



Grand Jurors' Journal

Vol.2 No.2
April 2001

An Association of Grand Jurors

El Dorado Judge ruling favors Grand Jury

By Megan Marshack, Mountain Democrat

El Dorado County Superior Court Judge Suzanne N. Kingsbury ruled that the county's grand jury can compel testimony from officials, apparently about the purchase of the Logan Building and an investment company contracted to develop the now-defunct Justice Center.

County Counsel Louis Green had argued attorney client privilege superseded the grand jury's subpoenas served on him and former Chief Administrative Officer Michael Hanford. Richard Nichols, an attorney who is also a member of the grand jury, argued the grand jury is empowered to ask questions of county officials as part of its "watchdog" capacity.

"This issue before the court," wrote Kingsbury, "is whether the privileges asserted by the plaintiffs shield the county, acting through its agent the Board of Supervisors, from Grand Jury investigations into business it conducted in closed sessions under the Brown Act."

"This Court strongly believes in open government. The assertion of the attorney-client privilege based upon the presence of the county counsel at closed board sessions and the assertion of the deliberative process privilege in an effort to block scrutiny by the only agency free from possible political or official bias' is an invitation to charges of bias and corruption and is simply at odds with the principle of open and fair government.

The Court will note that the El Dorado County Charter, Article VII, Section 703 provides: "Every county officer and employee shall cooperate in providing the Grand Jury with any requested information or documents, except when disclosure is prohibited by law. The Board of Supervisors shall establish the format for county responses to the Grand Jury report."

Disclosure of the documents and the information requested by the Grand Jury in connection with Investigation A and Investigation B is not prohibited by law; on the contrary, the Board of Supervisors, as the holder of the privileges which it asserts here, could have simply waived those privileges and entrusted the requested information to the Grand Jury in its civic 'watchdog' capacity," Kingsbury wrote.

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President's Corner

I recently visited with a number of groups of past grand jurors in southern California to talk about the CGJA, our structure and programs and the role of Chapters in supporting local grand juries. As is the case with respect to anything relating to California grand juries, each county was different. The common theme, however, was that past grand jurors want to use their experiences and energies to help sitting grand juries and the grand jury system. The CGJA will be as supportive as we can of these desires and efforts, in whatever county they exist. We see this as a critical role for Chapters to play. Representatives of the Membership and Chapter Relations committee and I have also had recent meetings with representatives of some Central counties interested in assisting their sitting grand juries and possibly forming Chapters. Any group interested in possibly forming a Chapter should contact Dian Picone or me.

As noted in the Operations Committee's Report, the 2001 Annual Conference planning is well underway. Details about the Conference are on our website < www.cgja.org > at the "Annual Conference" page and will be updated as we move closer to the event. I join the Operations Committee, and our entire board, in thanking Jodie Harrod and the Orange County Grand Jurors' Association for their efforts to make the 2001 Conference the success we know it will be.

Please note the **alert** in the Government Relations Committees report re: the Papan bill to increase grand jurors compensation. You may register your support for this bill directly from our website < www.cgja.org > at its "Legal Developments" page.

The Annual Angelo Rolando award will be given during the Conference for "outstanding services to the CGJA." Nominations for the award will be made by a five-person committee, which I have appointed, subject to board approval: Chairperson Sherry Chesny, Linda Baker, Roger Loper, Audrey Lynberg and Mike Miller. If you would like to nominate a recipient please forward your suggestion to Sherry Chesny by June 1.

Also this year, as every year, we have the opportunity, but not the obligation, to present a Lifetime Achievement Award for "exceptional and important work to further the CGJA" as a result of having "devoted many years of exemplary service to the CGJA."

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In Memory of Jack Sanger

By Dan Taranto

Jack Sanger was a friend. One of many I have made during the past 12 years of working for the advancement of the grand jury institution. I first met Jack as a pupil attending the Grand Jury Continuity Workshop I was presenting in 1991 under the sponsorship of the American Grand Jury Foundation. Living as neighbors in adjacent counties on the far northern California coast, we found we shared many things in common, in addition to our concerns for the peoples oversight of government.

