

Breaking News!

Training  
Committee  
Announces

Grand Jury  
Training  
Seminar Dates  
for 2007

See Page 4

From Tim Colbie,  
Membership Relations  
Committee Chair

The time is upon us to  
renew our annual CGJA  
membership.

You will find a link to the  
membership application on  
our website [www.cgja.org](http://www.cgja.org)  
Please fill it out and send  
with your check in today.

Pass the application around  
to friends who currently do  
not receive the *Journal*,  
even drop them by  
the court house.

Thank you

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# Grand Jurors' Journal

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## President's Message

*Judi Lazenby*



Dear Colleagues:

When this administration took office 100 days ago, we asked that we be judged on what we actually accomplish.

As we celebrate our first 100 days in office, this administration is proud of the significant advances it has made toward shaping CGJA into that vibrant and professional organization able to support robust growth, and of the 2007 budget it has designed to ensure the organization has ongoing financial stability to provide the public benefit for which CGJA has been established.

We gladly announce the addition of our latest Chapter; the Fresno Chapter of CGJA. I will attend their general meeting accompanied by John Sitton, president of the San Benito group which we anticipate will be confirmed as a Chapter in February.

We pause to acknowledge the contributions and distinguished past service of two of our Directors. Barbara Dabul, pursuing career advancement, has relocated in Arizona, and Owen Haxton has resigned citing irreconcilable differences with leadership. We extend thanks and best wishes to them.

Also, we wish to announce the appointment of Director Tim Colby as chair of Membership Relations committee which includes Chapter Relations.

A lot has been accomplished, yet there is a lot of work still to be done. Based on this short but successful track record, there can be no doubt that we can fully accomplish our goals and use our term to reinforce our foundation. Our greatest wish is for future administrations to be able to stand firmly on our work and continue to build an organization that is a beacon of help to grand juries, local chapters, and independent associations.

Best regards,  
Judi

## Chapter News: Marin County Chapter *by S. H. Brown*

In 2004 the Marin Chapter devised a Work Plan to summarize and track the Chapter's activities. The plan is a table with columns for "Activity", "Budget", "Objectives", "Target Date to Complete", and "Status / Results."

Activities include training, various Chapter committees, website, speaker program, and so on. Each activity has bulleted objectives, each of which has its own timetable and status comments.

The table is maintained as a computer file. This provides a flexible format which is easily updated and can be disseminated by email.

A new plan is composed each year. The completed plans for prior years provide a historical summary of Chapter activities and accomplishments.

Meet our  
New Directors

**Irwin Taranto**  
Central Region



A native of New York City, moved California in

1962.

Irwin received his BBA at Baruch College, City University of New York, also a teaching credential at San Francisco State University. He is both a licensed stockbroker and insurance broker.

Married for 50 years to Arlene. They have three children, and two grandchildren.

His career spanned more than 40 years in computer software as programmer, manager, and owner of software development company. Now retired, but still very active, he manages web and email server, on a pro bono basis, for non-profit organizations.

A Rotarian since 1980, served as Club President and Assistant District Governor. Vice President, District Four B'nai B'rith. A Past President, and Director, Crime Stoppers of Marin, Past President, San Francisco Chapter, CCNY Alumni Association. He served on the Dixie School District Finance Committee, the Marin County Grand Jury, 2002-2003 / 2003-2004. In addition, he served as the Treasurer and Training Coordinator for Marin Chapter of CGJA.

Irwin has extensive experience and knowledge in areas of Finance, Computers, Training, and Meeting Planning

### Legal Affairs Committee Report

*Bob Geiss, Committee Chair*

I am pleased to report on the newest makeup of the Legal Affairs Committee. Alphabetically, we are: Yvette Briscoe, Les Daye, Bob Geiss, Mary Johnson and Alen Parker. We regretfully acknowledged the resignations of Dian Picone and Jack Zepp from active participation on the Committee for personal reasons.

The primary function of the Committee is to advise the CGJA of developments in government and to assist the Association in formulating its position on public affairs of concern to the grand jury system. We are concerned with governmental activities that pertain to grand juries at the state and county levels. Once a position has been formulated, the Committee has the responsibility to enlist the help of CGJA Chapters, members, and non-affiliated associations in getting the considered views of the Association before the people authorized to make changes. In support of the two functions, the Com-

## COMMITTEE REPORTS

mittee tries to maintain relationships with persons and organizations in the executive, legislative and judicial branches at various levels of authority.

