

## AIDS Law Project helps 73 fugitives surrender

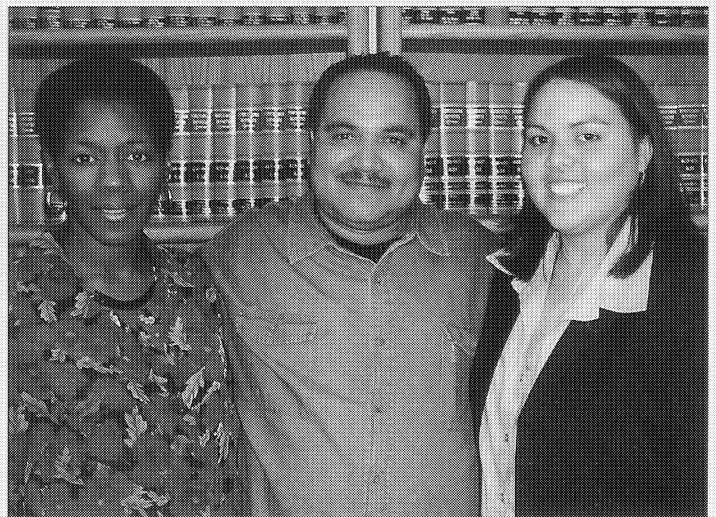
Miguel Lopez was living on borrowed time. Two years in recovery from a 19-year heroin addiction, Miguel had his own apartment in Philadelphia's Frankford section, and was thriving in a supportive community. But every day he worried that the crimes he'd committed as an addict would catch up to him.

Miguel, who has HIV and does not speak English, violated probation in February 2002. Three months later, he failed to show up in court on a retail theft charge. Then he entered drug treatment. He wanted to reconcile his crimes, but was afraid to turn himself in to his probation officer. "I had been in jail before," Miguel, 45, said through a translator. "I knew that if I went back I would throw away all the progress I'd made in the last two years."

The story of how Miguel Lopez avoided a return to jail provides a glimpse into how the AIDS Law Project of Pennsylvania helped 73 fugitives with HIV/AIDS turn themselves in to authorities and thereby turn their lives around during the past year. Thanks to AIDS Law Project paralegal Ngozi Ibeh and Prevention Point Philadelphia, a nonprofit public-health organization, almost every client in the program has stayed out of trouble and now has regular health care. Many are employed – some for the first time.

In July, Miguel shared his fears with a social worker at Congreso de Latinos Unidos, a community-based organization in North Philadelphia. The social worker introduced him to Brenda Canales, a bilingual attorney at the AIDS Law Project who provides monthly on-site legal counsel at Congreso.

Working with Marit Anderson of the Defender Association of Philadelphia. Brenda and



*Miguel Lopez (flanked by Ngozi Ibeh, left, and Brenda Canales) was among 73 fugitives who surrendered with the AIDS Law Project's help.*

Ngozi obtained letters of support from Miguel's social worker, his drug treatment counselor and his pastor. Prevention Point social worker Melanie Sisemore prepared a mental health assessment saying a transition from prison into the community could lead Miguel to future drug use. Brenda, Ngozi and Marit met with Miguel's probation officer to advocate for continued probation rather than jail time. The probation officer resisted, but after reviewing the documentation, he softened. "He could see Miguel was making a sincere effort to change his life," said Ngozi.

On Aug. 30, a judge in the criminal division of the Philadelphia Court of Common Pleas accepted the probation officer's recommendation and sentenced Miguel to three years probation.

"It is a relief not to be constantly afraid," said Miguel. "I want to go back to school now, so I can help other people who are lost to drugs like I was."

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SUITE 600  
PHILADELPHIA, PA 19107  
TEL 215.587.9377  
FAX 215.587.9902  
[www.aidslawpa.org](http://www.aidslawpa.org)

*This newsletter is lovingly dedicated  
to the memory of AIDS Law Project  
Board Members Michael Greenberg  
and Jonathan Lax, Intake Advocate  
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*If you know someone who would like to  
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## MESSAGE FROM THE EXECUTIVE DIRECTOR



Last year we initiated a program to help clients whose unresolved criminal matters prevented them from receiving public benefits. In just one year, 73 people have surrendered to our paralegal Ngozi Ibeh — among them Miguel Lopez, profiled on our cover.

