

10 April 72

O'Hara Can't Return, Psychiatrist Testifies

A psychiatrist testified today that Criminal District Court Judge Malcolm V. O'Hara has "no chance" of returning to the bench because of brain damage he has suffered.

Dr. Michael L. Connell, testifying at a hearing among O'Hara's fellow judges to determine if O'Hara is entitled to disability retirement, said the brain damage would affect O'Hara's decision-making.

Earlier, O'Hara's personal psychiatrist, Dr. Tarver H. Butler, testified that the judge had suffered damage to the right front lobe of the brain.

O'Hara, who has been a patient at DePaul Hospital since Feb. 21, has applied for retirement on the basis of mental incapacity.

For retirement to become effective a majority of the other judges must certify that O'Hara is incapacitated to perform his judicial duties. If this should happen, he would get a pension of about \$22,000 a year.

Dr. Butler said today that the right front lobe is the portion which controls judgment rather than physical functions, meaning that the judge would be impaired in his judicial duties.

He said O'Hara is "neurotically crippled and should not return to the bench.

"I think he is permanently incapacitated in returning to the bench as far as a jurist."

Dr. Connell, who followed Dr. Butler on the witness stand, said he based his opinion of O'Hara's condition on clinical interviews, a physical examination, medical notes and statements by Dr. Butler.

In response to a question by Judge Israel Augustine, Dr. Connell said he did not think O'Hara is "faking" his condition. He said, however, that it is possible to distort a mental condition.

Dr. Connell said he and two psychiatrists, Dr. Kenneth Ritter and Dr. Henry Miles, had studied O'Hara's case.

Action Is Delayed On O'Hara Petition

The judges of Criminal District Court today delayed action for two weeks on a petition by fellow Judge Malcolm V. O'Hara for permanent retirement due to mental incapacity.

Meeting behind closed doors, the nine judges said they were postponing a decision while three psychiatrists continue their examination of Judge O'Hara, who has been a patient at DePaul Hospital since Feb. 21.

Attorneys for Judge O'Hara earlier this month asked for approval of the disability retirement and a \$22,000 annual pension on the grounds that the 48-year-old jurist is "mentally incapacitated from properly performing the judicial duties."

In a statement issued following today's hour-and-45-minute hearing, the judges said:

"At the last en banc meeting of the judges of the Criminal District Court on March 15, 1972, it was requested by the court that the medical association appoint three qualified psychiatrists of its own choosing to examine Judge Malcolm V. O'Hara in connection with his petition for retirement and to report their findings to the court at the hearing to be held on this petition.

"Since the doctors have not had sufficient time to complete their examination and report, the hearing set for today will be held in open court

in approximately two weeks."

The judges did not name the examining psychiatrists.

IN A STATEMENT FILED BY THE ATTORNEYS FOR Judge O'Hara, it was claimed that the judge is neurotically crippled and "a return to his duties as a jurist would no doubt seriously aggravate these difficulties . . . (and) would be patently detrimental to the public."

The Section A bench formerly occupied by O'Hara is being filled temporarily by Judge William T. Bennett of the 20th Judicial District in Clinton.

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