

Government Fails Sleepy Judge Dodd

A review into judicial sleepiness has described the handling of the case of NSW District Court Judge Ian Dodd as a failure on the part of the government to recognise a medical condition that is reversible with appropriate treatment.

Professor Ron Grunstein, Head of Sleep and Circadian Research, Woolcock Institute of Medical Research, said “if treated sleep apnea patients are not fit to be judges then does that extend to politicians and senior company executives because if that’s the case there will be a lot of people out of a job”.

Published in the May edition of *Sleep*, the journal of the American Academy of Sleep Medicine and US Sleep Research Society, the paper asserts that occupational sleepiness in white-collar monotonous workplaces, such as courtrooms and hospitals, is a serious issue and not uncommon.

The Woolcock Institute examined 15 cases of judicial sleepiness including Judge Dodd who retired in 2005 following extensive media scrutiny about his workplace sleeping habits, and other cases involving The Hague War Crimes Tribunal and US Supreme Court.

Professor Grunstein said “active monitoring of sleepiness and screening for sleep disorders should be encouraged so the condition can be treated, allowing people to work safely and effectively. “

“Also, in the case of Judge Dodd, his driver’s licence was cancelled despite a public statement by the Chief Judge of the District Court stating that he had been diagnosed with sleep apnea and successfully treated for it.”

“The ramifications of this decision are major as the NSW Roads and Traffic Authority has set a dangerous precedent for managing and licensing people with sleep disorders.”

Professor Grunstein adds that even when the cause of sleepiness is investigated, the media appears to adopt the concept that once ‘unfit for duty’ always unfit for duty.

“Yet, if we had a system that enabled rapid assessment and treatment of judicial sleepiness it would prevent situations where multiple defendants seek compensation or continued media coverage results in judges departing the bench.”

“Clearly judicial sleepiness threatens the integrity of the judicial system and there would seem to be a need to develop preventative or monitoring strategies in judicial systems to prevent it occurring,’ he said.

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