

Advocates call for reform of HIV criminalization

The two young men may have thought they were on to something worth pursuing when they got together for the first time on an Iowa summer evening in 2008.

That feeling didn't last long.

Within days, one of the men was being questioned by police. They searched his home. They required he have a blood test. Eventually he was arrested and charged with multiple felonies.

His crime? He had not disclosed he had HIV.

He had used a condom. He was being treated for HIV and his viral load was virtually undetectable. In fact, a national group of AIDS public health officials later estimated that the odds of his partner becoming infected were "likely zero or near zero," according to an award-

winning story by **Sergio Hernandez** published in 2013 by *ProPublica*, an independent, non-profit newsroom.

His partner had not intended to contact police, but answered their questions after a hospital health care worker called them. He had gone to the hospital after learning the man may have been HIV positive.

Finally, tests later showed HIV was not transmitted.

None of that mattered. The accused man was sentenced to 25 years in prison and required to register as a sex offender under an Iowa law that criminalized HIV.

(Pennsylvania does not have such a law.)

Science has made huge strides in treating HIV and AIDS, transforming what was once a death sentence into a manageable disease.

The same cannot be said for the law. Many laws passed in the early days of the pandemic are based on faulty science and actually do more harm than good, advocates say.

That is why the first-ever HIV is Not a Crime conference was held from June 2 to 5 at Grinnell College in Grinnell, Iowa. Organizers from a coalition of HIV, LGBT and social justice groups want to train advocates and organizations in how to confront HIV criminalization.

Sean Strub, executive director of Sero Project, a network of people with HIV and allies fighting stigma and injustice, said the time is right for reform.

"In recent years awareness has grown dramatically, largely due to those who have been prosecuted speaking out," Strub said. "We also now have public health leadership and the pharmaceutical industry caring about the issue."

Ronda B. Goldfein, Esq., executive director of the AIDS Law Project, participated in the conference, along with AIDS Law Project Managing Attorney **Yolanda French Lollis**, Esq., and Staff Attorney **Adrian M. Lowe**, Esq.

Continued on Page 6



From Anxiety to a Calmer Life

After **Michael Palumbo** was diagnosed with HIV in 1987, a thought sometimes crept into his mind that he tried to ignore. What about a will and other legal issues?

The impulse to sidestep the question was strong in the early days of AIDS. Michael, now 71, used to keep a "memorial list" of friends who had died. He gave up at 104 names.

In the midst of such a crisis, delving into the unknown world of end-of-life legal decisions was intimidating.

"It was kind of overwhelming," Michael said. "A lot of these things can be a little scary."

As the nature of HIV and AIDS has changed, helping clients obtain the documents they need has become an increasingly important initiative for the AIDS Law Project of Pennsylvania. In our more than 25 years, we have helped 4,000 clients get the peace of mind that comes with knowing their end-of-life documents will make sure their wishes are respected.

Michael's story is similar to what we hear from many of our clients.

In the 1990s, he overcame his anxiety and contacted the AIDS Law Project for help. What he found was an "extremely supportive"



Michael Palumbo

environment combined with the legal knowledge he needed.

He initially came for a last will and testament, but returned numerous times during the years for other documents, including a living will, a financial power of attorney and to update his will.

The AIDS Law Project provides the documents free of charge at special legal clinics or by appointment in our offices. We also produced a 25-page document, *Your Life, Your Decisions*, which we provide for free.

These days Michael is a Zen Buddhist priest and the Zen Buddhist chaplain at the Federal Detention Center in Philadelphia. He recently moved into the John C. Anderson Apartments, Philadelphia's LGBT-friendly senior housing complex.

He said he has sent many friends to the AIDS Law Project to get the same kind of help he found so valuable. A gentle man with a serene presence, he still gets emotional when he talks about his relationship with the AIDS Law Project's managing attorney, **Yolanda French Lollis**, who advised him on his documents.

"Yolanda treated me as if I was her son," Michael said. "She really helped to make my life calmer."

NEWSLETTER OF THE
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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. Last year, we worked on more than 2,055 legal matters, nearly all from people with HIV/AIDS. 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,

DOMA has finally come to its long overdue, never-should-have-been-enacted end and the sounds of wedding planning can be heard throughout Pennsylvania.

