



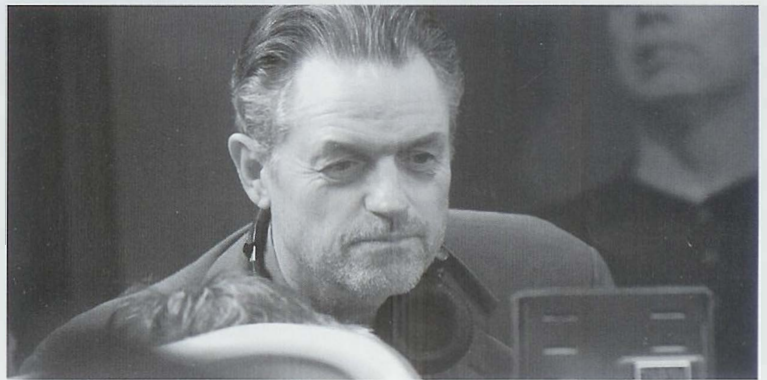
'Decades' marks 20th anniversary

People with HIV/AIDS sometimes need a lawyer as much as they need a doctor. That was the groundbreaking premise behind the founding of the AIDS Law Project of Pennsylvania 20 years ago this November. On Nov. 20, to mark those two decades of representation, advocacy and education, lawyers, luminaries and folks who have been touched by the AIDS Law Project's work will gather for an observance dubbed "Decades," a tribute to the nation's only independent public-interest law firm solely serving people with HIV/AIDS.

Thanks to the generosity of honorary co-chair **Mayor Michael Nutter**, Philadelphia's ornate City Hall will be the setting for the evening, co-chaired by **Stephanie McBride**, **Curtis Roth** and **Heshie Zinman**.

A cocktail party starts at 5:30 pm in Conversation Hall, where sponsors will mingle to the smooth jazz stylings of a trio led by **Jordan McBride**, son of Grammy Award nominee and best-selling author **James McBride**.

At 7:30, the action moves to the Mayor's Reception Room, where director **Jonathan Demme**, whose film *Philadelphia* was the first major Hollywood movie to highlight the need for legal protections for people with HIV/AIDS, will speak and introduce some of those who were a part of the making of that picture. Next, a panel discussion will



Join director Jonathan Demme at our event Nov. 20.

look at the evolution of AIDS-related legal issues over the last 20 years and where they may be headed in the future.

A brief documentary about the AIDS Law Project made by University of the Arts film students **Anisha Payne** and **Ashley Akunna** will be screened for the first time that evening.

Tickets and sponsorships for the event are available by calling 215-587-9377. Program updates also will be online at www.aidslawpa.org.

Food service, the next frontier

"The idea that people with HIV shouldn't work in food service is a total misconception," says Staff Attorney **Sarah Schalman-Bergen**, pointing out that federal law actually protects the rights of people with HIV/AIDS to do so.

The Americans with Disabilities Act, passed in 1990, requires the federal Centers for Disease Control and Prevention to publish a list of diseases that can be transmitted through food handling. HIV/AIDS has never been included on the list.

Nevertheless, says Schalman-Bergen, discrimination in the food-service industry continues and is so widely accepted that employers don't even pretend to have a

pretext for refusing to hire or choosing to fire people with HIV/AIDS.

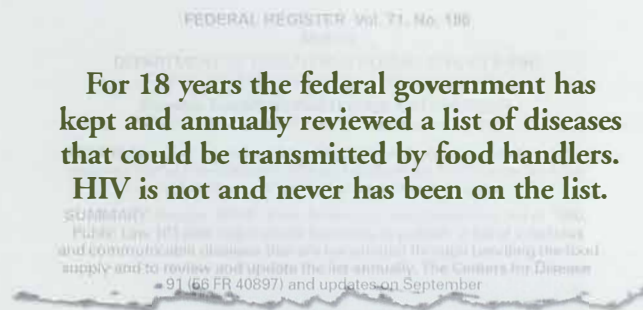
"Eighteen years later, most employers understand that you cannot fire someone because of their HIV status, but many restaurant owners and managers have not

gotten the message," she says, noting that she has worked on six food-service cases in the past six months

In the Fall 2007 issue of Good Counsel, we told the story of one such case in "Restoring a disrupted life." Jane's former employer, a sandwich shop, fired her once they learned she had HIV. The employer then opposed Jane's application for unemployment compensation, claiming she was fired not because she has HIV, but because she failed to disclose it.

