

Pandemic Triggers Housing Crisis

Helping clients with housing issues has always been one of the most vital practice areas for the AIDS Law Project. That was true before the coronavirus pandemic took hold and has only grown more challenging.

Jeni Wright, our housing attorney, is well versed in the maze of programs and regulations concerning housing that were previously in place. The pandemic ushered in a wave of new federal, state and local programs and rules

that Jeni quickly mastered.

"There's a patchwork of protections that is very confusing for your average person," Jeni said.

The two biggest challenges have been helping clients avoid eviction and hold on to rent subsidies that allow them to stay in their homes. At the same time Jeni also is helping her clients deal with the stress of seeing their incomes plummet and rent and bills go unpaid.

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AIDS Walk Philly on Oct. 18 was virtual this year due to the coronavirus pandemic. From right, Arlene Vazquez, the AIDS Law Project's receptionist, walked with her sons Jonathan, 9, and Leon, 13, in Philadelphia's Northwood Park.

A Helping Hand for Immigrants

Two of the AIDS Law Project's recent immigration cases illustrate the virtues of how we nurture long-term relationships with clients as well as our holistic approach to serving them.

In one case, the AIDS Law Project's interaction with a family goes back to 2009, when Managing Attorney **Yolanda French Lollis** helped the father get a waiver to the since-rescinded HIV travel ban and ultimately get a permanent resident visa, commonly called a green card.

The man returned in 2015 for help in getting citizenship and asked

for assistance to resolve a problem his daughter was facing.

The family had endured extraordinary hardships, fleeing a civil war in Liberia and eventually settling in a refugee camp in Ghana in 1997. The family came as refugees to the United States in 2004.

His daughter, now 21, was born in the refugee camp, where birth certificates were not issued at the time. Her only official identification was the I-94 arrival record created after she left the refugee camp at age 5.

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Gilead Fights Back at Privacy Lawsuit

In May, a lawsuit was filed by the AIDS Law Project and two Philadelphia class action law firms against Gilead Sciences Inc. alleging that the California pharmaceutical company illegally compromised the privacy rights of people taking its medications by recklessly mailing them envelopes marked "HIV Prevention Team" after promising its customers confidentiality.

Gilead apologized for the incident, but denies the assertions in the complaint. It has filed a motion to dismiss the case, claiming that because the plaintiffs have

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TAKING CARE OF EACH OTHER

The AIDS Law Project throws great fundraisers, but 2020 was no time for them.

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BENEFIT PAYMENT MYSTERIOUSLY DISAPPEARS

The Direct Express card a man used to pay bills turns up empty.

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REMAINING AETNA MONEY TO BE DISTRIBUTED

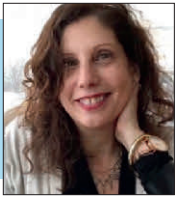
Money remaining in the Aetna class action lawsuit settlement will expand HIV legal services. **Page 5**

IN MEMORIAM: MARK A. DAVIS

A longtime friend, AKA Miss Altered States, dies at age 64.

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FROM THE EXECUTIVE DIRECTOR

Taking Care of Each Other

Friends,

This has been a year of significant challenges, but the AIDS Law Project continues to serve our clients, calm their fears, and reassure them that we always have their backs. Since March 16, our small staff has worked on more than 1,000 requests for assistance.

As a nonprofit public-interest law firm, our financial support comes from federal contracts, foundation grants, attorney's fees, special events, and individual donations.

If you've ever attended an AIDS Law Project special event, you know we throw a fun party.

But fundraising parties have not been on the 2020 calendar.

This holiday season, please consider digging deeper than usual to compensate for the parties we can't have and the funds we can't raise. And if you can give us a larger gift, we'll return the favor.

For each gift of \$250 or more, we will send you a snazzy AIDS Law Project of Pennsylvania T-shirt.

As modeled by our managing attorney Yolanda French Lollis in the photo below, the T-shirt reads AIDS Law Project of Pennsylvania on the front and AIDS is Hard Enough, Justice Shouldn't Be on the back. T-shirts are available in white or black, crew or V-neck. Sizes run from small to 2XL. Please specify your color, cut, and size!

With all good wishes for a peaceful and healthy 2021.

Take care, stay safe.

