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Thank you for your cooperation.



INSIDE THIS ISSUE

NEW PENAL CODE TAKES EFFECT	2
CHAPTER REPORTS	3
ASK THE TRAINER	4
COMMITTEE REPORTS	5
GRAND JURIES IN THE NEWS	6



Grand Jurors' Journal

President's Message *By Keath North*



Volunteerism is special to me in a very personal way. You see, I'm a member of a very small and exclusive group. 20 years ago, in March, 1992, as I was returning from a morning jog with my brother, I collapsed in front of our small town's fire station, the victim of a sudden heart attack. As a 43 year old husband and father of two young sons, I served on the town's community services district board as well as our volunteer fire department. A few months earlier, on behalf of the fire department, I had written a grant application to PG&E for a heart defibrillator. We had just received the machine and finished training on it. To make a long story short, I was revived some 28 minutes later and, after recovering, have felt healthy ever since. Each and every day is a blessing to me, and I try my best - to do my best.

The moral of the story, if there is one, is that the old adage of "what goes around, comes around" may be truer than we think. All of us involved in CGJA have made the decision to commit part of what are most likely some of the best and most productive years of our lives to assisting, protecting and preserving an institution about which we feel passionate. If we weren't passionate about it we wouldn't do the things we do, nor spend the amount of time, effort and resources that we do.

As the trend of a shrinking Fourth Estate continues, we volunteers and advocates of California's county grand jury system, stand in the breach. A Pew Report recently found that investigative reporting in the media has fallen 80% since 1991; most "reporting" simply being the repeating of submitted articles. Much of the burden of keeping an eye on local government naturally falls to our citizen-led grand juries.

One way to help in this struggle is for all of us to stay informed of the work done by these grand juries. We now have the ability to deliver news of grand jury activity state-wide, as it breaks. Our new website (www.cgja.org) and our Facebook Page (www.fb.com/cgja1) both feature these news items, but they require a visit in order to see and read the articles.

We have added a new service to help . . .

Now, you can stay up-to-date by texting FOLLOW @cgja1 to 40404 from your cell phone or mobile device (standard data and text rates apply). By reading and sharing these articles electronically, you can help spread grand jury news easily. By being informed, you can help build public awareness.

Try it, you might like it! To cancel the service, it's easy as well; text UNFOLLOW @cgja1 to 40404.

CGJA is leading the way!

AB 622 - The Final Bill as Chaptered

Below is the finally Penal Code language resulting from the passage of Assembly Bill 622.

SECTION 1. Section 939.22 is added to the Penal Code, to read:

939.22. (a) Any witness who is called to give testimony under oath before a civil grand jury may have counsel present on his or her behalf while he or she is testifying. Any counsel present before the grand jury pursuant to this subdivision shall comply with all of the following:

(1) Counsel shall not object to any questions asked of the witness or otherwise speak to the grand jury, but may advise the witness during the course of the examination.

(2) Counsel shall not disclose or use anything heard in the grand jury room other than in the representation of the witness he or she represents.

(b) A violation of this section by counsel shall be a violation of the Rules of Professional Conduct and may be reported to the State Bar of California.

(c) Nothing in this section shall be construed to grant a witness a constitutional right to counsel under the United States or California Constitutions nor grant any right to discovery for the subpoenaed witness.

(d) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

New Penal Code Section Takes Effect

By Bill Trautman, Chair, Legal & Legislative Resources

Following is a memorandum sent to all grand juries in December to alert them to the new penal code section that went into effect on January 1, 2012.

Memorandum

To: All California Grand Juries

From: The California Grand Jurors' Association Legal & Legislative Resources Committee

Date: December 13, 2011

Re: AB 622 (Penal Code section 939.22)

Assembly Bill 622, which was signed by the Governor on October 9, 2011, adds section 939.22 to the Penal Code effective January 1, 2012, and sunsets on January 1, 2017. A copy of section 939.22 is attached.

