

All Pain, No Gain: HIV Criminalization in Pennsylvania, a report released by the AIDS Law Project in April, is the work of advocates across the state committed to the reform of HIV criminalization. Please see story on page 7.

MARRIAGE EQUALITY GIVES IMMIGRANT COUPLE HOPE

Immigration cases are a passion for **Yolanda French Lollis**, the AIDS Law Project's managing attorney.

People looking for a better way of life are often met with lines drawn on a map and an impenetrable maze of immigration rules and regulations.

"Of all the work I do, the immigration cases I take to heart the most," Yolanda said. "This is the stuff that changes people's lives."

She is now working on a case that, to her great pleasure, combines her immigration advocacy with the newly recognized right of marriage equality. Under immigration law,

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Standby Guardianship gives families security and peace of mind

The mother of five children didn't know what to do.

Diagnosed with pancreatic cancer about a year ago, her doctors had since told her it was terminal and she had stopped treatment.

Four of her children were 18 or older, but the "baby of the family" was just 10. His future was her constant worry.

It was for exactly this kind of situation that the AIDS Law Project authored Pennsylvania's Standby Guardianship law, which was adopted 18 years ago.

The law helps terminally ill parents make permanency plans for their children. They can proactively choose a relative or friend as standby guardian. The parent does not lose any paternal rights, but rather shares custody with the standby guardian.

The parent designates "triggering events" that transfer custody to the standby guardian when the time comes. This can be temporary, if for example a parent is hospitalized, or permanent, if the parent dies.

A standby guardian also may be able to get cash assistance from the government to help take care of the child.

Ronda B. Goldfein, executive director of the AIDS Law Project, said that two decades ago the needs of women with HIV and AIDS unfortunately sometimes did not get the attention they deserved.

As we assessed the needs of women living with HIV, we found that many were mothers whose foremost concern was the future care of their children.

Ronda B. Goldfein

Executive Director, AIDS Law Project of Pennsylvania

"As we assessed the needs of women living with HIV, we found that many were mothers whose foremost concern was the future care of their children," she said.

In response, the AIDS Law Project led the effort to create Pennsylvania's Standby Guardianship law.

As the health of people with HIV has improved, there is often less urgency to matters such as standby guardianship. But make no mistake, Ronda said, the need is still there.

The mother of five didn't know about standby guardianship until she talked to **Malissa L. Durham**, an Equal Justice Works Fellow at the AIDS Law Project.

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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. In an ongoing effort to accurately report the quantity of our work, we have refined our counting methodology. Last year, we worked on more than 5,800 legal issues, 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



Abraham and the Hershey case: five years later

In the spring of 2011, I met a 13-year-old boy who was burdened with far more than anyone his age should have to shoulder.

Although he had HIV, that was not his main problem at the time. His HIV was well managed and he was healthy, intelligent and level headed.

The problem he and his mother came to the AIDS Law Project about was that the Milton Hershey School in Hershey, Pa. had refused to consider his application because of his HIV, saying his presence would be a "direct threat" to the health and safety of other students.

The boy came to be known as **Abraham Smith**, a pseudonym we used to protect his privacy in a federal discrimination lawsuit we filed against Hershey on behalf of him and his mother.

Sarah Schalman-Bergen, *of counsel* for the AIDS Law Project, and I pursued the case for more than a year. It drew national and international attention. It was tough for Abraham, who described himself as shy but determined.

He said he was made to feel "embarrassed and ashamed" of himself, even though he knew he shouldn't be.

The school refused to budge, despite medical evidence that he was no threat and legal arguments that it was violating the American with Disabilities Act.

Good Counsel, by e-mail

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Finally, in August 2012, the school publically apologized and agreed to pay them a \$700,000 settlement.

I saw Abraham again this spring, about five years after I first met him. For starters, he was about a foot taller. He had an easy smile on his face. It was obvious the boy had become a young man.

Since the settlement Abraham's family moved from a dangerous area with subpar schools to a safer community with good schools.

Abraham and his family were able to create the opportunities they hoped Hershey, a cost-free, private school, would offer.

