

AIDS Law Project wins case for client wrongfully thrown out of personal care home

Pennsylvania Human Relations Commission orders more than \$63,000 in damages and penalties to woman illegally denied a place to live because she has HIV

The AIDS Law Project of Pennsylvania scored an important victory this September, winning more than \$63,000 for a woman kicked out of a personal care home after she disclosed she has HIV.

The AIDS Law Project sued Canal Side Care Manor, L.L.C. in Walnutport, Northampton County, Pa., and owner Lakshmi Kademani after Kademani ordered the woman out of her facility, immediately after becoming aware of her HIV status.

The complaint was dual-filed on behalf of the client, known only as 'G.D.' to protect her confidentiality, with the Pennsylvania Human Relations Commission (PHRC), which enforces state discrimination laws, and the U.S. Department of Housing and Urban Development (HUD), which enforces federal housing-discrimination laws.

The PHRC agreed with the AIDS Law Project that the personal care home illegally discriminated against G.D. based on a disability, that is, her HIV status.

In these days of multi-million-dollar verdicts, the \$63,000 award may not seem like much, but here's why it is significant: It far exceeds the usual amounts the PHRC has awarded in housing decisions for the last five years, which average \$10,000-\$15,000, according to records.

"You can't throw a person out on the street solely because that person has HIV," said **Ronda B. Goldfein, Esq.**, executive director of the AIDS Law Project of Pennsylvania.

"If you're in the business of providing care, you have to learn how to provide care to everyone," Goldfein added. "The law requires it; public health relies upon it and common decency demands it."

Testimony in the case showed that Kademani called the client's healthcare provider to ask if the client should "use a drinking glass, eat

off a plate, use utensils, and whether G.D.'s clothes can be picked up with bare hands without fear of getting HIV," according to the PHRC's opinion.

Kademani was told that with the use of "universal precautions," such as wearing gloves and otherwise not coming into direct contact with bodily fluid, neither the staff nor the other residents would be at risk for contracting HIV.

Despite these assurances, Kademani still demanded that G.D. leave the facility.

"We were able to prove by direct evidence that Kademani's medically and scientifically unsupported fears of contracting HIV motivated her to demand that G.D. be removed from the personal care home," said **Sarah Schalman-Bergen, Esq.**, of counsel to the AIDS Law Project of Pennsylvania and an associate at Berger & Montague, P.C.

Kademani and her staff exhibited the same kind of discrimination against people with HIV that occurs all too frequently in assisted living facilities. A December 2006 study conducted by UCLA School of Law found that 46 percent of skilled nursing facilities reported that they did not accept individuals who are HIV positive, a violation of the law.

The Commission ordered Kademani and Canal Side to pay G.D. \$50,000 as compen-

sation for "humiliation and embarrassment," and tacked on 6-percent interest per year, starting from Jan. 2, 2008 – when she was unjustly thrown out – until payment is full.

So far, the interest brings the damages award alone to more than \$58,000.

The Commission also ordered Canal Side and Kademani to:

- stop all illegal discriminatory practices;
- pay the Commonwealth \$5,000 in civil penalties;
- establish non-discrimination policies specific to HIV and AIDS and train staff on these policies.

On G.D.'s behalf, her sister told *Good Counsel*, "We're all human and sometimes humans need help ... You can't turn people away just because of who they are.

"Kademani and everyone there need to be accountable for their actions," she said.

And with the Commission's decision, this personal care home is now accountable.

The client was represented by Goldfein, Schalman-Bergen, and Earle Mack School of Law legal intern **Kailee Farrell**. Farrell, who since graduated and recently passed the Pennsylvania bar, now works as a law clerk to New Jersey Superior Court Judge Evan H.C. Crook.



Victory for the partner of a legendary physician

Dr. John L. Turner (inset photo) was one of the first physicians to treat HIV/AIDS. After his death, the AIDS Law Project of Pennsylvania assured that his partner, Thomas J. Bernardo (second from left), rightfully received his due. The team: Ronda B. Goldfein, executive director (left); and lawyers Brian E. Appel (second from right) and Sarah Schalman-Bergen (right).

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NEWSLETTER OF THE AIDS LAW PROJECT OF PENNSYLVANIA

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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,

In this issue's cover story, we're pleased to report how we protected the rights of a woman who was kicked out of a personal-care home in Northampton County simply because she has HIV.

