

**STATE OF CALIFORNIA
BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE**

**IN THE MATTER CONCERNING
JUDGE CORY WOODWARD**

**DECISION AND ORDER IMPOSING
CENSURE PURSUANT TO
STIPULATION (Rule 116.5)**

INTRODUCTION AND SUMMARY

This disciplinary matter concerns Judge Cory Woodward, a judge at the Kern County Superior Court.

Judge Woodward, acting through his counsel, Paul S. Meyer, Esq., and commission staff counsel proposed to settle the preliminary investigation instituted by the commission in this matter through the issuance of a public censure under the terms and conditions stated below, and upon the stipulated statement of facts and conclusions of law. A Stipulation for Discipline by Consent (Stipulation) signed and executed by Judge Woodward, Mr. Meyer, and Victoria B. Henley, Director-Chief Counsel of the Commission on Judicial Performance is attached to this decision and order. Pursuant to rule 116.5 of the Rules of the Commission on Judicial Performance, the proposed Stipulation was approved by the commission on August 20, 2014.

The terms and conditions of the Stipulation provide that, upon approval of the Stipulation, the commission shall resolve the matters alleged in the pending preliminary investigation with the issuance of a censure based upon the agreed stipulated facts and legal conclusions. Further, the parties agree that the commission's decision and order imposing a censure will be made public and the commission may articulate the reasons for its decision and include explanatory language that the commission deems appropriate.

In signing the Stipulation, Judge Woodward expressly admits that the stipulated facts are true and that he agrees with the stated legal conclusions, and waives any further

proceedings and review in this matter including formal proceedings and review by the Supreme Court. Accordingly, pursuant to article VI, section 18(d) of the California Constitution, the commission issues this public censure based on the following stipulated statement of facts and conclusions of law:

STIPULATED FACTS AND LEGAL CONCLUSIONS

Judge Woodward has been a judge of the Kern County Superior Court from January 2007 to the present. He served as a commissioner for the Kern County Superior Court from approximately March 2003 to January 2007.

I. Misconduct Related to Relationship with Courtroom Clerk

Judge Woodward was assigned to a civil department from January through June 2012. The judge was assigned to a criminal department from July through December 2012. He was assigned to a family law department from January through approximately July 2013.

An experienced courtroom clerk was assigned to Judge Woodward in January 2012. She served as his clerk in the civil department through June 2012. From approximately July 2, 2012 through August 10, 2012, she was the judge's assigned courtroom clerk in the criminal department; however, during that period, she was receiving training in criminal trials in other departments. From approximately August 10, 2012 through October 26, 2012, the clerk was assigned to a probate department presided over by another judicial officer. The clerk was absent on leave for the remainder of the year.

From January 2, 2013 through April 2, 2013, the clerk served as Judge Woodward's courtroom clerk in the family law department. On April 2, 2013, she was reassigned to the department of another judicial officer, effective April 3, 2013.

From approximately July 2012 through mid-May 2013, Judge Woodward was involved in an intimate relationship with the clerk. From the start of the intimate relationship through the date on which the court reassigned the clerk in April 2013, Judge

Woodward did not attempt to ensure that he would not be working in the same courtroom with a clerk with whom he had an intimate relationship, and instead opposed and resisted any efforts to reassign the clerk. When Judge Woodward was reassigned from a civil department to a criminal department in July 2012, and when he was reassigned to a family law department in January 2013, he informed court administration that he wanted the clerk to continue serving as his courtroom clerk, rather than seeking to have her reassigned. As set forth in section II below, on two occasions thereafter, when court administration and the presiding judge recommended or proposed that the clerk be reassigned, Judge Woodward resisted rather than allowing the clerk to be reassigned; he also resisted upon being informed in April 2013 that the clerk was being reassigned.

During Judge Woodward's intimate relationship with the clerk, he engaged in sexual activity with her in chambers. He also engaged in sexual activity with her in public places.