At the end of CY 2006, the Committee was made aware of San



Mateo County's desire to propose legislation (under Penal Code § 901(a))

that would allow (the additional words to the PC are as follows)... "The superior court may order a civil grand jury to serve for 18 months, unless the court determines that it would be detrimental to its ability to impanel a civil grand jury..."

The committee developed a response that says: "The CGJA has concerns as to the statutory enactment of a proposed expansion of potential terms of service to 18 months. First, Orange County extended the service of two grand juries in the early nineties as an indirect result of the OC bankruptcy of that time. Judge David O. Carter was the Presiding Judge and extended the terms of

the sitting grand jury to 18 months. The extension was in response to an ongoing investigation by the panel of the reasons for the bankruptcy. The judge subsequently extended the term of the following panel to the same term of 18 months to realign the terms of service with the Orange County fiscal year IAW Penal Code § 905.5 (b). Recent conversations with Judge Carter, who now occupies the Federal bench, affirmed his past actions, but he could not recall what statutory justification he invoked, if any. Research for statutory justification he may have used was unsuccessful. The point is that grand juries have been extended for ongoing investigations without changes to the law.

Second, we are apprehensive about any proposed grand jury legislation. Legislation that is proposed is not necessarily that which is enacted. The California legislature is infamous for last minute gut-and-amend actions. There are not that many grand jury advocates on either side of the legislature. Intended or unintended

Continued from page 2

mischief to the grand jury system is a distinct possibility.

Third, another expedient might be to invoke paragraph (b) in Penal Code § 901 and empanel a willing 10 or less members to serve on the subsequent jury. Arguably, if an ongoing study effort is of such validity and merit, the carryovers should have no trouble convincing the new grand jury of the righteousness of their cause. Under Penal Code § 916 the new grand jury could approve its continuation.

Fourth, statutory possibilities of an 18 month term, vice 12 months, would have a chilling effect on many counties' grand jury recruiting efforts. Anecdotal remarks from grand jurors across the state have said that if an 18-month term had been a possibility they would have run, not walked, from any grand jury involvement.

The CGJA holds that there are too many downsides to initiating the legislative process on the 18 month term extension proposal. We suggest that San Mateo utilize Orange County's example on an as needed basis and refrain from uncorking the legislative bottle. The CGJA would be, at best, neutral on the proposed legislation."

**Agenda and Minutes  
of Board of Directors  
Meetings Now Online  
At [cgja.org](http://cgja.org)**

## Finance Committee Report

By Ivor Thomas

CGJA has a budget! The budget passed by the board in its Jan 22 meeting is a draft budget that allows us to operate under that budget until the March, 2007 board meeting, but we are confident that it is close to its final form. The budget is exactly a net zero budget, but it reserves room to improve our insurance coverage and to be able to accept payments online for training, membership dues and conferences. Further, it establishes a \$15,000 cash reserve for prepaid Training expenses so that we will begin each fiscal year with money in the bank to pay expenses such as hotel deposits and printing costs before the money comes in from the counties and trainees.

We have been able to identify many cost savings that will pay for the new programs, and all that is left to do for a final budget is to get more detailed reports to some of the subcommittees on their actual expenses last year so they can predict what they will need to meet their 2007 goals. With a net zero budget, we will have to "horse trade" to allow any cost increases. Financially, 2005 was a bad year but in 2006, we recouped many losses to show an unaudited gain of over \$9,000. The gain was due, in large part, to the continuing success of the



Training program and the many wonderful volunteers, members, and friends that contributed so generously. We still show a two-year average loss of over \$15,000, so we must be vigilant to stay within our budget to be able to return to the more comfortable cash position of 2004 and before. We absolutely must work as an organization to look within and without for fundraising and grants.

## Public Relations Committee Report

By Jerry Lewi, Chair

[cgjaprguy@roadrunner.com](mailto:cgjaprguy@roadrunner.com)

My report will be brief this issue and consists only of our committee goals that were approved by the Board. But please note my new email address.

PR Committee Goals – 2007

- Improve quality of Journal as major outreach tool to membership and others interested in the Grand Jury system.
- Upgrade website to provide better quality of information on a timelier basis and to provide a tool to manage internal CGJA affairs more efficiently.
- Produce and distribute on a state-wide basis a video that educates the public on the grand jury system.
- Develop other state-wide outreach methods.



