

## **PUBLIC ADMONISHMENT OF JUDGE DEBRA R. ARCHULETA**

This disciplinary matter concerns Judge Debra R. Archuleta, a judge of the Los Angeles County Superior Court. On July 2, 2025, Judge Archuleta waived her right to formal proceedings under rule 114 and to review by the Supreme Court and demanded an appearance before the commission. On November 26, 2025, Judge Archuleta withdrew her objections and demand for an appearance before the commission and determined not to contest the issuance of the public admonishment. Good cause appearing, the Commission on Judicial Performance issues this public admonishment pursuant to article VI, section 18(d) of the California Constitution and commission rule 113, as set forth in the following statement of facts and reasons found by the commission.

### **STATEMENT OF FACTS AND REASONS**

Judge Archuleta has been a judge of the Los Angeles County Superior Court since 2017. Her current term began in 2023.

The commission found that Judge Archuleta engaged in a pattern of discourteous, undignified, and impatient behavior, in seven matters; engaged in independent investigation; initiated an ex parte communication; and conducted off-the-record discussions concerning substantive matters without properly preserving the record.

From March 2020 until September 2023, Judge Archuleta presided over hearings involving children who had suffered abuse or neglect, or the risk of abuse or neglect, and had been removed from their parents' care pursuant to section 300 of the Welfare and Institutions Code [hereinafter "WIC"].

The juvenile courts consist of dependency and delinquency systems that serve overlapping but slightly different aims. Whereas the dependency system is geared toward the protection of a child victimized by parental abuse or neglect, the delinquency system enforces accountability for the child's own wrongdoing, both to rehabilitate the child and to protect the public. (See Welf. and Inst. Code, §§ 202(a), 202(b).) "[D]ependency cases must be conducted in an informal and non-adversarial atmosphere when possible." (Seiser & Kumli on California Juvenile Courts Practice and Procedure § 2.68 (Mathew Bender 2025).) "In recognition of the unique and informal nature of dependency proceedings, the term "collaboration" is often used to describe the ideal culture for effective resolution of the dependency case." (*Ibid.*)

The commission found that, in seven cases, Judge Archuleta created a contentious environment that failed to promote meaningful participation of all

parties, including children. Judge Archuleta created the appearance that she issued orders concerning removal, placement, or, in one matter, a clothing allowance, out of pique. At times, Judge Archuleta treated parents and children as if they were criminal defendants, instead of participants in dependency court.

In her response to the commission, Judge Archuleta stated that her comments were not improper, and merely reflected “a modicum of quick temper,” consistent with dictum in *Offutt v. United States* (1954) 348 U.S. 11, 17.<sup>1</sup> The commission found that Judge Archuleta’s remarks were not rare, isolated incidents, but rather reflected a pattern of intemperate behavior, as illustrated below.

1. *In re B.T.*, No. 19CCJP07656A

Judge Archuleta presided over *In re B.T.*, No. 19CCJP07656A, on March 30 and April 6, 2021. On March 30, Judge Archuleta presided over a WIC section 364 review hearing.<sup>2</sup> Deputy County Counsel Sarah Shon represented the Department of Children and Family Services (DCFS); attorney Elizabeth Lopez represented the child; attorney Laura Menke represented the father; and attorney Brittany Boyle represented the mother.

Ms. Shon requested that Judge Archuleta terminate jurisdiction and grant the mother sole physical and legal custody, with monitored visits for the father. Ms. Lopez requested that the court keep the case open for an additional six months to ensure that B.T. could safely remain in the mother’s custody. Ms. Lopez also stated that the mother had not complied with court-ordered programs, gave birth to a new baby (R.J., born in August 2020), and refused to provide the name of the father.

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<sup>1</sup> In *Offutt*, the United States Supreme Court found that the trial judge demonstrated bias, embroilment, and a lack of impartiality because of “excessive injection of the trial judge into the examination of witnesses, his numerous comments to defense counsel, indicating at times hostility, though under provocation.” (*Offutt v. United States*, *supra*, at p. 16.) The whole record demonstrated that the judge’s remarks were “not a rare flare-up, not a show of evanescent irritation -- a modicum of quick temper that must be allowed even judges.” (*Id.* at pp. 17-18.)

<sup>2</sup> When a child is placed in the home of the parent, WIC section 364 requires the court to hold a family maintenance review hearing no more than six months after the disposition hearing to determine whether conditions for continuing juvenile court jurisdiction and supervision exist.

Judge Archuleta asked if DCFS intended to conduct additional investigation and file a new petition for the newborn. Ms. Shon responded that DCFS had conducted an investigation and found the newborn was physically well. The following exchange then occurred.

THE COURT: Before I get to parents' counsel, Ms. Shon, do you have any idea why the department hasn't pulled this child from the mother?

MS. SHON: Your Honor, based on the reports, it appears, when the department was having their monthly contact, the child physically appeared to be doing well, and mother is meeting the child's physical and emotional needs.

THE COURT: Well, I disagree. I disagree, strenuously disagree.

(R.T. 9:14-23.)

Judge Archuleta discussed this matter with counsel off the record. Although no party requested it, and no petition was pending, Judge Archuleta then removed B.T. from the custody of her mother, in the following exchange.

THE COURT: I am immediately removing this child [B.T.] only from the custody of mother. Mother has failed completely and wholeheartedly in her case plan. I am not willing to go along with the recommendation of the department and look the other way where this child is concerned.

(R.T. 11:22-27.)

Judge Archuleta again discussed this matter with counsel off the record. She discussed removing B.T. and R.J. from their mother's custody and the filing of new petitions by DCFS. Attorneys for the parents "strenuously object[ed]" to the removal order. (R.T. 13:1-2.) As a result of Judge Archuleta's order, B.T. was placed in foster care. Later, on April 6, 2021, Judge Archuleta held a WIC section 387 detention hearing and formally detained B.T. from the mother.

