

AIDS Law Project teaches school a lesson

Born with both HIV and a neuro-muscular condition, “Nicki” dreamed of a career that would help her give back to others. Having spent so much time in doctors’ offices, she wanted a job where she could be the comforting face or the reassuring hand on the shoulder for other patients. She knew how valuable that could be. So after she graduated from high school in 2007, Nicki enrolled in a vocational school to become a medical assistant.

Before classes began, she met with the school’s admissions adviser and disclosed her HIV status and her reasons for wanting to join the medical assistant program. The adviser told her that because she had HIV, she could not participate in that program, and instead she was shunted to medical billing -- where she’d have no patient contact.

She was dumbfounded. Having lived her whole life -- 18 years -- with HIV, she knew that as a medical assistant she would pose no threat in a medical office, yet here was an adult professional telling her she needed to change her aspirations, and for a reason she knew to be invalid.

But Nicki reluctantly accepted what the counselor told her. At her young age, she didn’t feel she could challenge what he had said, even though she thought that the adviser’s refusal to admit her into the medical assistant program was unfair and misinformed. She knew that HIV cannot be transmitted in a classroom or medical office if routine infection-control precautions are followed.

She’d been so excited about her education prospects. Devastated, she told her doctor what had happened. He prescribed a phone call to the AIDS Law Project of Pennsylvania.

Nicki brought her concerns to the AIDS Law Project and asked about her rights. Her case was assigned to Staff Attorney **Sarah Schalman-Bergen**. Schalman-Bergen assured her that the law protected her right to participate in the program, and contacted the school on her behalf in August 2008. Schalman-Bergen sent a letter to the school, alleging that the transfer to the office management program denied Nicki access to the program of her



We, too, have a new president

The AIDS Law Project of Pennsylvania welcomes the new president of its Board of Directors, **Alberta Bertolino**. Once a mild-mannered recruiter, Alberta's ascent to the top office on our board took less than two years. Among her presidential attributes are the high energy and businesslike efficiency she brings to everything she touches. On the president's agenda: new fund raising initiatives, diversified sources of revenue and a consistently balanced budget. Congratulations, Alberta.

choice because of her disability, in violation of the Americans with Disabilities Act.

The school’s parent corporation quickly recognized the adviser’s mistake and contacted Sarah within weeks to begin settlement negotiations. After several months of negotiations, the parties reached a mutually agreeable settlement in December. The school forgave Nicki’s school loans and provided her with additional financial compensation.

“This settlement should send a clear message that people living with HIV and AIDS are not a danger in the workplace or the classroom,” said Schalman-Bergen. Adults under the age of 29 constitute about one-third of all new HIV/AIDS diagnoses per year in the U.S., and these individuals should feel free to pursue the career of their choice, regardless of HIV status. The AIDS Law Project proudly defends the rights of individuals, like Nicki, to ensure that their dreams can become a reality.

SUMMER FUN AND GENEROSITY THAT LASTS YEAR-ROUND

- Our new Monthly Giving Program, Page 6
- Come to our Summer Movie Party, Page 7

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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 nearly 2,000 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 people with HIV/AIDS.

MESSAGE FROM THE
EXECUTIVE DIRECTOR



Dear Friends,

With apologies to Alfred, Lord Tennyson, in the spring, a young man's fancy lightly turns to thoughts of love, baseball and HIV testing.

Currently three HIV-testing bills are pending in the Pennsylvania Legislature. Last year at this time, we had two HIV-testing bills pending. So what's it all about?

We know that the Centers for Disease Control and Prevention (CDC) has embarked on a campaign to make HIV testing a part of routine health care. We know that if people find out their HIV status they are more likely to change their behavior, get into health-care treatment and, consequently, reduce the risk of transmission to others. And we know that legislators like to legislate. But we also know that discrimination, stigma and inaccurate information about HIV transmission drive the HIV/AIDS epidemic and that passing laws that force or coerce people to find out their HIV status doesn't address these root problems.

House Bill 265 provides for the mandatory HIV testing of anyone charged with certain sexual offenses. The law already provides for mandatory testing of a convicted offender. This bill has been offered as a support for the victims of sexual violence, although the Pennsylvania Coalition Against Domestic Violence strongly opposes it. Victims of assault need appropriate counseling, testing and treatment. This bill doesn't provide any of those things. Instead it opens the doors to increasing the punishment of an offender, by alleging a virus as an element of crime. Sexual assault is a reprehensible crime that doesn't need to be enhanced to be taken seriously.

