

Cut! AIDS Law Project rescues movie's last survivor with HIV



Photo courtesy Photofest



Photo by Naomi Geschwind

Suellen Kehler is shown in the movie "Philadelphia" and, in photo at right, 12 years later. Suellen (in white T-shirt) and roommate Hilda Martinez stand proudly at the front door of their dream house in Northeast Philadelphia. The house was saved from the grasp of a predatory lender, thanks to the work of Robert P. Cocco, Esq. (left) and the AIDS Law Project's Brenda Canales, Esq. (right).

Jonathan Demme's 1993 movie, *Philadelphia*, the first Hollywood studio picture about AIDS, employed 53 extras with HIV/AIDS who lived in the Philadelphia area. Among them was Suellen Kehler of South Philadelphia, who sat right behind Tom Hanks in the courtroom scenes as a spectator in the gallery.

The movie, which won two Academy Awards – for Hanks as a gay lawyer unjustly fired by his firm because he has AIDS, and for Bruce Springsteen's "Streets of Philadelphia" – is considered a landmark in the struggle for AIDS awareness.

Sadly, of those 53 extras, only Suellen is still alive today. But she could have been homeless and destitute, had it not been for the quick intervention

of the AIDS Law Project of Pennsylvania.

Both Suellen, a former bank secretary, and her roommate of more than a decade, Hilda Hernandez, a school-bus driver who had been disabled on the job, were overdue for a break. Life finally began to go their way in February 2002, when they bought their dream house, a modest Northeast Philadelphia rowhouse.

But within a year, a predatory lender threatened to turn their dream into a nightmare and leave both women penniless, homeless and hopeless. The story was not unusual, according to Robert P. Cocco, a Philadelphia consumer-rights lawyer who worked on the case on a pro-bono basis with the AIDS Law Project.

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MESSAGE FROM THE EXECUTIVE DIRECTOR



In this issue of *Good Counsel*, we report that the extensive media coverage in the sad case of Terry Schiavo prompted many people to call the AIDS Law Project of Pennsylvania inquiring about living wills.

Regardless of your feelings on end-of-life issues – whether you believe that quality of life takes precedence over all other considerations, or that where there's life there's hope – a valuable lesson can be learned from the Schiavo family's experience:

Illness is often random. We have little control over whom it will affect or how. Sure, we can take precautions and follow our health-care providers' recommendations, but still we are limited in our ability to take complete control of the situation.

The one thing we all can do to take a measure of control is to plan ahead, to assure that our wishes are documented and entrusted to someone who will follow them.

Living wills – also known as advanced medical directives – and medical powers of attorney are simple, painless ways to clearly document your health-care wishes. A living will addresses end-of-life care; a medical power of attorney identifies who should make decisions for you if you are unable to make them. For more details, please visit our Web site at www.aidslawpa.org.

Last year, the AIDS Law Project prepared about 200 of these documents. Almost invariably, clients told us how easy the process was and how relieved they were finally to have done it.

So do a little planning and get some piece of mind. It's good for your health.

Good Counsel is published seasonally by the AIDS Law Project of Pennsylvania for our friends, volunteers and colleagues committed to protecting the rights of people with HIV and AIDS. The AIDS Law Project provides free legal services to nearly 1,800 people with HIV/AIDS each year, many of whom have nowhere else to turn for help. We help people navigate the legal system and provide information about the state's public defender's office, the state's public defender's office, the state's public defender's office.

This newsletter is lovingly dedicated to the memory of AIDS Law Project Board Members Michael Greenberg and Jonathan Lax, Intake Advocate Arnold Jackson and VISTA Volunteers Gary Bailey and David Bertugli.

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.

Schiavo case spurs interest in medical/legal issues

News coverage of Terry Schiavo, the brain-damaged Florida woman who died in March after her feeding tube was removed, prompted many calls to the AIDS Law Project of Pennsylvania from people inquiring about living wills.

Schiavo's 15-year "persistent vegetative state" triggered a legal battle because she had neither a living will – specifying her wishes for end-of-life care – nor a medical power of attorney naming someone to make all her medical decisions.

Attorney Rodney Cunningham said a social worker for a 59-year-old Philadelphia man with HIV called to ask: "Do you guys still make hospital visits?" The case manager said the client didn't want to entrust his end-of-life care decisions to his family because the family had turned on him after his HIV diagnosis.

Rodney assured the caller that emergency hospital visits remain a big part of the AIDS Law Project's mission when a client requests such a visit. The client must be actively involved in the process of writing a living will or medical power of attorney so that it is clear that the wishes expressed in the documents are the client's own.

