



Grand Jurors' Journal

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Looking Ahead

by Karen Jahr and Marsha Caranci, Co-chairs
Pandemic Response Coordination Workgroup

On March 29, CGJA President Larry Herbst appointed a working group to coordinate the association's responses to the challenges posed by the coronavirus pandemic.

Since mid-March, we knew the superior courts and grand juries would be turning to CGJA for best practice advice about jury operations and juror recruitment during this time of social distancing. We wanted to collect as much information as possible about what the courts were doing and to share that information and our recommendations with all the courts, the sitting juries and our CGJA chapters.

To effectively gather and exchange information, we needed to broaden our channels of communication with the court system. We made contact with the Judicial Council's Legal Services Office and the head of the Jury Improvement Project to discuss with them how grand juries can conduct business remotely, whether the current juries' terms can be extended and how and when to recruit and impanel the 2020/2021 grand jury.

Our written communications with the court have been posted on the presiding judges' network and distributed to members of the California Judges' Association. We have also contacted court executive officers, grand jury legal advisors, grand jury liaisons, sitting forepersons and jurors and CGJA chapters.

These communications are posted on a special page on our website – you can find them at cgja.org/coronavirus-guidelines. This page will be updated as more information becomes available.

We have heard from a number of superior courts and legal advisors expressing their appreciation for CGJA's knowledge about the issues involved in determining discharge and impanelment dates. They have indicated that the information we shared has assisted them in rendering a decision as to the timeline that works best for their county.

In addition to President Herbst, our working group includes Marsha Caranci, CGJA Director and Chair of our Training Committee; Teri Goldner, CGJA trainer, former federal magistrate judge and retired County Counsel, Kern County; Bill Harvey, CGJA trainer, retired attorney and current grand juror, Plumas County; and Karen Jahr, CGJA trainer and retired County Counsel, Shasta County.



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Annual Conference Postponed

by Lloyd Bell, Chair, Annual Conference Committee

Due to the uncertainties that we in California are experiencing as a result of the COVID-19 pandemic, the CGJA Board of Directors has decided to postpone the 2020 CGJA Annual Conference, originally scheduled for October 25-26, 2020 at the Hilton in San Rafael.

We envision that the 2021 Annual Conference will be held at the same San Rafael location in the fall of 2021. Details will be announced once they are finalized. Rest assured that all of the reports and information normally received at the annual conference will be communicated to our members directly and posted on the Annual Conference webpage later this year.

The Annual Conference Committee will continue to plan for the Annual Membership Meeting that is required by our bylaws. These details will be forthcoming in the near future as well. Unknown at this time is whether it will be a small in-person gathering at a central location or a virtual meeting with the opportunity for questions and comments from remote participants. Once we make the decision, we will announce it to all of our members.

The board regrets having to take this action, but feels it is in the best interest of the health considerations of our members.



Directors Election Update

from the Nominations-Elections Committee

The Nominations-Elections Committee has been working to finalize the slate of candidates for director and will be gathering their candidate statements for publication to CGJA members ahead of the elections. We will conduct the vote electronically via our CGJA website. This option provides a more efficient means to deliver an electronic link to your region's ballot and reduce mail and postage expense – while continuing to ensure ballot integrity and anonymity. Of course, members desiring to vote via a traditional paper ballot may do so.

Look for a July e-blast notification from CGJA with more information about the director's election process and the upcoming vote.

2020 CGJA Training Program Update

by Marsha Caranci, Chair, Training Committee

Due to the impact of the coronavirus pandemic, CGJA is having to either reschedule or change the delivery method of most of our training seminars and workshops previously scheduled for this summer. Many courts are still trying to decide how best to deal with possible extensions of the current grand jury term, as well as recruiting for and impaneling the next jury.

The CGJA **Pandemic Response Coordination Workgroup** has communicated with the courts, legal advisors and current jurors several times (see [article on page 1](#)). We have asked the court in each county to let us know what they decide to do regarding impaneling the grand jury this year.

