

# Counsel for Willowbrook Review Panel not in conflict of interest, official claims

The vice chairman of a court panel was merely carrying out his mandate to monitor care for the retarded when he sought a court order that could have benefited a private agency he represents as legal counsel, the panel's executive director says.

Katherine A. Schwanager, executive director of the court-appointed Willowbrook Review Panel, said the panel is fully behind Murray B. Schneps, the panel member whose potentially conflicting roles has brought a request for a state investigation by the chairmen of the Senate and Assembly Mental Health Committees. Schneps serves as legal counsel and as a member of the board of directors of a Queens-based organization for the retarded that provide services ordered or recommended by the panel.

Ms. Schwanager said that other panel members, not Schneps, had suggested that an effort be made to obtain a court order to force the state to transfer profoundly retarded residents of Flower & Fifth Ave. Hospital, Manhattan, into three-bed apartments operated by private, not-for-profit agencies. The Working Organization for Retarded Children, the agency with which Schneps is affiliated, is one of two agencies that have sponsored apartments for profoundly retarded persons in New York City and could have gained new state contracts as a result of a court order.

Ultimately, an out-of-court settlement was reached. Schneps said his decision to join other panel members in seeking a court order was a result of his belief that the three-bed apartments offered the most appropriate setting for the profoundly retarded residents at the hospital.

Schneps said he was originally appointed to the review panel because of his involvement with groups working on behalf of the retarded. He said a federal judge has already ruled that the dual-role is proper.

The panel member said he suspects criticism

aimed at him is a result of his persistent criticism of what he sees as inadequate care for the retarded by the state of New York.

"The day they get rid of me, they will throw the biggest party," Schneps said of state officials. "But I'm not going anywhere because I believe I do a good job at what I do."

Assemblywoman Elizabeth A. Connelly, D-West Brighton, and Sen. Frank Padavan, R-Queens, said state mental retardation officials should determine if

Schneps' decision to lobby for the court order was improper. State officials have yet to say if they will conduct such an inquiry.