

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)

ADMINISTRATIVE SUPERVISION)
OVER THE OFFICE OF THE CLERK)
OF THE SUPERIOR COURT IN)
GRAHAM COUNTY)

Administrative Order
No. 2019 - 123

Judge Peterson, Presiding Judge of the Superior Court in Graham County, has presented information in the attached letter to the Chief Justice regarding significant and ongoing operational and managerial deficiencies impacting the ability of the Superior Court and the Office of the Clerk of the Superior Court to perform their constitutional and statutory functions. Additionally, the Clerk's actions potentially have increased the state's liability risk.

Having reviewed the letter and provided the letter and its attachments to the Clerk and having met with Clerk of Court, Ms. Cindy Woodman, and having provided her an opportunity to submit documents and to address the letter's allegations: I find the information presented provides sufficient credible evidence and good cause to assign administrative supervision over the Clerk's Office in Graham County to Presiding Judge Michael Peterson. This action is necessary to restore proper operations of the Clerk's Office in Graham County.

Therefore, pursuant to Article VI, sections 3 and 23 of the Arizona Constitution,

IT IS ORDERED that until further order of this Court, the administrative control and oversight of day-to-day operations of the Office of the Clerk of Superior Court in Graham County shall be assumed by the Honorable Michael Peterson, Presiding Judge of the Superior Court in Graham County. Administrative control and oversight shall include authority to reassign the duties of the Clerk of Court and all personnel of the Clerk of Court's Office, to manage court and financial records, to revoke signing authority on any governmental bank accounts and to access computer systems and to expend funds budgeted for the operation of the Clerk of Court's Office.

IT IS FURTHER ORDERED that Judge Peterson may enter orders and take such action as necessary to correct existing operational deficiencies.

IT IS FURTHER ORDERED that Judge Peterson shall recommend to the Chief Justice candidates to be designated as the Lead Clerk, responsible for managing the day-to-day operations of the office including hiring employees to fill vacant positions in the Clerk of Court's office. Pursuant to A.R.S. § 38-462, the Lead Clerk is authorized to file stamp and certify documents and perform any other function assigned by law or rule to the Clerk of the Superior Court in Graham County.

IT IS FURTHER ORDERED that, though Ms. Cindy Woodman remains Clerk of Superior Court, she shall perform only duties assigned to her by Judge Peterson, to be performed at a location he designates. Duties assigned to the Clerk may be limited to non-court related functions such as issuing passports and may include attending educational and training programs to acquire the knowledge and skills required to competently perform the functions of the Office of Clerk of Superior Court.

Dated this 11th day of October, 2019.

A solid black rectangular box redacting the signature of Robert Brutinel.

ROBERT BRUTINEL
Chief Justice



Michael D. Peterson
Presiding Judge

October 3, 2019

Chief Justice Robert Brutinel
Arizona State Supreme Court
1501 W. Washington St., Ste. 411
Phoenix, AZ 85007

Ref: Graham County Superior Court Clerk

Dear Mr. Chief Justice,

I am writing this letter as the Presiding Judge of the Graham County Superior Court. Pursuant to the Arizona State Constitution art. VI §11, Administrative Order 2005-32, and Arizona Supreme Court Rule 92, the Presiding Superior Court Judge is responsible for the overall administrative operation of the Superior Court, including the clerk's office. In consideration thereof, it is my duty and responsibility to bring to your attention matters which lead to the conclusion that our current Superior Court clerk, Ms. Cindy Woodman, is unwilling or unable to discharge the duties of her office.

By way of background, Ms. Woodman was elected in 2018 as the clerk of court. Prior to her election, Ms. Woodman had never been employed at the clerk's office or at any court. She also lacked management experience. Despite this lack of knowledge and experience concerning the operation of a clerk's office and its role in court operations Ms. Woodman redirected clerk's office operations without learning the duties performed by her staff.

The following is an overview of some of the specific disfunction which developed and persists within the clerk's office and its effect on the judicial function of the court:

MANAGEMENT OF CLERK OF COURT OFFICE

Deputy clerk complaints that Ms. Woodman's management efforts created a hostile workplace environment.

In early 2019 soon after Ms. Woodman assumed office, deputy clerks began reporting to Graham County Human Resource director Ms. Cindy Norris-Blake instances of inappropriate conduct by Ms. Woodman toward her staff and that a hostile workplace environment existed. The complaints filed were so serious and numerous that the Graham County Human Resources Office arranged for an independent investigator. I presented a letter to Ms. Woodman on April 30, 2019 which made her aware of these complaints. A copy of this letter is enclosed herewith as Attachment 1. The following day, Ms. Woodman responded in writing and claimed that *she* was the victim of hostility in the workplace as well as discrimination. Ms. Woodman disavowed any responsibility for any problems that existed in the clerk's office. A copy of her letter is enclosed herewith as Attachment 2. The investigator determined that there was "little optimism for prospects of de-escalating the conflict and creating a harmonious working environment. This continuing conflict suggests that conditions have reached a boiling point in the office."