The commission found that Judge Archuleta's conduct in *In re B.T.*, as described above, conveyed the appearance of embroilment and bias against DCFS and the mother. Judge Archuleta violated her duties to uphold the integrity and independence of the judiciary and to participate in establishing,

maintaining, and enforcing high standards of conduct, and personally observe those standards so that the integrity and independence of the judiciary is preserved (canon 1); to avoid impropriety and the appearance of impropriety in all of a judge's activities (canon 2); to respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary (canon 2A); to be faithful to the law regardless of partisan interests, public clamor, or fear of criticism, and to maintain professional competence in the law (canon 3B(2)); to perform judicial duties without bias or prejudice, and not to, in the performance of judicial duties, engage in speech, gestures, or other conduct that would reasonably be perceived as bias, prejudice, or harassment (canon 3B(5)); to accord to every person who has a legal interest in a proceeding, or that person's lawyer, the full right to be heard according to law (canon 3B(7)); and to dispose of all judicial matters fairly, promptly, and efficiently, and to manage the courtroom in a manner that provides all litigants the opportunity to have their matters fairly adjudicated in accordance with the law (canon 3B(8)).

When the court returned to the record, on March 30, 2021, Judge Archuleta stated that she had conducted an off-the-record discussion with counsel, but did not describe the off-the-record discussion when back on the record. Instead, she immediately made required findings to remove B.T. from her mother, and ordered DCFS to conduct further investigation. When the court returned to the record, after the second off-the-record discussion, Judge Archuleta said, "I have discussed this matter with counsel to have the custody removed from mother." (R.T. 12:17-18.) After "trailing" the matter to April 13 (for filing of a new petition), Judge Archuleta said, "Noting that mother and father both strenuously object to the court's course of action." (R.T. 13:1-2.) Judge Archuleta did not describe what was discussed when back on the record or describe what her "course of action" was. In her response to the commission's preliminary investigation letter, Judge Archuleta said she could not recall what was discussed during the off-the-record discussions.

Conducting an off-the-record discussion, by itself, is not improper. Together, WIC section 347 and California Rules of Court, rule 5.532 require that, in juvenile dependency cases, a court reporter "must record all proceedings," which includes "all of the statements and remarks of the judge and all persons appearing at the hearing." The Fourteenth Amendment requires that the record of proceedings must be "sufficient to permit adequate and effective appellate review." (*People v. Howard* (1992) 1 Cal.4th 1132, 1166.) In *In re B.T.*, all that is known is the outcome of the discussions – not what impelled Judge Archuleta to make her decision. The Court of Appeal has stated, "In dealing with so momentous a matter as the relationship between a parent and a child, it is incumbent upon the parties below, *including the court*, to establish a record

which allows for meaningful judicial review, both by appellate courts and in subsequent dependency proceedings.” (*In re Julie M.* (1999) 69 Cal.App.4th 41, 52, italics in original.) The commission found that Judge Archuleta’s off-the-record conversations with counsel concerning the substantive matter of B.T.’s removal from her mother did not adequately preserve the record, in contravention of WIC section 347, California Rules of Court, rule 5.532, and canons 2, 2A, 3B(2), and 3B(8)

2. *In re D.R.*, et al., No. 19LJJP00095A-F

Judge Archuleta presided over *In re D.R.*, et al., No. 19LJJP00095A-F, on May 26 and June 9, 2021. Deputy County Counsel Sarah Shon represented DCFS; attorneys Elizabeth Lopez, Tamara Garcia, and Christine Espejo each represented two children; attorney Laura Menke represented the mother; attorney Brittany Boyle represented father K.; and attorney Mel Hatamian represented father R.

On May 26, 2021, the matter was on calendar for a contested WIC section 366.22 review hearing and to determine whether to terminate services to the mother.<sup>3</sup> Ms. Shon, Ms. Espejo, and Ms. Garcia sought to terminate family reunification services. Ms. Lopez and Ms. Menke asked to extend services.

Judge Archuleta received information that the mother’s enrollment at Tarzana Treatment Center could not be confirmed due to the facility not returning the social worker’s telephone call. She asked Ms. Shon to obtain an update of the mother’s status at Tarzana and passed the matter to allow Ms. Shon time to obtain additional information.

When Judge Archuleta returned to the record, she stated:

Ms. Shon discussed -- we’re not going to go on the record -- the numerous efforts that she, the department, and various personnel for the DCFS have made to contact Tarzana. I have also called and have been put on hold for extended periods of time. I’ve been told there was [*sic*] HIPPA [*sic*] violations. I spoke with Mother, and then I was sent to a voicemail of a woman named Oshonda. I don’t know the

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<sup>3</sup> When a child has been placed outside the home of a parent, WIC section 366.22 requires a permanency review hearing within 18 months of removal from the physical custody of the parent or legal guardian.

spelling of her name, but I was sent to the voicemail, which does not provide the court any clarity.

(R.T. 17:6-15.)

In her response to the commission, Judge Archuleta stated she “did not believe it necessary to recite on the record details of [DCFS’s] efforts.” Not only did Judge Archuleta not make a record of DCFS’s efforts to contact the treatment center, however, she failed to make a record of substantive actions and discussions that occurred off-the-record.

While off the record, Ms. Shon extensively described efforts that the social worker made to contact the mother’s counselor at Tarzana. All telephone calls made by both the social worker and Ms. Shon were directed to the counselor’s voicemail. Judge Archuleta then stated to all counsel that she was going to call Tarzana Treatment Center herself. Judge Archuleta then called the treatment center on her cell phone from the bench. During the phone call, the mother called into the hearing. When a Tarzana representative answered the phone, Judge Archuleta identified herself and stated that she was in the “middle of a hearing and needed to speak with someone immediately.” The Tarzana representative asked about HIPAA [Health Insurance Portability and Accountability Act] releases, and Judge Archuleta asked both Ms. Shon and the mother if HIPAA releases had been signed. When no one could confirm that the releases had been signed, Judge Archuleta stated that, since the mother was on the telephone, she could orally consent. The Tarzana representative stated that they were unable to help her. Judge Archuleta then asked for the treatment center director. The Tarzana representative then transferred Judge Archuleta to voicemail. The judge then hung up the phone.

