

Collaborative lends a stronger voice

The AIDS Law Project grasps hands with 17 partners

If the *Pennsylvania* in the AIDS Law Project of Pennsylvania seems to be beaming these days, it's because the AIDS Law Project now has 17 partner institutions stretching from the state's eastern to western borders in the effort to assist people with HIV/AIDS and fight the discrimination they sometimes face.

"We're excited to have allies across the state," said **Ronda B. Goldfein, Esq.**, executive director of the AIDS Law Project. "Not only does the collaborative give us a greater number of allies, but it also gives us a sense of what those with AIDS face in Lancaster and Huntingdon and Westmoreland counties, and elsewhere."

In a state in which legislators in Harrisburg often view issues in terms of rural interests

versus big-city interests, the coalition can offer a louder voice to support HIV/AIDS issues statewide regardless of where those who live with the virus reside.

"There is strength in numbers," said Goldfein, "and cooperation like this gives people with HIV/AIDS support on a broader scale."

In September, the AIDS Law Project convened the first meeting of the HIV Policy Collaborative of Pennsylvania, a group of health organizations and other HIV/AIDS-focused interests whose previous coalition was dissolved more than a year ago. The Collaborative, which intends to build on the work of the previous coalition, has one seat on the AIDS Law Project Board of Directors.

Goldfein, who chaired the meeting in York, described the relationship between the AIDS Law Project and the Collaborative as that of lawyer and client, with the Collaborative's other members as clients.

"We hope that the AIDS Law Project's expertise, backed with the support of the member organizations, will have an impact on advancing issues of concern to Pennsylvanians with HIV/AIDS," said Goldfein.

Cathryn Miller-Wilson, Esq., deputy managing attorney of the AIDS Law Project, also attended the September meeting. Collaborative members "will approach the AIDS Law Project with policy issues that concern them and their constituents,"

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Restoring a disrupted life

Jane Doe had a job in a suburban sandwich shop. Diagnosed with HIV five years before, Jane had no problem living a normal life and working every day thanks to her medications. Then, one day on the job, she cut her finger on the slicer.

Jane tended to her wound and the equipment in the appropriate way for that type of workplace injury. Her manager thought she should go to the emergency room, though, and promised that the store's worker's compensation plan would pay the bill.

Jane got four stitches in her finger and was back at work the next day. At the end of her shift she was called to the office where the store owner, her manager and a co-worker had already gathered. The co-worker was in tears and kept repeating, "I'm sorry. I'm sorry." Jane sensed that trouble was on the way because this was the only co-worker to whom she had confided her HIV status.

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AIDS Law Project Executive Director Ronda B. Goldfein is joined by mayor-elect Michael Nutter (center) and author/musician James McBride and his son Nash at the third annual McBride concert, reception and silent auction held Oct. 27. The event raised more than \$43,000 for the AIDS Law Project. For more photos from the fundraiser, watch for the spring issue of Good Counsel and visit our Web site, www.aidslawpa.org

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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 responds to almost 2,000 legal service requests a year 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:

As you can see from the cover of this issue of *Good Counsel*, the AIDS Law Project of Pennsylvania has been busy. We've developed a statewide coalition of AIDS service organizations to work on AIDS policy, we've won an important case reinforcing the right of a woman to remain in the workplace and to maintain her privacy about her HIV diagnosis, and we've hosted a successful fundraiser featuring internationally acclaimed author/musician James McBride that was attended by mayor-elect Michael Nutter.

The young woman in our cover story simply wanted to go to work to support herself, while maintaining her right to the privacy of her personal health matters. The ability to remain in the workplace, or to return to it, is crucial for people with HIV/AIDS. Work gives them the ability to provide for themselves and their families, often restoring dignity and economic power to a marginalized population. Our society also benefits when productive people are not forced from the workplace but instead are permitted to continue to make valuable contributions.

For more than 19 years, the AIDS Law Project of Pennsylvania has sent the clear message that people with HIV/AIDS are not to be feared in the workplace. But this fight is far from over. As we know from our clients' experiences and from recent large-scale population studies, people with HIV/AIDS are living longer – and the longer they live, the greater the need and interest to remain in or return to the workplace.

Yes, we at the AIDS Law Project have been busy. And we have more work to do. We still need to educate employers on anti-discrimination laws, privacy laws, workplace safety and infection control. We need to be sure that people know how HIV/AIDS is transmitted and how it can be prevented. With your help, we intend to remain busy as long as these urgent issues persist.