After the settlement, Abraham said he hoped the case would help others avoid discrimination, even though the ordeal had taken a toll on him.

"I'll get over it one day," he said at the time. "I don't know when, but one day. I'm 13 now and still got a whole lot of life to live."

As I talked to Abraham, now 18, I was extraordinarily proud of how fully he is living his life.

Abraham is about to graduate from high school. He studied abroad for a semester. He speaks three languages and is teaching himself a fourth. He earned a merit scholarship and will go to college, where he wants to study languages and international relations.

My sincere hope is that what happened to Abraham will not happen to other young people. But if it does, the AIDS Law Project will be here to help them get justice.

Ronda

Remember us at workplace giving time.

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DISABLED TENANT TRIUMPHS AFTER ASSERTING RIGHTS

The bathroom ceiling leaked, the bathtub was coming loose from the floor and there were no smoke detectors to be found in the apartment.

The landlord ignored repeated requests that the problems be fixed.

Then the tenant, a 30-year-old disabled man, got a notice his water was being cut off for nonpayment. The man had given the landlord \$50 a month for the water bill, on top of his \$600 monthly rent. To the tenant's surprise, the landlord had not paid the water bill for seven months.

That's when the man got in touch with Housing Attorney **Jenna Collins** and Housing Paralegal **Jade McKnight** of the AIDS Law Project.

"He was stressed out and upset," Jenna said. "He felt he was being taken advantage of by his landlord."

Jenna and Jade started by advising the man to pay the water bill so he wouldn't lose service and deducting that amount from his rent. They also told him to contact Philadelphia's Licenses and Inspections, the agency in charge of inspecting uninhabitable conditions.

The landlord responded by sending him an eviction notice. The AIDS Law Project got the man a fair housing hearing in January and argued that the eviction was retaliation for the tenant simply exercising his rights.

Nothing could be resolved at the hearing because the landlord didn't show up and it was rescheduled for February.

In the meantime, the landlord had started sending the tenant "vicious, aggressive and homophobic text messages," Jenna said.

That was the last straw for the tenant. He wanted to move out, but didn't have the money to do it.

The Philadelphia Fair Housing Commission ruled at the second hearing that the man's rent should be waived for 60 days so he could look for a new place to live while saving money. Since the landlord did not return his security deposit, Jenna and Jade also showed him how to sue the landlord in small claims court.

At the beginning of April, the man moved into a new apartment and could finally put the ordeal behind him.

"He felt good about it," Jenna said. "He was really appreciative he was able to get the money to improve his living situation."

A WINNING APPEAL GIVES MAN A FRESH START

Life had been hard for the 48-year-old New Jersey man and the prospect of things getting better seemed dim.

In addition to having HIV, he had crippling mental health issues and back problems so severe he needed surgery. He survived on \$210 a month in General Assistance and food stamps while living with his father in Voorhees.

In 2014, a cousin who lived out-of-state had helped him apply for Social Security Disability. His cousin also helped him file an appeal when his claim was denied.

Although his cousin was a lawyer, he did not have experience dealing with the complexities of public benefits. Luckily for the man, he was a client at Kennedy Health System's HIV/AIDS Clinic in Voorhees and his case manager knew what to do.



NAVIGATING THE SYSTEM

The case manager referred him to the AIDS Law Project of Southern New Jersey, which has an office at the clinic, where he met **Charlotte Hollander**, the senior staff attorney.

"He was very distraught," Charlotte said. "He was pretty down and out."

Charlotte took over the appeal to the Office of Disability Adjudication and Review, a process that can take 18 months. She had to prove that her client was so disabled that he was unable to work, which required tracking down his medical records.

"The medical records were voluminous," Charlotte said. "They went way back."

The man got his hearing in August 2015. The judge wanted to see a few other documents, but finally in late 2015 his appeal was approved.

Instead of the meager amount he had been living on, the man qualified to receive \$1,300 a month in Social Security Disability. The judge also determined the benefits should be retroactive, a significant amount that gives him a nest egg for the future.

"He really needed this and was extremely happy when we succeeded," Charlotte said. "He's moved out of his father's house and is starting a new life."

