



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

CJC No. 08-0797-CC

PUBLIC ADMONITION

**HONORABLE MONICA GUERRERO
COUNTY COURT AT LAW NO. 7
SAN ANTONIO, BEXAR COUNTY, TEXAS**

During its meeting on February 17-19, 2010, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Monica Guerrero, Judge of the County Court at Law No. 7, in San Antonio, Bexar County, Texas. Judge Guerrero was advised by letter of the Commission's concerns and provided a written response. Judge Guerrero appeared with counsel before the Commission on August 13, 2009 and again on February 17, 2010, and gave testimony. After considering the evidence before it, the Commission entered the following Findings and Conclusions:

BACKGROUND INFORMATION

In 2008, the Commission received and investigated a complaint from an anonymous source that alleged numerous incidents of misconduct against Judge Guerrero. Among the allegations were claims that Judge Guerrero (a) received stolen Southwest Airline travel vouchers from her bailiff, James Jackson; (b) accepted free tickets to San Antonio Spurs basketball games from lawyers and/or bail bondsmen; (c) accepted a patio built at her residence as a gift from two attorneys; and (d) made a false loan application to obtain a construction loan for \$15,000, but used the proceeds for personal expenses and a vacation instead of paying for the patio construction.

With regard to the allegations concerning the judge's purchase or receipt of stolen Southwest Airline travel vouchers, the Commission found no credible evidence that Judge Guerrero knew at the time she received the vouchers that her bailiff, James Jackson, and his wife, had stolen them and were engaged in a scheme to sell large quantities of these travel vouchers. According to the judge, she trusted Jackson and assumed the vouchers had been acquired lawfully by Jackson's wife, who was employed by Southwest Airlines. The judge stated that she did not notice the "Not For Resale" statement on the face of the vouchers she received

from Jackson. Finally, there was no credible evidence that Jackson ever told the judge that the vouchers were stolen or instructed her not to tell anyone that she had purchased the vouchers.

With regard to the allegations surrounding who did or did not pay for the construction of the patio and whether the judge procured a construction loan under false pretences, the Commission was unable to find sufficient credible evidence to support a violation of the Texas Code of Judicial Conduct. The Commission's efforts to investigate this claim were compromised and undermined by several factors: (1) the incident in question occurred in 2003; (2) the memory of some witnesses was, at best, faulty due to the lapse of time; (3) receipts and other records could no longer be located or had been destroyed; (4) at least one key witness could not be found; (5) at least one witness was reluctant to cooperate with the investigation; (6) several witnesses provided conflicting accounts of what transpired and/or changed their testimony when questioned in detail; and (7) the judge's own explanation for what transpired was not credible. These obstacles proved difficult to overcome and, as a result, caused considerable delays in resolving the matter against the judge.

The remaining claim concerning the gift of Spurs tickets was found to have merit. In addition, in the course of its investigation the Commission received information concerning a letter of recommendation written by the judge on behalf of a close, personal friend. Both of these issues are addressed more fully below:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Monica Guerrero was Judge of the County Court at Law No. 7, in San Antonio, Bexar County, Texas.

The Spurs Tickets

2. On at least one occasion, Judge Guerrero accepted a free ticket to attend a San Antonio Spurs basketball game.
3. The ticket, valued at approximately \$230, came from an attorney who wrote bail bonds and/or practiced in the judge's court. The donor did not accompany the judge to the game.
4. On several occasions, the same attorney allowed Judge Guerrero to sit in his reserved seats when he was not attending the games.
5. According to Judge Guerrero, the reserved seats in question were "premium" seats, located very close to the floor and behind the visiting teams' bench.
6. The judge's attendance at the Spurs' games as a guest of the attorney/bail bondsman was reported by a local television news station, where the propriety of this conduct was questioned.

The Letter of Recommendation

7. On or about March 11, 2005, Judge Guerrero wrote a letter to the Board of American Registry of Radiologic Technologists ("ARRT") on behalf of someone with whom she had a close, personal relationship. According to the judge, the purpose of the letter was to assist the applicant in her efforts to become board certified in this field.
8. In the letter, Judge Guerrero praised the applicant's qualifications and attributes, and recommended her acceptance into that organization. The judge's explanation that she had "known [the applicant] for over five years" was the sole basis for her having personal knowledge of this information.

