Q&A: Two AIDS Law Project veterans reflect on past, anticipate future

As the AIDS Law Project of Pennsylvania’s 25th Anniversary Gala approaches, Good Counsel wanted to reflect on where we’ve been, and where we are going.

We sat down with Executive Director Ronda B. Goldfein, Esq., and Managing Attorney Yolanda French Lollis, Esq., who have each spent more than 20 years with the organization, fighting for people with HIV and AIDS.

During that time they have become experts in their fields of law, mastered the complex administrative processes their clients face and built reputations as tireless advocates for people with HIV and AIDS.

GC: Has the changing medical reality of HIV and AIDS changed the legal issues the AIDS Law Project of Pennsylvania faces?

RBG: When we started at the AIDS Law Project, our clients had a different level of urgency about their legal needs. People got sick and died. That fast pace directed our response.

We used to rush to a hospital room or home to prepare a will as an emergency. Now, our clients call, they make an appointment, they can come in with their partners, they make extended plans for their future, as opposed to us rushing to the hospital. You’d have a client who was here one minute, gone the next. You didn’t have a lifetime of legal issues.

RBG: We still do home and hospital visits, just at a greatly reduced rate. Before, we helped them face their last few days. Now we’re helping them go back to work, go to school, plan for their futures.

YFL: It’s not so much an exit strategy anymore.

RBG: We have seen some improvement in HIV education and awareness, our office still receives two to five calls a week from someone who has been treated differently simply because they have a virus.

GC: Are the legal issues different today?

YFL: When you have a client with a short

Ronda B. Goldfein and Yolanda French Lollis

We were focused on getting them health care, a safe place to live and ultimately a place to be buried. Now we address a client’s needs in a holistic way. We look at where they are now and what their plans are for the future.

YFL: In addition to the level of urgency, the number of legal issues expanded because life expectancy expanded.
MESSAGE FROM THE EXECUTIVE DIRECTOR

Dear Friends:

In 1992, I began volunteering at the AIDS Law Project of Pennsylvania’s cramped Chinatown office. The executive director, Nan Feyler, gave me the opportunity to join the intake team, handling anxious calls from people with AIDS. Ten months later, Yolanda French Lollis joined the firm.

Over the next two decades, Yolanda and I, along with a dedicated group of staff and volunteers, would represent 38,000 Pennsylvanians with HIV and AIDS.

The work in Pennsylvania has resonated nationally and internationally:

- We successfully sued Philadelphia EMTs for refusing to treat people with AIDS, ensuring that all emergency medical responders practice infection control with every patient.
- We successfully sued a national pharmacy for sharing prescription information with a client’s employer, securing an employee’s right to privacy when seeking health care.
- We successfully advocated for a policy clarifying that HIV cannot be the basis for denying an occupational license, thereby protecting the rights of people with HIV and AIDS in the workplace.
- We successfully sued a private boarding school for refusing admission to a 13-year-old honor student with HIV, sending the clear message that there’s no danger in living with a person with AIDS.

And we remain committed to continuing the fight against HIV-related stigma, which is fueling the epidemic. Because we have witnessed the pain of discrimination, we know that people need to feel safe from negative repercussions before they come forward to get tested and treated.

This year marks the AIDS Law Project’s 25th anniversary. As I reflect on this milestone, I think about the people we’ve met along the way, people like David Bertugli and Gary Bailey.

David volunteered at the AIDS Law Project after a successful journalism career as an editor at Town & Country, Penthouse, Ultra and Attenzione magazines in New York, as editor-in-chief of the Italian-American Daily Express in Rome, and as a staff writer for the Jewish Exponent and Inside magazine in Philadelphia.

Gary volunteered at the AIDS Law Project after a career in fashion design, becoming a well-known AIDS educator who taught personal responsibility. He focused on teaching young women to protect themselves, with his message that “the person who can protect you from this disease is yourself. You have to be responsible for yourself.”

David and Gary, longtime partners, were cast as extras in the movie “Philadelphia.” For their AIDS-education work, President George H.W. Bush cited them as part of his “thousand points of light” campaign honoring volunteers.

Both men were 48 when they died of AIDS – David in 1997, Gary in 2000.