The facility booted our client within 24 hours of admitting her, because the owner was afraid of getting HIV from touching her drinking glass, her utensils or her clothing. In deciding the case in our client's favor, the Pennsylvania Human Relations Commission found that the owner wanted her out "as soon as possible" upon hearing her say she had HIV.

Earlier this year, President Obama released the National HIV/AIDS strategy. Among its goals is the reduction of stigma and discrimination experienced by people living with AIDS by strengthening enforcement of civil rights laws.

And in marking the 20th anniversary of the Americans with Disabilities Act, Assistant Attorney General Thomas Perez, head of the civil rights division of the Department of Justice, said that "changing hearts and minds is the ultimate measure of success for civil rights laws, and the ADA is no different."

It may seem incredible that more than three decades after AIDS was first diagnosed in the United States, people still irrationally fear HIV transmission. But it is a harsh reality for the dedicated and experienced lawyers and support staff at the AIDS Law Project of Pennsylvania: After all, we've been challenging this type of injustice for more than 22 years.

With your steadfast support, we will continue our civil rights work until all people with HIV have equal opportunity and equal justice.

Good Counsel, by e-mail

Want to receive Good Counsel electronically?

Send your e-mail address to tiffany.hair@aidslawpa.org.

Ronda

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

EAGLE-EYED LAWYERING RESULTS IN SUCCESS FOR CLIENT

Public Benefits Attorney **Asha Ramachandran** was handed the file of a new client who had applied for Social Security disability benefits and was denied. Asha looked into the client's case, determined he had been wrongly denied, and appeared before an administrative law judge. Applying the facts to the law she had ably researched, Asha won the client's benefits he deserved.

Usually, we would be able to chalk up another quiet victory for a client and retire the case file. But the story doesn't end there.

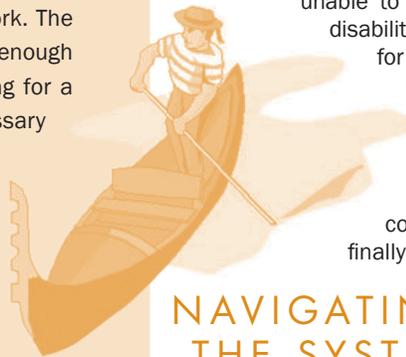
Asha, in reviewing subsequent notices sent to the client by the Social Security Administration, quickly realized that with the increased income from his new benefits, the client would no longer be eligible for state-funded medical assistance. He would lose access to his doctors and the prescription medications he so desperately needed.

Asha then enlisted the help of Public Benefits Paralegal **Jacob Eden** to enroll the client in Medical Assistance for Workers with Disabilities, commonly known as MAWD.

MAWD is a health insurance program for individuals who are disabled or considered disabled, and still working or able to work. The client qualified because he was just well enough to hold down a part-time job babysitting for a family member. Jacob filled out the necessary paperwork to get the client on MAWD before his regular medical assistance was terminated. The client didn't miss a beat in terms of health-care coverage – he was able to see his regular doctors and get his prescriptions filled.

Asha and Jacob had similar success with another client who was previously awarded Social Security disability and was about to have his medical assistance terminated as well. Here, they determined he too was eligible for MAWD; he worked a part-time job doing errands. His MAWD benefits also kicked in before his medical assistance was turned off, saving him a lapse in coverage.

The lesson: Quick thinking saves the day. Attorneys who think like chess players, seeing one or more moves ahead, can and do make all the difference between clients being out of luck, and getting the benefits they need and deserve.



AIDS LAW PROJECT SAVES HOME FROM FORECLOSURE NIGHTMARE

Ken Nardone and Joe Molloy worked for years to buy the house of their dreams - the perfect corner lot with the beautifully manicured lawn. They had it all, until earlier this year health problems and a bad economy threatened to take the dream away.

Ken's deteriorating health cost him his job. The couple fell behind on their mortgage payments and found themselves facing foreclosure on their Havertown, Pa., home.

Ken was at a loss: "We tried a few routes but nothing worked out," he said. "We didn't know who to turn to." Finally, he and Joe turned to the AIDS Law Project.

Ken hoped that with time and treatment, he would be able to return to work. So they pursued a home mortgage modification, thinking they could save their home by extending their mortgage and reducing the monthly payments. **Lauren Kluz-Wisniewski**, an AIDS Law Project paralegal at the time, began navigating a maze of paperwork and requests for information.

