

WWW.AIDSLAWPA.ORG

Due Process: An Essential Right

The 62-year-old disabled man had lived most of his life in the Northwest Philadelphia house owned by his mother, who died in 2019. Unable to read, he occasionally asked a neighbor for help when he received mail.

In December he received something unusual. He was hand-delivered papers which said his mother's house was now owned by the U.S. Department of Housing and Urban Development and they were trying to evict him. He soon sought help from Shamus Brennan, a housing attorney with the AIDS Law Project who had previously helped him restore gas service to the house.

"He was genuinely confused about how this had happened," Shamus said.

Shamus had to do some digging to unravel the situation.

35th Anniversary Performance

Members of Brian Sanders' Junk put on a dazzling performance of Snowball: Back on Ice on Jan. 22 to celebrate the AIDS Law Project's 35th Anniversary. The event, at The Boiler Room at Globe Dye Works, also featured a lavish brunch prepared by 12th Street Catering.

It turned out that the man's mother had taken out a reverse mortgage on the house years earlier. HUD had insured it and at some point took ownership of the mortgage. HUD claimed it had used a special process that Congress created which allowed them to take ownership of a house without ever stepping foot in court. This authority has been in place since 1994 and works differently from the normal foreclosure process in Pennsylvania, which operates through the court system.

In documents filed with Philadelphia Recorder of Deeds, HUD's Foreclosure Commissioner said they held a foreclosure auction in May 2022. When no one bid on the property, HUD bought it for \$1. In November, HUD filed a **Continued on Page 7**



Photo courtesy of Brian Sanders' Junk

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NAVIGATING THE SYSTEM

An AIDS Law Project attorney finds a path to prevent the threat of foreclosure facing South Jersey brothers. Page 3



LEGAL SERVICES **BY THE NUMBERS** We worked on 1,591 cases for 936 clients in 2022. Here's a statistical look at our work last year. Page 4



The Dogs of Spike and Gary

Silent Auction on June 2 To Benefit AIDS Law Project

dog-themed fundraising Α event Friday, June 2, will honor the memory and legacy of two brilliant, dynamic men, a gay couple living in Philadelphia. Both were 48 when they died of AIDS - David "Spike" Bertugli in April 1997, Gary Bailey three years later in April 2000.

Spike and Gary were early and ardent supporters of the AIDS Law Project, and a silent auction of their collection of more than 50 dogs in mixed media will benefit the nonprofit law firm by sharing with the world the art objects they loved.

The festivities will get under

Continued on Page 6



SAD ENDING TO A 'VIBRANT LIFE' Francis Horst, 59, a client who challenged discriminatory treatment by a therapist, has died. Page 6



FROM THE EXECUTIVE DIRECTOR

Dear friends,

My three decades at the AIDS Law Project have introduced me to wonderful people I might not have met otherwise, but sadly many died before treatments became available.

Two who were friends of the firm and who became personal friends as well were **David "Spike" Bertugli** and **Gary Bailey**.

They were instrumental in supporting the AIDS Law Project in its early days. Their influence is still felt.

We still use the language Spike wrote to explain our mission to potential funders. A plaque recognizing Gary's contributions to the AIDS Law Project is seen by everyone in our waiting room.

Gary and Spike were dog lovers, and I am delighted that we will be honoring them by offering their collection of more than 50 dogs in mixed media in a silent auction Friday, June 2, to benefit the firm for which they so diligently volunteered.

I think Gary and Spike would approve. In their memory, please join me at the event, from 5 to 7:30 p.m. at the William Way LGBT Community Center, 1315 Spruce St., Philadelphia.





Photo by Saybria Nelson

A Ray of Hope for Trans People Seeking Legal Name Changes

Our client "Anna" is a trans woman who for decades has been stuck with a name and identification cards that don't match her appearance and identity, to her great distress.