After the phone call was terminated, Judge Archuleta made negative comments about Tarzana Treatment Center, in the presence of all counsel and the mother. Judge Archuleta stated that she believed Tarzana had a bad reputation and that she was not impressed with them. She also commented that, if Tarzana’s lack of responsiveness was any indication of the mother’s treatment, it did not look good for the mother. Judge Archuleta stated that DCFS should reconsider its contract with Tarzana.

Judge Archuleta continued the matter until June 9, 2021, and ordered the parties to obtain updated information. Judge Archuleta stated, “This is Tarzana Treatment Center, folks. This is how they operate for the last 20 years. Maybe the department might want to consider a new agency for this type of services for their clients going forward.” (R.T. 19:22-27.)

On June 9, 2021, Judge Archuleta terminated family reunification services, ordered the children to remain in placement, and set a WIC section 366.26 hearing to terminate parental rights.<sup>4</sup>

The commission found that when Judge Archuleta personally contacted the treatment center, she independently investigated facts in the proceeding before her, in violation of canon 3B(7). The commission also found that Judge Archuleta's comments about Tarzana Treatment Center, described above, were discourteous, in violation of canons 2 and 2A. The commission also found that Judge Archuleta's off-the-record conversations with counsel concerning substantive matters did not adequately preserve the record, in contravention of WIC section 347, California Rules of Court, rule 5.532, and canons 2, 2A, 3B(2), and 3B(8).

### 3. *In re K.L., et al.*, Nos. 20CCJP05088A-C

Judge Archuleta presided over *In re K.L., et al.*, Nos. 20CCJP05088A-C, on August 13, 2021. Deputy County Counsel Lin Lee represented DCFS; attorney Scott Iseri represented the children; attorney Laura Menke represented the mother; and attorney Christine Hernandez represented the father.

On August 4, 2021, over the objection of County Counsel and children's counsel, Judge Archuleta returned the children to the home of the mother and stayed the order for one week to get an assessment of the mother's home. Judge Archuleta found that the mother had made substantial progress and the return of the children would not create a substantial risk to the well-being of the children.

On August 11, 2021, DCFS filed a Last Minute Information (LMI) report, which stated that the social worker saw the father with the mother after a home visit. The mother denied the allegation. Judge Archuleta extended the stay of the home-of-mother order and set the matter for a contested hearing. DCFS did not file a supplemental petition to change the prior order.

On August 13, 2021, prior to the hearing, Judge Archuleta conducted an off-the-record discussion with all counsel. The matter was on calendar for a

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<sup>4</sup> WIC section 366.26 outlines the procedure to select a permanent plan of adoption, legal guardianship, or long-term foster care, after reunification efforts have failed or been refused.

contested WIC section 366.21(e) hearing.<sup>5</sup> Because Judge Archuleta had previously made findings at the August 4, 2021 hearing, returning the children to the home of the mother, however, the hearing could not be considered a section 366.21(e) review hearing.

When Judge Archuleta called the *K.L.* matter, she stated that she intended to proceed under WIC section 385.<sup>6</sup> She did not mention the off-the-record discussion, nor record what was discussed. Only later in the hearing did she mention a “lengthy, lengthy” off-the-record discussion with all counsel regarding how to proceed and procedural due process. (R.T. 122:10.)

Ms. Menke made a record that she believed that DCFS should have filed a petition pursuant to WIC sections 387, 342, or 388, because “the home-of-parent order as [*sic*] those petitions would have allowed notice as well as clear standards as to what the evidence here [*sic*] burden is.”<sup>7</sup> (R.T. 9:18-21.) Ms. Menke agreed that Judge Archuleta could deem the LMI as a section 385 petition. Ms. Hernandez made a record that WIC section 385 should be limited to visitation orders. Judge Archuleta then deemed the LMI as a section 385 petition.

At the hearing, Ms. Menke called the mother as a witness. When Ms. Menke asked about a phone call between the mother and father, the following exchange occurred.

MS. HERNANDEZ: Objection; relevance.

MS. MENKE: Well, whether or not --

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<sup>5</sup> When a child is placed in foster care, WIC section 366.21(e) requires a six-month review hearing to consider return of the child to the physical custody of a parent or legal guardian.

<sup>6</sup> A WIC section 385 petition may be used to change, modify, or set aside an order previously made.

<sup>7</sup> WIC section 387 pertains to a modification of a previous placement order to remove a child from the physical custody of a parent, guardian, or relative and place the child in a foster home or licensed facility. A section 387 petition may be made only after a noticed hearing upon a supplemental petition. WIC section 342 permits a subsequent petition that alleges new facts and circumstances from the original WIC section 300 petition. WIC section 388 permits a supplemental petition to change, modify, or set aside an order previously made or to terminate jurisdiction of the court.



THE COURT: *Excuse me. May I rule, Ms. Menke? If you don't stop interrupting the court, I'm going to have to take another break. I think it should be abundantly clear, Ms. Menke, that the court is running short on patience with you.*

(R.T. 65:20-26, italics added.)

While Ms. Menke was questioning the mother about why she requested a modification of a criminal protective order, the following exchange occurred.

THE COURT: Well, she's denied that she had any input in the decision, Ms. Menke, so your question is irrelevant. [¶] Next question, please.

