

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.