Since 2006, she has frequently sought help from the AIDS Law Project. She is living with HIV, has a learning disability, and struggles to navigate her way through public benefits, while trying to work a few hours a week. Over the years, she repeatedly asked us to help her change her name, and every time we had to say no, because in 1998 she was convicted of a felony.

Pennsylvania law bans name changes for individuals who have been convicted of certain types of felonies. It looked like Anna would never be able to fully move on with her life.

But then a series of recent cases in the Court of Common Pleas in Philadelphia and Allegheny counties offered some hope to Anna and many other trans people in her position. In those cases, the two courts allowed the petitioners to change their name, despite felonies that would have been subject to the ban.

Adrian M. Lowe, a senior staff attorney for the AIDS Law Project, has been closely monitoring the legal developments on the issue. He contacted Anna after recently completing a successful name change for another trans woman with a past felony conviction.

"I wanted her to know that the time was right to try it," Adrian said. "She was all in."

Anna was in our office later that same day with all the paperwork she needed and a fresh set of fingerprints. We filed her petition and were delighted to eventually tell her that her name was finally changed to match her true identity.

"She picked up her decree with great, great glee," Adrian said. "She was excited and happy."

To ensure that she could fully realize her identity, we helped her update her name and gender with the Social Security Administration, the Division of Motor Vehicles, her bank, her medical records, her occupational license – and even corrected her birth certificate.

While recent legal developments are encouraging, there is more work to be done to secure the rights of trans people. Two lower courts have allowed name changes, with one judge calling the felony ban unconstitutional. A third court rejected a name change, a decision that is being appealed to a higher court. A ruling there in favor of trans people could establish a statewide precedent.

Still, after decades of saying no, finally saying yes to Anna was a great relief for us all.

The Jaci Adams Identity Initiative at the AIDS Law Project offers free name changes to Philadelphians living with HIV, or who have a high likelihood of acquiring HIV, and who can meet the legal standard of a non-fraudulent reason for changing their name.



Pending Foreclosure Imperils S. Jersey Brothers

Life was difficult for the two brothers, who struggled with a variety of health issues.

One thing they had going for them was a secure home. Our client, whom we'll call "Shawn," sold his house about ten 10 years ago and bought a townhouse in Burlington County, New Jersey, which gave them some sense of stability.

But recently they faced the real possibility of losing their home to foreclosure, leaving them with uncertain futures.

Shawn has HIV, diabetes, and severe agoraphobia that makes it difficult for him to leave his home. A phlebotomist visits regularly to draw blood, and most of his medical appointments are by phone or video.

Shawn's brother is cognitively impaired and works at a grocery store.

Charlotte Hollander, a senior staff attorney for the AIDS Law Project, said Shawn is "in and out of the hospital all the time," making it nearly impossible for him to manage their finances.

Two years ago, the brothers fell behind on their property taxes and owed \$4,000. The county placed a lien on the house. An investor purchased the lien at a tax sale in 2021, and in November began foreclosure proceedings. By the time Shawn was referred by his doctor to the AIDS Law Project, he was extremely anxious about the situation and didn't know what to do.

Shawn had enough money to buy the home without needing a mortgage, but he could not get a loan to pay the tax lien because of his poor credit. The lien ballooned to \$16,000 because of an 18% statutory tax interest and other taxes. Shawn was at great risk of losing his home, even though the townhouse is worth more than 10 times the lien.

Charlotte knew a Chapter 13 bankruptcy would be the brother's only option to stop the foreclosure and save their home. But tax returns for the four previous years must be filed to seek bankruptcy, and the brothers stopped filing years earlier when their accountant died.

Knowing that the detailed paperwork was standing between housing security and homelessness for the brothers, she filed four years of tax returns and a Chapter 13 bankruptcy, which was granted in March. Every month a portion of Shawn's Social Security benefit is sent to the trustee who manages the bankruptcy.

Shawn and his brother are now secure in their home and have the support they need.

"He's really following through and much more organized now," Charlotte said. "He's extraordinarily relieved."