His passing last fall was sudden loss to all that knew him. We served on the board of directors together for six years from 1994 through 2000. With no hands, he tape-recorded the entire Asilomar Conference in 1997, which was essential in completing the Conference Proceedings for that year. Subsequently, and without assistance, he took on the third and largest edition of the California Grand Jury Reports Subject Index - a major publication. After two years of painstaking effort, he keyed over 2800 specific report references, into more than 150 fields, from 1991-1997 grand jury reports from up to 55 counties. For those unfamiliar with this important work, it is viewed as a very significant and scholarly work product of the Association in the eyes of historians, researchers, librarians, archivists, etc. Jack keyed the entire 84 page document, which looks like a phone directory, with column after column of tabulated entries, using a special single digit rod he had devised, operated with his mouth.

I have to take pause to imagine the dedication of this man to see this colossal effort through to completion. He also wrote and issued solicitations for participation in the program to all of the counties of the state, acting as an ambassador

for a readily recognizable and worthwhile undertaking under the auspices of the CGJA. Picking up a pencil with an eraser tip, I attempted to vicariously appreciate a modicum of Jack's unwavering dedication by typing this article by mouth myself. All I can say is take a moment and try a few sentences via Jack's method yourself...then you may come to better appreciate the enormity of the task he saw through to completion. But, this story has yet another twist.

If what he had done was not remarkable enough. After completing the 1997 first draft in 1998, his computer crashed and most everything was lost. However, undaunted, this amazing and wonderful man started over from the beginning and rekeyed the entire 84 page index a second time, which was finally published in 1999. It is not as if Jack had nothing else to do, together with his wife, Mariallyce, he raised a loving family of four children, founded several successful businesses over the years, was very active in the community, and very well known and highly regarded by the people of Del Norte County. As you might imagine, I have a very great regard for Jack Sanger's incredible dedication to the CGJA by making the time to see such a major project through to fruition. It now stands as the most comprehensive index to grand jury reports ever published in the history of the world. A major feather in the CGJA's cap. Kudos, Jack!

El Dorado Judge ruling

(Continued from page 1)

" The Grand jury is profoundly reinforced by the courts belief in the role and integrity of the grand jury process," said foreman Ken Womack.

County Counsel Green said that he was surprised by the outcome. A decision to appeal would have to be made by the Board of Supervisors.

Committee Reports

Government Relations

The CGJA Government Relations Committee alerts all Members, Chapters, Associations and other interested parties to AB 1161, introduced by Assembly Member Papan on February 23, 2001. The bill amends Section 890 of the Penal Code, relating to Grand Juries: Compensation. In monitoring this legislation, the Committee (with Board of Directors encouragement) has drafted a letter of support for AB 1161, which is being sent to Assemblyman Papan's office for transmittal to the Judiciary Committee, which next holds a hearing on the bill in late April.

Members of the CGJA Government Relations Committee have plans to attend the hearing in Sacramento to offer their support. Please remember to monitor our Association web site at < www.cgja.org > for additional information on any further activities, input needed and plans of the Committee. The CGJA Journal is likewise, a source for Association communication and direct feedback.

Les Daye, Chair

Operations

Advance planning has begun for the Associations 2002 Annual Conference. All Chapters have been invited to express their interest in hosting our 2002 Conference. We are most fortunate this year to have the Orange County Grand Jurors' Association as host of our Annual Conference, which will be held at the Costa Mesa Hilton in Orange County.

The Operations Committee wants to express its sincere appreciation to the Orange County Grand Jurors' Association and its dedicated members helping Jodie Harrod, Conference Chair in working to make this year's conference a success. As we move forward, CGJA looks forward to building closer relationships with all Grand Juror' Associations throughout the State of California.

Our Committee also wants to thank Ourania Riddle, Bob DeQuattro, and the many writers for their excellent work in putting out the February issue of our revised newsletter. Many positive comments were received on the February issue of the Grand Jurors' Journal.

Your Operations Committee continues to seek members with an interest in working on its many functions.

