

Chef and Fiancé Fired Because One Has HIV

The couple had recently moved to the small Pennsylvania town, where one of them had grown up. They were eager to plant hometown roots and prepare to be married.

Both had gotten jobs in May 2016 at a country club restaurant, one as a chef. Sadly, everything fell apart quickly.

On their first day at work, the couple prepared a meal to follow the funeral of a country club member. The employer and guests praised them for their effort. When they arrived for work on their second day, the chef was told he was fired because his employer had learned he had HIV.

The chef's fiancé, who does not

have HIV, was initially allowed to keep his job, but his hours were steadily reduced until he was fired a few weeks later.

"They were incredulous," said **Adrian M. Lowe**, a staff attorney at the AIDS Law Project of Pennsylvania. "They'd heard stories about this kind of stigma, but they'd never experienced it."

Federal and state laws clearly prohibit discrimination against people with HIV and AIDS. The protection also extends to those who are regarded as having HIV and AIDS and to those who associate with people living with HIV and AIDS. Further, the Centers for

CONTINUED ON PAGE 7

Good Counsel Gets a Makeover

Good Counsel has always been dedicated to keeping its readers informed about the work the AIDS Law Project of Pennsylvania does on behalf of people with HIV and AIDS.

With this issue, we continue that effort. We thank **Kate Wall** for the new logo and **Paul Spencer** for the redesign, with help from **Mark Spencer** and **Messapotamia Lefae**.

As you can see, Good Counsel is now in full color, thanks to **Dennis Langan** and **CRW Graphics**.

Please let us know what you think and thank you for your continued support.



Anne Saint Peter 2016



Kartik Zutshi Photography 2016



Kartik Zutshi Photography 2016

Best Boo! Ever

The third annual Boo! @ bahdeebahdu on Oct. 28 was a night to remember for guests, including Midge Shull and Bruce Garner (far left), hosts RJ Thornburg and Warren Muller (center), and performers Teddy Fatscher and Regan Jackson of Brian Sanders' JUNK.

More photos, Page 4

INSIDE

WOMAN ESCAPES FINANCIAL PERIL

The AIDS Law Project of Southern New Jersey helps extract a woman from a ruinous annuity sale. **Navigating the System, Page 2**

'FRANTIC WITH WORRY'

Facing baseless demands and threats from a landlord who lost his property, a tenant turns to the AIDS Law Project for help. **Navigating the System, Page 3**

LEGAL ISSUES IN 2016

We provided help to 1,199 people on a total of 6,621 legal issues last year. Our annual statistical report provides more information on the issues and the clients. **Page 5**

ATTORNEY HONORED

The Philadelphia Bar Association honors Yolanda French Lollis, managing attorney of the AIDS Law Project, for her decades of advocacy. **Page 6**



FROM THE EXECUTIVE DIRECTOR

Stigma still prevents many Americans from getting tested and treated. At the AIDS Law Project of Pennsylvania, we try to counter stigma by educating, demonstrating, and litigating.

But what about the rest of the world? Are my colleagues in other countries tackling this problem in the same ways?

Earlier this year, I tried to find out. With the generous assistance of the Philadelphia-based Independence Foundation, I embarked on a tour of seven nations on three continents. You might say it was an unscientific, first-person survey of stigma.

I met with professionals from: the AIDS Healthcare Foundation; UNAIDS; the Brazilian human rights organization Gestos; the All-Ukrainian Network of People Living with HIV/AIDS; and the Pan American Health Organization. I interviewed people living with HIV, public health officials, medical doctors, HIV test counselors, social workers, journalists, lawyers, and policy experts. I spoke with activists, a newlywed, sex workers, housewives, intravenous drug users, a military officer, and young gay men.

In Hanoi and Ho Chi Minh City, Vietnam, where the health care delivery system is changing, activists are educating people with HIV to sign up for new health insurance. In Recife, Brazil, lawyers and policy experts are fighting restrictive welfare reform through lawsuits and protests in the streets. In Siem Reap, Cambodia, people with HIV are supporting each other to overcome self-stigma, which can be even more crippling than societal stigma.

In Kyiv, Ukraine, where false reports of drug shortages have forced people to buy drugs on the black market at exorbitant prices, the All-Ukrainian Network has developed an app that searches a national database to show where HIV drugs may be found at pharmacies and hospitals. Ukrainians have more confidence in a drug-tracking device than in seeking justice through the legal system.

