

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-298

Judge: Juan M. Guerrero

Complainant: David M. Haws

ORDER

The complainant alleges a justice of the peace engaged in improper political activity, heard a matter on which he had previously recused, engaged in improper ex parte communication, and abused the prestige of judicial office.

Judge Guerrero previously recused himself from an injunction against harassment proceeding between Riedel Construction, Inc. (owned by Nieves Riedel) and Guillermina Fuentes, and the matter was assigned to Judge Stewart. Following a hearing requested by Ms. Fuentes, Judge Stewart upheld the injunction against harassment in an order dated June 13, 2018. On the day of the primary election—August 28, 2018 – a polling place was set up at the county complex in which Judge Guerrero’s court was located. Some candidates, including Nieves Riedel, who was running for mayor of San Luis, set up campaign booths nearby. Judge Guerrero was seen in Ms. Riedel’s campaign booth on a couple of occasions throughout the day. Ms. Fuentes also was present in the vicinity of the polling place and campaign booths. Ms. Riedel came into Judge Guerrero’s court seeking the court’s assistance in enforcing the terms of her injunction against harassment against Ms. Fuentes, claiming law enforcement personnel on site refused to arrest Ms. Fuentes. Judge Guerrero then conducted a hearing on the record in the injunction against harassment case at which Ms. Riedel was present but Ms. Fuentes was not. No notice was given to Ms. Fuentes. Judge Guerrero also had his staff contact law enforcement to have them be present for the hearing. During the hearing, two law enforcement officers advised Judge Guerrero that they had consulted with the city attorney about Ms. Fuentes’ presence, and the city attorney advised them that Ms. Fuentes had a first amendment right to be present and there was no cause to arrest her. , Judge Guerrero nevertheless threatened the officers with contempt of court if they failed to arrest Ms. Fuentes and enforce the injunction. Judge Guerrero stated he believed Ms. Fuentes was guilty of violating the injunction. Ultimately, Judge Guerrero did not find the officers in contempt.

This order may not be used as a basis for disqualification of a judge.

The Commission found that Judge Guerrero's conduct as described above violated the following Code provisions:

Rule 1.1 (Compliance with the Law): "A judge shall comply with the law, including the Code of Judicial Conduct."

Rule 1.2 (Promoting Confidence in the Judiciary): "A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety."

Rule 1.3 (Avoiding Abuse of the Prestige of Judicial Office): "A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of others, or allow others to do so."

Rule 2.2 (Impartiality and Fairness): "A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially."

Rule 2.5(A) (Competence, Diligence, and Cooperation): "A judge shall perform judicial and administrative duties competently, diligently, and promptly."

Rule 2.6(A) (Ensuring the Right to be Heard): "A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law."

Rule 2.9 (Ex Parte Communication):

"(A) A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers concerning a pending or impending matter . . ."

"(C) Except as otherwise provided by law, a judge shall not investigate facts in a matter independently, and shall consider only the evidence presented and any facts that may properly be judicially noticed."

Rule 2.10(A) (Judicial Statements on Pending and Impending Cases): "A judge shall not make any public statement that might reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending in any court, or make any nonpublic statement that might substantially interfere with a fair trial or hearing."

Rule 2.11(A) (Disqualification): "A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances:

This order may not be used as a basis for disqualification of a judge.

(1) The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of facts that are in dispute in the proceeding.

(2) The judge knows that the judge . . . is: . . . (d) likely to be a material witness in the proceeding.”

Accordingly, Judge Juan M. Guerrero is hereby publicly reprimanded for his conduct as described above and pursuant to Commission Rule 17(a). The Commission further directs that Judge Guerrero complete the web-based course, “Ethics and Judging: Reaching Higher Ground,” offered through the National Judicial College, beginning June 10, 2019, or an alternative course approved by the Commission Chair, at his own expense.

The record in this case, consisting of the Complaint, the judge's response, and this Order shall be made public as required by Rule 9(a).

Commission members Denise K. Aguilar and Louis Frank Dominguez did not participate in the consideration of this matter.

Dated: March 29, 2019

FOR THE COMMISSION

/s/ Diane M. Johnsen

Hon. Diane M. Johnsen
Commission Vice-Chair

Copies of this order were distributed to all appropriate persons on March 29, 2019.

This order may not be used as a basis for disqualification of a judge.

