

AIDS Law Project gets state to update jobs policy to protect people with HIV

The AIDS Law Project of Pennsylvania has persuaded the state to revise regulations on occupational and professional licensing to protect workers and job applicants with HIV.

Harnessing the support of then-Governor Ed Rendell, the AIDS Law Project was able to get a decades-old policy statement updated in January to specifically exclude HIV as a disease that would bar people from being employed or accepted for job training.

Nearly 30 state licensing boards had been bound by language that could create roadblocks for people with “infectious,” “contagious” and “communicable” diseases.

Text of the update

The new policy statement posted on the website of the state’s Bureau of Professional and Occupational Affairs now spells out that “the Bureau, in accordance with the ADA and guidance from the United States Department of Justice, has determined that, for the purposes of administering the professional and occupational licensing laws over which it or any of its 29 licensing Boards have jurisdiction, the terms ‘infectious disease,’ ‘communicable disease’ or ‘contagious disease’ do not include diseases, such as HIV, that are not transmitted through casual contact or through the usual practice of the profession or occupation for which a license is required.”

The full statement can be found on the Department of State’s website at: <http://bit.ly/HIVpolicy>.

“The state regulations were using those terms interchangeably, without definition and without recognizing that HIV is not transmitted in a workplace,” said Executive Director **Ronda B. Goldfein, Esq.** “The new statement clarifies that those terms are not to be applied to people with HIV, thereby protecting them from job discrimination.”

A recent case in which a nursing assistant faced a similar roadblock prompted the AIDS Law Project to push to clarify the state’s umbrella policy governing all licensing boards.

Rendell supported the policy update after Goldfein conferred with then-Commonwealth Secretary Basil Merenda in a meeting arranged by Michael Marsico, then-deputy



The AIDS Law Project effort to revise the communicable-disease language to exclude HIV included (from left) Pat Egan, Michael Marsico, Executive Director Ronda Goldfein, then-Governor Ed Rendell and Basil Merenda. (Photo by Donald D. Groff)

The licensing policy covers dozens of jobs and professions in Pennsylvania, including barbers, cosmetologists, pharmacists, nurses, nursing assistants, physical therapists, podiatrists and optometrists.

The AIDS Law Project’s effort to clarify the policy stemmed from a 2006 case in which an HIV-positive client had been denied admission to a cosmetology school that interpreted the state’s rules as barring him from taking a licensing exam. As part of the successful resolution of that case, the state cosmetology board issued a statement that its licensing requirements should not exclude people with HIV.

director of the governor’s office. Former AIDS Law Project staffer **Patrick J. Egan**, now assistant professor of politics and public policy at New York University, served as an adviser to Goldfein during the process.

“The new policy makes Pennsylvania consistent with federal law,” said Merenda. “Now, people who have an HIV disability can pursue the professions they want to work in, that they have the experience and qualifications to be licensed in.

“They can be productive members of society and help people, as well as achieve their own dreams.”

NEWSLETTER OF THE
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1211 CHESTNUT STREET
SUITE 600
PHILADELPHIA PA 19107

TEL 215.587.9377
FAX 215.587.9902
www.aidslawpa.org

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 more than 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:

It took years to write this issue's cover story. Allow me to explain:

For some jobs, Pennsylvania and other states have licensing requirements that exclude people with a communicable, contagious or infectious disease. These occupations include cosmetologists, barbers and nursing assistants. Usually a doctor's certificate is required to show that a prospective worker is free of disease.

For years, the AIDS Law Project of Pennsylvania interpreted the regulations as consistent with anti-discrimination laws: An applicant must be free of any disease that affects his or her ability to do a specific job. We advised doctors treating people with HIV/AIDS to write their certifications accordingly. In 2006, we prodded the Pennsylvania Board of Cosmetology to issue a statement that some provisions of cosmetology law wouldn't be enforced because they conflicted with anti-discrimination laws.

