**California Judicial Complaint**

Information from:

<https://cjp.ca.gov/faq>

<https://cjp.ca.gov/online-complaint-instructions>

**Who Can File a Complaint?**

Any individual or group may file a complaint. The commission has received complaints from litigants, attorneys, jurors, court-watchers, court personnel, prisoners, court administrators, members of the public, judges, legislators, and others. **Anyone who has knowledge of possible judicial misconduct may file a complaint.** The commission also considers complaints made anonymously and matters it learns of in other ways, such as from news articles or from information received in the course of a commission investigation.

**What Is Judicial Misconduct?**

Judicial misconduct usually involves conduct in conflict with the standards set forth in the [Code of Judicial Ethics](http://www.courts.ca.gov/ca_code_judicial_ethics.pdf). Some examples of judicial misconduct are rude or abusive demeanor, conflict of interest, abuse of the contempt power, communicating improperly with only one side to a proceeding, delay in decision-making, and commenting on a pending case.  Judicial discipline has been categorized according to the [Types of Misconduct](https://cjp.ca.gov/wp-content/uploads/sites/40/2016/09/Chart_-_Types_of_Misconduct.pdf) involved.

**To file a judicial misconduct complaint online, please fill out the online form.**

**Your Information**

* Please provide your name, email address, telephone number, and address.

**Judge’s Information and Conduct**

* Provide the full name of the judicial officer that is the subject of your complaint, and the court in which the judicial officer sits.
* If your complaint involves a court case, provide the case type, name, and number, and your relationship to the case.
* Provide the date or dates the conduct occurred.
* In the Description of Conduct section, provide a detailed description of the action or behavior that you believe is [**misconduct**](https://cjp.ca.gov/wp-content/uploads/sites/40/2016/09/Chart_-_Types_of_Misconduct.pdf)
	+ A complaint should not simply state conclusions, such as “the judge was rude” or “the judge was biased.” Instead, the complaint should fully describe what the judicial officer did and said. If a court document, such as a minute order or transcript, or an audio or video recording shows the misconduct, you may submit a copy (do not send original documents) or mention it in your complaint.
	+ An error in a judge’s decision or ruling is not, by itself, misconduct. A complaint that describes a legal error, but does not describe judicial misconduct, will not be investigated.  For example, allegations that a judge has wrongfully excluded evidence, imposed an improper sentence, awarded custody to the wrong party, incorrectly awarded spousal or child support, incorrectly resolved a legal issue, or believed perjured testimony do not generally constitute misconduct.
	+ It is not necessary to provide legal analysis or a discussion of the applicable canons of the Code of Judicial Ethics.  What is needed is a full statement of facts describing the judicial officer’s misconduct.

\*ONLINE COMPLAINT FORM IS ALREADY FILLED OUT WITH THIS INFORMATION\*

**Upload Attachments, Submit Complaint**

* As part of the online complaint form, you may upload up to 10 attachments, with a maximum of 10 MB each. Allowable file types are jpg, pdf, doc, docx, xls, png, mov, and mpeg.
* Provide any helpful documents. Send only copies and keep the originals.

\*ATTACH/UPLOAD A PDF OF THE COURT TRANSCRIPT TO YOUR COMPLAINT\*

\*EDIT/PERSONALIZE THE FOLLOWING EXAMPLES OF JUDICIAL MISCONDUCT (FROM TYPE OF MISCONDUCT CHART) AND CREATE/SAVE AS A NEW DOCUMENT TO ATTACH TO YOUR COMPLAINT\*

Regarding personalization, please add to the top of the Complaint a sentence about how you were attending the hearing (watching on zoom, there as a similarly situated party/joinder, etc.) and that you personally witnessed judicial misconduct on the part of Judge Schulman including the examples.

**COMPLAINT ABOUT A CALIFORNIA JUDGE**

**Submitted By: Your First Last Name**

**Name of Judge: Ethan P. Schulman**

**Court: San Francisco Superior**

**Name of Case and Case Number: Ex Parte Eigil Qwist CGC-21-595192**

**Date Misconduct Occurred: 10.13.21**

**\*Court Transcript Attached\***

**#4 - Bias/Appearance of Bias Toward a Particular Class**

All judges are required to rule with impartially in accordance with Law in order to maintain the utmost integrity of Court decisions. However, Judge Schulman appeared to come into the Court biased against those who value freedom of choice regarding medical interventions including those who have sincerely held religious beliefs in this regard, and specifically showed obvious bias against unvaccinated people in his comments on the record. At one point, Judge Schulman seemed to represent and attempt to prosecute on behalf of the pharmaceutical/vaccine industry quoting on the record a purely political (non-scientific) opinion from the *New York Times,* though the Code of Judicial Ethics expressly prohibits judges from independently introducing any evidence or facts not properly presented before the Court, including information from the media. Further, Judge Schulman went so far as giving his medical opinion (attempting to practice medicine from the bench) with an outlandish and patently false statement on the record directed towards Eigil Qwist, “And if you're vaccinated, you won't infect anybody, sir” (found on court transcript page 20, line 28 and page 21, line 29). These examples demonstrate clear bias on the part of Judge Schulman.

