



Grand Jurors' Journal

2012 Report Writing Workshops will be held at five convenient locations:

- Friday, November 2
Rancho Cucamonga
- Thursday, November 8
Sacramento
- Friday, November 9
Sacramento
- Friday, November 9
Bakersfield
- Friday, November 16
Napa

The cost is \$60 per juror. Each session runs from 9:00 a.m. to 4:30 p.m. For more information contact Marsha Caranci at caranci@aol.com or 530-242-6554

Check out the information on our website <http://cgja.org/2012-report-writing-workshops>

Each one-day workshop will provide an overview of the report writing process including choosing a report style, functions of the Editorial Committee, setting timelines for report production, and the review and approval process. Each workshop also offers group exercises in distinguishing between facts, findings, and recommendations, the development and evaluation of grand jury recommendations, and the critique of sample reports.

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President's Message *By: Keath North*



TEMPUS FUGIT. I can hardly believe I'm writing my final President's Message. Where did the time go? I guess the old adage 'time flies when you're having fun' applies for me and my life these past two years.

Many thoughts and emotions are running through my mind as I reflect on the experience of helping lead CGJA. The opportunity for personal growth has meant a lot to me. As I approach the end of my term as your President, and having just 'celebrated' another birthday, I'm also gently reminded that I'm approaching the autumn years of my life. The satisfaction I feel from my volunteer service as a grand juror, as a Director of CGJA, and as an officer of CGJA makes the time and money spent seem most worthwhile. Each one of you taking the time to read this issue of the Journal must know that feeling; you're members of a small and exclusive group that strives to promote transparent and responsive local governance. It's people like us who stand in the breach protecting the citizenry from corruption.

One of the strongest emotions I'm feeling is what we Southerners call being Proud. Indeed, I am proud for having been given the opportunity to serve CGJA; proud that my 'Lucky Stars' enabled me to be in the position of being ready to accept the responsibility; proud of the incredibly talented and willing volunteers I've been fortunate enough to have served with; proud of our accomplishments during my tenure; proud that I'm a Californian by choice; and proud of the California Grand Jurors' Association and all we do to Protect, Preserve and Assist our county grand juries in their work.

Thank you for the opportunity to serve you and for your generous support during my term as your President. I plan to continue serving CGJA in any capacity where I can be of most benefit to the organization. This is good work; this is satisfying work; and this is IMPORTANT work!

I hope to see many of you in Napa at our 31st Annual Conference.



The cut-off date for the Annual Conference hotel reservations is October 24, 2012, after which the discounted room rate will no longer be available.

To make hotel reservations, mention the code "GJA" or group name "CA Grand Jurors Association", in order to receive your group discount of \$119.00 for single/double occupancy. Call 1-800-EMBASSY or book online at www.embassysuitesnapahotel.com using GJA as the "Group/Convention Code". **Reservations must be made no later than October 24, 2012.** After that date, any unreserved rooms will be released for general sale. Reservations requested by conference attendees after this date will be accepted based upon availability and subject to the hotel's prevailing rate.

Conference Registration is \$121.00 per person, which includes lunch and a wine reception on November 15th. Sit-down dinner on the evening of November 15th will be \$61.00 per person. Guest lunches on November 15th will be \$56.00 per person. Deadline for conference registration is November 9th. Mail completed form with payment to: Bonnie Kenk, Registration Chair, 5645 Dartford Way, San Diego, CA 92120 619-287-3449 parroted@cox.net

A Message From Editor Jerry Lewi

Recently, a friend of mine asked, "Jerry, just what does a grand jury do?" Well, anyone who has known me for more than two seconds knows that is just the opening I need so I gave the standard stump speech that all of us do when we get that question (sometimes even when we aren't asked!)

After my brief explanation about investigations and reports, he asked, "How can a group make recommendations when they aren't experts in what governments do?" A very timely question, as there has been some recent discussion on the very subject. My view, which I expressed to him, is that grand juries can very effectively determine whether or not government entities are following procedures and regulations and in an effective and efficient manner. In other words, evaluate the process but probably cannot be expected to evaluate technical or policy issues. In fact, one of our admonitions to new jurors in our training program is "to be aware of self-styled experts on the jury," as they cannot be expected to have the knowledge that the government employees have. After all, they are paid to be experts.

I would be interested in hearing your views.