Although AIDS stigma impedes treatment everywhere, each country I visited has caring and committed experts addressing it in ways that work for them. I returned home encouraged that we have strong partners in the fight.



Ronda with human rights lawyer Juliana Cesar, international projects adviser at Gestos in Recife, Brazil.

Ronda

NAVIGATING

New Jersey Client Narrowly Escapes Financial Collapse

ANNUITY SALE GONE BAD SENDS WOMAN TO BRINK OF RUIN

The horrific car accident was devastating for the 18-year-old woman, who faced a long recovery, including multiple brain surgeries.

In a legal settlement as a result of the accident, she was given a lifetime annuity that increased each year, eventually rising to \$8,000 a month.

But the accident also left her unable to properly handle her affairs. **Charlotte Hollander**, senior staff attorney with the AIDS Law Project of Southern New Jersey, said her limitations combined with her generous spirit led her close to financial ruin.

"She was extremely generous and gave money to family, friends and anyone in need," Charlotte said.

Now 54, her car had been repossessed, she was on the verge of losing her home and had filed for bankruptcy. That's when a social worker referred her to the AIDS Law Project of Southern New Jersey.

Charlotte learned that the woman had sold part of her settlement to a company that deals in the secondary annuity market.

While such arrangements can be perfectly legitimate, they also can be rife for abuse. Companies that deal in secondary annuities had been bombarding the woman with offers.

She eventually went with a company that offered her a lump sum payment in exchange for monthly deductions for five

years from her annuity.

The woman eventually realized the deal left her in worse financial shape.

"She had no idea what she was getting into," Charlotte said. "She was very confused and didn't know what had happened to her."

Charlotte searched for a law firm that specialized in the field and found it in Edward Stone Law. Charlotte partnered with the firm, which has offices in Connecticut and New York City and had been involved in high-profile cases.

There was a lot of work to do. The deal had been done entirely by phone and fax. The woman had kept no records of any of it.

Charlotte and attorney **Lisa Salmons** from Stone Law got the missing documents and learned the woman had been promised an \$80,000 lump sum payment, but only received \$23,000. The company intended to take \$150,000 of her annuity in \$2,500 monthly deductions for 60 months.

The company said the woman only got \$23,000 because they needed the rest of the money to purchase life insurance for her because she had HIV.

Facing the threat of a lawsuit, the company eventually agreed to cancel the deal. Charlotte is now working on finding a conservator so the woman can get her financial affairs in order.

"She was very happy it was all settled," Charlotte said. "Anyone with such an annuity settlement should be warned that an attorney's assistance is crucial to understanding what actually is happening to their income."



Hard-Hearted Landlord Makes Life Tough

TENANT STANDS UP TO GROUNDLESS DEMANDS AND THREATS

The bright orange Sheriff's sale notice on the front door was the first sign of trouble.

Before she saw the notice, the 53-year-old West Philadelphia woman, who had lived at the residence for four years, had no idea her landlord had been sued by his mortgage company and was on the verge of losing the house.

"She was incredibly upset at her landlord and frantic with worry that she could be thrown out," said **Jeni Wright**, the AIDS Law Project's housing attorney.

The woman contacted the AIDS Law Project on Jan. 12 and housing paralegal **Jade McKnight** advised her to escrow her rent until the new owners took control of the property.

The landlord lost the house at the Sheriff's sale on Feb. 7. The next day Jeni confirmed that the company that held the mortgage was the new owner.

She also learned that the landlord's rental license had expired more than two years ago and he had no legal right to collect the rent the woman had escrowed.

That didn't stop the landlord from trying to get it. He started contacting the woman, demanding the rent and threatening to turn off the gas and water, which were in his name.

In response, Jeni contacted the gas, electric and water companies advising that a low-income tenant lived at the property and that state law prohibited utility companies from shutting off service from Dec. 1 to March 31.

Unfortunately, the landlord still had keys to the property and on Feb. 9 instructed his handyman to illegally enter the property and shut off the hot water. The tenant paid a contractor to turn it back on.

Jeni advised the woman to have the locks changed immediately. She also contacted the victims' assistance officer for the local police district to alert them to a potentially contentious problem at

the address.

The landlord was persistent. Before the woman could have the locks changed, he had the hot water shut off again. Once again, the woman paid a contractor to restore service and contacted the police. As she had before, Jeni pressed the police to file charges against the landlord for both trespass and unlawful self-help eviction.

The woman told Jeni she wanted to move, but needed about three months to find a new apartment.