Elwood Moger, Chair

Training

A major goal of the Training Committee is to establish a solid foundation upon which to expand our training program statewide. A very important part of this foundation is the development of a comprehensive, well-written Training Seminar Manual that is given to each grand juror who attends one of our seminars.

When we were planning our very first seminar, the Training Committee decided that instead of having the typical seminar "workbook" with lots of blank areas where you have to take notes to fill in the information, we would provide a comprehensive manual.

Our Training Seminar Manual is written in a manner that reinforces the material presented at the seminar and enables each juror to use it for reference all year long. It can also be used to help train replacement jurors who come on the jury later. We feel this approach is more in keeping with CGJA's dedicated commitment to help grand jurors fulfill their duties.

Each year we have updated and improved the manual. Nancy Gregori, past Foreperson of the 1999-2000 Placer County Grand Jury and a CGJA member, is serving as the volunteer editor for the August, 2001 Training Seminar Manual. Since January she has devoted many, many hours of her numerous talents and grand jury expertise to improving the manual.

Nancy is a prime example of what CGJA is all about: Dedicated, experienced grand jurors willing to devote their time and energy in some way that will benefit the new grand jurors. Thank you, Nancy.

This year the training seminars will be held at:
Sacramento, August 6-7
 at the American River College

Bakersfield, August 9-10
 at the Holiday Inn Select

Concord, August 13-14
 at the Concord Hilton

The registration fee is \$75.00 for the 2-day seminar and includes a copy of the Grand Jurors' Training Seminar Manual.

The basic core program will consist of five workshops:

- > Grand Jury Investigations
- > Grand Juries and the Law
- > Grand Jury Interviewing
- > Grand Jury Organization and Continuity
- > Writing Final Reports.

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Committee Reports -Training *Cont. from page 3*

We will have panel discussions and expert guest speakers will give presentations on such topics as:

- > Untangling the Maze of Local Governments
- > Building Consensus
- > Public Management
- > Accountability: or How Do You Know They Are Doing a Good Job?
- > How to Investigate a Law Enforcement Agency
- > A Financial Presentation for Non-Financial People
- > The Grand Jury / News Media Relationship
- > Grand Jury Pitfalls and How to Avoid Them
- > Panel discussion for Forepersons and Pro Tems

The presentations will vary somewhat for each seminar due to the availability of speakers. Additional information about the seminars will be mailed later this spring to each grand jury and the registration packets will be sent to the new grand juries July 1. For further information please contact:

Sherry Chesny, Chair
530-878-8248
sherryc@jps.net

Chapter News**Los Angeles County Chapter**

The Los Angeles Chapter of the CGJA was established following the inception of the reestablishment of the California Grand Jurors' organization into a new entity of a 501(c) 3 organization. The former organization was called Grand Jurors' Association of Los Angeles County, which had been formulated via a resolution of the Board of Supervisors.

Our organization has four quarterly luncheon meetings, which are held, at the Mayfair Hotel on the second Tuesday of October, February, April and June. The June meeting is designated as the Annual meeting. The four programs include a report highlighting the work from the most recent grand jurors study; an informational speaker from the county and a special

speaker in June for the annual meeting. The April meeting is devoted to directors planning.

To encourage membership into the organization, the sitting grand jurors who purchase a luncheon ticket are given one year complimentary membership. This provides an opportunity for those persons to become more informed about the organization and an opportunity to become a director or serve on a committee. At the present time Robert Burns, director is a docent and recruits others to be a docent in the court system. This year we will learn about the results from the changes made in the Los Angeles County grand jury system and what assistance we may provide as a chapter.

Audrey Lynberg, Chapter President

Solano County Chapter

Our chapter will Co-sponsor the CGJA Training Seminar scheduled for August 13 & 14 at the Hilton Hotel in Concord. Norma Richardson is the committee chairperson of the Solano Chapter effort. It is anticipated that some 150 Grand Jurors' from Solano and surrounding counties will receive training at this seminar. Norma served on the Solano Grand Jury twice as a regular member and again as a Foreperson. Other members of the Solano County Chapter are very active in the CGJA: Ourania Riddle has taken on the responsibility as editor of the Grand Jurors' Journal. The first edition of the Journal under her leadership was extremely well received statewide.