This new code section allows any witness who is called to testify under oath during an interview related to a grand jury's civil investigation to have counsel present while he or she is testifying. Section 939.22 does not give this right to a witness in an indictment hearing. Further, the right to counsel exists *only* if the interviewee is placed under oath.

Section 939.22 also imposes restrictions on counsel in connection with the interview. The attorney cannot object to any question asked of the interviewee, or otherwise speak to the grand jury, but may give advice to the witness during the course of the interview. In addition, the attorney is prohibited from disclosing anything heard in the grand jury room other than in the representation of that witness.

The *California Grand Jurors' Association* has been asked to comment on what grand juries should do to comply with this new law.

CGJA suggests that your grand jury not place interviewees under oath unless there is a compelling reason to do so.

Allowing counsel to be present during grand jury interviews is likely to delay those interviews while witnesses arrange for an attorney to be present. Providing counsel could impose a significant cost on the entity that employs the witness. Finally, with regard to interviews of county employees, conflicts are likely to arise because the County Counsel's Office ordinarily acts as counsel for both

CONTINUED FROM PAGE 2

the grand jury and all county employees.

CGJA has learned that most grand juries do not regularly put interviewees under oath. Further, we believe that the administration of an oath is not likely to result in eliciting testimony that is more credible than testimony given without an oath.

We suggest that you discuss this new law with your legal advisor. CGJA does not provide legal advice to grand juries, and this letter should not be construed as such. However, in furtherance of our mission to support the California grand jury system, we bring to the attention of grand juries any legislation which could have a significant effect on their powers, duties or operations.



Chapter Reports

Contra Costa County Grand Jury Reports Prompt Action

By Leslie Lea, Chapter President

Following four Grand Jury investigations, the Contra Costa County Local Agency Formation Commission (LAFCO) recently voted unanimously to disband a small public health care district that voluntarily relinquished administrative responsibility for its hospital 16 years ago.


The Grand Jury reports concluded that in the years following the loss of the hospital, the Mt. Diablo Health Care District spent the overwhelming majority of its \$3 Million taxpayer proceeds on overhead, election expenses, legal bills and free lifetime medical benefits for two directors, rather than health-related activities.

The action taken by the Contra Costa County LAFCO is the first in the state since California lawmakers adopted new rules allowing regulators to eliminate public agencies without holding an election.

The LAFCO commissioners agreed with not only the four Grand Juries, but their own consultant

and vocal critics led by a local taxpayer advocacy group, that concluded that tens of thousands of dollars earmarked for unmet community health needs could be better administered by another agency.

Contra Costa County CGJA chapter president, Leslie Lea, said, "I'm very pleased that all the hard work of past Grand Juries has been validated." She added, "I hope this maiden effort by our county LAFCO will encourage other Grand Juries and local LAFCOs to focus attention on other special districts that may have outlived their usefulness."



Osher Course to be Repeated at Humboldt State University

The Humboldt Chapter announces that they have two short Osher Lifelong Learning Institute (OLLI) sessions about California Grand Juries scheduled at Humboldt State University for March 7th and March 14th. Both sessions will be taught by Phil Minor, one of our Chapter founders, and assisted by Chapter members.

This is the third time the Humboldt Chapter has presented this course.



San Luis Obispo Chapter

By Jim Ragan, President

In 2012, March will be Grand Jury Awareness Month in San Luis Obispo County. We of the CGJA chapter in the county had preferred February, but we couldn't get on the Board of Supervisors calendar until February 28. On that date, the Board will present its proclamation to the grand jury foreperson and the chapter president. The deadline for receipt of applications to the 2012-13 Grand Jury is March 29.

CONTINUED FROM PAGE 3

Our chapter has produced two newspaper display ads promoting applications, which have been running alternatively in our county's major newspaper twice a week since mid-January. The court places and pays for the ads. We will also place an op-ed piece written by one of our members in the newspaper, which has accepted our submissions every year since 2003.

Over the past few years, this approach has been very effective in generating applications. 2011 was our best year ever, with 77 applications.