The last straw came when the woman lost all water service on Feb. 25. The Water Department shut it off because the pipes needed emergency repairs that are the owner's responsibility. Jeni contacted the mortgage company – the new owner – and urged it to make the repairs quickly.

Knowing her client wanted to move, she negotiated with the mortgage company for a financial incentive for her client to move without judicial intervention.

CONTINUED ON PAGE 7

Confusing Notice Imperils Couple's Health Care

BENEFITS RESTORED AFTER ATTORNEY INTERVENES

The couple's adult daughter moved in with her aged and ailing parents. They thought living together would make all of their lives easier. She began contributing \$300 a month in rent.

Instead, it had the opposite effect. It led to the couple losing some of their health insurance coverage.

The couple – long-time clients of the AIDS Law Project with complicated health needs – have both Medicare and Medicaid.

After their daughter moved in, the couple completed an annual recertification for their Medicaid, reporting the new rental income from their daughter. In September, they received a Medicaid notice that they thought said they were still eligible.

The wife went to her cardiologist

appointment the following month and was stunned to hear she no longer had Medicaid. Her doctor refused to see her unless she paid the co-pay not covered by Medicare, which Medicaid previously covered. As she and her husband have a combined monthly income of less than \$1,300, she couldn't afford the cardiologist co-pay.

AIDS Law Project of Pennsylvania staff attorney **Adrian M. Lowe** examined the notice the couple had received in September and realized the problem. He said the notice failed to adequately explain the couple's Medicaid eligibility.

The couple had been recertified for a Medicaid program in which the state Department of Human Services pays the premiums for Medicare coverage.

But they had lost eligibility for the Healthy Horizons program, which pays medical expenses not covered by Medicare. Worse yet, the deadline for

appealing the decision had passed.

Adrian contacted the state Medicaid office and said that the letter sent to the couple was so deficient in its explanation that effective notice had not been provided. He argued that the failure to provide the couple adequate notice, before terminating their benefits, stripped them of their due process rights.

He also had figured out his clients had been found ineligible for Healthy Horizons because the \$300 their daughter was contributing to rent put them over the program's income limit.

The couple's daughter no longer pays rent and instead contributes to the family's well-being in non-financial ways. Adrian submitted affidavits to the Medicaid office on their new, adjusted income.

Their benefits were restored and they were once again able to get the health care they desperately need.

The 3rd Annual BOO! – CELEBRITIES EDITION



Anne Saint Peter 2016



Kartik Zutshi Photography 2016

The third annual Boo! at bahdeebahdu on Oct. 28 was a smashing success. The event started with a sold-out, three-course gourmet dinner, followed by a dance party that brought out the late-night revelers. The party-goers included, from far left, John Whyte and Tom Wilson Weinberg, and AIDS Law Project Executive Director Ronda B. Goldfein, Luis Montaner of the Wistar Institute and Olga Jarrin.



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The performers included, from left, John Jarboe of the Bearded Ladies Cabaret; Shadou Mintrone, who performs with Gunnar Montana; and Miss Finesse Ross, an AIDS Law Project board member, shown with Stephen Ross.

TAKE A SEMINAR, TAKE CONTROL

Life can be easier with the right information at your fingertips. Our free seminars are held at our offices at 1211 Chestnut St., Suite 600, a short walk from the Broad Street and Market/Frankford SEPTA lines, Market East trains and many bus lines.

MARRIAGE AND PUBLIC BENEFITS: A BUYER'S GUIDE

With the arrival of marriage equality in Pennsylvania, people on public benefits need to be informed about the impact getting married could have on them.

Every Friday, 9:30 a.m.-1 p.m.

HOUSING: TENANTS' RIGHTS AND RESPONSIBILITIES

Before you sign a lease or offer 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-2 p.m.

BACK TO WORK

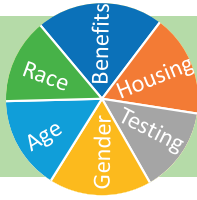
Your meds are working and you're ready to get a job. Learn the rules of returning to work so you won't lose the benefits that got you healthier in the first place, and how to improve your credit rating with your new income.

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

LEAVING YOUR JOB

Making a smooth transition from the working world onto disability benefits 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.

