



THE NEWSLETTER

GRAND JURORS ASSOCIATION OF ORANGE COUNTY

Volume 22, No. 4

10064 Sunn Circle, Fountain Valley CA 92708

November, 2008

YOUR OFFICERS AND DIRECTORS

President	Carlos N. Olvera	(949) 240-2490
1st Vice President	Joe Moreland	(714) 628-8701
NEW 2nd Vice President	Bob Fauteux	(714) 998-2868
Secretary	Rose Moreno	(714) 846-3219
Treasurer	Joe Quiros	(949) 651-0113
Parliamentarian	Carol Duensing	(714) 328-8961
Sgt-at-arms	Jerry Krans	(949) 639-6339
Director	Peter Carter	(714) 531-3588
Director	Bill Nelson	(714) 974-6025
Director	Charlotte Fox	(714) 525-1957
Director	Karen Evarts	(949) 673-1432
Director	Glen Stroud	(714) 835-7691
Newsletter Chair	Cheryl Brothers	(714) 839-4509

JOIN US FOR LUNCH

Thursday, December 4th

at The Phoenix Club

1340 S. Sanderson Avenue, Anaheim

Speakers

Judges, David O. Carter

And Richard King

“Court Proceedings Updates”

Entertainment ‘Bel Canto’ Chorale Group

From Lutheran High School

President's Message

The September luncheon shows just how interesting our programs are, and not to be missed. Mr. Tom Merchant, Resident Agent In-Charge, Southern California for Department of Home Land Security spoke on the current threat and level of response available at airports and across the nation.

We also distributed bookmarks for member to distribute throughout the County as a recruitment tool for the 2009/2010 grand jury recruitment campaign.

The Nominating Committee presented its recommended slate of candidates for the year 2009. The slate was voted on and accepted by the membership present. The new board of directors for 2009 then met on October 2, to select officers. Your new board for next year is listed in this newsletter. And I am grateful to continue for another year as your president. We add to the board Larry Callahan and Charlene Clark with a great Welcome!

Also during October your president and other members of past grand juries met with Tom Mauk, CEO of Orange County to discuss our assistance to his office in reviewing past grand jury reports for

adequacy. This process was adopted in 1996 by the then BOS and the then current grand jury. Your board will be working with past forepersons of recent grand juries to further implement this program.

Also you will read of a proposed by-law change to be voted on at the December luncheon. If approved, this will allow associate membership (only) to special grand jury members.

As a final note, Jim Nolan, a long term board member, tendered his resignation as 2nd Vice President, membership chair due to health reasons. Jim has served four terms on the board and continued his service even when he was not an elected member. Bob Fauteux has agreed to accept an appointment to the board to fill the remainder of Jim's term.

I hope to see many of you at our Christmas Luncheon as we swear in your new board and listen to an update on court proceedings from two of our favorite judges.

Carlos N. Olvera

2009 GJAOC OFFICERS

On Oct. 2nd, at a special meeting of the Board of Directors, the following officers were elected to serve a one year term of office:

- President: Carlos N. Olvera
- 1st Vice-President: Joe A. Moreland
- 2nd Vice-President: Bob Fauteux
- Secretary: Rose Moreno
- Treasurer: Joe Quiros
- Sgt. at Arms: Jerry Krans
- Parliamentarian: Carol Duensing

Bob Fauteux indicated that he would not be able to take on membership at this time. Director, Charlotte Fox agreed to assume the duties of membership chair.

TIME TO RENEW

You will soon receive a reminder letter that 2009 membership dues will be due in January. You may choose to pay your dues at the luncheon. See Charlotte Fox at check in.

TREASURER'S REPORT
As of Oct. 31, 2008
Orange County Credit Union
Business Checking Balance
\$ 5,349.92
Certificate of Deposit
\$ 7,030.17
Total
\$ 12,380.09
Joe Quiros, Treasurer

ASSOCIATE MEMBERS

In response to a request for membership by a special grand jury member, the Board of Directors is recommending the following change to the GJAOC bylaws:

.....Article II

MEMBERSHIP

Section 1 > Any person shall be eligible for Regular Membership in the Association who has served as a member of an Orange County California Grand Jury. Additionally, any full time resident of Orange County, who has served honorably on a California County Grand Jury in a county other than Orange County, shall be eligible for Regular Membership in accordance with SECTION 5 of ARTICLE II.

