

Bus company collides head-on with AIDS Law Project

Last summer, ACT-UP Philadelphia hired a bus to drive activists from the Phoenix II substance-abuse recovery center in West Philadelphia to Harrisburg to testify against HIV name reporting. But the driver's road map included a detour through the side streets of AIDS discrimination and ignorance.

As the bus began its journey in the early morning, the white driver heard the African American passengers talking about AIDS. He pulled over, got out of the bus and refused to continue driving.

"I knew when I took this job that I was going to have some trouble because I knew it was going to be a busload of blacks," the driver said, according to several passengers. "But nobody told me I was going to be driving people with AIDS. This bus isn't going any farther. I don't want to catch anything."

After one-and-a-half hours of roadside cell-phone negotiations between ACT-UP and the bus company—Gregg Bus Service Inc. of Yorklyn, Delaware—the driver agreed to continue the trip.

The bus arrived in Harrisburg nearly two hours late. The activists entered the public meeting of the Independent Regulatory Review Commission

looking demoralized, recalls AIDS Law Project Executive Director Ronda Goldfein, who attended the meeting.

"We were traumatized and we were angry," says Sylvester Dobbs, Phoenix II program director

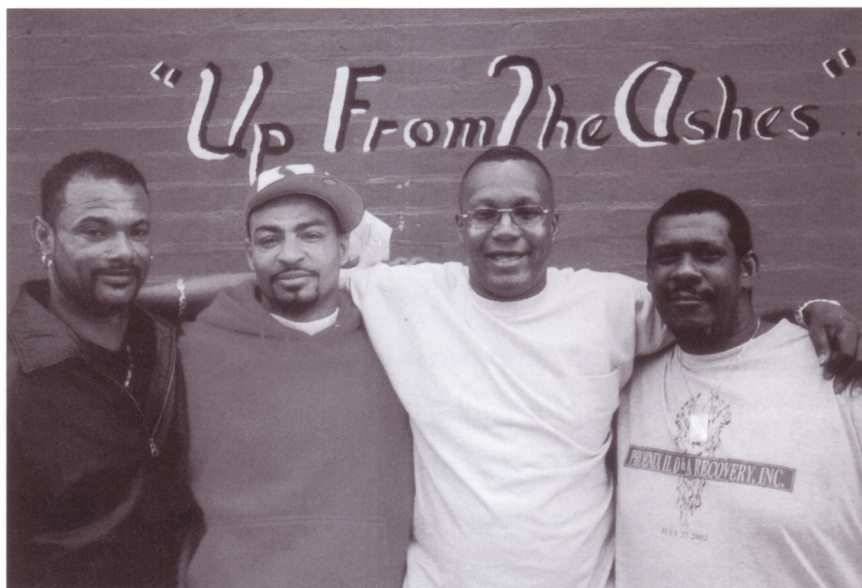
(pictured at far left with Phoenix II activists, from left, Marco Johnson, Herbert Williams and Eric Greene).

"The ignorance of this driver—thinking he could get AIDS from driving a bus! And he compounded that with his out-and-out prejudice

against people of color. People who deal with the public should not conduct themselves that way."

The AIDS Law Project agrees. On March 14, the AIDS Law Project filed a complaint with the Pennsylvania Commission on Human Relations on behalf of ACT-UP and 10 bus riders, alleging disability-based discrimination by the bus company.

"These activists wanted to speak against reporting HIV cases by name, because they believe the stigma against people with HIV is still so strong that if you collect names people will be afraid to get tested or seek treatment," says Goldfein. "En route to deliver that message, they received a painful reminder about stigma and discrimination."



GOOD Counsel

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*This newsletter is lovingly dedicated
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MESSAGE FROM THE EXECUTIVE DIRECTOR



Dear Friends,

This year marks the AIDS Law Project of Pennsylvania's 15th anniversary, and the photos in this issue show what a good time was had when we paid tribute to our founder, David W. Webber, at our anniversary party in March.

We've come a long way from the weirdly shaped office in Chinatown that was our home when I joined the AIDS Law Project as a volunteer 11 years ago. We are now a staff of 14 and have provided free legal services to more than 20,000 Pennsylvanians.

