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Willowbrook panel cost is zooming

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ALBANY — The cost of the Willowbrook Review Panel — the watchdog unit set up to ensure state compliance with the 1975 consent decree — has mushroomed to more than \$300,000 a year.

Top officials of the state Office of Retardation and Developmental Disability, whom the panel once served with contempt papers, are careful not to challenge the need of the independent agency. But when asked about its budget, they make clucking noises about the expense of maintaining the panel, especially its seven consultants, who are paid \$200 a day plus travel expenses.

"I go to all of the panel's meetings and I don't get the \$200," says Thomas A. Coughlin, commissioner of retardation. "I guess this is what happens when you lose in court."

Panel members, however, point out that their compensation rate is quite low compared to the \$100-an-hour fees that the department has paid lawyers from private law firms to represent the agency in legal actions brought by the panel to enforce adherence to the consent decree.

Moreover, the members contend, the spending levels of the panel have been directly proportional to the state's cooperation in carrying out the federal court order, which requires mental hygiene officials to phase out the former Willowbrook Developmental Center down to a 250-bed community facility by 1981.

"If the state kept its nose to the grindstone, it wouldn't have to spend anything on us," insists Murray Schneps, the most active panel member. "But

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Willowbrook Review Panel adds up to \$300,000 a year

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that time has not come yet."

In 1976, the first year of its existence, the panel and its staff cost the state about \$200,000, including \$85,000 in travel reimbursements and fees to Schneps and the other consultants. Since then, the budget of the unit has jumped to \$318,000 for the current fiscal year.

As Coughlin concedes, the bulk of the increase came when the federal court that issued the 1975 decree ordered the state to beef up the panel's staff, which is composed of civil service employees and mental hygiene officials.

At the same time, however, the expenses of the consultants have significantly decreased from \$85,000 in 1976 to about \$61,000 last year. This year, meanwhile, the claims submitted so far indicate that the panel's expenses are still dropping.

Schneps attributes the trend to the state's gradually improving performance in implementing terms of the consent decree since the bitter days of 1976 when the panel made its unsuccessful attempt to have the court hold allegedly recalcitrant state officials in contempt.

"The better the job the state does, the less time I have to spend doing things for the panel," Schneps says. "And that's fine with me. I'd much prefer to spend time with my family than be an overseer for the court."

The panel, however, has its own task masters, including Sen. Frank Padavan, chairman of the Senate Mental Hygiene

Committee. The Queens Republican has frequently criticized the fees charged by the panel, especially those of Schneps, whose tab was \$20,840 in 1976 and \$12,600 last year. "This guy must put in a voucher every time he picks up a telephone," Padavan said recently.

In Schneps' defense, Coughlin notes that the Manhattan attorney does most of the panel's work because he is the only member who lives in New York City. Moreover, Coughlin says, as a father of a retarded child named as a plaintiff in the suit against Willowbrook, Schneps has been deeply involved in the case for six years or more.

"He was doing the same things he is doing now before the decree," Coughlin says, "only he's getting paid for it now."

For his part, Schneps said he can document every fee claim he has made since he was named to the panel. "I challenge anybody to prove that I didn't deserve every nickel I've collected as a member," he declared.

He also contends that his problems with Padavan started in 1976 when he represented a private agency, Working Organization for Retarded Children, that put a group home for Willowbrook transferees in Little Neck, Queens, right in the heart of the senator's district. The project stirred a storm of community opposition.

The year after the Little Neck episode, the state comptroller's office audited the review panel at the request of Padavan. The study found nothing improper, but suggested that the state Of-

face of Retardation, then the Department of Mental Hygiene, establish a uniform system for charging and evaluating the members' time claims. This has been done, according to Coughlin.

The comptroller's office also recommended that the state work out a formal contract with the panel. This has been challenged in court by Schneps. "It would be wholly improper for us to have a contract with the state," Schneps argues. "We are an arm of the court and are answerable only to the court."

"The state cannot have any constrictive influence over us," he adds.

The following breakdown shows the travel and consulting fees by each member of the review panel during each calendar year beginning in July 1975, when the unit started operations.

¶ William L. Bitner, now a vice president of a Glens Falls, N.Y. bank, directed programs for handicapped children for the Department of Education, when the decree was issued. 1975 — \$595; 1976 — \$11,550; 1977 — \$9,100; 1978 (up to April) — \$1,500.

¶ Dr. James Clements, the head of the mental retardation program for the state of Georgia. 1975 — \$5,075; 1976 — \$16,976; 1977 — \$13,200; 1978 (through April) — \$2,025.

¶ Linda Glenn, the director of mental retardation programs for the state of Massachusetts. 1975 — \$5,400; 1976 — \$10,650; 1977 — \$5,500; 1978 — \$200.

¶ Michael Lottman, formerly a Department of Justice attorney in the Willowbrook suit and now in private practice in Philadelphia. 1975 — \$5,310; 1976 — \$13,950; 1977 — \$14,900; 1978 — \$1,600.

¶ Murray Schneps 1975 — \$9,100; 1976 \$20,842; 1977 \$12,600; 1978 — \$1,200.

¶ James Ford, formerly the director of Willowbrook, and now the head of a mental retardation facility in San Francisco. 1975 — \$990; 1976 — \$3,200; 1977 — \$5,200; 1978 — \$820.

¶ David Rosen, the director of a mental retardation center in Detroit. 1975 — \$4,050; 1976 — \$8,500; 1977 — \$5,800; 1978 — \$630.

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