9. After disclosing in the letter that the applicant had a “[criminal] case pending in court,” Judge Guerrero assured the ARRT that she was “confident” the applicant would be “vindicated” and that “her reputation will be restored.” Judge Guerrero provided no insight as to the basis for this optimistic forecast, nor did she clarify that the case was not pending in her court.
10. The letter was signed, “Monica E. Guerrero, Judge, County Court at Law #7.”
11. In her testimony before the Commission, Judge Guerrero claimed that although she did sign the March 11, 2005 letter, she did not write it. She further claimed that she only agreed to sign it “under duress,” a claim the Commission rejected.
12. The judge went on to suggest that because she merely edited the letter for grammar and punctuation, she was not responsible for its contents or the impression it may have given the ARRT. The Commission rejected this claim as well.

RELEVANT STANDARDS

1. Article V, section 1-a(6)A of the Texas Constitution provides that a judge may be disciplined for willful or persistent conduct that is inconsistent with the proper performance of a judge’s duties or casts public discredit on the judiciary or the administration of justice.
2. Canon 2A of the Texas Code of Judicial Conduct states: “A judge shall comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.”
3. Canon 2B of the Texas Code of Judicial Conduct states, in pertinent part: “A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others.”
4. Canon 4A(1) of the Texas Code of Judicial Conduct states, in pertinent part: “A judge shall conduct all of the judge's extra-judicial activities so that they do not cast reasonable doubt on the judge's capacity to act impartially as a judge.”
5. Canon 4D(4)(c) of the Texas Code of Judicial Conduct states, in pertinent part: “Neither a judge nor a family member residing in the judge's household shall accept a gift, bequest, favor, or loan from anyone except...the donor is not a party or person whose interests have come or are likely to come before the judge.”

CONCLUSIONS

The Commission concludes, based on the facts and evidence before it, that Judge Guerrero failed to comply with the law by accepting a valuable gift from a person whose interests did, and were likely to come before her court, when she attended San Antonio Spurs basketball games as the guest of an attorney/bail bondsman who practiced before her court. Because the propriety of her attendance at the basketball games as the guest of the attorney became a matter of public discussion, the public perception was that the judge’s impartiality could reasonably be questioned when/if that attorney’s clients were to appear before her.

With regard to the letter of recommendation, the Commission concludes that the judge went well beyond the scope of generally praising the qualifications of the applicant into an improper discussion of a criminal charge pending against the applicant. Clearly, the DWI charge was perceived as an obstacle to obtaining board certification. Judge Guerrero’s statements suggested that she had unique insight, or perhaps was privy to “inside” information, regarding the outcome of the case as a result of her position. It also suggested that the applicant was in a position to influence the judge in connection with the disposition of that case.

A judge must conduct all extra-judicial activities so that she not only is impartial, but *appears* to be impartial, while performing her judicial functions. Accepting valuable gifts from attorneys and/or persons with interests before the court, and writing letters of recommendation for a person against whom a criminal case is pending, are actions that severely compromise the public's confidence in a judge's impartiality, independence and integrity, and cast discredit on the judiciary as a whole. The Commission concludes that Judge Guerrero's conduct as described above constituted willful and/or persistent violations of Canons 2A, 2B, 4A and 4D(4) of the Texas Code of Judicial Conduct, and Article V, section 1-a(6)A of the Texas Constitution.

In condemnation of the conduct described above that violated Canons 2A, 2B, 4A, and 4D(4) of the Texas Code of Judicial Conduct, and Article V, section 1-a(6)A of the Texas Constitution, it is the Commission's decision to issue a **PUBLIC ADMONITION** to the Honorable Monica Guerrero, Judge of the County Court at Law No. 7, in San Antonio, Bexar County, Texas.

Pursuant to the authority contained in Article V, § 1-a(8) of the Texas Constitution, it is ordered that the conduct described above be made the subject of a **PUBLIC ADMONITION** by the State Commission on Judicial Conduct.

The Commission takes this action in a continuing effort to protect public confidence in the judicial system, and to assist the state judiciary in its efforts to embody the principles and values set forth in the Texas Constitution and the Code of Judicial Conduct.

Issued this 26th day of March, 2010.

ORIGINAL SIGNED BY

Honorable Jorge C. Rangel, Chair
State Commission on Judicial Conduct