Ronda



N A V I G A T I N G

Social Security Benefit Payment Mysteriously Vanishes

The 59-year-old man who contacted the AIDS Law Project in July was distraught.

For the previous three months he had used his Direct Express card – which his Social Security payments are loaded on – to pay for his rent, bills, and food. He uses the card like a debit card to cover his needs.

The payments are deposited on the third of every month. On July 2 he realized his card had been lost or stolen.

The man searched the internet for the contact information for Direct Express. He contacted the company and asked that they freeze his account and send him a new card.

He had expected the new card would have his \$1,200 monthly benefit already on it. Instead it had a negative balance. The man didn't know how he was going to make ends meet.

The AIDS Law Project had helped him in the past and he turned to us again. Staff Attorney Jacob M. Eden started trying to figure out what went wrong.

"He was pretty angry about the whole thing," Jacob said.

Jacob and the client called the Direct Express number the client provided. They waited on hold for about 45 minutes before being disconnected.

Think that is frustrating? They called again, waited on hold again and were disconnected again.

When they finally got a person on the phone, they were told that their records showed the man's last payment was in 2019. That simply wasn't true. The man had gotten payments the previous three months.

Jacob learned you could file a complaint to the parent company that managed Direct Express, which he did, starting the process that unraveled what had happened.

It seems there are two, separate companies that manage Direct Express accounts. The man used a Direct Express account in 2019, before deciding to have his benefit deposited into a bank account. Unsatisfied with how that worked, he decided eventually to switch back to Direct Express.

His first Direct Express account was managed by one company, but his 2020 account was managed by different one. The new card sent to him in 2020 reflected his balance from his 2019 account.

With the mystery resolved, the man was issued a new card that contained his August benefit payment. His July payment had vanished, apparently spent by someone else, which Jacob is now helping his client recoup.

"He was excited to have his money and be able to start to catch up on his bills," Jacob said. "He said there was no way he could have figured it out on his own."



A Long-Sought Victory in an Ongoing Case

Getting our clients the benefits to which the AIDS Law Project knows they are entitled can be a long and arduous process, replete with bureaucratic red tape, denials, disappointing hearing results, and lost appeals.

Charlotte Hollander, the AIDS Law Project's senior staff attorney, is in the middle of such a case now. Charlotte works in our Southern New Jersey office, where she has been representing a transgender woman who has been desperately trying to get Supplemental Security Income.

The woman had a traumatic childhood and suffered extensive abuse. Her troubles followed her into adulthood, where she was diagnosed with PTSD and anxiety. She has been in prison and in and out of drug rehabilitation programs.

In 2018, she applied for Supplemental Security Income, but was denied. The case was referred to Charlotte through our medical-legal partnership with Cooper University Health Care in Camden. Once Charlotte got involved,

she filed an appeal to the Social Security Administration's Office of Hearings Operations.

After a hearing in July 2019, an administrative law judge denied the appeal. The judge acknowledged the woman's mental illness, but also her substance use. Under Social Security law, benefits are denied if substance use is a "substantial factor" causing the disability. In denying her request for benefits the judge decided the client would not be disabled if she discontinued her substance use.

A vocational expert testified that there were jobs the woman could do, such as working in a laundry or polishing floors.

Charlotte contends that her client's mental health problems go all the way back to her childhood, well before any drug use. Her mental health makes it unlikely she could be successful in the working world.

"She has problems focusing and maintaining her concentration,"

Charlotte said. "She has difficulty interacting with other people so she keeps to herself, staying in her house all of the time."

Charlotte's next step was to file an appeal with the Social Security Administration's Appeals Council, a move Charlotte said she had rarely seen succeed.

But in August, the council ruled in her client's favor and sent the case back for another hearing. The Appeals Council said the administrative judge's decision was not supported by "substantial evidence."

"I was shocked, but obviously pleased," Charlotte said.

Charlotte is now preparing for the new hearing, which should be held in the next several months. Her client's psychiatrist, who already submitted one report, is preparing a more detailed one for the new hearing.

Charlotte is optimistic her client will get the benefit she needs to make her life a little easier.

Fixing Benefits Errors Tricky in Pandemic

The 52-year-old woman counted on two benefit programs to get by, Medical Assistance and the Supplemental Nutrition Assistance Program (SNAP), formerly known as food stamps. She had received both for years until she was unexpectedly notified in August that they would be cut off.