The AIDS Law Project of Pennsylvania successfully appealed Jane's denial of benefits. The Unemployment Compensation Board looked at the facts and affirmed that Jane had no legal obligation to disclose her status.

Schalman-Bergen followed up by filing a discrimination complaint against the sandwich



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Good Counsel is published semiannually by the AIDS Law Project of Pennsylvania for our friends, volunteers and colleagues committed to protecting the rights of people with HIV/AIDS.

The AIDS Law Project works on almost 2,200 legal matters a year, nearly all from people with HIV/AIDS, many of whom have nowhere else to turn for help. We help people navigate the legal system, the welfare system, the housing system and the worlds of public and private insurance. We provide education and training to thousands of professionals who work with

MESSAGE FROM THE EXECUTIVE DIRECTOR



Friends,

At this summer's XVII International AIDS Conference in Mexico City, I participated in a panel discussing informed consent and a patient's right to make decisions about testing and treatment.

A recurring theme of the conference was the detrimental impact that stigma and denial of human rights have on prevention and treatment efforts, and how fear of discrimination keeps people living with HIV/AIDS from seeking testing and treatment. It was striking to hear about advances in HIV research and treatment, while at the same time hearing reports of violence, criminalization, loss of liberty and property, and other tragic incidents of discrimination experienced by people with HIV. Despite all the scientific and medical progress that has been made, we still have far to go on the human-rights front.

At the AIDS Law Project of Pennsylvania, we've become only too familiar with how stigma and discrimination have fueled the epidemic. Clients often are afraid to talk about HIV/AIDS with employers, neighbors, even family members – often with good reason. But if people can't even talk about HIV, successful prevention efforts are unlikely.

For 20 years, the AIDS Law Project has tried to do the talking for those who can't – to spread the word that people with HIV/AIDS aren't a danger in the workplace, in the neighborhood or at the dinner table. Since 1988, we've been sending the message that having HIV doesn't mean you lose your rights to be treated fairly and equally under the law. Incredibly, as our cover story shows, employers still have to be told that food-handlers with HIV are not a risk in the workplace.

I hope you will be with us and Academy Award-winning director Jonathan Demme inside Philadelphia's City Hall on the evening of Thursday, Nov. 20, as we commemorate our two decades of protecting the rights of people with HIV/AIDS.

Remember us at workplace giving time.

When you donor-designate in your workplace giving campaign, remember your neighbors served by the AIDS Law Project of Pennsylvania.

**United Way of SE PA Specific Care Option #09067
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THE RIGHT FORM MAKES ALL THE DIFFERENCE

On the Thursday before the long Labor Day weekend, a pregnant teenager with a learning disability came to the AIDS Law Project of Pennsylvania with her guardian. The young woman had met Staff Attorney **Joe Cohn** when he prepared standby guardian documents for her mother. The young woman and her mother both received monthly Social Security checks that were automatically deposited in the mother's bank account. Her mother's health had deteriorated and she was now in a coma and neither the young woman nor the standby guardian had access to the daughter's Social Security check.

How, she and the guardian asked Joe, could they go about getting that money released to the guardian? Joe posed the question to the AIDS Law Project's public benefits specialist, Staff Attorney **Asha Ramachandran**.

Asha explained to the pair that the Social Security office needed proof that the mother had designated the guardian to care for her daughter. The Standby Guardianship paperwork was the proof they needed. Asha pulled the document from the file and gave it to the guardian with directions to the closest Social Security office plus instructions on what to say when she got there.

Following Asha's instructions to the letter, the guardian and her young woman visited the Social Security office the next day and got the benefits transferred that afternoon. By the time the holiday weekend began, the young woman, although still facing challenges, felt the security that her mother had intended for her.