Good Counsel, by e-mail

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Still, people with HIV/AIDS told us that they were being shut out from certain occupations. Well-intentioned health-care providers remained uncomfortable certifying that a patient with HIV didn't have a contagious, infectious or communicable disease. Folks remained confused about the rules and didn't apply for jobs for which they were otherwise qualified.

We knew that we had to resolve the confusion. This January, at our urging and with the support of former Governor Ed Rendell, the Pennsylvania Department of State issued a policy statement specifically excluding HIV as a disease that would bar people from being employed or accepted for job training.

This is a victory for all Pennsylvanians, and it was a long time coming. If we hear of no further occupational-licensing complaints, we'll know that the policy statement is working.

Here's to a quiet summer.

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

SLEUTHING THIS FOOD-STAMP CUT HAD A DOUBLY SATISFYING OUTCOME

Notices from the Department of Public Welfare (DPW) sometimes offer little if any guidance about the reason changes are being made to a person's benefits package. Details are often missing or confusing, which Drexel law student/Public Benefits Intern **Tanesha Readom** learned when her client's food stamps (now called SNAP benefits) were cut nearly in half without clear explanation.

Prior to contacting us, Tanesha's client visited her local welfare office to inquire about the change, but was offered little assistance. With her questions still unanswered, she turned to the AIDS Law Project for help. Tanesha compiled a list of the client's expenses and plugged them into our SNAP benefits calculator, confirming that DPW's new benefit amount was correct. The result was always the same — \$122 (the new disbursement amount) was the correct monthly allotment, rather than the \$200 the client initially received.

Tanesha then reviewed the documents DPW provided when it originally approved the client's benefits. She realized that DPW initially failed to take into account the client's housing subsidy, resulting in an overcalculation of the household expenses. Once DPW discovered the miscalculation, the client's SNAP benefits were reduced accordingly.

The mystery had been solved.

"It's always amazing, in the Public Benefits arena, how happy you can make a client if you can just explain the why," Tanesha recalls.

But that wasn't the end of the story. Her client was relieved to receive an explanation, but then she was elated — because Tanesha managed to have her food stamps increased. Tanesha's careful review of the client's expenses revealed that she had been paying for a prescription medication out-of-pocket. The expenditure had not been listed among the client's monthly expenses. Tanesha corrected the paperwork and DPW determined that the client was entitled to an additional \$40 per month.

Tanesha's persistence resulted in two levels of satisfaction for her client. The client would have been pleased with solely the simple explanation, but she also was able to take comfort in the much-needed bump of her food-stamp allotment.

LOST IN TRANSLATION

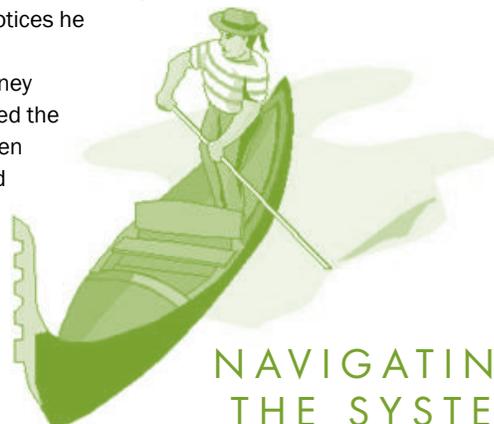
"George," an immigrant who speaks little English, managed to file his 2009 taxes in the winter of 2010 with the help of a tax-preparation service.

A struggling low-wage worker with a teenage son, he was delighted to learn that he was entitled to a refund of more than \$5,000. But several weeks later he received word that there was a problem with his return. The AIDS Law Project had assisted him in the past, so he turned to us again when he began receiving IRS notices he couldn't understand.

Deputy Managing Attorney **Cathryn Miller-Wilson** contacted the IRS. Apparently, George had been audited and the IRS determined that he was not entitled to the dependent-care credit that led to the refund. According to the IRS, not only was George not getting a refund, but he also owed money.