Based on the information we've received as of the writing of this article, we expect about 10 courts to impanel on schedule, another dozen or so to extend the current term through December and switch in January to a calendar-year grand jury (upon approval of the Board of Supervisors), and another 24 or so to extend the current term anywhere from one to six months before impaneling a new jury (which would then serve a shortened term to end around June 30, 2021). Some courts are still trying to decide what to do.

The CGJA training program is adjusting to all of these changes and will be training as we can (remotely if necessary) when new juries are sworn in. That means our training season will extend for about seven months this year instead of the usual seven weeks.

Our Foreperson and Pro Tem Workshops, Legal Advisor Workshops, and the fall Report Writing Workshops are also affected. The workshops scheduled for July have been postponed, and we are waiting to see how things unfold before deciding how and when to reschedule them.

The good news is that we have completed the review and revisions for our curriculum, and it is ready to go. We will be introducing a new scenario and new interview videos this year. We have a staff of 29 CGJA trainers preparing to present our workshops as we are able to do so. We are fortunate to have eleven new trainers coming on board – they are currently attending our annual New Trainer Orientation sessions using Zoom.

We have all had to adjust to a different way of life due to the pandemic. I can assure you that the CGJA training program is adjusting and proceeding with the important work of providing the tools and knowledge that grand jurors need to be successful.

Please [contact me](#) if you have any questions about our 2020-2021 CGJA training program.

Letters

Send your thoughts or opinions on CGJA or grand jury matters to editor@cgja.org.

Call for Rolando Service Award Nominations

by Joann Landi, Chair, Awards Committee

Each year the CGJA honors a member for outstanding service to our organization. The award is usually presented at the Annual CGJA Conference. However, due to its postponement, the award would be presented at our required Annual Membership Meeting, with recognition also provided at next year's conference.

We look to the members of CGJA to nominate members they consider worthy of receiving this prestigious award. Nominations will be accepted for consideration by the Angelo Rolando Service Award Committee until August 28, 2020. Nominations may be submitted via postal mail or email.

In arriving at a decision to nominate someone you believe deserving, please consider that this award is for past service and not for anticipated service in future years. Some factors you may wish to consider:

1. Substantive participation at both the state and county level in support of CGJA goals and objectives.
2. Has demonstrated exceptional leadership skills and is unusually effective in completing projects.
3. A nominee must be a current member of CGJA, and there will be no multiple awards.
4. The currently serving CGJA president is not eligible to receive this award in that year.
5. Past recipients are not eligible for renomination.

Make the nomination online at cgja.org/form/rolando-award-nomination. You will need to have the following information available:

Name of Nominee

Nominee's City

Nominee's County

Nominated by

Nominator's Phone

Nominator's email

Supporting Information

Or send me the above information by **email** or mail (178 South Palomar Drive, Palomar Park 94062). If you have any questions regarding the nomination process, please **contact me** by email or phone 650-365-4184.

Have you changed your email address lately?

If so, please let us know. We will update the membership list.

Send note to editor@cgja.org.

Ask the Trainer by Marsha Caranci, CGJA Training Chair



This regular column allows the CGJA training team to share with *Journal* readers our responses to questions we receive from grand jurors. Please remember: You may not take any response as legal advice; and you should contact your local legal advisor to answer any question that might divulge confidential information.

Please submit your questions to me at cgjatraining@cgja.org. Our response to your edited or redacted question might appear in a future edition of the *Journal*.

Q. We are working on a report from one of our jail inspections, and we haven't found any problems. Can our report simply state that everything is okay?

A. While the grand jury is required to "inquire into" the management of "public prisons," there is no report required. If your initial inquiry did not uncover any issues or problems that required further investigation, then the jury can choose to not issue a report at all.

Remember that a report cannot be based on just an inquiry – a full investigation is required so that any information gathered by the jury can be verified. All reports must include findings based on documented evidence (PC §916). If you have gathered evidence that leads you to conclude that the jail administrators are doing something exceptionally well and you wish to write a report on that, be sure that you include the verified facts that lead you to that conclusion, and then state your finding in a positive way. No recommendation is needed if a finding does not identify a problem.