CLIENT RESTS EASIER AFTER DEBT RELIEF

The stress caused by his financial problems made it hard for the man to sleep at night.

A long-time survivor of HIV now in his 70s, the man was getting a seemingly endless stream of phone calls and letters at his Philadelphia home from creditors and collection agencies.

There wasn't much he could do about it, he thought. He lived on about \$730 a month in Social Security disability benefits. He paid \$300 a month of that to a collection agency.

There wasn't much left to live on. The man's anxiety was skyrocketing.

"It was extremely tough on him," said **Juan Baez**, the AIDS Law Project's deputy managing attorney.

The man sought Juan's help in January when yet another collection agency demanded about \$6,000.

The fact of the matter is that regulations prohibit private debts to be collected from Social Security disability income, so the first thing Juan did was contact the collection agency.

"I reminded them that SS income is exempt and this was my client's sole source of income," Juan said.

The agency soon acknowledged that Juan was right and agreed to stop trying to collect the debt. Juan also contacted the agency that was collecting \$300 a month from the man and it agreed to stop. At Juan's insistence, they even returned two months of impermissibly collected debt.

To make sure the same problem didn't arise in the future, Juan had the agencies formally expunge the debts.

"They agreed never to pursue him again," Juan said.

For people with HIV, the stress that comes with these kinds of situations can be amplified.

"That added stress can make it more difficult for them to take care of their health," Juan said. "In the end, the man was very relieved and happy he wouldn't have to worry about it anymore."



David W. Webber, founding executive director of the AIDS Law Project, was honored with the 2016 Alexander Forger award for “sustained excellence in HIV legal services” from the American Bar Association’s AIDS Coordinating Committee. The award was presented at the committee’s HIV/AIDS Law & Practice Conference on Feb. 4 in San Diego. Joining David, from left, are the AIDS Law Project’s Managing Attorney **Yolanda French Lollis**, of counsel **Sarah Schalman-Bergan** and Executive Director **Ronda B. Goldfein**.

Prevention Point collaboration yields positive results

Just six months into a rejuvenated collaboration between the AIDS Law Project and Prevention Point Philadelphia, the undertaking is producing positive results.

Prevention Point is a nonprofit, public-health organization based in the city’s Kensington neighborhood that, among other programs, runs a needle exchange. One of its goals is to reduce the harm associated with substance abuse.

Since November, AIDS Law Project Staff Attorney **Jacob M. Eden** and Paralegal **Jade E. McKnight** have held twice weekly office hours at Prevention Point to assist clients with a variety of issues.

Housing Attorney **Jenna Collins** also recently did a two-hour training session for about 30 Prevention Point case managers. Jenna discussed issues such as tenant’s rights and how to handle utility shut offs, giving the case managers the tools they need to help their clients.

“They will be the line of first response,” Jenna said.

Jacob recently handled a case that is a classic example of how the collaboration is meant to work.

A Prevention Point case manager had gotten a 32-year-old client into an intensive, inpatient addiction treatment program for chronically homeless substance abusers.

It was a golden opportunity. The man could get at least two years of guaranteed housing if he successfully completed the program.

But all that was in jeopardy because the man had an outstanding arrest warrant for a probation violation. Just short of completing his probation, he had relapsed and missed an appointment with his probation officer.

He had been doing well in the program, but needed to resolve his warrant. If he turned himself in he could be arrested and likely held for 30 days until he got a court date.

By then he would have lost his space in the treatment program.

The Prevention Point case manager sent him to Jacob. Although the AIDS Law Project does not practice criminal law, Jacob knew how to help him.

Jacob contacted the public defender’s office and discussed the case. After extensive coordination, the public defender reached out to the judge and arranged for the man to get a hearing the same day he turned himself in and avoid the 30-day wait.

The public defender, Jacob and the client’s treatment case manager attended the hearing, where the judge agreed to terminate the man’s probation.

The path was clear for him to continue in the residential treatment program, while keeping an eye on the guaranteed housing,

“He was jubilant,” Jacob said. “As it sunk in, he was incredibly grateful and eager to start his life over.”

Guardianship continued from cover

“She wanted to put something in place because she knew she wouldn’t be around much longer,” Malissa said. “She wanted to know her youngest child would be taken care of.”