Cathy tried to obtain from George the documents she needed to disprove the auditors, but the language barriers presented real challenges. Ultimately, Cathy obtained the original records. Using that information, she was able to obtain a copy of the court order awarding George custody of his son, as well as the school records verifying that his son lived with him.

The documents proved that George was entitled to the tax deductions and the original refund. Cathy promptly forwarded the paperwork to the IRS and in March 2011 received the good news: The IRS reversed its decision and George is scheduled to receive the much-anticipated refund within weeks.



NAVIGATING THE SYSTEM

Tax season can be a nerve-wracking time, but when you add language barriers, health issues or ambiguous legal jargon into the mix, things can get even more taxing.

WHEN FALLING ILL MEANS FALLING INTO DEBT

The story is an all-too-familiar one. When "Gary" fell ill in 2009, his health woes resulted in debt woes he could no longer manage. At the end of his rope, he contacted the AIDS Law Project for a referral to a bankruptcy

attorney and in December 2009 filed for Chapter 7 bankruptcy. By the following April, Gary's debts had been discharged.

In December 2010, Gary received a notice from the IRS indicating that he owed more than \$200 for the 2009 tax year. The notice claimed that Gary owed taxes on one of the credit card debts that had been forgiven during the bankruptcy. According to the tax code, the cancellation of a debt triggers an obligation to pay taxes, and this meant that Gary owed the IRS money.

After receiving Gary's case, Drexel Law Fellow **Meryl C. Katz**, Esq., researched the IRS Code for answers. She discovered a regulation excluding canceled debts as gross income if the taxpayer's obligations exceed his resources at the time the debt is forgiven.

Using Gary's 2009 bankruptcy petition, Meryl was able to prove that Gary was indeed insolvent at the time the credit card company forgave the debt. Thereafter, the IRS agreed to accept Gary's original tax return — a huge relief to her client, as he no longer had to worry about owing the IRS.

"I see any amount of debt as a hardship to our clients," Meryl said. "For a majority of them, \$200 can mean the difference between paying for heat or paying for rent."

ONE DIVINE NIGHT fundraiser on May 12

Mark your calendar for our May 12 fundraiser, which promises to be a night to remember at a venue you won't forget — the lush Center City mansion that once was home to Father Divine, founder of the Peace Mission Movement.

Fun, food and entertainment await at this intimate gathering featuring **Pierre Robert**, WMMR's resident rock DJ and Philadelphia radio icon, and jaw-dropping performances from the **Captivating Queens of Illusion**.

The venue, once owned by Father Divine, is a richly adorned, painstakingly restored mansion that will provide a beautiful backdrop for the evening's entertainment.

IT WOULD BE A DRAG TO MISS IT

Featuring WMMR's Pierre Robert and the Captivating Queens of Illusion

Delectable dishes and a selection of beers and wines have been generously provided by Tim Bellew catering at FARE, Moore Brothers Wine Company and Flying Fish Brewing Company.

WHEN: Thursday, May 12 from 6 to 8:30 p.m.

WHERE: 507 South Broad St. (at Lombard), Philadelphia, PA 19147

TICKETS: \$150 per person

For information on sponsorships and advertising opportunities or to purchase tickets, call 215-587-9877 or go to www.aidslawpa.org.

The AIDS Law Project
of Pennsylvania presents

ONE DIVINE NIGHT



One of the three cats who also benefited.

FOR SOME, A CAT'S LOVE IS THE BEST MEDICINE

When Drexel Certified Legal Intern **Yuan Tang** was contacted by a renter whose property manager was attempting to enforce the building's one-pet policy, Yuan wasn't sure anything could be done. The client shared his apartment with three cats he rescued from different locations in Philadelphia and the landlord argued that harboring them was a breach of the client's rental agreement.