Remember us at workplace giving time.

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

United Way of SE PA Specific Care Option #09067

Combined Federal Campaign Donor Option #9104

If you know someone who would like to receive a copy or need to let us know of an address change, please call 215.587.9377.

TURNING THE TABLES ON A NONCOMPLIANT LANDLORD

"The Commission does not take it lightly that the Landlord did not appear for this Hearing," begins a Fair Housing Commission Order issued Aug. 7, 2007, in favor of AIDS Law Project of Pennsylvania client Colleen. The rest of the order illustrates how even the fortunes of a tenant in a tight spot can come right in the end.

Colleen came to the AIDS Law Project of Pennsylvania in the spring when her landlord tried to lock her out of the small studio in a converted single-family rowhouse she had lived in for three months. Shortly after moving in Colleen fell behind in her rent.

Housing **Attorney Joseph S. Cohn** first wrote the landlord a letter informing him that a lockout would be illegal even though the tenant was having difficulties meeting her obligations. In response, the landlord sent workers to disconnect the gas service to the apartment and unplug the stove.

Joe then went to the Fair Housing Commission, an administrative body that hears cases involving the city's fair-housing ordinance. Joe's argument to the commission was that by cutting off the utilities the landlord had performed a "constructive eviction" since Colleen could no longer live in the apartment.

Research then revealed that the landlord had never had the necessary license to rent the property in the first place. Suddenly, Colleen went from owing money to her landlord to being owed \$1,230 by her landlord since the law required him to refund all deposits and rents illegally collected.

When the commission's order was handed down, it directed the landlord "to return the \$1,230 to the Tenant based on the 'Dangerous to Human Life & Public Welfare' finding by Licenses & Inspections."

In addition, the order also awarded 10 hours of attorney's fees to the AIDS Law Project of Pennsylvania at the rate of \$125 an hour and levied a fine of \$300 a day if the landlord did not produce a "Complied Status Report" from Licensing and Inspections within 30 days of the order.

Colleen had been living with her daughter once the utilities went off. This ruling left her free to find new accommodations without a negative mark on her record. She'll also have an easier time finding and keeping a new home because she came to the AIDS Law Project.

When Joe saw that part of Colleen's problem was a lack of income, he quickly asked her to do another interview to help her access benefits. The public benefits team is now working on getting Colleen money and subsidies that will help pay her future rent and other expenses.

By seeking help, Colleen got not only a solution for her initial hardship, but also assistance that offers optimism for the future – a story often repeated when the AIDS Law Project's experience and resourcefulness are brought into play.



NAVIGATING THE SYSTEM

A CALMING HAND – AND SOLID ADVICE — IN A CRISIS

On late Friday afternoons in June, lucky Philadelphians are "down the shore." Unlucky ones may be sweltering in Philadelphia's humidity. *Really* unlucky ones are also in a city health clinic getting an HIV test without appropriate counseling. That's what happened to a young mother we'll call Sharna.

Sharna had two children by the same man in an on-again/off-again relationship that was "on" enough last June that the entire family was living together again. Then she heard a rumor on the street that the man she had been dating during an "off" period early in her last pregnancy was HIV positive.

"You were seeing him," she was advised. "You better get checked out." So Sharna walked into the local clinic one Friday afternoon, told her story and asked for an HIV test.

A worker at the city health clinic administered a preliminary test that involved swabbing the inside of Sharna's mouth. The result wasn't good. "You could be positive," the worker told her. "We have to take some blood to be sure. We'll know in two weeks."

Sharna was stunned. "What do I do now?" she asked in panic.

It was at that point that the clinic staff failed the young woman. Rather than saying, "We don't definitely know that you do have HIV yet" or "This is a manageable disease when you get tested quickly, as you did," they told her, "You can sue the guy that gave it to you. Here's the number of the AIDS Law Project."

Receptionist Arlene Vasquez was at her desk that afternoon when the call came in long after intake was over for the day. Hearing Sharna's hysterical crying, Arlene knew that this was an emergency that needed immediate attention, whether or not there was an actual legal issue to handle. Arlene started looking for a paralegal to take the call.

For the staff of the AIDS Law Project, Sharna's call was perfect illustration of how poorly administered testing canceled out the value of knowing one's HIV status. Sharna was close to suicidal and so dysfunctional at that point that she couldn't even care for her infant and toddler. Sharna was also peppering the staff with questions that good pre-test counseling could have partially answered.