In tribute to what we’ve accomplished, in memory of those we’ve lost, and in recognition of the work that lies ahead, I hope you will support the AIDS Law Project as we commemorate our 25th anniversary at the Silver Ball on Nov. 7.

We hope to see you there.
LEGAL SAVVY, PLUS SHOE LEATHER, OVERCOMES OBSTACLES

We are more than willing to climb mountains on behalf of our clients, but sometimes when we get to the top we find yet another mountain to climb.

In August 2011, a man came to us who had been denied Social Security disability benefits. Although he had filed an appeal himself he had no idea how to proceed.

The Social Security Administration (SSA) said it denied the request because the man was able to work. Managing Attorney Yolanda French Lollis, Esq., started with the arduous process of going through the man’s medical records to document his inability to work. In addition to debilitating arthritis, her client also had mental health issues that were severe enough to prevent him from following his HIV medication regimen, which further undermined his ability to work.

“He was mentally too vulnerable to deal with all of it,” Yolanda said.

A Social Security hearing can take up to a year to schedule and Yolanda realized her client needed benefits as quickly as possible. Believing it was a strong case, Yolanda wrote to the administrative law judge requesting he review the record and make an immediate decision.

“The medical records supported the disability claim,” she said.

The judge agreed and this April granted the man monthly Social Security disability benefits as well as $47,409 in retroactive payments.

The client was elated, at least until he got another letter a short time later from SSA telling him his benefits had been suspended because he had been incarcerated since 2004. This came as quite a shock to him, considering he was reading the letter from the comfort of his own home.

“He called me and said, ‘What is this?’” Yolanda said.

The answer to that question required some good old-fashioned shoe leather. Climbing the proverbial next mountain, Yolanda contacted the records departments of a state prison and a county jail.

She found that there was indeed a man with the same name as her client who was incarcerated, but who had a different birth date and Social Security number.

Further digging revealed that somehow – and it’s still unclear how – SSA had attached the incarcerated man’s inmate number to her client’s name.

“It was some kind of clerical error that made his life hard for no reason,” Yolanda said.

After documenting who each man really was, Yolanda got SSA to correct the error. Our client can now receive his rightful benefits and move on with his life.

NAVIGATING THE SYSTEM

It’s never a good feeling when you show up in court and your client is not there.

When our Housing Attorney Jennifer Collins, Esq., recently faced that situation, she knew she had to move fast to avoid a catastrophe for her client.

The elderly man was facing eviction for nonpayment of rent, which was the subject of the hearing. The man had grievances of his own. The landlord had been hard to contact and the apartment needed some basic repairs.

Jenna called the man the day before the hearing and explained she had a tentative agreement with the landlord for a payment schedule and to get the repairs done. He assured her he would be in court.

When he was a no show, Jenna knew he could lose the case.

“If a decision had been made that day, he could have been locked out in less than a month,” she said.

In the hall outside the courtroom, Jenna frantically made phone calls. Her client didn’t answer his home phone. He didn’t answer his cell phone.

“I thought, ‘How am I going to stop the man from losing his home.’” Jenna said.

Finally, Jenna reached his social worker.

Quick On Her Feet, A Lawyer Prevents An Eviction

It turned out the man had been admitted to hospital the night before with a medical emergency.

Armed with that information, Jenna was able to return to court and get a continuance. She also has resumed negotiating a settlement with the landlord and her client will be able to return to his home when he leaves the hospital.

REJECTED THREE TIMES FOR BENEFITS, WOMAN TURNS TO THE AIDS LAW PROJECT

Just because someone has repeatedly hit brick walls doesn’t mean that the AIDS Law Project of Pennsylvania is going to give up.

That was the attitude of Staff Attorney Juan Baez, Esq., when he took up the case of a 49-year-old woman who had been denied Social Security benefits three times.

The woman had lost her only source of income when the Pennsylvania Department of Welfare ended General Assistance in 2012 and was scraping by with the help of friends and family.

She desperately needed Social Security disability benefits if she was going to get her life back together.

The Social Security Administration (SSA) denied her application claiming she did not prove she was qualified. Juan started to build a case.

“She had years of medical records I needed to understand and make sense of,” Juan said.

He prepared a comprehensive brief and submitted it to the administrative law judge. Juan meticulously prepared his client for the August hearing, expecting that both he and the judge would question her.