Later that day, the client called the AIDS Law Project from Albert Einstein Medical Center.

Paralegal Toni Anastasia did an emergency intake, and Rodney called the client back within an hour.

"He had no idea how long he was going to be there, as his health was definitely failing," Rodney recalled, adding that an impending surgery made completing a living will and medical power of attorney pressing issues.

Two days later, Rodney took the completed paperwork to the client's bedside at Einstein. The case manager witnessed the signatures. The client, his mind now at ease, then talked to his doctors about scheduling his surgery.

Meanwhile, the Schiavo case has put seats at the AIDS Law Project's trainings on *AIDS and the Law* at a premium.

Attorney Brenda Canales gave one such presentation April 21 at a training conducted by the AIDS Activities Coordinating Office of the Philadelphia Department of Health, at the Municipal Services Building in Philadelphia. The organizer, Ernie Peacock, told Brenda that an unprecedented 19 reservations were made on the day that the e-mail announcement of the event went out. "He told me he had to turn people away," Brenda said.

End-of-life questions dominated the session, after which Peacock asked for a show of hands from people who had been motivated to attend by the Schiavo coverage.

All 35 attendees raised their hands. Brenda said.

A street-cleaner's brush with bankruptcy

Until AIDS forced him to retire on disability, a 56-year-old North Philadelphia man had worked for two decades as a street-cleaner for the City of Philadelphia.

His disability retirement benefits amounted to only \$400 a month, and it took almost three years for his Social Security disability claim to be approved. During that time, he had no health insurance, couldn't make his mortgage payments, and incurred unpaid medical expenses. The AIDS Law Project of Pennsylvania helped him file bankruptcy in 2001, to save his house from collection agencies representing various medical providers and credit-card companies to whom he had charged his prescriptions.

His story is typical of more than 100 debt-management cases handled by the AIDS Law Project's **Cathryn Miller-Wilson, Esq.** – at least half her total caseload.

"Here is a man who worked hard his whole life, purchased a reasonably priced house based on his salary, and suddenly found himself sick, without sufficient income and at risk of becoming homeless," Cathryn said. "There is no safety net for people who get sick and leave their jobs and find themselves without income."

Indeed, half of all bankruptcies in the U.S. are caused by illness and injury, according to Harvard University researchers.

A two-year investigation, conducted jointly by Harvard's schools of medicine and law, found that the main factor that drove people into debt was a lapse in health coverage, and that even continuous coverage was sometimes not enough to stave off ruinous medical bills.

The study reported that "even good employment-based coverage sometimes fails to protect families because illness may lead to job loss."

Cathryn said the study's findings are in line with what she sees in her job.

"I have two sets of bankruptcy clients," she said. "The 'stop-gap' clients fall into debt while awaiting Social Security disability benefits, while 'transitional' clients have descended into permanent disability too slowly to qualify for benefits but too quickly to remain fully employed."

Cathryn said the best way for people with HIV/AIDS to avoid falling into debt is to begin planning the transition from work to disability while still healthy and employed.

"Don't be afraid that planning for your disability will actually cause you to become disabled. Making a plan can often be as much of a wellness exercise as remaining steadfast in your determination that you are not yet disabled."

A full account of the Harvard study, published in the Feb. 2 issue of *Health Affairs*, is available online at <http://content.healthaffairs.org/cgi/content/full/hlthaff.w5.63/DC1>.

The AIDS Law Project of Pennsylvania is proud to have received two service awards during the month of April – from the Barristers' Association of Philadelphia and the Philadelphia AIDS Consortium (TPAC).

The Barristers' Association, citing the AIDS Law Project for "continued and selfless service to the Philadelphia community," gave the AIDS Law Project its Cecil B. Moore Award. Barristers' Association president Damon K. Roberts, Esq., presented the award at a gala dinner April 23 at the Westin Philadelphia.

Accepting the award on behalf of the AIDS Law Project, **Rodney Cunningham**, supervising attorney of the family law unit, said, "It is inspiring to be acknowledged for the impact we make on an under-served community."

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Movie's last survivor with HIV rescued

continued from first page

The loan, he said, "did not take account of the borrower's ability to pay." Suellen and Hilda, he added, "were not afforded the opportunity to review the loan documents prior to closing."

