

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 18-243

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Judge: Fenton F. Delaney

Complainant: Self-Report

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**ORDER**

A pro tem justice of the peace self-reported improper demeanor and disqualification issues.

On June 27, 2018, Pro Tem Judge Delaney presided over an eviction proceeding (*Haddad v. Brown & Salas*). As the hearing progressed, the matter became contentious. Mr. Haddad became belligerent toward the court and the opposing parties, and Judge Delaney did not take appropriate measures to de-escalate the matter and raised his own voice toward Mr. Haddad. The matter became so contentious that Judge Delaney activated the alarm button in the courtroom to summon security, and Judge Delaney later requested that law enforcement arrest Mr. Haddad for contempt of court. Later that same day, Ms. Salas sought an injunction against harassment against Mr. Haddad, and Judge Delaney heard the ex parte request for a protective order. This proceeding was not recorded. Judge Delaney issued the injunction against harassment against Mr. Haddad, when he should have disqualified himself and referred the matter to another judge based on what had transpired between Mr. Haddad and Judge Delaney earlier that day.

Judge Delaney's conduct violated the following provisions of the Code of Judicial Conduct:

- Rule 1.2: 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 2.8:

(A) A judge shall require order and decorum in proceedings before the court.

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

(B) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control.

• Rule 2.11:

(A) 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:

(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.

. . .

(6) The judge:

(c) was a material witness concerning the matter . . .

Accordingly, Pro Tem Justice of the Peace Fenton F. Delaney is hereby publicly reprimanded for his conduct as described above and pursuant to Commission Rule 17(a). The record in this case, consisting of the judge's self-report and this order shall be made public as required by Rule 9(a).

Commission members Gus Aragòn, Peter J. Eckerstrom and George H. Foster, Jr., did not participate in the consideration of this matter.

Dated: September 18, 2018

FOR THE COMMISSION

/s/ Louis Frank Dominguez

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Hon. Louis Frank Dominguez  
Commission Chair

Copies of this order were distributed to all appropriate persons on September 18, 2018.

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

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

**2018-243**

**COMPLAINT AGAINST A JUDGE**

Name: Fenton Frank Delaney Judge's Name: Fenton Frank Delaney Protem JP

**Instructions:** Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

My name is Fenton Frank Delaney and I am a Protem Judge in the Maricopa Lower Jurisdiction Courts I am self reporting myself for conduct during what turned into a contentious eviction hearing, that I was presiding at, in the White Tank Justice Court on June 27, 2018 at approximately 0945 hours.

The eviction case number was CC2018127454. The Plaintiff's name was Fadi Fred Haddad and the Defendants name's were, Eric Brown and Constance Salas.

I am also self reporting myself for conduct involving an Injunction Against Harassment Petition issuance the same day, June 27, 2018 at approximately 1440 hours, which I heard and issued.

The IAH case number is CC2018131510, and the Plaintiff's name is Constance Salas. The Plaintiff was one of the Defendants in the morning eviction hearing. The named Defendant in the IAH Petition, was Fadi Fred Haddad, who was the Plaintiff in the morning eviction case.

In the late afternoon, 06/27/2018, at approximately 1553 hours I emailed MCJC Judges Quentin Tolby, Jeff Fine and David Osterfeld, explaining the issues of a disorderly litigant, Fadi Fred Haddad. The referenced eviction hearing that morning had caused me to have the Plaintiff, Fadi Fred Haddad, arrested and charged with the violation of ARS: 13- 2810, Interfering with Judicial Proceedings, by his persistent loud disrupting vocal threats against the Defendants, and his anger directed at me. The Avondale Police Departments case DR Number is : 1829130.

Attached please find a copy of my email dated, Wednesday, June 27, 2018 3:53 pm., to the three Judges I have referenced. It should be noted that I incorrectly stated the day as Thursday, in the email, whereas it was Wednesday.

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On Wednesday morning, June 27, 2018, I was the Protem at the White Tank Justice Court hearing Proper Eviction cases. At approximately 0945 hours I was presiding over a Proper eviction case number CC2018-127454. The Plaintiffs name was Fad Fred Haddad and the Defendants names were Eric Brown and Constance Salas. All three litigants were present for the hearing.

I read read the eviction complaint to the Defendants, Eric Brown and Constance Salas, and asked them if the complaint, requested monetary figures and late charges were true and accurate. Before the Defendants could answer my question, the Plaintiff, Fad Fred Haddad, loudly interrupted the hearing and appeared to intimidate the Defendants from answering. The man was very loud and appeared angry. I told him that he would have his chance to speak after the Defendants had the opportunity to answer my questions. The Plaintiff did not listen, or just ignored my requests, and continued his loud interruption of the Defendants speaking. After several moments of the Plaintiffs disruptive loud behavior which was directed at the Defendants and his questioning of me, the Defendant, Eric Brown said he wanted a trial to explain the inaccurate charges against him and Constance Salas that were made against them. The defendant specifically wanted to explain a hand written document that had been presented during the hearing whereas, he, the defendant had made a partial payment of \$ 1500.00 to the Plaintiff. The defendant expressed that he had been misinformed and wanted an explanation as to why he was being evicted when he was told he would not be if he paid and signed the hand written rental increase document that the Plaintiff had written. The Defendant verified that he initialed the document and said he had been misled. I told the Plaintiff that I was going to schedule a trial for this eviction, the Defendant had explained to the court that the eviction action was wrong and that I had been instructed in the past, to grant a eviction trial, if a litigant has requested a trial and has shown sincere reasoning. ( Note: Myra Harris had reversed a decision that I had made in not granting a trial in an eviction when the defendant had requested it ! )