Hourly Raise Turned Into Double-Edged Sword

The 57-year-old Philadelphia man was pleased when he found out he was getting a significant raise at the restaurant where we worked as a dishwasher.

During the pandemic, his employer bumped up his salary to dissuade him and the other workers from quitting. He was stunned when he learned that the raise actually hurt him more than it helped.

He has limited English proficiency and suffers from deep paranoia, but his HIV is under control and he receives Social Security disability benefits. He was stunned when his Social Security check suddenly stopped arriving and he had no idea why.

As it turned out, the salary increase pushed him over the allowable Social Security work level and his monthly check was cut off.

His Medicare was discontinued when he lost his eligibility for disability benefits. His Medicare Part A and Part B premiums were no longer paid from his monthly disability check.

"He was extremely distraught," said **Jacob M. Eden**, the senior staff attorney with the AIDS Law Project that who unraveled the mess.

The man's problems were further exacerbated by his failure to timely report his income while working. Meanwhile, his seizure disorder and other health conditions forced him to limit his work hours.

Jacob worked with his client's case manager to get his benefits restored. Normally getting Social Security disability benefits reinstated can be a slow process and the entire benefit can be withheld until the overpayment is resolved.

Jacob anticipated this and applied for expedited reinstatement and a payment plan his client could manage.

Finally, with his Social Security and Medicare restored, the man was once again on stable footing.

GOOD COUNSEL BY E-MAIL

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



LEGAL SERVICES IN 2022

We worked on 1,591 cases for 936 clients in 2022. Fewer clients called us because COVID paused many of the legal issues our clients historically face. Our busiest practice areas are public benefits and housing. Federal, state, and local moratoriums were imposed to maintain the status quo in both areas.

| BY TYPE | | | |
|----------------------------------|-----------|--|--|
| Housing | 463 (29%) | | |
| Public and private benefits | 408 (26%) | | |
| Wills, estates, IDs, name change | 319 (20%) | | |
| Financial, including foreclosure | 121 (8%) | | |
| Employment-related | 46 (3%) | | |
| Immigration | 46 (3%) | | |
| Family law | 43 (3%) | | |
| Discrimination | 42 (3%) | | |
| HIV confidentiality and testing | 41 (3%) | | |
| Criminal, HIV criminalization | 16 (1%) | | |
| Other | 46 (3%) | | |

LEGAL ISSUES WORKED ON

CLIENTS BY AGE

| 70 and over | 50 (5%) | |
|-------------|-----------|--|
| 60-69 | 225 (24%) | |
| 50-59 | 262 (28%) | |
| 40-49 | 147 (16%) | |
| 30-39 | 142 (15%) | |
| 20-29 | 63 (7%) | |
| 10-19 | 12 (1%) | |
| Unreported | 35 (4%) | |

CLIENTS BY GENDER

| Male* | | | 534 (57%) |
|--------------------------|---------|---|-----------|
| Female** | | 359 | 38%) |
| Transgender - non-binary | 15 (2%) | *Includes 12 who identify as | |
| Unreported | | transgender **Includes 68 who identify as transgender | |

CLIENTS BY RACE

| Black/African American | 510 (54%) |
|--------------------------|-----------|
| Caucasian/White | 271 (29%) |
| Multiracial | 91 (10%) |
| er. Indian/Alaska Native | 7 (1%) |
| Asian | 4 (<1%) |
| Pacific Islander | 1 (<1%) |
| Unreported | 52 (6%) |

CLIENTS BY ETHNICITY

Non-Hispanic/Latino/a or Spanish origin Hispanic/Latino/a or Spanish origin

Unreported

135 (14%)nsgender

86 (9%)

ABOUT US

WHAT WE DO

The AIDS Law Project of Pennsylvania is a nonprofit, 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 1,640 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 living with HIV.