The father of the boy had never been very involved in his life and was in and out of jail. Her oldest daughter stepped in and said she would be her young brother’s standby guardian.

Malissa sat down with the family at their Philadelphia home and helped them complete the standby guardianship documents. She also helped the mother do a living will, which allowed her to stipulate her end-of-life care decisions, as well as documents giving her daughter medical power of attorney.

With all that squared away, the family can now turn its attention to other matters great and small during a trying time. Malissa watched as the mother taught her 18-year-old son how to make her tuna salad, a family favorite.

“There was a sense of peace after we signed all the documents,” Malissa said. “She felt she had left something behind for her boy.”

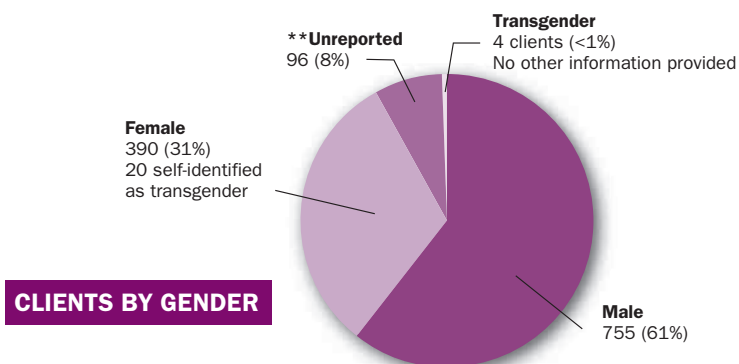
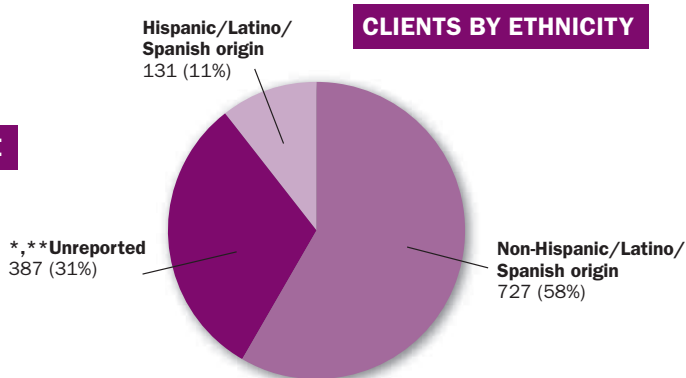
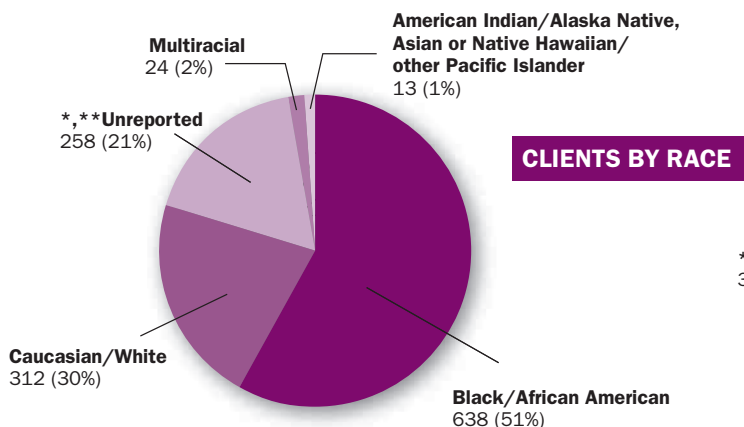
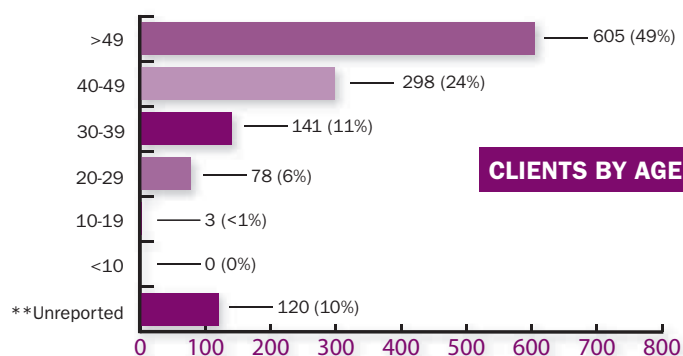
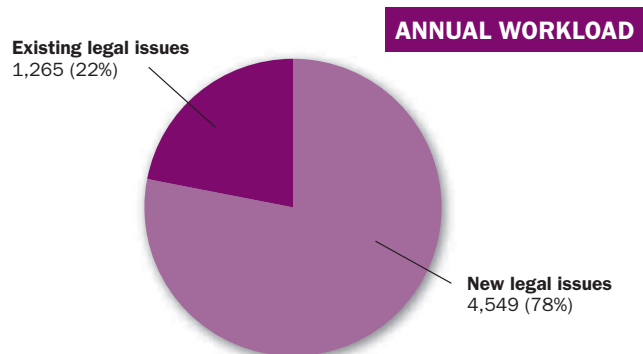
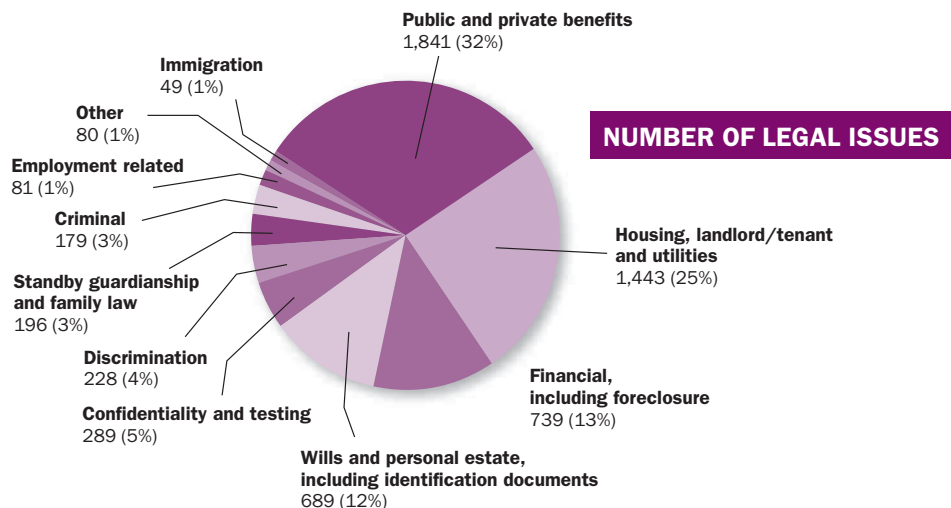