At the end of a hearing, judges usually don’t make a decision, preferring to take time to review the case.

But the judge said he didn’t need more time.

He granted the Social Security disability benefits on the spot, to the tremendous relief of the beleaguered client.
Building on our victories

Things were finally looking up for a woman who was diagnosed with HIV in 2007. She was ready to return to work fulltime and had been hired as a Licensed Practical Nurse. But then, as is far too often the case, she hit another obstacle.

Her new employer said she needed to submit an Employment Physical Examination Form to prove she was able to perform the duties the job required. Her doctor’s interpretation of the form was that it required him to disclose her HIV status. The woman was afraid of losing the job before she even began it and came to the AIDS Law Project for help.

She came to the right place. Managing Attorney Yolanda French Lollis, Esq., knew exactly how to handle the case.

One of the advantages of 25 years of service to people with HIV and AIDS is that the AIDS Law Project has extensive experience with just about every situation.

Over the years, our attorneys had repeatedly encountered similar cases stemming from confusion surrounding the state’s occupational licensing requirements. Nearly 30 state licensing boards require a job applicant to be free of “infectious,” “contagious” and “communicable” diseases, but the terms weren’t defined and the requirement ran afoul of anti-discrimination law.

“We explained that HIV was not relevant to her ability to do the job.”

- Yolanda French Lollis

As HIV cannot be transmitted through casual contact or in the workplace, the AIDS Law Project requested that then-Governor Ed Rendell and then-Commonwealth Secretary Basil Merenda clarify the licensing requirements to exclude HIV and AIDS. Even as Governor Rendell was leaving office, he made sure to direct Pennsylvania’s Department of State to issue the clarification in January 2011, excluding diseases such as HIV.

Armed with the clarification, Yolanda talked to the woman’s doctor and sent him her legal opinion on the matter.

“We explained that HIV was not relevant to her ability to do the job,” Yolanda said.

After consulting with his superiors, the doctor got back to her.

“He said he had completed the form and she could pick it up,” Yolanda said. “He said she had no condition that prevented her from working.”

Executive Director Ronda B. Goldfein, Esq., who played a key role in obtaining the licensing clarification, said one of the missions of the AIDS Law Project is to change the landscape for people with HIV and AIDS.

“Winning is good the day you win,” she said. “But the long term benefit is even better.”

RAISING THE RAINBOW FLAG

The AIDS Law Project of Pennsylvania was honored to be recognized during the city of Philadelphia’s 4th annual LGBT history month celebration and rainbow flag raising on Oct. 3.

Gloria Casarez, director of LGBT Affairs for the Office of Mayor Michael Nutter, said the AIDS Law Project was honored for being a leading legal services and HIV and AIDS organization in Philadelphia.

“Our LGBT History Month celebration is an annual “thank you” to LGBT communities and the organizations that support our lives,” she said. “We’re honored to recognize the AIDS Law Project for leadership, excellence, and 25 years of service.”

The Attic Youth Center and the Philadelphia Dyke March also were honored. Mayor Nutter spoke and recognized each organization during the ceremony.
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 St., 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’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 TUESDAY OF THE MONTH, NOON-2 P.M.
Nov. 12, Dec. 10, Jan. 14, Feb. 11, March 11, April 8, May 13

LEAVING YOUR JOB

Making a smooth transition from the working world onto disability benefits 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.
Nov. 13, Dec. 11, Jan. 8, Feb. 12, March 12, April 9, May 14

HOUSING: TENANTS’ RIGHTS AND RESPONSIBILITIES

Before you sign a lease or offer 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-2 P.M.
Nov. 14, Dec. 12, Jan. 9, Feb. 13, March 13, April 10, May 8

LEGAL CLINIC HELPS OLDER LGBT ADULTS

The AIDS Law Project of Pennsylvania once again partnered with the LGBT Elder Initiative to present in September the LGBT Legal Clinic.

The free clinic, held at the William Way Community Center, helped participants learn which documents they need for legal planning, including wills, living wills, medical and financial powers of attorney, and dispositions of remains.