MS. MENKE: I'm sorry, Your Honor, just to object to --

THE COURT: *Are you going to argue with me again? I said it's irrelevant. We're not -- I'm not going to allow the last question. She denies having any input, reading the document, et cetera. [¶] Next question, please.*

(R.T. 80:24-81:6, italics added.)

At a previous hearing, on May 26, the mother requested a restraining order against the father. When Ms. Menke attempted to ask questions about this issue, the following exchange occurred.

MS. MENKE: When father contacted you and you felt harassed --

THE COURT: *We're not going there.*

MS. HERNANDEZ: Objection --

THE COURT: Objection. It's irrelevant. [¶] *Ms. Menke, the court is giving you an order that once again you are refusing to follow. Questions on the criminal protective order and the modification only or I'm going to cease allowing you to ask questions. [¶] Do you understand the court's order?*

MS. MENKE: Yes, Your Honor.

(R.T. 81:13-24, italics added.)

During Ms. Menke's argument, she stated that a statement in the LMI was "patently false," when the following exchange occurred.

THE COURT: We're not discussing the 21e and individual counseling. That is not the issue before the court, Ms. Menke.

MS. MENKE: Well, as I stated earlier, Your Honor, it is my position that because the home-of-parent order was made by this court, that the department should have filed a 387 or a 342.

THE COURT: *We're way past that. You agreed to proceed on a 385 today.*

MS. MENKE: Okay. Your Honor --

THE COURT: *That's what we are doing. We're not discussing her individual counseling.*

MS. MENKE: Understood. My purpose of it was in fact not about compliance. It was about the fact that the social worker misstated her own evidence, and, again, this goes to her credibility because she said that the social -- that the individual counseling counselor said that there was no progress made, and that's not in the evidence. In fact[,] her own report on the 21e indicates the phone call she made to the counselor that --

THE COURT: *Why are we discussing the 21e? I don't want to hear about the 21e.*

MS. MENKE: But it's in evidence, Your Honor. I'm just referring to the evidence.

THE COURT: We are discussing the findings that the court made on August 4 to today's date. *I'm not litigating the contents of the 21e report. You've argued that Ms. Jones lacks credibility, she's patently lying in her L.M.I. We're going to leave it at that. [¶] Okay? [¶] Please move on.*

MS. MENKE: Thank you. But just to clarify, I'm not saying that she's necessarily lying. I don't have evidence of that. I

do think that she has reported things to this court that are false, whether --

THE COURT: *You used the words patently lying or lied --*

MS. MENKE: False.

THE COURT: *-- three or four times. Patent lies are contained in this report, those were your words, patent lies.*

MS. MENKE: I'm sorry, I disagree. I said falsehoods.

THE COURT: *Or patent falsehoods. Okay. Patently false. I'm not sure what the discrepancy or the distinction is, frankly.*

(R.T. 97:6-98:24, italics added.)

Ms. Menke continued her argument, when Judge Archuleta interrupted to say, "*Ms. Menke, you're repeating yourself. I've heard this four times from you now. I've heard the testimony. You're repeating yourself.*" (R.T. 99:16-18, italics added.) When Ms. Menke finished, Judge Archuleta stated, "*Thank you, Ms. Menke. Thank you. Thank you. I've allowed to you argue for nearly 20 minutes now.*" (R.T. 101:7-9, italics added.)

Ms. Lee asked that the hearing be deemed a WIC section 366.21(e) hearing, when the following exchange occurred.

THE COURT: *Excuse me, Ms. Lee, why are you making that request six hours later into the hearing, when we had a lengthy, lengthy discussion before I went on the record of this -- on this, at 10:30 this morning?*

MS. LEE: Well, the 385 was just to reverse the court's prior order to release to a home-of-parent father -- I mean --

THE COURT: *No, it wasn't. No, it wasn't. That was not the reason that this was deemed a 385 at your request today based on the L.M.I. that was filed. [¶] When the court started this proceeding, it wasn't to reverse the 21e hearing. That's why, based on all the agreements of counsel and the court, it was deemed a 385, because I did not know until we held a hearing whether or not those orders were going to be*

*reversed. [¶] So, no, your request is untimely. It's a different standard, and that's not how the court is going to rule.*

. . .

MS. LEE: Understood, Your Honor. [¶] Can we go off the record for a minute?

THE COURT: *No, we're not going off the record. I've been on this case for six hours. I'm not going to go off the record at this time. If you want to discuss something on the record on this, we can do it on Monday or next Friday. [¶] But, Ms. Lee, I followed the lead of you, as the petitioner, and all counsel. I proceeded on this as a 385. That's how the court held this hearing and that's how I am ruling.*

(R.T. 122:8-124:3, italics added.)

Judge Archuleta removed the child from the mother, continued family reunification services for the mother, and set a review date.

Judge Archuleta contacted Ms. Menke's supervisor, Emily Berger, to complain about Ms. Menke. Judge Archuleta told Ms. Berger that she was upset with the way that Ms. Menke made a record. As a result of that conversation, Ms. Berger reassigned Ms. Menke to another courtroom.

The commission found that Judge Archuleta's treatment of Ms. Menke, as described above, exhibited discourtesy and impatience. Judge Archuleta improperly admonished Ms. Menke for accusing a social worker of lying, however, Ms. Menke stated the social worker's report contained "patent falsehoods," and did not accuse the social worker of lying. The commission found that contacting Ms. Menke's supervisor conveyed the appearance of embroilment and bias. The commission also found that Judge Archuleta's treatment of Ms. Menke in court, in the presence of her client, conveyed the appearance of embroilment and bias, and improperly questioned her professionalism, which could reasonably interfere with the attorney-client relationship. In her response to the commission, Judge Archuleta stated that she admonished Ms. Menke in order to control the courtroom, because Ms. Menke was being disrespectful. Even if Ms. Menke was disrespectful, which is not apparent from the transcript, the judge's conduct was improper. The commission found that Judge Archuleta's conduct, described above, violated her duty to be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and

others with whom a judge deals in an official capacity (canon 3B(4)), as well as canons 1, 2, 2A, 3B(2), 3B(5), and 3B(8).