I also want to call your attention to two unusual articles in this issue. The first is by Mike Chernock, President of the Marin Chapter, and is about how grand jurors using their training and instincts created a solution to a problem without the usual issuance of a report with responses. It is an example of how there are other ways grand jurors solve problems.

The second, by Jim Ragan, President of the San Luis Obispo Chapter, is how a grand juror 75 years ago uncovered corruption while violating grand jury rules.

I hope you enjoy these stories.

CGJA Chapter News

Marin County Chapter

By: Michael Chernock

The Marin Chapter has been knee deep in startup mode. Many of our officers are new and learning (or not) as we go. The board is clarifying our committee structures and working diligently on staffing those committees with cross sections of new and seasoned members. With no carry-overs from last year's jury, many chapter members have spent long hours training our seated jury and foreperson. This includes not only the excellent local training extended from the Marin Chapter training committee, but also a short advisory visit from each of the last jury's Committee Chairs to the new Committees. The good news is that the time spent has created a uniquely close relationship between jury members and the MCCGJA.



In addition, we have started to look outward this year to take advantage of the quality work and ideas generated by our neighboring chapters. We have invited Dan Mufson (Napa) and Beate Boltinghouse (San Francisco) to attend our first general membership meeting to help us kick off the new fiscal year in style. They, in addition to our own previous officers, will be presenting the work of their chapters, creative innovations they have made, things they would do differently, and their expectations for this upcoming year. In the genre of "looking outward," we are also in discussions with the local chapter of the League of Women Voters to work in concert finding mutually relevant speakers as well as sharing recruiting booths at venues such as the local senior fair and the Marin County Fair.

Solano County Chapter

By: Maria McIntyre

The Solano County CGJA Chapter is in re-birth mode. Most recently, the chapter approved to hold regular standing meetings every second Tuesday of the month at 10:00A.M. at the Dixon I-Hop. The meeting in July was attended by CGJA President Keath North and Vice-President Dan Mufson to help re-launch the chapter. The chapter created a 20-minute informational DVD planned for distribution in high school civics classes, libraries, public access television, service clubs and organizations. Additionally, the Solano County Superior Court was presented a copy for use in the jury selection rooms. There is renewed excitement and commitment with the re-launch of Solano County Chapter by its long-time members and new members. Areas of focus for the chapter are: increase membership and participation of current and former Solano County Grand Jurors; more involvement with state and regional CGJA chapters; and educational opportunities for the public and Solano County Grand Jury of the Grand Jury system. We welcome current Solano County Grand Jury and CGJA members in Solano County to come to our next meeting in October. Please contact Wanda Kiger-Tucker, President, via email, kigertucker@juno.com.

Yuba County Chapter

By: Mike Boom

The Yuba County Chapter of the California Grand Jurors Association met on July 28th at River Brooke Farm, here in the foothills of Yuba County. This was the second meeting of all our members, and we had extended our invitation to guests so people may understand what we do and how we accomplish our work. There were confirmations from 14 which ballooned to almost twenty by meeting

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time! This was a pot luck dinner and there was plenty of food and beverages which were supplied by our members.

After our dinner, we had time for our gracious hosts, Kim and Gary Hawthorne, to give a tour of this working farm. Kim is our Chapter Vice-President.

One of our goals for our meetings is to not only work with our Grand Jury thru education and information, but to have fun, and learn more about all areas within our county. This knowledge helps us insure we truly understand our entire county.

River Brooke Farm not only is a working farm with chickens and such, they grow lavender which is made available in many forms at local markets. My favorite was the lavender ice cream followed closely by the lavender iced tea!

Our meeting over, everyone full from our feast, we set our next meeting and parted. We had approved our annual project during this meeting and have begun the process of setting time lines and goals. Our Chapter is new, fun, full of energy and going strong!

If anyone from other Chapters in the area are interested in attending one of our meetings, please let us know and we will get you all the meeting information.



Yuba County Luncheon July 28th

WHO'S WHO at the CGJA ANNUAL CONFERENCE? By: William Trautman

A stimulating and informative program awaits you at the CGJA Annual Conference at the Embassy Suites Hotel in the Napa Valley on November 15 and 16, 2012. Stuart Drown, the Executive Director of the Little Hoover Commission (LHC), headlines an interesting and accomplished group of panelists. The LHC is an independent state oversight agency whose mission is to investigate state government operations and—through reports, recommendations and legislative proposals—provide efficiency, economy and improved services in state government operations. The similarity to the grand jury process at the local government level is apparent. Stuart will be the Conference's Keynote speaker addressing the importance of LHC and grand jury work at the state and local levels to our democratic process.