Our program works because it is a collaborative effort among AIDS service organizations, drug and alcohol facilities, behavior health treatment centers and the criminal justice system. Just ask Marit Anderson, assistant defender at the Defender Association of Philadelphia. "When judges see that a person has taken the initiative to get into drug treatment and is serious about recovery, they are more likely to allow the person to stay on the streets," said Marit, who defended Miguel in court and kept him out of jail.

Society doesn't benefit when outstanding warrants and parole and probation violations keep people who desperately need health care away from treatment. Incarcerating those with behavioral health needs doesn't solve their problems. Everyone is better off when those issues can be addressed and resolved. If the AIDS Law Project had not been there for those 73 people, they would still be living without health care, without drug treatment, without mental health treatment, without a way to keep themselves safe, and without hope.

In addition to those who surrendered to Ngozi, she has been in touch with almost 150 others who are still trying to muster the courage to put their trust in her team at the AIDS Law Project, Prevention Point Philadelphia and the Defender Association. We hope they will find the strength that Miguel Lopez found, to put the past behind them and change their lives for the better.

**Remember us at workplace giving time.  
When you donor-designate in your workplace giving campaign,  
remember your neighbors served by the AIDS Law Project.**

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*Good Counsel is published seasonally by the AIDS Law Project of Pennsylvania for our friends, volunteers and colleagues committed to protecting the rights of people with HIV and AIDS. The AIDS Law Project provides free legal services to nearly 1,800 people with HIV/AIDS each year, 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 people with AIDS.*



# MAWD: She can be a lifesaver

Many disabled people who work don't realize that for a low premium they can purchase Medical Assistance (MA), including dental and prescription coverage, through Pennsylvania's Medical Assistance for Workers with Disabilities (MAWD) program. One Philadelphia man was struggling with crushing debt from expenses related to his illness, until MAWD helped him regain control of his finances and get his life back on track.

Larry Kashi, 54, has been HIV-positive for 15 years. For most of that time, he worked as a self-employed psychotherapist. Like many self-employed people, he could not afford private health insurance but made too much money to qualify for MA. When he became sick, he paid cash for doctor visits and HIV medications. He joined a group plan through the Greater Philadelphia Chamber of Commerce but quickly reached the cap on his prescription coverage and then had to pay for medications out of pocket in addition to his monthly premium.

To pay self-employment taxes, Larry reluctantly dipped into his retirement account. Within a few years, he had liquidated all his assets. Spending \$20,000 a year on medications, Larry was struggling to pay rent despite working full-time. He stopped paying taxes. Soon, the IRS caught up with him.



*Cathryn Miller-Wilson and Larry Kashi*

When Larry contacted the AIDS Law Project of Pennsylvania for help with his tax debt, Staff Attorney Cathryn Miller-Wilson realized he was a perfect candidate for MAWD. "By signing Larry up for MAWD, we freed up \$20,000 a year to pay off his tax debt," said Cathryn. Within the first year and a half on MAWD, Larry paid his city and state tax debt. Cathryn is helping Larry to arrange a repayment plan with the IRS. Meanwhile, Larry's health has caused him to close his practice.

"MAWD saved me," said Larry. "It allowed me to keep my practice open for two extra years."

## IN MEMORIAM: SEAN HALPIN

Sean Halpin, Esq., a member of the board of the AIDS Law Project of Pennsylvania since 2001 and a passionate supporter of the organization, died accidentally July 10. He was 35.

A native of Kutztown and a 1993 graduate of the University of Pennsylvania Law School, Sean was a partner at Reed Smith in Philadelphia, where he was regarded as a skilled commercial litigator with great dedication to public interest work. He was honored by the Philadelphia Bar Association in 2001 for exceptional efforts by a younger attorney on behalf of the indigent and disadvantaged. Sean also was board chairman of the Center for Gay and Lesbian Civil Rights.