**Training Committee** *By Lew Avera Committee Chair*

After a very busy and successful 2006, the Training Committee is working diligently to continue the accomplishments of 2006 and expand training in terms of both numbers of grand jurors trained as well as the quality and effectiveness of the training. As we continue to grow the committee is pleased to welcome two new members: Catherine McKown from Mill Valley (Marin County), and Bette Flick from Costa Mesa (Orange County). Both Catherine and Bette were forepersons of their respective grand juries during the 2005-2006 term. We are fortunate to have the talents and experience of these two new members as we move forward into 2007.

With the leadership change in the Training Committee there have also been changes in the internal organization of the committee. In order to spread the ever-increasing workload of the committee and to bring more of the committee members into the detailed planning, the committee has formed six sub committees as follows:

<b>Organizational</b> <b>Public Relations, Advertising, Reporting</b> <b>Program/Workshop</b>	<b>Finance</b> <b>Curriculum</b> <b>Trainer/Instructor</b>
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Not only does this structure allow for more sharing of the work, but it also provides a leadership opportunity for six additional members of the Training Committee. Each member of the committee serves on two of these sub committees. Each sub committee has a list of tasks or functions and we are in the process of completing goals for the year around this structure. This approach has already yielded dividends in our 2007 planning.

During 2007, we hope to invest further in the key ingredient of our training...our trainers/instructors. With sound course material, the trainers become the defining element for success. In addition to the planned addition of several new trainers, we would like to take steps to enhance the delivery skills and methodology...and thus, effectiveness...of our current training staff. This is contingent upon having the resources to apply to this effort.

Finally, as a result of one of our first planning activities, we have been able to confirm the dates and locations of core programs for 2007. The schedule is similar to 2006 and is as follows:

**2007 Schedule for Training Seminars**

<b>July 16-17</b> Fullerton	<b>July 22</b> Foreperson Workshop, Sacramento
<b>July 23-24</b> Sacramento	<b>July 26-27</b> Redding
<b>July 29</b> Foreperson Workshop, Bay area	<b>July 30-31</b> Bay area
<b>August 2-3</b> Visalia	

We are working on the possibility of one additional core program, to be determined by demand from among several adjacent counties, and for the possibility of on-site seminars for counties where this is the only option.

In closing, we would like to recognize and thank Sherry Chesny for her outstanding leadership and efforts over many years in bringing CGJA training to its present high level of effectiveness and its contribution to the successes of grand juries throughout the state of California.

## Operations Committee ("Ops")

By Serena Bardell, Chair

Although your Board of Directors voted to transfer responsibility for both the CGJA Journal and web site from Ops to the Public Relations Committee, Ops remains immensely busy with its many other duties, among them: maintenance of Polices and Procedures; Excellence in Reporting research and awards; Publications, including inventory, printing, and sales at several venues; Cookbook project; Grand Jury Research & Indexing Project (GRIP); and all aspects of planning and production of CGJA's Annual Conference, along with the inevitable details any democratic group must work out to function optimally. Please see separate announcement on the annual conference.

With a new president and vice-president of CGJA and new chair of Ops, along with several new committee members, recent Ops meetings have concentrated more on the nitty-gritty details of budget and other organizational upkeep than on broader philosophical questions, such as longer-range committee goals.

We have been feeling our way and becoming acquainted with each other as well as with the many issues CGJA counts on Ops to manage, such as our recent work on the procedures for members to attend and/or address meetings of the Board of Directors.

## Grand Jurors Ask

By Jack Zepp

*Over the years, I have responded to numerous inquiries from grand jurors that I think might make interesting reading and perhaps provide some assistance to other grand juries confronting similar quandaries. Although I received the inquiries because I was a member of CGJA and I sought the input of others before responding, the responses were mine alone and were preceded by a disclaimer to that effect (and otherwise). Set forth below, in generalized form is one such inquiry and response. I intend to provide others in the future in a semi-regular column format.*



### **Inquiry:**

Can a grand jury designated as a "civil" grand jury by itself, its county or "its" court issue an indictment?

