

# State paid lawyer \$33,000 in 7-month Willowbrook case

By ROBERT MIRALDI

New York State has paid a private attorney more than \$33,000 for less than seven months work in defending two state officials who were charged with contempt in federal court for not implementing changes at the Willowbrook Developmental Center here on Staten Island.

A spokesman for Comptroller Arthur Levitt has confirmed that taxpayers shelled out \$100 an hour to attorney Taylor Briggs for his defense in 1977 of Thomas A. Coughlin, director of the state's office of mental retardation, and

Alvin M. Mesnikoff, regional commissioner for the state's mental hygiene department.

The payment comes after Levitt had said in July that the \$100-an-hour fee was excessive and that it should be sent back to Briggs' Manhattan law firm for renegotiation. "There has to be a meeting of the minds on a new fee," a spokesman for Levitt said then.

The minds apparently met, however, and decided that the \$100-an-hour tab was acceptable.

In total, the firm of Lebouef, Lamb, Leiby and Macrae of which Briggs is a member received \$33,025 for work per-

formed between December, 1976, and April, 1977, and May, 1977, to June, 1977. Briggs' fees totalled \$18,975 for approximately 190 hours (or 23 days) of work. Another attorney with the firm, Robert Cushman, received \$10,687.50 for 143 hours work.

Paralegal fees amounted to \$238 while almost \$4,000 was spent on what the comptroller's office termed "incidentals" — telephone calls and transportation, for example.

The need for a private attorney to supplant the state attorney general, who usually defends state employes in court cases, comes from the complicated na-

ture of the Willowbrook case.

In April, 1975, the state agreed in federal court to make sweeping changes at Willowbrook, then a 2,800-bed institution for the retarded which had long been the scene of scandalous living conditions.

The agreement called for deadlines, and when the deadlines were not met, the plaintiffs in the case, parents with children at Willowbrook, hauled three state officials back into court and said the trio — Coughlin, Mesnikoff, and then State Commissioner Lawrence Kolb — were guilty of contempt.

A trial was scheduled. Although never

confirmed publicly, there was talk that Coughlin and Mesnikoff would use as part of their defense the excuse that their superior, Kolb, had blocked plans to make changes at Willowbrook.

In essence, the defendants would be pointing fingers at each other, a situation that would make it impossible for one attorney to defend all three. Thus, Briggs was asked to enter the case for Coughlin and Mesnikoff.

He did so and, according to most observers, was an articulate, reasonable voice who helped avoid a long, drawn-out trial which would have cost the state

even more money. Instead, the two sides settled on a so-called stipulation — a series of further agreements, modifying and improving the original document of April 1975.

Coughlin and Mesnikoff never admitted guilt to the contempt charges, thanks mostly to the footwork of Briggs.

When the court procedures were over, however, Briggs' firm submitted the \$100-an-hour bill, a not-excessive fee for large Manhattan law firms. Nevertheless, Levitt at first said he wouldn't pay. Something changed his mind...and taxpayers are now \$33,025 poorer.