

Judge sets Nov. 16 Deadline in Willowbrook fight

By ANEMONA HARTOCOLLIS
Advance City Hall Bureau

Trying to hasten the resolution of a dispute over the care of more than 4,800 mentally retarded patients from Willowbrook, a federal judge yesterday set Nov. 16 as a trial date in the case.

Lawyers for New York State and two public interest groups had reached a draft settlement in the dispute last month. But parents of the retarded patients, whose care in state facilities has been a subject of litigation since 1972, rejected the settlement last week, forcing the negotiations to start anew.

Judge John R. Bartels, sitting in Brooklyn Federal Court, warned yesterday that if the two sides did not finally agree on a settlement by Nov. 16, he would refuse any further requests for adjournment and bring the dispute to trial.

Bartels decided to set the trial date at the request of the New York Civil Liberties Union and the Legal Aid Society, the two public interest groups representing the retarded patients. All of

the patients are present or former residents of the state-run Staten Island Developmental Center, commonly called Willowbrook.

The prospect for a settlement appeared uncertain yesterday, although both sides said they were making every effort to avoid going to court.

"We are certainly willing to talk, but we are not as optimistic as we were," said Samuel J. Kawola, deputy commissioner of program operations in the state Office of Mental Retardation and Developmental Disabilities.

Kawola complained that the original settlement had been "practically gutted" by the Civil Liberties Union at the request of parents and advocate groups of the retarded. "It's like starting from ground zero, from scratch," he said.

Chris Hansen, a Civil Liberties Union attorney and chief negotiator for the patients, said he "could not really characterize whether we're making progress or not."

But he said the Civil Liberties Union was willing to go to trial

because it believed an "emergency" existed at the Staten Island Developmental Center, where 850 patients still live.

"I would venture to say that if you and I walked out there right now, we would find wards where several, even a substantial number of people, are left naked. I would venture to say that we would find the place is filthy because urine and feces are not cleaned up."

Hansen said conditions at the institution had deteriorated steadily since the state Legislature refused to continue funding the Willowbrook Review Panel, a seven-member group of experts appointed in federal court in 1975 to monitor state care of Willowbrook patients.

The draft settlement would have restored a single monitor, to be funded by the state as a cost of litigation rather than through specific legislative appropriation.

Kawola however, said Hansen's allegations of inhumane conditions at Willowbrook were "just not true." He said the institution was constantly super-