Senate Bill 218 provides for mandatory testing of prisoners who throw, toss, spit or expel various body fluids. While these offenses are unsavory, to say the least, they do not increase the likelihood of HIV transmission, as the bill wrongfully asserts. A cursory review of the Centers for Disease Control Web site would clarify how HIV is actually transmitted. Incorporating inaccurate science into law only perpetuates fear and hysteria around HIV, making it that much harder for rational discussions on the issue.

Senate Bill 291, a repeat from last year, eliminates our current state law requirement that a patient must sign an informed-consent form for HIV testing. Informed consent is a fundamental element of all health care. Without it, some patients may not receive an explanation of the test, why it's appropriate, or even that they have been tested until the results come back. Informed consent keeps patients involved in their own testing and treatment decisions

We are approaching the fourth decade of HIV/AIDS. We need to support people with HIV in getting tested and treated. Bills like these do nothing to reach people at risk or encourage behavior change, and instead simply reinforce the stigma that fuels the epidemic. Let's keep our focus on areas where we are more likely to see success – sharing accurate HIV-transmission information, eliminating the shame that comes with HIV/AIDS and encouraging personal responsibility in HIV health-care decision-making.

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**

A TAXING MESS

Ms. M. is an immigrant refugee from an African country with a truly dangerous government. She received her diagnosis of HIV while in a refugee camp. All of that has made her even more wary than the average person with HIV/AIDS of revealing personal information that could harm her. Now living in America, Ms. M. has a case manager, a job – and income tax issues.

Ms. M.'s case manager convinced Ms. M. that she needed to bring her problems to the AIDS Law Project and the two contacted the project by telephone. During that call, Ms. M. specified that whoever on the staff was assigned to her case had her permission to discuss it with the case manager, but should absolutely not try to speak to her directly. In follow-up calls with the case manager, Legal Intern **Danielle Mourar** discovered that the trauma Ms. M. had suffered in her home country had left her afraid to speak with someone she didn't know and trust completely.

Understanding that Ms. M. had deep-seated fears about talking to strangers, Danielle did her best to provide quality representation. One of Danielle's strategies was to write her client letters with all of her questions. However, because the client is also afraid to open her mail, the letters went to the case manager, who read them to the client and noted the client's answers for Danielle.

After sorting through the information obtained this way, Danielle discovered that the Internal Revenue Service was contending that Ms. M. owed taxes for 2003, 2004 and 2005 – years she had claimed her children on her tax return. The IRS had flagged Ms. M. for a simple audit but because she was too fearful to open her mail, she never knew what the agency wanted and never responded to requests for documentation of her dependents. As a result, the IRS reversed the tax credit she originally received for her children.

Danielle and her supervisor, Deputy Managing Attorney **Cathryn Miller-Wilson, Esq.**, filed an appeal with the IRS on Ms. M.'s behalf. After Danielle and Cathryn provided missing documentation to the IRS, they learned that Ms. M. would receive a windfall refund of almost \$6,000 in the mail.

Danielle's final act before closing the file? She urged the case manager to make sure Ms. M. knew a check was on the way and prevent her from again throwing away her mail unopened.

SIGNED, SEALED AND NOT DELIVERED

By James Rosica, *Legal Intern*

As the old saying about mail carriers goes, "Neither snow nor rain nor heat nor gloom of night stays these couriers from the swift completion of their appointed rounds."

If only it were true for one Philadelphia postal customer.

"Barry" called the AIDS Law Project of Pennsylvania recently with one simple problem: He had moved, and for months hadn't gotten any mail at his new place. Not even junk mail. Nothing.

He called the super at his old building. No mail for him there, either.

Not getting mail is more than an inconvenience for AIDS Law Project clients. In fact, it has the potential to become dangerous, as clients miss important bills and health-related notices.

His complaints to the Postal Service were similarly sucked into an administrative labyrinth, and his calls were diverted from one local post office to another.

Not getting mail made him feel "like I no longer existed," Barry said. "Everyone I talked to heard the problem, but no one wanted to give me a solution. Honestly, when I called the AIDS Law Project, they were my final hope."

As a Drexel University law student and the legal intern assigned the case, I for the better part of two months negotiated the same maze that frustrated the client.