Code of Conduct Violations and Recommended Remedial Measures

Following the investigation, I addressed another letter to Ms. Woodman on July 3, 2019 which identified violations by Ms. Woodman of the applicable Code of Conduct for Judicial Employees. A copy of this letter is enclosed herewith as Attachment 3. Ms. Woodman was directed to address the problems that were set forth therein, including training to assist her to be a more effective manager. She was also directed to respond in writing how she intended to address, among other items, her violations of the Code of Conduct for Judicial Employees and to cure the disabling level of conflict with her staff. Ms. Woodman's enclosed July 15, 2019 response does not provide specific steps to accomplish this. (Attachment 4)

In addition to the new clerk orientation that Ms. Woodman attended on February 6, 2019, the AOC recommended that she attend several education programs, including an Arizona Court Manager program and programs for supervisors entitled "Supervisory Ethics" and "Transition to the Role of Supervisor." AOC also offered AJACS computer training and code of conduct ethics training for clerk's office staff. I am not aware that Ms. Woodman has responded to any of these recommendations.

Ms. Woodman has not identified specific steps to address the deficiencies identified nor shown any progress in developing basic management or leadership skills. Subsequent events conclusively demonstrate that Ms. Woodman has failed to address and has repeated violations of the Code of Conduct for Judicial Employees, that she continues to exhibit very poor management skills, and that debilitating levels of discord and animosity persist in the clerk's office.

Conflict between the clerk and the deputy clerks and employee turnover

It is difficult to overstate the degree of conflict and toxic environment which exists on a daily-basis in the clerk's office. As recently as September 26, 2019, a staff meeting with the clerks and deputies ended on an extremely negative note. Cindy Norris-Blake, the Graham County Human Resources Director, received a desperate call from one of the deputies to hurry over to the meeting before it got out of hand. Ms. Norris-Blake memorialized what took place in an email later that day. I have enclosed a copy of her email herewith as Attachment 5. At that meeting, Ms. Woodman criticized Deputy Clerk [REDACTED] who has been ordered by her doctor to work only 32 hours per week [REDACTED]. Ms. Woodman chided [REDACTED] and implied that she was not working hard enough. [REDACTED] responded angrily and other deputy clerks supported her. Ms. Woodman's open and intentional disregard for this [REDACTED] accommodation undermined the [REDACTED] rights of all clerk's office staff and exposed the State of Arizona to potential legal liability for discrimination against [REDACTED].

The staff turnover rate within the clerk's office has been extraordinarily high. The following have left the employ of the clerk's office this year for the reasons stated based upon exit interviews:

[REDACTED]
Hire date 12/26/2017, resignation 2/1/2019.

[REDACTED] (part-time) due to Ms. Woodman.

Hire date 7/23/2018, resignation 4/25/2019.

[REDACTED] due to Ms. Woodman.

Hire date 3/4/2019: resignation 5/10/2019

[REDACTED] due to Ms. Woodman.

Hire date 11/13/17: resignation 5/20/2019

[REDACTED] due to Ms. Woodman.

Hire date 5/30/17, resignation 7/10/2019.

[REDACTED] stated that Ms. Woodman continued to argue with staff, not help customers, did not try to learn clerk's duties, talked down to employees or would ignore employees.

[REDACTED] due to Ms. Woodman and her spouse relocating for employment.

Hire date 11/13/2017, resignation 7/24/2019.

[REDACTED] stated, "Ms. Woodman's behavior did not encourage me to stay." "Ms.

Woodman does not communicate with her staff, there is no guidance from her and she is unprofessional." (See enclosed letter, Attachment 6)

[REDACTED], due to Ms. Woodman and toxic work environment, employed one week.

Hire date 7/15/19, resignation 7/22/2019.

Ms. Norris-Blake conducted exit interviews of these former employees who expressed profound concern about the working environment which exists at the clerk's office, including Ms. Woodman's arrogance despite her lack of knowledge regarding how the duties of the clerk's office are performed, her lack of communication, as well as her demeaning, argumentative and

disrespectful behavior toward the deputy clerks. A copy of a memorandum authored on August 1, 2019 by Ms. Norris-Blake is enclosed herewith as Attachment 7.