San Mateo Chapter

By Joann Landi, Secretary

On February 14, the San Mateo County Board of Supervisors will designate February as Grand Jury Awareness month in their county. This came about through the efforts of the San Mateo Chap-

Glenn County Chapter



Members of the Glenn County Chapter are shown with the chapter charter which was presented to the GCGJAA at the annual CGJA conference. The charter shown is now on display at the Glenn County Court House. Members shown with the Charter are, (L-R) Mark Bauska, Steve Ansel, Chapter President; Claire Arano, Public Relations Officer and state committee member; Franko Alberico, Bobbe Lewis, Chapter Secretary; and Cynthia Hunt, Glenn County Grand Jury Foreperson. Not pictured, Marge Ansel, photographer.

Ask the Trainer

This is another in a series of articles aimed at current jurors, especially those who have taken advantage of our new Introductory Membership (IM). We will attempt to remind you of key issues on a timely basis. Please remember that any trainer is happy to try to answer specific questions in their area of expertise and may be contacted by using the information in Tab 10 of the training manual. You may not take any response as legal advice, rather, you should contact your local legal advisors to answer questions. Please submit questions to me or the Journal Editor for future responses.

Marsha Caranci, Training Chair, Caranci@aol.com

Report Writing

By Bette Flick and Jerry Lewi

By now your jury should be writing some reports. This article will remind you of some of the information from our training seminar. As a first step, this might be a good time to reread the section on Report Writing in the Training Manual you received last summer and/or the material you received at one of our Report Writing Workshops in November.

Here are some tips from these materials:

Organize your material from the investigative file.

You may want to start with your **Findings** and **Recommendations**, which are the only items absolutely required by the law. A simple definition of these critical elements is:

- **Findings** - Bridge the gap between facts and recommendations and are conclusions based on fact. They must be responded to by the entity to which they are addressed.

- **Recommendations** - Each is required to be based on at least one finding. They must be logical, specific, achievable and feasible. They also must be responded to and should be addressed to an entity or office, rather than an individual.

Then you can develop the backup material start-

CONTINUED FROM PAGE 4

ing with such topics as the reason for the report, method of approach, background, and factual information that will support the findings. A Summary is often used as an introduction to the report, but is usually written last.

The report is the responsibility of the investigative committee, but is typically written by one or two authors at the most, unless unusually complicated (which is not usually a good idea). Involve your entire committee for advice as they should be the first step in the approval cycle.

Juries vary on the order of the review by the Editorial Committee and the full jury. But whatever your procedure is, involve the Editorial Committee as early as possible. They can serve the role of the first real audience just as if they were the entity to which the report is addressed. It must be clear to them and of course they will be helpful in guiding you through style guidelines, and grammar and spelling errors. Use spell check but don't rely solely on it.

Take advantage of the provision in the law for a Final Verification Review of your Findings (findings only, not the whole report) with the involved entity(ies). This can save you embarrassment should you have your facts wrong.

Be sure to allow time for all the steps necessary to release your report, such as, in addition to the above, County Counsel and Judicial review, as well as printing and delivering. Remember the two-working day period for release to the entity or official before full public release.

If you are using computers with various versions of your word processing software, be sure to save as a file type that can be read by all and be sure to password-protect all drafts.

We suggest a press release with your report that should mirror the Summary and be strong enough to make the reader want to read your entire report.

And finally, release reports as early in your term as possible, and don't wait to the end of your term. This will get more attention with the media and your community, and, if released early

enough, you will get to see and review the responses.

Good luck and don't be afraid to ask us questions on any of this material.



Committee Reports

2012 Training Seminar Program

By Marsha Caranci, Chair

Following are the dates for this year's Regional Training Seminars:

Fairfield	July 16-17
Redding	July 19-20
Sacramento	July 23-24
Sunnyvale	July 26-27
Visalia	July 26-27

One-day specialized Foreperson's Workshops, for Forepersons and Pro-Tems, as follows:

Fairfield	July 15
Redding	July 18
Sacramento	July 22
Sunnyvale	July 25
Visalia	July 25

Watch our website for more detailed information such as registration forms and hotel registration information.