When announcing my decision for scheduling a trial as requested by the Defendant, the Plaintiff, Fadi Fred Haddad, was furious and openly angry at me. I asked him and then told him to sit down and the court clerk would schedule a trial. The Plaintiff yelled at me that he did not want me, a Protem, to be the Judge. I assured him I would not be the Judge and to sit down. The Plaintiff was irate at this point and evidently I had not prevented this issue from escalating to the point where the Defendant was disruptive, threatening to the Defendants and me. The Plaintiffs disruptive and threatening behavior was incessant. I pressed the 'red alert button', several times for a deputy to remove the Plaintiff, but no response was made by the court security. One of the litigants from another case I had not heard from rushed from the court room to locate a security person. A female security officer returned with the citizen and attempted to escort the Plaintiff out of the court room. The Plaintiff would not leave until a second security guard, a male, arrived and escorted the Plaintiff out of the court room. I informed the male security guard that I wanted the Plaintiff arrested for disrupting and threatening this court. The Avondale Police responded in a couple of minutes, evidently having been notified earlier, and took the Plaintiff into custody.

I have not seen the FTR recording of this incident, one was provided to me but I have not been able to review it in a court or county computer, so I am explaining this issue as I remember it.

Date : August 04, 2018: Self Report: Fenton Frank Delaney  
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Page 4.

Reference IAH Case : 2018-131510

On the afternoon of the same day as the Eviction Proper incident, Wednesday, June 27, 2018. I heard the complaint and issued an IAH for the Defendant in the morning eviction case, Constance Salas. The Defendant, was the Plaintiff from the Eviction case, Fad Fred Haddad. At the beginning of the hearing at approximately 1440 hours, one of the White Tank staff members came into the court and told me that the FTR was not on. I usually shut the FTR down when not in court and I had forgotten to turn it back on. I am sure that I turned it on when the staff member told me it was off.

I did issue the IAH petition as requested for the Plaintiff Constance Salas being aware of the incident just hours before in the court during the eviction hearing. The Plaintiff had stated in her complaint that Fad Fred Haddad had threatened in this court, in the back of the room, to have some people “fuck her up” ! The Plaintiff also stated in her complaint that the Fadi Fred Haddad had entered her home with a muscle bound man with the intentions of strong arming our family for the rent. Quote, from the complaint, “ I am in fear for my life” !

## Page 5. Protem Fenton Frank Delaney : Self Report

The day of the incident, during the referenced eviction hearing, I realized the situation was getting aggravated and contentious. I honestly tried to calm the outburst that eventually escalated to a serious situation. As I have stated, I have not reviewed the FTR, but Judges Russell, Osterfeld and Huberman had.

In a discussion with them much later, July 31, 2018, it was evident from their opinions and comments, that I had not stopped the issue from escalating, as a Judge is supposed to do, in a situation like that.

I had allowed a litigants attitude to get under my skin and it was all downhill from there. Rule 2.8 states that Judge must be patient, dignified and courteous to all litigants and shall require similar conduct of the litigants. I failed to follow the Rule and the situation escalated into a criminal charge against a litigant.


I have attached email copies of correspondences with Judge 's Tolby and Russell concerning this matter for the Commissions perusals.

## Page 6. Protem Fenton Frank Delaney : Self Report

The afternoon of the above referenced incident, 06/27/2018, one of the Defendants in the previous morning Proper Eviction Hearing, filed a petition for an Injunction Against Harassment, naming the Defendant as, Fadi Fred Haddad, the Plaintiff in the morning Proper Eviction Case. Prior to this hearing I apologized to the petitioner, Constance Salas, for waving her away, when she approached the bench, after the Eviction hearing in the morning. I explained it would have been 'EX Parte' for me to speak with her then, since the case was to be scheduled for trial.

It could be perceived that I issued the IAH for the Plaintiff as a 'retaliation' against the Proper Eviction Hearing Plaintiff, Fadi Fred Haddad, but, that would not be true. I did not recuse myself from the IAH Petition Hearing, I did hear the threats that Fadi Fred Haddad made to the IAH Petitioner in court that morning in court, and honestly believed that the IAH had to be issued to hopefully protect a frightened woman from harm, and considering the IAH would be settled in a future court hearing.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Fenton Delaney". To the right of the signature, the text "MCJC Protem" is written in a similar handwritten style.