On one occasion between January and March 2013, while Judge Woodward was in the courtroom and off the bench during a break in proceedings, he made an inappropriate sexual gesture toward the clerk while a member of the public was present in the audience (unbeknownst to the judge).

Between approximately May 2012 and April 2013, Judge Woodward used the court's computers to regularly exchange personal emails or texts with the clerk, not of an overtly sexual nature, that were unrelated to court business. During the intimate relationship with the clerk, Judge Woodward occasionally passed notes of a sexual nature to her during court proceedings. He allowed her to address him in an overly familiar manner in the courthouse in the presence of other court staff, or within the hearing of other court staff or others (by allowing her to use a longstanding nickname used by the judge's friends and colleagues). When Judge Woodward accompanied the clerk on her lunch break, he sometimes allowed her to return to court slightly late.

Judge Woodward's conduct violated the California Code of Judicial Ethics, canons 1 (a judge shall personally observe high standards of conduct so that the integrity

of the judiciary will be preserved), 2 (a judge shall avoid impropriety and the appearance of impropriety), 2A (a judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary), 2B(1) (a judge shall not allow family, social or other relationships to influence the judge's judicial conduct), 3C(1) (a judge shall diligently discharge the judge's administrative responsibilities impartially, on the basis of merit, and in a manner that promotes public confidence in the integrity of the judiciary), 3C(2) (a judge shall cooperate with other judges and court officials in the administration of court business), 3C(5) and its predecessor canon 3C(4) (a judge shall avoid nepotism and favoritism) and 4A(2) (a judge shall conduct all of the judge's extrajudicial activities so that they do not demean the judicial office). The judge's conduct constitutes prejudicial misconduct.

II. Misleading the Court

On February 7, 2013, the court executive officer (CEO) spoke with Judge Woodward in chambers and advised him that the clerk's husband had reportedly expressed concern to the clerk about the judge's "relationship" with her. The CEO recommended that the clerk be reassigned and asked Judge Woodward what he wanted to do. Judge Woodward said he would speak with the clerk and get back to the CEO. Shortly thereafter, Judge Woodward called the CEO and said that he (the judge) would not be making any change to the clerk's assignment, or words to that effect. Judge Woodward said something to the effect that the clerk had talked to her husband, that they may be separating, and that her husband was angry with her. (The CEO did not specifically ask the judge about the nature of his relationship with the clerk. Judge Woodward did not indicate to the CEO, either directly or indirectly, that his relationship with the clerk was other than a professional one.) Judge Woodward thereby misled the CEO into believing that there was no need to reassign his courtroom clerk, with whom the judge was then involved in an intimate relationship.

In March 2013, Judge Woodward and Family Law Supervising Judge John Fielder met with Presiding Judge Colette Humphrey in her chambers. There was a discussion

concerning a complaint that had been made about the behavior of Judge Woodward's clerk. The presiding judge was told that another clerk had complained that Judge Woodward's clerk addressed him by a nickname and engaged in flirtatious behavior toward him. Presiding Judge Humphrey suggested reassigning Judge Woodward's clerk. Judge Woodward declined. He stated that she was a good clerk. (Judge Fielder expressed the view that a family law department was very demanding, that Judge Woodward's clerk was a good clerk, and that the court could not reassign a clerk every time another clerk complained.) During this meeting, Judge Woodward misled his supervising and presiding judges into believing that there was no need to reassign his courtroom clerk, with whom he was then involved in an intimate relationship.

The court subsequently received another complaint about the clerk's conduct toward Judge Woodward. On April 2, 2013, a deputy court executive officer (DCEO) met with Judge Woodward to inform him that the clerk was being reassigned, effective April 3, 2013. During the meeting with the DCEO, Judge Woodward made statements indicating that his relationship with the clerk was professional. He objected to the reassignment and said that he wanted to address the matter with Supervising Judge Fielder. During the April 2 meeting, Judge Woodward misled the DCEO into believing that there was no need to reassign his courtroom clerk, with whom he was then involved in an intimate relationship.