NAVIGATING THE SYSTEM

AN APPEAL IN THE NICK OF TIME

"George" had been receiving long-term disability benefits since 2000 because of his HIV and severe asthma. With the advent of new medications, he began to recover and hoped to return to his job as an educator. His plans changed dramatically when he suffered a neurological event that left him with intense all-over body shaking. George underwent a series of diagnostic tests, but the cause of the shaking could not be determined.

Things turned worse for George when his long-term disability insurer claimed that since the testing revealed no organic explanation, the shaking could only be a mental disorder. The insurer sent him a letter terminating his long-term disability benefits, effective in November, because his policy had a two-year limit on disabilities due to mental disease or defect.

In response to the termination letter, Deputy Managing Attorney **Cathryn Miller-Wilson** consulted with George's primary-care physician, who could not establish a physical cause for the shaking. Without medical evidence to support a claim for a physical disability, the insurer's decision to terminate the coverage could not be successfully appealed.

Four months after receiving the termination letter, George switched doctors. His new

PECO PERSISTENCE PAYS OFF

In January 2006, shortly after moving from one small apartment to another, "Helen" got a \$9,198 utilities bill from PECO. When she called PECO to ask about it, she was told that it was based on the meters at her former apartment and that she had to pay it. Living on Social Security disability benefits, Helen had little income and no resources to call upon, until eventually she contacted the AIDS Law Project of Pennsylvania.

Bilingual Paralegal **Carlos Munoz** started work on Helen's problem in May 2007. In an effort to obtain immediate service for her while trying to determine the amount actually due, Carlos signed her up for PECO's Customer Assistance Program (CAP), a service designed for low-income customers. The CAP agreement called for Helen to pay 1.5 percent of the charge — \$137.97 — each month for 60 months.

But Helen had great difficulty meeting the program's ongoing requirements. Some months, because her fixed income was so low, she missed payments. Other months, Helen had trouble collecting the appropriate documentation to prove her continued eligibility. Each time she missed a program requirement, she got a shut-off notice, and the AIDS Law Project got a call.

Carlos patiently renegotiated the deal a number of times and finally obtained a medical certification of Helen's chronic health condition, which exempted her from shut-off. But PECO contended that she still owed more than \$8,000.

Last February, before he could finally resolve Helen's PECO problems, Carlos was reassigned to our Criminal Records Resolution Project and our new housing paralegal, **Samarjeet Wable**, took over her case. Samarjeet pursued Helen's issue doggedly with daily calls to the utility and in April convinced PECO to do a complete investigation of the matter, which was now so old that the company's customer services representatives didn't have access to the original problematic bill. The investigation was referred to PECO's Customer Resolution team, which had access to Helen's entire account history and noticed that all the charges had been generated *after* Helen left her former apartment. Knowing that the apartment was vacant at that time led the representative to take a closer look and he eventually traced all the charges back to a single malfunctioning meter. "It was the meter's fault," the PECO rep said just before he wiped the erroneous \$9,198 charge from Helen's account.

Thanks to the tag team of Carlos and Samarjeet, Helen no longer dreads opening her PECO bill and has no fear about keeping warm this coming winter.



Photo by Donald D. Groff

JUBILANT raffle-winner Pat Egan acknowledges applause from more than 140 people at the AIDS Law Project's annual movie-party fundraiser held in mid-June at Digitas Health. The event, featuring the culinary treats of Kim Silverman and the movie "Soul Hustler" presented by Secret Cinema's Jay Schwartz, raised more than \$8,000 for the AIDS Law Project's efforts. Joining Egan are (from left) Board President Kahiga A. Tiagha, Treasurer Jovan T. Goldstein and Executive Director Ronda B. Goldfein.

Continued from cover

shop with the Pennsylvania Human Relations Commission on Jane's behalf. After receiving the complaint, the sandwich shop owners and their lawyer decided to settle the case and indicated they were willing to pay all damages that the law requires.

In the final settlement, the sandwich shop agreed to include a nondiscrimination policy in its employee handbook and that the staff would be trained on universal precautions. Jane will also receive payment for lost wages and compensatory damages. Jane is grateful to the AIDS Law Project for its hard work, and is ready to move on with her life. She reports that she now works for an employer who treats her with respect.