She was shocked that the notice said she no longer qualified because her income exceeded the guidelines for the programs. She was represented by the AIDS Law Project in the past and again turned to us for help.

Adrian M. Lowe, a staff attorney at the AIDS Law Project, reviewed the case to figure out what went wrong.

"Nothing had changed for her," Adrian said. "This absolutely shouldn't have happened."

Her adult son had moved out of her house more than a year before and eventually applied for SNAP for himself. Adrian soon determined that the son's application had somehow been combined with his mother's account. His income also had been added to his mother's income, putting her over the limit.

But finding a problem and fixing it are two different things, especially in the middle of a pandemic.

Adrian initially filed an appeal, but that can take months

to resolve. He wanted someone in the County Assistance Office to get directly involved. The office has been closed to the public for months, but is still doing business. Some employees are in the office, while others work from home.

Contacting an employee who can respond to a problem can be challenging at best.

"We needed an actual person to look at the case, but that wasn't easy," Adrian said. "Covid has made everything much more complicated."

Adrian has extensive experience with the County Assistance Office and began working his contacts, often emailing or calling them multiple times. His diligence finally paid off when he got someone to actually look at the case.

"They agreed someone made a mistake and they fixed it," Adrian said, to the great relief of his client.

GOOD COUNSEL BY E-MAIL

Want to get the newsletter electronically? Sign up at AIDSLawPa.org/e-newsletter.



The AIDS Law Project's staff, family and friends participated in AIDS Walk Philly 2020 on Oct. 18 in small groups due to the coronavirus pandemic. "We couldn't walk together as usual, but we walked together in spirit," said Arlene Vasquez, the AIDS Law Project's receptionist.



THE AIDS LAW PROJECT AT WORK

Remaining Aetna Settlement Money Destined To Expand HIV Legal Services

The money remaining after class members were paid in the \$17 million settlement of the Aetna Inc. class action HIV data privacy breach lawsuit is in the process of being distributed by the HIV/AIDS Impact Project, in accordance with the settlement agreement.

About \$1.2 million will be given to organizations devoted to increasing the availability of HIV legal services to underserved areas of the United States.

"We wanted to make sure that any unclaimed money would ultimately benefit other people living with HIV who need legal assistance," said **Ronda B. Goldfein**, executive director of the AIDS Law Project.

In July 2017, current and former customers of Aetna received letters in envelopes with a large transparent window that accidentally revealed the recipients had been prescribed HIV medications.

The AIDS Law Project of Pennsylvania, the Legal Action Center and Berger & Montague, P.C. filed *Beckett v. Aetna* in August 2017. The plaintiffs included people taking medication to treat HIV as well as people who take PrEP, a pre-exposure prophylactic that prevents HIV.

Aetna agreed to the settlement in January 2018 and the U.S. District Court for Eastern Pennsylvania approved it in October 2018. Settlement checks were mailed in December 2018 and in February 2019.

Class members sent the faulty envelopes received at least \$642.43. They also had the opportunity to seek additional monetary relief of up to

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Ronda B. Goldfein
Executive director

\$20,000 by documenting financial or non-financial harm.

Overseeing the distribution of the remaining money is the HIV/AIDS Impact Project (formerly the American Bar Association AIDS Coordinating Committee), chaired by **Margaret Drew**. It is part of the Health and Human Rights Initiative, a joint undertaking by the ABA Center for Human Rights and the ABA Section of Civil Rights and Social Justice.

Michael Pates, director of the ABA Center for Human Rights, said 27 organizations responded to the RFP the center issued. He said the responses are being evaluated to determine their ability to meet the overall objective of increasing the availability of HIV legal services in underserved areas of the U.S.

"The ABA established the Committee/Project in 1987 to identify, analyze, and address legal issues surrounding the HIV pandemic with a view to securing the rights of people living with or affected by HIV," he said in an email. "The cy pres award further enables the Project to do so in a concrete and, hopefully, sustainable way."

Successful applicants will be announced on or about World AIDS Day, Dec. 1.