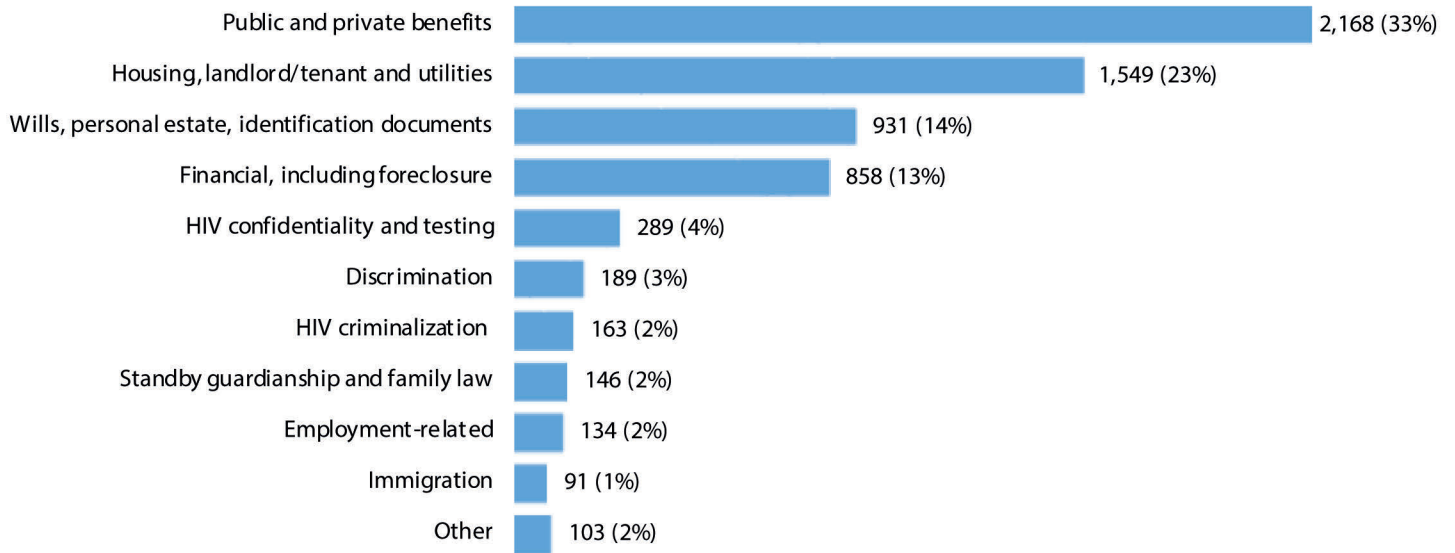
Second Wednesday of the month, noon-2 p.m.