Section 2 > Any person shall be eligible for Associate membership in the Association who has served as an alternate for the Orange County Grand Jury or as a member of any county Grand Jury in California. Associate Members shall have all the privileges of Regular Members except that Associate Members shall have no voting rights and shall not be eligible to serve on the Board of Directors or any committee established by the Board of Directors.

Section 3 > For the purposes of SECTION I of ARTICLE II: "County Grand Jury" excludes a Special Grand Jury per California Code PC §§ 904.6 or equivalent.

Members in attendance at the December lunch program will be asked to vote on the change.

WATCHDOG BOOKMARKS

The ladies manning the petit jury assembly room at West Court welcomed the recruitment watchdog bookmarks taken there in October. They were preparing for a drive to recruit candidates for the grand jury shortly so the bookmarks were very timely.

500 hundred bookmarks were given out at the September luncheon. Following the response to the bookmarks at the luncheon and to the request for distributors a second printing of 7000 was ordered.

Bundles of 200 cards were distributed by Directors Carlos N. Olvera, Charlene Clark, Karen Evarts, Bob Fauteux, Charlotte Fox, Jerry Krans, Joe Moreland, Rose Moreno, Joe Quiros, and Glen Stroud.

Members Marlene Arnold, Cheryl Brothers, Terry Dancey, Tina Deaton, Bette Flick, Alan Friedman, Mary Hennessy, Dianne Hoffman, Jan Lewinson, Bob Linn, Charles Mitchell, Carol Morales, Vivien Owen, Barbara Parks, and Ed Wylie took cards to jury assembly rooms, libraries, city halls, chambers of commerce and community centers and/or gave them out at meetings and in classes and to interested individuals. Even nonmembers Ed Royce, Sr., Usa Poupongtong, Kathy

Shimizu and Paul Shisby helped in the distribution. In all, at least twenty-four cities in Orange County were targeted.

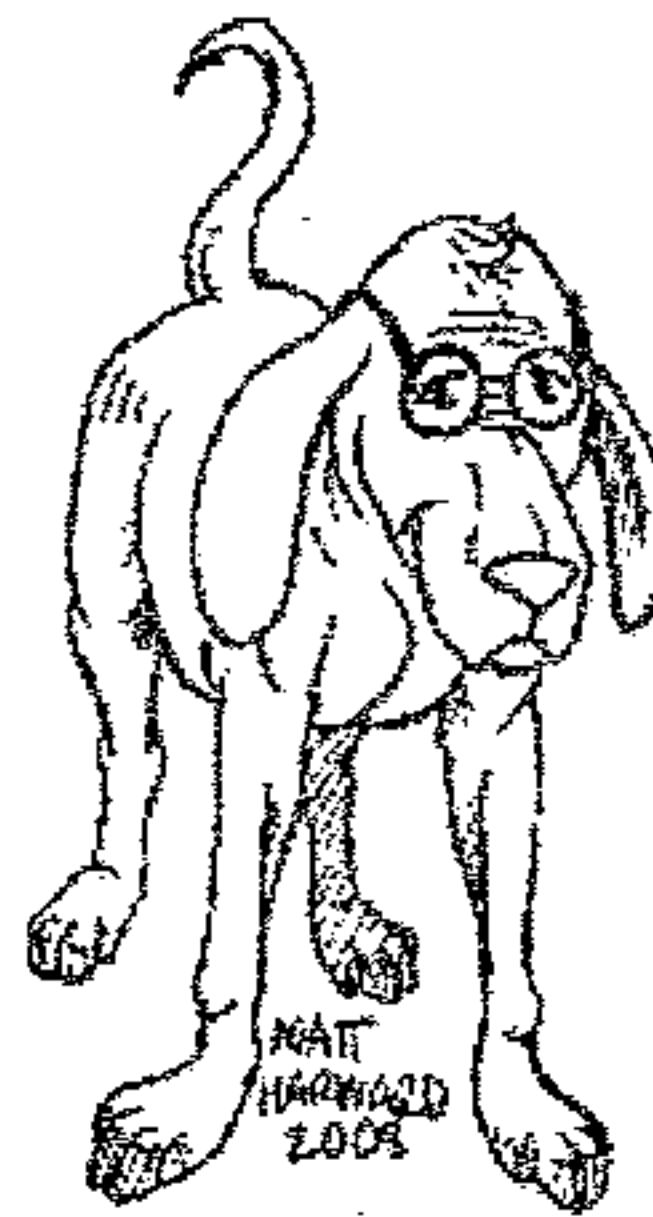
If for some reason anyone has leftover bookmarks, please return them at the December luncheon.