I've learned much from my predecessors, David Webber and Nan Feyler. Among the lessons is that lawyers must go where the need exists—and the AIDS Law Project is now planning an office in western Pennsylvania.

But for all our progress in protecting the rights of people with AIDS and in educating the public, the need for our services remains high. Just ask the Lycoming County man whose story is mentioned in this issue—he was turned away from a nursing home because the staff just doesn't feel comfortable around someone with AIDS.

As further demonstrated by our cover story about a bus ride that took a bizarre detour, it appears we may have a long road ahead.

Good Counsel is published seasonally by the AIDS Law Project 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.

A settlement with teeth

A Delaware County man with HIV didn't get dental work, but the dentist who refused to treat him will think twice before discriminating against the next patient with HIV.

During an initial visit to the Montgomery County dentist, the man filled out a new-patient health questionnaire, indicating that he has HIV. He heard the staff whispering and pointing at him as a nurse took him to an examining room. The dentist told the man to open his mouth but didn't get close enough to look inside, then said the man would have to see a specialist. "We cannot help you here," the dentist said.

The AIDS Law Project filed an administrative complaint with the federal Office of Civil Rights, alleging HIV/AIDS discrimination. During an investigation by that office, "it became clear to the investigator that the dentist refused treatment because our client has HIV," says Executive Director Ronda Goldfein, who handled the case. To avoid a protracted lawsuit, the AIDS Law Project negotiated the confidential settlement so the man could move on with his life.

"We may not be able to make people change how they feel in their hearts about people with HIV," Goldfein says. "But we can hurt their pocketbooks enough that they won't discriminate against the next person with HIV."

Getting tough on discrimination

In an aggressive new campaign to fight AIDS discrimination across Pennsylvania, the AIDS Law Project has begun to apply a new strategy it has used effectively in Philadelphia—filing administrative complaints with government agencies:

◆ **Williamsport, Lycoming County.** Saying his illness would make its staff "uncomfortable", a personal-care home refused admission to a man with AIDS. The 56-year-old man, who is legally blind and has heart disease, lives at home alone and struggles to care for himself. The AIDS Law Project complaint, filed in April with the state Department of Public

Welfare and the federal Office of Civil Rights and Office of Fair Housing and Equal Opportunity, alleges the home illegally denied care to the man based on his HIV status.

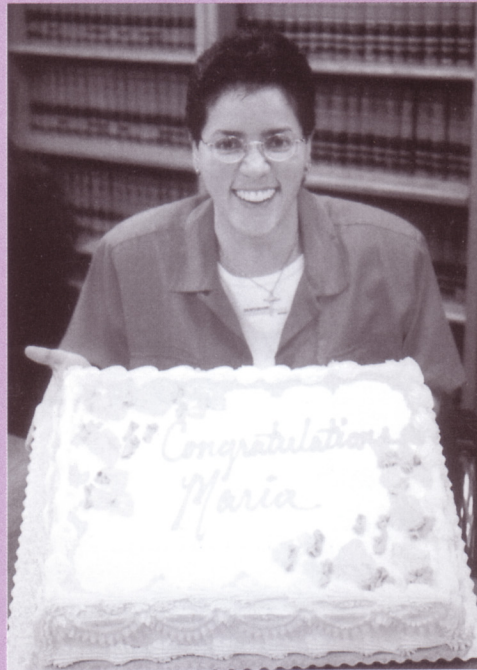
◆ **Pittsburgh.** After learning of a patient's HIV status, a doctor altered a rehabilitative treatment plan to avoid an invasive procedure for a man living with AIDS. The AIDS Law Project complaint, filed in March with the federal Office of Civil Rights and the U. S. Justice Department, alleges the doctor rendered different and discriminatory medical treatment.

"Because federal anti-discrimination laws are enforced by federal agencies," says Executive Director Ronda Goldfein, "we can file administrative complaints to help clients get a quicker remedy than by immediately pursuing lawsuits."

Federal agencies investigate each complaint and issue their own findings. This process can bring the parties together and facilitate an out-of-court settlement, Goldfein says. If that doesn't work, the investigation's findings help support a lawsuit.