Schalman-Bergen says that the relatively quick settlement should put other employers on notice that the law will not tolerate discrimination against people with HIV in the food-service industry. Only proper enforcement of the law will allow people living with HIV to fully participate in the workforce.

CELEBRATING OUR 'DECADES'

Our celebration of the AIDS Law Project's 20th anniversary reaches a crescendo on Nov. 20 with "Decades," a tantalizing multipart program in Philadelphia's historic City Hall. (Related story on the cover.) **Jonathan Demme**, Academy Award-winning director of the film *Philadelphia*, will be among those at a 5:30 p.m. cocktail party in the stately Conversation Hall, followed at 7:30 p.m. by a program in the Mayor's Reception Room during which Demme

DECADES

AN EVENING TO MARK THE 20TH ANNIVERSARY
OF THE AIDS LAW PROJECT OF PENNSYLVANIA

will discuss the aftermath of his acclaimed AIDS-themed movie's release 15 years ago. A panel discussion will examine what has unfolded in the years since. Tickets for the full evening – cocktail reception and program – are available at \$250 and \$150. We thank our supporters for being as generous as possible. Sponsorships

remain available, and sponsors will get the chance to spend time with director Demme. Tickets and sponsorships are available by calling 215-587-9377, and program updates will be online at www.aidslawpa.org.

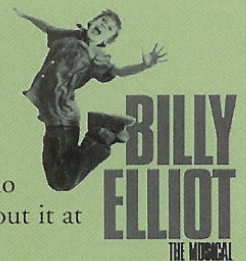
An easy way to see 'Billy Elliot' in New York

The public may be clamoring for tickets to *Billy Elliot the Musical* on Broadway, but friends of the AIDS Law Project of Pennsylvania have an inside track: 50 seats for the April 11 performance at the Imperial Theater in New York already are in hand and can be reserved now as part of a one-day coach-trip package being organized to benefit the AIDS Law Project.

The musical, a whopping hit in London where it has been running for more than three years, is about a boy who discovers that although all the other boys he knows like boxing, he has a special talent for dance. (Read all about it at www.billyelliottbroadway.com.)

The orchestra seats for the 2 p.m. show on April 11, a Saturday, are in rows N, O, P and Q, and the bus, stocked with breakfast and snacks, will leave from near the AIDS Law Project offices at 12th and Chestnut streets at 9 a.m., arriving in New York early enough for participants to have lunch on their own. The bus home will leave at 5, arriving back in Philadelphia about 7:30 p.m.

The cost of the package is \$275 per person. Information is posted on our Web site at www.aidslawpa.org. To reserve space, e-mail your name, number of tickets required and phone numbers to billye4aidslaw@aol.com. For more information, please call Ed Bomba at 267-251-4504. A portion of the package price will be earmarked as a tax-deductible donation to support the AIDS Law Project of Pennsylvania.



Looking back on the 3rd quarter

In an ongoing effort to assess its legal services, the AIDS Law Project of Pennsylvania performs an annual review of its work. For the second consecutive year, all the public benefits and housing cases that were closed during the third quarter of the year were examined.

Drexel University Earle Mack School of Law student **Zoe Plerhoples** reviewed 92 public-benefits cases that were closed between July 1 and Sept. 30, 2007. She compiled the following numbers:

- Of the 92 people, 70 of them -- 76 percent -- were enrolled in a public-benefits program by the time the AIDS Law Project closed their files.
- Of the 70 people eligible for assistance, all got state and/or federally funded health insurance from General Assistance and/or Medical Assistance, Social Security disability benefits, and Medicaid and/or Medicare.
- 52 percent of all the clients who came in for benefits assistance had case managers, but their issues required skills and knowledge beyond typical case management.

Widener University School of Law student **Jessica Schuler** reviewed 57 housing/utilities cases that were closed during the same period. She found:

- Of 57 calls for housing-related assistance, 48 people -- 84 percent -- were in or on their way to secure, affordable housing with working utilities by the time we closed their files.
- Our representation for those clients ranged from direct representation in Municipal Court to informal negotiations with landlords and utility companies to legal advice and information on the rights and obligations of landlords and tenants.