As a follow-up to my July 3, 2019 letter to Ms. Woodman, Ms. Norris-Blake interviewed the deputy clerks in mid-August 2019 to determine whether the atmosphere at the clerk's office had improved. Her notes included comments from staff stating "lack of communication", "hyper aggressive with staff", "new employees are not always getting the necessary training", "morale is at an all-time low", and that their only full time courtroom clerk is "looking for employment elsewhere." Ms. Norris-Blake concluded the situation was, in fact, degenerating even further in spite of her efforts to address and remedy numerous problems that have arisen. The working relationship between the clerk and the deputies (some of whom Ms. Woodman hired) has continued to worsen and has reached a breaking point.

On August 14, 2019, Ms. Woodman described to Ms. Norris-Blake an incident between two employees "which made [redacted] cry, due to [redacted] being aggressive toward her." Ms. Woodman stated, "I told [redacted] not to pay attention to [redacted] then I slapped her on her butt." Ms. Norris-Blake held up her hand and asked Ms. Woodman, "Please tell me that you did not actually do that?" Ms. Woodman replied, "Yes, I did, just like when you are in sports". "Ms. Woodman then demonstrated what she had done to [redacted] by reaching over the counter at the front desk where we were standing and slapping me on my left side of my buttock. At this point I believe my voice raised a little, I went on to describe to her that that type of behavior is completely inappropriate in an office setting and should not ever occur." She said, "Well it is just like saying good job." Ms. Norris-Blake was understandably shocked by Ms. Woodman's inappropriate behavior, especially considering Ms. Woodman's attendance the week prior at a course in prohibited harassment by supervisors in the workplace. Obviously, this educational opportunity did not have any effect on Ms. Woodman management behavior.

Consistent with the observation of the investigator in July 2019, no prospect of improving the deteriorating relationship between the deputy clerks and the clerk could be seen in late August. When Mr. Reinkensmeyer and I met with Ms. Woodman on August 28, 2019, she reiterated over and over that the deputies were against her, that she was being "sabotaged" by the deputies, and that until and unless the deputy clerks changed, that these problems would persist. However, even deputy clerks hired by Ms. Woodman describe their experience of a toxic work environment. On September 30, Ms. Norris-Blake learned that a new deputy clerk was not provided any clear direction or established training regarding duties to be performed. On-the-job training provided by co-workers was frequently contradicted by direction from Ms. Woodman that proved to be incorrect. Morale at the clerk's office is at an all-time low, and unfortunately, it is getting worse.

Failure to follow Graham County policies regarding time off

Considerable friction has been created by Ms. Woodman regarding her disregard of county policies concerning deputies' right to use paid leave when they are absent from work and travel reimbursement. Ms. Norris-Blake has attempted on several occasions to counsel Ms. Woodman about how time off is to be handled under County policies that clearly set forth terms

and conditions of time off from work. Ms. Woodman persists in her erroneous belief that she has the authority to deny paid leave even when deputy clerks qualify for it under county policies, even when HR attempts to disabuse her of that notion. Similarly, Ms. Norris-Blake learned that Ms. Woodman had refused to sign a deputy clerk's reimbursement form for travel to Phoenix for training because it did not list her beginning mileage, which is not a requirement.

Inability to accept payments for probation service fees, fines, reimbursement etc.

I am informed that people have come to the clerk's office intending to pay for probation service fees, other fees, fines, restitution, etc. only to have been told by Ms. Woodman that there was no one who could help them. They were turned away without being able to make payment. It is inexcusable that the clerk cannot assist people who wish to pay their monetary obligations either herself or by having capable staff on duty.

Failure to provide appropriate cross-training for deputy clerks

To assist the deputy clerks to be trained on how to clerk a hearing in the courtroom, the County funded a contract with an experienced former deputy clerk [REDACTED] to cross-train the deputy clerks. This was to address a chronic shortage of qualified courtroom clerks due to turnover. To [REDACTED] great frustration, Ms. Woodman has failed to facilitate training for the deputy clerks to enable them to assist in the courtroom. Instead, she has assigned [REDACTED] to perform this function disregarding her temporary status. A copy of an email authored by [REDACTED] is enclosed herewith as Attachment 8.

Concerns of Graham County Administration

Our County HR director has been intimately involved on an almost-daily basis with problems with the clerk's office since the beginning of this year. On September 5, 2019, following a long day during which Ms. Norris-Blake spent several hours attempting to address and resolve the ongoing issues that continue to plague the clerk's office, she made the following observation:

Judge Peterson, today, I witnessed firsthand how Ms. Woodman treats her staff and it reinforced she is unwilling to learn, listen, cooperate, lead or act in a professional manner. Throughout the majority of our conversation she made snide remarks that had nothing to do with the situation at hand, along with not being able to stay on task. I am completely appalled by her behavior, especially since she is serving in an elected capacity. She seems to have a complete lack of disrespect (sic) and disregard for the judicial system and what it entails to run an office.