From: Haws, David
Sent: Thursday, September 20, 2018 11:02 AM
To: Downie, Margaret
Cc: Schaben, Kathy
Subject: FW: Judge Guerrero Election Day matter

Margaret Downie
Executive Director
Arizona Commission of Judicial Conduct

RE: Complaint against Judge Juan Guerrero, Justice of the Peace, San Luis, Arizona

Dear Director Downie,

On August 28, 2018, I received a message that Glen Gimbut and Kay Macuil, from the City Attorney's Office in San Luis, had called to inform me of a problem with Judge Guerrero. I returned the calls but was unable to get a hold of either of them. I did not get a call back. I asked Kathy Schaben to follow up with Glen Gimbut and Kay Macuil. Kathy Schaben did speak with them and prepared a memo detailing what she learned from those conversations. I have copied Kathy Schaben's memo to the body of this email. I am also attaching PDF files of the court documents relating to the injunction against harassment that is at issue in this matter, as well as an electronic copy of Kathy Schaben's memo to me.

Judge Haws,

As you requested, I am providing you with some background information and a summary of the events regarding the Judge Guerrero matter.

On 8/28/2018 you had informed me that Kay Macuil, San Luis City Attorney and Glen Gimbut, Former San Luis City Attorney had both attempted to contact you on that same day regarding an "emergency" issue with Judge Juan Guerrero. When you returned their calls neither was available to answer. I offered to follow up with Kay Macuil on your behalf and you asked me to do so.

As we are both aware there were various ex parte orders issued and subsequent hearing(s) held on petitions for Injunctions Against Workplace Harassment between Nieves Reidel and Guillermina Fuentes.

❖ **Background**

- Nieves Reidel is a San Luis business owner and current candidate for San Luis Mayor.
- Guillermina Fuentes is also a San Luis business owner current candidate for Gadsden District School Board.
- The most current issue between the two ladies is based on a Workplace IAH petition / order.
- Judge Guerrero issued an order in favor of Ms. Reidel.
- Ms. Fuentes claimed bias and requested that he recuse himself.
- He ultimately did recuse himself and the matter was transferred to Judge Greg Stewart, Yuma Justice Court, Precinct 1.
- Judge Stewart did issue orders in the case.
- Our Caseflow Unit is presently trying to access copies of both the original (Judge Guerrero) and the current (Judge Stewart).

❖ **Summary of the setting and information I related to you on 8/28/2018 after speaking with Kay Macuil by phone.**

- Ms. Macuil indicated that there was a problem with Judge Guerrero that had been reported to her related to his actions on 8/28/2018 (primary election day).
- There was a polling place located in the same complex where South County Justice Court, Precinct 2 is located.
- In addition there were campaign booths located somewhere in the same vicinity.
- Two San Luis Police Officers were stationed on site as a matter of course to keep the peace on election day.
- At some point in the day Judge Guerrero came out of the courthouse and went over to where Ms. Reidel was located in her booth.
- Apparently Ms. Fuentes was nearby.
- Judge Guerrero ordered the two San Luis Police Officers to arrest Ms. Fuentes on his order (Injunction Against Workplace Harassment).
- The SLPD officers refused to make the arrest.
- Judge Guerrero went back to his courtroom and took the two SLPD officers with him.
- In the courtroom he ordered them to arrest Ms. Fuentes or he would find them in contempt of court.
- The two SLPD officers then contacted their superior from SLPD, Lieutenant Alvarez.
- Lieutenant Alvarez contacted the Yuma County Attorney's Office for guidance.
- He spoke with an unnamed Deputy County Attorney and was then connected to Deputy County Attorney Ed Feheley who supported the officers' position that they had no grounds to arrest Ms. Fuentes.
- Finally, it was also reported that Judge Guerrero was with Ms. Reidel in her campaign booth sometime that day.

To be clear, all facts in the second section relating to the events of 8/28/2018 were related to me by Kay Macuil. I have no first-hand knowledge.

Please let me know if you need additional information.

Kathy

After receiving this information from Kathy Schaben I have continued to look into the matter, speaking with Judge Gregory Stewart and Judge Manuel Figueroa both of whom

received calls from Judge Guerrero on election day. Judge Guerrero called them, seeking their support for his decision to hold the San Luis Police Officers in contempt for refusing to arrest Ms. Fuentes for violating the order. Both Judge Stewart and Judge Figueroa discouraged him from doing so.