A closer look revealed that for many years, the client suffered from HIV-related depression. The cats were not simply companions, they were, in fact, therapeutic. Yuan researched laws concerning reasonable accommodations for people with disabilities. She then contacted the landlord, advocating for her client's right to the reasonable accommodation of having three cats under applicable laws.

The paperwork formally requesting the reasonable accommodation persuaded the landlord and the client was allowed to keep all three cats, which continue to provide the emotional support and therapeutic value he has come to rely on.

For the client, it was the purr-fect outcome.

Saving an apartment — & peace of mind — that was slipping away

When North Philly resident "Karen" contacted the AIDS Law Project in the fall of 2010, she was in distress. Her ongoing battle with pancreatitis led to routine stays in the hospital, she was being forced out of her home and in danger of losing the housing subsidy she relied on to pay rent.

Two weeks prior, Karen's landlord moved to evict her from her Germantown Avenue apartment, and when she failed to appear in court on the day of the hearing, having just been released from the hospital, the landlord won by default. Karen was given 30 days to vacate her residence. To make matters worse, the termination of her lease would result in the termination of her housing subsidy, making it nearly impossible for her to find alternative housing. Sick and facing homelessness, Karen turned to us.

Supervised by Housing Attorney **Rafiah S. Davis**, Drexel Certified Legal Intern

Anette Thomas drafted a petition on Karen's behalf asking the Court to open the default judgment. Not only was Karen physically unable to attend the court hearing, but the landlord's reasons for evicting her were without merit. The property manager had been improperly citing Karen for failure to comply with the building's rules and regulations, wrongly blaming her for the disruptive behavior of a group of kids who continually entered the building.

To add insult to injury, the nearly \$500 in back rent the landlord claimed he was owed turned out to be legal fees he incurred while pursuing the eviction. Karen's rent payments had been up-to-date.

Persuaded by Anette's petition, the court granted Karen a new eviction hearing and a new opportunity to defend against the landlord's effort to evict her. The new hearing also afforded Karen the breathing

room she needed, as she was able to remain in the apartment until the newly scheduled hearing.

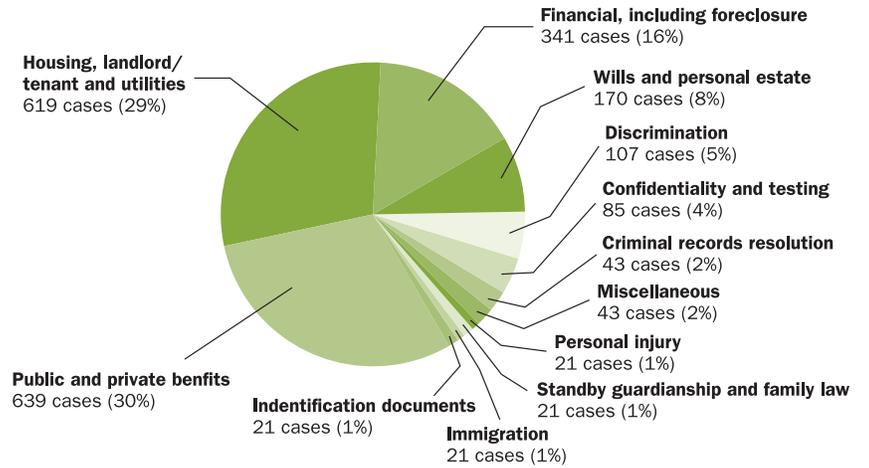
When Rafiah and Anette accompanied their client to the court this past February, the landlord agreed to withdraw the case. Karen can now stay in her apartment. "She was really relieved," Anette recalls. "With the housing subsidy in place, she was paying \$28 a month so she had no real options for moving."

Though Karen's health battles continue, at least she has the peace of mind that comes with a stable place to live.