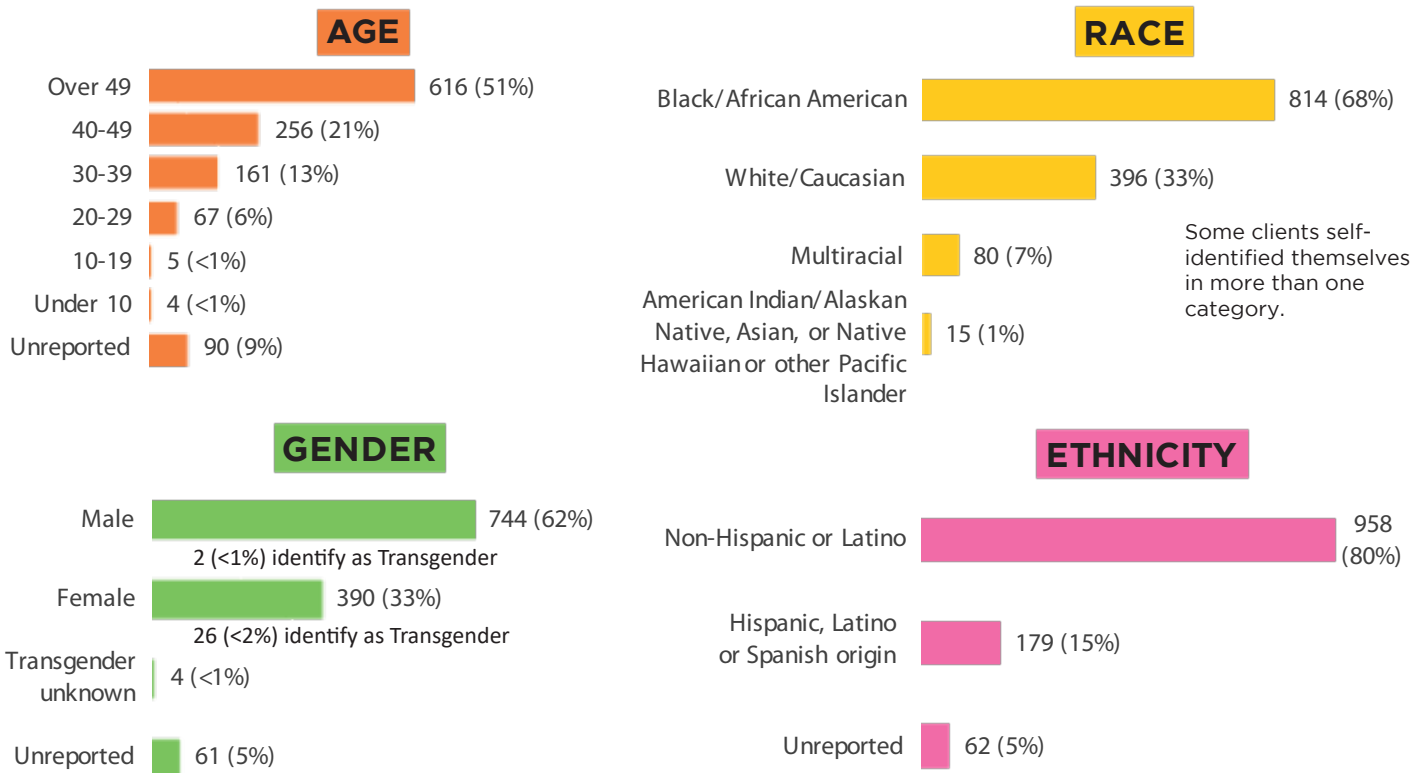
LEGAL SERVICES IN 2016

Last year, 1,199 people contacted the AIDS Law Project of Pennsylvania and its program, the AIDS Law Project of Southern New Jersey, seeking assistance on a total of 6,621 legal issues. Nearly all requests came from people living with HIV and AIDS. The following charts provide additional information on the types of legal issues we worked on and the clients who requested assistance.

Legal Issues Worked On by Type



Clients by Age, Gender, Race and Ethnicity



INSIDE THE AIDS LAW PROJECT



Tom Rogers 2017

From left, Colin J. Beisel and R. Barrett Marshall, co-chairs of the LGBT Rights Committee of the Philadelphia Bar Association, with Yolanda French Lollis, winner of the Cheryl A. Ingram Advocate for Justice Award, and Juan M. Baez, who presented the award March 3.

Philly Bar Honors Managing Attorney

In honor of her decades of advocacy on behalf of the LGBT community, the Philadelphia Bar Association presented **Yolanda French Lollis**, the AIDS Law Project's managing attorney, the Cheryl A. Ingram Advocate for Justice Award.

Juan M. Baez, deputy managing attorney of the AIDS Law Project, presented the award March 3 at a reception hosted by the Bar Association's LGBT Rights Committee and attended by colleagues, family and friends.

"Her advocacy in the fight for justice and equality is inspirational," Juan said. "She has been a champion for the rights of LGBT people, people living with HIV/AIDS and other marginalized groups for over 20 years."

The award traditionally goes to a LGBT non-lawyer or a non-LGBT attorney for their contributions to the well-being of the LGBT community.

"This is the work that has meant the most to me," Yolanda said. "For me, one of the most rewarding aspects of my work has been helping young people who have been rejected by their families."

Yolanda joined the AIDS Law

Project in 1993. As managing attorney, she supervises the AIDS Law Project's staff of lawyers and paralegals. She has represented people living with AIDS at their Social Security Administration hearings and has won hundreds of thousands of dollars in retroactive benefits for people with AIDS who were wrongfully denied disability benefits.

In 1998, she initiated the HIV and Immigration Project at the AIDS Law Project and has successfully represented people living with HIV in getting asylum and legal permanent residency.

Immigration lawyers across the nation frequently consult her for advice and technical assistance about overcoming the barriers to immigration for people living with HIV.

She also advocates for the rights of individuals living with HIV in a broad range of issues. Yolanda frequently lectures and provides technical assistance on the issue of HIV confidentiality to a wide audience, including doctors, medical students and social service agencies.

She was admitted to the bar of the U.S. Supreme Court in 2015.

BRIEFLY NOTED

WELCOME: Jeni Wright has joined the staff of the AIDS Law Project as the housing attorney. She represents Philadelphians in housing court and provides legal advice and advocacy on landlord tenant and utility issues to tenants throughout the state. Before coming to the AIDS Law Project, Jeni was on the staff at SeniorLAW Center for ten years, as an Independence Foundation Fellow, intake coordinator and staff attorney. She also worked at the Landlord Tenant Legal Help Center at Philadelphia Municipal Court. Jeni graduated from The George Washington University and earned her law degree from the City University of New York.