From left, Madonna Delfish, AIDS Law Project Board Member Waheedah Shabazz-El, Kenyon Farrow, Theresa Sullivan and AIDS Law Project Executive Director Ronda B. Goldfein after they participated in a panel on HIV criminalization. The event was part of the Martin Luther King Jr. Symposium Celebration held at the University of Pennsylvania’s Irvine Auditorium on Jan. 20.

LEGAL SERVICES IN 2015

In an ongoing effort to accurately report the quantity of our work, we refined our counting methodology. Clients often call with more than one issue, so counting the number of discrete legal issues, different from the number of cases, better illustrates our workload.

Last year, **1,245 people** contacted us seeking assistance on **5,814 legal issues**. Nearly all the requests came from people living with HIV/AIDS.



* Mid-reporting year, we refined the way we collected demographics data to satisfy the federal government requirements to report on race and ethnicity separately.

** We do not collect data on age, gender, race or ethnicity from those who contact us on behalf of clients unless it is volunteered.



Edwin "Ed" Bomba 1955 - 2016

Edwin "Ed" Bomba, a beloved friend and trusted advisor of the AIDS Law Project, died Feb. 17 of complications from surgery at Pennsylvania Hospital.

Ed, 61, was a tireless advocate for people with HIV and AIDS, elder LGBT people and the disabled.