The drama began when Suellen and Hilda put down \$68,000 of Hilda's workers' compensation payment toward a \$98,000 property. Despite this large down payment, a mortgage broker recommended by their real estate agent told them they couldn't qualify for a standard mortgage. According to AIDS Law Project **bilingual attorney Brenda Canales**, the mortgage broker "never even verified their income" but still offered to make a "personal" loan to the women. Being inexperienced homebuyers, they accepted both his word and his loan.

Neither Hilda, whose primary language is Spanish, nor Suellen was given the chance to read any of the loan papers. According to Suellen, the women also were preoccupied with their disabilities. For nearly a year, they made monthly payments of \$556, but then they were informed they would have to pay the balance of the mortgage – \$38,000 – all at once. When they couldn't come up with the money, the lender's lawyer notified them that they had defaulted on their mortgage and were going to lose their house.

That's when Suellen called the AIDS Law Project.

Over the next two years, Suellen and Hilda made no mortgage payments while the AIDS Law Project negotiated with the lender. Meanwhile, the women applied for a "rescue loan" from the Delaware Valley Housing Counselors Association, a nonprofit mortgage broker that buys out victims of predatory lending by giving them new, legitimate loans.

Finally, when it seemed the case would go to trial, the rescue loan made a settlement offer possible. Having a legitimate loan lowered their monthly payments.

It took two years, but the broker was paid off May 3. Also working to untangle the mortgage mess were AIDS Law Project **managing attorney Yolanda French Lollis**, and Community Legal Services attorney Beth Goodell.

If the AIDS Law Project had not intervened, Suellen said, "we'd be homeless on the street – that's how we literally feel – with nowhere to live." Indeed, the house is giving Suellen, 41, and Hilda, 42, roots in a new life. They are planting a vegetable garden and enjoying their new neighborhood.

And that's an epilogue worthy of an Oscar.

Just the FAQs

FAQ usually stands for Frequently Asked Questions, but at the AIDS Law Project of Pennsylvania it also stands for Free Answered Questions – during monthly seminars at 1211 Chestnut St., Suite 600, Philadelphia. To register, call 215-587-9377.

Here's the schedule:

Debt Management.

Bad health usually equals financial difficulties. Take this seminar to learn how to stay in control.

- Monday, July 18, 5-7 p.m.
- Thursday, Aug. 11, 12-2 p.m.
- Monday, Sept. 19, 5-7 p.m.
- Thursday, Oct. 27, 12-2 p.m.
- Monday, Nov. 21, 5-7 p.m.
- Thursday, Dec. 8, 12-2 p.m.

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.

- Tuesday, July 19, 5-7 p.m.
- Wednesday, Aug. 10, 12-2 p.m.
- Tuesday, Sept. 20, 5-7 p.m.
- Wednesday, Oct. 26, 12-2 p.m.
- Tuesday, Nov. 22, 5-7 p.m.
- Wednesday, Dec. 7, 12-2 p.m.

Back to Work.

Your meds are working and you're ready to get a job. First learn the rules of returning to work, so you won't lose the benefits that got you healthier.

- Wednesday, July 20, 5-7 p.m.
- Tuesday, Aug. 9, 12-2 p.m.
- Wednesday, Sept. 21, 5-7 p.m.
- Tuesday, Oct. 25, 12-2 p.m.
- Wednesday, Nov. 16, 5-7 p.m.
- Tuesday, Dec. 6, 12-2 p.m.

After the Philadelphia Gas Works switched off service to her home in the February cold, a 44-year-old Philadelphia woman with AIDS phoned the AIDS Law Project of Pennsylvania for help. Realizing that the woman had been without gas service for several days, **paralegal Carlos Munoz** sprang into action – but encountered obstacles from the beginning.

Living without heat in the winter had seriously jeopardized the woman's health and that of her children. Carlos knew he could not wait several more cold nights for her to mail her documents to the AIDS Law Project, so he went to her house to retrieve and copy them.

Carlos then asked the woman's doctors to fax him a Medical Emergency Certification Form stating that the absence of heat was detrimental to the woman's health. With the completed form in hand, Carlos called PGW and asked a supervisor to have the woman's gas service restored because he could verify her medical need for immediate heat. But the woman had been living in the house only a short time and had not changed the gas bill from the previous tenant's name to her own. PGW said the form could only be used to restore service for a client who already had an account. The gas company would not open an account in the woman's name because the previous tenant had an unpaid balance.

Carlos pleaded that if PGW opened an account for her, he could apply for emergency financial assistance to pay off the old bill. But PGW stood firm: Until they had payment they would not open an account.

"It was a regular Catch-22," recalled Carlos, "because we could only get an account in her name if she made a payment – and we could only get the emergency money if there was an account in her name."