I first called the client's old post office and was told that the man had filed "too many" change-of-address cards. After a little more digging, I realized that the client, who has a common last name, had somehow gotten confused for another neighbor with the same name who had also moved. That post office then told me to call a Philadelphia-based customer-service representative, who never returned my calls.

I then spoke to someone at the client's new post office, who said all of the client's mail was being held at a "processing center" and couldn't be delivered until the change-of-address confusion was over. I told the postal agent: "There is no confusion. Here's the man's current address. Can he just get his mail?"

I finally called U.S. Rep. Bob Brady's office and the main Postal Service customer service department in Washington, D.C. Strangely enough, the Postal Service's Washington contact said there likely was no mail being held for the client at any processing centers. If letters can't be delivered or returned, they are "shredded" for security reasons, he told me.

Somewhere along the way, I shook the right tree. By the end of that week, the client called with good news: He had gotten his first batch of mail in months. After a few days, he said he was even getting backed-up mail postmarked months before – the kind of old mail that supposedly was being shredded.

"It was because of the diligent help of the AIDS Law Project that I finally got my mail," Barry said. "Mr. Rosica kept me updated as to his efforts, and he offered a compassionate ear, which was important to me, because I'd already been through the mill."



NAVIGATING THE SYSTEM

A wedding favor that keeps giving

When Imani Molock and Fred Smith Jr. wed in June, they'll be affirming not only their devotion to one another, but also their support of the AIDS Law Project of Pennsylvania. That's because the couple decided to forgo wedding favors -- mementos such as matchbooks embossed with the couple's name -- at their reception, asking instead that guests make a donation to support the work of the AIDS Law Project. The couple's 100 guests will learn of their hosts' generosity by way of a small card resting at each place setting in the room. The card explains the gesture and offers information on the AIDS Law Project and its work. Imani, the daughter of former AIDS Law Project board member Nancy Molock, will include an envelope addressed to the AIDS Law Project with each card. Says the generous bride: "We can only hope that this will inspire others to donate!"

DECADES with Jonathan Demme marks 20 years



L to R: Sole-surviving HIV-positive extra Suellen Kehler with Jonathan Demme, and embraced by James McBride; Mayor Michael Nutter with DECADES co-chair Stephanie McBride; J. McBride & Demme in new Phillies caps.

More than 200 supporters filled the Mayor's Reception Room in City Hall on Nov. 20 for DECADES, the AIDS Law Project of Pennsylvania's 20th-anniversary observance, featuring a panel discussion that included Jonathan Demme, director of the groundbreaking 1993 movie *Philadelphia*, and author/musician James McBride. The evening was a spirited mix of camaraderie, poignant memories and resolve to continue service to the HIV/AIDS community. Altogether, the proceeds totaled a record-setting \$81,500. Thanks to all whose support allows the AIDS Law Project to do its work.



Board members Aretha Marshall, Avi Eden



DECADES co-chair Curtis Roth



Photos by Donald D. Groff
More photos at www.aidslawpa.org

Back row, from left: Ronda Goldfein, Heshie Zinman, Jonathan Demme, James McBride, Greater Philadelphia Film Office executive director Sharon Pinkenson. Front row, from left: student documentarians Ashley Akunna and Anisha Payne, whose 10-minute documentary was part of the program.