Diagnosed with AIDS in the 1980s, Ed was associated with the AIDS Law Project since its earliest days. In 2013, he graciously invited a crew into his Philadelphia home to video him reflecting on the organization, which was shown at its 25th anniversary gala.

In 2010, Ed and longtime friend **Heshie Zinman** helped lead the effort to form the LGBT Elder Initiative, a nonprofit dedicated to a group the two men thought was underserved.

Ed taught classes on AIDS for years at Lebanon Valley College in Annville, Pa, where **Ronda B. Goldfein**, executive director of the AIDS Law Project, would speak.

It was while Ed, Heshie and Ronda were traveling to the college that they hatched the idea for a legal clinic co-sponsored by the Elder Initiative for seniors. In the last three years, the AIDS Law Project has drafted hundreds of free wills, living wills and power-of-attorney documents.

"Ed had a low-key way of asking for what he wanted, and it was almost never for himself," Ronda said. "No one could refuse him."

Ed, who had hearing loss and was partially blind, used a cane and had a service dog, Cooper, during the last year. Despite that, Ed remained energetic and optimistic in his activism for many organizations.

The many people and causes he helped will be his long-remembered legacy.

Immigration continued from cover

married couples have far more rights and options than unmarried couples, regardless of how long they have been together.

Pablo met with Yolanda in December 2014 because he wanted to help his husband, Diego, become a permanent resident. (The couple's names have been changed to protect their privacy.)

The two men, both originally from Mexico, were married in October 2014, after a U.S. federal district court ruled the Commonwealth's ban on same-sex marriage was unconstitutional.

Although Pablo had a permanent resident visa, commonly called a green card, Yolanda advised that if he became a citizen it would be easier to sponsor Diego. That was relatively straightforward and Pablo became a citizen in June 2015.

The next step was to file documents to get the government to formally recognize their relationship, which would have been almost impossible before marriage equality.

"It was one of my greatest pleasures to file that," Yolanda said.

But now comes the complicated part.

Diego had entered the U.S. with no visa and without being inspected by immigration authorities, meaning he was not authorized to be here.

The consequences for that can be severe.

Diego faced the possibility of having to return to Mexico, where he would apply for a visa and be interviewed. The problem was that because he had lived in the U.S. for more than a year without authorization, he could be banned from reentering the U.S. for 10 years.

But because Diego is married to a U.S. citizen, he can apply for a waiver of the 10-year ban while he remains in Philadelphia. If the waiver is approved, he will get an appointment for an immigrant visa interview at a U.S. embassy or consulate in Mexico.

Among the things Diego will have to prove to get the waiver is that his U.S. citizen spouse, Pablo, would suffer "extreme hardship" if it is not granted.

Yolanda and the two men are now working on preparing a compelling argument, one their future depends on.

Both men have HIV. Pablo says he was depressed, isolated and often did not take care of his health before Diego came into his life.

"Pablo says his health improved after Diego came into the picture," Yolanda said.

For now, the two men remain in a waiting game. They are nervous but hopeful that their life together can continue.

Good Counsel will provide updates on their case.

The return of BOO!

at bahdeebaddu

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Friday, October 28

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MARRIAGE AND PUBLIC BENEFITS: A BUYER'S GUIDE

With the arrival of marriage equality in Pennsylvania, people on public benefits need to be informed about the impact getting married could have on them.

Every Friday of the month, 9:30 a.m.-1 p.m.

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.

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.

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.

New report targets HIV criminalization

All Pain, No Gain: HIV Criminalization in Pennsylvania, a report released by the AIDS Law Project in April, is the work of advocates across the state committed to the reform of HIV criminalization.

One of the goals of the report is to educate Pennsylvanians on the real risks of HIV transmission. Advocates believe that criminal penalties should be consistent with actual harm.

As many of the well-respected sources cited in the report have declared, prosecuting people with HIV offers no prevention benefit and runs afoul of the message of personal responsibility.

HIV criminalization undercuts public health initiatives by ignoring actual transmission risk, exacerbating stigma, and devaluing the importance of personal responsibility in HIV prevention. Criminalization makes it more difficult for those who have been diagnosed with HIV to disclose their HIV status to partners or to access and stay in care.

In short, it's all pain and no gain.