Stuart, who was the former City Editor for the *Sacramento Bee*, will also be on a *Media Investigations-Grand Jury Investigations* panel. Joining him on this panel will be Corey Johnson, an award winning investigative reporter focusing on money and politics for *California Watch* and the *Center for Investigative Reporting* and his colleague, Christina Jewett, an investigative reporter on health and welfare who won the 2010 George Polk Award for medical reporting and was a finalist for the prestigious Livingston Award and Thomas Peele, a digital investigative reporter for the *Bay Area News Group* and the *Chauncey Bailey Project*. Ron Miguel, CGJA's lead trainer in Investigations, will chair this panel.

Grand jury legal advisors from around the State will discuss their respective roles with the grand juries, their concerns in pre-release review of final reports and their approach to conflicts of interest. CGJA Director, Karen Jahr, a former Shasta County Counsel and current advisor to the Shasta County Grand Jury, will chair this *Role of Grand Jury Advisors* panel. The panelists include former Siskiyou County Counsel, Frank deMarco; Chief Deputy Napa County Counsel, Silva Darbinian; Chief San Joaquin County District Attorney, Scott Fichtner; Sacramento County Counsel, Robert Ryan; and San Bernardino County Deputy District Attorney, Charles Umeda.

CGJA Director and Legal & Legislative Resources Committee Chair, Bill Trautman, will chair a panel on *Preserving the Integrity of Grand Juries*. Former forepersons and jurors will discuss how grand juries have responded to recent legislation and litigation challenges. The AB 622 survey results will be revealed during this presentation.

Chapter Dynamics, Stages of Growth will feature CGJA Chapter officers from around the State. They will explore the changing issues and expectations as a chapter "matures" from birth to adulthood. Dan Mufson, CGJA Director, Vice-President and Membership Committee Chair, will chair this panel.

Stressing the theme of the Annual Conference, the panel program will conclude with *Reaching Beyond the CGJA* chaired by CGJA Director, Beate Boultinghouse. A representative from the Administrative Office of the Courts and an educator will join with former grand jurors to address the role of the CGJA in assisting the Courts, educating the public and collaborating with other organizations to advance the mission of the CGJA.

The panel program includes a Question and Answer period following each panel presentation.

Note: We have moved up the Journal deadline to the fourth Monday of odd-numbered months from the fourth Wednesday. This will give us more time for editorial review and proofing.

San Mateo County Chapter

By: Barbara Arieta

The chapter has been quite busy these past three months. In June it hosted its annual "Garden Party" for both current and previous Grand Jurors at Chapter Vice President Mike Miller's beautiful home in San Mateo. In July, members of the Chapter's Executive Board (President Barbara Arietta, Vice President Mike Miller, Secretary Joanne Landi and Board Director Al Armand) assisted with the registration of attendees at the annual training of new Grand Jurors which was once again held in Sunnyvale this year.

In August, the Chapter awarded its annual \$300 college scholarship to a Hillsdale High School graduating Senior. This year's recipient was Jackelin Amorin.

And, on October 5th, the Chapter held its annual luncheon banquet. In attendance were not only members of the current Grand Jury, but also members of past Grand Juries, as well as County Supervisors, Mayors and Councilmembers from various cities in San Mateo County, in addition to some county wide political candidates from throughout the San Mateo County Peninsula. In addition to city and county officials, spouses, friends and members of the public were also invited. 19th District Assemblyman Jerry Hill, Chair of the California State Democratic Caucus, was the keynote speaker. His topic was "California Governance - The Perfect Storm". The annual luncheon banquet was held at the Basque Cultural Center in South San Francisco.

Humboldt Chapter

By: Diane Lehman, Chapter President

Humboldt County Chapter hosted the first Northern Regional Mixer on

August 18, 2012 in Eureka, at the Eureka Elk's Lodge.

In addition to members of the recently seated Humboldt County Grand Jury, former jurors, and chapter members from Shasta and Humboldt Counties, Humboldt County Superior Court Judge, Christopher Wilson and Humboldt County Counsel, Wendy Chaitin attended.