In June, the couple's lender told them their home was scheduled for sheriff's sale in August – even though the modification application was still under review. Deputy Managing Attorney **Cathryn Miller-Wilson** and Lauren jumped to action, arguing that the sale should be postponed until after a decision was reached on the mortgage modification. The lender refused, saying the review would be done before the impending sale.

In the meantime, Ken's health did not improve and he remained unable to work. Lauren encouraged Ken to apply for long-term disability and Social Security disability. Once Ken was approved for disability benefits and his income guaranteed, Cathy and Lauren were confident the loan modification application would be approved.

By mid-July, the lender confirmed it had all the information it needed, but weeks passed without a decision.

As the sheriff's sale neared, the lender refused to communicate. Just seven days before the sale, the lender finally agreed to delay the sale for a month. But this was followed by a series of contradictory letters.

First, the couple received notice that the lender had denied the modification. A week later, Ken and Joe received another notice that they had been approved. Then, a week before the sale, they got a third letter that the modification was denied.

"You'd think this would be a fairly easy process," said **Katy Feniello**, another AIDS Law Project paralegal who worked on the case. "You fill out the paperwork and provide the necessary documentation, but the lender made the process really difficult."

After several attempts to contact the lender, Cathy finally got an explanation. The couple was considered for several mortgage modification programs, and while they had not met the qualifications for some, they had been approved for one.

By the end of September, the loan was modified and the sheriff's sale was canceled. Ken and Joe have resumed payments under their new mortgage. They never gave up hope, and Cathy, Lauren and Katy never stopped fighting.

Thanks to the AIDS Law Project, this New Year's Eve Ken and Joe will be celebrating their 29th anniversary in their beloved home. Ken remembers the day they bought it: "We placed a bid and didn't think we were going to win but we did, and 12 years later, we're still here."



Clients Joe Malloy (left) and Ken Nardone pictured in front of their Havertown, Pa. home. Due to the AIDS Law Project's zealous advocacy, Ken and Joe were able to avoid foreclosure.

NAVIGATING THE SYSTEM

Financial services company ordered to pay retirement money to longtime partner instead of ex-wife

When iconic AIDS doctor **John L. Turner**, a founder of Philadelphia FIGHT, died in March 2008, he believed that he had made all of the necessary arrangements to provide for his loving partner of 28 years, **Thomas J. Bernardo**, with the proceeds of his retirement accounts. In the early days of the AIDS epidemic, Turner — an endocrinologist by training — was one of just two doctors in the area willing to treat patients with AIDS when the disease was new and not well understood.

Around the same time, Turner came out as a gay man, and ended his marriage with his wife. Turner and Bernardo met, fell in love, and spent the next 28 years together. Despite taking a number of steps to ensure that the records reflected his new relationship, faint traces of Turner's former life with his ex-wife remained in the files of giant financial services company Teachers Insurance and Annuity Association and College Retirement Equities Fund ("TIAA-CREF").

After Turner died in March 2008, AIDS Law Project of Pennsylvania Executive Director **Ronda B. Goldfein, Esq.**, contacted TIAA-CREF to help Bernardo settle the remainder of Turner's accounts. TIAA-CREF administers retirement benefits for employees of colleges and universities, including Temple University, Graduate Hospital and the University of Pennsylvania, where Turner practiced medicine. In what she

believed would be a mere formality, Goldfein requested the full payment of all death benefits from Turner's TIAA-CREF contracts to Bernardo. At the time, she said, she was just helping "Thom complete what we thought was going to be perfunctory paperwork at an incredibly painful period in his life."

Instead, TIAA-CREF responded to Goldfein's call by stating that Turner's ex-wife of more than 25 years was the beneficiary of the majority of Turner's annuity contracts. According to TIAA-CREF, Bernardo was the beneficiary of only one of Turner's accounts, and that account contained a "nominal" and "negligible" amount. Over the next four months, Ms. Goldfein, AIDS Law Project of counsel **Sarah Schalm-Bergen** (an attorney at Berger & Montague, P.C.) and Elkins Park litigator **Brian E. Appel, Esq.**, submitted lengthy documentation to TIAA-CREF in support of Bernardo's claim to the proceeds of all of Turner's accounts.