A staff attorney quickly determined that there was no substantive legal issue for the AIDS Law Project to handle in Sharna's case, but that Sharna needed immediate help from somebody. Keeping Sharna on the line, Arlene was dispatched to find a case manager available to immediately take the call and begin the process of getting Sharna into care.

But, with concerns over Sharna's desperation, Arlene was commissioned to back up Evelyn's counsel as a girlfriend.

When Arlene called Sharna back later that day, Sharna had an appointment the next morning with a case manager and was collecting a list of questions she needed to ask about how her diagnosis would affect her health and the lives of her young children. As a friendly listener, Arlene reassured her that the case manager could help her with all her problems, including breaking the news to her boyfriend. That friendly call mattered because Sharna had only told one other person, her sister, about the test, and the sister knew as little about HIV/AIDS as Sharna did.

Two weeks later, Sharna called Arlene back, confirmed that she was positive, and thanked her for her sympathetic ear and efforts on her behalf. "You guys were great," she said.

Pennsylvania moves toward easing needle sales

Pennsylvania, one of the last four states holding out against the sale of hypodermic needles without a prescription, may soon allow such sales. As reported in our cover story, the newly formed HIV Policy Collaborative voted at its first meeting in York to make this change its top priority.

In the Aug. 25, 2007, edition of the Pennsylvania Bulletin, the state's official gazette for information and rulemaking, the State Board of Pharmacy wrote that "the current regulation has not been amended for a number of years" although "studies have shown that increased access to clean needles and syringes has been proven to reduce the transmission of hepatitis C and HIV."

In making its case for change, the Pharmacy Board noted that the National Association of Boards of Pharmacy "encouraged" sterile needles sales in 2000 and that Pennsylvania ranks No. 7 among the states in the number of reported AIDS cases.

To stem that tide the Pharmacy Board put forward a plan to permit pharmacists "to sell up to 30 hypodermic needles and syringes to persons 18 years of age or older without a prescription." These needles would have to be stored behind the pharmacy counter where they could only be accessed by authorized staff.

People younger than 18 and those using injectable medications whose syringes will be covered by insurance will still need to present a prescription.

The Pharmacy Board plan would allow pharmacists "to sell up to 30 hypodermic needles and syringes to persons 18 years of age or older without a prescription."

The new rule would also free pharmacists of what the Pharmacy Board calls an unenforceable reporting requirement to notify the commonwealth of "the sales of accessories found in illegal traffic when sold in unusually large quantities."

The proposal has been under consideration since Pennsylvanians for the Deregulation of Syringe Sales petitioned for it in early 2005. The AIDS Law Project has consistently backed syringe deregulation and has submitted comments in support of making the change.

The Pharmacy Board heard testimony on the matter in August 2005 from representatives of the Pennsylvania Coalition to Save Lives Now, Prevention Point Pittsburgh and the Department of Health's Bureau of Communicable Diseases.

On Sept. 24, 2007, the public comment period on the proposed rule changes ended and the Independent Regulatory Review Commission (IRRC) put the matter on its docket.

The next step is for the review commission to submit its comments to the Pharmacy Board and for the Pharmacy Board to review those comments or those of legislative committees.

In the final stage, which could take from 30 days to two years to complete, the Pharmacy Board can resubmit the regulation to the review commission for final approval.

"The HIV Policy Collaborative and its individual member organizations have several opportunities to participate in this process," said **David W. Webber, JD**, of counsel to the AIDS Law Project of Pennsylvania. He noted that a number of Collaborative members are already on record with the Pharmacy Board and the review commission as supporting the change as proposed by the Pharmacy Board.

Webber said that "additional written comments could be submitted to the IRRC after the Pharmacy Board has resubmitted its final-form regulation" and that such additional comments "may be appropriate if the [Pharmacy] Board modifies its proposal in any way."

Alternatively, the Collaborative could also be represented at the IRRC public meeting.

"Whether there will need to be significant participation in this process is not known at this point," said Webber, who said he was not aware of any opposition.

For now Webber, speaking for the AIDS Law Project, said, "We will continue to monitor this process, alert Collaborative organizations about any developments, and be prepared to comment as needed."

"Given that the IRRC could approve a final-form regulation within a relatively short time period," said Webber, "we will also begin to prepare outreach materials interpreting the regulation for both consumers and pharmacists."