An interactive display of the workings of the Association website, www.cgja.org, was presented. It was reported that in addition to permitting the organization to accept memberships, and publish a newsletter online, a form for volunteer interest is included. Users can also access CGJA journal articles, grand jury websites, and grand jury reports – by topic. A bulletin board is featured for information on workshops, conferences and other items of interest. A daily news blog archives articles about grand juries that are published in California newspapers, new articles are added daily, which are also available on Facebook and Twitter. The past two years have seen over 1300 articles from the 58 counties. All are available to everyone in one place, easy to search and to navigate.

Judge Wilson thanked the jurors for their hard work in a critically important job. He expressed thanks to the state association, especially for the efforts in outreach and training. He stated that it is important to have a large, diverse pool of jurors. The recruitment DVD produced by the chapter was shown.

This DVD is now used by fifteen counties around the state in recruitment efforts. Judge Wilson was instrumental in getting the DVD produced.

Wendy Chaitin, Humboldt County Counsel, participated in the session

Getting Things Done. She recommended that all responsible agencies be asked to respond to clear facts and recommendations, reports be unambiguous, clear, understandable without additional information not in the report; always back up Findings and Recommendations with Facts.

She stated that reports need to "read well", so there is no dispute about what they say. There are advantages to issuing reports as soon as they are finished. There is continuous publicity for the work of the grand jury, no one report gets buried among many others, and the sitting grand jury is able to vet the official responses if the deadline comes before the end of their term.

Methods of backing up financial questions, jury liability, Brown Act violations, as well as the rejection of a recommendation on financial grounds were discussed.

Following lengthy discussion of the importance of continuity the consensus was: The Golden Rule is that a current jury owes to the previous jury the behavior it hopes the next jury will show to its work. It makes agencies realize that the grand jury is not going away. The light keeps on. The new jury selects how to carry forward.

Methods of maximizing media coverage of grand jury reports, the work of the grand jury, outreach to the pool of potential grand jurors, chapter activities, and how these things mesh with other organizations seeking improvements in local government was given attention. The grand jury reports turn on the light; the job of the association at all levels is to be sure that the lights are visible.

Next year's event may include a Skype hookup with similar groups in other Northern Region counties.

Committee Reports

Excellence in Reporting Awards subcommittee

Don't let this happen to you!

A news media outlet in Exotica County provided superb coverage of Grand Jury activity for the entire year following the release of the 2009 report. The reporting went into detail on the investigations and lauded the Grand Jury for its work. It described in detail the purpose of the organization and provided publicity for recruiting jurors. A couple of years later, the local CGJA Association decided to nominate the media outlet for the CGJA's News Media Excellence in Reporting award.

A major component of a nomination is the submission of the media material. When the nominating committee tried to retrieve the information, the online links no longer worked. And they hadn't clipped and saved any printed accounts. Some of the material was available, but at a price and with considerable effort for retrieval.

Lesson: Clip, download, scan, or do whatever you need to do to save ALL media accounts and publicity pertaining to your Grand Jury. Not only is it necessary when submitting nominations for CGJA awards, such material often is helpful in your own Grand Jury outreach efforts.

Please Note: We will be accepting nominations next spring (2013). Watch these pages and the website for the announcement and application. A list of past recipients and why they won is posted on the website at <http://cgja.org>. See [CGJA Members/CGJA Awards/Excellence in Reporting/EIR past awards.](#)

Membership Relations Committee

By: Bonnie Kenk

July 2012 New Members

Harold Compestine – Merced
Tom Bethards – Sutter
Aieda Boatman-Tripp – Kings
Terri Molakides – San Mateo
David Plowman – Shasta
Tammie Putman – Sutter
Hal Beeso – Sutter
Linda Peterson – Sutter
Donald Pope – Sutter
Karen La Rose – Sutter
Robert McNamara – San Diego
Linda Glasscock- Marin
Lawrence P. Johnson – Shasta
Maury Tasem – Siskiyou
John A. Lemos – San Benito
Larry Smith – Kern
Linda Clardy – San Francisco
Cynthia Ibrahim – Madera (Associate member)
Jeannie Turpenen - Madera

Legal & Legislative Resources Committee

By: Bill Trautman, Chair

CGJA's Legal & Legislative Resources Committee has responded to more than 70 requests for guidance over the past 12 months from sitting grand jurors and forepersons, grand jury chapters and associations, and Court personnel. This is an increase of 100% over the previous period. During 2012, we also revised the *Compendium of California Grand Jury Law* and conducted a survey of the effect, if any, of AB 622 (PC 939.22) on the work of the 58 County grand juries. We continue to track pending legislation that may adversely affect the grand jury process.