### **Response:**

Probably yes, although I know of no direct authority on the question posed. The Penal Code does not use either the term "civil grand jury" or "criminal grand jury." The county grand jury common to California is referred to as the "regular" grand jury and, except as noted below, appears to have both civil (government oversight) and criminal (indictment) powers because the Penal Code so contemplates. The reason many regular grand juries are not asked by the DA to exercise the indictment power is usually because the DA prefers

to proceed by way of information, which does not involve any grand jury, or by convening an additional "criminal" grand jury pursuant to Penal Code 904.6 for the purpose of handling one or more criminal matters. (Where a 904.6 grand jury has been impaneled, it has exclusive jurisdiction to return indictments

unless the regular grand jury was already investigating the matter at issue.) Although it may have the power to do so, as a practical matter there is much risk in a regular grand jury issuing an indictment on its own. First, criminal procedure is laden with detailed technical rules that most grand jurors are unlikely to get right. Second, indictments issued by any grand jury, which is not demographically representative of its county, are suspect. If no significant effort has been made to achieve a demographic balance, which is often not the case with volunteer based regular grand juries, the indictment may be invalid. Also, if the DA is unwilling to help the regular grand jury, or it rejects his/her assistance, the DA is unlikely to want to expend his/her time prosecuting the case at trial. The DA has prosecutorial discretion whether or not to pursue a criminal case and, even though a grand jury has indicted, can decline to take the matter to trial.

**Visit us online  
Www.cgja.org**

## Annual EXCELLENCE IN REPORTING Awards

By Earl Heal

This announcement is made to remind California grand jurors and CGJA Chapters and members of the California Grand Jurors' Association *Excellence in Reporting* program. Awards are presented for two categories, Grand Jury and News Media, and are announced at the CGJA annual conference in October.

The Grand Jury Award is judged according to citizen impact, duration of the problem, difficulty of investigation, quality of the written report, public and media support gained, and actual change implemented. Specific judging criteria will be published in the next issue of the *Journal*. Because actual change created requires time for verification, this selection tends toward investigations one to three years old that have been proven corrected by subsequent reporting.

The News Media Award is judged on either of two elements, increased public awareness of the grand jury institution or, increased awareness in the community of a grand jury investigation so that the community benefited in the investigation. Submissions may be independent of grand jury participation or in conjunction with specific grand jury investigative reports.

### SUCCESS STORIES

CGJA also promotes a "Success Story" program.

Criterion for judging success stories equates to that of the Grand Jury EIR award. All submissions for EIR will automatically be evaluated for recognition as a Success Story. The 2004 CGJA state wide survey confirmed that numerous investigations yielded significant results toward improving local government but little information is disseminated outside the immediate area. This encourages speculation that grand juries are ineffective. The goal of this program is to develop a reliable flow of input to identify and publicize these successes. Significant successes are presented to

members at the Annual Conference and will be published in the *Grand Jurors' Journal*.

A success story presented to 100 conferees illustrated a unique situation that was primarily a personnel issue between college administrators and trustees. Such issues are commonly given low priority by grand juries but the Placer County Grand Jury recognized that this incident, due to extensive public attention was to have a major impact on student enrollment and donor contributions to the local college. The resulting investigation found the public allegations of money laundering and unfair election practices by the college were false and thereby restored the college to normalcy.

CGJA recognizes that fiscal year juries are now approaching their peak workload in report preparation. We encourage, however, each jury and former juror to dedicate as much time as possible toward preparing submissions for these programs to obtain well earned recognition for past successes.

Following is the criteria for the two awards. The application form will be published in the next *Journal* and posted on the CGJA website.

### EXCELLENCE IN REPORTING Criteria

**Grand Jury Category:** will be judged on information identifying meritorious achievement in the watchdog function. Each county is encouraged to submit one or two applications with appropriate justification. Investigations and reports for the fiscal year

2003-4 (calendar year 2004) and subsequent are eligible for submission. Because proof of success is one of the judged criteria and some current reports may not have that criteria available, it may be advantageous to delay such submissions a year to enable documentation of the necessary proof.

#### Criteria are:

Citizen impact – severity and number of citizens affected

Duration of problem – recent, 2-4 years, > 4 years

Difficulty of investigation – few or many agencies

*Continued on page 8*

## Improving the Grand Jury Process

By Jerry Lewi

One of the most important goals adopted by the Board last year is to concentrate on that part of the CGJA mission statement where we seek to educate the California public about our unique California Grand Jury system.

In thinking about this goal, we have come to the conclusion that what we can have is a closed-loop system involving the entire Grand Jury process as follows:

1. It starts with documenting and **publicizing** grand jury achievements, defined briefly as a grand jury report that achieves a positive improvement on a local government operation.
2. By publicizing this good work, we can then hope to **recruit** a larger and better pool of prospective jurors.
3. We then will seek to provide them improved **training** by a combination of our training seminars, our on-site training and encouraging in any possible way improved local training.
4. This improved training then results in grand jury **reports** that create even greater improvements in local government.