Judge Stewart told me that when they spoke on the phone, Judge Guerrero told him that he had instructed the officers to arrest Ms. Fuentes for violating the order but that they refused to do so. Judge Guerrero further told Judge Stewart he wanted to hold the officers in contempt of court for refusing to follow his instructions. Judge Stewart told he should not do that. Ultimately, the officers were not cited for contempt and Ms. Fuentes was not arrested.

Judge Guerrero's alleged conduct raises a number of concerns. First, the initial part of this situation allegedly took place in public, near a polling place, on election day. Judge Guerrero, Ms. Reidel, and Ms. Fuentes were all candidates in that election. Secondly, Judge Guerrero was allegedly taking action, outside of court, in a matter from which he had previously recused himself because of a potential conflict of interest. Thirdly, the language of the order at issue only prohibits Ms. Fuentes from going to Ms. Reidel's place of business. As a result, it appears that Judge Guerrero was ordering officers to make an arrest for conduct that did not violate the order. Fourthly, Judge Guerrero allegedly threatened officers with contempt for refusing to arrest a person for conduct they did not believe violated the order.

I believe that my responsibilities as Presiding Judge require me to bring this matter to your attention. Please let me know if you need any additional information from me or if I can provide any assistance.

David M. Haws

Presiding Judge, Yuma County Superior Court

From: Schaben, Kathy
Sent: Wednesday, September 12, 2018 12:31 PM
To: Haws, David
Subject: JP2 Matter

Judge Haws,

As you requested, I am providing you with some background information and a summary of the events regarding the Judge Guerrero matter.

On 8/28/2018 you had informed me that Kay Macuil, San Luis City Attorney and Glen Gimbut, Former San Luis City Attorney had both attempted to contact you on that same day regarding an "emergency" issue with Judge Juan Guerrero. When you returned their calls neither was available to answer. I offered to follow up with Kay Macuil on your behalf and you asked me to do so.

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Please let me know if you need additional information.

Kathy

Kathleen M. Schaben
Court Administrator
Superior Court in Yuma County
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Resp
18-298
12/24/18

December 24, 2018

Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, AZ 85007

RE: Response Regarding Case No. 18-298
RE: The Honorable Juan M. Guerrero
Yuma County Justice Court

Dear Commission Members,

I represent the Honorable Judge Guerrero regarding the aforementioned matter. He and I both appreciate the opportunity to address the concerns that you have raised in your letter dated November, 26, 2018.

In introduction, Judge Guerrero was born and raised in the small town of Somerton, Arizona. After serving in the Armed Forces for ten years, he returned to Somerton and served in law enforcement. He was elected to the Judiciary as a Justice of the Peace on November 4, 2014, and was serving his fourth year of judiciary service at the time this event took place. Additionally, he has no prior reprimands, censures or suspensions during his tenure on the bench.

On August 28, 2018, elections, as well as election activities, were taking place in a building complex in San Luis, Arizona. The business complex houses both the Yuma County Justice Court, South County, Precinct 2, and the San Luis Library. The voting site was in the library. Judge Guerrero is the Justice of the Peace of this court, and so the court is in the same complex as the library.

On the relevant day, Nieves Reidel, a San Luis small business owner, was running for the position of mayor for the town of San Luis. Guillermina Fuentes serves on the Gadson District School Board, was not running for election on that day, and was never running as an opponent of Ms. Reidel. There were a number of booths set up by citizens running for election. Judge Guerrero socially visited a number of voting booths during the day, and at no time did he intend to use his status as a member of the judiciary to sway votes, affect the election, or use his status to cause damage to another candidate.

Specifically, he could not have intended to affect the election of Ms. Fuentes, as suggested by Court Administrator Kathy Schaben, Court Administrator, suggests, since Ms. Fuentes was not running for office on that date. (Page 2 of Letter from Judge Haws).

That fact is highly important because it completely dismisses what is suggested to be an intentional conduct to affect any outcome of that election.

The following issues are being addressed.

I. CONSIDERATION OF USING THE PRESTIGE OF THE OFFICE TO AFFECT OR INFLUENCE THE OUTCOME OF AN ELECTION.

Being present in any voting booths on election day must be addressed pursuant to Canon 1, Rules 1.2, 1.3 (*Hereinafter "Rule"*) Rules 2.3 and 4.1.

On election day, Judge Guerrero visited a number of voting booths of a number of candidates for purely social means. These booths were not election stations, but booths where candidates were offering information and urging support of voters. It is true as alleged that he was present at one point in the voting booth of Ms. Reidel. He was only in Ms. Reidel's booth for a couple of minutes, as he was also with other voting booths. He intended his visits to be social, and never desired to influence any aspect of the election.