On April 3, 2013, Judge Woodward met with the DCEO and Supervising Judge Fielder to protest the reassignment of the clerk. The DCEO explained that the court was reassigning the clerk in response to reports of inappropriate behavior toward Judge Woodward, including the use of a nickname. Judge Fielder expressed dismay that the court was making a decision to move a judge's assigned courtroom clerk and expressed the view that there was no valid reason for the reassignment and that the clerk was being treated unfairly.

Judge Woodward said that if he had been told the use of a nickname was a problem, he would have told the clerk to stop, and also said he did not "understand what's going on." Judge Fielder said to Judge Woodward that the "problem is people

think something is going on between the two of you.” Judge Woodward did not respond. Judge Fielder also stated words to the effect that the court “can’t be reacting to something when someone thinks this is a Peyton Place when this isn’t.” Judge Woodward did not respond. During the April 3 meeting, Judge Woodward misled his supervising judge and the DCEO into believing that there was no need to reassign his courtroom clerk, with whom Judge Woodward was then involved in an intimate relationship. (A day or two after April 3, Judge Woodward told Judge Fielder that he would not contest the clerk’s reassignment.)

In early May 2013, Judge Woodward met with the presiding judge and assistant presiding judge to address possible security concerns raised by the fact that the husband of Judge Woodward’s clerk had contacted the court. During that meeting, Judge Woodward misled his court’s presiding judge and assistant presiding judge about the nature of his relationship with the clerk. (Later in May 2013, Judge Woodward contacted the presiding judge and disclosed the intimate relationship with the clerk.)

Judge Woodward’s conduct violated the Code of Judicial Ethics, canons 1 (a judge shall personally observe high standards of conduct so that the integrity of the judiciary will be preserved), 2 (a judge shall avoid impropriety and the appearance of impropriety), 2A (a judge shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary), 2B(1) (a judge shall not allow family, social or other relationships to influence the judge’s judicial conduct), 3C(1) (a judge shall diligently discharge the judge’s administrative responsibilities impartially, on the basis of merit, and in a manner that promotes public confidence in the integrity of the judiciary) and 3C(2) (a judge shall cooperate with other judges and court officials in the administration of court business). The judge’s conduct constitutes willful misconduct.

III. Prior Discipline

Judge Woodward received a private admonishment in 2010 for improper handling of a contempt.

IV. Mitigation

Judge Woodward has expressed great remorse and contrition. He acknowledges wrongdoing and apologizes.

Presiding Judge Humphrey believes that Judge Woodward is very well regarded as a judge, is considered to be hardworking, intelligent and punctual, and displays appropriate demeanor. Supervising Judge Fielder believes that Judge Woodward is known and respected as a very hardworking and conscientious judicial officer.

DISCIPLINE

Under the California Constitution, imposition of a public censure is the most severe sanction that can be imposed on an active California judge short of removal. (Cal. Const. Art. I, § 18(d).) In accepting this Stipulation, the commission has determined that imposition of a censure is appropriate and necessary to fulfill the commission's mandate to protect the public, enforce rigorous standards of judicial conduct, and maintain public confidence in the integrity and independence of the judiciary.

Judges are expected to maintain and personally observe "high standards of conduct" and "shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." (Canons 1, 2A.) "Public confidence in the judiciary is eroded by irresponsible or improper conduct by judges." (Canon 2A advisory committee commentary.) In the commission's view, engaging in sexual intercourse in the courthouse and exchanging communications of a sexual nature during court proceedings is the height of irresponsible and improper behavior by a judge. It reflects an utter disrespect for the dignity and decorum of the court and is seriously at odds with a judge's duty to avoid conduct that tarnishes the esteem of the judicial office in the public's eye. As Judge David M. Rothman states in his California Judicial Conduct Handbook, when a judge's sexual conduct is not conducted in private or "takes place on public property or by use of public resources, the conduct moves from private to public concern and demeans the judicial office under canon 4A(2)." (Rothman, Cal. Judicial Conduct Handbook (3d ed. 2007) § 8.71, p. 439.)