We respond to a variety of inquiries. A sampling of these responses is set forth below.

“You ask if a grand jury can require a department head of a county

agency to respond to a grand jury report. The answer to this question is found in Penal Code section 933.

Pursuant to subdivision (c) the governing body (Board of Supervisors) of the agency investigated must comment to the presiding judge of the superior court on the findings and recommendations of the report pertaining to matters under the control of the governing body within 90 days. Every elected county officer or agency head for which the grand jury has responsibility pursuant to Penal Code section 914.1 must comment to the presiding judge on the findings and recommendations pertaining to matters under the supervision or control of that county officer or agency head within 60 days, with information copies to the board of supervisors and the agency which the officer or agency head supervises or controls.

We are unaware of any authority to require a county agency that is not supervised or controlled by an elected county officer or agency head to respond to findings and recommendations except as required by section 933(c), through the board of supervisors. Some county counsels have opined that only an elected department head can be compelled to respond to a grand jury report. If appointed and not elected, county counsels have recommended that the appointed department head be invited (not requested) to respond. They are still under no legal compulsion to do so.

“You ask, "Is a grand jury entitled to issue criminal indictments and, if so, has any grand jury ever done so?" The answer is yes and yes. The California Constitution requires that each county empanel a grand jury each year. Under the Penal Code, a

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grand jury is authorized to issue indictments, file accusations against public officials, and investigate and report on local government entities. There is only one constitutionally authorized grand jury in each county (the general grand jury). However, by statute, the Penal Code permits the appointment of a special grand jury generally for criminal matters.

Many District Attorneys throughout the State do not use the regular grand jury to issue indictments any more. However, according to a recent CGJA survey in about 15 counties, regular grand juries expect to handle criminal indictments. A District Attorney's decision to use the regular grand jury for indictments is largely dependent on how the grand jury is selected in the county. The selection process must be fair and representative to avoid a challenge to an indictment on constitutional grounds.

The LLRC is here to give guidance on issues involving the grand jury process. We do not give legal advice but we will give you guidance on the basis of our experience and knowledge of grand jury law in California. Grand juries should always consult with their legal advisors (County Counsel or District Attorney) for legal advice. You can send your inquiries to us through www.cgja.org.

Training Committee

A Note from Ron Miguel

Editor Note: This note was received from fellow trainer Ron Miguel shortly after the onsite training seminar in San Andreas for three counties (Amador, Calaveras and Tuolumne) that we call Tri-county. It carries two messages: One to trainers to be mindful of Ron's example about checking local news before getting into an onsite training semi-

nar; the second is to jurors that sometimes your reports get noticed and get results!

Jerry - I've enclosed a copy of the Calaveras Enterprise from 8/7/12. As you know, I usually try to pick up a local newspaper and use it as an example of possible areas for investigation. In this case I lucked out! I had forgotten to do so on Monday, but did Tuesday morning. Imagine my astonishment to see, *A new face for hospital district?* as the main headline above the fold.

Having finished Investigations on Monday, I couldn't use it as usual so I opened Tuesday's session with a caution, "You don't always receive this degree of instant gratification from your efforts". The present Calaveras Foreperson and about three others are holdovers, were on that particular committee, and were in the room. They whooped & holered; everyone in the room broke out in applause; as I read several of the sections which mentioned the Grand Jury.

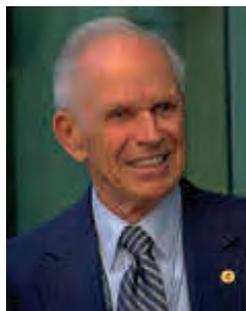
They were very pleased when I said I would be sending this along to the CGJA Journal Editor.

Continuity – A challenge to sitting Grand Juries

By Jerry Lewi

During this year's training program, we conducted a survey of as many grand juries we could reach with two questions:

1. Does the judge forward responses to reports to the sitting jury?
2. Does the sitting jury review and



evaluate the responses for legal responses, and if not, take any action?