Public Relations Committee

By Jerry Lewi, Chair

Public Relations continues to refine various projects under its supervision. We have been constantly refining our new website, both in enhancement of features and correcting little problems. As of now we have the ability to accept orders for our various publications on line, as well as being able to accept membership applications and renewals on line. Initial 2012 Training Seminar information is also now posted with more details to follow. All Training registrations can be accomplished by a

CONTINUED ON PAGE 6

CONTINUED FROM PAGE 5

downloadable Excel spreadsheet that has been re-designed for a more efficient process.

Our newest activity is the creation of an Education Package aimed at the middle and high school level. We offer various forms of educational material that can be either downloaded at now cost or purchased at nominal cost for educators at this level. We believe that education about grand juries at this level will have a long-term payoff in the form of a more educated adult population. Another version of this package will be made available for general outreach to all citizens of the state.

I renew my plea for examples of effective grand jury reports, defined as reports that had a beneficial effect for the county residents. I know they're out there, especially when I see all the news articles posted on our website Blog. Please look at the **Grand Jury Achievement Report** link on our website under **CGJA Publications and Merchandise**.

Finally we offer support to any chapter that would like to create and offer an educational program to any Osher Lifelong Learning Institute (OLLI) chapter at most campuses of the University of California or the California State University systems. Please contact Betty Mattea (bjmattea@sonic.net) or me for more information.

Any chapter that has a person designated for public relations is invited to offer that person as a liaison to the Public Relations Committee for mutual support.

Speaking of Chapters, Jim Ragan, President of the San Luis Obispo Chapter, reports that he has been developing ads to run in the local papers for grand jury recruitment that the court pays for. He would be interested in any ads run on other counties. Please contact Jim at jimragan@charter.net if you have any information.

HELP WANTED!

CGJA needs volunteers to help with our message. Please give Keath North a call at 707.845.3612 if you have experience as a Publicist and would like to become involved. Other opportunities are available too, so call or email me and let's talk about where you can fit in with this dynamic and growing organization.

Grand Juries in the News

We have from time to time featured in these pages newspaper stories about grand jury activities. In today's high speed world this feature has been supplanted by our news blog which may be accessed through our website. But here are some recent stories on our blog to give you some idea of the range and breadth of topics being reported.

Sacramento County, Sacramento Library officials convicted of fraud, based on an investigation by the Sacramento County Grand Jury.

Stanislaus County Grand Jury seeking contempt of court charges against City Attorney for disclosing information taken under sworn testimony,

Kern County Grand Jury says two school district trustees should be removed from office.

Imperial County Civil Grand Jury report cites narcotics and cell phone problems at local state prisons.

Alameda County, Oakland building inspection reforms "too slow" in responding to Alameda County Grand Jury recommendations.

San Francisco County, Ethics Commission Meetings coming to Local TV, thanks to report by San Francisco Grand Jury.

A feature of the blog is its search capability; e.g., enter your county name in the search box and see all recent newspaper stories about grand jury activity in your county.

Board Actions *By Joann Landi*

The only action item on the Board's 12/6/11 agenda was the appointment of Beate Boultinghouse as a director-at-large for a one year term.

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Grand Jurors' Journal

NON-PROFIT ORGANIZATION
US POSTAGE PAID
Thousand Oaks, CA
Permit # 233

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Address Service Requested

The Mission of the California Grand Jurors' Association is To promote government accountability by improving the training and resources available to California's 58 regular grand juries and educating the public about the substantial local government oversight and reporting powers these grand juries have

Format for submitting letters and articles to the Grand Jurors' Journal
Articles should be e-mailed to Jerry Lewi, Editor
cgjaprguy@roadrunner.com
Articles submitted by e-mail should be saved in Rich Text Format and transmitted as an attachment to the e-mail message.
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.

Grand Jurors' Journal
Publisher:
California Grand Jurors Association
Editor:
Jerry Lewi
Design/Layout:
Diane Masini
Editorial Support:
CGJA Public Relations Committee
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, 2012