Ourania served on the Grand Jury in 1998 and 1999/2000. Clif Poole is a new Board of Director Member of CGJA and is leading an Ad-Hoc Committee to review the Associations by-laws. This is an effort that is undertaken every 3 years. Clif served on the 1998 GJ and was Foreperson of the 1999/2000 GJ. Don Enneking is on the Board of Directors of CGJA and serves as the current Chapter president. He serves on the Training and Membership/Chapter Formation committees of CGJA and is a member of the Nominating committee for the Central Region. Don served on the 1997 GJ and was Foreperson of the 1998/1999 GJ. At our February meeting, the Chapter hosted the Napa GJ Association President, Ed Scarboro and Vice President, Gary Lyman. Napa is considering the formation of an affiliated Chapter of CGJA.

Last week the Solano chapter voted to send a letter to Assemblyman Papan in support of AB 1161.

Don Enneking, Chapter President

CGJA Board Minutes

Please note: this is a new feature intended to advise the membership, on a regular basis, of the operational decisions taken at Board meetings. Due to personnel changes, minutes for the meetings between September 2000 and January 2001 were delayed in preparation and approval. We begin to summarize them in this issue and hope to be up to date by the next issue. Because not all Board meetings are decision meetings, and due to the one-month lag between a meeting and approval of the minutes thereof, and to the publication schedule of the Journal, there will always be a lag in reporting the summaries of minutes. Your input whether this feature is desirable will be appreciated.

September 22, 2000-Special meeting:

New Officers elected. (See this issue of the Journal for the current officers).

Expansion of training program to 3 sites for 2001 approved.

October 23, 2000- Regular Action Meeting:

Treasurers Quarterly Report: Assets/Liab. & Capital \$29,252.53; YTD 9/30/00 income \$33,301.12, expenses \$12,194.39

Committee Chairs approved. (See Journal listing for current chairs.)

Requirement that core trainers be CGJA members approved (15y/3n/2a).

Three-year required Bylaw review sent to Operations Committee.

Policies and Procedures review sent to Operations Committee.

Membership criteria sent to Membership and Chapters Comm.

Conference Report: 64 attendees, 14 sitting jurors, 47 former, 3 guests.

Various officer, committee, and portfolio reports.

November 27, 2000- Special Meeting:

The Celebration Fund was adopted.

Each Board member agrees to contribute to the CGJA

The bylaw review function was transferred to an Ad Hoc Committee to be formed.

The following goals were adopted for 2001:

- Survey all committee financial requirements
- Develop committee goals and action plans for Board approval
- Recommend operating budget revisions
- List approved financial goals and formulate fundraising goals and procedures.
- Produce informational brochure for use in fund raising.
- Monitor and evaluate proposed California legislation affecting grand juries.
- Educate selves on fund raising and form detailed fund raising plans.
- Identify the human and financial resources required for above goals.
- Hold Annual Conference.
- Publish newsletter more frequently.
- Update Compendium.
- Expand knowledge of role of CGJA.
- Hold three training seminars.
- Increase number of training presenters and develop regional training teams.
- Review and revise Training manual.

Priority 2 goals for completion in 2002 or later were adopted as follows:

- Increase membership by 30% and number of Chapters by 100% over two years.
- Create central computerized data base.
- Continue GRIP project.
- Revise Policies and Procedures.
- Open Sacramento office.
- Establish hot line for grand jury related inquiries.
- Update web site.
- Increase training mechanisms (calendar year counties, traveling trainers, etc.).
- Purchase audio equipment.
- Improve quality and effectiveness of 933.05 Responses.

December 18, 2000- Discussion meeting. No action

New CGJA Members

The California Grand Jurors' Association welcomes these new members.

Coleman, Linda 408.353.5883
 fax 408.353.6574
 linda@possibility.com,
 Santa Cruz County.

Scarboro, Edwin M.
 tel 707. 252.3384
 emscarbo@napanet.net
 Napa County.