WHERE WE ARE

1211 Chestnut Street, Suite 600, Philadelphia, PA 19107 709 Haddonfield-Berlin Road, Voorhees, NJ 08043 Telephone: 215-587-9377 Fax: 215-587-9902

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www.aidslawpa.org AIDS Law Project of Pennsylvania @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 715 (76%)

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"The most powerful plaintiffs firm in the city" - Philadelphia Business Journal

Auction

Continued from Page 1

way at 5 p.m. and will run until 7:30 p.m. at the William Way LGBT Community Center, 1315 Spruce St., Philadelphia. Admission is \$35 and will include refreshments.

Spike and Gary were already volunteering at the AIDS Law Project when **Ronda B. Goldfein** came on board in 1992.

"They were instrumental in supporting the AIDS Law Project in its early days," said Ronda, executive director since 2000. "Their influence is still felt. We still use the language Spike wrote to explain our mission to potential funders. A plaque recognizing Gary's contributions to the AIDS Law Project is seen by everyone in our waiting room."

Both men were passionate about educating people about the disease, even as they struggled with it themselves.

Spike was an editor at several magazines in New York, including *Town & Country* and *Penthouse*, and editor-in-chief of an Italian American newspaper in Rome. In 1984 he moved to Philadelphia and became a staff writer for the *Jewish Exponent* and *Inside Magazine*.

In 1993, seven years after he was diagnosed with HIV, both he and Gary were extras in the Jonathan Demme movie Philadelphia, which won an Academy Award for **Tom Hanks'** portrayal of a Philadelphia lawyer fired because he had AIDS. In a cover story for *Philadelphia Magazine*, Spike wrote of his experiences on the set. It was his last article.

An artist and designer, Gary was a tireless AIDS educator whose personal story reached thousands of people in the Philadelphia area. His honesty and humor captured the hearts of his listeners, particularly young people, whom he encouraged to use condoms to prevent infection. He worked at Action AIDS, the city's largest AIDS service organization, now called Action Wellness.

Both men were cited by **Pres**ident George H.W. Bush as part of his "thousand points of light" campaign honoring volunteers.

For more info on the auction, visit www.aidslawpa.org.

New Sero Project Fellow

We are pleased that **Anna Kastner** will be joining the AIDS Law Project as our new Sero Project Fellow.

Anna worked with us as an intake and public benefits paralegal in 2011 and 2012. She went on to graduate from the University of California, Berkeley, School of Law, in 2015.



Most recently she worked as a trial attorney for the Committee for Public Counsel Services, Public Defender Division, in Massachusetts.

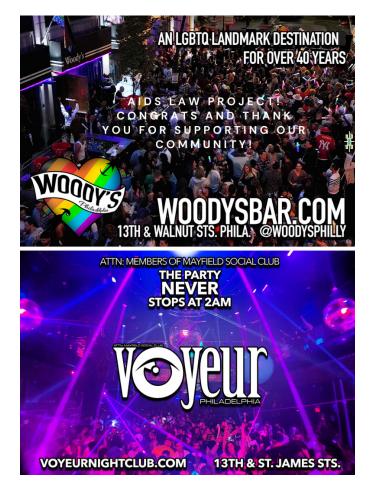
The AIDS Law Project, along with our friends at the Sero Project, launched the legal fellowship in 2020 to work on policy reform na-

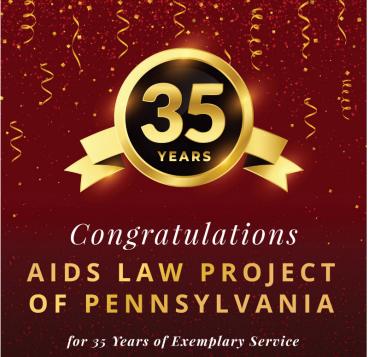
tionally and provide more direct support for those facing HIV criminalization.

That work was further bolstered by a grant we received earlier this year from the Elizabeth Taylor AIDS Foundation to support our efforts to modernize criminal laws faced by people living with HIV.