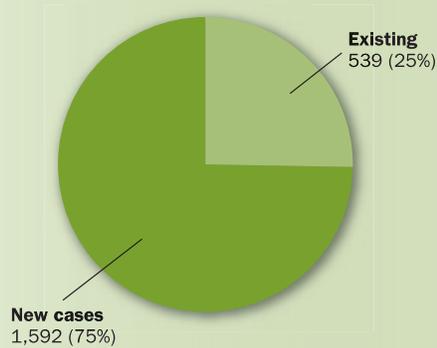
TYPES OF SERVICES REQUESTED

Legal Services in 2010

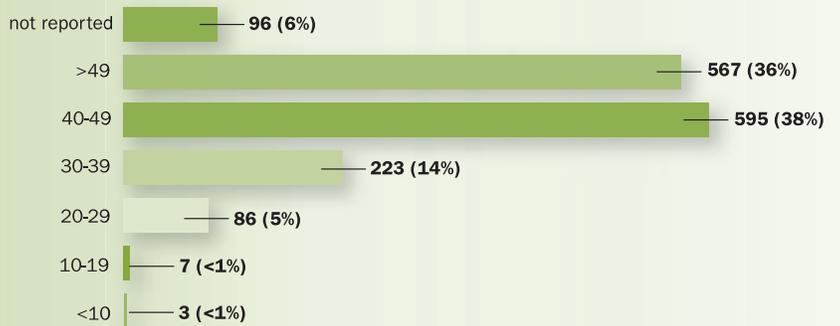
We helped 1,577 people with 2,131 legal matters. 94 percent of requests came from people with HIV/AIDS, while 6 percent were from case managers and other AIDS-service professionals, attorneys, healthcare workers, students, employers and others. 73 percent of all clients lived in Philadelphia County. Many clients sought assistance with multiple issues.



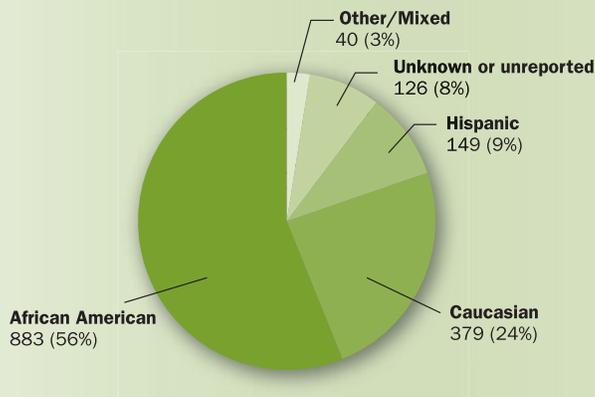
OUR ANNUAL WORKLOAD



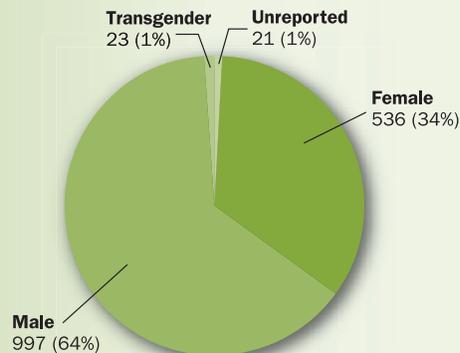
CLIENTS BY AGE



RACE AND ETHNICITY



CLIENTS BY GENDER



Website gets a facelift

We are delighted to announce the relaunch of the AIDS Law Project's website, www.aidslawpa.org, which has undergone a major transformation. The new site is more user-friendly and content-rich with loads of useful information for people with HIV/AIDS and the professionals who serve them. The website gives information to help prevent illegal actions against people with HIV, providing clear explanations of their rights and the state's HIV-related policies.

AIDS Law Project documentary is online

Justice Being Done, the first documentary about the AIDS Law Project of Pennsylvania, is now widely available for viewing — on the Web.