ABOUT US

WHAT WE DO

The AIDS Law Project of Pennsylvania is a non-profit, public-interest law firm. We publish *Good Counsel* semiannually for our friends, volunteers and colleagues committed to protecting the rights of people with HIV and those at risk of HIV. Last year, we worked on 2,304 legal issues, nearly all from people with HIV. 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 professionals who work with people with HIV.

WHO WE ARE

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On Facebook: [AIDS Law Project of Pennsylvania](https://www.facebook.com/AIDSLawProjectofPennsylvania)
On Twitter: [@AIDSLawPa](https://twitter.com/AIDSLawPa)

HOW TO HELP

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 SEPA: Specific Care Option #09067
Combined Federal Campaign: Donor Option #36027

THE AIDS LAW PROJECT AT WORK

Housing

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"I've had a lot of clients tell me they feel ashamed because they say they have always paid their rent on time," she said.

Philadelphia Municipal Landlord-Tenant Court was closed early in the pandemic, but reopened Sept. 1 under strict limits. Masks must be worn. The court also limits the number of cases it takes each day to make social distancing possible.

With a huge backlog of cases, it will take the court a long time to catch up, which Jeni said could actually benefit some of her clients facing eviction.

Among the most important new protections for renters have been temporary moratoriums on evictions. The court closure forestalled some evictions, but the backlog is slowly returning.

The Philadelphia Municipal Court suspended residential evictions. The order was scheduled to expire Nov. 8, but has been extended to Dec. 31.

At the federal level, the Centers for Disease Control and Prevention issued a national eviction moratorium. Tenants had to meet certain income and other criteria and submit a declaration to

"[Federal and municipal eviction moratoriums] have kept people in their homes who otherwise would have been evicted. The middle of a pandemic is a terrible time to be homeless."

Jeni Wright

AIDS Law Project housing attorney

their landlords.

Tenants can still be evicted for reasons other than nonpayment of rent, which Jeni said some landlords are using to try to circumvent the moratorium. The CDC moratorium ends Dec. 31.

The combination of the federal and local moratoriums has been vital.

"They have kept people in their homes who otherwise would have been evicted," Jeni said. "The middle of a pandemic is a terrible time to be homeless."

New financial assistance also became available for renters, landlords and homeowners statewide through the CARES Rent Relief Program. Some landlords were initially reluctant to participate. Then in September, the city

of Philadelphia decided to also contribute money to rent subsidies, making the program more attractive to landlords.

One of Jeni's clients worked in the entertainment industry and saw 80% of his income disappear because of the pandemic. He was in a panic because his landlord initially did not want to take part in the CARES program. To the relief of the client, the landlord relented when the city increased the subsidy.

Another client, a Center City freelance designer, lost most of his clients. Jeni helped him qualify for several rental assistance programs, which should help resolve his upcoming landlord-tenant court case.

"He was terrified he was going to be homeless," she said.

The Philadelphia City Council adopted the Emergency Housing Protection Act. It entitles Philadelphia renters impacted by the pandemic to repayment plans, a mediation program and a waiver of late fees. Jeni said the protections have given tenants more leverage in negotiating with landlords.

For more information about housing programs and other pandemic issues, go to the AIDS Law Project's Covid-19 Bulletin Board at www.aidslawpa.org.

Immigrants

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Unfortunately, her I-94 was lost at some point, leaving her with no official identification, a problem that became more pressing as she got older. Although she graduated from high school and had been accepted by a college, she could not get financial assistance without identification.

"Everything she tried to do in her life, her immigration status became a problem," Yolanda said.

After extensive research, Yolanda was able to get the I-94 reissued and helped the young woman apply for a green card, which arrived in September.

"It stabilizes the family, giving them one less thing to worry about," Yolanda said.

Now Yolanda is helping her with the last step in the process.

"She's on her way to becoming a

citizen," Yolanda said.

In another case, a woman who had come to the United States in 2000 fleeing a civil war in Liberia came to the AIDS Law Project for help with something unrelated to immigration. She had worked with authorization since she arrived, but recently became seriously ill, requiring dialysis three times a week.

She lost her health insurance and housing, which forced her and her son to live in one room at a relative's house. She came to the AIDS Law Project for help in getting Medical Assistance, which was complicated by her immigration status.

Her case went through the AIDS Law Project's intake process, where the staff evaluates requests for help. It was there that Yolanda noticed the woman was Liberian, so therefore had another urgent deadline approaching.