Here are the results:

Question 1: Of 51 grand juries surveyed 2 do not receive responses. Hopefully by calling attention to this in their training, these juries will correct this problem.

Question 2: Of 43 grand juries surveyed all but 3 do evaluate responses and attempt to take some follow up action. This response is very gratifying as it suggests our training or the work of prior juries has taken effect and that grand juries are well aware that they are the best possible entity that can evaluate responses and bring attention to the effectiveness of grand juries by publicizing these responses.

This leads to another related topic: We have noticed in the postings on our blog spot (<http://cgja.blogspot.com/>) many grand jury reports throughout the state have received initial negative responses from the entities to which the reports were addressed. This may be normal, but the number seemed unusually high to us. Now, a grand jury can't do anything about an initial reaction but must wait for the official responses before taking any action. Therefore, we would like to issue a challenge to all sitting grand juries to watch for the official responses (that you should have by now, since it is over 90 days since last year's reports were issued) and make note of the effectiveness of last year's reports. And if you find a particularly outstanding example of an effective report, please document it through the Grand Jury Achievement report (<http://cgja.org/form/grand-jury-achievement>) on our website or let me know at cgja-prguy@roadrunner.com.



Membership Relations Committee

By: Dan Mufson, Chair

I'm pleased to report that over four hundred jurors signed up to become Introductory Members during their training sessions this year. Our steadfast membership database manager, Bonnie Kenk, created a database with their contact information. When she's not typing in the contact info for 428 new members, she's sending out reminder notices to our regular members—and then, typically, *rereminder* notices—and mailing membership cards etc. She is one of the many CGJA members that keep this association running smoothly month after month. Thank you Bonnie.

Now for some disappointing news. Despite a prolonged effort it hasn't been possible to keep the Nevada County Chapter functional. In fact, it's been several years since there was a chapter Board or general membership meeting; and no one was willing to step up to lead a renewal effort. Several factors can be ascribed to this demise; the loss of a charismatic leader along with an aging membership unable to bring in new members. The MRC worked with Mac Small and Diane Masini over a period of several years to no avail in an attempt to bring in new members. Therefore, sadly, realistically, the decision had to be made to revoke the charter.

The CGJA bylaws were changed to allow chapters in 1997. Since then there have been about eight incidences of chapters loosing their charters. Some got going again soon thereafter, some never did, while some got going years later with a fresh membership. We have been working with several chapters

whose CGJA membership has dropped below 5 which is an action limit. Both Sacramento and Solano chapter leadership (see News in Chapter News) have been able to encourage new members while sadly several others have not.

Therefore, while we can all celebrate our expanding chapter numbers, we must all be cognizant of our weaker chapters that are faltering. You say, what can be done to head off this fate? One answer is that prevention is easier to accomplish than treatment. There are other possible answers and they will be discussed in our session at the Annual Conference, "Chapter Dynamics, Managing Life-Cycles." Five leaders will discuss

the issues confronting their chapter/association that range in age from 6 months to over 25 years. Don't miss this, as the chapter you save could be your own!

OK, I'll present another possible factor for chapter health, enthusiastic participation in CGJA activities. With the blossoming of regional meetings it is possible for more members to increase their participation from solely at the county level to the regional level. The Butte County Chapter sponsored the recent, well attended; Sacramento Valley Regional in September and the Fresno County Chapter will have hosted the first San Joaquin Valley Regional in October.

Administrative Office of the Courts Makes News!

By: Jerry Lewi

Most of you probably know that the Administrative Office of the Courts (the AOC) is just that: an organization that runs all administrative aspects of the California Superior Court and all its county branches. There are two newsworthy items to the grand jury system and to CGJA. The first is the appointment of a new Executive Director, Steven Jahr, <http://www.courts.ca.gov/18716.htm> a retired judge from Shasta County who just happens to be married to CGJA Board member and Trainer, Karen Jahr, who specializes in the legal topics presented in our training curriculum.

The second item is that, thanks to Director Beate Boultinghouse who is also President of the San Francisco Chapter, and Kristin Greenaway of the AOC, the AOC website now has a page devoted to Civil Grand Juries, <http://www.courts.ca.gov/civilgrandjury.htm>. This page is also linked to and from our website.

