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## DAVID GREGORY: SPECIAL MASTER FOR PINELAND DECREE

*Kevin W. Concannon\**

My name is Kevin Concannon. I have known Dave for nearly 25 years; very fortunately Dave was a friend of mine. I first met him in a cluttered office at the University of Maine School of Law, when I was then a very young, and I would say, very naïve director of the Bureau of Mental Retardation at the State Department of Mental Health and Corrections at the time. At the time, we were looking for a respected, knowledgeable lawyer who could and would serve as Federal Court Master over a large civil rights class action suit brought on behalf of residents and former residents of Maine's Pineland Center.

Maine was sued during a period of time in the 1970s in which a number of similar lawsuits were filed and successfully negotiated across the United States on behalf of persons with mental retardation who were hospitalized or institutionalized in public institutions. The most famous of those is the Partlow School down in Alabama. But there were a series of them through the 60s and the 70s and some into the 80s. In Maine's case, the named plaintiff in that regard was a man by the name of Wuori from up in Oxford County. I, as director of the middle level part of the state government agency, became one of the named defendants in that case, and before my term in the Department of Mental Health was over, at one point or another I occupied each of the places of the defendants and the named defendants in the class action lawsuit.

We selected David Gregory at the recommendation of both the State and the attorneys for the plaintiffs as the special court master who worked directly for Judge Gignoux in the Federal Court, who was overseeing this litigation. To this day, I am very mindful of how fortunate we were as a state to have found David Gregory and for Dave to have taken on this responsibility as special court master. Today, he was in my thinking about this very memorial, and it is an honor to be here, I tried to think about the various ways to characterize Dave.

First of all I would say, and I think we have heard it in some of the comments from prior speakers, he really "did not suffer fools." I think he had a certain passionate impatience with the inability of either government or systems or individuals to really recognize what was at the core and at the heart of a consent decree into which the state entered. Dave was really a wonderful and gifted teacher, but I think the reciprocal of that is that he was a wonderful learner. He was very open. He had an almost childlike openness for learning about the circumstances of people with disabilities and wanting to know what was behind that and what there might be for these folks, as a result of the elements or the concepts or the standards that were embodied in this consent decree. He was tireless, he was conscientious, he was eloquent, he was accessible, he was open, he was passionate, he was inventive, he was reliable, and he was extraordinary. Throughout, he had a wonderful sense of humor that saved the day at many points in time.

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\* Commissioner, Maine Department of Human Services; Former Commissioner, Maine Department of Mental Health and Mental Retardation.

He was a very conscientious representative of the court. It was he who stated in writing, in the most eloquent way, the status of the many standards in this case and the progress at different points in time as well. The consent decree in its simplest form really granted to a whole class of people a number of rights that were not previously articulated by state law either in practice or by policy, and it continues to do so. Those rights basically boil down to the individualization of persons with mental retardation or developmental disabilities and their right to receive active treatment or rehabilitation, their right to live in the community, their right to have family support, to have smaller residential settings, and to have the kinds of opportunities that all of us take for granted.

Remember, at the time of this consent decree in the late 70s and early 80s, we had many serious zoning problems across the state as they pertained to the location of group homes. One could not or did not have the benefit of either federal law or state law, or the numerous court decisions since that time that all allow disabled people and support their right to live in a community. We have had to battle to achieve the current status. We used to say that we were chased out of some of the finest communities in the State of Maine. Dave at different points in time was not only an observer regarding the progress of the state in implementing the changes envisioned by the consent decree, but he was also actively helping us creatively to get rid of some of the systematic barriers to the vision and the merits of this consent decree. So Dave Gregory was in some ways, many many ways, a very important added feature of the consent decree.

His legacy is alive today, and I think this is one of the comforts that all of us can take here today. Many of the systematic changes that were made over time in Maine, the improvements in the lives of people with disabilities, their access to health care, their access to communities, the opportunities they enjoy, the freedoms they enjoy, the individualization that is much more a part of the lives of these people with special needs and the supports they receive are derived from that Consent Decree.

It was a pleasant reminder of these matters a couple of Saturdays ago when I went into the Dunkin' Donuts out in Scarborough on Route 1. There, sitting at a table, was a lady who was in her 40s. Her name is Judy B; I won't mention her last name. She is a member of the Pineland Center class and I recall her at the Pineland Center. At various points in time in the 1980s, I was the acting superintendent of that facility. I recall her; she was a very vocal, verbal resident of the center. She was somebody who was the object of some of Dave's interventions as special master. "Why aren't we doing this to get somebody like Judy out and into the community?" Dave would ask. So I went over to speak to her on that Saturday before last at the donut shop, and she did not remember me, but I remembered her. There was somebody sitting with her, a staff support person. Judy B was having a cup of coffee and a doughnut, for better or for worse. But that is her right to have. I turned to the staff and asked, "Now is this Judy B?" He said, "Yes." I told him who I was and asked, "Where does Judy live now?" He said that she lives in an apartment in South Portland with another person with similar disabilities. They have support staff that work with them and bring them out to the Shop 'N Save or the Dunkin' Donuts or what have you.

While it may seem pretty simple to the rest of us, that is a profound difference from the rhythm and the opportunities of life people had for many years at Pineland

Center. To me, it was an example of one person, one of really thousands, who are now enjoying such opportunities, in part because Dave Gregory's effort and commitment that really helped make that happen. His vision, his passion, his eloquence, his persistence live on in the lives of thousands of people. Thank you, David.