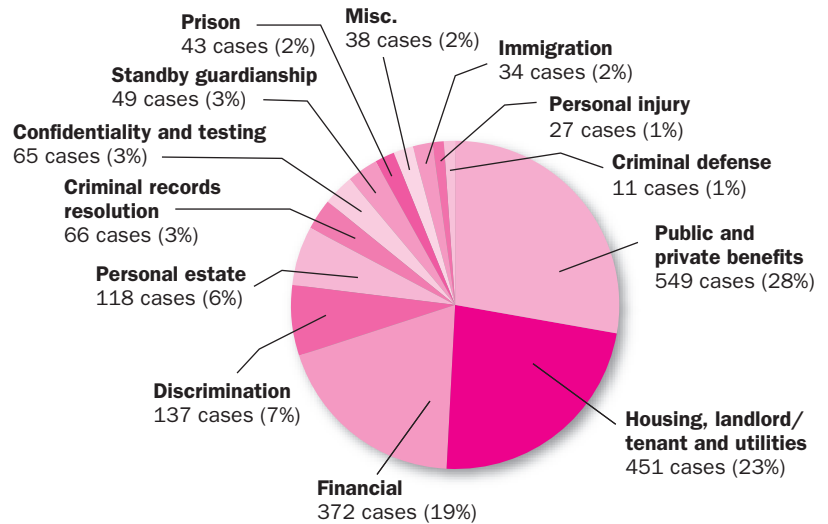


TYPES OF SERVICES REQUESTED

Legal Services for 2008

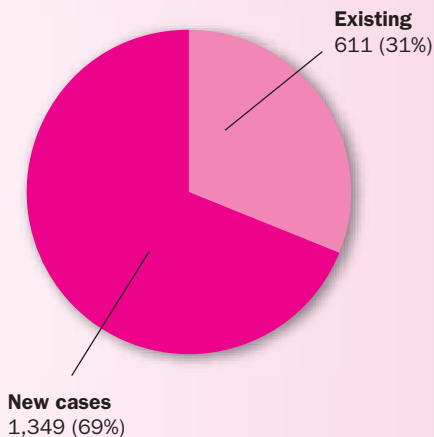
We helped 1,525 people with 1,960 legal matters.¹ 94 percent of requests come from people with HIV/AIDS while another 1 percent of requests come from friends and family, and the final 5 percent is comprised of case managers, attorneys, healthcare workers, students, employers and others. 88 percent of all clients live within Philadelphia County.

¹Many clients present multiple issues.

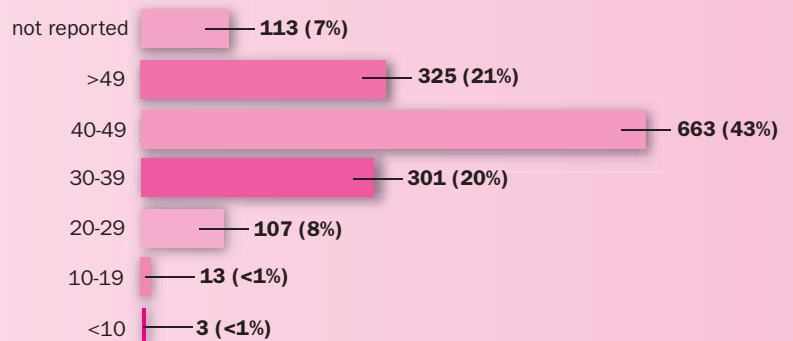


OUR ANNUAL WORKLOAD CLIENTS BY AGE

OUR ANNUAL WORKLOAD

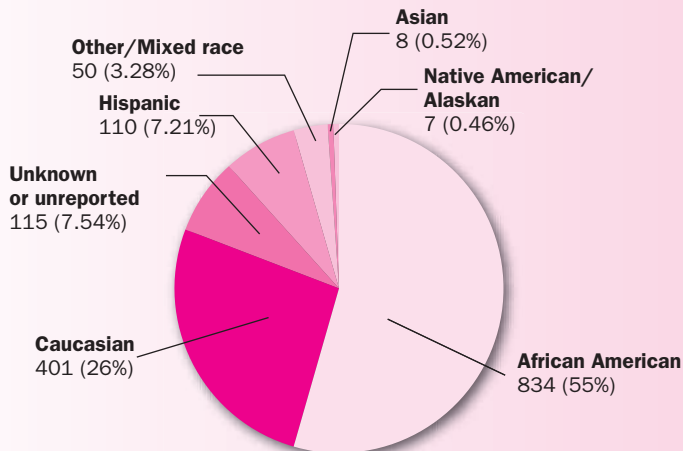


CLIENTS BY AGE

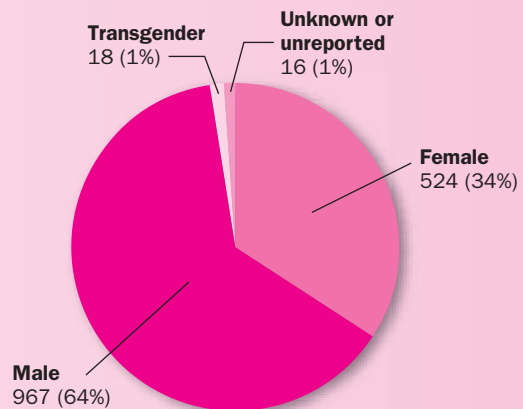


RACE AND ETHNICITY CLIENTS BY GENDER

RACE AND ETHNICITY



CLIENTS BY GENDER



TRAINING AT A GLANCE

In the first quarter of 2009, the AIDS Law Project offered 19 opportunities to learn about AIDS law, including the three monthly in-house seminars on Leaving Your Job, Back to Work, and Housing: Tenants' Rights and Responsibilities. Here's a snapshot view of the programs.