On September 26, 2019, after yet another intensely negative interaction between Ms. Woodman and her staff, Ms. Norris-Blake stated:

It is imperative something be done regarding Ms. Woodman's behavior, the staff is suffering under her "leadership" or lack thereof.

EFFECT ON JUDICIAL OPERATIONS

Mishandling of evidence in the State v. Manual Campos matter

Ms. Woodman egregiously mishandled evidence in the State v. Manual Campos (CR-2019-00028), a felony case in which Mr. Campos was convicted of misconduct involving weapons after a jury trial. Following the trial, Ms. Woodman took it upon herself to contact the Thatcher Police Department to remit the evidence that had been introduced at trial. When she was informed by her staff that the Clerk was required to retain the evidence in case of an appeal, a few days later, she contacted the Thatcher Police Department and asked that the evidence be returned. A hearing was held on July 24, 2019, at which time I found that Ms. Woodman violated the applicable statutes, rules, procedures and protocols governing the handling of evidence. It was further believed by counsel for the defendant that Ms. Woodman had perjured herself at the hearing. Consequently, a second hearing took place that afternoon. At that second hearing, Ms. Woodman gave testimony that was demonstratively false. A copy of the findings is enclosed herewith as Attachment 9. A copy of the letter authored by defense counsel in connection with this matter is enclosed as well. (Attachment 10).

Ms. Woodman denied responsibility for her actions in connection with the Campos matter by stating that her mishandling of the evidence resulted from a communication problem between her and the court. Ms. Woodman falsely testified under oath that I was gone on June 17, 2019. It was only when confronted with the calendar that she changed her testimony. Further, she implied that my judicial assistant was not here all that week. That was also untrue. Ms. Woodman never attempted to contact me about the evidence in person, via telephone, email, through my JA or any other means. There was no communication of any kind with court or clerk's office staff prior to this mishandling of evidence. Ms. Woodman characteristically acts without consultation in a counterproductive manner then refuses to accept responsibility for her actions.

Courtroom clerks not provided

In the last couple of months, on two occasions (August 27 and September 5, 2019), I attempted to conduct my regular court calendar for law and motion hearings, only to find that no clerks were available to perform their regular duties in the courtroom. In both instances, I had a courtroom full of attorneys, in-custody defendants, court staff and those in the gallery who suffered the delay of approximately 20 minutes as a deputy clerk was located, their computer started up, and the recording system was operational.

On August 27, the docket began at 8:30am with approximately 47 hearings scheduled that morning. Ms. Woodman was unaware no clerk was assigned until I went downstairs to inform her around 8:40am. The docket started 20 minutes late and Ms. Woodman informed me there may not be coverage for the afternoon hearings. Ms. Norris-Blake's understanding from communication with deputy clerk's is that Ms. Woodman fails to review the week's court calendar and coordinate a schedule for coverage with her staff. This is yet one more example of how Ms. Woodman is unable or unwilling to be responsible for performance of the duties of her office.

Ms. Woodman's response to the incident on September 5, 2019 is insightful. She states that somehow the problem was not of her making and that the problem was the result of last-minute calendar changes. That is false. We always start law and motion at 8:30 a.m. The sentencing hearing in State v. David Brumley (CR-2018-00059) was set on August 26, 2019 for September 5, 2019 at 8:30 a.m. (see the enclosed Minute Entry, Attachment 11). Ms. Woodman's email is also enclosed herewith as Attachment 12. Ms. Woodman attempted to explain that the reason the problem came about was due to unforeseen circumstances not of her making.

Missing and/or incomplete files

In addition, both Judge Ragland (my full-time pro-tem) and I have experienced on numerous occasions files that are either missing or are incomplete. Contrary to the clerk's assertions, this is a systemic problem that is not isolated to last-minute filings. The problems associated with the files has become so severe that it has impacted our ability to timely consider motions and other important matters.

Unreasonable delay in processing Minute Entries

The creation of Minute Entries has been delayed – sometimes for *months* – which further negatively impacts the operations of the Superior Court. In just one such case a probationer held in custody was sentenced on July 2, 2019 and the Minute Entry had not been generated by mid-September, three-and-a-half months later. Apparently, the only reason this oversight was discovered was that a question regarding credit for time served arose. (See probation officer email enclosed as Attachment 13) This is not the only case in which the Minute Entry has not been processed properly. My judicial assistant has also received numerous inquiries from attorneys and parties in other cases inquiring whether a Minute Entry in their respective cases had been created.

