

THE HOUSE OF REPRESENTATIVES

House Resolution No. 1065

HOUSE RESOLUTION NO. 1065 - By: RITZE AND REYNOLDS of the House.

A Resolution petitioning the Trial Division of the Court on the Judiciary to assume jurisdiction and institute proceedings for the removal of a judge from office; and directing distribution.

1       WHEREAS, the Code of Judicial Conduct for Oklahoma judges provides that an  
2 independent and honorable judiciary is indispensable to justice in our society and that a  
3 judge should participate in establishing, maintaining and enforcing high standards of  
4 conduct; and

5       WHEREAS, personal observation of high standards is critical so that the integrity  
6 and independence of the judiciary will be preserved; and

7       WHEREAS, the Code of Judicial Conduct for Oklahoma judges further provides  
8 that a judge should respect and comply with the law and act at all times in a manner  
9 that promotes public confidence in the integrity and impartiality of the judiciary; and

10       WHEREAS, District Judge Thomas Bartheld, Pittsburg County Judge of the  
11 Eighteenth Judicial District, exercising judicial power under the Oklahoma Constitution  
12 and laws of the State of Oklahoma has wholly failed to comply with certain provisions of  
13 the Code of Judicial Conduct by authorizing the plea bargain negotiated between the  
14 prosecution and attorneys for the defendant in the criminal case of State of Oklahoma vs.  
15 David Harold Earls, Pittsburg County District Court Case Number CF-2008-00434; and

1           WHEREAS, the failure of District Judge Thomas Bartheld to reject the terms of the  
2 negotiated plea bargain constitutes a gross neglect of duty.

3           NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF  
4 REPRESENTATIVES OF THE 2ND SESSION OF THE 52ND OKLAHOMA  
5 LEGISLATURE:

6           THAT Section 1 of Article VII-A of the Oklahoma Constitution provides that the  
7 judges of any court, exercising judicial power under the provisions of Article VII, or under  
8 any other provision of the Oklahoma Constitution, shall be subject to removal from office  
9 by proceedings in the Court on the Judiciary.

10          THAT Section 1 of Article VII-A of the Oklahoma Constitution provides certain  
11 causes for the removal of a judge from office, which includes gross neglect of duty.

12          THAT the Court on the Judiciary, created pursuant to Section 2 of Article VII-A of  
13 the Oklahoma Constitution, is vested with sole and exclusive jurisdiction to hear and  
14 determine causes concerning the removal of judges from office.

15          THAT jurisdiction of the Trial Division of the Court on the Judiciary may be  
16 invoked and proceedings commenced upon the filing of a Resolution of the House of  
17 Representatives of the State of Oklahoma.

18          THAT pursuant to Section 4 of Article VII-A of the Oklahoma Constitution, the  
19 House of Representatives of the State of Oklahoma petitions the Trial Division of the  
20 Court on the Judiciary to assume jurisdiction and institute proceedings to remove  
21 District Judge Thomas Bartheld, Pittsburg County Judge of the Eighteenth Judicial

1 District from office for gross neglect of duty which, pursuant to Section 1 of Article VII-A  
2 of the Oklahoma Constitution, shall be cause for removal from such office.

3 THAT a copy of this resolution be dispatched to each member of the Court on the  
4 Judiciary, the Clerk of the Supreme Court and the Administrative Director of the Courts.

5 DIRECT TO CALENDAR