TRAINEE DEMOGRAPHICS January - March 2009

Who attended	Off-site locations
300 undergraduates	St. Mary's Respite Center
87 case managers and allied professionals	Temple University
27 clients, including 7 parents	Project Teach
12 law students	Drexel University
	New Cumberland, Pa.
	Philadelphia Bar Association
	ActionAIDS
Our most-requested topics	Sponsors
AIDS and the Law	AIDS Activities Coordinating
Standby Guardianship	Office of the Philadelphia
Confidentiality	Department of Health
Public Benefits	Temple University
	Philadelphia FIGHT
	Drexel University

A new way to help: Sponsor a client

Each month the AIDS Law Project of Pennsylvania takes on 127 new clients on average. They face a wide range of issues including employment discrimination, qualifying for rent subsidies, or the lack of estate documents. Nevertheless, we serve them expertly, efficiently and economically. In fact, *the average cost per client served is \$450 a year*, the price of one hour's time with a top attorney or two hours from an associate at many of the larger, for-profit firms around town.

Now you can help the AIDS Law Project serve these clients by signing up for our new **Monthly Giving Program**. Monthly Giving is simple to set up and feels easy on your wallet even as it helps you and the AIDS Law Project predict monthly cash flow.

To enroll, check off the monthly giving box on the enclosed donation envelope. Contributions of any amount are welcome, but:

- \$10 covers client transportation costs to and from our offices for a short-term matter.
- \$20 covers the cost of mailing and telephoning all the parties involved in a client's matter, including the client, a case manager, a doctor, another attorney and government offices or courts.
- \$30 covers the cost of transporting an attorney and paralegal/notary to the home or hospital sickbed of a client who needs to finalize a standby guardianship.
- \$40 defrays the cost of a court filing fee.

For more information on monthly giving, contact Finance Director **Tiffany Hair** at 215-587-9377.

Our partnership with Prevention Point

"Joe" is a drug addict living on the street. Then Joe gets arrested for loitering. After processing, a court date is set for Joe to appear before a judge, and notice of the date is mailed out. But Joe lives on the street so he never gets the notice in the mail. When Joe does not show up in court, a judge issues a warrant for his arrest. Now Joe is bearing the burden of both his addiction and a criminal record.

That is a typical of someone who comes to the AIDS Law Project of Pennsylvania with a criminal-records resolution problem: A real-life catch-22. But life on the streets of Philadelphia got a little easier last fall when Prevention Point Philadelphia (PPP) and the AIDS Law Project began a new collaboration serving clients like Joe. It's a perfect match, since both agencies value being nonjudgmental, meeting clients where they are, and treating them with dignity and respect.

Criminal Records Resolution Paralegal **Rochie Johnson** now spends two days a week at PPP's facility at 165 Lehigh Avenue in West Kensington where he works with 10 to 20 clients a day. Fridays are often very busy because that's when the needle-exchange program takes place, so Rochie uses Tuesdays for the clients who need more individualized attention.

Johnson conducts on-site interviews to assess what legal options clients have, including clearing up complications from past legal problems that are standing in the way of obtaining health care and other services that can help them lead a normal, productive life.

"Many of these people have never had a driver's license or other state ID," Johnson says as he explains that the most common request is for assistance obtaining identification. A lack of ID often prevents access to medical and social benefits, including the addiction services virtually every client needs.

Johnson knows that the clients he works with have already made the decision to change their lives. After all, they seek him out. Such small beginnings, when clients learn to trust the system again, lead to bigger things, including Johnson's ultimate goal of "getting them off the street."



BROADWAY LIGHTS: Karen Brister (from left), Curtis Roth, Jaci Adams and Ronda Goldfein make it to Broadway as part of a 50-person AIDS Law Project field trip to New York City in April to see the hit musical "Billy Elliot." The trip was generously arranged by Ed Bomba with support from Heshie Zinman and Curtis Roth.

