

Response to June 13, 2023 Letter of Reprimand

1. Ms. Rodriguez

Your conduct towards your coworker was disrespectful, lacked professionalism, and was not conducive to a productive work environment.

If my conduct were as characterized, the correspondence would not have lasted for so long, especially considering how easily intent is misunderstood in written communication. If "needy and mistake prone," for example, were meant seriously, Ms. Rodriguez would not have been included in the group text. The investigation fails to consider the fact that this was playful and ironic, meant to point out the exact opposite: Ms. Rodriguez was being praised. Neither recipient gave any indication at the time (September 2022) of reading the words as Ms. Rodriguez and the investigation have done subsequently. Neither in person, nor via text, nor via email did Ms. Rodriguez express a word of concern about content until March 11, 2023, which I acknowledged with my next text. My friendly texting with Ms. Rodriguez constituted normal social exchange and strengthened the work environment. My initial defense is Attachment One.

During the investigation interview you stated that the text messages that you were questioned about were selective, and taken out of context, over the course of a year of texting each other...Regardless of your opinion, this behavior is unacceptable.

Stating that a few texts out of hundreds is selective and out of context is not an opinion, it is fact; and the factual was disregarded anyway, while my accuser's opinion was regarded as fact. Two more unexamined contexts: conversation and emails. Before Ms. Rodriguez's sudden about-face, our topics of common interest, including dating (hers and mine), ranged widely.

2. Socializing at work

It is likely that you are spending an inordinate amount of time socializing in the workplace, distracting you from your work assignments.

By neglecting to count texts sent during work hours, the reprimand speculates erroneously about socializing at work. Excluding lunches, breaks and non-work hours, the number of non-work-related texts to Ms. Rodriguez during 72,402 work minutes from June 27, 2022 to March 11, 2023 was 117. None would have taken more than a minute to write. Thus the finding is not supported by the evidence.

3. Workload

You have failed to monitor your workload appropriately.

The reprimand fails to acknowledge a single time the defining factor of the period in question: the size of felony workload. Table 1 shows in bold the substantial increase in my workload

during the time frame of difficulties. Two clerks rather than the usual three or four handled all felony appeals from November 10, 2022 to February 8, 2023.

Table 1

	New appeals	Workload	Certified records
August 2022	14	38	18
September 2022	9	21	10
October 2022	20	40	8
November 2022	19	52	16
December 2022	38	58	20
January 2023	28	86	27
February 2023	24	74	30
March 2023	24	63	26
April 2023	14	59	30
May 2023	19	48	23

Table 2 shows how unusual the amount of work was. During the last period in which two clerks handled felony appeals, the workload was substantially lighter.

Table 2

	New appeals	Workload	Certified records
December 2021	13	17	11
January 2022	13	23	12
February 2022	9	17	9
March 2022	18	26	15
April 2022	14	32	9

4. Work habits counternarrative

Mr. Willis sat with you on March 25, 2023, to observe your work habits and offer suggestions for correcting time management concerns. He noted that you often get distracted from your work and fail to stay focused on your priorities. He observed that you have case files on your shelves with no organizational structure. This is an issue when another clerk comes in for overtime to assist with scanning and doesn't know what files to assist with. Mr. Willis also noticed your failure to plan for future due dates, requiring you to prepare your clerk's transcripts the week the records are due. This results in you having to complete the work at the last minute, often not meeting deadlines and seeking assistance on a routine basis.

After the shadowing, I texted a coworker that Mr. Willis was “positive about what he saw.” Like anyone who wants to make a good impression, I made a special point of being focused during the shadowing, which had been scheduled in advance. My files were organized by active and inactive shelves. During the workload spike, overflow inactive files were stored in the student

worker's cubicle until more shelving was made available. I kept a list of due dates. There are legitimate reasons for preparing clerk's transcripts later rather than sooner: abstracts are not ready or are amended, minutes are corrected, exhibit lists and other documents have not reached the file, orders appointing appellate counsel have not been issued and therefore the name of counsel cannot be listed on the cover. In normal times, I prepared a clerk's transcript sooner if all reporters turned in their transcripts early.

