

### *Welcome to Good Counsel!*

This is the first issue of the AIDS Law Project's newsletter, which we hope to publish seasonally for our friends, volunteers and colleagues committed to protecting the rights of people with HIV and AIDS. Our goal is to keep you updated on the legal needs of people living with HIV/AIDS, trends in the law and the work of our staff and volunteers.

The AIDS Law Project provides free legal services to nearly **1,800** people with HIV/AIDS each year, the majority of whom are low-income and have nowhere else to turn for help. We link people to lifesaving medical care and fight for their rights to public benefits, quality health care, safe and affordable housing and employment regardless of their background, language, economic or insurance status.

We represent individuals needing legal help. We also educate thousands of case managers, physicians, nurses, social workers, teachers and government officials across the state each year about the rights of people with AIDS. We produce comprehensive and timely publications that are powerful tools for people with AIDS and their advocates.

We hope you enjoy this first issue of *Good Counsel*. If you know someone who would like to receive a copy or need to let us know of an address change, please call Martha McDonald, Editor, at **215.587.9377**.

## Independence Foundation Issues \$25,000 Challenge Grant

The Independence Foundation has just issued a challenge grant to the AIDS Law Project—challenging us to raise \$25,000 in new money over the next year, which they will match dollar for dollar. That will bring the total raised to \$50,000.

Money raised through this campaign will help ensure that the Law Project can continue to fight for the rights of the growing number of people with HIV/AIDS who call the Law Project every day seeking help. Last year we served 300 more people than the year before. As the AIDS epidemic continues to ravage our communities, we expect to serve even more people this year.

"New money" is defined by the challenge grant as gifts from new donors or small family foundations and increased gifts from current donors.

It's an exciting and difficult challenge. **We need your help to make it happen!** We have a limited time to raise the money, so please act now. Rise to the AIDS Law Project Independence Challenge and make a gift in the enclosed envelope. Every new dollar you donate will be matched by the Foundation—doubling the size of your gift!



*SmithKline Beecham honored the AIDS Law Project with a \$40,000 Community Health IMPACT Award for "innovative, community-based health care solutions." Pictured at the awards ceremony in February 1999 are (left to right) David Stout, president of SmithKline Beecham Pharmaceuticals, North America; AIDS Law Project Executive Director Nan Feyler and Board Member Sandra Thompson; and Dr. Diane Jokasky, director and vice president of SmithKline Beecham Pharmaceuticals.*

*GOO* Counsel

NEWSLETTER OF THE  
AIDS LAW PROJECT  
OF PENNSYLVANIA

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I am very excited to introduce the first issue of *Good Counsel*, the newsletter of the AIDS Law Project of Pennsylvania. Our goal is to keep you updated on the legal needs of people living with HIV, and the work of our staff and volunteers. We hope as well to share with you reflections on the AIDS epidemic as seen through the prism of legal services.



Our first issue announces the recent settlement of an important discrimination case. (*see story on adjacent page*) The case is noteworthy because it reinforces the Americans with Disabilities

Act's legal protection of those who face discrimination because of their relationships with people who are HIV-positive. In this case, a man alleged that he was faced with taunts, homophobic and AIDS-phobic remarks and was ultimately fired, after disclosing that his partner had AIDS.

The settlement of this case also reminds us of the sad truth that, eighteen years into the AIDS epidemic, discrimination remains a scourge almost as rampant as the disease itself. While federal and state laws make very clear that it is illegal to treat someone differently based on their HIV status, the perception of HIV status, or association with someone who is HIV-infected, our clients tell us that they routinely experience discrimination. It can be a dentist who refuses to treat, a nursing home that refuses admittance, a landlord who evicts or an employer who terminates a valued employee. Not only does the discrimination hurt, it forces many people living with HIV to live in silence and fear. A fear that may be so strong that they are afraid to tell anyone their diagnosis or go to a doctor or even take life-sustaining medications.

We hope that by bringing these cases and publicizing the results we send a strong message that the law will be enforced, and lawyers like those at the AIDS Law Project will be vigilant in pursuing the rights of all people with HIV, to ensure that no one is treated unfairly simply because they have been infected with HIV. As we go into the next millennium, let's hope that the medical advances we celebrate are matched by increasing understanding, justice and equal access under the law.

—Nan Feyler

# New Law Helps Parents Plan Children's Future

*"What is going to happen to my children when I die?"*

This is a question no parent wants to ask but one that many parents with HIV and other terminal illnesses must ask every day. The AIDS Law Project's **Family Program** is one of a handful of programs in the country working to help families affected by AIDS address this difficult question and make the legal arrangements necessary to ensure that their children remain together and are cared for by someone they know and trust after the parent dies.

Thanks to five years of intensive work by Law Project staff and other legal and family advocates, **parents with AIDS and other terminal illnesses in Pennsylvania now have a powerful legal tool to help them make long-term plans for their children's future care.** It's called the **Standby Guardianship Act**. Passed in January of this year, the law allows a terminally-ill parent to appoint a trusted relative or care-giver as legal guardian *before* the parent becomes ill, so that the guardian will be available on "stand by" to step in if the parent becomes too sick to care for her children. The law gives parents peace of mind without having to give up full custody rights—the guardian can step in to care for the child until the parent is healthy enough to resume care.