The Trump Administration had

eliminated the program that allowed her to stay in the U.S. legally. In response, Congress adopted the Liberian Refugee Fairness provision in December 2019. It allows certain Liberians and eligible family members to apply to become permanent residents, but the deadline is Dec. 20.

While Yolanda helped the woman do that, Adrian M. Lowe, a staff attorney who was at the intake meeting, helped her apply for Medical Assistance and other benefits.

"It shows the advantages of a team of lawyers looking holistically at cases and seeing the big picture," Adrian said.

Despite her current difficulties, the woman was grateful for the help with a situation that could have become a major problem for her.

"We'll also apply for citizenship for her," Yolanda said. "She's really excited about all of it."

THE AIDS LAW PROJECT AT WORK

Safehouse Continues Legal Battle To Open

A three-member panel of the Third Circuit Court of Appeals was scheduled to hear oral arguments Nov. 16 on an appeal filed by U.S. Attorney William McSwain to prevent Safehouse from opening as that nation's first supervised injection site. Although Philadelphia is experiencing an overdose crisis of overwhelming proportion, McSwain has opposed this public health approach to overdose prevention.

In October 2019, Judge Gerald McHugh of the Eastern District of Pennsylvania issued an opinion that the "ultimate goal of Safehouse's proposed operation is to reduce drug use, not facilitate it." And on Feb. 25, 2020, he ruled that Safehouse's overdose prevention model does not violate federal law.

Safehouse is represented by Ilana H. Eisenstein, Courtney G. Saleski, Ben C. Fabens-Lassen and Megan E. Krebs of DLA Piper; AIDS Law Project lawyers Ronda B. Goldfein, Yolanda French Lollis, Adrian M. Lowe, and Jacob M. Eden; Peter Goldberger of Law Office of Peter Goldberger; and Seth F. Kreimer.

Ronda is vice president and secretary of the Safehouse board of directors. Jose A. Benitez, executive director of Prevention Point Philadelphia, is president and treasurer of the Safehouse board.

Support for Safehouse is strong: 160 individuals and organizations filed 12 amicus briefs in the appeals court. Those voices include: 85 former and current criminal justice leaders; 10

states; five cities; faith leaders; national, state, and local public health groups; the ACLU and the CATO Institute; residents, business owners, and a political action committee; Philadelphia's mayor and health commissioner; friends and families of those struggling with addiction; groups that assist people living with or at risk of HIV; LGBT individuals; harm reductionists; people experiencing homelessness; and a Constitutional scholar.

For all updates, court filings and other details about the initiative, go to: Safehousephilly.org.

The appeals court arguments were made after this edition of *Good Counsel* went to press. For updates on the case go to Safehousephilly.org.

TAKE A SEMINAR, TAKE CONTROL

The AIDS Law Project is working remotely for the duration of the coronavirus pandemic, so at this time we are not offering our free seminars at our offices.

We remain committed to providing the seminars to interested individuals and groups. Please call 215-587-9377 to request a remote seminar.

Individuals that need help with a specific issue can complete an intake by contacting us at 215-587-9377 or 215-821-7899 or by submitting an online intake form at www.aidslawpa.org.

Marriage and Public Benefits: A Buyer's Guide:

People on public benefits need to know about the impact getting married could have on them.

Housing: Tenants' Rights and Responsibilities:

Learn about the landlord/tenant court process, protecting and retrieving security deposits, qualifying for subsidies, dealing with utilities and other issues to achieve housing security.

Back To Work:

Learn the rules of returning to work so you won't lose the benefits that got you healthier in the first place.

Leaving Your Job:

A step-by-step timeline of what to expect when moving from the working world onto disability benefits.

Gilead

Continued from Page 1

not identified the individuals who saw the mailing, they have not been harmed.

Gilead develops and sells prescription drugs, including for the treatment and prevention of HIV. They include Truvada and Descovy, the only drugs available for the prescribed medication regimen known as pre-exposure prophylaxis (PrEP), for people who want to avoid contracting HIV.

The plaintiffs in the lawsuit are participants in Gilead's Advancing Access Program, a patient-assistance program offering discounts on the expensive PrEP drugs. Gilead customers who signed up for the program were promised confidentiality and did not expect or agree to receive mail from Gilead that would link them to HIV.