Rebecca Richman, AIDS Law Project intake paralegal and an Elder Initiative program committee member, said the clinic helps LGBT older adults, whose marriages or partnerships are not legally recognized in Pennsylvania, see that their end-of-life wishes are carried out by having legal documents.

“We are thrilled with the turnout this year and are pleased that individuals are taking advantage of this much-needed service,” Rebecca said.

AIDS Law Project attorneys Juan Baez, Jennifer Collins, Adrian Lowe, of counsel Sarah Schalman-Bergen and volunteer attorney Maura McKenna assisted with executing estate documents. AIDS Law Project administrative assistant Arlene Vasquez notarized documents, and paralegal Michael Gluk was a witness. Executive Director Ronda B. Goldfein, Esq., led a discussion on the nuts and bolts of estate documents offered at the clinic.

The clinic was made possible by PNC Bank and the Philadelphia Gay News.
WITH ‘BEWILDERING’ CASE RESOLVED, CLIENT STAYS ON TRACK

A man contacted us recently who was trying to put his life back together after getting out of prison, but was stymied by obstacles too confusing for him to overcome on his own.

After reviewing the case, Staff Attorney Adrian M. Lowe, Esq., understood the man’s frustration.

“It was bewildering to everyone, including me at first, until I figured out what happened,” Adrian said.

Our client was diligently attending a 12-step program and was supposed to enroll in an Intensive Outpatient Program as part of his parole. Although he had Medicare, it does not cover behavioral health services and he could not afford it on his own.

He hoped the Medical Assistance insurance he was receiving from the Department of Public Welfare would pay for the program, but his insurance was unexpectedly terminated. Not only had he lost his health insurance, but also the clock was ticking as his parole review hearing was approaching. He was not complying with the conditions of his release because, without insurance, he could not afford the Intensive Outpatient Program.

“I am terrified I’m going to go back to prison because I don’t have the right insurance,” the man told Adrian.

It took some time, but Adrian figured out why the client’s Medical Assistance was canceled. When he moved and his case was transferred to a new welfare office, a review of his income determined he was ineligible.

But Adrian knew his client had just gotten a part-time job, and realized that he would now be eligible for another state-run insurance program, Medical Assistance for Workers with Disabilities. With the new insurance, the man was able to enroll in the Intensive Outpatient Program, as he had wanted to all along.

Adrian also advised the client to document every 12-step meeting he went to so he could prove his participation at his parole review hearing, something that had not occurred to the man.

As a result, rather than be reprimanded or sent back to prison, the judge at his recent parole review hearing complimented his tenacity in navigating a difficult system, and staying on track.

Summer fun: Movie party and Miss America pageant trip

The AIDS Law Project of Pennsylvania’s staff and volunteers were busy this summer producing two events that were both a great time and raised money so we can continue our work.

We scored another blockbuster with our 14th Annual Summer Movie Party in July.

More than 100 people shared great food, drinks and lively conversation in the lobby of the William Way LGBT Community Center. The crowd then migrated upstairs to the auditorium, to watch short films that are a trademark of Jay Schwartz and Secret Cinema, followed by the “hilarious yet so strange” movie, “Hollywood Party.”

We especially want to thank the generous sponsors for the event: Joann Leszczynsky, Sam Gulino and Liam McAlpine, Mike Ippoliti, Avi Eden, Bryn and Jeff Michaels, Aaron Skrypski, John Whyte and Tom Wilson-Weinberg and Myra Brown.

Triumph Brewery Co., Flying Fish Brewing Co., Nuts To You and the amazing William Way staff.

We ended the summer with a glitzy, glamorous bang with our bus trip to the Miss America Pageant in Atlantic City on Sept. 15.

In addition to face-to-face contacts and social media, we sold tickets at the Pride Festival in June, at the Venture Inn and at Gay Bingo.

When it comes to Miss America, it's hard to find a bigger fan than Mark A. Davis, a former client and great friend.

“It was fabulous,” Mark said. “I’ve been going to the pageant since 1977 and this was the most fun I’ve ever had.”

A special thanks to Jaci Adams, for dreaming up the idea of the trip. And as always, big thanks to Kim Silverman for going beyond the call of duty in preparing our delicious bus treats.

JOIN US FOR THE 27TH AIDS WALK PHILLY

The AIDS Law Project will once again have a team at AIDS Walk Philly on Oct. 20, for the 27th year of the event. (We love AIDS organizations that are even older than us.)