"Twenty years into the epidemic, AIDS discrimination is alive and kicking," Goldfein says. "We launched this campaign to send a message that discrimination will not be tolerated anywhere in Pennsylvania."

A new challenge for a familiar, calming voice



After six and a half years, Receptionist/Secretary Maria Alvarez has left the AIDS Law Project to join the Philadelphia Police Academy. Her patience, compassion and good humor will be missed.

"I lost my brother to AIDS in '95," says Alvarez. "When he got sick, I didn't know anything about AIDS. I had to learn as I went along."

Alvarez channeled that experience into calming people who called for help. "I could hear a change in their voice from the beginning of the call, when they were scared or frustrated, to the end, when they could see some hope," she says. "That was really satisfying."

Families with AIDS: You have Options

The AIDS Law Project's *Options* program helps families with AIDS make future custody plans for their children. *Options* is a collaboration between lawyers and social workers to help families address the needs that arise while planning for children's future care, and to ensure that custody arrangements are stable and long-lasting.

Rodney Cunningham, supervising attorney of the AIDS Law Project's Family Law Unit, will explain legal options, draft legal documents and represent parents in court. Social workers from the Health Federation of Philadelphia and ActionAIDS will provide support around issues such as disclosing HIV status to the family and connecting the family to resources. Social workers will help identify a future caretaker, if necessary, and assess the caretaker's ability to care for the child to make sure the arrangement serves the best interests of the family. And the *Options* team will maintain contact with the family to assure the stability of the future custody plans.

Services are free, confidential and offered in Spanish or English. *Options* can come to a residence or to a hospital room. For more information, contact the AIDS Law Project at 215.587.9377.

Volunteer Profile: KIM SILVERMAN



Many partygoers got dizzy at the AIDS Law Project's 15th anniversary party on March 27. Not from the excellent food and drink, but from watching Kim Silverman, who managed the event.

The fiery redhead with a pixie grin was in constant motion—handing off dessert trays to servers, building a mountain of sculpted cheeses, seafood boats and other finger foods she had cajoled her restaurant colleagues to donate, and checking in on the half-dozen bartenders and prep cooks she had sweet-talked into volunteering at the event.

Alternately barking out orders and playfully teasing her staff, Kim was the hub of a well-oiled machine that never stopped working until the last dish was cleared and the carpet vacuumed. And she did it all for free.

Kim's been in the food business almost her whole life. From her first job as a teenage waitress to co-owning a luncheonette and catering business to her current job selling fine meats to restaurants as an account manager for George L. Wells Meat Company, Kim is all about making food events happen.

But her work coordinating food for AIDS Law Project events is special: It's a way of honoring her brother.

Eight years ago, the AIDS Law Project represented Kim's brother Irv after he had been kicked out of a local gym because he had AIDS. Irv had been a bodybuilder before he got sick. Lifting weights helped him fight the illness. "He'd be lying in bed all hooked up to tubes and he'd say, 'I got to get back to the gym,'" Kim recalls. "The incident at the gym stripped him of his dignity. It made him give up the fight."

The AIDS Law Project fought the case and negotiated a favorable settlement with the gym. Filing the suit to ensure that other people with AIDS didn't receive the same demoralizing treatment "gave my brother a purpose at the end of his life," Kim recalls. "He felt like he was part of something bigger than himself, something important."

As Irv's primary caregiver, Kim was deeply moved by the dedication and commitment which the AIDS Law Project put into the case. "I am so impressed by the integrity of the staff—it helps me to be a better person," she says.

"I know how important the work you do is. Just because my brother passed doesn't mean this thing is over. The epidemic is still here, and we have to keep fighting."

Our 15th Anniversary Celebration

At our March anniversary party we paid tribute to our founder David W. Webber and acknowledged the achievements of the AIDS Law Project. More than 200 people crowded into the Knoll showroom in Center City to eat, drink and enjoy music by the Philadelphia Clef Club Youth Ensemble.



Above: Executive Director Ronda Goldfein (left) celebrates with Avi Eden and State Representative Babette Josephs. Below: Development Consultant Martha McDonald and Board Member Frank McClellan.