To help families take advantage of this new law, the Law Project has developed a newsletter and brochure to help families



*Pictured at a press conference announcing passage of the Pennsylvania Standby Guardianship Act in January 1999 are (left to right) Cathryn Miller-Wilson, former director of the AIDS Law Project Family Program; Senator Stewart Greenleaf (R-Montgomery), the prime sponsor of the bill; and Nan Feyler, Law Project executive director. Harvey Finkle photo.*

understand their custody options. Law Project staff will offer **trainings and workshops** this fall for **social workers, case managers, nurses and doctors who work with families affected by AIDS.** Workshops will focus on custody options available to families through the new law and how to assist families in making plans for their children's future care. Additionally, Law Project staff will conduct **trainings with attorneys, judges and other legal professionals to raise awareness about the new law** and to provide guidance on this complex and highly specialized area of law. For information about Standby Guardianship materials and trainings, call the AIDS Law Project at **215.587.9377.**

## VOLUNTEER ATTORNEYS NEEDED

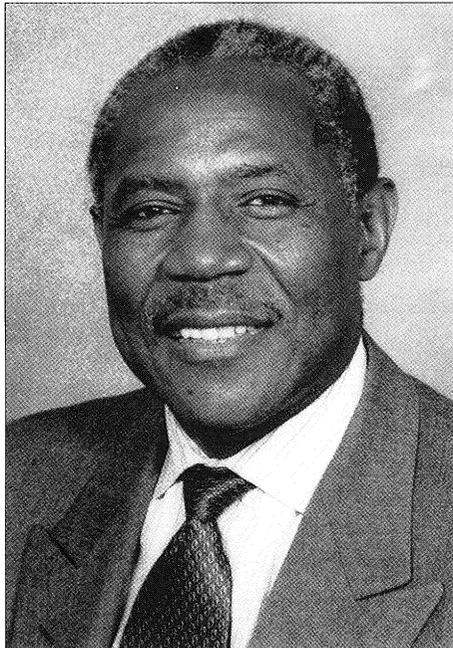
to advise and represent the growing number of people with HIV/AIDS who call the Law Project for help.

Call Larry Felzer  
at 215.587.9377.

## BOARD PROFILE

Meet **Frank McClellan**, a dedicated member of the AIDS Law Project's board of directors. Frank is a popular and well-respected professor of law at Temple University, where he teaches torts, medical malpractice and bioethics and has received prestigious awards for distinguished teaching. Frank is also a partner in the law firm of Eaton & McClellan, which concentrates on health law. Frank's passion and commitment to social justice and legal reform are central to both his academic and litigation work. He has published widely on ethical issues in law and medicine, and his journal articles often confront racial, ethnic, gender and class biases inherent in the legal system. A recent article, "Is Managed Care Good for What Ails You? Ruminations on Race, Class and Age," grew out of his effort to help his parents negotiate the often frustrating world of HMOs.

Frank learned about the AIDS Law Project when Associate Director Larry Felzer was a student in his class at Temple Law School. As Frank got to know the work of the Law Project, he was impressed by their dedication and their vast knowledge of AIDS and the law. "Nan and the staff struck me as a dynamic group of committed people who were making a real difference in the lives of people with AIDS," Frank recalls. A number of Frank's friends had lost family members to AIDS, and he felt "this was a population that was not being treated fairly by the medical community. One case really touched me where a partner of a person with



Kelly & Massa photo

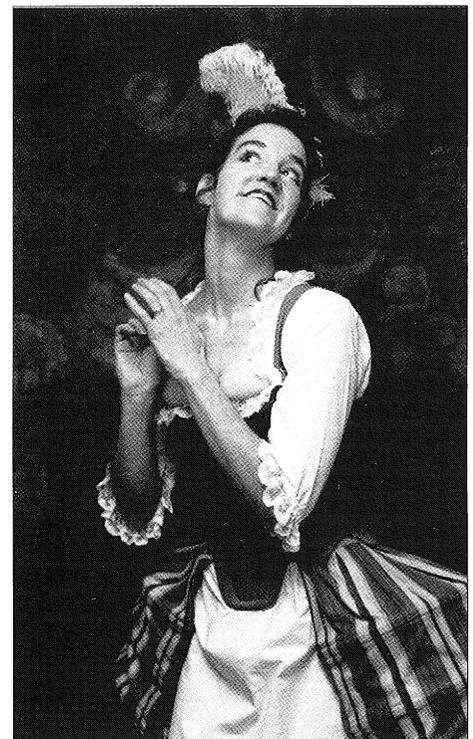
AIDS was not allowed into a hospital room to see his dying partner because the family was resistant. I thought, this can't continue."

Frank joined the Law Project board in 1994. He's been an invaluable member ever since—providing guidance with personnel policy issues and recruiting lawyers to be volunteer attorneys and board members. And all the while he's been an untiring fund-raiser, introducing a steady stream of attorneys to the work of the Law Project. After successful cases, he has persuaded colleagues to donate their fees to the Law Project.