The reprimand fails to mention overtime. I worked few overtime hours (14.5) because my disabled, homebound domestic partner is alone too much already. Others in the unit, including my felony colleague during the two-clerk time frame, took greater advantage of overtime. Consequently, though I received assistance, including from the student worker (who assisted everyone), I was at a disadvantage by comparison. (Note: No criticism of coworkers is intended here or elsewhere; they were under extra pressure too.)

A way to evaluate work quality is to count omission letters, which are requests by appellate counsel to correct the record on appeal after it has been certified. Between November 2022 (see Table 1) and June 13, 2023, the date of the reprimand, I received 15 while my felony colleague received 32.

5. Notices to court reporters

There were multiple instances of your failure to notice the assigned Court Reporter timely of a transcript request by the Court of Appeals deadline...

The extraordinary workload resulting from unit vacancies explains the late notices. My felony colleague, whose workload was impacted similarly, also sent late notices. If a formal Office of Court Reporting Services (OCRS) complaint was issued in the past, I am unaware of it. Three emails from court reporters (two are OCRS supervisors) during the workload spike reflect their appreciation of my work ethic. (Attachment Two)

6. Requests for extension

...your negligent and careless actions may cause distrust and impact the relationship between the Superior Court and the District Court of Appeal.

The extraordinary workload resulting from unit vacancies explains the requests for extensions. My felony colleague, whose workload was impacted similarly, also requested extensions. I welcome an audit of requests for extension. Excluding other outliers such as our laborious transition from paper to electronic records on appeal, the number of requests during the workload spike may exceed my total requests over two decades.

7. Missing notice of appeal

On June 6, 2023, you notified Mr. Willis of a Notice of Appeal that was filed on February 27, 2023, that our office took in (Case no. CR138850), but the Notice of Appeal was never processed, and the original filing cannot be located.

The weekly schedule in my inbox is missing the name of the clerk who logged new appeals on February 27 (Attachment Three). Furthermore, the appeal is not mentioned in my emails at the time, including the one to the courtroom clerk who had the file for the other Gonzalez appeal filed the same day. Therefore I may never have touched the missing appeal. It is also worth pointing out that I make a copy of an appeal when searching for a file or for any other purpose; the original never leaves a designated manila folder on my desk and, once the file is located, the original remains with the file.

Conclusion

The investigation concerning myself and Ms. Rodriguez was incomplete. That said, as I enter the final years of a long career of service to the court, I will be more attentive to potential misunderstandings with coworkers.

Were the reprimand an accurate evaluation of my work performance, I would have been reprimanded before now, indeed multiple times. Instead, my record reflects zero reprimands in 24 years. Since 1998, I had been effectively a Lead, a go-to person for my coworkers, writing from scratch a draft version of all civil unlimited/probate/family appeals operational procedures, serving for many years on the Appeals, Forms and Employee Recognition committees, and spending countless hours as subject matter expert for the development and testing of CCMS-V3 and Tyler-Odyssey. Time management, care, diligence, etc. were required to complete these extra duties successfully. Most recently, I received the FY 2021-2022 Annual Court-Wide Top Star Recognition Award for working above and beyond the call of duty (Attachment Four).