Above: With our new friends at PECO Energy (from left) Patricia Fennell, Assir Da Silva, Kathy Pidliskey, Ronda Goldfein, Charles Thomas and David Webber. Below: Bar Vice Chancellor Andrew Chirls joins Ronda Goldfein and David Webber. Photos by Schmerling & Synnstedt



Check out our Web site—www.aidslawpa.org—for more photos.

New faces at the AIDS Law Project

The AIDS Law Project is pleased to introduce three new staff members whose unique experiences enhance our highly specialized services to people with HIV/AIDS.



HIV reporting delayed in city

Pennsylvania's controversial decision to collect names of people who test positive for HIV has been delayed indefinitely for Philadelphia physicians, hospitals and organizations providing services to people with HIV or AIDS, as well as laboratories (regardless of location) that process HIV test results of Philadelphia subjects.

Throughout the rest of the state, HIV-reporting regulations are in force, requiring physicians, hospitals and organizations serving people with HIV/AIDS to report the names of people who test positive for HIV to local health departments—which then forward the information to Pennsylvania's Department of Health. Laboratories that test for HIV must report to the state's health department, which will report numbers of people with HIV—not names—to the Centers for Disease Control. Prior to the regulations, only names of people with AIDS were reported.

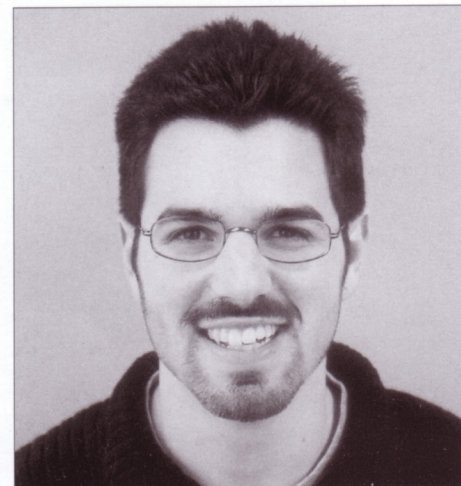
Anonymous test sites—where names are not asked or reported—will remain available.

HIV reporting is intended to help direct services to communities of greatest need. The AIDS Law Project has criticized tracking HIV by names, rather than by unique identifiers, believing it discourages people from being tested and seeking treatment.

Housing Attorney **Iraisa Orihuela-Reilly** brings 12 years' experience as a public-interest attorney at Cape Atlantic Legal Services in Atlantic City, where she worked in the housing and family law units. She established the agency's domestic violence program and received Legal Services of New Jersey's 2001 Ronald Atlas Outstanding Attorney of the Year Award for her work in domestic violence. Orihuela-Reilly emigrated from Cuba as a child, and is fluent in both Spanish and English. She is excited to be a part of the AIDS Law Project's bilingual team. "I know how difficult it is for immigrants to get their message across," she says. "People often bring a friend or a family member to translate and they don't want to reveal private information. Having a lawyer they can speak to directly makes the process less intimidating, and I can be more effective in fighting for their rights."

Paralegal **Asaf Orr** joins us from Weissman & Mintz, a labor and employment law firm in Somerset, NJ, where he was a paralegal conducting intake and research on employment discrimination cases. He was an intern at the NAACP Legal Defense Fund in New York, doing legal and social science research including a review of state racial profiling policies throughout the country. Orr is a recent Vassar graduate, where he majored in sociology with a minor in American politics. He plans to enter law school in 2005.

Bilingual attorney **Brenda Canales** joins us from Levant, Martin & Levin, PC, where she was an associate in workers' compensation, personal injury and medical malpractice law. While at Temple Law School, she interned at Nationalities Service Center, helping immigrants facing deportation. Natives of Nicaragua, Canales' family sought political asylum here in 1979 because her father, a former government official, faced possible assassination. In Los Angeles, her mother lost her job due to national-origin discrimination. Seeing her struggle with the legal system inspired Canales to pursue the law. "I realized that Hispanic people don't know their rights and they can't find help in their own language," she says. As part of the AIDS Law Project's bilingual outreach, Canales works one morning a week with clients at Congreso's Programa Esfuerza (the HIV/AIDS program).