Judge Woodward's misconduct related to sexual activity in the courthouse is aggravated by the fact that the conduct took place with a member of his court staff. Judge Rothman states that "it is fundamental that a judge not be placed in a supervisory role over someone with whom the judge has a close personal relationship." (Rothman, *supra*, § 6.27, p. 281.) Moreover, Judge Woodward potentially exposed other court staff to a hostile work environment through his intimate communications and sexual activities with the clerk in the courthouse. In fact, the intimacy of the relationship was sufficiently overt that the court received more than one complaint concerning the clerk's overly familiar and flirtatious behavior towards Judge Woodward, and rumors circulated that "something [was] going on between" the judge and his clerk. Judge Woodward's conduct placed the court administration and his presiding judges in the uncomfortable position of having to bring these concerns to his attention. However, rather than taking the concerns, which he knew to be legitimate, seriously and agreeing to the clerk's transfer, the judge misled the court as to the nature of the relationship and opposed the transfer.

In the commission's view, Judge Woodward's misconduct in misleading court administration and his superior judicial officers in an effort to prevent the clerk's reassignment is as egregious as his misconduct related to his libidinous activities with his clerk. Court officials and supervising and presiding judges must be able to rely on the integrity and honesty of judicial officers in the performance of their duties. (See *Inquiry Concerning Judge Kelly A. MacEachern* (2008) 49 Cal.4th CJP Supp. 289, 305.) This requires more than the avoidance of outright untruths; it demands that judges avoid material omissions in fulfilling their duty to cooperate fully with court officials and other judges in the administration of court business. By misleading the court as to the nature of his relationship with his clerk and opposing her reassignment, Judge Woodward impeded administrative efforts to appropriately respond to complaints and concerns about the clerk's inappropriate personal interactions with the judge. Not only should Judge Woodward have acceded to the recommended reassignment of the clerk, he should himself have requested her transfer as soon as the intimate relationship began.

Judge Woodward has engaged in a course of misconduct that the commission considers sufficiently serious to warrant removal from office if it were not for the presence of a number of mitigating factors. In determining that censure rather than removal is the appropriate sanction in this matter, the commission has taken into consideration that Judge Woodward has acknowledged wrongdoing and expressed great remorse and contrition. An appreciation for the impropriety of one's actions indicates a capacity to reform. (*Censure of Judge Salvador Sarmiento* (2012) p. 7.) As such, the commission is satisfied that Judge Woodward is unlikely to engage in misconduct of a similar nature in the future. Moreover, the judge's full and forthright cooperation with the commission's investigation has assisted the commission in reaching a prompt disposition of this matter. Finally, according to his presiding and supervising judges, he is a respected, hardworking, intelligent and conscientious judge.

Accordingly, the commission hereby imposes this public censure on Judge Woodward.

Commission members Hon. Erica R. Yew; Hon. Thomas M. Maddock; Nanci E. Nishimura, Esq.; Hon. Ignazio J. Ruvolo; Mr. Lawrence J. Simi; Mr. Richard Simpson and Mr. Adam N. Torres voted to accept the parties' settlement proposal and to issue this decision and order imposing public censure pursuant to the stipulated agreement. Commission members Ms. Mary Lou Aranguren; Anthony P. Capozzi, Esq.; Ms. Maya Dillard Smith and Ms. Sandra Talcott voted to reject the proposed settlement, dissent from this decision and order imposing public censure, and would have instituted formal proceedings.

