

# Judge signs order in Willowbrook case

By **TERENCE J. KIVLAN**

Judge Orrin G. Judd yesterday signed the consent judgment in the suit against Willowbrook Developmental Center, ending a three-year legal battle to improve conditions in what was once the largest institution for the mentally retarded in the country.

"What the parties involved have reached is a practical solution," the judge said in Brooklyn Federal Court, referring to the out-of-court settlement in the case approved by Gov. Carey on April 19.

Judd's approval of the agreement puts the state under a federal court order to reduce Willowbrook to a 250-bed facility for Staten Islanders only by 1981. The institution, which housed nearly 6,000 patients in the mid-1960s, now has a resident population of about 2,900.

Meanwhile, over the next 13 months, the court order also requires the state to add 800 staff members to Willowbrook's present work force of 3,800 and to implement new standards intended to upgrade the quality of life and treatment of the mentally retarded throughout the state.

Judd announced his decision almost offhandedly during yesterday's hearing. In the middle of the highly technical proceedings, Bruce Ennis, an attorney for the plaintiffs, stood up and sought to impress on the judge the need of having a signed consent agreement before the State Legislature ends its current session.

Judd responded quickly: "Oh, I intend to sign the consent judgment today."

Earlier, the judge expressed one major reservation to the agreement. He said that, based on previous experience with court-ordered changes at Willowbrook, 13 months may not be enough to implement all of the reforms.

But Bruce Ennis assured him that the compliance period was sufficient. He said that Peter Goldmark, the state budget director, had sat in on the negotiations for the agreement to make sure that all its provisions were fiscally responsible and achievable.

In general, however, Judd praised the consent judgment. He said that it represented "a lot of work and a substantial achievement." He added, "I am happy I can dispose of it promptly."

Judd also remarked that many of the provisions in the consent judgment seemed to be compromises between what the plaintiffs were demanding last year and what former Commissioner of Mental Hygiene Alan Miller was willing to accept.

Miller resigned his post in December, just before he was to testify in the case. He submitted a deposition outlining his views into the court record in January.

Also at the hearing yesterday, a plaintiff in the case, Manhattan attorney Murray Snepps, raised and then withdrew one objection to the agreement. He said that budget cuts at other developmental centers had been proposed recently, prompting suspicion that the money produced by the reductions would be spent to carry out the Willowbrook consent judgment.

But Robert Hayes, a deputy commissioner of the Department of Mental Hygiene, explained that the budget cuts had been contemplated as a result of inadequate appropriations voted this year in Albany. And in any case, Hayes added, the cuts have been canceled.

The Legislature pared \$10.5 million from a special \$16.5-million fund that the governor requested to pay for the legal settlement when it was imminent earlier this year. But, according to State Sen. John J. Marchi, the lost money will be restored in the supplemental budget at the end of the current session in Albany.

Carey has estimated that the consent judgment will cost the state \$16 million in the first year and \$10 million and \$14 million respectively in the following two years.

The federal suit was filed in 1972 by the parents and guardians of 17 residents at Willowbrook, the New York State Association for Retarded Children, and the Benevolent Society, Willowbrook Chapter.

Representing the plaintiffs without fee were the New York Civil Liberties Union, the Legal Aid Society and the Mental Health Project.

The defendants in the case were the state Department of Mental Hygiene and the governor of New York.