Anna said she was excited by the opportunity to provide direct services to clients while also pursuing policy work.

"We're at a point in our country where unfortunately a lot of protections for people who have been marginalized have been rolled back," she said. "It's an important time to fight criminalization and stigma."









BRIEFLY NOTED

In Memoriam: Francis Horst



The AIDS Law Project was stunned and saddened to learn of the death of our client **Francis Horst**, 59, due to a carbon monoxide leak at his apartment building in Southwest Philadelphia on Nov. 15.

In January 2022, the AIDS Law Project filed a discrimination complaint with the Philadelphia Commission on Human Relations on behalf of Francis, asserting that a therapist at a large

nonprofit health-care center treated him differently because he was gay. In October, the complaint was resolved with a settlement for monetary and non-monetary relief.

His friend **Joseph Schwartz**, who introduced him to The AIDS Law Project, said Francis lived with Mmultiple Ssclerosis and a learning disability, which led him to a greater appreciation for friendship and the support he received in his life.

"The obstacles and exclusion he experienced never defined him," Joseph said. "His resilience and positive outlook fed a vibrant life."

Attorney Juan Baez Honored

Juan Baez, deputy managing attorney at the AIDS Law Project, was named the 2022 nonprofit Top Lawyer by AL DÍA newspaper at a ceremony on Nov. 18.



Juan thanked AL DÍA "for creating a space for Latinos to learn, to be recognized and to be represented," according to a report by **Jennifer Hernandez** in AL DÍA.

Juan also thanked his partner, **William Lee**, for his love and support and offered an extra special acknowledgement to **Romy Diaz** for his kindness and mentorship.

FROM THE COVER

Foreclosure

complaint in the Court of Common Pleas seeking to have the man kicked out.

"This is not how foreclosures work in Pennsylvania," Shamus said. "Normally the Court orders a sale and the auctions are conducted by the Sheriff's Department."

He consulted with foreclosure defense attorneys at Community Legal Services and Senior Law Center who had heard of this authority but had rarely seen it used.

Shamus investigated whether the proper procedures had been followed in the unusual foreclosure. Before a foreclosure sale can be held, a notice informing the public of the impending legal action must be published in an approved newspaper. HUD asserted that it had complied with this legal requirement and cited the dates and the newspaper in which the notice was published but it never happened.

The AIDS Law Project contacted the newspaper and got copies of the paper for the specific dates HUD cited. The notice was not published on any of the dates HUD claimed.

Before Shamus could present his new evidence to the Philadelphia Court of Common Pleas, HUD moved quickly for an eviction order. Although HUD argued that federal law did not allow his client the opportunity to challenge the procedures used in the sale, Shamus successfully persuaded a Court of Common Pleas judge to schedule a hearing in June.

In an unexpected development, HUD in April withdrew the eviction, although they can comply with the legal requirements and file again. It is unlikely the man will be able to keep the house because he can't afford the mortgage. Because Shamus demanded that his client receive the due process to which he is legally entitled, he now has time to make plans to move to new housing, instead of being evicted to the street.

Due process is a fundamental principle of fairness in all legal matters and is a safeguard against prejudicial or unequal treatment.

Farewell

The AIDS Law Project says a fond farewell to **Jeni Wright**, our senior housing attorney, who is leaving to join the Medical Legal Community Partnership unit at Philadelphia Legal Assistance.

Jeni joined us in 2017, representing Philadelphians in housing court and providing legal advice and advocacy on landlord tenant and utility issues to tenants.

The AIDS Law Project is hiring a new housing attorney. For information about the position, go to www.aidslawpa. org/about-alpp/employment-opportunities/. With **love** for everyone at the AIDS Law Project, **gratitude** for this important work, and **fury** that injustice persists...

HAPPY 35th - MARCH ON!

- Pat Egan



OUR FUNDERS AND DONORS

Gifts received October 1, 2022 through March 31, 2023

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