Dated: September 2, 2024



Honorable Erica R. Yew
Chairperson

STIPULATION

STATE OF CALIFORNIA
BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

IN THE MATTER CONCERNING
JUDGE CORY WOODWARD

STIPULATION FOR DISCIPLINE
BY CONSENT (Rule 116.5)

Pursuant to Rules of the Commission on Judicial Performance, rule 116.5, Judge Cory Woodward of the Kern County Superior Court, represented by counsel, and commission staff counsel (“the parties”) submit this proposed disposition of the matters set forth in the commission’s preliminary investigation letters dated October 31, 2013 and March 28, 2014. The parties request that the commission resolve this matter by imposition of a censure. The parties believe that the settlement provided by this agreement is in the best interests of the commission and Judge Woodward because, among other reasons, in light of the stipulated facts and legal conclusions, a censure adequately protects the public and will avoid the delay and the expense of further proceedings.

TERMS AND CONDITIONS OF AGREEMENT

1. This agreement resolves the matters alleged in the commission’s pending preliminary investigation involving Judge Cory Woodward.
2. The commission shall issue a censure based on the agreed Stipulated Facts and Legal Conclusions set forth therein.

3. If the commission accepts this proposed disposition, the commission's decision and order imposing a censure may articulate the reasons for its decision and include explanatory language that the commission deems appropriate.

4. Upon acceptance by the commission, this stipulation and the commission's decision and order shall be made public.

5. Judge Woodward waives any further proceedings and review in this matter, including formal proceedings (rules 118, et seq.) and review by the Supreme Court (Cal. Rules of Court, rule 9.60).

6. The commission may reject this proposed disposition and resume its preliminary investigation. If the commission does so, nothing in this proposed disposition will be deemed to be admitted by Judge Woodward.

Accordingly, it is hereby stipulated and agreed that the commission shall issue a censure on the above Terms and Conditions of Agreement, and based on the following Stipulated Facts and Legal Conclusions:

STIPULATED FACTS AND LEGAL CONCLUSIONS

Judge Woodward has been a judge of the Kern County Superior Court from January 2007 to the present. He served as a commissioner for the Kern County Superior Court from approximately March 2003 to January 2007.

I. Misconduct related to relationship with courtroom clerk

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An experienced courtroom clerk was assigned to Judge Woodward in January 2012. She served as his clerk in the civil department through June 2012. From approximately July 2, 2012 through August 10, 2012, she was the judge's

assigned courtroom clerk in the criminal department; however, during that period, she was receiving training in criminal trials in other departments. From approximately August 10, 2012 through October 26, 2012, the clerk was assigned to a probate department presided over by another judicial officer. The clerk was absent on leave for the remainder of the year.

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From approximately July 2012 through mid-May 2013, Judge Woodward was involved in an intimate relationship with the clerk. From the start of the intimate relationship through the date on which the court reassigned the clerk in April 2013, Judge Woodward did not attempt to ensure that he would not be working in the same courtroom with a clerk with whom he had an intimate relationship, and instead opposed and resisted any efforts to reassign the clerk. When Judge Woodward was reassigned from a civil department to a criminal department in July 2012, and when he was reassigned to a family law department in January 2013, he informed court administration that he wanted the clerk to continue serving as his courtroom clerk, rather than seeking to have her reassigned. As set forth in section II below, on two occasions thereafter when court administration and the presiding judge recommended or proposed that the clerk be reassigned, Judge Woodward resisted rather than allowing the clerk to be reassigned; he also resisted upon being informed in April 2013 that the clerk was being reassigned.

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On one occasion between January and March 2013, while Judge Woodward was in the courtroom and off the bench during a break in proceedings, he made an inappropriate sexual gesture toward the clerk while a member of the public was present in the audience (unbeknownst to the judge).

Between approximately May 2012 and April 2013, Judge Woodward used the court's computers to regularly exchange personal emails or texts with the clerk, not of an overtly sexual nature, that were unrelated to court business. During the intimate relationship with the clerk, Judge Woodward occasionally passed notes of a sexual nature to her during court proceedings. He allowed her to address him in an overfamiliar manner in the courthouse in the presence of other court staff, or within the hearing of other court staff or others (by allowing her to use a longstanding nickname used by the judge's friends and colleagues). When Judge Woodward accompanied the clerk on her lunch break, he sometimes allowed her to return to court slightly late.