**#7 - Non-Performance of Judicial Functions**

Judge Schulman violated Rules of Judicial Procedure including the following:

1. Did not swear in Eigil Qwist at the beginning of the hearing
2. Dismissed Eigil Qwist’s court reporter even after being told that the court reporter had already been paid for the appearance (so a cost had already been incurred by Eigil Qwist).
3. Referred to a previous case Eigil Qwist had brought before the Court though it did not have any bearing on the current case
4. Attempted to represent “The City and County of San Francisco” (corporate entity) and litigate on behalf of The City from the bench
5. Dispensed medical opinion (practiced medicine) from the bench
6. Dispensed public health policy opinions from the bench

Judge Schulman did not demonstrate that he had sufficiently reviewed the paperwork filed by Eigil Qwist and showed a fundamental lack of understanding of the matter before the Court.

Throughout the ex parte hearing, Judge Schulman continually referenced “The City and County of San Francisco” as the “defendant” in the case, though Eigil Qwist was the only party before the Court and he was seeking injunctive relief against Carol Isen, Director of Human Resources for the City and County of San Francisco, in her personal/private capacity. Judge Schulman concluded on page 20, line 11 of the court transcript, “So for all of those reasons, but particularly the basic procedural failing -- of failing to give ***the City*** [emphasis mine] notice and an opportunity to be heard, I'm denying this emergency request for injunctive relief or any other lawful remedy.” However, the City (a corporate entity) was not a party to the matter. The only party personally involved was Carol Isen, who had been given proper notice and reasonable opportunity by Eigil Qwist to respond prior to the hearing yet she chose to abdicate her duty and stand mute.

Judge Schulman disregarded the authority of Supreme Court decision regarding ex parte hearings in *Janin v. Logan*, 209 Ky. 811, 273 S.W. 531, 532 which was cited by Eigil Qwist, as evidenced on page 5, line 16 of the court transcript, “Sir, I've -- I've considered that authority. I have to tell you, you're just wrong.” Judge Schulman failed to provide any case law to support his opinion nor did he properly state any findings of fact or conclusions of law as to why he made this determination. Judges cannot set aside long-standing Supreme Court precedent based merely upon their own independent opinions. On the contrary, the doctrine of *stare decisis*, “to stand by that which is decided” obligates courts to follow historical cases when making a ruling on a similar case, ensures that cases with similar scenarios and facts are approached in the same way and binds courts to follow precedents set by previous decisions. Judge Schulman made a determination on his own against Supreme Court authority and violated California Code and Rules of Judicial Procedure by giving his personal political opinions about the case rather than ruling on the evidence presented by Eigil Qwist and upon facts and conclusions of law.

**#12 - Failure to Ensure Rights**

Eigil Qwist, and those similarly situated, provided substantial evidence of the deprivation and violation of rights (at minimum the rights secured by the First, Fourth and Fifth Amendments) and proof of ongoing harm and impending imminent injury which merited emergency injunctive relief, yet Judge Schulman wantonly ignored the violations and denied relief despite ongoing harm/injury.

**#20 - On-Bench Abuse of Authority in Performance of Judicial Duties**

Judge Schulman did not base his decision upon findings of fact and conclusions of law, but rather, litigated the matter from the bench on behalf of “The City” using unsubstantiated quotes from the *New York Times*. On page 20, Line 24, he states "I'll just mention, as an aside, that if you looked at the *New York* *Times* today, there's a front page article which says that... ‘By far, the most common cause of duty-related deaths among American law enforcement officers in the last two years is COVID-19…So the idea that an injunction is necessary here to protect either individuals is unsupported, and it would present a serious risk of harm to the public.” This statement by Judge Schulman is neither scientific fact nor lawful justification for allowing the ongoing violation of rights of Eigil Qwist, and those similarly situated.

Judge Schulman abused his authority in attempting to make a public health risk assessment whereas he is bound by sworn Oath to protect the *rights* of the People and cannot ignore violations of rights before him.