Greg Hohman

November 13, 2023

ATTACHMENT ONE

Ms. Rodriguez and I developed a friendly texting routine about work and non-work matters multiple times in the period from June 2022 through March 2023. Our texts were always friendly, never pushy as far as I could tell from her responses (many of hers were peppered with laughter emojis). As identified in the texts taken out of the broader context of our friendly text conversations, we occasionally discussed her dating, and I would refer to my past dating in giving her advice. In hindsight, I should have avoided this topic altogether, but, at the time and in the context of our friendly banter, it did not present as inappropriate. It wasn't until the last text (March 2023) that I got a signal that she had an issue. Once she identified the issue, I immediately ceased all texting with her as I did not want to make her uncomfortable in any way. At least one of the texts shown to me was a group text (with Ms. Rodriguez and Ms. Seitova in September 2022). I believe the group context should be sufficient to identify my remarks as teasing, not to be taken seriously. Also, nothing in Ms. Rodriguez's response gave any indication that she thought (at that time) I was being inappropriate. Again, I note that her March 2023 text was abruptly different from her past tone and clearly identified for me that she was uncomfortable. And I immediately ceased my communications to avoid causing her any discomfort.

The texts presented to me were taken out of context from the other texts Ms. Rodriguez and I exchanged freely and in which we expressed ourselves in a laughing banter. The singled-out texts miss the context of our overall exchanges. Most importantly, I agree that the March 2023 text from her was clear about her feeling uncomfortable. As soon as I understood that, which was a significant departure from our past exchanges, I stopped my communications with her entirely as a clear sign that I respected her feelings. Had I had any indication from our previous free and laughter bantering exchanges of any uncomfortableness on her part, I would never have continued to engage in text exchanges.

Greg Hohman

April 14, 2023

ATTACHMENT TWO

From: [Morales, Kimberly A](#)
To: [Hohman, Greg](#)
Subject: RE: Appeals
Date: Thursday, February 2, 2023 9:23:07 AM

You have ALWAYS had a heavy workload. I can't even imagine what it's like now. I'm sorry. 😞

From: Hohman, Greg <Greg.Hohman@SDCourt.CA.Gov>
Sent: Thursday, February 2, 2023 9:21 AM
To: Morales, Kimberly A <KimberlyA.Morales@SDCourt.CA.Gov>
Subject: RE: Appeals

I appreciate conservation

Not great, won't be until vacancies here are filled. Basically forced to work OT. Not happy.

From: Morales, Kimberly A <KimberlyA.Morales@SDCourt.CA.Gov>
Sent: Thursday, February 2, 2023 9:13 AM
To: Hohman, Greg <Greg.Hohman@SDCourt.CA.Gov>
Subject: Appeals

Hi, Greg.

Hoping you're having a great Thursday. If we look really closely, we can see Friday at 5:00.

Just wanted to let you know I sent Joe Rivas' appeals (Peebles and Mendoza) in the same envelope. You know, I'm such the conservationist.

Kim

Kimberly A. Morales
CSR No. 7686
Court Reporter Supervisor
South County Division
(619) 746-6136

From: Burns, Nina
To: Hohman, Greg
Subject: You are AWESOME!!!
Date: Friday, March 3, 2023 10:15:02 AM

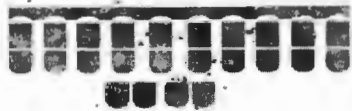
Happy Employee Appreciation Day!

I appreciate the work you do and your kindness so much!!!

Hang in there!



Nina L. Burns, CSR 9708
Court Reporter Supervisor
SDSC – Eastern Division



From: [Carrington, Kristine](#)
To: [Medina, Adela](#); [Hohman, Greg](#); [Medina-Luna, Yvonne](#)
Subject: Re: 1993 PH&S, Gonzalez, D081813, CR136721
Date: Friday, April 14, 2023 1:37:01 PM

Never a problem for you, Greg! You're the man!

I will make mine a Vol 2, starting on page 30, and will bring it down in the next hour or so.

Kristine Carrington, CSR No. 13552
Official Court Reporter
San Diego Superior Court
(619) 844-2627

From: Medina, Adela <Adela.Medina@SDCourt.CA.Gov>
Sent: Friday, April 14, 2023 1:29 PM
To: Hohman, Greg <Greg.Hohman@SDCourt.CA.Gov>; Carrington, Kristine <Kristine.Carrington@SDCourt.CA.Gov>; Medina-Luna, Yvonne <Yvonne.Medina-Luna@SDCourt.CA.Gov>
Subject: RE: 1993 PH&S, Gonzalez, D081813, CR136721

Hi, Greg.