Judge Woodward's conduct violated the Code of Judicial Ethics, canons 1 (a judge shall personally observe high standards of conduct so that the integrity of the judiciary will be preserved), 2 (a judge shall avoid impropriety and the appearance of impropriety), 2A (a judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary), 2B(1) (a judge shall not allow family, social or other relationships to influence the judge's judicial conduct), 3C(1) (a judge shall diligently discharge the judge's administrative responsibilities impartially, on the basis of merit, and in a manner that promotes public confidence in the integrity of the judiciary), 3C(2) (a judge shall cooperate with other judges and court officials in the administration of court business), 3C(5) and its predecessor canon 3C(4) (a judge shall avoid nepotism and favoritism) and 4A(2) (a judge shall conduct all of the judge's extrajudicial activities so that they do not demean the judicial office). The judge's conduct constitutes prejudicial misconduct.

II. Misleading court

On February 7, 2013, the court executive officer (CEO) spoke with Judge Woodward in chambers, and advised him that the clerk's husband had reportedly expressed concern to the clerk about the judge's "relationship" with her. The CEO recommended that the clerk be reassigned, and asked Judge Woodward what he wanted to do. Judge Woodward said he would speak with the clerk and get back to the CEO. Shortly thereafter, Judge Woodward called the CEO and said that he (the judge) would not be making any change to the clerk's assignment, or words to that effect. Judge Woodward said something to the effect that the clerk had talked to her husband, that they may be separating, and that her husband was angry with her. (The CEO did not specifically ask the judge about the nature of his relationship with the clerk. Judge Woodward did not indicate to the CEO, either directly or indirectly, that his relationship with the clerk was other than a professional one.) Judge Woodward thereby misled the CEO into believing that there was no need to reassign his courtroom clerk, with whom the judge was then involved in an intimate relationship.

In March 2013, Judge Woodward and Family Law Supervising Judge John Fielder met with Presiding Judge Colette Humphrey in her chambers. There was a discussion concerning a complaint that had been made about the behavior of Judge Woodward's clerk. The presiding judge was told that another clerk had complained that Judge Woodward's clerk addressed him by a nickname and engaged in flirtatious behavior toward him. Presiding Judge Humphrey suggested reassigning Judge Woodward's clerk. Judge Woodward declined. He stated that she was a good clerk. (Judge Fielder expressed the view that a family law department was very demanding, that Judge Woodward's clerk was a good clerk, and that the court could not reassign a clerk every time another clerk complained.) During this meeting, Judge Woodward misled his supervising and presiding

judges into believing that there was no need to reassign his courtroom clerk, with whom he was then involved in an intimate relationship.

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then involved in an intimate relationship. (A day or two after April 3, Judge Woodward told Judge Fielder that he would not contest the clerk's reassignment.)

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III. Prior discipline

Judge Woodward received a private admonishment in 2010 for improper handling of a contempt. (Priv. Adm. 232.)

IV. Mitigation

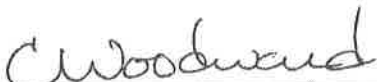
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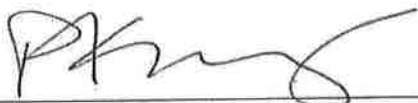
By signing this stipulation, in addition to consenting to discipline on the terms set forth, Judge Woodward expressly admits that the foregoing facts are true and that he agrees with the stated legal conclusions.

Dated: 7/21, 2014



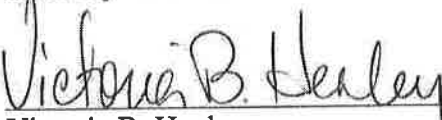
Judge Cory Woodward

Dated: 7/22, 2014



Paul S. Meyer, Esq.
Attorney for Judge Woodward

Dated: 7/28, 2014



Victoria B. Henley
Director-Chief Counsel