Local Achievement Award

By: Betty J. Mattea, Awards Committee Chair

The idea for this new award came from a suggestion by former CGJA Board member, Serena Bardell, in 2009. It intended to make it possible for CGJA to participate in the presentation of an award to local persons who have contributed to the local organization of grand jurors, but who may not be a member of CGJA. Please be aware that all the Award Committee's policies are subject to Board adoption of the new CGJA Policy Manual and could result in changes going forward.

The newly established *Local Achievement Award* is designed to encourage local people in some public manner to recognize the contributions of local people or local organizations that are making or have made a significant contribution to the achievement of effective service to their community by the Regular Grand Juries within their county. It is the local CGJA Chapter, local Grand Jurors' Association, an organized group of local veteran regular grand jurors or a group of interested citizens who act to have an award prepared, considered, approved and to schedule a time and date for presentation. It is at this point that CGJA participation in the *Local Achievement Award* should be considered by those

who initiated the award.

Upon request of the local people, CGJA may participate in the presentation. The CGJA President or designated representative may, if available, present an appropriate CGJA Certificate.

Criteria for a Local Achievement Award. It is the local entity presenting the award who establishes the specific criteria for the award within their county.

Timing for a Local Achievement Award. Any such award may be presented at any time during a CGJA year to a worthy nominee who has made exceptional contributions to advancing the California Grand Jury system in the nominee's region. While nominees may include anyone, emphasis is placed on former grand jurors, members of court or county staff, members of lo-

cal media, CGJA Chapter or Association members, and the like.

Process to obtain CGJA participation. When an Award presentation has been scheduled, a communication describing the nominee's efforts and activities should be forwarded to the Awards Committee requesting CGJA participation. Upon approval, the CGJA President or designated representative will be available to present an appropriate CGJA certificate during the scheduled presentation.

Requests for CGJA to join in the presentation of a *Local Achievement Award* should include a copy of the award description and may be submitted to the Sub Committee Chair, Owen Haxton, at hornet5@pacbell.net. If there are any questions, please contact Owen via email.

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Elder Tracking

By: Mike Chernock,
President, Marin Chapter

Some time ago, I wrote an article published in the *Marin Independent Journal* that told the story of a Marin grand Juror, Fred Muribus. I told the story of how Fred, living alone, passed away and how it took several days to learn of this.

As the jury shared feelings about Fred, there emerged a realization that we were ignoring the elephant in the room. Fred deserved better than to have remained undiscovered for such a long period.

As Grand Juries are trained to do, our sorrow became impetus for us to morph into investigative mode. We attempted to locate programs in Marin that would keep track of people who live alone. Aside from commercial programs like Life Alert, the only public program that we discovered was hosted by the San Rafael Police Department. They maintained a list of people who enrolled in their program and they made daily contact by phone. When a day was missed, they sent a patrol car. That program is closing, to no one's surprise, as a result of the faltering economy.

In honor of Fred and to the betterment of the entire County, we of the seated Grand Jury hoped that one of our numerous County volunteer organizations would find room in their pro-

gram to create a new project to keep track of the citizens of Marin who live alone.

Shortly after this article appeared, the Director of the Novato Human Needs Center e-mailed me to ask for a meeting. She told me that, as a result of the article, their organization would like to pursue such a program and would find funding if I could do the investigative efforts necessary to define such an effort. As seated Foreperson, I just laughed but she said she understood and would be happy to wait until the end of my term. On July 1, literally my first day post-jury, she called and reminded me that it would be a good time to start designing the program now known as "Senior Touchpoint." During the inquiries, it was discovered that 3 police departments in Marin were also interested in such an endeavor and we became a kind of central clearing house for all common information.

At this writing the working plan is to create an automatic-call system that will call enrolled seniors daily. The called parties will then reply with either of two responses. They will press "1" if they are OK or "2" if they want a person to call them back. In addition, the Novato Human Needs Center has fielded a team of volunteers who call all seniors in the program twice a week to add the human touch. Any problems are then sent to case workers to follow up.

If there is no response to the au-

tomatic-calls, a number of actions are instituted to locate the person with the last action being the dispatch of a police cruiser to go to the actual residence.

AND SOME PEOPLE TRY TO TELL US GRAND JURORS DON'T MAKE THINGS HAPPEN!!!!