No one is more romantic than the AIDS Law Project, and we are thrilled all Pennsylvanians may now legally marry whomever they wish.

But people who receive public benefits need to look before they leap. This is particularly important for those who married out of state and are now legally married in Pennsylvania. Marriage, regardless of the orientation or gender of the participants, comes with benefits and burdens. According to our friends at the ACLU-PA, married couples in Pennsylvania can take advantage of approximately 1,200 benefits. On the burden side, people may find their existing benefits at risk, because each spouse's income and assets is considered in determining eligibility.

For instance, if you are low-income and disabled and receive \$721 a month in SSI (a Social Security disability program), and you marry a person also receiving SSI, your new combined benefit will be \$1,082 – a \$360 reduction. Marriage may reduce the amount you receive in food stamps or rent subsidy. Also, your new spouse's income will be considered in determining your financial eligibility for means-based benefits such as SPBP (Pennsylvania's AIDS drug program) or Medicaid.

Counting a family's income to determine eligibility for public benefits is nothing new. At the AIDS Law Project, we have advised clients for more than 25 years on how to access benefits to which they are entitled. As each public benefits program has its own eligibility guidelines, couples need to have their income and assets reviewed.

Starting June 13, we will offer "Marriage and Public Benefits: A Buyer's Guide" consultations every Friday, from 9:30 a.m. to 1 p.m. Appointments are appreciated, but not required. Sessions will be in person or over the phone.

Please spread the word. And if you're planning a wedding, don't forget to invite us. We love a good party.

Ronda

Good Counsel, by e-mail

Want to receive Good Counsel electronically?

Send your e-mail address to goldfein@aidslawpa.org.

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
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A YOUNG IMMIGRANT HAS HIS HOPE RESTORED

The 14-year-old boy thought he was on his way to a new life when he moved to Philadelphia from a Caribbean country.

His father, a permanent resident, had sent for him and the boy was able to get a conditional permanent resident visa that allowed him to live here legally.

He did well in high school and life seemed good. Then the boy learned how quickly everything could fall apart. It all changed in an instant when the teen's father found out he was gay.

"His father beat him up and threw him out of the house," said **Yolanda French Lollis, Esq.**, managing attorney at the AIDS Law Project. "He was homeless."

Despite his deplorable situation, the teenager was determined to survive. He got help from the Children's Hospital of Philadelphia. He found work. He graduated from high school and set his sights on college.

That's when he hit yet another obstacle. In order to get financial aid for college, he needed to show he was in the country legally. He assumed his estranged father had the required documents and went to ask for them.

His father beat him up again, but this time the teen called the police.

"His dad told the police he'd thrown everything away – everything," Yolanda said.

In the world of official documentation, the teen did not exist.

With the help of a social worker at the Children's Hospital of Philadelphia, he made his way to the AIDS Law Project. He was not in good shape when he arrived at our office in October 2009.

"When he came here he was so sad, so depressed, so despondent," Yolanda recalled.

Yolanda, whose specialties include immigration law, began the long, often frustrating journey to reclaim the teen's identity.

She started by tracking down every scrap of documentation she could find: School transcripts, pay stubs, hospital records, even the police report from when he was assaulted by his father. Then Yolanda applied and eventually received a birth certificate and passport from her client's home country.

Next, she had to tackle the complexities of straightening out his immigration status. Unbeknownst to her client, his conditional permanent resident visa had lapsed two years after he arrived, leaving him with no legal authorization to be in this country.

Yolanda then applied to reinstate the lapsed visa based on the circumstances of his case.

After more than five years of work, this February Yolanda sat at her desk, beaming as she looked at the letter confirming that her client, now a young man, was a permanent resident of the United States. She called him and he came right over to the office.

"He just smiled," Yolanda said. "He was elated to be in control of his own future."

UNDER SIEGE IN HIS HOME, A CLIENT FIGHTS BACK

It was a huge step when the physically and mentally disabled man moved into his own apartment, a more independent life finally within reach.

Tragically, not much else after that went well.