The commission also found that Judge Archuleta's off-the-record conversations with counsel concerning substantive matters did not adequately preserve the record, in contravention of WIC section 347, California Rules of Court, rule 5.532, and canons 2, 2A, 3B(2), and 3B(8).

4. *In re L.H., et al.*, No. 19CCJP07388A

Judge Archuleta presided over *In re Matter of L.H.*, No. 19CCJP07388A, on October 14 and 19, 2021. On October 14, 2021, she presided over a WIC section 342 petition.<sup>8</sup> Deputy County Counsel Lin Lee represented DCFS; attorney Tamara Garcia represented two children; attorney Christine Hernandez represented the mother; and attorney Grace White represented the father.

Judge Archuleta granted the petition, removed the children from the mother's custody, and ordered them to live with the father. Judge Archuleta disagreed with the DCFS case plan, as illustrated in the following exchange.

THE COURT: . . . I don't agree with this case plan. I'm ordering a full drug and alcohol program for a minimum of six months with aftercare. I'm also ordering random or on-demand weekly drug testing. I'm ordering a 12-step program with court card [proof of attendance card] and sponsor. [¶] *In light of drug history, I can't believe the department is not ordering this. This is a dereliction of duty by the department.* I'm looking at -- mother was previously charged and sentenced on importation of heroin, importation of cocaine, importation of methamphetamine. There's drug paraphernalia in her home and yet the department doesn't see fit to order her into a drug rehab program. *They just want random drug tests. Are you kidding me?* [¶] I'm also ordering ten random or on-demand consecutive drug tests. If any missed or dirty -- well, I'm already ordering the drug rehab program. There's a prior history in this matter with these children. *And I'm frankly appalled by the lack of case plan being ordered in this case, in light of the allegations.* [¶] I'm going to order her into parenting classes, individual

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<sup>8</sup> A WIC section 342 petition pertains to a subsequent petition that alleges new facts or circumstances, other than those under which the original WIC section 300 petition was sustained.

counseling, monitored visitation, DCFS approved monitor with discretion to liberalize by the department. *I don't know what the discretion to liberalize would be, but they've checked that box. They just didn't check the box for all the drug programs that this woman apparently desperately needs.* [¶] She's not the custodial parent; so I'm deleting box 1. [¶] . . . I do not want the children around mother's boyfriend. That should have also been included. The children are not to be near [D.P.]. These children are not to be near him. [¶] *Is there some reason, Ms. Lee, that was also not included in this case plan?*

MS. LEE: No, Your Honor, we were going to separately ask for a stay away order.

THE COURT: Who prepared these case plans?

MS. LEE: I did, Your Honor, based on the recommendations in the report.

THE COURT: Are you allowed to step out of the recommendations of the report, Ms. Lee?

MS. LEE: I am not, Your Honor, but the court has full discretion, obviously, to make corrections.

(R.T. 13:3-15:2, italics added.)

After discussing future hearings, Judge Archuleta stated:

*I have to say, in full disclosure, I'm going to be calling the social worker and the supervisor on the recommendations in this case. Just so everybody knows, full disclosure, I'm going to call them concerning their recommendations and case plans.* [¶] *All right.*

(R.T. 16:3-8, italics added.)

Judge Archuleta did not ask counsel if anyone objected to her contacting the social worker and supervisor. Judge Archuleta then set a future hearing in the matter and concluded proceedings.

On October 14, 2021, Ms. Shon sent an email to Judge Archuleta and all attorneys on this matter and disclosed that Judge Archuleta had conducted an ex parte communication with a social worker.

On October 19, 2021, Judge Archuleta presided over a “walk on” hearing in order to disclose the ex parte communication. Ms. Shon represented DCFS; Ms. Garcia represented the children; Ms. Hernandez again represented the mother; and attorney Bernal Ojeda represented the father. Also present was DCFS Investigator/Social Worker Africa Arroyo. At the beginning of the hearing, Judge Archuleta summarized the prior hearing and disclosed the ex parte communication in the following exchange.

THE COURT: . . . And, when the court reviewed the case plan, as it related to mother, the court had some concerns because it appears that mother has a long and lengthy drug history. Not only has she been convicted of trafficking, but she appears to have a significant substance abuse problem that has been demonstrated to this court, not only in the current case but, I believe, in previous cases. [¶] At the conclusion of the hearing, *the court was taken aback by the fact that the case plan made no provisions for any kind of a drug program for mother.* And I indicated, over mother’s counsel’s objection, that I was ordering a full six-month drug and alcohol program with aftercare, random or on-demand weekly drug testing, a 12-step program, with court card and sponsor. And the court wasn’t satisfied with the case plan that was ordered with ten random or on-demand consecutive drug tests, given the long and ongoing history. [¶] I also indicated to counsel that because I was rather surprised at the case plan recommendation, *I did reach out to the social worker/DI [DCFS Investigator], Africa Arroyo. We had a brief chat on the phone, wherein the court indicated I wanted to speak with her and her supervisor about this matter.* She was very professional, very pleasant. She gave me an explanation, which we will get to in a moment. And I indicated -- she offered to call in on Monday, but I said, “No. It’s your day off. We’ll chat with [sic] this on Tuesday.” *And I also said, if she wanted to have a chance to look at it, that I would like to chat with her and her supervisor about it.* [¶] Anyway, when I spoke with Ms. Arroyo -- and she can speak for herself in a moment -- *she indicated the reasoning why she had made such an assessment for the case plan* -- and I don’t want to speak for her. [¶] But, Ms. Arroyo, *since*

*everyone is apparently very interested in what you and I spoke about*, I would appreciate you restating on the record now, for all parties that are present, to hear what it is, from your perspective, was discussed by the court.