He had no intention to support the election of Ms. Reidel, and he was not on the bench, in the midst of performing judicial activities, or wearing his robe or any identification which would identify him as a judge. However, from a different perspective, he sees how being present in any voting booth may be perceived by others to be showing support for a candidate. He had no desire to do so, and his social visits to other booths shows this. He has only served on the bench for less than four years, and after reviewing the code and contemplating his behavior, he unequivocally understands that on an election day he must not visit any voting booth. He recognizes that even being social, the perception that is he supporting a candidate could lead to an impermissible perception of being support of that candidate.

The majority of the cited Rules above, he acknowledges that being present at a voting booth might cause a diminishment in confidence of his independence, if combined with a perception that he was abusing the prestige of his office to obtain a result in the election. He believes that his conduct did not rise to this level, although if so, it would be the possible perception of others regarding his conduct that would be at issue. He never intended to use the integrity or prestige of his office to influence the election.

The majority of Rule 4.1 Comments regarding influence of an election involve claims where a member of the judiciary is the candidate, or affirmatively speaks or campaigns for a candidate. In this case, Judge Guerrero engaged in a short, mere presence, in a campaign booth.

While Rule 4.1 speaks generally of imperishable conduct such as affirmative conduct such as making speeches or publically endorsing candidates, he believes that his presence may merit review of Rule 4.1. Given that he did not engage in the

affirmative conduct described in Rule 4.1 and Comments, he believes that his conduct falls outside the scope of Rule 4.1. However, he has reviewed this Rule, and as noted above, in the future will continue to abide by it and comply with it without limitation.

II. REVIEW OF ALLEGATIONS THE JUDGE GUERRERO ORDERED POLICE OFFICERS TO MAKE AN ARREST FOR VIOLATION OF AN INJUNCTION ORDER THAT WAS NOT VALID IS INCORRECT.

There is discussion in Judge Haws' letter, that Judge Guerrero was ordering the arrest of a person pursuant to an injunction that was invalid. This allegation is factually incorrect. The two parties have an ongoing battle that is so convoluted that Court Administrator Kathy Schaben noted in her memo to Judge Haws, that "as we are both aware, there were various ex parte orders issued and subsequent hearing(s) held on petitions for injunctions Against Workplace Harassment between Nieves Reidel and Guillermina Fuentes." (Haws Letter email from Court Administrator Kathy Schaben). This comment implies that the two have continuing arguments and injunctions to the point that they are known by most of the local judges.

In the materials provided by Judge Haws, the final Injunction Against Workplace Harassment is included which was modified on April 23, 2018, to include the order that Ms. Reidel have "no contact" provision at Ms. Reidel's construction site (she owns a construction company). However, it never deleted or changed the provision of previous orders, and in fact affirmed the "no contact except through attorneys, legal process, court hearings" etc., and ordered that Ms. Fuentes not have contact with Ms. Reidel. (Exhibit A.) Near the polling place, starting at 7:00 a.m., Ms. Fuentes was at the polling place, wandering through and around Ms. Fuentes' polling booth, and by her conduct being too close in violation of the Injunction. This resulted in Ms. Reidel coming to the court, at which time Judge Guerrero decided to have a proceeding on the record. At this time, Ms. Reidel voiced her concerns. (Ex. B, Pages 3-4, 8-10.) The Injunction provided as Exhibit B was valid, and Ms. Fuentes was in direct violation of it.

The behavior of Judge Guerrero regarding the enforcement of this Order is discussed below. However, any allegation that he ordered police officers to arrest an individual when there was not an Order in place must be disregarded.

III. JUDGE GUERRERO DID NOT VIOLATE THE CODE OF JUDICIAL CONDUCT IN ORDERING TWO OFFICERS OF THE SAN LUIS POLICE TO ARREST MS. FUENTES.

The email to Judge Haws from Kathy Schaben notes that she had no first-hand knowledge regarding any of the information. (Schaben email to Haws at 2.) The actions of Judge Guerrero are not correct, and are explained and shown in Exhibits B, C, and D.