Sean provided *pro bono* counsel to many AIDS Law Project clients. As a student intern at the AIDS Law Project while completing his law degree, he drafted some of the original sections of the handbook *AIDS and the Law: Your Rights in Pennsylvania*.



## A poet's parting gesture

**John Michael Irwin**, Philadelphia poet and a friend of the AIDS Law Project of Pennsylvania, died June 12. Before his death, he made provisions for memorial contributions to be made to the AIDS Law Project. Thank you to all of John's friends and family for their generosity.

## Special Thanks . . .

to the 2004 summer associates at Montgomery, McCracken, Walker & Rhodes, who contributed to the AIDS Law Project of Pennsylvania through the Summer Associates' Initiative for Legal Services. Under this initiative, summer associates select a public-interest law firm to receive the money that their employer would have spent on a staff luncheon.

## A hospital learns about privacy the hard way

For an HIV-positive person whose confidentiality is breached by staff at a large Philadelphia hospital system, seeking justice can feel like David standing up to Goliath.

A 45-year-old HIV-positive woman recovering from non-HIV-related surgery was visited by a cousin with whom she had just reconnected after many years. As the two women sat talking, a hospital social worker handed the patient a business card and said, "This is for an HIV nursing agency that can help you with home health care."

The patient was stunned. She had not told anyone in her family she was HIV-positive, not even her mother. Now, this long-lost cousin was privy to her secret. Despite her cousin's assurances that she would not tell anyone, the woman was distraught. She called the AIDS Law Project of Pennsylvania for help.

Over the next year, the AIDS Law Project waged a battle to force the hospital system to recognize the value of privacy. In April 2003, Bilingual Attorney **Brenda Canales** sent a letter to the hospital detailing the incident, explaining that it was a breach of Pennsylvania's HIV privacy law—known as Act 148—and demanding monetary compensation. Seven months later, the hospital agreed to a meeting with the client and her cousin.

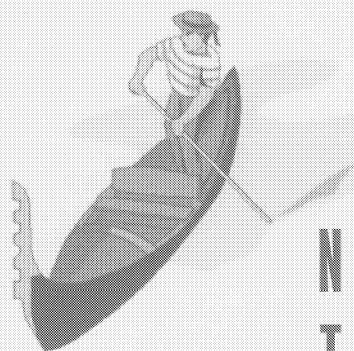
Despite the fact that the client had a copy of her discharge record identifying the social worker by name and had a credible witness in her cousin, the hospital maintained that the client had identified the wrong staff member.

The hospital's lawyer did not return Brenda's phone calls from November 2003 until March 1, 2004, when the AIDS Law Project threatened a lawsuit. In May, the hospital agreed to compensate the client to her satisfaction.

"There is still such a stigma against people with HIV," said Brenda. "Our client felt very minimized because the hospital acted like this incident was not a big deal. By fighting for her, we confirmed to her that it was a big deal, that her privacy is important."

## A lost 'green card,' a battle won

When the Immigration and Naturalization Service humiliated her and turned down her application for a new "green card," a male-to-female transgendered person from the Dominican Republic was terrified that she would be arrested or even deported.



## NAVIGATING THE SYSTEM

The 22-year-old Harrisburg woman, who is HIV-positive, had been a legal permanent resident for 10 years but had lost track of her green card, a critical piece of identification granting lawful permanent residency in the United States. As an HIV-positive person, she needed proof of residency to establish her eligibility for public benefits, including health care.

In April, an INS clerk in Philadelphia entered the name that appeared on the woman's passport into the computer, and the screen displayed a photo of a man. But because the person requesting the new green card was dressed as a woman, the INS clerk refused to process the application. As the woman tried to explain her transgender status, the clerk called a supervisor. The supervisor accused the woman of trying to create a false identity. A security guard ushered her out of the office.

Back in Harrisburg, the woman took the advice of an AIDS service organization and telephoned the AIDS Law Project of Pennsylvania for help.