MS. ARROYO: I know that we discussed the reason why you were not in agreement with our recommendation of ordering the ten consecutive drug tests. I did inform you that we -- based on our assessment, the previous -- the case in its entirety, mom had tested negative for the department, including October 5th. And based on that, we decided that it would be more reasonable for us to recommend the mother do ten consecutive tests. And, if she were to test positive or miss a test, she would have to complete a whole program.

THE COURT: Ms. Arroyo, when you say, "we," are you referring to your supervisor?

MS. ARROYO: The department. Based on the assessment and the review of all the previous reports written by previous service workers and my assessment that I did. And when I write the case plan recommendation, it's being reviewed by my supervisor as well; so it's kind of like a conjoint recommendation that is approved by him when we sign it, so just a recommendation given to the court.

THE COURT: And for the record, your supervisor is Ariel, A-r-i-e-l, Rivera; correct?

MS. ARROYO: Correct.

THE COURT: And Mr. Rivera was not part of the conversation that you and I had; is that correct?

MS. ARROYO: Correct.

THE COURT: Does anyone have any questions for Ms. Arroyo, based on what she has stated to the court today?

MS. HERNANDEZ: Your Honor, I do not have a question regarding the communication that took place. However, please note for the record my objections to the communication having taken place in the first place, given



that it was an ex parte communication. [¶] And I will also continue to note my objections regarding the full drug program that was ordered, the six-month program, given that Ms. Arroyo has made a record today regarding why the department has recommended ten consecutive drug tests.

(R.T. 20:2-22:26, italics added.)

Before concluding proceedings, Judge Archuleta stated:

*At the conclusion of the proceedings, I indicated to counsel that I was going to call the social worker to inquire about the recommendations in the case plan. Ms. Lee was here for the department, all the attorneys that have appeared here today present for this Webex were there. And no one indicated any objection to the court making such a phone call, including you, Ms. Hernandez.*

(R.T. 23:14-21, italics added.)

The commission found that Judge Archuleta's comments regarding DCFS and the case plan, in open court, were sarcastic, discourteous, and disparaging of DCFS, and conveyed the appearance of bias and embroilment. The commission further found that contacting the social worker constituted an improper ex parte communication, in violation of the judge's duty not to initiate, permit, or consider ex parte communications, that is, any communications to or from the judge outside the presence of the parties concerning a pending or impending proceeding, and to make reasonable efforts to avoid such communications (pursuant to canon 3B(7)). Judge Archuleta's conduct also constituted a violation of canons 1, 2, 2A, 3B(4), and 3B(5).

5. *In re H.R.*, et al., No. 20CCJP03448A

Judge Archuleta presided over *In re H.R.*, No. 20CCJP03448A, on January 4, 2022. Deputy County Counsel Lin Lee represented DCFS; attorney Andrew Loewy represented the child; and attorney Nusha Ahmed represented the mother. This matter was on the calendar for an appearance progress report and recall of a protective custody warrant. H.R. was a 14-year-old child with a history of multiple psychiatric hospitalizations, and the victim of physical abuse.

At the hearing, Judge Archuleta disparaged H.R. as someone who was "*taking advantage of the situation.*" (R.T. 6:26-27, italics added.) She also stated

that the child “*needs to take a little bit of personal responsibility.*” (R.T. 10:27-28, italics added.)

Judge Archuleta ordered DCFS to place H.R. in a different foster home and refused to order a clothing allowance for H.R., as illustrated below.

THE COURT: . . . I’m not willing to do a clothing allowance at this point in time. I’m sorry. *I’m just not going to reward continued bad behavior with a clothing allowance.* I think, if [H.R.] wants to try to earn the clothing allowance, I’m happy to try to work with her to do that. But this drug abuse, this runaway behavior, this disrespect to these caregivers who are trying to take care of her, no, I’m not going to do the clothing allowance. *She can earn the clothing allowance.*

(R.T. 7:12-21, italics added.)

The commission found that Judge Archuleta disparaging the child reflected discourtesy. Judge Archuleta’s refusal to order a clothing allowance conveyed the appearance of embroilment, bias, and retaliation against H.R., and violated canons 1, 2, 2A, 3B(4) and 3B(5).

#### 6. *In re R.G.*, et al., No. 19CCJP8130C

Judge Archuleta presided over *In re R.G.*, et al., No. 19CCJP8130C, on May 17, 2022. Deputy County Counsel Lin Lee represented DCFS; attorney Andrew Loewy represented R.G.; attorney Elizabeth Lopez represented R.G.’s sibling; attorney Etchu Tasinga represented the mother; and attorney Jonathan Segura represented the father. This matter was on the calendar for a WIC section 364 hearing for R.G.’s sibling and a section 366.21(e)/366.22 hearing for R.G. DCFS recommended that family reunification services for the mother be terminated.

Prior to calling the case, Judge Archuleta had an off-the-record discussion with all of the attorneys. Judge Archuleta stated she intended to remove R.G. from his grandmother’s care. Mr. Loewy objected to the removal, because R.G. was not present, although he wanted to be present. Mr. Loewy asked for a continuance so R.G. could be present. Judge Archuleta gave all counsel approximately 15 minutes to reach out to their respective clients before calling the case on the record.

When Judge Archuleta called the matter, R.G. was not present. Mr. Loewy stated that R.G. wanted to be present, and had been ordered to appear, but had

not been transported to court. Judge Archuleta agreed to continue the matter, but stated, “*We don’t know if [R.G.] voluntarily absented himself from today’s proceedings or not.*” (R.T. 5:11-13, italics added.)