Up to 15,000 people will participate in the Delaware Valley’s largest annual HIV/AIDS awareness and fundraising event. Join thousands of people in a 12K Walk / 5K Run to make a lasting statement about your commitment to conquering HIV/AIDS in our communities.

WE ARE TEAM #8. PLEASE CALL US AT 215-587-9377 TO WALK, RUN AND RAISE FUNDS.
life expectancy, your strategy is different. People weren’t healthy enough to go through lengthy court battles. We’re doing all the same types of cases that we used to do. But now, we are also working on issues for people who have a future, going back to work, vocational training, mortgage assistance, debt resolution.

GC: What have been the most significant changes in the law benefitting people with HIV and AIDS?

YFL: In 1993, the Social Security Administration issued criteria that made it easier for people with HIV to become eligible for disability benefits. Before that, HIV and its complications weren’t recognized as a disability.

And in 2010, President Obama lifted the travel ban, which prevented people with HIV from coming into the country. Immigrants otherwise eligible, for a green card could get it if they had HIV.

There was a waiver, but it was difficult to obtain. Only a select few people could get it. Once the ban was lifted, families who had endured years of separation could finally be reunited.

RBG: In one fell swoop, you had a law change that reunited families and made a strong statement that HIV wasn’t so scary that people with HIV had to be locked out at the border.

YFL: It was a strike against the stigma of HIV.

RBG: The federal Americans with Disabilities Act, which became effective in 1992 and was amended in 2009, protected people with HIV against discrimination in the workplace, the dentist office, even at the gym. Also, the state’s HIV testing and disclosure law, enacted in 1990, requiring consent for an HIV test and establishing HIV confidentiality protections, created a safe environment for people to get tested while maintaining their privacy.

RBG: We’re committed to continuing our work to attack the stigma that confronts people with HIV. Our anti-discrimination work in Pennsylvania, such as the Milton Hershey School case, resonates internationally and highlights that we still have work to do.

YFL: My work will not be done until stigma ends. The stigma is fueling the epidemic. If we can eradicate stigma, we can eradicate HIV.

Comings and goings

Asha Ramachandran, Esq., deputy managing attorney, will be greatly missed. She specialized in all areas of public benefits and her skill and expertise directly improved her clients’ quality of life. After 8 years, she is leaving us to spend more time with her family and explore new opportunities.

Kevin Manuel-Bentley came to the AIDS Law Project in 2010 as a housing paralegal. We appreciate his service here and wish him the best of luck as he studies for a master’s in American History at Rutgers/Newark.

Our two summer law student interns, Aarthi Manohar and Malissa Durham, made invaluable contributions during their time with us. Aarthi is in her third year of law school at Villanova University and Malissa is in her third year of law school at the University of Michigan.

Two other summer interns, Derek Hinsey and Claire Adams, were a great help in a variety of duties. Derek is a sophomore at Rutgers School of Engineering and Claire is a senior at Central High School in Philadelphia.

We’re excited to have Michael Gluk join our staff as a housing paralegal. Michael graduated from Swarthmore College and had volunteered with the AIDS Law Project since February.
Gifts received April 1, 2013, through August 31, 2013

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- AIDS Fund
- AIDS Healthcare Foundation
- Health Federation of Philadelphia
- HIV Policy Collaborative of Pennsylvania
- Action AIDS
- AIDS Fund
- AIDS Net
- Alder Health Services
- Family First Health
- Jewish Healthcare Foundation
- Philadelphia FIGHT
- Pinnacle Health Medical Services - REACCH Program
- Positive Health Clinic at Allegheny General Hospital
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- The Patricia Kind Family Foundation
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*The AIDS Law Project is the convener of the HIV Policy Collaborative of Pennsylvania, a consortium of AIDS service organizations active in dozens of counties across the Commonwealth. Collaborative members work together to develop and recommend medically-sound and legally-equitable policies for the management of the HIV/AIDS epidemic and the treatment of people with HIV/AIDS.*

To join the collaborative, visit our website at: [http://aidslawpa.org/get-help/legal-information/collaborative](http://aidslawpa.org/get-help/legal-information/collaborative)

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