He moved to his new apartment in January 2013 and his relationship with his landlord quickly became tense. During the summer, the man took a short trip out of town. When he got home he learned his landlord had gone through his trash and found empty containers of his HIV medication.

"The landlord reached his own conclusions about who gets HIV and started to throw gay slurs at him, telling him he didn't want someone with HIV living in his property," **Jennifer Collins, Esq.**, the AIDS Law Project's housing attorney, said.

The landlord also threatened to spread it around the neighborhood that he had HIV, so he turned to the AIDS Law Project for help.

"He didn't know what to do," Jennifer said. "He'd call in tears."

The landlord escalated the confrontation and in September, without warning, had his tenant's electricity cut off, leaving him with the prospect of a winter with no heat.

"This was a big blow to a guy who had been working hard to get some kind of independence," Jennifer said.

She advised him to stop paying rent and call Philadelphia's Licenses and Inspections Department, which handles code violations. Jennifer advised her client to get money orders made out to his landlord, as proof he intended to pay rent.

The city cited the landlord for a code violation, which prompted the landlord to send his tenant a lease termination notice. That was the opening Jennifer needed to file a complaint with the city's Fair Housing Commission in October.

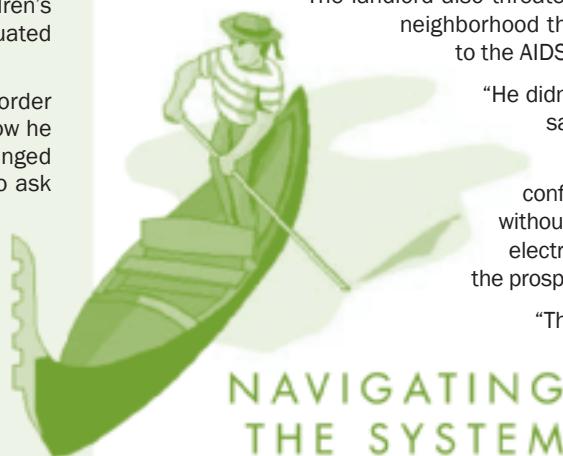
By the time the hearing rolled around on Dec. 10, the client had no desire to stay in the apartment. But he was sick, didn't have much money, and needed time to find a new place.

It only took the Fair Housing Commission a day to rule the client did not have to pay rent, including the money he had set aside in money orders, and that he could remain in his apartment for 45 days while looking for a new home.

But the fight wasn't over yet. The man was so sick he was admitted to the hospital and not released until a week before he had to move. To make matters worse, when he returned to his apartment he found his landlord had splattered orange paint on his possessions, including clothes, furniture and a laptop computer.

Jennifer returned to housing court and got her client more time to move, then helped him file a small claims complaint against his landlord. That claim is still pending, but he is now in a new apartment and ready to move forward with his life.

"Here was a guy who needed help and clearly couldn't get it on his own," said Jennifer, who typifies the young, dedicated staffers at the AIDS Law Project. "I took out all those student loans to make sure guys like him get help."



The Silver Ball

25 YEARS OF JUSTICE

Thanks to everyone who made our annual gala, on Nov. 7, 2013 at Power Plant Productions, a great success.

It was a night to reflect on the past, celebrate the present and anticipate the future.



AIDS Law Project Executive Director Ronda Goldfein



Former client Edna Reyes and Arlene Vasquez, AIDS Law Project administrative assistant



Tommy Schimmel, of Brian Sanders' JUNK, performs during The Silver Ball



Philip Moyer, Rachel Christiansen, Dr. William Lee, Kate Robinson



Board member Avi Eden, Philadelphia FIGHT Executive Director Jane Shull, William Way LGBT Community Center Executive Director Chris Bartlett, Patrick Egan, former staff member



Board member Frank McClellan, AIDS Law Project staff members Adrian Lowe, Rebecca Richman, Jennifer Collins, Michael Gluck, Juan Baez, Yolanda French Lollis (sitting) and Of Counsel Sarah Schalman-Bergen



AIDS Fund board member Gregory Koory, Courtney Mahida, videographer Peter Lien, Messapotamia Lefae