To get PGW to budge, Carlos needed to prove that his client was not responsible for all of the old bill. Carlos began contacting the woman's previous landlords and asking them to verify when she had been a tenant. Eventually he was able to piece together her residential history and prove to PGW that she had not been there while the previous tenant ran up the bill. Carlos asked PGW to only charge the woman for the bills incurred since she moved in and to disregard the older bills. With proof of her residential history, PGW agreed to open an account for her.

After a day of waiting, however, the woman's gas service still was not restored even though the PGW supervisor had promised Carlos that it would be. PGW's service department said the order had not been entered correctly. Again, Carlos had to explain that the client's health was at stake. After he resubmitted her paperwork proving that she had not lived at her current address in the past, the PGW service department sent out a crew to turn the gas on.

"It's just such a big organization, broken up into so many departments, that you really have to push to get something done," Carlos said of PGW. "It took the AIDS Law Project four days of intense advocacy to establish a paying client's account. This would be impossible for a person who was home sick in bed without heat."



NAVIGATING THE SYSTEM

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Bad judgment

A 44-year-old Philadelphia woman, who had been an AIDS Law Project client returned for help recently after a \$500 judgment against her arrived in the mail.

It came from the Housing Court division of Philadelphia Municipal Court, so the case went to **housing attorney Iraisia Orihuela-Reilly**. The woman told Iraisia she had received a summons to appear in court, but did not attend the hearing because she believed she had paid her rent.

"Never miss a court date," Iraisia recalls advising her. "Court is an opportunity to tell your side of the story, and to make sure that the other side is telling the truth."

Iraisia asked to see copies of the lease and the rent receipts, but the client had no paperwork. After tracking down all the information from the client's social worker, Iraisia carefully added up the receipts and discovered that not only was the client's rent paid up, but she was a month ahead. Iraisia then found that although the judgment gave the landlord late fees, no such fees were mentioned in the lease.

Facts in hand, Iraisia persuaded the court to reopen the case.

In court, the landlord told Iraisia how he had calculated the unpaid rent and late fees. Iraisia showed proof that the client had paid all the rent that was due. The landlord produced his copy of the lease, identical to the client's except for an additional handwritten note mentioning late fees. Iraisia insisted that late fees were not part of the original agreement and refused to concede that the client was responsible for them.

In a last-ditch effort to salvage something from this fraudulent attempt to evict, the landlord asked the client to pay the \$95 cost of the eviction notice. Iraisia blocked that effort, too, pointing out that the eviction notice had been unnecessary in the first place. The judge threw out the \$500 judgment.

Now the client is pulling together the cash to make a security deposit on a new apartment, where she will set up a file to keep all her paperwork to avoid such a situation in the future.

MARK YOUR CALENDARS!

Annual movie party! James McBride!

Be sure to mark your calendars for two fabulous upcoming AIDS Law Project fund-raising events:

• **6th Annual Movie Party:** Join the AIDS Law Project and the **Secret Cinema** as we return to **Medical Broadcasting Company's** unique Rittenhouse Square digs for our Movie Party at **6 p.m. Friday, June 10**. As usual, there'll be plenty of food and drink, followed by a screening of the 1967 satire ***The Day The Fish Came Out*** starring Candice Bergen. Author, radio personality and Philadelphia Magazine columnist "**Movie Irv**" **Slifkin** will be on hand again with edifying introductory comments. Plus—thanks to our sponsors—there will be many exciting raffles for things to make your summer more fun! **\$20 minimum donation**. Sponsorships are available starting at \$100 and offer a wonderful opportunity to show the community you care. Reservations and information at 215-587-9377. For full sponsorship information, please ask for Naomi Geschwind.



• **James McBride and his band** will be playing our song at the **Philadelphia Clef Club** on **Saturday, Sept. 10**, with a benefit concert for the AIDS Law Project. Author of the sensational international best-seller *The Color of Water*, McBride is also an accomplished musician and a composer who has written for artists ranging from Anita Baker to Barney. For information on sponsoring this exciting event, please call Naomi Geschwind at 215-587-9377.

Ngozi speaks

AIDS Law Project **paralegal Ngozi Ibeh** was a speaker at the 15th Annual North American Syringe Exchange Convention in April in Tacoma, Wash.

The international convention's organizers, the North American Syringe Exchange Network, recognized the Criminal Records Resolution Program run by Ngozi. The program — one of the first of its kind — helps people with HIV/AIDS clear their outstanding warrants and parole or probation violations so that they can qualify for public benefits such as drug treatment.