Not an issue. Kristine will repaginate and resubmit. We will take care of Vol 1 and submit asap. Thank you.

Sincerely,

Adela Medina
CSR No. 11964
San Diego Superior Court
Court Reporter Supervisor
Central Division
(619) 844-2616

From: Hohman, Greg <Greg.Hohman@SDCourt.CA.Gov>
Sent: Friday, April 14, 2023 12:39 PM
To: Carrington, Kristine <Kristine.Carrington@SDCourt.CA.Gov>; Medina, Adela <Adela.Medina@SDCourt.CA.Gov>; Medina-Luna, Yvonne <Yvonne.Medina-Luna@SDCourt.CA.Gov>
Subject: 1993 PH&S, Gonzalez, D081813, CR136721

Hi Kristine, Adela and Yvonne,

I apologize for the short notice. DCA was able to provide Donna Beard's RT (attached). Kristine turned in her RT on April 12. Is it too late/a problem for her to be

Volume 2 instead?

Thank you.

Greg Hohman
Superior Court Central Division
Central Appeals Office
t. 619-844-2394
Mail Stop C-44

ATTACHMENT THREE

Name	Hours	Mon 02/27	Tue 02/28	Wed 03/01	Thu 03/02	Fri 03/03
Annie Yim Lead (CU)	8-5	Counter 2:30-4 Cashier and Mail Run	Counter 2:30-4 Cashier and Mail Run	Counter 2:30-4 Cashier and Mail Run	Counter 2:30-4 Cashier and Mail Run	Counter 2:30-4 Cashier and Mail Run
Chona Delos Santos (CU)	7:30-4:30	Counter 8:30-10 V3 Imaging / E-filing	Counter 8:30-10 V3 Imaging / E-filing	Counter 8:30-10 V3 Imaging / E-filing	Counter 8:30-10 V3 Imaging / E-filing	Counter 8:30-10 V3 Imaging / E-filing
Greg Hohman (Fel)	8-4:30		OFF	OFF	OFF	Mail Assist
Gulzara Seitova (AD/Fel)	8-5	Counter 10-11:30	Counter 10-11:30	Counter 10-11:30	Counter 10-11:30	Counter 10-11:30 OFF 1-5
Jessie Salas (Fel)	8-5	OFF	Counter 11:30-1 Felony Log/Exhibits	Felony Log/Exhibits	Felony Log/Exhibits	Felony Log/Exhibits
Marci Figueroa (AD/Fel)	7:30-4:30	Counter 11:30-1 OFF 1-4:30	JURY DUTY	Counter 11:30-1	Counter 11:30-1	Counter 11:30-1
Michelle Wolf (CU)	8-5	Counter 1-2:30	Counter 1-2:30	Counter 1-2:30	Counter 1-2:30	Counter 1-2:30
Sharon Ochoa (AD/DP)	8-4:30	ODY Testing 8:30-12 Mail Assist	ODY Testing 8:30-12 Mail Assist	ODY Testing 8:30-12 Mail Assist	ODY Testing 8:30-12 Mail Assist	OFF
Ximena Rodriguez (Student)	8-4:30	8-4:30	OFF	8-4:30	OFF	OFF
Ryan Willis (Supervisor)	8-5	WORKING OFF-SITE	WORKING OFF-SITE		WORKING OFF-SITE	

APPEALS WEEKLY SCHEDULE

Phones: 8:30-11:30 (all staff are to address the public phone line)

ATTACHMENT FOUR

Above & Beyond

ANNUAL COURT-WIDE

**TOP STAR RECOGNITION
AWARD**

Presented to

Greg Hohman

In recognition for working above and beyond the call of duty while fulfilling all other job expectations during FY 2021-2022.

On this date: August 31, 2022

Michael Roddy
Michael M. Roddy, Executive Officer