

Retire O'Hara, Judges Asked

15 March 1972

O'Hara Case Studied by 9 Judges

Attorneys for Judge Malcolm V. O'Hara today asked his fellow judges on the Criminal District Court to find him permanently incapacitated and to approve a disability retirement.

An en banc session of the nine other members of the court is scheduled for 12:30 p. m. tomorrow on the petition filed by attorneys George W. Reese and Guy P. Johnson.

Judge O'Hara is a patient at the De Paul Hospital. His seat on the bench is being filled temporarily by William T. Bennett of Clinton, judge of the 20th Judicial District.

A majority of five judges must approve the petition.

THE RETIREMENT petition states that Judge O'Hara is hospitalized and "mentally incapacitated from properly performing the judicial duties." Statements by two psychiatrists indicate the incapacity is permanent.

The two doctors signing the medical statements are Dr. Tarver H. Butler and Dr. Harold Bolding.

Dr. Butler's statement says that Judge O'Hara is "neurotically crippled and a return to his duties as a jurist would no doubt seriously aggravate these difficulties" (and) would be "seriously detrimental to the public."

He said his prognosis is that the judge should not attempt to return to the bench now or in the future because a "return would no doubt cause his psychological disturbances to ultimately intensify to an unbearable degree."

Dr. Bolding concurred in these findings.

JUDGE O'HARA, 48, presided over Section A of the Criminal District Court. A former assistant district attorney and a state senator, he took the judgeship in 1962 when his father, William, retired from the bench.

He was twice defeated in races for

the district attorney's post. The second time, in 1965, he took a leave from the bench to wage an unsuccessful campaign against DA Jim Garrison.

Judge O'Hara also was away from

Turn to Page 12, Column 1

The Louisiana Supreme Court after reviewing the case, found that Judge O'Hara was guilty of misconduct, but was "not guilty of gross misconduct which would warrant his removal."

The last New Orleans judge to win a disability pension was Traffic Court Judge David H. MacHauer, who in November, 1970, following his defeat in summer elections, was allowed to retire because he was physically unable to continue on the bench.



Judge Malcolm V. O'Hara

Nine Criminal District Court judges met today behind closed doors on a petition to retire fellow Judge Malcolm V. O'Hara. They will meet again at noon March 27 on the request.

The executive session was called by the court to consider a petition filed yesterday by attorneys for O'Hara, claiming that a retirement should be granted because he is permanently incapacitated and unable to retain his seat on the bench.

In a brief statement issued after today's session, the judges said they will disclose the full nature of the hearing on the retirement request before the next meeting. They did not elaborate.

ATTORNEYS GEORGE W. REESE and Guy P. Johnson, who filed the retirement petition, filed statements of two psychiatrists, Dr. Traver H. Butler and Dr. Harold Bolding, saying that he was mentally incapacitated and could not properly perform his judicial duties.

O'Hara is a patient at DePaul Hospital. His post on the bench is being held temporarily by William T. Bennett of Clinton, a judge of the 30th judicial district.

The doctors said a return to the bench would no doubt cause further psychological disturbances and would be detrimental to the public interest.

Judge O'Hara, 48, succeeded his father, Judge William O'Hara, to the seat on Section A of the court in 1962. He had been an assistant district attorney and a state senator and twice ran unsuccessfully for district attorney.

Continued from Front Page

the bench for nine months in 1967-1968 while charges of misconduct were pending against him.

A suit to remove him from the court was brought by Atty. Gen. Jack P. F. Gremillion charging that he had violated both the Louisiana Code of Judicial Ethics and the state constitution through activities to overturn the convictions of former Teamster Union President James R. Hoffa and New Orleans builder Zachary "Red" Strate.