These numbers reflect the continuing challenges faced by many people with HIV/AIDS and underscore how the AIDS Law Project often proves to be their most effective resource for help with legal needs.

Advisory Board launched

Over the last 20 years, the AIDS Law Project of Pennsylvania has benefited from the wisdom and guidance of many legal and medical professionals and community leaders. To establish a forum for supporters who wish to offer valuable input and advice without the legal and administrative obligations shouldered by the governing board, we have created an Advisory Board. Our longtime friends **Kline & Specter** are Founding Members of the Advisory Board with their generous donation of \$15,000. Partners **Tom Kline** and **Shanin Specter** both lauded the "tireless and important work" of the AIDS Law Project, which they hope will gain "broader recognition and support among the legal profession."

The group also includes **Dr. Nicholas Ifft**, who is stepping down from our Board of Directors to devote his attention to recruiting Advisory Board members. We are looking for members of the community who are willing to serving as substantive advisers and financial supporters. Please call us at 215-587-9377 for more information on our Advisory Board.



Photo by David W. Webber

COMRADES IN ARMS: Executive Director Ronda Goldfein (left) meets with Meg Davis, Li Dan (center) and Shen Tingting at the AIDS Law Project offices. Davis, director of Asia Catalyst in New York, accompanied the pair from China who are founders of a legal clinic in Beijing for people with AIDS, on their visit to examine the AIDS Law Project and other programs.

TRAINEE DEMOGRAPHICS

The AIDS Law Project of Pennsylvania regularly offers training sessions about AIDS and the law. Here is a summary of who attended such sessions April-September 2008.

10 Students of:

Medicine
Law

200 Professionals, including

International activists
Lawyers
Case managers
Social workers
Health care professionals

Locations

Philadelphia
Mexico City
Cranberry, Pa.
Middletown, Pa.
Danville, Pa.
Dallas, Texas

Sponsors

Drexel University College of Medicine
AIDS Activity Coordinating Office of the Philadelphia Department of Health
American Bar Association
Health Federation of Philadelphia
Drexel Partnership Clinic
Philadelphia Municipal Court
International AIDS Society

TAKE A SEMINAR, TAKE CONTROL

Life can be a little easier with the right information at your fingertips. Our AIDS and the Law experts give you the low-down on how to leave your job, go back to work or handle your landlord. These free seminars are held at the AIDS Law Project offices at 1211 Chestnut St., Suite 600, just a short walk from the Broad Street and Market/Frankford SEPTA lines, Market East trains and many bus lines.

Back to Work

Your medications are working and you're ready to get a job. This seminar covers the rules of returning to work so you won't lose the benefits that got you well enough to work in the first place. You'll also learn how to improve your credit rating with your new income.

Second Tuesday of the month, noon-2 p.m.

Jan. 13 Feb. 10 March 10 April 14 May 12 June 9

Leaving Your Job

Making a smooth transition from the working world onto disability takes planning. This seminar lays out a step-by-step timeline so you know what to expect when it's time to make the move. You'll also learn how to avoid some of the common debt pitfalls leaving a job can entail and how to handle the debt you may take with you into retirement.

Second Wednesday of the month, noon-2 p.m.

Jan. 14 Feb. 11 March 11 April 8 May 13 June 10

Housing: Tenants' Rights and Responsibilities

Before you sign a lease or make a security deposit, learn what to expect of your landlord and what your landlord can legally expect of you. This program covers protecting and retrieving your deposits, record keeping, qualifying for subsidies, dealing with utilities, and all aspects of the landlord/tenant court process.

Second Thursday of the month, noon-2p.m.

Jan. 8 Feb. 12 March 12 April 9 May 14 June 11

Continued from page 3

treatment team diagnosed him with a severe bronchial condition with resulting permanent lung damage. George then called Miller-Wilson to report the new diagnosis. Miller-Wilson realized that with a diagnosis of a physical disability, the client now had a basis to appeal the termination of his benefits. But she knew that the client had 180 days from the termination letter to file an appeal and that George's call was on the 180th day.