TIAA-CREF, however, contended that the two TIAA-CREF forms Turner had submitted in 1981 and 1985, both of which listed Bernardo's name as well as the relevant contract numbers, were not the official "beneficiary change" forms required by the company to make a change. TIAA-CREF did not tell Turner the forms were incorrect during his life, and his contracts did not require that a specific form be used to change

a beneficiary. In fact, in 1990, TIAA-CREF sent Turner a letter stating that the form he had used (listing Bernardo as the beneficiary) was a "copy of his current designation."

In addition, despite ongoing contact, TIAA-CREF did not take any steps to distribute the "nominal amount" that it conceded belonged to Bernardo. By July 2008, over four months later, TIAA-CREF admitted that the "nominal amount" was a substantial figure. TIAA-CREF also informed Goldfein that it could no longer speak with her about Bernardo's claim unless he was named the executor of Turner's estate.

In January 2009, while the AIDS Law Project team was pursuing Bernardo's claim for the rest of the benefits from Turner's contracts, they received a surprising letter. TIAA-CREF informed them that "the benefits have been distributed to the beneficiary(ies) listed in the records of TIAA-CREF, as provided for in the contracts." As they later discovered, while Bernardo's claim was pending, TIAA-CREF sought out and awarded the remaining proceeds to Turner's ex-wife, with whom Turner had not had significant contact since before his divorce was finalized. Turner had filed no form with his wife's name on it after 1977.

The AIDS Law Project contacted TIAA-CREF and threatened to file suit immediately if the company did not take steps to recoup the money from Ms. Turner. In response, TIAA-CREF agreed to freeze Ms. Turner's accounts. Almost a year after Turner's death, on March 2, 2009, TIAA-CREF filed an action in the U.S. District Court for the Eastern District of Pennsylvania, asking the court to determine who was legally entitled to the money.

Following an additional year of litigation, in which TIAA-CREF opposed Bernardo's request for the funds, on Jan. 26, 2010, U.S. District Judge Stewart R. Dalzell found that Bernardo, and not Ms. Turner, was the beneficiary of all of Turner's contracts. The Court found that, despite TIAA-CREF's arguments to the contrary, Turner complied with all of TIAA-CREF's requirements necessary to change his beneficiary to Bernardo. According to the court, Turner "did everything he could to change his beneficiary from his ex-wife to Thomas Bernardo," and under any law that could be applied, Bernardo was the beneficiary of the contracts.

TURNER, continued on page 6



Staff, clients, friends, students, and even dogs affiliated with the AIDS Law Project of Pennsylvania laced up their sneakers (or primed their paws) to hoof it at the 24th annual AIDS Walk Philly. The October event raised \$350,000 for organizations, including the AIDS Law Project, that help people with HIV and AIDS. This year's walk drew more than 15,000 people for a 12K walk and 5K run in the Art Museum area. The AIDS Law Project's group also included State Rep. Babette Josephs, students from Rutgers' and Temple's law schools, members of Drexel Law's OUTLAW student group, and Cordelia the biscuit-eating baby.

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 Street and Market/Frankford SEPTA lines, Market East trains and many bus lines.

BACK TO WORK

Your medications are working and you are 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 to improve your credit rating with your new income.

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

Jan. 11 Feb. 8 March 8 April 12 May 10 June 14

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 will 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. 12 Feb. 9 March 9 April 13 May 11 June 8

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 deposit, record keeping, qualifying for subsidies, dealing with utilities and all aspects of the landlord-tenant court process.

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

Jan. 13 Feb. 10 March 10 April 14 May 12 June 9

Now available: New edition of public benefits manual

The 2010 edition of *The AIDS Law Project of Pennsylvania's HIV/AIDS Public Benefits Advocacy Manual* is now available.

The manual is a detailed, comprehensive and easy-to-use guide to eligibility for public benefits in Pennsylvania. Each chapter provides detailed descriptions, flow charts, advocacy tips and examples for advocates to ensure prompt approval of public benefit applications.

Topics include Social Security benefits, general assistance, TANF, medical assistance, Healthy Horizons, Healthy Beginnings, "Spend Down," Medicaid AIDS waiver, Medicare, food stamps, special pharmaceutical benefits (SPBP), immigrant eligibility and criminal-record eligibility issues.

To purchase your copy, contact the AIDS Law Project of Pennsylvania at **215-587-9377** or visit www.aidslawpa.org.

