Canada has gotten a lot better. It's interesting that Canada's legal importations were going up as Mexico's were going that way. Now, we've got Mexico coming back down we have gotten a handle on it.

Question:

Columbia probably.

Question:

The question about our southern border is a fundamental problem. It is difficult for most people to envision the sheer number of people that are coming across the border in terms of matching that up with the resources that are funded and allocated to the border patrol in the US Attorneys office.

I can tell you horror stories about the number of times people have come across, been caught, and have returned before they can be prosecuted because we don't have the resources. It's just sheer numbers. This is just me up on my soap for a second. I am so sick and tired listening to Congress complain about the border situation when they don't fund any programs to do something about it. You know it's all posturing because they don't supply resources to the Border Patrol or the district attorneys office to effectively deal with it. If they are serious about it and they really want to do something about it, they've got to fund it. Thus far, it's not something that's been funded. I don't know if that answers your question or not.

Question:

This has been going on for a long time. I had an interesting conversation with the fellow who is Secretary of Public Security in Mexico. He is the number three guy in their government, and he made an interesting point, which I think tells a lot of the tale. Fifteen/twenty years ago, Mexico had nearly 4% growth rate in population. All those folks are coming of age and seeking jobs. Guess what, there is no job in Mexico and that in large measure is driving a lot of recent increases in the number of border crossings. He also made the point that the birth rate today is about 1% growth, so that his prediction is in fifteen/twenty years from now, this won't be going on because they won't be pushing the people because there are no jobs based on demographics. I don't buy that completely, it sounds good, but so much of this is driven by demographics. It is a problem, it has been a problem and it's going to continue to be a problem unless we decide to get serious about it.

Question:

We're building federal penitentiaries on a federal level. We just opened one over in Hurlong, in Lassen County. It just opened up in the last eighteen months. We are building prisons.

Jerry: As Greg was talking I had this thought, envision it on your TV screen, McGregor Scott, United States Attorney. What a great mini series or a great comedy that would be. We haven't heard from US Attorneys on TV. He is good enough to take the lead roll too.

**INTRODUCTION OF DIRECTORS AND PRESIDENT LAZENBY;
AND CONFERENCE WRAP-UP**

To wrap up this session and the conference, this has been a one day conference that has gone pretty well I think. The first thing I would like to do is hand the mike over to Duane. Go ahead Duane before we wrap this thing up.

Duane: I just made the observation, I don't know if anyone else did, how much the proficiency of Harry Tully improved on that computer as we went along. This morning Harry read a letter that he wrote thanking all his committee for putting this on. Anybody who has been associated with something like this knows that you have workers and you

have somebody who does all the worrying, all the thinking, all the planning and takes the responsibility that has been Harry Tully. I would like to say thank you Harry!

Before we wrap up, I would like to do a couple of things here. I would like to give you an updated list of the board of directors. I have done it by region and I've done it alphabetically, and I think it merges those who have carried over. Have you ever heard the term, "carryover," from last year as well as those elected today

In the north region: Bill Burnett, Nevada County; Doug Clough, El Dorado County; Tim Colby, Butte County; Bill Hamilton, Yuba County; Ray Hoffman, Nevada County; Diane Masini, Nevada County; Ivor Thomas, Butte County; and Kathy Wylie, Mendocino County.

Central region: Serena Bardell, San Francisco County; Owen Haxton, Marin County; Earl Heal, Solano County; Joann Landi, San Mateo County; Judi Lazenby, Santa Cruz County; Paul Libeu, Sonoma County; Betty Mattea, Marin County; and Irwin Taranto, Marin County.

Southern region: Lew Avery, Jr., Orange County; Barbara Dabul, San Luis Obispo County; Jeanne Forbes, Tulare County; Bob Geiss, Orange County; Walter Hofmann, San Diego County; Jerry Lewi, Ventura County; and Dian Picone, San Benito County.

We have one vacancy created by the fact that Jack Zepp has resigned from the board. The new president will get the vacant position filled. I would also like to recognize at this time, those who are here and are leaving the board for a variety of reasons. I think that I've caught them all so far, and I would like them to all be recognized for their contributions to our association: Les Daye, Rose Moreno, Ourania Riddle, Duane Mason, Mike Miller, and Jack Zepp. Please rise and reward those folks with a round of applause. Thank you.

I don't think this has been a state secret, but it's now my pleasure to announce the results of the election of offices at our special board meeting afternoon, which the nominating committee ran with dispatch. Bill Burnett, Treasurer, I don't think Bill is here this evening; Joann Landi, Secretary; Ivor Thomas, Vice President; and it's my great pleasure to introduce our new President, Judi Lazenby.

Judi Lazenby: My first task is a pleasant one. This is to acknowledge the service that Jerry has given to the organization and to the Board. When I heard him quote from President Kennedy's inaugural address, and I will paraphrase, "don't ask what CGJA can do for you, but ask only what you can do for CGJA." I thought how appropriate. Jerry has been very dedicated and has been very passionate about outreach. I would like to at this time, in appreciation, go through some of his accomplishments.

When Jerry took office two years ago, he made a commitment that he would visit all of the chapters, and at that time we only had ten chapters, he did that. In keeping with his passion and dedication, we also have two new chapters – Kings County and Kern

County; and as of today we have officially added Fresno County with San Benito County waiting in the wings. It's much to his credit that this expansion has taken place.

Also, he's been a very devoted member of the training committee during the term of his service. We have expanded and grown the training program with training in southern California and south of the Tehachapi. We had the honor of having him do the continuity workshop at the first southern seminar in Fullerton. In addition to outreach and expansion, Jerry accomplished included the preparation and distribution of the Grand Jury Handbook, and the revival of the EIR Program. With Earl's help he oversaw the complete revision of the by-laws, which have not yet been adopted, but they have been legally approved we are one step ahead should we venture down that road again. So, in appreciation for all the dedication, the unselfish donation of time, talent and his own money in many cases, I would like to present you with this token of our appreciation. Presented to Jerry Lewi for his outstanding dedication and service as President 2004-2006. I will take the tee shirt at this time.

Jerry: Thank you

Judi: Thank you Jerry

Jerry: This is a good balance to the tee shirt isn't it! Thank you again.

Judi: As far as moving forward, we will convene in the morning and get right to it. Good night and thank you.