Miller-Wilson and law student **Danielle Mourer** prepared and submitted the appeal later that same day. In response to the last-minute, yet timely, appeal, George's long-term disability insurer reversed its previous decision and awarded him on-going benefits.

Once again, the AIDS Law Project of Pennsylvania's ability to respond swiftly made all the difference, and George's life challenges are easier to cope with because his long-term coverage has been restored.

Changes...

Welcome new faces

The academic year is underway at the AIDS Law Project of Pennsylvania Field Clinic, which is in its first semester of operation under a new partnership with the Drexel University Earle Mack School of Law. The student clinicians are:

- Housing: **Jason Gromley** and **Michael Kelley**
- Medical/Legal Partnership, Discrimination and Confidentiality Issues: **Danielle Mourar**
- Public Benefits: **Marian Giffried** and **Meryl Katz**
- Consumer, Discrimination and Confidentiality issues: **James Rosica**
- Social Security and Immigration: **Briana Elzey** and **Jamie Rahn**.

All the students are in their third and final year of law school and are certified to advise and represent clients. Three are already known to many clients: Meryl and Danielle are now in their second year at the AIDS Law Project and Marian is continuing with us after spending her summer internship in our offices.

Congratulations

Deputy Managing Attorney **Cathryn Miller-Wilson** brings distinction to herself and the AIDS Law Project of Pennsylvania for having been named an adjunct professor of the Drexel University Earle Mack School of Law. The appointment is active while she heads up the AIDS Law Project Field Clinic.

Condolences

It is with sadness that the AIDS Law Project of Pennsylvania notes the recent passing of a longtime supporter of the AIDS Law Project, **Judith Shuman Eden**, on Aug. 8. The staff and board extend condolences to Judith's husband, **Avi Eden**, who has served on the AIDS Law Project board since 2005.

ON THE MARCH: The AIDS Law Project of Pennsylvania's team of fundraisers and their supporters gather near the Philadelphia Museum of Art on Oct. 19 for the annual AIDS Walk, which drew more than 15,000 participants on a crisp Sunday morning. The AIDS Law Project is one of 30 agencies benefiting from the AIDS Walk.



Thanks for the help

The summer of 2008 was a busy one with another crop of enthusiastic interns helping and serving clients in the AIDS Law Project of Pennsylvania offices.

Jessica Schuler, who had completed her first year at Widener Law School just before joining us, worked on Housing matters. **Raphaella Poteau**, just out of her first year at Temple University's Beasley School of Law, was in three days a week to handle Public Benefits matters. **Maria McGinley**, a New York City public school teacher enrolled in the evening division of New York Law School, worked on special projects for Executive Director Ronda B. Goldfein, Esq. In addition, **Marian Giffried**, just out of her second year at Drexel Law, joined us as an intern and stays on for our Field Clinic, as does **Danielle Mourar**, the Pride Law Fellow working on the medical/legal partnership she started on in the last academic year.

Finally, two previous high school interns came back to the AIDS Law Project to help out with telephones and filing: **Patricia Taylor** had just graduated from Germantown High School in the spring and this fall she starts at Neumann College. **Katie Garson**, now in her final semesters at Binghamton University, found volunteering to be a good way to prepare for the Law School Admission Test she'll be taking this fall. And thanks to our new high school intern, **Azure McBride**, for organizing our resource directory this summer.

The AIDS Law Project's staff, board and clients thank you all for all your hard work.

... and bid farewell

This season the AIDS Law Project of Pennsylvania bids a fond farewell with hearty thanks to four who have served our clients well: Benefits Paralegal **Tyler Griswold** left in July to begin graduate studies in Public Health at Yale. Time-consuming professional commitments have caused three board members to step down, **Moirra McGuire Kulik**, **Jaya Ramji-Nogales** and **Nicholas Ifft, M.D.** Nick will be devoting his time to our new Advisory Board (see story on Page 5). Jaya and her husband, Luis Carlos Ramji-Nogales, are finding that their lives need a little reorganization since the birth of their daughter, Kala, in April. Best wishes to all in your future endeavors.

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