Quality Assurance Reports

The AIDS Law Project is committed to continuously assessing and improving the quality of our services. Every year, we complete a formal, in-house review of our two busiest practice areas – public and private benefits, and housing – to ensure that individuals seeking our core services are actually receiving the assistance they need.

During our annual quality assurance reviews, we analyze the public benefits and housing cases that we've closed between July 1st and September 30th to assess our success in assisting clients through a mix of legal representation, advice or referrals. Review of our benefits cases reveal whether clients were able to obtain, maintain or restore public/private benefits as a result of our assistance, while review of the housing cases emphasizes assistance in public and private landlord-tenant matters (including evictions and repairs), utilities and financial real-estate issues.

The AIDS Law Project is proud to announce that according to our 2009 Benefits review, we successfully assisted 92% of the individuals seeking legal assistance with public or private benefits. Clients were assisted through a combination of direct representation, legal advice and referrals to outside organizations, agencies or attorneys. Our 2009 Housing review revealed that we successfully assisted 88% of individuals seeking legal assistance with housing matters. Please refer to our website, www.aidslawpa.org, to download the full Quality Assurance Reports for 2009.

More than 100 supporters and film fanatics came out in July for the AIDS Law Project's annual Summer Movie Party, held at the always deluxe offices of Digitas Health, in Philadelphia's Wanamaker Building. This year, we screened the 1966 movie "Madame X," a technicolor tearjerker starring Lana Turner as a wronged woman unjustly accused of murder, then unknowingly defended by her own son. Richard Barrios, author of "A Song in the Dark: The Birth of the Musical Film" and "Screened Out: Playing Gay in Hollywood from Edison to Stonewall," was our guest speaker prior to the film. Delectable hors d'oeuvres were prepared by volunteer chef Kim Silverman with beer and wine donated by our friends Flying Fish Brewery and Moore Brothers Wine Company. The event was co-sponsored by Secret Cinema and Philadelphia QFest, the largest GLBT film festival on the East Coast.



Update: Haitian client out of deportation danger

A fortuitous update from Deputy Managing Attorney **Yolanda French Lollis** on a story we first reported in these pages last spring: One of her clients, an HIV-positive Haitian woman, is no longer in danger of being deported.

The woman has been taken out of removal proceedings, and now can lead a more normal life, Lollis said.

The woman, known as Ms. T, has been HIV-positive since 1997. When she arrived on these shores, she applied for asylum and got a work permit. She since had a daughter who was born in America. But Ms. T's asylum was denied in 2006 and there was no other way for her to stay in the United States. She would have been sent back to Haiti and separated from her American-born daughter, who would have been forced into foster care.

The client was able to stay because of the January 2010 earthquake that devastated her country. Then, during the temporary suspension of deportation following the earthquake, the federal government's ban on HIV-positive people visiting or immigrating to the United States was lifted.

All of these events fortunately combined to result in some desperately-needed permanency and stability for her and her daughter. Now, Ms. T can rest assured that she will be able to see her daughter, now in high school, graduate. She and her daughter can also visit Haiti without fear of being denied re-entry into the States.

Good Counsel extends congratulations to Ms. T and her daughter, and to Yolanda for another job well done.

Changes to the Social Security disability criteria could help people living with HIV/AIDS

The Social Security Administration (SSA) has announced a change that promises to affect thousands of people living with HIV/AIDS who rely on Social Security disability benefits.

SSA has promised to overhaul its outdated screening tool, known as the “Listing of Impairments,” in favor of new criteria that better reflect the reality of HIV as a *chronic* rather than fatal disease.

Changes are not expected until 2012, but according to **Yolanda French Lollis, Esq.**, managing attorney at the AIDS Law Project of Pennsylvania, there is much to celebrate. Not only will the new Listings take into account the modern reality of HIV disease,

but people living with HIV are also likely to receive disability benefits a lot sooner.

As Yolanda points out, “the very things the AIDS Law Project is proving on appeal will now be recognized as part of the initial evaluation.”

Recognizing the need to update the 17-year-old HIV Listing, the SSA commissioned the Institute of Medicine (IOM), the health arm of the National Academy of Sciences, to offer guidance on the specific changes that should be implemented.