Los Angeles Noir and the Grand Jury, 1937

By: Jim Ragan, Director and President, San Luis Obispo Chapter

I'm a ravenous reader of history, especially California history. Often what I read in one book causes me to connect with what I found in another book. *L.A. Noir: The Struggle for the Soul of America's Most Seductive City* (by John Buntin, 2009), gave me a grand jury connection.

Buntin's book focuses on the mid-20th-century battle between legendary Los Angeles Police Chief William Parker and mobster, Mickey Cohen, for the public safety control of Los Angeles. It follows the history of each protagonist for over 40 years, beginning in the 1920s.

When Buntin gets to 1937, he writes about that year's Los Angeles County Grand Jury and its refusal to investigate charges of corruption in Los Angeles city government, charges made by one of the grand jurors. That episode struck a chord with me because of my role as a CGJA grand juror trainer. I have used a 1937 Superior Court decision about that episode (*Clinton v Superior Court 23 Cal. App. 2d 342*) in

training. When the grand jury said no to the juror's request, he petitioned the court to require the grand jury to conduct the investigation. The lower court said no. The grand juror appealed. He lost. The appellate court said that no grand juror has any individual rights as a grand juror. Only the full grand jury has rights. Each grand juror only has duties.

Good court decision? Please wait to answer until you read the rest of this story.

Clifford Clinton (the plaintiff) was the founder of Clifton's Cafeterias (a major commercial operation in Los Angeles in the 1930s, 1940s, and 1950s. A prominent Los Angeles business operator starting in the early 1930s, Clinton was also a community reformer. From the cafeteria during the depression, Clifton fed thousands of residents at costs to them of a few pennies per meal. Clifton's is still in business, operated by one of his grandsons.

In 1936, LA County Supervisor, John Anson Ford, asked Clinton to assess the problem-plagued food service at the county's general hospital. Clinton's report found major problems, resulting in the firing of the hospital director and a major reduction of the hospital's budget.

In gratitude for his service, Superior Court Judge Fletcher Bowron appointed Clinton to the 1937 Grand Jury, and he was named chair of the vice-investigating committee. According to an article in *Los Angeles Maga-*

zine (November 1, 2003): "He had no political resume or interest; the only official he knew in L.A. jurisprudence was the skeptical bankruptcy judge who lunched at the cafeterias. But he had a natural base of information. His cafeteria patrons informed him of brothels, bookmaking, and other illicit activity they'd stumbled on. His committee's digging into these and other leads produced a portrait of a city riddled with mob-run vice, on a level and to a degree that would seem impossible to maintain without official protection. Clinton presented the information to the grand jury, giving the addresses of gambling joints and naming racketeers linked with high public officials, and petitioned for a broad investigation. To his naive surprise, the grand jury did nothing."

Apparently the majority of the grand jurors had some connections to the implicated public officials.

Clinton's committee filed a minority report to the grand jury that found its way to local newspapers, who pounced on it. Clinton violated provisions of the Penal Code that ban public minority reports and require all grand jurors to maintain secrecy in all grand jury deliberations for life.

No matter. Clinton went on to found an organization to investigate on its own what the grand jury would not: Citizens Independent Vice Investigating Committee (CIVIC). He paid its expenses. CIVIC volunteers collected evidence on 1,800 bookmak-

ers, 200 gambling dens, and 600 brothels that were granted immunity in the city by payoffs to city administrators, including the mayor, Frank Shaw.

Establishment and mob communities struck back at Clinton with vengeance, including bombs planted and exploded against him and his colleagues.

Undeterred, Clinton and CIVIC mounted an effort in 1938 to recall the mayor. Shaw lost. Judge Fletcher Bowron became the reform-minded mayor. For the first time in U.S. history, voters had recalled the mayor of a major city. Bowron governed the city until 1953. Clinton ran against him in 1945, believing that while Bowron was a clean mayor, he was not aggressive enough in dealing with new problems such as traffic congestion, smog, and growing suburbs.

Maybe, also for the first time in history, a single grand juror had egregiously violated provisions of the Penal Code with respect to grand juries but, in the process, validated the importance of our unique grand jury system.

Go figure.

Corrections: Two errors found their way into the last Journal. Your geography-challenged Editor placed Yreka in Tehama County, not Siskiyou where it belongs. And Walter Hofmann's name was omitted from the Lifetime Member list. Both corrections were made in time for the on-line version of this edition. My apologies to those affected.

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

Articles should be e-mailed to
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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.

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.

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