You may find the document "Reporting on Jails and Prisons" helpful. You can find it here: cgja.org/sample-documents#JailsPrisons.

Q. Can an exit interview be conducted using a conference call or video conferencing?

A. Yes. See our FAQ No. 45 and No. 47 (cgja.org/grand-jury-faqs). Many juries are having trouble scheduling in-person interviews because of stay-at-home orders, so this might be a reasonable option for this year as long as you follow the recommended interview procedures.

Remember that the exit interview should take place at least a couple of weeks before the date you plan to send the report to the judge so that you can make any needed changes and have the full panel approve the changes before it is finalized. If you find out, for instance, that something you were going to recommend is now being done or would now be impossible to do, you would want to conduct some further investigation to verify that and then modify the Discussion, Findings and Recommendations parts of your report appropriately. A negative finding might turn into a positive finding, based on new verified facts. So allow plenty of time to re-investigate, rewrite, and get the report reviewed by your legal advisor and approved.

Continued on next page

Continued from preceding page **Ask the Trainer**

Q. We know we are required to provide a copy of each individual report to the affected agency two working days prior to its public release. Is it OK to send it by email? If not, what is the best method for delivery – registered mail? hand delivery?

A. Hand delivery with a signed receipt is usually the best, but due to the current stay-at-home orders we believe that using the US Postal Service for delivery is fine. Certified mail is better than registered mail, since you will automatically receive proof of delivery, but it could take several days. You might want to alert the addressee by email or phone if you are going to use this method even though you will receive proof of delivery. If your procedures manual doesn't allow for this method of delivery, you may need to get a super majority vote of approval from the full panel to amend your procedures.

An email with the report attached is also possible, but only if the recipient agrees to this method and is willing to respond "report received" to your email. You should password-protect the attached report and then telephone the recipient to give them the password. Remind the recipient that the report is to remain confidential until it is publicly released.

A final note from the CGJA Training team: Congratulations to the 2019/2020 grand jurors who are nearing the end of their term and to those who have completed most of their work but have had their terms extended. We wish to thank you for your hard work this year, especially during the challenging times these past two months have brought us. We look forward to training the new grand jurors in your county whenever they are able to be impaneled.

We hope you will continue to support the grand jury system by joining CGJA so that we can continue to provide training and resources to juries throughout the state. Do so by going to cgja.org, then click on the "Join/Renew" button. You can also support the grand jury locally by joining a CGJA chapter or by helping to start a chapter if there isn't one in your county.

Thank you for serving your community, and best of luck!

Excellence in Reporting Deadline Extended to July 31

Last call to nominate a quality report or superb media coverage.

See details at

cgja.org/excellence-reporting-award

Questions? Contact [Barbara Sommer](#) EIR Subcommittee chair

Recent Board Actions

Board Meeting, April 28, 2020

Directed the president to undertake the formal process of revoking the CGJA charters of the Solano and Sutter Chapters.

Board Meeting, May 26, 2020

Changed Awards Committee Policy regarding Excellence in Reporting (EIR) to allow for more than one nomination from a multi-county chapter.

Postponed the CGJA 2020 Annual Conference (but not the required Annual Membership Meeting) to Fall 2021.

All approved board meeting minutes are available on the CGJA [website](#).

Barbara Sommer, Secretary

NOTE: We encourage members to attend meetings of the board of directors. They are held on the fourth Tuesday of the month via teleconferencing (no meetings in July and rarely in December). [Read more.](#)

Keep us Posted

Send us your chapter or association news and accomplishments. Format articles in Word and send as email attachments to Barbara Sommer editor@cgja.org. For more details see [How to submit an article](#).

DEADLINE for submitting articles for publication in the next issue

July 27, 2020

Change of address - Please notify the editor@cgja.org of any email address changes.

The mission of the CGJA is to promote, preserve, and support the grand jury system through training, education, and outreach.

Contacts: [Officers and directors](#), chapter and association [presidents](#).

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