The 7-minute film, produced by filmmakers Anisha Payne and Ashley Akunna, was first screened at our DECADES 20th-anniversary observance in 2008. It was praised there by AIDS Law Project friend and supporter Jonathan Demme, the Academy Award-winning director of *Philadelphia*, *Silence of the Lambs* and many other films.

Those who viewed the film at DECADES already have heard the inspirational message of what the AIDS Law Project means to its clients. We urge you to take another look at the film and to post the link on whatever social networking sites you use.

The more who hear this remarkable story, the better. *Justice Being Done* can be viewed at the AIDS Law Project's channel on the Vimeo website, at <http://vimeo.com/12866001>.

Goldfein & Acosta on Top 100 list

AIDS Law Project of Pennsylvania Executive Director **Ronda B. Goldfein, Esq.**, and former AIDS Law Project board president **David Acosta** were named to the 2010 list of the POZ 100, recognizing the top HIV/AIDS activists in the country. POZ is a magazine and website for people living with and affected by HIV/AIDS.



The POZ 100 citation noted that Goldfein “battles for HIV-positive people by fighting against stigma, discrimination and

ignorance.” Acosta, now prevention coordinator in the City of Philadelphia's Health Department and a writer/activist for health-care reform, “uses art and conversation to address cultural social change and undo the ties – and tongues – that bind,” the listing said.

Acosta served on our board in the late 1990s and early 2000s.

The AIDS Law Project congratulates Goldfein and Acosta and joins POZ in celebrating their achievements.

The POZ 100 list and an accompanying story are online at <http://bit.ly/POZ100>

TRAINING AT A GLANCE

In the last quarter of 2010 and first quarter of 2011, the AIDS Law Project offered many opportunities to learn about AIDS law, including the three monthly in-house seminars on Leaving Your Job, Back to Work, and Housing: Tenants' Rights and Responsibilities. Here's a snapshot of the programs.

TRAINEE DEMOGRAPHICS

October 2010-March 2011

Who attended

75 college students
12 clients*
60 medical students
105 case managers
11 other health professionals

Off-site locations

New Cumberland, Pa.
Danville, Pa.
Cranberry, Pa.
Various locations throughout Philadelphia

Most-requested topics

Public Benefits
Back to Work

Sponsors

Health Federation (a network of the community health centers in Southeastern Pennsylvania)
Philadelphia Department of Public Health, AIDS Activity Coordinating Office
Drexel University College of Medicine
ActionAIDS
Prevention Point Philadelphia
Project Teach (a program of Philadelphia FIGHT)

* 12 individuals identified themselves as clients. Among the training attendees are others who choose not to publicly identify themselves as AIDS Law Project clients or as living with HIV.

Hot off the presses: AIDS and the Law handbook

It's back! The 2011 edition of our eagerly anticipated handbook, *AIDS and the Law: Your Rights in Pennsylvania*, is now available. The 85-page guide features answers to questions spanning each of our practice areas. Commonly asked questions concerning everything from discrimination and health insurance issues to public benefits and child-custody planning are included. To purchase the 2011 AIDS and the Law handbook, which costs \$25, log on to our website at www.aidslawpa.org or call us at 215-587-9377.

Still available: Latest edition of Public Benefits Manual

With the release of 2011's Federal Poverty Income Guidelines, remember that copies of the newest edition of the AIDS Law Project of Pennsylvania's Public Benefits Advocacy Manual are still available. The manual is a comprehensive and easy-to-use guide on eligibility for public benefits in Pennsylvania. Each chapter provides detailed descriptions, flow charts, tips and examples for advocates to ensure prompt approval of public benefits applications. To purchase a copy, which costs \$75, call us at 215-587-9377 or visit our website at www.aidslawpa.org.

Changes...

Welcome new board member



We welcome to our board **Myra Brown** of Intercultural Family Services Inc., where she is deputy executive director. She oversees 18 programs staffed by almost 200 employees at three sites throughout greater Philadelphia. Myra is directly involved in providing services to Intercultural's clients in a variety of programs, including family stabilization, parenting-skills enhancement, housing, and music and mentorship. She also has extensive human-resources and training experience and has expertise in research on cultural competency and diversity-related issues. She earned her M.B.A. from Temple University and was a journalist earlier in her career.