To read the report, go to www.aidslawpa.org.



Congratulations to Yolanda French Lollis

The AIDS Law Project's managing attorney has been admitted to the bar of the Supreme Court of the United States.

Yolanda is pictured in the Supreme Court's East Conference Room in Washington, D.C. beneath a portrait of Chief Justice John Marshall on May 18, 2015.

Briefly noted...

Congratulations

Housing Attorney **Jenna Collins** was awarded a Morris M. Shuster Fellowship at the Philadelphia Bar Association Public Interest Section annual awards ceremony and reception in December. She was one of four awardees.

Thank You

Andrew Newstein, a second-year student at Temple University Beasley School of Law, has been an intern since June 2015 and did a variety of work, including assisting with intake interviews, legal research and drafting pleadings.

Kirby Gordon, a first-year student at Roger Williams University School of Law, was an intern during spring break.

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William W. Warren, Jr.

ML Wernecke

Jeffery W. Whitt

Steve & Mary Williams

Ewnetu G. Zerihun

Heshie Zinman & David Fischer

Gifts of \$50 to \$99

Earle C. Beach

Jody & Marilyn Borgman

Bob Brown & Bryan Wilson

Christopher Collins

James Crumlish

Charlene F. D'Amore

Demetrius Dicks

The Dorand Trust

Helen & Leonard Evelev

Katharine & Graham Finney

Joseph Garamella

Peter Goldberger & Anna Durbin

Rita Guiffredo

Amy Guthrie

Sabring Handy-King

Julia M. Klein

William Martin Heinzen

Sheila J. Henry

Alan Iser & Sharon Liebhaber

The Jerzak Family

Colleen Kennedy & Michael Linders

Stephen Langan

Stephen & B. Leszczynsky

James H. Littrell

Nancy Molock

David Morrison

Barbara Noone

C. Denise Pressley

Melissa Rasman

Elliot Ratzman & Jennifer Bush

Ann Ricksecker

Jerry & Carole Rotheinstein

Joseph A. Ruzic

Michael Salmanson & Tobi Zemsky

Peter Schneider & Susan DeJarrett

Lesley & James Shepard

Robert Shipley

Janice & Paul Stridick

Elizabeth Taverna

James Toole

Walter H. Tsou

Judy Turetsky

J. Paul Weinstein

Gifts of \$49 and under:

Bernice Adams

Fred J. Bostwick

Michael Coates & Nancy Roecker-Coates

Rodney Cunningham

Laconia Fleming

Lea Keil & Eliot Garson

Colin Harris

Gail & Henry Hauptfuhrer

Nicholas Johnson

Zach & Susan Kassutto

Paul Kruper

Linda Levin

Michael Lombardi

Gerald Porter

Francine D. Robinson

Robert & Mary Kay Rohde

Walter & Peg Rosewitski

Randi G. Shayne

Leonard Sosnov

Elizabeth O'Connor Tomlinson

Kenneth Tull

Workplace Giving Campaigns

Amazon Smile

The American Express Charitable Fund

Bristol-Myers Squibb Foundation

Combined Federal Campaign

Penn Virginia Corporation

Razoo Foundation

Schwab Charitable Fund

Truist Credit

United Way of Greater Philadelphia

and Southern New Jersey

Gifts were made in honor of:

Simon Caskey

Jacob Eden & Lydia Gottesfeld

Don Groff

Joseph Marshall

Frank McCellan

Maurice C. Peaks

Judith Porter

Karen Ryzinski

Gifts were made in memory of:

Jaci Adams

Ed Bomba

Robert J. Burrowes, Jr.

Gloria Casarez

Michael Greenberg

Christopher Huhn

Bernice Kosansky

Steve Smith

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Jeanne FitzPatrick

Joey Romano

John Jarboe & Heath Allen of

The Bearded Ladies Cabaret

Joshua's Catering

Kartik Zutshi Photography

Lady Chamaka

Moore Brothers Wine Company

Pebbles McWhorter

Philadelphia Gay News

Philly Pride Presents, Inc.

Pierre Robert

Tim Bellew Food

Tired Hands Brewing Company

*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.

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