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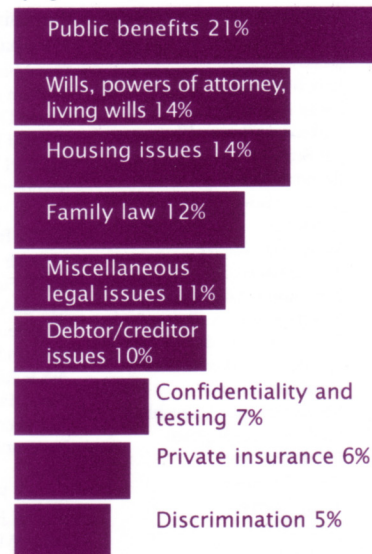
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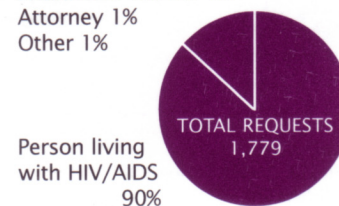
(Many clients receive more than one kind of legal service)



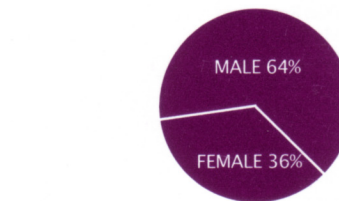
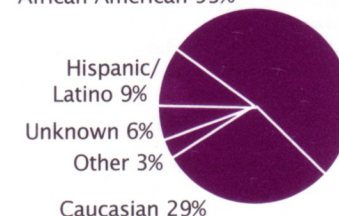
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African American 53%



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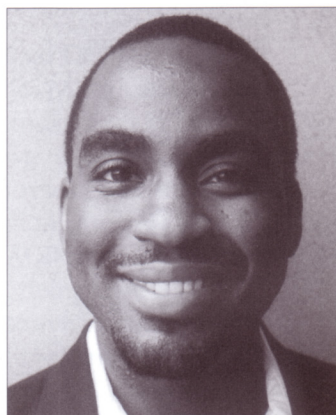


Nicholas Ifft, MD, is a physician at the Jonathan Lax Treatment Center in Philadelphia, a primary-care clinic for people with HIV/AIDS. Dr. Ifft is highly regarded for his pioneering role in caring for people with AIDS. In 1982, he was a founder of the Philadelphia AIDS Task Force, the first AIDS service organization in the state and the fourth of its kind in the U.S. At that time, when most doctors refused to treat people with AIDS, Dr. Ifft was one of the few in Philadelphia who provided primary care to them.

Rev. Jeffrey H. Jordan is pastor of the Metropolitan Community Church of Philadelphia, which meets at the William Way Community Center. He attended Bluefield State College in West Virginia and began his ministry in the African Methodist Episcopal Church (AMEC), Third Episcopal District. Rev. Jordan served as pastor of West Virginia's Mt Zion AMEC in Eckman and St Paul AMEC in Madison, and associate pastor of Bethel AMEC in Bluefield.



Patricia S. Kim, Esq., is an associate in the litigation practice of Morgan Lewis, focusing on criminal investigations and defense, as well as construction, environmental and mass tort litigation. She advises clients through the firm's *pro bono* practice and is trained as a child advocate. Kim has a bachelor's degree in political science from the University of Michigan and a law degree, *cum laude*, from its law school. She was executive editor of the *Michigan Journal of Race & Law*. She and her husband Chris Yoo have two dogs, Zeke and Casey.



Kahiga Tiagha, Esq., is an associate in the business and finance department of Ballard Spahr & Ingersoll. He grew up in Cameroon, Kenya and Ethiopia while his parents worked for the United Nations. He graduated from the University of Kent at Canterbury (U.K.), l'Université Pierre Mendès (France) and George Washington University National Law Center. He serves on the 14th Police District's Youth Aid Panel, a program to keep first-time juvenile offenders out of the system, and on the steering committee of the Young Achievers Program for the YMCA.