Foster, S. Kent
 tel/fax 559.642.6441
 foster@sierratel.com,
 Madera County.

Illiff, Albert tel 707.643.1546
 Napa County.

Grand juries in the news

Grand Jury rips county fund

*Excerpts from Marin Independent Journal
 By Richard Halstead*

Marin County supervisors have individually allocated tax money from a "discretionary fund" not outlined in the county budget, a practice the county grand jury calls "Unacceptable."

The grand jury, saying there is "no general public knowledge" of the special fund-- which amounts to \$625,000 this year -- reported this week that the situation "gives rise to a real or perceived political patronage system beholden to members of the Board of Supervisors and its high level county personnel."

The grand jury stressed that the money distributed from the fund has gone to worthwhile nonprofit organizations, agencies and governmental programs and reported finding "no instances of political abuse." The jury reported that this fiscal year, the fund in effect allows each supervisor to allocate up to \$125,000 to groups, agencies or projects.

Supervisors say their discretionary fund, which allows the five board

members to designate their own allocations, is a matter of convenience, allowing them to respond quickly to community needs that emerge during the year. They categorically deny any wrongdoing. "The smear that this is a secret fund really irks me. Its terrible to say that, said supervisor Hal Brown." As to the suggestion that the system amounts to political patronage, Brown said, "Is there any evidence to support that? None. It's absolutely absurd."

"It allows for us to be responsive to situations that arise in the course of a budget year," said Supervisor Steve Kinsey. "It's about having some flexibility, and it's also about strengthening community." Fielding Greaves, secretary and past president of the Marin United Taxpayers Association, sees it differently. "I'm opposed to any type of accounting system that conceals the nature of the funding," Greaves said. "After all we are not the CIA. In the interest of all taxpayers, an accounting system should identify the fund by its purpose, in a clear fashion that ordinary citizens who are not CPAs can understand."

The report issued this week is among the first by the 2000-2001 grand jury, which consists of court-appointed community volunteers. Although its recommendations are non-binding, a 1997 state law mandates detailed responses by governmental agencies.

The grand jury notes that individual allocations from the fund -- known by supervisors as the "good government" account --are not voted on by the full Board of Supervisors as part of the yearly budget process.

The grand jury notes the county's \$289 million budget contains no reference to the supervisors' discretionary fund. Nevertheless, the grand jury says it was told by county officials that about \$625,000 has been included in this year's budget within a budget category entitled "235-Miscellaneous Various."

County Auditor-Controller Richard Arrow said the fund is part of a \$6.9 million line item for contract services. Arrow said that even he would be unable

to tell how much money was set aside for supervisors' discretionary spending by examining the budget.

San Mateo County

Burlingame Planning Commission

A San Mateo County Civil Grand Jury 2000-2001 investigation has determined that the Burlingame Planning Commission violated the Brown Act Open Meeting Law in October 1999, when its members participated in a specially prohibited "serial meeting." One commissioner drafted a letter of endorsement for another commissioner running for city council and then had four separate individual meetings with four other commissioners to obtain signatures on that letter. In an attempt to remedy the situation, the Burlingame city attorney requested the letter be placed on the December 1999, Planning Commission agenda for discussion and disposition.

Although put on the agenda, the letter was not discussed by the commission, and no remedial action was taken.

Laguna Salada Union School District

San Mateo County Grand Jury was investigating procedures and conduct of the Laguna Salada Union School District Board of trustees including whether all aspects of its business were been carried on openly and in compliance with the Ralph M. Brown Act.

On October 11, 2000, the Laguna Salada Union School District (LSUSD) Board of Trustees held a closed session to consider a waiver of attorney-client privilege by the board for a scheduled meeting of their attorney, a deputy county counsel, with members of the grand jury. The deputy county counsel recommended the closed session after conferring with county counsel who also serves as legal advisor to the grand jury. In meeting with members of the grand jury, the county counsel stated that a closed session to discuss a possible waiver of the attorney-client privilege was appropriate and not

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Grand juries in the news

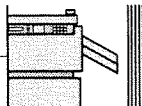
LSUSD (Continued)

in violation of the Brown Act based upon his knowledge, his interpretation of the act, and his consultation with other attorneys. He also stated that the limited *notice* of the closed session on the agenda and the failure to report the action taken in the closed session during the public meeting were not violations of the Brown Act.