The result was a report entitled, *HIV and Disability: Updating the Social Security Listings*, which includes recommenda-

tions and gives those professionals serving the HIV/AIDS community a good deal of encouragement.

Only time will tell how the new Listings will bear out, but Yolanda believes they represent positive changes overall. In fact, IOM’s recommendations include suggestions that were contained in the comments the AIDS Law Project, along with a consortium of other AIDS service organizations, submitted to the Institute during their research.

When the time comes, the AIDS Law Project promises to help clients navigate the new Listings in order to obtain or retain much-needed public benefits.

TRAINING AT A GLANCE	
The AIDS Law Project offers a variety of opportunities to learn about AIDS and the law, including its three in-house seminars every month -- Leaving Your Job, Back to Work, and Tenants Rights & Responsibilities. Here's a snapshot of our most recent training numbers:	
TRAINEE DEMOGRAPHICS	
April-September 2010	
Who attended	
5 law students 50 medical students 7 clients* 64 health professionals, including case managers 1 other	
Off-site locations	
Cranberry, Pa. Langhorne, Pa. Various locations throughout Philadelphia Carlisle, Pa.	
Most-requested topics	
Leaving Your Job Social Security Issues	
Sponsors	
Philadelphia Department of Health, AIDS Activities Coordinating Office The Health Federation of Philadelphia (a network of the community health centers in Southeastern Philadelphia) ActionAIDS AIDS Education & Training Centers Drexel University College of Medicine Family Service Association of Bucks County Quality Progressions	



From left, Kevin Burns, Action AIDS executive director; Kate Reilly, AIDS Law Project summer legal intern; Ronda Goldfein, AIDS Law Project executive director; Pierre Robert, WMMR on-air personality, and Kevin Vuernick, a bilingual case manager for Action AIDS' West Philadelphia Office, enjoy “Bar AIDS Philly” at Tavern on Camac, one of the event’s many participating bars.

Several AIDS service organizations, including the AIDS Law Project of Pennsylvania, combined forces in August for the first-ever “Bar AIDS” fundraiser. Billed as “one part night-on-the-town, two parts fundraiser and a dash of HIV awareness,” the event raised money to benefit people affected with HIV in Philadelphia. Participating bars and coffee shops agreed to donate a cut of the evening’s proceeds to ActionAIDS, AIDS Law Project, Mazzoni Center and Philadelphia FIGHT. Participating establishments included The Bike Stop, Cafe Cret, City Tap House, Fergie’s, Knock, XIX (Nineteen), Tabu, Tavern on Camac, Tutti Frutti, Uncle’s, and Woody’s. The evening was such a success that the organizations agreed to make it an annual event every August.

TURNER, continued from page 4

Judge Dalzell ordered TIAA-CREF to pay Bernardo the full contract amounts plus pre- and post-judgment interest. At a settlement conference, TIAA-CREF agreed to settle claims against it for bad faith and breach of fiduciary duty, including an undisclosed amount of attorneys’ fees to the AIDS Law Project and the law office of Brian E. Appel. TIAA-CREF denies any wrongdoing.

The outcome of the case illustrates how, thanks to the persistent work of the AIDS Law Project,

even a giant financial-services company can be held accountable for its errors.

For his part, Bernardo got the benefits that his partner intended him to have and the satisfaction of knowing that the wrong he encountered has been righted.

“There’s no question of who was able to handle the problem,” Bernardo said of the AIDS Law Project. The win “gives me the opportunity . . . to live my life.”

Changes...

Welcome new board member



We are delighted to announce that long-time AIDS Law Project supporter **Michael Ippoliti** has recently joined our esteemed board. Mike, a veteran of commercial sales and design, graciously hosted the AIDS Law Project's 15th anniversary party at the Knoll furniture showroom in Center City, where he is a sales representative.

Welcome new staffers



Jacob Eden joined the AIDS Law Project in 2009 as an intake specialist, the first line of defense at the AIDS Law Project. This fall, Jacob stepped into the role of Public Benefits paralegal, assisting clients with applications and appeals for Social Security benefits, as well as medical, food and cash assistance. A native of Philadelphia, Jacob holds a B.A. in Philosophy from the University of Cincinnati, and an M.A. in Near Eastern Language and Culture from Ohio State University.