That was when Managing Attorney **Yolanda French Lollis** moved into action. Yolanda instructed the woman to have photos taken of herself dressed as a man, to satisfy the requirements of the INS staff. In July, Yolanda accompanied the woman back to the INS office. The next month, she received her green card.

"The INS staff just couldn't get past the fact that this was a man who looked like a woman," said Yolanda. "I acted as a buffer to their bigotry, so she didn't have to take their verbal abuse. Because I am a lawyer, they were willing to listen to me."

*Navigating the System is a regular feature spotlighting cases in which the AIDS Law Project of Pennsylvania helped clients traverse the legal, welfare and housing systems and the bureaucratic mazes of public and private insurance.*



## MBC, Secret Cinema, "Movie Irv" help raise \$4,000 for AIDS Law Project

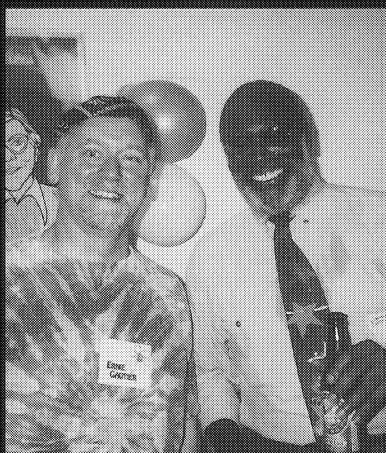
The AIDS Law Project of Pennsylvania's fifth annual movie benefit party in August, featuring WIP Radio personality "Movie Irv" Slifkin and the 1968 comedy *I Love You, Alice B. Toklas!*, raised almost \$4,000 in generous contributions. The event, presented by The Secret Cinema at the Medical Broadcasting Company (MBC) on Rittenhouse Square, was attended by 175 people. The classic film features Peter Sellers as a middle-aged lawyer who runs from the altar to take up with a band of free-loving hippies.

Thanks to Joann Leszczynsky and Pam Notaro of MBC; Jay Schwartz, the mastermind of The Secret Cinema; and "Movie Irv," who offered insights about the movie and signed copies of his new book, *VIDEOHOUND'S GROOVY MOVIES: Far-out Films of the Psychedelic Era*.



*Seen at the party (l. to r.): Dianne Pirollo, vice president of Thomas Jefferson University Hospital, Methodist Division, a sponsor of the event; Ronda Goldfein, AIDS Law Project executive director; Jay Schwartz, The Secret Cinema founder; Joann Leszczynsky, MBC associate creative director; and Pam Notaro, MBC senior manager of office services.*

*Ernest Gautier, MBC senior manager of quality assurance (left), gets into the spirit with AIDS Law Project supporter Donald Carter. Ernest volunteered as bartender at the event and donated his tips to the AIDS Law Project.*



*AIDS Law Project of Pennsylvania board members enjoy the party. Seated is Geraldine Jones; standing (l. to r.) are Greg Fliszar and his wife Michelene Kalinyak-Fliszar, Kabiga Tiagba, Ronda Goldfein and Nicholas Ifft.*

## Welcome new staff



**Carlos Munoz** joined the AIDS Law Project of Pennsylvania in July as a bilingual paralegal. Carlos was a paralegal for Gloria Gilman, Esq., assisting with family law, employment discrimination and Social Security cases, and an employee-benefits paralegal for Montgomery, McCracken, Walker & Rhoads. He was an active member of R2K Legal, the collective that defended protesters arrested during the Republican National Convention in August 2000. He is a member of Up Against the Law, the permanent legal collective that grew out of R2K Legal to provide Know Your Rights trainings and legal observation during demonstrations. Carlos was born in Chile and immigrated to the United States as a child.

## ... and bid farewell

The AIDS Law Project of Pennsylvania extends its warmest thanks and best wishes to outgoing Board Secretary **Patricia S. Kim, Esq.**, to Board Members **Joyce Hamilton** and **Sara Velazquez, Esq.**, and to Paralegal **Asaf Orr**, who moved to California in July to be closer to his fiancée.

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