The grand jury concludes that the written and published intent of the Brown Act, as well as the individual sections of it, strongly provides that all business except that specifically excluded shall be conducted openly. The grand jury sought an independent opinion of this interpretation of the Brown Act from the Legislative Counsel of California. He concurred with the grand jury's conclusion that county counsel incorrectly advised the board of trustees of the LSUSD to meet in closed rather than open session and that public noticing of the closed meeting did not conform to the Brown Act provisions.

The grand jury also finds that the county counsel in serving two clients regarding the same issue has an inescapable conflict of interest and that his actions most reasonably can be interpreted to favor secrecy rather than openness. The county counsel's charge is to educate and inform LSUSD boards to the requirements and guidelines of conducting open and closed meetings. The grand jury recommends that the county counsel renew his efforts and those of his staff to properly advise the LSUSD that business be conducted in the open, as required by the Brown Act.

The grand jury also recommends that the San Mateo County Board of Supervisors continue to provide annual funding solely for the purpose of obtaining separate counsel when it is investigating an entity or district represented by county counsel.



From the mailbox



Dear Editor:



Plumas County has traditionally chosen Grand Juries by lot, from a pool of 500 people. Consideration is being given to

beginning the practice of carryover Grand Jurors. The Superior court supports the idea, but wants to maintain selection by lot in case the DA wants to use the grand jury for a criminal inditement. We are considering carrying over 4-6 members for continuity. These would still be eligible for service in the case of criminal question, having been chosen by lot in their original year. What things should we consider in setting up such a system? Are there pitfalls to mixing membership with new drafted members and volunteers for a second year?

A Juror

Dear Juror:

Regarding carry-over grand jurors there are benefits and there may be pitfalls as well. I will list both because if one is aware of the pitfalls you can take the necessary steps to avoid them.

Benefits

1. Carry-over jurors bring experience to the jury which is very helpful when shared with the new jurors.
2. Carry-overs help the jury to organize faster and get started sooner.
3. Many judges consider choosing the new foreperson from the carry-overs so that the foreperson has the knowledge and experience to be more effective facilitator and leader.

Pitfalls and how to avoid them:

1. Carry-overs try to mold the new grand jury into just being a continuation of last year's grand jury. Avoid this by careful screening and selection of the carry-overs. The best carry-overs are individuals who can provide guidance but balance this with the new grand jury's right to set it's own procedures and a willingness to let the new jury develop into an independent body.
2. Carry-overs can come with their own agenda or bias. Again careful screening and selection should detect this. Each carry-over is only one nineteenth of the vote like all the other jurors. The role of carry-over has extra duties, especially at first, but does not carry any extra authority or influence.
3. Too many carry-overs saturate a grand jury and inhibit the new grand jury from being it's own body. I believe the law allows the judge to appoint up to ten. Personally, I think two to four carry-overs is better in most cases.

I do think there are more advantages to having a few carry-overs than there are disadvantages. But, the key to success is to carefully select them. Judges should definitely interview and screen each person wanting to be a carry-over. Some outgoing juries do a secret ballot vote on who they think would make a good carry-over, since they have worked with these people for a year. If this is done, the written ballots should be folded, collected by the secretary, put in an envelope, sealed right there in front of the jury and delivered to judge for his consideration in making the selections.

All of the comments above are my own and not an official position of CGJA. They are based on my 11 years of being a presenter at grand jury training seminars. Talking with hundreds of jurors throughout the state as well as my own grand jury experiences.

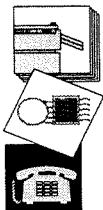
Sherry Chesny

Presidents Corner *(Continued from page 1)*

The Executive Committee determines the recipient, if any. If you would like to nominate a recipient please forward your suggestion and the information about him/her that you believe qualifies him/her for the award to me before June 1. Please remember that your memory may be longer than ours and/or your associations closer, so do not neglect to provide the qualifying information. We might otherwise not know it.