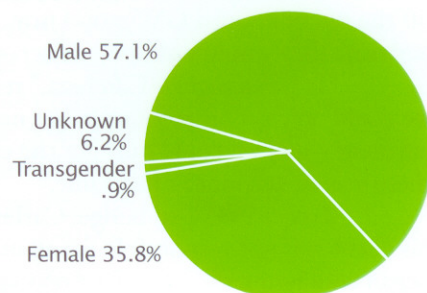
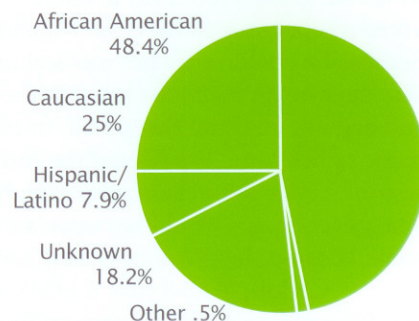
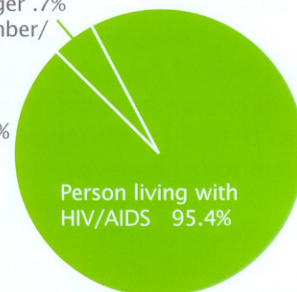
As they say in Ngozi's native Ibo, *Ebalare!* Good work, Ngozi!

AIDS Law Project assistance requests, 2004

Client profiles

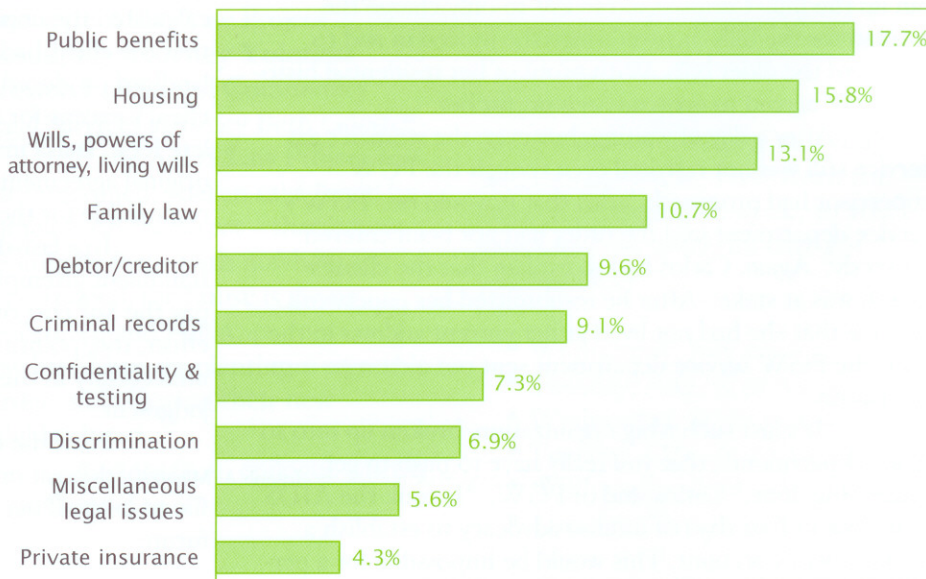
TOTAL REQUESTS 2,039

Social worker/
Case manager .7%
Family member/
Friend 2.3%
Health-care
worker .4%
Attorney .1%
Other 1%



AIDS Law Project services, 2004

(Many clients receive multiple services.)



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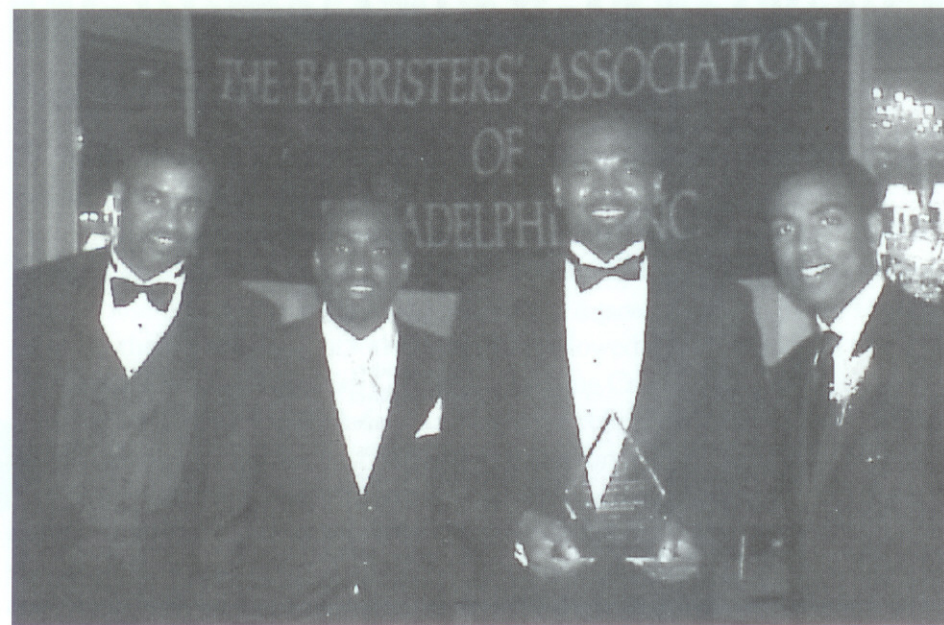
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Honors for AIDS Law Project