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 lowdown on how to leave your job, go back to work or handle your landlord. These free seminars are held at our offices at 1211 Chestnut Street, Suite 600, just a short walk from the Broad St. 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 healthier in the first place. You will also learn how your new income can improve your credit rating.

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

July 14 Aug. 11 Sept. 8 Oct. 13 Nov. 10 Dec. 8

Leaving Your Job

Making a smooth transition from the working world onto disability takes planning. This seminar lays out 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.

July 8 Aug. 12 Sept. 9 Oct. 14 Nov. 11 Dec. 9

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.

July 9 Aug. 13 Sept. 10 Oct. 8 Nov. 12 Dec. 10

Summer Movie Party on June 12

It's been two decades since the founding of the AIDS Law Project of Pennsylvania and one full decade since our first Summer Movie Party. This year's date is Friday, June 12. Over the years, **Jay Schwartz** and his **Secret Cinema** have screened some memorable offerings, and this time it's **Born Reckless**, a 1958 Western romance starring sizzling Mamie Van Doren as a trick rider trying to lasso rodeo star Jeff Richards. (She sings, too.)

The party will be in new digs this year. Our long-running host, the medical advertising agency **Digitas Health**, has moved to the John Wanamaker Building across from City Hall. We'll gather there, with the eats, beverages, raffles and other party fare to which we have become accustomed.

Pencil us in for the gateway party to summer.

The party starts at 6 p.m., the movie at 7:30, and tickets are \$20 in advance, \$25 at the door. For details and tickets, visit our Web site, www.aidslawpa.org, or call **215-587-9377**.

Changes...

Welcome new staffers



Rafiah Davis, Esq., housing attorney, joined the AIDS Law Project in October. Before coming to the AIDS Law Project, she spent several years representing clients in Social Security disability cases. Licensed to practice in Pennsylvania and New Jersey, she is a 2005 graduate of Villanova University School of Law and a 2001 graduate of Howard University.

While in law school, Rafiah participated in Villanova's Civil Justice Clinic, where she assisted clients who could not afford to pay for legal services in custody and disability-benefits cases. She also spent a summer working at the Montgomery County Public Defenders Office and another at Legal Aid of Southeastern Pennsylvania. In her spare time, Rafiah volunteers for Dress for Success, which helps women in welfare-to-work programs dress for job interviews.



Tiffany Hair in January became the AIDS Law Project's part-time director of administration and finance, a position for which she is well-prepared, having been our financial consultant since 1995. As an independent consultant with 25 years of nonprofit accounting and administration experience behind her, Tiffany has assisted in day-to-day finance

and office operations, maintained organizational books and records, and supported audits for a variety of agencies in Pennsylvania and New Jersey. A soprano, Tiffany appeared with the Philly Pops Chorus at the Kimmel Center during the 2008 holiday season.



Rochie Johnson has been the AIDS Law Project's criminal records resolution paralegal since August 2008. Prior to joining the AIDS Law Project, he was a case manager for the Department of Public Welfare's Maximizing Participation Project, helping clients reach financial self-sufficiency. Rochie is earning certification as a paralegal through Pierce College, a natural progression from the criminology degree he earned at Indiana University of Pennsylvania in 2000. Off the job, he is a proud member and Community Service Coordinator for (Masonic) Ionic 112 Lodge, Prince Hall, and participates in service projects throughout the Philadelphia metropolitan area.



Lauren Kluz-Wisniewski, bilingual benefits paralegal, graduated from Swarthmore College in June with a double major in political science and English literature. She has studied Spanish since kindergarten and lived in Madrid, Spain, for a semester in 2006. Her hobbies are designing her own knitting patterns and developing recipes for baked goods.

... and bid farewell

The AIDS Law Project of Pennsylvania extends its thanks to our former board president **Kahiga Tiagha** as well as board members **Tara Walker**, **Harris Sklar** and **Clarence Brown**. Each has served us well and we wish them good luck with their future endeavors.

We also said goodbye to two staff members last fall, Housing Attorney **Joe Cohn** and bilingual Criminal Records Resolution Paralegal **Carlos Munoz**. Joe has gone to new challenges as a staff attorney in the 3rd U.S. Circuit Court of Appeals legal division while Carlos followed his love to the wide-open spaces of Colorado, which is just a little too far for his usual bicycle commute.

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