If your county's grand jury issues a report please have a hard copy sent to Dan Taranto and, if the Report is put on the web, please let me know the URL so that CGJAs website can link to the Report.

Looking for Brown Act expertise and/or open government advocates? Try < www.cfac.org >



The last Journals' "*From the Mailbox*" prompted some welcome views. A number of people correctly noted that I was wrong about the presumptive purpose of Penal Code 933.05(f).

I erroneously said that code's section requirement that Reports be provided to affected agencies two working days prior to release existed "presumably" so that the agency got one last chance to correct errors. I am now persuaded that the presumptive purpose of that provision was to prevent agencies from being blind-sided by a Report and resulting media inquiries, not to suggest corrections. Thanks for the advice.

A different point was made by a few members who disagreed with my suggestion that a jury should not disclose its recommendations to an affected agency before the required two-day pre-release. They think recommendations should be disclosed and discussed in advance. Their point is that unrealistic recommendations are best avoided, and jury-agency relations are enhanced, if the agency has input into the recommendations. Although I agree that closer communication with agencies can be a positive thing and will help avoid foolish recommendations, I personally still think it best not to make advance disclosure of formulated recommendations (as opposed to preliminary thoughts).

I am aware, however, that many who have thought about the problem advocate early disclosure of recommendations and involvement of the agency in the formulation of their final articulation. This is a discussion that seems likely to advance our collective understanding and to move us closer to agreement on what the best practice should be. I therefore encourage all with a view to share their experiences and opinions.

Jack Zepp

From Here and There

Does your county have a Board of Public Welfare? If so, and if it is a general law (not Charter) county that board is required quarterly to inspect the county hospital, infirmary, relief home for the aged and jail. It may also visit and inspect each jail or lockup and any charitable or correctional institution which receives county funds. It must make written reports to the grand jury on or before the first Monday in March, June, September and December each year.

(Welfare & Institutions Code Sections 18107, 18109.)

"I see the future of the grand jury best in a light of supplementing what governing boards might like to do but also might be inhibited by thoughts of reelection or other political considerations from doing. I am Pollyannaish, but I think there are local officials who will welcome and who will invite a grand jury to contribute supplemental observations about the operations of local agencies and I think the future the grand jury depends upon the lessening of that innate conflict which has been a part of grand jury work from time immemorial."

Judge Quentin Kopp speaking at the CGJA 19th Annual Conference, September 23, 2000.

INTERNET

By Mickey Strang

Of all things said about the Internet, there's one not often mentioned: what a gasoline saver it can be! For me, it really is. I'd suspect it often is for others who aren't writers or editors or researchers of any sort, too. Failing to find information in our bookcases (and we have a lot of them), I can very often find it within a few minutes by going to the Internet. No more wondering whether the Humboldt State University Library, the county library, law library or any other are open. No more getting into the car and traveling from 10 to 20 miles (plus having to find parking space) to see if that resource has what I need. Most of what I want or need can be brought forth right on my computer screen. Web sites with general information are wonderful. The Encyclopedia Britannica <www.britannica.com> is one, and so is a general reference <www.refdesk.com> but what I seek most often are bits of government information: legal codes or status of a bill <www.leginfo.ca.gov>. Or information for California <www.ca.gov/state> and the links that it'll take me to. Links - wherein one web site

(Continued on page 9)

Justifying the grand jury: a response

By Jack Zepp

[Note: Steve Phipps and Jack Zepp have agreed to exchange views on a recurring basis in the Journal so as to stimulate discussion on matters of interest to regular grand jurors. The views they express are not those of the CGJA and may not even be their own.]

In the December, 2000 issue Steve Phipps expressed a view that grand juries should not have to justify their existence. I wish to disagree with that view. First, I think all aspects of government should be reviewed from time to time to see if they are performing their intended role and adding to our collective well being. Second, I do not think that the fact that something is constitutionally required or of longstanding usage should insulate it from the need for occasional justification.