HIV Policy Collaborative of Pennsylvania Partners

AIDS Law Project of Pennsylvania	Southwestern Pennsylvania AIDS Planning Coalition, Pittsburgh
ActionAIDS, Philadelphia	Valley Forge Medical Center, Norristown
AIDS Community Alliance, Harrisburg	Positive Health Clinic, Allegheny General Hospital, Pittsburgh
AIDSNet, Bethlehem	AIDS Planning Coalition of South Central Pennsylvania, Camp Hill
Berks AIDS Network, Reading	Jewish Healthcare Foundation, Pittsburgh
Calcutta House, Philadelphia	Planned Parenthood of Central Pennsylvania, York
Family First Health, York	Prevention Point Program, Pittsburgh
Northwest AIDS Planning Coalition, Clarion	University of Pittsburgh Graduate School of Public Health, Pittsburgh
Northwest Pennsylvania Rural AIDS Alliance, Sharon	
Resource Education and Comprehensive Care for People with HIV (REACCH Program), Harrisburg	

Continued from cover

The manager began screaming that Jane was a horrible person for having HIV and “letting” herself get cut. The owner fired her on the spot. “You’re a nice girl,” the owner told her, “but you can’t work with food if you have AIDS.”

The owner couldn’t have been more wrong.

Apparently, the owner didn’t realize that for the last 17 years the federal Centers for Disease Control & Prevention has put out a list of diseases transmitted by handling food; HIV/AIDS has never made the list.

Jane was jeopardizing no one, but she was betrayed by people she thought were friends and now she was also without an income. So, Jane filed for unemployment compensation.

The sandwich shop fought her claim, saying that Jane wasn’t entitled to compensation because she was fired for cause – specifically, willful misconduct in the form of the failure to disclose her HIV. Unemployment compensation was denied.

Jane came to the AIDS Law Project of Pennsylvania desperately hoping that something would start to go her way. At the AIDS Law Project, Jane got a sympathetic ear and the services of attorney Sarah Schalman-Bergen, our Shestack Fellow .

Schalman-Bergen filed an appeal of the unemployment compensation decision. The appeal asserted that Jane had taken all of the appropriate steps to ensure the safety of her co-workers and customers, and that she had no legal obligation to disclose her HIV status.

The Unemployment Compensation Board looked at the facts of the case and agreed with the AIDS Law Project that Jane had no legal obligation to disclose her HIV status, and her behavior was not misconduct.

Sadder but wiser, Jane is now looking for a new job. But, she is doing the looking with the money she paid into unemployment coming back to help her in a time of need – and with the confidence that grows when you’ve overcome a dilemma with the help of an advocate like the AIDS Law Project.

Summer Movie Party



Brad Kushner (left), a volunteer law student from Rutgers-Camden, sells tickets for a gift-basket drawing last June at the AIDS Law Project’s eighth annual Summer Movie Party. The movie of the night, presented by Secret Cinema, was *Dino*, featuring Sal Mineo. For more photos of the event, visit www.aidslawpa.org.

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 the AIDS Law Project offices at 1211 Chestnut Street, Suite 600.

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’ll also learn how to improve your credit rating with your new income.

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

Jan. 8	Feb. 12
March 11	April 8
May 13	June 10

Leaving Your Job

Making a smooth transition from the working world onto disability 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.

Jan. 9	Feb. 13
March 12	April 9
May 14	June 11

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

Jan. 10	Feb. 14
March 13	April 10
May 15	June 12

Welcome new faces...

Welcome new board members



Aretha Marshall is the managing editor for "Dateline NBC" and the vice president of casting and talent development for Peacock Productions, where she is in charge of all talent-related issues for the NBC News production company developing news, documentary and entertainment programming. During her journalism career, Marshall has reported on a wide range of issues, events and personalities. She has won numerous laurels, including first place awards from the National Association of Black Journalists, the DuPont Columbia Award and the Religious Public Relations Council's Wilbur. Her newsroom experience includes managing a staff of 100 and a budget of \$10 million at WMAR-TV in Baltimore, where she also handled talent contracts and union negotiations. Marshall holds an undergraduate degree from Harvard University, 1977, and a master's degree from Northwestern University, 1978.