We then close the loop by **documenting** these improved operations, perhaps even in the long run, documenting the statistics of these improvements.

**See chart for a graphical representation.**

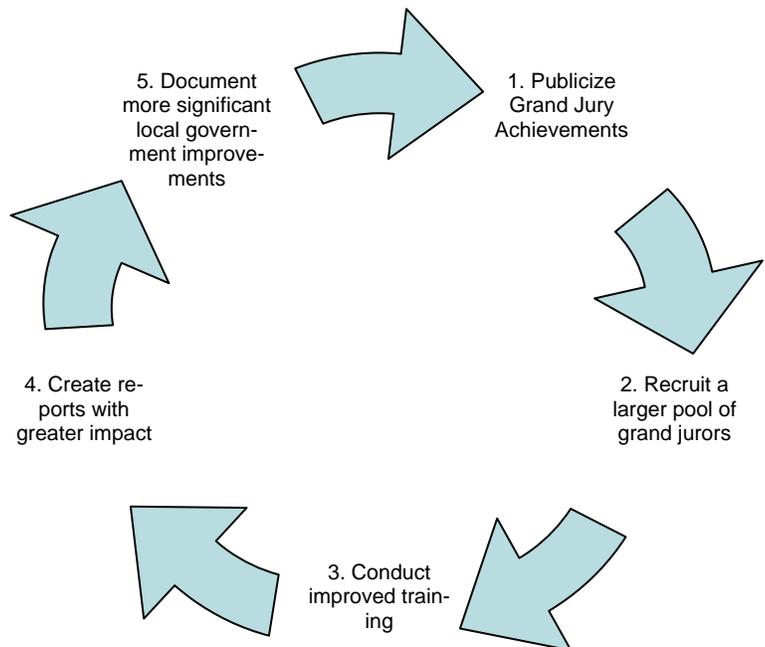
This process should be a collaborative effort among CGJA, its chapters, independent associations including any group of former grand jurors, CGJA members, all grand juries and the court administrative staffs that support them and wherever possible the media.

With respect to step 1, last year the Board approved a goal to document grand jury achievements and formed an ad hoc committee to develop a process. That committee has begun to test this process. First, we have defined a "Grand Jury Achievement"

as a grand jury recommendation that gains acceptance by the agency and for which a verified beneficial result can be shown. We have developed a form to collect this information with the long-term goal of being able to catalog and search the information for a variety of reasons. But for now we are more interested in the results and less concerned about the format other than to be able to trace the original report and its responses to the county of origin and the date.

The relationship between this new initiative and our Excellence in Reporting award program is clear: Any EIR award for the category of grand jury reports is automatically a candidate for this effort and almost all EIR-nominated reports would also be included. The EIR award criteria are more strict and include such factors as the clarity of the report. The EIR criteria are described elsewhere in this issue.

We are now seeking candidates for our effort. If you have an example that can meet our criteria, please contact Jerry Lewi at [cgjaprguy@roadrunner.com](mailto:cgjaprguy@roadrunner.com) for more information. We especially encourage chapters and other associations to take this effort up as a project.



**'07 Annual Conference  
Set for Wednesday & Thursday October 24 & 25  
At San Francisco's Historic Whitcomb Hotel**

CGJA's '07 Annual Conference (AC) Committee announces with great pleasure the first AC ever to take place in San Francisco. Your committee has negotiated the terrific rate of:

**\$99 single or double, \$119 triple, available up to  
three days before and three days after the actual  
conference.**

Known as the Ramada Plaza in recent years, the hotel will be returning to its original name this month. The Whitcomb, on Market Street at Eighth, is just a couple of blocks from SF's Civic Center, which comprises City Hall, the Opera House, Davies Symphony Hall, the Main Library, and the Asian Arts Museum.

With a BART station right outside the front door, the hotel's location affords public transportation to and from the airport. Parking with in-and-out privileges will be available at the reduced rate of \$19 per day. A short walk or a ride on a historic F Line streetcar leads to the revamped Westfield Centre, with its brand-new Bloomingdale's West Coast flagship store, as well as to adjacent museums.

SF's unpredictable weather is usually at its best in October, the month when "everything" seems to occur at once on the city's always-busy calendar.

Please watch this space, CGJA's web site, and email titled FIRST EVER CGJA ANNUAL CONFERENCE IN SAN FRANCISCO OCT 24 & 25 '07 for continued updates, registration information, reservation deadlines, and more.