The Electoral College enjoys those traits yet we are engaged in a national effort to see if it is justified. We know from history that if grand juries cannot justify themselves they will be lost. In England, where the grand jury had an 800-year history, it was lost when it was deemed too expensive and inefficient. In the United States the Colonial grand jury began as, in effect, the local government. From then to the present the trend has been one of decline in, and restriction of, the civil function of grand juries. Indeed we have reached the point where California's regular grand juries are unique in this country. It seems to me that justification is in order if we are to preserve what we have.

Where Steve and I agree, I think, is that it is unseemly to have to justify grand juries a. on a cost effective basis and/or b. to government officials as such. But just as we justify democracy from time to time without deluding ourselves that it is cost effective, we can justify the grand jury without reference to cost effectiveness. We all know that the mere presence of a grand jury can be, and no doubt often is, a deterrent to government misconduct; it needs to take no action whatever to serve a useful role. Nor do I think there is a need to justify grand juries to government. When Steve says, however, the owners of the firm can do with it as they please I agree entirely. Those owners are the citizens and precisely because they can do with the grand jury as they please, it behooves grand juries to make sure the owners know the value of the grand jury and the arguments for its care and feeding i.e., the justification for its continued existence. I take little comfort in the fact that abolishing the California grand jury requires a Constitutional amendment, because the Supreme Court has made clear that the Legislature grants, and can take away, most if not all of the civil functions. If the citizens of California

understand the worth and value of the grand juries civil functions and believe in them there is little risk the Legislature will diminish them. If, however, the citizenry does not have that understanding and/or belief there is little disincentive to implement legislative restrictions on the civil functions. In order to prevent that, grand juries must, in my view, justify themselves as best they can to Californias citizens through education, outreach and responsible and effective performance of their mandate.

From Here and There

Internet *(Continued from page 8)*

automatically takes you to another - are wonderful. Our own association's web site has a lot of that <www.cgja.org> especially those dealing with California government and counties and organizations. What I'm not looking for is there also, when one gets into links. Real time thief, that. Same principle as its being nearly impossible to look up a word in a dictionary and not being sidetracked by some other word on the page or in the heading as my fingers leaf through. Still, however, for anyone with a range of interests the World Wide Web is a marvelous gas saver. For instance, I'm a weather freak and all sorts of weird and wonderful weather facts and statistics can be found on NOAA's national climate data site <www.ncda.noaa.gov>. The biggest time consumer from the standpoint of the weird and wonderful, informational input is the site of the National Archives and Records Administration (www.nara.gov). This is America's attic, a place where all sorts of documents as well as more than 26,000 pictures are stored. (I discovered this by seeking, after a newspaper reference, a picture of Elvis Presley and Richard Nixon shaking hands on the steps of the White House. No fooling. It's there, as are others equally strange.) All the networks have their own web sites from which anyone can get news as its happening, but a real gem in the publishing world is the New York Times for its archives as well <www.nytimes.com>. The Los Angeles Times is also very helpful <www.latimes.com> in tracking what happened where and when, with more emphasis on California occurrences. What a great tool.

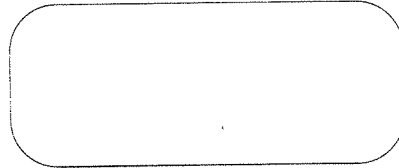
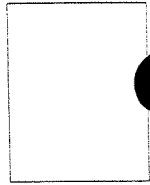
A very interesting Study done for New York State's Chief Judge can be found at: <www.courts.state.ny.us/gjrr>. Among other things it recommends grand juror pay of \$60 per day for the first 20 days of service and \$80 thereafter, paid weekly.

Corrections

New e-mail address for Jane Naify, jnaify@aol.com
Address for Carolyn Mooney, 4510 W. Evergreen Court, Visalia,, Ca 93277 (Tulare County.)

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Preamble to the Ralph M. Brown Act.

"The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created."

Grand Jurors' Journal

An Association of Grand Jurors

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**California Grand
Jurors' Association**

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.

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