

Judge to sign Willowbrook orders

By ROBERT MIRALDI

By the time U.S. District Court Judge John R. Bartels finished yesterday with the adversaries in the ongoing Willowbrook Developmental Center court case, it was hard to understand what all the fuedin' and fussin' has been about.

Telling state mental hygiene officials and representatives of the Willowbrook Review Panel to "sit down and work out these problems," Judge Bartels disposed of five issues that have been hotly contested for over a year.

Seeming annoyed that it took two days of testimony to get to the bottom of the disputes between the state and the panel, about 2 p.m. Bartels finally waved his magic judicial hands and promised to sign a series of orders which will presumably clear up the problems.

Bartels also refused motions to postpone a contempt trial which will begin Tuesday. Charged with contempt of federal court for not implementing changes at Willowbrook are Mental Hygiene Commissioner Dr. Lawrence C. Kolb, Deputy Commissioner Thomas A. Coughlin and Regional Director Dr. Alvin M. Mesnikoff.

Coughlin was the only named defendant in the Brooklyn court yesterday and he spent three hours on the witness stand verbally sparring at times with Judge Bartels.

During one exchange, Bartels told Coughlin that if the state didn't make quicker changes at certain state centers, "a number of your residents would be dead. That's what we're worried about," he said.

"I wouldn't agree with that," Coughlin responded.

The state is certainly "not breaking any records" to make changes, Bartels answered.

In other matters, Bartels said he would sign an order to allow the state to add about \$10,000 to the salary of the medical director of Willowbrook to enable the state to attract a new medical chief.

Coughlin testified that the state had advertised in journals and newspapers,

had canvassed all the civil service lists and had interviewed at least four doctors for the now-vacant position. The state's \$38,000 salary has made it impossible to hire a medical director.

"Civil service hasn't helped at all," Bartels said. "It's been an obstacle. I don't care if that is on the record."

The judge also apparently resolved two thorny issues concerning 600 former residents of Willowbrook who, the Review Panel has argued, have been excluded from benefits of the Willowbrook Consent Decree, the document signed in April 1975 which outlines changes at the center.

Those receiving the benefits of the Willowbrook Decree — the so-called Willowbrook class — had been defined as anyone living at Willowbrook when parents first entered federal court seeking help in March 1972.

At that time about 300 persons were listed on the rolls of Willowbrook but were living in community facilities. The Review Panel argued those persons should get the benefits of the consent decree. The state disagreed.

Bartels ruled the state should survey those people, see what services they might need and "bend over backwards" to help them. It was not clear yesterday if they would now receive the consent decree benefits.

Additionally, there are another 329 former residents who are living in up-state facilities and one on Long Island. The state has argued that to provide benefits of the consent decree to those persons would cost millions of dollars.

Just to provide the consent decree benefits to those former Willowbrook residents and not to others at centers where they live would set up an awkward "unequal treatment" situation, the state argued.

Bartels took a middle-of-the-road position on the issue and, after the state conceded that provisions to upgrade the ex-residents' situation could be worked out, ordered the state and the Review Panel to sit down and come up with an agreeable plan.

Coughlin said in his testimony that, although the state is spending from \$25,000 to \$35,000 per person at Willowbrook, there were still at least eight state facilities that were better than Willowbrook.