"I get a great deal of satisfaction out of being part of an organization that helps people overcome difficult challenges. I have tried in my life to help people put their lives back together after they have been shattered, and I feel like the Law Project does the very same thing."

## VOCAL RECITAL TO BENEFIT LAW PROJECT

*Join mezzo-soprano and performance diva Martha McDonald for an evening of Baroque music to benefit the AIDS Law Project's AIDS Walk Team #8 on Saturday, November 6, 1999 at 8pm at Trinity Center for Urban Life, 2212 Spruce Street in Center City Philadelphia. With a voice described by The Philadelphia Inquirer as "powerful and expressive," Martha will share her favorite Baroque arias and art songs, accompanied by piano and organ, in the beautifully restored Great Hall of Trinity Memorial Church. A reception will follow the recital. Tickets are \$15 and may be reserved by calling the Law Project at 215.587.9377.*



Gregory Nelson photo

# LAW PROJECT SETTLES CLAIM OF MAN FIRED ALLEGEDLY BECAUSE HIS PARTNER HAS HIV

In a case that may have ramifications for many, the AIDS Law Project recently negotiated a settlement for a Delaware County man who alleged that he was subjected to anti-gay remarks at the workplace and fired from his job after he disclosed that his partner was HIV-positive.

The man, whose identity has been withheld to protect his privacy, was a sales manager at Alarmguard, a now-defunct security system company. After asking a co-worker to disclose to management that his partner had been diagnosed with HIV, the man alleged that he was subjected to anti-gay and insensitive AIDS-related remarks from fellow employees. Shortly thereafter, he was terminated.

Law Project Attorney Ronda Goldfein filed a wrongful termination complaint on his behalf with the EEOC (Equal Employment Opportunity Commission), citing

protections provided by the Americans with Disabilities Act. The Act prohibits discrimination against people with disabilities in employment, government services and public accommodations, and extends those protections to people who are *regarded* as having an impairment and to those who have a relationship or *association* with a disabled person, Goldfein explains. "Congress provided this broad protection because it recognized that simply being *perceived* as disabled can lead to discrimination," she said.

"We applaud Alarmguard's successor in interest, ADT, for their prompt and responsive handling of this matter," Goldfein said. "This settlement should send a clear message to employers that people who associate with a person living with HIV, or who are perceived as HIV-positive, are also protected by the anti-discrimination laws."

## *A Week at the AIDS Law Project: A Snapshot*

The AIDS Law Project receives nearly 1,800 calls from people with AIDS seeking legal assistance each year. In any given week, Law Project attorneys answer:

- 3 calls about discrimination in employment or healthcare;
- 11 calls about access to Medical Assistance /Medicare, Welfare, Social Security or private insurance;
- 2 calls about wills, living wills and powers of attorney;
- 5 calls about bankruptcy and other debt issues;
- 3 calls about family law such as custody issues or Standby Guardianship;
- 4 calls about HIV confidentiality and testing;
- 4 calls or letters about prisoners' (living with HIV/AIDS) rights to healthcare and medications;
- 1 call about immigration issues.

In addition, Law Project attorneys make one emergency home or hospital visit each week to prepare wills, living wills and powers of attorney.

## *It's Workplace Giving Time!*

*When you donor-designate in your workplace giving campaign, remember the people with HIV/AIDS served by the AIDS Law Project.*

*United Way of Southeastern PA Specific Care Option*

**#09067**

*Combined Federal Campaign Donor Option*

**#9104**

## LAW PROJECT OFFERS BACK-TO-WORK SEMINAR

New drug treatments have given thousands of people living with AIDS a new lease on life. With improved health, many people are feeling well enough to try to go back to work and have questions about their rights to continuing their health coverage and disability income if they return to work. The AIDS Law Project offers a **Back-to-Work Seminar** for people on disability benefits who are considering returning to work. The seminar explains what will happen to a person's Social Security,

Medicare and Medicaid benefits if they start working, and helps people understand their benefit options in order to prevent legal problems in the future. The seminar is presented by Ronda Goldfein, senior staff attorney.

At the other end of the spectrum, the Law Project offers a **Leaving Your Job Seminar** for people who are thinking about leaving their jobs because they are unable to work due to their disability or are thinking about

changing jobs. The seminar offers information about private and public benefits options to help people plan a job change or prepare to go on disability. This seminar is presented by Larry Felzer, associate director.

Both seminars are two hours long, provide time for questions and take place at the Law Project office, 1211 Chestnut Street, Suite 1200. For a seminar schedule, call the AIDS Law Project at **215.587.9377**. There is no fee to attend.



*The Working Group on HealthChoices and HIV (pictured here) is made up of over 50 AIDS service organizations and consumers living with HIV who advocate for better health care for people with HIV who are enrolled in Medicaid managed care. The group, convened by the AIDS Law Project and Philadelphia FIGHT, meets monthly to share concerns and develop strategies for systemic reform. If you would like to get involved in the Working Group on HealthChoices and HIV, please call the Law Project at 215.587.9377. Harvey Finkle photo.*