Jaya Ramji-Nogales, JD, an assistant professor at Temple University's Beasley School of Law, has worked all over the world. Her legal fieldwork has included stints in India and Cambodia in 1997 as the Orville H. Schell Jr. Center for International Human Rights Fellow, and in Uganda (1999) and South Africa (2000) as the Robert L. Bernstein Fellow in International Human Rights. Stateside, Ramji-Nogales has been a Cyrus N. Vance Fellow in International Human Rights working for the American Civil Liberties Union Immigrants' Rights Project in San Francisco and an Advocacy Fellow at Georgetown University Law Center's Center for Applied Legal Studies, where she also spent a year as an adjunct professor. The co-editor of *Bringing the Khmer Rouge to Justice* (Mellen Press, 2005), she has also written numerous articles for journals such as *Refuge* and the *Stanford Journal of International Law*. Scholarly presentations have taken her before the United Nations High Commissioner for Refugees in Switzerland and South Africa, as well as the ACLU National Membership Conference and other gatherings. Ramji-Nogales earned her JD at Yale Law School in 1999 and a master of laws (advocacy) with distinction in 2006 from Georgetown University Law Center. She is a 1995 honors graduate of the University of California at Berkeley who speaks French and some Spanish and Dutch.

Welcome new staffers



Tyler Griswold joined the AIDS Law Project in March 2007 as public benefits paralegal. A 2005 graduate of Fordham University who majored in Latin American studies, after graduation Griswold spent six months in Bolivia helping create a new school of nursing intended to focus on AIDS prevention and care. He has also done AIDS outreach for the New York State Department of Health in the Bronx. He was raised in Colorado. When he's not advocating for clients, Griswold plays drums with the band Prowler at local venues such as The Khyber.

... and bid farewell

In September, longtime board member **Geraldine Jones** tendered her resignation as her calendar had become too crowded since her retirement. A social worker by training, and married to a minister,

Jones brought valuable experience to client policy decisions and enthusiasm to fundraising events. The AIDS Law Project will miss her presence and wisdom.

In August, after a year of service, paralegal **Beth Slinger** moved on to the City of Philadelphia's legal department. We thank her for her service and welcome her support in other ways.

Congratulations

Congratulations are in order for several members of the AIDS Law Project family.

In October, **Public Benefits Attorney Asha Ramachandran, Esq.**, and her husband, **Anu**, welcomed the birth of a daughter, **Shivana**. Board member **Bryn Michaels** and her husband, **Jeff**, had a baby girl they named **Chloe Jessica** last December. Board member **John Franchini** and his wife, **Ashley**, had a son, **John Anthony**, in September. Best wishes to all parents and offspring.

Executive Director Ronda B. Goldfein was honored with a 2007 Red Ribbon Award presented by the Center for AIDS Research Community Advisory Board during a ceremony at City Hall on Nov. 30. Her award as Red Ribbon Policymaker was one of four presented. The other categories were community leader, youth leader and researcher.

We also congratulate Housing Attorney **Joseph S. Cohn** on being named a "Lawyer on the Fast Track" by the *Legal Intelligencer* and *Pennsylvania Law Weekly* in August. Of the 35 honorees, just two came from the public-interest sector. Winners were feted at a dinner on Sept. 20 and profiled in a supplement to the *Legal Intelligencer* on Sept. 24.

Thanks for the help

During the last six months the AIDS Law Project and its clients have benefited from the services of a bumper crop of interns and volunteers.

- **Joe Gordon, Esq.**, spent three days a week for two months assisting Housing Attorney **Joseph S. Cohn** by doing research, client consultations and court appearances. His efforts in support of the summer movie party also made a real difference to the fundraiser's bottom line.
- Second-year law students **Eleanor Mayer** (University of Pennsylvania Law), **Jena Simonds** (Temple Law) and **Brad Kushner** (Rutgers Camden Law) did summer internships in our offices. Eleanor focused on consumer finance issues, Simonds assisted with housing, and Kushner spent his time on social security and welfare. Second-year Cornell Law student **Aaron Strypski**, a summer associate at Morgan, Lewis, spent four days "on loan" doing legal research.
- The administrative staff got help, too. **Alyssa Fulford**, just one semester away from graduating from Chestnut Hill College, cleared quite a backlog of filing. **Adwoa Asare**, who just completed her freshman year at Wake Forest University, worked closely with receptionist Arlene Vasquez keeping our busy phones under control. And Germantown High School senior **Patricia Taylor** did filing, shredding, mailings and other assorted jobs.

Best wishes to all as you continue your careers and studies. The staff and clients of the AIDS Law Project of Pennsylvania thank you for making a difference.

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