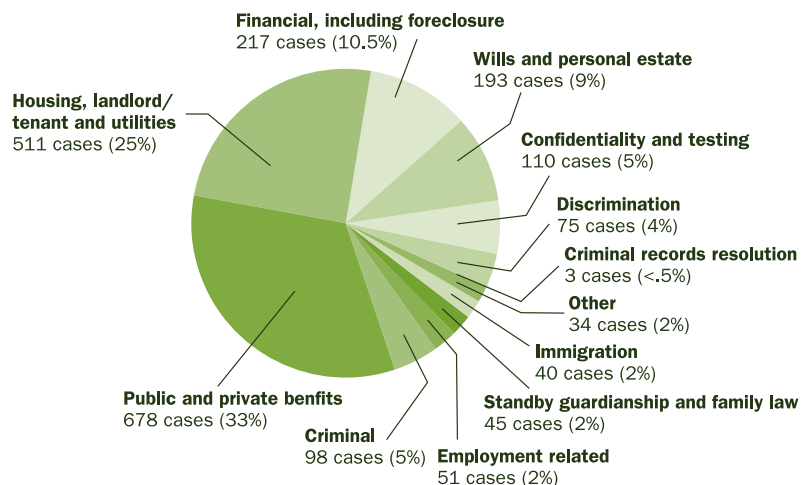


Frank McClellan, board member and master of ceremonies

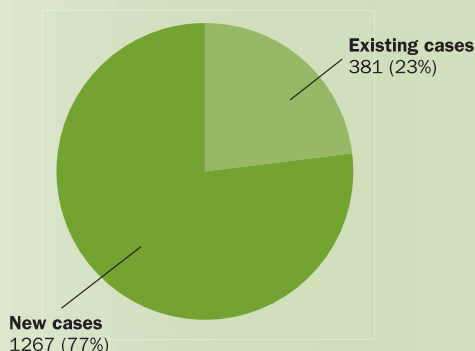
TYPES OF SERVICES REQUESTED

LEGAL SERVICES IN 2013

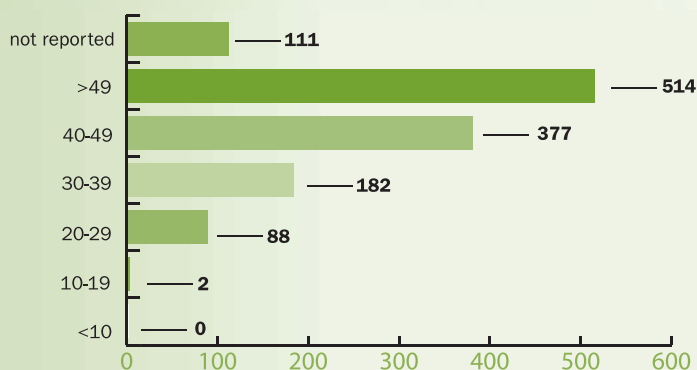
We helped 1,274 people with 2,055 legal issues. Many clients seek assistance with multiple issues. Most requests for help came from people with HIV/AIDS, although we also took calls from case managers, other AIDS-service professionals, lawyers, students and others.



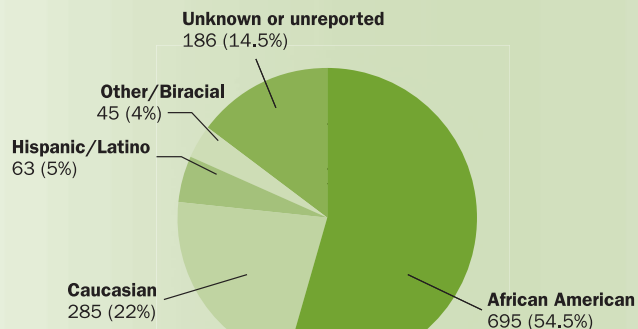
OUR ANNUAL WORKLOAD



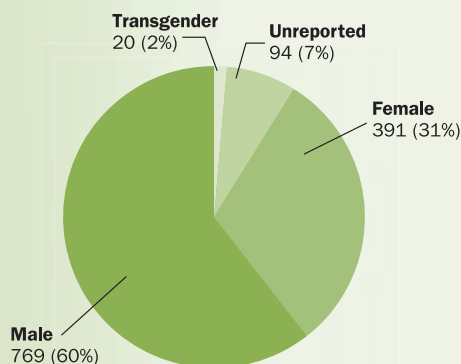
CLIENTS BY AGE



RACE AND ETHNICITY



CLIENTS BY GENDER



CRIMINALIZATION,
continued from cover

"We're opposed to making a virus an element of a crime," Goldfein said. "You don't want penalties that aren't in line with the potential for harm."