Welcome new faces



Rodney Cunningham, Esq., of the AIDS Law Project of Pennsylvania holds the Cecil B. Moore Award presented to the AIDS Law Project at the Barristers' Association annual awards and scholarship banquet. Also shown (from l. to r.) are: **Damon K. Roberts, Esq.**, Barristers' Association president; **Kahiga Tiagha, Esq.**, board secretary, AIDS Law Project; and **Calvin Hughes**, master of ceremonies and weekend anchor, CBS3 Eyewitness News.

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Also attending the ceremony were: **Yolanda French Lollis, Esq.**, and **Brenda Canales, Esq.**, of the AIDS Law Project staff; and **Kahiga A. Tiagha, Esq.**, and **Kimberley Y. Chainey, Esq.**, of the board.

The late Cecil B. Moore, for whom the award is named, was a fiery civil-rights lawyer and president of the Philadelphia NAACP in the 1960s. Among his achievements was a seven-month picketing campaign that forced the integration of Girard College.

"We are honored to be recognized by a group that shares our passion for justice," said AIDS Law Project **executive director Ronda B. Goldfein, Esq.** "Cecil B. Moore was an outspoken, activist lawyer, and we are proud to be associated with his good name."

From among 48 member organizations, TPAC selected the AIDS Law Project to receive its annual Providers' Choice Award. The criteria for choosing a winner are: innovative approaches to prevention, care and outreach; culturally and linguistically competent services to minority communities; consumer satisfaction; demonstrated leadership in empowering consumers; effective client advocacy; strong, positive and productive attitude and working relationships with all colleagues in the HIV/AIDS delivery system; and the highest standard of professional ethics, performance and client care. The award was presented at a dinner at the Academy of Natural Sciences on April 14 attended by Goldfein and AIDS Law Project **paralegal Ngozi Ibeh**.



Avi D. Eden, Esq., a long-time supporter of the AIDS Law Project of Pennsylvania, has joined the board of directors. Avi, a graduate of Harvard Law School, retired in November from Vishay Intertechnology Inc., where he was vice chairman, executive vice president and general counsel. He was instrumental in the growth of Vishay, a global manufacturer of electronics components, which he joined in 1973. Avi also serves as a director of Bel Fuse Inc., and as an advisory board member of Winchester Capital. He is of counsel to Eckert, Seamans, Cherin & Mellott, a national full-service law firm based in Pittsburgh. An Ohio native, Avi serves on the board of trustees of Baltimore Hebrew University and is active in Jewish-education organizations. Avi and his wife, Judith, have three children and three grandchildren.

... and bid farewell

The AIDS Law Project of Pennsylvania offers its profound thanks to **W. Gillies McKenna, M.D., Ph.D.**, for his many years of service to the board. Dr. McKenna is relocating to Oxford, England, and we wish him well in his future endeavors. Farewell wishes also are extended to **housing paralegal Darrianna Proctor**, who is returning to school this summer to study nursing and public policy.

WillPower to the people

The WillPower Project, a program of the Delaware Valley Legacy Fund and the Philadelphia Foundation, is an educational initiative for the lesbian, gay, bisexual and transgender (LGBT) community. Its goal is to encourage LGBT people to prepare wills, estate plans, Powers-of-Attorney and other personal planning documents to protect their assets, loved ones and children and provide for organizations (such as the AIDS Law Project) serving the LGBT community. For more information, or to attend a free training session led by attorneys and CPAs, call 215-563-6417 ext. 150 or e-mail willpowerproject@philafound.org.