Judge Guerrero's first contact with Ms. Reidel was when she approached the

front desk of the Clerk's window at the court, and Clerk Karla Zepeda told Ms. Reidel to wait in the courtroom. (Ex. C. D.) Judge Guerrero ordered Ms. Zepeda to call the San Luis police and ask for a police officer to attend the hearing held in open court. Judge Guerrero allowed Ms. Zepeda to speak, and she claimed extensively that the San Luis Police Department consistently ignored her request for them to enforce the existing Injunction. Of great importance at this point, is that Judge Guerrero recused himself from issuing this Order and it was ordered by Judge Stewart. Once the order was valid and approved by Judge Stewart, any argument that he should have recused himself from enforcing the Order lacks merit.

In the complaint, it is alleged that Judge Guerrero called Judge Stewart and Judge Figueroa to "drum up support" for his desire to force the San Luis Police to arrest Ms. Fuentes. First, Judge Stewart was the initial judge who ordered this Injunction. It would be natural for Judge Guerrero to call Judge Stewart for advice. Second, it is true that Judge Guerrero expressed his desire to enforce the order, and asked Judge Stewart for his opinion and to agree with him. Judge Stewart advised him not to, and as shown in the transcript, that is what he did. (Ex. B at 10, Ex. C).

Judge Guerrero has no recollection of calling Judge Figueroa, but does not deny that he did so. If so, he felt that the Order should be enforced, and he likely expressed his opinion and desire to hold an officer in contempt for failing to enforce the Injunction to Judge Figueroa.

Once Judge Guerrero decided that he should order the police to make an arrest, his calling other judges and seeking their advice and support would be expected. Again, both officers advised him not to hold an officer in contempt and although he made threats, he heeded their advice and chose not to. He never held any officer in contempt, and left the San Luis Corporal to make his decision regarding how to handle the situation. He stated:

I'm not saying you have to conduct an arrest. You have to do this. No.

But every citizen in this county or in this district, or at least within the jurisdiction of this court, needs to have the ability that they still have the trust in their courts and their law enforcement. That every time they could ask for help, we're going to provide that help. Do you understand that sir?

(Id. at 10-11)

While the facts regarding how he started his interaction with law enforcement remain at issue, his final order does not. He did not hold any law enforcement officer in contempt, and his final order to law enforcement was to Corporal Miller of the San Luis Police Department, saying he would not tell him how to do his job, and *he was not ordering him to make an arrest.* (Emphasis added.)(Id.)

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III. ALTHOUGH THESE FACTS REMAIN IN DISPUTE, EVEN IF TRUE, JUDGE GUERRERO DID NOT VIOLATE THE CODE OF JUDICIAL CONDUCT IN ORDERING TWO OFFICERS OF THE SAN LUIS POLICE TO ARREST MS. FUENTES GIVEN THAT THERE WAS A VALID INJUNCTION IN PLACE AND SHE WAS IN DIRECT VIOLATION OF IT.

As noted above, Judge Guerrero asserts, as supported by Exhibits B, C, and D, that his first discussion with law enforcement was when he approached two San Luis police officers and advised them that they must arrest Ms. Fuentes.

Judge Guerrero reiterates that his first contact with law enforcement was in his courtroom. In that transcript, he indeed threatens to hold two law enforcement officers in contempt, although he does not. Indeed, he advised the Corporal from San Luis Police Department that he was not going to tell him to make an arrest. (*Ex. B* at 10.)

However, even if he did tell two San Luis Police Officers he would hold them in contempt if they did not conduct an arrest, Ms. Fuentes had committed an illegal act, the offense was committed in plain view of the police, as arrest would have been lawful, and the police officers' refusal to enforce a clear violation of the law might merit a contempt order. However, reviewing the Code and Preamble, even though Judge Guerrero denies this version of events, he would not be in direct violation of the Code.

Rather, such action might reflect on his demeanor as opposed to a violation. Certainly, the officers could have taken a report and issued a citation at a later time. While still disputing this version of events, Judge Guerrero believes this action in public might be inconsistent with his desire that all members of the judiciary promote the greatest possible public confidence in their independence, impartiality, integrity and respectful demeanor that would enhance public faith in the judiciary. However, Judge Guerrero did not conduct this act in public, notwithstanding his desire to enforce the Injunction once in chambers. (*Ex. B.*)

IV. COMMENTS AND CONCLUSION

This complaint is differentiated from a vast number of complaints where the Respondent committed acts in which s/he would benefit personally. Judge Guerrero never engaged in any action where he would benefit personally in any way, and did not participate in unethical action related to his own election.