Sero Project says there are 36 states and jurisdictions that have HIV-specific statutes. In many other states, HIV cases have been prosecuted under other laws.

There have been hundreds of prosecutions, according to Sero Project, and punishments are often vastly disproportionate to any actual harm.

Pennsylvania does not have any statutes that include HIV as an element of a crime, but prosecutions have been pursued under other laws. The commonwealth does have provisions for enhanced penalties if a defendant has HIV, usually related to prisoners and sex workers.

In 2013, the AIDS Law Project responded to 98 inquiries from people concerning HIV criminalization. The cases have included consensual sex, assaults and various interactions with law enforcement officers.

Advocates say reform also is needed because criminalization actually hinders the fight against HIV and AIDS.

Criminalization perpetuates stigma and may discourage people from getting tested.

People can be left with the message "take the test and risk arrest," the opposite of what health officials say is needed to fight HIV.



Sean Strub

The first HIV-specific law was passed in 1987. Although most such laws date to the early days of AIDS, one was passed as recently as 2011.

But there are signs of hope.

ProPublica noted that Obama administration officials have stated their opposition to HIV-specific criminal laws.

The White House's Office of National AIDS Policy issued a white paper in 2010 that stated that "enforcement of such laws run counter to scientific evidence," and that they "may undermine the public health goals of promoting HIV screening and treatment."

Another positive step came on May 1, when Iowa's legislature became the first in the U.S. to vote to repeal its HIV-specific criminal statute, after a five-year struggle by advocates

and public health officials. Both chambers of the legislature approved the bill unanimously and the governor signed it into law.

Furthermore, the Iowa Supreme Court recently reversed the conviction of the man who initially received a 25-year sentence for not disclosing he had HIV.

Tami Haught, a Sero Project board member, is a woman living with HIV who led the effort in Iowa for the Community HIV/Hepatitis Advocates of Iowa Network.

"Our hope is that by beginning to modernize the laws in Iowa, it will signal other states to do the same," she said. "Having HIV is not a crime; our laws here in Iowa and across the country need to reflect this fact."

The AIDS Law Project will publish a report on the HIV is Not a Crime conference on its website, www.aidslawpa.org. More information is available at www.seroproject.com.



photo: Donald D. Groff

OFFICE RENOVATION DRAWS RAVE REVIEWS AT OPEN HOUSE

AIDS Law Project Staff Attorney **Adrian M. Lowe** and **Tom Wilson Weinberg** were among the more than 50 people who turned out for our Happy Hour Office Open House on April 8. The event showcased our recent office make over. The renovation, done at no cost to the AIDS Law Project, created a more pleasant environment for our clients and hard-working staff. The crowd enjoyed fine food donated by caterer extraordinaire **Tim Bellew**.

AWARDS AND HONORS

The AIDS Law Project of Pennsylvania doesn't do what it does for recognition, but a little bit doesn't hurt.

We were honored to receive the Alexander D. Forger Award for Excellence in HIV Legal Services and Advocacy from the American Bar Association AIDS Coordinating Committee.

The committee recognized the AIDS Law Project for its "record of commitment and effectiveness in the fight against HIV and AIDS."

The award, established in 2012, was presented at the ABA HIV/AIDS Law & Practices Conference in Atlanta on Feb. 28.

Closer to home, **Ronda B. Goldfein, Esq.**, executive director of the AIDS Law Project, was named Favorite Straight Person of the Year by the Philadelphia AIDS Fund at Black-Tie GayBINGO on April 5.