WELCOME: Maggie Schepcaro has joined the AIDS Law Project staff as a paralegal. Maggie began working in the field of social services for people with HIV and AIDS when she moved to Philadelphia in 2012. Her previous experience includes working as a food bank coordinator, medical case manager, and housing counselor. Maggie studied Spanish in college and enjoys using her language skills.

FAREWELL: Jenna Collins, the AIDS Law Project's former housing attorney, has left to work for Community Legal Services of Philadelphia. We wish her well and thank her for her commitment to our clients.

THANK YOU: Intern Imani Hudson-Hill is in her second year at Temple University Beasley School of Law.

THANK YOU: Intern Priya Mehta is in her second year at Temple University Beasley School of Law and was an Equal Justice Works intern for the fall semester.

GOOD COUNSEL BY E-MAIL

Want to receive the newsletter electronically? Sign up at AIDSLawPa.org/e-newsletter.

LEGAL NEWS

Immigrants Advised on Status

The contentious debate over immigration is once again roiling the nation.

The new administration in Washington has said it intends to dramatically change immigration and visa laws and regulations. Although the outcome remains unclear, the changes could have severe consequences for immigrants.

With the new administration, we have seen an increase in requests for assistance from immigrants living with HIV and AIDS.

Since 1998, the AIDS Law Project has assisted immigrants with HIV navigate the compli-

cated terrain of immigration law. **Yolanda French Lollis**, the AIDS Law Project's managing attorney and an expert on immigration law, is reminding immigrants of the importance of seeking legal advice before taking any steps to change their status.

Yolanda said immigrants who have a permanent resident visa, commonly known as a green card, should consider the benefits of applying for citizenship. Asylees or refugees should consider seeking permanent residency.

Immigrants seeking assistance can call the AIDS Law Project at 215-587-9377.

Discrimination

CONTINUED FROM PAGE 1

Disease Control and Prevention have long recognized that food handlers with HIV do not present a risk of HIV transmission to co-workers or consumers.

The first step the AIDS Law Project takes in these kinds of cases is to send a letter to the employer explaining the law and medical science concerning HIV and requesting an informal resolution of the matter.

If that doesn't work, complaints can be filed with various state and federal agencies or the matter can be taken to court. Although both the science and the law concerning HIV and AIDS have long been established, the AIDS Law Project handled 189 discrimination cases in 2016.

In this case, the restaurant responded quickly to the letter and a settlement including undisclosed financial compensation was reached.

The settlement covered both the chef and his fiancé, who was also targeted because of his association with a person with HIV.

As a result of the incident, the couple was unemployed and unable to find work. They were forced to leave their small town and move out-of-state for jobs in their field. With this case behind them, they are once again planting seeds and planning a wedding.

In addition to Adrian, the AIDS Law Project's executive director, **Ronda B. Goldfein**, of counsel **Sarah Schalman-Bergen** and summer associate **Imani Hudson-Hill**, Temple University Beasley School of Law, worked on the case.

Landlord

CONTINUED FROM PAGE 3

The woman was offered and accepted \$1,900 to move in 30 days. Combined with the three

months of rent she had escrowed by that point, the woman had enough money to move.

"She's glad she stood up for herself," Jeni said.

ABOUT US

WHAT WE DO

The AIDS Law Project of Pennsylvania is a non-profit, public-interest law firm. We publish Good Counsel semiannually for our friends, volunteers and colleagues committed to protecting the rights of people with HIV/AIDS. Last year, we worked on more than 6,621 legal issues, nearly all from people with HIV/AIDS. 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 people with HIV/AIDS.

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WHERE WE ARE

1211 Chestnut Street, Suite 600, Philadelphia PA 19107
Telephone: 215-587-9377 Fax: 215-587-9902

On the web: www.aidslawpa.org
On Facebook:  **AIDS Law Project of Pennsylvania**
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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
Combined Federal Campaign: Donor Option #36027



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 Victory Brewing Company
 Whipped Bakery

*The AIDS Law Project is the convener of the HIV Policy Collaborative of Pennsylvania, a consortium of AIDS service organizations active in dozens of counties across the Commonwealth. Collaborative members work together to develop and recommend medically sound and legally equitable policies for the management of the HIV/AIDS epidemic and the treatment of people with HIV/AIDS.