Katy Feniello, paralegal, joined us in June 2010. A graduate of Swarthmore College majoring in Moral Philosophy, Katy brings her past experience as a worker's compensation paralegal to bear on her new position, helping clients with consumer matters including debtor/creditor and home foreclosure issues. Katy is a native of New Jersey, a budding fire-performance artist and enjoys cooking, reading and bicycling in her spare time.

Welcome interns

The AIDS Law Project welcomes a new group of student interns who will be assisting us as part of this year's Earle Mack School of Law at Drexel University Field Clinic. All of our student clinicians are in their final year of law school.

Yuan Tang is a Philly native who plans to be a public interest attorney specializing in Immigration and Constitutional law. Yuan is in our Housing unit and focuses on landlord-tenant matters, including housing evictions.

Wayne Nguyen also intends to be a practicing public interest attorney in the Philadelphia region. Originally from Harrisburg, Pa., Wayne earned a B.A. in Psychology from Temple University in 2007. Now a Drexel Law student, Wayne completed an internship at the AIDS Law Project this past summer and is in the HIV Discrimination and Confidentiality practice area as part of this year's field clinic.

Tanesha Readom is a self-described army brat who is weighing her interests in both transactional lawyering and special education law. A graduate of Maryland's Stevenson University, Tanesha was a paralegal-studies major and is part of our Public Benefits practice.

Kenneth Dugan hails from St. Louis, Mo., but has lived in the Philadelphia region for the past 14 years. Ken has a general interest in business, employment and labor law and is in the HIV Discrimination and Confidentiality practice areas. Ken holds a Ph.D. in Psychology from Michigan State University and an MBA from Drexel University.

Anette Thomas is another Philly native and intends to practice special education law. She is the current anti-discrimination chair of

the Drexel Law chapter of the National Lawyers Guild and plans to participate in Drexel's "Special Education Pro Bono Project" starting January 2011. Anette is in our Consumer Debt practice.

Also, thanks go out to our 2010 summer legal interns:

Jaime Kim, Carolyn Kumah, Wayne Nguyen, Kate Reilly, Deborah Stern, and Zoe Tsien.

... and bid farewell

Board member **Stephanie Payne McBride** has left our fold to devote more time to family and professional pursuits. Her help with an array of fundraising events over the past few years has been invaluable, and we wish her the best. Also leaving us to pursue other opportunities are paralegals **Mark Wilkerson**, who headed our Criminal Records Resolution Program, and **Samarjeet Wable**, who handled housing-related cases and new intakes.

Congratulations

Deputy Managing Attorney **Cathryn Miller-Wilson** was elected to the University of Pennsylvania Law Alumni Society Board of Managers this summer. The board meets three times a year to discuss and implement outreach to Penn Law alumni nationally and internationally, and to volunteer with prospective and current students and alumni.

The AIDS Law Project extends congratulations for the following achievements and noteworthy moments:

- **Asha Ramachandran, Esq.**, our Public Benefits Attorney, and **Sarah R. Schalman-Bergen, Esq., of counsel**, were listed among the top attorneys in the Commonwealth by the 2010 Pennsylvania Super Lawyers magazine. Asha and Sarah were each recognized as a "Pennsylvania Rising Star," Asha for her tireless work in the field of Social Security Disability, and Sarah for her successful plaintiff-side employment litigation practice.
- **Sarah** also received the "Unsung Hero" award from *The Legal Intelligencer*, Pennsylvania's legal newspaper. According to the paper, recipients of the award are "attorneys across Pennsylvania who dedicate themselves to helping their communities through pro bono service, but [who] do not get the thanks and recognition they deserve." Sarah was recognized for establishing our client's entitlement to retirement benefits due to him from his late partner. The financial services company awarded the deceased gay man's retirement benefits to his ex-wife, rather than his named beneficiary and long-time partner, despite the fact that he and his ex-wife had been divorced for decades.
- *And baby makes three...* **Rasheen Davis**, former AIDS Law Project board member, and husband Ramon Merritt welcome their first child, a baby boy! Cameron Alexander Merritt arrived on September 21, 2010. Rasheen left the board to care for her newborn son but we hope to welcome her back soon.

The AIDS Law Project proudly congratulates all of our former interns who passed the Pennsylvania Bar in July 2010!

Shanay Ball, Gabbie Nirenburg, Kailee Farrell, James L. Rosica, Deborah Richman, Jane Nylund, Vinh Su and Andrew Kupchik.

Congratulations to all.

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