Harassment of an excused juror [REDACTED]

On September 24, 2019 a felony jury trial was held in the Superior Court in State v. Eric Lopez, CR-2018-00138. During the *voir dire* process, a [REDACTED] was excused from service because he is a sole proprietor. [REDACTED] left the courthouse after he was excused and went to his place of employment. Ms. Woodman, who was in the courtroom when [REDACTED] was excused, left the courthouse and followed [REDACTED] over to his place of employment and confronted him. He indicated that she insinuated that he had lied to the judge about his employment situation. After she left, [REDACTED] went to the parking lot to visit with a prospective customer, when Ms. Woodman rolled down her window and stated, "Don't worry [REDACTED] I won't tell anybody." In [REDACTED] own words, he stated, "[m]y mouth dropped open and I became very upset knowing that Cindy [Ms. Woodman] still didn't understand that I had told the judge the truth and she thought that I had lied, but she wanted me to know that she wasn't going to rat me out." [REDACTED] letter is enclosed herewith as Attachment 14. Furthermore, [REDACTED] letter has been published in the local media, both in print as well as on the Internet.

Notably, Arizona Rules of Criminal Procedure 18.3(b) requires confidentiality of juror information to protect prospective jurors from harassment by those accused of wrongdoing. It is well beyond the role and duty of the clerk of court to follow someone who was excused from jury duty by the judge in the case to their place of business to question their honesty regarding their availability for jury service. Her actions have unquestionably undermined the confidence of the public in our judiciary, especially since [REDACTED] letter was published as a letter to the editor on October 1, 2019.

Diversion of judge's time and attention from handling the business of the Court

The persistent problems in the clerk's office requires a great deal of my time, attention and energy as well. I routinely spend several hours per week regarding the clerk's office. Judge Ragland's attention has also been frequently diverted to problems associated with the clerk's office. Prior to Ms. Woodman's tenure as clerk, we spent virtually no time on issues pertaining to the clerk's office.

Repeated Efforts To Remediate The Systemic Problems In The Clerk's Office Have Failed

As set forth herein, numerous attempts to address the systemic problems in the clerk's office have failed. Ms. Woodman was made aware of the significant concerns about her job performance in April 2019. In July 2019 she was made aware, in writing, of the findings of the investigation pertaining to her violations of the Code of Judicial Conduct and her inappropriate behavior toward staff. Since that time, Ms. Woodman has not availed herself of management and leadership training opportunities; she did not utilize a "mentor" clerk to assist her; she did not heed the stern admonitions in the meeting with Mr. Reinkensmeyer and Mr. Baumstark on August 19, 2019 to change her behavior, and she has failed to act as directed in my meeting with her on August 29, 2019. Ms. Woodman steadfastly maintains that the problems that exist in the clerk's office and the consequence for the judicial function are not her fault and are therefore not within her capacity to correct.

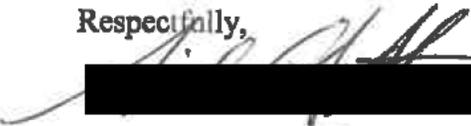
In consideration of the foregoing, I submit that there is conclusive evidence that Ms. Woodman is unwilling or unable to perform her duties as clerk of court. Ample time has passed since Ms. Woodman was unequivocally made aware of the systemic problems which plague the clerk's office. She has completely failed to acknowledge responsibility for her actions and has utterly failed to remedy the problems. Instead, these problems have increased to the extent that they have seriously impacted the judicial function of the court.

I therefore respectfully request that you exercise your administrative authority as Chief Justice pursuant to Arizona Constitution art. VI §§ 3 and 11 via administrative order empowering me, as presiding judge, to appoint a lead deputy clerk with full authority to perform all of the duties of the clerk of superior court under my supervision. I request that this order remain in effect for an indeterminate period of time and until Ms. Woodman is able to demonstrate competence to perform the duties of Clerk of Superior Court. In the interim, I request that Ms. Woodman be offered counseling, leadership and management training, and on the job training on each of the functions of the clerk's office that provides her the opportunity to demonstrate this competence. I request that she be excluded from the Graham County Courthouse unless she is

specifically approved by me to return. I request that as presiding judge I be empowered to authorize Ms. Woodman to return to the duties of Clerk of the Superior Court under my supervision when she has demonstrated the required competence to my satisfaction and that I be authorized to take further action consistent with the administrative order without the need for an additional order if she later fails to perform her duties appropriately.

Thank you for your consideration of this matter.

Respectfully,



MICHAEL D. PETERSON
Graham County Superior Court Judge

Encl.