Judge Archuleta requested an LMI concerning the status of a juvenile delinquency matter concerning R.G. She ordered that R.G. be removed from his grandmother’s care forthwith, because she had read a report from the previous year in which R.G. had taken a loaded firearm to school. Judge Archuleta stated that R.G. was not attending school and the grandmother could not provide proper supervision for him.

Mr. Loewy objected to removing R.G. from his grandmother’s care, stating he had resumed going to school and the juvenile delinquency court had not seen fit to remove him from his grandmother’s care. Judge Archuleta responded:

Well, that’s fine. I have. *I don’t care what the delinquency court is doing. I’m removing him.*

(R.T. 8:11-13, italics added.)

Mr. Loewy stated the grandmother was a source of stability for R.G. and he had agreed to participate in individual counseling. Judge Archuleta argued with Mr. Loewy, in the following exchange.

THE COURT: All right. [¶] If grandmother can care for [R.G.], then why was it on June 7th of last year he was rushed to the hospital due to a gunshot wound on the right leg? He was in the city of Compton, hanging out with friends, went to a liquor store to grab a snack, and then he was shot. [¶] Let’s see. [¶] Then, thereafter, he’s noncompliant attending school. Then he takes a loaded gun to his school in October of 2021. Yes, there is a delinquency case. I think they call it juvenile justice. When I was over there, it was called delinquency. [¶] So[,] I respectfully disagree that grandmother has any ability to control this young man. I don’t know where he got the loaded firearm. He claims that he doesn’t have any gang affiliation. [¶] And also we have the negative contact that he’s had with his sister. *His dad is already in state prison, and I’m trying to prevent him from ending up there, to the best of my ability. I believe this young man poses a danger, not only to himself, but to his family and to members of the community at large.* And the fact that no one -- this was unknown to this court, that this young man

had taken a loaded gun to an 8th grade middle school last year. It was unknown to this court. [¶] *And that he's being allowed to remain in the current placement with his grandmother, frankly, shocks me beyond words.* [¶] *So[,] this young man is a danger, and I'm removing him from the home.* And your report -- your request for a stay is respectfully denied. You've also indicated you talked to your client last night, and now he's willing to comply; but, yet, *he hasn't bothered to call in or participate in today's proceedings.* So[,] you've had recent contact with him, and he's noncompliant. So[,] I am not going to have a stay on this removal. It's going to happen forthwith. [¶] I'm hoping that in the future, the services that have been offered to [R.G.], the schooling that has been offered, and the support by his family that has been offered will remain in place. *But I have no information about what is happening in the juvenile justice case, nor at this point do I care.* I'm removing him from the home of grandmother. She does not have the capability to keep him safe and keep other people safe.

(R.T. 9:2-10:21, italics added.)

The mother's attorney joined Mr. Loewy's objection to the removal order, stating the mother was concerned that, if R.G. was removed from his grandmother's home, he would run away from placement and be on the streets. The following exchange then occurred.

THE COURT: . . . So[,] I understand mother's concern. She visits with him every week or every other week for 15 to 20 minutes. She had dinner with him on his birthday back in December; so[,] I don't know what to say. This kid is falling through the cracks, and *I'm trying to save his life and other people that he might come in contact with.* [¶] Yes, Ms. Lee.

MS. LEE: Just noting the department's objection for the record, Your Honor.

THE COURT: You want me to keep him where he is, Ms. Lee? Is that what the department's request is?

MS. LEE: At this time, yes.

THE COURT: Okay. [¶] So[,] you want to keep this child that takes a loaded gun to a middle school in his current placement? [¶] Well, your objection is noted for the record, and is also overruled. He's to be removed forthwith.

(R.T. 11:18-12:9, italics added.)

A WIC section 387 petition to place R.G. in a more restrictive placement had not been filed, and all of the attorneys objected to removing R.G. from his grandmother's care. Judge Archuleta did not state under what authority she was making the removal order. The information Judge Archuleta relied upon to remove R.G. was old information she had recently discovered. Many of Judge Archuleta's comments about R.G. being a danger to others were gratuitous and sarcastic.

Judge Archuleta's comments stating she did not care what the juvenile delinquency court did, were discourteous and constitute conduct prejudicial to the administration of justice that brings the judicial office into disrepute.<sup>9</sup> Judge Archuleta's comments about R.G. being voluntarily absent were not supported by the record and called into question Mr. Loewy's representation that there was an issue with transportation.

The commission found that Judge Archuleta's remarks about the mother were also gratuitous and sarcastic. Judge Archuleta chastised the mother, instead of addressing the argument that R.G. had been doing better with his grandmother and might run away from placement if he were moved. In her response to the commission, Judge Archuleta stated she was commenting on the evidence; however, the mother did not testify and evidence of the mother's visits was not presented on May 17.

The commission found that Judge Archuleta's conduct, as described above, was discourteous and conveyed the appearance of bias and embroilment, in violation of canons 1, 2, 2A, 3B(4), and 3B(5).

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<sup>9</sup> In general, dual jurisdiction over youths is forbidden. In 2004, the Legislature created an exception for counties that act in accordance with a precise written protocol, pursuant to WIC section 241.1. In Los Angeles County, the protocol for minors who fall within both the dependency and juvenile justice systems is to obtain a joint assessment by a multidisciplinary team to determine the youth's legal status (dependency or juvenile justice).

7. *In re A.O.*, No. 18CCJP04979A

Judge Archuleta presided over *In re A.O.*, No. 18CCJP04979A, on May 17, 20, and 26, 2022. A.O., who identified as transgender, reported other students called him “faggot” and other derogatory names, which was the basis for A.O.’s refusal to go to school. Previously, on May 2, 2022, Judge Archuleta ordered A.O.’s phone be taken from him.