**Your committee will keep you posted on conference  
speakers, panels,  
and member  
participation, along  
with what is going on in town as schedules  
become available.  
Please mark your  
calendar now.**

Suggestions welcome to [sbardell@aol.com](mailto:sbardell@aol.com)

Serena Bardell, Chair, CGJA '07 Annual Conference  
1922 Filbert St  
San Francisco CA 94123-3504  
415-931-7249

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Bureaucracy interference – denials, subpoenas, etc

Written report - documented, succinct, complete, readable, and substantiated findings and recommendations

Public support gained

Media Support gained

Success verified

**News Media Category:** will be judged on reporting that either increased awareness of the grand jury institution or increased awareness of the community of a grand jury investigation so that the community benefited in the investigation. Criteria evaluated will include apparent media research, quantity and quality of reporting, and apparent citizen impact. Submissions may be independent of grand jury participation or in conjunction with specific grand jury investigative reports.

## Grand Juries in the News

From The Sacramento Bee

*Editors Note: This story was reprinted with the permission of The Sacramento Bee but can not be published on line. Therefore to read this article on line we have provided a link to the The Sacramento Bee. Click on the article title:*

### Suit alleging bias in Yolo County Grand Jury dismissed

© The Sacramento Bee 2007

### Dekker Group Formed in Ventura County

*By Jerry Lewi*

You may recall reading a *Ventura County Star* article that described a group of former grand jurors formed by Ventura County

*Continued on page 9*

Dekker Group Continued from page 8

Presiding Judge Jack Smiley to assist the court in recruiting, selecting and training new grand juries in Ventura County.

That group has been formed and I am proud to be a member. It is called the Dekker Group in honor of last year's foreman, Jim Dekker, who tragically passed away on the final day of his service. Judge Smiley has named the group in Dekker's honor and memory as a fitting legacy of his service and his recommendation to form such a group.

The group has met several times and is concentrating first on the recruiting effort. We anticipate working with the current jury to avoid any conflict or redundancy in our recommended actions. We are using the results of CJGA's recent survey of recruiting practices including the idea of producing a video for local consumption similar to like efforts we have seen in Orange and Sacramento Counties.

Later on we will look into ways to help the court select jurors. We will rely on the efforts of our San Francisco Chapter whose input was instrumental in helping the judge decide to go forward with this effort. Then we will work on training and perhaps use some of CGJA's material. We have been asked by the current jury to assist with a review of their manual and have agreed to do so.

The Dekker Group has no connection with CGJA other than the fact that I am a member of both. I would be interested to hear of any other group of former grand jurors whether or not members of CGJA who help their local court in these efforts.

The following quote came in a column by San Francisco Chronicle writer Jon Carroll. Director Serena Bardell thought it would be worth sharing with grand jurors, who also have some of those same powers, which they sometimes don't sufficiently appreciate.

*The one power that Congress has, and has always had: It can embarrass powerful people in public. It can hold hearings, and it can publicize the hearings. Harry Truman, when he was a little-known senator from Missouri, actually drove around to defense plants and said, "Hi, I'm a senator, show me stuff." Someone could even do that.*

## Grand Jurors' Journal

### Celebrating



# 25 Years

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**California Grand Jurors  
Association**

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**Jerry Lewi**

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**Diane Masini**

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**Opinions:** The views expressed in the Grand Jurors' Journal are those of the writers unless otherwise stated.

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Deadline for submitting articles for publication in the next issue  
March 28, 2007, 5:00 p.m.

### Format for submitting letters and articles to the Grand Jurors' Journal

Articles should be e-mailed to  
**Jerry Lewi, Editor**  
**editor@cgja.org**

Articles submitted by e-mail should be saved in Rich Text Format and transmitted as an attachment to the e-mail message.

If e-mail is not available, articles should be faxed to Jerry at 805-241-7912

Letters to the editor are limited to 200 words. (One hundred words for "Kudos" thank-you letters).

The Journal will highlight opinion articles written by readers, experts, and issues advocates. They may be 500 to 600 words in length.

We are especially interested in articles on Grand Jury issues or solutions to improving public education of the grand jury system in California.

### **Summary of Board Actions**

#### **11/27/06 Regular Meeting**

- (1) Accepted withdrawal of San Mateo County Chapter as an affiliate chapter.
- (2) Ratified appointment of Directors Walter Hofmann and Rose Moreno as co-parliamentarians.
- (3) Transferred responsibility for maintenance of Committee Roster from Operations to Membership Relations Committee.