He recognizes that as a member of the judiciary, to avoid any appearance of impropriety he will never again socialize around voting sites and never visit people running for election. This complaint has made a huge impact on this and he does not need to be sanctioned or warned for this conduct.

He objects to the allegation that he was ordering police to affect an arrest on an invalid Injunction, and has shown this allegation to be false.

He further disputes the characterization of calling other judges to “drum up support” for his decision to hold police officers in contempt. He had the power to issue such an Order without calling other judges, and chose not to do it. At worst, his communications, if they were taken as that by the other judges, shows that he was very passionate about his position and in the future will need to be sure to control his demeanor as he handles contentious matters such as this one.

He recognizes the potential violations his behavior could result in that could diminish faith in the judiciary, and in the future will take great care not to become overly passionate in cases such as this. He has learned, regardless of whether a violation of the Code, that he should control his demeanor to ensure that all public he has contact will promote the greatest confidence in the judiciary. He asserts that this action is not a violation, although he concedes how other judges could have perceived his conduct. He has also learned from this allegation and is ensuring that his demeanor in the future will be always be above reproach and such a perception by other judges, if true, will ever happen again.

While Judge Guerrero firmly denies any misconduct that was intentional, he recognizes that this Committee will also be examining conduct which was knowingly, recklessly, or left the perception of conduct which would violate the rules. Judge Guerrero has taken responsibility above for these possible scenarios and made changes to prevent future situations such as this, and ensure that the public will have the greatest confidence in his service. If this Committee determines Judge Guerrero has violated one of the aforementioned or other Rules not addressed, he offers for mitigation the following:

1. Rule 19(a); the conduct complained of in this matter was on one occasion, and was not a part of any ongoing behavior, which we assert is a mitigating factor;
2. Rule 19(b); Judge Guerrero was in the process of serving his fourth year as a member of the judiciary. He does not deny his duty to abide by all requirements of the Code of Conduct. However, his amount of service on the bench is still modest in size compared to the majority of members of the judiciary. He asserts his he does have a lack of experience which diminished his compliance;
3. Rule 19(d); There was no information that any party was injured in any way as a result of his conduct;
4. Rule 19(e); Any misconduct deemed a violation was not made with affirmative knowledge or intent that his actions were a violation, and rather due to his lack of consideration of the Code before acting, and the Judge did not use his position to exploit any matters for an improper purpose;
5. Rule 19(f) Since this event, the Judge has acknowledged and understands how his actions may unintentionally be seen, and how he must consider his actions in light of how others may perceive his

conduct. He has studied the Code of Conduct, and especially reviewed the Comments. He has ensured that his conduct in the future will never show even a possible perception of misconduct based on his actions.

6. Rule 19(g); The Judge has no prior disciplinary orders from this Commission whatsoever.
7. Rule 19(I); The Judge has cooperated with this Committee, and while arguing that he made no specific violations, he has assessed his potential conduct and how the may have been perceived by others as misconduct based on the Rules. He is willing to cooperate with any Order of this Committee;


Judge Guerrero asserts that he did not engage in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct, although recognizes that he must make changes to his conduct to ensure that he does not in the future. He recognizes this experience as a learning situation, and has already benefitted by this complaint by ensuring his behavior is above reproach. As a fairly new judge, he has made changes to his behavior relating to sensitive matters such as elections, and contentious situations like the one discussed in this complaint. He desires to ensure that he continues to refrain in any conduct which may result in any perception of him overstepping any boundaries; and ensure he maintains the dignity inherent in the position he serves.

Even if this Commission finds violations of the aforementioned factors, or any other factors, Judge Guerrero urges this Commission to consider that not every transgression should result in the imposition of discipline. Should this Commission not dismiss this Complaint outright, Judge Guerrero urges this Commission to consider, after considering all the facts and circumstances, that this Complaint should be dismissed and pursuant to Rules 16(b) and 23(a), issue a warning letter to the judge suggesting he avoid any future transgressions he did commit related to this Complaint.

Judge Guerrero has the greatest respect for the prestige of his office and the trust his constituents placed in him upon his election. He has the greatest desire to continue to build on the respect he has obtained, and learn from this experience, regardless of his desired result or any result rendered by this Commission. Based on the foregoing, Judge Guerrero respectfully requests that this Committee dismiss this complaint outright, or in the alternative, dismiss this matter with comments contemplated by Rules 16(b) and 23(a).

Please feel free to contact me if you require any additional information.

Very truly yours,



Paul J. Mattern
Attorney at Law