Stigma surrounding HIV can lead to discrimination in employment, housing, education, and health care, and even violence. Fear of that stigma is widely recognized as contributing to the AIDS epidemic by discouraging people from getting tested.

The plaintiffs are represented by: Ronda B. Goldfein, Yolanda French Lollis, and Adrian M. Lowe of the AIDS Law Project of Pennsylvania; Shanon J. Carson, Sarah R. Schalman-Bergen, Benjamin Galdston and John Albanese of Berger Montague; and John J. Grogan and David A. Nagdeman of Langer, Grogan & Diver, PC.

Those affected by Gilead's privacy breach should contact the AIDS Law Project at 215-587-9377. Additional information about the suit is available at aidslawpa.org and bergermontague.com/gilead.



OUR FUNDERS AND DONORS

Gifts received April 1, 2020 through September 30, 2020

Major Funders, Grants and Contracts

AIDS Fund
AIDS Healthcare Foundation
The Barra Foundation
Broadway Cares/Equity Fights AIDS
Health Federation of Philadelphia
Henrietta Tower Wurts Memorial Independence Foundation
MAC AIDS Fund
New Jersey Interest on Lawyers' Trust Accounts (IOLTA)
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Combined Federal Campaign
Fidelity Charitable
Nationwide Insurance
Network for Good
Penn Virginia Corporation
Pew Charitable Trusts
Truist Credit
United Way of SEPA
United Way of Tri-State

Gifts were made in honor of:

Rob Baysmore

Gifts were made in memory of:

Ed Bomba
Steven Goldfein
Christopher Huhn
John Irwin

Correction

A gift was made "In honor of" Rob Baysmore. His name was misspelled and the gift appeared in the wrong category in the *Good Counsel* Spring/Summer 2020 issue. We apologize for the error.

INSIDE THE AIDS LAW PROJECT

Serving Our Clients Remotely

Zoom meetings and limited face-to-face interactions with clients under strict public health guidelines have become the new normal for the AIDS Law Project, which began working remotely March 13 because of the coronavirus pandemic.

"The AIDS Law Project was born in a public health crisis," **Ronda B. Goldfein**, executive director of the AIDS Law Project, said. "We learned early on how to represent people who were unable to come to our office."

As the pandemic has continued, the staff has seen clients come under increasing stress.

"They're more anxious, especially when it's regarding housing," said **SayBria Nelson**, paralegal and primary intake advocate.

The primary duty of the staff is to respond to a client's legal issue, which reduces stress in and of itself. But the staff has gone beyond that by simply listening to the concerns of clients and referring them when appropriate to other social services agencies.

To ensure that clients have easily accessible information about Covid-related benefits and services, the AIDS Law Project created an on-line Covid-19 Bulletin Board available at www.aidslawpa.org. The staff has also produced two webinars, one on housing protections and the other on unemployment compensation.

In Memoriam: Mark A. Davis (1956-2020)

The AIDS Law Project mourns the passing of our long-time friend **Mark A. Davis**, 64, who died Sept. 14.

Mark lived half his life with HIV. In fact, his email signature proclaimed that he had been living with HIV, since Sept. 27, 1988, 32 years ago.

Mark was well known as an advocate for people struggling with mental health and addiction. He was a champion of the LGBTQ community and those living with HIV. He was the founding president of the Pennsylvania Mental Health Consumers' Association and founded Pink & Blues, a support group for sexual and gender minority individuals who also have lived experience with a mental health diagnosis.

Seven years ago, Mark excitedly joined the AIDS Law Project's excursion to Atlantic City to see the Miss America Pageant, even bringing his own tiara and sash.

RIP, Miss Altered States.



BRIEFLY NOTED



WELCOME: The AIDS Law Project of Pennsylvania is overjoyed at the latest addition to our extended family, **Ellis Solomon Eden**, born to **Jacob M. Eden** and **Lydia Gottesfeld** on Sept. 12.

Ellis arrived at an impressive 9 pounds, 8 ounces and 21.75 inches long.

Jacob is an attorney at the AIDS Law Project and Lydia is an attorney at Community Legal Services. Older brother **Julius**, 3, is not an attorney, yet.