On May 17, 2022, Judge Archuleta presided over an appearance progress hearing. Deputy Counsel Irene Lee represented DCFS; and attorney Tamara Garcia represented A.O., who was present. Ms. Garcia informed Judge Archuleta A.O. was refusing to attend school because of “the bullying situation,” in which he was called derogatory names while sitting in class. (R.T. 3:23-25.) Judge Archuleta asked, “*With regard to this bullying that is going on, is [sic] there any reports that corroborate what [A.O.] is claiming is happening at the school?*” (R.T. 4:3-5, italics added.) Judge Archuleta questioned Ms. Garcia regarding what steps she had taken with the school. Ms. Garcia responded that, since the last hearing, she had talked with the group home manager and left a message with the school counselor. Judge Archuleta stated, “*I want to know who is stepping up and calling the school and doing something about it and not sitting around and waiting for phone calls to be returned and CFT meetings to happen?*” (R.T. 5:22-25, italics added.) Judge Archuleta questioned whether A.O. was really being bullied. While discussing schools and whether an individualized education program (IEP) had been conducted, Judge Archuleta stated the following:

I’m a little confused because San Pedro is where he’s being bullied. So[,] they have already done one IEP. They give him a nonpublic school option, and now that doesn’t satisfy him either. [¶] So[,] are we going to keep having IEP’s until we find a schooling that satisfies your client, Ms. Garcia, or what?

(R.T. 10:1-7, italics added.)

Judge Archuleta read from a report which stated A.O. refused to attend school after being told he could not use his phone during school hours. A.O. reportedly stated he needed the phone to contact his therapist and group home staff. Group home staff reported A.O. was not engaging with his mental health team. Judge Archuleta then stated, “*It seems to me there’s some manipulation and behavioral issues going on here that also need to be addressed.*” (R.T. 12:13-15, italics added.) Judge Archuleta then made the following orders.

*There is no excuse that [A.O.] should not be attending school. [¶] I'm ordering [A.O.] to attend school. We're not going to wait for an IEP and find a placement for him. He is going to school. [¶] Now he is defying court orders and has been for an extended period of time. He is starting school beginning tomorrow.*

(R.T. 13:11-18, italics added.)

After Judge Archuleta learned the mental health team gave A.O. rewards to attend counseling, the following exchange occurred.

THE COURT: 'Since the last court hearing, [A.O.] was provided his phone by accident.' [¶] Well, didn't this court take the phone?

MS. LEE: The court ordered the phone to be taken, but it wasn't clear as to whether it was at court or at his placement. And due to some safety concerns and the minor indicating that he would AWOL if the phone was taken away, that did not occur. [¶] But as I stated in the conference, Your Honor--

THE COURT: Did someone come to me and ask for clarification on the court's order? There was someone here that transported [A.O.] to court when I made the order. I had a bailiff in there, I had a court officer, I had the transportation personnel. I made an order. [¶] What miscommunication? [¶] And so now he's threatening to AWOL. I made that order to take the phone back on May 2nd. [¶] The phone is to be removed forthwith. [¶] Now --

MS. LEE: May I ask the deputy to retrieve the phone from the minor and hand it to the court officer, and I will make arrangements for the phone to be kept, then?

THE COURT: That's what I intended on May 2nd. I didn't realize no one knew who was supposed to take away the phone. That's when I made the order, on May 2nd. [¶] So[,] I'm ordering the deputy to take the phone and remove it now, and to provide it to the court officer. And then we will readdress this issue when we're back in court on June 13th. [¶] . . . [¶]

*The phone is being taken. [A.O.] is going to comply and cooperate. He's going to school, he's going to continue to shower, he's going to -- ordered to be engaged with his mental health team. [¶] . . . [¶] I want [A.O.] in school, I want him working with staff, I want him getting his mental health treatment in place.*

(R.T. 14:16-17:18, italics added.)

The commission found that Judge Archuleta's comments ("this bullying," asking if there were reports that could "corroborate what [A.O.] is claiming," and "are we going to keep having IEP's"), and comments implying that A.O. was being unreasonable and manipulative were unnecessarily harsh.

The commission found Judge Archuleta's comment, "I want to know who is stepping up," as well as demands for A.O. to comply with orders, implied that DCFS was not doing enough to help A.O., and unnecessarily disparaged DCFS.

The commission found Judge Archuleta's conduct and comments about A.O., as described above, were discourteous and conveyed the appearance of embroilment, in violation of canons 2, 2A, and 3B(4).

The judge's conduct, in the seven matters described above, at a minimum, constituted improper action. (Cal. Const., art. VI, section 18, subd. (d).)

The commission found Judge Archuleta's misconduct was aggravated by prior discipline. In February 2023, the commission privately admonished Judge Archuleta for conduct in four matters spanning September 2020 through February 2021. The commission found the judge denied litigants the opportunity to be heard; was discourteous; made remarks that gave the appearance of bias and prejudgment, and that she was ruling out of pique, in making a decision to vacate an order returning a child to his parents' custody, deny the parents reunification services, and set a hearing to terminate parental rights; improperly threatened to have a caregiver removed from the courtroom; and disregarded fundamental rights and abused her authority when she failed to review a case file before holding a hearing and issuing an order. The commission found the judge's conduct violated canons 2A, 3B(2), 3B(4), 3B(7), and 3B(8). The commission noted it considered in mitigation that Judge Archuleta engaged in the misconduct within the first six months of her assignment to dependency court and before she attended formal dependency training.

Commission members Ms. Kay Cooperman Jue; Mr. Alton L. Garrett, Jr.; Rickey Ivie, Esq.; Hon. Julia C. Kelety; Mr. Richard A. Long; Hon. Kimberly



Merrifield; Dr. Michael A. Moodian; and Mr. Gerald C. Shelton voted for the Notice of Tentative Public Admonishment. Commission member Mani Sheik, Esq. would have referred the matter to Trial Counsel for consideration of formal proceedings. Commission members Hon. Lisa B. Lench and Ms. Beatriz E. Tapia were recused.

Date: December 18, 2025