

Questions arise on dual role of Willowbrook panel counsel

By BRUCE ALPERT

The vice chairman of a court panel that monitors care for the retarded sought a court order that could have resulted in the expansion of a private agency he represents as legal counsel.

For the second time in less than a year, questions have arisen about the potentially conflicting roles of Murray B. Schneps. Schneps serves on the court-appointed Willowbrook Review Panel while acting as legal counsel and as a member of the board of directors of a Queens-based organization for the retarded that provides services ordered or recommended by the review panel.

Last September, Schneps and other members of the panel asked Brooklyn Federal Court Judge John R. Bartels to order the state to move profoundly retarded residents of Flower & Fifth Ave. Hospital, Manhattan into three-bed apartments operated by private, not-for-profit agencies.

Before Bartels could rule in the case, an out-of-court settlement was reached between the panel and state calling for half of the 125 former Staten Island Developmental Center residents in the Manhattan hospital to be placed in three-bed apartments and the remainder in six-bed units. The agreement, although it was not so encompassing as the court order sought by the review panel, could result in additional contracts for Schneps' organization, the

Working Organization for Retarded Children.

The agency, founded by Schneps' wife, Vicki, in 1971, is one of two agencies that sponsor apartments for profoundly retarded persons in New York City. The organization operates three apartments in the city and is under contract with the state to open three more. State mental retardation officials originally favored less expensive eight-to 10-bed units for the Flower & Fifth Ave. patients.

The chairmen of the Assembly and Senate Mental Health Committees, Assemblywoman Elizabeth A. Connelly, D-West Brighton, and Sen. Frank Padavan, R-Queens, have asked state mental retardation officials to determine if Schneps' decision to lobby for the court order was improper.

Daniel Rosen, executive director of the Queens agency, however, said that Schneps did not act improperly because the court representative stands to gain nothing from expansion of the programs of the not-for-profit agency. Schneps does not receive any compensation for his legal work on behalf of the agency, Rosen said.

"I don't see any conflict of interest," Schneps said. The panel member, whose daughter Lara, 11, resides in an apartment run by his agency, said he was motivated only by a desire to place retarded residents in small home-like settings, where he believes they are capable of

more growth than in institutions.

But Mrs. Connelly, noting that in the post-Watergate era public officials are required to be free of even the appearance of a conflict of interest, said: "We conduct a full investigation into the background of someone named to a non-paying job on the board of visitors at a state institution; why then shouldn't the same kind of questions be asked of a man in his position where the possibilities of such a conflict of interest seem so blatant."

State Mental Retardation Commissioner James E. Introne declined to comment on the suggestion by Mrs. Connelly and Padavan that the mental retardation office conduct an investigation to determine if Schneps' action constituted a conflict of interest.

A spokesman for the attorney general's office said he did not know if Schneps would fall under state laws guarding against conflict of interest by public officials. State law prohibits state employees from involvement in any decision that would benefit themselves or any organization with which they are affiliated.

While Schneps' \$200-a-day salary is paid by the state, on days when he is involved in panel business, his appointment was made by a federal court, the spokesman said.