Since the deadline for grand jury applications January 9th, there will be time for others to place the bookmarks elsewhere.

Thank you to all who took the time to give out the bookmarks. Any feedback as to how the cards were received will be appreciated. Just tell any director. Any future repeat publication of the bookmarks will depend on the effectiveness of this initial attempt.

Rose Moreno

Original "dogtoons" used on bookmarks are by Matt Harward, an art instructor at Huntington Beach High School.



ELECTION RESULTS

Joe Quiros and Jim Nolan, acting as the nominating committee, presented the following slate of six members for the 2009 board of directors: Incumbents Jerry Krans, Rose Moreno, Carlos N. Olvera, and Glen Stroud volunteered to continue serving on the board.

Larry Callahan (02/03) and Charlene Clark (04/05) were nominated to fill the two vacant seats.

In accordance with the by-laws, Peter Carter and Karen Evarts have served a maximum 6 consecutive years on the board and are not eligible to serve again. We want to thank Peter and Karen for their years of dedicated service.

The slate was presented to the membership at the September luncheon. A call was made for any nominations from the floor. No nominations were made. As a result a motion was made and duly seconded to accept the nomination committee's slate. The vote was unanimous.

You will be entertained by the costumed 'Bel Canto' carolers from Lutheran High School. They will sing secular and non-secular music as they stroll from table to table prior to the program.

Judges: David O. Carter and Richard King will share the podium at the December lunch program and share happenings in their courtrooms.

The 2009 Board of Directors will be sworn in.

ORPHANS OF THE
STORM-
GRAND JURIES,
THE LEGISLATURE
AND THE
SUPERIOR COURTS

The grand jury is an arm of the Superior Court. You bet it is. For over 100 years, California grand juries has been characterized as:

- ...”judicial bodies”
- ...”instrumentalities of the courts”
- ...”arms of the court”(Citations omitted)

But recent, and not so recent, legislation and the agreements thereto by the Superior Courts puts our grand jury system in serious jeopardy.

“Arms of the court?” we better hedge that bet. Actions taken by the legislature, and agreed to and lauded by the courts, have cast doubts on whole grand jury and superior court relationship. The initial rupture in the relationship between courts and the grand jury occurred with the passage of the first Brown-Presley Trail Court Funding Act in 1993. The act is now enshrined as Government Code §§ 77000 and following. Specifically, GC§ 77003(a)(7) specifically excludes “...grand jury expenses and operations” from allowable court expenses. Subsequently, the Lockyer-Isenberg Trial Court Funding Act of 1997 made no changes to this exclusion.

The Judicial Council of California issued a Rule of Court in 1998. The rule was a response to the Brown-Presley Act. It excluded grand juries from the definition of court operations and ruled that “civil and criminal grand jury expenses were...unallowable.” The most recent 2008 Rules of Court, “Rule 10.810 Court Operations” again specifically excludes grand juries from a definition of court operations (Rule 10.810 (b)Exclusions(6))

Until these acts were passed, grand juries were consistently viewed as “arms of the court” and the superior courts, which impaneled and “supervised” the grand juries, used their inherent authority to paper over the gaps created by minimal and often ambiguous grand jury statutes. The laws have been incomplete, inconsistent, and confusing for years, but had little adverse consequence to the operations of most grand juries because the grand juries, the courts and other legal advisers have made up local rules as they went along. It seems to have worked acceptably. Patchwork statutes, occasional appellate guidance and local judicial interest and intervention at the county level has given us the system that works acceptably for the state today. 58 counties, 58 approaches.

Where do these rulings, definitions and legislation put grand juries in the future? Apparently afloat, and maybe sinking, on a sea of uncertainty. The actions, or inactions, by the Judicial Council of Superior Court in response to the legislative acts cited above, seemingly have put the whole grand jury status into limbo. By statute, we are excluded from and are not defined in court operations. Each county’s grand jury is dependent on the county bodies they are mandated to investigate for the funds they need to operate. Before, we had at least the tacit backing of the Superior Courts in negotiating budgets with our local counties. According to the government code, that backing does not exist. I can imagine that state-wide budget exigencies will make grand jury operations take significant hits in the upcoming years - to the detriment of much needed civilian oversight.

Bob Geiss