Buy tickets now to our 15th Annual Summer Movie Party

**A summer night, great food and drinks and a cool movie.
What more could you want?**

Our 15th Annual Summer Movie Party will feature *Funny Face*, once again presented by our fantastic friends at **Secret Cinema**. The 1957 movie stars Fred Astaire and Audrey Hepburn, with songs by George and Ira Gershwin.

Richard Barrios, author of the recently released *Dangerous Rhythm: Why Movie Musicals Matter*, will put it all in perspective for us.

Join us on Aug. 15 at the William Way Community Center, 1315 Spruce St., Philadelphia. Doors open at 6 p.m., screening at 7:30 p.m.

Tickets are \$20 in advance or \$25 at the door. Advance tickets can be purchased by calling **215-587-9377** or at www.aidslawpa.org.

Or take a chance and enter a raffle to win four free tickets, \$5 for one raffle ticket, \$10 for three.



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 (All dates below are for 2014.)

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.

June 10 July 8 August 12 September 9 October 14 November 11

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.

June 11 July 9 August 13 September 10 October 8 November 12

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.

June 12 July 10 August 14 September 11 October 9 November 13

Public Benefits manual and AIDS and the Law handbook still available

The wildly-popular *Public Benefits Advocacy Manual* and *AIDS and the Law* handbook are available for purchase from the AIDS Law Project. The manual is a comprehensive, easy-to-use guide on eligibility for public benefits in Pennsylvania. Each chapter provides detailed instructions, practice tips, flow charts and examples for case managers and other advocates to ensure that clients get the benefits to which they are entitled. The handbook is an 85-page guide with answers to questions across each of our practice areas.

Take advantage of the distilled wisdom of our in-house legal experts on matters from discrimination and health insurance to public benefits and permanency planning for child custody.

For your own copy, go to our website at www.aidslawpa.org or call our office at **215-587-9377**. Each manual costs \$75; each handbook costs \$25.

Changes...

Congratulations

Heart-felt congratulations to AIDS Law Project Staff Attorney **Juan Baez**, Esq., who received his LL.M. in Trial Advocacy in May from Temple University's Beasley School of Law.



Juan started the prestigious program in June 2013 and studied while he continued to work full time with us.

"I thought the program would enhance my ability to better advocate for my clients," Juan said.

Juan was an intern, then a part-time staff member before joining us full time in August 2013.

Thank You

The AIDS Law Project is lucky to have benefited from the work of three volunteer interns in 2013-14 from the University of Pennsylvania Law School.

Carol Cheng and **Edward Linden** assisted primary with client intake. Carol is a Masters of Law student and Edward is a third year law student.

Shannon Doherty assisted with HIV discrimination cases and is a second year law student.

Jaci DuBoise Adams

1957 - 2014

The AIDS Law Project of Pennsylvania lost a beloved friend and dedicated volunteer with the passing of **Jaci DuBoise Adams** at age 56 on February 15 after a struggle with cancer.

Jaci overcame childhood abuse, drug addiction and prostitution to become an icon for Philadelphia's transgender and HIV communities.

The approximately 300 people who attended her memorial service at St. Luke and the Epiphany on March 21 were a testimony to the impact Jaci had on the city. The service, just like Jaci, was by turns exuberant and solemn, personal and political, ribald and reverent.

Last year, Philly Pride Presents gave her the first OutProud Transgender Award, which was named in her honor.

"It's not what they call you, it's what you answer to," Jaci, who was clearly in ill health, said in her emotional acceptance speech.

In addition to many other honors, in November POZ Magazine named Jaci to its list of 100 Unsung Heroes.

Gloria Casarez, director of Philadelphia's Office of LGBT Affairs, said, "Jaci Adams was a fierce leader, mentor, and friend who was unafraid of sharing her own difficult life experiences in an effort to make a difference in the lives and actions of others."

Jaci will be greatly missed, but she lives on in the hearts of the many people she helped and inspired.



photo: Donald D. Groff

Jaci DuBoise Adams at the 2009 AIDS Law Project's Summer Movie Party, one of our many fundraisers she helped organize.

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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, visit our website at: <http://aidslawpa.org/get-help/legal-information/collaborative>.