Welcome new staffers



The AIDS Law Project welcomed two new paralegals in October 2010: **Kevin Bentley** and **Julia Heald**.

Kevin is our new housing paralegal, representing clients in a variety of housing issues, mainly landlord-tenant disputes and against utility companies. He is a Baltimore native who graduated from Swarthmore College, where he majored in political science and double-minored in Spanish and black studies. Coming from a tennis family, Kevin spends much of his free time playing tennis with family and friends.



Julia works with clients on getting public benefits, resolving criminal records and obtaining birth certificates and other types of identification. She graduated from Haverford College where she majored in political science with an emphasis on government entitlement programs, and minored in mathematics. Julia, who hails from Alexandria, Va., enjoys cooking, baking and "change ringing" — the art of ringing a set of tuned bells in a series of patterns.

Congratulations

- Welcome back and congratulations to **Meryl C. Katz, Esq.**, who has been awarded an Earle Mack School of Law Public Service Fellowship for 2010-11. The fellowship program provides recent law school graduates with part-time, paid, six-month legal positions at a qualifying public interest organization. Meryl is serving her fellowship here at the AIDS Law Project of Pennsylvania through May.
- The AIDS Law Project congratulates our former interns **Juan Baez**, **Marissa Barriere** and **Diane DeGroat** and our current fellow **Emily Vener-Giszter** on passing the Pennsylvania Bar in February 2011. We also congratulate former intern **Charles Bruce**, who passed the California Bar in July 2010.
- Earle Mack School of Law student **Yuan Tang**, a member of the school's 2010-11 Civil Litigation Field Clinic at the AIDS Law Project, was honored by the Public Interest Section of Philadelphia Bar Association at the annual awards ceremony on Dec. 9, 2010.

The award recognized Yuan's commitment to providing equal access to the law.

As a story on the Drexel Law website explained, Yuan spent

seven weeks in Cambodia seeking to protect families from forced evictions and assisting an organization that offers vocational training to adolescent girls. She also has participated in the school's Marshall-Brennan Constitutional Literacy Project, going to Philadelphia high schools to teach teens about the U.S. Constitution and its relevance in their lives. Yuan founded and is president of the Asian Pacific American Law Student Association and The Just Society.

- We salute former paralegal **Carlos Munoz** for two superb milestones — his recent marriage to Caleb Arnold and the arrival of their first child, Calder Snow Munoz Arnold. Calder came into the world on Jan. 12, 2011, at a healthy 7 pounds 13 ounces. We congratulate the newlyweds on their recent nuptials and new arrival.
- Congratulations to our Drexel Legal Intern **Wayne Nguyen** on his March 12, 2011, marriage to Haesook Hong, at the Church of the Messiah in Lower Gwynedd.

... and bid farewell

After 10 extraordinary years of service at the AIDS Law Project, Administrative Assistant **Sue Goodwin** will be moving on. Luckily, her new endeavor will only take her a few short blocks away. Sue has signed on to work with our friends at the Senior Law Center.

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.

June 14 July 12 Aug. 9 Sept. 13 Oct. 11 Nov. 8 Dec. 13

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.

June 8 July 13 Aug. 10 Sept. 14 Oct. 12 Nov. 9 Dec. 14

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.

June 9 July 14 Aug. 11 Sept. 8 Oct. 13 Nov. 10 Dec. 15

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Thanks to Lundy, Flitter, Beldecos & Berger, P.C., for recommending that the AIDS Law Project receive more than \$16,000 in *cy pres* funds. At the conclusion of a class action lawsuit, funds often remain because distribution to all class members is not always possible. The parties may recommend that the Court direct any remaining funds to a group that has similar interests to the original class.