

Deaf

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absolutely shameful," said Assemblyman Michael Bragman, D-Onondaga County, who has worked for several years to get state funding for McNulty's education and rehabilitation.

"What concerns me most is once it became apparent that the state had made a horrible mistake with this young man, they were not willing to admit they had made a mistake," Bragman said.

"What is even more atrocious is the actions of the attorney general's office and other officials in the state," he said. "Throughout, they have taken the position they would do as little as possible because they thought it would jeopardize their case in court. They have done nothing but stonewall it," Bragman said.

"The state is going to be found guilty for what has happened throughout the years," he said.

Last year the Appellate Division of the New York Supreme Court upheld a decision that a deaf man, who had been improperly diagnosed as retarded while institutionalized at Willowbrook, was entitled to \$1.5 million. The plaintiff, Donald Snow of Long Island, was in Willowbrook at the same time as Joe McNulty.

The crux of the pending lawsuit is that McNulty was also improperly evaluated upon his admittance to Willowbrook despite a state law passed days before McNulty's arrival. That law said state facilities must take extra steps to determine a deaf client's intelligence and then provide an appropriate education to help achieve that potential, said Elizabeth McGinty, one of McNulty's lawyers.

Davoli said that even though Willowbrook was notified of McNulty's deafness, the school administered IQ tests that primarily tested verbal skills.

Not surprisingly, expert wit-

nesses for the plaintiff say, McNulty performed poorly having no communication skills. Since the tests were inappropriate for McNulty, the results were, and still are, irrelevant, these experts say.

In the seven years he was in Willowbrook, McNulty did not learn sign language or any other means of communication. He did not learn to read. He did not even learn his name.

In 1969, McNulty was fitted with a hearing aid. After he repeatedly threw it across the room, however, one doctor wrote in McNulty's file it was a waste of Medicaid funds to pursue teaching the child to use it.

The \$10 million law suit was filed by Dan Geller, an audiologist who met and worked with McNulty in an upstate institution where McNulty was sent in the mid-1970s.

McNulty lived with Geller and his wife, Deena, on-and-off, from 1978 until last winter when he moved into a group home in Syracuse. Geller was appointed McNulty's guardian *ad Litem*, which means Geller was responsible for McNulty's legal rights.

Part of the award Davoli hopes the court will award his client will pay for the rehabilitation McNulty needs to reach at least part of his potential, Davoli says. This program could help McNulty become somewhat independent or at least "way beyond where he is now," said Ms. McGinty.

Geller, in McNulty's behalf, has also filed two other multi-million dollar lawsuits; a federal court suit that claims McNulty's civil rights were violated and a lawsuit in New York State Supreme Court that charges individuals involved in McNulty's case with malpractice and negligence.

(First of three parts. Tomorrow: Joe McNulty's childhood.)